

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
E/S Cedar Avenue, 287 ft. S of
the c/l of Hillside Avenue
31 Cedar Avenue
9th Election District
4th Councilmanic District
David E. Lindenstruth, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-281-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by David E. Lindenstruth and Kathleen L. Lindenstruth, his wife, property owners, for that property known as 31 Cedar Avenue in the Wiltondale subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C. of the Baltimore County Zoning Regulations (BCZR) to allow an addition with a side yard setback of 9 ft. in lieu of the minimum required 10 ft., in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

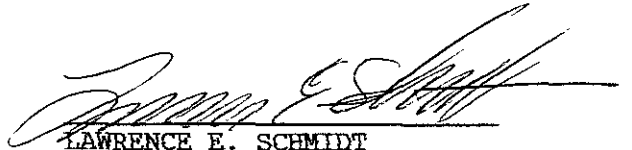
3/2/98
Date
By: [Signature]

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 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 2nd day of March 1998 that the Petition for a Zoning Variance from Section 1B02.3.C. of the Baltimore County Zoning Regulations (BCZR) to allow an addition with a side yard setback of 9 ft., in lieu of the minimum required 10 ft., in a D.R.5.5 zone, be and is hereby GRANTED, subject, however, to the following restriction:

1. The 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning

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

March 2, 1998

Mr. and Mrs. David E. Lindenstruth
31 Cedar Avenue
Towson, Maryland 21286

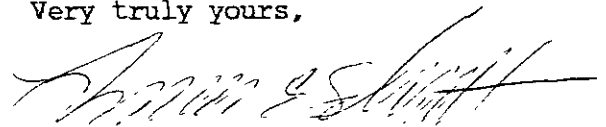
RE: Petition for Administrative Variance
Case No. 98-281-A
Property: 31 Cedar Avenue

Dear Mr. and Mrs. Lindenstruth:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restriction, 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,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 31 Cedar Avenue Towson 21286
which is presently zoned DR-5.5

This Petition shall be filed with the Dept. of Permits & 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) 1802.3.C. TO allow a side yard setback of 9' for a proposed addition in lieu of the minimum required 10'.

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

See Affidavit

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/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Address

Phone No

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JR

DATE 1-22-98

ESTIMATED POSTING DATE 2/8



Printed with Soybean Ink
on Recycled Paper

ITEM #: 281

98-281-A

Affidavit in support of 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 31 Cedar Avenue
Towson MD 21286
City State Zip Code

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)

We plan to tear down and enlarge the existing attached family room for the following reasons:

- the space has multipurpose uses - family dining, entertaining, relaxing, reading, etc.;
- the existing space has always been too small for the amount of space, furniture and activity that takes place;
- we use this room more than any other in the home.

~~The enlargement will exceed the side set-back requirement by approximately 1 foot.~~

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.

David E. Lindenstruth
(signature)
David E. Lindenstruth
(type or print name)



Kathleen L. Lindenstruth
(signature)
Kathleen L. Lindenstruth
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of JAN, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID LINDENSTRUTH KATHLEEN L. LINDENSTRUTH

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(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.

1-26-98
date

Rev J
NOTARY PUBLIC

My Commission Expires:

EXP/51-2000

A-185-3P

Affidavit in support of 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 31 Cedar Avenue
address
Towson MD 21286
City State Zip Code

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)

We plan to tear down and enlarge the existing attached family room for the following reasons:

- the space has multipurpose uses - family dining, entertaining, relaxing, reading, etc.;
- the existing space has always been too small for the amount of space, furniture and activity that takes place;
- we use this room more than any other in the home.

The enlargement will exceed the side set-back requirement by approximately 1 foot.

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.

David E. Lindenstruth
(signature)
David E. Lindenstruth
(type or print name)



Kathleen L. Lindenstruth
(signature)
Kathleen L. Lindenstruth
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of JAN, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David Lindenstruth Kathleen Lindenstruth

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(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.

1-26-98
date

Robert J. [Signature]
NOTARY PUBLIC
My Commission Expires: EXPIRES 5-1-2000

A-182-89



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 31 Cedar Avenue Towson 21286
which is presently zoned DR-5.5

This Petition shall be filed with the Dept. of Permits & 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) 1802-3. C. TO allow a side yard setback of 9' for a proposed addition in lieu of the minimum required 10'.

