

MEMORANDUM

DATE: August 24, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0328-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 23, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(1011 Wagner Road)
9th Election District
2nd Council District
Anne Dalsheimer Milch
Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0328-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Anne Dalsheimer Milch, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit a minimum lot width in a DR 1 zone of 135 ft. in lieu of the required 150 ft. A site plan was marked as Petitioner’s Exhibit 1.

Surveyor Bruce Doak appeared in support of the petition. A neighbor attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”).

The site is approximately 1.29 acres in size and zoned DR 1. The property is unimproved although for many years a barn (converted to a single-family dwelling) was located on the lot. The subject property is a “lot of record,” having been created by deed in 1953, prior to the adoption of the BCZR. Pet. Exhibit 4.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty

ORDER RECEIVED FOR FILING

Date 7/24/18

By Sen

or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property is narrow and long (approximately 135' x 381') and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct a dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 24th day of **July, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a minimum lot width in a DR 1 zone of 135 ft. in lieu of the required 150 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. New construction on the property will be subject to review by the Design Review Panel, which must review and approve elevation drawings prior to the issuance of a building permit.

ORDER RECEIVED FOR FILING

Date 7/24/18

By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 7/24/18

By sen



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 1011 WAGNER ROAD

which is presently zoned DR1

Deed References: 21051/455

10 Digit Tax Account # 0904750050

Property Owner(s) Printed Name(s) ANNE DALSHEIMER MILCH

(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)

SEE ATTACHED PAGE

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 BE PRESENTED AT THE HEARING

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0328-A

Filing Date 5/31/18

Legal Owners (Petitioners):

ANNE DALSHEIMER MILCH

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Do Not Schedule Dates: BD@BRUCEDOAKCONSULTING.COM

Reviewer BD

Petition Requested

Variance:

To permit a minimum lot width in a DR 1 zone of 135 feet in lieu of the required 150 feet per Section 1B02.3.C.1 (chart) BCZR

Item #0328



Zoning Description

1011 Wagner Road- 1.29 Acre Lot
Ninth Election District Second Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Wagner Road, said point of beginning lying 615 feet, more or less, southeasterly along the center of Wagner Road from the centerline of Rolandvue Road, thence leaving said road and running on the outlines of the subject property, the three following courses and distances, viz. 1) South 3/4 degrees East 434 feet, more or less, 2) North 87 3/4 degrees East 135 feet, more or less, and 3) North 3/4 degrees West 381 feet, more or less, to the south side of Wagner Road, thence running on the south side of Wagner Road and binding on the outlines of the subject property 4) Northwesterly 145 feet, more or less, to the point of beginning.

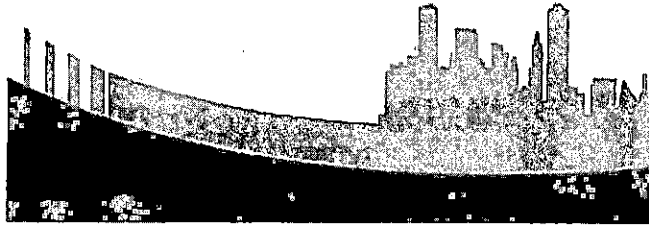
Containing 1.29 acres of land, more or less, as assessed by the State Department of Taxation.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

Item #0328



CERTIFICATE OF POSTING

July 2, 2018 (amended July 20, 2018)

Re:

Zoning Case No. Case #2018-0328-A

Legal Owner: Anne Dalsheimer Milch

Hearing date: July 23, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 1011 Wagner Road.

The signs were posted on July 2, 2018.

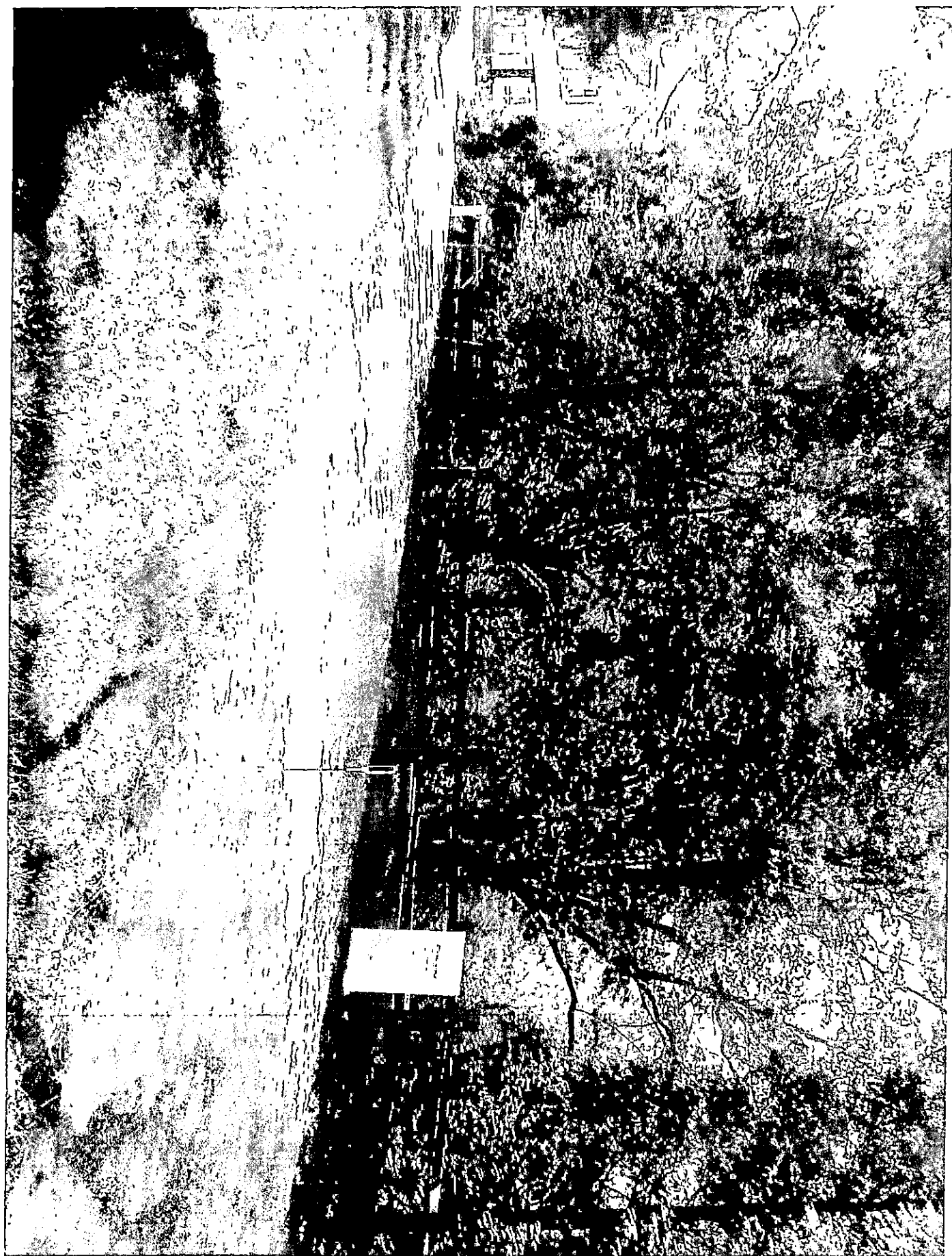
The signs were inspected again on July 20, 2018.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



