

IN RE: **PETITION FOR VARIANCE**
S side Wiltonwood Road; 480 feet
W of the c/l of Longacre Lane
3rd Election District
2nd Council District
(2211 Wiltonwood Road)

Steven A. Miller and Joyce Anne Miller
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0117-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Steven A. Miller and Joyce Anne Miller, the legal property owners. Petitioners are requesting variance relief from Section 1A04.3B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 60 feet (existing) front building setback in lieu of the required 75 feet from the centerline of a street on Lot #3; and to allow a minimum side building setback to any property line of 14 feet in lieu of the required 50 feet. The subject property and requested relief are more fully described on the site plan marked and accepted into evidence as Petitioners' Exhibit 4.

Appearing at the public hearing were the Petitioner Steven Miller, David Thaler and Joe Mayer with DS Thaler & Associates, Inc., the consultants who prepared the site plan of the property, and Michael Wyatt, Esquire, Counsel for the Petitioners. Appearing as interested citizens were Ralph Ringler and Ann Fraker, nearby property owners.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Planning dated December 6, 2011, which state:

ORDER RECEIVED FOR FILING

Date 3/6/12

By DM

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioners request the permission of a 14-foot side yard setback in lieu of the required 50 foot setback in order to allow for the re-subdivision of Lot 3 into Lot 3 and a panhandle lot (Lot 3A) and the construction of a new single family dwelling on Lot 3A). A 60-foot setback to the centerline of the street in lieu of the required 75 feet is also requested for the existing dwelling on Lot 3. The subdivision and new construction are subject to Section 1AO4.4 of the BCZR (RC5 Performance Standards) which must be addressed by the petitioner's representative as part of the development process and prior to application of any building permit.

A panhandle package should be submitted to the Department of Planning as part of the variance review process.

If the petitioner demonstrates to the Administrative Law Judge that there is something unique about this lot and the variances are granted, it appears that the following should apply:

- The subject property is a re-subdivision of Lot 3 of the Miller Property, recorded in SM 72 Folio 138 recorded June 15, 2000. Unless otherwise determined by the Department of Permits Approvals and Inspections, it appears that Lot 3A is the fourth lot, which is a major subdivision and should go through the full development process.
- Remove references to minor subdivision from the plan should the subdivision be deemed a major subdivision.
- Architectural elevation drawings must be submitted to the Department of Planning for review of compliance with RC5 Performance Standards and approval."

The comment from the Department of Planning indicates that this lot is the fourth lot to be subdivided from this property and this matter should proceed through the full development process. However, Mr. Thaler testified that the Applicants have received a waiver of the Development Plan requirements from the Director of the Department of Permits, Approvals and Inspections. That waiver was approved pursuant to Section 32-4-107(b) of the Baltimore County Code. As a waiver has been granted from the development regulations, it is proper for this project to proceed by way of a minor subdivision.

ORDER RECEIVED FOR FILING

Date 3-6-12

By pm

Testimony and evidence offered at the hearing and the site plan submitted into evidence as Petitioners' Exhibit 4 demonstrated that the property which is the subject of this variance request consists of 4.1 acres, more or less, and is zoned RC 5. The property is located on the south side of Wiltonwood Road just west of Longacre Lane. The property is improved with an existing single family dwelling which has been the Millers' home for some time. At this time the property is owned by Joyce Ann Miller and her son, Steven A. Miller. The Millers propose to subdivide the 4.1 acres in the manner depicted on Petitioners' Exhibit 4, the site plan of the property. In order to proceed with the minor subdivision, a variance is necessary in that the fee simple strip of land that provides access of the new lot to be created to Wiltonwood Road causes there to be a 14 foot setback from the existing Miller home. The zoning regulations require that this side yard setback be 50 feet. In addition, the Applicants are requesting the existing house to be situated 60 feet from the centerline of Wiltonwood Road in lieu of the required 75 feet. It should be noted that the house located at 2211 Wiltonwood Road met all setbacks at the time it was constructed. However, the RC 5 regulations have changed since the time the house was built, and the setback deficiencies now exist. As stated previously, two neighbors appeared at the hearing as interested parties. Neither of these neighbors had any objections to the plan to create this additional lot, nor did they have any questions or concerns regarding the matter.

Based on the evidence presented, I find that the variances 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). Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

ORDER RECEIVED FOR FILING

Date 3-6-12

3

By pm

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners variance requests should be granted.

THEREFORE, IT IS ORDERED by this Administrative Law Judge for Baltimore County this 6th day of March, 2012 that Petitioners' Petition for Variance from Section 1A04.3B.2 of the of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 60 feet (existing) front building setback in lieu of the required 75 feet from the centerline of a street on Lot #3; and to allow a minimum side building setback to any property line of 14 feet in lieu of the required 50 feet, be and are hereby GRANTED.

