

IN RE: PETITION FOR ADMIN. VARIANCE

SE Corner of E Ridgely Road and
Lynncrest Road
(1727 Lynncrest Road)
8th Election District
3rd Council District

William M. Smith, 3rd and Ann L. Bowen
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0041-A**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, William M. Smith, 3rd and Ann L. Bowen. The Petitioners are requesting Variance relief pursuant to Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard and third of the lot farthest removed from any street. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of September 5, 2011. On September 2, 2011, William R. Levasseur, Covenants Chair of Dulaney Forest Community Association, requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, September 29, 2011 at 10:00 AM; however, the property was not posted with a sign and was rescheduled for Monday, November 7, 2011 at 1:30 PM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

ORDER RECEIVED FOR FILING

Date 11-16-11

By ym

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Appearing at the public hearing held for this case was Petitioner William Smith, 3rd. Appearing in opposition to the request was William R. Levasseur, Covenants Chair of Dulaney Forest Community Association, who resides at 1917 Knollton Road.

Testimony and evidence revealed that the subject property is 20,604 square feet and is zoned D.R.2. The property is located in the Lutherville-Timonium area of the County, and is improved with a single family dwelling approximately 1,500 square feet in size.

The Petitioner presented photographs of his home and the adjoining residence at 1725 Lynncrest Road which depict the topography and site conditions in the area where the garage is planned. (Exhibit 5). Mr. Levasseur indicated the community opposed the garage being constructed on the side of the home, and he indicated that he is unaware of any other homes in the neighborhood which have free-standing garages in the side yard. At the same time, Mr. Levasseur and the community association were cooperative and at the hearing a resolution was proposed that satisfied the community and may very well obviate the need for variance relief.

Specifically, Petitioner agreed to relocate his garage such that the northwest corner of the proposed structure would connect to the southeast corner of the existing dwelling, as shown on Exhibit 4. In the event the structures are actually attached, a variance would not be required per B.C.Z.R. § 400.1. Alternatively, if site conditions did not allow for such a connection, the newly proposed location would position the garage in the third of the lot farthest from any street, which would also satisfy B.C.Z.R. § 400.1. In an abundance of caution, I will nonetheless grant the

ORDER RECEIVED FOR FILING

Date 11-16-11

By 

Petitioner's variance relief to expressly allow for the construction of a 24'x32' garage in the location shown (in blue ink revisions) on Exhibit 4.

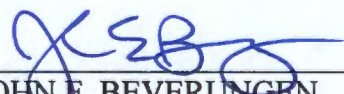
Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence offered by Petitioner, I find that Petitioners' variance request (to the extent such relief is necessary) should be granted.

THEREFORE, IT IS ORDERED, this 16 day of November, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located adjacent to the southeast corner of the existing dwelling (as reflected on Exhibit 4), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

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Date 11-16-11

By 



KEVIN KAMENETZ
County Executive

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

November 16, 2011

WILLIAM M. SMITH, 3RD AND ANN L. BOWEN
1727 LYNNCREST ROAD
LUTHERVILLE MD 21093

Re: Petition for Administrative Variance
Case No. 2012-0041-A
Property: 1727 Lynncrest Road

Dear Mr. Smith and Ms. Bowen:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact the appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: William R. Levasseur, 1917 Knollton Road, Timonium MD 21093



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 1727 LYNNCREST ROAD

which is presently zoned DR 2

Deed Reference: 14448 / 00328 Tax Account # 0811077710

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. BC2R

To permit an accessory structure (detached garage) to be located on the side yard in lieu of the required rear yard $\frac{1}{3}$ third of the lot farthest removed from any street.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

William M. Smith 3rd

Name - Type or Print

Signature

Ann L. Bowen

Name - Type or Print

Signature

1727 Lynncrest Road

410-252-6006

Address

Telephone No.

