

IN RE: PETITIONS FOR VARIANCE  
AND SPECIAL HEARING  
N/S of Beach Road, 115 ft. E  
centerline of Opie Road  
11th Election District  
5th Councilmanic District  
(11304 Beach Road)

Lone Wolf D. Silverheels  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 05-172-SPHA

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Lone Wolf D. Silverheels. The special hearing and variance requests are for property located at 11304 Beach Road in Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to use the property for a single-family dwelling with an existing garage and to amend Case Nos. 03-342-SPHA and 01-313-A. In addition, a variance is requested from Section 1A01.3B.3 of the Baltimore County Zoning Regulations, to permit a proposed dwelling with a 49 ft. setback to the centerline of the street and a side setback of 8 ft. and 18 ft. in lieu of the required 75 ft. and 35 ft. respectively and to permit an undersized lot in a subdivision recorded prior to March 30, 1955. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

This case was originally set for hearing on November 23, 2004 but because the property was not posted the Department of Permits and Development Management rescheduled the hearing to January 10, 2005 and notified the Petitioner of his obligation to post the property for this hearing. However, the property was not posted with Notice of Hearing of the January 10, 2005 hearing. A note in the file from the Petitioner indicated that the property was not posted

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Date 1/10/05

By [Signature]

and asked that the "file be put on hold". A Notice of the January 10, 2005 Zoning hearing was published in "The Jeffersonian" newspaper on December 23, 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."

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

**Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated November 17, 2004, which requested the Petition be denied as this property was the same property and the request the same request that had been considered and denied by this Commission in Case Nos. 03-342-A and 01-313-A, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was received from the Department of Environmental

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Ray

Protection & Resource Management (DEPRM), a copy of which is attached hereto and made a part hereof.

**Interested Persons**

The Petitioner did not appear at the hearing. Michael Robinson, Linda Westerfield and Diana Mellott appeared at the hearing as protestants. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

**Testimony and Evidence**

Mr. Robinson pointed out that the subject property is the same property and that the variances requested were the same requests as considered and denied in Case Nos. 03-342-A and 01-313-A. Mr. Robinson, an adjacent property owner, objected to the request for an 8 ft. side yard on his side of the property, presented photographs showing that the Petitioner raised the level of the subject property by filling, which he contended damaged his property next door, and noted that the Petitioner owned adjacent property next to the subject lot. Ms. Westerfield noted that this Commission had previously denied her a nearly identical variance on her nearby lot and that the Petitioner had opposed her requests. All protestants requested the relief be denied rather than hold onto the file. They noted that they had taken time from work and had been otherwise inconvenienced by the Petitioner's repeated requests for the same relief.

**Findings of Fact and Conclusions of Law**

The Petitioner did not appear at the hearing or submit any evidence to support his request. All testimony and evidence was in opposition to the requested relief as presented by the protestants. In addition, a review of the opinion in Case No. 03-342-A reveals that the Petitioner's claim for identical relief was denied on the basis of the doctrine of *res judicata* referring to the finding in Case No. 01-313-A. Having presented the same request and presenting nothing that would distinguish this request from the prior two cases, the Petitioner

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Date 1/11/05  
By Ray

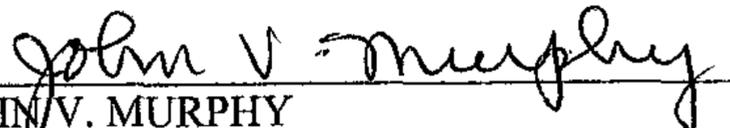
knew or should have known that his request was frivolous and would serve only to harass and annoy his neighbors. They took the time to appear at the hearing while the Petitioner did not. I find under the circumstances that the subject petition should be dismissed with prejudice.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered at the hearing by the protestants, I find that the Petitioner's variance and special hearing requests should be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11 day of January, 2005, that the Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to use the property for a single-family dwelling with an existing garage and to amend Case Nos. 03-342-SPHA and 01-313-A, be and is hereby dismissed with prejudice.

IT IS FURTHER ORDERED, the Variance requested from Section 1A01.3B.3 of the Baltimore County Zoning Regulations, to permit a proposed dwelling with a 49 ft. setback to the centerline of the street and a side setback of 8 ft. and 18 ft. in lieu of the required 75 ft. and 35 ft. respectively and to permit an undersized lot in a subdivision recorded prior to March 30, 1955, be and is hereby dismissed with prejudice.

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

NOER RECEIVED FOR FILING  
1/11/05  
Ray

## 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  
William J. Wiseman III, Zoning Commissioner

January 11, 2005

Mr. Lone Wolf D. Silverheels  
11304 Beach Road  
Baltimore, Maryland 21221

Re: Petitions for Special Hearing & Variance  
Case No. 05-172-SPHA  
Property: 11304 Beach Road

Dear Mr. Silverheels:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been denied in accordance with the enclosed Order.

*denied 1/11/05*

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 that reads "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:raj  
Enclosure

c: Michael Robinson, 11302 Beach Road, White Marsh, MD 21162  
Linda Westerfield, 11307 Beach Road, White March, MD 21162  
Diana Mellott, 19 Arlen Road, White Marsh, MD 21162

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11304 BEACH RD  
which is presently zoned RC2

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

The use of the property for a single-family dwelling with an existing garage and to amend 03-342-SPHA and 01-313-A.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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

Case No. 05-172-SPHA

**Legal Owner(s):**

Name - Type or Print LONE WOLF D SILVERHEADS

Signature Lone Wolf D Silverheads

Name - Type or Print

Signature

Address Telephone No. 410-679-8833

City State Zip Code Baltimore MD 21221

**Representative to be Contacted:**

Name

Address Telephone No.

