PETITION FOR ADMIN. VARIANCE IN RE: NE/S Loch Lomond Drive, 200' SE of the c/l of Brookbend Road (4122 Loch Lomond Drive) 11th Election District

5th Councilmanic District

John H. Schaller Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-120-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, John H. Schaller. The Petitioner seeks relief from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 6 feet for a proposed open carport. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted 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 Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October, 1997 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 6 feet for a proposed open carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed carport shall remain open on the three exposed sides and shall not be enclosed for any reason.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

October 30, 1997

Mr. John H. Schaller 4122 Loch Lomond Drive Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/S Loch Lomond Drive, 200' SE of the c/l of Brookbend Road
(4122 Loch Lomond Drive)
11th Election District - 5th Councilmanic District
John H. Schaller - Petitioner
Case No. 97-120-A

Dear Mr. Schaller:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

Fale



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

4122 LOCH COMIND DEIVE
which is presently zoned D. R. 5.5

ITEM #: ___ 120

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 1B02.3.B & 301.1A

To allow an addition (carport) with a side yard setback of 1 foot in lieu of the required 6 feet.

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

(SEE BACK)

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

REVIEWED BY: JRF DATE: 9/29/57

ESTIMATED POSTING DATE:

10-12-97

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.

				id affirm, under the penalties of perjury, that I/we are the which is the subject of this Petition
Contract Purchaser/Lessee		,	Legal Owner(s):	William to the Subject of this Petition
Confract Furchasentessee			•	.,
(Type or Print Name)		1	(Type or Print Name)	f. Schaller y. Schaller
			1	1110
Signature			Signature	4. Schaller
			• •	A. Comment of the second
Address			(Type or Print Name)	
City	State	Zipcode	Signature	WIRK - (410) 66! -149
Attorney for Petitioner			11120 /004	Language De Cura 251 572
(Type or Print Name)			Address	WORK - (410) 661-149 LOMIND DR. (410) 256-5723
		1	BALTO.	MO. 21236
			City	State Zipcode umber of representative to be contacted
Signature			Name, Address and phone is	unider of representative—to be contacted
		1	SAM	a E
Address	Phone	No.	Name	<i>L</i>
City	State	Zipcode	Address	Phone No
				of Ballimore County, this day of, 19
that the subject matter of this p circulation throughout Baltimo			as required by the Zoning Regulatio	ons of Ballimore County, in two newspapers of general
				•
			Z	oning Commissioner of Baltimore County

Printed with Soybean Ink on Recycled Paper

Affidavit in support of 98-120-A Administrative Variance

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 that 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/do presently reside at 422 LOCH LOMOND DRIVE BACTIMORE MO. That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) HAVE HAD A TOTAL HIP REPLACEMENT AND DON'T WANT TO WALK DOWN STEPS OR ON DRIVEWAY WHEN SLIPPERY WITH ICE OR FROST IN WINTER I'M AFFAID OF FALLING WHILE CLEANING KE AND MY VEHICLE That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. (alonature) (type or print name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to will day of September , 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due 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.

My Commission Expires:

Petition for Administrative Variance

98-120-A to the Zoning Commissioner of Baltimore County

for the property located at

4122 LOCH LOMONO DRIVE
which is presently zoned DR 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached nereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.8 & 301.1A hereto and made a part hereof, hereby petition for a Variance from Section(s)

To allow an addition (carport) with a side yard setback of 1 foot in lieu of the required 6 feet. Leave Blenk

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

E, Il In

(SEE BACK)

