IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
360' of Garrison Forest Road, * ZONING COMMISSIONER
700' N of the c/line Caves Road
(517 Garrison Forest Road) * OF

4th Election District * BALTIMORE COUNTY
2nd Council District * Case No. 07-318-SPHA

David I. Butter, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Robin J. Siegel and David I. Butter, her husband, by and through their attorney, Lawrence E. Schmidt, Esquire. As filed, Petitioners requested a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit livable space in an accessory structure and variances from B.C.Z.R. Sections 400.1 and 400.3 to permit a detached garage at a location other than the rear yard with a height of 25' in lieu of the required 15'; or in the alternative from Section 1A01.3.B.3 of the B.C.Z.R. to permit a setback from the property line of 12' in lieu of the required 35' for a garage attached to the principal building by a covered passageway longer than 20'. The subject property and requested relief, incorporating the terms of a settlement agreement between the parties, are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were David I. Butter, property owner, and his attorney, Lawrence E. Schmidt, Esquire. Appearing as a

Date STATISTICS OF FOR FILIN

¹ The original Petition(s) and site plan, in response to comments from the Office of Planning and opposition from the adjacent neighbor Joseph Truta, were modified. At the onset of the hearing, and without objection, the Petition for Special Hearing was dismissed and the site plan amended to show a one-story garage in the front yard 35' from the property line, thereby abandoning the need for the balance of the variance requests involving height and setback relief.

Date STECEIVED FOR FILING

Protestant in this matter was Joseph M. Truta who resides at 521 Garrison Forest Road, and his attorney J. Carroll Holzer, Esquire.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located at the north end of a use-in-common panhandle driveway referred to as Earth Drive that bisects Parcel 317 (Joseph Truta) and Parcel 316 (David Butter) on the east side of Garrison Forest Road in Owings Mills. The property is located in an upscale community and contains a gross area of 2.11 acres, more or less, zoned R.C.2 and improved with a one-story single-family dwelling. The Petitioners have owned the property since 2002 and propose to construct additional living quarters (a family room 25' x 30') and a multi-purpose room (15' x 19') to the house and propose a detached garage (24' x 36' in dimension) in the front yard of their Testimony indicated that the garage and additional space are necessary to property. accommodate the growing needs of their family brought about by the recent adoption of two children. As shown on the site plan submitted, the property possesses an irregular shaped backyard which is further compounded by the existence of a Forest Conservation Easement surrounding the home on the north and eastern sides. Thus, the proposed garage cannot be located in the rear yard as required by the regulations. Moreover, due to the unique configuration of the property and the orientation of the house thereon, the garage will be located beyond the front foundation wall of the house. Thus, the requested variance relief is necessary.

As indicated above, Mr. Truta was opposed to the requests as originally filed. He and his wife purchased 521 Garrison Forest Road in 1981 and have improved the property with a large two-story stone home and in-ground 20' x 40' swimming pool in the area next to where the Petitioners plan to build their garage. After ongoing discussions, the location of the garage was shifted away from the Truda's property, and a new plan was submitted with an agreement that each party would provide landscaping on their respective properties as depicted on Petitioners' Exhibit 1 as an effective visual buffer. Mr. Butter will use best efforts in locating the one-story garage as far from the common property line as possible.

Date S - S - OH FILING

After due consideration of the testimony and evidence presented and the continued efforts undertaken by the parties to reach a compromised solution, I am persuaded to grant the requested relief. Based on my review of the site plan as well as the testimony, I find that the subject property is constrained which creates a unique condition bringing about a practical difficulty if B.C.Z.R. Section 400.1 was strictly adhered to. I find that the required finite location of the garage is appropriate in this instance and within the spirit and intent of the zoning regulations and will not be out of character with the other homes in the area. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or surrounding locale. There were no adverse comments submitted by any County reviewing agency; however, the Office of Planning, while they did not appear at the hearing, did want a condition that architectural elevation drawings be reviewed and approved by their office prior to the issuance of any building permits.

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

this ______ day of May, 2007 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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 additions and detached garage shall be constructed substantially in accordance with the building elevation drawings to be reviewed and approved by the Office of Planning. In addition, landscaping shall be provided along the northwestern portion of Petitioners property as depicted on the site plan.

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.

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

of this Order.

WJW:dlw

Zoning Commissioner for Baltimore County

ate S - S - On Filling



JAMES T. SMITH, JR. County Executive

May 18, 2007

WILLIAM J. WISEMAN III

Zoning Commissioner

Lawrence E. Schmidt, Esquire Gildea & Schmidt, LLC 600 Washington Avenue, Ste. 200 Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE 360' of Garrison Forest Road, 700' N of the c/line Caves Road (517 Garrison Forest Road)
4th Election District - 2nd Council District David I. Butter, et ux - Petitioners
Case No. 07-318-SPHA

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The revised Petition for Variance has been granted with restrictions in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: David I. Butter & Robin J. Siegel, 517 Garrison Forest Road,
Owings Mills, Md. 21117

J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286

Joseph M. Truta, 521 Garrison Forest Road, Owings Mills, Md. 21117 People's Counsel; Office of Planning; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 517 Garrison Road
which is presently zoned R.C. 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

- 1) To permit livable space in an accessory structure and
- 2) For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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

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

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

Contract Purchaser/Lessee: Legal Owner(s): David I. Butter Name - Type or Print Name - Type or Print Signature Signature Robin J. Siegel Telephone No. Address Name - Type or Print Zip Code City Signature State 517 Garrison Forest Road Attorney For Petitioner. Address Telephone No. MD 21117-4010 Owings Mills Jason T. Vettori Zip Code State Name - Type or Print City Representative to be Contacted: Signature Jason T. Vettori Gildea & Schmidt, LLC Name Company (410) 234-0070 300 East Lombard Street, Suite 1440 (410) 234-0070 300 East Lombard Street, Suite 1440. Address Telephone No. Address Telephone No. MD 21202 21202 **Baltimore** Baltimore MDCity City Zip Code Zip Code State State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 07 318 SPHA UNAVAILABLE FOR HEARING REV 9/15/98 CHOEN RECEIVED FOR FILING



Petition for Variance

to the Zoning Commissioner of Baltimore County

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):

for the property located at: 517 Garrison Forest Road which is presently zoned: R.C. 2

4) For such other and further relief as may be deemed necessary by the of the Zoning Regulations of Baltimore County, to the (indicate hardship or practical difficulty)	he Zoning Commissioner. E zoning law of Baltimore County, for the following reasons:
To be presented at hearing.	and learn
Amn	ded vi o per fear ton that yard word
Property is to be posted and advertised as prescribed by to l, or we, agree to pay expenses of above Variance, advertising, regulations and restrictions of Baltimore County adopted pursua	posting, etc. and further agree to and are to be bounded by the zoning
	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:	<u>Legal Owner(s):</u> David I. Butter
Name - Type or Print	tame - Type or Print
Signature	Signature
Address Telephone No.	Robin J. Siegel Name - Type or Print Robin H. Slege
City State Zip Code Attorney For Petitioner:	Signature 517 Garrison Forest Road Address Telephone No.
Jason T. Vettori	Address Telephone No. Owings Mills MD 21117-4010
Name - Type or Print	State Zip Code
Not -	Representative to be Contacted:
Signature Leson T. Vettori Gildea & Schmidt, LLC	Jason T. Vettori
Company 300 East Lombard Street, Suite 1440 (410) 234-0070	Name 300 East Lombard Street, Suite 1440 (410) 234-0070
Address Telephone No. Baltimore MD 21202	Address Telephone No. Baltimore MD 21202
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 07 318 SPHA	ESTIMATED LENGTH OF HEARING HE
Deviewed D	UNAVAILABLE FOR HEARING
REV 9/15/98 ONDER RECEIVED FOR FILM	NO
Date 5-18-07	
10.5	

