IN RE: PETITION FOR VARIANCE

NE/S of Philadelphia Road, 125 ft. +/- S

centerline of Ranelagh Road

11th Election District

5th Councilmanic District

(11705 Philadelphia Road)

D & H Properties, LLC,

By: Paul Wollschlager, Officer

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-541-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, D & H Properties, LLC, by Paul Wollschlager, Officer. The variance request is for property located at 11705 Philadelphia Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 15 ft. in lieu of the required 25 ft. and a sum of side yards of 30 ft. in lieu of the required 40 ft. for a dwelling.

The property was posted with Notice of Hearing on May 22, 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 May 24, 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 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

ATTONED FOR FILE

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 May 3, 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 Wayne Wollschlager and Paul Wollschlager, for the corporate Petitioner. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

M PH MA.

Testimony and evidence by the Petitioner indicated that the property, which is the subject of this variance request, consists of 20,200 sq. ft. and is zoned DR 2. The property is the vacant lot between the home on lot 1 of the "Darryl Gardens" subdivision owned by the Petitioner's parents and lot 3 owned by Wayne Wollschlager as shown on Petitioner's Exhibit 1. The lot is 100 feet by 202 feet on which the Petitioner proposes to build a Keystone modular home. The Petitioner indicated that the smallest home with a two car garage that Keystone offers is 40+ feet wide with a 24 + foot two car garage. Thus, the total home and garage measure 65 feet. Looking for a little room to move the building, the Petitioner requests a 30 foot sum of the side yard setbacks in lieu of the 40 feet required under the DR 2 zoning. The Petitioner indicated that it would be a hardship to offer a new home with a one-car garage, considering the many new homes in the area have two-car garages.

Findings of Fact and Conclusions of Law

I find that the Petitioner can build a reasonable home on lot 2 without a variance as the Office

of Planning has previously indicated. I realize that the Keystone model for a two-car garage

requires a variance, but it seems to me that many other options are possible with a 100 foot wide lot.

First, the Petitioner could pick a Keystone home with a one-car garage, which would be compatible

with the design of the homes and garages on both sides of the property. Another option is to select

another vendor's home with a two-car garage. Finally, the Petitioner could move the garage to the

rear. In short, I find no hardship of sufficient magnitude that would necessitate a variance.

Pursuant to the advertisement, posting of the property, and public hearing on this petition

held, and after considering the testimony and evidence offered by the Petitioner, I find that the

Petitioner's variance request should be DENIED.

THEREFORE, IT IS ORDERED, this _ day of June, 2005, by this Deputy Zoning

Commissioner, that the Petitioner's request for variance from Section 1B02.3.C.1 of the Baltimore

County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 15 ft. in lieu of the required

25 ft. and a sum of side yards of 30 ft. in lieu of the required 40 ft. for a dwelling, be and it is hereby

DENIED

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHNYV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

VM:rai

3

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 8, 2005

Mr. Paul Wollschlager D & H Properties, LLC 9915 Britinay Lane Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 05-541-A
Property: 11705 Philadelphia Road

Dear Mr. Wollschlager:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John v. Murphy

JVM:raj Enclosure



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

11705

which is presently zoned

DR - 2

PHILADELPHIA

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 BOA, 3, C, 1; BCZR, TO PERMIT A

SIDE SETBACK OF 15 FT IN LIEU OF THE REQUIRED 25 FT. AND A SUM OF SIDE YARDS OF 30 FT. IN LIEU OF THE REQUIRED 40 FT. FOR A DWELLING,

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

TO BUILD A HOME THAT WILL BE COMPARABLE TO OTHER RECENTLY BUILT HOMES IN THE AREA WITH AN ATTACHED CAR GARAGE.

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

If 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 Purchase	r/Lessee:		Legal Owner(s): D & H PROPERTIES, LLC Name: Type or Print Care Willselburg 01999 CER					
Name - Type or Print								
Signature		······································	Signature					
Address	· · · · · · · · · · · · · · · · · · ·	Teleshone No.	Name - Type or Print	——————————————————————————————————————	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~			
City	State	Zip Code	Signature		· odservine token a stanife to			
Attorney For Petiti	oner:		9915 BRITINAY LANE	410	882-8969			
			Address	OF PARTY AND ADDRESS OF THE PARTY AND ADDRESS	Telephone No.			
			BALTIMORE	MD	21234			
Name - Type or Print			City	State	Zap Code			
			Representative to be Con	tacied:				
Signature		· · · · · · · · · · · · · · · · · · ·	PAUL WOLLSCHLAGER	•				
Company			9915 BRITINAY LANE	416	282-8969			
Address		Telephone No.	Address		Telephone No.			
			BALTIMORE	MD	21234			
City	State	Zp Code	City	State	Zip Code			
			OFFICE USE ONLY					
Case No.	-541 K	}_	ESTIMATED LENGTH OF HE	ARING	~ - <u>~ </u>			
Case No. C			UNAVAILABLE FOR HEARIN	G				
· ·		Reviewed 8	y Date 4. 2	2-05				
REV 9/15/98								

ZONING DESCRIPTION

ZONING DESCRIPTION FOR DARRYL GARDENS, 5601 RANELAGH ROAD LOT #2.

