IN RE: PETITION FOR VARIANCE
N side Lyons Mill Road, 825 feet E
C/l of Deer Park Road
2nd Election District
4th Councilmanic District
(9928 Lyons Mill Road)

Willie David and Maria L. McClung Petitioners **BEFORE THE**

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-190-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Willie David and Maria L. McClung. The Petitioner is requesting variance relief for property located at 9928 Lyons Mill Road. The variance request is from Section 1B01.1.B.1.e(5) to permit an existing dwelling and a proposed parking lot to be within the required RTA 50-foot buffer; to permit an existing dwelling with setbacks of 44 and 69 feet in lieu of the required RTA 75-foot setback; and to permit a proposed parking lot with setbacks of 10 and 35 feet in lieu of the required RTA 75-foot setback.

The property was posted with Notice of Hearing on December 5, 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 December 5, 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

N. F. L. C.

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: ZAC comments dated November 16, 2006 were received from the Office of Planning which requests the requests be denied on the basis that the proposed church will impede traffic on Lyons Mill Road and be inconsistent with adjoining residential uses. ZAC comments dated November 6, 2006 were received from the Bureau of Development Plans Review which requests the right of way on Lyons Mill Road be shown as 75 feet. Finally ZAC comments dated November 30, 2006 were received from the Department of Environmental Protection and Resource Management after the hearing which indicates a usage letter may be required for change of occupancy from residence to church.

Interested Persons

Appearing at the hearing on behalf of the variance request were Willie David and Maria L. McClung, Petitioners. Howard Alderman, Esquire, represented the Petitioners. Appearing in support of the Petitioner's request were residents of the surrounding community and also parishioners. These individuals are too numerous to mention and

TS-07 COR FILE

Reference is made to the sign-in sheets which are contained within the Hearing Officer's file. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 1.648 acres +/- zoned DR 1 and is improved by the Petitioner's single family dwelling and garage. Rev. McClung is the pastor of the Emmanus Mission Baptist Church and lives on the premises which is the parsonage of the Church. Mr. Alderman proffered that the existing house on the property is shown by dashed lines on the Plat to Accompany, Petitioner's exhibit 1 and was built in 1921. The Church would like to convert the parsonage to a church which Mr. Alderman points out is a use allowed by right in the DR 1 zone. To convert the building to a church, the Petitioner proposes to raze the existing dwelling and build a 45 x 61 ft. one story church as shown. In addition the Church will accommodate 126 persons and therefore needs parking as provided in a new parking lot behind the Church building.

Mr. Alderman indicated that the Church razed the dwelling and began to build the new church using a licensed contractor but was charged by the County with building without a permit on August 8, 2006. That same day the Church applied for all needed permits as shown by exhibit 2.

The request for variance arises because the Zoning Office contends that the proposed parking for the Church violates the Residential Transition Area regulations of Section 1B01.1.B.1.e.(5). Mr. Alderman disagrees. He contends that this situation falls under the exception to the RTA regulations under Section 1B01.1.B.1.g.(6). In case this

Commission does not agree with that position however he presented the case for the variance from the RTA regulations.

Mr. Alderman explained that the Plat to Accompany, exhibit 1 had been modified from the plan originally presented to the County to include some minor labeling corrections and to include the comment from the Bureau of Development Plans Review to show the right of way of Lyons Mill Road as 75 feet. He noted that parishioner's vehicles will enter the property off Lyons Mill Road and proceed to park in the rear parking lot which meets all regulations as to number of spaces, setbacks and design standards. He indicated that the lot was designed as presented to accommodate ADA requirements to give parishioners close access to the Church, and to avoid a significant slope which the property has toward the rear. He opined the area shown for the parking lot is the only flat area in the rear.

However as shown on exhibit 1, the parking lot does not meet RTA setback requirements. The property is 198 feet wide so that if the parking lot were to meet those setback requirements a long narrow (48 feet wide) parking lot would result. Forty-eight (48) feet would not allow two rows of parking spaces as the County requires 18 feet for each parking space and 22 feet for driveway aisle width. In order to have the required number of spaces the lot would then extend down the slope in the rear of the property causing problems with construction and inconvenience for the parishioners. Mr. Alderman opined that the property could not be used as a church without relief from the RTA requirements. Although the landscape plan has not yet been finalized, Mr. Alderman acknowledged that such a plan was required.

In regard to the comments from the Planning Office that the request should be denied because of overflow parking, Mr. Alderman noted the proposed number of parking

spaces exceeds County requirements. There should be no overflow parking at all. He agreed to a condition of approval that "no parking sign" be posted on Lyons Mill Road along the Church frontage. He pointed out that there are only 21 homes along this ½ mile portion of Lyons Mill Road so that Church traffic will not impede traffic flow. Finally he noted that traffic coming and going to the Church will occur off peak hours on the weekend or in the evening. However as a precaution, the Church has contracted with the landowner of the adjacent vacant lot to parking on this property in case this should ever be required.

In addition he noted that use as a church is allowed by right in this zone and by

In addition he noted that use as a church is allowed by right in this zone and by definition will not have a negative impact on adjacent residential communities. The Petitioner presented a petition in support of the request signed by 27 neighbors and parishioners many of whom were present at the hearing. See exhibit 3. Included in the petition was the signature of the neighbor most effected by the request, Ms. Sorto, who owns the property immediately to the west.

In regard to question as to whether DEPRM would allow a driveway to be installed over a septic drain field, Mr. Moskunas indicated that this is allowed.

