IN RE: PETITION FOR ADMIN. 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 BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 04-445-A

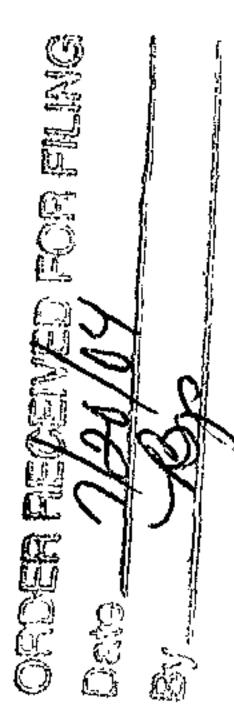
* * * * * * *

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.



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 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 PE

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

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,

L'AWRENCE E. SCHMIE

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	4712 (White 1	Marsh	Road	
which is	s presentl	y zoned	DR	5.5	

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 to permit an accessory structure (garage) in the front yard in lieu of the required rear yard.

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,

Telephone No. Zip Code	Name - Type or Print Name - Type or Print Signature	chminke	
, 	Name - Type or Print Name - Type or Print Signature		
, 	Name - Type or Print Signature		
, 	Signature		
Zip Code	•		
	4712 416.40		
	1112 00 1111	Marsh Rd	
	Rosedale	RA A	Telephone N
	City	M D State	2 / 2 3 Zip Cod
	Representative to I	be Contacted:	
	Name	······································	
Telephone No	Address		Telephone No
Zıp Code	City	State	Zip Code
	Zip Code	Representative to Name Telephone No Address Zip Code City nanded and/or found to e required, it is ordered by the 2 that the subject matter or this petition be set for a public head operty be reposted	Representative to be Contacted: Name Telephone No Address Zip Code City State State Telephone Tound to e required, it is ordered by the Zoning Commissioner of that the subject of the contact of th

Affidavit in Support of Administrative Variance

The undersigned	hereby affirms under	the penalties of	perjury to the Zoning	Commissioner	of Baltimore Cou	nty, as
follows: That the	information herein gl	ven is within the	personal knowledge	of the Affiant(s)	and that Affiant(s)	is/are
competent to testi	fy thereto in the event (hat a public heari	ng is scheduled in the t	future with regard	d thereto.	

That the Affiant(s) does/do presently reside at

4712 WHITE MARSA RD

•	City City	State	<u> </u>
hat based upon personal knowledge at the above address (in	edge, the following are the factional dis	cts upon which I/we base the req	uest for an Administrative
Praetical difficulti	es require the 90	e internal layout	oward the
Front of the hous	se because of th	e internal layout	of the residence
The garage 15 need	led to protect co	ers from elements	of weather
,	-		•
•			*,
	:	•	
	!		
	en and the second se	-	
BRIAN Schmincker lame - Type or Print		Signature	
ame - Type or Print	5- 1 mb 20 30 12 1	Name - Type or Print	,,
TATE OF MARYLAND, COUNT	1		
HEREBY CERTIFY, this Lotte Maryland, in and for the Count	day of Marchally appear	ad 2004, before me, a	Notary Public of the State
	, arorodaid, pordoriany appear		· · · · · · · · · · · · · · · · · · ·
ie Affiant(s) herein, personally k	nown or satisfactorily identified	to me as such Affiant(s).	
S WITNESS my hand and Note	Hallister January Son	dia d'hourel	
		Public Public Q-1-0	4
REV 10/25/01	UBLIC	mmission Expires	<u> </u>
		-1	

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.

Address

That the Affiant(s) does/do presently reside at

4712 WHITE MARSA RD

	CHY	State	<u> </u>
That based upon personal knowledge, the f Variance at the above address (indicate har	-		•
fractical difficulties requestrent of the house because	uire the garage	be placed the ternal layout	of the residence
The garage is needed to		.	
That the Affiant(s) acknowledge(s) that if advertising fee and may be required to provi	a formal demand is filed, de,additional information.	Affiant(s) will be require	d to pay a reposting and
Bu Schmil			
Signature RRIAN Schmincke Name - Type or Print	Signat	- Type or Print	
STATE OF MARYLAND, COUNTY OF BAL HEREBY CERTIFY, this Lot day of Maryland, in and for the County aforesaid,	•	_, <u>200</u> 4_, before me, a	Notary Public of the State
he Affiant(s) herein, personally known or sa	tisfactorily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notaria NSHANIIII	ESHILL Sandin	Q I AL	
REV 10/25/01 AUBLICATION OF COLUMN AUBLICAT			



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located a	t 4712 White M	larsh	Road	
which	is presently zoned _	DR	5.5	
ith the Department of Permits and De	velopment Management.	The un	dersigned.	legal

This Petition shall be filed wi 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)

400.1 to permit an accessory structure (garage) in the front yard in lieu of the required rear yard.

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 a perjury, that I/we are the legist is the subject of this Petition	gal owner(s) of the	ne penalties of property which
Contract Purchaser/Lessee:	I i	Legal Owner(s):		
		Brian Scl	nminke	
Name - Type or Print	·	Name - Type or Print	0	
Signature	i	Signature		
Address	Telephone No	Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	
City	Zip Code	Signature	· · · · · · · · · · · · · · · · · · ·	
Attorney For Petitioner:	•	4712 White 1	Jarsh Rd	
		Address	_	Telephone No.
Name - Type or Print	·	Rosedale	M D State	2/237 Zip Code
	; !	Representative to be		Lip Oode
Signature		itepresentative to be	Comacieu.	
Company	<u> </u>	Name		
Address	Telephone No.	Address		Telephone No
City	Zip Code	City	State	Zip Code
A Public Hearing having been formally demand this day of the regulations of Baltimore County and that the property	ed and/or found to be it the subject matter of t y be reposted.	required, it is ordered by the Zon his petition be set for a public hearin	ing Commissioner o	f Baltimore County, juired by the zoning
	; ' ~	Zoning Commissione	r of Baltimore Count	y
CASE NO. <u>04 445.</u>	(/ Rev	iewed By 50-7	Date <u>05</u>	ZGO4.

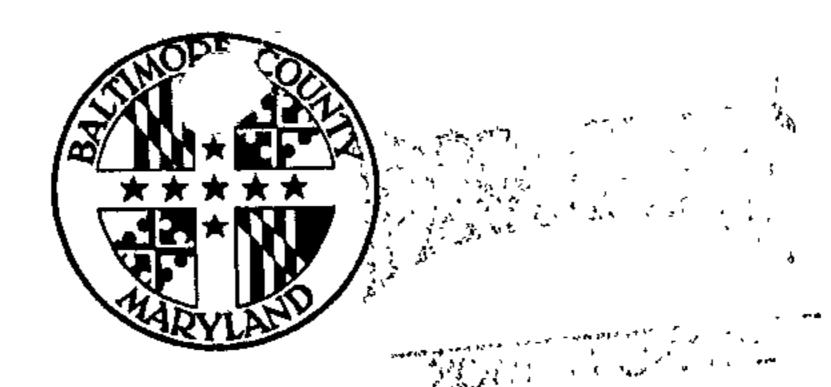
Estimated Posting Date _______

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 \pm 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. OZ.037-11.

NEMISIC	3	PICCEN.			
CASHIEN	4				
PINK					
AGENCY					
			A TINDOMA	8	
AETOM - CRSIONEU					FRA LESSELECT LATER - 3,518, PSP/PSP/
				Account L. C.	
3			94.1.5.A.		



FORMAL DEMAND FOR HEARING

CASE NUMBER: <u>04445</u> A
Address: 4-712 WHIYE MARSH ROAD-
Petitioner(s): John & MARLYN DIETRICH SR
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
I/WeTohw of MARRYN _DIETRICH SR. Name - Type or Print
(x) Legal Owner OR () Resident of
4708 White MHRSH ROAD Address
BH170, MD 21237
City Zip Code
410 668 0712
Telephone Number
which is located approximatelyfeet 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.
Jahn L Wittuck In 4-6-04 Signature Date
Signature Revised 9/18/98 - wcr/scj

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 Drive 14th Election District 6th Councilmanic District Legal Owner(s): Schminke Administrative Variance:
to permit an accessory
structure (garage) in the
front yard in lieu of the required rear yard.
Hearing: Thursday, June
10, 2004 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Avenue.

nue.

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.

