

IN RE: PETITION FOR VARIANCE (1231 Lake Falls Road) 9th Election District 2nd Councilmanic District Mallory Branson & Barbara Schofield <i>Legal Owner/Petitioners</i>	* * * * * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 23-071-A
* * * * *	*	* * * * *

OPINION

This case comes before the Board of Appeals for Baltimore County ("Board") as an appeal of Baltimore County Administrative Law Judge ("ALJ") Maureen Murphy's May 8, 2023, Opinion and Order denying a Petition for Variance filed by owner Mallory Branson and her mother Barbara Schofield for property located at 1231 Lake Falls Road. Petitioners are requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory structure (in-ground pool) to be partially located within the one-third of the lot closest to the side street in lieu of the farthest third, and for accessory structures to occupy as much as 70% of the third of the lot farthest removed from any street in lieu of a maximum permitted 50%.

A *de novo* hearing was held before this Board on July 26, 2023, via WebEx. Petitioner Mallory Branson appeared and was represented by Adam M. Rosenblatt, Esquire of Venable LLP. No one appeared in opposition and Petitioner submitted a series of letters from adjacent neighbors providing written support for the requested variances. (*See* Petitioner's Exhibit 7.) A Public Deliberation was held on August 24, 2023, via WebEx.

BACKGROUND

Testimony and evidence revealed that the subject property is located at 1231 Lake Falls Road, just south of the Towson area of Baltimore County (the "Property"). The Property is a

corner lot located on the south side of Lake Falls Road north of its intersection with W. Lake Avenue. Lake Falls Road borders the north and west sides of the Property in a rounded manner unlike other properties in the surrounding area. (*See* Petitioner's Exhibit 3.) The Property contains just under 10,000 square feet of land zoned DR 5.5 and is improved with a single-family dwelling that has remained in the Petitioner's family for over 70 years and 3 generations.

Petitioner's mother, Barbara Schofield, has over time developed issues with mobility and now walks with a cane. Testimony from Ms. Branson confirmed that the family is proposing to install an in-ground pool that will be used for aquatic exercises that are vital in assisting her mobility, health, and quality of life. Photographs reveal a well-manicured deck and yard area that will be unaffected by the installation of the pool. (*See* Petitioner's Exhibit 4.) An existing privacy fence and additional vegetation provide significant screening for the location of the proposed pool, which was designed by an architectural firm to provide ADA features such as a railing for entry and exit, and to blend into the existing yard area and plantings. (*See* Petitioner's Exhibit 5.)

This petition was initially filed as an Administrative Variance at the direction of the Office of Zoning Review. As counsel explained, Baltimore County's Administrative Variance Petition form does not contain any indication that a petitioner must demonstrate uniqueness in order to obtain an administrative variance. (*See* Exhibit 2.) Accordingly, ALJ Murphy, who denied the variance petition, did not have the benefit of the testimony presented at this hearing before the Board with respect to uniqueness of the property or the community support for the proposed variances. Petitioner confirmed that she approached their neighbors and was able to obtain a series of support letters for the requested relief. (*See* Petitioner's Exhibit 7.)

Counsel explained that Baltimore County Zoning Review considers requests for variances on corner lots under the 1992 Policy contained on page 4-1.1 of the Zoning Commissioner's Policy Manual. (*See* Exhibit 8.) When a home fronts squarely on an adjacent street, Zoning Review applies the corner lot diagram depicted in Section (1)A of the 1992 Policy.

(*Id.*) Petitioner presented a marked site plan demonstrating the limited area in which accessory structures can be placed on the Property without zoning relief. (*See* Exhibit 1B.)

DISCUSSION

The threshold issue in this matter is whether the Petitioners have met the test for entitlement to a variance as established in *Cromwell v. Ward*, 102 Md. App. 69 (1995). In order to grant a variance, BCZR § 307.1 states, as relevant:

" ... The County Board of Appeals...shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare... "

Petitioner first must prove the uniqueness of the property and then that such uniqueness results in a practical difficulty for the Petitioner. (*Cromwell v. Ward, supra* 102 Md. App. at 703-722.) The uniqueness element requires that the subject property have an inherent characteristic not shared by other properties in the area, such as shape, topography, sub-surface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. (*Id.* at 710-11 (citing *North v. St. Mary's County*, 99 Md. App. 502, 514-15 (1994)).)

The second step of the variance test examines whether the disproportionate effect of the ordinance, caused by the uniqueness of the property, creates a practical difficulty or unnecessary hardship on the owner of the property. (*See Cromwell*, 102 Md. App. at 694-95.) With respect to practical difficulty, there is a three-part review: (1) whether compliance with the strict letter of

the restrictions governing area, setbacks, etc., would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; (2) whether a grant of the variance would do substantial justice for the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and (3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. (*Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel*, 407 Md. 53, 83-84; (2008), citing *McLean v. Soley*, 270 Md. 208, 214-15 (1973).) The hardship at issue cannot be self-created. (*Cromwell*, 102 Md. App. at 721-22.)

The first determination is that of uniqueness of the property. Based on the evidence presented and the testimony of the Petitioner, the Board is convinced that the property is unique. Lake Falls Road wraps around the Property in a rounded manner, creating a corner lot with a reduced “third of the lot farthest removed from any street.” (BCZR § 400.1.) The other properties in this area do not share this condition, and as explained below. Thus, the BCZR affect the property differently than other properties in the zone. These conditions create a practical difficulty for the Petitioner. It must also be noted that in Case No. 93-130-A, the former Deputy Zoning Commissioner granted a petition for variance for the Property and found that “special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request.” (*See* Petitioner’s Exhibit 6, p. 6.)

The pool will be located in the “rear yard” of the existing home and would be permitted in the proposed location had the Property not been a corner lot. The curved nature of Lake Falls Road further restricts the area available for accessory structures, reducing it to a small corner of

the Property that is far less than a third of the overall acreage farthest from the surrounding street. Strict enforcement of the regulations would create a practical difficulty in that the owners would not be able to install a pool that will facilitate aqua therapy and mobility training for Petitioner's mother, who resides in the home. The site plan and testimony reveal that the requested variance is the minimum necessary to alleviate the practical difficulty for the Petitioner, and the resounding support from neighbors (and complete lack of opposition) demonstrate that substantial justice will be achieved by granting the variance. Finally, the Board finds that the requested variances can be granted in the spirit and intent of the zoning regulation at issue, which is designed to prevent homeowners from installing large accessory structures adjacent to roads on corner lots. Here, the pool is well screened and situated so that it may not even be visible from the surrounding road.

CONCLUSION

After consideration of the testimony and evidence presented, the Board finds that the Petition for Variance to permit an in-ground pool in conformity with the design and specifications as presented at the hearing should be granted.

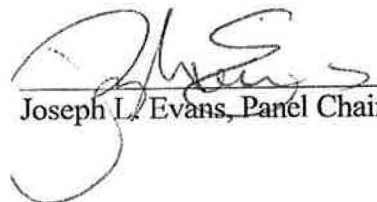
ORDER

THEREFORE, IT IS THIS 28th day of September, 2023, by the Board of Appeals of Baltimore County,

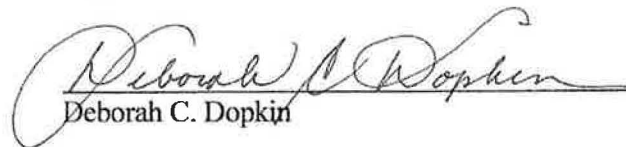
ORDERED, that the Petition for Variance to permit an accessory structure, *i.e.* an in-ground pool in conformity with the design and specifications presented at the hearing, to be partially located within the one-third of the lot closest to the side street in lieu of the farthest third, and for accessory structures to occupy as much as 70% of the third of the lot farthest removed from any street in lieu of a maximum permitted 50%, as set forth on the Site Plan, is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.

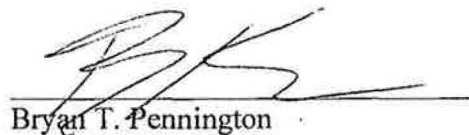
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Joseph L. Evans, Panel Chair



Deborah C. Dopkin



Bryan T. Pennington



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

September 28, 2023

Adam M. Rosenblatt, Esquire
Venable LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RE: In the Matter of: *Mallory Branson and Barbara Schofield*
Case No.: 23-071-A

Dear Mr. Rosenblatt:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, reading "Sunny Cannington".

Krysundra "Sunny" Cannington
Legal Administrative Secretary

KLC/taz
Enclosure

c: Mallory Branson and Barbara Schofield
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 1, 2023

NOTICE OF DELIBERATION

IN THE MATTER OF: Barbara Schofield & Mallory Branson
1231 Lake Falls Road
23-071-A 9th Election District; 2nd Council District

Re: Petition for Administrative Variance relief from the BCZR to permit an accessory structure (proposed in-ground pool) to be partially located within the one-third of the lot closest to the side street in lieu of the farthest third, and accessory structures (proposed pool and existing shed) to occupy as much as 70% of the third of the lot farthest removed from any street in lieu of 50%.

5/8/23 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

This matter having been heard and concluded on July 26, 2023, a public deliberation has been

ASSIGNED FOR: **AUGUST 24, 2023 AT 9:30 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at www.baltimorecountymd.gov/departments/appeals.**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington
Legal Administrative Secretary

c. Counsel for Petitioner/Appellant
Petitioner/Appellant

: Adam M. Rosenblatt, Esquire
: Mallory Branson and Barbara Schofield

Peter Curro/Woodfield Outdoors

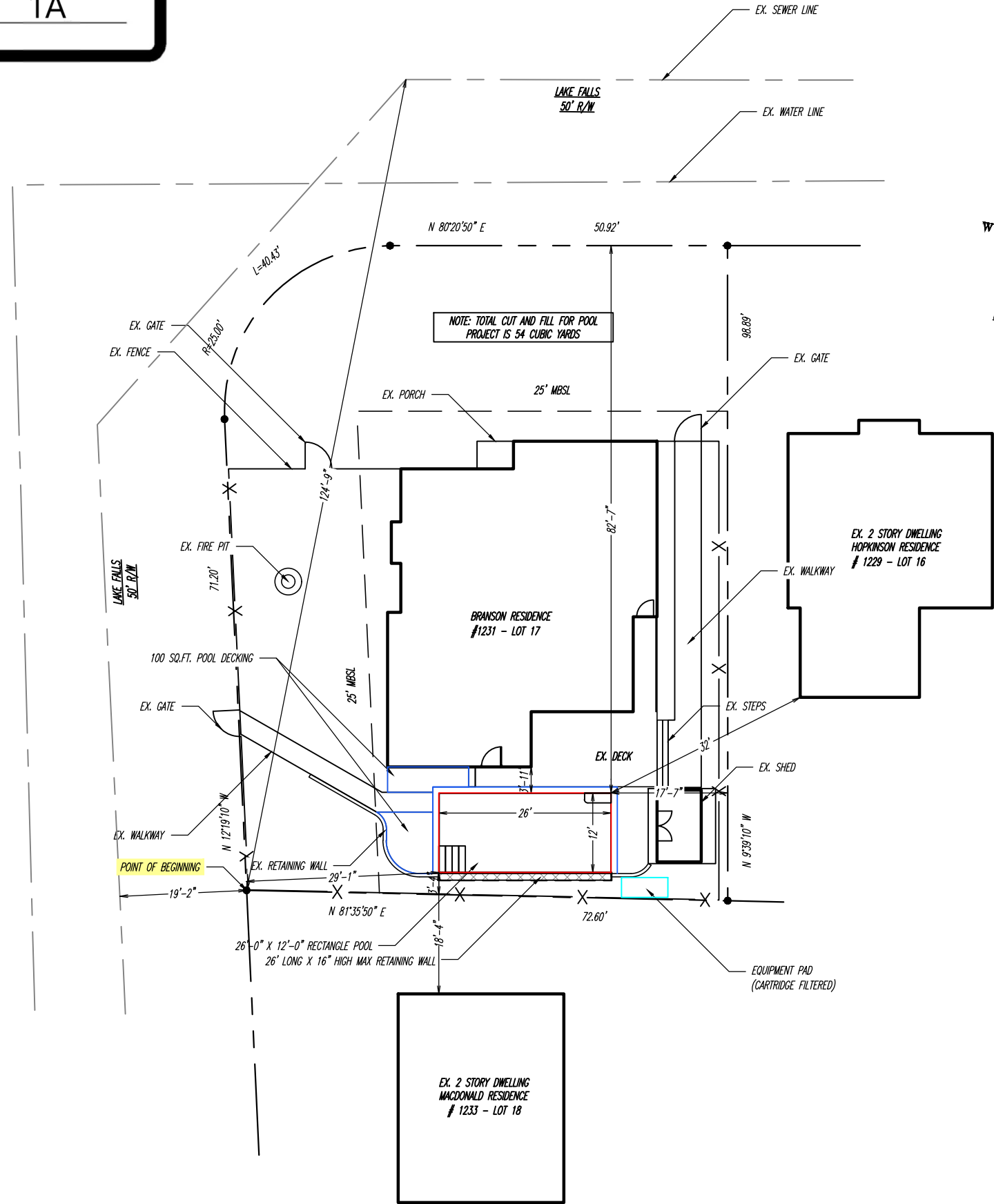
Office of People's Counsel
Stephen Lafferty, Director/Department of Planning
James R. Benjamin, Jr., County Attorney/Office of Law

Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/PAI

PETITIONER'S EXHIBITS

**Case No. 2023-071-A
1231 Lake Falls Road**

- 1A. Site Plan
- 1B. Marked up Site Plan
- 2. Variance Petition
- 3. Aerial Photograph
- 4A-O. Site Photos
- 5. Pool Rendering
- 6. Prior Variance Approval
- 7. Support Letters (5)
- 8. Zoning Commissioner's Policy Manual Section



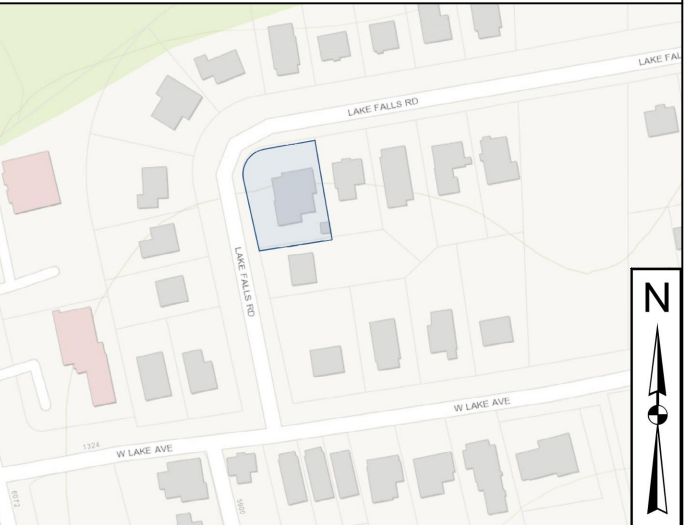
ZONING HEARING PLAN FOR VARIANCE

ADDRESS: 1231 LAKE FALLS ROAD
 OWNERS NAME: SCHOFIELD BARBARA T
 BRANSON MALLORY A
 SUBDIVISION NAME: LAKE FALLS
 LOT: 17 - MAP: 79 - GRID: 4 - PARCEL 206
 PLAT BOOK: 14 - FOLIO: 18
 TAX ID: 09-0920000050
 DEED REFERENCE # 46454/493
 ZONING MAP: 079B1
 ZONING: D.R. 3.5
 ELECTION DISTRICT: 9TH
 COUNCIL DISTRICT: 2ND
 LOT AREA ACREAGE: 0.19
 LOT SQUARE FOOTAGE:8,330
 HISTORIC: NO
 CBCA: NO
 FLOOD PLAIN: NO

UTILITIES
 WATER: PUBLIC
 SEWER: PUBLIC

PRIOR HEARING:
 ZONING CASE 1993-0130-A - VARIANCE GRANTED FOR ADDITION.

VICINITY MAP

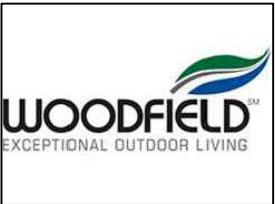


POOL DATA

DIMENSIONS	26'-0" X 12'-0" RECTANGLE POOL
PERIMETER	76 LF
SURFACE AREA	312 SQFT.
GALLONAGE	9,184 GALLONS
DEPTHS	3'-6" TO 6'-0"
FILTER RATE	26 GPM
TURNOVER TIME	6 HOURS
POOL DECK AREA	100 SQFT

PROJECT NAME

CUSTOMER	BRANSON, MALLORY
ADDRESS	1231 LAKE FALLS RD
	BALTIMORE, MD, 21210
PHONE 1	410-627-6800
PHONE 2	410-627-6800
EMAIL	mallory@jenkinsbaer.com
COUNTY	9TH ELECTION DISTRICT, BALTIMORE COUNTY
SUBDIVISION	LAKE FALLS
LOT DATA	LOT 17, MAP 79, GRID 4, PARCEL 206
TAX ID#	09-0920000050



WOODFIELD OUTDOORS

2112 Belair Road, Ste 3
 Fallston, Maryland 21047

Phone: (443) 299-6500

MHIC: 121071

SITE PLAN



BALTIMORE CO
PUBLIC WATER
PUBLIC SEWER



SCALE 1"=20'



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:



Address 1231 Lake Falls Rd - Baltimore, MD 21210 Currently Zoned _____
Deed Reference _____ / _____ 10 Digit Tax Account # 0920000050
Owner(s) Printed Name(s) Barbara Schofield - Mallory Branson

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Barbara Schofield , Mallory Branson
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 _____ Signature #2 _____
1231 Lake Falls Rd - Baltimore, MD
Mailing Address City State

21210 , 410-627-6800 , mallory@jenkinsbaer.com
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

Peter Curro
Name Type or Print

[Signature]
Signature

2112 Bel Air Rd - Fallston, MD
Mailing Address City State

21047 , 443-299-14500 , Kgriffin@woodfieldoutdoors.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number _____ Filing Date _____ / _____ / _____ Estimated Posting Date _____ / _____ / _____ Reviewer _____

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1231 Lake Falls Rd. Baltimore MD 21210
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We are requesting an administrative variance for the
installation of a 26 ft by 12 ft. rectangle inground
swimming pool at 1231 Lake Falls Rd. Barbara Schofield
has resided in this family home for over 70 years and
in her elderly age has acquired mobility issues that
require the use of a cane. The proposed pool will be
used for aquatic exercises that are vital in assisting
in Ms. Schofield's mobility, mental health and overall
improved quality of life.

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

Barbara Schofield
Signature of Owner (Affiant)

M Mallory Branson
Signature of Owner (Affiant)

BARBARA SCHOFIELD
Name - Print or Type

MALLORY BRANSON
Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of MARCH, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: BARBARA SCHOFIELD / MALLORY BRANSON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Robert M. Roberts
Notary Public

ROBERT M. ROBERTS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 15, 2024

MARCH 15, 2024
My Commission Expires

Aerial of 1231 Lake Falls Road

EXHIBIT

3

N



A



Yard on the East side of the house

B



Back yard view from the East side

C



Fence between neighbor's yard

D



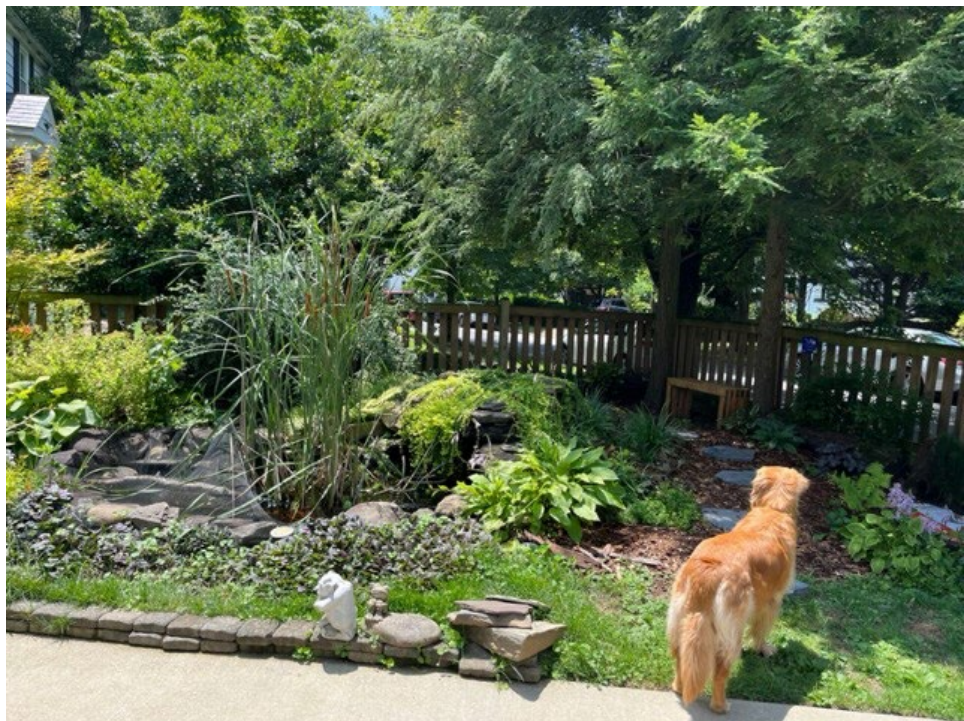
Yard on the West side of the house

E



View of the back yard from the sidewalk fence. All of that remains!

F



Garden along the fence that will remain

G



View of the yard from the neighbors on the Southwest side of the fence...all of that remains as is

H



View of the yard from the Northwest side of the fence...all remains as is

I



View of the yard from the North side of the fence, all of this remains as is

J



View of the house and yard from Northwest side of the street

K



View of the yard from the sidewalk, west of the house

L



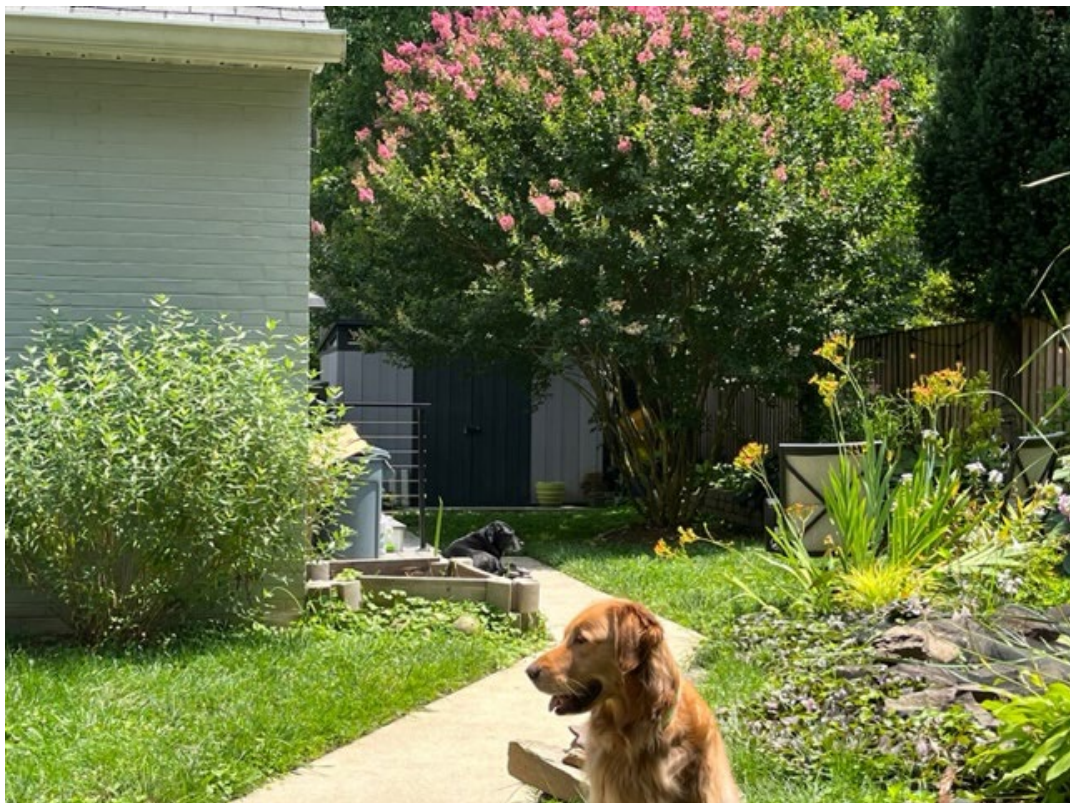
Continued view of the yard from the sidewalk West of the house...pool will be tucked where that tree with pop of pink is.

