

IN RE: PETITION FOR VARIANCE
N/S Daylily Drive, 200' W of the c/l
Coral Bell Court
(4137 Daylily Drive)
3rd Election District
4th Council District

Lindsay Court, LLC
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-204-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Lindsay Court, LLC by Richard Yaffe, Managing Member, through their attorney, Steven M. Rosen, Esquire. The Petitioners request a variance seeking relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building to side building setback of 15 feet in lieu of the required 20 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Bob Huebschman, a representative of Lindsay Court, LLC, property, owners, Richard E. Matz, the professional engineer who prepared the site plan for this property, and Steven M. Rosen, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the north side of Daylily Drive east of Winands Road in Randallstown, in the subdivision formerly known as the Tames Property; however, now known as Lyons Chase. The property contains a gross area of 11,725 sq.ft. more or less, zoned D.R.3.5 and is presently unimproved. The Petitioners are desirous of developing the property with a single-family dwelling; however, due to the pie shape of the lot, the requested variance relief is necessary. Testimony indicated that 16 of the 19 lots in this subdivision have been sold and construction is

ORDER RECEIVED FOR FILING

Date

By

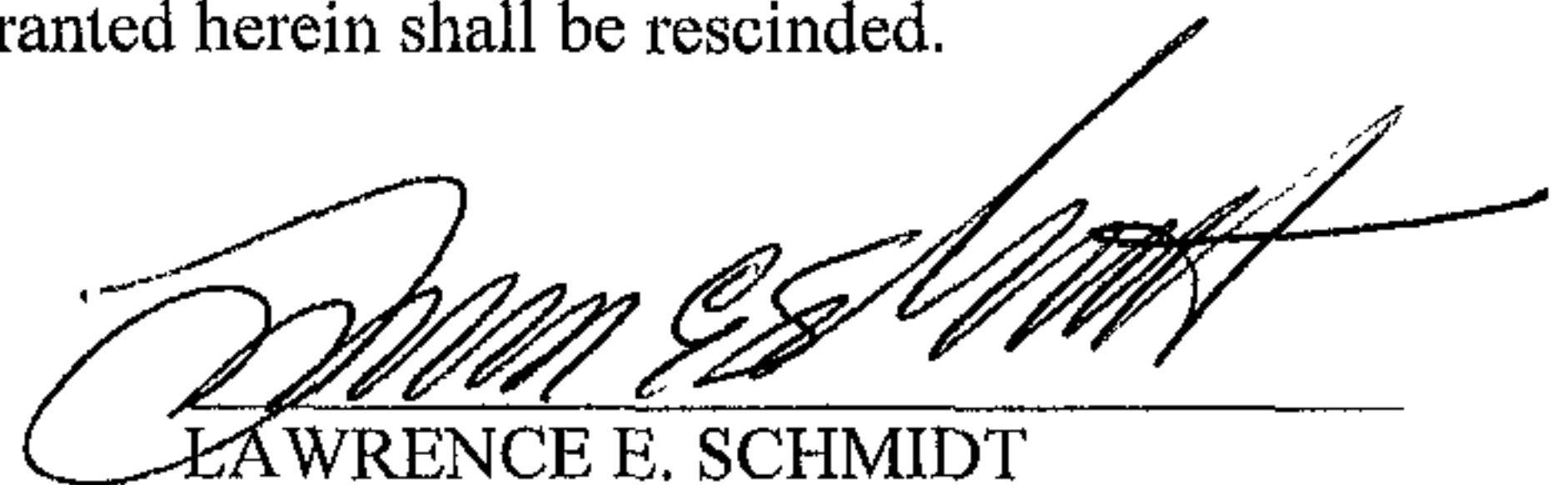
underway on those lots. In order to provide similar setbacks/distances as neighboring houses, the requested variance relief is necessary. Additionally, there is a forest conservation and forest buffer easement area to the rear of the lot, which precludes development in that area. It is to be noted that a sufficient side yard setback is provided to the east and the tract boundary for this lot. The requested variance is necessary from the proposed house on the adjacent lot, which is within this subdivision.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the requirements of Section 307 of the B.C.Z.R. have been met and that there will be no detriment to the health, safety and general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be approved.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of January 2004 that the Petition for Variance seeking relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building to side building setback of 15 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 1/7/04