3391. JT5/751 May 25

CERTIFICATE OF PUBLICATION

5/27,200+
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 $5 25 $,2004.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dullina

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 74-445-A
ا معر مغر	Petitioner/Developer: BRIAN
	SCHMINKE
	Date of Hearing/Closing: JUNE 10, て
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	*
This letter is to certify under the penalties of perposted conspicuously on the property located at:	jury that the necessary sign(s) required by law were
4712 WhitE	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
	·
The sign(s) were posted on	5/26/04
	(Month, Day, Year)
	Sincerely, -
1	- -
	Robert Black 5/26/04
ZONIE NOTICE	(Signature of Sign Poster) (Date)
CASE #	SSG Robert Black
A PUBLIC III ARING WILL BE HELD BY	(Print Name)
THE TOWSOR ME WE FIND	1508 Leslie Road
THE THE WEST TO LOVE A MEST OF THE PARTY AND A STREET AND	(Address)
THE COMPANY OF THE PROPERTY OF	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
₹	(- architatio (affiliate)

RECEIVED

JUN -- 1 2004

DELL OF PERMITS PAR DEVELOPMENT MANAGENERT

CERTIFICATE OF POSTING

	RE: Case No.: 04-445-A
the sign of the state of the st	Petitioner/Developer: BRIAN
	SCHMINKE
	Date of Hearing/Closing: 4/19/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 [11] [11] West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	*
This letter is to certify under the penalties of perjusted conspicuously on the property located at:	ury that the necessary sign(s) required by law were
	ITEMARSH RD
he sign(s) were posted on	4/4/04
	Month, Day, Year)
S)	incerely,
	Robert Black 4/4/04
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
THE MAN TOND TH	1508 Leslie Road
	(Address)
PUBLIC HEARING TO	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

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

April 21, 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: 04-445-A

4712 White Marsh Road

N/side of White Marsh Rd., 110 feet N/west of centerline of Glen Arbor Drive

14th Election District – 6th Councilmanic District

Legal Owner: Brian Schminke

Administrative Variance to permit an accessory structure (garage) in the front yard in lieu of the required rear yard.

Hearing: Thursday, June 10, 2004, at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Brian Schminke, 4712 White Marsh Road, Rosedale 21237 John Dietrich, Sr., 4708 White Marsh Road, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 26, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 25, 2004 Issue - Jeffersonian

Please forward billing to:

Brian Schminke 4712 White Marsh Road Rosedale, MD 21237

410-303-4549

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: 04-445-A

4712 White Marsh Road

N/side of White Marsh Rd., 110 feet N/west of centerline of Glen Arbor Drive

14th Election District ~ 6th Councilmanic District

Legal Owner: Brian Schminke

Administrative Variance to permit an accessory structure (garage) in the front yard in lieu of the required rear yard.

Hearing: Thursday, June 10, 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 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

April 21, 2004

Brian Schminke 4712 White Marsh Road Rosedale, MD 21237

Dear Mr. Schminke:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-445-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact John Alexander at 410-887-3391.

Very truly yours,

U. Callidall

W. Carl Richards, Jr. Supervisor Zoning Review

WCR:klm

C: John Dietrich, Sr., 4708 White Marsh Road, Baltimore 21237

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

_					
Case Number 04-	445 -A	Address	4712	(e) HITCHUD	RSW CO
Contact Person:	Planner, Please Prin	t Your Name	<u>/</u> Pi	hone Number: 410	0-887-3391
Filing Date:	3-26.04	Posting Date: _	34-0404	Closing Date:	4-19-04
Any contact made through the contact	with this office regarderson (planner) usir	arding the status	of the admir er.	nistrative variance	should be
reverse side reposting mus is again resp	OST: The petitioner of this form) and the state only by or onsible for all associated before the posting of the state of the posting of the p	petitioner is res ne of the sign pos ated costs. The	ponsible for a sters on the appropriate states and the states are states and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation as a second continuation and the states are states as a second continuation as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and the states are states as a second continuation and states are states are states as a second continuation are states as a second contin	Il printing/posting of proved list and the sign must be vis	costs. Any e petitioner ible on the
a formal requ	The closing date is tuest for a public he public hearing, the public hearing has been decided as the context of the conte	earing. Please u	inderstand tha	at even if there is	feet to file no formal
commissioner order that the (typically with	ter the closing date r. He may: (a) gra e matter be set in in 7 to 10 days of th I go to public hearing	nt the requested for a public hea e closing date) as	relief; (b) den ring. You wi s to whether th	ly the requested re Il receive written he petition has bee	elief; or (c) notification en granted.
(whether due commissioner changed givin	to a neighbor's form, notification will be notice of the hear cation of this change	rmal request or e forwarded to indidate time and	by order of t you. The sig d location. As	he zoning or dep in on the propert when the sign wa	uty zoning y must be is originally
·	·~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	(Detach Along Dotted Lin	ne)		
Petitioner: This Pa	rt of the Form is for	r the Sign Poste	r Only		
	USE THE ADMINIS		•		
Case Number 04-	445 -A	Address	(Z W)14	176000281A	ZD.
Petitioner's Name	Breaw Sc	AMINOKO	Tele	phone <u>40-3</u>	03-4549
Posting Date:	4-04-04	Clos	sing Date:	04-19.04	<u> </u>
	To Permit ∧ G-(Դฦ		rute Trown	r & Side Y	A-000
IN COWOF	TUTE ROAD	TAND.		<u></u>	
- 1. "	<u> </u>		·····		······································
······································		·		· · · · · · · · · · · · · · · · · · ·	······································

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:O4445A. Petitioner:SCHTUNKE Address or Location:4713 WHITE MARSA RD.
PLEASE FORWARD ADVERTISING BILL TO: Name: WHEELER Address: 4710 WHITE MARSH RD. ROSE DAGE IND. 21257:
Telephone Number: 410-967-2728.

Revised 2/20/98 - SCJ

O4-445-()

Department of Permits Development Management

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



Baltimore County

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

June 1, 2004

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

Dear Mr. Schminke:

RE: Case Number:04-445-A, 4712 White Marsh Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 26, 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. Callabal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel

Department of Permits Development Management

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





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

April 19, 2004

Brian Schminke 4712 White Marsh Road Rosedale, Maryland 21237

Dear Mr. Schminke:

RE: Case Number:04-445-A, 4712 White Marsh Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 26, 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. Callabal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Visit the County's Website at www.baltimorecountyonline.info

Fire Department

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





James T. Smith, Jr., County Executive John J. Hohman, Chief

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

March 31, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2004

Item No.:

436-449

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

4.5.04

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

RE:

Baltimore County

Item No.

145

JRA

Dear. Ms. Matthews:

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,

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

1. 1. Soul

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley (25/500

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

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

DATE: April 23, 2004

APR 2 7 2004

ZONING COMMISSIONER

SUBJECT:

4712 White Marsh Road

INFORMATION:

Item Number:

4-445

Petitioner:

Brian Schmenke

Zoning:

DR 5.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the petitioner's request and recommends that it be **DENIED**.

As an alternative, the petitioner may relocate the proposed garage to the end of the existing macadam driveway shown on the plan submitted with the subject request. This office will not oppose any variances necessary for the construction of the garage at this location.

The next best option would be to locate the proposed garage to the rear of the proposed location next to the row of evergreen trees as shown as location B. However, access must be provided from the driveway servicing lot 3.

If the proposed garage is located as shown access must be provided from the driveway servicing lot 3.

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

Prepared by:

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

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, 443, 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

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

August 4, 2004

Mr. John L. Dietrich, Sr. 4708 White Marsh Road Rosedale, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(4712 White Marsh Road)
Brian Schmincke - Petitioner
Case No. 04-445-A

Dear Mr. Dietrich:

In response to your letter concerning the above-captioned matter, dated July 23, 2004 and received in this office July 27, 2004, the following comments are offered.

Your letter has been accepted as a Motion for Reconsideration of the Findings of Fact and Conclusions of Law issued by me in this case on July 20, 2004. I have also received similar correspondence from Mary J. Tyner, another neighbor, and hope herewith to also address her concerns. I have considered the representations made in your letter as well as the testimony you offered at the public hearing on this matter. I have also considered the comments made by Ms. Tyner, notwithstanding the fact that she did not attend the hearing.

Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) requires that detached garages, sheds and similar "accessory" structures be located in the rear yard of any given lot. The rear yard is defined as that area of the property between the plane created by the rear building wall of the principal structure (dwelling) and the rear property line. The regulations allow the Zoning Commissioner to variance that requirement, if certain circumstances are met. That is, the regulations recognize that certain circumstances can exist which justify a deviation from the normal requirement.

