

IN RE: PETITIONS FOR SPECIAL HEARING and * BEFORE THE
VARIANCE, SE/S Raphael Road,
220' SW of the c/l Bradshaw Road
(11423 Raphael Road)
11th Election District
3rd Council District

William Raspe
Petitioner

* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-519-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by William Raspe, owner of the subject property. The Petitioner requests a special hearing to approve the proposed "replacement" dwelling with a side yard setback of 27 feet in lieu of the required 50 feet and a front yard setback from a collector road of 85 feet in lieu of the required 150 feet, pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from Section 400.1 of the B.C.Z.R. to permit an existing accessory structure (garage/shed) to be located in the side yard of a proposed dwelling in lieu of the required rear yard. 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 Petitioner was Paul W. Botzler, Professional Engineer, who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southeast side of Raphael Road, just west of Bradshaw Road in the Upper Falls community of eastern Baltimore County. The property contains a gross area of 21,780 sq.ft. (0.50 acres), more or less, zoned R.C.5, and is improved with a small, single-family dwelling and 10' x 12' shed. On behalf of the Petitioner, Mr. Botzler testified that Mr. Raspe has owned and resided on the property for many years and is now in poor health. Mr. Raspe's daughter and her family intend to move to the site to assist him with daily living activities. However, the existing structure was built over 100

ORDER RECEIVED FOR FILING

Date 6/17/05

By [Signature]

years ago and has deteriorated. Thus, Mr. Botzler was retained by the Petitioner to perform a structural evaluation of the existing home (see Petitioner's Exhibit 2). Mr. Botzler concluded that the existing structure was not suitable for rehabilitation and recommended that the existing building be razed and replaced with a new, more modern structure. Thus, the Petitioners propose a new, two-story dwelling, 24 feet by 36 feet in dimension. As shown on the site plan, the house will be situated approximately 85 feet from Raphel Road, and provide side yard setbacks of 50 feet to the north and 27 feet to the south. In this regard, the neighbors on the south side of the property, William and Camille McLaughlin, support the proposal. Upon completion of the new dwelling and the acquisition of a use and occupancy permit, the existing house will be razed; however, the existing shed will be retained.

Special hearing and variance relief is necessary, given the small size and width of the lot and the location of the existing shed. Due to the recent passage of Council Bill No. 55-04, the minimum required area for a buildable lot in the R.C.5 zone is 1.5 acres. Moreover, due to the narrow width of the property, the proposed dwelling cannot meet the required side setbacks. Indeed, strict adherence to the required 50-foot side yard setbacks would allow only a 13-foot wide dwelling to be built on the lot, which is smaller than the existing house. In addition, the Petitioner wishes to retain the existing shed where presently located. Thus, the requested special hearing and variance relief is necessary.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, the Petitioner has owned and resided on the property for many years in a home that was built long before zoning regulations were established in Baltimore County. The subject property is a single lot of record that was created prior to the 1950s and is not a subdivision. Obviously, strict compliance with the current regulations would cause a practical difficulty upon the Petitioners and prevent use of the property for a permitted purpose. Moreover, testimony indicated that many other houses in the vicinity have been built on small lots that were created prior to Council Bill No. 55-04. The proposed dwelling will be compatible with the pattern of development on adjacent properties. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors support the proposal.

Thus, I find that the relief sought will not adversely impact adjacent properties and meets the requirements of Section 307 of the B.C.Z.R.

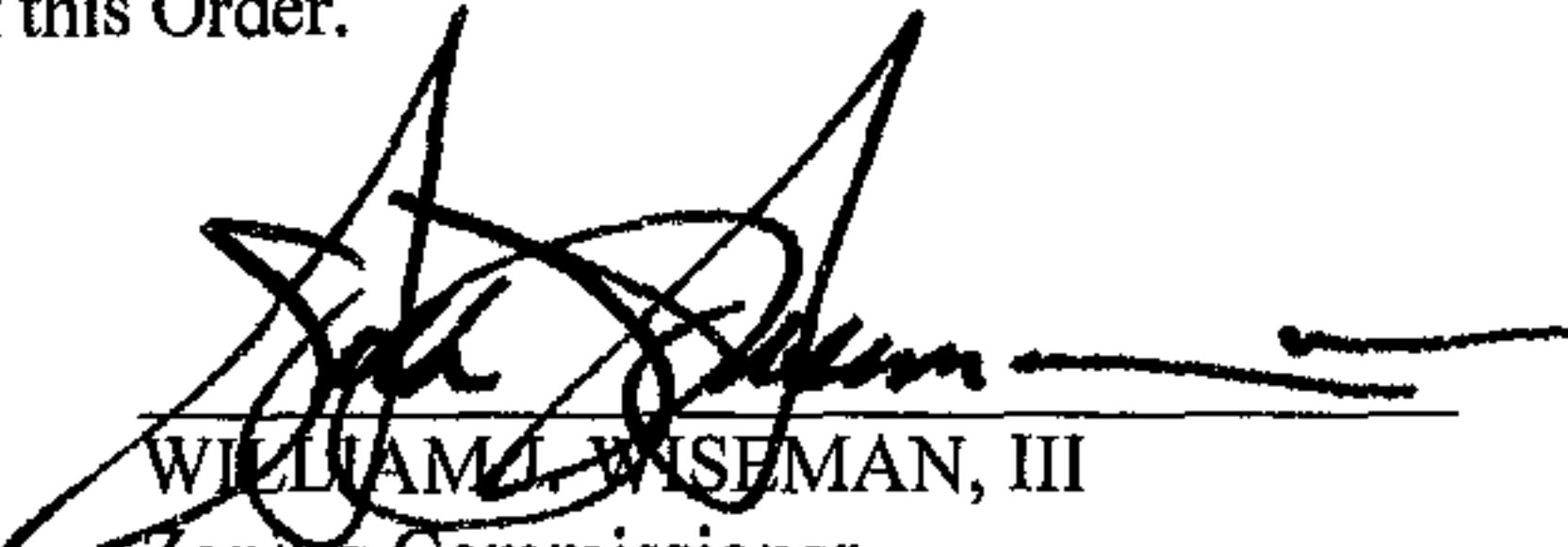
Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June 2005 that the Petition for Special Hearing to approve the proposed "replacement" dwelling with a side yard setback of 27 feet in lieu of the required 50 feet and a front yard setback from a collector road of 85 feet in lieu of the required 150 feet, pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (garage/shed) to be located in the side yard of a proposed dwelling in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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) In compliance with the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated May 24, 2005, a well yield test and soil evaluation will be required prior to the issuance of a building permit.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/17/05
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

June 17, 2005

Mr. William Raspe
11423 Raphael Road
Upper Falls, Maryland 21156

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/S Raphael Road, 220' SW of the c/l Bradshaw Road
(11423 Raphael Road)
11th Election District – 3rd Council District
William Raspe - Petitioner
Case No. 05-519-SPHA

Dear Mr. Raspe:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Paul W. Botzler
P.O. Box 261, Monkton, Md. 21111
DEPRM; People's Counsel; Case File

✓

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11423 RAPHAEL ROAD
which is presently zoned R.C. - 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve per Section 1A04.3.B.2.b

the proposed "replacement" dwelling, and that it may have a sideyard setback of 27 feet, in lieu of the required 50 feet, and to allow a frontyard setback of 85 feet to the centerline of a collector road, in lieu of the required 150 feet.

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

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

Contract Purchaser/Lessee:

n/a
Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

n/a
Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

William Raspe
Name - Type or Print

X William Raspe
Signature

Name - Type or Print

Signature

11423 Raphael RD (410) 592-6605
Address Telephone No.

Upper Falls, MD 21156
City State Zip Code

Representative to be Contacted:

Paul W. Botzler, P.E.
Name
P.O. BOX 261 (410) 329-2696
Address Telephone No.