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4137 Daylily Drive
which is presently zoned D.R.-3.5

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 of thereof, hereby petition for a Variance from Section(s)

1B01.2.C.b, BCZR, for a side building-to-side building setback of 15 feet in lieu of 20 feet required.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The lot is irregularly shaped, narrower at front than at rear and the building envelope is impacted by a forest conservation/forest buffer easement at the rear. The lot is also the last on the street and the easterly lot line is the subdivision boundary, limiting flexibility in siting the house.

Property to be posted and advertised as prescribed by the zoning regulations.

I, 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 and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address.

Telephone No.

City

State Zip Code

Attorney For Petitioner:

Steven M. Rosen, Esq.

Name - Type or Print

Signature

Abramoff, Neuberger and Linder

Company

250 W Pratt St., Suite 800

410-539-8300

Address

Telephone No.

Baltimore

Md. 21201

City

State Zip Code

Legal Owner(s):

Richard Yaffe, Managing Member, Lindsay Court LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

27 Walker Avenue

410-602-4009

Address.

Telephone No.

Baltimore

Md. 21208

City

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC (eve) 410-484-8757

2835 Smith Avenue, Suite G (day) 410-653-3838

Address

Telephone No.

Baltimore

Md. 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BK Date 10/22/03

ORDER RECEIVED FOR FILING

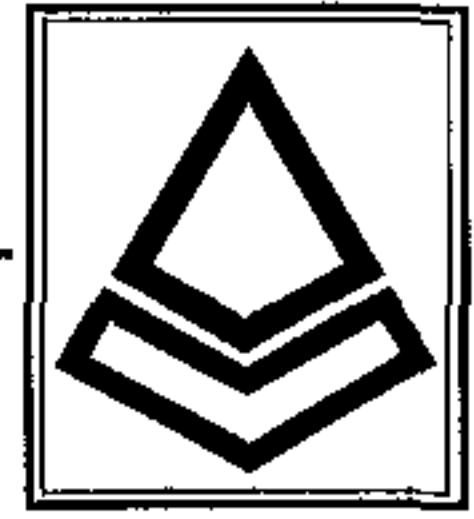
Case No. 04-204-A

Date

By

Colbert Matz Rosenfelt, Inc.

