

MEMORANDUM

DATE: May 14, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0168-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 13, 2015. 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

IN RE: PETITION FOR VARIANCE

(303 Lochview Terrace)

8th Election District

3rd Council District

Kent B. & Joyce R. Miller

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0168-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B02.3.C.1: (1) if necessary, to permit a proposed 15 x 20 ft. porch addition with a setback of 46 ft. in lieu of the required 50 ft.; and (2) to amend the site plan filed in Case No. 2003-0163-A. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioners' Exhibit 1.

Owner Kent Miller appeared in support of the petition. There were no Protestants or interested citizens in attendance at the hearing, and Mr. Miller presented an exhibit which reflects the Pot Spring Community Association supports the request. Exhibit 3. The Petition was advertised and posted as required by the B.C.Z.R. A Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency supports the request but requested that landscaping be installed along the rear property line.

The subject property is approximately 35,063 square feet and is zoned DR-1. The property is improved with a large single family dwelling, and the Petitioners propose to construct a porch addition on the rear of their home. To do so requires variance relief.

ORDER RECEIVED FOR FILING

Date

4/13/15

By

Den

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).

Petitioners have met this test. The southern property boundary does not run in a straight line (as noted in the DOP ZAC comment) which renders the property unique and also generates the need for modest rear yard setback relief. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would be unable to construct the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 13th day of April, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §1B02.3.C.1: (1) to permit a proposed 15 ft. x 20 ft. porch addition with a setback of 46 ft. in lieu of the required 50 ft.; and (2) to amend the site plan filed in Case No. 2003-0163-A, in accordance with the terms of this Order and the site plan admitted as Exhibit 1, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

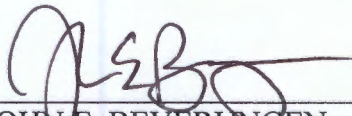
Date 4/13/15
By Den

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners shall provide landscaping (i.e., shrubs or other vegetation to serve as screening) along a portion of the rear property boundary, as indicated by the asterisks shown on Exhibit 1.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date

4/13/15

By

Den



KEVIN KAMENETZ
County Executive

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

April 13, 2015

Kent B. Miller
P.O. Box 4125
Timonium, Maryland 21094

RE: Petition for Variance
Property: 303 Lochview Terrace
Case No. 2015-0168-A

Dear Mr. Miller:

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 "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



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 303 Lochview Terrace

which is presently zoned DR 1

Deed Reference 35066/00125

10 Digit Tax Account # 0813086040

Property Owner(s) Printed Name(s) Kent B. Miller, Sr. and Joyce R. Miller

CASE NUMBER 2015-0168-A Filing Date 2/10/15 Estimated Posting Date / / Reviewer G.H

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a **Variance** from Section(s)

Please see the attached.

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)

TO BE PRESENTED AT HEARING

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

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Kent B. Miller, Sr.

Joyce R. Miller

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

P.O. Box 4125

Timonium

MD

Mailing Address

City

State

21094

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

ATTACHMENT TO PETITION FOR VARIANCE

303 Lochview Terrace

Variance:

1. If necessary, to permit a proposed 15x20 foot porch addition with a setback of 46 feet in lieu of the required 50 feet per BCZR § 1B02.3.C.1;
2. To amend the site plan filed in Case No. 2003-0163-A; and
3. Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

ZONING DESCRIPTION FOR 303 LOCHVIEW TERRACE

BEGINNING AT A POINT ON THE SOUTH SIDE OF LOCHVIEW TERRACE, WHICH IS 50 FEET WIDE, AT A DISTANCE OF 25 FEET FROM THE CENTERLINE OF LOCHVIEW COURT, WHICH IS 50 FEET WIDE. BEING LOT 1, PLAT TWO, SECTION TWO, IN THE SUBDIVISION OF "POT SPRING" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 29, FOLIO NO. 69, CONTAINING 33,063 SQUARE FEET. ALSO KNOWN AS #303 LOCHVIEW TERRACE AND LOCATED IN THE 8th. ELECTION DISTRICT, 3rd. COUNCILMANIC DISTRICT.

