

M E M O R A N D U M

DATE: July 11, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0293-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 10, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(12101 Garrison Forest Road)

4th Election District

2nd Council District

Nick Wittig

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0293-A

*

*

*

*

*

*

*

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Nick Wittig, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from Section 400.1 of the Baltimore County Zoning Regulations ("BCZR") and the Zoning Commissioner's Policy Manual ("ZCPM"): (1) to permit a proposed shed (accessory structure) on a corner lot located in the rear yard closest to the street side in lieu of 1/3 farthest removed from the street side; and (2) to permit a proposed shed (accessory structure) on a double-frontage lot to be closer to a street right-of-way line than the setback required for a principal dwelling. A site plan was marked as Petitioner's Exhibit 1.

George Wittig and surveyor Bruce Doak appeared in support of the petition. There were no protestants or interested citizens in attendance. 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"). That agency did not oppose the request.

The site is approximately 1.11 acres in size and is zoned RC-5. The property is improved with a small single-family dwelling which is bordered on three sides by public roadways. Given this unusual configuration Petitioner requires variances to construct a 14' x 24' wood shed in the rear yard.

ORDER RECEIVED FOR FILING

Date_____

By_____

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 or hardship.

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

The property is triangular and is bound on three sides by public streets. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct the proposed shed. 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 10th day of **June, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations: (1) to permit a proposed shed (accessory structure) on a corner lot located in the rear yard closest to the street side in lieu of 1/3 farthest removed from the street side; and (2) to permit a proposed shed (accessory structure) on a double-frontage lot to be closer to a street right-of-way line than the setback required for a principal dwelling, 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 his 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.

ORDER RECEIVED FOR FILING

Date 6-10-19

By LSW

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

ORDER RECEIVED FOR FILING

Date 6-10-19

By bw



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 1201 GARRISON FOREST ROAD which is presently zoned RC5
 Deed References: JLE 38857 / 292 10 Digit Tax Account # 17 000 001 83
 Property Owner(s) Printed Name(s) NICK WITTIG

(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)

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 _____

Legal Owners (Petitioners):

NICK WITTIG
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 [Signature] Signature #2 _____
1201 GARRISON FOREST ROAD OWINGS MILLS MD
 Mailing Address _____ City _____ State _____
21117 943-834-2231 NICKWITTIG93@GMAIL.COM
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

BRUCE E DOAK
BRUCE E. DOAK CONSULTING
 Name - Type or Print _____
[Signature]
 Signature _____
3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address _____ City _____ State _____
21053 410-419-4906
 Zip Code _____ Telephone # _____ Email Address _____

BD@BRUCEDOAKCONSULTING.COM

CASE NUMBER 2019-0293-A Filing Date 4/9/2019 Do Not Schedule Dates: _____ Reviewer JNP

ORDER RECEIVED FOR FILING

Date 6-10-19

By [Signature]

REV. 10/4/11

Petitions Requested
For Case # 2019-0293-A
1201 Garrison Forest Road

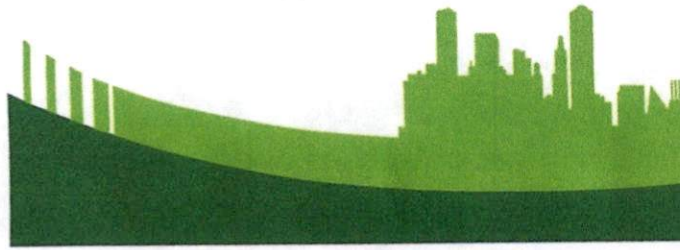
Special Hearing

Special Exception

Variances

To permit a proposed shed (accessory structure) located in the rear yard closest to the street side in lieu of 1/3 farthest removed from the street side per Section 400.1.d.1 (diagram) Zoning Commissioners Policy Manual § SECTION 400.1 BCZR

To permit a proposed shed (accessory structure) on a double-frontage lot to be closer to a street right-of-way line than the setback required for a principal dwelling per Section 400.1.d.2.A Zoning Commissioners Policy Manual



Zoning Description

12101 Garrison Forest Road
Fourth Election District Second Councilmanic District
Baltimore County, Maryland

Beginning at the intersection of the northwest side of Walnut Avenue (60 feet wide) and the northeast side of Garrison Forest Road (70 feet wide)

Being Lot 1, Block A as shown on the plat entitled "Plat No.1 Timberfield in the Valley" which is recorded in the land records of Baltimore County in Plat Book EHK Jr 37, page 150.

Containing 1.119 acres of land, more or less.

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

2019-0293-A

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

5/17/2019

Order #: 11745812
Case #: 2019-0293-A
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0293-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0293-A

12101 Garrison Forest Road

NE/s of Garrison Forest Road, at the corner of NW/s of Walnut Avenue

4th Election District

Legal Owner: Nick Wittig

Variance to permit a proposed shed (accessory structure) on a corner lot located in the rear yard closest to the street side in lieu of 1/3 farthest removed from the street side per Section 400.1.d.1 (diagram) Zoning Commissioners Policy Manual in section 400.1 BCZR. To permit a proposed shed (accessory structure) on a double-frontage lot to be closer to a street right-of-way line than the setback required for a principal dwelling per section 400.1.d.2.A Zoning Commissioners Policy Manual.

Hearing: Friday, June 7, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

my 17

Sherry Nuffer

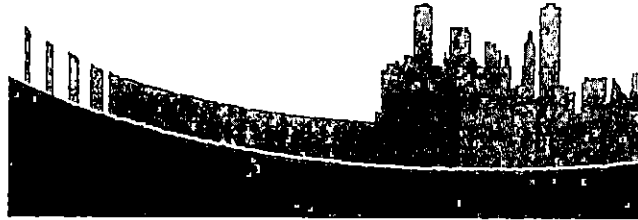
From: Bruce Doak <doakfarm@gmail.com>
Sent: Wednesday, June 5, 2019 7:11 PM
To: Sherry Nuffer
Cc: Administrative Hearings
Subject: Case #2019-0293-A posting cert
Attachments: Posting cert 6 05 19.pdf

CAUTION: This message from doakfarm@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please find enclosed the second sign inspection cert

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com





CERTIFICATE OF POSTING

May 21, 2019

June 05, 2019 amended for second inspection

Re:

Zoning Case No. 2019-0293-A

Legal Owner: Nick Wittig

Hearing date: June 7, 2019

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 12101 Garrison Forest Road.

The signs were initially posted on May 15, 2019.

