IN RE: PETITION FOR VARIANCE

E side Francke Avenue, 170 feet N c/l

W Seminary Avenue

8th Election District

3rd Councilmanic District

(1503 Francke Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-379-A

Petitioners *

C. John Thomson, IV and Sandra B. Thomson

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, C. John Thomson, IV and Sandra B. Thomson. The Petitioners are requesting variance relief for property located at 1503 Francke Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 21 feet for an accessory structure (garage) in lieu of the required 15 feet.

The property was posted with Notice of Hearing on March 27, 2007 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 March 27, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area,

off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated March 20, 2007 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file. The property is located in the Lutherville County Historic District. The Landmarks Preservation Commission reviewed and approved the design of the structure on March 9, 2006.

Interested Persons

Appearing at the hearing on behalf of the variance request were Douglas Kennedy, civil engineer. and Robert Wingard, architect, for Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 0.651 acres +/- zoned DR 2, and is located in the Lutherville Historic District. Mr. Kennedy explained the subject lot was subdivided from a 2 acre lot owned by the Thomson family in 2002 as shown on exhibit 2. The family owned an apartment house on lot 1 and a single family dwelling on lot 2. The Petitioners would like to erect a single family dwelling and garage on lot 3 as shown in exhibit 1 again for a Thomson family member.

As originally proposed the dwelling would also have an in-law apartment and built in garage as shown on exhibit 3 but this configuration impacted mature trees on the property. The design was modified to remove fewer trees but needed a rear yard setback variance which was granted in Case Mo. 06-178-A. See Plat to Accompany for this case as exhibit 4. In consultation with the Lutherville Community Association, the Petitioner also agreed to add a wrap around porch which is found on many homes in the historic district. See Petitioner's exhibit 5. However the Community Association also wanted the garage detached as shown on exhibit 1 as being more compatible with the historic district. Again the Petitioner agreed.

Mr. Wingard indicated that Lutherville has stringent rules for new construction including materials, roof pitch, porches, etc., intending to have the new construction blend into the existing historic Victorian community. Roofs are to be steep consistent with Victorian design and the garage must have a steep pitch roof to be compatible with the house and community. This was no problem when the garage was connected to the house, but when the garage became detached the steep roof violated the 15 ft. height limitation. See exhibit 6 for the garage design which exceeds the 15 foot requirement.

Mr. Kennedy indicated that the Petitioner agreed to the conditions requested by the Planning Office and noted the new garage will not be served by water or sewer. He presented minutes of the Landmarks Preservation Commission approving the new house and garage which are included in the file. A visualization of the difference between a 15 foot high garage and 21 foot high garage is shown in exhibit 7A and 7B. He also presented a letter of support from the Lutherville Community Association (exhibit 8) and an e-mail from the Preservation Section of the Planning Office supporting the request. Finally he observed that the proposed garage is physically next to the church parking lot and will not affect the view shed of any of the historic homes in the community.

Findings of Fact and Conclusions of Law

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The dwelling must have a steeply pitched roof to be compatible with the Victorian homes in the Lutherville Historic District. To be compatible with the new home and community the new garage must have a steeply pitched roof. Thus the height limitation in the regulations impact this property disproportionately compared to others in the district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The difference in look between a 15 foot high garage and a 21 foot garage is striking as shown in exhibit 7. The hardship would not only fall on the Petitioner but on the community as a whole if the 15 foot limitations is strictly construed.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The Landmarks Preservation Commission, Planning Office and Community Association support the request.

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 <u>loth</u> day of April, 2007 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of 21 feet for an accessory structure (garage) in lieu of the required 15 is hereby GRANTED subject to the following conditions:

- 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. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

3. The accessory structure shall not be used for commercial purposes.

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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

April16, 2007

C. JOHN THOMSON, IV AND SANDRA B. THOMSON 8 CARRIAGE WALK COURT BALTIMORE MD 21234

Re: Petition for Variance
Case No. 07-379-A
Property: 1503 Francke Avenue

Dear Mr. and Mrs. Thomson:

Enclosed please find the decision rendered in the above-captioned case.

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: Douglas L. Kennedy, 3106 Lord Baltimore Drive, Suite 110, Baltimore MD 21244 Robert Wingard, 10704 West Castle Place, Cockeysville MD 21030



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1503 Francke Ave. Lutherville 21093 which is presently zoned DR2

•		•		·
of the property situate in F	d with the Department of Permalaltimore County and which is o	lescribed in the descrir	ation and alst attached he	reto and made a nar
hereof, hereby petition for a	a Variance from Section(s)	100.3 to pern	nit a height of	21 At for
ah accessory	structure (-garage)	Fin lieu of	the required	15 ft.

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

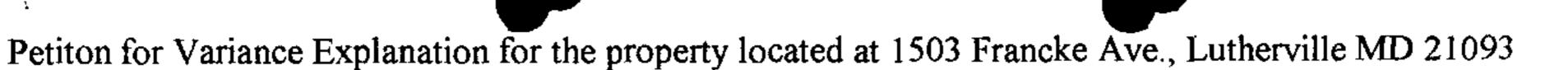
SER ATTACHMENTS

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.

		s the subject of this Petit		•						
Contract Purchaser	/Lessee:		Legal Owner(s	<u>5):</u>						
· N/A	•		C John Tho	mson IV						
Name - Type or Print	·		Name - Type or Print	homoon &						
Signature	· 		Signeture	TO TO THE TAIL	 _					
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	: 	<del></del>	Sandra B T	homson						
Address		Telephone No.	Name - Type or Print	20						
City	State	Zip Code	Signature	Otton						
Attorney For Petitio	ner:		8 Carriage	Walk Court	410-882-2221					
N/A			Address		Telephone No.					
			Baltimore	MD	21234-1425					
Name - Type or Print		<del></del>	City	St	ate Zip Code					
Signature			Representativ	e to be Contact	ed:					
oignature		,	C John Thoi	nson TV	•					
Company	<del></del>	<del></del>	Name							
<del></del>			8 Carriage	Walk Court	443-858-0666					
Address		Telephone No.	Address	·	Telephone No.					
<del></del>		·	Baltimore	MD	21234-1425					
City	State	Zip Code	City	St	ate Zip Code					
				OFFICE USE ON	<u>_Y</u>					
Case No A2 -	220-A	-	ESTIMATED LENGTH OF HEARING							
Case No	W. T. C. C. T.	TURN	UNAVAILABLE	FOR HEARING						
REV 9/15/98	Willeron	Reviewed By	34	Date	27					
		\ '								



I am requesting a variance with respect to Section 400.3 (Accessory Buildings in Residence Zones)

The property is located in Historic Lutherville and was approved at the Baltimore County Landmarks
Preservation Commission meeting of March 9, 2006 for the construction of a new dwelling on a panhandle lot.
This petition is to request the garage to have a height of 21 feet rather than the 15 foot restriction in Baltimore
County. The pitch of the roof for the main house, the in-law suite (attached to the house) and the garage were
kept uniform in order to keep with the similar houses in the historic district.