M



View of the house/yard from across the street...probably wouldn't see pool

N



View of the back yard. The pool would be placed where the tree is located.

O



View of the fence line from the back of the house. The pool would occupy the space shown.



WOODFIELD
EXCEPTIONAL OUTDOOR LIVING

Woodfield | Peter Curro
Branson, Mallory
Jan 31, 2023 12:10 PM

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 SE/S Lake Falls Road, 156' N *
 of Lake Avenue * DEPUTY ZONING COMMISSIONER
 (1231 Lake Falls Road) *
 9th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District * Case No. 93-130-A
 John Taylor, et ux *
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the owners of the subject property, John M. and Barbara B. Taylor. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 20 feet in lieu of the required 25 feet, and a rear yard setback of 20 feet in lieu of the required 30 feet, for a proposed addition in accordance with Petitioner's Exhibit 1.

It should be noted that the relief sought was originally filed through the administrative variance procedure. However, at the request of the adjoining property owners, a public hearing was scheduled to further discuss the merits of this case.

Appearing at the public hearing on behalf of the Petition were John and Barbara Taylor, property owners, and their daughter, Barbara Scofield. Also appearing on behalf of the Petitioners was Bruce E. Doak, Registered Property Line Surveyor. The Petitioners were represented by J. Michael Lawlor, Esquire. Appearing as Protestants in the matter were Robert T. and Doris S. Bissett, the adjoining property owners who requested the hearing, and Steven Ralston, John and Julia Klingenstein, Wiley and Catherine Baxter, Margarite Banks, and Janice Foessel, all residents of

ORDER RECORDED FOR PLANS
 11/6/93
 By

the area. The Protestants were represented by C. Laurence Jenkins, Jr., Esquire.

Testimony indicated that the subject property, known as 1231 Lake Falls Road, consists of 0.165 acres, more or less, zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners are desirous of constructing a one-story addition on the west side of the existing dwelling in accordance with that which is depicted on Petitioner's Exhibit 1. The proposed addition will provide two bedrooms and a bathroom on the first floor. Testimony indicated that due to their declining health, the Petitioners wish to renovate their home in such a manner that all living quarters are on one level.

Mrs. Taylor testified that she and her husband have resided on the property for the past 44 years and that the proposed addition will allow them to continue to reside in their home. Mrs. Taylor testified that she has serious problems with her knees and cannot use the stairs. She stated that she had a chair lift installed to provide access to the second floor, but that it is difficult for her to get in and out of the chair. Mrs. Taylor further testified that due to her husband's failing health, it is difficult for him to go up and down stairs on a regular basis. Testimony indicated that the Petitioners' daughter, Barbara Scofield, plans to move back into the home to help her parents and take care of them. Mrs. Taylor testified that she hired an architect to design the proposed addition in such a manner that it would blend into the existing dwelling and be constructed of similar materials. Architectural renditions of the proposed addition were accepted into evidence as Petitioner's Exhibits 3 and 4 and show that the proposed addition has been designed in keeping with existing improvements on the property.

ORDER RECEIVED FOR FILING

Date

By

Mrs. Taylor testified that they have considered this proposal in great detail and find that this is the only possible way to provide living quarters for her and her husband on the first floor. Testimony indicated that they reviewed several other proposals, none of which were architecturally or structurally feasible. The proposed addition will be placed on the west side and rear of the existing dwelling and replace an existing covered patio. The proposed addition will extend 4.5 feet from the west side of the dwelling and 10.5 feet from the south side as more particularly described on Petitioner's Exhibit 1. As a result of the proposed improvements, the requested variances are needed.

As previously stated, several residents of the area appeared in opposition to the Petitioners' request. The cumulative testimony of the Protestants was that they are opposed to an addition of this size being added to the existing dwelling which is a large home as measured by the standards in the community. Testimony revealed that four bedrooms currently exist on the second level of this home. However, Mrs. Taylor testified that one of those bedrooms is rather small and is used as an office. The Protestants believe that the proposed addition, which would make this house a six-bedroom dwelling, might cause it to be used as a multi-family dwelling should the Petitioners ever sell the property. One of the Protestants testified that he believed there may even be a seventh bedroom in the basement.

Mrs. Taylor adamantly denied any possibility that the subject dwelling would be converted to a multi-family dwelling. She further testified that there is no bedroom in the basement, only the three bedrooms on the second floor. The proposed addition will provide two bedrooms for her and her husband, who for health reasons, have elected to have separate

ORIGINAL RECEIVED FOR FILING

Date

By

bedrooms. Testimony indicated that under the proposed plan, the three bedrooms on the second level would be used by their daughter and her two children. Testimony revealed that one child will soon be attending college and will be moving away from home and that the other child may choose to marry in the near future and would also be moving from the premises.

The Protestants further testified that there currently exists a parking problem on Lake Falls Road. They are concerned that the proposed addition will allow more individuals to reside in this home thereby causing more vehicles to be parked on the street. The Protestants testified that it is necessary to keep the curve in Lake Falls Road free of parked vehicles in order for the trash truck to make the turn at the bend in this road. Mr. Raiston, one of the Protestants who testified, stated that he has taken it upon himself to make sure that no vehicles are parked on this turn every Monday and Wednesday evening so that the trash truck can make its rounds the following morning. Testimony revealed that as this is a corner lot, five vehicles can easily park along the side and front of the Petitioners' property without any vehicles having to park on the corner of the street.

Additional testimony from the Protestants indicated that they are also opposed to the proposed addition for aesthetic reasons. They feel that the proposed addition will detract from the beauty of the neighborhood. Also, one of the Protestants voiced concern over safety in that the proposed addition will protrude an additional 4.5 feet from the existing dwelling and decrease site distance around the corner. The Protestants also voiced opposition to the granting of this variance in that it would set a precedent in the neighborhood and other residents would be permitted to obtain variances for their property.

ORDER RECEIVED FOR FILING

Date

By

After due consideration of the testimony and evidence presented, I find that a modified relief should be granted. I believe it is possible for the Petitioners to achieve the desired result with a smaller addition than that which they have proposed without compromising the safety and welfare of their neighbors and surrounding community. I believe the Petitioners could achieve their goal by building an addition which protrudes only 2 feet from the west foundation wall in lieu of the 4.5 feet proposed and 8 feet from the rear foundation wall in lieu of the 10.5 feet proposed. This would downsize the proposed addition from 23.5' x 23' to 21' x 20.5' and reduce the variances necessary to construct said addition. It is clear that strict compliance with the zoning regulations would result in unreasonable and practical difficulty for the Petitioners. The downsizing of the proposed addition should eliminate some of the concerns raised by the Protestants while still meeting the needs of the Petitioners and the restrictions imposed hereinafter should address the other issues raised by the Protestants as to parking and traffic.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDINANCE RECEIVED FOR FILING

Date

By

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if a modified variance is granted, such use, as proposed, will not be contrary to the spirit and intent of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if a variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested, as modified, will not cause any injury to the public health, safety or general welfare. Further, the granting of a variance is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, a modified variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning commissioner for Baltimore County this 6th day of January, 1993 that the Petition for Zoning Variance seeking relief from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 20 feet in lieu of the required 25 feet, and a rear yard setback of 20 feet in lieu of the required 30 feet, for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

ORDER RECEIVED FOR FILING

Date

IT IS FURTHER ORDERED that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 22.5 feet in lieu of the required 25 feet, and a rear yard setback of 22.5 feet in lieu of the required 30 feet for a proposed addition be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioners would be required to file a new Petition.
- 2) Prior to the issuance of any building permits, Petitioners shall submit a new site plan incorporating the modified relief granted herein and setting forth the terms and conditions of this Order.
- 3) The Petitioners shall be prohibited from constructing any exterior entranceway into the proposed addition. All access to the proposed addition shall be from within the existing dwelling.
- 4) The Petitioners shall be prohibited from converting the subject dwelling into a multi-family dwelling. The proposed addition shall have no kitchen or cooking facilities.
- 5) The Petitioners shall not allow any of their vehicles, or vehicles of their guests, to be parked at the corner of their property.
- 6) There shall be no further additions made to the existing dwelling.
- 7) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

ORDER RECEIVED FOR FILING

Date 11/13

By [Signature]

May 30, 2023

To Whom it May Concern,

We, Traci and Will Kenton, live at 1229 Lake Falls Road, Baltimore, MD, next door to our good neighbors, Mallory and Steve Branson, who live at 1231. For the past year, we have been excited about the plans to install a small pool in their backyard. As an architect, I was very pleased with the company that they chose and the beautiful way the company designed the pool to blend into the current landscaping. Our young girls were especially excited about the idea of having a pool next door and being able to come over to swim.

We are writing in support of the Bransons having a pool installed in their backyard and hope you will consider granting them that opportunity.

Sincerely,



William Kenton

ELIZABETH A. CHERNEY

May 30, 2023

To Whom It May Concern,

This letter is in regards to my neighbors, Steve and Mallory Branson, and their property located across Lake Falls Road from my property 1238. I was sincerely delighted to hear about their plans for updating their property with an in-ground pool as I believe that improvements to neighbors homes only improves the overall neighborhood. Lake Falls is a beautiful community with a wealth of property improvements by many neighbors. It's a joy to see different styles of improvements. I am wholly in support of the Branson's property ideas and have sought their opinion's on improving my own property. I believe that the in-ground pool is a valuable asset to their property that will beautify and improve the overall esthetic of the neighborhood. I also believe that the improvement is in keeping with the overall theme of the Lake Falls community as well as the greater Roland Park area which Lake Falls is part of. Having grown up in the historic community of Hampton, I appreciate those who improve classic homes vice tearing them down or renovating them into oblivion. It's a pleasure to see the pride that the Branson's take in their home and community. I look forward to more improvements to this classic community as we grow and flourish in the coming years. Please feel free to contact me via email at elizabeth.cherney@gmail.com at any time regarding this matter.

Sincerely,



Elizabeth A. Cherney

May 30, 2023

Re: Zoning Variance for 1231 Lake Falls Road, Baltimore, MD
To Whom it May Concern:

Please consider this letter as formal support of zoning variance approval for the installation of a pool at 1231 Lake Falls Road, Baltimore, MD 21210.

As the homeowners of 1230 Lake Falls Road, we have watched the renovations that the 1231 Lake Falls Road property has undergone over the past few years. The property owners have always been respectful neighbors that value the high-quality craftsmanship of their home and keep their property well maintained. Given the quality of their home renovation and the professionalism of their chosen contractors, we feel that the installation of the pool will be done tastefully, further enhancing curb appeal. This amenity will also add to the value of their property, thus adding value to the surrounding properties and neighborhood, all things we believe are beneficial to the community.