ZONING NOTICE

CASE NO. 2018-0328-A

1011 Wagner Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday July 23, 2018 11:00 AM

**VARIANCE 1) TO PERMIT A MINIMUM LOT WIDTH IN A
DR 1 ZONE OF 135 FEET IN LIEU OF THE REQUIRED
150 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY**

ZONING NOTICE

CASE NO. 2018-0328-A

1011 Wagner Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

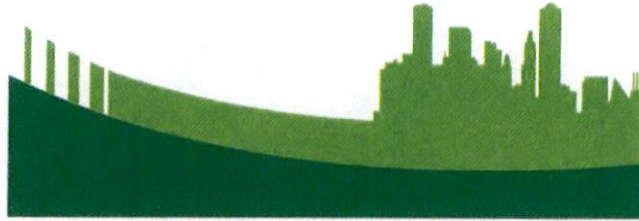
**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday July 23, 2018 11:00 AM

**VARIANCE 1) TO PERMIT A MINIMUM LOT WIDTH IN A
DR 1 ZONE OF 135 FEET IN LIEU OF THE REQUIRED
150 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-587-3391.**

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING.



CERTIFICATE OF POSTING

July 2, 2018 (amended _____)

Re:

Zoning Case No. Case #2018-0328-A

Legal Owner: Anne Dalsheimer Milch

Hearing date: July 23, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **1011 Wagner Road**.

The signs were posted on **July 2, 2018**.

The signs were inspected again on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2018-0328-A

1011 Wagner Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday July 23, 2018 11:00 AM

**VARIANCE 1) TO PERMIT A MINIMUM LOT WIDTH IN A
DR 1 ZONE OF 135 FEET IN LIEU OF THE REQUIRED
150 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-867-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2018-0328-A

1011 Wagner Road

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday July 23, 2018 11:00 AM

**VARIANCE 1) TO PERMIT A MINIMUM LOT WIDTH IN A
DR 1 ZONE OF 135 FEET IN LIEU OF THE REQUIRED
150 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**



KEVIN KAMENETZ
County Executive

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

June 25, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-0328-A

1011 Wagner Road

S/s Wagner Road, s/east of centerline of Rolandvue Road

9th Election District – 2nd Councilmanic District

Legal Owners: Anne Dalsheimer Milch

Variance to permit a minimum lot width in a DR 1 zone of 135 feet in lieu of the required 150 feet.

Hearing: Monday, July 23, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Anne Dalsheimer Milch, 1015 Wagner Road, Baltimore 21204
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 3, 2018.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 3, 2018 Issue - Jeffersonian

Please forward billing to:
Anne Dalsheimer Milch
1015 Wagner Road
Baltimore, MD 21204

443-324-5326

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-0328-A

1011 Wagner Road

S/s Wagner Road, s/east of centerline of Rolandvue Road

9th Election District – 2nd Councilmanic District

Legal Owners: Anne Dalsheimer Milch

Variance to permit a minimum lot width in a DR 1 zone of 135 feet in lieu of the required 150 feet.

Hearing: Monday, July 23, 2018 at 11:00 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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1011 Wagner Road; S/S Wagner Road, 65' SE *
Of c/line of Rolandvue Road * OF ADMINISTRATIVE
9th Election & 2nd Councilmanic Districts *
Legal Owner(s): Anne Dalsheimer Milch * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2018-328-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
JUN 06 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:

Case Number: 2018-0328-A
Property Address: 1011 WAGNER ROAD
Property Description: 1.29 ACRES SOUTH SIDE OF WAGNER ROAD, 615' ±
SIDE OF ROLAND VUE ROAD
Legal Owners (Petitioners): ANNE DALSHIMER MILCH
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANNE DALSHIMER MILCH
Company/Firm (if applicable): N/A
Address: 1015 WAGNER ROAD
BALTIMORE MD 21204

Telephone Number: 443-324-5326

No. 168833

Date: 5/31/18

PAID OFFER

BUSINESS ACTUAL TIME 1900

5/31/2018 5/31/2018 10:07:02 2

WALKER, JEE

RECEIPT # 054147 5/31/2018 06LN

5 328 ZONING VERIFICATION

16833

Revol. Tot	75.00
------------	-------

75-01 5A 75-01 5A

Baltimore County, Maryland

**CASHIER'S
VALIDATION**

[illegible]

Total: 875

Rec From: B. Doak

For Zoning hearing - case # 2018-0328-A

DISTRIBUTION

WHITE: CASHIER

PINK - AGENCY

YELLOW-CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!



DONALD I. MOHLER III
County Executive

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

July 19, 2018

Anne Dalsheimer Milch
1015 Wagner Road
Baltimore MD 21204

RE: Case Number: 2018-0328 A, Address: 1011 Wagner Road

Dear Ms. Milch:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 31, 2018. 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 6/6/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

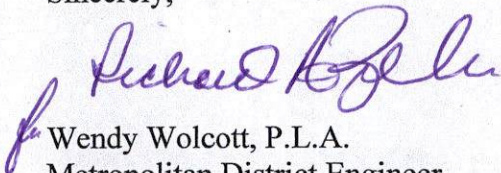
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0328-A

Variance
Anna Dalsheimer Mitch
1011 Wagner Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

7-23

RECEIVED
JUL 03 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 6/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-328

INFORMATION:

Property Address: 1011 Wagner Road
Petitioner: Anne Dalsheimer Milch
Zoning: DR 1
Requested Action: Variance

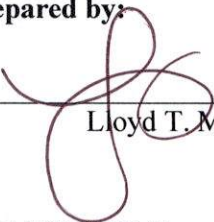
The Department of Planning has reviewed the petition for variance to permit a minimum lot width of 135 feet in lieu of the required 150 feet in the DR 1 zone.

A site visit was conducted on June 11, 2018. The Department has no objections to granting the petitioned zoning relief.

