

IN THE MATTER OF
THE APPLICATION OF
SHIRLEY & DAVID MORRISON -
LEGAL OWNERS; DAVID WALDHAUSER
-CP /PETITIONERS FOR VARIANCE
ON PROPERTY LOCATED ON THE
N/S WHITEMARSH RD, 2200' SE OF*
C/L BUCKS SCHOOLHOUSE ROAD
(4704 WHITEMARSH ROAD)
14TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 99-359-A
*

* * * * *

O P I N I O N

This case comes before the Board of Appeals for Baltimore County based on a timely appeal from a decision of the Deputy Zoning Commissioner, Timothy M. Kotroco, dated May 28, 1999, in which a petition for 10-foot variance of a 15-foot side yard setback (east property boundary) was denied. However, the Deputy Zoning Commissioner granted a 5-foot setback to the opposite (west) side of the property to permit the required 15-foot setback on the east side of the property. The Appellants /Protestants, Kathleen Glover Waxman and her mother, Mary A. Glover, were represented by J. Carroll Holzer, Esquire. The Petitioners /legal owners, Shirley and David Morrison, and the contract purchaser, David Waldhauser, appeared pro se. This matter was heard by the Board de novo.

Petitioner (Waldhauser) took the position that, although he was granted a 5-foot setback on the west side of the property, he was still requesting the variance of a 10-foot setback on the east side of the property rather than the 5-foot setback as granted by the Zoning Commissioner. However, should the Board elect not to grant the variance of a 10-foot setback on the east side, Petitioner would request that the 5-foot setback granted on the

west side of the property be upheld.

The first order of business was a Motion to Dismiss by Mr. Holzer on behalf of his client. He indicated that the Deputy Zoning Commissioner denied the variance requested on the east side of the property and granted a variance to the west side property line. He argued that there was no amendment made to Petitioner's request for variance. He indicated that his clients took an appeal to the granting of a west property boundary line variance. He argued that both side variances should be denied. Secondly, he noted that, if setbacks apply for a new residence, the dwelling could be 31 feet wide. The petition itself establishes no hardships or practical difficulty. Thirdly, the plat with variance request was prepared by the Petitioner, David Waldhauser. There is no engineer's seal, and the requirements of the Zoning Commissioner are not met as a 1:200 scale map is not available. Mr. Holzer noted that this was a technical reason for dismissal. He further explained that the Petitioner used a plat surveyed and prepared by Frank Lee. He noted that these boundaries are currently under discussion. He stated that his client has had a survey done by Daft-McCune-Walker, which shows a 2-1/2 foot variation to the detriment of his client. He argued that all variances should be denied until the issue of property lines can be resolved. The Board opted to take testimony and rule on the Motion to Dismiss at the conclusion of the case.

Mr. David Waldhauser testified that the subdivision survey was done by Frank and Paul Lee. The same was approved and recorded in

Baltimore County. He assumed the same to be correct. Upon filing his request for variance, Protestant, Mrs. Waxman, questioned the property lines and had her property surveyed. Her surveyor completed the work the day before this hearing and found that one stake was misplaced by 2-1/2 feet. This stake is in the rear east corner. Mr. Waldhauser stated that an approved plat was presented to the Zoning Commissioner and that the survey itself is correct. He indicated that he would like to locate his driveway 8 feet from the property line. The Baltimore County Zoning Regulations (BCZR) require 15-foot side setback and he desires 10 feet. He testified that his property falls from the road front to the back property line. He stated that for every 4-1/2 feet the property drops about 1 foot. Mr. Waldhauser stated that changing the position of the house would require the house to be quite deep and have a significant drop-off. He indicated that this is a practical difficulty.

During cross-examination, Mr. Holzer identified that Mr. Waldhauser is a nephew to the Morrisons, the owners of the property, and that originally the Morrisons began the subdivision process to build a house for themselves and then discontinued the process. They offered the lot to their nephew and assisted him with the subdivision process. It was established that the zoning of the property is D.R. 5.5 and requires a 15-foot setback from the tract boundary. Petitioner would require a variance of a 10-foot setback in order to construct a house 36 feet wide. If no variance were granted, under current law, a 31-foot wide house could be

built. Mr. Holzer walked through several "what if" scenarios with Mr. Waldhauser to establish what possibilities existed for this property. However, Mr. Waldhauser insisted that he desires having a 36-foot wide house with a garage facing the road frontage. He stated that he would not be using the Waxman driveway.

After cross-examination, Petitioner presented several photographs accepted as exhibits. They depicted the property under discussion and show the Morrison home as of March of 1999. On cross-examination by Mr. Holzer, Petitioner indicated where he would locate his house.

The next witness was Douglas Holtzschneider, who has lived on the property back off the road near Mrs. Waxman for 40 years. He noted that his access is a right-of-way on the driveway and is presently the subject of a law suit. He testified that the driveway has been there for years and that the property has a "fairly good slope." He stated that a longer house would be more difficult. He knows the Morrisons and John Waldhauser cut the grass on his property.

Shirley Morrison, owner of the property, testified to the severe slope of the land and difficulty with access to Whitemarsh Road. On cross-examination, she confirmed that she has a pool and sheds in her back yard and that the yard is usable for recreation purposes. At this point, Petitioner rested his case.

Mr. Holzer moved to dismiss this request because of its failure to comply with Section 307.1 of the BCZR and Cromwell v. Ward. The Board advised Mr. Holzer that it would withhold ruling

on the motion at that time. Mr. Holzer then called his first witness, Protestant Kathleen Glover Waxman. Ms. Waxman is the daughter of the adjacent property owner, Mary A. Glover. She provided her address which is in Cockeysville and explained that her mother is diagnosed with Alzheimer's disease and that she is responsible for her care. She noted that her mother requires daily medical care and that care providers access and depart from the property on a daily basis. Petitioner's Exhibit No. 1 was submitted, showing the property under discussion as well as the property of Ms. Glover and the access road owned in fee simple by Ms. Glover. Ms. Waxman testified that the Morrison's existing property lies to the west of the access road and that property owned by the Dietrichs lies to the east of the road. She noted that the Dietrichs put up a shed that appears to extend over the property line. This issue is presently under legal consideration. Protestant stated she went to the variance hearing to protect her mother's interest and to protest granting of the variance because there is a dispute over the property line to the east side of the property. She is in the process of having her mother's property surveyed and confirmed that one stake is 2-1/2 feet off the line. This apparently equates to a one-foot discrepancy on the part of Mr. Lee.

On cross-examination by Petitioner, Ms. Waxman noted her understanding of the 5-foot variance being on the Morrison side of the property. She reiterated her concerns in reference to the boundaries.

The next witness was Robert Southard, who is a licensed property line surveyor employed with Daft-McCune-Walker for 14 years. He testified that he has been working on identifying the property lines of the Glover property and that two markers on the Morrison property are incorrect. He stated that the back eastern stake is 2-1/2 feet in from the property line. The front eastern stake is one foot out from the property line. When asked if the line on the Morrison/Waxman plat was accurate, he replied, "No"; he believed it to be off by one foot. This concluded the Protestants' case before the Board.

The Board denies Protestants' Motion to Dismiss on the technical issue regarding the plat not being sealed. A review of the regulations governing the process does not confirm any requirement for sealing the plat.

In reference to the Petitioner's request for variance, the granting of variances is governed by Section 307.1 of the BCZR which provides, in relevant part, that variances may be granted:

...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...would result in practical difficulty or unreasonable hardship.

The Court of Special Appeals, in Cromwell v. Ward, 102 Md.App. 691 (1995), has construed this regulation to mean that obtaining a variance is at least a two-step process. The first step requires a finding that the subject property is unique and unusual in a manner different from the nature of surrounding properties such

that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. The second step requires a finding that denial of the requested variance would result in practical difficulty or unreasonable hardship.

Cromwell v. Ward states that "[u]nless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship."

The Petitioner failed to present any testimony or evidence to this Board showing that the subject site possessed any peculiar, unusual or unique factors when compared to other properties in the neighborhood. In fact testimony provided by the Petitioner's witness, Mrs. Morrison, confirmed that the sloping nature of Lot 2 is the same or similar to her property which is west of and adjacent to the subject property. Upon cross-examination by Mr. Holzer, she confirmed the similar topography and expounded under questioning how she utilizes the property. She described having a pool in the yard and being able to utilize the sloping terrain for recreation, thus not only providing for the Board confirmation that the subject property is not unique, but as well establishing that development of the land for residential purposes is not either a practical difficulty or an unreasonable hardship as suggested by the Petitioner, Mr. Waldhauser.

Thus, the first step of the variance process was not met, and the practical difficulty or unreasonable hardship requirement

cannot be properly considered.

However, even assuming, for the sake of argument, that he property meets the requirement of uniqueness, the Petitioner failed to produce convincing evidence of practical difficulty or unreasonable hardship. During his testimony, Mr. Waldhauser stated that the property falls from the road to the back about 1 foot every 4-1/2 feet. He stated that the house would need to be quite deep and drop off significantly, thus providing him practical difficulty in developing this site. He did not provide any additional information as to why this would be difficult or a hardship to develop.

Lacking the finding of uniqueness, the Board is required to deny the requested variance relief. Based upon the testimony and evidence, the Board finds that the Petitioner has failed to satisfy the requirements of Section 307.1 of the BCZR. The property does not satisfy the first prong of Cromwell v. Ward as to any uniqueness or unusual features. Economic relief is not a factor as cited in Easter v. Mayor & City Council of Baltimore, 195 Md 395 (1950). Therefore, this Board must deny Petitioner's request for variance.

O R D E R

THEREFORE, IT IS THIS 14th day of October, 1999 by
the County Board of Appeals of Baltimore County

ORDERED that Protestants' Motion to Dismiss be and the same is
hereby DENIED; and it is further

ORDERED that the Petition for Variance seeking relief from Section 1B01.2C.1.b of the Baltimore County Zoning Regulations be and is hereby DENIED.

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 of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott, Panel Chairman


Donna M. Felling


Thomas P. Melvin

IN RE:

**PETITION FOR VARIANCE
N/S Whitemarsh Road, 2200' SE of the
C/I of Bucks Schoolhouse Road
(4704 Whitemarsh Road)
14th Election District
5th Councilmanic District**

**David Morrison, et ux, Owners;
David Waldhauser, Contract Purchaser**

*** BEFORE THE
* DEPUTY ZONING
* COMMISSIONER OF
* BALTIMORE COUNTY**

*** Case No. 99-359-A

*** * * * ***

NOTICE OF APPEAL

Kathleen Glover Waxman and her mother, Mary A. Glover, by and through their attorney, J. Carroll Holzer, P.A. and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Deputy Zoning Commissioner in the above captioned matter rendered on May 28, 1999, a copy of which is attached hereto.

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

Respectfully submitted,



J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ^{24th} day of June, 1999, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to David Morrison, 4702 Whitemarsh Road, Baltimore, Maryland 21236

J. Carroll Holzer

J. Carroll Holzer

IN RE: PETITION FOR VARIANCE
N/S Whitemarsh Road, 2200' SE of the
c/I of Bucks Schoolhouse Road
(4704 Whitemarsh Road)
14th Election District
5th Councilmanic District

David Morrison, et ux, Owners;
David Waldhauser, Contract Purchaser

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-359-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, David and Shirley Morrison, and the Contract Purchaser, David Waldhauser. The Petitioners seek relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were David Morrison, legal owner of the property, and his nephew, David Waldhauser, who is also the contract purchaser. Appearing in opposition to the Petitioners' request were two children of the adjacent property owner. Ms. Kathy Waxman and her brother appeared out of concern for their mother and to protect their mother's property interests.

