

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NE/S Musgrove Road, 700 ft.
SE of c/l Broadway Road * ZONING COMMISSIONER
1302 Musgrove Road
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Marshall Fesche, et ux * Case No. 98-129-A
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for a Variance for the property located at 1302 Musgrove Road in the subdivision known as The Clearings, in Timonium. The Petition was filed by Marshall Fesche and Tammy Fesche, his wife, property owners. Variance relief is requested from Section 1A04.3.A. of the Baltimore County Zoning Regulations (BCZR) to permit a 42 ft. building height in lieu of the permitted 35 ft. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Tammy Fesche, property owner/Petitioner. Appearing as an interested person was C. William Clark, Esquire, on behalf of the Musgrove Homeowners Association and Mr. and Mrs. Richard Sammis, adjacent property owners.

Testimony and evidence presented was that the subject property is approximately 2.10 acres in area, zoned R.C.5. Mr. and Mrs. Fesche have owned the property for approximately one year. Currently, the site is unimproved. However, the Fesches propose constructing a single family dwelling on the site. Elevation drawings of the proposed dwelling were submitted as Petitioners' Exhibit No. 2. Those drawings show a large single family dwelling in the Georgian Architectural style. The dwelling will be approximately 6500 sq.ft. Additionally, the dwelling, as proposed,

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M. Gorak

will be 42 ft. It was indicated at the hearing that this height was necessary in order to accommodate the architectural style which is proposed. It was also indicated that the proposed height will not cause any detriment on surrounding properties, in view of the unique topography, shape and other natural characteristics of the property.

Mr. Clark indicated that his clients supported the request, for so long as the grade of the property was not artificially increased to make the dwelling appear higher. In this regard, Mrs. Fesche indicated that, although some grading would be necessary in order to build the house, the grade would not materially change.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has satisfied the requirements set forth in Section 307 of the BCZR. Specifically, there has been a showing that the property is unique, that a denial of the variance would result in practical difficulty upon the Petitioners and that relief can be granted without detrimental impact to surrounding properties.

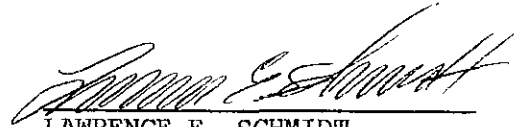
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

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for returning, said property to its original condition.

2. As the result of the construction of the proposed dwelling, there shall be no material alteration to the grade of the property which would result in an inappropriate increase to the ground level of the lot and height of the proposed dwelling.

LES/mmm



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

11/26/97
Mr. Howard



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1302 Musgrove Road.

which is presently zoned RC5

This Petition shall be filed with the Department of Permits & Development Management

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

1A04.3.A. to permit a 42 ft. building height in lieu of 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do 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 Petition

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

mtk 10/2/97

ZONING DESCRIPTION

Property description for 1302 Musgrove, Timonium, Maryland. Beginning at a point on the west side of Musgrove which is a turnaround before ending at this address with no improved intersecting streets. This private road leads out to Broadway which is about a quarter of a mile away. Being lot "1", Section #3 in the subdivision of the Clearings and a deed reference of 6537/165 and account 19.00.010387. The property contains 2.051 acres and is located in the 8th Election District and 3rd Councilmanic district

129

MARCOLE + TAMMY FISKE
1302 MUSGROVE
TIMONIUM

Request for Zoning Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____ *

Format for Sign Printing, Black Letters on White Background:

Item # 129

ZONING NOTICE

Case No.: 98-129-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____ *

DATE AND TIME: _____ *

REQUEST: Variance to permit a 42 foot building height
in lieu of 35 feet

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

98-129-A
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 129

Petitioner: Marshall + Tammy Fesche

Location: 1302 Musgrove Road.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Marshall + Tammy Fesche

ADDRESS: 11506 Saint Davids Lane

Timonium, MD 21093

PHONE NUMBER: (410) 252-8177

AJ:ggg

(Revised 09/24/96)

BALTIMORE COUNTY, MAR AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044426

DATE 10/2/97 ACCOUNT 01-615

Item: 129.

By: WFK

AMOUNT \$ 50.00

RECEIVED
FROM:

Marshall + Tammy Fesche - 1302 ^{Musgrove} Rd.

FOR:

010-Rcs Var. ——— \$ 50.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

98-129-A

PAID RECEIPT

PROCESS ACTUAL TIME

10/02/1997 10/02/1997 11:03:43

REF: WFOE CASHIER DIR/ EXT DRAWER

6 RUBEN ANDON'S OPEN RECEIPT

Receipt # 032528

CR NO. 044426

50.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

98-129-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 16, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 16, 1997.

