

IN RE: PETITION FOR ADMIN. VARIANCE
N side Lennings Lane, 687 feet NE of
Hospital Drive
14th Election District
6th Councilmanic District
(9116 Lennings Lane)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY

Wayne Sullivan & Julie Lynn Buxton-Sullivan
Petitioners

* CASE NO. 07-193-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Wayne Sullivan and Julie Lynn Buxton-Sullivan. The variance request is for property located at 9116 Lennings Lane. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9.55 feet in lieu of 10 feet with a sum of side yards of 19.5 feet in lieu of 25 feet for a proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they wish to construct a 22 foot x 43 foot addition onto the rear of their home. Additional living space is needed for the two adults and three children. The addition will contain a new bathroom and new bedrooms. The addition will not further encroach into the side yard than that which currently exists. The rear yard meets the required setback. No homes are located within 95 feet of the side yard. There is no other suitable location on the property for the addition.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

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

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JL

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."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 4, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

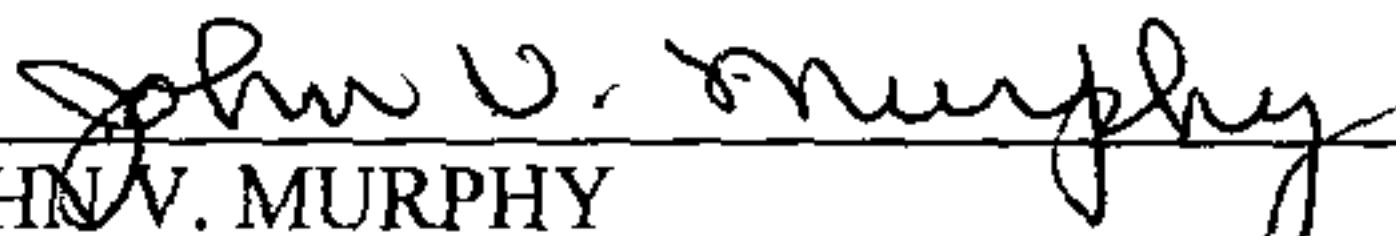
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30th day of November, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9.55 feet in

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Jat

lieu of 10 feet with a sum of side yards of 19.5 feet in lieu of 25 feet for a proposed addition be and is hereby GRANTED, subject to the following:

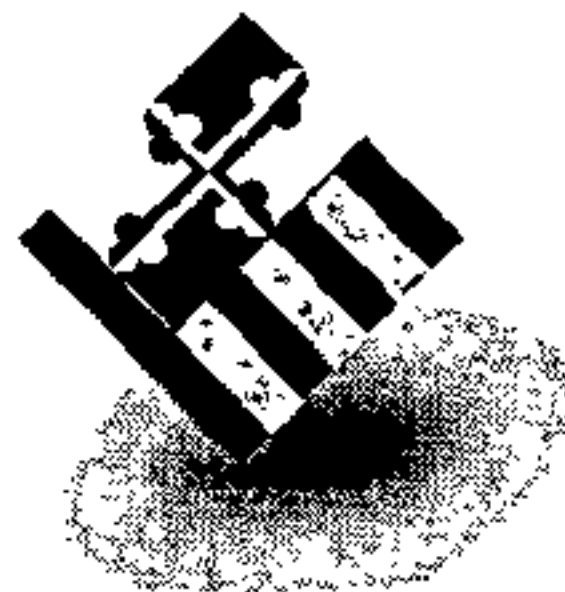
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 30, 2006

WAYNE SULLIVAN AND JULIE LYNN BUXTON-SULLIVAN
9116 LENNINGS LANE
BALTIMORE MD 21237

Re: Petition for Administrative Variance
Case No. 07-193-A
Property: 9116 Lennings Lane

Dear Mr. and Mrs. Sullivan:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Linda O'Keefe, 523 Penny Lane, Cockeysville MD 21030

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11-30-06
P3



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9116 LEWIS LANE
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 TO PERMIT A

SIDE YARD SETBACK OF 9.55 FT. IN LIEU OF 10 FT. WITH A
SUM OF SIDE YARDS OF 19 1/2 FT. IN LIEU OF 25 FT. FOR
A PROPOSED ADDITION.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

WAYNE WANN SULLIVAN

Name - Type or Print

Signature

JULIE JULIA LYNN BUXTON-SULLIVAN

Name - Type or Print

Signature

9116 LEWIS LANE 4106824069

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

LINDA O'KEEFE

Name

523 PENNY LANE

410-666-5366

Address

Telephone No.

COCKEYSVILLE

MD.

21030

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11/30/06 day of Nov that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-193-A

Reviewed By JL

Date 10/26/06

REV 10/25/01

Estimated Posting Date 11/05/06

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

#9116 LENNINGS LANE

Address

BALTIMORE

MD.

21237

City

State

Zip Code

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

SEE ATTACHMENT

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.



Signature

WAYNE WAYNE SULLIVAN

Name - Type or Print



Signature

JULIE JULIE LYNN BUXTON - SULLIVAN

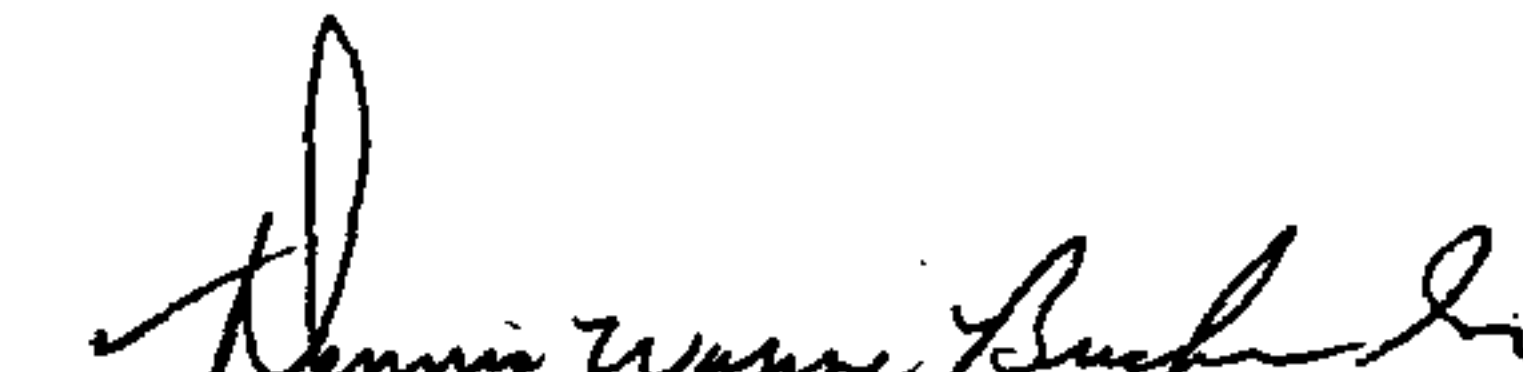
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of OCTOBER, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

WAYNE SULLIVAN AND JULIE LYNN BUXTON - SULLIVAN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires 5/18/10

