

IN RE: PETITION FOR VARIANCE
 NW 1/4 Cedar Lane, 800' SW of
 the E of Coattner Road
 11th Election District
 5th Councilmanic District

Steven R. Schulte, et ux
 Petitioners

• BEFORE THE
 • DEPUTY ZONING COMMISSIONER
 • OF BALTIMORE COUNTY
 • Case No. 94-56-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Steven R. and Linda M. Schulte. The Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Steven and Linda Schulte, property owners. There were no Protestants.

Testimony indicated that the subject property consists of 1.165 acres, more or less, zoned R.C. 5 and is located on the northwest side of Cedar Lane, southwest of Coattner Road in northeastern Baltimore County. The Petitioners are desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Due to the size and location of the septic reserve area for the proposed dwelling, the building envelope must be moved further to the east side of the property resulting in the proposed dwelling being built 20 feet from the side property line. Testimony and evidence presented indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

ORDER RECEIVED FOR FILING
 Date 8/14/83
 By TJZ

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. Soicy, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING
 Date 8/14/83
 By TJZ

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of September, 1983 that the Petition for Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 relief granted herein shall be rescinded.

Timothy M. Zdrok
 TIMOTHY M. ZDROK
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 8/14/83
 By TJZ

Baltimore County Government
 Zoning Commission
 Office of Planning and Zoning

Suite 113, Courthouse
 400 Washington Avenue
 Towson, MD 21284

September 17, 1983 (418) 451-140

RE: PETITION FOR VARIANCE
 NW 1/4 Cedar Lane, 800' SW of the E of Coattner Road
 11th Election District - 5th Councilmanic District
 Steven R. Schulte, et ux - Petitioners
 Case No. 94-56-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered in aforesaid thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 987-1391.

Timothy M. Zdrok
 TIMOTHY M. ZDROK
 Deputy Zoning Commissioner
 for Baltimore County

cc: People's Counsel
 File

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 11th Date of Posting 8/18/83
 Posted for: Notice to Steve Schulte
 Location of property: NW 1/4 Cedar Lane, 800' SW of Coattner Rd
 Location of Sign: Leaving roadway, 100' property to be posted
 Remarks:
 Posted by: [Signature] Date of return: 8/18/83
 Number of Signs: 1

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Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at NW 1/4 of Cedar Ln, 800' SW of Coattner Rd which is presently zoned RCS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned legal owners of the property state 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 1A04.3.B.3 of the Baltimore County Zoning Regulations to permit a 20' side yard setback in lieu of 50'.

Hardship of Building size due to the size & design of the septic reserve area. Buildable area not large enough.

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 the 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 of Baltimore County.

Legal Owners:
 Linda Marie Schulte
 Linda Marie Schulte
 Steven Randall Schulte
 Steven Randall Schulte

Address:
 5050 Washington Rd
 Kingsville Md 21087

ESTIMATED LENGTH OF HEARING 1 hr
 ALL OTHER: OTHER
 REVIEWED BY: [Signature] DATE: 8/18/83

ORDER RECEIVED FOR FILING
 Date 8/18/83
 By TJZ

GERHOLD, CROSS & ETZEL
 Registered Professional Land Surveyors
 412 DELAWARE AVENUE
 TOWSON, MARYLAND 21284
 623-4470

September 26, 1988
 Lot 2

All that piece or parcel of land situate, lying and being in the Eleventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Cedar Lane and at the beginning of the third line of a parcel of land which by a deed dated August 10, 1939 and recorded among the Land Records of Baltimore County in Liber G.W.B. Jr. No. 1070 folio 344 was conveyed by Frank R. Hammond and wife to Felice S. Tula and wife and running thence with and binding on a part of said third line and binding in the center of Cedar Lane, North 47 degrees 49 minutes 56 seconds East 184.73 feet, thence leaving said Lane and outline and running for lines of division now made, the three following courses and distances viz: North 42 degrees 41 minutes 21 seconds West binding on the southwest side of a 40 foot easement for ingress and egress and utilities heretofore laid out, 173.09 feet to a pipe, North 65 degrees 00 minutes West, still binding on the southwest side of said 40 foot easement, 127.97 feet to a pipe now set and South 47 degrees 26 minutes 15 seconds West, leaving said easement, 135.54 feet to a pipe set in first line of said parcel of land which was conveyed by Hammond to Tula and thence running with and binding on a part of said first line and all of the second line of said parcel of land, the following course and distance viz: South 42 degrees 33 minutes 45 seconds East 290.00 feet to the place of beginning.

