

IN RE: PETITION FOR SPECIAL HEARING  
AND VARIANCE

South end of Liberty Road, 375 feet  
south of Middleborough Road  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
(310 Liberty Road)

Paul Robert and Roberta L Jenkins  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 06-543-SPHA

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Paul and Roberta Jenkins. The Petitioners are requesting a special hearing and variance relief for property located at 310 Liberty Road in the Middleborough subdivision area of Baltimore County. The special hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a building lot as not affecting density in light of prior adjacent ownership, and a variance to Section 1B02.3.C.1 and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling to be constructed on a lot with a width of 60 feet at front building line and a lot area of 9,932 square feet in lieu of the required 70 feet and 10,000 square feet respectively. Also, to allow a lot of less than 20,000 square feet in area which does not abut on a 30 foot right-of-way to be developed with a dwelling.

The property was posted with Notice of Hearing on June 3, 2006 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 June 1, 2006 to notify any interested persons of the scheduled hearing date.

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6-21-06

PJ



## Applicable Law

### Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

### 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."

### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated June 1, 2006, which contains restrictions. Comments were received from the Department of Environmental Planning and Resource Management dated May 24, 2006, which contains restrictions. Comments were received Bureau of Development Plans Review dated May 12, 2006, which contains restrictions. Copies of the above are attached hereto and made a part hereof.

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### Interested Persons

Appearing at the hearing on behalf of the variance and special hearing requests were Paul Robert and Roberta L. Jenkins, Petitioners. David D. Waldhauser, contract purchaser, was also in attendance. Susan Baucom and Mary Vogan appeared at the hearing in opposition to the requests. Mark Wolfe and Shelly Sholtzberger attended the hearing as interested citizens. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

The subject property contains 9,932 square feet zoned DR 3.5 and is vacant. Mr. Jenkins indicated that he purchased 308 Liberty Road, a waterfront property on Norman Creek in 1983. This is next to the subject property. In 1993 he also purchased the subject property at 310 Liberty Road which at the time was improved by a single family dwelling as shown in Petitioner's photographs, exhibit 4 and survey, Petitioner's exhibit 2. The house on 310 was in very poor condition and eventually he determined to raze it. The home had been served by public water and sewerage.

Mr. Jenkins presented a 1993 survey (Petitioner's exhibit 2) and 2006 survey (Petitioner's exhibit 3) which show the boundaries of the lot do not match the actual waterfront configuration. Apparently over many years Norman's Creek was filled in such that the waterfront moved forward creating more land. The Petitioner opined that this new land was his because of the wording of his deed. If this were true, the lot would be closer to 12,000 sq. ft and no variance would be needed for lot area.

The Petitioner would like to build a single family dwelling on the lot as shown on exhibit 1. The new home would meet all setback and bulk regulations. However the Petitioner indicated that the zoning was changed in 2004 from DR 5.5 to DR 3.5 in the Comprehensive Mapping

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[Signature]



Process. At 60 feet wide, the lot no longer had sufficient width even though it met the prior DR 5.5 regulations of 55 feet. After 2004, the lot width had to be 70 feet. Similarly at 9,932 square feet the lot met the DR 5.5 regulations for lot area prior to 2004 but after 2004 became deficient by 68 square feet. Note again the lot is 12,000 square feet if the "new land" is added to the lot.

In regard to zoning merger, Mr. Jenkins indicated that the lot at 308 and 310 were always separate. They were purchased separately and subsequently he sold 308 to the Shotzbergers retaining 310 as a buildable lot. He indicated that each lot was separately assessed and that he has paid taxes on each. He noted that each house was served by public water and sewer so that today the water and sewer lines at 310 are capped off but ready for use. Even though the house was razed in 1993, he has been paying water assessment charges each year for water.

In regard to the requested variance to allow a lot of less than 20,000 square feet in area which does not abut on a 30 foot right-of-way to be developed with a dwelling, he noted that Liberty Road ends at his property in a 30 x 40 foot paved area and that he along with four other neighbors have the right by deed to use the common driveway. As such he did not understand why the variance was even needed

He noted that it would be a hardship if the zoning regulations were strictly enforced on this property as he would not be able to build a house and the property would be essentially useless. He agreed to the Planning Office comments.

Ms. Baucom presented a petition in opposition to the requests as shown on protestant's exhibit 1. She was concerned about narrow one lane Liberty Road's ability to handle any more traffic. She noted that many owners using this road have to back out onto the road. She presented photographs of wetlands adjacent to the property. She opined that water and sewer

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lines in the area were not adequate to take additional loads. Finally she noted that there is a serious drainage problem in the area which an additional house would only worsen.

In rebuttal the Petitioner opined that the public water and sewer lines were adequate and problems which Ms. Baucom noted were on private property. In fact the water lines were recently replaced by the County. He acknowledged that a storm drain on the property might be clogged and so causing storm water backup but pledged to fix the problem. He opined that the real reason Ms. Baucom is opposed is because of the fact her home at 306 has water view but not water front and so a new house would affect her view of the water. Mr. Wolfe confirmed the water drainage problem in the area but was not otherwise opposed to the requests.

#### **Findings of Fact and Conclusions of Law**

While the Petitioner owned 308 and 310 Liberty Road at one time, I find no evidence of intent to merge these lots. These lots are separately assessed for tax purpose, separately deeded, and had separate homes on each at least until 1993. I have no evidence of his intent to merge these lots after the home on 310 was razed.

#### **Variances**

In regard to any variance request, the property must be unique in a zoning sense in order to grant a variance. The lot is oddly shaped and the "new land" presumably added to the lot without dimensional change is most unusual. In addition the zoning was changed in 2004 from DR 5.5 to DR 3.5. Suddenly what had been a conforming lot was now non conforming. I find that after imposed zoning regulations impact this lot disproportionately as compared to others in the district.

I also find the owner would suffer hardship or practical difficulty if the regulations were strictly enforced. He would not be able to build a home on the lot.

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The lot with the "new land" meets the area regulations. I have no jurisdiction to declare the "new land" between this lot and the bulkhead to belong to the Petitioner but no one at the hearing disputed the allegation. My guess is that each lot along Norman's Creek has "new land". Only the Circuit Court can declare the new land belongs to the Petitioner. That said, I do not find that there would be an increase in residential density beyond that otherwise allowable. There clearly was a house on this lot at least until 1993.

The difficult issue in the case is whether or not the community will be adversely impacted by granting the variances which would allow the replacement house to be built. I understand Ms. Baucom's concerns about drainage, traffic on Liberty Road and public facilities. I also understand that erecting this house will cut off her water view of Norman's Creek. This is a valuable asset but as pointed out at the hearing, subject to waterfront building. Said another way, I can not prevent an owner of a waterfront lot from fully using his property because this would decrease the view of lots behind. If this rule held, there could be no waterfront buildings. In this particular case the first floor of the new home will not be 10 feet off the ground to allow for costal flooding as many new homes along the water now have. This location is already almost high enough so that the first floor is almost at ground level. So the building will not soar above the community as many new homes do along the water.

Finally I find that the Petitioner does need a variance from Section 102.4 to allow a lot of less than 20,000 square feet in area which does not abut on a 30 foot right-of-way to be developed with a dwelling. The 30 x 40 foot area is privately held and commonly used by several neighbors. Consequently the Petitioner does not have property on a right of way on which the public has an easement of travel as required by the regulations. It is possible the other property owner might prevent the public from using the road.

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[Signature]



On balance and considering all of the evidence, I do not believe granting the variances and allowing the new home to be built will adversely impact the community. I find the variances can be granted in strict harmony with the spirit and intent of the regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Therefore I will grant the variances.

**Special Hearing**

For the reasons above I find the use of this property as a building lot will not affect density in light of adjacent ownership of another lot. Therefore I will grant the special hearing requested.

THEREFORE, IT IS ORDERED, this 21<sup>st</sup> day of June, 2006, by the Deputy Zoning Commissioner, that the Petitioner's request for variance to Section 1B02.3.C.1 and 102.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling to be constructed on a lot with a width of 60 feet at front building line and a lot area of 9,932 square feet in lieu of the required 70 feet and 10,000 square feet respectively; to allow a lot of less than 20,000 square feet in area which does not abut on a 30 foot right-of-way to be developed with a dwelling, is hereby GRANTED, and

IT IS FURTHER ORDERED that the request for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a building lot as not affecting density in light of prior adjacent ownership, is hereby GRANTED subject to the following conditions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size,

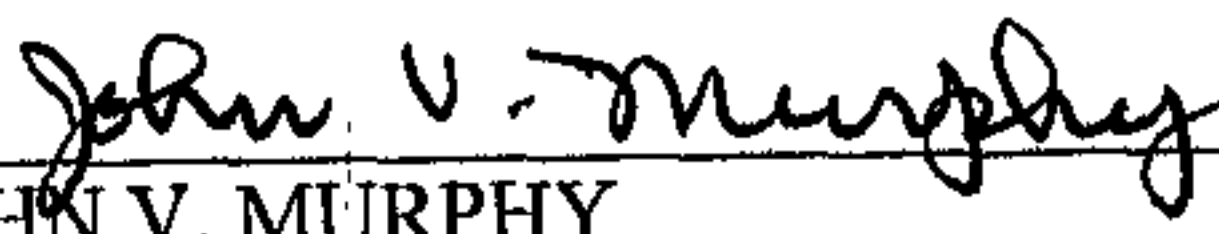
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[Signature]



exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

3. Provide landscaping along the public road, if consistent with the existing streetscape.
4. Development of the 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).
5. Limited Development Area (LDA) regulations must be met on this site. Impervious surface area is limited to 25% of the lot's area, and 15% tree cover must be met and maintained onsite. The dwelling cannot be in the 100-foot buffer.
6. In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
7. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the County.

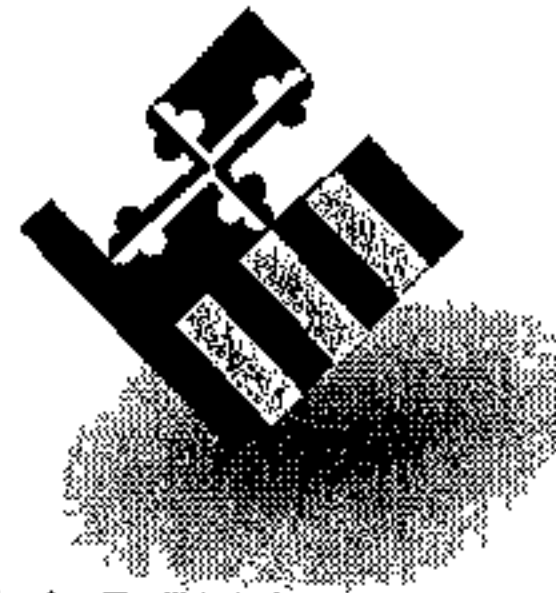
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:pz

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6-21-06  
pz





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

June 21, 2006

PAUL ROBERT AND ROBERTA L. JENKINS  
340 MILES ROAD  
BALTIMORE MD 21221

Re: Petition for Special Hearing and Variance  
Case No. 06-543-SPHA  
Property: 310 Liberty Road

Dear Mr. and Mrs. Jenkins:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and 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,

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

John V. Murphy  
Deputy Zoning Commissioner  
for Baltimore County

JVM:dlw  
Enclosure

c: David D. Waldhauser, 4704 White Marsh Road, Baltimore MD 21237  
Susan Baucom, 306 Liberty Road, Baltimore MD 21221  
Mary Vogan, 2115 Middleborough Road, Baltimore MD 21221  
Mark Wolfe, 312 Liberty Road, Baltimore MD 21221  
Shelly Shotzberger, 308 Liberty Road, Baltimore MD 21221

FOR FILING

6-21-06

Handwritten initials, possibly "JVM", in cursive script.



