

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Franklinville Road, 805 ft. S
centerline of Chapman Road
11th Election District
3rd Councilmanic District
(11545 Franklinville Road)

Concetta & Charles E. Hergenroeder
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-353-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 Concetta and Charles E. Hergenroeder. The variance request is for property located at 11545 Franklinville Road in the Upper Falls area of Baltimore County. The variance is requested from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 15 ft. in lieu of the required 50 ft. for a proposed two-story addition. 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 January 23, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agency: A ZAC comment was submitted by the Office of Planning dated February 3, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated February 3, 2004, a copy of which is attached hereto and made a part hereof.

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

ORDER RECEIVED FOR FILING

2/15/05

By [Signature]

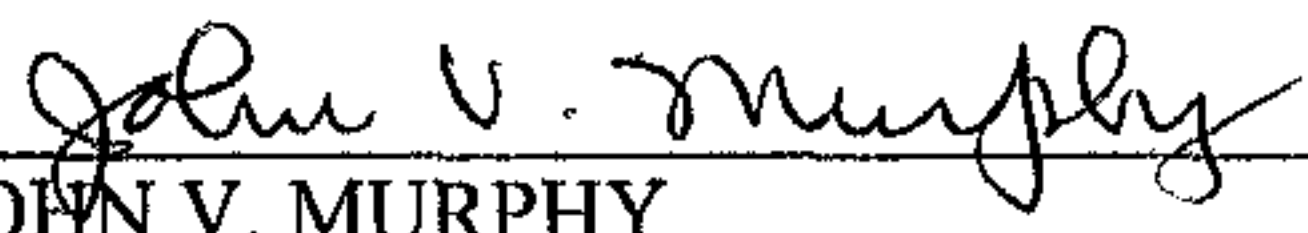
to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict 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, this 15 day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 15 ft. in lieu of the required 50 ft. for a proposed two-story addition, be and it is hereby APPROVED, 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. Compliance with the ZAC comments submitted by the Office of Planning dated February 3, 2005, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments submitted by DEPRM dated February 3, 2004, a copy of which is attached hereto and made a part hereof.
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

ORDER RECEIVED FOR FILING
2/15/05
[Handwritten initials]

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

February ¹⁵/~~14~~, 2005

Mr. & Mrs. & Charles E. Hergenroeder
11545 Franklinville Road
Upper Falls, Maryland 21156

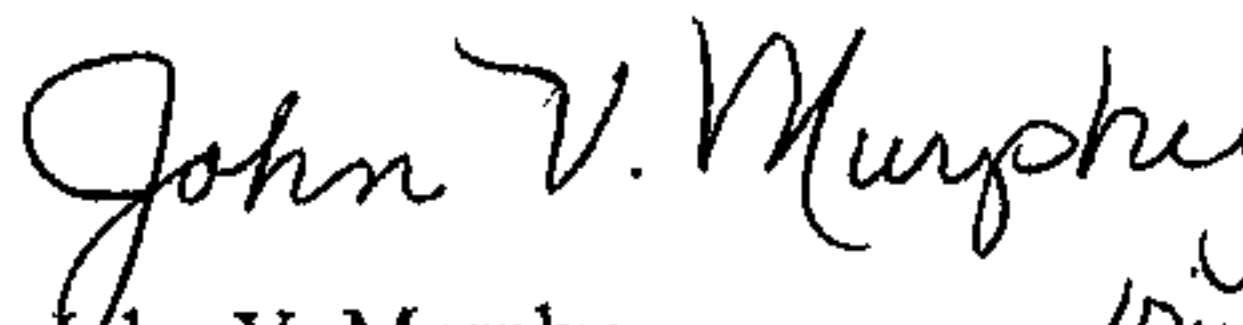
Re: Petition for Administrative Variance
Case No. 05-353-A
Property: 11545 Franklinville Road

Dear Mr. & Mrs. Hergenroeder:

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,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11545 Franklinville Rd.
which is presently zoned RC5

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

1 A04, 3.B.2.b

To Permit a side yard setback of 15ft in lieu
of 50ft. and if Franklinville Rd. is determined to be
a collector road to allow a street centerline setback of 100ft
in lieu of 150ft.

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

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

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.

Zoning Commissioner of Baltimore County

CASE NO. 05 353 A

Reviewed By JL

Date

1/12/05

REV 10/25/01

Estimated Posting Date

1/23/05

ORDER RECEIVED FOR FILING

2/15/05
[Signature]

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

Address

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):

- 1.) There are 4 children & 2 adults living in a three bedroom house, forcing 3 girls in one bedroom.
- 2.) Available bedroom is too small for 3 beds & ceiling height is too low for a bunk beds.
- 3.) Zoning was changed for new homes bldgs after the original property was built.

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.

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of January, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles E. Hergenroeder, Jr. and Concetta Hergenroeder
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Notary Public

My Commission Expires

MY COMMISSION EXPIRES 5/01/08

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 11545 Franklinville Rd
Address
Upper Falls Md 21156
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):

- 1.) There are 4 children & 2 adults living in a three bedroom house, forcing 3 girls in one bedroom.
- 2.) Available bedroom is too small for 3 beds & ceiling height too small for bunk beds.
- 3.) Zoning was changed for new home bldgs. after the original property was built.

