-IN RE: PETITION FOR ADMIN. VARIANCE S/S South Road, W of Woodholme Avenue 3rd Election District 2nd Councilmanic District (351 South Road)

BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-243-A

Kenneth H. Lippman

Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Kenneth H. Lippman. The variance request is for property located at 351 South Road in the western area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 13 ft. in lieu of the required 50 ft. and to amend the Final Development Plan for the "Lawrence Rief Property", Lot 1 for a proposed addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Jest John Manney

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

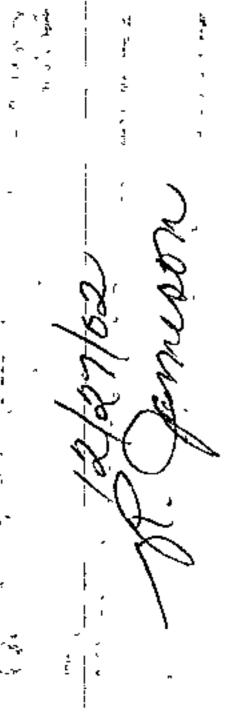
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of December, 2002, that a variance from Section 1A04.3.B.2 of the B.C.Z.R., to permit a rear yard setback of 13 ft. in lieu of the required 50 ft. and to amend the Final Development Plan for the "Lawrence Rief Property", Lot 1 for a proposed addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

December 27, 2002

Mr. Kenneth H. Lippman 351 South Road Baltimore, Maryland 21208

> Re: Petition for Administrative Variance Case No. 03-243-A Property: 351 South Road

Dear Mr. Lippman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

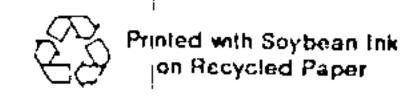
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

c: Joseph Larson 105 W. Chesapeake Ave Towson, MD 21204





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	351	South	Road -	
which is		sently	zoned	DR-1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1904, 30,0. (802R)

TO PERMIT A REAR YARD SETBACK OF 13 FEET IN LIEU OF THE REQUIRED 50 FEET AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR THE "LAWRENCE RIEF PROPERTY", LOT 1.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
It or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

•				I/We do solemnly declare an perjury, that I/we are the leg is the subject of this Petition	al owner(s) of	r the penalties of the property which
Contract Pu	ırchaser/Less	<u>ee:</u>		Legal Owner(s):		
	N/A			Kenneth H. Lippm	an	
Name - Type or I	⊃rint N/A		•	Name - Type or Print	<u>()</u>	
Signature	N/A		, ,	Signature		
Address	N/A	*	Telephone No.	Name - Type or Print		
City		State	Zip Code	Signature		
Attorney Fo	r Petitioner:			351 South Road	410-	486-4110
			1	Address	•	Telephone No
Name - Type or F	<u> </u>		·····	Baltimore City	MD	21208
Signature		· ·	······································	Representative to be Joseph Larson	Contacted:	
Company		······································		Name 105 W. Chesapeak	e Ave. 4	10-823-3535
Adotess	·		Telephone No.	Address		Telephone No.
Cital		t		Towson	MD	21204
A CHANGE		State	Zip Code	City	،State	Zip Code
regulations of Bal	timore County and the	nat the prope	at the subject matter of the subject matter of the reposted.	Zoning Commissioner eviewed By D.THOMPSON	, advertised, as	required by the zoning unity