2015-068-A

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2015-0168-A

Property Address: 303 Lochview Terrace

Property Description: _____

Legal Owners (Petitioners): Kent B. Miller, Sr. & Joyce R. Miller

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kent B. Miller, Sr.

Company/Firm (if applicable): _____

Address: 303 Lochview Terrace
Timonium MD 21093

Telephone Number: 252-904-0834

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

No. **119793**

Date: **2/10/15**

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/10/2015 2/10/2015 09:15:34 5

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	200	200		150				75.00

REG 1505 WALKIN RDGS LRD
 RECEIPT # 783219 2/10/2015
 5 523 ZONING VERIFICATION
 119793

Receipt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

Total: **75.00**

Rec From: **Kent Miller**

For: **Administrative - 2015 0163-A**
303 Lochview Terrace

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3125551

Sold To:

Kent Miller Sr - CU00429142
303 Lochview Ter
Lutherville Timonium, MD 21093

Bill To:

Kent Miller Sr - CU00429142
303 Lochview Ter
Lutherville Timonium, MD 21093

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 19, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2015-0168-A

303 Lochview Terrace

S/s corner of Lochview Terrace and 25 ft. w/of Lochview Court

8th Election District - 3rd Councilmanic District

Legal Owner(s) Kent & Joyce Miller, Sr.

Variance: if necessary, to permit a proposed 15x20 foot porch addition with a setback of 46 feet in lieu of the required 50 feet; to amend the site plan filed in Case No. 2003-0163-A and such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, April 9, 2015 at 1:30 p.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.

3/234 March 19

3125551

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/18, 2015

Case Number: 2015-0168-A

Petitioner / Developer: KENT MILLER

Date of Hearing (Closing): APRIL 9, 2015

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:
303 LOCHVIEW TERRACE

The sign(s) were posted on: MARCH 18, 2015



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

February 25, 2015

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: 2015-0168-A

303 Lochview Terrace

S/s corner of Lochview Terrace and 25 ft. w/of Lochview Court

8th Election District – 3rd Councilmanic District

Legal Owners: Kent & Joyce Miller, Sr.

Variance, if necessary, to permit a proposed 15x20 foot porch addition with a setback of 46 feet in lieu of the required 50 feet; to amend the site plan filed in Case No. 2003-0163-A and such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, April 9, 2015 at 1:30 p.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: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Mr. & Mrs. Miller, Sr., P.O. Box 4125, Timonium 21094

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 20, 2015.**
- (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, March 19, 2015 Issue - Jeffersonian

Please forward billing to:
Kent Miller, Sr.
303 Lochview Terrace
Timonium, MD 21093

252-904-0834

NOTICE OF ZONING HEARING

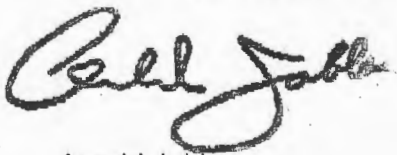
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0168-A

303 Lochview Terrace
S/s corner of Lochview Terrace and 25 ft. w/of Lochview Court
8th Election District – 3rd Councilmanic District
Legal Owners: Kent & Joyce Miller, Sr.

Variance, if necessary, to permit a proposed 15x20 foot porch addition with a setback of 46 feet in lieu of the required 50 feet; to amend the site plan filed in Case No. 2003-0163-A and such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, April 9, 2015 at 1:30 p.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.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
NATALIE MAYO
ELYANA TARLOW

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

March 18, 2015

Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

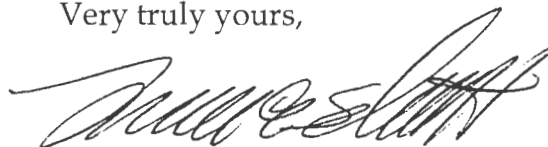
**Re: Miller, Kent and Joyce - 303 Lochview Terrace
Case No. 2015-0168-A**

Dear Judge Beverungen,

Pursuant to my agreement with the above Petitioners, kindly find enclosed a Notice to Strike Appearance to be filed in the above matter. Please be advised that this case is scheduled for a hearing on Thursday, April 9, 2015 at 1:30 p.m. I have also copied this Notice to Kristen Lewis in the Zoning Office.

