

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

W/side of Lodge Forest Drive, 105' N
of c/l of North Point Creek Road
15th Election District
7th Council District
(2204 Lodge Forest Drive)

Elaine M. and Henry Krus
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY

* **CASE NO. 2012-0248-SPHA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Elaine M. and Henry Krus. The Petitioners are requesting Special Hearing relief pursuant to § 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking a determination that the adjoining lot (known as 2206 Lodge Forest Drive) has not been merged with the subject lot. The Petitioners are also seeking variance relief from § 1B02.3.C.1, to permit an existing lot (improved with a single family dwelling) width of 47.5' in lieu of the required 55'. 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.

Appearing at the public hearing held for this case was Petitioner Henry Krus. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning on May 3, 2012, indicating no opposition; however, that Department requested the following conditions be imposed on any

ORDER RECEIVED FOR FILING

Date

5-24-12

relief granted:

1. Submit building elevations to the Department of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road and/or preserve any existing mature vegetation and trees, if applicable.

In addition, a ZAC comment was received by the Development of Environmental Protection and Sustainability (DEPS) on May 10, 2012, indicating the property is located in a Limited Development Area within the Chesapeake Bay Critical Area. That Department indicated that so long as Chesapeake Bay Critical Area regulations are adhered to, the criteria set forth in B.C.Z.R. § 500.14 would be satisfied.

Testimony and evidence revealed that the subject property is part of a larger subdivision created in the 1940s for employees of the nearby Bethlehem Steel Company. The Petitioner's parents bought the subject property in the 1940s, and at the same time acquired the adjacent lot, which was separately deeded. Both lots are 47.5' wide, as are the other lots in the subdivision. In later years, the B.C.Z.R. was enacted and imposed a 55' width requirement on lots with DR 5.5 zoning.

Based on the evidence presented, I find 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). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, this lot was created before the enactment of the B.C.Z.R., and is improved with a single family dwelling. Thus, the variance is sought only to legitimize existing conditions.

ORDER RECEIVED FOR FILING

Date 5-24-12

2

By [Signature]

I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners, given that the lot and home their family has owned for over 75 years would be deemed illegal.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of community and County agency opposition. In fact, this lot and dwelling are similar in nearly all respects to all of the lots and homes in the subdivision, so the variance relief will in no way negatively impact the community.

The Petitioners have also sought special hearing relief, seeking a determination that the lots at 2204 and 2206 Lodge Forest Drive have not "merged" by operation of law. When viewed on a Google Earth map, it appears as if a small (approximately 4' wide) sliver of driveway paving extends onto the vacant lot at 2206. The Petitioner explained he re-paved the driveway at his home (2204) several years ago, and decided to widen a small area so another car could be parked or drive by an already parked vehicle. Petitioner testified he had no intent to merge the lots, and that he and his wife (and her parents before them) took pains to keep the lots separate and independent. There are no structures or accessory buildings of any kind straddling the lot boundaries, and no evidence was presented that Petitioners used the vacant lot in any way to service the adjoining lot.

The Department of Planning, in a memorandum dated April 24, 2012, opined that these lots had not been merged. I concur. There is simply no evidence that Petitioners intended to merge the lots, nor have the lots been treated as one; i.e., by use of the same address or same tax assessment. Remes v. Montgomery Co., 387 Md. 52, 57-58 (2005).

ORDER RECEIVED FOR FILING

Date 5-24-12 3
By [Signature]

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the special hearing and variance relief shall be granted.

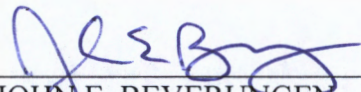
THEREFORE, IT IS ORDERED, this 24 day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking a determination that the subject property has not been merged with the adjoining lot (a vacant lot known as 2206 Lodge Forest Drive), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. § 1B02.3.C.1, to permit an existing lot width (for the improved property known as 2204 Lodge Forest Drive) of 47.5' in lieu of the required 55', be and is hereby GRANTED.

The relief granted herein shall be conditioned upon and subject to the following:

1. The Petitioners may apply for any required permits and may be granted same upon receipt of this Order; however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will 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

ORDER RECEIVED FOR FILING

Date 2-24-12

4

By [Signature]



KEVIN KAMENETZ
County Executive

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

May 24, 2012

ELAINE M. AND HENRY KRUS
2204 LODGE FOREST DRIVE
BALTIMORE MD 21219

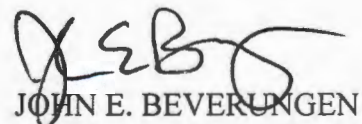
RE: Petitions for Special Hearing and Variance
Case No.: 2012-0248-SPHA
Property: 2204 Lodge Forest Drive