Containing 1.165 Acres of land more or less.

Being a part of a parcel of land mentioned in Exhibit A and designated First Parcel in a deed dated June 19, 1987 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7597 folio 553 which was conveyed by Josephine E. Erdman to Steven R. Schulte and Linda M. Schulte, his wife.

Subject to and together with the rights as set forth in the declaration and agreement dated May 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7874 folio 60 by and between Steven R. Schulte and wife and Arnold H. Caplan and wife.

Subject to the declaration dated May 23, 1988 and recorded among the Land Records of Baltimore County in Liber S.M.No. 7874 folio 46 by Steven R. Schulte and Linda M. Schulte, his wife.

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CERTIFICATE OF PUBLICATION
 TOWSON, MD. Aug 9 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 17 1983

THE JEFFERSONIAN.
A. Hennickson
 LEGAL AD. - TOWSON
 Publisher

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

No. 95098
 Date 8/18/83 Amount 85.00

RECEIVED FROM Steven Schulte - NW 1/4 Cedar Lane
 FOR C/O - Residential Variance - 50.00
C/O - 1 sign - 35.00

01A01R0051M1CHRC \$85.00
 VALIDATION OR SIGNATURE OF CLERK



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 11, 1993

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-56-A (Item 59)
NW/2 Cedar Lane, 800' SW of c/l Goettner Road
11th Election District - 5th Councilmanic
Petitioner(s): Linda Marie Schulte and Steven Randall Schulte
HEARING: FRIDAY, SEPTEMBER 10, 1993 at 2:00 p.m. in Rm. 106, County Office Building.

Variance to permit a 20 foot side yard setback in lieu of 50 feet.

Carl Jablon
Arnold Jablon
Director

cc: Steven and Linda Schulte

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO MR. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: PITTNEY BOWLING COMPANY
August 19, 1993 Town - Jeffersonian

Please forward billing to:
Steven and Linda Schulte
8005 Yellowstone Road
Kingsville, Maryland 21087
410-592-8005

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Variance to permit a 20 foot side yard setback in lieu of 50 feet.

Laurence E. Schmidt
Laurence E. Schmidt
Zoning Commissioner for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 30, 1993

Mr. and Mrs. Steven R. Schulte
8005 Yellowstone Road
Kingsville, Maryland 21087

RE: Case No. 94-56-A, Item No. 59
Petitioner: Steven Randall Schulte, et ux
Petition for Variance

Dear Mr. and Mrs. Schulte:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 6, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

8-13-93

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 59 (MSK)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 365-9451 D.C. Metro - 1-800-452-5083 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

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 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Emily L. Kerns*

PK/JL:lw

ZAC, 40/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: August 12, 1993

FROM: Jerry L. Pfeiffer, Captain
Investigative Services

SUBJECT: August 23, 1993 - Meeting

- #46 - Proposed building shall comply with the 1991 Life Safety Code.
- #50 - Proposed buildings shall comply with the 1991 Life Safety Code.
- #51 - No comments.
- #52 - No comments.
- #53 - No comments.
- #54 - No comments.
- #55 - No comments.
- #56 - No comments.
- #57 - No comments.
- #59 - No comments.
- #60 - Building shall comply with the 1991 Life Safety Code.
- #61 - Proposed addition shall comply with the 1991 Life Safety Code.
- #63 - No comments.

JLP/dal
cc: lllw

RECEIVED
AUG 18 1993
ZADM

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/2 Cedar Lane, 800' SW of c/l : OF BALTIMORE COUNTY
Goettner Rd., Eleventh Election : Dist., 5th Councilmanic Dist.
 : Case No. 94-56-A
LINDA MARIE AND STEVEN RANDALL :
SCHULTE, Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Desilio
Carole S. Desilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 25th day of August, 1993, a copy of the foregoing Entry of Appearance was mailed to Linda Marie and Steven Randall Schulte, 8005 Yellowstone Rd., Kingsville, MD 21087, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman
RECEIVED
AUG 30 1993
ZADM

7306-93

#59

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 59
Petitioner: Steven and Linda Schulte
Location: NW/2 of Cedar Lane, 800' SW of c/l Goettner Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Steven and Linda Schulte
ADDRESS: 8005 Yellowstone Rd
Kingsville MD 21087
PHONE NUMBER: 592-8005

AJ/eps

(Revised 04/09/93)