During COVID, the importance of the utilization of space in our homes and on our property became overly apparent as access to community amenities was restricted. As tax paying citizens, we feel as though its important to be able to maximize the use of our property for all practical and beneficial uses, especially if such modifications are tastefully done, do not cause an imminent safety concern, public nuisance or adversely affect the value of surrounding properties. We feel that the installation of a pool is a completely reasonable use of their property and would like to see the results of their project.

We appreciate your time and consideration of this effort!

Casey and Niki Phillips
1230 Lake Falls Road
Baltimore, MD 21210

Olivia Jane DuVal

1227 Lake Falls Road • Baltimore, Maryland • 21210 • (410) 409-9415

Re: Mallory & Steve Branson's pool

1231 Lake Falls Road, Baltimore, MD 21210

June 1, 2023

To whom it may concern,

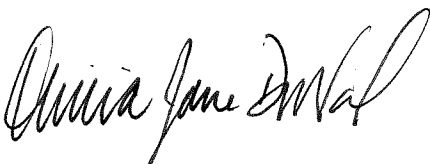
I am writing to support Mallory and Steve Branson's effort to install a pool in their backyard.

I recently moved into the Lake Falls neighborhood, and the Bransons were among the first to welcome me. I was charmed to learn that Mallory's family has been connected to Lake Falls Road since it was developed in the middle of the last century. Mallory's grandmother was the original owner of the home that Mallory and Steve now share with their kids, pets, and Mallory's mom; a home they have cared for and modernized over the years.

I live two doors down and have a clear view into Mallory and Steve's backyard, where I often see them gather as a family and chat with our mutual next-door neighbors, the Kentons. Mallory is an interior designer and Will Kenton is an architect, so I know the pool will be in excellent taste and that the Kentons welcome it as much as I do. I'm confident that the pool will be well cared for based on how well-kept the Bransons' home is, on the inside and out. And I know that their two children will enjoy and be responsible around the pool, just as their teenage son has been responsible for my own home and pet when I've been out of town.

If approved, the Bransons' pool will be a welcome addition to the neighborhood and an exciting iteration of the home that Mallory's family has enjoyed for generations.

Sincerely,

A handwritten signature in black ink that reads "Olivia Jane DuVal". The signature is fluid and cursive, with the first name "Olivia" being the most prominent.

Olivia DuVal

To Whom it May Concern

June 1, 2023

Re: Variance request for a modest pool at 1231 Lake Falls Rd. Our neighbors, Mallory & Steve Branson, are seeking to put a modest sized pool on the referenced property. Our property is three doors down from the Branson's lot. We have lived in Lake Falls since 1983 - longer than anyone else in the neighborhood! We are not at all opposed to a pool addition in our neighborhood or on this particular parcel. Mallory is a designer by trade and we know this project will be well designed and well built. It will be behind the house in an already fenced in yard and will fit in seamlessly with their lovely deck and landscaping.

Mallory and Steve are the third generation of Mallory's family to own the house. The pool will provide therapy for Mallory's mother who resides in their in-law suite. We would like to have more families like the Branson's in Lake Falls – owners who take pride in their property and continually make upgrades and improvements.

We are not concerned that this will have an adverse effect on our property values, in fact we believe it will increase their property value which will in turn increase the value of property in our neighborhood.

Lake Falls is one of Baltimore County's older, established neighborhoods, close to the City line. For older neighborhoods to thrive they must be permitted to adapt to today's lifestyles. A lovely in-ground pool should be permitted and not be subject to unnecessarily restrictive land use policies.

Please grant the requested variance and project approvals.

Very truly yours,

Timmy Ruppertsberger & Gary Marino

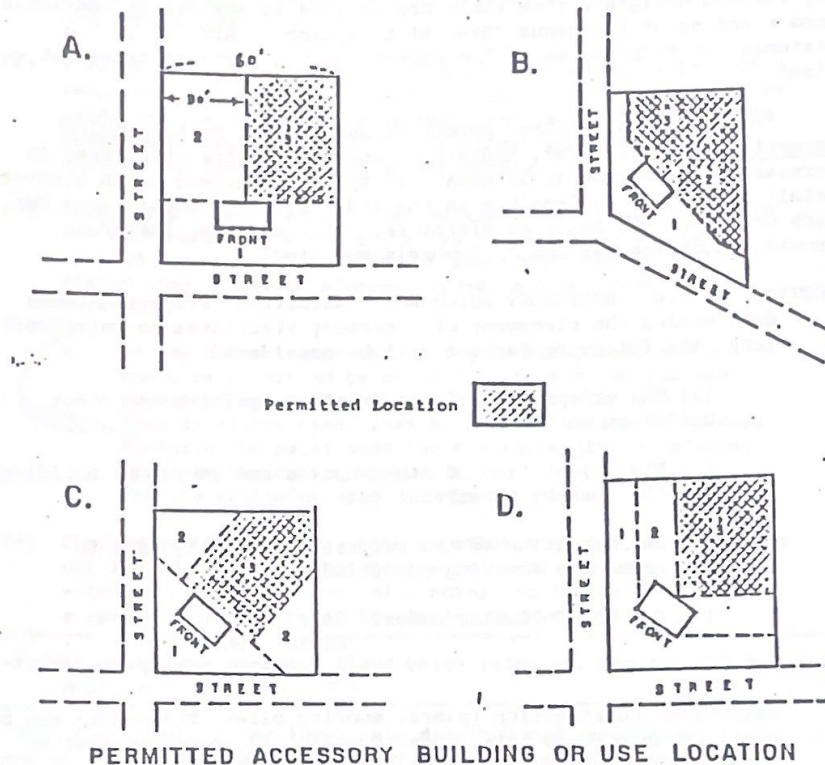
1225 Lake Falls Rd.

truppertsberger@gmail.com

ZONING COMMISSIONER'S POLICY MANUAL

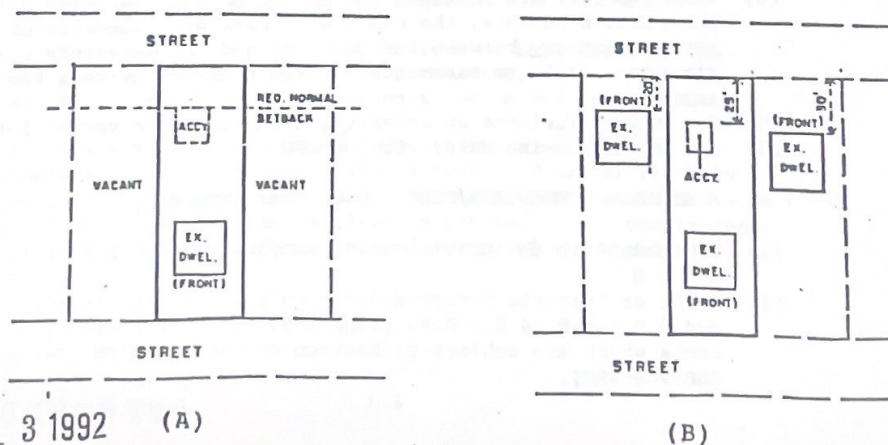
SECTION
400.1.d ACCESSORY STRUCTURES/USES

(1) Corner Lots - Location Diagrams:



(2) Double Frontage Lots

- (A) Accessory structures/uses on double-frontage lots shall not be closer to a street right-of-way line than the setback required for a principal dwelling.
- (B) Where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback.



APPROVED MAY 13 1992 (A)

4-1.1

(B)



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 21, 2023

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Barbara Schofield & Mallory Branson
1231 Lake Falls Road
23-071-A 9th Election District; 2nd Council District

Re: Petition for Administrative Variance relief from the BCZR to permit an accessory structure (proposed in-ground pool) to be partially located within the one-third of the lot closest to the side street in lieu of the farthest third, and accessory structures (proposed pool and existing shed) to occupy as much as 70% of the third of the lot farthest removed from any street in lieu of 50%.

5/8/23 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance was DENIED.

ASSIGNED FOR: JULY 26, 2023, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at www.baltimorecountymd.gov/departments/appeals the night before.**

A complete set of **exhibits must be emailed at least 48 hours before the hearing to appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

Notice of Assignment
In the matter of: Barbara Schofield and Mallory Branson
Case number: 23-071-A
June 21, 2023
Page 2

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington
Legal Administrative Secretary

c.	Counsel for Petitioner/Appellant	: Adam M. Rosenblatt, Esquire
	Petitioner/Appellant	: Mallory Branson and Barbara Schofield

Peter Curro/Woodfield Outdoors

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

IN RE: PETITION
FOR VARIANCE

(1231 Lake Falls Road)

9th Election District
2nd Council District

Mallory Branson
~~Preston Took~~
Owner/Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* Case No. 2023-0071-A

* * * * *

NOTICE OF APPEAL

Owner/Petitioner, Mallory Branson, by undersigned counsel, feeling aggrieved by the May 8, 2023 Opinion and Order in the above-captioned matter, which is attached hereto and incorporated herein as Exhibit A, hereby notes an appeal to the Baltimore County Board of Appeals. The review by the County Board of Appeals from the final decision of the Office of Administrative Hearings shall be a de novo hearing pursuant to the Baltimore County Zoning Regulations and Charter. Petitioner's contact information is as follows:

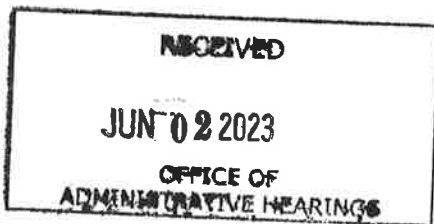
1231 Lake Falls Road
410-627-6800
mallory@jenkinsbaer.com

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted

Adam M. Rosenblatt

Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6200
amrosenblatt@venable.com
Attorney for Petitioner



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

No. **223602**

Date: **6/2/23**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/06/2023 6/05/2023 09:45:51 2

REC TR02 WALKIN HST
>>RECEIPT 025037 6/05/2023 J OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	8000	0000		60130				300.00

5 528 ZONING VERIFICATION

Recpt Tot \$ 300.00
300.00 CK .00 CA
Baltimore County, Maryland

Total: **\$300.00**

Rec From: **Adam Rosenblatt/Mallory Branson**

For: **DAH**
Case No: 2023-0071-AV Appeal
Address: 1231 Lake Falls Road
Check # 2482

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

MALLORY A BRANSON
STEVEN P BRANSON
236 STANMORE ROAD
BALTIMORE, MD 21212

2482

7-11/520

5/30/23 Date

Pay to the
Order of Baltimore County, Maryland

\$ 300.00

Three hundred

XK
100

Dollars



Security
Features
Details on
Back.

M & T BANK

For Notice of Appeal

MW

MP

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

No. 223602

Date:

6/2/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	8000	0000		60150					300.00

Total:

\$300.00

Rec
From:

Adam Rosenblatt/Mallory Branson

For:

DAH
Case No: 2023-0071-AV
Address: 1231 Lake Falls Road
Check #: 2482

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

June 2, 2023

Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Pennsylvania Avenue, Suite 500
Towson, MD 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Administrative Variance
Case No. 2023-0071-AV
Property: 1231 Lake Falls Road

Dear Mr. Rosenblatt:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 2, 2023. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (“Board”).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Attachment

c: Mallory Branson – mallory@jenkinsbaer.com
Peter Curro – kgriffin@woodfielddoutdoors.com; peter@woodfielddoutdoors.com
✓ Board of Appeals
People’s Counsel

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

Printed on recycled paper containing 30 percent post-consumer material

APPEAL

**Petition for Administrative Variance
Barbara Schoefield and Mallory Branson
Case No.: 2023-0071-AV
1231 Lake Falls Road
9th Election District, 2nd Council District**

Petition for Administrative Variance – April 4, 2023

Zoning Description of Property – 1 sheet

Notice of Zoning Hearing (Webex) – N/A

Certification of Publication – (Daily Record) – N/A

Certification of Posting by Bruce Doak on April 12, 2023.