1950  
7500  
24  
CBCA

Flood



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 310 LIBERTY RD

which is presently zoned 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) 1302, 3.0.1 AND 102, 4 BCCR TO

PERMIT A DWELLING TO BE CONSTRUCTED ON A LOT WITH A WIDTH OF 60 FT AT FRONT BUILDING LINE AND A LOT AREA OF 9932 SQ FT IN LIEU OF THE REQUIRED 70 FT AND 10,000 SQ. FT. RESPECTIVELY. ALSO TO ALLOW A LOT LESS THAN 20,000 SQ FT IN AREA WHICH DOES NOT ABUT ON A 30 FT. RIGHT OF WAY TO BE DEVELOPED WITH 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)

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:

DAVID WALDHANER  
Name - Type or Print  
[Signature]  
Signature  
4704 WHITEMARSH ROAD (410)661-1350  
Address Telephone No.  
BALTO. MD 21237  
City State Zip Code

## Attorney For Petitioner:

\_\_\_\_\_  
Name - Type or Print  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Company  
\_\_\_\_\_  
Address Telephone No.  
\_\_\_\_\_  
City State Zip Code

## Legal Owner(s):

Paul Robert Jenkins  
Name - Type or Print  
[Signature]  
Signature  
Robert L. Jenkins  
Name - Type or Print  
[Signature]  
Signature  
340 Miles Road 410-686-7029  
Address Telephone No.  
BALTO. MD 21221  
City State Zip Code

## Representative to be Contacted:

DAVID WALDHANER  
Name  
4704 WHITEMARSH RD 443-250-1544  
Address Telephone No.  
BALTO MD 21237  
City State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Reviewed By [Signature] Date 04-27-06

Case No. 06 543-SP4F

REV 9/15/98



ZONING DESCRIPTION FOR 310 LIBERTY ROAD, ESSEX MD 21221

BEGINNING AT A POINT AT THE SOUTHERNMOST END OF LIBERTY ROAD  
20 FEET WIDE, THEN 40 MORE FEET TO THE SOUTH AT A DISTANCE OF 375.1  
FEET SOUTH FROM THE INTERSECTION OF THE EASTERNMOST SIDE OF  
LIBERTY ROAD AND THE SOUTHERNMOST SIDE OF MIDDLEBOROUGH  
ROAD.

SUBDIVISION OF MIDDLEBOROUGH AS RECORDED IN BALTIMORE COUNTY  
PLAT BOOK #8, FOLIO #56 CONTAINING .228 +/- ACRE. ALSO KNOWN AS 310  
LIBERTY ROAD AND LOCATED IN THE 15 ELECTION DISTRICT,  
COUNCILMANIC DISTRICT #6.

06-543-SP4A



BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

16-543-SF-1

No. 2204

DATE 04-27-06 ACCOUNT R 00-006-6150

AMOUNT \$ 139.00

RECEIVED FROM DAVID WACHTER

FOR R 00-006-6150 SPECIAL HANDLING  
SIC CIRCULAR RD

DISTRIBUTION  
WHITE CASHIER PINK AGENCY YELLOW CUSTOMER

507

PAID DEPOSIT  
FROM BUDGET

RECEIVED FROM

DATE 04/27/06

AMOUNT \$ 139.00

RECEIVED FROM

DATE 04/27/06

AMOUNT \$ 139.00

RECEIVED FROM

DATE 04/27/06

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DATE 04/27/06

AMOUNT \$ 139.00

CASHIER'S VALIDATION



#### NOTICE OF ZONING HEARING

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

Case: #06-843-SPHA

310 Liberty Road

South end of Liberty Road, 375 feet south of Middleborough Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Paul Robert and Roberta L. Jenkins

Contract Purchaser: David Waldhauser

**Special Hearing:** to permit a building lot as not affecting density in light of prior adjacent ownership. **Variance:** to permit a dwelling to be constructed on a lot with a width of 80 feet at front building line and a lot area of 9,932 square feet in lieu of the required 70 feet and 10,000 square feet respectively. Also to allow a lot less than 20,000 square feet in area which does not abut on a 30-foot right-of-way to be developed with a dwelling.

**Hearing:** Monday, June 19, 2006 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3888/4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/007 June 1

97085

## CERTIFICATE OF PUBLICATION

6/1/2006

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 6/1/2006.

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

*J. Wilkins*

LEGAL ADVERTISING



# CERTIFICATE OF POSTING

RE: Case No.: 06-543-SPHA

Petitioner/Developer: DAVID

WALDHAUSER

Date of Hearing/Closing: JUNE 19, 2006

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

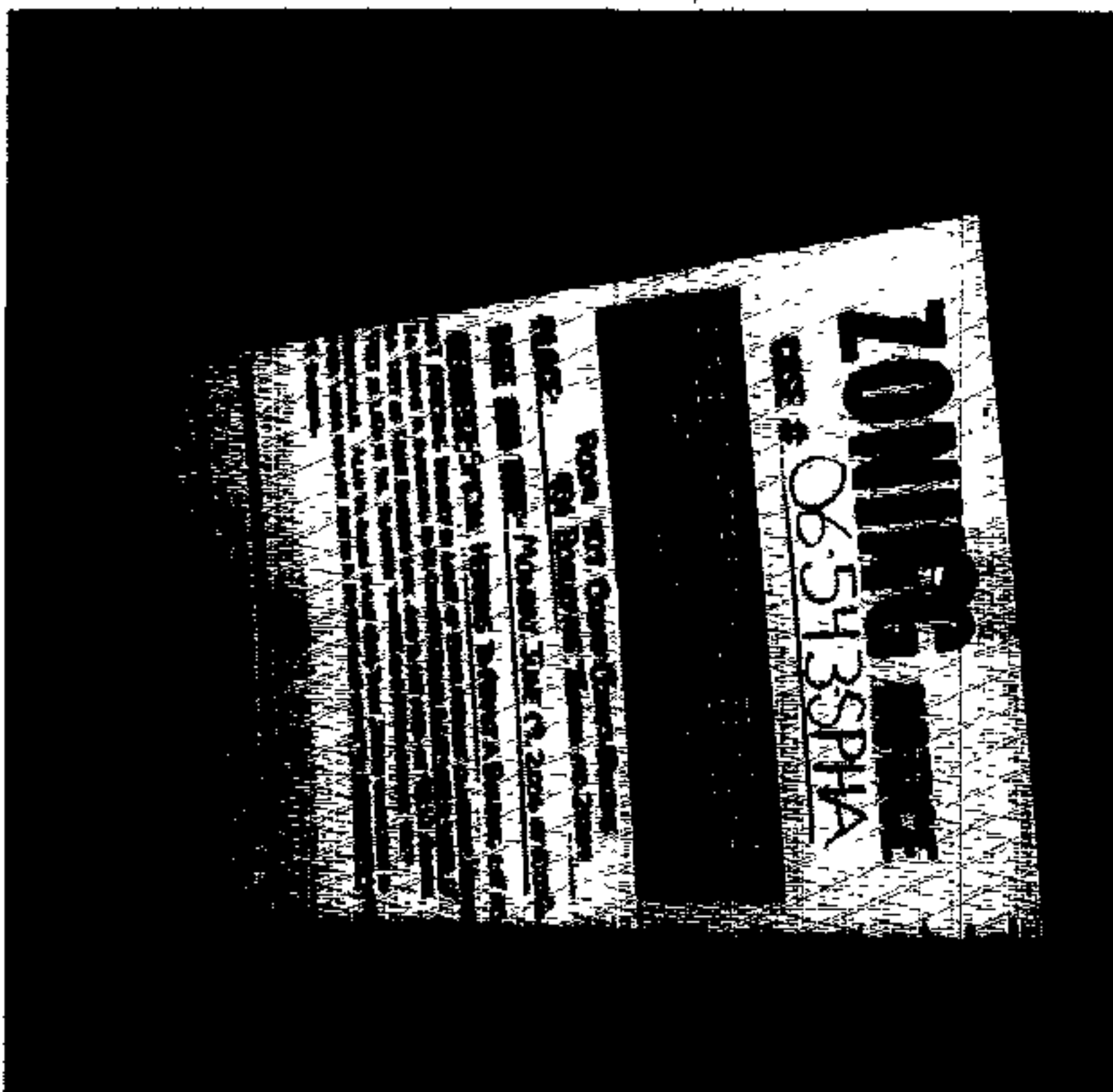
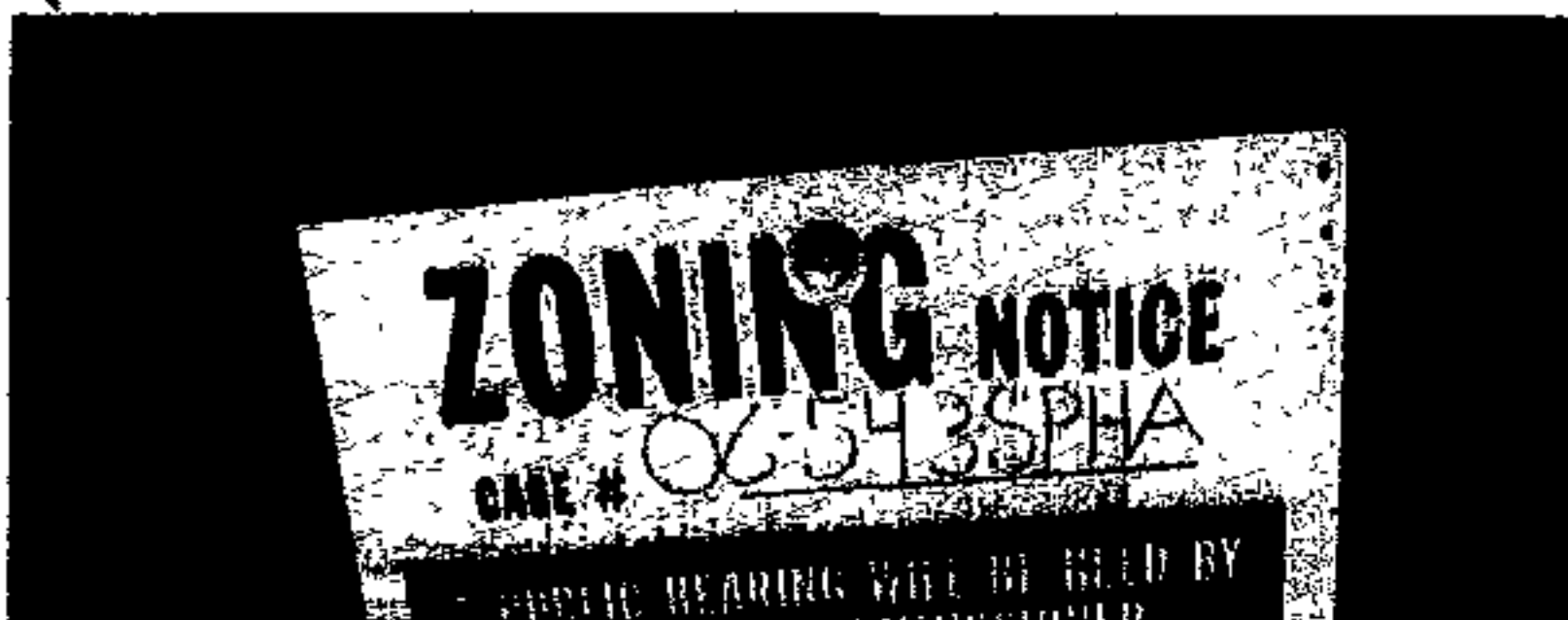
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

310 LIBERTY ROAD

The sign(s) were posted on

JUNE 3, 2006  
(Month, Day, Year)

Sincerely,



Robert Black 6-6-06  
(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)



**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

May 8, 2006

**NOTICE OF ZONING HEARING**

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**CASE NUMBER: 06-543-SPHA**

310 Liberty Road  
South end of Liberty Road, 375 feet south of Middleborough Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: Paul Robert and Roberta L. Jenkins  
Contract Purchaser: David Waldhauser

Special Hearing to permit a building lot as not affecting density in light of prior adjacent ownership. Variance to permit a dwelling to be constructed on a lot with a width of 60 feet at front building line and a lot area of 9,932 square feet in lieu of the required 70 feet and 10,000 square feet respectively. Also to allow a lot less than 20,000 square feet in area which does not abut on a 30-foot right-of-way to be developed with a dwelling.

Hearing: Monday, June 19, 2006 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: Mr. & Mrs. Jenkins, 340 Miles Road, Baltimore 21221  
David Waldhauser, 4704 Whitemarsh Road, Baltimore 21237

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 3, 2006.**  
**(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](http://www.baltimorecountyonline.info)



TO: PATUXENT PUBLISHING COMPANY  
Thursday, June 1, 2006 Issue - Jeffersonian

Please forward billing to:  
David Waldhauser  
4704 Whitemarsh Road  
Baltimore, MD 21237

410-661-1350

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## NOTICE OF ZONING HEARING

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

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Hearing: Monday, June 19, 2006 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  
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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 06-543-SP4A  
Petitioner: DAVID WALDHAUER  
Address or Location: 310 LUTHERWOOD RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~STAN R ALEXANDER~~ DAVID WALDHAUER  
Address: 4704 WHITE MARSH RD.  
BALT. MD. 21237  
  
Telephone Number: 410-661-1350

Revised 7/11/05 - SCJ

06-543-SP4A



**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

June 15, 2006

Paul R. Jenkins  
Roberta Jenkins  
340 Miles Rd.  
Baltimore, MD, 21221

Dear: Mr. Jenkins & Mrs. Jenkins,

RE: Case Number: 06-543-SPHA, 310 Liberty Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 27, 2006.