City State Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By D. THOMPSON Date 10/6/04

ORDER RECEIVED FOR FILING  
11/10/05  
Ray  
7/19/98



# CBC Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 11304 Beach Rd  
which is presently zoned RC2

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) 1A01.3D.3. (BCZF)

To permit a proposed dwelling with a 49-foot setback to the centerline of the street and a side setback of 8-feet and 18-feet in lieu of the required 75-feet and 35-feet respectively and to permit an undersized lot in a subdivision recorded prior to March 30, 1955.

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

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

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

**Contract Purchaser/Lessee:**

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Legal Owner(s):**

LONEWOLF D SILVER HEELS  
Name - Type or Print \_\_\_\_\_  
LoneWolf D Silverheels  
Signature \_\_\_\_\_  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
410-679-8833  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
1657 CAPE MAY Rd  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Baltimore MD 21221  
**Representative to be Contacted:**

**Attorney For Petitioner:**

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Case No. 05-172-SPHA

**OFFICE USE ONLY**  
ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING  
Reviewed By D. THOMPSON Date 10/6/04

ORDER RECEIVED FOR FILING  
11/1/05  
Ray

3#

ZONING DESCRIPTION  
11304 BEACH ROAD

Beginning at a point on the north side of Beach Road, which is 40 feet wide at the distance of 115 feet east of the centerline of Opie Road, which is 40 feet wide.

Being Lot 34 in the subdivision of Bird River Beach, as recorded in Baltimore County Plat Book No. 7, Folio No. 187 and containing 10,600 square feet, more or less. Also known as 11304 Beach Road and located in the 11<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.

**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: #05-172-SPHA  
11304 Beach Road  
North side of Beach Road, 115 feet east of centerline of Opie Road  
11th Election District — 5th Councilmanic District  
Legal Owner(s): Lonewolf Silverheels

Variance: to permit a proposed dwelling with a 49 foot setback to the centerline of the street and a side setback of 8 feet and 18 feet in lieu of the required 75 feet and 35 feet respectively, and to permit an undersized lot in a subdivision recorded prior to March 30, 1955.

Special Hearing: to allow the use of the property for a single-family dwelling with an existing garage and to amend 03-342-SPHA and 01-313-A.

Hearing: Tuesday, November 23, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

WILLIAM WISEMAN

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) 887-3391.

JT 11/651 Nov. 9

29057

**CERTIFICATE OF PUBLICATION**

11/11/, 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 11/9/, 2004.

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

J. Wilkinson

FOR ADVERTISING

**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: #05-172-SPHA

11304 Beach Road

North side of Beach Road, 115 feet east of centerline of Opie Road

11th Election District — 5th Councilmanic District

Legal Owner(s): Lonewolf Silverheels

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Hearing: Monday, January 10, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM WISEMAN

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) 887-3391.  
12/25/04 December 23 33564

**CERTIFICATE OF PUBLICATION**

12/23/2004

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 12/23/2004.

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

*J. Wilkinson*

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 40313

DATE 10/6/04 ACCOUNT 0010066150  
AMOUNT \$ 130.00

RECEIVED FROM: LONEWOLF SILVERHEELS  
FOR PETITION FOR VARIANCE + SPECIAL HEARING  
05-173-SPA HIGH DENCH RD.

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

Paid RECEIPT

BUSINESS ACTUAL TIME PERM  
10/06/2004 10:00:00AM 10:45:46 2  
BY: MARY WALKER JDD MD  
RECEIPT # 28216 DISTRIBUTION ORLH  
DATE: 5 SEP 2004 10:00:00AM  
CR NO. 000013  
Receipt Tot 1130.00  
\$130.00 CR 1.00 CR  
Baltimore County, Maryland

CASHER'S VALIDATION

TO: PATUXENT PUBLISHING COMPANY  
Thursday, December 24, 2004 Issue - Jeffersonian

Please forward billing to:  
Lonewolf Silverheels 410-679-8833  
11304 Beach Road  
White Marsh, Maryland 21162-1606

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## NOTICE OF ZONING HEARING

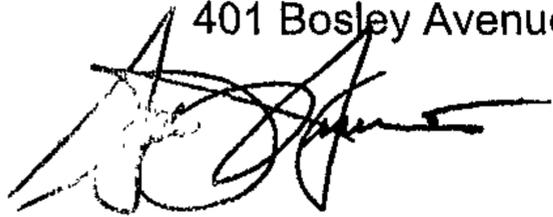
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 05-172-SPHA**

11304 Beach Road  
North side of Beach Road, 115 feet east of centerline of Opie Road  
11<sup>th</sup> Election District—5<sup>th</sup> Councilmanic District  
Legal Owner: Lonewolf Silverheels

Variance to permit a proposed dwelling with a 49 foot setback to the centerline of the street and a side setback of 8 feet and 18 feet in lieu of the required 75 feet and 35 feet respectively, and to permit an undersized lot in a subdivision recorded prior to March 30, 1955. Special Hearing to allow the use of the property for a single-family dwelling with an existing garage and to amend 03-342 SPHA and 01-313-A.

Hearing: Monday, January 10, 2005 at 10:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN  
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.