Conversations with the staff of Landmarks Preservation Commission and the Lutherville Advisory Committee have been in support of the proposed height of 21 feet in order to continue the construction of building similar in character to the Victorian style found in Historic Lutherville.

I have included a coy of the approval from Baltimore County Landmarks Preservation Commission. Thank you for your consideration.

Sandra B. Thomson

# Baltimore County, Maryland

# OFFICE OF PLANING

#### Memorandum

TO:

John Reisinger

Buildings Engineer

DATE: March 14, 2006

Vicki Nevy, Administrator/Secretary

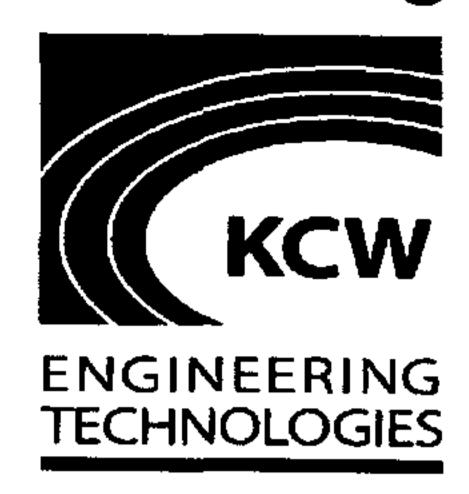
Eandmarks Preservation Commission

SUBJECT: 1503 Francke Avenue, Lutherville

At its March 9, 2006 meeting, the Baltimore County Landmarks Preservation Commission approved the construction of a new dwelling on a panhandle lot at 1503 Francke Avenue. This memo constitutes a notice to proceed in accordance with Baltimore County Code Section 32-7-405.

VKN:vkn

Wm. Wiseman ohn Thomson, IV



#### **ZONING DESCRIPTION**

1503 FRANCKE AVENUE

8th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

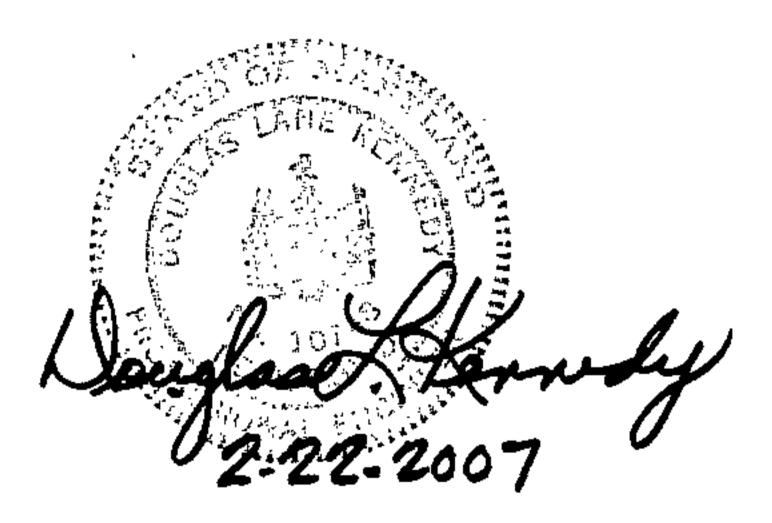
Beginning for the same at a point on the East side of Francke Avenue, 50 ft. wide, said Point of Beginning being distant 170 ft. North of the centerline of W. Seminary Avenue, 60 ft. wide, thence the following courses and distances:

- 1. N 18°22'54" E 30.01 ft.
- 2. S 73°06'23" E 165.02 ft.
- 3. N 16°00'09" E 214.87 ft.
- 4. S 73°06'23" E 143.90 ft.
- 5. S 18°22'40" W 45.50 ft.
- 6. S 73°06'23" E 2.32 ft.
- 7. S 17°56'26" W 102.66 ft.
- 8. N 73°59'51" W 110.84 ft.
- 9. S 16°00'09" W 95.00 ft.
- 10. N 73°06'23" W 170.26 ft. to the Point of Beginning.

Containing 28,356 sq. ft. or 0.651 acres, more or less.

Being known as 1503 Francke Avenue.

Being Lot No. 3 of Minor Subdivision PDM #01-033M of "Property of C. John Thomson, III" as recorded in Liber 16722 folio 657.



# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows: Case: #07-379-A

1503 Francke Avenue
E/side of Francke Avenue
of W. Seminary Avenue
8th Election District
3rd Councilmanic District
Legal Owner(s): C. John
Thomson, IV and Sandra B.
Thomson
Variance: to permit a

Thomson

Variance: to permit a height of 21 feet for an accessory structure (garage) in lieu of the required 15 feet.

feet.
Hearing: Wednesday,
April 11, 2007 at 2:06
p.m. in Room 407, County
Courts Building, 401
Bosley Avenue, Towson

Bosiey Avenue,
21204.

21204.

WILLIAM J. WISEMAN, III.
Zoning Commissioner for
Baltimore Gounty
NOTES: (1) Hearings are
ACCESSIBle;

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

# CERTIFICATE OF PUBLICATION

3/29/200

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of _____successive weeks, the first publication appearing on _______successive weeks, the first publication appearing