As I understand it, Mr. Schminke's property was originally part of a larger tract that was at one time held as a single lot, which was recently subdivided to create three lots. The Schminke property is Lot 2 of that subdivision and generally encompasses the front central portion of the original tract. Lot 1 (4714 White Marsh Road) is to the rear, right hand side of the Schminke lot when viewed from White Marsh Road. Lot 3 (4710 White Marsh Road) is located to the left of the Schminke lot and is owned by Mr. & Mrs. Wheeler. Both Lots 1 and 3 have been improved with dwellings, which abut the rear of the Schminke lot. It is also to be noted that these dwellings are relatively close to the Schminke property line. This is so because of the White Marsh Run and related floodplain that is located to the very rear of the original tract. That stream and the related environmental constraints associated therewith required that the houses on Lots 1



Mr. John L. Dietrich, Sr. August 4, 2004 Page 2

and 3 be located closer to White Marsh Road so as to retain an appropriate setback and buffer from the stream.

My review of the photographs and documents submitted at the hearing was persuasive to my finding that the Schminke property has a very small rear yard. That is, there appears to be a distance of only approximately 30 feet from the rear of the Schminke dwelling to the rear property line at the closest point. This is a significant fact, as is the fact that locating a garage in the rear yard would effectively place a building immediately in front of either dwelling on Lots 1 and 3. Based upon these factors, I believe that allowing Mr. Schminke to locate the garage where proposed is a better alternative. I do not believe that the proposed location blocks your sight distance, in that it is generally in the same line of sight from your house as it is the side of the Schminke home. Moreover, it does not appear that the building will obstruct sight distance along White Marsh Road.

At the hearing, Mr. Schminke did produce a photograph of a nearby garage, which is located in the front yard of the property known as 4718 White Marsh Road. Although the owner is not identified on the photograph, I believe Mr. Koester, who is Ms. Tyner's father, owns the property. Although I accepted and reviewed all photographs and evidence received at the hearing, the Koester garage was not the basis for my decision to grant this variance. As explained above, the variance was granted primarily because of the relatively small rear yard on the Schminke property and the adverse impact on adjacent homes that would be created if strict adherence to the zoning regulations were required and the garage were located in the rear yard.

For these reasons, your Motion for Reconsideration is denied. Kindly note that pursuant to County law, you have thirty (30) days from the date of this letter to file an appeal of this decision to the County Board of Appeals. For those purposes, this letter shall be considered as an Order denying the Motion for Reconsideration.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Ms. Mary J. Tyner

4716-A White Marsh Road, Baltimore, Md. 21237

Mr. Brian Schmincke

4712 White Marsh Road, Rosedale, Md. 21237

People's Counsel; Case File

CASE NUMBER 04-440-A

325 Lorraine Avenue N/east side of Lorraine Avenue, 285 feet northwest of Cedar Avenue 15[™] Election District—7th Coundmanic District Legal Owners: James Robert Plaine, James Martin Scharf

Administrative Variance: to permit a detached accessory structure in the rear yard to be 19 feet high in lieu of 15 feet.

CASE NUMBER 04-441-A

209 S. Tyrone Road N/side Tyrone Road, 480 feet eastof centerline of Armagh Drive 9[™] Election District—5th Coundmanic District Legal Owners: Garland A. and John F. Callanan

Administrative Variance: to permit an addition with a 26.6 foot rear setback and an open projection with a 21.6 foot rear setback in lieu of the required 30 feet

CASE NUMBER 04-445-A

4712 White Marsh Road

North side of White Marsh Road, 110-feet Norhtwest of centerline of Glen Arbor Drive

14TH Election District—6th Coundmanic District

Legal Owners: Brian Schminke

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

All Dim

THOMAS AND DENA WHEELER 4710 WHITE MARSH ROAD ROSEDALE, MD 21237

March 17, 2004

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Dear Zoning Commission:

RE: PETITION FOR ADMINISTRATIVE VARIANCE

This letter is being written in reference to a Petition for Administrative Variance for the property at 4712 White Marsh Road. We reside in the home directly to the left of the mentioned property at 4710 White Marsh Road. This is to inform you that we are in strong agreement with the request for a variance in order to build a garage toward the front of the property.

As you can see from the attached photographs, if a garage was to be placed in the rear of the home, the structure would be located a short distance <u>directly</u> in front of our front door. We would greatly appreciate permission for the owner of 4712 White Marsh Road to build a garage toward the front of his home.

Your cooperation in this matter is greatly appreciated. Thank you very much

Sincerely,

Thomas & Dena Wheeler

Dena Wheeler

04.44S-(-)



Mr. Larry Schmidt 401 Bosley Ave. Suite 405 County Courts Building Towson, MD 21204

JUL 2 7 2004

ZONING COMMISSIONER

July 25, 2004

CASE # 04-445-A/Brian Schmincke

Dear Mr. Schmidt,

It has come to my attention that a variance was granted for a garage to be put in front of the house @4712 White Marsh Road.

As you well know this community had worked very hard for 2 years with Baltimore County, voicing our concerns and fears about all of the development that was taking place. We spent many hours with Mr. Pat Keller planning guidelines and we were fairly satisfied with the outcome.

I can certainly understand, there are times, when there are no options and a variance has to be applied for, and possibly approved on that merit alone. However, when there are other venues available, a variance should be rejected.

It was also brought to my attention that a photograph of my parent's garage was shown as a basis to ensure the variance. That garage was built 25 years ago, before the set backs were in place and sits approximately 60 feet from the road. It does not protrude past the steps to the front door.

I am asking you to please reconsider this motion and adhere to the setbacks that are in place, since other options are available that would not need a variance.

Sincerely,

Mary J. Tyner

4716A White Marsh Rd. Baltimore, MD 21237

Mary J. Tyre



JUL 2 7 2004

ZONING COMMISSIONER

John L. Dietrich Sr. 4708 WhiteMarsh Rd. Baltimore 21237 MD. July 23,2004

Mr. Larry Schmidt 401 Bosley Ave. Suite 405 County Courts Bldg.

REF: Motion to Reconsider Case# 04-445-A

Dear Mr. Schmidt,

It is very upsetting to me to let this variance permit be granted .I don't understand how the set back laws can be broken. The picture of the garage

that was submitted at the time of the hearing is irrelevant to the reasoning of the variance. (Koester's garage.) The garage has been there 30 or more years

It is along side the house and sits back 60 + feet off WhiteMarsh Rd. The picture should have shown Mr. Koester's house and garage together.

It is not in front of the house as stated at the hearing.

The garage shown on Mr. Schmincke plans could be located at the end of his house, it would not block the view of the Wheelers. Any views I had prior

to the property being sub-divided and houses built was taken away. Now, any view that has been left will be a building in the front yard.

When my neighbor on the right (facing WhiteMarsh Rd.) had received his variance to build his house he (Mr. Waldhauser) had the courtesy to set his house

back to where it did not block my view to WhiteMarsh Rd.

I wish you would reconsider the petition for the administrative variance you approved.

Sincerely,

Mr. John L. Dietrich Sr.

