

IN RE: PETITION FOR VARIANCE
W/S of Lodge Farm Road, 732.8 feet N
Of c/l of Blevins Avenue
15th Election District
7th Councilmanic District
(2408 Lodge Farm Road)

Carol Young
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-645-A

*

* * * * *

IN RE: PETITION FOR VARIANCE
W/S of Lodge Farm Road, 732.8 feet N
Of c/l of Blevins Avenue
15th Election District
7th Councilmanic District
(2410 Lodge Farm Road)

Carol Young
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. ~~06-646-A~~

*

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by Vincent J. Moskunas, Sr., of Site Rite Surveying, Inc., representative for Stephen Thrasher and Kim Greer.

Original Case

These matters originally came before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Carol Young. The Petitioner requested variances relief for properties located at 2408 and 2410 Lodge Farm Road as follows:

Case No. 06-645-A: This property is located at 2408 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations

(B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Case No. 06-646-A: This property is located at 2410 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

The request was denied in an Order issued August 21, 2006 on the basis that the two lots had merged, that the property must go through a resubdivision process, and that "Z" lots were not permitted in DR 2, DR 3.5 and DR 5.5 zones.

Motion for Reconsideration

On September 5, 2006, Vincent J. Moskunas, Sr., of Site Rite Surveying, Inc., filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated August 21, 2006. Mr. Moskunas is seeking reconsideration of that portion of the decision regarding "Z" lots. He met with representatives from the Planning and Zoning Departments. In a letter dated August 31, 2006 to Mr. Moskunas, that Planning Office stated that it does not oppose the zig-zag configuration. He proffers the Zoning Office does not oppose "Z" lots in this situation.

Findings of Fact and Conclusions of Law

I am aware that the Planning Office at times does not oppose "Z" lots considering the alternatives such as panhandle lots as sometimes proposed. I am also aware that the Zoning Office has supported "Z" lots in the past.

However it seems to me that the regulation is quite clear in this regard. Section 303.1 of the BCZR states that

"In D.R.2, D.R.3.5 and D.R.5.5 Zones, ^{EN} the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line,

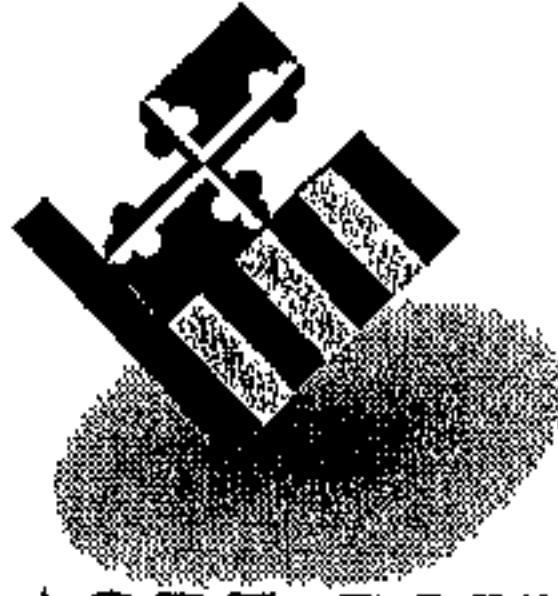
but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones.

In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. [Resolution, November 21, 1956]"

I added the spaces in the above regulation to aid in interpreting the Section. In the first part of Section 303.1, the regulations require averaging setbacks under certain conditions. The word "shall" means what it says and with all respect to the Zoning Office and Planning Office, we must follow the law. The front yard depths must be averaged in these three zones where buildings on adjacent lots are within 200 feet of the joint side property line.

The second section allows a new building to be placed on the lot a minimum of the average of the front yard depths of adjoining properties where there is no building on one side. This is the portion of the regulation which is most often cited by the Planning Office and Zoning Office and frankly most often applies because there are many more zones than the three DR zones listed and/or there are no homes on adjacent properties. This portion allows "Z" lots.

However in the somewhat rare case where the property lies in the three DR zones and there are homes on either side, the front depth setback shall be the average setback as clearly



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 3, 2006

CAROL YOUNG
7708 SEEKFORD ROAD
BALTIMORE MD 21219

Re: Petition for Variance
Order on Motion for Reconsideration
Case No. 06-645-A and 06-646-A
Property: 2408 Lodge Farm Road & 2410 Lodge Farm Road

Dear Ms. Young:

Enclosed please find the decision rendered in the above-captioned case. The petition for variances has been denied 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:pz

Enclosure

c: Stephen Thrash and Kim Greer, 1034 Nabbs Creek Road, Glen Burnie MD 21060
Vincent Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Towson MD 21286
Lynn Lanham, Section Chief, Office of Planning
W. Carl Richards, Jr., Supervisor, Zoning Review

IN RE: PETITION FOR VARIANCE
W/S of Lodge Farm Road, 732.8 feet N
Of c/l of Blevins Avenue
15th Election District
7th Councilmanic District
(2408 Lodge Farm Road)

Carol Young
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-645-A

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IN RE: PETITION FOR VARIANCE
W/S of Lodge Farm Road, 732.8 feet N
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15th Election District
7th Councilmanic District
(2410 Lodge Farm Road)

Carol Young
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-646-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Carol Young. The Petitioner is requesting variance relief for properties located at 2408 and 2410 Lodge Farm Road.

Case No. 06-645-A: This property is located at 2408 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Case No. 06-646-A: This property is located at 2410 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations

90-10-06
8-21-06
PZ

(B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

The properties were posted with Notice of Hearing on July 26, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 27, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Bureau of Development Plans Review dated June 28, 2006, which contains restrictions. A ZAC comment letter was received from the Department of Environmental Protection and

8-21-06
PB

Resource Management dated July 21, 2006 which contains restrictions. A ZAC comment letter was received from the Office of Planning dated July 26, 2006 which contains restrictions. Copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Carol Young, Petitioner, Stephen Thrasher, contract purchaser. Vincent Moskunas with Site Rite Surveying, Inc., prepared the site plan. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the subject properties are adjacent lots each containing approximately 10,000 square feet zoned DR 5.5 and improved by a single family home built across the common boundary line between the lots. Mr. Moskunas indicated that the redline changes to Petitioner's exhibit 1, the Plat to Accompany, were made to reflect the ZAC comments from DPDMM regarding the right of way for Lodge Farm Road. The wider right of way moves the proposed homes away from the road 5 feet. Mr. Moskunas indicated that the relocated homes would still meet all DR 5.5 setback regulations.