ATTACHMENT

ORIGINAL
KEEP IN FILE

ADMINISTRATIVE VARIANCE

#9116 LENNINGS LANE

07-193-A

STATEMENT OF HARDSHIP FACTS

THE EXISTING ONE STORY FRAME HOME WITH BUILT-IN TWO CAR GARAGE IS ALL ON ONE LEVEL AND HAS ONLY TWO BEDROOMS AND ONE BATH. THE LIVING SPACE (FLOOR AREA) IS LESS THAN 2000 SQUARE FEET. IN ORDER TO ACCOMMODATE TWO ADULTS AND THREE CHILDREN WE NEED MORE LIVING SPACE, BEDROOMS AND BATHROOM. THIS PROPOSED 22 FT. X 43 FT. ADDITION TO THE REAR OF THE LOT WILL NOT FURTHER ENCROACH INTO THE SIDEYARD THAN THAT WHICH CURRENTLY EXISTS. THE REAR YARD MEETS THE REQUIRED SETBACK. THERE ARE NO HOMES WITHIN 95 FEET OF THE SIDEYARD. NO OTHER AREA ON THE LOT IS MORE SUITABLE FOR AN ADDITION, THE REAR IS LESS OBTRUSIVE.

PAT,

I DID NOT HAVE A CHANCE
TO GET PICS. I CAN GET THEM
IN A.M. CAN I EMAIL THEM TO
YOU. THEN YOU CAN PRINT THEM?
IF SO LEAVE YOUR EMAIL ADDRESS.

#04 14-2100005381

WILL?

ZONING DESCRIPTION

9116 LENNING^S LANE

BEGINNING AT A POINT ON THE NORTH SIDE OF LENNING LANE WHICH IS FORTY FEET WIDE AT A DISTANCE OF 687.0 FEET NORTHEAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET: HOSPITAL DRIVE WHICH IS SIXTY FEET WIDE. AS RECORDED IN DEED LIBER 19373, FOLIO 595 THE FOLLOWING COURSES AND DISTANCES

1. NORTH 50° - $50'$ - $56''$ EAST - 63.92 FEET
2. NORTH 50° - $07'$ - $20''$ WEST - 184.00 FEET
3. SOUTH 50° - $50'$ - $56''$ WEST - 63.92 FEET
4. SOUTH 50° - $07'$ - $20''$ EAST - 184.00 FEET

TO THE PLACE OF BEGINNING. CONTAINING 0.26 ACRES.

ALSO KNOWN AS 9116 LENNING^S LANE AND LOCATED IN THE 14TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT.

193

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21855

DATE 10/26/06 ACCOUNT 0010066151

AMOUNT \$ 65.00

RECEIVED FROM: Pat O'Neil

FOR: RV 9116 Lemmon, LA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Paid Receipt

RECEIVED BY: Pat O'Neil TIME 10:00
DATE: 10/26/06 AMOUNT: 65.00
FOR: RV 9116 Lemmon, LA
BY: Pat O'Neil SIGNATURE: [Signature]
OFFICIAL: [Signature] BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 11/06/06

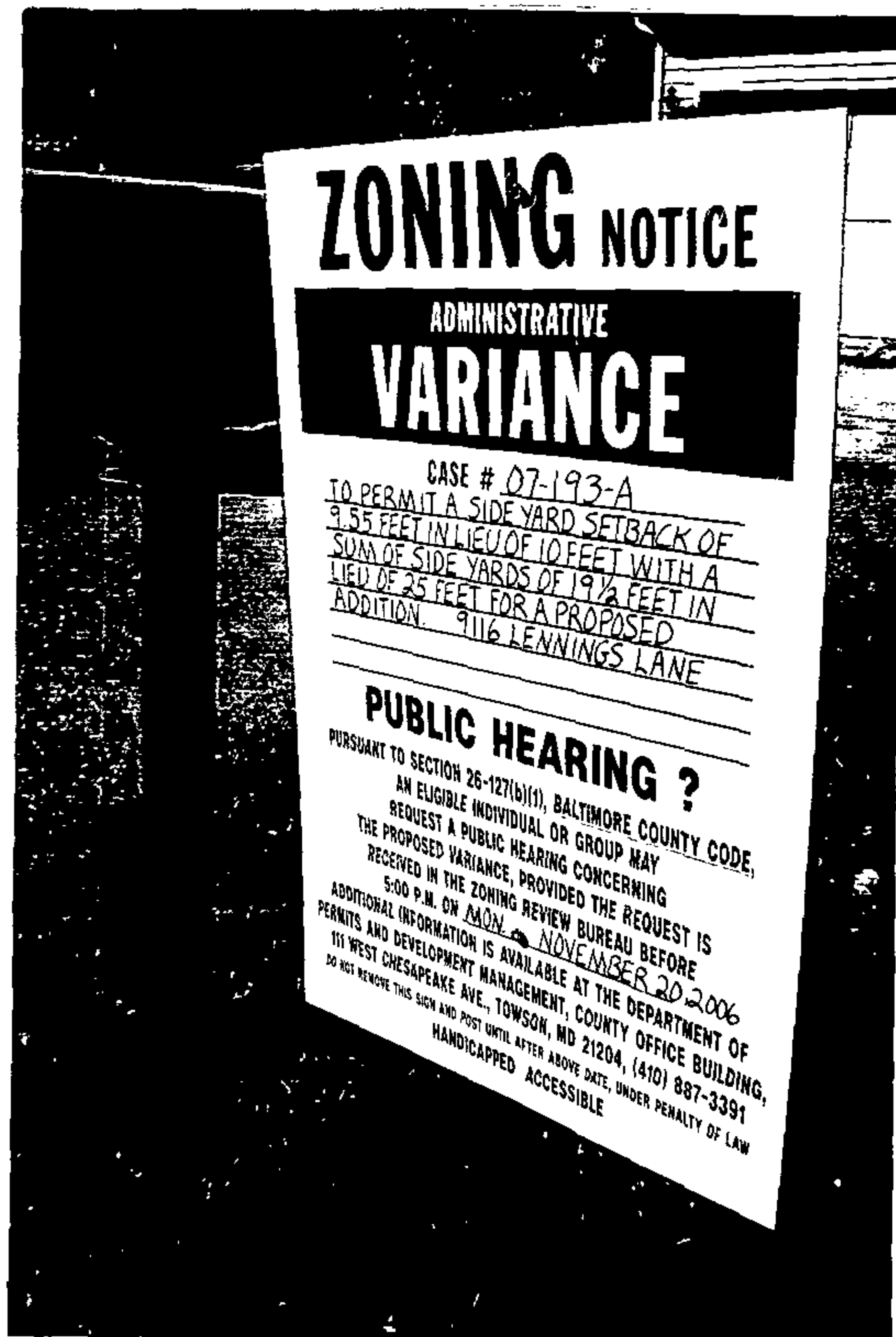
Case Number: 07-193-A

Petitioner/Developer: WAYNE & JULIE SULLIVAN

Date of Hearing (Closing): 11/20/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9116 LENNINGS LANE

The sign(s) were posted on: 11/04/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

