

IN RE: PETITION FOR VARIANCE
SW/S Queensberry Road, 175' S of the c/l
Broadbridge Court
(105 Queensberry Road)
14th Election District
6th Council District

Mark White Marsh, L.P.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-002-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Mark White Marsh, L.P., by Larry Rosenberg, President. The Petitioners request a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to public street right-of-way setback of 22 feet in lieu of the required 25 feet. In addition, special hearing relief is requested within the Petition for Variance to approve an amendment to the last approved Final Development Plan for Maple Ridge, Lot 25 thereof, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners was Mitchell Kellman, a representative of Daft-McCune-Walker, Inc., the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, located on the west side of Queensberry Road, just south of White Marsh Road, in White Marsh. The property is also known as Lot 25 of the subdivision known as Maple Ridge which was approved through the development review process for 105 single-family dwellings. The overall tract contains approximately 40 acres, split zoned D.R.3.5 and and D.R.5.5. The subject property under consideration contains a gross area of .209 acres, more or less, zoned D.R.5.5 and is proposed for development with a single family dwelling. Due to the irregular shape of the lot and its location on a curve in Queensberry Road, the proposed dwelling will be situated closer to Queensberry Road in order to maintain adequate side and rear setbacks. Additionally, in order to accommodate the relocated building envelope, the property line has been slightly

ORDER RECEIVED FOR FILING

Date

By

8/23/12

[Signature]

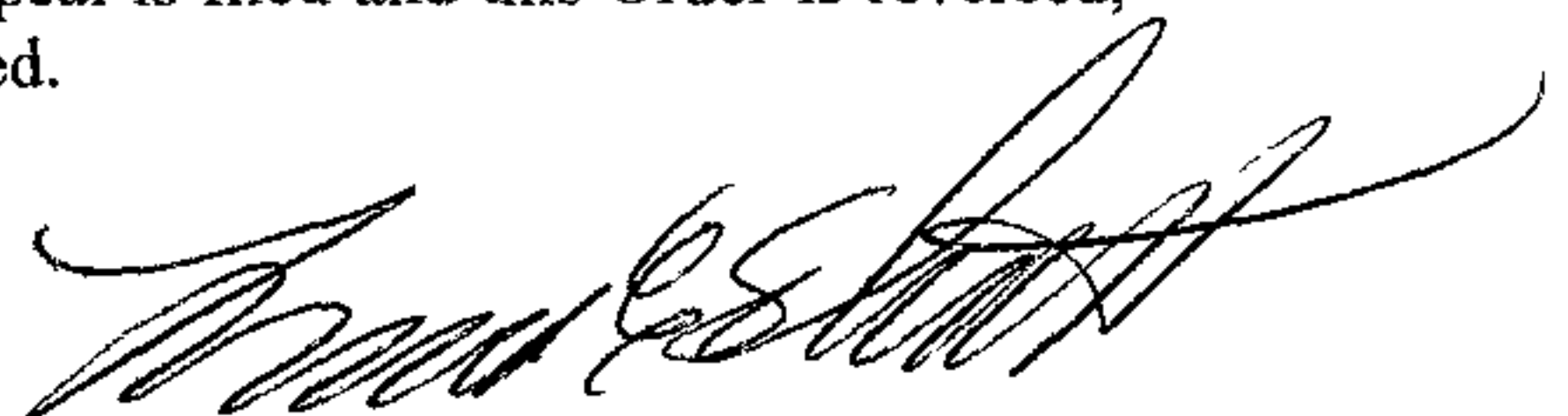
adjusted between Lots 25 and 24 as shown on the plan. Thus, the requested variance relief is necessary in order to proceed as proposed.