Please be advised that the subject property is located within the Ruxton/Riderwood/Lake Roland Design Review Panel (DRP) area. New residential construction will be subject to review by the Baltimore County Design Review Panel. Be aware that their review may result in changes to the building footprint. You may contact the person listed below for more information on the DRP process.

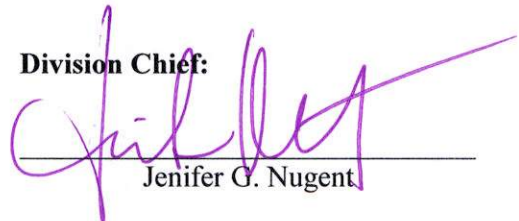
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:

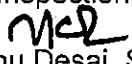


Jenifer C. Nugent

AVA/JGN/LTM/

c: Bill Skibinski
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: July 12 2018

SUBJECT: Zoning Advisory Committee Meeting
For June 11, 2018
Item No. 2018-0325-A, 0328-A and 0330-A

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

* * * * *

VKD: cen
cc: file

102
RECEIVED

JUL 05 2018

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

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

DATE: 6/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-328

INFORMATION:

Property Address: 1011 Wagner Road
Petitioner: Anne Dalsheimer Milch
Zoning: DR 1
Requested Action: Variance

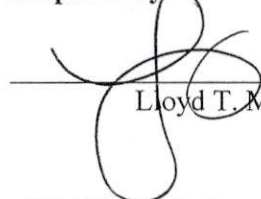
The Department of Planning has reviewed the petition for variance to permit a minimum lot width of 135 feet in lieu of the required 150 feet in the DR 1 zone.

A site visit was conducted on June 11, 2018. The Department has no objections to granting the petitioned zoning relief.

Please be advised that the subject property is located within the Ruxton/Riderwood/Lake Roland Design Review Panel (DRP) area. New residential construction will be subject to review by the Baltimore County Design Review Panel. Be aware that their review may result in changes to the building footprint. You may contact the person listed below for more information on the DRP process.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

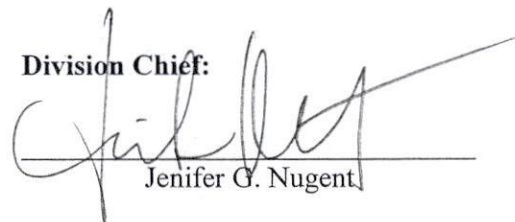
Prepared by:



Lloyd T. Moxley

AVA/JGN/LTM/

Division Chief:



Jenifer G. Nugent

c: Bill Skibinski
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME MUCH
CASE NUMBER #2018-0328-A
DATE 7/23/18

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

E - MAIL

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
7/12	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	No Comment
_____	DEPS (if not received, date e-mail sent _____)	_____
7/13	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	Comment
6/6/18	STATE HIGHWAY ADMINISTRATION TRAFFIC ENGINEERING	NO Obj
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: 7/2/18	by DOCK
SIGN POSTING (2 nd)	Date: 7/20/18	by DOCK
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 09 Account Number - 0904750050			
Owner Information					
Owner Name:	MILCH ANNE DALSHEIMER	Use:	RESIDENTIAL		
Mailing Address:	1015 WAGNER RD BALTIMORE MD 21204-6821	Principal Residence:	NO		
		Deed Reference:	/00000/ 00000		
Location & Structure Information					
Premises Address:	1011 WAGNER RD 0-0000	Legal Description:	SS WAGNER RD 1011 WAGNER RD 300FT SE OF ROLANDVUE		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0069	0017	0765		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
		2017			
Special Tax Areas:		Town:	NONE		
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			1.2900 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2017	07/01/2018	
Land:	272,600	272,600			
Improvements	0	0			
Total:	272,600	272,600	272,600	272,600	
Preferential Land:	0			0	
Transfer Information					
Seller: GOHN SANDRA P,TRUSTEE	Date: 11/23/2004	Price: \$0			
Type: NON-ARMS LENGTH OTHER	Deed1: /00000/ 00000	Deed2:			
Seller: SCHUNCKE MICHAEL T	Date: 12/16/1999	Price: \$425,000			
Type: ARMS LENGTH IMPROVED	Deed1: /14210/ 00430	Deed2:			
Seller: DUER T MARSHALL,JR	Date: 06/26/1998	Price: \$185,000			
Type: NON-ARMS LENGTH OTHER	Deed1: /12973/ 00681	Deed2:			
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017	07/01/2018		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:		Special Tax Recapture:			
Exempt Class:					

NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:

Case No.: 2018-0328-A

Exhibit Sheet

Petitioner/Developer

Protestant

150
8-24-18

Sen
7-24-18

No. 1	Site plan	
No. 2	Aerial photo	
No. 3	Plan w/ photos A-I	
No. 4	Title deed	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2





ZONING NOTICE

CASE NO. 2018-0328-A
1011 Wagner Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204

DATE & TIME: Monday July 23, 2018 11:00 AM

VARIANCE 1) TO PERMIT A MINIMUM LOT WIDTH IN A
OR 1 ZONE OF 135 FEET IN LIEU OF THE REQUIRED
150 FEET.











H



H



This Deed, Made this 13th day of September

in the year one thousand nine hundred and fifty-three, by and between

J. Purdon Wright and Lucy A. Wright, his wife

of Baltimore City in the State of Maryland, of the first part, and
Chesley E. White

of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) Dollars and other good
and valuable considerations,

thesaid J. Purdon Wright and Lucy A. Wright, his wife

do grant and convey unto the said Chesley E. White, his



heirs and assigns, in fee simple, all that lot of ground, situate, lying and being in
Baltimore County, aforesaid, and described as follows, that is to say:—

Beginning for the same at the end of the north three-quarter degrees west
381 foot line of the property described in a deed from Rebecca F. Freeman
to J. Purdon Wright and Lucy A. Wright, dated March 15, 1923 and recorded
among the Land Records of Baltimore County on March 20, 1923, in Liber
W.P.C. 568, folio 346, being the second line in said description and
a line constructed and drawn parallel thereto, and 137 feet therefrom
measured at right angles from said north three-quarter degrees west 381
foot line and extending from the northernmost outline of said described
parcel of land to the southernmost outline of said described parcel of
land to a point of intersection with the eleventh or last line of said
described parcel of land and thence running and binding on said eleventh
or last line and with and through the first line of said described parcel
of land to the point of beginning of the aforesaid second line, thence
with and binding on said second line to the place of beginning.

