IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – N/S Ebenezer Road, 1100' & 1230' SE of Vincent Farm Lane (5934 & 5936 Ebenezer Road) 15<sup>th</sup> Election District 6<sup>th</sup> Council District

> Paul L. Schlogel, Sr., et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case Nos. 03-136-SPH & 03-137-SPHA

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before the Zoning Commissioner for a single public hearing to consider Petitions for Special Hearing and Variance for adjacent parcels owned by Paul L. Schlogel, Sr., and his wife, Louise B. Schlogel. In Case No. 03-136-SPH, the Petitioners request a special hearing for a determination that there is no conflict with Section 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) for an existing dwelling known as 5934 Ebenezer Road. In Case No. 03-137-SPHA, the Petitioners request approval of the adjacent property, known as 5936 Ebenezer Road, as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and variance relief from Sections 1A01.3.B.2 and 3, and Section 102.4 of the B.C.Z.R. as follows: to allow side yard setbacks of 15 feet and 20 feet in lieu of the required 35 feet; to allow a rear yard setback of 20 feet in lieu of the required 35 feet; to allow a lot area of 17,905 sq.ft. in lieu of the minimum required 1.0 acre; and to allow construction of a dwelling on a public right-of-way less than 30 feet wide and approval of the subject property as an undersized lot. The subject property and requested relief are more particularly described on the respective site plans submitted into evidence and marked as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the requests were Paul and Louise Schlogel, property owners. Appearing as an interested person was Daryl Webster, who owns an adjacent property. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FLING
Date

Sy

As noted above, the requests relate to two adjacent lots located on the north side of Ebenezer Road, just east of Pulaski Highway (Maryland Route 40) and Bird River in eastern Baltimore County. Case No. 03-136-SPH relates to a roughly rectangular shaped parcel, identified on the site plan as Lot A, which is approximately 130 feet wide and 246 feet deep, and contains approximately 33,716 sq.ft. in area zoned R.C.2. The property is improved with a two-story single family dwelling, known as 5934 Ebenezer Road, and a detached garage and frame shed.

Case No.,03-137-SPHA relates to the adjacent unimproved lot, identified on the plan as Lot B and known as 5936 Ebenezer Road. This parcel is irregularly shaped, approximately 67 feet wide and 137 feet deep, and contains 17,905 sq.ft. in area also zoned R.C.5. Testimony indicated that public water and sewer serve both parcels. It was also indicated that the two parcels were recorded as separate lots many years ago and the Petitioners receive separate tax bills for each lot.

The Petitioners have resided on Lot A, also known as 5934 Ebenezer Road, for many years. In this regard, testimony indicated that the existing house was built in 1936 and that Mr. Schlogel's uncle purchased the property in 1954. The Petitioners subsequently acquired the property from Mr. Schlogel's uncle and have resided there since that time. The Petitioners now propose the construction of a single family dwelling on Lot B. In this regard, Mr. & Mrs. Schlogel wish to develop the lot adjacent to their existing dwelling so that Mr. Schlogel's parents can reside nearby. Testimony indicated that Mr. Schlogel's parents are elderly and will reside in the new house upon its completion. Ultimately, it is anticipated that Mr. & Mrs. Schlogel will move to the new dwelling and one of their children will occupy the existing dwelling. As shown on the plan, the building envelope provides for a 26' x 48' structure thereon. However, due to the irregular shape of the lot and its narrow width, the requested relief is necessary in order to proceed.

It is also to be noted that Mr. & Mrs. Schlogel own two separate small lots located immediately adjacent to the rear of each respective lot. These small triangular parcels will be incorporated into the respective lots if the requested relief is granted. Although these smaller parcels are undevelopable, this additional acreage will obviously increase the size of the respective lots. Moreover, the Petitioners have no desire to develop those parcels independently.