Monkton, MD 21111
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SK Date 4/11/05

Case No. 05-519-SPHA

2001 9/15/98

ORDER RECEIVED FOR FILING
Date 6/17/05



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 11423 RAPHAEL ROAD
which is presently zoned R.C.-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) 400.1

to permit an existing accessory structure (garage/shed) to be in the sideyard, of a proposed dwelling, in lieu of the required rear yard.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

William Raspe
Name - Type or Print

X William Raspe
Signature

Name - Type or Print

Signature

11423 Raphael Rd 410.592.6605
Address Telephone No.

Upper Falls, MD 21156
City State Zip Code

Representative to be Contacted:

Paul W. Botzler, P.E.
Name

PO Box 261 410.329.2696
Address Telephone No.

Monkton, MD 21111
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By 1311 Date 4/11/05

Case No. 05-519-SHA

ORDER RECEIVED FOR FILING
APR 19/15/98

PROPERTY DESCRIPTION FOR: 11423 RAPHAEL ROAD
UPPER FALLS, MD

Beginning at a point on the Southeast side of Raphael Road which is thirty feet wide, at the distance of 220 feet Southwest of the centerline of Bradshaw Road which is thirty feet wide, being same lot as recorded in Deed Liber 10204 folio 464, running thence South 45 degrees 43 minutes West 110.55 feet, South 66 degrees 0 minutes East 207.90 feet, North 32 degrees 33 minutes East 123.75 feet, North 73 degrees 43 minutes West 47.85 feet and North 71 degrees 30 minutes West 138.60 feet to the place of beginning, containing 0.50 acres of land; also known as 11423 Raphael Road and located in the 11th Election District and 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **443851**

DATE

4/11/05

ACCOUNT

18 001-006-6180

AMOUNT \$

130.00

RECEIVED
FROM

Tamela Services Inc.

FOR

Variance & Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 519

PAID RECEIPT

BUSINESS	ACCT	TIME	DATE
4/12/2005	4/11/2005	11:37:29	2
ES WGM	WALTON	DAVE DND	
RECEIPT # 308372	4/11/2005		DEPT
Dept	IS 320	TRAINING VERIFICATION	
R NO.	443851		
Recpt Tot		\$130.00	
\$130.00	CK	\$1.00	CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2566

DATE 12/1/05 ACCOUNT 001-006-6150
AMOUNT \$ 50⁰⁰

RECEIVED
FROM:

TAMTECH

FOR:

Spirit + Intent letter - 11423
Raphael Road

DISTRIBUTION

Log # 053324

PAID RECEIPT
PERSONS: 00000000000000000000
DATE: 12/01/05
AMOUNT: 50.00
TOTAL: 50.00
BALANCE: 0.00
DEPT: 00000000000000000000
OFFICE: 00000000000000000000
FUND: 00000000000000000000
PROJECT: 00000000000000000000
Baltimore County, Maryland

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: #05-519-SPHA

11423 Raphael Road

S/east side of Raphael Road, 220 ft. s/west of centerline of Bradshaw Road

11th Election District - 2nd Councilmanic District

Legal Owner(s): William Raspe

Variance: to permit an existing accessory structure to be in the side yard of a proposed dwelling in lieu of the required rear yard. Special Hearing: to permit the proposed replacement dwelling, and that it may have a side yard setback of 27 feet, in lieu of the required 50 feet, and to allow a front yard setback of 85 feet to the centerline of a collector road, in lieu of the required 150 feet.

Hearing: Tuesday, May 24, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special 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/5/648 May 10

50390

CERTIFICATE OF PUBLICATION

5/12, 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 5/10, 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

RE: Case No.: 05-519-SPHA

Petitioner/Developer: _____

SULLIVAN

Date of Hearing/Closing: 5/24/05

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

Attention: KRISTEN MATTHEWS

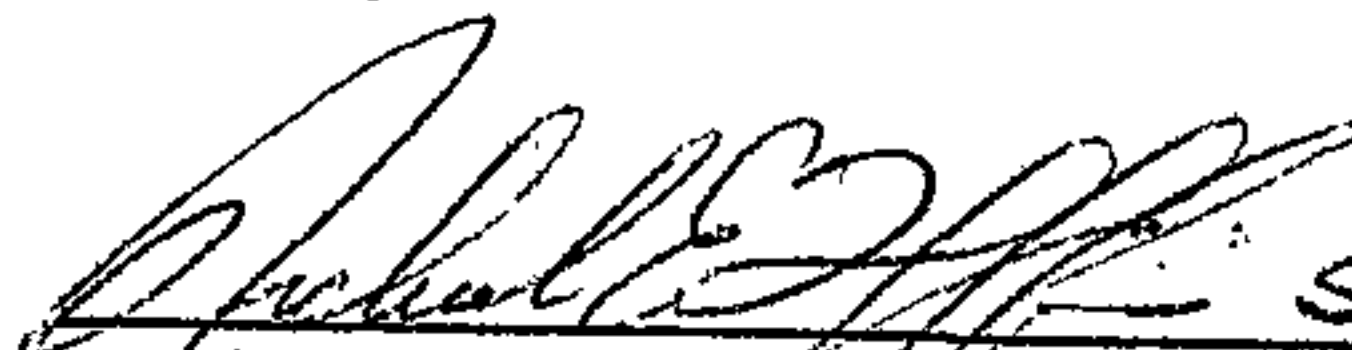
Ladies and Gentlemen:

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

11423 RAPHEL RD

The sign(s) were posted on 5/9/05
(Month, Day, Year)

Sincerely,

 5/9/05
(Signature of Sign Poster and Date)

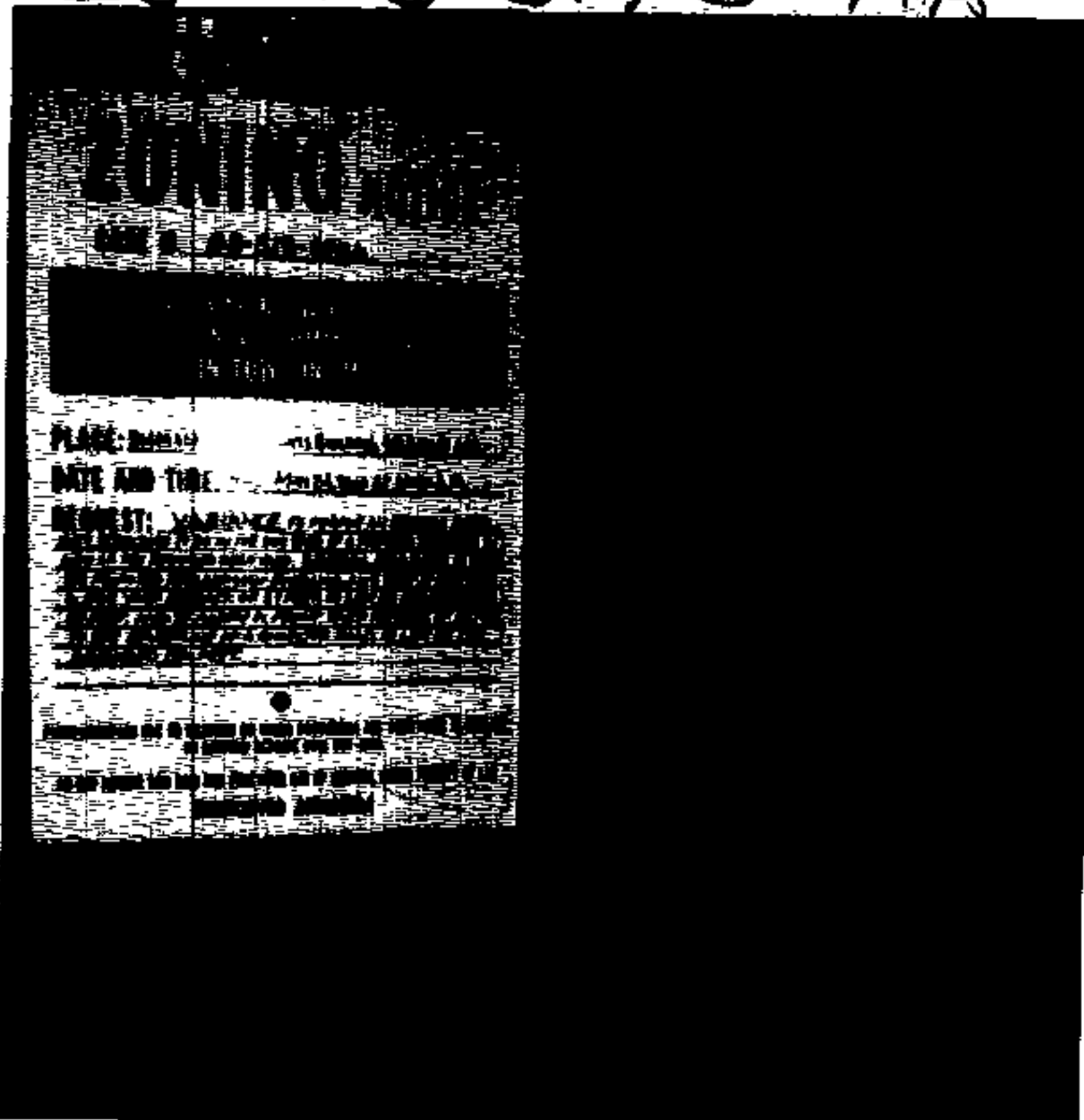
RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)