ZONING DESCRIPTION FOR 517 Garrison Forest Road

BEGINNING at a point on the east site of Garrison Forest Road, which is 26 feet wide at the distance of 700 feet north of the centerline of the nearest improved intersecting street, Caves Road, which is 18 feet wide. Being Lot #2 in the minor subdivision #93-099-M, containing 2.11 acres, more or less. Also known as 517 Garrison Forest Road and located in the 4th Election District, 2nd Councilmanic District.

* SAID LOT BEING 360 FT FROM STATED POB INTERSECTION DISTANCE FROM GARRISON FOREST RD.

METES AND BOUNDS DESCRIPTION FOR 517 Garrison Forest Road

BEGINNING for the same at a bar and cap, now set, at the beginning of the third or North 2 degrees 46 minutes West 292 foot line of a parcel of land which by a deed dated September 16, 1947 and recorded among the Land Records of Baltimore County in Liber J.W.B. No. 1603 folio 96 was conveyed by Charles R. Hook Jr. and wife to John A. Spilman and wife running thence and running with and binding on said third line and on a part of the fourth line of said parcel of land, as the courses are now referred to the Baltimore County Grid Meridian the two following courses and distances viz: North 11 degrees 08 minutes 50 seconds West 292.29 feet to a point, said point being distant South 57 degrees 09 minutes 10 seconds West 0.12 of a foot from a ¾ inch pipe heretofore set, and South 57 degrees 09 minutes 10 seconds West 372.66 feet to the end of the second or North 6 degrees 26 minutes East 367.40 foot line of a parcel of land which by a deed dated November 11, 1955 and recorded amount the Land Records of Baltimore County in Liber G.L.B. No. 2849 folio 83 was conveyed by John A. Spilman and wife to the Meadowbrook Construction Company, Inc. said point being distant, North 65 degrees 36 minutes 37 seconds East 0.79 of a foot from a 34 inch pipe, heretofore set, thence binding reversely on a part of said second line, South 2 degrees 00 minutes 12 seconds East 243.69 feet to a bar and cap, now set, in or near the center of an existing macadam driveway, thence running for lines of division, now made in 1993, and binding in or near center of said macadam driveway with the right and use in common with others entitled thereto, North 37 degrees 03 minutes 19 seconds East 32.54 feet to a bar and cap, now set, in the center of said macadam driveway, thence leaving said driveway and continuing to run for lines of division, now made, the three following courses and distances viz: North 77 degrees 50 minutes 48 seconds East 165.00 feet to a railroad spike, now set, in the base of a wild cherry tree, North 8 degrees 25 minutes 10 seconds East 62.02 feet to a bar and cap, now set, and North 77 degrees 50 minutes 48 seconds East 175.00 feet to the point of beginning.

Containing 2.110 Acres of land, more or less.

2)0

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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: # 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road 4th Election District - 2nd Councilmanic District

Legal Owner(s): David I. Butter & Robin J. Siegel
Special Hearing: to permit livable space in an accessory;
structure. Variance: to permit a detached garage at a location other than the rear yard and to permit a detached

garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered

passageway longer than 20 feet.

Hearing: Thursday, March 8, 2007 at 10:00 a.m. in Room 105, County Office Building, 111 West Chesa

peake 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 Com-

missioner'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 2/694 Feb. 20 125441-

CERTIFICATE OF PUBLICATION

2/22/,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$m_{220,200}$
\mathbf{Y}^{j}
The Jeffersonian
☐ Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

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: # 07-316-SPHA 517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road 4th Election District - 2nd Councilmanic District

Special Hearing: to permit livable space in an accessory structure. Variance: to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Thursday, April 5, 2007 at 9:00 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) 887-4386.

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

JT 3/721 Mar 20

128732

CERTIFICATE OF PUBLICATION

J. Williams

LEGAL ADVERTISING

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: #07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road 4th Election District - 2nd Councilmanic District

Special Hearing: to permit livable space in an accessory structure. Variance: to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Friday, May 11, 2007 at 9:00 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) 887-3868.

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

4/363 Apr. 26

133013

CERTIFICATE OF PUBLICATION

-, , ,
4/26/,2007
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 426,2007.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-3/8-5PHA

Petitioner/Developer: DAVID

BUTTER, ROBIN Siegel

Date of Hearing/Closing: MARCH 8, 2007

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:

517 GARRISON FOREST RD

The sign(s) were posted on

2-21-07

(Month, Day, Year)

Sincerely,

TONINGE HOTICE	<u></u>
LUNING NOTICE	
CASE # 07318-SPHA	
A PUBLIC HEARING WILL BE HELD BY	
THE ZONING COMMISSIONER IN TOWSON, MD	<u> </u>
PLOON 106. COUNTY OFFICE BISLOIMS	
MATE AND TIME THURSDAY, MARCH & SOOT IN TOTAL	
SEGMENT: SHALL STRAIN TO HARM! Y DELICIES CONNER VI W	
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MAXINGALTEN ACCESSIBLE	

Pobert Black 2-23-0
(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)

CERTIFICATE OF POSTING

RE: Case No.: 07-3/6-SPHA

Petitioner/Developer: DAVID 1. BUTTER

+ ROBIN J. SIEGEL

Date of Hearing/Closing: APRIL 5, 2007

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:

