IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(211 Lincoln Avenue)		
8th Election District	*	OF ADMINISTRATIVE
3rd Council District		
Karen Davis & Stephen Hagy,	*	HEARINGS FOR
Legal Owners		
William Green, *Contract Purchaser*	*	BALTIMORE COUNTY
Petitioners		
	*	**CASE NO. 2017-0282-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Karen Davis & Stephen Hagy, owners of the subject property and William Green, contract purchaser ("Petitioners"). The variance request pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) seeks: (1) to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard; and (2) to permit a side setback of 0 ft. and 3 ft. in lieu of the minimum side setback of 10 ft. and a sum of 3 ft. in lieu of the minimum required 25 ft., respectively. A site plan was marked as Petitioners' Exhibit 1.

William Green appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request. Letters of support were submitted by the adjoining neighbors at 209 and 213 Lincoln Avenue.

The subject property is approximately .221 acres in size and is split-zoned DR 3.5 & DR 5.5. The property is improved with a single-family dwelling, constructed in 1956. Mr. Green recently purchased the home, and is undertaking a series of renovations and improvements to the property. The proposed front porch and carport will encroach upon the required setbacks, which

necessitates zoning relief.

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.

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

Petitioners have met this test. The property has irregular dimensions and Mr. Green notes the lot is one of the narrowest in the subdivision. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed improvements. Finally, I find that the variances 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 community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this **30th** day of **June, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for variance: (1) to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard; and (2) to permit side setbacks of 0 ft. and 3 ft. in lieu of the minimum side setback of 10 ft., and a sum of 3 ft. in lieu of the minimum required 25 ft., respectively, 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.

ORDER RECEIVED FOR FILING

Date 6-30-17

By DW

2. The carport metal roof shall be finished in an earth tone color, as specified in the DOP's ZAC comment.

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 6-30-17

By DW

KEVIN KAMENETZ
County Executive

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

June 30, 2017

William Green
211 Lincoln Avenue
Lutherville, Maryland 21093

RE: Petition for Variance
Case No. 2017-0282-A
Property: 211 Lincoln Avenue

Dear Mr. Green:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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 211 Lincoln Ave Lutherville, Md **which is presently zoned** DR 3.5/5.5

Deed References: 14255/00613 10 Digit Tax Account # 0813023080

Property Owner(s) Printed Name(s) Karen Davis & Stephen Hagy William Green, Contract Purchaser

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1.____ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. X **a Variance** from Section(s)

SEE 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)**

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:

William Green
Name- Type or Print

Signature

211 Lincoln Ave Lutherville MD
Mailing Address City State

21093 410-419-1937 wgreen@edchope.org
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Karen Davis Stephen Hagy
Name #1 – Type or Print Name #2 – Type or Print

Karen Davis Stephen E. Hagy
Signature #1 Signature # 2

23612 Woodfield Rd. Gaithersburg Md
Mailing Address City State

20882 410-812-9937 photokaren24@msn.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 6-30-17
By DW

Representative to be contacted:

William Green
Name – Type or Print

Signature

211 Lincoln Ave Lutherville MD
Mailing Address City State

21093 410-419-1937 wgreen@edchope.org
Zip Code Telephone # Email Address

CASE NUMBER 2017-0282-A **Filing Date** 4/19/17 **Do Not Schedule Dates:** _____ **Reviewer** gh

REV. 10/4/11

2017-0282-A

Variance from sections: 400.1 & 1B02.B of the BCZR vested under R10:

1. To permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard.
2. To permit a side setback of 0 and 3 feet in lieu of the minimum side setback of 10 feet, and a sum of 3 feet in lieu of the minimum required 25 feet respectively.

Affidavit of Practical Difficulty

The subject platted lot is uniquely shaped and when the zoning code is strictly applied, it interferes with the buildable area of the lot. In respect to the wraparound porch extension, the subject lot is the narrowest lot in the subdivision. Other close lots on the same street have front porches. With respect to the carport and hot tub locations, there are four, 150 plus year old specimen maple trees and one very large specimen spruce tree that would need to be removed in order to construct the proposed carport and hot tub, reasonably close to the house and in an area that would be permitted within the zoning code. These trees create a valuable and unique natural condition on the lot and in the neighborhood. The removal of these trees would negatively impact the beauty of the community and the desirable street scape and alter the essential character of the neighborhood. The addition of the proposed carport, wraparound porch extension and hot tub in the proposed locations will not alter the essential character of the area.

2017-0282-A

Zoning Description of Property

PART A ZONING PROPERTY DESCRIPTION FOR 211 Lincoln Avenue Lutherville Timonium, Maryland 21093.

