IN RE: PETITIONS FOR VARIANCE

NE/S Klausmier Road, 145.25' E of

Bauer Avenue

(4104 & 4106 Klausmier Road)

11th Election District 5th Council District

The Estate of John C. Dunn, Jr. Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case Nos. 03-216-A & 03-217-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Zoning Commissioner for consideration of Petitions for Variance filed by the owner of the subject adjacent properties, The Estate of John C. Dunn, Jr., through its Personal Representative, Margaret M. Barrett. Since the properties are under common ownership and are adjacent to one another, the two cases were heard contemporaneously. In both cases, the Petitioner seeks relief from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and approval of an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner to develop each property with a single family dwelling. The subject properties and requested relief are more particularly shown on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner in support of the request were Thomas J. Hoff, Registered Landscape Architect, and Isaac Gheiler, Builder. Appearing in opposition to the request were Joseph and Tracy Katzenberger, John Bogdan, Jr., and Kathleen Eckart, adjacent property owners. It is to be noted that a Petition that had been signed by a number of residents in opposition to the request was received from the Protestants and marked as Protestant's Exhibit 1. This Petition is opposed to the grant of the relief and "changing the D.R.5.5 zoning" of this property. In this regard, a change of zoning classification is not being requested.

2/1/3

Indeed, the Zoning Commissioner does not zone properties nor has the authority to change their zoning, only the issues raised in the Petitions are under consideration.

In any event, the subject properties are part of a larger tract that was originally owned by John C. Dunn, Jr. That tract contained seven lots, identified as Lots 55, 56, 57, 61, 62, 63 and 64 of the subdivision known as Dengler Heights, which was recorded in the Land Records of Baltimore County in 1937. As is often the case with older subdivisions, these lots were laid out and platted prior to the adoption of the first set of zoning regulations in Baltimore County (1945) and thus, do not meet current area/width requirements. But for Lot 61, which is somewhat larger, each of the other six lots is 50 feet wide and 150 feet deep, or 7500 sq.ft. in area, zoned D.R.5.5. As shown on the site plan, Lots 61 through 64 have frontage on Klausmier Road; however, Lot 61 is a corner lot, which also has frontage on Bauer Avenue. Lots 55 through 57 are located immediately to the rear of Lots 62 through 64. These six lots form a rectangular shaped parcel 150 feet wide by 300 feet deep.

Lot 62 is improved with a single family dwelling, known as 4102 Klausmier Road, in which the Dunn family at one time resided. The corner lot (Lot 61) and Lots 63 and 64 essentially served as the side yards for that dwelling, and Lots 55 through 57 encompassed much of the rear yard. In fact, an existing shed, which served as an accessory structure to the Dunn house, straddles the property line between Lots 55 and 56. Testimony indicated that after the demise of Mr. Dunn, the Estate conveyed the former Dunn house on Lot 62 and Lots 57 and 61 to Joseph and Tracy Katzenberger. It is the remaining four lots (Lots 63, 64, 55 and 56) which are the subject of the instant Petitions. These four lots have remained in ownership of the Estate and are unimproved, but for the existing shed. As noted above, each lot is 50 feet wide and 150 feet deep. The Petitioner proposes combining Lot 63 with Lot 56 and Lot 64 with Lot 55 to form two rectangular shaped parcels, each 50 feet wide by 300 feet deep, or 15,000 sq.ft. in area, and developing each parcel with a single family dwelling. However, due to the history of the property and narrow width of the lots, the relief requested as set forth above is necessary.

As noted above, the properties are zoned D.R.5.5. The D.R.5.5 zoning classification imposes a number of requirements for the construction of single family dwellings thereon. First, each lot must be a minimum 6,000 sq.ft. in area, a requirement which is easily met in this case. Secondly, for any single family dwelling on a D.R.5.5 lot, the minimum front property line setback is 25 feet and a 30-foot rear property line setback must be maintained. Finally, 10-foot side yard setbacks must be maintained on each side. In this regard, the Petitioner's proposal meets or exceeds all of these requirements. The sole deficiency under the current regulations relates to the lot width. Under the D.R.5.5 zoning regulations, a minimum lot width of 55 feet is required. As noted above, these lots were originally laid out as 50-foot wide lots. Although recorded well prior to the adoption of the zoning regulations, the current requirements must be maintained or variance relief acquired before building permits can be approved.

Mr. Hoff testified on behalf of the Petitioner and presented much of the information set out above. He noted that the applicant proposes the construction of a single family dwelling on each lot. He stated that all of the required setbacks would be met and noted that the lots are significantly larger in terms of area than is required. Finally, he noted that many of the houses in the immediate vicinity are situated on 50-foot wide lots. This fact was confirmed during a site visit I undertook after the hearing. Indeed, all of the houses on the other side of Klausmier Road appear to be on 50-foot wide lots. However, the Eckart dwelling on the adjacent parcel, which is comprised of Lots 53, 54, 65 and 66, is on a 100-foot wide parcel, as is the Bogdan dwelling, which is located on Lots 59 and 60, to the rear of Lot 61, and fronts on Bauer Avenue.

