

IN RE: PETITION FOR ZONING VARIANCE
S/S Miller Road, 465' W of
the c/l of Cuba Road
(1811 Miller Road)
8th Election District
3rd Councilmanic District
John R. Schaffner, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-512-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 15 feet in lieu of the required 20 feet for a proposed garage, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Schaffner, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C. 2, is currently improved with an existing two-story dwelling. The Petitioners propose constructing a 30' x 28' garage addition. Due to the lay of the land and the location of the existing driveway and improvements on the property, the garage cannot be built without the requested variance. The Petitioner testified that he discussed the matter with the adjoining neighbor who has no objection to his plans.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with

COPY RECEIVED FOR FILING
DATE 6/28/88 BY [Signature]

MAP NO. 2011 E
20
E.D. 8th
DATE 11-15-87

6-28-88 - 10am

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DATE 6/28/88 BY [Signature]

00-119-A

the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1988 that the Petition for Zoning Variance to permit a side yard setback of 15 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 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 will be required to return, and be responsible for returning, said property to its original condition.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting June 11, 1988
Posted for: Variances
Petitioner: John R. Schaffner et ux
Location of property: S.S. of Miller Road, 465' W of the c/l of Cuba Road (1811 Miller Road)
Location of Sign: Along front of 1811 Miller Road
Remarks:
Posted by: [Signature] Date of return: June 17, 1988
Number of Signs: 1

88-512-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 June, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: John R. Schaffner, et al Received by: James E. Dyer
Petitioner's Attorney: _____ Chairman, Zoning Plans Advisory Committee

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-512-A
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 103.3 (202.3) To allow a side yard setback of 15 feet in lieu of the required 20 feet.

- 1. A garage is needed to shelter automobile, lawn tractor and various other gardening tools and equipment from the elements.
- 2. Most homes in the area were built with garages, this one was not.
- 3. Erection of the proposed garage would be in keeping with the fashion of area.
- 4. The proposed location was chosen so as to utilize the existing macadam driveway and not interfere with the septic system in the rear.

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50489
DATE 4-5-88 ACCOUNT R-11-65-000
AMOUNT \$ 35.00
RECEIVED FROM John R. Schaffner et ux
FOR [Signature]

above Variance advertising, posting, etc., upon filing of this petition to be bound by the zoning regulations and restrictions of 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.

Legal Owner(s):
JOHN R. SCHAFFNER
(Type or Print Name)
Signature
WILLIAM SCHAFFNER
(Type or Print Name)
Signature

1811 MILLER RD. 628-3343 BUS
584-2754 HOME
Address
COCKEYSVILLE, MD. 21030
City and State

Name, address and phone number of legal owner, contact purchaser or representative to be contacted
Name
JOHN R. SCHAFFNER
Address
1811 MILLER RD. 628-3343
21070 Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 20th day of APRIL 1988, 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 108, County Office Building in Towson, Baltimore County, on the 28th day of JUNE 1988, at 10 o'clock A.M.

ESTIMATED LENGTH OF HEARING (1/2) hr
AVAILABLE FOR HEARING 100N/TUES/THURS - NEXT TWO (2) DAYS
ALL OTHER DATE 4-5-88
REVIEWED BY: [Signature] DATE 4-5-88

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. June 8, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on June 8, 1988.

TOWSON TIMES.
S. Zeke Olson
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County will hold a public hearing on the proposed advertisement herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on June 28, 1988 at 10:00 a.m. Petition for Zoning Variance Case number 88-512-A, 30 Miller Road, 465' W of c/l of Cuba Road, 1811 Miller Road, Towson, MD. 21030. Petitioner: John R. Schaffner et ux. Hearing Time: Tuesday, June 28, 1988 at 10:00 a.m. Notice to allow a side yard setback of 15 feet in lieu of the required 20 feet. In the event that the Petitioner is granted a building permit and is required to file a petition for a variance within the thirty (30) day appeal period, the Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the appeal and good cause shown. Such request must be in writing and received in the office by the date of the hearing or shown as presented at the hearing. J. ROBERT HAINES, Zoning Commissioner of Baltimore County. 1.25 June 8 8

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD. June 9, 1988
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 June 9, 1988.