Based upon the testimony and evidence presented, I am persuaded to grant the request. In my judgment, the Petitioners have complied with Section 307 of the B.C.Z.R. The uniqueness of the property is its unusual configuration and shape. To deny relief would cause a practical difficulty upon the Petitioners and relief can be granted without detrimental impact upon adjacent properties. It is to be noted that a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning suggesting that the proposed dwelling for adjacent Lot 24 be relocated in view of the instant variance request. In this regard, Mr. Kellman indicated that he discussed the matter with the Office of Planning. Their suggestion is not appropriate or warranted in that relocating the house on Lot 24 would decrease the distance between the two homes. Upon further review, the Office of Planning has apparently withdrawn its recommendation and supports the requested relief.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of August, 2002 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 front building face to public street right-of-way setback of 22 feet in lieu of the required 25 feet, and an amendment to the last approved Final Development Plan for Maple Ridge, Lot 25 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner

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

August 23, 2002

Mr. Larry Rosenberg, President
Mark White Marsh, L.P.
10 Crossroads, Suite 206
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE
SW/S Queensberry Road, 175'S of the c/l Broadbridge Court
(105 Queensberry Road)
14th Election District - 6th Council District
Mark White Marsh, L.P. - Petitioners
Case No. 03-002-A

Dear Mr. Rosenberg:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Mitchell Kellman, Daft-McCune-Walker, Inc.
200 E. Pennsylvania Ave., Towson, Md. 21286
Office of Planning; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 105 Queensberry Road

which is presently zoned DR-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.b to permit a 22-foot front building face to public street right-of-way or property line setback in lieu of a 25-foot setback, and amend the

last approved final development plan

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 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.

Legal Owner(s):

* Mark White Marsh L.P.
Name - Type or Print

[Signature]
Signature

* Larry Rosenberg, Pres.
Name - Type or Print

[Signature]
Signature

* 10 Crossroads Suite 206 (410) 654-5650 x13
Address Telephone No.

* Wings Mills, Maryland 21117
City State Zip Code

Representative to be Contacted:

Mitchell J. Kellman, Daft-McCune-Walker, Inc

Name
200 E. Pennsylvania Avenue (410) 296-3333
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By JNP

Date 7/1/02

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 03-002-A

200 9/15/98

ORDER RECEIVED FOR FILING

Date

By

Zoning Description for 105 Queensberry Road

Beginning on the southwest side of Queensberry Road, 50 feet wide, at the distance of 175 feet south of the centerline of Broadbridge Court. Known as Lot 25, Section 2, Plat 2 of the White Marsh Road Property as recorded in Plat Book 72, Folio 78. Also known as 105 Queensberry Road containing .209 acres in the 14th Election District and 6th Councilmanic District.

03-002-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14446

DATE 7/1/02 ACCOUNT R-001-006-6150

AMOUNT \$100.00

RECEIVED FROM: 03-002-A

FOR: MARK WHITE MARSH L.P.

105 QUEENSBERRY ROAD

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATE RECEIVED
7/02/2002

BUSINESS ACTUAL TIME

7/02/2002 7:01:00 - 13:51:50

REG 0003 - MARK WHITE - SMITH - DRAGAGE

RECEIPT # 243634 - 7/01/2002 - OPEN

REG 528 - 7/01/02 - 08:15:00 - 11:00:00

DR 019946

Recpt Int \$100.00

100.00 DR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.

03-002-SPHA

Petitioner/Developer

Mark White Marsh LP

Date of Hearing/Closing

August 22, 2002

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

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: #03-002-A
105 Queensberry Road
S/S of Queensberry Road, 175'
S of Broadbridge Court
14th Election District
6th Councilmanic District
Legal Owner(s): Mark White
Marsh LP

Variance: to permit a 22 foot building face to public street right-of-way or property line setback in lieu of 25 foot setback and amend the last approved final development plan.

Hearing: Thursday, August 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley 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.

8/15 Aug. 8 C554918

CERTIFICATE OF PUBLICATION

8/8/2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/8/2002.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

**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: 03-002-A

Petitioner: Mark White Marsh L.P.

