IN RE: PETITION FOR ADMIN, VARIANCE

W/S Dungarrie Road, 350' N centerline of Frederick Road

1st Election District

1st Councilmanic District

(14 Dungarrie Road)

Linda H. & Charles T. Schilling

**Petitioners** 

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 02-090-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Linda H. and Charles T. Schilling. The variance request is for property located at 14 Dungarrie Road, in the Catonsville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 8 ft. in lieu of the required 10 ft. for an addition (existing setback of 8 ft. to be extended). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy Zoning Commissioner, the information, photographs, 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 Baltimore County Zoning Regulations, 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 3 day of October, 2001, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 8 ft. in lieu of the required 10 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

TIMOTHY M. KOTROCO

**DEPUTY ZONING COMMISSIONER** 

FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING Date 10/3/p/



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

Fax: 410-887-3468

October 3, 2001

Mr. & Mrs. Charles T. Schilling 14 Dungarrie Road Catonsville, Maryland 21228

> Re: Petition for Administrative Variance Case No. 02-090-A Property: 14 Dungarrie Road

Dear Mr. & Mrs. Schilling:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Mustly 16 traco

TMK:raj Enclosure

c: Michael Birner 3205 Corporate Court Ellicott City, MD 21042



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

MARYLAND					
	for the prop	erty located at _	14 Du	NGARRIE	ROAD
		which	is presently	zoned	
This Petition shall be filed with towner(s) of the property situate in Emade a part hereof, hereby petition	saitimore County and	Which is described i	ment Manag n the descript	tion and plat att	ndersigned, lega ached hereto and
	X187. H9/51	HGKE FAR	ILYBU	JEXLIN	is.C.I
ADDITION to EX	TEHD AND	KISTING F	1941-cox	A FORM,	
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		perjury, that	mnly declare a I/we are the leg t of this Petition	nd affirm, under gal owner(s) of th	the penalties of se property which
Contract Purchaser/Lessee:		Legal Own	ner(s):		
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City Stat	te Zip Code	Signatuje	Are Sci	My	
Attorney For Petitioner:		14 D	UNGARRIE	- ROAD (	410)747-67 Telephone No
Name - Type or Print			SULLE	MO	21228
Name - Type of Finit		City	tativa ta ha	State <b>Contacted</b> :	Zip Code
Signature			, com	<u>oomacteu.</u>	
Corpany:		MICHAN Name	EL DIRNI		
		3205	CORPORAT	E Court	(410)461-670
Address	Telephone No.	Address	01	400	Telephone No
City Stat	e Zip Code	City	ary	State	Zip Code
A Public Hearing having been formally dethis day of regulations of Baltimore County and that the	that the subject matter	be required, it is order of this petition be set for	ered by the Zon r a public hearing	ing Commissioner g, advertised, as re	of Baltimore County equired by the zoning
<b>100</b>		Zoni	ng Commissione	r of Baltimore Cou	· , ,
CASE NO. 02-90	<u>- A</u>	Reviewed By <u></u>	ton	Date	9/4/01
#EU 915198		Estimated Posting	Date	9/16/	0 (

Estimated Posting Date

## 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/arc 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 Address  Address
Address  Catens VILLE MD 21228  City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrativ Variance at the above address (indicate hardship or practical difficulty):
HEED FOR GREATER LIVING SPACE DUE to AN INCREASE
IN SIZE OF FAMILY.
to Comporal With CURRENT ZONONE PEQUIZEMENTS THE ADDITION
WOULD ENTHER HAVE TO BE SUBJECT to A 10' SETBACK FROM
the RIENT PROPERTY LINE OR BE LIMITED to ONLY A 5
Extension (instern of 14") Agross the BACK of the House.
Both of these options Remove the Applitum Spaces to
BE UNUSABUR.
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting an advertising fee and may be required to provide additional information.
Charles how fortilly X fine the Sology Signature
CHARLES FOOD SCHILLING LINDA HINE SCHILLING  Name - Type or Print  Name - Type or Print
Name - Type of Pfint
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 24 day of
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form 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
Date Notary Public A Cologht
My Commission Expires

