IN RE: PETITION FOR ADMIN. VARIANCE

S/S South Road, W of Woodholme Avenue
(351 South Road)

3<sup>rd</sup> Election District

2<sup>nd</sup> Council District

Kenneth R. Lippman Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-572-A

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Kenneth R. Lippman. The Petitioner seeks relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet in lieu of the required 50 feet and a front yard setback of 6 feet in lieu of the required 30 feet, respectively, for a proposed garage with breezeway addition, and to amend the Final Development Plan for the "Lawrence Rief Property", Lot 1, only, accordingly. The subject property and requested relief

are more particularly described on the site plan submitted with the Petition filed and marked into evidence

as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief.

There were no adverse comments submitted by any County reviewing agency and it appears that relief can

SANDER RECEIVED FOR FILING.

ORDER RECAIVED FOR FILING By be granted without detrimental impact to adjacent properties. However, the Office of Planning has requested that elevation drawings of the proposed garage, including building materials and color scheme, be submitted for their review and approval prior to the issuance of any permits. In addition, the plan should show details of the reconfigured driveway and parking area, and landscaping to be provided along adjacent residential property lines. Thus, relief will be granted contingent upon Petitioner's compliance with this request.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July 2004 that the Petition for Administrative Variance seeking relief from Section 1B02,3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 13 feet in lieu of the required 50 feet and a front yard setback of 6 feet in lieu of the required 30 feet, respectively, for a proposed garage with breezeway addition, and to amend the Final Development Plan for the "Lawrence Rief Property", Lot 1, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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.
- 2) Prior to the issuance of any permits, the Petitioner shall submit elevation drawings for the proposed garage, including building materials and color scheme, to the Office of Planning for review and approval prior to the issuance of any permits. The plan should show also show details of the reconfigured driveway and parking area, and landscaping to be provided along adjacent residential property lines

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

### 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

July 20, 2004

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

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S South Road, W of Woodholme Avenue (351 South Road) 3<sup>rd</sup> Election District – 2<sup>nd</sup> Council District Kenneth R. Lippman - Petitioner Case No. 04-572-A

Dear Mr. Lippman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc:

Office of Planning; People's Counsel; Case File





10/25/01

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

	presently zoned	DR-	<del></del>
for the property located at _	351 SOUTH	ROAD	(21208)

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) 1803.38. (802R)

TO PERMIT A SIDE YARD SETBACK OF 13-FEET AND FRONT YARD SETBACK OF 6-FEET IN LIEU OF THE REQUIRED 50-FEET AND 30-FEET RESPECTIVELY AND TO AMEND THE FOR FOR "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. 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:	Legal Owner(s):
Name - Type or Print Signature	Name - Type or Print Signature
Address Telephone	No. Name - Type or Print
City State Zip C	ode Signature
Attorney For Petitioner:	351 Seven 70 410620246 Address Telephone No.
Name - Type or Print	
Signature	Representative to be Contacted:
mpaly	DIANE N. TORN, ARCHITECT Name 3418 BIRCH HOLLOWRD, 410.602,1123
Telephone I	No. Address  BALTIMBRE CO., MD 21208  Ode City  State  Telephone No.  Zip Code
State Zip Co	ode City State Zip Code
	nd to be required, it is ordered by the Zoning Commissioner of Baltimore County, natter of this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
CASE NO. 04-572-A	Reviewed By D.THOMPSON Date 6704