Address or Location: 105 Queensberry Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mitchell Kellman

Address: DMW, Inc

200 E. Pennsylvania Ave
Towson, MD 21286

Telephone Number: 410-296-3333

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 8, 2002 Issue – Jeffersonian

Please forward billing to:

Mitchell Kellman
DMW Inc
200 E Pennsylvania Avenue
Towson MD 21286

410 296-3333

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:

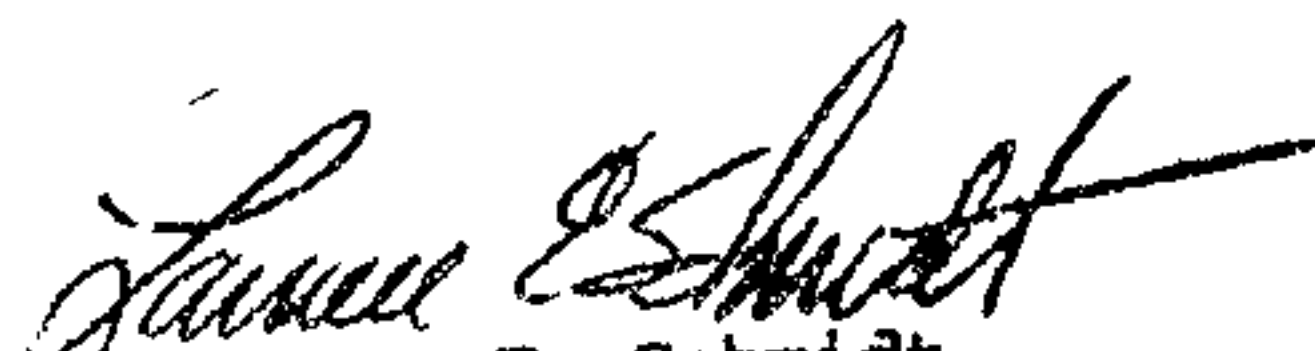
CASE NUMBER: 03-002-A
105 Queensberry Road
S/S of Queensberry Road, 175' S of Broadbridge Court
14th Election District – 6th Councilmanic District
Legal Owner: Mark White Marsh LP

Please add

George Zahner

Variance to permit a 22 foot front building face to public street right-of-way or property line setback in lieu of 25 foot setback and amend the last approved final development plan.

HEARING: Thursday, August 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GZ
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.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

July 17, 2002

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: 03-002-A
105 Queensberry Road
S/S of Queensberry Road, 175' S of Broadbridge Court
14th Election District – 6th Councilmanic District
Legal Owner: Mark White Marsh LP

Variance to permit a 22 foot front building face to public street right-of-way or property line setback in lieu of 25 foot setback and amend the last approved final development plan.

HEARING: Thursday, August 22, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: Mark White Marsh LP, Larry Rosenberg, 10 Crossroads, Suite 206,
Owings Mills 21117
Mitchell J Kellman, Daft-McCune-Walker Inc, 200 E Pennsylvania Avenue,
Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 7, 2002.**
(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.



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

August 16, 2002

Mark White Marsh LP
Larry Rosenberg, President
10 Crossroads
Suite 206
Owings Mills MD 21117

Dear Mr. Rosenberg:

RE: Case Number: 03-002-A, 105 Queensberry Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 01, 2002.

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

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

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Mitch J Kellman, DMW Inc, 200 E Pennsylvania Avenue, Towson 21286
People's Counsel

Come visit the County's Website at www.co.ba.md.us





**Baltimore County
Fire Department**

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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 18, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 15, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:
583; 001-005; 007+008; 010-013; 015

002

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 5, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for July 22, 2002
Item Nos. 583, 001, 002, 003, 004, 005,
006, 007, 008, 009, 010, 011, 012, 015,
and 016

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS HTLT*

DATE: July 22, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 15, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

002

583, 001-008, 011, 014, 016

hs
8/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 24, 2002

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

25

SUBJECT: 105 Queensberry Road

INFORMATION:

Item Number: 03-002

Petitioner: Mark White Marsh, L.P.

