

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE          |
| SW/Corner Dulaney Valley Road and   |   |                     |
| Valley Court Road                   | * | ZONING COMMISSIONER |
| (1216 Dulaney Valley Road)          |   |                     |
| 9 <sup>th</sup> Election District   | * | OF BALTIMORE COUNTY |
| 3 <sup>rd</sup> Council District    |   |                     |
|                                     | * | Case No. 06-455-A   |
| Thomas J. Lemon, et ux              |   |                     |
| Petitioners                         | * |                     |

\* \* \* \* \*

### 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 owners of the subject property, Thomas J. Lemon, and his wife, Laura E. Lemon. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 25 feet in lieu of the required 40 feet each for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence 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, 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 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.

COPIES RECEIVED FOR FILING  
 Date 4-21-06  
 By [Signature]

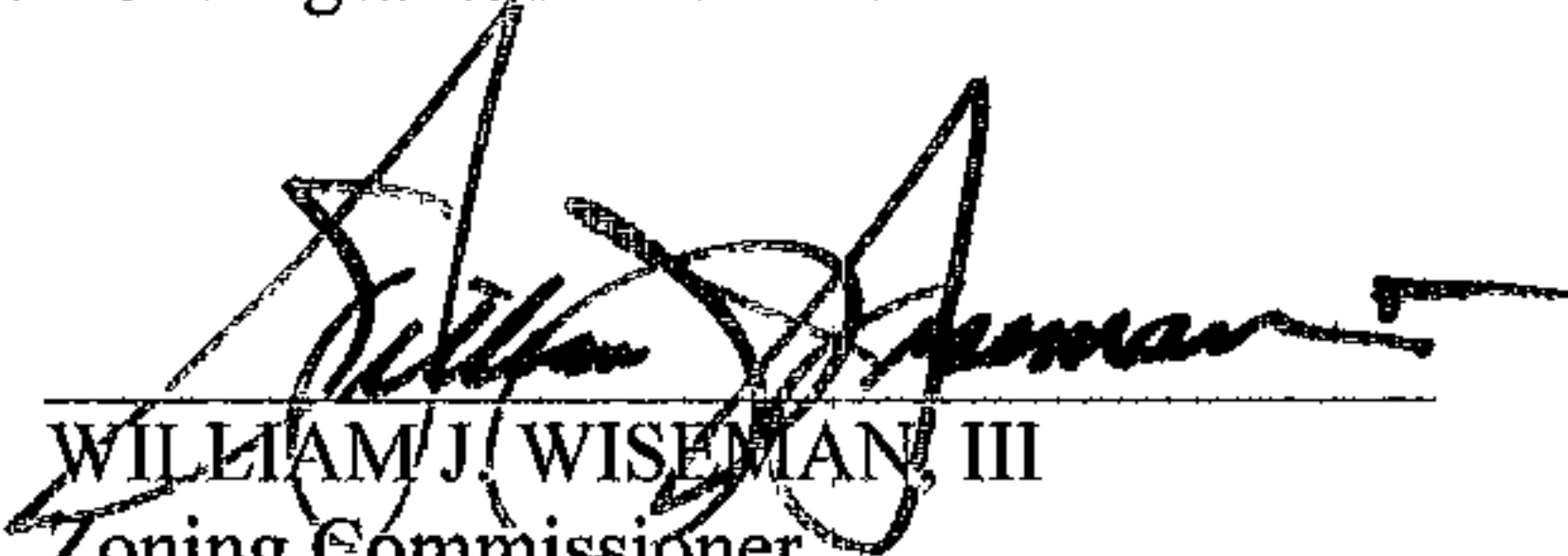


Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioners propose to construct a 27' x 14' one-story addition on the south side of the existing dwelling. Due to the location of the existing house and its orientation on this corner lot, a portion of the proposed addition will be located 25 feet from the rear property line. Thus, the requested variance is necessary. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. 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.