11705 PHILADELPHIA Rd.

Beginning at a point on the northeast side of Philadelphia road which is 66' wide at the distance of 125' south of the centerline of the nearest improved intersecting street Ranelagh road which is 50' wide. Being Lot #2, Block D, Section #2 in the subdivision of Darryl Gardens as recorded in Baltimore county Plat Book # 13, Folio # 150 containing 20,200 sq ft also known as 5601 Ranelagh road and located in the 11th Election District C-5 councilmanic District.

11705 PHILADELPhia ROAD.

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The Towns County Store 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: #05-541-A 11705 Philadelphia Road N/east side of Philadelphia Road, 125 feet +/- south of centerline of Ranelagh Road 11th Election District — 5th Councilmanic District Legal Owner(s): D & H Properties, LLC Variance: to permit a side setback of 15 feet in lieu of the required 25 feet and a sum of side yards of 30 feet in lieu of the required 40 feet for a dwelling. Hearing: Tuesday, June 7, 2005 at 11:09 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 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 5/748 May 24

CERTIFICATE OF PUBLICATION

<u>5 26 ,2005</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing
on 524 , 2005.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 05-541-A
	Petitioner/Developer: Dy 4
	Properties, Lic
	Date of Hearing/Closing: JUNE 7, 20
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-33	94}
Ladies and Gentlemen:	
posted conspicuously on the property loca 17705 Philles	of perjury that the necessary sign(s) required by law were sted at: Del PhiA RD.
The sign(s) were posted on	
age_(s) acts bested OD	5/22/05 (Month, Day, Year)
~·	
	Sincerely,
	Robert Bleek 5/21/05 (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

RE: PETITION FOR VARIANCE * BEFORE THE

11705 Philadelphia Road; NE/side Philadelphia

Road, 125' S c/line Ranelagh Road * ZONING COMMISSIONER

11th Election & 5th Councilmanic Districts

Legal Owner(s): D&H Properties, LLC * FOR

by Paul Wollschlager - Officer

Petitioner(s) * BALTIMORE COUNTY

* 05-541-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 2nd day of May, 2005, a copy of the foregoing Entry of Appearance was mailed to, Paul Wollschlager, 9915 Britinay Lane, Baltimore, MD 21234, Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....



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



FOR "PROBLEM"

Baltimore County

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

April 29, 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: 05-541-A

11705 Philadelphia Road

N/east side of Philadelphia Road, 125 feet +/- south of centerline of Ranelagh Road 11th Election District – 5th Councilmanic District

Legal Owners: D & H Properties, LLC

Variance to permit a side setback of 15 feet in lieu of the required 25 feet and a sum of side yards of 30 feet in lieu of the required 40 feet for a dwelling.

Hearing: Tuesday, June 7, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Paul Wollschlager, 9915 Britinay Lane, Baltimore 21234

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 23, 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, May 24, 2005 Issue - Jeffersonian

Please forward billing to:

Paul Wollschlager 9915 Britinay Lane Baltimore, MD 21234 410-882-8969

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: 05-541-A

11705 Philadelphia Road

N/east side of Philadelphia Road, 125 feet +/- south of centerline of Ranelagh Road 11th Election District – 5th Councilmanic District

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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

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

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 31, 2005

Paul Wollschlager 9915 Britinay Lane Baltimore, Maryland 21234

Dear Mr. Wollschlager:

RE: Case Number: 05-541-A, 11705 Philadelphia Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 22, 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.

W. Carl Richards, Jr.

Supervisor, Zoning Review

Wery truly yours, Call Richard De

WCR: clb

Enclosures

c: People's Counsel



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

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500 Office of the Fire Marshal (410) 887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 5, 2005

Item No.: 521-541

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.

Lieutenant J.D.Mezick Fire Marshal's Office 410-887-4881 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 17, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 9, 2005 Item No. 529, 530, 532, 536, 541 and 553.

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

DAK:CEN:clw cc: file

ZAC-NO COMMENTS-05172005.doc



TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

May 24, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 2, 2005

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

05-530

05-531

05-532

05-533

05-538

05-539

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05-541

Reviewers: Sue Farinetti, Dave Lykens

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

10W

DATE: May 3, 2005

ZONNIG COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11705 Philadelphia Road

INFORMATION:

Item Number:

5-541

Petitioner:

Paul Wollschlager

Zoning:

DR 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning is of the opinion the subject 100-foot wide lot can accommodate a dwelling that is comparable to those existing in the neighborhood without the granting of any variances. Therefore, is it incumbent upon the petitioner to demonstrate to the Zoning Commissioner that there are special circumstances or conditions existing on the subject site that are peculiar to the subject land or structure where strict compliance of the BCZR would result in practical difficulty and unreasonable hardship.

