



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

May 8, 2024

Leciel L. Lowery – leelowery@comcast.net
Charlene A. Lowery
16 Andrews Court
Parkton, MD 21120

RE: Petition for Variance
Case No. 2024-0087-A
Property: 16 Andrews Court

Dear Mr. and Mrs. Lowery:

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 blue ink, appearing to be "DJB", is written over a circular blue stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
c: Bruce Doak – bdoak@bruceedoak@consulting.com

IN RE: PETITION FOR VARIANCE

(16 Andrews Court)

7th Election District

3rd Council District

Leciel and Charlene Lowery

Legal Owners

Petitioners

*

BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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CASE NO. 2024-0087-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Leciel and Charlene Lowery (“Petitioners”) for the property located at 16 Andrews Court, Parkton, Baltimore County, Maryland (the “Property”). The Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”) § 400.3 to permit an accessory building (shed/barn) with a height of 22 ft., in lieu of the required maximum 15 ft.

A public hearing was conducted on May 1, 2024, using the web-based platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Leciel Lowery, appeared at the hearing in support of the Petition and was assisted by Bruce E. Doak of Bruce E. Doak Consulting, LLC. Mr. Doak also assisted Petitioners in the preparation of their Petition and submitted the signed and sealed Site Plan. There were no Protestants or other interested persons at the hearing.

The following exhibits were received and admitted into the record: (1) Site Plan; (2) SDAT Report; (3) Subdivision plat; (4) GIS; (5) GIS photograph; (6) Key Sheet and photographs A-J; (7) Architectural elevations and floor plans A-C. The following reports were submitted by county agencies and were admitted into the record: (1) Zoning Advisory Committee (“ZAC”) comments from the Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”) comments; and (3) Development Plans Review (“DPR”) comments.

Agency comments do not indicate any objections to the requested relief.

Findings of Fact

The Property is approximately 1.36 acres in land area and is zoned RC-5. The Property is improved with a two-story single-family dwelling and accessory structure (shed). The subject property is a panhandle lot in an existing residential subdivision (Windtree) and the subdivision is surrounded by detached residential dwellings, farms, and forest conservation areas. *See* Pet. Exh. 3. The parcel and subdivision enjoy substantial forest cover on and between lots and the surrounding community is heavily forested.

Mr. Doak, a licensed surveyor, stated that the proposed accessory structure (shed/barn) will be used for storage and the existing shed on the property will be razed. Mr. Doak testified that the proposed shed/barn will be one story with an open area between the trusses to accommodate additional storage at height. *See* Pet. Exh. 1. The roof pitch is designed to provide effective sheeting of ice, rain, and snow but the slope results in a total building height of 22 ft. The garage is sited at the rear of the property outside of the septic reserve area and at a lower elevation than the single-family home or adjacent homes. *See* Pet. Exh. 6e. In conjunction with the mature trees acting as buffers between lots, the garage will be at least partially obscured from view from most neighboring lots. *See* Pet Exhs. 6f & 6g. Except for height, the proposed garage meets all setback and bulk regulation requirements. The proposed height of 22 ft. is requested to accommodate the roof pitch, necessary storage size, and to mimic the style of an agricultural building or barn in this rural area of northern Baltimore County. Mr. Doak stated that the proposed height is the minimum necessary to achieve the desired pitch of the roof for both structural and aesthetic reasons. Mr. Lowery testified that he spoke with several adjacent neighbors and they expressed support for the project. Mr. Lowery further stated that no bathroom or kitchen facilities are proposed.

Conclusions of Law

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...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...". 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).

I find that the Property is unique due to its panhandle shape and slope resulting in siting the proposed accessory building at lower elevation. I further find that special circumstances or conditions exist that are peculiar to this parcel and strict compliance with the Zoning Regulations for Baltimore County with respect to accessory structure height would result in practical difficulty as the proposed height is necessary for both structural and aesthetic reasons. I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition, indicating the purposes of BCZR are generally satisfied.

THEREFORE, IT IS ORDERED, this 8th day of **May 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 400.3 to permit an accessory building (garage) with a height of 22 ft., in lieu of the required maximum 15 ft., be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. The site remains subject to RC-5 performance standards;
3. Architectural elevations shall be submitted for county review at permit stage;
4. Petitioners and subsequent owners shall not convert the accessory building into a dwelling unit or apartment except under proper permit. The accessory building shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities;
5. The accessory building shall not have separate utility or electric connections or meters and shall connect all utilities, electric, or other services to the home unless for reasons of capacity, safety, or other similar reasons separate connections or meters are required or recommended by a utility or service provider; and
6. The accessory building shall not be used for commercial or industrial purposes and shall remain accessory to the single-family dwelling.

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


DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



PETITION FOR ZONING HEARING(S)

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

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

Address 16 ANDREWS COURT which is presently zoned RC5
Deed References: 10962/404 10 Digit Tax Account # 2100010927
Property Owner(s) Printed Name(s) LECIEL L. LOWERY JR & CHARLENE A. LOWERY

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

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

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

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

LECIEL L. LOWERY JR CHARLENE A. LOWERY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2024-0087-A

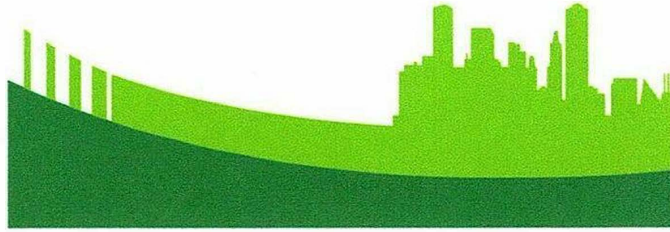
Filing Date / /

Do Not Schedule Dates: _____

Reviewer _____

Zoning Hearing Petitions Being Requested

Variance to permit an accessory building (garage) with a height of 22 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR



Zoning Description

16 Andrews Court
Lot 19 "Windtree Valley" Plat Book 60/4
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northwest side of Andrews Court, 133 feet, more or less, southwesterly of the centerline of Wind Tree Valley Road,

Being Lot #19 as shown on the plat entitled "Windtree Valley" dated October 25, 1988 and recorded in the land records of Baltimore County in Plat Book 60, page 4.