Beginning at a point on the south side of Lincoln Avenue which is 50 feet wide at a distance of 269 feet 9 inches east of the centerline of the nearest improved intersecting street Bellonna Avenue which is 50 feet wide.

PART B OPTION 2

BEGINNING FOR THE SAME and being known and designated as Lot No. 3. as shown on Plat No. 1, "Carrigan Crest", which Plat is duly recorded among the Plat Records of Baltimore County in Plat Book GLB No. 23, Folio 1; the improvements thereon being known as No. 211 Lincoln Avenue.

Being lot #3, Block N/A SectionN/A in the subdivision of "Carrigan Crest" as recorded in Baltimore County Plat Book #23, Folio #1, containing 9,660 square feet. Located in the 8th Election District and the 3rd Council District.

2017-0282-A

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

№ 150391

Date: 4/19/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		6150				75.00

Total: 75.00

Rec From: William Green

For: 2017-0282-A

211 Lincoln Ave

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
4/20/2017	4/19/2017	09:45:08	1

REG WS01 WALKIN LJR
>>RECEIPT # 716544 4/19/2017 UFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 150391
Recpt Tot $75.00
$75.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 6-5-17

RE: Case Number: 2017-0282-A

Petitioner/Developer: Wm Green

Date of Hearing/Closing: 6-29-17 11AM

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 211 Lincoln Ave

The signs(s) were posted on 6-5-17
(Month, Day, Year)

J Lawrence Pilson
(Signature of Sign Poster)

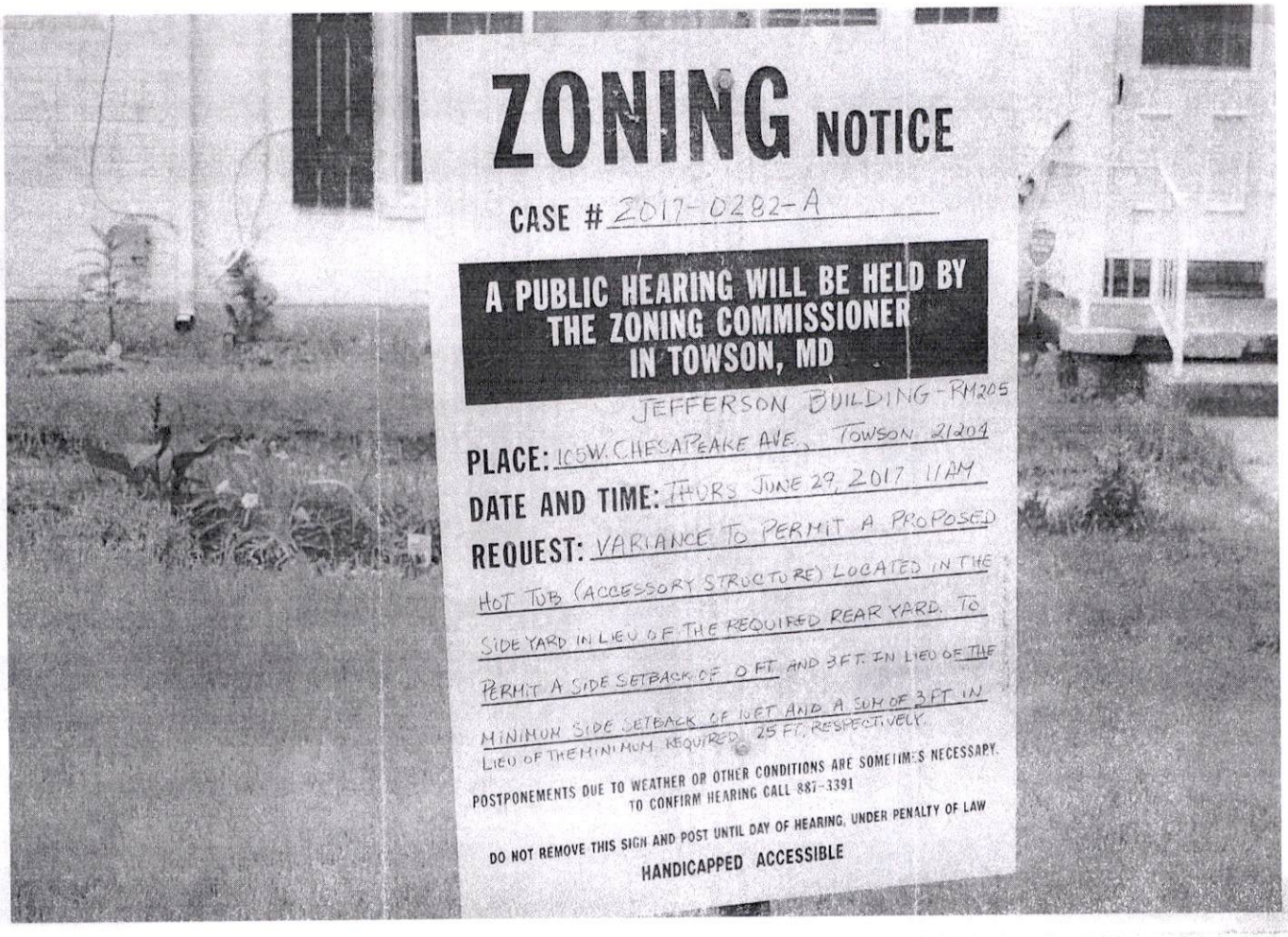
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)


