

IN RE: PETITION FOR ADMINISTRATIVE	*	BEFORE THE
SPECIAL HEARING		
SW/Corner Lastgate Road	*	DEPUTY ZONING COMMISSIONER
and Millgate Road		
4th Election District	*	OF BALTIMORE COUNTY
4th Councilmanic District		
(24 Lastgate Road)	*	CASE NO. 05-161-ASPH
Sandra S. & James A. Travis	*	
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Special Hearing filed by the legal owners of the subject property, Sandra S. & James A. Travis. The property is located at 24 Lastgate Road in the Owings Mills area of Baltimore County. The subject property is zoned D.R. 3.5. The Petitioners herein seek an Administrative Special Hearing to approve a waiver pursuant to Sections 32-4-107 (b), Baltimore County Code Sections 32-4-223 (8) & Section 32-4-416 (a)(2), to raze the existing attached historic garage and build a one-story addition, as approved by the Landmarks Preservation Commission on November 9, 2004. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Special Hearing.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope purpose, and intent of the development regulations, and that the proposed development complies with all other County laws, ordinances, and regulations. In order to afford due process, the Director has

ORDER RECEIVED FOR PLANS
 11/19/04
 Ray

designated the Deputy Zoning Commissioner (Hearing Officer) to consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on October 9, 2004. There has been no request for a public hearing or any public input for the requisite period of fifteen (15) days after posting the property. Thus, the matter is eligible for review and resolution by this Hearing Officer.

The Petitioner has filed the supporting affidavits as required by Section 26-127(b)(1) of the Baltimore County Code. A description of the property contained within the case file indicates that the property consists of 1.3 acres, more or less, zoned D.R. 3.5. The information submitted is persuasive to a finding that the proposed addition is consistent with the character and historic features of the existing building and will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioners' proposal and recommended a finding that the project is consistent with Section 26-278 of the Baltimore County Code on November 9, 2004. There is no evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief requested complies with the requirements of the Baltimore County Zoning Regulations and should therefore be approved.

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

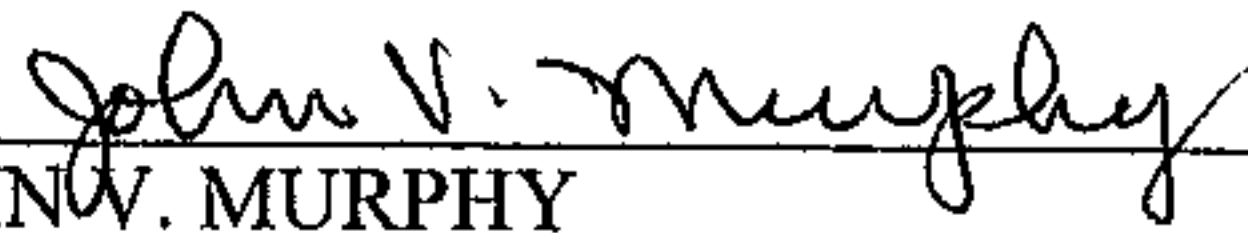
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19 day of November, 2004, that the request for Administrative Special Hearing to approve a waiver pursuant to Sections 32-4-107 (b), Baltimore County Code Sections 32-4-223 (8) & Section 32-4-416 (a)(2), to raze the existing attached historic garage and build a one-story

ORDER RECEIVED FOR FILING
Date 11/19/04
By Ray

addition, as approved by the Landmarks Preservation Commission on November 9, 2004, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

RECEIVED FOR FILE
11/19/04
raj

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
William J. Wiseman III, Zoning Commissioner

November 19, 2004

Mr. & Mrs. James A. Travis
24 Lastgate Road
Owings Mills, Maryland 21117

Re: Petition for Administrative Special Hearing
Case No. 05-161-ASPH
Property: 24 Lastgate Road

Dear Mr. & Mrs. Travis:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative special hearing 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Printed on Recycled Paper

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County



for the property located at 24 LASTGATE RD., O.M., MD
which is presently zoned DR-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 hereof, hereby petition for a Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278 to TO APPROVE A

SPECIAL HEARING TO APPROVE A WAIVER PURSUANT TO SECT. 32-4-107(6) BCC OF SECT. 32-4-223(8) AND SECT. 32-4-416(a)(2) TO VAZE THE EXISTING ATTACHED HISTORIC GARAGE AND REBUILD A ONE STORY ADDITION.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11/19/04 day of Nov, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Case No. 05-161-SP14

