IN RE: PETITION FOR VARIANCE
Southwest Side of Nollmeyer Road,
530' South of Tidewood Road
15th Election District
6th Councilmanic District
(708 Nollmeyer Road)

Gregory Tolker and Richard Shackelford Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- CASE NO. 06-291-A

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Gregory Tolker and Richard Shackelford, Petitioners. The variance request is for property located at 708 Nollmeyer Road in the Middle River area of Baltimore County. The variance request is from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow an existing dwelling with a sideyard setback of 3 feet in lieu of the required minimum of 10 feet and a front yard setback of 17 feet in lieu of the required 30 feet.

The property was posted with a notice of the public hearing date and time on December 25, 2005 and notice was given to the general public by publication in the Jeffersonian Newspaper on December 27, 2005.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Robert Sheesley, Environmental Consultant, J. Scott Dallas who prepared the Plat to Accompany, Richard Shackelford, and Greg Tolker, Petitioners. There were no protestants or citizens attending the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

#### **Zoning Advisory Committee**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Department of Environmental Protection and Resource Management (DEPRM), dated December 15, 2005, and the Office of Planning dated December 28, 2005, copies of which are attached hereto and made a part hereof.

#### 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 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."

#### Testimony and Evidence

Mr. Dallas proffered that the subject property contains approximately 1 acre, is zoned DR 3.5 and is improved by an existing single-family dwelling on the far north side of the property as shown in Exhibit 1. Immediately to the north is the Carroll Manor subdivision and in particular the storm water management facility of that subdivision which has been turned over to Baltimore County as a result of that (Carroll Manor) subdivision.

Apparently to everyone's surprise, the existing house on the subject property was not located completely on the subject property but remarkably a portion of the house was located on the Carroll Manor property which is now owned by the County. What to do?

Mr. Dallas indicated that eventually after discussions with the County, the Petitioner and County swapped wedges of land shown on Exhibit 1 as crosshatched. The County gained some additional open/recreational space and the Petitioner had the existing house all on his property.

The Petitioner then proceeded to subdivide the property into two (2) lots. During the minor sub review, the County noted that the existing house does not meet the setback regulations certainly on the side. The house is only 3 feet from the new property line whereas 10 feet is required. In addition, the undivided lot is oddly shaped. The projection of the side foundation of the existing house strikes the "front" lot line 17 feet from the front of the foundation. The regulations require 30 feet for a front yard. Mr. Dallas pointed out that actual distance to the front street, Nollmeyer Road is nearly 115 feet, so that it is not as though the house is close to the road.

In regard to safety issues with side yards less than 10 feet wide, Mr. Sheesley pointed out that the north side of the property lies along the storm water management facilities for the Carroll Manor subdivision, is owned by Baltimore County and will never be developed. Therefore, emergency vehicles can get to Seneca Creek if needed on the north side. Mr. Dallas pointed out that the lot width for both subdivided lots will be at least 70 feet, so there is also ample room to have emergency vehicles get to the water via Lot 1 on the south side of the existing house. Likely, the new home on the Lot 2 will be more centrally located so passage on Lot 2 will not be a problem.

In regard to hardship or practical difficulty, Mr. Dallas indicated that it is not practical to move the house south away from the lot line and farther west to avoid the front yard setback. The acreage of the present lot will allow two (2) homes on this property. No variance is requested for the Lot 2.

#### Findings of Fact and Conclusions of Law

One of the pillars of zoning variance law is that, if the Petitioner creates a new subdivision, lot lines drawn by the Petitioner cannot create a need for variance. Obviously, this variance would be self-imposed. However, this principle is not applicable in this case although the property is being subdivided. The new lot line subdividing the property has not caused the variance. The need for the variance arises because the existing house is too close to the existing north boundary line.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is shaped like a squashed trapezoid. The side yard is only 3 feet from the lot line, which was created by the land swap with Baltimore County. The existing house originally encroached onto the next property. This is very peculiar. As a result, I find the property unique from a zoning standpoint.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no other land to acquire especially on the north side from Baltimore County. It is impractical to shave off seven (7) feet of the existing house to meet the side yard regulations.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances. The two (2) lots meet the area requirements of the DR 3.5 zone.