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

see affidavit

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/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JPL

DATE: 1-27-98

ESTIMATED POSTING DATE: 2/8

Printed with Soybean Ink
on Recycled Paper

ITEM #: 281

98-281-A

ZONING DESCRIPTION FOR 31 CEDAR AVENUE

Beginning at a point on the East side of Cedar Avenue which is 21 feet wide at the distance of 287 feet South of the centerline of the nearest improved intersecting street Hillside Avenue which is 21 feet wide. Being Lot #3, Block (na), Section #Three in the subdivision of Wiltondale as recorded in the Baltimore County Plat Book #10, Folio 124, containing 10,841.6 square feet. Also known as 31 Cedar avenue and located in the 9th Election District, 4th Councilmanic District.

98-281-A

281

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. 281
048618

DATE 1-27-98 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: MR. Lindenstruth

FOR: Res. Variance (Admin) filing fee
for 31 Cedar Ave. (21286)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PROCESS ACTUAL TIME
1/27/1998 1/27/1998 09:40:51
REC 4304 CASHIER LSHI LAG DRAWN
5 MISCELLANEOUS CASH RECEIPT
Receipt # 036744
OR MD. 048618

Baltimore County, Maryland

98-281-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 98-281-A
Petitioner/Developer:
(Dave Lindenstruth)
Date of Hearing/Closing:
(Feb. 23, 1998)

**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:

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____**

31 Cedar Ave. Baltimore, Maryland 21286 _____

The sign(s) were posted on _____ Feb. 7, 1998 _____
(Month, Day, Year)

Sincerely,

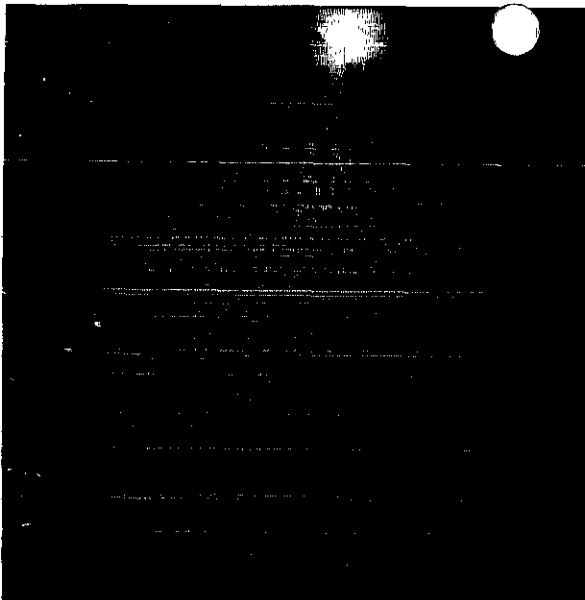

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



98-281-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 281 -A

Address 31 Cedar Ave.

Contact Person: John Sullivan

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 1-27-98

Posting Date: 2-8-98

Closing Date: 2-23-98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 281 -A

Address 31 Cedar Ave.

Posting Date: 2-8-98

Closing Date: 2-23-98

Wording for Sign: To Permit A side yard setback of 9' for a
proposed addition in lieu of the minimum required
10'.



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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 281

Petitioner: David E & Kathleen L. Lindenstruth

Location: 31 Cedar Avenue Towson 21286

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David Lindenstruth

ADDRESS: 31 Cedar Avenue

Towson, MD 21286

PHONE NUMBER: 410 823 8025

AJ:ggs

(If Hearing Required) (Revised 09/24/96)