The neighbors who appeared in opposition contend that a grant of the variance would negatively affect the neighborhood and the value of the homes therein. In my judgment, the Petitioner's request is not inconsistent with the existing character of the community. I closely observed the houses during my site visit and as noted above, most of the dwellings on Klausmier Road are situated on 50-foot wide lots. Some of what appear to be newer dwellings further towards the interior of the community on Bauer Avenue are on larger lots. Concerns were also expressed regarding drainage, particularly by Mr. Bogdan; however, an examination of the site

plan, as well as observations made during my site visit are persuasive to a finding that this issue does not justify a denial of the requests. Specifically, the Bogdan dwelling is located at a higher elevation. Thus, any storm water runoff from the subject lots will drain away from that property. In addition, the subject lots are relatively flat and storm water runoff does not appear to be an issue, given the size of the lots.

Finally, perhaps the most significant factor in this regard is the fact that the Petitioner could develop these properties under an alternate plan without the need for variance relief. That is, as noted above, the four lots in question are collectively 300 feet deep and 100 feet wide. Moreover, they contain more than sufficient area to yield two building lots, pursuant to the D.R.5.5 zoning classification. The property owner could construct two dwellings on the property, one in the front portion of the site on Lots 63 and 64, and the other to the rear on Lots 56 and 55, and configure a lot width in excess of 55 feet. A panhandle-type driveway could then be constructed to lead to the rear of the parcel to the second lot, which would also meet all requirements. However, such a scheme would be inconsistent with other houses in the neighborhood, which are situated side by side. Retaining the existing character of the community is a significant issue.

Based upon the cumulative testimony and evidence offered, I am persuaded that variance relief should be granted. In my judgment, relief is justified, particularly given the age of the subdivision and the original configuration of the properties under consideration. I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and that variance relief should be granted. I also note that the Office of Planning issued a favorable Zoning Advisory Committee (ZAC) comment as to the proposal. That agency no doubt concluded that the side by side orientation of two new dwellings in this neighborhood is preferable to a front/rear alignment.

Pursuant to the advertisement posting of the property and public hearing on these Petitions 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 day of February 2003 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot

width of 50 feet in lieu of the required 55 feet, and approval of an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner to develop each property with a single family dwelling, 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 permits 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) The proposed dwellings shall be constructed substantially in accordance with the building elevation drawings submitted to and approved by the Office of Planning.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

IN THE MATTER OF
THE APPLICATION OF
THE ESTATE OF JOHN C. DUNN - LEGAL
OWNER through MARGARET BARRETT PERSONAL REPRESENTATIVE, FOR
VARIANCES ON PROPERTY LOCATED ON
THE NE/S KLAUSMIER RD, E OF BAUER
AVENUE (4104 & 4106 KLAUSMIER ROAD)

11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 03-216-A and

CASE NO. 03-217-A

ORDER OF DISMISSAL

This matter comes to the Board of Appeals on appeal filed by Joseph Katzenburger, Protestant, from a decision of the Deputy Zoning Commissioner dated February 4, 2003 in which the requested variance relief was granted, and a subsequent decision dated March 21, 2003 in which Protestant's Motion for Reconsideration was denied.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed on February 19, 2004 by Joseph Katzenburger, Appellant /Protestant, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant/Protestant requests that the appeal taken in Case No. 03-216-A and Case No. 03-217-A be withdrawn and dismissed as of February 19, 2004;

IT IS THEREFORE ORDERED this day of d

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Charles L. Marks

Edward W. Crizer, Jr.

Ms. Kathleen C. Bianco/Administrator County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, Maryland 21204

Re: Z

Zoning Appeals, Case #'s C-03-216-A & C-03-217-A

Dear Ms. Bianco:

Please accept this letter as a termination of my above referenced appeals.

Should you have any questions, please do not hesitate to contact me.

Sincerely yours,

Joseph Katzenberger

4102 Klausmier Road

Baltimore, Maryland 21236

410-256-9735

REGENVED)

BALTIMORE COUNTY BOARD OF APPEALS IN RE: PETITIONS FOR VARIANCE
NE/S Klausmier Road, 145.25' E of
Bauer Avenue
(4104 & 4106 Klausmier Road)
11th Election District
5th Council District

The Estate of John C. Dunn, Jr. Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case Nos. 03-216-A & 03-217-A

*

* * * * * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

These matters came before the Zoning Commissioner for consideration of Petitions for Variance filed by the owner of the subject adjacent properties, The Estate of John C. Dunn, Jr., through its Personal Representative, Margaret M. Barrett. Within the Petitions, relief was sought from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50 feet in lieu of the required 55 feet and also from Section 304.1 to approve an undersized lot. Relief was also requested for any other variances deemed necessary by the Zoning Commissioner to permit development of the property with three (one existing and two proposed) single family dwellings.

At a public hearing held on December 30, 2002, Thomas J. Hoff, Registered Landscape Architect, and Isaac Gheiler, Builder, appeared on behalf of the Petitioner. Joseph and Tracy Katzenberger, John Bogdan, Jr., and Kathleen Eckart (hereinafter "Protestants"), adjacent property owners, appeared in opposition to the request.