RECEIVED 11/18/04

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 9-27-04

Estimated Posting Date 10-10-04

Affidavit

in Support of Administrative Special Hearing

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

24 LASTGATE ROAD
Address

OWINGS MILLS, MD
City State

21117
Zip Code

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James A Travis
Signature

JAMES A. TRAVIS
Name - Type or Print

Sandra S. Travis
Signature

SANDRA S. TRAVIS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of September, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

09/21/04
Date

M. Diane McMillan
Notary Public

My Commission Expires June 1, 2005
M. DIANE McMILLAN
NOTARY PUBLIC STATE OF MARYLAND

Affidavit

in Support of Administrative Special Hearing

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

24 LASTGATE ROAD
Address

DWINGS MILLS, MD 21117
City State Zip Code

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James A. Travis
Signature

Sandra S. Travis
Signature

JAMES A. TRAVIS
Name - Type or Print

SANDRA S. TRAVIS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of September, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

9/21/04
Date

M. Diane McMillan
Notary Public

M. DIANE McMILLAN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 1, 2005

My Commission Expires

Petition for Administrative Special Hearing

to the Zoning Commissioner of Baltimore County



for the property located at 24 LASTGATE RD, DM, MD
which is presently zoned DR-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 hereof, hereby petition for a Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), Baltimore County Code of Sections 26-203(C)(8) and Section 26-278 to

~~the existing attached (historic) garage and build a one story addition.~~
Approve a Special Hearing to approve a waiver pursuant to Sects 32-4-109
(b), BCC of Sects. 32-4-223 (8) & Sect. 32-4-466(a)(2) to have the existing attached
historic garage and build a one story addition,
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10 day of September that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 05-1615R14

Reviewed By [Signature] Date 9-27-04

REV 9/18/98

Estimated Posting Date 10-10-04

Zoning Description
24 Lastgate Rd.

Beginning at a point on the Southwest
Corner of Lastgate and Millgate Rds. Being
lot #82, block 8, sect 13 in the subdivision of
Tollgate as recorded in Plat book 20 folio 118,
Containing 1.3 acres and located in the 4th
Election District.

#161

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 9-27-09

ACCOUNT R-001-006-6150

Ord. No. 37753
05-161-524

AMOUNT \$ 65.00

RECEIVED FROM Maryland Treas.

FOR Resident of Adams Street - Special Hearing
24 Eastgate Rd. Arlington

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE TIME
9/28/2009 9:27:00AM 1005412

REQ. NO. 1005412 9/27/2009 001

Dept. 5 200 20000 VERIFICATION

PAID TO: Recpt for 65.00

65.00 CA 1.00 00

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 05-161-SP11

Petitioner/Developer: JAMES
SAUNDRA TRAVIS

Date of Hearing/Closing: 10/25/04

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 24 LASTGATE ROAD

This sign(s) were posted on October 9, 2004
(Month, Day, Year)

