

M E M O R A N D U M

DATE: December 17, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0071-A- Appeal Period Expired

The appeal period for the above-referenced case expired on December 14, 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

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2016-0071-A**

* * * * *

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Gladys S. Rogers, legal owner of the subject property, and Lacie Herl, contract purchaser ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1 to permit side yards of 8 ft. and 8 ft. in lieu of the required 10 ft. and 10 ft. for a replacement dwelling. A site plan was marked as Petitioners' Exhibit 1.

Lacie Herl appeared in support of the petition. David Billingsley, whose firm prepared the site plan, assisted the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. No protestants or interested citizens attended the hearing. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS), noting Petitioners must comply with the Critical Area regulations.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

By Dan
Date 11-12-15

ORDER RECEIVED FOR FILING

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot is very narrow and was created long before the adoption of the zoning regulations. As such it is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to replace the existing dwelling, which is in very poor condition. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 12th day of November, 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 to permit side yards of 8 ft. and 8 ft. in lieu of the required 10 ft. and 10 ft. for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

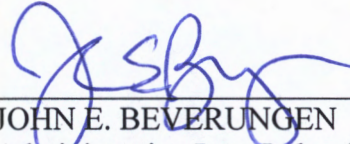
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioners must comply with the Critical Area regulations.

ORDER RECEIVED FOR FILING

Date 11/12/15

By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 11/12/15
By sln



CBCA

PETITION FOR ZONING HEARING(S)

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

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

Address 2312 LODGE FARM ROAD which is presently zoned DR 5.5
 Deed References: L10302 F 444 10 Digit Tax Account # 1506200190
 Property Owner(s) Printed Name(s) GLADYS S. ROGERS

(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)

1B02.3.C.1 (BCZR) to permit side yards of 8 feet and 8 feet in lieu of the required 10 feet and 10 feet for a replacement dwelling.

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:

LACIE HERL

Name- Type or Print

Signature

7411 BAYFRONT RD. BALTIMORE MD

Mailing Address City State

21219 (410)446-6002 laciherl@aol.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

GLADYS S. ROGERS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2312 LODGE FARM RD. BALTIMORE, MD.

Mailing Address City State

21219

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD.

Mailing Address City State

21040 (410)679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0071-A

Filing Date 9/22, 2015

Do Not Schedule Dates: _____

Reviewer JW

ZONING DESCRIPTION

2312 LODGE FARM ROAD

Beginning at a point on the west side of Lodge Farm Road (40 feet wide), distant southerly 112 feet from its intersection with the center North Cove Road (40 feet wide), thence (1) S 07° 57' W 40 feet, thence (2) N 84° 08' W 203.82 feet, thence (3) N 07° 57' E 40 feet, thence (4) S 84° 08' E 203.82 feet to the place of beginning. Containing 8, 153 square feet or 0.187 acre, more or less.

Being known as 2312 Lodge Farm Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2016-0071-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: 2016-0071-A
Property Address: 2312 LODGE FARM ROAD
Property Description: W/S LODGE FARM RD 112' S. OF
NORTH COVE ROAD
Legal Owners (Petitioners): GLADYS ROGERS
Contract Purchaser/Lessee: LACIE HERL

PLEASE FORWARD ADVERTISING BILL TO:

Name: LACIE HERL
Company/Firm (if applicable): _____
Address: 7411 BAYFRONT ROAD
BALTO MD 21219
Telephone Number: (410) 446-6002

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

No. **128739**

Date: **9/12/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 9/23/2015 9/22/2015 09:23:33 3
 WSDS WALKIN RBOS LRB
 RECEIPT # 620201 9/22/2015 OFLN
 Dept 5 528 ZONING VERIFICATION
 CH NO. 128739
 Recpt Tot 175.00
 175.00 CK 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	206	0000		6150					75.00

Total: **75.00**

Rec From: **GENERAL DRAFTING**
 For: **2312 Lodge Farm Rd**
2016-0071-A

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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

CERTIFICATE OF POSTING

Date: OCTOBER 16, 2015

RE: Project Name: 2312 LODGE FARM ROAD
Case Number /PAI Number: CASE NO. 2016-0071-A
Petitioner/Developer: LACIE HERL
Date of Hearing/Closing: NOVEMBER 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 2312 LODGE FARM ROAD

The sign(s) were posted on OCTOBER 16, 2015
(Month, Day, Year)

ZONING NOTICE

CASE NO. 2016-0071-A

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204

TIME: MONDAY, NOVEMBER 9, 2015 @ 1:30 PM

REQUEST: VARIANCE TO PERMIT SIDE YARDS OF 8
FEET AND 8 FEET IN LIEU OF THE REQUIRED 10 FEET
AND 10 FEET FOR A REPLACEMENT DWELLING.