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 ar legal owner(s) of the property		es of perjury, that I/we are the Petition
Contract Purchaser/Lessee	•		Legal Owner(s)		
(Type or Print Name)			SOHN H	1. SCHAL Y. SCHAL	LER
Signature			Signature	Y. Sch	aller 150
Address			(Type or Print Name)	. SCHAC	
City	State	Zipcode	Signature	u	10RK-(410)661-1
Attorney for Petitioner	•		4122 /001	u language 1	10RK - (410)661-1 OR. (410)256-5
(Type or Print Name)			Address	COMMO	Phone No
	·		BACTO.	MD.	2/236 Zipcode
Signature	•		Name, Address and phone n	umber of representative to	be contacted
,			SAM	E	
Address	Phone	No	Name		
City	State	Zipcode	Address		Phone No
	is petition be set for a pub	olic hearing , advertised,	sred by the Zoning Commissioner o as required by the Zoning Regulatio		
			3	Zoning Commissioner of F	altimore County



REVIEWED BY: JEF DATE: 9/29/97



Printed with Soybean Ink on Recycled Paper

ITEM #: ___ 120

Affidavit in support of 98-120-A Administrative Variance

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 that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That based upon personal knowledge, the fol Variance at the above address: (indicate hardship	or practical difficulty)	JOH WHICH 1/WC	oast the request	
and the state of t				
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That Affiant(s) acknowledge(s) that if a pro	nest is filed, Affiant(s)	will be require	ed to pay a repost	ing and advertising fee a
That Affiant(s) acknowledge(s) that if a promay be required to provide additional inform	ntest is filed, Affiant(s) nation.	will be require	ed to pay a repost	ing and advertising fee a
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may be required to provide additional information of the country of BA in the Afriants(s) herein, personally known or shall the matters and facts hereinabove set for as witness my hand and Notarial Seal.	ALTIMORE, to wit: of. Septe I, personally appeared Satisfactorily identified onth are true and corre	(sign (type (type) to me as such ect to the best (or print name) 77, before me, Affrantt(s), and of his/her/their kn	a Notary Public of the made oath in due form owledge and belief.
may be required to provide additional information of the country of BA I HEREBY CERTIFY. this 17 day of Maryland, in and for the Country aforesait the Affiants(s) herein, personally known or sthat the matters and facts hereinabove set for the country and the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the matters and facts hereinabove set for the country aforesait that the country aforesait the country aforesait that the	ALTIMORE, to wit: of. Septe I, personally appeared Satisfactorily identified onth are true and corre	(sign (type (type) to me as such ect to the best (or print name) 77, before me, Affrantt(s), and of his/her/their kn	a Notary Public of the

EXAMPLE 3 -- Zoning Description

98-120-A

4122 LOCH COMOND DRIVE

120

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

	(address)
Beginning at a point on the(north, south	side of n, east or west)
LOCH LOMOND DRIVE	which is 50 F.T. (number of feet of right-of-way width
name of street on which property fronts)	(number of feet of right-of-way width
wide at the distance of	South EAST of the (north, south, east or west)
(number of feet)	(north, south, east or west)
centerline of the nearest improved intersect	ting street BROOK BEND
	(name of street)
which is	wide. *Being Lot # 29 idth)
	division of <u>PERRY HALL ESTATES</u> (name of subdivision)
as recorded in Baltimore County Plat Book	#, Folio #
containing - 20 ACRES Als	o known as 4/22 LOCH LOMOND DR.
and located in theElection District, _3	(Property address)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the

correct location.

ZONING DESCRIPTION FOR

CLOSING DATES.

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 10-12-97

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 98-120-A

Administrative Variance

To allow an addition (carport) with a side yard setback of 1 ft. in lieu of the required 6 ft

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

* 10-27-97

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County Department of Permits and Development Management

Development Processing ... County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.

