

IN RE: PETITION FOR VARIANCE

W/side of Lodge Forest Drive, 162.5' N
of c/l of North Point Creek Road
15th Election District
7th Council District
(2206 Lodge Forest Drive)

Elaine M. Krus
Petitioner

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2012-0249-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner, Elaine M. Krus. The Petitioner is requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling with a lot width of 47.5' in lieu of the required 55'. The subject property (zoned DR 5.5) and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request was Henry Krus, husband of Elaine M. Krus. There were no Protestants or other interested parties in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

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 attached to any relief which might be 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.

ORDER RECEIVED FOR FILING

Date 5-25-12

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 – situated in the CBCA – can comply with the criteria set forth in § 500.14 provided the CBCA regulations are followed.

Testimony and evidence revealed that the subject property is 7,600 square feet (0.174 acres) and is vacant. The Petitioner purchased the property from her parents, and kept the lot separate and independent from 2204 Lodge Forest Drive, the adjoining lot (improved with a single family dwelling) she owns with her husband. Petitioner purchased the property so that she would have the option of later constructing a retirement home on the lot.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. This case is governed by B.C.Z.R. § 304, a grandfathering provision that applies to lots that became undersized by intervening change in law. This lot was created in the 1940s, and is nearly identical in size and configuration to the many other lots in the subdivision. See Exhibit 2. The lot was created prior to March 30, 1955, and the lot satisfies the height and area regulations of the DR 5.5 zone. In addition, the Petitioner does not own sufficient adjoining land to conform this lot to the current regulations. First, she owns the adjoining lot with her husband, while she is the sole owner of 2206 Lodge Forest Drive. In addition, even if that were not the

ORDER RECEIVED FOR FILING

Date 5-25-12

By [Signature]

even more deficient and substandard under the B.C.Z.R. Mueller v. People's Counsel, 177 Md. App. 43 (2007). Thus, Petitioner is entitled to variance relief under B.C.Z.R. § 304.1

In the alternative, under B.C.Z.R. § 307, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

Petitioner has met this test. The lot was created long before the adoption of the B.C.Z.R., and the Petitioner indicated it was one of the last of the undeveloped lots in this large subdivision. If the B.C.Z.R. were strictly enforced, the Petitioner would suffer a practical difficulty and/or hardship. Indeed, Petitioner would be unable to build on the vacant lot, which would in reality become useless.

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 amply demonstrated by the lack of community opposition, and the lot is virtually identical to the other small lots in the subdivision, so this relief will in no way harm the community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

ORDER RECEIVED FOR FILING

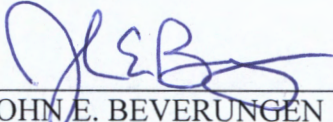
Date 5-25-12

By [Signature]

THEREFORE, IT IS ORDERED, this 25 day of May, 2012, by this Administrative Law Judge that Petitioners' Variance request from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 47.5' in lieu of the required 55', be and is hereby GRANTED.

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

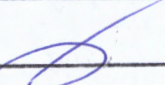
1. The Petitioner may apply for her permit and may be granted same upon receipt of this Order. However, the Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. Petitioner must comply with the comments of the Department of Planning dated April 24, 2012, which are attached hereto and expressly incorporated herein. 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 5-25-12

By 



KEVIN KAMENETZ
County Executive

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

May 25, 2012

ELAINE M. KRUS
2204 LODGE FOREST DRIVE
BALTIMORE MD 21219

RE: Petitions for Special Hearing and Variance
Case No.: 2012-0249-SPHA
Property: 2206 Lodge Forest Drive

Dear 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,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz



CBCA

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 2206 Lodge Forest Drive, BALT., MD 21219 which is presently zoned DR5.5
Deed References: 09198-00408 10 Digit Tax Account # 1520800021
Property Owner(s) Printed Name(s) ELAINE M. 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. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 1B02.3.C.1 - to permit a proposed 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

Signature

Date

Mailing Address

By

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

ELAINE M. KRUS,

Name #1 - Type or Print

Name #2 - Type or Print

Elaine M. 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,

Signature

2204 Lodge Forest Dr. BALT.

MD.

Mailing Address

City

State

21219

410-852-3110

GRAVELMAN2@MSN.COM

Zip Code

Telephone #

Email Address

GRAVELMAN2@MSN.COM

CASE NUMBER 2012-0249-A

Filing Date 4, 10, 12

Do Not Schedule Dates:

Reviewer KID

Elaine M. Krus
Zoning Property Description

Part A –

Zoning Property Description for: **2206 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 **162.5' North** of the centerline of the nearest improved intersecting street, **North Point Creek Road** which is **40' wide**.

