

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Lukewood Drive, NW corner
of Wilmont Drive
2nd Election District
4th Councilmanic District
(2212 Lukewood Drive)

Kenneth M. and Darlene Y. Morrison
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0273-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Kenneth M. and Darlene Y. Morrison for property located at 2212 Lukewood Drive. The variance request is from Section 1B02.3.A.1 (211.4 1955 B.C.Z.R. R-6) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (sunroom) with a 5 feet rear setback in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a sunroom measuring 10 feet x 19 feet. The proposed sunroom will be constructed on the existing deck. The location of the proposed sunroom lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the house. This proposed sunroom will help insulate and reduce heating bills as well as to reduce road and other ambient noises. The sunroom will provide a place to sit outdoors without concern for bugs or the sun's harmful rays. Petitioners state the proposed sunroom will improve the overall appearance of the house. The lot size does not lend itself to any addition of adequate size without a variance. Petitioners' property is a corner lot and the dwelling was placed at an angle to Lukewood Drive. An aerial photograph shows that only one other dwelling in the entire

ORDER RECEIVED FOR FILING

Date 4-19-11

By 

neighborhood was situated in a similar fashion; that house is located across the street from the Petitioners' home.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 27, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

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

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 19th day of April, 2011 that a variance from Section 1B02.3.A.1 (211.4 1955 B.C.Z.R. R-6) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (sunroom) with a 5 feet rear setback in lieu of the required 30 feet be and is hereby GRANTED, subject to the following:

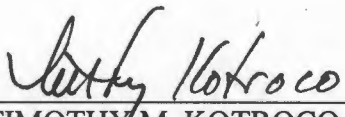
ORDER RECEIVED FOR FILING

Date 4-19-11

By [Signature] 2

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

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

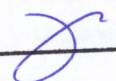


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 4-19-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 19, 2011

KENNETH M. AND DARLENE Y. MORRISON
2212 LUKEWOOD DRIVE
BALTIMORE MD 21207

Re: Petition for Administrative Variance
Case No. 2011-0273-A
Property: 2212 Lukewood Drive

Dear Mr. and Mrs. Morrison:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Ric-Lee Corp. T/A Patio Enclosures, Inc., 224 8th Avenue NW, Glen Burnie MD 21061



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2212 Lukewood Dr. Baltimore, MD 21207
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) 1002.3A.1., (211.4-1955 DCZR R.6)

TO PERMIT AN ADDITION (SUNROOM) WITH A 5-FOOT REAR SETBACK
IN LIEU OF THE REQUIRED 30-FEET.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Date 4-19-11 Telephone No. _____

City _____ By [Signature] State _____ Zip Code _____

Legal Owner(s):

Morrison, Kenneth

Name - Type or Print _____

Signature [Signature]

Morrison, Darlene

Name - Type or Print _____

Signature [Signature]

2212 Lukewood Dr. 410-298-0873
Address Telephone No.

Baltimore, MD 21207
City State Zip Code

Representative to be Contacted:

Ric-Lee Corp. T/A Patio Enclosures Inc.
Name

224 8th Ave. NW 410-760-1919
Address Telephone No.

Glen Burnie, MD 21061
City State Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 11-0273-A

REV 10/25/01

Reviewed By D.T. Date 3/4/11

Estimated Posting Date 3/27/11

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 2212 Lukewood Dr.
Address
Baltimore, MD 21207
City State Zip Code

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

1. This area lends itself to the utilization of existing facilities without major interruptions to the existing floor plan of the dwelling.
2. Insulate and reduce heating bills.
3. A place to sit out and enjoy the outdoors without concern for bugs, flies, mosquitos, the suns harmful rays etc...
4. Improve overall appearance of the house.
5. The restrictiveness of the lot does not lend itself to any addition of adequate size without a variance request.

