

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Burdock Road; 285 feet E of
Denberg Road
3rd Election District
1st Councilmanic District
(2113 Burdock Road)

Eugene and Silvia Schmelzer
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0230-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Eugene and Silvia Schmelzer for property located at 2113 Burdock Road. The variance request is from Sections 205.2 and 205.3 (1955-1971) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage) with a front building line setback of 34 feet and a street centerline setback of 59 feet, and also to permit a side yard setback of 6 feet 8 inches all in lieu of the required 40 feet, 65 feet, and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated March 10, 2010 which indicated that permanent structures may not be built in a drainage and utility easement. This would include the garage wall footing. Petitioners may apply to the County for release of the easement or revise the drawing to remove the structure from the easement. Comments were received from the Office of Planning dated March 24, 2010 which indicates that the property is in the Greengate development plan, a single family development built in the 1970s. The Petitioners seek to modernize the dwelling with a garage addition to the side of

ORDER RECEIVED FOR FILING

Date 6.2.10

By pm

the dwelling which necessitates the 5 feet side yard variance in lieu of 15 feet. The Planning Office does not oppose the requested variance provided the Office of Planning reviews and approves the architectural elevation drawings for the addition prior to application of any building permit.

The Petitioners originally requested an Administrative Variance (closing date of March 29, 2010) to permit a garage addition on a dwelling with a setback to the side lot line of 5 feet in lieu of the required 15 feet. Upon review the Petition, site plan and the ZAC comments, the Undersigned wrote a letter to the Petitioners on April 6, 2010. The Petitioners were asked if they wished to revise the location of the garage wall footing, reduce the size of the garage or seek release of the easement. In a letter dated April 23, 2010, Petitioners indicated they examined the option of reducing the size of the proposed garage in order to prevent encroachment on the easement. However, this would result in a garage that is inadequate to accommodate two cars side by side. They also looked into the possibility of applying for the release of the easement from Baltimore County; however the application and approval process are costly and lengthy. In light of these issues, Petitioners indicated that they wanted to change the configuration of the garage from side by side to a tandem arrangement which will avoid any encroachment into the easement. Petitioners subsequently met with a representative from the Zoning Review Office to revise the Petition and the accompanying site plan. The revised Administrative Variance request is now the subject of this Order. County agencies have reviewed the amended Petition and site plan and have no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 2, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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Date 6.2.10

By ps

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of June, 2010 that a variance from Sections 205.2 and 205.3 (1955-1971) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage) with a front building line setback of 34 feet and a street centerline setback of 59 feet, and also to permit a side yard setback of 6 feet 8 inches all in lieu of the required 40 feet, 65 feet, and 15 feet, respectively is hereby GRANTED, subject to the following:

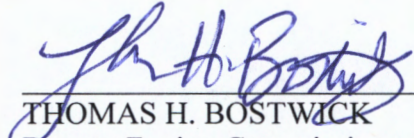
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Office of Planning shall review and approve the architectural elevation drawings for the addition prior to the application of any building permit.

ORDER RECEIVED FOR FILING

Date _____

By _____ 3

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

ORDER RECEIVED FOR FILING

Date 6.2.10

By PB 4



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 2, 2010

EUGENE AND SILVIA SCHMELZER
2113 BURDOCK ROAD
BALTIMORE MD 21209

Re: Case Number: 2010-0230-A

Dear Mr. and Mrs. Schmelzer:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

ORIGINAL
KEEP IN
FILE

REVISED



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2113 Burdock Road

which is presently zoned Residential DR 2

Deed Reference: 28 910 / 429 Tax Account # 160001228

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) 205.2 AND .3 BCZR (1955-T1)

TO PERMIT A PROPOSED ADDITION (GARAGE) WITH A FRONT BUILDING LINE SETBACK OF 34 FT. AND A STREET CENTER LINE SETBACK OF 59 FT. AND ALSO TO PERMIT A SIDE YARD SETBACK OF 6 FT. 8 INCHES ALL IN LIEU OF THE REQUIRED 40 FT., 65 FT., AND 15 FT., RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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

Address

Date

Telephone No.

City

State

Zip Code

Legal Owner(s):

Eugene Schmelzer

Name - Type or Print

Signature

Silvia Schmelzer

Name - Type or Print

Signature

2113 Burdock Road

410-504-5181

Address

Telephone No.

