IN RE: PETITION FOR ADMIN. VARIANCE SW/S of Allegheny Avenue, 500' E centerline of Woodbine Avenue 9th Election District 5th Councilmanic District (535 Allegheny Avenue)	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-443-A
Janet & Frederick Schroeder *Petitioners*	*	

* * * * * * * * * * * * * * * *

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, Janet and Frederick Schroeder. The variance request is for property located at 535 Allegheny Avenue in the Towson 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 an existing single-family dwelling with an addition to have a side yard setback of 4 ft. and a sum of side yards of 20 ft. in lieu of the required 10 ft. and 25 ft. respectively. 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

4/23/03

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 23rd day of April, 2003, that a variance from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single-family dwelling with an addition to have a side yard setback of 4 ft. and a sum of side yards of 20 ft. in lieu of the required 10 ft. and 25 ft. respectively, 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 Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

4/23/03
R. Jamison

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 23, 2003

Mr. & Mrs. Frederick Schroeder
535 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 03-443-A
Property: 535 Allegheny Avenue

Dear Mr. & Mrs. Schroeder:

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 Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 535 Allegheny Avenue, Towson, Md.
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and 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.C.1 (BCZR)

To permit an existing single family dwelling with an addition to have a side yard setback of 4' and a sum of side yards of 20' in lieu of the required 10' and 25' respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Frederick A Schroeder
Name - Type or Print

Frederick A Schroeder
Signature

Janet M. Schroeder
Name - Type or Print

Janet M. Schroeder
Signature

535 Allegheny Avenue — 410-704-3138 (W) 410-321-6594 (H)
Address — Telephone No

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Same as above
Name

Address — Telephone No

City — State — Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 30 day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

4/23 Dmy

Zoning Commissioner of Baltimore County

CASE NO. 03-443-A

Reviewed By CTM **Date** 3/26/03

Estimated Posting Date 4/6/03

REV 10/25/01

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 535 Allegheny Avenue
Address

Towson MD 21204
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):

1. Need to add bathroom on the first floor that does not take away space from original floorplan.
2. Deck (relative new) spans the back of the house + prevents the added bathroom from being added there. Very old trees near the back could die if addition was placed in back.
3. East side of the house is the only feasible place to add 1 story bathroom addition.

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

Frederick A Schroeder
Signature

Frederick A. Schroeder
Name - Type or Print

Janet M. Schroeder
Signature

Janet M. Schroeder
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of MARCH, 2003, _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

FREDERICK A. SCHROEDER AND JANET M. SCHROEDER

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

AS WITNESS my hand and Notarial Seal

Henry B. Peck
Notary Public

My Commission Expires 4/1/06

HENRY B. PECK, JR. NOTARY PUBLIC Baltimore Co., Md.

REV 10/25/01

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Towson MD 21204
City State Zip Code

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Frederick A Schroeder
Signature

Frederick A. Schroeder
Name - Type or Print

Janet M. Schroeder
Signature

Janet M. Schroeder
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of MARCH, 2003, _____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

FREDERICK A. SCHROEDER AND JANET M. SCHROEDER

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

AS WITNESS my hand and Notarial Seal

Henry B. Peck, Jr.
Notary Public

My Commission Expires 4/1/06

HENRY B. PECK, JR. NOTARY PUBLIC Baltimore Co., Md.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 535 Allegheny Avenue, Towson, MD
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and 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.C.1 (BCZR)
TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A SIDEYARD SETBACK OF 4' AND A SUM OF SIDEYARDS OF 20' IN LIEU OF THE REQUIRED 10' AND 25' RESPECTIVELY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Frederick A Schroeder
Name - Type or Print

Frederick A Schroeder
Signature

Janet M. Schroeder
Name - Type or Print

Janet M. Schroeder
Signature

535 Allegheny Avenue — 410-704-3138 (W) 410-321-6594 (H)
Address — Telephone No

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Same as above
Name

Address — Telephone No

City — State — Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 03-443-A

Reviewed By LTM **Date** 3/6/03

Estimated Posting Date 4/6/03

REV 10/25/01

ZONING DESCRIPTION FOR
535 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Beginning at a point on the south side of Allegheny Avenue which is 60 feet wide at the distance of 500 feet of the centerline of the nearest improved intersecting street, which is Woodbine Avenue. As recorded in Deed Liber 5715, Folio # 21 and includes the measurements and directions (metes and bounds only) here and on the plat in the in the correct location.

