

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Hampshire Glen Court, 20 ft. E
centerline of Hampshire Knob Road
10th Election District
3rd Councilmanic District
(3510 Hampshire Glen Court)

Franz & Dori Wittelsberger
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-453-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Franz and Dori Wittelsberger. Thereafter, a formal demand for hearing was made by some neighbors in the community, Terry Galinski and John Csicsek, and the matter was set in for a hearing. The variance request is for property located at 3510 Hampshire Glen Court in the Phoenix area of Baltimore County. The variance is requested from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) with a height of 29 ft. in lieu of the allowed 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The property was posted with Notice of Hearing on April 19, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in the "Jeffersonian" newspaper on April 19, 2005 to notify any interested persons of the scheduled hearing date.

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

UNDER THE BALTIMORE COUNTY ZONING REGULATIONS
Date 11-15-05
By [Signature]

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."

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 submitted by the Office of Planning dated April 12, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Eric Wittelsberger and Franz Wittelsberger, the Petitioner. Terry Galinski, Barbara Larrabee, Suzanne and Robert Libertini and John Csicsek appeared in opposition to the requested variance. Thomas Moore attended the hearing on behalf of Gaylord Brooks, the Developer of Hampshire Estates. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 2.3 acres and is zoned RC.5. The Petitioner indicated that this property is improved by a single-family dwelling which has a sport court cut into the hill behind the house measuring approximately 66 ft. x 33 ft. See Petitioners' Exhibit 1 and photographs 2A through 2E. Photograph 2E shows the basketball court and other sports facilities located in the sports court. As can be seen, the base of the sports court is approximately 10 feet below the highest grade.

COPIES RECEIVED FOR FILING
Date 11-15-05
By [Signature]

The Petitioner would like to build a garage on the foundation of the sports court. The garage would have a front width of 66 feet with three double doors facing the driveway and Hampshire Glen Court. Thus it would be a front loaded garage. The Petitioner testified that he intends to park three family vehicles and garden equipment on the first floor of the new garage. The second floor of the proposed garage would be used for storage of personal property. However, because the roof would be pitched to match the Petitioner's house the height from the first floor would be 29 feet. The Petitioner pointed out that because the sports court is cut into the side of the hill, the height of the roof peak from the earth behind the sports court would be approximately 20 feet in height which is much closer to the regulations than what would first appear. He agreed to the Planning Office comments.

On questioning by his neighbors, the Petitioner admitted that he was a builder by trade but assured the neighbors that he did not intend to use the garage to store commercial trucks and equipment nor would there be any living quarters in the garage. He further indicated that he had not yet obtained elevations of the structure so as to show the neighbors what the building would look like, but pledged to make the garage attractive complementing the design of his home. He admitted that the total building floor area would be approximately 3776 sq. feet and that his home is approximately 4000 sq. feet. He indicated that most of the garages in the neighborhood were side loaded. Finally, he indicated that it may be possible for him to reduce the size.

Mr. Galinski and Mr. Csicssek indicated that they objected to the large size of the proposed structure and that the Petitioner had not provided elevations so that the neighbors could see how the garage would look. In addition, Mr. Csicssek opined that the garage would violate the private covenants of the Hampshire subdivision as to setback and front loaded garages. Ms. Larrabee objected to the magnitude of the proposed garage and expressed concern that with a building of this size the Petitioner may well use it to store commercial equipment in the future. She also noted that

the Petitioners' driveway leading from Hampshire Glen Court becomes a four way stop and the garage would be visible to all coming into the community. Mr. and Mrs. Libertini objected to the size of the structure, noting that if the proposed garage is constructed it would appear that the Petitioner had two homes of similar size on the property. This would take away from the consistency of the neighborhood. They indicated that having a six-car garage far exceeds the needs of the Petitioner and the design of the neighborhood. Mr. Moore, representing Gaylord Brooks, the developer of the neighborhood, reminded the Petitioner that the new garage would have to be approved by the architectural committee of the community. He expressed concern with the mass of the proposed structure and that the new garage would be highly visible from the entrance road to the community. He indicated, however, that the architectural committee has approved side loaded garages in certain circumstances and would require a steep pitched roof.

At the conclusion of the neighbors' case, the parties entered into a general discussion of the possibility of resolving the matter in dispute. All agreed to further discuss the matter and requested the record be kept open for a reasonable time to see if the parties could agree.

In subsequent correspondence and communication the Petitioner indicated that he significantly redesigned the proposed garage. He provided greatly revised elevations and floor plan which were accepted as Petitioner's exhibit 3. He also presented a letter from Gaylord Brooks Architectural Committee approving the revised plans which was accepted as Petitioner's exhibit 4.

The revised plan was then sent to all protestants for review and comment. Mr. Galinski responded that the revised plan was no longer objectionable. See Petitioner's exhibit 5

Findings of Fact and Conclusions of Law

The Petitioner greatly revised and reduced that proposed garage as shown on exhibit 3. The cognizant architectural committee has now approved the new plan as has at least one neighbor. I

assume the other neighbors who came to protest the original design are now satisfied not having heard from them after the new plan was sent to them.

Considering the testimony and evidence in this case, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that the Petitioner would suffer hardship and practical difficulty if the regulations were strictly enforced. The revised plan is greatly reduced in size and will complement the construction of the Petitioner's home. Apparently the neighbors and the architectural committee are satisfied with the revised plan. I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

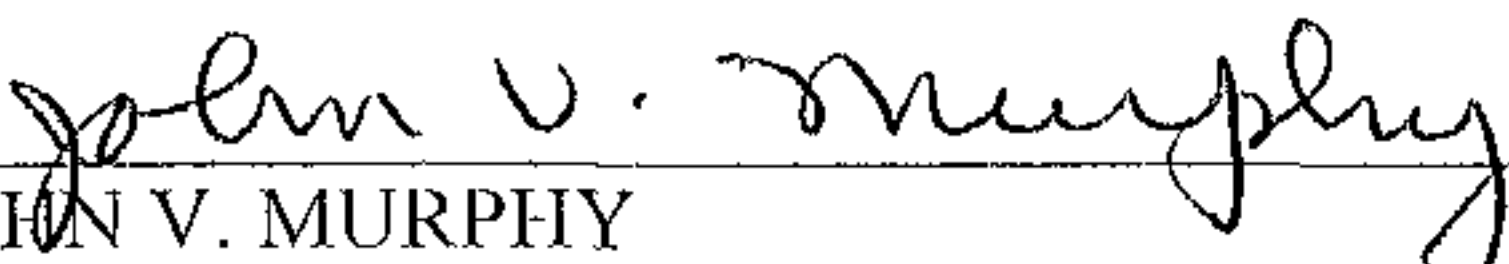
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 15 day of November, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) with a height of 29 ft. in lieu of the allowed 15 ft as shown on Petitioner's exhibit 3., be and it is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated April 12, 2005, a copy of which is attached hereto and made a part hereof. The Office of Planning states that the Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted into a dwelling unit and/or apartment. In addition the structure shall have no sleeping quarters, living area, kitchen or bathroom facilities.
2. The Petitioners shall not use the structure for commercial purposes.
3. The Petitioners shall submit elevations (all sides) of the proposed accessory structure to the Office of Planning for review and approval prior to the issuance of any building permit.