The subject property was also inspected on June 04, 2019.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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. 2019-0293-A

12101 Garrison Forest 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: Friday June 7, 2019 11:00 AM

REQUEST:

VARIANCE TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A CORNER LOT LOCATED IN THE REAR YARD
CLOSEST TO THE STREET SIDE IN LIEU OF THE 1/3 FARTHEST
REMOVED FROM THE STREET SIDE PER SECTION 400.1.d.1
(DIAGRAM) ZONING COMMISSIONERS POLICY MANUAL IN
SECTION 400.1 BCZR. TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A DOUBLE-FRONTAGE LOT TO BE CLOSER TO A
STREET RIGHT-OF-WAY LINE THAN THE SETBACK REQUIRED FOR
A PRINCIPAL DWELLING PER SECTION 400.1.d.2.A ZONING
COMMISSIONERS POLICY MANUAL.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3331.

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. 2019-0293-A

12101 Garrison Forest 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: Friday June 7, 2019 11:00 AM.

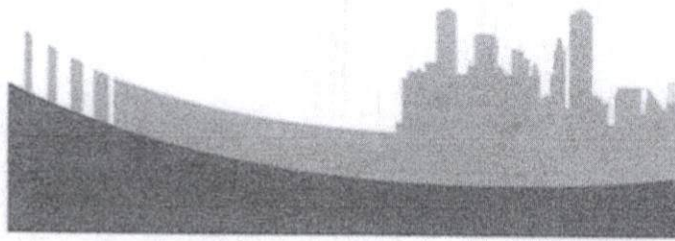
REQUEST:

**VARIANCE TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A CORNER LOT LOCATED IN THE REAR YARD
CLOSEST TO THE STREET SIDE IN LIEU OF THE 1/3 FARTHEST
REMOVED FROM THE STREET SIDE PER SECTION 400.1.d.1
(DIAGRAM) ZONING COMMISSIONERS POLICY MANUAL IN
SECTION 400.1 BCZR. TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A DOUBLE-FRONTAGE LOT TO BE CLOSER TO A
STREET RIGHT-OF-WAY LINE THAN THE SETBACK REQUIRED FOR
A PRINCIPAL DWELLING PER SECTION 400.1.d.2.A ZONING
COMMISSIONERS POLICY MANUAL.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-867-7131.**

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

THE HEARING IS HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

May 21, 2019

_____ amended for second inspection

Re:

Zoning Case No. 2019-0293-A

Legal Owner: Nick Wittig

Hearing date: June 7, 2019

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 12101 Garrison Forest Road.

The signs were initially posted on May 15, 2019.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce E. Doak", written in a cursive style.

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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. 2019-0293-A

12101 Garrison Forest 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: Friday June 7, 2019 11:00 AM

REQUEST:

**VARIANCE TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A CORNER LOT LOCATED IN THE REAR YARD
CLOSEST TO THE STREET SIDE IN LIEU OF THE 1/3 FARTHEST
REMOVED FROM THE STREET SIDE PER SECTION 400.1.d.1
(DIAGRAM) ZONING COMMISSIONERS POLICY MANUAL IN
SECTION 400.1 BCZR. TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A DOUBLE-FRONTAGE LOT TO BE CLOSER TO A
STREET RIGHT-OF-WAY LINE THAN THE SETBACK REQUIRED FOR
A PRINCIPAL DWELLING PER SECTION 400.1.d.2.A ZONING
COMMISSIONERS POLICY MANUAL.**

**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. 2019-0293-A

12101 Garrison Forest Road

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

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

DATE & TIME: Friday June 7, 2019 11:00 AM

REURIST:

VARIANCE TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A CORNER LOT LOCATED IN THE REAR YARD
CLOSEST TO THE STREET SIDE IN LIEU OF THE 10 FARTEST
REQUIREMENT FROM THE STREET SIDE PER SECTION 400.1.0.1
(DIAGRAM) ZONING COMMISSIONERS POLICY MANUAL IN
SECTION 400.1.0.2. TO PERMIT A PROPOSED SHED (ACCESSORY
STRUCTURE) ON A DOUBLE FRONTAGE LOT TO BE CLOSER TO A
REAR YARD OR WAY FURTHER THAN THE SETBACK REQUIRED FOR
A PRINCIPAL DWELLING PER SECTION 400.1.0.2.A ZONING
COMMISSIONERS POLICY MANUAL.

NOTICE IS HEREBY GIVEN TO ALL PERSONS INTERESTED IN THE MATTER THAT THE HEARING WILL BE HELD AT THE
TOWSON TOWN CENTER, 109 W. CHESAPEAKE AVENUE, TOWSON, MD 21204

NOTICE BEING GIVEN BY THE TOWSON TOWN CENTER, 109 W. CHESAPEAKE AVENUE, TOWSON, MD 21204
ON THE DAY OF THE HEARING NOTED
RECEIVED AT 11:00 AM.

THE HEARING IS HANDICAPPED ACCESSIBLE



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, Director
Department of Permits,
Approvals & Inspections

May 14, 2019

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: 2019-0293-A

12101 Garrison Forest Road

NE/s of Garrison Forest Road, at the corner of NW/s of Walnut Avenue

4th Election District

Legal Owner: Nick Wittig

Variance to permit a proposed shed (accessory structure) on a corner lot located in the rear yard closest to the street side in lieu of 1/3 farthest removed from the street side per Section 400.1.d.1 (diagram) Zoning Commissioners Policy Manual in section 400.1 BCZR. To permit a proposed shed (accessory structure) on a double-frontage lot to be closer to a street right-of-way line than the setback required for a principal dwelling per section 400.1.d.2.A Zoning Commissioners Policy Manual.

Hearing: Friday, June 7, 2019 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 "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Nick Wittig, 12101 Garrison Forest Road, Owings Mills 21117
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 SATURDAY, MAY 18, 2019.**
- (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: THE DAILY RECORD
Friday, May 17, 2019 - Issue

Please forward billing to:

Nick Wittig
12101 Garrison Forest Road
Owings Mills, MD 21117

443-834-2231

NOTICE OF ZONING HEARING

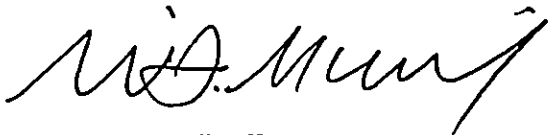
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0293-A

12101 Garrison Forest Road
NE/s of Garrison Forest Road, at the corner of NW/s of Walnut Avenue
4th Election District
Legal Owner: Nick Wittig

Variance to permit a proposed shed (accessory structure) on a corner lot located in the rear yard closest to the street side in lieu of 1/3 farthest removed from the street side per Section 400.1.d.1 (diagram) Zoning Commissioners Policy Manual in section 400.1 BCZR. To permit a proposed shed (accessory structure) on a double-frontage lot to be closer to a street right-of-way line than the setback required for a principal dwelling per section 400.1.d.2.A Zoning Commissioners Policy Manual.