★ The Jeffersonian
 Arbutus Times

☐ Catonsville Times

☐ Towson Times

Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

Mulmer

LEGAL ADVERTISING

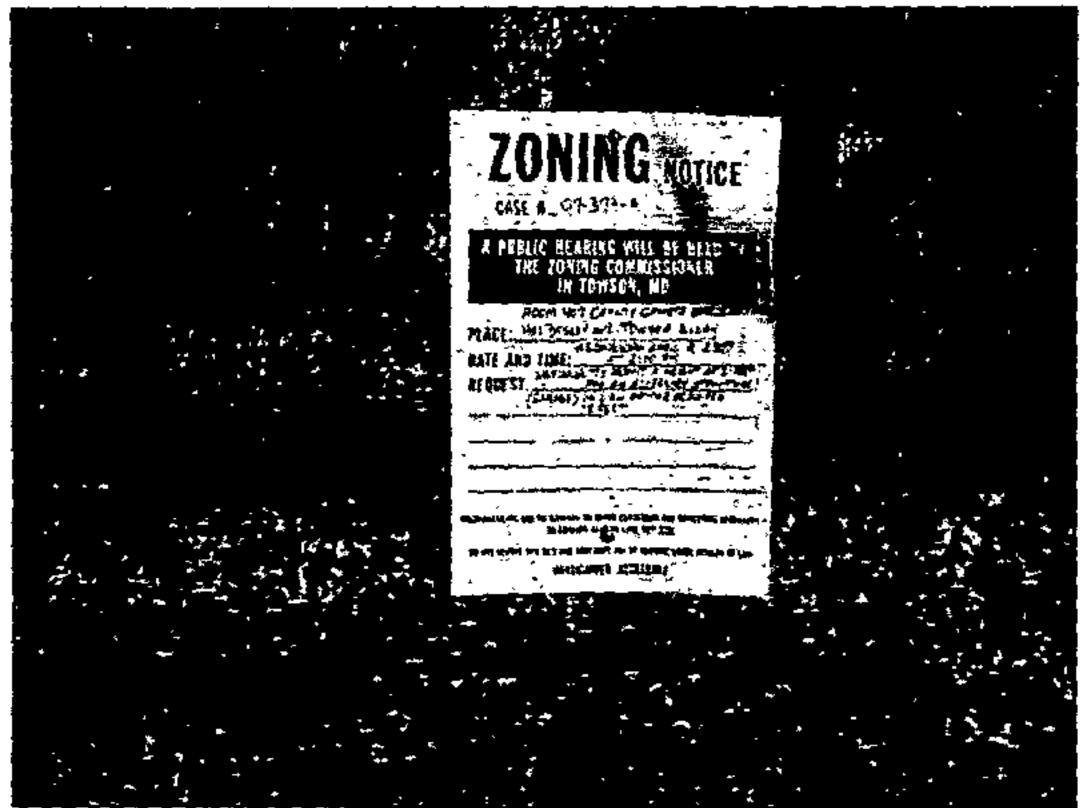
OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND MISCELLANEOUS RECEIVED WHITE - CASHIER FOR RECEIPT AGENCY TNOOMA ACCOUNT **AETTOM** A A

## CERTIFICATE OF POSTING

RE: Case No: 07-379-1

	Petitioner/Developer: C. JOHN THOMSON IV & SANDRA B. THOMSON
	Date Of Hearing/Closing: 4/11/07
Baltimore County Department of Permits and Development Manag County Office Building, Room 1 11 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen:	
ign(s) required by law were post	penalties of perjury that the necessary ed conspicuously on the property
his sign(s) were nested on	
his sign(s) were posted on	Month, Day, Year)
•	Sincerely,
	(Signature of sign Poster and Date)
·	
	Martin Ogle Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)

im001025 (576x432x24b jpeg)



mostar Ogl 3/27/2C

RE: PETITION FOR VARIANCE

1503 Francke Avenue; E/S Francke Avenue,

170' N c/line W. Seminary Avenue

8th Election & 3rd Councilmanic Districts

Legal Owner(s): C. John & Sandra Thomson*

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

07-379-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Max dimmerman

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 9th day of March, 2007, a copy of the foregoing Entry of Appearance was mailed C. John Thomson, 8 Carriage Walk Court, Baltimore, MD 21234, Petitioner(s).

RECEIVED

112905 2007

POER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per-----



JAMES T. SMITH, JR. County Executive

March 15, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

#### 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: 07-379-A

1503 Francke Avenue

E/side of Francke Avenue, 170 feet north of centerline of W. Seminary Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: C. John Thomson, IV and Sandra B. Thomson

Variance to permit a height of 21 feet for an accessory structure (garage) in lieu of the required 15 feet.

Hearing: Wednesday, April 11, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: C. John & Sandra Thomson, IV, 8 Carriage Walk Court, Baltimore 21234-1425

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 27, 2007.

- (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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT 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.

For Newspaper Advertising:
1 of Hewspaper Advertising.
Item Number or Case Number: <u>07 - 379 - A</u>
Petitioner: C. JOHN THOM SON IV
Address or Location: 1503 FRANCKE AVE. LUTHERVIlle MD 21093
PLEASE FORWARD ADVERTISING BILL TO:
Name: John Thomson
Address: 8 CARRIAGE WALK COURT
BACTIMORE MD 21234
Telephone Number: 410-882-2221



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 5, 2007

C. John Thomson, IV Sandra B. Thomson 8 Carriage Walk Court Baltimore, MD 21234-1425

Dear Mr. and Mrs. Thomson:

RE: Case Number: 07-379-A, 1503 Francke Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 25, 2007.

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,

W. Carl Richards, Jr.

U. Callibal

Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

#### 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

March 9, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 5,2007

Item Number: 374 through 388

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



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 6, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 12, 2007

Item Nos. 07-374, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, and 388

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-03062007.doc

Ba 4/11

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 20, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7-379 -- Variance

The above referenced property is located in the Lutherville County Historic District. The Landmark's Preservation Commission reviewed and approved the design of the said structure on March 9, 2006 (as the proposal involved the construction of a new dwelling and a freestanding garage). Therefore, the Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 21 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

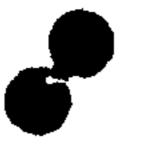
Prepared by:

Section Chief:

RECEWED

1 - . . . 2007

AFK/LL: CM





John D. Porcari, Secretary Designate

Neil J. Pedersen, Administrator

Martin O'Malley, Governor Anthony Brown, Lt. Governor

Maryland Department of Transportation

Date: MARCH 12, 2007

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

RE: Baltimore County

Item No. 7-379-A

1303 FRANCKE AVENUE

THOMISON PRODERTY

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. 7-379A.

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,

Y. ASteven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

#### The Lutherville Historic Advisory Committee

to the Baltimore County Landmarks Preservation Commission

April 9, 2007

Timothy Kotroco, Director To:

> Department of Permits and Development Management Phose care mil

County Office Building

111 West Chesapeake Avenue

Towson, 21204

Subject: Case number is 07-379-A

Dear Mr. Kotroco:

LAC joins LPC in supporting the 21 foot height for the accessory garage structure mentioned in this case vs. the 15 foot height restriction.

Sincerely, LUTHERVILLE ADVISORY COMMITTEE Earl Pen Jones Chairman

From:

Caren Hoffberger

To:

Brown, Karin; Murray, Curtis; Wingard, Rob

Date:

04/12/07 1:22:22 PM

Subject:

Re: Thomson Garage Height Variance

Thanks - we are a good team!

Towson, MD 21204

Caren Beth Hoffberger
Chief, Preservation Services Section
New e-mail address: choffberger@baltimorecountymd.gov
Phone: 410-887-3495
Fax: 410-887-5862
Baltimore County Office of Planning
401 Bosley Avenue, Suite 406

#### >>> Curtis Murray 04/12/07 10:27 AM >>>

Preservation staff comments were included in the recommendation sent to the Zoning Commissioner's office (see attached). In the opening paragraph, we indicated that the LPC reviewed and approved the said structure on March 9,2006. If there is any uncertainty or if there needs to be more clarification, please advise.