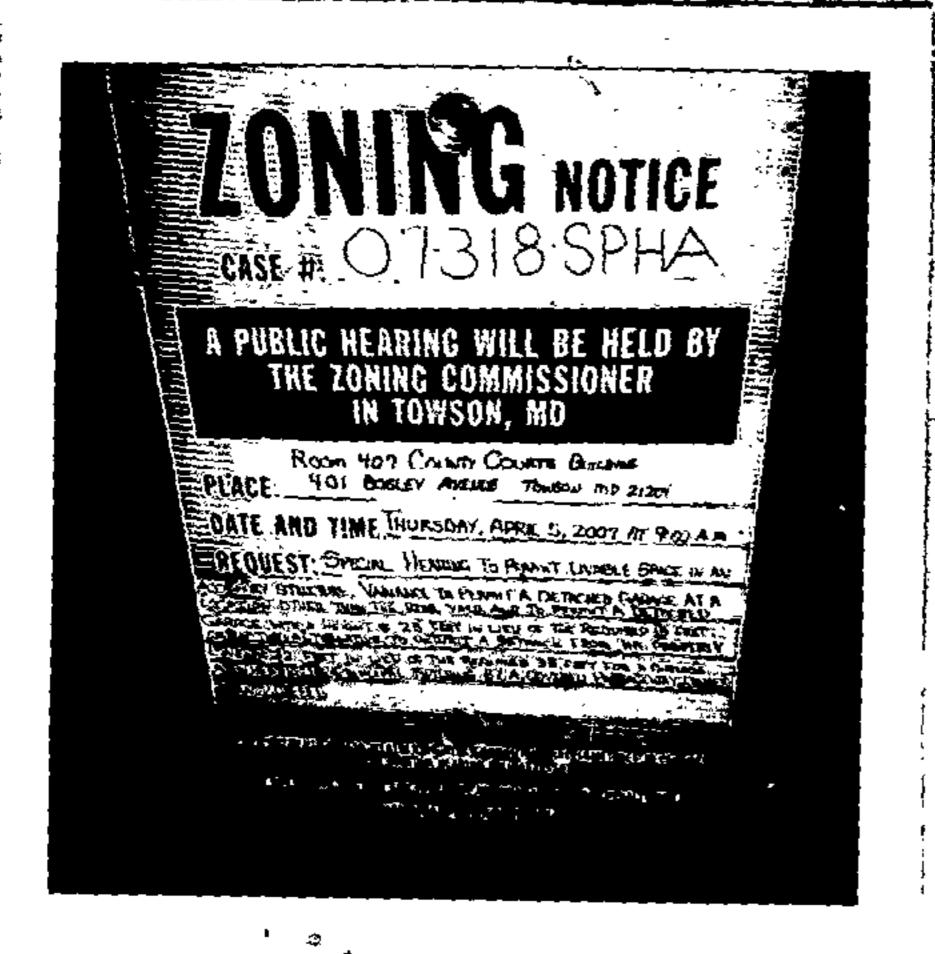
517 GARRISON FOREST RD/CHANGED DATE AND

HEARING, PLACE

The sign(s) were posted on

3-21-07 (Month, Day, Year)

Sincerely,



Robert Black	3-23-0
(Signature of Sign Poster)	(Date)
SSG Robert Black	• -
(Print Name)	· · · · · · · · · · · · · · · · · · ·
1508 Lestie Road	, ; ·
(Address)	
Dundalk, Maryland 212	22
(City, State, Zip Code	e)
(410) 282-7940	•
(Telephone Number)	

RECEIVED

MAR 2 6 2007

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

CERTIFICATE OF POSTING

RE: Case No.: 07-318-5PHA

Petitioner/Developer: DAVID 1 BUTTER

V ROBIN J. SIEGEL

Date of Hearing/Closing: May 11, 2007

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

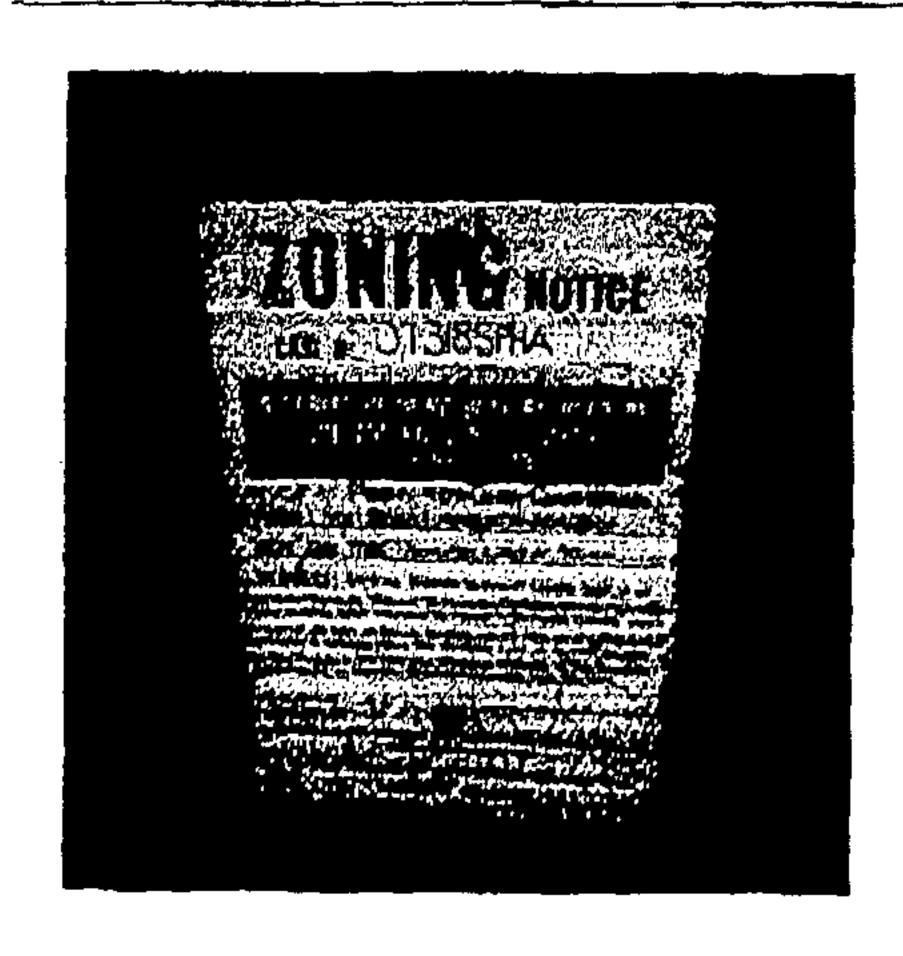
ATTN: Kristen Matthews {(410) 887-3394}

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: 5/7 GARRISON FOREST RD

4-26-07 The sign(s) were posted on _____ (Mouth, Day, Year)

Sincerely,



(Signature of Sign Poster)

SSG Robert Black

(Print Name)



RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
517 Garrison Forest Road; 360' E Garrison
Forest Road c/line 700' N Caves Road
4th Election & 2nd Councilmanic Districts
Legal Owner(s): David & Robin Siegel

* FOR

* BALTIMORE COUNTY

ZONING COMMISSIONER

BEFORE THE

* 07-318-SPHA

ENTRY OF APPEARANCE

Petitioner(s)

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

PETER MAX ZIMMERMAN

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 30th day of January, 2007, a copy of the foregoing Entry of Appearance was mailed Jason T. Jason T. Vettori Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202,, Attorney for Petitioner(s).