Testimony and evidence offered revealed that the subject property consists of a gross area of .23 acres, more or less, zoned D.R.5.5 and is presently unimproved. This property was the subject of a minor subdivision request by David and Shirley Morrison, who wanted to create a building lot for their nephew, David Waldhauser. The minor subdivision request was approved

6/22/99
Date

and the Petitioners subdivided their property into two lots; Lot 1 which contains the existing residence of Mr. & Mrs. Morrison, and Lot 2, which is the subject of the variance request before me. Testimony indicated that Mr. Waldhauser is desirous of developing Lot 2 with a single family dwelling for himself and his wife. The proposed dwelling will meet all lot line setback requirements; however, the new lot abuts a tract boundary line, which requires that a 15-foot setback be maintained. Thus, although the required lot line setbacks are met, a variance from tract boundary setback requirements is necessary in order to develop the subject property.

As noted above, Ms. Kathy Waxman and her brother appeared on behalf of their mother who owns property adjoining both the north and east sides of the subject lot. Ms. Waxman testified that they appeared on behalf of their mother who was unable to attend the hearing herself. Ms. Waxman noted that immediately adjacent to the subject property is a driveway which serves a 4-acre tract of land owned by her mother located to the rear of the Morrison property. The Protestants are opposed to the granting of any variance that would allow the proposed dwelling to be located 10 feet from their property line in lieu of the required 15 feet. They are concerned that the proposed dwelling will in some way infringe upon that driveway access.

In view of the concerns raised by the Protestants, I am persuaded to deny the relief requested. However, I find that modified relief should be granted to permit development of the subject lot with a dwelling. As noted above, the Petitioners meet all lot line setback requirements. Thus, it would be unreasonable to deny any variance relief. Therefore, in order to maintain the required 15-foot setback from the tract boundary line on the east side, I shall grant a variance to permit a 5-foot setback on the west side adjoining the Morrison property. This will simply shift

the building envelope 5 feet closer to Mr. Morrison's house and provide a 15-foot setback on the Protestants' side. Hopefully, this modification will satisfy the concerns raised by the Protestants.

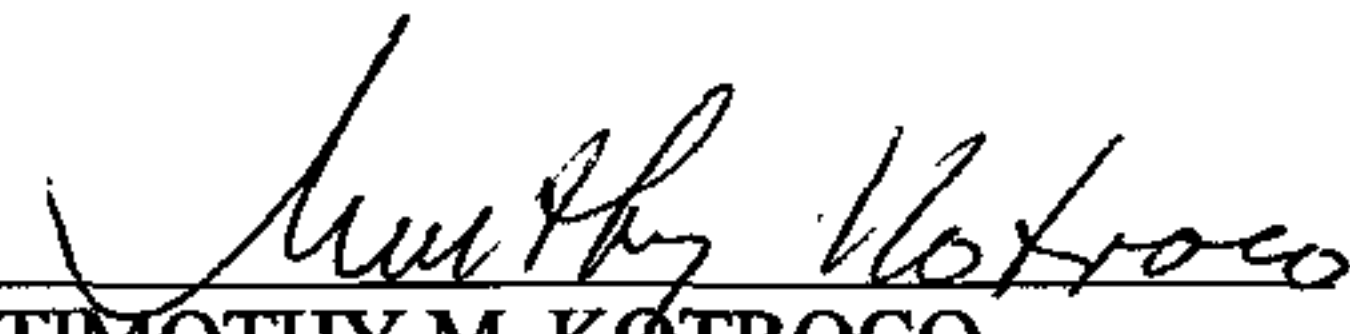
Pursuant to the advertisement, posting of the property and public hearing held thereon, and for the reasons set forth above, the *Petition for Variance*, as modified above, shall be granted.

THEREFORE, IT IS ORDERED by the Deputy zoning Commissioner for Baltimore County this 28th day of May, 1999 that the *Petition for Variance* seeking relief from Section 1B01.2.C.1.b of the *Baltimore County Zoning Regulations (B.C.Z.R.)* to permit a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance to permit a side yard setback of 5 feet on the west side be and is hereby GRANTED to permit a 15-foot setback from the tract boundary line on the west side to be maintained.

east IT IS FURTHER ORDERED that within thirty (30) days of the date of this Order, the Petitioners shall submit a revised site plan incorporating the modified relief set forth above for inclusion in the case file. Said plan shall be marked as Petitioner's Exhibit 1A.

IT IS FURTHER ORDERED that any party shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

COPIES RECEIVED FOR FILING
Date 5/28/99
By [Signature]



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 14, 1999

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286

RE: In the Matter of Shirley & David Morrison /
David Waldhauser -Petitioner Case No. 99-359-A

Dear Mr. Holzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the 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 and Procedure, 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,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

encl.

cc: Shirley & David Morrison
David Waldhauser
Kathleen Waxman
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Case No. 99-359-A

VAR -To permit a side building face to tract boundary setback of 10 feet ilo required 15 feet for proposed dwelling.

5/28/99 -D.Z.C.'s Order in which Petition for Variance was GRANTED AS REVISED for side yard setback of 5 feet on west side, thereby permitting 15-foot setback from tract boundary line on the east side to be maintained.

7/09/99 -Notice of Assignment for hearing scheduled for Tuesday, August 10, 1999 at 10:00 a.m. sent to following:

J. Carroll Holzer, Esquire
Kathleen Glover Waxman and
her Mother, Mary A. Glover
Shirley & David Morrison
David Waldhauser
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/13/99 -Letter from C. Holzer - out of town 8/06/99 to 8/16/99; requests postponement of hearing set for 8/10/99 (unavailability was previously acknowledged in another matter before the Board).

- T/C with S. Leese and D. Waldhauser regarding next available date; upon confirmation, Notice of PP and Reassignment sent to parties; reassigned to Wednesday, August 18, 1999 at 10:00 a.m.

8/18/99 -Hearing concluded. Deliberation date to be scheduled by KCB (Wescott, Melvin, Felling).

8/24/99 -Notice of Deliberation sent to parties; assigned for Wednesday, September 1, 1999 at 10:00 a.m. (Copy to S.M.F.)

9/01/99 -Deliberation concluded; variance request denied. Order to be issued by the Board; appellate period to run from date of written Order and not today's date.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Shirley & David Morrison -Legal Owners; David Waldhauser -Contract Purchaser
Case No. 99-359-A

DATE : September 1, 1999

BOARD /PANEL : Lawrence S. Wescott (LSW)
Thomas P. Melvin (TPM)
Donna M. Felling (DMF)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 99-359-a /Petition for Variance (setbacks); hearing held before the Board on August 18, 1999.

The Board, having convened this date for public deliberation, reached the following decision:

At issue is a variance request and a Motion to Dismiss filed by Mr. Holzer - basis: no sealed plat filed with Petition and question of amendment. Nothing was found in law or statute requiring seal; did ultimately submit plat with seal, with respect to dismissal - not valid. Motion was denied.

As to variance request, Deputy Zoning Commissioner granted a 5' on one side; denied 10' requested setbacks. Found no basis for 5' granted.

Issue before Board is Petition filed and appeal filed by Protestants. Reviewed Cromwell v. Ward; found nothing unique about this property; slopes same as others. Moving forward however -- even if it were unique, there is no practical difficulty or unreasonable hardship -- a house can be built, but not the results desired by Petitioner.

There was no testimony to prove uniqueness; property is similar to adjacent with similar 4.5' fall-away; adjacent property is being used.

Hardship or difficulty cannot be fault of Petitioner - in this case, Mr. Waldhauser knew setbacks and situation; was the contract purchaser before the Deputy Zoning Commissioner; was owner before the Board. He knew constraints of property; made purchase aware of situation and chose to continue.

Board was sympathetic to situation of Petitioner but bound by law; cannot grant variance; request to be denied.

Shirley & David Morrison -Legal Owners;
David Waldhauser -Petitioner /Case No. 99-359-A /Deliberation

Board's final decision is that:

Wescott: Denied
Melvin : Denied
Felling: Denied

Petition for Variance is therefore DENIED. Written Opinion and Order to be issued by the Board; appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.
~~~~~

**NOTE:** This document confirms for the file that public deliberation was held this date in the subject matter and a final decision rendered in which the requested variance relief was denied.

Respectfully submitted,

  
Kathleen C. Bianco  
Administrator



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180  
FAX: 410-887-3182

August 24, 1999

## NOTICE OF DELIBERATION:

IN THE MATTER OF:

**SHIRLEY & DAVID MORRISON -Legal Owners;  
DAVID WALDHAUSER -Contract Purchaser Case #99-359-A**

The subject matter, having been heard by the Board of Appeals on August 18, 1999, has been assigned the following date and time for public deliberation:

**DATE AND TIME : Wednesday, September 1, 1999 at 10:00 a.m.**

**LOCATION : Room 48, Basement, Old Courthouse**

**Kathleen C. Bianco  
Administrator**

---

**c: Counsel for Appellants : J. Carroll Holzer, Esquire  
Appellants : Kathleen Glover Waxman and  
her Mother, Mary A. Glover**

**Petitioners /Legal Owners : Shirley & David Morrison  
Petitioner /Contract Purchaser: David Waldhauser**

**People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney**

**Copies to: S.M.F.**





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

Hearing Room - Room 48 FAX: 410-887-3182  
Old Courthouse, 400 Washington Avenue

July 13, 1999

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 99-359-A

IN THE MATTER OF: SHIRLEY & DAVID MORRISON -Legal  
Owners; DAVID WALDHAUSER -Contract Purchaser  
4704 Whitemarsh Road 14th E; 5th C

(Petition for Variance as revised GRANTED by Z.C.)

which was scheduled for hearing before the Board on 8/10/99 has been  
POSTPONED at the request of Counsel for Appellants due to schedule conflict  
and reassigned for hearing upon confirmation with Counsel for Appellants and  
Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, AUGUST 18, 1999 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should  
consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C,  
Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco  
Administrator

---

cc: Counsel for Appellants : J. Carroll Holzer, Esquire  
Appellants : Kathleen Glover Waxman and  
her Mother, Mary A. Glover

Petitioners /Legal Owners : Shirley & David Morrison  
Petitioner /Contract Purchaser: David Waldhauser

People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

FAX: 410-887-3182

July 9, 1999

NOTICE OF ASSIGNMENT

CASE #: 99-359-A

IN THE MATTER OF: SHIRLEY & DAVID MORRISON -Legal  
Owners; DAVID WALDHAUSER -Contract Purchaser  
4704 Whitemarsh Road 14th E; 5th C

(Petition for Variance as revised GRANTED by Z.C.)

ASSIGNED FOR:

TUESDAY, AUGUST 10, 1999 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should  
consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C,  
Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco  
Administrator

cc: Counsel for Appellants : J. Carroll Holzer, Esquire  
Appellants : Kathleen Glover Waxman and  
her Mother, Mary A. Glover

Petitioners /Legal Owners : Shirley & David Morrison  
Petitioner /Contract Purchaser: David Waldhauser

People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney





LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX (410) 825-4923

E-MAIL JCHOLZER@BCPL.NET

July 12, 1999

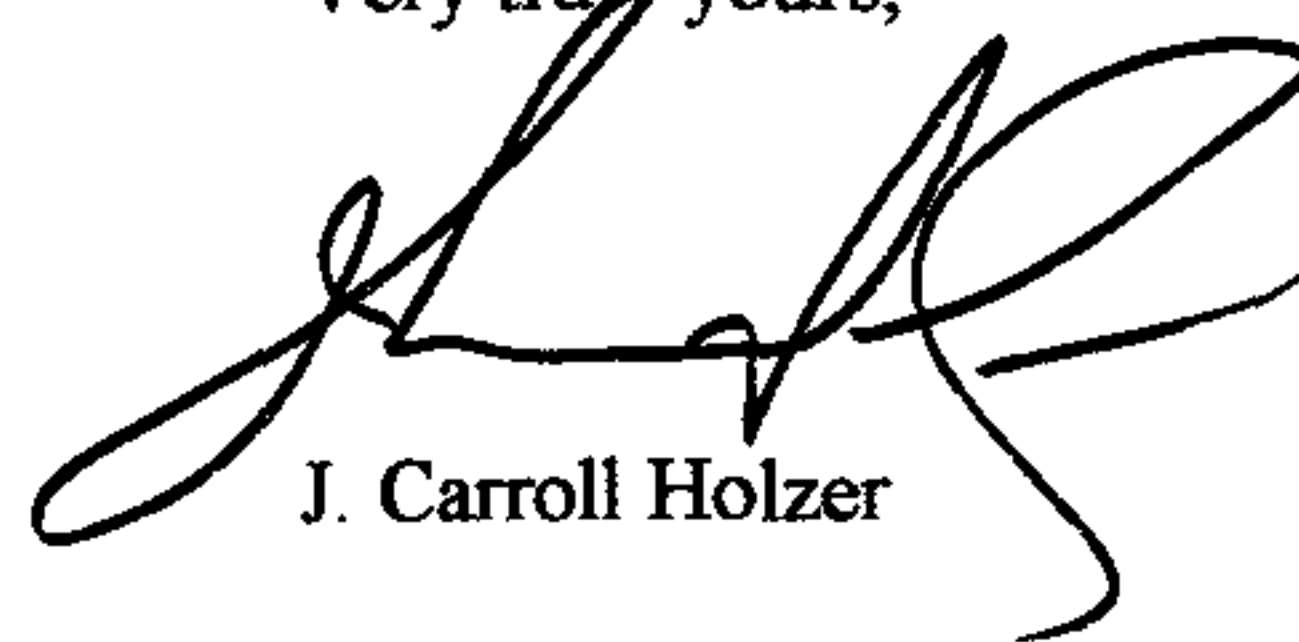
Kathleen Bianco  
Baltimore County Board of Appeals  
Old Courthouse, Room 49  
400 Washington Avenue  
Towson, MD 21204

Re: Case No. 99-359-A

Dear Kathy:

Please be advised that I thought that I had previously indicated to you that I would be leaving the office on Friday, August 6<sup>th</sup>, 1999 and not returning until Monday, August 16<sup>th</sup>, 1999 for vacation in Canada. I apologize if you did not have notice of those dates but I thought that I had notified everyone responsible for setting various cases. Unfortunately you have set Case No. 99-359-A in the matter of Shirley and David Morrison for hearing on Tuesday, August 10<sup>th</sup>, 1999 at 10:00 a.m. Unfortunately I will be out of the country on that date. I would therefore respectfully request that you postpone the case and reassign it for a later date. Thank you very much for your cooperation.

Very truly yours,



J. Carroll Holzer

cc: Shirley and David Morrison  
David Waldhauser

RECEIVED  
COUNTY BOARD OF APPEALS  
99 JUL 13 PM 12:21

Pass-8/18/99  
CH ✓  
DW ✓



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

June 25, 1999

Mr. & Mrs. David Morrison  
4702 Whitemarsh Road  
Baltimore, MD 21237

Dear Mr. & Mrs. Morrison:

RE: Petition for Variance, Case No. 99-359-A, 4704 Whitemarsh Road, District: 14c5

Please be advised that an appeal of the above referenced case was filed in this office on June 24, 1999 from J. Carroll Holzer, Esquire, on behalf of Kathleen Glover Waxman and her mother, Mary A. Glover. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:scj

C: David Waldhauser, 8807 Blairwood Road, Apt. B-4, Baltimore, MD 21236  
J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Ave., Towson, MD 21286  
Kathleen Waxman, 1 Chilhowie Court, Cockeysville, MD 21030  
People's Counsel

RECEIVED  
COUNTY BOARD OF APPEALS  
89 JUN 29 AM 11:07

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

May 28, 1999

Mr. & Mrs. David Morrison  
4702 Whitmarsh Road  
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE  
