





IN RE: PETITION FOR ADMIN. VARIANCE SW/S of Trenton Road, 420 ft. SW centerline of Dark Hollow Road 5th Election District "3rd Councilmanic District (16347 Trenton Road)

(1054/ 11chiul Rua

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-330-A

Daniel Colhoun

Petitioner

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Daniel Colhoun. The variance request is for property located at 16347 Trenton Avenue in the Upperco area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 23 ft. for a rear yard setback (proposed), a 12 ft. side yard setback and a 74 ft. setback from the centerline of the road (existing) in lieu of 35 ft. side and rear yard setbacks and 75 ft. from the centerline of the road. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the petition for administrative variance.

The case was originally filed as an administrative variance, but was ultimately set in for a hearing after this office received correspondence dated February 10, 2004 from Franklin M. Peltzer, an adjacent property owner of the Petitioners. The hearing was scheduled for April 26, 2004. Notice of the hearing was given to the public by posting the property with notice of the hearing on April 10, 2004.

### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where



special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated March 10, 2004, a copy of which is attached hereto and made a part hereof.

#### Interested Persons

Appearing at the hearing on behalf of the variance request was Daniel W. Colhoun, Petitioner. Franklin Peltzer appeared in opposition to the Petitioner's request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

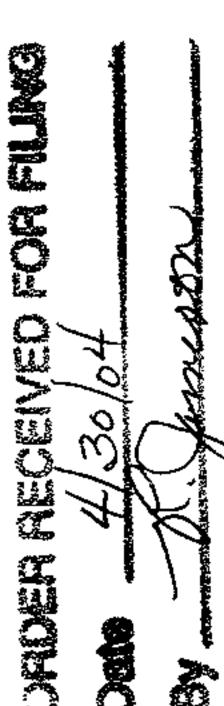
Testimony and evidence indicated that the property, which is the subject of this variance request, contains 0.540 acres of land, more or less, and is zoned RC 2. Testimony of the Petitioner indicated that this property is triangular in shape as shown by Petitioner's Exhibit No. 1. The building may have been a one room school house at one time, which served the town of Trenton. The Petitioner's home is oriented at an odd angle to Trenton Road, which comprises the longest segment of the triangular lot. The Petitioner wishes to build a 21 ft. x 32 ft. addition to his home now that he is married and has a new child on the way. He testified that he needed



a living room/dining room area and new bathroom for his growing family and the existing home simply did not have enough room. He understands that he must drill a new well to move it away from his septic reserve area, which is on the eastern side of the lot.

He further testified that to comply with the 35 ft. setback requirement of RC 2 he could build an addition in the location he selected which would be 10 ft. on one end and 12 ft. on the other end. He testified that this simply was not a practical option as it would not give him nearly the room he needs. He also testified that he looked at other locations for his addition but that this location was the most economical and reasonable. For example, he would not be able to build to the south without a variance. He testified that while he would not need a variance if he attached the addition to the north or east of the building, it would not be a practical place to build an addition because the land dropped sharply toward Trenton Road. He provided extensive photographs to illustrate the property.

Mr. Peltzer provided written objections to the variance. See Protestant's Exhibit No. 1. I will address each point of his exhibit below as this matter will likely be appealed to the Board of Appeals. In addition, this may be of some help to neighbors in resolving their differences. Mr. Peltzer's objections focus only on the request to allow the addition to be built on his side of the property. This would vary the 35 ft. side yard setback requirement to 23 ft. However, the Petitioner also asked for relief from the building to centerline of the road setback requirement of 75 ft. (the Petitioner's home is 74 ft. from the centerline of Trenton Road) and the side yard setback requirement of 35 ft. on the south end of the building (the existing enclosed porch is only 12 ft. from the Abbott property line). There was no dispute regarding these variances as they simply document the existing buildings location vis a vis the property lines.





Mr. Peltzer's first objection is that there have been two variances requested by prior owners and both have been denied. However, he was unable to cite the case numbers of these cases and our office is ill prepared to do searches for zoning history. I am not doubting his word that zoning decision were made in the past concerning this property but I do not know if the issues raised and relief sought were the same in those cases as in this case. Consequently, I will not base my decision on this allegation.

His second objection is that the Petitioner failed to show the property was unique citing Cromwell v Ward, 102 Md. 691, 651 A2d 424. In a most significant case concerning Baltimore County variance regulations, the Court of Special Appeals in Cromwell v Ward, 102 MD 691 (1995) examined the County's regulations and procedure for granting variances in great detail. In this case, Mr. Ward built a garage that exceeded the County height regulations, was cited for a zoning violation and requested a variance to allow the higher garage. The Court concluded that the County regulations required that the property or structure, which is the subject of the variance request, must be peculiar, unusual or unique in some manner such that the regulations impact the subject property or structure differently than the restrictions on neighboring properties or structures. In addition, the Court meant to correct the process for granting variances in the County whereby the Petitioner would demonstrate hardship or practical difficulty and leverage this to satisfy the uniqueness test. In the Ward case, what was claimed to be unique was that there was a garage on the property which was too high and that it would cost money to tear it down. The Court held that the hardship was self-imposed.

Note that Section 307.1 specifies that either the property or the structure can be unique when it states that variances can be granted:

"only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request".



The Cromwell Court cited with approval examples of uniqueness from the case of <u>North</u> v St. Mary's County, 99Md. App. 502 at 512, 638 A2d 1175 (1994) which specified:

"Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.

Applying this test, I find that the property is unique. The shape of the lot is triangular and most unusual. However, I find that the home, which was originally a one room school house, is set at a peculiar angle to the bed of Trenton Road. That in itself means that the Zoning Regulations impact this property differently from the neighboring properties. Said another way, if the front of the home had been aligned parallel to the bed of Trenton Road, this problem would not occur. However, the building is set at an angle to the western boundary line and causes any expansion to the west problematical because of the setback requirements of this zone.

Mr. Peltzer's next objection is that the Petitioner bought the property and knew or should have known about the limitation to expand the building. Consequently, one could argue the variance is self-imposed. The Court of Appeals held in *Richard Roeser Professional Builder Inc. v Anne Arundel County*, 368 Md. 294, 793 A2d 545 (2002) that when someone buys real property and knew or should have known about zoning restrictions applicable to the property, the owner does not lose the right to petition for zoning relief because the variance is self-imposed. The Court held that the new owner may apply for any relief that the prior owner could apply for. Applying the Roeser case holding to the subject case, I find that the Petitioner is not precluded from seeking variance relief even though he was familiar with the limitations of the property.

Finally, Mr. Peltzer argues that the Petitioner can expand 68 ft. to the east and 123 ft. to the north without encroaching on his side of the property. Note that there is no dispute about the

size of the addition, no objection that the addition is too large. The objection is where the addition is located. Upon questioning, the Petitioner testified that his septic reserve area is to the east. I am not sure of its exact location but I note that today every property served by private water and sewer must be at least one acre in size and have a distance between the well and septic reserve area of 100 ft. DEPRM comments require the septic reserve area be 20 ft. from the addition. As an overview, this lot is half the size of today's minimum area and it is more than likely that the well and septic area are not separated the prescribed distance. This greatly restricts where the Petitioner can place his addition to the east.

