IN RE: PETITION FOR ADMIN. VARIANCE S/S of Buckingham Road, 217 ft. +/- W centerline of Campbell Road 3rd Election District 2nd Councilmanic District **(4207 Buckingham Road)** Jenny B. & Curley Lucas Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-647-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Jenny B. and Curley Lucas. The variance request is for property located at 4207 Buckingham Road in Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Old Regs., 211.4, 1955), to allow a proposed addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 19, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 Petitioners.

PRIOR RECEIVED FOR PLANN
7/15/05
By

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 15th day of July, 2005, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Old Regs., 211.4, 1955), to allow a proposed addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft., 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.

WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

ORDER RECEIVED FOR FILING
Date 7/18/05
By

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

July 15, 2005

Mr. & Mrs. Curley Lucas
4207 Buckingham Road
Baltimore, Maryland 21207-4615

Re: Petition for Administrative Variance
Case No. 05-647-A
Property: 4207 Buckingham Road

Dear Mr. & Mrs. Lucas:

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,

William J. Wiseman, III
Zoning Commissioner

WJW,III:raj
Enclosure

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4207 Buckingham Rd
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 Variance from Section(s) 1B02.3.B (Old RCDS, 211.4, 1955)

To allow a proposed addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft.

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:

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):

Curley Lucas
Name - Type or Print

Curley Lucas
Signature

JENNY B. LUCAS
Name - Type or Print

Jenny B. Lucas
Signature 410-602-1257

4207 Buckingham Rd 410-591-0097
Address Telephone No.

Balto, md, 21207-4615
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 ___ day of _____, _____ 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. 05-647-A

Reviewed By _____ **Date** 6-6-05

Estimated Posting Date 6/9-05

REV 10/25/01

RECEIVED FOR FILING
11/5/05

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 4207 Buckingham Rd
Address
BALTO. Md. 21207-4615
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Need space to do house addition on rear of existing house.

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.

Curley Lucas
Signature

Curley Lucas
Name - Type or Print

Jenny B. Lucas
Signature

Jenny B Lucas
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of June, 2005 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Curley Lucas and Jenny B Lucas

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sandra Howell
Notary Public

My Commission Expires 6/1/07

REV 10/25/01

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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.

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BALTO., Md., 21207-4615
City State Zip Code

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Curley Lucas
Signature

Curley Lucas
Name - Type or Print

Jenny B. Lucas
Signature

Jenny B. Lucas
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of June 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Curley Lucas and Jenny B. Lucas

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Lynda Howell
Notary Public

My Commission Expires 6/1/07

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4207 Buck

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 Variance from Section(s) 1B02.3.B (Old Regs, 211.4) 1955

To allow a proposed addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft.

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.
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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):

Curley Lucas
Name - Type or Print

Curley Lucas
Signature

JENNY B. LUCAS
Name - Type or Print

Jenny B. Lucas
Signature

4207 Buckingham Rd. 410-602-1257
Address Telephone No

Balto, Md. 21207-4615
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 ____ day of _____, _____ 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. _____ **Reviewed By** _____ **Date** _____

REV 10/25/01

Estimated Posting Date _____

ZONING DESCRIPTION

Zoning Description For: 4207 Buckingham Road, Baltimore, Maryland 21207-4615

Beginning at a point on the South side of
(north, south, east or west)

BUCKINGHAM Rd. which is 72.00'
(name of street on which property fronts) *(number of feet of right-of-way width)*

wide at the distance of 217.00' ± West of the
(number of feet) *(north, south, east or west)*

nearest improved intersecting street CAMPFIELD Rd.,
(name of street)

which is ——— wide. Being Lot # 4,
(number of feet of right-of-way width)

Block C, Section # ___, in subdivision of BUCKINGHAM ESTATES

As recorded in Baltimore County Plat Book # 23, Folio # 105

Containing 7,200.00. Also known as 4207 BUCKINGHAM Rd.
(square feet or acres) *(property address)*

And located in the 3 Election District, 2 Councilmanic District.

#647

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 446308
05-647-A

DATE 6-6-05 ACCOUNT R-001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Matthew Lewis

FOR: Residential Variance Filing Fee
for 4207 Burking Ave Rd (21207-2405)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTION	TIME	DES
6/07/2005	6/06/2005	14:40:33	1

ED 001 WALKIN SCL INC
RECEIPT # 238644 6/06/2005 OFJL
Dept 5 ZON ZONING VERIFICATION
Rec No. 446308
Dept Tot 65.00
65.00 CK 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date June 19, 2005