N/S Whitmarsh Road, 2200' SE of the c/l Bucks Schoolhouse Road  
(4704 Whitmarsh Road)  
14th Election District – 5th Councilmanic District  
David Morrison, et ux - Petitioners  
Case No. 99-359-A

Dear Mr. & Mrs. Morrison:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in part and granted in part, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. David Waldhauser  
8807 Blairwood Road, Apt. B-4, Baltimore, Md. 21236  
Ms. Kathleen G. Waxman  
1 Chilhowie Court, Cockeysville, Md. 21030  
People's Counsel; Case File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

**Kathleen G. Waxman**

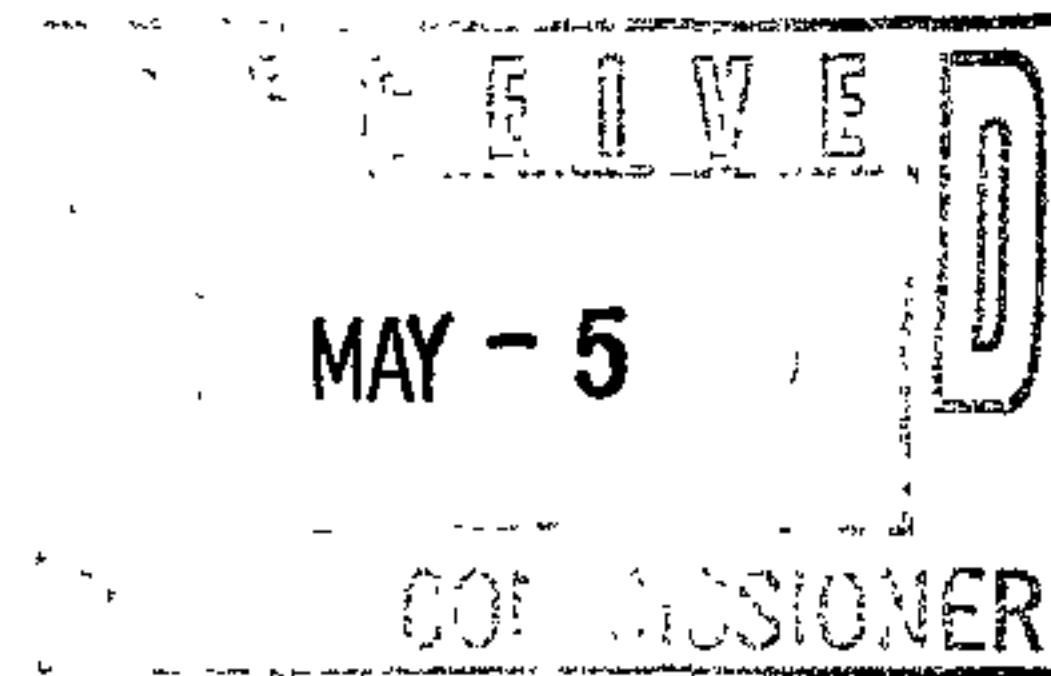
One Chilhowie Court  
Cockeysville, Maryland 21030

Fax 410-561-4679

Home Phone 410-252-4427

May 3, 1999

Mr. Timothy Kotroco  
Deputy Zoning Commissioner  
Suite 405  
401 Bosley Avenue  
Towson, Maryland 21204



Re: Case #99359 (easement variance from  
15 to 10 ft. setback on minor subdivision  
96-121-M)

Dear Mr. Kotroco:

I understand that the property stakes have been placed at 4702-4704 White Marsh Road for your inspection. Since you will be making a site visit to this location, I want you to know that I believe that these markers possibly do not accurately represent this parcel. It would appear from the placement of these stakes that my property width is considerably less than that which Mr. Morrison's subdivision survey depicts. I am in the process of obtaining my own survey for further clarification on this boundary issue. Since your decision will ultimately impact on both my mother's property as well as Mr. Morrison's properties, I would like to ask if you could delay your decision for 3 weeks, so that my survey can be completed. I will promptly furnish you with any and all information provided by our surveyor. Please know, too, that I have obtained the services of J. Carroll Holzer, P.A. to represent our interests in this matter. I am confident that you will contact Mr. Holzer with any questions you may have.

I would like to thank you for all the consideration and attention you have given this matter.

Sincerely,

Kathleen Glover Waxman

KGW/mw

cc: J. Carroll Holzer, P.A.



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4704 WHITEMARSH ROAD

which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and 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)

1801.2 C. 1. to BCZR TO PERMIT A SIDE BUILDING FACE TO TRACT BOUNDARY SETBACK OF 10 FT. IN LIEU OF THE REQUIRED 15 FT.

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

"SEE ATTACHED"

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

I, or we, agree to pay expenses of above Variance, 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.

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.

## Contract Purchaser/Lessee:

DAVID WALDHAUSER  
Name - Type or Print

[Signature]  
Signature

8807 BLAIRWOOD RD APT B-4 (410) 529-4749  
Address Telephone No.

BALTO. MD 21236  
City State Zip Code

## Attorney For Petitioner:

\_\_\_\_\_  
Name - Type or Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Company

\_\_\_\_\_  
Address Telephone No.

\_\_\_\_\_  
City State Zip Code

## Legal Owner(s):

DAVID MORRISON  
Name - Type or Print

[Signature]  
Signature

SHIRLEY MORRISON  
Name - Type or Print

[Signature]  
Signature

4702 WHITEMARSH RD 410 661-3133  
Address Telephone No.

BALTO MD 21237  
City State Zip Code

## Representative to be Contacted:

DAVID WALDHAUSER  
Name

8807 BLAIRWOOD RD APT B-4 410 529-4749  
Address Telephone No.

BALTO MD 21236  
City State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING  
Reviewed By JL Date 3/18/99

COPIES AVAILABLE FOR FILING

Case No. 99-359-A

REC 9/15/98

Date  
By

# ATTACHMENT

THE PETITION FOR A VARIANCE IS REQUESTED FOR 4704 WHITEMARSH RD DUE TO THE PRACTICALITY OF THE DIMENSIONS OF THE PROPOSED DWELLING. ZONING REQUIRES A 10 FOOT SET BACK ON ONE SIDE AND A 15 FOOT SET BACK ON THE OTHER SIDE. IN COMPLIANCE WITH THESE SET BACKS THE BUILDING ENVELOPE WOULD ALLOW APPROXIMATELY A MAXIMUM OF 31 FEET OF WIDTH FOR THE PROPOSED DWELLING. WITH THE LIMITATIONS ON WIDTH OF THE DWELLING THE HOUSE WOULD THEN BE MADE LONGER IN DEPTH TO CONFORM WITH THE OTHER NEIGHBORING PROPERTIES IN SQUARE FOOTAGE. THE PROPERTY IN QUESTION SLOPES FRONT TO BACK 1 FOOT FOR EVERY 4.25 FEET. THIS SLOPE CREATES A PROBLEM WITH A LONGER HOUSE, THUS GIVING ME AN OPTION FOR A VARIANCE.

THE PROPOSE 5 FOOT VARIANCE WOULD GIVE A 10 FOOT SET BACK ON BOTH SIDES GIVING PRACTICALITY TO BUILD A WIDER HOUSE THUS MAKING THE OVERALL DEPTH OF THE HOUSE SHORTER AND MORE PRACTICAL FOR THE SEVERE SLOPE OF THE PROPERTY. THE VARIANCE WOULD ALSO MAKE THE ROOM SIZES THAT ARE SIDE BY SIDE MORE PRACTICAL IN WIDTH.

PLEASE CONSIDER A VARIANCE TO PERMIT A SIDE BUILDING FACE TO TRACT BOUNDARY SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 15 FEET.

359

ORDER RECEIVED FOR FILING

Date

By

FRANK S. LEE  
719 CHESACO AVENUE  
BALTIMORE, MARYLAND 21237

DESCRIPTION

LOT 1 - #4702 WHITEMARSH ROAD  
PART OF 5104/1  
14TH DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning for the same in the bed of Whitemarsh Road at a point on the first line of the 1.60 acre parcel of land which by deed dated June 15, 1970, and recorded among the land records of Baltimore County in Liber 5104, Folio 1, was conveyed by John Kingsmore and wife to David Morrison and wife; said point of beginning being 64.26 feet measured northwesterly along said first line from the beginning thereof, thence running with and binding on part of said first line in the bed of Whitemarsh Road as now surveyed North  $72^{\circ}12'00''$  West 58.74, thence leaving Whitemarsh Road and running with and binding on the 2nd, 3rd, and part of the 4th lines as follows: North  $04^{\circ}07'30''$  East 554.00 feet, South  $54^{\circ}58'57''$  East 165.69 feet, and South  $06^{\circ}43'59''$  West 299.78 feet, thence running for two lines of division as follows: North  $83^{\circ}16'05''$  West 52.15 feet, and South  $10^{\circ}04'06''$  West 185.00 feet to the place of beginning.