After due consideration of the testimony and evidence presented, the undersigned granted the request by Order dated February 4, 2003, subject to certain terms and conditions. Pursuant to Rule 2(K) of the Zoning Commissioner's Rules of Practice and Procedure (Appendix G, B.C.Z.R.), the Protestants have filed a Motion for Reconsideration, citing three reasons in support thereof. These arguments will be addressed in order of their presentation.

3/2/63 3/2/2022 1) Standards in Cromwell v. Ward: As noted above, the Petitioner sought relief through a Petition for Variance. The Zoning Commissioner's authority to grant variance relief from the requirements of the B.C.Z.R. is established in Section 26-127 of the Baltimore County Code (Code). Section 307 of the B.C.Z.R. contains the standards for the grant of variance relief. This Section has been interpreted on numerous occasions by the appellate courts of this State, most notably in Cromwell v. Ward, 307 Md. App. 691 (1995). In Cromwell, the Court established two tests that need be satisfied in order for a variance to be granted.

First, it must be established that the property at issue is unique. As set forth in the original opinion, I find that the subject tract is unique. As noted therein, the tract is composed of seven lots, identified as Lots 55, 56, 57, 61, 62, 63 and 64 of the subdivision known as Dengler Heights, which was recorded in the Land Records of Baltimore County in 1937. The fact that these lots were laid out prior to the adoption of the first set of zoning regulations in Baltimore County (1945) is a significant factor. That is, the lots were laid out prior to the adoption of the first zoning regulations in Baltimore County and therefore do not individually meet current standards. More significantly, the configuration of the overall tract is unique. It is this shape that drives the need for variance relief.

Second, <u>Cromwell</u> requires a finding of practical difficulty. The practical difficulty in this case springs from the uniqueness described above. The Petitioner proposes the resubdivision and reconfiguration of the tract from the original seven lots into three building lots. That reconfiguration provides for the retention of the existing corner lot and dwelling thereon, as well as the creation of two side by side lots that will feature dwellings to front Klausmeier Road.

The D.R.5.5 zoning regulations permit, by right, the development of D.R.5.5 zoned property with dwellings. Thus, the land use (single family housing) proposed is allowed and proper. Moreover, from a density perspective, the three single-family dwelling lots are permitted. As noted within my earlier opinion, the zoning regulations impose a number of requirements for the construction of single family dwellings on D.R.5.5 zoned land. In this instance, all but one of those requirements are met. Specifically, each lot meets the minimum area requirement and the

2/11/03

proposed and existing dwellings will meet all setback, height and area requirements. The sole deficiency under the proposal relates to lot width of the two new building lots, which is due to the configuration of the overall tract.

The opposition ignores the fact that the property has sufficient area, under law, so that it can be subdivided to create three lots. However, a three-lot layout that requires no zoning variance would be both ill conceived and inconsistent with other properties in the neighborhood. As noted in my prior opinion, variance relief would not be required if the two new building lots were laid out with a back to front orientation towards Klausmier Road and a panhandle driveway to provide access to the rear lot. Under that scenario, one new house would be in the front of the property and the second to rear. The Protestants have offered no evidence that supports such a layout and/or that they prefer such a configuration. Apparently, they fail to realize that denial of the Petition would no doubt result in the applicant developing the property in that fashion. Such a development would be entirely inconsistent with the character and scheme of adjacent properties in the neighborhood. Many lots in this neighborhood are but fifty feet wide, with houses on both sides. There are no houses in the community that feature a front to back orientation. In my judgement, a denial variance relief would prohibit the applicant from developing the property for a permitted purpose and in a most suitable manner.

Finally, Section 307 of the B.C.Z.R. requires that variance relief cannot be granted if a detrimental impact would result to surrounding properties. Given the area and zoning of the property, it cannot be reasonably contended that the development of the parcel into three lots is inappropriate. In the judgment of the undersigned, development of the tract lots with a front/rear building orientation would adversely impact the neighborhood far more than the proposed layout. The proposed side by side orientation is consistent with other development in the neighborhood and preferable.

For all of these reasons, I find that a variance should be granted from Section 1B02.3.C.1 of the B.C.Z.R., to allow lot widths of 50 feet in lieu of the required 55 feet.

