

IN RE: PETITION FOR VARIANCE

(13816 Cripplegate Road)

10th Election District

3rd Councilmanic District

James L. Lakin & Kathleen Ryan Lakin

Petitioners

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*

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0285-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners of the property, James L. Lakin and Kathleen Ryan Lakin, for property located at 13816 Cripplegate Road. The Petitioners are requesting Variance relief from Sections 103.1 and 103.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a proposed dwelling addition with a side yard setback of 40 ft. in lieu of the minimum required 50 ft.; and (2) to amend the Final Development Plan (FDP) for Plat 3, addition of Greenlands of Hunt Valley, Lot 6 only.

This matter was originally filed as an Administrative Variance, with a closing date of July 21, 2014. On July 9, 2014, Jeff and Jenny Realo, adjacent neighbors, requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, September 18, 2014 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received. Appearing at the public hearing in support for this case was owner/Petitioner James L. Lakin and G. Scott Barhight, Esquire, his counsel. There were no other participants present.

The subject property is approximately 5.635 acres and is zoned RC 6.

ORDER RECEIVED FOR FILING

Date

9/23/14

By

Sen

The Petitioners, looking toward their senior years, wish to construct a bedroom, bath and laundry room on the first floor of their existing multi-story structure.

Counsel for the Respondent submitted a topographical map of the subject site (Petitioner's Exhibit 1), illustrating that the property has a significant slope. The existing structure, along with its well and private septic system, is constructed on a small portion of the property above the crest of the hill. Counsel proffer that the topographical constraints imposed constitute ample evidence of the uniqueness of the site.

He further offered that if the variance relief requested is denied the Petitioner would be unable to lawfully utilize his property and construct the planned addition. As a result, Counsel requested permission to amend the present variance request to reflect a 40 ft. side yard setback in lieu of the required 50 ft. rather than the original request of 26 ft.; and submitted an Amended Site Plan in support. Permission was granted and the amended site plan was made part of the file (Petitioner's Exhibit #3). Finally, Counsel submitted a Letter Agreement, executed by Petitioner's and the Realos (Petitioner's Exhibit #4), confirming the agreement of all concerned to the requested amended 40' foot side yard variance request, and withdrawing all objections previously filed by the Realos.

Based upon the testimony and evidence presented, I will grant the petition for variance.

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).

The subject property is "unique," in that, any further construction is limited topographically to a small portion of the lot.

ORDER RECEIVED FOR FILING

Date

9/23/14

By

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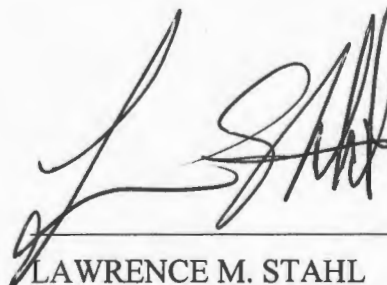
The Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since they would not be able to build the addition. Finally, the grant of relief will not be detrimental to the community.

THEREFORE, IT IS ORDERED, this 23rd day of September, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 103.1 and 103.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), (1) to permit a proposed dwelling addition with a side yard setback of 40 ft. in lieu of the minimum required 50 ft.; and (2) to amend the Final Development Plan (FDP) for Plat 3, addition of Greenlands of Hunt Valley, Lot 6 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.



LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:sln

ORDER RECEIVED FOR FILING

Date

9/23/14

By

sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 23, 2014

G. Scott Barhight, Esquire
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petition for Variance
Property: 13816 Cripplegate Road
Case No. 2014-0285-A

Dear Mr. Barhight:

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,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:sln
Enclosure



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE 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:

Address 13816 CRIPPLEGATE RD, Phoenix, MD which is presently zoned RC6 (Vested RC4)

Deed Reference 0011676-629 21131 10 Digit Tax Account # 1900000-670

Property Owner(s) Printed Name(s) JAMES L LEKIN / KATHLEEN M RYAN LEKIN

(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. **X** **ADMINISTRATIVE VARIANCE** from section(s) 103.1; 103.3; 1A00.4, BC2R (Section 1A03.4.B.4 of the 1980 Zoning Regulations, Bill No. 98-75) to permit a proposed dwelling addition with a side yard setback of 26 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for Plat 3. Addition of Greenlands of Hunt Valley, Lot 61 only.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

JAMES L LEKIN / KATHLEEN M RYAN LEKIN
Name #1 - Type or Print Name #2 - Type or Print

James L Lakin / Kathleen Ryan Lakin
Signature #1 Signature #2

13816 Cripplegate Rd Phoenix, MD
Mailing Address City State

21131 / 410-711-8510 / JLEKIN@yahoo.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Self - see above
Name - Type or Print

ORDER RECEIVED FOR FILING

9/23/14
Mailing Address City State

ALN
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, this 6 day of September, 2014 that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

Linda J. Labadie
Notary Public - Maryland
Baltimore County
My Commission Expires 11/1/2015

CASE NUMBER 2014-0285-A Filing Date 6 25 14

Estimated Posting Date 7/1/14 Reviewer R

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL 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: 13816 Cripplegate Rd, Phoenix, MD 21131
Print or Type Address of property City State Zip Code

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)

SEE EXHIBIT 1 And attachments

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Affiant

JAMES L. LEKIN
Name- Print or Type

Signature of Affiant

KATHLEEN M. RYAN LEKIN
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 12th day of June, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

JAMES L. LEKIN AND KATHLEEN M. RYAN LEKIN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Linda L. Ambrose
Notary Public - Maryland
Baltimore County
My Commission Expires
June 17, 2015

Linda L. Ambrose
Notary Public

June 17, 2015
My Commission Expires

EXHIBIT 1

James L. Lakin and Kathleen Ryan Lakin

13816 Cripplegate Road

Phoenix, MD 21131

Time is catching up with us. Affiant (JLL) will be 77 in November of this year. Affiant (KRL) will be 72 in January, 2015. We are still working and our health is reasonably good. It is clear, however, that our mobility in climbing steps to our main bedroom on the second floor is becoming a primary concern to us. Therefore, we are proposing to build a one (1) room bedroom addition off of the side of our existing first floor living room; the proposed addition will be our main bedroom on the first floor, and includes a bathroom, washer/dryer, and related necessities. The window in the existing side of our living room will be expanded to a wider entrance door (wheel chair width), leading to a closed entrance walkway to the proposed first floor bedroom addition, as shown on attachment A.