ORDER RECEIVED NOV 15 2005
Date 11-15-05
By [Signature]

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

Date 11-15-05
By [Signature]

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

November 15, 2005

Franz Wittelsberger
Dori Wittelsberger
3510 Hampshire Glen Court
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 05-453-A
Property: 3510 Hampshire Glen Court

Dear Mr. and Mrs. Wittelsberger:

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

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

Very truly yours,

A handwritten signature in black ink, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Eric Wittelsberger, 3510 Hampshire Glen Court, Phoenix, MD 21131
John Csicsek, 3608 Hampshire Glen Court, Phoenix, MD 21131
Barbara Larrabee, 3507 Hampshire Glen Court, Phoenix, MD 21131
Thomas Moore, 3312 Paper Mill Road, P.O. Box 400, Phoenix, MD 21121
Terry Galinski, 3603 Hampshire Glen Court, Phoenix, MD 21131
Suzanne & Robert Libertini, 3508 Hampshire Glen Court, Phoenix, MD 21131
People's Counsel; Case File

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 3510 Hampshire Glen Court
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 BCZR

To permit an accessory structure (detached garage) with a height of 29' in lieu of the required 15'.

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:

Legal Owner(s):

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

Name - Type or Print

Signature

Name - Type or Print

Signature

3510 Hampshire Glen Court (410) 667-1432

Address Telephone No.

Phoenix Maryland 21131
City State Zip Code

Representative to be Contacted:

Eric Wittelsberger
Name

3510 Hampshire Glen Court (410) 667-1432
Address Telephone No.

Phoenix Maryland 21131
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 11 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. 05-453-A

Reviewed By JF Date 3-11-05

Estimated Posting Date 3-20-05

REV 10/25/01

ORDER RECEIVED

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

3510 Hampshire Glen Court

Address

Phoenix

City

MD

State

21131

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.) Storage Space Above is Needed
- 2.) Head Room is Needed

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.

Dolores M. Wittelsberger

Signature

Dolores Wittelsberger

Name - Type or Print

Franz Wittelsberger

Signature

Franz Wittelsberger

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of MARCH, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

FRANZ WITTELSBERGER AND DOLORES M. WITTELSBERGER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sybil M. White

Notary Public

My Commission Expires

3/1/2007

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 3510 Hampshire Glen Court
Address
Phoenix MD 21131
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.) Storage Space is Needed
- 2.) Head Room Above is Needed

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.

Dolores M. Wittelsberger
Signature
Dolores Wittelsberger
Name - Type or Print

Franz Wittelsberger
Signature
Franz Wittelsberger
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of March, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

FRANZ WITTELSBERGER AND DOLORES M. WITTELSBERGER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

S. J. W. H. H. H.
Notary Public
My Commission Expires 3/1/2007



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3510 Hampshire Glen Court
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 BCZR

To permit an accessory (detached garage) with a height of 20' in lieu of the required 15'.

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):

Franz Wittelsberger

Name - Type or Print

Signature

Dori Wittelsberger

Name - Type or Print

Doris M. Wittelsberger

Signature

3510 Hampshire Glen Court (410) 667-1432

Address

Telephone No.

Phoenix

City

MD

State

21131

Zip Code

Representative to be Contacted:

Eric Wittelsberger

Name

3510 Hampshire Glen Ct (410) 667-1432

Address

Telephone No.

Phoenix

City

MD

State

21131

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. 05-453-A

Reviewed By JF Date 3-11-05

Estimated Posting Date 3-20-05

Zoning Description

Zoning description for 3510 Hampshire Glen Court. Beginning at a point on the north side of Hampshire Glen Court which is 20 feet wide at the distance of 20 feet east of the center line of the nearest improved intersecting street Hampshire Knob which is 30 feet wide. Being Lot # 2, in the subdivision of Stillwater farm as recorded in Baltimore County Plat book # S. M. 56 Folio 36 containing 1.5170 acres. Also known as 3510 Hampshire Glen Court Phoenix, Maryland 21131 and located in the 10th election district, 3rd councilmanic district.

453

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 442635

DATE 3-11-05

ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED BY WITTELSDORFER

FROM: 3510 HAMPSHIRE GREEN CT. ITEM # 453
FOR: Admin. Variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

DATE RECEIVED 3/11/05
TIME 1:19 PM
BY WITTELSDORFER
OFFICE OF BUDGET & FINANCE
BALTIMORE COUNTY, MARYLAND
RECEIVED 3/11/05
AMOUNT \$ 65.00
TOTAL \$ 65.00
BALANCE \$ 0.00



FORMAL DEMAND FOR HEARING

CASE NUMBER: 05-453-A
Address: 3510 HAMPSHIRE GLEN COURT
Petitioner(s): FRANZ + DORI NITTELSBERGER

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

W/e Terry Galinski / John Csicsak
Name - Type or Print

() Legal Owner OR ☒ Resident of

3603 Hampshire Glen Ct.
Address

Phoenix Ind. 21131
City State Zip Code

410-660-7637
Telephone Number

which is located approximately 200 feet from the
property, which is the subject of the above petition, do hereby
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Terry Galinski 3/30/05
Signature Date

Signature
Revised 9/18/98 - wcr/scj

Date

**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: #05-453-A
3510 Hampshire Glen Court
N/side of Hampshire Glen
Court at the distance of 20
feet east of the centerline of
Hampshire Glen Court
10th Election District
3rd Councilmanic District
Legal Owner(s): Franz &
Dori Wittelsberger

Variance: to permit an accessory structure (detached garage) with a height of 29 feet in lieu of the allowed 15 feet.

Hearing: Wednesday, May 4, 2005 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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 4/715 Apr 19 47358

CERTIFICATE OF PUBLICATION

4/20/2005

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 4/19/2005.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: March 18, 2005