Findings of Fact and Conclusions of Law

I agree with Mr. Alderman that this proposed use falls under the exceptions to the RTA regulations as a new church or building for religious worship under Section 1B01.1.B.1.g.(6). It is clear to me that this exception refers to new buildings for worship and not new congregations formed. That said however the regulation requires a public hearing under Section 500.1 of the BCZR and consideration of criteria. I acknowledge that there is no separate filing of a special hearing in this case but rather given the Zoning Office position on this matter, the case was filed as a request for RTA variance. I will not require

1-SO7

another case be filed and property reposted and readvertised. This would be form over function. The RTA variance case was filed, fees paid, advertising and posting completed. Instead of proceeding under Section 1B01.1.B.(c), we will be proceeding under Section 1B01.1.B.(g). I find the public had sufficient notice of the essence of the request and that the Petitioner may proceed under Section 500.1 under these circumstances.

The next issue is whether the proposed plan meets the criteria of Section 1B01.1.B.1.g.(6). This requires a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Given the slope of property in the rear and resulting long narrow configuration of a parking lot which meets the RTA setback requirements, I find that the proposed parking lot meets the RTA requirements to the extent possible. I further find that the facilities will be maintained by the Church as evidenced by their substantial investment in same.

So the real issue in the case is whether or not the plan is compatible with the character and general welfare of the surrounding residential premises. The Planning Office clearly believes this Church at this location will cause traffic congestion on Lyons Mill Road and be incompatible with the residential community. I respect the Planning Office staff opinion in this matter. The Planning staff visits the site and often reflects the concerns of the community.

However the zoning regulations specifically indicate that church uses are allowed by right in DR 1 zones. By definition those uses are compatible. I have no evidence from the Planning Office or anyone else that this Church at this location will be some detriment to the community. Apparently the neighbor most affected, Ms. Sorto has no objection to the request as evidenced by her signature on the petition in support, exhibit 3. The lot next door is vacant and may be used for overflow parking. The Petitioner has agreed to "no parking " signs along the frontage of the property. Parishioners will come and go to the Church off peak hours. I simply have no evidence that there will be a problem with traffic congestion or otherwise.

A word of caution however is in order. While the DEPRM comments had not yet reached the file by the time of the hearing, I have incorporated these comments in the Order as I believe them to be "standard" and reflect legal requirements. While they may appear innocuous, I understand that DEPRM may require new septic reserve areas be designated and used once the conversion to a church is completed. I understand that the present septic drain area was designed for a single family dwelling. Clearly the sewer usages of a church will be substantially greater. It may happen that even with additional expenditure this problem cannot be handled on this property.

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 Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this ______ day of January, 2007 by this Deputy Zoning Commissioner, that the Petitioners' RTA variance request pursuant to Section 1B01.1B 1 (c) to permit an existing dwelling and a proposed parking lot to be within the required RTA 50-foot buffer; to permit an existing dwelling with setbacks of 44 and 69 feet in lieu of the required RTA 75-foot setback; and to permit a proposed parking

TOSON SEE

(-5°07)

lot with setbacks of 10 and 35 feet in lieu of the required RTA 75-foot setback is hereby DENIED as unnecessary; and

IT IS FURTHER ORDERED that the Petitioner request for special hearing pursuant to Section 1B01.1B.1.g.(6) to confirm that the proposed improvements as shown on Petitioner's exhibit 1 are planned in such a way that compliance, to the extent possible, with RTA use requirements, that said improvements will be maintained and that the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises is hereby GRANTED subject to the following:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. "NO PARKING" signs will be posted along the Petitioner's frontage on the Petitioner's side of Lyons Mill Road.
- 3. The Petitioner shall comply with the ZAC comments of the Department of Environmental Protection and Resource Management dated November 30, 2006 and attached here to
- 4. The Petitioner shall submit a lighting and landscaping plan to the Baltimore County Landscape Architect for his review and approval which shall properly screen the proposed uses from adjoining residential properties.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONEŘ

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 5, 2007

HOWARD ALDERMAN, ESQUIRE LEVIN & GANN 502 WASHINGTON AVENUE, 8TH FLOOR TOWSON, MD 21204

Re: Petition for Variance
Case No. 07-190-A
Property: 9928 Lyons Mill Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Vincent Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Towson MD 21286 Willie David and Maria McClung, 9928 Lyons Mill Road, Owings Mills MD 21117 Maria Sorto, 10000 Lyons Mill Road, Owings Mills MD 21117



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1928 Lyons Mill Poad

which is presently zoned DRI

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)

see attached

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

Suattachiel

ALLEN TO FOR FILMS

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.

Legal Owner(s): Contract Purchaser/Lessee: the David McClung, I Name - Type or Print Name - Type or Print Signature Signature Type or Print Telephone No. Address Zip Code State City Lyons Mill Rd 410-496-6752 Attorney For Petitioner: Telephone No. Address 21117 CHINAS MILLS, MD Zip Code State City Name - Type or Print Representative to be Contacted: Signature Site Rite Surveying, Inc. Name Company (410(828-9060 200 E. Joppa Road, #101 Telephone No. Address Telephone No. Address 21286 Towson MD Zip Code Zip Code State City State City OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. UNAVAILABLE FOR HEARING Reviewed By REV 9/15/98

...a Variance from Section 1B01.1.B.1.e.(5) to permit an existing dwelling and a proposed parking lot to be within the required RTA 50-foot buffer; to permit an existing dwelling with setbacks of 44 and 69 feet in lieu of the required RTA 75-foot setback; and to permit a proposed parking lot with setbacks of 10 and 35 feet in lieu of the required RTA 75-foot setback

Ttem # 190

Reasons to Accompany Petition for Variance #9928 Lyons Mill Road

- 1. This has been an individual parcel of ground and has been held intact since at least June 19,1946. It is improved with an existing dwelling.
- 2. Two building permits were approved for the additions to the existing dwelling and constructed as such. This property has an existing private well and septic system which further restricts the ability to develop the site.
- 3. The proposed Church use is permitted within the existing zoning under Section 1B01.1.A.3 and is within the spirit and intent of the B.C.Z.R.