ZONING NOTICE
CASE # 2017-0282-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: JEFFERSON BUILDING - RM205 105 W. CHESAPEAKE AVE., TOWSON 21204
DATE AND TIME: THURS JUNE 29, 2017 11AM
REQUEST: VARIANCE TO PERMIT A PROPOSED HOT TUB (ACCESSORY STRUCTURE) LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD. TO PERMIT A SIDE SETBACK OF 0 FT. AND 3 FT. IN LIEU OF THE MINIMUM SIDE SETBACK OF 10 FT. AND A SUM OF 3 FT. IN LIEU OF THE MINIMUM REQUIRED 25 FT. RESPECTIVELY.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

6-8

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
APR 28 2017
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: April 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0282-A
Address 211 Lincoln Avenue
(Davis & Hagy Property)

Zoning Advisory Committee Meeting of **May 1, 2017**.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 4-28-2017

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 17-0282-A 211 Lincoln Avenue.doc

THE BALTIMORE SUN MEDIA GROUP

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 4999971

Sold To:
William Green - CU00603189
211 Lincoln Ave
Lutherville Timonium,MD 21093-5334

Bill To:
William Green - CU00603189
211 Lincoln Ave
Lutherville Timonium,MD 21093-5334

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

Jun 08, 2017

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: # 2017-0282-A
211 Lincoln Avenue
S/s Lincoln Avenue, 269 ft. E/of centerline of Bellona Avenue
8th Election District - 3rd Councilmanic District
Legal Owner(s) Karen Davis, Stephen Hagy
Contract Purchaser(s): William Green

Variance: to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard. To permit a side setback of 0 ft. and 3 ft. in lieu of the minimum side setback for 10 ft. and a sum of 3 ft. in lieu of the minimum required 25 ft. respectively.

Hearing: Thursday, June 29, 2017 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 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.

6/024 June 8 4999971

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

THE BALTIMORE SUN MEDIA GROUP

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 4957779

Sold To:
William Green - CU00599548
211 Lincoln Ave
Lutherville Timonium,MD 21093-5334

Bill To:
William Green - CU00599548
211 Lincoln Ave
Lutherville Timonium,MD 21093-5334

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

May 18, 2017

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: 2017-0282-A
211 Lincoln Avenue
S/s Lincoln Avenue, 269 ft. E/of centerline of Bellona Avenue
8th Election District - 3rd Councilmanic District
Legal Owner(s) Karen Davis, Stephen Hagy
Contract Purchaser(s): William Green

Variance to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard. To permit a side setback of 0 ft. and 3 ft. in lieu of the minimum side setback of 10 ft. and a sum of 3 ft. in lieu of the minimum required 25 ft. respectively.

Hearing: Thursday, June 8, 2017 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 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.

5-097

4957779

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 18, 2017 Issue - Jeffersonian

Please forward billing to:
William Green 410-419-1937
211 Lincoln Avenue
Lutherville, MD 21093

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: 2017-0282-A
211 Lincoln Avenue
S/s Lincoln Avenue, 269 ft. E/of centerline of Bellona Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Karen Davis, Stephen Hagy
Contract Purchaser: William Green

Variance to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard. To permit a side setback of 0 ft. and 3 ft. in lieu of the minimum side setback of 10 ft. and a sum of 3 ft. in lieu of the minimum required 25 ft. respectively.

Hearing: Thursday, June 8, 2017 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.

KEVIN KAMENETZ
County Executive

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

May 8, 2017

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: 2017-0282-A
211 Lincoln Avenue
S/s Lincoln Avenue, 269 ft. E/of centerline of Bellona Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Karen Davis, Stephen Hagy
Contract Purchaser: William Green

Variance to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard. To permit a side setback of 0 ft. and 3 ft. in lieu of the minimum side setback of 10 ft. and a sum of 3 ft. in lieu of the minimum required 25 ft. respectively.

Hearing: Thursday, June 8, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: William Green, 211 Lincoln Avenue, Lutherville 21093
Karen Davis, Stephen Hagy, 23612 Woodfield Road, Gaithersburg 20802

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 19, 2017.**
(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.

