

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 S/S Walnut Avenue, 185 ft. N.W.
 c/1 of Birch Street
 1824 Walnut Avenue
 12th Election District
 7th Councilmanic District
 David Schaub
 Petitioner

BEFORE THE ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 91-268-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.3 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory storage structure (detached garage) to a height of 22 ft. in lieu of the required 15 ft. maximum, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as 1824 Walnut Avenue, zoned D.R.5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to allow an accessory structure (detached garage) with a storage loft on the rear of the property. The proposal set forth in the Petition is for storage and not for habitable space. The garage is for the storage of vehicles and personal property and not to be used in any business or commercial endeavor, as indicated on Petitioner's Exhibits 2 and 3.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

OFFICER RECEIVED FOR FILING
 Date By

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of February 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.3 Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) to a height of 22 ft. in lieu of the required 15 ft. maximum, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

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 30 day 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.
2. The Petitioner shall not allow or cause the garage or accessory storage structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. The subject garage and accessory storage structure shall not have any running

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water or public sewer connections and shall be strictly employed as a storage facility for personal property of the property owner of 1824 Walnut Avenue.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Robert Haines
 ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH/mm
 cc: Peoples Counsel

OFFICER RECEIVED FOR FILING
 Date By

February 12, 1991

Mr. David Schaub
 1824 Walnut Avenue
 Baltimore, Maryland 21222

RE: Petition for Residential Zoning Variance
 Case No. 91-268-A

Dear Mr. Schaub:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential 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 887-3391.

Very truly yours,
Robert Haines
 Robert Haines
 Zoning Commissioner

JRH/mm
 encl.
 cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-268-A 267

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, petition for a Variance from Section

400.3 TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) HEIGHT OF 22' IN LIEU OF THE REQUIRED 15' MAXIMUM.

RESTRICTING THE HEIGHT TO 15' WILL NOT ALLOW THE FULL USE OF THE LOFT AREA OF THE STRUCTURE TO SUPPLEMENT STORAGE DUE TO LIMITED SPACE IN RESIDENCE DUE TO FAMILY SIZE. (GARAGE HEIGHT WILL BE LESS THAN 28' RESIDENCE HEIGHT).

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

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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/State/Zip Code
 Attorney for Petitioner:
 (Type or Print Name)
 Signature
 Address
 City/State/Zip Code
 Attorney's telephone number

Legal Owner(s):
 DAVID SCHAUB
 Signature
 Address
 City/State/Zip Code
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
 SAME AS ABOVE

MAP SE2E
F2
R. D. 10
DATE 1-23-91
200
67
1000
OP
6

ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of JAN, 1991, that the subject matter of this petition be posted on the property on or before the 23 day of JAN, 1991.

Robert Haines
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Date By

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-268-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at
 1824 WALNUT AVE BALTO, MD. 21222
 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

RESTRICTING HEIGHT TO 15' ZONED WILL DISALLOW FULL USE OF LOFT AREA TO SUPPLEMENT STORAGE DUE TO LIMITED RESIDENCE STORAGE & FAMILY SIZE (NOTE: GARAGE HEIGHT WILL BE LESS THAN RESIDENCE)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature): *David Schaub*
 Affiant (Printed Name): DAVID SCHAUB

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 3 day of JAN, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared *David Schaub*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
 1-3-91
 DATE

June R. Bryant
 NOTARY PUBLIC
 My Commission Expires:
 January 1, 1992

ZONING DESCRIPTION

Beginning at a point on the South side of Walnut Ave which is 50' R/W wide at the distance of 185' E NW of the Q of Birch St. which is 50' R/W wide. Also recorded in deed Liber # 6700, Folio # 477 containing .28 acres. Also known as 1824 WALNUT AVE BALTO, MD. 21222 AND LOCATED IN THE 12th ELECTION DIST.

