

MEMORANDUM

DATE: October 11, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0410-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 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 ADMIN. VARIANCE *
(11747 Franklinville Road)
11th Election District *
5th Council District *
Brian M. Schmuff *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2019-0410-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Brian M. Schmuff (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit a detached garage to have a height of 25 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 11, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 9-10-19

By WJ

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the proposed detached garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 10th day of **September, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit a detached garage to have a height of 25 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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Date 9-10-19

By WJ

- The proposed garage shall not be used for commercial purposes.

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


LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 9-10-19

By kw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 11747 Franklinsville Road, Upperco, MD 21156

Currently zoned RC 5

Deed Reference 41243 / 236

10 Digit Tax Account # 1 1 1 3 0 5 6 9 6 1

Owner(s) Printed Name(s) Brian Schmuff

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

For Administrative Variances, the **Affidavit** on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s)

From Section 400.3 of the BCZR to permit a detached garage with a height of 25 feet in lieu of the maximum 15 feet.

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

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

ORDER RECEIVED FOR FILING
9-10-19

Date

Attorney for Owner(s)/Petitioner(s):

By Adam M. Rosenblatt

Name- Type or Print

Signature

210 W. Pennsylvania Ave, Ste. 500, Towson MD

Mailing Address City State

21204 / 410-494-6271 / amrosenblatt@venable.com

Zip Code Telephone # Email Address

Owner(s)/Petitioner(s):

Brian Schmuff

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

11747 Franklinsville Road Upperco MD

Mailing Address City State

21156 / 443-844-7478 / bschmuff@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Adam M. Rosenblatt

Name – Type or Print

Signature

210 W. Pennsylvania Ave, Ste. 500, Towson MD

Mailing Address City State

21204 / 410-494-6271 / amrosenblatt@venable.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0410-A Filing Date 7/30/19 Estimated Posting Date 8/11/19 Reviewer RJ

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 11747 Franklinville Road Upperco Maryland 21156
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The owner purchased this 3+ acre property and wishes to raze the existing detached garage and to replace it with a new garage.
The proposed garage will blend in with the surrounding homes and be constructed in a manner that will increase the value of the property.
If this variance is denied, a practical difficulty will result as the owner will not be able to house a vehicle that requires the increased height.
This relief is in the spirit and intent of the zoning regulations and will not have any negative impact on the health, safety or welfare of the surrounding area.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Owner (Affiant)
Brian Schmuff
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of June, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Brian Schmuff

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

AS WITNESS my hand and Notaries Seal


Notary Public
3/19/22
My Commission Expires

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION FOR #11747 FRANKLINVILLE ROAD

BEGINNING at a point in the center of Franklinville Road at a distance of 1772 feet, more or less, southwest from the center of Reynolds Road.

Thence the following courses and distances:

- 1) Running with and binding in said center of Franklinville Road North 64 degrees 45 minutes East 165.00 feet
 - 2) South 31 degrees 42 minutes East 824.16 feet
 - 3) South 71 degrees 19 minutes 14 seconds West 168.29 feet and
 - 4) North 31 degrees 42 minutes West 804.79 to the point of beginning as recorded in Deed Liber J.L.E. No. 41243 Folio 236 etc., containing 3.066 acres of land, more or less or 133543 square feet of land, more or less.
- Located in the 11th Election District and 5th Council District.



Note: Description above is for zoning purposes only and is NOT the result of a Maryland Boundary survey.

2019-0410-A

CERTIFICATE OF POSTING

2019-0410-A

RE: Case No.: _____

Petitioner/Developer: _____

Brian Schmuff

August 26, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

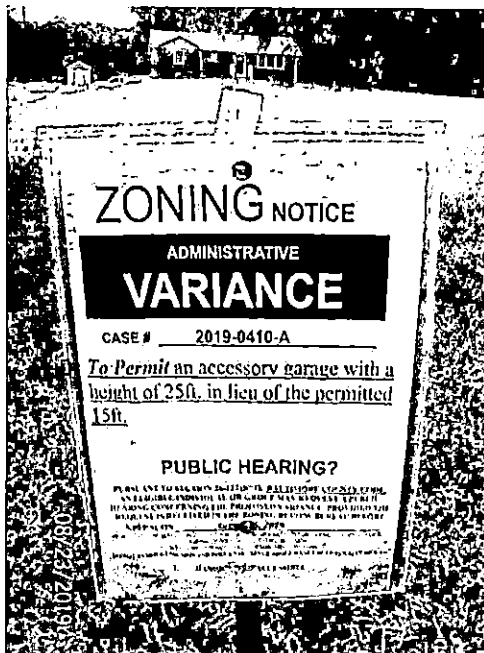
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11747 Franklinville Road