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480
Fax: 410-887-5862
cimurray@co.ba.md.us

#### >>> Karin Brown 04/12/07 9:04 AM >>>

As you can see from the attached staff comments dated March 5, 2007, I submitted staff comments regarding this issue in a timely manner. I do not know why Preservation staff comments were not included in the Planning comments. To reiterate, staff is in support of the variance. Regards Karin

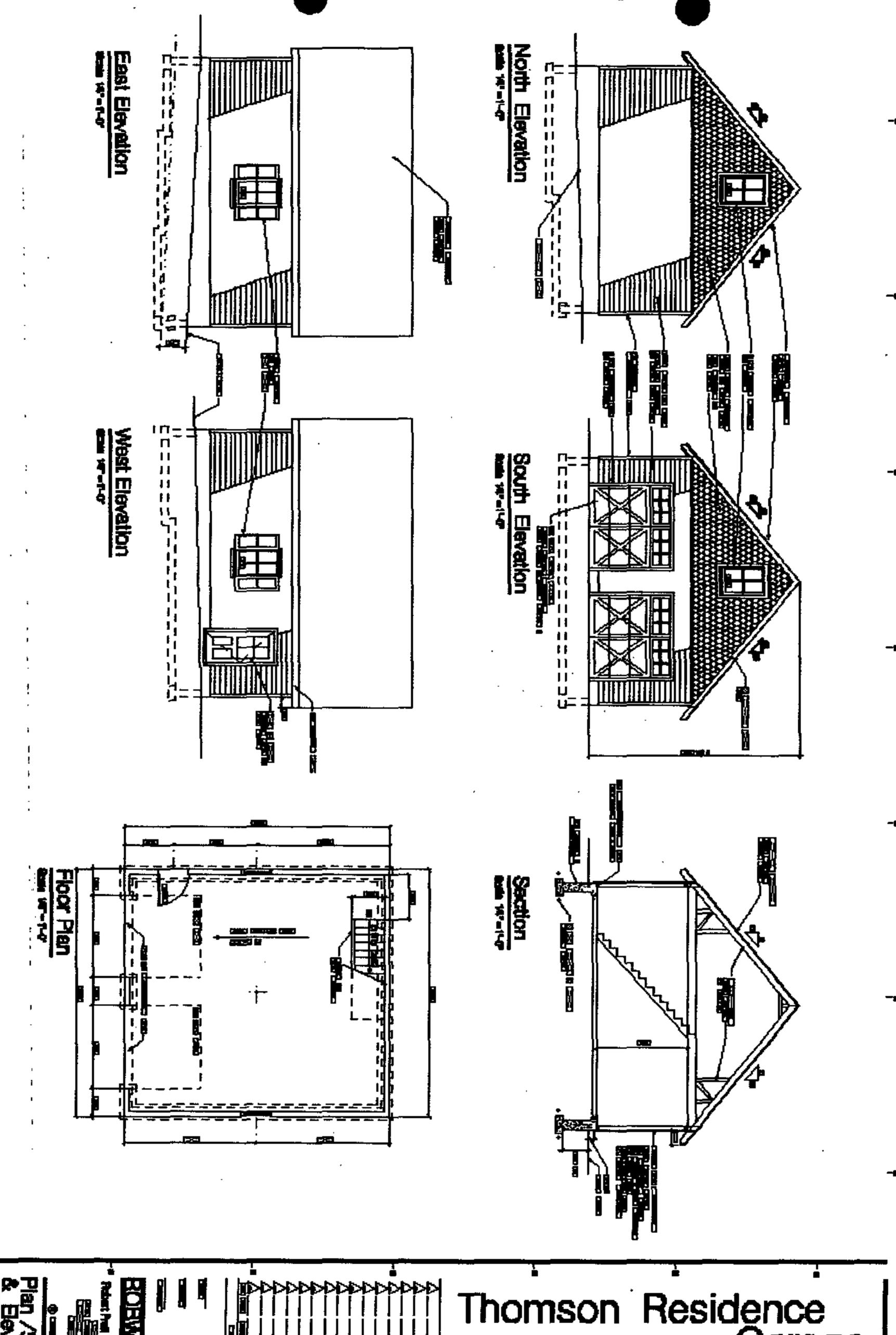
#### >>> "Rob Wingard" <<u>robwerks@comcast.net</u>> 04/11/07 7:28 PM >>>

Today (Weds April 11) was the variance hearing for the request to allow a 21' height on the detached garage for the Thomson house vs the standard 15' height. (Case # 07-379-A) To my surprise, there was nothing in the file to indicate LPC's support of the height variance. Maybe it was a misunderstanding on my part, but I was certain you had told me that you had made some sort of recommendation to that effect, and that it would appear in the file.

There was a statement from staff but all it said was that the building should not be used for rental purposes or any living situation.

I told Mr. Murphy that we had spoken and that LPC was in support of the additional height and he asked me to have some evidence of that, that he could include in the file. Would you please either visit him or send him an email stating LPC's support of the added height? He didn't seem like the type to check email which is why I suggest maybe a visit or a literal paper trail