CS # 05-519-SPHA



11423 RAPHEL ROAD

POSTED 5/9/05

 5/9/05

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 10, 2005 Issue - Jeffersonian

Please forward billing to:
William Raspe
11423 Raphael Road
Upper Falls, MD 21156

410-592-6605

NOTICE OF ZONING HEARING

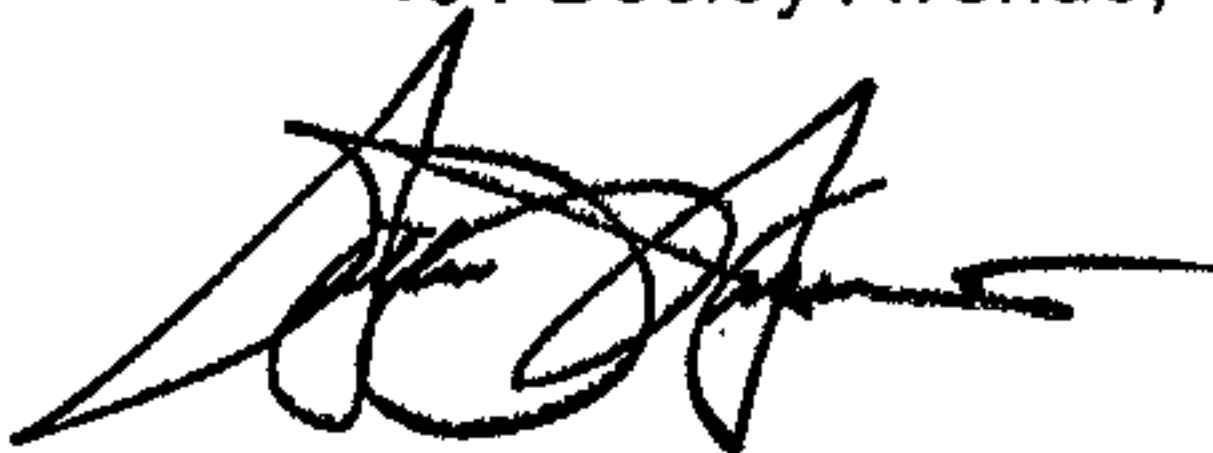
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-519-SPHA

11423 Raphael Road
S/east side of Raphael Road, 220 ft. s/west of centerline of Bradshaw Road
11th Election District – 2nd Councilmanic District
Legal Owner: William Raspe

Variance to permit an existing accessory structure to be in the side yard of a proposed dwelling in lieu of the required rear yard. Special Hearing to permit the proposed "replacement" dwelling, and that it may have a side yard setback of 27 feet, in lieu of the required 50 feet, and to allow a front yard setback of 85 feet to the centerline of a collector road, in lieu of the required 150 feet.

Hearing: Tuesday, May 24, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

April 20, 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: 05-519-SPHA

11423 Raphael Road

S/east side of Raphael Road, 220 ft. s/west of centerline of Bradshaw Road

11th Election District – 2nd Councilmanic District

Legal Owner: William Raspe

Variance to permit an existing accessory structure to be in the side yard of a proposed dwelling in lieu of the required rear yard. Special Hearing to permit the proposed "replacement" dwelling, and that it may have a side yard setback of 27 feet, in lieu of the required 50 feet, and to allow a front yard setback of 85 feet to the centerline of a collector road, in lieu of the required 150 feet.

Hearing: Tuesday, May 24, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: William Raspe, 11423 Raphael Road, Upper Falls 21156
Paul Botzler, P.O. Box 261, Monkton 21111

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 9, 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: 05-519-SPHA
Petitioner: William Raspe
Address or Location: 11423 Raphael Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: William Raspe
Address: 11423 Raphael Rd
Upper Falls, MD 21156
Telephone Number: (410) 592-6605

**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*

May 16, 2005

William Raspe
11423 Raphael Road
Upper Falls, Maryland 21156

Dear Mr. Raspe:

RE: Case Number: 05-519-SPHA, 11423 Raphael Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 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 a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Paul W. Botzler, P.E. P.O. Box 261 Monkton 21111

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



April 21, 2005

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 25, 2005

Item No.: 423 (519)

Pursuant to your request, this Office has reviewed the referenced plan(s) and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: May 2, 2005
Department of Permits & Development
Management

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

SUBJECT: Zoning Advisory Committee Meeting
For April 25, 2005
Item No. 519

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way width for Raphael Road is 60-foot. Setback shall be modified accordingly.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 519-05022005.doc

bw
6/24

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

RECEIVED

FROM: John D. Oltman, Jr JPO
DEPRM

MAY 25 2005

DATE: May 24, 2005

ZONING COMMISSIONER

SUBJECT: Zoning Item # 05-519
Address 11423 Raphel Road

Zoning Advisory Committee Meeting of April 25, 2005

☒ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☐ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

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

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

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

Additional Comments:

Prior to issuance of a building permit, a well yield test and soil evaluations will be required.

Reviewer: Sue Farinetti

Date: May 24, 2005

ORDER RECEIVED FOR FILING
Date 6/27/05
By [Signature]