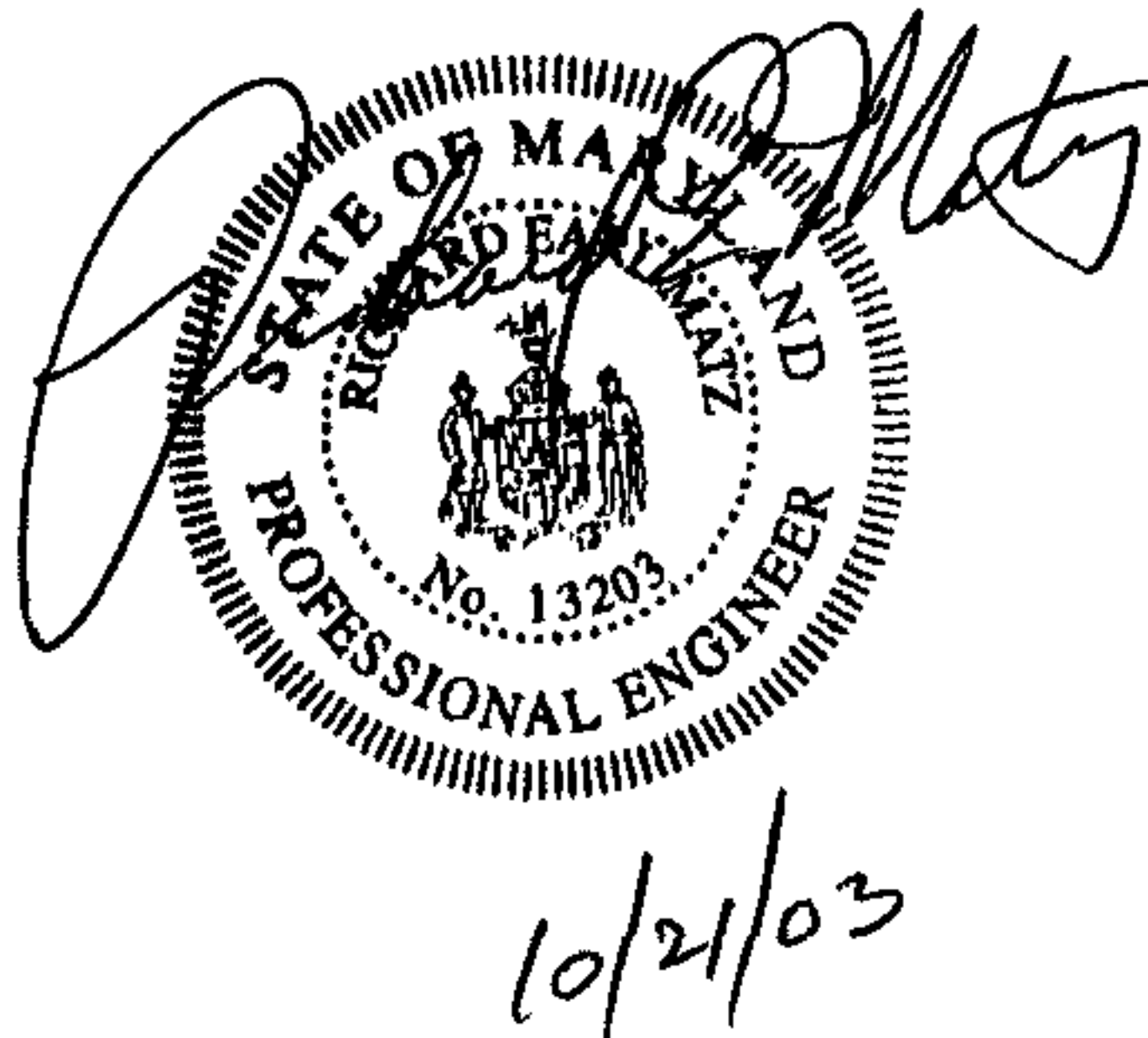
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 4137 DAYLILY DRIVE

Beginning at a point on the north side of Daylily Drive, which is 50 feet wide, at the distance of 200 feet, more or less, west of the centerline of Coral Bell Court, which is 50 feet wide.

Being Lot 18 in the subdivision of Tames Property, as recorded in Baltimore County Plat Book No. 74, folio 30 and containing 0.269 acres (11,725 sq. ft.). Also known as 4137 Daylily Drive and located in the 3rd Election District, 4th Councilmanic District.



BAITMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29997

DATE 10/22/03 ACCOUNT ROAD-206-6450

AMOUNT \$ 65.00

RECEIVED FROM Cabot Water Treatment Inc

FOR County Water

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

From 0304

PAID RECEIPT

BUSINESS OTHER TIME INQ
02/22/03 10/22/03 14:12:39 1

NO. 0001 WATER TRT. INC.

RECEIPT # 141704 10/22/03 0717

AMT \$ 5.28 20000000000000000000

DATE 10/22/03

Post Tot

65.00 IN

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-204-A
4137 Daylily Drive
N/side of Daylily Drive,
2000 feet west of centerline
of Coral Bell Court
2nd Election District
4th Councilmanic District
Legal Owner(s): Lindsay
Court, LLC, Richard Yaffe,
Managing Member

Variance: to permit a side
building face to side build-
ing face setback of 15 feet
in lieu of 20 feet required.

Hearing: Friday, December
19, 2003 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3381.