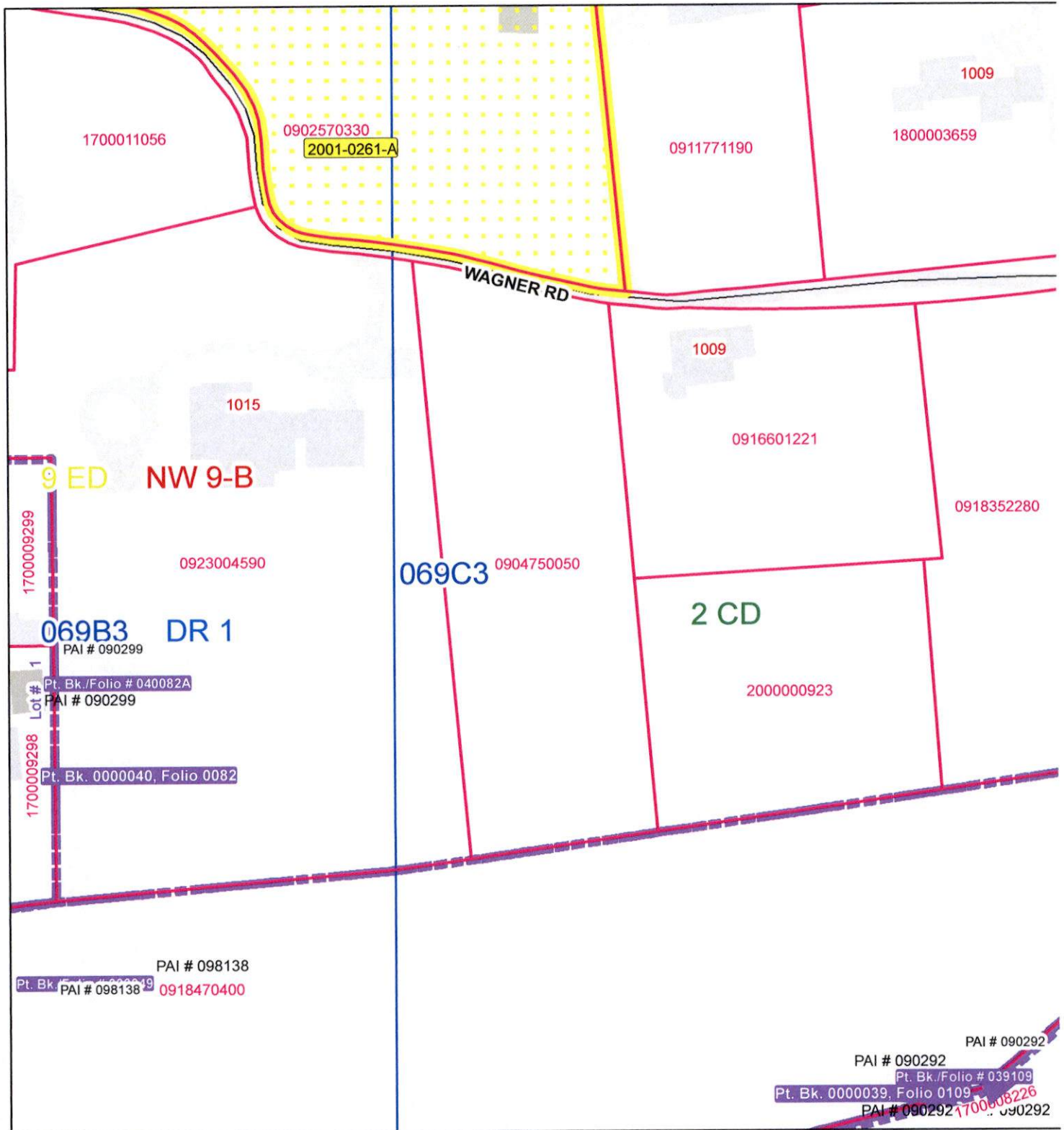
BEING part of the same property described in a deed from Rebecca
F. Freeman, unmarried, to J. Purdon Wright and wife, dated March 15, 1923

PETITIONER'S

EXHIBIT NO. 4

and recorded among the Land Records of Baltimore County in Liber
W.P.C. No. 568, folio 346, specifically excepted from the deed dated
June 10, 1953, from the herein grantors to Thomas S. George and
Esther Ridgely George, his wife, recorded prior hereto.

1011 Wagner Road



Publication Date: 5/22/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0328

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0904750050			
Owner Information					
Owner Name:	MILCH ANNE DALSEIMER		Use:	RESIDENTIAL	
Mailing Address:	1015 WAGNER RD BALTIMORE MD 21204- 6821		Principal Residence:	NO	
			Deed Reference:	/00000/ 00000	
Location & Structure Information					
Premises Address:		1011 WAGNER RD 0-0000		Legal Description:	SS WAGNER RD 1011 WAGNER RD 300FT SE OF ROLANDVUE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0069	0017	0765		0000	2017 04
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			1.2900 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2017	07/01/2018	
Land:	272,600	272,600			
Improvements	0	0			
Total:	272,600	272,600	272,600	272,600	
Preferential Land:	0			0	
Transfer Information					
Seller: GOHN SANDRA P,TRUSTEE		Date: 11/23/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00000/ 00000		Deed2:	
Seller: SCHUNCKE MICHAEL T		Date: 12/16/1999		Price: \$425,000	
Type: ARMS LENGTH IMPROVED		Deed1: /14210/ 00430		Deed2:	
Seller: DUER T MARSHALL,JR		Date: 06/26/1998		Price: \$185,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /12973/ 00681		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Item #0328

GENERAL SITE INFORMATION

1. Ownership: Anne Dalsheimer Milch
1015 Wagner Road Baltimore, MD 21204
2. Address: 1011 Wagner Road Baltimore, MD 21204
3. Deed references: SM 21051 / 455
4. Area: 1.29 acres (per SDAT)
5. Tax Map / Parcel / Tax account #: 69 / 17 / 09-04-750050
6. Election District: Councilmanic District: 2
ADC Map: 457818 GIS tile & Zoning map: 06983 Position sheet: 34NW5
Census tract: 490500 Census block: 24003400500
Schools: Ridewood ES Dunbarton MS Towson HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 06983 and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant
9. The subject lot was created on September 13, 1953 in GLB 2365/562.

OFFICE OF ZONING

Zoning: DR 1 There are no previous zoning cases on the subject parcels.