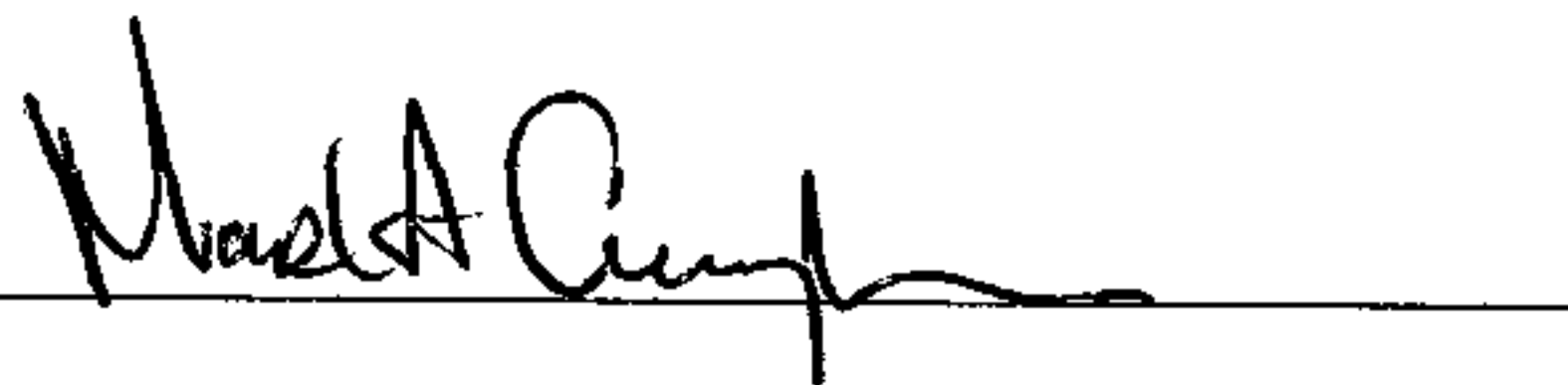
Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed dwelling on lot 24 is placed on the 25-foot front building line. This will allow for a gradual transition between the proposed house on lot 23 which is setback 30 feet and the house under construction on the subject property.

Prepared by:



Section Chief:



AFK/LL:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.16.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 002

JHP

Dear Mr. Zahner:

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 Kenneth A. McDonald Jr., 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

RE: PETITION FOR VARIANCE.
S/side of Queensberry Road
175' south of Broadbridge Court
14th Election District 6th Councilmanic
District
Legal Owner: Mark White Marsh, LP
Larry Rosenberg, Pres.
Petitioner (s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-002-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 19th day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to Mark White Marsh LP, Larry Rosenberg, Pres. 10 Crossroads, Suite 206 Owings Mills, Maryland 21117: Petitioner(s).

