

|                                             |   |                             |
|---------------------------------------------|---|-----------------------------|
| <b>IN RE: PETITIONS FOR SPECIAL HEARING</b> | * | BEFORE THE                  |
| <b>VARIANCE</b>                             |   |                             |
| E side Lodge Forest Drive, 50 feet N        | * | DEPUTY ZONING               |
| of North Point Creek Road                   |   |                             |
| 15 <sup>th</sup> Election District          | * | COMMISSIONER                |
| 7 <sup>th</sup> Councilmanic District       |   |                             |
| <b>(2203 Lodge Forest Drive)</b>            | * | FOR BALTIMORE COUNTY        |
| <br>Timothy A. and Rene D. Heitman          | * |                             |
| <i>Petitioners</i>                          | * | <b>Case No. 08-382-SPHA</b> |

\* \* \* \* \*

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Timothy A. and Rene D. Heitman. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory structure (detached) with an in-law apartment on the second floor. The Variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure with a height of 22 feet in lieu of the required 15 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance petitions was Petitioner Timothy A. Heitman. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence presented revealed that the subject property is a rectangular-shaped property containing approximately .1635 acres of land zoned D.R.5.5. The property is located on Lodge Forest Drive near the intersection of North Point Creek Road in the Sparrows Point area of Baltimore County and is improved with Petitioners' existing single-family dwelling. The existing dwelling, a two-story structure containing four bedrooms and 2.5 bathrooms, was

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constructed approximately 16 years ago and now houses Petitioners and their two teenage sons. Porches line the front and rear of the home, which respectively face to the west and east of the property. Mr. Heitman testified that approximately three months prior to this hearing, his mother-in-law became ill and was forced to move into Petitioners' home and reside with their family. The Petitions for Special Hearing and Variance were filed to allow Petitioners to construct a garage on the eastern end of the property. The second story of the proposed garage would contain a living area to better accommodate Mr. Heitman's mother-in-law and provide more living space for the rest of the family. Petitioners' submitted a floor plan of the proposed garage, which was marked and accepted into evidence as Petitioners' Exhibit 2. As the site plan demonstrates, a small existing shed in the northeast corner of the property will be removed if Petitioners are permitted to construct the proposed garage.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment received from the Office of Planning dated March 27, 2008 indicate that Office does not oppose Petitioners' request provided the review and approval of architectural elevations takes place prior to the issuance of any building permits. The proposed structure would be directly across the property line from the side of the neighboring dwelling. It is their understanding that the adjacent property owner has no objection to the proposal. The new construction shall be constructed of material that is consistent with that which exists. The proposed use shall cease when Petitioner's mother-in-law no longer resides in the in-law apartment. This unit shall for no reasons be used as a rental facility or dwelling space. This caveat shall be recorded and run in perpetuity with the property with the proposed improvements. The comment received from the Department of Environmental Protection and Resource Management dated February 28, 2008 noted that Development of this property must comply with

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the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code). Impervious surface area is limited to 25% of the small lot, which is currently over its limit. Any proposed garage would require removal of other impervious surface and other water quality mitigation. In no case could the total impervious area exceed 2,281 square feet.

Turning first to the Petition for Special Hearing, I am persuaded to grant Petitioners' request to approve an accessory structure with an in-law apartment on the second floor. The proposed garage meets the definition of an accessory use as contained in Section 101 of the B.C.Z.R. because it is customarily incident and subordinate to and serves a principal use or structure, (b) is subordinate in area, extent or purpose to the principal use or structure (c) is located on the same lot as the principal use or served; and (d) contributes to the comfort, convenience or necessity of occupants. Additionally, the approval of the second floor of the proposed garage as an in-law apartment seems appropriate and it will be granted subject to conditions that mandate compliance with the comments received from the Office of Planning. The relevant comments noted that the proposed use shall cease when the Petitioner's mother-in-law no longer resides in the in-law apartment, that the living area shall never be used as a rental facility or dwelling space, and that this caveat shall be recorded and run in perpetuity with the property with the proposed improvements.