3/21/03 J. Janeson

- 2) Standards of Section 304 of the B.C.Z.R.: Instrumental to an understanding of this issue is that the Petitioners sought relief on an alternative basis. An individual with an undersized lot or a lot with a width less than that required can seek relief from the B.C.Z.R. under two methods. First, as noted above, variance relief can be requested, pursuant to Section 307 of the B.C.Z.R. Indeed variance relief was requested in this case pursuant to that regulation from the requirements contained in Section 1B02.3.C.1 of the B.C.Z.R. and for reasons set out above will be granted. As an alternative, the Petitioner also sought relief from Section 304 of the B.C.Z.R. Section 304 allows an individual to develop an undersized lot/insufficient width if three requirements are met. Those requirements are: 1) that the property is part of a subdivision that was duly recorded prior to 1955; 2) that the Petitioner does not own any adjacent property which can be added to the subject parcel to create a sufficiently sized or wide lot; and 3) that no other variance relief is requested. If the Petitioner meets these three requirements, then development is permitted, without a public hearing. In this case, relief cannot be granted pursuant to Section 304 because the Petitioner fails to meet the second standard. That is, the Petitioner owns sufficient adjacent property (i.e. the seven lots in total). Thus, although the applicant cannot proceed with its plans pursuant to Section 304; relief should and will be granted to allow the proposed development pursuant to a variance granted under Section 307.
- 3) Zoning Commissioner's Site Visit: Lastly, the Protestants apparently object to my visit to the property and neighborhood after the hearing. First, it need be noted that there is no prohibition, anywhere under law, on the Zoning Commissioner's ability to personally inspect a property. To the contrary, a more cogent position would be that the Zoning Commissioner should familiarize himself with the neighborhood and property in order to make a well-reasoned decision. One may well argue that the Zoning Commission should visit every site considered, in order to make a better informed decision Such a position is consistent with the Maryland Rules of Procedure (See Maryland Rule 2-515), which permit a finder of fact in Court to inspect a property. Moreover there was no ex parte communication or inappropriate contact with any party in this case. I drove to the site, inspected the neighborhood and property and left without speaking to

anyone or even exiting my automobile. Finally, the Protestants' assertion that that they were not afforded the opportunity for direct or cross-examination is ludicrous. The Zoning Commissioner is not subject to either direct or cross-examination! The Zoning Commissioner is not a witness! The Protestants' argument in this regard is entirely without merit.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of March 2003 that the Motion for Reconsideration filed by the Protestants in the above-captioned matter be and the same is hereby DENIED; and,

IT IS FURTHER ORDERED that the relief granted pursuant to my Opinion and Order dated February 4, 2003, as more particularly clarified herein, shall remain in full force and effect.

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

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Margaret M. Barrett, 3800 Cedarbrooke Place, Baltimore, Md. 21236

Mr. Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson, Md. 21204

Mr. Isaac Gheiler, 3403 Old Post Drive, Baltimore, Md. 21208

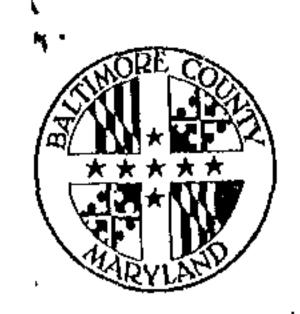
Mr. & Mrs. Joseph Katzenberger, 4102 Klausmier Road, Baltimore, Md. 21236

Mr. John Bogdan, Jr., 9529 Bauer Avenue, Baltimore, Md. 21236

Ms. Kathleen Eckart, 4108 Klausmier Road, Baltimore, Md. 21236

Office of Planning; People's Counsel; Case File

: Salibs



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4100 KLAUSMIER RO. which is presently zoned <u>ORO.6</u>

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)

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

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 Petitlon.

Contract Purchaser/	<u>Lessee:</u>		Legal Owner(s):
Name - Type or Print			THE ESTATE OF JOHN C. DUNN, UR. Name - Type or Print THE ESTATE OF JOHN C. DUNN, UR.
Signature	······································		Signature Dalla 1
Address	<u></u>	Telephone No.	Name - Type or Print
Dity	State	Zip Code	PERSONAL REPRESENTATIVE Signature
Attorney For Petition	<u>ner:</u>		3800 (ado/brook P) 4/0-256-/73 Address Telephone No.
Vame - Type or Print		 	$\frac{20/t_{1}mor_{1}}{\text{City}} = \frac{70d}{\text{State}} = \frac{21236}{\text{Zip Code}}$
Signature			Representative to be Contacted:
Company		······································	THOMAS J. HOFF
Address	······································	Telephone No.	ACOW PENNSYLVANIA AVE. 410-296-3668 Address Telephone No.
Dity	State	Zip Code	TOWSON, MD. 21204- City State Zip Code
			OFFICE USE ONLY
Case No. <u>00-2</u>	17 -A	1	ESTIMATED LENGTH OF HEARING
	<u> </u>		UNAVAILABLE FOR HEARING By D.THOMPSON Date 1114 03
REV 9/15/98		ILCTICATOR E	

VARIANCE REQUEST

Lots 55 & 64, Dengler Heights, 4106 Klausmier Road

Section 1B02.3.C.1. and Section 304.1 VARIANCE TO ALLOW A LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET AND TO APPROVE AN UNDERSIZED LOT AND ANY ADDITIONAL RELIEF DEEMED NECESSARY.

P.02

410 256 7080



State of Maryland LETTERS OF ADMINISTRATION

Estate No. 120950

	ertify that administration JOHN C. DUNN	IJR,
was granted on the 23	d day of May, 200;	2
to MARGARET M. BARRET	Ţ	
as personal r	epresentative(s) and th	ne appointment is in effect
		a alabanitationia in alterat
this	23rd day of May,	
this		2002 05/23/2002
this	23rd day of May,	2002 05/23/2002 (date)
this	23rd day of May, Will probated	2002 05/23/2002 (date)
this	23rd day of May, Will probated	2002 05/23/2002 (date)

RW 1120

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

November 2, 2002

Description of Lots 55 & 64 of Dengler Heights (Plat 12/18), 4106 Klausmier Road, to Accompany Petition for Variance.

