

IN RE: **PETITION FOR ADMIN. VARIANCE**

W/S of Saddler Road, 95 feet S of c/l of
Burridge Road
(8602 Saddler Road)
9th Election District
6th Council District

Gregory A. Fitzwater, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* **Case No. 08-062-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Gregory A. Fitzwater and Marilyn L. Zollner-Fitzwater. Variance relief is requested from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 7.5 feet for a carport. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code.

On August 24, 2007, Mark O'Connor and Mary Lis, residing immediately next door at 8600 Saddler Road, filed a formal demand for public hearing. The hearing was subsequently scheduled

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for September 26, 2007, at 11:00 am in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD.

The property was posted with Notice of the Public Hearing on September 10, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning for the public hearing was published in "The Jeffersonian" newspaper on September 11, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

Appearing in support of the Petition was Marilyn L. Zollner-Fitzwater, property owner, and Richard E. Matz, with Colbert, Matz & Rosenfelt, the engineer who prepared the site plan. Appearing in opposition to the request was Mark O'Connor and Mary Lis, who reside next door at 8600 Saddler Road.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel containing a gross area of 7,405 square feet +/-, zoned DR 5.5 and is improved with a single family dwelling, garage and shed. The small lot is located in the subdivision of South Woodcroft and located near Parkville High School. The Petitioners are desirous of constructing a 16 foot wide x 40 foot long carport addition on the south side of their property. However, due to the location of the existing house and addition, existing garage and shed it is not possible to locate the carport where proposed without the requested variance relief. The case file contains letters of support from nearby neighbors residing at 8601 Saddler Road, 8603 Saddler Road, 8605 Saddler Road and 8604 Saddler Road.

Testifying on behalf of the Petition was Marilyn L. Zollner-Fitzwater, who has lived at the subject property for four years. Mrs. Fitzwater stated that she has health problems and wants her car under cover to assure her the ability to get back and forth to doctor appointments and medical treatment. She pointed out other homes in the development that have carports and the

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proposed carport will be within the pattern of development in the area. (see Petitioners' Exhibit 3). There is a shed in the rear yard that is elevated, but she states it is not a garage.

Testifying in opposition to the request were Mark O'Connor and Mary Lis, residing immediately next door at 8600 Saddler Road. The Protestants have three rooms that face the south side of the Petitioners' property. The three somewhat small windows as identified on Protestants' Exhibit 1 are placed high and overlook the adjoining subject property. Construction of the 40 foot long carport will virtually block natural light from coming into these rooms. The Petitioners' existing garage is raised approximately one foot above ground level making the garage useless for vehicle storage. Protestants compared the size of their back yard shed to the Petitioners' 'shed' which is in reality the size of a garage and is also elevated, see Protestants' Exhibit 1. Protestants' Exhibit 2 shows aerial photographs of the South Woodcroft neighborhood denoting no carports in the area. They testified that the carport will be visually overbearing on the subject lot and would have a negative impact on their property and the neighborhood. They also object to the style of the carport and fear that granting the relief will set a precedent for the neighborhood. The Protestants expressed concern about runoff from the carport roof. They object to the requested carport and ask that the requested relief be denied.

While saddened to learn of the Petitioner's medical conditions, I must nevertheless consider the request in accordance with the mandate of Cromwell v. Ward, 102 Md. 691 (1995) and Section 307 of the B.C.Z.R. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there is no evidence of unusual conditions or characteristics that

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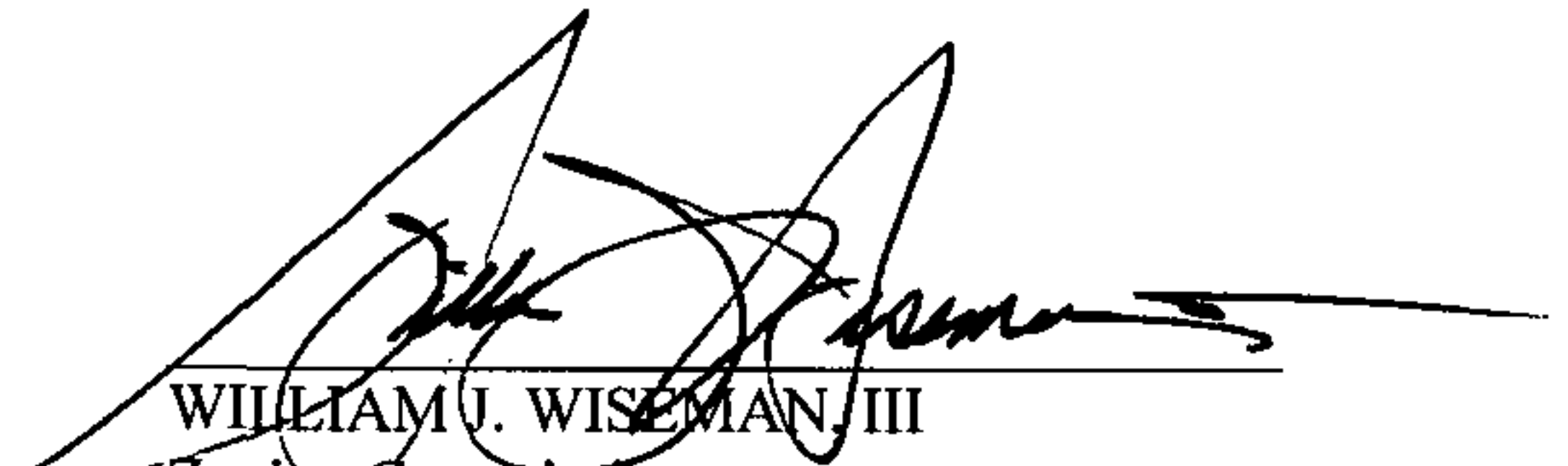
are unique to this property. Although some neighbors have no objections to the proposal, I am persuaded by the Protestants' testimony that the proposed carport would be out of character with the community and would adversely and directly impact their property and the surrounding locale. Thus, I am persuaded to deny the variance.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

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 12th day of October, 2007 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 7.5 feet for a carport is hereby DENIED.

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:pz

ORDER RECEIVED FOR FILING

10-12-07

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 12, 2007

GREGORY A. FITZWATER, ET UX
8602 SADDLER ROAD
PARKVILLE MD 21234

RE: Petition for Administrative Variance
8602 Saddler Road
Case No. 08-062-A

Dear Mr. and Mrs. Fitzwater:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

Enclosure

c: Richard E. Matz, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore, MD 21209
Mark O'Connor and Mary Lis, 8600 Saddler Road, Baltimore MD 21234



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8602 SADDLER ROAD
which is presently zoned DR.5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 and 301.1; BC2R,

TO permit a sideyard setback of one ft. in lieu of the
required 7.5 ft. for a carport

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 08-062-A

REV 10/25/01

Reviewed By [Signature]

Estimated Posting Date 8/12

Date 8/3/07

10-12-07

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8602 SADDLER ROAD
Address PARKVILLE MD 21234-4002
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. DO NOT HAVE SEVEN FEET to NEXT PROPERTY
2. WANT to BUILD A CARPORT

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
GREGORY A FITZWATER
Name - Type or Print

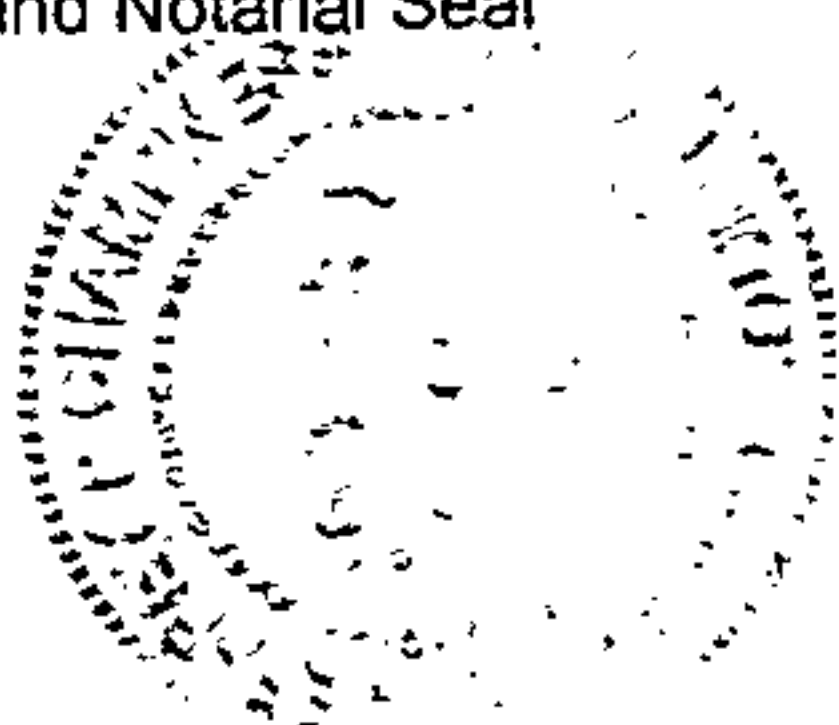
[Signature]
Signature
MARILYN L. ZOLLNER - FITZWATER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of July, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GREGORY A FITZWATER, MARILYN L. ZOLLNER - FITZWATER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires

JEFFREY P. CHAMPNESS
NOTARY PUBLIC
Harford County, Maryland
My Commission Expires February 1, 2010

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

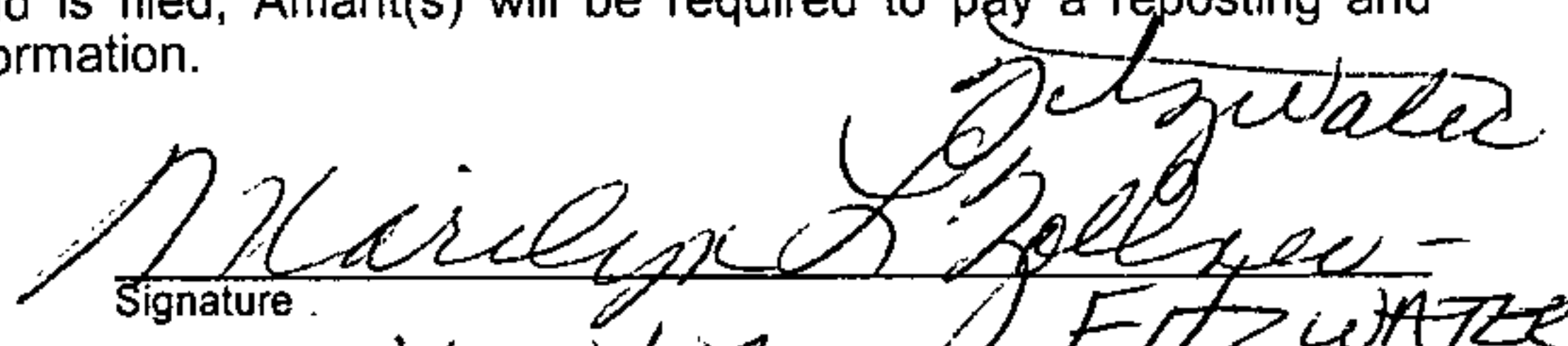
8602 SADDLER ROAD
Address
PARKVILLE MD. 21234-4022
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. DO NOT HAVE SEVEN FEET TO NEXT PROPERTY -
2. WANT TO BUILD A COVERED CAR PORT

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature
GREGORY A FITZWATER
Name - Type or Print


Signature
MARILYN L ZOLLNER - FITZWATER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of July, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

GREGORY A. FITZWATER, MARILYN L. ZOLLNER - FITZWATER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal




Notary Public
My Commission Expires
JEFFREY P. CHAMPNESS
NOTARY PUBLIC
Harford County, Maryland
My Commission Expires February 1, 2010



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8603 SADDLER ROAD
which is presently zoned DR 5.5

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) 1B02.3.C.1 & 301.1; BC22,

TO PERMIT A SIDEYARD SETBACK OF ONE FT. IN LIEU OF THE REQUIRED 7.5 ft. FOR A CARPORT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. OP-062-A

REV 10/25/01

Reviewed By [Signature]

Date

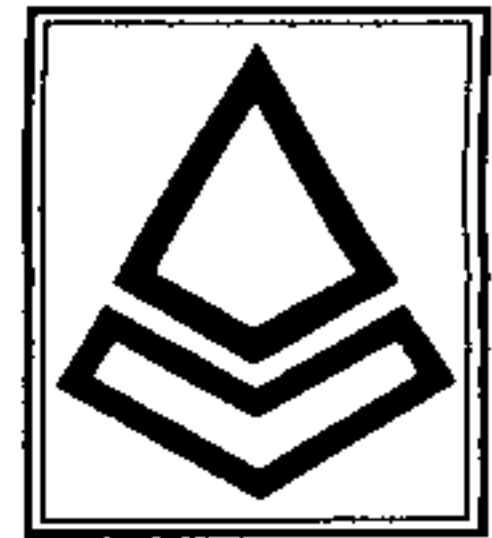
8/3/07

Estimated Posting Date

8.12

Colbert Matz Rosenfelt, Inc.

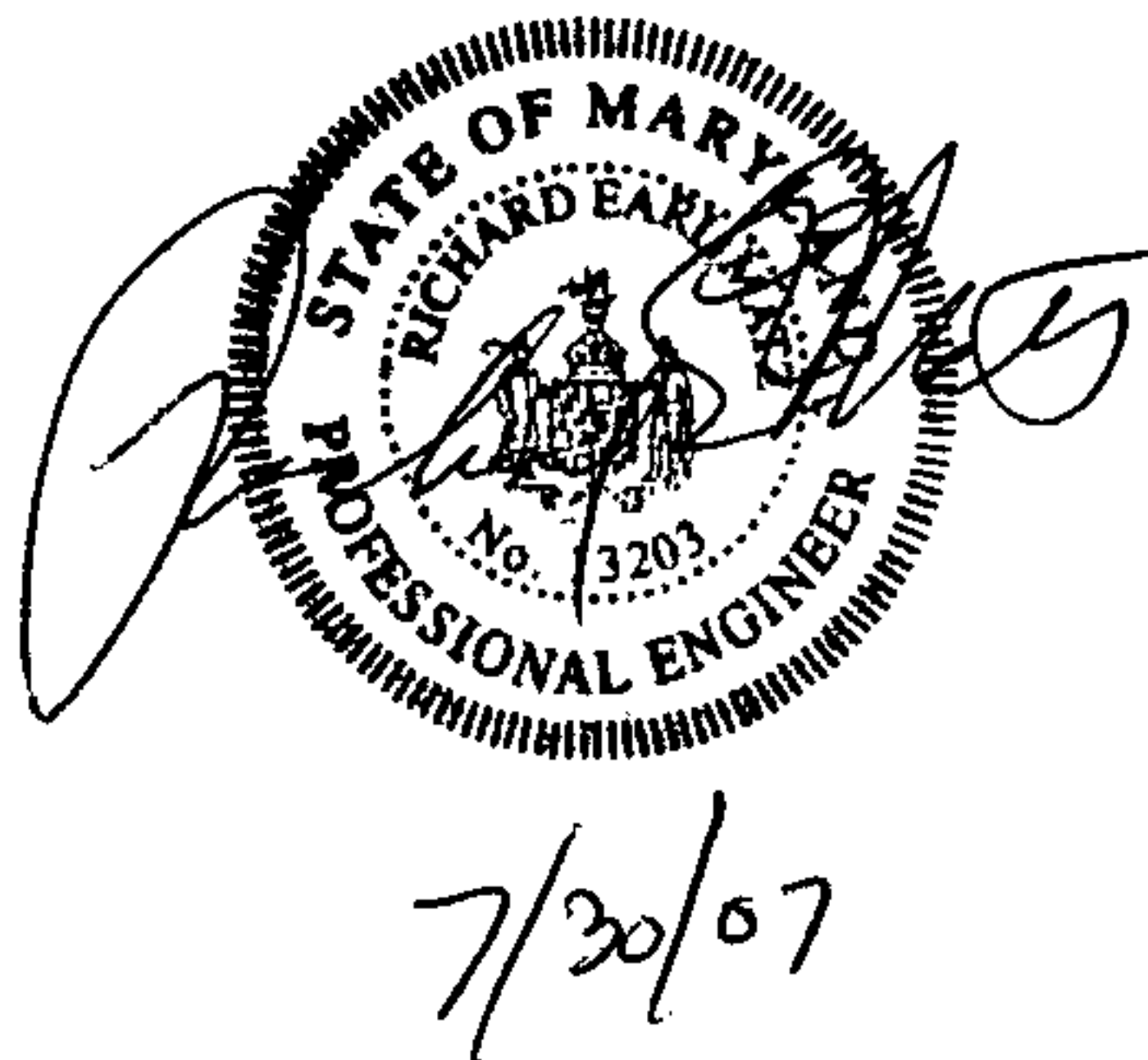
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 8602 SADDLER ROAD

Beginning at a point on the west side of Saddler Road, which is 50 feet wide, at a distance of 95 feet south of the centerline of Burrige Road, which is 50 feet wide. Being known and designated as Lot No. 11, Block P, Resubdivision and Addition to Section V, Woodcroft, which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 21, folio 2, on February 1, 1955, in the Baltimore County Land Records.

As recorded in Deed Liber 19634, folio 232, and containing 0.17 acre. Also known as #8602 Saddler Road and located in the 9th Election District, 6th Councilmanic District.



**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: # 08-062-A

8602 Saddle Road
W/side of Saddle Road, 95
feet south of centerline of
Burrige Road

9th Election District

6th Councilmanic District

Legal Owner(s): Gregory &
Marilyn Fitzwater

Variance: to permit a side
yard setback of one foot in
lieu of the required 7.5 feet
for a carport.

