

IN RE: PETITION FOR VARIANCE

SE corner of Lodge Forest Drive and
North Point Creek Road
(2135 Lodge Forest Drive)

15th Election District
7th Councilmanic District

Timothy G. and Janet Lockemy
Petitioner

* BEFORE THE
* ZONING COMMISSIONER

* OF
* BALTIMORE COUNTY
* **CASE NO. 2011-0157-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, Janet Lockemy and her son, Timothy Glenn Lockemy¹. Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling on a lot 50 feet wide in lieu of the required 55 feet and a side street setback of 12.5 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly shown on the revised site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request was Pattianne Smith, a Professional Land Surveyor who prepared the site plan and is assisting the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property, known as 2135 Lodge Forest Drive is also known as Lot 1045 of "Lodge Forest" (an older subdivision recorded in 1929) and is 50 feet wide x 200 feet deep, consisting in area(s) of 10,000 square feet, zoned D.R. 5.5 and located within the Limited Development Area of the Chesapeake Bay Critical Area (CBCA) in

¹ Rufus G. Lockemy and his wife, Janet Lockemy, have owned 2133 Lodge Forest Drive for many years. This property is improved with a 1½ story single family dwelling built in 1947 and has a tax account no. 1502005000. Janet Lockemy desires to deed the vacant and unimproved subject lot (tax no. 1516150623) to her son in order that he build a new 2 story dwelling for himself and his wife.

ORDER RECEIVED FOR FILING

Date

By

12-12-10
103

Edgemere. The owners seek the necessary zoning approval to construct a new dwelling on Lot 1045 in accordance with Petitioners' Exhibit 1 that will be compatible in both size and architectural detail with those other homes existing in the area. While in the CBCA, the property is not water view; however, not far from the North Point Creek. The subject variance before me involves a corner lot defined in Section 101 of the B.C.Z.R. as "A lot abutting on and at the intersection of two or more streets". The property located at the corner of Lodge Forest Drive and North Point Creek Road is unimproved and maintained by Rufus and Janet Lockemy who reside on adjacent lot 1046. The plan shows a proposed dwelling located centrally on the lot (Lot 1045) and facing Lodge Forest Drive. The home will be setback 48 feet from Lodge Forest Drive, maintain side yard setbacks of 10 feet (south side) and 12.5 feet (north side) adjacent to North Point Creek Road. Access will be by utilizing an existing driveway off of North Point Creek Road. A privacy fence will be erected between Lots 1046 and 1045. Access to Lot 1045 is from Lodge Forest Drive.

As outlined above, Petitioners need variance relief because although the property meets minimum area requirements, it does not meet the 55 foot minimum width requirement. In addition, in order to erect a 27.5 feet wide dwelling, Petitioners are in need of a variance for a side street setback of 12.5 feet in lieu of the required 25 feet. Ms. Smith indicated that the property is a unique parcel in that it is a corner lot and is constrained by the fact that the side yard facing North Point Creek Road must nevertheless conform to the front yard setback requirement. She indicated that similar relief has been granted for other corner lots and that most all of the lots on the north side of North Point Creek Road are only 47.5 feet wide. She provided as Exhibit 2 the Order issued in Case No. 89-82-A for the property located on the opposite side of the street at 2201 Lodge Forest Road. In that case, Zoning Commissioner J. Robert Hanes granted a side yard

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Date 12-16-10
By [Signature]

setback of 3 feet for Lot 799A and permitted a lot width of 47.5 feet in lieu of the required 55 feet for a new dwelling.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning dated November 15, 2010 recommended approval and indicated that the proposed home would be compatible with neighboring houses in the area. The comment further indicates that building drawings showing the front and side street elevations shall be submitted for review and approval prior to issuance of any building permit. Comments received from the Department of Environmental Protection and Resource Management (DEPRM), dated December 10, 2010, indicates that development of the property must comply with Chesapeake Bay Critical Area (CBCA) regulations.

Section 307 of the B.C.Z.R. contains the standards for the grant of variance relief. This section has been interpreted by the appellate courts of this State, most notably in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The fact that these lots were laid out prior to the adoption of the first set of zoning regulations (1945) is a significant factor.