DR 1 Requirements for Residential Buildings

Minimum lot width: 150 feet

Minimum lot area: 40,000 sf / 0.918 acre

Front: 50 feet from the street right of way / property line

Side: 20 feet min. / 50 feet sum from the property line

Rear: 50 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1 Growth Tier: 1

1. The subject lot will be serviced by a public water and a private septic system.
2. There are no underground storage tanks on the subject lot.
3. The subject lot is not in the Chesapeake Bay Critical Area.
4. The subject lot is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Ruxton District Code: 314

1. The subject lot is not in a historic district.

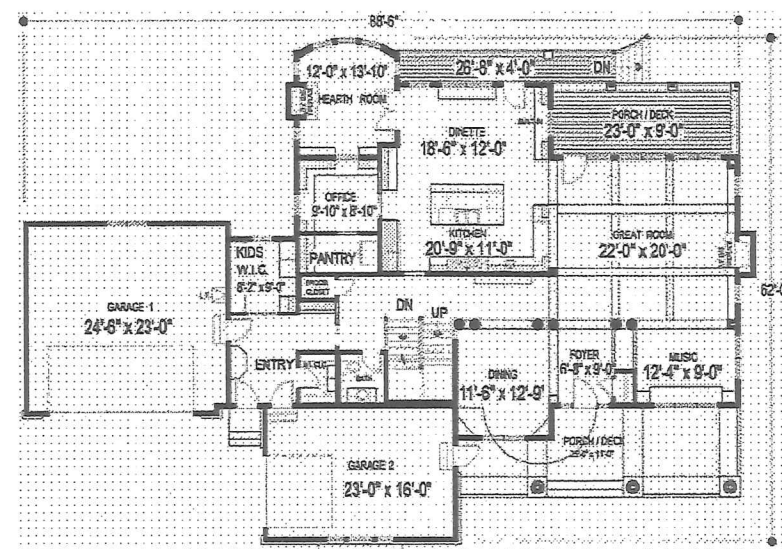
PROPOSED DEVELOPMENT

To be able to build a single family dwelling on the subject

EXAMPLE OF A POSSIBLE HOUSE



PHOTO



MAIN FLOOR

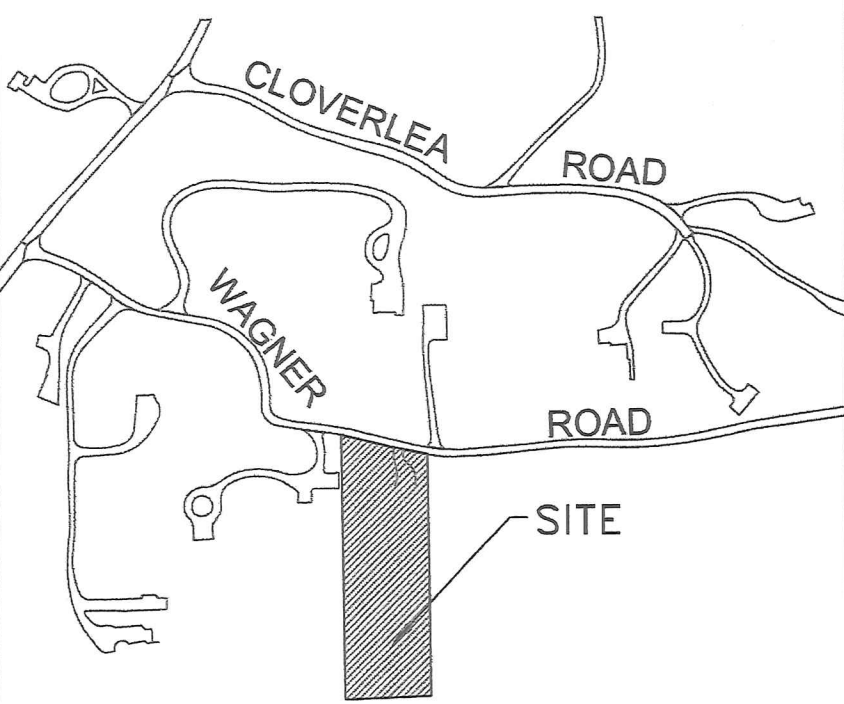
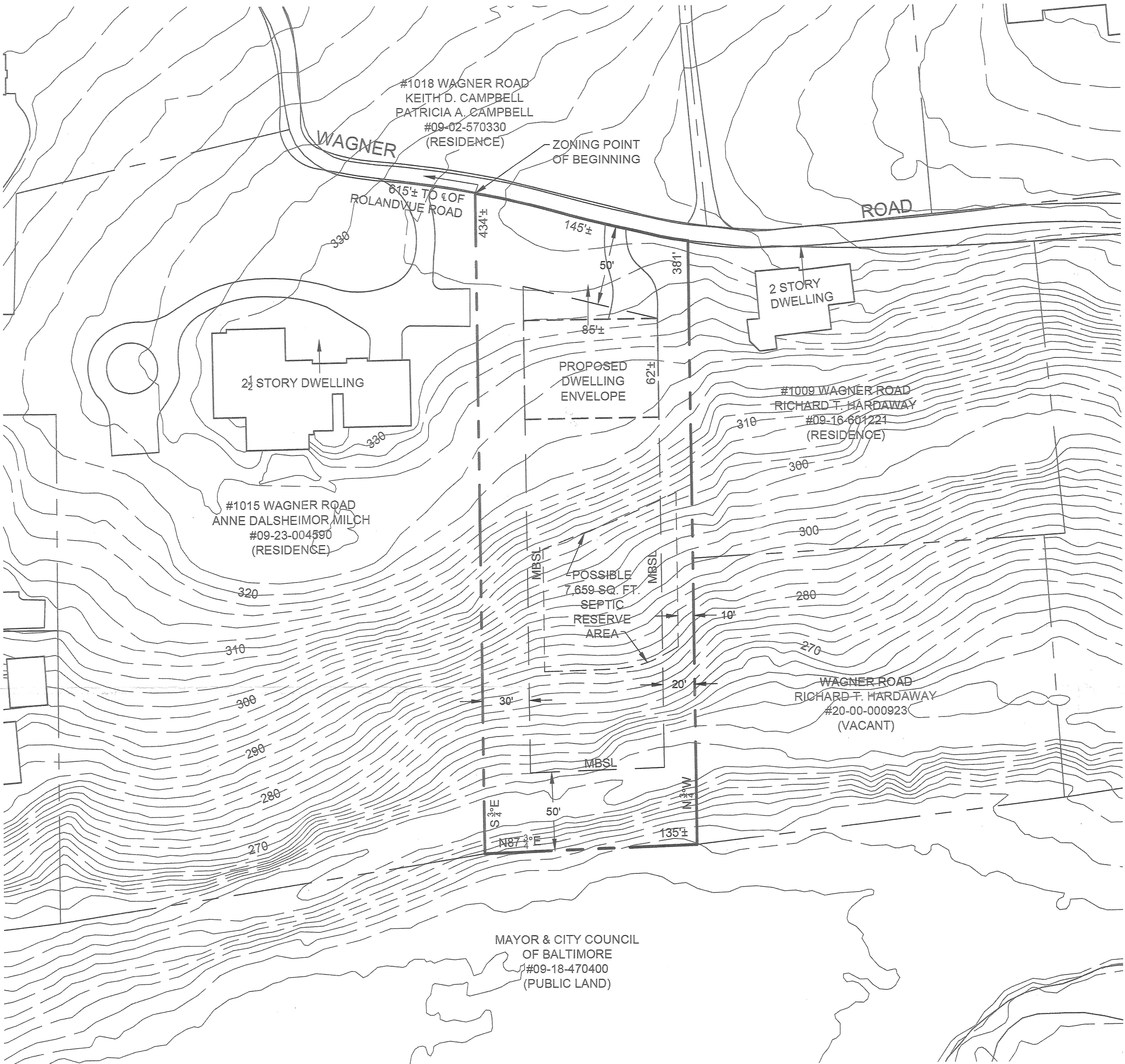