Mr. Peltzer implies that the Petitioner can expand his home to the east or north without a variance. However, if one strikes a line 55 ft. from and parallel to the right of way of Trenton Road to give the required 75 ft. setback from the centerline of the road (40 ft. right-of-way: 2 = 20 ft.; 55 ft. and 20 ft. = 75 ft. to the centerline of the road), one can see the area to the east and north are severely limited to two small triangles of very questionable value. I further find that expansion to the north would cover the front of the home. Perhaps, theoretically one could imagine some addition skewed at an angle to comply with the 75 ft. setback from the road centerline and covering the front of the home but I find such an addition wholly unreasonable. Looking to the east I find a similar situation, ignoring the septic reserve area for the moment. Again, one could imagine an addition skewed at an angle to the east side of the building which if setback 35 ft. from the Abbott property would be hardly larger than the open porch shown on the plan. If one ignores the 35 ft. set back and applies the 12 ft. setback from the Abbott property line requested above as a variance, the resulting addition is hardly practical in size or shape. Practical buildings and additions come in rectangular shapes. I conclude that the Petitioner would need a variance for any reasonable expansion in any direction.



Given that the addition is reasonable in size, the question is then where should it go to cause the least impact on the surrounding properties as well as serve Petitioner's needs. Every place will need a variance. Placing the addition on the east side of the building moves the addition closer to the severely limited septic reserve area. Placing it on the north end of the building covers up the front of the house. Placing the addition on the Peltzer side of the property would make the distance from the Peltzer property line to the addition (23 ft.). This is almost twice the distance from the existing covered porch to the Abbott property line (12 ft.). I find that the 23 ft. between the addition and the Peltzer property line is more than adequate to insert a full evergreen landscape buffer, which will mitigate the impact of the addition on the Peltzer property. I conclude that this is the best choice and so will order.

I further find that such variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare provided the evergreen buffer is placed between the addition and the Peltzer property line.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>30</u> day of April, 2004, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 23 ft. for a rear yard setback (proposed), a 12 ft. side yard setback and a 74 ft. setback from the centerline of the road (existing) in lieu of 35 ft. side and rear yard setbacks and 75 ft. from the centerline of the road, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:





- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments submitted by DEPRM dated March 10, 2004, a copy of which is attached hereto and made a part hereof;
- 3. The Petitioner shall erect and maintain on the Petitioner's property and at the Petitioner's expense, an evergreen landscape buffer to comply with the requirements of the Baltimore County Landscape Architects findings so as to screen the Peltzer property from the new addition; and
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

IN THE MATTER OF
THE APPLICATION OF
DANIEL COLHOUN - LEGAL OWNER /
PETITIONER FOR VARIANCE
ON PROPERTY LOCATED ON THE SW/S
OF TRENTON RD, 420' SW OF C/L OF
DARK HOLLOW ROAD
(16347 TRENTON ROAD)
5<sup>TH</sup> ELECTION DISTRICT
6<sup>TH</sup> COUNCILMANIC DISTRICT

\* BEFORE THE

COUNTY BOARD OF APPEALS

\* OF

\* BALTIMORE COUNTY

\* CASE NO. 04-330-A

#### ORDER OF DISMISSAL

This matter comes to the Board of Appeals on appeal filed by Franklin Peltzer, Appellant /Protestant, from a decision of the Deputy Zoning Commissioner dated April 30, 2004 in which the Petition for Variance was granted subject to restrictions.

WHEREAS, the Board is in receipt of a request for withdrawal of appeal filed on November 9, 2004 by Franklin M. Peltzer, Appellant /Protestant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of November 9, 2004,

IT IS ORDERED this 17th day of 1000 how, 2004 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 04-330-A be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Margaret Worrall

√John P. Quinn



## County Board of Appeals of Baltimore County

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

November 17, 2004

Mr. Franklin M. Peltzer 16303 Trenton Road Upperco, MD 21155

RE: In the Matter of: *Daniel Colhoun* – Petitioner Case No. 04-330-A /Order of Dismissal

Dear Mr. Peltzer:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco Bianco

Administrator

#### Enclosure

c: Daniel Colhoun
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	16347	Travaril D
		RC-7.

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) 1 A O 1.3.3 3 TO PERMIT. SETBOCKS OF 23 FT PEAR, (PROPOSED) & 12 FT SIDE & 74 FT (EXCEPTIONE)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

				is the subject of this	Petition.	
Contract Purchaser/L	_essee:			Legal Owner(s):		
				NAWIEZ IN	. COLHOUN	W W
Name - Type or Print			Name	Type or Print	UG	
Signature			•	Signature		
Address		Telephone No.	•	Name - Type or Print		
City	State	Zip Code	-	Signature	<u></u>	A10.374.619
Attorney For Petition	er:			16347	TREVION	<u>R</u> A
				Address		Telephone No
	h.m.,		·	UDDERCO	WD	2113-5
Name - Type or Print			City	* *	State	Zip Code
				Representative t	to be Contacted	<u>l:</u>
Signature						
Company			•	Name		<del>,, · · , · - · - · - · · · · · · · · · ·</del>
Address	···· 4·- <del>·</del>	Telephone No.		Address		Telephone No.
City	State	Zip Code		City	State	Zip Code
A Public Hearing having been	n formally demand	led and/or found to	be rec	uired, it is ordered by the	Zoning Commissioner	of Baltimore County, this
of Baltimore County and that the	, that the	subject matter of this	petitio	be set for a public hearing,	advertised, as required	by the zoning regulations
or baltimore county and that the	property be reposte	u.				
				Zoning Comm	issianas of Poltimora Ca	Number
		<b>~</b>			issioner of Baltimore Co	
CASE NOO4	- 530-F	Reviewed	Ву	<u> </u>	ate 01-21	<u>-04</u>
REV 9/15/98			Estima	ted Posting Date	32 - O(· (	DC.

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

16347 TRENIEW

That the Affiant(s) does/do presently reside at	Address	TRENZEW RA	,
	City	State	2 (( 5 S Tip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	wing are the facts upor	which I/we base the requ	•
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STATE OF MARYLAND, COUNTY OF BALTIS	MORE, to wit:		
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DANIEL W COLHOUN III			ada aath in dua form of
the Affiant(s) herein, personally known or satisfiaw that the matters and facts hereinabove set f	forth are true and corre	e as such Amani(s), and months to the best of his/her/thei	ir knowledge and belief.
AS WITNESS my hand and Notarial Seal			
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## LIBER 8 6 5 1 PAGE 2 1 6