Second, *Cromwell* requires a finding of practical difficulty. The D.R. 5.5 zoning regulations permit, by right, the development of the subject property with a single-family dwelling. These regulations impose a number of requirements for the construction of a home. In this case, nearly all of those requirements are met. The strict compliance of the zoning regulations would result in practical difficulty or unreasonable hardship in this case. In short, strict compliance would prevent Petitioners from erecting a residential dwelling that is compatible with others in the neighborhood and would essentially render an otherwise desirable property useless and unbuildable. Finally, these variances can be granted in strict harmony with the spirit and

intent of the regulations, and in such a manner as to grant relief without injury to public health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing on the Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of December, 2010 that the Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed dwelling on a lot 50 feet wide in lieu of the required 55 feet and a side street setback of 12.5 feet (north side) in lieu of the required 25 feet, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at her 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.
- 2) Compliance with the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) relative to the Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A regulations relative to the protection of water quality, streams, wetlands and floodplains. A copy of this comment, dated December 10, 2010, is attached hereto and are made a part hereof.
- 3) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings to the Office of Planning for review and approval. The proposed dwelling shall be constructed substantially in accordance with the elevation drawings approved by the Office of Planning.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

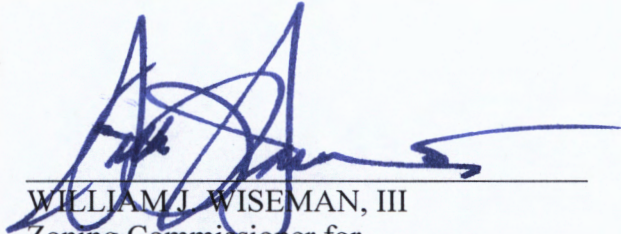
Date

12-16-10

By

103

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



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:pz

ORDER RECEIVED FOR FILING

Date 12-16-10

By WJW

BW - 12/13 2pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 13 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 10, 2010
SUBJECT: Zoning Item # 11-157-A
Address 2135 Lodge Forest Road
(Lockemy Property)

Zoning Advisory Committee Meeting of November 8, 2010.

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). A limit of 31.25% on lot coverage, and mitigation for lot coverage between 25% and 31.25% will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA requirements, one of which requires 15% tree coverage on the lot. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Thomas Panzarella

Date: December 3, 2010

ORDER RECEIVED FOR FILING

Date

By



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 16, 2010

Janet Lockemy and
Timothy G. Lockemy
2135 Lodge Forest Drive
Edgemere MD 21219

RE: PETITION FOR VARIANCE
(2135 Lodge Forest Drive)
Case No. 2011-0157-A

Dear Mrs. Lockemy and Mr. Lockemy:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

Enclosure

c: Pattianne Smith, PO Box 5410, Towson MD 21285
People's Counsel; Office of Planning; DPR; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2135 LODGE FOREST DRIVE
which is presently zoned D.R.5.5.

Deed Reference: 26874 / 548 Tax Account # 1516150623

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)

*1B02.3.C.1; BC2R, TO
PERMIT A SIDE STREET SETBACK OF 12.5ft IN LIEU
OF THE REQUIRED 25ft. AND A LOT WIDTH OF 50ft
IN LIEU OF THE REQUIRED 55ft. FOR A PROPOSED
DWELLING.*

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

Existing Lot of subdivision created in 1929 is undersized (50' wide) according to today's zoning regulations D.R.5.5 is 55' wide. Sideyard setback from adjoining side street is 25', this creates a practical difficulty for building a modest home 27.5' wide. Requesting sideyard setback of 12.5 feet in lieu of 25' and 50' wide lot in lieu of 55'

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Timothy Lockmey *son*

Name - Type or Print _____

Signature _____

Janet Lockmey *mom*

Name - Type or Print _____

Signature _____

2135 Lodge Forest Drive 443-386-5122

Address _____

Telephone No. _____

Edgemere, Maryland 21219

City _____

State _____

Zip Code _____

Representative to be Contacted:

