

IN RE: PETITION FOR VARIANCE

W side of Anton Road, 130 +/- feet N
of c/l of Dorland Drive
3rd Election District
2nd Councilmanic District
(3603 Anton Farms Road)

Benjamin Philosophie
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2008-0589-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Benjamin Philosophie. As originally filed, the Petition requested variance relief from Section III.B (1945) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a height of 58 feet in lieu of the maximum permitted 40 feet. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Benjamin Philosophie and Bruce Doak with Gerhold Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan for Petitioner. Ivan Stern appeared as an interested citizen and submitted a letter in opposition to the relief requested prior to the hearing. The case file also contains a letter of opposition dated August 19, 2008 from Morris Silberman, which was marked and accepted into evidence as Protestant's Exhibit 1. There were no other Protestants or interested persons in attendance at the hearing.

At the outset of the public hearing in this matter, Petitioner requested to amend the Petition to reduce the height of the proposed replacement dwelling from 58 feet to 48 feet. Mr. Doak explained that based on discussions with some neighbors, particularly Mr. Stern, his client desired

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10-2-08

h

to reduce the size and height of the proposed dwelling to a degree. I granted Petitioner's request to amend the petition and the hearing proceeded as a request for variance from Section III.B (1945) of the B.C.Z.R. to permit a replacement dwelling with a height of 48 feet in lieu of the maximum permitted 40 feet. At this point, Ivan Stern, who had appeared in opposition to the original variance request, indicated that he supported the amended request and no longer opposed the petition for variance.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing approximately 2.59 acres of land zoned R.C.5. The property is located west of Stevenson Road in the Garrison Farms subdivision located in the Pikesville area of Baltimore County. On behalf of Petitioner, Mr. Doak submitted a number of photographs, which provided an overview of the layout of the subject property and surrounding area. The photographs were marked and accepted into evidence as Petitioner's Exhibits 3A through 3T. To accompany the photographs, Mr. Doak also submitted a marked copy of the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 3. The marked site plan served as a photo key identifying the location and vantage point of each of the accompanying photographs.

Further evidence revealed that the property is currently improved with a one-story single-family dwelling that was constructed in 1964. Petitioner submitted a record plat demonstrating that the property was originally subdivided in 1951, prior to the latest iteration of the B.C.Z.R. The record plat was marked and accepted into evidence as Petitioner's Exhibit 2. Petitioner indicated that he purchased the property in May 2008 and wishes to raze the existing structure and build a new single-family dwelling on the property. Two architectural elevations were submitted, one revealing the structure that was originally proposed and would have required a higher height variance, and the other revealing the structure that is now proposed under the amended petition for

ORIGINAL RECEIVED FOR FILING
10-2-08
[Signature]

variance. The elevations were marked and accepted into evidence as Petitioner's Exhibits 4 and 5, respectively. The elevation drawings reveal that in addition to decreasing the height of the replacement dwelling from 58 to 48 feet, the amended proposal reduces the overall size of the dwelling from approximately 11,000 to 8,000 square feet. The proposed structure is a striking two-story dwelling with a unique architectural detail known as a "light well" in the center of the roofline at the top of the structure. While the light well does not crowd or encompass additional space on the property, it does contribute to the need for a variance, as the dwelling will exceed the maximum permissible height of 40 feet.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 22, 2008, which indicate that the lot in question is within the vested subdivision of Garrison Farms, vested under the "A" Residence zoning regulations, prior to the effective date of the R.C.5 Performance Standards. A replacement dwelling is proposed which has a height of 58 feet in lieu of 40 feet. The proposed replacement dwelling appears to be significantly larger than the existing dwelling, but not out of keeping with other dwellings in the surrounding neighborhood. North and south side elevations are noted on the plan. The Planning Office recommends that the wooded area on the site be maintained, and that the final architectural elevation drawings should reduce the mass of the roof on all elevations.

Considering of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is uniquely shaped and has existed as a lot of record for 57 years, prior to the latest iteration of the B.C.Z.R. The setbacks on the property also provide a narrow building

RECEIVED FOR PLANNING

10-2-08

envelope, and the photographs reveal the maturity of trees and vegetation on the property. These factors, among others, have convinced me that the property is unique in a zoning sense.

I further find that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. Many of the photographs submitted by Petitioner showed that the surrounding area contains a number of large two-story dwellings that resemble the proposed replacement structure much more closely than the existing one-story rancher style home. Since the architecture and style of the new home will fit with the general character of the surrounding neighborhood, and Petitioner has expressed a desire to maintain similar setbacks to many of the homes in the Garrison Farms subdivision, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In addition, it is readily apparent from the photographs of the existing home that it is in a severely dilapidated condition, at least when viewed from the exterior, and would require extensive and expensive repairs or replacement. Petitioner, like some others in the neighborhood, has chosen to build a newer home. Finally, the amended Petition appears to satisfy all of the concerns that were raised in the ZAC comments, and those initially expressed by Ivan Stern, who withdrew any opposition to the request after the Petition was amended at the public hearing. Thus, I find that this variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

COPIES RECEIVED FOR FILING
10-2-08
[Signature]

THEREFORE, IT IS ORDERED this 2nd day of October, 2008 by this Deputy Zoning Commissioner, that Petitioner's amended Variance request from Section III.B (1945) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a height of 48 feet in lieu of the maximum permitted 40 feet be and is hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The wooded area on the site shall be preserved and maintained.

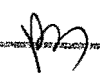
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

FROM RECEIVED FOR FILE

10-2-08





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3603 ANTON FARMS Rd.
which is presently zoned RC-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)

SEE ATTACHED

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

SEE ATTACHED

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 bound 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):

BENJAMIN PHILOSOPHE, TRUSTEE
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Gerhold, Cross & Etzel, Ltd.
Name 410
320 E. Towsontown Blvd #100 823-4470
Address Telephone No.
Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 6-26-98

Case No. 2008-0589-A

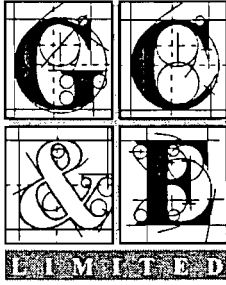
REV 9/15/98

10-208

3603 ANTON FARMS ROAD

VARIANCES REQUESTED

*III.B OF THE 1945 ZONING REGULATIONS TO PERMIT A
REPLACEMENT DWELLING WITH A HEIGHT OF 58 FEET IN LIEU OF
THE MAXIMUM PERMITTED 40 FEET.*



Gerhold, Cross & Etzel, Ltd.