BEGINNING FOR THE SAME at a point on the east side of Klausmier Road, 145.25 feet more or less south of the east side of Bauer Avenue.

Being Lot # 55 & 64 in the subdivision of Dengler Heights as recorded in the Baltimore County Plat Book 12, Folio 18.

Containing 15,000 square feet or 0.34 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.

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: #03-215-SPH
1107 Harris Mill Road
S/side of Harris Mill Road,
1685 +/- feet east of centerline of Harris Mill Road
7th Election District
3rd Councilmanic District
Legal Owner(s): Frederick
S. Lehman
Special Hearing: to confirm
the subject property is a
buildable lot of record and
for such additional relief
this Petition may require
Hearing: Monday, December 30, 2002 at 9:00 a.m.
in Room 407, County
Courts Building, 401 Bosley Avenue.

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.

LAWRENCE E. SCHMIDT

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

12/087 Dec 12 C578411

CERTIFICATE OF PUBLICATION

12/12,2002
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
$\frac{12}{2}$, $\frac{2002}{2}$
•
The Jeffersonian
☐ Arbutus Times
🖵 Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
e a

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLA No. 22267 OFFICE OF BUDGET & FINANCE THERESE ACTUMENTS THE MISCELLANEOUS RECEIPT 5 482006 A/BB/2005 89:46:06 理局规定 海镇 进精 斑 _ ACCOUNT 001 006 -61501 DATE 4/15/02 利料 12年 第28636 - 4/48/2007。 (HLR and the parties are supplied that the parties of the supplied AMOUNT \$ 300.00 63° (H. - 057767 hered for \$300,00 - अभी राम्भार विवस्ती १० विस्तु प्रशिक्ती 03-216-4 6 03-217-4

CASHIER'S VALIDATION

DISTRIBUTION

WHITE . CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

>> RICE IPT # 253547 11/04/2002 Dept	:59
RECEIVED 100 HOFF AMOUNT S 100. RECEIVED 100.00 CK 100.00 CK	YAWER Tinu
Towar committee that A	00 00 C
FOR: ITEM # 217, 03-217-A + UNDERSIZE LOT	
HIOG KLAUSMIER RD. BY D. THOMPSON DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHIER'S VALIDATION	

•

CERTIFICATE OF POSTING

RE: Case No. 03-217-A
Petitioner/Developer:
The Estate of John C. Dunn,
Jr., Margaret M. Barrett,
Personal Representative
Hearing Date: 12/30/02

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

Attention: Mr. 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 4106 Klausmier Rd.

The sign(s) were posted on 12/14/02.

Sincerely

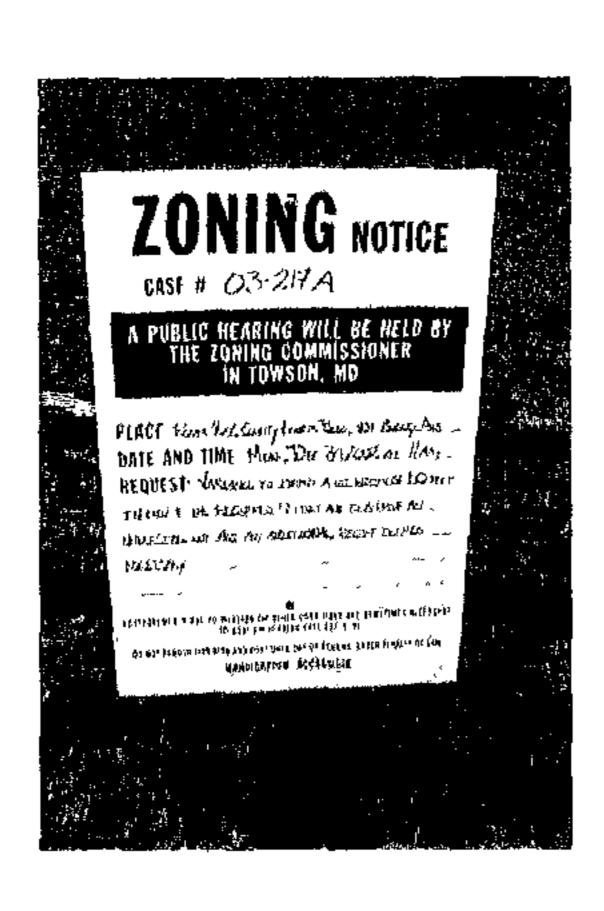
Diana Sugiuchi

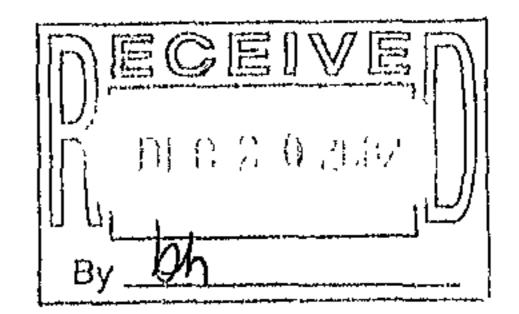
Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668