RECEIVED
JAN 3 0 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 20, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road

4th Election District – 2nd Councilmanic District Legal Owners: David I. Butter & Robin J. Siegel

Special Hearing to permit livable space in an accessory structure. <u>Variance</u> to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Thursday, March 8, 2007 at 10:00 a.m. in Room 106, County Office Building,

1/11 West Chesapeake 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 20, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road

4th Election District – 2nd Councilmanic District Legal Owners: David I. Butter & Robin J. Siegel

<u>Special Hearing</u> to permit livable space in an accessory structure. <u>Variance</u> to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Thursday, April 5, 2007 at 9:00 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 19, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt 300 E. Lombard Street, Ste. 1440

410-234-0070

Baltimore, MD 21202

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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road

4th Election District – 2nd Councilmanic District

Legal Owners: David I. Butter & Robin J. Siegel

Special Hearing to permit livable space in an accessory structure. Variance to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Friday, May 4, 2007 at 9:00 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 26, 2007 Issue - Jeffersonian

Please forward billing to:

Gildea & Schmidt 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202

410-234-0070

NEW 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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves

4th Election District – 2nd Councilmanic District Legal Owners: David I. Butter & Robin J. Siegel

Special Hearing to permit livable space in an accessory structure. Variance to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Friday, May 11, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401 Bostey 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.



JAMES T. SMITH, JR.

County Executive

February 1, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and

NOTICE OF ZONING HEARING

Depariment of Permits and Development Management

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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves

4th Election District – 2nd Councilmanic District Legal Owners: David I. Butter & Robin J. Siegel

Special Hearing to permit livable space in an accessory structure. <u>Variance</u> to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Thursday, March 8, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:kim

C: Jason Vettori, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Butter/Siegel, 517 Garrison Forest Road, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 21, 2007.

(2) HEARINGS ARÉ 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.

FEB 2 8 2007

TOTAL DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT



JAMES T. SMITH, JR. County Executive

March 14, 2007 TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road

4th Election District – 2nd Councilmanic District Legal Owners: David I. Butter & Robin J. Siegel

Special Hearing to permit livable space in an accessory structure. <u>Variance</u> to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Thursday, April 5, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Jason Vettori, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Butter/Siegel, 517 Garrison Forest Road, Owings Mills 21117 J. Carroll Holzer,

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 21, 2007.
 - (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.



JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

NEW 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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road

4th Election District – 2nd Councilmanic District Legal Owners: David I. Butter & Robin J. Siegel

Special Hearing to permit livable space in an accessory structure. Variance to permit a

detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Friday, May 4, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Jason Vettori, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Butter/Siegel, 517 Garrison Forest Road, Owings Mills 21117 J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 19, 2007.

- (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.



JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

RING

Development Management

NEW 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: 07-318-SPHA

517 Garrison Forest Road

360 feet east of a point on Garrison Forest Road centerline, said point 700 feet north of Caves Road

4th Election District – 2nd Councilmanic District Legal Owners: David I. Butter & Robin J. Siegel

Special Hearing to permit livable space in an accessory structure. Variance to permit a detached garage at a location other than the rear yard and to permit a detached garage with a height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Friday, May 11, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Director

TK:klm

C: Jason Vettori, 300 E. Lombard Street, Ste. 1440, Baltimore 21202 Butter/Siegel, 517 Garrison Forest Road, Owings Mills 21117 J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 26, 2007.

- (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.

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	dvertising:		
Item Number or (se Number: 07318 SPHA		
Petitioner:	ID I. BUTTER & ROBIN J. SEIGAL		
Address or Location: 517 GARMSON FOREST POND			
	RD ADVERTISING BILL TO:		
Name: GIL	EN & SCHMIDT LLC ATTN: JASON T. NETTORY		
	E. LOMBRED ST., JUITE 1440		
Address: 3	ER & SCHMIDT, LLC ATTN: TASON TO NETTORY E. LOMBHED ST., SUITE 1440 TIMORE, MD 21202		
Address: 3	E. LOMBNED ST. JUITE 1440		



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 28, 2007

Jason T. Vettori Gildea & Schmidt, LLC 600 Washington Avenue, Suite 200 Towson, MD 21204

Dear Mr. Vettori:

RE: Case Number: 07-318-SPHA, 517 Garrison Forest Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 12, 2007.

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. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel David I. Butter Robin J. Siegel 517 Garrison Forest Road Owings Mills 21117-4010

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

January 26, 2007 .

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 22, 2007

318

Item Number: 304 and 307 through 321

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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 24, 2007

Department of Permits & Development

Management

OK

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 29, 2007

Item Nos. 07-260,304, 307, 309, 310, 311, 312, 313, 314, 315, 317, 318, 319,

320, and 321

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

DAK:CEN:clw

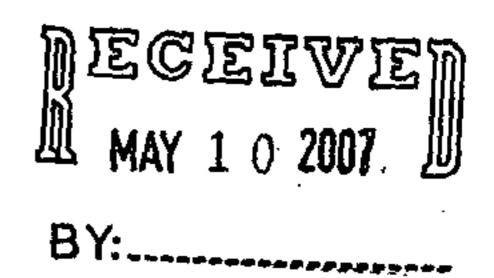
cc: File

ZAC-NO COMMENTS-01222007.doc

Inter-Office Correspondence



TO:



ΓO:	D: Timothy M. Kotroco		-	
FROM: Dave Lykens, DEPRM - Dev		DEPRM - Development (Coordination Jw ^L	
DATE: May 10, 2007		•	•	
SUBJECT:	Zoning Item Address	# 07-318-SPHA 517 Garrison Forest Roa (Butter/ Siegel Property)		
Zoning	g Advisory Con	nmittee Meeting of Januar	ry 22, 2007	
	•	nvironmental Protection as ve-referenced zoning item	nd Resource Management has no	
	-	nvironmental Protection at the above-reference	nd Resource Management offers ed zoning item:	
	Protection of V	- * * * -	oly with the Regulations for the Vetlands and Floodplains (Section nore County Code).	
- 	_	`	ply with the Forest 6-101 through 33-6-122 of the	
	Critical Area P		ply with the Chesapeake Bay 2-101 through 33-2-1004, and Code).	
Additi	onal Comments	<u>3:</u>		
Reviev	ver: J. Livin	ngston	Date: 5/10/07	

INTER-OFFICE CORRESPONDENCE

DATE: February 16, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

517 Garrison Forest Road

INFORMATION:

Item Number:

7-318

Petitioner:

David I. Butter & Robin J. Siegel

Zoning:

RC 2

Requested Action:

Special Hearing and Variance

The subject property is located within the Greenspring Valley National Register Historic District and is part of a minor subdivision 93-099M. The petitioner requests variances to permit a freestanding garage 25 feet in height to be constructed in the front yard in lieu of the required rear yard or alternatively a garage attached with a breezeway longer than 20 feet with a setback of 12 feet from the side property line in lieu of the required 35 feet. A Special Hearing requests living quarters in the accessory building.

SUMMARY OF RECOMMENDATIONS:

The RC2, Agricultural Protection zone permits no more than one dwelling per lot unless the property is considered a farm, which this is not. If the petitioner demonstrates hardship and /or practical difficulty and the accessory structure or addition with breezeway is approved, the Office of Planning requests the condition that architectural elevation drawings and floor plans should be reviewed and approved by the office prior to issuance of any building permits.

As for living quarters in an accessory building, the petitioner's representative suggested a deed restriction and a plan note that stipulates that the living quarters are for the owners and their guests only and will be used as part of a single family residence and not for rental purposes.

If the Zoning Commissioner determines this is acceptable in the RC2 zone, this should not be considered as setting a precedent for other RC2 zoned locations.