Lutherville

MD

21093

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 11 day of November, 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. 2012-0041-A

Reviewed By JF

Date 8/12/11

Estimated Posting Date 8/21/11

FRM476_09

ORDER RECEIVED FOR FILING

Rev 3/09

Date 11-16-11

By pm

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 own and reside at 1727 LYNNCREST ROAD
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) We wish to place a 24' x 32' garage in the lot beside our house, as we do not have sufficient space to build the garage behind our house. This is because our house is a corner lot at the intersection of Lynncrest Rd and Ridgely Rd, and the entrance to our house faces Lynncrest. This makes the front of our house face the side of our lot, and only leaves us room to build a garage on the back, or south end, of our lot, which is technically on the side of our house.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

William M. Smith 3rd
Signature

William M. Smith 3rd

Name- print or type

Ann Lee Bowen
Signature

Ann Lee Bowen

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 10th day of August 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): William M. Smith III & Ann L. Bowen
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Kimberly Hundt 9/22/2013
Name of Notary Public Commission expires

PLACE SEAL HERE



ZONING PROPERTY DESCRIPTION

FOR

1727 LYNNCREST ROAD, LUTHERVILLE MD.

PART A

Beginning at a point on the south side of Ridgely Road which is 40' south of the centerline of Ridgely Road, and 25' east of the centerline of Lynncrest Road.

PART B

Being Lot # 1, Block # K, Section # III-B, in the subdivision Dulaney Forest as recorded in Baltimore County Plat Book # 21, Folio # 57, containing 20,604 square feet. Located in the 8th Election District and 3rd Council District.

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE:CASE NO: 2012-0041-A

PETITIONER/DEVELOPER WILLIAM
SMITH 3RD/ANN L. BOWEN

DATE OF HEARING/CLOSING: _____
9/5/11

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

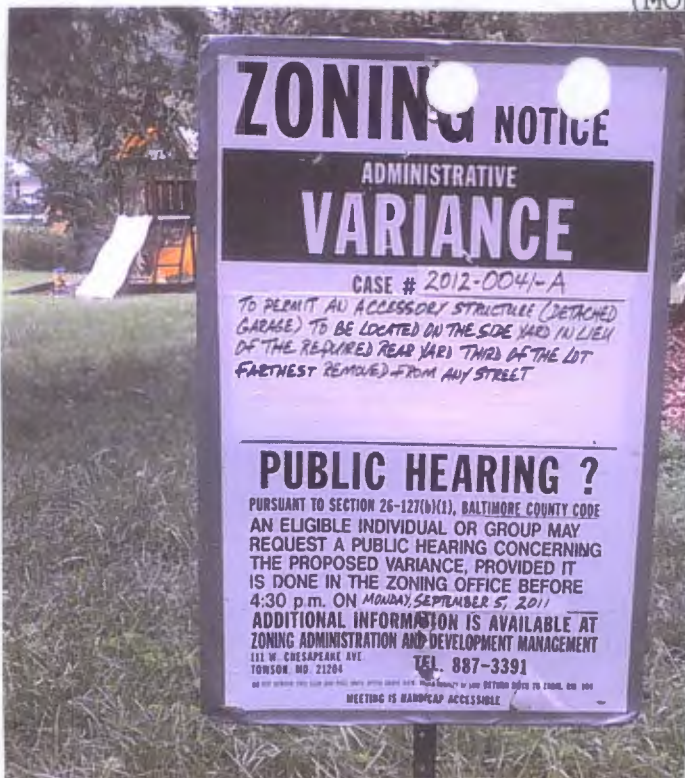
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S)REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 1727 LYNNCREST RD

THIS SIGN(S)WERE POSTED ON _____

August 21, 2011
(MONTH, DAY, YEAR)