ZONING DESCRIPTION FOR #9928 LYONS MILL ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF LYONS MILL ROAD WHICH IS 60 FEET WIDE AT THE DISTANCE OF 825 FEET EAST OF THE CENTERLINE OF DEER PARK ROAD WHICH IS 50 FEET WIDE. AS RECORDED IN DEED LIBER 23562, FOLIO 656 AND RUNNING THENCE NORTH 03 DEGREES 36 MINUTES 48 SECONDS EAST, 410.69 FEET; THENCE SOUTH 61 DEGREES 06 MINUTES 39 SECONDS EAST, 216.55 FEET; THENCE SOUTH 03 DEGREES 01 MINUTES 21 SECONDS WEST, 297.12 FEET; THENCE SOUTH 85 DEGREES 28 MINUTES 32 SECONDS EAST, 163.98 FEET; THENCE N 89 DEGREES 18 MINUTES 12 SECONDS WEST, 363.93 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.648 ACRES, MORE OR LESS. ALSO KNOWN AS #9928 LYONS MILL ROAD AND LOCATED IN THE 2ND ELECTION DISTRICT, 4TH COUNCILMANIC DISTRICT.

MICHAEL V. MOSKUNAS REG. NO. 21175

SITE RITE SURVEYING, INC. 200 E. JOPPA ROAD SHELL BUILDING, ROOM 101 TOWSON, MD 21286 (410)828-9060

Item #190

ANEOUS RECEIPT PINK - AGENCY OF BUDGET ALTIMORE DISTRIBUTION WHITE - CASHIER IIS CELL FFICE CEIVED ... Ę

NOTICE OF ZONING MEARING

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

Case: # 07-190-A
9928 Lyons Mill Road
North Side Lyons Mill Road, 825 feet east centerline
Deer Park'Road.
2nd Election District - 4th Councilmanic District
Legal Owner(s): Willie David and Maria L. McClung
Variance: To permit an existing dwelling and a proposed
parking lot to be within the required RTA 50-foot buffer;
to permit an existing dwelling with setbacks of 44 and 69
feet in lieu of the required RTA 75-foot setback; and to
permit a proposed parking lot with setbacks of 10 and 35
feet in lieu of the required RTA 75-foot setback.
Hearing: Wednesday, December 27, 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/602 Dec. 5