98-281-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

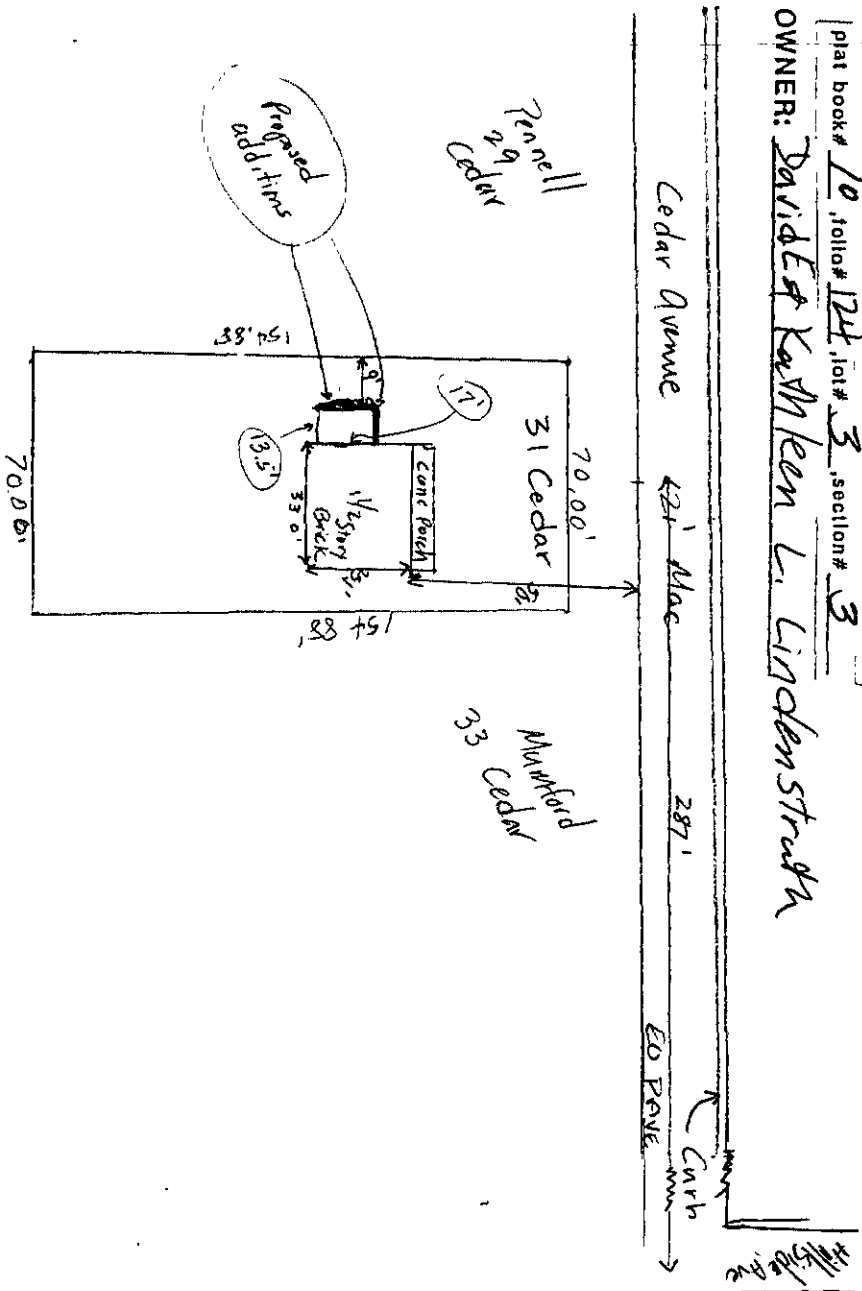
PROPERTY ADDRESS: 31 Cedar Avenue

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Wilbur Dale

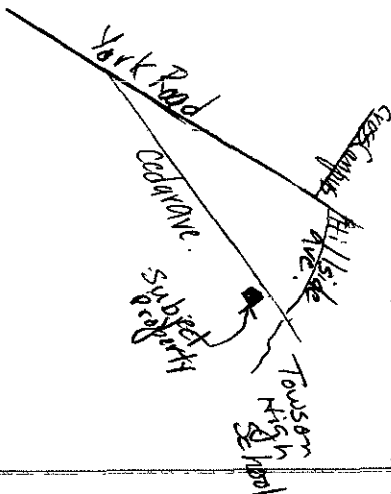
plat book # 10, folio # 124, lot # 3, section # 3

OWNER: David & Kathleen L. Lindenstrauch



North
date: 7/24/98
prepared by: JEL

Scale of Drawing: 1" = 50'



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 9th

Councilmanic District: 4th

1" = 200' scale map #: N.E. 9-A

Zoning:

Lot size: .25 acreage 10,841.6 square feet

SEWER: ☒ public ☐ private

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

A-185-80



Baltimore County
Department of Permits and
Development Management

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

February 26, 1998

David and Kathleen Lindenstruth
31 Cedar Avenue
Towson, MD 21286

RE: Item No.: 281
Case No.: 98-281-A
Petitioner: David and Kathleen Lindenstruth

Dear Mr. & Mrs. Lindenstruth:

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 January 26, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/ggs
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: February 24, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
 for February 17, 1998
 Item Nos. ~~281~~²⁸³ and 284

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: February 24, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for February 17, 1998
Item Nos. 281 and 284

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

RWB:HJO:jrb

cc: File

ZONE0217.NOC



Baltimore County
Fire Department

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

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

RE: Property Owners: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 9, 1999

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.

