

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SE/Corner Berwick Road and		
Emory Place	*	ZONING COMMISSIONER
(1505 Berwick Road)		
9 th Election District	*	OF BALTIMORE COUNTY
2 nd Council District		
	*	Case No. 06-159-A
L. Franklyn Lucas, Jr.		
Petitioner	*	

* * * * *

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, L. Franklyn Lucas, Jr. The Petitioner requests variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) to be located 1.5 feet from the side street property line in lieu of the required third of the yard furthest removed from any street, and with a height of 23 feet in lieu of the maximum allowed 15 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.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 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, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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 Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) 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.

RECEIVED FOR FILING

Date 10/18/06

By [Signature]

Based upon the evidence contained therein, I am persuaded to grant the requested relief. Variance relief is necessitated given the property's corner location and the location of the existing garage. A review of the site plan shows that the existing garage, which is approximately 19' x 23' in dimension, is presently located 2.5' from the side street property line adjacent to Berwick Road. The Petitioners propose expanding the structure to create an upper level living space. Upon completion of the improvements, the building will be approximately 37'3" x 26' in dimension and will contain a garden room and greenhouse, as well as a bathroom and study for future use as a guestroom. Due to the location of the existing garage, the improvements will result in a reduced setback from the side street centerline of 1.5 feet and an increased height in excess of the 15 feet allowed. It was indicated that the Petitioners have discussed their proposal with their immediate neighbors as well as many others in the community, including the Ruxton-Riderwood-Lake Roland Improvement Association, and no one had any objections. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. Thus, it appears that the relief requested can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale. However, pursuant to the ZAC comment submitted by the Office of Planning, the garage shall not be converted for use as a second dwelling unit or apartment and shall not contain a kitchen or cooking facilities.

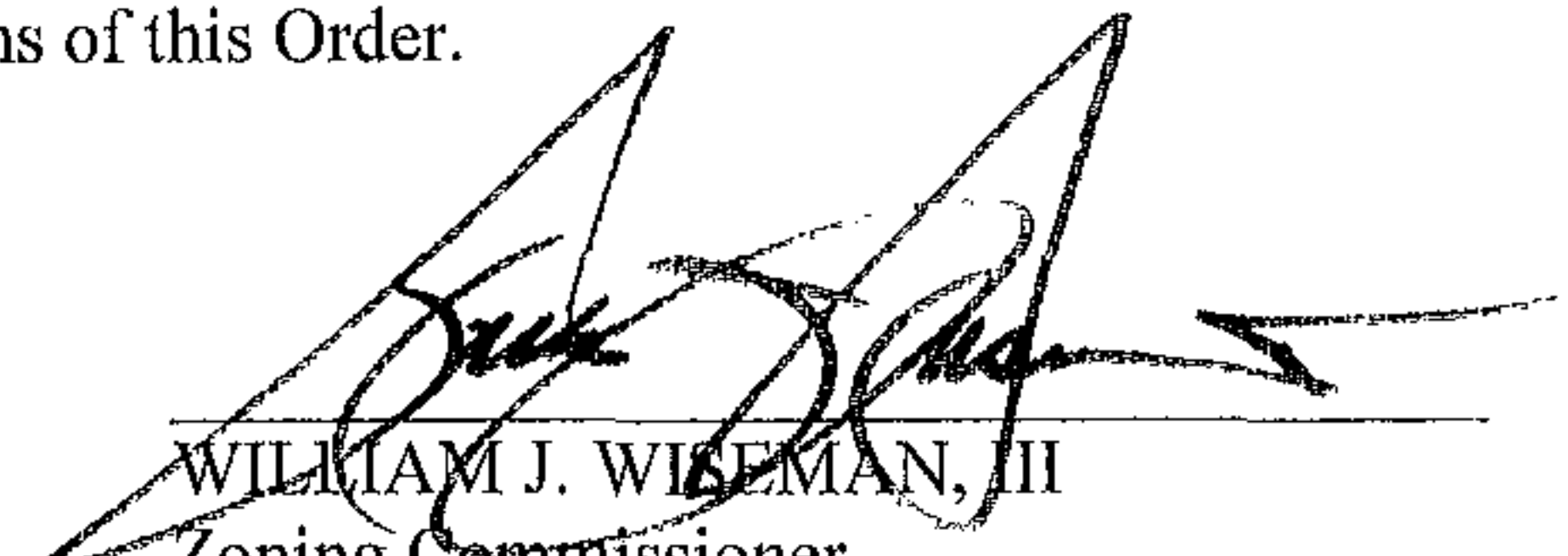
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of October 2005 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) to be located 1.5 feet from the side street property line in lieu of the required third of the yard furthest removed from any street, and with a height of 23 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILES
Date 10/19/05
By [Signature]

- 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.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. The garage shall contain no kitchen or cooking facilities.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILE
5/18/15
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
William J. Wiseman III, Zoning Commissioner

October 18, 2005

Mr. L. Franklyn Lucas, Jr.
1505 Berwick Road
Towson, Maryland 21204

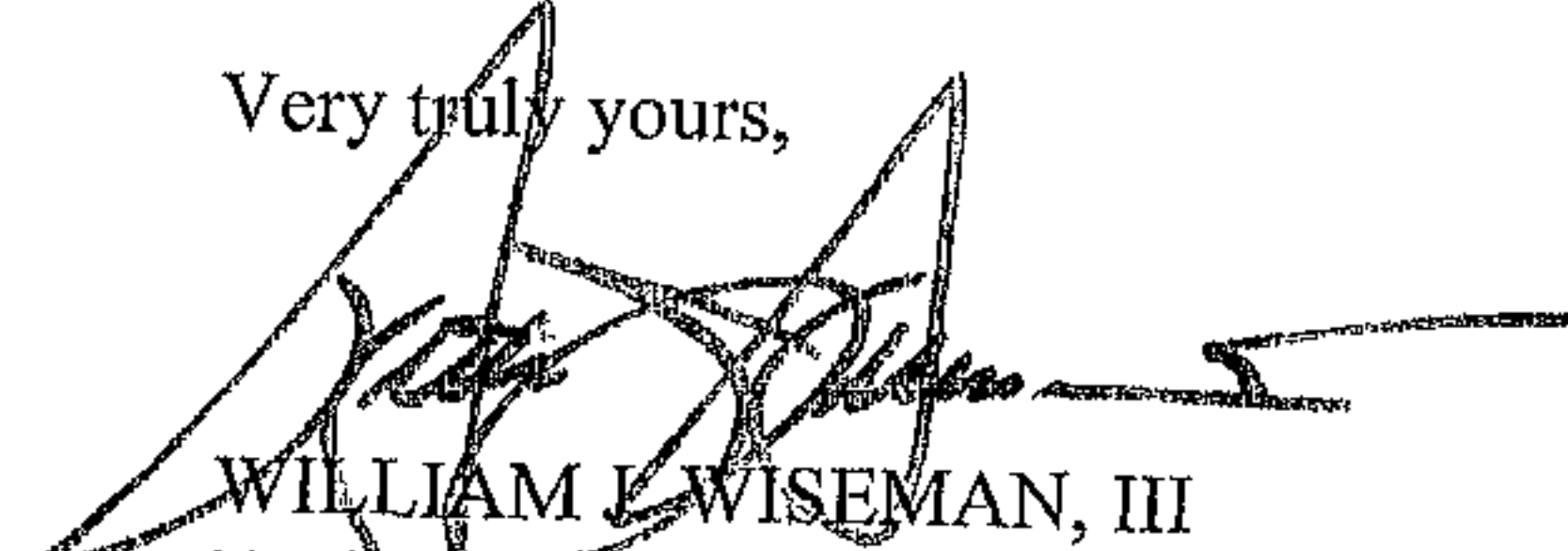
RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
SE/Corner Berwick Road & Emory Place
(1505 Berwick Road)
9th Election District – 2nd Council District
L. Franklyn Lucas, Jr. - Petitioner
Case No. 06-159-A