Hearing: Friday, June 7, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

Kristen L Lewis

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Friday, May 03, 2019 9:56 PM
To: Kristen L Lewis
Subject: Case #2019-0293-A hearing date
Attachments: Zoning petition form (signed).pdf

Kristen,

Please do not schedule the hearing for this case on Mon 6/17- Fri 6/21

Thanks

Bruce

Bruce E. Doak Consulting
410-419-4906
bdoak@bruceedoakconsulting.com
3801 Baker Schoolhouse Road
Freeland, MD 21053

RE: PETITION FOR VARIANCE
12101 Garrison Forest Road; NE/S Garrison
Forest Road, at NW/S of Walnut Avenue
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Nick Wittig
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-293-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

APR 19 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of April, 2019, 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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2019-0293-A
Property Address: 1201 GARRISON FOREST ROAD
Property Description: LOT 1 BLOCK A PB 37/150 "PLAT No. 1
TIMBERFIELD IN THE VALLEY"
Legal Owners (Petitioners): NICK WITTIG
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: NICK WITTIG
Company/Firm (if applicable): N/A
Address: 1201 GARRISON FOREST ROAD
OWINGS MILLS MD 21117

Telephone Number: 443-834-2231

Revised 5/20/2014

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

No. **182655**

Date: **4/9/2019**

PAID RECEIPT

BUSINESS ACTUAL TIME INW
 4/10/2019 4/09/2019 10:32:42 1

REG 0501

WALKIN LJR

>>RECEIPT

003075 4/09/2019 OFLN

Dept 5 528 ZONING VERIFICATION

Amount 182655

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct
001	806	0000		6150				

75.00

Dept Tot \$ 75.00
 75.00 CK .00 CA
 Baltimore County, Maryland

Total: **75.00**

Rec From: **Bruce E. Doak. Consultants**

For: **Vainnie - 1201 Garrison Forest Road**
2019-0293-A (Wittig)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

May 30, 2019

Bruce E. Doak
3801 Baker Schoolhouse Road
Freeland MD, 21053

RE: Case Number: 2018-0293-A, 12101 Garrison Forest Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 09, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over the words "Very truly yours,".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Nick Witting 12101 Garrison Forest Road Owings Mills MD 21117

6-7

RECEIVED
MAY 16 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 5/10/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-293

INFORMATION:

Property Address: 12101 Garrison Forest Road
Petitioner: Nick Wittig
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for variances to permit a proposed shed on a corner lot located in the rear yard closest to the street side in lieu of 1/3 farthest from the street side and to permit a proposed shed on a double-frontage lot to be closer to a street ROW line than the setback required for a principal dwelling.

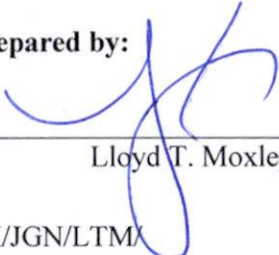
A site visit was conducted on April 23, 2019. The site is surrounded on three sides by streets. Garrison Forest Road is a Baltimore County Scenic Road. The Comprehensive Manual of Development Policies (CMDP) provides guidelines for development along scenic routes.

The Department has no objection to granting the petitioned zoning relief.

The Department requests the Petitioner consider supplementing the existing row of evergreens along Garrison Forest Road with other plant material including flowering trees, shrubs and wildflowers where possible to provide a more naturalistic planting along the scenic road.

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

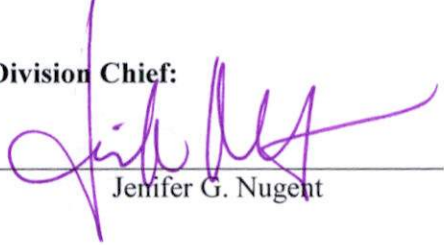
Prepared by:



Lloyd T. Moxley

JM/JGN/LTM

Division Chief:

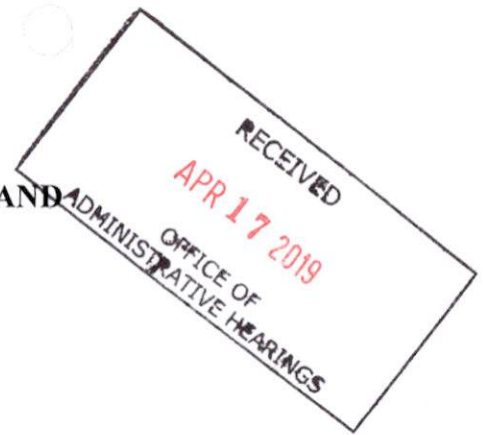


Jenifer G. Nugent

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: April 17, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0293-A
Address 1201 Garrison Forest Road
(Wittig Property)

Zoning Advisory Committee Meeting of **April 22, 2019**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 22, 2019
Item No. 2019-0237-A, 0293-A, 0295-A, & 0296-V

DATE: May 08, 2019

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

*

*

*

*

*

VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 4/15/19

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. 2019-0293-A

Variance.

*Nick Wittig
1201 Garrison Forest 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

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment5/8DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C4/17DEPS
(if not received, date e-mail sent _____)N/C

FIRE DEPARTMENT

5/10PLANNING
(if not received, date e-mail sent _____)NO OBJ
w/ Comment4/15

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/17/19SIGN POSTING (1st)

Date:

5/15/19

by

DoakSIGN POSTING (2nd)

Date:

6/4/19

by

Doak

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Exempt Class:

NONE

Homestead Application Information

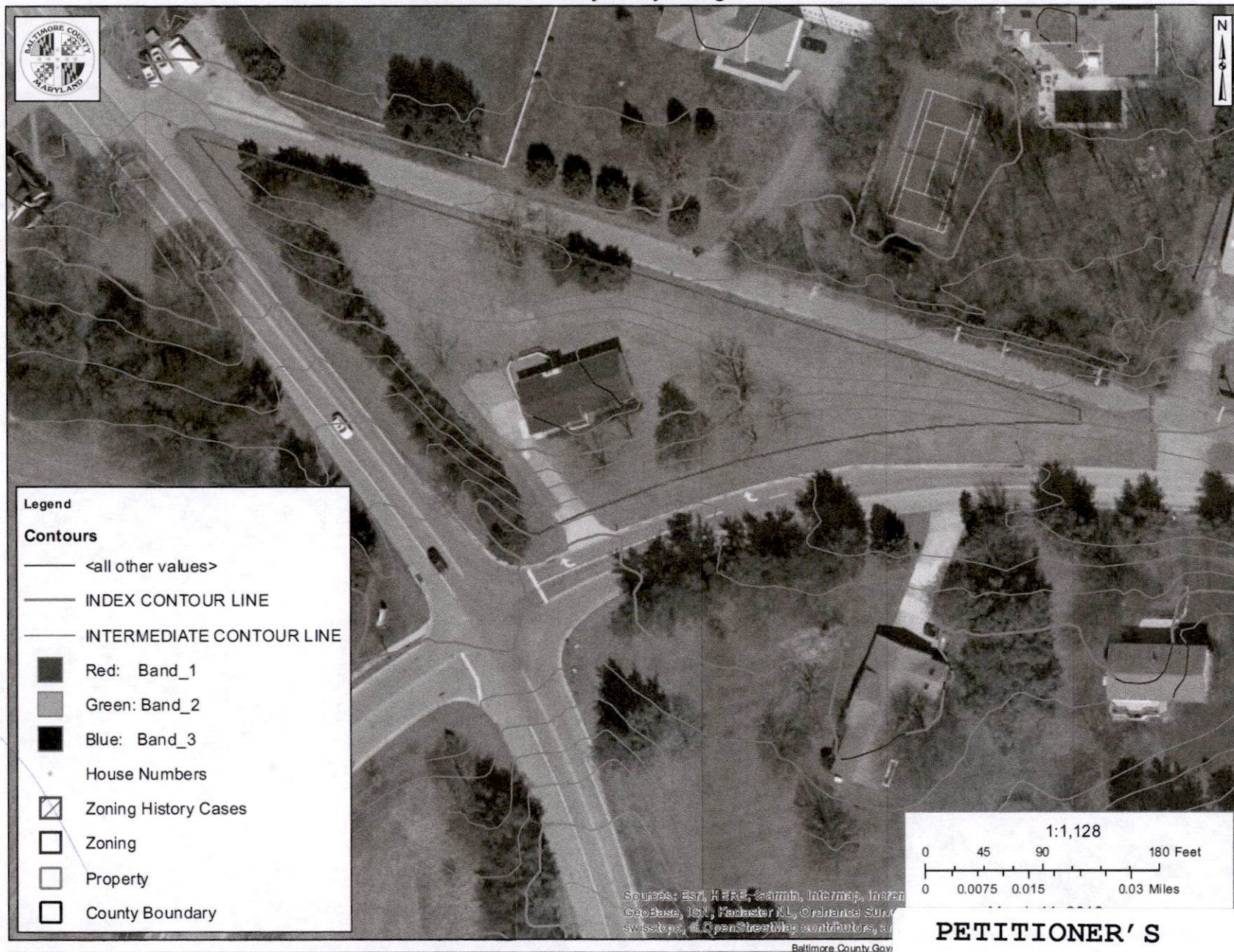
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Baltimore County - My Neighborhood





B

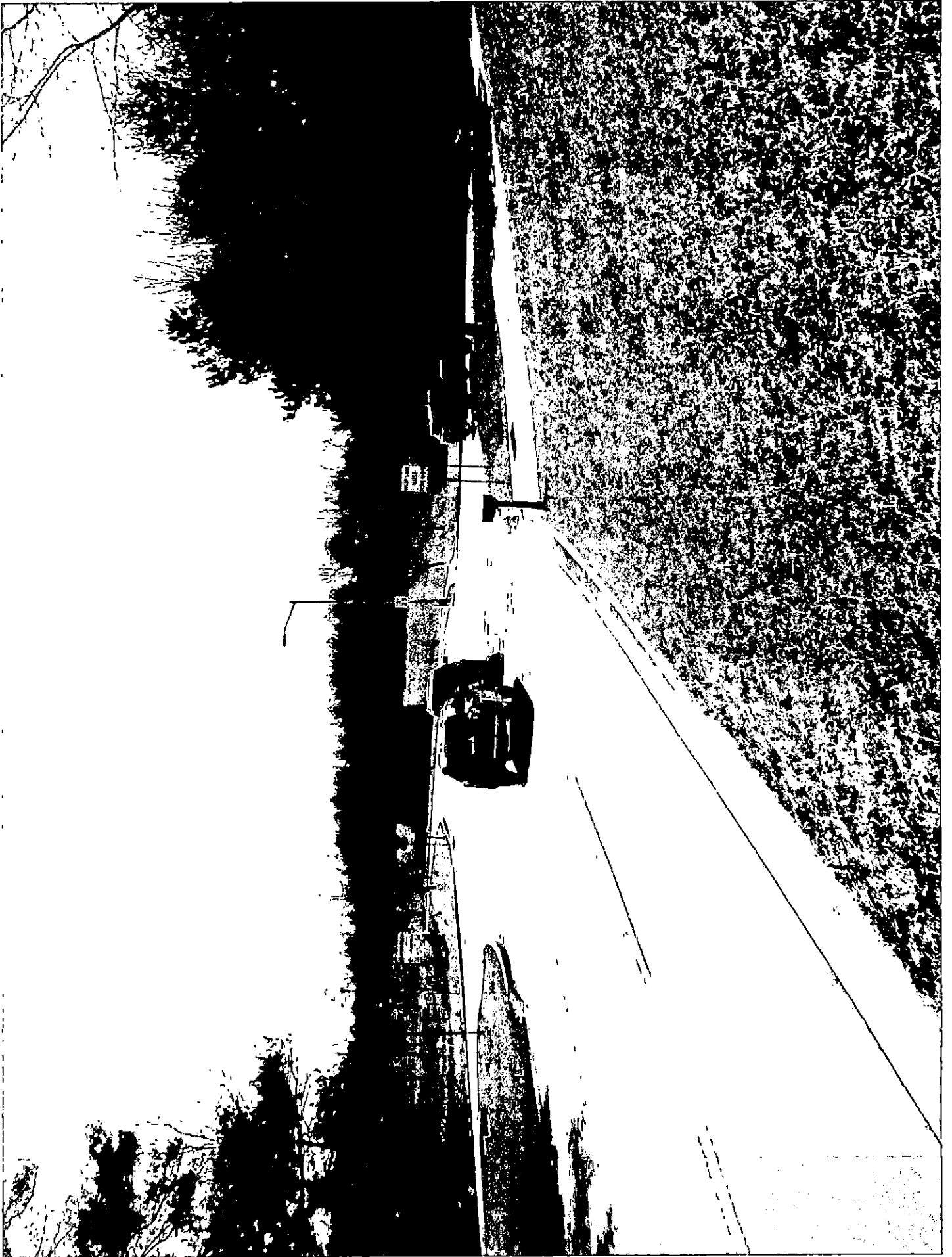








F



















GENERAL SITE INFORMATION

- Ownership: Nick Wittig
12101 Garrison Forest Road Owings Mills, MD 21117
- Address: 12101 Garrison Forest Road Owings Mills, MD 21117
- Deed references: JLE 38857/292 Lot 1 Block A "Timberfield in the Valley" PB 37/150
- Area: 1.119 acre (per PB 37/150)
- Tax Map / Parcel / Tax account #: 49 / 22 / 17-00-000183
- Election District: 4 Councilmanic District: 2
ADC Map: 4458H8 GIS tile: 049B3 Position sheet: 58NW29
Census tract: 404900 Census block: 240054049001
Schools: Franklin ES Franklin MS Owings Mills 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 title 049B3 and the information provided by Baltimore County on the internet.
- Improvements: Single family dwelling & parking area. The existing dwelling and parking area will remain.