RE: Case Number: 05-453-A

Petitioner/Developer: Franz Wittelsberger

Date of Hearing/Closing: April 4, 2005

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

3510 Hampshire Glen Court at end of panhandle drive.

The sign(s) were posted on March 18, 2005

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. Lawrence Pilson

(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1

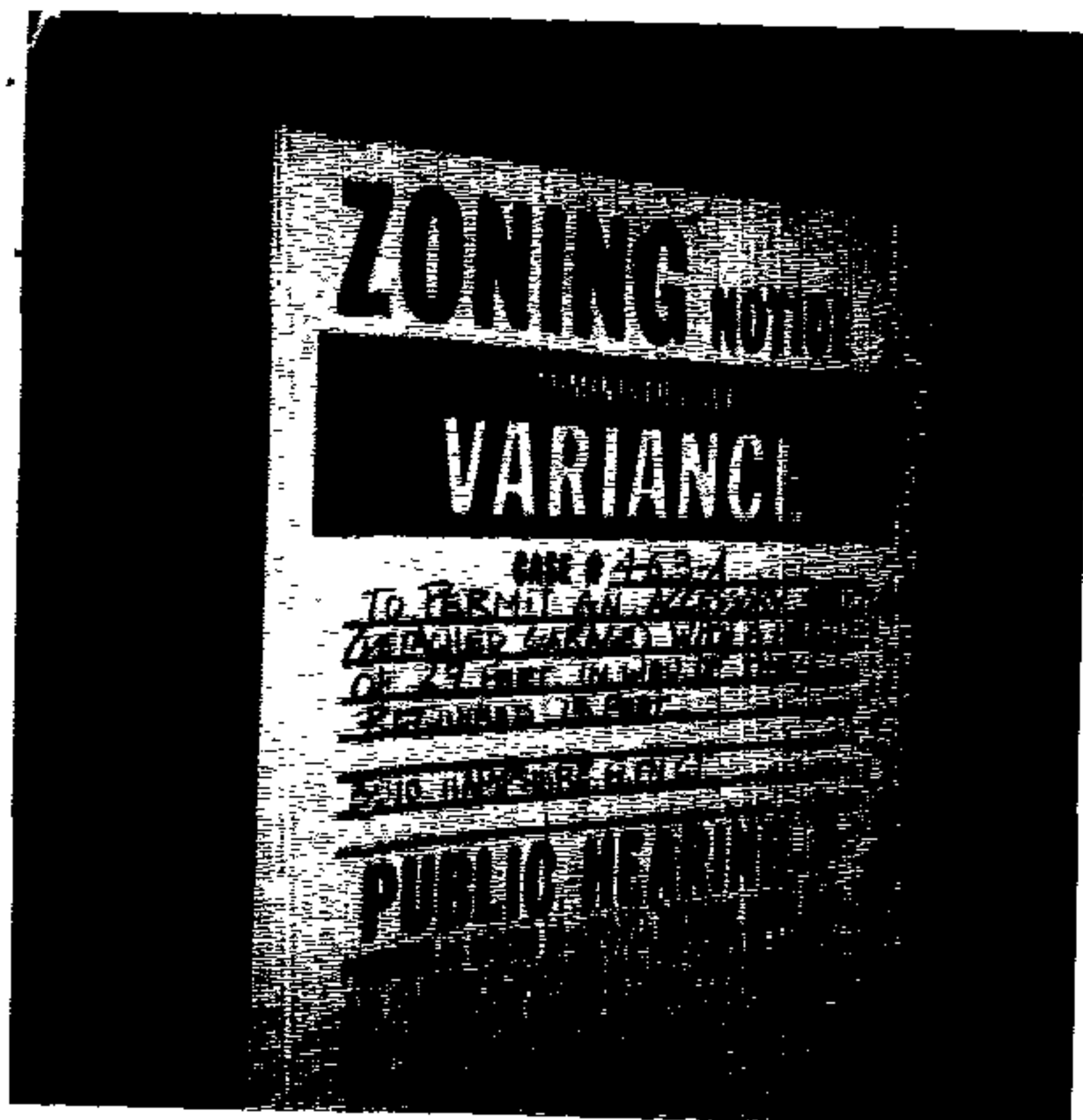
(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)



Revised 3/1/01 - SCJ

MAR 21 2005

CERTIFICATE OF POSTING

Date: April 19, 2005

RE: Case Number: 05-453-A

Petitioner/Developer: Franz and Dori Wittelsberger

Date of Hearing/Closing: Wednesday, May 4, 2005, 11AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at the intersection of the panhandle drive to 3510 and Hampshire Glen Court

The sign(s) were posted on April 19, 2005

(Month, Day, Year)

J. Lawrence Pilson

(Signature of Sign Poster)

J. Lawrence Pilson

(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1

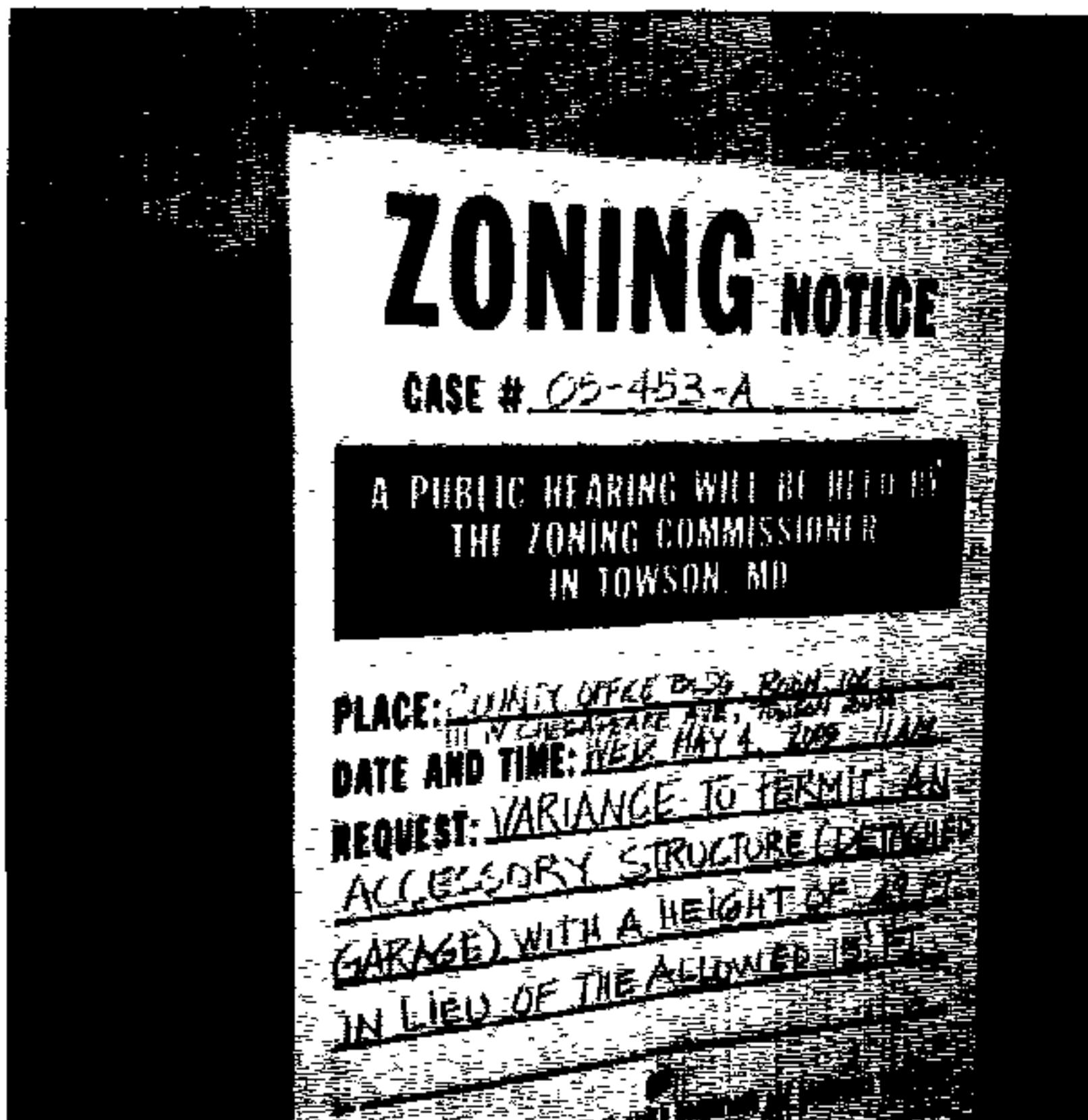
(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)



Revised 3/1/01 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 19, 2005 Issue - Jeffersonian

Please forward billing to:
Franz Wittelsberger
3510 Hampshire Glen Court
Phoenix, MD 21131