Reviewed By D.THOMPSON Date 6704

Estimated Posting Date \_\_\_\_

## 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.

That the Affiant(s) does/do presently reside at	351 SOUTH	ROAD	
	Address BAKTIMORE	MARYLAND	21208 Zlp Code
That based upon personal knowledge, the followariance at the above address (Indicate hardship)	wing are the facts upon which ip or practical difficulty):	State  h I/we base the request for a	•
The present Owner, Kenneth Lippman, re practical difficulty" in building on/with a site, the Garage would be located, the Garage would be located.  Side Yard required).  In order to locate an Addition House, this Addition would be (in lieu of 50.0' Rear Yard re	the existing steep grades of the Garage to be built on the ated at 13.0' feet from Rear d 6.0' feet from Side Yard I to the House on the most lee located at one point 30.0'	the site; only flat grade on the Yard line (in lieu of ine (in lieu of 30.0'	
- -		-	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant additional information.	t(s) will be required to pay	a reposting and
Signature	Signature	_ <u></u>	<u></u>
Name - Type or Print	Name - Type o	r Print	<del>,</del>
STATE OF MARYLAND, COUNTY OF BALTIN	NORE, to wit:		<b></b>
I HEREBY CERTIFY, this 2nd day of Jule of Maryland, in and for the County aforesaid, pe	rsonally appeared, 200	24_, before me, a Notary Pu	ublic of the State
MARYLAND the Affiant(s) herein, personally known or satisfa	actorily identified to me as suc	h Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	Notary Public	. Parlo	
	Notary Public		. n
	My Commission Exp	pires January 1, 200	78

REV 10/25/01

# 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.

That the Affiant(s) does/do pres		35/ 5007	7 10112	
		dress BALTIMORE	MARYLAND	21208
That based upon personal know Variance at the above address	wledge, the following (indicate hardship or	, g are the facts upon wh	State nich I/we base the request for	Zip Code an Administrative
site, the Garage 50.0' Rear Yan Side Yard request.  2. In order to loc House, this Administration of the control of the contro	silding on/with the estruct a separate Government of the located of the required), and 6. sired).  The second of the located o	existing steep grades of darage to be built on the lat 13.0' feet from Res.0' feet from Side Yar the House on the most cated at one point 30.0	of the site; he only flat grade on the ar Yard line (in lieu of d line (in lieu of 30.0'	
That the Affiant(s) acknowledged advertising fee and may be required.	ge(s) that if a forma uired to provide addit	al demand is filed, Affia tional information.	ant(s) will be required to pay	a reposting and
That the Affiant(s) acknowledged advertising fee and may be require	ge(s) that if a formation and the second sec	al demand is filed, Affia tional information.	ant(s) will be required to pay	a reposting and
advertising fee and may be required.	uired to provide addit	tional information.  Signature		a reposting and
Signature State of Maryland, could	NTY OF BALTIMOR	Signature  Name - Type  RE, to wit:		a reposting and
Signature  Signature  Name - Type or Print  STATE OF MARYLAND, COULT HEREBY CERTIFY, this and for the Court	NTY OF BALTIMOR	Signature  Name - Type  RE, to wit:		* p = p = p = p = p = p = p = p = p = p
Signature State of Maryland, could	NTY OF BALTIMOR  day of June  ty aforesaid, person	Signature  Name - Type  Tally appeared	e or Print ८०४५ , before me, a Notary P	* p = p = p = p = p = p = p = p = p = p
Signature  Signature  Signature  Name - Type or Print  STATE OF MARYLAND, COULD HEREBY CERTIFY, this 200 of Maryland, in and for the Could Maryland, in an and for the Could Maryland, in an analysis of the Could Maryland, in an analysis of the Could	NTY OF BALTIMOR  day of June  ty aforesaid, person  known or satisfactor	Signature  Name - Type  Tally appeared	e or Print ८०४५ , before me, a Notary P	* p = p = p = p = p = p = p = p = p = p

REV 10/25/01

## DESCRIPTION OF NO. 351 SOUTH ROAD, LOT 1, LAWRENCE RIEF PROPERTY, 401 SOUTH ROAD, 3<sup>RD</sup> 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

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 5<sup>th</sup> line of the above described parcel of land and 12.5 feet of a 25 Ft. drainage and utility easement along the 6<sup>th</sup> 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.

