

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
N/S White Marsh Road, 110' NW of the c/l *
Glen Arbor Drive * ZONING COMMISSIONER
(4712 White Marsh Road) *
14th Election District * OF BALTIMORE COUNTY
6th Council District *
Case No. 04-445-A
Brian Schmincke *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Brian Schmincke. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted with a sign advertising the requested relief for a period of 15 days during which time any property owner residing within 1,000 feet thereof may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, a formal demand for hearing was made by John L. Dietrich, Sr., an adjacent property owner who resides at 4708 White Marsh Road. Thus, the matter was scheduled for a public hearing before the undersigned Zoning Commissioner on June 10, 2004.

Appearing at the hearing in support of the request were Brian Schmincke, property owner, and his immediate neighbors, Thomas and Dena Wheeler, who reside at 4710 White Marsh Road. Mr. Dietrich appeared in opposition to the request.

ORDER RECEIVED FOR FILING

Date

By

7/25/04

Exp

It is also to be noted that the Office of Planning submitted Zoning Advisory Committee (ZAC) comments in which they recommended a denial of the request and offered potential alternatives as to the location of the structure. Their alternatives, however, would place the garage immediately in front of the Wheeler house on the one side, or immediately in front of the house on the other side, known as 4714 White Marsh Road. Either of these locations would have a detrimental impact on those adjacent properties and for these reasons, I decline to adopt their proposal. In my judgment, the proposed location is most appropriate in this instance and will not adversely impact any adjacent property.

Based upon all of the testimony and evidence presented, I believe that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and would suffer a practical difficulty if relief were denied. The unique feature associated with this property is the configuration of the house and its narrow rear yard. Although I am appreciative of Mr. Dietrich's objections and the Office of Planning's suggested alternatives, I do not find that the requested relief would detrimentally impact any of the adjacent properties and should therefore be granted.

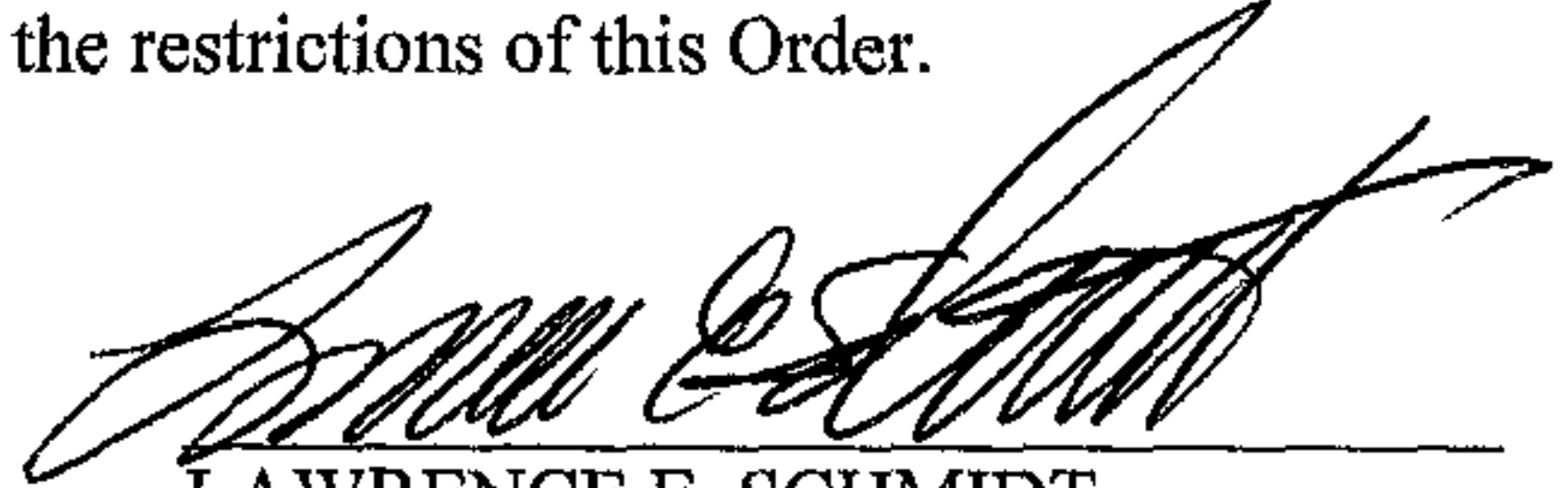
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July 2004 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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.