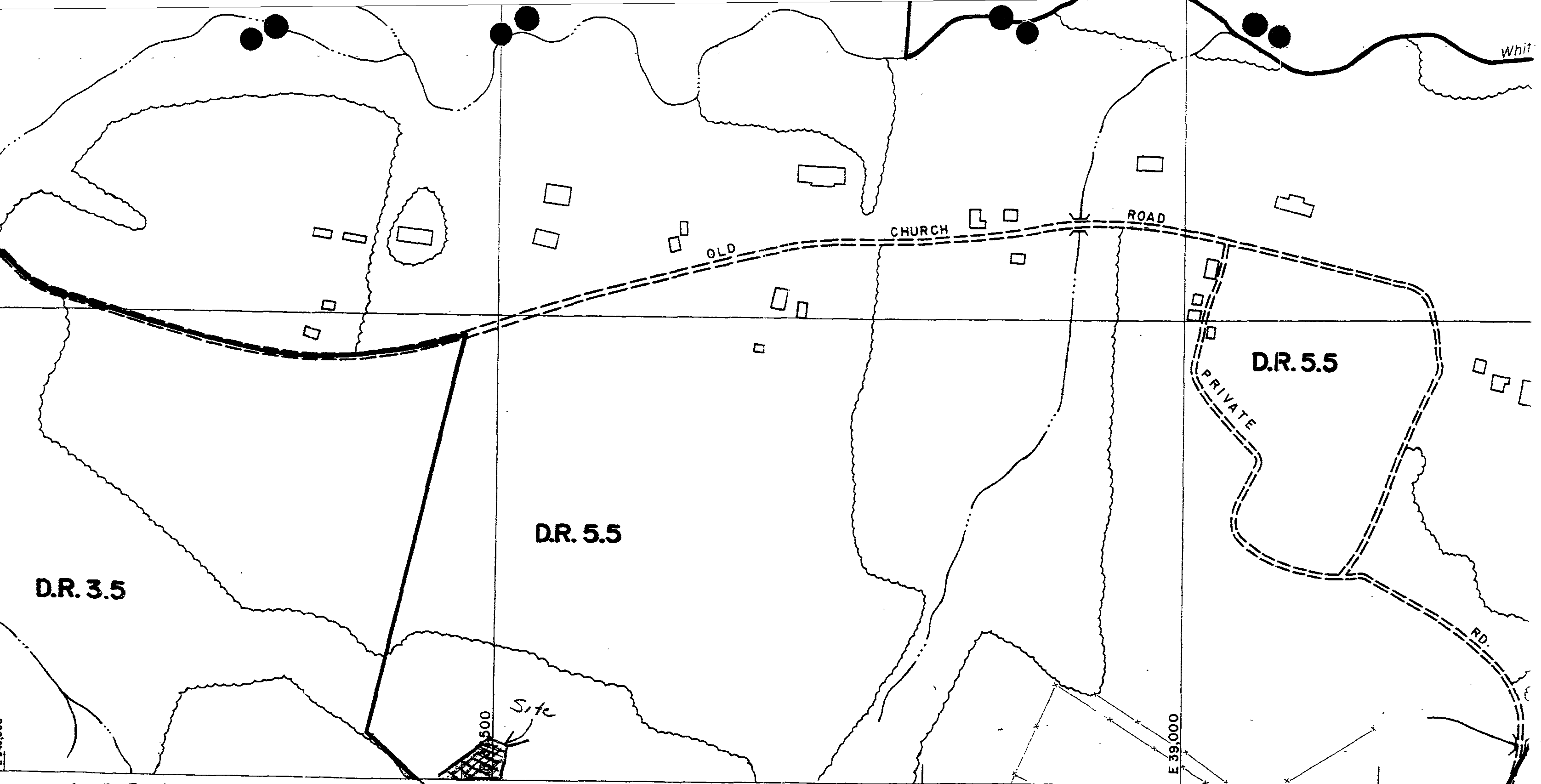

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case Number 03-002-SFHA

PLEASE PRINT LEGIBLY

PETITIONER'S SIGN-IN SHEET

[illegible]