Description from Deed:

Beginning for the same on the southwest side of Allegheny Avenue 60 feet southeast of the stone now planted on the southwest side of said Avenue and at the northeast corner of the land conveyed by Richard H. Pleasants to Frank P. Fitzpatrick by Deed dated October 30, 1905, and recorded among the Land Records of Baltimore County in Liber WPC No. 290, folio 369, and running thence North 26 degrees 51 minutes East 25 feet to the center of said Avenue, thence South 64 degrees 53 minutes East binding on the center of said Avenue 60 feet, thence southwesterly parallel with the said southeast boundary line of said Fitzpatrick's land 500 feet more or less to the northeast boundary line of the land which by Deed dated April 28, 1903, and recorded among the said Land Records in Liber NBM No. 267, folio 122, was conveyed by William P. Cole and wife to Upton S. Brady, thence North 60 – ¾ degrees West along said last mentioned line until it intersects the line drawn southwesterly from the place of beginning and parallel to the aforementioned boundary line of the said Fitzpatrick's land, thence northeasterly reversing said last mentioned line to the beginning. The improvements thereon being know as No. 535 Allegheny Avenue.

#493

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23129

DATE 3/26/03 ACCOUNT R001-06-6150

AMOUNT $ 65.00

RECEIVED FROM: FREDERICK A. SCHUELER

FOR: CIO VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 4/6/03

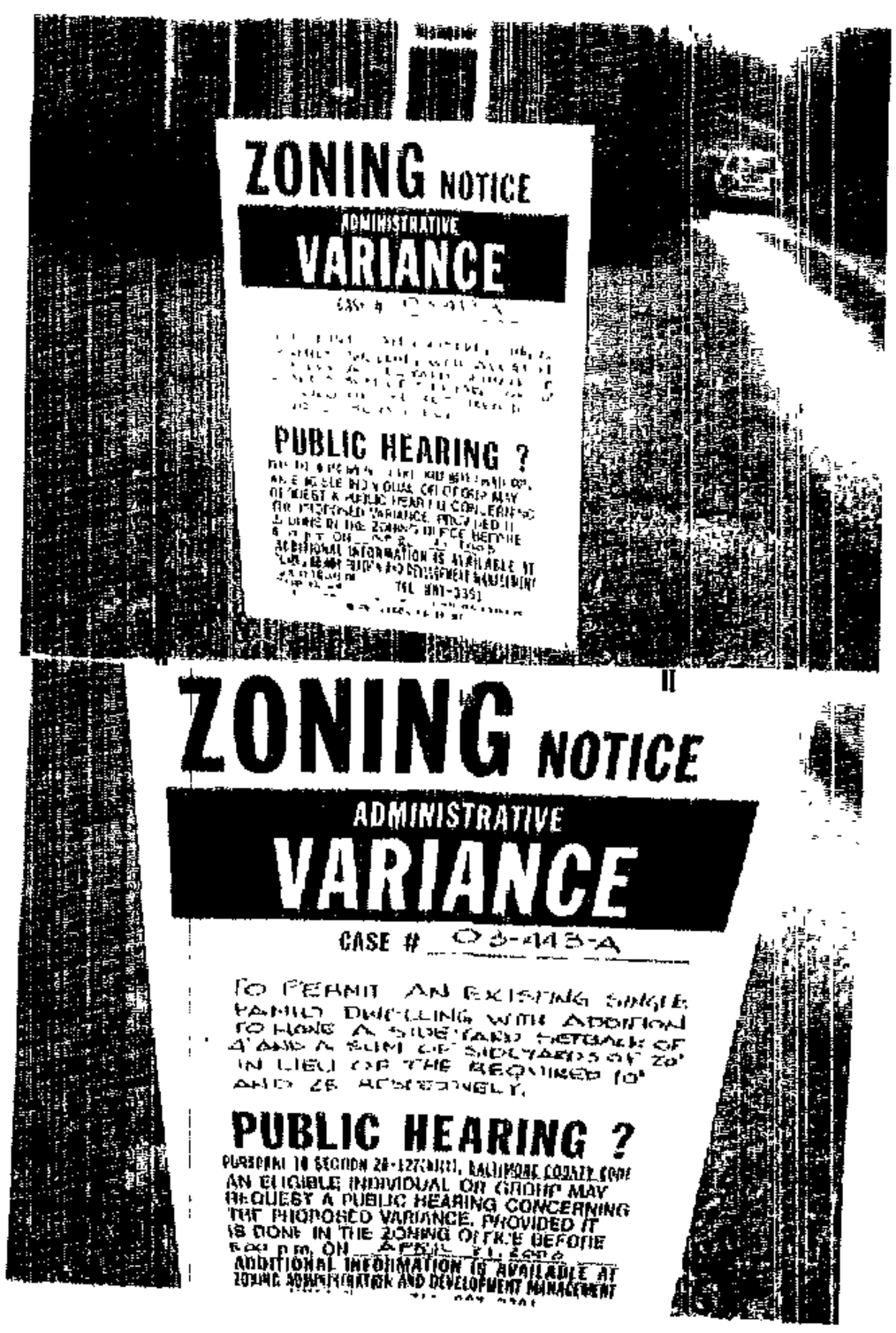
RE: Case Number 03-443-A

Petitioner/Developer: FREDERICK SCHROEDER

Date of Hearing/Closing: 4/21/03

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 535 ALLEGHENY AVE. TOWSON MD

The sign(s) were posted on 4/5/03
(Month, Day, Year)



Charles E Merritt
(Signature of Sign Poster)

CHARLES MERRITT
(Printed Name of Sign Poster)

9831 MAGLEDT ROAD
(Street Address of Sign Poster)

BALTIMORE MD 21234
(City, State, Zip Code of Sign Poster)

410 665-5562
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: * 03-443-A

Petitioner: Frederick A + Janet M. Schroeder

Address or Location: 535 Allegheny Avenue, Towson, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: Frederick A. Schroeder

Address: 535 Allegheny Ave
Towson, MD 21204

Telephone Number: 410-321-6594