Pattianne Smith

Name _____

P.O.Box 5410

410-207-2383

Address _____

Telephone No. _____

Towson, Maryland 21285

City _____

State _____

Zip Code _____

Case No. 2011-0157-A
ORDER RECEIVED FOR FILING

REV 8/20/07

Date 12-16-10

By [Signature]

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature]

Date 11-3-10

DESCRIPTION TO ACCOMPANY
PETITION FOR ZONING VARIANCE

2135 LODGE FOREST DRIVE
FIFTEENTH ELECTION DISTRICT
SEVENTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at the end of the second of the two following courses and distances measured from the intersection of the centerline of North Point Creek Road (40 feet wide) with the centerline of Lodge Forest Drive (40 feet wide) (1) Easterly 20 feet, more or less, and thence (2) Southerly 20 feet, more or less to the point of beginning, thence binding on the south side of said North Point Creek Road (1) South 84 degrees 14 minutes East 200 feet, thence leaving said road and binding on the outlines of the lot (2) South 05 degrees 46 minutes West 50 feet and thence, (3) North 84 degrees 14 minutes West 200 feet to the east side of said Lodge Forest Drive, thence binding thereon (4) North 05 degrees 46 minutes East 50 feet to the point of beginning. Containing 10,000 square feet or 0.230 of an acre of land, more or less.

This description is for zoning purposes only and is not intended to be used for any conveyance.



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

No. **61031**

Date: **11/3/10**

PAID RECEIPT

BUSINESS ACTION TIME
 11/04/2010 11/03/2010 09:19:04

REC M503 WALKIN 1945 LRB
 >>RECEIPT # 408286 11/03/2010 OFL
 Dept 5 528 ZONING VERIFICATION
 CR NO. 061031

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.-

Recpt Tot 465.00
 \$65.00 CR \$1.00 CA
 Baltimore County, Maryland

Total: **65.-**

Rec From: **2011-0157-A**

For: **2135 George FOREST DR.**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2010-0157-A
2135 Lodge Forest Drive
S/east corner of Lodge Forest Drive and North Point Creek Road
15th Election District
7th Councilmanic District
Legal Owner(s): Timothy & Janet Lockmey

Variance: to permit a side street setback of 12.5 feet in lieu of the required 25 feet and a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Hearing: Monday, December 13, 2010 at 2:00 p.m. in Room 104, Jefferson Building, 105 West Chesapeake 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) 887-4386.

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

JT/11/695 Nov. 23 261603

CERTIFICATE OF PUBLICATION

11/25/ 2010

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 11/23/ 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2010-0157-A

RE: Case No.: _____

Petitioner/Developer: _____

Timothy & Janet Lockmey

Dec 13, 2010

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin Matthews:

Ladies and Gentlemen:

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

2135 Lodge Forest Drive

The sign(s) were posted on _____
November 27, 2010
(Month, Day, Year)

Sincerely,

Robert Black

December 2 2010

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0157-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. 21204

DATE AND TIME: MONDAY, DECEMBER 13, 2010 AT 2:00 PM

REQUEST: VARIANCE TO PERMIT A SIDE STREET SETBACK
OF 12.5 FEET IN LIEU OF THE REQUIRED 25 FEET AND A LOT
WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET FOR A
PROPOSED DWELLING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 23, 2010 Issue - Jeffersonian

Please forward billing to:
LLS Land Services, Inc.
P.O. Box 5410
Towson, MD 21285

410-879-4735

NOTICE OF ZONING HEARING

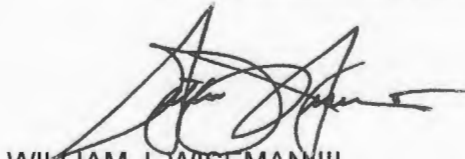
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S/east corner of Lodge Forest Drive and North Point Creek Road
15th Election District – 7th Councilmanic District
Legal Owners: Timothy & Janet Lockmey

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Hearing: Monday, December 13, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 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.