12/006 Dec. 4 C639743

CERTIFICATE OF PUBLICATION

12/4/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 12/4/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

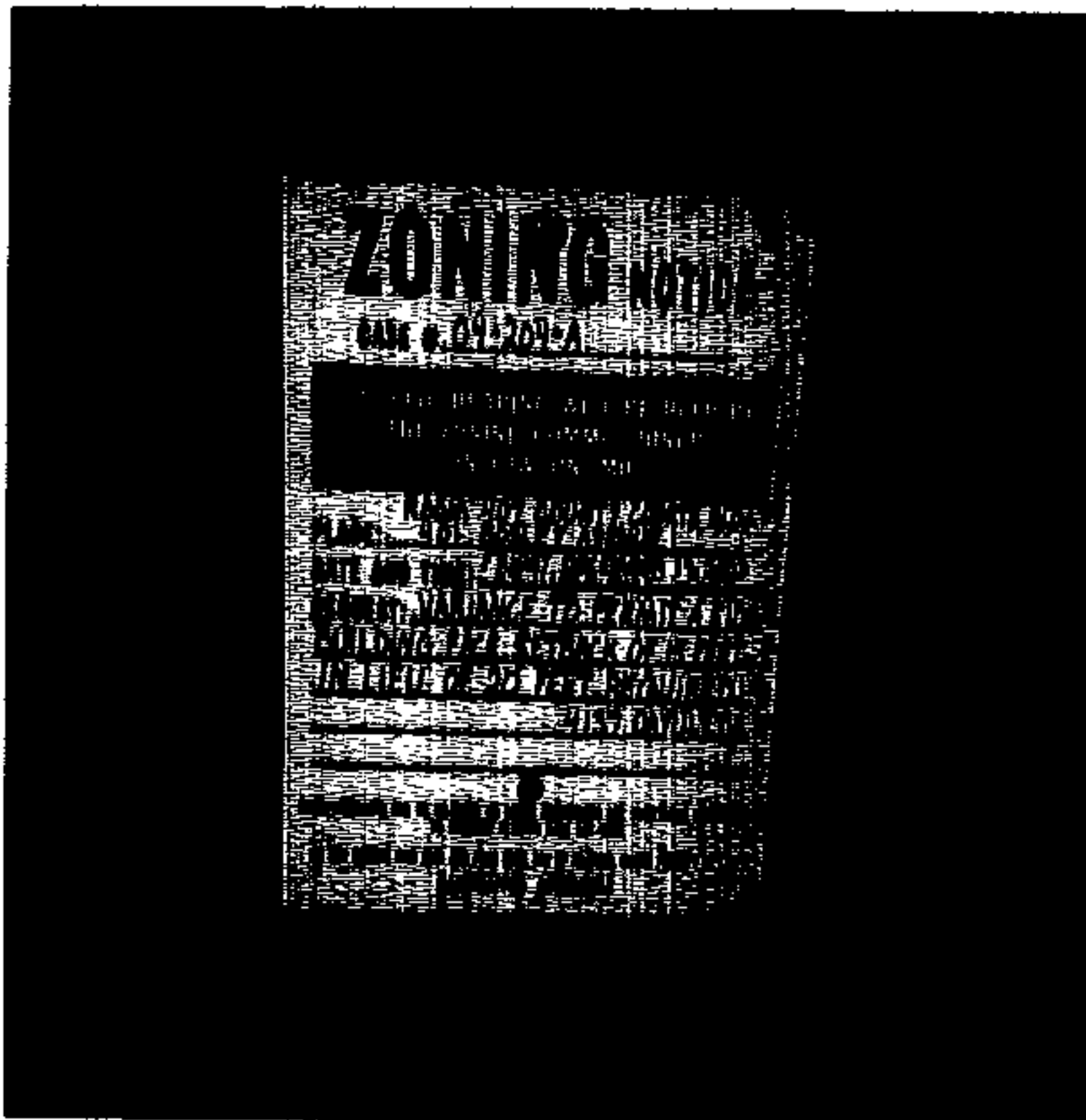
CERTIFICATE OF POSTING

Date: December 5, 2003

RE: Case Number 04-204-A
Petitioner/Developer: RICHARD MATZ, RICHARD YAFFE, STEVEN ROSEN, ABRAMOFF,
Date of Hearing/Closing: December 19, 2003 NEUBERGER + LINDER

