540

PETITION FOR ZONING VARIANCE

88-164-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate 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 400.1 to permit an accessory building (garage) existing to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Accessory structure to be used as a 2nd car garage for my company car (my existing attached garage being for a single car). Since my house & driveway are located in the woods, the sap from overhead trees as well as falling branches will damage my vehicle. Moving the structure to the rear of the house would be prohibitive since the cost would be over $2,100.00 to remove trees & stumps, grade property, put in a driveway, and move the structure. This alone is twice the cost of structure. The structure matches exactly the color of my house and is made of the same wood siding. It is situated back approximately 125 feet from the road and 20 feet back from my driveway and surrounded completely on three sides by dense woods. It cannot be seen from the roadway or from any of my neighbors' homes.

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:	Legal Owner(s):	MAP NW 37E
	Paul J. Schwarzmann (Type or Print Name)	2G
(Type or Print Name)		E. D. 6th
Signature	Paul J. Schwarzmann (Signature)	DATE 4/23/87
	Joanne M. Schwarzmann (Type or Print Name)	200 PF
Address		1000 PF
City and State	Joanne M. Schwarzmann (Signature)	N-146,345 W-29,045
Attorney for Petitioner:	20908 Keeney Mill Road — Address	343-0459 — Phone No.
(Type or Print Name)	Freeland, MD 21053 — City and State	
Signature	Name, address and phone number of legal owner, contract purchaser or representative to be contacted	
Address		
City and State	Name	
Attorney's Telephone No.:	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of September, 19 87, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of September, 19 87, at 9:00 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING
Date 11/5/87
By Kathy Schulhauser

88-164-A
#540

Paul J. Schwarzmann, et ux
W/S Keeney Mill Rd., 40' N of c/l of Brook Valley Ct. (20908 Keeney Mill Rd.)
6th E.D.

IN RE: PETITION FOR ZONING VARIANCE
W/S Keeney Mill Road, 40' N of the c/l of Brook Valley Court
(20908 Keeney Mill Road)
6th Election District
3rd Councilmanic District

Paul J. Schwarzmann, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-164-A

* * * * * * * * * * *

The Petitioners herein request a zoning variance to permit an existing accessory building (garage) to be located in the front yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Paul J. Schwarzmann, appeared and testified on their behalf. Greg Anderson, Frank Weaver, George Enge and Joyce Myers also appeared and testified on behalf of the Petition. Paul and Joyce Kloch and Robert C. Koermer appeared and testified as Protestants.

Testimony indicated that the subject property located in an R.C. 2 zone is improved with an existing dwelling and a 12' x 22' garage, which is the subject of this Petition. Initially, the Petitioner proposed to construct an accessory structure (garage) for use as a garage in the front yard of the property. At the time of the public hearing, the garage had already been constructed. Testimony indicated that the existing dwelling is located approximately 160' feet from Keeney Mill Road and the garage has been constructed approximately 120' from the road. The Petitioner further indicated that the lot is approximately 200' x 653' and is slightly sloped from Keeney Mill Road to the rear of the property with a grade of no more than 3%. The Petitioner testified that he preferred the garage at the location in question in order to avoid cutting down any trees that exist on this fully wooded lot.

Testimony and evidence presented by the Protestants verified that the garage has been constructed and is approximately 12' x 22' and 8' high. Further verification was provided by the Petitioner's own exhibits and the existence of a violation file in this matter.

ORDER RECEIVED FOR FILING
Date 11/5/87
By Kathy Schulhauser

IN THE MATTER OF
THE APPLICATION OF
PAUL J. SCHWARZMANN, ET UX
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE WEST SIDE OF
KEENEY MILL ROAD, 40' NORTH OF THE
CENTERLINE OF BROOK VALLEY COURT
(20908 KEENEY MILL ROAD)
6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-164-A

: :

OPINION

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner dated November 25, 1987 which denied the Petitioner's request for variance. The Petitioner, Paul J. Schwarzmann, et ux, seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). This section of the B.C.Z.R. mandates that accessory structures in residential zones shall be constructed in the rear yard. Evidence received at the hearing of this case indicated that the Petitioner has already constructed a one-car garage (accessory structure) in the front yard of his property. Both the Petitioner and Protestants appeared before the Board without counsel and presented testimony and exhibits in support of their respective positions.

The Petitioner's case consisted of testimony from the property owner adjoining neighbors to the property, and William R. Burton, a septic system installer. Mr. Schwarzmann testified that the garage was located in the front of his property out of necessity in that its placement was prohibited in the rear yard because of the location of the septic system. That is, in order for the existing building, which was delivered to the site in a preconstructed state, to be placed in the rear yard, it would be necessary to either cut down numerous trees on-site and/or cross over the septic system. Mr. Schwarzmann opined that such a transit of the building across the system could damage the pipes and other portions of the entire system. Additionally, he believed that

cutting down the trees on-site would be inconsistent with the foliage in the area and the intent of the B.C.Z.R.

Mr. Burton agreed with Mr. Schwarzmann's argument of the possible damage to the septic system if the building and the truck carrying same crossed over the system. The numerous neighbors appeared in support of the petition and all testified that the building was aesthetically pleasing and not detrimental to property values and the aesthetic scheme of the neighborhood.

In opposition, the Protestants argued that the Petitioner had not met his burden as set forth in B.C.Z.R. section 307 and McLean v. Soley, 310 A 2d 783 1973.

Upon consideration of all the evidence and testimony presented, the Board is persuaded to grant the variance. We believe that the removal of trees and the possible damage to the septic system are sufficient considerations to constitute practical difficulty and undue hardship for the property owner. Notwithstanding the personal opinions of the many witnesses present, the Board is convinced that the Petitioners have met their burden at law. The Board will therefore grant the variance as proposed with restrictions.