Postponements due to weather or other conditions are sometimes necessary. To confirm hearing or obtain additional information, contact Department of Permits, Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

David W. Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

October 6, 2015

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: 2016-0071-A

2312 Lodge Farm Road

W/s Lodge Farm Road, 112 ft. s/of the centerline of North Cove Road

15th Election District – 7th Councilmanic District

Legal Owners: Gladys Rogers

Contract Purchaser/Lessee: Lacie Herl

Variance to permit side yards of 8 ft. and 8 ft. in lieu of the required 10 ft. and 10 ft. for a replacement dwelling.

Hearing: Monday, November 9, 2015 at 1:30 p.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 a faint, larger signature.

Arnold Jablon
Director

AJ:kl

C: Lacie Herl, 7411 Bayfront Road, Baltimore 21219
David Billingsley, 601 Charwood Ct., Edgewood 21040
Gladys Rogers, 2312 Lodge Farm Road, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 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
Tuesday, October 20, 2015 Issue - Jeffersonian

Please forward billing to:
Lacie Herl
7411 Bayfront Road
Baltimore, MD 21219

410-446-6002

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: 2016-0071-A

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W/s Lodge Farm Road, 112 ft. s/of the centerline of North Cove Road

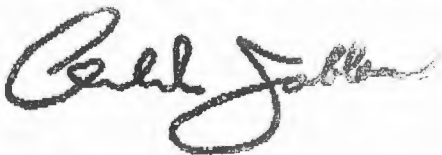
15th Election District – 7th Councilmanic District

Legal Owners: Gladys Rogers

Contract Purchaser/Lessee: Lacie Herl

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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.



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 3669211

Sold To:

Lacie Herl - CU00497061
7411 Bay Front Rd
Sparrows Point, MD 21219-2154

Bill To:

Lacie Herl - CU00497061
7411 Bay Front Rd
Sparrows Point, MD 21219-2154

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

Oct 20, 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: # 2016-0071-A
2312 Lodge Farm Road
W/s Lodge Farm Road, 112 ft. s/of the centerline of North Cove Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Gladys Rogers
Contract Purchaser/Lessee: Lacie Herl

Variance: to permit side yards of 8 ft. and 8 ft. in lieu of the required 10 ft. and 10 ft. for a replacement dwelling.

Hearing: Monday, November 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.

JT 10/696 Oct. 20 3669211

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2312 Lodge Farm Road; W/S Lodge Farm Rd,		
112' S of c/line of North Cove Road	*	OF ADMINSTRATIVE
15 th Election & 7 th Councilmanic Districts		
Legal Owner(s): Gladys S Rogers	*	HEARINGS FOR
Contract Purchaser(s): Lacie Herl		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2016-071-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
OCT 08 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 8th day of October, 2015, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 2312 LODGE FARM RD
CASE NUMBER 2016-0071-A
DATE 11/9/2015

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10/2</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>10/23</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
<u>10/26</u>	FIRE DEPARTMENT	<u>No Obj</u>
<u>9/30</u>	PLANNING (if not received, date e-mail sent _____)	<u>No Obj</u>
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10/20/15</u>	
SIGN POSTING	Date: <u>10/16/15</u> by <u>Buellingsley</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1506200190			
Owner Information					
Owner Name:		ROGERS JAMES W ROGERS GLADYS S		Use:	RESIDENTIAL
Mailing Address:		2312 LODGE FARM RD BALTIMORE MD 21219-1934		Principal Residence:	YES
				Deed Reference:	/10302/ 00444
Location & Structure Information					
Premises Address:		2312 LODGE FARM RD 0-0000		Legal Description:	PT LT 3J J W HENSON
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0111	0017	0045		0000	
					Block:
					3J
					Assessment Year:
					2015
					Plat No:
					0010/0097
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1939		672 SF			8,120 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	ASBESTOS SHINGLE	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015	
				As of 07/01/2016	
Land:		74,000	74,000		
Improvements		38,800	42,600		
Total:		112,800	116,600	114,067	115,333
Preferential Land:		0			0
Transfer Information					
Seller: FINNEN ELSIE S			Date: 01/26/1994		Price: \$1
Type: NON-ARMS LENGTH OTHER			Deed1: /10302/ 00444		Deed2:
Seller:			Date:		Price:
Type:			Deed1:		Deed2:
Seller:			Date:		Price:
Type:			Deed1:		Deed2:
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015		07/01/2016
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00		0.00 0.00
Tax Exempt:			Special Tax Recapture:		
Exempt Class:			NONE		
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

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>).