Dear Mr. Lucas:

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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Office of Planning; People's Counsel; Case File

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



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

1505 BERWICK RD
Address
RUXTON MD. 21204
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):

Our .65 acre property, purchased in the fall of 1986, is a corner lot located at 1505 Berwick Road in Ruxton Heights, one block up from Bellona Avenue near Graul's Store. There is an existing garage /accessory building, on the NE corner of the site. The garage is 2.5' from the property line and 10' from the adjacent property's garage. The garage is built of stone and is set into the slope. We would like to improve the structure by removing the roof, keeping the stone walls, and building an upper level space which is accessible only from the interior of the property as the ground slopes up. We would like to project 1.5' on the sides and 15' toward the interior of the property beyond the existing stone walls. This structure would be used as a garden room, study, greenhouse and future bathroom occasional guest room. (There is none is the main residence) We are requesting a variance from the requirements of section 400 for a new accessory building. All of the adjacent neighbors, as well as many others in the community, including the Ruxton Riderwood Lake Roland Improvement Association representative have agreed with and supported our petition.

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.

[Signature]
Signature

L. FRANKLYN LUCAS JR.
Name - Type or Print

[Signature]
Signature

[Name]
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires

02/01/07

ZONING DESCRIPTION

Zoning Description For 1505 Berwick Road

Beginning at a point on the South side of Berwick Road, which is 40 feet wide at a distance of 280 feet east of the centerline of the nearest improved intersecting street Bellona Avenue which is 40 feet wide. Being Lot #183 in the subdivision known as Ruxton Heights as recorded in Baltimore County Plat Book #1, Folio# 64, containing 28,401 square feet. Also known as 1505 Berwick Road and located in the 9th Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0051

DATE

9/15/05

ACCOUNT

PR001-006-6130

AMOUNT

\$ 68.00

RECEIVED

THICKLY LUGS

FROM:

FOR:

THICKLY LUGS

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

THICKLY LUGS

PAID RECEIPT

BUSINESS DATE TIME

9/16/2005 9/15/2005 15:33:44

REQ NO: 00001

DEPT: 5 500 JUNE VERIFICATION

REQ NO: 00001

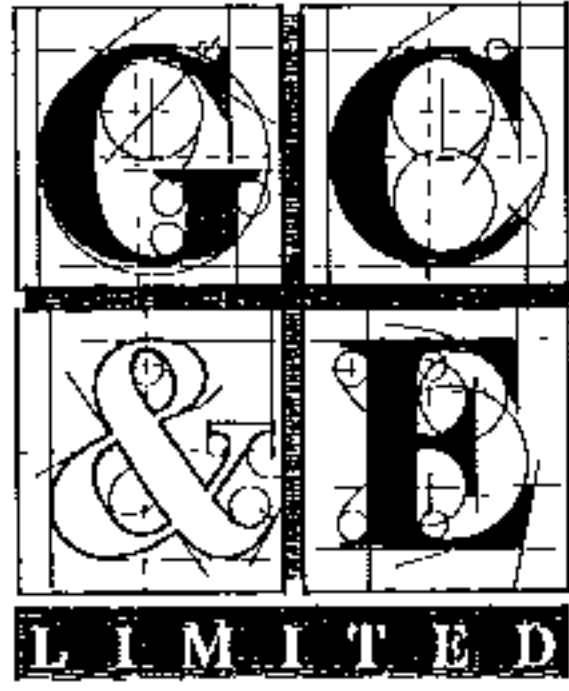
REQ NO: 00001

REQ NO: 00001

REQ NO: 00001

Baltimore County, Maryland

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#06-159-A
PETITIONER/DEVELOPER:
Franklyn Lucas
DATE OF CLOSING: 10/10/2005

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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 LOCATED AT

(see page 2 for full size photo)

LOCATION:
1505 Berwick Avenue



SIGNATURE OF SIGN POSTER

John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: September 23, 2005

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 06-159-A

To permit: an accessory structure (garage) to be located 7.5 feet from the corner street property line with a height of 25 feet in lieu of the required setbacks of ten feet from the rear and a maximum height of 15 feet respectively.

PUBLIC HEARING?

PERMANENT SECTION 25-123(a)(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON OCTOBER 15, 2005

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
CITY OF BALTIMORE
TOWSON MD 21204
TEL: 410-387-3331

HEARINGS ARE HANDLED BY VIDEO ACCESSIBLE

09/23/2005



09/23/2005

**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: 06-159-A

Petitioner: FRANK LUCAS

Address or Location: 1505 BERWICK ROAD RUXTON, M.D. 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: FRANK LUCAS

Address: 1505 BERWICK ROAD

RUXTON, MARYLAND. 21204

Telephone Number: 410-821-8187

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 159 -A Address 1505 Berwick Ave.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/15/05 Posting Date: 9/25/05 Closing Date: 10/10/05

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 06- 159 -A Address 1505 Berwick Ave.

Petitioner's Name Franklyn Lucas Telephone 440-467-8200 w

Posting Date: 9/25/05 Closing Date: 10/10/05

Wording for Sign: To Permit an accessory structure (existing garage) to be located 1.5 ft. from the corner street property line with a height of 23 ft. in lieu of the required one-third part of the rear yard farthest from the road and the maximum height of 15 ft., respectively.