Hearing: Wednesday,
September 26, 2007 at
11:00 a.m. in Room 407,
County Courts Building,
401 Bosley Avenue, Tow-
son 21204.

WILLIAM J. WISEMAN, IH
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT 9/660 Sept. 11 148260

CERTIFICATE OF PUBLICATION

9/13, 2007

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 9/11, 2007.

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

J. Wilkinson

LEGAL ADVERTISING

SECRET

No.

Date: 7-9-01

DATE: 11/17/2010 TIME: 11:10 AM

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DATE: 10/13/2001

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VALIDATION

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Rec:
From:

101. FIT 304722

FOR

Ad. 1/42.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 09/11/07

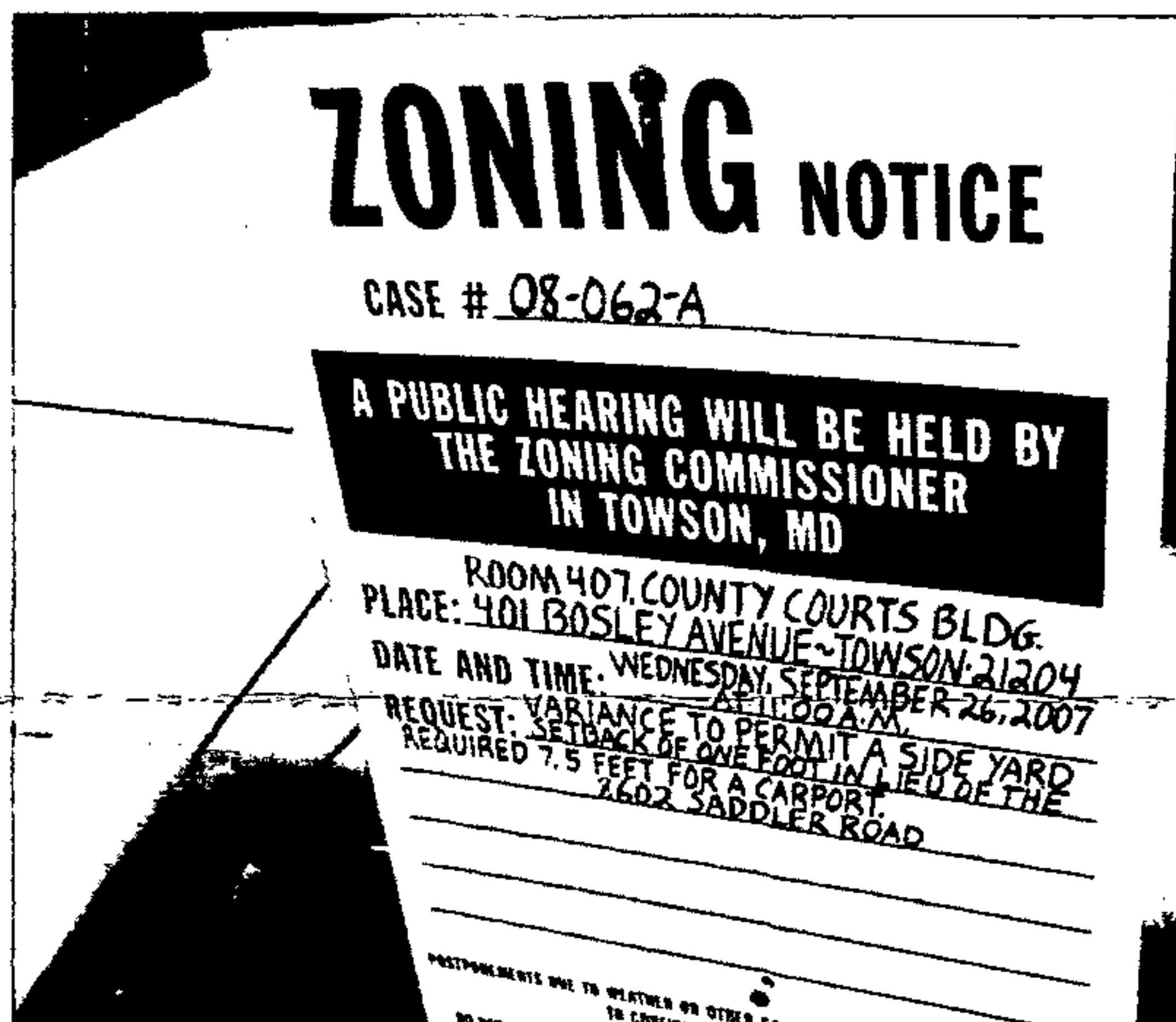
Case Number: 08-062-A

Petitioner / Developer: COLBERT, MATZ & ROSENFELT INC.
MR. & MRS. FITZWATER

Date of Hearing (Closing): SEPTEMBER 26, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8602 SADDLER ROAD

The sign(s) were posted on: 09/10/07



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland-21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



FORMAL DEMAND FOR HEARING

CASE NUMBER: 08-062-A

Address: 8602 Saddle Rd. Balt. Md. 21234

Petitioner(s): Gregory & Marilyn F. Tweter

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

☒ Mr. F. O' Connor & Mary H. J.
Name - Type or Print

☒ Legal Owner OR ☐ Resident of

8600 Saddle Rd.
Address

Balto. Md. 21234
City State Zip Code

410-882-1993
Telephone Number

which is located approximately (next door neighbor) feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

M. F. O' Connor 8/24/07
Signature Date

Mary H. J. 8/24/07
Signature Date
Revised 9/18/98 - wcr/scj



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 29, 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: 08-062-A

8602 Saddler Road

W/side of Saddler Road, 95 feet south of centerline of Burrige Road

9th Election District – 6th Councilmanic District

Legal Owners: Gregory & Marilyn Fitzwater

Variance to permit a side yard setback of one foot in lieu of the required 7.5 feet for a carport.

Hearing: Wednesday, September 26, 2007 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Fitzwater, 8602 Saddler Road, Parkville 21234
Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Ste. G., Baltimore 21209
Mark O'Conner & Mary Lis, 8600 Saddler Road, Parkville 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 11, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 11, 2007 Issue - Jeffersonian

Please forward billing to:

Marilyn Zollner-Fitzwater
8602 Saddler Road
Parkville, MD 21234

410-882-9093

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: 08-062-A

8602 Saddler Road

W/side of Saddler Road, 95 feet south of centerline of Burrige Road

9th Election District – 6th Councilmanic District

Legal Owners: Gregory & Marilyn Fitzwater

Variance to permit a side yard setback of one foot in lieu of the required 7.5 feet for a carport.

Hearing: Wednesday, September 26, 2007 at 11:00 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.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 08/13/07

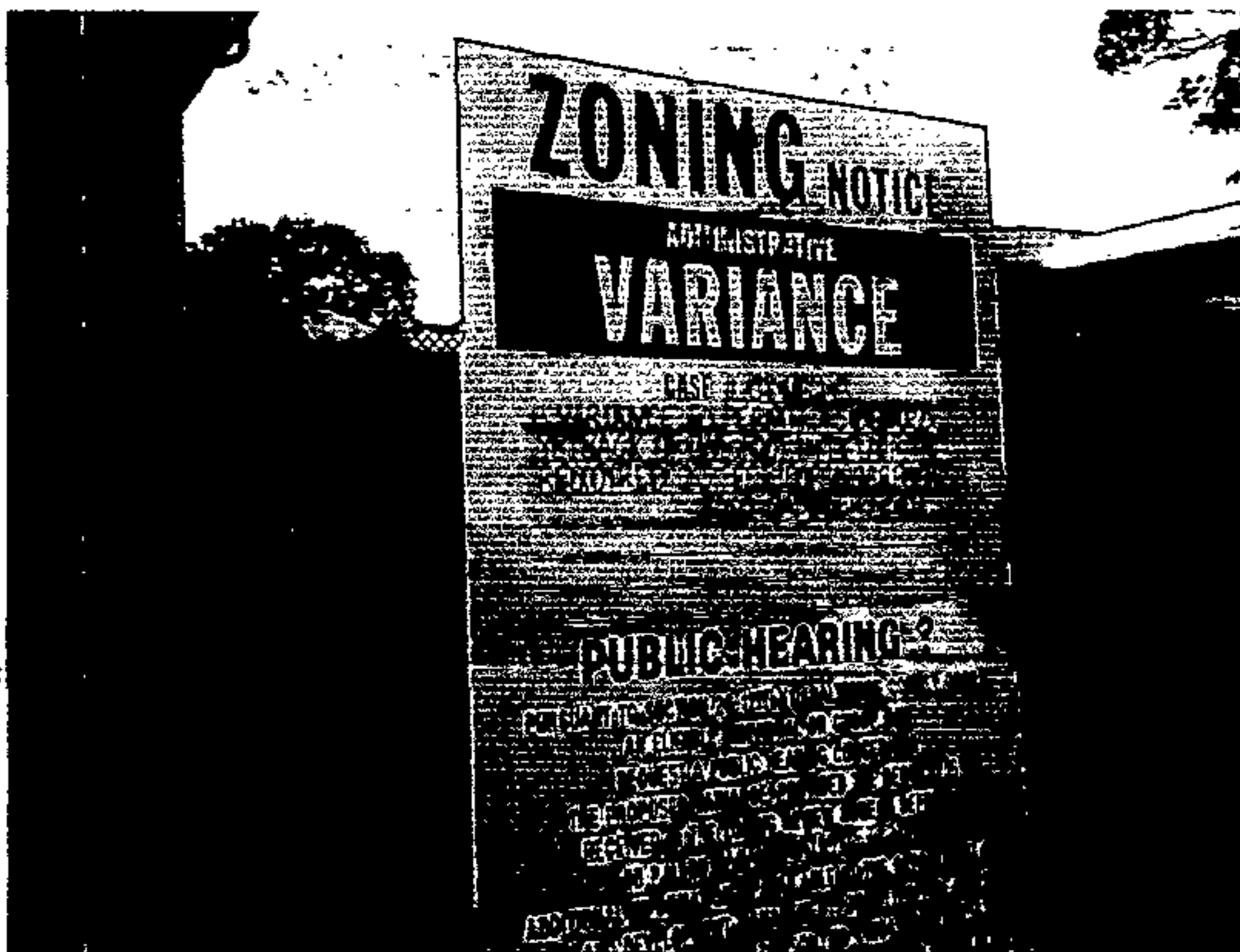
Case Number: 08-062-A

Petitioner / Developer: MARLYN FITZWATER~COLBERT, MATZ & ROSENFELT, INC.

Date of Hearing (Closing): AUGUST 27, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8602 SADDLER ROAD

The sign(s) were posted on: 08/11/07



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 062
Petitioner: MARILYN ZOLLNER-FITZWATER
Address or Location: 8602 SADDLER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARILYN ZOLLNER-FITZWATER
Address: 8602 SADDLER ROAD
BALTIMORE, MD 21234
Telephone Number: 410-882-9093

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 062 -A

Address 8602 SADDLER Rd.

Contact Person: J. McRae
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 8.3.07

Posting Date: 8/12

Closing Date: 8/27

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 062 -A

Address 8602 SADDLER Rd.

Petitioner's Name MARLYN FITZWATER

Telephone 410-882-9093

Posting Date: 8/12
A VARIANCE

Closing Date: 8/27

Wording for Sign: To Permit A SIDEYARD SETBACK OF ONE FOOT
IN LIEU OF THE REQUIRED 7.5ft. FOR A
CAR PORT.

WCR - Revised 6/25/04



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 18, 2007

Gregory A. Fitzwater
Marilyn L. Zellner-Fitzwater
8602 Saddler Road
Parkville, MD 21234-4022

Dear Mr. and Mrs. Fitzwater:

RE: Case Number: 08-062-A, 8602 Saddler Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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:amf

Enclosures

c: People's Counsel
Mark F. O'Conner Mary H. Lis 8600 Saddler Road Baltimore 21234

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 15, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For August 20, 2007
Item Nos. 052, 054, 056, 057, 058, 061,
(062), 063, 065, 066, 067, 068, 071, 072,
073, 074, and 075

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-08152007.doc



Baltimore County
Fire Department

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

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

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

Item Number: Item Number ⁶²49 and 052 through 075

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

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 13, 2007

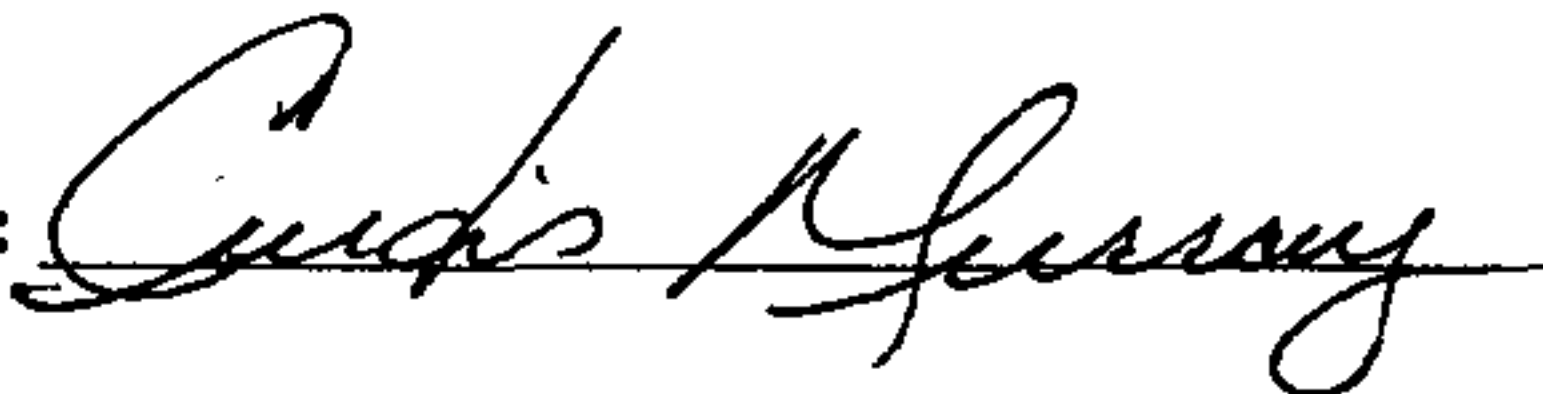
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-062- Administrative Variance

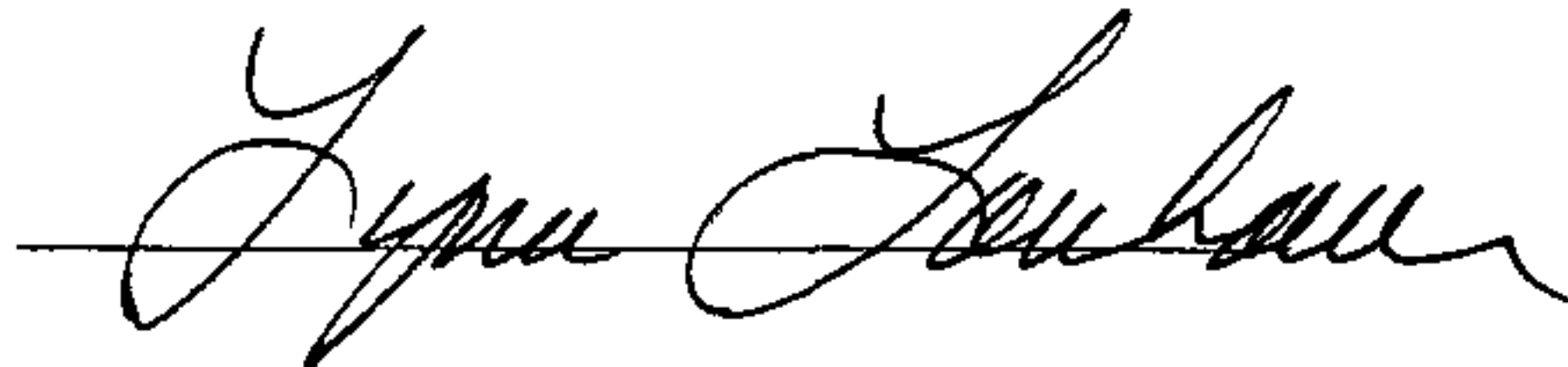
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: AUGUST 13, 2007

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

RE: Baltimore County
Item No. B-62-A
8602 SADDLER ROAD
FITZWATER PROPERTY
ADMINISTRATIVE 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. B-62-A.

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,

For [^] Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

July 30, 2007

Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, MD 21204

Re: 8602 Saddler Road

Mr. Commissioner:

I, JOAN KWIAK^{SKI} live at 8603 Saddler Road, and am a neighbor to Ms.

Marilyn Fitzwater, who resides at 8602 Saddler Road. I am aware of the carport that Ms.

Fitzwater intends to build, and have no objections to its location or appearance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joan Kwiatkowski".

July 30, 2007

Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, MD 21204

Re: 8602 Saddler Road

Mr. Commissioner:

I, L. L. L. L., live at 8605 Saddler Road, and am a neighbor to Ms.

Marilyn Fitzwater, who resides at 8602 Saddler Road. I am aware of the carport that Ms.

Fitzwater intends to build, and have no objections to its location or appearance.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. L. L. L.", written in dark ink.

July 30, 2007

Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, MD 21204

Re: 8602 Saddler Road

Mr. Commissioner:

Edward G. Burns, live at 8604 Saddler Road, and am a neighbor to Ms.

Marilyn Fitzwater, who resides at 8602 Saddler Road. I am aware of the carport that Ms.

