

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 1802.3.C.1 to permit a front yard setback of 20 feet in lieu of the required average setback of 35 feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

- 1) Family Growth
- 2) Additional Room Needed
- 3) Relative Moving In

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Address
Phone No.

Legal Owner(s):
Mark C. Schroeder
(Type or Print Name)
Signature
Betsy Jean Schroeder
(Type or Print Name)
Signature
3100 Shortway
Address
Baltimore, MD 21222
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of August, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of October, 1987, at 10:15 o'clock a.m.

88-130-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 28th day of August, 1987.

J. Robert Haines
ZONING COMMISSIONER

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222
Sept. 22, 1987
THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines, Zoning Commissioner in the matter of Case #88-130-A - P.O. #91376 - Req. #M05216 - 62 lines of text was published in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 18th day of September 1987; that is to say, the same was inserted in the issues of Sept. 17, 1987

Kimbel Publication, Inc.
per Publisher.
By K.C. Ode

IN RE: PETITION FOR ZONING VARIANCE
NW/cor. Shortway and Sollers
Point Road (3100 Shortway)
12th Election District
7th Councilmanic District
Mark G. Schroeder, et ux
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-130-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 20 feet in lieu of the required average setback of 35 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Mark G. Schroeder, appeared and testified. There were no Protestants.

The Petitioner testified that it is his intention to construct an addition to the front of his home for use as a dining room. The proposed addition will be a one-story room, approximately 12' x 20', with no basement.

The Petitioner claims he has no intention of establishing a two-family dwelling unit, nor will he place a second kitchen unit in the home. The Petitioner claims the proposed addition cannot be placed to the rear of the dwelling because the dining room would be too far from the present kitchen. The house is only 11 feet from the west side yard and as a result, a variance would be required for the addition to be placed at that location also. The property is zoned D.R.5.5 and is located at the corner of Sollers Point Road and Shortway in Dundalk.

According to the Petitioner, the adjoining property owner has no objection to the proposed addition.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Seley, 270 Md. 206 (1973). All variances must be tested against the

standards established in Section 307 of the Baltimore County Zoning Regulations (BCZR). Section 307 empowers the Zoning Commissioner to grant variances only in cases where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship upon the Petitioner. Any such variance shall be granted only if in strict harmony with the spirit of said area regulations and only in such manner as to grant relief without substantial injury to the public's health, safety and welfare.

In my opinion, the Petitioner has met his burden as set forth in Section 307 of the BCZR. There is no other location for placement of the addition and the testimony leads me to conclude that the variance should be granted. There is no evidence that the requested variance will cause any substantial injury to the health, safety and general welfare of the public and surrounding community. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel.

Pursuant to the advertisement, posting of property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of October, 1987 that a front yard setback of 20 feet in lieu of the required average setback of 35 feet, as more particularly described on Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however to the following restrictions:

- 1) The Petitioner may apply for his building permit 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 applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING
Date 10/28/87
By J. Robert Haines

Baltimore County
Fire Department
Towson, Maryland 21204 2586
494-4340

Paul H. Reincke
Chief
Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

August 5, 1987

Dennis F. Rasmussen
County Executive

Re: Property Owner: Mark C. Schroeder, et ux
Location: NW/C Sollers Point Road and Shortway
Item No.: 29 Zoning Agenda: Meeting of 7/28/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 30, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Mark Schroeder
3100 Shortway
Baltimore, Maryland 21222

RE: Item No. 29 - Case No. 88-130-A
Petitioner: Mark G. Schroeder, et ux
Petition for Zoning Variance

Dear Mr. Schroeder:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer /KCB
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

July 29, 1988

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354



Dennis F. Rasmussen
County Executive

July 31, 1987

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Baltimore County Bureau of Traffic Engineering has no comments for items number 25, 26, 27, 28, 29, 30, 31, and 32.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Associate II

MSF:lt

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 26, 1987

Mr. & Mrs. Mark C. Schroeder
3100 Shortway
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
NW/cor. Shortway and Sollers Point Road
12th Election District; 7th Councilmanic District
Mark C. Schroeder, et ux - Petitioners
Case No. 88-130-A

Dear Mr. & Mrs. Schroeder:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that a party may file an appeal to the County Board of Appeals. For further information, please contact this office.