SCHEDULE A - LEGAL DESCRIPTION

BEGINNING for the same outlines to include the same pipe set for the westernmost corner of that parcel of land described in a Deed from Frank H. Thompson and wife to Arthur L. Abbott and wife, dated May 23, 1938, recorded among the Land Records of Baltimore County in Liber CWBJr. No. 1031, folio 426, said pipe is also set for the end of 197.7 feet in the last line of that parcel land described in a Deed from Laura E. Naylor, widow, to Frank H. Thompson and wife, dated May 11, 1928, recorded in Liber WHM No. 657, folio 100, running thence binding on that line reversely as now surveyed by magnetic bearings of 1951, with due allowance for the magnetic variation to follow the same, north 19 degrees 47 minutes west 197.7 (previously erroneously referred to as 19.77) feet to the beginning of that line. thence continuing the same courses north 19 degrees 47 minutes west 15.1 feet to a pipe now set on the southwest side of Trenton Road, thence running in that road as now surveyed, south 60 degrees 23 minutes 30 seconds east 171.9 feet to a mail approximately 2 feet southwest of the center of the present roadbed and to intersect the northernmost corner of that parcel of land described in a Deed from Harry M. Martin and wife to Jesse R. Rimbey, dated March 22, 1947, recorded in Liber JWB No. 1547, folio 479, thence continuing in and along Trenton Road as now surveyed, south 65 degrees 05 minutes east 169.5 feet to a railroad spike approximately 8 feet southwest of the center line of the said roadbed set for the end of the South 75 degrees 10 minutes west 534.6 foot line of the above parcel first above mentioned in the Deed from Frank H. Thompson and wife surveyed south 79 degrees 09 minutes west 234.75 feet to the place of beginning. Containing 0.540 acres of land more or less. The improvements thereon being now or formerly known as No. 16347 Trenton Road.

04.330()

The Zoring 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: #04-330-A
16437 Trenton Road,
S/west side of Trenton Road,
420 feet s/west of centerline
of Dark Hollow Road 5th Election District 3rd Councilmanic District Legal Owner(s): Daniel Colhoun Administrative Variance: to permit setbacks of 23 feet rear (proposed) 12 feet side and 74 feet to centerine of rear in dear of the 35 feet side and rear and 75 feet centedine of road.
Hearing: Monday, April 28, 2604 at 9:80 a.m. in Room 407, County Courts Build-ing, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

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) 8873391
4/120 April 8 C658562

## CERTIFICATE OF PUBLICATION

4/8,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 48,2004.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
P Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYL TO OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	<sub>No.</sub> 33671	DATE DESCRIPTION FROM NEUTRAL TIME 11/2004 2/17/2004 08:42:18
	001-006-6150	REG WSO4 WALKIN DOOL DWD  RECEIPT # 256592 2/17/2004  Dept 5 528 ZONING VERIFICATION  CR NO. 033671
RECEIVED Franking M. Pe	1	Frecet Tot \$50.00 \$50.00 CK \$.00 Paltimore County, Maryland
FOR: Hearing Fee - 1	6347 Trenton Ro	

YELLOW - CUSTOMER

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## APPEAL SIGN POSTING REQUEST

CASE NO.: 04-330-A

DANIEL COLHOUN-LEGAL OWNER

16347 TRENTON ROAD, UPPERCO

5<sup>TH</sup> ELECTION DISTRICT

APPEALED: 5/27/2004

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

### APPEAL SIGN POSTING REQUEST

CASE NO.: 04-330-A

#### DANIEL COLHOUN-LEGAL OWNER

#### 16347 TRENTON ROAD, UPPERCO

5<sup>TH</sup> ELECTION DISTRICT

APPEALED: 5/27/2004

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

### 

## **CERTIFICATE OF POSTING**

TO: Baltimore County Board of Appeals

400 Washington Avenue, Room 49

Towson, Maryland 21204

Attention:

Kathleen Bianco

Administrator

CASE NO.: 04-330-A

Petitioner/Developer:

DANIEL COLHOUN-LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

## 16347 TRENTON ROAD

The sign was posted on $8/3$	, 2004
By: Green C Seeund	
(Signature of Sign Poster)	
GARY FREUND	
(Printed Name)	

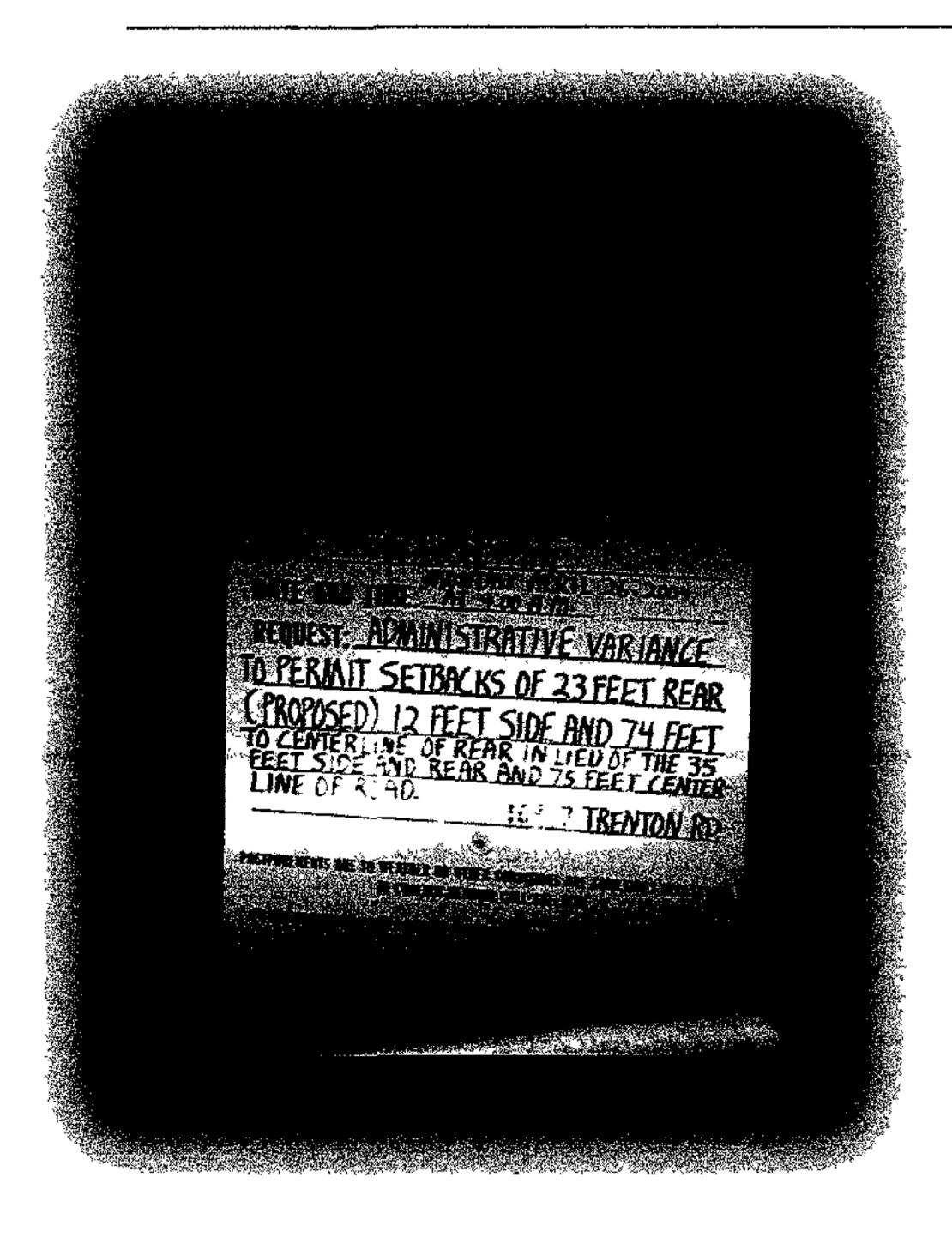
## CERMICATE OF POSTING

	ATTENTION: KRI	STEN MATTHI	EWS	
	•		Data	april 15, 2004
RE:	Case Number	- 330-A		• • • • • • • • • • • • • • • • • • •
	Petitioner/Developer	DANIEL C	OLHO	DUN /ETAL
	Date of Hearing/Closing	APRIL	26.	2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 16347 TRENTON ROAP