THE JEFFERSONIAN,
S. Zeke Olson
Publisher

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County will hold a public hearing on the proposed advertisement herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on June 28, 1988 at 10:00 a.m. Petition for Zoning Variance Case number 88-512-A, 30 Miller Road, 465' W of c/l of Cuba Road, 1811 Miller Road, Towson, MD. 21030. Petitioner: John R. Schaffner et ux. Hearing Time: Tuesday, June 28, 1988 at 10:00 a.m. Notice to allow a side yard setback of 15 feet in lieu of the required 20 feet. In the event that the Petitioner is granted a building permit and is required to file a petition for a variance within the thirty (30) day appeal period, the Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during the appeal and good cause shown. Such request must be in writing and received in the office by the date of the hearing or shown as presented at the hearing. J. ROBERT HAINES, Zoning Commissioner of Baltimore County. 1.25 June 8 8

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

June 30, 1988

Mr. & Mrs. John R. Schaffner
1811 Miller Road
Cockeysville, Maryland 21030
RE: PETITION FOR ZONING VARIANCE
S/S Miller Road, 465' W of the c/l of Cuba Road
8th Election District; 3rd Councilmanic District
Case No. 88-512-A

Dear Mr. & Mrs. Schaffner:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted 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 within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
Enclosure
cc: People's Counsel
file

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner
Date: JUN 27 1988

Mr. & Mrs. John R. Schaffner
1811 Miller Road
Cockeysville, Maryland 21030

Re: Petition for Zoning Variance
CASE NUMBER: 88-512-A
S/S Miller Road, 465' W of c/l Cuba Road
(1811 Miller Road)
Petitioner(s): John R. Schaffner, et ux
HEARING SCHEDULED: TUESDAY, JUNE 28, 1988 at 10:00 a.m.

Dear Mr. & Mrs. Schaffner:

Please be advised that \$94.07 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 52722

DATE 4/5/88 ACCOUNT R-11-65-000
AMOUNT \$ 94.07

RECEIVED FROM John R. Schaffner et ux
FOR [Signature]

VALIDATION OR SIGNATURE OF CASHIER
88-512-A

Haines
AINES
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ounty

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

April 29, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-512-A
55 Miller Road, 465' W of c/l Cuba Road
(1811 Miller Road)
Petitioner(s): John R. Schaffner, et ux
HEARING SCHEDULED: TUESDAY, JUNE 29, 1988 at 10:00 a.m.

Variance to allow a side yard setback of 15 feet in lieu of the required 20 feet.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: John R. Schaffner, et ux
File