Mr. Webster is an adjacent property owner and he appeared at the hearing to review the Petitioners' plans. There was an issue raised relative to the proposed driveway that will serve the new dwelling at 5936 Ebenezer Road. It was indicated that this driveway must be located where proposed due to the site constraints associated with this property.

Considering first the relief requested in Case No. 03-136-SPH, I am persuaded to grant the Petition for Special Hearing. This relief will legitimize the use of the property and existing single family dwelling known as 5934 Ebenezer Road. As noted above, the house was built in 1936 and therefore has existed on the property for many years. Moreover, the plan shows that the lot is sufficiently sized for that dwelling. There is no evidence that the continued residential use of that property will be detrimental to the health, safety or general welfare of the locale.

In Case No. 03-137-SPHA, special hearing and variance relief is requested to allow development of the unimproved adjacent lot with a single family dwelling with insufficient side and rear yard setbacks. In this regard, one of the requested setbacks is from the common property line that divides Lots A and B. In effect, this is an internal lot line. Additionally, when the small triangular shaped parcel to the rear of Lot B as described above is added, a sufficient rear yard setback will be provided. Moreover, the additional acreage will likewise increase the overall size of the lot. The testimony and evidence presented was persuasive to a finding that variance relief should be granted in this case. The fact that Lot B has existed as a lot of record and has been taxed separately for many years is a persuasive factor. Thus, I am persuaded that relief can be granted without detrimental impacts to the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Alpha day of November, 2002, that the Petition for Special Hearing filed in Case No. 03-136-SPH, seeking a determination that there is no conflict with Section 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) for the existing dwelling known as 5934 Ebenezer Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing filed in Case No. 03-137-SPHA seeking approval of the adjacent property known as 5936 Ebenezer Road as an undersized lot, pursuant to Section 304 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 03-137-SPHA seeking relief from Sections 1A01.3.B.2 and 3, and Section 102.4 of the B.C.Z.R. to allow side yard setbacks of 15 feet and 20 feet in lieu of the required 35 feet; to allow a rear yard setback of 20 feet in lieu of the required 35 feet; to allow a lot area of 17,905 sq.ft. in lieu of the minimum required 1.0 acre; to allow construction of a dwelling on a public right-of-way less than 30 feet wide; and, approval of the subject property as an undersized lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.
- 2) Prior to the issuance of any building permits, the Petitioners shall record new deeds in the Land Records for Baltimore County which incorporate the two triangular parcels into the respective properties as set forth above, and referencing these cases and the terms and conditions hereto.
- 3) Prior to the issuance of any building permits, the Petitioners shall submit a landscape plan to the County's Landscape Architect, Avery Harden, for review and approval. Said plan shall provide a buffer of the proposed dwelling and driveway on Lot B from the adjacent property owned by Mr. Webster to the east.

4) When applying for any permits, the site plan filed must reference these cases and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE - N/S Ebenezer Road 1100' & 1230' SE Vincent Farm Lane 15<sup>th</sup> Election District 6<sup>th</sup> Councilmanic District (5934 & 5936 Ebenezer Road)

Paul & Louise Schlogel, Legal Owner(s)
Petitioner(s)

BEFORE THE

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

CASE NOS. 03-136-SPH & 03-137-SPHA

### ORDER OF DISMISSAL OF PETITIONS

\*

This matter came before this Board on a Petition for Special Hearing for 5934 Ebenezer Road and a Petition for Special Hearing and Petition for Variance for 5936 Ebenezer Road. The properties adjoin each other and are zoned R.C. 2. Petitioners sought to develop an undersized lot at 5936 Ebenezer Road that adjoins their home place at 5934 Ebenezer Road. Both properties are located on a public road less then 30 feet wide and both lots are undersized under the current zoning regulations.

The Zoning Commissioner granted the relief requested in both cases. The Office of People's Counsel filed a timely *de novo* appeal.

