

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Freeland Road, 910 ft.
SW of Morris Road
6th Election District
3rd Councilmanic District
(1533 Freeland Road)

Lois A. & Leonard A. Reithlingshoefer
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-100-A

* * * * *

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 owners of the subject property, Lois A. and Leonard A. Reithlingshoefer. The variance request is for property located at 1533 Freeland Road in the Freeland area of Baltimore County. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (replacement and shed expansion) with a height of 24 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 5, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

COPIES RECEIVED FOR FILING

Date

By

9/30/04
Ray

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30 day of September, 2004, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (replacement and shed expansion) with a height of 24 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit and/or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities;
3. The Petitioners shall not allow the accessory structure to be used for commercial purposes; 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.

Any appeal of this decision must be made within thirty (30) days of the date of this

Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR ALDER
Date 9/30/04
By [Signature]

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

September ³⁰28, 2004

Mr. & Mrs. Leonard A. Reithlingshoefer
1533 Freeland Road
Freeland, Maryland 21053

Re: Petition for Administrative Variance
Case No. 05-100-A
Property: 1533 Freeland Road

Dear Mr. & Mrs. Reithlingshoefer:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at X 1533 Freeland Road Freeland, Md. 21053
which is presently zoned X

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) 400.3 SHED To allow an

accessory structure (replacement and expansion) with a height of 24 ft in lieu of the maximum allowed 15 ft.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

X Leonard A. Reithlingshoefer

Name - Type or Print

X Leonard A. Reithlingshoefer

Signature

X Lois A. Reithlingshoefer

Name - Type or Print

X Lois A. Reithlingshoefer

Signature

X 1533 Freeland Road

Address

X 410 343-1319

Telephone No.

X Freeland

City

X Md.

State

X 21053

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 8-23-04

Estimated Posting Date 9-05-04

CASE NO. 05-100 A

REV 10/25/01

9/20

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.

That the Affiant(s) does/do presently reside at x 1533 Freeland Road
Address
x Freeland Maryland 21053
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We need a place to keep our motor home which is higher than 15',

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

x Leonard A. Reithlingshoefer
Signature

x Leonard A. Reithlingshoefer
Name - Type or Print

x Lois A. Reithlingshoefer
Signature

x Lois A. Reithlingshoefer
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of August, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

x Leonard A and Lois A. Reithlingshoefer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

x Susan E. Elligson
Notary Public

My Commission Expires x

SEAL

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.

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

1533 Freeland Road
Address
Freeland Maryland 21053
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We need a place to store our motor home which is higher than 15'.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Leonard A. Reithlingshoefer
Signature

Leonard A. Reithlingshoefer
Name - Type or Print

Lois A. Reithlingshoefer
Signature

Lois A. Reithlingshoefer
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of August, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Leonard A. and Lois A. Reithlingshoefer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Susan E. Elligson
Notary Public

My Commission Expires _____



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1533 Freeland Rd. Freeland, Md
which is presently zoned _____

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) 400.3 To allow an accessory

structure (replacement & expansion) with a height of 15 ft. 24 ft.
in lieu of the maximum allowed 15 ft.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Leonard A. Reithlingshoek
Name - Type or Print

Signature

Leonard A. Reithlingshoek
Name - Type or Print

Leonard A. Reithlingshoek
Signature

1533 Freeland Road
Address

410 343-1319
Telephone No.

Freeland
City

Maryland
State

21053
Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-100-A

REV 10/25/01

Reviewed By [Signature]