APPEAL SIGN POSTING REQUEST

CASE NO.: 03-216-A and 03-217-A

Estate of John John - LEGAL OWNERS

4104 and 4106 Klausmier Road, respectively

11th ELECTION DISTRICT

APPEALED: 4/18/03

ATTACHMENT - (Plan to accompany Petitioner's Exhibit No.1)

APPEAL SIGN POSTING REQUEST

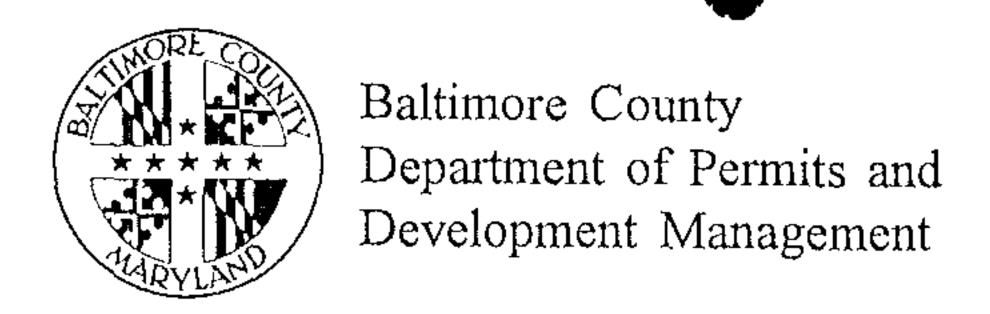
CASE NO.: 03-216-A and 03-217-A

Estate of John John - LEGAL OWNERS

4104 and 4106 Klausmier Road, respectively

11th ELECTION DISTRICT APPEALED: 4/18/03 ATTACHMENT - (Plan to accompany Petitioner's Exhibit No.1) CERTIFICATE OF POSTING Baltimore County Board of Appeals TO: 400 Washington Avenue, Room 49 Towson, Maryland 21204 Kathleen Bianco Attention: Administrator 03-217 A Case No.:_ RE: Petitioner/Developer: This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 4104/4106 KLAUSMIER RD. The sign was posted on By: (Signature of Sign Poster) GARY FREUND

(Printed Name)



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

November 27, 2002

Fax: 410-887-5708

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: 03-217-A

4106 Klausmier Road

E/side Klausmier Road 145.25 feet south of east side Bauer Road

11th Election District – 5th Councilmanic District

Legal Owner: The Estate of John C. Dunn, Jr., Margaret M. Barrett, Personal

Representative

Variance to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and any additional relief deemed necessary.

Hearings:

Monday, December 30, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Margaret M. Barrett, Personal Representative of the Estate of John C. Dunn, Jr., 3800 Cedarbrooke Place, Baltimore 21236 Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 14, 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

Thursday, December 12, 2002 Issue - Jeffersonian

Please forward billing to:

Jenmar Homes 3403 Old Post Drive Baltimore, MD 21208

410-486-5693

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: 03-217-A

4106 Klausmier Road
E/side Klausmier Road 145.25 feet south of east side Bauer Road
11th Election District — 5th Councilmanic District
Legal Owner: The Estate of John C. Dunn, Jr., Margaret M. Barrett, Personal Representative

<u>Variance</u> to permit a lot width of 50 feet in lieu of the required 55 feet and to approve an undersized lot and any additional relief deemed necessary.

Hearings: Monday, December 30, 2002 at 11:00 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 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.



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

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

November 26, 2002

ATTENTION: George Zahner

Distribution Meeting of November 25, 2002

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: 214-223

20

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

cc: File



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

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

November 20, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

ZAC Dist. Meeting of 11/18/2002

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:

203-209, 211-227

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 11.27.02

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

Item No. 217

DT

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,

P. J. Soul

10

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



Parris N. Glendening
Governor

Kathleen Kennedy Townsend

L.t. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

December 2, 2002

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

Re: Zoning Advisory Committee Agenda 12/2/02 re: Case numbers 03-214-SPHA, 03-215-SPH, 03-216-A, 03-217-A, 03-218-SPH, 03-219-SPHA, 03-220-A, 03-221-SPH, 03-222-A, 03-223-SPH

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 11/26/02. 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,

/ sand I for the size of the s

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

12/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

DATE: December 3, 2002

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4106 Klausmire Road

INFORMATION:

Item Number:

03-217

Petitioner:

Margaret Barrett

Zoning:

DR 5.5

Requested Action:

Variance

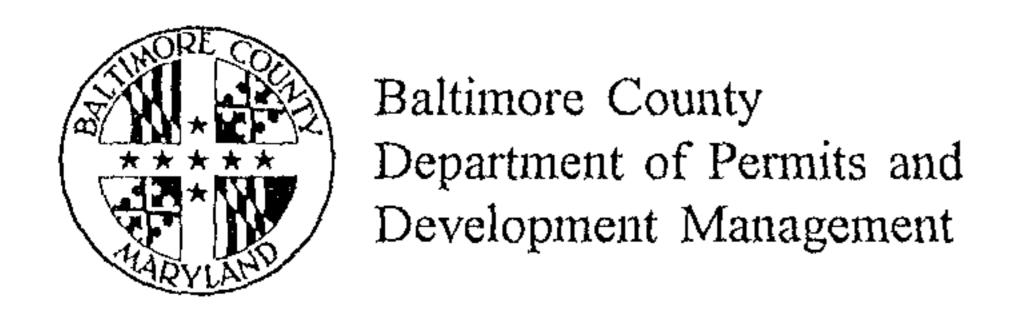
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a lot width of 50 feet in lieu of the minimum required 55 feet and to approve an undersized lot.