Dear Mr. and Mrs. Krus:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

**CBCK****PETITION FOR ZONING HEARING(S)**

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2204 LODGE FOREST DRIVE, BALT., MD 21219 which is presently zoned DR 5.5Deed References: 09198-00408 10 Digit Tax Account # 1520800020Property Owner(s) Printed Name(s) ELAINE M. KRUS - HENRY A. KRUS(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approvea finding that the adjoining lot has not been merged2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for3. X a Variance from Section(s) 1B02.3.C.1 - to permit an existing dwelling with a lot width of 47.5 feet in lieu of the required 55

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):ELAINE M. KRUS, HENRY A. KRUS

Name #1 - Type or Print

Name #2 - Type or Print

Elaine M. Krus, Henry A. Krus

Signature #1

Signature #2

2204 LODGE FOREST DR. BALT. MD.

Mailing Address City State

21219 410-477-1953 EKRUS@MSN.COM

Zip Code Telephone # Email Address

Representative to be contacted:HENRY A. KRUS, JR.

Name - Type or Print

Henry A. Krus, Jr.

Signature

2204 LODGE FOREST DR. BALT. MD.

Mailing Address City State

21219 410-952-3110 GRAVELMAN2@MSN.COM

Zip Code Telephone # Email Address

GRAVELMAN2@MSN.COMCASE NUMBER 2012-0248-SPHA Filing Date 4/10/12

Do Not Schedule Dates:

Reviewer RJ

REV. 10/4/11

ORDER RECEIVED FOR FILING5-24-12DateBy

Elaine M. Krus & Henry Krus
Zoning Property Description

Part A –

Zoning Property Description for: **2204 Lodge Forest Drive, Baltimore, MD 21219.**

*Beginning at a point on **west side** of **Lodge Forest Drive** which is **40' wide** at a distance of **105' North** of the centerline of the nearest improved intersecting street, **North Point Creek Road** which is **40' wide**.

Part B –

Being LOT# **870**, BLOCK **(N/A)**, Section **(N/A)**, in the Subdivision of **Lodge Forest**, as recorded in Baltimore County Plat Book **#8**, Folio **#86 & 87**, containing **7,600** square feet or **.174** acres in lot. Located in the **15th** Election District and **7th** Council District.

Item #0248

Elaine M. Krus & Henry Krus
Zoning Property Description

Part A –

Zoning Property Description for: **2204 Lodge Forest Drive, Baltimore, MD**
21219.

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Item #0248

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

No. **82118**
 Date: **4/10/12**

PAID RECEIPT

BUSINESS ACCT NO. 1000
 4/11/2012 4/10/2012 1000000

FIG 0502 MAIL DEPT ICE
 RECEIPT # 775041 4/10/2012

Dept 5 328 300000 VERIFICATION
 04/10/2012

Recpt 100 1225.00
 \$225.00 LI 1.0
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$225.00

Total: **\$225.00**

Rec From:

For: **two hearing cases - #2012-0248-SP4A**
A #2012-0249-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

4009



ZONING NOTICE

CASE # 2012-0248-SPHA

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

JEFFERSON BUILDING, ROOM 104
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

THURSDAY
DATE AND TIME: MAY 24, 2012 AT 10:00 AM

REQUEST: SPECIAL HEARING TO
DETERMINE WHETHER OR NOT THE ADMINISTRATIVE
LAW JUDGE SHOULD APPROVE A FINDING THAT
THE ADJOINING LOT HAS NOT BEEN MERGED.

VARIANCE TO PERMIT AN EXISTING
DWELLING WITH A LOT WIDTH OF 47.5 FEET
IN LIEU OF THE REQUIRED 55.

POSTPONENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY.
TO COUNTER HEARING CALL 687-3391 (410)

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

LODGE FOREST
DRIVE

#2204

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: May 9, 2012

Attention: Zoning Office - Ms. Kristen Lewis

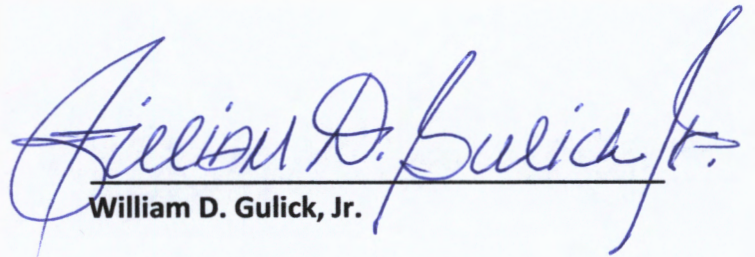
Re: Case Number: 2012-0248-SPHA

Petitioner/Developer: Elaine and Henry Krus

Date of Hearing/Closing: May 24, 2012

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2204 Lodge Forest Drive

The sign(s) were posted on: May 9, 2012

A handwritten signature in blue ink, reading "William D. Gulick, Jr.", is written over a horizontal line.