The matter was scheduled for hearing on June 24, 2003 before the County Board of Appeals. Petitioners were duly advised of the hearing date. Deputy People's Counsel, Carole S. Demilio, was present at the Board hearing at 10:00 a.m. and was prepared for trial. Ms. Demilio requested the Petitions be dismissed with prejudice in light of Petitioners' failure to appear and to notify the Board.

WHEREAS, the Petitioners failed to appear on the aforementioned hearing date; and

WHEREAS, the Petitioners failed and refused to notify the Board in writing prior to June 24, 2003 that they did not intend to proceed on the Petitions in these cases.

IT IS THEREFORE, this 4th day of august, 2003, by the County Board of Appeals of Baltimore County:

ORDERED that said Petition for Special Hearing for 5934 Ebenezer Road filed in Case 03-136-SPH be and is hereby DISMISSED WITH PREJUDICE; and

It is further **ORDERED** that said Petition for Special Hearing and said Petition for Variance for 5936 Ebenezer Road filed in Case 03-137-SPHA be and are hereby **DISMISSED WITH PREJUDICE**.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Charles L. Marks

Melissa Moyer Adams



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	5936	EBENEZER	RD.
which is	presently	zoned RC-2	

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

To determine that there is no conflict with section 304.1.c of the BCZR and to approve an undersized lot pursuant to section 304 of the BOZR.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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 Purchase	r/Lessee:	<u>Legal Owner(s):</u>
		PAUL L Schlegel SK
Name - Type or Print		Name Type or Print
Signature		Signature 3.5ch (0-re/
Address	Telephone No.	Name - Type or Print
City	State Zip Code	Signature De AUNGU
Attorney For Petitic	,	5934 Floenezer Rd. 335 879
		Address Telephone No
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	State Zip Code
		Representative to be Contacted:
Signature		Trace Morrow
Company		Name Daylo Daylo
Address	Telephone No.	S7 Stone Jour S98/ Address Telephone No.
		Baltumore MOI alask
Sity	State Zip Code	City State Zip Code
to		OFFICE USE ONLY
£ 2 4		ESTIMATED LENGTH OF HEARING
Case No. 03-	137-5PHA	UNAVAILABLE FOR HEARING
	<del></del>	eviewed By JRF Date 9-17-02
REU 9115198	PC C	sylewed by Oute
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# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 5936 EBENEZGR RD. which is presently zoned RC-2

own made of the property of th	is Petition shall be filed with the Department of Permits a ner(s) of the property situate in Baltimore County and which is de a part hereof, hereby petition for a Variance from Section(s a side yard setbacks of 15 \$ 20' in lieu of the required 35', I need I acre. To allow construction of a less than 30' public right of way. And he Zoning Regulations of Baltimore County, to the zoning law dship or practical difficulty) 304 \$ 60 approve any other variances	described in the description and plat attached hereto and it /AO1.3.B.2 & 3 & 102.4 BCZR  He required 35! To allow a rear  or allow an area of 17.905 In lieu of a dwelling on a lot of less than according to approve an undersized lof per of Baltimore County, for the following reasons: (indicate
1. or	perty is to be posted and advertised as prescribed by the zonion we, agree to pay expenses of above Variance, advertising, posting ulations and restrictions of Baltimore County adopted pursuant to the	i, etc. and further agree to and are to be bounded by the zoning
		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.
<u>Co</u>	ntract Purchaser/Lessee:	Legal Owner(s):
Nam	ne - Type or Print	Name - Type or Print

Signature Signature Telephone No. Name Type or Print Address Zip Code Signature City State Attorney For Petitioner: Telephone No. Address Zip Code State Name - Type or Print Representative to be Contacted: Signature aci Name Company Telephone No. Telephone No. Address Address altmor 01221 Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_ Case No. 03-137-SPHA UNAVAILABLE FOR HEARING Date \_9. REU 9/15/98

# Description for 5936 Ebenezer Rd

Beginning for the same of a point in the centerline of Ebenezer Rd. at a distance of 1230 feet southeasterly from Vincant Farm Rd as recorded in Deed Liber 15796 Folio 206, 211, Also known as 5936 Ebenezer Rd and located in the 15th Election District and the 6th Councilmanic District and which describes as follows:

1) North 42°-00' East 246.30 fort

2) South 09-00' Wast 61.64 fort

3) South Ad Last A.B. A. A. A.

a) South 25-17 Wast 20100 fort

5) North 35° 51 Wast 16.87 fort and

Worth 28-50 Wast 66.92 feet to the place of beginning Containing 17906 sq. ft or 0.411 acres of land more or less.