Containing 1.31 acres  $\pm$ .

Subject to the following -- widening of Whitemarsh Road, Forest Buffer Easement, Forest Conservation Easements, 10' Baltimore County Drainage, Utility and Access Easement, 10' Easement for Existing and Proposed Sewer Connections as shown on plat attached hereto.

#359

## DESCRIPTION

LOT 2 - #4704 WHITEMARSH ROAD  
PART OF 5104/1  
14TH DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning for the same in the bed of Whitemarsh Road at the beginning of the 1.60 acre parcel of land which by deed dated June 15, 1970, and recorded among the land records of Baltimore County in Liber 5104, Folio 1, was conveyed by John Kingsmore and wife to David Morrison and wife; thence running with and binding on part of the first line in the bed of Whitemarsh Road as now surveyed. North  $72^{\circ}12'00''$  West 64.26 feet, thence leaving Whitemarsh Road and running for two lines of division as follows: North  $10^{\circ}04'06''$  East 185.00 feet, and South  $83^{\circ}16'05''$  East 52.15 feet to intersect the last line in deed above referred to. thence running with and binding on part of said line South  $06^{\circ}43'59''$  West 198.78 feet to the place of beginning. *BEING - 2,200'  $\pm$  E. OF C/L OF BUCKS SCHOOL HOUSE RD, N. SIDE OF WHITEMARSH RD*

Containing 0.23 acre  $\pm$ .

Subject to the following -- widening of Whitemarsh Road, Forest Buffer Easement, Forest Conservation Easements, 10' Baltimore County Drainage, Utility and Access Easement, 10' Easement for Existing and Proposed Sewer Connections as shown on plat attached hereto.

99.359-A

RE: PETITION FOR VARIANCE  
4704 White Marsh Road, NE/S White Marsh Rd,  
2200' +/- SE of Bucks Schoolhouse Rd, 14th Election  
District, 5th Councilmanic

Legal Owners: David & Shirley Morrison  
Contract Purchaser: David Waldhauser

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-359-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 of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of March, 1999, a copy of the foregoing Entry of Appearance was mailed to Legal Owners David & Shirley Morrison, 4702 White Marsh Road, Baltimore, MD 21237, and to Contract Purchaser David Waldhauser, 8807 Blairwood Road, Apt. B-4, Baltimore, MD 21236, Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

Jim  
4/28

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
~~Department of Permits~~  
and Development Management

**Date:** April 5, 1999

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

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):  
Item No (s): 359

If there should be any questions or this office can provide additional information, please  
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffrey W. Long

AFK/JL

Case No. 99-359-A

SHIRLEY & DAVID MORRISON - LO, and  
DAVID WALDHAUSER -CP - Petitioners

N/s Whitemarsh Road, 2200' SE of c/l Bucks  
Schoolhouse Road (4704 Whitemarsh Road)

14th Election District                      Appealed: 6/24/99

(See attached Subdivision Plat  
- Pet. Ex. No. 2)

①

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**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 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 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.**

---

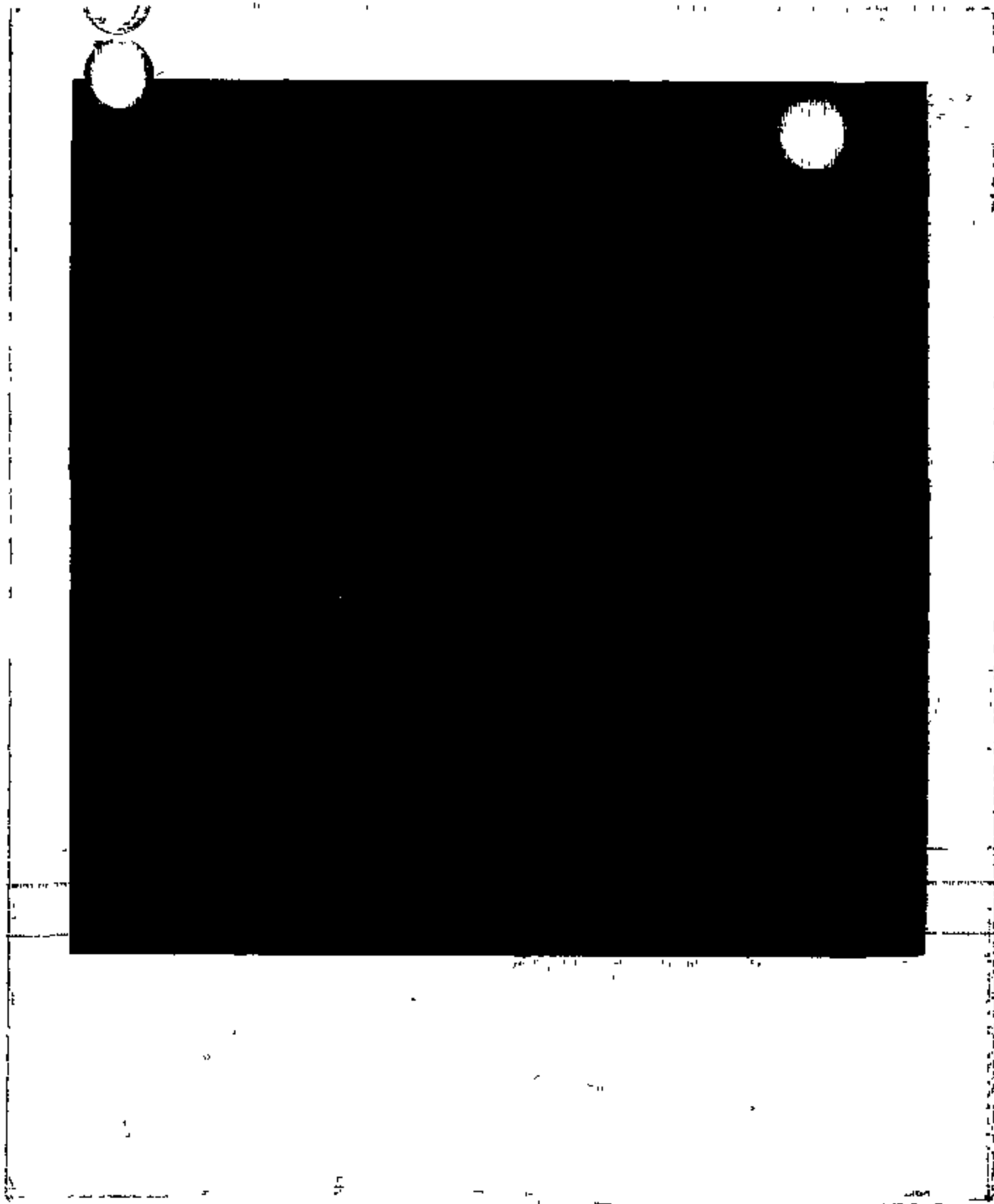
---

**For Newspaper Advertising:**

Item Number or Case Number: 99-359-A  
Petitioner: DAVID MORRISON  
Address or Location: 4704 WHITEMARSH RD BALTO. MD 21237

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID WALDHAUSER  
Address: 40 HENRY AVE  
BALTO MD 21236  
Telephone Number: 410-529-4749



**NOTICE OF ZONING****HEARING**

TOWSON, MARYLAND

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: #99-359-A  
4704 White Marsh Road  
NE/S White Marsh Road,  
2200' +/- SE of Backs School  
House Road

14th Election District  
5th Councilmanic District  
Legal Owner(s): David & Shirley Morrison  
Contract Purchaser: David Waldhauser

Variance: to permit a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet.

Hearing: Wednesday, April 28, 1999 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/16/99 April 8 C303016

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/8/, 1999

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 4/8/, 1999.

THE JEFFERSONIAN,



LEGAL ADVERTISING

**CERTIFICATE OF POSTING**

**RE: CASE # 99-359-A  
PETITIONER/DEVELOPER:  
(David Waldhauser )  
DATE OF Hearing  
(April 28, 1999)**

**Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 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  
4704 White Marsh Road Baltimore, Maryland 21237\_\_\_\_\_**

**The sign(s) were posted on\_\_\_\_\_ 4-13-99 \_\_\_\_\_  
(Month, Day, Year)**

**Sincerely,**

  
**(Signature of Sign Poster & Date)**

**\_\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_**

**\_\_\_\_\_ 325 Nicholson Road \_\_\_\_\_**

**\_\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_**

**\_\_\_\_\_ (410) 687-8405 \_\_\_\_\_  
(Telephone Number)**

# CERTIFICATE OF POSTING

RE: Case No.: 99-359A