		8		
2 8			Ä	
<b>3</b>				
				98
				6
	The state of			
	<b>X</b>			
		一种"人" 一种"行"。 一种"一种"。		
		A CANADA		
		A Section of the sect		
8				
	A STANKE STANKE			

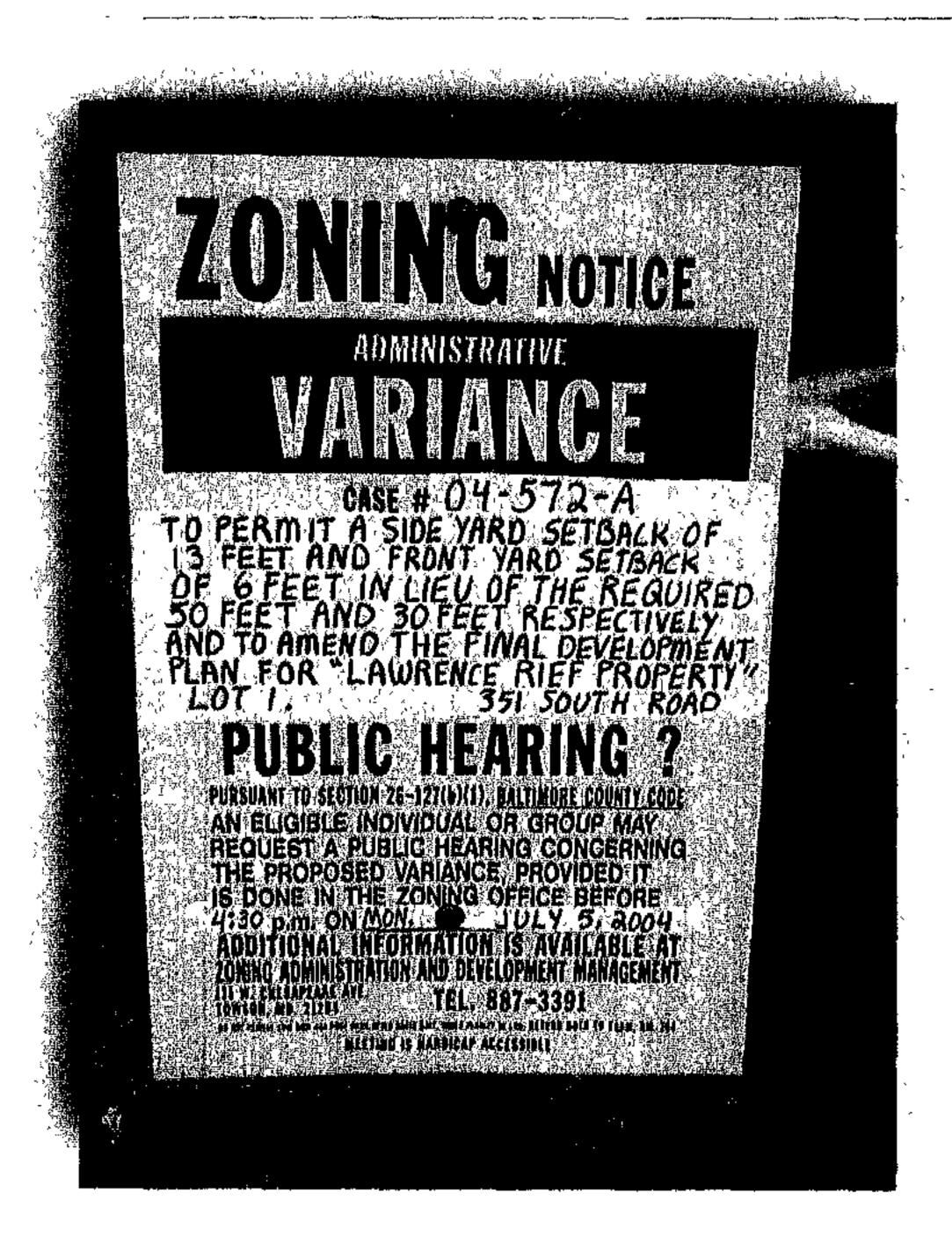
# CERTICATE OF POSTING

<b>*</b> ) * ) (	ENTIDU! KRISTEN MATTHEWS Date JUNE 17, 2004  Case Number 04-572-A
RE:	Case Number V V V V V
	Petitioner/Developer mR. + mRS, LIPPMAN
	Date of Hearing/Closing JULY 5, 2004
	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 3515007t 2040