William D. Gulick, Jr.
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

M E M O R A N D U M

DATE: June 18, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0248-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on June 25, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

**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: # 2012-0248-SPHA
2206 Lodge Forest Drive
W/s Lodge Forest Drive, 105 ft. N/of centerline of North Point Creek Road
15th Election District
7th Councilmanic District
Legal Owner(s): Elaine and Henry Krus

Special Hearing: to determine whether or not the Administrative Law Judge should approve a finding that the adjoining lot has not been merged. **Variance:** to permit an existing dwelling with a lot width of 47.5 feet in lieu of the required 55.

Hearing: Thursday, May 24, 2012 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

JT/5/666 May 8 303050

CERTIFICATE OF PUBLICATION

5/10/, 2012

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 5/8/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

6666

Case No.: 2012-248-SPHA.

Exhibit Sheet

5/24/12

5/24/12

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Petitioners' Statement of Case + Argument	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Zoning Variance Hearing

Henry & Elaine Krus – 2204 & 2206 Lodge Forest drive

When my wife's parents bought their home at 2204 Lodge Forest Drive in the early 40's, they also bought the adjacent lot under a separate deed, 2206 Lodge Forest Drive. They bought this for several considerations, for investment, for children to build a house on and/or as an inheritance for their children.

In 1973, their daughter, my wife, bought the House and adjacent lot from her parents. Again the adjacent lot (2206) was kept as a separate deeded lot. Over the years we refrained from building any sheds or garages on this adjacent lot (2206) so that it would keep its integrity as a separate lot so that it we could:

- *- Sell it for additional retirement income or income to renovate the house on 2204.**
- *- Build a single story retirement home on, as the home on 2204 is a two story and not conducive to retirement.**
- *- Sell both the adjacent lot (2206) and the 2204 lot with the house on it to be able to purchase a retirement home elsewhere.**

In addition if we are unable to sell the lot or build a home on it, we will soon be unable to keep up the maintenance of both lots as it is becoming increasingly difficult due to our worsening health conditions.

We were unaware that, after the initial purchase of the 2206 lot, the Baltimore County Zoning Regulation had changed to require a minimum lot width of 55'. The lot is only 47.5 feet wide. This is the reason we are asking for the variance.

Due to this change in zoning regulation, unless a variance is granted, we would be unable to do any of the things listed above which are allowed under the DR5.5 zoning. The variance being asked for (7.5') is minimal and would not in any way change the appearance or integrity of the neighborhood. In fact I believe it would enhance it. Most of the single family houses in the neighborhood are built on 47.5' wide lots. In addition the granting of this variance would in no way cause any injury to the public health, safety and general welfare of the community.

PETITIONER'S

EXHIBIT NO.

2

Zoning Variance Hearing

Henry & Elaine Krus – 2204 & 2206 Lodge Forest drive

In sumation, we believe that the variance is warranted under these circumstances both under the undue hardship and practical difficulty tests of the zoning ordinance.

1. First, as one of the only remaining undeveloped narrower lots in this subdivision, our property is unique and different than the surrounding lots so that the width restriction impacts more on our property than on the surrounding properties.

2. Undue hardship exists because a strict application of the width requirement would deny us a reasonable return upon the lot for the purposes for which it was acquired many years ago; that hardship is peculiar to our lot; and such hardship did not result from our conduct, but rather by an interim revision to the zoning ordinance.

3. Practical difficulty exist here because the width requirement unreasonably prevents us from using the property as originally intended (to build a home thereon), or to sell the same for that purpose and conformance with the current requirement is completely impossible; and the grant of the variance will not be an injustice to others in the neighborhood due to the uniqueness of this lot and the fact that a home constructed on our lot would be similar to the other homes in the area that were constructed on lots narrower than 55 feet. Accordingly, a grant of the requested variance would be entirely in keeping with the spirit of the zoning ordinance as it applies to the existing structures in our neighborhood.

Email to Fax Delivery

To: 14108873468
From: ekrus@milesstockbridge.com
Date: May 21, 2012 14:29:31 GMT
Subj: Letter To Judge Beverungen.1
Pages: 2

JB 5/24 10:11 AM
12-248 and
12-249

Please call or email me to confirm receipt of this letter.

Thank you,

Elaine Krus - ekrus@milesstockbridge.com or 410-385-3474

In accordance with Internal Revenue Service rules, any federal tax advice provided in this communication is not intended or written by the author to be used, and should not be relied upon, by the recipient, for the purpose of avoiding penalties which may be imposed on the recipient by the IRS. Please contact the author if you would like to obtain tax advice in a format which complies with IRS rules and may be relied upon to avoid penalties.