5/24/17
OK
[illegible]

William A. Green

211 Lincoln Ave.

Lutherville, MD. 21093

410-419-1937

wgreen@edchope.org

Baltimore County Zoning

111 West Chesapeake Ave.

Room 111

Towson, MD. 21204

Hand Delivered May 22, 2017

May 22, 2017

RE: **Case Number 2017-0282-A 211 Lincoln Ave.**

Per our telephone conversation this morning, I am writing to request that you please reschedule my zoning variance hearing from June 8, 2017 to another date that is as soon as possible. Unfortunately, I was out of town and did not receive your May 8 letter in time to get the property posted by Friday, May 19th.

If per chance another date in June is unavailable, I will not be available for the hearing between July 8th through July 26th. Thank you very much for your help.

William Green

Petitioner

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 8, 2017 Issue - Jeffersonian

Please forward billing to:
William Green
211 Lincoln Avenue
Lutherville, MD 21093

410-419-1937

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: 2017-0282-A
211 Lincoln Avenue
S/s Lincoln Avenue, 269 ft. E/of centerline of Bellona Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Karen Davis, Stephen Hagy
Contract Purchaser: William Green

Variance to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard. To permit a side setback of 0 ft. and 3 ft. in lieu of the minimum side setback of 10 ft. and a sum of 3 ft. in lieu of the minimum required 25 ft. respectively.

Hearing: Thursday, June 29, 2017 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.

KEVIN KAMENETZ
County Executive

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

May 25, 2017

NEW 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: 2017-0282-A
211 Lincoln Avenue
S/s Lincoln Avenue, 269 ft. E/of centerline of Bellona Avenue
8th Election District – 3rd Councilmanic District
Legal Owners: Karen Davis, Stephen Hagy
Contract Purchaser: William Green

Variance to permit a proposed hot tub (accessory structure) located in the side yard in lieu of the required rear yard. To permit a side setback of 0 ft. and 3 ft. in lieu of the minimum side setback of 10 ft. and a sum of 3 ft. in lieu of the minimum required 25 ft. respectively.

Hearing: Thursday, June 29, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: William Green, 211 Lincoln Avenue, Lutherville 21093
Karen Davis, Stephen Hagy, 23612 Woodfield Road, Gaithersburg 20802

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 9, 2017.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS. PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW 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 twenty (20) 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: 2017-0282-A

Property Address: 211 Lincoln Ave

Property Description: South side of Lincoln Ave
East 269'± to ℄ of Bellona Ave

Legal Owners (Petitioners): Karen Davis Stephen Hagy

Contract Purchaser/Lessee: William Green

PLEASE FORWARD ADVERTISING BILL TO:

Name: William Green

Company/Firm (if applicable):

Address: 211 Lincoln ave
Lutherville, Md 21093

Telephone Number: 410-419-1937

Revised 7/9/2015

KEVIN KAMENETZ
County Executive

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

June 20, 2017

Karen Davis and Stephen E Hagy
23612 Woodfield Road
Gaithersburg MD 20802

RE: Case Number: 2017-0282 A, Address: 211 Lincoln Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 19, 2017. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
William Green, 211 Lincoln Avenue, Lutherville MD 21093

MARYLAND DEPARTMENT OF TRANSPORTATION

State Highway Administration

Larry Hogan, **Governor**
Boyd K. Rutherford, **Lt. Governor**
Pete K. Rahn, **Secretary**
Gregory Slater, **Administrator**

Date: 4/26/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0282-A
Variance
Karen Davis & Stephen Hagy
211 Lincoln Avenue.

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,

Richard A Zeller

for Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

6-8

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 5/11/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
MAY 12 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-282

INFORMATION:
Property Address: 211 Lincoln Avenue
Petitioner: Karen Davis, S. Hagy
Zoning: DR 3.5, DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an accessory structure (hot tub) in the side yard and to permit an existing single family dwelling to have an open projection (carport) with a 0' side yard setback and an open projection (porch) to have a 3' side yard setback with a sum of side yards of 3' in lieu of the required rear yard, 10', 15' and 25' respectively.

A site visit was conducted on May 1, 2017.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

Pursuant to the Comprehensive Manual of Development Policies, building designs should: "Complement the neighborhood's architectural character" and "Respect neighborhood image and aesthetic values" (pages 91 and 92). The petitioners shall finish the proposed car port metal roof in an earth tone color that complements the existing structure and respects the pattern of the neighborhood.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
William Green
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2017\17-282.docx

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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: April 28, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0282-A
Address 211 Lincoln Avenue
(Davis & Hagy Property)

Zoning Advisory Committee Meeting of **May 1, 2017**.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 4-28-2017

C:\Users\jwisnom\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\XEGA1Q0V\ZAC 17-0282-A 211 Lincoln Avenue.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 8, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2017
Item No. 2017-0270, 0278, 0280, 0282, 0283, 0285 and 0286

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05082017.doc

RE: PETITION FOR VARIANCE 211 Lincoln Avenue; S/S Lincoln Avenue, E 269' to c/line of Bellona Avenue 8th Election & 3rd Councilmanic Districts Legal Owner(s): Karen Davis & Stephen Hagy Contract Purchaser(s): William Green Petitioner(s)	* * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2017-282-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to William Green, 211 Lincoln Avenue, Lutherville, Maryland 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: August 2, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0282-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 1, 2017. 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

Frank J. Krivak, Sr.