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

✓ *M. L. Morrison*
Signature

Morrison, Kenneth
Name - Type or Print

Darlene Morrison
Signature

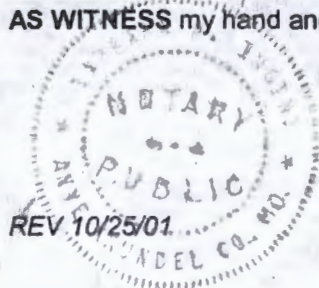
Morrison, Darlene
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of March, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kenneth Morrison and Darlene Morrison
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Barbara A. Ingino
Notary Public

My Commission Expires BARBARA A. INGINO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 18, 2014

ZONING DESCRIPTION FOR
2212 Lukewood Dr.
Baltimore, MD 21207

Beginning at a point on the West side of Lukewood Dr. which is 50' wide at the distance of 0 feet south of the nearest improved intersecting street, Wilmont Dr. which is 50' wide. Being Lot 8, Block G, Parcel 302 in the subdivision known as "Hilltop Estates" as recorded in county plat book 24, folio 28 and containing 9,144 square feet, also know as 2212 Lukewood Dr. Baltimore MD 21207 located in the 2nd election district, 4th Councilmanic district.

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

No. 64777

Date:

3/14/11

PAID RECEIPT

POSTEDS ACTUAL TIME DR
 3/15/2011 3/14/2011 14:15:27 2

REG 4505 WALKIN DRG DRD
 RECEIPT N 548362 3/14/2011 DFLH

5 328 700000 VERIFICATION

64777

Recpt Tot 475.00

475.00 CR 4.00 DR

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000				6150				75.00	

Total: 75.00

Rec From: PATIO ENCLOSURES

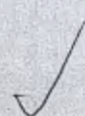
For: 2011-0273-A
2212 LUKEWOOD DR.

D THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



Certificate of Posting

RE: Case NO. 2011-0273-A

Petitioner/Developer _____

Morrison

Date of Hearing/Closing 4/11/11

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

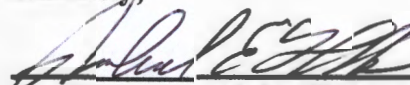
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

2212 Lukewood Drive

The sign(s) were posted on 3/27/11
(Month, Day, Year)

Sincerely,

 3/27/11
(Signature of sign Poster and date)

Richard E. Hoffmann
(Printed Name)

See Attached
Photograph

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0273 -A Address 2212 LUKEWOOD DR.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/14/11 Posting Date: 3/27/11 Closing Date: 4/11/11

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011- 0273 -A Address 2212 LUKEWOOD DRIVE
Petitioner's Name MORRISON Telephone 410-298-0873
Posting Date: 3/27/11 Closing Date: 4/11/11
Wording for Sign: To Permit AN ADDITION (SUNROOM) WITH A 5-FOOT
REAR SETBACK IN LIEU OF THE REQUIRED 30-FEET.

Revised 2/17/11



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 6, 2011

Mr. Kenneth Morrison
2212 Lukewood Drive
Baltimore, MD 21207

RE: Case Number 2011-0273A, 2212 Lukewood Drive

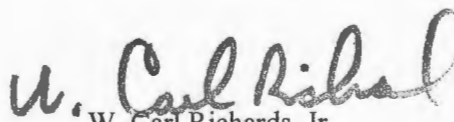
Dear Mr. Weber,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 14, 2011. 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:mcn

Enclosures

c: People's Counsel
Ric-Lee Corp., T/A Patio Enclosures, Inc., 224 8th Avenue NW, Glen Burnie, MD 21061

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 29, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-273-A
Address 2212 Lukewood Drive
(Morrison Property)

Zoning Advisory Committee Meeting of March 21, 2011.

X The Department of Environmental Protection and Sustainability has no
comments on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAR 29 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2011
Item Nos. 2011- 265, 267, 268, 269,
270 and 273

DATE: March 17, 2011

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

DAK:CFN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03282011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 16, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **March 21, 2011**

Item No.:

Administrative Variance: 2011-0265A, 2011-0268A, 2011-0271A, 2011-0273A

Special Hearing: 2011-0267-SPHA, 2011-0269-SPH, 2011-0270-SPHX

Special Exception: 2011-0270-SPHX

Variance: 2011-0267-SPHA,

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: MARCH 25, 2011

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

RE: Baltimore County
Item No 2011-0273A
2812 LUKEWOOD DRIVE
MORRISON PROPERTY
ADMIN. 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. 2011-0273A.