WCR - Revised 6/25/04

**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 11, 2005

L. Franklyn Lucas, Jr.
1505 Berwick Road
Ruxton, Maryland 21204

Dear Mr. Lucas:

RE: Case Number: 06-159-A, 1505 Berwick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 15, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

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

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: **October 3, 2005**

Item No.: **155-106**

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
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: September 27, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For October 10, 2005
Item Nos. 155, 156, 157, 159, 160, 161,
162, 163, 164, 165 and 166

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-09272005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 4, 2005

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

SUBJECT: 1505 Berwick Road

INFORMATION:

Item Number:

6-159

Petitioner: L. Franklin Lucas

Zoning: DR 3.5

Requested Action: Administrative Variance

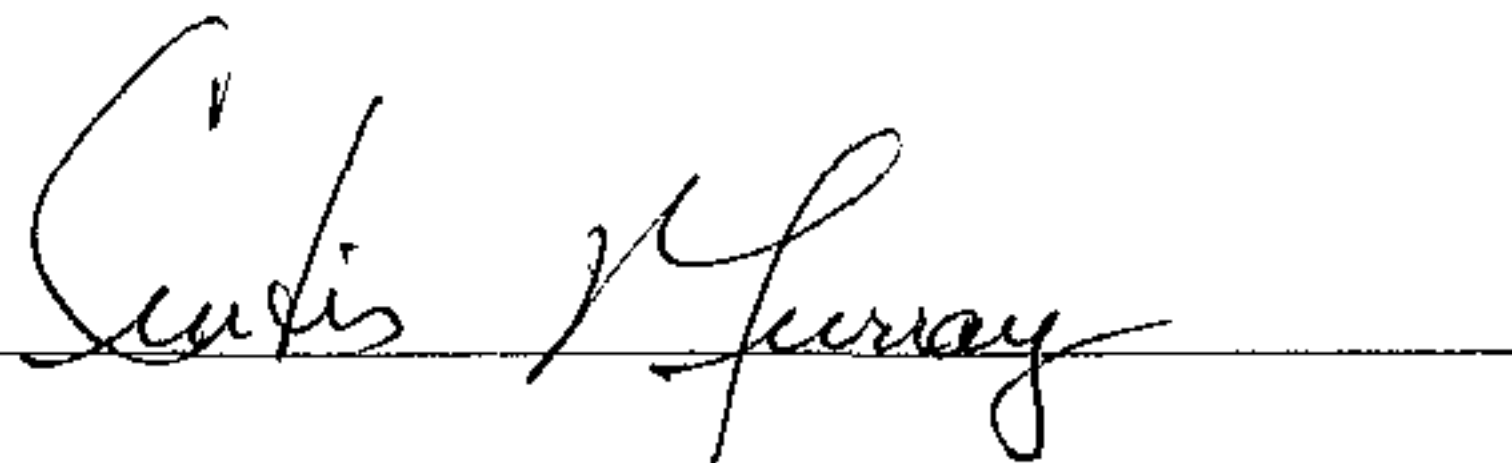
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

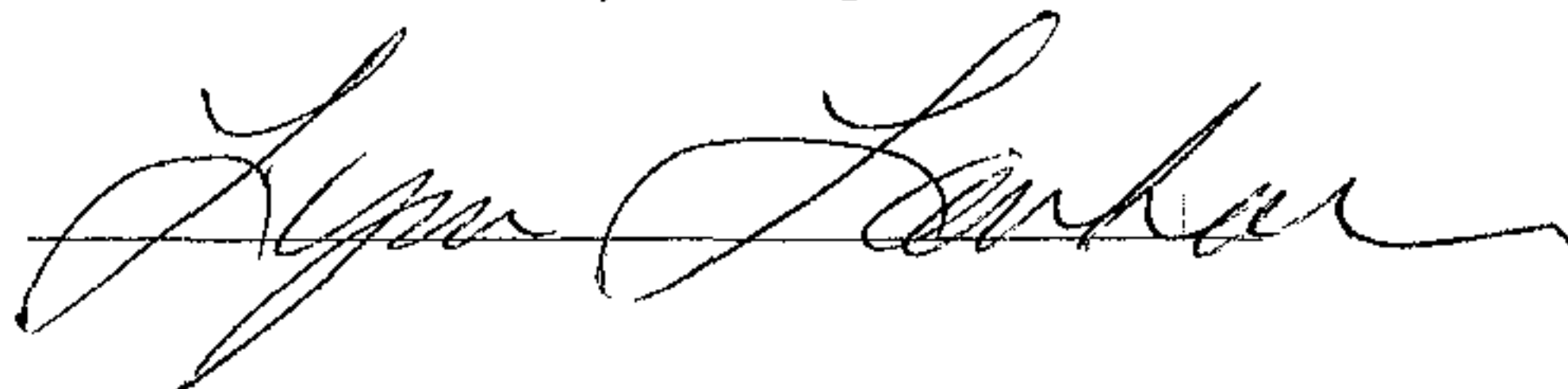
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, or kitchen.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



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



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

Maryland Department of Transportation

Date: 9.21.05

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

RE: Baltimore County
Item No. 159 BPR

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

P L A T

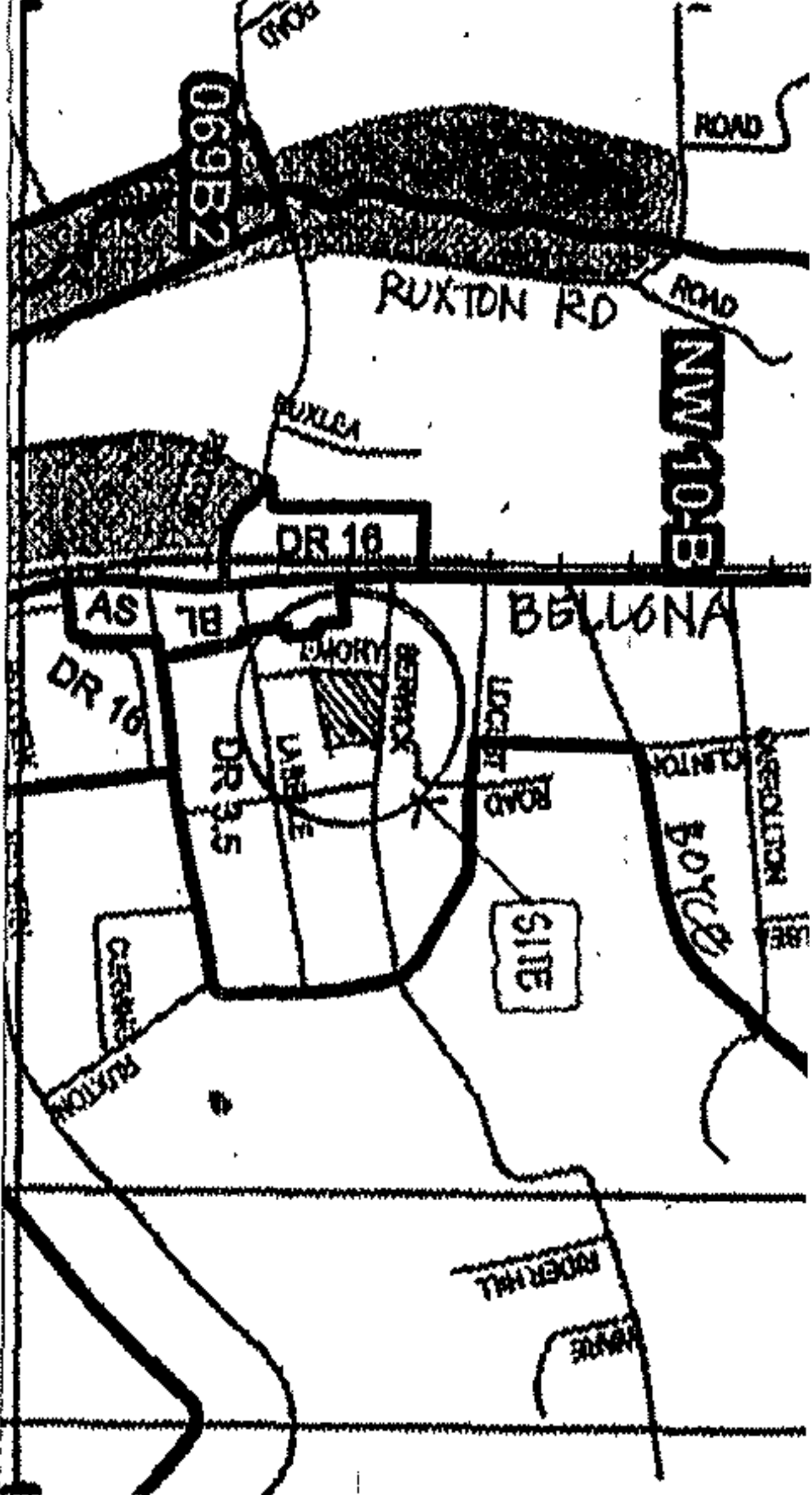
Site Plan to accompany
Petition for Administrative Zoning Variance