E OF PUBLICATION

13/11,2006

, that the annexed advertisement was published THIS IS TO CERTIFY

in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing once in each of

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

Mulling

LEGAL ADVERTISING

CERTIFICATE OF POSTING

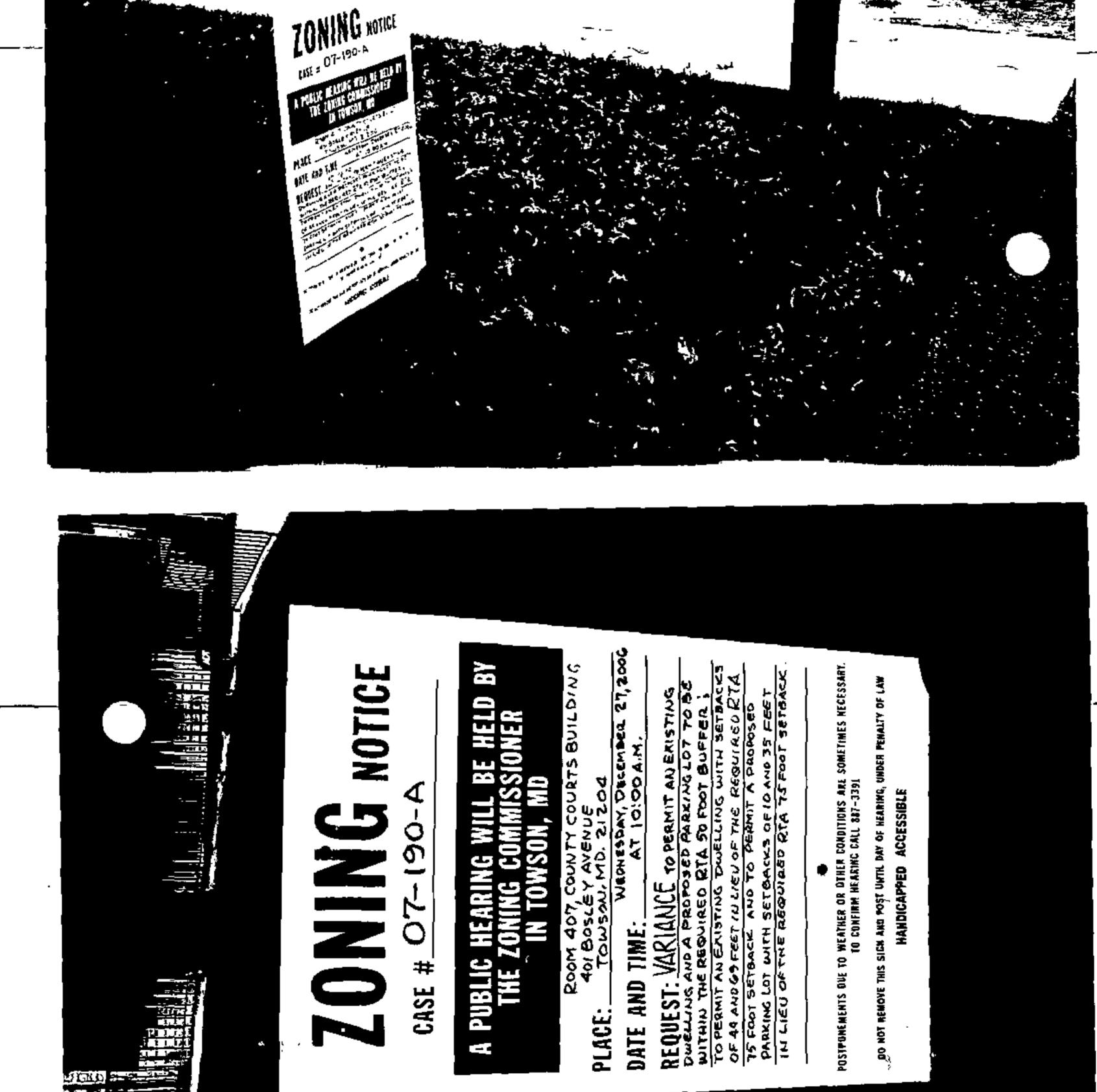
ţ

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Christen 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 propery located at # 9928 LYDIIS MILL ROAD Sincerely, (Signature of Sign Poster and Date) CARLAGE, MOORE 3225 RYGIZSON CIRCLE BALTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 07-190-A

Petitioner/Developer: W.D. MCCLURG

Date of Hearing/Closing: DEC. 27, ZOO-6



PUBLIC THE Z

1

DATE AND 1

PLACE:_

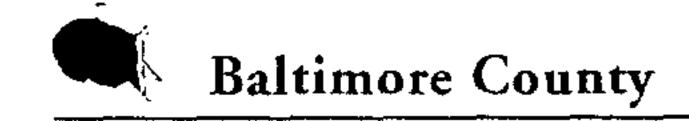
DO NOT REMOVE THIS

CASE #

Department of Permits Development Management

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

November 14, 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: 07-190-A

9928 Lyons Mill Road

North side Lyons Mill Road, 825 feet east centerline Deer Park Road.

2nd Election District – 4th Councilmanic District

Legal Owner(s): Willie David and Maria L. McClung

<u>Variance</u> To permit an existing dwelling and a proposed parking lot to be within the required RTA 50-foot buffer; to permit an existing dwelling with setbacks of 44 and 69 feet in lieu of the required RTA 75-foot setback; and to permit a proposed parking lot with setbacks of 10 and 35 feet in lieu of the required RTA 75-foot setback.

Hearing: Wednesday, December 27, 2006 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:amf

C: Willie David McClung Maria L. McClung 9928 Lyons Mills Road Owings Mills 21117 Site Rite Surveying, Inc. 200 E. Joppa Road, #101 Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 6, 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.



PATUXENT PUBLISHING COMPANY TO:

Tuesday, December 5, 2006 Issue - Jeffersonian

Please forward billing to:

Reverend McClung 9928 Lyons Mill Road Owings Mills, MD 21117

410-850-8632

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: 07-190-A

9928 Lyons Mill Road

North side Lyons Mill Road, 825 feet east centerline Deer Park Road.

2nd Election District – 4th Councilmanic District

Legal Owner(s): Willie David and Maria L. McClung

Variance To permit an existing dwelling and a proposed parking lot to be within the required RTA 50-foot buffer; to permit an existing dwelling with setbacks of 44 and 69 feet in lieu of the required RTA 75-foot setback; and to permit a proposed parking lot with setbacks of 10 and 35 feet in lieu of the required RTA 75-foot setback.

Hearing: Wednesday, December 27, 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.

FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Hem Number of Case N	umber: 07-/90-A
Meni Moniber of Case M	GHIDEL.
Petitioner: Keyevena	McClung and Mana McClung
	9928 Lyons Mill Road
•	·
PLEASE FORWARD A	DVERTISING BILL TO:
_	OVERTISING BILL TO: d Mcang and Mana Mcang
Name: Reveru	28 Lyons Mill Road :
Name: Reverus Address: 99	d Mcang and Mana Mcang
Name: Reverus Address: 99	28 Lyons Mill Road



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
December 45 veropment Management

Willie David McClung, II Maria L. McClung 9928 Lyons Mill Road Owings Mills, MD 21117

Dear Mr. & Mrs. McClung:

RE: Case Number: 07-190-A, 9928 Lyons Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 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,

U. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286



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 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 30, 2006

Item Number(s): 183 through 192

190

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: October 31,2006

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

RE:

Baltimore County

Item No. 7-190A

9928 LYONG MILL YOAD MCCLUNG PROPERTY

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.7-190 A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

INTER-OFFICE CORRESPONDENCE

DATE: November 16, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9928 Liberty Road

INFORMATION:

Item Number:

7-190

Petitioner:

William David McClung

Zoning:

DR 1

Requested Action:

Variance

The petitioner requests to vary from Section 1BO1.1.B.e (5) to permit a existing dwelling and a proposed parking lot to be with in the required RTA 50-Foot Buffer; to permit a dwelling setback of 44 and 69 feet in lieu of the required RTA of 75 foot setback, and to permit a proposed parking lot with setbacks of 10 and 35 feet in lieu of the required RTA 75- foot Setback.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the requested variances be <u>denied</u>, as the property is located in a residential area with no street parking to accommodate overflow parking. The potential traffic generated by the proposed church could have a negative impact on the adjacent residential uses and possibly impede traffic on Lyons Mill Road.