410-667-1432

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: 05-453-A

3510 Hampshire Glen Court

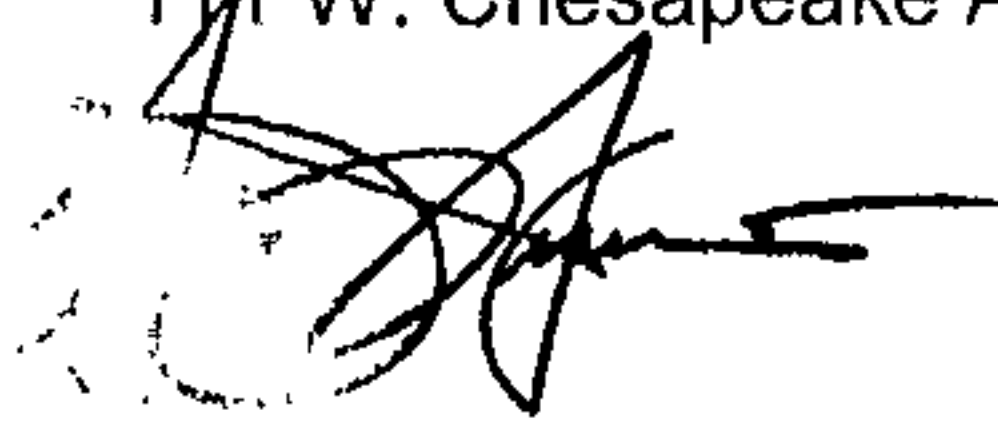
N/side of Hampshire Glen Court at the distance of 20 feet east of the centerline of Hampshire Glen Court

10th Election District – 3rd Councilmanic District

Legal Owners: Franz & Dori Wittelsberger

Variance to permit an accessory structure (detached garage) with a height of 29 feet in lieu of the allowed 15 feet.

Hearing: Wednesday, May 4, 2005 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake 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**

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



Baltimore County

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

March 31, 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: 05-453-A

3510 Hampshire Glen Court

N/side of Hampshire Glen Court at the distance of 20 feet east of the centerline of Hampshire Glen Court

10th Election District – 3rd Councilmanic District

Legal Owners: Franz & Dori Wittelsberger

Variance to permit an accessory structure (detached garage) with a height of 29 feet in lieu of the allowed 15 feet.

Hearing: Wednesday, May 4, 2005 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Eric Wittelsberger, 3510 Hampshire Glen Ct., Phoenix 21131
Galinski/Csicsek, 3603 Hampshire Glen Ct., Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 19, 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.

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



**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: ~~453~~ 05-453-A

Petitioner: Franz Withelberger

Address or Location: 3510 Hampshire Glen Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Franz Withelberger

Address: 3510 Hampshire Glen Court
Phoenix, MD 21131

Telephone Number: (410) 667-1433

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 453 -A Address 3510 HAMPSHIRE GLEN CT.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3-11-05 Posting Date: 3-20-05 Closing Date: 4-4-05

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 453 -A Address 3510 HAMPSHIRE GLEN CT

Petitioner's Name FRANZ WITTELSBERGER Telephone 410-667-1432

Posting Date: 3-20-05 Closing Date: 4-4-05

Wording for Sign: To Permit an accessory structure (detached garage)
with a height of 20' in lieu of the required 15'.

**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 25, 2005

Franz Wittelsberger
Dori Wittelsberger
3510 Hampshire Glen Court
Phoenix, Maryland 21131

Dear Mr. and Mrs. Wittelsberger:

RE: Case Number: 05-453-A, 3510 Hampshire Glen Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 11, 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

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

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

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

Samal
Demorek
5/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 12, 2005

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

SUBJECT: 5-453 – Administrative Variance

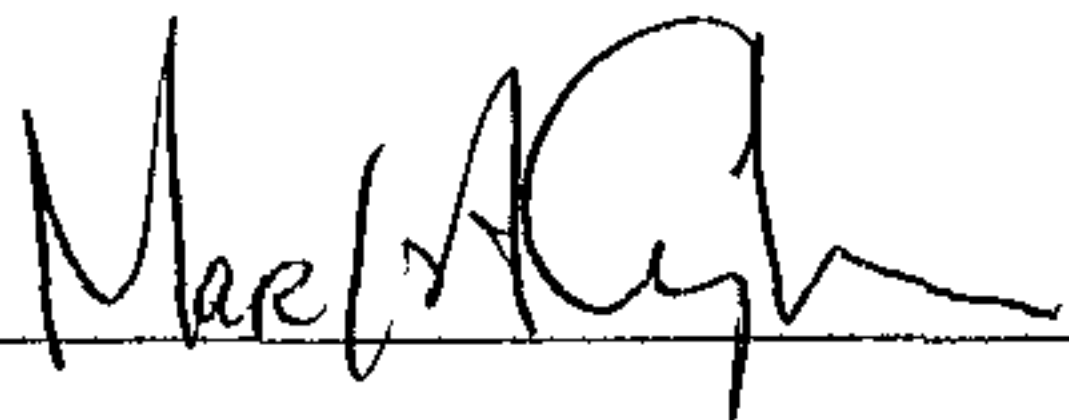
RECEIVED
APR 13 2005
ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 29 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Submit elevations (all sides) of the proposed accessory structure to his office for review and approval prior to the issuance of any building permit.

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

Prepared by:



Section Chief:



AFK/LL: MAC

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. 453 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

**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*

March 31, 2005

Franz Wittelsberger
Dori Wittelsberger
3510 Hampshire Glen Court
Phoenix, MD 21131

Dear Mr. & Mrs. Wittelsberger:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-453-A

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

The hearing has been scheduled, and a new notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Eric Wittelsberger, 3510 Hampshire Glen Court, Phoenix 21131
Galinski/Csicsek, 3603 Hampshire Glen Court, Phoenix 21131

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



Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Diary 7/7
Diary 8/15
Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

June 15, 2005

Mr. & Mrs. Franz Wittelsberger
3510 Hampshire Glen Court
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 05-453-A
Property: 3510 Hampshire Glen Court

Dear Mr. & Mrs. Wittelsberger:

As I recall, by agreement I left the record open in this case to allow all interested parties to discuss settlement of your differences. It has been nearly six weeks since I heard the case, and I was wondering whether you needed more time to discuss settlement of the matter or whether I should simply make a decision based on the record from the hearing.

At your convenience, it would be appreciated if you would let me know the status of your discussions in writing.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj

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



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

Mailed 9/21/05

September 21, 2005

Mr. John Csicsek
3608 Hampshire Glen Court
Phoenix, Maryland 21131

Ms. Terry Galinski
3603 Hampshire Glen Court
Phoenix, Maryland 21131

Ms. Barbara Larrabee
3507 Hampshire Glen Court
Phoenix, Maryland 21131

Suzanne & Robert Libertini
3508 Hampshire Glen Court
Phoenix, Maryland 21131

Mr. Thomas Moore
3312 Paper Mill Road
P. O. Box 400
Phoenix, Maryland 21121

Re: Petition for Administrative Variance
Case No. 05-453-A
Property: 3510 Hampshire Glen Court

Dear Ladies & Gentlemen:

I received the attached note and sketches from Mr. Wittelsberger regarding his revised garage plan. If you will recall, the hearing for his request for a height variance was held on May 4, 2005. At everyone's request I agreed to keep the record of the case open in order to allow everyone to discuss settlement.