91-268-A

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 12th
 Posted for: *David Schaub*
 Petitioner: *David Schaub*
 Location of property: *1824 Walnut Ave, 185' NW Birch St.*
 Location of Signs: *1824 Walnut Ave, 15' E of NW corner*
 Remarks: *Property of Baltimore County*
 Posted by: *Michael*
 Number of Signs: *1*
 Date of Posting: *1/23/91*
 Date of return: *1/27/91*

Baltimore County
 Zoning Commissioner
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21284

receipt

Account F 001-6150
 Number

Date
 Please Make Checks Payable To: Baltimore County
 855.00
 Payment Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 11, 1991

David Schaub
1824 Walnut Avenue
Baltimore, Maryland 21222

RE: CASE NUMBER: 91-268-A
LOCATION: 2/5 Walnut Avenue, 185' W of c/l Birch Street
1824 Walnut Avenue

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before January 23, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is February 7, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean reschedule notification of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-3391

received
1/14/91

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 13, 1991

Mr. David Schaub
1824 Walnut Avenue
Baltimore, MD 21222

RE: Item No. 267, Case No. 91-268-A
Petitioner: David Schaub
Petition for Residential Variance

Dear Mr. Schaub:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 3rd day of January, 1990.

J. Robert Haines
Zoning Commissioner

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: David Schaub

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 1, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: David Schaub, Item No. 267

This office has no objection to the requested variance. However, a restriction should be placed in the order prohibiting any living quarters, kitchen, or bathroom facilities in the garage and limiting the storage to being the personal property of occupants of the principal dwelling only.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM267/2AC1

received
2/6/91

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

JANUARY 11, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DAVID SCHAUB
Location: #1824 WALNUT AVENUE
Item No.: 267 Zoning Agenda: JANUARY 14, 1991

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved
Special Inspection Division

Noted and Approved
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 245, 246, 262, 267, 271 and 273.

For Item 265, a County Review Group Meeting may be required.

For Item 260, this site must be submitted through the minor subdivision process for review and comments.

For Item 269, the site is subject to the minor subdivision process for review and comments.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:c

12 REGD.

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1824 WALNUT AVE., Towson, MD 21222

Subdivision name: HOLMWOOD PARK
DELD REF.: 6700/477
Lot # 26
12 AST.

OWNER: DAVID SCHAUB

91-268-A
Petitioner's Exhibit 1

Scale of Drawing: 1" = 50'

LOCATION INFORMATION
Councilmatic District: 7
Election District: 12
1"-200' scale map#: SE 2E
Zoning: DR-5.5
Lot size: 28 1/2 acreage 12180 square feet

SEWER:
WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!
Reviewed by: [Signature] ITEM #: 267 CASE#:

267

1/6/91

To WHOM IT MAY CONCERN:

MR DAVID SCHUBS HAS REVIEWED HIS INTENTIONS TO ERECT A 22' TALL STRUCTURE (GARAGE) ON HIS LOT AND I FIND NO OBJECTION TO HIS VARYING FROM THE 15' MAXIMUM ZONED HEIGHT

John Nelson
1830 Walnut Ave
Baltimore MD 21222

Petitioner's
Exhibit 2

91-268-A

267

1/6/91

To WHOM IT MAY CONCERN:

MR DAVID SCHUBS HAS REVIEWED HIS INTENTIONS TO ERECT A 22' TALL STRUCTURE (GARAGE) ON HIS LOT AND I FIND NO OBJECTION TO HIS VARYING FROM THE 15' MAXIMUM ZONED HEIGHT.

Melvin J. Topp

Petitioner's
Exhibit 3

91-268-A

CASE #: 91-268-A

View N.N.W. ACROSS JOHN NELSON'S LOT



PETITIONER'S EXHIBIT # 4

CASE #: 91-268-A



View NNE
Rear of Residence
and
up driveway to
Walnut Ave.

