

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

S/Side of Intersection of Rowe Court and

Rowe Lane *

(1013 Rowe Lane)

1st Election District *

1st Council District *

Shirley Breitenother

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-366-A

* * * * *

ORDER OF DISMISSAL

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Shirley M. Breitenother. The Petitioner sought variance relief from Section 1B02.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1'6" in lieu of the required 10 feet for construction of a pre-existing garage that had existed prior to fire damage.

Initially, the Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code (B.C.C.). 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 Petitioner has filed the supporting affidavits as required by Section 32-3-303(a)(2)(i) of the Baltimore County Code. The subject property having been posted and a formal demand for a public hearing requested by Vincent Marsiglia, the adjacent neighbor residing at 1013 Rowe Lane, this matter was scheduled before the undersigned Zoning Commissioner on April 8, 2008.

BY
Date 7-8-08
RECEIVED FOR FILING

Appearing at the public hearing in support of the request were Shirley M. Breitenother and Jack Brown. Appearing in opposition to the request were Vincent Marsiglia (adjacent neighbor) and Charles V. Marsiglia.

Testimony and evidence offered disclosed that the subject property is located on the south side of Rowe Lane near the intersection of Rowe Court and southwest of Johnnycake Road, in the Westview Park subdivision of Catonsville. The property is a rectangular shaped parcel containing a gross area of 6,825 square feet (65' wide x 105' long) and zoned D.R.5.5. improved with a 1-story, single-family dwelling. The Petitioner has owned the property since December 1984 and is desirous of re-constructing a garage that was destroyed by fire.

Vincent Marsiglia, whose home sustained \$10,000 in fire damages when Petitioner's garage burned, is strongly opposed. Although he originally submitted a letter, dated December 11, 2007, (Petitioner's Exhibit 3) indicating his agreement with a 4-foot side yard set back he no longer is agreeable to anything less in view of potential hazards to his property.

Immediately following the hearing, the Petitioner visited the Office of Zoning Review to discuss locating the proposed garage in the rear yard. The record of the case was left open by agreement of all parties. On May 14, 2008, the undersigned forwarded the Petitioner correspondence requesting a response regarding whether an Order should be issued on the petition as filed or whether the garage would be placed in the rear yard in accordance with the regulations. Subsequently, by letter, dated May 23, 2008, Petitioner advised that she had contracted the services of Michael Miles, who is co-owner of Green River Construction, and his company will be constructing the garage in her rear yard as required. Thus, rendering the need for a variance moot. Whereas, the matter shall be dismissed.

RECEIVED FOR FILING
Date 7-8-08
By DM

NOW, THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of July 2008 that the Petition for Variance relief as set forth above, be and the same are hereby DISMISSED without prejudice.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

- c: Shirley M. Breitenother, 1013 Rowe Lane, Catonsville, MD 21228
Neil Diffenderfer, Accord Restoration, Inc., 7123 Windsor Mill Road, Suite 100,
Baltimore, MD 21244
Jack E. Brown, Sr., 1541 Florida Avenue, Severn, MD 21144
Vincent Marsiglia, 1011 Rowe Lane, Baltimore, MD 21228
Charles V. Marsiglia, 2941 Normandy Drive, Ellicott City, MD 21043
People's Counsel; File

RECEIVED FOR FILING
Date 7-8-08
By [signature]



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1013 Rowe Lane
which is presently zoned DR5.5

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.C.1 TO ALLOW A SIDE YARD SETBACK OF 1'6" IN LIEU OF THE REQUIRED 10 FEET

— LEAVE BLANK —

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):

Shirley M. Breitenother

Name - Type or Print

Signature

N/A

Name - Type or Print

N/A

Signature

Address

1013 Rowe Lane 410-887-080

City

State

Zip Code

Representative to be Contacted:

Neil Diffenderfer

Name

Accord Restoration, Inc.

Address

7123 Windsor Mill Road, Suite 100

City

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 08-31-08 day of August, 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. 08-366-A Reviewed By cm Date 2-13-08

REV 10/25/01 Date 7-8-08 Estimated Posting Date 2-24-08

By DW

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

1013 Rowe Lane

Address

Catonsville, Maryland

City

State

21228

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):

Please See Attachment. Shirley Breitenother

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.

Shirley M. Breitenother
Signature

Signature

Shirley M. Breitenother
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of October, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

P. Kaye Leonard
Notary Public

My Commission Expires

August 25, 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.

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State

21228

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Shirley M. Breitenother

Signature

Shirley M. Breitenother

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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Maryland

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

P. Kaye Leonard

Notary Public

My Commission Expires

August 25, 2010



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1013 Rowe Lane
which is presently zoned DR5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302 C.1 TO ALLOW A
SIDE YARD SETBACK OF 1'0" IN LIEU OF THE REQUIRED 10 FEET

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):

Shirley M. Breitenother

Name - Type or Print

Signature

Name - Type or Print

Signature

1013 Rowe Lane 410-887-0808

Address Telephone No.

Catonsville, Maryland 21228

City State Zip Code

Representative to be Contacted:

Neil Diffenderfer

Name

Accord Restoration, Inc.

Address Telephone No.