ORDER

Upon the aforegoing opinion, it is this 17th day of May, 1988 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Variance of Paul J. Schwarzmann, et ux, be and is hereby GRANTED subject to the following restrictions:

1. The property owner shall plant evergreens around the three sides of the accessory structure not bordering the driveway, so as to conceal the structure's existence from neighboring properties;

2. The structure shall remain the same color as presently exists so as to be consistent with the color scheme of the existing dwelling house; and

3. The accessory structure may not be enlarged or modified and shall remain the same size both as to height and area.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Harry E. Buchheister, Jr.

Thomas J. Bollinger

The Petitioner seeks relief from Section 400.1, pursuant to Section 307 of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean vs. Soley, 270 Md. 208 (1973).

In order for the Petitioner to prove practical difficulty for an area variance, the Petitioner must show that strict compliance with the BCZR would result in practical difficulty or unreasonable hardship. In this case the Petitioner is unable to demonstrate any practical reason why the accessory building could not be placed in the rear yard. The Petitioner has only been able to indicate that its present location was least offensive and that it was "easier" as that term is defined by the Petitioner to place the accessory structure in the front yard.

It is clear from the testimony that if the variance were granted such use as proposed would be contrary to the spirit and intent of the BCZR and would most likely result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, it is clear that no practical difficulty or unreasonable hardship would result if strict compliance with the BCZR is required. Placement of the accessory structure in the rear yard is not prevented by any unique circumstance of this property. The Petitioners failed to establish that the requirements from which they seek relief would unduly restrict the use of this land given any special conditions unique to this particular parcel.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of November, 1987 that a variance to permit an existing accesso-

ORDER RECEIVED FOR FILING
Date 11/5/87
By Kathy Schulhauser

ry building (garage) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED, from and after the date of this Order. FURTHER, IT IS ORDERED that the accessory structure (garage) be removed on or before January 30, 1988.

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

JRH:bjs

ORDER RECEIVED FOR FILING
Date 11/5/87
By Kathy Schulhauser

APPEAL

Petition for Zoning Variance
W/S Keeney Mill Road, 40' N of the c/l of Brook Valley Court
(20908 Keeney Mill Road)
6th Election District - 3rd Councilmanic District
Paul J. Schwarzmann, et ux - Petitioners
Case No. 88-164-A

Variance-to permit an accessory bldg. (garage) existing to be located in the front yard in lieu of the required rear yard.

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificates of Publication

Entry of Appearance of People's Counsel (None Submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (None Submitted)

Petitioner's Exhibits: 1) Plat of Property
2) Two sheets w/Color Photographs of Property attached
3) Not identified in file
4) List of Neighbors in Support of Project

Zoning Commissioner's Order dated November 25, 1987

Notice of Appeal received December 22, 1987 from Paul J. Schwarzmann, Petitioner

Director of Planning
James Hoswell
J. Robt. Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk

Add to file:
Mr. Darrell Wiles
20717 Keeney Mill Road
Freeland, MD 21053

Add to file:
Mr. Peter Hansen
20920 Keeney Mill Road
Freeland, MD 21053

Mr. Paul J. Schwarzmann, Petitioner
20908 Keeney Mill Road
Freeland, Maryland 21053

Mr. Robert C. Koermer, Protestant
20720 Keeney Mill Road
Freeland, Maryland 21053

Add to file:
Mr. Greg Anderson
20905 Keeney Mill Road
Freeland, MD 21053

Phyllis Friedman, Esquire
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

JJJJJ

540

ZONING DESCRIPTION

CASE # C-87-1722
ELECTION DISTRICT: 6

Beginning on the west side of Keeney Mill Road 60 feet wide, at the distance of 40 feet N. of the center line of Brook Valley Court. Being Lot 10, Section No. 1, Plat No. 1 in the subdivision of Keeney Mill Farms. E.H.K., Jr. 36 Folio 27. Also known as 20908 Keeney Mill Road in the 6th Election District. Containing 3.27 Acres.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-164-A

District 6th — Date of Posting 1/13/88
Posted for: Appeal
Petitioner: Paul J. Schwarzmann, et ux
Location of property: W/S Keeney Mill Rd., 40' N/Brook Valley Ct. 20908 Keeney Mill Rd
Location of Signs: Facing Keeney Mill Rd, approx 6' Fr. the Juncy on property of Petitioner
Remarks:
Posted by [signature] Signature — Date of return: 1/18/88
Number of Signs: 1

PETITION FOR ZONING VARIANCE
6th Election District - 3rd Councilmanic District
Case No. 88-164-A

LOCATION: West Side of Keeney Mill Road, 40 feet North of Centerline of Brook Valley Court (20908 Keeney Mill Road)
DATE AND TIME: Tuesday, November 3, 1987, at 9:00 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 an existing accessory building (garage) in the front yard in lieu of the required rear yard
Being the property of Paul J. Schwarzmann, et ux, as shown on plat plan 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 this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
J. ROBERT HAINES
ZONING COMMISSIONER
Community Times, Oct. 15

APERS OF MARYLAND, INC.
Vic Oct. 15, 1987
nnexed Req. #M05292 P.O. #93506
ber 1987, in the
a daily newspaper published
nster, Carroll County, Maryland.
weekly newspaper published
in Baltimore County, Maryland.
weekly newspaper published
in Baltimore County, Maryland.
LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.
Per [signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-164-A