Baltimore

Maryland

21209

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 _____ 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.

2010-0230-A

Reviewed By

JL

Date

4/30/10

Estimated Posting Date

5/04/10

REV.
ORIGINAL
KEEP IN FILE

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 own and reside at 2113 Burdock Road
Address number Road or Street name
and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

1. Cleaning of snow and ice off automobiles imposes hardship, especially on Mrs. Schmelzer when Mr. Schmelzer is away.
2. We are concerned about personal security when walking directly into the house, especially at night.
3. We are concerned about personal security when carrying groceries, etc into the house in the open.
4. The garage will help preserve the value of the automobiles.
5. An attached side by side two car garage would be desirable, however, it would be extremely tight due to the 5' easement. A tandem garage is planned to avoid encroaching on the easement.
6. There is no existing entryway to locate the garage on the west side of the house.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Eugene Schmelzer
Signature

Eugene Schmelzer

Name- print or type

Silvia Schmelzer
Signature

Silvia Schmelzer

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 23RD day of Apr. 1, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): EUGENE SCHMELZER AND SILVIA SCHMELZER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Nancy P. Hartner
Name of Notary Public

9/18/11
Commission expires

PLACE SEAL HERE:





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 6, 2010

EUGENE AND SILVIA SCHMELZER
2113 BURDOCK ROAD
BALTIMORE MD 21209

Re: Case Number: 2010-0230-A

Dear Mr. and Mrs. Schmelzer:

Your request for Administrative Variance has been given to me for review. We are in receipt of Zoning Advisory Committee (ZAC) comments from the Bureau of Development Plans Review dated March 10, 2010 which states: "Permanent structures may not be built in a drainage and utility easement. This would include the garage wall footing. Developer may apply to the County for release of the easement or revise the drawing to remove structure from the easement." I am enclosing a copy of this ZAC comment for your review.

Please respond to the undersigned in writing regarding the above by April 26, 2010 whether you wish to revise the location of the garage wall footing, reduce the size of the garage, or will apply to Baltimore County for the release of the easement. Once I have received the revised site plan or confirmation of the release of easement, I can then make my decision based on the information contained in the case file and prepare an Order or set the matter in for a public hearing.

Thank you for your attention and cooperation in this matter.

Sincerely,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For March 22, 2010
Item No.: 2010-230

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

Permanent structures may not be built in a drainage and utility easement. This would include the garage wall footing. Developer may apply to the County for release of the easement or revise the drawing to remove structure from the easement.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0230-03222010.doc

April 23, 2010

Mr. Thomas H. Bostwick

Deputy Zoning Commissioner

Baltimore County

105 West Chesapeake Avenue

Towson, Maryland 21204

PET
EXHIBIT
FOR REVISED
FILING.

Re: Case Number: 2010-0230-A

Your Letter Dated April 6, 2010

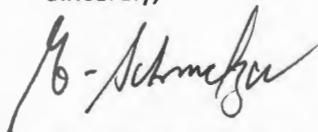
Dear Sir:

In response to the request in your letter (copy attached), we examined the option of reducing the size of the proposed garage in order to prevent encroachment on the easement. However, this would result in a garage that is inadequate to accommodate two cars side by side. We also looked into the possibility of applying for the release of the easement from Baltimore County. Unfortunately, the application and approval process for obtaining the release is costly and lengthy.

In view of the above outcomes, we are going to change the configuration of the garage from side by side to a tandem arrangement which will avoid any encroachment on the easement. We are revising our site plan and petition accordingly, and will be submitting a revised filing shortly.

Thank you for your assistance with this matter.

Sincerely,



EUGENE SCHMELZER

FROM JOHN LEWIS

MR. BOSTWICK: WITH THE
BEST OF INTENTIONS MR. SCHMELZER
AND MYSELF WERE UNABLE TO
MEET BEFORE 4/30/10 DUE TO
SCHEDULING PROBLEMS.

ORIGINAL KEEP IN FILE

Old

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 2113 Burdock Road
which is presently zoned Residential

Deed Reference: 28 910 / 429 Tax Account # 160001228

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) 205.3 (1955-1971 BCZR)

TO PERMIT A GARAGE ADDITION ON A DWELLING WITH A SETBACK TO
SIDE LOT LINE OF 5 FT. IN LIEU OF THE REQUIRED 15 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

Eugene Schmelzer

Name - Type or Print

Signature

Silvia Schmelzer

Name - Type or Print

Signature

2113 Burdock Road

410-504-5181

Address

Telephone No.