My Commission Expires September 21, 2004

REV 09/15/98

# 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.

competent to testify thereto in the event that a p	public hearing is scheduled in	the future with regard	and that Amant(s) is/are I thereto.
That the Affiant(s) does/do presently reside at	14 DUNGARRIE	ROAD	· · · · · · · · · · · · · · · · · · ·
	Address		nino a
	Caterisville	MO State	ZIZZS Zip Code
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BE UNUSUBLE.			
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Signature	Signature	11	
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STATE OF MARYLAND, COUNTY OF BALTIN	Δ ·		
of Maryland, in and for the County aforesaid, pe	u aust 20 arsonadiy appeared	30/_, before me, a N	Notary Public of the State
the Affiant(s) herein, personally known or satis law that the matters and facts hereinabove set	inctorily identified to me as forth are true and correct to t	such Affiant(s), and a he best of his/her/the	hade oath in due form of r knowledge and belief.
AS WITNESS my hand and Notarial Seal			
8/24/01	Flan	a Wal	L
Date	Motary Public		

My Commission Expires \_\_\_\_\_\_USA A. WIGHT

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires September 21, 2004



REV 9/15/98

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

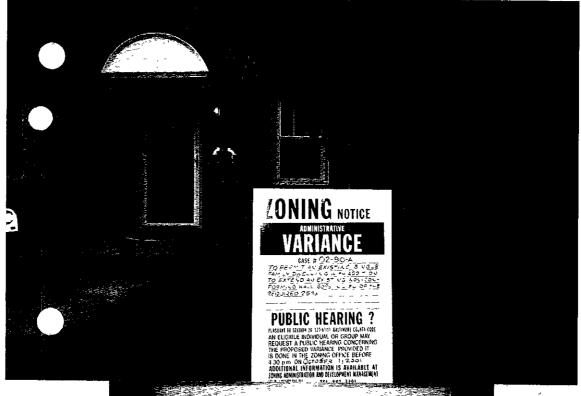
MARYLAND		·
	for the prope	erty located at 14 DUNGARRIE FOAD which is presently zoned
This Petition shall be filed with the D owner(s) of the property situate in Baltim made a part hereof, hereby petition for a		rmits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and
TO PERMIT ALI EXI	STILLS	THALE FAMILY DUELL NOW, THE
The second second	E REQUIR	THE HOM- CONFORMAL WALL
	of setback	= of 8 ft. in lieu of the required
of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning	g law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a I, or we, agree to pay expenses of above Va regulations and restrictions of Baltimore Cou	riance advertising i	nosting, etc. and further agree to and ere to be becaused by the continue
		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:		<u>Legal Owner(s):</u>
Name - Type or Print		Named Type or Print
Signature		Signature LINDA HINE SCHILLING
Address  City State	Telephone No.	Name Type or Print  X _ Since Here School
Attorney For Petitioner:	Zip Code	Signaplire  14 DUNGARRIE ROAD (410)747-673  Address Telephone No.
Name - Type or Print		City State Zip Code
Signature	****·	Representative to be Contacted:
Company		Name BLUS CARDARATE CAURT (412) ALL 1.200
Address	Telephone No.	Address Telephone No Euclott City MD 21042
State State	Zip Code	City State Zip Code
day of	led and/or found to a the subject matter of ty be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, if this petition be set for a public hearing, advertised, as required by the zoning
		Zoning Commissioner of Baltimore County
CASE NO. OZ-90-A	Dz	eviewed By LTM Data 0/4/0/

Estimated Posting Date \_\_\_\_

#### **ZONING DESCRIPTION FOR 14 Dungarrie Road**

Beginning at a point on the West side of Dungarrie Road which is 50 feet wide at the distance of 350 feet north of the centerline of the nearest improved intersecting street Frederick Road (144) which is 100 feet wide. As recorded in Baltimore County Plat Book #12, Folio # 103, containing 7673 square feet. Also known as 14 Dungarrie Road and located in the 1<sup>st</sup> Election District, 1<sup>st</sup> Councilmanic District.