SINCERELY

Martin Ogle 8/21/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

Dulaney Forest Community Association

Timonium, MD 21093

RECEIVED

SEP -2 2011

*zoning office -
A-Tau*

August 31, 2011

Mr. William Smith
1727 Lynncrest Road
Timonium, MD 21093

Re: Zoning variance request
2012-0041-A

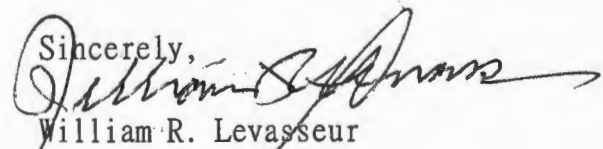
Dear Mr. Smith:

Your property located at 1727 Lynncrest Road is located within the Dulaney Forest Community thus subject to the terms of the Protective Covenants. Our file shows you previously requested and received a copy of the Covenants and therefore you must be aware of the requirement that any plans for covered changes must be submitted to the Associations Covenants Committee for review.

Multiple inquiries have been received indicating a zoning variance has been applied for the construction of a Garage on your property. A visual inspection confirmed the zoning notice. The Association has not as yet received a copy of any such plans. The Association must insist that you submit a copy of your plans including the expected usage and agreements from your immediate and most affected neighbors regarding their acceptance of your suggested use.

In view of the deadline of September 5, for filing objection and the lack of your submission of plans, the Association has no other option but to file a "FORMAL DEMAND FOR HEARING" form (attached). A copy of this letter will also be attached to the hearing request advising the Zoning Commissioner of the Associations Protective Covenants and the required involvement and concerns. This letter is being written with the authority of the Association Board for the Covenants Committee to act on its behalf for this action.

Sincerely,



William R. Levasseur
Covenants Chair
1917 Knollton Road
Timonium, Md. 21093
410-935-6703



RECEIVED

SEP - 2 2011

Spring Office AT.

FORMAL DEMAND FOR HEARING *pub*

CASE NUMBER: 2012-0041-A

Address: 1727 Lynncrest Rd

Petitioner(s): DULANEY FOREST COMMUNITY ASSOC

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Assoc. Covenants Comm. by William Levasseur
Name - Type or Print

() Legal Owner OR ☒ Resident of

1917 Knollton Rd.
Address

Timonium Md 21093
City State Zip Code

410-935-6703
Telephone Number

which is located approximately ENTIRE Community feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

William Levasseur
Signature chair / community aug. 31, 2011
covenants chair Date

Signature _____ Date _____
Revised 9/18/98 - wcr/scj

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0041-A
1727 Lynncrest Road
S/east corner of East Ridge-
ly Road and Lynncrest Road
8th Election District
3rd Councilmanic District
Legal Owner(s): William
Smith, 3rd, & Ann Bowen
Variance: to permit an ac-
cessory structure (detached
garage) to be located on
the side yard in lieu of the
required rear yard third of
the lot farthest removed
from any street.

**Hearing: Monday, Novem-
ber 7, 2011 at 1:30 p.m.**
In Room 205, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

10/153 October 20 288730

CERTIFICATE OF PUBLICATION

10/20/, 2011

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 10/20/, 2011.

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

S. Wilkins

LEGAL ADVERTISING

ZONING NOTICE

CASE # 2012-0041-A

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

ROOM 205 STEPHENSON BUILDING 105 WEST

PLACE: CHESSMAN AVE, Towson 21204

DATE AND TIME: MONDAY, NOVEMBER 7, 2011
AT 1:30 P.M.

REQUEST: VARIANCE TO REBUILT AN ACCESSORY
STRUCTURE (DETACHED GARAGE) TO BE LOCATED ON
THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD
THIRD OF THE LOT (FARTHEST REMOVED) FROM ANY
STREET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-339-3292

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

10/21/2011

John G. 10/21/11

Case No.: 2012-0041-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	BL Map	
No. 3	Aerial Photo	
No. 4	Revised (Blue-lined) Site plan	
No. 5	Color Photos of Site	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