Baltimore

Maryland

21209

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 20 day of March, 2010 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. 2010 0230 A

Reviewed By JL Date 3/02/10

Estimated Posting Date 3/14/10

2010 0230 A

ORIGINAL KEPT IN FILE

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 own and reside at 2113 Burdock Rd

Address number

Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

1. Cleaning snow and ice off automobiles imposes a hardship, especially on Mrs. Schmelzer when Mr. Schmelzer is away.

2. We are concerned about personal security when walking into the house directly, especially at night.

3. We are concerned about security when carrying groceries, etc into the house in the open.

4. The garage will help preserve the value of our automobiles by protecting them from the elements.

5. THERE IS NO ENTRY WAY TO LOCATE THE GARAGE ON THE OTHER SIDE. LOCATING IT IN THE REAR WOULD REQUIRE WALKING OUTSIDE AND UPHILL TO REACH THE HOUSE. CREATING HARDSHIP WITH AGE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Eugene Schmelzer
Signature

Eugene Schmelzer

Name- print or type

Silvia Schmelzer
Signature

Silvia Schmelzer

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 1ST day of MARCH, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): EUGENE SCHMELZER + SILVIA SCHMELZER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Nancy P. Hartner
Name of Notary Public

9/8/2011
Commission expires

PLACE SEAL HERE:



0230

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 2113 Burdock Road

Beginning at a point on the south side of Burdock Road which is 50 feet wide at the distance of 285 feet northeast of the centerline of Denberg Road which is 50 feet wide. Being Lot # 16, Block F in the subdivision of Green Gate as recorded in Baltimore County Plat Book # 37, Folio # 27, containing 15840 square feet. Also known as 2113 Burdock Road and located in 3rd Election District and the 2nd Councilmanic District.

ORIG TO APP. 4/30/10

ZONING REVIEW
(REVISED)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0230 -A

Address 2113 BURDOCK RD

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3394

Filing Date: 4/30/10

Posting Date: 5/04/10

Closing Date: 05/31/10

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2010- 0230 -A

Address 2113 BURDOCK RD

Petitioner's Name EUGENE & SYLVIA SCHMELZER

Telephone 410 504 5181

Posting Date: 5/04/10

Closing Date: 5/19/10

Wording for Sign: To Permit A PROPOSED GARAGE ADDITION WITH A FRONT BUILDING LINE SETBACK OF 34 FT, A STREET CENTER LINE SETBACK OF 59 FT, AND A SIDE YARD SETBACK OF 6 FT 8 INCHES IN LIEU OF THE REQUIRED 40 FT, 65 FT, AND 15 FT, RESPECTIVELY.

Revised 8/20/09

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0230 -A

Address 2113 BURDOCK RD

Contact Person: John Lewis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3/02/10

Posting Date: 3/14/10

Closing Date: 3/29/10

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2010- 0230 -A

Address 2113 BURDOCK RD

Petitioner's Name EUGENE + SILVIA SCHMELLER

Telephone 410 504 5181

Posting Date: 3/14/10

Closing Date: _____

Wording for Sign: To Permit A GARAGE ADDITION ON A DWELLING WITH A SETBACK TO SIDE LOT LINE OF 5 FT. IN LIEU OF THE REQUIRED 15 FT.

**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: 2010 0230 A

Petitioner: x SCHMELZER

Address or Location: x 2113 BURDOCK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: x EUGENE SCHMELZER

Address: x 2113 BURDOCK ROAD
BALTIMORE, MD 21209

Telephone Number: x 410-504-5181

Revised 7/11/05 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 53909

Date: 4/30/10

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept Obj	BS Acct	Amount
				Source/	Rev/			
				Obj	Sub Obj			

Total: 10.00

Rec
From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 16

Date: 3/27/00

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	906	1100		550					15.00

Total: 15.00

Rec
From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 4/4/10

Case Number: 2010-0230-A

Petitioner / Developer: EUGENE & SYLVIA SCHMELZER

Date of Hearing (Closing): MAY 19, 2010

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:
2113 BURDOCK ROAD

The sign(s) were posted on: MAY 2, 2010



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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 3/15/10