Typical metes and bounds: S. 87 deg 01'17" W 149.33ft., S. 5 deg 55' 32" E 50.00 ft., S. 85 deg 32' 13" W 148.30 ft., 53.91 ft. to the place of beginning.



# ADMINISTRATION TICE ADMINISTRATION TO THE PROPERTY OF THE PROP

CASE # 02-90-A
TO PERMIT AN EXISTING SINGLE
FAMILY DWELLING WITH ADDITION
TO EXTEND AN EXISTING NON-CONFORMING WALL 60% IN LIEU OF THE
REQUIRED 25%

### PUBLIC HEARING

PURSUANT-10 SECTION 28-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
ELIGIBL

## CERTIFICATE OF OSTING

RE: Case No.: <u>02-090-A</u>
Petitioner/Developer: SCHILLIKIS
FAITH HOME REMODELING SER. INC.
Date of Hearing/Closing: 10-1-01
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention: Ms. Gwendolyn Stephens
Ladies and Gentlemen:
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  # 14 DUNGAMME ROAD
The sign(s) were posted on SEPT.   A 700   (Month, Day, Year)
Sincerely,  Sincerely,  (Signature of Sign Poster and Date)
GARLAND E. MOORE (Printed Name) 3225 RYERSONI CIRCLE
(Address)  BACTIM DRE, MD, 21227  (City, State, Zip Code)
(410) 242-4263 (Telephone Number)

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner, and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

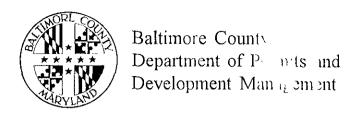
For Newspaper Advertising:
Item Number or Case Number: 02-90-A  Petitioner: +opo & LINDA SCHILLING
Address or Location: 14 DUNGARPIE FOAD
PLEASE FORWARD ADVERTISING BILL TO:  Name + LOD + LODA SCHILLING
Address 14 DUNGARRIE POAD
CATONSVICLE, MD 21228
Teiephone Number: 410 747 6731

Revised 2/20/98 - SC.

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#### ADMINISTRATIVE ARIANCE INFORMATION SEET AND DATES

	Case Number 02- 90 -A Address 14 DVHGARRIE RD					
8	Contact Person: CIOYD T. MOXLET Phone Number: 410-887-339  Planner, Please Print Your Name  Filling Date: 9/4/01 Posting Date: 9/16/01 Closing Date: 10/1/0	91				
7	Filing Date: 9/4/01 Posting Date: 9/16/01 Closing Date: 10/1/0	2/				
0	Any contact made with this office regarding the status of the administrative variance shouthrough the contact person (planner) using the case number.					
、ナガの	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. All reposting must be done only by one of the sign posters on the approved list and the petition 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 closic date.	ny ier he				
7119	2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to f a formal request for a public hearing. Please understand that even if there is no form request for a public hearing, the process is not complete on the closing date.	ile ıal				
000	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 (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.	(c) on				
RECEIVED	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 original posted, certification of this change and a photograph of the altered sign must be forwarded this office.	ng be Ily				
A VE	(Detach Along Dotted Line)					
I	Petitioner: This Part of the Form is for the Sign Poster Only					
H	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT					
·	i de la companya de					
	Petitioner's Name SCHILLING Telephone (410)					
	Case Number 02- $\bigcirc OO$ -A Address $\bigcirc I4$ $\bigcirc DU \cap GARRIE$ $\bigcirc RD$ .  Petitioner's Name $\bigcirc SCHILLING$ Telephone $\bigcirc AO$ $\bigcirc AO$ $\bigcirc AO$ $\bigcirc AO$ Closing Date: $\bigcirc IO$					
	Wording for Sign: To Permit AH EXISTING SINGLE FAMILY DWELLING					
	WITH ADDITION TO EXTEND AN EXISTING HON-CONFORMING					
ı	VALL GO % IN LIEU TOF THE REQUIRED 25%					
		_				



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 1, 2001

Linda H & Charles T Schilling 14 Dungarrie Road Catonsville MD 21228

Dear Mr. & Mrs. Schilling:

RE: Case Number: 02-090-A.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 4, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic) Fire Department	410-887-3751 410-887-4880
State Highway Ad ⊨nistration	410-545-5600
Office of Planning & Community Conservation	410-887 <b>-</b> 3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887 <b>-</b> 5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

".1, Carl Richard, Jr.