Part B –

Being LOT# **869**, 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 # 249

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

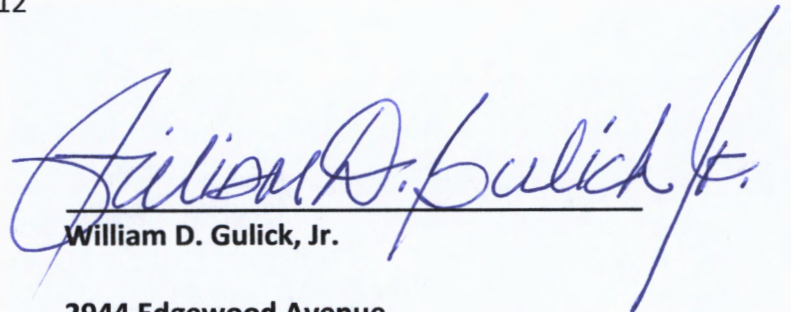
Re: Case Number: 2012-0248-A

Petitioner/Developer: Elaine 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: 2206 Lodge Forest Drive

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



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293



2206

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

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

PAID RECEIPT

BUSINESS OFFICE TIME
 4/11/2012 4/10/2012 10:51:13
 86 6302 6301 6301
 RECEIPT # 75521 4/10/2012
 Dept 5 520 JUDICIAL VERIFICATION
 4/10/2012
 Receipt for \$225.00
 \$225.00
 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-SPHA
& #2012-0249-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

**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: # 2012-0249-A
2206 Lodge Forest Drive
W/s Lodge Forest Drive,
162.5 ft. N/of centerline of
North Point Creek Road
15th Election District
7th Councilmanic District
Legal Owner(s): Elaine Krus
Variance: to permit a pro-
posed dwelling with a lot
width of 47.5 feet in lieu of
the required 55.
Hearing: Thursday, May
24, 2012 at 11:00 a.m. in
Room 104, Jefferson
Building, 105 West Chesape-
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.

JT/5/665 May 8 303049

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

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

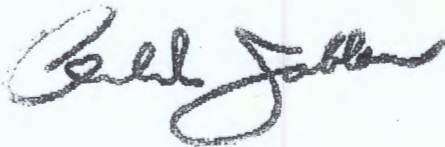
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0249-A

2206 Lodge Forest Drive
W/s Lodge Forest Drive, 162.5 ft. N/of centerline of North Point Creek Road
15th Election District – 7th Councilmanic District
Legal Owners: Elaine Krus

Variance to permit a proposed dwelling with a lot width of 47.5 feet in lieu of the required 55.

Hearing: Thursday, May 24, 2012 at 11:00 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 ACCOMODATIONS, 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.



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: 2012-0249-A

2206 Lodge Forest Drive

W/s Lodge Forest Drive, 162.5 ft. N/of centerline of North Point Creek Road

15th Election District – 7th Councilmanic District

Legal Owners: Elaine Krus

Variance to permit a proposed dwelling with a lot width of 47.5 feet in lieu of the required 55.

Hearing: Thursday, May 24, 2012 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black 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.

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: 2012-0249-A
Petitioner: ELAINE M. KRUS
Address or Location: 2206 LODGE FOREST DR., 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



KEVIN KAMENETZ
County Executive

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

May 15, 2012

Elaine Krus
2204 Long Forest Drive
Baltimore, MD 21219

RE: Case Number: 2012-0249-A, Address: 2206 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 that reads "W. Carl Richards, Jr." in a cursive style.

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

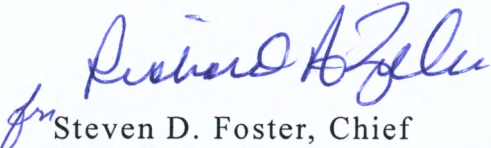
RE: Baltimore County
Item No 2012-0249-A
Variance
Elaine Kraus
2206 Lodge Forest Drive

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. 2012-0249-A.

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,


for 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. ^{DAK}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

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

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 11am

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 # 2012-0249-SPHA
Address 2206 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 less width than required for a proposed dwelling must comply with a maximum lot coverage limit of 2,395 square feet, with mitigation for new lot coverage over 1,895 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*

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
2206 Lodge Forest Drive; W/S Lodge Forest	*	OF ADMINISTRATIVE
Drive, 162.5' 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
	*	2012-249-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.