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

Prepared by:

Division Chief:

AFK/LL: CM

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 6, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 6, 2006

Item No. 07-190

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

The ultimate right-of-way for Lyons Mill Road is 75-feet. Show the ultimate right-of-way line, label future highway widening and revertible slope easements, and revise the front setback accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-190-11032006.doc

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

November 30, 2006

SUBJECT:

Zoning Item # 07-190-A

Address

9928 Lyons Mill Road (McClung Property)

Zoning Advisory Committee Meeting of October 30, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

A usage letter may be required to be submitted to DEPRM's Ground Water Management (GWM) section for a change of occupancy from a residence to a church.

Reviewer:

S. Farinetti

Date: November 2, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-190-A.doc

RE: PETITION FOR VARIANCE

9928 Lyons Mills Road; N/S Lyons Mill

Road, 825' E c/line Deer Park Road

2nd Election & 4th Councilmanic Districts

Legal Owner(s): William & Maria McClung *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-190-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/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 6th day of November, 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

NOV 0 5 2006

HERE MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

1B01-1.B.1.e.(5)

To perunt an existing dwelling and proposed parking lot within
the required R.T.A. 50' sets Buffer; to perunit an existing
dwelling with setbades of 44' and 69' in lieu of the required
RTA 75' setbade and to permit a proposed parking lot with
subsacks of 10' and 35' in lieu of the required RTA 75' setback

07-190-A

DAT	E:	November 21, 2006		
TO:	•	W. Carl Richards, Jr. Zoning Review Supervi	sor	
FRO	M:	Rick Wisnom, Chief Division of Code Inspec	ctions & Enforc	ement
SUB.	JECT:	Item No.: Legal Owner/Petitioner Contract Purchaser: Property Address: Location Description:		McClung, Willie & Maria N/A 9928 Lyons Mill Rd N side Lyons Mill Rd, 825' E center line Deer Park Rd
VIIO	LATION	INFORMATION:	Case No. Defendants:	06-6717 McClung, Willie & Maria
•			•	ion is the subject of an active violation case. ase notify the following person(s) regarding the
NAM	1E		•	ADDRESS
the v		ition, please find attached ase, for review by the Zon	•	by of the following pertinent documents relative to oner's Office:
\Box	1.	Complaint letter/memo/	email/fax (if ar	mlicable)
X	2.	•	` -	nent Officer's report and notes
X	3.	State Tax Assessment p		*
	4.	State Tax Parcel Map (i	f applicable)	
	5	MVA Registration print	,	ole)
	6.	Deed (if applicable)	`	
	7.	Lease-Residential or Co	ommercial (if a	oplicable)
	8.	Photographs including of	lates taken	
X	9.	Correction Notice/Code		ice
	10.	Citation and Proof of Se	ervice (if applie	able)
	11.	Certified Mail Receipt (if applicable)	
	12.	Final Order of the Code	Official/Heari	ng Officer (if applicable)
	13.	Office of Budget & Fina	ance Billing No	tice/Property Lien Sheet (if applicable)
	14.	Complete Chronology of Billing Notice/Property	• —	ning with the first complaint through the applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/hr

C: Code Enforcement Officer



Baltimore County

Department of Permits and Development Management

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Plumbing Inspection:

410-887-3620

Building Inspection:

410-887-3953

Electrical Inspection:

410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE
Citation/Case No. D2/95/02/0 Zoning:
Name(s): WILLET MARIA MIC CLUNG.
9974 LYOU MALL AN
Address: DWINA) MILLS NJ. 21117
Violation Location:
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
R-105.1 OBTAIN PENNIZT COV
ADD ON BEAR OF STRUCTURE.
OBTAIN ENG CERT FOU POURED FOOTING
· · · · · · · · · · · · · · · · · · ·
\$1000 FINE FOR WORKENG WETHOUT
PERMETS, ALC NOLL MUST 5168
G-IVENTITO EAAL RUCT
YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:
On or Before: 8/22/06 Date Issued: 8/8/06
FAILURE TO COMPLY WITH THE DEADLINE STATED AS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER
VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH. Print Name O 14.00
- Constant
INSPECTOR: STOP WORK NOTICE
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK
UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN
RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.
THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:
On or Before: Date Issued: 8/06
INSPECTOR:

GODE ENF	ORCEMENT RE	POPT	CB
JATE: 8/7/06 INTAKE BY: 66	3 CASE #:	26-6717	NSPEC:
COMPLAINT 1924 CYOP	5 MICC	BA-	
	——————————————————————————————————————	ZIP CODE:	DIST:
COMPLAINANT NAME:	PHONE #: (H)_		(W)
ADDRESS:		z	IP CODE:
PROBLEM: 9926 CHORE	2MYETA	4.	DECK
WITH OUT PERM		Pous	INGINE
FAM12º1	Room	· ·	
IS THIS A RENTAL UNIT? IF YES, IS THIS SECTION 8? OWNER/TENANT INFORMATION:	NO NO		
TAX ACCOUNT #: 05 -00 -000) % 02 - 19 - 510210	8/	ZONING:	
INSPECTION: 8/8/06 755VeD	Notzte Cor	1-00 01	v Rens
P.O. 8/24/96 HR.			
	· 		
		<u> </u>	·
REINSPECTION:			·
		·	
	<u> </u>		
			
REINSPECTION:			
	' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '		
, , , , , , , , , , , , , , , , , , ,	<u>. </u>		
·		-	
REINSPECTION:			
	<u> </u>		
· · · · · · · · · · · · · · · · · · ·			······································
			· · · · · · · · · · · · · · · · · · ·

.