The sign(s) were posted on

APRIL 10, 2004



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

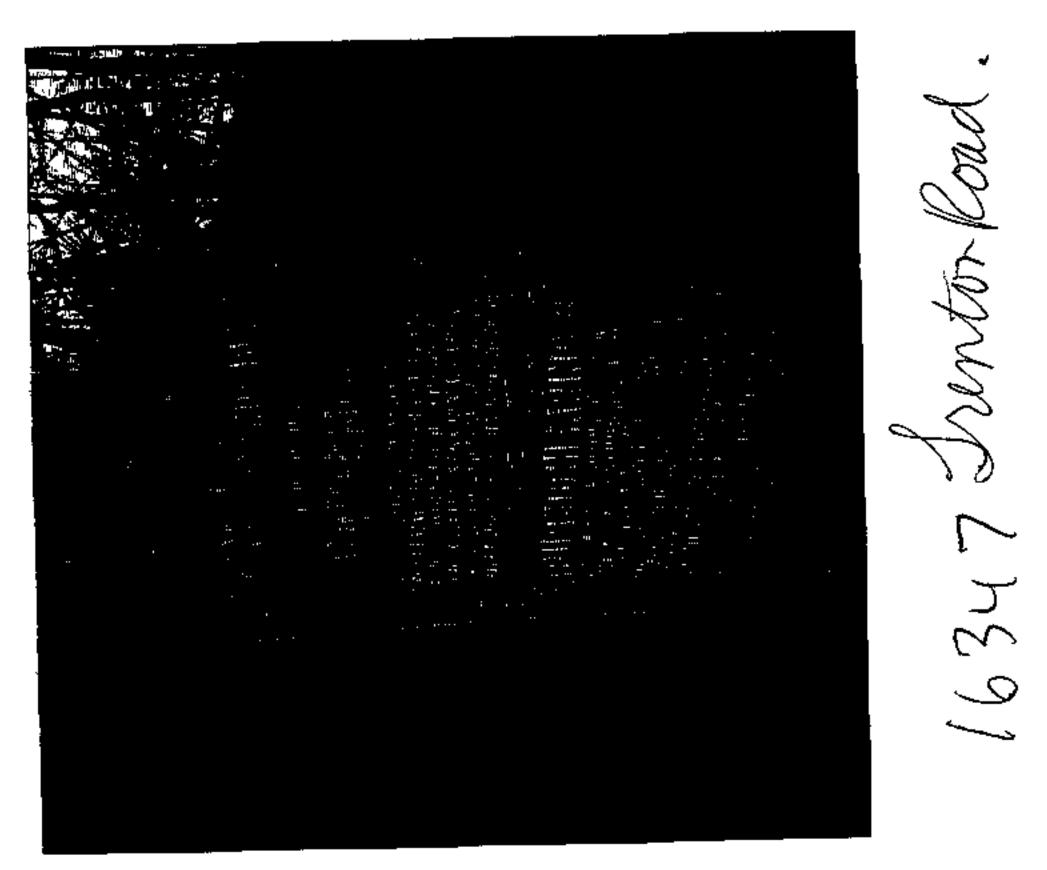
# CERTIFICATE OF POSTING

Date. January 29, 2004

	04-330-A
RE:	Case Number
	Petitioner/Developer: 2000 (almount)
	Date of Hearing/Closing: Albumum 16, 2004
	Date of Hearing, Closing,

The sign(s) were posted on

(Month, Day, Year)



(Signature of Sign Poster)

LINDA O KEFF

(Printed Name of Sign Poster)

523 PENNY LANE (Street Address of Sign Poster)

HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 8, 2004 Issue - Jeffersonian

Please forward billing to:

Daniel Colhoun 16347 Trenton Road Upperco, MD 21155

410-374-6192

## **CORRECTED 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: 04-330-A

16437 Trenton Road

S/west side of Trenton Road, 420 feet s/west of centerline of Dark Hollow Road

5<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Daniel Colhoun

Administrative Variance to permit setbacks of 23 feet rear (proposed) 12 feet side and 74 feet to centerline of rear in lieu of the 35 feet side and rear and 75 feet centerline of road.

Hearing: Monday, April 26, 2004 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 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 Development Management

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





## **Baltimore County**

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

February 18, 2004

## **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: 04-330-A

16437 Trenton Road

S/west side of Trenton Road, 420 feet s/west of centerline of Dark Hollow Road

5<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: Daniel Colhoun

Administrative Variance to permit setbacks of 23 feet rear (proposed) 12 feet side and 74 feet to centerline of rear in lieu of the 35 feet side and rear and 75 feet centerline of road.

Hearing: Monday, March 29, 2004 at 11:00 a.m. in/Room 407, County Courts Building,

401 Bosley Avenue Please reschedule this hearing as

Muth Kotroco P'll be out of the country from 3/27/04

Timothy Kotroco to 4/5/04. If possible kindly

Director schedule after april 15 The Cincome to season

TK:klm

Chank your

C: Daniel Colhoun, 16437 Trenton Road, Upperco 21155 Franklin Peltzer, 16303 Trenton Road, Upperco 21155

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 13, 2004.

- (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.

FEB ....

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 11, 2004 Issue - Jeffersonian

Please forward billing to:

Daniel Colhoun 16347 Trenton Road Upperco, MD 21155

410-374-6192

## **NOTICE OF ZONING HEARING**

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Hearing: Monday, March 29, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Jauranca R 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.

Item Number or Case Number: 64-530 - 4	
Petitioner: DANIEC W. COUHOUN	
Address or Location: 16347 TRENTON RA USAER CO LUB	<u> </u>
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Name: Name: W. COLHOWN	
Address: 16347 712621700 PA	
UMACO MO ZUSS	
Telephone Number: <u>40・374、619</u> 2	<del></del>

Revised 2/20/98 - SCJ

04-330.0

## <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 03- 530 -A Address 6347 Travicon Ro				
Contact Person: Flanner, Please Print Your Name  Phone Number: 410-887-3391				
Filing Date: <u>01・ストウリ</u> Posting Date: <u>0ス-01-0</u> サ Closing Date: <u>0ス-16-0</u> 年				
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.				
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.				
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.				
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.				
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.				
(Detach Along Dotted Line)				
Petitioner: This Part of the Form is for the Sign Poster Only				
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT				
Case Number 04 330 -A Address (6347 To Gove Po.				
Petitioner's Name DANGUW. Cor House. Telephone				
Posting Date: <u>02-01-04</u> Closing Date: <u>02-16-04</u>				
Wording for Sign: To Permit SE-TRACES OF 23 FT. ROAR (PROPESED) (12 FT. SIDE)				
AND 74FT FRONT YDS: (EXISTING) (WILEW OF 35FT				
SIDE & ROPR & 75 FT. C/LOFROND				



## 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 NOV 0 9 2004

August 23, 2004

**BALTIMORE COUNTY BOARD OF APPEALS** 

#### NOTICE OF ASSIGNMENT

CASE #: 04-330-A

IN THE MATTER OF: DANIEL COLHOUN - Legal Owner /

16347 Trenton Road Petitioner

5th Election District; 6th Councilmanic District

4/30/04 - D.Z.C.'s Order in which requested variance relief was GRANTED.