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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel  
David Waldhauser 4704 Whitemarsh Rd. Baltimore, MD, 21237

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** May 12, 2006

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For May 15, 2006  
Item No. 543

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw  
cc: File  
ZAC-ITEM NO 543-05102006.doc

6-12-06  
JH



Jm  
6/19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination JWL

DATE: May 24, 2006

SUBJECT: Zoning Item # 06-543-SPHA  
Address 310 Liberty Road  
(Jenkins Property)

RECEIVED

MAY 24 2006

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 8, 2006

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

X 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 33-3-101 through 33-3-120 of the Baltimore County Code).

\_\_\_\_\_ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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:

Limited Development Area (LDA) regulations must be met on this site. Impervious surface area is limited to 25% of the lot's area, and 15% tree cover must be met and maintained onsite. The dwelling can not be in the 100-foot buffer

Reviewer: Kevin D. Brittingham

Date: May 22, 2006

6-21-06  
9012-9  
JL



6/19

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 1, 2006

RECEIVED

JUN 09 2006

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

ZONING COMMISSIONER

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 6-543 Special Hearing

The Office of Planning has reviewed the subject request and has determined that the petitioner does own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By: Laurie Hay

Division Chief: Arnold F. Keller, III

CM/LL

RECEIVED FOR PLANNING  
6-21-06



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



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

Maryland Department of Transportation

Date: 5.5.06

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

RE: Baltimore County  
Item No. 543 JRA

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

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)



## Fire Department

700 East Joppa Road  
Towson, Maryland 21286-5500  
Tel: 410-887-4500



## Baltimore County

*James T. Smith, Jr., County Executive*  
*John J. Hohman, Chief*

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

May 8, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15, 2006

Item Numbers: 537 thru 557

543

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.

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

Lieutenant Roland P Bosley Jr.  
Fire Marshal's Office  
410-887-4881 (C) 443-829-2946  
MS-1102F

cc: File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





RE: PETITION FOR SPECIAL HEARING  
AND VARIANCE  
310 Liberty Road; S/end Liberty Road,  
375' S Middleborough Road  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Paul & Roberta Jenkins  
Contract Purchaser(s): David Waldhauser  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* 06-543-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.

**RECEIVED**

**MAY 08 2006**

**Per.....**

*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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8th day of May, 2006, a copy of the foregoing Entry of Appearance was mailed David Waldhauser, 4704 Whitemarsh Road, Baltimore MD 21237, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



\* RECENT DECISIONS ON SIMILAR  
VARIANCES

pg. 10 of 14

IN RE: PETITIONS FOR VARIANCE

W/S Creek Road, across from and 65' S of  
Bluebird Lane  
(814 & 816 Creek Road)  
15<sup>th</sup> Election District  
7<sup>th</sup> Council District

Mark William Wolinski  
Petitioner

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case Nos. 03-079-A & 03-080-A

\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owner of the subject adjacent properties, Mark William Wolinski. Since the properties are owned by the same person and are adjacent parcels, the two cases were heard contemporaneously. In Case No. 03-079-A, the Petitioner seeks relief from Section 1B02.3.C.1 (chart) and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 48 feet in lieu of the required 55 feet, and to approve an undersized lot with any other variances deemed necessary by the Zoning Commissioner, for redevelopment of the property known as 814 Creek Road, with a new single family dwelling. In Case No. 03-080-A, the Petitioner requests identical relief from Sections 1B02.3.C.1 and 304 of the B.C.Z.R. to permit development of the adjacent property, known as 816 Creek Road, with a single family dwelling. The subject property and requested relief are more particularly described on the respective site plans submitted for each property and marked into evidence as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the request were Mark W. Wolinski, property owner, and Bruce E. Doak, the Registered Property Line Surveyor who prepared the site plans for these properties. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject properties are waterfront lots, located on Duck Creek, a tributary off of Back River in eastern Baltimore County. The properties

OG-543-SPA



2014

are also known as Lots 13 and 14 of Deep Creek Avenue Park, an older subdivision which was recorded in the Land Records of Baltimore County on July 29, 1921. As noted on the site plans, each lot is 48 feet wide and has frontage on Duck Creek to the west and Creek Road to the east. Lot 13 is improved with a one-story dwelling, known as 814 Creek Road, which is to be razed, and Lot 14 is unimproved but for a metal shed which will be removed. Both lots are sufficiently sized, approximately 11,075 sq.ft., under the D.R.5.5 zoning classification.

Mr. Wolinski acquired the subject lots on March 22, 2002 and proposes to raze the existing dwelling on Lot 13 as noted above, and construct a new single family dwelling on each lot. The site plan shows that the proposed building envelopes on both lots provide a sufficient side yard setback on each side (10 feet) and also meet the required setbacks to the water (100 feet) and the street (80 feet). Testimony indicated the proposed dwellings will be setback from Creek Road a distance consistent with other houses in the neighborhood. Moreover, the proposed construction will comply with the Chesapeake Bay Critical Areas regulations. A schematic drawing of the proposed dwellings was submitted at the hearing as Petitioner's Exhibit 2.

Unlike other residential lots throughout Baltimore County, waterfront lots are deemed unique. In order to take advantage of the view, most dwellings on waterfront lots face the water and thus, that area between the dwelling and the bulkhead is considered the front yard. Thus, the area between the street and the dwelling is determined to be the rear yard. If that practice is applied here, the Petitioner meets the required setbacks for the front and rear of the lots.

Based upon the testimony and evidence presented, the Petitioner is not eligible for relief pursuant to Section 304 of the B.C.Z.R. That Section provides that an owner of an undersized lot or a lot with insufficient width may construct a single family dwelling by right if three conditions are met. One condition required is that the Petitioner does not own adjacent land which might be utilized to meet the lot width requirement. In that these two lots are adjacent to one another, he is not afforded relief under Section 304 of the B.C.Z.R. However, upon due consideration of the testimony and evidence offered, I am persuaded that relief should be granted for each lot under Section 307 of the B.C.Z.R. As noted above, both lots meet all area

OG-543-SPH



requirements, but for the width. Additionally, the fact that the lots were laid out 80 years ago is a compelling factor. The character of the surrounding neighborhood is also of note. Many of the adjacent dwellings are on 50-foot wide lots as is proposed in this case. Moreover, a trailer park is located across Creek Road from the subject properties. For all of these reasons, I find that the Petitioner's proposal represents an improvement to the area and will not be detrimental to the health, safety or general welfare of the surrounding locale. I am persuaded that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for relief to be granted, subject to compliance with the relevant environmental regulations.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ day of October, 2002 that the Petition for Variance filed in Case No. 03-079-A seeking relief from Section 1B02.3.C.1 (chart) and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 48 feet in lieu of the required 55 feet, and to approve an undersized lot with any other variances deemed necessary by the Zoning Commissioner, for redevelopment of the property known as 814 Creek Road, with a new single family dwelling, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 03-080-A, seeking identical relief as set forth above to permit development of the adjacent property, known as 816 Creek Road, with a single family dwelling, in accordance with Petitioner's Exhibit 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their razing/building permits 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 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) The proposed development shall comply with the Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated September 11, 2002, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwellings shall be constructed substantially in accordance with the schematic drawing submitted into evidence as Petitioner's Exhibit 2; however, building elevation drawings of the proposed dwellings shall be submitted for review and approval by the Office of Planning, prior to the issuance of any permits.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

LES:bjs

SIGNED  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County



\* RECENT DECISION  
ON SIMILAR  
VARIANCE

1 of 3

IN RE: PETITION FOR VARIANCE  
E/S Cuckhold Point Road, 115' & 65' N  
of the c/l 6<sup>th</sup> Street  
(9017 & 9019 Cuckhold Point Road)  
15<sup>th</sup> Election District  
7<sup>th</sup> Council District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case Nos. 03-096-A & 03-097-A

Edward Hranicka & Josephine Hranicka, Owners;  
Charles S. Wolinski & Eric D. McDonald, \*  
Respective Contract Purchasers

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, Edward F. Hranicka and his mother, Josephine Hranicka, and the Contract Purchasers of those respective properties, Charles S. Wolinski (9019 Cuckhold Point Road) and Eric D. McDonald (9017 Cuckhold Point Road). Since the properties are owned by the same persons and are adjacent parcels, the two cases were heard contemporaneously. In both cases, the Petitioners seek relief from Sections 1B02.3.C.1 and 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner to permit development of each property with a single family dwelling. The subject properties and requested relief are more particularly described on the site plan submitted in each case and marked into evidence as Petitioner's Exhibits 1.

Appearing at the requisite public hearing in support of the requests were Edward F. Hranicka, property owner, and the Contract Purchasers of the respective lots, Charles S. Wolinski, and Eric D. McDonald. There were no Protestants or other interested persons present.

The two lots under consideration are unimproved, rectangular shaped parcels, respectively known as Lots 488 and 489 of Swan Point, which is an older subdivision that was

06-543-SP4A



recorded many years ago prior to the first zoning regulations in Baltimore County. Each lot is 50' wide and 150' deep and contains a gross area of 7,500 sq.ft., zoned B.L.

Mr. Hranicka and his mother have owned the subject properties for some time. They have contracted to sell Lot 488, known as 9017 Cuckhold Point Road to Mr. McDonald and Lot 489 to Mr. Wolinski who propose to develop their respective parcels with a single family dwelling. Variance relief is necessary due to the insufficient width of the lots. Pursuant to Section 1B02.3.C.1 of the B.C.Z.R., the minimum lot width is 55 feet. Relief is also sought from Section 304 of the B.C.Z.R. which relates to undersized lots.

Testimony and evidence offered was that Swan Point is an older subdivision that was platted and recorded in the Land Records of Baltimore County well prior to the adoption of the first zoning regulations. Apparently, all of the lots in this community are 50 feet wide. It was further indicated that most of the houses in the community were constructed on individual lots, although there are some double and triple lots in the area that have been combined and are used as one parcel. Testimony indicated that development of each of the subject lots would be consistent with other houses in the neighborhood and appropriate.

Based upon the testimony and evidence offered, I am persuaded to grant the requested relief relative to lot width requirements; however, relief cannot be granted from Section 304. This Section permits the owner of an undersized lot to build a single family dwelling by right when certain other requirements are met. In that the two lots are adjacent to one another and owned by the same people, this Section is not applicable. However, relief can be granted from the lot width requirements of Section 1B02.3.C.1, pursuant to Section 307 of the B.C.Z.R. (Larry - I'm not clear on how to explain this one.)

It is also to be noted that the two parcels are located within the Chesapeake Bay Critical Areas and in a flood plain. Thus, development of the two parcels must be in compliance with all Critical Areas and flood plain regulations. Mr. McDonald and Mr. Wolinski indicated that they were aware of those requirements and that the lots would be developed accordingly. Additionally, testimony indicated that the Petitioners have submitted building elevation drawings of the



proposed dwellings to the Office of Planning which have been approved as being compatible with the neighborhood. Thus, the proposed dwellings shall be constructed substantially in accordance with the building elevation drawings submitted to and approved by the Office of Planning.