Ā	RNOLD JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 120	
Petitioner: JOHN H. SCHALLER	
Location: 4132 LOCH COMOND U	R. BALTO. MO. 21236
PLEASE FORWARD ADVERTISING BILL TO:	
NAME:	
ADDRESS: SAME	
PHONE NUMBER: 410 - 256-5723	
AJ:ggs	
	(Revised 09/24/96)

BALTIMORE COUNTY, MARYLA CE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	AND
DATE 9-29-97 ACC	OUNT

No. 044422

R-001 - 615 -000

AMOUNT \$ 50.00

RECEIVED John H. Schaller

Item # 120 HIZZ Loch Lomond Dr. Taken by: JRF 01 - Variance

DI UTION WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

THE 9/29/1997 9/29/1997 10:40:15
REG WSOS CASHIER BTRY BAT DRAWER
5 KISCELLANGUS CASH RECEIPT
Regipt # 030912

Redeipt # CR WO. 044422

12KI 00.02

(FLI

Raltimore County, Haryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: # 98-120-A

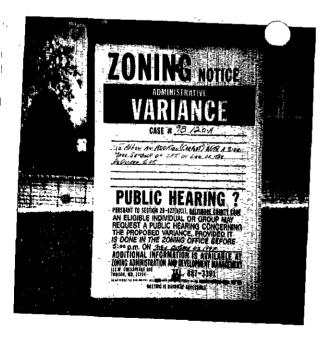
Petitioner/Developer:
(John H. Schaller)

Date of Hearing/Closing:
(Oct. 27, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:



Sincerely,

(Signature of Sign Doster & Date)

Thomas P. Ogle, Sr.________

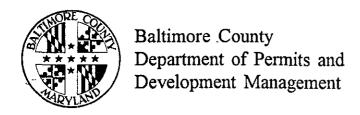
325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405

(Telephone Number)

98-120-A



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 9, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-120-A
4122 Loch Lomond Drive

NE/S Loch Lomond Drive, 200' SE of c/1 Brookbend
11th Election District - 5th Councilmanic
Legal Owner(s): John H. Schaller
Post by Date: 10/12/97
Closing Date: 10/27/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

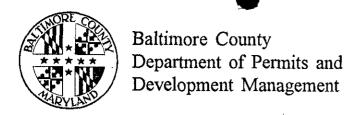
PLEASE UNDERSTAND THAT ON CLOSING DATE. THE THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: John H. Schaller

Jabla





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

October 22, 1997

Mr. John H. Schaller 4122 Loch Lomond Drive Baltimore, MD 21236

RE: Item No.: 120

Case No.: 98-120-A

Petitioner: John Schaller

Dear Mr. Schaller:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 29, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

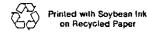
Sincerely

W. Carl Richards, Jr.

nl Richards Ja

Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: October 20, 1997

Department of Permits & Development

Management

Robert W. Bowling, Chief Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for October 20, 1997

Item Nos. 120, 124, 127, 129, 130,

& 131

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: October 10, 1997

Dept. of Permits & Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. (120) 121, 122, 123, 126, 129, and 131

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

hy W. Long ang L. Kerns

Prepared by:

Division Chief:

AFK/JL

BAL IMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

MCP

DATE: Cc+15,97

FROM:

R. Bruce Seeley . R.SSIPP Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: ()CT/

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

RBS:sp

BRUCE2/DEPRM/TXTSBP



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

October 16, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE RELOW

Location: DISTRIBUTION MEETING OF October 14, 1997

Item No.: See Below

Zoning Agenda:

Gentlemen:

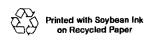
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

(120) 121, 122, 123, 124, 125, 126, 127, 128, 129, 120

REVIEWER: LT. ROBERT P. SAUEFWALD

C.: Fire Marshal Office, PHONE 987-4881. MS-1102F



4120 Loch Lomond Drive Baltimore, MD. 21236 September 18, 1997

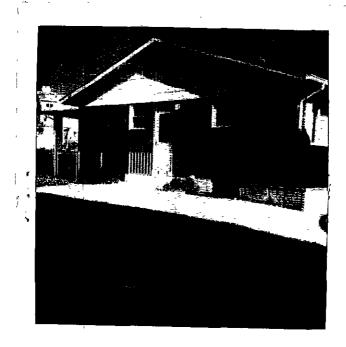
98-120-A

To Whom It May Concern:

I, Kenneth Wilson, owner of the property located at 4120 Loch Lomond Drive, Baltimore, Maryland 21236, have no objections to my neighbor, John H. Schaller, constructing one carport over his driveway at 4122 Loch Lomond Drive, Baltimore, Maryland 21236, as per the plat drawing attached.