Turning next to the Petition for Variance, considering all of the testimony and evidence presented, I am convinced that the request to build the proposed garage to a height of 22 feet in lieu of the maximum height of 15 feet should be granted. First, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Petitioners were forced to move their mother-in-law into their home to better care for her

as she experienced health problems in the later stages of her life. The existing home is simply not large enough to accommodate Petitioners, their two teenage sons, and Petitioner's mother-in-law. The proposed living area on the second floor of the garage seems to be an appropriate method for providing more comfortable accommodations for the entire family. Denial of the requested variance would result in practical difficulty or unreasonable hardship because Petitioners would be unable to provide for their elderly mother-in law and teenage sons.

I further find that 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. As the Office of Planning noted, there was no community opposition to the proposed construction, and there were no Protestants or interested citizens in attendance at the public hearing. After reviewing all of the testimony and evidence, I am convinced that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 4<sup>th</sup> day of June, 2008 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory structure (detached) with an in-law apartment on the second floor be and is hereby GRANTED; and

DEED RECEIVED FOR FILING

4.6.08

IT IS FURTHER ORDERED that Petitioners' request for Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure with a height of 22 feet in lieu of the required 15 feet be and is hereby GRANTED;

The granting of the relief herein shall be subject to the following:

1. Petitioners may apply for their permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).
3. Impervious surface area is limited to 25% of the small lot, and the total impervious area cannot exceed 2,281 square feet.
4. Architectural elevations of the detached accessory structure shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permits.
5. The Petitioners shall execute and file a Declaration of Understanding for In-Law Quarters with the Department of Permits and Development Management.
6. The in-law quarters must be used only by family members related to Petitioners and not for rental/income purposes.
7. The kitchen for the in-law quarters will be constructed as part of the addition to the property and shall be an accessory use to the principal use of the property as a single-family residence. Living quarters for the in-laws shall be used only by the in-laws and not as an independent residential unit, and shall not be used by any other person for any other reason.
8. The Petitioners shall record a copy of this Order in the Land Records of Baltimore County.
9. In the event that Petitioner's mother-in-law no longer resides at the subject dwelling, the accessory structure (detached) shall not be used or converted to a separate dwelling.
10. When applying for a building permit, the site plan must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

4-16-08

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

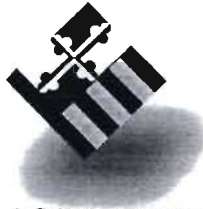
  
\_\_\_\_\_  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

4-6-08

p27



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

June 4, 2008

TIMOTHY A. AND RENE D. HEITMAN  
2203 LODGE FOREST DRIVE  
BALTIMORE MD 21219

Re: Petition for Special Hearing and Variance  
Case No. 08-382-SPHA  
Property: 2203 Lodge Forest Drive

Dear Mr. and Mrs. Heitman:

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure



**Flood CBCA** TAX ACCOUNT # **2100014017**

# Petition for Variance

**to the Zoning Commissioner of Baltimore County**  
**for the property located at** 2203 Lodge Forest Drive  
**which is presently zoned** DR-5.5

**This Petition shall be filed with the Department of Permits and Development Management.** The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 TO ALLOW AN ACCESSORY STRUCTURE  
WITH A HEIGHT OF 22 FEET IN LIEU OF THE REQUIRED 15 FEET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Mother-in-Law's recent health issues involving heart:  
Abnormal EKG, chest pain, vertigo, fainting, high blood pressure. New structure  
would provide close proximity to family while still giving a sense of  
Independence. Existing home does not provide space for another occupant.  
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 \_\_\_\_\_

Case No. 08-387-SHA

REV 9/15/98

4-6-08

PM

Reviewed By \_\_\_\_\_

**Legal Owner(s):**

Timothy A. Heitman  
Name - Type or Print \_\_\_\_\_  
Timothy A. Heitman  
Signature \_\_\_\_\_  
Rene' D. Heitman  
Name - Type or Print \_\_\_\_\_  
Rene' D. Heitman  
Signature \_\_\_\_\_  
2203 Lodge Forest Dr. 410-388-1847  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Baltimore Md 21219  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Representative to be Contacted:**