ORDER RECEIVED FOR FILING
Date 7/20/04
By [Signature]

- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used to support a business or for commercial purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, 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

ORDER RECEIVED FOR FILING
Date 7/28/04
By Rp

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

July 20, 2004

Mr. Brian Schmincke
4712 White Marsh Road
Rosedale, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S White Marsh Road, 110' NW of the c/l Glen Arbor Drive
(4712 White Marsh Road)
14th Election District – 6th Council District
Brian Schmincke - Petitioner
Case No. 04-445-A

Dear Mr. Schmincke:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John L. Dietrich, Sr.
4708 White Marsh Road, Rosedale, Md. 21237
Office of Planning; People's Counsel; Case File



Zoning Description

ZONING DESCRIPTION FOR 4712 WHITE MARSH ROAD

Beginning at a point on the North side of White Marsh Road which is 60 feet wide at the distance of 110 feet ± Northwest of the centerline of the nearest improved interesting street Glen Arbor Drive which is 50 feet wide. Being Lot #2 in the subdivision of ~~THE~~
MC GEADY PROP. 02-037-17.

04-445-A



FORMAL DEMAND FOR HEARING

CASE NUMBER: 04445 A

Address: 4712 WHITE MARSH ROAD -

Petitioner(s): JOHN & MARLYN DIETRICH SR

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We JOHN & MARLYN DIETRICH SR.
Name - Type or Print

☒ Legal Owner OR ☐ Resident of

4708 WHITE MARSH ROAD
Address

BALTO. MD 21237
City State Zip Code

410 668 0712
Telephone Number

which is located approximately 50' feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

John L Dietrich Sr 4-6-04
Signature Date

Signature
Revised 9/18/98 - wcr/scj

Date

**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: #04-445-A
4712 White Marsh Road
N/Side of White Marsh Rd.,
110 feet N/West of
centerline of Glen Arbor
Drive

14th Election District
8th Councilmanic District
Legal Owner(s): Brian
Schminke

Administrative Variance:
to permit an accessory
structure (garage) in the
front yard in lieu of the re-
quired rear yard.

Hearing: Thursday, June
10, 2004 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible
for special accommoda-
tions. Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or Hear-
ing, Contact the Zoning Re-
view Office at (410) 887-
3391.

JT5/751 May 25 6284

CERTIFICATE OF PUBLICATION

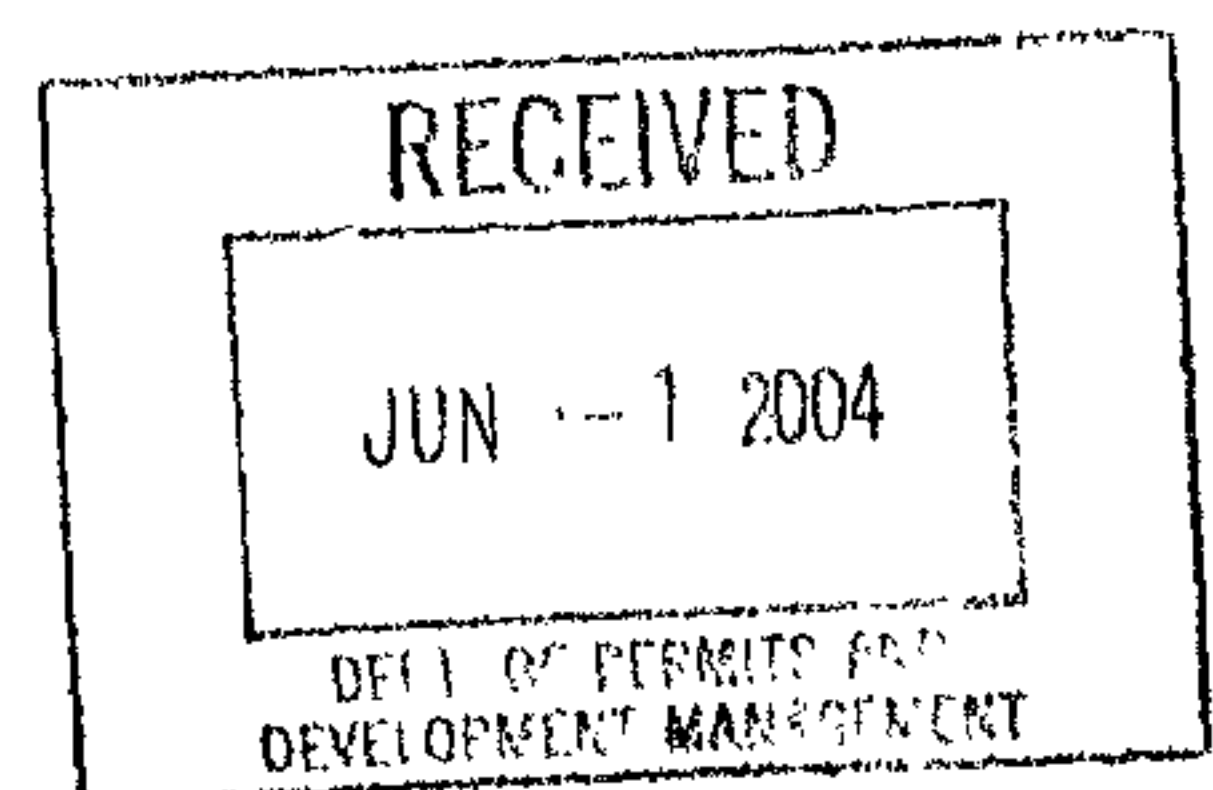
5/27/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 5/25/, 2004.