The relief granted herein is subject to the following conditions:

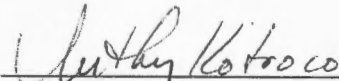
1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comments made by the Department of Planning dated December 6, 2011, requiring architectural elevation drawings being submitted for review by the Department of Planning. The remaining comments are inapplicable as a waiver was granted to allow this to proceed as a minor subdivision. A copy of said ZAC comments is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 3-6-12

By PM

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



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 3-6-12

By pm

TK 12/19 11am
2/23 10am PP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 6, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 2211 Wiltonwood Road

DEC 07 2011

Item Number: 12-117

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Steven A. and Joyce Anne Miller

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

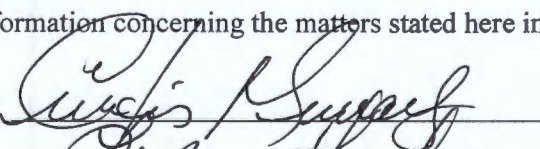
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioners request the permission of a 14-foot side yard setback in lieu of the required 50 foot setback in order to allow for the re-subdivision of Lot 3 into Lot 3 and a panhandle lot (Lot 3A) and the construction of a new single family dwelling on Lot 3A. A 60-foot setback to the centerline of the street in lieu of the required 75 feet is also requested for the existing dwelling on Lot 3. The subdivision and new construction are subject to Section 1A04.4 of the BCZR (RC5 Performance Standards) which must be addressed by the petitioner's representative as part of the development process and prior to application of any building permit.

A panhandle package should be submitted to the Department of Planning as part of the variance review process.

If the petitioner demonstrates to the Administrative Law Judge that there is something unique about this lot and the variances are granted, it appears that the following should apply:

- The subject property is a re-subdivision of Lot 3 of the Miller Property, recorded in SM 72 Folio 138 recorded June 15, 2000. Unless otherwise determined by the Department of Permits Approvals and Inspections, it appears that Lot 3A is the fourth lot, which is a major subdivision and should go through the full development process.
- Remove references to minor subdivision from the plan should the subdivision be deemed a major subdivision.
- Architectural elevation drawings must be submitted to the Department of Planning for review of compliance with RC5 Performance Standards and approval.

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

Prepared by: 

Division Chief:
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date 3-6-12

By 



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 2211 Wiltonwood Road Stevenson, MD 21153-2030 which is presently zoned RC-5
 Deed Reference 29758 / 356 10 Digit Tax Account # 2 3 0 0 0 0 9 2 6 7
 Property Owner(s) Printed Name(s) Steven A. Miller and Joyce Anne Miller

CASE NUMBER 2012-0117-A Filing Date 2/21/12 Estimated Posting Date Reviewer BR

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. x a **Variance** from Section(s)

1. As per § 1A04.3B.2.b of the BCZR, to allow a minimum side building setback to any property line other than a street line of 14 feet in lieu of the required 50 feet.

2. see attachment

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

To provide in fee access for a proposed panhandle lot, a 14' side setback to the existing house on lot #3 is required.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print
 Signature Date 2-6-12
 Mailing Address City State
 By
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Turnbull Nicholson & Sanders c/o Carolyn H. Thaler
 Name- Type or Print
 Signature
 29 W Susquehanna Ave. #202 Baltimore MD
 Mailing Address City State
 21204-5218, 410-339-4100
 Zip Code Telephone # Email Address CTHALERESQ@gmail

Legal Owners:

Steven A. Miller, Joyce Anne Miller
 Name #1 - Type or Print Name #2 - Type or Print
 Signature #1 Signature #2
 2211 Wiltonwood Road Stevenson MD
 Mailing Address City State
 21153-2030, 443-621-4008, steven.alex.miller@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

D.S. Thaler & Associates, Inc. c/o Joseph A. Mayer, Jr.
 Name - Type or Print
 Signature
 7115 Ambassador Road Baltimore MD
 Mailing Address City State
 21244-7428, 410-944-3647, jmayer@dsthaler.com
 Zip Code Telephone # Email Address

See letter 2/21/12

Variance Attachment

**Miller Property
2211 Wiltonwood Road
Stevenson, MD 21153-2030
Deed Reference 29758/356
Zone: RC-5
Tax Account #2300009267**

As per § 1A04.3B.2.b of the BCZR, to allow a 60 feet (existing) in lieu of the required 75 feet front building setback from the center line of a street on Lot#3.

June 17, 2011

PROPERTY DESCRIPTION

**MILLER PROPERTY
(MINOR SUBDIVISION OF LOT 3 / 2211 WILTONWOOD ROAD)
(For Zoning Purposes Only)**

Beginning for the same at a point located along the South side of Wiltonwood Road located approximately 480 feet, more or less, west from its intersection with the centerline of Longacre Lane, thence running the following courses and distances:

1. South 23°44'53" East 211.88 feet; thence,
2. South 15°17'31" East 445.00 feet; thence,
3. South 53°28'35" West 160.00 feet; thence,
4. North 31°18'38" West 180.00 feet; thence,
5. North 25°15'44" West 104.71 feet; thence,
6. North 35°30'38" West 190.00 feet; thence,
7. North 32°00'38" West 273.27 feet; thence,
8. North 75°20'21" East 330.08 feet; to the point of beginning.

Containing 3.94 acres of land, more or less.

Located within the Second Councilmanic District and Third Election District of Baltimore County, Maryland.

T:\Miller Wiltonwood\Corresp\Planning\Zoning_Boundary_08.07.11.doc



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

No. **74476**

Date: 10/27/11

PAID RECEIPT

BUSINESS ACTUAL TIME
 10/27/2011 10/27/2011 10:29:00

REF MS02 WALKIN JEAN JEE
 RECEIPT # 751150 10/27/2011 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
101	306	0000		6150						75.00

Dept 5 528 ZONING VERIFICATION
 CHECK NO. 074476

Recpt lot 175.00
 \$150.00 CR \$1.00 CA
 \$75.00 RF
 Baltimore County, Maryland

Total: \$ 15.00

Rec From: Joyce Anne Miller

For: Variance pt. 1

DISTRIBUTION

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

TOO HARD!!!!