APP HAS COPY

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁷ ~~00~~ 193 -A Address 9116 LENNING'S LA.
Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: ~~10/26/06~~ 10/26/06 Posting Date: 11/05/06 Closing Date: 11/20/06

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁷ ~~00~~ 193 -A Address 9116 LENNING'S LANE
Petitioner's Name WAYNE + JULIE SULLIVAN Telephone 410 682 4069
Posting Date: 11/05/06 Closing Date: ~~11/20/06~~ 11/20/06
Wording for Sign: TO PERMIT A SIDE YARD SETBACK OF 9.55 FT. IN LIEU OF 10 FT.
WITH A SUM OF SIDE YARDS OF 19 1/2 FT. IN LIEU OF 25 FT. FOR
A PROPOSED ADDITION

WCR - Revised 6/25/04

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: 07 193 A

Petitioner: WAYNE SULLIVAN

Address or Location: 49116 LENNINGS LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: WAYNE SULLIVAN

Address: 9116 LENNINGS LANE

BALTO. MD. 21237

Telephone Number: 410-682-4069



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

November 20, 2006

Wayne Sullivan
Julie Lynn Buxton-Sullivan
9116 Lennings Lane
Baltimore, MD 21237

Dear Mr. and Mrs. Sullivan:

RE: Case Number: 07-193-A, 9116 Lennings Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 26, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Linda O'Keefe 523 Penny Lane Cockeysville 21030

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

November 9, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s): 193 through 201

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

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



Printed on Recycled Paper



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

Driven to Excel
State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: NOVEMBER 8, 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. 7-193-A
9116 LENNINGS LANE
BUXTON-SULLIVAN PROPERTY
VARIANCE - SIDE YARD SETBACK
FOR PROPOSED ADDITION

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. 7-193-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 13, 2006

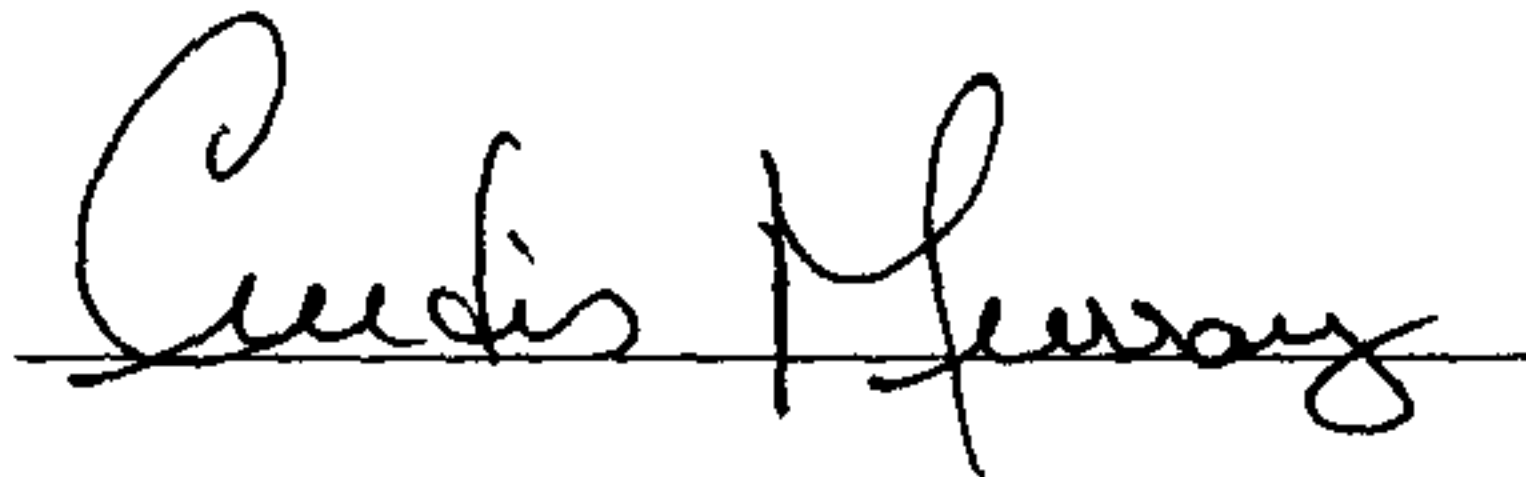
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-193- Administrative Variance

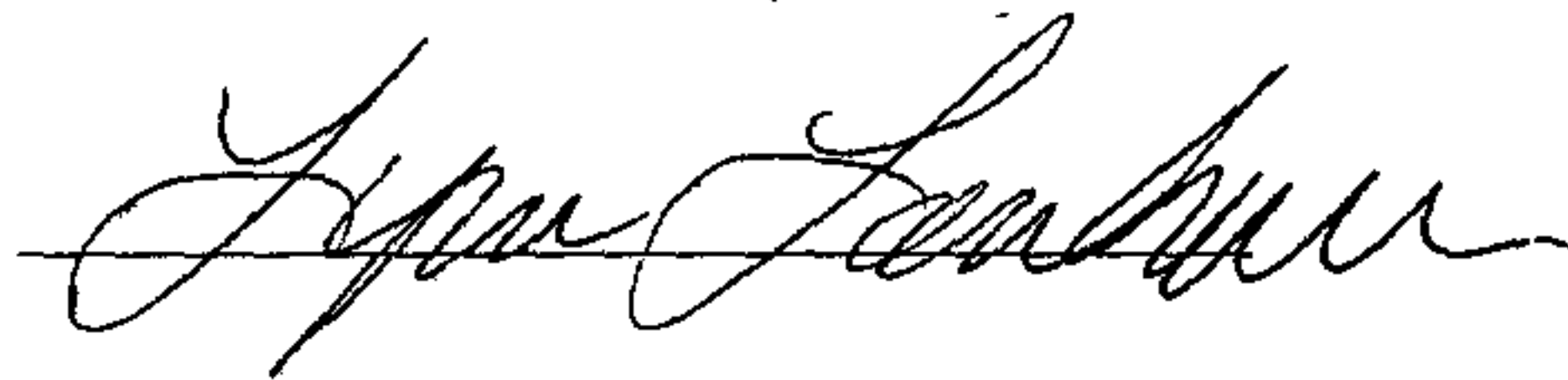
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

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NOV 29 2006

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 9, 2006

FROM: ^{DM} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 13, 2006
Item Nos. 07-193, 197, 198, 199, 200 and 201

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-11132006.doc

HEARING

AT WHITE MARIETTA, GA.