KEVIN KAMENETZ
County Executive

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

November 5, 2015

Gladys S Rogers
2312 Lodge Farm Road
Baltimore MD 21219

RE: Case Number: 2016-0071 A, Address: 2312 Lodge Farm Road

Dear Ms. Rogers:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 22, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lacie Herl, 7411 Bayfront Road, Baltimore MD 21219
David Billingsley, 601 Charwood Court, Edgewood MD 21040

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 9/30/15

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

RE: Baltimore County
Item No. 2016-0071-A
Variance
Gladys S. Rogers
2312 Lodge Farm 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. 2016-0071-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Zeller", is written over the word "Sincerely,".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2312 Lodge Farm Road

INFORMATION:

Item Number: 16-071

Petitioner: Gladys S. Rogers

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to permit side yards of 8 feet and 8 feet in lieu of the required 10 feet and 10 feet for a replacement dwelling.

The Department has no objection to the granting of the above requests.

For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

RECEIVED

OCT 27 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Division Chief:
AVA/KS

Kathy Schlabauer

C: Josephine Selvakumar

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 23 2015

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item
Address

2016-0071-A
2312 Lodge Farm Road
(Gladys S. Rogers Property)

Zoning Advisory Committee Meeting of October 19, 2015.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) subject to Critical Area requirements. The applicant is requesting to a reduced side yard setbacks for a replacement dwelling. It is not water coverage information was not provided. The applicant must address coverage requirement of 25% and 15% afforestation. If these LDA are met, the relief requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The lot is developed with an existing dwelling, is not waterf habitat protection areas on site. Therefore, fish, plant, and Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2015

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

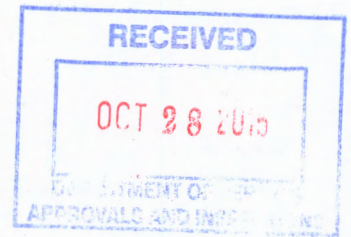
SUBJECT: Zoning Advisory Committee Meeting
For October 5, 2015
Item No. 2016-0071, 0073, 0074, 0075 and 0076

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\ZAC10052015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



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

DATE: October 26, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2312 Lodge Farm Road

INFORMATION:

Item Number: 16-071

Petitioner: Gladys S. Rogers

Zoning: DR 5.5

Requested Action: Variance

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The Department of Planning has reviewed the Petition for Variance to permit side yards of 8 feet and 8 feet in lieu of the required 10 feet and 10 feet for a replacement dwelling.

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For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

Division Chief:
AVA/KS

Kathy Schlabauer

C: Josephine Selvakumar

PETITIONER'S EXHIBITS

11-12-15
Sen

**2312 LODGE FARM ROAD
CASE NO. 2016-0071-A**

DW
12-17-15

- 1. PLAT TO ACCOMPANY VARIANCE PETITION (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD L.10302 F.444 JANUARY 5, 1994**
- 4. PLAT OF J.W. HINSON PB. 10 F.97 RECORDED JANUARY 6, 1913**
- 4a. ENLARGEMENT OF PLAT**
- 5. AERIAL PHOTO**
- 6a – 6d. PHOTOS**

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1506200190			
Owner Information					
Owner Name:		ROGERS JAMES W ROGERS GLADYS S		Use:	RESIDENTIAL
Mailing Address:		2312 LODGE FARM RD BALTIMORE MD 21219-1934		Principal Residence:	YES
				Deed Reference:	/10302/ 00444
Location & Structure Information					
Premises Address:		2312 LODGE FARM RD 0-0000		Legal Description:	PT LT 3J J W HENSON
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0111	0017	0045		0000	
Block:	Lot:	Assessment Year:			
	3J	2015			
Special Tax Areas:		Town:		Plat No:	
		Ad Valorem:		0010/	
		Tax Class:		0097	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1939		672 SF			8,120 SF
County Use					
04					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	ASBESTOS SHINGLE	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments	
				As of 07/01/2014	As of 07/01/2015
Land:		74,000	74,000		
Improvements		38,800	42,600		
Total:		112,800	116,600	112,800	114,067
Preferential Land:		0			0
Transfer Information					
Seller: FINNEN ELSIE S		Date: 01/26/1994		Price: \$1	
Type: NON-ARMS LENGTH OTHER		Deed1: /10302/ 00444		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

PETITIONER'S
EXHIBIT NO. 2

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

LIBER 10302 PAGE 44

DEED — FEE SIMPLE — INDIVIDUAL GRANTOR — LONG FORM

Return to: CHESAPEAKE TITLE GROUP
106 N. Mariyn Avenue
Baltimore, Maryland 21221
(410) 780-3600

Property Tax/Account No.: 15-06-200190
15-06-200191

File No.: 817

This Deed, MADE THIS 5th day of January

in the year one thousand nine hundred and Ninety-Four by and between

JANET T. FREE, Personal Representative of the Estate of ELSIE S. FINNEN, deceased,

of Baltimore County, State of Maryland, party of the first part, and

JAMES W. ROGERS and GLADYS S. ROGERS, his wife, parties

of the second part.