W. Carl Richards, Jr. GDC Supervisor, Zoning Review

WCR: qdz

**Enclosures** 

C: Michael Birner, 3205 Corporate Court, Ellicott City 21042 People's Counsel



Census 2000



For Yo , For Baltimore County



Census 2000



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: October 25, 2001

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 1, 2001

Item Nos. 086, 087, 088, 089, 090, 092, 093, 094, 095, 096, 098, and 099

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

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

September 27, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPTEMBER 24, 2001

Item No.: See Below

Dear Ms. Stephens:

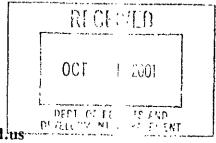
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 096, 097, 098, 099, AND 100

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File



PN 10/1

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** October 1, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-090, 02-093, & 02-097

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

们-2

**Section Chief:** 

AFK/JL:MAC



#### Maryland Department of Transportation State Highway Administration

Parris N Glendening Governor John D. Porcari

John D. Porcari Secretary

Parker F Williams Administrator

Date: 10.1.01

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

RE: Baltimore County

Item No. 090 LTM

Dear. Ms. Jackson:

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.

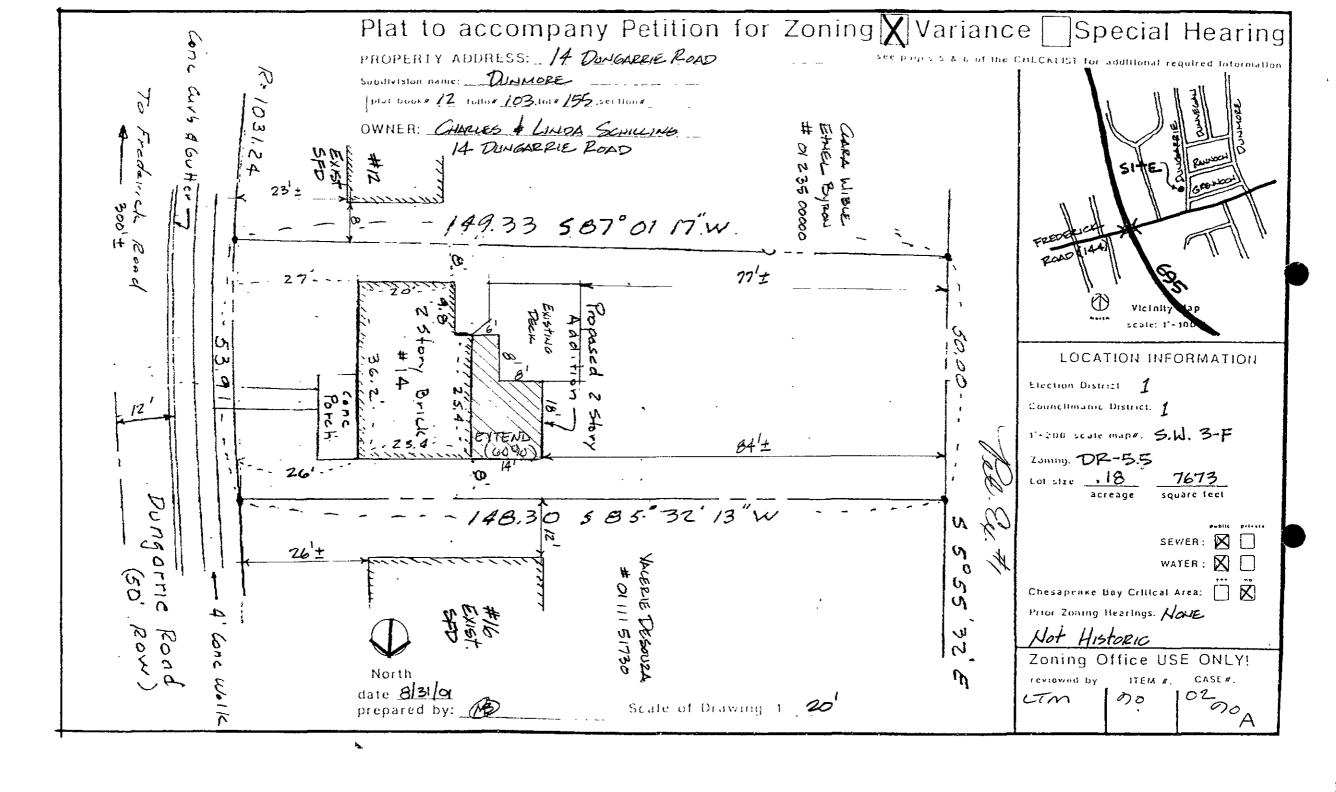
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. 1. Dolla