District 6th — Date of Posting 10/23/87
Posted for: Hearings
Petitioner: Paul J. Schwarzmann, et ux
Location of property: W/S Keeney Mill Rd., 40' N/Brook Valley Ct. 20908 Keeney Mill Rd
Location of Signs: Facing Keeney Mill Rd, approx 70' fr. the Juncy on property of Petitioner
Remarks:
Posted by [signature] Signature — Date of return: 10/25/87
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct. 15, 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 Oct. 15, 1987

THE JEFFERSONIAN,
Susan Sudell Obrecht
Publisher

PETITION FOR ZONING VARIANCE
6th Election District
3rd Councilmanic District
Case No. 88-164-A
LOCATION: West Side of Keeney Mill Road, 40 feet North of Centerline of Brook Valley Court (20908 Keeney Mill Road)
DATE AND TIME: Tuesday, November 3, 1987 at 9:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
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Petition for Zoning Variance to permit an existing accessory building (garage) in the front yard in lieu of the required rear yard
Being the property of Paul J. Schwarzmann, et ux, as shown on plat plan 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 said period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County
10231 Oct. 15

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

J. ROBERT HAINES
ZONING COMMISSIONER

October 28, 1987

Mr. Paul Schwartzmann
Mrs. Joanne M. Schwarzmann
20908 Keeney Mill Road
Freeland, Maryland 21053

RE: PETITION FOR ZONING VARIANCE
W/S Keeney Mill Rd., 40' N of c/l of Brook Valley Ct. (20908 Keeney Mill Rd.)
6th Election District - 3rd Councilmanic District
Paul J. Schwarzmann, et ux - Petitioners
Case No. 88-164-A

Dear Mr. and Mrs. Schwarzmann:

BALTIMORE COUNTY, MARYLAND — No. 37980
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 11/3/87 — ACCOUNT R-01-615-000
SIGN & POST RETURNED — AMOUNT $ 78.00
RECEIVED FROM: Mr. Paul J. Schwarzmann, 20908 Keeney Mill Rd., Freeland, Md. 21053
FOR: ADVERTISING & POSTING COSTS RE CASE #88-164-A
VALIDATION OR SIGNATURE OF CASHIER

is due for advertising
e must be paid before an
IGN AND POST RETURNED ON
OT BE ISSUED.
the time it is placed by
self.
sore County, Maryland, and remit
uilding, Towson, Maryland

Zoning Commissioner
JRH:med

December 18, 198;
Case #88-164-A

Dear Mr. Schuhmann:

re: Petition for Zoning Variance
W/S Keeney Mill Rd, 40' N of c/l of Brook Valley Court,
6th Election District;
3rd Councilmanic District

We refer to the November 25, 1987 letter by J. Robert Haines, postmarked December 1, 1987 which states our petition for a zoning variance has been denied. This decision is unfavorable to us and therefore, we are this date filing an appeal to the County Board of Appeals.

As per our phone conversation, I am enclosing a check to cover $75.00 for this appeal process plus $15 for posting fee, totaling $90.00.

Sincerely,

BALTIMORE COUNTY, MARYLAND — No. 33111
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 12/18/87 — ACCOUNT R-01-615-000
AMOUNT $ 90.00
RECEIVED FROM: Paul J. Schwarzmann, 20908 Keeney Mill Road, Freeland, Md. 21053
FOR: Appeal filing & posting fees in Case No. 88-164-A
VALIDATION OR SIGNATURE OF CASHIER

RECEIVED
DEC 22 1987
ZONING OFFICE

October 1, 1987

Mr. Paul Schwarzmann
Mrs. Joanne M. Schwarzmann
20908 Keeney Mill Road
Freeland, Maryland 21053

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
W/S Keeney Mill Rd., 40' N of c/l of Brook Valley Ct. (20908 Keeney Mill Rd.)
6th Election District - 3rd Councilmanic District
Paul J. Schwarzmann, et ux - Petitioners
Case No. 88-164-A

TIME: 9:00 a.m.
DATE: Tuesday, November 3, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

BALTIMORE COUNTY, MARYLAND — No. 37650
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 6/14/87 — ACCOUNT R-01-615-000
AMOUNT $ 55.00
RECEIVED FROM: Paul J. Schwarzmann
FOR: Case # 540
VALIDATION OR SIGNATURE OF CASHIER

Kloch, 21006 Keeney
med]

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.
Westminster, Md., Oct. 15, 1987
Req. #M05292 P.O. #93506

THIS IS TO CERTIFY that the annexed was published for one (1) weekly/days previous to the 15th day of October, 1987, in the

- [ ] Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
- [ ] Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
- [x] Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.
Per [signature]

THE FOLLOWING INDIVIDUALS HAVE NO OBJECTION TO VARIANCE CASE NO. 88-164-A LOCATED AT 20908 KEENEY MILL ROAD IN FREELAND, MARYLAND.

[illegible]	Patsy B. Hansen
21017 Keeney Mill Rd 357-4341	20901 Keeney Mill Rd
Kevin Anderson	Karen Hansen
20901 Keeney Mill Rd	20901 Keeney Mill Rd.
Clifford D. Wagner	Donna Lambert
Judy L. Wagner	21008 Keeney Mill RD
16 Brook Valley Court	Alice Beck
6 Valley Ct	6 Brook Valley Ct
10 Brook Valley Court	Ann Wilson
Robert Dennis Crook	20717 Keeney Mill Rd.
[illegible]	Robert J. Mohrmann
Alice [illegible]	20905 Keeney Mill Rd
20505 Keeney Mill Rd	Joyce E. Mohrmann
Howard A. Hagen	20505 Keeney Mill Rd
20505 Keeney Mill Rd	Mary Ann Ray
Mayo Budd	20505 Keeney Mill Rd
5 Brook Valley Ct	[illegible]
Barbara C. Bolsdine	[illegible]
5 Brook Valley Ct.	[illegible]
Donald A. Sirk	20715 Keeney Mill Rd
20 Brook Valley CT	[illegible]
Kaye Sirk	20715 Keeney Mill Rd
20 Brook Valley Ct	Alfred A. Hagen
George E. Engwall	20917 Keeney Mill Rd
7 Brook Valley Ct.	Frederick C. Matthews
Pamela A. Engwall	20900 Keeney Mill RD
7 Brook Valley Ct.	