7123 Windsor Mill Road, Suite 100

City State Zip Code

Baltimore, MD 21244

City 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 7 day of August 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. 08-366-A

Reviewed By CM Date 2-13-09

REV 10/25/01

ORIGINAL RECEIVED FOR FILING

Estimated Posting Date 2-24-08

Date 7-8-08

By aw

I lost the blessing and use of my home and garage on July 7, 2007. They were both destroyed by an electrical fire. I am filing for a variance for the following reasons:

1. My garage was multifunctional, allowing a car, general storage, a craft workshop, and a small home office.
2. My garage has been used as a storage area for the past seven years for storing items for some fundraisers at my place of employment, Catonsville High School. Our school has very limited storage space due to increasing enrollment of students. In addition, during the summer months, I store many of my classroom supplies in my garage because of summer school sessions and decreased security.
3. One of my hobbies is crafts. Since supplies can be costly, I stock up during sales. I store these items (dried flowers, baskets, glue sticks, etc.) in my garage.
4. My garage was utilized for my own personal storage items. It was organized with hooks, racks, cabinets, shelves, wall boards and the like to accommodate and house a variety of lawn and gardening tools and equipment, lawn furniture, and carpentry tools.
5. The garage was used to house my car. As I approach my 60th birthday in 2008 my body is reminding me of this daily – the leg joints are not what they used to be. I find that walking from my home into my garage, and then into my car is quite advantageous, especially during inclement weather with mounds of snow and patches of ice. It is considerably safer for me to slide into a warm, dry car and proceed to back out of the garage on my way to work. I am not able to do that now, but I am hoping to do so in the very near future.

It would most definitely be a hardship and a burden to lose my garage. My garage has been an asset to the value and use of my home, but most importantly, my garage has been a blessing to my survival and existence.

ZONING DESCRIPTION
#1013 ROWE LAND

BEGINNING at a point on the south side of Rowe Lane which is 50 feet wide at the distance of 38 feet northeast of the centerline of Rowe Court which is 50 feet wide. Being Lot No. 10, Block "F" in the subdivision of "Westview Park" as recorded in the Baltimore County Plat Book #24, folio #110, containing 0.156 acres, more or less. Also known as #1013 Rowe Lane and located in the 1st Election District, 1st Councilmanic District.

A circular professional seal for Michael V. Moskunas, a Professional Surveyor in the State of Maryland. The seal contains the text "STATE OF MARYLAND", "MICHAEL V. MOSKUNAS", "PROFESSIONAL SURVEYOR", and "REG. NO. 21175". A handwritten signature of Michael V. Moskunas is written across the seal.

Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
410.828.9060

**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: #08-386-A

1013 Rowe Lane

S/side of Intersection of
Rowe Court and Rowe Lane
1st Election District

1st Councilmanic District

Legal Owner(s):

Shirley Breitenother

Variance: to allow a side
yard setback of 1 foot 6 in-
ches in lieu of the required
10 feet.

Hearing: Tuesday, April
8, 2008 at 11:00 a.m. in
Room 106, County Office
Building, 111 West Ches-
apeake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
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/3/827 Mar. 25 167899

CERTIFICATE OF PUBLICATION

3/27/, 2008

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 3/25/, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **11030**

Date: **2-13-09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 2/14/2009 2/13/2009 13:10:57 2

REC 002 MAIL JEN JEE
 >>RECEIPT # 543149 2/13/2009 UFLN

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		006		6151				65.00

Total: **65.00**

Rec From: **N. DISSENTIVE & Assoc. PERS. DIVISION**

For: **S. BREIDENBACH - 2015 Power Line**
21270

AD. VILL. OR 761-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Dept 5 520 JIMING VERIFICATION

011030

Recpt Tot 645.00

645.00 CR 6.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

case # 06-366-A

To Permit A Side Yard
Setback Of 16' In Lieu
Of The Required 20 Feet

PUBLIC HEARING ?

PURSUANT TO SECTION 16-07(b)(1), PALMYRA COUNTY CODE

AN EIGHTH MEETING ON GROUP AND

INDIVIDUAL PUBLIC HEARING CONCERNING

THE PROPOSED VARIANCE PERTAINING TO THE REQUEST IS

HELD ON THE 20TH OF APRIL 2006 AT 7:00 PM

IN THE BOARD ROOM, PALMYRA

100 P.M. ON 5/10/06

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PLANNING AND DEVELOPMENT, PALMYRA COUNTY GOVERNMENT BUILDING,
IN WEST CHESTERLAND AVE., TOWNSHIP OF PALMYRA, NEW JERSEY 08054.
FOR MORE INFORMATION, PLEASE CONTACT THE PLANNING DEPARTMENT AT 215-666-1100.