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, November 9, 2004 Issue - Jeffersonian

Please forward billing to:  
Lonewolf Silverheels 410-679-8833  
11304 Beach Road  
White Marsh, Maryland 21162-1606

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## 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:

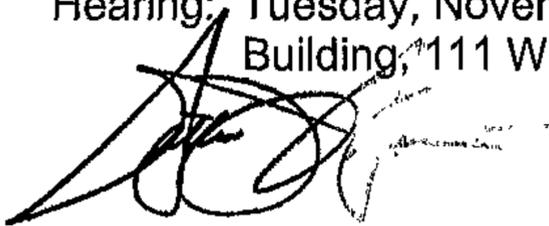
**CASE NUMBER: 05-172-SPHA**

11304 Beach Road  
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11<sup>th</sup> Election District—5<sup>th</sup> Councilmanic District  
Legal Owner: Lonewolf Silverheels

Variance to permit a proposed dwelling with a 49 foot setback to the centerline of the street and a side setback of 8 feet and 18 feet in lieu of the required 75 feet and 35 feet respectively, and to permit an undersized lot in a subdivision recorded prior to March 30, 1955.

Special Hearing to allow the use of the property for a single-family dwelling with an existing garage and to amend 03-342 SPHA and 01-313-A.

Hearing: Tuesday, November 23, 2004 at 11:00 am, in Room 106 Baltimore County Office Building, 111 West Chesapeake Avenue



WILLIAM WISEMAN  
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.



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

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

November 19, 2004

**NEW 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: 05-172-SPHA**

11304 Beach Road  
North side of Beach Road, 115 feet east of centerline of Opie Road  
11<sup>th</sup> Election District—5<sup>th</sup> Councilmanic District  
Legal Owner: Lonewolf Silverheels

Variance to permit a proposed dwelling with a 49 foot setback to the centerline of the street and a side setback of 8 feet and 18 feet in lieu of the required 75 feet and 35 feet respectively, and to permit an undersized lot in a subdivision recorded prior to March 30, 1955. Special Hearing to allow the use of the property for a single-family dwelling with an existing garage and to amend 03-342 SPHA and 01-313-A.

Hearing: Monday, January 10, 2005 at 10:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK: klm

C: Lonewolf Silverheels, 1657 Cape May Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 24, 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.





October 25, 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: 05-172-SPHA**

11304 Beach Road

North side of Beach Road, 115 feet east of centerline of Ople Road

11<sup>th</sup> Election District—5<sup>th</sup> Councilmanic District

Legal Owner: Lonewolf Silverheels

Variance to permit a proposed dwelling with a 49 foot setback to the centerline of the street and a side setback of 8 feet and 18 feet in lieu of the required 75 feet and 35 feet respectively, and to permit an undersized lot in a subdivision recorded prior to March 30, 1955.

Special Hearing to allow the use of the property for a single-family dwelling with an existing garage and to amend 03-342 SPHA and 01-313-A.

Hearing: Tuesday, November 23, 2004 at 11:00 am, in Room 106 Baltimore County Office Building, 111 West Chesapeake Avenue

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco  
Director

TK: clb

C: Lonewolf Silverheels 1657 Cape May Road Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 8, 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.**



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 05-172-SPHA

Petitioner: SILVERHEELS

Address or Location: 11304 BEACH RD.

PLEASE FORWARD ADVERTISING BILL TO

Name: LONEWOLF SILVERHEELS

Address 11304 BEACH RD.

WHITE MARSH, MD 21162-1606

Telephone Number: 410-679-8833

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** November 4, 2004

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 1, 2004  
Item Nos. 172, 174, 183, 184, 186,  
187, 188, 189, 190, 191, 192, and  
193

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

RWB:CEN:jrb

cc: File

## 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

October 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.: 172, 174, 177, 183-195

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](http://www.baltimorecountyonline.info)



# BALTIMORE COUNTY, MARYLAND

*PP*  
*11/10/05*

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** November 17, 2004

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

RECEIVED

NOV 18 2004

**SUBJECT:** 11304 Beach Road

ZONING COMMISSIONER

**INFORMATION:**

**Item Number:** 5-172

**Petitioner:** Lone Wolf D. Silverheels

**Zoning:** RC 2

**Requested Action:** Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning recommends that the petitioner's request to use the subject property for a single-family dwelling with an existing garage and to amend 03-342-SPHA and 01-313-A be **DENIED**. Cases 03-342-SPHA and 01-313-A were both previously denied.

This office is also of the opinion that the addition of a proposed single family dwelling on the subject property would severely encroach upon the side yard setbacks required under current BCZR. Furthermore, RC 2 zoned property cannot have more than one dwelling unit without sufficient acreage.

**Prepared by:** *Mark A Cunningham*

**Division Chief:** *John J. [Signature]*

**AFK/LL:MAC:**

ORDER RECEIVED FOR FILING  
Dat- 11/10/05  
By- [Signature]

*Handwritten initials and date: P.P. Jan 11/10*

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

TO: Tim Kotroco  
PDM

FROM: John D. Oltman, Jr *JDO*  
DEPRM

DATE: November 29, 2004

SUBJECT: Zoning Item # 05-172  
Address 11304 Beach Road (Silverheel Property)

**RECEIVED**

NOV 30 2004

**ZONING COMMISSIONER**

Zoning Advisory Committee Meeting of October 25, 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:

       Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

       Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

  X   Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Must comply with the Limited Development Area section of the CBCA Regulations limiting Maximum Impervious Surface to 25%.