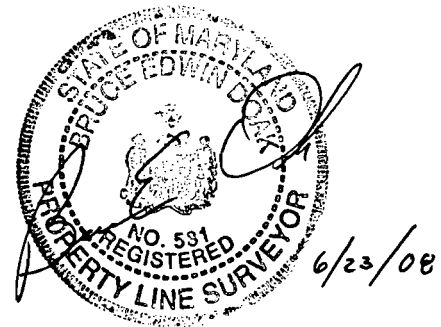
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

June 20, 2008

ZONING DESCRIPTION
THE 2008 BEN PHILOSOPHE FAMILY TRUST PROPERTY
3603 Anton Farms Road
Baltimore County, Maryland

Beginning at a point on the west side of Anton Farms Road which is 50 feet wide at the distance of 130 feet north of the centerline of the nearest improved intersecting street Dorland Drive which is 50 feet wide. Being Lot #9 in the subdivision of Garrison Farms as recorded in Baltimore County Plat Book # 17 Folio #38 containing 2.59 acres more or less. Also known as 3603 Anton Farms Road and located in the 3rd Election District, 2nd Councilmanic District.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **17583**

Date: **6.26.08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65. —

Total: **65. —**

Rec From: **B. Philisophe**

For: **2008-0587-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

DATE RECEIVED
 6/26/2008 6/26/2008 09:12:19
 BY: [Signature]
 TITLE: [Signature]
 OFFICE: [Signature]
 BALTIMORE COUNTY, MARYLAND

**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: # 2008-0589-A
3603 Anton Farms Road
W/side of Anton Farms Road,
130 ft +/- feet north of
centerline of Dorland Drive,
3rd Election District
2nd Councilmanic District
Legal Owner(s): Benjamin
Philosophie, Trustee
Variance: to permit a replace-
ment dwelling with a height of
58 feet in lieu of the maximum
permitted 40 feet.
**Hearing: Wednesday, August
27, 2008 at 9:00 a.m. in
Hearing Room 1, Jefferson
Building, 105 W. Chesapeake
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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.
JT 8/636 Aug. 12 180623

CERTIFICATE OF PUBLICATION

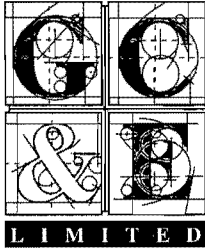
8/14/, 2008

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 8/12/, 2008.

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



LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#08-0589-A
PETITIONER/DEVELOPER:
Benjamin Philosophie
DATE OF HEARING: 8/27/08

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:

3603 Anton Farms Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100

320EAST TOWSONTOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX

POSTED ON: 8 / 08 / 08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 14, 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: 2008-0589-A

3603 Anton Farms Road

W/side of Anton Farms Road, 130 ft +/- feet north of centerline of Dorland Drive

3rd Election District – 2nd Councilmanic District

Legal Owners: Benjamin Philosophe, Trustee

Variance to permit a replacement dwelling with a height of 58 feet in lieu of the maximum permitted 40 feet.

Hearing: Wednesday, August 27, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

COPY

TK:klm

C: Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Ste. 100, Towson 21286 ✓

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 12, 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.

ZONING NOTICE

CASE # :2003-0589-A

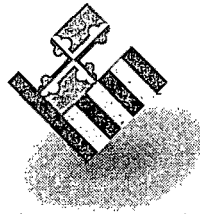
**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.**

Hearing Room 1 Jefferson Building
PLACE: 105 W. Chesapeake Avenue, Towson, MD
**TIME &
DATE :** Thursday, August 27, 2008 at 9:00 a.m.

Variance: to permit a replacement dwelling with a height of
58 feet in lieu of the maximum permitted 40 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 14, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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W/side of Anton Farms Road, 130 ft +/- feet north of centerline of Dorland Drive

3rd Election District – 2nd Councilmanic District

Legal Owners: Benjamin Philosophe, Trustee

Variance to permit a replacement dwelling with a height of 58 feet in lieu of the maximum permitted 40 feet.

Hearing: Wednesday, August 27, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 12, 2008.**
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TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 12, 2008 Issue - Jeffersonian

Please forward billing to:

Gerhold, Cross & Etzel
320 E. Towsontown Blvd, Ste. 100
Towson, MD 21286

410-823-4470

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: 2008-0589-A

3603 Anton Farms Road

W/side of Anton Farms Road, 130 ft +/- feet north of centerline of Dorland Drive

3rd Election District – 2nd Councilmanic District

Legal Owners: Benjamin Philosophe, Trustee

Variance to permit a replacement dwelling with a height of 58 feet in lieu of the maximum permitted 40 feet.

Hearing: Wednesday, August 27, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. 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.

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/neighbor 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.

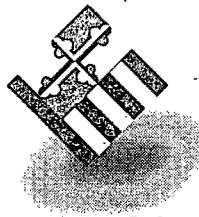
For Newspaper Advertising:

Item Number or Case Number: 0589
Petitioner: THE 2008 BEN PHILOSOPHE FAMILY TRUST
Address or Location: ~~201 SAINT~~ 3603 ANTON FARMS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BENJAMIN PHILOSOPHE
Address: 201 SAINT MARTIS ROAD
BALTIMORE, MD. 21218-1819
Telephone Number: 410-823-4470

Revised 2/20/98 - SCJ



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

August 20, 2008

Gerhold, Cross & Etzel, Ltd.
320 E. Towsontown Blvd. #100
Towson, MD 21286

Dear: Gerhold, Cross & Etzel, Ltd.