He presented SDAT tax map showing two separate parcels, SDAT data sheets regarding the tax assessment status of the properties, and recent deeds describing title to the properties and letters of support from neighbors who have no objection to the Petitioner razing the existing home and building two new homes on the two lots. See exhibits 2, 3, 4, 5 and 6. He presented extensive photographs of the subject properties and surrounding area with a photograph of the style of the proposed homes to be built.

8-21-06
P3

He noted that the Petitioner could build two homes on the two lots by offsetting the new homes in a "z" lot configuration without variances as shown on exhibit 9 but that this arrangement is not desirable from a planning perspective since the homes would not be aligned along the street.

Finally he presented a Board of Appeals decision in Case No. 05-239-A and 05-240-A which indicates that the small lot table of 1B02.3 C 1 does not apply to these kinds of lots.

Findings of Fact and Conclusions of Law

Mr. Moskunas presented a recent decision from the Board of Appeals in Case No. 05-239-A and 05-240-A which indicates that the small lot table of 1B02.3 C 1 does not apply to these kinds of lots. I understand that this decision is on appeal to the Circuit Court and therefore is not binding on this Commission. I note that literally thousands of variance cases have been decided over many years by this Commission and the Board of Appeals in which the small lot table has been applied. I imagine that if the appellate courts agree with the Board on this matter, the issue will be revisited by legislation.

As I indicated at the hearing, the most striking and persuasive evidence of intent by a prior owner to merge adjacent, commonly owned lots is to build a house across the common property line. This is exactly what a prior owner did in this case. Standing alone building a house across common lot lines would show merger. However in this case there is additional evidence of merger such as the common treatment of both lots as one for tax assessment purposes as shown in the SDAT data sheet and conveyance of both lots in a single deed as shown by the exhibits. There is virtually no evidence the lots have ever been treated separately. I find the lots have merged as described in the case of Remes v Montgomery County 387 Md 52, 874 A 2d 470 (2005). As such according to the Remes Court, there is no

common lot line between the lots which can be varied. Said another way there is only one 100 foot wide lot from a zoning perspective.

In addition as indicated by the Remes decision razing the building bridging the two lots does not unmerge the two lots allowing variances to be granted and two new homes erected. Also see this Commission's decision in Case No. 05-547 et al for a more detailed analysis of the Remes decision and addressing the question of "can you fix it?" To my knowledge neither the Board of Appeals nor appellate courts have modified or overturned this decision.

Therefore I must deny the requested variances.

That said, the Court in the Remes case indicates that the only solution once the lots have merged is to resubdivided the merged lot. The obvious problem is that to end up with two new homes on two resubdivided lots, at least the same variances as requested herein will need to be granted. Perhaps other variances will also be needed because all new regulations apply. In fairness to the Petitioner I want to indicate my concern regarding a second request for variances in this case. It is quite clear from exhibit 7 that the pattern of development of the neighborhood is one house for two 50 foot lots. We have routinely denied variances where the effect of the variance is to change the character of the neighborhood such as building one house on one 50 foot lot while the pattern of development is one house on two 50 foot lots.

Finally exhibit 9 shows two homes can be built on the two lots if the "z" lot configuration is employed. I disagree. Section 303.1 of the BCZR requires that new homes built in DR 2, DR 3.5 and DR 5.5 zones must be built at the average of the front yard depths

of adjoining properties. This is not a minimum dimension but a requirement. "Z" lots are not allowed in these zones.

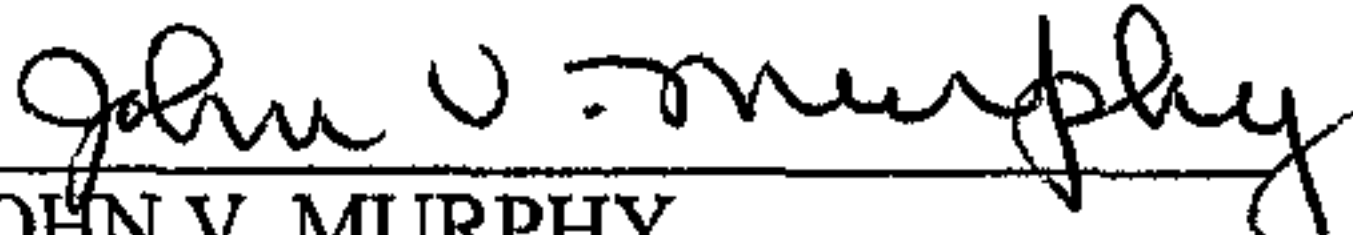
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioner's variance requests should be denied.

THEREFORE, IT IS ORDERED, this 21st day of August, 2006, by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

Case No. 06-645-A: The property is located at 2408 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling is hereby DENIED; and

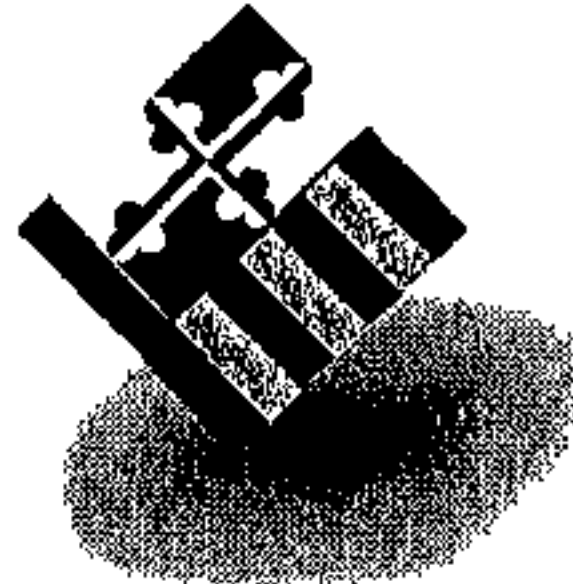
Case No. 06-646-A: The property is located at 2410 Lodge Farm Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling is hereby DENIED.