Mu John L. Dictaul L

<i>></i> -
\mathbf{C}
$\overline{\mathbf{C}}$
111
4
\mathcal{C}
\cup

->
\leq
PRI
$\overline{}$
4
Ш
S
ں ب
1
Щ
<u></u>

CASE NAME CASE NUMBER DATE

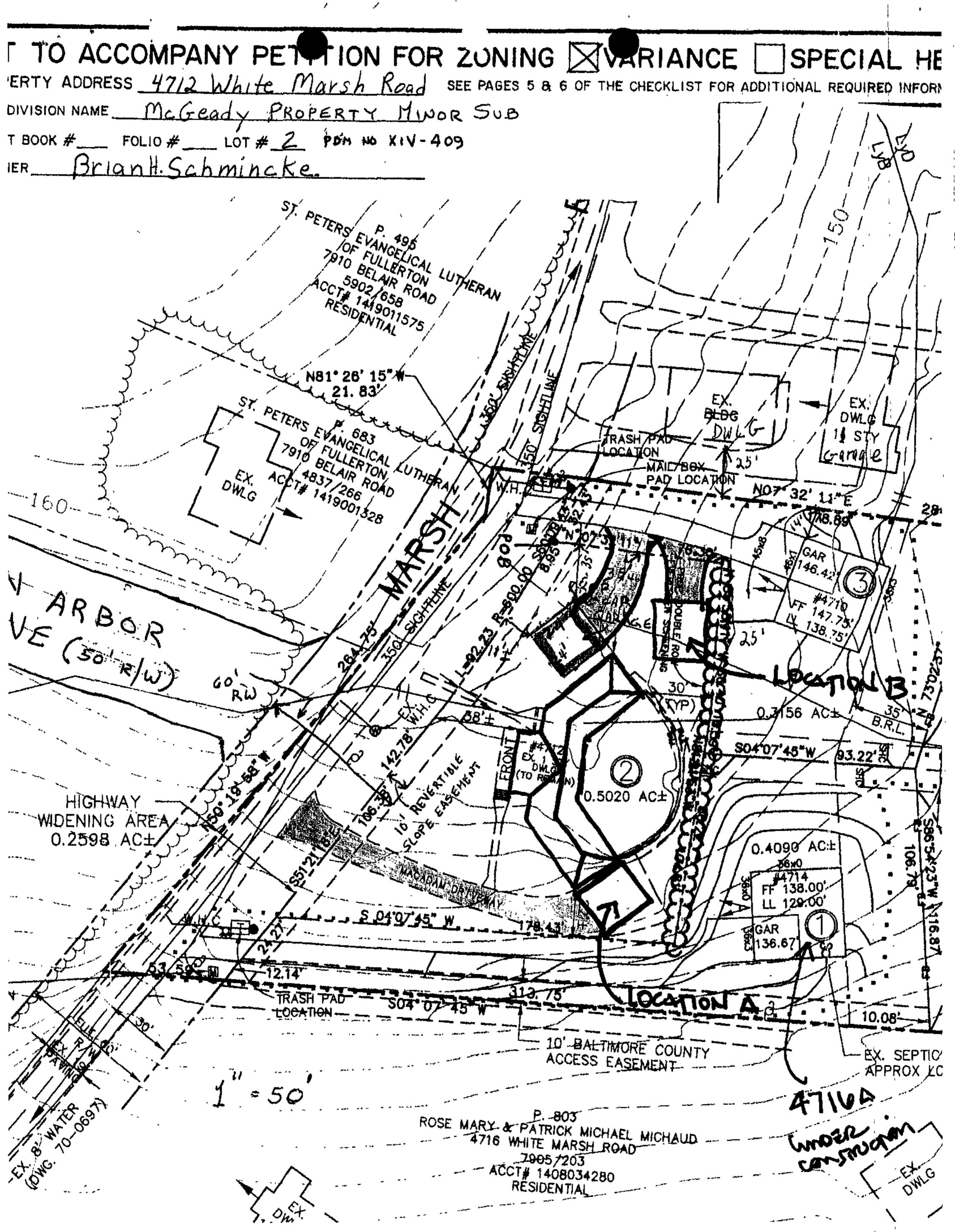
PETITIONER'S SIGN-IN SHEET

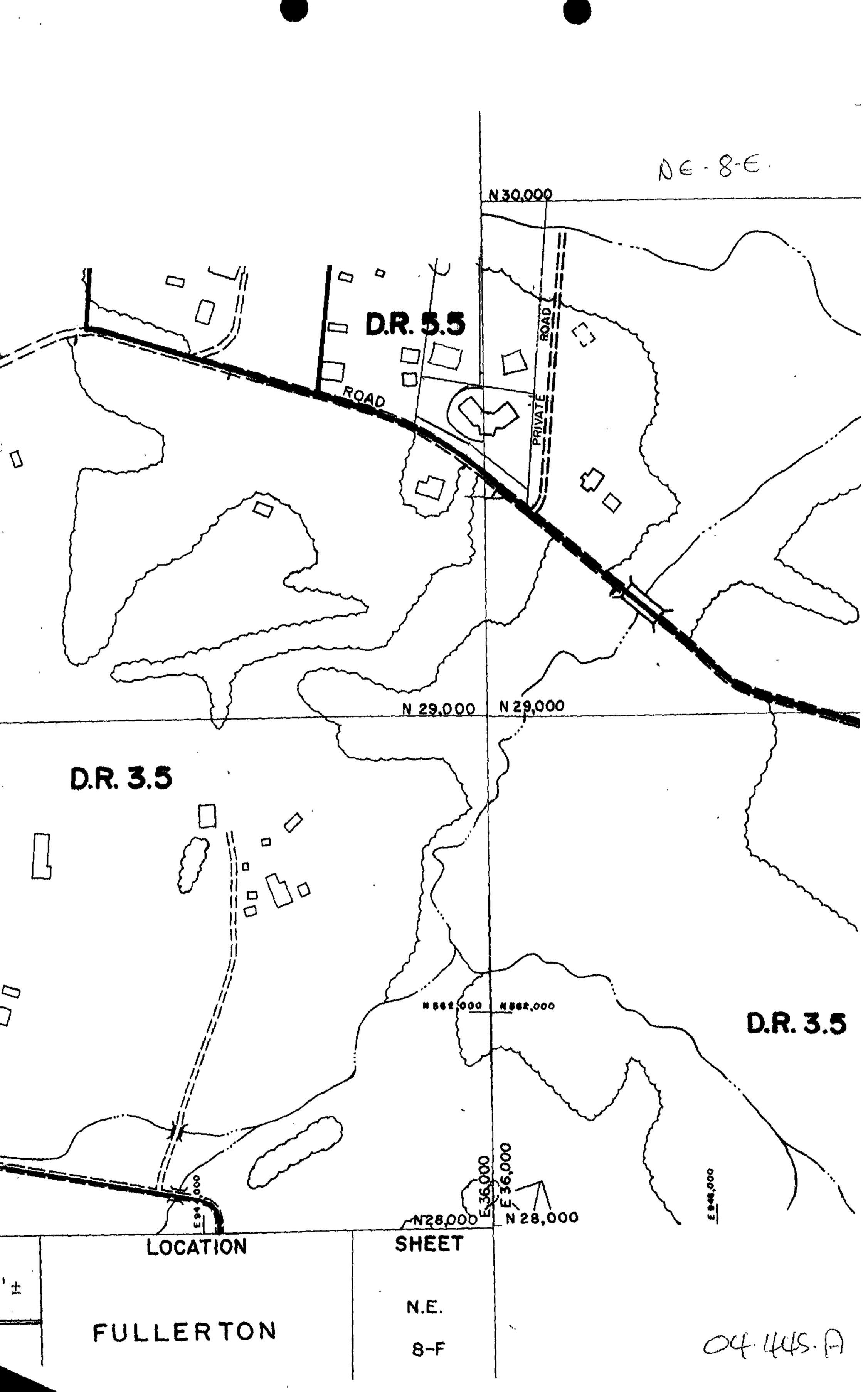