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

Reviewed by: Lessace

Division Chief: AFK/LL: CM

State Highway

Administration

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

Maryland Department of Transportation

Date: JANUARY 23, 2007

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

RE: Balti

Baltimore County

Item No. 7-318-A 517 GARRISON FOREST RD

Robert L. Flanagan, Secretary

Neil J. Pedersen, Administrator

SIEGEL PROPERTY

SPECIAL HEARZING

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

ASteven D. Foster, Chie

Engineering Access Permits

Division

SDF/MB

Inter-Office Memorandum

DATE:

March 8, 2007

TO:

T,

Kristen Matthews

Department of Permits & Development Management

FROM:

Patti Zook, Legal Secretary to

John V. Murphy, Deputy Zoning Commissioner

SUBJECT: Petition for Special Hearing and Variance

Case No. 07-318-SPHA - hearing scheduled for March 8, 2007 at 10:00 am

The above-referenced case needs to be rescheduled. The Protestant's attorney, J. Carroll Holzer, requested a postponement of this case because of his appearance at the continued Shelley's Fields cases on March 7 and March 9, and another case at 2:00 pm on March 8. (See correspondence in case file). The matter needs to be reposted and readvertised.

Mr. Murphy went to the hearing room at 10:00 am to see if there was anyone who came to the scheduled hearing and no one appeared.

The file is being returned to you for rescheduling and safe keeping.

Thank you for your attention and cooperation in this matter.

CASE NUMBER: 7-318-SPHA

517 Garrison Forest Road

Location: 360 feet E of a point on Garrison Forest Road c/l, said point 700 feet N of Caves Road.

4th Election District, 2nd Councilmanic District Legal Owner: David I. Butter and Robin J. Siegel

SPECIAL HEARING To permit livable space in an accessory structure. VARIANCE To permit a detached garage at a location other than the rear yard and to permit a detached garage height of 25 feet in lieu of the required 15 feet; or in the alternative to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway longer than 20 feet.

Hearing: Thursday, 3/8/2007 at 10:00:00 AM, County Office Building, 111 West Chesapeake Avenue, Room 106, Towson 21204

BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3408

FAX COVER SHEET

DATI NO. (E: 2/28/07 OF PAGES INCLUDING COVER SHEET: 4		
TO:	Timothy Kotroco, Director Department of Permits & Development Management	FROM:	William J. Wiseman, III
	Lawrence Schmidt, Esq./Jason Vettori, Esq. Gildea & Schmidt, LLC		
PHO	VE:		
FAX]	NO.:		
REM.	ARKS: URGENT FOR YOUR REVIEW _	<u>X</u> REPLY ASA	P PLEASE COMMENT
RE: (07-318-SPH – 3/18 – 10:00 AM – Butler/Siegel -	516 Garrison Fo	rest Rd.
	her of you have any opposition to a continuance spondence from J. Carroll Holzer received toda		ptioned? See attached
Please	e advise.		

BW 3/18

IN RE:
David Butter & Robin Siegel
Legal Owners/Petitioners

517 Garrison Forest Road 700 Feet North of Caves Road 4th Election District 2nd Councilmanic District * BALTIMORE COUNTY

* ZONING COMMISSIONER

* Case No. 07-318-SPHA

*

*

ENTRY OF APPEARANCE

Please enter the appearance of J. Carroll Holzer on behalf of Protestant Joe Truta, 521 Garrison Forest Road, Owings Mills, MD 21117 in the above captioned matter. Notice should be sent of any hearings, motions and other proceedings in this matter, and of the passage of any preliminary or final Order to undersigned counsel at the address contained herein.

Additionally, undersigned attorney respectfully requests a postponement of the Hearing scheduled for March 8, 2007 (Notice attached hereto) because of the appearance of undersigned counsel in continued hearing in Shelley's Fields set before the Deputy Zoning Commissioner on March 7 and 9 and appearance before the Zoning Commissioner in Case No. 07-320-A scheduled for 2:00 p.m. on March 8, 2007. Protestant Joe Truta is also unavailable on March 8, 2007. Otherwise, undersigned counsel is available to reschedule the instant matter except for the week of March 26-30, 2007.

All parties should copy J. Carroll Holzer on all correspondence and documents sent in the instant matter.

RECEIVED

FEB 2 8 2007

ZONING COMMISSIONER

LAW OFFICE

HOLZER AND LEE

THE 508 BUILDING

508 FAIRMOUNT AVENUE

TOWSON, MARYLAND

21286

(410) 825-6961 FAX: (410) 825-4923 1

Respectfully submitted,

J. Carroll Holzer
508 Fairmount Ave.

Towson, MD 21286

(410) 825-6961

Attorney for Protestant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of February, 2007, a copy of the foregoing Entry of Appearance was mailed first class, postage pre-paid to Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204; William Wiseman, Esquire, Zoning Commissioner, County Courts Building, 4th Floor, Towson, MD 21204; Timothy Kotroco, Director, PDM, County Office Building, Towson, MD 21204; and Jason Vettori, Esquire, Gildea & Schmidt, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202.

J. Carroll Holzer

Jany Schmidt
07-318-SPHA
on Jr. 09 pm
needs 2AC
comments

Jax A10-821-0071

5/10

Case No.: 07-318 SPHA 517 Garrison forst Rd.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Amended Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7	·	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
]		}



Click here for a plain text ADA compliant screen.



Go Back View Map New Search **Ground Rent**

Account Identifier:

District - 04 Account Number - 2200018338

Owner Information

Owner Name:

SIEGEL ROBIN J

BUTTER DAVID I

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

517 GARRISON FOREST RD OWINGS MILLS MD 21117-4010 Deed Reference:

1) /16792/ 443

2)

Location & Structure Information

Premises Address

517 GARRISON FOREST RD

Legal Description

2.110 AC

ESR GARRISON FOREST RD 700FT N OF CAVES RD

MS Map Grid Parcel Plat No: Subdivision Assessment Area Sub District Section Block Lot Plat Ref: 316

Special Tax Areas

Town **Ad Valorem** Tax Class

Enclosed Area Primary Structure Built 1948 2,698 SF

Property Land Area 2.11 AC

County Use 04

Exterior

Stories

Basement YES

STANDARD UNIT

Type

STUCCO

Value Information

	Base	Value	Phase-in Ass	essments
	Vaiue	As Of	As Of	As Of
		01/01/2007	07/01/2006	07/01/2007
Land:	133,320	188,870		
Improvements:	343,670	378,930		
Total:	476,990	567,800	476,990	507,260
Preferential Land:	0	0	0	0

Transfer Information

Seller: HUBBART STEPHEN G 09/06/2002 Price: \$480,000 Date: Deed1: /16792/ 443 IMPROVED ARMS-LENGTH Deed2: Type:

Seller: \$200,000 SPILMAN JOHN A 10/07/1996 Price: Date: Deed2: /11833/ 472 NOT ARMS-LENGTH **Deed1:** /11833/ 480 Type:

Seller: SPILMAN JOHN A 12/17/1993 Date: Price: \$0 **NOT ARMS-LENGTH** Deed2: Type: Deed1: /10226/ 516

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0
municipai	000	O	U

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *



Click here for a plain text ADA compliant screen.



Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 04 Account Number - 0412021270

Owner Information

Owner Name:

TRUTA JOSEPH M TRUTA PATRICIA R

RESIDENTIAL

Principal Residence:

Mailing Address:

521 GARRISON FOREST RD OWINGS MILLS MD 21117-4010 **Deed Reference:**

Use:

1) / 6277/ 820

2)

YES

Location & Structure Information

Premises Address

521 GARRISON FOREST RD

Legal Description

2.34 AC NES

GARRISON FOREST RD 750 SE ST THOMAS LA

Map Grid Parcel **Sub District** Plat No: Subdivision Section Black Lot Assessment Area Plat Ref: 317 Town

Special Tax Areas

Ad Valorem

Tax Class **Enclosed Area**

Property Land Area 2.34 AC

County Use

1957 2,480 SF **Basement**

Primary Structure Built

Type

Exterior

Stories

YE\$

STANDARD UNIT

STONE

Value Information

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of	As Of
		01/01/2007	07/01/2006	07/01/2007
Land:	136,080	192,780		
Improvements:	226,880	358,160		
Total:	362,960	550,940	362, 9 60	425,620
Preferential Land:	6	0	0	0

Transfer Information

Seller: LEAHY A HAMILTON Type: IMPROVED ARMS-LENGTH	Date: 04/22/1981 Deed1: / 6277/ 820	Price: \$165,000 Deed2:
Seller: Type:	Date; Deed1;	Price: Deed2:
Seller:	Date:	Price:
Туре:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007	
County	000	Q.	0	
State	000	0	0	
Municipal	000	0	0	