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

J. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kótroco
FROM: R. Bruce Seeley *RS/JPD*
DATE: April 5, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-436
04-437
04-438
04-439
04-440
04-441
04-445
04-446
04-447
04-448
04-449

Reviewers: Sue Farinetti, Dave Lykens

In all instances final approval is dependent on the petitioner submitting architectural elevations (all sides) to this department for review and approval.

Prepared by: Martha Cunniff

Division Chief: John Huber

AFK/LL:MAC:

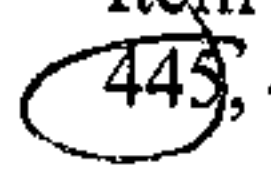
BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: May 18, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For April 12, 2004
Item Nos. 436, 437, 438, 439, 440, 441,
, 446, 447, 448, and 449

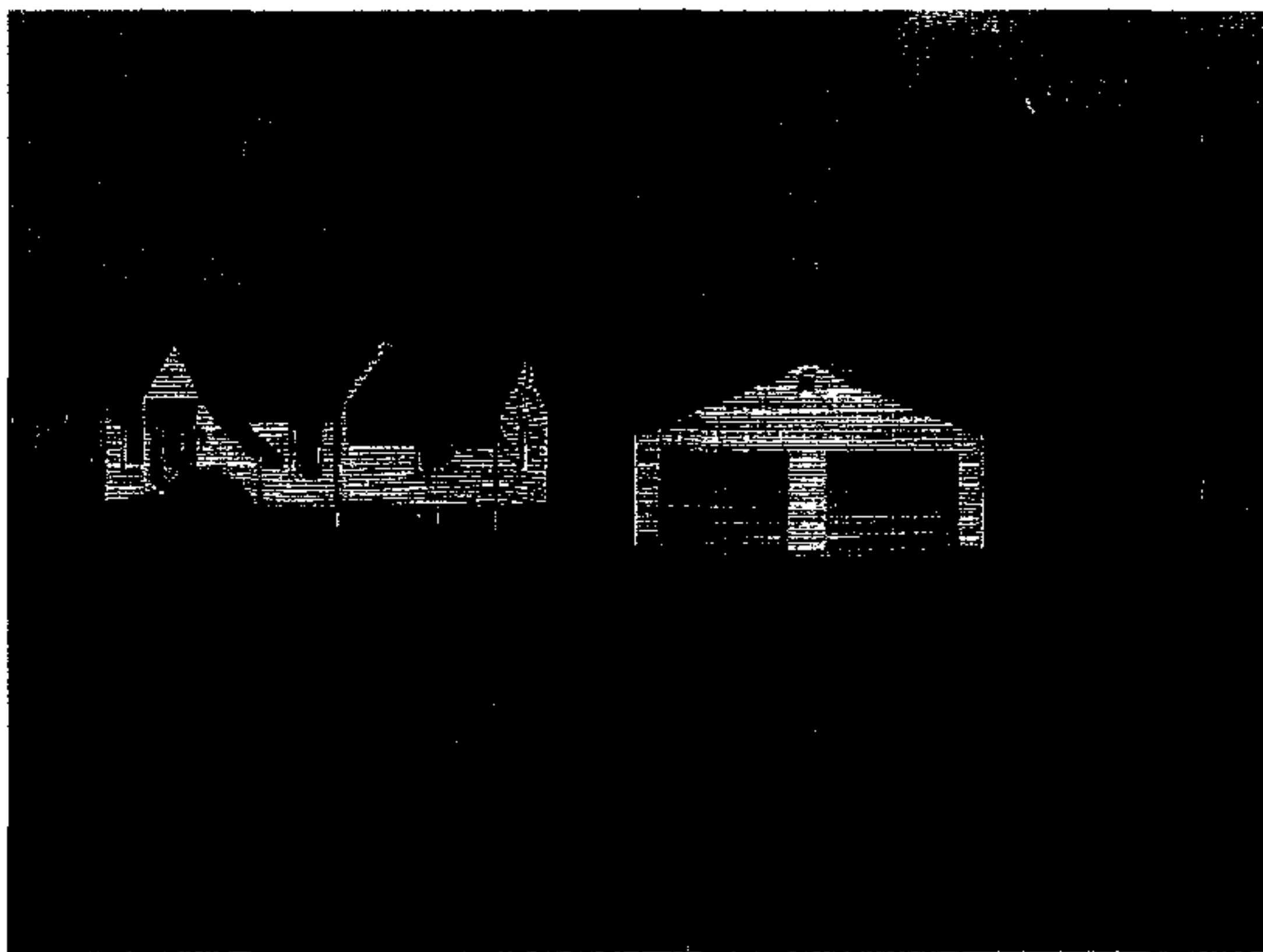
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File



View from road towards Schminke garage.
(Site #2)



4718 White Marsh Rd.
Garage in front of house.