Finally, I find these variances 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. From the zoning map in the file, it is apparent that the adjacent community

has been developed with one (1) house on each lot so that this proposed house will not change the pattern of development in the community.

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, by the Deputy Zoning Commissioner for Baltimore County, this <u>30</u> day of January, 2006, that a variance request from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow an existing dwelling with a sideyard setback of 3 feet in lieu of the required minimum of 10 feet and a front yard setback of 17 feet in lieu of the required 30 feet, be and is hereby GRANTED; and subject however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Petitioners must be in compliance with the ZAC comments submitted by DEPRM dated December 15, 2005 and the Office of Planning dated December 28, 2005, copies of which are attached hereto and made a part hereof.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order; and

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:dlw



JAMES T. SMITH, JR. County Executive

January 20, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Gregory Tolker Richard Shackelford 234 Elkridge Way Baltimore, Maryland 21228

> Re: Petition for Variance Case No. 06-291-A Property: 708 Nollmeyer Road

Dear Mr. Tolker and Shackelford:

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

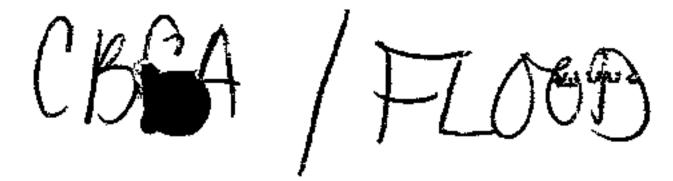
Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

C: J. Scott Dallas, J. S. Dallas, Inc., P.O. Box 26, Baldwin, MD 21013 Robert Sheesley, 8354 Chestnut Farm Lane, Ellicott City, MD 21043 Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401 People's Counsel; Case File







# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 708 Nollineyer Road
which is presently zoned DR 3.5

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) 1802.3C.1 to allow an existing dwelling with a sideyard setback of 3 feet in lieu of the required minimum 10 feet and a front yard setback of 17 feet in lieu of the required 30 feet.

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

Site was approved by DRC, including zoning review for the land swap parcels shown on SP 2003-027 (recorded 10/27/05 in 22802-541 etc.). In processing Minor Subdivision 04153M, zoning review reconsideration now is requiring a variance for existing dwelling.

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

i, of 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 scientify declare and affirm, under the penalties of penuty, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#### Contract Purchaser/Lessee:

Legal Owner(s): Gregory Tolker Name - Type or Print Name - Type or Print Signature Address Richard Shackelford elephone No. Name - Type or Print City State Zio Gode Soreum Attorney For Petitioner: 234 Elkridge Way (410-788-0879) Address Telephone No. Baltimore Name - 1) po or Prin' MD 21228 City State Zip Code Sign ature Representative to be Contacted: J. Scott Dallas Company Dallas, Inc. P.O. Box 26 ACO TESS 410-817-4600 Telephone No. Accrese Telephone No Baldwin MD 21013 Zo Coo Cly Zip Code SELECT THE ONLY ESTEMATED LENGTH OF HEARING