Please contact me should you have any questions in this regard.

Very truly yours,



Lawrence E. Schmidt

LES/amf
Enclosure

cc: Kristen Lewis, Baltimore County Zoning Office
Kent and Joyce Miller
Peter Max Zimmerman, Esquire

IN RE:
PETITION FOR VARIANCE
303 LOCHVIEW TERRACE
s/s corner of Lochview Terrace and 25' W
of Lochview Court

8th Election District
3rd Councilmanic District

Legal Owners:
KENT AND JOYCE MILLER
Petitioners

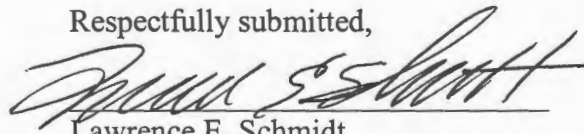
* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* Case No.: 2015-0168-A

* * * * *

NOTICE TO STRIKE APPEARANCE

Pursuant to the agreement with Petitioners, Kent and Joyce Miller, kindly strike the appearance of
Lawrence E. Schmidt, Esquire, and Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200,
Towson, MD 21204, as attorneys for Petitioners in the above matter.

Respectfully submitted,



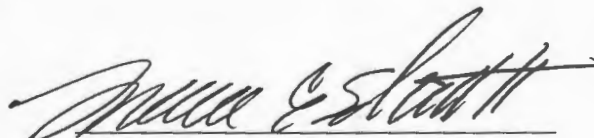
Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Ave, Suite 200
Towson, MD 21204
(410) 821-0070

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2015, a copy of the foregoing document was
mailed, postage prepaid, to

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204

Kent and Joyce Miller
303 Lochview Terrace
Timonium, MD 21093


Lawrence E. Schmidt

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
303 Lochview Terrace; S/S corner of Lochview *
Terrace and 25' W of Lochview Court * OF ADMINISTRATIVE
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Kent B & Joyce R. Miller * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2015-168-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.

RECEIVED

FEB 11 2015

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2015, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2015-0168-A

Exhibit Sheet

Petitioner/Developer

Protestant

DW
5-14-15

Sen
4/13/15

No. 1	site plan	
No. 2	photo of dwelling (rear)	
No. 3	Community Assoc. Review Application	
No. 4	Rendering	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

The Pot Spring Community Association
ARCHITECTURAL REVIEW APPLICATION

Submit To:
The Pot Spring Community Association
PO Box 129
Timonium, MD 21093

From: Joyce & Kent Miller

Address: 303 Lochview Terrace **Cell** 252-904-0834
Home Phone:

Mailing Address (if different from above): PO Box 4125 Timonium 21094

Directions:

The Deed and Agreement and the By-laws require that you submit to the Civic Improvement Committee for approval all proposed exterior additions, changes or alterations to your house and lot.

In order to be considered by the Civic Improvement Committee, your application must include detailed information describing the proposed change (typically, plans and specifications including sketches, photos, catalog illustrations, etc. showing the nature, kind, shape, color, dimensions, and materials; and a copy of the survey with the location marked).

Make sure your application is complete. An application submitted without all required submissions will be considered incomplete. In such case, the Civic Improvement Committee review period will not commence until all required submissions have been provided.

Other exhibits may be requested to permit adequate evaluation of the proposed change. If you have any questions regarding the required submissions or the application process, you are advised to seek guidance from the Civic Improvement Committee prior to submission of an application.

Description of Proposed Change: (Please print or type)

Describe all proposed improvements, alterations, or changes to your lot or home in the space below. If more space is needed, please attach a separate document. Please provide required details by attaching sketches, drawings, clippings, pictures, catalog illustrations, and a sketch of your property with the location of the modification marked, etc. to fully describe the proposed change.

See ATTACHED

ESTIMATED STARTING DATE OF CONSTRUCTION: As Soon As Possible - before freezing weather Nov/2014
(After approval by the Civic Improvement Committee)

ESTIMATED COMPLETION DATE: 365 days from START

PETITIONER'S

EXHIBIT NO. 3

Neighbor's Acknowledgments:

You are requested to obtain the signatures of all lot owners whose lots are adjacent to your lot. Signature by your neighbors indicates an awareness of your proposed change and *does not* constitute approval or disapproval on their part. Adjacent lot owners may contact the Vice-president of Civic Improvement to voice approval of or concerns with the proposed change in the subject property.