Phyllis A. Krivak

10702 Lancewood Road

Cockeysville, MD. 21030

And

Frank J. Krivak, Jr.

209 Lincoln Ave.

Lutherville Timonium, MD. 21093

Baltimore County Government

Office of Administrative Hearings

Baltimore County Historic Courthouse

400 Washington Avenue

Towson, Maryland 21204

March 20, 2017

Re: Administrative Zoning Variance for 211 Lincoln Ave. Lutherville Timonium, Maryland 21093

Dear Sir or Madam:

We are the owners of and reside at 209 Lincoln Avenue – next door to 211 Lincoln Ave. We have had the opportunity to review the planned modifications to house at 211 Lincoln Ave. We would be most affected by the addition of the proposed carport as we share a common property line.

Please be advised, we have no objection to and in full agreement with your granting William Green the requested setback and any other necessary administrative variances that would permit him to construct the proposed carport on the west side of his house, the front porch on the north side of his house and the side porch/patio and hot tub on the west side of his house. We understand the proposed rear decks and patio do not require a variance.

2017-0282-A

These additions will be improvements to the streetscape of the neighborhood, will cause no adverse harm now or in the future to current or successive homebuyers and will likely increase property values of the surrounding homes.

If requested to testify in person at a variance hearing, our testimony would be the same as memorialized in this letter, which we have signed under our own free will.

_____

_____

_____

Telephone: 410 296 2157

Email: _____

2017-0282-A

Perry P. Petrosillio
Juliette Petrosillo
213 Lincoln Ave.
Lutherville Timonium, MD. 21093

Baltimore County Government
Office of Administrative Hearings
Baltimore County Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

March 20, 2017

Re: Administrative Zoning Variance for 211 Lincoln Ave. Lutherville Timonium, Maryland 21093

Dear Sir or Madam:

We are the owners of and reside at 213 Lincoln Avenue – next door to 211 Lincoln Ave. We have had the opportunity to review the planned modifications to the house at 211 Lincoln Ave. We would be most affected by the addition of the proposed deck/patio and hot tub addition as we share a common property line.

Please be advised, we have no objection to and are in full agreement with your granting William Green the requested setback and other necessary administrative variances that would permit him to construct the proposed deck/patio hot tub on the west side of his house, the front porch on the north side of his house and the carport on the east side of his house. I understand the rear decks and patios do not require a variance.

2017-0282-A

Frank J. Krivak, Sr.

Phyllis A. Krivak

10702 Lancewood Road

Cockeysville, MD. 21030

And

Frank J. Krivak, Jr.

209 Lincoln Ave.

Lutherville Timonium, MD. 21093

Baltimore County Government

Office of Administrative Hearings

Baltimore County Historic Courthouse

400 Washington Avenue

Towson, Maryland 21204

March 20, 2017

Re: Administrative Zoning Variance for 211 Lincoln Ave. Lutherville Timonium, Maryland 21093

Dear Sir or Madam:

We are the owners of and reside at 209 Lincoln Avenue – next door to 211 Lincoln Ave. We have had the opportunity to review the planned modifications to house at 211 Lincoln Ave. We would be most affected by the addition of the proposed carport as we share a common property line.

Please be advised, we have no objection to and in full agreement with your granting William Green the requested setback and any other necessary administrative variances that would permit him to construct the proposed carport on the west side of his house, the front porch on the north side of his house and the side porch/patio and hot tub on the west side of his house. We understand the proposed rear decks and patio do not require a variance.