WAYADABLE FOR HEARING

LUET RECEIVED FOR FILING

## J. S. DALLAS, INC.

**SURVEYING & ENGINEERING** 

13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602



# ZONING DESCRIPTION #708 NOLLMEYER ROAD

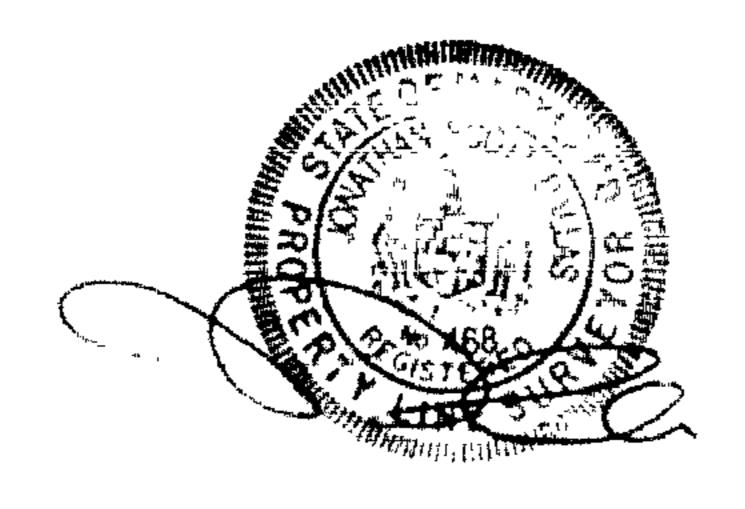
BEGINNING for the same it a point 20 feet, more or less east of the centerline of Nollmeyer Road and 530 feet, more or less south of the centerline of Tidewood Road at the end of the first line of that firstly described parcel of land which by deed dated April 6, 2004 and recorded among the Land Records of Baltimore County in Liber S.M. No. 19927 folio 436 etc. was conveyed by Michael Novak and Denise Novak to Gregory Tolker and Richard Shackelford thence running parallel to said Nollmeyer Road (1) South 21 degrees 09 minutes 00 seconds East 85.13 feet thence crossing Nollmeyer Road (2) South 59 degrees 04 minutes 00 seconds West 388.43 feet to the Waters of the Seneca Creek thence running with and binding on said Creek (3) North 05 degrees 53 minutes 19 seconds East 209.18 feet thence leaving said Creek and running (4) North 61 degrees 33 minutes 36 seconds East 31.40 feet thence (5) North 75 degrees 29 minutes 58 seconds East 74.99 feet thence (6) North 68 degrees 47 minutes 34 seconds East 35.00 feet thence (7) South 85 degrees 57 minutes 12 seconds East 36.11 feet thence (8) North 76 degrees 23 minutes 00 seconds East 115.37 feet to the place of beginning.

#### CONTAINING 46130 square feet or 1.059 acres of land, more or less.

**BEING** all of those two parcels of land which by deed dated April 6, 2004 and recorded among the Land Records of Baltimore County in Liber S.M. No. 19927 folio 436 etc. were conveyed by Michael Novak and Denise Novak to Gregory Tolker and Richard Shackelford and revised by deed of exchange with Baltimore County as intended to be recorded prior hereto.

ALSO known as # 708 Nollmeyer Road and located in the 15th Election District 6th Councilmanic District.

Note: above description is for zoning purposes only.



BALTIMORE COUNTY, MARY ND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT No. 197	77	
DATE 13/05/105 ACCOUNT 10/1006/150		- (t)
AMOUNT \$ 6500		
RECEIVED 15 Dollar	E 7.	`. 1
FOR: 109 Men Men 1 Col		2 1 2
La lan.		
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALI	DATION

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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 bearing in Towson, Maryland on the property identified herein as follows:

Case: #06-291-A

708 Nollmeyer Road

Southwest side of Nollmeyer Road, 530 feet south of Tidewood Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Gregory Tolker and Richard Shackelford

Variance: to allow an existing dwelling with a side yard setback of 3 feet in lieu of the required minimum 10 feet and a front yard setback of 17 feet in lieu of the required .30 feet. ...