Adjacent Property to Left

Name: Joseph & SANDRA Corbo

Address: 305 Lochview Terrace

Signature: [Signature]

Adjacent Property to Right

Name: SAME

Address: [Signature]

Signature: [Signature]

Adjacent Rear Property, if applicable

Name: Michael & Deborah POTTER

Address: 3 Lochview Ct

Signature: [Signature]

Adjacent Rear Property, if applicable

Name: [X]

Address: [X]

Signature: [X]

Owner's Acknowledgments:

I/we understand and agree:

- ☒ That the approval by the Board shall in no way be construed as to pass judgment on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of the proposed change being reviewed.
- ☐ That approval by the Board shall in no way be construed as to pass judgment on whether the proposed change being reviewed is in compliance with the applicable building and zoning codes of the county in which the property is located.
- ☒ That approval of any particular plans and specifications or design shall not be construed as a waiver of the right of the Board to disapprove such plans and specifications, or any elements or features thereof, in the event such plans are subsequently submitted for use in any other instance.
- ☒ That no work on the proposed change shall begin until written approval of the Board has been received by me; ~~that, if work is begun prior to approval, I may be required to return the property to its former condition at my own expense if this application is disapproved wholly or in part, and I may be required to pay all legal expenses incurred.~~
- ☒ That there shall be ~~no~~ deviations from the plans, specifications, and location approved by the Board without prior written consent of the Board; any variation from the original application must be resubmitted for approval. MAP DEVIATIONS
- ☒ That I authorize members of the Board or managing agent to enter upon my Property to make one or more routine inspection(s). CALL FIRST - LARGE DOG

7. ☒ That construction or alterations in accordance with the approved plans and specifications must commence within 6 months of the approved date of this application and be completed within 12 months of the approved date. Otherwise the approval by the Board shall be deemed conclusively to have lapsed and to have been withdrawn.

8. ☒ That it is my responsibility and obligation to obtain all required building permits, to contact *Miss Utility*, and to construct the improvements in a workmanlike manner in conformance with all applicable building and zoning codes.

9. ☒ That I am responsible for any damage and all cost to repair green space or community property that results from the proposed modification.

10. ☒ That I am aware the Civic Improvement Committee has 60 days from the date of receipt of this request to act upon my request and shall plan accordingly (as per the Deed and Agreement).

Owner/Applicant Signature

[Signature]

Date:

10/31/2014

Co-Owner/Applicant Signature

[Signature]

Date:

10/31/2014

Required Attachments: Two copies of descriptive informative (typically plans and specifications, including sketches, photos, catalog illustrations, etc. showing the nature, kind, shape, color, dimensions, materials, and a copy of the survey with the location marked). One copy will remain in the PSCA files, the other will be returned to the requester.

Print and complete application form and return to the Pot Spring Community Association or any member of the Civic Improvement Committee. The Civic Improvement Committee is composed of the President, Secretary, and Vice-president of Civic Improvement for the Association.

DO NOT WRITE BELOW THIS LINE - COMMITTEE USE ONLY

_____ Action is suspended pending submission of the items listed on the attached letter.

_____ The request is approved as submitted.

_____ The request is approved subject to the requirements stated in the attached letter.

_____ The request is disapproved as stated in the attached letter.

Note: An attached letter may provide additional detail of the PSCA Civic Improvement Committee action that is a part of this response.

Committee Member Signature

Date

Committee Member Signature

Date

Committee Member Signature

Date

Improvements to 303 Lochview Terrace

The existing rear decks will be replaced with a 2 story, plus basement level, covered screened porch. The porches will be approximately 15 x 20 feet in size and clad with a stone veneer and hardi-panel board siding. The roof will be metal, similar to the metal roof currently on the front of the house with a covered walk way across the back of the house and stairs down to ground level new patios. All three levels of the porches will have an outdoor fireplace.