RE: Case Number 2008-589-A, 3603 Anton Farms Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 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,

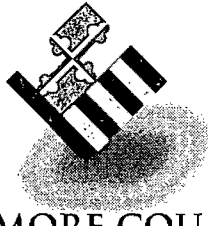
A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 7, 2008

Item Number: 0519a, 0520a, 0583, 0584, 0585, 0587, 0589, 0590, 0591, 0592, 0593

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For July 14, 2008
Item Nos. 08-0519, 0520, 0581, 0583,
0585, 0587, ~~0589~~, 0590, 0592, and 0593

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

DAK:CEN:lrk

cc: File

ZAC-07082008-NO COMMENTS



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

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

Maryland Department of Transportation

Date: July 11, 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 2008-0689-A
3603 ANTON FARMS RD
BENJAMIN PHILOSOPHE PROPERTY
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,

A handwritten signature in black ink that reads "Steven D. Foster".

Foster
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



TB 8/27
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 22, 2008

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

SUBJECT: 3603 Anton Farms Road

INFORMATION:

Item Number: 8-589

Petitioner: Benjamin Philosophie, Trustee

Zoning: RC 5

Requested Action: Variance

RECEIVED
JUL 24 2008

BY:

The lot in question is within the vested subdivision of Garrison Farms, vested under the "A" Residence zoning regulations, prior to the effective date of the RC5 Performance standards. A replacement dwelling is proposed which has a height of 58 feet in lieu of 40 feet. The proposed replacement dwelling appears to be significantly larger than the existing dwelling but not out of keeping with other dwellings in the surrounding neighborhood. North and south side elevations are noted on the plan.

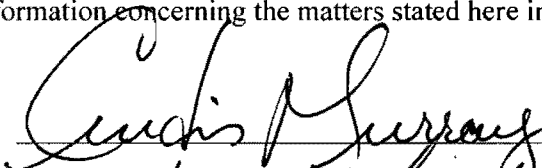
SUMMARY OF RECOMMENDATIONS:

In the event that the petitioner is able to demonstrate hardship or practical difficulty and the variance is granted, it is recommended that the wooded areas on site be maintained.

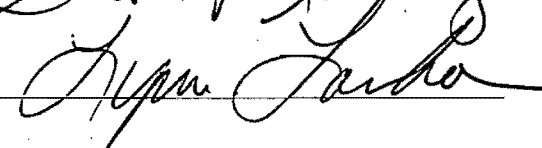
It is also recommended that the final architectural elevation drawings should reduce the mass of the roof on all elevations.

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

Reviewed by:



Division Chief:
AFK/LL: CM



RE: PETITION FOR VARIANCE * BEFORE THE
3603 Anton Farms Road; W/S Anton Farms *
Rd, 130' N c/line of Dorland Drive * ZONING COMMISSIONER
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): Benjamin Philosphe * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-589-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUL 11 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 , Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Morris Silberman

3601 Anton Farms Road, Baltimore, MD 21208

Ph: 410-484-9033

Fax: 410-653-5045

October 7, 2008

RECEIVED
OCT 08 2008

BY:

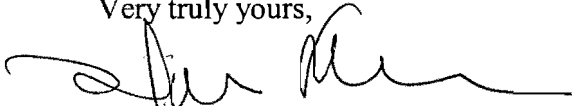
Thomas H. Bostwick
Deputy Zoning Commissioner
For Baltimore County
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: Case #2008-0589-A

Dear Mr. Bostwick,

I am sorry I was not able to meet with your group concerning the variance that you subsequently gave to Mr. Philosophie. After reviewing your summary letter of October 2, 2008 I concur that the adjustment in height variance from 58 ft. to 48 ft. was correct. Your review of the elevations and plans indicated that we would not suffer adversely in having such a fine home built in our neighborhood. I thank you again for your effort in this adjudication.

Very truly yours,



Morris Silberman
3601 Anton Farms Road
Baltimore, MD 21208



DATE 8/27/08

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME

CASE NUMBER 2008-0589-A

DATE 8-27-08

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 7008-0589-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	8-19-08 Letter of Opposition From neighbor at 3601
No. 2	Record Plat	
No. 3 A-T	Site Plan (Key for photos) Photographs	
No. 4	Architectural Elevation (ORIGINAL)	
No. 5	Architectural Elevation (REVISED)	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 3A-T







































TB 8/27
9am

Morris Silberman

3601 Anton Farms Road, Baltimore, MD. 21208

Ph: 410-484-9033

Fax: 410-653-5045

RECEIVED
AUG 20 2008

August 19, 2008

BY:.....

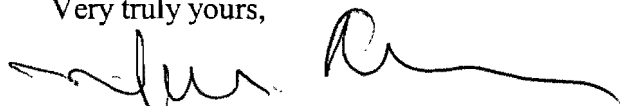
Baltimore County Zoning Commission
105 W. Chesapeake Avenue, Hearing Room #1
Baltimore, MD. 21204

Re: Case #206-0589A
3603 Anton Farms Road

Dear Sirs:

I, as an owner of the home next door to 3603 Anton Farms Road, am opposed to any height variance over the 40 ft. allowable height limitation for a single family residence. I write this letter to your office since I will be unable to appear in person at the scheduled hearing to protest.

Very truly yours,



Morris Silberman
3601 Anton Farms Road
Baltimore, MD 21208

PROTESTANT' S

EXHIBIT NO. 1

IVAN STERN

3605 ANTON FARMS RD.

(410)486-5470

BALTIMORE, MARYLAND 21208

TB
8-27-08
9AM

Via Fax: (410)887-3468

August 26, 2008

Attention: Zoning Commissioner
CASE NUMBER: 2008-0589-A
3603 Anton Farms Road
3rd Election District, 2nd Council District
Legal Owner: Benjamin Philosophe

Dear Commissioner,

The undersigned is the Legal Owner of 3605 Anton Farms Road next door to the Case under consideration for height variance.

Having seen the plans submitted for the variance, I am opposed to the 58 ft. height requested because it is totally inconsistent with the houses in the neighborhood, which are mostly single story. The height of the three two story houses is within the height limitation of 40 ft. in force for the neighborhood.