I see that the architectural committee is now in agreement with the revised plan. I was not sure whether all those attending the hearing had had an opportunity to review the new plan so I am writing today for your comment.

Please let me know your thoughts in writing at your earliest convenience. Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosures

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



Mr. John V. Murphy
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

July 9, 2005

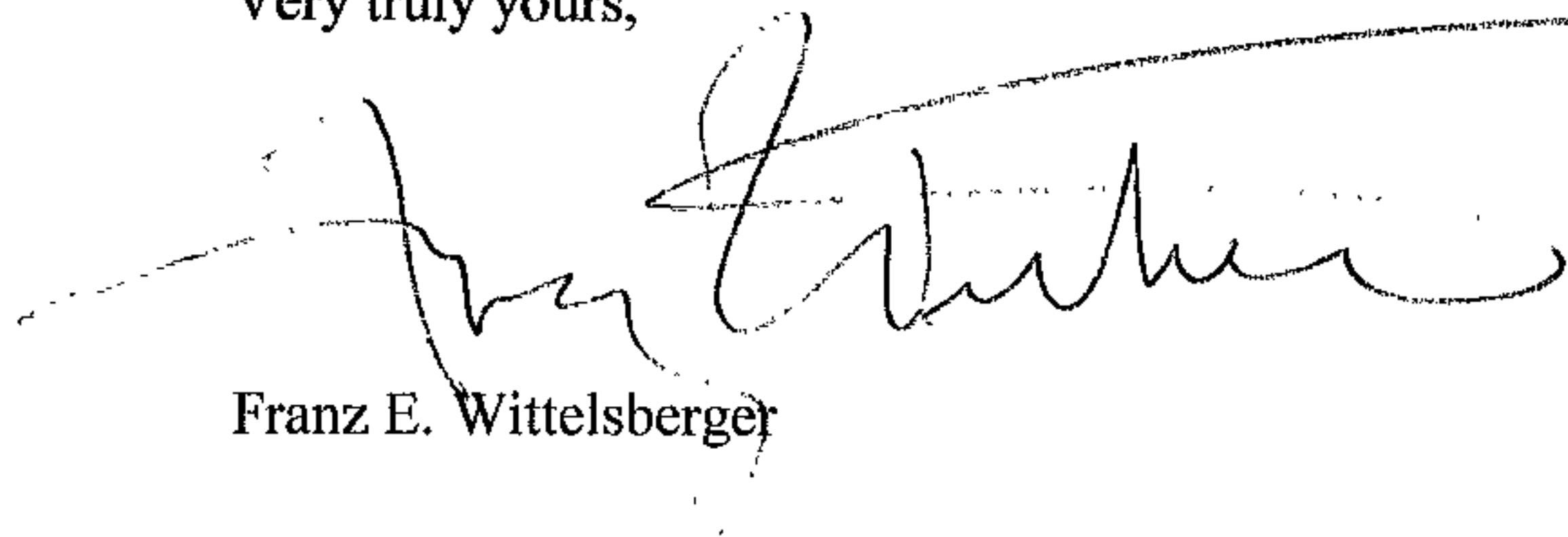
RECEIVED
JUL 13 2005
ZONING COMMISSIONER

Re: Petition for Administrative Variance
Case No. 05-453-A
Property: 3510 Hampshire Glen Court

Dear Mr. Murphy,

We have employed the services of an architect. It is our hope that once the neighbors get a true picture of what we are proposing, their fears will be alleviated. The architect is just about done with some minor revisions to the plan. We should be ready to circulate the plans to all interested parties very soon. If you could provide us with an additional thirty days, I believe we will have settlement in this matter. I thank you in advance for your time and patience in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Franz E. Wittelsberger', with a long horizontal flourish extending to the right.

Franz E. Wittelsberger

September 2, 2005

Mr. John V. Murphy
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED

SEP 6 2005

Re: Petition for Administrative Variance
Case No. 05-453-A
Property: 3510 Hampshire Glen Court

ZONING COMMISSIONER

Dear Mr. Murphy,

The architectural plan for the proposed detached garage has been presented to all interested parties. I believe their concerns have been eliminated as a few expressed how nice it looked and have not contacted me by phone or e-mail to express any further concerns as I requested after delivering the plans. I have also received a letter from Gaylord Brooks Architectural Committee, Inc. advising me that they have approved the plans and specifications for the proposed detached garage. I have attached the architectural plan as well as a copy of the letter from Gaylord Brooks for your review. Please note the second paragraph concerning their approval of the height and pitch of the roof. I believe we are ready for your approval of a height variance on the proposed detached garage. Again, thank you for your time and patience in this matter.

Very truly yours,



Franz E. Wittelsberger

10/9/05

Mr. John V. Murphy
Deputy Zoning Commissioner
Baltimore County
Towson, Maryland

RECEIVED

OCT 12 2005

ZONING COMMISSIONER

Dear Mr. Murphy:

Re: Attached Request

As long as Mr. + Mrs. Wittelsberger erect a structure in keeping with the architectural plan you sent me, I have no objections. The design is attractive.

Sincerely,
Terry Galimfor

Pict #5

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

September 21, 2005

Mr. John Csicsek
3608 Hampshire Glen Court
Phoenix, Maryland 21131

Ms. Barbara Larrabee
3507 Hampshire Glen Court
Phoenix, Maryland 21131

Mr. Thomas Moore
3312 Paper Mill Road
P. O. Box 400
Phoenix, Maryland 21121

✓ Ms. Terry Galinski
3603 Hampshire Glen Court
Phoenix, Maryland 21131

Suzanne & Robert Libertini
3508 Hampshire Glen Court
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 05-453-A
Property: 3510 Hampshire Glen Court

Dear Ladies & Gentlemen:

I received the attached note and sketches from Mr. Wittelsberger regarding his revised garage plan. If you will recall, the hearing for his request for a height variance was held on May 4, 2005. At everyone's request I agreed to keep the record of the case open in order to allow everyone to discuss settlement.

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Please let me know your thoughts in writing at your earliest convenience. Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosures

CASE NAME 3510 HAMPSHIRE BLVD
CASE NUMBER 05-453-A
DATE 5/4/05

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
* John Ciesiek	360E Hampshire Glen Ct	Phoenix, Md. 21131	marthae10@hchmail.ca
* Barbara Larrabee	3507 Hampshire Glen Ct	Phoenix MD 21131	blarrabee@comcast.net
* THOMAS MOORE	3312 PAPER MILL RD PO BOX 400	PHOENIX MD 21131	---
* Terry Galinski	3603 Hampshire Glen Ct	Phoenix MD 21131	tgcanuck@aol.com
* Suzanne Libertini	3508 Hampshire Glen Ct	Phoenix MD 21131	
* Robert Libertini	3508 Hampshire Glen Ct.	Jacksonville MD 21131	BobLibertini@Comcast.net

CASE NAME 3510-Hampshire Glen Ct.
CASE NUMBER 05-453-N
DATE 5/4/05.