In addition, we will install a 20 x 40 concrete pool in the rear of the house with concrete decking and raised beam construction. The pool will be heated and an underground liquid propane gas tank will be buried on the side of the house near the existing utility equipment. A retaining wall is required to level the yard and it will be constructed with materials similar to the existing retaining wall on the property.

Fencing is required by Baltimore County Code and we will install a very attractive aluminum estate fencing 5 feet high to enclose the entire back yard.

Baltimore County permits are in the process of being submitted for approval.

Joyce & Kent Miller
252-904-0834

KENTMILLER303@GMAIL.COM



Kent Miller <kentmiller303@gmail.com>

Construction update

Kent Miller <kentmiller303@gmail.com>

Wed, Mar 18, 2015 at 9:51 AM

Draft To: Stuart Wright <swright451@verizon.net>, Joe & Sandi corbo <jscorbo12@msn.com>, Kevin Carr <kcarrlaw@gmail.com>, Chris Smith <csmith3802@gmail.com>, Mike Potter <jmpotter@rkk.com>

Good morning all,

As we wait for old man winter to go away I wanted to give you an update on our construction project. Thank you again for your HOA Civic Committee approval.

The retaining wall along Mike and Debbie Potter's property line is virtually complete and the landscape company worked very hard with Bartlett Tree Experts to protect Mike and Debbie's tree in not cutting the roots at the wall by stepping the footer over the roots. They have also worked diligently to do everything from our side of the property line.

The fence is partially installed as we wait for the pool construction to be completed. Joyce is very happy not having to walk our dog multiple times a day!

The next step will be the pool itself and we need to wait for warmer weather to excavate for the pool shell. Work will resume in a few weeks with completion of the retaining walls, pool, fencing and landscaping hopefully by Memorial Day.

The porches have hit an unanticipated delay in the permit process as zoning has requested a hearing on the building setbacks. Normal decks have a 37 ft setback but there apparently is no language for a two tier deck hence the need for a hearing. We tried using the standard building setback of 50 ft but, while the porches are aligned with the existing back of the house, the house is not parallel to the rear property line. The attached drawing shows the layout of the yard and proposed decks.

So the bottom line is there will be a public hearing sign posted in our yard later this week. The hearing date is April 9th for an interpretation/ruling on the setback.

Thanks for continuing support, give us a call if you have any questions.

Kent and Joyce
[252-904-0834](tel:252-904-0834)

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

2/5/15

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

n/c

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

FIRE DEPARTMENT

3/4/15

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

C

2/18/15

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/19/15

SIGN POSTING

Date:

3/18/15

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

4/9/15

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
NATALIE MAYO
ELYANA TARLOW

of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

March 18, 2015

RECEIVED

MAR 18 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

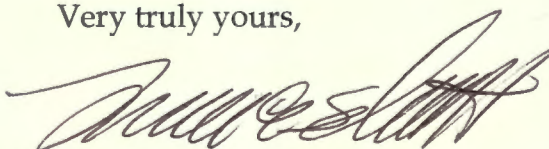
Re: Miller, Kent and Joyce - 303 Lochview Terrace
Case No. 2015-0168-A

Dear Judge Beverungen,

Pursuant to my agreement with the above Petitioners, kindly find enclosed a Notice to Strike Appearance to be filed in the above matter. Please be advised that this case is scheduled for a hearing on Thursday, April 9, 2015 at 1:30 p.m. I have also copied this Notice to Kristen Lewis in the Zoning Office.

Please contact me should you have any questions in this regard.

Very truly yours,



Lawrence E. Schmidt

LES/amf

Enclosure

cc: Kristen Lewis, Baltimore County Zoning Office
Kent and Joyce Miller
Peter Max Zimmerman, Esquire

IN RE:
PETITION FOR VARIANCE
303 LOCHVIEW TERRACE
s/s corner of Lochview Terrace and 25' W
of Lochview Court

8th Election District
3rd Councilmanic District

Legal Owners:
KENT AND JOYCE MILLER
Petitioners

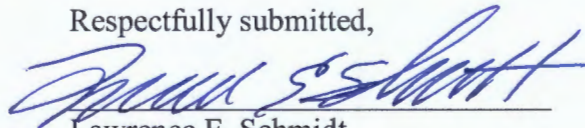
* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* **Case No.: 2015-0168-A**

* * * * *

NOTICE TO STRIKE APPEARANCE

Pursuant to the agreement with Petitioners, Kent and Joyce Miller, kindly strike the appearance of
Lawrence E. Schmidt, Esquire, and Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200,
Towson, MD 21204, as attorneys for Petitioners in the above matter.