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

RECEIVED

APR 19 2012

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

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

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. 2012-0249-A - 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

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

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Account Identifier: District - 15 Account Number - 1520800021

Owner Information

Owner Name: KRUS ELAINE M Use: RESIDENTIAL
Mailing Address: 2204 LODGE FOREST DR Principal Residence: NO
BALTIMORE MD 21219-2208 Deed Reference: 1) /09198/ 00408
2)

Location & Structure Information

Premises Address Legal Description
LODGE FOREST DR 190 N NORTH POINT CREEK
0-0000 LODGE FOREST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0111	0017	0098		0000			869	3	Plat Ref: 0008/0086

Special Tax Areas Town NONE
Ad Valorem
Tax Class

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

Stories Basement Type Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
<u>Land</u>	3,700	3,700		
<u>Improvements:</u>	0	0		
<u>Total:</u>	3,700	3,700	3,700	3,700
<u>Preferential Land:</u>	0			0

Transfer Information

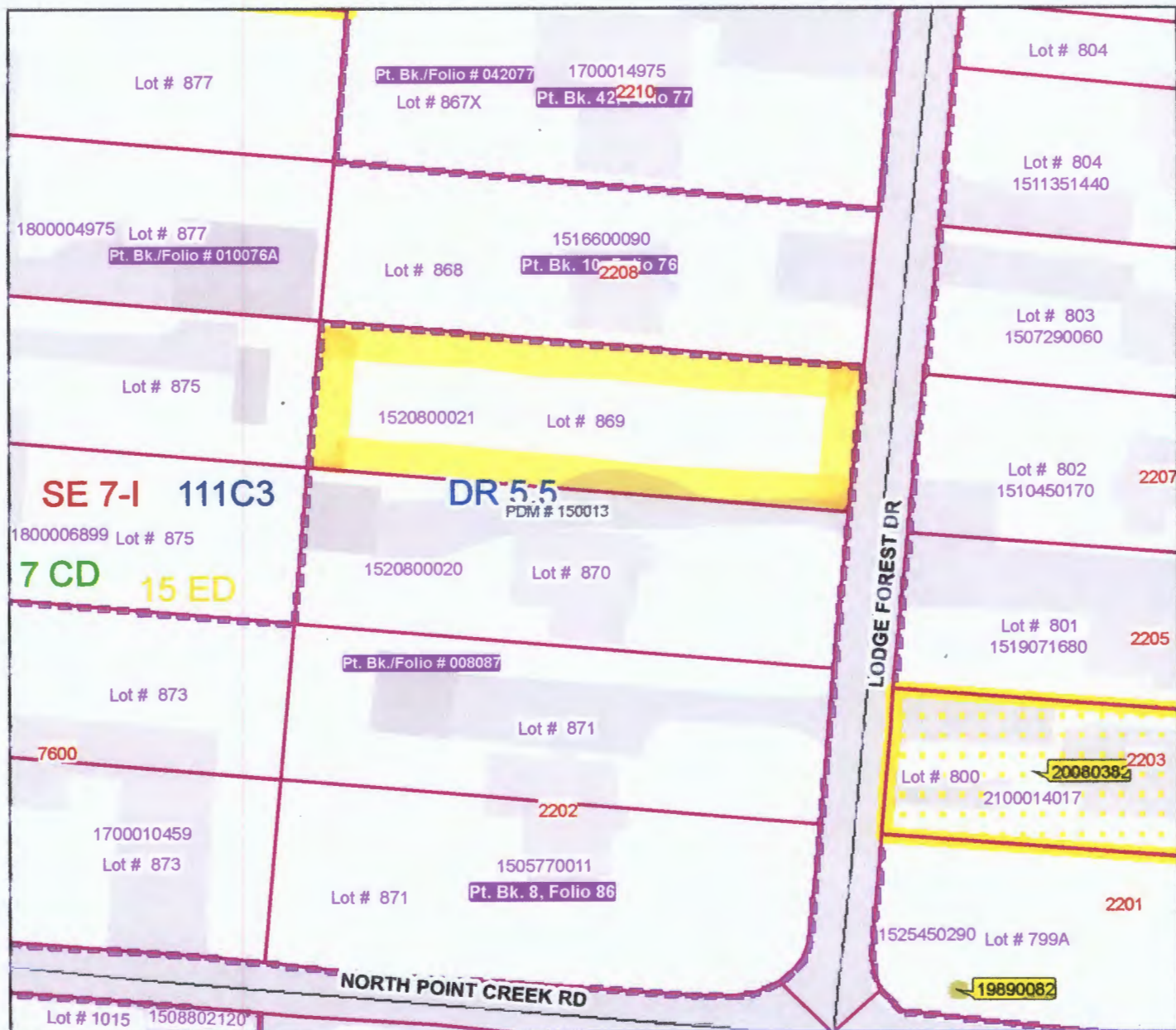
<u>Seller:</u> FORSYTHE LAWRENCE E	<u>Date:</u> 06/01/1992	<u>Price:</u> \$0
<u>Type:</u> NON-ARMS LENGTH OTHER	<u>Deed1:</u> /09198/ 00408	<u>Deed2:</u>
<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>
<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00
<u>Tax Exempt:</u>			<u>Special Tax Recapture:</u>
<u>Exempt Class:</u>			