Fitzwater intends to build, and have no objections to its location or appearance.

Sincerely,

Edward G. Burns

DATE 9/26/07

E-MAIL

MARK O'CONNOR + MARLYN	8600 SADDLER ROAD	BAKTO, MD	21234	ocolliseverizon.net
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CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 08-062-A 8602 SADDLER RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Photographs of Homes
No. 2	Elevations of Planned Car Port	GOOGLE SHOTS - DENOTING NO CAR PORTS
No. 3	Collectively Photographs EXISTING CONDITIONS	
No. 4	Other Home with Car Port	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

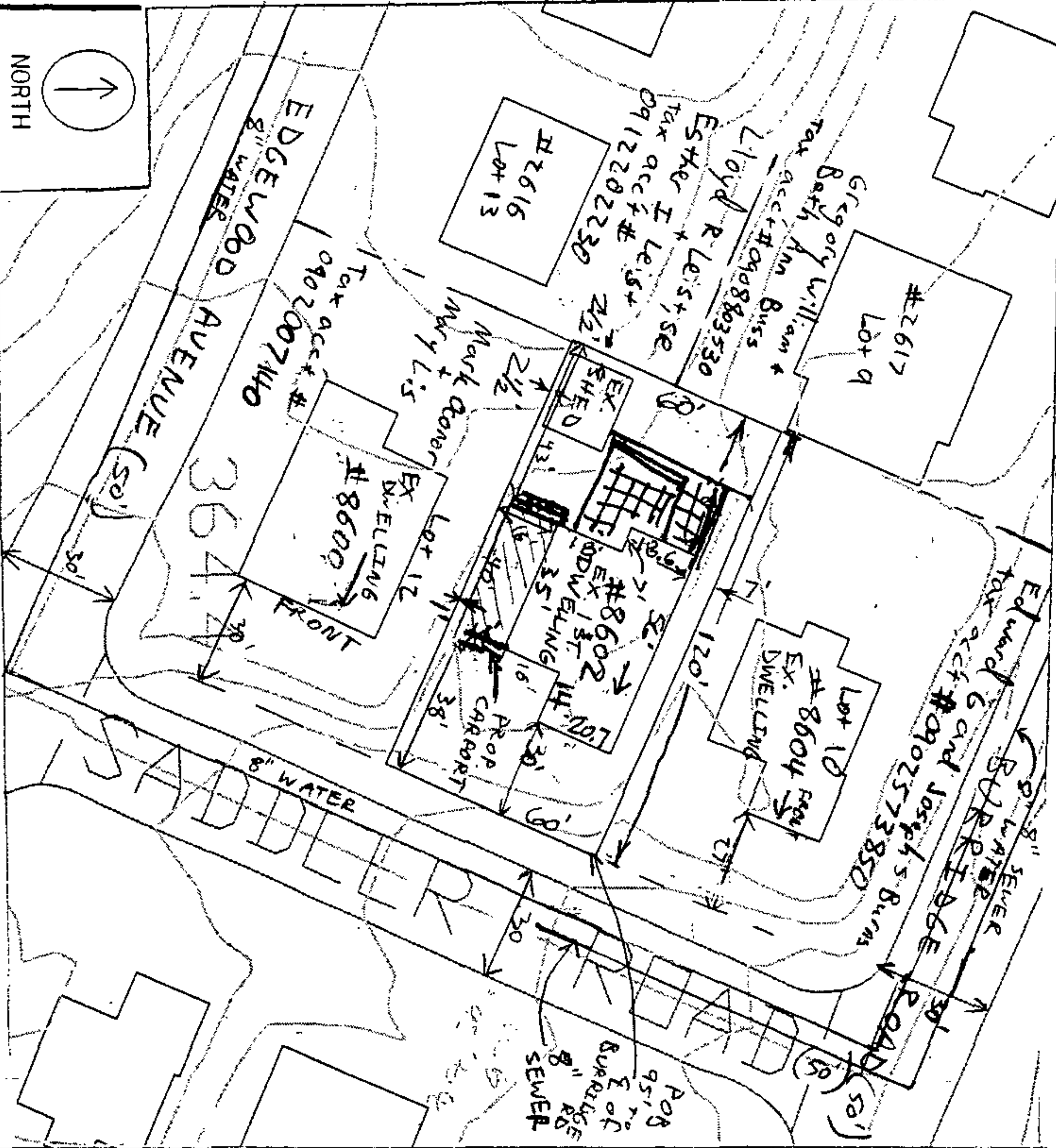
PROPERTY ADDRESS 8602 Saddle Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Woodcroft

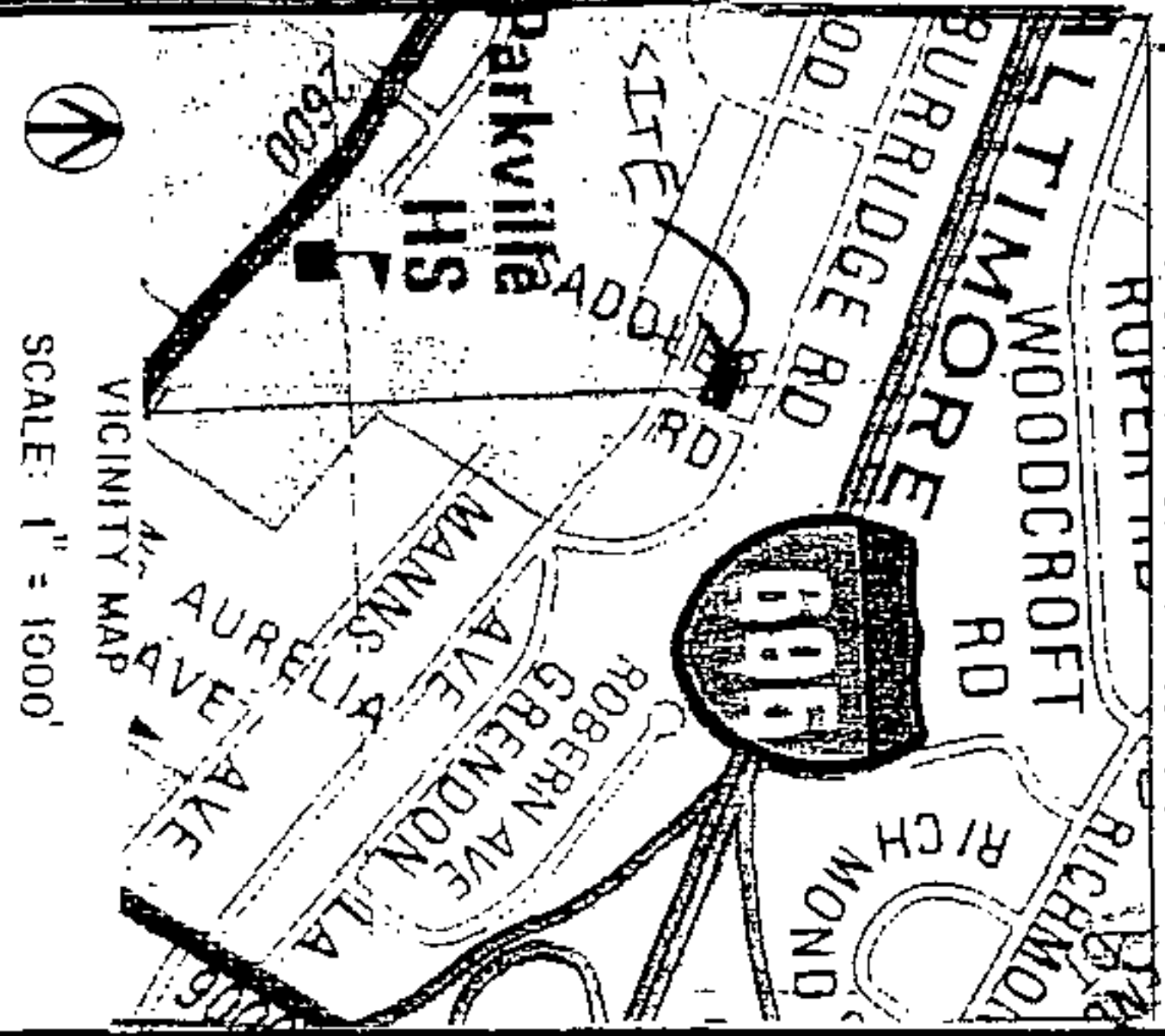
PLAT BOOK # 21 FOLIO # 2 LOT # 11 SECTION # 5

OWNER Gregory A and Marilyn A. Zoller Fitzwater
Tax Acct # 0908302180



PREPARED BY David Loewy

SCALE OF DRAWING: 1" = 50'



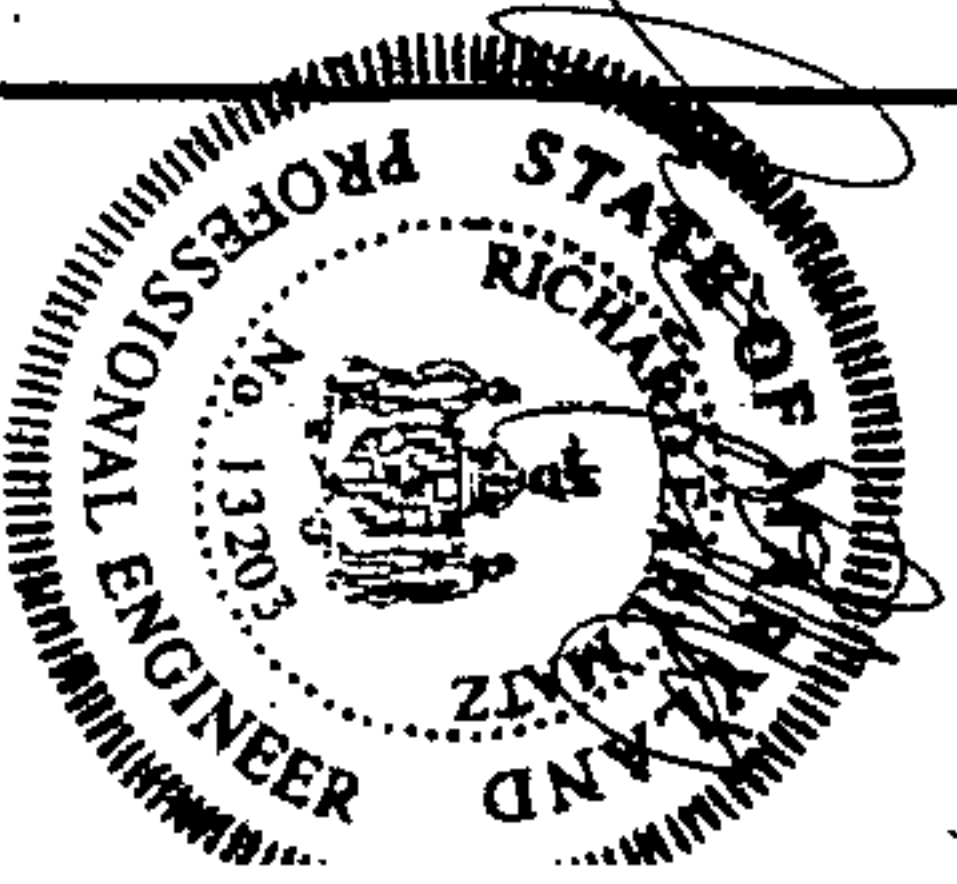
SCALE: 1" = 1000'

LOCATION INFORMATION	
ELECTION DISTRICT <u>9th</u>	
COUNCILMANIC DISTRICT <u>6th</u>	
1" = 200' SCALE MAP # <u>71A13</u>	
ZONING <u>DR S.5</u>	
LOT SIZE <u>0.17 ±</u> ACRES	<u>7405 ±</u> 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 ITEM # CASE #

PETITIONER'S

EXHIBIT NO. 1



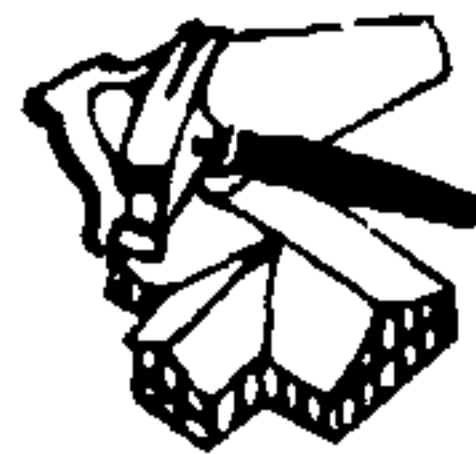
July 31, 2007



PETITIONER' S

EXHIBIT NO. 2

Fax 410 653-795



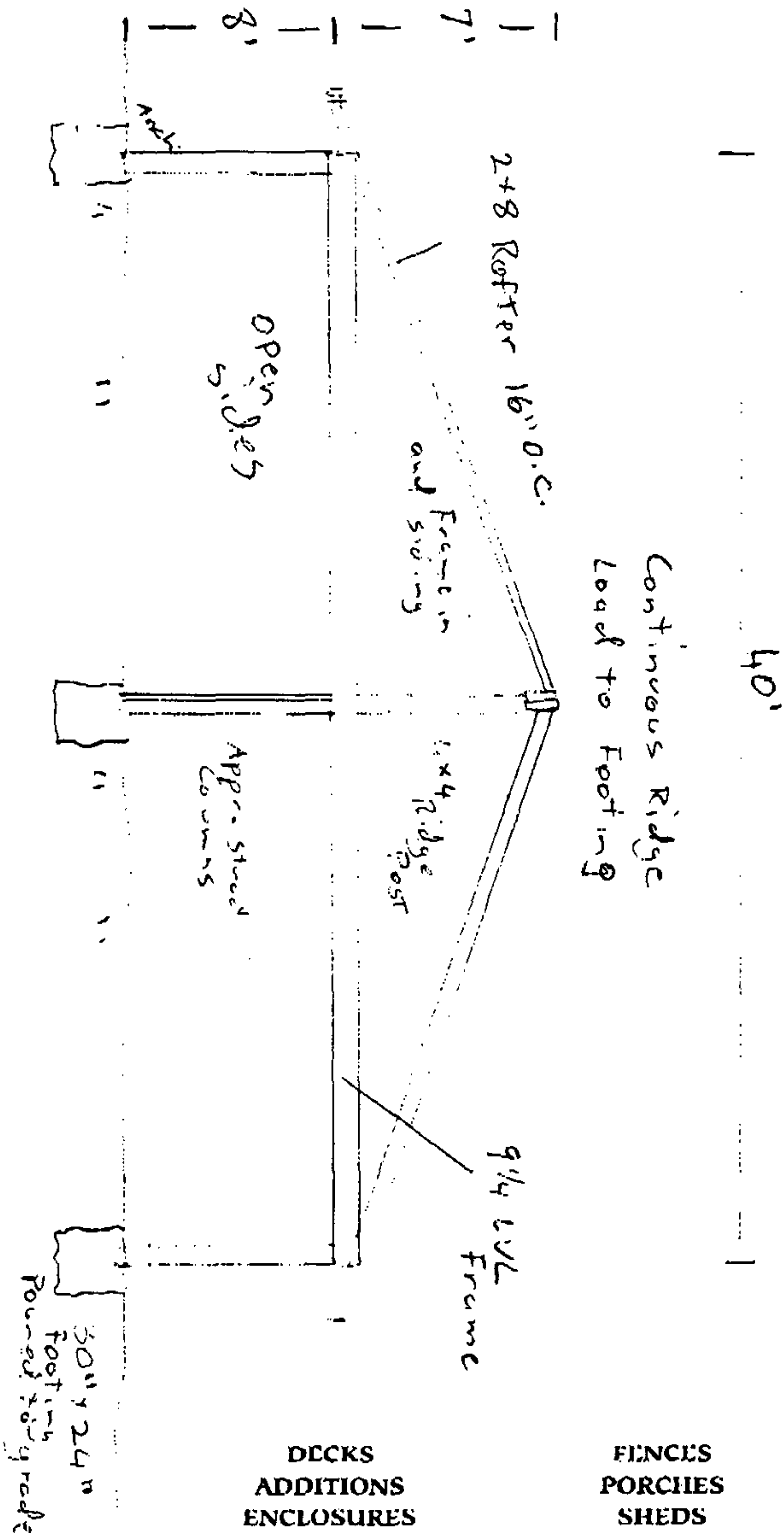
L.E. QUINN
CONTRACTING, INC.

8602 Suddelle

443-324-1448

Side Elev

1 sq. = 1'

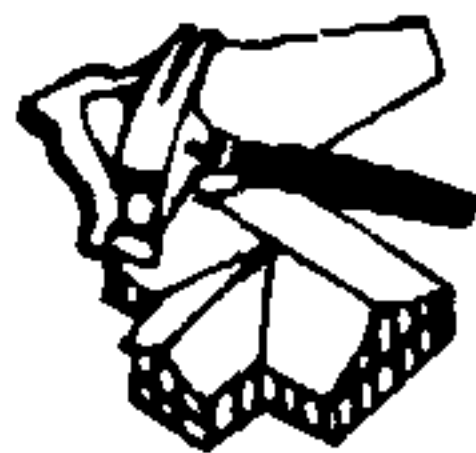


Revisions 2

DECKS
ADDITIONS
ENCLOSURES

FENCES
PORCHES
SHEDS

CLUBROOMS
KITCHENS
BATHROOMS



L. E. QUINN

CONTRACTING, INC.