Hearing: Thursday, January 12, 2006 at 11:00 a.m. in Reom 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/12/739 Dec. 27

#### CERTIFICATE OF PUBLICATION

12/29,2005
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 $12   21,2005$ .
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News
S. Williams

LEGAL ADVERTISING

#### CERTIFICATE OF POSTING

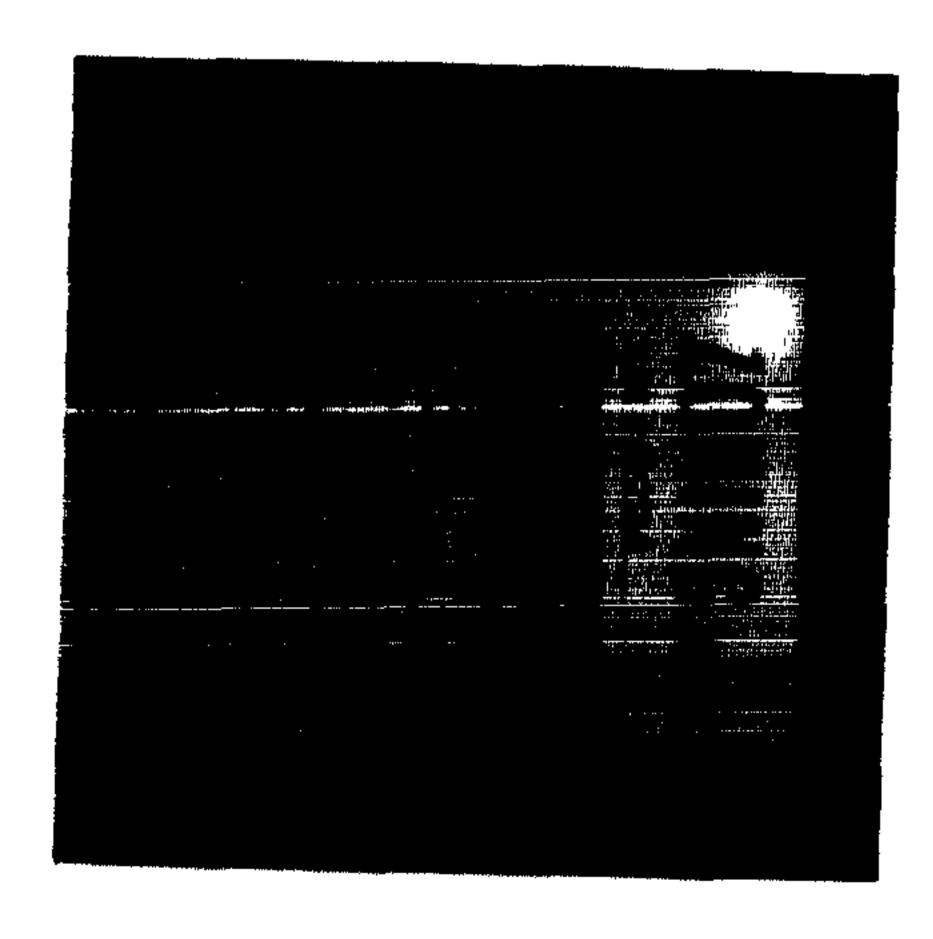
ATTENTION: KRISTEN I	MHITHEWS
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Date JANUARY 1, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously or the property located at \( \frac{708 NOLLMEYER ROAD}{} \)

The sign(s) were posted on \_

OFCEMBER 25, 2005
(Month Day, Year)



(Signature of Sign Poster)

Printed Name of Sign Poster)

523 PENNY LANE Street Address of Signifoster

TUNT VALLEY MO 21030

The second state of St. 255 er.

#### Department of Permits All 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

December 13, 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: 06-291-A

708 Nollmeyer Road

Southwest side of Nollmeyer Road, 530 feet south of Tidewood Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Gregory Tolker and Richard Shackelford

Variance to allow an existing dwelling with a side yard setback of 3 feet in lieu of the required minimum 10 feet and a front yard setback of 17 feet in lieu of the required 30 feet.