Notice: This e-mail and any attachment(s) is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this e-mail and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or attachments of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be entered into by the addressor or its attachment(s), except where such intent is expressly indicated.

View/Print/Download files [click here](#).

MILES & STOCKBRIDGE P.C.

May 21, 2012

VIA FACSIMILE – 410-887-3468

Judge John Beverungen
105 West Chesapeake Avenue
Room 104, Jefferson Building
Towson, MD 21204

**Re: Hearing on May 24, 2012 at 10:00 AM; Case Number 2012-0248-SPHA
 Hearing on May 24, 2012 at 11:00 AM; Case Number 2012-0249-A**

Dear Judge Beverungen:

Regarding Case No. 2012-0248-SPHA – the legal owners are Elaine and Henry Krus. Case No. 212-0249-A – the legal owner is Elaine Krus. During my conversation today with Debbie of your office she recommended I fax a letter to you stating that I am giving my husband, Henry Krus, permission to represent me on my behalf regarding Case No. 2012-0249-A.

I am unable to attend the hearing due to an important doctor appointment on May 24, 2012.

Thank you and if you have any questions or comments, please call me at 410-385-3474.

Sincerely,



Elaine Krus

"2204" Lodge Forest Dr.

CASE NO. 2012- 0248-SrHn

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>4-26</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>5-10 CBA ✓</u>	DEPS (if not received, date e-mail sent _____)	<u>Comments</u>
_____	FIRE DEPARTMENT	_____
<u>5-3</u>	PLANNING (if not received, date e-mail sent _____)	<u>Supports w/cond.</u>
<u>4-19</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT Date: <u>5-8-12</u>		
SIGN POSTING Date: <u>5-9-12</u> by <u>Dulix</u>		
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1520800020

Owner Information

Owner Name: KRUS ELAINE M
KRUS HENRY
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2204 LODGE FOREST DR
BALTIMORE MD 21219-2208
Deed Reference: 1) /12389/ 00666
2)

Location & Structure Information

Premises Address 2204 LODGE FOREST DR
0-0000
Legal Description 2204 LODGE FOREST DR
LODGE FOREST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0111	0017	0098		0000			870	3		0008/ 0086

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1931	1,408 SF	7,520 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	73,500	73,500		
Improvements:	137,600	89,700		
Total:	211,100	163,200	211,100	163,200
Preferential Land:	0			0

Transfer Information

Seller: KRUS ELAINE M	Date: 09/17/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12389/ 00666	Deed2:
Seller: FORSYTHE LAWRENCE E	Date: 06/01/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09198/ 00410	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

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

Homestead Application Information

Homestead Application Status: No Application

Item #0248

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry
Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgjr@comcast.net

To: Balto. Co. Zoning Office, Attn.: Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies Date Description

1	May 9, 2012	Certificate of Posting, Case No. : 2012-0249-SPHA
2	May 9, 2012	Site Photos, Case No. : 2012-0249-SPHA
1	May 9, 2012	Certificate of Posting, Case No. : 2012-0249-A
2	May 9, 2012	Site Photos, Case No. : 2012-0249-A

248

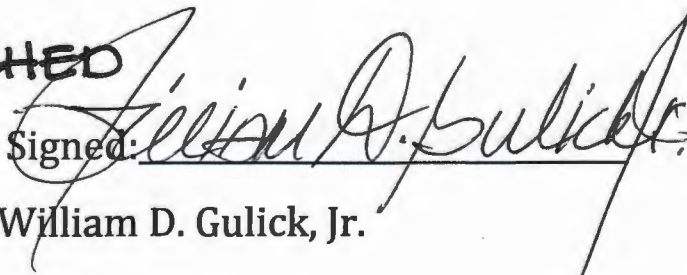
Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Project: 2204 & 2206 Lodge Forest Drive

Remarks: TWO POSTINGS ATTACHED

Kristen two separate Postings same owners,
same day Hearings.

Signed: 

William D. Gulick, Jr.

Project Manager

cc: Mr. & Mrs. Krus

5-24 @ 10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 24, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2204 & 2206 Lodge Forest Drive

Item Number: 12-248 & 12-249

Petitioner: Elaine & Henry Krus

Zoning: DR 5.5

Requested Action: Special Hearing and Variance

RECEIVED

MAY 03 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

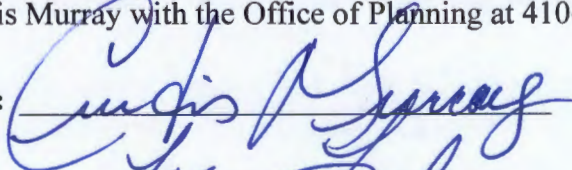
The Department of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements of the DR 5.5 zone and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's variance request.