1.1

#### 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: #03-137 SPHA

5936 Ebenezer Road NE/S of Ebenezer Rd. at the distance of 1,230 +/- southeast from the centerline of Vincent Farm Road 15th Election District - 6th Councilmanic District

Legal Owner(s): Paul and Louise Schlogel

Special Hearing: to approve an undersize lot pursuant to section 304 of the BCZR. Variance: to allow side yard setbacks of 15' and 20' in lieu of the required 35'; to allow a rear yard setback of 20' in lieu of the required 35'; to allow an area of 17,905 square feet in lieu of the required 1 acre; to allow construction of a dwelling on a lot of less than 30' public right-of-way and, to approve an undersized lot.

Hearing: Wednesday, October 23, 2002 at 10:00 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) 887-4388.

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

JT/10/674 Oct. 8

C567695

## CERTIFICATE OF PUBLICATION

1010,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 1018,2002.
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
D/Wellenson

LEGAL ADVERTISING

FILTER SEE 10.00 以 32.111600 (20.00),37.1136 显示意思 0 3.34 O 000 47 ACCOUNT\_ **AMOUNT** BALTIMORE COUNTY, MARYL 也 OFFICE OF BUDGET & FMANCE W であり いいないのの N 0-6 のはん 6. RECEIVED FROM: DATE F0.

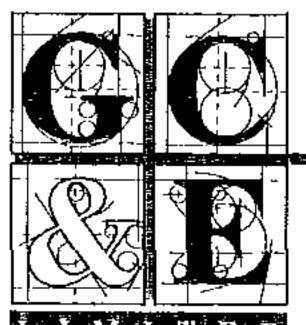
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CASHER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

DISTRIBUTION WHITE - CASHIER



### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

L.I.M.I.T.E.D

### **CERTIFICATE OF POSTING**

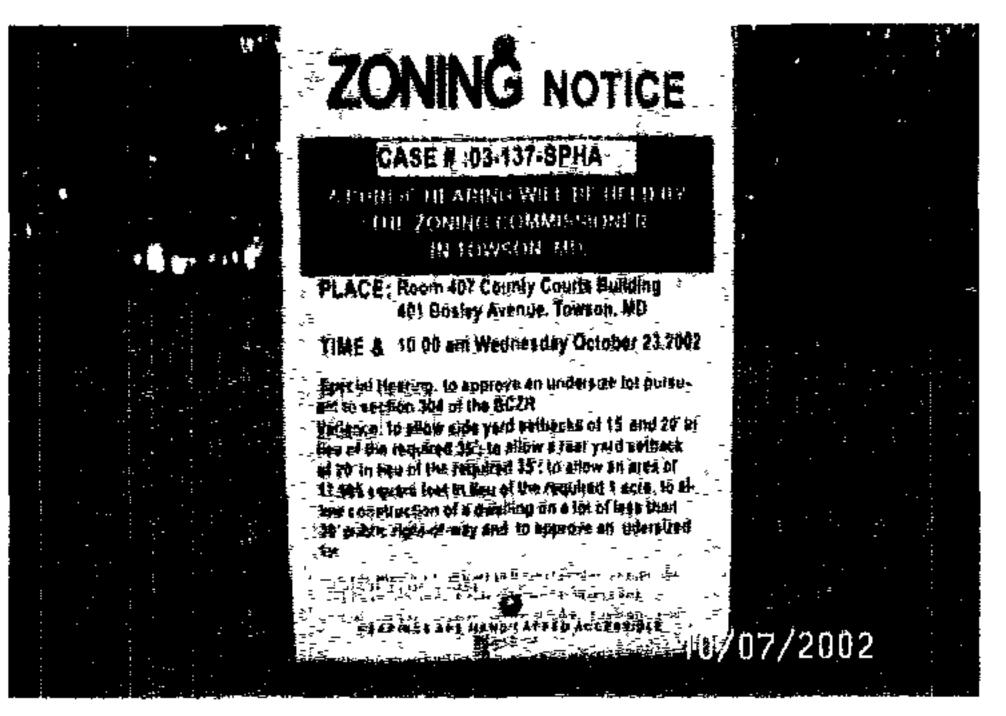
RE: CASE # 03-137-SPHA PETITIONER/DEVELOPER: Paul and Louise Schlogel DATE OF HEARING: October 23, 2002