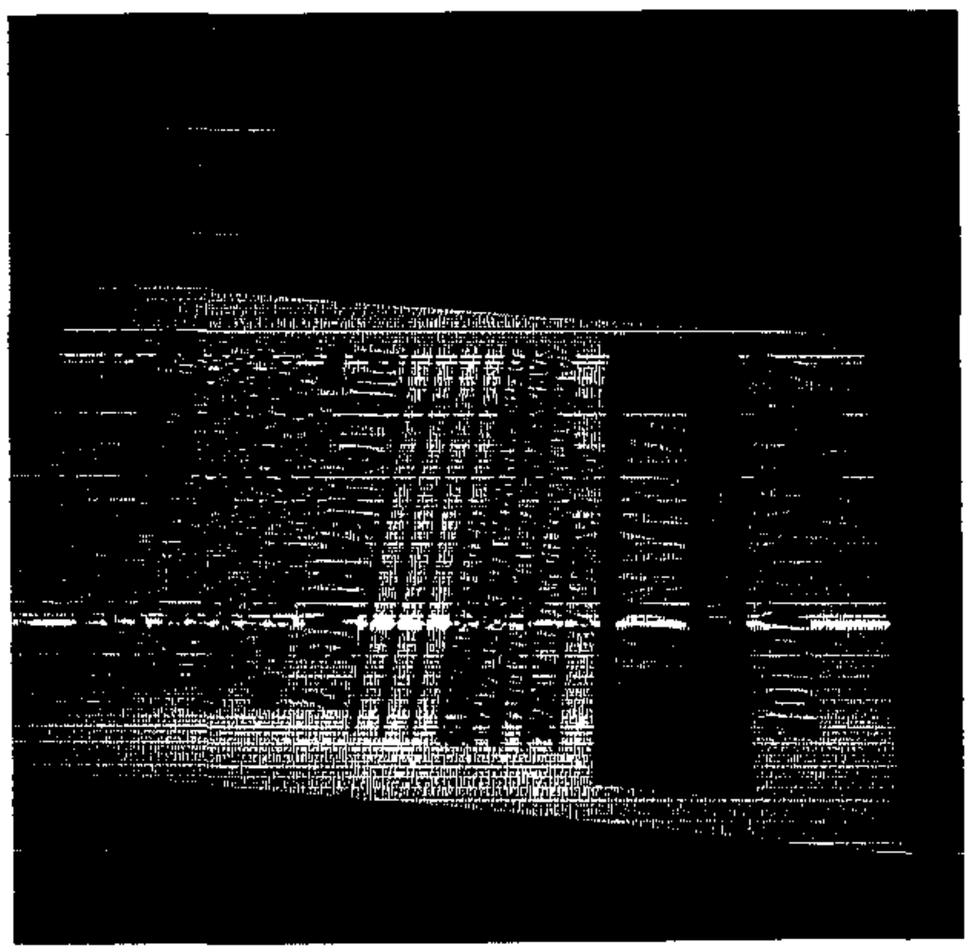
RE: Case Number 05-647-A

Petitioner/Developer: CURLEY & JENNY LUCAS

Date of Hearing/Closing: JULY 4, 2005

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 4207 BUCKINGHAM ROAD

The sign(s) were posted on JUNE 19, 2005
(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)

Revised 3/1/01 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-647 -A Address 4207 Buckingham Rd

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

Filing Date: 6-6-05 **Posting Date:** 6-19-05 **Closing Date:** 7-4-05

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

1. **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.

2. **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.

3. **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.

4. **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 ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05-647 -A Address 4207 Buckingham Rd

Petitioner's Name Cody & Jenny Lucas Telephone 410-602-1257 OR 410-591-0097

Posting Date: 6-19-05 **Closing Date:** 7-4-05

Wording for Sign: To Permit an addition with a rear yard setback of 21 ft. in lieu of the minimum required 30 ft.

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

145
72
217

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: 05-647-A

Petitioner: Mr. & Mrs. C. Lucas

Address or Location: 4207 Buckingham Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: Balto, Md. 21207-4615

Telephone Number: 410-602-1257
410-591-0097

Revised 2/20/98 - SCJ

**Department of Permits a[redacted]
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 5, 2005

Curley Lucas
Jenny B. Lucas
4207 Buckingham Road
Baltimore, Maryland 21207-4615

Dear Mr. and Mrs. Lucas:

RE: Case Number: 05-647-A, 4207 Buckingham Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 6, 2005.