B CH with Day	שבנוש ייייבייה בי בי בייי	Dena Kulheeler @comcast.n									
POSTATE, ZIP	Lile MD 81237	Rosedale, MD 21237									
IDDRESS L7 H.Tr m.	7	White Mars									
ROLLING R. Himsele	is Whee				-						

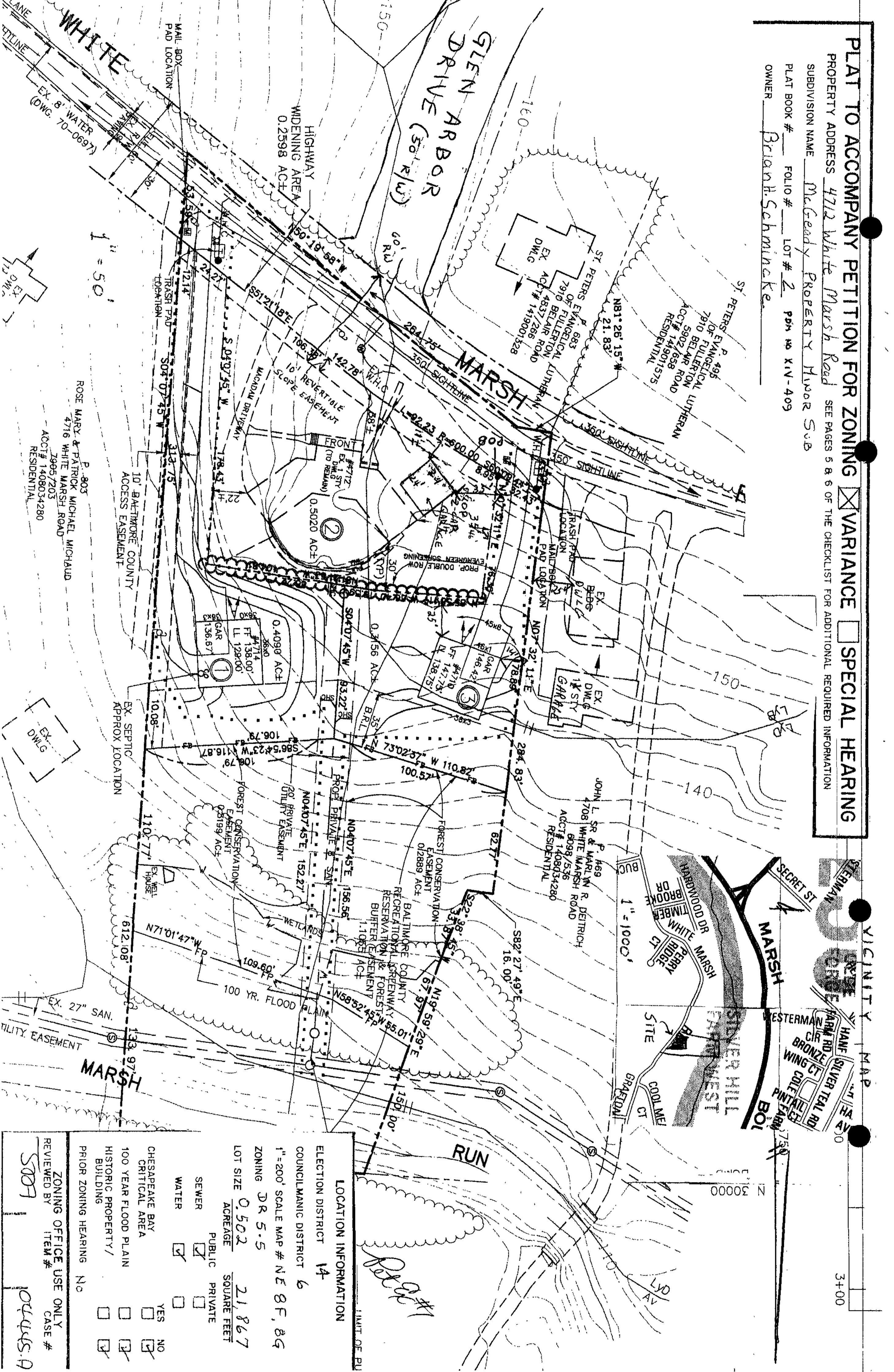
CASE NAME O 445 M CASE NUMBER DATE 6-10-04