We first considered building the bedroom addition from the rear of our living room. After consultation with our builder (who built our original home in 1984) and after very careful consideration by us, this was not feasible or practical for many reasons, including: (a.) the second floor balcony from our existing bedroom would have to be demolished and major brick work and other renovations would be required to the bedroom; (b.) the costs of the entire addition were absolutely prohibitive to us; (c.) this addition would also be much closer to our septic system; (d.) the overall aesthetics of our home would have been dramatically and adversely altered and affected; (e.) our existing brick and slate patio, with brick walls, would have been badly affected, including the removal of the closest wall to this proposed addition. All in all, this proposal would have been a very bad idea.

A private lane from Cripplegate Road leads to our existing home; this private lane is shared by another family at the end of the lane. They are not affected. The only neighbors who possibly would be affected are our next door neighbors. No other neighbors are affected. The lot size for most of the homes in the immediate area generally exceeds three (3) acres; our lot size is 5.63 acres.

The present set back requirement of fifty (50) feet from our lot line will require approval of a variance not to exceed approximately twenty four (24) feet for the extension of the proposed new bedroom; Attachment A (draft of plan) shows a twenty one (21) one foot width, but this width could increase to no more than twenty four (24) feet. When completed, the first floor bedroom will be approximately one hundred (100) feet from the garage of our adjoining neighbors and is also separated by dense foliage and existing evergreen trees. In discussing the proposed addition with our next door adjacent neighbors, we are unaware of any objection by them. The architect, Austin Childs of Monkton Design Builders, who helped them with new additions to their home, was recommended by them to us; we have retained Austin to design the proposed addition as reflected in Attachment A.

See following attachments:

A- Draft by Austin Childs, Architect, of plan for proposed addition

B-Site Plan dated June 16, 2014 by Austin Childs, Architect, showing proposed addition

C- Description of property

D-Pictures of immediate area for proposed addition

Item #0285

*James L. Lakin
Kathleen Ryan Lakin*

James L. Lakin and Kathleen Ryan Lakin
13816 Cripplegate Road, Phoenix, MD 21131

Beginning at a point on the south side of Cripplegate Road which is 50 feet wide, at a distance of 782 feet west of Green Branch Drive which is 50 feet wide.

BEING KNOWN AND DESIGNED as Lot No. 61 as shown on a Plat entitled "Plat 3 Addition, Greenlands of Hunt Valley," which said Plat is recorded among the Land records of Baltimore County in Plat Book EHK, Jr. No. 46, folio 119, containing 5.63 acres. The improvements thereon being known as 13816 Cripplegate Road. Located in the 10th Election District and the 3rd Councilmanic District.

Item #0285

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

No. **113820**

Date: **6/25/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/26/2014 6/25/2014 14:23:43 5

REC MODE WALKIN R005 LRD

RECEIPT # 743999 6/25/2014 OFLN

Dept 5 520 ZONING VERIFICATION

NO. 113820

Recpt Tot \$150.00

\$150.00 CK \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				3150

Total: **3150.00**

Rec From:

For:

zoning hearing - case # 2014-0285-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0285 -A Address 13816 Cripplegate Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/25/14 Posting Date: 7/6/14 Closing Date: 7/21/14

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. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2014- 0285 -A Address 13816 Cripplegate Rd

Petitioner's Name James Lakin Telephone 410 771-8510

Posting Date: 7/6/14 Closing Date: 7/21/14

Wording for Sign: To Permit a proposed dwelling addition with a side yard setback of 26 feet in lieu of the minimum required 50 feet; and to amend the final development plan for Plat 3 Addition of Greenlands of Hunt Valley, lot 6 only

Revised 7/06/11

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: 2014-0285-A

Petitioner: JAMES L. LEKIN

Address or Location: 13816 Cupplegate Rd., Phoenix, MD 21131

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES L. LEKIN

Address: 13816 Cupplegate Rd
Phoenix, MD 21131

Telephone Number: 410-771-8510



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2014-0285-A

Address: 13516 Cripplegate Rd. Phoenix 21131

Petitioner(s): Jeff + Jenny Realo JAMES LEKIN
KATHLEEN LEKIN

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Jeff + Jenny Realo
Name - Type or Print

☒ Legal Owner OR ☐ Resident of
13514 Cripplegate Rd.
Address

Phoenix MD 21131
City State Zip Code

410 707 5055 / 410 218 2095
Telephone Number

which is located approximately 55 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

[Signature] 7/9/14
Signature Date

[Signature] 7/9/14
Signature Date

Revised 9/18/98 - wcr/scj

REC'D BY ZONING OFFICE
7/11/2014



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 28, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 28, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0285-A

13816 Cripple Gate Road

S/s Cripple Gate Road, 782 ft. W/ of centerline of Green Branch Drive

10th Election District - 3rd Councilmanic District

Legal Owner(s): James & Kathleen Lakin

Variance to permit a proposed dwelling addition with a side yard setback of 26 ft. in lieu of the minimum required 50 ft. and to amend the Final Development Plan for Plat 3, addition of Greenlands of Hunt Valley, Lot 6 only.

Hearing: Thursday, September 18, 2014 at 10:00 a.m. in Room 205, 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.
8/366 August 28 991839



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 24, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on July 24, 2014.

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0285-A

13816 Cripplegate Road

S/s Cripplegate Road, 782 ft. W/of centerline of Green Branch Drive

10th Election District - 3rd Councilmanic District
Legal Owner(s): James & Kathleen Lakin

Variance to permit a proposed dwelling addition with a side yard setback of 26 ft. in lieu of the minimum required 50 ft. and to amend the final Development Plan for Plat 3, addition of Greenlands of Hunt Valley, Lot 6 only.