PAGE 2 - CONTINUED

THE FOLLOWING INDIVIDUALS HAVE NO OBJECTION TO VARIANCE CASE NO. 88-164-A LOCATED AT 20908 KEENEY MILL ROAD IN FREELAND, MARYLAND.

Barbara A. Matthews	
20900 Keeney Mill Rd	
Frank M. Weaver	
21001 Keeney Mill RD.	
[illegible]	
[illegible]	
Leah [illegible]	
20905 Keeney Mill Road	
William J. Myers	
20904 KEENEY MILL RD	
Joyce E. Myers	
20904 Keeney Mill Rd	
Charles A. Myers	
20905 Keeney Mill Rd.	

PETITIONER'S EXHIBIT 4

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

July 2, 1987

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

Dennis F. Rasmussen
County Executive

Re: Property Owner: Paul J. Schwarzmann, et ux

Location: W/S Keeney Mill Rd., 40' N. c/l Brook Valley Court

Item No.: 540 Zoning Agenda: Meeting of 6/30/87

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 or ____ 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: Capt. James W. Kelly 7-2-87 Noted and Approved: John J. Kelly
Planning Group — Fire Prevention Bureau
Special Inspection Division

/jl

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 16, 1987

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

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Paul J. Schwarzmann
20908 Keeney Mill Road
Freeland, Maryland 21053

RE: Item No. 540 - Case No. 88-164-A
Petitioner: Paul J. Schwarzmann, et ux
Petition for Zoning Variance

Dear Mr. Schwarzmann:

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 /KKB

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kkb

Enclosures

#88-164-A 6th District

W/s Keeney Mill Rd., 40' N of c/l of Brook Valley Ct.
(20908 Keeney Mill Rd.)

Paul J. Schwarzmann, et ux

1 SIGN

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

HEARING ROOM #218

January 25, 1988

NOTICE OF ASSIGNMENT

RECEIVED JAN 26 1988 ZONING OFFICE

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-164-A

PAUL J. SCHWARZMANN, ET UX

W/s Keeney Mill Rd., 40' N of c/l of Brook Valley Ct.
(20908 Kenney Mill Road)

6th E. Dist.; 3rd C. Dist.

Var.-Accessory bldg. (garage)

ASSIGNED FOR: TUESDAY, MAY 10, 1988, at 10 a.m.

CC: Paul J. Schwarzmann	Petitioner
Robert C. Koerner	Protestant
Mr. & Mrs. Paul Kloch	
Phyllis C. Friedman	People's Counsel
David Fields	Office of Planning
James Hoswell	" " "
J. Robert Haines	Zoning Office
Ann Nastarowicz	" "
James Dyer	" "
Docket Clerk	" "

June Holmen, Secretary

January 4, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S Keeney Mill Road, 40' N of c/l of Brook Valley Court
(20908 Keeney Mill Road)
6th Election District; 3rd Councilmanic District
Paul J. Schwarzmann, et ux - Petitioners
Case No. 88-164-A

Dear Board:

Please be advised that an appeal of the decision rendered in the above-referenced matter was filed on December 22, 1987 by the Petitioner, Paul J. Schwarzmann, and not People's Counsel as previously stated. All materials relative to the case were forwarded to your office under correspondence dated December 30, 1987.

Please excuse the error and if you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

ROBERT HAINES
Zoning Commissioner

JRH:bja

cc: Mr. Paul J. Schwarzmann
20908 Keeney Mill Road, Freeland, Md. 21053

Mr. & Mrs. Paul L. Kloch
21006 Keeney Mill Road, Freeland, Md. 21053

Mr. Robert C. Koerner
20720 Keeney Mill Road, Freeland, Md. 21053

Phyllis Friedman, Esquire
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

File

Request Notification: Norman E. Gerber, Director of Planning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

88-164-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 27th day of September, 1987

J. Robert Haines
ZONING COMMISSIONER

Petitioner Paul J. Schwarzmann, et ux
Petitioner's Attorney _____

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

PETITION FOR ZONING VARIANCE

6th Election District - 3rd Councilmanic District

Case No. 88-164-A

LOCATION: West Side of Keeney Mill Road, 40 feet North of Centerline of Brook Valley Court (20908 Keeney Mill Road)

DATE AND TIME: Tuesday, November 3, 1987, at 9:00 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 an existing accessory building (garage) in the front yard in lieu of the required rear yard

Being the property of Paul J. Schwarzmann, et ux, as shown on plat plan 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 this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

November 25, 1987

Mr. Paul J. Schwarzmann
20908 Keeney Mill Road
Freeland, Maryland 21053

RE: Petition for Zoning Variance
W/S Keeney Mill Road, 40' N of c/l of Brook Valley Court
6th Election District; 3rd Councilmanic District
Case No. 88-164-A

Dear Mr. Schwarzmann:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Zoning Variance has been Denied, in accordance with the attached Order.