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03-443 -A Address 535 ALLEGHENY AVE

Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 3/26/03 Posting Date: 4/6/03 Closing Date: 4/21/03

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

JH POSTING RECEIVED 3/26/03

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

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.

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

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

H-

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03-443 A Address 535 ALLEGHENY AVE

Petitioner's Name FREDERICK & JANET SCHROEDER Telephone (410) 704-3138

Posting Date: 4/6/03 Closing Date: 4/21/03

Wording for Sign *To Permit* AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A SIDEYARD SETBACK OF 4' AND A SUM OF SIDEYARDS OF 20' IN LIEU OF THE REQUIRED 10' AND 25' RESPECTIVELY.

Baltimore County
Department of Permits and
Development Management

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

April 21, 2003

Frederick A. Schroeder
Janet M. Schroeder
535 Allegheny Avenue
Towson, MD 21204

Dear Mr. and Mrs. Schroeder:

RE: Case Number: 03-443-A, 535 Allegheny Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 26, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

State Highway Administration
Driven to Excel

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.1.03

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

RE: Baltimore County
Item No. 443 LTM

Dear. Ms. Hart:

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,

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

Baltimore County
Fire Department

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

~~County Office Building, Room 111~~
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2003

Item No.: 431 - 438, 441 443 - 444

Dear Ms. Hart:

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

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 9, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
APR 1 0 2003
ZONING COMMISSIONER

SUBJECT: 535 Allegheny Avenue

INFORMATION:

Item Number: 03-443

Petitioner: Frederick A. Schroeder

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a side yard setback of 4 feet and a sum of side yards of 20 feet in lieu of the minimum required 10 feet and 25 feet respectively.