Hearing: Friday, August 15, 2014 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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.
7/508 July 24 987972

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/22/2014

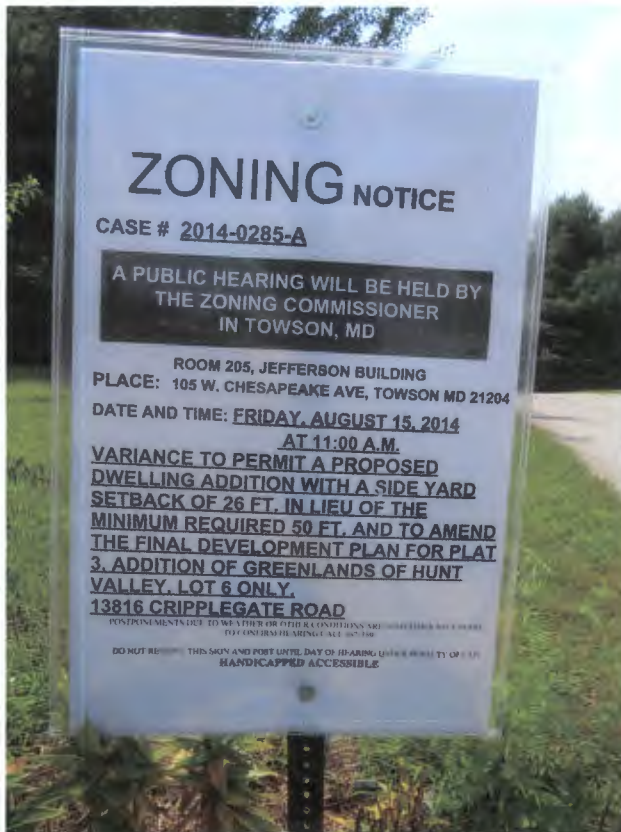
Case Number: 2014-0285-A

Petitioner / Developer: JIM & KATE LEKIN

Date of Hearing (Closing): AUGUST 15, 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:
13816 CRIPPLEGATE ROAD

The sign(s) were posted on: JULY 23, 2014



Linda O'Keefe
(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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/7/14

Case Number: 2014-0285-A

Petitioner / Developer: JAMES LEKIN

Date of Hearing (Closing): JULY 21, 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:
13816 CRIPPLEGATE ROAD

The sign(s) were posted on: JULY 6, 2014



Linda O'Keefe
(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)



KEVIN KAMENETZ
County Executive

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

August 14, 2014

NEW 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: 2014-0285-A

13816 Cripplegate Road
S/s Cripplegate Road, 782 ft. W/of centerline of Green Branch Drive
10th Election District – 3rd Councilmanic District
Legal Owners: James & Kathleen Lakin

Variance to permit a proposed dwelling addition with a side yard setback of 26 ft. in lieu of the minimum required 50 ft. and to amend the Final Development Plan for Plat 3, addition of Greenlands of Hunt Valley, Lot 6 only.

Hearing: Thursday, September 18, 2014 at 10:00 a.m. in Room 205, 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. Lakin, 13816 Cripplegate Road, Phoenix 21131
Mr. & Mrs. Realo, 13814 Cripplegate Road, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 29, 2014.**
- (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
Thursday, August 28, 2014 Issue - Jeffersonian

Please forward billing to:

James & Kathleen Lakin
13816 Cripplegate Road
Phoenix, MD 21131

410-771-8510

NOTICE OF ZONING HEARING

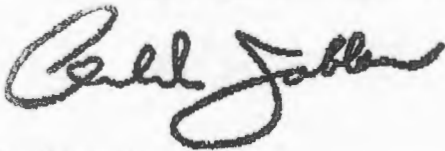
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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Hearing: Thursday, September 18, 2014 at 10:00 a.m. in Room 205, 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

July 16, 2014

NOTICE OF ZONING HEARING

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13816 Cripplegate Road

S/s Cripplegate Road, 782 ft. W/of centerline of Green Branch Drive

10th Election District – 3rd Councilmanic District

Legal Owners: James & Kathleen Lakin

Variance to permit a proposed dwelling addition with a side yard setback of 26 ft. in lieu of the minimum required 50 ft. and to amend the Final Development Plan for Plat 3, addition of Greenlands of Hunt Valley, Lot 6 only.

Hearing: Friday, August 15, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Lakin, 13816 Cripplegate Road, Phoenix 21131
Mr. & Mrs. Realo, 13814 Cripplegate Road, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 25, 2014.**
- (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
Thursday, July 23, 2014 Issue - Jeffersonian

Please forward billing to:

James & Kathleen Lakin
13816 Cripplegate Road
Phoenix, MD 21131

410-771-8510

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: 2014-0285-A

13816 Cripplegate Road

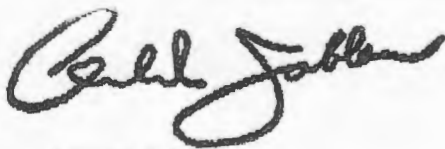
S/s Cripplegate Road, 782 ft. W/of centerline of Green Branch Drive

10th Election District – 3rd Councilmanic District

Legal Owners: James & Kathleen Lakin

Variance to permit a proposed dwelling addition with a side yard setback of 26 ft. in lieu of the minimum required 50 ft. and to amend the Final Development Plan for Plat 3, addition of Greenlands of Hunt Valley, Lot 6 only.

Hearing: Friday, August 15, 2014 at 11:00 a.m. in Room 205, 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.