Containing 1.35 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



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

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

2024-0087-A

Case Number: _____

Property Address: 16 ANDREWS COURT

Property Description: LOT 19 WINDTREE VALLEY PB 60/1

Legal Owners (Petitioners): LECIEL L. LOWERY JR & CHARLENE A. LOWERY

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-9906

Revised 5/20/2014

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

No. 229839

Date: 3/29/24

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

Total: 75

Rec
From: Bruce E DOAK

For: 16 Andrews Ct Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BRUCE E DOAK 12-12
BRUCE E DOAK CONSULTING
3801 BAKER SCHOOLHOUSE RD
FREELAND, MD 21053-9738

3118

15-3/540
429

3/02/24

Date

Pay to the
Order of BALTIMORE COUNTY MD

\$ 75.00

SEVENTY FIVE AND 00/100

Dollars



PNC BANK

PNC Bank, N.A. 040

For LOWERY ZONING FEE

BE D

0540000301 5336741067 3118

GENERAL INFORMATION

1. Ownership: Leciel L. Lowery Jr & Charlene A. Lowery
16 Andrews Court Parkton MD 21120 410-382-1238
2. Address: 16 Andrews Court
3. Deed references: 10962/ 404
4. Area: 1.35 acres (per SDAT)
5. Tax Map / Parcel / Tax account #: 07 / 017 / 21-00-010927
6. Election District: 7 Councilmanic District: 5
ADC Map: GIS tile: 007B3 Position sheet: 140NW7
Census tract: 407002 Census block: 24005407002
Schools: 7th District ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 007B3 and the information provided by Baltimore County. The house will remain and the shed will be replaced.

OFFICE OF ZONING

Zoning: RC 5 There are no previous zoning cases on the subject parcels.

RC 5 Setbacks for Dwellings

Front: 75 feet from centerline of street or road
Side / Rear: 50 feet from a property line

RC 5 Setbacks for Accessory Structures: 2.5 feet from a property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

1. The subject property is served by a private well & septic system
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