WITNESSETH, That in consideration of the sum of SIXTY THOUSAND ONE HUNDRED AND 00/100THS (\$60,100.00) DOLLARS, and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said party of the first part

do grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's

heirs personal representatives/assigns and assigns, in fee simple, all

that lot of ground situate in Baltimore County, State of Maryland, —

and described as follows, that is to say:

BEGINNING for the first thereof on the west side of Lodge Farm Road at the distance of 180 feet north 7 degrees 57 minutes east from the northeast corner of that parcel of land which by Deed dated December 10, 1927 and recorded among the Land Records of Baltimore County in Liber L.McL.M. No. 842, folio 100 etc. was conveyed by John W. Hinson to Timothy F. Blevins and wife, and running thence binding on the Lodge Farm Road north 7 degrees 57 minutes east 40 feet; thence north 84 degrees 8 minutes west 203.82 feet to the center of Xenia Road, thence binding on the center of Xenia Road south 7 degrees 57 minutes west 40 feet, and thence for a line of division south 84 degrees 8 minutes east 203.83 feet to the place of beginning.

BEGINNING for the second thereof on the west side of Lodge Farm Road at the distance of 320 feet northerly from the northwest corner of Lodge Farm Road, 30 feet wide, and Belvins Avenue, 30 feet wide, said point of beginning being at the end of the first line of that parcel of land which by Deed dated April 27, 1938 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1031 folio 174 etc. was conveyed by Georgia F. Cremen and husband to the said Walter P. Jennings and Lucy F. Jennings, his wife, and running thence binding on the west side of Lodge Farm Road north 7 degrees 57 minutes east 50 feet thence leaving said road for new division lot lines as follows: north 84 degrees 8 minutes west 203.83 feet to the center of Xenia Road proposed 30 feet wide; thence running and binding on the center of Xenia Road south 7 degrees 57 minutes west 50 feet to the end of the second line of the Deed from Georgia F. Cremen and husband to the said Walter P. Jennings and wife above referred to, and running thence and binding reversely on said line south 84 degrees 8 minutes east 203.83 feet to the place of beginning. THE improvements thereon being known as No. 2312 Lodge Farm Road.

BEING the same lot of ground described in a Deed dated June 25, 1956 and recorded among the Land Records of Baltimore County in Liber GLB 2963 folio 400 was granted and conveyed by Russell E. Hughes and Margaret E. Hughes, his wife, unto Elsie S. Finnen. The said Elsie S. Finnen having departed this life on or about the 18th day of July, 1992. See Register of Wills for Baltimore County, Estate No. 75547. Said Personal Representative having been appointed August 6, 1992.