OFFICE OF ZONING

Zoning: R.C.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces: 2
Parking spaces provided on site: 2

R.C.5 Setbacks for Residential Buildings

Setbacks per Plat Book 37/150 (1974)

Front: 50 feet from the street right of way (Garrison Forest Road)
Side: 75 feet from the centerline of road (Walnut Avenue)
Rear: 50 feet from the street right of way (Old Walnut Avenue)

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

- The existing dwelling is currently serviced by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

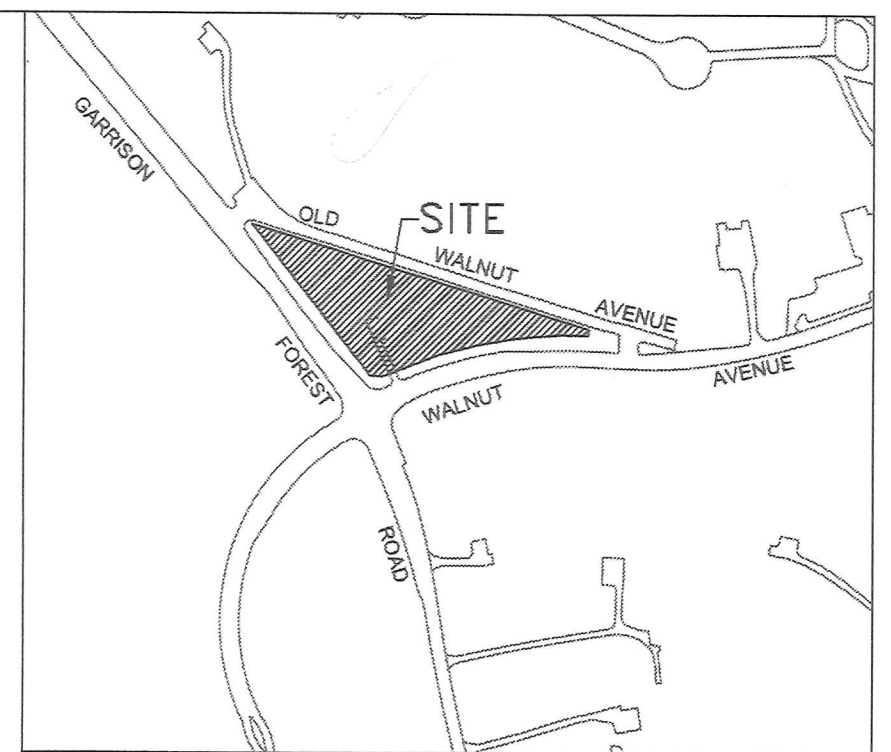
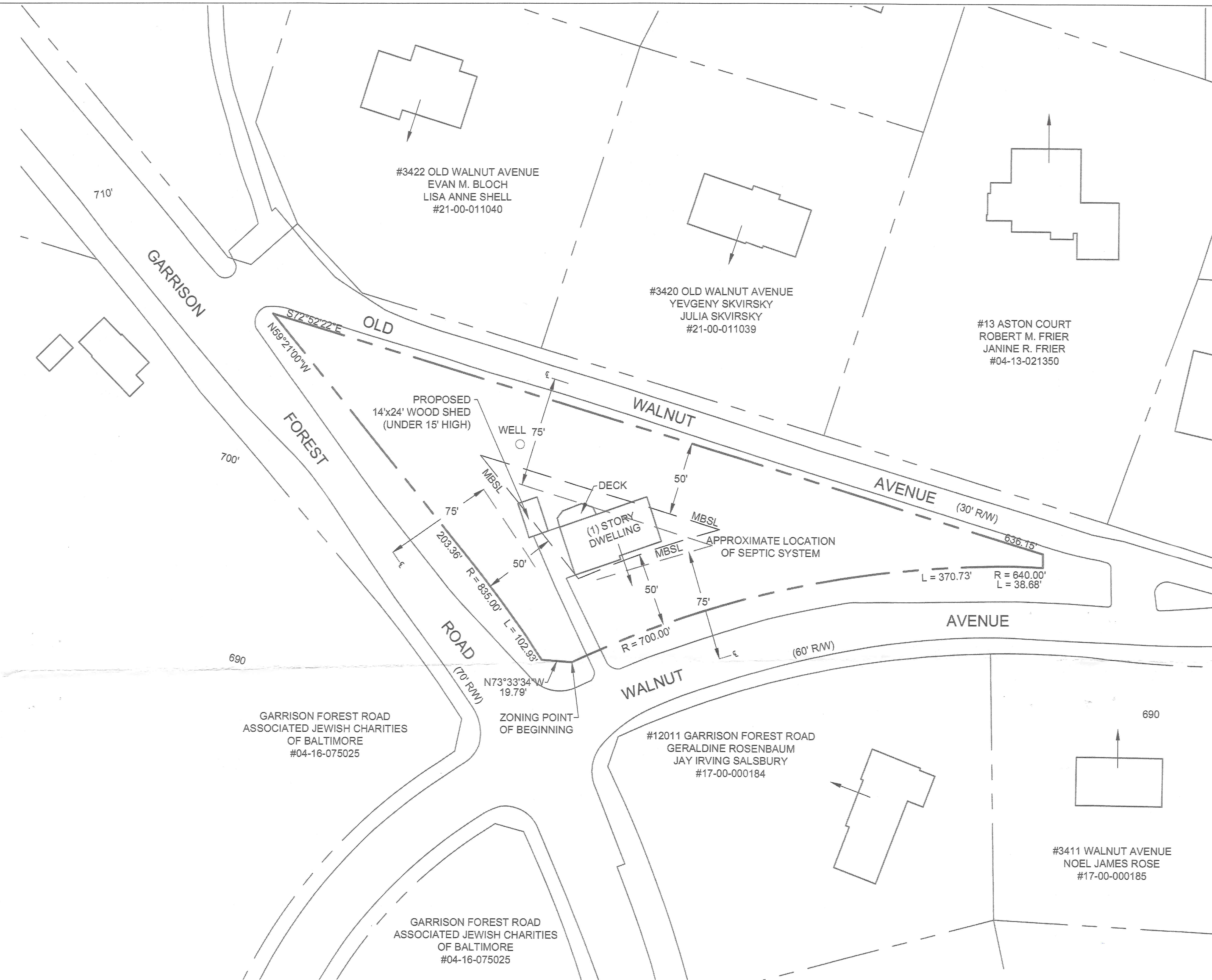
OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307