•

•

PANEL BP1003M

-: 14:46:35 AUTOMATED PERMIT TRACKING SYSTEM 08/07/2006 GENERAL PERMIT APPLICATION DATA EDW TE:

LAST UPDATE 05/30/2006

11:00:31

PERMIT #: B632082 PROPERTY ADDRESS

RECEIPT #: A545413 9928 LYONS MILL RD

CONTROL #: MR SUBDIV: 1320FT E DEER PARK RD

XREF #: B632082 TAX ACCOUNT #: 0219510210 DISTRICT/PRECINCT 02 15

OWNERS INFORMATION (LAST, FIRST)

FEE:

65.00 NAME: MCCLUNG, WILLIE D & MARIA L

PAID:

65.00 ADDR: 9928 LYONS MILL RD OWINGS MILLS MD 21117

PAID BY: APP

DATES

APPLICANT INFORMATION

APPLIED: 05/30/2006 NAME: WILLIE D MCCLUNG

ISSUED: 05/30/2006 COMPANY:

OCCPNCY:

ADDR1: 9928 LYONS MILL RD

FINAL INSPECT:

INSPECTOR: 02R

ADDR2: OWINGS MILLS MD 21117

PHONE #: 410-496-6752

LICENSE #:

NOTES: MR/JT

PASSWORD :

ENTER - PERMIT DETAIL

PF3 - INSPECTIONS

PF7 - DELETE

PF9 - SAVE

PF2 - APPROVALS

PF4 - ISSUE PERMIT

PF8 - NEXT PERMIT

PF10 - INQRY

PELLICNER'S SIGN-IN SHEET

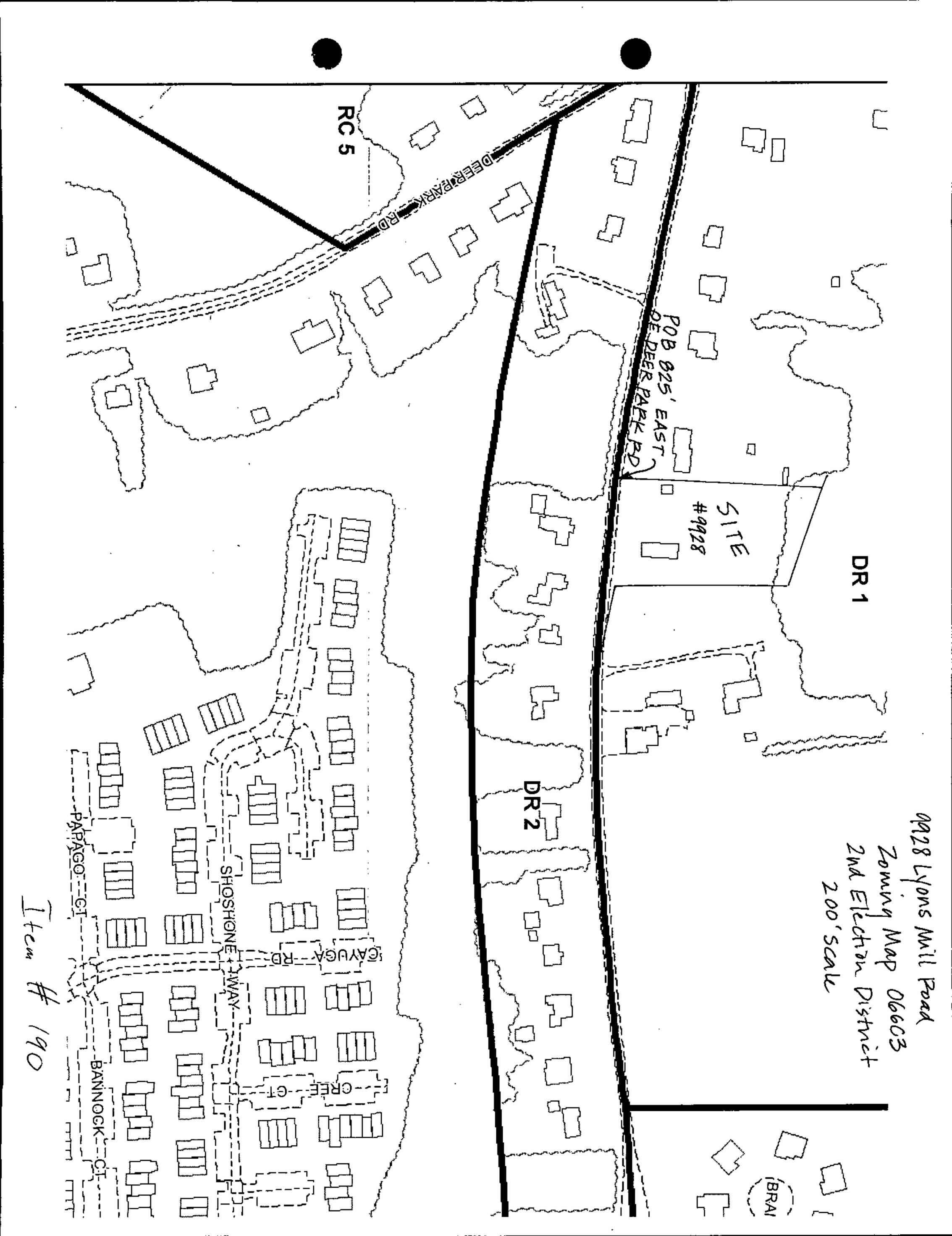
Landara Fulliam	Organis Glaves	Elia Amona	Mary J. Jackson Victoria A. Wynn Keum 2 - Jannas	Robert L. Bowen Gloria O. Dorsey	CORJUNIC COOPER SR Koren L. B. Cooper	Jonas Garland Jacquet Garland	Maria Mellung	NAME
7402 SHIRTH REL	3119 Maylair Rel.	5600 Marling Court	4350 Course Onl	4856 Carthage Rd 4855 Shell Back Rd	9707 Southall Rd	3007 Edrich Way	gggs Lyons Mill Rd	ADDRESS
130/10 MD 21207	Ballo Mi 21207	Modell Strange	Randaltstown Mills MD 21133 Randaltstown Mr 21133	Bondallsbur, MD 21133	RAMIUS Num mo 21/33	Randallstown, MD 21133 Randallstown, MD 21133 Randallstown, MD 21133	Dwings mus ms 21117	CITY, STATE, ZIP
								E-MAIL