Case Number: 2010-0230-A

Petitioner / Developer: EUGENE & SYLVIA SCHMELZER

Date of Hearing (Closing): MARCH 29, 2010

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:
2113 BURDOCK ROAD

The sign(s) were posted on: MARCH 12, 2010



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)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 1, 2010

Eugene Schmelzer
2113 Burdock Rd.
Baltimore, MD 21209

Dear: Eugene Schmelzer

RE: Case Number 2010-0230-A, 2113 Burdock Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 2010. 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

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

March 30, 2010

Eugene & Silvia Schmelzer
2113 Burdock Rd.
Baltimore, MD 21209

Dear: Eugene & Silvia Schmelzer

RE: Case Number 2010-0230-A, 2113 Burdock Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 02, 2010. This letter is not an approval, but only a **NOTIFICATION**.

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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:lnw

Enclosures

c: People's Counsel



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 9, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 8, 2010

Item Numbers: 0226, 0228, 0229, 0230, 0231 and 0232

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



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

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



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 10, 2010

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

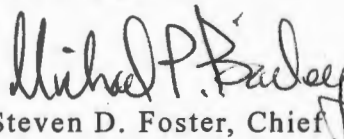
RE: Baltimore County
Item No. 2010-0230-A
2113 BURDOCK RD
SCHMEIZER PROPERTY
ADMIN. VARIANCE -

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. 2010-0230-A.

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

Very truly yours,


FOR¹ 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.sha.maryland.gov

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MAY 19, 2010

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

RE: Baltimore County
Item No. 2010-0230-A
2113 BURDOCK ROAD
SCHMEELZER PROPERTY
ADMIN. 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. 2010-0230-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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 blue ink, appearing to read "Michael Bailey".

For ¹ 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.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2010
Item Nos. 2010- 176, 230, 295, 296,
297, 298, 299, 301, 303, 304, 306, 307
311 & 312

DATE: May 18, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05312010 -NO COMMENTS.doc

AV
3-29-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 16 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 15, 2010
SUBJECT: Zoning Item # 10-230-A
Address 2113 Burdock Road
(Schmelzer Property)

Zoning Advisory Committee Meeting of March 8, 2010

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

Reviewer: JWL

Date: April 15, 2010

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 24, 2010

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-230- Administrative Variance**

The property in question is in the Greengate development plan, a single-family development built in the 1970's. The petitioners seek to modernize the dwelling with a garage addition to the side of the dwelling, which necessitates the 5-foot side yard variance in lieu of 15 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance provided the Office of Planning reviews and approves architectural elevation drawings for the addition prior to application of any building permit.

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

Prepared By:
CM/LL



RECEIVED

MAR 24 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For March 22, 2010
Item No.: 2010-230

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

Permanent structures may not be built in a drainage and utility easement. This would include the garage wall footing. Developer may apply to the County for release of the easement or revise the drawing to remove structure from the easement.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0230-03222010.doc

2010-0230-A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

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

Account Identifier: District - 03 **Account Number -** 1600012208

Owner Information

Owner Name: SCHMELZER EUGENE
 SCHMELZER SILVIA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2113 BURDOCK RD
 BALTIMORE MD 21209-1001
Deed Reference: 1) /28910/ 429
 2)

Location & Structure Information

Premises Address 2113 BURDOCK RD
Legal Description 2113 BURDOCK RD
 GREEN GATE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
69	19	1118			4	F	16	2	Plat Ref:	37/ 27

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1975	2,310 SF	15,840.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	1/2 BRICK FRAME

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	106,210	145,210		
Improvements:	290,310	304,440		
Total:	396,520	449,650	431,940	449,650
Preferential Land:	0	0	0	0

Transfer Information

Seller: BERNSTEIN GARY S	Date: 11/25/2009	Price: \$420,000
Type: IMPROVED ARMS-LENGTH	Deed1: /28910/ 429	Deed2:
Seller: BERNSTEIN GARY S	Date: 04/27/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23747/ 707	Deed2:
Seller: BERNSTEIN GARY S	Date: 11/10/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /20969/ 39	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

0230

FRONT VIEW



AREA OF CHANGE PROPOSED:

DEPTH: FRONT TO REAR WALL (SET BACK MAINTAINED)