Pursuant to the advertisement, posting of these properties, and public hearing on these Petitions held, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_ date of October, 2002, that the Petitions for Variance seeking relief from Sections 1B02.3.C.1 and 304.1.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, and to approve an undersized lot, pursuant to Section 304, and any other variances deemed necessary by the Zoning Commissioner to permit development of each property with a single family dwelling:

- 1) The Petitioners may apply for their building permits 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 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) The proposed development shall comply with all Baltimore County floodplain and Chesapeake Bay Critical Areas regulations.
- 3) The proposed dwellings shall be constructed substantially in accordance with the building elevation drawings submitted to and approved by the Office of Planning.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

LES:bjs

SIGNED  
\_\_\_\_\_  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County



CASE NAME 06-54358HA  
CASE NUMBER 2  
DATE 6/19/06

| NAME                    | ADDRESS                     | CITY, STATE, ZIP          | E-MAIL           |
|-------------------------|-----------------------------|---------------------------|------------------|
| <del>Hugh Edwards</del> | <del>1028 Prairie Ave</del> | <del>White Marsh Md</del> | <del>21162</del> |
| <del>Walter Hays</del>  | <del>1028 Prairie Ave</del> | <del>White Marsh Md</del> | <del>21162</del> |
| * Susan Brown           | 306 Liberty Rd              | Balto. Md                 | 21221            |
| Frank P. Ryan           | 8115 Poppleberry Rd         | Balto Md                  | 21221            |
| Mark Wozniak            | 312 Liberty Rd              | Balto Md                  | 21221            |
| Shelly Shollyberger     | 308 Liberty Rd              | " "                       | 21221            |



DATE \_\_\_\_\_

TRUD @ KENWOOD KITCHENS, CO'S



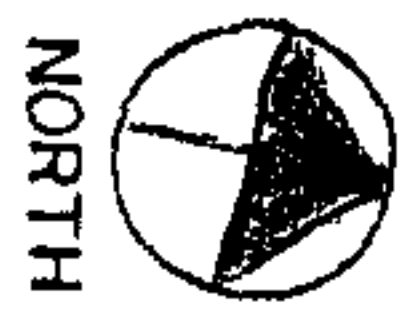
# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 310 LIBERTY ROAD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

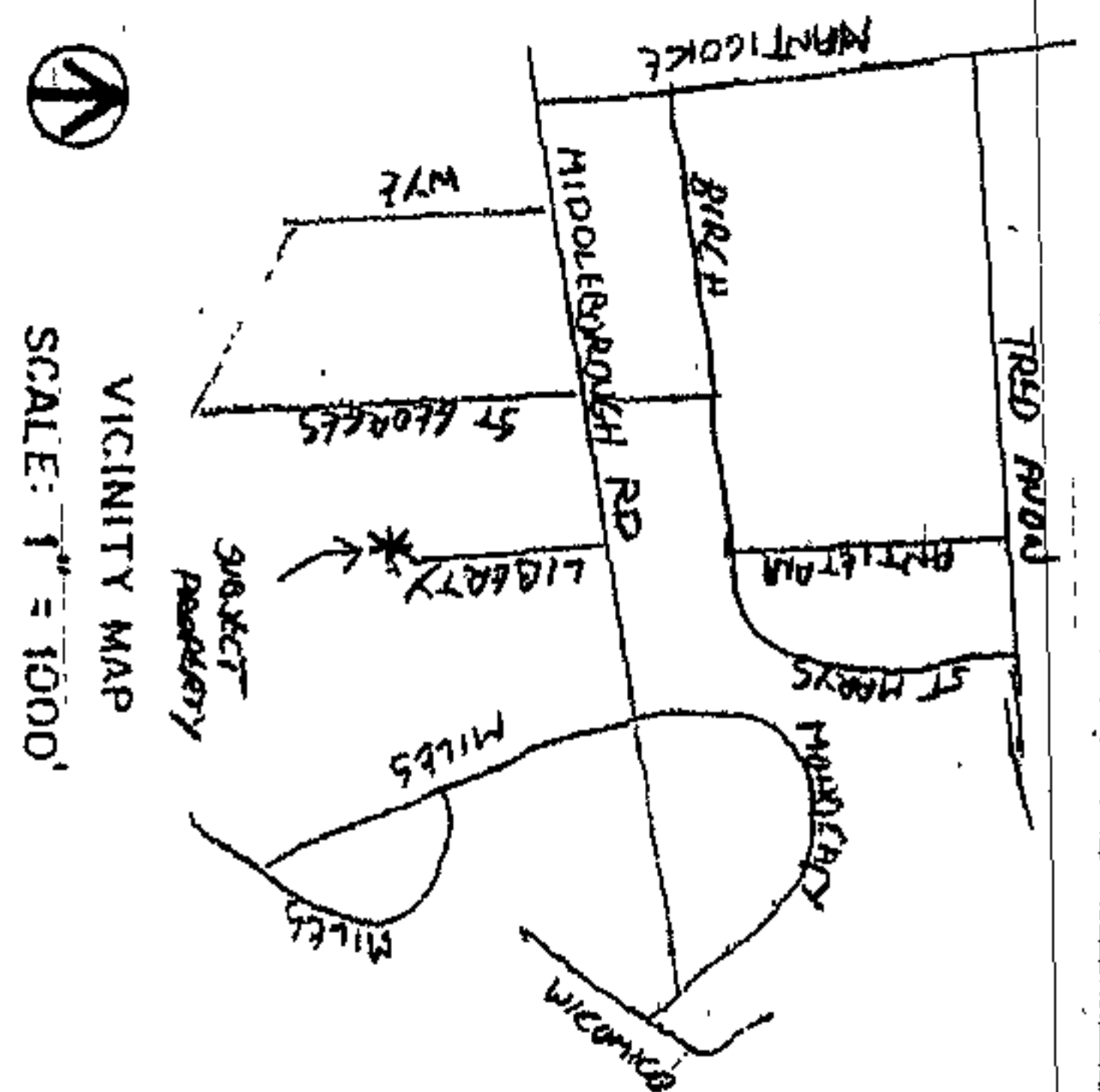
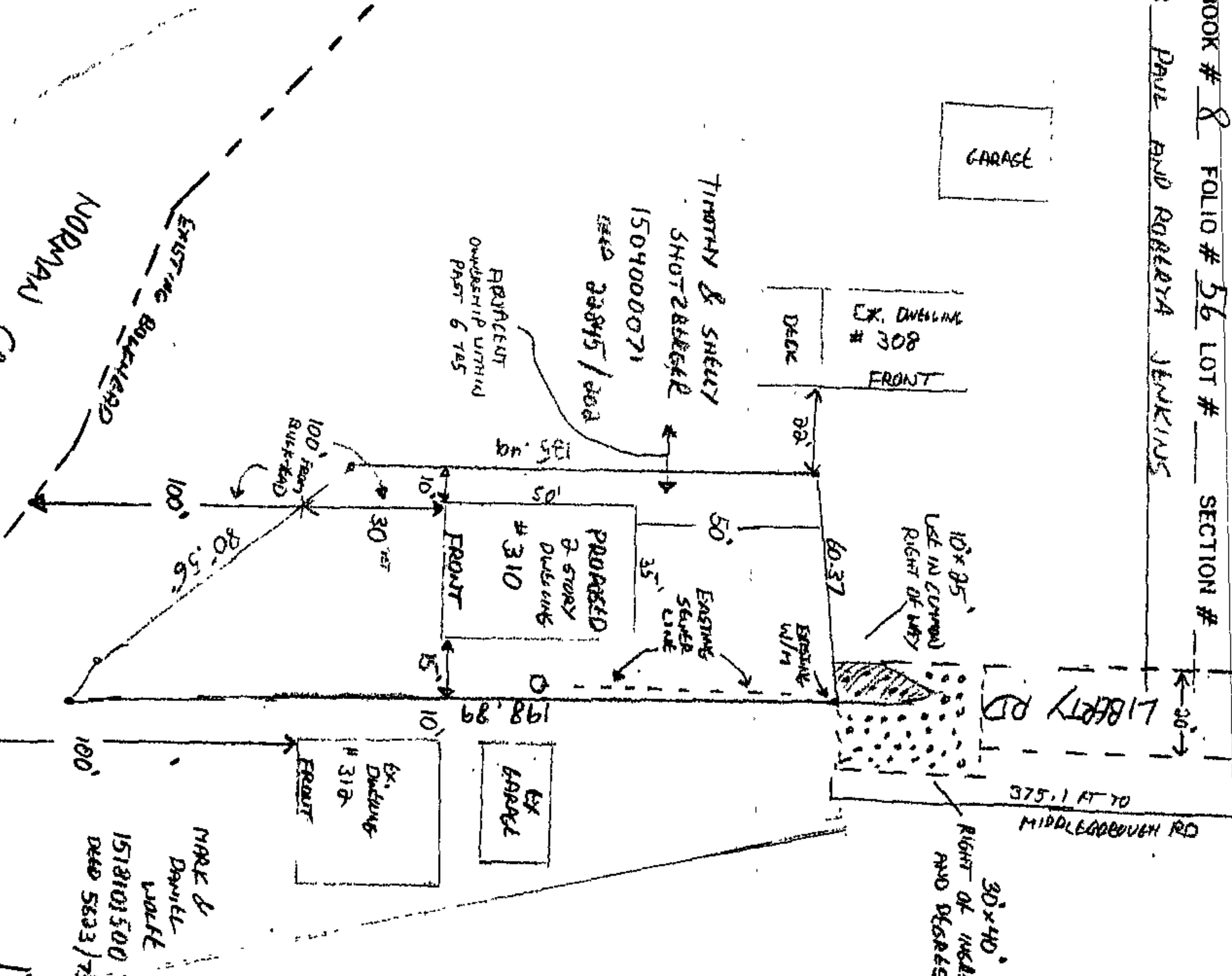
SUBDIVISION NAME MIDDLEBOROUGH

PLAT BOOK # 8 FOLIO # 56 LOT #        SECTION #       

OWNER PAUL AND ROBERTA JENKINS



PREPARED BY:  
DAVID WALDRIDGE



VICINITY MAP  
SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP #

ZONING 3.5

LOT SIZE .228 ACRES 9932 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☒ YES ☐ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY  
REVIEWED BY 507 ITEM #        CASE # 60-543504

SCALE OF DRAWING  
1" = 50'



June 7, 2006

To Whom it may Concern:

We the undersigned wish to go  
on record in opposition of  
Case #06-5435PHA - 310 Liberty RD

NAME

Address

Susan C. Baucorn

306 Liberty Rd 21221

Susan C. Baucorn



304 LIBERTY Rd 21221

CHARLES VESTAL

Rita M. Vestal

304 Liberty Rd. 21221

RITA M. VESTAL

MARY D. VOGAN

Mary D. Vogan

2115 Middleborough Rd

Christopher A. Lamb

309 Liberty Rd 21221



MARY T. McElroy 305 Liberty Rd 21221

Vernon Crouse III

VERNON CROUSE III 303 Liberty 21221

Bruce Wayne Kindervater Jr. 302 Liberty Rd. 21221

Lisa Kindervater Lisa Kindervater 302 Liberty Rd. 21221

Dana L. Vogan Sr. 2115 Middleborough Rd 21221

DANA L. VOGAN SR.

LYDIA WATERS

Linda Waters 313 Liberty Road #21221

~~James W. Baucorn~~ ~~306 Liberty Rd~~ ~~21221~~

JAMES W BAUCORN

306 LIBERTY Rd 21221

James W Baucorn

Thomas W Gryetz

326 Miles Rd 21221

Thomas W. Gryetz

Doris Gryetz

306 Miles Rd 21221

Doris J. Gryetz

(OVER)

END



## Some of the Reasons

STRESS ON SEWER LINES

STRESS ON WATER PIPES

VERY POOR WATER DRAINAGE - FROM RAIN, WATER LAYS IN STREETS AND YARDS. ALSO IN SOME BASEMENTS.

Dead end street - The road is old and is sunk in due to water pipe leaking in one large area. Was repaired but that caused the road to sink. The heavy construction trucks would add more damage to the road.