Содержание

Donnell St
Franklin St



VICINITY MAP
SCALE: 1" = 2,000'

LOCATION INFORMATION

ION DISTRICT 14

HILMANIC DISTRICT. 6

0' SCALE MAP # 082A3

3: DR 3.5

0.26
11.525

PUBLIC PRIVATE

SEWER ☒]

WATER ☒ ☐

PEAKE BAY	PEAKE BAY	PEAKE BAY
☐	☐	☒

EAR FLOOD PLAIN ☐ ☒

☐ **AGRIC PROPERTY /**
☒ **AGRIC PROPERTY /**

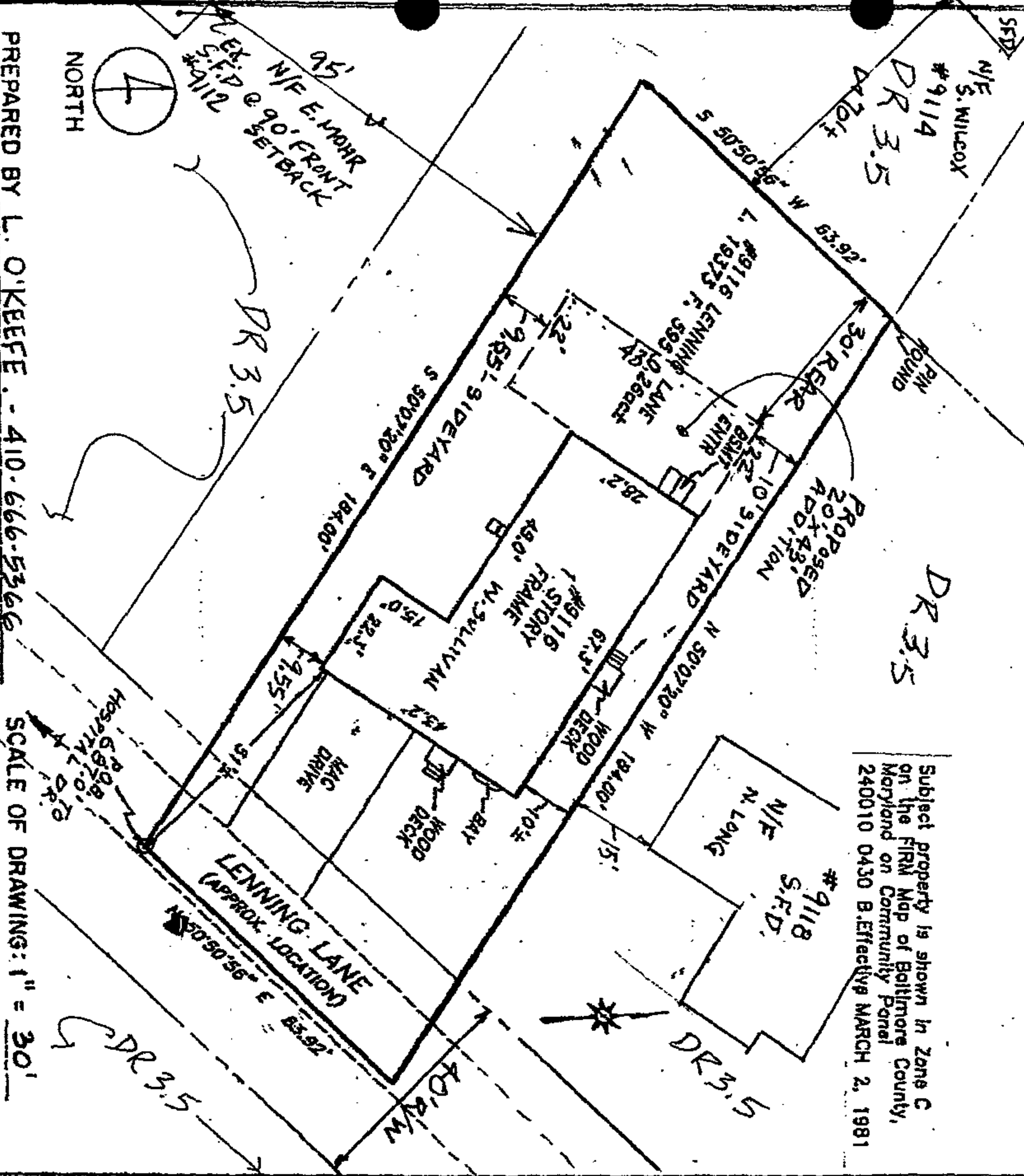
ZONING HEARING - NONE

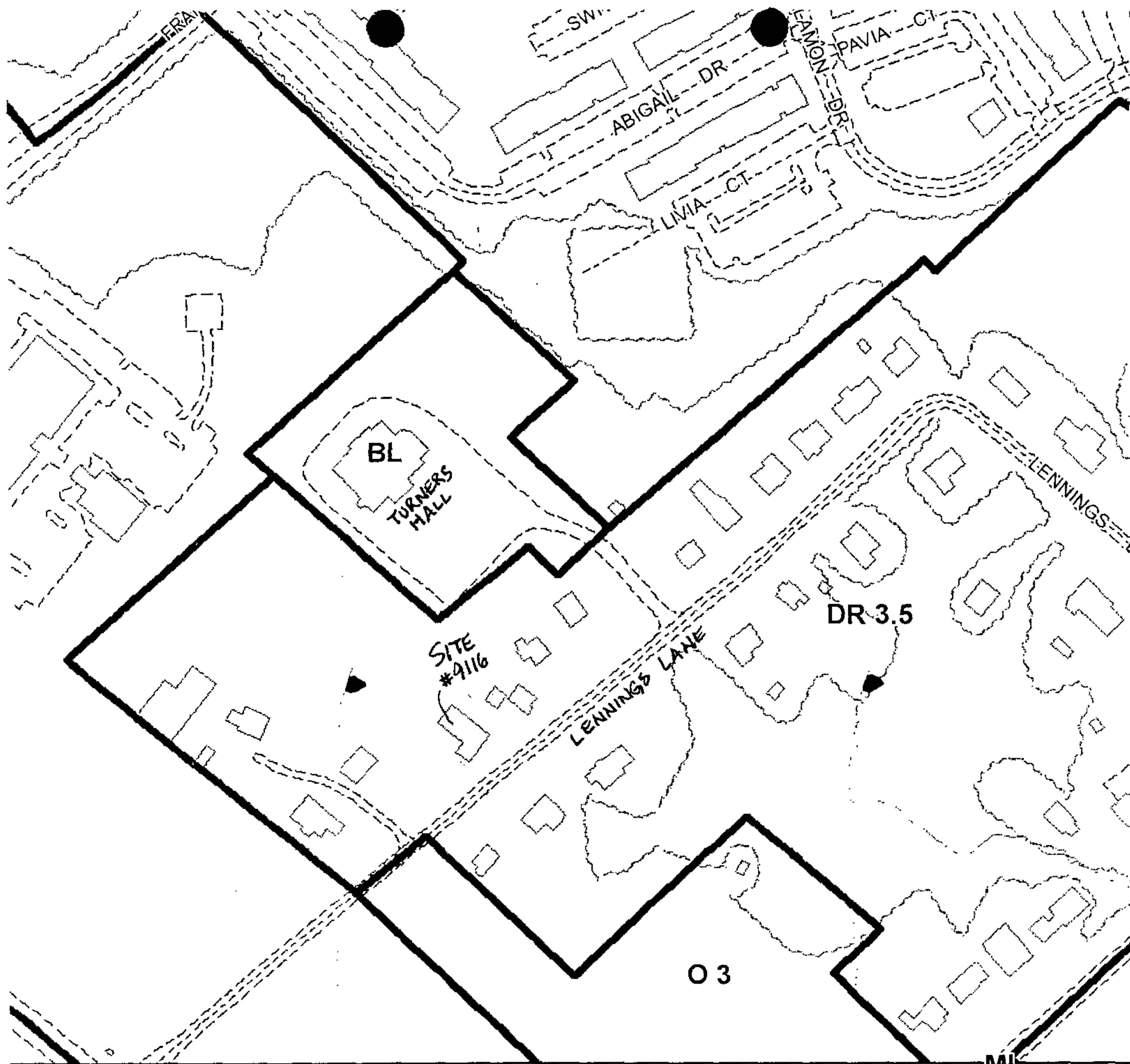
ONING OFFICE USE ONLY

BY

CASE#

07-195





081C2	082A2	082B2	082C2
081C3	082A3	082B3	082C3
089C1	090A1	090B1	090C1

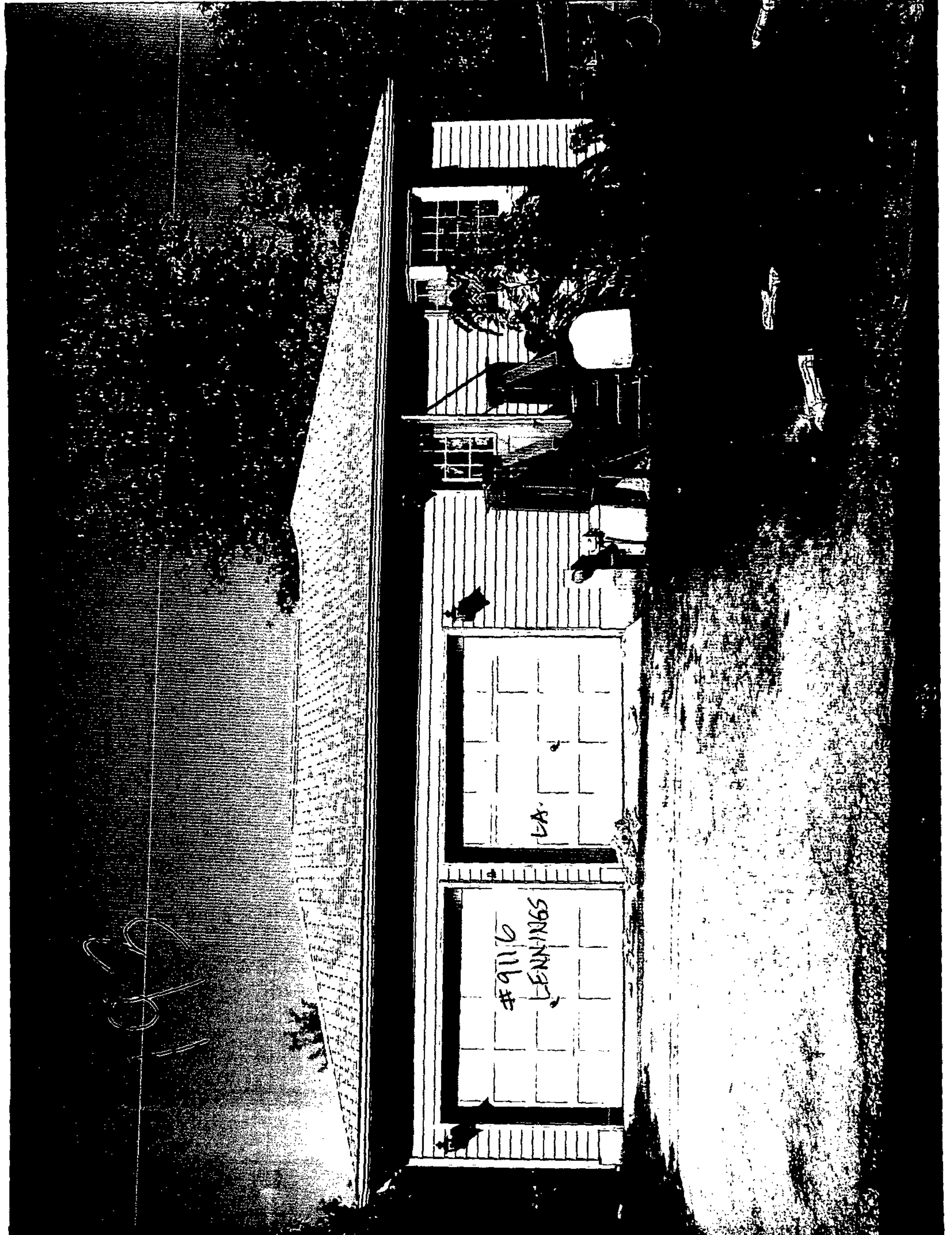
Scale

1" = 200'