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.

Charles E. Hergenroeder
Signature
Charles E. Hergenroeder
Name - Type or Print

Concetta Hergenroeder
Signature
Concetta Hergenroeder
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of January, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles E. Hergenroeder Jr. & Concetta Hergenroeder
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Patricia A. Kinnear
Notary Public

My Commission Expires MY COMMISSION EXPIRES 5/01/08



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11545 Franklinville Rd.
which is presently zoned RC5

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

1 A04.3.B.2.b

To Permit a side yard setback of 15ft in lieu
of 50ft. ~~and if Franklinville Rd. is determined to be~~
~~a collector road to allow a street centerline setback of 100ft~~
~~in lieu of 150ft.~~

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

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

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 05 day of March, 2005, 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.

Zoning Commissioner of Baltimore County

CASE NO. 05 353 A

REV 10/25/01

Reviewed By VL

Date 1/12/05

Estimated Posting Date

1/23/05

BAITMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

353 No. 42623

DATE

11/2/05

ACCOUNT

001 006 6150

RECEIVED
FROM

HERSCHEL

AMOUNT \$

65.00

FOR

Re: Vanance

11545 Franklin Rd

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

AMOUNT \$ 65.00

DATE 11/2/05

RECEIVED BY

11/2/05 12:00 PM

5 200 0000000000000000

IN AM. DATED

65.00

400.00

11/2/05

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-353-A

Petitioner/Developer: _____

CHARLES HERGENROTTER JR

Date of Hearing/Closing: 2/7/05

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

Attention:

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 _____

11545 FRANKLINVILLE RD

The sign(s) were posted on 1/23/05
(Month, Day, Year)

CASE # 05-353-A

Sincerely,

Richard E. Hoffman 1/23/05
(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)

11545 FRANKLINVILLE RD
POSTED 1/23/05
Richard E. Hoffman 1/23/05

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 353 -A Address 11545 FRANKLINVILLE RD

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/12/05 Posting Date: 1/23/05 Closing Date: 2/07/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 353 -A Address 11545 FRANKLINVILLE RD

Petitioner's Name HERGENROEDER Telephone 410 817 6914

Posting Date: 1/23/04 Closing Date: ~~1/23/04~~ 2/07/05

Wording for Sign: To Permit A SIDEYARD SETBACK OF 15 FT. IN LIEU OF 50 FT
AND (IF ON A COLLECTOR RD) A STREET CENTERLINE SETBACK OF 100 FT IN LIEU
OF 150 FT. FOR A PROPOSED ADDITION.

WCR - Revised 6/25/04

**Department of Permits and
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*

February 7, 2005

Charles Hergenroeder
Concetta Hergenroeder
11545 Franklinville Road
Upper Falls, Maryland 21156

Dear Mr. and Mrs. Hergenroeder:

RE: Case Number:05-353-A , 11545 Franklinville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 12, 2005.

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 the typed name.

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

January 25, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 348, 349, 351, 353-358

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 1.21.05

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

RE: Baltimore County
Item No. 353 JLL

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

AN
2/7

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr ^{JDO}
DEPRM

DATE: February 3, 2005

SUBJECT: Zoning Item # 05-353
Address 11545 Franklinville Road

RECEIVED

FEB - 3 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of January 24, 2005.

_____ 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).

_____ 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:

An inspection of the existing well and septic system will be required prior to building permit approval.

Reviewer: Sue Farinetti

Date: February 3, 2005

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

UNDER RECEIVED FOR FILING

2/15/05

Raf

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 3, 2005

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

RECEIVED

FEB - 4 2005

SUBJECT: 11545 Franklinville Road

INFORMATION:

Item Number: 5-353

Petitioner: Charles E. Hergenroeder

Zoning: RC 5

Requested Action: Administrative Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a side yard setback of 15 feet in lieu of the minimum required 50 feet, or to permit a 100-foot street centerline setback of 100 feet. However, the subject property is an existing lot of record that is not within a subdivision approved by record plat. As such, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of the existing dwelling.
2. Submit building elevations of the proposed addition to this office for review and approval prior to the issuance any building permit. The proposed addition shall be compatible in exterior building materials, color, and architectural detail as that of the existing dwelling.

MAILED 2/15/05

2/15/05

By [Signature]

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Mark A. Cunningham

Division Chief: Lynne Parker

MAC/LL

NOTED RECEIVED FOR FILING

DATE

2/15/05

BY

Rag

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 9, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 31, 2005
Item Nos. 353

The Bureau of Development Plans Review has reviewed the subject-zoning items.

The minimum right-of-way for Franklinville Road shall be 40-foot wide.

RWB:CEN:cp

cc: File



RCG

Copyright (C) 2003 Baltimore County, Maryland



353

Subject House on Right. Addition
to be located on left side. and
will be within 15' of property line.