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3510 Hampshire Glen Court

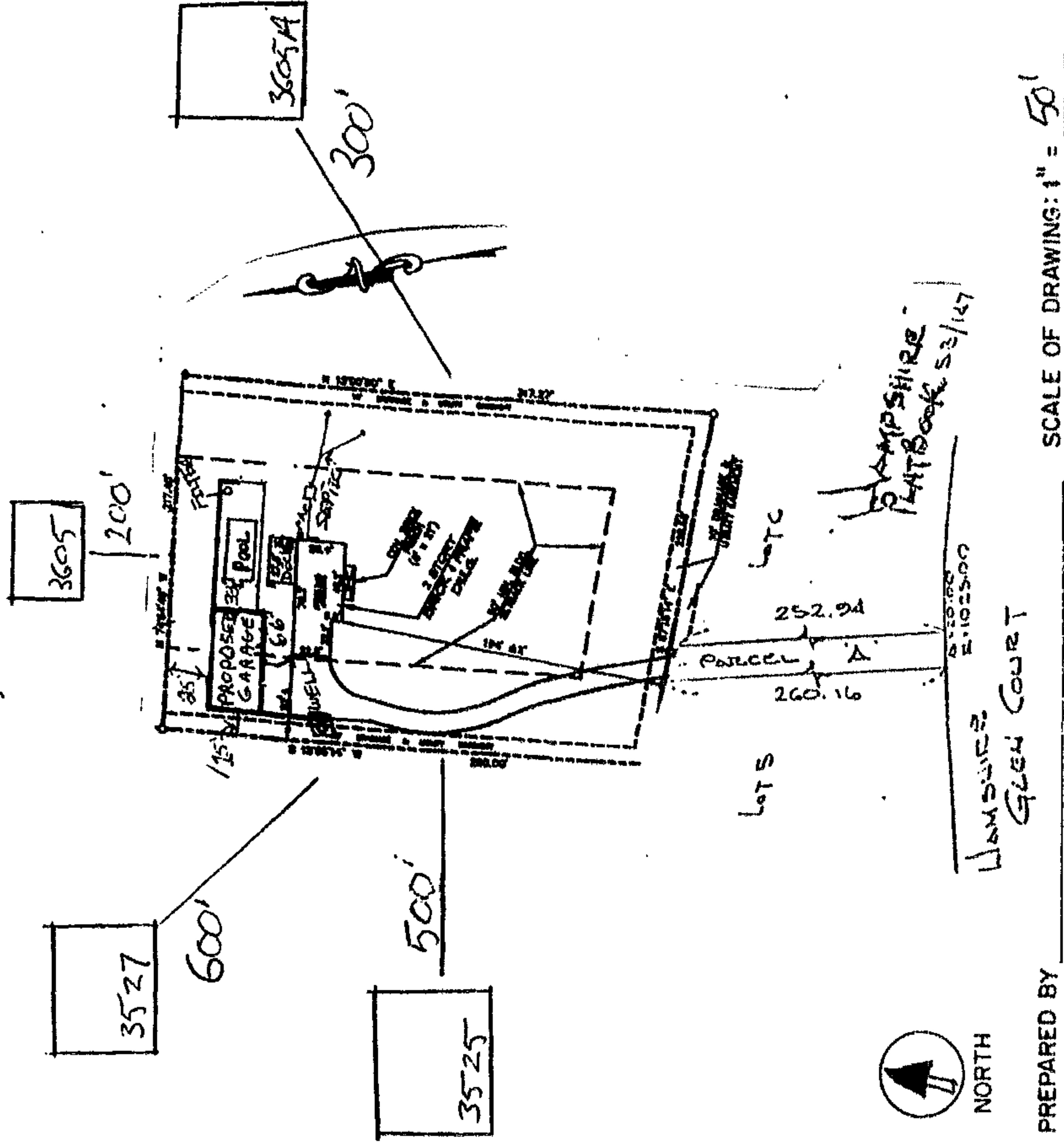
SUBDIVISION NAME Stillwater Farms

PLAT BOOK # 56 FOLIO # 36 LOT # 2 SECTION # 13

OWNER FRANZ W. HELSBARGER

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

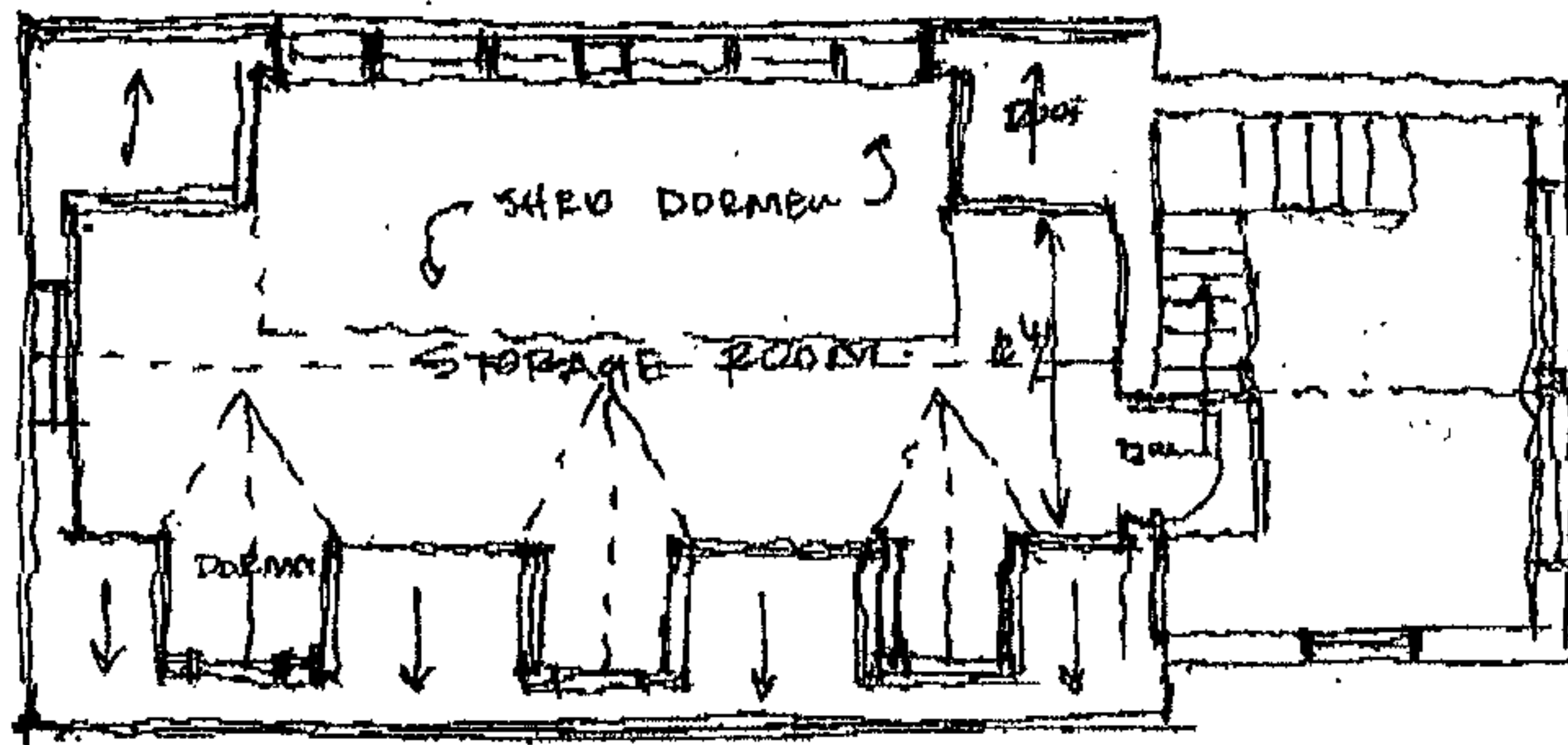
VICINITY MAP SCALE: 1" = 1000'	
LOCATION INFORMATION ELECTION DISTRICT <u>10</u> COUNCILMANIC DISTRICT <u>3</u> 1" = 200' SCALE MAP # <u>REL</u> ZONING <u>NE21</u> LOT SIZE <u>2.3</u> ACRES SQUARE FEET	
SEWER ☐ WATER ☐	PUBLIC ☐ PRIVATE ☒
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒ 100 YEAR FLOOD PLAIN YES ☒ NO ☐ HISTORIC PROPERTY / BUILDING YES ☐ NO ☒ PRIOR ZONING HEARING <u>none</u>	
ZONING OFFICE USE ONLY REVIEWED BY <u>JE</u> ITEM # <u>453</u> CASE # <u>Q9</u>	