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 21<sup>st</sup> day of April 2006 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 rear yard setback of 25 feet in lieu of the required 40 feet each for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

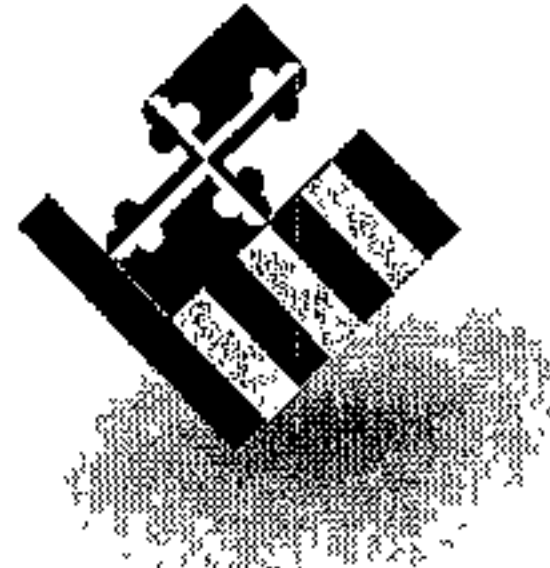
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this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

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR PLUMBING  
Date 4-21-06  
By [Signature]





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

April 24, 2006

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

Mr. & Mrs. Thomas J. Lemon  
1216 Dulaney Valley Road  
Towson, Maryland 21286

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**  
SW/Corner Dulaney Valley Road and Valley Court Road  
**(1216 Dulaney Valley Road)**  
9<sup>th</sup> Election District – 3<sup>rd</sup> Council District  
Thomas J. Lemon, et ux - Petitioners  
Case No. 06-455-A

Dear Mr. & Mrs. Lemon:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw

cc: People's Counsel; Case File



ZONING DESCRIPTION FOR 1216 Dulaney Valley Road, Towson, MD 21286  
beginning at a point on the west side of Dulaney Valley Road which is 90 feet  
right-of-way width at the distance of 25 feet south of the centerline of the nearest  
improved intersecting street Valley Court Road which is 50 feet right-of-way width  
wide. Being Lot #9, Block B, Section # in the subdivision of Dulaney Manor  
as recorded in Baltimore County Plat Book # GLB22, Folio # 85, containing  
20,088 square feet. Also known as 1216 Dulaney Valley Road and located in the  
9<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District.

06-455-A



**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET & FINANCE**  
**MISCELLANEOUS RECEIPT**

No. 1930

DATE 10/27/08 ACCOUNT 91000000

AMOUNT \$ 15.00

RECEIVED FROM: W. H. H. H. H.

FOR: TELEPHONE - 01-455-1

1210 DUNBAR STREET MD

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

CASHIER'S VALIDATION

ALL DEBTS  
PAID BY THE  
BALTIMORE COUNTY  
OFFICE OF BUDGET &  
FINANCE  
DATE 10/27/08  
AMOUNT \$15.00  
FOR TELEPHONE  
1210 DUNBAR STREET  
BALTIMORE, MARYLAND



# 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.**

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#### For Newspaper Advertising:

Item Number or Case Number: 06-455-A

Petitioner: LEMON

Address or Location: 1216 DULANEY VALLEY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. THOMAS J. LEMON

Address: 1216 DULANEY VALLEY RD.

TOWSON, MD 21286

Telephone Number: 443-250-9751



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 06- 455 -A Address 1216 DULANEY VALLEY RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 3/17/06 Posting Date: 3/26/06 Closing Date: 4/10/06

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- 455 -A Address 1216 DULANEY VALLEY RD.

Petitioner's Name LEMON Telephone 443-250-9751

Posting Date: 3/26/06 Closing Date: 4/10/06  
(25)

Wording for Sign: TO PERMIT AN ADDITION WITH A 25-FOOT REAR SETBACK IN  
LIEU OF THE REQUIRED 40-FEET.