Would disturb wetland and marshland where geese and ducks and blue herons feed

Parking Problems

*Susan C. Dawson*

STATE OF MARYLAND

County of Baltimore

Sworn and subscribed in due form before me

this 12th day of June 2006

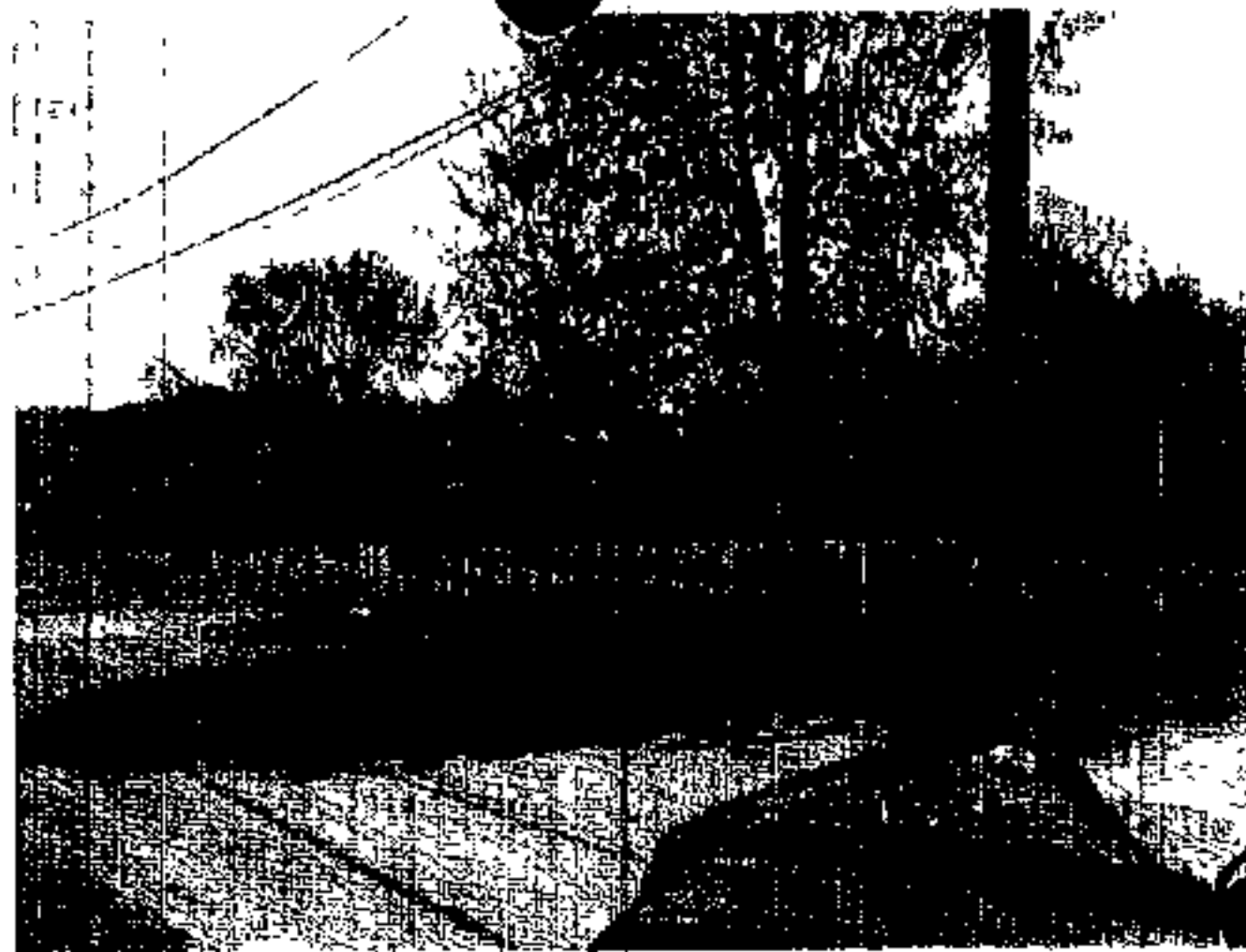
*Debra E. Stevens*

My Commission Expires 8-1-07

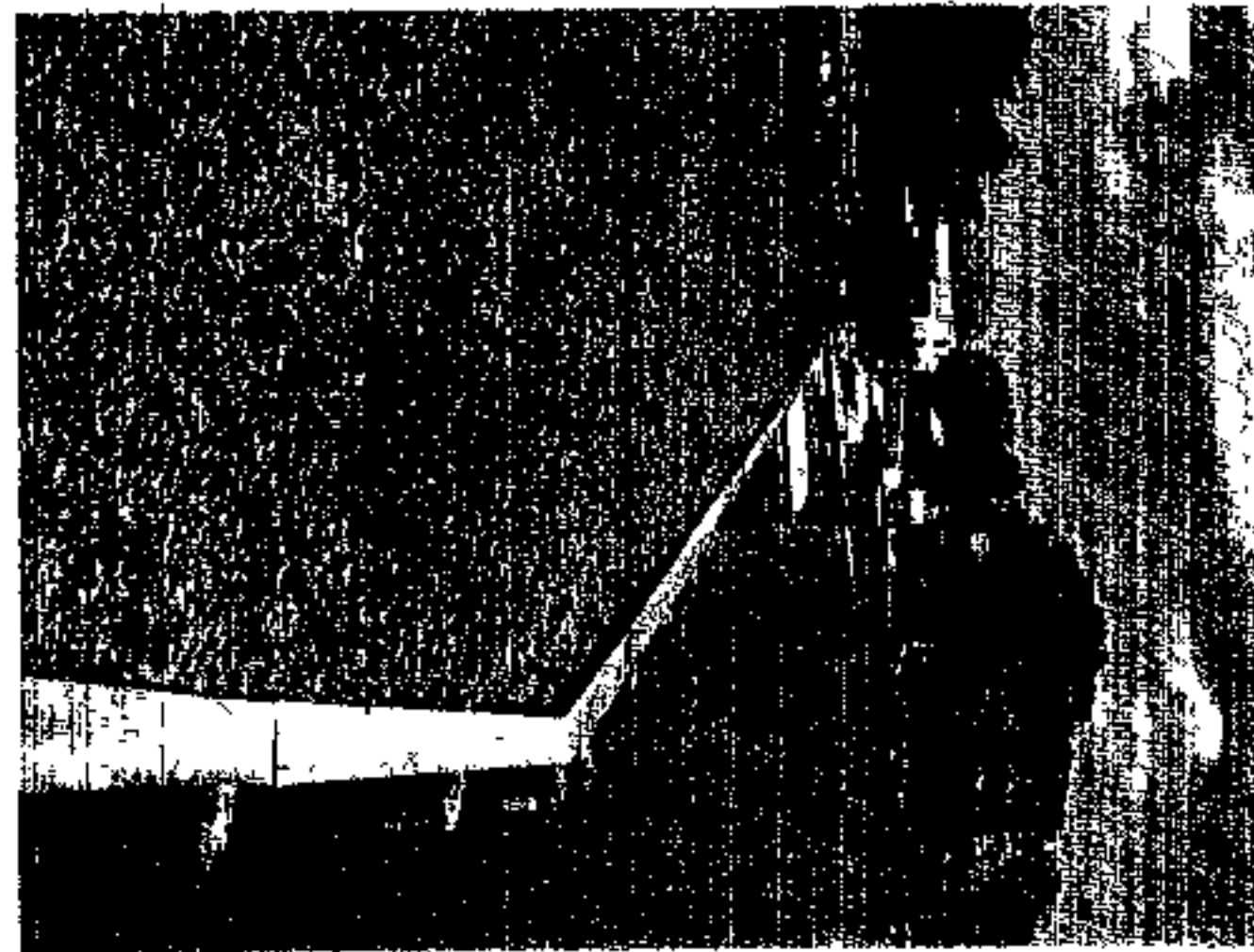




308 WERTY



312 LIBERTY



BULLHEAD



PROPERTY VIEWED  
FROM WATER



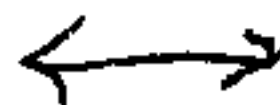
EXISTING  
DRIVEWAY



PROPERTY VIEWED  
FROM ROAD

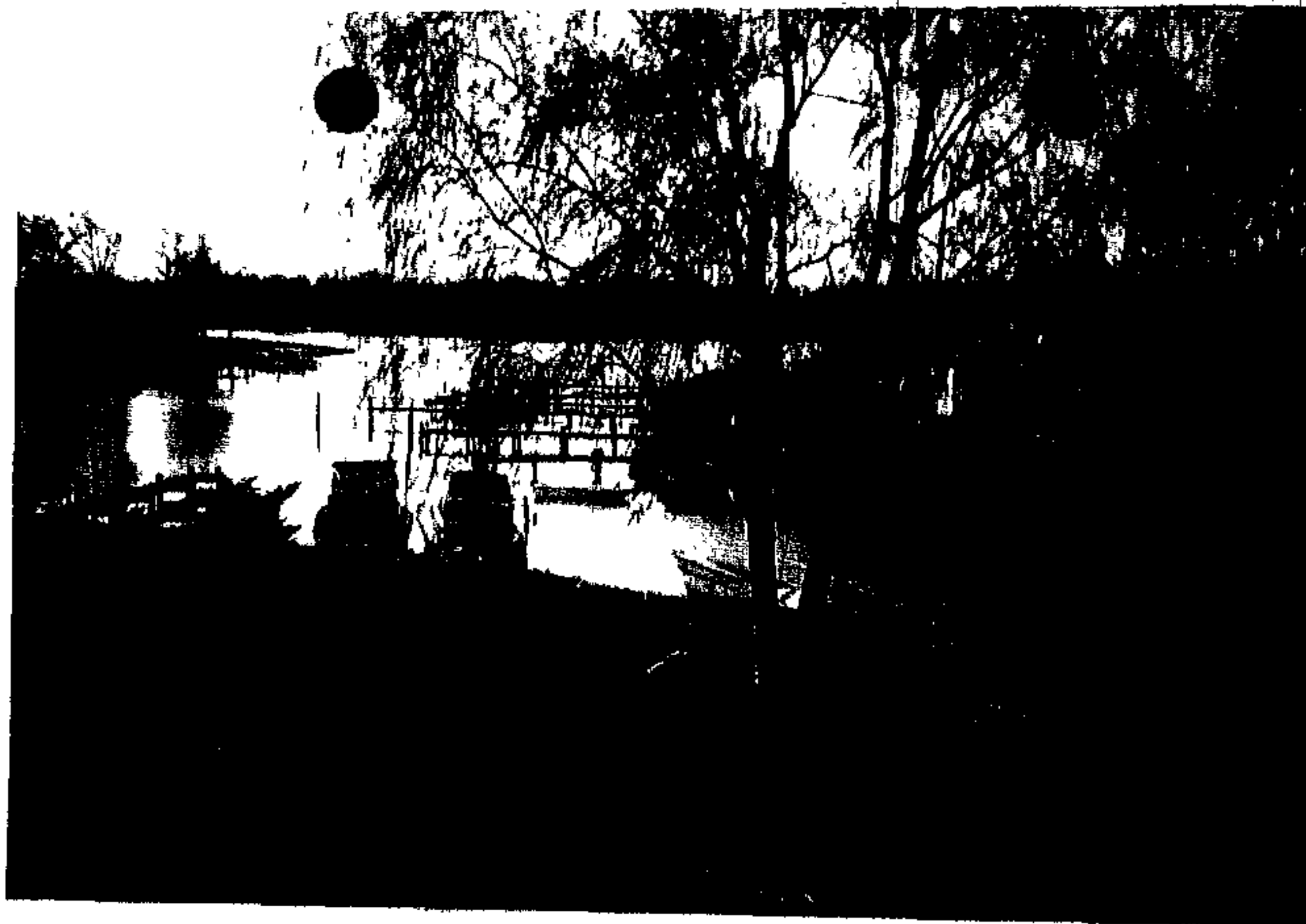


30x40  
TOGETHER  
INCHES  
AND  
ECLISS



Pet  
#6





VIEW FROM OLD HOUSE  
TOWARDS WATER (NORMAN CREEK)

HOUSE WAS CONDEND (TORN DOWN IN 95)