Entry of Appearance by People's Counsel – N/A

Attendance Report – N/A

Zoning Advisory Committee Comments: None

Petitioner's Exhibits: N/A

Miscellaneous: - pictures, SDAT, letter from Peter Curro

Cover Letter and Administrative Law Judge Murphy's Opinion and Order – May 8, 2023 –
DENIED –

Notice of Appeal – Received on June 2, 2023 from Adam Rosenblatt/ Mallory Branson – Check
number# 2482 in the amount of \$300.00

Cash Receipt No: 223602

Contents of File delivered to the Board of Appeals on June 2, 2023

Donna Mignon

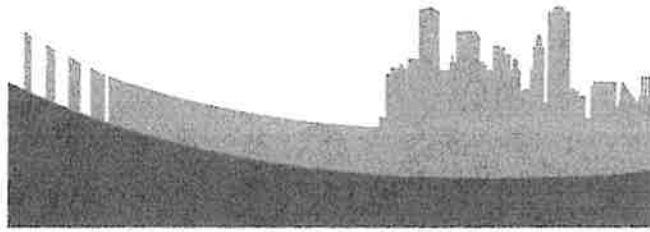
From: Administrative Hearings
Sent: Monday, May 8, 2023 2:36 PM
To: mallory@jenkinsbaer.com
Cc: kgriffin@woodfieldoutdoors.com; peter@woodfieldoutdoors.com; Debra Wiley; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; PAI; Peoples Counsel; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
Subject: Case No: 2023-0071-A 1231 Lake Falls Road
Attachments: 2023-0071-AV.pdf

Good Afternoon,

Please find attached ALJ Murphy's Opinion and Order in reference to the above matter.

Have a great and safe day.

Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



CERTIFICATE OF POSTING

April 12, 2023

_____ amended for second inspection

Re:

Zoning Case No. 2023-0071-A

Legal Owner: Branson

Closing date: May 1, 2023

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **1231 Lake Falls Road**.

The signs were initially posted on **April 12, 2023**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce E. Doak". The signature is fluid and cursive.

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0071-A

1231 Lake Falls Road Baltimore MD 21210

REQUEST: TO PERMIT AN ACCESSORY STRUCTURE (PROPOSED IN GROUND POOL) TO BE PARTIALLY LOCATED WITHIN THE THIRD OF THE LOT CLOSEST REMOVED FROM ANY STREET IN LIEU OF THE FARTHEST THIRD AND ACCESSORY STRUCTURES (PROPOSED POOL AND EXISTING SHED) TO OCCUPY AS MUCH AS 70% OF THE THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET IN LIEU OF 50%.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE MAY 1, 2023.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0071-A

1231 Lake Falls Road Baltimore MD 21210

REQUEST: TO PERMIT AN ACCESSORY STRUCTURE (PROPOSED IN GROUND POOL) TO BE PARTIALLY LOCATED WITHIN THE THIRD OF THE LOT CLOSEST REMOVED FROM ANY STREET IN LIEU OF THE FARTHEST THIRD AND ACCESSORY STRUCTURES (PROPOSED POOL AND EXISTING SHED) TO OCCUPY AS MUCH AS 70% OF THE THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET IN LIEU OF 50%.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE MAY 1, 2023.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391

ZAC AGENDA

Case Number: 2023-0071-A **Reviewer:** Mitchell Kellman
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Barbara Schofield, Mallory Branson
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 2

Property Address: 1231 LAKE FALLS RD

Location: Southeast side of Lake Falls Road, 200 ft. north of the centerline of West Lake Avenue

Existing Zoning: DR 3.5

Area: 8,330 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

to permit an accessory structure (proposed inground pool) to be partially located within the third of the lot closest to the side street in lieu of the farthest third and accessory structures (proposed pool and existing shed) to occupy as much of 70% of the third of the lot farthest removed from any street in lieu of 50%.

Attorney: Not Available

Prior Zoning Cases: 1993-0130-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 05/01/2023

Miscellaneous Notes:

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 09 Account Number - 0920000050

Owner Information

Owner Name:

BRANSON MALLORY ADISON
BRANSON STEVEN PETER ET AL

Use:

RESIDENTIAL
YES

Mailing Address:

1231 LAKE FALLS RD
BALTIMORE MD 21210-

Principal Residence:

Deed Reference:

/46454/ 00493

Location & Structure Information

Premises Address:

1231 LAKE FALLS RD
BALTIMORE 21210-

Legal Description:

1231 LAKE FALLS RD
LAKE FALLS

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0079	0004	0206	9020036.04	0000			17	2023	1	
									Plat Ref:	0014/ 0018

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1949	2,201 SF		8,330 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	1/2 BRICK SIDING/	5	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	169,500	169,500		
Improvements	256,200	317,300		
Total:	425,700	486,800	425,700	446,067
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
SCHOFIELD BARBARA T	02/23/2022	\$113,069
Type: NON-ARMS LENGTH OTHER	Deed1: /46454/ 00493	Deed2:
TAYLOR BARBARA B	08/01/2019	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /41701/ 00137	Deed2:
TAYLOR JOHN M,3RD	09/28/1994	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10769/ 00446	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

7/22/2021

SDAT: Real Property Search

*too old
Deb printed
current*

Real Property Data Search

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Special Tax Recapture: None****Account Identifier:** District - 09 Account Number - 0920000050

Owner Information

Owner Name: SCHOFIELD BARBARA T
BRANSON MALLORY A **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: 236 STANMORE RD
BALTIMORE MD 21212- **Deed Reference:** /41701/ 00137

Location & Structure Information

Premises Address: 1231 LAKE FALLS RD
BALTIMORE 21210- **Legal Description:** 1231 LAKE FALLS RD
LAKE FALLS

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0079	0004	0206	9020036.04	0000			17	2020	1
									Plat Ref: 0014/0018

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1949	2,201 SF		8,330 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	1/2 BRICK SIDING/	5	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	169,500	169,500		
Improvements	214,200	256,200		
Total:	383,700	425,700	397,700	411,700
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
TAYLOR BARBARA B	08/01/2019	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /41701/ 00137	Deed2:
TAYLOR JOHN M,3RD	09/28/1994	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10769/ 00446	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1231 Lake Falls Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Barbara Schofield & Mallory Branson	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0071-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by one of the legal owners of the property, Mallory Branson, (“Petitioner”) for the property located at 1231 Lake Falls Road, Baltimore, Maryland (the “Property”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory structure (proposed in-ground pool) to be partially located within the one-third of the lot closest to the side street in lieu of the farthest third and accessory structures (proposed pool and existing shed) to occupy as much of 70% of the third of the lot farthest removed from any street in lieu of 50%. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2D). An aerial view from My neighborhood GIS map was also provided. (Pet. Ex. 3). A Zoning Advisory Comment (“ZAC”) was received from Department of Environmental Protection and Sustainability (“DEPS”) which agency did not oppose the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on April 12, 2023 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioner has filed the supporting

ORDER RECEIVED FOR FILING

Date

By

5/8/23
DMugnon

Affidavit as required by §32-3-303 of the Baltimore County Code ("BCC").

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 did not provide any evidence that the Property is ‘unique’ as required under *Cromwell*. Even if the Property could arguably be deemed to be unique due to its shape as compared to other properties in the neighborhood, I find that the Petitioners, and/or their predecessors in title, have created a self-inflicted hardship in reducing the size of the rear yard by constructing an addition which was approved in Case No. 1993-130-A. Moreover, the Affidavit asserts that proposed pool is for the benefit of Barbara Schofield who resides in the home but no longer owns it. The SDAT information indicates that the Property is owned by Steven Peter Branson and Mallory Adison Branson; Steven Peter Branson did not sign the Petition.

In *Chesley v. Annapolis*, 933 A.2d 475, 176 Md. App. 413 (Md. App. 2007), the Court of Special Appeals relied on the Court of Appeals holding in *Belvoir Farms Homeowners Ass'n. Inc. v. North*, 355 Md. 259, 276, 734 A.2d 227 (1999), wherein the Court recognized that the purpose of zoning restrictions is "to prevent exceptions as far as possible," so that the specific need for the variance "must be substantial and urgent and not merely for the convenience of the applicant[.]" (citing *Carney v. City of Baltimore*, 201 Md. 130, 137, 93 A.2d 74 (1952)). The *Chesley* Court emphasized the Court of Appeals' holding in *Belvoir Farms* in stating that: "it generally is not a hardship to be without a desired convenience or amenity on one's property, because zoning restrictions are to be enforced in the absence of a "substantial and urgent" need for a variance." *Id.*

At 933 A.2d 488. (See *Belvoir Farms Homeowners Ass'n*, 355 Md. at 261, 734 A.2d 227). The *Chelsey* Court stated: "the fact that a particular improvement would enhance the owner's enjoyment of the property did not establish that it would be a hardship to continue using the property without the variance." *Id.* At 933 A.2d 488-489. See, e.g., *Citrano v. North*, 123 Md. App. 234, 717 A.2d 960 (1998) (fact that proposed deck created a "pleasant amenity" did not create hardship); *North v. St. Mary's County*, 99 Md. App. 502, 519, 638 A.2d 1175 (owner's desire to build gazebo to read and view creek is not evidence of hardship), *cert. denied sub nom. Enoch v. North*, 336 Md. 224, 647 A.2d 444 (1994).

Ms. Schofield and Ms. Branson have failed to prove a practical difficulty will be suffered in that the desire to construct a 312 sf in-ground pool in the rear yard is merely for the convenience of the current resident. There is no hardship suffered where the home here, with its previously approved addition, can still be occupied and used as a home without the proposed pool. Moreover, the Property is only 8,330 sf and does not have the requisite space to construct an in-ground pool without negatively impacting the use and enjoyment of adjoining properties. Its location as a corner lot demands that a proposed pool be located farthest from any street to minimize and reduce the usual visual and sound impacts generated by a pool. Based upon the information provided, the requested for Administrative Variance must be denied. In the opinion of the Administrative Law Judge, the information, photographs, and Affidavit submitted are not sufficient to provide facts to comply with the requirements of §307.1 of the BCZR. *Montgomery County v. Rotwein*, 169 Md. App. 716, 906 A.2d 959 (2006). *Cromwell, supra*. Accordingly, the practical difficulty alleged by the Petitioners is not the type of practical difficulty required by case law.

THEREFORE, IT IS ORDERED, this 8th day of **May, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County

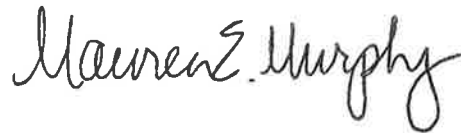
ORDER RECEIVED FOR FILING

Date

By

Zoning Regulations ("BCZR") to permit an accessory structure (proposed in-ground pool) to be partially located within the third of the lot closest to the side street in lieu of the farthest third and accessory structures (proposed pool and existing shed) to occupy as much of 70% of the third of the lot farthest removed from any street in lieu of 50%, be and is hereby, **DENIED**.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw

ORDER RECEIVED FOR FILING

Date 5/8/23

By Dr. Mignon



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

May 8, 2023

Barbara Schofield and
Mallory Branson – mallory@jenkinsbaer.com
1231 Lake Falls Road
Baltimore, MD 21210

RE: Petition for Administrative Variance
Case No. 2023-0071-A
Property: 1231 Lake Falls Road

Dear Petitioners:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order 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,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Peter Curro, Woodfield Outdoors –
kgriffin@woodfieldoutdoors.com; peter@woodfieldoutdoors.com



ATTENTION:

Zoning Review Office

Department of Permits, Approvals, and Inspections

Baltimore County Office

111 West Chesapeake Avenue Towson, Maryland 21204

RE: 1231 Lake Falls Road Baltimore, MD. 21210

Dear County of Baltimore,

We are requesting a variance to install an inground swimming pool at 1231 Lake Falls Rd. Baltimore, MD. 21210. There are unique circumstances of the site including it being a corner lot with a small rear yard. There is no possible way to install the pool in the rear yard within the zoning requirements. The site plan shows the proposed location of the pool adjacent to the part of the house where Ms. Schofield's room would open up to the pool area allowing her easy access to exercise.