Date 8-23-04

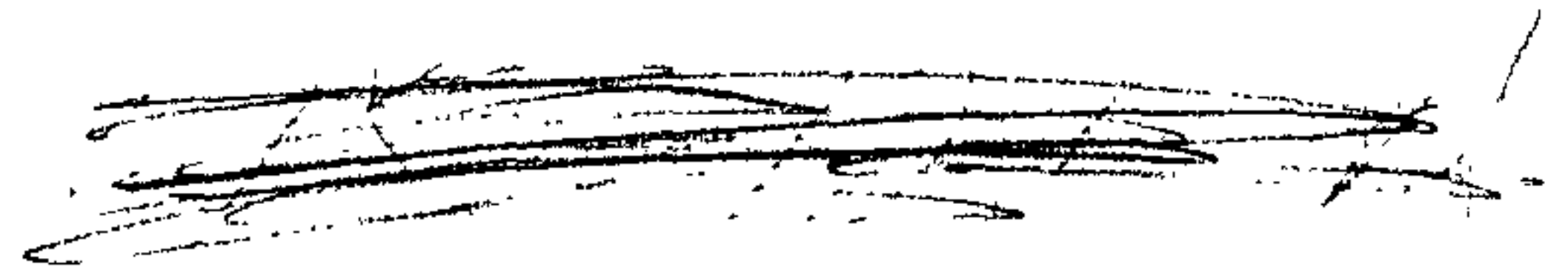
Estimated Posting Date 9-05-04

11.

~~11~~

ZONING Description
1533 Freeland Rd.

Beginning at a point on the south side of Freeland Rd. at the distance 910 ft. southwest of Morris Rd. Thence running S $12^{\circ}15'00''$ E. 216 ft. thence S $51^{\circ}95'00''$ W 232.27 ft. thence N $14^{\circ}49'18''$ W 319.12 ft. thence N $78^{\circ}41'38''$ E 136.12 ft. thence N $84^{\circ}37'00''$ E 88 ft. to the point of beginning containing 1.26 acres $\pm$ and located in the 6th Election District



#05-100 A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. 39742
45-100-A

DATE 8-23-04 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM MRS. R. H. H. H. H. H.

FOR Residential Variance Fee for 1530 Friesland Rd.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME DAY
8/23/2004 8/23/2004 13:14:25 1
BTS MS01 WALKER JRIC JR
CHECK # 38565 8/23/2004 0714
CASH 5 520 JIMMIE VERIFICATION
CR NO. 03742