ADMINISTRATIVE NOTICE

ZONING NOTICE

CASE # 08-366-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

Room 106, County Office Building,

PLACE: 111 New Chesapeake Ave Towson MD

DATE AND TIME: April 8, 2008 @ 11:00 AM

REQUEST: Variance To Allow A

Side Yard Setback Of 1 foot between

1st Line Of The Rearyard

10 FEET.

APPROPRIATES ARE TO BE HELD ON THIS COMMISSION FOR CONTINGENT VARIANCE
TO CONSIDER VARIANCE CALL 410-336-1335

LANDSCAPING ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 08-3666-A

Petitioner/Developer: _____

SHIRLEY BRENNER / ACCORD RESTORATION

Date of Hearing/Closing: 3/10/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

Attention:

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 at

1013 ROWE LANE

The sign(s) were posted on

2/22/08
(Month/Day/Year)

Sincerely,

B Leddon
(Signature of Sign Poster/Date)

B LEDDON
(Printed Name)

**SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784**

410-781-4000

CERTIFICATE OF POSTING

RE: Case No.: 08-366-A

Petitioner/Developer: SHIRLEY BREITENOTHER / ACCORD RESTORATION

Date of Hearing/Closing: 4/8/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

Attention:

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 at

1013 ROWE LANE

CATONSVILLE, MD 21204

The sign(s) were posted on 3/18/08
(Month/Day/Year)

Sincerely,

Bill Laddon 3/19/08
(Signature of Sign Poster/Date)

BILL LEDDON
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 366 -A Address 1013 ROWE LANE
Contact Person: CRAIG McGRAW Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2-13-08 Posting Date: 2-24-08 Closing Date: 3-10-08

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- 366 -A Address 1013 ROWE LANE
Petitioner's Name SHIRLEY BREITENOTER Telephone 410-887-0808
Posting Date: 2-24-08 Closing Date: 3-10-08
Wording for Sign: To Permit A SIDE YARD SETBACK OF 1'6" IN
LIEU OF THE REQUIRED 10 FEET

WCR - Revised 6/25/04



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

March 4, 2008
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: 08-366-A

1013 Rowe Lane

S/side of intersection of Rowe Court and Rowe Lane

1st Election District – 1st Councilmanic District

Legal Owner: Shirley Breitenother

Variance to allow a side yard setback of 1 foot 6 inches in lieu of the required 10 feet.

Hearing: Tuesday, April 8, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Shirley Breitenother, 1013 Rowe Lane, Catonsville 21228
Neil Diffenderfer, Accord Restoration, 7123 Windsor Mill Rd., Ste. 100, Baltimore 21244
Vincent Marsiglia, 1011 Rowe Lane, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 24, 2008**
- (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, March 25, 2008 Issue - Jeffersonian

Please forward billing to:
Shirley Breitenother
1013 Rowe Lane
Catonsville, MD 21228

410-887-0808

NOTICE OF ZONING HEARING

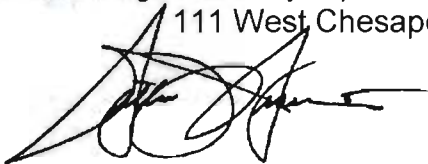
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CASE NUMBER: 08-366-A

1013 Rowe Lane
S/side of intersection of Rowe Court and Rowe Lane
1st Election District – 1st Councilmanic District
Legal Owner: Shirley Breitenother

Variance to allow a side yard setback of 1 foot 6 inches in lieu of the required 10 feet.

Hearing: Tuesday, April 8, 2008 at 11:00 a.m. in Room 106, County Office Building,
111 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

April 2, 2008

Shirley M. Breitenother
1013 Rowe Lane
Catonsville, MD 21228

Dear Mr. Breitenother:

RE: Case Number: 08-366-A, 1013 Rowe Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 13, 2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Neil Diffenderfer Accord Restoration, Inc. 7123 Windsor Mill Road, Suite 100 Baltimore
21244

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 21, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2008
Item No. 08-366

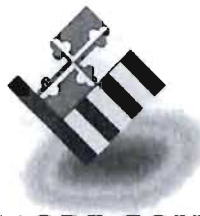
The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The petitioner is advised that construction of this garage may not block the flow of stormwater or divert it onto the neighbor's property.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-366-02212008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 25, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 18, 2008

Item Number: 337,348,355,356,357,359,360,361,362,363,364,365,366,367,368,369
373

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File



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: 2/21/2008

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

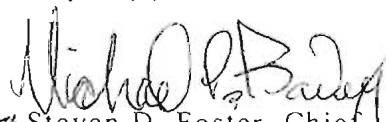
RE: Baltimore County
Item No. E-366-A
1013 ROWE LANE
BREITENOTER PROPERTY
ADMINISTRATIVE VARIANCE

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. E-366-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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 12, 2008

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

SUBJECT: 1013 Rowe Lane

INFORMATION:

Item Number: 8-366

Petitioner: Shirley M. Breitenother

Zoning: DR 5.5

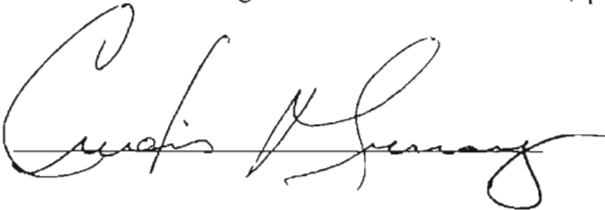
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The requested 1½-foot side yard setback will not allow adequate onsite area for the property owner to build and maintain the proposed garage. This will create a problem if the adjacent property owner or future owners are not cooperative. In situations like this, a maintenance easement should be established on the adjacent property.

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

Reviewed by:



AFK/LL: CM



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 14, 2008

Shirley M. Breitenother
1013 Rowe Lane
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE

S/S of Intersection of Rowe Court & Rowe Lane
1st Election District – 1st Council District
Shirley Breitenother – Petitioner
Case No. 08-366-A

Dear Ms. Breitenother:

I hope this letter finds you well. It has been some time since you appeared before me on April 8, 2008 concerning your garage in the side yard. Immediately following the hearing, I recall you stopped by the Office of Zoning Review to discuss locating the proposed garage in the rear yard.