THE JEFFERSONIAN,

A. Henrickson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property

identified herein as follows:

Case: #98-129-A
1302 Musgrove Road
NE/S Musgrove Road, 700'
SE of A Broadway Road
8th Election District
3rd Councilmanic

Legal Owner(s):
Marshall Fesche and Tammy Fesche

Variance: to permit a 42 foot building height in lieu of 35 feet.

Hearing: Tuesday, November 4, 1997 at 9:00 a.m. in Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 867-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 867-3391.

10/273 Oct. 16 C181889

CERTIFICATE POSTING

RE: Case No.: 98-129-A

Petitioner/Developer: TAMMY FESCHE, ETAL
#1302 MUSGROVE RD,

Date of Hearing/Closing: 11/4/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #1302 MUSGROVE RD.

The sign(s) were posted on 10/17/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 10/19/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

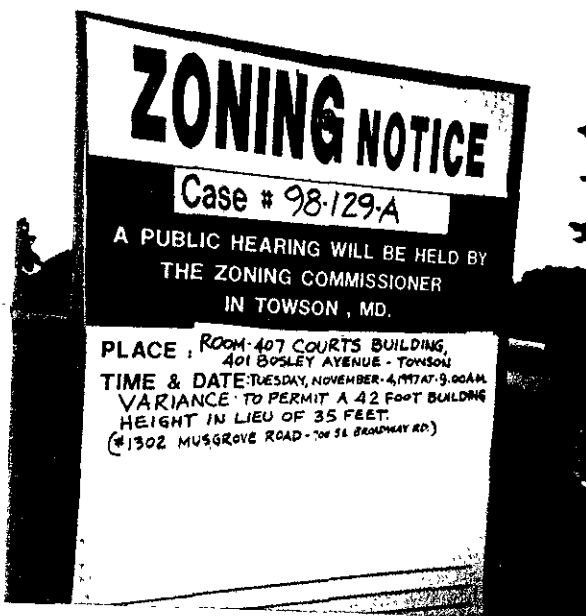
Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Page (410) 905-8571



98-129A

#1302 MUSGROVE RD

P. 10/17/97 TAMMY FESCHE
607-0707 H-11/4/97e90



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 10, 1997

NOTICE OF HEARING

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

CASE NUMBER: 98-129-A
1302 Musgrove Road
NE/S Musgrove Road, 700' SE of c/l Broadway Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Marshall Fesche and Tammy Fesche

Variance to permit a 42 foot building height in lieu of 35 feet.

HEARING: TUESDAY, NOVEMBER 4, 1997 at 9:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Marshall and Tammy Fesche

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 20, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTUXENT PUBLISHING COMPANY
October 16, 1997 Issue - Jeffersonian

Please forward billing to:

Marshall and Tammy Fesche
11506 Saint Davids Lane
Timonium, MD 21093
410-252-8177

NOTICE OF HEARING

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

CASE NUMBER: 98-129-A
1302 Musgrove Road
NE/S Musgrove Road, 700' SE of c/l Broadway Road
8th Election District - 3rd Councilmanic
Legal Owner(s): Marshall Fesche and Tammy Fesche

Variance to permit a 42 foot building height in lieu of 35 feet.

HEARING: TUESDAY, NOVEMBER 4, 1997 at 9:00 a.m. in Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 29, 1997

Mr. and Mrs. Marshall Fesche
11506 Saint Davids Lane
Timonium, MD 21093

RE: Item No.: 129
Case No.: 98-129-A
Petitioner: Marshall Fesche, et ux

Dear Mr. and Mrs. Fesche:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 2, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 10, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 120, 121, 122, 123, ¹²⁴126, 129, and 131

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Oct 15, 97

FROM: R. Bruce Seeley. RBS/sp
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Oct 14, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

120

124

129

130

RBS:sp

BRUCE2/DEPRM/TXTSBP



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 16, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 14, 1997

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

A. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
and 131

REVIEWER: LT. ROBERT S. SAUERWOLD
Fire Marshal Office, PHONE 887-1881. MS-1102F
cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: October 20, 1997

FROM:  Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for October 20, 1997
Item Nos. 120, 124, 127, 129, 130,
& 131

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1020.NOC

RE: PETITION FOR VARIANCE
1302 Musgrove Road, NE/S Musgrove Road,
700' SE of c/l Broadway Road
8th Election District, 3rd Councilmanic

Marshall and Tammy Fesche
Petitioners

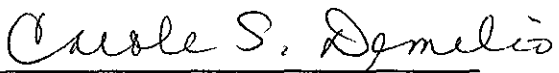
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-129-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October, 1997, a copy of the foregoing Entry of Appearance was mailed to Marshall and Tammy Fesche, 11506 Saint Davids Lane, Timonium, MD 21093, Petitioners.


PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

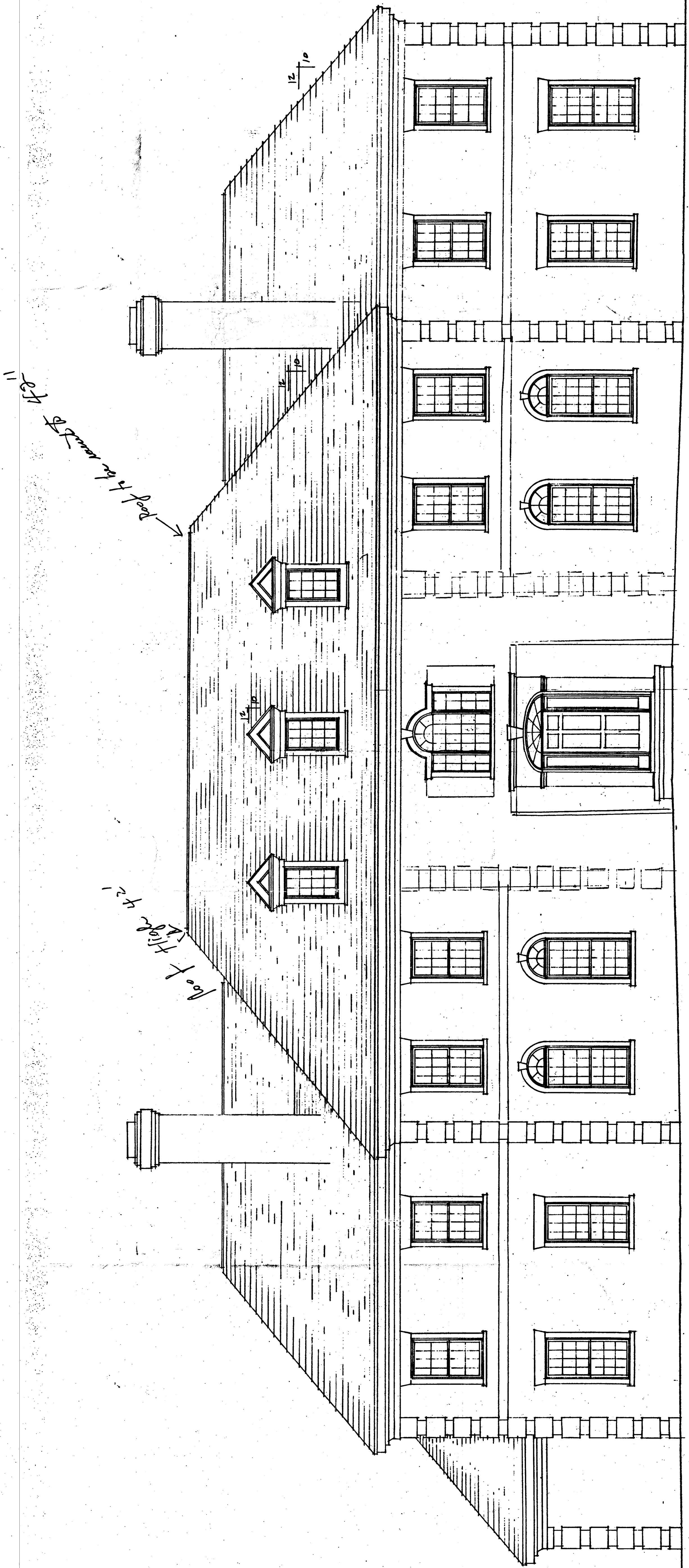
PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