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Date 2-20-09



*Food CBCA*

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2203 Lodge Forest Drive  
which is presently zoned DE-S-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AN ACCESSORY STRUCTURE  
(DETACHED) WITH AN IN-LAW APARTMENT ON THE SECOND FLOOR

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

I, or we, agree to pay expenses of above Special Hearing, 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):**

Timothy A. Heitman

Name - Type or Print

Timothy A. Heitman

Signature

Rene D. Heitman

Name - Type or Print

Rene D. Heitman

Signature

2203 Lodge Forest Dr. 410-388-1847

Address

Baltimore

City

Md

State

Telephone No.

21219

Zip Code

**Representative to be Contacted:**

Name

Address

City

Telephone No.

State

Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By CU Date 2-20-08

**2008-0382-SPHA**

Case No. 08-382-SPHA

**Attached is the ZAC Agenda report for**

**08-382-SPHA**

**(Petitions and plats distributed with agenda of 2/25/08)**

# ZAC AGENDA

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Item Number: 382      Case Number: 8-382-SPHA      Primary Use: Residential      Reviewer: CM

Type: Special Hearing Variance

Legal Owner: Timothy A. and Rene D. Heitman

Contract Purchaser:

Critical Area: Yes      Flood Plain: Yes      Historic: No      Election Dist: 15th      Councilmanic Dist: 7th

Property Address: 2203 Lodge Forest Drive

Location: East side Lodge Forest Drive, 50 feet north of intersection of North Point Creek Road and Lodge Forest Drive.

Existing Zoning: DR - 5.5

Area: 0.162 acres +/-

Proposed Zoning: SPECIAL HEARING To approve an accessory structure (detached) with an in-law apartment on the second floor.

VARIANCE To allow an accessory structure with a height of 22 feet in lieu of the required 15 feet.

Attorney:

Miscellaneous:

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# ZONING DESCRIPTION

## Zoning Description for 2203 Lodge Forest Drive

Beginning at the point on the East side of Lodge Forest Drive, which is 40 feet wide at the distance of 50 feet north of the centerline of the nearest improved intersecting street, North Point Creek Road, which is 40 feet wide. Being Lot # 800 in the subdivision of Lodge Forest as recorded in Baltimore County Plat Book # 8, Folio # 86, containing 7,125 square feet. Also known as 2203 Lodge forest Drive and located in the 15<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District.

08-382-SPHA

# 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.**

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#### For Newspaper Advertising:

Item Number or Case Number: 08382SPHA

Petitioner: Timothy A. Heitman

Address or Location: 2203 Lodge Forest Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy A. Heitman

Address: 2203 Lodge Forest Drive

Sparrows Point, Md. 21219

Telephone Number: 410-388-1847

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **11064**

Date: **2-20-08**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DEM  
2/20/2008 2/20/2008 09:36:35 2  
Rec'd 502 MAIL JEVA JEE  
>>RECEIPT # 564118 2/20/2008 DFLN  
Dept 5 528 ZONING VERIFICATION  
011064  
Recpt Tot \$130.00  
\$130.00 CK \$4.00 - CA  
Baltimore County, Maryland

| Fund | Agcy | Orgn | Sub<br>Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount |
|------|------|------|-------------|---------------|------------|--------------|------------|--------|
| 001  |      | 000  |             | 6150          |            |              |            | 130.00 |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |

Total: **130.00**

Rec

From: **T. HEITMAN**

For:

**7703 Luge Forest Dr 21219**  
**08-382-5111A**

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S  
VALIDATION**

## NOTICE OF ZONING HEARING

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

**Case: #08-382-SPHA**

2203 Lodge Forest Drive

E/side of Lodge Forest Dr., 50 ft n/of intersection of North Point Creek Rd & Lodge Forest Dr.