Additionally, the Department of Planning has reviewed the petitioner's request for a special hearing to find that the adjoining lot has not been merged with the existing lot known as 2204 Lodge Forest Drive. It does not appear through visual observation of the site that the lots are currently being used as one. There does not appear to be any permanent accessory structures or other miscellaneous items on the lot known as 2206 Lodge Forest Drive that are associated with 2204 Lodge Forest Drive. As such, this office is of the opinion that the lots are not merged and are indeed independent of each other.

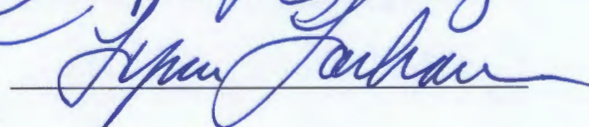
If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road and/or preserve any existing mature vegetation and trees, if applicable.

For further questions or additional information concerning the matters stated herein, please contact Curtis Murray with the Office of Planning at 410-887-3480.

Prepared by: 

Division Chief:
AVA/LL: CM



5-24 10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAY 10 2012

OFFICE OF ADMINISTRATIVE HEARINGS



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

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

DATE: May 9, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0248-SPHA
Address 2204 Lodge Forest Drive
(Krus Property)

Zoning Advisory Committee Meeting of April 16, 2012.

EPS 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 non-waterfront property is located in a Limited Development Area within the Chesapeake Bay Critical Area. Development of this property with a dwelling with less width than required must comply with a maximum lot coverage limit of 2,395 square feet and must meet a 15% tree cover requirement. Lot coverage information was not provided. EPS has determined that adverse impacts on water quality from the pollutants discharged can be minimized pursuant to Critical Area requirements.
2. The proposed development must comply with all LDA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements. Once these requirements are met the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Compliance with the Critical Area requirements can allow the subject development to be consistent with established land use policy 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: Regina Esslinger; Environmental Impact Review

Debra Wiley - ZAC Comments - Distribution Mtg. of April 16th

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/23/2012 9:38 AM
Subject: ZAC Comments - Distribution Mtg. of April 16th

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0208-A - 12519 Falls Road
No hearing date assigned in data base as of today

2012-0241-A - 238 Colgate Avenue
Administrative Variance - Closing Date: 4/30

2012-0242-A - 5710 Country Farm Road
No hearing date assigned in data base as of today

2012-0243-A - 6600 Baltimore National Pike
No hearing date assigned in data base as of today

2012-0244-A - 3023 Taylor Avenue
No hearing date assigned in data base as of today

2012-0245-A - 519 Maryland Avenue
Administrative Variance - Closing Date: None reflected in data base as of today

2012-0246-SPHA - 7933 Eastern Avenue
No hearing date assigned in data base as of today

2012-0247-A - 601 Goucher Avenue
Administrative Variance - Closing Date: 5/7/12

2012-0248-SPHA - 2204 Lodge Forest Drive - **CRITICAL AREA**
No hearing date assigned in data base as of today

2012-0249-A - 2206 Lodge Forest Drive - **CRITICAL AREA**
No hearing date assigned in data base as of today

2012-0250-A - 513 Piccadilly Road
Administrative Variance - Closing Date: 5/7/12

2012-0251-A - 3516 Bay Drive - **CRITICAL AREA**
Administrative Variance - Closing Date: 5/7/12

Subject: ZAC Comments - Distribution Mtg. of April 16th
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 4/23/2012 9:38 AM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: Curtis Murray (cjmurray@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	
To: David Lykens (dlykens@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	
To: Dennis Kennedy (DKennedy@baltimorecountymd.gov)	Pending		
To: Don Muddiman (dmuddiman@baltimorecountymd.gov)	Pending		
To: Jeffrey Livingston (jlivingston@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	
To: Lynn Lanham (mlanham@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	



KEVIN KAMENETZ
County Executive

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

May 16, 2012

Elaine M. & Henry A. Krus
2204 Long Forest Drive
Baltimore, MD 21219

RE: Case Number: 2012-0248-SPHA, Address: 2204 Lodge Forest Drive, 21219

Dear Ms. Krus:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 10, 2012. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-19-12

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

RE: Baltimore County
Item No 2012-0248-SPHA.
Special Hearing Variance
Elaine Kraus
2204 Lodge Forest Drive

Dear Ms. Lewis:

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. 2012-0248-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 26, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2012
Item Nos. 2012-0208, 0241, 0242, 0243, 0244, 0245, 0246, 0247, 0248,
0249, 0250 And 0252.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04302012-NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

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

May 1, 2012

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 NUMBER: 2012-0248-SPHA

2204 Lodge Forest Drive

W/s Lodge Forest Drive, 105 ft. N/of centerline of North Point Creek Road

15th Election District – 7th Councilmanic District

Legal Owners: Elaine and Henry Krus

Special Hearing to determine whether or not the Administrative Law Judge should approve a finding that the adjoining lot has not be merged. Variance to permit an existing dwelling with a lot width of 47.5 feet in lieu of the required 55.