Buy
5/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

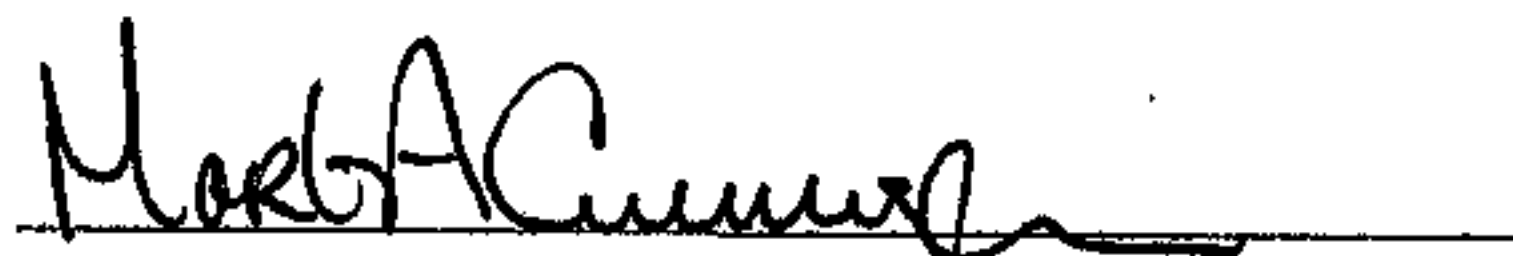
DATE: April 28, 2005

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

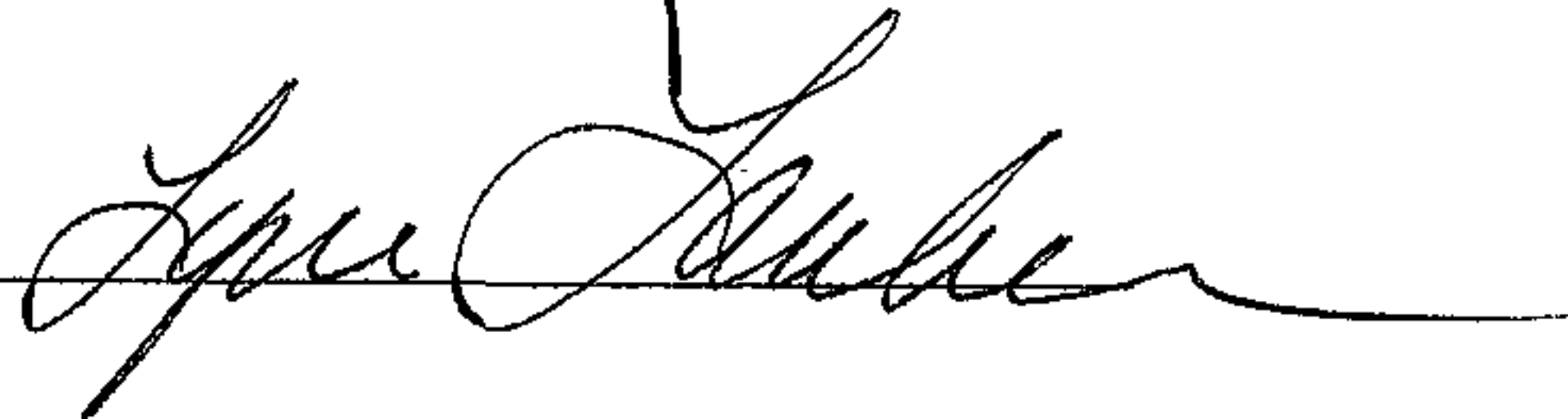
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-423, 5-511, and 5-519

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

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



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

Maryland Department of Transportation

Date: 4.22.05

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

RE: Baltimore County
Item No. 519 BPR

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
11423 Raphael Road; SE/side Raphael Road;	*	ZONING COMMISSIONER
220' SW c/line Bradshaw Road		
11 th Election & 2 nd Councilmanic Districts	*	FOR
Legal Owner(s): William Raspe		
Petitioner(s)	*	BALTIMORE COUNTY
	*	05-519-SPHA

* * * * *

ENTRY OF APPEARANCE

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

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

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

RECEIVED

Per. PLM.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 2005, a copy of the foregoing Entry of Appearance was mailed to Paul Botzler, P.E., P.O. Box 261, Monkton, MD 21111, Representative for Petitioner(s).

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

TAMTECH SERVICES, INC.

POST OFFICE BOX 261 MONKTON, MARYLAND 21111

410-329-2696 (P)

410-329-2697 (F)

To: LTM
S+I
11/30/05
WCR

November 22, 2005

Mr. Timothy Kotroco, Director
Baltimore County Office of Permits
and Development Management
Baltimore County Office Building
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Raspe Residence
11423 Raphael Road
Case No.: 05-519SPHA

Dear Mr. Kotroco,

Please find enclosed a copy of the Conclusions of Law and the plot plan exhibit for the above referenced special hearing, in which Commissioner William J. Wiseman did grant relief to the Petitioner, William Raspe, to construct a replacement dwelling on an existing lot with certain non-conforming side/front yard set backs.

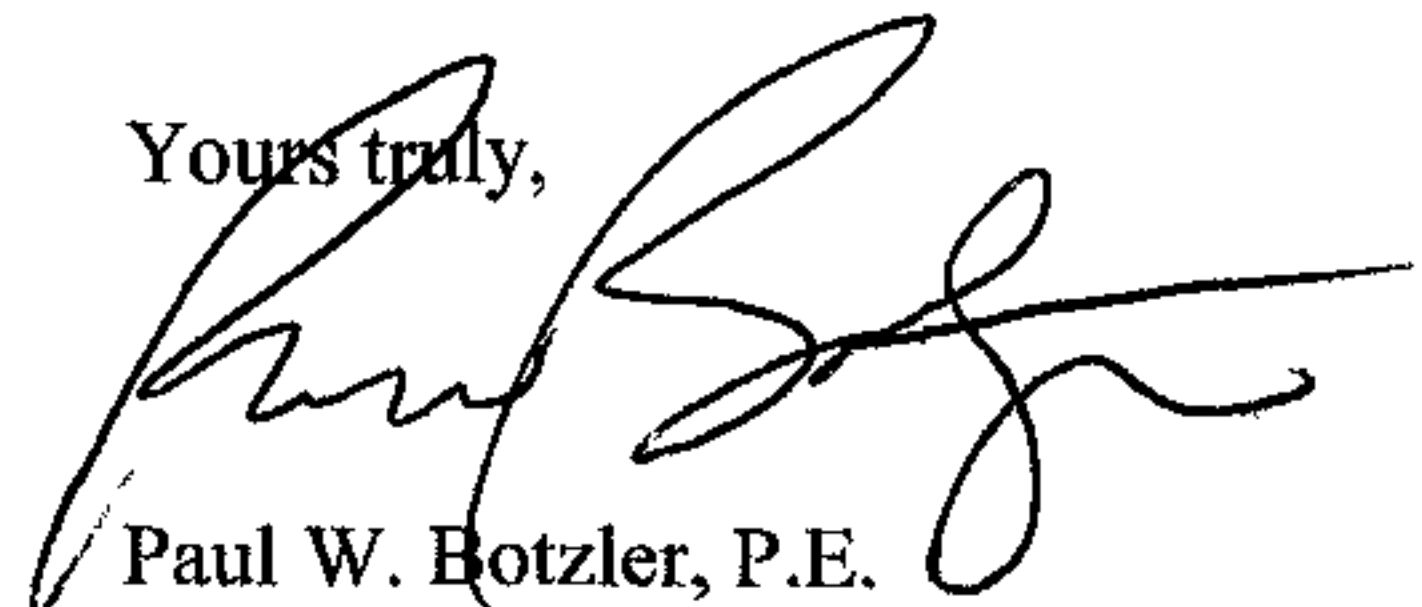
In the time since, the petitioners's health has continually deteriorated and for reasons of cost and accessibility, the dwelling concept was revised from a two-story to a one-story. The proposed one-story replacement dwelling has a slightly larger "foot print" and a front porch projection.