15th Election District - 7th Councilmanic District

Legal Owner(s): Timothy & Rene Heltman

**Special Hearing:** to approve an accessory structure (detached) with an in-law apartment on the second floor.

**Variance:** to allow an accessory structure with a height of 22 feet in lieu of the required 15 feet.

**Hearing:** Thursday, April 17, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT/4/624 Apr. 1

168866

## CERTIFICATE OF PUBLICATION

\_\_\_\_\_ 4/3 \_\_\_\_\_, 2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/1 \_\_\_\_\_, 2008.

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

J. Wilkins

LEGAL ADVERTISING

March 31 April 1, 2008

# ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON MARYLAND

CASE # 08-382-SPHA

PLACE: ROOM 106, COUNTY OFFICE BUILDING  
111 WEST CHESAPEAKE AVE. LVL TOWSON 21204

DATE/TIME: THURSDAY APRIL 17, 2008  
AT 9:00 AM

REQUEST: ~~SPECIAL HEARING~~ TO APPROVE AN ACCESSORY  
STRUCTURE DETACHED WITH AN 18'-LAW  
APPROXIMATELY DOING SECOND FLOOR. VARIANCE TO  
ALLOW AN ACCESSORY STRUCTURE WITH A HEIGHT OF  
23.5' FT. IN LIEU OF THE REQUIRED 15'-FEET.

ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
BY A. CHESLAKOWSKI  
TOWSON, MD 21204  
TEL. 847-3381

WE TRUST IS A COMMITMENT TO EXCELLENCE

## CERTIFICATE OF POSTING

RE: Case No: 08-382-SPHA

Petitioner/Developer: TIMOTHY  
F RENE HEITMAN

Date Of Hearing/Closing: April 17, 2008

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 2203 LODGE FOREST DRIVE

This sign(s) were posted on April 1, 2008  
(Month, Day, Year)

Sincerely,

Martin Ogle 4/1/08  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



## BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

March 7, 2008  
TIMOTHY 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: 08-382-SPHA**

2203 Lodge Forest Drive

E/side of Lodge Forest Dr., 50 ft n/of intersection of North Point Creek Rd & Lodge Forest Dr.

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Timothy & Rene Heitman

Special Hearing to approve an accessory structure (detached) with an in-law apartment on the second floor. Variance to allow an accessory structure with a height of 22 feet in lieu of the required 15 feet.

Hearing: Thursday, April 17, 2008 at 9:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco  
Director

TK:klm

C: Mr. & Mrs. Heitman, 2203 Lodge Forest Drive, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 2, 2008.**
- (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.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, April 1, 2008 Issue - Jeffersonian

Please forward billing to:  
Timothy Heitman  
2203 Lodge Forest Drive  
Sparrows Point, MD 21219

410-388-1847

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## 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: 08-382-SPHA**

2203 Lodge Forest Drive  
E/side of Lodge Forest Dr., 50 ft n/of intersection of North Point Creek Rd & Lodge Forest Dr.  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: Timothy & Rene Heitman

Special Hearing to approve an accessory structure (detached) with an in-law apartment on the second floor. Variance to allow an accessory structure with a height of 22 feet in lieu of the required 15 feet.

Hearing: Thursday, April 17, 2008 at 9:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake 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.



**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*

April 8, 2008

Timothy A. Heitman  
Rene D. Heitman  
2203 Lodge Forest Drive  
Baltimore, Maryland 21219

Dear Mr. and Mrs. Heitman:

RE: Case Number: 08-<sup>382</sup>387-SPHA, 2203 Lodge Forest Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 20, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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.  
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

TB 4/17  
9am

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** March 27, 2008

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

RECEIVED  
APR 02 2008

BY: .....

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 08-382- Variance and Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the review and approval of architectural elevations takes place prior to the issuance of any building permits. The proposed structure would be directly across the property line from the side of the neighboring dwelling. It is our understanding the adjacent property owner has no objection to the proposal. The new construction shall be constructed of material that is consistent with that which exists.

The proposed use shall cease when the subject mother-in-law no longer resides in the in-law apartment. This unit shall for no reasons be used a rental facility or dwelling space. This caveat shall be recorded and run in perpetuity with the property with proposed improvements.