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:pz

8-21-06
JVM



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 21, 2006

CAROL YOUNG
7708 SEEKFORD ROAD
BALTIMORE MD 21219

Re: Petition for Variance
Case No. 06-645-A and 06-646-A
Property: 2408 Lodge Farm Road & 2410 Lodge Farm Road

Dear Ms. Young:

Enclosed please find the decision rendered in the above-captioned case. The petition for variances has been denied 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:pz

Enclosure

c: Stephen Thrash and Kim Greer, 1034 Nabbs Creek Road, Glen Burnie MD 21060
Vincent Moskun, Site Rite Surveying, Inc., 200 East Joppa Road, Towson MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2410 LODGE FARM RD
which is presently zoned DR-5.5

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.C.1 BC2R

To PERMIT A LOT WIDTH OF 50' IN LIEU OF THE REQUIRED 55' FOR A PROPOSED DWELLING.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

1. EXISTING HOUSE IS STRUCTURAL IN DISREPAIR AND NEEDS TO BE RAISED, WOULD BE TOO EXPENSIVE TO REPAIR.
2. OWNERSHIP OF LOT HAS BEEN THE SAME PROPERTY. AREA IS ON A RECORD PLAT, ENTITLED "WILLIAM WHITNEY" RECORDED APRIL 10, 1935 LIBER 10 FOLIO 97.
3. THE UNKNOWN SIZE LOT TABLE UNDER SECTION 504 AND 1.602.3 DOES NOT APPLY IN THIS CASE.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Stephen Thrasher Kim Greer
Name - Type or Print
[Signature] [Signature]
Signature
1034 Nabels Creek Rd 443-2503701
Address Telephone No.
Bethesda MD 21060
City State Zip Code

CAROL YOUNG
Name - Type or Print
[Signature]
Signature
7708 SEEKFORD RD 410 477 2178
Address Telephone No.
BALTO MD 21214
City State Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

SITE RITE SURVEYING, INC
Name
200 E. TOPPA RD. 410 828-9060
Address Telephone No.
TOWSON, MD. 21286
City State Zip Code

OFFICE USE ONLY

Case No. 06-446-A

ESTIMATED LENGTH OF HEARING _____

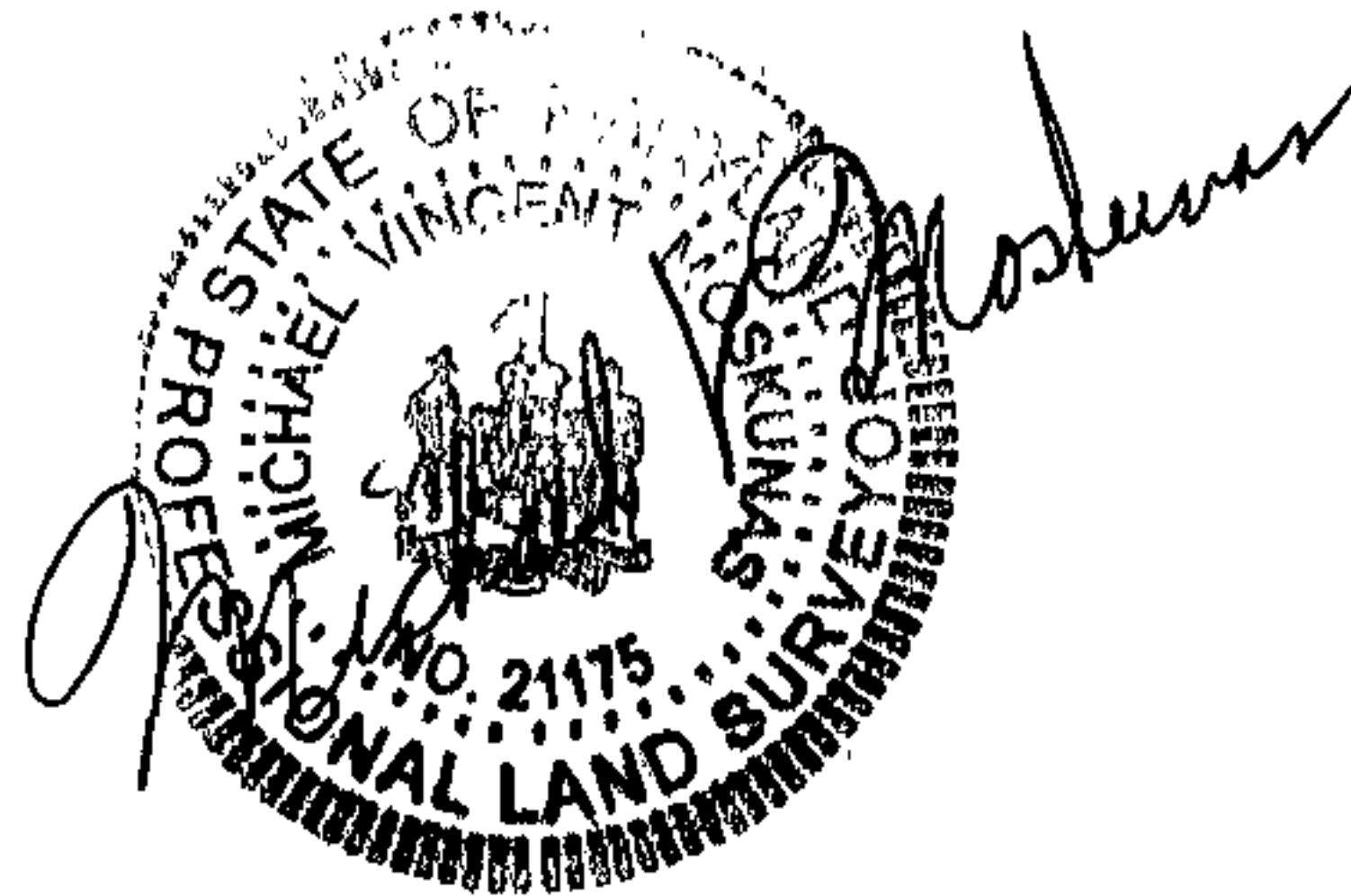
UNAVAILABLE FOR HEARING
JP Date 5/15/06

Reviewed By _____

**ZONING DESCRIPTION FOR VARIANCE
#2410 LODGE FARM ROAD**

BEGINNING at a point on the west side of Lodge Farm Road which is 30 feet wide at the distance of 782.88 feet north of the centerline of Blevins Avenue which is 30 feet wide. As recorded in deed, Liber 14811, folio 669 and running thence N82°03'W, 188.67 feet, thence N7°57'E, 50 feet; thence S82°03'E, 188.67 feet and thence S7°57'W, 50 feet to the PLACE OF BEGINNING, containing 9,433.5 S.F.

Also known as 2410 Lodge Farm Road and located in the 15th Election District, 7th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

#C416

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0181

DATE 6-15-06 ACCOUNT 001-106-6150

AMOUNT \$ 65.00

RECEIVED FROM KIM GREGG

FOR 2410 Lodge Farm Rd. Item # 646
Pvt. Res. Vehicle

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED DATE 6/15/2006 TIME 10:00 AM

BY 001-106-6150

RECEIPT # 000000 6/15/2006 10:00 AM

DEPT 5 000 000000 000000

CP NO. 000000

AMOUNT \$ 65.00

DATE 6/15/2006

RECEIVED BY 001-106-6150

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-646-A

2410 Lodge Farm Road
West side of Lodge Farm
Road at the distance of
782.88 feet north of
centerline of Blavins Ave-
nue

15th Election District

7th Councilmanic District

Legal Owner(s): Carol Young

Contract Purchaser:

Stephen Thresher & Kim Greer
Variance: to permit a lot
width of 60 feet in lieu of
the required 55 feet for a
proposed dwelling.