0 100 200 400
Feet



193



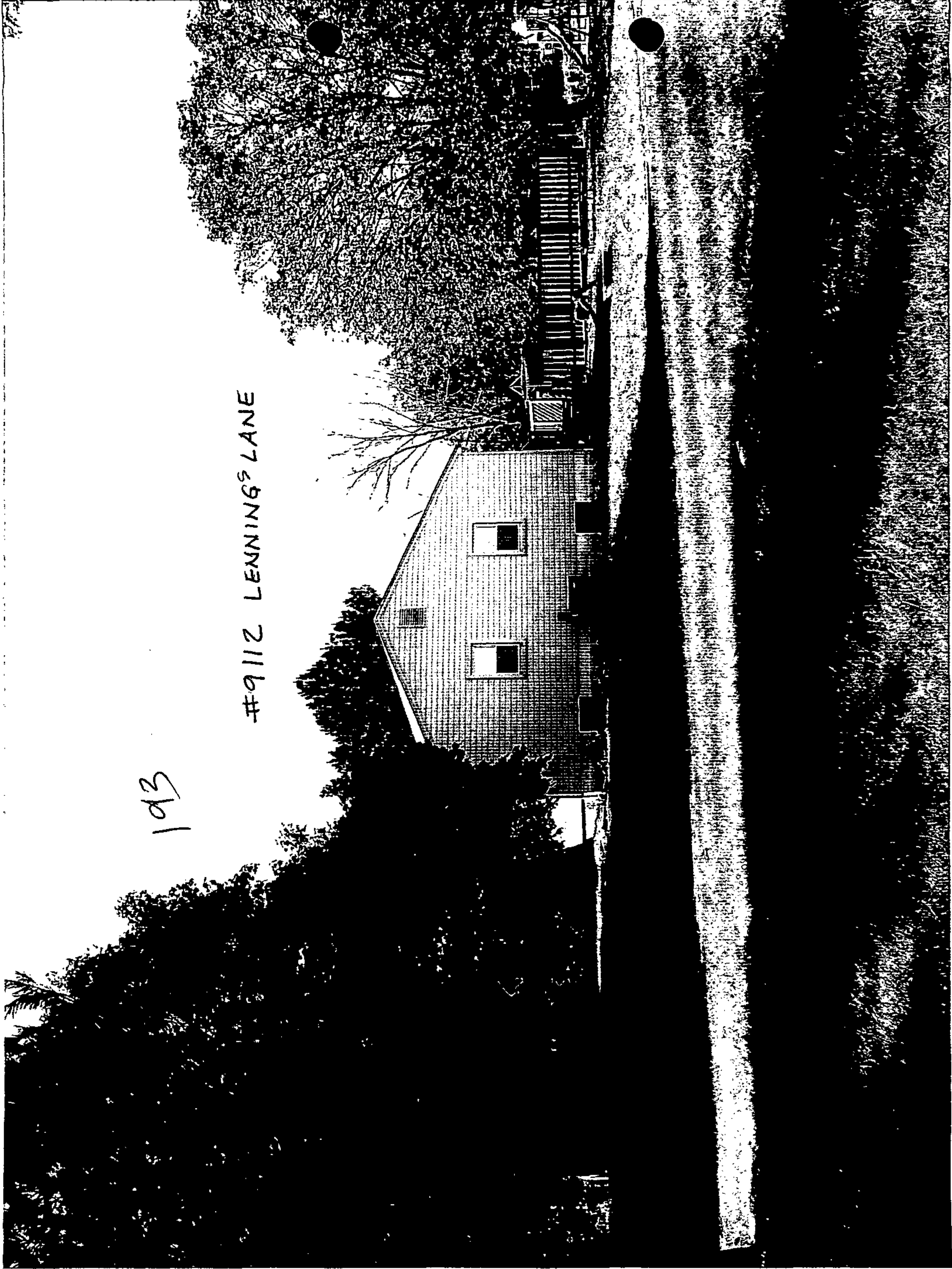
LA

#9116
LENNINGS

10/1

193

#9112 LENNING'S LANE

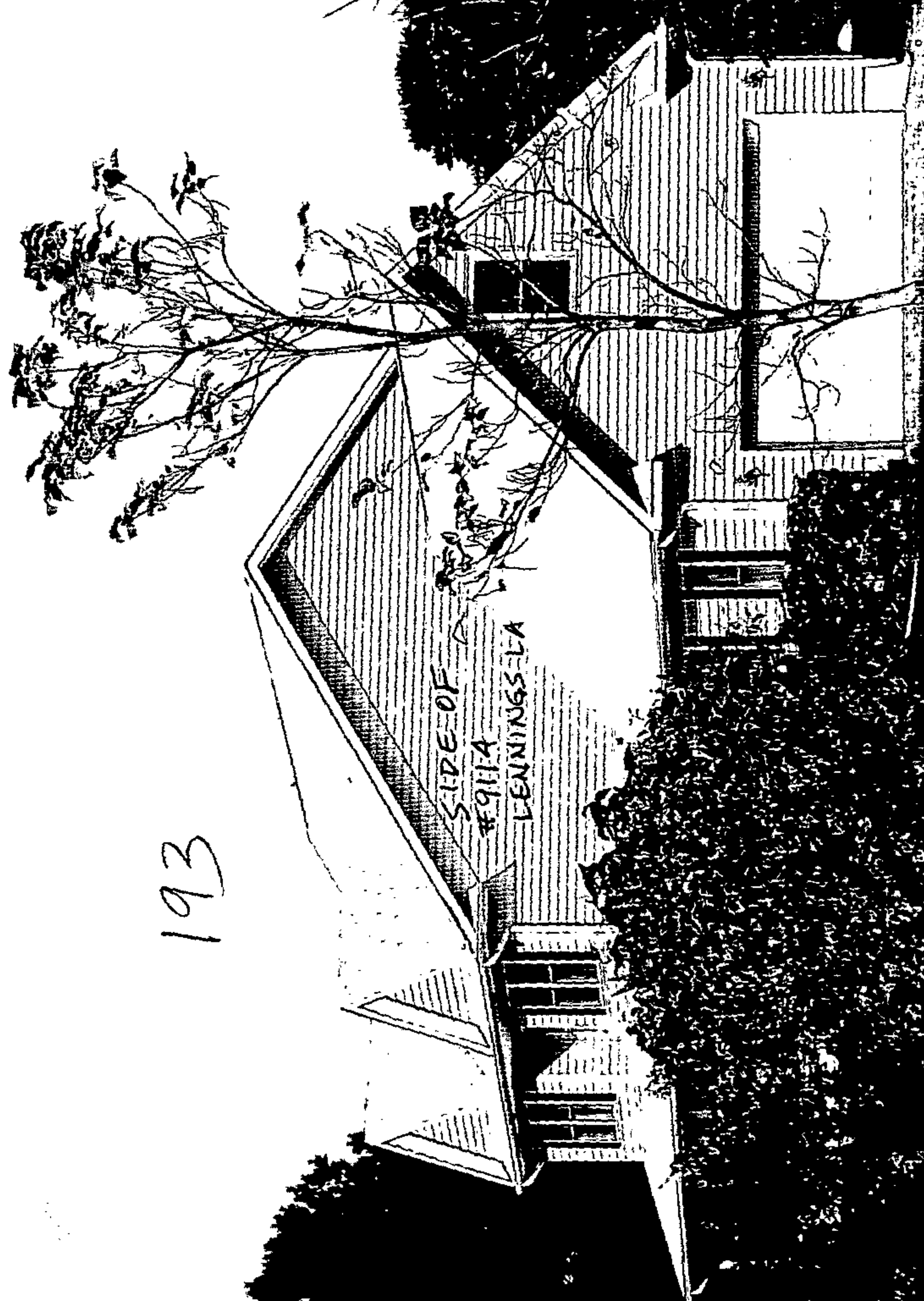


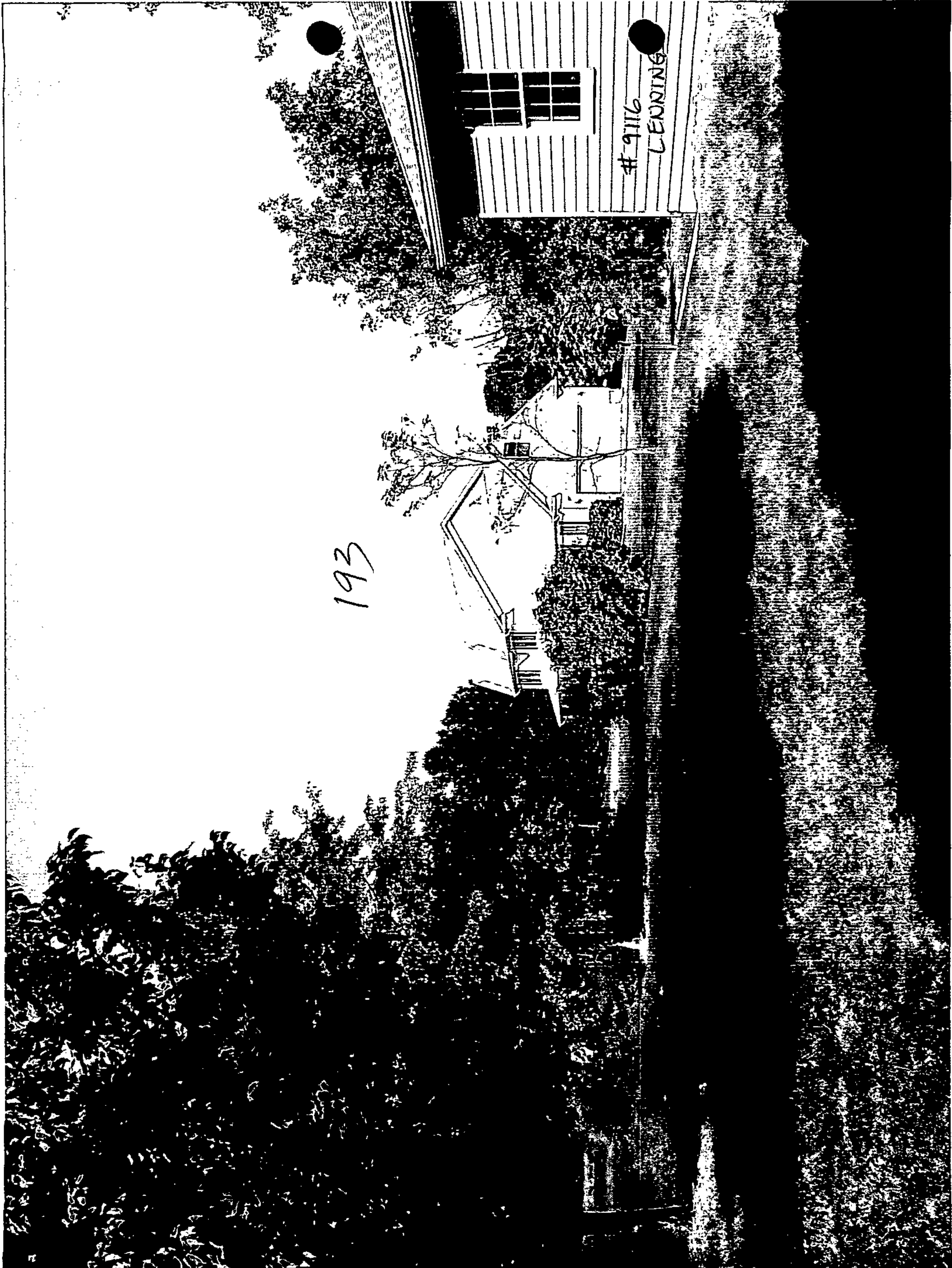