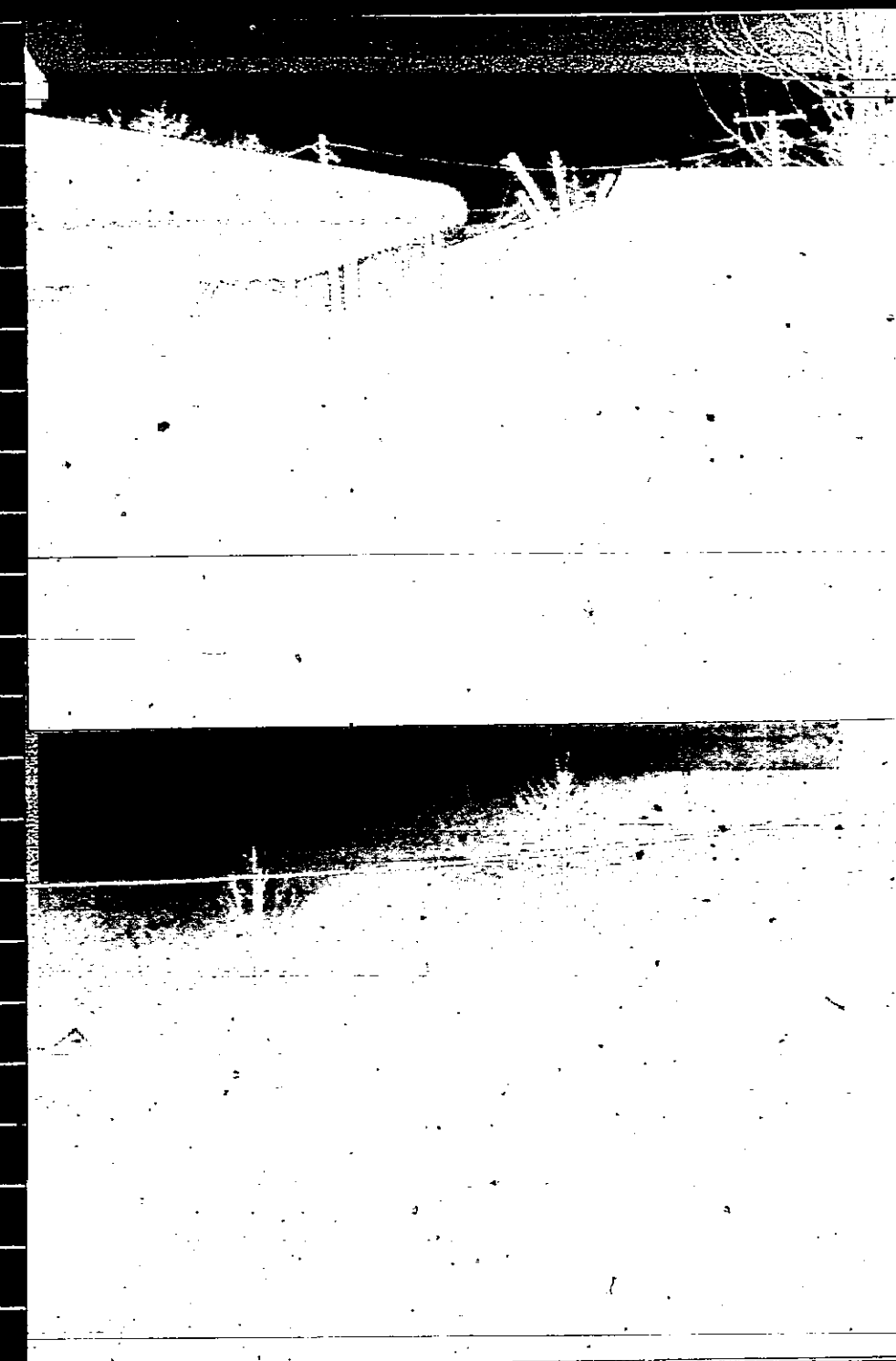


View Looking
SSW
Across Alley.

PETITIONER'S EXHIBIT # 5

CASE #: 91-268-A

VIEW LOOKING SSE ACROSS MELVIN TOPP'S LOT
SHOWING SIMILAR STRUCTURE AT 1830 WALNUT
(DAVE CARVER RECEIVED VARIANCE FROM HEIGHT RESTRICTION
IN FALL OF 1990. 1830 WALNUT AVE)



PETITIONER'S EXHIBIT # 6



1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Delbert S. Davis
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING
OFFICIAL ZONING MAP

267
91-268-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SITE

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE

1" = 200' ±

DATE OF PHOTOGRAPHY

JANUARY 1986

LOCATION

NORTH POINT

SHEET

S. E.

2-E