Thank you for your consideration.

Sincerely,
Peter Curra

410-808-4815 (cell)

443-299-6500 (office)

peter@woodfieldoutdoors.com

2023-0071-A



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 1231 Lake Falls Rd. Baltimore, MD 21210 Currently Zoned DR 3.5
Deed Reference 46454 1 00493 10 Digit Tax Account # 0920000050
Owner(s) Printed Name(s) Barbara Schofield - Mallory Branson

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 to permit an accessory structure (proposed in-ground pool) to be partially located within the closest third of the lot removed from any street in lieu of the farthest third and accessory structures (proposed pool and existing shed) to occupy as much of 70% of the third of the lot farthest removed from any street in lieu of 50%.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Barbara Schofield , Mallory Branson
Name #1 - Type or Print Name #2 - Type or Print

Barbara S. Schofield , MB
Signature #1 Signature #2

1231 Lake Falls Rd. Baltimore, MD.
Mailing Address City State

21210 , 410-627-6800 , mally@jenkinsbaer.com
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

Mailing Address

Zip Code Telephone # Email Address

Representative to be Contacted:

Peter Curro
Name - Type or Print

[Signature]
Signature

2112 Bel Air Rd. Fallston, MD.
Mailing Address City State

210417 , 443-299-6500 , Kgriffin@woodfieldoutdoors.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, It is ordered by the Office of Administrative Hearings for

Baltimore County, this 1 day of April, 2023 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2023-0071-4 Filing Date 4, 4, 2023 Estimated Posting Date 4, 16, 2023 Reviewer MJE

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1231 Lake Falls Rd. Baltimore MD. 21210
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We are requesting an administrative variance for the
installation of a 26 ft by 12 ft. rectangle inground
swimming pool at 1231 Lake Falls Rd. Barbara Schofield
has resided in this family home for over 70 years and
in her elderly age has acquired mobility issues that
require the use of a cane. The proposed pool will be
used for aquatic exercises that are vital in assisting
in Ms. Schofield's mobility, mental health and overall
improved quality of life.

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

Barbara S. Schofield
Signature of Owner (Affiant)

MM
Signature of Owner (Affiant)

BARBARA T. SCHOFIELD
Name - Print or Type

MALLORY BRANSON
Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of MARCH, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

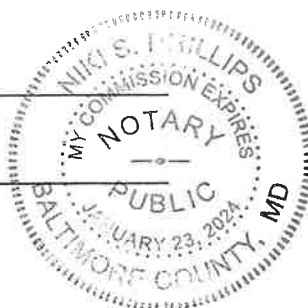
Print name(s) here: BARBARA SCHOFIELD, MALLORY BRANSON

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Niki S. Phillips
Notary Public

01/23/2024
My Commission Expires



Zoning Petition Property Description
Election District 9, Council District 2

ZONING PROPERTY DESCRIPTION FOR 1231 LAKE FALLS RD.
BALTIMORE, MD. 21210.

Beginning at a point on the south side of Lake Falls Rd which is 50' right of way wide at the distance of 124 feet inches, west of centerline of the nearest improved intersecting street Lake Falls Rd which is 50' right of way wide at the distance of 19 feet 2 inches.

Thence the following courses and distances: (1st Point of Call "POC) N 12 19'10" W 71.20', (2nd POC) S N 34 00'50" E Chord 36.17' Radius 25.00' Long 40.43' (3rd POC) N 80 20'50" E 50.92', (4th POC) N 9 39'10" W 98.89' and (5th POC) N 81 35'50" E 72.60' back to the point of beginning as recorded in Deed Liber 41701 Folio 137 containing 8,330 square feet.

2023-0071-A

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EPC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0070-SPH

DATE: April 25, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW&T Response:

The proposed 30' x 60' utility shed is located in a tidal Zone AE special hazard area per FEMA FIRM 2400100465F dated 9/26/08. The proposed utility shed is 1800 square feet. Baltimore County Building Code dated 2015 Part 124.3 (3) prohibits accessory structures greater than 900 square feet. The Administrative Variance must be denied unless the structure size is reduced.

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
EPL for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0076-A

DATE: April 25, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Prior to building permit application, the petitioner shall contact the Office of DPW&T, to determine the Flood Protection Elevation so that the floor elevation can be set

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 25, 2023

FROM: Vishnu Desai, Supervisor
EFC for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0071-A, 0073-A, 0074-A, 0077-A & 0078-A

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 20, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0071-A
Address: 1231 Lake Falls Rd
Legal Owner: Barbara Schofield and Mallory Branson

Zoning Advisory Committee Meeting of April 17, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0071 -A Address 1231 Lake Falls Road

Contact Person: Mitch Kallman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/4/2023 Posting Date: 4/16/2023 Closing Date: 5/1/2023

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023 - 0071 -A Address 1231 Lake Falls Road

Petitioner's Name: Barbara Schofield Telephone (Cell) 410-627-6806
Mallory Branson

Posting Date: 4/16/2023 Closing Date: 5/1/2023

Wording for Sign: To Permit an accessory structure (proposed inground pool) to be
partially located within the third of the lot closest removed from any street
in lieu of the farthest third and accessory structures (proposed pool and existing
shed) to occupy as much as 70% of the third of the lot farthest removed
from any street in lieu of 50%.

**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: 2023-0071-A
Property Address: 1231 Lake Falls Rd. Baltimore, MD. 21210
Legal Owners (Petitioners): Barbara Schofield + Mallory Branson
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Woodfield outdoors
Address: 2112 Bel Air Rd. (Unit 3) Fallston, MD. 21047

Telephone Number: 443-299-6500

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Special Tax Recapture: None										
Account Identifier:		District - 09 Account Number - 0920000050								
Owner Information										
Owner Name:		SCHOFIELD BARBARA T BRANSON MALLORY A				Use: Principal Residence:		RESIDENTIAL NO		
Mailing Address:		236 STANMORE RD BALTIMORE MD 21212-				Deed Reference:		/41701/ 00137		
Location & Structure Information										
Premises Address:		1231 LAKE FALLS RD BALTIMORE 21210-				Legal Description:		1231 LAKE FALLS RD LAKE FALLS		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0079	0004	0206	9020036.04	0000			17	2020	Plat Ref:	0014/ 0018
Town: None										
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1949		2,201 SF				8,330 SF		04		
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements			
2	YES	STANDARD UNIT	1/2 BRICK SIDING/	5	2 full/ 1 half					
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2020		07/01/2020		07/01/2021		
Land:		169,500		169,500						
Improvements		214,200		256,200						
Total:		383,700		425,700		397,700		411,700		
Preferential Land:		0		0						
Transfer Information										
Seller: TAYLOR BARBARA B				Date: 08/01/2019				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /41701/ 00137				Deed2:		
Seller: TAYLOR JOHN M,3RD				Date: 09/28/1994				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /10769/ 00446				Deed2:		
Seller:				Date:				Price:		
Type:				Deed1:				Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2020		07/01/2021				
County:		000		0.00						

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

No. 220015

Date: 3/23/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 75.00
Total:									\$ 75.00

Rec From: WOODFIELD OUTDOORS / SCHOFIELD

For: ADMIN. VARIANCE

CASE # TBD.

JSS

DISTRIBUTION

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

CASHIER'S
VALIDATION

2023-0071-A

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Woodfield Landscaping, Inc.
2112 Bel Air Rd, Suite 3
Fallston, MD 21047