SIDE OF # 91160 LENNINGS LEA

1933

193

SIDE OF
#9114
LENNINGS-LA



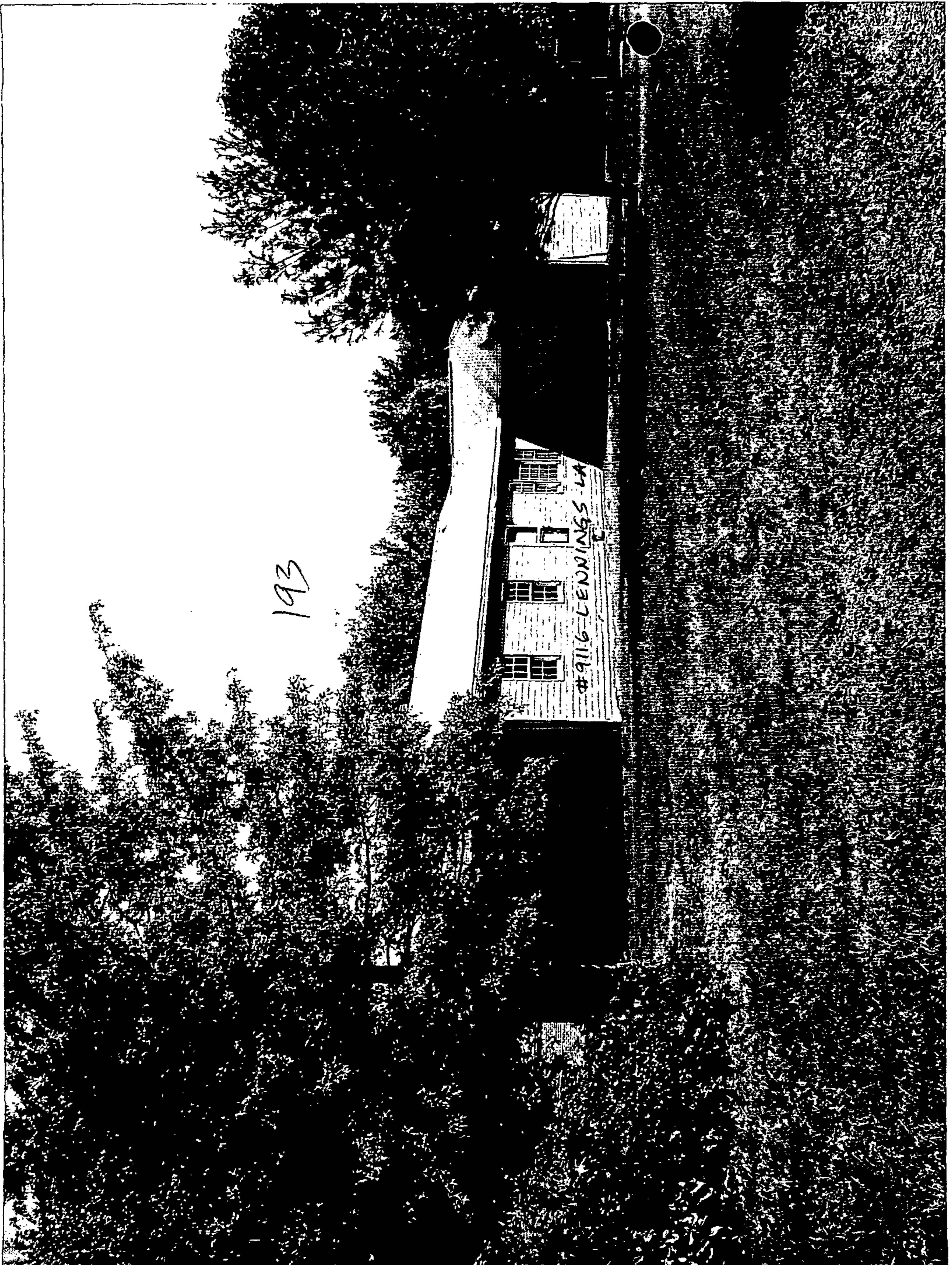


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