The sign(s) were posted on

JUNE 17, 2004



Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

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

Case	Number	04-	572	A	4	Address	351	South	RO.	2120	)8
Conta	ct Perso	n:	DONNA.	THOMPS lanner, Please	ON Print Your Nar	ne	<del></del>	Pho	ne Numb	er: 410	-887-3391
Filing	Date: _	(4	17/04	- II ~	<sup>*</sup> Postin	g Date:	6200	1_	Closing	Date: <u></u>	1504
Any c throug	ontact n h the co	nade ntact	with this person (	s office re (planner) u	egarding the c	the stati	us of the	e. adminis	trative va	riance	should be
1.	reverse repostin is again	side ig mi resi	ust be do ponsible	orm) and income only by for all ass	tne petitic one of the ociated c	oner is re ne sign p osts. T	esponsib osters o he zonin	le for all p n the appl a notice s	orinting/po roved list	osting co and the	ist (on the osts. Any petitioner ole on the he closing
2.	a torma	ıl red	quest for	sing date in a public earing, the	hearing.	Please	underst	and that	even if th	nerė is	feet to file no formal
3.	order the (typically	sione nat tl y wit	er. He m he matte hin 7 to 1	nay: (a) g r be set⊡	rant the in for a part the closing the clo	requeste public he na date)	ed relief; earing. as to wh	(b) deny You will ether the	the reque receive v	ested re vritten n	ity zoning lief; or (c) lotification n granted, il.
	change	sione d givi certi	e to a nerifice ing notice	eignpors cation∈will of the he	tormai re be forw aring date	equest carded to e. time a	or by ord you, and locati	ler of the The sign ion As w	zoning on the phen the s	or depu property sian was	ic hearing ity zoning must be originally warded to
		,		ι	(Detach A	Along Dotted	Line)				-
Petitic	ner: Th	nis P	art of the	Form is	for the S	gn Pos	er Only			* -	
II ~	,¹		USE T	HE ADMIN	VISTRAT	IVE VAR	IANCE S	SIGN FOR	MAT	; , - , ,	
Case I	Number	04-[	572		- Addres	s <u>351</u>	SOUTH	RD.	212	<u>8</u>	, ,
Petitio	ner's Na	me _	LIPP	MAN	· · · · · · · · · · · · · · · · · · ·	- 	- 1 	Teleph	one <u>410</u>	-602-C	2046
			6		<u></u>			ate:			······································
Wordi	ng for Si	gn: _	To Pern	nit A SID	E YARD	SETBA	CK OF	13-FEET	AND FR	PONT YE	RD
				INLEU							
				TO AMEN		•					<u>14",                                     </u>
LOT		················	<u>-</u>				·- ·- · · · · · · · · · · · · · · · · ·	<del></del>	· · · · · · · · · · · · · · · · · · ·	<u> </u>	, 
									W	CR - Revi	sed 6/28/00

## Department of Permits and Development Management

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



### Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

July 6, 2004

Kenneth R. Lippman 351 South Road Baltimore, Maryland 21208

Dear Mr. Lippman:

RE: Case Number:04-572-A, 351 South Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 7, 2004.

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, U. Call Rila ()

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

C: People's Counsel

Diago N. Torn, 3418 Birch Hollow E

Diane N. Torn 3418 Birch Hollow Road Baltimore 21208



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



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

June 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 21, 2004

Item No.:

572<del>)</del>579

Dear Ms. Mathews:

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.

6. 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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.27.04

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No.

Dear. Ms. Matthews:

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

J. J. Goed la

Granted 1/19/04

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

June 28, 2004

SUBJECT:

Zoning Items # See List Below-

Zoning Advisory Committee Meeting of June 21, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-572

04-573

04-575

04-576

04-577

04-578

04-579

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 8, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

351 South Road

**INFORMATION:** 

**Item Number:** 

4-572

RECEIVED

Petitioner:

Kenneth R. Lippma

JUL = 9 2004

Zoning:

DR 1

Requested Action:

Administrative Variance

ZONIO COMMISSIONER

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose to the petitioner's request provided the following information is submitted for review and approval prior to the issuance of any building permit:

- 1. Details of the proposed addition and garage including architectural elevations. Color, and building materials.
- 2. Details of reconfigured driveway and parking area.
- 3. A landscape plan showing screening along the adjacent residential property lines

Prepared by:

**Division Chief:** 

AFK/LL:MAC:

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 23, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

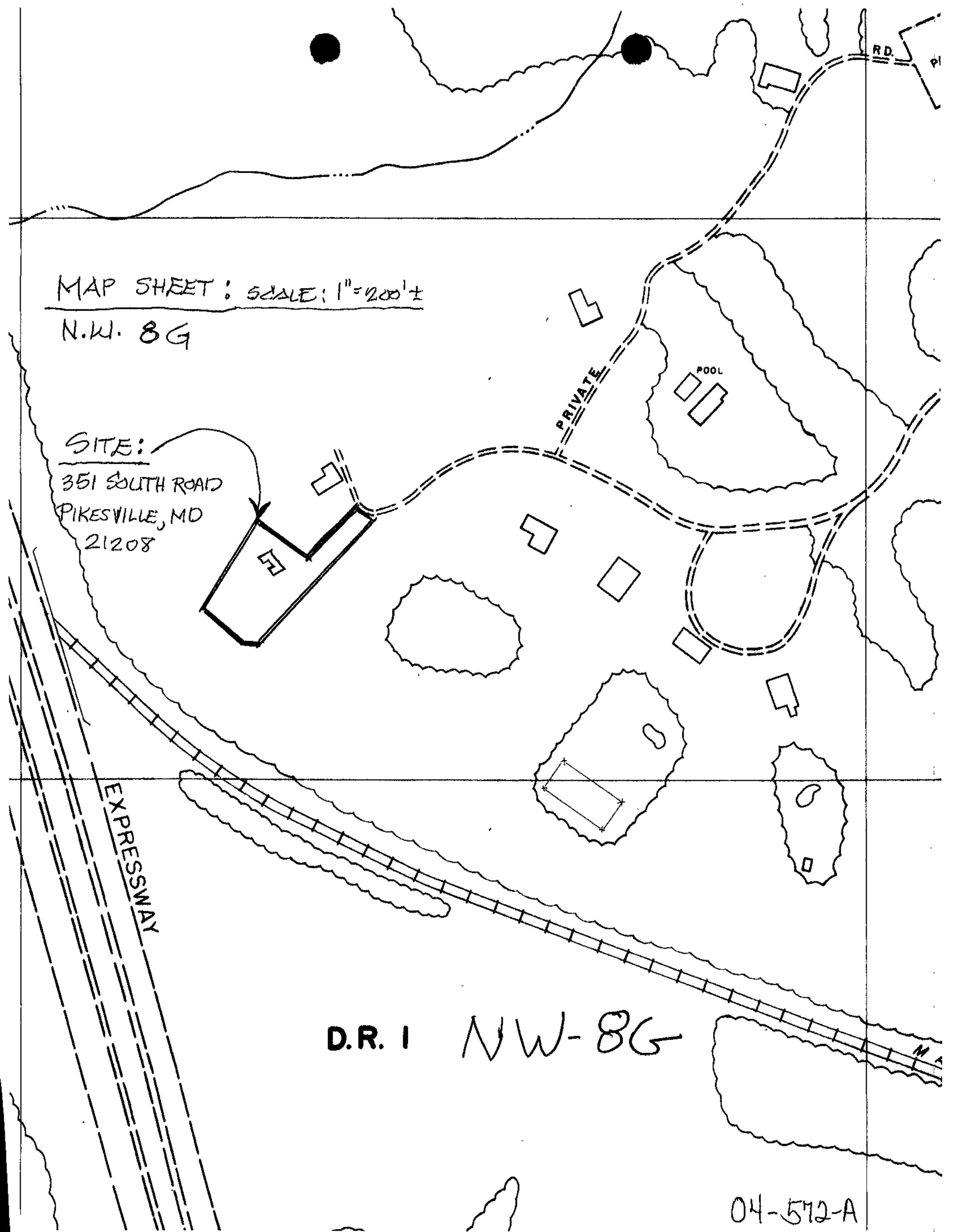
For June 28, 2004 Item Nos. 572, 573, 575, 576, 577,