I now respectfully request a response from you regarding the status of the proposed garage. Please advise whether you wish me to rule on your petition for the garage in the side yard or whether you are placing the structure in the rear yard in accordance with the regulations.

For your convenience, a self-addressed envelope has been provided for your response. Your prompt attention is appreciated.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Neil Diffenderfer, Accord Restoration, Inc., 7123 Windsor Mill Road, Suite 100,
Baltimore, MD 21244
Jack E. Brown, Sr., 1541 Florida Avenue, Severn, MD 21144
Vincent Marsiglia, 1011 Rowe Lane, Baltimore, MD 21228
Charles V. Marsiglia, 2941 Normandy Drive, Ellicott City, MD 21043

RECEIVED
MAY 28 2008

BY:.....

1013 Rowe Lane
Catonsville, MD 21228
May 23, 2008

Dear Commissioner Wiseman:

I have ^{contracted} the services of Michael Miles who is co-owner of Green River Construction. Mr. Miles and his company will be constructing a garage in my back yard according to Baltimore County Code. In fact, they have already secured the necessary permits.

I am, however, truly sorry that you did not rule in my favor to have my original structure replaced at the same location. Had it not been for the fire of July 7, 2007, I would still have that structure today.

I hope this response is sufficient for your records.

Sincerely yours,
Shirley M. Breitenother



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

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

Account Identifier: District - 01 **Account Number -** 0102572680

Owner Information

Owner Name: BREITENOTHER SHIRLEY **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1013 ROWE LA **Deed Reference:** 1) / 6847/ 839
 BALTIMORE MD 21228 2)

Location & Structure Information

Premises Address
 1013 ROWE LA

Legal Description

286 SW OF JOHNNYCAKE RO
 WESTVIEW PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
95	13	186			4A	F	10	1	Plat Ref: 24/ 110

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1959	1,091 SF	6,825.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2007	07/01/2008
Land	33,820	96,820		
Improvements:	10	10		
Total:	33,830	96,830	54,830	75,830
Preferential Land:	0	0	0	0

Transfer Information

Seller: HUNT BARRY NELSON	Date: 01/10/1985	Price: \$83,400
Type: IMPROVED ARMS-LENGTH	Deed1: / 6847/ 839	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:

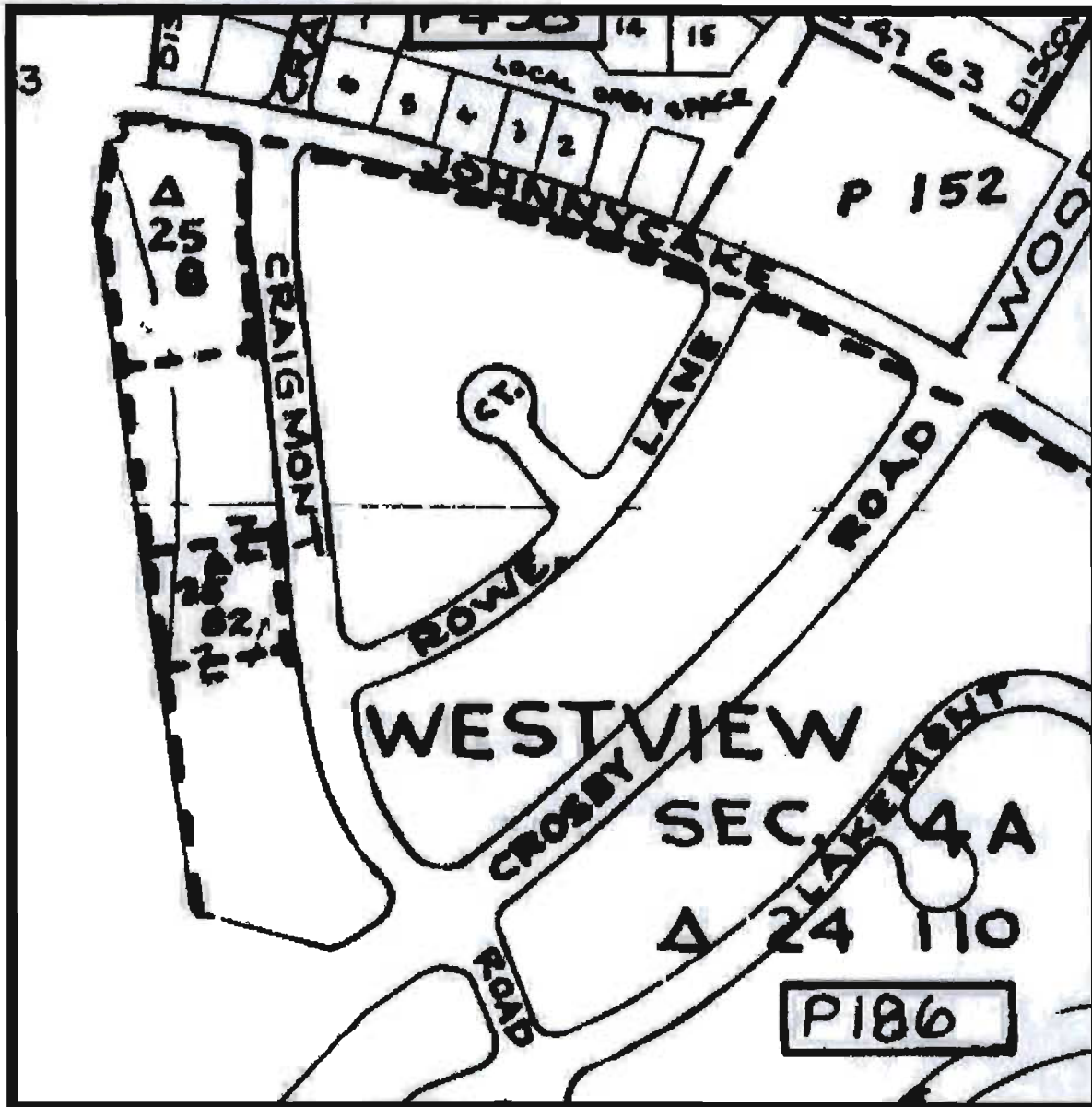
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 01 Account Number - 0102572680