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

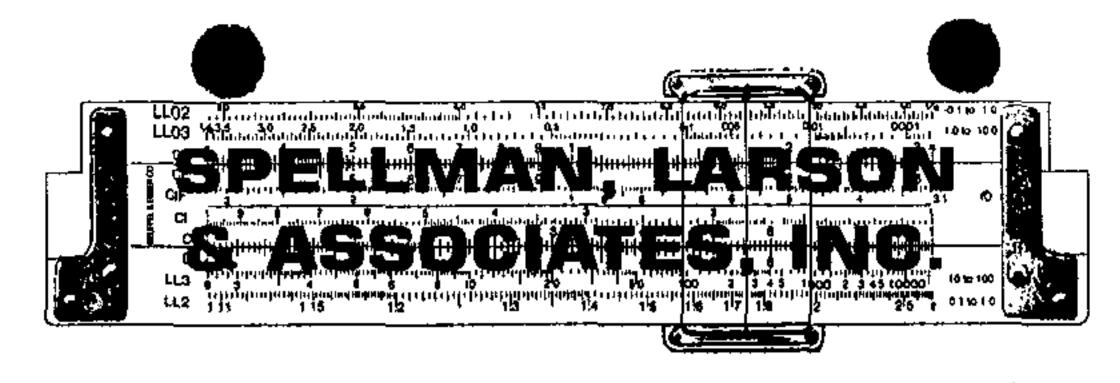
351 South Road

That the Affiant(s) does/do presently reside at

i		Address		
		Baltimore	MD	21208
		City	State	Zip Code
Thá √ar	t based upon personal knowledge, the follo iance at the above address (indicate hardshi Due to a pressing need for	p or practical diffic	ulty):	
1		•		
	required for the existing dwell	ing on the sub	gect property. Due to si	te constraints,
	specifically the existing grades	s, the buildin	g addition must be constru	ucted on the
! ! !	southwest side of the dwelling v	which will req	uire the Variance as requ	ested.
;				
ı			•	
!				
Tha adv	t the Affiant(s) acknowledge(s) that if a for ertising fee and may be required to provide a	rmal demand is food	iled, Affiant(s) will be required to on.	pay a reposting and
4				
noi	alure the time	<u>S</u>	ignature	
		_	·g	
Vam	Kenneth H. Lippman e-Type or Print	N	ame - Type or Print	
! 			1	
STA	TE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:		
HE	REBY CERTIFY, this 14 TH day of 1000 laryland, in and for the County aforesaid, per	ember	, <u>2002</u> , before me, a Nota	ary Public of the State
of M	laryland, in and for the County aforesaid, per	rsonally appeared		•
he l	Kenneth H. Lidoman Affiant(s) herein, personally known or satisfa	ctorily identified to	me as such Affiant(s)	
	manda, morom, porcontany milatri or canona	otorny raoritimou to		
\S	WITNESS my hand and Notarial Seal			
 			aut Garson	•
		Notary Pu	/ k	2005
ا در د	/	My Comn	nission Expires April 1	<u> </u>
<i>לבי</i> ∤	/ 10/25/01			

JANET L. LARSON
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires April 11, 2005





ROBERT E. SPELLMAN, P.L.S JOSEPH L. LARSON

CIVIL ENGINEERS AND LAND SURVEYORS

105 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 TEL (410) 823-3535 / FAX (410) 825-5215

DESCRIPTION OF NO. 351 SOUTH ROAD, LOT 1, LAWRENCE RIEF PROPERTY, 401 SOUTH ROAD, 3RD DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the south side of South Road as widened to a width of 50 feet said point being on the south 32 degrees 20 minutes 20 seconds east 320.71 foot line of Lot 1 all as shown on a Plat entitled Lawrence Rief Property 401 South Road said Plat being recorded among the Plat Records of Baltimore County in Plat Book EHK Jr. No. 47 Folio 40 and running thence and binding on said line and referring the courses of this description to the Baltimore County Grid meridian south 32 degrees 20 minutes 20 seconds east 299.35 feet north 57 degrees 39 minutes 40 seconds east 20.00 feet south 32 degrees 20 minutes 20 seconds east 346.48 feet south 22 degrees 00 minutes 10 seconds west 20.60 feet and south 42 degrees 31 minutes 10 seconds west 154.09 feet to the dividing line between Lot No. 2 and Lot No. 1 as shown on the Plat herein referred to and running thence and binding on said dividing line north 56 degrees 36 minutes 20 seconds west 298.12 feet north 33 degrees 23 minutes 40 seconds east 308.52 feet and north 32 degrees 20 minutes 20 seconds west 306.58 feet to the south side of South Road herein referred to and running thence and binding on the south side of South Road northeasterly by a curve to the left with a radius of 215.00 feet the distance of 10.03 feet to the place of beginning.

PAGE 2

SUBJECT to a 40 foot right of way the center line of which is the south 32 degrees 20 minutes 20 seconds east 299.35 feet line as described in this Description said 40 foot right of way being recorded among the Land Records of Baltimore County in Liber WJR No. 4043.87 feet subject to a 10 foot drainage and utility easement along a part of the 5th line of the above described parcel of land and 12.5 feet of a 25 Ft. drainage and utility easement along the 6th line of the above described parcel of land.

CONTAINING 2.0176 acres of land more or less

BEING Lot No. 1 as shown on the Plat entitled Lawrence Rief Property 401 South Road said Plat being recorded among the Plat Records of Baltimore County in Liber EHK Jr. No. 47 Folio 40.