443-324-1446

Fax 410 653-7953

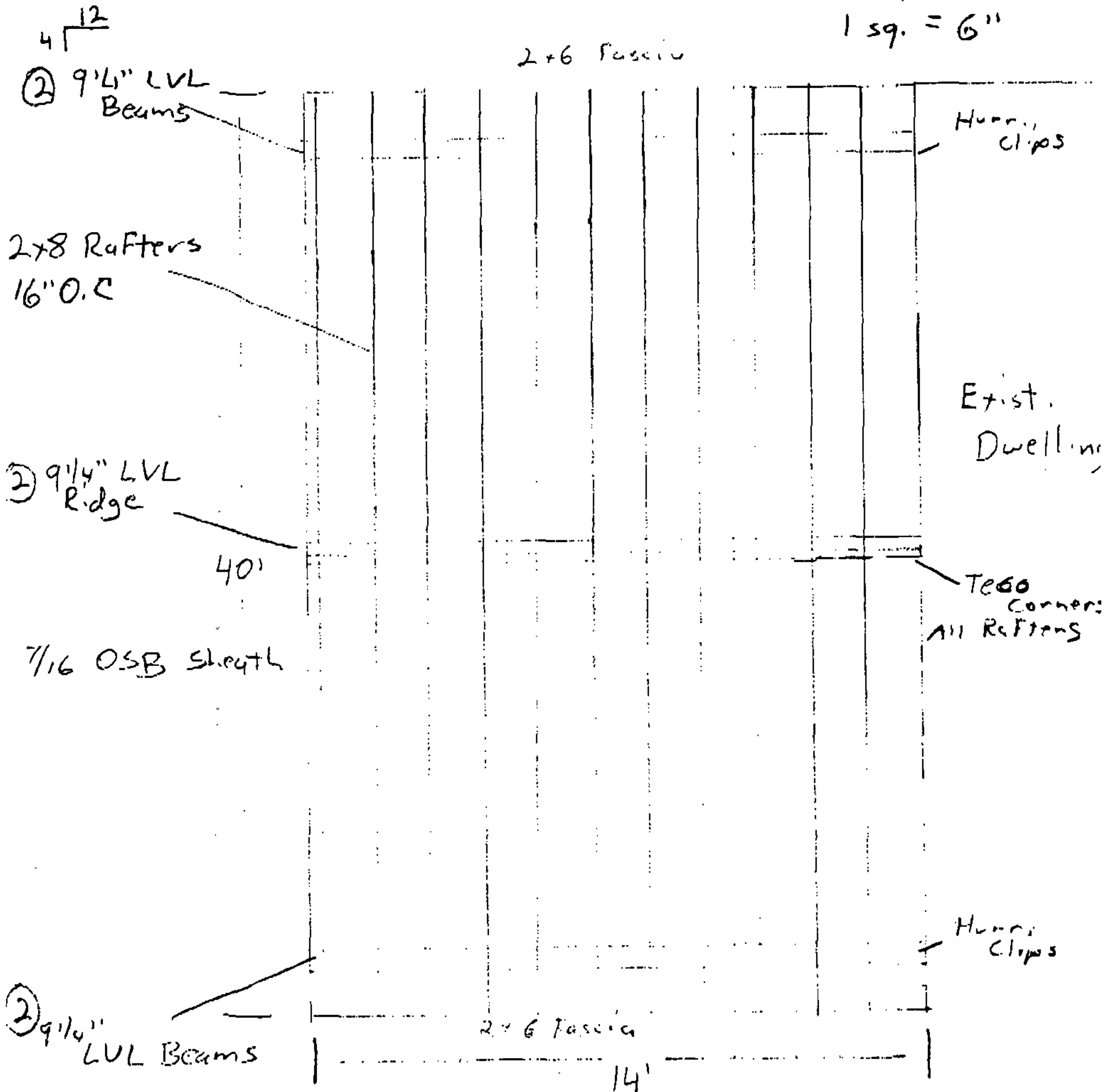
8602

Saddler

Top Elev

1 sq. = 6"

2x6 Fascia



DECKS
ADDITIONS
ENCLOSURES

FENCES
PORCHES
SHEDS

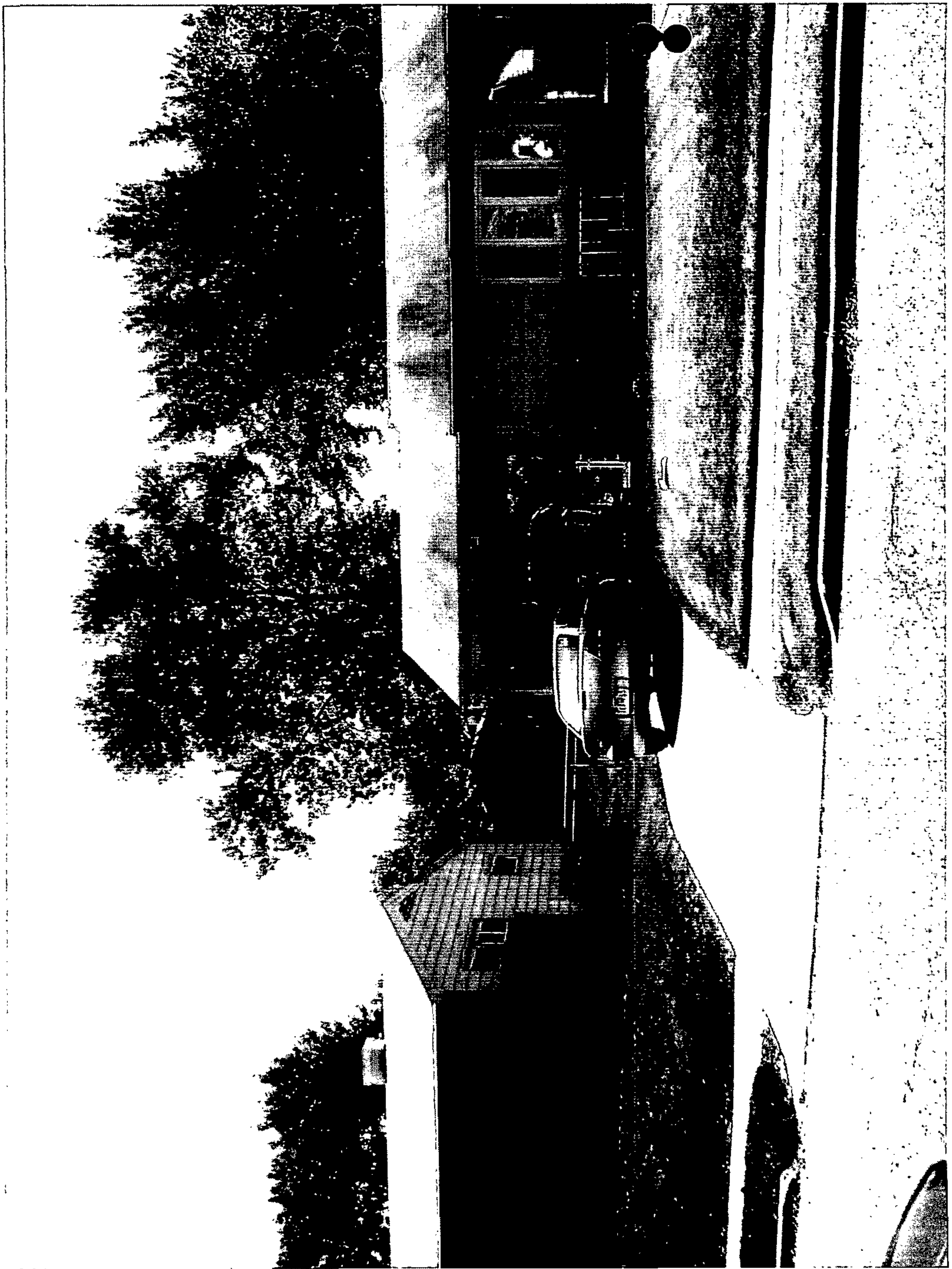
CLUBROOMS
KITCHENS
BATHROOMS 2007131

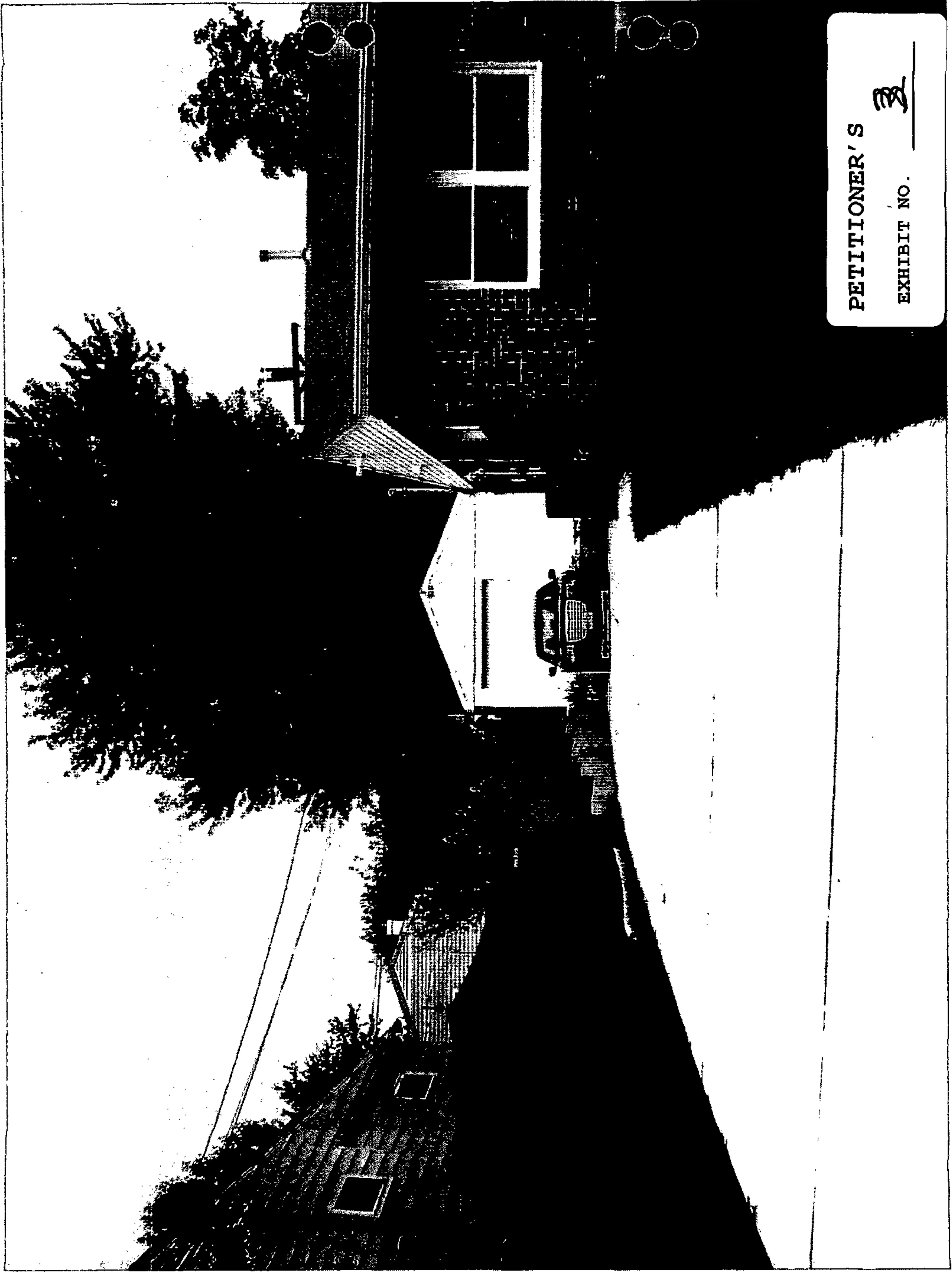
PETITIONER'S

3

EXHIBIT NO.







PETITIONER'S

EXHIBIT NO.

32



1(a) 8600 Saddler Road – Exterior
(Facing adjoining property line)



1(b) 8600 Saddler Road – Exterior
(Facing adjoining property line)

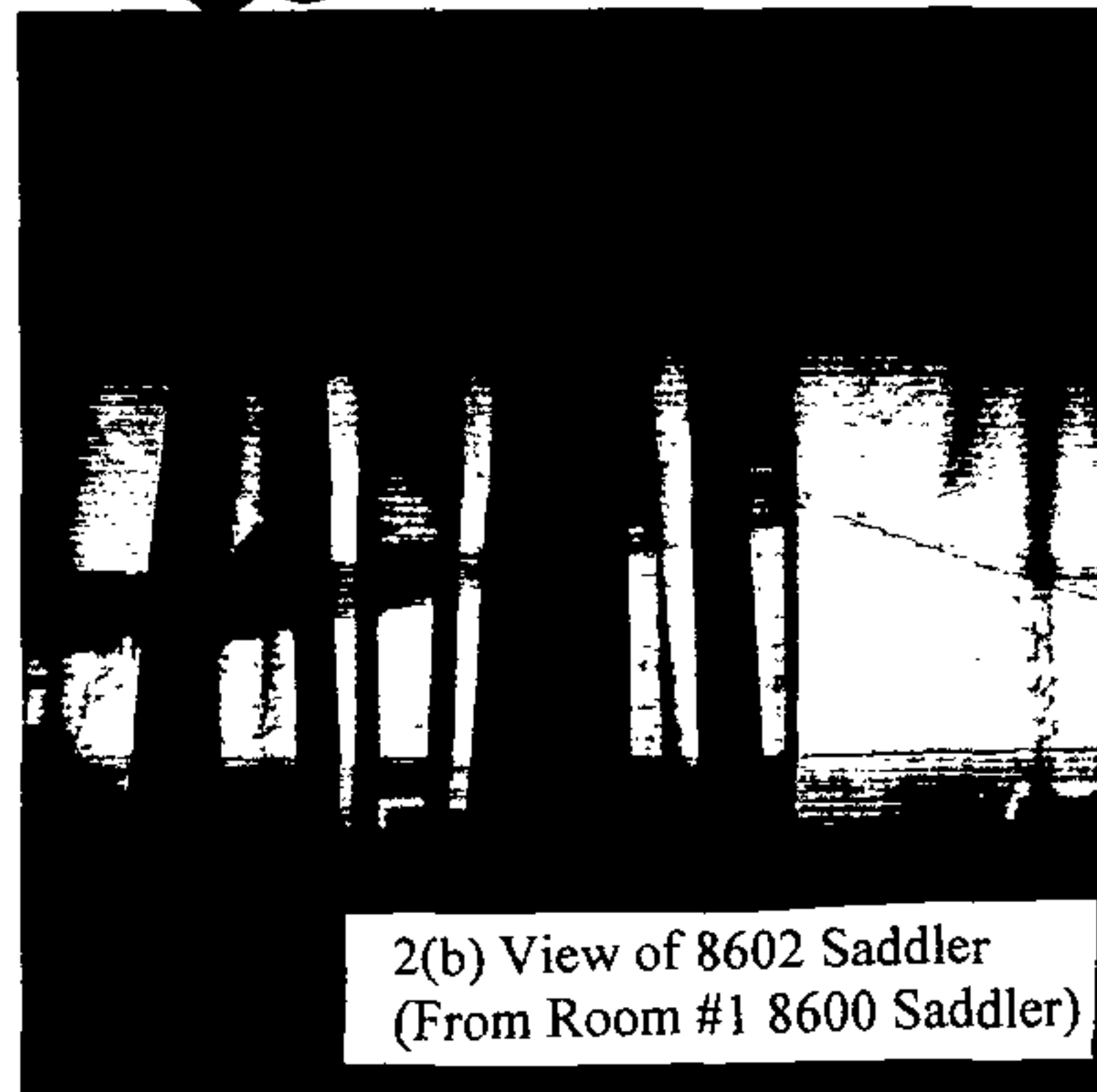
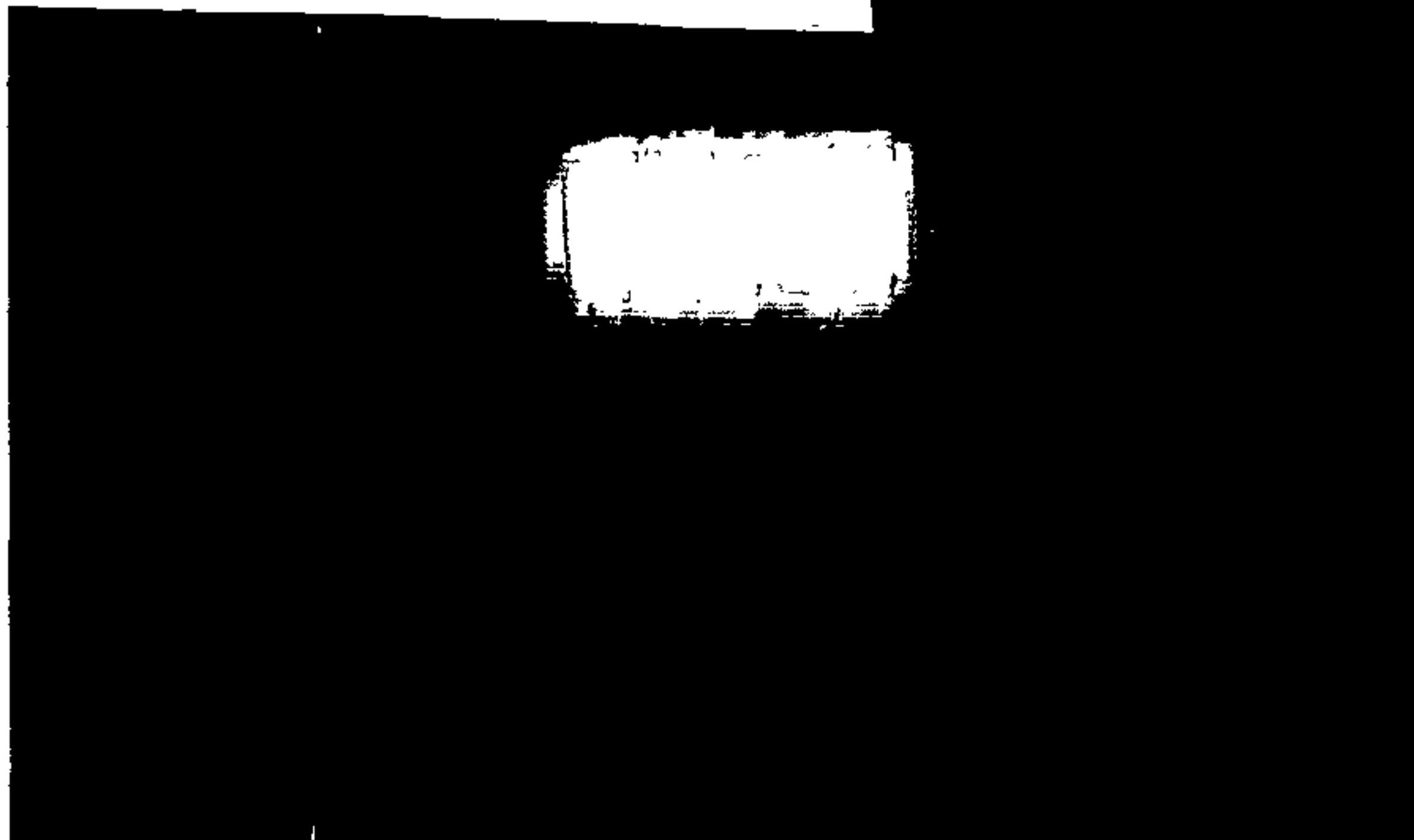
PROTESTANT'S