Receipt for
\$65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-100-A

Petitioner/Developer: _____

LEONARD & LOIS REITHINGSHOFER

Date of Hearing/Closing: 9/20/04

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

Attention: KRISTEN MATTHEWS

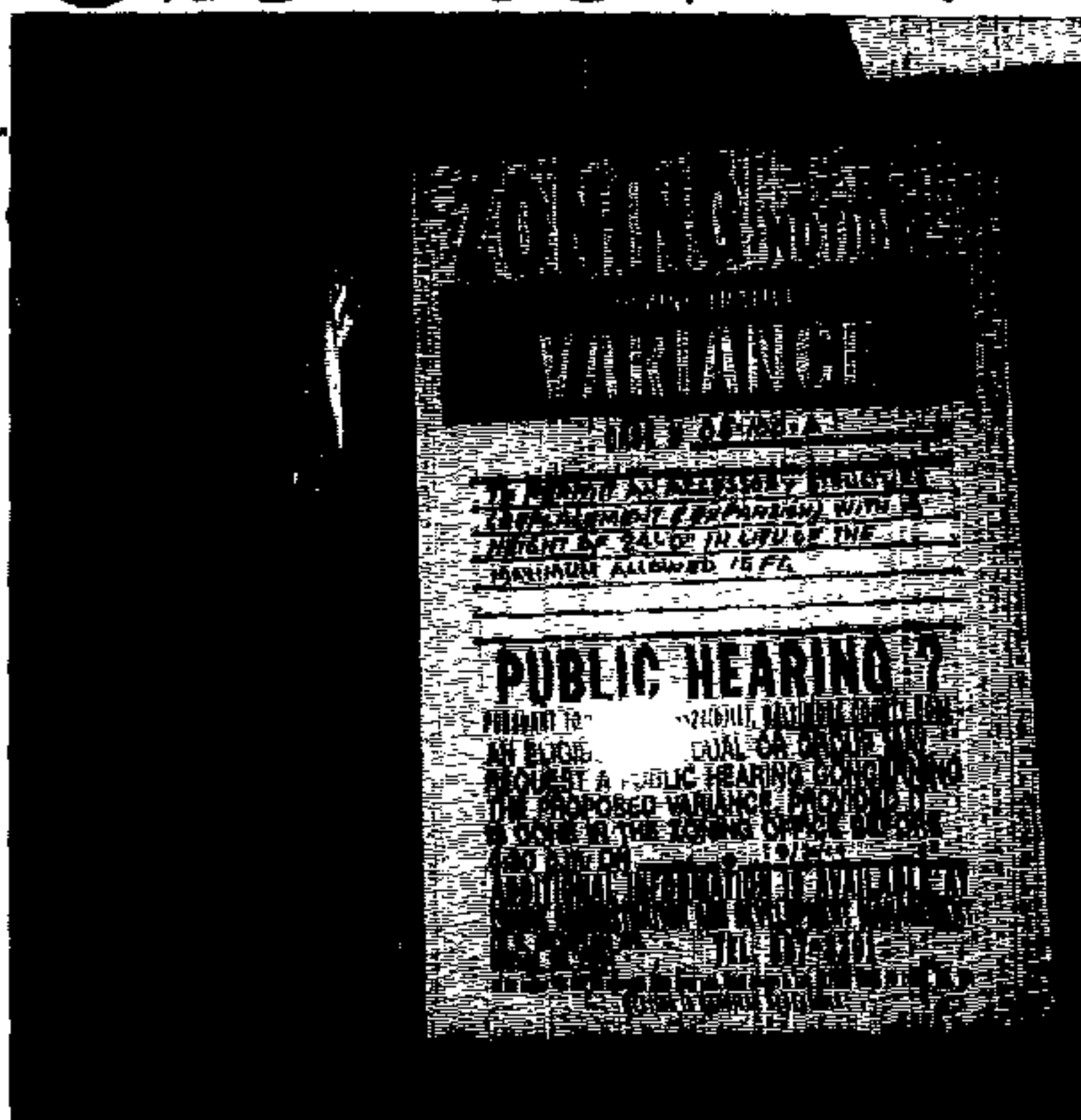
Ladies and Gentlemen:

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

1533 FREELAND RD

The sign(s) were posted on 9/5/04
(Month, Day, Year)

CASE # 05-100-A



1533 FREELAND RD

POSTED 9/5/04

Richard E. Hoffman 9/5/04

Sincerely,

Richard E. Hoffman 9/5/04
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 D5-100A

Petitioner: Louis & Leonard Reithingshoefer

Address or Location: 1533 Freeland Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name: Same

Address Freeland, Md. 21053

Telephone Number: 410-343-1319

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 100 -A

Address 1533 Freeland Rd.

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 8-23-04

Posting Date: 9-05-04

Closing Date: 9-20-04

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. **POSTING/COST:** 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. **DEADLINE:** 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.
3. **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 05- 100 -A

Address 1533 Freeland Rd.

Petitioner's Name Leonard & Lois Reithing Shaefer Telephone 410-343-1319

Posting Date: 9-05-04

Closing Date: 9-20-04

Wording for Sign: To Permit an accessory structure (replacement & expansion) with a height of 16' 2 1/2" in lieu of the maximum allowed 15 ft.

WCR - Revised 6/25/04

**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*

September 13, 2004

Leonard A. Reithlingshoefer
Lois A. Reithlingshoefer
1533 Freeland Road
Freeland, Maryland 21053

Dear Mr. and Mrs. Reithlingshoefer:

RE: Case Number:05-100-A, 1533 Freeland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

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



Baltimore County

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

August 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 30, 2004

Item No.: 091, 092, 094-100

Pursuant to your request, the referenced plan(s) have been reviewed 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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2004
Item Nos. 091, 092, 094, 095, 096,
097, 098, 099, and 100

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: John D. Oltman, Jr. (JO)

DATE: September 14, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 30, 2004

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

05-092

04-094

04-095

04-096

04-097

04-098

04-099

04-100

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 8, 2004

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-100 and 5-102**
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.