Prepared by: Martha Clingham

Section Chief: Lynn Lochar
AFK/LL:MAC:

AN
4/21

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2003

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

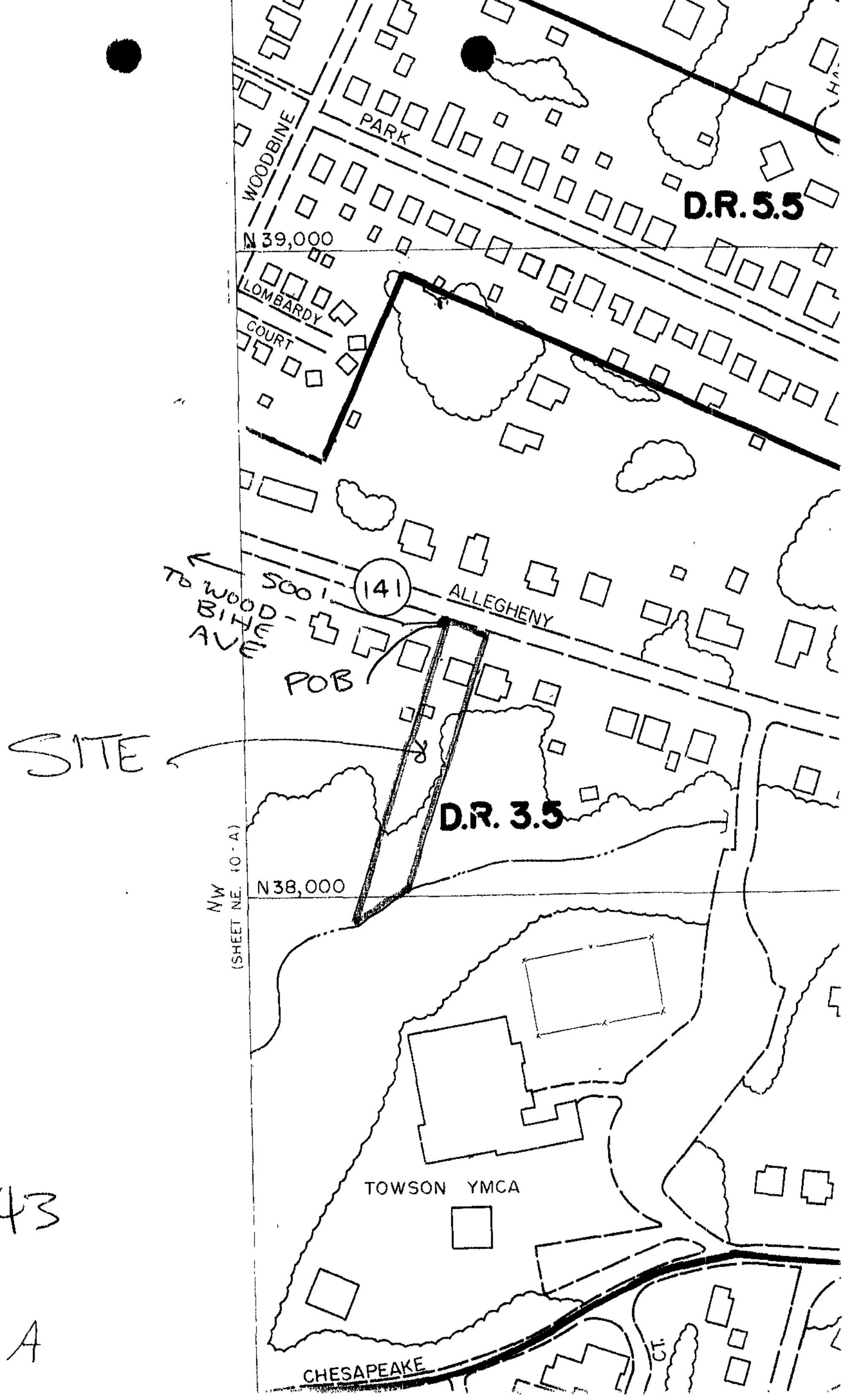
RECEIVED
APR 25 2003
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Committee Meeting
For April 7, 2003
Item Nos. 431, 432, 433, 435, 436,
437, 438, 439, 440, 441, 442, 443,
and 444