Item #0249

Lot 869, Lodge Forest



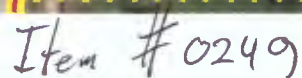
Publication Date: April 10, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

Item #0249



Case No.: 2012-249-A

Exhibit Sheet

BU
4/24/12

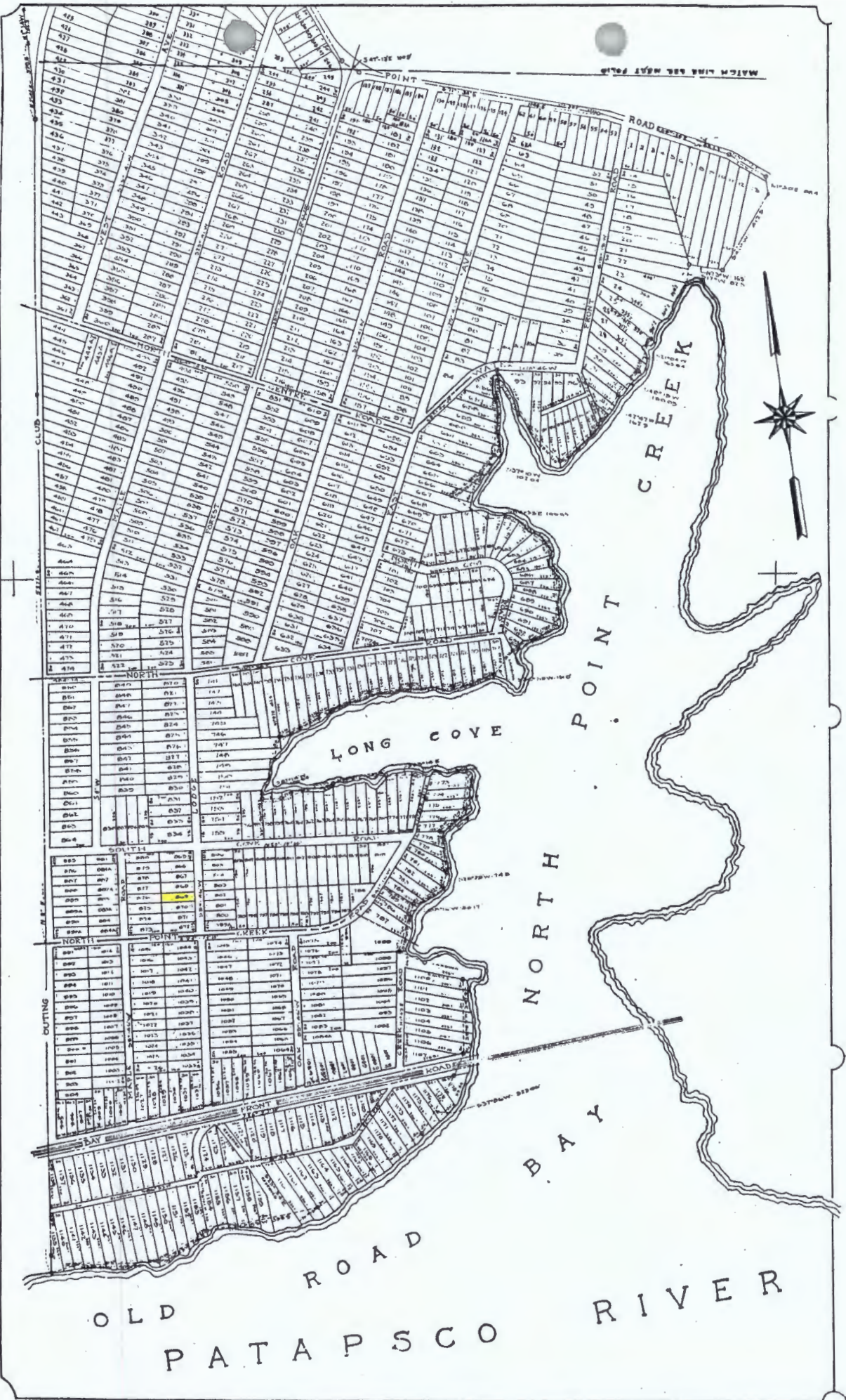
5/24/12
C

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Subdivision Plat	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