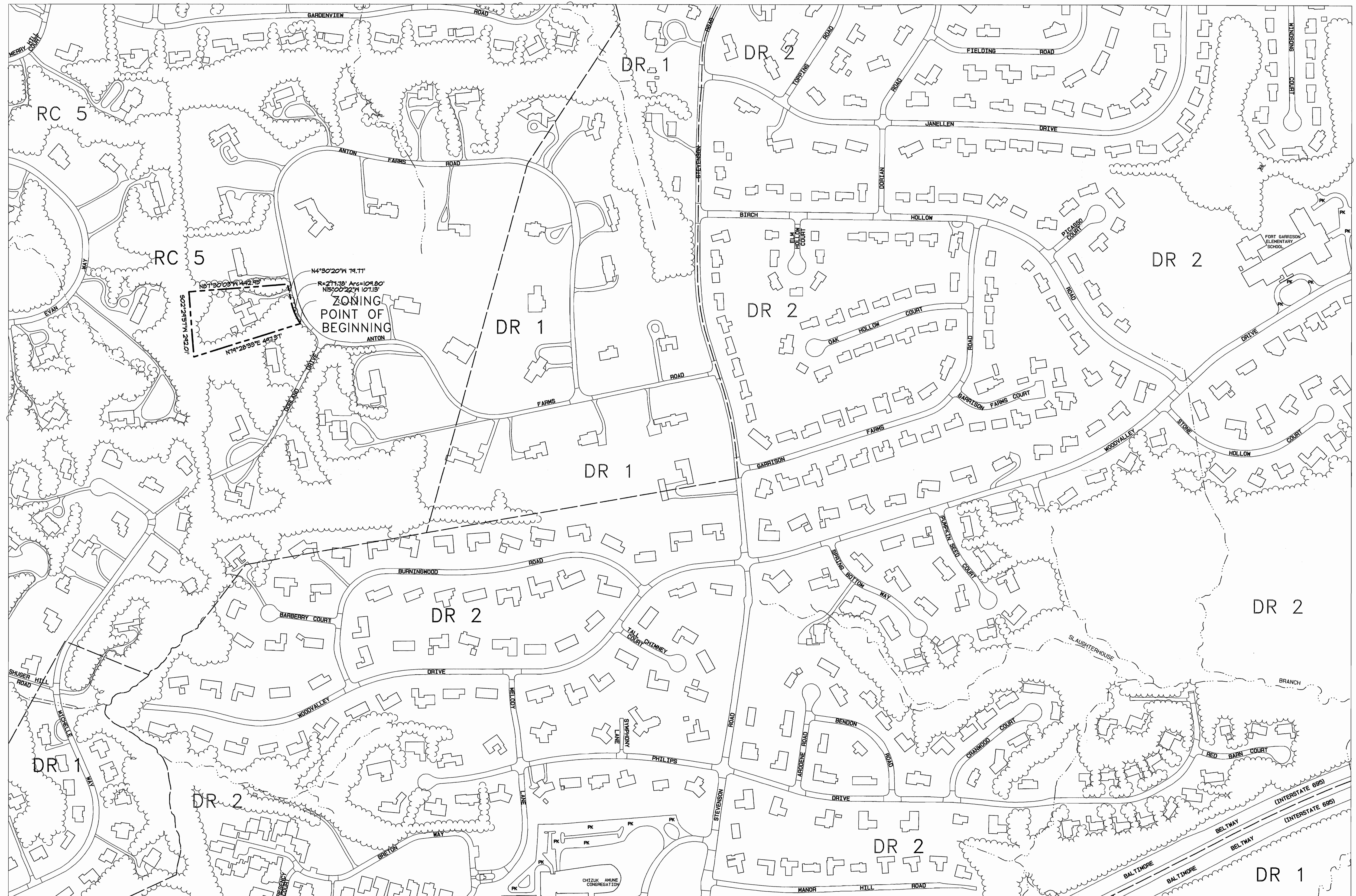
The plans show side and rear elevations of three stories the height of which would be in excess of 60 ft.

In view of the above I request that you maintain the height limitation at or near 40 ft.

