

IN RE: PETITION FOR VARIANCE
W/S Middle River Road, 63' NW of the c/l
Clover Lane
(602 Middle River Road)
15th Election District
6th Council District

Joseph Welsch (Deceased) and
Delores D. Welsch - Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-446-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Joseph Welsch (deceased), and his wife, Delores D. Welsch. The Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a rear yard setback of 22 feet in lieu of the required 30 feet, and a lot area of 5,432 sq.ft. in lieu of the required 6,000 sq.ft. and approval of the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other relief deemed necessary by the Zoning Commissioner for a proposed 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 on behalf of the Petitioners was Vincent J. Moskunas, with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property, and Steve Smith, the Contract Purchaser. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped, unimproved lot located on the west side of Middle River Road, just north of Clover Lane in Middle River. The property is located in an area of mixed commercial/residential uses. As shown on the site plan, a church is located immediately to the north, a bar and parking lot to the south, a dwelling to the west, and The Village Gardens (an apartment complex), which is being

ORDER RECEIVED FOR FILING
Date 5/16/15
By [Signature]

razed, is located across the street from the site to the east. The property contains a gross area of 5,432 sq.ft., more or less, zoned D.R.5.5, and is served by public water and sewer. The property has approximately 62 feet of frontage on Middle River Road and is 90 feet deep; however, widens to 70 feet across the rear. The Petitioners have contracted to sell the property to Mr. Smith who is desirous of constructing a single family dwelling thereon. However, in view of its small size, the requested variance relief is necessary in order to proceed.

On behalf of the Petitioners, Mr. Moskunas testified that he searched the deed for the property back to 1936. At that time, the property contained 6,260 sq.ft. and was improved with a dwelling, as shown on Water Drawing No. 31-214, a copy of which was submitted into evidence as Petitioner's Exhibit 3. The area of the property was diminished in 1960 due to a right-of-way acquired by Baltimore County's Department of Public Works for widening Middle River Road. Although the site meets the minimum width requirements for D.R.5.5 zoned land, the regulations require a minimum lot area of 6,000 sq.ft. and side yard setbacks of 25 feet. Moreover, a minimum rear setback of 30 feet is required. Thus, the requested variance relief is necessary in order to proceed. As shown on the site plan, the proposed dwelling will be located 20' from the front property line adjacent to Middle River Road, which is consistent with other dwellings/buildings in the area. Moreover, side yard setbacks of 12 feet and 18 feet are proposed, as well as a 22-foot setback to the rear.

Based upon all of the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear that strict compliance with the zoning regulations would cause a practical difficulty and unreasonable hardship in preventing reasonable use of the land for a permitted purpose. Indeed, prior to the highway widening in 1960, the property met all pertinent requirements for development purposes. Thus, this lot is unique in a zoning sense. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one appeared in opposition to the request. Thus, it appears that the relief can be granted without detriment to the surrounding locale. However, as a condition to this approval, the

ORDER RECEIVED FOR FILING

Date

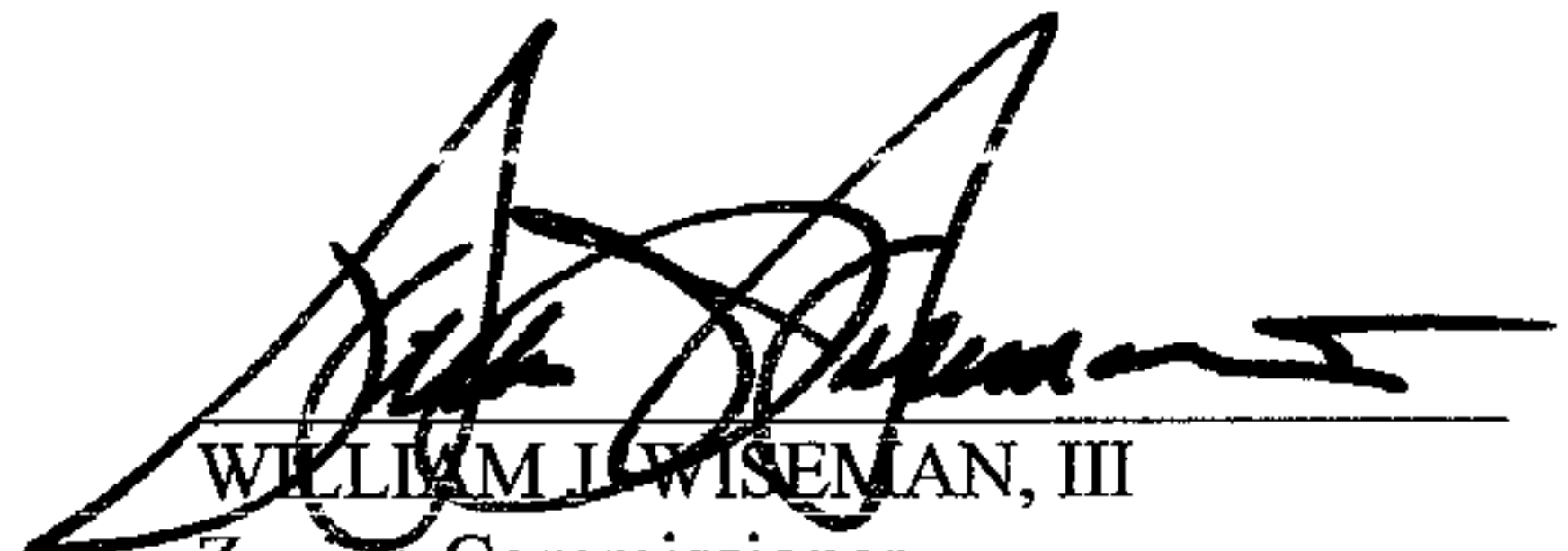
By

proposed development shall comply with the recommendations made by the Office of Planning within its ZAC comment dated April 15, 2005, a copy of which is attached hereto.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of May 2005 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a rear yard setback of 22 feet in lieu of the required 30 feet, and a lot area of 5,432 sq.ft. in lieu of the required 6,000 sq.ft. and approval of the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, Petitioners shall comply with the recommendations made by the Office of Planning within its ZAC comment dated April 15, 2005, a copy of which is attached hereto and made a part hereof.
- 3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM I. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date