Hearing: Thursday, January 12, 2006 @ 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Director

TK:raj

C: J. Scott Dallas, J. S. Dallas, Inc., P. O. Box 26, Baldwin, MD 21013

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 28, 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, December 27, 2005 Issue - Jeffersonian

Please forward billing to:

Gregory Tolker (410-788-0879) 234 Elkridge Way Baltimore, MD 21228

#### **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: 06-291-A

708 Nollmeyer Road
Southwest side of Nollmeyer Road, 530 feet south of Tidewood Road
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District
Legal Owners: Gregory Tolker and Richard Shackelford

Variance to allow an existing dwelling with a side yard setback of 3 feet in lieu of the required minimum 10 feet and a front yard setback of 17 feet in lieu of the required 30 feet.

Hearing: Thursday, January 12, 2006 @ 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 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 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.

For Newspaper Advertising:
Hem Number or Case Number: $(26.29)$
Petitioner: Gregory Tolker and Richard Shackelford
Petitioner: Gregory Tolker and Richard Shackelford Address or Location: #708 Nollmeyer Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: Mr. Greg Tolker
Address: 234 Elkridge Way  Bait. MD. 21228
Bait. MD. 21228
Telephone Number: 410 - 788 - 0879

#### Department of Permits del 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

January 9, 2006

Gregory Tolker Richard Shackelford 234 Elkridge Way Baltimore, Maryland 21228

Dear Mr. Tolker and Mr. Shackelford:

RE: Case Number: 06-291-A, 708 Nollmeyer Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 7, 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,
U. Callaball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

J. Scott Dallas P.O. Box 26 Baldwin 21013

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley 1135

DATE:

December 15, 2005

SUBJECT:

Zoning Item # 06-291 A

Address

708 Nollmeyer Road

Tolker/Shackelford Property

Zoning Advisory Committee Meeting of December 5, 2005

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

#### Additional Comments:

This Department has no objection to the request for variances to the side and front yard setback distance requirements. However, prior to approval of a minor subdivision or issuance of building permits, compliance with the aforementioned requirements and the comments in the attached memorandum dated December 13, 2005 must be achieved.

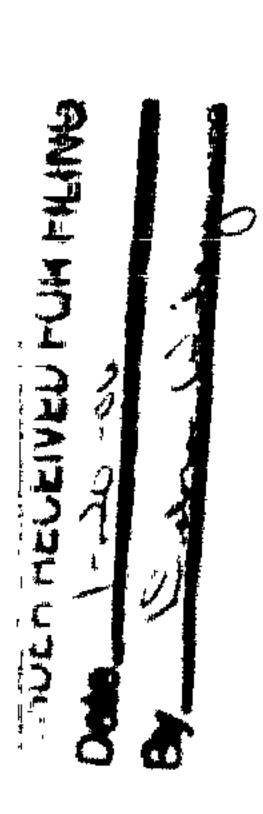
Reviewers:

Martha Stauss, Sue Farinetti

Date: December 15, 2005

Attachment

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#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 28, 2005

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

708 Nollmeyer Road

INFORMATION:

Item Number:

6-291

Petitioner:

Gregory Tolker and Richard Shackelford

Zoning:

DR 3.5

Requested Action:

Variance

The subject variances are requested as a result of a land swap between the subject property owners and Baltimore County that was recorded on 10/27/2005 and part of a previous review of a minor subdivision approved by the DRC in April 2004.

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided architectural elevations for lot 2 are submitted to the Office of Planning for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

9

W (DEVREVIZACI6-29) doc



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

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

#### Maryland Department of Transportation

Date: 12.9.05

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

RE:

Baltimore Coda.
Item No. 291

JLL

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

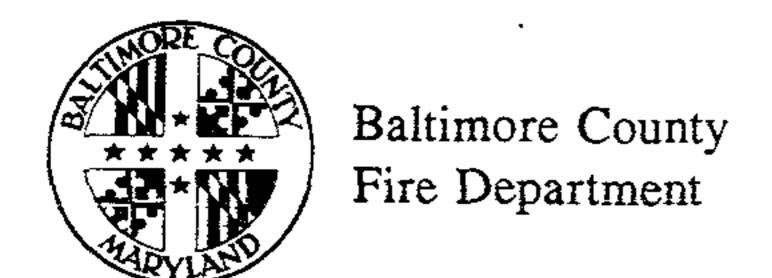
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1.1. Dred