EXHIBIT NO. 1

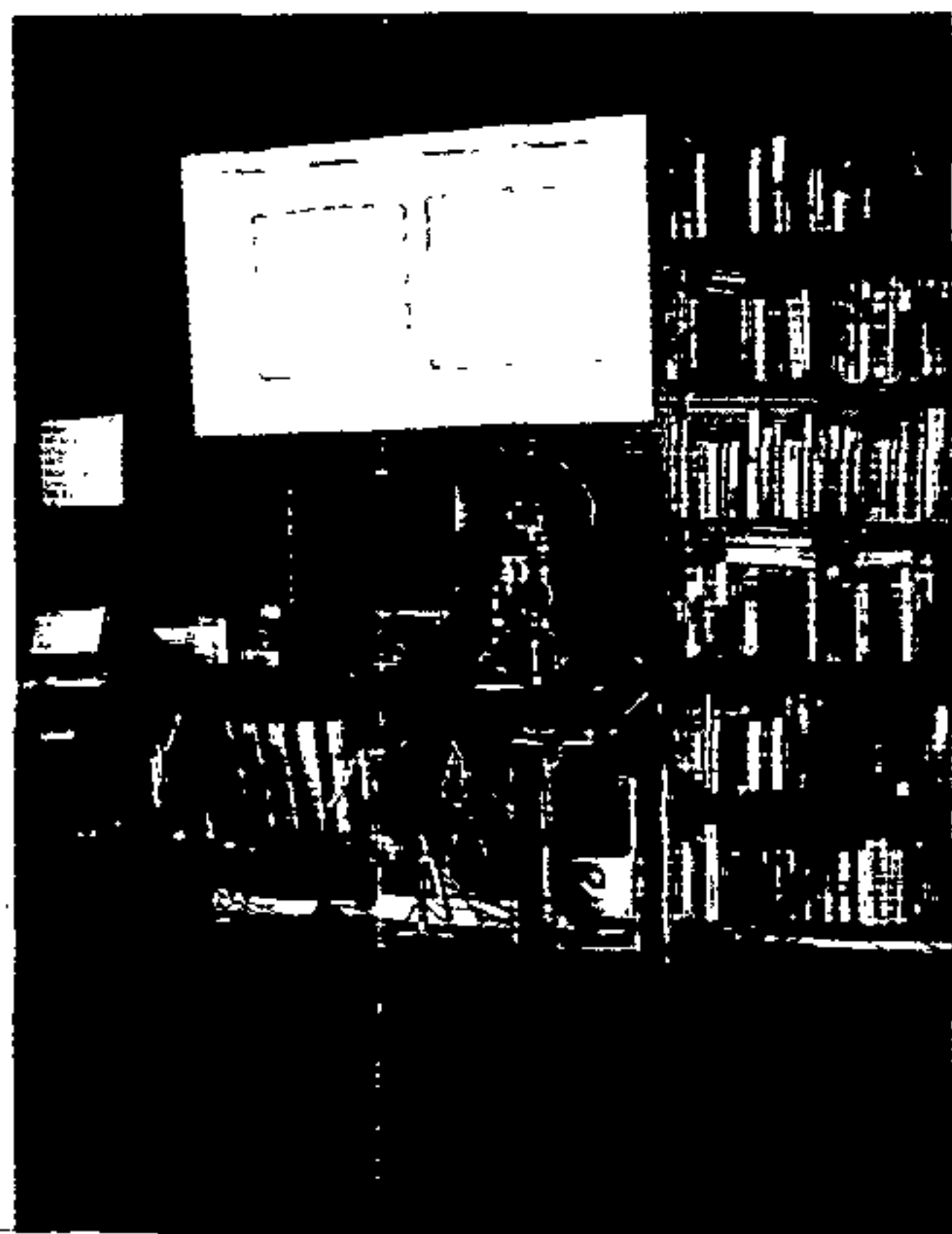


1(c) & 1(d) Views of 8602 Saddler
(From adjoining property line)

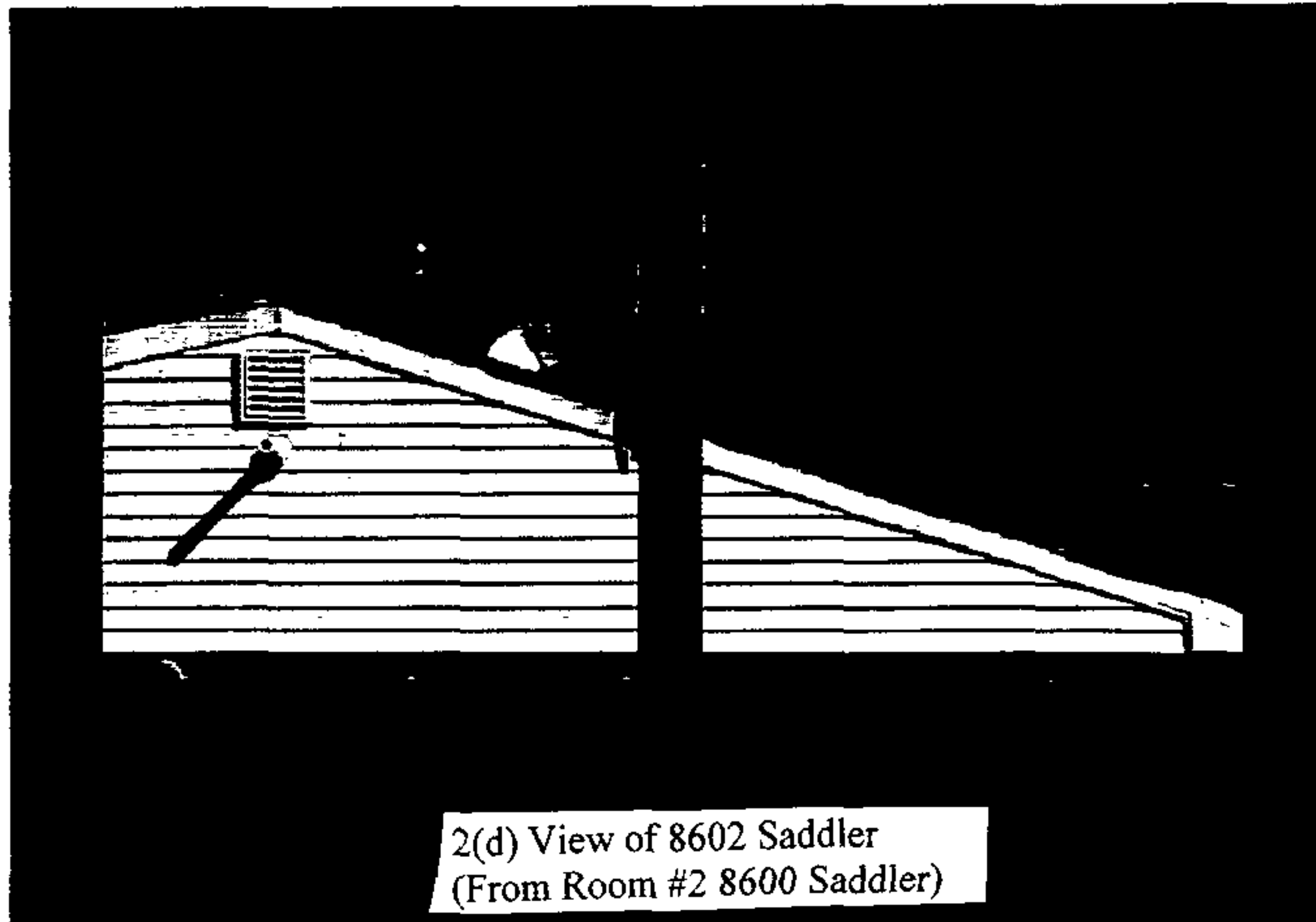
2(a) 8600 Saddler Road
(Room #1 facing adjoining property line)



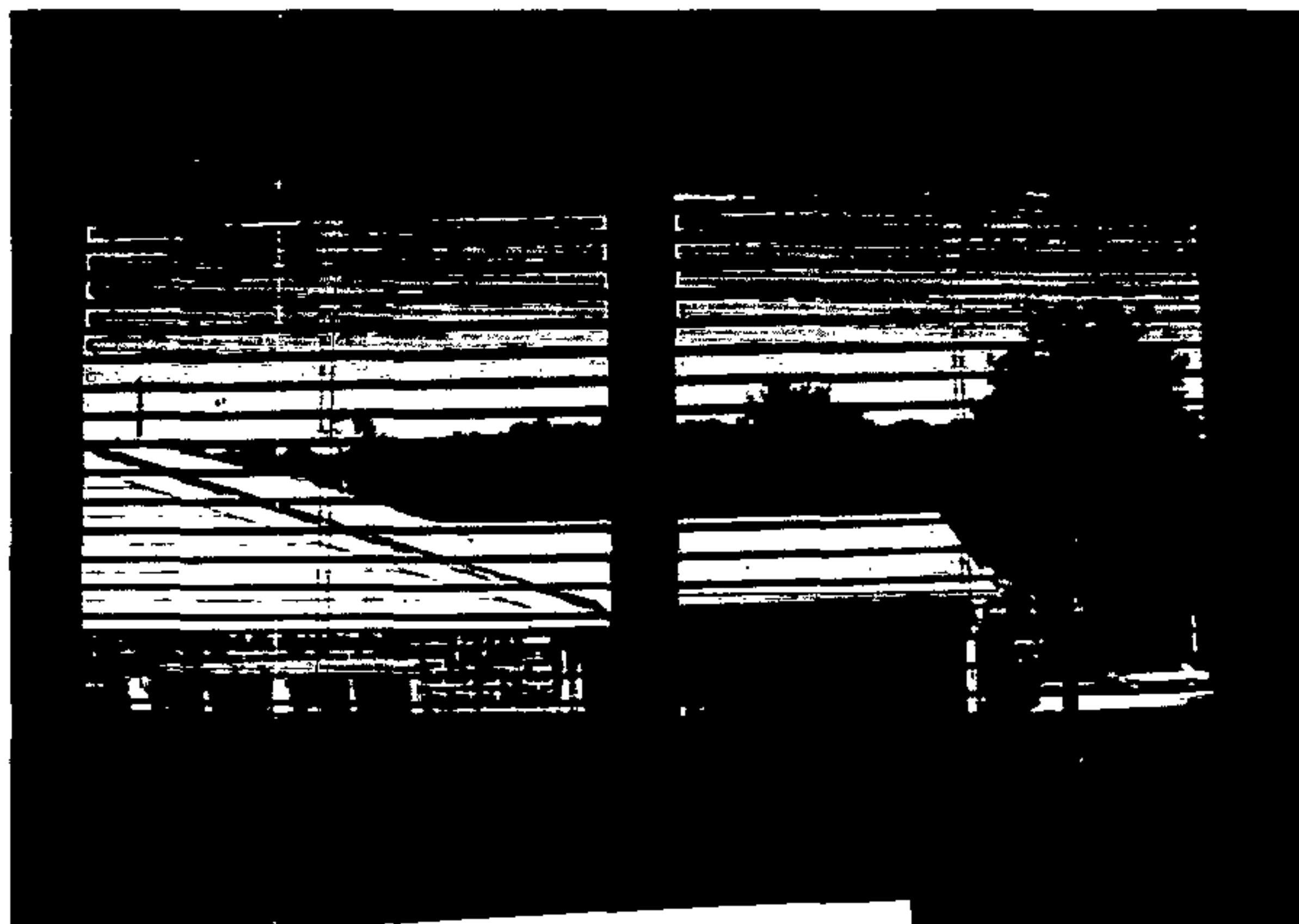
2(b) View of 8602 Saddler
(From Room #1 8600 Saddler)



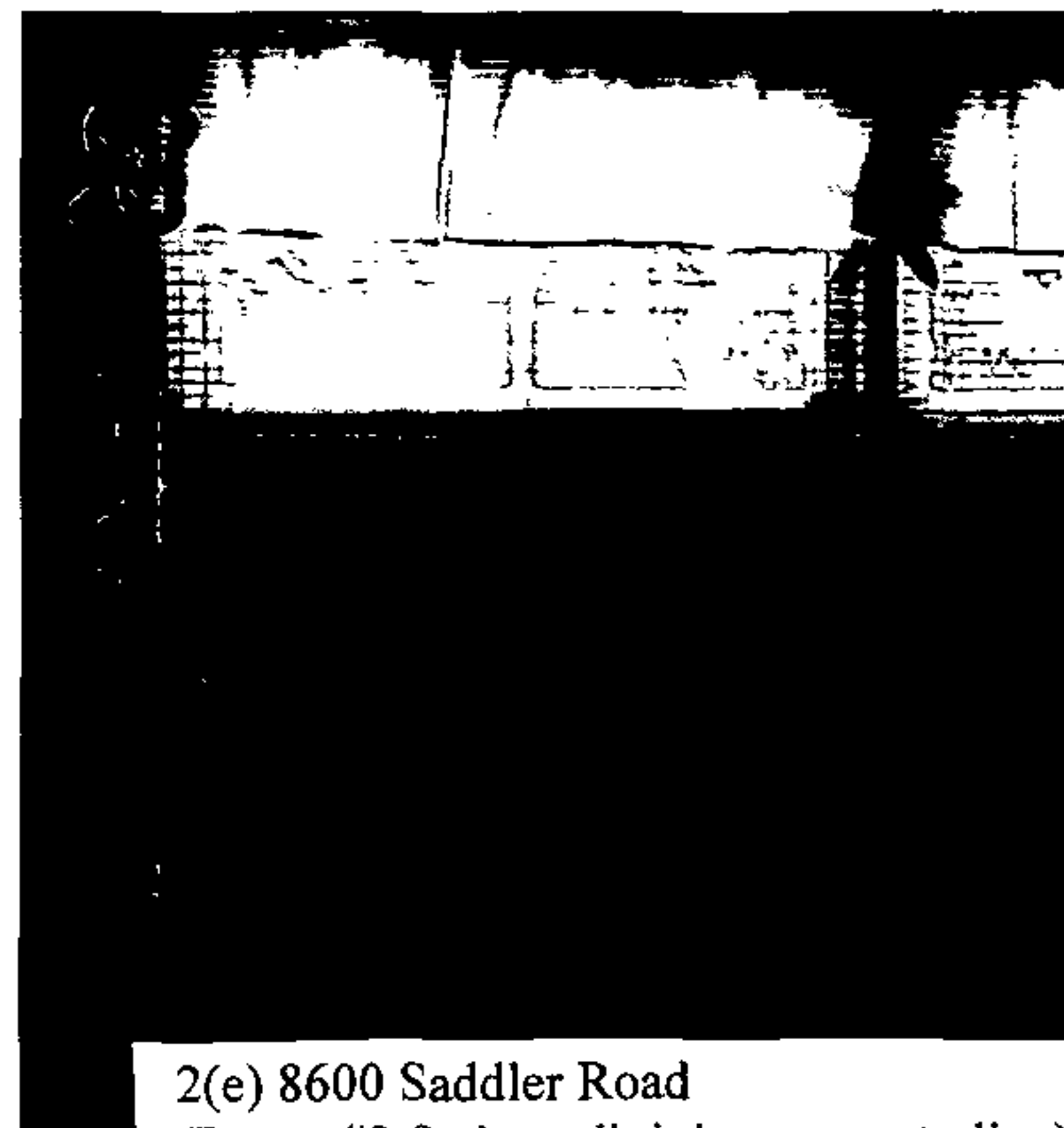
2(c) 8600 Saddler Road
(Room #2 facing adjoining property line)