ECEMBER 15, 2004 at 10:00 a.m. ASSIGNED FOR:

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 B, 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 : Franklin Peltzer Appellant /Protestant : Daniel Colhoun Legal Owners /Petitioners Office of People's Counsel Lawrence E. Schmidt /Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director /PDM Please withdraw my appeal related to CASE #04-330-A. The Petitioner Mas

re-located and the subject property 16347 Froston Road is for sale name thanks Ganblin Wedzer

¢:

# Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 23, 2004

Daniel W. Calhoun 16347 Trenton Road Upperco, Maryland 21155

Dear Mr. Calhoun:

RE: Case Number: 04-330-A, 16347 Trenton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 21, 2004.

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,

U. Callibal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel







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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 4, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 2, 2004

Item No.: 329-336, 338, 339

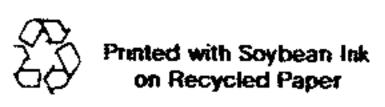
Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

JRA

MURYLA ID DEPARTMENT OF TRANSPORTATION

Date: 2.3.04

Item No.

Baltimore County

330

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

Dear. Ms. Hart:

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.

RE:

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,

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





## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

March 10, 2004

SUBJECT:

Zoning Item # 04-330

Address

16347 Trenton Road

Calhoun Property

Zoning Advisory Committee Meeting of February 2, 2004

\_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The proposed addition must be at least twenty feet (20') from the septic reserve area and at least thirty feet (30') from the well. Prior to approval of a building permit, an evaluation of the septic system may be required.

Reviewer:

Sue Farinetti

Date: February 3, 2004

S:\Devcoord\ZAC04-330.doc

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management PATE: February 3, 2004 RECEIVED

FEB - 5 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-330 and 4-339

Administrative Variance

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.

Section Chief: Why G

AFK/LL





**DATE:** February 10, 2004

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

Timothy M. Kotroco, Director TO:

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

Zoning Advisory Committee Meeting SUBJECT:

For February 9, 2004 Item Nos. 329, 330, 331, 335, 336, 337, 338, 339, and 340

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:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

March 10, 2004

SUBJECT:

Zoning Item #

# 04-330

Address

16347 Trenton Road

Calhoun Property

Zoning Advisory Committee Meeting of February 2, 2004

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Reviewer:

Sue Farinetti

Date: February 3, 2004

ONDER PRECEIVED FOR FILINGS

ONDER PRECEIVED

S:\Devcoord\ZAC SHELL 11-20-03.doc

### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

January 12, 2005

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton 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> FILE NUMBER	NAME	LOCATION
04-330-A	04-330-A	DANIEL COLHOUN	16347 TRENTON ROAD
04-113-SPH	04-113-SPH	2824 PAPER MILL ROAD	2824 PAPER MILL ROAD
03-093-SPHA	03-093-SPHA	L&B ENTERPRISES LLC	506 MARLYN AVE

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

# Department of Permits and Development Management

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



## Baltimore County

James T Smith, Jr, County Executive Timothy M Kotroco, Director

June 22, 2004

Mr. Daniel Colhoun 16347 Trenton Road Upperco, MD 21155

Dear Mr. Colhoun:

RE: Case: 04-330-A, 16347 Trenton Road

DECEIVED
JUN 2 4 2004

BALTIMORE COUNTY BOARD OF APPEALS

Please be advised that an appeal of the above-referenced case was filed in this office on May 27, 2004 by Franklin Peltzer. 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

Timothy Kotroco Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel Franklin Peltzer, 16303 Trenton Road, Upperco 21155

#### **APPEAL**

Petition for Administrative Variance
16347 Trenton Road
S/west side of Trenton Road, 420 ft. s/west of c/l of Dark Hollow Road
5<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District
Daniel Colhoun – Legal Owner

Case No.: 04-330-A

- Zoning Description of Property
- Notice of Zoning Hearing (March 2, 2004)
- Certification of Publication (The Jeffersonian April 8, 2004)
- Certificate of Posting (April 10, 2004) by Linda O'Keefe
- Entry of Appearance by People's Counsel (Not available)
- Petitioner(s) Sign-In Sheet
  One Sheet
- Protestant(s) Sign-In Sheet None
- Citizen(s) Sign-In Sheet
  One Sheet

Zoning Advisory Committee Comments (3-23-04)

✓ Petitioners' Exhibit

Plat to accompany petition for variance

✓2. Photos A-K

Protestants' Exhibits:

✓I. Letter of objection from Franklin Peltzer

Power of Attorney

Miscellaneous (Not Marked as Exhibit)

1. Site Plan

Deputy Zoning Commissioner's Order (GRANTED – April 30, 2004)

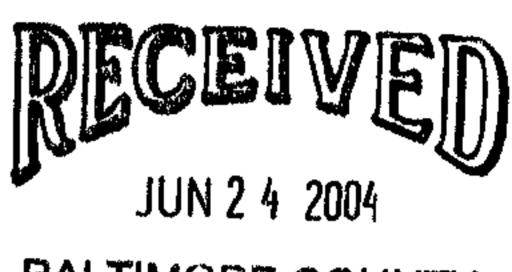
Notice of Appeal received on May 27, 2004 from Franklin Peltzer

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Daniel Colhoun, 16347 Trenton Road, Upperco 21155
Franklin Peltzer, 16303 Trenton Road, Upperco 21155

date sent June 22, 2004, klm

DANIEL COLHOUN 16347 TRENTON ROAD UPPERCO, MD 21155 Applicant

FRANKLIN PELTZER
16303 TRENTON ROAD
UPPERCO, MD 21155
Appellant



BALTIMORE COUNTY BOARD OF APPEALS

JE

## Department of Permits and Development Management

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



### Baltimore County

James T. Smith, Jr., County Executive Timothy M Kotroco, Director

March 2, 2004

Daniel Colhoun 16437 Trenton Road Upperco, MD 21155

Dear Mr. Colhoun:

RE: Case Number: 04-330-A, 16347 Trenton Road

The above matter, previously scheduled for March 29, 2004, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Verytruly yours,

Timothy Kotroco Director

TK:klm

C: Frank Peltzer, 16303 Trenton Road, Upperco 21155

## FRANKLIN M. PELTZER Management Services

16303 Trenton Road Upperco, MD 21155

May 26, 2004

Ms. Kristin Matthews Baltimore County Zoning Officer 111 West Chesapeake Avenue, Room 111 Towson, MD 21204

Re: PETITION FOR ADMINISTRATIVE VARIANCE

CASE NO. 04-330-A

PROPERTY: 16347 TRENTON ROAD DATE OF ORDER: APRIL 30, 2004

Dear Kristin:

As per our telephone conversation Wednesday May 26, 2004, I hereby file an appeal within thirty (30) days from the date of the above order.