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

**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



#### **LOCATION**

5936 Ebenezer Road NE/s of Ebenezer Road at the distance of 1,230 +/southeast from the centerline of Vincent Farm Road

DATE

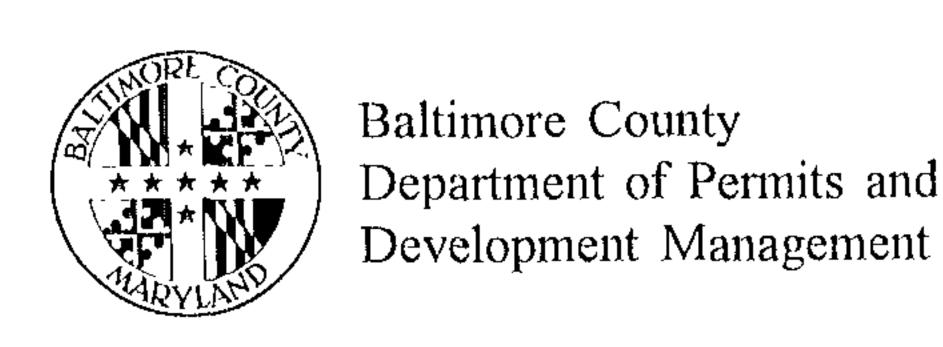
October 9, 2002

SIGNATURE OF SIGN POSTER

**BRUCE DOAK** 

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON October 7, 2002



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

Fax: 410-887-5708

September 26, 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: 03-137 SPHA

5936 Ebenezer Road

NE/s of Ebenezer Rd. at the distance of 1,230 +/- southeast from the centerline of Vincent

Farm Road

Election District 15th - Councilmanic District 6th

Legal Owner: Paul and Louise Schlogel

SPECIAL HEARING to approve an undersize lot pursuant to section 304 of the BCZR. VARIANCE to allow side yard setbacks of 15' and 20' in lieu of the required 35'; to allow a rear yard setback of 20' in lieu of the required 35'; to allow an area of 17,905 square feet in lieu of the required 1 acre; to allow construction of a dwelling on a lot of less than 30' public right-of-way and, to approve an undersized lot.

HEARING:Wednesday, October 23, 2002 at 10:00 in Room 407, County Courts, at in

402 Bosely Avenue

Arnold Jablon

Director

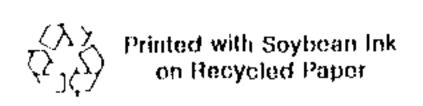
Cc: Paul L. Louise G. Schlogel 5934 Ebenezer Road Baltimore MD 21162

Tracy Morrow, 57 Stone Park Place

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Tuesday, October 8, 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.