Hearing: Friday, August

11, 2006 at 10:00 a.m. in

Room 407, County Courts

Building, 401 Bosley

Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible;

for special accommoda-

tions. Please Contact the

Zoning Commissioner's Of-

fice at: (410) 887-3868.

(2) For information con-

cerning the File and/or

Hearing, Contact the Zon-

ing Review Office at (410)

887-3391.

7/275 Jy27 103226

CERTIFICATE OF PUBLICATION

7/27/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/27/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-646-A

Petitioner/Developer: CAROL YOUNG
STEPHEN THRASHER & KIM GREEN

Date Of Hearing/Closing: 8/11/06

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

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 2410 LODGE FARM ROAD

This sign(s) were posted on July 26, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 7/26/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

[illegible]

Watt 7/26/04

NOTE TO THE ZONING COMMISSIONER

Case 06-646-A

The applicant has been advised about the issue of the merger of these two existing lots since the existing dwelling located in the middle of these two existing lots.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

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

June 27, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-646-A

2410 Lodge Farm Road
West side of Lodge Farm Road at the distance of 782.88 feet north of centerline of Blevins Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Carol Young
Contract Purchaser: Stephen Thrasher & Kim Greer

Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Hearing: Friday, August 11, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Carol Young, 7708 Seekford Road, Baltimore 21219
Stephen Thrasher, Kim Greer, 1034 Nabbs Creek Road, Glen Burnie 21060
Site Rite Surveying, Inc., 200 E. Joppa Road, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 27, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 27, 2006 Issue - Jeffersonian

Please forward billing to:
Stephen Thrasher
1034 Nabbs Creek Road
Glen Burnie, MD 21060

443-250-3701

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-646-A

2410 Lodge Farm Road

West side of Lodge Farm Road at the distance of 782.88 feet north of centerline of Blevins Avenue

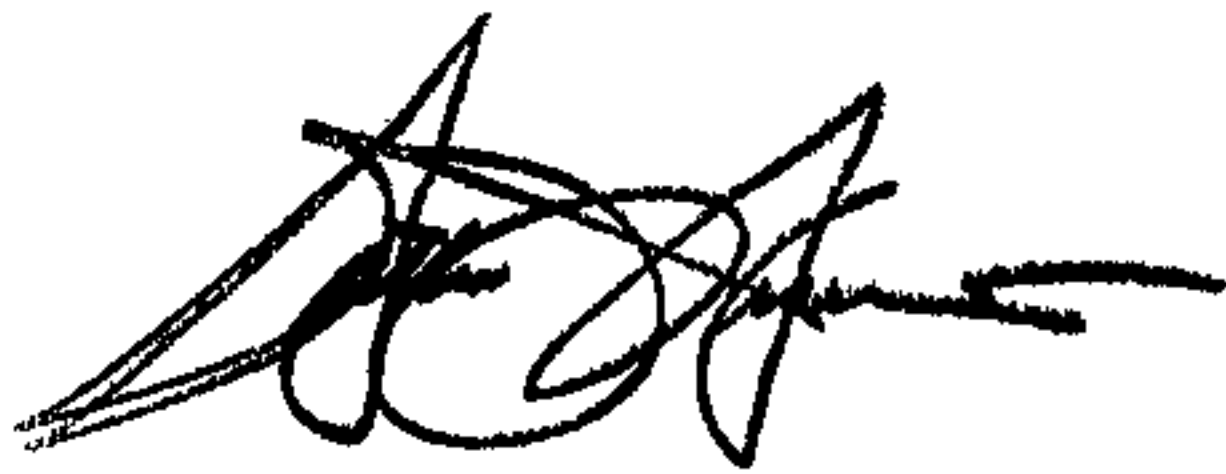
15th Election District – 7th Councilmanic District

Legal Owner: Carol Young

Contract Purchaser: Stephen Thrasher & Kim Greer

Variance to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Hearing: Friday, August 11, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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: OG-646-A

Petitioner: STEPHEN THRASHER

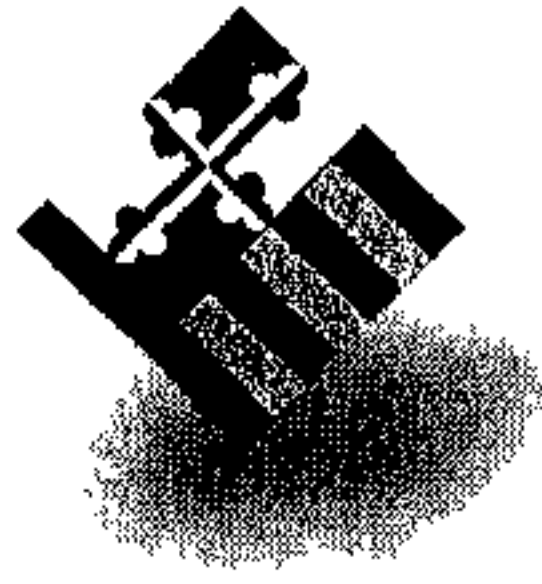
Address or Location: 2410 LODGE FARM ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEPHEN THRASHER

Address: 1034 NABBS CREEK RD.
GLEN BURNIE, MD. 21060

Telephone Number: 443-250-3701



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
August 2, 2006
*Department of Permits and
Development Management*

Carol Young
7708 Seekford Road
Baltimore, MD 21219

Dear Ms. Young:

RE: Case Number: 06-646-A, 2410 Lodge Farm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 2006.

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:amf

Enclosures

c: People's Counsel
Stephen Thrasher Kim Greer 1034 Nabbs Creek Road Glen Burnie 21060
Site Rite Surveying, Inc. 200 E. Joppa Road Towson 21286