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

**Prepared By:** Carlin Murray

**Division Chief:** John Alexander

CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED  
MAR 05 2008

BY:.....

TO: Timothy M. Kotroco

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

DATE: March 5, 2008

SUBJECT: Zoning Item # 08-382-SPH  
Address 2203 Lodge Forest Dr  
Heitman Property

Zoning Advisory Committee Meeting of February 25, 2008

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

\_\_\_\_\_ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Impervious surface area is limited to 25% of the small lot which is currently over its limit. Any proposed garage would require removal of other impervious surface and other water quality mitigation. In no case could the total impervious area exceed 2,281 square feet.

Reviewer: Glenn Shaffer

Date: 2/28/08

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For March 3, 2008  
Item Nos. 08-370, 371, 372, 373, 374,  
375, 376, 378, 379, 380, 381, 382, and 383

**DATE:** March 4, 2008

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-02292008.doc



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

State Highway  
Administration

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: March 4, 2008

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

RE: Baltimore County  
Item No. 8-382-SPHA  
2203 LODGE FOREST DRIVE  
HEITMAN PROPERTY  
SPECIAL PERMIT & VARIANCE  
AP

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. 8-382-SPHA.

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

|                                                                    |   |                     |
|--------------------------------------------------------------------|---|---------------------|
| RE: PETITION FOR SPECIAL HEARING                                   | * | BEFORE THE          |
| AND VARIANCE                                                       |   |                     |
| 2203 Lodge Forest Drive; E/S Lodge Forest                          | * | ZONING COMMISSIONER |
| Drive, 50' M intersection of North Point                           |   |                     |
| Creek Road & Lodge Forest Drive                                    | * | FOR                 |
| 15 <sup>th</sup> Election & 7 <sup>th</sup> Councilmanic Districts |   |                     |
| Legal Owner(s): Timothy & Rene Heitman                             | * | BALTIMORE COUNTY    |
| Petitioner(s)                                                      |   |                     |
|                                                                    | * | 08-382-SPHA         |

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

**RECEIVED**  
 MAR 11 2008  
 Per.....

Peter Max Zimmerman  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

Carole S. Demilio  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Jefferson Building, Room 204  
 105 West Chesapeake Avenue  
 Towson, MD 21204  
 (410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 11<sup>th</sup> day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to Timothy & Rene Heitman, 2203 Lodge Forest Drive, Baltimore, MD 21219, Petitioner(s).

Peter Max Zimmerman  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

CASE NAME \_\_\_\_\_  
CASE NUMBER 08-387-SPHA  
DATE 4-17-08

[illegible]