Engineering Access Permits Division



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

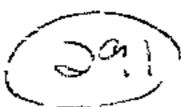
County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

December 15, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: December 05, 2005

Item No.: 281, 287-293



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 410-887-4880 MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### Inter-Office Memorandum

DATE:

December 13, 2005

TO:

Lloyd T. Moxley

Department of Permits and Development Management

FROM:

Kevin W. Koepenisk, R.S., Ground Water Management

Department of Environmental Protection & Resource Management

SUBJECT:

Minor Subdivision Review

Project Name:

708 Nollmeyer Rd

Minor Sub No:

04-153-M

District:

15

Engineer:

J.S. Dallas, Inc.

Phone:

410-817-4600

The following comments must be addressed prior to plan approval

Comments	Date Resolved	Reviewer
1. Soil percolation tests conducted in May 1997 on the property indicate that ground water is present at 2 feet below the ground surface which indicates that septic effluent is being improperly discharged to the subsurface. DPW has relayed that the public sewer project planned for this area continues to be held up in right-of-ways. DEPRM can not support approval of the proposed subdivision until such time as the contract to install public sewerage to Nollmeyer has been let.		
<ol> <li>Please indicate on the plan the location of the septic tank and the drain tiles.</li> </ol>		

Note: Please include a revision date on all revised plans submitted.

J:\PLAN RFVIEW COMMENTS\Nollmeyer, 708, MS, 12-13-05 doc

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

\_\_\_\_

DATE: December 16, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 12, 2005

Item Nos. 281, 287, 288, 291, 292, 293

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-12162005 doc

RE: PETITION FOR VARIANCE

708 Nollmeyer Road; SW/side Nollmeyer

Road, 530' S Tidewood Road

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Gregory Tolker &

Richard Shackelford

Petitioner(s)

\* BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\* 06-291**-**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.  $\frac{1}{2} \int_{-\infty}^{\infty} \int_{-\infty}^{\infty}$ 

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 12th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to, J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

RECEIVED

DEC 12 2005

Par .....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

### J. S. DALLAS, IRC.

**SURVEYING & ENGINEERING** 

13523 LONG GREEN PIKE PO. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

1

December 1, 2005

Baltimore County Zoning Office

Mr. Carl Richard, Supervisor

John Lewis, Planner

Room 111 County Office Building
111 West Chesapeake Avenue

Towson, Maryland 21204

HAND DELIVER

Re: #708 Nollmeyer Road Zoning Variance DR 3.5 my job #04-1029

Dear Mr. Richard:

I have enclosed a check for \$65.00 with a complete Zoning Variance Package for filing. I have scheduled a formal filing for December 15, but was informed by Mr. Lewis that this project may be acceptable for "flex time" review of package, disbursement of plans and setting of hearing date. The project is now a Minor Subdivision, and has been substantially approved by County Agencies. The requirement for a zoning variance is new.

The property was the subject of a land swap with adjacent County property in accordance with DRC 032204P which was approved 4-9-04 without requirement of a zoning hearing. The land swap was executed to remedy the partial encroachment of the existing dwelling on the adjacent County land (see SP 2003-027 and deed 22802-541). The dwelling, formerly over the property line, is now 3 feet from the new property line. The owner has a buyer waiting to purchase the unimproved Minor Subdivision lot, but recent agency comments indicate that the Subdivision can not be approved without the approval of this Variance. The owner is understandably concerned with saving as much time as possible. Therefore, we are requesting the intake of the documents by Mr. Lewis on his "flex time" schedule.

Thank you for your consideration in this matter. Please respond at your earliest convenience so that we may proceed properly with the site development process.