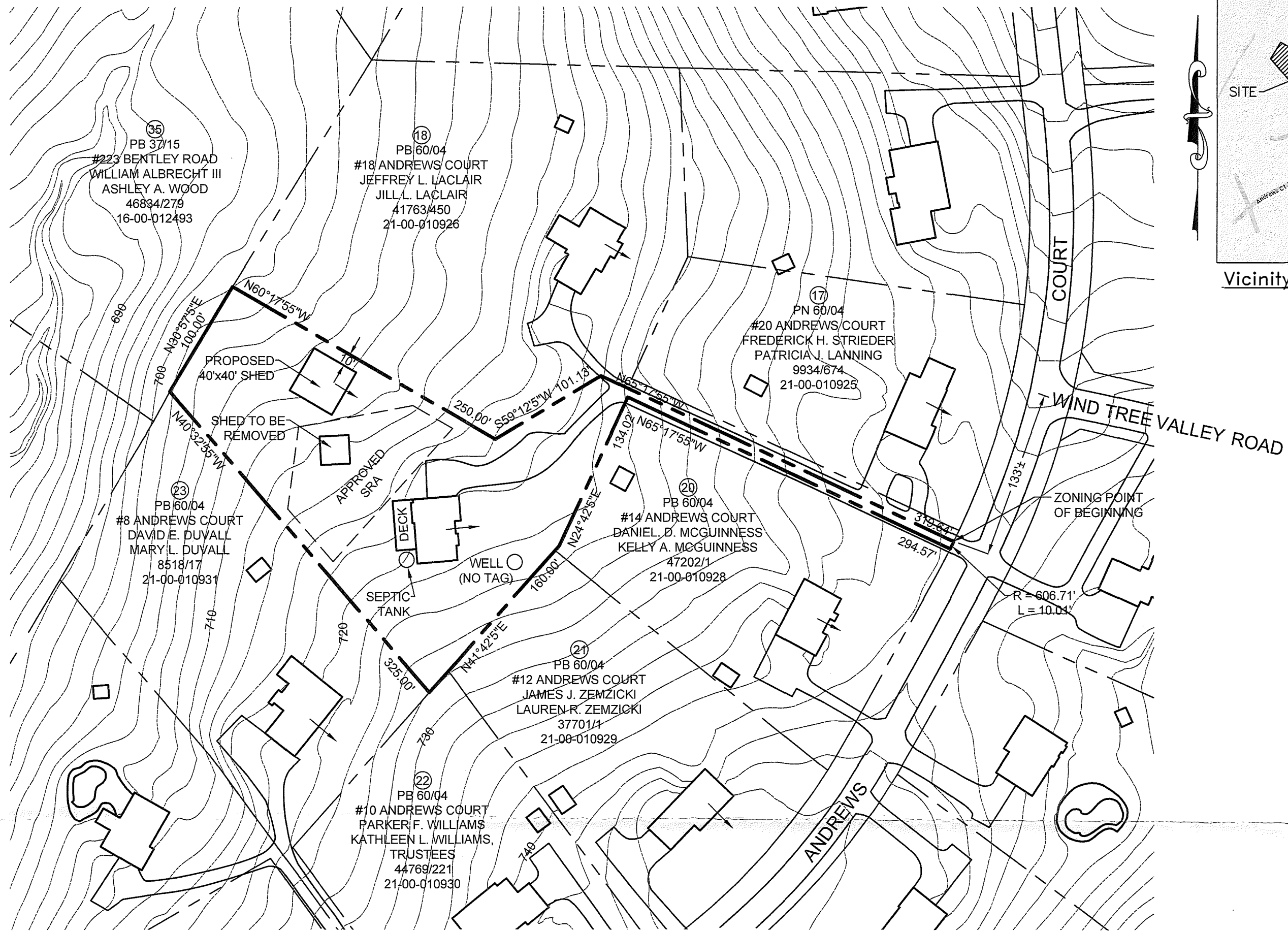
OFFICE OF PLANNING

Regional Planning District: Hereford/ Maryland Line District Code: 301

1. The subject property is not in a National Register Historic District

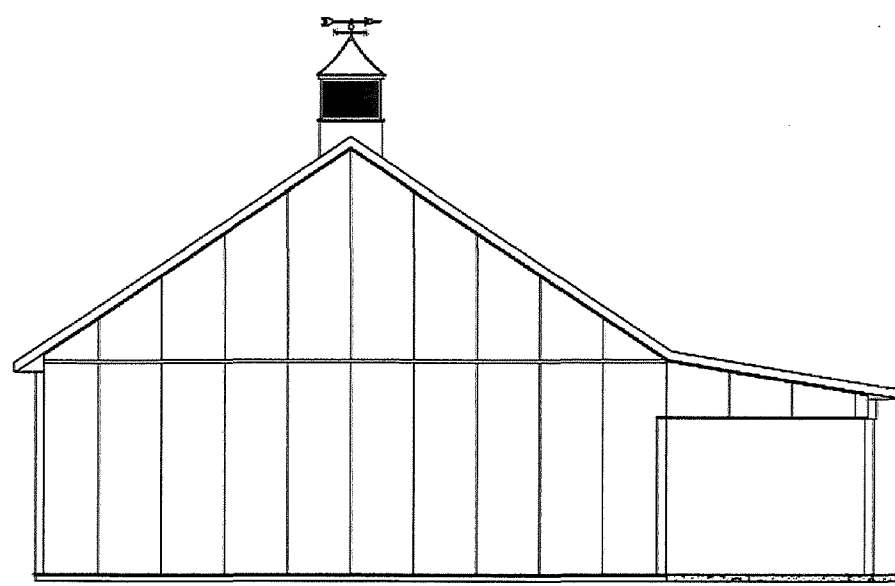
PROPOSED DEVELOPMENT

To construct a garage in the rear yard.

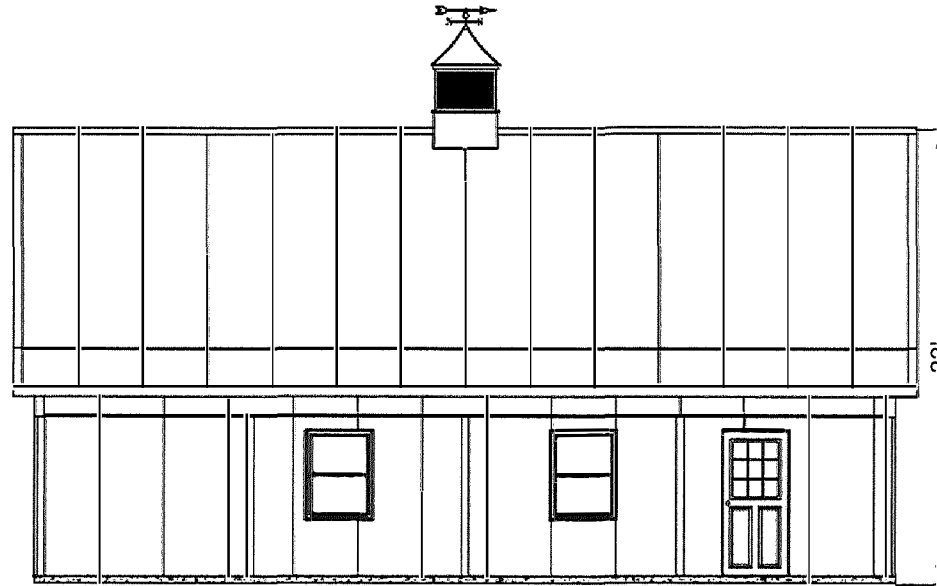


Vicinity Map - Scale: 1" = 400'