BW
12-13-10

BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
November 10, 2010
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: 2010-0157-A

2135 Lodge Forest Drive
S/east corner of Lodge Forest Drive and North Point Creek Road
15th Election District – 7th Councilmanic District
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Variance to permit a side street setback of 12.5 feet in lieu of the required 25 feet and a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Hearing: Monday, December 13, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Lockemy, 2135 Lodge Forest Drive, Edgemere 21219
Pattianne Smith, P.O. Box 5410, Towson 21285

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 27, 2010.**
- (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 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: 2011-0157-A
Petitioner: TIMOTHY LOCKEMY
Address or Location: 2135 LODGE FOREST DRIVE BALTIMORE 21219

PLEASE FORWARD ADVERTISING BILL TO:

Name: LLS Land Services, Inc
Address: PO BOX 5410
Towson Maryland 21285
Telephone Number: 410 ~~209~~ 879 4735



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 8, 2010

Timothy & Janet Lockmey
2135 Lodge Forest Drive
Edgemere Maryland 21219

Dear Timothy & Janet:

RE: 2011-0157-A, 2135 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 November 3, 2010. 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:rjc

Enclosures

c: People's Counsel
Pattianna Smith P.O. Box 5410 Towson MD 21285

BW 12/13 2pm

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: November 15, 2010

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

SUBJECT: 2135 Lodge Forest Drive

INFORMATION:

Item Number: 11-157

Petitioner: Timothy Lockemy

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

NOV 24 2010

ZONING COMMISSIONER

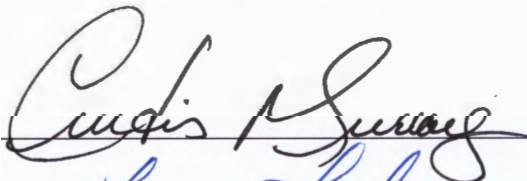
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The Office of Planning recommends approval of the subject request, as it is compatible with neighboring houses in the area. However, the office conditions that approval on the review and approval of front and side street architectural elevations of the proposed residence.

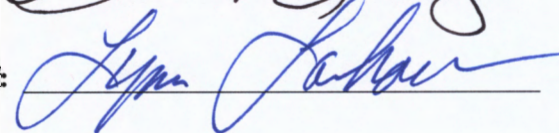
Clarify whether the existing driveway to the rear of the lot will or will not be removed. Also specify if there will be an easement placed over it. Additionally, show parking within rear gravel area.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 13 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 10, 2010
SUBJECT: Zoning Item # 11-157-A
Address 2135 Lodge Forest Road
(Lockemy Property)

Zoning Advisory Committee Meeting of November 8, 2010.

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). A limit of 31.25% on lot coverage, and mitigation for lot coverage between 25% and 31.25% will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA requirements, one of which requires 15% tree coverage on the lot. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Thomas Panzarella

Date: December 3, 2010

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 16, 2010

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

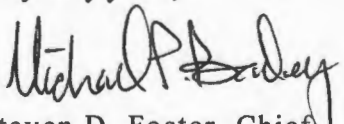
RE: Baltimore County
Item No. 2011-0157-A
2135 LODGE FOREST DRIVE
LOCKEMY PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011 - 0157-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 22, 2010
Item Nos. 2011- 155, 156, 157 and
158

DATE: November 10, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11222010 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE * BEFORE THE
2135 Lodge Forest Drive; SE corner of Lodge *
Forest Drive & North Point Creek Road * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Timothy & Janet Lockemy * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2011-157-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 all documentation filed in the case.

RECEIVED

NOV 10 2010

le

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 10th day of November, 2010, a copy of the foregoing Entry of Appearance was mailed to Pattianne Smith, P.O. Box 5410, Towson, Maryland 21285, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - ZAC Comments Needed for 12/13 Hearings

From: Debra Wiley
To: Livingston, Jeffrey
Date: 12/9/2010 11:39 AM
Subject: ZAC Comments Needed for 12/13 Hearings

*Missing
DEPRM*

Good Morning Jeff,

In reviewing the files for next week's hearings, it appears Bill will need ZAC comments from DEPRM (located in CBCA) for the following:

CASE NUMBER: 2011-0150-A

2100 Tred Avon Road

Location: NE side of Tred Avon Road; 35 feet +/- NE of the c/l of Antietam Road.