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



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

Maryland Department of Transportation

Date: 6.27.06

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

RE: Baltimore County
Item No. 646 JRF

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



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

June 29, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

646

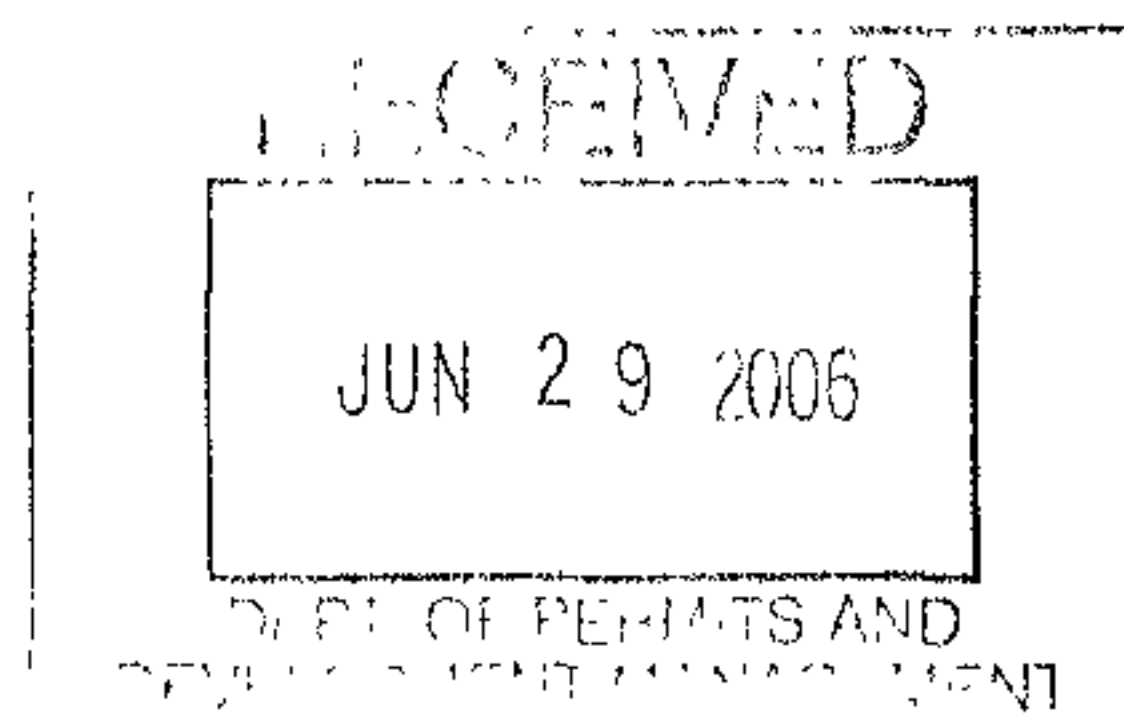
Item Number(s): 644 through 656

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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

jm 8/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-646- Variance (see case 6-645)**

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. There appears to be several existing undersized lots in the neighborhood. The Office of Planning supports the configuration as shown. The alternative of a panhandle or zigzag lot is not within the neighborhood pattern. This configuration is and should be approved subject to the following:

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Prepared By: Curtis M. Lewis

Division Chief: Lynn Barber

RECEIVED

AUG 02 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: July 21, 2006

SUBJECT: Zoning Item # 06-646-A
Address 2410 Lodge Farm Road
Baltimore, MD 21219

Zoning Advisory Committee Meeting of June 26, 2006

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Limited Development Area of the CBCA. According to the Baltimore County Code Section 33-2-603, total impervious surface area over an entire subdivision may not exceed 15%, and 15% tree cover must be maintained.

Reviewer: Kevin Brittingham

Date: July 13, 2006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 28, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 3, 2006
Item No. 646

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for public roads in Baltimore County is 40-feet. Show the right-of-way for Lodge Farm Road and Xenia Road centered on existing 30-foot right-of-way, adjust the setback respectively.

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 646-06282006.doc

RE: PETITION FOR VARIANCE * BEFORE THE
2410 Lodge Farm Road; W/S Lodge Farm Rd *
782.88' N c/line of Blevins Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Carol Young * FOR
Contract Purchasers: Stephen Trasher & Kim Greer
Petitioner(s) * BALTIMORE COUNTY
* 06-646-A

* * * * *

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 sent and all documentation filed in the case.

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 27th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

JUN 27 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

LETTER OF TRANSMITTAL

Site Rite Surveying, Inc.

DIRECT CORRESPONDENCE TO:

**Shell Building, Room 101
200 East Joppa Road
Towson, Maryland 21286
410-828-9060
Fax 410-828-9066**

TO: ZONING COMMISSIONER'S OFFICE

DATE: 9-05-06

SUBJECT: ZONING CASE NO 06-645-A & 646-A
RECONSIDERATION REQUEST

ATTENTION: MR. JOHN V. MURPHY

OUR FILE: # 937

WE ARE ☒ HEREWITH
☐ UNDER SEPERATE COVER, TRANSMITTING VIA, ☒ MESSENGER
☐ U.S. MAIL () THE FOLLOWING:

[illegible]

RECEIVED

SEP - 5 2006

~~ZONING COMMISSIONER~~

TRANSMITTED AS INDICATED BELOW:

- ☐ PER AGREEMENT
- ☐ PER YOUR REQUEST
- ☐ FOR YOUR INFORMATION
- ☐ FOR APPROVAL
- ☐ FOR COMMENT

- ☐ APPROVED - DWG(S) _____
- ☐ APPROVED AS NOTED - DWG(S) _____
- ☐ RETURNED FOR CORRECTION - DWG(S) _____
- ☐ PLEASE RESUBMIT - DWG(S) _____
- ☐ _____

____ COPY(S) OF _____ SENT TO _____

____ COPY(S) OF _____ SENT TO _____

____ COPY(S) OF _____ SENT TO _____

REMARKS:

PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL AS A RECEIPT

VERY TRULY YOURS,
Site Rite Surveying, Inc.

RECEIVED BY: _____

SENT BY: _____ **DATE:** _____

SITE RITE SURVEYING, INC.

*200 East Joppa Road, Suite 101
Towson Maryland 21286
(410) 828-9060*

September 5, 2006

Mr. John V. Murphy
Deputy Zoning Commissioner
County Courts Building
402 Bosley Avenue
Suite 405
Towson MD 21204

Re: Reconsideration for Petition Variance
Case No. 06-645-A & 06-646-A
Property: #2408 & #2410 Lodge Farm Rd

Dear Mr. Murphy:

This firm is acting on behalf of our clients, Stephen Thrasher and Kim Greer re the above project. We have had meetings with the Planning and Zoning Departments for the reference projects.

Enclosed you will find a copy of the results of the Planning Department. The findings simply put resulted in the support of the "Z" lot configuration. The Planning Dept. was hoping for approval of the 50 foot lots. As this is not the case, they will support the new configuration.

My meeting with Mr. Richards of the Zoning Department resulted in a decision that if the property meets the Zoning Regulations as to area, width and no variances to side yard, front yard and rear yard that the reconfigured lots could be approved as "Z" lots.

Both the Planning Department and the Zoning Department agreed that the project would have to go before the Development Review Committee for the direction needed to process the project through the County whether by the minor subdivision process or by revising the deeds to reflect the new lot line configuration.

There is no doubt that the lots were merged but the development rights of the lot owner should not be taken away from them. The process, as indicated above for the development of property, is not directed by the status of the improvements on the property but whether or not the area of the deed description of the ownership has the ability to support two (2) lots and it does meet the regulations of the B.C.Z.R.