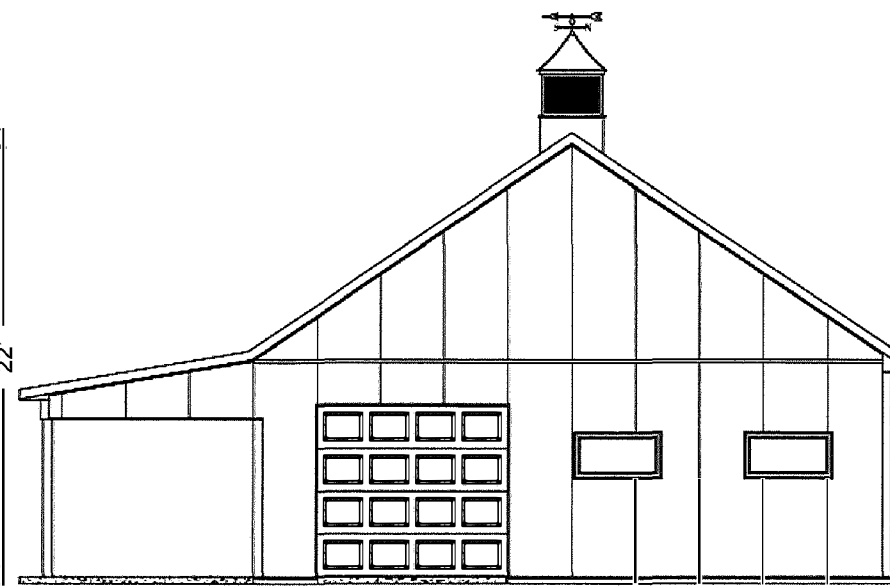
ELEVATIONS OF PROPOSED GARAGE



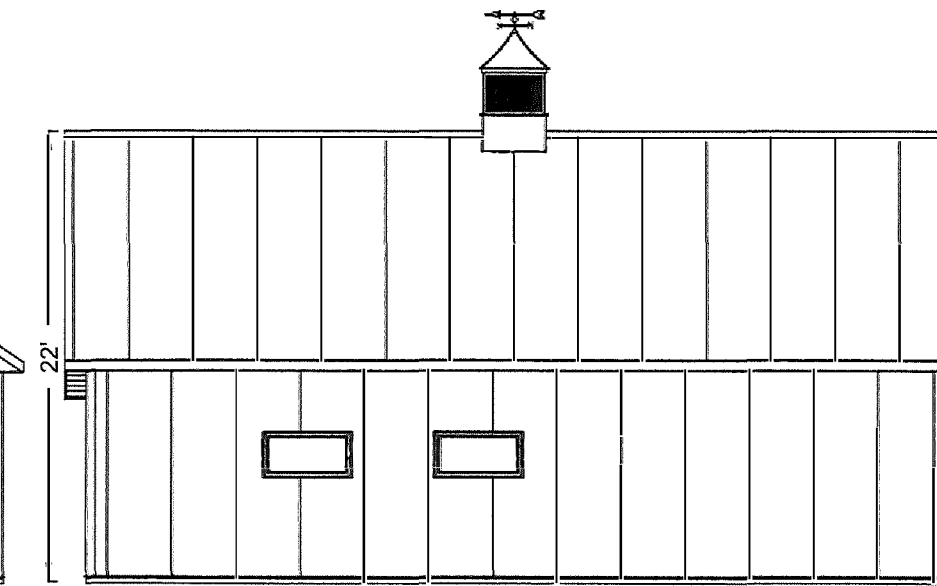
LEFT ELEVATION



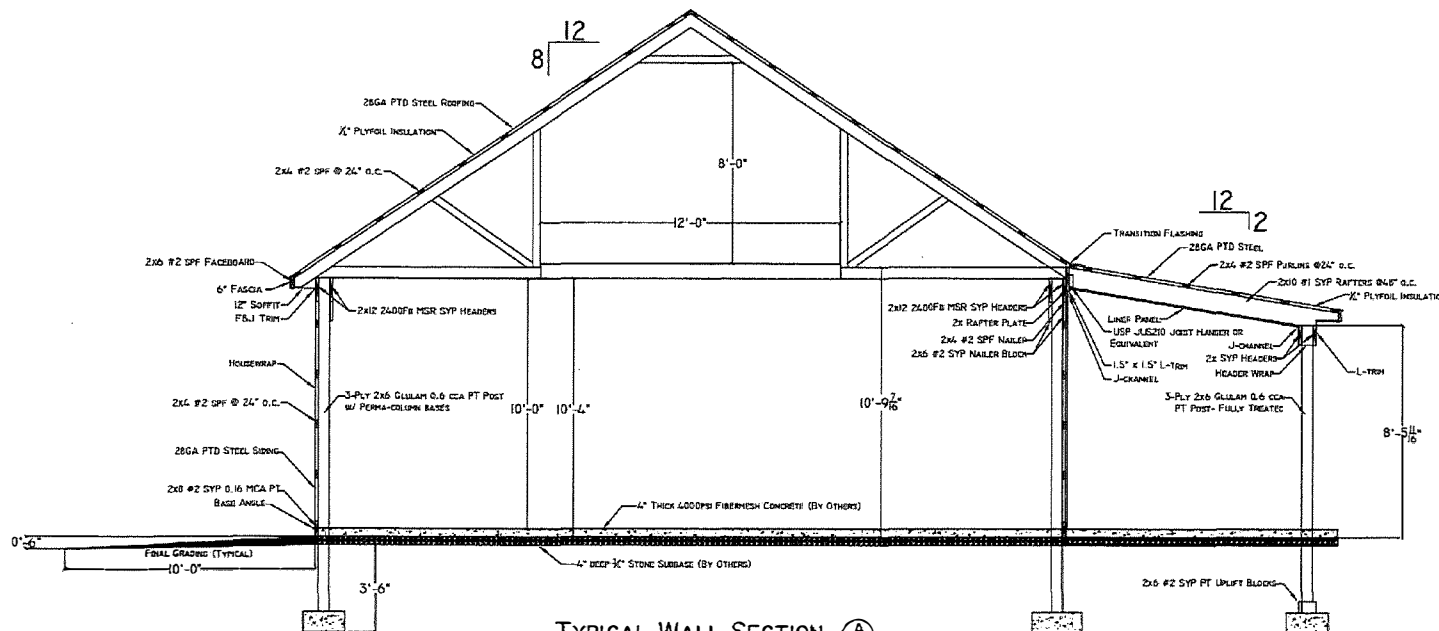
FRONT ELEVATION



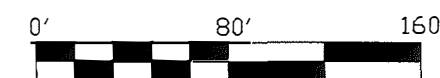
RIGHT ELEVATION



REAR ELEVATION



TYPICAL WALL SECTION
TYPICAL WALL SECTION



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION

FOR

#16 ANDREWS COURT

BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 2/26/24

Scale: 1"= 80'