15th Election District, 6th Councilmanic District

Legal Owner: Charles and Virginia Sommers

VARIANCE To permit a lot width of 50 feet and side yard set backs of 10 feet minimum with a sum of 22 feet in lieu of the required 70 feet, 10 feet minimum and 25 feet respectively for an existing dwelling.

Hearing: Monday, 12/13/2010 at 10:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

CASE NUMBER: 2011-0151-A

2100 A Tred Avon Road

Location: NE side of Tred Avon Road; 85 feet +/- NE of the c/l of Antietam Road.

15th Election District, 6th Councilmanic District

Legal Owner: Robert and Deborah Wilson

VARIANCE To permit a lot width of 50 feet and side yard set backs of 10 feet minimum with a sum of 20 feet in lieu of the required 70 feet, 10 feet minimum and 25 feet respectively for a new dwelling.

Hearing: Monday, 12/13/2010 at 11:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

CASE NUMBER: 2011-0157-A

2135 Lodge Forest Drive

Location: SE corner of Lodge Forest Drive and North Point Creek Road.

15th Election District, 7th Councilmanic District

Legal Owner: Timothy and Janet Lockemy

VARIANCE To permit a side street setback of 12.5 feet in lieu of the required 25 feet and a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling.

Hearing: Monday, 12/13/2010 at 2:00:00 PM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

Thanks and have a great day.

Debbie Wiley
 Legal Administrative Secretary
 Office of the Zoning Commissioner
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