Mr. John V. Murphy
September 5, 2006
Page 2

As to the Remes' decision. We have no variances to deal with since we are allowed by the Zoning Regulations to have two (2) lots. We are not asking to unmerge the lots as they had previously existed but to record new lots which are allowed under the Development Regulation and to process this property as allowed under the law.

The average front setback in the case has been addressed and in no Section of the B.C.Z.R. does it deny "Z" lots. As indicated in Planning's Revised Comments that this configuration is within the keeping of the neighborhood because of the various setbacks that exist. The regulation simply states to meet the average setback in DR5.5, the maximum is 40 foot (*see enclosed Exhibit "A"*). It does not regulate the location of the second, third or fourth house as long as each meets the requirement of the average setback. This is what counts not that one setback is farther back than the other.

We are not suggesting reconsideration of the 50 foot wide lots sided-by-sided but the reconsideration of the "Z" lot. All the enclosed evidence supports the purchaser's request to further subdivide the ownership into two (2) lots. He will follow the recommendation from the DRC Meeting on how to process the reconfigured lots.

Sincerely,

Vincent J. Moskunas, Sr.

Vincent J. Moskunas, Sr.
President

VJM/atm
Enclosures

Office of Planning

401 Bosley Avenue, Suite 406
Towson, Maryland 21204
Tel: 410-887-3211 • Fax: 410-887-5862
E-mail: planning@co.ba.md.us



Baltimore County

Arnold F. Pat Keller, III, Director

August 31, 2006

Mr. Vincent Moskunas
Site Rite Surveying, Inc.
200 East Joppa Road
Towson, MD 21286

Re: Case No. 06-645 A and 06-646 A
2408 and 2410 Lodge Farm Road

Dear Mr. Moskunas:

Upon further consideration of your request, while the zig-zag lot line is not a pattern of the neighborhood there is evidence of house variation in setback. The other alternative of a panhandle subdivision as proposed by your office is less desirable, therefore the Office of Planning does not oppose the zig-zag configuration.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Lanham".

Lynn Lanham

LL

EXHIBIT "A"

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 --In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved on principal buildings situated within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A	_____	ft.
B	_____	ft.
C	_____	ft.
D	_____	ft.
E	_____	ft.
F	_____	ft.

total () ÷ () =

of dwellings

REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.

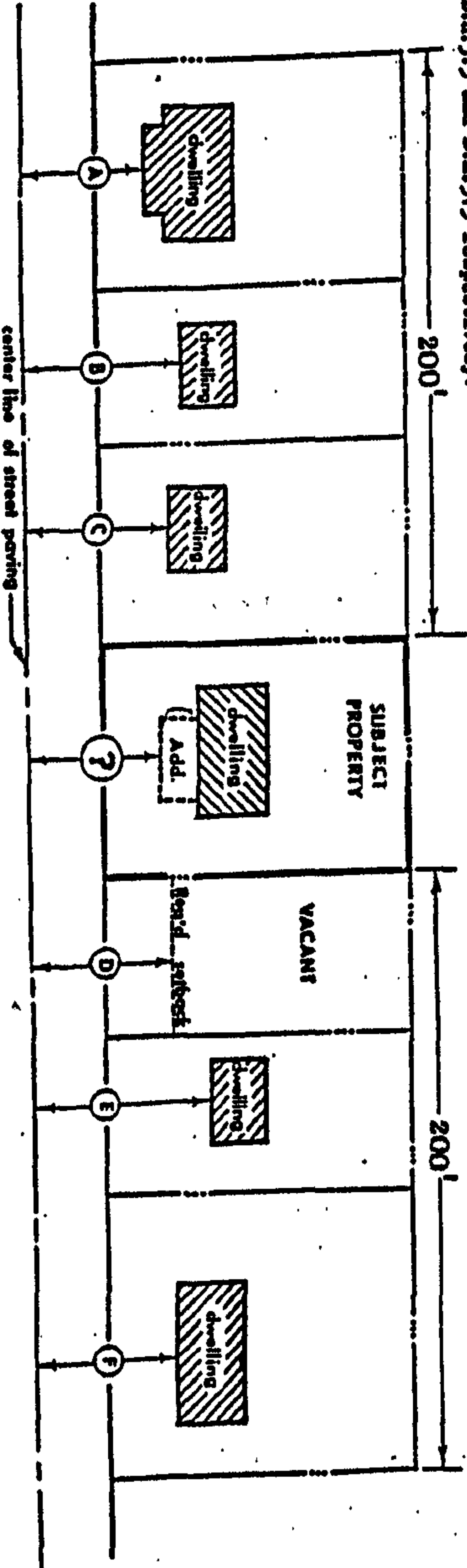
D.R.3.5- 55 ft.

D.R.5.5- 50 ft.