Petitioner/Developer: \_\_\_\_\_

MORRISON & WALDHAUSER

Date of Hearing/Closing: \_\_\_\_\_

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 4704 WHITE MARSH RD.

The sign(s) were posted on 7/27/99  
(Month, Day, Year)

Sincerely,

Gary C. Freund 7/27/99  
(Signature of Sign Poster and Date)

GARY C. FREUND  
(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)



Baltimore  
Department  
Development

March 31, 1999

The Zoning Code  
Regulations of the  
property identification

CASE NUMBER  
4704 White Mar  
NE/S White Mar  
14<sup>th</sup> Election Dis  
Legal Owner: David  
Contract Purchase

## IMPORTANT MESSAGE

FOR \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ A.M. P.M.  
M \_\_\_\_\_  
OF \_\_\_\_\_

PHONE \_\_\_\_\_ AREA CODE \_\_\_\_\_ NUMBER \_\_\_\_\_ EXTENSION \_\_\_\_\_  
☐ FAX  
☐ MOBILE \_\_\_\_\_ AREA CODE \_\_\_\_\_ NUMBER \_\_\_\_\_ TIME TO CALL \_\_\_\_\_

|                    |  |                   |  |
|--------------------|--|-------------------|--|
| TELEPHONED         |  | PLEASE CALL       |  |
| CAME TO SEE YOU    |  | WILL CALL AGAIN   |  |
| WANTS TO SEE YOU   |  | RUSH              |  |
| RETURNED YOUR CALL |  | SPECIAL ATTENTION |  |

MESSAGE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
SIGNED \_\_\_\_\_

**TOPS** FORM 3002P  
LITHO IN U.S.A.

Department Processing  
Office Building  
111 West Chesapeake Avenue  
Baltimore, Maryland 21204  
idacq@co.ba.md.us

Zoning Act and  
Maryland on the

Variance to permit a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet.

HEARING: Wednesday, April 28, 1999 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnold Jablon  
Director

c: Shirley & David Morrison  
David Waldhauser

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 13, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY  
April 8, 1999 Issue – Jeffersonian

Please forward billing to:

David Waldhauser

410-529-4749

40 Henry Avenue

Baltimore, MD 21236

---

## NOTICE OF ZONING 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: 99-359-A

4704 White Marsh Road

NE/S White Marsh Road, 2200' +/- SE of Bucks School House Road

14<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: David & Shirley Morrison

Contract Purchaser: David Waldhauser

Variance to permit a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet.

HEARING: Wednesday, April 28, 1999 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



Laurence E. Schmidt

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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:

## ZONING NOTICE

Case No.: 99-359-A

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

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: AVARIANCE  
TO PERMIT A SIDE BUILDING FACE TO TRACT BOUNDARY  
SETBACK OF 10 FT. IN LIEU OF THE REQUIRED 15 FT.

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, MARYLAND**  
Board of Appeals of Baltimore County  
*Interoffice Correspondence*

DATE: June 5, 2000

TO: Arnold Jablon, Director  
Permits & Development Management

FROM: Charlotte E. Radcliffe   
Board of Appeals

SUBJECT: **CLOSED FILES:**

99-11-SPH –Robert F. Webbert, et ux  
99-54-SPHXA –David M. Coleman-LO; Francis Honeywell-CP  
99-57-A –Stamatios Papastefanou, et ux  
99-73-SPHXA –Donald E. Warrener, Jr.  
99-113-A – Emil A. Budnitz, Jr. –LO; Jeff Budnitz-CP  
99-215-SPH – Ida A & Benjamin A. Petrilli  
99-242-XA –Ernest Diegert-LO; Eller Media Co.-CP  
99-279-A – Ruth Phillips & Andrew Erdman  
99-291-SPH –Schoolden's Automotive Repair, Inc.  
99-310-X – Eastern Boulevard Center, Inc. (Famous Pawn, Inc.)  
99-318 –Roddick Realty Partnership I-LO;  
and Cloverland Farms Dairy, Inc.-CP  
99-359-A –Shirley & David Morrison-LO; David Waldhauser-CP  
99-492-SPH –William A. and Mary H. Kraft  
99-504-SPHXA –Estate of Sol Goldman-LO; Eller Media-CP

Since the above captioned cases have been finalized and no further appeals were taken, we are hereby closing the files and returning same to your office herewith.

Attachments: Case File Nos.: 99-11-SPH; 99-54-SPHXA; 99-57-A; 99-73-SPHXA w/ large exhibit box; 99-113-A; 99-215-SPH w/ large exhibit; 99-242-XA; 99-279-A; 99-291-SPH; 99-310-X; 99-318-X; 99-359-A; 99-492-SPH; and 99-504-SPHXA

# APPEAL

Petition for Variance  
4704 Whitemarsh Road  
N/S Whitemarsh Road, 2200' SE of centerline Bucks Schoolhouse Road  
14<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Shirley & David Morrison - Legal Owner  
David Waldhauser - Contract Purchaser  
Case Number: 99-359-A

RECEIVED  
COUNTY BOARD OF APPEALS  
99 JUN 29 AM 11:07

- ✓ Petition for Variance
- ✓ Description of Property
- ✓ Certificate of Posting (Thomas P. Ogle, Sr. – 4/13/99)
- ✓ Certification of Publication (Jeffersonian – 4/8/99)
- ✓ Entry of Appearance by People's Counsel (3/29/99)
- ✓ Zoning Advisory Committee Comments
- ✓ Notice of Zoning Hearing (3/31/99)
- ✓ One Photograph (not marked as exhibit)
- ✓ Letter from Stephen F. Miller, Owner of Stoney Creek Landscape (4/21/99)
- ✓ Letter from Patrick Hurley, Liberty Oil Company to Kathy Waxman (4/27/99)
- ✓ Letter from Kathleen Glover Waxman to Timothy Kotroco (5/3/99)

## Petitioners' Exhibits:

- ✓ 1. Plat to Accompany Petition for Zoning Variance
- ✓ 2. Subdivision Plat of David Morrison
- ✓ Deputy Zoning Commissioner's Order dated May 28, 1999 (Denied in Part, Granted in Part)
- ✓ Notice of Appeal received on June 24, 1999 from J. Carroll Holzer, Esquire, on behalf of Kathleen Glover Waxman and her mother, Mary A. Glover

✓ E

c: Shirley & David Morrison, 4702 Whitemarsh Road, Baltimore, MD 21237  