By

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

May 6, 2005

Ms. Delores Welsch
318 Ida Avenue
Baltimore, Maryland 21221

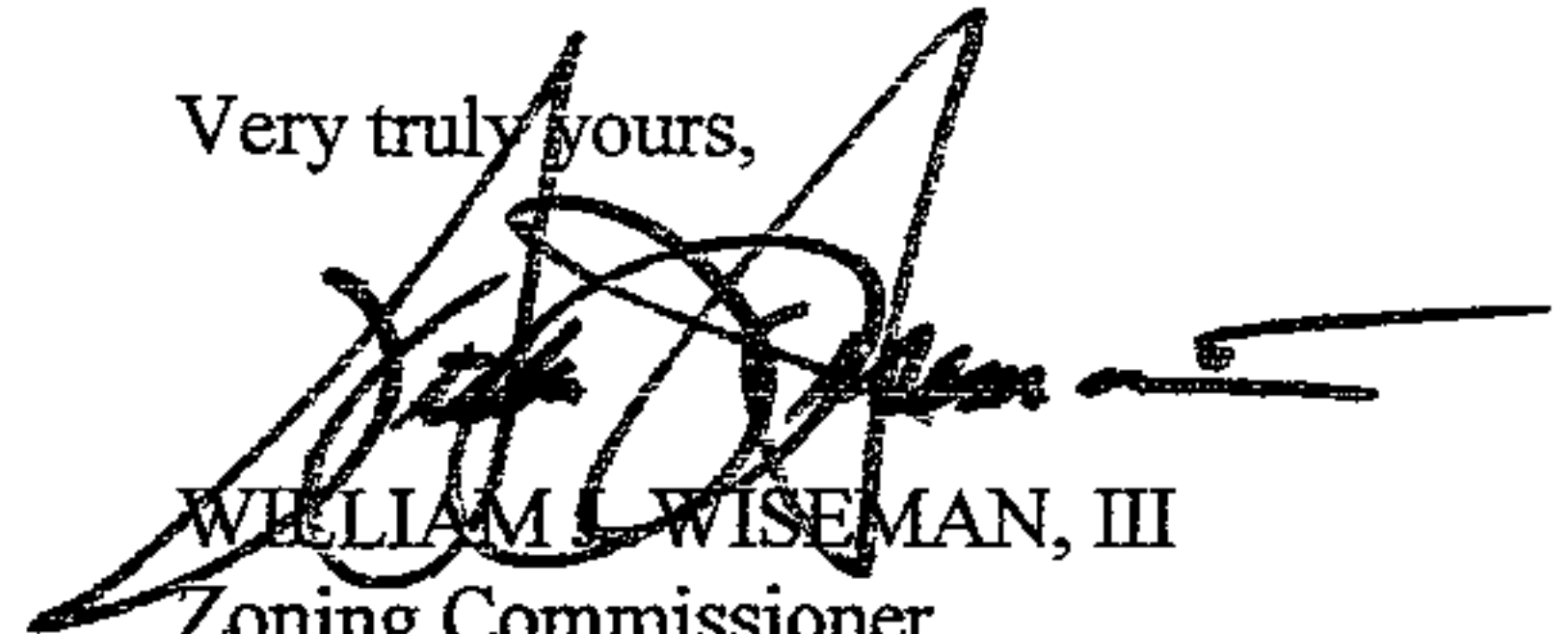
RE: PETITION FOR VARIANCE
W/S Middle River Road, 63' NW of the c/l Clover Lane
(602 Middle River Road)
15th Election District – 6th Council District
Joseph Welsch (Deceased) and Delores D. Welsch - Petitioners
Case No. 05-446-A

Dear Ms. Welsch:

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

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

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Vincent Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Room 101, Towson, Md. 21286
Mr. Steve Smith, 8008 Solley Road, Glen Burnie, Md. 21060
Office of Planning; People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 602 Middle River Road
which is presently zoned D.R.5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C.1 AND 304.2 BCZR To allow a rear yard setback of 22' in lieu of the required 30' and a lot area of 5,432 sq. ft. in lieu of the required 6,000 sq. ft. And to approve an undersized lot per section 304 and to approve any other relief deemed necessary by zoning commissioner.

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

1. Property has been under the same ownership since August 1959, 6,232 S.F. In 1968 a highway widening was taken, thus reducing the lot area to 5,432 S.F.
2. There is no adjacent ownership in order to meet the B.C.Z.R.
3. This request is within the spirit and intent of the B.C.Z.R. and granting such a request will not adversely affect the health or safety of the community.

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Joseph Welsch

Signature

Delores Welsch

Name - Type or Print

Signature

Steve Smith

318 Ida Avenue

(443) 463-3444

Address

Telephone No.

Baltimore

MD

21221

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Rm 101

(410) 828-9060

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JP

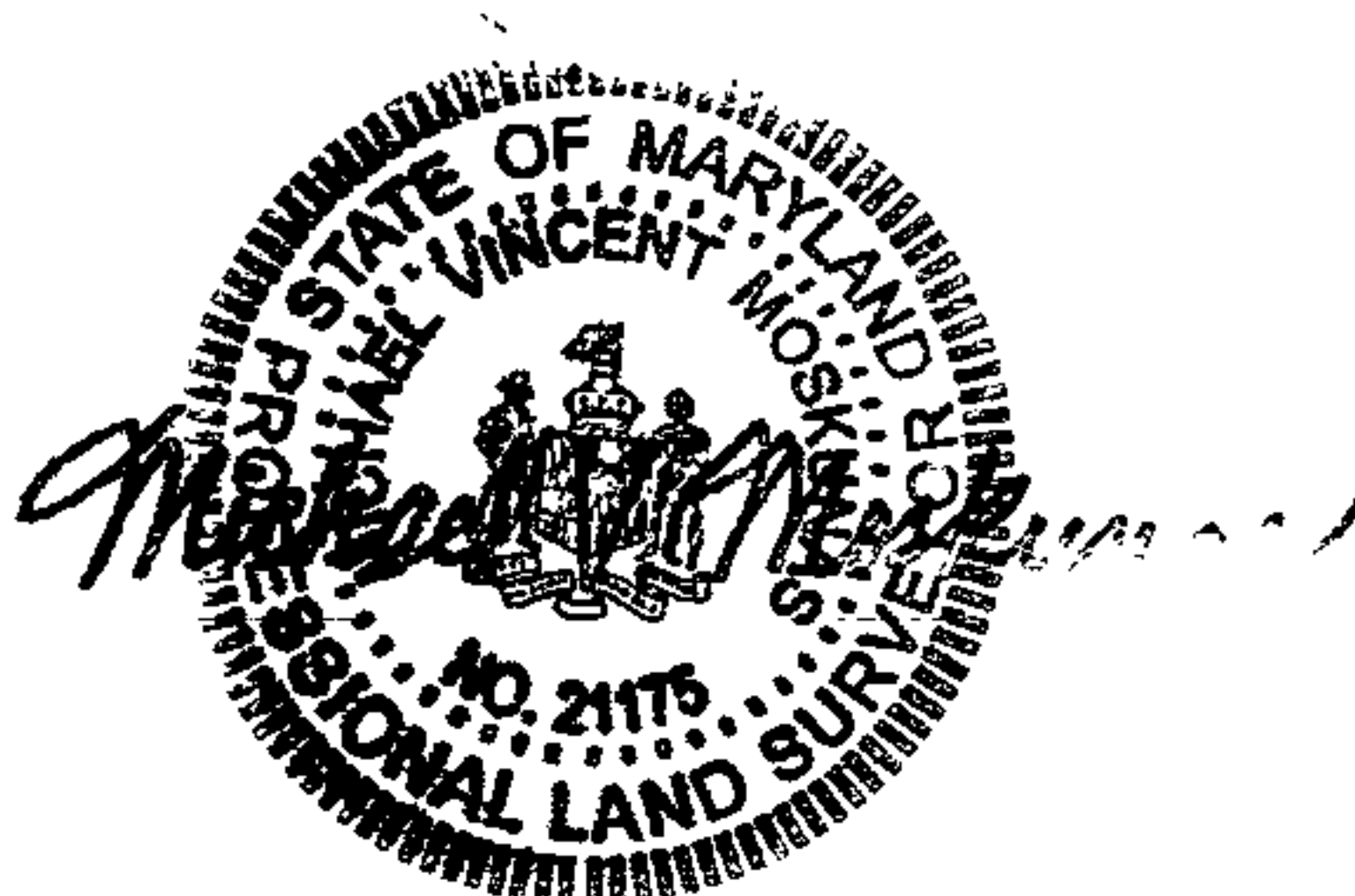
Date

3/9/05

ORDER RECEIVED FOR FILING
Date 5/6/05
By [Signature]
Case No. 05-446-A

ZONING DESCRIPTION
#602 MIDDLE RIVER ROAD

BEGINNING at a point on the west side of Middle River Road which is 60 feet wide at the distance of 63 feet northwest of the centerline of Clover Lane which is 20 feet wide as recorded in Deed Liber 3582, folio 225; thence running S83°14'W, 87.78 feet; thence N04°40'W, 70.06 feet; thence N89°00'E, 78.63 feet; and thence S12°20'E, 62.61 feet to the PLACE OF BEGINNING, containing 5,432 S.F., more or less. Also known as #602 Middle River Road and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

#444

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 442007

DATE 3-7-05

ACCOUNT 011-0000-6150

AMOUNT \$ 115.00

RECEIVED J S Ventures, Inc.

FROM 052 Michelle Ransom Rd.
FOR R.L. Ventures 3 Childersville Ct Dan P. Harris

PAID RECEIPT

AMOUNT \$115.00

DATE 3-7-05

BY BALTIMORE COUNTY, MARYLAND

PAID TO R.L. Ventures, Inc.