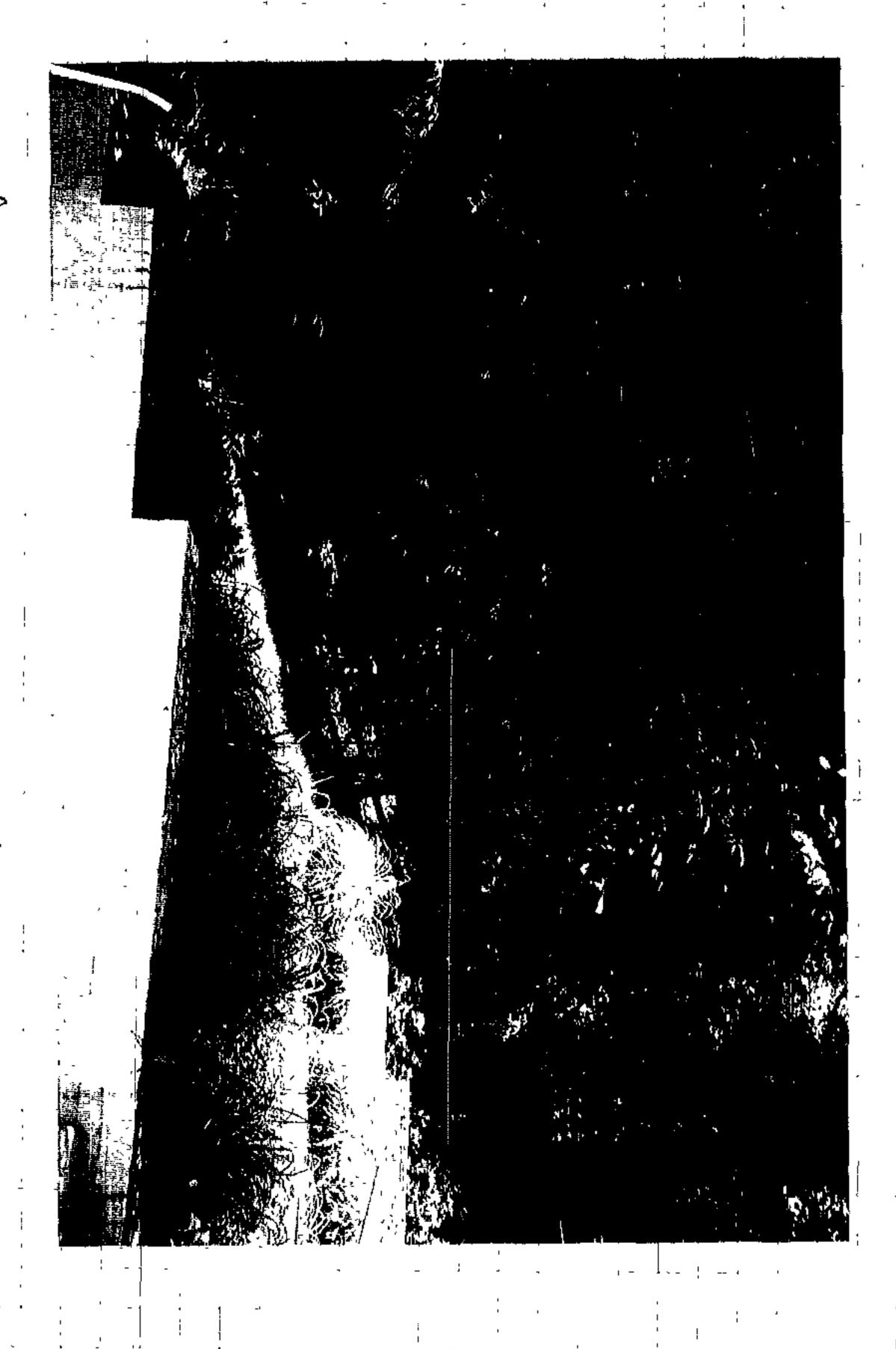
578, and 57,9

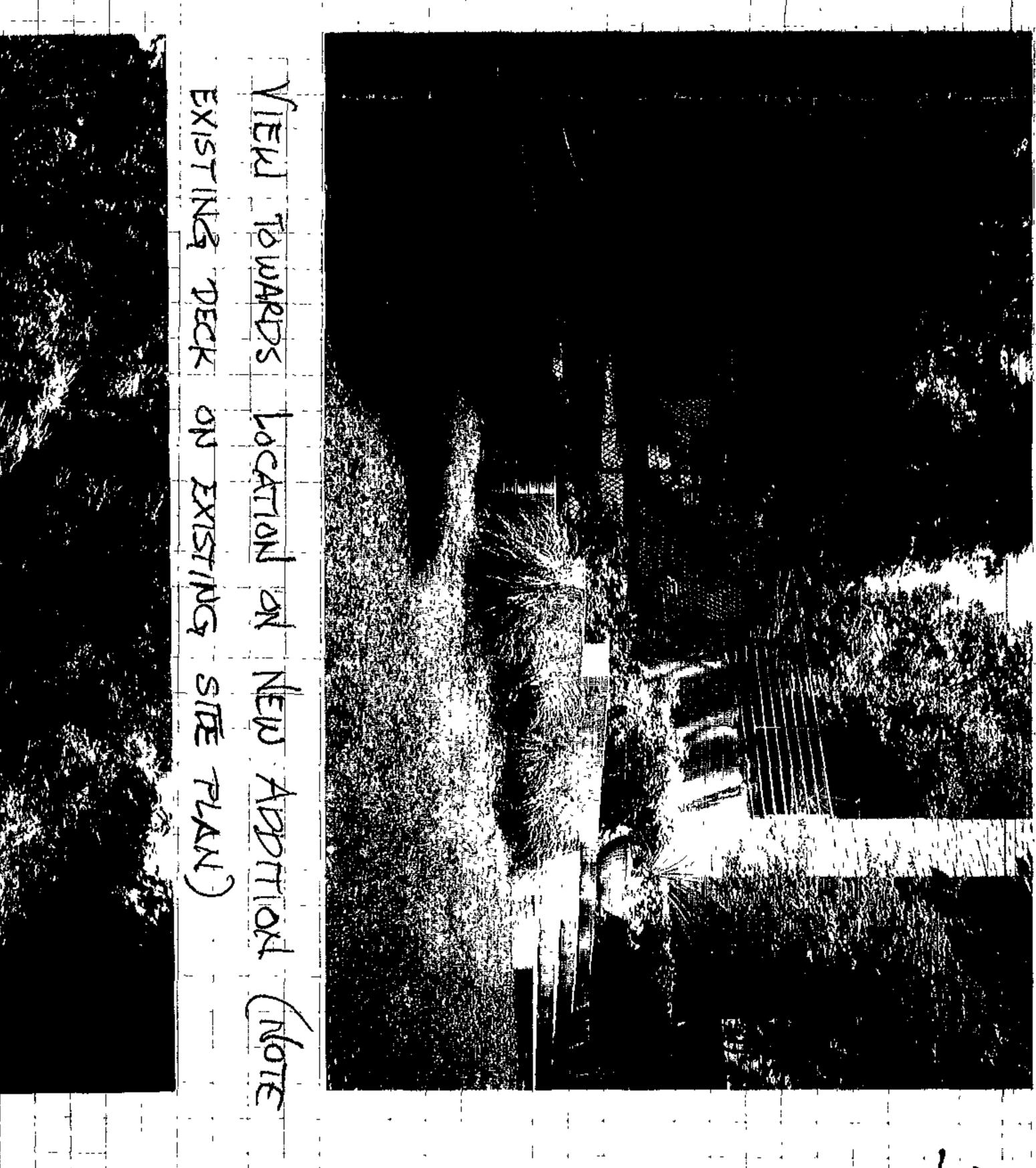
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File







