

IN RE: PETITION FOR ADMIN. VARIANCE
NW side Lampost Lane, 0-feet
NE c/l Woodpark Court, extended
9th Election District
5th Councilmanic District
(2416 Lampost Lane)

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

Michael T. and Susan E. Whelan
Petitioners

*

CASE NO. 07-233-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, Michael T. and Susan E. Whelan. The variance request is for property located at 2416 Lampost Lane. The variance request is from Section 1B02.3.B (1963 regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet for an open projection (deck) and a rear yard setback of 20 feet for an addition in lieu of the required 11.25 feet and 30 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the property line is unusually close to the dwelling. The proposed deck extension measures 16 feet x 9 feet and is located on the left rear side of the dwelling. The proposed enclosed portion of the addition measures 12 feet x 13 feet.

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 were received from the Office of Planning dated November 20, 2006 which contains a restriction. The protruding portion of the addition will be on the left side and will be an unenclosed deck structure. That Office does not oppose the Petitioner's request as the majority of the proposed addition will be in the rear of the dwelling. A copy of which is attached hereto and made a part hereof the file.

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90-22-06
12-22-06
PB

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.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 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.

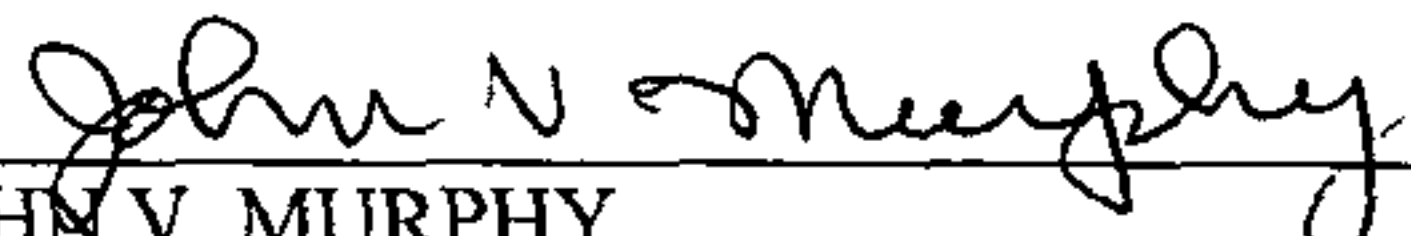
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

RECEIVED FOR FILING
12-22-06
12-22-06
12-22-06

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of December, 2006, that a variance from Section 1B02.3.B (1963 regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet for an open projection (deck) and a rear yard setback of 20 feet for an addition in lieu of the required 11.25 feet and 30 feet, respectively 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.
2. The addition shall be articulated with windows complimentary to that of the existing dwelling and/or the addition should be screened from direct view of the public right of way, Lampost Lane.

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

NOT RECORDED FOR FILING
12-22-06
JVM

ZONING DESCRIPTION

Zoning Description For 2416 Lampost Lane

Beginning at a point on the North side of Lampost Lane, which is 50 feet wide at the distance of zero ft. north of the centerline of the nearest improved intersecting street Woodpark Court, which is 50 ft. wide. Being Lot # 2, Block A, Section 2 in the subdivision of Parkway Manor as recorded in Baltimore County Plat Book #29, Folio# 53, containing 6,018 square feet. Also known as 2416 Lampost Lane and located in the 9th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21772

DATE 11/20/06 ACCOUNT 2001-00616150

AMOUNT \$ 65.00

RECEIVED FROM: M. Whelan
FOR: Administrative Services

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Item #233

PAID RECEIPT

BUSINESS ACTUAL TIME IN
11/21/2006 11/20/2006 10:45:34
RED MEDIA WALJEH JRIC JRM
>>RECEIPT # 200679 11/20/2006 OFLN
DEPT. 5 520 JRMING VERIFICATION
CR NO. 021772

Receipt Tot \$65.00
\$65.00 CR \$65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 12/4/06