Prepared by:

Section Chief:

AFK/LL:MAC:



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

December 27, 2002

The Estate of John C. Dunn Margaret M. Barrett, Personal Representative 3800 Cedarbrooke Place Baltimore, MD 21236

Dear Ms. Barrett:

RE. Case Number: 03-217-A, 4106 Klausmier Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 4, 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.

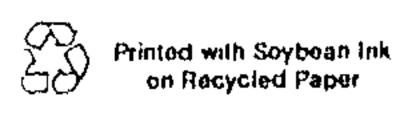
Supervisor, Zoning Review

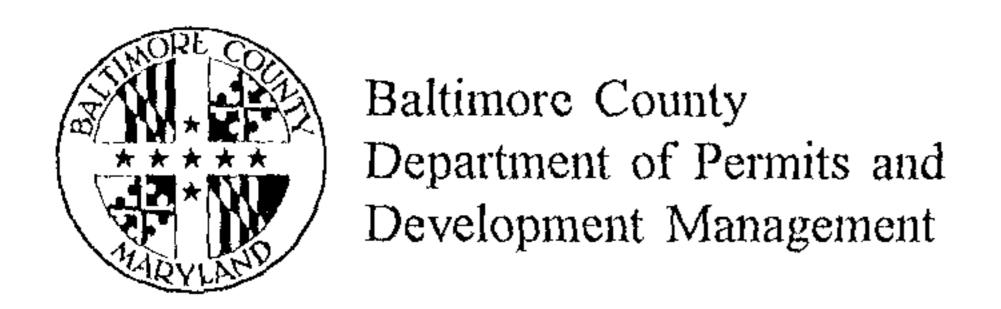
WCR:rlh

Enclosures

c: People's Counsel
Thomas J. Hoff, 406 W. Pennsylvania Ave., Towson 21204

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





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

Fax: 410-887-5708

April 21, 2003

Wismar Building Corporation Mr. Mark Gheiler 3403 Old Post Drive Baltimore, MD 21208

Dear Mr. Gheiler:

RE: Case No. 03-216-A AND 03-217-A, 4104 and 4106 Klausmier Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 14, 2003. 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.

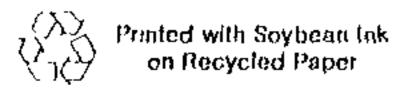
If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon Director

AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM People's Counsel Thomas J. Hoff, 406 W. Pennsylvania Ave., Towson 21204 Margaret Barrett, Personal Representative for the Estate Of John Dunn, 3800 Cedarbrooke Place, Baltimore 21236 Joseph Katzenburger, 4102 Klausmier Road, Baltimore 21236



APPEAL

Petition for Variance
4104 and 4106 Klausmier Road
NE/s Klausmier Road, 145.25' east of Bauer Avenue
11th ED – 5th CD

Legal Owner: The Estate of John C. Dunn

Case Nos.: 03-216-A and 03-217-A

Petition for Variance (November 4, 2002)

Zoning Description of Property

Notice of Zoning Hearing (November 27, 2002)

Certification of Publication (December 12, 2002)

Certificate of Posting (December 14, 2002) on

Entry of Appearance by People's Counsel (November 26, 2002)

Petitioner(s) Sign-In Sheet
One Sheet

Protestant(s) Sign-In Sheet None

Citizen(s) Sign-In Sheet
One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

Protestants' Exhibits:

Sign in sheets (2) for neighbors of the properties located on 4104 and 4106

Miscellaneous (Not Marked as Exhibit)

- 1. State of Maryland letter making Margaret M. Barrett the administrator of the Estate of John C. Dunn
- Copy of Letter to Lynn Lanham of Planning Office
- 3. Plan to accompany Petition for Variance

Deputy Zoning Commissioner's Order (March 21, 2003 – DENIED; this was the order for reconsideration of original decision on February 4, 2003)

Notice of Appeal received on April 18, 2003 from Joseph Klausmier.

C: People's Counsel of Baltimore County, MS #2010
 Zoning Commissioner
 Arnold Jablon, Director of PDM
 Wismar Building Corporation, Mark Gheiler, 3403 Old Post Drive, Baltimore 21208

date sent April 21, 2003 rlh

RE: PETITION FOR VARIANCE * BEFORE THE

4106 Klausmeir Road; E/side Klausmeir Rd

145.25 ft S of E/side Bauer Rd * ZONING COMMISSIONER

11th Election District

5th Councilmanic District * FOR

Legal Owner: Estate of John C. Dunn, Jr.