PETITIONER'S
EXHIBIT NO. 3

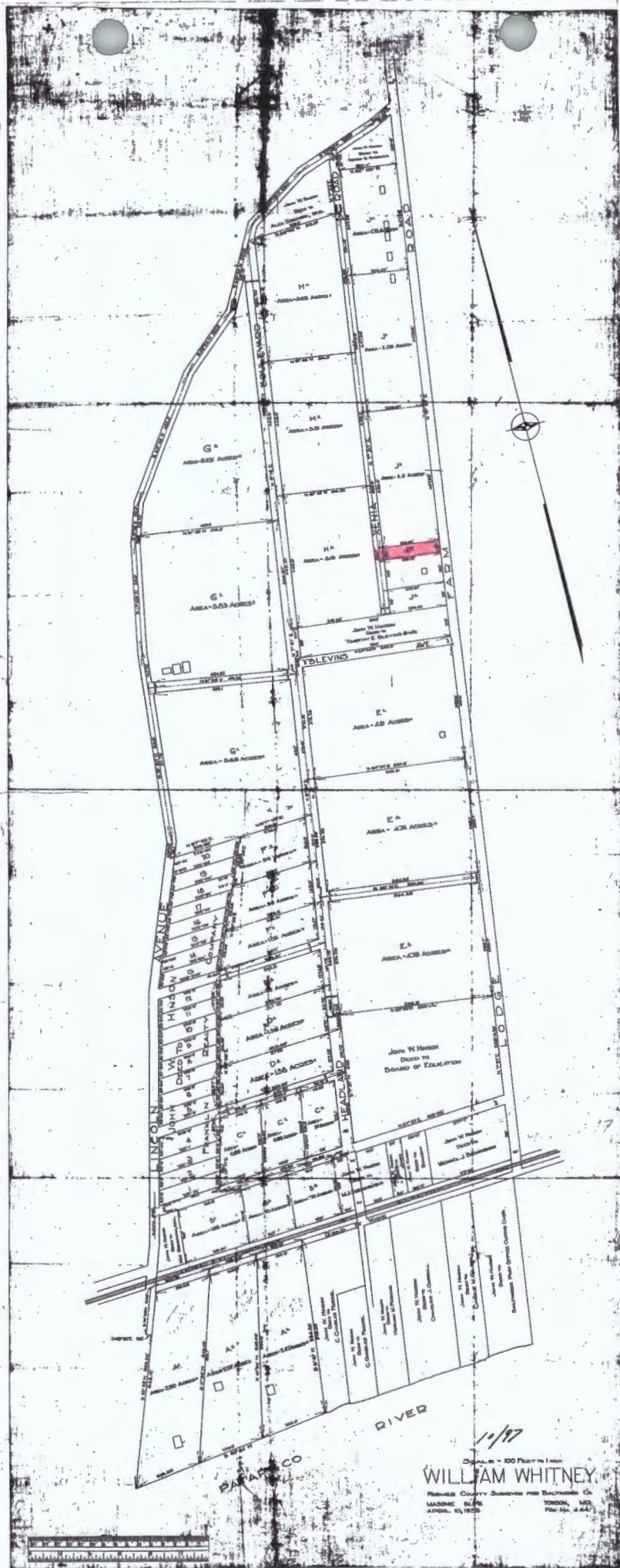
Handwritten initials

Handwritten date: 11/12/94

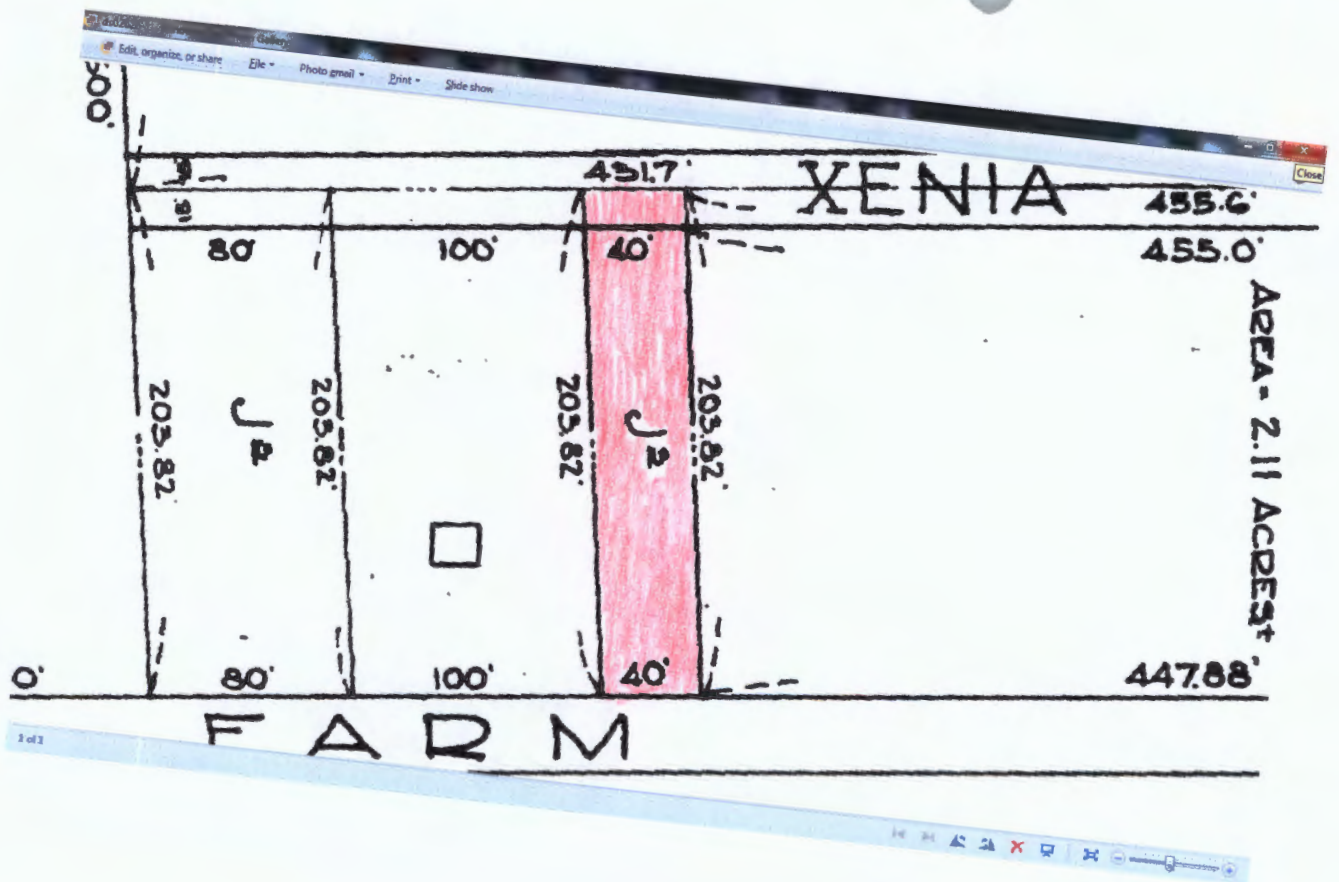
BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 10302, p. 0445, MSA_CE62_10157. Date available 03/03/2005. Printed 11/07/2015.