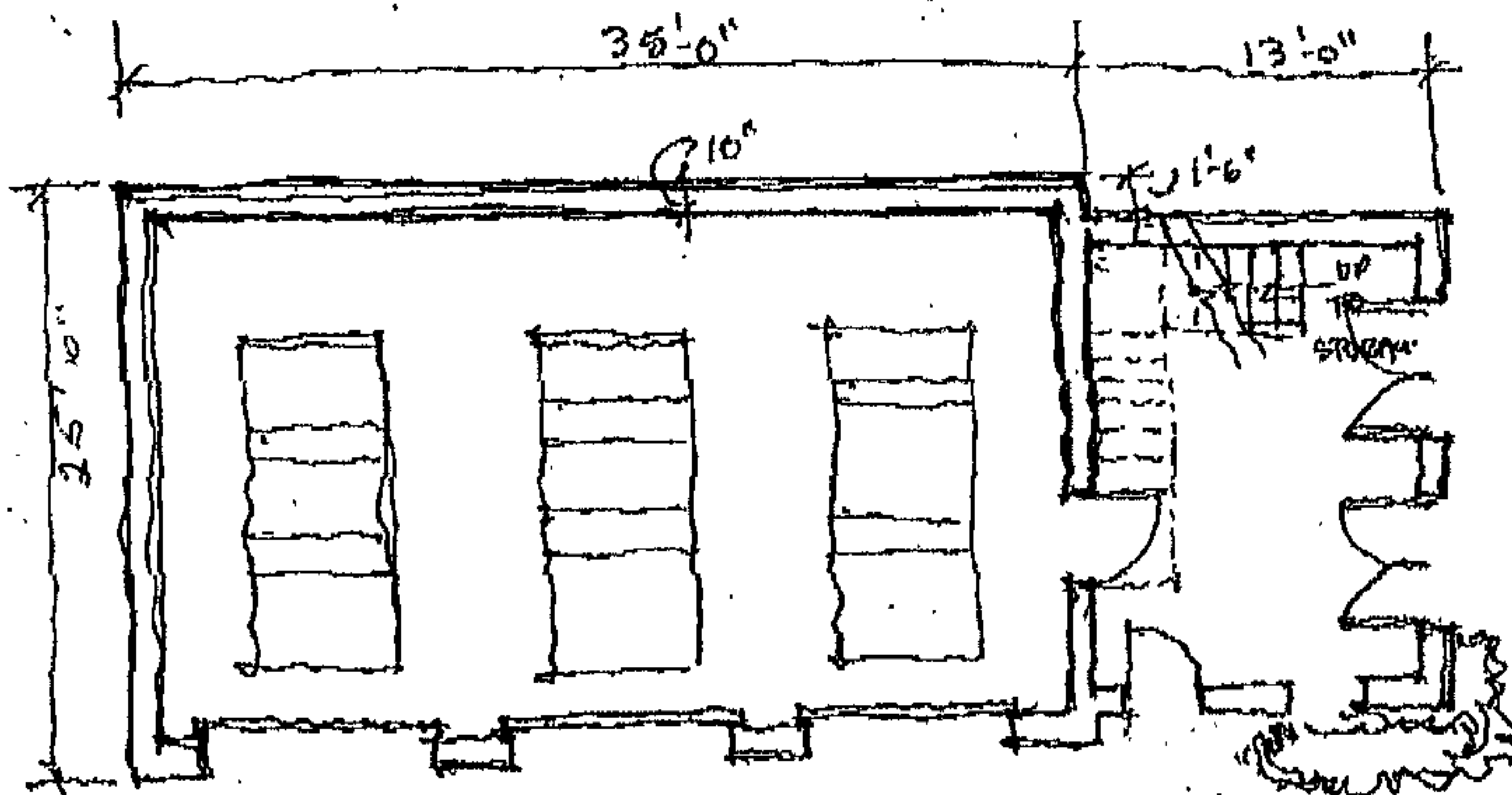


NE 21-C

453



UPPER FLOOR PLAN
1:10



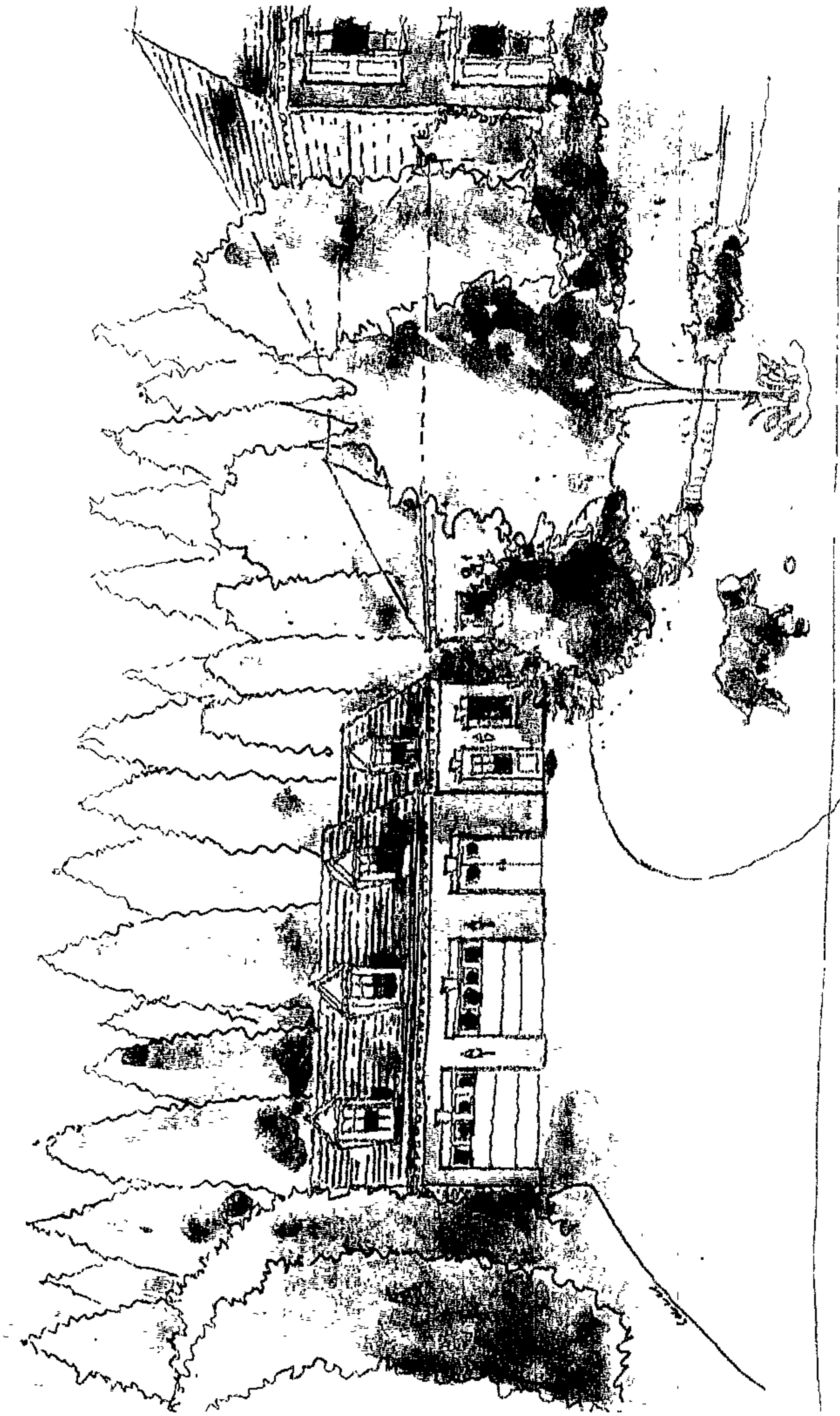
FLOOR PLAN
1:10

WITTELSBERGER
GARAGE

EXIST
HOUSE

LEE DRISKILL
6-24-2005

Page 3



WITTELSBERGER RESIDENCE

GARAGE ADDITION



Gaylord Brooks Architectural Committee, Inc.

P. O. Box 400, 3312 Paper Mill Road, Phoenix, Maryland 21131 • 410-667-0800 • FAX 410-667-0078

August 30, 2005

Mr. & Mrs. Franz Wittelsberger
3510 Hampshire Glen Court
Phoenix, MD 21131

Re: Garage Approval
3510 Hampshire Glen Court

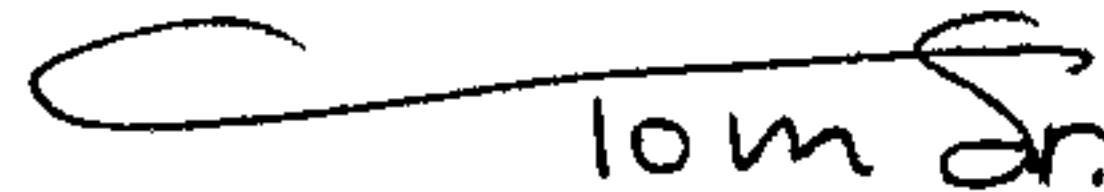
Dear Mr. & Mrs. Wittelsberger,