TO: PATUXENT PUBLISHING COMPANY

Tuesday October 8, 2002 Issue – Jeffersonian

Please forward billing to:Tracy Morrow

57 Stone Park Place 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: 03-137 SPHA

5936 Ebenezer Road

NE/s of Ebenezer Rd. at the distance of 1,230 +/- southeast from the centerline of

Vincent Farm Road

Election District 15th - Councilmanic District 6th

Legal Owner: Paul and Louise Schlogel

SPECIAL HEARING to approve an undersize lot pursuant to section 304 of the BCZR. VARIANCE to allow side yard setbacks of 15' and 20' in lieu of the required 35'; to allow an area of 17,905 square feet in lieu of the required 1 acre; to allow construction of a dwelling on a lot of less than 30' public right-of-way and, to approve an undersized lot.

HEARING: Wegnesday, October 23,2002 at 10:00 am in Room 407, County Courts

Building 401 Bosley Avenue

awrence 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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

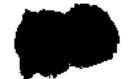
### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: #137  Petitioner: Paul + Louise Schloge!  Address or Location: 5936 Ebenezer Rol.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Nacy Morrow Address: 57 Stone Poul Pl 21236
Telephone Number: <u>529</u> 8168



# County Board of Appeals of Baltimore County



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

# Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

April 15, 2003

### NOTICE OF ASSIGNMENT

CASE #: 03-136-SPH

IN THE MATTER OF: Paul and Louise Schlogel -Legal Owners

5934 Ebenezer Road

15th Election District; 6th Councilmanic

AND

CASE #: 03-137-SPHA

IN THE MATTER OF: Paul and Louise Schlogel -Legal Owners 5936 Ebenezer Road 15<sup>th</sup> Election District; 6<sup>th</sup> Councilmanic

11/21/02 -Decision of the Z.C. in which Petition for Special Hearing in Case No.03-136-SPH was GRANTED; and Petitions for Variance and Special Hearing in Case No. 03-137-SPHA were GRANTED with

restrictions.

**ASSIGNED FOR:** 

TUESDAY, JUNE 24, 2003 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).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

C:

Appellant

: People's Counsel for Baltimore County

Petitioners

: Paul Schlogel, Sr. and Louise Schlogel

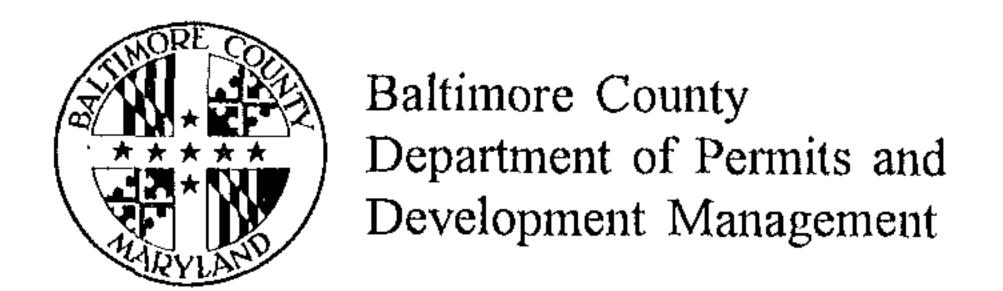
Contact Person

: Tracy Morrow

Interested Party

: Daryl Webster

Pat Keller, Director /Planning Lawrence Schmidt /Zoning Commissioner Arnold Jablon, Director /PDM



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

October 17, 2002

Mr. and Mrs. Paul Schlogel, Sr. 5934 Ebenezer Road Baltimore, MD 21162

Dear Mr. and Mrs. Schlogel:

RE: Case Number: 03-137-SPHA, 5936 Ebenezer Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 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.