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1216 Dulaney Valley Road, Towson, MD 21286  
which is presently zoned DR2

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) 1802.3B. (BCZR)

TO PERMIT AN ADDITION WITH A 25-FOOT REAR SETBACK  
IN LIEU OF THE REQUIRED 40-FEET.

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:

N/A  
Name - Type or Print  
Signature  
Address Telephone No.  
City State Zip Code

## Attorney For Petitioner:

N/A  
Name - Type or Print  
Signature  
Company  
Address Telephone No.  
City State Zip Code

## Legal Owner(s):

Thomas J. Lemon 443-250-9751  
Name - Type or Print  
Signature  
Laura E. Lemon 410-790-0238  
Name - Type or Print  
Signature

1216 Dulaney Valley Road (410) 825-0588  
Address Telephone No.  
Towson, MD 21286  
City State Zip Code

## Representative to be Contacted:

N/A  
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. 06-455-A

Reviewed By D.T. Date 2/17/06

REV 10/25/01

Estimated Posting Date 3/26/06

which received for filing  
Date 4-21-06  
By [Signature]



# 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 1216 Dulaney Valley Road  
Address  
Towson MD 21286  
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):

A variance is requested due to the fact that our family has outgrown our home space and we need more room. The layout of the home and affordability of improvements are casue for the variance requested.

The house is set on a corner lot and we will maintain 15 feet to the side setack. With the house set on an angle the rear setback actually will encroach upon the property line on the side yard.

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.

Thomas J. Lemon  
Signature

Thomas J. Lemon  
Name - Type or Print

Laura E. Lemon  
Signature

Laura E. Lemon  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17<sup>th</sup> day of March, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Tracy L. Crawford  
Notary Public

My Commission Expires 12/01/06



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** April 3, 2006

**FROM:** Dennis A. Kennedy, <sup>DM</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 3, 2006  
Item Nos. 442, 443, 444, 445, 447, 448,  
449, 450, 452, 453, 454, 455, and 456

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-04032006.doc



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** March 29, 2006

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

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 6-455- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



jm  
4/19

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** April 7, 2006

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

**SUBJECT:** 5414 Bangert Street

**INFORMATION:**

**Item Number:** 6-442

**Petitioner:** Richard Diotte

**Zoning:** DR 2

**Requested Action:** Administrative Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Proposed addition should be constructed of materials complimentary to the existing single-family dwelling.
2. Detailed architectural elevation drawings, showing all facades of the proposed addition, shall be submitted to and approved by the Office of Planning prior to the issuance of any building permits.
3. Existing vegetative screening along the left side of the property line shall be preserved to provide visual buffering between the subject property and those residing at 5412 Bangert Street.

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

**Prepared by:**

*Carol's Murray*

**Division Chief:**  
AFK/LL: CM

*Kevin Gambrill*



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



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

Maryland Department of Transportation

Date: 3.24.01

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

RE: Baltimore County  
Item No. 455 DF

Dear Ms. Matthews:

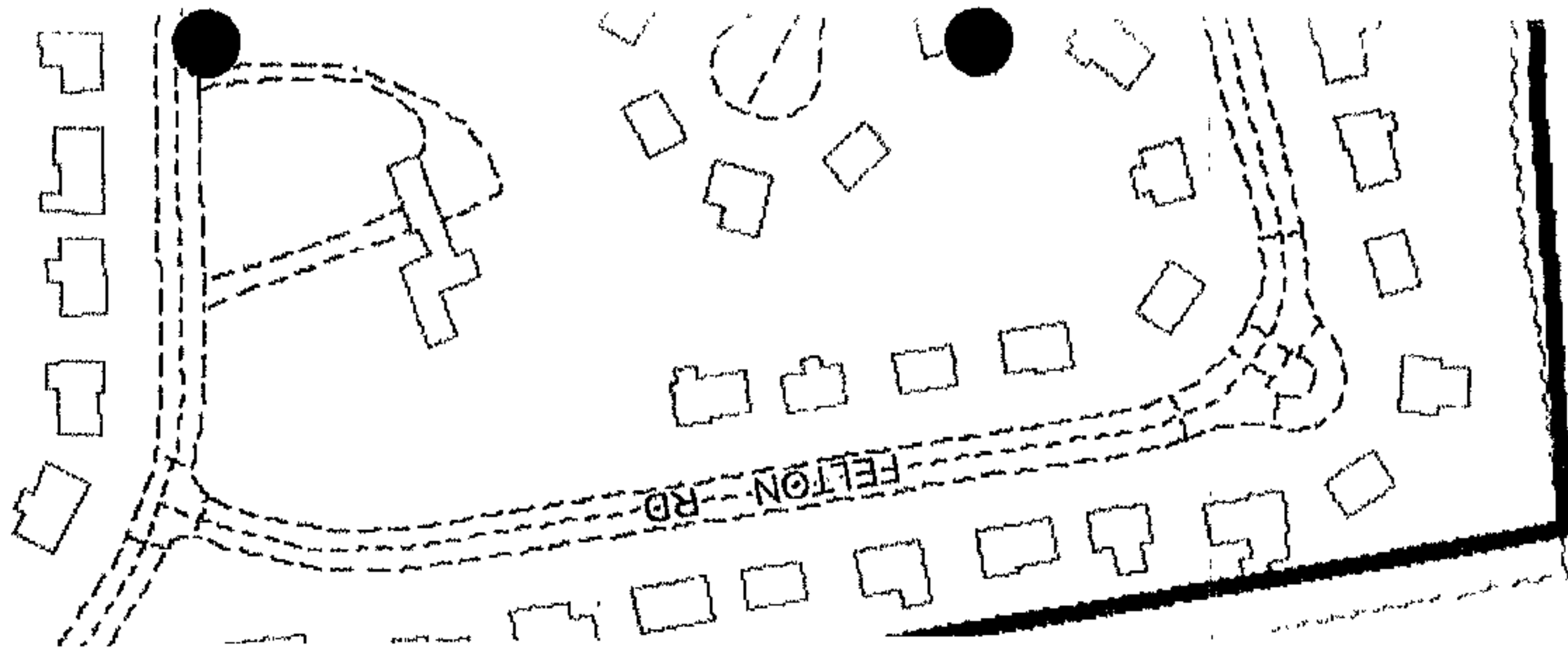
We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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