Sincerely,

Martin Ogle 10/9/04
(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

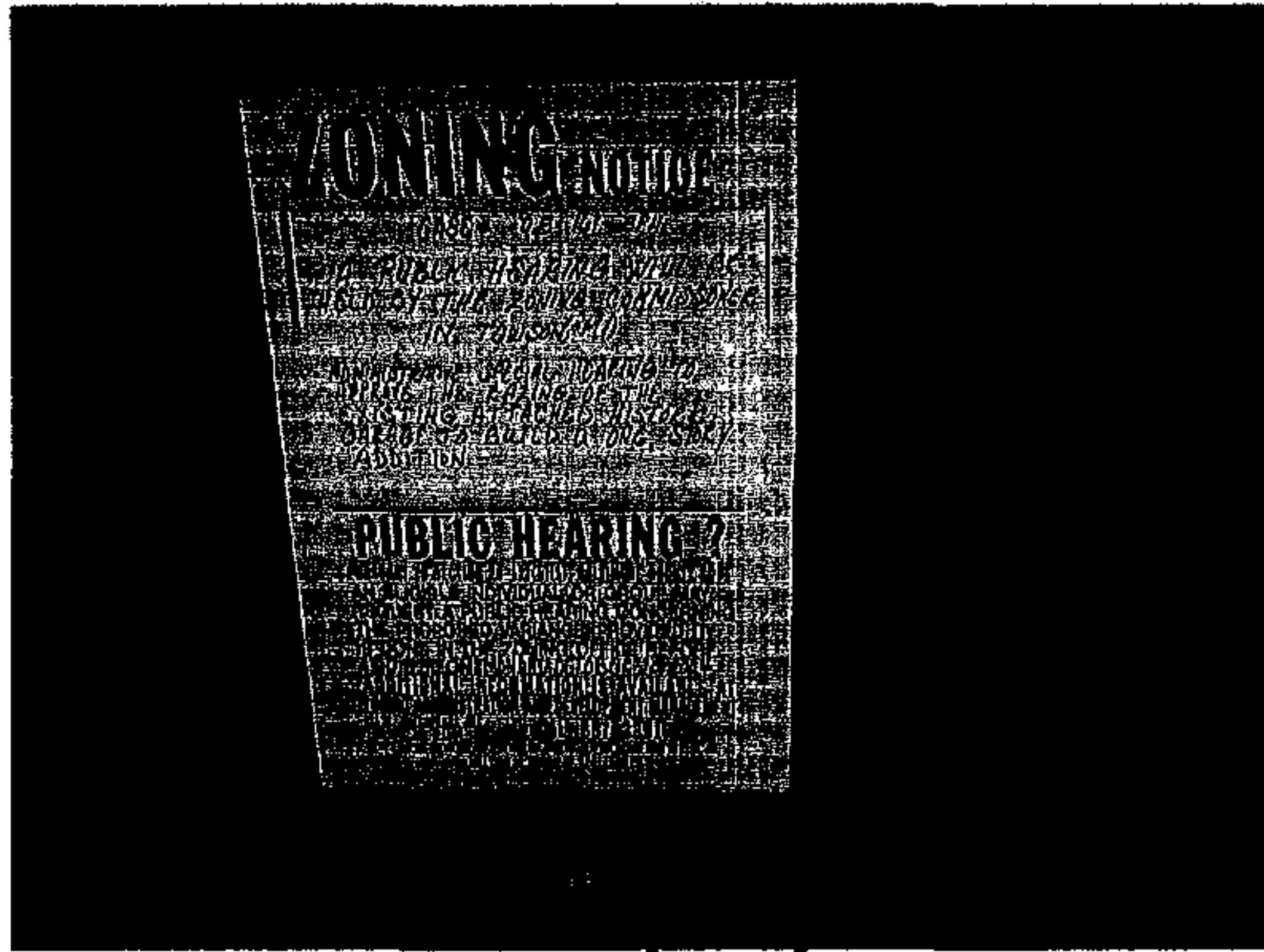
Balto, MD 21237

(City, State, Zip Code)

(410)-933-9470

(Phone Number)

lm000097 (1152x864x256 jpeg)



myalinda 10/10/04

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 05-161 -SPH Address 24 Lastgate Rd.

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-27-04 Posting Date: 10-10-04 Closing Date: 10-25-04

Any contact made with this office regarding the status of the administrative special hearing should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE SPECIAL HEARING SIGN FORMAT

Case Number 05-161 -SPH Address 24, Lastgate Rd.
Petitioner's Name James & Sandra Travis Telephone 410-462-8487
Posting Date: 10-10-04 Closing Date: 10-25-04
Wording for Sign: Administrative Special Hearing to approve the razing of the existing attached historic garage to build a one story addition.

**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*

October 25, 2004

James A. Travis
Sandra S. Travis
24 Lastgate Road
Owings Mills, Maryland 21117

Dear Mr. and Mrs. Travis:

RE: Case Number:05-161-SPH, 24 Lastgate Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 10, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

October 11, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 11, 2004

Item No.: 156, 158-166, 168&169

Pursuant to your request, the referenced plan(s) have been reviewed 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

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

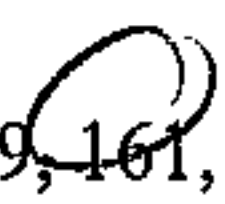


BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2004
Item Nos. 156, 158, 159, , 164,
165, 166, 168, and 169

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 ADMINISTRATIVE * BEFORE THE
SPECIAL HEARING *
24 Lastgate Road; SW corner of Lastgate * ZONING COMMISSIONER
& Millgate Roads *
4th Election & 4th Councilmanic Districts * FOR
Legal Owner(s): James A & Sandra S Travis *
Petitioner(s) * BALTIMORE COUNTY
* 05-161-SPH

* * * * *

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 and documentation filed in the case.

RECEIVED

OCT 19 2004

Per *Kam*

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to James & Sandra Travis, 24 Lastgate Road, Owings Mills, MD 21117, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JDO*
DATE: October 27, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 11, 2004.