Supervisor, Zoning Review

W. Carl Buchards, Jr.

WCR:rlh

Enclosures

c: Tracey Morrow, 57 Stone Park Place, Baltimore 21236 People's Counsel



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

September 27, 2002

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

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 131-146

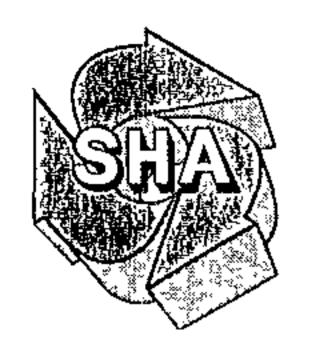
REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink. on Recycled Paper

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



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 10.1.02

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

RE: Baltimore County

Item No. 137 JZF

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,

J. J. Dadl

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

fr)23

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 7, 2002

4° - 8°

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-112, & 03-136, & 03-137

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC



Director, Office of Planning & Community Conservation

TO:

Permit or Case No. 03-137-SPHA

	Attention: Jeffrey Long County Courts Building, Room 406	
	401 Bosley Avenue Towson, MD 21204	Residential Processing Fee Paid (\$50.00)
	Arnold Jablon, Director  Department of Permits & Development Management	Accepted by JRF  Date 0/17/02
RE:	Undersized Lots	
Pursuant the Office	to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is request of Planning and Community Conservation prior to this office's approval of a dwelling permit.	sting recommendations and comments from
MINIMUI	VI APPLICANT SUPPLIED INFORMATION:	
	Print Name of Applicant  Print Name of Applicant  Print Name of Applicant  Print Name of Applicant	relephone number
	Lot Address 5936 Ebenezer Rd. Election District 15 Councilmanic	
	/stmpt\	W corner of VINCENTRONS RC (street)
Land Ow	mer: Paul L. Schlogel Stylouise Schloge Tax Account N	umber 151907210
Address	5934 Ebenezer Rol 01162 Telephone Nu	mber ( ) 3358793
	ST OF MATERIALS (to be submitted for design review by the Office of Planning and Community C	Conservation)
TO BE	FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGED PROVID	MENT ONLY!
	YE\$	NO
1, This Re	ecommendation Form (3 copies)	<del>۔۔۔۔۔۔۔۔۔۔۔</del> مر
2. Permit	Application	<del></del>
3. Site Pla Prope	an erty (3 copies)	
4. Buildin	ng Elevation Drawings	<del></del>
_	graphs (please label all photos clearly) ng Buildings	
Surrour	ading Neighborhood	<u> </u>
6. Curren	t Zoning Classification: RC-2	
	TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!	
	TO BE FILLED IN BY THE OFFICE OF PERMANTO ONCI?	
RECOMME	ENDATIONS / COMMENTS:	
	Approval Disapproval Approval conditioned on required modifications of the application	to conform with the following recommendations:
Signed by		Date:
	for the Director, Office of Planning and Community Conservation	

Revised 2/05/02

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

RE:	PETITION FOR SPECIAL HEARING
	AND VARIANCE
	5936 Ebenezer Road 1,230' +/- SE ctrl
	of Vincent Farm Road
	15 <sup>th</sup> Election District 6 <sup>th</sup> Councilmanic
	District
	Legal Owner: Paul & Louise Schlogel

Petitioner(s)

*	BEFORE	THE
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- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 03-137-SPHA

### 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 2<sup>nd</sup> day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Tracy Morrow, 57 Stone Park Place, Baltimore, MD. 21236 Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County





OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

December 10, 2002

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING

AND VARIANCE

N/S Ebenezer Road, 1100' & 1230" SE of c/l Vincent Farm Lane (5934 & 5936 Ebenezer Rd)

15<sup>th</sup> Election Dist., 6<sup>th</sup> Councilmanic

Legal Owners: Paul M. Schlogel, Sr., et ux. Case Nos.: 03-136-SPH & 03-137-SPHA

Dear Mr. Jablon:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated November 21, 2002 of the Baltimore County Zoning Commissioner in each of the combined above-entitled cases.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