Zoning Map

## ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-455 A

Date Completed/Initials

3/21/06

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

PROPERTY ADDRESS 1216 DULANEY VALLEY RD

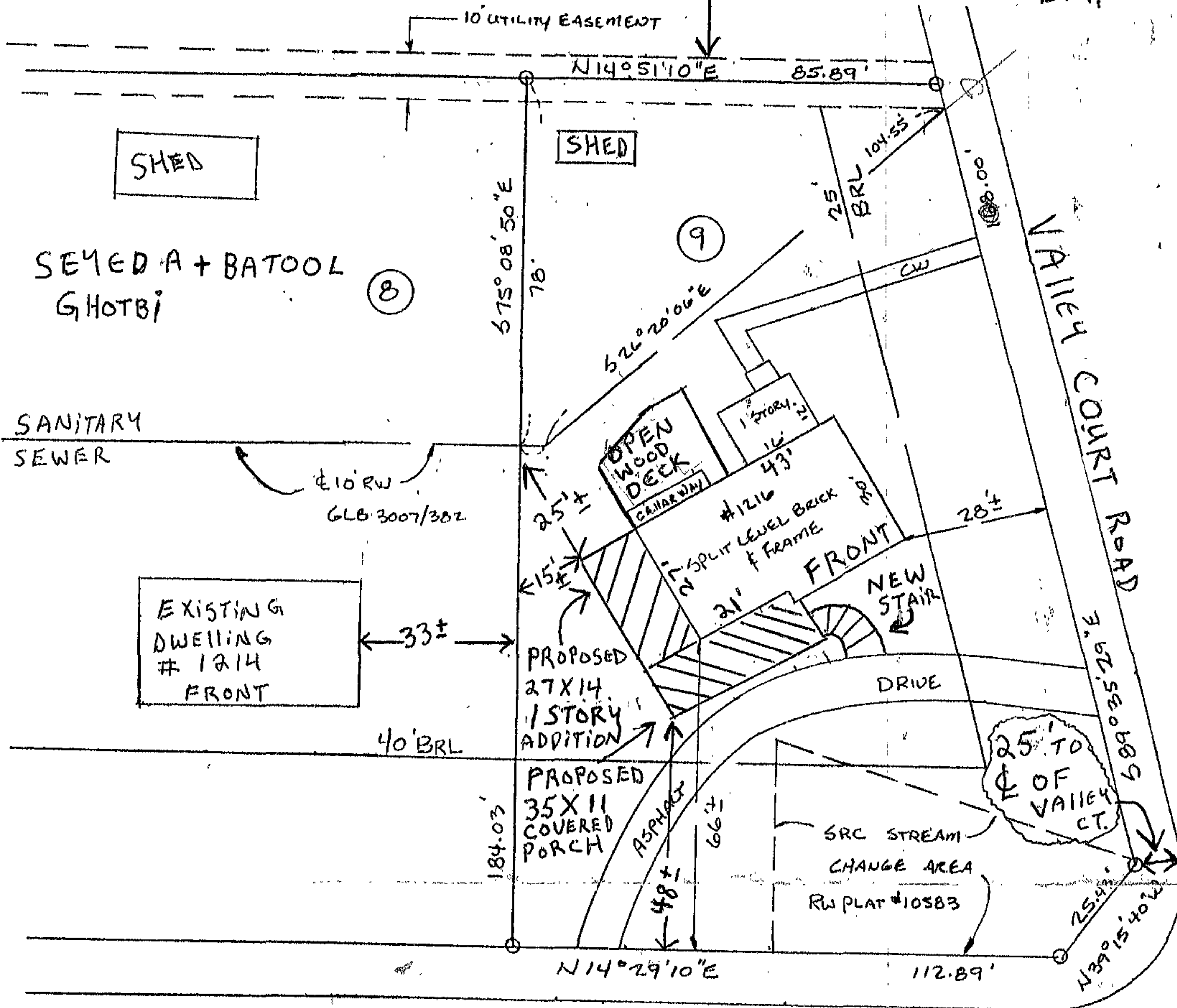
☐ SPECIAL HEARING

SUBDIVISION NAME DULANEY MANOR

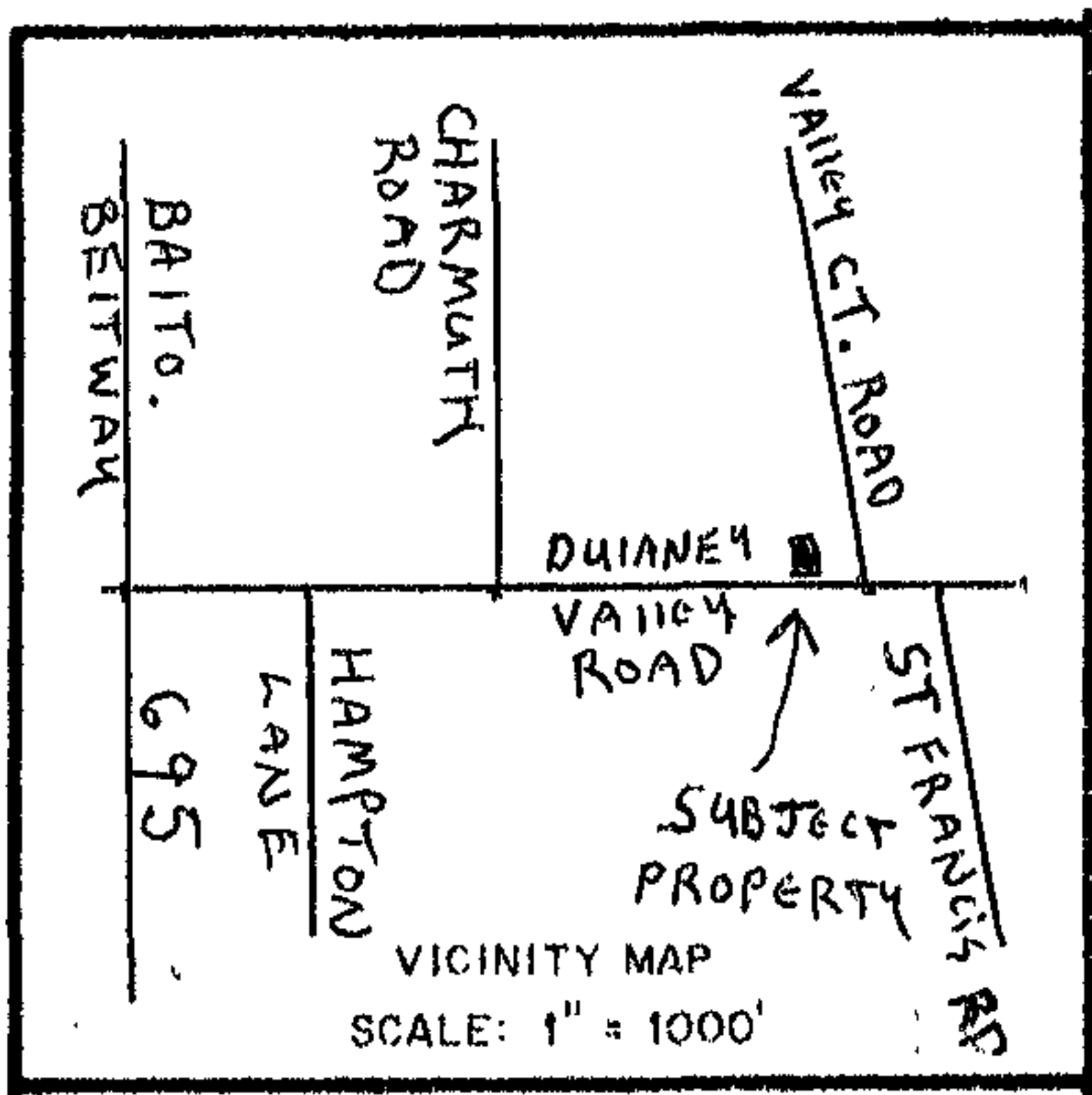
PLAT BOOK # GLB 22 FOLIO # 85 LOT # 9 SECTION # 3 BLOCK

OWNER TOM + LAURA LEMON

85'± TO REAR CORNER OF DWELLING  
AT 1221 OAKCROFT RD.  
OWNER JAMES ANDREW +  
JOANNA BELL



DULANEY VALLEY ROAD (98' R/W, 70' PAVING)



NORTH

PREPARED BY TOM LEMON

SCALE OF DRAWING: 1" = 30'

## LOCATION INFORMATION

ELECTION DISTRICT 9  
COUNCILMANIC DISTRICT 3  
1"=200' SCALE MAP # 061 A-3  
ZONING DR 2  
LOT SIZE .46 20,088  
ACREAGE SQUARE FEET  
SEWER ☒ PUBLIC ☐ PRIVATE  
WATER ☒ ☐  
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO  
100 YEAR FLOOD PLAIN ☐ ☒  
HISTORIC PROPERTY/BUILDING ☐ ☒  
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY  
REVIEWED BY D.T. ITEM # 455 CASE # 06-455-A