Enclosed please find my payments as follows:

Filing fee \$225.00 Posting fee  $\frac{75.00}{\text{Total}}$ 

Thank you for your help

Sincerely,

RECEIVED

MAY 2 7 2004

Per WM.

Franklin M. Peltzer

Jo: Knistin 2/13/04

FRANKLIN M. PELTZER Management Services

16303 Trenton Road Upperco, MD 21155

February 10, 2004

Baltimore County Zoning Officer 111 West Chesapeake Avenue, Room 111 Towson, MD 21204

Att.: Kristin Matthews

Re: NOTICE #04-330-A

16347 TRENTON ROAD

Dear Kristin:

As per our telephone conversation Monday, February 9, 2004, I hereby request a hearing regarding the side setback on the property designated in the above notice.

Further, at this time because of icy, treacherous conditions, it is impossible to walk or survey the property. However, if I can resolve several issues with the property owner in the near future, I will withdraw my comments.

Sincerely,

2/12/04 245pm Franklin With

5. Per a telephone cooperation with

Carl Richards enclosed as the 50° fee

to demand a public hearing on the

property located on 16347 Drenton Ro, RECEIVED

notice \$ 04.330-A.

Plank you

Dept. OF PERMITS AND

DEVELOPMENT MANAGEMENT

## FRANKLIN M. PELTZER 16303 TRENTON ROAD UPPERCO, MARYLAND 21155

CASE NUMBER: 04-330-A
16347 TRENTON ROAD
S/WEST SIDE TRENTON ROAD
5TH ELECTION DISTRICT – 3<sup>rd</sup> COUNCILMANIC DISTRICT

FROM: FRANKLIN M. PELTZER AND DOROTHY H. PELTZER

16303 TRENTON ROAD

LEGAL OWNER: DANIEL COLHOUN

OBJECTORS TO ADMINISTRATIVE VARIANCE TO PERMIT SETBACK OF 12 FEET SIDE IN LIEU OF THE 35 FEET SIDE

- 1. The two previous owners of 16347 Trenton Road applied for a variance and were denied. The last denial was approximately 12 years ago.
- Under the Court of Special Appeals decision in CROMWELL -vs- WARD, 102
   MD. APP. 691 (1995), which sets forth the legal benchmark by which a variance may be granted, the first burden on the PETITIONER for variance is to prove that the property is unique.
- 3. The PETITIONER bought this property from the previous owner after their application for a variance was denied.
- 4. Because the PETITIONER'S birth residence is located on Trenton Church Road, which is approximately two miles from 16347 Trenton Road, he has a long-term familiarity with the subject property and community. At the time of purchase, he was well aware of the size and shape of the lot and limitation on the expansion of the dwelling.
- 5. The PETITIONER has 68 feet on the EAST property line and 123 feet on the NORTH to expand in lieu of encroaching on the WEST. This allows adequate space for the PETITIONER'S renovation of the dwelling with only minimum physical alterations to the property.

Drog 1

6. The OBJECTORS have two RC2 building rights on the property located on the west side and adjacent to 16347 Trenton Road. At this point in time, the OBJECTORS are anticipating the possible legal transfer of these building rights or transfer by deed of the land itself to each of our two sons, both of whom live in the area.

In summary, Mr. Commissioner, the PETITIONER has failed to meet the standard required to obtain a variance. As stated above, the PETITIONER has other options for the renovation of his property. In addition to the OBJECTORS' long-term plan for the use of their property located at 16303 Trenton Road, there is established legal precedent relative to the denial of administrative variance to the PETITIONER'S property on two previous occasions.

We, therefore, respectfully request the petition for variance be denied.

Franklin M. Peltzer

Dorothy H. Pelizer By Zvanblin Miltzer

Dorothy H. Pelizer POA attachor 16, 1989

### POWER OF ATTORNEY

November , 1989, I, DOROTHY H. PELTZER, of Baltimore County,

Maryland, do hereby constitute and appoint my husband, FRANKLIN M. PELTZER,
as my lawful Agent and Attorney for me in my name and stead. This Power of

Attorney shall not be affected by any physical or mental disability of mine;
and my Agent and Attorney shall have the power to do any act, deed, or thing
whatsoever which I might lawfully do in person or through or by an attorneyin-fact, including but not limited to the following:

- 1. To ask, demand, sue for, collect and receive all sums of money, dividends, interest, payments on account of debts and legacies and all property now due or which may hereafter become due and owing to me, and give good and valid receipts and discharges for such payments.
- 2. To sell, assign, and transfer stocks and bonds and securities standing in my name or belonging to me; to buy and sell securities of all kinds in my name and for my account and at such prices as shall seem reasonable and proper to him; to sign, execute, acknowledge and deliver proxies in my name, and to consent to reorganizations and mergers and the exchange of securities for new securities.
- 3. To manage and maintain any personal property belonging to me, and, in his discretion, to sell any or all of such personal property at such prices as seem reasonable and proper to him; to manage real property, to sell, convey and mortgage realty, and to foreclose mortgages and to take title to property in my name if he thinks proper; to enter into contracts for the purchase of real property, either freehold or leasehold, and to execute the same as well as any necessary mortgages related thereto, to execute, acknowledge and deliver deeds of real property, mortgages, releases,



The contraction of the contracti

satisfactions and other instruments relating to realty which he considers necessary, and to place and effect insurance. To do business with banks, and particularly to endorse all checks and drafts made payable to my order and collect the proceeds, to sign in my name checks on all accounts standing in my name, and to withdraw funds from said accounts, to open accounts in my name or in his name as my lawful Attorney.

4. To make such payments and expenditures as may be necessary in connection with any of the foregoing matters or with the administration of my affairs for all things necessary to my health, welfare and comfort in accordance with my accustomed mode of living including, but not limited to my personal expenses and any expenses which I may incur, or which may be incurred on my behalf for board, lodging, nursing care, hospitalization, medications or physicians' services; to retain counsel and attorneys on my behalf, to appear for me in all actions and proceedings to which I may be a party in the courts of Maryland or any other State in the United States, or in the United States Courts, to commence actions and proceedings in my name if necessary, to sign and verify in my name all complaints, petitions, answers and other pleadings of every description, to compromise and settle claims and actions against me, to make and verify income tax returns, claims for refund, requests for extension of time, and consents in my name, to execute petitions to the Board of Tax Appeals and to cause me to be represented in such proceedings, hereby giving and granting to my said Attorney full power and authority to do and perform all and every act and thing whatsoever necessary to be done in the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocations, hereby ratifying and confirming all that my said Attorney may do

pursuant to this power.