PAID BY BALTIMORE COUNTY, MARYLAND

DISTRIBUTION
WHITE: CASHIER
PINK: AGENCY
YELLOW: CUSTOMER

QUALITY & VALIDATION

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: #05-446-A

602 Middle River Road

W/side of Middle River Road at the distance of 63 feet n/west of the centerline of Clover Lane

15th Election District — 6th Councilmanic District

Legal Owner(s): Joseph Welsch (Deceased) and Delores Welsch

Variance: to allow a rear yard setback of 22 feet in lieu of the required 30 feet and a lot area of 5,432 sq. ft. in lieu of the required 6,000 sq. ft. and to approve an undersized lot and any other relief deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, April 19, 2005 at 11:00 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 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 4/6/11 April 5

45520

CERTIFICATE OF PUBLICATION

4/6/2005

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 4/5/2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-446-A

Petitioner/Developer: STEVE SMITH

Date of Hearing/ Closing: APRIL 19, 2005

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

Attention: Becky Hart

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 #602 MIDDLE RIVER ROAD

The sign(s) were posted on APRIL 2, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BAUTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

ZONING NOTICE

CASE # 05-446-A

HEARING WILL BE HELD BY
THE ZONING COMMISSION
IN TOWSON, MD

PLACE: ROOM 407, COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MD. 21204

DATE AND TIME: TUESDAY APRIL 19, 2005
AT 11:00 AM.

REQUEST: VARIANCE TO ALLOW A REAR YARD
SETBACK OF 22 FEET IN LIEU OF THE REQUIRED 30 FEET
AND A LOT AREA OF 5,432 SQ. FT. IN LIEU OF THE
REQUIRED 6000 SQ. FT. AND TO APPROVE AN UNDERSIZED
LOT AND ANY OTHER RELIEF DEEMED NECESSARY BY
THE ZONING COMMISSIONER.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 387-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 05-446-A

PLACE: ROOM 407, COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MD. 21204

DATE AND TIME: TUESDAY APRIL 19, 2005
AT 11:00 AM.

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LOT AND ANY OTHER RELIEF DEEMED NECESSARY BY
THE ZONING COMMISSIONER.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 387-3391

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HANDICAPPED ACCESSIBLE



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

March 18, 2005

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: 05-446-A

602 Middle River Road

W/side of Middle River Road at the distance of 63 feet n/west of the centerline of Clover Lane
15th Election District – 6th Councilmanic District

Legal Owners: Joseph Welsch (Deceased) and Delores Welsch

Variance to allow a rear yard setback of 22 feet in lieu of the required 30 feet and a lot area of 5,432 sq. ft. in lieu of the required 6,000 sq. ft. and to approve an undersized lot and any other relief deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, April 19, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286
Delores Welsch, 318 Ida Ave., Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 4, 2005.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 5, 2005 Issue - Jeffersonian

Please forward billing to:
Steve Smith
8008 Solley Road
Glen Burnie, MD 21060

443-324-3444

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: 05-446-A

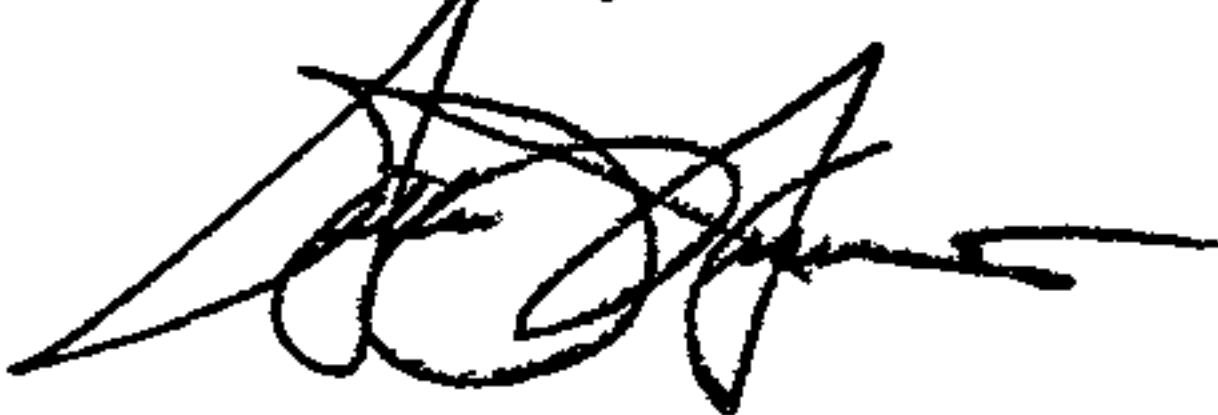
602 Middle River Road

W/side of Middle River Road at the distance of 63 feet n/west of the centerline of Clover Lane
15th Election District – 6th Councilmanic District

Legal Owners: Joseph Welsch (Deceased) and Delores Welsch

Variance to allow a rear yard setback of 22 feet in lieu of the required 30feet and a lot area of 5,432 sq. ft. in lieu of the required 6,000 sq. ft. and to approve an undersized lot and any other relief deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, April 19, 2005 at 11:00 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.

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: 05-446-A

Petitioner: Steve Smith

Address or Location: 602 Middle River Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steve Smith

Address: 8008 Solley Road

Glen Burnie, MD 21060

Telephone Number: 443-324-3444

**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*

April 12, 2005

Delores Welsch
318 Ida Avenue
Baltimore, Maryland 21221

Dear Ms. Welsch:

RE: Case Number: 05-446-A, 602 Middle River Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 9, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson 21286

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

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 21, 2005

Item No.: 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 457, 461, 462.

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.

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

Acting Lieutenant Don W. Muddiman
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: 3.18.05

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

RE: Baltimore County
Item No. 446 JRF

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

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

DATE: April 13, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 21, 2005

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

05-446

05-447

05-450

05-451

05-452

05-453

05-456

05-457

Reviewers: Sue Farinetti, Dave Lykens

by
4/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 15, 2005

RECEIVED

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

APR 15 2005

ZONING COMMISSIONER

SUBJECT: 602 Middle River Road

INFORMATION:

Item Number: 5-446

Petitioner: Delores Welsch

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. The site plan is corrected to reflect actual conditions: A) #600 Middle River Road is a parking lot not a building.
2. Show vehicular access and parking for the proposed site on the site plan.
3. Provide architectural elevations of the proposed dwelling. The side elevations shall include such features as windows, a door, etc., and shall not be left as blank walls.
4. Submit a landscaping plan to Avery Harden, Baltimore County Landscape Architect, showing evergreen landscape screening on south side (between proposed house and parking lot) and north side (between proposed house and access road).

ORDER RECEIVED FOR FILING

Date

By

5/16/15
JGP

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by: Mark A. Crengh

Division Chief: Spencer J. Pinning

AFK/LL:MAC:

ORDER RECEIVED FOR FILING
Date 5/14/15
By SPJ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 6, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, Acting Supervisor ^{DAK}
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for March 28, 2005
Item No. 444, 446, 447, 448, 449
450, 451, 452, 453, 454 and 455

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

DAK:CEN:clw
cc: file

CEN

RE: PETITION FOR VARIANCE * BEFORE THE
602 Middle River Road; W/side Middle River *
Road, 63' NW c/line Clover Lane * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Joseph Welsch (deceased) * FOR
& Delores Welsch *
Petitioner(s) * BALTIMORE COUNTY
* 05-446-A

* * * * *

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 and all documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

Per.....


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

Permit or Case No. 05-446-A

Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Residential Processing Fee Paid
(\$50.00)

Accepted by JF
Date 3/9/05

FROM: Arnold Jablon, Director
Department of Permits & Development Management

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Site Rite Surveying, Inc. Room 101
Print Name of Applicant Address Telephone Number

Lot Address 602 Middle River Road Election District 15 Councilmanic District 6 Square Feet 5432

Lot Location: N E S W side corner of Middle River Road 63 feet from NE S W corner of Clover Lane
(street) (street)

Land Owner: Joseph and Delores Welsch Tax Account Number 1523154430

Address: 318 Ida Avenue Baltimore MD 21221 Telephone Number (443) 463-3444

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
4. Building Elevation Drawings	☐	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☐	☐
6. Current Zoning Classification: <u>D.R. 5.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations.