C William Clark - Nolan Plunkhoff & Wms.
for Musgrove H.O Assoc
INC

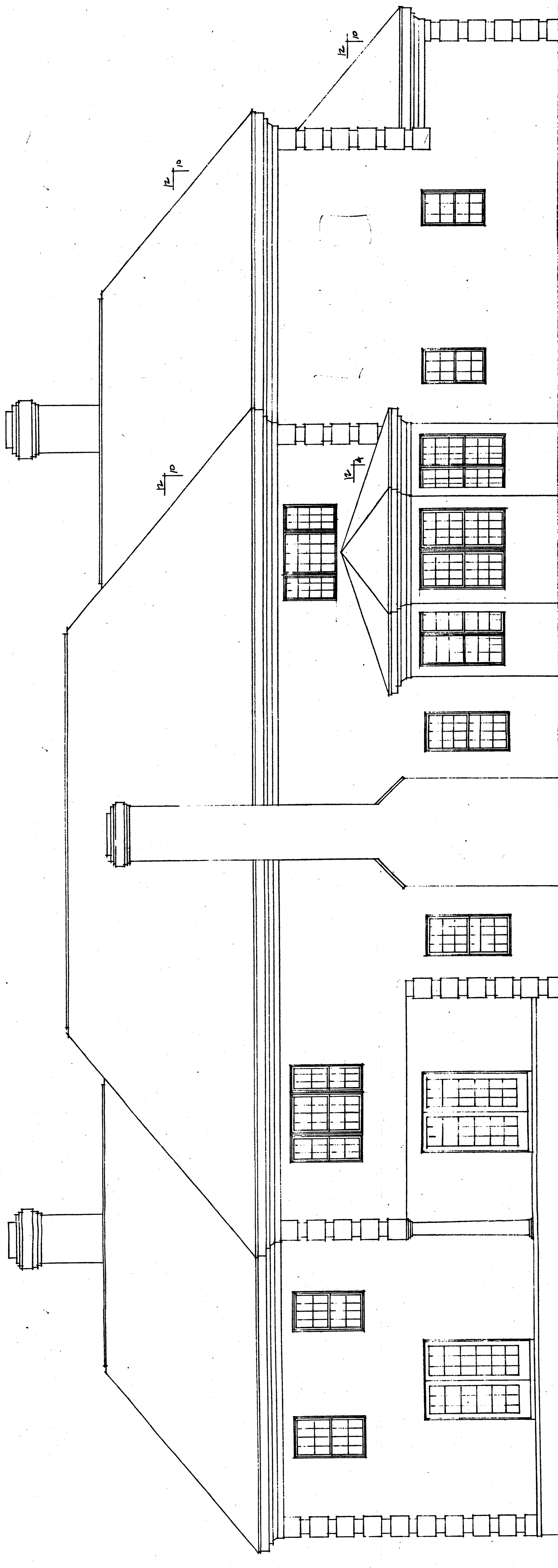
Mr + Mrs Richard Sammis
1304 Musgrove Dr