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

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:bja

Enclosures

cc: Mr. & Mrs. Paul L. Kloch
21006 Keeney Mill Road, Freeland, Md. 21053

Mr. Robert C. Koerner
20720 Keeney Mill Road, Freeland, Md. 21053

People's Counsel

File

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

October 29, 1987

Ms. Joyce Kloch
21006 Keeney Mill Road
Freeland, Marland 21053

Re: PETITION FOR ZONING VARIANCE
W/S Keeney Mill Rd., 40' N of c/l of
Brook Valley Ct. (20908 Keeney Mill Rd.)
6th Election District - 3rd Councilmanic District
Paul J. Schwarzmann, et ux - Petitioners
Case No. 88-164-A

Dear Ms. Kloch:

Receipt is acknowledged of your letter dated October 24, 1987 regarding the above-entitled case.

This letter is to advise you that Zoning Commissioner Haines has decided to hold a hearing on Tuesday, November 3, 1987, at 9:00 a.m., to deal with the issue of the misposting of the property in question by Baltimore County. Please be present for this hearing.

Very truly yours,

Margaret E. du Bois

Margaret E. du Bois
Zoning Office (494-3394)

c.c.s. Mr. Paul Schwarzmann
Mrs. Joanne M. Schwarzmann
(with enclosure dated 10/24/87)
Mr. Jeffrey Long
Zoning Inspector

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

Dennis F. Rasmussen
County Executive

July 10, 1987

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

Dear Mr. Jablon:

The Bureau of Traffic Engineering has no comments for item number 529, 530, 532, 533, 536, 537, 538, 539, and 540.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

CERTIFIED
RETURN RECEIPT REQUESTED

21006 Keeney Mill Road
Freeland, MD 21053
October 24, 1987

RECEIVED
OCT 5 8 1987
ZONING OFFICE

MR. J. ROBERT HAINES, ESQ.
Baltimore County Zoning Commissioner
County Office Building
111 W. Chesapeake Ave., Rm 113
Towson, MD 21204

Dear Commissioner:

Re: Zoning Hearing Notice Case #88-164A - Property Located At 20908 Keeney Mill Road

I request that the hearing scheduled for November 3, 1987, for the referenced notice be rescheduled because the notice was not posted for the required 15 days.

On October 22, I inquired with Baltimore County Zoning about the status of Zoning Violation Case #C-87-1722. Inspector Long notified me that the property owners at 20908 Keeney Mill Road had requested a special exception and that a hearing would be scheduled soon. I had made the original zoning complaint in April. The property had been inspected in May, and I had not yet been notified of a hearing.

I then asked about Case #88-164A. This notice had recently been placed at 21001 Keeney Mill Road which is across the street and just north of 20908. Mr. Long indicated that Case #88-164A was in fact for the property at 20908. I stated that the notice was located on the wrong property. He also notified me that a notice was required to be posted 15 days prior to the hearing.

On October 23, which is only 11 days prior to the scheduled hearing, the notice was placed at the driveway of the correct property.

I request that the hearing be rescheduled to give the full 15 days posting on the correct property.

I would have inquired about the notice 88-164A sooner and could have avoided a reschedule had I realized an error had been made. I thought the notice might be on the correct property at 21001 because I knew that their garage, built by the previous owners just a few years ago, was also in violation. The previous owners had admitted to a neighborhood group that they should have requested a special exception for their attached garage because the garage extended 3-5 feet into the side setback line. I thought perhaps the new owners had run into some

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MR. J. ROBERT HAINES, ESQ. 2. October 24, 1987

complications with inspections or clear title and had to right an old wrong. Also, since I thought the notice was probably properly posted, I had no problem with the garage at 21001 and saw no urgency in inquiring about it. In addition, I had received no notification of the 20908 hearing which, as complaintant, I am supposed to receive and had no reason to suspect a mistake had been made. The fact that the posted case number was different from the original zoning violation was also confusing.

Now that we have discovered the error, although it has now been corrected, my rights are being infringed upon. I am being denied benefit of the required 15 days notice. A notice posted on the wrong property can hardly be construed as being a proper posting. People that looked at the existing structure at 21001 would hardly have a problem with it and would not be likely to attend a hearing. On the other hand, if they saw the shed placed on the driveway of 20908, they might form a stronger opinion and opt to voice that opinion. They and I deserve that justice be served.

I also appeal to you not to charge the property owners with another posting fee. The error was clearly the County's and should be absorbed by them. The sign had not been moved by vandalism or any other cause. It was placed on the wrong property by a County contractor.

This case is a very important matter for my neighborhood. Allowing this shed to stay in place without a hearing could set a precedent for anyone who wanted to scoff zoning requirements. Please consider my appeal and take immediate action to reschedule Case # 88-164A from November 3.

Sincerely,

Joyce Kloch
JOYCE KLOCH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO James Dyer, Zoning Supervisor — Date 10/22/87

FROM James Thompson, Zoning Enforcement Coordinator

SUBJECT Item No.: 540 (if known) Petitioner: Schwarzmann (if known)

VIOLATION CASE # 87-1722

LOCATION OF VIOLATION 20908 Keeney Mill Rd

DEFENDANT Paul H + Joanne M Schwarzmann ADDRESS 20908 Keeney Mill Rd. Freeland, MD. 21053

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Joyce Kloch	21006 Keeney Mill Rd Freeland, Md. 21053 584-4885