Signed by: _____
for the Director, Office of Planning and Community Conservation

Date: _____

Revised 2/05/02

**SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2**

Department of Permits and Development Manager (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by _____ on _____ Date (A)
(name of planner)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

BALTIMORE CITY HEALTH DEPARTMENT
BUREAU OF VITAL RECORDS

ORDER NO. 4057

AUG 26 1959

59 8184

BALTIMORE CITY HEALTH DEPARTMENT
CERTIFICATE OF DEATH

Registered No. 59 8184

W-420

BIRTH NO.

1. NAME OF DECEASED (Type or Print) Welch (Mr.) Joseph F. 2. DATE OF DEATH August 24, 1959

3. PLACE OF DEATH: A. Baltimore City, Maryland yes. 4. USUAL RESIDENCE (Where deceased lived, if institution: residence before admission) A. STATE Maryland B. COUNTY Baltimore

5. FULL NAME OF HOSPITAL OR INSTITUTION Bon Secours Hospital C. CITY OR TOWN Baltimore D. STREET ADDRESS (If rural, give location) 3814 Bank St

6. LENGTH OF STAY IN HOSPITAL 45.0 Yrs. 0 Mos. 0 Days

7. SEX Male 8. COLOR OR RACE White 9. AGE (In years last birthday) 45 10. BIRTHPLACE (State or foreign country) Baltimore 11. CITIZEN OF WHAT COUNTRY? USA

12. FATHER'S NAME Lawrence Welch 13. MOTHER'S MAIDEN NAME Eva Speth

14. WAS DECEASED EVER IN U.S. ARMED FORCES? (Yes, no or unknown) No 15. SOCIAL SECURITY NO. 1-27-14 16. INFORMANT Wife Mrs Dolores Welch ADDRESS Baltimore

17. CAUSE OF DEATH I. DISEASE OR CONDITION DIRECTLY LEADING TO DEATH (This does not mean the mode of dying, e.g., heart failure, etc. It means the disease, injury or complication which caused death.) Liver Cirrhosis DUE TO (A) Pulmonary Edema (B) Heart Failure (C) Heart Failure

18. ANTECEDENT CAUSES DISEASES OR CONDITIONS, IF ANY, GIVING RISE TO THE ABOVE CAUSE (A) STATING THE UNDERLYING CONDITION LAST.

19. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO THE DEATH BUT NOT RELATED TO THE DISEASE OR CONDITION CAUSING IT.

20. IF OPERATION WAS RELATED TO CAUSE OF DEATH, ENTER IN PART I OR PART II 21. DATE OF OPERATION 22. CONDITION FOR WHICH OPERATION WAS PERFORMED 23. AUTOPSY? YES ☒ NO ☐

24. ACCIDENT WAS UNDERLYING OR CONTRIBUTING CAUSE OF DEATH (NOTIFY MEDICAL EXAMINER) 25. PLACE OF INJURY (e.g., in or about home, farm, factory, street, office, etc.) 26. WHERE DID (If in Baltimore City, give exact location) INJURY OCCUR

27. TIME (Month) (Day) (Year) (Hour) OF INJURY 28. INJURY OCCURRED WHILE AT WORK ☐ NOT WHILE AT WORK ☐ 29. HOW DID INJURY OCCUR

30. I certify that (I) (this hospital) attended the deceased from 8-24-59 to 8-24-59, that (I) (we) last saw the deceased alive on 8-24-59, and that death occurred at 5:03 P.M. from the causes and on the date stated above.

31. SIGNATURE Lawrence Welch M.D. 32. ADDRESS Bon Secours Hospital 33. DATE SIGNED 8-26-59

34. BURIAL CREMATION, REMOVAL (Specify) Burial 35. DATE Aug 28, 1959 36. NAME OF CEMETERY OR CREMATORY Oak Lawn 37. LOCATION (City, town, or county) (State) Baltimore, Maryland

38. DATE RECEIVED BY LOCAL REGISTRAR AUG 26 1959 39. REGISTRAR'S SIGNATURE Huntington Williams 40. FUNERAL DIRECTOR ADDRESS Lilly & Zeiler Inc. 1901 Eastern Ave.

THIS IS TO CERTIFY THAT THE ABOVE IS A VERIFAX COPY OF A CERTIFICATE ON FILE IN THE BALTIMORE CITY HEALTH DEPARTMENT, BALTIMORE, MARYLAND.

Sidney Whorton

DIRECTOR, BUREAU OF VITAL RECORDS

Huntington Williams, M.D.

COMMISSIONER OF HEALTH AND REGISTRAR

WARNING: DO NOT ACCEPT THIS TRANSCRIPT UNLESS THE OFFICIAL DEPARTMENTAL SEAL IS AFFIXED HEREON.

Click here for a plain text ADA compliant screen.

 Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search	Go Back View Map New Search Ground Rent
---	--

Account Identifier: District - 15 Account Number - 1523154430

Owner Information

Owner Name:	WELSCH JOSEPH F WELSCH DELORES D	Use:	RESIDENTIAL
Mailing Address:	318 IDA AVE BALTIMORE MD 21221-4736	Principal Residence:	NO
		Deed Reference:	1) 2)

Location & Structure Information

Premises Address						Legal Description				
602 MIDDLE RIVER RD						WS MIDDLE RIVER RD 56 N CLEVERDALE AV				
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assesment Area	Plat No:	
90	4	854						3		
						Plat Ref:				
Special Tax Areas						Town Ad Valorem Tax Class				
Primary Structure Built						Enclosed Area		Property Land Area		County Use
0000								5,432.00 SF		04
Stories		Basement		Type		Exterior				

Value Information

	Base Value	Value As Of	Phase-in Assessments	
		01/01/2003	07/01/2004	07/01/2005
Land:	29,500	29,500		
Improvements:	0	0		
Total:	29,500	29,500	29,500	29,500
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

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:

* NONE *

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 --In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A	43	ft.
B	37	ft.
C	44	ft.
D	76	ft.
E		ft.
F		ft.