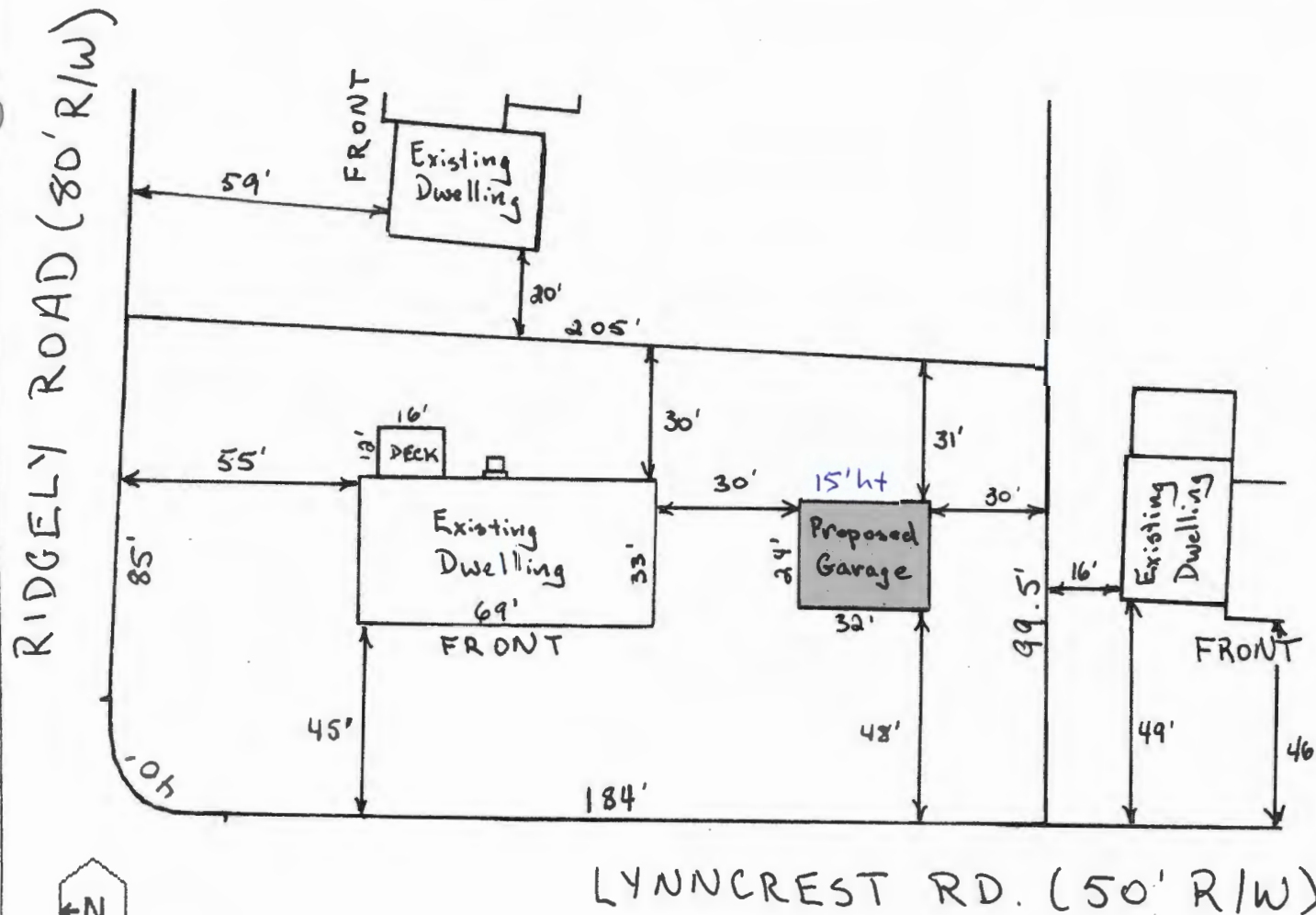
JB

11/7
1:30 PM

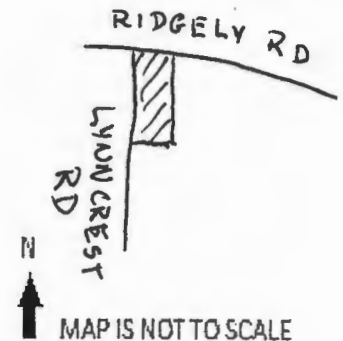
DW 12-20-11

PZ 12/21/11

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1727 LYNNCREST ROAD OWNER(S) NAME(S) William M. Smith / Ann L. Bowen
 SUBDIVISION NAME DULANEY FOREST LOT# 1 BLOCK# K SECTION# III-B
 PLAT BOOK # 21 FOLIO # 57 10 DIGIT TAX # 081103771 DEED REF. # 14448/00328



SITE VICINITY MAP



ZONING MAP# 061A2
 SITE ZONED DR 2
 ELECTION DISTRICT 8th
 COUNCIL DISTRICT 3rd
 LOT AREA ACREAGE _____
 OR SQUARE FEET 20,604
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH _____
 WATER IS: _____
 PUBLIC X PRIVATE _____
 SEWER IS: _____
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NONE
 IF SO GIVE CASE NUMBER _____
 AND ORDER RESULT BELOW _____