SIGN 1 Recertification

August 11, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 August 23, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0410-A

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Petitioner/Developer: _____

Brian Schmuff

August 26, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
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Attn: Kristen Lewis:

Ladies and Gentlemen:

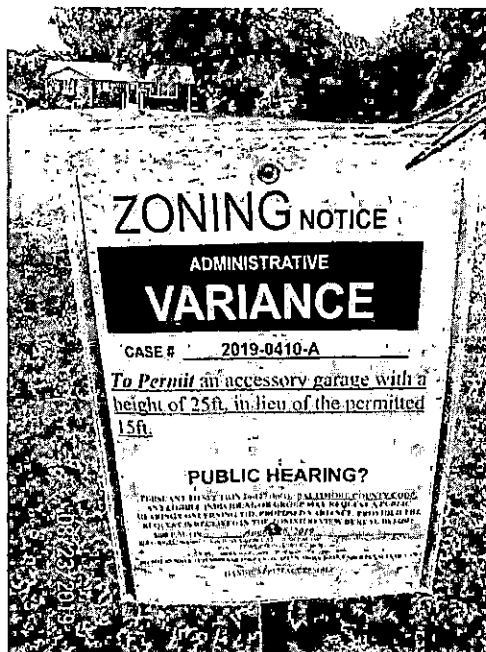
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

11747 Franklinville Road

SIGN 2 Recertification

August 11, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **August 23, 2019**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

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Brian Schmuff

August 26, 2019

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Baltimore County Department of
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County Office Building, Room 111
111 West Chesapeake Avenue
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Attn: Kristen Lewis:

Ladies and Gentlemen:

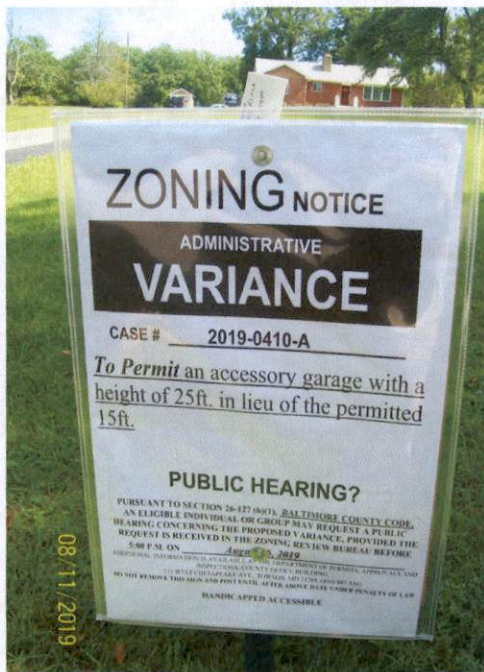
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11747 Franklinville Road

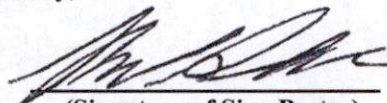
SIGN 1

August 11, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **August 11, 2019**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

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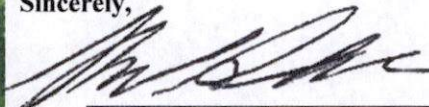
SIGN 2

August 11, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **August 11, 2019**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

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Brian Schmuff

August 26, 2019

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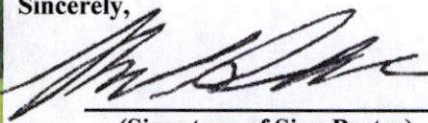
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Sincerely,

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(Print Name)

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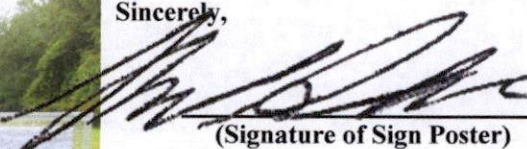
SIGN 2 Recertification