WIDTH: PAST TREE ON THE RIGHT

0230

SIDE VIEW



AREA OF PROPOSED CHANGE:
DEPTH: FRONT TO REAR WALL (SET BACK MAINTAINED)
WIDTH: JUST BEYOND TREE

0230

REAR VIEW



AREA OF PROPOSED CHANGE:
DEPTH: FRONT TO REAR WALL (SET BACK MAINTAINED)
WIDTH: JUST PAST TREE

0230

STREET VIEW



0230

GARAGE AT 2109 BUREDOCK



0230

GARAGE AT 2107 buelock



0230



Pt. Bk. 37, Folio 27

GREENSPRING EAST (SECTION 4) (PDM File/Project #)

3 ED

DR 2

NW 9-C

069A3

2 CD

BURDOCK RD

DENBERG RD

VERBENA RD

PHEASANT CROSS DR

PHEASANT CROSS DR

Pt. Bk. 38, Folio 76

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2113 BURDOCK RD

SUBDIVISION NAME GREEN GATE

PLAT BOOK # 37 FOLIO # 27 LOT # 16 SECTION # F

OWNER EUGENE AND SILVIA SCHMELZER

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

OLD PLAN

285' TO
DENBERG RD

EXISTING
DWELLING
#2115

HOWARD & MYRA
STRASSLER

LOT #15



5 FT.

21'

178'

53.47'

5' DRAINAGE & UTILITY EASEMENT

42.01'

23.65'

27.11'

2 STY. BRICK
& FR. DWLG.
#2113
42.10'

CONC. PAD

PROPOSED 18'6" x 27' GARAGE

6" NAIL SET

LOT #16

175'

BURDOCK RD

50' R/W

24.35'

20'

EXISTING
DWELLING
#2111

IRA & ANN ROBINSON

LOT #17

PREPARED BY: ES

SCALE 1" = 30'

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2113 BURDOCK RD

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

SUBDIVISION NAME GREEN GATE

PLAT BOOK # 37 FOLIO # 27 LOT # 16 SECTION # F

OWNER EUGENE AND SILVIA SCHMELZER

285' TO
DENBERG RD

EXISTING
DWELLING
#2115

HOWARD & MYRA
STRASSLER

LOT #15

BURDOCK RD

42' 2 STY. BRICK
& FR. DWLG.
#2113
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DWELLING
#2111

IRA & ANN ROBINSON

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5 FT.

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23.65'

27.11'

CONC. PAD

24.35'

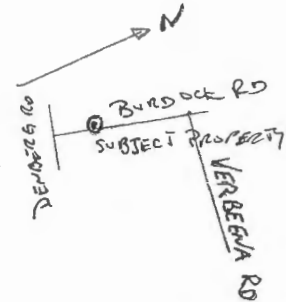
20'

42'



PREPARED BY: ES

SCALE 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3 RD

COUNCILMANIC DISTRICT 2 RD

1" = 200' SCALE MAP # 069A3

ZONING DR 2

LOT SIZE 0.36 ACRES 15840 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA ☒ NO