October 11, 2002

File#D10110201



OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No.19352
DATE 11900 ACCOUNT	201006/50
AMOUNT \$	100.00
RECEIVED JUE LARSON	
FOR: ITEM # 243 03-243-A	+ AMEND FDP
351 SOUTH RO. 347	THOMPSON
DISTRIBUTION	

YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND

PINK - AGENCY

WHITE - CASHIER

5 528 ZONING VERIFICATION 019362 Pecet Tet \$1:00.00 100.00 .00 (CA Baltimire Quarty, Haryland

CASHIER'S VALIDATION

PAGE 5/6

ADMIN 03-243-A RE Case No.

Petitioner/Developer: LIPPMAN, ETAL

Date of Hearing/Closing: 12/17/02

Baltimore County Department of Permits and Development Management County Office Building, Room 1)] West Chesapeake Avenue Towson, MD 21204

Attention: Gentlemen: This letter is to certify under the panalties of parjury that the nacessary sign(s) required by law were posted conspicuously on the property located at #351-5807% 22. 20 The sign(s) were posted on



(Month, Day, Year)

(Signature of Sign Poster and Date)

4TRICL PATRICK M. O'KEEFE

(Printed Name) 523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 CELL-410-905-8571

(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

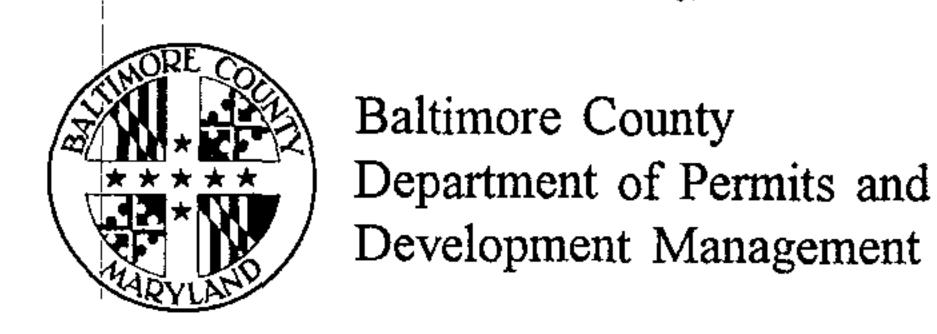
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 03-243-A
Petitioner: LIPPMAN
Address or Location: 351 SOUTH RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: KENNETH H. LIPPMAN
Address: 351 South Ro.
BANTO-MD 21208
Telephone Number: 410-486-4110

Revised 2/20/98 - SCJ

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case N	lumber	03-	243	-A	Address <u>35</u>	51 So	UTH RO.		
Contac	t Persor	n: _	DONNA TH Planner	OMPSON Please Print Your N	Vame	.	Phone Numl	per: 410-88	7-3391
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Petition	ner's Nai	me _	LIPPMA	N		_ T∈	elephone <u>식(</u>	1-486-411	0
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FOR	THE	"LA	WRENCE F	RIFF PROPE	ERTY", LOT	1.	<u> </u>		
<u></u>					 				
							١٨	ICR - Revised	6/28/00



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 16, 2002

Kenneth H. Lippman 351 South Road Baltimore, MD 21208

RE: Case Number: 03-243-A, 351 South Road

Dear Mr. Lippman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 19, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

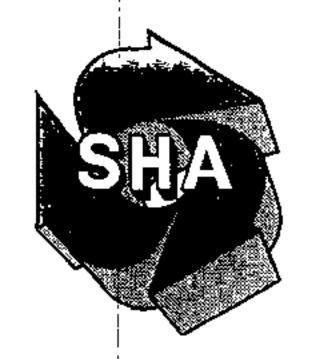
Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

C: People's Counsel Joseph Larson, 105 W. Chesapeake Ave., Towson 21204



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 12.17.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Item No. 243

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



Baltimore County Fire Department

Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

December 19, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

Distribution Meeting of 12/23/02

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

242-249, 251-269

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley PGS

DATE:

January 27, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of <u>December 16, 2002</u>

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

241-248, 251, 252, 256, 259

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 24, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-243

ADMINISTRATIVE VARIANCE

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

24

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 17, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 23, 2002 Item Nos. 241, 243, 244, 245, 246, 248, 249, 250, 251, 252, 253, 254, 255, 256,

and 269

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File



Parris N. Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

December 20, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 12/23/02 re: case numbers 03-241-SPHXA, 03-242-SPH(03-243-A, 03-244-A, 03-245-A, 03-246-SPHX, 03-247-A, 03-248-SPHA, 03-249-A, 03-250-SPHXA, 03-251-A, 03-252-A, 03-253-A, 03-254-A, 03-255-SPH, 03-256-A, 03-269-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/19/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