applicant's name _____

building address _____

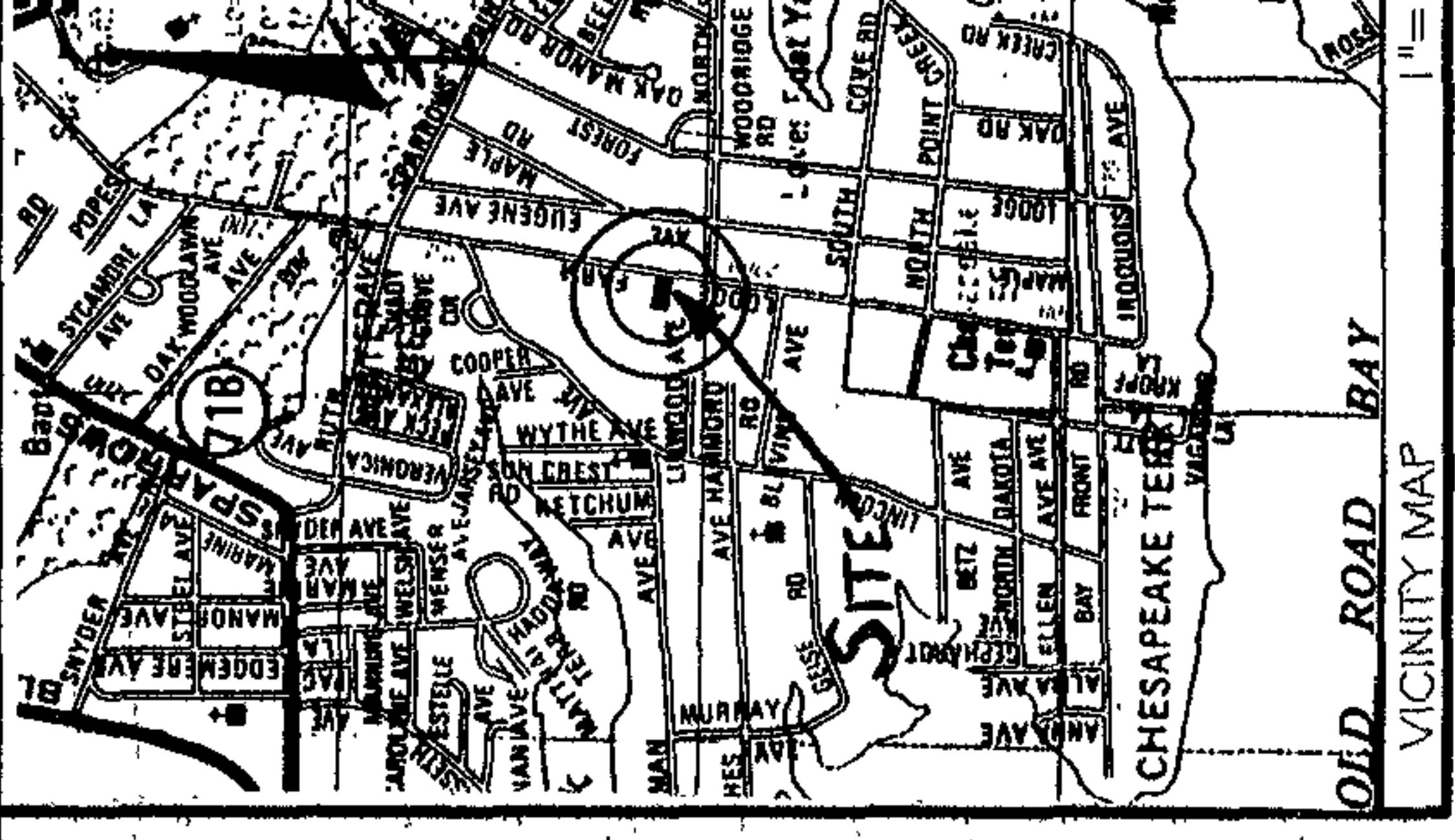
date _____





SITE
2410 LODGE FARM RD.
ZONING MAP

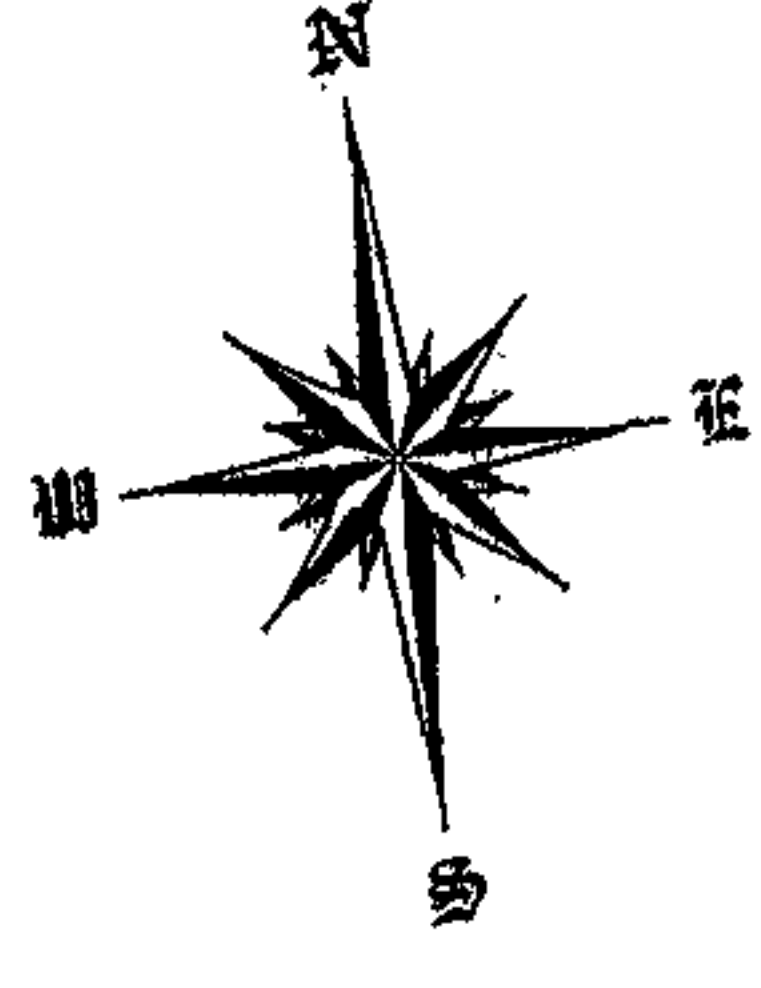
#646



JAMES & PHYLLIS
DUMBROWSKY
1503670600
5/81/9/586

XENIA ROAD
(UNIMPROVED)
30' R/W

N 7°57' E 50'



