

IN RE: PETITION FOR ADMIN. VARIANCE
NW side of Rollingbrook Road; 200 feet SW
of Monmouth Road
1st Election District
1st Councilmanic District
(98 Rollingbrook Way)

Raymond M. and Patricia A. Holtschneider
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0292-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, Raymond M. and Patricia A. Holtschneider for property located at 98 Rollingbrook Way. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed accessory structure (detached garage) with a height of 28 feet in lieu of the maximum permitted 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a detached garage measuring 46 feet x 30 feet. The additional garage height is to match the architectural design of the existing dwelling as well as provide additional storage for the family. The property contains 1.67 acres.

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 April 14, 2010 which indicates that the structure shall not be located in a 100 year floodplain or in any forest buffer easement required by the Department of Environmental Protection and Resource Management. The proposed structure shall not contain any cooking or bathroom facilities, and shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 5.20.10

By mg

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 30, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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. Although the Office of Planning did not make a complete recommendation related to the garage usage, I will impose additional conditions that the accessory structure not be converted into a dwelling unit or apartment, and shall not contain any sleeping quarters or living area.

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 20th day of May, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed carport with a rear yard and side yard setbacks of 0 feet and be located in the third part of the rear yard closest to the road in lieu of the required 2.5 feet and third part of the rear yard farthest removed from the road, respectively is hereby GRANTED, subject to the following:

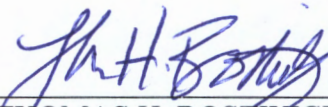
ORDER RECEIVED FOR FILING

Date 5-20-10

By pm 2

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 Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be located in a 100 year floodplain or in any forest buffer easement required by the Department of Environmental Protection and Resource Management.

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 5.20.10

By ms 3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 20, 2010

RAYMOND M. AND PATRICIA A. HOLTSCHNEIDER
98 ROLLINGBROOK WAY
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 2010-0292-A
Property: 98 Rollingbrook Way

Dear Mr. and Mrs. Holtschneider:

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.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

ORIGINAL KEEP IN FILE

TAX. ACCO # 20000009899



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 98 Rollingbrook Way Catonsville, MD 21228
which is presently zoned DR 5.5

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

100.3 BCZR TO ALLOW A PROPOSED ACCESSORY STRUCTURE (A DETACHED GARAGE) WITH A HEIGHT OF 28 FT. IN LIEU OF THE MAXIMUM PERMITTED 15 FT. HT.

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):

RAYMOND HOLTSCHEIDER

Name - Type or Print

Signature

PATRICIA HOLTSCHEIDER

Name - Type or Print

Patricia Kiser

Signature

98 Rollingbrook Way

Address

410-744-2841

Telephone No.

CATONSVILLE

City

MD

State

21228

Zip Code

Representative to be Contacted:

RAYMOND HOLTSCHEIDER

Name

98 Rollingbrook Way

Address

410-744-2841

Telephone No.

CATONSVILLE

City

MD

State

21228

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 5-20-10 day of May 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 0292 A

REV 10/25/01

Reviewed By VL Date 4/23/10

Estimated Posting Date 5/02/10

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

98 Rollingbrook Way

Address

CATONSVILLE

City

MD

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):

TO MATCH THE ARCHITECTURAL DESIGN OF THE HOUSE,
Also need upper floor for STORAGE. College kids
moving back home & Taking over Basement.

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

[Signature]

RAYMOND HOLTSCHEIDER

Name - Type or Print

[Signature]

PATRICIA HOLTSCHEIDER

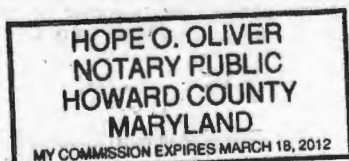
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of November, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires March 18, 2012

Zoning Description

0292

Zoning Description for 98 Rollingbrook Way, Catonsville, MD

Beginning at a point on the NW side of Rollingbrook Way which is 60 feet wide at the distance of 200' SW Monmouth Road of the centerline of the nearest improved intersecting street Monmouth Road which is 60 side.

*Being Lot # ~~100~~ 3, Block —, Section # — in the subdivision of FREDERICK STATION as recorded in Baltimore County Plat Book #7, Folio #18, containing 1.675 acres. Also known as 98 Rollingbrook Way and located in the 1st Election District, 1st Councilmanic District.

ORIGINAL WITH POSTER LIST GIVEN TO APP
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0292 -A

Address 98 ROLLINGBROOK WAY

Contact Person: John Lewis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/23/10

Posting Date: 5/2/10

Closing Date: 5/17/10

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- 0292 -A

Address 98 ROLLINGBROOK WAY

Petitioner's Name HOLTSCHNEIDER

Telephone 410 744 2841

Posting Date: 5/2/10

Closing Date: 5/17/10

Wording for Sign: To Permit A PROPOSED ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A HEIGHT OF 28 FT. IN LIEU OF THE MAXIMUM PERMITTED 15 FT. HT.