W.P.C.-8-86



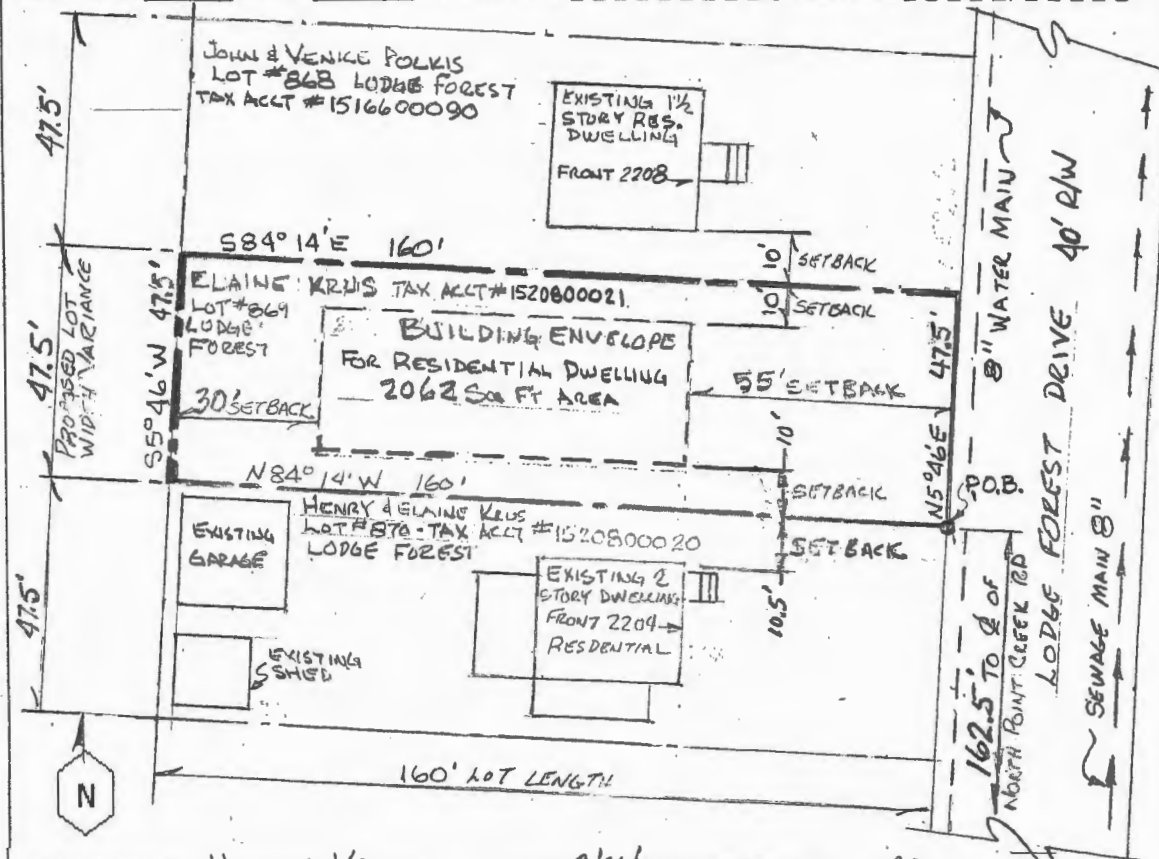
Item #
249

P's #2

PETITIONER'S

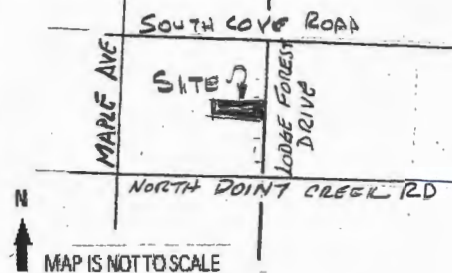
EXHIBIT NO.

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2206 LODGE FOREST DR, BALT, MD 21219 OWNER(S) NAME(S) ELAINE M. KRUS
 SUBDIVISION NAME LODGE FOREST LOT # 869 BLOCK # N/A SECTION # N/A
 PLAT BOOK # 8 FOLIO # 86437 10 DIGIT TAX # 1520800021 DEED REF. # 09198/00406



PLAN DRAWN BY HENRY KRUS DATE 3/26/2012 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP # 111C3
 SITE ZONED DR 5.5
 ELECTION DISTRICT 15TH
 COUNCIL DISTRICT 7TH
 LOT AREA ACREAGE .174
 OR SQUARE FEET 7600
 HISTORIC? NO
 IN CBQA? YES
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC X PRIVATE _____
 SEWER IS: PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2012-0249-A