UPPER/SECOND FLOOR



Rear Elevation

REAR ELEVATION



Vicinity Map - Scale: 1" = 300'

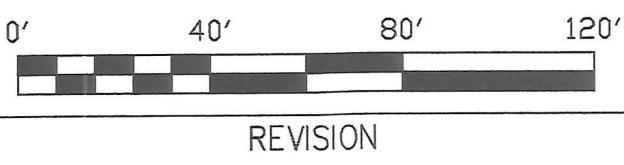
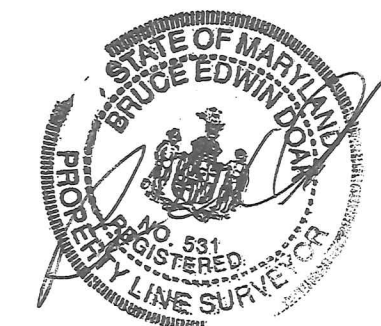
#2018-0328-A
R.D.

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#1011 WAGNER ROAD

BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 5/28/18
Scale: 1"=40"



Case # 2018-0328-A

GENERAL SITE INFORMATION

1. Ownership: Anne Dalsheimer Milch
1015 Wagner Road Baltimore, MD 21204
2. Address: 1011 Wagner Road Baltimore, MD 21204
3. Deed references: SM 21051/ 455
4. Area: 1.29 acres (per SDAT)
5. Tax Map / Parcel / Tax account #: 69 / 17 / 09-04-750050
6. Election District: Councilmanic District: 2
ADC Map: 4578H8 GIS tile & Zoning map: 06983 Position sheet: 34NW5
Census tract: 490500 Census block: 24005490500
Schools: Riderwood ES Dunbarton MS Towson HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 06983 and the information provided by Baltimore County on the internet.
8. Improvements: Vacant
9. The subject lot was created on September 13, 1953 in GLB 2365/562.

OFFICE OF ZONING

Zoning: DR 1 There are no previous zoning cases on the subject parcels.

DR 1 Requirements for Residential Buildings

Minimum lot width: 150 feet

Minimum lot area: 40,000 sf / 0.918 acre

Front: 50 feet from the street right of way/ property line

Side: 20 feet min. / 50 feet sum from the property line

Rear: 50 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1 Growth Tier: 1

1. The subject lot will be serviced by a public water and a private septic system.
2. There are no underground storage tanks on the subject lot.
3. The subject lot is not in the Chesapeake Bay Critical Area.
4. The subject lot is not located within a 100 year flood plain.

OFFICE OF PLANNING

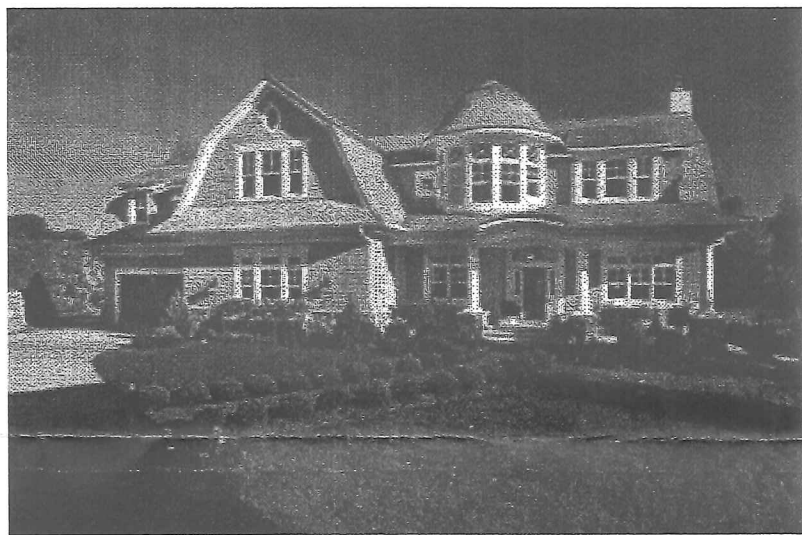
Regional Planning District: Ruxton District Code: 314