Item # 0117

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 25, 2011

CORRECTED NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0117-A

2211 Wiltonwood Road

S/side of Wiltonwood Road, 480 feet west of centerline of Longacre Lane

3rd Election District – 2nd Councilmanic District

Legal Owners: Steven & Joyce Miller

Variance to permit a 60 feet (existing) front building setback in lieu of the required 75 feet from the centerline of a street on Lot #3. To allow a minimum side buildings setback to any property line of 14 feet in lieu of the required 50 feet.

Hearing: Monday, December 19, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the hearing location information.

Arnold Jablon
Director

AJ:kl

C: Carolyn Thaler, Turnbull, Nicholson & Sanders, 29 W. Susquehanna Ave., #202, 21204
Steven & Joyce Miller, 2211 Wiltonwood Road, Stevenson 21153-2030
D.S. Thaler, 7115 Ambassador Road, Baltimore 21244

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 3, 2011**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGSS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/005 Dec 1

291943

Hearing 12/19/11

CERTIFICATE OF PUBLICATION

12/11, 2011

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 12/11, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 1, 2011 Issue - Jeffersonian

Please forward billing to:
Steven Miller
2211 Wiltonwood Road
Stevenson, MD 21153

443-621-4008

CORRECTED NOTICE OF ZONING HEARING

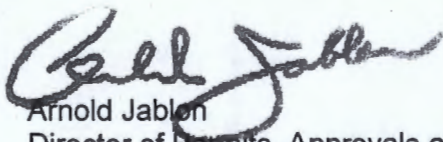
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD, BALTIMORE MARYLAND 21244

(410) 944-ENGR (410) 944-3647 FAX (410) 944-3684

To: Kuistan
12/5/11 u a
u

TO: **Zoning Review**
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Towson, MD 21204
Room 111

DATE: **December 5, 2011**

RE: **Miller Property**
CASE NUMBER: 2012-0117-A
Request for Postponement

ATTN: **Mr. Carl Richards, Jr., Chief**

DST&A PN: **03337c**

- ☒ We are submitting for distribution
- ☐ We are forwarding
- ☐ We are returning
- ☐ We request

- ☒ Herewith
- ☐ Regular U.S. Mail
- ☒ Hand Delivered
- ☐ Federal Express/Courier Service

NO.	DESCRIPTION
1	Letter, Request for Postponement

Remarks:

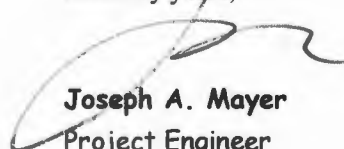
- ☐ In accordance with your request
- ☒ For your review
- ☒ For processing
- ☐ Plans reviewed and accepted
- ☐ Plans reviewed and accepted as noted
- ☐ For revision by you

- ☒ For your use
- ☐ Please call when ready
- ☐ Please return to this office
- ☐ Approval requested
- ☐ Conference requested at your convenience

For further information, please contact our office at (410) 944-3647.

Enclosure ☐ D.S. Thaler
cc: file ☒ B. Childress
cc: Client ☒ S. & J. Miller

Sincerely yours,


Joseph A. Mayer
Project Engineer

December 5, 2011

Mr. Carl Richards, Jr., Chief
Zoning Review
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

**RE: CASE NUMBER: 2012-0117-A
REQUEST FOR POSTPONEMENT
2211 Wiltonwood Road**

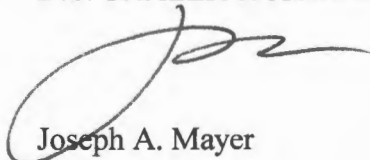
Dear Mr. Richards:

On behalf of our clients, Steven and Joyce Miller, we are requesting a postponement of Zoning Hearing Case 2012-0117-A, scheduled for December 19, 2011 until further notice.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.



Joseph A. Mayer
Project Engineer

Attachment

Copy: Steven and Joyce Miller
David S. Thaler, P.E., L.S.
Brian L. Childress

T:\Miller Wiltonwood\Corresp\ Engineering\Request for Postponement.doc.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 1, 2011 Issue - Jeffersonian

Please forward billing to:
Steven Miller
2211 Wiltonwood Road
Stevenson, MD 21153

443-621-4008

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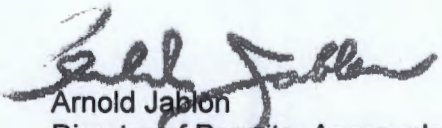
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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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KEVIN KAMENETZ
County Executive

TR
2-23-12

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 11, 2012

MICHAEL T. WYATT, ESQUIRE
MARLOW & WYATT
404 ALLEGHENY AVENUE
TOWSON MD 21204

Re: Appeal of Administrative Law Judge's Order
Petition for Variance
Case Number: 2012-0117-A
Location: 2211 Wiltonwood Road

Dear Mr. Wyatt:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 5, 2012. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Arnold Jablon, Director of Permits, Approvals and Inspections
Michael R. McCann, Esquire, 118 West Pennsylvania Avenue, Towson MD 21204

RECEIVED
APR 12 2012

BALTIMORE COUNTY
BOARD OF APPEALS



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 11, 2012

MICHAEL T. WYATT, ESQUIRE
MARLOW & WYATT
404 ALLEGHENY AVENUE
TOWSON MD 21204

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Location: 2211 Wiltonwood Road