Timothy P. Knepp Timothy P. Knepp
(Signature of attorney admitted to practice in Maryland if
the instrument has been prepared by or under the super-
vision of such attorney, or signature of a party to the
instrument if such party has prepared the instrument.)

JW HINSON
P.B. 10 F 97
REC. 1-6-13



PETITIONER'S
EXHIBIT NO. **4**



PETITIONER'S
EXHIBIT NO. 4a

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 23 2015



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2016-0071-A
Address 2312 Lodge Farm Road
(Gladys S. Rogers Property)

Zoning Advisory Committee Meeting of October 19, 2015.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is requesting to allow reduced side yard setbacks for a replacement dwelling. It is not waterfront and lot coverage information was not provided. The applicant must address the LDA lot coverage requirement of 25% and 15% afforestation. If these LDA requirements are met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The lot is developed with an existing dwelling, is not waterfront and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The lot is not waterfront and there are no habitat protection areas on site. If the LDA lot coverage and 15% afforestation requirements are met, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: October 20, 2015



SITE

#2310

#2312

#2314

#2316

PETITIONER'S
EXHIBIT NO. 5

Imagery Date: 10/23/2014 39°13'33.62" N 76°26'52.28" W



#2312

6a



#2314

6b



#2316

6c

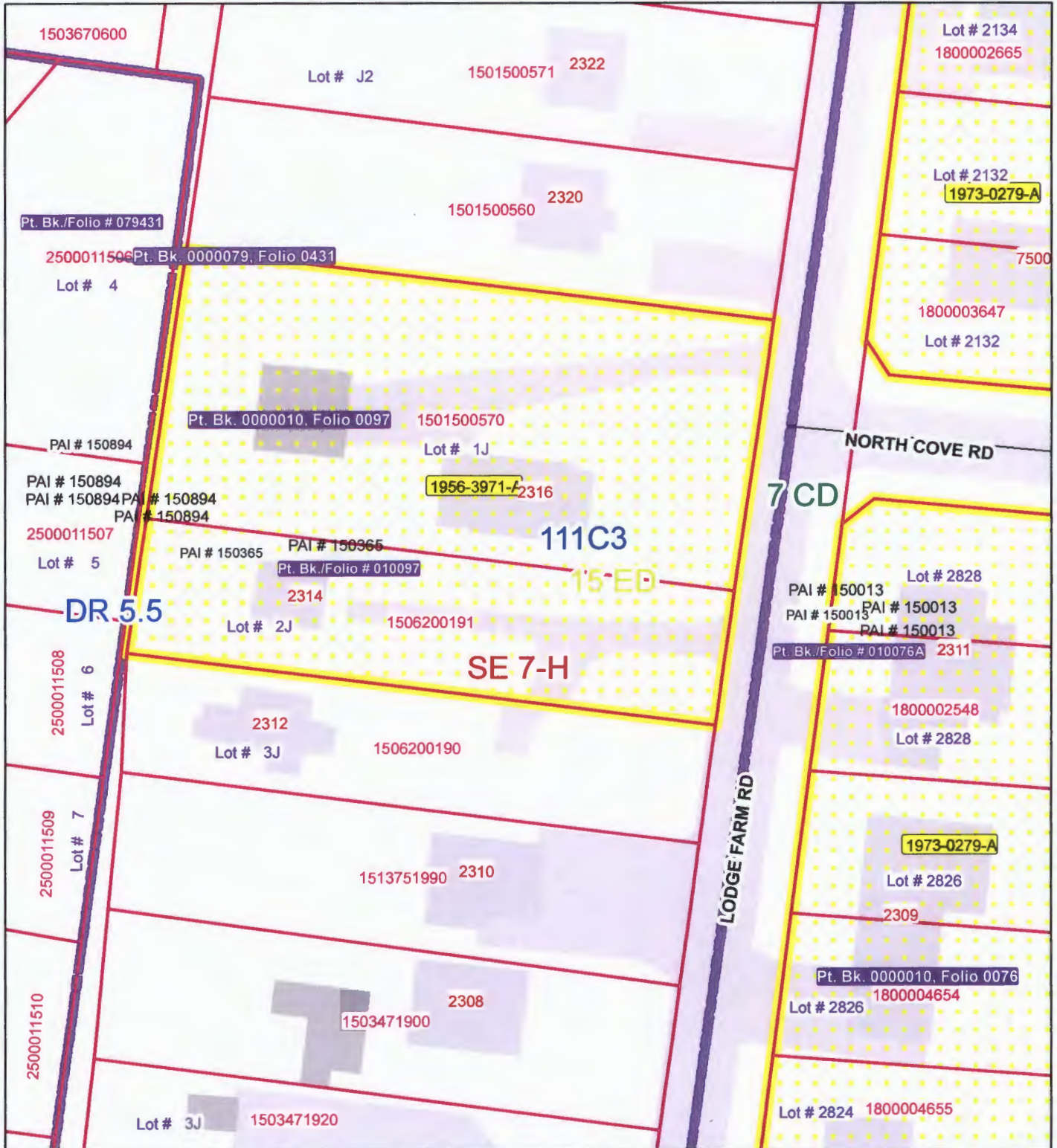


#2308

#2310

6d

2016-0071-A



Publication Date: 9/22/2015

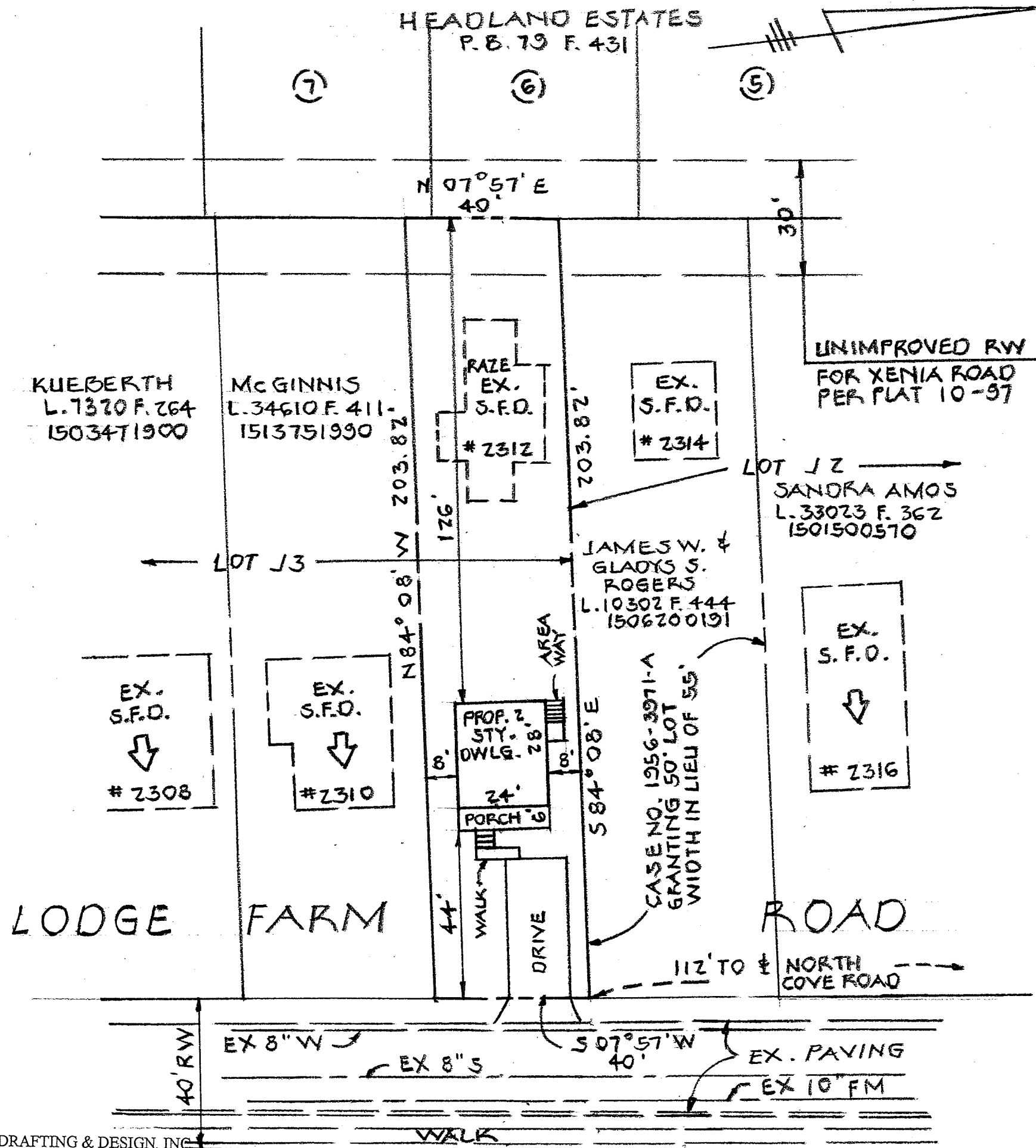


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