Petitioner(s) * BALTIMORE COUNTY

* 03-217-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 \(\frac{\text{U} \text{T'}}{\text{day}} \) day of November, 2002, a copy of the foregoing Entry of Appearance was mailed to, Thomas J. Hoff, 406 W. Pennsylvania Avenue, Towson, MD 21204, Representative for Petitioner(s).

DECEIVED By bh

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Director, Office of Planning & Community Conservation

Attention: Jeffrey Long

401 Bosley Avenue

County Courts Building, Room 406

TO:

Permit or Case No. 03-217-A

	Towson, MD 21204	Residential Processing Fee Pald (\$50.00)
FROM:	Arnold Jablon, Director Department of Permits & Development Management	Accepted by D.THOMP.Son Date 114 03
RE:	Undersized Lots	en contra service en la contra contra de contracto como de la contracto como de la contracto con
Pursuant the Office	to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office of Planning and Community Conservation prior to this office's approval of a dwelling per	ice is requesting recommendations and comments from mit.
UMINIMU	M APPLICANT SUPPLIED INFORMATION:	410-2960-3668
	THOMAS J. HOFF 406 W. PENNSYLVANIA AVE. Print Name of Applicant Address	TOWSON, MD. 21204 Telephone Number
		ouncilmanic District 5 Square Feet 15,000
Lot Loca	ation: NESW/side/corner of KLAUSMIER RD., 145.25 feet	from NESW corner of BAUER AVE.
Land Ov	MODEL THE ESTATE OF JOHN C. DUNN, JR. Tax	Account Number LOT 64-1104075350
PERO Address	When: THE ESTATE OF JOHN C. DVNN, JR. WHO CAPAL REPRESENTATIVE MARGARET M. BARRETT SOND CEDARBROOKE PLACE, BALTO, MD. 21236 Te	lephone Number (410) 256-1735
	IST OF MATERIALS (to be submitted for design review by the Office of Planning and C	
	FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT	
	YEŞ	PROVIDED? • NO
1. This R	lecommendation Form (3 copies)	
2. Permit	t Application	
3. Site Pl Prop	lan erty (3 copies)	<u> </u>
4. Buildi	ng Elevation Drawings	
	graphs (please label all photos clearly) ing Buildings	NFILE
	nding Neighborhood	
6. Currer	nt Zoning Classification: D.R.555	
Ų¢≅₽≱ ₽ ₽₽₽₽	TO BE FILLED IN BY THE OFFICE OF PLANN	ING ONLY!
RECOMM	ENDATIONS / COMMENTS:	
	Approval Disapproval Approval conditioned on required modifications of the	e 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

Founty Office Building 111 West Chesapeake Avevnue Towson, Maryland 21204 Department

The application for your proposed Building Permit application by	i	accepted for
filing by on (name of planner)	Date	(A)
A sign indicating the proposed building must be posted decision can be rendered. The cost of filing is \$50.00 current fees prior to filing the application.	on the property for fifteen (15) da . This fee is subject to change.	ays before a Confirm all
In the absence of a request for public hearing during expected within approximately four weeks. However, if a then the decision shall only be rendered after the required	a valid demand is received by the o	sion can be closing date,
*SUGGESTED POSTING DATE	D (15 Days Before	e C)
DATE POSTED	· · · · · · · · · · · · · · · · · · ·	
HEARING REQUESTED? YES NO DATE	3 3 1	,
CLOSING DAY (LAST DAY FOR HEARING DEMAND)_	C (B-3 Wo	ork Days)
TENTATIVE DECISION DATE	B (A + 30	Days)
*Usually within 15 days of filing		,
CERTIFICATE OF POSTING		
District:		
Location of Property:	Ť	
- 	1 	,
Posted by:	Date of Posting:	
Number of Signs:	<u>1</u>	

THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants
406 WEST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
410-296-3668
FAX 410-296-5326

November 2, 2002

Lin Lanham
Office of Planning
Courts Building
Towson, MD 21204

Re:

Lots 55 & 64, Dengler Heights, 4106 Klausmier Road

Undersized Lot Request

Dear Lin:

As per my meetings with you and Jeff Long, it is my understanding that the Planning Office will support our request for a building permit on an undersized lot on the above referenced property.

We are not submitting building elevation drawings at this time because a house plan has not been selected yet. We will provide elevation drawings at the time of building permit filing if you want to review them.

Since we submitted a set of photographs with our panhandle lot request, we have not included additional photographs at this time. However, if you need additional copies of the photographs, please give me a call.

If you have any questions or require additional information, please give me a call.

Very truly yours,

Thomas J. Hoff, RLA

President

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

April 15, 2004

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	<u>PDM</u> <u>FILE NUMBER</u>	NAME	LOCATION
03-216-A	03-216-A	ESTATE OF JOHN C. DUNN	4104 KLAUSMIER ROAD
03-217-A	03-217-A	ESTATE OF JOHN C. DUNN	4104 KLAUSMIER ROAD
03-371-A	03-371-A	JAVAD AND GUITY VARZANDEH	9402 BELAIR ROAD

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



._____