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

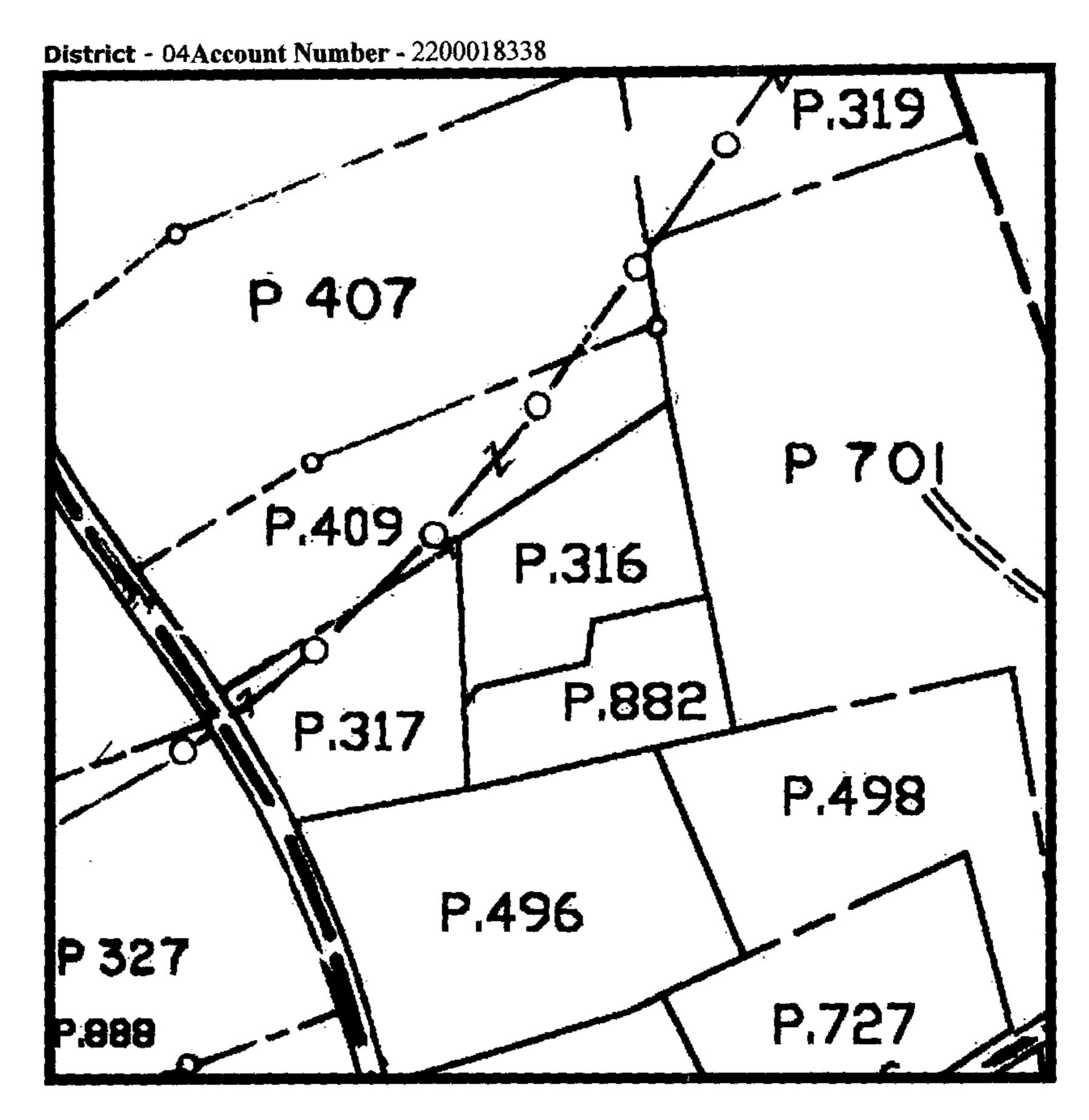
* NONE *







Go Back View Map New Search



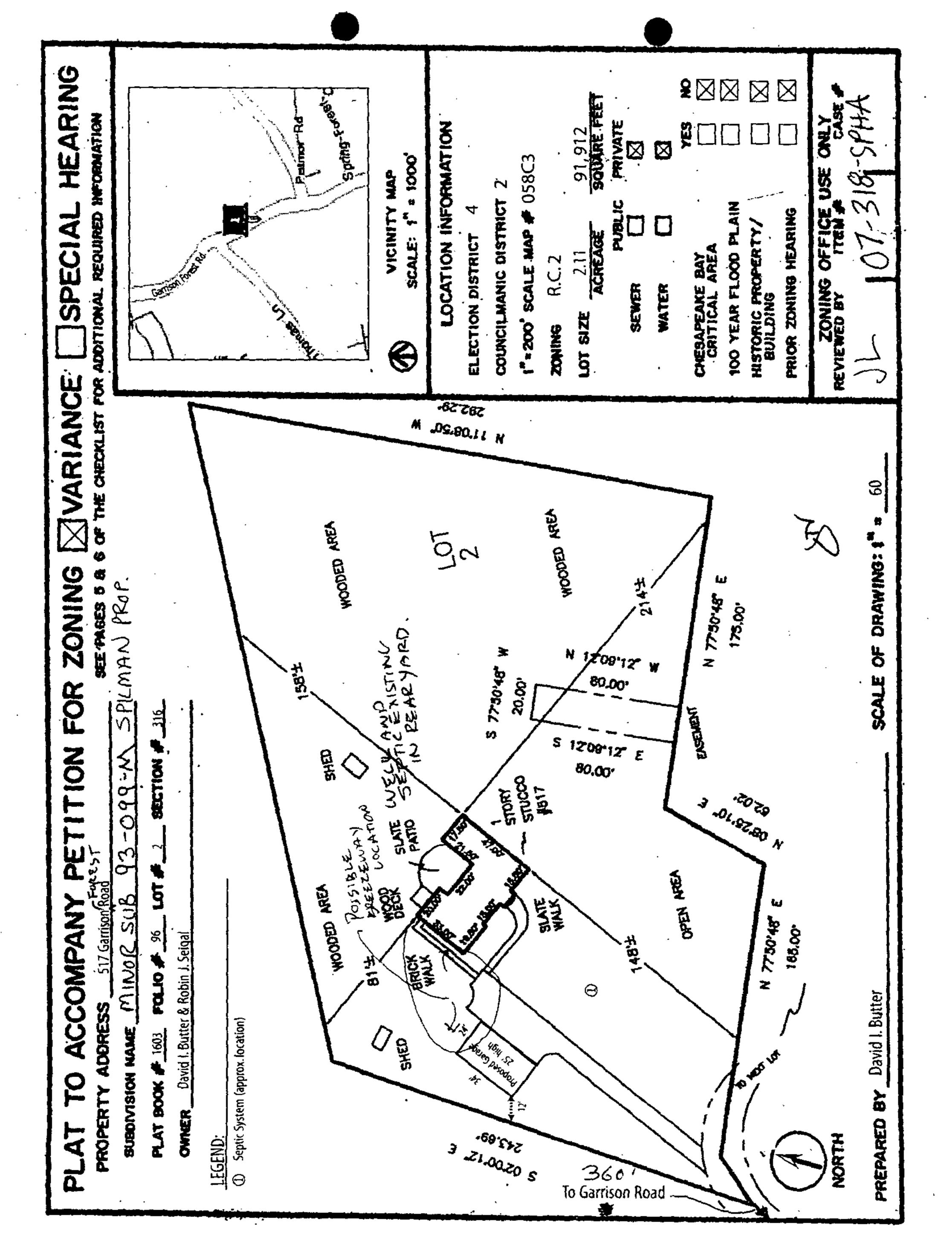
Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

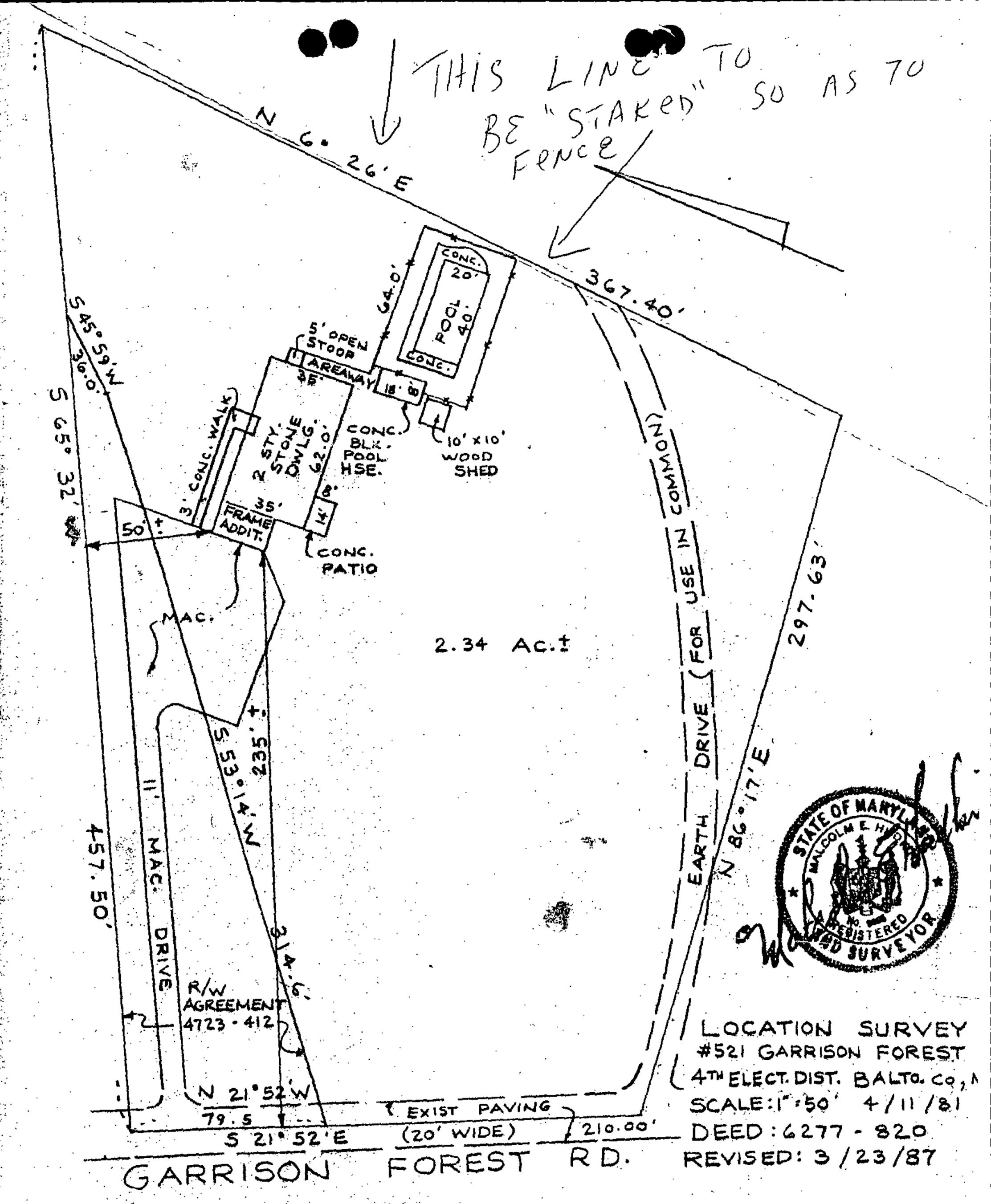
PLEASE PRINT CLEARLY

CASE NAME 1201 100 CASE NUMBER 02-318
DATE 5/407

PETITIONER'S SIGN-IN SHEE

E- MAIL												
CITY, STATE, ZIP	assen 2120%	, The second second										
ADDRESS	as unstilled he	Eld Ganaldon Bass										
NAME	1,c 12 co	Setter										





HUDKINS ASSOCIATES, INC. 200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21204 HEREBY CERTIFY THAT THE LOT HAS BEEN SURVEYED FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THE IMPROVEMENTS ARE LOCATED AS SHOWN



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 19, 2007

J. CARROLL HOLZER, ESQUIRE HOLZER & LEE 508 FAIRMOUNT AVENUE TOWSON, MD 21286

LAWRENCE E. SCHMIDT, ESQUIRE GILDEA & SCHMIDT, LLC 600 WASHINGTON AVENUE, SUITE 200 TOWSON, MD 21204

RE: Case No. 07-318-SPHA

517 Garrison Forest Road

Dear Counsel:

I have attached for your convenience the letter dated June 4, 2007 received from J. Carroll Holzer concerning a possible request to revise my Order issued in May. As clearly in evidence on my Order (unsigned copy attached) a footnote on page 1 addresses, in my opinion, the concerns raised by Counsel. The purpose of this letter is to inform you that I will forward the correspondence I received to the Permits & Development Management file for safekeeping.