SCAMM Location S 2 NEW NIS IN 1971 QX

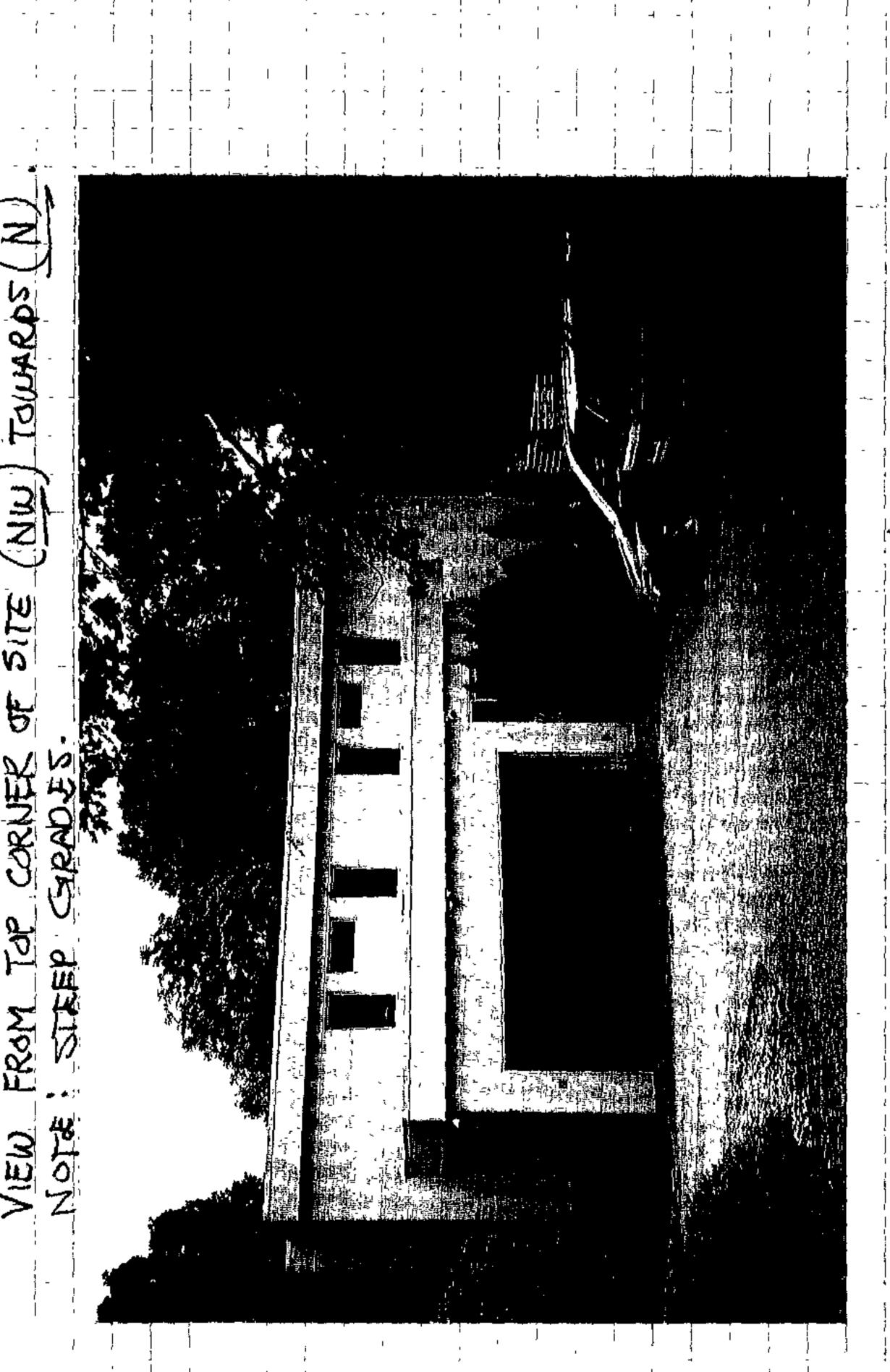


MOS スプ

ZNING

PHOTOGRAPHS TO





N X 以 次 る対域を兄ろ  $\mathbf{\Sigma}$ 

3 RADES