# Baltimore County - My Neighborhood







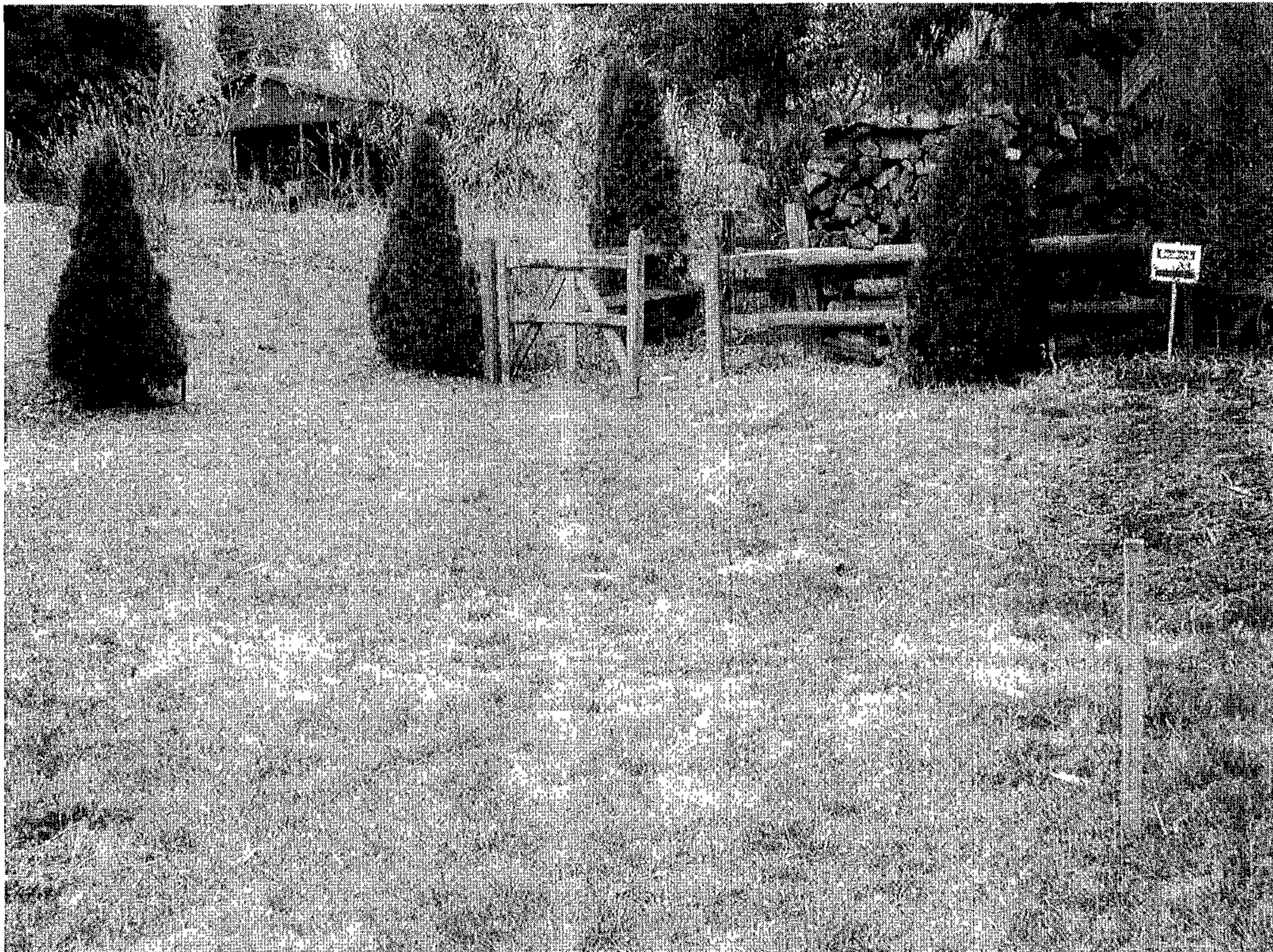
06-455-A





06-455-A





06-455-A