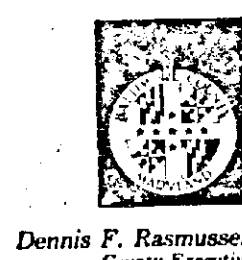
Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bjs
Enclosures

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

Date: September 18, 1987

Norman E. Gerber, AICP
FROM: Director of Planning and Zoning
Zoning Petitions No. 88-122-SPHA, 88-123-SPH,
88-124-SPH, 88-125-SPH, 88-126-SPA, 88-127-A
SUBJECT: 88-127-A, 88-128-A, 88-129-A, 88-130-A

There are no comprehensive planning factors requiring comment on the above numbered petitions.

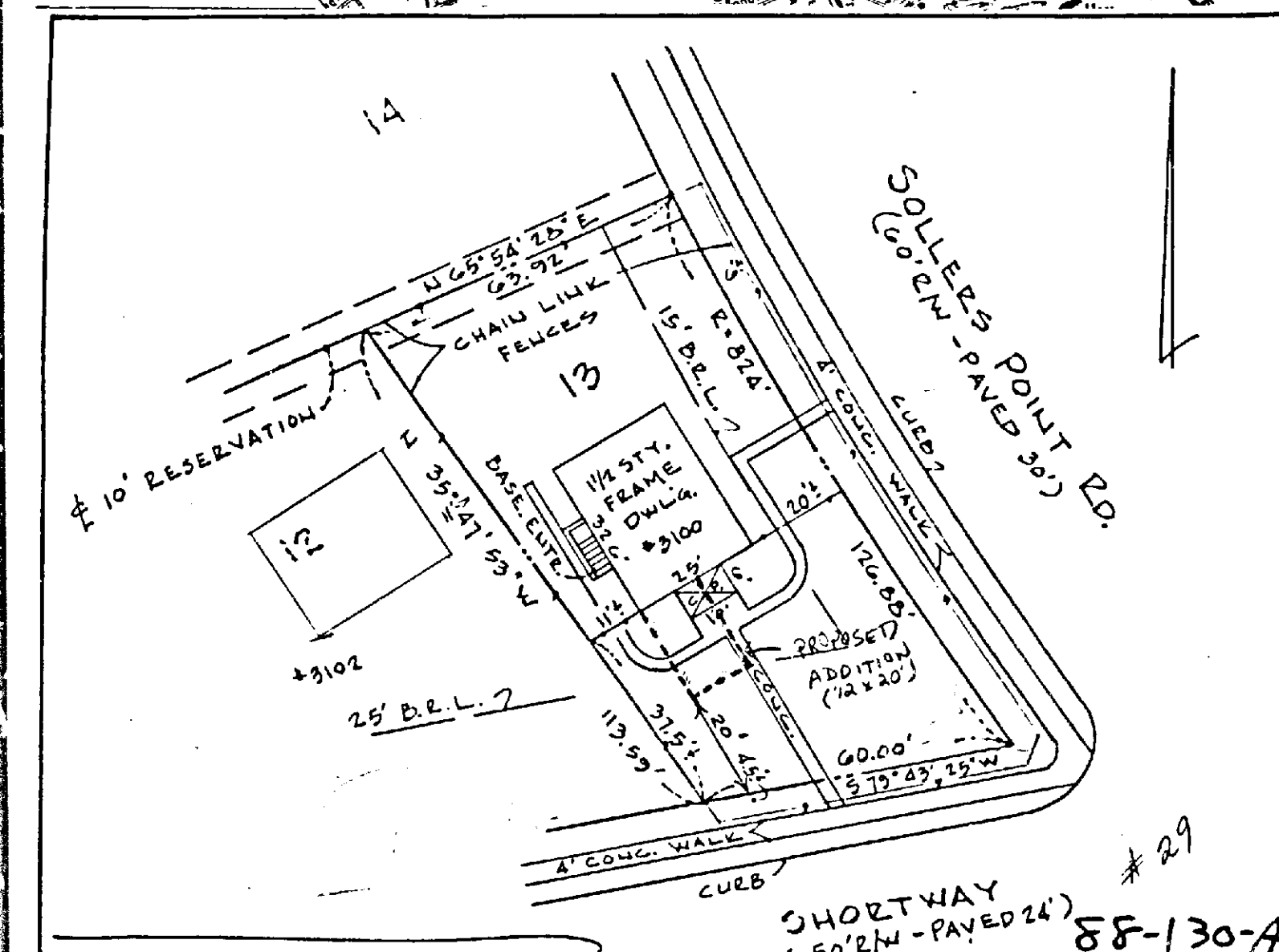
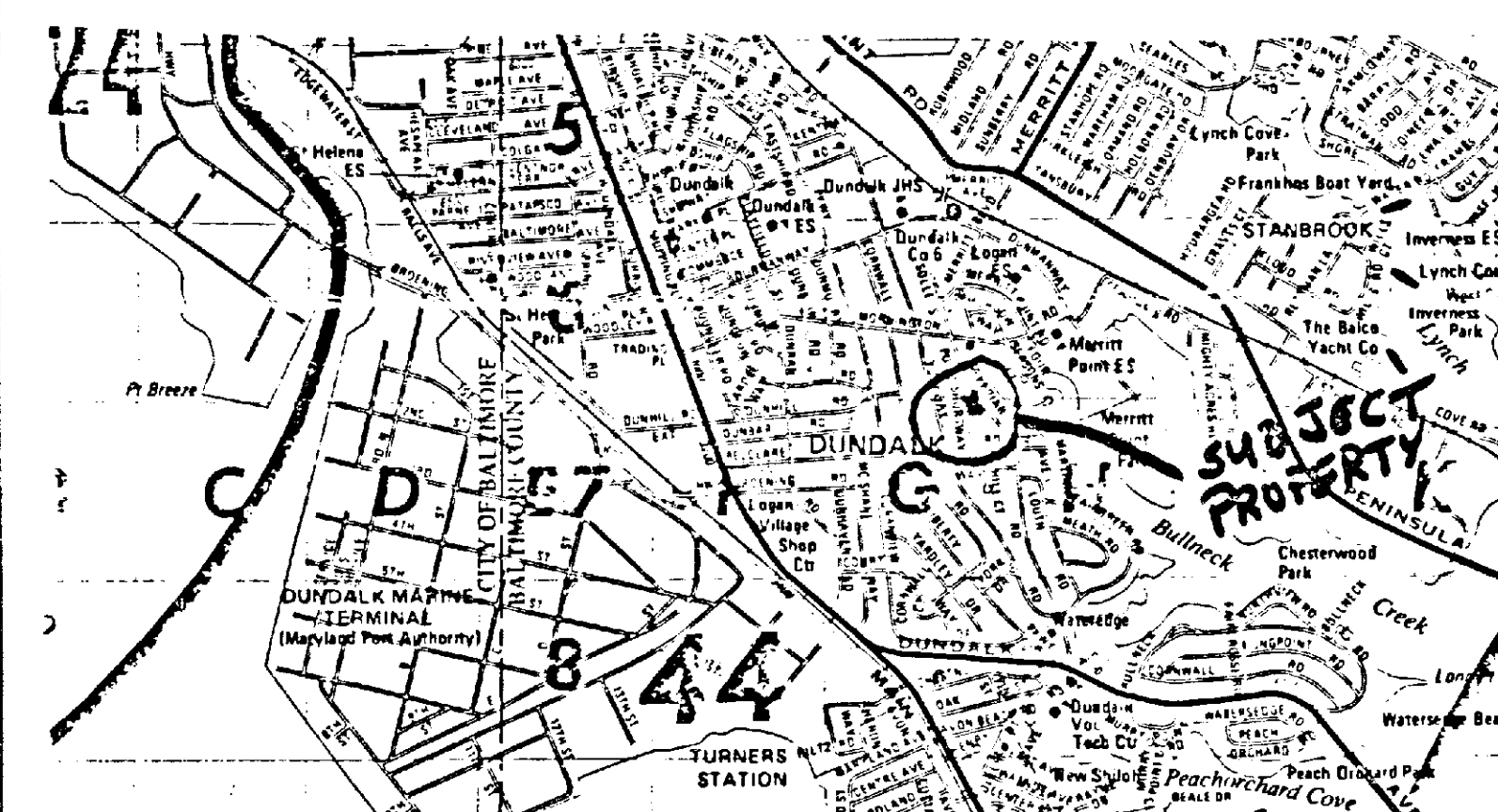
Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
SEP 25 1987