Very truly yours,

J. Scott Dallas, Sr. President

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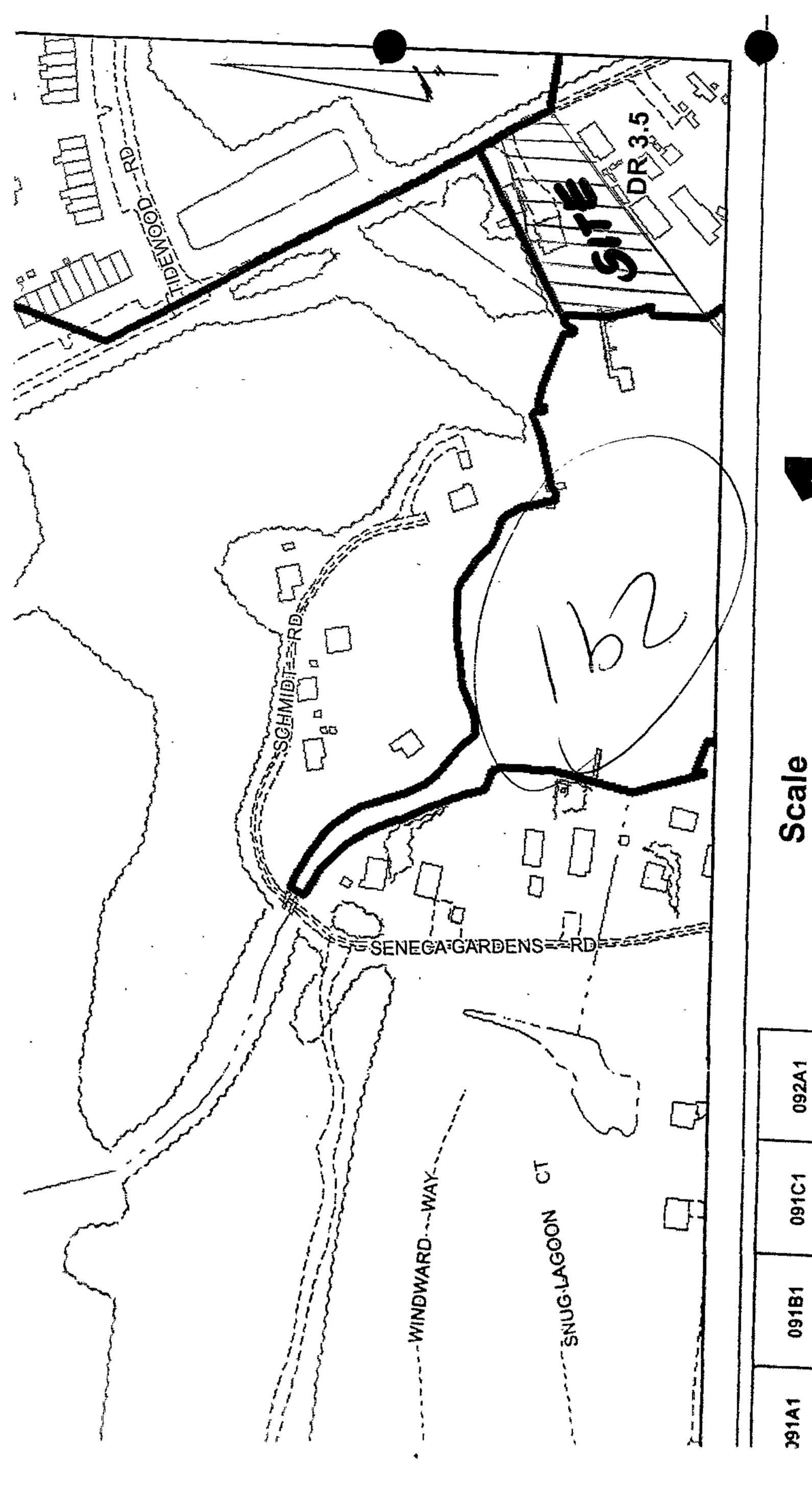
Cc: Mr. Tolker Mr. Sheesley

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# Data Sources:

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Planametric Data - Baltimore County OIT/GIS Services Unit

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
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