Lot # 869

Lot # 870
1520800020

Lot # 871
1505770011

Lot # 871

151045017

2207
Lot # 802

1519071680

Lot # 801

Pt. Bk./Folio # 008087
2100014017

20080382

Lot # 800

Lot # 798
Pt. Bk./Folio # 007152

Lot # 798
1519715340

Lot # 796
1516002170

7708

7710

2201

Lot # 799A

Pt. Bk. 8, Folio 86
1525450290

19890082

NORTH POINT CREEK RD

PDM # 150013

Lot # 1045

Pt. Bk. 10, Folio 76
1516150623

1523501960 Lot # 1074

7 CD DR 5.5

111C3

SE-7-1

Lot # 1044

Lot # 1042X
Pt. Bk. 42, Folio 77
1700014979

1700014978
Lot # 1040X
Pt. Bk./Folio # 042074

Lot # 1039

LODGE FOREST DR

19910

1502005000

Lot # 1046

1513551560 Lot # 1073

1502371250

2131

Lot # 1047

Lot # 1071

Pt. Bk./Folio # 010076A

1523000841

2129

Lot # 1048

1516000173 Lot # 1071

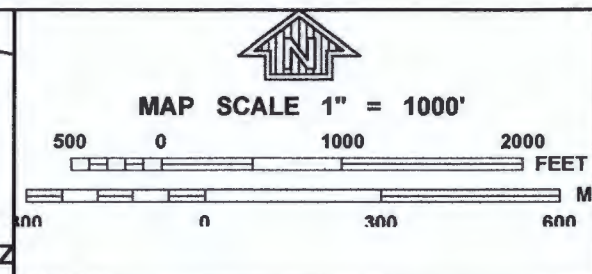
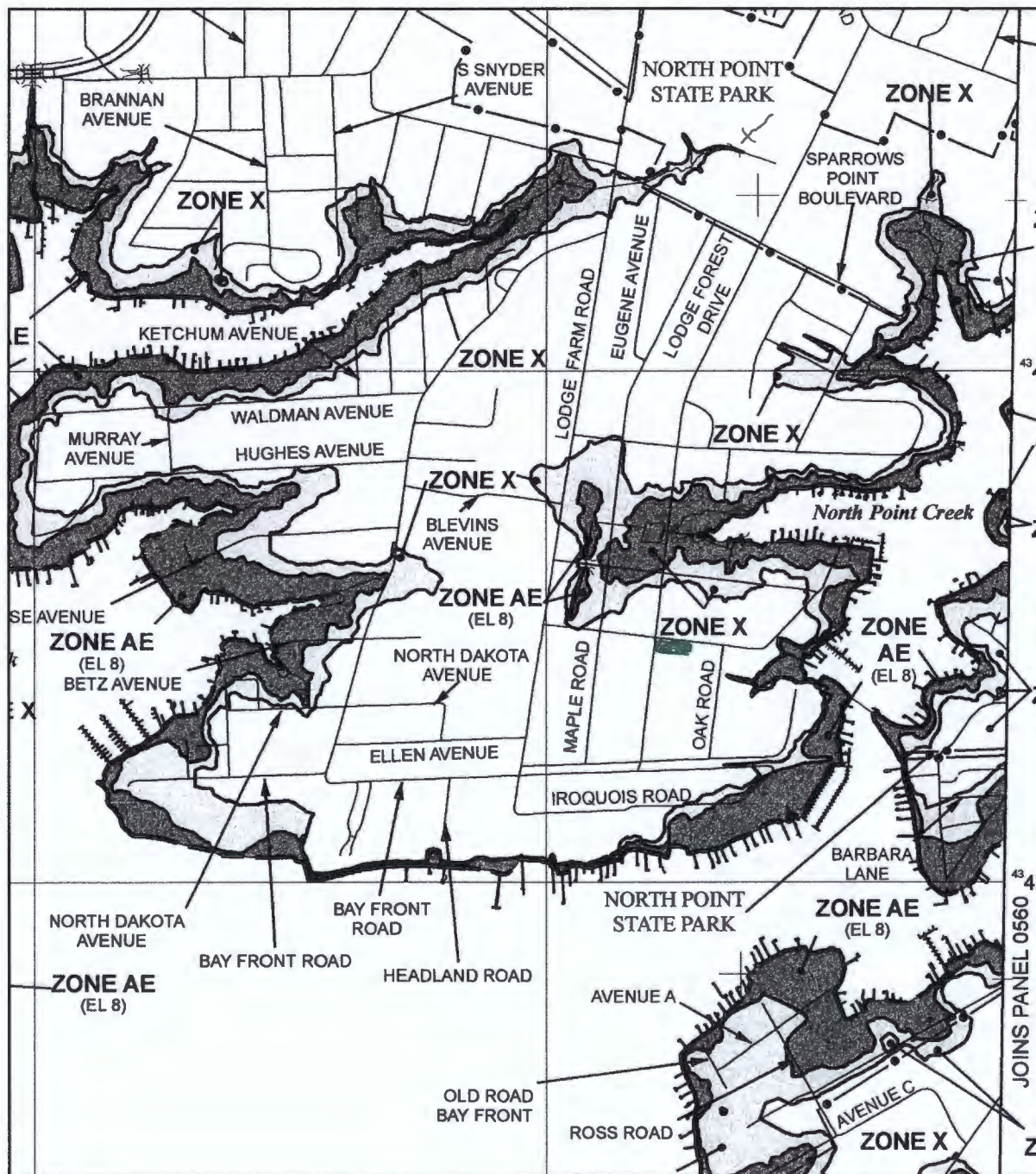
1510453020

Lot # 1049

1600001378 Lot # 1069

1501351611

Lot # 1050



NFP

PANEL 0555F

FIRM
FLOOD INSURANCE RATE MAP

**BALTIMORE COUNTY
MARYLAND
UNINCORPORATED AREAS**

PANEL 555 OF 580
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BALTIMORE COUNTY	240010	0555	F

Notes to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
2400100555F

MAP REVISED
SEPTEMBER 26, 2008

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Bought 4/10/08 - But from
another Lockery - Set his story

(SIGN IN SHEETS - OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning - My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. **THESE PROCEEDINGS ARE BEING RECORDED**

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 11-157.

This is a Petition for ☒ Variance
☐ Special Hearing
☐ Special Exception

filed by Timothy & Janet Lockery for property located at
2135 Lodge Forest Drive and zoned DR 5.5

"Read language from file"

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted 11-27-10 by Robert Black, an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM - AND ASK - IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. _____, since there is no opposition, if you want to make AN **INFORMAL PROFFER** of the *testimony* and *evidence*, you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

OP- Submit Elevation Drawings
discuss Corner lot

EXPLAIN PROCESS:

First the owner of the property will have an opportunity to present testimony and evidence regarding the _____ request for the property at _____.

Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'll give you an opportunity to do so.

Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this _____ request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.

PRESENT CASE

SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT

All right Mr./Ms. _____, please proceed with your case:

TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms. _____ just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.

CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this _____. Where do you live? How long have you lived there? What is it about the _____ that bothers you/or what would you like to tell me about this case.

CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER. THANK YOU FOR ATTENDING

I'm not prepared to make a decision here and now.

I want some time to think about the evidence presented – might want to look at the property

Hopefully, within a few weeks, I'll issue a written decision in the case

If you do not like my decision, **YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals.** This must be done within 30 days from date of my Order.

Case No.: 2011-0157-A 2135 Lodge Forest Drive

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	ORDER - CASE NO. 89-82-A	
No. 3	PHOTO'S - EXISTING CONDITIONS	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Double front 12.5 in lieu of 25 1B02.3.C.1
undersized lot 50 in lieu 55 304.1
variances 307.1

IN RE: PETITION FOR ZONING VARIANCE
NE/Corner Lodge Forest Road
and North Point Creek Road
(2201 Lodge Forest Road)
15th Election District
7th Councilmanic District

Ruby M. Lassiter
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-82-A
*

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

The Petitioner herein requests a variance to permit a side yard setback of 3 feet for Lot 799A and to permit a lot width of 47.5 feet in lieu of the required 55 feet for Lot 800 for a proposed new dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner, by her son-in-law, Ronald Miller, appeared and testified. There were no Protestants.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area re-

PETITIONER'S

EXHIBIT NO. 2

ORDER RECEIVED FOR FILING

Date

9/28/88
By *Beth J. Schuler*

Lenny

PHOTO C

LODGE FOREST DRIVE



PHOTO B



NORTH POINT CREEK ROAD

PHOTO A



OAK ROAD

PETITIONER'S
EXHIBIT NO.

3



L.L.S. LAND
SERVICES, INC.
P.O. BOX 5410
TOWSON, MARYLAND 21285
410.879.4735
FAX 410.879.4736

PLAN TO ACCOMPANY PETITION FOR
ZONING VARIANCE
2135 LODGE FOREST DRIVE
LOT 1045
"LODGE FOREST"
PLAT BOOK L.M.C.M. 10, FOLIO 76 & 77
FIFTEENTH ELECTION DISTRICT
SEVENTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: 9-20-10 | SCALE: 1"=30' | FILE: 10-079