1. The subject lot is not in a historic district.

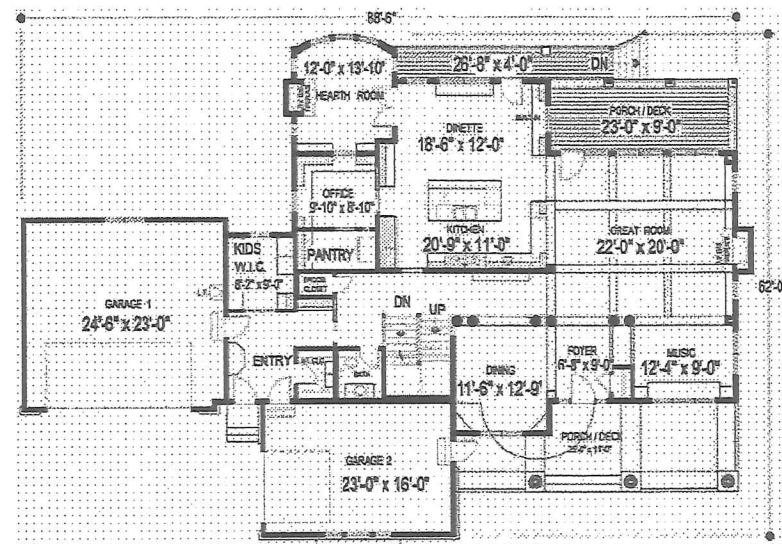
PROPOSED DEVELOPMENT

To be able to build a single family dwelling on the subject

EXAMPLE OF A POSSIBLE HOUSE



PHOTO



MAIN FLOOR

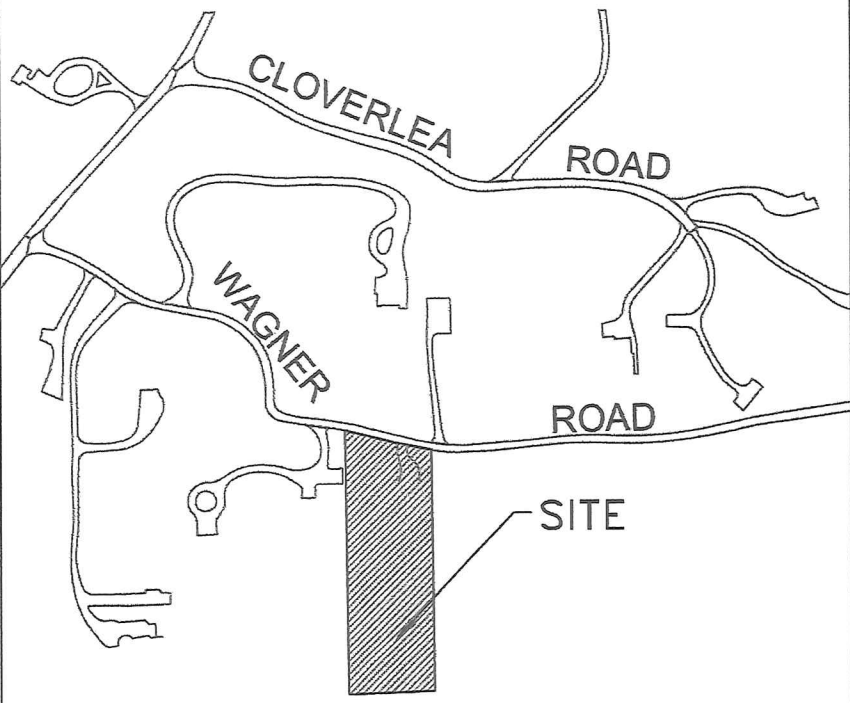
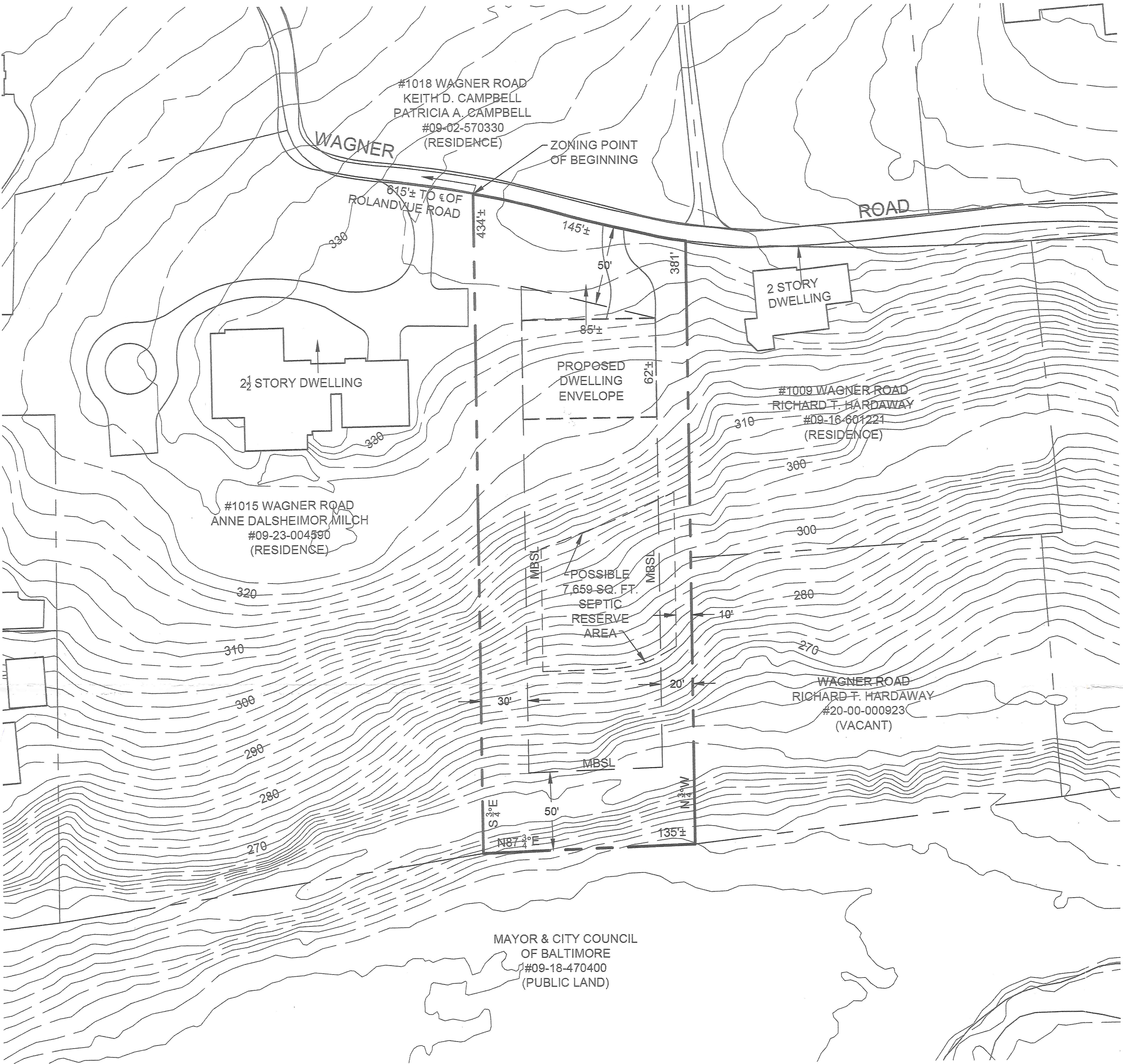


UPPER/SECOND FLOOR



Rear Elevation

REAR ELEVATION



Vicinity Map - Scale: 1' = 300'

#2018-0328-A
RD

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21063
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#1011 WAGNER ROAD

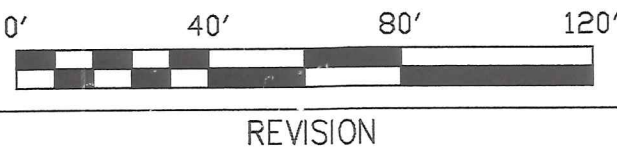
BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 5/28/18

Scale: 1"=40"



PET.No.1



REVISION

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 2

GENERAL SITE INFORMATION

- Ownership: Anne Dalsheimer Milch
1015 Wagner Road Baltimore, MD 21204
- Address: 1015 Wagner Road Baltimore, MD 21204
- Deed references: SM 21051 / 455
- Area: 1.29 acres (per 30AT)
- Tax Map / Parcel / Tax account #: 69 / 17 / 09-04-750050
- Election District: Councilmanic District: 2
ADC Map: 4578H8 GIS tile & Zoning map: 06983 Position sheet: 34NW5
Census tract: 490500 Census block: 24005490500
Schools: Ridewood ES Dunbarton HS Towson HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files 06983 and the information provided by Baltimore County on the Internet.
- Improvements: Vacant
- The subject lot was created on September 13, 1953 in GLB 2365/562.