Respectfully submitted,



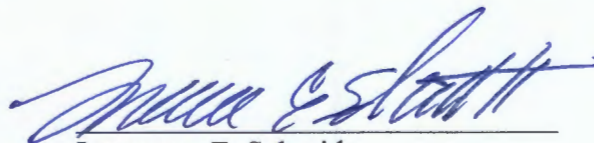
Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Ave, Suite 200
Towson, MD 21204
(410) 821-0070

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2015, a copy of the foregoing document was
mailed, postage prepaid, to

Peter Max Zimmerman, Esquire
Carole S. Demilio, Esquire
People's Counsel for Baltimore County
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204

Kent and Joyce Miller
303 Lochview Terrace
Timonium, MD 21093



Lawrence E. Schmidt



KEVIN KAMENETZ
County Executive

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

April 1, 2015

Kent B Sr & Joyce Miller
P O Box 4125
Timonium MD 21094

RE: Case Number: 2015-0168 A, Address: 303 Lochview Terrace

Dear Mr. & Ms. Miller

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 10, 2015. 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." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/18/15

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

RE: Baltimore County
Item No 2015-0168-A
Variance
Kent B. & Joyce R. Miller
303 Lockview Terrace

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. 2015-0168-A

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

49-15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 303 Lochview Terrace

INFORMATION:

Item Number: 15-168

Petitioner: Kent B. Miller, Sr.

Zoning: DR 1

Requested Action: Variance

RECEIVED
MAR 18 2015
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject request is for a variance for a rear yard setback for a porch addition and to amend the site plan filed in Case No. 2003-0163A.

Upon review of the petition and site plan and subsequent to a site visit, the following comment and recommendations are offered:

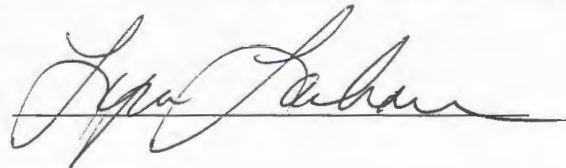
- The property is improved with a large single family detached dwelling for which a variance was approved in 2003 for a garage addition to be located in the front of the dwelling.
- According to the submitted site plan, the proposed 15'x20' rear porch would not extend beyond the rest of the existing dwelling. It encroaches upon the setback because the lot line is not parallel to the dwelling.
- According to the aerial and from the site visit there is some landscaping between the petitioner and the impacted neighbor at 3 Lochview Court, however, it was not clear that the landscaping is continuous along the rear property line.

The Department supports the requested relief subject to the following limitation:

Provide landscaping along the rear property line to establish continuous adequate screening.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2015
Item No. 2015-0168, 0169 and 0171

DATE: February 5, 2015

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\ZAC02232015.doc

3/16/15
JCB

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



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

DATE: March 4, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 303 Lochview Terrace

INFORMATION:

Item Number: 15-168

Petitioner: Kent B. Miller, Sr.

Zoning: DR 1

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

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Upon review of the petition and site plan and subsequent to a site visit, the following comment and recommendations are offered:

- The property is improved with a large single family detached dwelling for which a variance was approved in 2003 for a garage addition to be located in the front of the dwelling.
- According to the submitted site plan, the proposed 15'x20' front porch would not extend beyond the rest of the existing dwelling. It encroaches upon the setback because the lot line is not parallel to the dwelling.
- According to the aerial and from the site visit there is some landscaping between the petitioner and the impacted neighbor at 3 Lochview Court, however, it was not clear that the landscaping is continuous along the rear property line.

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Division Chief:
AVA/LL

A handwritten signature in black ink, appearing to read "Lynn Laska", written over a horizontal line.



PETITIONER'S

EXHIBIT NO. _____

2



EXHIBIT NO.