David Waldhauser, 8807 Blairwood Road, Apt. B-4, Baltimore, MD 21236  
People's Counsel of Baltimore County, MS #2010  
Timothy Kotroco, Deputy Zoning Commissioner  
Arnold Jablon, Director of PDM

\* J. Carroll Holzer, Esquire, HOLZER & LEE, 508 Fairmount Ave., Towson, MD 21286  
Kathleen Waxman, 1 Chilhowie Court, Cockeysville, MD 21030

David Waldhauser  
cell # 443-250-1544  
FAX 410-866-5289



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

April 22, 1999

Mr. David Waldhauser  
8807 Blairwood Road, Apt. B-4  
Baltimore, MD 21236

RE: Case No.: 99-359-A  
Petitioner: Morrison  
Location: 4704 Whitemarsh Road

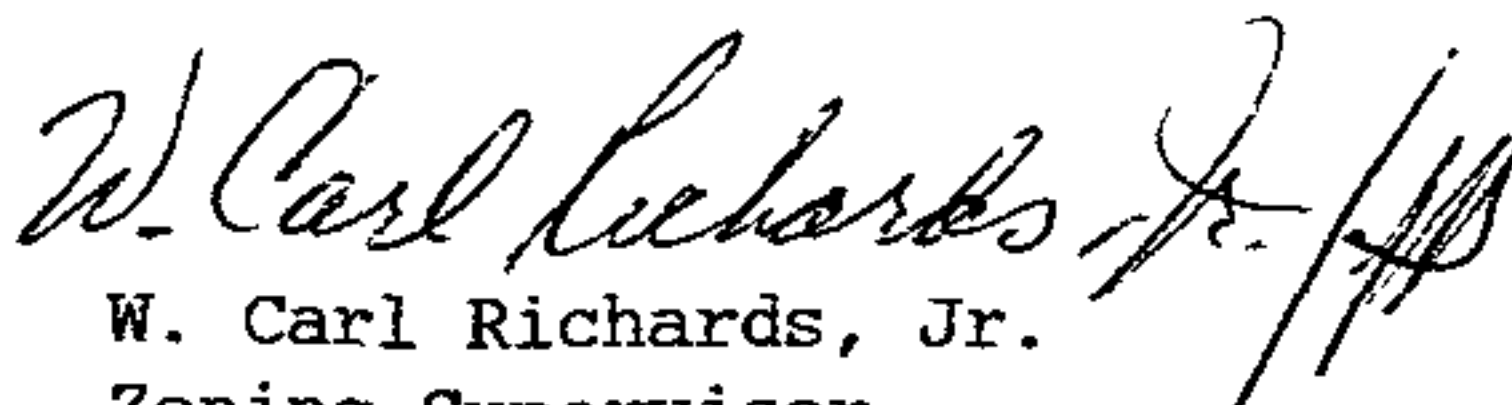
Dear Mr. Waldhauser:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 18, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

  
W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

April 15, 1999

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 March 29, 1999

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.

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

356, 358, 359, 360, 361, 362, 363, 364, 365, and 366

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



**Baltimore County  
Fire Department**

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

April 15, 1999

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 March 29, 1999

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.

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

356, 358, 359, 360, 361, 362, 363, 364, 365, and 366

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 987-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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

TO: Arnold Jablon, Director  
Permits and Development Management

DATE: 4/6/99

FROM: R. Bruce Seeley, Project Manager RBS/yp  
Development Coordination  
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 3/29/99

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

Item #'s: 356  
357  
358  
359  
360  
361  
362  
364  
366

B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

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

Date:   April 6, 1999

FROM: *RWB* Robert W. Bowling, Supervisor  
              Bureau of Development Plans Review

SUBJECT:   Zoning Advisory Committee Meeting  
              for April 5, 1999  
              Item Nos. 356, 357, 358, (359), 360,  
              361, 362, 364, and 366

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

RWB:HJO:jrb

cc:   File

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits  
and Development Management

**Date:** April 5, 1999

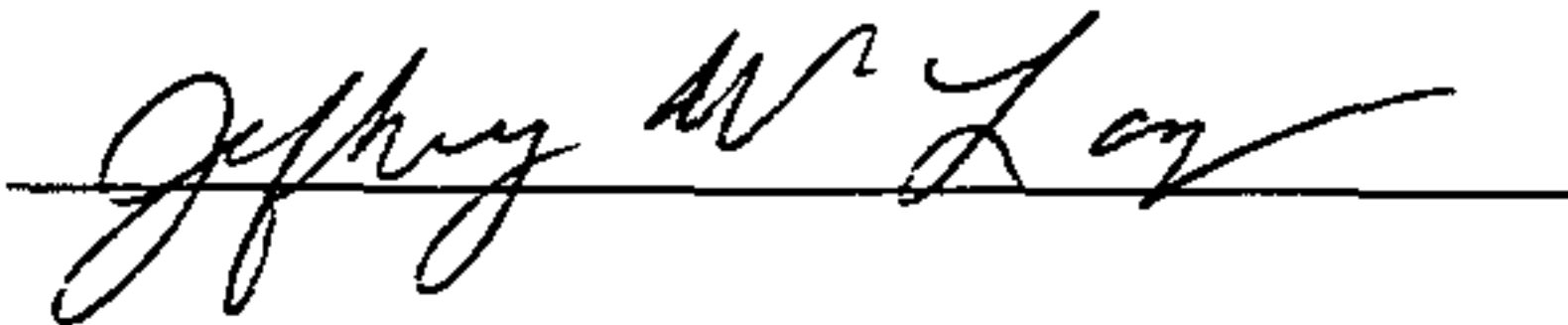
**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):  
Item No (s): 359

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, appearing to read "Jeffrey M. Long", is written over a horizontal line.

AFK/JL



**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 3.30.99

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

RE: Baltimore County  
Item No. 359

JLL

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Michael M. Lenhart, Acting Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



#1

Parcel showing Glens driveway & property  
which is adjacent to Morrison's property

Shed which is, I believe - on  
our property still.

The building proposal indicates  
house to build in the area of the  
shed?



## **Stoney Creek**

### **Landscape Service**

April 21, 1999

Re : Glover Property  
4706 Whitmarsh Road  
Baltimore, Md. 21237

To whom it may concern;

Stoney Creek Landscape Service has been contracted to provide various landscape services at Mrs. Mary Glovers property annually since 1991. The work performed at this location has always included the pruning and trimming maintenance of trees and shrubs on the property. The areas maintained include the trees and shrubs on both sides of the main driveway of that parcel of property. All of the trees and shrubs along the paved road into the lawn area are trimmed to maintain a safe line of sight and vehicle clearance.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen F. Miller". The signature is fluid and cursive, written over a horizontal line.

Stephen F. Miller, Owner  
Stoney Creek Landscape  
5845 Daybreak Terrace  
Baltimore, Md. 21206



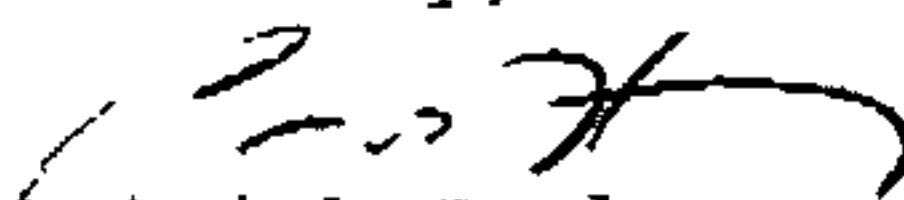
April 27, 1999

Kathy Waxman  
4706 White Marsh Road  
Baltimore Md 21237

Dear Ms Waxman,

I am writing in regards to the driveway at the above address. The driveway has several inclines and at times can be very dangerous. In the "Ice Storm of 1994", Liberty Oil Company's delivery truck slid approximately 50 feet off the driveway. Two tow trucks were required to pull our delivery truck out. We were very lucky that there was nothing in that area, otherwise serious injury and damage could have been the result.

Sincerely,



Patrick Hurley  
Liberty Oil Company

**BALTIMORE COUNTY**

**ZONING PLANS**

**ADVISORY COMMITTEE**



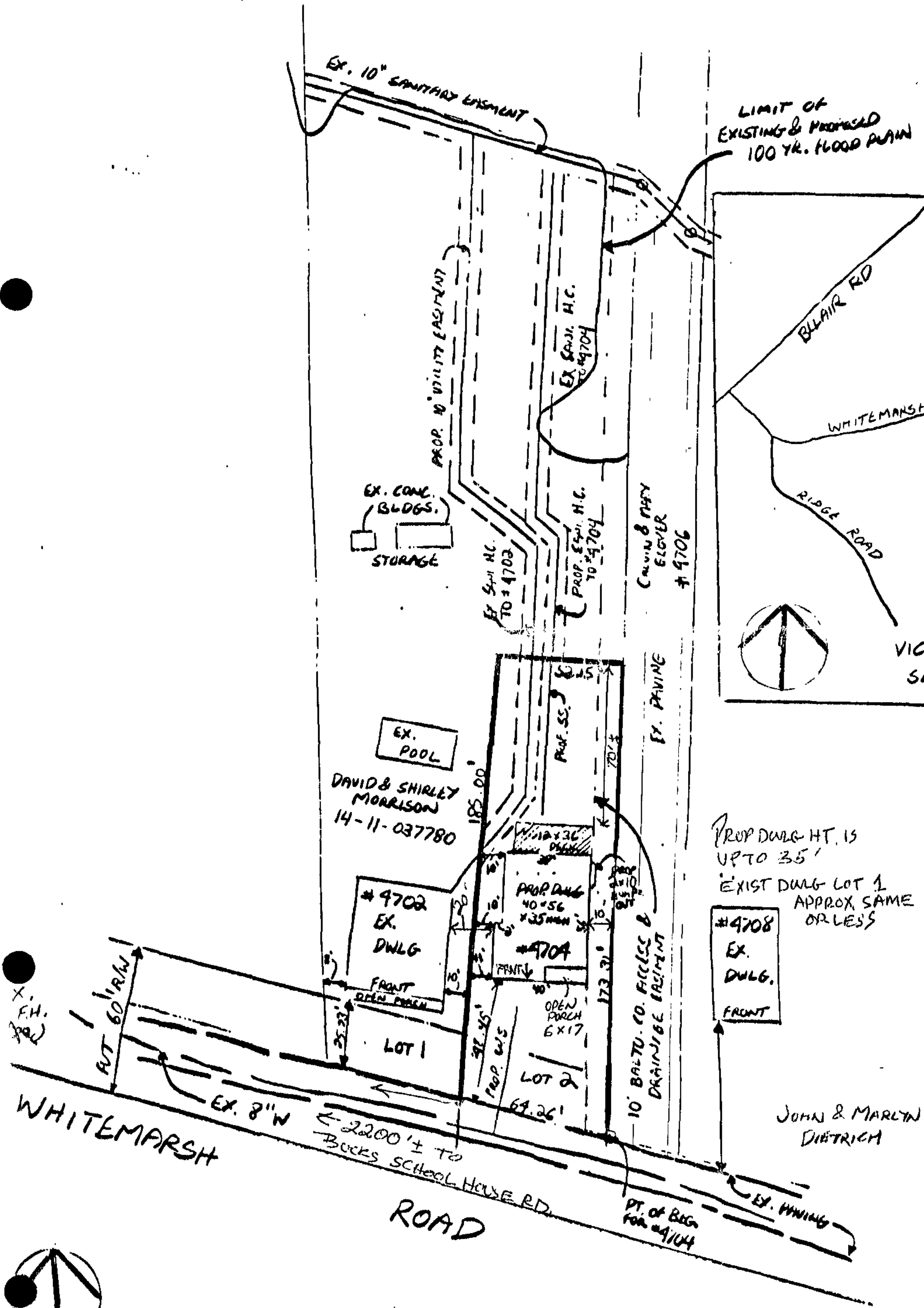
**PETITION AND SITE PLAN**

**EVALUATION COMMENTS**

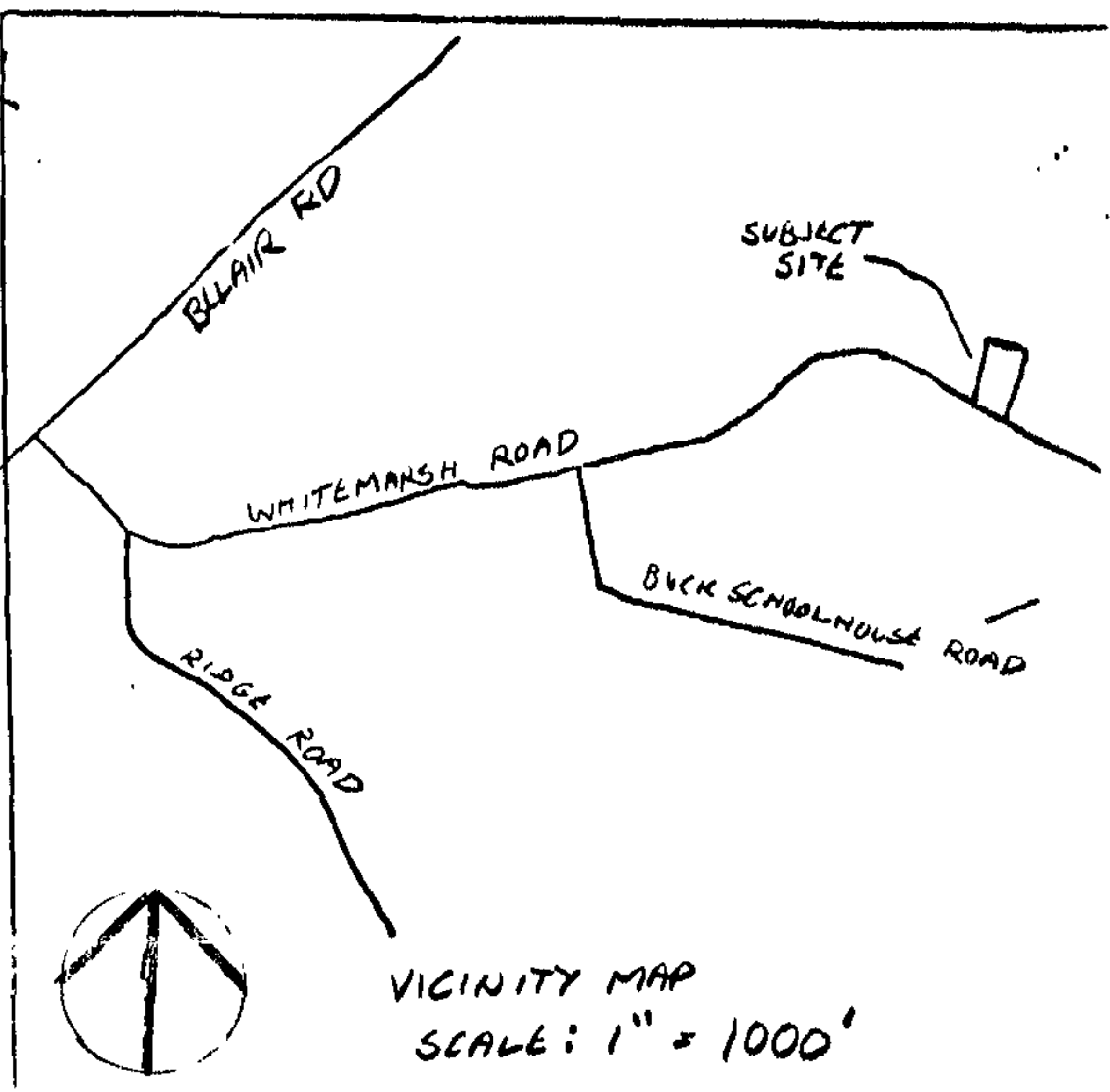
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 4704 WHITEMARSH RD  
SUBDIVISION NAME: DAVE MORRISON PROPERTY  
SEE MINOR SUB #96-121-M  
PLAT BOOK # 96, FOLIO # 122, LOT # 2, SECTION M  
OWNER: DAVID MORRISON

#359



LIMIT OF EXISTING & PROPOSED 100 YR. FLOOD PLAIN



VICINITY MAP  
SCALE: 1" = 1000'

| LOCATION INFORMATION             |                                            |                                  |