100 YEAR FLOOD PLAIN ☒

HISTORIC PROPERTY/BUILDING ☒

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

2010 0230 A

OLD PLAN

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

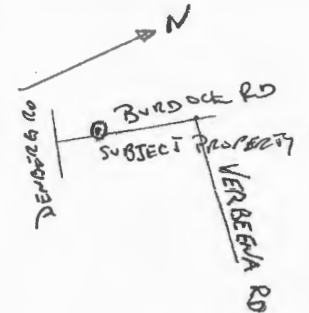
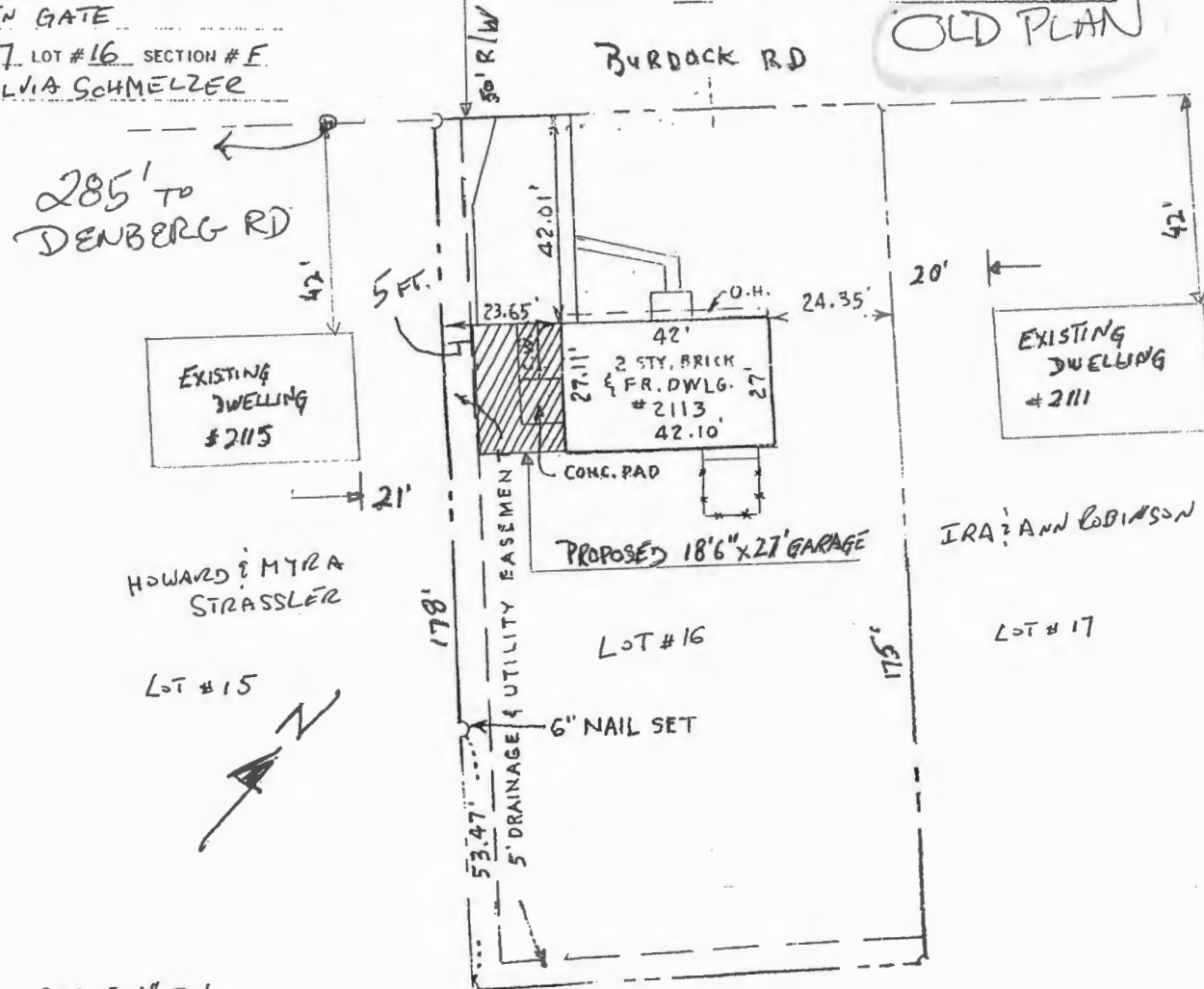
PROPERTY ADDRESS 2113 Burdock Rd

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

SUBDIVISION NAME GREEN GATE

PLAT BOOK # 37 FOLIO # 27 LOT # 16 SECTION # F

OWNER EUGENE AND SILVIA SCHMELZER



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3 RD

COUNCILMANIC DISTRICT 2ND

1" = 200' SCALE MAP # 069A.3

ZONING DR 2

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	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN ☒

HISTORIC PROPERTY/
BUILDING ☒

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE

PREPARED BY: ES

SCALE 1" = 30'