Sincerely yours,



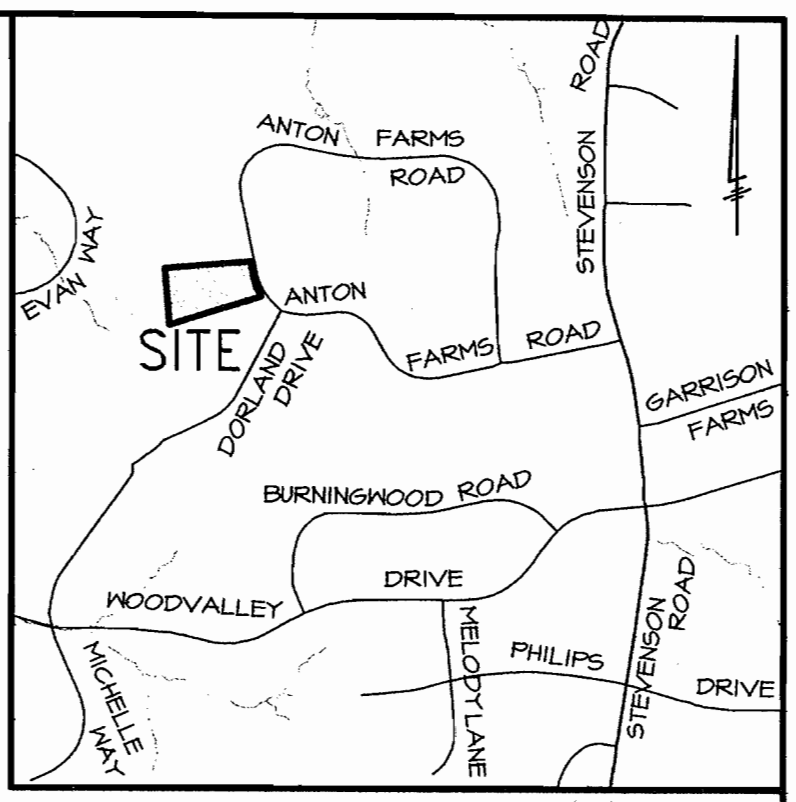
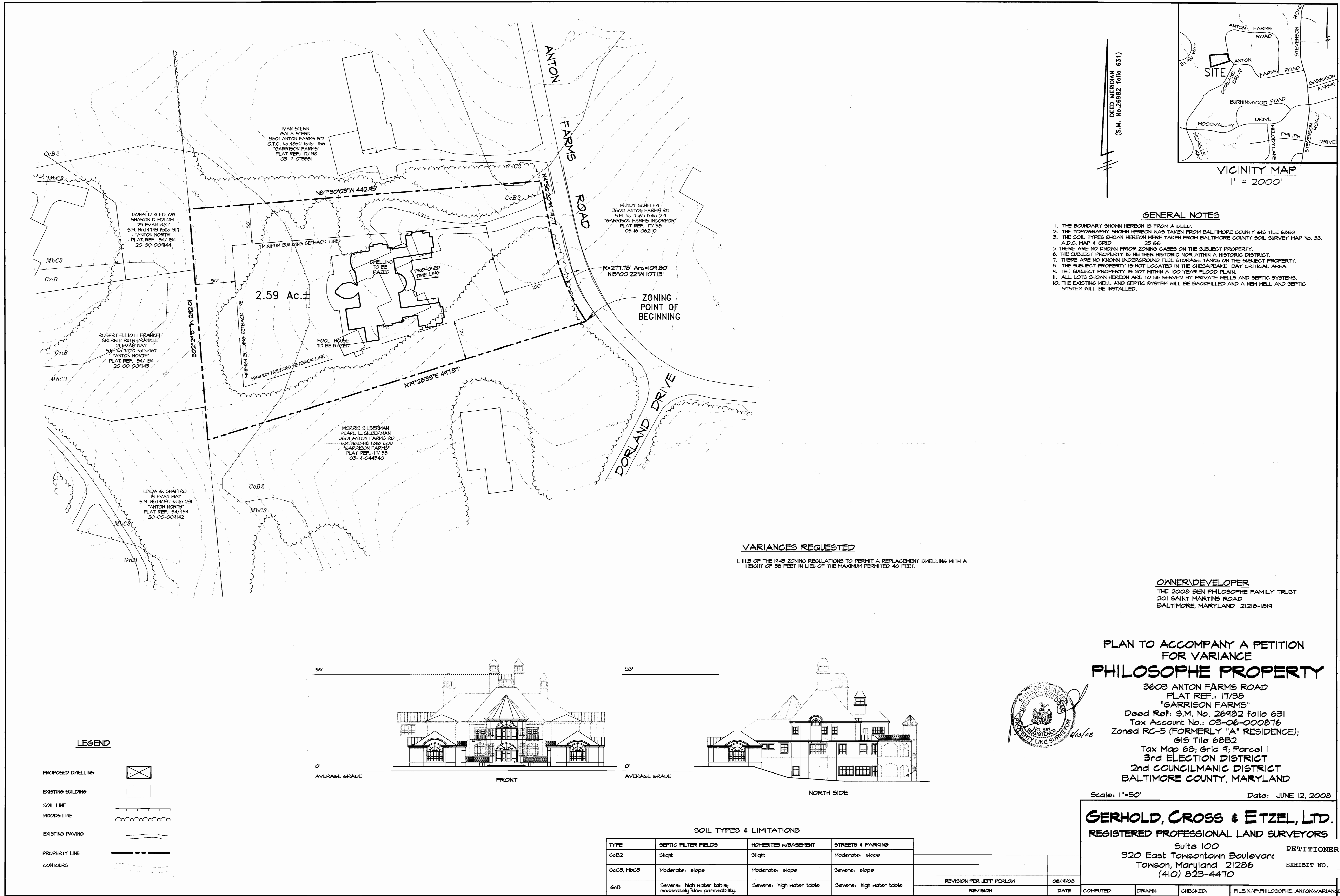
Ivan Stern
3605 Anton Farms Road
Baltimore, MD 21208



ZONING MAP

GIS TILE: 68B2

SCALE: 1" = 200'



GENERAL NOTES

- 1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
- 2. THE TOPOGRAPHY SHOWN HEREON HAS BEEN TAKEN FROM BALTIMORE COUNTY GIS TILE 60B2.
- 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 33, A.D.C. MAP # GRID 25 66.
- 4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
- 5. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
- 6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- 7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- 8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- 9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- 10. THE EXISTING WELL AND SEPTIC SYSTEM WILL BE BACKFILLED AND A NEW WELL AND SEPTIC SYSTEM WILL BE INSTALLED.

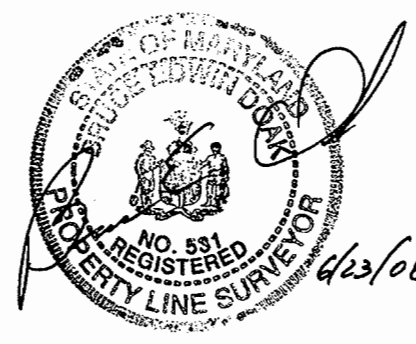
VARIANCES REQUESTED

- 1. III.B OF THE 1945 ZONING REGULATIONS TO PERMIT A REPLACEMENT DWELLING WITH A HEIGHT OF 50 FEET IN LIEU OF THE MAXIMUM PERMITTED 40 FEET.

OWNER/DEVELOPER
THE 2008 BEN PHILOSOPHE FAMILY TRUST
201 SAINT MARTINS ROAD
BALTIMORE, MARYLAND 21218-1819

PLAN TO ACCOMPANY A PETITION
FOR VARIANCE
PHILOSOPHE PROPERTY

3603 ANTON FARMS ROAD
PLAT REF.: 17/38
"GARRISON FARMS"
Deed Ref: S.M. No. 26982 folio 631
Tax Account No.: 03-06-000876
Zoned RC-5 (FORMERLY "A" RESIDENCE);
GIS Tile 60B2
Tax Map 68; Grid 9; Parcel 1
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=50' Date: JUNE 12, 2008