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

05-158
6 04-160
04-161
04-162
04-163
04-165
04-166
04-168
04-169

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 17, 2004

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

RECEIVED

NOV 18 2004

SUBJECT: 24 Lasrgate Road

INFORMATION:

Item Number: 5-161

Petitioner: James A. Travis

Zoning: DR 3.5

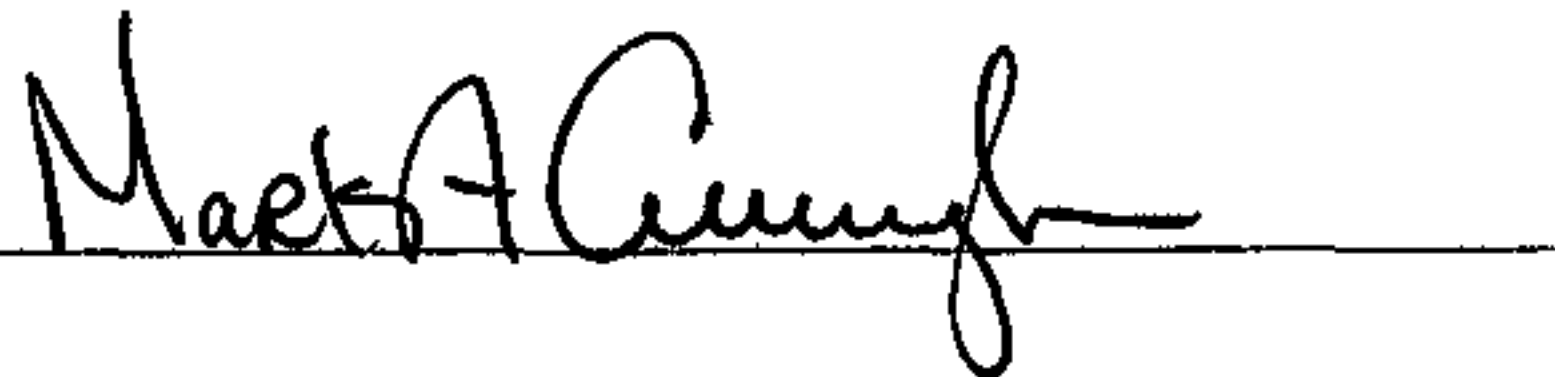
Requested Action: Administrative Variance

ZONING COMMISSIONER

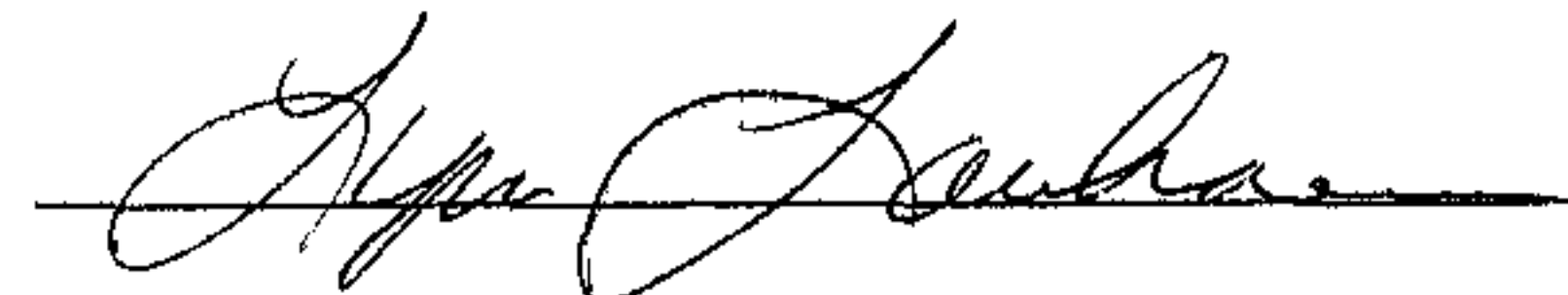
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to waive Sections 32-4-107, 32-4-223 (8) and 32-4-416 (a)(2) of the Baltimore County Code. The Baltimore County Landmarks Commission voted to issue a notice to proceed on November 9, 2004, after reviewing the petition.

Prepared by:



Division Chief:



AFK/LL:MAC:

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



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

Maryland Department of Transportation

Date: 10.13.04

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

RE: Baltimore County
Item No. 161 JJS

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,

Steven D. Foster, Chief
Engineering Access Permits Division

AT TO ACCOMPANY PETITION FOR

PROPERTY ADDRESS 24 Lastgate Rd.