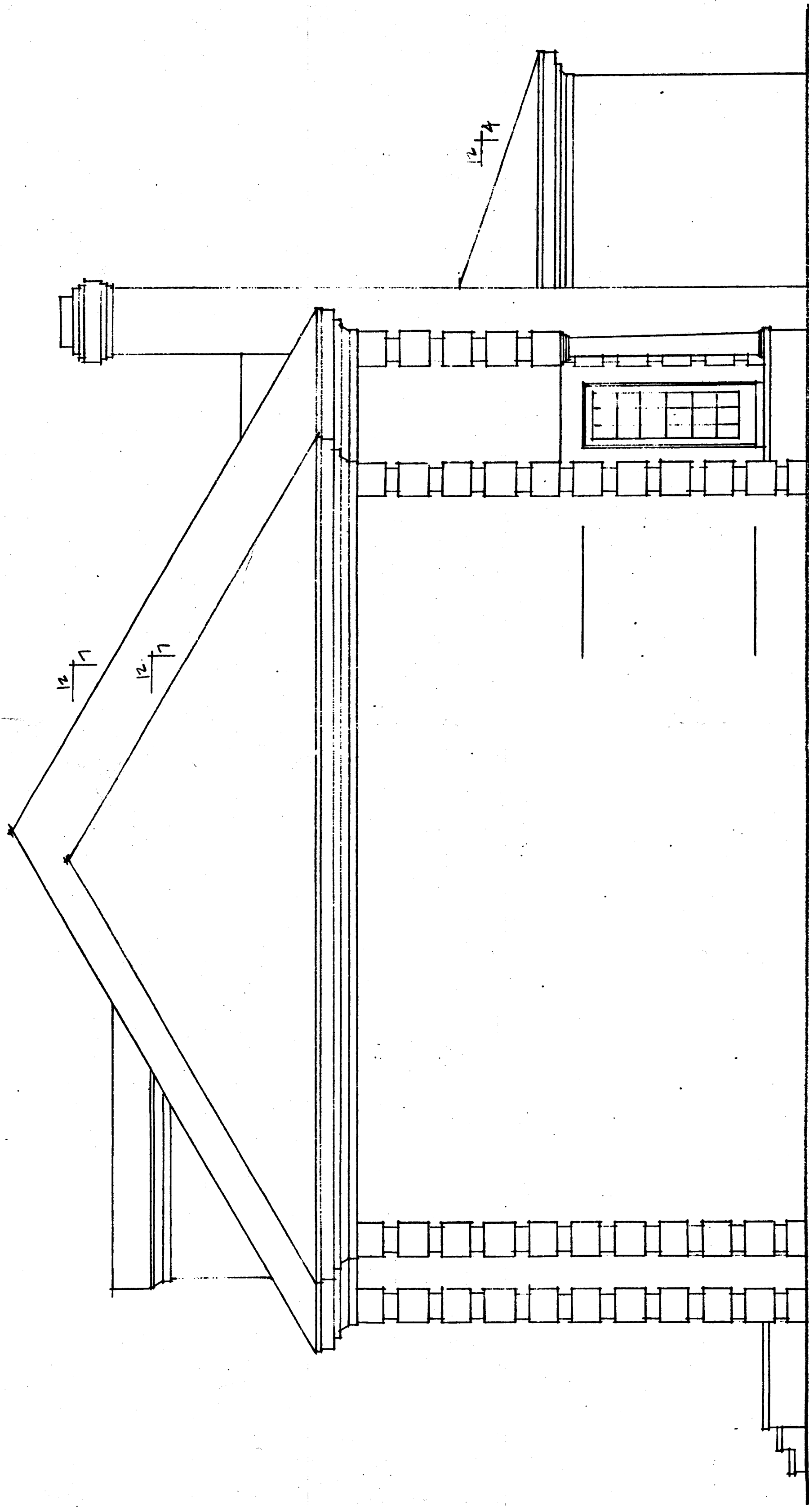
FRONT ELEVATION
SCALE 1/8" = 1'-0"

FESCHE RESIDENCE

RESERVATION NUMBER 10 APR 05/1977



REAR ELEVATION
SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 26, 1997

Mr. and Mrs. Marshall Fesche
11506 Saint Davids Lane
Timonium, Maryland 21093

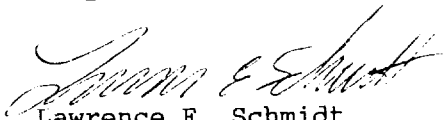
RE: Case No. 98-129-A
Petition for Variance
Property: 1302 Musgrove Road

Dear Mr. and Mrs. Fesche:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: C. William Clark, Esquire
Nolan, Plumhoff and Williams,
Suite 700, Nottingham Center
502 Washington Avenue
Towson, Maryland 21204