Hearing: Thursday, May 24, 2012 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Krus, 2204 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, MAY 9, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 8, 2012 Issue - Jeffersonian

Please forward billing to:
Elaine Krus
2204 Lodge Forest Drive
Baltimore, MD 21219

410-477-1953

NOTICE OF ZONING HEARING

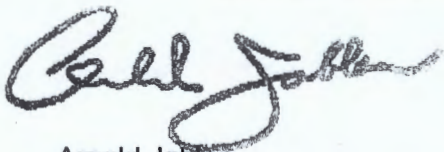
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
2204 Lodge Forest Drive; W/S Lodge Forest	*	OF ADMINISTRATIVE
Drive, 105' N of c/line North Point Creek Rd		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Elaine Krus		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-248-SPHA

* * * * *

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

APR 19 2012

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 19th day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Henry Krus, 2204 Lodge Forest Drive, Baltimore, Maryland 21219, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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.

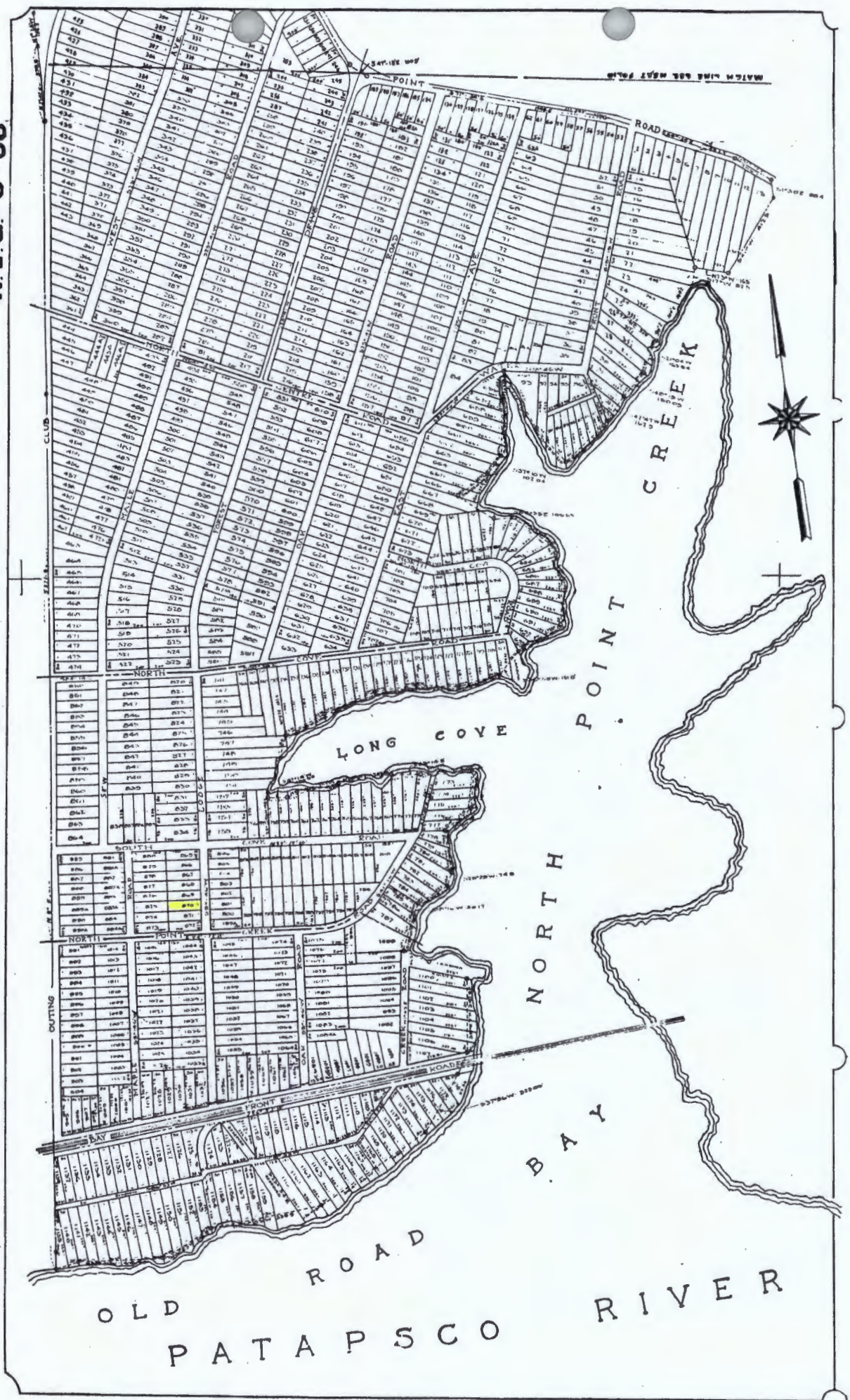
For Newspaper Advertising:

Item Number or Case Number: 2012-0248-SPHA
Petitioner: ELAINE M KRUS & HENRY KRUS
Address or Location: 2204 LODGE FOREST DRIVE, BALT. MD, 21219

PLEASE FORWARD ADVERTISING BILL TO:

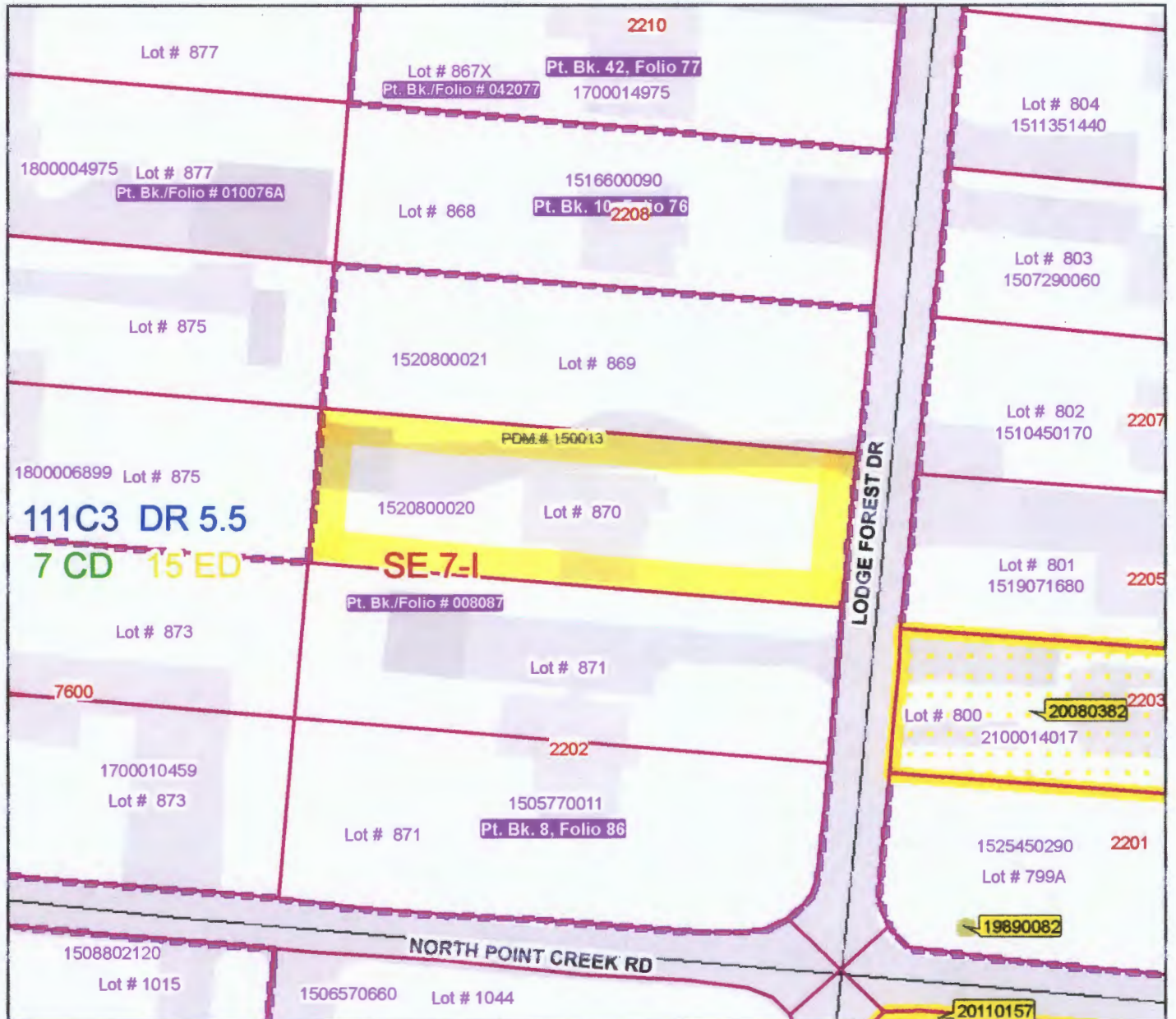
Name: ELAINE M KRUS
Address: 2204 LODGE FOREST DR.
BALTIMORE, MD, 21219
Telephone Number: 410-477-1953