**ORDER RECEIVED FOR FILING**

*Handwritten: Date 11/11/05 By Ray*

Reviewer: Martha Mickey

Date: November 29, 2004



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

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

Maryland Department of Transportation

Date: 11.9.04

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

RE: Baltimore County  
Item No. 172 DT

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, Chief  
Engineering Access Permits Division

**BALTIMORE COUNTY, MARYLAND**  
**Interoffice Memorandum**

DATE: October 13, 2004  
TO: Zoning Commissioner & File  
FROM: Donna Thompson, Planner II, Zoning Review  
SUBJECT: Item #172  
11304 Beach Rd.,  
11 Election District

Applicant Lonewolf Silverheels, formally known as Daniel Dupont has requested to build a single-family dwelling on a lot with 10,600 square feet in a R.C. 2 zone. Mr. Silverheels also owns the adjacent undersized lot located at 11306 Beach Road. Mr. Silverheels has made several attempts through zoning hearings to build on this lot. Enclosed please find copies of previous zoning orders. Also attached are the Maryland State Tax records for these lots.

DT

Attachment

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCE \* ZONING COMMISSIONER  
11304 Beach Road; N/side Beach Road, \*  
115' E c/line Opie Road \*  
11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts \* FOR  
Legal Owner(s): Lonewolf Silverheels \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 05-172-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**RECEIVED**

OCT 23 2004

Per.....

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to Lonewolf Silverheels, 1657 Cape may Road, Baltimore, MD 21221, Petitioner(s).

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

**Department of Permits and  
Development Management**



**Baltimore County**

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

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

November 19, 2004

Lonewolf Silverheels  
1657 Cape May Road  
Baltimore, MD 21221

Dear Mr. Silverheels:

RE: Case Number: 05-172-SPHA, 11304 Beach Road

The above matter, previously scheduled for November 23, 2004, has been postponed. The hearing has been rescheduled and the new notice is attached.

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).

Very truly yours,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm



LAW OFFICES OF  
**TIMOTHY P. KNEPP**

CHARTERED

P. O. BOX 34019

BALTIMORE, MARYLAND 21221

106 NORTH MARLYN AVENUE

1 #3  
TELEPHONE (410) 686-5151

FAX (410) 686-0852

October 11, 2002

Mr. Daniel H. Dupont  
11306 Beach Road  
White Marsh, MD 21162-1606

*Dan*

Dear Mr. Dupont,

Enclosed is a certified copy of an Order changing your name to Lonewolf Daniel Silverheels.

Congratulations!

Very Truly Yours,

*Tim Knepp*

Timothy P. Knepp

TPK:dm



Click here for a plain text ADA compliant screen.

	Maryland Department of Assessments and Taxation <b>BALTIMORE COUNTY</b> Real Property Data Search	<a href="#">Go Back</a> <a href="#">View Map</a> <a href="#">New Search</a> <a href="#">Ground Rent</a>
---	---	--

STR

Account Identifier: District - 11 Account Number - 2300004335

**Owner Information**

<b>Owner Name:</b>	DUPONT DANIEL	<b>Use:</b>	RESIDENTIAL
		<b>Principal Residence:</b>	YES
<b>Mailing Address:</b>	11306 BEACH AVE WHITE MARSH MD 21162-1606	<b>Deed Reference:</b>	1) /13538/ 27 2)

**Location & Structure Information**

<b>Premises Address</b> 11306 BEACH AVE	<b>Legal Description</b> BEACH AVE BIRD RIVER BEACH
--	---

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
73	20	316					33	82		7/ 187

<b>Special Tax Areas</b>	Town Ad Valorem Tax Class	<b>Primary Structure Built</b> 2002	<b>Enclosed Area</b> 1,248 SF	<b>Property Land Area</b> 10,400.00 SF	<b>County Use</b> 04
		<b>Stories</b> 1	<b>Basement</b> NO	<b>Type</b> STANDARD UNIT	<b>Exterior</b> SIDING

**Value Information**

	Base Value	Value As Of 01/01/2003	Phase-In Assessments	
			As Of 07/01/2004	As Of 07/01/2005
Land:	32,850	32,850		
Improvements:	35,100	37,190		
<b>Total:</b>	<b>67,950</b>	<b>70,040</b>	<b>69,342</b>	<b>70,040</b>
Preferential Land:	0	0	0	0

**Transfer Information**

<b>Seller:</b> DUPONT DANIEL	<b>Date:</b> 11/20/1998	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /13538/ 27	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
HOMEOWNERS TAX CREDIT

Michael  
Robinson

: 35  
PM  
1/3/05

called to say sign was  
not posted for case no.

05-172-SPHA

in time for 1/10/05

hearing: Mail new

notice to him at

11302 Beach Rd  
White Marsh MD 21162

Hi MY NAME IS NOV. 6/04  
 LONG WOLF SILVER HILLS  
 11304 BEACH RD  
 I HAVE ZONING HEARING  
 coming up NOVEMBER  
 CASE No. = OS-172-SPHA 23 / 2004  
 I like to put on Hold  
 and I did not Post sign  
 on NOV. 18/2004  
 CALL ME NO YOU  
 Got this 410-679-8833  
 \* Thanks, you of Sh...