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

June 20,2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No.
633,639,643,644,645,646,647,648,649,650,651,652,653,654,655,656,657,
658,659,660 and 661

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.
If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
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: 6.20.05

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

RE: Baltimore County
Item No. 647 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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 21, 2005

RECEIVED
JUN 20 2005
ZONING COMMISS

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-647- 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 Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Jeff Mayhew

CM/LL

W:\DEVREVZAC\5-647.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 28, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2005
Item No. 633, 639, 643, 645, 647, 648, 649, 652, 653, 654, 656, 658, 660, 661

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-06282005.doc

STURGIS
RALEIGH
BEDFORD
BEDFORD
RED FOX
NORTH STAR
BUCKINGHAM
PARKS FARM
RED FOX
BLUMINGTON
BLUMINGTON
BEDFORD
BEDFORD
BEDFORD

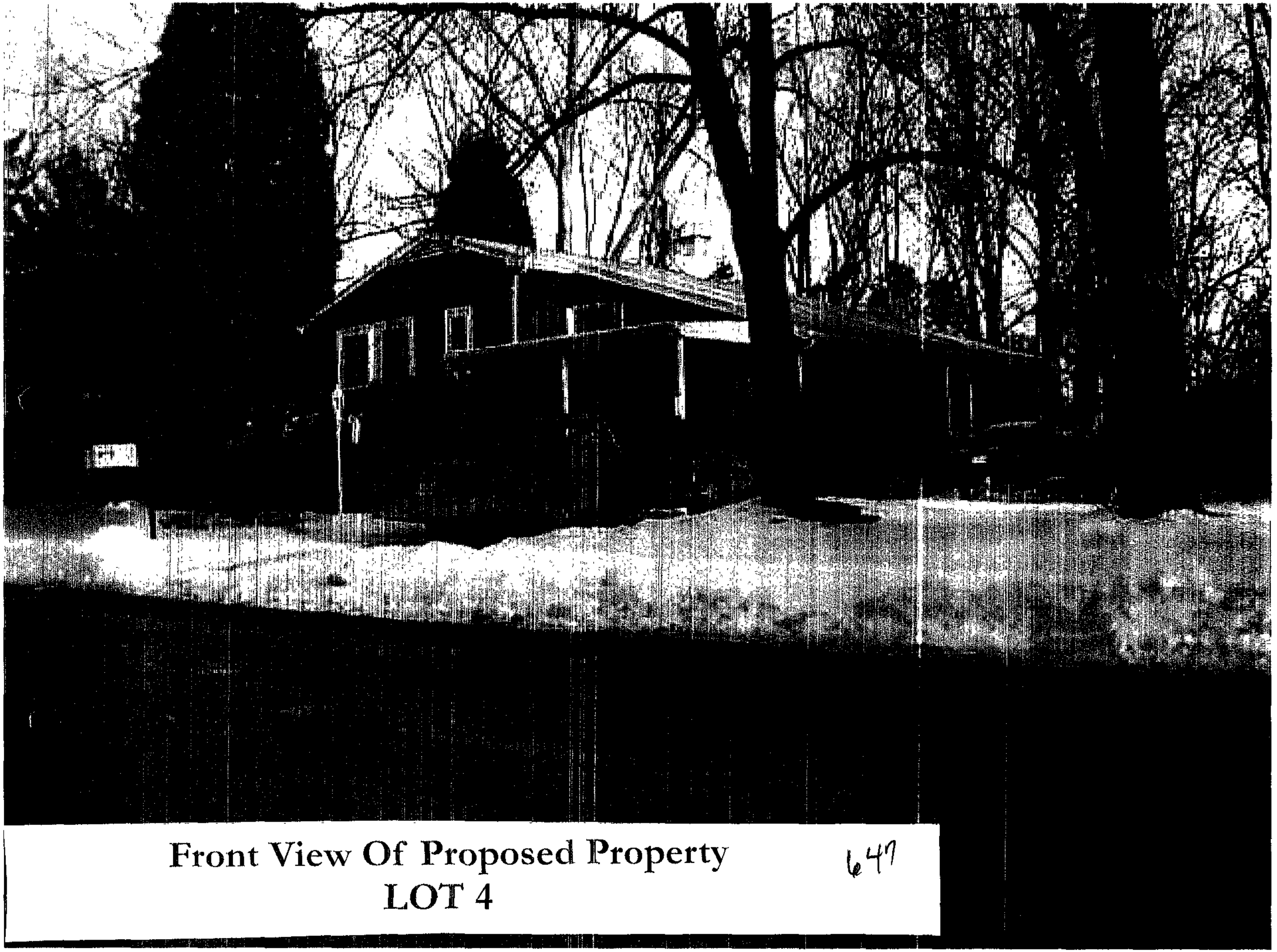
MAP #078A

↑ this

547

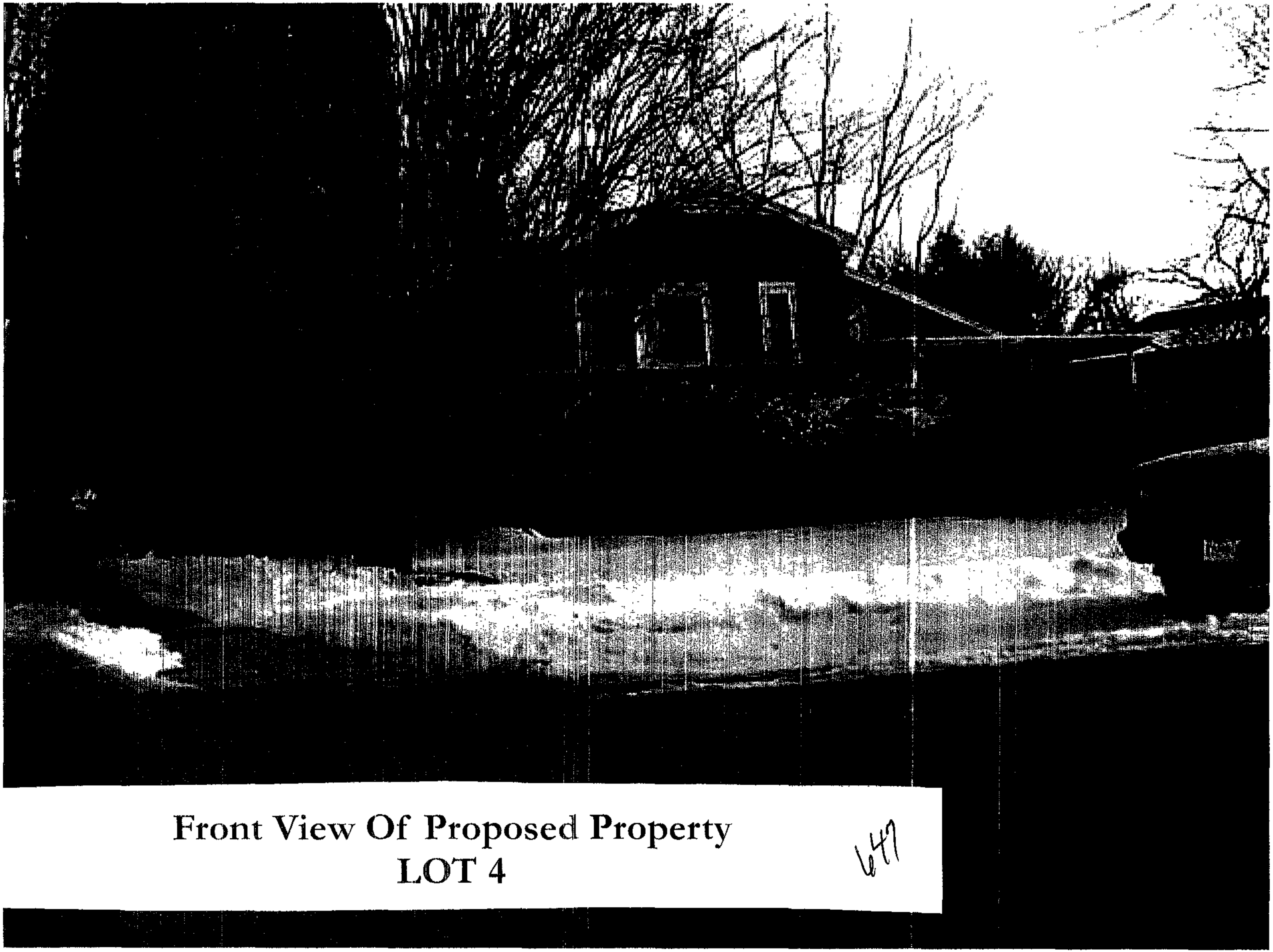
Front View Of Proposed Property
LOT 4

647



Front View Of Proposed Property
LOT 4

647



Front View Of Proposed Property
LOT 4

647

Neighbor To Left Of Property
LOT 5

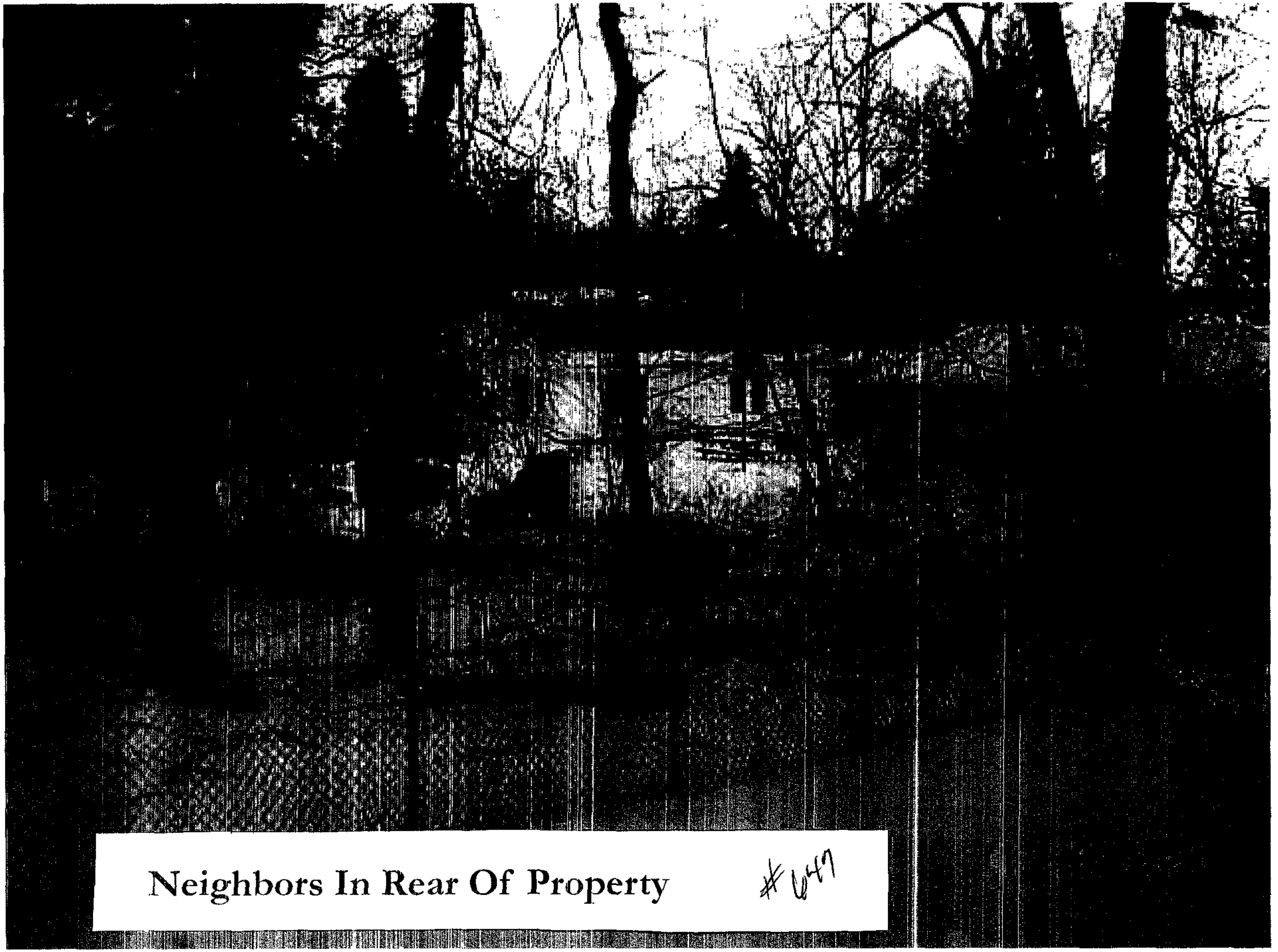