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

TAMMY FCSCH





1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

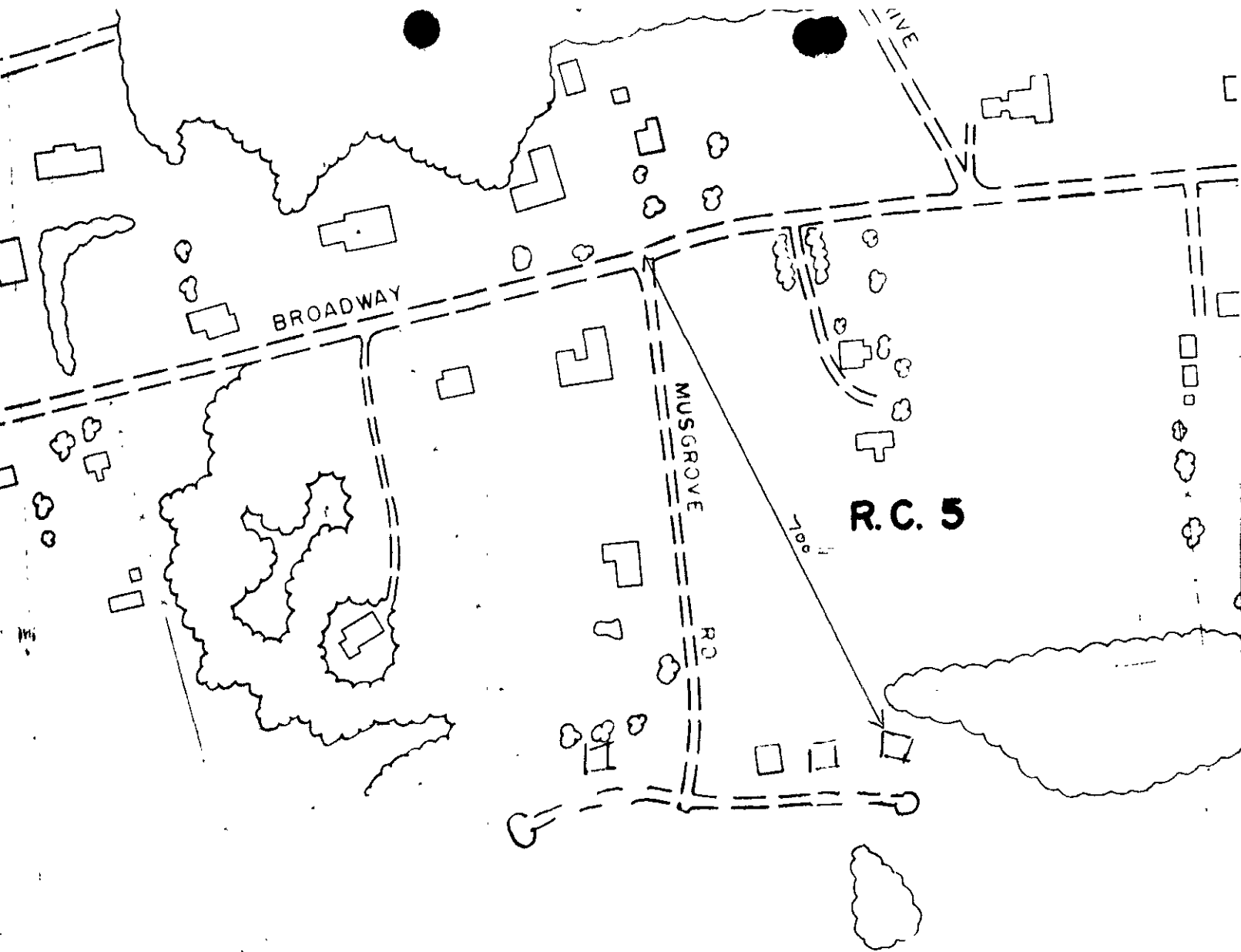
Kevin Kamenev
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION CHESTNUT RIDGE COUNTRY CLUB
DATE OF PHOTOGRAPHY JANUARY 1986	

SHEET
N.W.
14-D



MARSHALL + TAMMY FESCHER
1302 MUSGROVE
TIMONIUM

CHESTNUT
98-129-A
RIDGE

129

COUNTRY

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

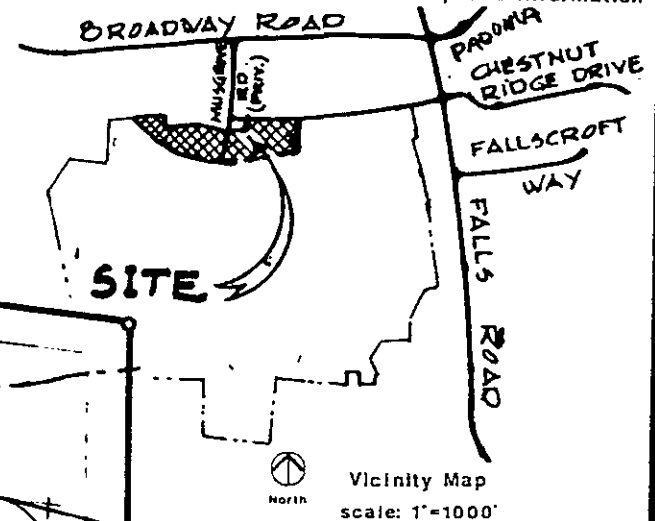
PROPERTY ADDRESS: 1302 MVS GROVE

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: CLEARINGS

plat book # 56, folio # 137, lot # 1, section # III

OWNER: MARSHALL AND TAMMY FESCHE



LOCATION INFORMATION

Election District: 8
Councilmanic District: 3
1"=200' scale map #: NW 14D
Zoning: RC5
Lot size: 2.10 acreage 100,000 square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: none

Zoning Office USE ONLY!

reviewed by: WPK ITEM #: 129 CASE #:

date: 10-1-97
prepared by: _____

Scale of Drawing: 1"= 2000'

98-129-A