August 11, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 August 23, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

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Brian Schmuff

August 26, 2019

Date of Hearing/Closing: _____

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County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

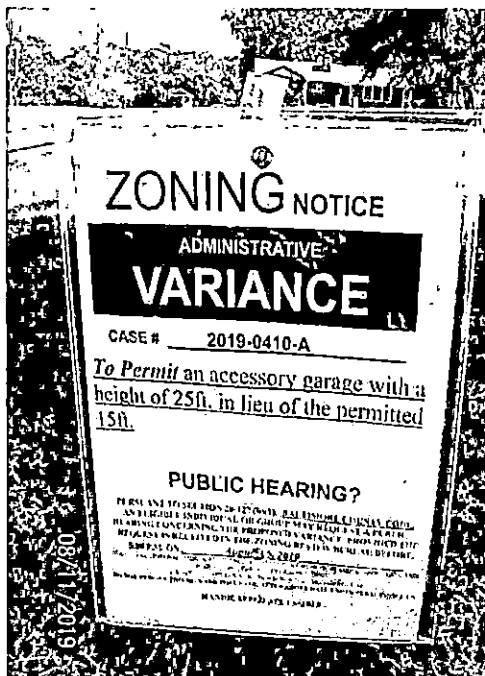
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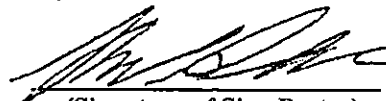
SIGN 1

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(Month, Day, Year)



Sincerely,

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(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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Brian Schmuff

August 26, 2019

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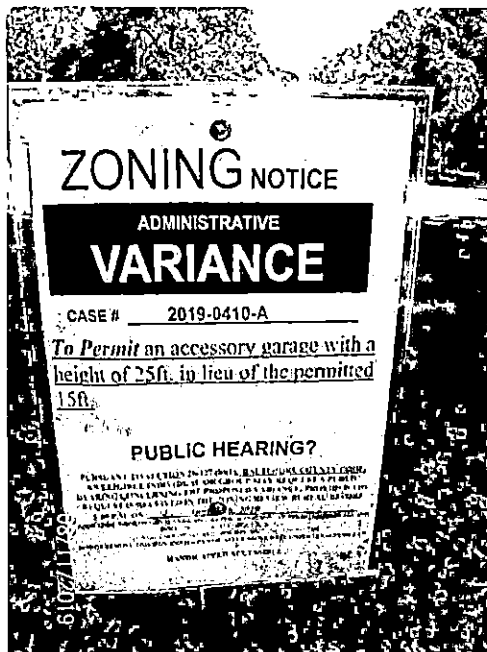
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11747 Franklinville Road

SIGN 2

August 11, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 August 11, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0410 -A Address 11747 FRANKLINVILLE RD.

Contact Person: Roz JOHNSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/30/2019 Posting Date: 8/11/19 Closing Date: 8/26/19

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2019- 0410 -A Address 11747 FRANKLINVILLE ROAD

Petitioner's Name BRIAN SCHMUEF Telephone 443-844-7478

Posting Date: 8/11/2019 Closing Date: 8/26/2019

Wording for Sign: To Permit AN ACCESSORY GARAGE WITH A HEIGHT
OF 25 FT. IN LIEU OF THE PERMITTED 15 FT.

Revised 6/30/2019

**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 twenty (20) 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: 2019-0410-A

Property Address: 11747 FRANKLINVILLE RD.

Property Description: _____

Legal Owners (Petitioners): BRIAN M. SCHUFF

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich

Company/Firm (if applicable): Verable LLP

Address: 210 W. Penn Ave, Ste 500, Towson, MD 21204

Telephone Number: 410-494-6200



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 27, 2019

Adam M. Rosenblatt
210 W. Pennsylvania Ave Ste 500
Towson MD 21204

RE: Case Number: 2019-0410-A, 11747 Franklinville 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 July 30, 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 typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Brain Schmuff 11747 Franklinville Road Upperco MD 21156

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: August 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0410-A
Address 11747 Franklinville Road
(Schmuff Property)

Zoning Advisory Committee Meeting of **August 2, 2019.**

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

Reviewer: Steve Ford

(AV) 8-28-19

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: August 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0410-A
Address 11747 Franklinville Road
(Schmuff Property)