Case No.:

2014-0285A

Exhibit Sheet

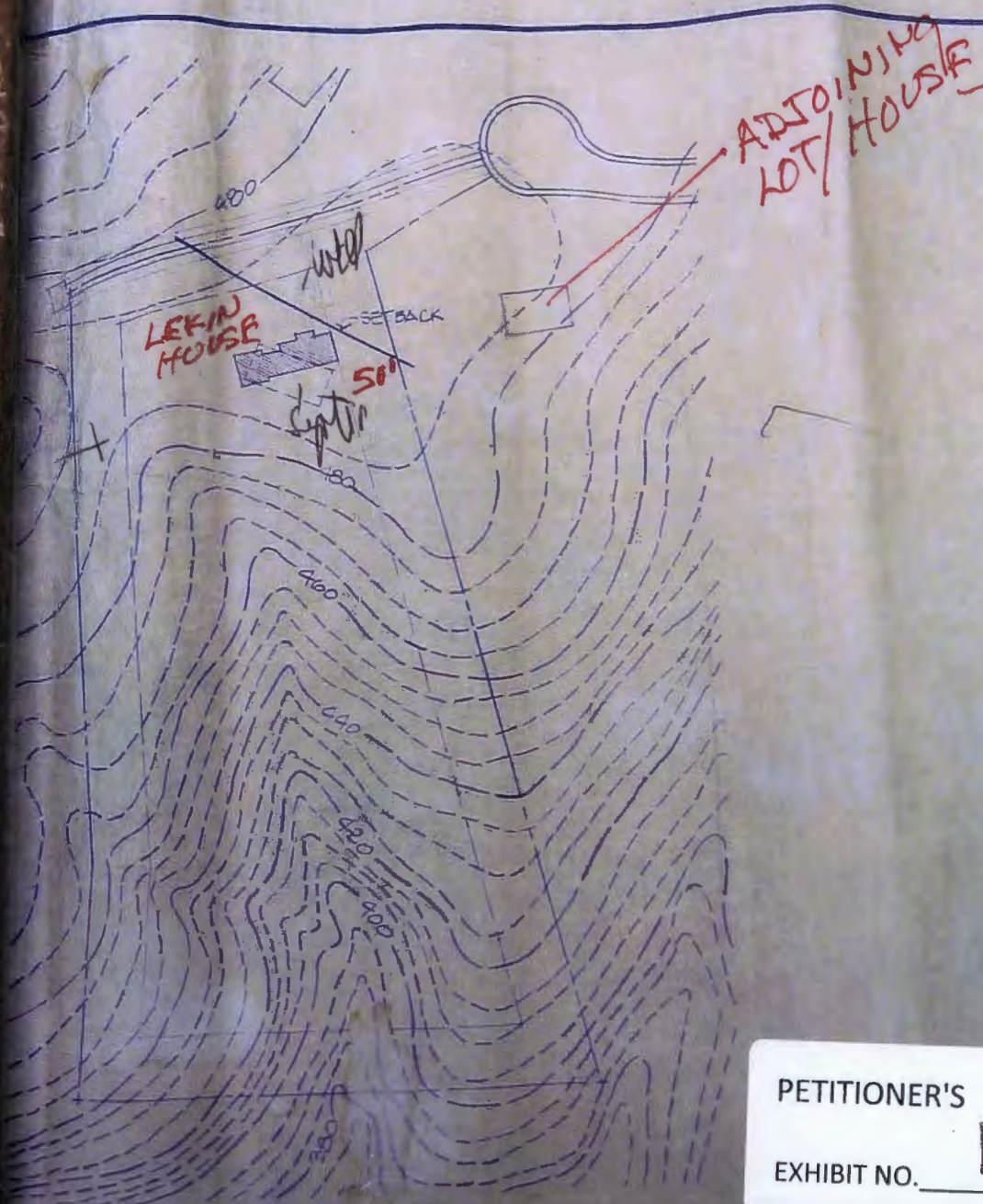
9/23/14
Dun

Petitioner/Developer

Respondent

No. 1	Topographical map of site	
No. 2	ORIGINAL SITE PLAN	
No. 3	AMENDED SITE PLAN	
No. 4	LETTER AGREEMENT DATED 9-15-14	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RESIDE # 61 GREENLA OF HUNT VAL



PETITIONER'S

EXHIBIT NO. 1

SITE PLAN

September 15, 2014

Administrative Law Judge of Baltimore County
Room 111
111 West Chesapeake Avenue
Towson, MD 21204

PETITIONER'S

EXHIBIT NO. 4

RE: Case Number 2014-0285-A
13816 Cripplegate Road
Phoenix, MD 21131

Dear Sir/Madame:

On June 12, 2014, James L. and Kathleen Ryan Lekin (Lekins) filed an administrative notice zoning petition (Petition) for a variance to build a proposed dwelling addition to their existing home with a side yard setback of 26 feet in lieu of the minimum required 50 feet and to amend the final development plan for Plat 3 addition of Greenlands of Hunt Valley, Lot 6 only.

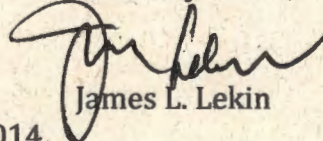
Jeffrey and Jenny Realo (Realos), adjacent lot owners at 13814 Cripplegate Road, subsequently filed a formal demand for a hearing on July 11, 2014, based on the original site plan dated June 16, 2014 and filed in this proceeding.

A hearing date was scheduled for August 15, 2014 but was postponed until September 18, 2014.

The Lekins and Realos have discussed the matter and the following is agreed upon by both parties:

1. The Lekins agree that the variance requested will not exceed ten (10) feet from the edge of their existing home instead of twenty-six (26) feet requested in the original Petition.
2. The Realos do not object to the proposed ten (10) feet variance as set forth above and withdraw any objection based upon the revised site plan dated September 6, 2014.
3. The proposed addition will not exceed seven (7) feet from the edge of the Lekin's existing home.

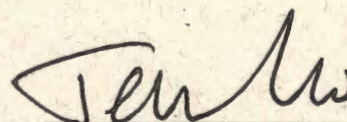
Sincerely Yours,


James L. Lekin


Kathleen Ryan Lekin

Agreed to: September 15, 2014.


Jeffrey Realo


Jenny Realo

MEMORANDUM

DATE: October 24, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0285-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 23, 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 NAME _____
CASE NUMBER _____
DATE _____

[illegible]

WHITEFORD, TAYLOR & PRESTON L.L.P.