$$\text{TOTAL } (200) \div (4) = 50'$$

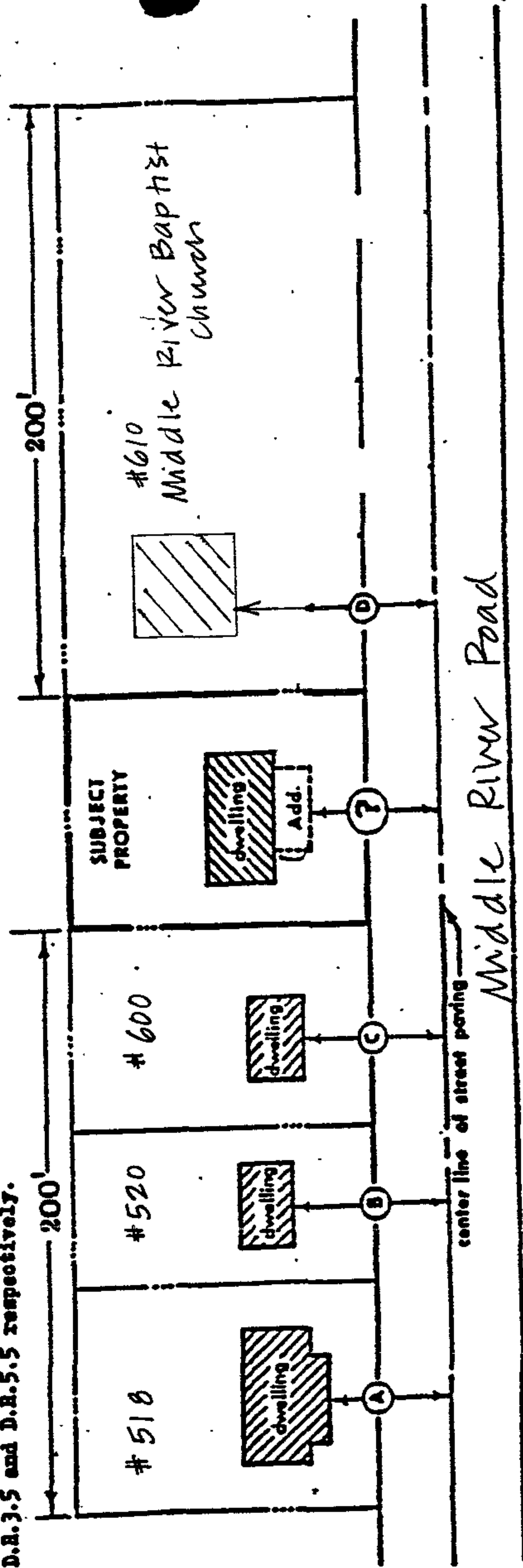
of dwellings

REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS

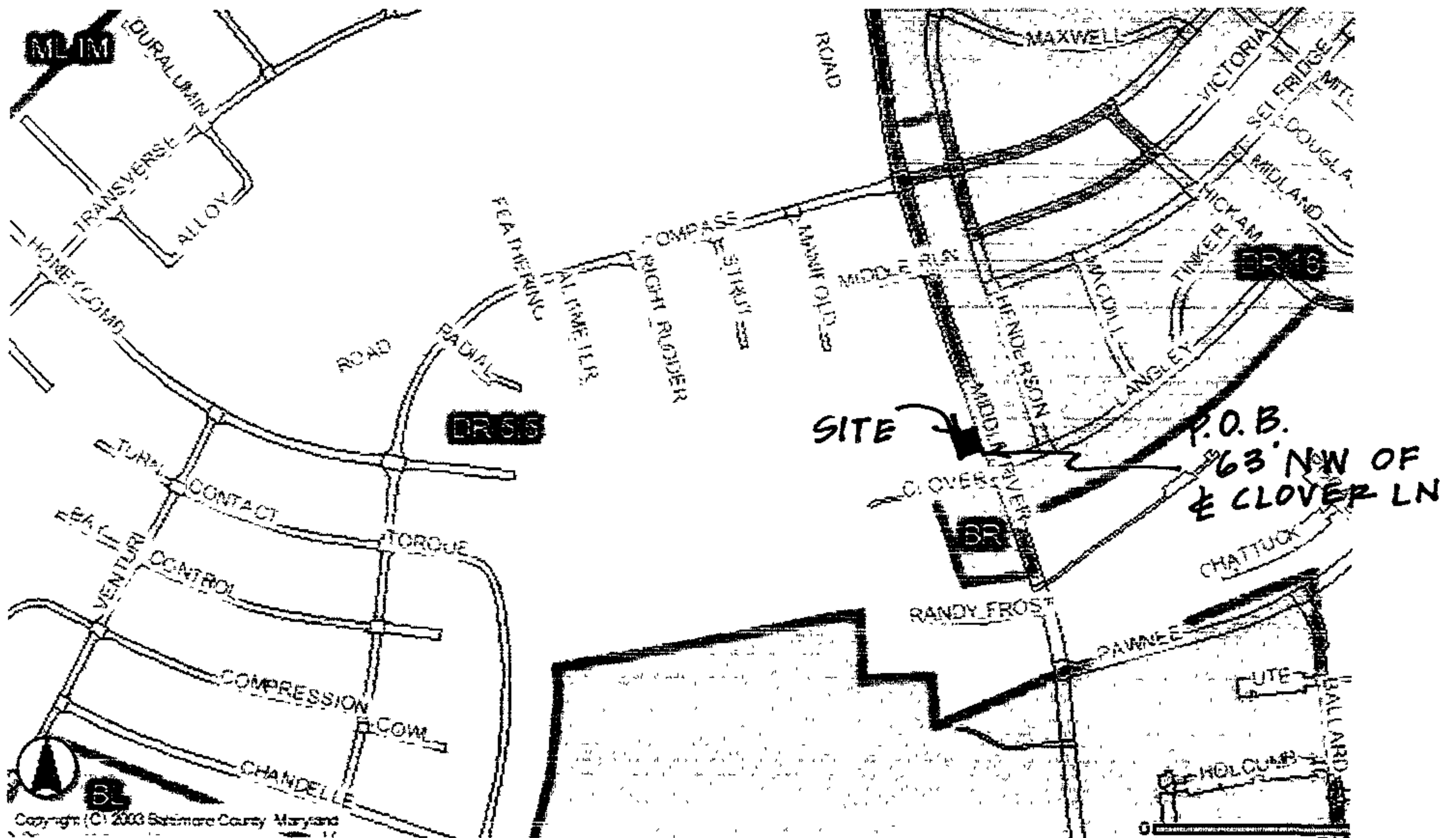
D.R.2 - 65 ft.
D.R.3.5- 55 ft.
D.R.5.5- 50 ft.

DeLores Welsch
applicant's name
#602 Middle River Road
building address
March 9, 2005
date



60' R/W

444



Zoning Map: #602 Middle River Road

#446

CASE NAME 602 MIDDLE RIVER Rd
CASE NUMBER 5-446-A
DATE 4/19/05

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.:

05-446 A

Exhibit Sheet

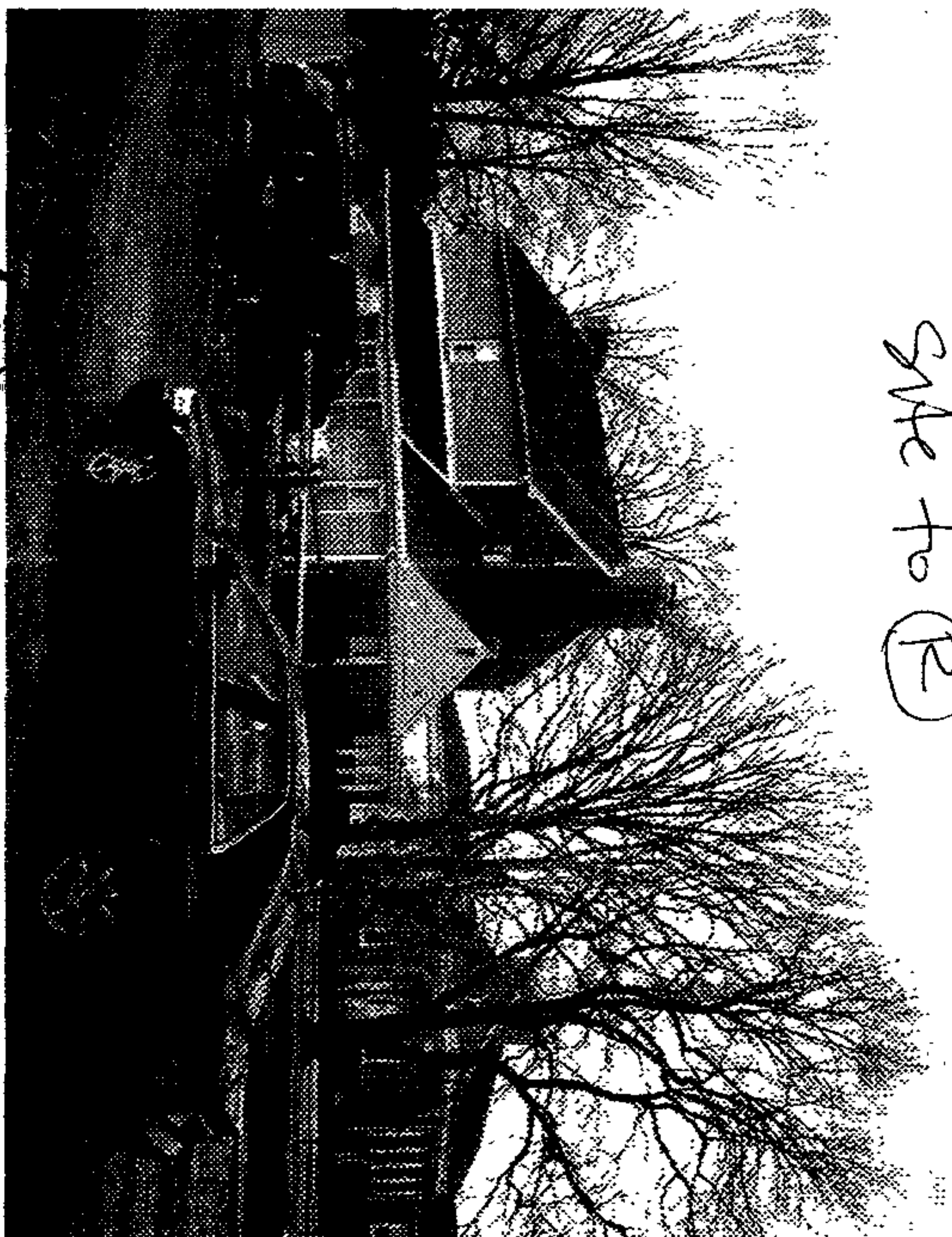
Petitioner/Developer

Protestant

No. 1	1-A - Amended Site Plan 1-B - Photos - Taken As Noted ON SITE PLAN	
No. 2	Hwy RT-OF-WAY PLAT (Diminished Roadway)	
No. 3	WATER Extension DRAWING	
No. 4	GIS MAP - SHOWS Surrounding Buldgs	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