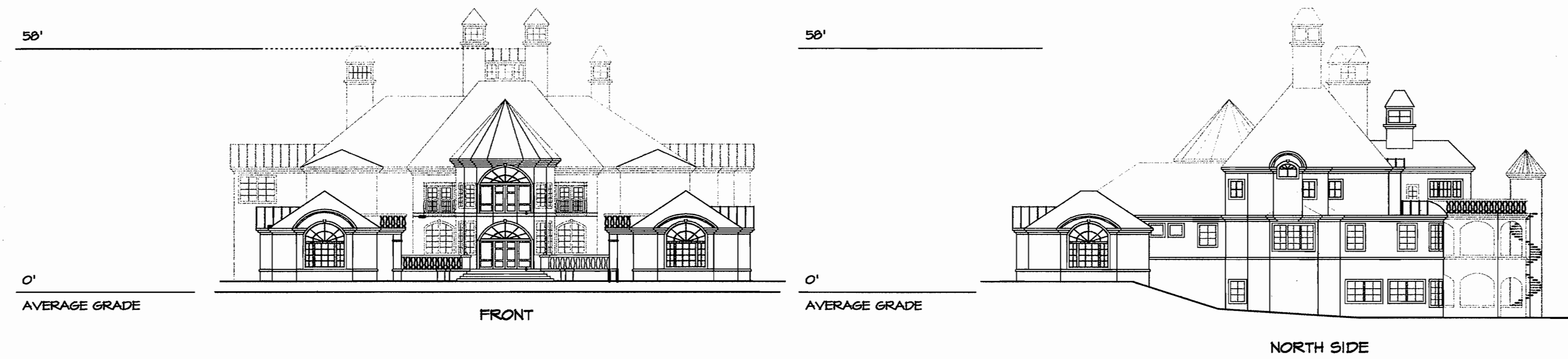
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PETITIONER'S
EXHIBIT NO. 1

LEGEND

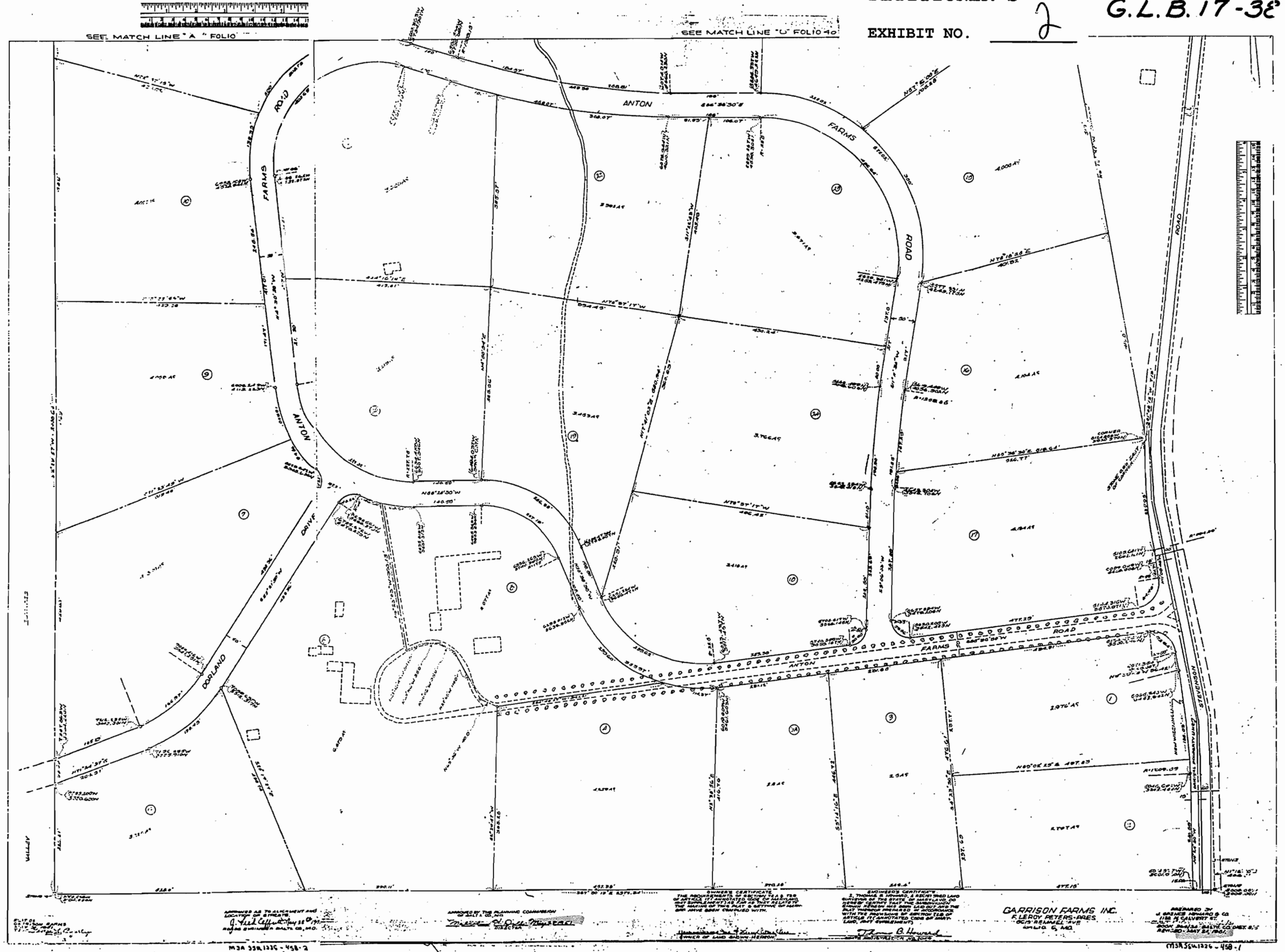
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS



SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
CcB2	Slight	Slight	Moderate: slope
CcC3, MbC3	Moderate: slope	Moderate: slope	Severe: slope
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table