Case No.: 08-382-5PHA

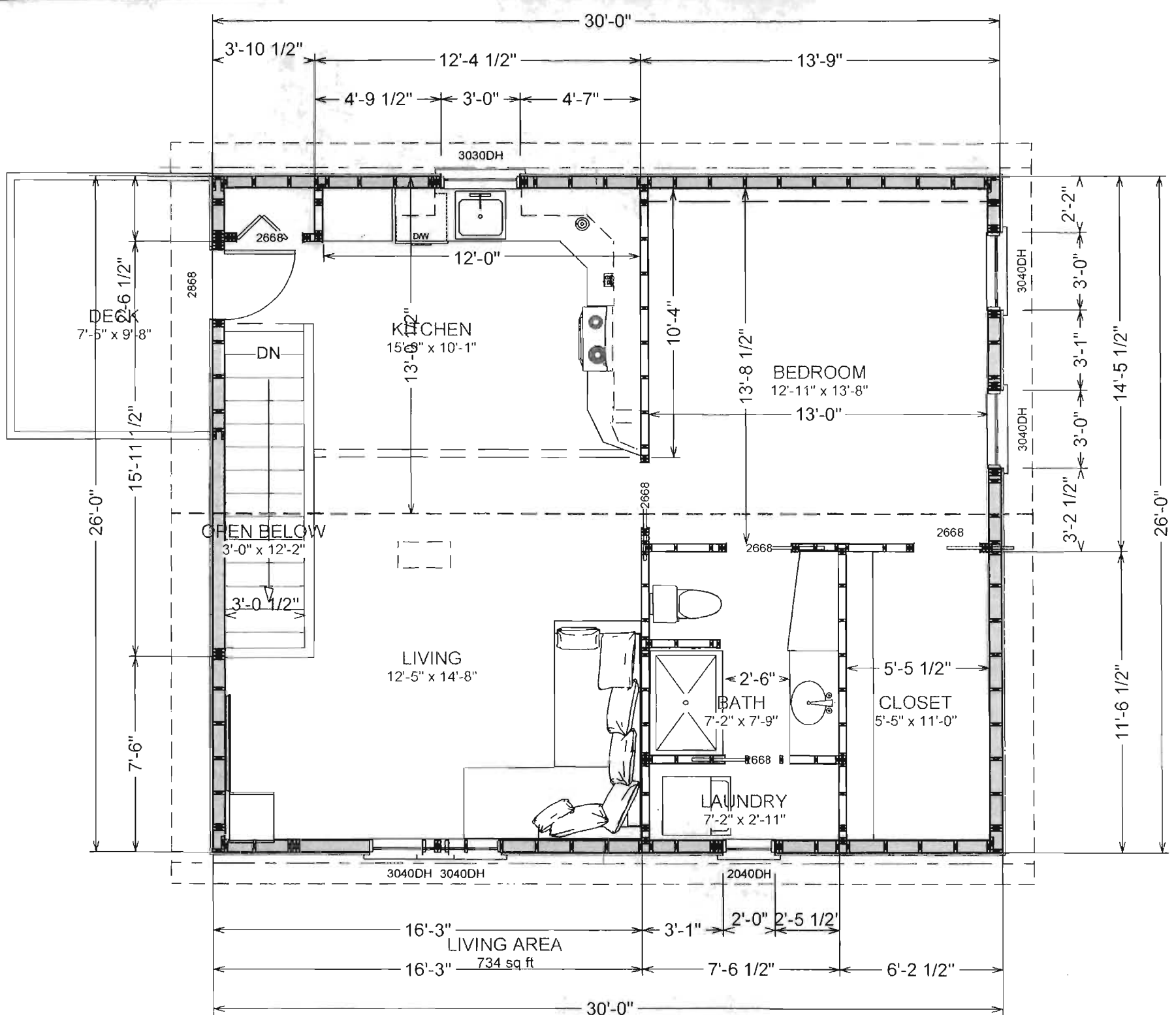
Exhibit Sheet

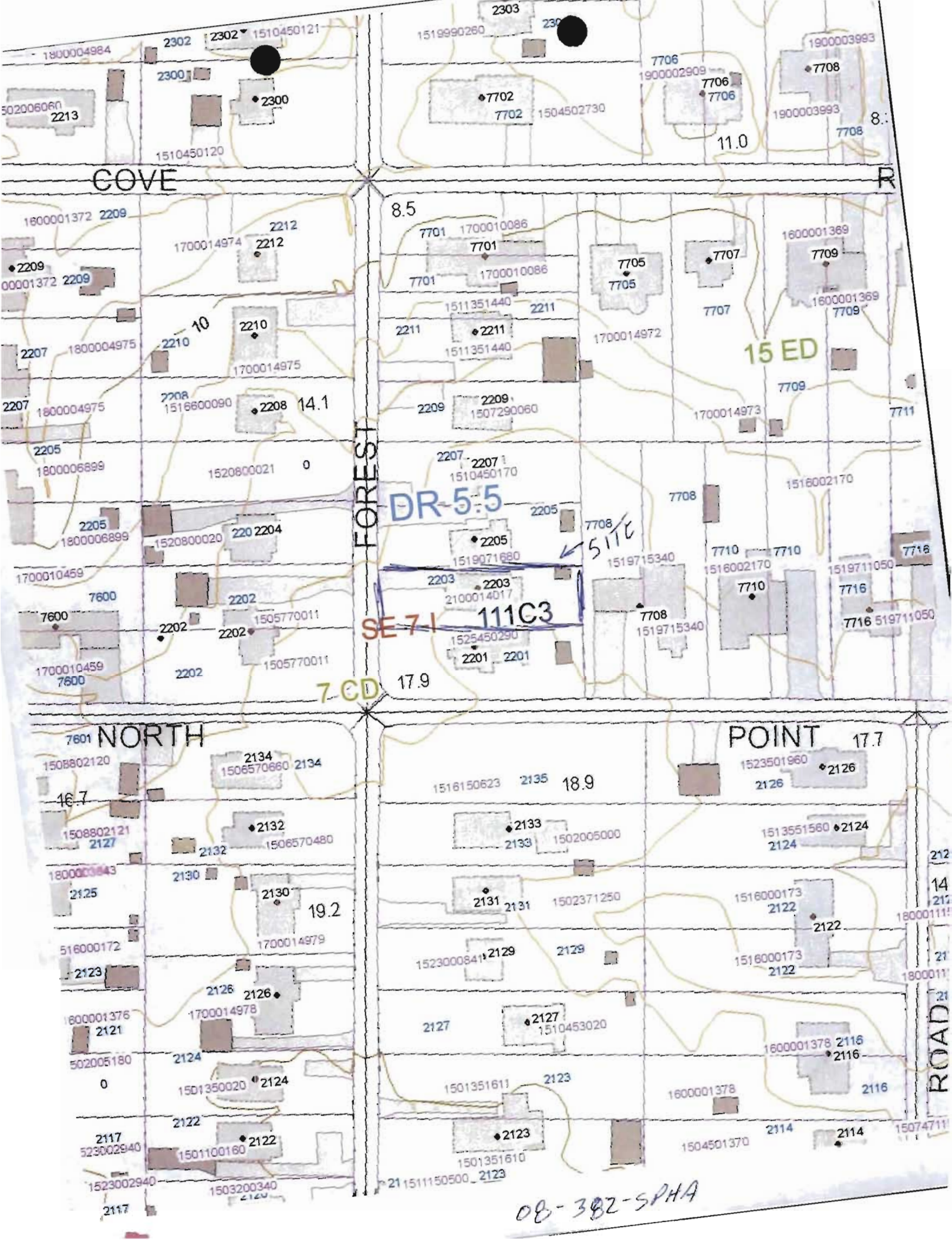
Petitioner/Developer

Protestant

|        |                   |  |
|--------|-------------------|--|
| No. 1  | <i>site plan</i>  |  |
| No. 2  | <i>floor plan</i> |  |
| No. 3  |                   |  |
| No. 4  |                   |  |
| No. 5  |                   |  |
| No. 6  |                   |  |
| No. 7  |                   |  |
| No. 8  |                   |  |
| No. 9  |                   |  |
| No. 10 |                   |  |
| No. 11 |                   |  |
| No. 12 |                   |  |