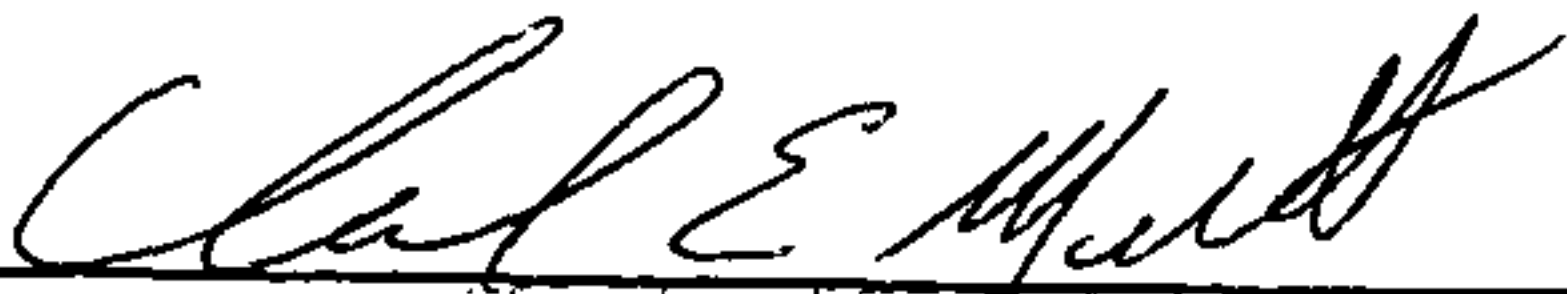
RE: Case Number: OT-233-A

Petitioner/Developer: SUSAN WHELAN

Date of Hearing/ (Closing) 12/19/06

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 2416 LAMPOST LANE

The sign(s) were posted on 12/4/06
(Month, Day, Year)


(Signature of Sign Poster)

Charles E. Merritt
9831 Madgett Road
Baltimore, MD 21234
410-665-5562



VARIANCE

CASE # 07-233 A

TO PERMIT A SIDEYARD SETBACK OF 10 FT.
FOR AN OPEN PROJECTION (DECK) AND A
REAR YARD SETBACK OF 20 FT. FOR AN
ADDITION IN LIEU OF THE REQUIRED
11.25 FT. AND 30 FT. RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON DEC. 19, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF \$100 PER DAY

HANDICAPPED ACCESSIBLE

12.03.2006 12:12

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 233 -A

Address 2416 Lampost Lane

Contact Person: Bruno Rudaitis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11/20/06

Posting Date: 12/3/06

Closing Date: 12/18/06

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 07- 233 -A

Address 2416 Lampost Lane

Petitioner's Name Michael & Susan Whelan

Telephone 443-695-7505 wk.

Posting Date: 12/3/06

Closing Date: 12/18/06

Wording for Sign: To Permit a side yard setback of 10 ft. for an open projection (deck) and a rear yard setback of 20 ft. for an addition in lieu of the required 11.25 ft. and 30 ft. respectively.

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: 07-233-A

Petitioner: Susan E Whelan

Address or Location: 2416 Lampost Lane Balt, Md 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Susan E Whelan

Address: 2416 Lampost Lane
Baltimore, Md 21234

Telephone Number: 410-665-1543



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

December 19, 2006

Michael T. Whelan
Susan E. Whelan
2416 Lampost Lane
Baltimore, MD 21234

Dear Mr. and Mrs. Whelan:

RE: Case Number: 07-233-A, 2416 Lampost Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 20, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-5-2006

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

RE: Baltimore County
Item No. 7-233-A
2416 LAMPOST LANE
WHELAN PROPERTY
VARIANCE - PERMIT A SIDE
YARD SETBACK OF 10'

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. 7-233A.

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



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 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232, (233) 234, 235, 236, 237, 238, 239.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 20, 2006

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

SUBJECT: 2416 Lampost Lane

INFORMATION:

Item Number: 7-233

Petitioner: Michael T. Whelan

Zoning: DR 5.5

Requested Action: Administrative Variance

RECEIVED

DEC 11 2006

PLANNING DEPARTMENT

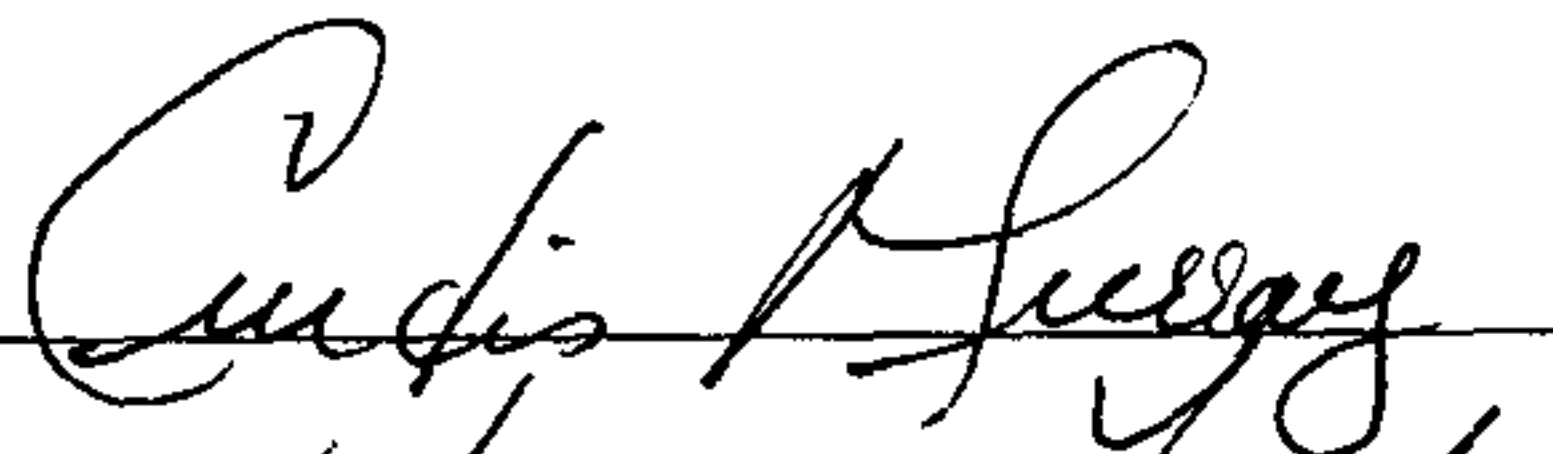
SUMMARY OF RECOMMENDATIONS:

The Office of Planning met with the petitioner to discuss the nature of the proposed addition. It was explained that the protruding portion of the addition will be on the left side and will be a un-enclosed deck structure. Given the nature of the proposed addition and that the majority of the addition will be in the rear of the dwelling the Office of Planning does not oppose the petitioner's request.

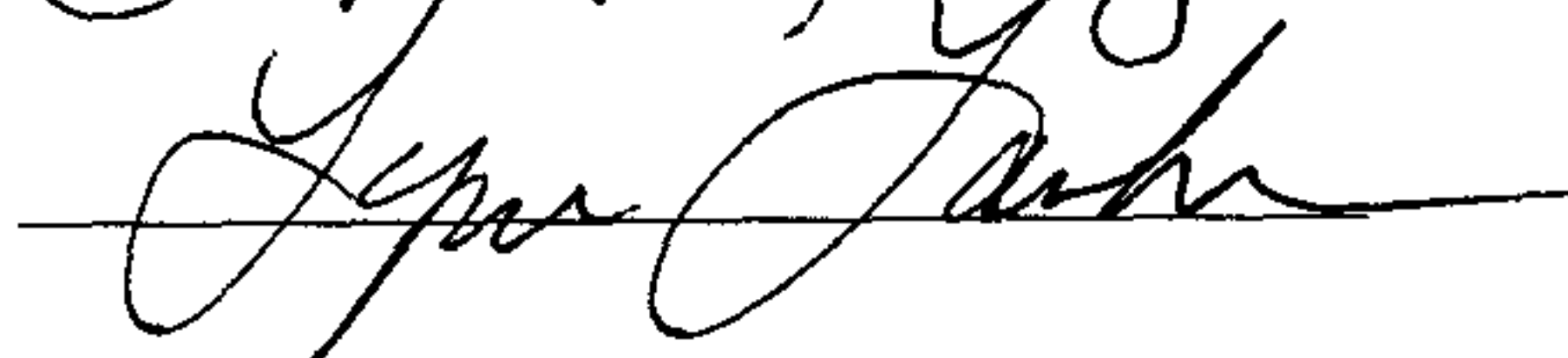
However, this Office's position is based on the site plan as enclosed with the subject petition. The subject addition should be articulated with windows complimentary to that of the existing dwelling and/or the addition should be screened from direct view of the public right-of-way (i.e. Lampost Lane)

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

Reviewed by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 30, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 4, 2006
Item Nos. 07-229, 230, 231, 232, 233, 234,
235, 237, 238, and 239

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-11292006.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 21, 2006

MICHAEL T. AND SUSAN E. WHELAN
2416 LAMPOST LANE
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 07-233-A
Property: 22416 Lampost Lane

Dear Mr. and Mrs. Whelan:

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,

Handwritten signature of John V. Murphy in cursive script.