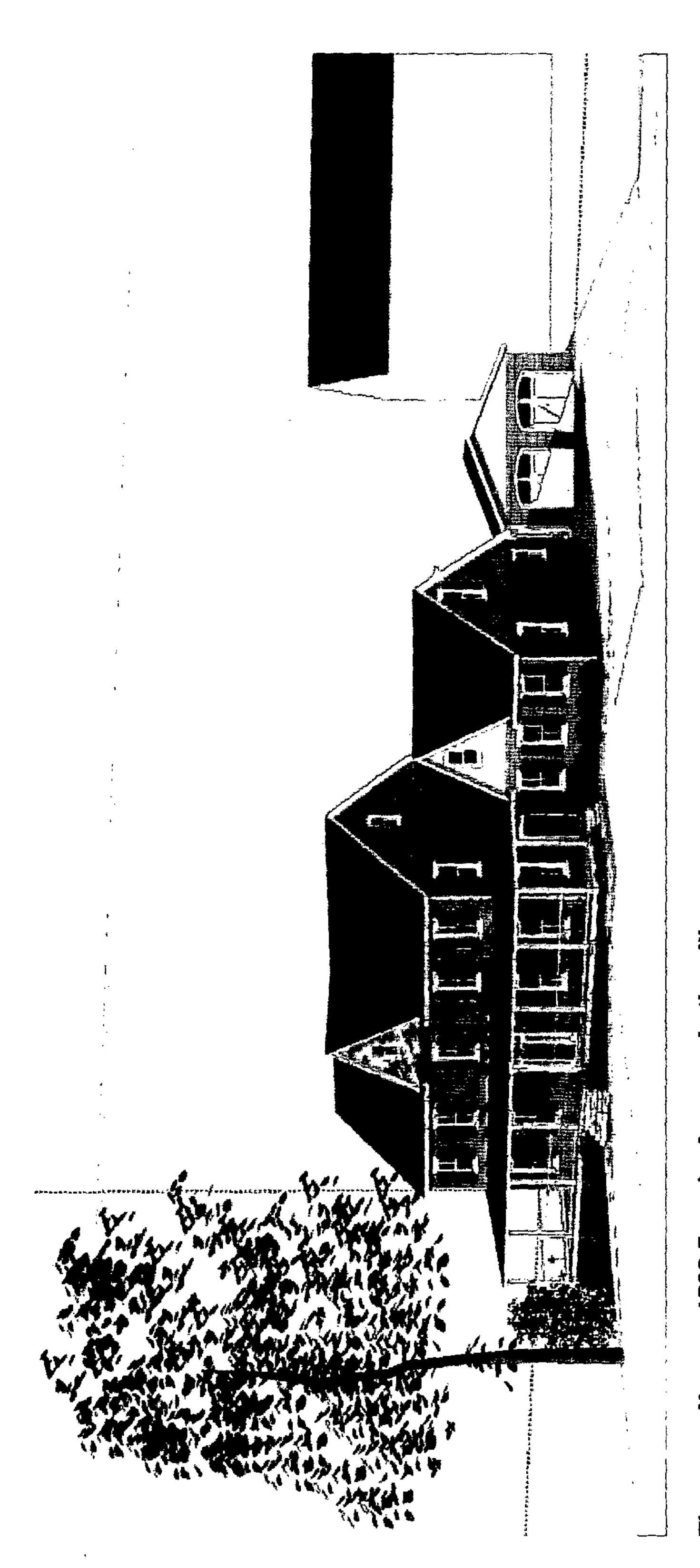
CC: Lanham, Lynn; Murphy, John





Thomson Residence Garage

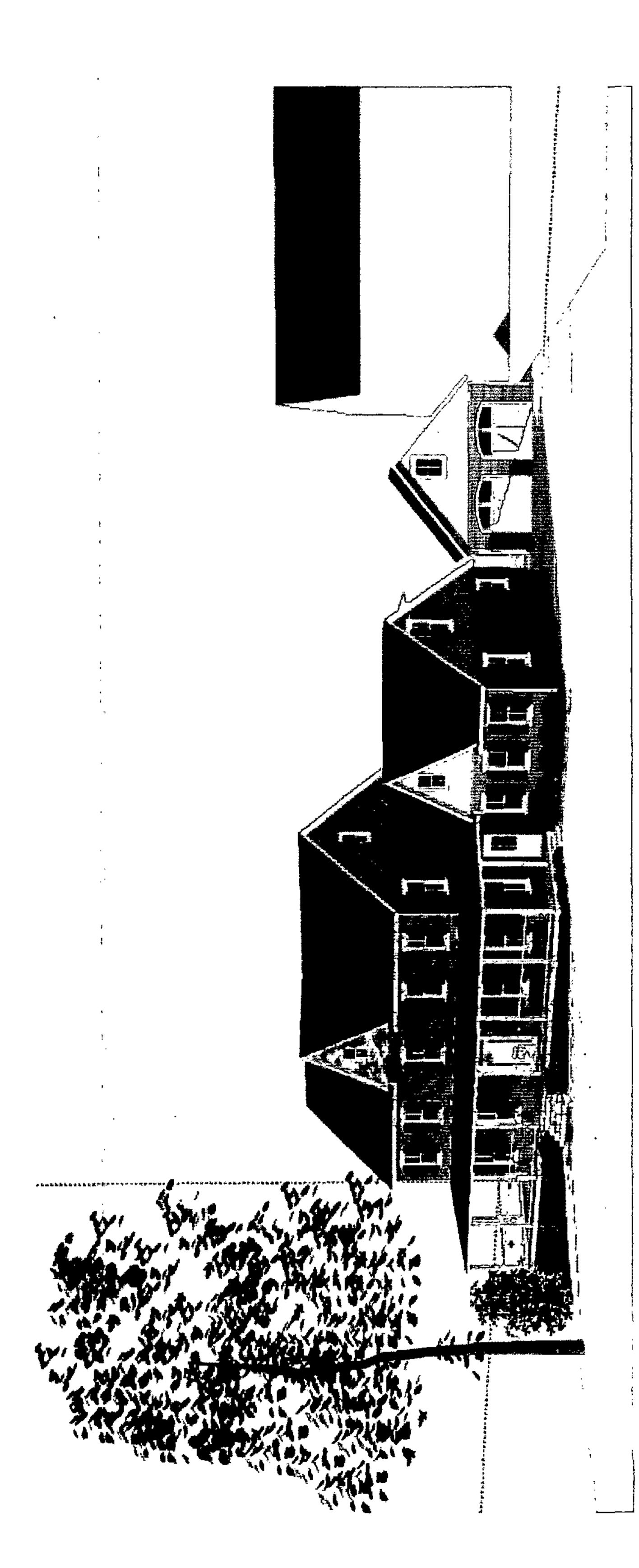
1503 Francke Avenue Lutherville, MD 21093



Thompson House - 1503 Francke Avenue - Lutherville Garage with 15'-0" high peak per Zoning Standard

(Grey building in background is St. John's Methodist Church Fellowship Hall).

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Thompson House - 1503 Francke Avenue - Lutherville Garage with 21'-0" high peak per Zoning Standard (Grey building in background is St. John's Methodist Church Fellowship Hall)

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#### IN RE: PETITION FOR VARIANCE

E/S of Francke Avenue, 170' N of the c/l

West Seminary Avenue

(1503 Francke Avenue)

8th Election District 3rd Council District

C. John Thomson IV, et ux. Petitioners

BEFORE THE

- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 06-178-A

* * * * * *

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, C. John Thomson, IV and his wife, Sandra Thomson. The Petitioners seek relief from Section 1B02.3.C.1, of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the required 40 feet for a proposed dwelling. The subject property and requested relief are more particularly described on the revised site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were C. John Thomson, IV, property owner, and Douglas L. Kennedy, Professional Engineer. Appearing as interested citizens/Protestants were several residents from the surrounding community. They included Earl Pen Jones, Marie Frederick, Sally Windsor, Eric Rockel, and Patricia Prugh.

The property at issue is a roughly square-shaped parcel located north of West Seminary Avenue, east of Francke Avenue and I-83 in the older historic district of Lutherville. The property contains a gross area of 0.651 acres, more or less, zoned D.R.2, and is presently unimproved. The property is also known as Lot 3 of the Minor Subdivision of the "Property of C. John Thomson, III" (PDM No. 01-033M), as indicated on Petitioners' Exhibit 1, and is accessed via a long panhandle driveway from Francke Avenue. Mr. Kennedy testified that the Petitioners are desirous of developing the property with a single-family dwelling. However, in the spirit of saving a mature walnut tree located on the property, that also has sentimental value for the Petitioners, the

proposed dwelling must be oriented at an angle to the property lines. As a result of the proposed configuration, the rear northernmost corner of the house will be located within 20 feet of the rear property line, thus necessitating the requested variance.