G. SCOTT BARHIGHT
DIRECT LINE (410) 832-2050
DIRECT FAX (410) 339-4057
gbarhight@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015



BALTIMORE, MD
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WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

August 1, 2014

Via Hand Delivery

Mr. Arnold Jablon, Director
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue, Suite 105
Towson, Maryland 21204

Re: 13816 Cripplegate Road
Case Number: 2014-0285-A
Request for postponement

Dear Mr. Jablon:

Whiteford, Taylor and Preston, LLP represents John and Kathleen Lakin, the Petitioners in the above-referenced matter. The case involves a zoning petition for a residential setback variance and is scheduled for a hearing on August 15, 2014 at 11:00 a.m. On behalf of our clients, we respectfully request a postponement of the hearing. We were retained by the Lekins on July 30 and in light of the short timing are seeking adequate time to prepare our case. In addition, I will be out of the state on August 15.

Thank you for your kind consideration of this matter. Should you have any questions or comments, or need additional information, please contact me at 410-832-2050.

Sincerely,

G. Scott Barhight

ADB:mw

cc: Mr. James Lakin
Mrs. Kathleen Lakin
Mr. N. Jeffrey Realo
Mrs. Jennifer L. Realo

436717

JUL-16-2014 21:20 FROM: ACUPUNCTURE

4103587258

TO: 4108873048

P.2/2

Mr. and Mrs. John C. Heisler
13811 Cripple Gate Road
Phoenix, MD 21131

Administrative Law Judge
Zoning Department
Baltimore County Office Building
111 West Chesapeake Ave.
Towson, MD 21204

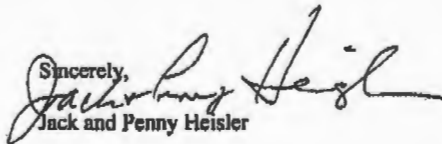
July 17, 2014

Dear Sir/Madam:

We are writing a letter of concern regarding a request by our neighbors, the Lekins, at 13816 Cripple Gate Rd, Phoenix, MD 21131 (Case 2014-02850) to build an addition on the side of their home with a side yard setback of 26 feet in lieu of the minimum required 50 feet required by code. This addition would have a negative impact on our neighbors, the Realos, who live next door at 13814 Cripple Gate Road, as it would impede on their secluded landscape. It would also set precedent in our neighborhood that would allow neighbors to build structures closer to their property line than permitted in zoning laws and consequently impact the views and privacy of neighbors.

Individuals that buy homes in the Greenlands do so to enjoy the peace and privacy of large wooded lots. Most lots in our neighborhood are over 2 acres. By allowing a structure to be built within the required buffer zone would force our neighbors at 13814 Cripple Gate to look at the side of a building instead of their beautiful wooded backyard. Further, it may affect their property value. For this reason, we are concerned about this building and hope that Mr. Lekin reconsiders.

Please feel free to contact us at 410-527-1560 if you require additional information regarding our concerns.

Sincerely,

Jack and Penny Heisler

07/17/2014 10:39AM (GMT-04:00)

**13816 CRIPPLEGATE ROAD
PHOENIX, MD 21131**

July 8, 2014

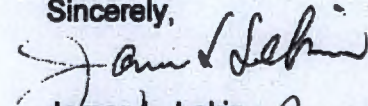
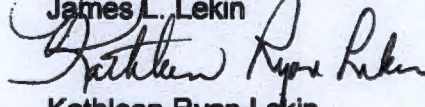
**Zoning Review
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204**

**Re: James L. Lekin
Kathleen Ryan Lekin
13816 Cripple Gate Road
Phoenix, MD 21131
Case No. 2014-0285**

To whom it may concern:

With respect to our request for approval of Administrative Zoning Petition dated June 12, 2014, to amend the existing set back requirement of 50 feet in the above matter, the undersigned were advised in person at our home on Monday evening, July 7, 2014, by our adjacent neighbors, Jeff and Jenny Reallo, 13814 Cripple Gate Road, that they object to the proposed addition to our home as outlined in our Administrative Zoning Petition. The basic reason given by Mr. and Mrs. Reallo is that the proposed addition would diminish the resale value of their home.

Sincerely,


James L. Lekin

Kathleen Ryan Lekin

cc: Hand Delivered

CASE NO. 2014-0285-A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

7/7/14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

6/30/14

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/28/14

SIGN POSTING

Date:

7/23/14

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

September 10, 2014

James L Lakin & Kathleen M Ryan Lakin
13816 Cripplegate Road
Phoenix MD 21131

RE: Case Number: 2014-0285 A, Address: 13816 Cripplegate Road

Dear Mr. & Ms. Lakin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 25, 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,

A handwritten signature in black ink, reading "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



Maryland Department of Transportation

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 6/30/14

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

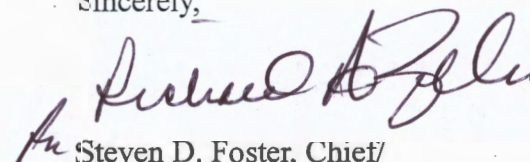
RE: Baltimore County
Item No. 2014-0285-A
Administrative Variance
James L. Larkin &
Kathleen M. Ryan
13816 Cripplegate Road

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. 2014-0285-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

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: July 7, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For July 7, 2014
Item No. 2014-0272, 0273, 0274, 0281, 0282, 0284, 0285 and 0287

