IN RE: PETITION FOR ADMIN. VARIANCE (1904 Lindemann Lane)

3rd Election District 2nd Council District Lindley A. Corcoran Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0241-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Lindley A. Corcoran ("Petitioner"). The Petitioner is requesting Variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 21 ft. in lieu of the required 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 24, 2014, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law

ORDER	RECEIVED FOR FILING	
Date	6-13-14	
Ву	600	

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>13th</u> day of June, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 21 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 The Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.

2

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

DRDER	RECEIVED FOR FILING
Date	6-13-14
Rv	Sign



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 13, 2014

Lindley A. Corcoran 1904 Lindemann Lane Lutherville, Maryland 21093

RE: Petition for Administrative Variance

Case No. 2014-0241-A

Property: 1904 Lindemann Lane

Dear Ms. Corcoran:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNÉ. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIV SPECIAL HEARING 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: 1904 Lindemann Ln Lutherville which is presently zoned RC 5 Address 10 Digit Tax Account # 0 3 0 Deed Reference Property Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized. 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 1. ADMINISTRATIVE VARIANCE from section(s) (A04.3.B.2.6 BCZR To permit an addition with a side yard setback of 21 in lieu of the required 50'. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building) 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 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: Legal Owners: Name-Type or Print Name #2 - Type or Print Signature Lutherville MD 2109 1904 Lindemann 1 Mailing Address City State Malling Address Zip Code Telephone # Telephone # Email Address Name- Type or PriNEDENED FOR FILING Representative to be contacted: Name - Type or Print Signature Signature Date Mailing Address State Mailing Address State Zip Code Telephone # Email Address Zip Code Telephone # Email Address A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Battimore County and that the property be reposted. Administrative Law Judge of Baltimore County CASE NUMBER 2014-0241-A Filing Date 5 15, 14 **Estimated Posting Date**

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE PECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 1904 Lindemann Ln. Lutherville MD 21093 Print or Type Address of property City State Zip Code	_
Print or Type Address of property City State Zip Code	e
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)
In deciding to plan an addition for my house I considered	
serval opins but felt the logical solution was to plan	
best option in that it was the best flow of design and to the ri	Ī
Of the house is an unimproved lot (10+4).	-
The expense of an addition building up or to the back (wh	ich
would involve destroming land scape and two-storm deale, was too	
much and cloud not afford it.	
(If additional space for the petition request or the above statement is needed, label and attach it to this Form Signature of Affiant Signature of Affiant	
Lindley Corcoran	
Name- Print or Type Name- Print or Type	
The following information is to be completed by a Notary Public of the State of Maryland	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this day of,, before me a Notary of Maryland, i and for the County aforesaid, personally appeared,, before me a Notary of Maryland, i	in
the Affiant(s) herein/personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here	1
the Amanda) hereing personally whown or sausfactorily identified to the as such Amanda) (Fillit hathers) here	-)
AS WITNESS my hand and Notaries Seal Porticia Class	
PATRICIA CLASS NOTARY PUBLIC HARFORD COUNTY MARYLAND Notary Public My Commission Expires	
MY COMMISSION EXPIRES JUNE 10, 2016	

Zoning Property Description for 1904 Lindemann Lane Lutherville MD 21093

Part A:

Beginning at a point on the north side of Lindemann Lane which is 32' of right-of-way width wide at the distance of 384' west of the centerline of the nearest improved intersecting street, Greenspring Avenue, which is 20' of right of way width wide.

Part B:

Being Lot # 5, Block -----, Section -----, as shown on the revised Plat of Lindemon Heights recorded in Baltimore County Maryland in Platbook 8, Folio 55, .42 acres in lot. Located in the 3rd Election District and 2nd Council District.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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. <u>For those petitions which require a public hearing</u>, 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 Adver	tising:
Item Number or Case N Petitioner:	Lindley Corcoran
Address or Location:	1904 Lindemann Ln. Lutherville MD 21093
PLEASE FORWARD A	OVERTISING BILL TO:
Name:	Lindley Corcovan
Address:	1904 Lindemann Ln
	Lutherville MD 21093
Telephone Number:	410-456 2482