D.R. 3.5

D.R. 5.5

D.R. 5.5

NE 8 G

2000 COMPREHENSIVE ZONING MAP

ADOPTED by

THE BALTIMORE COUNTY COUNCIL

OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

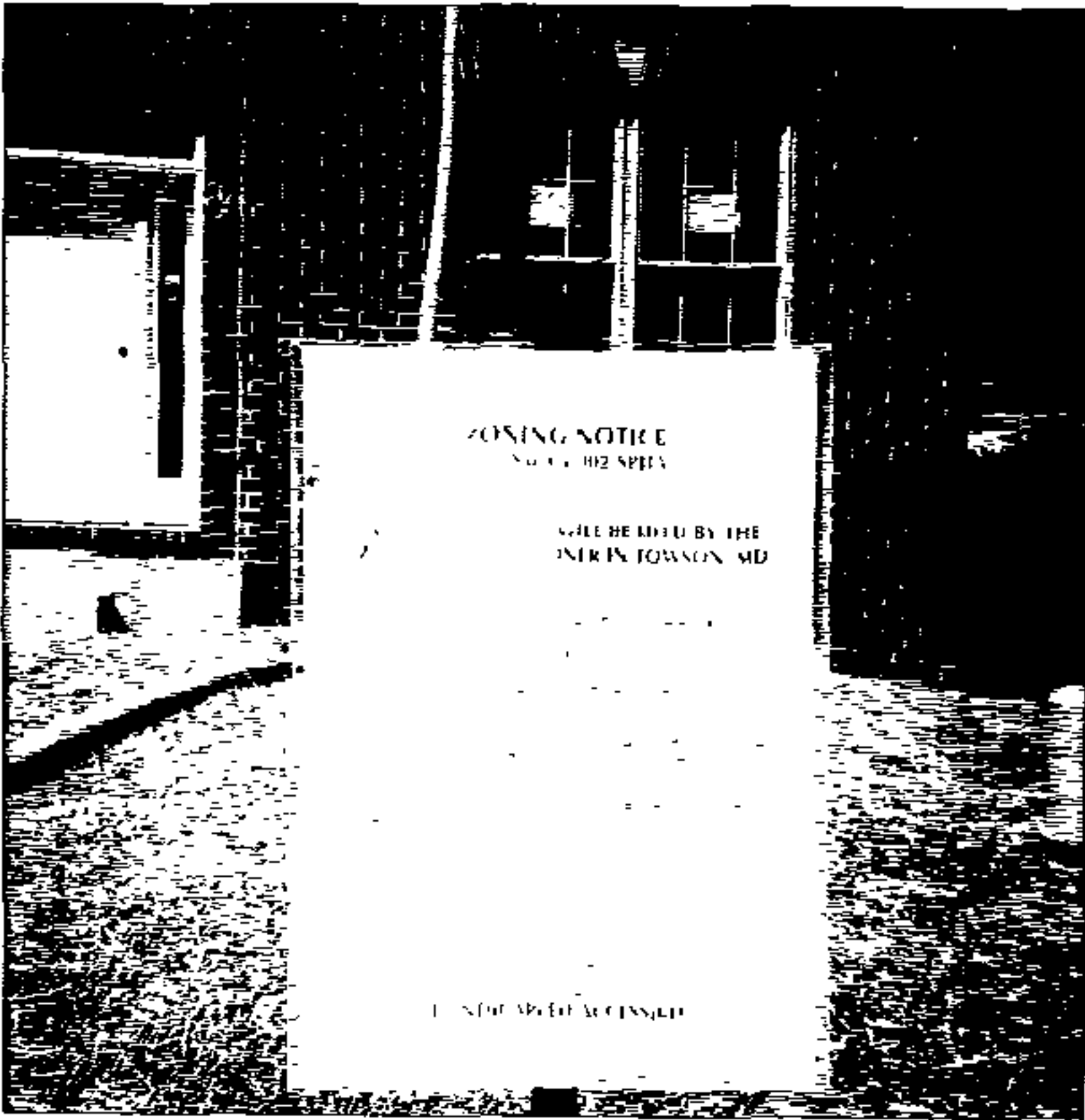