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

April 29, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

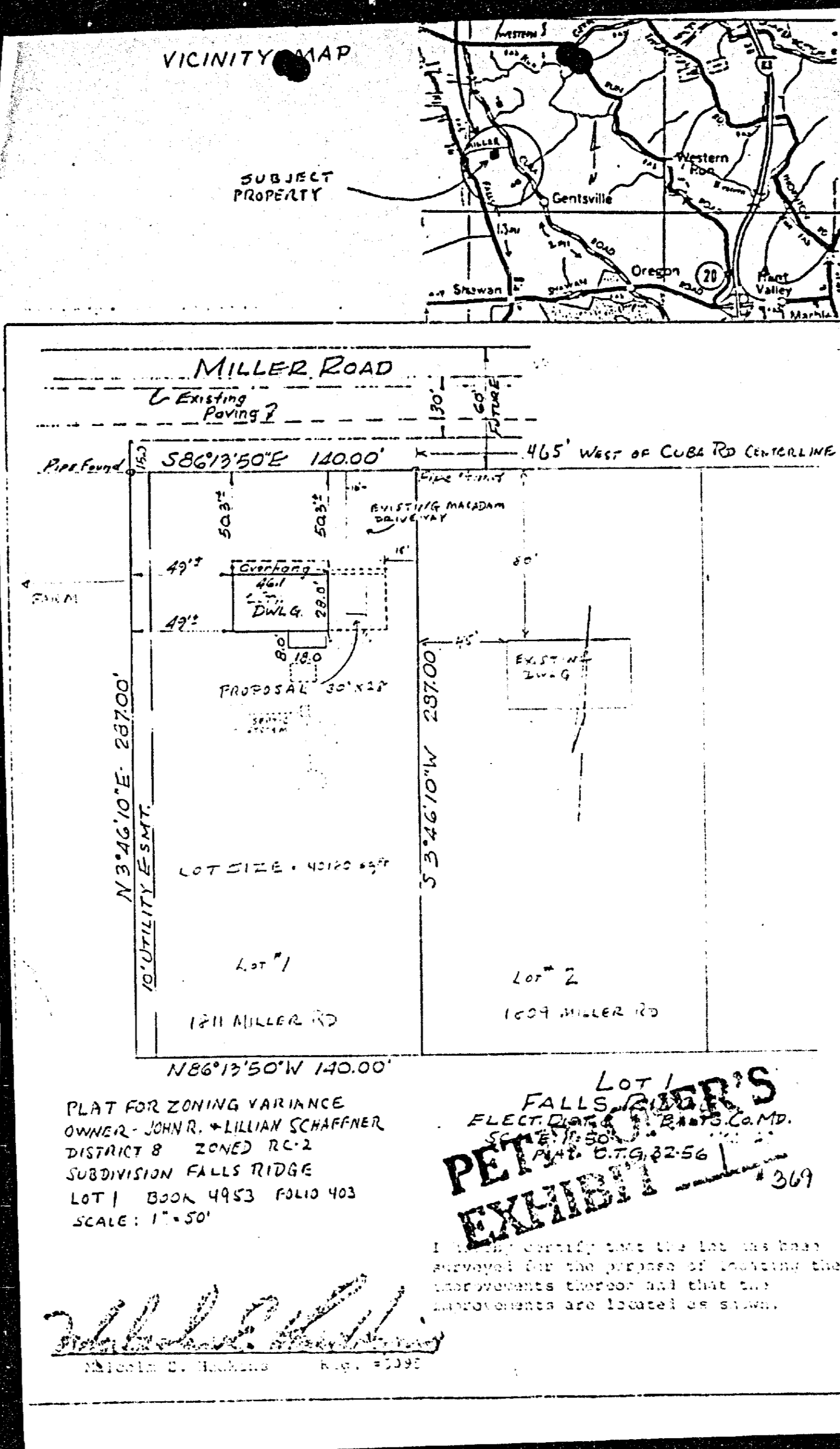
Petition for Zoning Variance
CASE NUMBER: 88-512-A
55 Miller Road, 465' W of c/l Cuba Road
(1811 Miller Road)
Petitioner(s): John R. Schaffner, et ux
HEARING SCHEDULED: TUESDAY, JUNE 29, 1988 at 10:00 a.m.

Variance to allow a side yard setback of 15 feet in lieu of the required 20 feet.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: John R. Schaffner, et ux
File



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

April 26, 1988

Re: Property Owner: John R. Schaffner, et ux
Location: S/S Miller Rd., 465' W. of c/l Cuba Road
Item No.: 369

Zoning Agenda: Meeting of 4/19/88

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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
Date: May 12, 1988
FROM: P. David Fields, Director, Office of Planning and Zoning
RECEIVED ZONING OFFICE
DATE: 5/16/88
SUBJECT: Zoning Petitions 88-502-A, 88-510-A, 88-511-A, 88-512-A, 88-513-A, 88-515-A, 88-516-A, 88-517-A, 88-518-A, and 88-519-A

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

P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning Office

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

May 19, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number (369) 370 and 371.

Very truly yours,

[Signature]
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pml-b

RECEIVED
MAY 23 1988
ZONING OFFICE

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 6, 1988

COUNTY OFFICE BLDG.
111 W. CHESAPEAKE AVE.
TOWSON, MARYLAND 21286

Mr. & Mrs. John R. Schaffner
1811 Miller Road
Cockeysville, Maryland 21030

RE: Item No. 369 - Case No. 88-512-A
Petitioners: John R. Schaffner, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Schaffner:

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. 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,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt
Enclosures

cc: Mr. & Mrs. John R. Schaffner
5/16/88