Photo A

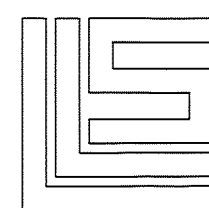


Photo B

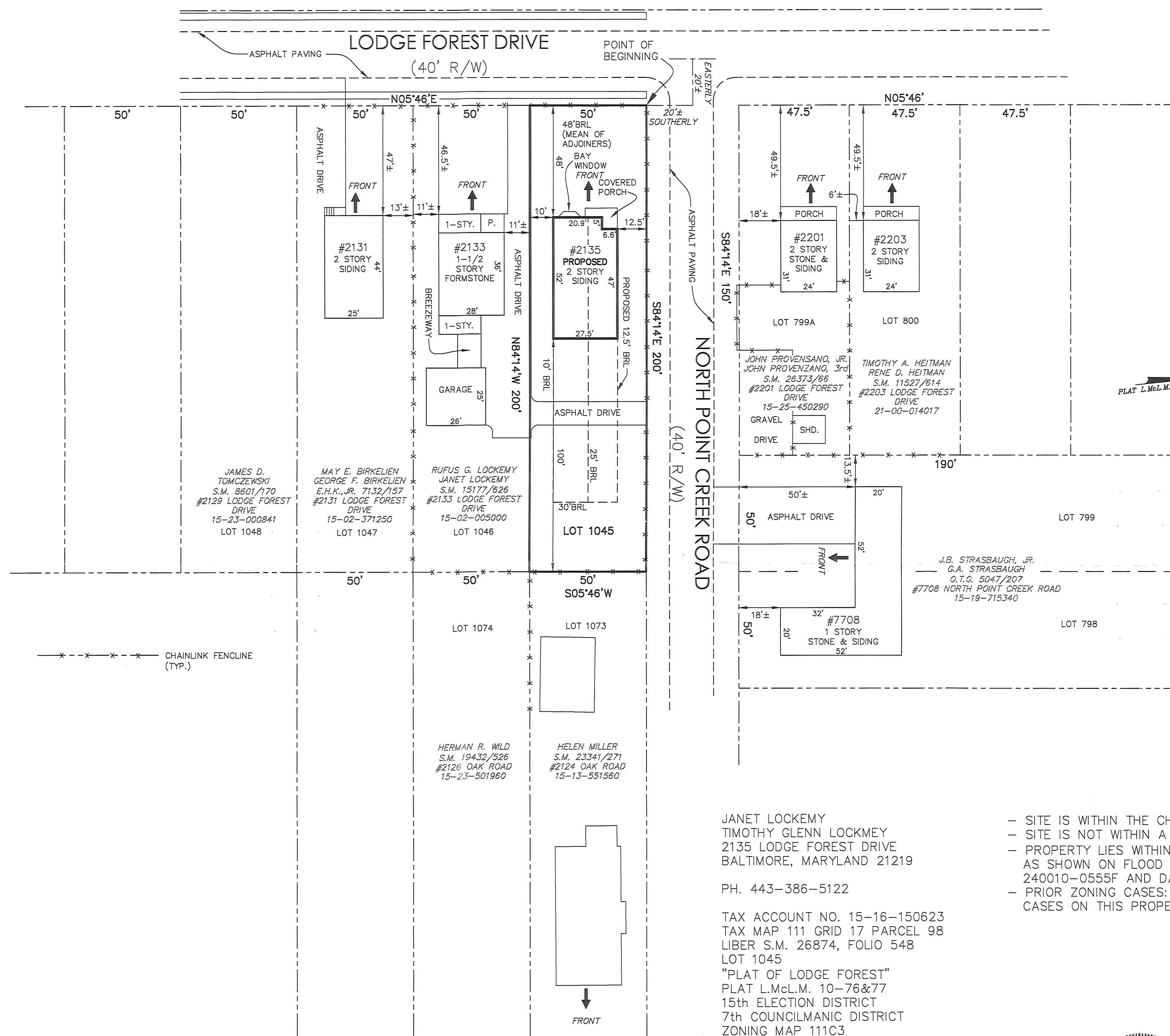




Photo C



L.L.S. LAND
SERVICES, INC.
P.O. BOX 5410
TOWSON, MARYLAND 21285
410.879.4735
FAX 410.879.4736



JANET LOCKEMY
TIMOTHY GLENN LOCKMEY
2135 LODGE FOREST DRIVE
BALTIMORE, MARYLAND 21219

PH. 443-386-5122

TAX ACCOUNT NO. 15-16-150623
TAX MAP 111 GRID 17 PARCEL 98
LIBER S.M. 26874, FOLIO 548
LOT 1045
"PLAT OF LODGE FOREST"
PLAT L.McL.M. 10-76&77
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
ZONING MAP 111C3
ZONING D.R.5.5
LOT SIZE: 10,000 SQ.FT. OR 0.230 OF AN
ACRE ±
PUBLIC WATER
PUBLIC SEWER

- SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- SITE IS NOT WITHIN A HISTORIC DISTRICT
- PROPERTY LIES WITHIN FLOOD ZONE X (NON-SHADED)
AS SHOWN ON FLOOD INSURANCE RATE MAP DESIGNATED
240010-0555F AND DATED 09-26-2008
- PRIOR ZONING CASES: THERE ARE NO PRIOR ZONING
CASES ON THIS PROPERTY

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION FOR
ZONING VARIANCE
2135 LODGE FOREST DRIVE

LOT 1045
"LODGE FOREST"
PLAT BOOK L.McL.M. 10, FOLIO 76 & 77
FIFTEENTH ELECTION DISTRICT
SEVENTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE: 9-20-10 SCALE: 1"=30' FILE: 10-079