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

RECEIVED FOR ALR
12-22-06
PB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 20, 2006

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

SUBJECT: 2416 Lampost Lane

INFORMATION:

Item Number: 7-233

Petitioner: Michael T. Whelan

Zoning: DR 5.5

Requested Action: Administrative Variance

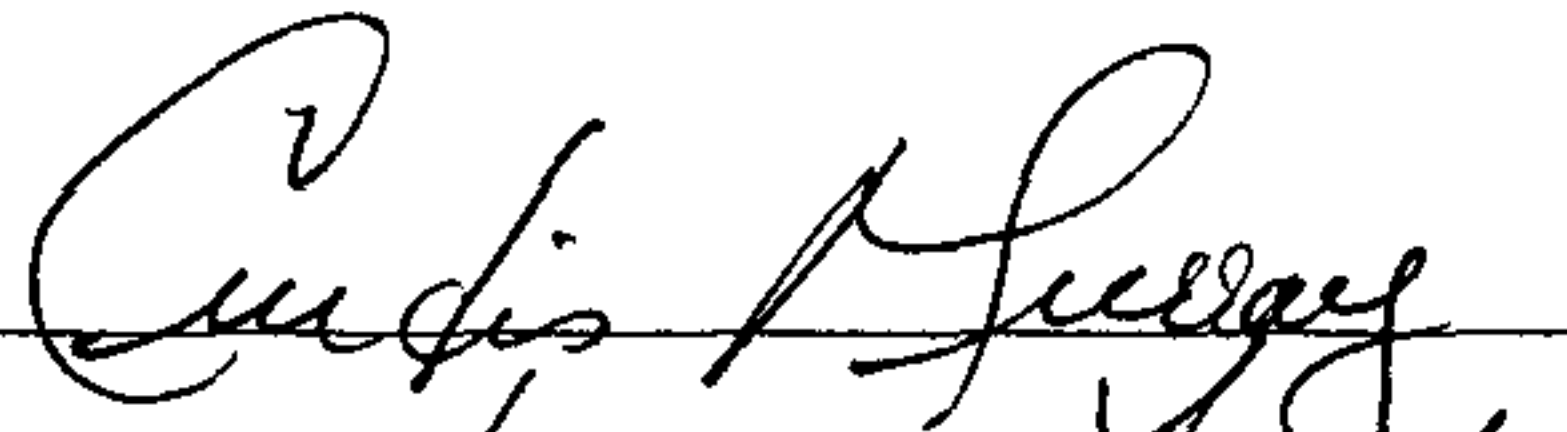
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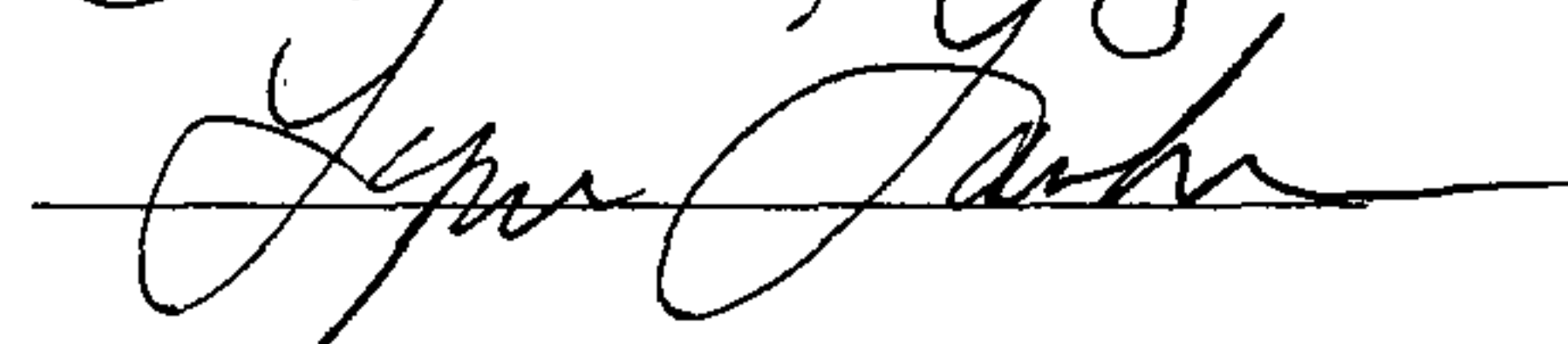
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For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM





DR 5.5

1710

J. W.

#233

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2416 Lampert Ln.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Parkway Manor

PLAT BOOK # 29 FOLIO # 53 LOT # 2 SECTION # 2

OWNER Michael T. & Susan E. Wheeler Elder Mill Rd.