Prepared By:



Division Chief:



MAC/LL

RECEIVED

SEP - 9 2004

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 8.27.04

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

RE: Baltimore County
Item No. 100 225

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).

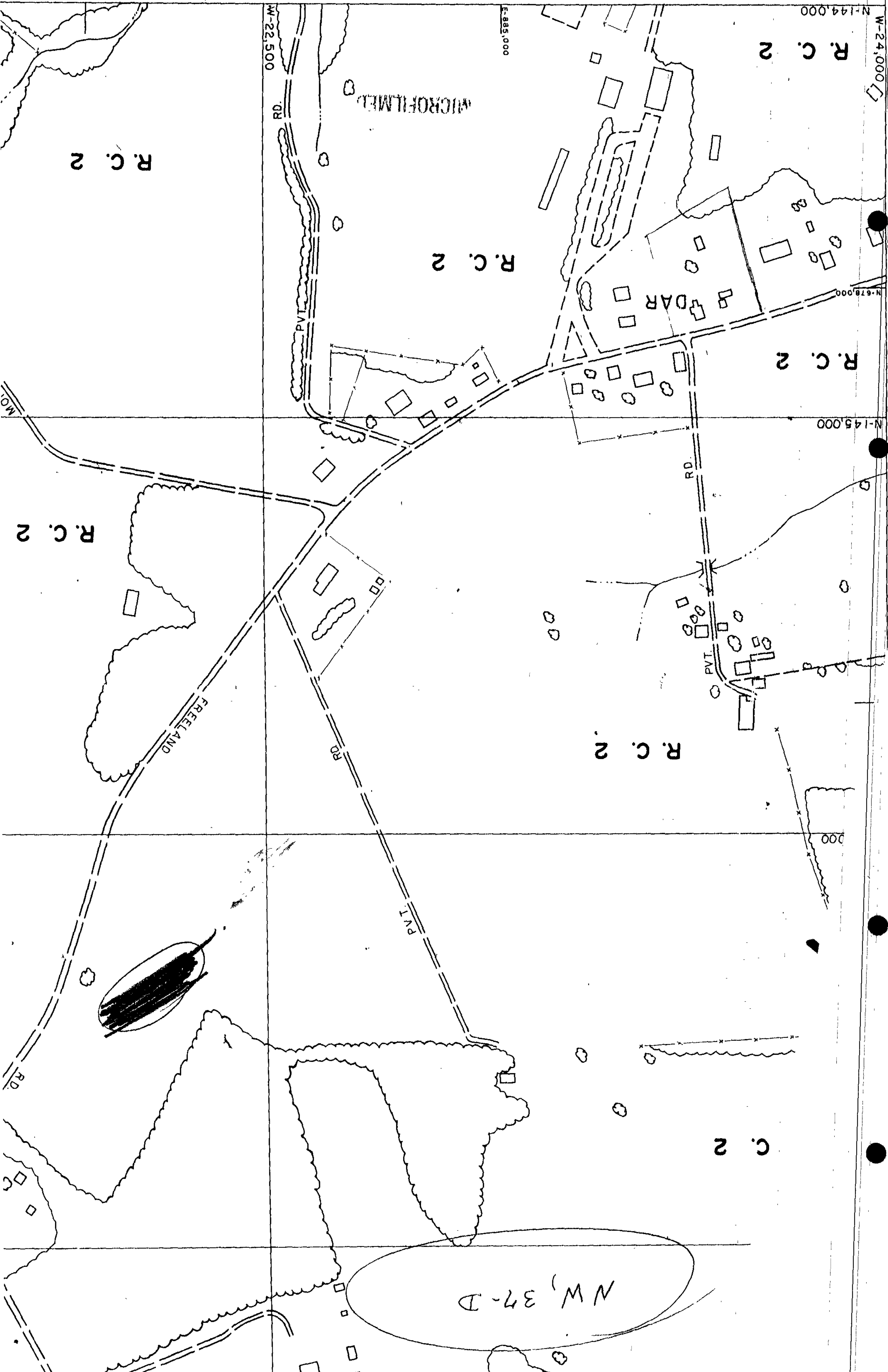
Very truly yours,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