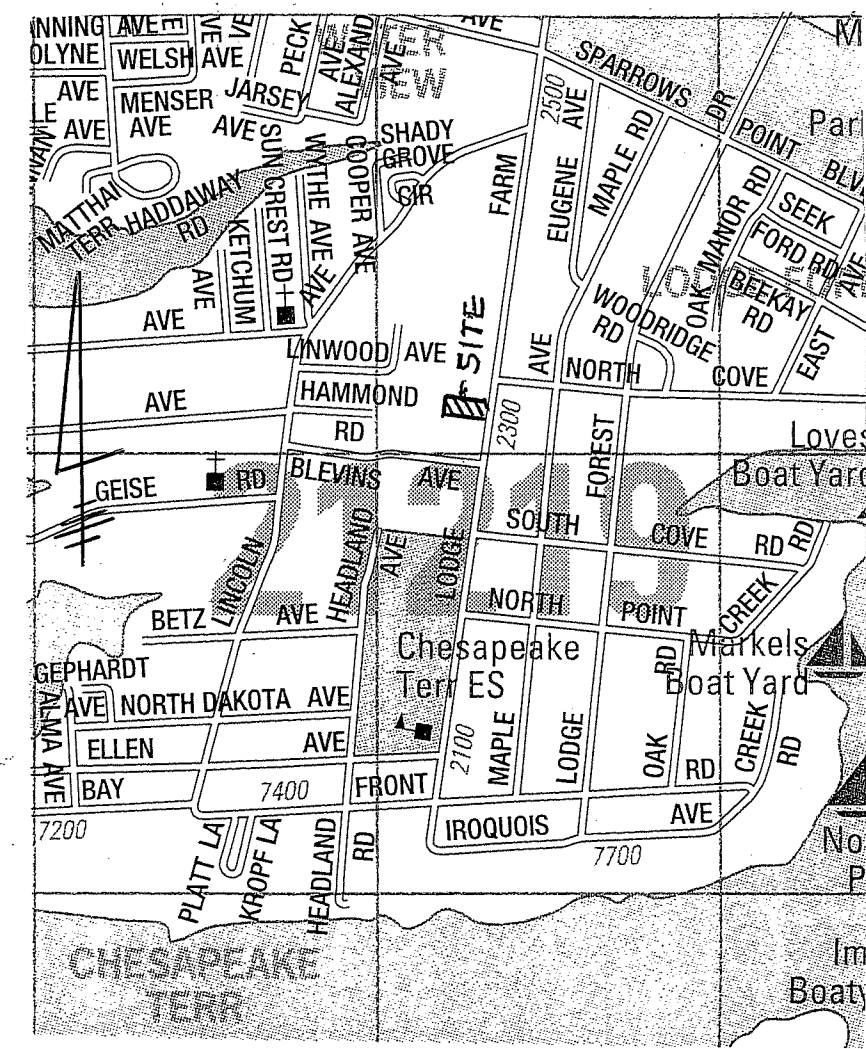
0 12.5 25 50 75 100 Feet

1 inch = 50 feet



OWNER
GLADYS S. ROGERS
 2312 LODGE FARM ROAD
 BALTIMORE, MD 21219
 DEED REF: L.10302 F.444
 PROPERTY NO. 1506200191

CONTRACT PURCHASER
LACIE HERL
 7411 BAYFRONT RD.
 BALTIMORE, MD 21219
 (410) 446-6002



VICINITY MAP
 SCALE 1" = 1000'

- NOTES**
1. ZONING.....DR 5.5 (MAP 111C3)
 2. AREA8,153 SF = 0.187 ACRE +/-
 3. SITE IS NOT LOCATED IN A 100 YEAR FLOOD ZONE
 4. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
 6. PUBLIC WATER AND SEWER IS AVAILABLE
 7. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

2016-0071-A

**PLAT TO ACCOMPANY
 VARIANCE PETITION
 2312 LODGE FARM ROAD
 PART OF LOT J3 JW HINSON PLAT PB 10 F 97
 ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD
 SCALE: 1 INCH = 30 FEET AUGUST 17, 2015**