Zoning Advisory Committee Meeting of **August 2, 2019.**

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

Reviewer: Steve Ford

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration		
Tax Exempt:			Special Tax Recapture:					
Exempt Class:			NONE					
Account Identifier:			District - 11 Account Number - 1113056961					
Owner Information								
Owner Name:			SCHMUFF BRIAN MICHAEL			Use:		RESIDENTIAL
Mailing Address:			11747 FRANKLINVILLE RD UPPERCO MD 21156-			Principal Residence:		YES
						Deed Reference:		/41243/ 00236
Location & Structure Information								
Premises Address:			11747 FRANKLINVILLE RD UPPERCO 21156-			Legal Description:		3.066 AC WS FRANKLINVILLE RD 2400FT SE OF REYNOLDS RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
0064	0004	0051		0000				2018
Special Tax Areas:			Town:			NONE		
			Ad Valorem:					
			Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use
1957		1,425 SF				3.0600 AC		04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation		
1	YES	STANDARD UNIT	BRICK	1 full	1 Attached			
Value Information								
		Base Value	Value		Phase-In Assessments			
			As of		As of:		As of	
			01/01/2018		07/01/2018		07/01/2019	
Land:		120,600	120,600					
Improvements		130,700	142,000					
Total:		251,300	262,600		255,067		258,833	
Preferential Land:		0					0	
Transfer Information								
Seller: WADKINS CONSTRUCTION INC			Date: 03/21/2019			Price: \$490,000		
Type: ARMS LENGTH IMPROVED			Deed1: /41243/ 00236			Deed2:		
Seller: MILLER RONALD M			Date: 06/25/2018			Price: \$236,600		
Type: NON-ARMS LENGTH OTHER			Deed1: /40409/ 00477			Deed2:		
Seller: MILLER RONALD M			Date: 04/19/2016			Price: \$0		
Type: NON-ARMS LENGTH OTHER			Deed1: /37406/ 00266			Deed2:		
Exemption Information								
Partial Exempt Assessments:		Class	07/01/2018		07/01/2019			
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: Application received								
Homeowners' Tax Credit Application Information								
Homeowners' Tax Credit Application Status: No Application								
Date:								

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2019-0410-A

**Permits, Approvals & Inspections**111 W. Chesapeake Avenue
Towson, MD 21204Report Generated On:
7/29/2019**Permit Processing Residential Permit & Development Report**

Page 1 of 1

Property Information

Tax Account Number: 1113056961

Election District: 11

Owner Name(s): SCHMUFF BRIAN MICHAEL

PDM # :

Address: 11747 FRANKLINVILLE RD
UPPERCO, MD 21156

Zoning District(s): RC 5

Premise Address: 11747 FRANKLINVILLE RD

Elevation Range: 200ft - 226ft

Affected Overlays	Instructions: Begin review process with Zoning Review, Room 111.	New Homes	Internal Alts.	Add / Ext. Alts.	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret. Walls/Bulk	Razing	Elec. & Plumb	High Rise Apts.	Agency Acknowledgment Initial & Date
Potential Overlay Issues	Growth Tier 4:													
Contact Agency														
Planning Jefferson Building Room 101 Phone: 410-887-3211	Zoning Class - RC 5, RC 6, RC 7, RC 8 (Except Decks)	X												
PAI-Public Services County Office Building Room 119 Phone: 410-887-3751	InFill Lot Review	X												OK To File

2019-0410-A

J. S. DALLAS, INC.

SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MARYLAND, 21013
(410) 817-4600
FAX: (410) 817-4602

July 30, 2019

Re: **11747 FRANKLINVILLE ROAD**
2019-0410-A

To: **Ms. Roz Johnson**
Zoning Office
BALTIMORE CO OFC BLDG
FIRST FLOOR
HAND DELIVER

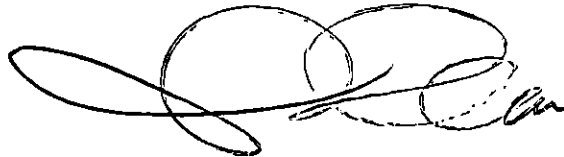
☒ We are submitting ☒ Herewith ☐ Under separate cover
☐ We are forwarding

No.	Description
12	COPIES OF REVISED ZONING PLAT- Per your recent meeting with Mr. Rosenblatt

☐ In accordance with your request ☐ For your use
☐ For your review ☒ For processing ☐ Approval requested

For further information, please contact the writer at this office.