D IN SELECTED AREAS.
PHOTOGRAMMETRIC METHODS
BALTIMORE, MD. 21210

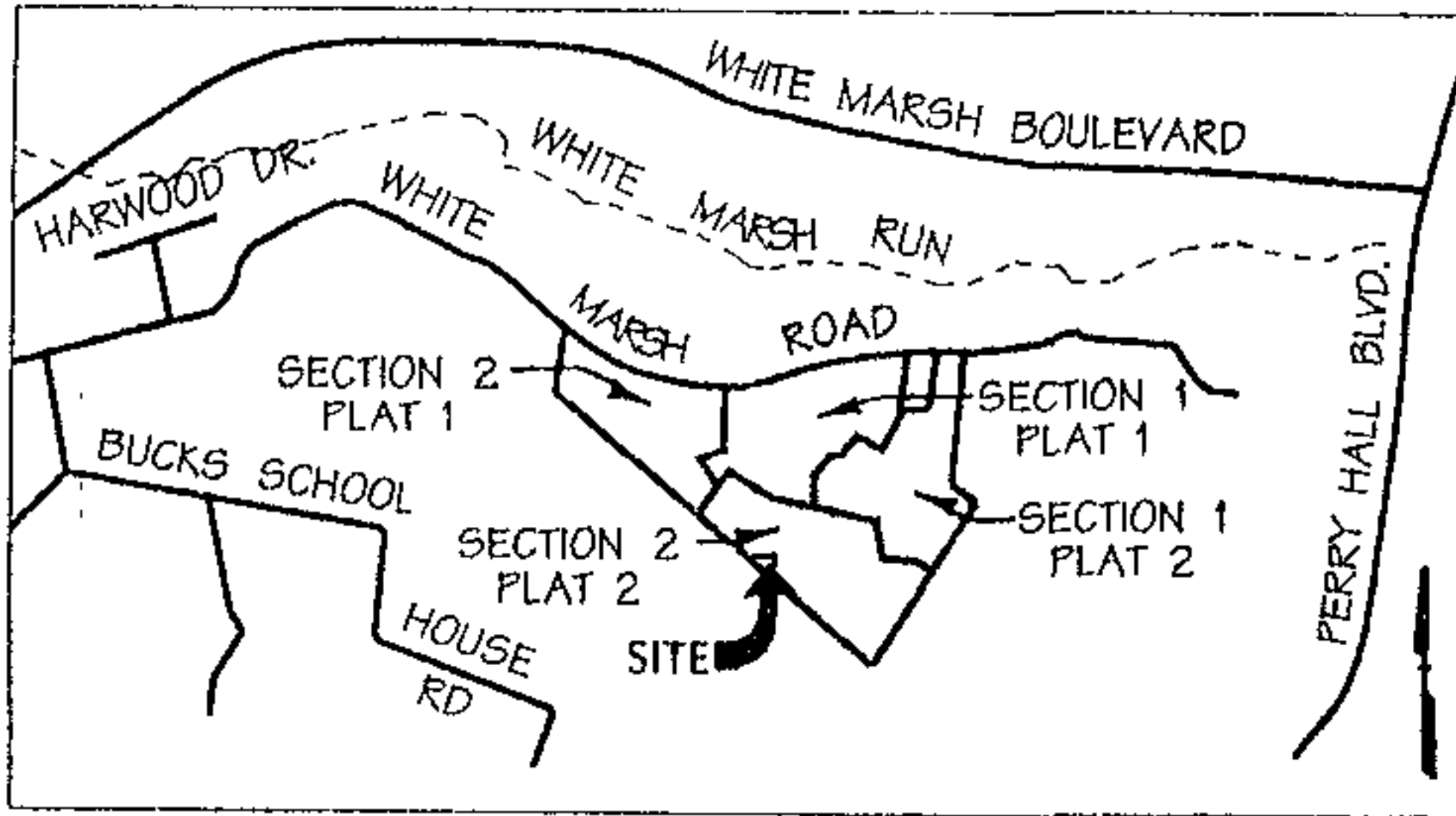
Joseph R. Battaglia
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