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4137 DAYLILY DRIVE

The sign(s) were posted on DECEMBER 2, 2003
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

4137 DAYLILY DRIVE



November 13, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-204-A

4137 Daylily Drive

N/side of Daylily Drive, 2000 feet west of centerline of Coral Bell Court

2nd Election District – 4th Councilmanic District

Legal Owners: Lindsay Court, LLC, Richard Yaffe, Managing Member

Variance to permit a side building face to side building face setback of 15 feet in lieu of 20 feet required.

Hearings: Friday, December 19, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Steven Rosen, Abramoff, Neuberger & Linder, 250 W. Pratt St., Ste. 800, Baltimore 21201
Richard Yaffe, Lindsay Court, LLC, 27 Walker Ave., Baltimore 21208
Richard E. Matz, 2835 Smith Ave., Ste. G, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 4, 2003.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 4, 2003 Issue - Jeffersonian

Please forward billing to:
Richard Yaffe
Lindsay Court, LLC
27 Walker Avenue
Baltimore, MD 21208

410-602-4009

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-204-A

4137 Daylily Drive

N/side of Daylily Drive, 2000 feet west of centerline of Coral Bell Court

2nd Election District – 4th Councilmanic District

Legal Owners: Lindsay Court, LLC, Richard Yaffe, Managing Member

Variance to permit a side building face to side building face setback of 15 feet in lieu of 20 feet required.

Hearings: Friday, December 19, 2003, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 04-204-A

Petitioner Richard Gaffee, Lindsay Court LLC

Address or Location: 4137 Daylily Drive

PLEASE FORWARD ADVERTISING BILL TO

Name Richard Gaffee % Butler Homes

Address 27 Walker Ave.
Baltimore, Md. 21208

Telephone Number: 410-602-4009



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 16, 2003

Steven Rosen, Esq.
Abramoff, Neuberger & Linder
250 W. Pratt Street, Ste. 800
Baltimore, MD 21201

Dear Mr. Rosen:

RE: Case Number: 04-204-A, 4137 Daylily Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 22, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Richard Yaffe, Lindsay Court, LLC, 27 Walker Avenue, Baltimore 21208
Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 5, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 3, 2003

Item No.: 195, 197-211²⁰⁴

Dear Ms. Hart:

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.

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

cc: File



12/1/03

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 1, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 04-204

RECEIVED

DEC 2 2003

ZONING COMMISSIONER

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:

Mark A. Cunningham

Section Chief:

Stephen L. Lankford

AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 13, 2003

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 10, 2003
Item Nos. 195, 196, 197, 198, 199,
200, 202, 203, 204, 205, 206, and 211

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE
4137 Daylily Drive; N/side Daylily Drive,
2000' W c/line Coral Bell Court
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Richard Yaffe, Managing
Member, Lindsay Court, LLC
Petitioner(s)

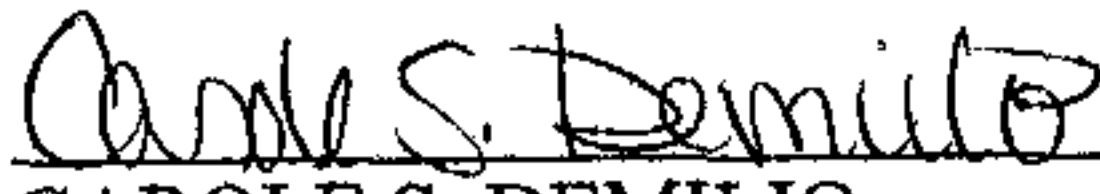
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 04-204-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 06 2003

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of November, 2003, a copy of the foregoing Entry of Appearance was mailed to, Richard E Matz, PE, Colbert, Matz, Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 & to Steven M. Rosen, Esquire, Abramoff, Neuberger and Linder, 250 W Pratt Street, Suite 800, Baltimore, MD 21201, Attorney for Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