AND I DO HEREBY DECLARE it to be the meaning of these presents, and do hereby covenant and agree to and with FRANKLIN M. PELTZER that any action taken by him by reason of these presents, shall be valid, binding and obligatory on me, as if personally executed by me, and upon my heirs and personal representatives or assigns.

This power shall remain in force and effect until notice of my death, believed by him to be reliable, shall be received by the said FRANKLIN M. PELTZER, or until he shall receive written notice of revocation by me, whichever event shall occur first.

IT WITNESS WHEREOF,	I have hereunto set my hand and seal this
day ofNovember	, 1989.
WITNESS:	Mars Huy Hel Greats
AMP-MA	DOROTHY H. PELTZER

Julian State of the second sec

HELDROING FEE 28.69

TOTAL 28.69

Rept Matt Rept # 24641

SM In Plk # 2246

Hov 29, 1326

10:66 aa

### STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on the 16th day of November, 1989, before me, a Notary Public, the undersigned officer, personally appeard DOROTHY H. PELTZER known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purpose therein contained.

IT WITNESS THEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC

My Commission Expires July 1, 1990

PLEASE PRINT CLEARLY

CASE NAME/6347 Menton 18 CASE NUMBER 04/330-A DATE 4/26/04

# PETITIONER'S SIGN-IN SHEET

E- MAIL	deathour of hor while con								
CITY, STATE, ZIP									
ADDRESS	(6347 720020 Rd								
NAME	MAN COLTON								