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

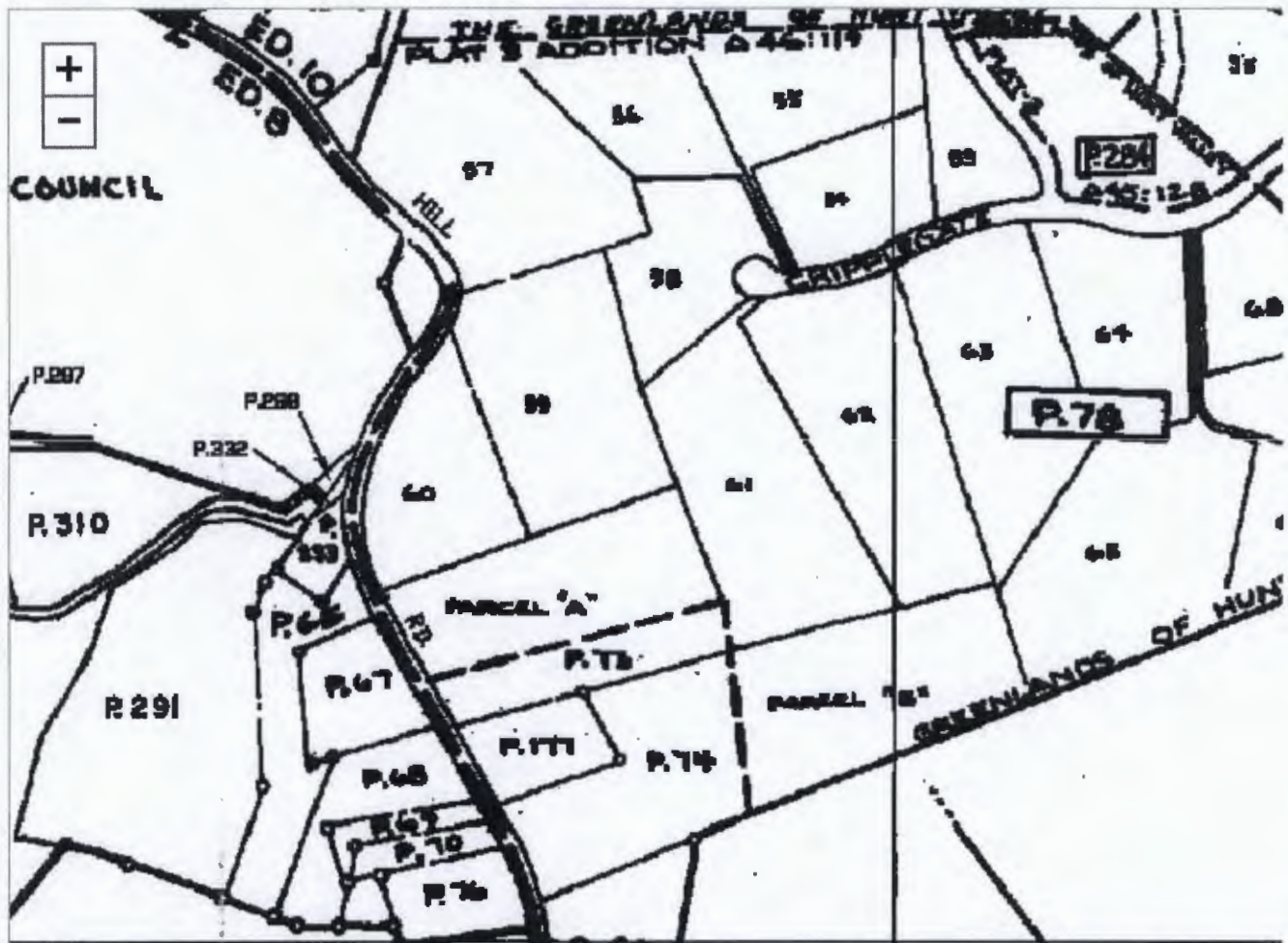
DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC07072014 -.doc

Baltimore County

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

District: 10 Account Number: 1900000670

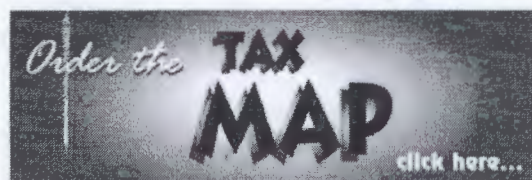


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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/>)

☒ Loading... Please Wait. Loading... Please Wait.

->

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 10 Account Number - 1900000670		
Owner Information		
Owner Name:	LEKIN JAMES L LEKIN KATHLEEN M RYAN	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	13816 CRIPPLEGATE ROAD PHOENIX MD 21131	Deed Reference: /11676/ 00629
Location & Structure Information		
Premises Address:	13816 CRIPPLEGATE RD 0-0000	Legal Description: 5.635 AC 13816 CRIPPLEGATE RD WS GREENLANDS OF HUNT VA
Map:	Grid:	Parcel:
0043	0008	0078
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	61	2014
Plat No:	Plat Ref:	County Use
	0046/ 0119	04
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1983	3,491 SF	
Property Land Area	County Use	
5.6300 AC	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
BRICK	2 full/ 1 half	1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2014
Land:	214,700	193,200
Improvements	387,500	425,300
Total:	602,200	618,500
Preferential Land:	0	
		Phase-In Assessments As of 07/01/2014
		607,633
		As of 07/01/2015
		613,067
		0
Transfer Information		
Seller: LEKIN JAMES L	Date: 06/20/1996	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /11676/ 00629	Deed2:
Seller: LEKIN JAMES L	Date: 05/14/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09762/ 00490	Deed2:
Seller: GAYLORD BROOKS	Date: 01/09/1981	Price: \$39,900
Type: ARMS LENGTH IMPROVED	Deed1: /06249/ 00656	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00/0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Approved 09/15/2008		