Revised 8/20/09

**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 0292 A
Petitioner: Holtzschneider
Address or Location: 98 Rollingbrook Way

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patty Holtzschneider
Address: 98 Rollingbrook Way
Catonsville, MD 21228

Telephone Number: 410-744-2841

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

No. 39707

Date: 4-2-80

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
				Source/	Rev/						
211											65.00

Total: 65.00

Rec

From: _____

For: AV

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 5/1/10

Case Number: 2010-0292-A

Petitioner / Developer: PATTY HOLTSCHNEIDER

Date of Hearing (Closing): MAY 17, 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:
98 ROLLINGBROOK WAY

The sign(s) were posted on: APRIL 30, 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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

May 17, 2010

Raymond & Patricia Holtschneider
98 Rollingbrook Way
Catonsville, MD 21228

Dear: Raymond & Patricia Holtschneider

RE: Case Number 2010-0292-A, 98 Rollingbrook Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 23, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

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 17, 2010
Item Nos. 2010- 253, 270, 271, 290,
291, 292, & 294

DATE: May 7, 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-05172010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: May 4, 2010

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

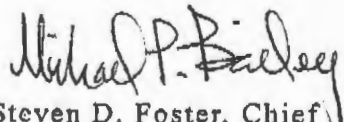
RE: Baltimore County
Item No. 2010-0292-A
98 ROLLINGBROOK WAY
HOLTSCHNEIDER PROPERTY
ADMIN. VARIANCE -

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. 2010-0292-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,


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: May 14, 2010

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

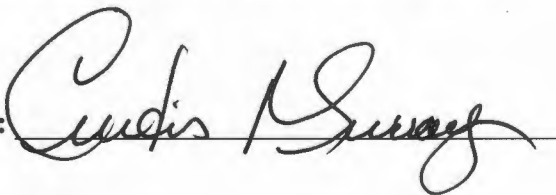
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-292- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the following conditions are met:

1. The structure shall not be located in a 100-year floodplain or in any forest buffer easement required by DEPRM.
2. The proposed structure is not used for commercial purposes.
3. The proposed structure does not contain cooking and/or bathroom facilities.

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

Prepared By:
CM/LL



RECEIVED

MAY 17 2010

ZONING COMMISSIONER

AV
5-17-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 11 2010

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination ZONING COMMISSIONER

DATE: June 11, 2010

SUBJECT: Zoning Item # 10-292-A
Address 98 Rollingbrook Way
(Holtschneider Property)

Zoning Advisory Committee Meeting of May 3, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. A forest buffer variance submittal may be required for the proposed plan and a Forest Buffer Easement may also have to be recorded in Baltimore County Land Records.

Reviewer: J. Russo

Date: 5/18/10



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

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

Account Identifier: District - 01 Account Number - 2000009899

Owner Information

Owner Name:	HOLTSCHNEIDER RAYMOND M HOLTSCHNEIDER PATRICIA A	Use:	RESIDENTIAL
Mailing Address:	98 ROLLINGBROOK WAY BALTIMORE MD 21228	Principal Residence:	YES
		Deed Reference:	1) / 7475/ 391 2)

Location & Structure Information

Premises Address
 98 ROLLINGBROOK WAY

Legal Description
 1.675 AC
 WS ROLLINGBROOK WAY
 200FT SW MONMOUTH RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
100	11	1202						1	Plat Ref: 7/ 18

Special Tax Areas

	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1987	3,736 SF	1.67 AC	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	202,730	181,300		
Improvements:	443,150	356,700		
Total:	645,880	538,000	645,880	538,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: THOMAS HOMES LIM ITED	Date: 04/06/1987	Price: \$147,575
Type: IMPROVED ARMS-LENGTH	Deed1: / 7475/ 391	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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 *