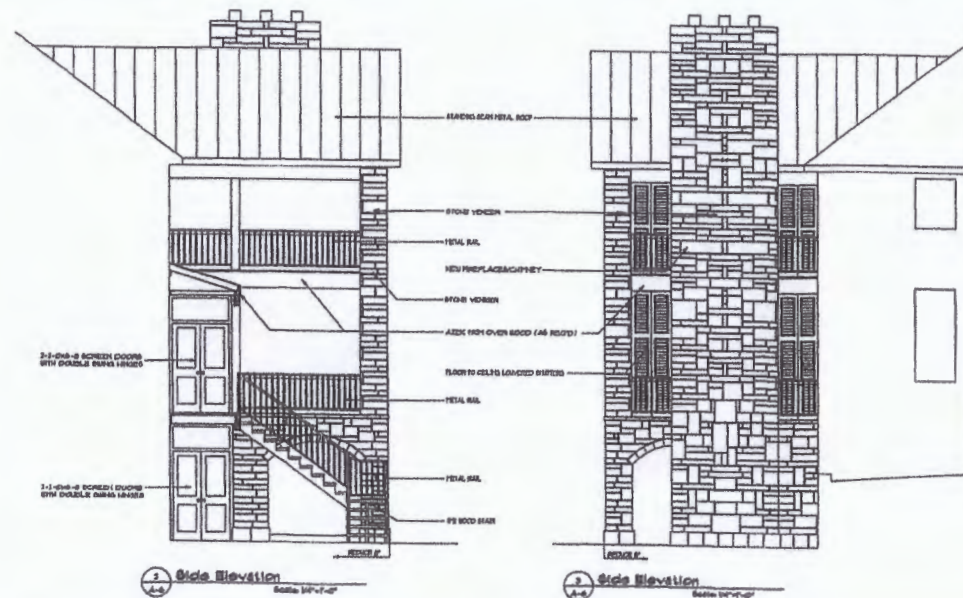
A-6

303 LOCKVIEW TERRACE
TUMMELAH, MARYLAND 21093

Revisions	Date

Project: **NEVILLESTOWN**
 Drawn by: **SLP**
 Checked by: **SLP**
 Date: **12/10/2004** Scale: **As Shown**