08-382-SPHA

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

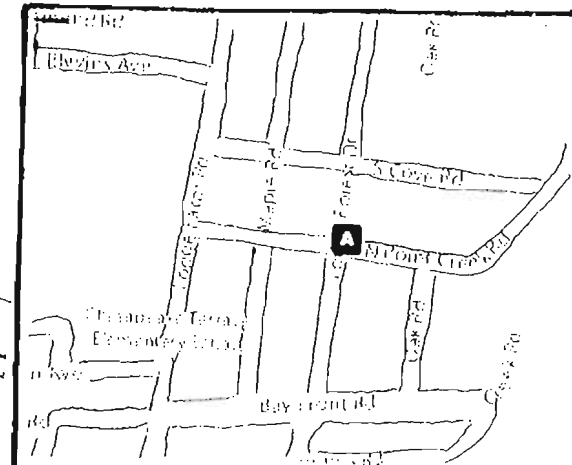
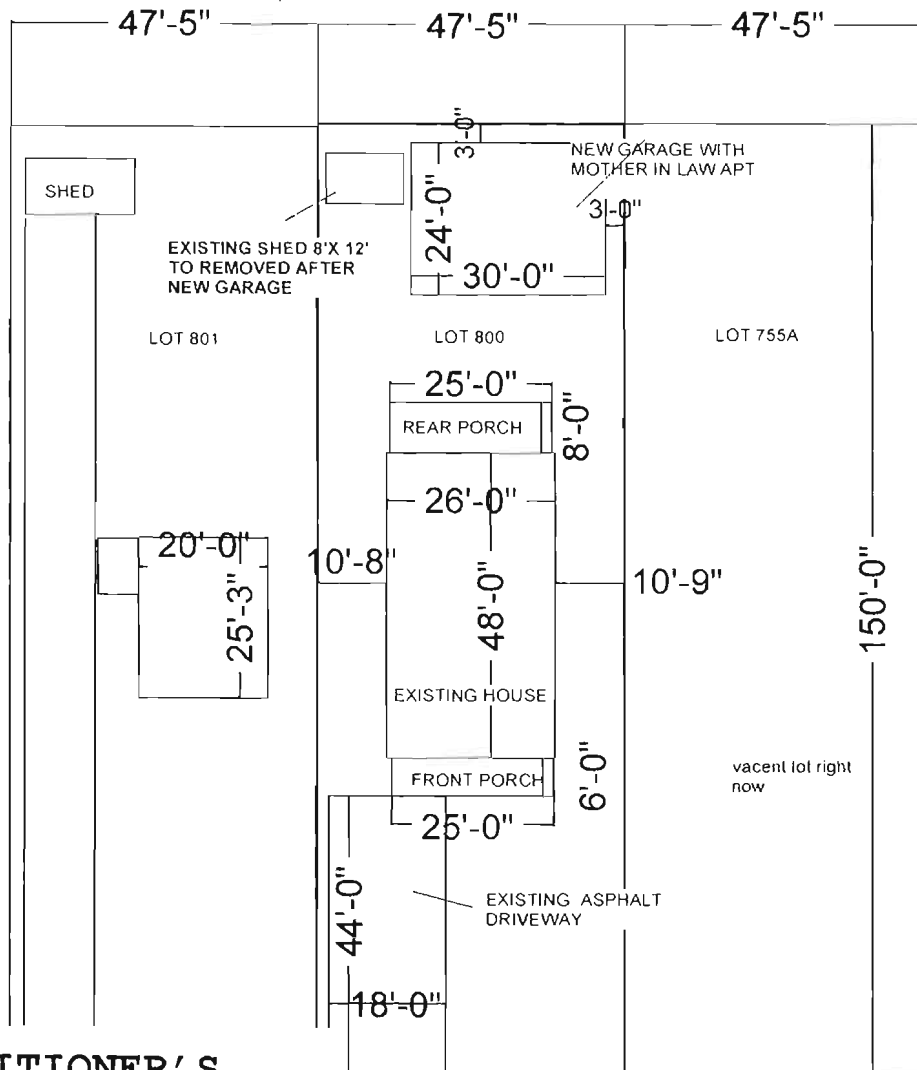
PROPERTY ADDRESS 2203 LODGE FOREST DR

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

SUBDIVISION NAME LODGE FOREST

PLAT BOOK # 8 FOLIO # 86 LOT # 800 SECTION #    

OWNER HEITMAN TIMOTHY A  
HEITMAN RENE D.



VICINITY MAP  
SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 111C3

ZONING DR-5.5

LOT SIZE 0.1635 7125.00  
ACREAGE SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              | YES                                 | NO                       |
|------------------------------|-------------------------------------|--------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                      | YES                                 | NO                       |
|----------------------|-------------------------------------|--------------------------|
| 100 YEAR FLOOD PLAIN | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                             | YES                      | NO                                  |
|-----------------------------|--------------------------|-------------------------------------|
| HISTORIC PROPERTY/ BUILDING | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY  
REVIEWED BY:     ITEM #     CASE #    

CM 1382 08-382-SHA



NORTH

PETITIONER'S

PREPARED

EXHIBIT NO.    

SCALE OF DRAWING: 1" = 30