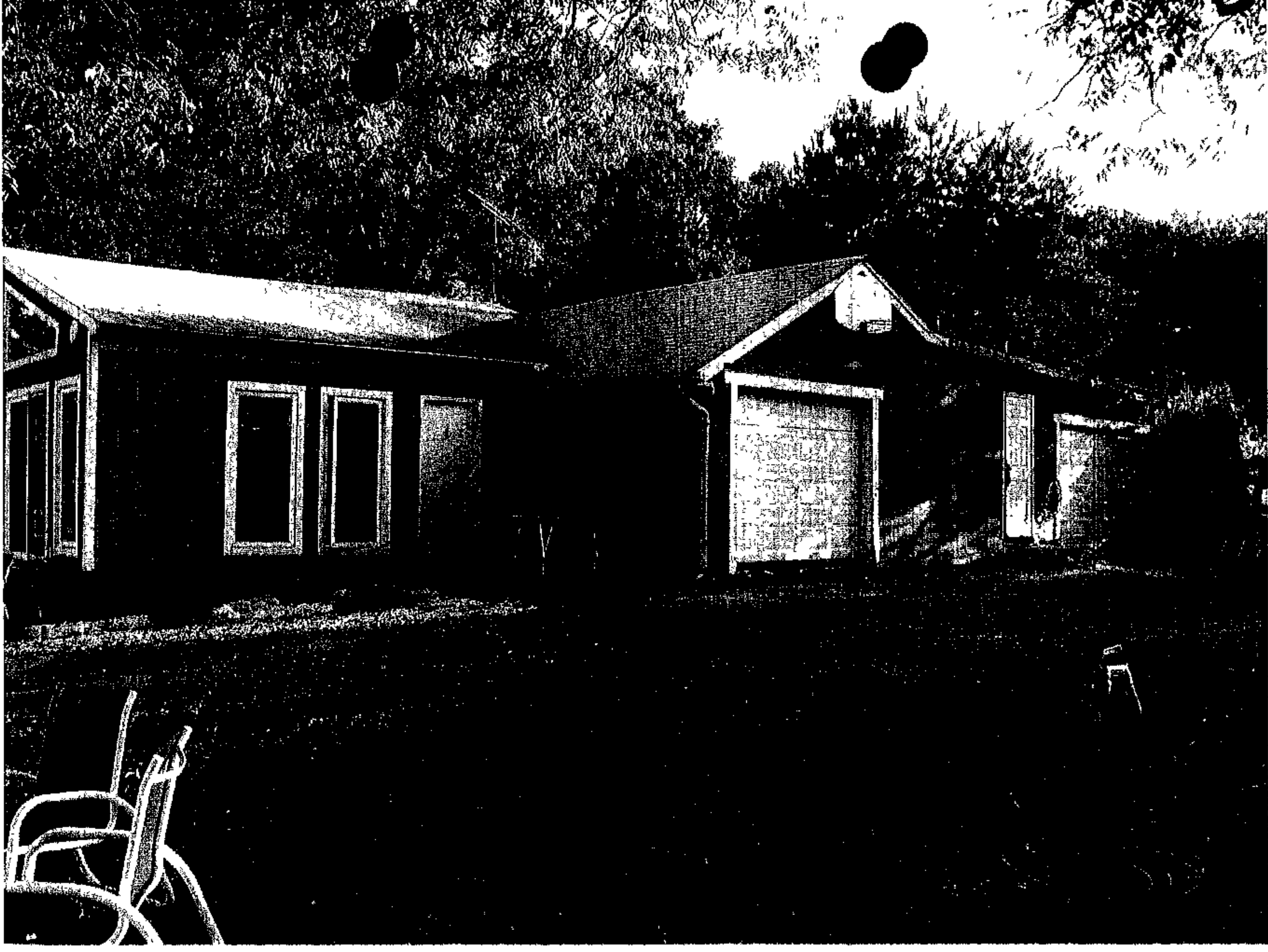
My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