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 07 Account Number - 2100010927

Owner Information

Owner Name:

LOWERY CHARLENE A
LOWERY LECIEL L JR

Mailing Address:

16 ANDREWS CT
PARKTON MD 21120

Use:

RESIDENTIAL

Principal Residence:

YES

Deed Reference:

/10962/ 00404

Location & Structure Information

Premises Address:

16 ANDREWS CT
PARKTON 21120

Legal Description:

1.3592 AC
16 ANDREWS CT
WINDTREE VALLEY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0007 0021 0017 7020006.04 0000 19 2023 Plat Ref: 0060/ 0004

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1995 2,660 SF 1.3500 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

2 YES STANDARD UNITSIDING/5 2 full/ 1 half 1 Attached

Value Information

Base Value

Value

Phase-in Assessments

As of

As of

As of

01/01/2023

07/01/2023

07/01/2024

Land:

139,700

150,000

Improvements

341,200

386,500

Total:

480,900

536,500

499,433

517,967

Preferential Land:

0

0

Transfer Information

Seller: WOOD BROS INC

Date: 03/06/1995

Price: \$295,434

Type: ARMS LENGTH IMPROVED

Deed1: /10962/ 00404

Deed2:

Seller: HOGG BARBARA B

Date: 03/31/1994

Price: \$75,500

Type: ARMS LENGTH VACANT

Deed1: /10435/ 00653

Deed2:

Seller: WINDTREE VALLEY INC

Date: 09/30/1991

Price: \$66,000

Type: ARMS LENGTH IMPROVED

Deed1: /08925/ 00847

Deed2:

Exemption Information

Partial Exempt Assessments:

Class

07/01/2023

07/01/2024

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

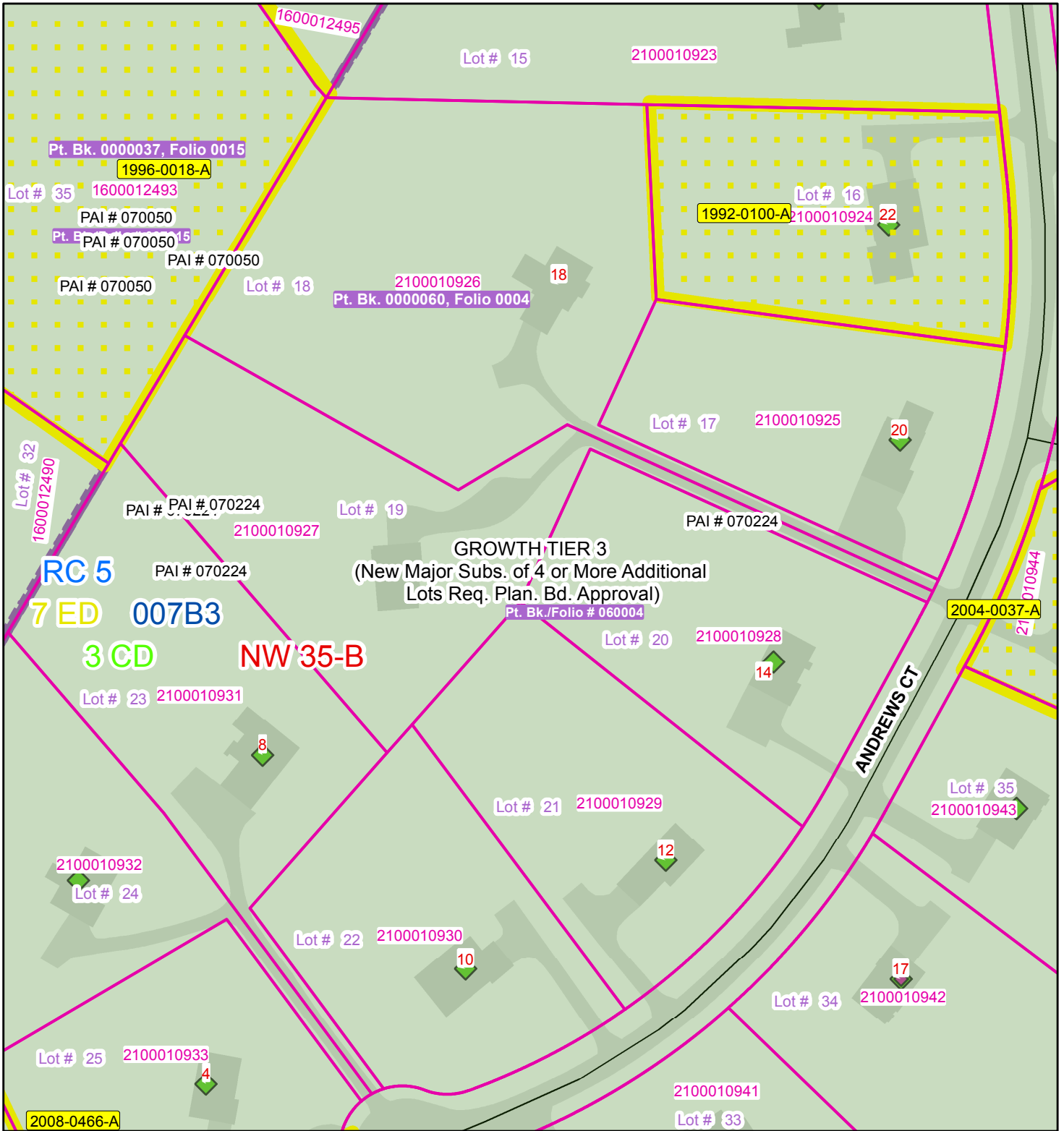
Homestead Application Status: Approved 08/21/2014