|----------------------------------|--------------------------------------------|----------------------------------|
| COUNCILMANIC DISTRICT            | :                                          | 5                                |
| ELECTION DISTRICT                | :                                          | 14                               |
| 1" = 300' SCALE MAP #            | :                                          | NE 8F                            |
| ZONING                           | :                                          | PR 5.5                           |
| LOT SIZE                         | :                                          | .23 10,019                       |
|                                  | ACREAGE                                    | SQ FEET                          |
| SEWER                            | <input checked="" type="checkbox"/> PUBLIC | <input type="checkbox"/> PRIVATE |
| WATER                            | <input checked="" type="checkbox"/>        | <input type="checkbox"/>         |
| CHESAPEAKE BAY CRITICAL AREA: NO |                                            |                                  |
| PRIOR ZONING: NONE               |                                            |                                  |
| ZONING OFFICE USE ONLY!          |                                            |                                  |
| REVIEWED BY                      | ITEM #                                     | CASE #                           |
|                                  |                                            |                                  |



DATE: 3-17-99

PREPARED BY: DAVID WANDMAUSER

SCALE OF DRAWING: 1" = 50'

MINOR SUB #  
96-121-M

# PETITIONERS EXHIBIT 1A

Reviewed & Approved  
JMK

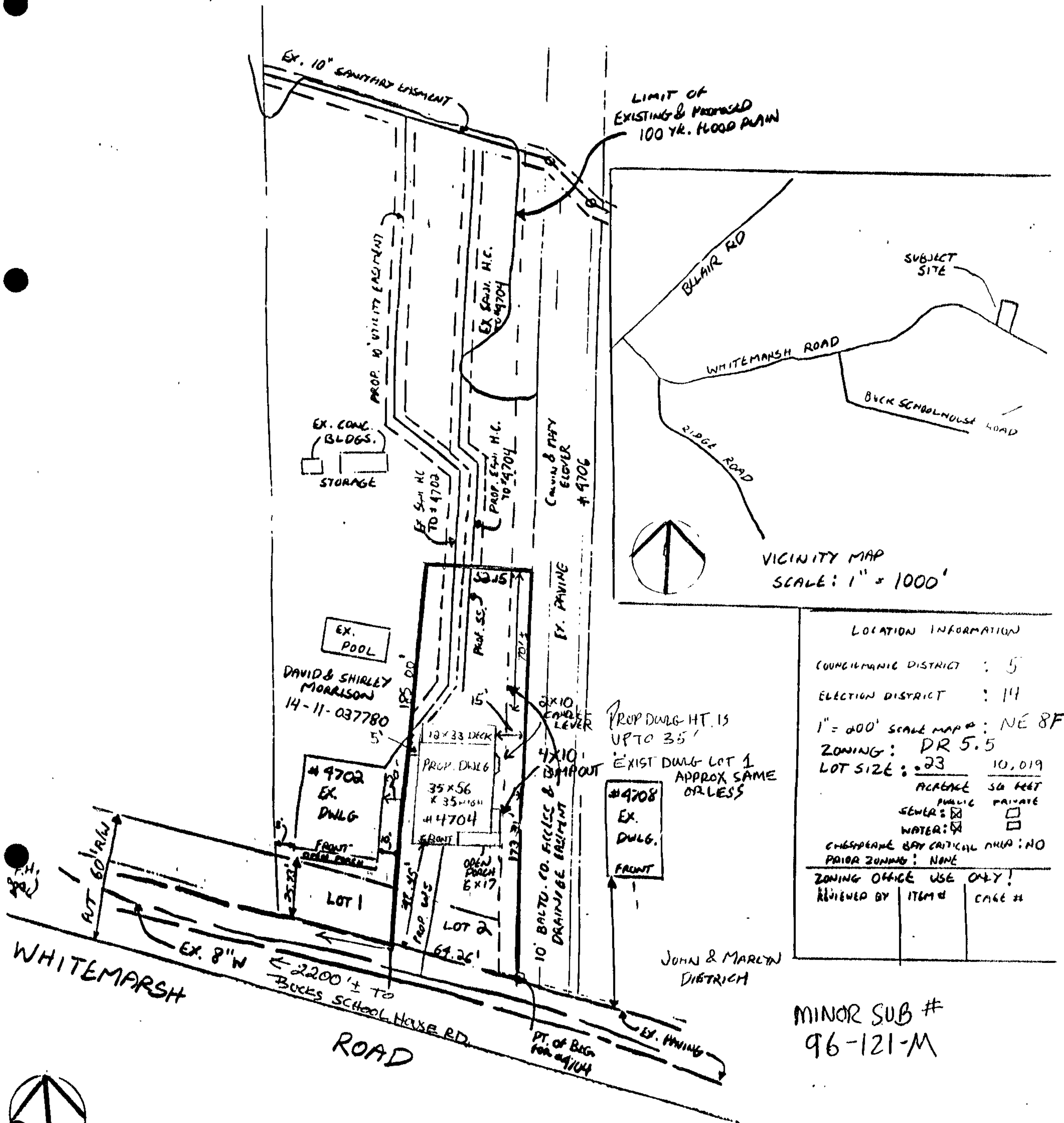
PROPERTY ADDRESS: 4704 WHITEMARSH RD

SUBDIVISION NAME: DAVE MORRISON PROPERTY

SEE MINOR SUB #96-121-M

PLAT BOOK # 96, FOLIO # 102, LOT # 2, SECTION M

OWNER: DAVID MORRISON



MINOR SUB #  
96-121-M

DATE: 3-17-99

PREPARED BY: DAVID WHITMORSE

SCALE OF DRAWING: 1" = 50'



File  
99-359A  
Morrison  
White Marsh Road  
Property.

---

A  
Reviewed & Approved  
TMC

SUBDIVISION NAME : DAVE MORRISON PROPERTY

SEE MINER SUB #96-121-M

OWNER: DAVID MORRISON

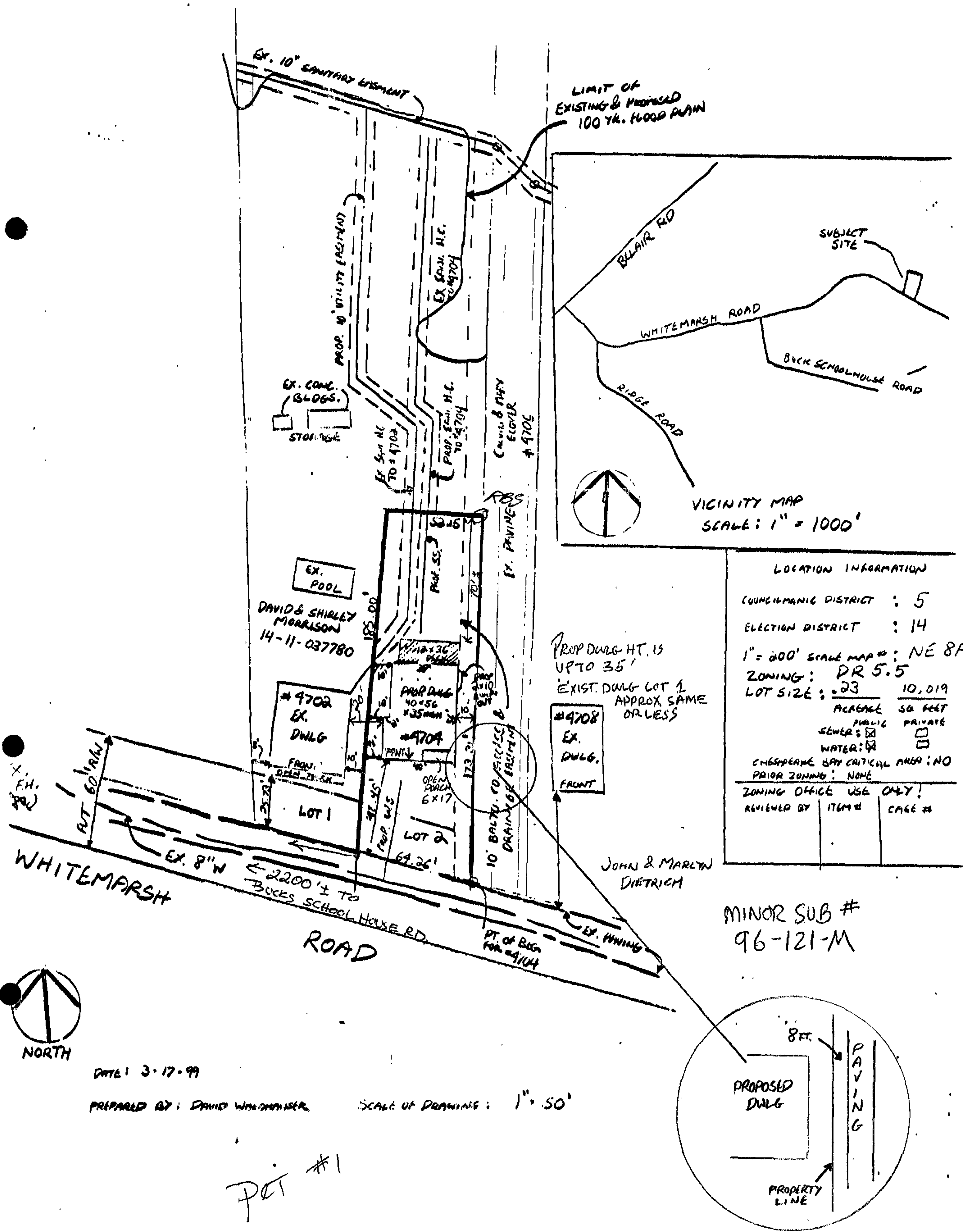


PREPARED BY: DAVID WILSON-MUSE

SCALE OF DRAWINGS: 1" = 50'

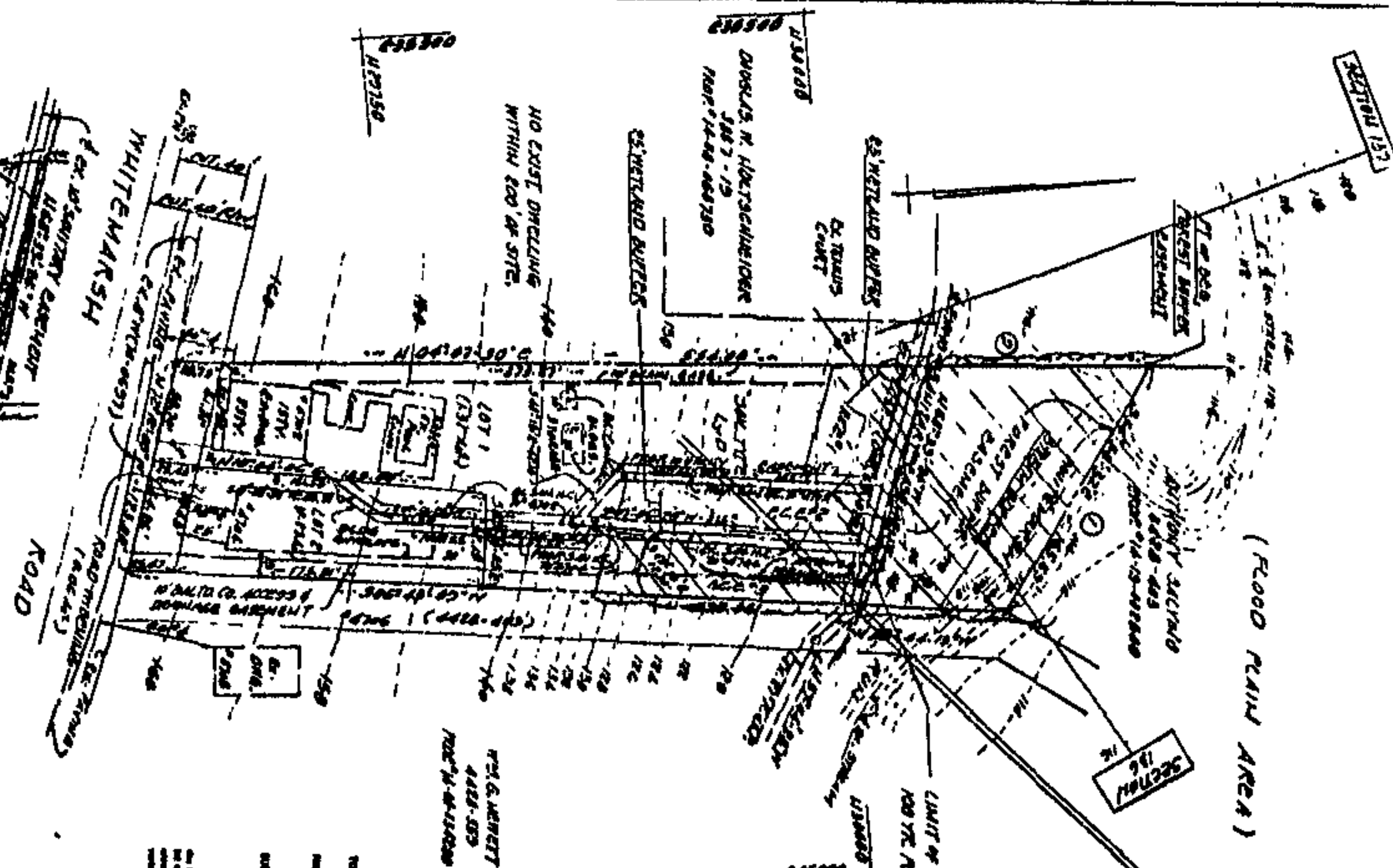
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 4704 WHITEMARSH RD  
SUBDIVISION NAME: DAVE MORRISON PROPERTY  
SEE MINOR SUB #96-121-M  
PLAT BOOK # ~~96~~, FOLIO # ~~121~~, LOT #2, SECTION M  
OWNER: DAVID MORRISON



NOTE: DURING STREAM SECTIONS AS SHOWN HAVE BEEN CORRELATED TO "WHITE MARSH ROAD" STORY BY THE DEPARTMENT OF PUBLIC WORKS. SECTIONS HAVE BEEN RECALCULATED FOR STORY TO YEAR FLOOD ELEVATION FOR THIS AREA SET AT ELEV 115.0

(FLOOD PLAIN AREA)



| FLOOD PLAIN EASEMENT |                  |
|----------------------|------------------|
| 1                    | 54'-10" EASEMENT |
| 2                    | 54'-10" EASEMENT |
| 3                    | 54'-10" EASEMENT |
| 4                    | 54'-10" EASEMENT |
| 5                    | 54'-10" EASEMENT |
| 6                    | 54'-10" EASEMENT |
| 7                    | 54'-10" EASEMENT |
| 8                    | 54'-10" EASEMENT |
| 9                    | 54'-10" EASEMENT |
| 10                   | 54'-10" EASEMENT |

NOTE: THE FLOOD PLAIN EASEMENT IS A GRANT OF EASEMENT TO THE FLOOD PLAIN AREA FOR THE PURPOSE OF FLOOD CONTROL. THE EASEMENT IS GRANTED TO THE FLOOD PLAIN AREA FOR THE PURPOSE OF FLOOD CONTROL. THE EASEMENT IS GRANTED TO THE FLOOD PLAIN AREA FOR THE PURPOSE OF FLOOD CONTROL.

NOTE: THE FLOOD PLAIN EASEMENT IS A GRANT OF EASEMENT TO THE FLOOD PLAIN AREA FOR THE PURPOSE OF FLOOD CONTROL. THE EASEMENT IS GRANTED TO THE FLOOD PLAIN AREA FOR THE PURPOSE OF FLOOD CONTROL. THE EASEMENT IS GRANTED TO THE FLOOD PLAIN AREA FOR THE PURPOSE OF FLOOD CONTROL.

DAVID MCKINSON PROPERTY  
702 WHITE MARSH ROAD  
BALTIMORE, MD 21204

DAVID MCKINSON  
702 WHITE MARSH RD  
BALTIMORE, MD 21204

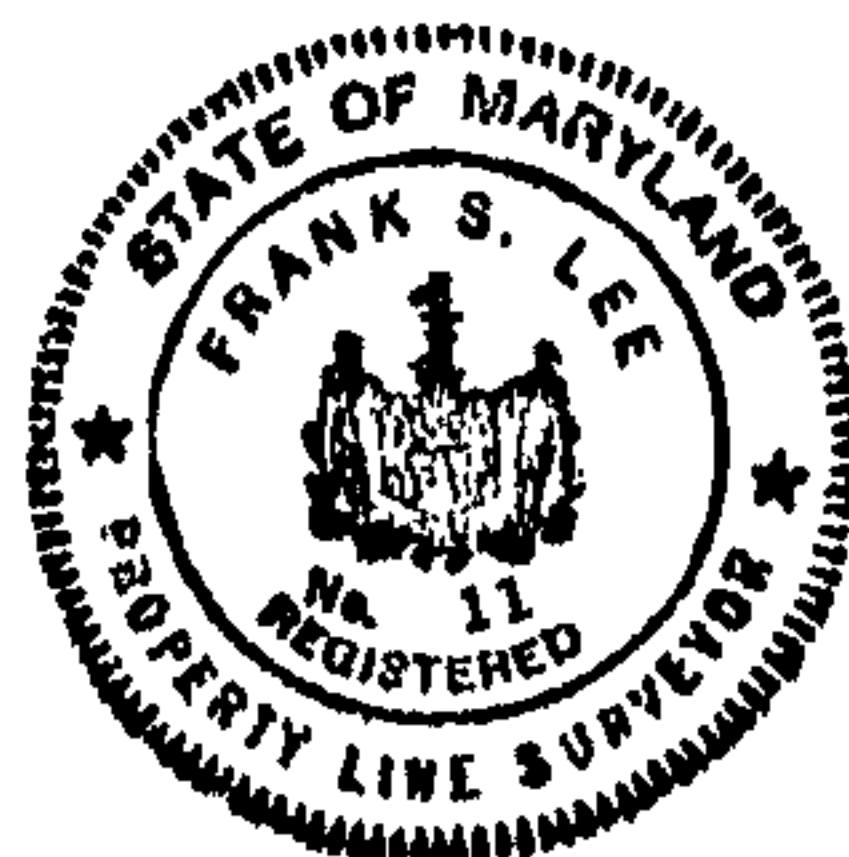
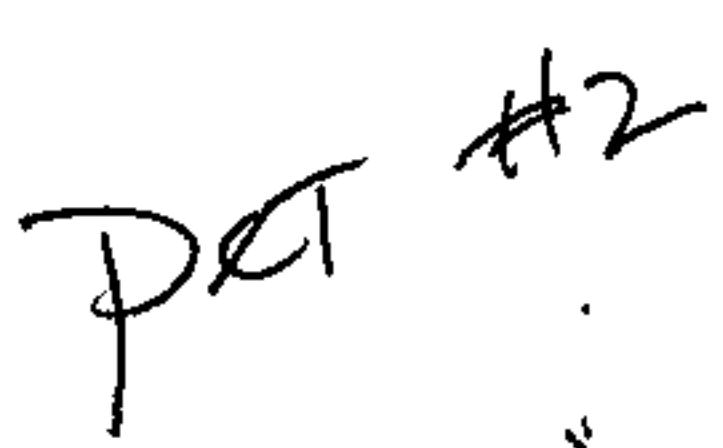
SURVEYOR:  
FRANK A. LEE  
1277 HENRIETTA AVE.  
BALTIMORE, MD 21204  
TEL. (410) 687-0972



CLIENT:  
MR. LEE EUGENE, JR.  
100 N. PULASKI AVE.  
BALTIMORE, MD 21204  
TEL. (410) 687-7091

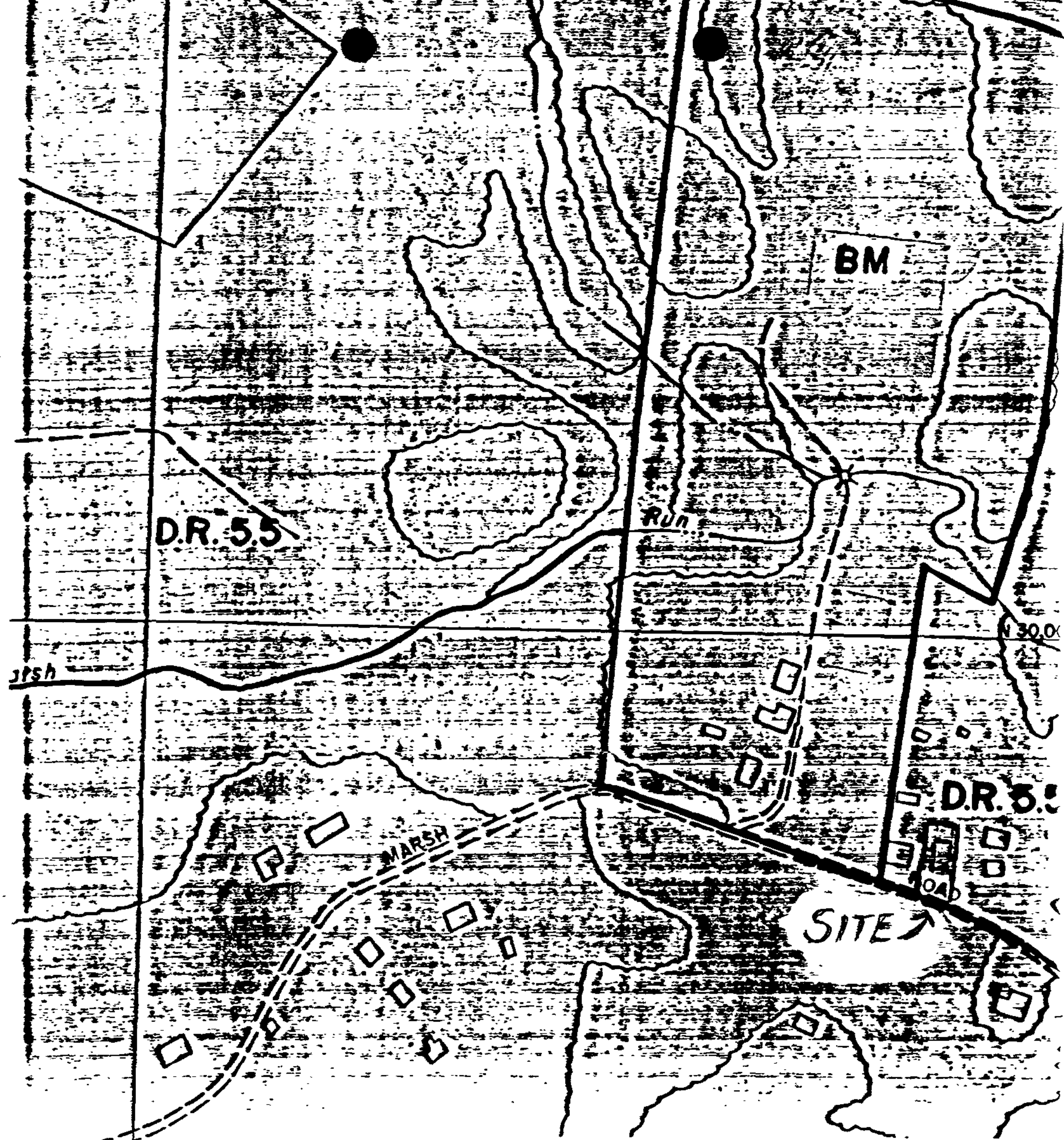


|                        |
|------------------------|
| DATE: 7-1-77           |
| SCALE: 1"=50'          |
| DRAWN BY: J. L. LEE    |
| CHECKED BY: J. L. LEE  |
| APPROVED BY: J. L. LEE |









SCALE 1" = 200' ±

NE 8 F

ITEM  
~~359~~ #

359

99.359-A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 069217

DATE 6/28/99 ACCOUNT 001-6150

AMOUNT \$ 210.00 (

RECEIVED FROM: J Carroll Holzer

FOR: APPEAL 99-359-A

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
6/29/1999 6/28/1999 15:17:12  
REG MS06 CASHIER KIM KIM DRAWER 4  
Dept 5 528 ZONING VERIFICATION  
Receipt # 077357 OFLN  
CR NO. 069217  
Receipt Tot 210.00  
210.00 CK .00 DA  
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

VD JL  
#359 No. 065402

DATE 3/18/99 ACCOUNT R0016150

AMOUNT \$ 50.00

RECEIVED FROM: WALDHAUSER

FOR: RV

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
6/18/1999 3/18/1999 08:49:56  
REG MS03 CASHIER PMS PEN DRAWER 7  
\$ MISCELLANEOUS CASH RECEIPT  
Receipt # 079248 OFLN  
CR NO. 065402  
50.00 CHECK  
Baltimore County, Maryland

CASHIER'S VALIDATION

99-359-A





PRIVATE  
DRIVEWAY  
NO  
TRESPASSING