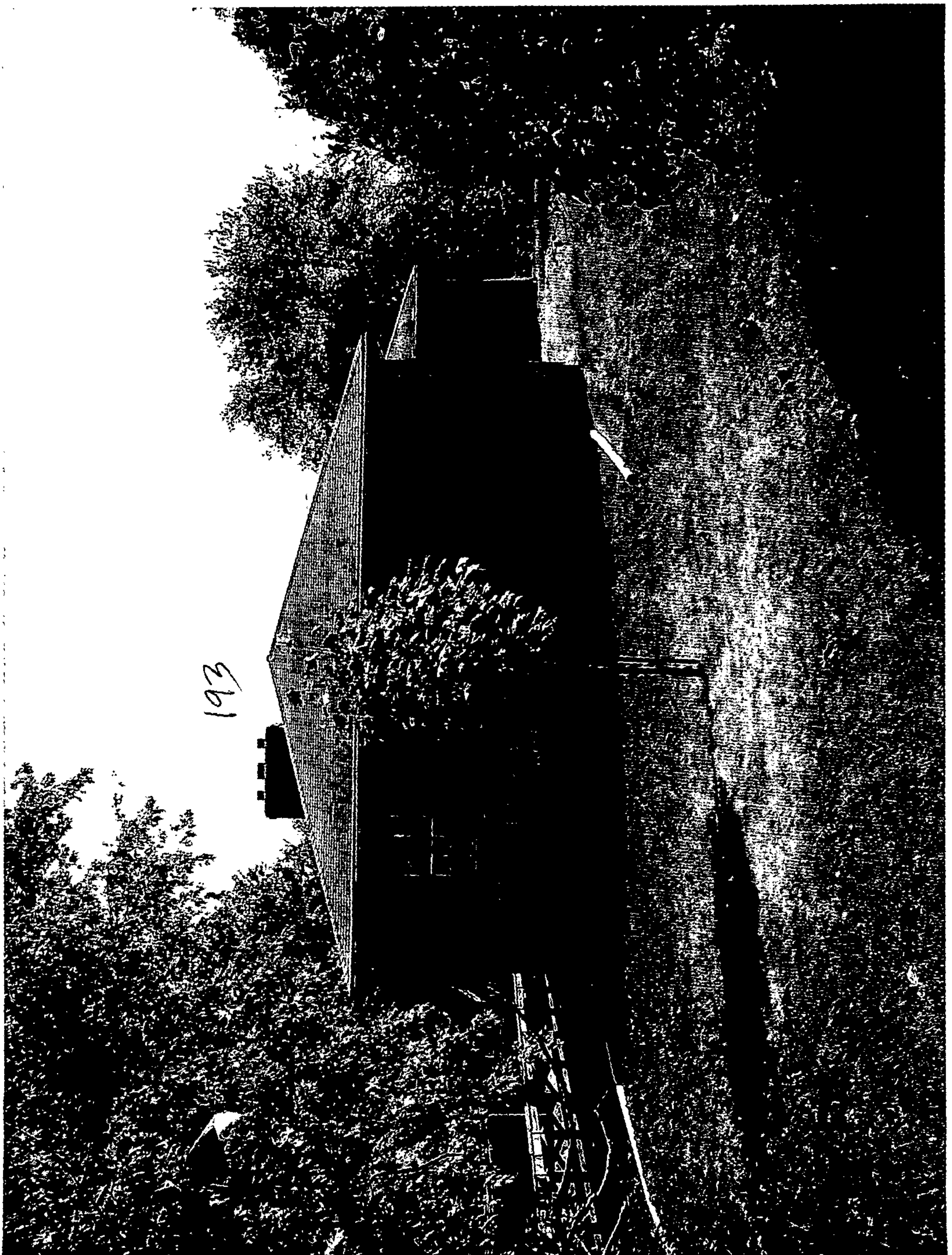
9116
LENNING

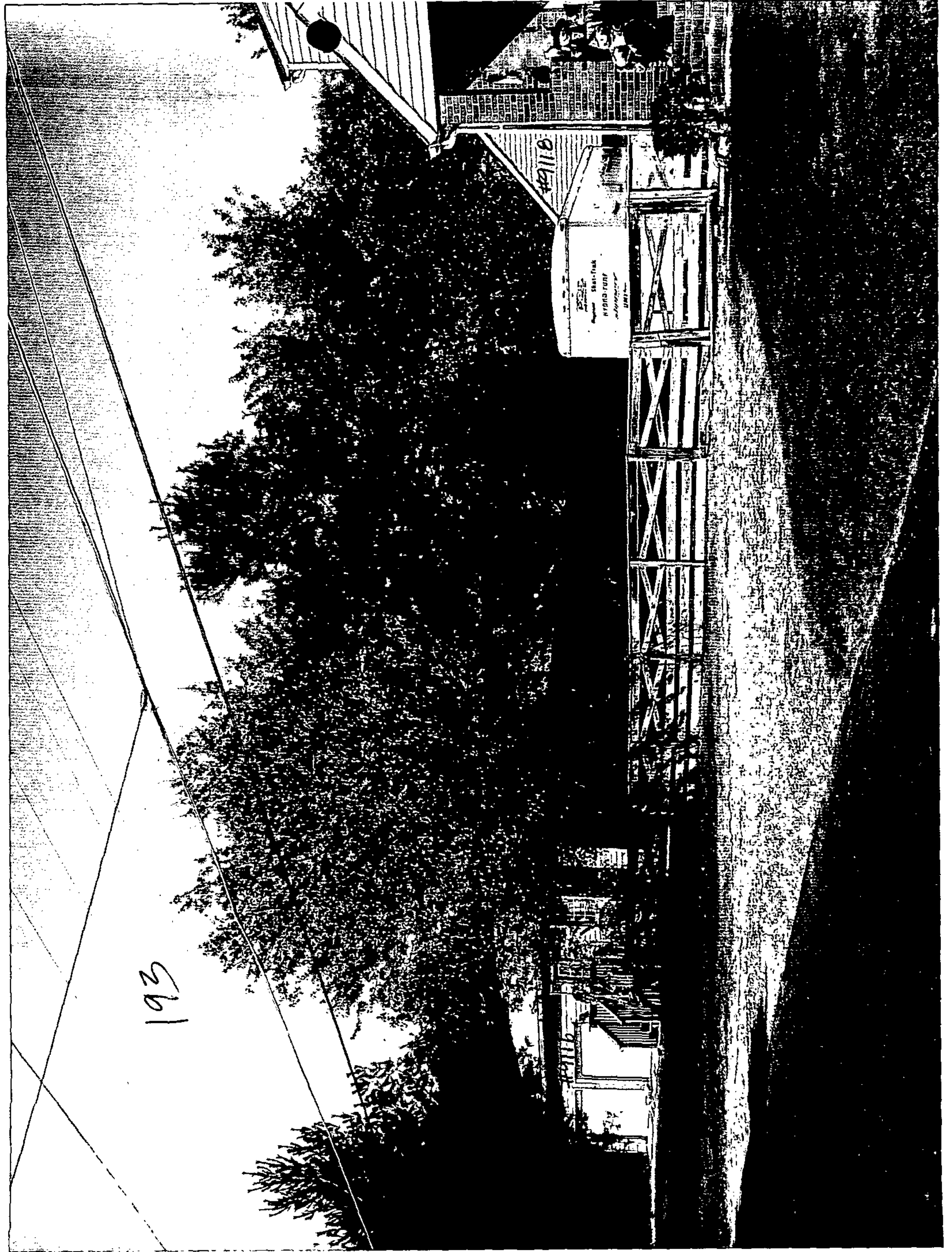
193

#9116 LENNINGS LA



193





193

8116

8116
SEAL-TRAK
HYDRO-TURN
APPROPRIATE
UNIT

8116

193

9116