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

JOHN F LINTON
6 BROOK VALLEY CT
FREELAND MD 21053 02AM

Western Union Mailgram

4-0017425306003 11/02/87 ICS IPMBNGZ CSP BALB
2 3013575551 MGM TDBN FREELAND MD 11-02 0751A EST

RECEIVED
NOV 3 1987
ZONING OFFICE

MR J ROBERT HAINES ESQ, FONE
CARE BALTIMORE COUNTY ZONING COMMISSIONER
RM 113 111 W CHESAPEAKE AVE
TOWSON MD 21204

THIS IS A CONFIRMATION COPY OF A TELEGRAM ADDRESSED TO YOU:

AS I WILL BE UNABLE TO ATTEND THE HEARING ON 11-3-87 REGARDING VERRANCE HEARING AND HEARING NUMBER 88-164A FOR SHED LOCATED ON KEENEY MILL RESIDENCE FREELAND MARYLAND I AM REGISTERING MY OBJECTION ONLY TO THE LOCATION OF THE SHED AS IT DOES NOT COMPLY WITH LOCAL ZONING.
JOHN F LINTON
6 BROOK VALLEY CT
FREELAND MD 21053

Case # 88-164-A

7:52 EST

:MCOMP

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

S241 (6-782)

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

May 17, 1988

Mr. Paul J. Schwarzmann
20908 Keeney Mill Road
Freeland, MD 21053

RE: Case No. 88-164-A
Paul J. Schwarzmann, et ux

Dear Mr. Schwarzmann:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals regarding the subject case.

Sincerely,

Kathleen C. Weidenhammer
Administrative Secretary

Encl.

cc: Mr. Robert C. Koermer
Mr. Darrell Wiles
Mr. Greg Anderson
Mr. Peter Hansen
P. David Fields
James G. Hoswell
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Docket Clerk
Arnold Jablon, County Attorney

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

HEARING ROOM #218

January 25, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-164-A — PAUL J. SCHWARZMANN, ET UX

W/s Keeney Mill Rd., 40' N of c/l of Brook Valley Ct. (20908 Keeney Mill Road)

6th E. Dist.; 3rd C. Dist.

Var.-Accessory Bldg. (garage)

TUESDAY, MAY 10, 1988, at 10 a.m.

ASSIGNED FOR:

cc: Paul J. Schwarzmann	Petitioner
Robert C. Koermer	Protestant
Mr. & Mrs. Paul Kloch	
Phyllis C. Friedman	People's Counsel
David Fields	Office of Planning
James Hoswell	" " "
J. Robert Haines	Zoning Office
Ann Nastarowicz	" "
James Dyer	" "
Doc. et Clerk	" "

June Holmen, Secretary

11/87

County Board of Appeals of Baltimore County
Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

HEARING ROOM #218

January 25, 1988

NOTICE OF ASSIGNMENT

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CASE NO. 88-164-A — PAUL J. SCHWARZMANN, ET UX

W/s Keeney Mill Rd., 40' N of c/l of Brook Valley Ct. (20908 Keeney Mill Road)

6th E. Dist.; 3rd C. Dist.

Var.-Accessory Bldg. (garage)

TUESDAY, MAY 10, 1988, at 10 a.m.

ASSIGNED FOR:

cc: Paul J. Schwarzmann	Petitioner
Robert C. Koermer	Protestant
Mr. & Mrs. Paul Kloch	
Phyllis C. Friedman	People's Counsel
David Fields	Office of Planning
James Hoswell	" " "
J. Robert Haines	Zoning Office
Ann Nastarowicz	" "
James Dyer	" "
Docket Clerk	" "

June Holmen, Secretary

1/25/88 - Following notified of hear. set for Tues. May 10, 1988, at 10 a.m.:

Paul Schwarzmann
Robt. Koermer
Mr. and Mrs. Paul Kloch
P. Friedman
D. Fields, J. Hoswell
J. R. Haines. A. Nastarowicz, J. Dyer, Doc. Clerk

1-22-88

Ref Schwarzman
#88-164-A
People's Counsel will not participate in this proceed.
Shirley M. Hess

JOYCE KLOCH
21006 Keeney Mill Road
Freeland, MD 21053

CERTIFIED
RETURN RECEIPT REQUESTED

RETURN RECEIPT REQUESTED

MR. J. ROBERT HAINES, ESQ.
Baltimore County Zoning Commissioner
County Office Building
111 W. Chesapeake Ave., Rm 113
Towson, MD 21204

Fold at line over top of envelope to the right of the return address.

CERTIFIED
P-549 238 931
MAIL

give
The United Way

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

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

January 4, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Variance
W/S Keeney Mill Road, 40' N of c/l of Brook Valley Court
(20908 Keeney Mill Road)
6th Election District; 3rd Councilmanic District
Paul J. Schwarzmann, et ux - Petitioners
Case No. 88-164-A

Dear Board:

Please be advised that an appeal of the decision rendered in the above-referenced matter was filed on December 22, 1987 by the Petitioner, Paul J. Schwarzmann, and not People's Counsel as previously stated. All materials relative to the case were forwarded to your office under correspondence dated December 30, 1987.

Please excuse the error and if you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:bjs

cc: Mr. Paul J. Schwarzmann
20908 Keeney Mill Road, Freeland, Md. 21053

Mr. & Mrs. Paul L. Kloch
21006 Keeney Mill Road, Freeland, Md. 21053

Mr. Robert C. Koermer
20720 Keeney Mill Road, Freeland, Md. 21053

Phyllis Friedman, Esquire
People's Counsel of Baltimore County
Rm. 223, Old Courthouse
Towson, Maryland 21204

File

RECEIVED
COUNTY BOARD OF APPEALS
1988 JAN -5 P 2:00

December 18, 1987

Dear Mr. Schuchmann:

Case #88-164-A

re: Petition for Zoning Variance
W/S Keeney Mill Rd, 40' N of c/l of Brook Valley Court,
6th Election District;
3rd Councilmanic District

We refer to the November 25, 1987 letter by J. Robert Haines, postmarked December 1, 1987 which states our petition for a zoning variance has been denied. This decision is unfavorable to us and, therefore, we are this date filing an appeal to the County Board of Appeals.