2017-0282-A

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Account Identifier: District - 08 Account Number - 0813023080

Owner Information

Owner Name:	HAGY STEPHEN E DAVIS KAREN M	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	211 LINCOLN AVE LUTHERVILLE MD 21093-5334	**Deed Reference:**	/14255/ 00613

Location & Structure Information

Premises Address:	211 LINCOLN AVE 0-0000	**Legal Description:**	211 LINCOLN AVE CARRIGAN CREST

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0060	0024	0591		0000			3	2017	Plat Ref:	0023/ 0001

Special Tax Areas:

Town: NONE

Ad Valorem:

Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1956	1,838 SF		9,660 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
1 1/2	YES	STANDARD UNIT	BRICK	2 full		

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2016	Phase-in Assessments As of 07/01/2017
Land:	100,100	100,100		
Improvements	171,200	184,000		
Total:	271,300	284,100	271,300	275,567
Preferential Land:	0			0

Transfer Information

Seller: MARTIN JOSEPH W	**Date:** 01/11/2000	**Price:** $155,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /14255/ 00613	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2016	07/01/2017
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:

Exempt Class:

Special Tax Recapture:

NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

THIS DEED, Made this 5th day of JANUARY in the year ~~one thousand nine hundred and~~ two thousand , by and between PAUL CHRISTOPHER MARTIN, Personal Representative of the Estate of Judith Barrett Martin, party of the first part, Grantor, and STEPHEN E. HAGY and KAREN M. DAVIS, husband and wife, parties of the second part, Grantee.

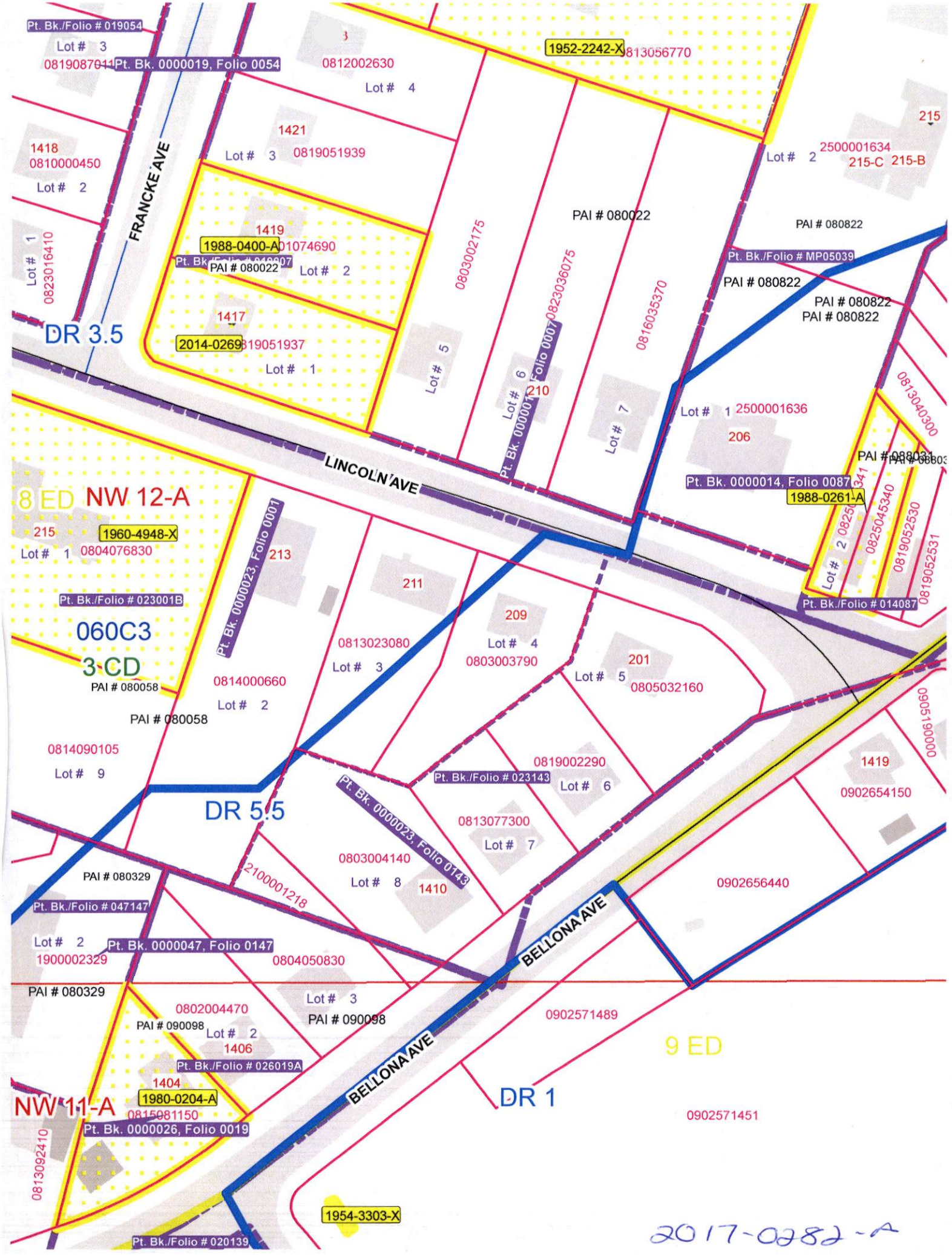
WITNESSETH, That in consideration of the sum of $155,000.00 and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey and assign unto the said Grantee(s), as tenants by the entireties, their assigns and unto the survivor of them, his or her personal representatives and assigns, in fee simple, all that lot~~(s)~~ of ground situate in the EIGHTH Election District of BALTIMORE COUNTY in the State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME and being known and designated as Lot No. 3, as shown on Plat No. 1, "Carrigan Crest", which Plat is duly recorded among the Plat Records of Baltimore County in Plat Book GLB No. 23, folio 1; the improvements thereon being known as No. 211 Lincoln Avenue.