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If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Arnold Jablon, Director of Permits, Approvals and Inspections
Michael R. McCann, Esquire, 118 West Pennsylvania Avenue, Towson MD 21204

From: Patricia Zook
To: Mike Wyatt
Date: 4/6/2012 9:28 AM
Subject: Fwd: Notice of Appeal Filed in Case 2012-0117-A

Good morning Mr. Wyatt-

Mr. Michael R. McCann, Esquire, filed an appeal yesterday afternoon in the above titled case. You will receive correspondence from our Office when the file materials are transmitted to the Board of Appeals.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

TK 2/23
10 AM

CASE NO. 2012- 0117-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>11-16</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>12-7</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>11-8</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>2-7-12</u>	
SIGN POSTING <i>missing 2/16</i>	Date: _____ by: _____ <i>Spoke to Mr. Miller 3:05 - he'll contact sign poster</i>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 14, 2012

Steven & Joyce Miller
2211 Wiltonwood Road
Stevenson MD 21153-2030

RE: Case Number: 2012-0117A , Address: 2211 Wiltonwood Road

Dear Mr. & Ms. Miller

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 27, 2011. 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
D.S. Thaler & Associates, Inc. c/o Joseph A Mayer Jr. 7115 Ambassador Rd, Baltimore MD
21244
Turnbull Nicholson & Sanders c/o Carolyn Thaler , 29 W Susquehanna Ave #202, Baltimore MD
21204

Debra Wiley - ZAC Comments - Distribution Meeting of 11/7/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 11/4/2011 6:37 PM
Subject: ZAC Comments - Distribution Meeting of 11/7/11

Hi there,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thank you.

2012-0115-A - 445 Neepier Road
Administrative Variance (Closing Date: 11/21)

2012-0116-A - 7526 Holabird Avenue
No hearing date as of 11/04

2012-0117-A - 2211 Wiltonwood Road
No hearing date as of 11/04

2012-0118-A - 10500-10506; 10514-10518; 10526 Windlass Run Rd.
No hearing date as of 11/04

2012-0119-A - 313 Homberg Avenue
Administrative Variance (Closing Date: 11/21)

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 7, 2012 Issue - Jeffersonian

Please forward billing to:
Steven Miller
2211 Wiltonwood Road
Stevenson, MD 21153

443-621-4008

CORRECTED NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0117-A

2211 Wiltonwood Road

S/side of Wiltonwood Road, 480 feet west of centerline of Longacre Lane

3rd Election District – 2nd Councilmanic District

Legal Owners: Steven & Joyce Miller

Variance to permit a 60 feet (existing) front building setback in lieu of the required 75 feet from the centerline of a street on Lot #3. To allow a minimum side buildings setback to any property line of 14 feet in lieu of the required 50 feet.

Hearing: Thursday, February 23, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Return-path: <jmayer@dsthaler.com>
Received: from baltimorecountymd.gov (mail2.baltimorecountymd.gov [10.254.254.101]) by inetgw.co.ba.md.us with ESMTP; Tue, 20 Mar 2012 14:39:18 -0400

Received: from mailserver2.dsthaler.com ([71.248.109.153]) by baltimorecountymd.gov ([10.254.254.101]) with ESMTP via TCP; Tue, 20 Mar 2012 14:39:15 -0400

X-MailFrom: jmayer@dsthaler.com
MIME-Version: 1.0
Subject: 2211 Wiltonwood Road-Request for Waiver
X-MimeOLE: Produced By Microsoft Exchange V6.5
No String Available Tue, 20 Mar 2012 14:38:48 -0400
Message-ID: <30EB7514D5B1F34C993E14DA0F9C98A238CE14@mailserver2.dsthaler.com>

Thread-Topic: 2211 Wiltonwood Road-Request for Waiver
Thread-Index: Ac0GyLBGY897RCfIQHGPKMDiz4lhKQ==
From: "Joe A. Mayer" <jmayer@dsthaler.com>
To: <rduvall@baltimorecountymd.gov>
Cc: "Brian L. Childress" <bchildress@dsthaler.com>
Content-class: urn:content-classes:message
Content-Type: multipart/mixed;boundary="-----_NextPart_001_01CD06C8.B1BF226E"
Content-Type: text/html; charset="us-ascii"
Content-Transfer-Encoding: quoted-printable
Attachment: Request for Waiver.pdf

Mr. Duvall

As per your request, attached please find the Request for Waiver of the Development process.

If you have any questions or wish to discuss anything, please do not hesitate to contact me.

Thank you

Joe

Joseph Mayer

Project Engineer
D.S. Thaler & Associates, Inc.
7115 Ambassador Road
PO Box 47428
Baltimore MD 21244-7428
(phone) 410-944-3647 (fax) 410-944-3684
jmayer@dsthaler.com

Mr. Duvall

As per your request, attached please find the Request for Waiver of the Development process.

If you have any questions or wish to discuss anything, please do not hesitate to contact me.

Thank you

Joe

Joseph Mayer

Project Engineer
D.S. Thaler & Associates, Inc.
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Baltimore MD 21244-7428
(phone) 410-944-3647 (fax) 410-944-3684
jmayer@dsthaler.com

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D.S. Thaler & Associates, Inc.