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
Access Management Division

SDF/mb

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 02 Account Number - 0219073920

Owner Information			
Owner Name:	MORRISON M KENNETH MORRISON DARLENE Y	Use:	RESIDENTIAL
Mailing Address:	2212 LUKEWOOD DR BALTIMORE MD 21207	Principal Residence:	YES
		Deed Reference:	1) /06451/ 00171 2)

Location & Structure Information			
Premises Address	Legal Description		
2212 LUKEWOOD DR 0-0000	HILLTOP ESTATES		
Map	Grid	Parcel	Sub District
0088	0014	0302	
Subdivision	Section	Block	Lot
0000		G	8
Assessment Area	Plat No:	Plat Ref:	3
1		0024/ 0028	

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1961	1,404 SF	9,144 SF	04
Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT BRICK	

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	77,280	77,200		
Improvements:	202,400	127,000		
Total:	279,680	204,200	204,200	204,200
Preferential Land:	0			0

Transfer Information			
Seller:	SCHLITZER HENRY J	Date:	11/04/1982
Type:	ARMS LENGTH IMPROVED	Deed1:	/06451/ 00171
Seller:		Date:	
Type:		Deed1:	
Seller:		Date:	
Type:		Deed1:	

Exemption Information			
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: * NONE *

2000004632

0219000542 Lot # 1

PDM # 020254

Pt. Bk./Folio # 053122

19890070

2300

Lot # 22

Pt. Bk. 53, Folio 122

2000004633

WILMONT DR

SITE

2000004634

Lot # 23

0219073920 Lot # 8

Pt. Bk. 24, Folio 28

2212

088A2

Pt. Bk./Folio # 024028

2 ED DR 5.5

4 CD

NW 3-F

PDM # 020034

0219073070

Lot # 7

2210

LUKEWOOD DR

0223500910 Lot # 6

2208

0218471800

Lot # 12

Lot # 11
0204201030

2011-0273-A

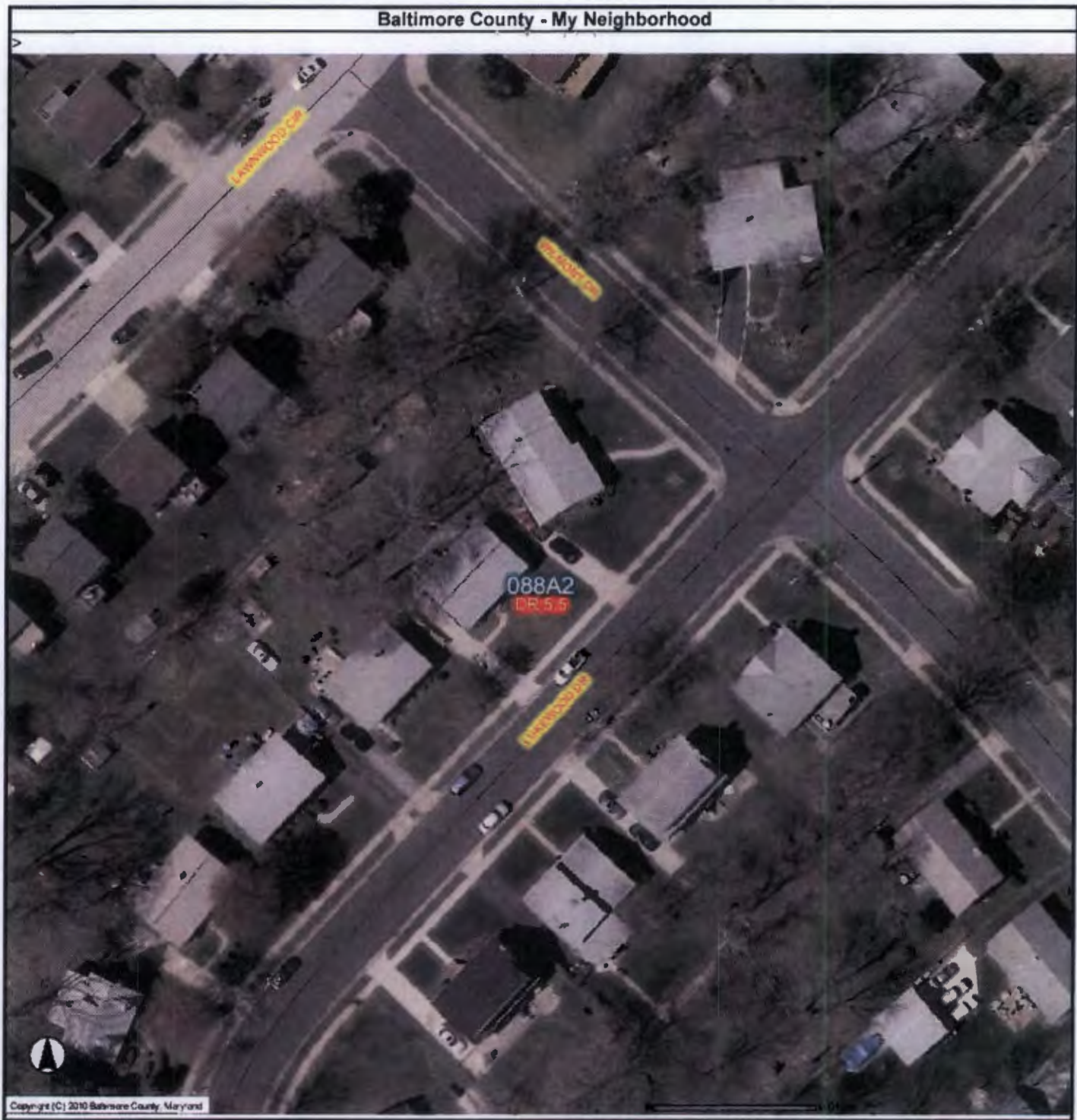
Variance Photo For:
2212 Lukewood Dr.
Baltimore, MD 21207