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

16 ANDREWS COURT



Publication Date: 3/29/2024



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



0 30 60 120 180 240 Feet

1 inch = 110.479798 feet



PETITION FOR ZONING HEARING(S)

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

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

Address 16 ANDREWS COURT which is presently zoned RC5
Deed References: 10962/404 10 Digit Tax Account # 2100010927
Property Owner(s) Printed Name(s) LECIEL L. LOWERY JR & CHARLENE A. LOWERY

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2024-0087-A

Filing Date / /

Legal Owners (Petitioners):

LECIEL L. LOWERY JR CHARLENE A. LOWERY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

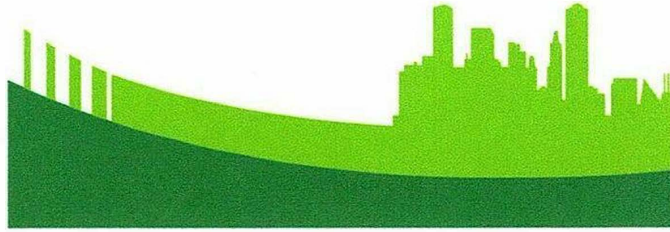
BD@BRUCEDOAKCONSULTING.COM

Do Not Schedule Dates: _____

Reviewer _____

Zoning Hearing Petitions Being Requested

Variance to permit an accessory building (garage) with a height of 22 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR



Zoning Description

16 Andrews Court
Lot 19 "Windtree Valley" Plat Book 60/4
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northwest side of Andrews Court, 133 feet, more or less, southwesterly of the centerline of Wind Tree Valley Road,

Being Lot #19 as shown on the plat entitled "Windtree Valley" dated October 25, 1988 and recorded in the land records of Baltimore County in Plat Book 60, page 4.

Containing 1.35 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2024-0087-A
Address: 16 ANDREWS CT.
Legal Owner: Leciel & Charlene Lowery

Zoning Advisory Committee Meeting of April 9, 2024.

 X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. The site plan submitted would not be acceptable for building permit approval by Ground Water Management.
 - b. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements and may require an OSDS inspection report.
 - c. Per COBAR Regulations 01.03.05 E(3) – Fill, driveways or parking areas, patios, or decks are not permitted over septic tanks and deep trenches or sewage disposal areas without written permission from the Department. Permission to do so may be contingent on installation of drainfields to accommodate up to 300% of the design flow prior to authorization.

The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Reviewer: Mia Lowery, L.E.H.S.

- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest Conservation Regulations may be addressed by filing a Single Lot Declaration of Intent (DOI) with DEPS prior to permit approval provided no more than 20,000 square feet of forest would be cleared for the proposed garage or within five years of the Declaration.

Reviewer: Glenn Shaffer

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 10, 2024

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0087-A

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

BPR: No comment

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 8, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0087-A

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 4/10/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0087-A

INFORMATION:

Property Address: 16 Andrews Court
Petitioner: Leciel L. and Charlene A. Lowery
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance - To permit an accessory building (garage) with a height of 22 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR

The subject property is located along Andrews Court in the Parkton area of Baltimore County. The property consists of an approximately 1.35-acre parcel zoned RC-5 and improved with a dwelling unit. The proposed property is surrounded by detached residential dwellings, farms and forest conservation.

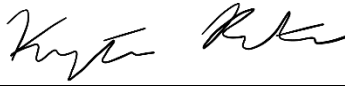
The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

The Department has no objections to the requests with the following condition:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.

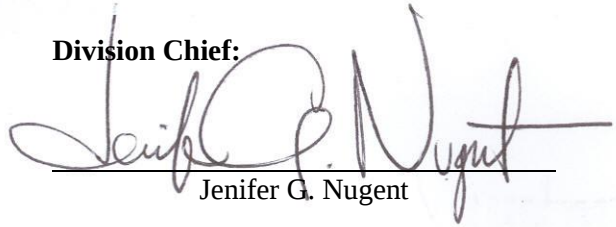
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

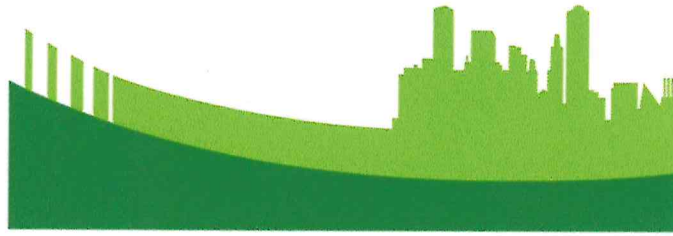
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak, Bruce E. Doak Consulting LLC
Abigail Rogers, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



CERTIFICATE OF POSTING

April 09, 2024

_____ amended for second inspection

Re:

Zoning Case No.2024-0087-A

Legal Owner: Leciel & Charlene Lowery

Hearing date: May 01, 2024

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 **16 Andrews Court**.