PLEASE PRINT CLEARLY

CASE NAME 16347 Juston Ha.
CASE NUMBER 04-330-A
DATE 4/20 104

## CITIZEN'S SIGN-IN SHEET

E- MAIL											
CITY, STATE, ZIP	UPPERCO MD. 21155										
	16303 TRENTON RD								*		
NAME	FRANKLIN M. PRITIZE										



N.E. VIEW

20-02 20-0 January



Addition to BE on Bught Side of house

(1-0x2-70



WEST SIDE TO BE FRUIT ENCLOSED
BY ADDITION

74-550-25



TREWIN 21

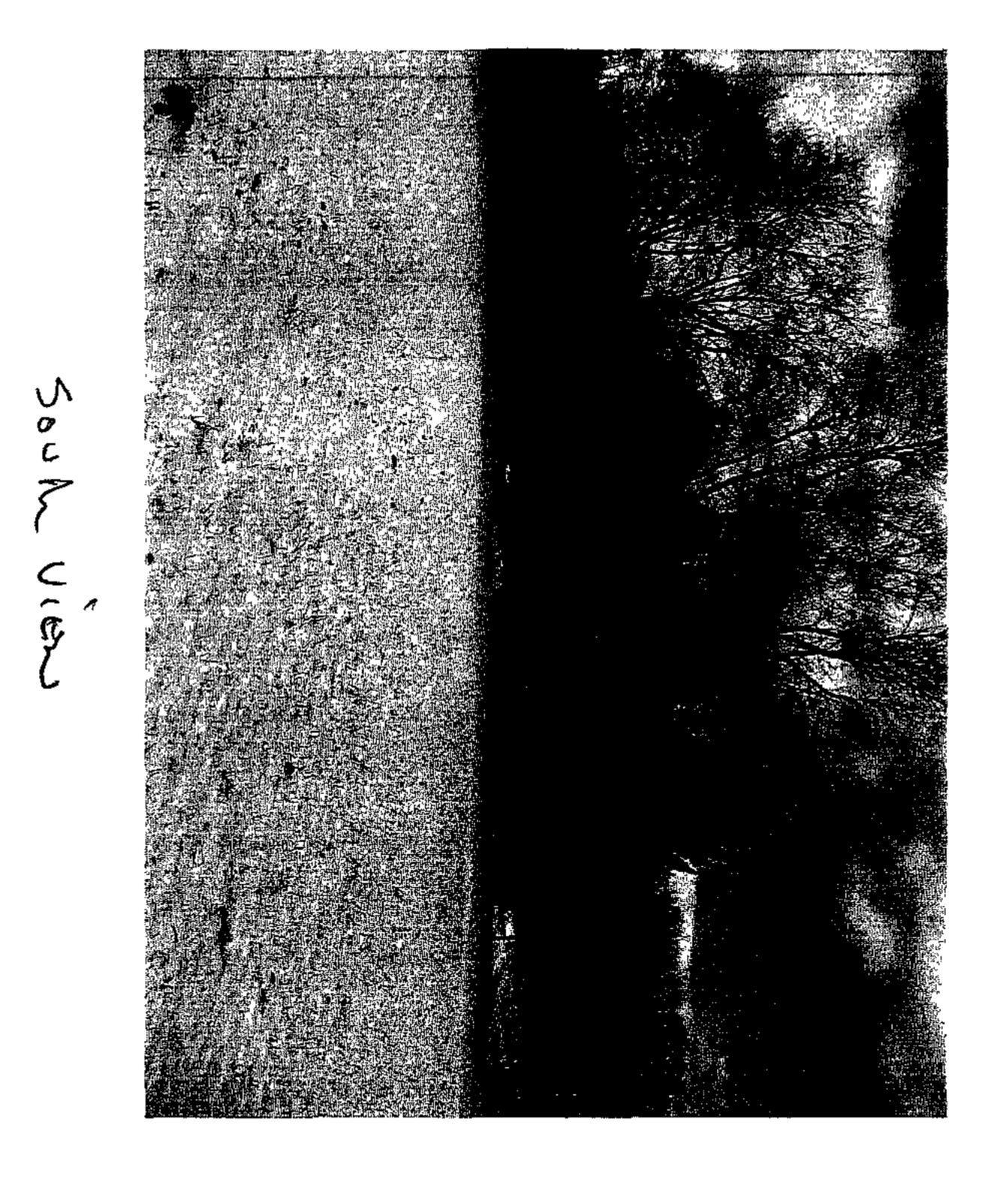
D4.230-A



EXT VIEW

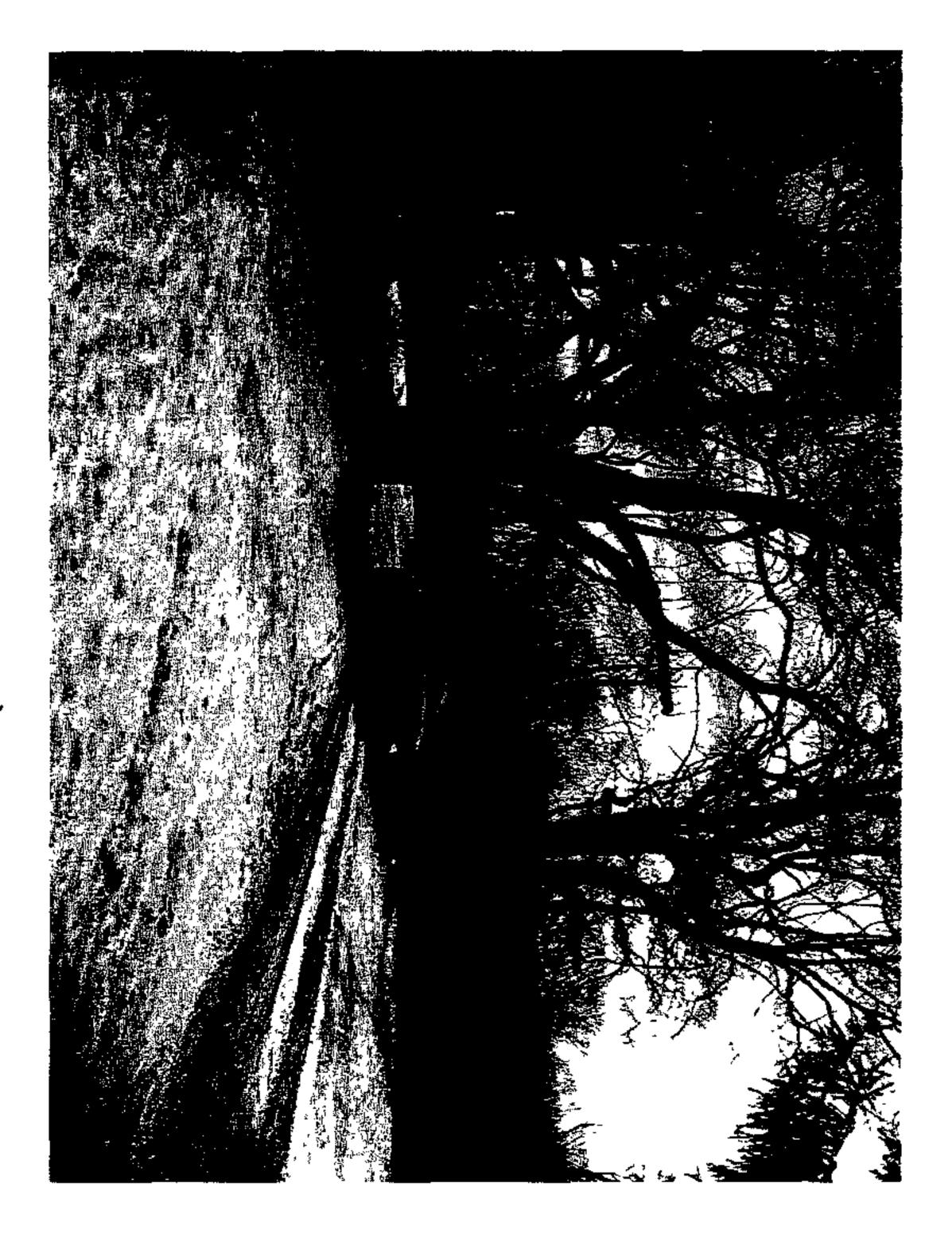
O4-530-D

17) (4



ANDITION TO BE IN LEFTSIDE

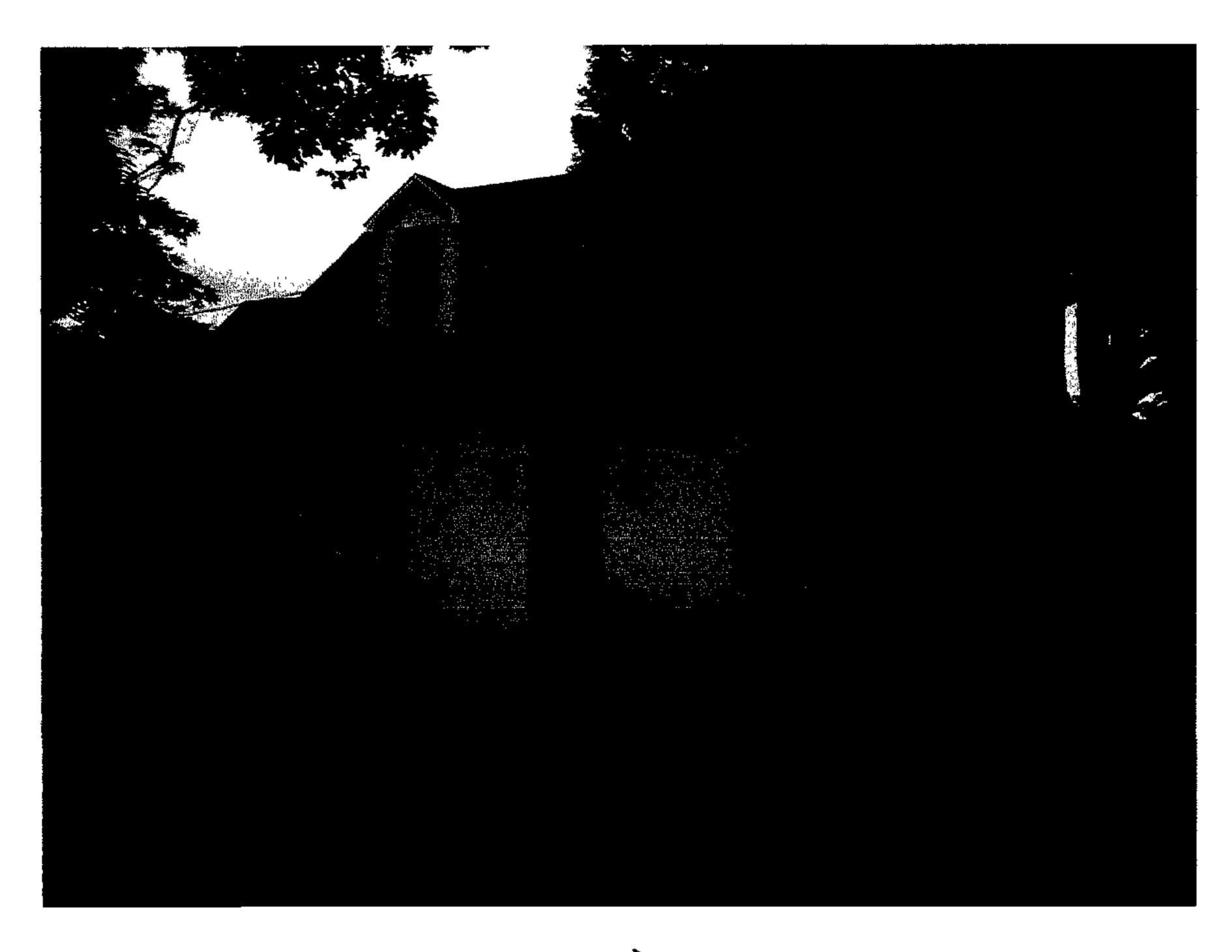
The state of the s



Mark VIEW

D-055, HO

2



NORM SIDE Of HOUSE

7-525-DX



Q-530-D



EAST SIDE DI HOUSE

J. 525. D



AMITION TO DE ON SENT SINCE

04220-7 26

NIEN 1250 Horal Lune Cram Propost Lune 1/7/19/ TRENTON ROAD (201 PAINED, 9 Moes 8 PROPOSE D 60 ADDATION HORICH 20 H 151H9
EXISTER

#1605E ENCLOSED Dench 234.75 ABBOT ر در \* Næfiboring Part

\* 250t Ft

Amerikan Luis

Amerikan Luis

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