SUBDIVISION NAME Tollgate Block B

PLAT BOOK # 20 FOLIO # 118 LOT # 83 SECTION # 13

OWNER James & Sandra Travis

Vicinity MAP

South tollgate Rd

A handwritten signature in dark ink, appearing to read "S. J. [unclear]". The signature is written in a cursive style and is located at the bottom left of the page.

Millgate Rd

site →

4

Election District: 4th and

Election District; 1st
Councilmatic District; 4th

1" = 200' scale map. #NW 12-H

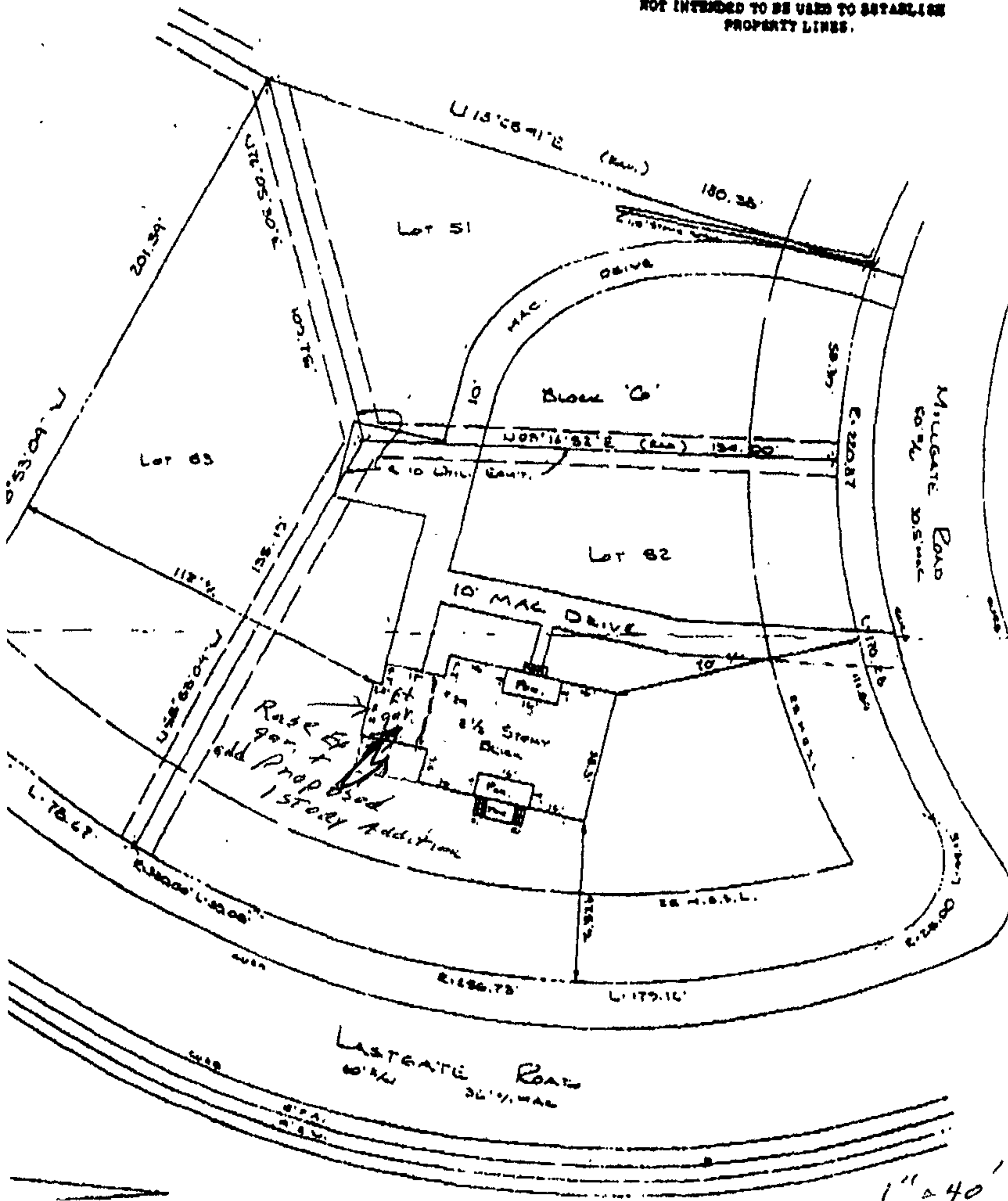
Lot size $\frac{1.3}{\text{Acreage}}$ $\frac{56,628}{\text{sq. ft.}}$

Public Water & Public Sewer

NOT in critical Area

Historic Property Bldg: Yes No Prior Zoning Hearings

NOT INTENDED TO BE USED TO ESTABLISH
PROPERTY LINES.