The signs were initially posted on **April 8, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak".

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 HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0087-A

16 Andrews Court Parkton, MD 21120

(NWS of Andrews Ct, SW of CL Wind Tree Valley Rd.)

Council District 3, Election District 7

Legal Owners: Leciel & Charlene Lowery

PETITION REQUEST: Variance: To permit an accessory structure (garage) with a height of 22 ft. in lieu of the required maximum height of 15 ft. Per BCZR, Section 400.3

Hearing Date: Wednesday, May 1, 2024 at 11:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is, The Jefferson Building, 105 W Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103, Towson, Maryland 21204 / Phone 410-887-3868 ext.0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

GENERAL INFORMATION

- Ownership: Leciel L. Lowery Jr & Charlene A. Lowery
16 Andrews Court Parkton MD 21120 410-382-1238
- Address: 16 Andrews Court
- Deed references: 10962/ 404
- Area: 1.35 acres (per SDAT)
- Tax Map / Parcel / Tax account #: 07 / 017 / 21-00-010927
- Election District: 7 Councilmanic District: 5
ADC Map: GIS tile: 007B3 Position sheet: 140NW7
Census tract: 407002 Census block: 24005407002
Schools: 7th District ES Hereford MS Hereford HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 007B3 and the information provided by Baltimore County. The house will remain and the shed will be replaced.

OFFICE OF ZONING

Zoning: RC 5 There are no previous zoning cases on the subject parcels.

RC 5 Setbacks for Dwellings

Front: 75 feet from centerline of street or road
Side / Rear: 50 feet from a property line

RC 5 Setbacks for Accessory Structures: 2.5 feet from a property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

- The subject property is served by a private well & septic system
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