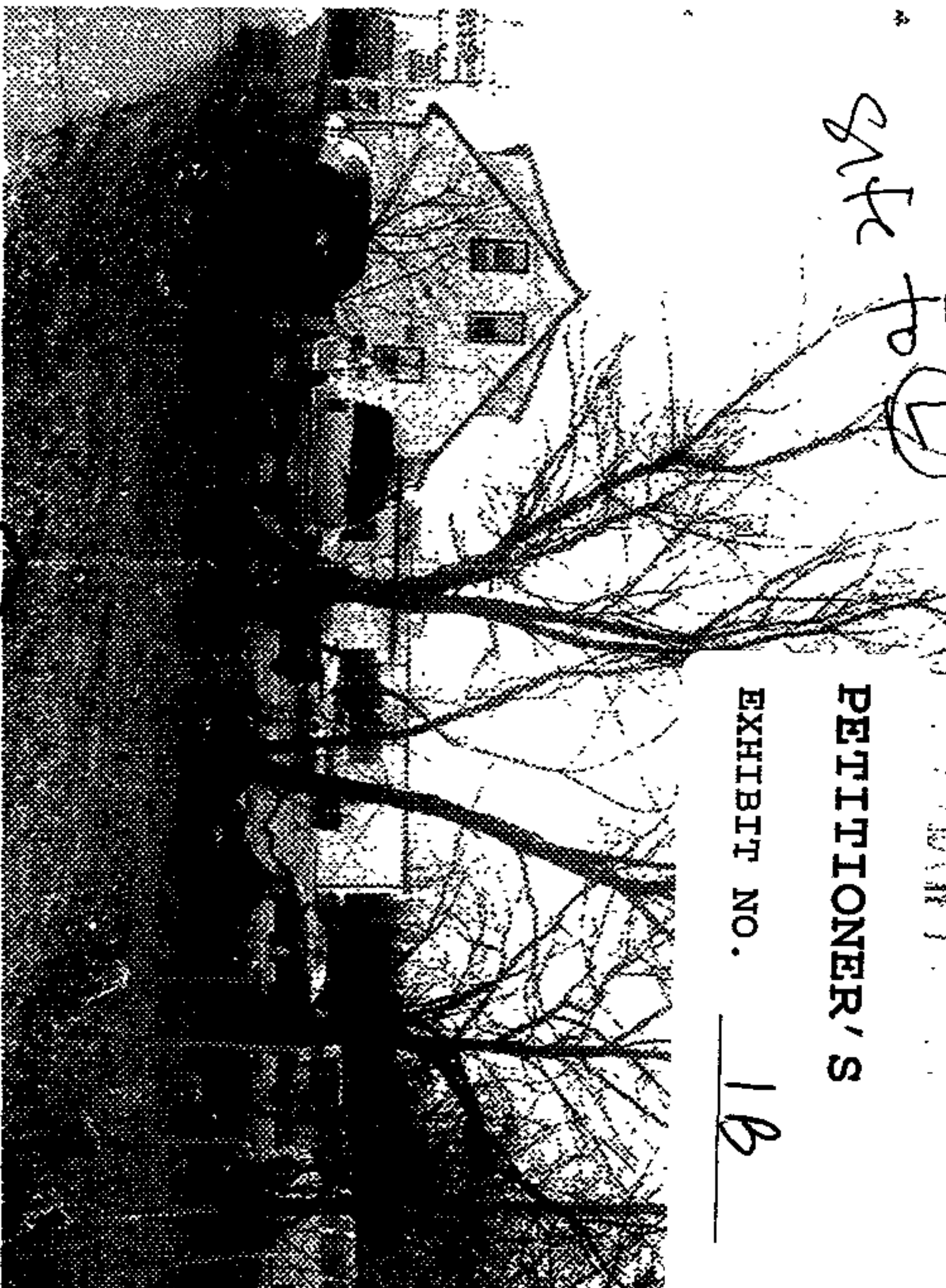
SAC ①



SAC to ②



③



SAC to ④

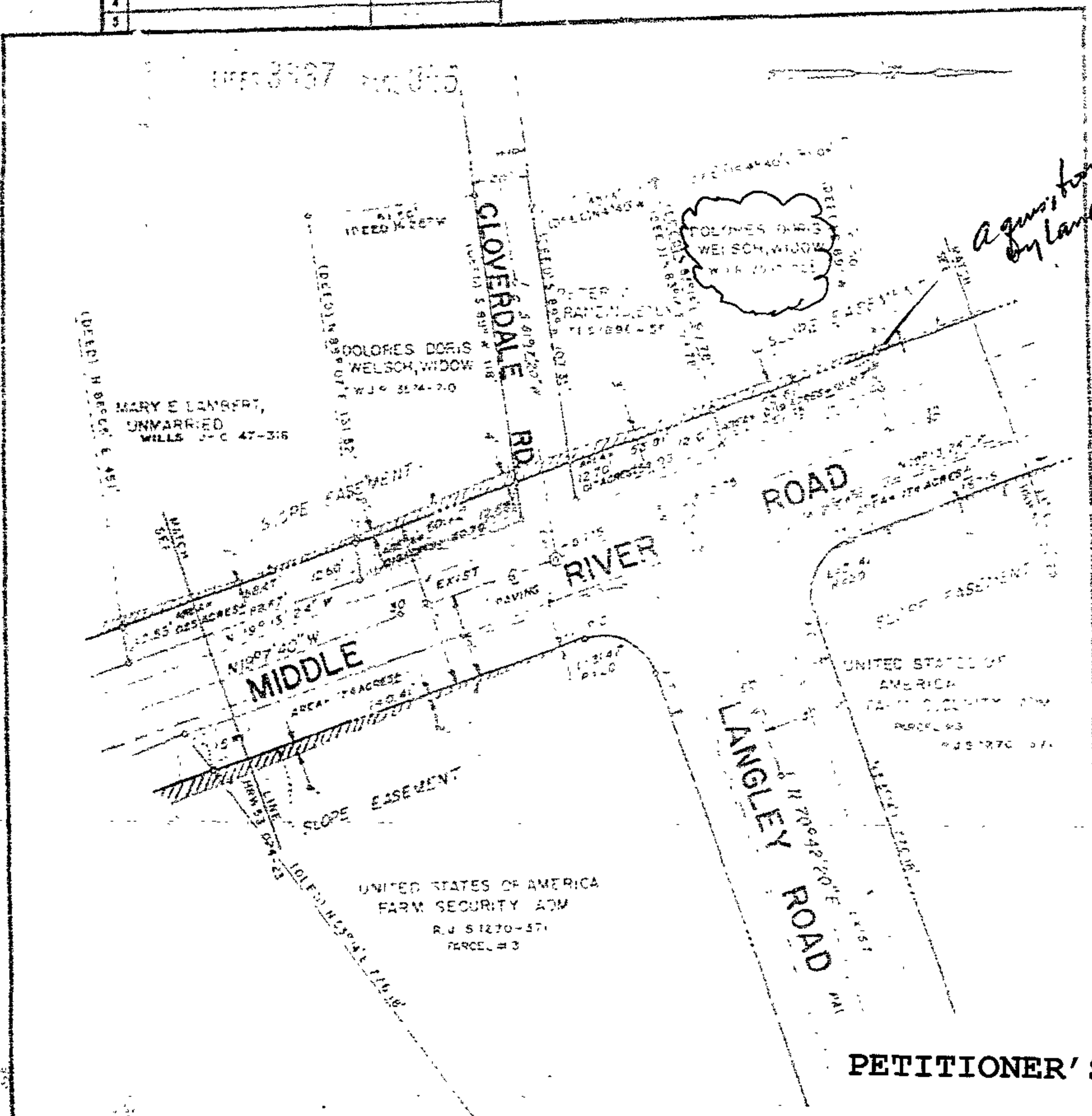
④

PETITIONER'S
EXHIBIT NO. 18

⑤

NO.	ACQ.	FROM	RECORDED
1			
2			
3			
4			
5			

- (1) VERTICAL LETTERING
- (2) PLANT LETTERING
- (3) ALL AREAS YOUNG BY PLAN



Acquisition by Land Records

**-SLOPE EASEMENT-
 -HIGHWAY RIGHT-OF-WAY-
 -IN FEE-
 -ROAD BED-
 -IN FEE-**

PETITIONER'S
EXHIBIT NO. 2

MICROFILMED

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION									
PLAN TO ACCOMPANY RIGHT-OF-WAY AGREEMENT									
BUREAU OF LAND ACQUISITION	CO-ORDINATES SHOWN HEREON ARE BASED ON S.C.M.D. TRAVERSE STATIONS ON R/W'S, AS FOLLOWS:								
APPROVED: <i>W.P. Hession</i> CHIEF	Receipt No. <i>100-100-211</i>								
DATE: <i>12-8-1960</i>	CONSTRUCTION PLAN NO. C-1564								
DIVISION OF DRAFTING	THIS PLAN IS COMPILED FROM DEEDS AND SURVEYS. THE COURSES AND DISTANCES SHOWN ON PROPERTIES ADJOINING THE PROPOSED RIGHT OF WAY ARE THOSE CONTAINED IN THE DEED REFERRED TO BY LIBER AND FOLIO NUMBER AND DO NOT NECESSARILY REFER TO THE MERIDIAN SHOWN HEREON NOR DO THEY IMPLY A CURRENT SURVEY OF SAID PROPERTIES UNLESS SO NOTED.								
APPROVED: <i>Carl M. Hession</i> SUPERVISOR	APPROVED: <i>Albert B. Hession</i> ENGINEER								
DATE: <i>12-8-1960</i>	DATE: <i>12/9/60</i>								
DRAWN: <i>J.B.</i>	CHECKED:								
<table border="1"> <tr> <td>AREA TO BE ACQUIRED</td> <td>SCALE: 1" = 50'</td> </tr> <tr> <td>SLOPE AREA</td> <td>J.O. 1080-D</td> </tr> <tr> <td>EXISTING COUNTY R/W</td> <td>DISTRICT: 15</td> </tr> <tr> <td>AREA TO BE RELEASED</td> <td>HRW 53-C24-24</td> </tr> </table>		AREA TO BE ACQUIRED	SCALE: 1" = 50'	SLOPE AREA	J.O. 1080-D	EXISTING COUNTY R/W	DISTRICT: 15	AREA TO BE RELEASED	HRW 53-C24-24
AREA TO BE ACQUIRED	SCALE: 1" = 50'								
SLOPE AREA	J.O. 1080-D								
EXISTING COUNTY R/W	DISTRICT: 15								
AREA TO BE RELEASED	HRW 53-C24-24								

D-006

United States of America
1270-371

SEE DRAWING NO. 31-131-A4C.

ROAD

412.64

GR. EL. 79.8

150'

62.5'
George C.
Wacker

1298-404

AP. 9618

55'
21915
Milton P. Hall Jr.
1068-533

CLOVER AVE.
10725'

Permit
26437

er Baptist Church
S. 208

MICROFILMED

LIST OF PIPE FITTINGS

NO.	DESCRIPTION	SIZE
1	Cap	8"
1	Blowoff	1 1/2"

PETITIONER'S

EXHIBIT NO.

3

400' of 8" Pipe

PROPOSED WATER IN MIDDLE RIVER RD.
FROM END OF EXISTING MAIN NORTHERLY

MIDDLE RIVER

SUB-DIST. No. 2

DRAWING

No. 1

OF 1

SCALE:

1" = 50'

I-NE

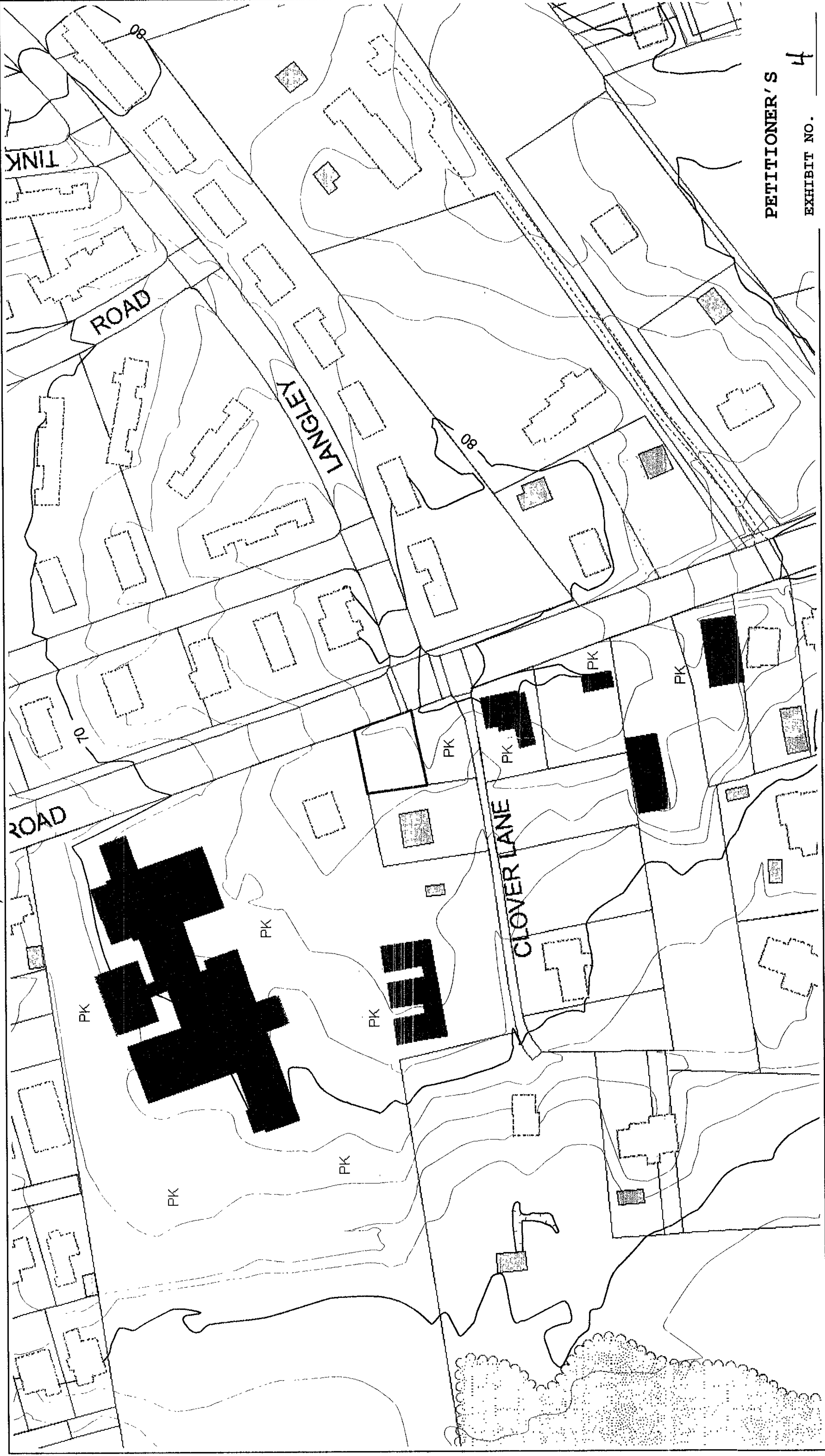
J.O. 1165

31-214

FILE: A4b

16NE32

TOPO MAP FOR 602 MIDDLE RIVER ROAD



PETITIONER'S

EXHIBIT NO. 4

Coordinate System:

Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1996

Scale of Data Capture: 1" = 100'

Date of Aerial Photography: March 2002

For internal use only
The cadastral information on this plot was compiled
from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked
and certified by a licensed land surveyor.

Baltimore County, MD
Department of Public Works
GIS Services



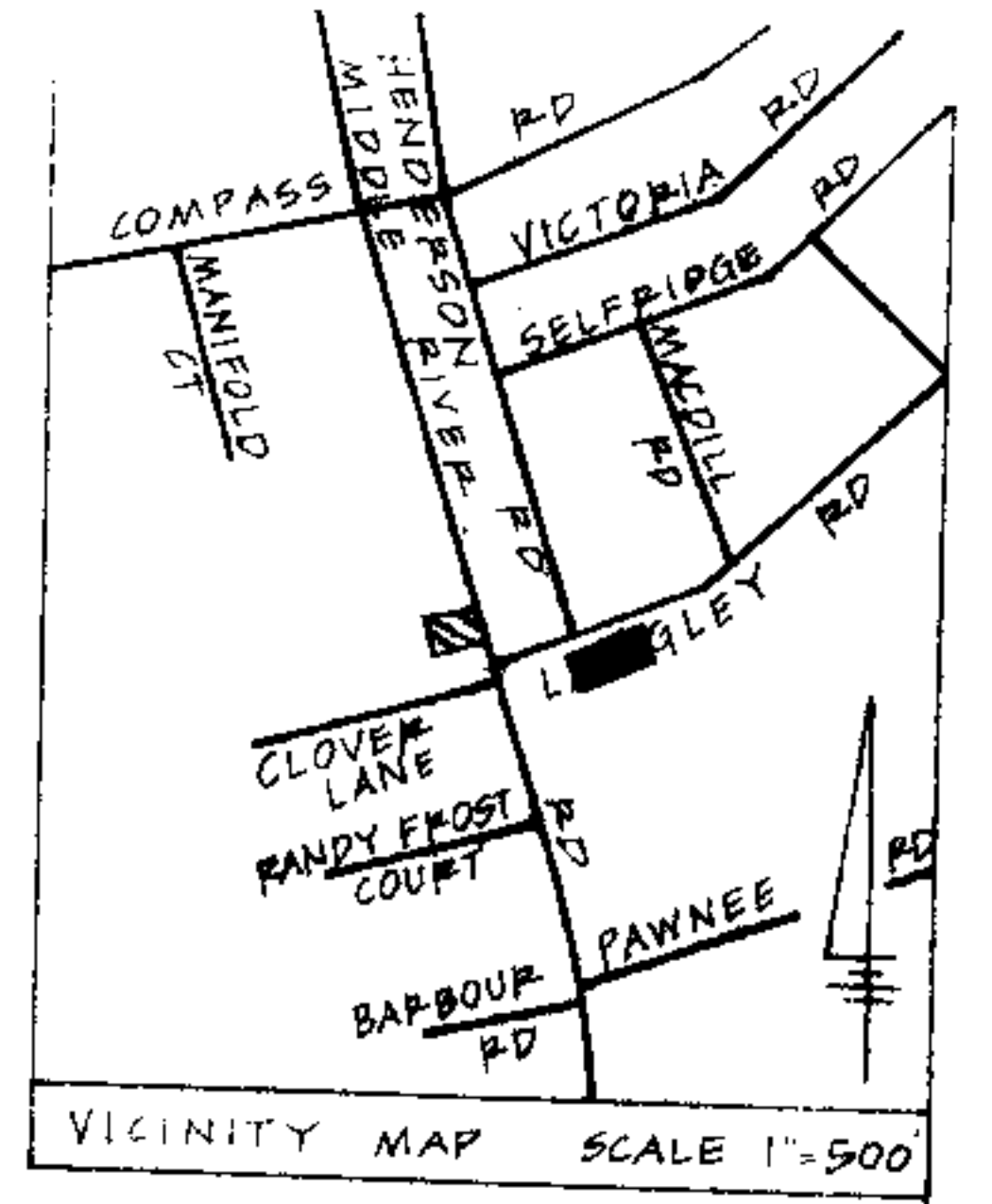
02/14/1998



Prepared By:
Robin Hurley, EAI
DPW Directors Office
Feb. 28, 2005

#2 Clover Avenue
1506201370
10961/615
Joe Holman⁴
residential

- GENERAL NOTES:
1. EXISTING ZONING: D.R.S.E. (ZONING MAP)
 2. LOT AREA: 5,432 S.F. ± OR: 0.12 Ac ±
 3. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL #34001004300 ZONE: "C"
 4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
 5. NOT LOCATED IN A HISTORIC AREA
 6. PUBLIC WATER AND SEWER ARE AVAILABLE TO THE SITE
 7. NO PRIOR ZONING ACTION FOR UNDERSIZED LOT APPROVAL ON THIS SITE AND NO ADJACENT OWNERSHIP WITH THE ADJACENT LOTS FOR THE LAST 6 YEARS.
 8. NO PRIOR ZONING HISTORY
 9. WATER DRAWING NO. 31-314 SHOWS AN EXISTING SWELLING ON SITE
 10. SANITARY SEWER DRAWING NO. 63-788 NO LONGER SHOWS THE EXISTING SWELLING; HOWEVER, DOES SHOW A WATER METER AND SEWER HOUSE STUD.



THIS IS ALL CHURCH PROPERTY.

P 855
MIDDLE RIVER
BAPTIST CHURCH
1700008169
12157/216
12.19 AC ±

EX BLDG.
(ACCESSORY CHURCH
BLDG.
#610

P 1343
EX DWLG.
#2
"RESIDENTIAL"
JOE HOLMAN
1506201370
10961/615

EX DWLG.
#2
"RESIDENTIAL"
JOE HOLMAN
1506201370
10961/615

P 416
MARY MILLER
1503232121
4443 #
14153/361
PARKING LOT

P 416
MARY MILLER
1503232120
14153/361
6795 #

#520
"COMMERCIAL"
EX BLDG.

P 740
JOSEPH PALMISANO
1512000650
9033/10
12,714 #

#510

PLAN TO ACCOMPANY PETITION FOR VARIANCE
AND UNDERSIZE LOT APPLICATION
9088 MIDDLE RIVER ROAD
TAX MAP: 80 GRID: 4 PARCEL: 884
TAX ACCT. NO. 1893184430
DEED REF: 9582/225
ELECTION DISTRICT NO. 15
COUNCILMANIC DISTRICT NO. 6
BALTIMORE COUNTY MD
SCALE: 1" = 20'
MARCH 9, 2005
9062

REVISED 4/1/05

PETITIONER'S
EXHIBIT NO. 1A

OWNER: JOSEPH and DELORES WELSH
318 IDA AVENUE
BALTIMORE MD 21223-4730
CONTACT PERSON: STEVE SMITH
(410) 423-0444

site rite SURVEYING, INC.
300 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21206
PHONE: 410-828-9080
FAX: 410-828-9086