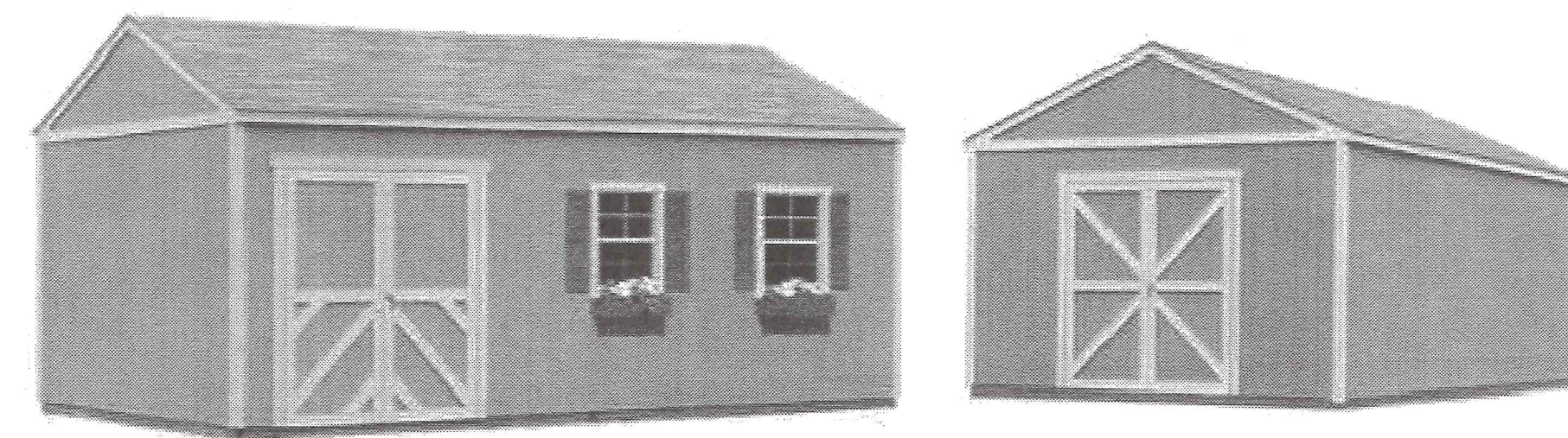
- The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

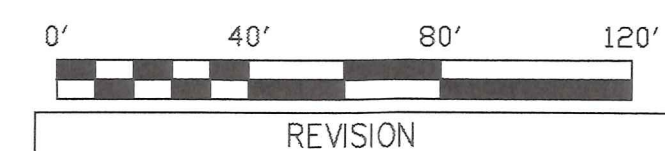
The construction of 14' x 24' wood shed for residential storage



Vicinity Map - Scale: 1" = 300'



IMAGES OF A SIMILAR SHED



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
#12101 GARRISON FOREST ROAD
LOT 1 "PLAT NO. 1 TIMBERFIELD IN THE VALLEY"
PLAT BOOK EHKJR 37/150
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 4/8/19
Scale: 1" = 40'
Pet. 1



GENERAL SITE INFORMATION

- Ownership: Nick Wittig
12101 Garrison Forest Road Owings Mills, MD 21117
- Address: 12101 Garrison Forest Road Owings Mills, MD 21117
- Deed references: JLE 38857/292 Lot 1 Block A "Timberfield in the Valley" PB 37/150
- Area: 1.119 acre (per PB 37/150)
- Tax Map / Parcel / Tax account #: 49 / 22 / 17-00-000183
- Election District: 4 Councilmanic District: 2
ADC Map: 4458H8 GIS tile: 04983 Position sheet: 58NW29
Census tract: 404900 Census block: 240054049001
Schools: Franklin ES Franklin MS Owings Mills 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 tile 04983 and the information provided by Baltimore County on the internet.
- Improvements: Single family dwelling & parking area. The existing dwelling and parking area will remain.

OFFICE OF ZONING

Zoning: R.C.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces: 2
Parking spaces provided on site: 2

R.C.5 Setbacks for Residential Buildings

Setbacks per Plat Book 37/150 (1974)

Front: 50 feet from the street right of way (Garrison Forest Road)
Side: 75 feet from the centerline of road (Walnut Avenue)
Rear: 50 feet from the street right of way (Old Walnut Avenue)

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

- The existing dwelling is currently serviced by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

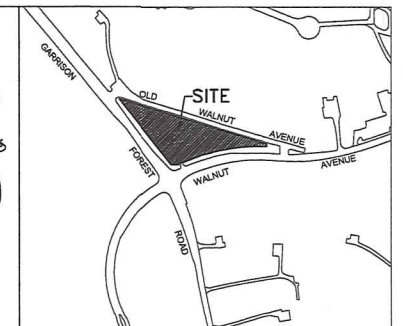
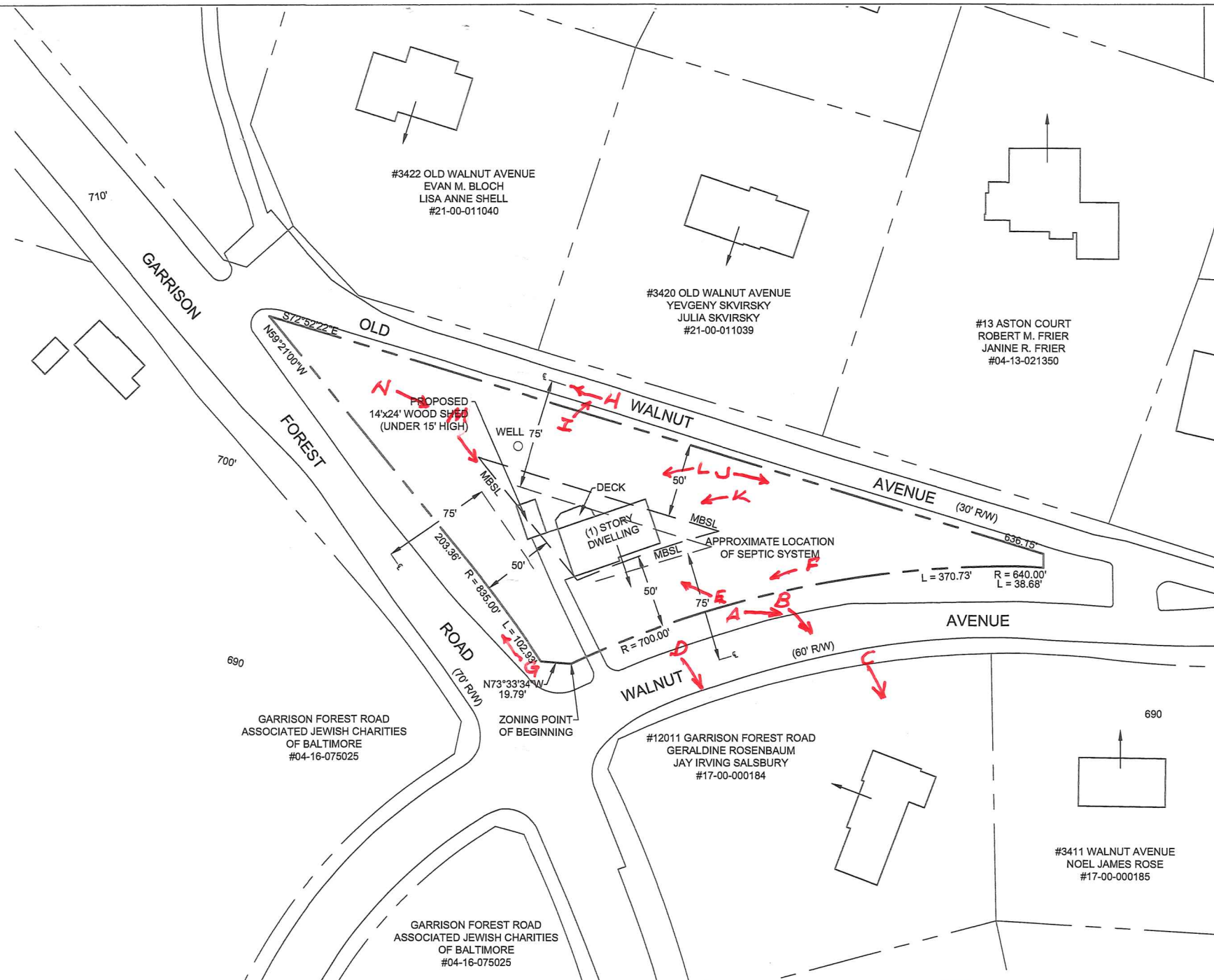
OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307