W.P.C.-8-86

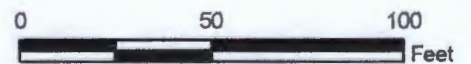


Item #
0248

4402 Lodge Forest Drive

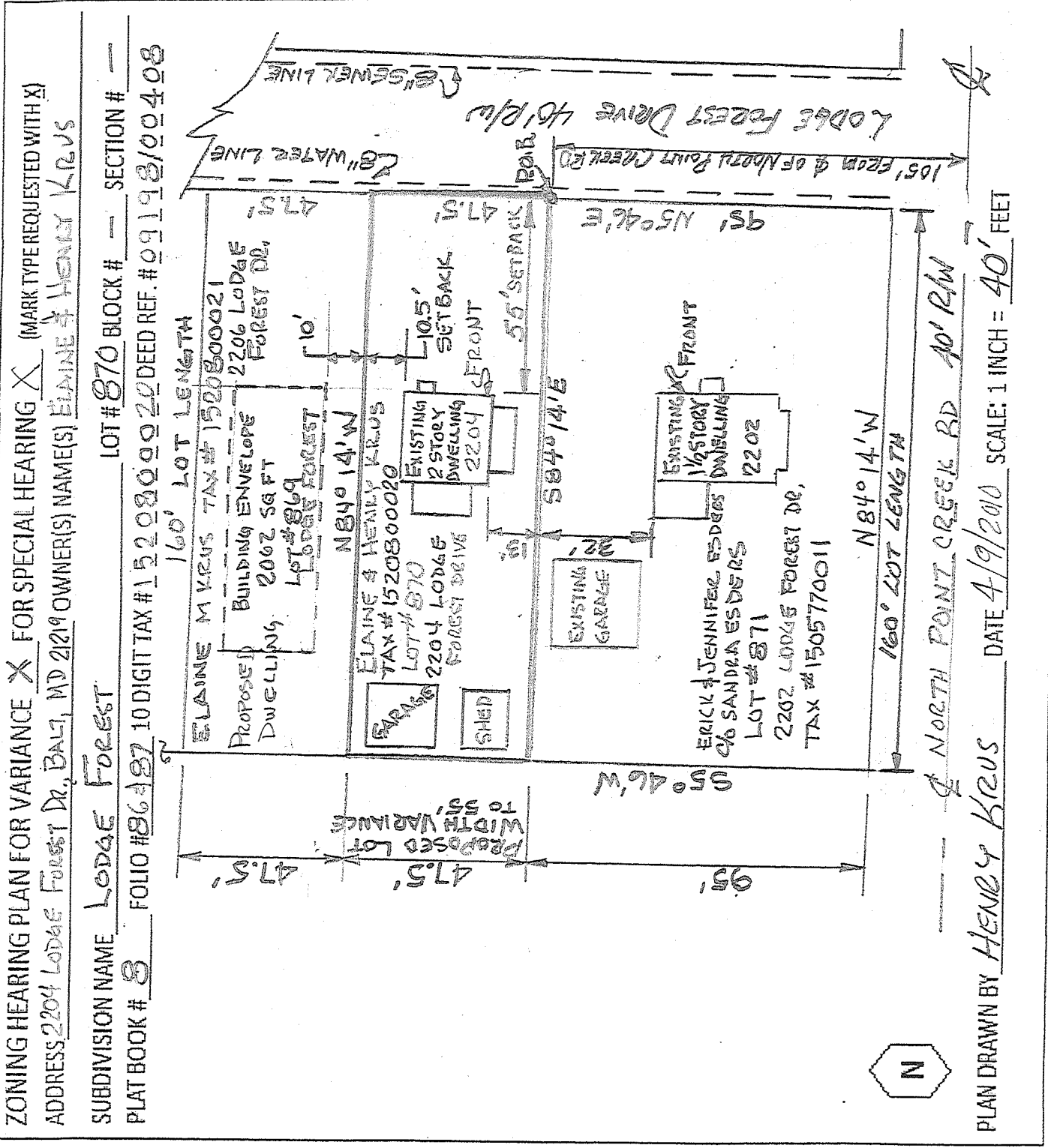


Publication Date: April 10, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 50 feet

Item #0248



SITE VICINITY MAP

MAPLE AVE

South Cove Dr

2204 Lodge Forest

Site 3

N

North Point Creek

MAP IS NOT TO SCALE

ZONING MAP# 111C3

SITE ZONED DA 5.5

ELECTION DISTRICT 15TH

COUNCIL DISTRICT 7TH

LOT AREA ACREAGE .174

OR SQUARE FEET 7600

HISTORIC? No

IN CECA? Yes

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE

PRIOR HEARING?

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2012-0248-SPHA