2010 0230 A

AT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2113 BURDOCK RD

SUBDIVISION NAME GREEN GATE

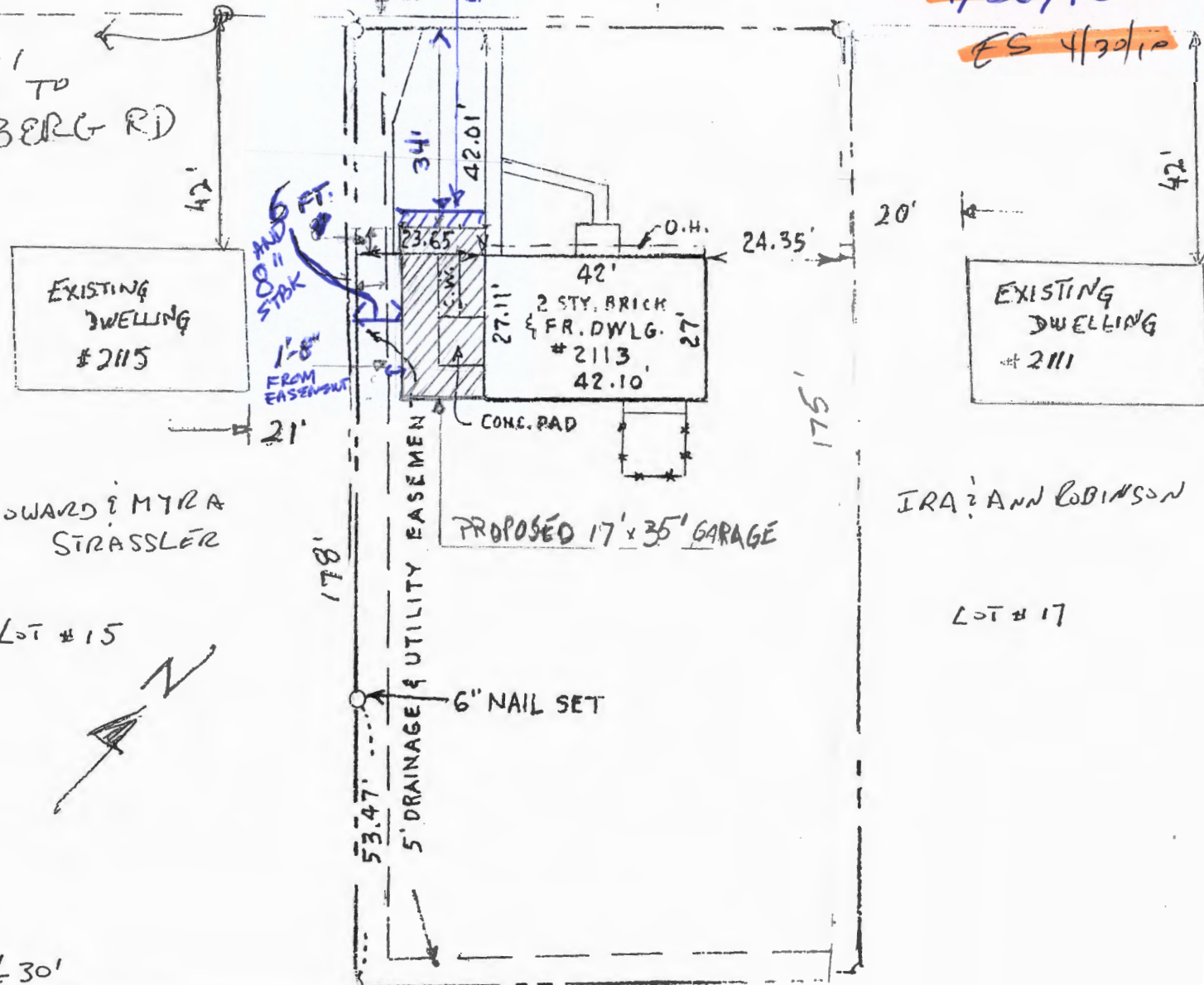
PLAT BOOK # 37 FOLIO # 27 LOT # 16 SECTION # F

OWNER EUGENE AND SILVIA SCHMELZER

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

REVISED
4/30/10

285' TO
DENBERG RD



HOWARD & MYRA
STRASSLER

LOT #15

IRA & ANN ROBINSON

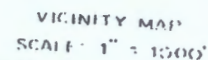
LOT #17

PREPARED BY: ES

SCALE 1" = 30'

~~2010-0230-A~~

6" NAIL SET



ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

JK 2010 02 30 /x

JL

2010 02 30 x

SCALE 1" = 30'