06.543-SP14A





SIDE VIEW OF OLD HOUSE

FROM BOTTOM OF 308 LIBERTY PROPERTY

OG-543-SP4A



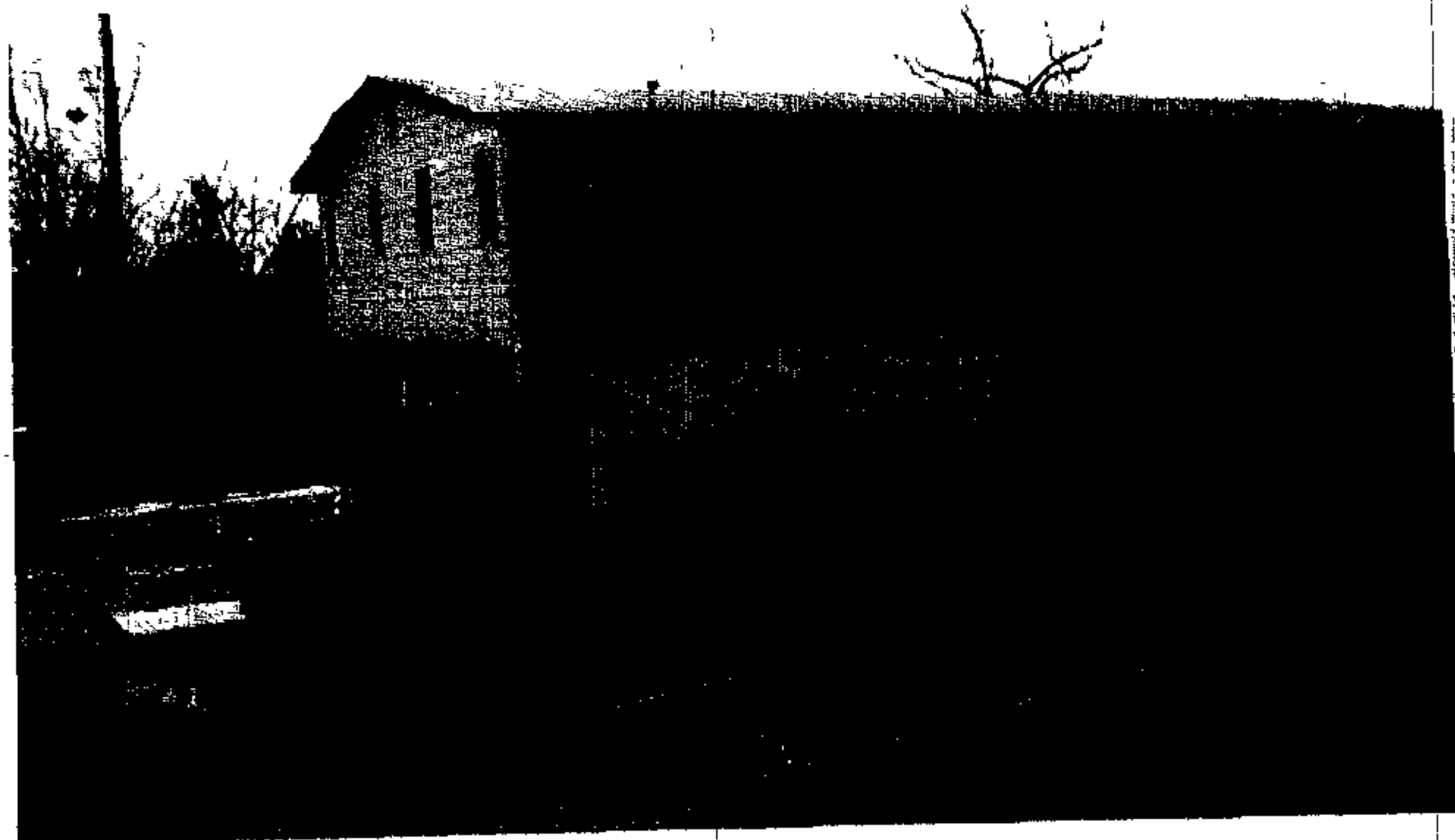


LABELLED 1993 ON BACK

SIDE VIEW OF OLD HOUSE  
FROM 308 LIBERTY PROPERTY

OG-543-SP4A

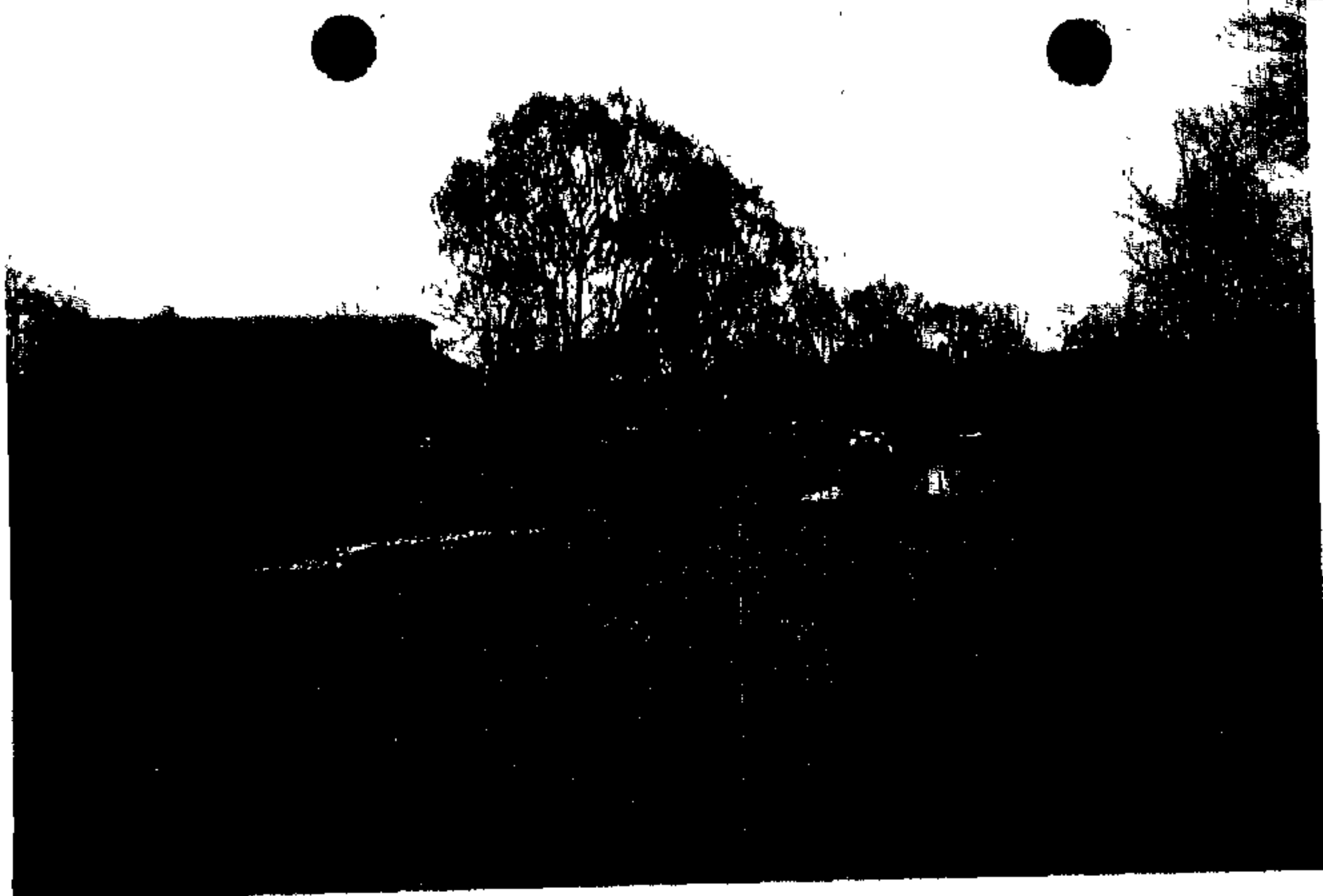




SIDE VIEW OF OLD HOUSE  
FROM 312 LIBERTY

OG-543-S74A





SIDE VIEW FROM FAR SIDE  
OK 308 LIBERTY ROAD

OG-543-SP4A





06.543-5747





VIEW OF OLD HOUSE FROM  
WATER'S EDGE

06-543. SP49





VIEW OF OLD HOUSE FROM  
END OF LIBERTY ROAD

06-543-SP1A





VIEW OF OLD HOUSE FROM  
LIBERTY ROAD

VIEW OF EXISTING  
HOUSE 308 LIBERTY

06-543-SP4A



# Assessment Notice

## (This is Not A Tax Bill)

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

CONTROL #: 5669

|    |    |        |
|----|----|--------|
| 1. | \$ | 78,760 |
|----|----|--------|

4. \$ NOT APPLICABLE  
Municipal  
Taxable Assessment

|       |              |
|-------|--------------|
| 7. \$ | 135,260      |
|       | <b>TOTAL</b> |

|     |    |         |      |
|-----|----|---------|------|
| 10. | \$ | 155,260 | 2008 |
|-----|----|---------|------|

If you feel that your property's **Total New Market Value** of \$ 155,260 is incorrect, you may file an appeal. An explanation of the appeal process and instructions on how to file your appeal are located on page 4.

**An appeal must be filed or postmarked by 02/13/2006**

ACCT#04 15 1519510380 /13817  
98 231606 R  
JENKINS PAUL R  
JENKINS ROBERTA L  
340 MILES RD  
BALTIMORE, MD 21221-1524

Address of where your principal residence is located:

Number of months you have resided or expect to reside at this address each year:

Signature (Required)

Date \_\_\_\_\_



## APPEAL PROCEDURE

You have the right to appeal this notice of assessment. A three step appeal process is available to protect the property owner from an incorrect assessment. The first level appeal is with the local assessment office. The second and third level appeals are with the Property Tax Assessment Appeal Boards and the Maryland Tax Court, which are independent agencies that are completely separate from the Department of Assessments and Taxation. At each level in the appeal process you have the opportunity to present evidence showing why the Total New Market Value (page 3, box 7) is incorrect.

To appeal your notice of assessment, you can visit our website at [www.dat.state.md.us](http://www.dat.state.md.us) or complete and sign this appeal form and return it to the local assessment office at the address shown on page 3 of this notice. An appeal must be filed within 45 days from the date of this notice. When filing an appeal you have three options: (1) to submit an appeal in writing; (2) to meet personally with an assessor; or (3) to have a telephone hearing. Please indicate with a check mark the one option you have selected. Expedited service will be given to written appeals (Option #1).

|                    |               |                              |
|--------------------|---------------|------------------------------|
| _____<br>Signature | _____<br>Date | _____<br>Daytime Telephone # |
|--------------------|---------------|------------------------------|

☐ **Option #1 Written Appeal Instead of a Personal Hearing:** If additional space is needed, attach paperwork to this appeal form. I am appealing the TOTAL NEW MARKET VALUE because: \_\_\_\_\_

**NOTE:** when you file a written appeal, your account is reviewed based on all available information and a final notice is sent.

☐ **Option #2 Personal Hearing with an Assessor:** Please select the preferred time under column A or B (only one box should be selected). To the extent possible, the assessment office will honor requests for hearings during non-business hours and/or alternate locations. Alternate locations are public facilities, such as libraries, which are reserved by the Department to allow property owners an alternative to a personal hearing at the assessment office. You will be notified of the date and time for your hearing. You have the right to postpone this hearing one time.

A. ASSESSMENT OFFICE

OR

B. ALTERNATE LOCATION

☐ Business Hours

☐ Business Hours

☐ Evening Hours

☐ Evening Hours

☐ Saturday Hours

☐ Saturday Hours

☐ **Option #3 Telephone Hearing:** You will be notified of a date and time to call the assessment office. Collect calls will NOT be accepted.

If you are filing an appeal, requesting brochures, a copy of your property worksheet or a sales analysis/listing, please make a copy of the front and back of this page for your records.

If you file an appeal you may also obtain copies of the worksheets for other comparable properties. A fee of \$1.00 for each comparable worksheet must be included with your request, with the check made payable to the State Department of Assessments and Taxation. Please use the space provided below to identify the comparable properties. Attach an additional sheet of paper if more space is needed. Reminder: There is no charge for a copy of the worksheet of your own property.

| Street Address Of Comparable Property<br>Or Lot, Block and Parcel Number | Owner of Comparable<br>(If Known) |
|--------------------------------------------------------------------------|-----------------------------------|
|                                                                          |                                   |
|                                                                          |                                   |
|                                                                          |                                   |
|                                                                          |                                   |

### PROPERTY INFORMATION AND BROCHURES

Brochures, a copy of the worksheet for your property, and a copy of the sales analysis for the area in which your property is located may be obtained at no charge from your local assessment office. You do not need to file an appeal to receive this information.

Please check the appropriate box and return this form to your local assessment office at the address shown on page 3 of this notice. These brochures and others can also be found on our website at [www.dat.state.md.us](http://www.dat.state.md.us) by clicking on Real Property.