Property
Address: 1505 Berwick Road
Ruxton, Maryland 21204
Subdivision: Ruxton Heights

Plat Book
Lots 183, 184, 185, 194
Plan of Ruxton Heights
Plat Book JWS No. 1
Folio: 64

Owner: Pam and Frank Lucas

Vicinity Plan 1" = 1000'



Location Information

Election District: 9
Councilman District: 2
1" = 200' Map: Plan Sheet 069B2

Zoning: DR3.5
Lot Size: .65 acre
Acreage: .65 acre
Square Feet: 28,401

Sewer: Public
Water: Public

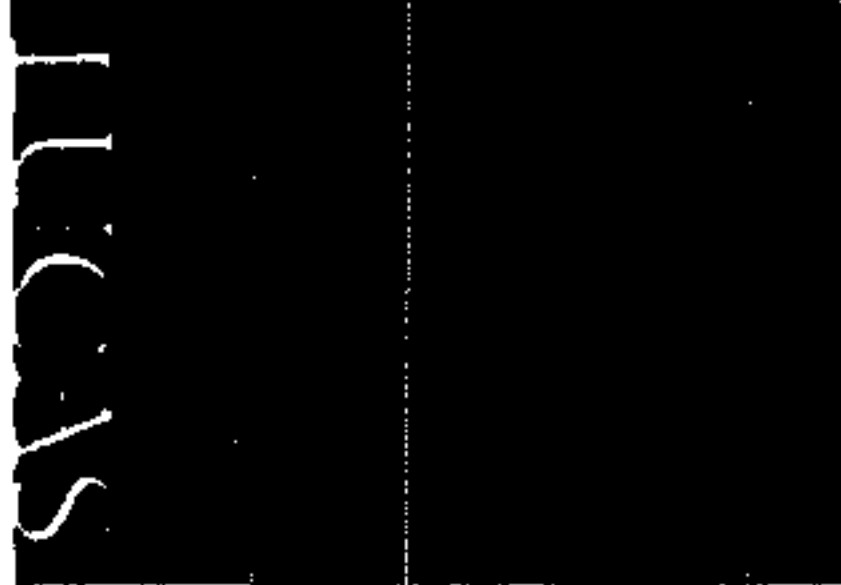
Chesapeake Bay Critical Areas: No
100 Year Flood Plain: No
Historic Property of District: No
Prior Zoning Hearings: None