BEING the same property which, by Deed dated April 2, 1993 and recorded among the Land Records of Baltimore County in Liber SM No. 9723, folio 45, was granted and conveyed by Walter E. Beeson and wife to Joseph W. Martin and Judith B. Martin, husband and wife, as tenants by the entireties. Joseph W. Martin since departed this life on the 25th day of August, 1995. Judith B. Martin (also known as Judith Barrett Martin) since departed this life on September 3, 1999. By Last Will and Testament she appointed Paul Christopher Martin as Personal Representative of her estate (See Estate No. 108610 of the records of the Register of Wills for Baltimore County.

MOORE, CARNEY, RYAN & LATTANZI, L.L.C.
ATTORNEYS AT LAW
4111 E. JOPPA ROAD
SUITE 201
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146

FILE NO: 12780-D


Pt. Bk./Folio # 019054
Lot # 3
0819087011
Pt. Bk. 0000019, Folio 0054
0812002630
Lot # 4
1952-2242-X
0813056770
1421
Lot # 3
0819051939
1418
0810000450
Lot # 2
FRANCKE AVE
Lot # 1
0823016410
1419
1988-0400-A
01074690
PAI # 080022
Lot # 2
1417
2014-0269
819051937
Lot # 1
DR 3.5
0803002175
PAI # 080022
0823036075
0816035370
Lot # 5
Lot # 6
210
Lot # 7
215
Lot # 2
2500001634
215-C
215-B
PAI # 080822
Pt. Bk./Folio # MP05039
PAI # 080822
PAI # 080822
PAI # 080822
Lot # 1
2500001636
206
0813040300
LINCOLN AVE
8 ED
NW 12-A
215
1960-4948-X
Lot # 1
0804076830
Pt. Bk./Folio # 023001B
060C3
3 CD
PAI # 080058
Pt. Bk. 0000023, Folio 0001
213
211
209
Lot # 4
0803003790
201
Lot # 5
0805032160
0813023080
Lot # 3
0814000660
Lot # 2
PAI # 080058
Pt. Bk. 0000014, Folio 0087
1988-0261-A
0825045340
0819052530
0819052531
Pt. Bk./Folio # 014087
0814090105
Lot # 9
DR 5.5
Pt. Bk./Folio # 023143
0819002290
Lot # 6
Pt. Bk. 0000023, Folio 0143
0813077300
Lot # 7
0803004140
Lot # 8
1410
2100001218
1419
0902654150
0902656440
PAI # 080329
Pt. Bk./Folio # 047147
Lot # 2
1900002329
Pt. Bk. 0000047, Folio 0147
0804050830
BELLONA AVE
PAI # 080329
Lot # 3
PAI # 090098
0802004470
PAI # 090098
Lot # 2
1406
Pt. Bk./Folio # 026019A
1404
1980-0204-A
NW 11-A
0815081150
Pt. Bk. 0000026, Folio 0019
0813092410
BELLONA AVE
0902571489
9 ED
DR 1
0902571451
1954-3303-X
Pt. Bk./Folio # 020139