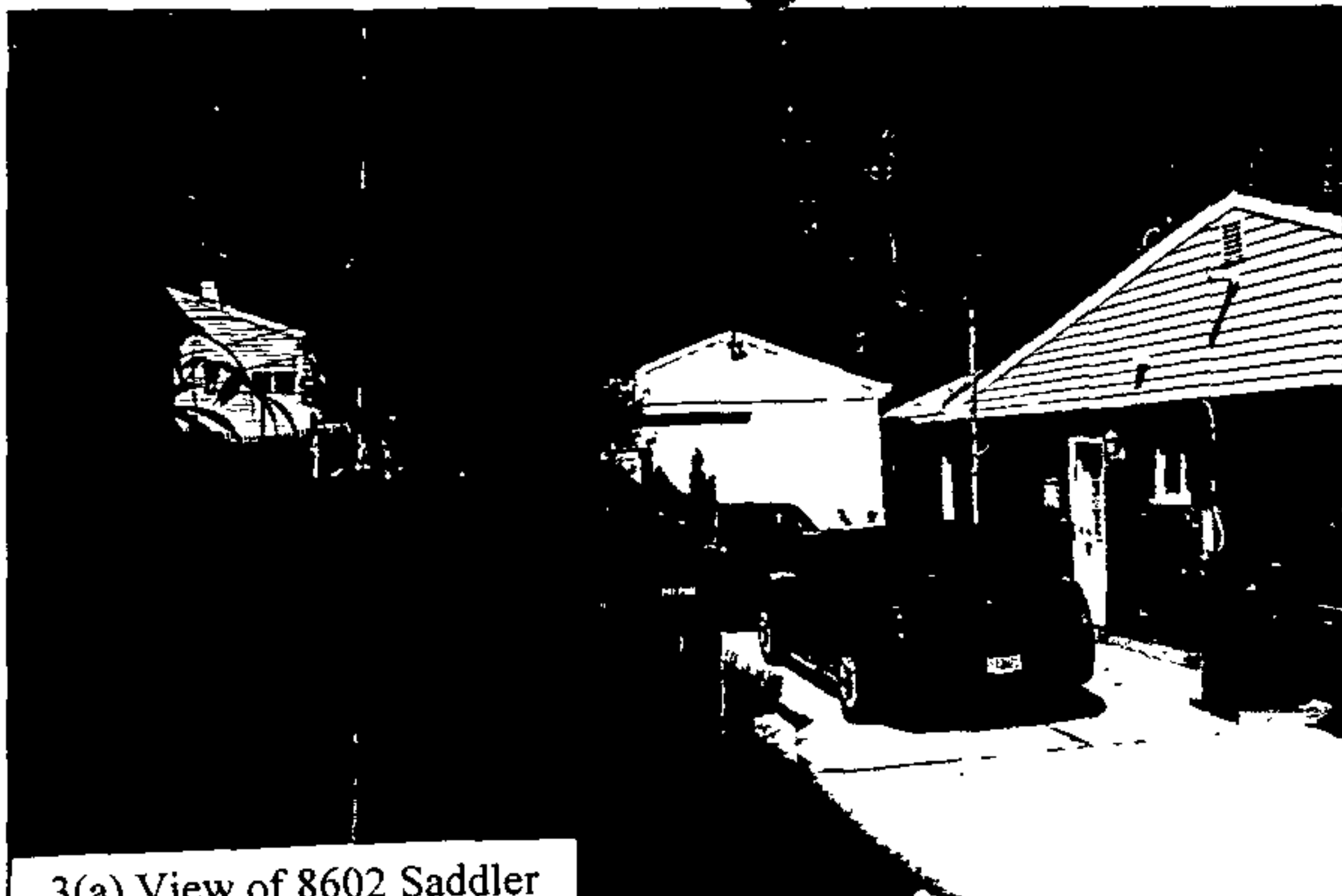
2(d) View of 8602 Saddler
(From Room #2 8600 Saddler)



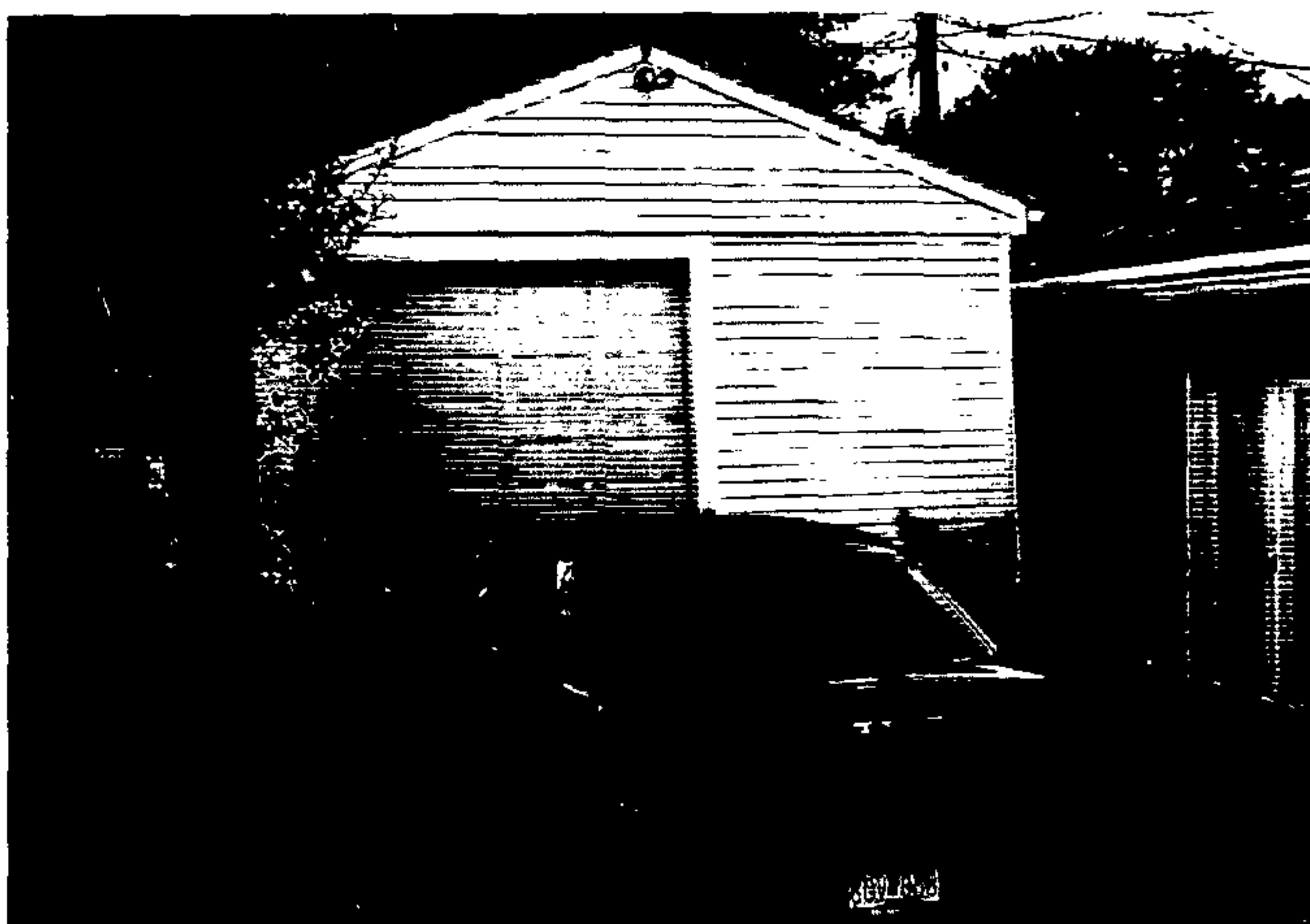
2(f) View of 8602 Saddler
(From Room #3 8600 Saddler)



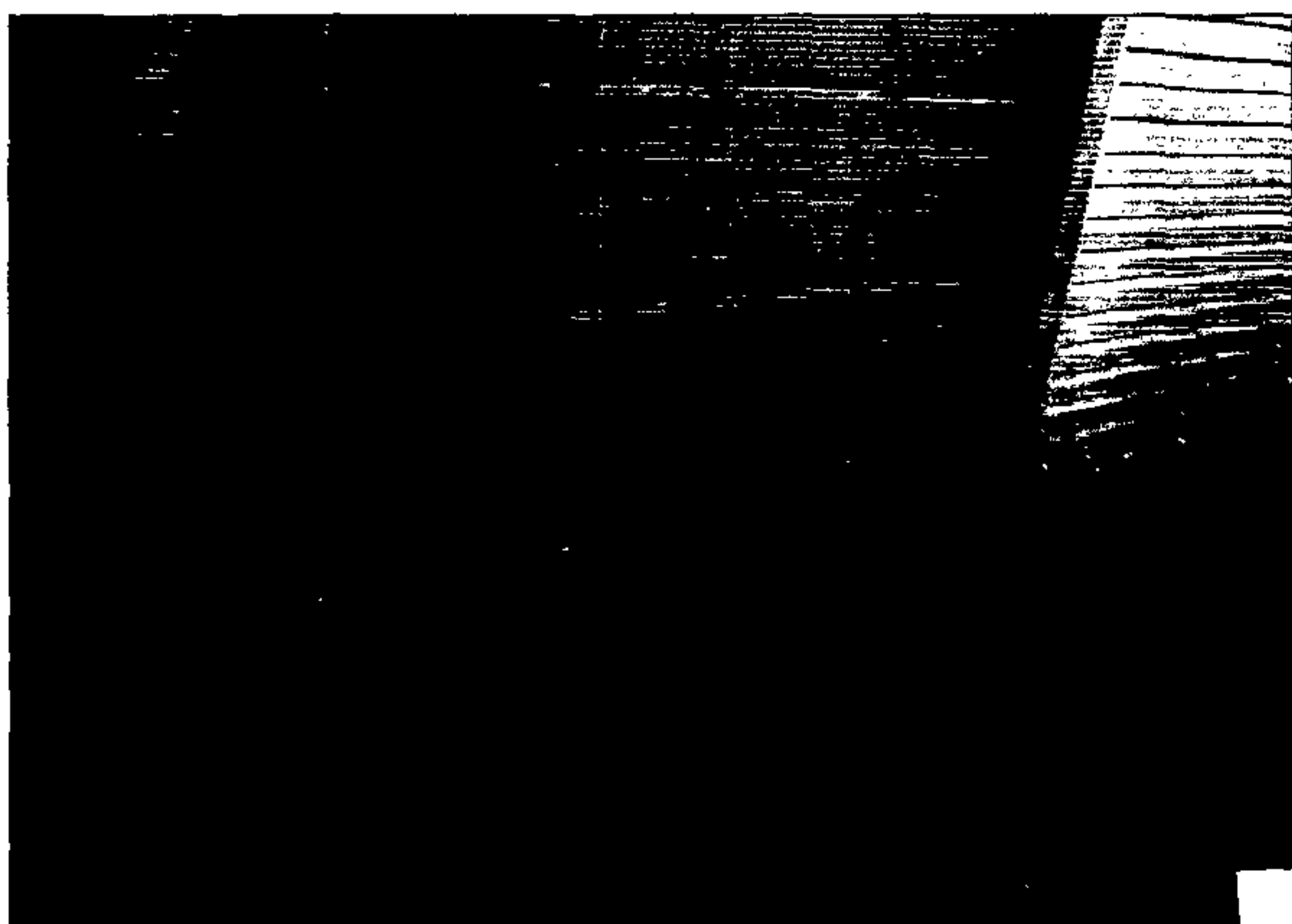
2(e) 8600 Saddler Road
(Room #3 facing adjoining property line)



3(a) View of 8602 Saddler
(Driveway and garage)



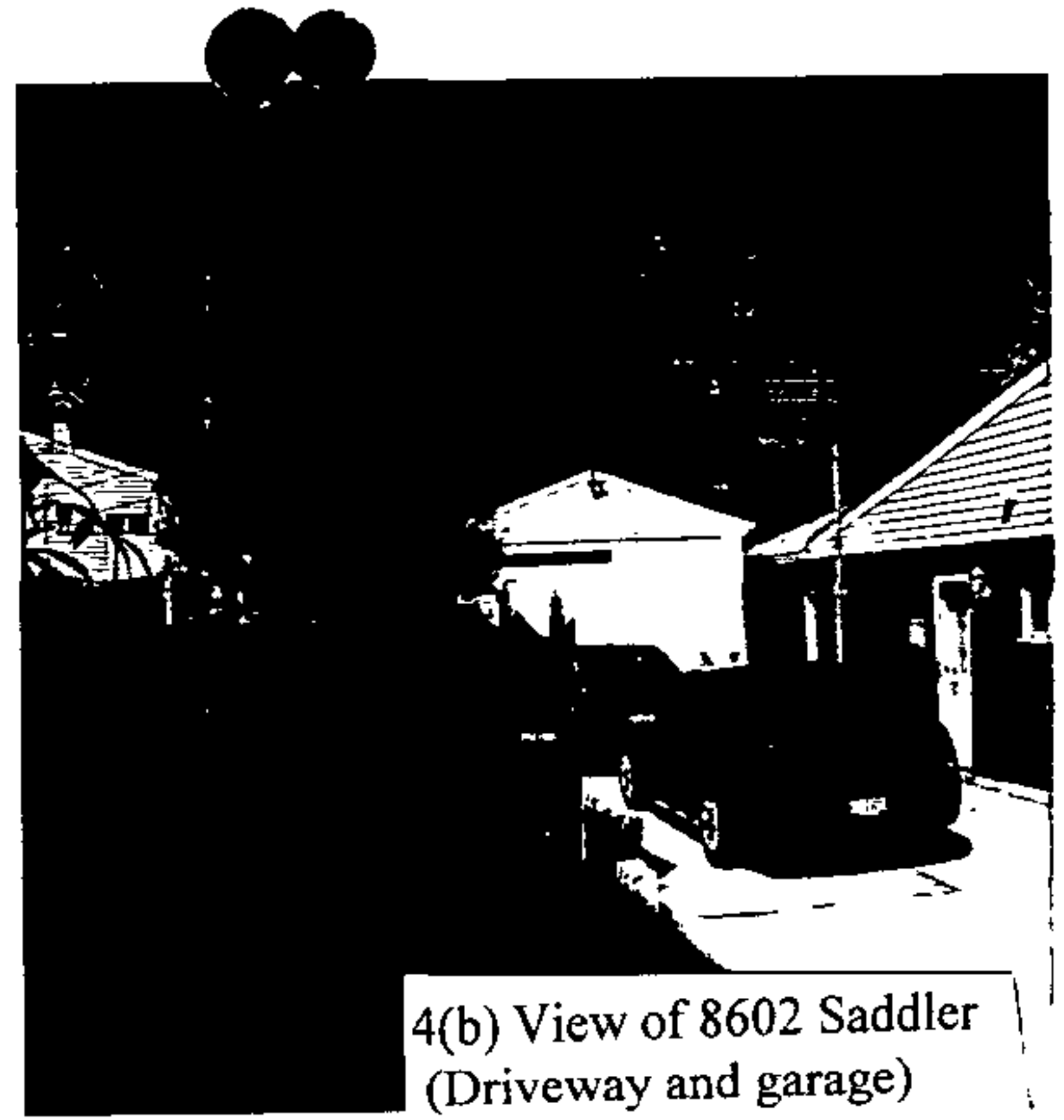
3(b) View of 8602 Saddler
(Driveway and garage)



3(c) View of 8602 Saddler
(Garage)



4(a) View of 8602 Saddler
(Garage)



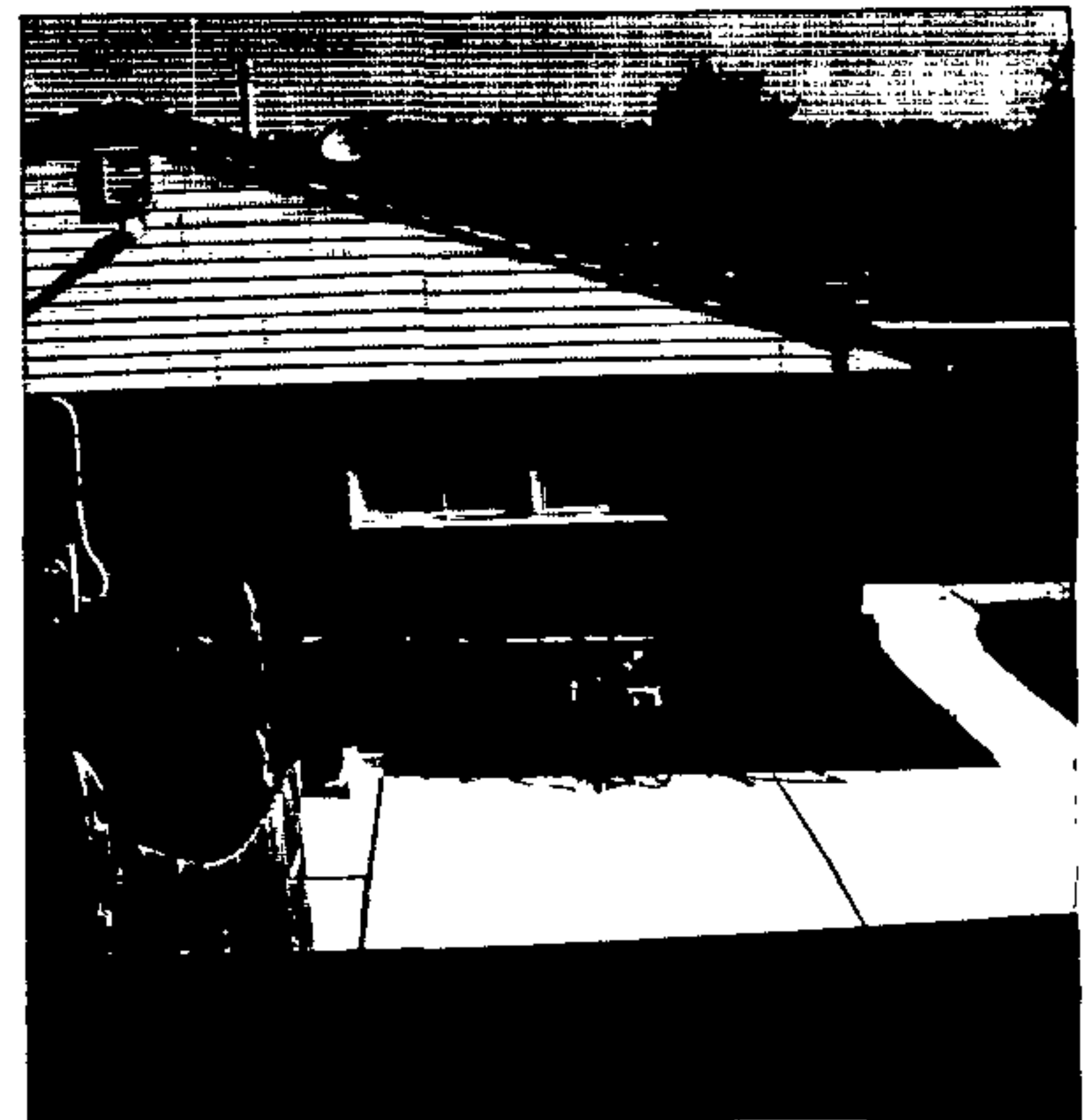
4(b) View of 8602 Saddler
(Driveway and garage)