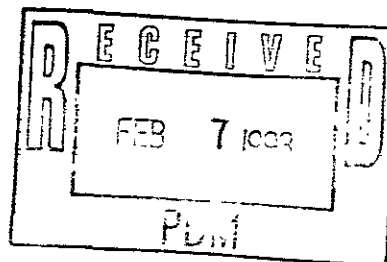
8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

279, 280, 291, 282, and 283

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4281, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: February 4, 1998

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):

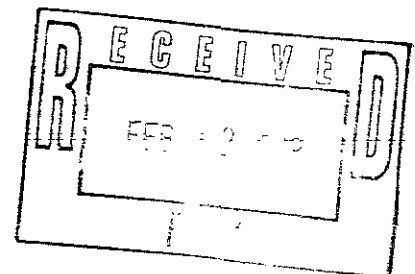
Item No. 281, 283 and 284

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.

Prepared by: Jeffrey W. Long

Division Chief: Garry L. Keller

AFK/JL



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

DATE: 2/11/88

FROM: R. Bruce Seeley. RBS/yj
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb. 9, 88

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

Item #'s:

280

284

281

285

282

RBS:sp

BRUCE2/DEPRM/TXTS8P



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 2/6/98
Item No. 281 JJS
Cedar Ave

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

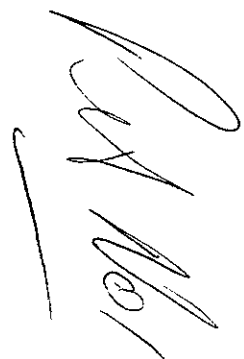
My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

see pages 5 & 6 of the CHECKLIST for additional required information

plat book# 10, folio# 124, lot# 3, section# 3



Election District:

Councilmanic District:

Zoning: DR-5.3

acreage square feet

acreage square feet

SEWER: ☒ public ☐ private

WATER: ☒ ☐

Chesapeake Bay Critical Area:

☐ ☒

Prior Zoning Hearings:

None

reviewed by:	ITEM #:	CASE#:

ITEM #: CASE#:

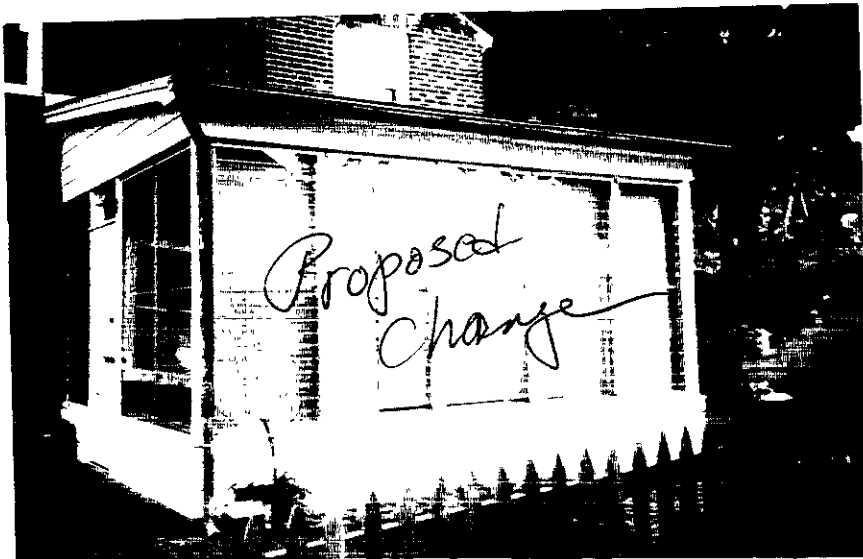
CASE#:

281

281



31 Cedar
21286 281 Back
View



31 Cedar
21286 281 Side View

98-281-A



31 Cedar
21286 281



31 Cedar 281 Front View
21286

98-281-A