☐ A Homeowner's Guide to Property Taxes and Assessments

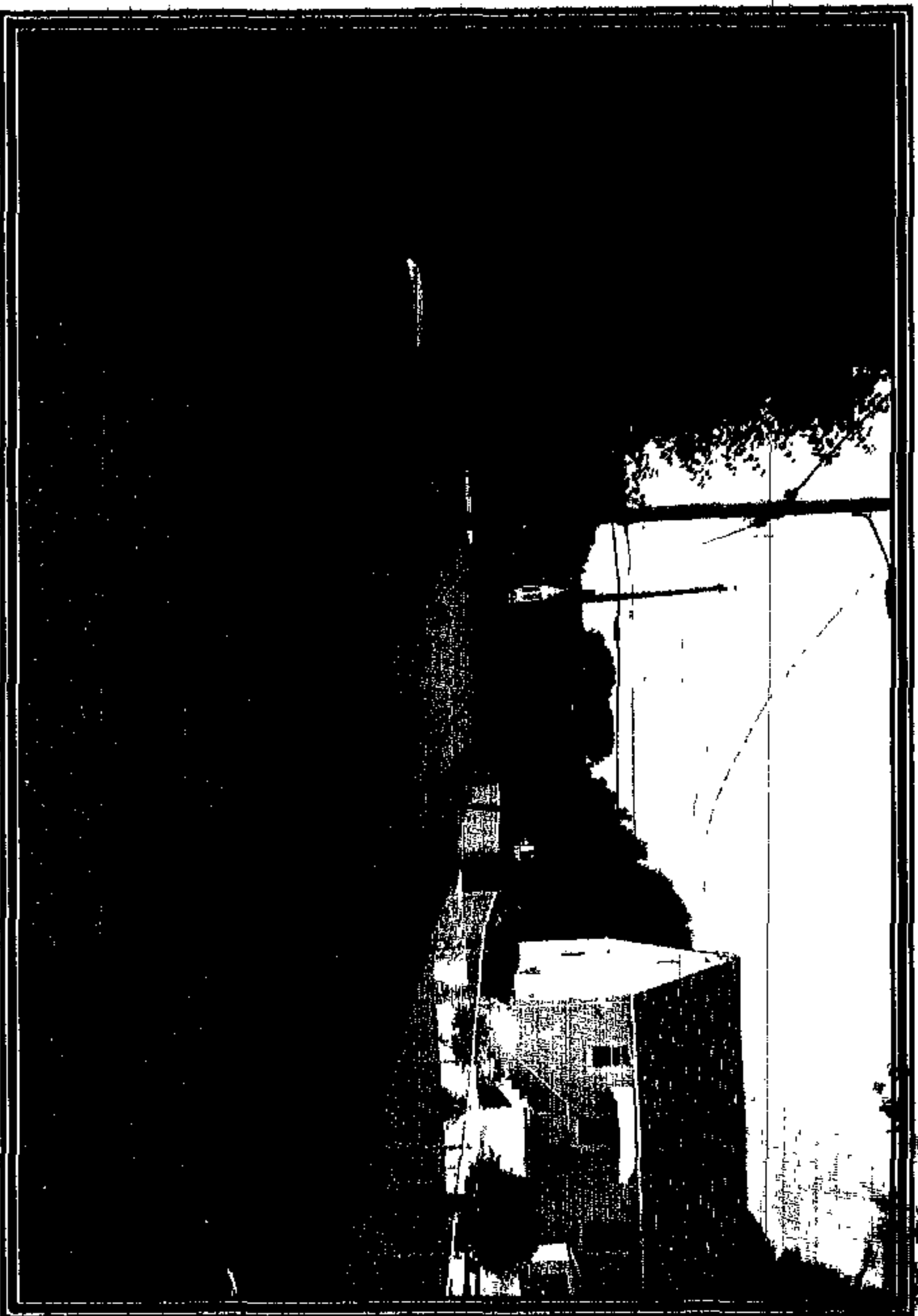
☐ Property Worksheet

☐ Property Owner's Bill of Rights

☐ Sales Analysis/Listing



CASE # 06-5435 PMA



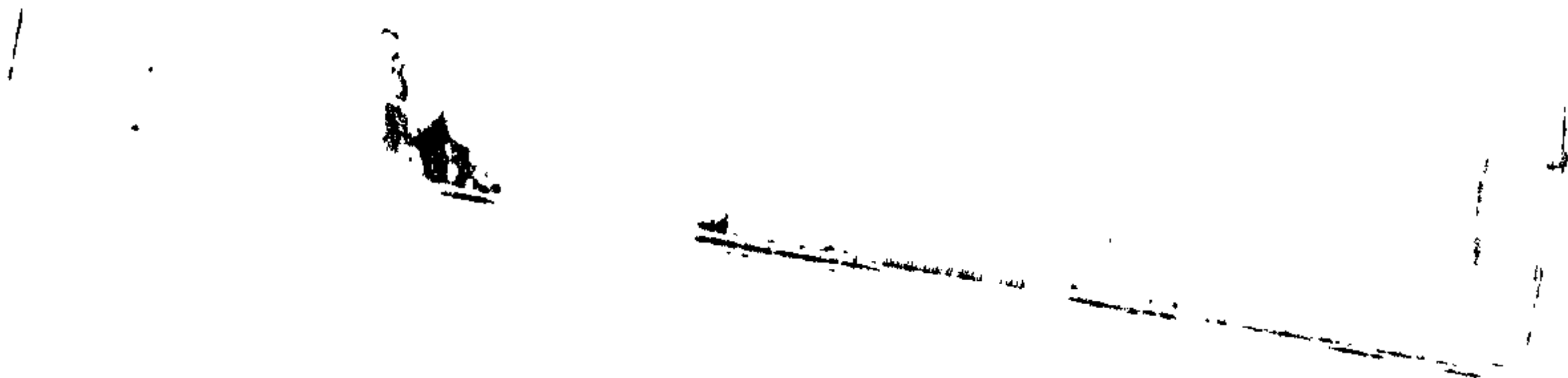
Liberty Road is a  
one lane dead end  
road -looking  
northwest toward  
Middleborough  
Road

Liberty Road is a one  
lane dead end road -  
looking Southeast  
toward dead end  
where 310 Liberty  
Road is located