D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • P.O. BOX 47428 • BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

September 13, 2010

Timothy M. Kotroco, Director
Baltimore County Department of
Permits & Development Management
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

RE: Miller Property
Resubdivision of Lot #3
Request for Waiver of portions
of the development process

Dear Mr. Kotroco:

This office is privileged to represent the Miller family who owns property at 2211 Wiltonwood Road in the Second Councilmatic District of Baltimore County.

Some years ago, Dr. and Mrs. Miller subdivided their property into three lots, utilizing the minor subdivision process. We believe the minor subdivision was approved in or about 1998. Dr. and Mrs. Miller continued to live on Lot No. 3 which contained approximately four acres and sold off Lots No. 1 and 2.

Subsequently, Dr. Miller passed away, Mrs. Miller suffered a stroke, and in order to save the family home, currently Mrs. Miller's residence, it requires that the family further subdivide Lot 3.

We have previously filed a perc plan with DEPRM and the property has successfully perced.

As the property has been previously subdivided using the minor process, resubdividing Lot 3 requires it to come under the major subdivision process. This letter is to request a waiver of a Concept Plan and the holding of a Community Input Meeting for the property. We would propose to go directly to Development Plan, hold a Development Plan Conference and have a Hearing Officer's Hearing where any interested citizen could express their opinion.

As this is only a one lot subdivision, we believe that preparing a Concept Plan and holding Community Input Meeting is unnecessarily burdensome and of no public benefit.

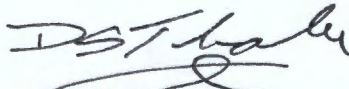
We further believe that the size, scope and nature of this single lot does not justify strict compliance with the county subdivision regulations. The waiver is within the scope and intent of the regulations and all other county laws and regulations either have been or will be complied with, and finally, strict compliance would result in an unreasonable hardship.

A copy of the proposed plan is attached herewith for your use. Your prompt consideration would be appreciated.

If waiver of the Concept Plan and Community Input Meeting is acceptable, would you please indicate your approval by signing below.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.



David S. Thaler, P.E., L.S., F., ASCE, F., NSPE
President

Enclosure:

Copy: Stacey A. McArthur, R.L.A.
Steven A. Miller

Approved
Timothy M. Kotroco
Director

Date

DS^Thaler
& ASSOCIATES, INC.

7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MD 21244-7428
410.944.3647 410.944.3684 (fax)

February 27, 2012

Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals & Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

RE: Miller Property
Resubdivision of Lot #3
Request for Waiver
of the Development process

Dear Mr. Jablon:

This office is privileged to represent the Miller family who owns property at 2211 Wiltonwood Road in the Second Councilmatic District of Baltimore County.

Beginning in about 1998, Dr. and Mrs. Miller subdivided their property into three lots, utilizing the minor subdivision process. Dr. and Mrs. Miller continued to live on Lot No. 3 which contained approximately four acres and sold off Lots No. 1 and 2.

Subsequently, Dr. Miller passed away, Mrs. Miller suffered a stroke and is in very poor health. In order to save the family home, currently Mrs. Miller's residence, the family must further subdivide Lot 3.

We have previously filed a perc plan with Department of Environmental Protection and Sustainability (DEPS) and the property has successfully perced. A public hearing was duly advertised, posted and held on February 23, 2012 to approve two zoning variances necessary to effectuate the plan.

As the property has been previously subdivided using the minor process, resubdividing Lot 3 would normally require it to come under the major subdivision process. This letter is to request a waiver of the full Development process and to request that the resubdivision be reviewed and approved administratively.

Page 2
Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals & Inspections
Miller Property - Request for waiver
February 27, 2012

As this is only a one lot subdivision, we believe that the full development process would be unnecessarily burdensome and of no public benefit.

We further believe that the size, scope and nature of this single lot does not justify strict compliance with the county subdivision regulations. The waiver is within the scope and intent of the regulations and all other county laws and regulations either have been or will be complied with, and finally, strict compliance will result in an unreasonable hardship.

A copy of the proposed plan is attached herewith for your use. Your prompt consideration is appreciated.

If this is acceptable, would you please indicate your approval by signing below.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.



David S. Thaler, P.E., L.S., F., ASCE, F., NSPE
President

Enclosure:

Copy: Stacey A. McArthur, R.L.A.
Steven A. Miller
Michael Wyatt, Esquire
Joseph Mayer

Approved
Arnold Jablon, Esquire
Director

Date

96 - 78
I - 428

From: Colleen Kelly
To: Richards, Carl
Date: 3/15/2012 10:19 AM
Subject: Fwd: Re: Development Waiver

Carl,

Please check the case No. referenced below to determine if a waiver was granted by PAI Director.

Thanks.

Colleen

>>> People's Counsel 03/15/12 9:22 AM >>>
Ok thanks. I appreciate it.

Rebecca

>>> Colleen Kelly 3/14/2012 4:04 PM >>>
Hi Rebecca,

In looking in my development record files, I do not see a waiver for this address. Let me look into this and get back with you tomorrow.

Thanks.

Colleen

Colleen M. Kelly
Land Development Manager
Permits Approvals & Inspections
410-887-3321
I took the Green @ Work Energy Pledge.
>>> People's Counsel 03/14/12 3:12 PM >>>
Colleen,

Our office just received the Administrative Law Judge's decision in Case No. 2012-117-A. The property is owned by Steven & Joyce Miller and the address is 2211 Wiltonwood Road, Stevenson, MD 21153. The second page of the opinion makes reference to the applicants having received a "waiver of the Development Plan requirements from the Director of Permits, Approvals and Inspections". Our office would like to get a copy of this waiver. Can you tell me who might have this document?