Prepared by:

Division 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: 4.29.05

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

RE:

Baltimore County
Item No. 541

MSL

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

L. J. Dred

Engineering Access Permits Division

THE CHECKLIST FOR ADDITIONAL CREDITIONS INFORMATION HEARING SPECIAL ANCE XVARI 20 CE ACCOMPANY PETITION FOR ZONING AH LADELDHIA 11705 ADDOCTES. PRORERTY PLAT

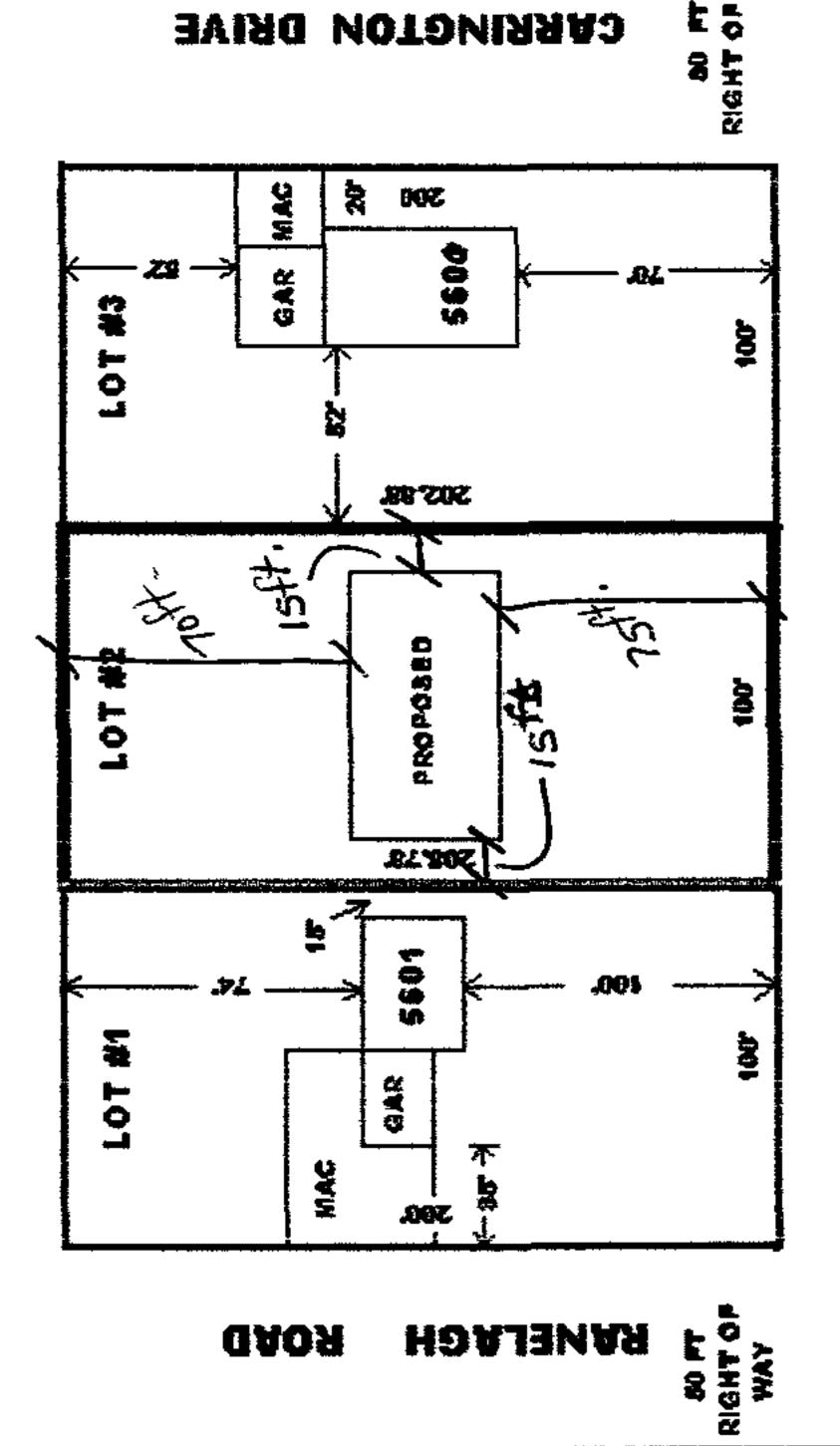
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R SECTION # ~ Darryl gardens Coro # oron SHADINGA STORY DLAT BOOK# 18

DAM PROPERTIES, LLC

CWATCA

GARDENS ARRY



CARRINGTON DRIVE

es ft. Right of way ROAD PHILADELPHA

B. BERRES LINE 4 " GAB LINE

WOLLSCHLAGER

PREPARED OF

SCALE OF DRAWING

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PLEASE PRINT CLEARLY

CASE NUMBER 05-54-A

PETITIONER'S SIGN-IN SHEET

E- MAIL								
Y, STATE, ZIP	Wki) TE-MARSH, MD	3Acto. 21234	1202 mo. 21234					
ADDRESS	SLOO CHERINGTON DR.	9915 なみいかん こんと	9915 BRITIMEN CM.					
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