PLAN DRAWN BY William Smith DATE 8/8/11 SCALE: 1 INCH = 40 FEET

VIOLATION CASE INFO: _____

EX. 1

0818087200 Lot # 20

0803024210 # 19

Lot # 18

17

0804002131 Lot # 16

Lot # 10
0823077590

202

Lot # 11
0813023390

204

Lot # 12
0813076960

206

Pt. Bk./Folio # 021056

0808004830
Pt. Bk. 21, Folio 56

Lot # 13

208

0801074980 Lot # 15

202

0804022560 Lot # 14

210

E RIDGELY RD

E RIDGELY RD

NE 13-A 061A2
3 CD 8 ED

DR 5.5

0802058282

LYNNCREST RD

1727

Lot # 1
0811077710

DR 2

PDM # 080031

209

0803037920
Pt. Bk. 21, Folio 57

Lot # 2

Pt. Bk./Folio # 021057

211

0804002600
Lot # 3

Lot # 4
0812061300

1725

0802022880 Lot # 12

0812001340 Lot # 13

0819064820
Lot # 11

0807029971
Lot # 10

Lot # 9
0806035290

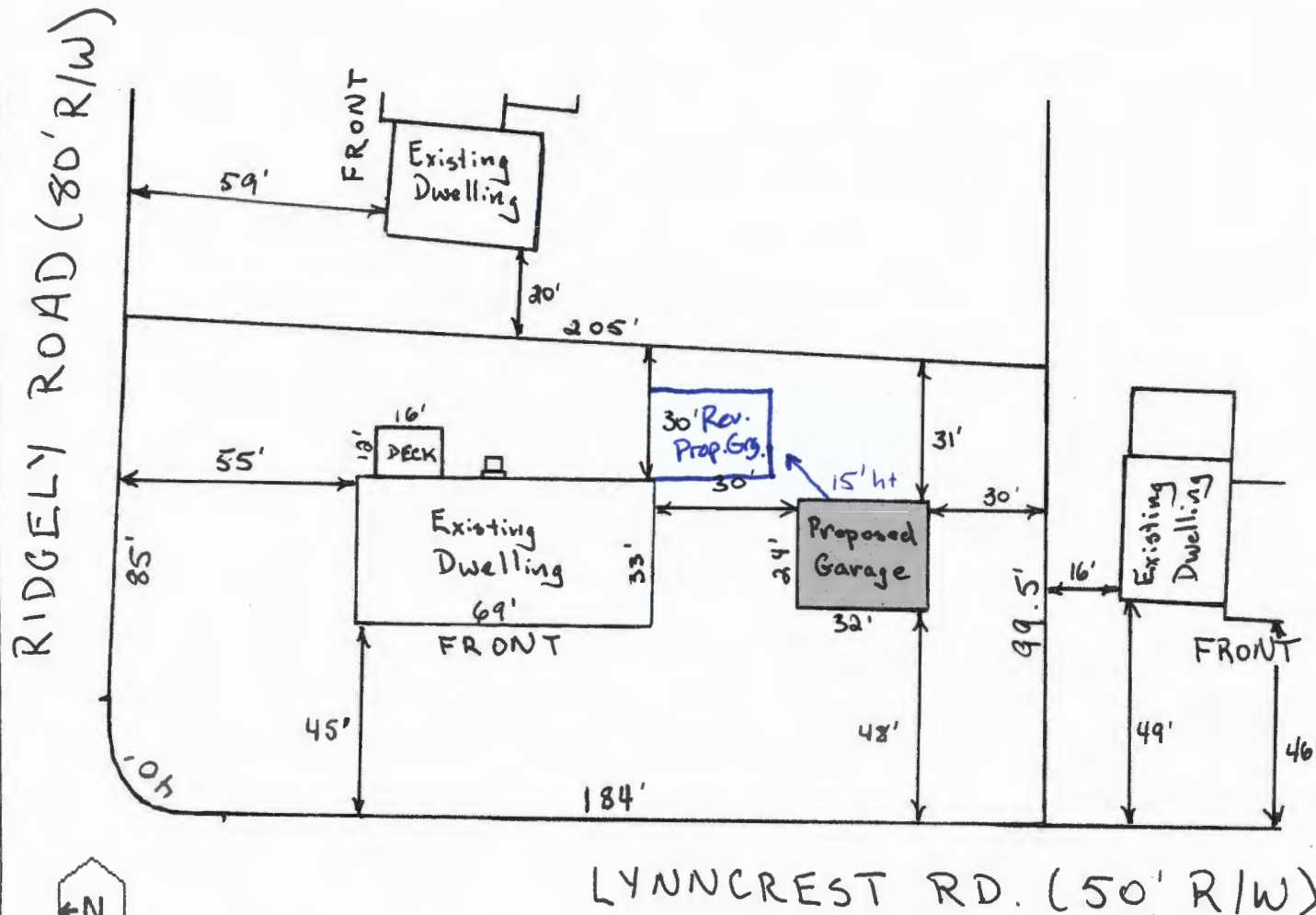
LYNNCREST CT

2012-0041-A

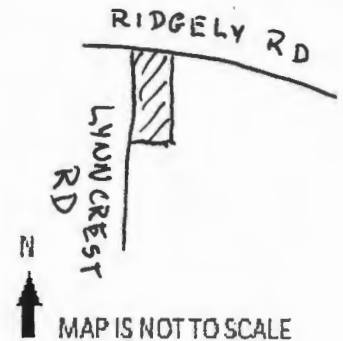
EX 2



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1727 LYNNCREST ROAD OWNER(S) NAME(S) William M. Smith / Ann L. Bowen
 SUBDIVISION NAME DULANEY FOREST LOT# 1 BLOCK# K SECTION# III-B
 PLAT BOOK # 21 FOLIO # 57 10 DIGIT TAX # 08 1 10 377 1 DEED REF. # 1444 8/00 328