647

Neighbor To Right Of Property
LOT 3

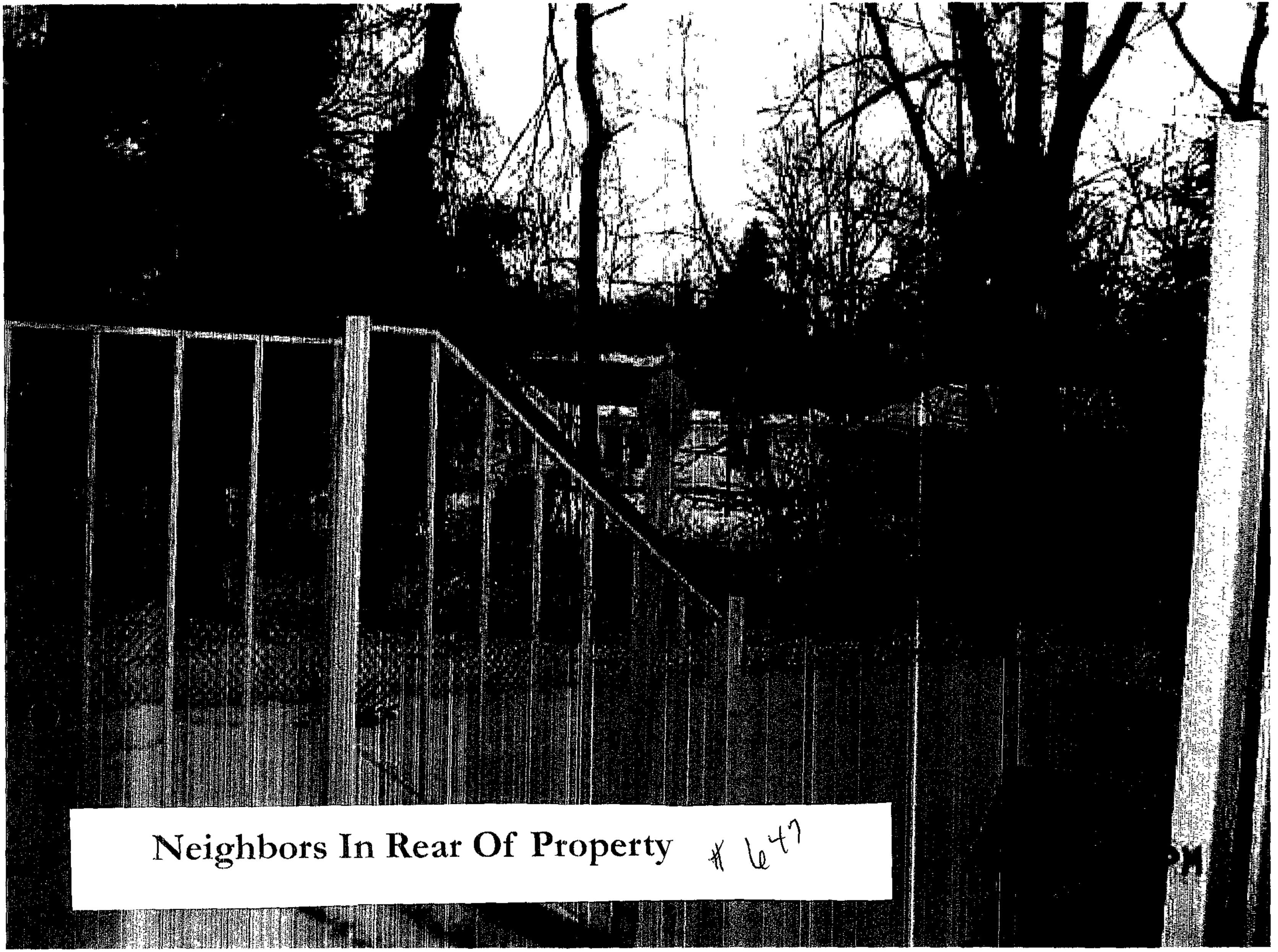
647

Neighbor To Right Of Property
LOT 3

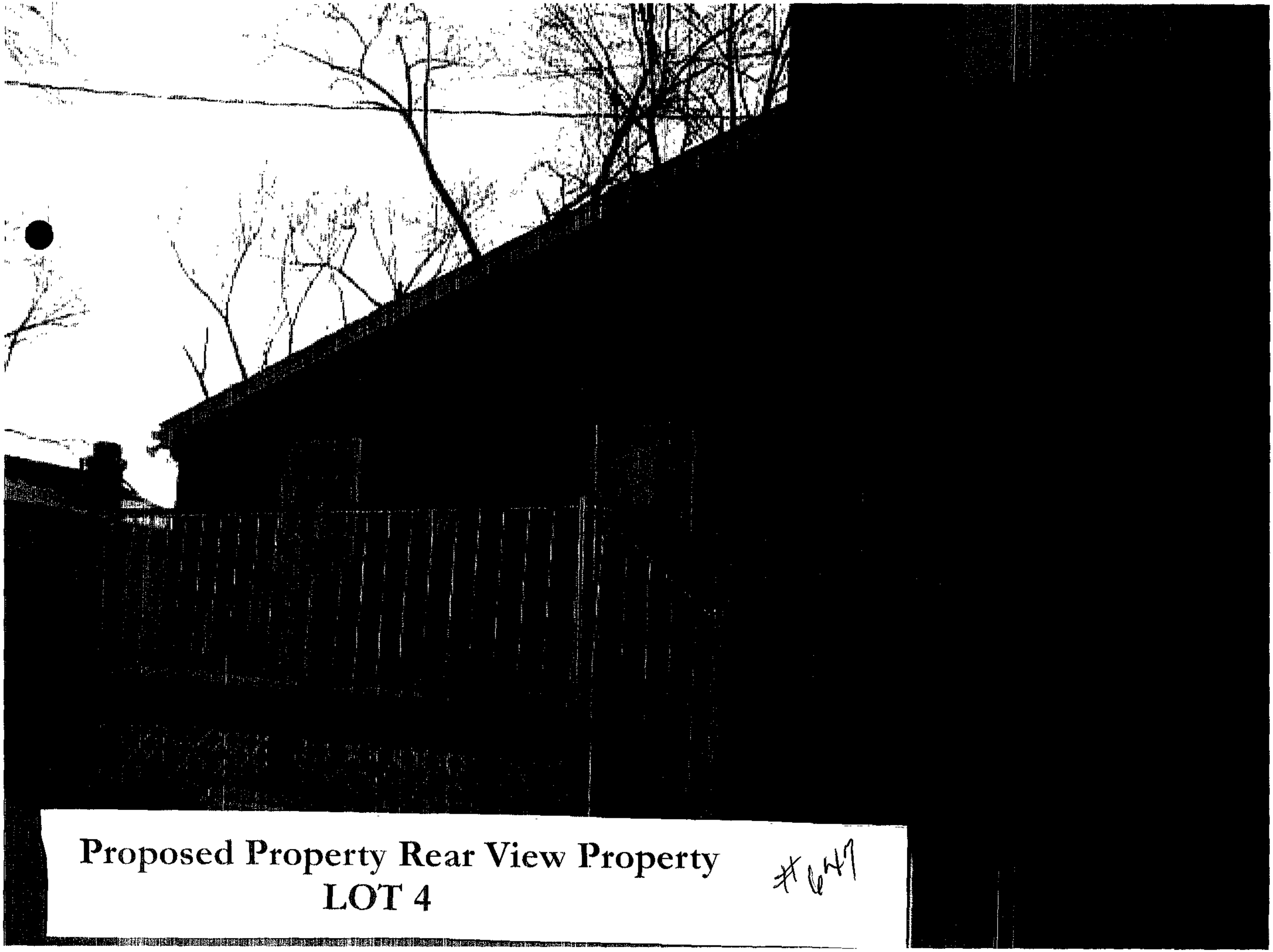
#647



Neighbors In Rear Of Property #647



Neighbors In Rear Of Property #647



Proposed Property Rear View Property
LOT 4

#647

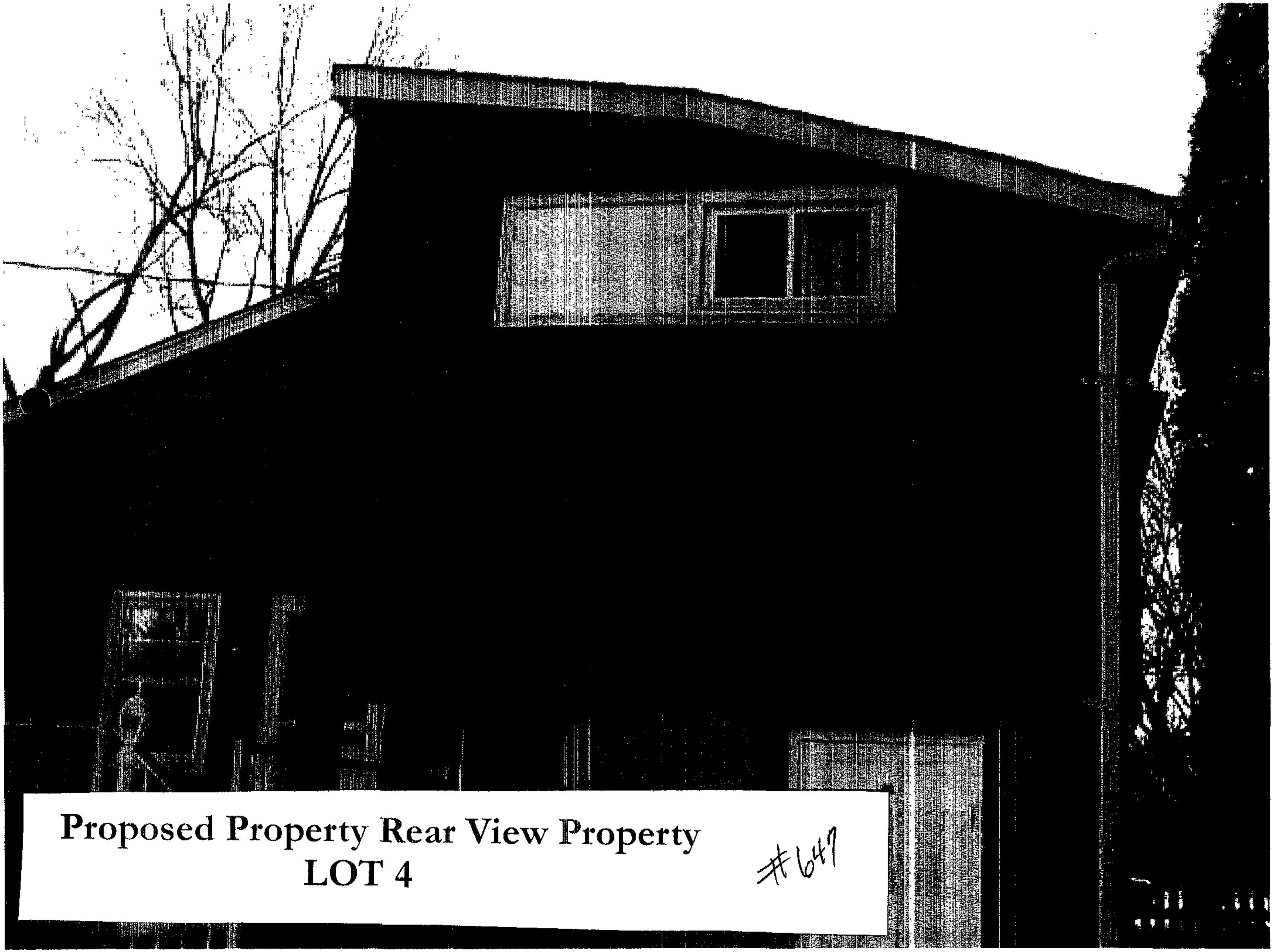
Proposed Property Rear View Property
LOT 4