As per our phone conversation, I am enclosing a check to cover $75.00 for this appeal process plus $15 for posting fee totaling $90.00.

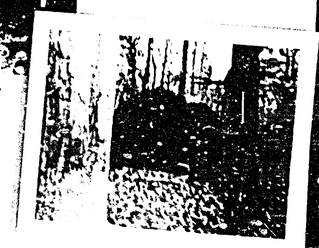
Sincerely,

Paul J. Schwarzmann

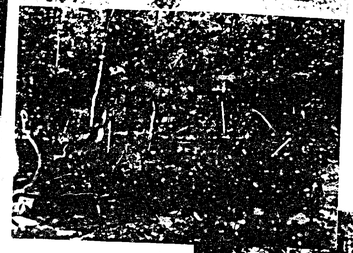
Paul Schwarzmann
20908 Keeney Mill Road
Freeland, MD 21053

RECEIVED
DEC 22 1987
ZONING OFFICE

PETITIONER(S) EXHIBIT (2)

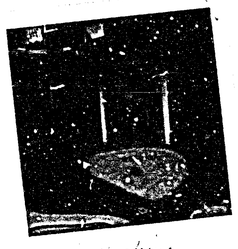


PETITIONER(S) EXHIBIT (2)



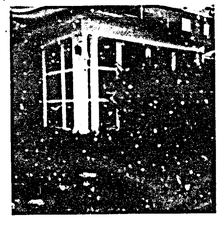
PETITIONER(S) EXHIBIT (3)

211 Dumbarton



201 Hopkins

200 Hopkins



210 Hopkins

Sept 21, 1987

Dear Sirs:

Appellant #2

My house at 208 Regester directly faces the existing porch which my neighbors at 210 Regester wish to enclose. Having seen the plans I do not feel that this improvement will detract from the appearance of the house or the surrounding homes. The building line on that side of the house has already been established and existing footings will be utilized. Also, other homes in the community have enclosed side porches.

I maintain that if the immediate neighbors have no objections, then Mr Alpern should be issued a permit.

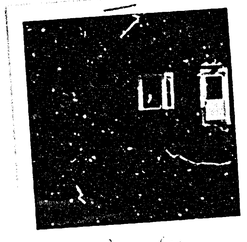
Sincerely,

Nicholas J. Panciff

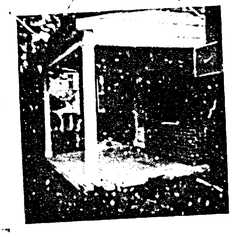
Nicholas J. Panciff
208 Regester Ave.