Mr. Thomson appeared and testified regarding his intentions and to the history of the property during the period that his family has owned it. He indicated that his grandfather purchased the property in 1922, who, in 1941 became the Postmaster for the Lutherville Post Office. Mr. Thomson currently resides in the house located at 218 W. Seminary Avenue. He indicated that his parents are advancing in age and that he is desirous of providing living space in the nature of an In-Law apartment in the proposed dwelling. The issue of the In-law apartment is not before me and will require the Petitioner to either file the necessary Petition for Special Hearing or file the necessary Declaration of Understanding with the Zoning Office. While it is admirable that Mr. Thomson is willing to care for his parents in this manner, this issue cannot be decided until such time that it is properly submitted, reviewed and approved.

Mr. Eric Rockel appeared as an interested citizen and cross-examined Mr. Kennedy regarding whether the proposed orientation will actually save the tree, as there is still great potential for significant root damage. He also questioned Mr. Kennedy regarding drainage issues that have been ongoing in this community, particularly on the adjoining Windsor family property, and whether the proposed development will further exacerbate these conditions.

Mrs. Sally Windsor, an adjoining property owner, appeared and testified regarding the current water run-off problems that she is experiencing on her property. She is concerned that the proposed house, grading and additional impervious areas will exacerbate her current situation.

Mrs. Patricia Prugh, whose property adjoins the subject property's western boundary, shared Mrs. Windsor's concerns regarding storm water runoff. Mr. Kennedy advised that the Petitioner would take the necessary steps to resolve this issue and will work with Mrs. Windsor and Mrs. Prugh to address storm water runoff from the Petitioners' property.

I also received letters from concerned citizens regarding this petition which have been included in the case file and been reviewed and considered in my deliberation of this matter.

Mr. Earle Penn Jones is the current Chairman of the Lutherville Advisory Committee to the Baltimore County Landmark Preservation Commission. He stated that in keeping with the current house alignments in this neighborhood, the house should be oriented with the foundation walls parallel to the property lines. He also stated that in his opinion, the house was too large for the style of home that dominates this historic community and that the overall bulk of the proposed dwelling should be reduced.

As this property is located within the Historic District of Lutherville, this matter was forwarded to the Landmarks Preservation Commission (LPC) for consideration and comment, this Order having been held in abeyance pending said review. The Commission has recommended a house footprint with essentially the same orientation as proposed by the Petitioners, but pushed back away from the northern property line an additional 8 feet as reflected on the site plan provided by the Landmarks Commission with their comment dated March 14, 2006, amended March 15, 2006. I have accepted the Commission's site plan as Petitioner's Exhibit 5, and included it in the file of this matter. I believe this request to be reasonable. It pushes the house further away from Mrs. Windsor's property, while still protecting the subject walnut tree.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. I must consider the request in accordance with the mandate of <u>Cromwell v. Ward</u>, 102 Md. 691 (1995) and Section 307 of the B.C.Z.R. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there was evidence of unusual conditions or characteristics that are unique to this lot, namely, preservation of a mature walnut tree. It was demonstrated at the hearing that the tree would need to be sacrificed if not for the sensitive placement of the dwelling. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty or undue hardship to the Petitioner and his property.

McLean v. Soley, 270 Md. 208 (1973). After due consideration of the testimony and evidence presented, I am convinced that practical difficulty or unreasonable hardship will result if the Variance is not granted. It has been established that special circumstances exist in this case and

that the relief requested will not cause any injury to the public health, safety or general welfare,

and otherwise meets the spirit and intent of the Baltimore County Zoning Regulations. Thus, I am

persuaded to grant the variance.

Pursuant to the advertisement, posting of the property and public hearing on this

Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County

this ____ day of March 2006 that the Petition for Variance seeking relief from Section 1B02.3.C.1

of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in

lieu of the required 40 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 5, be

and is hereby GRANTED, subject to the following restrictions:

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

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III Zoning Commissioner

for Baltimore County

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#### Thompson property, 1503 Francke Avenue, Lutherville

This item concerns the proposed construction of a new dwelling on a panhandle lot behind three contributing dwellings in the Lutherville County Historic District.

Mr. Dugan summarized the evolution of the design and the siting for the proposed house, and the staff's and community's concerns about its size. Mr. Hardester moved to issue a certificate of appropriateness and to note for the record the Commission's opinion that the carriage house, belonging to Mr. Thompson's father, should not be demolished. Mr. Diggs seconded the motion, which passed unanimously on a voice vote. The Commission also agreed with staff's opinion that any setback variances needed to position the house to avoid destruction of trees should be approved.

# 17. Edrich House and setting, 3201 Edrich Way, Granite vicinity (Preliminary Landmarks List # 315)

Mr. Dugan noted that initially this item had come before the Commission as a demolition request. The LPC voted to place the dwelling on the Preliminary Landmarks List. Presently the item is awaiting Council action. Mr. Hill read staff's recommendation to "to approve a certificate of appropriateness (with the modifications proposed by staff) and to delineate the lot containing the house as its remaining historic environmental setting. Mr. Bryan moved to accept staff's recommendation. Mr. Diggs seconded the motion, which was approved unanimously on a voice vote.

#### Recommendations on Baltimore County Register (MHT Inventory) Structures

# 18. Edgewood United Methodist Church, 1434 Bellona Avenue, Lutherville (County Register (MHT) # BA-300)

This item concerns the request to construct a ramp, at the rear of the church, for access by the handicapped.

Approved, via the Consent Agenda, to issue a notice to proceed (complies with the Secretary's Standards # 1, 9, 10).

# 19. Connley House (Amrein property), 12709 Manor Road, Long Green (County Register (MHT) # BA-2112; built ca. 1852)

This item concerns a demolition request for a historic building whose roof was damaged during Hurricane Isabelle. The storm damage was not repaired for several years. The owner received a correction notice from the Department of Permits and Development Management, requiring that he remedy the various code violations on the site, which include <u>repairing</u> or demolishing the historic

structure. Mr. Hill read staff's recommendation to "schedule a Landmark public hearing on May 11, 2006." Ms. McIver moved to accept staff's recommendation and to form a Technical Committee. Mr. Diggs seconded the motion, which passed unanimously on a voice vote. A Technical Committee, consisting of Ms. McIver, Mr. Syed, Mr. Diggs and Mr. Boswell, is scheduled to visit the site on March 28, at 4:00 p.m.. The owner agreed to be there.

#### Other business

1

#### 20. Oella Mills rehabilitation project

This item concerns the rehabilitation of contributing structures in the Oella National Register District. The applicant already received MHT approval for the Part 2 Application for the State and Federal Tax Credits

Approved, via the Consent Agenda, to approve the Part II Tax Credit Application.