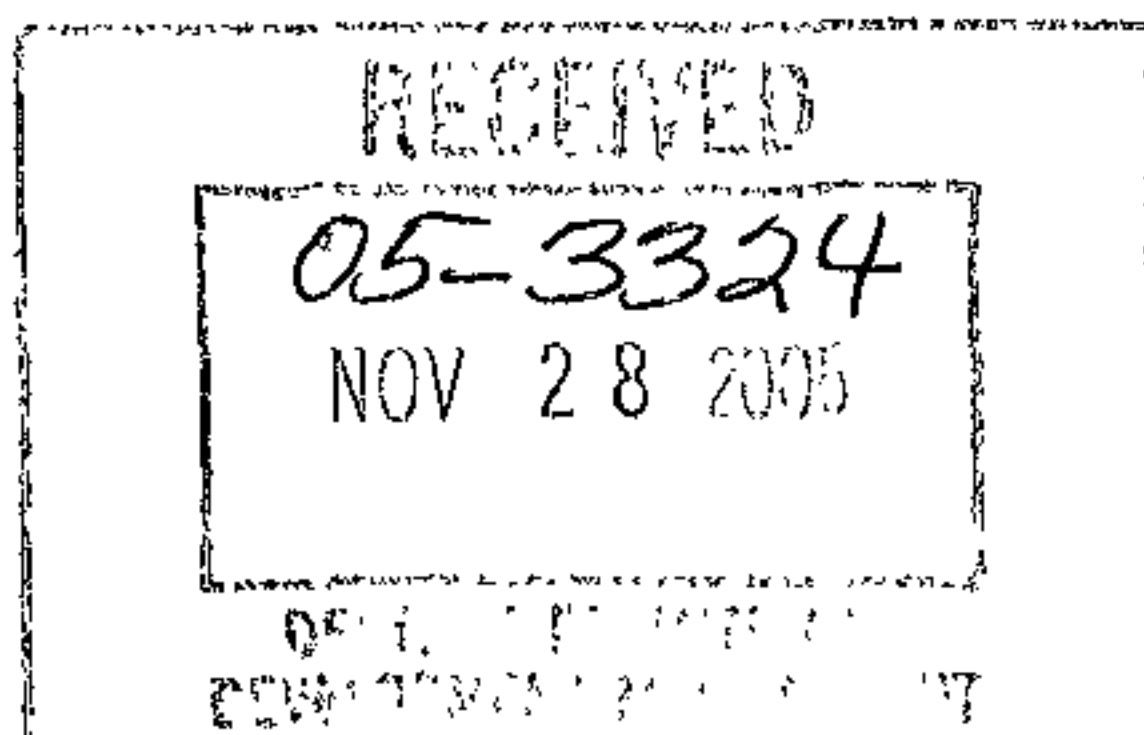
Therefore, this project needs further relief to revise the permittable front yard setback to 80' (in lieu of the required 50'), and the North side yard set back of 35' (in lieu of the required 50'). A revised/proposed site plan is enclosed.

It is the purpose of this letter to request that your office review the prior case and the reasonings of Commissioner Wiseman, to determine that these minor revisions fall within the spirit and intent of the relief granted in Case No. 05-519SPHA.

Please contact me with any questions.

Yours truly,


Paul W. Botzler, P.E.
PWB/cas



**Department of Permits and
Development Management**



Baltimore County

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

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

December 6, 2005

Mr. Paul W. Botzler
Tamtech Services, Inc.
P.O. Box 261
Monkton, MD 21111

Dear Mr. Botzler

RE: Spirit and Intent
Zoning Case No. 05-519- SPHA,
11423 Raphael Road

Pursuant to your letter To Mr. Kotroco dated November 22, 2005 and upon discussions with Mr. Wiseman, Zoning Commissioner for Baltimore County the Baltimore County Office of Zoning Review offers the following.

Prior to a formal determination as to the "spirit and intent" relief requested in the afore-mentioned letter, additional information will be required. Provide to the Baltimore County Office of Zoning Review a copy of petitioner's exhibit No. 1 showing the revised building footprint, locations and setbacks in red. The redlined exhibit must also contain a brief statement of non-opposition to the proposal supported by original signatures of the adjoining property owners to the north and south. Include a statement of authority on the part of the individual signing for the adjoining Odd-Fellows organization.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley", is written over a horizontal line.

Lloyd T. Moxley
Planner II, Zoning Review

LTM

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



CASE NAME ASPE RATHER ED
CASE NUMBER 11423
DATE 05-519 SPHA
5-24-05

CASE NAME ASPE RATHER ED
CASE NUMBER 11423
DATE 05-519 SPHA
5-24-05

[illegible]

Case No.:

05-519 - SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

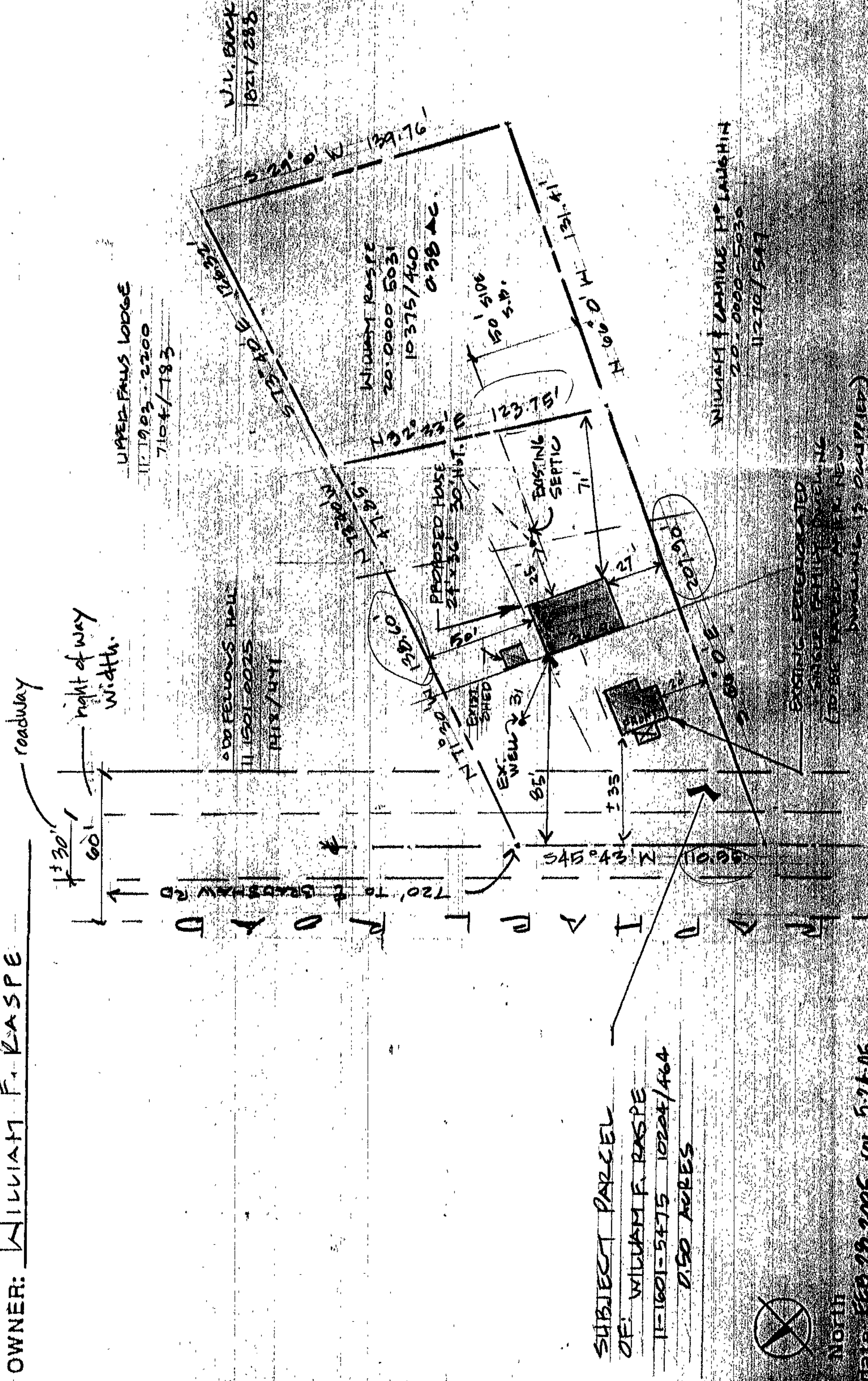
No. 1	SITE PLAN	
No. 2	STRUCTURAL EVALUATION EXISTING HOME	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Plat to accompany Petition for Zoning
PROPERTY ADDRESS: 11423 RAPHAEL ROAD