AT TO ACCOMPANY PETITION FOR ZONING

PROPERTY ADDRESS 2113 BURDOCK RD

SUBDIVISION NAME GREEN GATE

PLAT BOOK # 37 FOLIO # 27 LOT # 16 SECTION # F

OWNER EUGENE AND SILVIA SCHMELZER

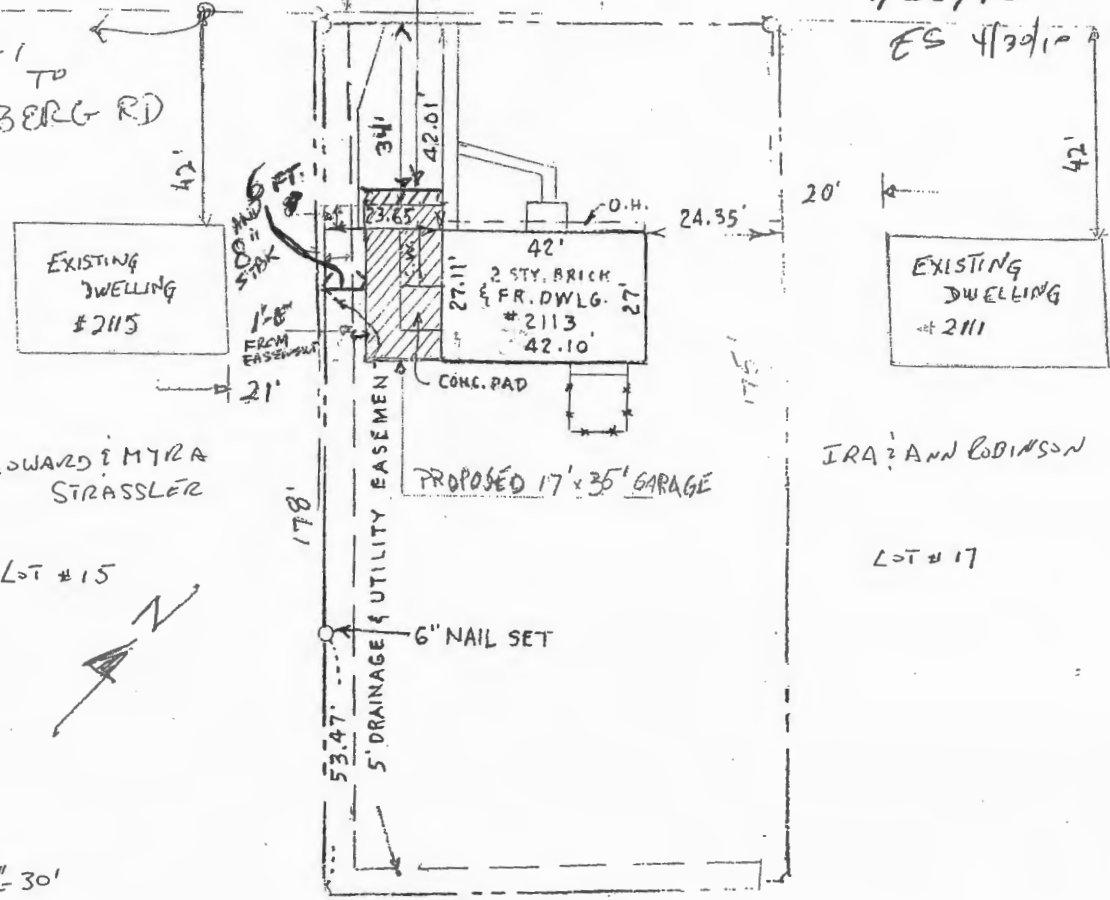
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

☒ VARIANCE ☐ SPECIAL HEARING

REVISED
4/30/10

2010-0230-A

285' TO
DENBERG RD

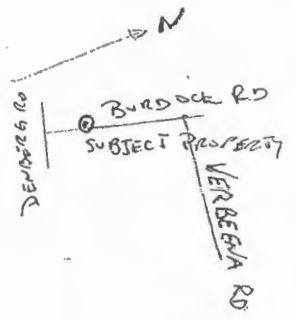


HOWARD & MYRA
STRASSLER

LOT #15

IRA & ANN ROBINSON

LOT #17



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	3 RD
COUNCILMANIC DISTRICT	2 RD
1"=200' SCALE MAP #	069A
ZONING	DR 2
LOT SIZE	0.36 ACRES
ACREAGE	15840 SQUARE FEET
SEWER	PUBLIC ☒ PRIVATE ☐
WATER	PUBLIC ☒ PRIVATE ☐
CHESAPEAKE BAY CRITICAL AREA	NO ☒
100 YEAR FLOOD PLAIN	NO ☒
HISTORIC PROPERTY / BUILDING	NO ☒
PRIOR ZONING HEARING	NO ☒

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____

2010

PREPARED BY: ES

SCALE 1" = 30'

REVISED