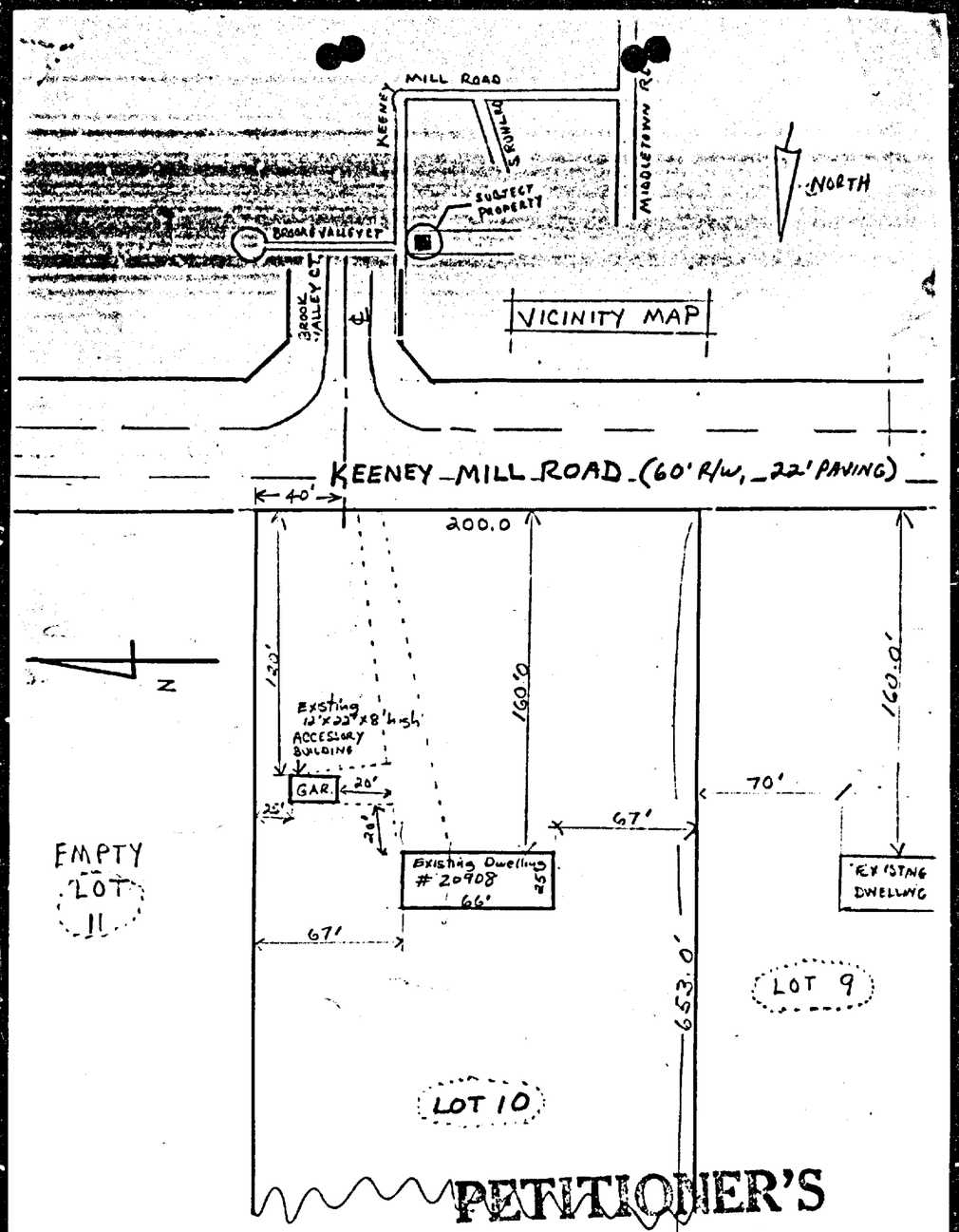
PETITIONER'S EXHIBIT 2

PETITIONER(S) EXHIBIT (3)



210 Regester





PETITIONER'S EXHIBIT 1

PLAT FOR ZONING VARIANCE

OWNER - PAUL + JOANNE SCHWARZMANN LOT SIZE 130,600 SQ FT. 3.27 ACRES

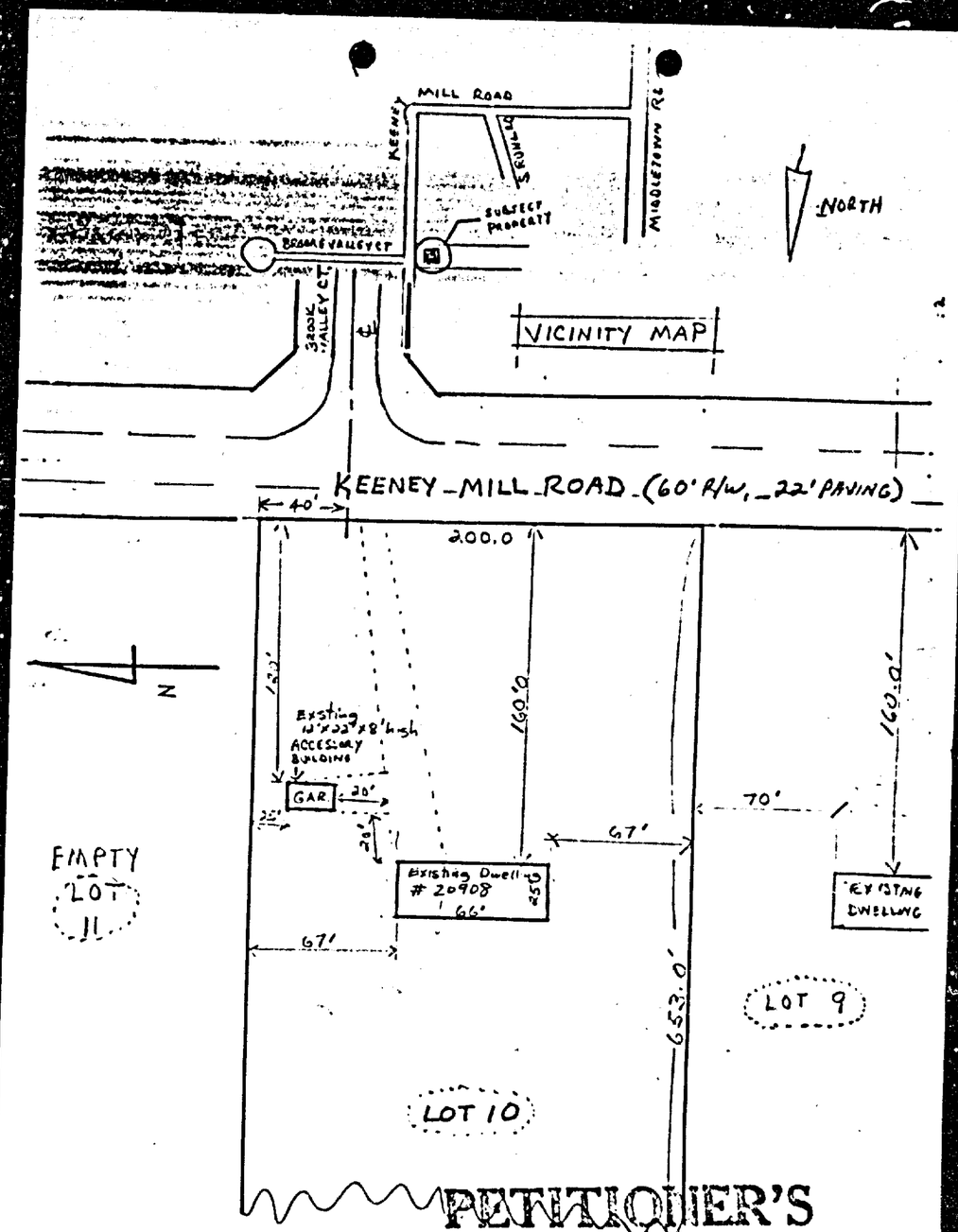
DISTRICT 6, ZONED RC-2

SUBDIVISION - KEENEY MILL FARMS, SECTION 1, PLAT #1

LOT 10, E.H.K. JR., 36 FOLIO 27 88-164-A 540

EXISTING UTILITIES IN KEENEY MILL ROAD

SCALE: 1" = 50'



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