Very truly yours,



J. Scott Dallas, Reg No 468
President

Encl.

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-7</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NSU</u>
	DEPS (if not received, date e-mail sent _____)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent _____)	
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>8-11-19</u>	by <u>Black</u>
SIGN POSTING (2 nd)	Date: <u>8-23-19</u>	by <u>"</u>
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 - 11 Account Number - 1113056961			
Owner Information					
Owner Name:		SCHMUFF BRIAN MICHAEL		Use:	RESIDENTIAL
Mailing Address:		11747 FRANKLINVILLE RD UPPERCO MD 21156-		Principal Residence:	YES
				Deed Reference:	/41243/ 00236 ✓
Location & Structure Information					
Premises Address:		11747 FRANKLINVILLE RD UPPERCO 21156-		Legal Description:	3.066 AC WS FRANKLINVILLE RD 2400FT SE OF REYNOLDS RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0064	0004	0051		0000	2018
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1957	1,425 SF		3.0600 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	BRICK	1 full	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2019	07/01/2020	
Land:	120,600	120,600			
Improvements	130,700	142,000			
Total:	251,300	262,600	258,833	262,600	
Preferential Land:	0			0	
Transfer Information					
Seller: WADKINS CONSTRUCTION INC		Date: 03/21/2019		Price: \$490,000	
Type: ARMS LENGTH IMPROVED		Deed1: /41243/ 00236		Deed2:	
Seller: MILLER RONALD M		Date: 06/25/2018		Price: \$236,600	
Type: NON-ARMS LENGTH OTHER		Deed1: /40409/ 00477		Deed2:	
Seller: MILLER RONALD M		Date: 04/19/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /37406/ 00266		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019		07/01/2020	
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: Application received

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

ZAC AGENDA

Case Number: 2019-0410-A **Reviewer:** Rosalie Johnson

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Brian Schmuft

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 11747 FRANKLINVILLE RD

Location: SW of Reynolds Road on South side of Franklinville Road.

Existing Zoning: RC 5

Area: 3.06 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit a detached garage with a height of 25 feet in lieu of the maximum 15 feet.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 08/26/2019

Miscellaneous Notes:

Case Number: 2019-0411-X **Reviewer:** Christina Frink

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: SPECIAL EXCEPTION

Legal Owner: Richardson Holdings LLC

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 6

Property Address: 5828 EBENEZER RD

Location: N side of Ebenezer Road 565 feet NW of Meyers Lane S property line of Richardson Farm property.

Existing Zoning: RC 2, RC 50, CB

Area: 1,338.329 SF

Proposed Zoning:

SPECIAL EXCEPTION:

To allow a commercial bakery in a RC-2 Zone as per Section 1A01.2.C.4 BCZR.

Attorney: Alfred L. Brennan Jr

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:





2019-0410-A

D-411V-B1VC



Pt. Bk. 0000035, Folio 0005

PAI # 110785

2200027595

Pt. Bk./Folio # MP96076
PAI # 110785
PAI # 110785
PAI # 110785

1106046560

1106057776
11831

11811
1700006879

1118001250
11805

1118049190

1108003720

1107049690

1104000727
2003-0041-A

1126015027

1119076158

055B3

Lot # 7
2200006182
11742

2200006179

Lot # 4

Pt. Bk./Folio # 079196

Lot # 5 2200006180

Pt. Bk. 0000079, Folio 0196

2008-0049-SPHA

Lot # 6
2200006181

Pt. Bk./Folio # 062148

GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

200006183

Pt. Bk. 0000062, Folio 0148

Lot # 8

RC 5

2200006184

Lot # 9

NE 14-K

5 CD

11 ED

064B1

11725

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

RC 7

1600070067

1. OWNER: BRIAN MICHAEL SCHMUFF
11747 FRANKLINVILLE ROAD
UPPER FALLS, MD. 21156
PHONE: 443-844-7478

2. SITE AREA: 133,543 Sq. Ft. - 3.066 Ac+-

3. BUILDING AREA:
EX DWG. 1421 SQ. FT
PROPOSED GARAGE: 1400 SQ. FT.

4. UTILITIES:
PRIVATE SEWER
PRIVATE WATER

5. THE SITE LIES WITHIN ZONE "X" AS SHOWN
ON F.I.R.M. 2400100285F DATED SEPTEMBER 28, 2008.

6. ZONING: RC 5
(PER BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE)

GARAGE ZONING NOTE: ACCESSORY STRUCTURES
(STORAGE SHEDS, GARAGES, ETC.) MUST BE LOCATED
IN THE REAR YARD BEHIND THE REAR FOUNDATION WALL
LINE, MUST OCCUPY NO MORE THAN 40 PERCENT OF THE
YARD AND MUST BE LOCATED TWO AND ONE HALF FEET FROM THE
SIDE AND REAR PROPERTY LINES. THERE IS A HEIGHT LIMITATION
OF FIFTEEN FEET FROM THE CENTERLINE.

7. EX. STRUCTURE = 1 STORY DWELLING

8. DEED REF.: JLE 41243-236

9. TAX ACCOUNT: #1113056961

10. COUNCILMANIC DISTRICT: 5TH

11. CENSUS TRACT: 411102

12. WATERSHED: LITTLE GUNPOWDER FALLS

13. TAX MAP: #0064, PARCEL 0051

14. NO KNOWN PREVIOUS ZONING CASES ON FILE.

15. NO KNOWN PERMITS ON FILE.

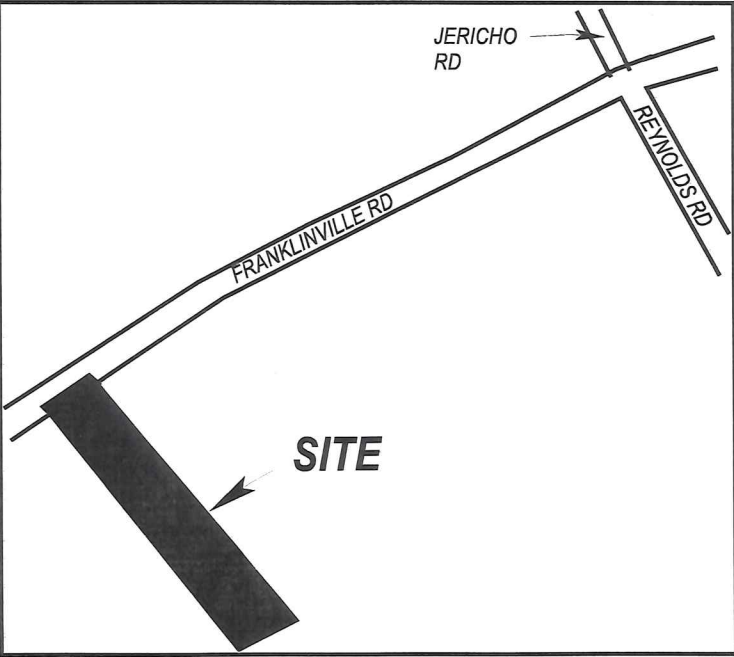
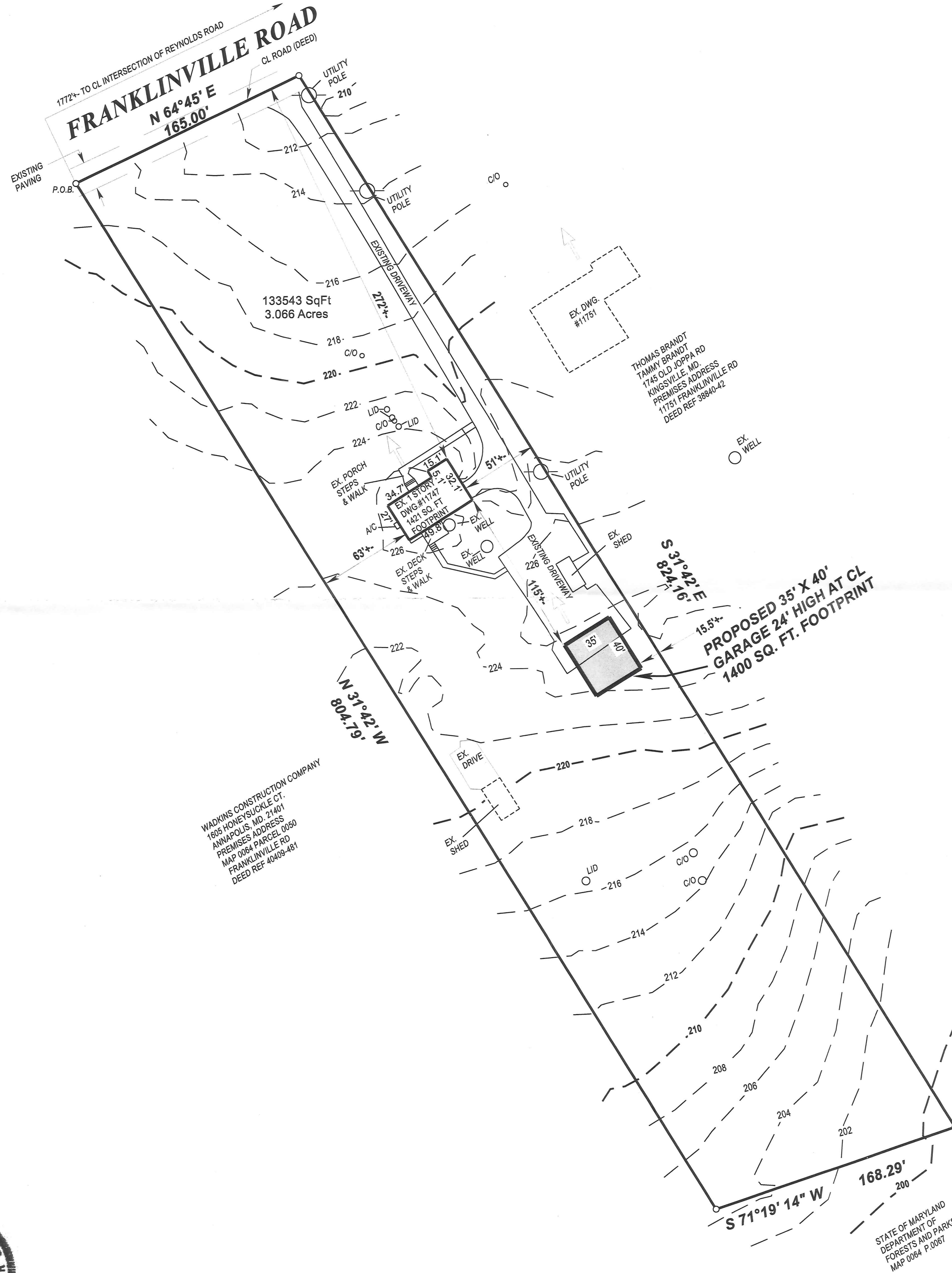
16. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY
CRITICAL AREA.