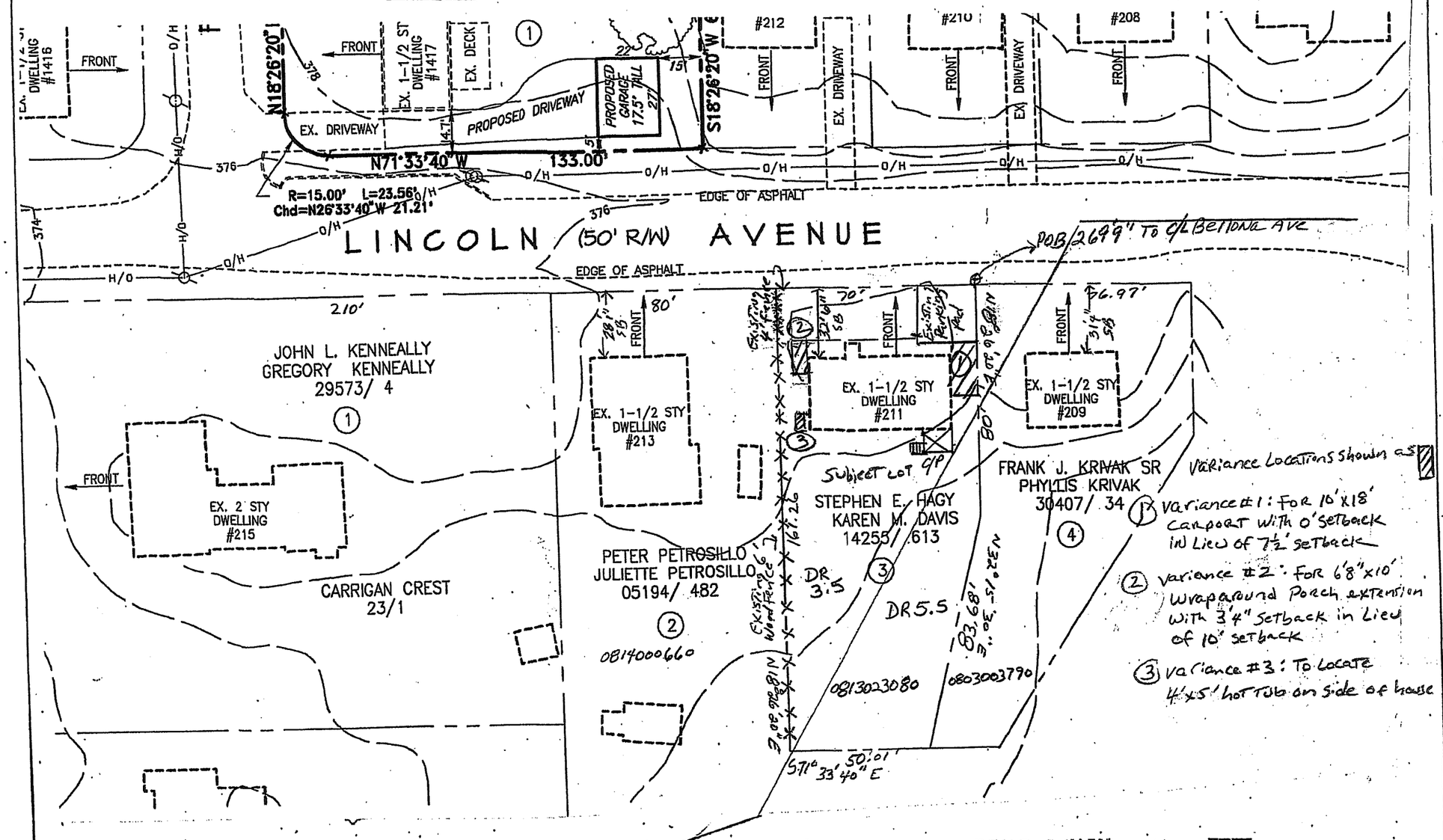
2017-0282-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING ____ (MARK TYPE REQUESTED WITH X)

ADDRESS 211 Lincoln Ave Lutherville MD OWNER(S) NAME(S) Karen Davis, Stephen Hagy

SUBDIVISION NAME Carrigan Crest LOT # 3 BLOCK # N/A SECTION # N/A

PLAT BOOK # 23 FOLIO # 1 10 DIGIT TAX # 0813023080 DEED REF. # 14255/00613

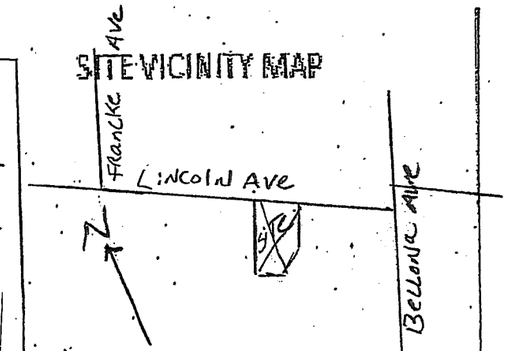


Variance Locations shown as

1. Variance #1: For 10'x18' carport with 0' setback in lieu of 7½' setback
2. Variance #2: For 6'8"x10' wraparound porch extension with 3'4" setback in lieu of 10' setback
3. Variance #3: To locate 4'x5' hot tub on side of house

PLAN DRAWN BY William Green (Contract purchaser) DATE 4-18-2017 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 060C3

SITE ZONED DR 3.5/5.5

ELECTION DISTRICT 8

COUNCIL DISTRICT 3

LOT AREA ACREAGE .221 AC

OR SQUARE FEET 9,660 SF

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC X PRIVATE ____

SEWER IS:

PUBLIC X PRIVATE ____

PRIOR HEARING ? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

NONE

VIOLATION CASE INFO:

NONE

Petitioners No. 1

2017-0282-A