CASE NAME 9928 LYONS WILL RD, CASE NUMBER 7-190A

DATE 12-27-06

PETITIONER'S SIGN-IN SHEET

			Howard aden		Lunnie	Ġ	VIOCENT I. MOSKUNAS	Bothell Jonelle	Shawh Lane	Bria Lane	Autumn lanc	May Cashieu	Hen Stith Smith	De Marcher (Sardier	Thorotoph James	Michela Janues	NAME
			Samo	1. The second second	Clas Benear 111-Comme		COOE, JOPPARD Towsen 40	2254 COCKR SHAPULL	3 Christing Lynn Ct.	3 Christina Lynn Ct	3 Christina Lynn Ct	3 Christina Lynn Ct	7229 Paks Stern Volum	22 82 Vac 7.	2234Cedar Bornway	1234 Cedac Baculian	ADDRESS
					1/1/2/1/32			y whosportmil every	Randallstown 101 P21133	Frandallotown MD21133	Randall Stown MD 2/133	RandallstownMD 21133	Pike alle Mis surver	Nava New F1 33025	Windsorm III mixxx	missel 8-2 (1) (1) 21244	CITY, STATE, ZIP
							USHUVM@ ACL. COM.										E- MAIL





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **TOWSON, MARYLAND 21204**

TIMOTHY M. KOTROCO DIRECTOR

BUILDINGS ENGINEER

PERMIT #: BOSYZII CONTROL #: MR

DIST: 02 PREC:

1.5

DATE ISSUED: 08/08/2006 TAX ACCOUNT #: 2500000188 CLASS: 04

PLANS: CONST O FLOT 2 R PLAT O DATA O ELEC YES PLUM YES

LOCATION: 9928 LYONS MILL RD

SUBDIVISION: 750FT E OF DEER PARK RD

OUNERS INFORMATION

NAME: MCCLUNG, WILLIE DAVID & MARIA L

ADDR: 9928 LYONS MILLS RD, OWINGS MILLS, MD 21117-4733

TENANT:

CONTRU OWNER

ENGNR:

SELLRI WORK:

CONSTRUCT (1) STORY ADDITION, WITH CRAWL

SPACE, ON REAR OF EXISED. TO BE (2)BATHROOMS. 25'X18X14:450SF. SEE CITATION/CASE#06-6717-

NO FINE - FINE WAIVED PER JOHN ALTMEYER.

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE

BLDG, CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SED & ADDITION

EXISTING USE: SFD

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION:

SEWAGE: PRIV. EXISTS

BASEMENT: NONE

WATER: PRIV. EXISTS



ELECTRICAL INSPECTION BY BALTIMORE COUNTY	ľ
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT	

INSPECTOR

CONCEALED WIRING

O.K. DATE

METER APPROVAL DATE

PAGAGE CALL FOR FINAL APPROVAL DATE

PHONE 410-887-3960

BALTIMORE COUNTY BUILDING INSPECTION 410-887-3953

Part of Building Inspected:

Approved

Disapproved (

REMARKS:

BUILDING INSPECTOR

RMIT (

00/9 REV

BUILDING

3620

OF THIS BUILDING.