Subdivision name: 4/a

plat	book#	folio#	lot#	section#

OWNER: WILLIAM F. CASPE



SUBJECT PARCEL

OF: WILLIAM F. RASPE

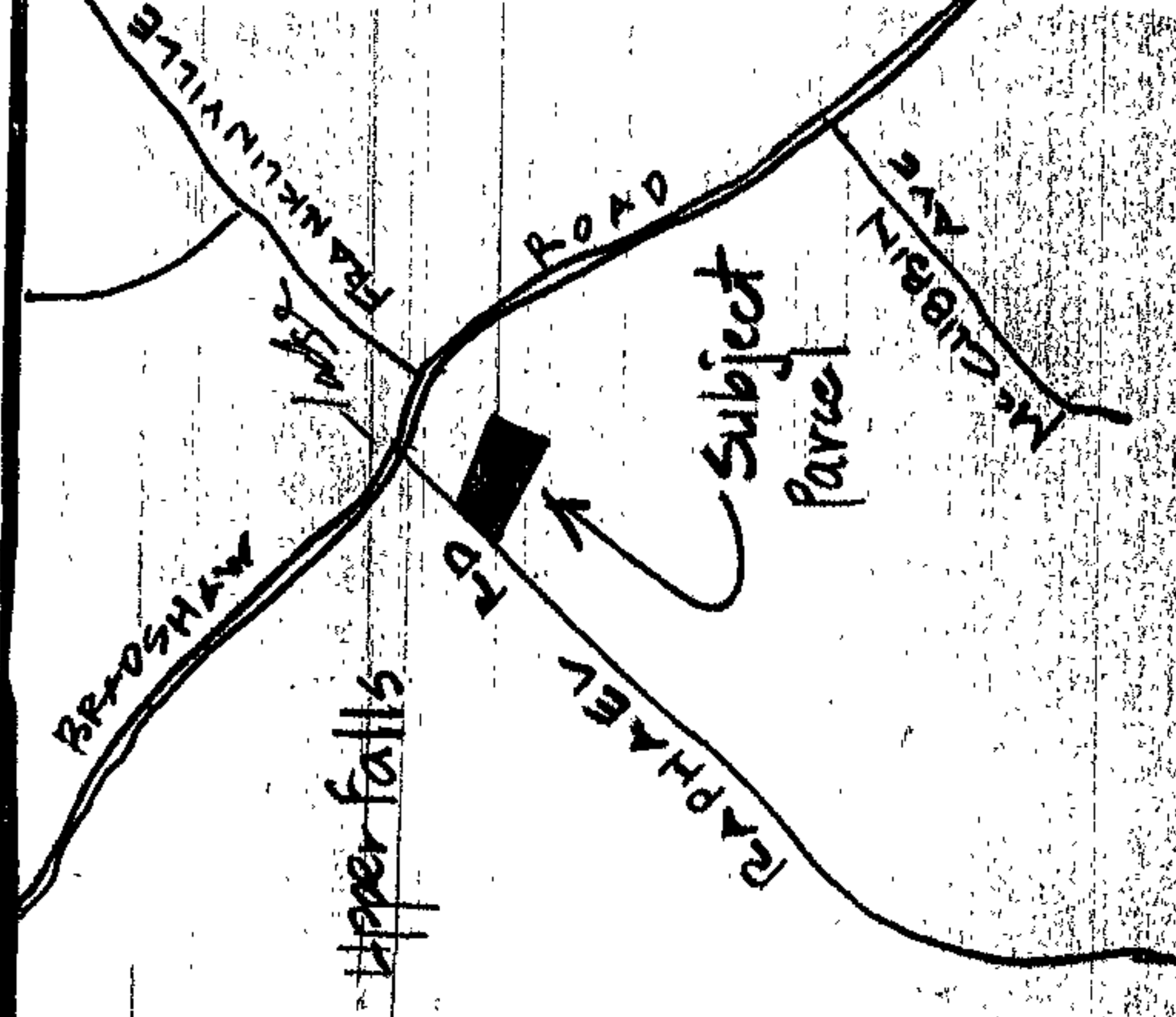
11-601-5475 10204/464

0.50 Acres

COLE

Date: Feb. 28, 2005 IN- 5-24-05

Prepared by Paul W. Dmochowski
Scale of Drawing: 1" = 3'-0"



Ⓚ

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District:

COUNCILMANIC DISTRICT: 5

1'-200' scale map#:

Zoning: RCU

Lot size: 0.50 acreage

SEWER ☐ public ☒ private

☒ WATER :

Chesapeake Bay Critical Area

Prior Zoning Hearings: NONE

100-100000-0
 100-100000-0

Zoning Office USE ONLY

Reviewed by	ITEM #	CASE #

PETITIONER'S

EXHIBIT NO.:

TAMTECH SERVICES, INC.

POST OFFICE BOX 261 MONKTON, MARYLAND 21111

410-329-2696 (P) 410-329-2697 (F)

February 9, 2005

Zoning Commissioner
Baltimore County
c/o William Raspe
11423 Raphael Road
Upper Falls, MD 21156

Re: Raspe Residence
11423 Raphael Road
Upper Falls, MD 21156

Dear Commissioner,

Please be advised that this office was retained to inspect and comment on the structural viability of the above referenced residential structure.

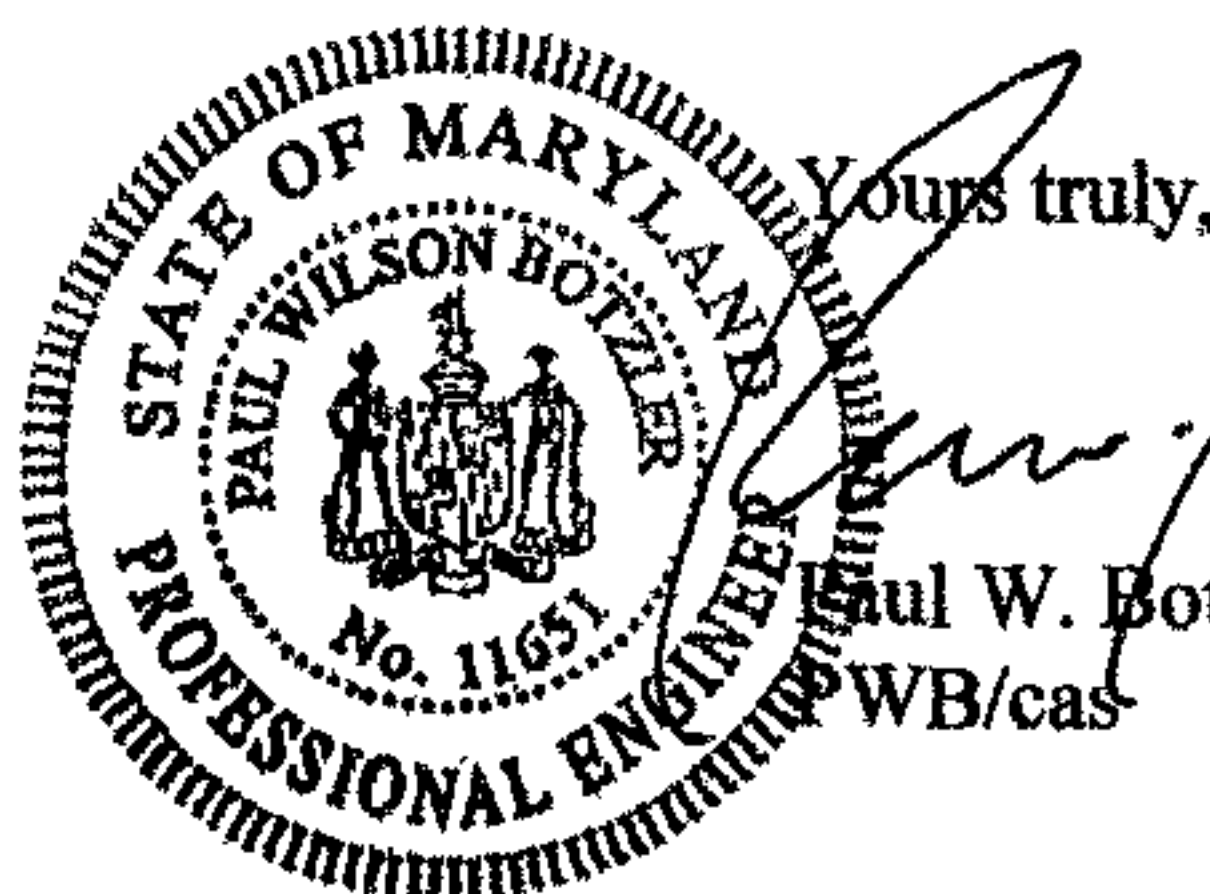
On this date we inspected the foundations, framing, and overall condition of the residence. Observations were made as to the structural integrity, economic value and the Code compliance of the living space.