93'±

EXISTING CONCRETE
TO BE RAZED

#2404
EXISTING
DWELLING

HARRY SMITH
1505430580
15663/565

EXISTING MACADAM DRIVEWAY

RONALD &
TERESA MULLIGAN
15043351310
21378/552

#2406
EXISTING
DWELLING

EXISTING 1 STORY
FRAME
DWELLING
TO BE RAZED

PROPOSED
2 STORY
DWELLING W/
GARAGE

#2410

47.5'± AVERAGE SETBACK
PROPOSED 10' DRIVEWAY

BRIAN & SHIRLEY
SIEGERT
1519320840
14878/426

#2412
EXISTING
DWELLING

#2414
EXISTING
DWELLING

EVELYN VALENTINE
2200025989
11502/666

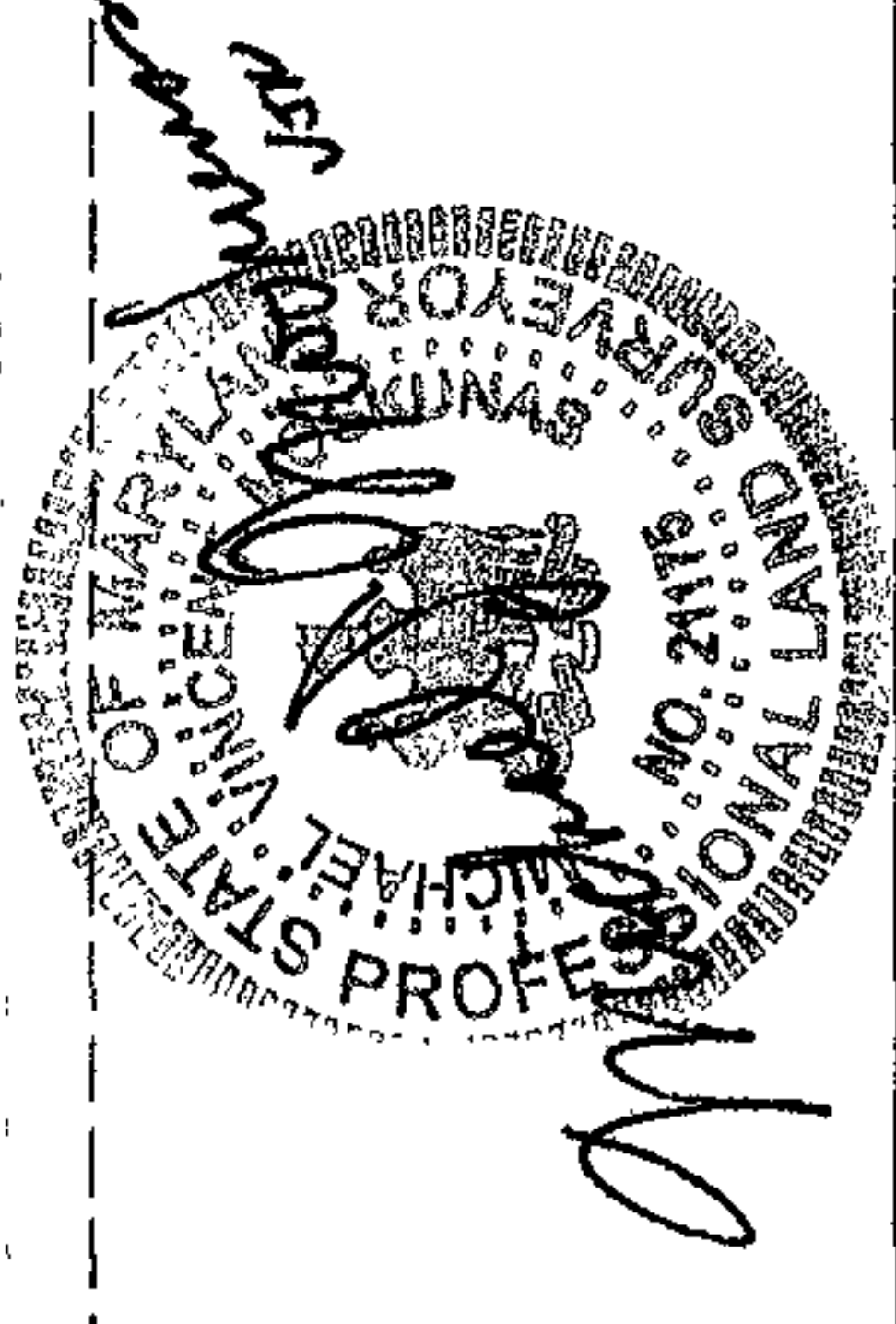
GENERAL NOTES

1. EXISTING ZONING: DR 5.5 (MICA)
2. EXISTING USE: SINGLE FAMILY DWELLING
3. PROPOSED USE: SINGLE FAMILY DWELLINGS
4. PRIOR ZONING HEARINGS: NONE
5. LOT AREA: 9433.500 S.F. ± / 0.217 AC ±
6. TAX MAP: 111
- GRID: N/A
- PARCEL: 148
7. TAX ACCT. #: 1800002938
8. DEED REF: 14811/662 & 669
9. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
10. NOT LOCATED IN A HISTORIC AREA
11. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
- COMMUNITY PANEL NO: 240010-0555B ZONE: C

782.88' TO
BLEVING AVENUE

EXISTING PAVING

LODGE FARM ROAD
30' R/W



OWNER
CAROL YOUNG
2408 LODGE FARM ROAD
EDGEWARE, MD 21219
1800002938
14811/662 & 669

DEVELOPER
STEVE THRASHER
1034 NABBS CREEK ROAD
GLEN BURNIE, MARYLAND 21060
(443) 350-3701

PLAN TO ACCOMPANY
PETITION FOR VARIANCE

#2410 LODGE FARM ROAD
PT LOT 2J

"WILLIAM WHITNEY" 10/97
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT

DATE	REVISION

site
SURVEYING
T: (410) 228-0000
F: (410) 228-0000

required. This is exactly what we have in the subject property. This means that in this special case, there can be no panhandle lots, no "Z" lots and the like.

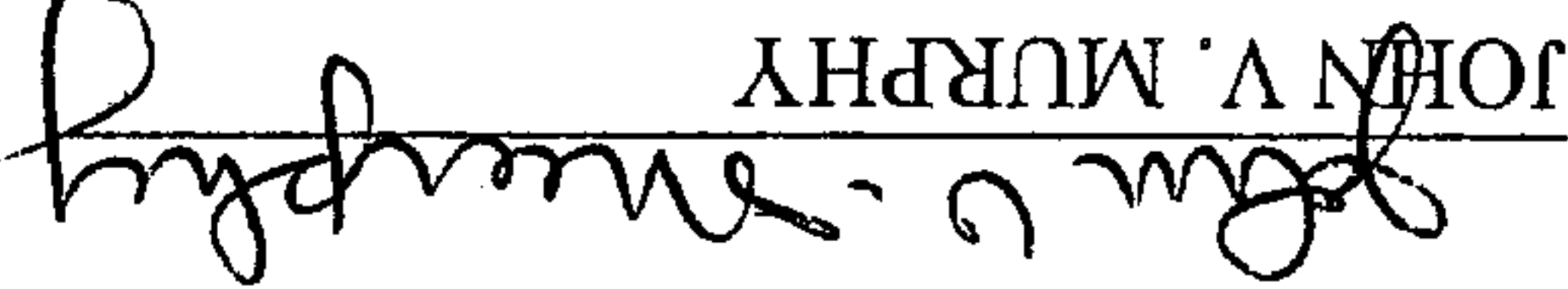
One can certainly question why the Council would carve out this special treatment for homes in these three zones. I have neither the history nor personal experience to answer such a question. However generally these three zones are the location of almost all the single family dwellings in the County. It apparently was the Council's judgment that single family homes should line up when viewed from the front street. This is consistent with the Council's requirement that accessory buildings not be in the front yard but are to be located in the rear yard. Again the Council does not want the view from the street interrupted by garages and the like in these three zones.

After reviewing the information and arguments received from Mr. Moskunas, I must deny his request and state once again that for the subject property, any new home must be setback the average of the adjacent homes. "Z" lots are not allowed. Therefore I must deny his Motion for Reconsideration.

THEREFORE, IT IS ORDERED, this 3rd day of October, 2006, by this Deputy Zoning Commissioner, that the Petitioners' Motion for Reconsideration, be and is hereby DENIED;

Order.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz
06-645-A and 06-646-A COMBINED-MOTION FOR RECONSID