Answer

1-800-44

DING PERMIT NO FEV' 6/00

4

ECTRICAL 3960

3620 PLUMBING

BUILDING 3953

NOTE: NO WORK WILL BE CONCE UNTIL ALL ABOVE INSPECTIONS ARE I AND SIGNED

PRIOR TO T BUILDING. ISSUED ABOVE





BALTIMORE COUNTY BUILDING INSPECTION 410-887-3953

	410-887-3953
	Part of Building Inspected:
	639711 FOOTING
•	Approved () Disapproved ()
	REMARKS:
	- D Ma
	BUILDING INSPECTOR
	•

BALTIMORE COUNTY BUILDING INSPECTION 410-887-3953
Part of Building inspected:
mapacted;
637711 Fr.
Approved () Disapproved (v)
Approved () Disapproved ()
REMARKS 1 Ca 5 /20 /
TOUCH SI FROM ST
3/7/
- 21/1/2 W1. 1/024/100
LAVENT ROWHOL
3/3-1911-1/2
JA DIK
91516
BUILDING INSPECTOR
BUILDING INSPECTOR
111010000000000000000000000000000000000

	BALTIMORE COUNTY BUILDING INSPECTION 410-887-3953
Part of Building Ins	spected:
Approved	() Disapproved ()
REMARKS:	
	· · · · · · · · · · · · · · · · · · ·
	. f 125
DATE	BUILDING INSPECTOR

,
BALTIMORE COUNTY BUILDING INSPECTION 410-887-3953
Part of Building Inspected:
632082
Approved () Disapproved ()
Disapproved ()
REMARKS:
0/16/16
111719
DATE BUILDING INSPECTOR
·



PETITION IN SUPPORT OF ZONING RELIEF McCLUNG PROPERTY 9928 Lyons Mill Road

Case No. 07-190-A

We have reviewed the following Zoning Relief Requested and by our signature below offer our support to Rev. and Mrs. McClung: to permit an existing dwelling and a proposed parking lot to be within the required Residential Transition Area (RTA) 50-foot buffer; to permit the existing dwelling with setbacks of 44 and 69 feet and a parking lot with setbacks of 10 and 35 feet, all in lieu of the required 75 foot RTA setback.

	, T		
•	Signature Crnott	LEE Andt Print Name	9922. Lyons Mill Rd. Address
	Dam d Mol- Signature	Brint Name Print Name	5802 Hanna Rd Address
	Signature	Jason M. Amosi Print Name	5891 OAKIGNDRO.
	Signature	Print Name	9920 Lyons Mill Road Address
	Signature Signature	Print Name	9920 Lyons Hill Rd. Address
	Signature Signature	Deborah Snyder Print Name	10004 Lyons Mill Rd. Address
	Signature	Print Name	10006 Lyons Mill Rd Address
•	Signature	Print Name	9927/yons Mill Red. Address
	Signature Maria 500-10	Shown Handt Print Name	9927 Lyons Milled Address
,	Signature C 50910	MRRA & SORTO Print Name	Address Mill Rd

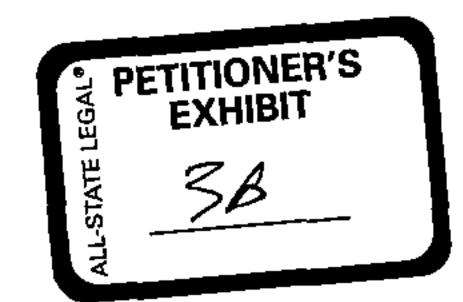


PETITION IN SUPPORT OF ZONING RELIEF McCLUNG PROPERTY 9928 Lyons Mill Road

Case No. 07-190-A

We have reviewed the following Zoning Relief Requested and by our signature below offer our support to Rev. and Mrs. McClung: to permit an existing dwelling and a proposed parking lot to be within the required Residential Transition Area (RTA) 50-foot buffer; to permit the existing dwelling with setbacks of 44 and 69 feet and a parking lot with setbacks of 10 and 35 feet, all in lieu of the required 75 foot RTA setback.

feet, all in lieu of the required 75	foot RTA setback.	·
Signature	Print Name	Address Cayona fol Roundalloten Address
Signature	Print Name	4266 CAYUZA K.C. Address 21128
Signature Signature	Print Name	9938 ShoShone Way 21133
 Signature Signature	Print Name of DOG TO	Address Storme Way Il3
Signature Signature	Print Name	792/Shos Show Way
Signature Digham	Print Name	9952 Sloshour Way 2/13- Address
Signature Signature	Print Name	14260 CALLUGA 21133
Signature	Print Name	9900 Shashone a
Signature	Print Name	4250 Cayunga Rd. 21133 Address
Signature	AH. Solffl. Print Name	9900 Stashoroct Address Rd 21/33
		•



PETITION IN SUPPORT OF ZONING RELIEF McCLUNG PROPERTY 9928 Lyons Mill Road

Case No. 07-190-A

We have reviewed the following Zoning Relief Requested and by our signature below offer our support to Rev. and Mrs. McClung: to permit an existing dwelling and a proposed parking lot to be within the required Residential Transition Area (RTA) 50-foot buffer; to permit the existing dwelling with setbacks of 44 and 69 feet and a parking lot with setbacks of 10 and 35 feet, all in lieu of the required 75 foot RTA setback.

•		
Hour Downey Signature	Gloria Dorsey Print Name	4855 Shell Bark Ra Address
Mary Jackson Signature	Mary Jackson Print Name	4800 Coyle Rd. Unita
Signature	Print Name	9441 Manor For ye Way
Signature Bouch	Print Name Print Name	4056 Carthage RP Address
Signature	Christin Coope- Print Name	9707 Southall Rd Address
Signature	Print Name Print Name	9707 South 1/Rd, Address
Signature Cogul	CORTAN C COUPER SO Print Name	9707 SOUTHALL RO Address
Signature	Print Name	Address
Signature	Print Name	Address
Signature	Print Name	Address



S 0310121 W 297.12 (COMPUTED) N 03°36'48" E 4 10,69" (COMPUTED CLOSURE)