Please be advised that the plans and specifications for the proposed detached garage on the above referenced property have been approved by the Gaylord Brooks Architectural Committee, Inc.

It is our opinion that the added height of the roof and its accompanying increased roof pitch together with the dormer windows provide the architectural detail needed for a residential setting.

Thank you for your efforts to design a detached garage that compliments the architectural diversity of Hampshire. Hopefully the community will also embrace the proposed design.

Very truly yours,



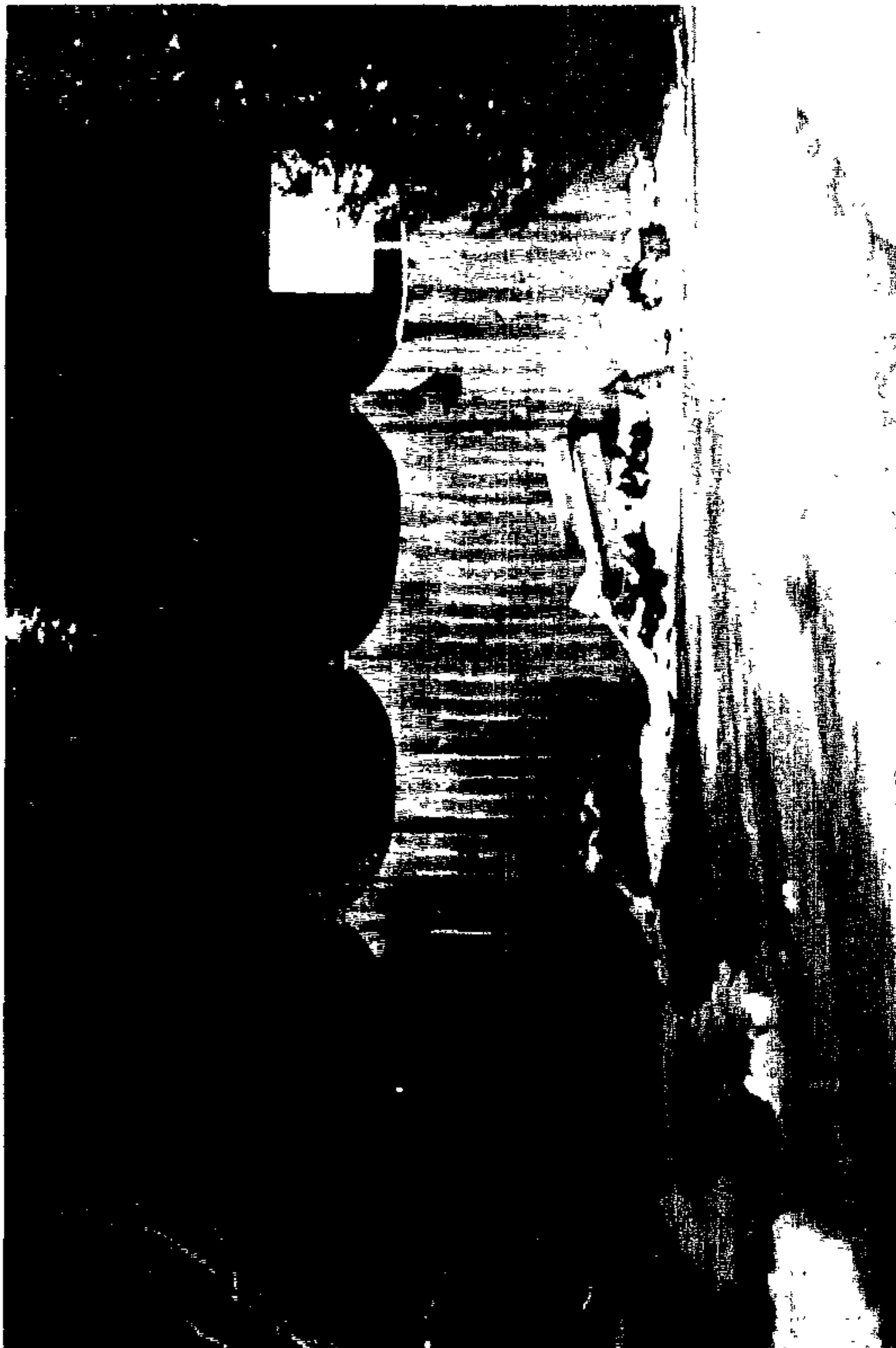
Thomas O. Moore
Chairman

TOM/rb

Del 4/4



QJ
453





453



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