LONG WOLF SILVER HILLS  
 1654 CAPRE MAY RD  
 BAIT. MOUNT MD  
 21231



Development Processing  
 County Office Building  
 111. W. CHESAPEAKE AVE  
 Towson, Maryland 21204

21204+4813



# Plat to accompany Petition for Zoning Variance Special Hearing

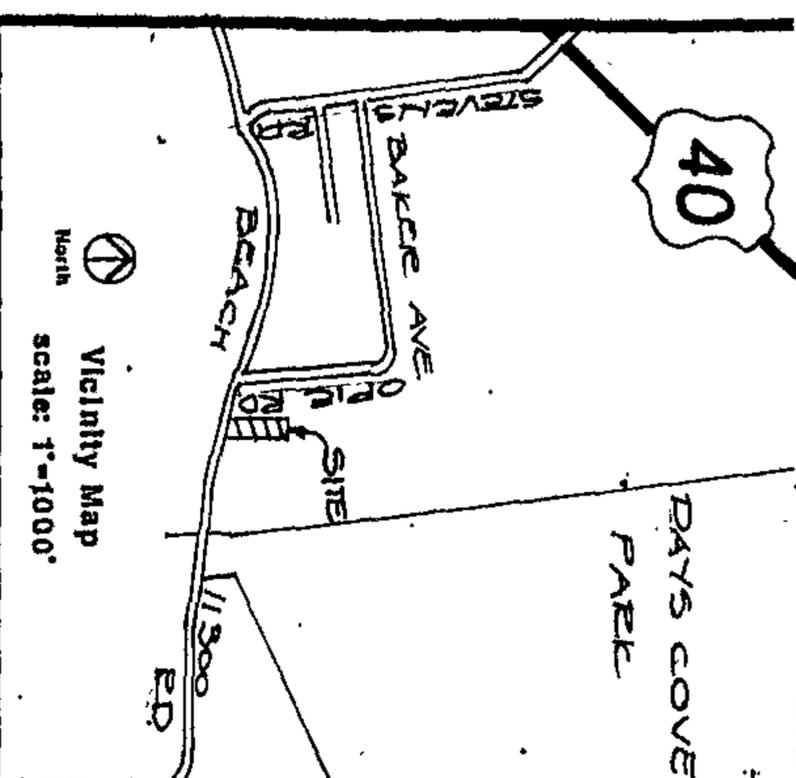
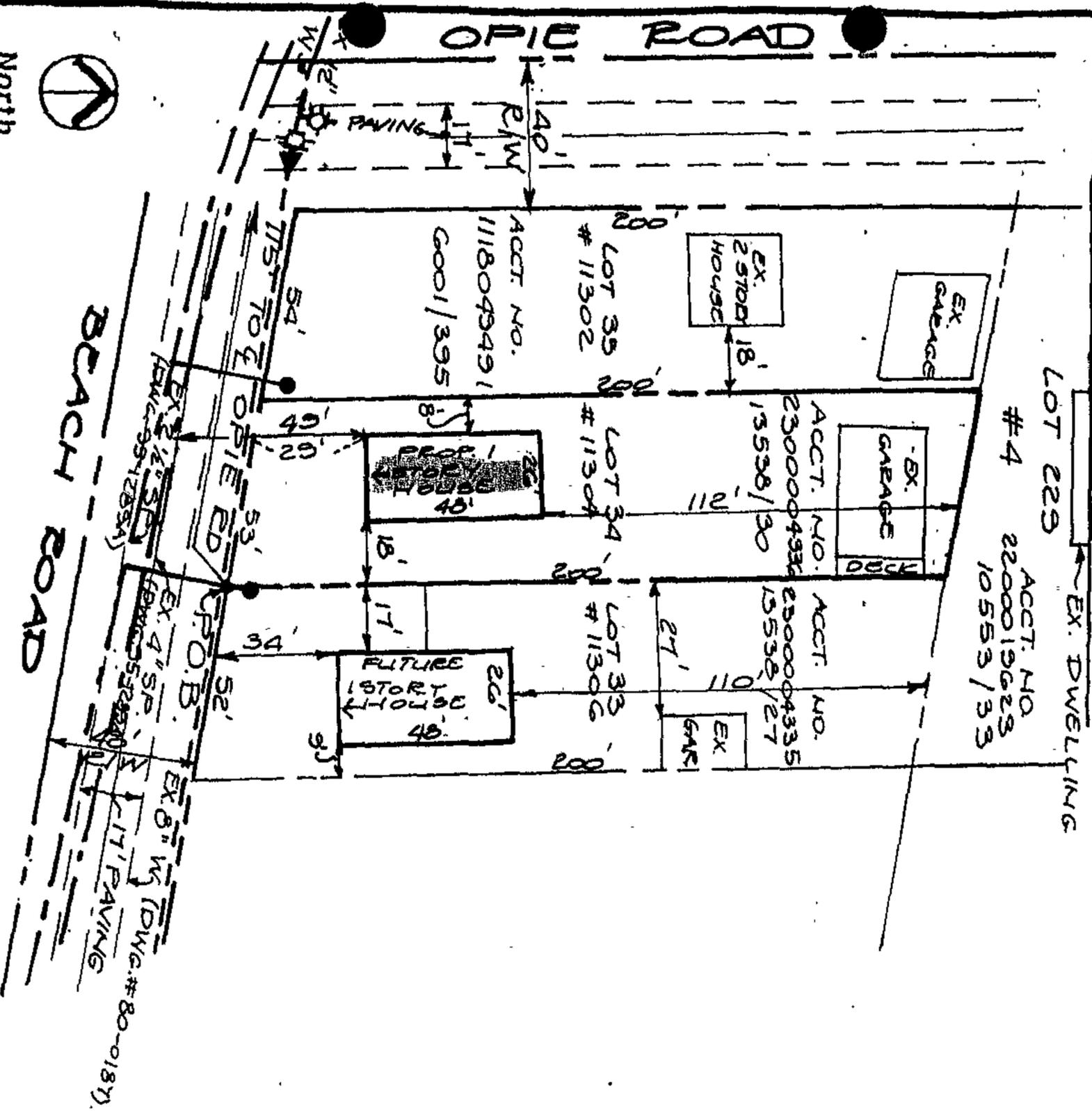
see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 1130 BEACH