Subject Property
 Chapman Rd
 Franklinville
 BRADSHAW RD

Location Information
 Council District 3RD.
 Election District II

1" = 40' scale

Zoning RC5

Lot Size $\frac{.57}{\text{Acreage}}$
 23086 sq ft

Public ☐

Sewer ☐

Water ☐

Chesapeake Bay
 Critical Area

100 Yr Flood Plain ☐

Historic Property/
 Building ☐

Prior Zoning
 Hearing

BLDG COVERAGE = 13.9% ±
 MAX HT NOT TO EXCEED 35'

353

Yes ☐ No ☒
 Yes ☐ No ☒
 Yes ☐ No ☒

None

MORTGAGE INSPECTION DRAWING

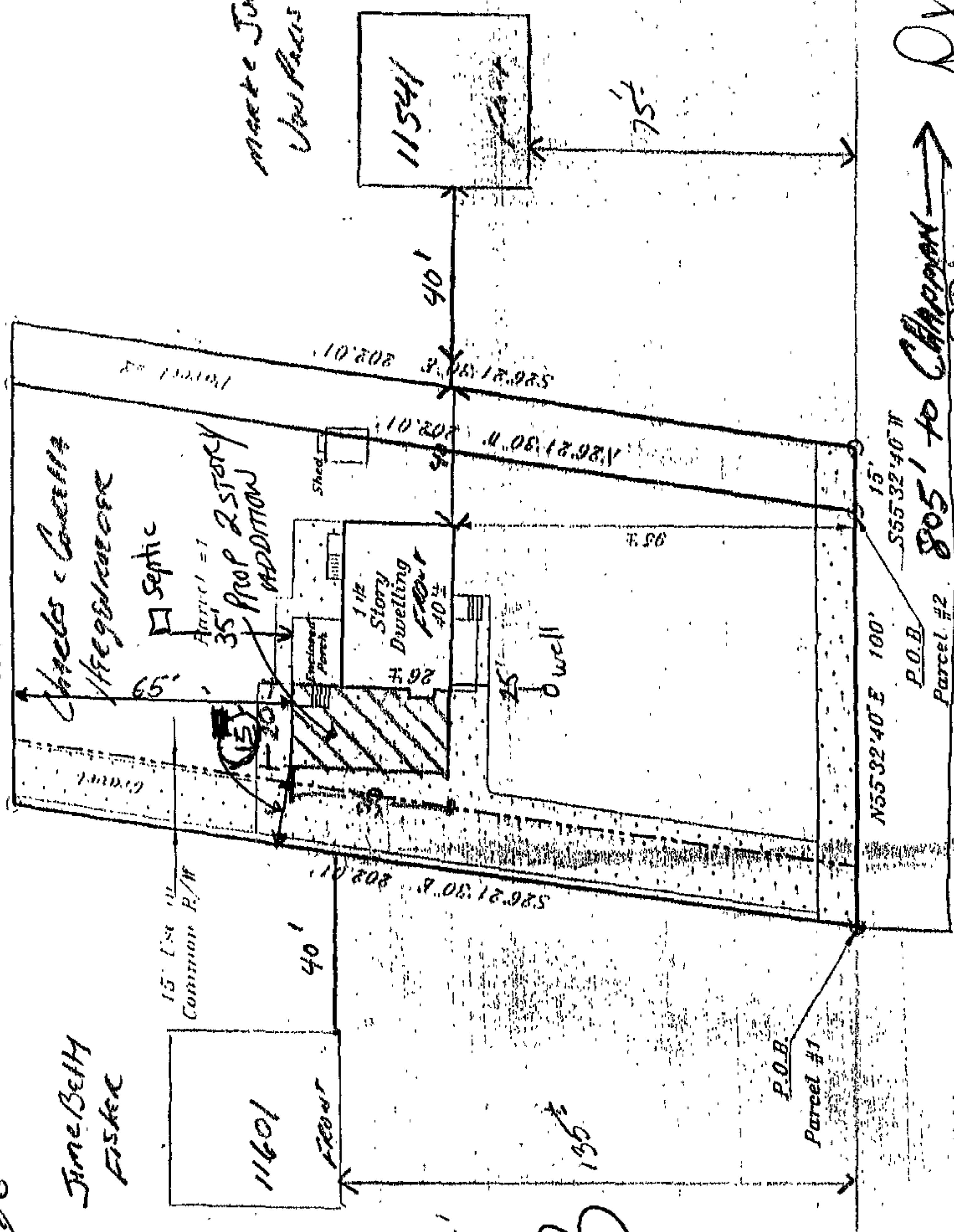
APPLICANT IS RESPONSIBLE
 FOR THE INFORMATION
 ON THIS PLAN & PETITION
 FORMS.

1-12-05
 JMB

June Betty
 Fisker

APPLICANT ADVISED OF PERFORMANCE STANDARDS
 REVIEW REQUIRED & TOCD TO DISCUSS THESE
 ISSUES WITH O.P. & DEPRM (ASAP).

S55°32'10" W 100'
 N55°32'10" E 100'



Parcel #1
 Parcel #2
 P.O.B.
 S55°32'10" W 100'
 N55°32'10" E 100'

FRANKLINVILLE ROAD
 20' R/W ±

Property lies in Flood Zone

VACILLANCE PLAN