Zoning Use Only

Reviewed By: AK

Item No.: 159

Case No.: 06-159-A



1014 West 35th Street
Baltimore, Maryland 21211

Tel. 410.457.2200
Fax 410.457.2055
www.lucasarchitects.com

LUCAS
RESIDENCE

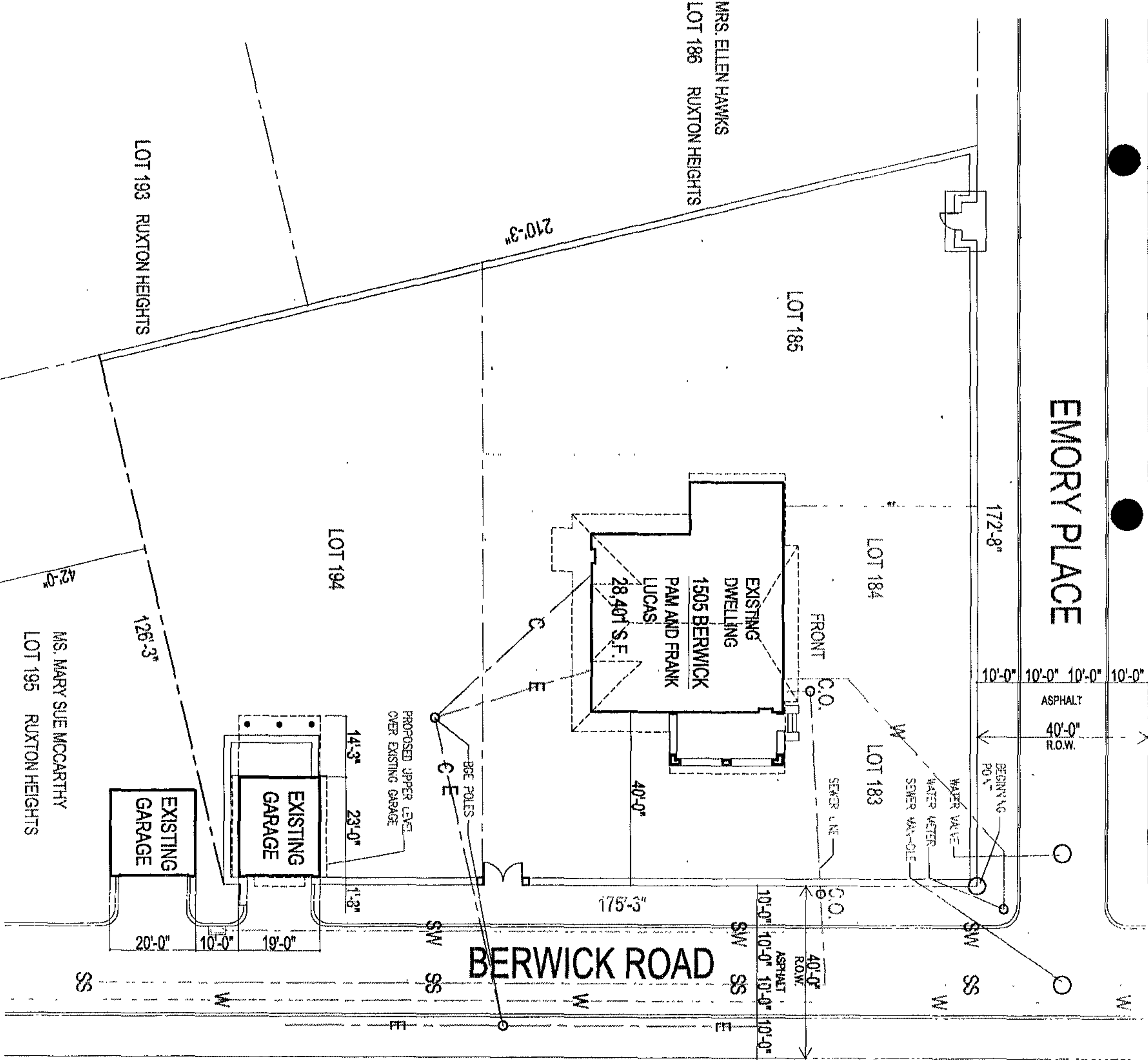
Ruxton, Maryland

SITE PLAN

20 July 2005

A 0.1

EMORY PLACE



SITE PLAN

1
A 0.1
1" = 30'



ASSOCIATES
Architects

1014 West 36th Street
Baltimore, Maryland 21211
Tel. 410.467.8200
Fax 410.467.0965
www.lucasarchitects.com

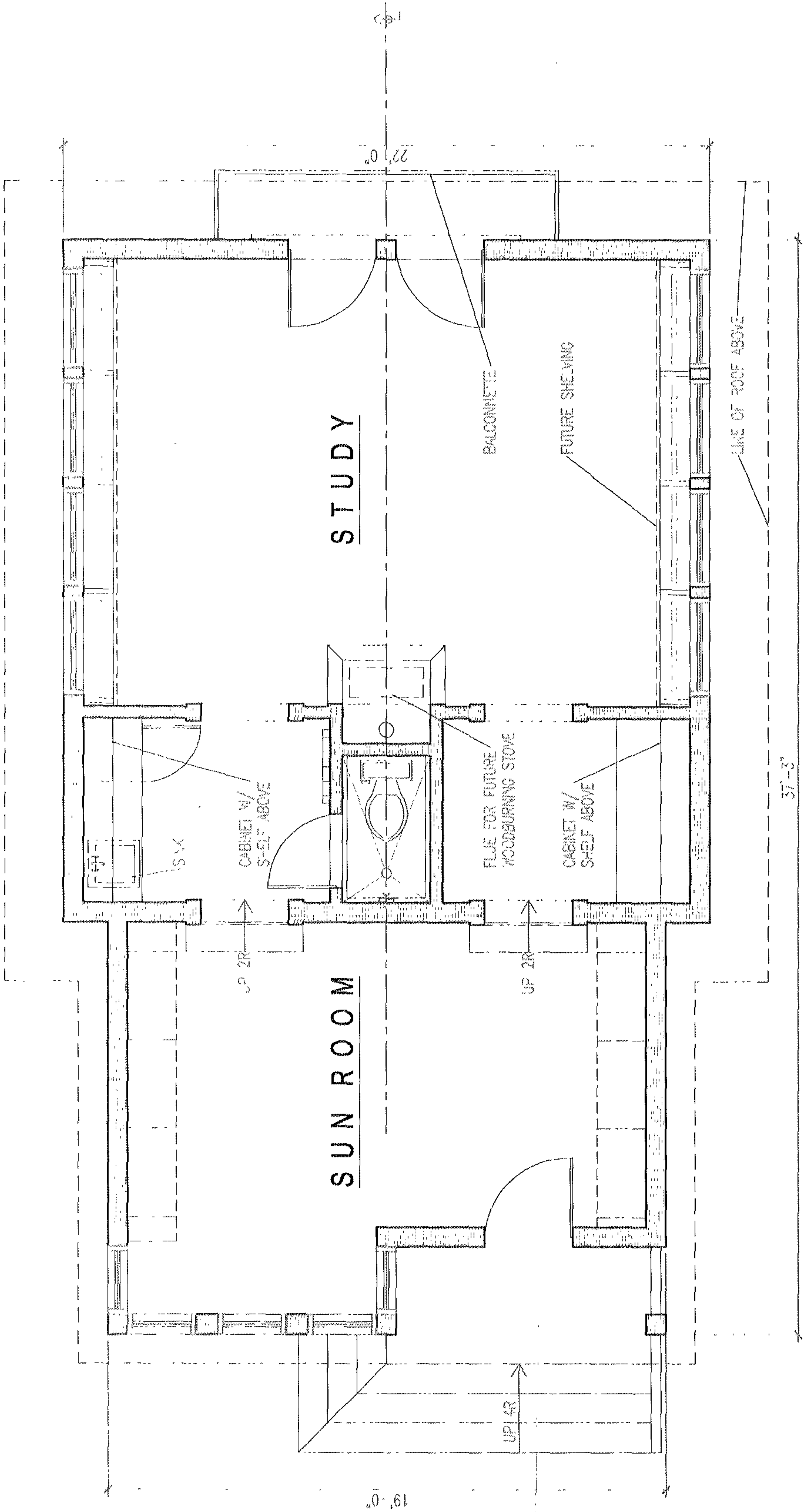
LUCAS
RESIDENCE

Ruxton, Maryland

FIRST FLOOR
PLAN

20 July 2005

A1.2

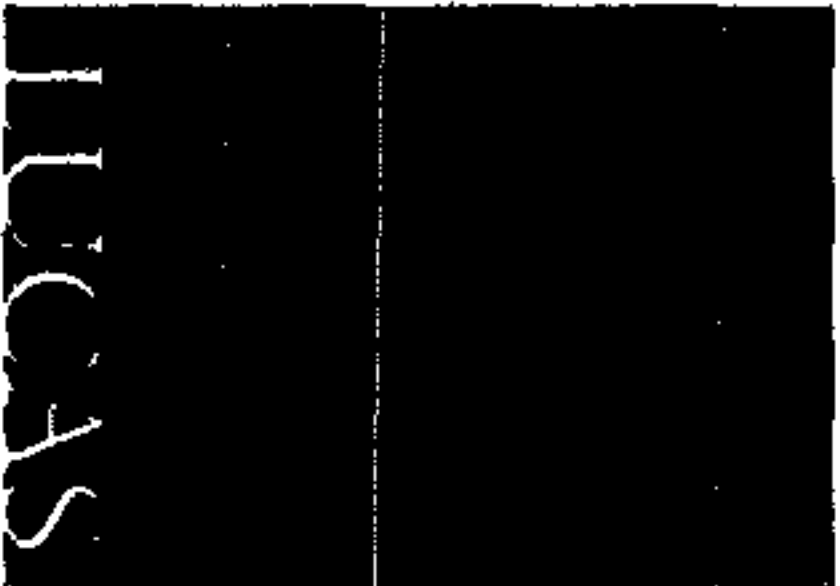


FIRST FLOOR PLAN

1/4" = 1'