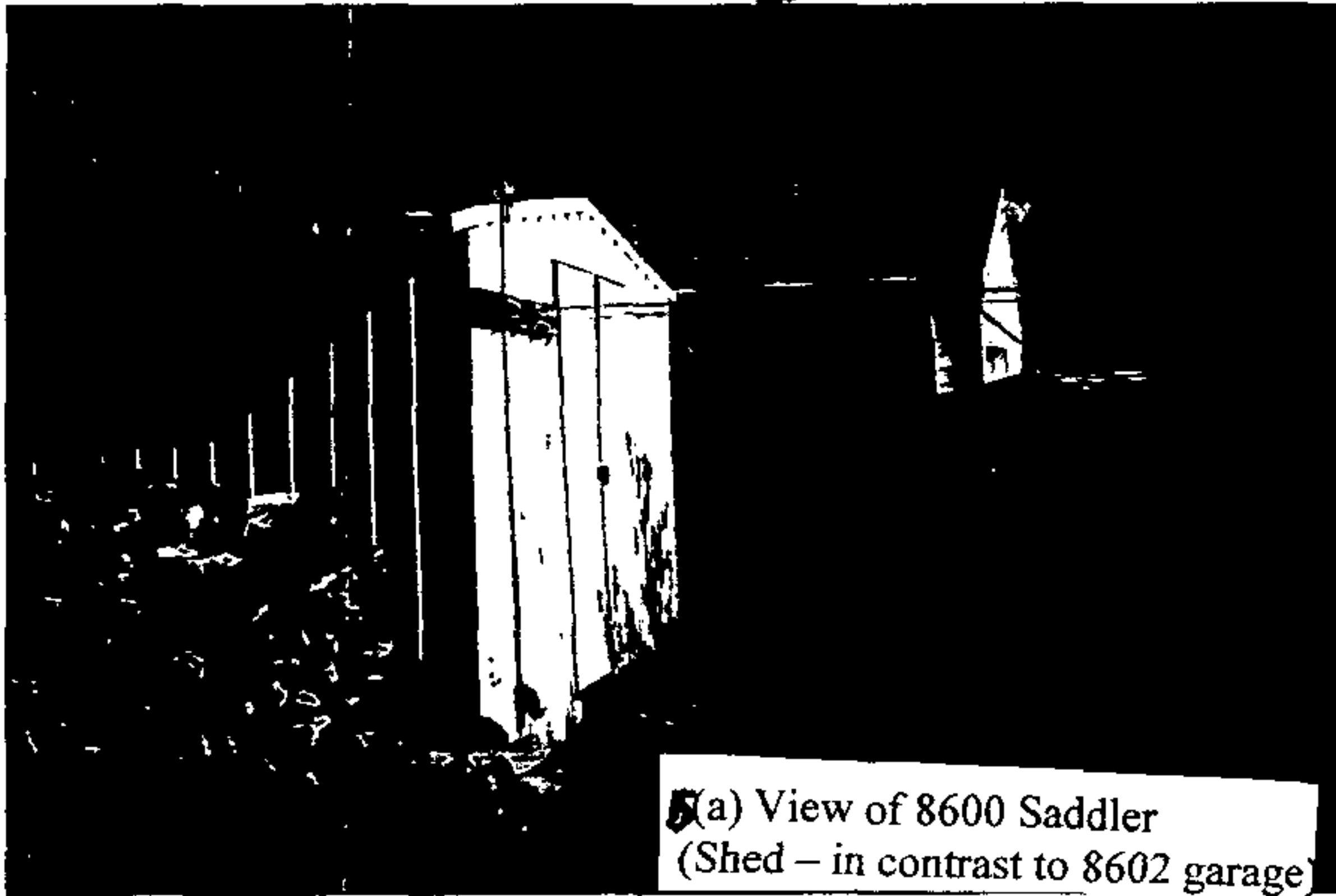
4(c) View of 8602 Saddler
(Sunroom addition)



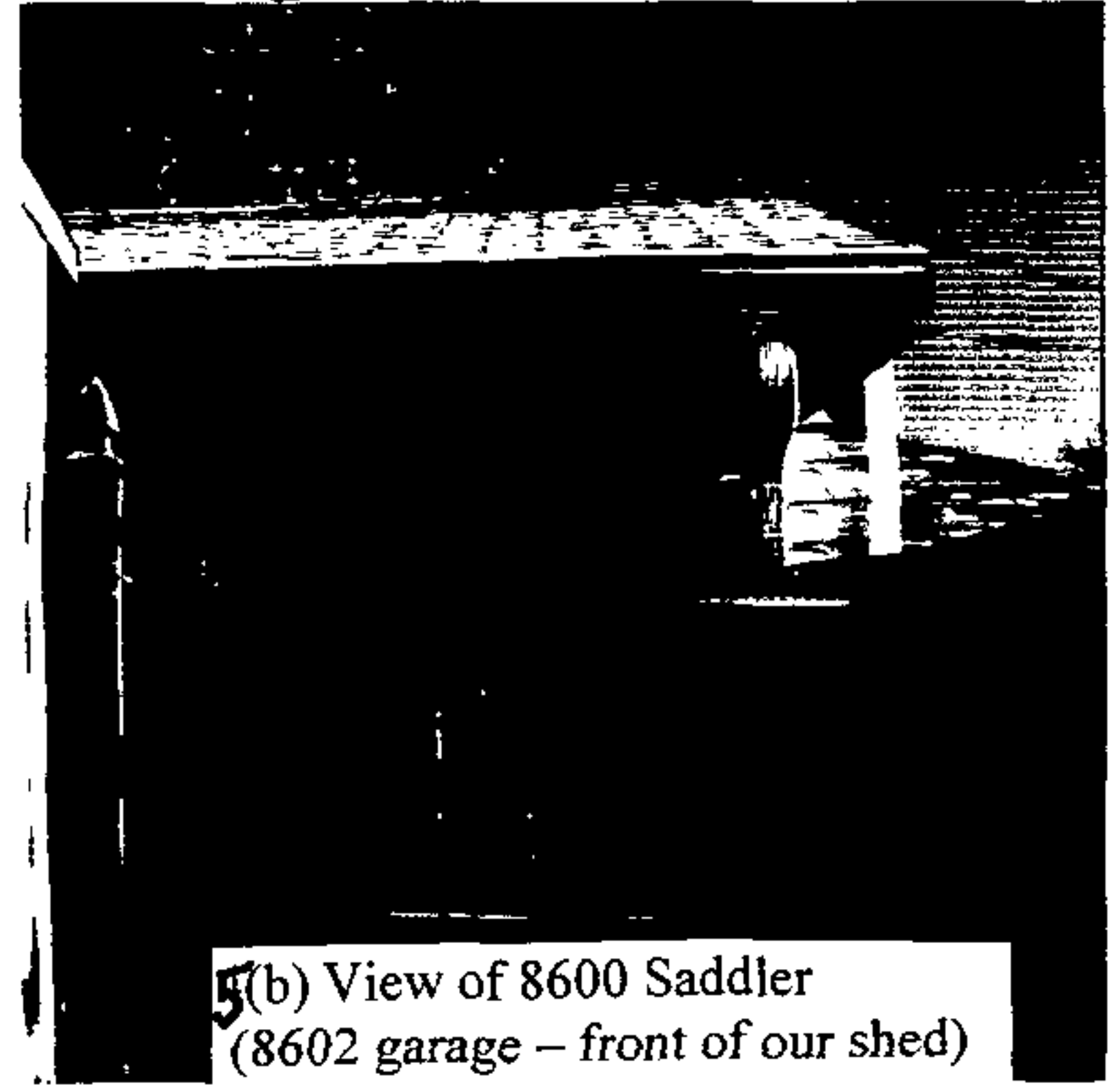
4(d) View of 8602 Saddler
(Sunroom/kitchen addition)



4(e) View of 8602 Saddler
(Existing dwelling)



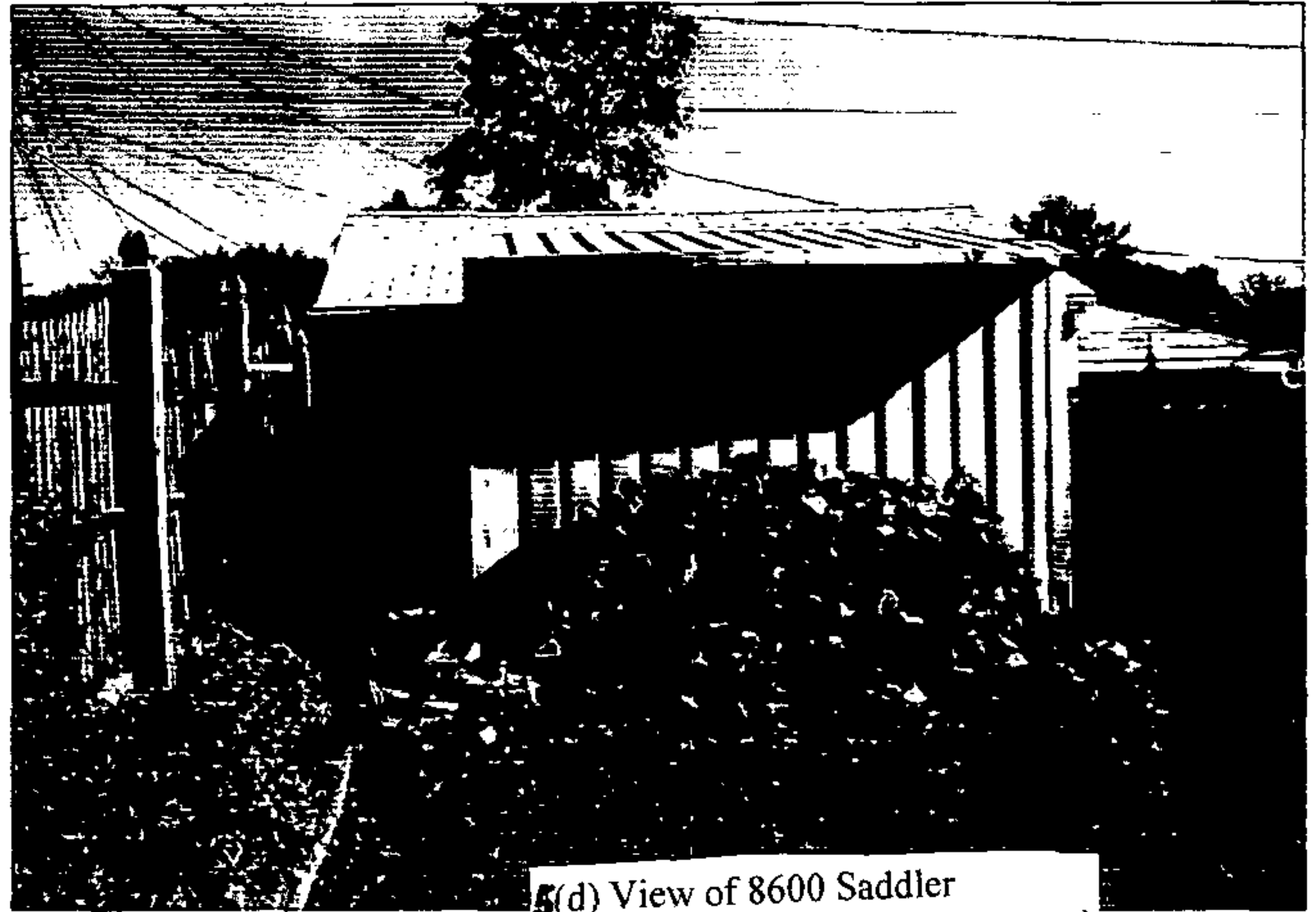
5(a) View of 8600 Saddler
(Shed – in contrast to 8602 garage)



5(b) View of 8600 Saddler
(8602 garage – front of our shed)



5(c) View of 8600 Saddler
(8602 garage – rear of our shed)



5(d) View of 8600 Saddler
(Shed – in contrast to 8602 garage)



8601 Saddler Rd
Baltimore MD
21234-4021 US

Notes:

Only text visible within note field will print.



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This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.



Live Search

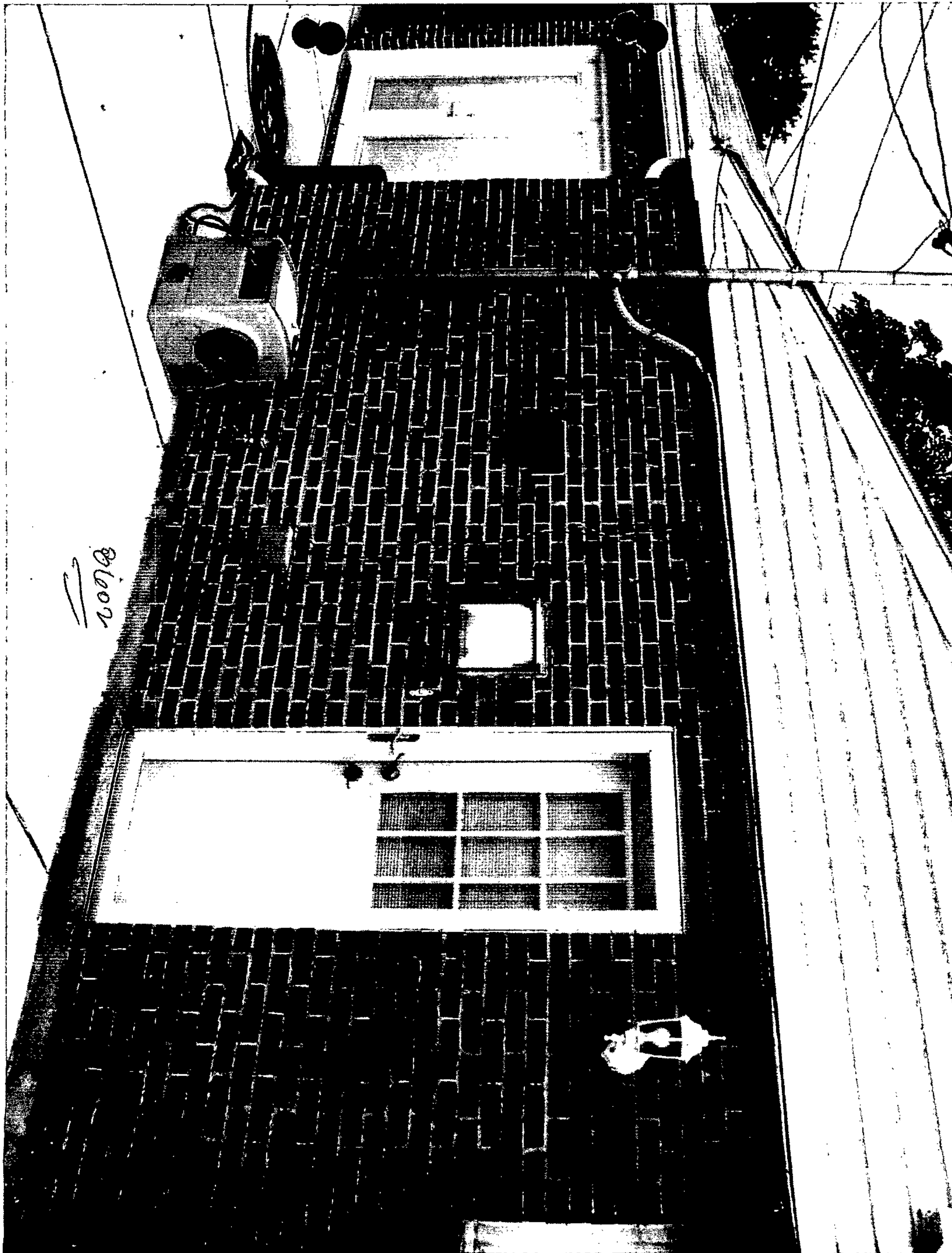


✓
OUR
SPRINKLER
86002

86003

#8602
our house.