FIRST NATIONAL BANK OF PA
60-1809/433

10709

PAY TO THE
ORDER OF

Baltimore County
Seventy five & ⁰⁰/₁₀₀

\$ 75.00

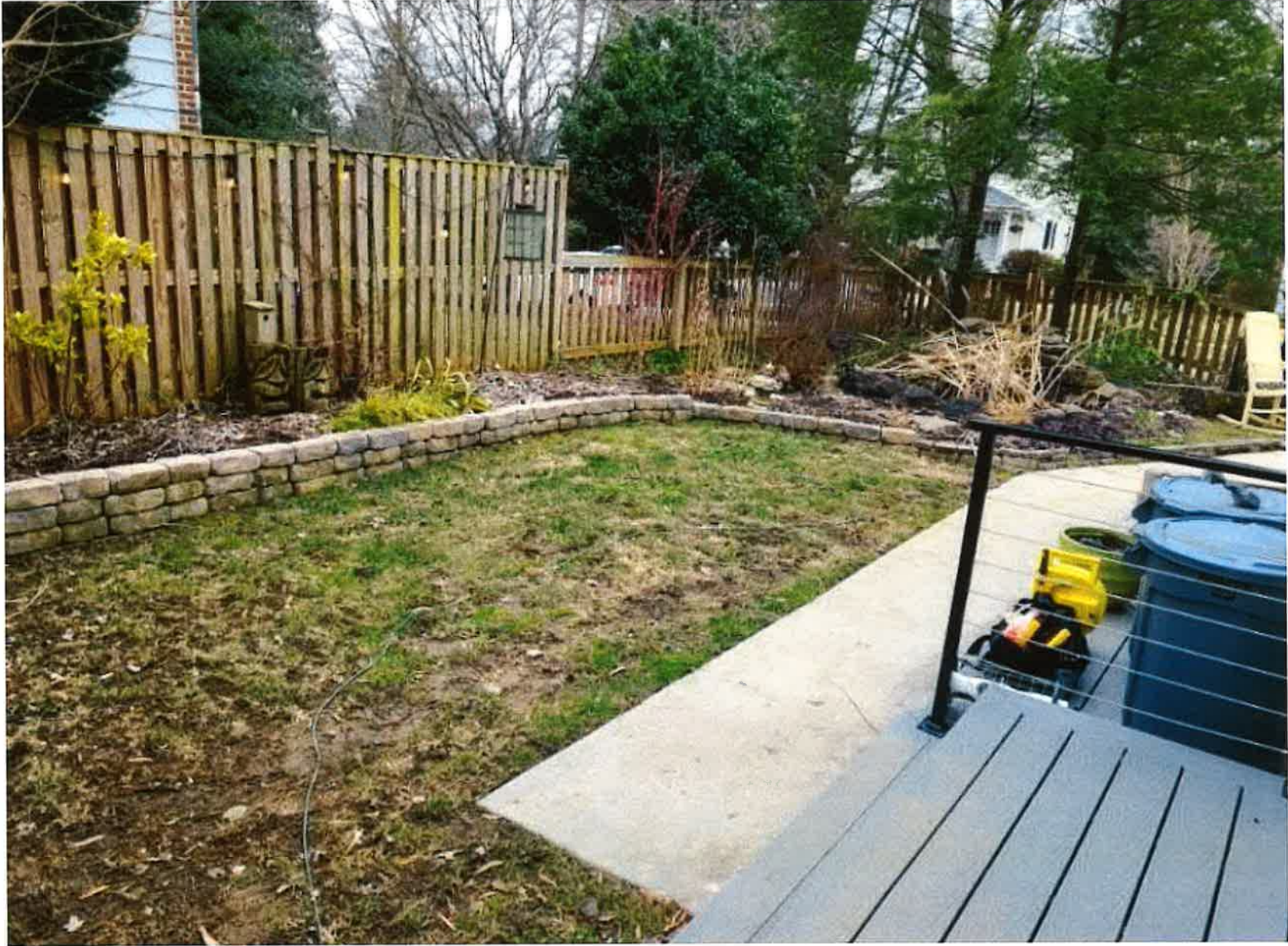
DOLLARS

MEMO Blanson variance

John Curcio

Intuit® CheckLock™ Secure Check Details on Back

2023-0071-A



2023-0071-A



#2023-0071-A

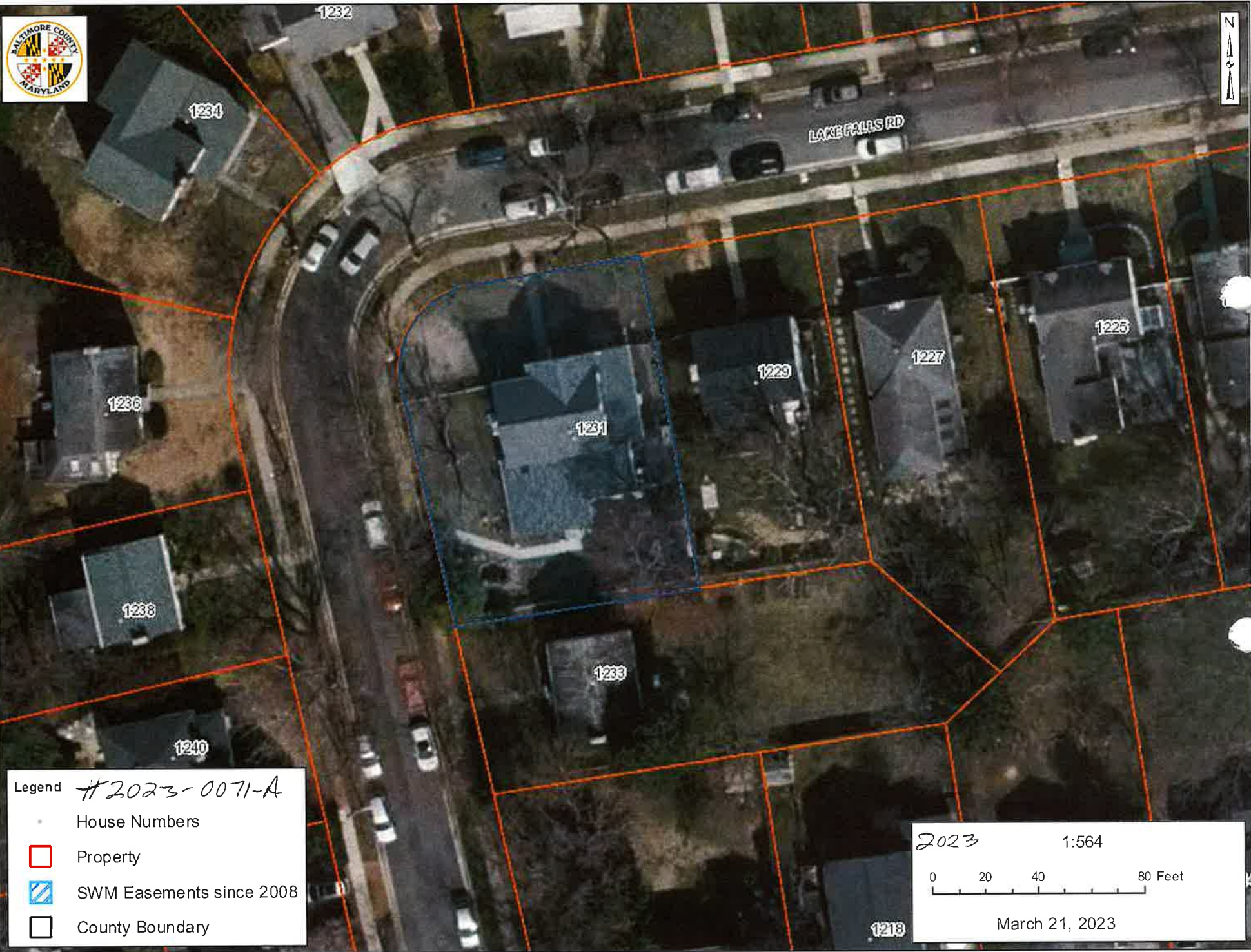


2023-0071-A

A photograph of a residential backyard. On the left, a grey wooden deck with a black railing is visible, with a black bag and some tools on the steps. In the center, a small grey shed stands next to a large, bare, multi-branched tree. The ground is covered in grass and fallen leaves. To the right, a wooden fence with string lights runs along the property line. In the background, a yellow house is visible. The sky is overcast.

#2023-0071-A

Baltimore County - My Neighborhood



Legend #2023-0071-A

- House Numbers
- Property
- SWM Easements since 2008
- County Boundary

2023 1:564

0 20 40 80 Feet

March 21, 2023

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood



JOHN A. OLSEN, JR.
County Executive

C. FRANK GORTWILL, MCDP Director
Department of Planning,
Approvals & Inspections

Legend

2023-0071-A

- House Numbers
- Zoning History Cases
- Zoning
- Property
- SWM Easements since 2008
- County Boundary

0 20 40 80 Feet

April 4, 2023

Baltimore County - My Neighborhood



IN West Chesapeake Avenue, Room 124, Towson, Maryland 21204

Zoning Review / County Office Building

Phone 410-887-3391 Fax 410-887-3648

www.baltimorecountymd.gov

Legend

2023-0071-A

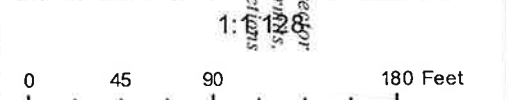
- House Numbers
- Zoning History Cases
- Zoning
- Property
- SWM Easements since 2008
- County Boundary



JOHN A. OLSENSEN, JR.
County Executive



G. REBECCAH WILSON, AICP, Director
Department of Planning,
Approvals & Inspections



April 4, 2023

Sources: Esri, HERE, Garmin, Intermap, increment P., NPS, NRCAN, GeoBase, IGN, Kadaster NL, O. China (Hong Kong), (c) OpenStreetMap contributors

Baltimore County - My Neighborhood



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETER GUTWALD, AICP, Director
Department of Permits,
Approvals & Inspections

April 4, 2023



Zoning Review | County Office Building

111 West Chesapeake Avenue, Room 124 | Towson, Maryland 21204 | Phone 410-387-3391 | Fax 410-387-3048

www.baltimorecountymd.gov

Printed on recycled paper containing 30 percent post-consumer material



Sources: Esri, HERE, Garmin, Intermap, increment P, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri China (Hong Kong), Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community

Baltimore County Government VITA Est HERE GAMIN INCREMENT PLUS GS EPA USDAL

Baltimore County - My Neighborhood



~~JOHN A. OLSZEWSKI, JR.~~
~~County Executive~~

G. RETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

RC 7

1. 1. 1.

180 Feet	90	45	0
----------	----	----	---

April 4, 2023

Baltimore County Government VITA Esp HERE Gamin INCREMENT P USGS EPA USDA

1219
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, AeroGRID, IGN, SIA, Source
1215
1213
1211
1209
1207
1205
1203
1201
1199
1197
1195
1193
1191
1189
1187
1185
1183
1181
1179
1177
1175
1173
1171
1169
1167
1165
1163
1161
1159
1157
1155
1153
1151
1149
1147
1145
1143
1141
1139
1137
1135
1133
1131
1129
1127
1125
1123
1121
1119
1117
1115
1113
1111
1109
1107
1105
1103
1101
1099
1097
1095
1093
1091
1089
1087
1085
1083
1081
1079
1077
1075
1073
1071
1069
1067
1065
1063
1061
1059
1057
1055
1053
1051
1049
1047
1045
1043
1041
1039
1037
1035
1033
1031
1029
1027
1025
1023
1021
1019
1017
1015
1013
1011
1009
1007
1005
1003
1001
999
997
995
993
991
989
987
985
983
981
979
977
975
973
971
969
967
965
963
961
959
957
955
953
951
949
947
945
943
941
939
937
935
933
931
929
927
925
923
921
919
917
915
913
911
909
907
905
903
901
899
897
895
893
891
889
887
885
883
881
879
877
875
873
871
869
867
865
863
861
859
857
855
853
851
849
847
845
843
841
839
837
835
833
831
829
827
825
823
821
819
817
815
813
811
809
807
805
803
801
799
797
795
793
791
789
787
785
783
781
779
777
775
773
771
769
767
765
763
761
759
757
755
753
751
749
747
745
743
741
739
737
735
733
731
729
727
725
723
721
719
717
715
713
711
709
707
705
703
701
699
697
695
693
691
689
687
685
683
681
679
677
675
673
671
669
667
665
663
661
659
657
655
653
651
649
647
645
643
641
639
637
635
633
631
629
627
625
623
621
619
617
615
613
611
609
607
605
603
601
599
597
595
593
591
589
587
585
583
581
579
577
575
573
571
569
567
565
563
561
559
557
555
553
551
549
547
545
543
541
539
537
535
533
531
529
527
525
523
521
519
517
515
513
511
509
507
505
503
501
499
497
495
493
491
489
487
485
483
481
479
477
475
473
471
469
467
465
463
461
459
457
455
453
451
449
447
445
443
441
439
437
435
433
431
429
427
425
423
421
419
417
415
413
411
409
407
405
403
401
399
397
395
393
391
389
387
385
383
381
379
377
375
373
371
369
367
365
363
361
359
357
355
353
351
349
347
345
343
341
339
337
335
333
331
329
327
325
323
321
319
317
315
313
311
309
307
305
303
301
299
297
295
293
291
289
287
285
283
281
279
277
275
273
271
269
267
265
263
261
259
257
255
253
251
249
247
245
243
241
239
237
235
233
231
229
227
225
223
221
219
217
215
213
211
209
207
205
203
201
199
197
195
193
191
189
187
185
183
181
179
177
175
173
171
169
167
165
163
161
159
157
155
153
151
149
147
145
143
141
139
137
135
133
131
129
127
125
123
121
119
117
115
113
111
109
107
105
103
101
99
97
95
93
91
89
87
85
83
81
79
77
75
73
71
69
67
65
63
61
59
57
55
53
51
49
47
45
43
41
39
37
35
33
31
29
27
25
23
21
19
17
15
13
11
9
7
5
3
1

Legend	☒	House Numbers					
	☐	Zoning History Cases					
	☐	Zoning					
	☐	Property					
	☒	SWM Easements since 2008					
	☐	County Boundary					