17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.

18. NO KNOWN PREVIOUS DRC MEETINGS

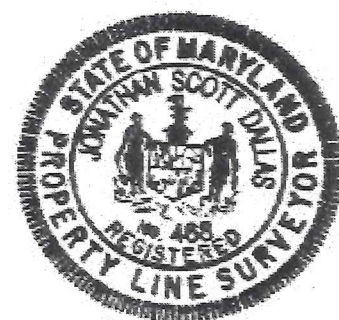
Height and Area Requirements (FOR DWELLINGS)		
A	Minimum front setback to centerline of road	Varies*
B	Minimum rear setback	50 feet
C	Minimum side setback	50 feet
D	Minimum side setback to RC-2 or RC-7 zone line	150 feet
E	Maximum building height	35 feet

*Varies according to type of road



VICINITY MAP

1"=500'



[Signature]

07-29-2019

DATE

**SITE PLAN TO ACCOMPANY
PETITION FOR ADMINISTRATIVE VARIANCE
(2019-0410-A)**

11747 FRANKLINVILLE ROAD
MAP 0064, PARCEL 0051
DEED REF. 41243-236
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE: 1"=50' DATE: 07-29-2019



FILE NAME 19-1715.TRV		
SCALE 50 Ft/in	DATE 7-30-2019	DRAWN BY R.N.G.
JOB FRANKLINVILLE	REVISION 1/1	SHEET 1/1

This map drawn with TRAVERSE PC Software

Pat. Exp. 1