REVISION PER JEFF PERLOW	06/19/08	COMPUTED:	DRAWN:	CHECKED:	FILE:X:\PHILOSOPHE_ANTON\VARIANC
REVISION	DATE				Epro



APPROVED AS TO ALIGNMENT AND LOCATION OF HIGHWAY
 G. L. B. 17-38
 MSA 5541226-458-2

APPROVED BY THE PLANNING COMMISSION
 MSA 5541226-458-2

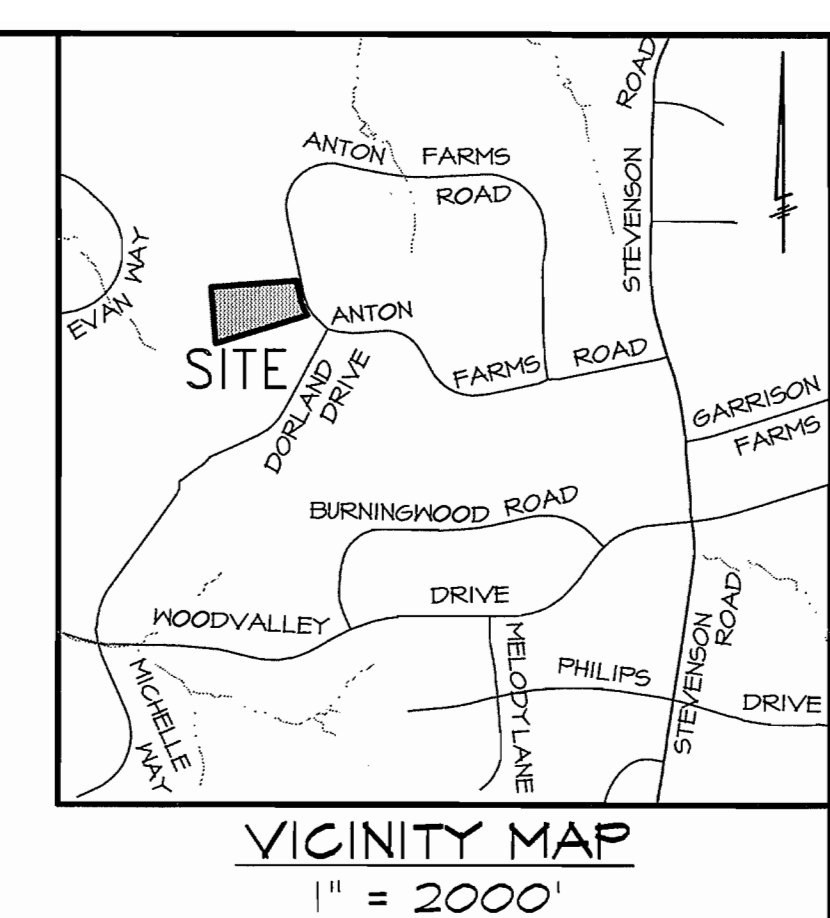
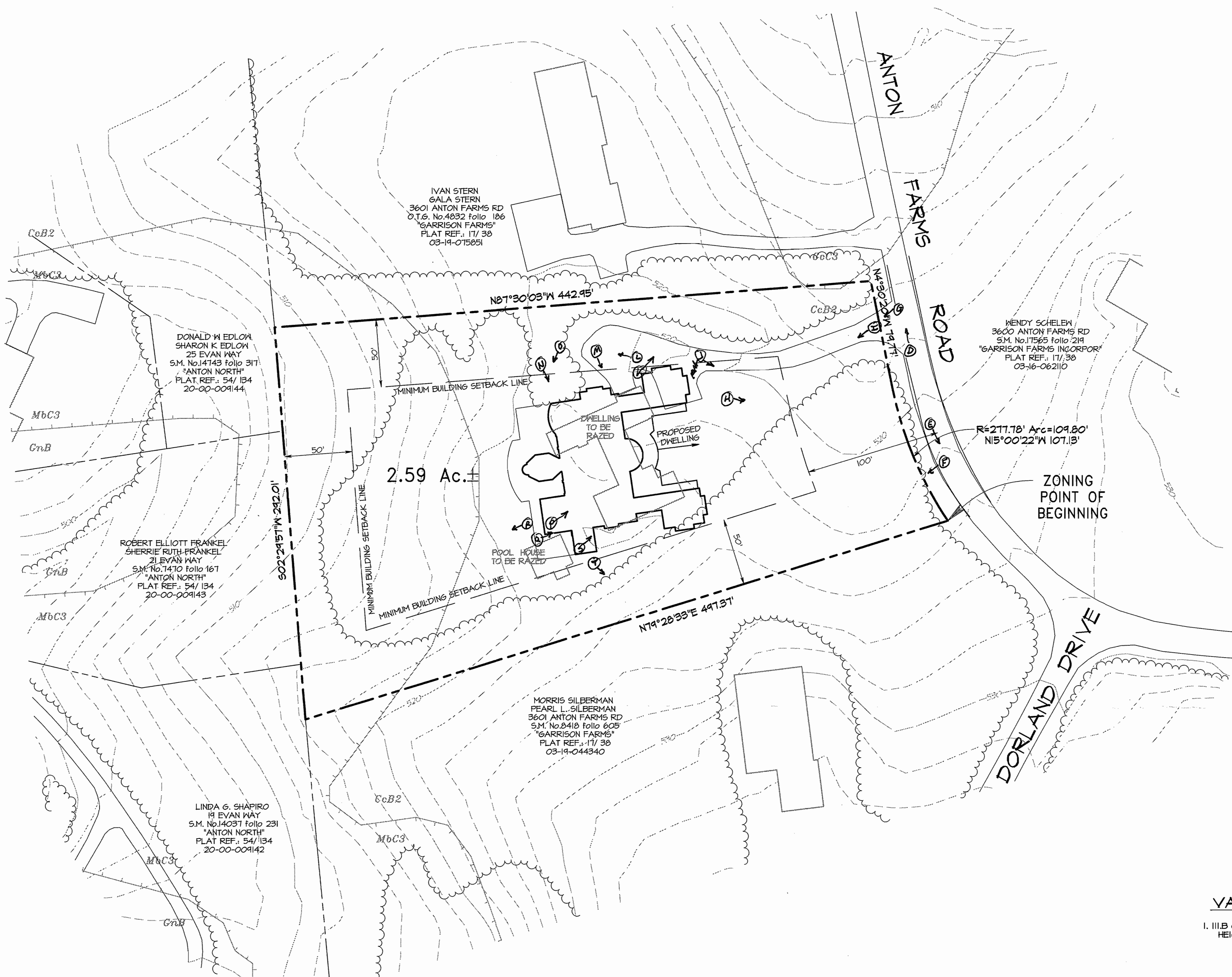
THE REQUIREMENTS OF SECTION 24 & 25 OF ARTICLE 17, CHAPTER 200, OF THE CODE OF MARYLAND, RELATIVE TO THE SUBDIVISION OF LAND INTO LOTS, AND THE REQUIREMENTS OF THE PLANNING COMMISSION, HAVE BEEN COMPLIED WITH.