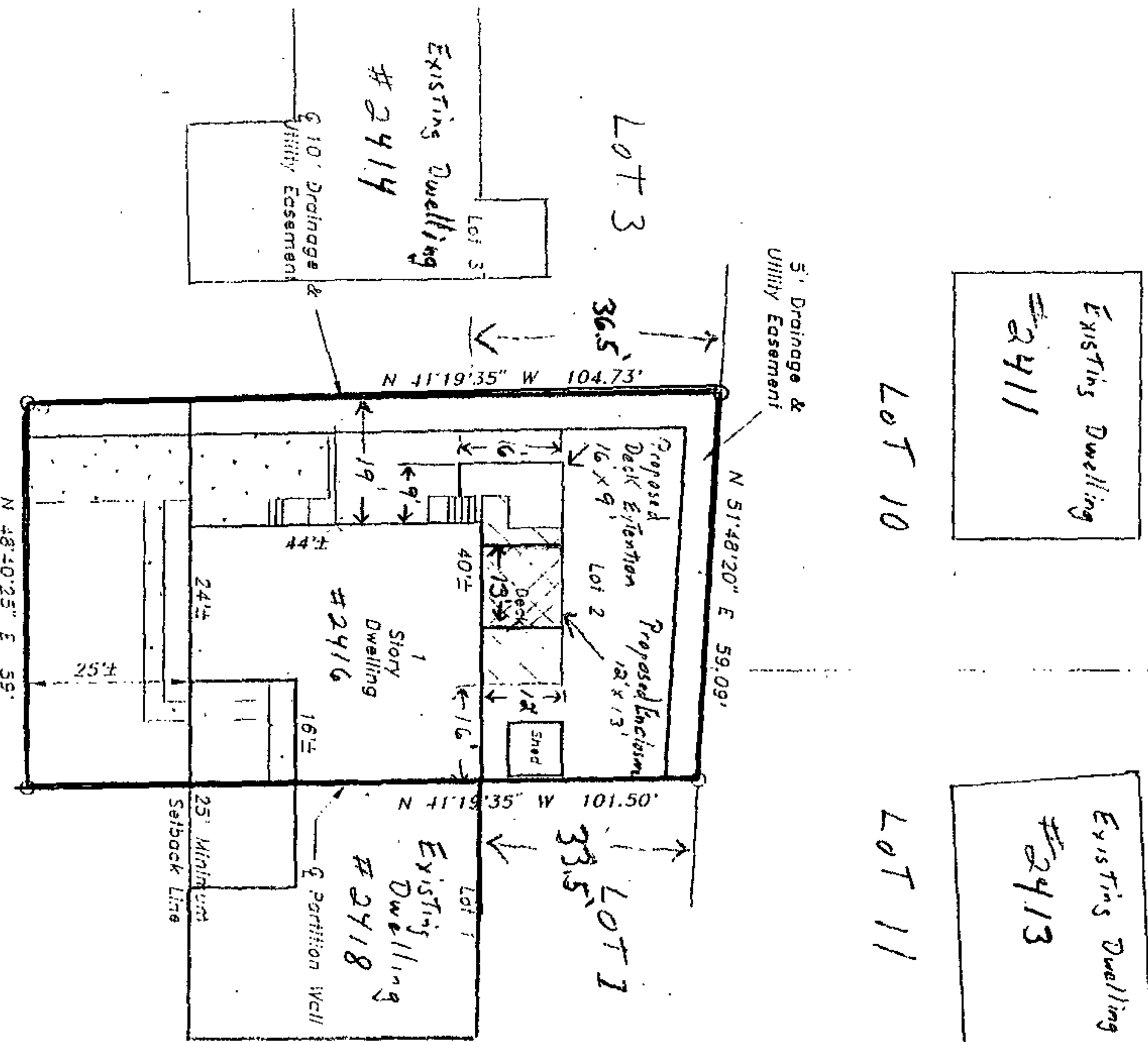
NORTH

PREPARED BY MTW

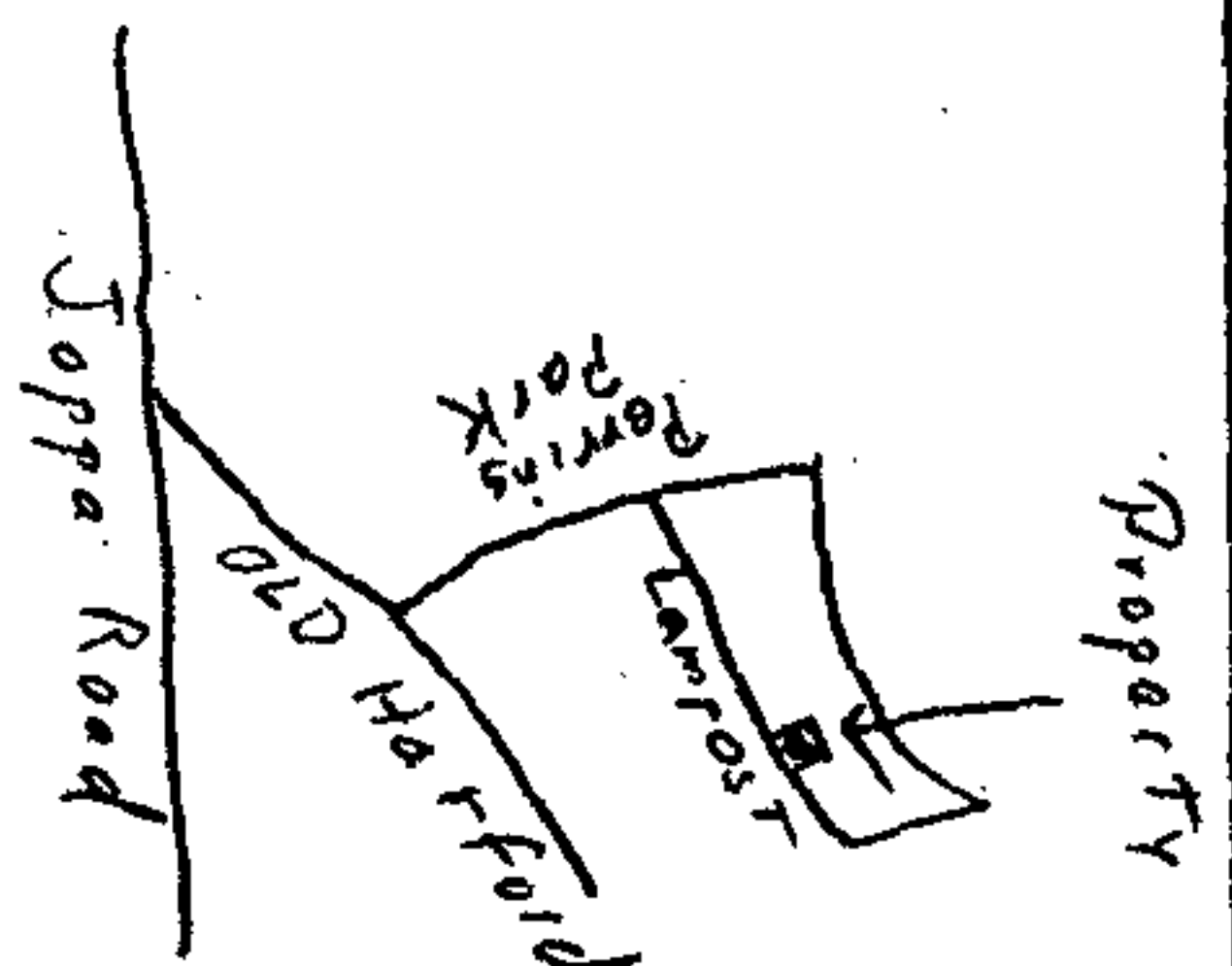
MTW

Lampost Ln

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 07141

ZONING DR 5.5

LOT SIZE .14 6,018

ACREAGE .14 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

MTW

233

67-233-14



#633