OFFIC	E OF BUD	GET AN	IARYLANI D FINANC RECEIPT	E		No.	5/15	0963	DUPLICATE PAID RECEIPT BUSINESS ACTUAL TIME D 5/16/2014 5/15/2014 14:34:39
Fund	Dept	Unit	Sub Unit	,		Dept Obj		Amount	REG WSO2 WALKIN JEVA JEE >>RECEIPT # 879564 5/15/2014 OF Dept 5 528 ZONING VERIFICATION
001	304	0000	-	C150				75.00	CR NO. 110963 Recpt Tot \$75.00
			通	4 AT # 2					\$75.00 CK \$.00 CA Baltimore County, Maryland
	· 自己的				Of the second			3.53.53.53.53.53.53.53.53.53.53.53.53.53	
	F 6 5 7 11 5					Total:	7	5.00	
Rec From:	Lin	dlay	Care	oran					
For:			inderi						1
	A	ligar.	Von	ance.		e a partial			- M
		THE STATE			ing.	4-1-1-1			
									CASHIER'S
DISTRIB	UTION					1 1 2 7			VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/25/2014

Case Number: 2014-0241-A

Petitioner / Developer: LINDLEY CORCORAN

Date of Hearing (Closing): JUNE 9, 2014

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:

1904 LINDEMANN LANE

The sign(s) were posted on: MAY 24, 2014



(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 – 666 – 5366 (Telephone Number of Sign Poster)

MEMORANDUM

DATE:

July 18, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0241-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 14, 2014. 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

CASE NO. 2014- 0241-A

CHECKLIST

Comment Received	Support Condit Common No C	ents/
6-2	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	C
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
: :	PLANNING (if not received, date e-mail sent)	
6-2	STATE HIGHWAY ADMINISTRATION No.	objection
	TRAFFIC ENGINEERING	· .
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ION (Case No)	+'
PRIOR ZONING	(Case No)	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: 5-24-(4 by 0'	Keepe
	EL APPEARANCE Yes No DEL COMMENT LETTER Yes No D	
Comments, if any: _		

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0241 -A Address 1904 Lindemann Ln
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 5-15-14 Posting Date: 5-25-14 Closing Date: 6-9-14
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2014- 0241 -A Address 1904 LINDEMANN LN
Petitioner's Name LINDLEY CORCORAN Telephone 410-456-248
Posting Date: $\frac{5}{25/14}$ Closing Date: $\frac{6}{9/14}$
Wording for Sign: To Permit an addition with a side yand
setback of 21' in lieu of the required 50!



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 10, 2014

Lindley Corcoran 1904 Lindemann Lane Lutherville MD 21093

RE: Case Number: 2014-0241 A, Address: 1904 Lindemann Lane

Dear Ms. Corcoran:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 15, 2014. 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,

U. Carl Richald

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 6/2/14

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

RE: Baltimore County

Hem No 2014-8241-A Hemmstrative Varione Lind ley Corcoran 1904 Lindemann Lane.

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. 2014/0241-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,

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 2, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kehrledy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 2, 2014

Item Nos. 2014-0240, 0241, 0242, 0243, 0244, 0246,0247, 0248

and 0249

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-06022014-NO COMMENTS.doc

Real Property Data Search (w2)

Search Help

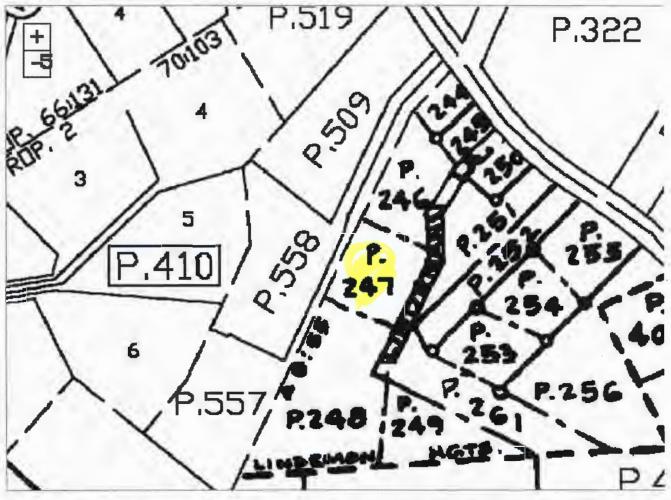
Your feedback is important to us. Please take our short survey.