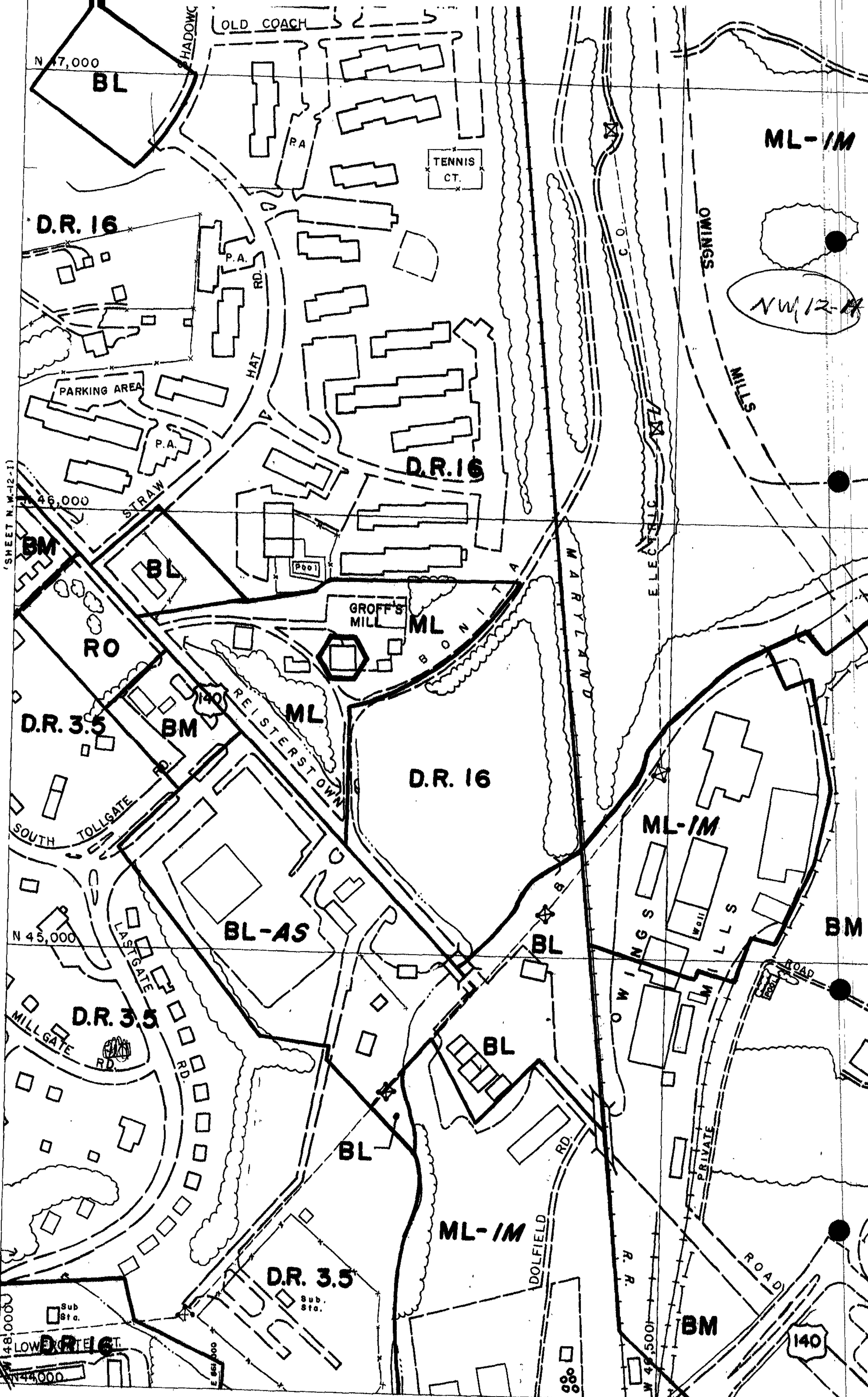
1/20/2019

9-27-04

JPL 100
161

2-11-14

1" Δ 40'



1017

T-SW T-SE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000