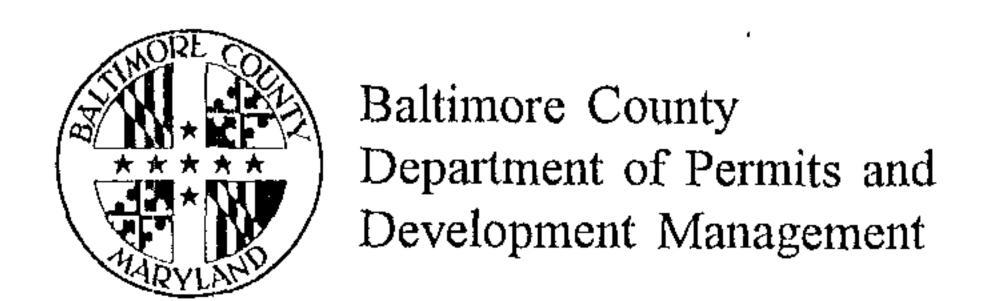
People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/rmw

cc: Tracy Morrow
57 Stone Park Place
Baltimore, MD 21236
Representative for Petitioners



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

Fax: 410-887-5708

December 11, 2002

Paul L. Schlogel, Sr. Louise B. Schlogel 5934 Ebenezer Road Baltimore, MD 21162

Dear Mr. and Mrs. Schlogel:

RE: Case No. 03-137-SPHA, 5934 Ebenezer Road

Please be advised that an appeal of the above-referenced case was filed in this office on December 10, 2002 by Peter M. Zimmerman, People's Counsel for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Act of the second of the secon

<del>§i</del>ncerely,

Arnold Jablon Director

AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM People's Counsel Tracey Morrow, 57 Stone Park Place, Baltimore 21236 RICEIVED)
DEC 1 2012

BALTIMORE COUNTY BOARD OF APPEALS

### **APPEAL**

Petition for Special Hearing and Variance
5934 Ebenezer Road

N/side of Ebenezer Road at the distance of 1,100 +/- feet from the centerline of

Vincent Farm Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Paul and Louise Schlogel- Legal Owner

Case No.: 03-137-SPHA

Petition for Special Hearing and Variance (September 17, 2002)

Zoning Description of Property

Notice of Zoning Hearing (September 26, 2002)

Certification of Publication (The Jeffersonian issue October 8, 2002)

Certificate of Posting (October 9, 2002 posted Gerhold, Cross & Etzel)

Entry of Appearance by People's Counsel (October 2, 2002)

Petitioner(s) Sign-In Sheet None

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet None

Zoning Advisory Committee Comments

Petitioners' Exhibits:

None

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibits):

Plat to accompany Petition for Zoning Variance and Special Hearing

Zoning Commissioner's Order (November 21, 2002 - GRANTED)

Notice of Appeal received on December 10, 2002 from Peter M. Zimmerman, People's Counsel of Baltimore County

¢:

People's Counsel of Baltimore County, MS #2010 Lawrence Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM Paul and Louise Schlogel, Sr.

date sent December 11, 2002 rlh



Parris N Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

September 27, 2002

Mr. George Zahner
Baltimore County Dept. of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 10/7/02 re: case numbers 03-131-A, 03-132-A, 03-133-SPHXA, 03-134-A, 03-135-A, 03-136-SPH, 03-137-SPHA, 03-138-SPH, 03-139-SPH, 03-140-A, 03-141-A, 03-142-SPHA, 03-143-SPHA, 03-144-A, 03-145-A, 03-146-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/26/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE:

September 25, 2003

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton

Board of Appeals

SUBJECT:

**CLOSED APPEAL CASE FILES** 

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
CBA-03-128	APPLICATION OF FENCE WAIVER (DENIED)	PURINTON	1501 WEST JOPPA ROAE
CR-02-456-SPH	CYCLE III 2002 RECLASS	SCHWARTZ	112 HOOKS LANE
03-372-SPHXA	03-372-SPHXA	ALPHON PHILIP DIAMOND	1718 REISTERSTOWN ROAD
03-136-SPH and 03-137-SPH	03-136-SPH and 03-137-SPH	SCHLOGEL	5934 EBENEZER ROAD

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED

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