111 West Chesapeake Avenue, Room 124 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

Printed on recycled paper containing 30 percent post-consumer material



2023-0071-A



#2023-0071-A



2023-0071-A



#2023-0071-A

Baltimore County - My Neighborhood



Legend

#2023-0071-A

House Numbers



Property



SWM Easements since 2008



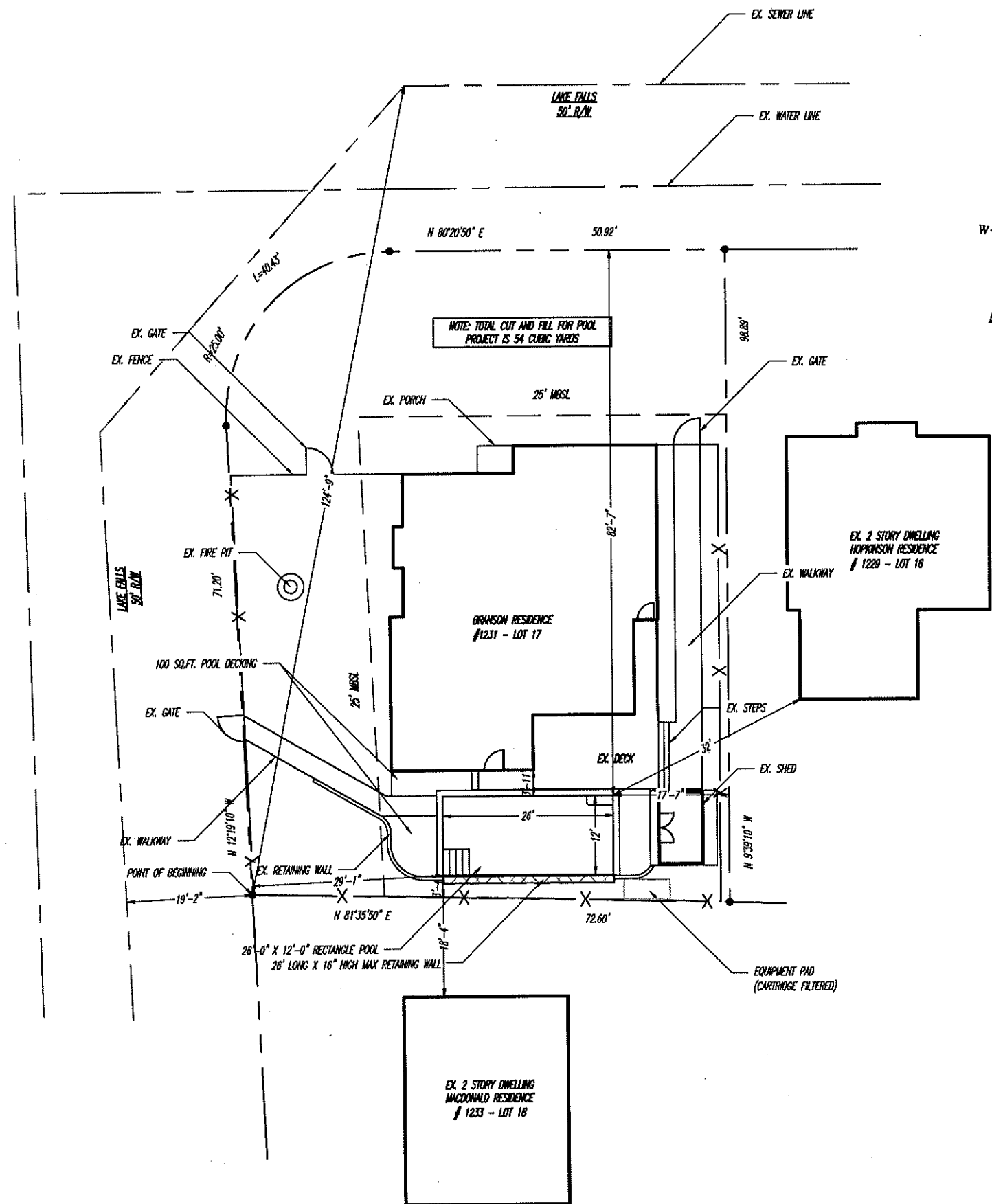
County Boundary

2023

1:564

0 20 40 80 Feet

March 21, 2023



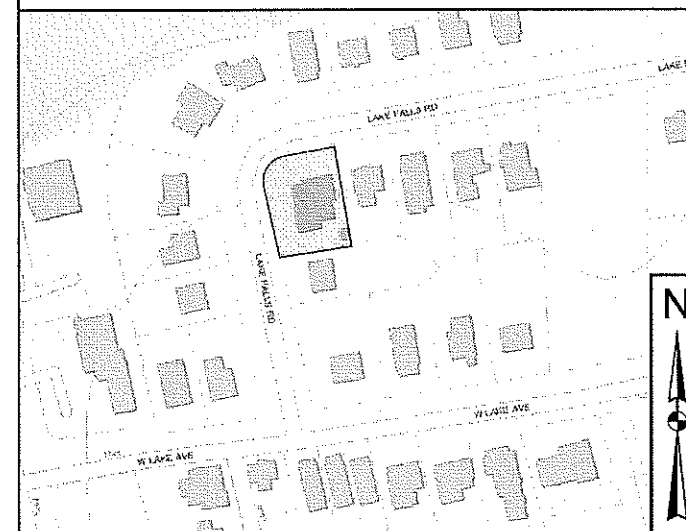
ZONING HEARING PLAN FOR VARIANCE

ADDRESS: 1231 LAKE FALLS ROAD
OWNERS NAME: SCHOFIELD BARBARA T
BRANSON MALLORY A
SUBDIVISION NAME: LAKE FALLS
LOT: 17 - MAP: 79 - GRID: 4 - PARCEL 206
PLAT BOOK: 14 - FOLIO: 18
TAX ID: 09-0920000050
DEED REFERENCE # 46454/493
ZONING MAP: 079B1
ELECTION DISTRICT: 9TH
COUNCIL DISTRICT: 2ND
LOT AREA ACREAGE: 0.19
LOT SQUARE FOOTAGE: 8,330
HISTORIC: NO
CBCA: NO
FLOOD PLAIN: NO

UTILITIES
WATER: PUBLIC
SEWER: PUBLIC

PRIOR HEARING:
ZONING CASE 1993-0130-A - VARIANCE GRANTED
FOR ADDITION.

VICINITY MAP

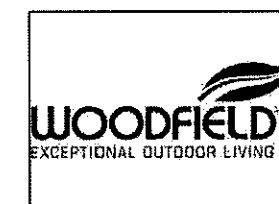


POOL DATA

DIMENSIONS	26'-0" X 12'-0" RECTANGLE POOL
PERIMETER	76 LF
SURFACE AREA	312 SQFT.
GALLONAGE	9,184 GALLONS
DEPTHS	3'-6" TO 6'-0"
FILTER RATE	26 GPM
TURNOVER TIME	6 HOURS
POOL DECK AREA	100 SQFT

PROJECT NAME

CUSTOMER	BRANSON, MALLORY
ADDRESS	1231 LAKE FALLS RD BALTIMORE, MD, 21210
PHONE 1	410-627-6800
PHONE 2	410-627-6800
EMAIL	mallory@jenkinsbaer.com
COUNTY	9TH ELECTION DISTRICT, BALTIMORE COUNTY
SUBDIVISION	LAKE FALLS
LOT DATA	LOT 17, MAP 79, GRID 4, PARCEL 206
TAX ID#	09-0920000050



WOODFIELD OUTDOORS

2112 Belair Road, Ste 3
Fallston, Maryland 21047

Phone: (443) 299-6500

MHIC: 121071

SHEET 1 OF 1

SP1

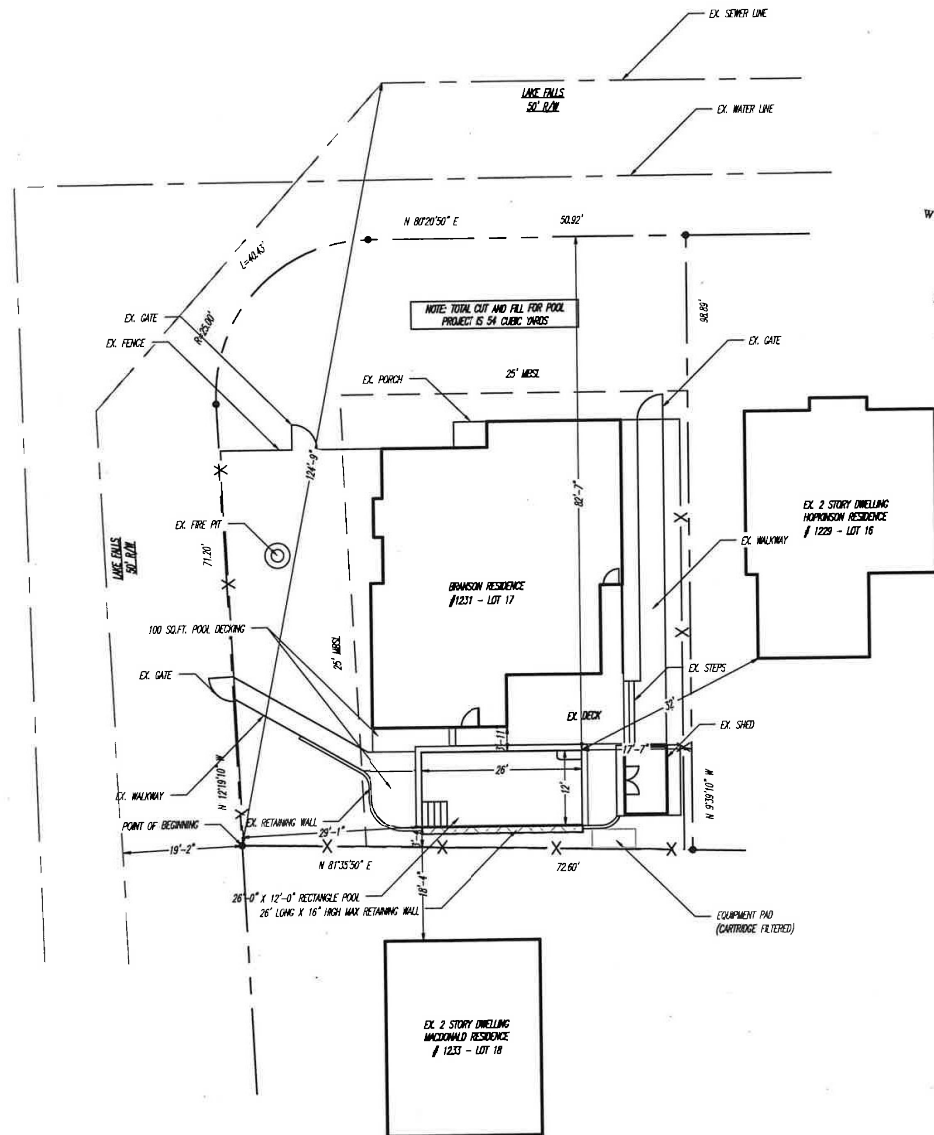
2023-0071-A



SITE PLAN - REVISED 03/31/23

SCALE 1"=20'

SITE PLAN



ZONING HEARING PLAN FOR VARIANCE

ADDRESS: 1231 LAKE FALLS ROAD
OWNERS NAME: SCHOFIELD BARBARA T
BRANSON MALLORY A
SUBDIVISION NAME: LAKE FALLS
LOT: 17 - MAP: 79 - GRID: 4 - PARCEL 206
PLAT BOOK: 14 - FOLIO: 18
TAX ID: 09-0920000050
DEED REFERENCE # 46454/493
ZONING MAP: 079B1
ZONING: D.R. 3.5
ELECTION DISTRICT: 9TH
COUNCIL DISTRICT: 2ND
LOT AREA ACREAGE: 0.19
LOT SQUARE FOOTAGE: 8,330
HISTORIC: NO
CBCA: NO
FLOOD PLAIN: NO

UTILITIES

WATER: PUBLIC
SEWER: PUBLIC

PRIOR HEARING:

ZONING CASE 1993-0130-A - VARIANCE GRANTED
FOR ADDITION.

VICINITY MAP

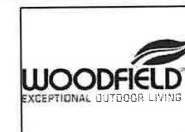


POOL DATA

DIMENSIONS	26'-0" X 12'-0" RECTANGLE POOL
PERIMETER	76 LF
SURFACE AREA	312 SQ. FT.
GALLONAGE	9,184 GALLONS
DEPTHS	3'-6" TO 6'-0"
FILTER RATE	26 GPM
TURNOVER TIME	6 HOURS
POOL DECK AREA	100 SQ. FT.

PROJECT NAME

CUSTOMER	BRANSON, MALLORY
ADDRESS	1231 LAKE FALLS RD BALTIMORE, MD, 21210
PHONE 1	410-627-6800
PHONE 2	410-627-6800
EMAIL	mallory@jenkinsboer.com
COUNTY	9TH ELECTION DISTRICT, BALTIMORE COUNTY
SUBDIVISION	LAKE FALLS
LOT DATA	LOT 17, MAP 79, GRID 4, PARCEL 206
TAX ID#	09-0920000050



WOODFIELD OUTDOORS
2112 Belair Road, Ste 3
Fallston, Maryland 21047
Phone: (443) 299-6500
MHIC: 121071

SHEET 1 OF 1

SP1

SITE PLAN



SITE PLAN - REVISED 03/31/23

SCALE 1"=20'

2023-0071-A