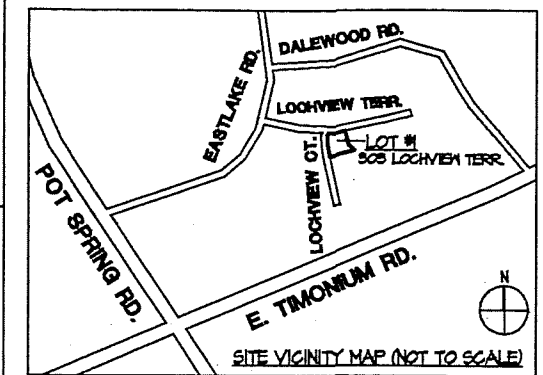
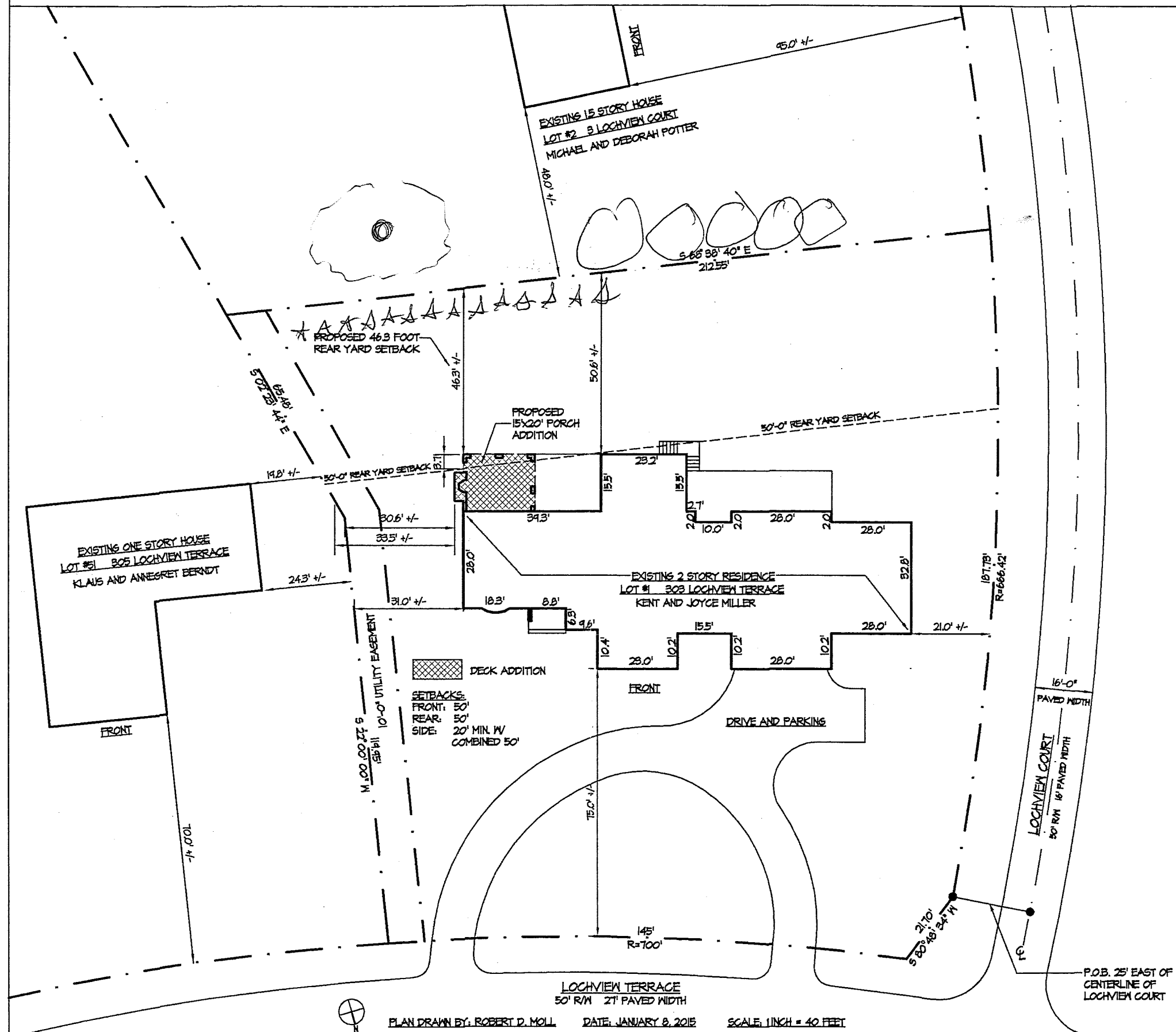
R.MOLL ARCH.
Robert D. Moll AIA
217 Mariner's Point Drive
Baltimore, Maryland 21220
410-652-4302 rob@mollarchitect.com

MILLER RESIDENCE ADDITION
303 LOCHNEW TERRACE
THURSDAY, MARYLAND 20699

Project No. 11111111111111111111	
Client No. 11111111111111111111	
Contract No. 11111111111111111111	
Order No. 11111111111111111111	
Revision	11111111111111111111
Site	11111111111111111111

A-6

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____
ADDRESS 303 LOCHVIEW TERRACE OWNERS NAMES KENT AND JOYCE MILLER
SUBDIVISION NAME POT SPRING LOT NUMBER 1 BLOCK NUMBER _____ SECTION NUMBER TWO
PLAT BOOK # 29 FOLIO # 69 10 DIGIT TAX # 0813086040 DEED REFERENCE # 35066/00125



ZONING MAP # 0052
SITE ZONED DR 1
ELECTION DISTRICT 8
COUNCIL DISTRICT 3
LOT AREA ACREAGE 0.8
LOT AREA SQ. FT. 35,063
HISTORIC NO _____
IN CBCA NO _____
IN FLOOD PLAIN NO _____
UTILITIES:
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING YES _____
CASE NUMBER 2003-0163-A
ORDER RESULT BELOW:
VARIANCE GRANTED FOR REDUCTION
OF SIDE YARD SETBACK.

VIOLATION CASE INFO:
NONE

PETITIONER'S
EXHIBIT NO. 1

2015-0168-A