Subdivision name: BIED RIVER BEACH

plat book # 7, folio # 187, lot # 34, section #

OWNER: LOVE WOLF SILVER HILLS



## LOCATION INFORMATION

Councilman District: 11

Election District: 5

1"=200' scale map#: NE-93

Zoning: PC2

Lot size: 0.243 10,600. acreage square feet

SEWER:  public  private

WATER:  YES  NO

Chesapeake Bay Critical Area:

Prior Zoning Hearings: 04-290-SPHA  
03-342-SPHA 01-313-A  
94-506-A

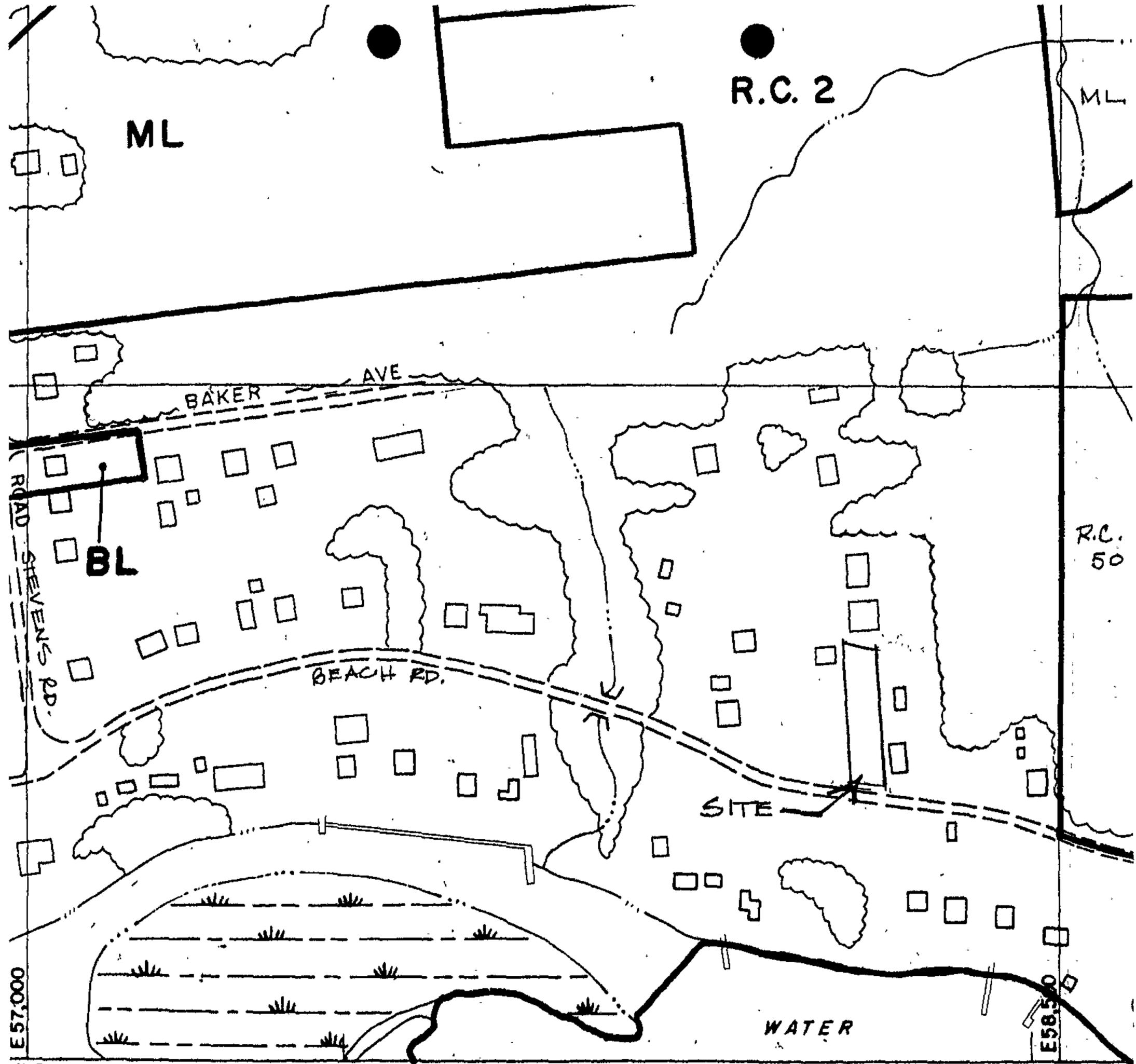
## Zoning Office USE ONLY!