1
A1.2

#159



ASSOCIATES
Architects

1014 West 36th Street
Baltimore, Maryland 21211
Tel. 410.467.8200
Fax 410.467.0855
www.lucasarchitects.com

LUCAS
RESIDENCE

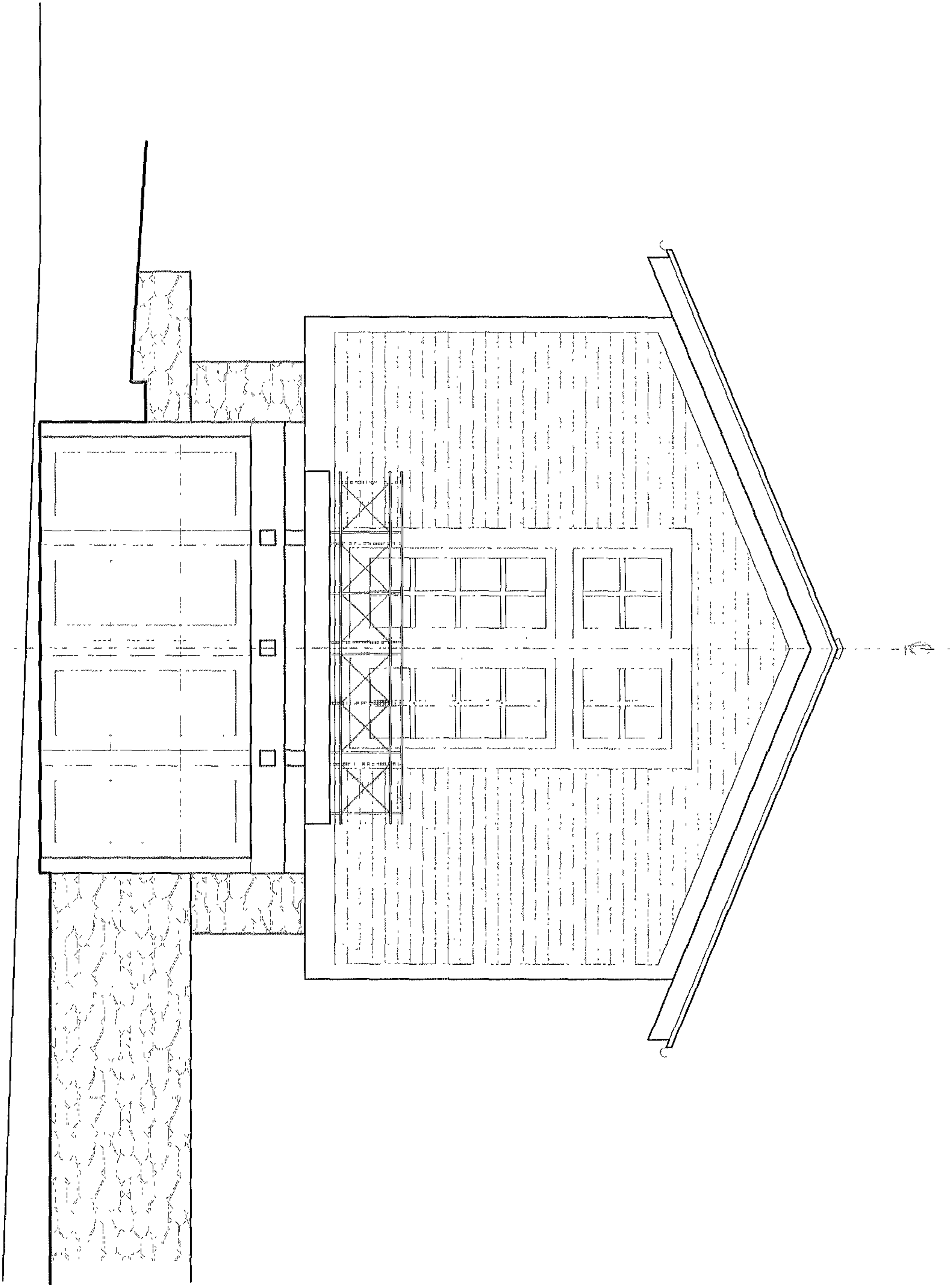
Ruxton, Maryland

FRONT ELEVATION

20 July 2005

A2.1

#159



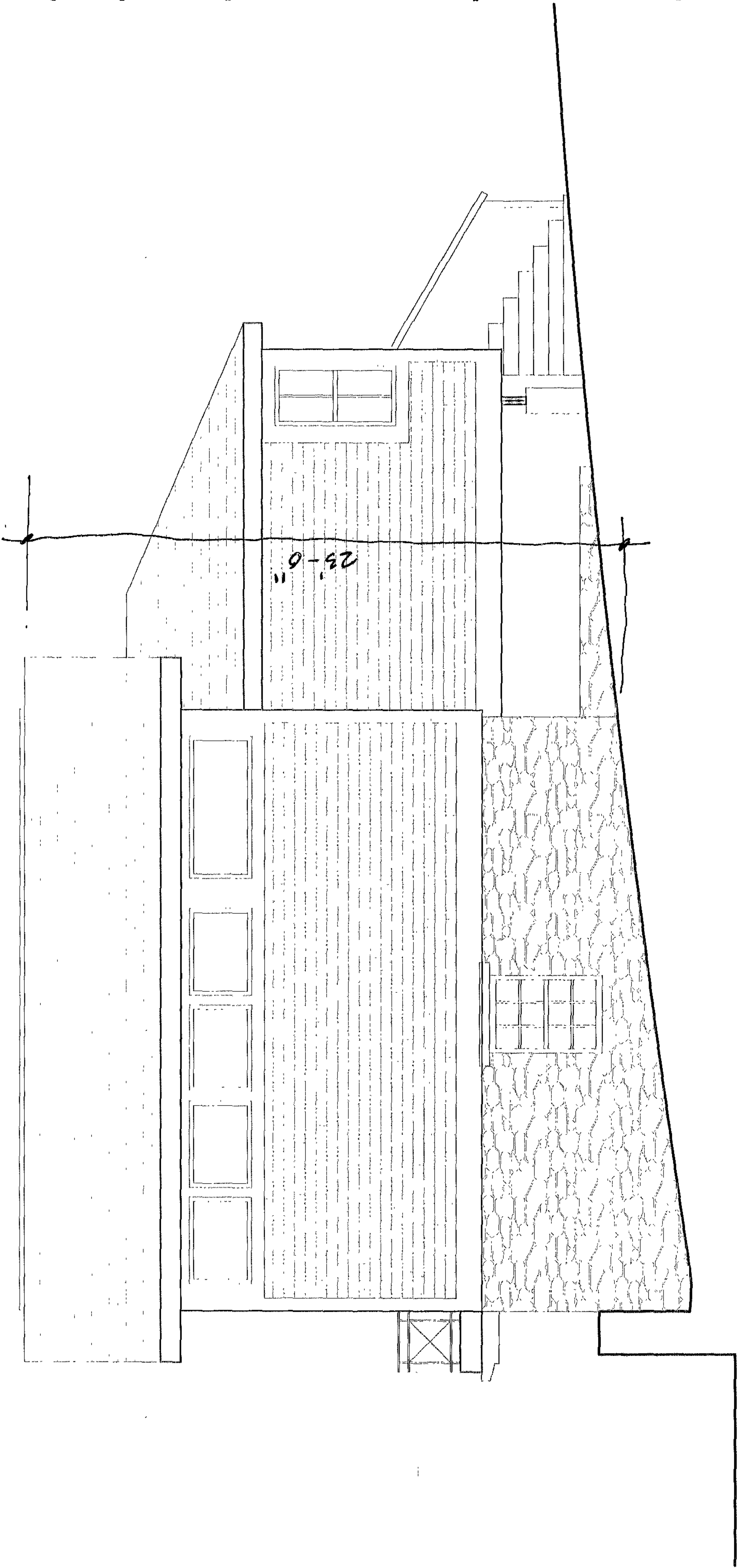
LUCAS
RESIDENCE

Ruxton, Maryland