Account Identifier: District - 03 Account Number - 0308004550/ Owner Information Owner Name: CORCORAN LINDLEY A Mailing Address: 1904 LINDEMANN LN LUTHERVILLE MD 21093-1416 Location & Structure Information Premises Address: 1904 LINDEMANN LN Location & Structure Information Legal Description: 1904 LINDEMANN LN LINDEMON HEIGHT Map: Grid: Parcel: Sub District: Subdivision: Section: Block: Lot: Assessment Year: Plat No O059 0003 0247 Done Town: Ad Valorem: Tax Class: Primary Structure Built Above Grade Enclosed Area Finished Basement Area Property Land Area County 18,295 SF 04	View N	Man	View Ground	Rent Redemption			/ Viev	v Gro	undRent Registr	ation
Owner Name: CORCORAN LINDLEY 1904 LINDEMANN LN Deed Reference: 1) /16721/ 00591						04550/			ON THE STATE OF TH	
Correct Name: 1904 LINDEMANN LN 1904 LINDEMON HEIGHT	10000000									
Mailing Address: 1904 LINDEMANN LN LUTHERVILLE MD 21093-1416 Deed Reference: 2 2 2 2 2 2 2 2 2	Owner Na	me:	CORCO			Use:	al Resi	dence		IAL
Premises Address:	Mailing A	ddress:					Heed Reference			
Premises Address:	Widning A	uuress.	LUTHER				cici ciic		2)	
Premises Address: 0-0000				Location & St	ructure Info	ormation				
Special Tax Areas: Special	Premises A	Address:		DEMANN LN		Legal D	escript	tion:		
Special Tax Areas:			Sub District:		Section:	Block:				Plat No: Plat Ref:
Primary Structure Built 1954 S58 SF Finished Basement Area 18,295 SF 04	Special Ta	x Areas:			Ad Valore Tax Class	<u>:</u>			NON	E
None	Primary S 1954	tructure Built		nclosed Area			Area	Pro 18,2	perty Land Area 295 SF	
Base Value			Type STANDARD UNI	T SIDING	1 full		Gar	age	Last Major Rei	novation
As of As of 01/01/2014 07/01/2013 07/01/2014				Value	Informatio	n				
Land: 103,500 93,500 1701/2013 07/01/2014 107/01			Base	Value						
Land: 103,500 93,500										
Improvements	Londs		103.5	000			0 //01	/2013	07/01	/2014
Total:		ents								
Transfer Information Seller: HARE CLINTON A Date: 08/19/2002 Price: \$122,500 Type: ARMS LENGTH IMPROVED Deed1: /16721/00591 Deed2: Seller: Date: Price: Deed2:		Citts	,				183,8	00	172,7	700
Seller: HARE CLINTON A Date: 08/19/2002 Price: \$122,500 Type: ARMS LENGTH IMPROVED Deed1: /16721/00591 Deed2: Seller: Date: Price: Type: Deed1: Deed2: Seller: Date: Price: Type: Deed1: Deed2: Exemption Information Partial Exempt Assessments: Class 07/01/2013 07/01/2014 County: 000 0.00 0.00 State: 000 0.00 0.00 0.00 Municipal: 000 0.00 0.00 0.00 0.00 Tax Exempt: Special Tax Recapture:	Preferenti	al Land:	0						0	
Type: ARMS LENGTH IMPROVED Deed1: /16721/00591 Deed2:				Transfe	r Informati	ion				
Deed Price Price Price	Seller: HA	RE CLINTON	N A	Date: 08/1	19/2002				Price: \$122,500)
Deed Deed Deed	Type: AR	MS LENGTH	IMPROVED	Deed1: /1	6721/00591					
Date: Deed: Deed				The second secon						
Deed1: Deed2:	- International Contraction	veren verenni me em vereno vere	at wings a second and a second							
Exemption Information										
Partial Exempt Assessments: Class 07/01/2013 07/01/2014	Type:				on Informa	tion			Deedz:	
County: 000 0.00 State: 000 0.00 Municipal: 000 0.00 0.00 0.00 0.00 Tax Exempt: Special Tax Recapture:	D4'-1 F		to- Class	Exempti	on miorilla		012		07/01/2014	
State: 000 0.00		empt Assessm					013		07/01/2014	
Municipal: 000 0.00 0.00 0.00 0.00								•		
Tax Exempt: Special Tax Recapture:		l:					0		0.00 0.00	
			AND DESCRIPTION OF THE PARTY OF	Special Tax	Recapture					
				NONE						
Homestead Application Information				Homestead Ap	plication In	formation	1			

Baltimore County

New Search (http://sdat.resiusa.org/RealProperty)

District: 03 Account Number: 0308004550



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml). (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

X Loading... Please

Loading... Please Wait.

-->