Thank you for any help in this matter.

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

David, see me (Carl)

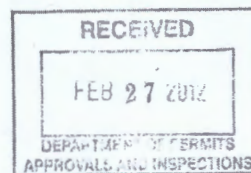
DS Thaler
& ASSOCIATES, INC.

4/28/12
wch
you & leave
further w/
this?

To: Tom Seem
wch 3/1/12
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MD 21244-7428
410.944.3647 410.944.3684 (fax)

February 27, 2012

Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals & Inspections
111 West Chesapeake Ave, Suite 105
Towson, MD 21204



12131

RE: Miller Property
Resubdivision of Lot #3
Request for Waiver
of the Development process

Dear Mr. Jablon:

This office is privileged to represent the Miller family who owns property at 2211 Wiltonwood Road in the Second Councilmatic District of Baltimore County.

Beginning in about 1998, Dr. and Mrs. Miller subdivided their property into three lots, utilizing the minor subdivision process. Dr. and Mrs. Miller continued to live on Lot No. 3 which contained approximately four acres and sold off Lots No. 1 and 2.

Subsequently, Dr. Miller passed away, Mrs. Miller suffered a stroke and is in very poor health. In order to save the family home, currently Mrs. Miller's residence, the family must further subdivide Lot 3.

We have previously filed a perc plan with Department of Environmental Protection and Sustainability (DEPS) and the property has successfully perced. A public hearing was duly advertised, posted and held on February 23, 2012 to approve two zoning variances necessary to effectuate the plan.

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Page 2
Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals & Inspections
Miller Property - Request for waiver
February 27, 2012

As this is only a one lot subdivision, we believe that the full development process would be unnecessarily burdensome and of no public benefit.

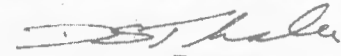
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A copy of the proposed plan is attached herewith for your use. Your prompt consideration is appreciated.

If this is acceptable, would you please indicate your approval by signing below.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

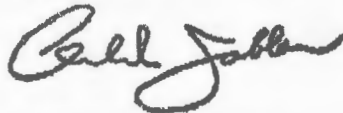


David S. Thaler, P.E., L.S., F., ASCE, F., NSPE
President

Enclosure:

Copy: Stacey A. McArthur, R.L.A.
Steven A. Miller
Michael Wyatt, Esquire
Joseph Mayer

JCM/WCR PER ORDER 2012- 3/15/12
Approved 0117A Date
Arnold Jablon, Esquire
Director



H:\Correspondence\PROJECTS\Miller (Steven) Property\Jablon DST let 02 27 2012.doc

The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please resend this communication to the sender and delete the original message and any copy of it from your computer system. Although every reasonable precaution has been taken to ensure no viruses are present in this email or its attachments, the sender assumes no responsibility for any loss or damage arising from the use of this email or attachments.

D.S. Thaler & Associates, Inc.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

October 14, 2010

D. S. Thaler & Assoc., Inc.
Mr. David Thaler
7115 Ambassador Road
P.O. Box 47428
Baltimore, MD 21244-7428

Re: Miller Property
Resubdivision of Lot #3
Request for Waiver

Dear Mr. Thaler,

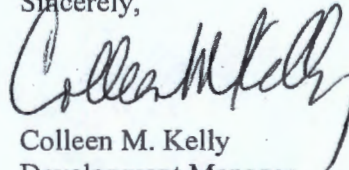
At the request of my Director, Mr. Timothy Kotroco, I am writing to you regarding your letter dated September 13, 2010 in which you requested a waiver of a Concept Plan submittal and a waiver of a Community Input Meeting for the referenced property.

As you recall, you and Stacey McArthur met with me to discuss your request and to review the two different types of waivers provided for under section 32-4-107 of the Baltimore County Code.

After careful consideration and discussion with Mr. Kotroco and Mr. Rascoe, we offer the following: Apply to the Development Review Committee (DRC) and request a waiver of the development plan requirements under section 32-4-107 (b) of the Baltimore County Code.

Thanks for your inquiry. Should you need any additional information regarding this matter, please contact me at 410-887-3321.

Sincerely,



Colleen M. Kelly
Development Manager

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Avenue
Towson, MD 21204

410-887-3335

January 4, 2011

D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, MD 21244

RE: Miller Property
PDM Number: 03-428
DRC Number: 122810A, Dist. 3C2

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on December 28, 2010, and has denied your request. This project must utilize the full development process

Sincerely,

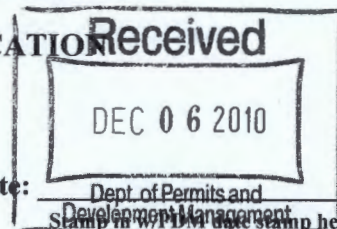
A handwritten signature in black ink, appearing to be "George Klunk", written over a horizontal line.