ENCLOSURE CERTIFICATE
 I, THOMAS B. HARRISON, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE SUBDIVISION SHOWN HEREON WAS Laid Out AND THE LOTS THEREON WERE Laid Out IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 200 OF THE CODE OF MARYLAND, AND THE REQUIREMENTS OF THE PLANNING COMMISSION.

GARRISON FARMS INC.
 F. LEROY PETERS-ARES
 6015 REARVIEW AVE
 BALTIMORE, MD.

PREPARED BY
 J. B. BARNES & CO.
 1115 N. CALVERT ST.
 BALTIMORE, MD.

MSA 5541226-458-1



- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 60B2.
 3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 33, A.D.C. MAP # GRID 25 66.
 5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
 6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
 7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
 8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 4. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
 11. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
 10. THE EXISTING WELL AND SEPTIC SYSTEM WILL BE BACKFILLED AND A NEW WELL AND SEPTIC SYSTEM WILL BE INSTALLED.

VARIANCES REQUESTED

1. III.B OF THE 1945 ZONING REGULATIONS TO PERMIT A REPLACEMENT DWELLING WITH A HEIGHT OF 58 FEET IN LIEU OF THE MAXIMUM PERMITTED 40 FEET.

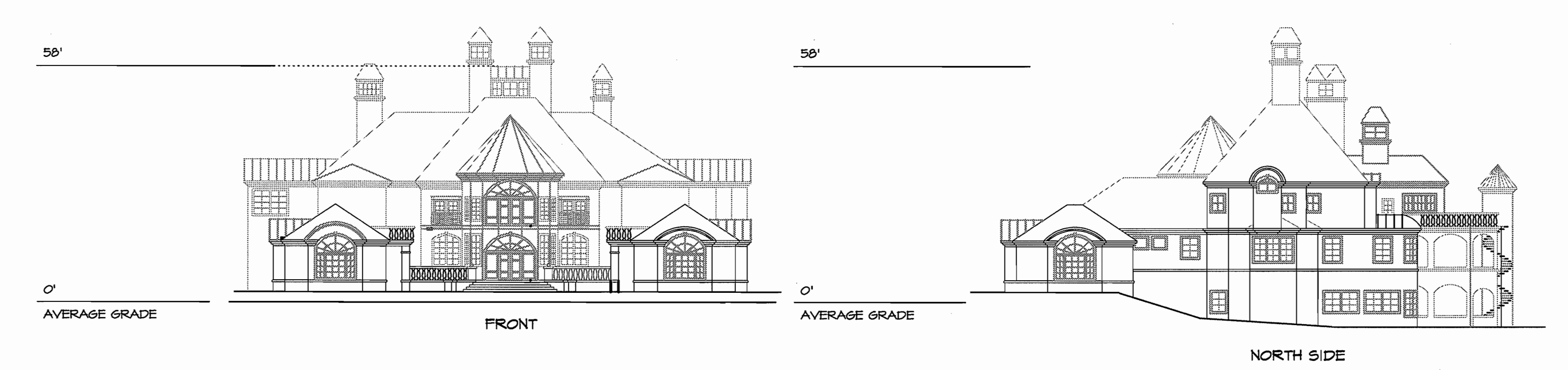
OWNER/DEVELOPER
THE 2008 BEN PHILOSOPHE FAMILY TRUST
201 SAINT MARTINS ROAD
BALTIMORE, MARYLAND 21218-1819

Plan to Accompany Photographs
PLAN TO ACCOMPANY A PETITION FOR VARIANCE
PHILOSOPHE PROPERTY
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PLAT REF.: 17/38
"GARRISON FARMS"
Deed Ref.: S.M. No. 26982 folio 631
Tax Account No.: 03-06-000876
Zoned RC-5 (FORMERLY "A" RESIDENCE);
GIS Tile 68B2.
Tax Map 68; Grid 9; Parcel 1
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50' Date: JUNE 12, 2008

LEGEND

- PROPOSED DWELLINGS
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS



SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING		
CcB2	Slight	Slight	Moderate: slope		
GcC3, MbC3	Moderate: slope	Moderate: slope	Severe: slope		
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table	REVISION PER JEFF PERLOW	06/19/08
				REVISION	DATE

COMPUTED:

DRAWN:

CHECKED:

FILE:X:\PHILOSOPHE_ANTON\VARIANE

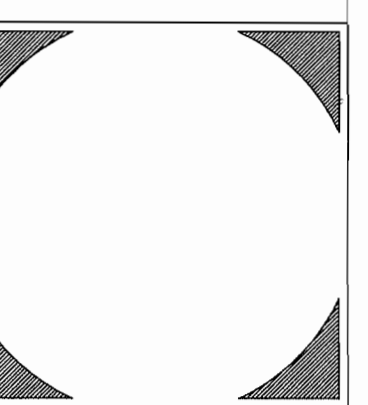
PRO

PETITIONER'S

EXHIBIT NO.

3

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



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 THAN THAT FOR WHICH IT IS SPECIFICALLY
 FURNISHED AND IS SUBJECT TO RETURN ON
 DEMAND.

PHILOSPHIE MANOR
RESIDENCE

3603 ANTON FARMS ROAD
BALTIMORE, MD 21208

OWNER/DEVELOPER

NO.	DESCRIPTION	DATE
	SD PACKAGE	05-27-08
	REVISED	06-20-08

☒	FOR REVIEW
☐	NOT RELEASED FOR CONSTRUCTION
☐	FOR PERMIT
☐	FOR CONSTRUCTION

RAWN BY: WPT

REVIEWED BY: WPT

PROJECT NO.:	08002
--------------	-------

DATE: 03-31-08

SALE:	AS SHOWN
-------	----------

WG:

EAST
ELEVATION

SHEET NO.:

A-2.0



EAST ELEVATION
SCALE: 3/16" = 1'-0"

PETITIONER'S
EXHIBIT NO. 4