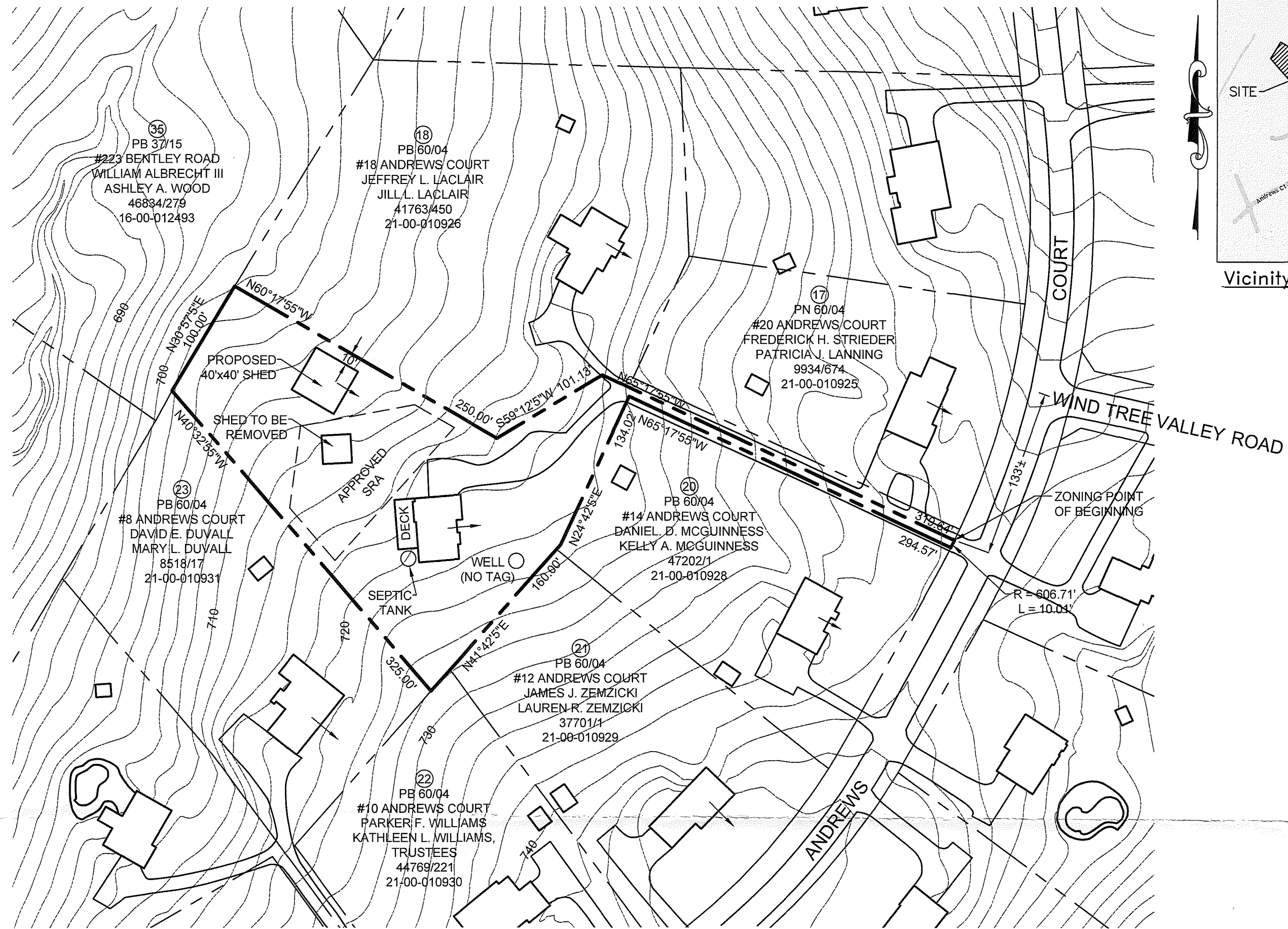
OFFICE OF PLANNING

Regional Planning District: Hereford/ Maryland Line District Code: 301

- The subject property is not in a National Register Historic District

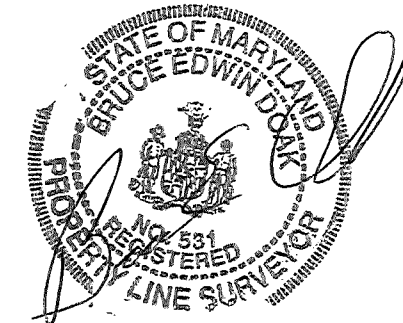
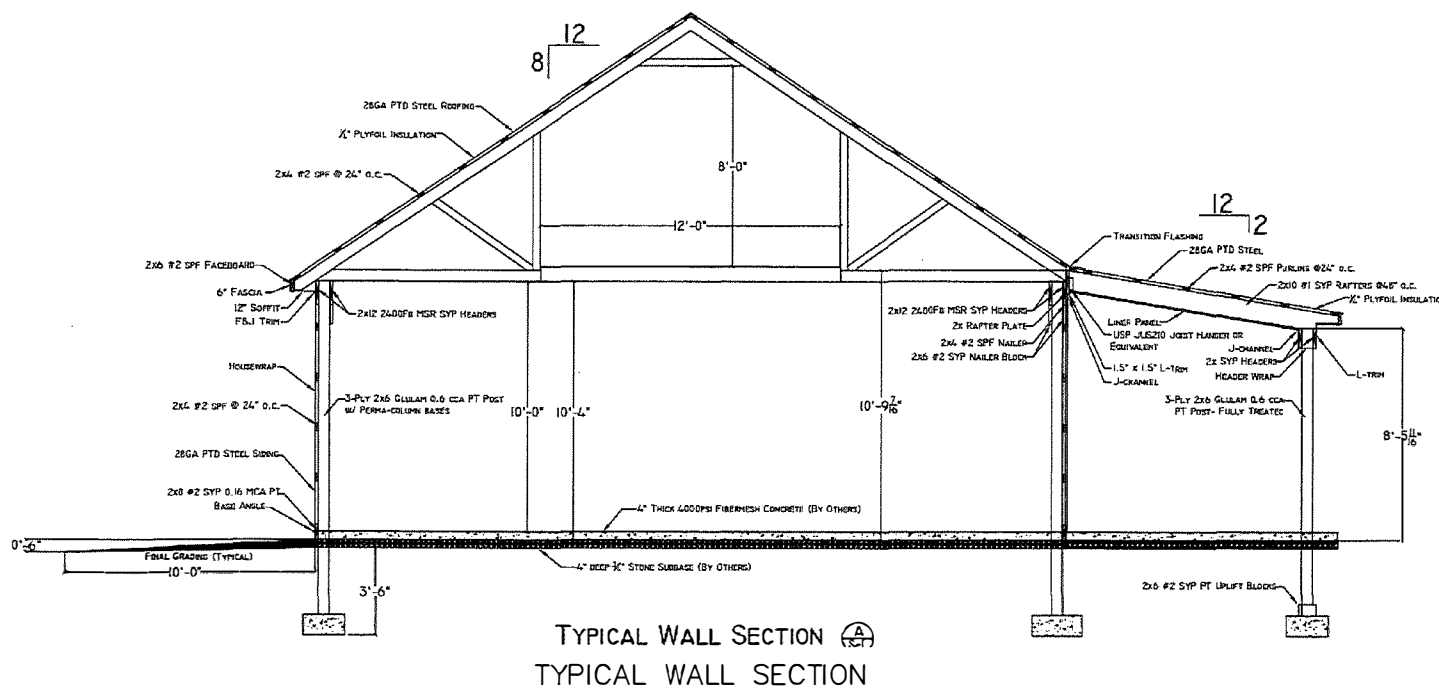
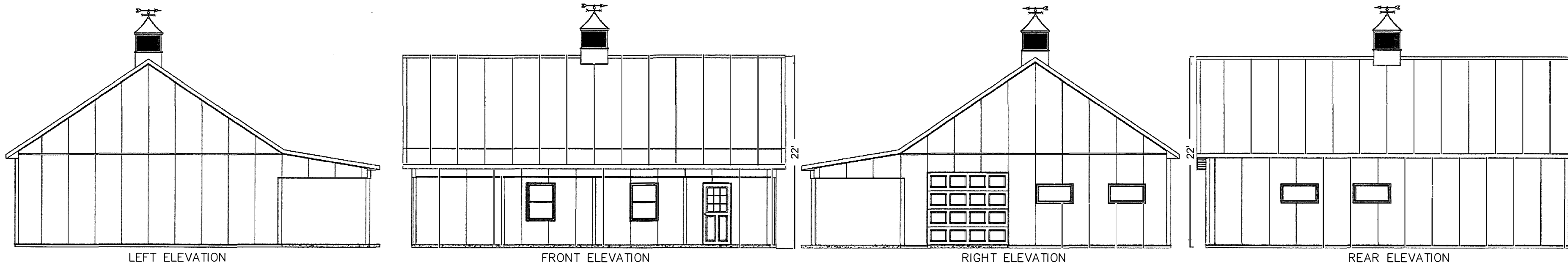
PROPOSED DEVELOPMENT

To construct a garage in the rear yard.



Vicinity Map - Scale: 1" = 400'

ELEVATIONS OF PROPOSED GARAGE



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION

FOR

#16 ANDREWS COURT

BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 2/26/24

Scale: 1" = 80'