OFFICE OF ZONING

Zoning: DR 1 There are no previous zoning cases on the subject parcels.

DR 1 Requirements for Residential Buildings

Minimum lot width: 150 feet

Minimum lot area: 40,000 sf / 0.918 acre

Front: 50 feet from the street right of way/ property line
Side: 20 feet min. / 50 feet sum from the property line
Rear: 50 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1 Growth Tier: 1

- The subject lot will be serviced by a public water and a private septic system.
- There are no underground storage tanks on the subject lot.
- The subject lot is not in the Chesapeake Bay Critical Area.
- The subject lot is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Ruxton District Code: 314

- The subject lot is not in a historic district.

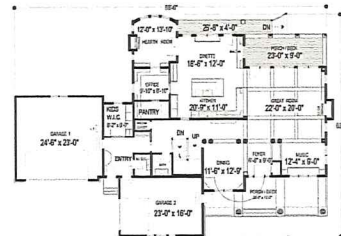
PROPOSED DEVELOPMENT

To be able to build a single family dwelling on the subject

EXAMPLE OF A POSSIBLE HOUSE



PHOTO



MAIN FLOOR

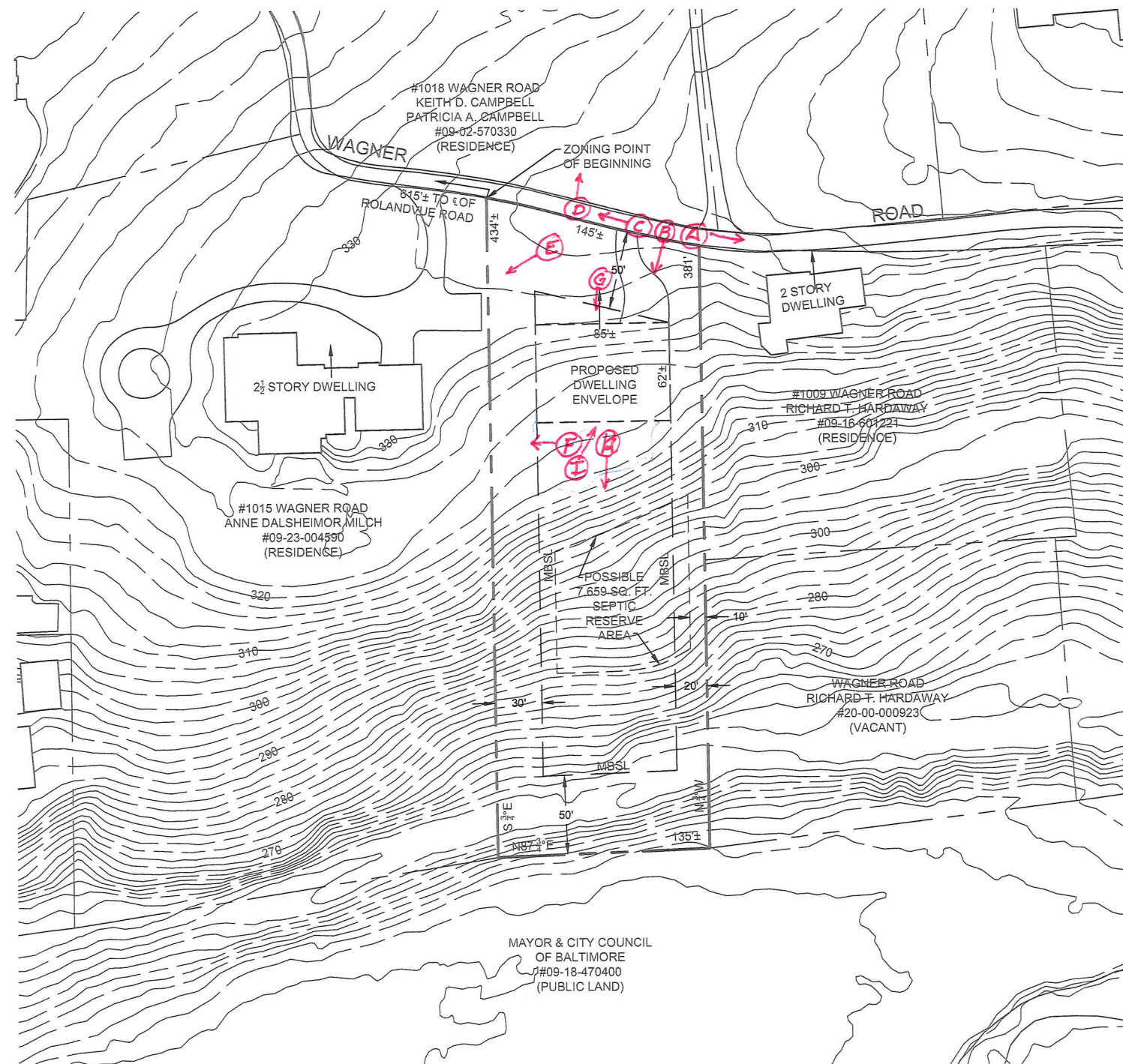


UPPER/SECOND FLOOR

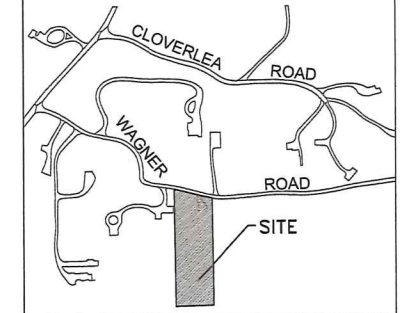


Rear Elevation

REAR ELEVATION



MAYOR & CITY COUNCIL
OF BALTIMORE
#09-18-470400
(PUBLIC LAND)



Vicinity Map - Scale: 1' = 300'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdcak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#1011 WAGNER ROAD

BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 5/28/18
Scale: 1' = 40'

PETITIONER'S

EXHIBIT NO.

PHOTOS A - I

3

PLAN TO ACCOMPANY PHOTOS