SITE VICINITY MAP

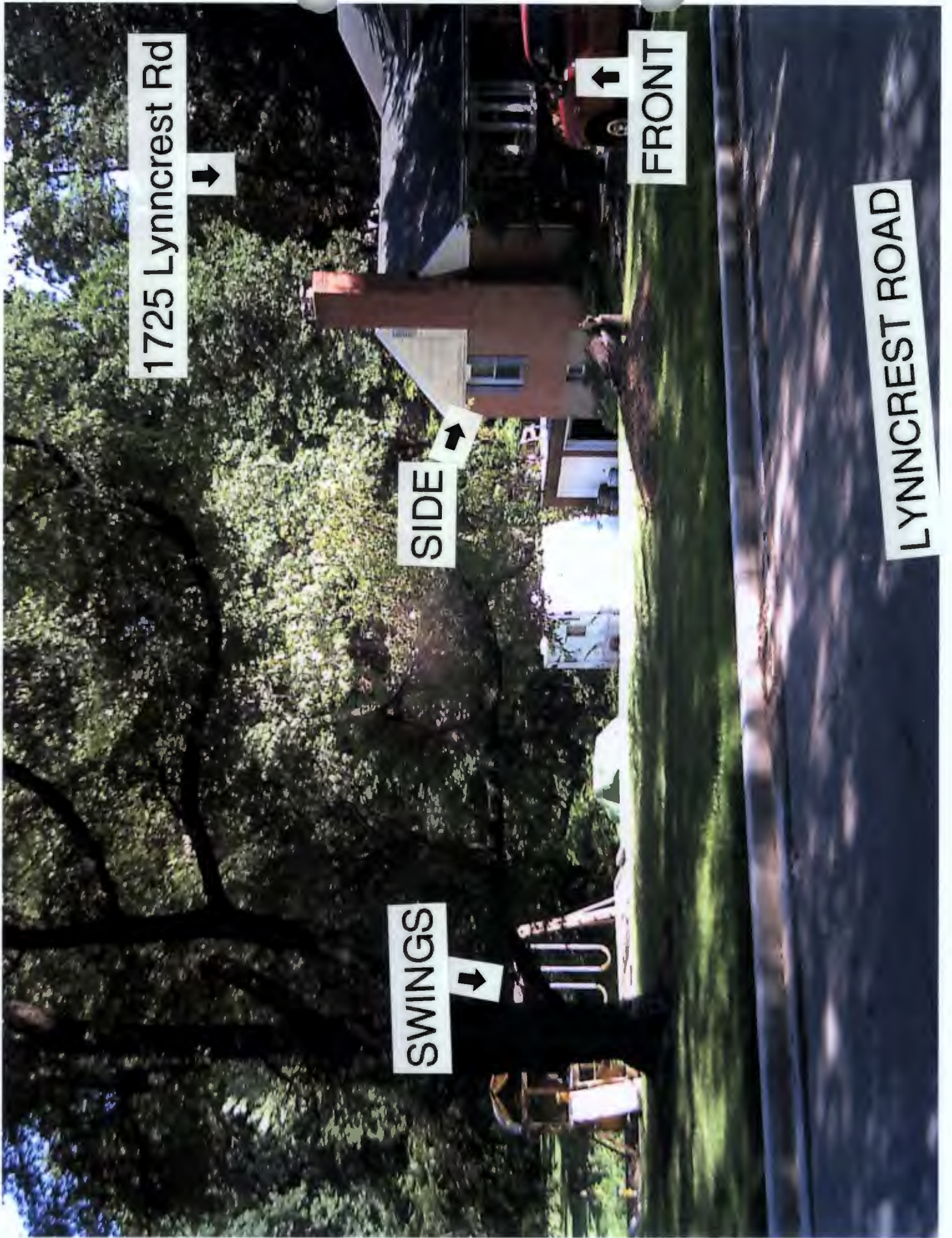


ZONING MAP# 061A2
 SITE ZONED DR 2
 ELECTION DISTRICT 8th
 COUNCIL DISTRICT 3rd
 LOT AREA ACREAGE _____
 OR SQUARE FEET 20,604
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WIT
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NONE
 IF SO GIVE CASE NUMBE
 AND ORDER RESULT BEL

PLAN DRAWN BY William Smith DATE 8/8/11 SCALE: 1 INCH = 40 FEET

VIOLATION CASE INFO:

EX-4



209 Ridgely Rd



1727 Lynncrest Rd



← SIDE

↑
FRONT

↑
REAR

RIDGELY ROAD