Poe 2A







Case # 06-5435 PHH

**Only access to 310 Liberty Road is circled in RED.**



PAGE 2B



Case # DL-5435 PHA

**View from Liberty Road looking at only  
access to property from Liberty Road**



Pro 2C



Case # 06-5435 PHA

**310 Liberty Road in relation to 308 Liberty Road and 312  
Liberty Road**

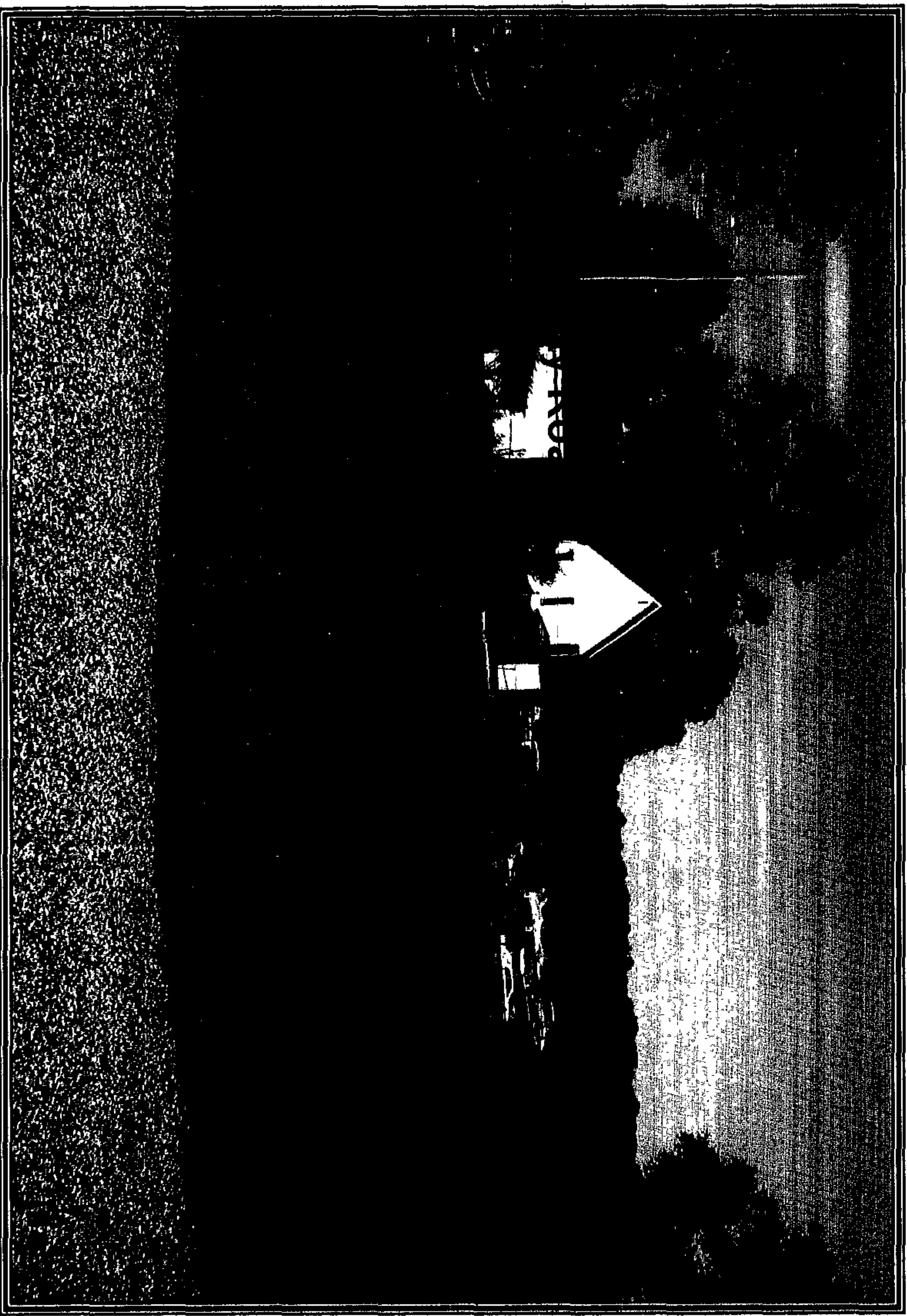


Photo #3



Case # 06-5435 p 4A

**Shows property Line of 310 Liberty Road in  
relation to 308 Liberty Road**

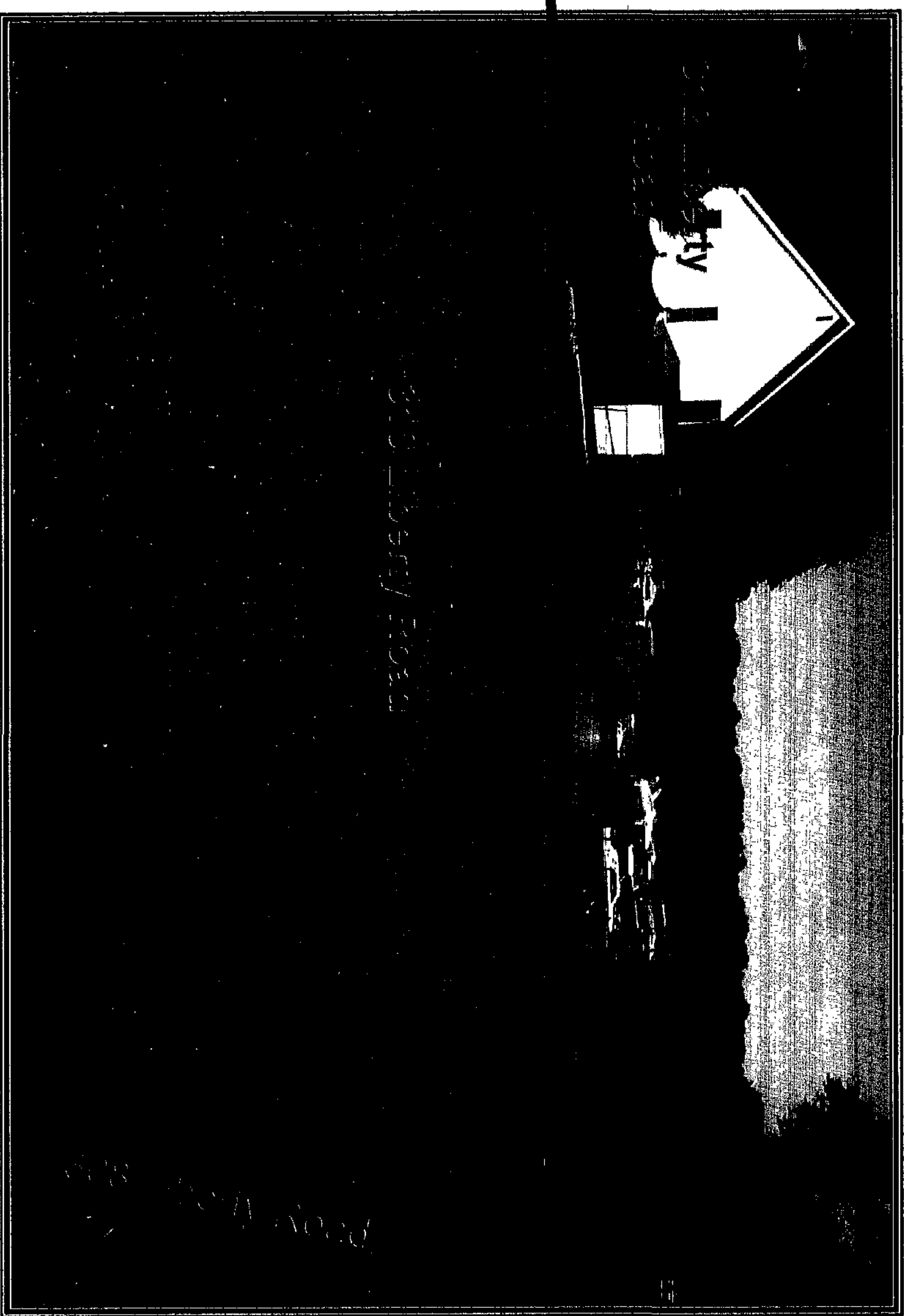


Pro #  
2E



Case # 06-54359 HA

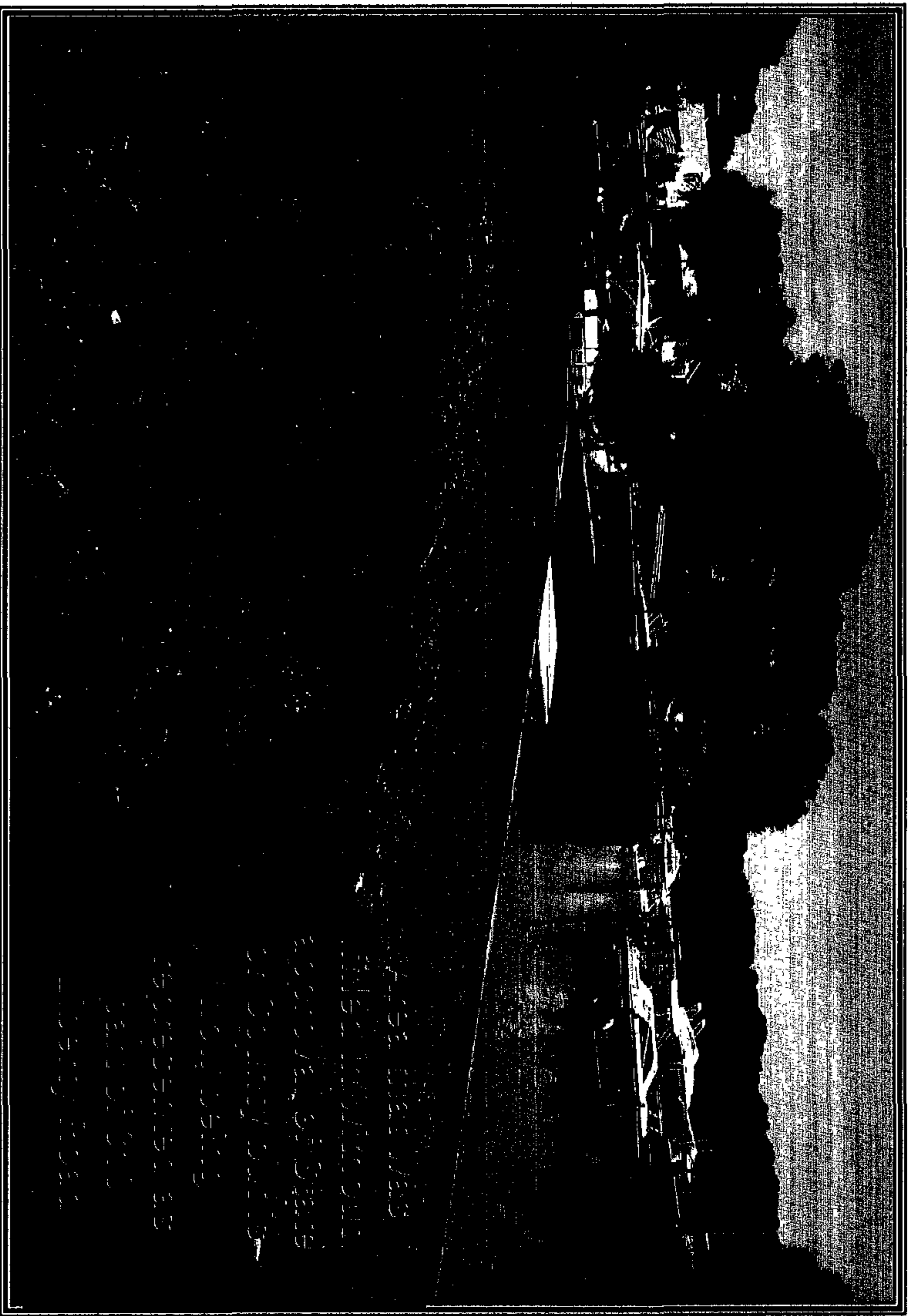
# Boundaries or 310 Liberty Road



2nd 2nd



Case # 06-5435 PHA



P 10 24



Case # 06-5435 PHA

**Red Line shows property line of 310 Liberty Road in  
relation to the 308 Liberty Road**

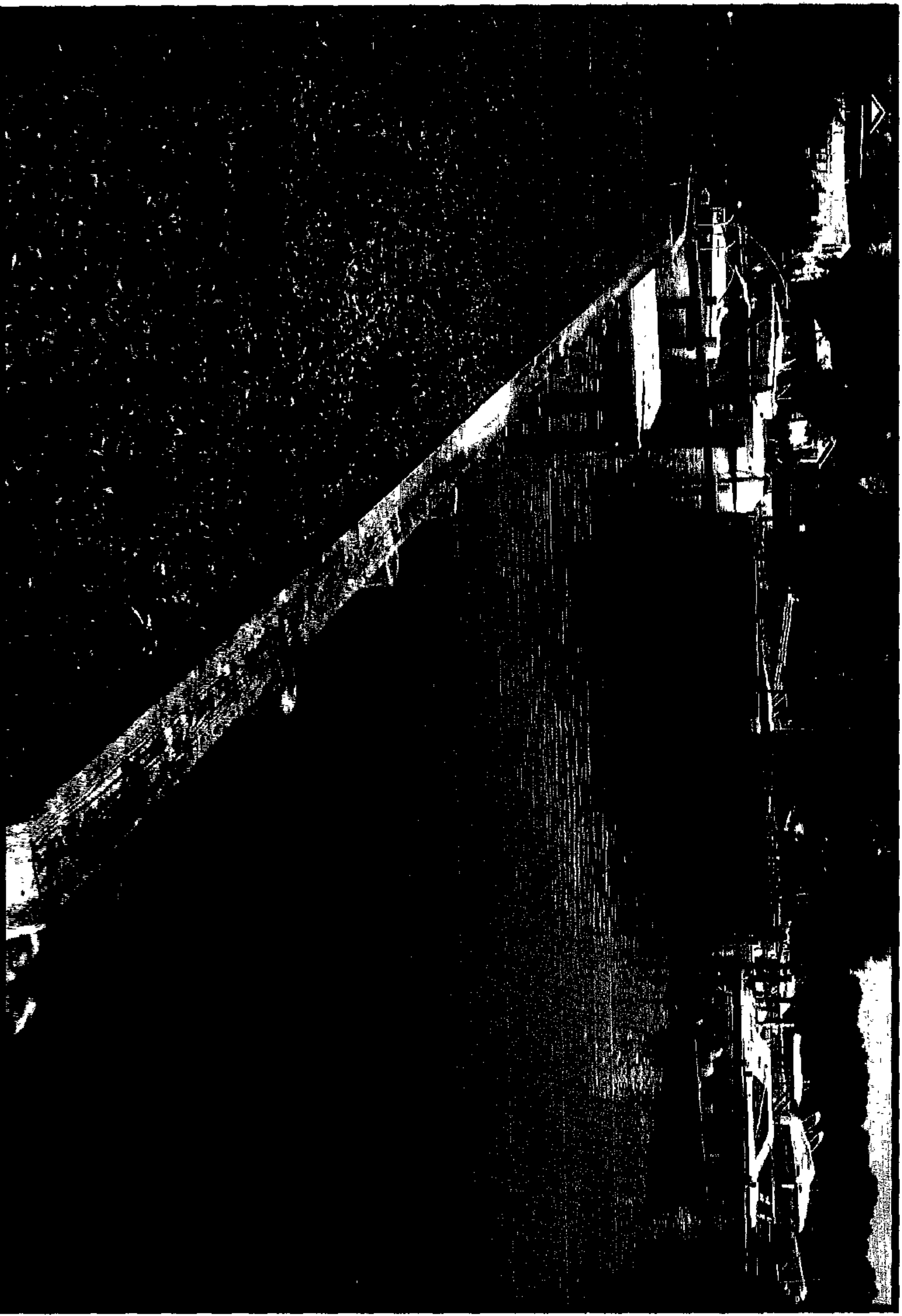


P20  
2H



Case # 06-543844

## Width of 310 Liberty Road at waters edge



Pro  
ge



NOTE: TOGETHER  
WITH RIGHT TO INGRESS  
AND EGRESS PER  
4517/8  
(30'x40')

N23°04'40"E  
14.21'  
N07°07'10"W  
13.77'

S18°44'00"E 14.23'

S07°07'10"E 10.23'

\* NOTE: WOOD FENCE  
APPEARS TO LIE PARTIALLY  
OUTSIDE OF SUBJECT  
PROPERTY.



DEED REF: 4517/8  
15<sup>TH</sup> ELECT. DIST.  
BALTO. CO., MD.

NOTE: FLOOD ZONE LINES  
ROUGH SCALED PER  
FEMA MAP 240010/0445B

I have examined Flood Insurance Rate Map Panel Number 240010/0445B  
for the subject property and it appears to lie within Zone C, B, & A10 per said Map.  
The information shown on this plat shows only that the improvements indicated hereon are  
contained within the outlines of the lot upon which they are erected unless otherwise noted and  
is not to be used to establish property lines or corners.

### LOCATION SURVEY

#310 LIBERTY ROAD

**J.S. DALLAS, INC.**

Surveying & Engineering  
4932 Hazelwood Avenue Baltimore, Md. 21206  
(410) 866-2001

Date: 4/30/93

Scale: 1"=20'

Job Number: LT2356

Drawn By: TE

Checked By: JSD



LIBERTY ROAD

#B10  
N/F  
PAUL R. JENKINS  
ROBERTA L. JENKINS  
9802/345  
15-19510380  
AREA = 0.004 AC.±

#308  
N/F  
SHELLY L. SHOTZBERGER  
TIMOTHY M. SHOTZBERGER  
22845/202  
15-04000071

#B12  
N/F  
MARK S. WOLFE  
DARLENE F. WOLFE  
5623/075  
15-18101500

#B10  
N/F  
PAUL R. JENKINS  
ROBERTA L. JENKINS  
9802/345  
15-19510380  
AREA = 0.228 AC.±

PIN & CAP  
SET #349

PIN & CAP  
SET #349



NORMAN CREEK

N/F = NOW OR FORMERLY  
NOTE: THIS SURVEY WAS DONE WITHOUT THE BENEFIT  
OF A TITLE REPORT.

*Leonard G. Buerhaus*  
LEONARD G. BUERHAUS  
PROPERTY LINE NO. 349

Bafitis & Associates, Inc.

William N. Bafitis, P.E.  
PRESIDENT  
Civil Engineers/Land Planners  
SURVEYORS  
(410) 391-2336

1249 Engleberth Rd. Baltimore, MD 21221

BOUNDARY PLAT  
FOR

# 310 LIBERTY ROAD  
15TH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30' DATE: 06/13/06

*Part 43*





View of 310 From Water

Case# 06-5435 PNA

W  
C  
D  
J  
E



View 310 From Water  
Case# 06-54356AA

Over  
BB





View of 310 From Water

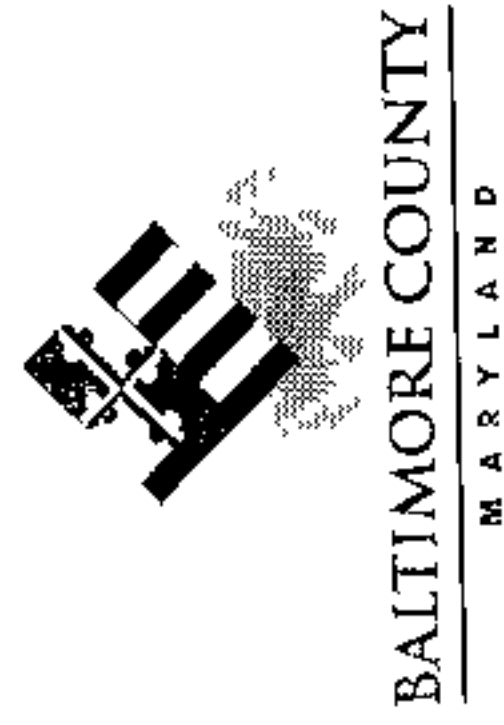
Pier & Bulkhead Put in

With out approval of County

Geese & Blue Herons & ducks  
Feed in these wetlands

Case# 06-5435 PHA

Don



*Zoning Commissioner*  
*Office of Planning*  
401 Bosley Avenue, Suite 405  
County Courts Building  
Towson, Maryland, 21204

Return Service Requested

Photos 06-543-SPHA

Pro 3A-3B





BALTIMORE COUNTY  
MARYLAND

*Zoning Commissioner*  
*Office of Planning*  
401 Bosley Avenue, Suite 405  
County Courts Building  
Towson, Maryland 21204

Photos 06-543-SPHA  
Pet # 4

Return Service Requested





