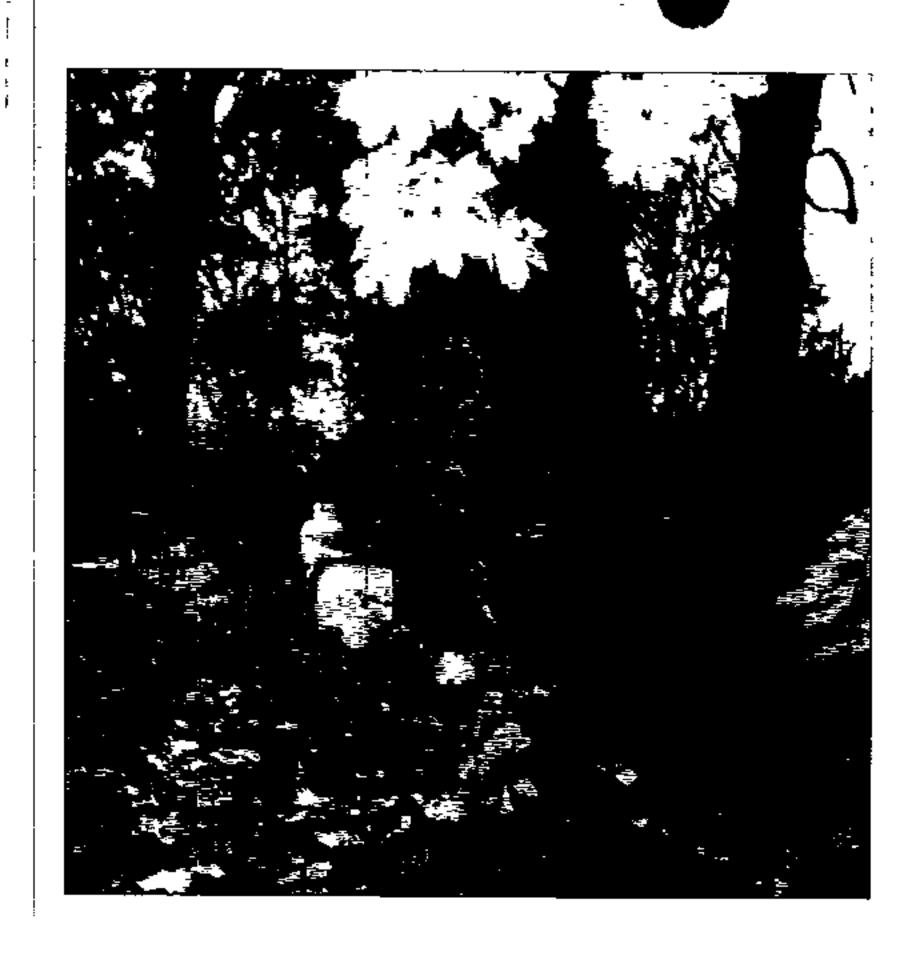
James R. Gatto

Manager

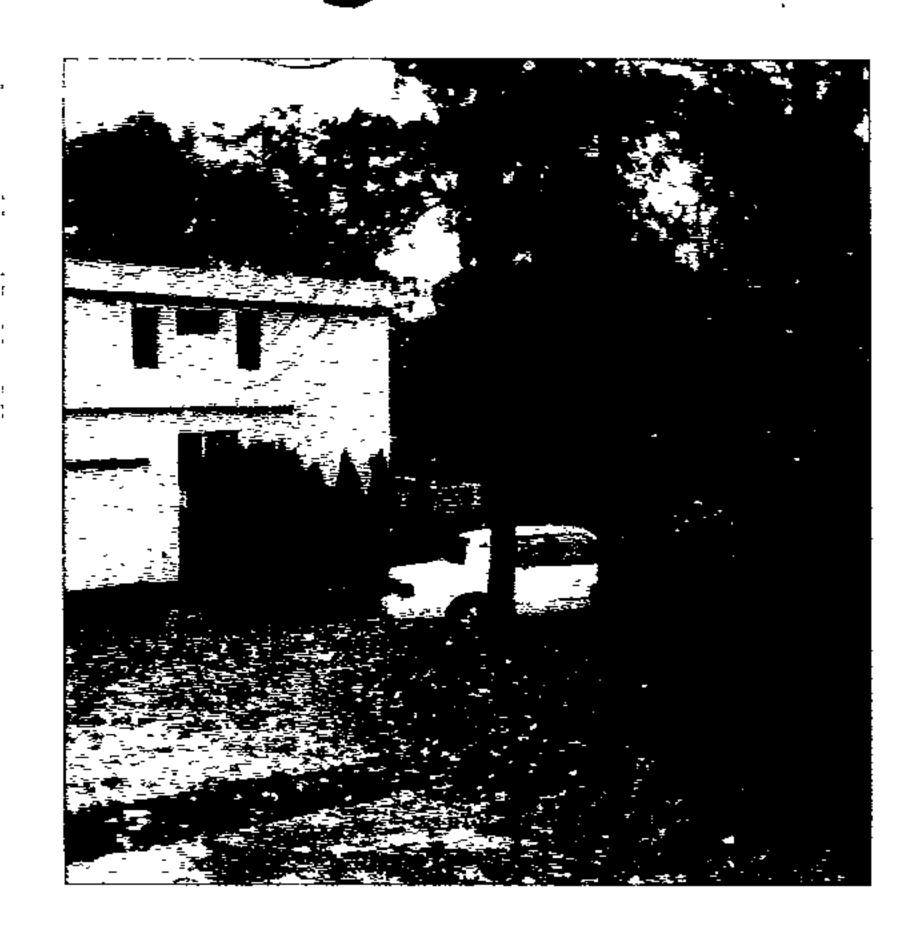
Metropolitan Planning