CITIZEN'S SIGN-IN SHEET

E- MAIL												
CITY, STATE, ZIP	BALTO md 21237											
ADDRESS	47					•						
NAME	John L. Dienselise											



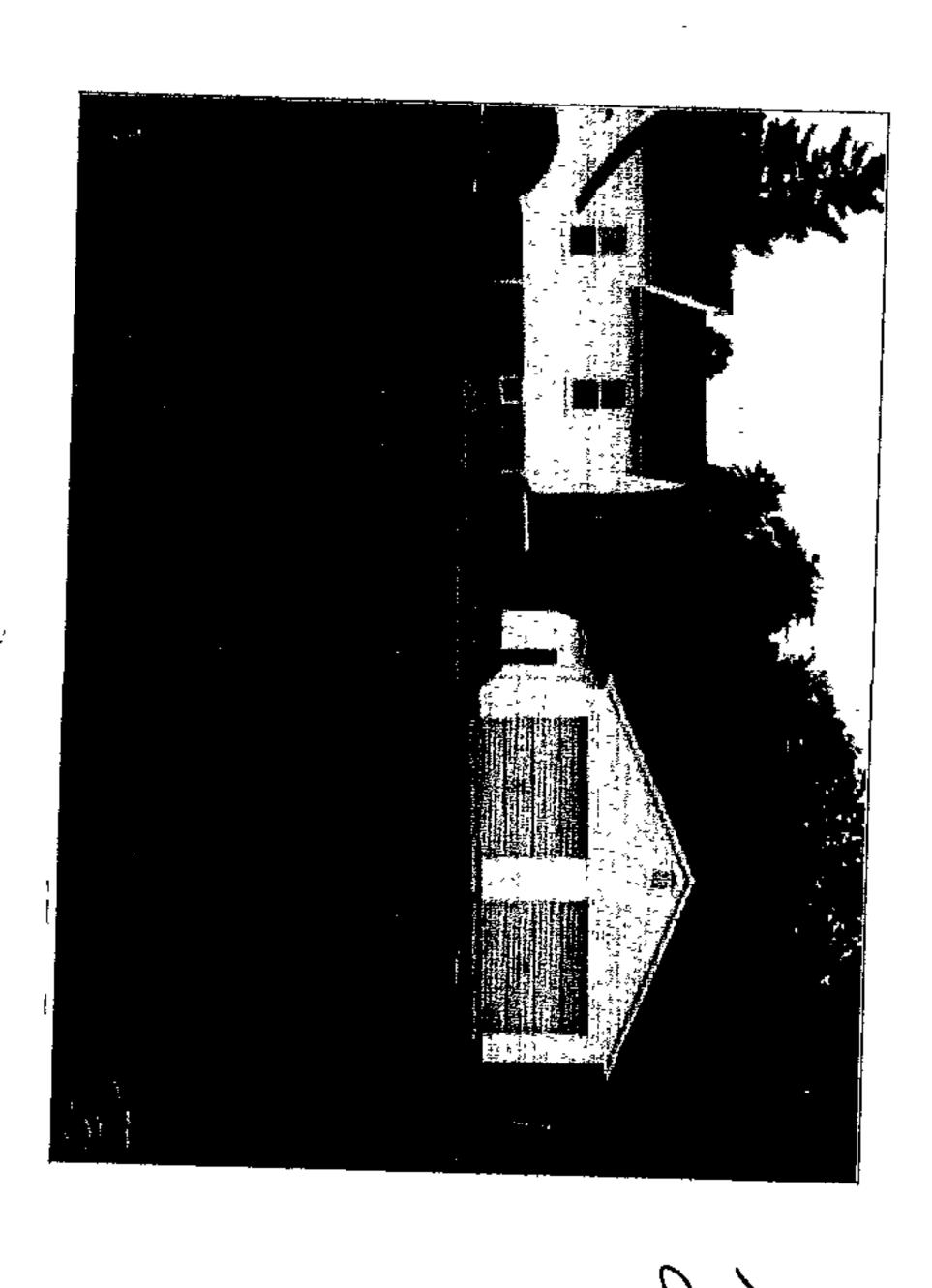




CASE# 04-445-19

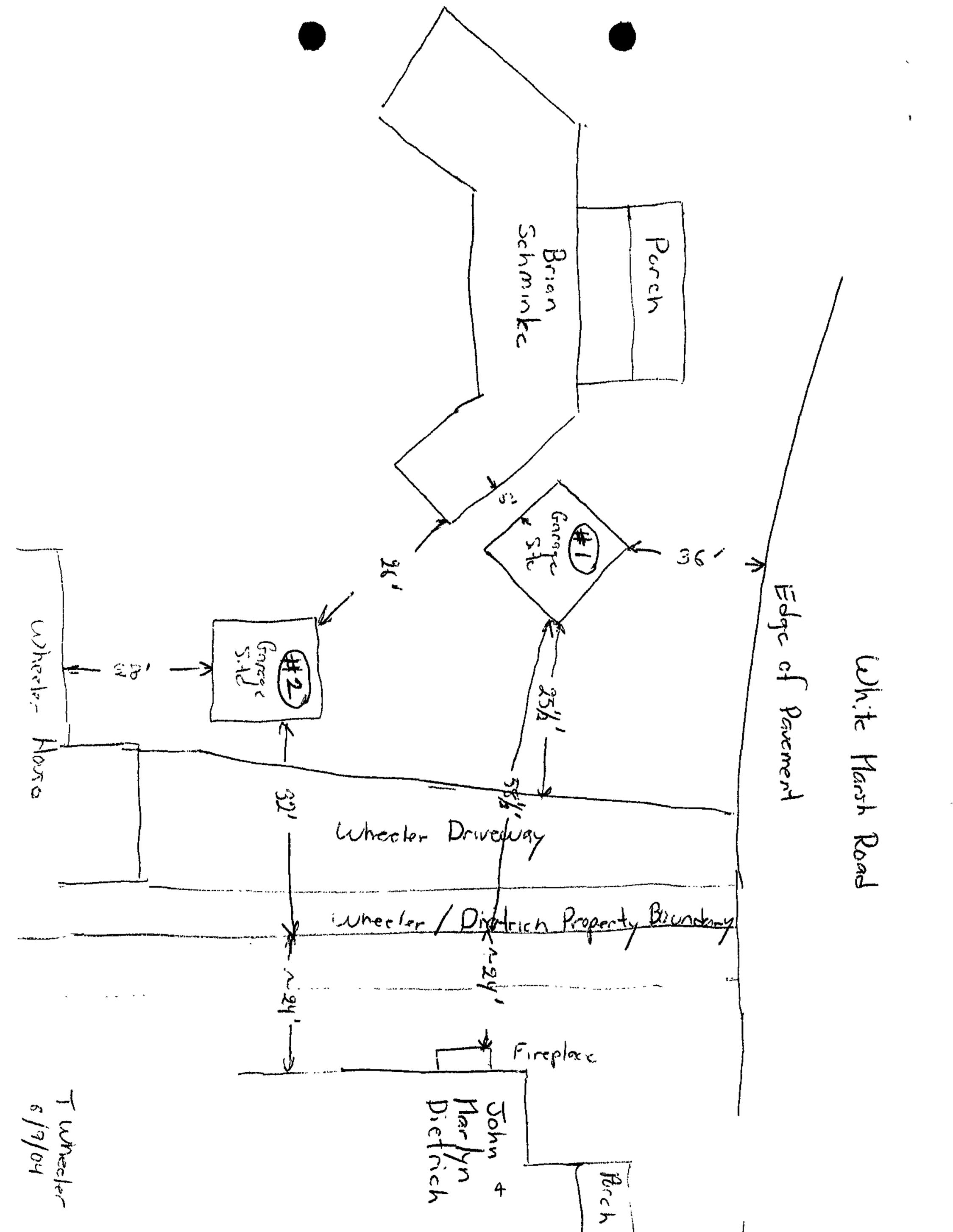


MR KOBSTERS GARAGE NOT IN FRONT OF HOUSE



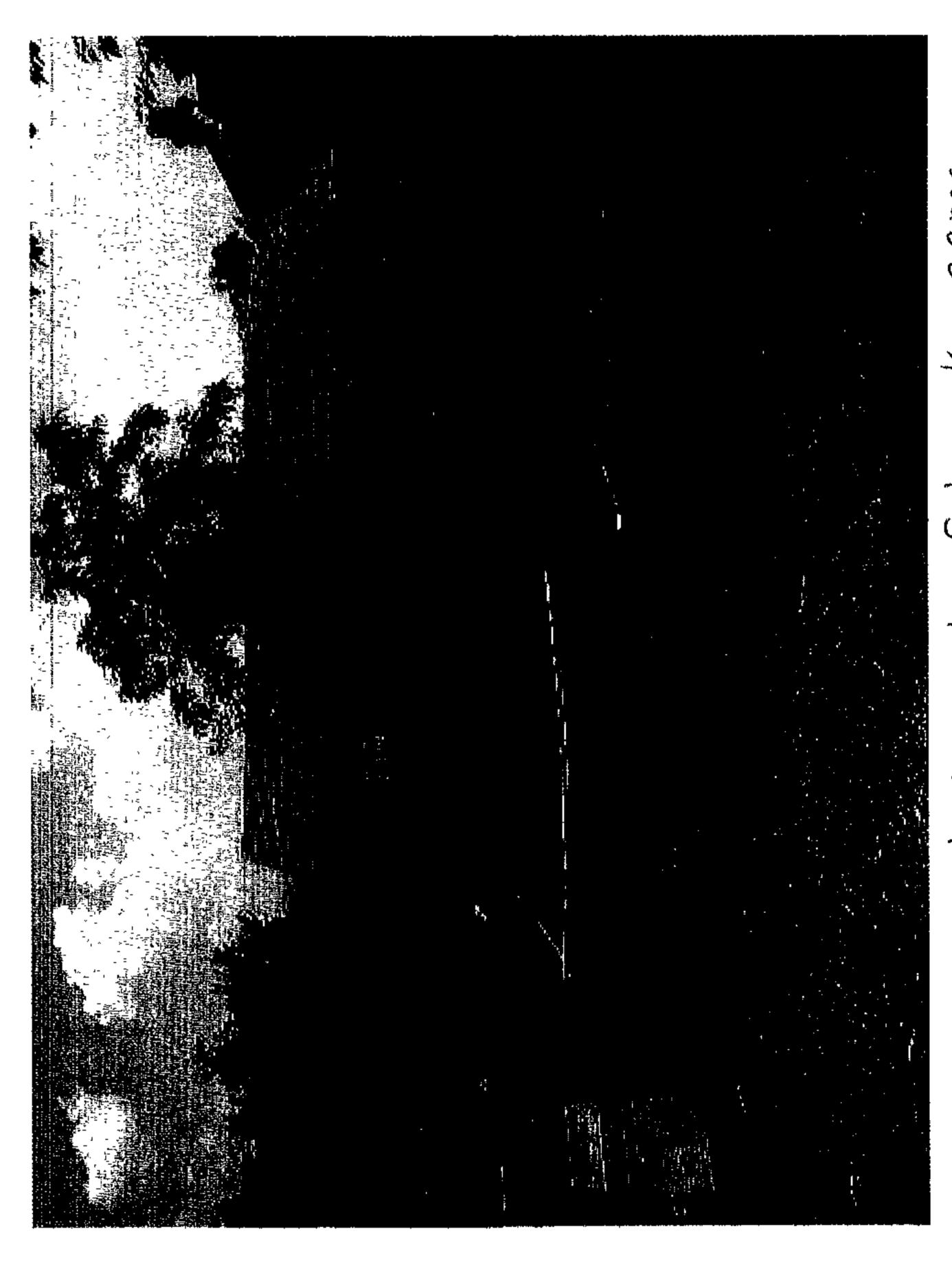
MR KOESTORS GARBAGE.
15' FROM HOUSE. (FRE
CODE WHON SEULT.)