Very truly yours,

ISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

Attachments

IN RE:	PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	360' of Garrison Forest Road, 700' N of the c/line Caves Road	*	ZONING COMMISSIONER
	(517 Garrison Forest Road)	*	OF
	4th Election District 2nd Council District	*	BALTIMORE COUNTY
		*	Case No. 07-318-SPHA
	David I. Butter, et ux Petitioners	*	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Robin J. Siegel and David I. Butter, her husband, by and through their attorney, Lawrence E. Schmidt, Esquire. As filed, Petitioners requested a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit livable space in an accessory structure and variances from B.C.Z.R. Sections 400.1 and 400.3 to permit a detached garage at a location other than the rear yard with a height of 25' in lieu of the required 15'; or in the alternative from Section 1A01.3.B.3 of the B.C.Z.R. to permit a setback from the property line of 12' in lieu of the required 35' for a garage attached to the principal building by a covered passageway longer than 20'. The subject property and requested relief, incorporating the terms of a settlement agreement between the parties, are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were David I. Butter, property owner, and his attorney, Lawrence E. Schmidt, Esquire. Appearing as a

¹ The original Petition(s) and site plan, in response to comments from the Office of Planning and opposition from the adjacent neighbor Joseph Truta, were modified. At the onset of the hearing, and without objection, the Petition for Special Hearing was dismissed and the site plan amended to show a *one-story garage* in the front yard 35' from the property line, thereby abandoning the need for the balance of the variance requests involving height and setback relief.

Protestant in this matter was Joseph M. Truta who resides at 521 Garrison Forest Road, and his attorney J. Carroll Holzer, Esquire.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located at the north end of a use-in-common panhandle driveway referred to as Earth Drive that bisects Parcel 317 (Joseph Truta) and Parcel 316 (David Butter) on the east side of Garrison Forest Road in Owings Mills. The property is located in an upscale community and contains a gross area of 2.11 acres, more or less, zoned R.C.2 and improved with a one-story single-family dwelling. The Petitioners have owned the property since 2002 and propose to construct additional living quarters (a family room 25' x 30') and a multi-purpose room (15' x 19') to the house and propose a detached garage (24' x 36' in dimension) in the front yard of their Testimony indicated that the garage and additional space are necessary to property. accommodate the growing needs of their family brought about by the recent adoption of two children. As shown on the site plan submitted, the property possesses an irregular shaped backyard which is further compounded by the existence of a Forest Conservation Easement surrounding the home on the north and eastern sides. Thus, the proposed garage cannot be located in the rear yard as required by the regulations. Moreover, due to the unique configuration of the property and the orientation of the house thereon, the garage will be located beyond the front foundation wall of the house. Thus, the requested variance relief is necessary.

As indicated above, Mr. Truta was opposed to the requests as originally filed. He and his wife purchased 521 Garrison Forest Road in 1981 and have improved the property with a large two-story stone home and in-ground 20' x 40' swimming pool in the area next to where the Petitioners plan to build their garage. After ongoing discussions, the location of the garage was shifted away from the Truda's property, and a new plan was submitted with an agreement that each party would provide landscaping on their respective properties as depicted on Petitioners' Exhibit 1 as an effective visual buffer. Mr. Butter will use best efforts in locating the one-story garage as far from the common property line as possible.

After due consideration of the testimony and evidence presented and the continued efforts undertaken by the parties to reach a compromised solution, I am persuaded to grant the requested relief. Based on my review of the site plan as well as the testimony, I find that the subject property is constrained which creates a unique condition bringing about a practical difficulty if B.C.Z.R. Section 400.1 was strictly adhered to. I find that the required finite location of the garage is appropriate in this instance and within the spirit and intent of the zoning regulations and will not be out of character with the other homes in the area. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or surrounding locale. There were no adverse comments submitted by any County reviewing agency; however, the Office of Planning, while they did not appear at the hearing, did want a condition that architectural elevation drawings be reviewed and approved by their office prior to the issuance of any building permits.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of May, 2007 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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 additions and detached garage shall be constructed substantially in accordance with the building elevation drawings to be reviewed and approved by the Office of Planning. In addition, landscaping shall be provided along the northwestern portion of Petitioners property as depicted on the site plan.

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.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

 $(\mathcal{X}_{+}^{k}) = \mathbb{F}_{+} = \mathbb{F}_{+} = \mathbb{F}_{+}$



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER 1907-1989

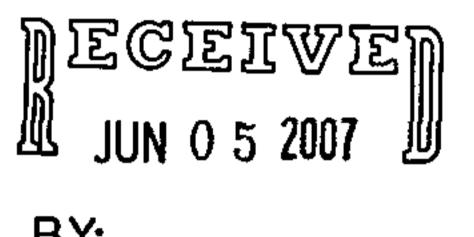
THOMAS J. LEE OF COUNSEL

THE 508 BUILDING

508 Fairmount Ave. Towson, MD 21286 (410) 825-6961

Fax: (410) 825-4923

June 4, 2007 #7688



William Wiseman, Esquire Zoning Commissioner 401 Bosley Avenue Suite 405 Towson, Maryland 21204

RE:

Case No.:

07-318-SPH A

Petition for Variance and Special Hearing for David Butter, et ux.

Dear Mr. Wiseman:

I have had a conversation with Mr. Schmidt who intends to request that you revise your Findings of Fact and Conclusions of Law to address the issue of a Special Hearing and the Office of Planning's ZAC comments. I have no objections to that request and the purpose of my letter is to simply request that in your next Order would you clearly attach Petitioner's Exhibit #1 (Option #3) to your Supplemental Order to clarify that is the document that is being approved. Mr. Truta was concerned and while I think it is already clear, it would be appreciated if you would simply attach that as part of your revised Order.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc:

Mr. Joseph Truta

Larry Schmidt, Esquire (sent via fax)

IN RE:	PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
	AND VARIANCE		
	360' of Garrison Forest Road,	*	ZONING COMMISSIONER
	700' N of the c/line Caves Road		
	(517 Garrison Forest Road)	*	OF
	4th Election District	*	BALTIMORE COUNTY
	2nd Council District		
		*	Case No. 07-318-SPHA
	David I. Butter, et ux		
	Petitioners	*	

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
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WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County

WJW:dlw



CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

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

RE: Case No.: 07-318-SPHA

Petitioner/Developer: DAVID 1. BUTTER. Y ROBIN J. SIEGEL Date of Hearing/Closing: May 11, 2007 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: 517 GARRISON FOREST 4-26-07 (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