CASE A
2010 0292A



CASE #
2010 0292A



CASE #
2010 0292A



CASE #
2010 0292A



CASE ~~A~~
2010 0292A



CASE#
20100292A



CASE #
2010 0292A

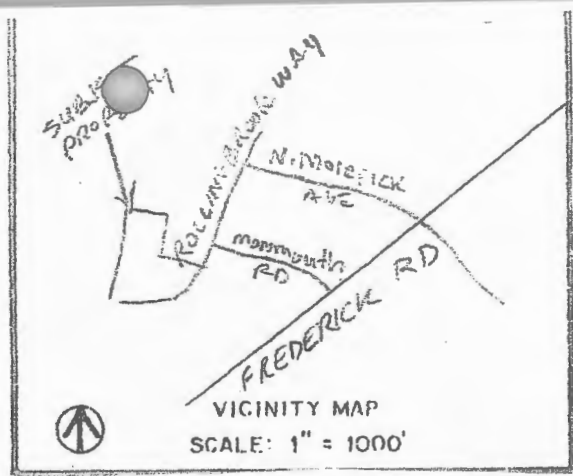


0292

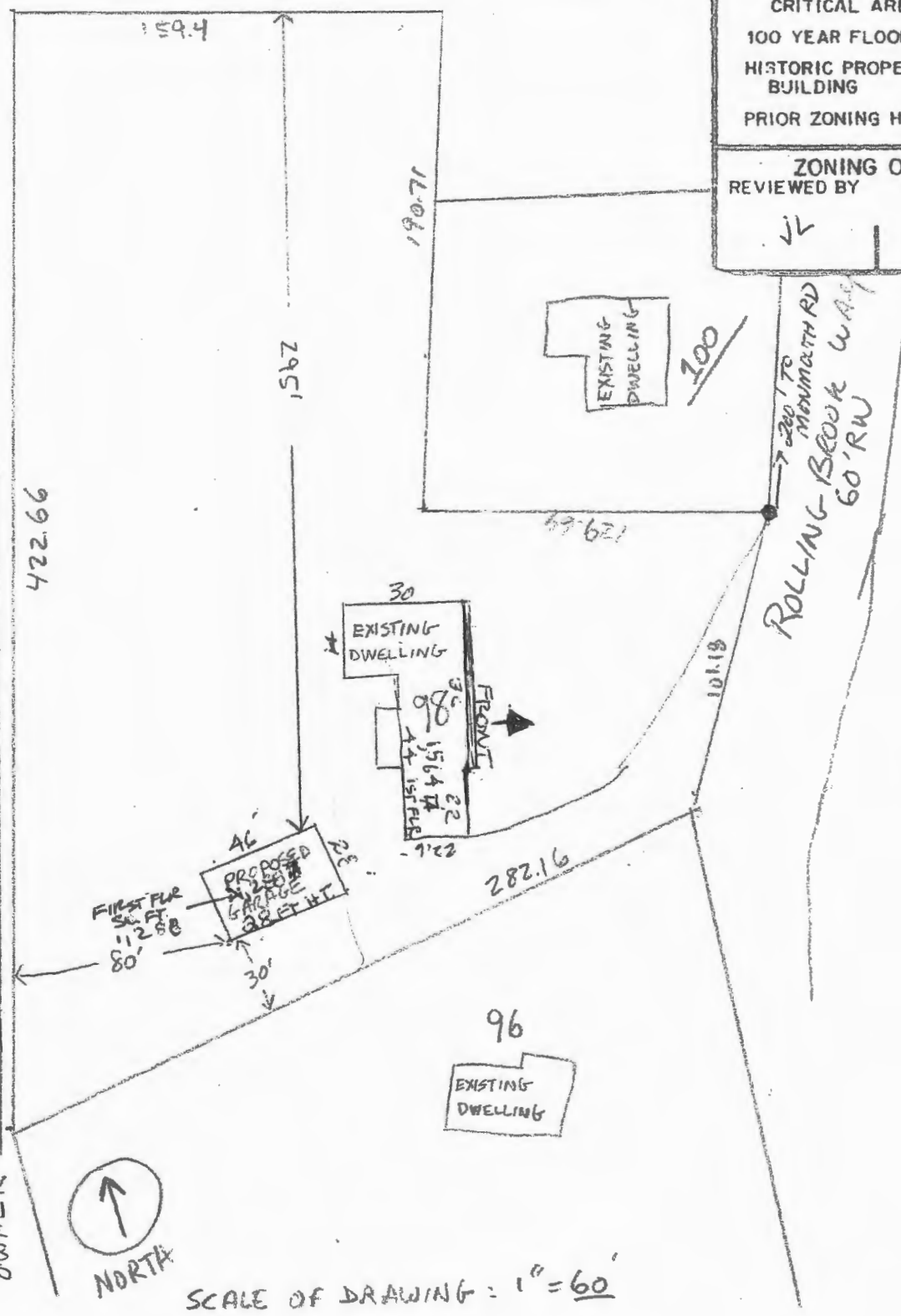


PLAT TO ACCOMPANY PETITION FOR ZONING ~~VARIANCE~~ ☐ SPECIAL HEARING

PROPERTY ADDRESS 98 Rollingbrook Way
 SUBDIVISION NAME FREDERICK STATION
 PLAT BOOK # 7 FOLIO # 18 LOT # 3 SECTION #
 OWNER RAYMOND & PATRICIA HOLTSCHNEIDER



LOCATION INFORMATION			
ELECTION DISTRICT	01		
COUNCILMANIC DISTRICT	1 ST.		
1"=200' SCALE MAP #	100C2		
ZONING	DR5.5		
LOT SIZE	1.67		
	ACREAGE	SQUARE FEET	
		PUBLIC	PRIVATE
SEWER	☒	☐	
WATER	☒	☐	
CHESAPEAKE BAY CRITICAL AREA	☐	YES	NO
100 YEAR FLOOD PLAIN	☐	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☐	☒
PRIOR ZONING HEARING	NONE		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	
JK	2010	0292 A	



PREPARED BY: Raymond Holtschneider