reviewed by: DT Thompson ITEM #: 172 CASE#: 05-172-SPHA

North

date: EVIT

prepared by: EVIT



# COUNTY ZONING AND ZONING ZONING MAP

1" = 200'  
 MAP NO. NE. 9-J

05-172-SPHA

IN THE MATTER OF  
DANIEL HENRY DUPONT  
FOR CHANGE OF NAME TO  
LONEWOLF DANIEL SILVERHEELS

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

IN THE  
CIRCUIT COURT  
FOR  
BALTIMORE COUNTY

Case No. 03-C-02-010246

\* \* \* \* \*

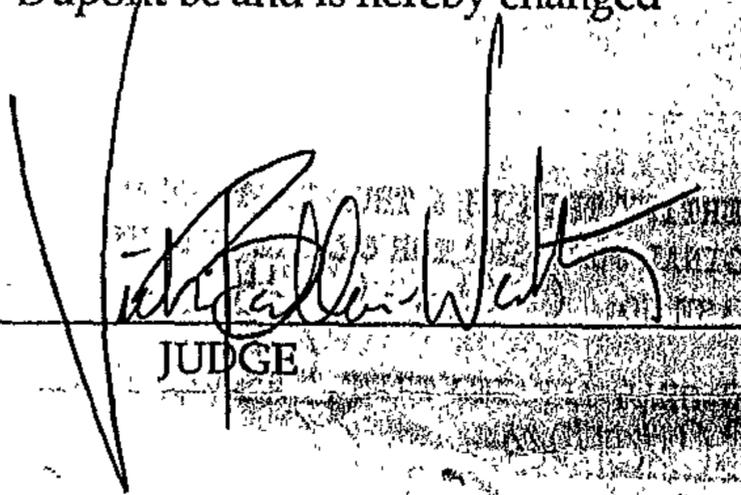
ORDER

UPON Consideration of the Petition for Change of Name,

IT IS, THEREFORE, on this 9th day of October, 2002, by the

Circuit Court For Baltimore County

ORDERED, that the name of Daniel Henry Dupont be and is hereby changed  
to **Lonewolf Daniel Silverheels.**

  
\_\_\_\_\_  
JUDGE

IN THE MATTER OF  
THE APPLICATION OF  
DANIEL H. DUPONT -LEGAL OWNER,  
/PETITIONER FOR A VARIANCE ON  
PROPERTY LOCATED AT 11304  
BEACH ROAD, N/W BEACH ROAD,  
115' E CENTERLINE OPIE ROAD  
11TH ELECTION DISTRICT  
5TH COUNCILMANIC DISTRICT

- \* BEFORE THE
- \* COUNTY BOARD OF APPEALS
- \* OF
- \* BALTIMORE COUNTY
- \* CASE NO. 01-313-A

RECEIVED

MAR 4 2003

ZONING COMMISSIONER

\* \* \* \* \*

OPINION

This matter comes before the Board as a result of a denial by the Deputy Zoning Commissioner of the Petitioner's request for relief under *Baltimore County Zoning Regulations* (BCZR) §§ 304 and 307; specifically, to allow construction of a modular structure on an undersized lot in an R.C. 2 zone (in which the minimum for such construction is 1 acre), and to vary the dimensional requirements applicable in the zone to permit a side property line setback of 7 feet and 14 feet respectively in lieu of 35 feet, and 48 feet to the centerline of the street in lieu of the 75 feet required.

The matter was heard *de novo* by the Board on March 5, 2002. Appearing on behalf of the Petitioner was Michael Freilich, Esquire. Carole S. Demilio, Deputy People's Counsel, appeared in opposition.

The Petitioner, Daniel Dupont, testified and described his purchase of lots 33 and 34 by a single deed under the address of 11306 Beach Road in 1994 from Genevieve Gerry. He related that in 1998 he conveyed the lots separately to himself under separate deeds, also obtaining a separate address and tax assessment for each. He further stated that he replaced the existing structure on Lot 33 with a new modular home on the identical residential footprint. He hoped to gain rental income from a similar modular home to be placed on adjacent Lot 34.

Richard Matz, a professional engineer well known to the Board, was presented and accepted as an expert in engineering. He testified as to the preparation of the plat in support of Petitioner's request. He described the property as well as the surrounding area and outlined various difficulties inherent in the

IN RE: PETITIONS FOR SPECIAL HEARING  
AND VARIANCE – N/S Beach Road,  
115' E of Opie Road  
(11304 Beach Road)  
11<sup>th</sup> Election District  
5<sup>th</sup> Council District

Daniel Dupont (aka Lonewolf Silverheels)  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 03-342-SPHA

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Daniel Dupont, also known as Lonewolf Silverheels. The Petitioner requests a special hearing to approve the use of the subject property for a single-family dwelling and an existing garage with a height of 24 feet. In addition, variance relief is requested from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 49 feet in lieu of the required 75 feet, and side yard setbacks of 9 feet and 18 feet in lieu of the required 35 feet each for a single family dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing was Timothy P. Knepp, Esquire. Mr. Dupont/Silverheels did not appear at the hearing and no testimony was offered on his behalf. There were no Protestants or other interested persons present.

The property under consideration is a rectangular shaped parcel, 53' x 200' in dimension, located on the north side of Beach Road, just east of its intersection with Opie Road in eastern Baltimore County. The property is also known as Lot 34 of Bird River Beach and contains 10,600 sq.ft. in area, zoned R.C.2. Presently, the lot is improved with a two-story garage to the rear of the parcel, which has been the subject of an ongoing zoning violation. Pursuant to documentation contained within the case file, the Petitioner obtained approval for the existing

ORDER RECEIVED FOR FILING

Date 4/10/03

By [Signature]

IN RE: PETITIONS FOR SPECIAL HEARING  
AND VARIANCE – S/S Cape May Road,  
80' W of the c/l Schotts Lane  
(1657 Cape May Road)  
15<sup>th</sup> Election District  
6<sup>th</sup> Council District

Lonewolf Silverheels, Legal Owner/  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 04-290-SPHA

\* \* \* \* \*

ORDER OF DISMISSAL

This matter came before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance, filed by the owner of the subject property, Lonewolf Silverheels. The Petitioner sought special hearing relief to approve an accessory building (replacement garage) larger than either dwelling on the subject property. In addition, variance relief was requested from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 22 feet in lieu of the maximum allowed 15 feet.