SIDE ELEVATION

20 July 2005

A2.2





ASSOCIATES
Architects

1014 West 36th Street
Baltimore, Maryland 21211
Tel. 410.467.8200
Fax 410.467.0865
www.lucasarchitects.com

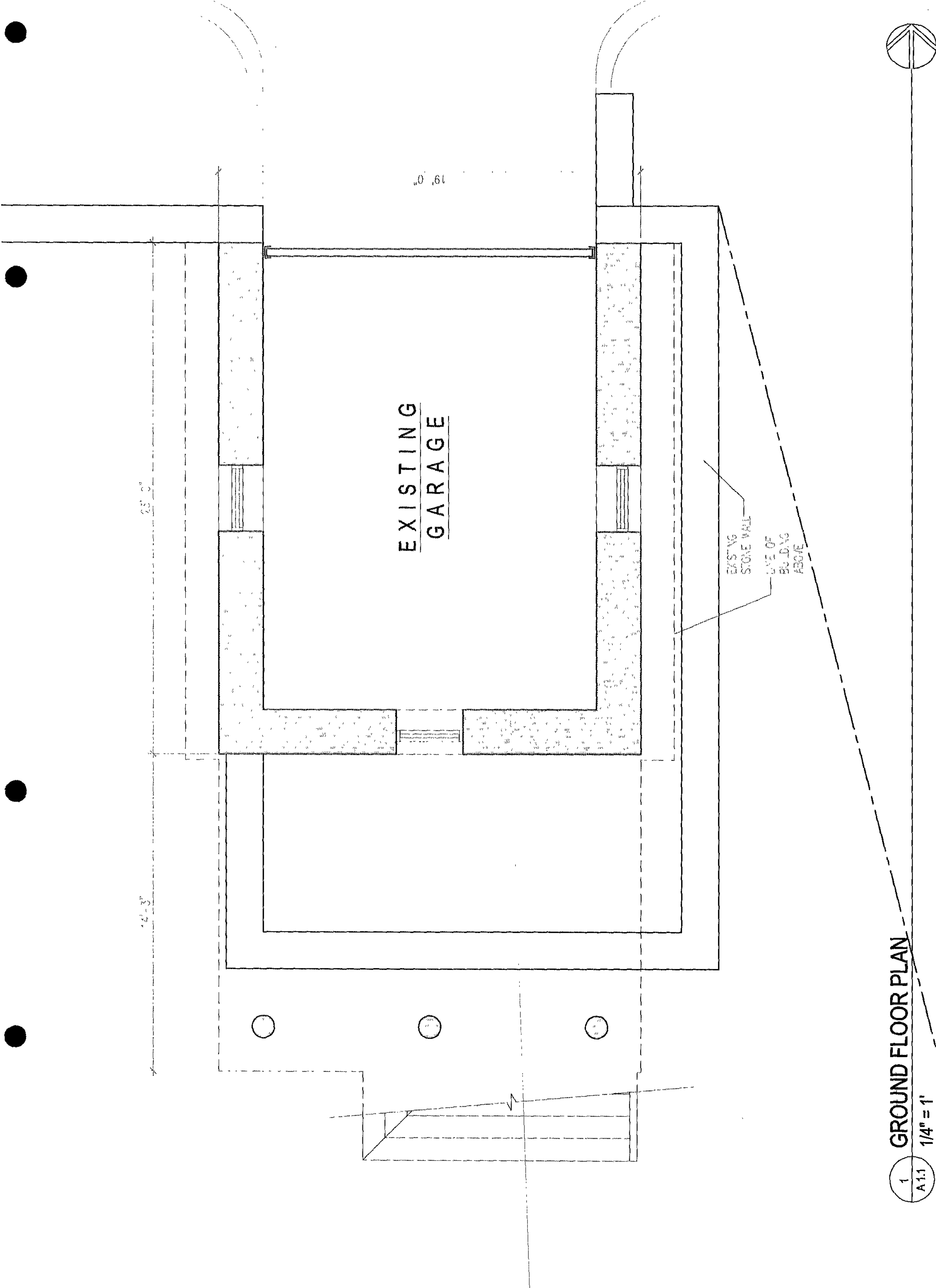
LUCAS
RESIDENCE

Ruxton, Maryland

GROUND LEVEL
PLAN

20 July 2005

A 1.1

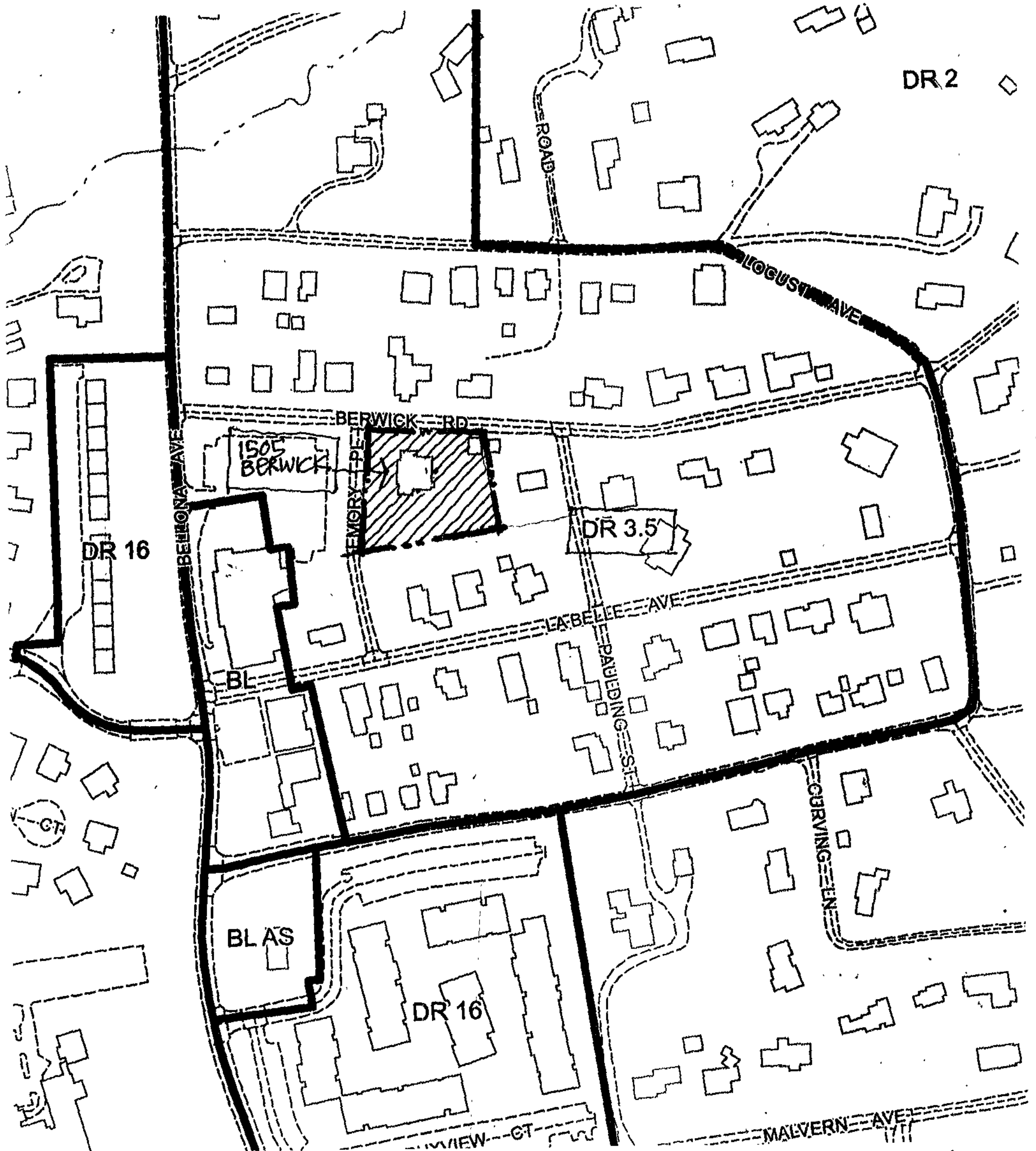