# 20A. Felps property, 902 Adana Road, Sudbrook Park; contributing property in the Sudbrook Park (Expansion No. 2) County Historic District

This item concerns the request to construct a deck in the rear of a contributing property in the District.

Approved, via the Consent Agenda, to issue a notice to proceed (complies with the Secretary's Standards # 1, 2, 9, 10).

# 20B. Riley Property, 537 Monkton Road, Hereford vicinity; (County Register (MHT) # BA-2924)

This item concerns a historic building for which a demolition permit application had been submitted. The house is already scheduled for Landmark hearing on April 25, 2006, pending consideration of the Technical Committee's report, which found the dwelling of historic interest.

Approved, via the Consent Agenda, to confirm the scheduled Landmark hearing on April 25.

#### 21. Cromwell Valley Park, Towson vicinity

This item concerns the proposed repair and rehabilitation of various structures, which presently are on the Preliminary Landmarks List (# 290).

Mr. Hill read staff's recommendation to "to issue a certificate of appropriateness on the proposed work, and to commend the Office of Budget (and Mr. George Klunk and his fine staff) on County government's exemplary responsibility and

cooperation in proposing to do the work in accordance not only with the terms, but also with the spirit of the Secretary's Standards." Mr. Parker moved to approve staff's recommendation. Mr. Diggs seconded the motion which passed unanimously on a voice vote.

The meeting was adjourned at 8: 50 p.m.

DATE	CASE NUMBER	CASE NAME

# PELLICNER'S SIGN-IN SHEET

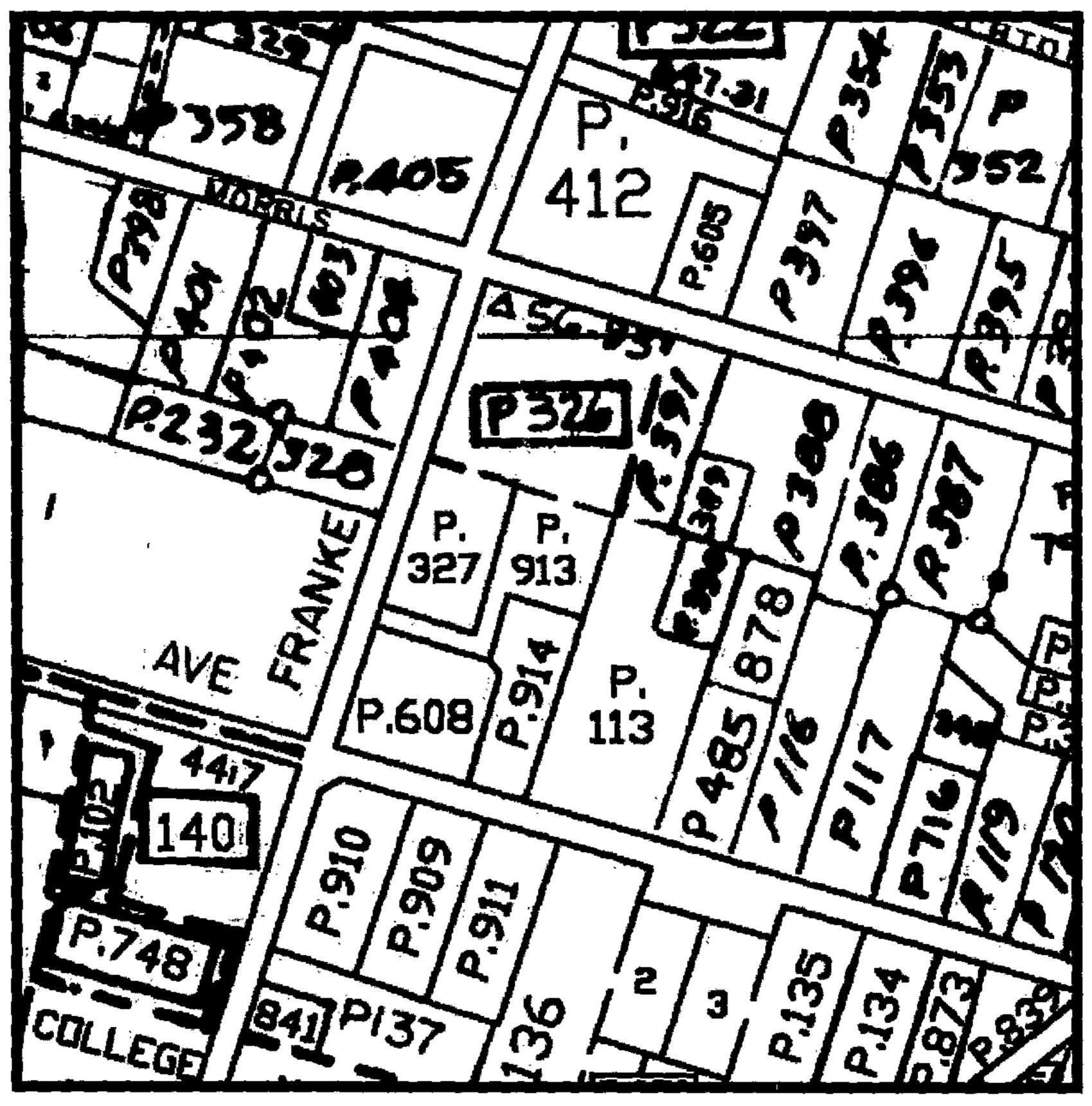
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

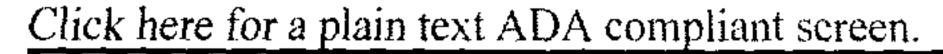
Go Back View Map New Search

District - 08Account Number - 2400001620



Property maps provided courtesy of the Maryland Department of Planning ©2004.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/webcom/index.html">www.mdp.state.md.us/webcom/index.html</a>





Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search Ground Rent

**Account Identifier:** 

District - 08 Account Number - 2400001620

Owner Information

Owner Name:

Mailing Address:

THOMSON C JOHN,4TH

**LUTHERVILLE MD 21093** 

THOMSON SANDRA B

1503 FRANCKE AVE

**Sub District** 

Use:

RESIDENTIAL

Principal Residence:

NO

Deed Reference:

1) /22544/ 99

2)

Location & Structure Information

Section

**Premises Address** 

1503 FRANCKE AVE

Gríd

24

**Stories** 

Parcel

913

0000

Map

60

Legal Description

.651 AC

**ESR FRANCKE AVE** 

171 FT NE SEMINARY AVE

**Assessment Area** 

Plat No: MS Plat Ref:

Special Tax Areas

Town Ad Valorem

**Basement** 

Tax Class

Subdivision

Primary Structure Built

**Enclosed Area** 

Property Land Area 28,356.00 SF County Use

04

Block

Lot

Type

_____

Exterior

Value Information

Base Value Phase-in Assessments Value As Of As Of As Of 01/01/2005 07/01/2006 07/01/2007 Land: 86,580 90,830 Improvements: Total: 86,580 90,830 89,412 90,830 Preferential Land:

Transfer Information

Seller: THOMSON C JOHN, 3RD

Type: NOT ARMS-LENGTH

Seller: THOMSON C JOHN III

Type: NOT ARMS-LENGTH

Seller:

Deed1: /22544/ 99

Date: 08/19/2002

Deed1: /16722/ 663

Date:

09/14/2005 /22544/ 99

Price: Deed2: Price:

<u>:</u> \$0

**\$0** 

Deed2: Price:

Price: Deed2:

Date: Pri
Deed1: De

**Exemption Information** 

 Partial Exempt Assessments
 Class
 07/01/2006
 07/01/2007

 County
 000
 0
 0
 0

 State
 000
 0
 0
 0

 Municipal
 000
 0
 0
 0

Tax Exempt: Exempt Class:

Type:

NO

Special Tax Recapture:

* NONE *

From:

"John Thomson" <emailjt@comcast.net>

To:

"William Wiseman" < WWiseman@BaltimoreCountyMD.gov>

Date:

03/23/07 10:15:47 AM

Subject:

Lutherville Variance Hearing

Dear Mr. Wiseman,

As per our phone conversation earlier this week, I have attached a copy of the Variance Hearing scheduled for April 11,2007 concerning a garage for my property in Lutherville. I will be out of town for that entire week but will send my engineer (Doug Kennedy) and architect (Rob Wingard) who were both intricately involved in the entire process when we were granted the approval from Landmark Preservation Commission to build in Historic Lutherville. The garage mirrors the appearance of the main house and inlaw suite for the benefit of the neighborhood. As you mentioned, you were also out of town that week but would be kind enough to alert your counterpart as to my circumstances. As always, thank you in advance for your assistance.

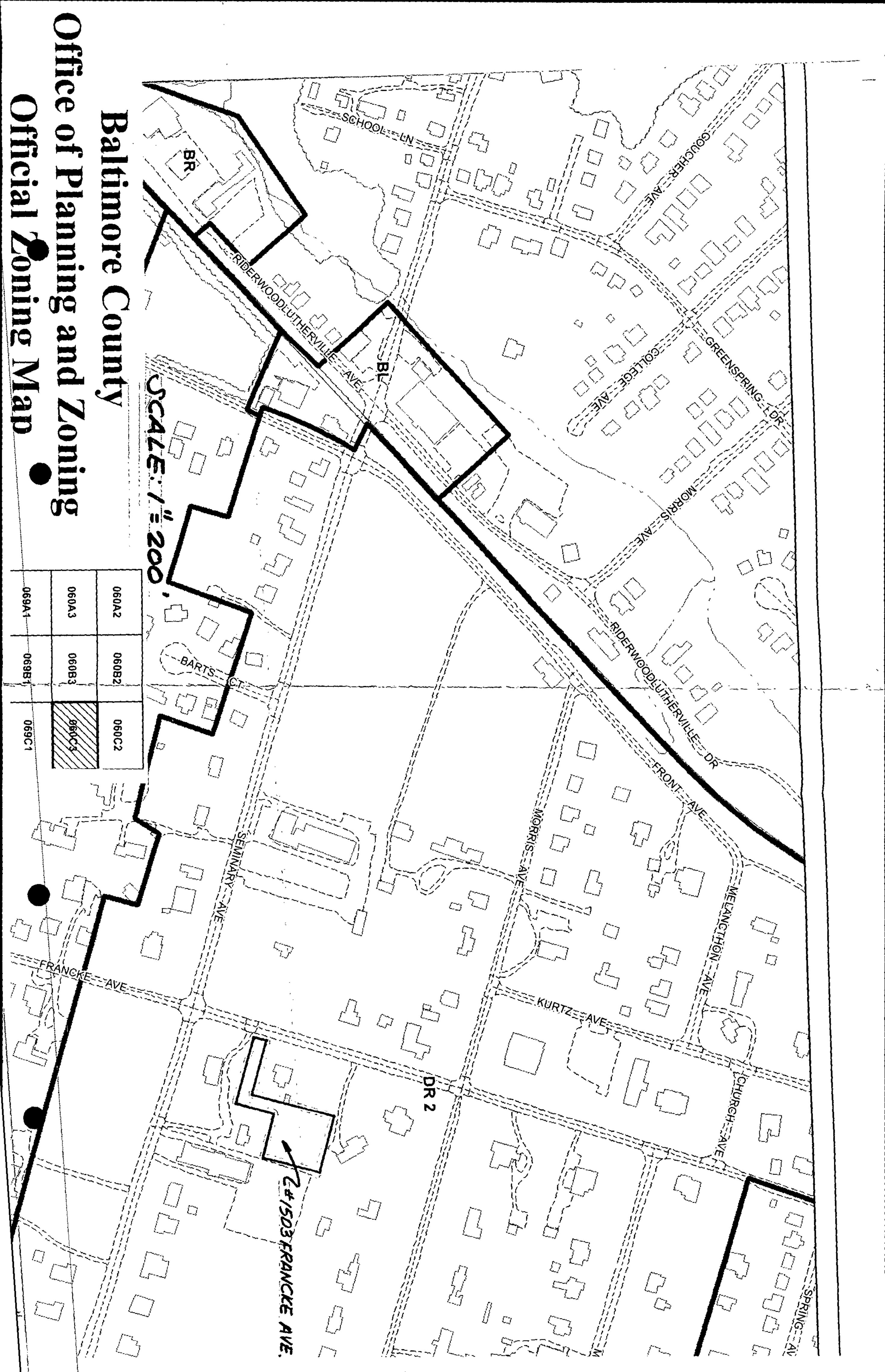
John Thomson


CC:


"Home" <cjtiv@comcast.net>


JA BUT, 4-11-07


07-379-A














TO: PATUXENT PUBLISHING COMPANY Tuesday, March 27, 2007 Issue - Jeffersonian

Please forward billing to:

John Thomson 8 Carriage Walk Court Baltimore, MD 21234

410-882-2221

#### **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: 07-379-A

1503 Francke Avenue

E/side of Francke Avenue, 170 feet north of centerline of W. Seminary Avenue

8th Election District – 3rd Councilmanic District

Legal Owners: C. John Thomson, IV and Sandra B. Thomson

Variance to permit a height of 21 feet for an accessory structure (garage) in lieu of the required 15 feet.

Hearing: Wednesday, April 11, 2007 at 2:00 p.m. in Room 407, County Courts Building,

#401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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