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

RWB:CEN:jrb

cc: File


WOODBINE
PARK
D.R. 5.5
N 39,000
LOMBARDY
COURT
TO WOOD-BINE AVE
S00'
141
ALLEGHENY
POB
SITE
D.R. 3.5
N 38,000
NW
(SHEET NE 10-A)
TOWSON YMCA
CHESAPEAKE

#443

NE 10-A

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

PROPERTY ADDRESS 535 Allegheny Avenue

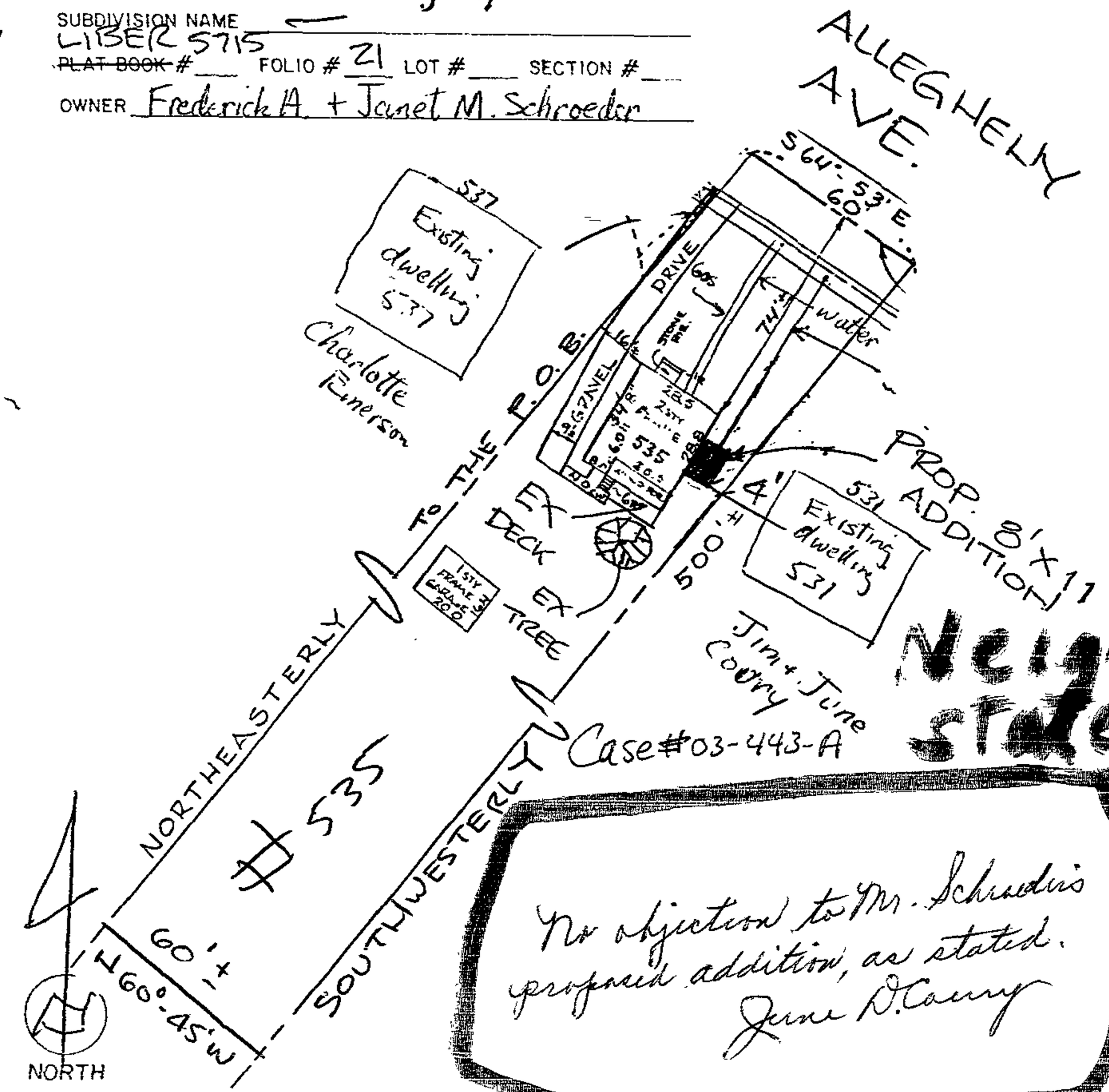
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME —

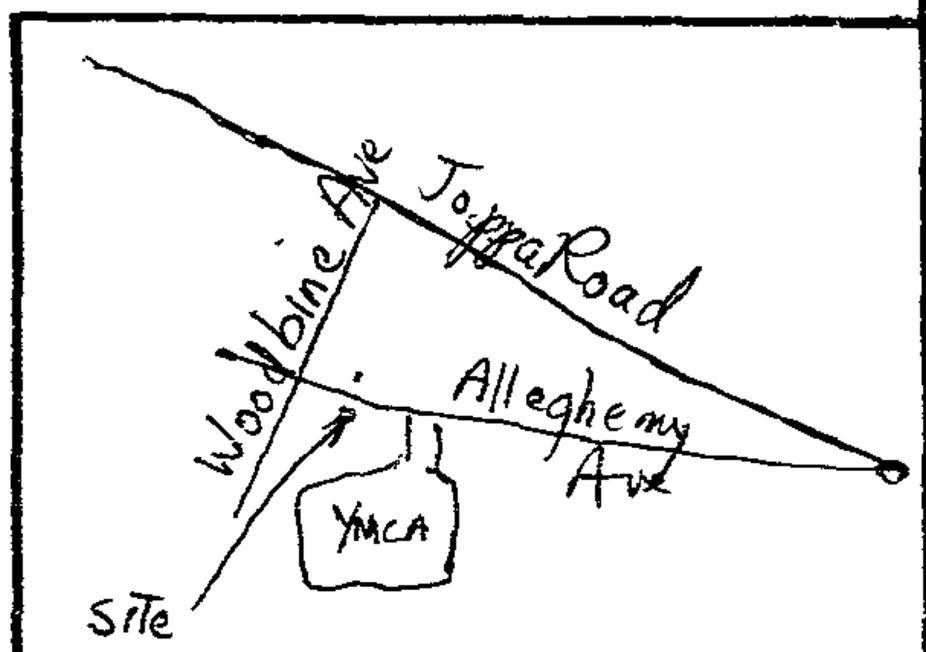
LIBER 5715

~~PLAT BOOK~~ # ___ FOLIO # 21 LOT # ___ SECTION # ___

OWNER Frederick A. + Janet M. Schroeder



No objection to Mr. Schroeder's proposed addition, as stated.
June O'Conny



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # NE 10A

ZONING — DR5.5

LOT SIZE ACREAGE / 30,000 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	[✓]	[ ]
WATER	[✓]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[✓]
100 YEAR FLOOD PLAIN	[ ]	[✓]
HISTORIC PROPERTY/ BUILDING	[ ]	[✓]

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ___ ITEM # ___ CASE # ___

PREPARED BY [illegible]

SCALE OF DRAWING: 1" = 50

-15-

View (front) of 535 Allegheny Ave

Taken from Allegheny Ave

#4043

Case # 03-443-A

Frederick A +
Janet M. Schroeder