CBSE # 04-445-13

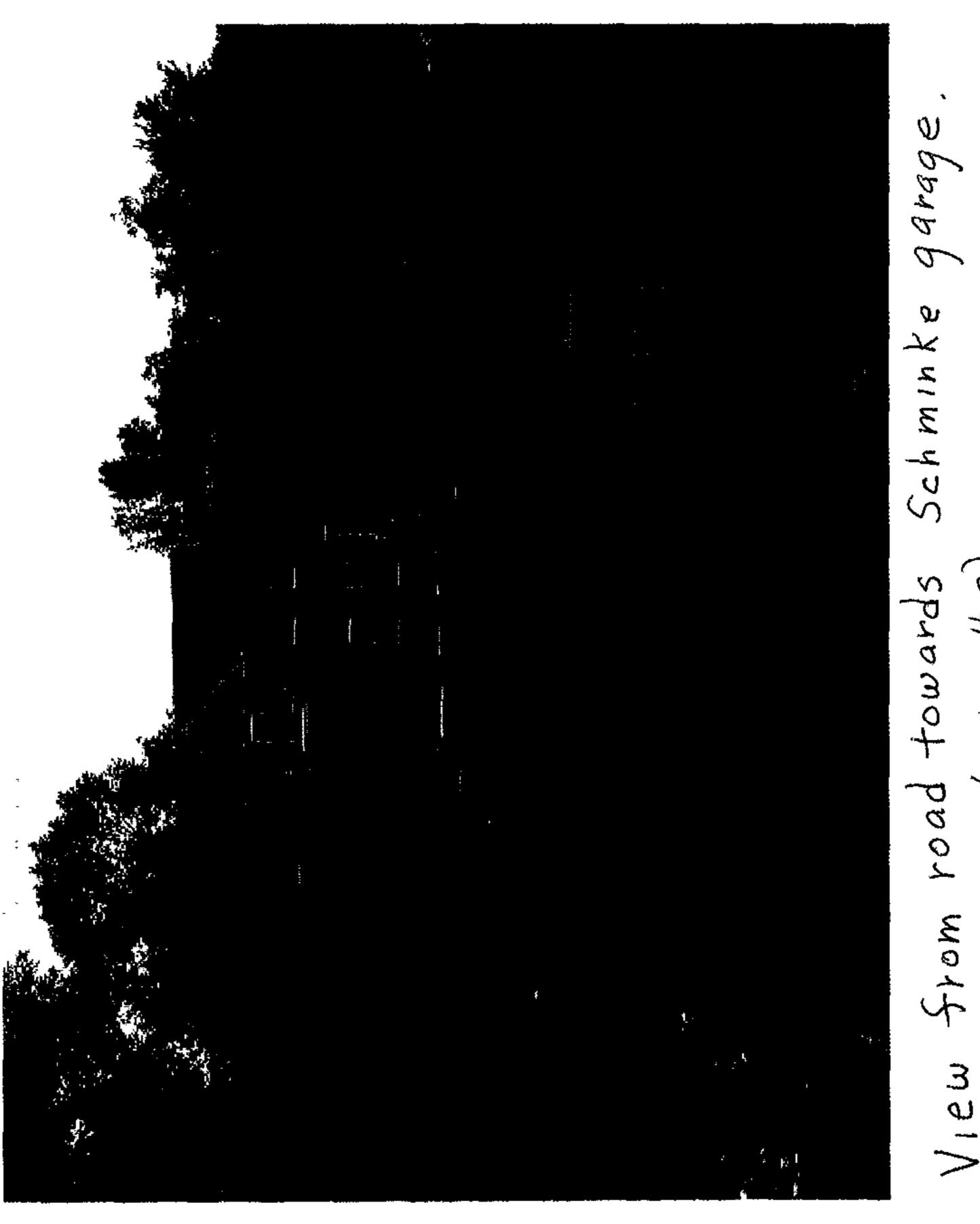




(Site # house garage etrich's Schmink towards posed wall pro from View



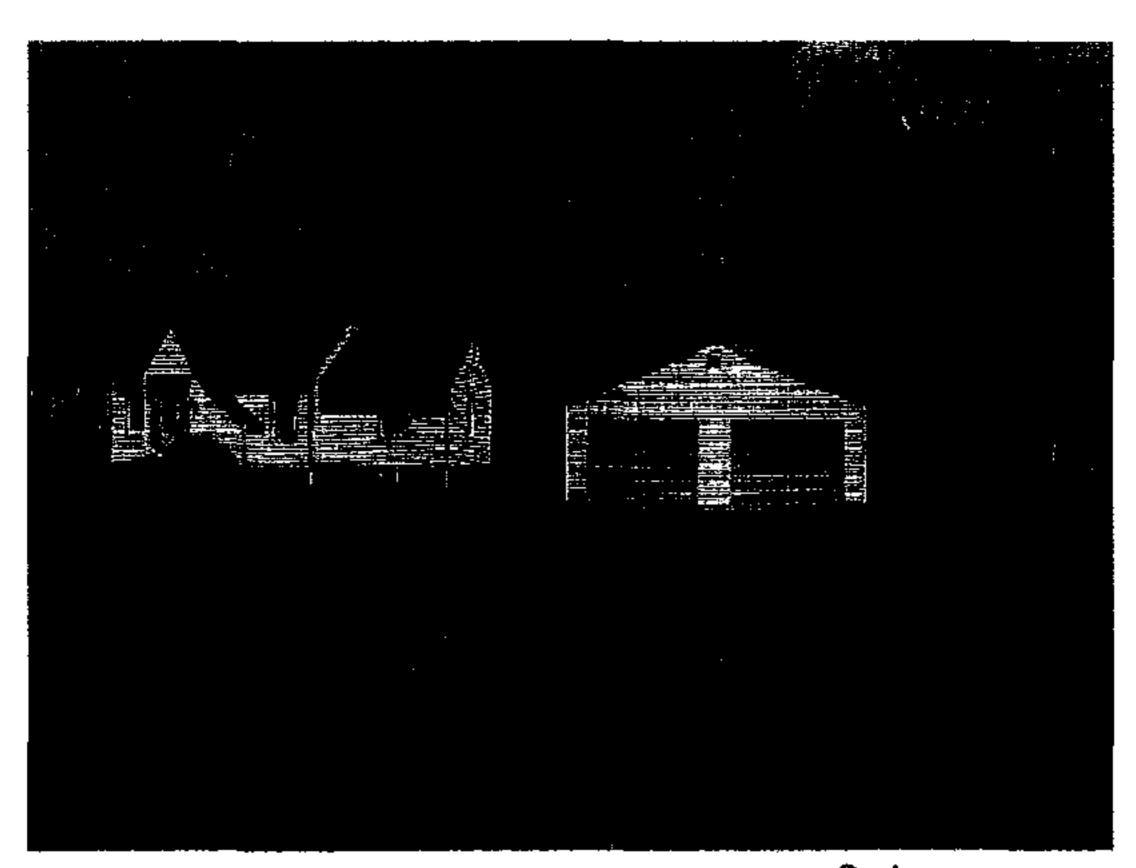
garage яin Kr towar road From



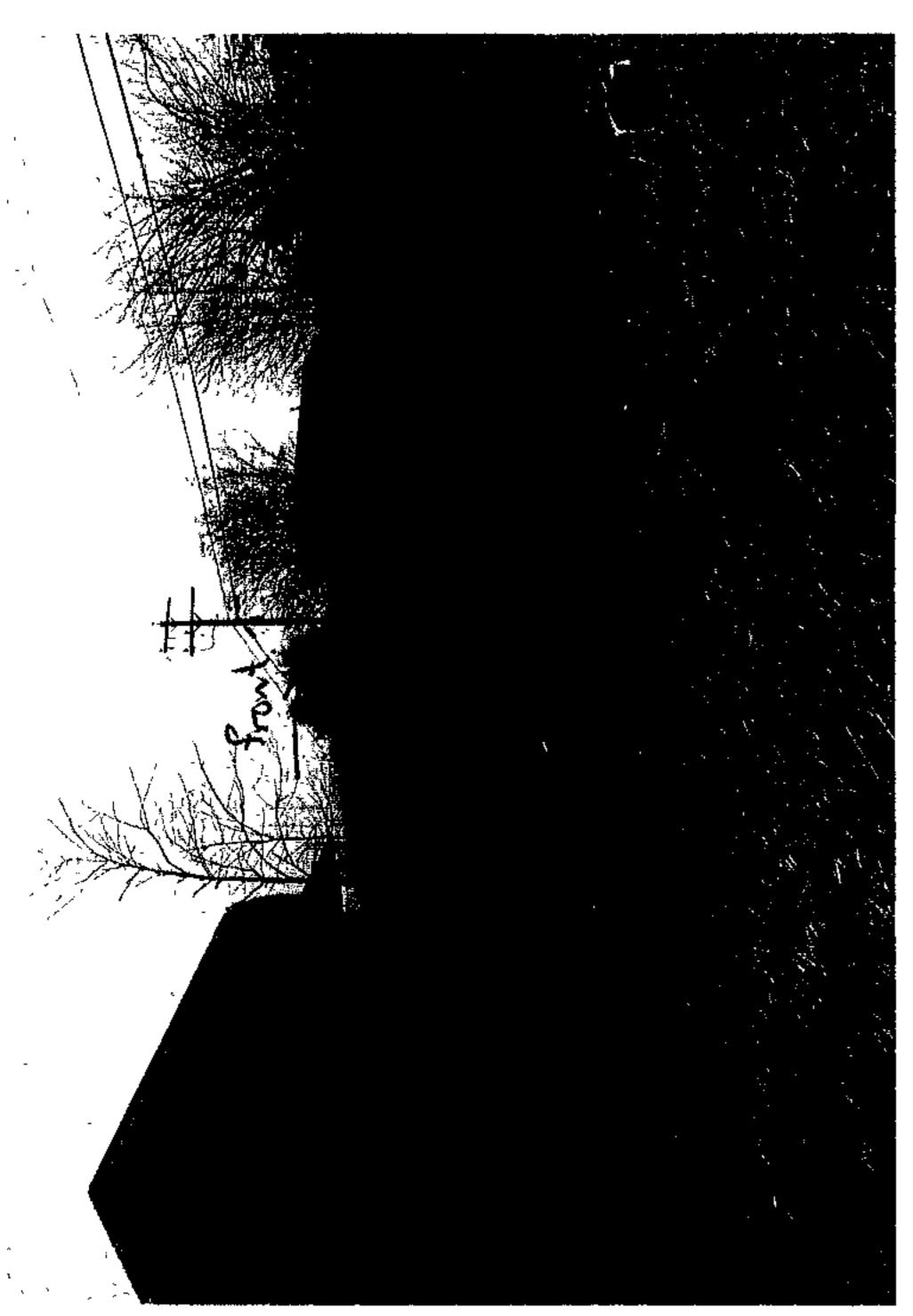
(Site#2)