Local Planning Assistance Unit

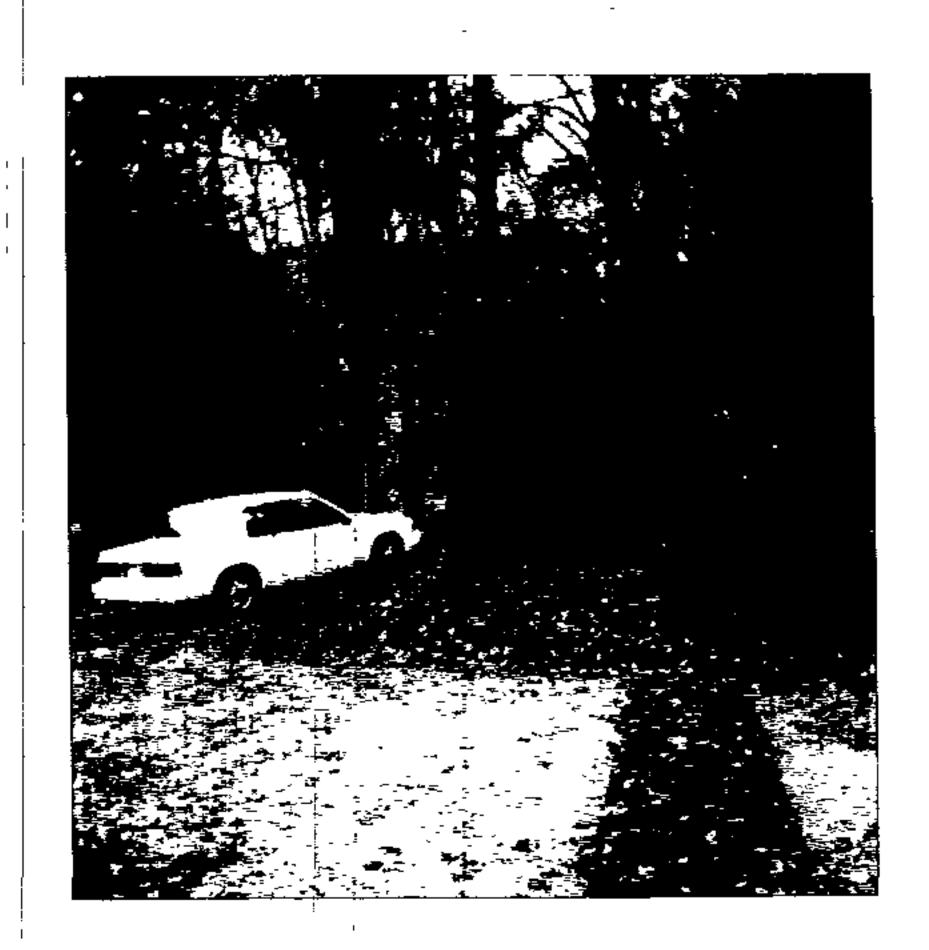
cc: Mike Nortrup



VIEW#1



VIEW #Z



VIEW #3



VIEW #4

PHOTO EXHIBIT