- The subject dwelling is not historic. The subject property is not in a historic district.

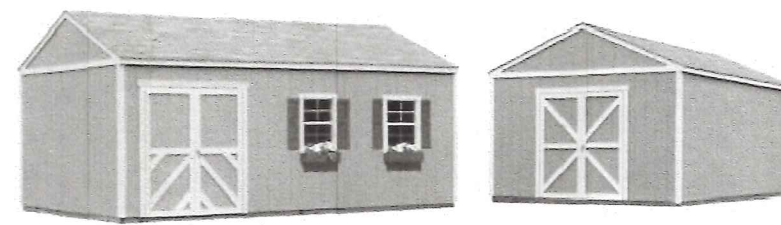
PROPOSED DEVELOPMENT

The construction of 14' x 24' wood shed for residential storage

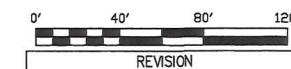


Vicinity Map - Scale: 1" = 300'

PLAN TO ACCOMPANY PHOTOGRAPHS



IMAGES OF A SIMILAR SHED



PETITIONER'S

PHOTOS A-A1

EXHIBIT NO. 3

Bruce E. Doak Consulting, LLC Land Use Expert and Surveyor 3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-219-4906 bdoak@bruceedoakconsulting.com	
PLAN TO ACCOMPANY A ZONING PETITION FOR #12101 GARRISON FOREST ROAD LOT 1 "PLAT NO. 1 TIMBERFIELD IN THE VALLEY" PLAT BOOK EHKJR 37/150 BALTIMORE COUNTY, MARYLAND 4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT	
Date: 4/8/19	Scale: 1" = 40'

GENERAL SITE INFORMATION

1. Ownership: Nick Wittig
12101 Garrison Forest Road Owings Mills, MD 21117
2. Address: 12101 Garrison Forest Road Owings Mills, MD 21117
3. Deed references: JLE 38857/292 Lot 1 Block A "Timberfield in the Valley" PB 37/150
4. Area: 1.119 acre (per PB 37/150)
5. Tax Map / Parcel / Tax account #: 49 / 22 / 17-00-000183
6. Election District: 4 Councilmanic District: 2
ADC Map: 44S8H8 GIS tile: 049B3 Position sheet: 58NW29
Census tract: 404900 Census block: 240054049001
Schools: Franklin ES Franklin MS Owings Mills 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 tile 049B3 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling & parking area. The existing dwelling and parking area will remain.

OFFICE OF ZONING

Zoning: R.C.5 There are no previous zoning cases on the subject parcels.

Parking Calculations

Required parking spaces: 2
Parking spaces provided on site: 2

R.C.5 Setbacks for Residential Buildings

Setbacks per Plat Book 37/150 (1974)

Front: 50 feet from the street right of way (Garrison Forest Road)
Side: 75 feet from the centerline of road (Walnut Avenue)
Rear: 50 feet from the street right of way (Old Walnut Avenue)

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

1. The existing dwelling is currently serviced by a private well and septic system.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