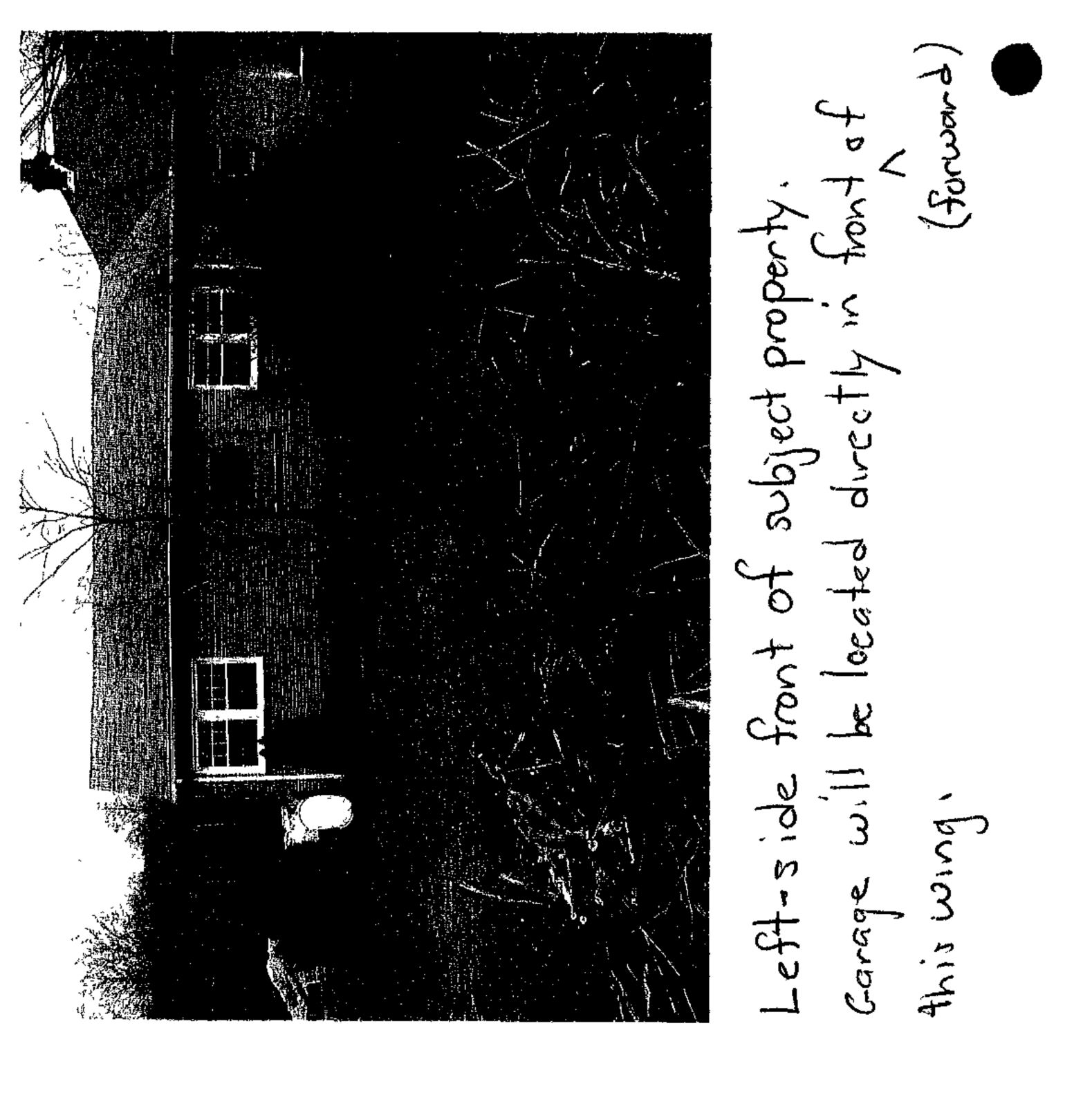
house. (Site #2) garag towards Schminke 3 from proposed center West View

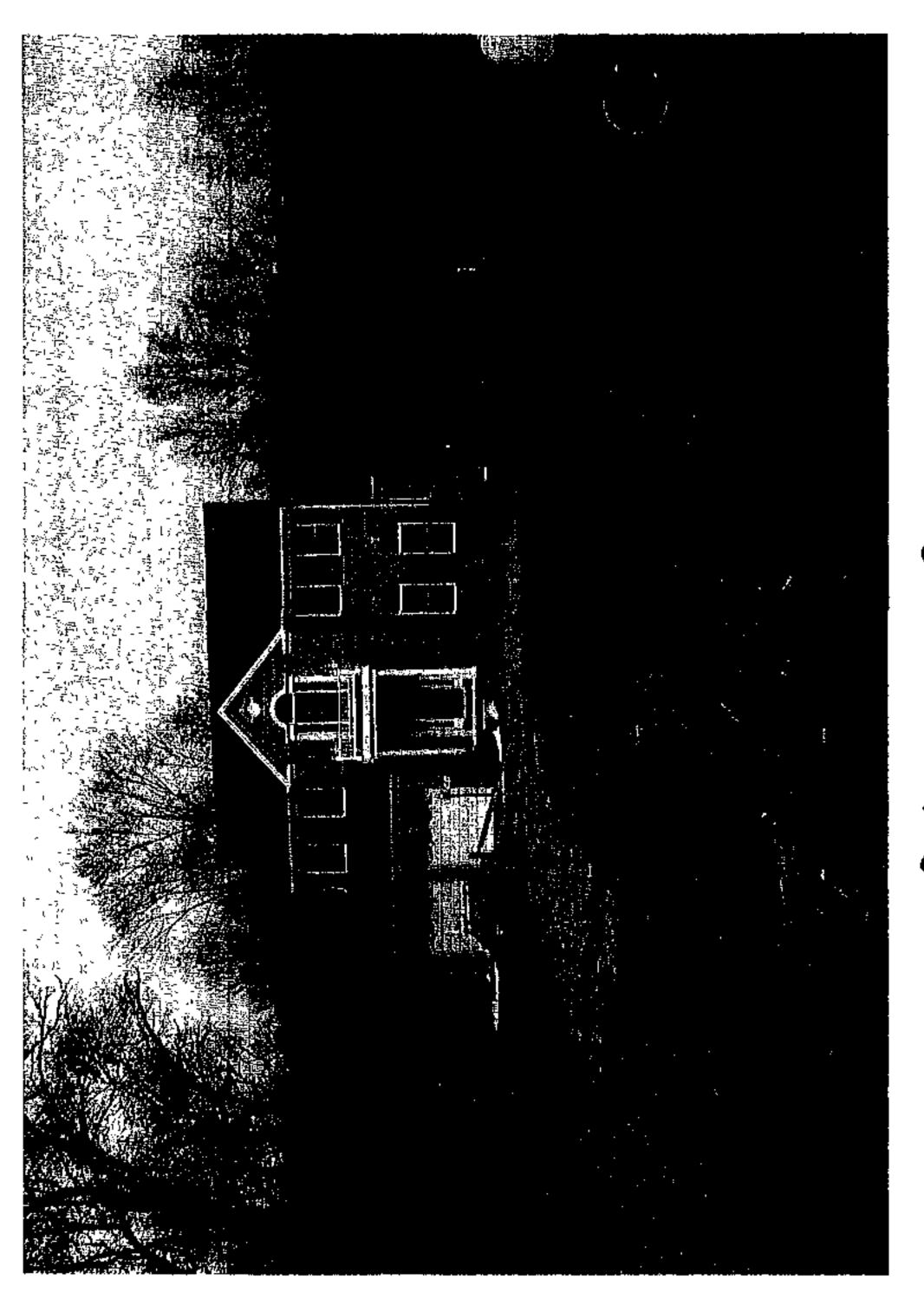


4718 White Marsh Rd. Garage in Front of house.



Left-side yard and leftend of subject property, Garage will be located adjacento fort of this wing.





Front view of lot \$3 of McGesty Pap.
02-037-M. Note wood fence represents
the corner of subject property.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the north side of White Marsh Road, across from its intersection with Glen Arbor Drive in Rosedale. The property is also known as Lot 2 of the McGready Property, which obtained minor subdivision approval for three lots under Case No. XIV-409. As shown on the site plan, Lots 1 and 3 are located to the rear of Lot 2. Access to Lot 1 is provided by way of a panhandle driveway leading from White Marsh Road along the west side of the subject property. Access to Lot 3 is by way of a private driveway on the east side of the subject property. Mr. & Mrs. Wheeler own and reside on Lot 3 and Mr. Dietrich resides on the other side of the Wheelers at 4708 White Marsh Road.

The subject property contains a gross area of 0.502 acres, more or less, zoned D.R.5.5, and is improved with a one-story single family dwelling. The Petitioner has owned and resided on the property with his family for the past 1½ years. Testimony indicated that the Petitioner's house was built in approximately the 1940s and was designed as a one-story ranch-style dwelling with a main center section and angled wing sections on each side of the main footprint. The Petitioner is desirous of constructing a 24' x 24' detached garage in the front yard, immediately adjacent to the wing on the west side. Vehicular access to the garage would be by way of the Wheelers' driveway. Mr. Schmincke indicated that the proposed location for the garage was the most practical and logical, given the unusual configuration of the house and the small rear yard as a result of the subdivision. Mr. & Mrs. Wheeler support the variance request and noted that if the garage were required to be located in the rear yard of the subject property, it would be immediately in front of their house and block their view and cause a detrimental impact upon their property.

As noted above, Mr. Dietrick appeared in opposition to the request. He expressed concerns about deviating from the zoning requirements and also potential uses of the garage. In this regard, the Petitioner was advised that the garage could not be used to support a business or for commercial purposes and could only be used for residential purposes. In addition, the garage could not be used as a separate dwelling.