Official Zoning Map

1505 Berwick Road

069B2

1" = 200'



Photographs

1505 Berwick Road
Accessory Building

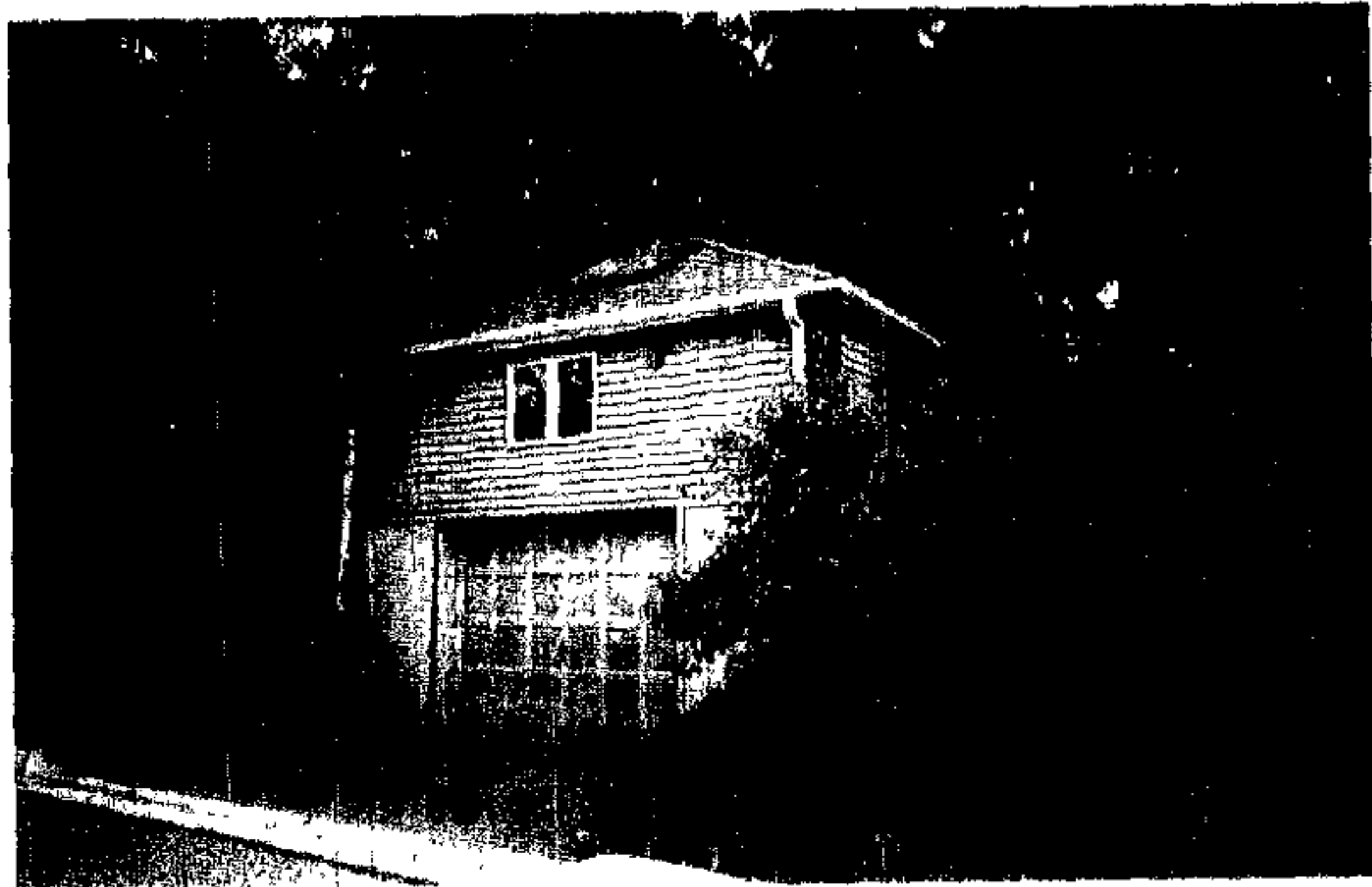


1505 Berwick Garage



View of Adjacent Garage





Neighborhood Precedent



Neighborhood Precedent



Neighborhood Precedent



Neighborhood Precedent



Neighborhood Precedent