LEKIN
PROPOSED ADDITION AREA
JUNE, 2014

Item #0285



Item #0285



Item #0285

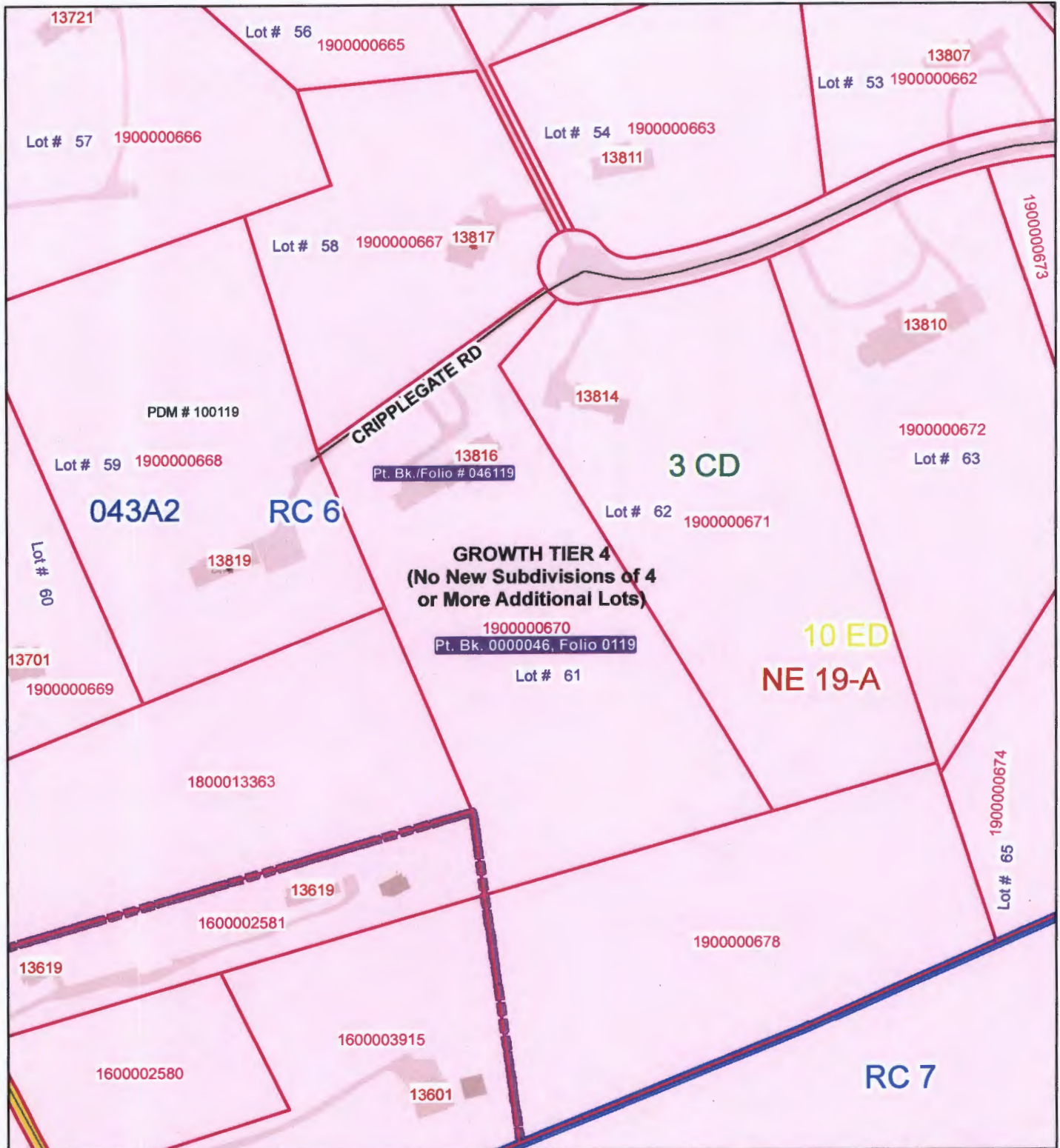


Item # 0285



Item #0285

13816 Cripplegate Road



Publication Date: 6/25/2014



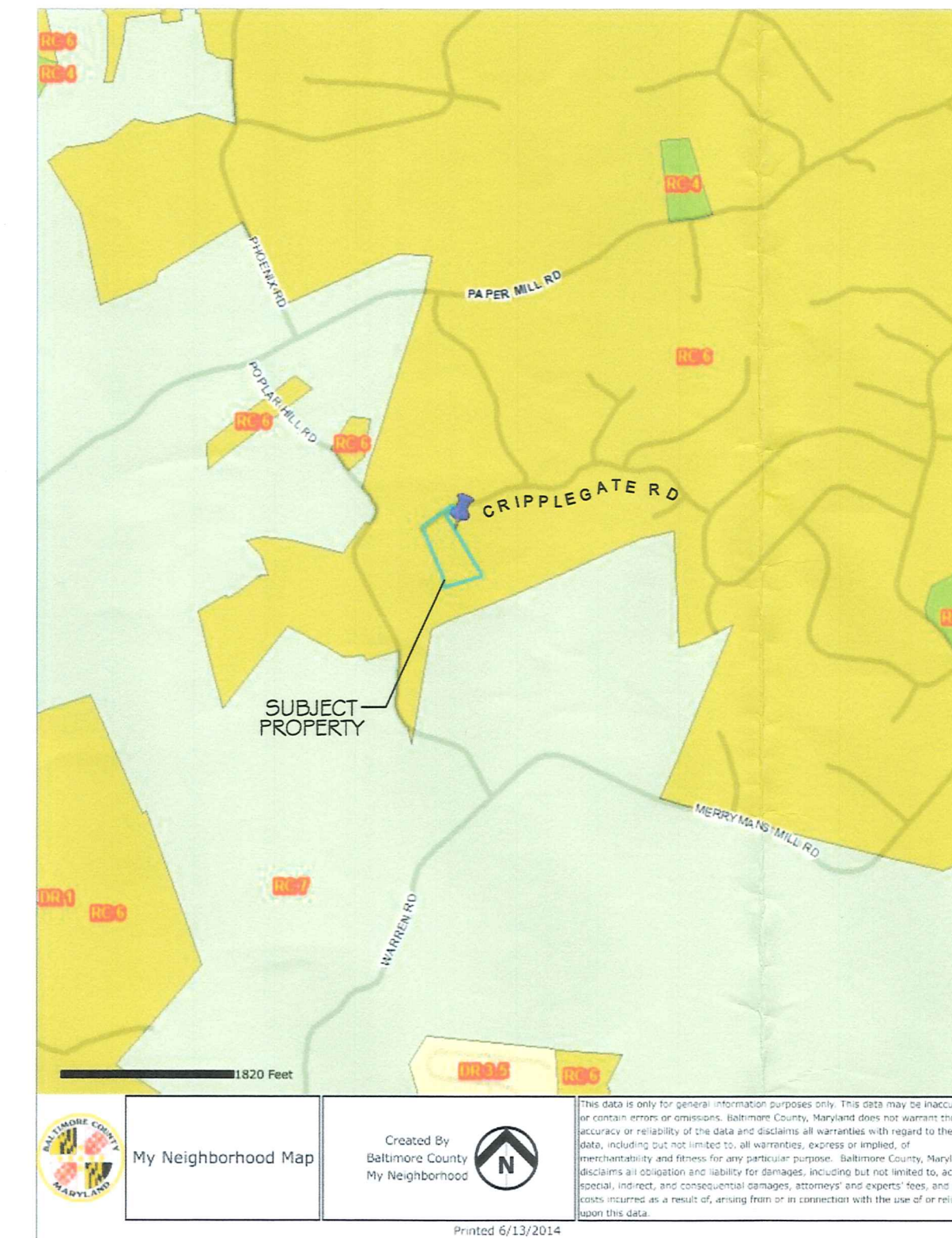
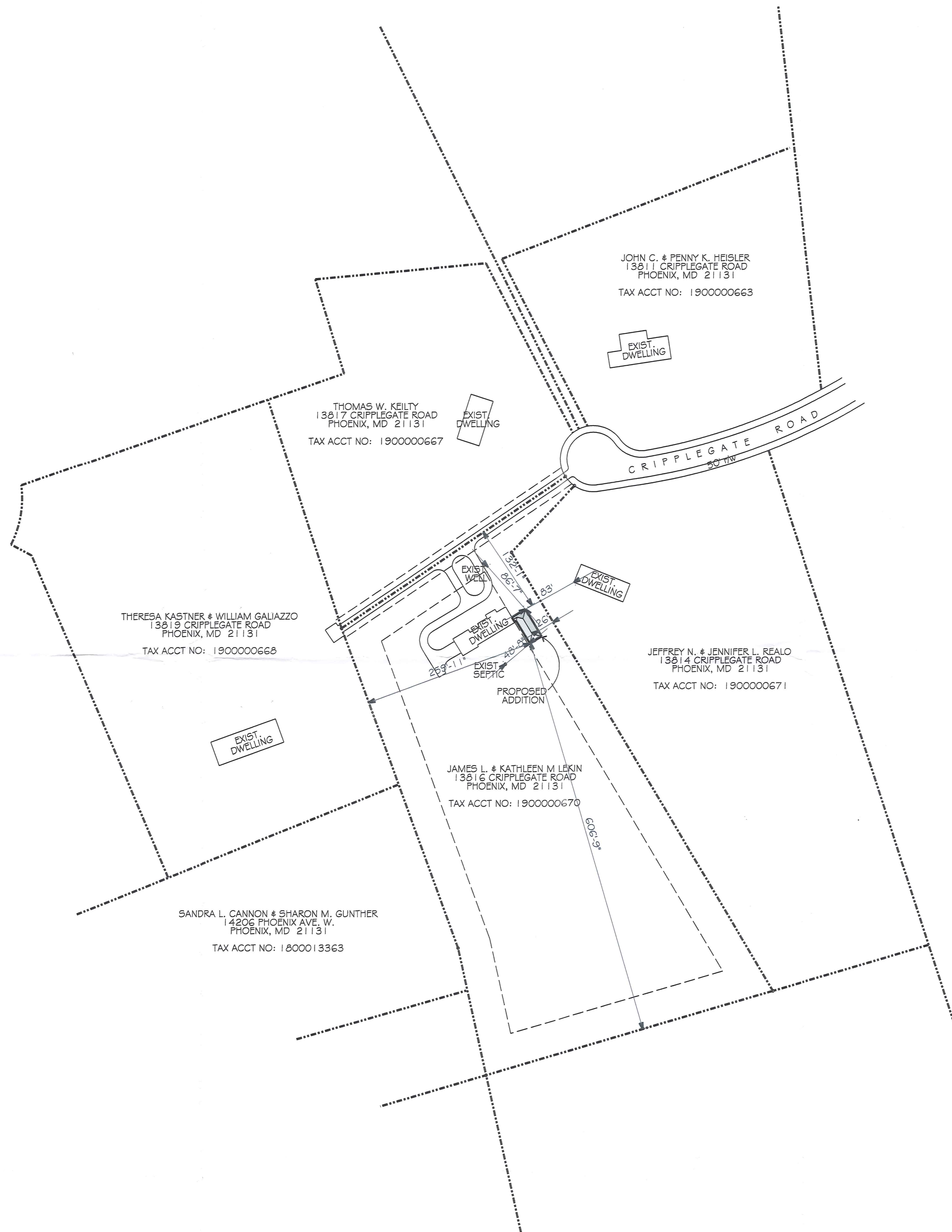
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100 200 300 400 Feet

1 inch = 200 feet

Item #0285



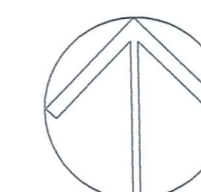
VICINITY MAP

PROJECT DATA

PROPERTY ADDRESS:	13816 Cripplegate Road
OWNER:	Jim & Katie LeKin
EXISTING BLDG. AREA	3491 SF
PROPOSED ADDITION:	1025 SF
LOCATION INFORMATION	
ELECTION DISTRICT:	10
COUNCILMANIC DISTRICT:	3
1"=200' SCALE MAP #:	043A2
ZONING:	RC-6
LOT SIZE:	5.635 ACRES
SEWER:	PRIVATE SEPTIC SYSTEM
WATER:	PRIVATE (WELL)
CHES. BAY CRITICAL AREA:	NO
100 YEAR FLOOD PLAIN:	NO
HISTORIC PROPERTY:	NO
PRIOR ZONING HEARING:	None

PETITIONER'S

EXHIBIT NO. 1



KATIE & JIM LEKIN HOUSE

13816 CRIPPLEGATE ROAD
PHOENIX, MARYLAND 21131

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Unauthorized use, reproduction or distribution
strictly prohibited.

No.	Date	Item
REVISIONS		

Drawn

Checked

Approved

austin b childs
architecture

chickenranch design studio

16850 gerting road
monkton, maryland 21111
410.472.2488
achildsaia@msn.com

SITE PLAN

CONTRACT NO.	
SCALE	1"=100'
DATE	June 16, 2014

S.P.

PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE ZONING VARIANCE