03-002-A



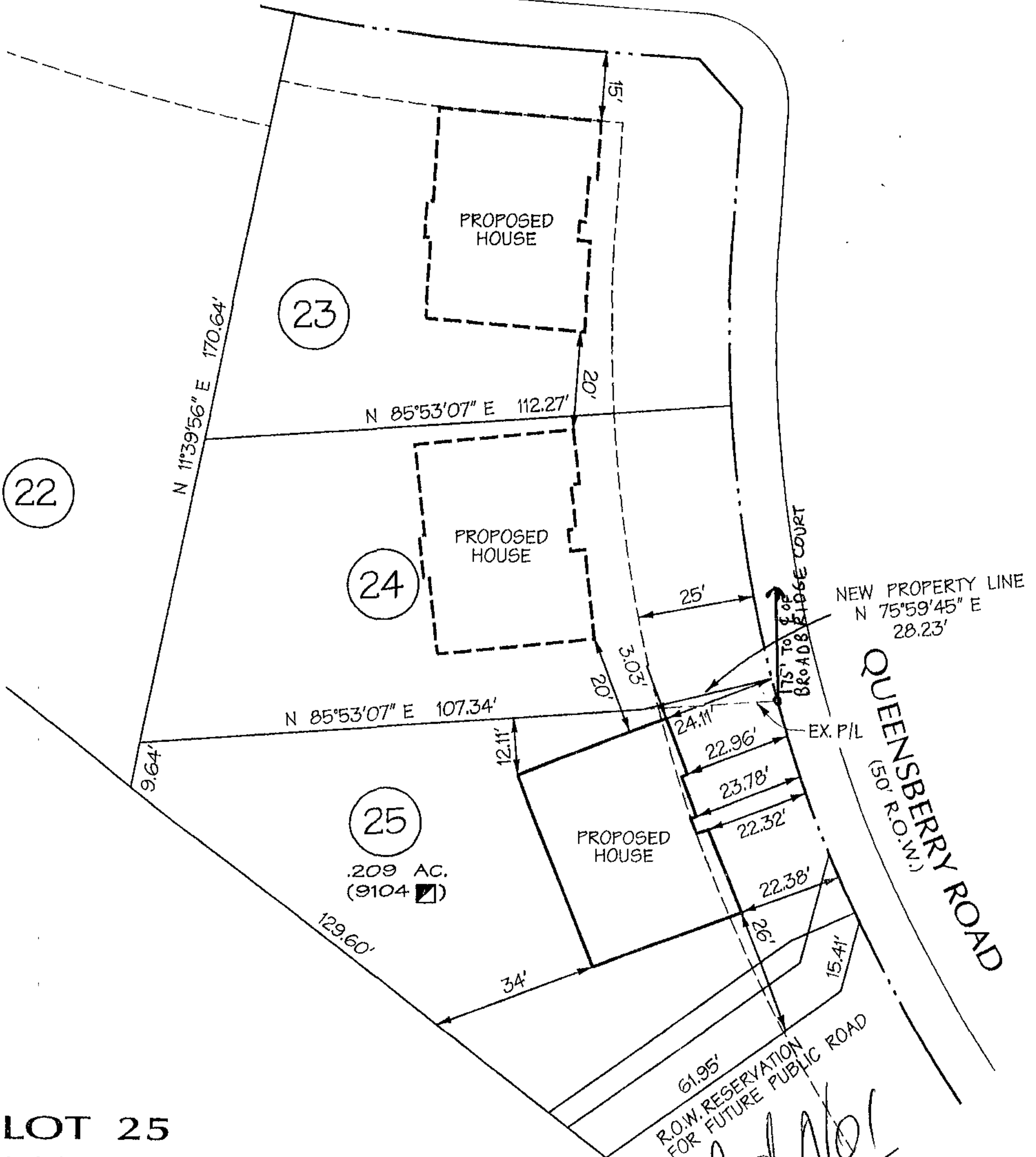




LOCATION MAP 1"=2000'

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

#105 QUEENSBERRY ROAD



LOT 25 MAPLE RIDGE (WHITE MARSH RD. PROP.)

LOT 25, SECTION 2, PLAT 2, S.M. 72-78
BALTIMORE COUNTY, MARYLAND
DATE: 06/17/02 SCALE: 1" = 30' DMW JOB#: 90047.X
OWNER: MARK WHITE MARSH, L.P.
ZONING: DR 5.5 ELECTION DISTRICT: 14
COUNCILMANIC DISTRICT: 6

- * NO PRIOR ZONING HEARINGS ON PROPERTY.
- * SITE IS SERVED BY PUBLIC UTILITIES.
- * SITE IS NOT WITH THE CBCA, FLOODPLAIN, OR A HISTORIC DISTRICT.
- * 200 SCALE ZONING MAP NE 8 G.

DMW

Daft · McCune · Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333
Fax 296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals



03-002-A