10

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

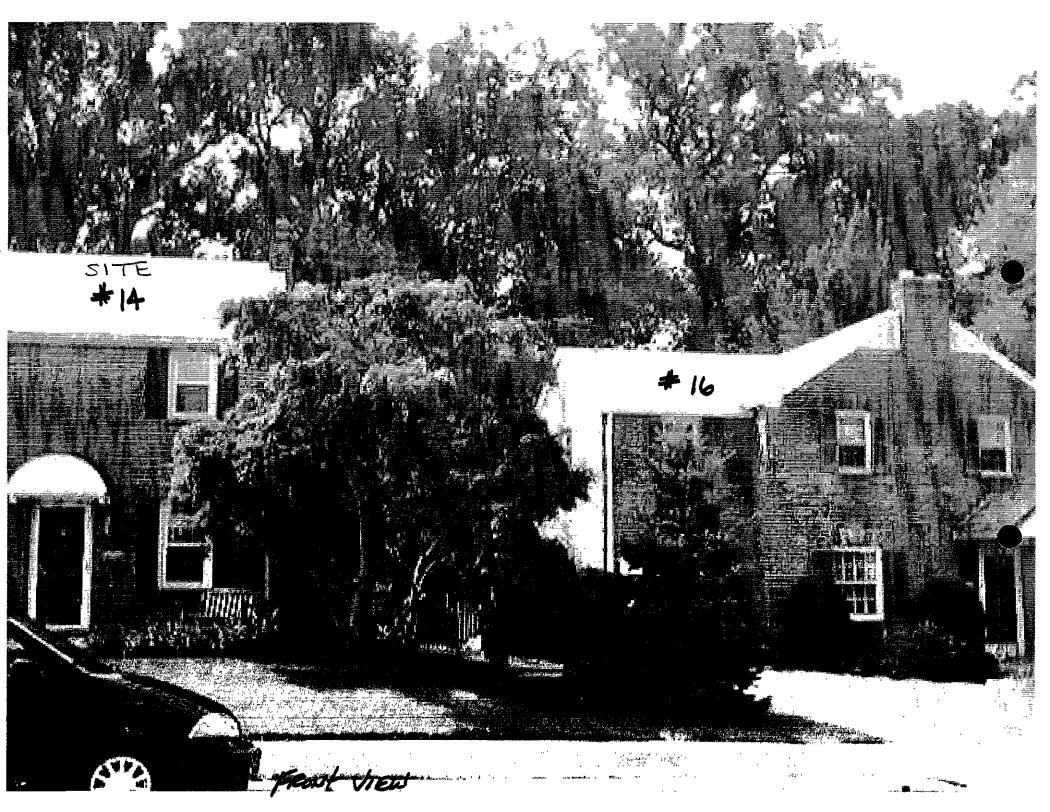


#90 7000 [ ] D BALTIMOR I RO D.R.10.5 325 DEODODO' DR. 5.5



Heart VIEW













BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

S.W

CATON

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