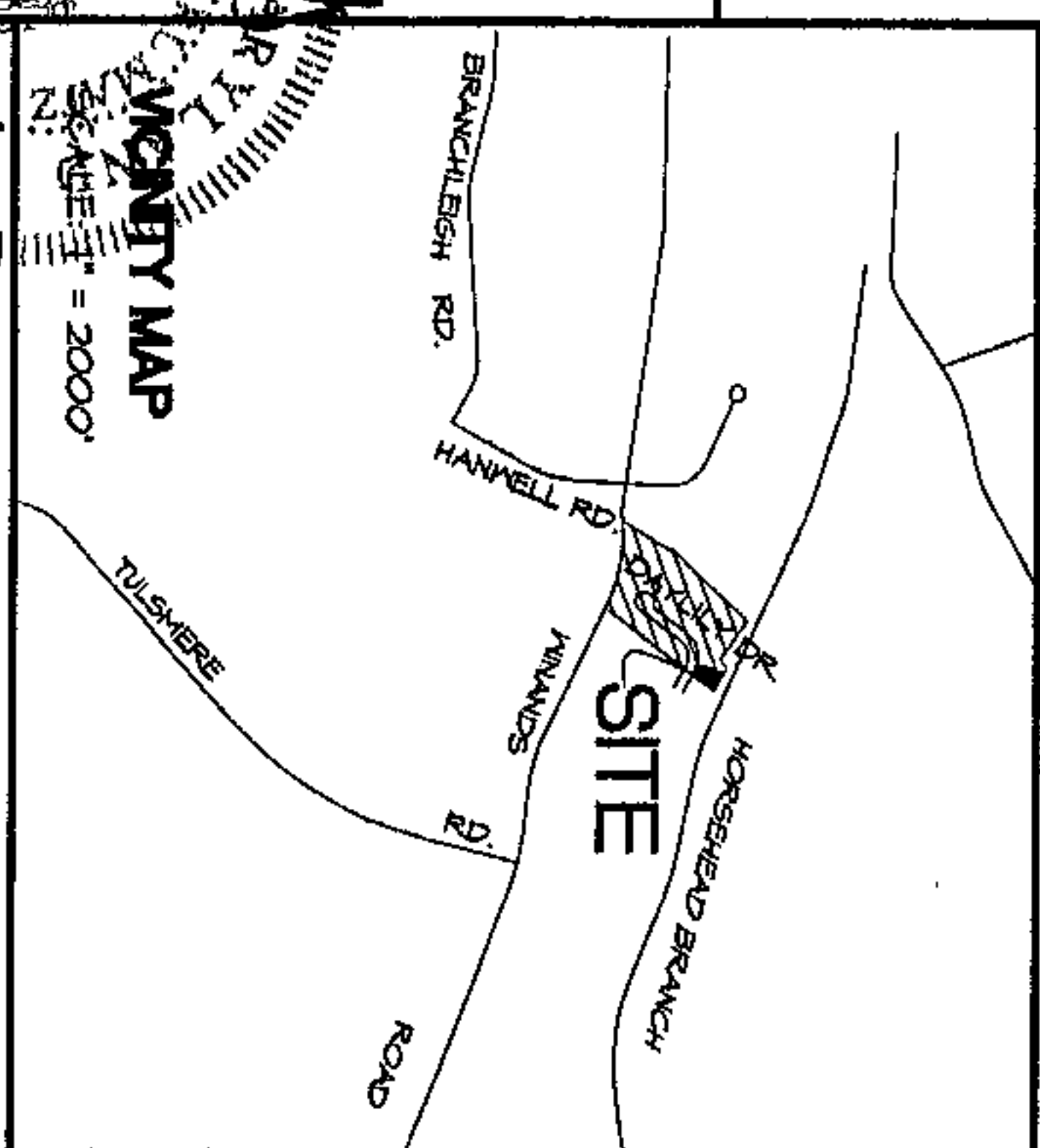
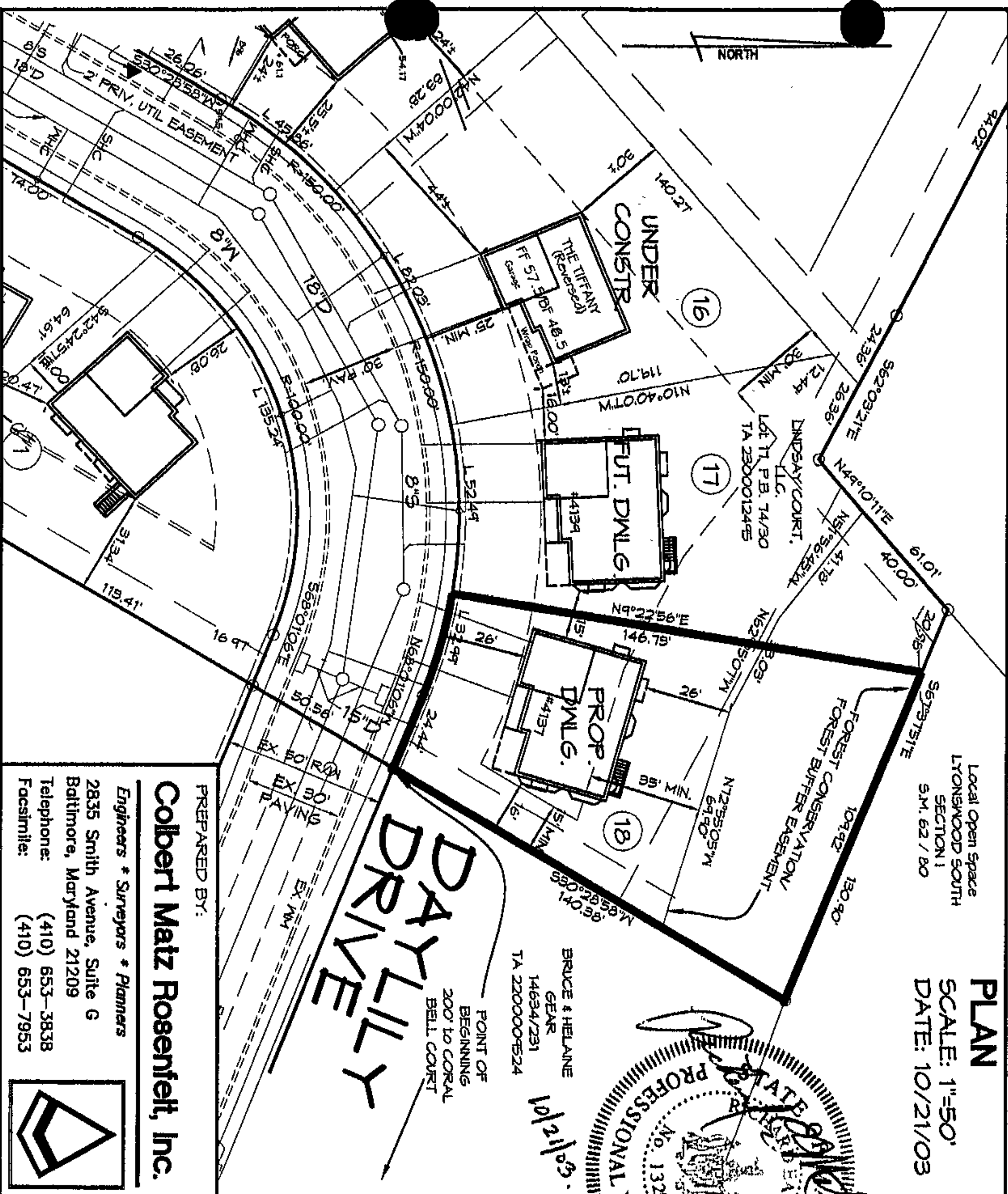
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 4137 DAYLILY DRIVE
 SUBDIVISION NAME: TAMES PROPERTY
 PLAT BOOK #14, FOLIO #30, LOT #8
 OWNER: LINDSAY COURT, LLC.