George Klunk
Acting Director

GK: CMK:dak
c: file

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

DRC# 122810A
County Use Only



Filing Date: _____
Dept. of Permits and Development Management
Stamp in window date stamp here

This application must be accompanied by the following:

1. One copy of the completed DRC application form checklist.
2. Three copies of this DRC application, completed in full.
3. Three copies of a letter of request (attach one to each DRC application).
4. Nine copies of the plan folded to 8 1/2 x 11 inches.
5. \$50 fee (check made payable to Baltimore County and non-refundable; do not staple check to request form)

Project Name: MILLER PROPERTY PDM File #: 96-078M 03-42

Project Address: 2211 Wiltonwood Road Zip Code: 21153 ADC Map #: 25-F2

✓ Councilmanic District: 2 Election District: 3 Project Acreage: Gross: 4.12 Ac ±

Tax Account No(s): 2300009267 Zoning: RC-5

Engineer: D.S. THALER & ASSOCIATES, INC. Engineer's Phone No.: (410) 944-3647

Applicant: STEVEN A. MILLER Applicant's Phone No.: (443) 621-4008

Address: 2211 Wiltonwood Road

BALTIMORE, MARYLAND Zip: 21153 Email: DHAMIL@DSTHALER.COM

Is this an antenna? Yes X No If "Yes" check one of the following: Cellular Water Tower MonoPole
(CAC) (WTC) (CFC)

REQUESTED ACTION (TO BE COMPLETED BY THE APPLICANT)

- () Limited Exemption under Section 32-4-106 () ()
() Material Amendment to the plan
() Plan Refinement
() Waiver of public works standards
() Requires a Zoning () Special Hearing; () Special Exception; () Variance
(X) Other Waiver - see attached

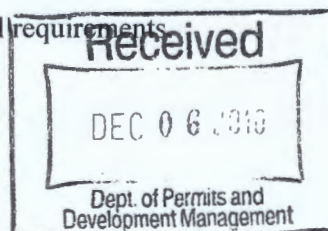
*WAIVER
DENIED
Full Process*

This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed or typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant and must provide details of the request.

Please note that a DRC application form checklist is available in room 123 of the Baltimore County Office Building and on the Baltimore County web site at www.co.ba.md.us. A copy of that checklist must be completed and included along with this DRC application.

Please see the DRC application form checklist for complete submittal requirements.

c: Council, Planning, DEPRM



rev. 10/2004

D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • P.O. BOX 47428 • BALTIMORE, MARYLAND 21244-7428

(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

December 3, 2010

Colleen M. Kelly
Development Manager
Baltimore County Department of
Permits & Development Management
111 West Chesapeake Avenue
Baltimore, MD 21204

Re: Miller Property
2211 Wiltonwood Road
Resubdivision of Lot #3
Request to the DRC for a waiver of
portions of the Development Process

Dear Ms. Kelly:

On behalf of our client, we are hereby requesting a finding by the Development Review Committee (DRC) that this project qualifies for a waiver of portions of the development plan requirements under section 32-4-107 (b) of the Baltimore County Code; specifically waiving the requirement for the filing of a Concept Plan and the holding of a Community Input Meeting.

The property, known as 2211 Wiltonwood Road, is located in the Second Councilmatic District of Baltimore County. The original property was subdivided in or about 1998 into three lots utilizing the minor subdivision process. 2211 Wiltonwood Road is Lot 3 of the minor subdivision plan.

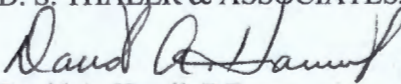
Due to family circumstances, in order to save the family home located on Lot 3, which is currently Mrs. Miller's residence, requires that the family further subdivide Lot 3. As the property had previously been subdivided using the minor subdivision process, re-subdividing Lot 3 requires that it come under the major subdivision process.

Therefore, on behalf of our client, we respectfully request a waiver of the Concept Plan and Community Input Meeting requirements. We would propose to file a Development Plan, followed by a Development Plan Conference and subsequently the requisite Hearing Officer's Hearing where interested citizens could express their opinion or concerns.

Thank you for your consideration in this matter. Should you have any questions please do not hesitate to contact our office.

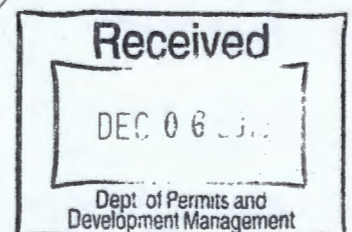
Very truly yours,

D. S. THALER & ASSOCIATES, INC.


David A. Hamil, P.E.
Senior Vice President

Copy: Steven Miller, Stacey A. McArthur, RLA, David S. Thaler, P.E., L.S.

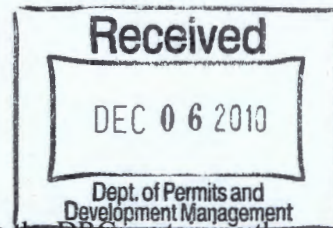
H:\Correspondence\PROJECTS\Miller (Steven) Property\DRC 2010\CK KELLY December 2010.doc



BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Development Review Committee (DRC) Application Form Checklist

MILLER PROPERTY
(2211 Wiltonwood Road)



All applications to the DRC must include the following:

- ☒ 1. Three copies of the DRC Application.
- ☒ 2. Three copies (one attached to each DRC Application) of a letter of request to the DRC containing the following:
 - ☒ a. Name, address and phone number of the applicant
 - ☒ b. Explanation of the request to the DRC.
 - ☒ c. Signature of the applicant.
- ☒ 3. Nine copies of a plan*** showing the following:
 - ☒ a. A plan title box noting "Plan to accompany DRC request."
 - ☒ b. North arrow.
 - ☒ c. Vicinity map.
 - ☒ d. Election district.
 - ☒ e. Councilmatic district.
 - ☒ f. Property tax account numbers.
 - ☒ g. Site property owner's name and address.
 - ☒ h. Scale of the drawing.
 - ☒ i. Boundaries of the property lines shown in heavy bold lines.
 - ☒ j. Lengths of property lines
 - ☒ k. Area of project site in square feet and acreage.
 - ☒ l. Proposed structures, heights and dimensions.
 - ☒ m. Setbacks.
 - ☒ n. Location of existing wells and septic systems.
 - ☒ o. Zoning information:
 - ☒ 1. Current zoning on the property.
 - ☒ N/A 2. Case numbers of any zoning hearings.
 - ☒ N/A 3. Dates of zoning orders.
 - ☒ N/A 4. Indication of what was granted or denied by the zoning commissioner.
 - ☒ N/A 5. Copies of zoning orders attached to the DRC Application.
- ☒ 4. One copy of this checklist completed and signed by the applicant or the consultant.
- ☒ 5. Check for \$300 payable to Baltimore County, MD (do not staple to forms).

***Note: For refinements and material changes to previously approved plans you must use copies of the last approved plan to show items 3a-o listed above. Please show all changes in red.

I have reviewed the DRC application and plan using this checklist to insure that the application and plan are complete. I understand that an incomplete application or plan may cause the DRC to delay its action on this request.

Signed

David A. Hamil

12/03/10
Date

Print Name DAVID A. HAMIL, P.E.
Senior Vice President

rev. 10/2004



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 2211 Wiltonwood Road Stevenson, MD 21153-2030 which is presently zoned RC-5

Deed Reference 29758 / 356

10 Digit Tax Account # 2 3 0 0 0 0 9 2 6 7

Property Owner(s) Printed Name(s) Steven A. Miller and Joyce Anne Miller

CASE NUMBER 2012-047-A Filing Date 6/21/11 Estimated Posting Date / / Reviewer BK

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

1. As per § 1A04.3B.2.b of the BCZR, to allow a minimum side building setback to any property line other than a street line of 14 feet in lieu of the required 50 feet.

2. see attachment

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

To provide in fee access for a proposed panhandle lot, a 14' side setback to the existing house on lot #3 is required.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Turnbull Nicholson & Sanders c/o Carolyn H. Thaler

Name- Type or Print

Signature

29 W Susquehanna Ave. #202 Baltimore MD

Mailing Address

City

State

21204-5218, 410-339-4100

CTHALERESQ@gmail

Zip Code

Telephone #

Email Address

Legal Owners:

Steven A. Miller

Joyce Anne Miller

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2211 Wiltonwood Road Stevenson MD

Mailing Address

City

State

21153-2030, 443-621-4008

steven.alex.miller@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

D.S. Thaler & Associates, Inc. c/o Joseph A. Mayer, Jr.

Name - Type or Print

Signature

7115 Ambassador Road Baltimore MD

Mailing Address

City

State

21244-7428, 410-944-3647

jmayor@dsthaler.com

Zip Code

Telephone #

Email Address

APPEAL

Petition for Variance Case No.: 2012-0117-A

S side of Wiltonwood Road; 480 feet W of the c/l of Longacre Lane
3rd Election District, 2nd Council District
2211 Wiltonwood Road
Steven A. Miller and Joyce Anne Miller, Petitioners

Petition for Zoning Hearing-Variance (October 27, 2011) reviewed by Bruno Rudaitis (2 pages)

Description of Property (1 page)

Notice of Zoning Hearing - corrected (January 17, 2012) (1 page)

Certification of Publication (The Jeffersonian – February 7, 2012) (1 page)

Certification of Posting – corrected copy (February 8, 2012) (2 pages)

Entry of Appearance by People's Counsel (November 10, 2011) (1 page)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet – N/A

Citizen(s) Sign-In Sheet (1 page)

Zoning Advisory Committee (ZAC) Comments:

1. Department of Planning – December 6, 2011 (1 page)
2. State Highway Administration – November 8, 2011 (1 page)
3. Bureau of Development Plans Review – November 16, 2011 (1 page)

Petitioner's Exhibits: Exhibit Sheet (1 page)

1. Current Fee Simple Deed to Lot 3 (5 pages)
2. Deed 1979 to Louis W. Miller (5 pages)
3. Forest Conservation Declaration of Protective Covenants, Conditions and Restrictions (9 pages)
4. Site Plan of Property (1 page)
5. Colorized Version of Site Plan Showing Lots (1 page)
6. Photographs of the Property (9 pages)
7. Plat in color of all Panhandle Lots in the Area (1 page)

Protestant's Exhibits: N/A

Miscellaneous:

1. Substitution of Appearance of Counsel – dated December 12, 2011 by Michael T. Wyatt of Marlow & Wyatt (4 pages)
2. Letter/fax dated February 21, 2012 from Carolyn H. Thaler – does not represent Petitioners (1 page)

Cover Letter and Administrative Law Judge's Opinion and Order - Granted with Conditions - March 6, 2012 (7 pages)

Notice of Appeal dated April 5, 2012 and received on April 5, 2012 - filed by Michael R. McCann, Esquire (3 pages)

Baltimore County Cashier's Validation No. 74985 (1 page)

c: Peter Max Zimmerman, People's Counsel for Baltimore County
Baltimore County Board of Appeals
Timothy M. Kotroco, Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections

Date sent: April 11, 2012