ZONING OFFICE



Mark & Betty Jean Schroeder
3100 Shortway Dundalk, MD 21222
12th Elect. Dist.
1" = 30'
PUBLIC UTILITIES EXISTING
ZONING DP 5.5
PLAT FOR ZONING VARIANCE
Note: Designated as Lot No. 13, Block 6, as shown on Plat No. 6A of Dundalk, which Plat is recorded among the Land Records of Balto. Co. in Plat Book No. 13, Folio 128.
LOT SIZE: 7,449.76 SQ. FT.
.171 ACRE

PETITION FOR ZONING VARIANCE

12th Election District - 7th Councilmanic District
Case No. 88-130-A

LOCATION: Northwest Corner Shortway and Sollers Point Road
(3100 Shortway)

DATE AND TIME: Tuesday, October 6, 1987, at 10:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a front yard setback of 20 feet in lieu of the required average setback of 35 feet

Being the property of Mark G. Schroeder, et ux as shown on plat filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Mark C. Schroeder
Mrs. Betty Jean Schroeder
3100 Shortway
Baltimore, Maryland 21222

September 3, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
NW/cor. Shortway and Sollers Point Rd.
(3100 Shortway)
12th Election District - 7th Councilmanic District
Mark G. Schroeder, et ux - Petitioners
Case No. 88-130-A

TIME: 10:15 a.m.

DATE: Tuesday, October 6, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 37757

DATE 7/15/87 ACCOUNT 01-615-000

AMOUNT \$ 35.00

RECEIVED FROM: Mark C. Schroeder

FOR: Variance # 29

8 8163*****712813 0000

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

J. ROBERT HAINES
ZONING COMMISSIONER

September 29, 1987

Mr. Mark C. Schroeder
Mrs. Betty Jean Schroeder
3100 Shortway
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
NW/cor. Shortway and Sollers Point Rd.
(3100 Shortway)
12th Election District - 7th Councilmanic District
Mark G. Schroeder, et ux - Petitioners
Case No. 88-130-A

Dear Mr. and Mrs. Schroeder:

This is to advise you that \$71.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:dme

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 37942

DATE 10/10/87 ACCOUNT 01-615-000

AMOUNT \$ 71.00

RECEIVED FROM: Mr. Mark C. Schroeder, 3100 Shortway, Dundalk, Md. 21222

FOR: ADVERTISING & POSTING COSTS RE CASE NO. 88-130-A

8 8163*****712813 0000

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD, Sept. 17, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Sept. 17, 1987.

THE JEFFERSONIAN,

Lillian L. L. L. L.
Publisher

July 29, 1987