TAX ACCT. NO. 2300012081
 DEED REF.: 16916/249

PLAN

SCALE: 1"=50'
 DATE: 10/21/03



LOCATION INFORMATION

CONDOMINIUM DISTRICT: 4
 SECTION DISTRICT: 3

1" = 200' SCALE MAP # NW 9J

ZONING: DR-3.5

LOT SIZE: 0.264 ACRES 11725 SQ. FT.

SEWER:

PUBLIC PRIVATE
☒ ☐
 WATER: ☒ ☐

YES NO

CHESAPEAKE BAY CRITICAL AREA:

100 YEAR FLOOD PLAN:

HISTORIC PROPERTY/BUILDING:

PRIOR ZONING HEARINGS: NONE

PREPARED BY:

Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners

2835 Smith Avenue, Suite G
 Baltimore, Maryland 21209

Telephone: (410) 653-3838
 Facsimile: (410) 653-7953



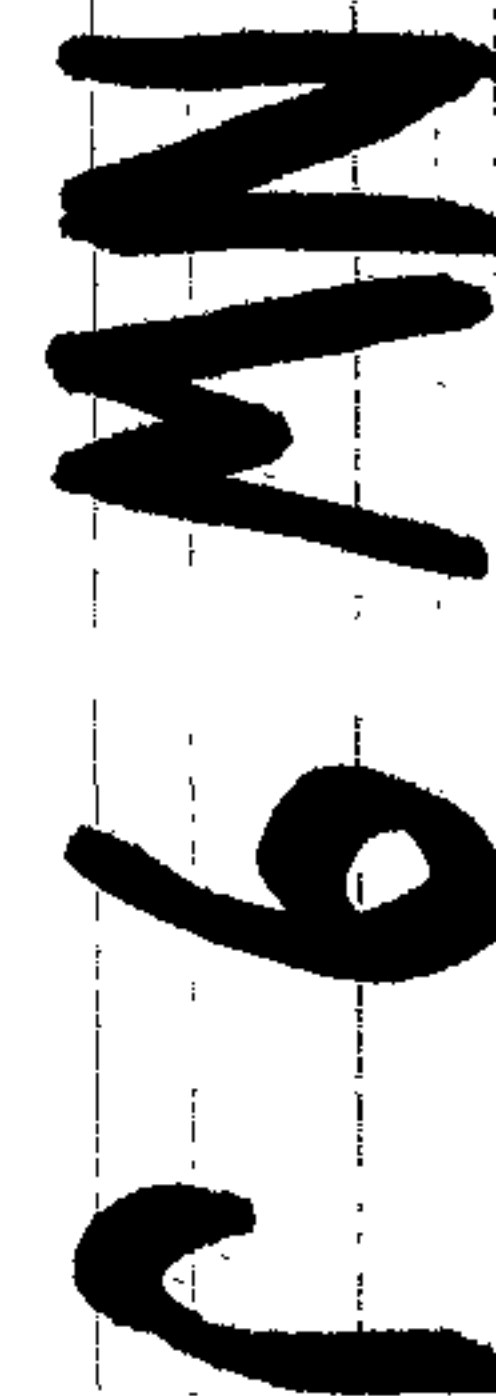
Zoning Office USE ONLY

REVIEWED BY:

ITEM #:

CASE #:

204 04-204-4



#204

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

January 7, 2004

Steven M. Rosen, Esquire
Abramoff, Neuberger and Linder
250 W. Pratt Street, Suite 800
Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE
N/S Daylily Drive, 200' W of the c/l Coral Bell Court
(4137 Daylily Drive)
3rd Election District – 4th Council District
Lindsay Court, LLC - Petitioners
Case No. 04-204-A

Dear Mr. Rosen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Richard Yaffe, Lindsay Court, LLC
27 Walker Avenue, Baltimore, Md. 21208
Richard E. Matz, Colbert Matz Rosenfelt
2835 Smith Avenue, #G, Baltimore, Md. 21209
People's Counsel; Case File

Visit the County's Website at www.baltimorecountyonline.info