The building is a small 1 ½ story, conglomeration of various additions and repairs to an original "house" that is near 100 years old. Unfortunately, the various additions themselves were of low quality, short of building codes and did little to create a structure of any value or integrity.

The current owners/resident(s) wish to improve and enlarge their habitat to more near current codes and standards. It is the opinion of the undersigned, that the extant structure in its deteriorating condition, questionable founding and non-code confirming framing, is not suitable for any further construction/addition.

However, the property is suitable for a code conforming residence and is therefore recommended that the Owners seek permission to build a new, safe, efficient modern residence in lieu of any further investment in the existing "house".

Please don't hesitate to contact me to discuss this matter further.



PETITIONER' S

EXHIBIT NO. 2

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	4835
CONNECTION TEL	94103292697
CONNECTION ID	
START TIME	06/17 09:04
USAGE TIME	01'45
PAGES	4
RESULT	OK

PROPOSED

Plat to accompany BUILDING PERMIT APPLICATION

PROPERTY ADDRESS: 11423 RAPHAEL ROAD

Subdivision name: N/A

Plat book# — folio# — lot# — section# —

OWNER: WILLIAM F. RASPE

SUBJECT PARCEL
OF: WILLIAM F. RASPE
11-1601-5475 10204/464
0.50 ACRES

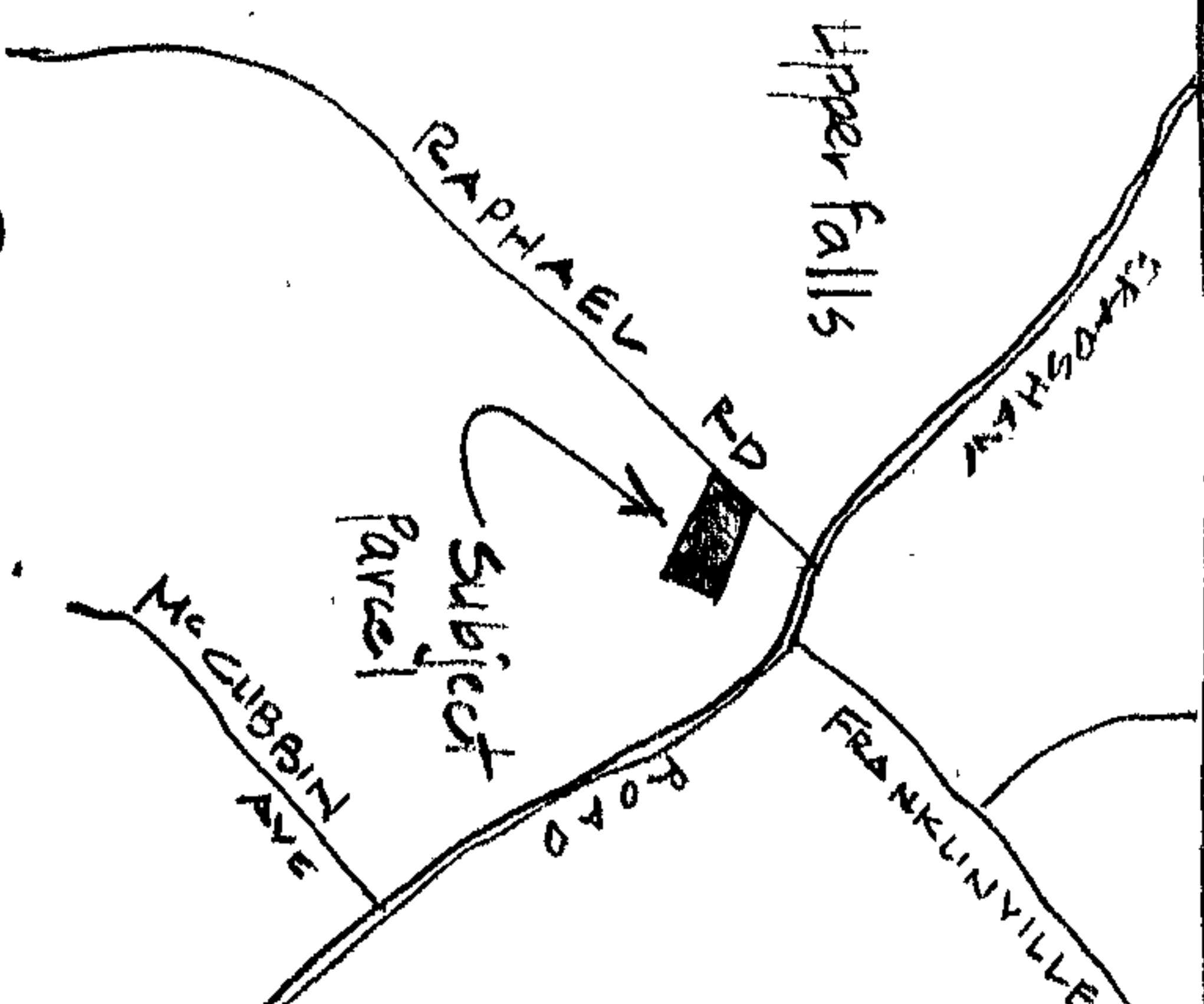
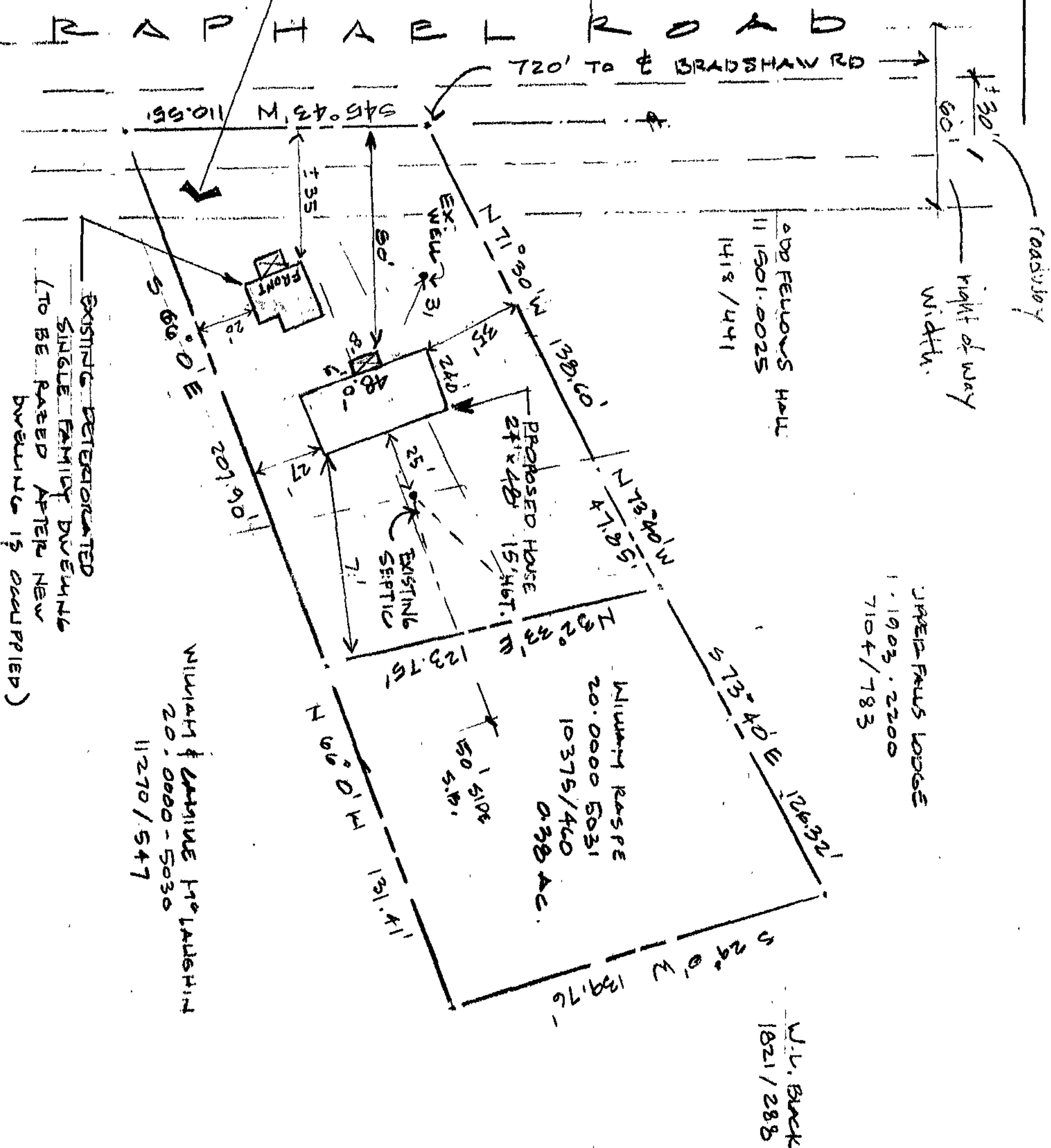
North