#47

1 5:57 PM

Proposed Property Rear View Property
LOT 4

#647



Proposed Property Rear View Property
LOT 4

#647

Proposed Property Rear View Property
LOT 4

#647

Proposed Property Rear View Property
LOT 4

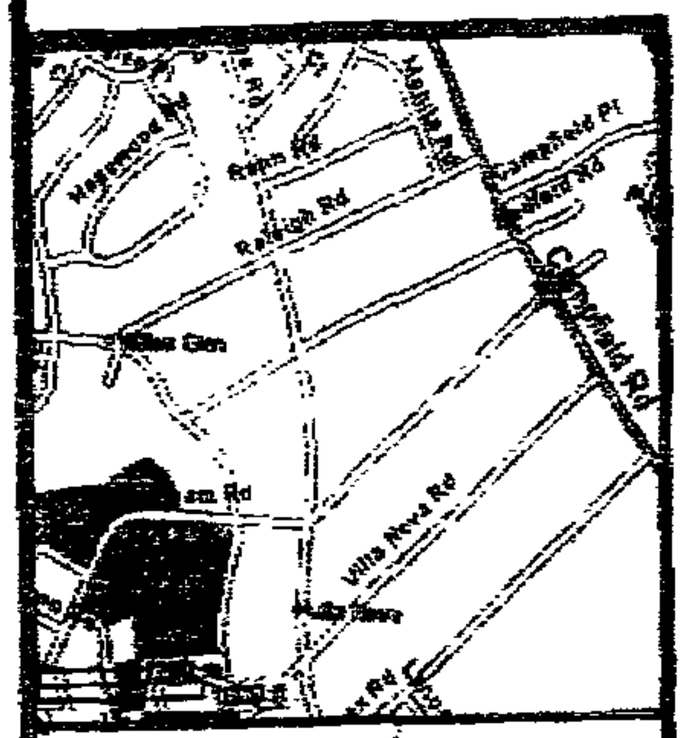
#647

PAGE 01/01
07/13/2005 15:17 4108875708

PLAT TO ACCOMPANY PETITION FOR ZONING ■ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4207 BUCKINGHAM RD.
SUBDIVISION NAME BUCKINGHAM ESTATES
PLAT BOOK # 23 FOLIO # 105 LOT # 4 SECTION # C
OWNER CURLEY & JENNY LUCAS

Lot Number : 4
Block/Section : C
Plat Reference : Book : 23 Page : 105
Title of Plat : Buckingham Estates



LOCATION INFORMATION

ELECTION DISTRICT 3
COUNCILMANIC DISTRICT 2
1" = 200' SCALE MAP # NW 4 A 07B43
ZONING DR3.5
LOT SIZE 0.17 ACREAGE 7,200.00 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	■	☐
WATER	■	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	■
100 YEAR FLOOD PLAIN	☐	■
HISTORIC PROPERTY/ BUILDING	☐	■

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #
647 05647A

STATE OF MARYLAND — LORNE LAWRENCE EASTMAN — NO. 500 — REGISTERED PROPERTY LINE SURVEYOR

I HEREBY CERTIFY THAT I HAVE LOCATED THE IMPROVEMENTS ON THE PROPERTY KNOWN AS
4207 BUCKINGHAM ROAD
BALTIMORE COUNTY, MARYLAND
AND THE IMPROVEMENTS ARE LOCATED AS SHOWN.
THIS PLAT IS NOT TO BE USED FOR THE PURPOSE OF ESTABLISHING PROPERTY LINES.

Lorne J. Eastman 9/12/91

TEMPLAR ENGINEERING
8235 RUXTON CROSSING COURT
RUXTON, MARYLAND 21204
(301) 823-3567
SCALE: 1" = 20'

F-1224