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/tax_mos.htm





DATE 4-8-08

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 08-36-A

DATE 4-8-08

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

VINCE MARSIGLIA

1011 Rowe Lane

BALT MD 21228

CHARLES V. MURSCHELT

2941 DORWANTY DR
2941

ELLIOTT MD 21043
City

Case No.: 08-366-A 1013 ROWE LANE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Photographs
No. 2	Photographs.	
No. 3	Maraigha letter	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 2







1011 Rowe Lane

December 11, 2007

I VINCENT MARSELLA agree
to allow Shirley Bretnolt
residing at 1013 Rowe Lane
Catonsville MD 21228 to
rebuild her garage according
to the following specifications:

11 feet from wall of
1013 Rowe Lane (Bretnolt house)
with approximately a 4 foot
set back for construction

I have dictated this letter
to Shirley Bretnolt, and I
agree to the above with my
signature.

Vincent Marsella

Cell 443-992-5769
Home 410 788-6408

PETITIONER'S

EXHIBIT NO.

3

Case No.: 08-366-A 1013 ROWE LANE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Photographs
No. 2	Photographs.	
No. 3	Moragila letter	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

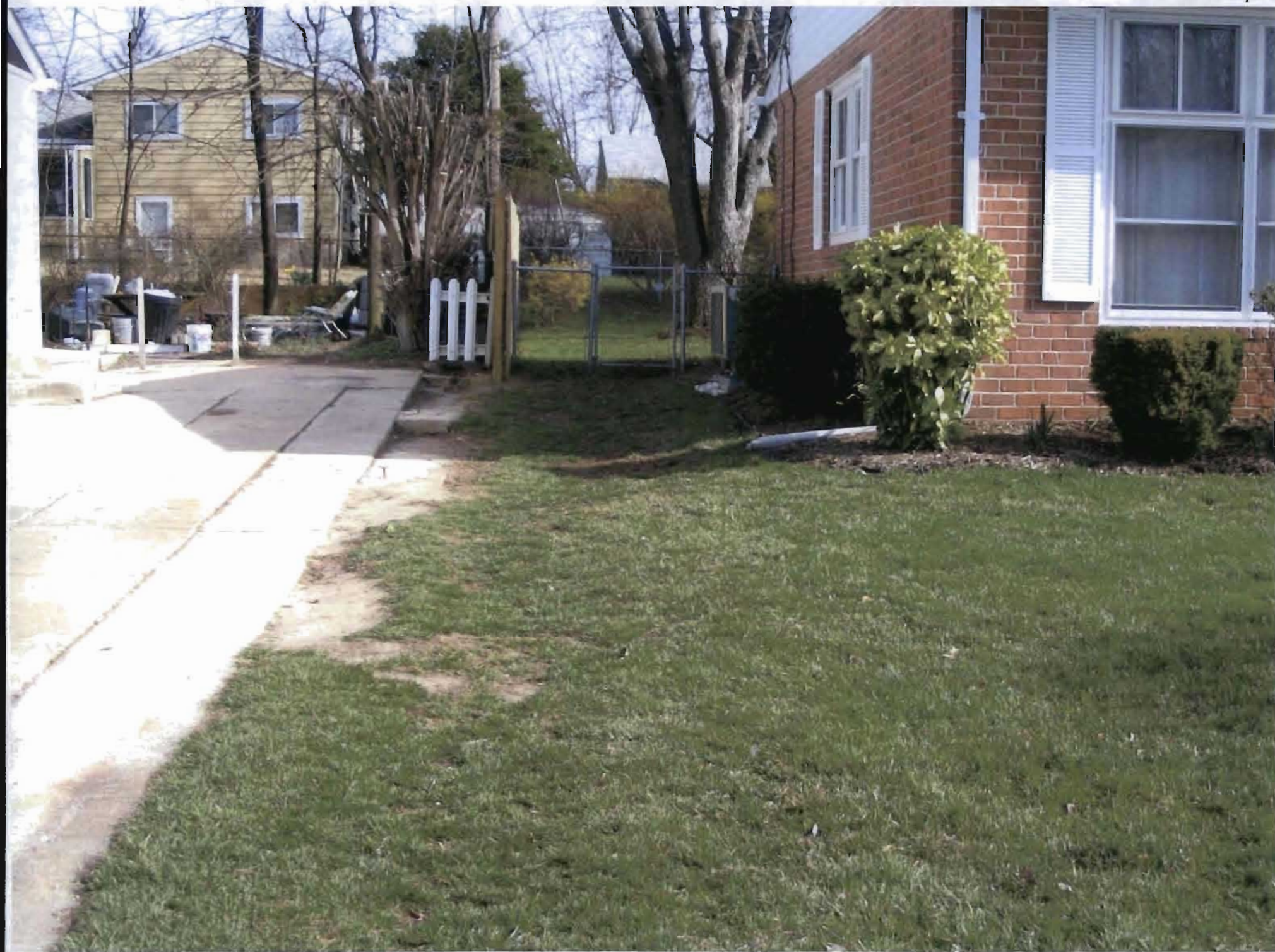


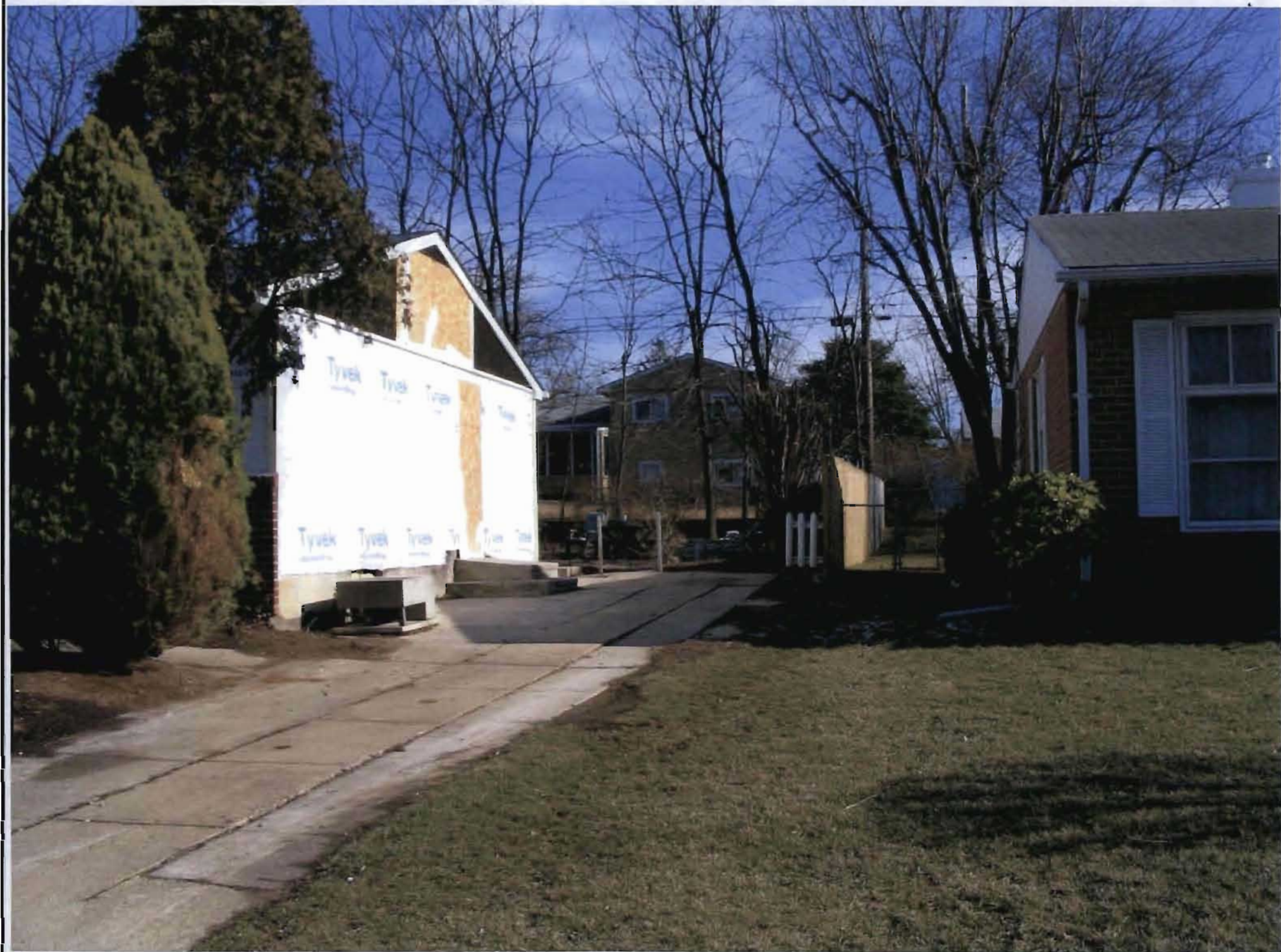
PROTESTANT' S

EXHIBIT NO. 1



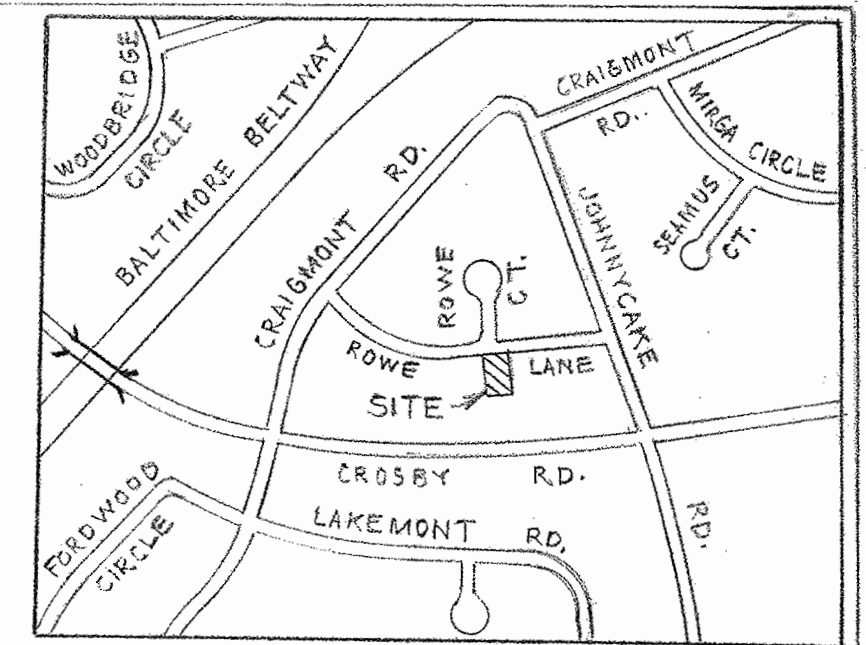






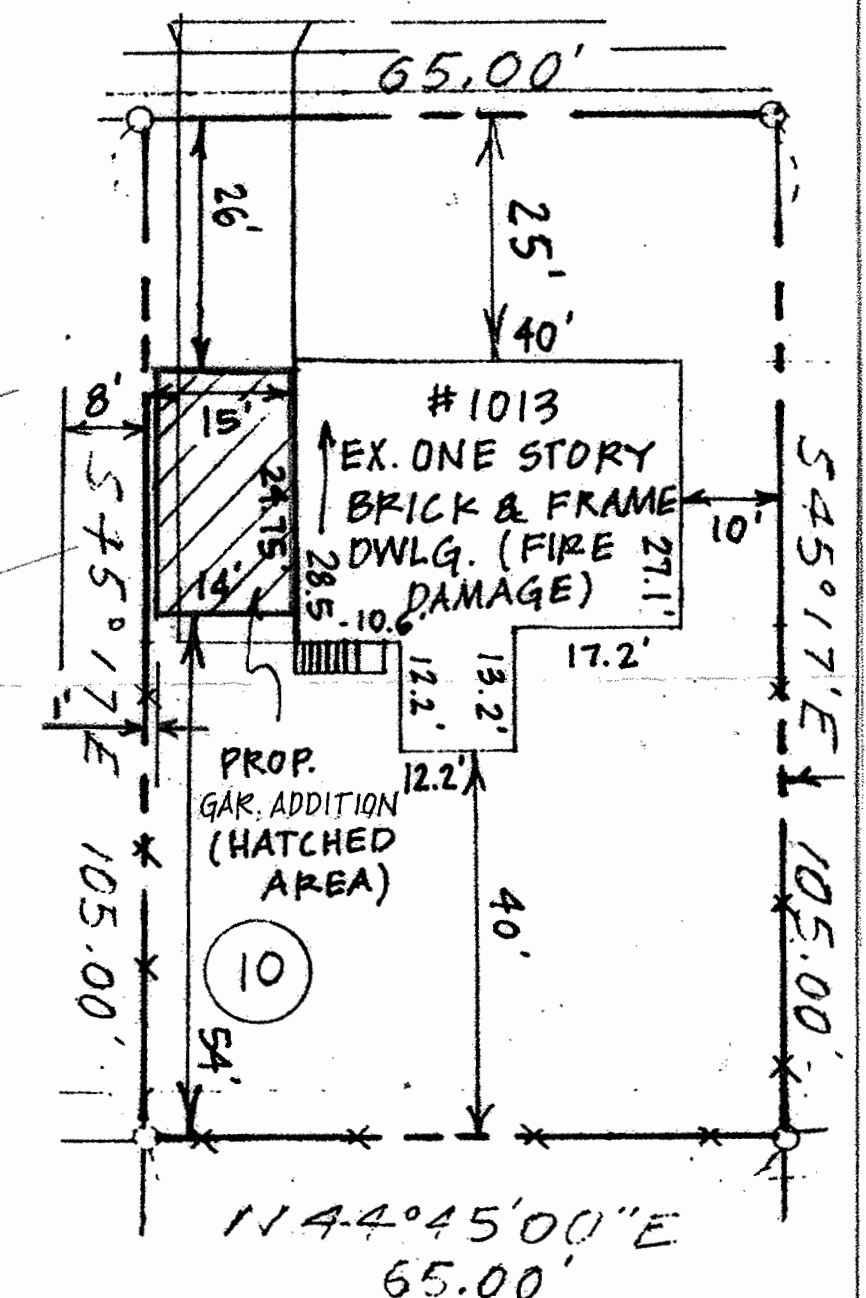
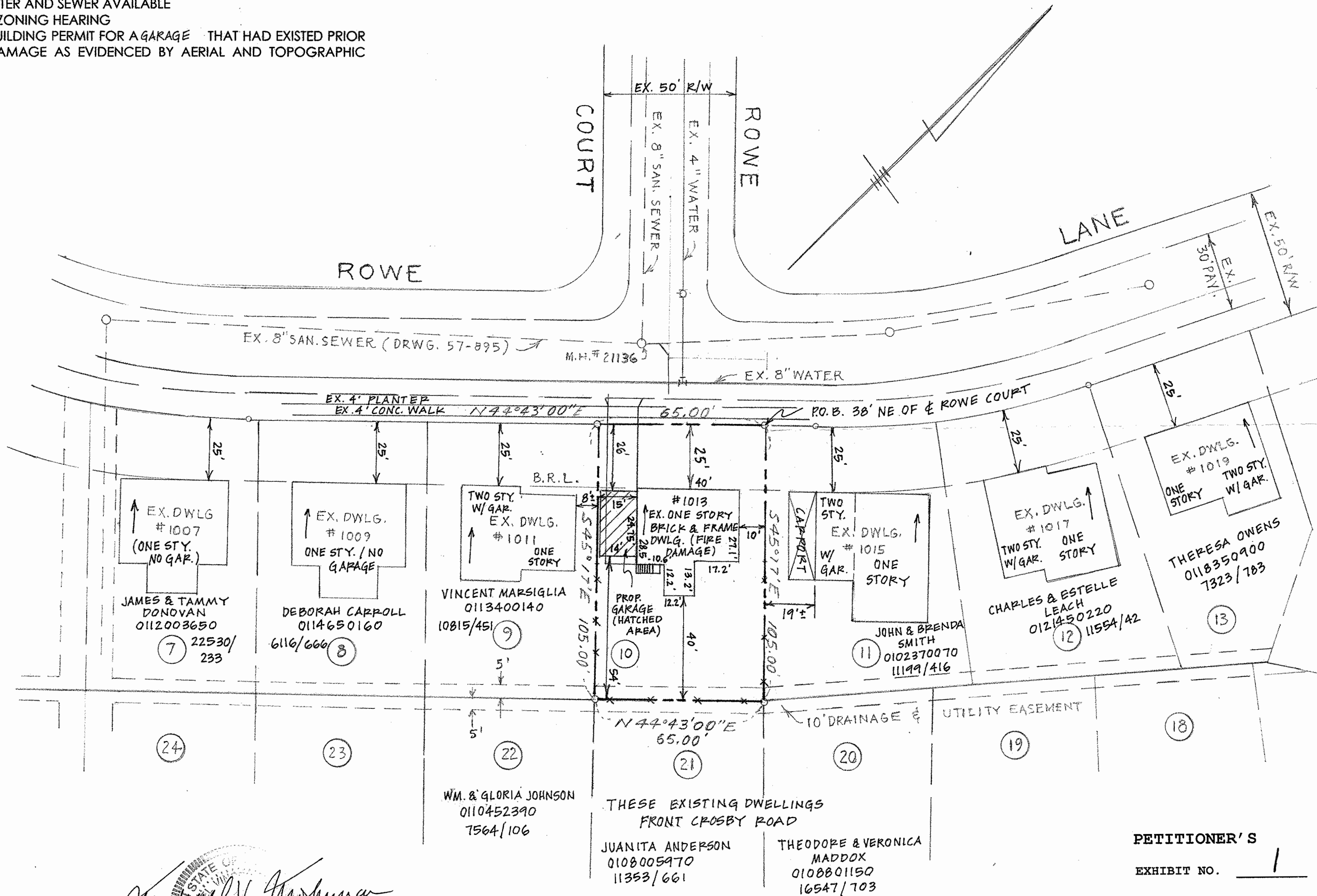
GENERAL NOTES:

1. EXISTING ZONING: D.R.5.5 (095A2)
2. LOT AREA: 6825 S.F. +/- OR 0.156 Ac +/-
3. EXISTING USE: SINGLE FAMILY DWELLING DAMAGED BY FIRE UNDER RENOVATION
4. PROPOSED USE: SFD (CONSTRUCTION OF PRE-EXISTING GARAGE)
5. NOT LOCATED IN AN HISTORIC DISTRICT
6. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
7. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
8. PUBLIC WATER AND SEWER AVAILABLE
9. NO PRIOR ZONING HEARING
10. SEEKING BUILDING PERMIT FOR A GARAGE THAT HAD EXISTED PRIOR TO FIRE DAMAGE AS EVIDENCED BY AERIAL AND TOPOGRAPHIC MAPS



VICINITY MAP

SCALE: 1"=500'



"INSERT" SCALE: 1"=20'

PLAN TO ACCOMPANY ADMINISTRATIVE VARIANCE

#1013 ROWE LANE
LOT 10
BLOCK F
"WESTVIEW PARK" 24/110
ELECTION DISTRICT NO. 1 C1
BALTIMORE COUNTY, MD
SCALE: 1"=30'
DECEMBER 13, 2007
JOB NO. 9634

PETITIONER'S

EXHIBIT NO. 1

OWNER: SHIRLEY BREITENOTHER
1013 ROWE LANE
BALTIMORE MD 21228
TAX MAP: 95 GRID: 13 PARCEL: 186
TAX ACCT. NO. 0102572680
DEED REF.: 6847 / 839