The matter was scheduled for a public hearing on Thursday, February 19, 2004; however, was postponed at the request of the Petitioner/property owner and rescheduled for Friday, March 19, 2004. The Petitioner was notified in writing of the rescheduled hearing date and time by letter dated January 29, 2004 from Timothy M. Kotroco, Director of the Department of Permits and Development Management. Pursuant to that letter, the Petitioner was advised that the property need be posted by a County-approved sign poster with a sign giving notice of the public hearing by no later than March 4, 2004. No one appeared at the hearing on March 19, 2004 and attempts to reach the Petitioner by telephone at the number given on the Petition form were unsuccessful. Moreover, there was no indication in the case file that the property had been duly posted as required. By letter dated March 19, 2004, the Petitioner was advised to contact the undersigned Zoning Commissioner within 15 days of that date to advise whether he wished to proceed with the matter or withdraw his request. There being no verbal or written response

ORDER RECEIVED FOR FILING  
Date 4/25/04  
By [Signature]



(20-11)

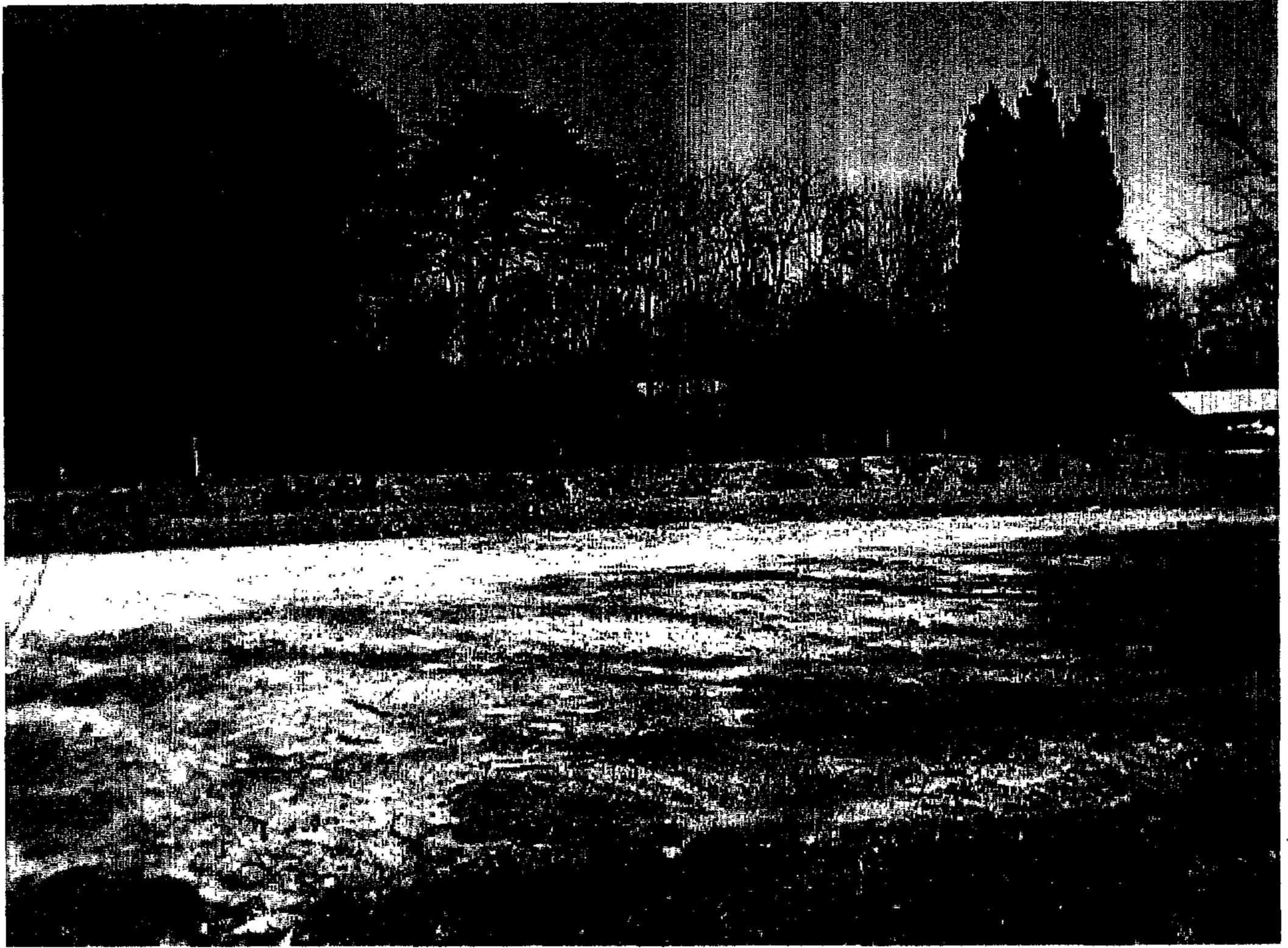


Photo #2



chank