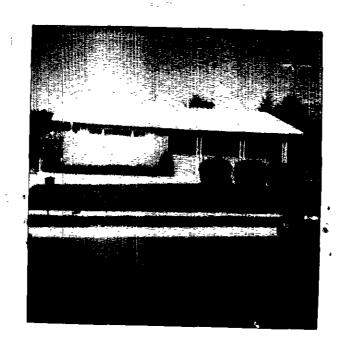
Sincerely yours,

Veleweth Welson



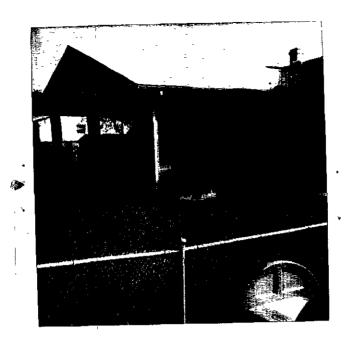
98-120-4

5'IDE YARD - PROPOSED LOCATION OF CARPORT OVER DRIVEWAY -



#120

FRONT YARD - PROPOSED COCATION OF CARPORT ON LEFT SIDE OVER DRIVEWAY

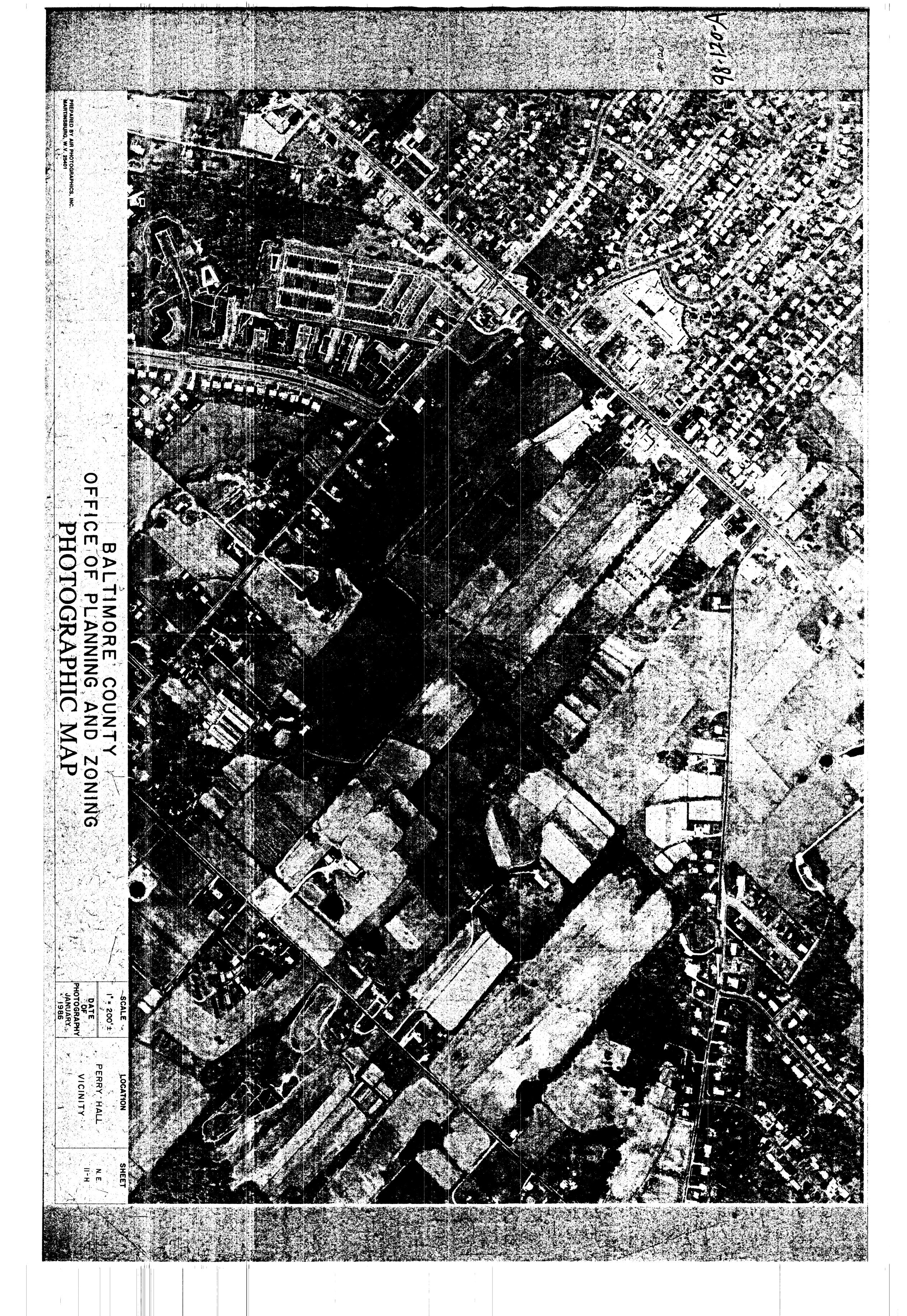


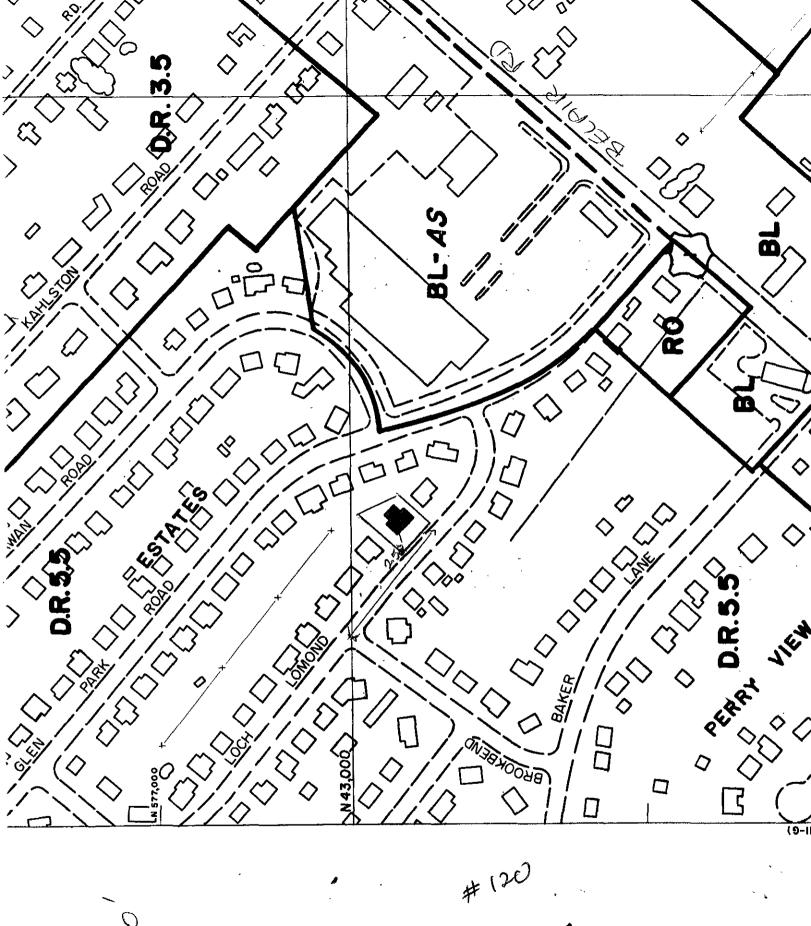
98-120-1

BACK YARD



#120





98-120-A