date: FEB. 28, 2005, REV. 5.24.05

prepared by: PAUL W. POTELER, P.E.

Scale of Drawing: 1" = 50'



Vicinity Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 11

Councilmanic District: 3

1" = 200' scale map: NE 13-J

Zoning: R-C 5

Lot size: 0.50 acreage 21780 square feet

public private

SEWER: ☒ public ☒ private

WATER: ☒ public ☒ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: 05-519 SPHA

Applicable Zone: C

NOT LISTED AS HISTORIC

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

EX157106

15/6

plat book#	folio#	fol#	section#
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100	100	100	100

radiary

UPPER FALLS LODGE
1903-2200
704/183

W.L. Black
1821/288



LOCATION INFORMATION

Electoral District

Councilman District: 5

T-200 scale map#:
NE 13-J

Zoning: PC5

Lot size: 0.50 acreage 21780 square feet

	public	private
SEWER:	☐	☒
WATER:	☐	☒

Chesapeake Bay Critical Area

Prior Zoning Hearings NonE

STROSCHE & CO. LTD.

Young Office USE ONLY

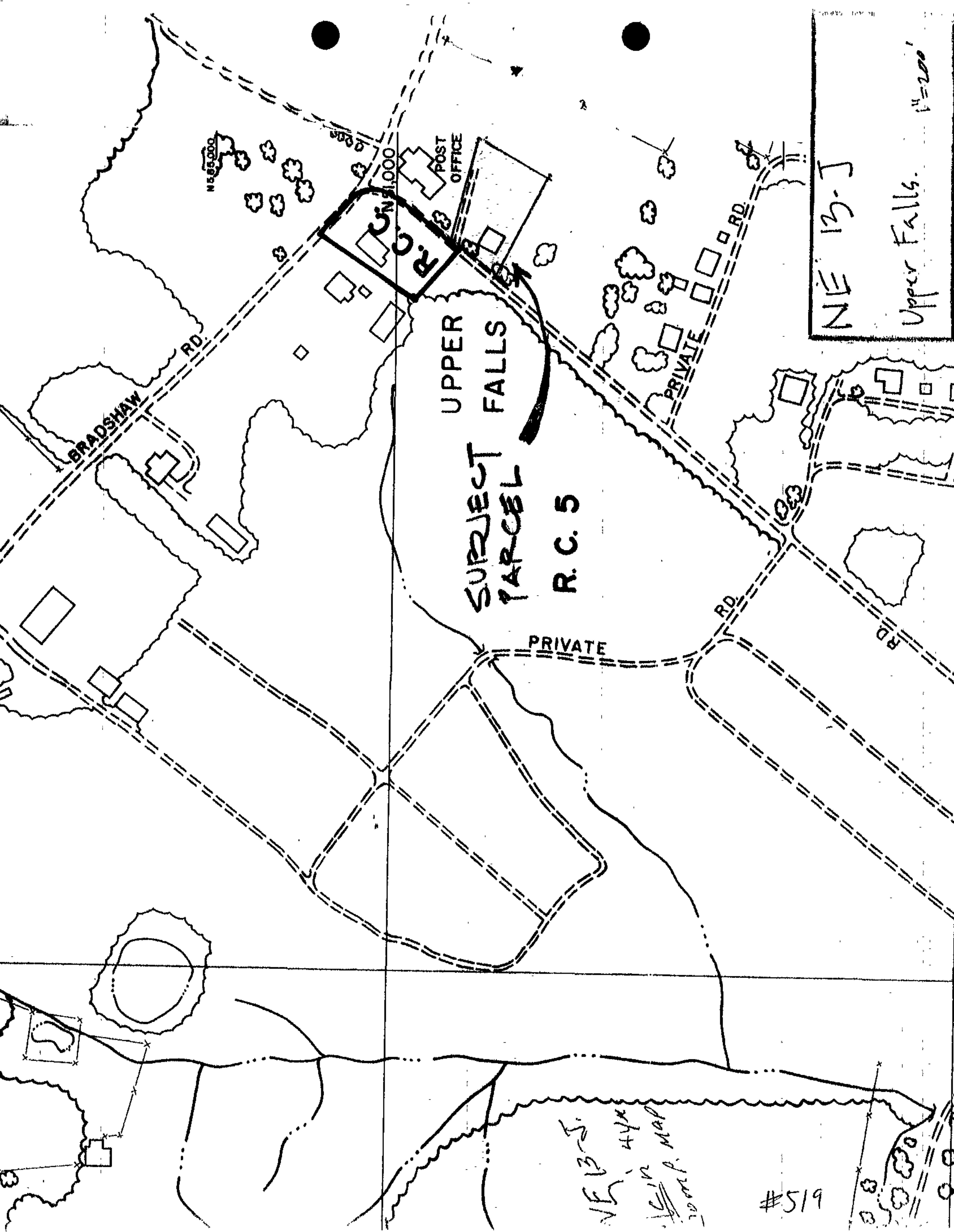
REMOVED BY ITEM # CASE#

North

date: FEB. 28, 2005 101-524-05

Prepared by: PAUL W. HORTON, P.E.

Scale of Drawing: 1"=60'



NE 13-J

Upper Falls.

1"=200'

R.C. 5

PRIVATE

PRIVATE

BRADSHAW RD.

POST OFFICE

UPPER FALLS
SUBJECT PARCEL

NE 13-J
44x
1/4 in. map
1000 ft. map

#519