View of existing deck to be enlarged for a 19'x10' glass and screen sunroom



Baltimore County - My Neighborhood



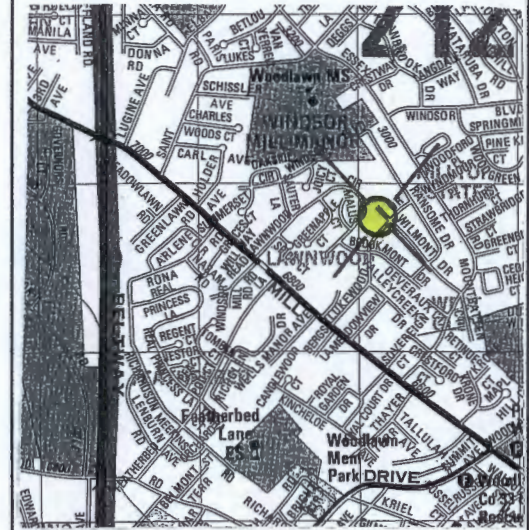
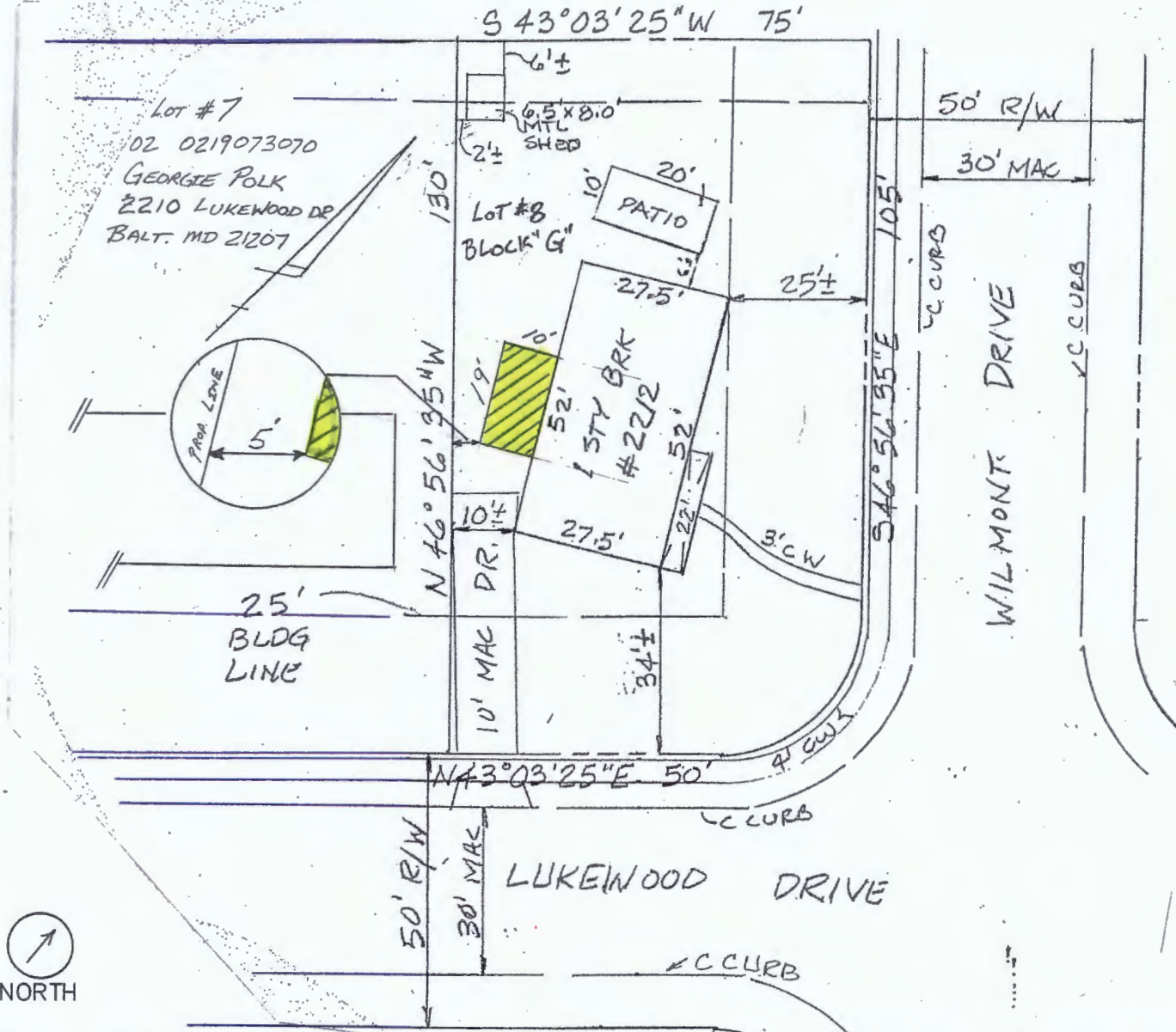
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2212 Lukewood Dr. Baltimore, MD 21207

subdivision name: Hilltop Estates

Plat book# 24, Follo# 28, Lot# 8, Section#

OWNER: Morrison, Kenneth & Darlene



LOCATION INFORMATION

Election district: 2

Councilmanic District: 4

200 scale map # 088 A2

Zoning: DR Dr. 5.5

Lot size: $\frac{.20}{\text{acreage}}$ $\frac{9,144}{\text{square feet}}$

SEWER: ☒ public ☐ private

WATER: ☒ ☐Chesapeake Bay Critical Area: ☐ ☒

100 YEAR FLOOD PLAIN: ☐ ☒

PRIOR ZONING HEARING: ☐ ^{yes} ☒ ^{no}

Zoning Office USE ONLY!

reviewed by:	ITEM #	CASE #

D.T.

273

2011-
0273-A

PREPARED BY: GREGORY A. FALTER

SCALE OF DRAWING: 1" = 30'