From Front Looking Back

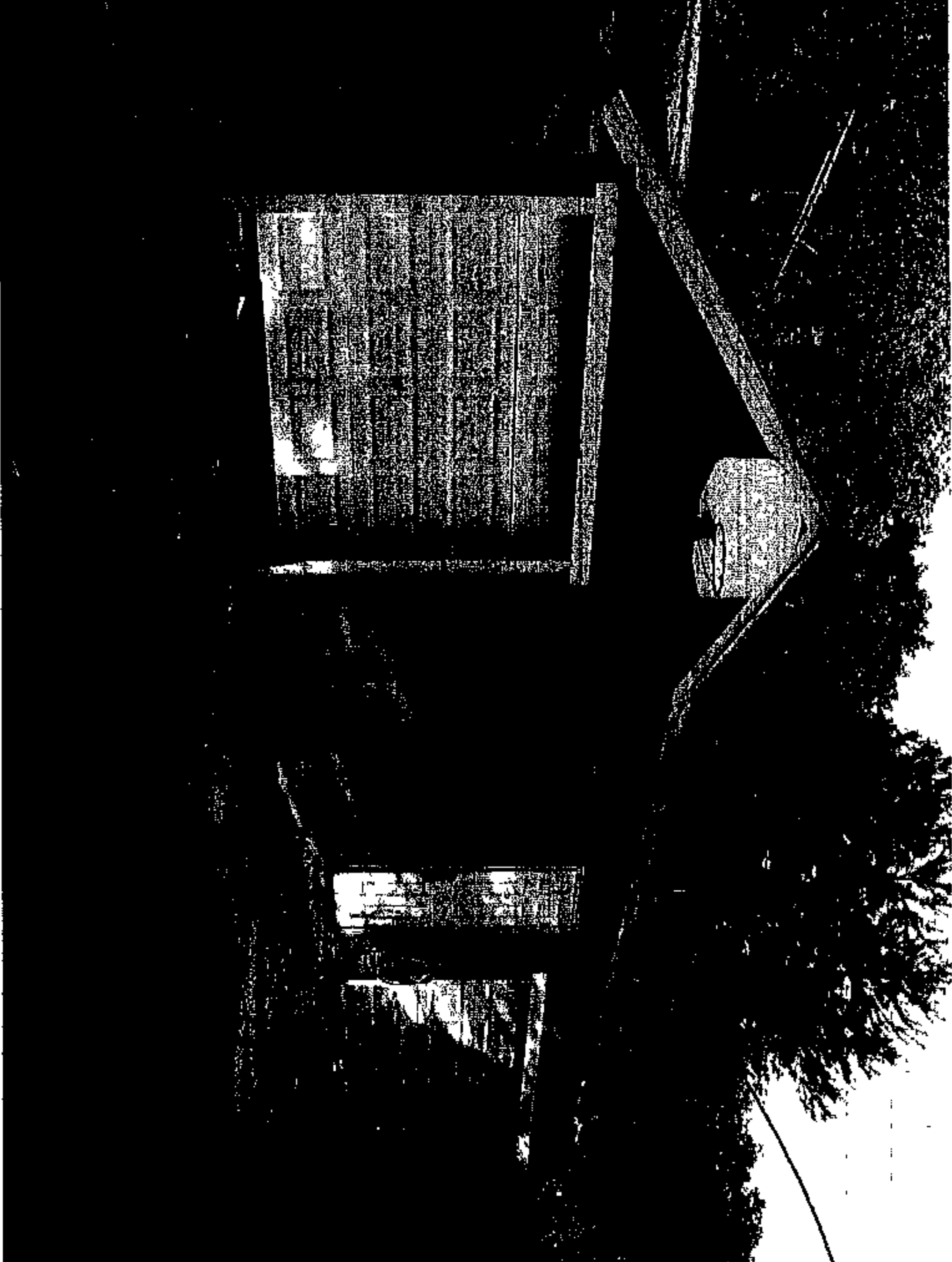


From Back Looking Front



#05-1004

#05-100 A



To Be Laid & Rebuilt