11
2002

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8602 Saddle Road

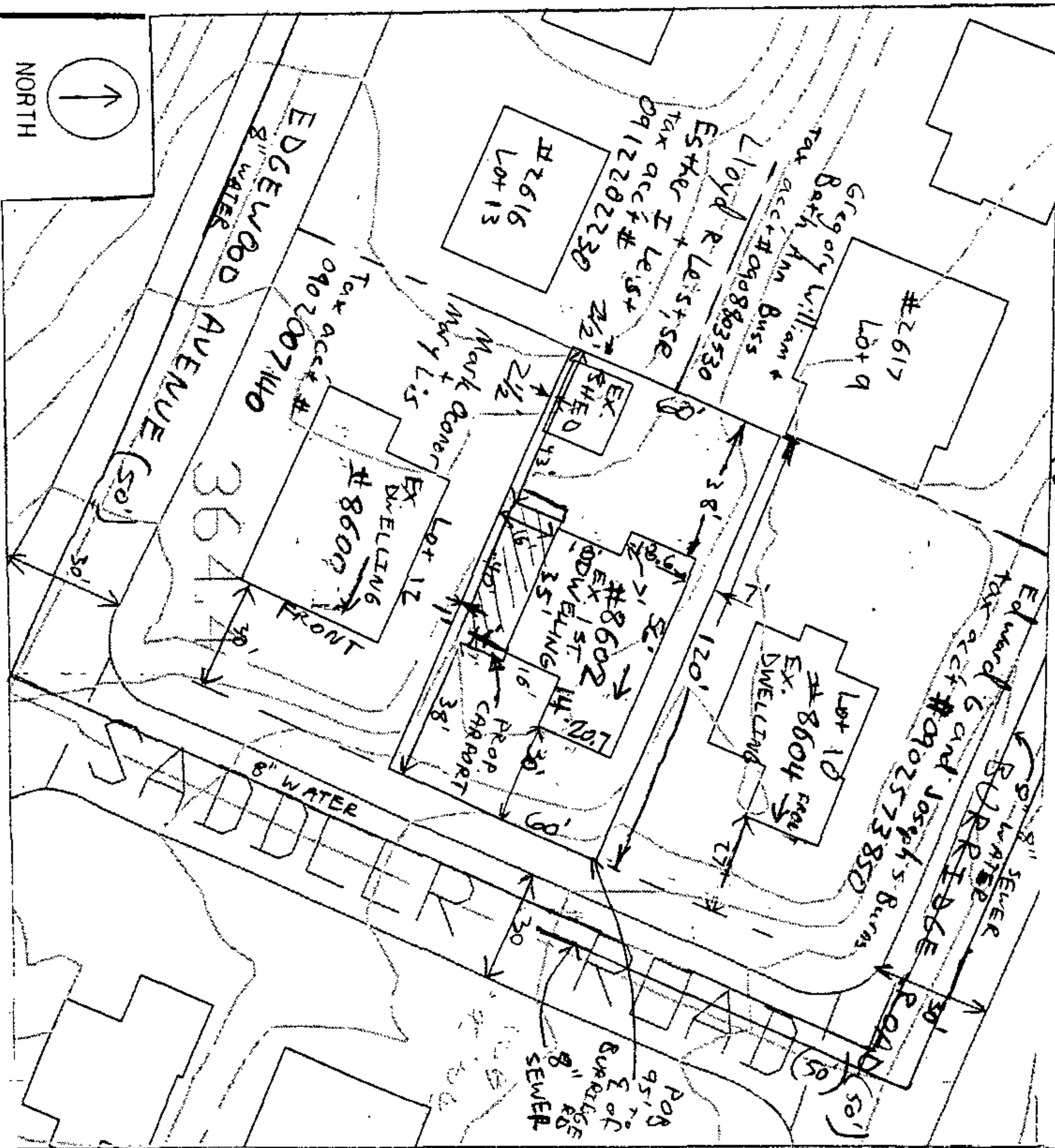
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Woodcroft

PLAT BOOK # 21 FOLIO # 2 LOT # 11 SECTION # 5

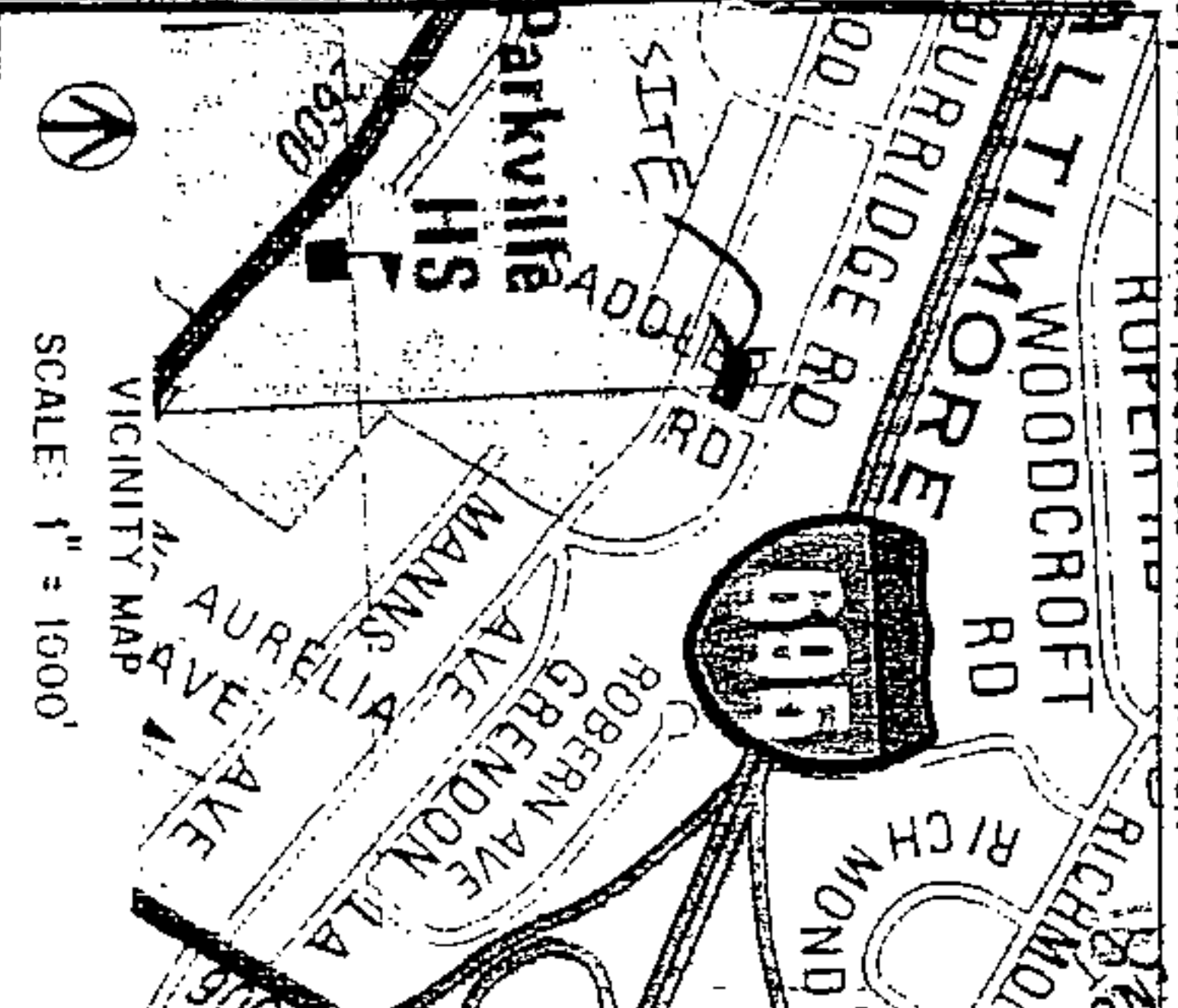
OWNER Gregory A and Marilyn Zoller Fitzwater

Tax Acct # 0908302180



PREPARED BY David Loewy

SCALE OF DRAWING: 1" = 50'



SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9th

COUNCILMANIC DISTRICT 6th

1" = 200' SCALE MAP # 71A13

ZONING DR S.5

LOT SIZE 0.17 ± 7405 ±
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

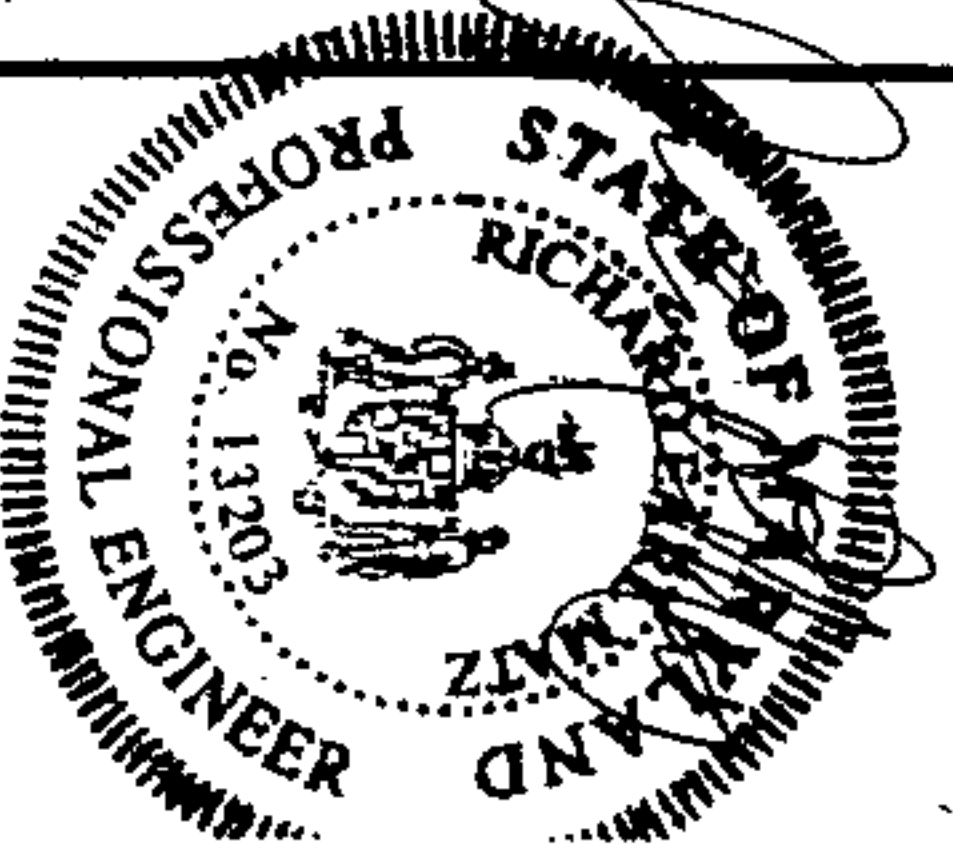
HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PETITIONER'S

EXHIBIT NO.



July 31, 2007

July 30, 2007

Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, MD 21204

Re: 8602 Saddler Road

Mr. Commissioner:

I, Melchior Voelker, live at 8601 Saddler Road, and am a neighbor to Ms.

Marilyn Fitzwater, who resides at 8602 Saddler Road. I am aware of the carport that Ms.

Fitzwater intends to build, and have no objections to its location or appearance.

Sincerely,

Melchior Voelker



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 w3.1)

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)

Account Identifier: District - 09 **Account Number -** 0908302180

Owner Information

Owner Name:	FITZWATER GREGORY A FITZWATER MARILYN L ZOLLNER	Use:	RESIDENTIAL
Mailing Address:	8602 SADDLER RD BALTIMORE MD 21234-4022	Principal Residence:	YES
		Deed Reference:	1) /19634/ 232 2) /19634/ 227

Location & Structure Information

Premises Address
8602 SADDLER RD

Legal Description

8602 SADDLER RD
WOODCROFT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
71	14	1128			5	P	11	2	Plat Ref: 21/ 2

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,382 SF	7,200.00 SF	04

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2005	07/01/2007	07/01/2008
Land	52,200	52,200		
Improvements:	99,450	99,450		
Total:	151,650	151,650	151,650	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: DEEVER JOHN A	Date: 02/20/2004	Price: \$152,900
Type: IMPROVED ARMS-LENGTH	Deed1: /19634/ 232	Deed2: /19634/ 227
Seller: HELKOWSKI JOHN A	Date: 04/02/2003	Price: \$115,000
Type: IMPROVED ARMS-LENGTH	Deed1: /17781/ 287	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 w3.1)

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)

Account Identifier: District - 09 **Account Number -** 0902007140

Owner Information

Owner Name:	OCONOR MARK LIS MARY	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	8600 SADDLER RD BALTIMORE MD 21234-4022	Deed Reference:	1) /15763/ 304 2)

Location & Structure Information

Premises Address
8600 SADDLER RD

Legal Description

8600 SADDLER RD
WOODCROFT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
71	14	1128			5B	P	12	2	Plat Ref: 21/ 2

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1955	1,680 SF	7,888.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2005	07/01/2007	07/01/2008
Land	52,880	52,880		
Improvements:	126,780	126,780		
Total:	179,660	179,660	179,660	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

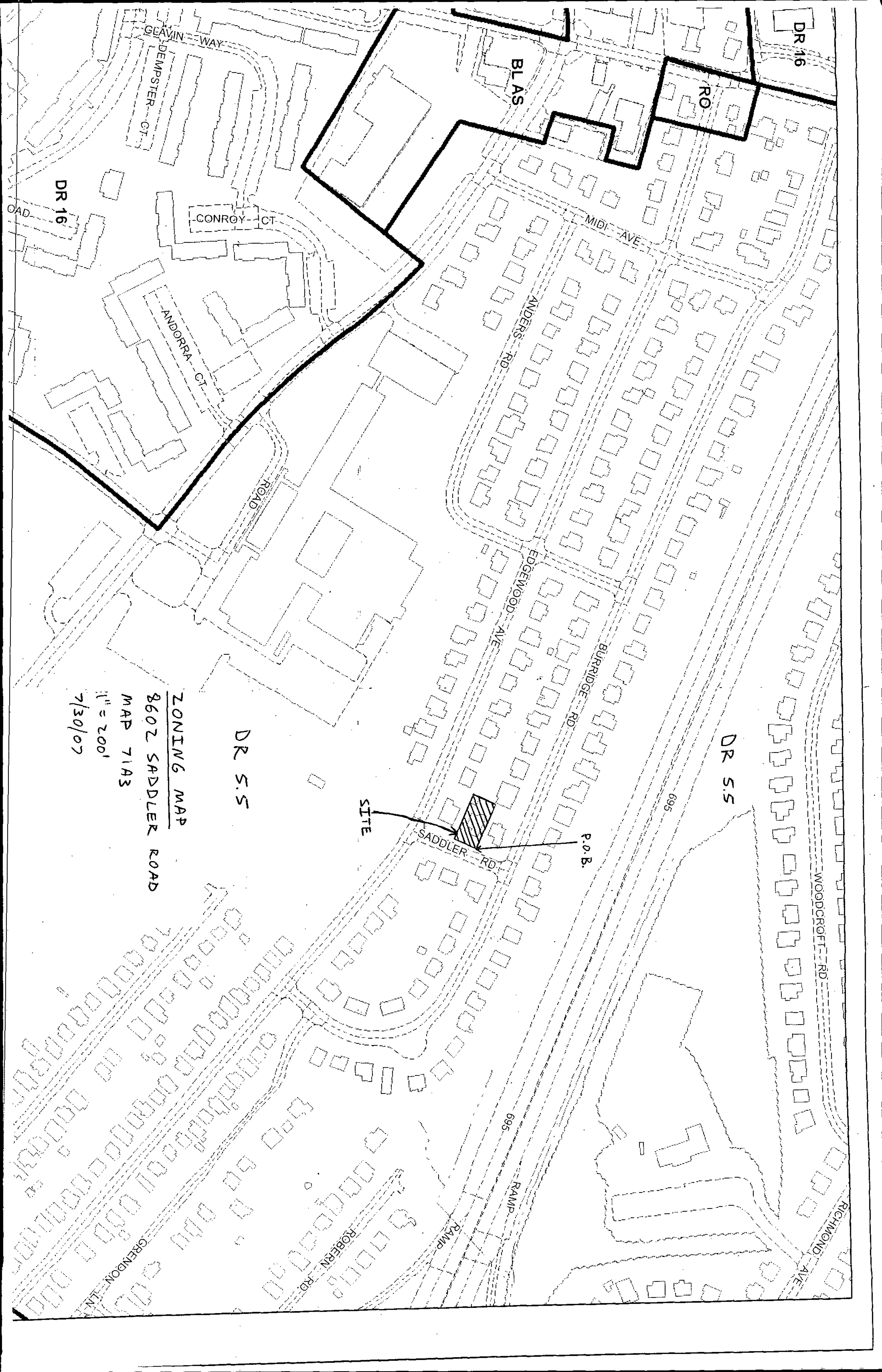
Seller: BAUER JOSEPH W	Date: 11/16/2001	Price: \$159,900
Type: IMPROVED ARMS-LENGTH	Deed1: /15763/ 304	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



DR 16

RO

BLAS

MIDI AVE

ANDERS RD

EDGEWOOD AVE

BURRIDGE RD

SADDLER RD

WOODCROFT RD

DR S.S

P.O.B.

695

695

RAMP

RAMP

ROBERT RD

GLAVIN WAY

DEMISTER CT

CONROY CT

ANDORRA CT

ROAD

DR S.S

ZONING MAP

8602 SADDLER ROAD

MAP 71A3

1" = 200'

7/30/07

DR 16

OAD

RICHMOND AVE

GRENDON LN