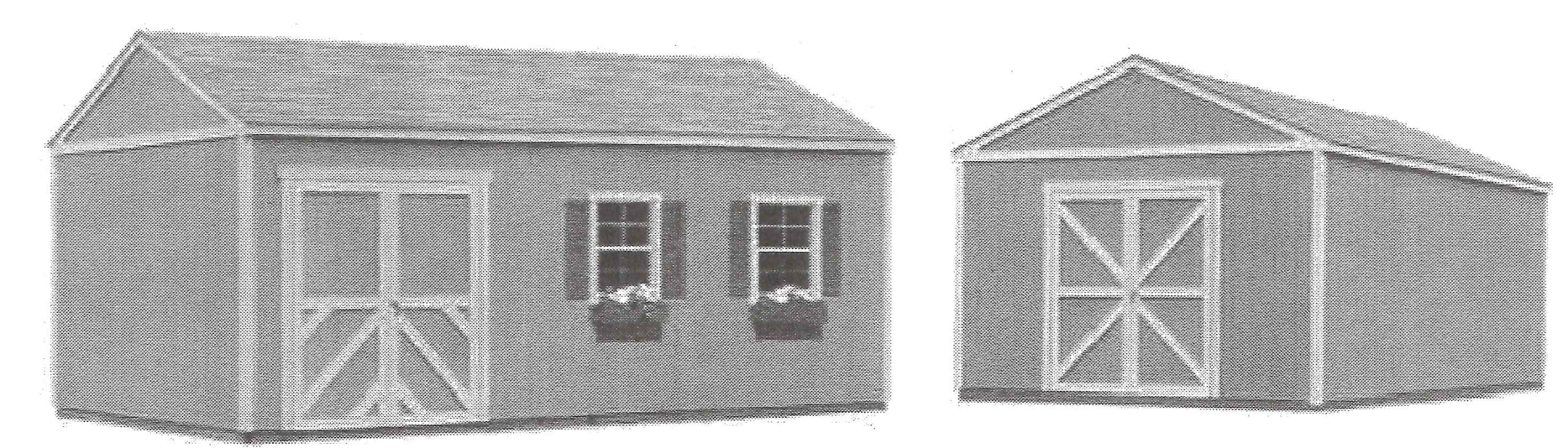
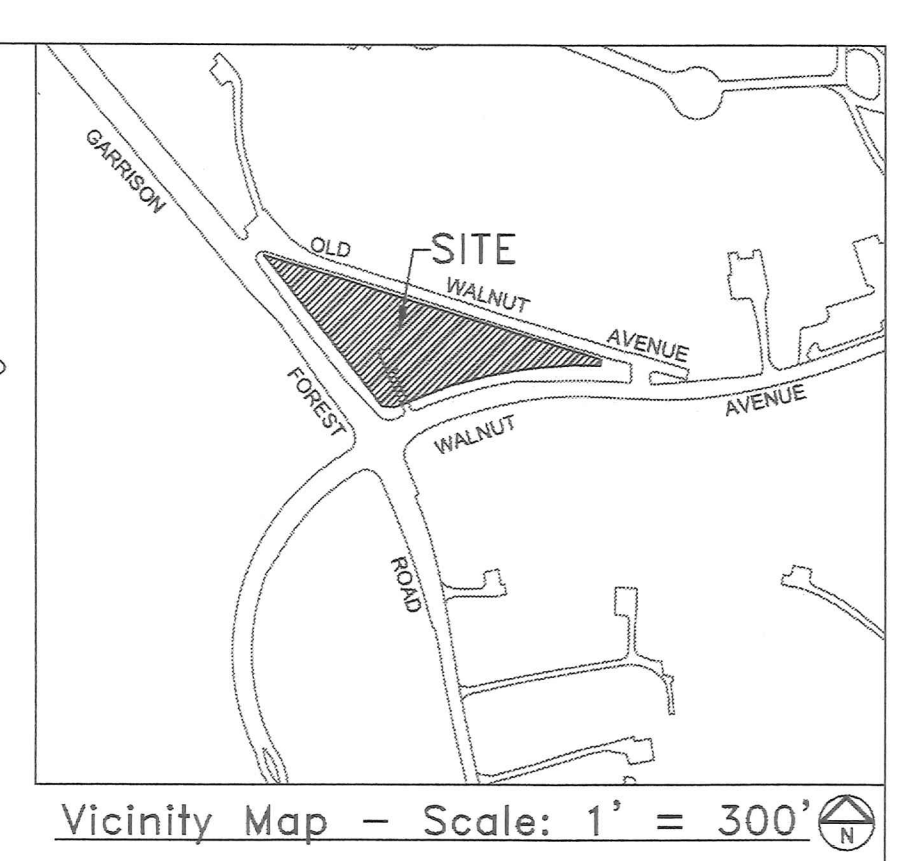
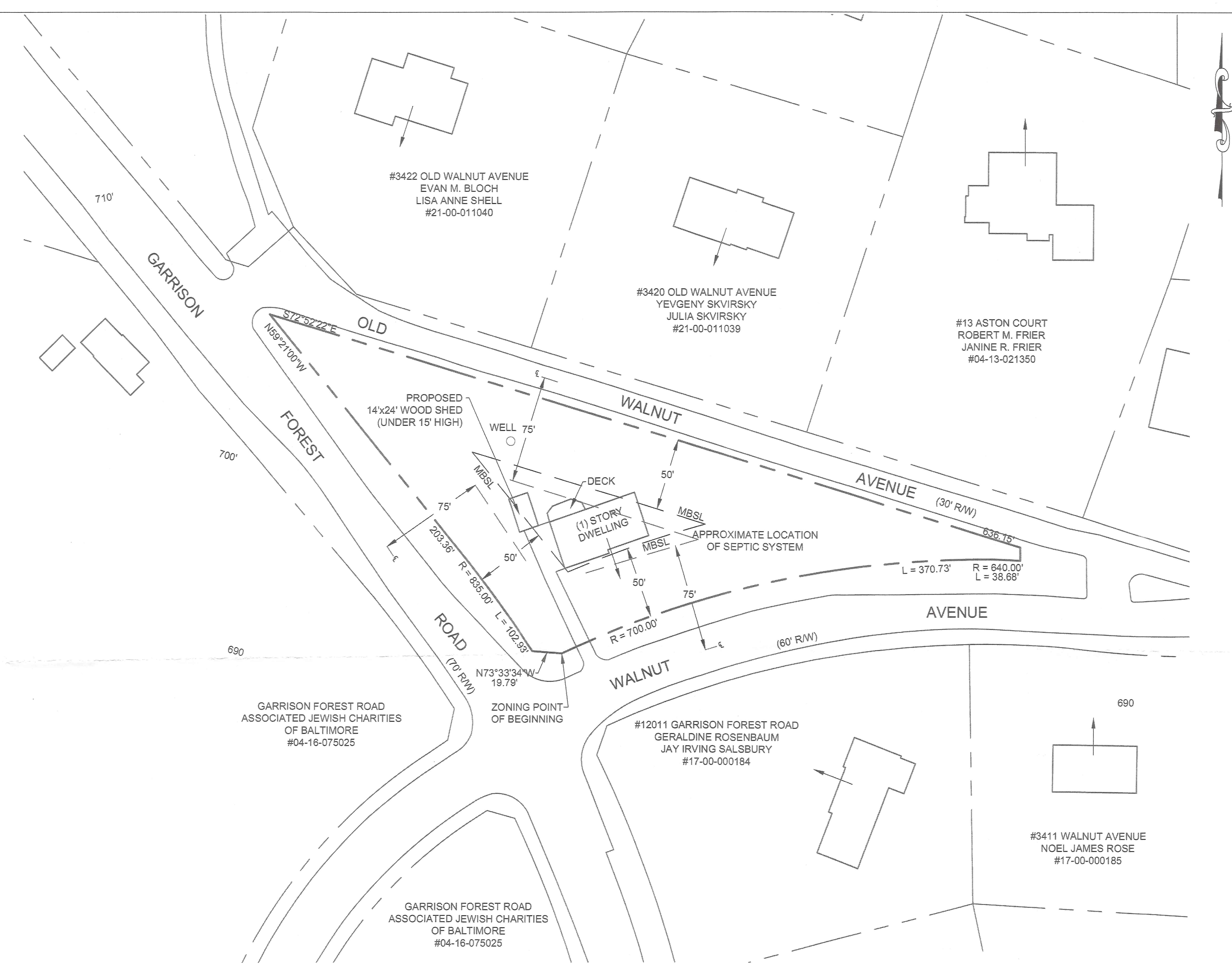
OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307

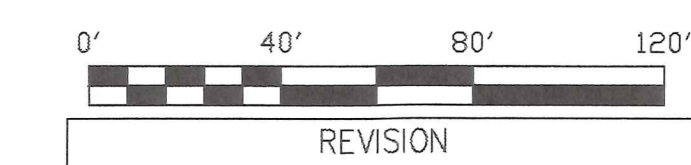
1. The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

The construction of 14' x 24' wood shed for residential storage



IMAGES OF A SIMILAR SHED



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21068
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#12101 GARRISON FOREST ROAD
LOT 1 "PLAT NO. 1 TIMBERFIELD IN THE VALLEY"
PLAT BOOK EHKJR 37/150
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 4/8/19
Scale: 1"= 40'