IN RE: PETITION FOR VARIANCE
N/S Manchester Road, 246' W'
centerline of Margo Road
12th Election District
7th Councilmanic District
(7340 Manchester Road)

John G. Schultz

Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-449-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, John G. Schultz. The Petitioner is requesting variance relief for property he owns at 7340 Manchester Road. The subject property is zoned D.R.5.5.

Appearing at the hearing on behalf of the variance request were John Schultz, owner of the property and David Billingsley, the professional engineer who prepared the site plan. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.34 acres, more or less, zoned D.R.5.5. The subject property is located in the Eastpoint area of Baltimore County. Mr. Schultz is interested in tearing down the old existing two-story dwelling on the subject property and constructing a new dwelling in its place. He is hopeful of constructing the new dwelling basically on the same footprint as the previous home. He wishes to maintain the same 10 ft. side yard setback to the property line which is the current condition with the existing house. In order to proceed with the construction of the new dwelling, the variance request is necessary to allow the side of the dwelling to be 10 ft. from the tract boundary line in lieu of the required 15 ft.

Sealog S. C. Same

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

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

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this $29^{4/4}$ day of May, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a distance of 10 ft. from a side building face to a tract boundary line instead of the required 15 ft., be and is hereby GRANTED,

subject, however, to the following restriction which is a condition precedent to the relief granted herein:

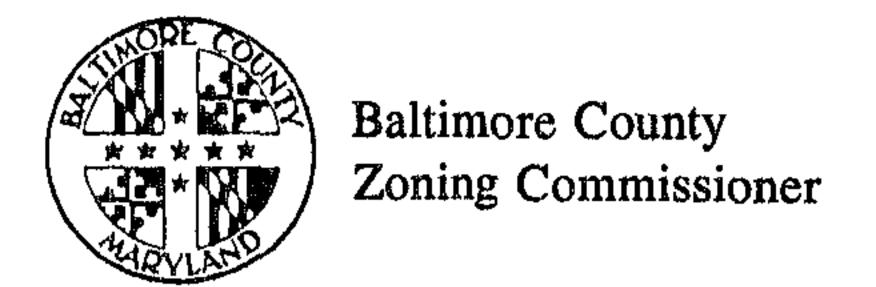
1) The Petitioner may apply for his permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner 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



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

Fax: 410-887-3468

May 29, 2003

John G. Schultz 12 Highshire Court Baltimore, Maryland 21222

Re: Petition for Administrative Variance

Case No. 03-449-A

Property: 7340 Manchester Road

Dear Mr. Schultz:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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

Muthy llotroco

TMK:raj
Enclosure

c: David W. Billingsley Central Drafting & Design, Inc. 601 Charwood Court Edgewood, MD 21040



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7340 MANCHESTER ROAD
which is presently zoned __D.R.5.5

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)

I BOI. 2 C. 1. B TO ALLOW A DISTANCE OF 10 FEET FROM A SIDE BUILDING FACE TO A TRACT BOUNDARY LINE INSTEAD OF THE REQUIRED 15 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 ATTACHED BRIEF

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/L	essee:

Legal Owner(s):

Name - Type or Print	Name	JOHN G. 5CF	JULTZ	 ,
Signature		Signature Signature	<u>u</u>	
Address	Telephone No.	Name - Type or Print	<u> </u>	· · · · · · · · · · · · · · · · · · ·
City	Zip Code	Signature	· · · · · · · · · · · · · · · · · · ·	
Attorney For Petitioner:		/Z HIGHSHIRE Address	COURT	(410) 284-461 Telephone No.
Name - Tung or Drint		BALTIMORE N	<u>, , , , , , , , , , , , , , , , , , , </u>	7/272
Name - Type or Print	City		State	Zip Code
Signature		Representative to be		r -100 -
		CENTRAL DRAFT	MAGLET TNG AND D	ESIGN, INC.
Company		Name 60/ CHARWOO		<u> </u>
Address	Telephone No.	Address	0 67. (47	Telephone No.
	•	EOGEWOOO	MD.	21040
State State	Zip Code	City	State	Zlp Code
		OFFICE US	SE ONLY	
Case No. 03-449-A		ESTIMATED LENGTH OF HEAD	RING	
REV 9/N5/98	Reviewed By	UNAVAILABLE FOR HEARING BILL Date C	27/21/03	

BRIEF TO ACCOMPANY PETITION FOR ZONING VARIANCE

7340 MANCHESTER ROAD

The subject property was recently purchased by Mr. John G. Schultz, the petitioner for this request. Mr. Schultz is a long time resident of the area and purchased the property with the intent of razing the existing two story dwelling, constructing a new dwelling in that location and creating two lots, if possible, to the rear of the property which will be conveyed to family members for the construction of personal residences. Access to the rear of the property must be obtained from Manchester Road by utilizing a private easement for ingress and egress. The creation of the access easement will substantially reduce the building envelope for the front lot, which generates this request.

The request is based on the practical hardship created by the lot width along Manchester Road and the difficulty in obtaining access from the rear of the property due to the stream crossing required.

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

7340 MANCHESTER ROAD

Beginning for the same at a point in the center of Manchester Road (future 50 feet wide), said point being distant northwesterly 246 feet from the intersection with the center of Margo Road (50 feet wide), thence (1) N 79 °49' 00" W 60.92 feet, thence (2) N 10 °11' 00" E 631.48 feet, thence (3) S 42 °35' 00' E 276.30 feet, thence (4) S 10 °11' 00" W 336.10 feet, thence (5) N 79 °49' 00" W 59.80 feet, thence (6) S 10 °11' 00" W 204.00 feet to the place of beginning. Containing 1.34 acres of land more or less.

Known as 7340 Manchester Road and being located in the Twelfth Election District, Seventh Councilmanic District of Baltimore County, Maryland

NOTICE OF ZONING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson.

Maryland on the property identified herein as follows:

Case: #03-449-A
7340 Manchester Road
N/side Manchester Road;
246 feet west centerline
Margo Road
12th Election District
7th Councilmanic District
7th Councilmanic District
Schultz
Variance: to allow a distance of 10 feet from a side building face to a tract boundary line instead of the required 15 feet.
Hearing: Wednesday, May
28, 2003 at 11:00 a.m. in
28, 2003 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information con-

(410) 887-4306.

(2) For information concerning the Fife and/or Hearing, Contact the Zoning Review Office at (410) 887-

3391. JT 5/681 May13 C603660

ERTIFICATE OF PUBLICATION

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North County News	☐ NE Booster/Reporter	Owings Mills Times	☐ Towson Times	☐ Catonsville Times	☐ Arbutus Times	The Jeffersonian
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LEGAL ADVERTISING

RE COUNTY, MARYLAND ANEOUS RECEIPT **BUDGET & FINANCE** OFFICE OF BALTIMO MISCELL

No. No.

Tanana Transa Transa Transa

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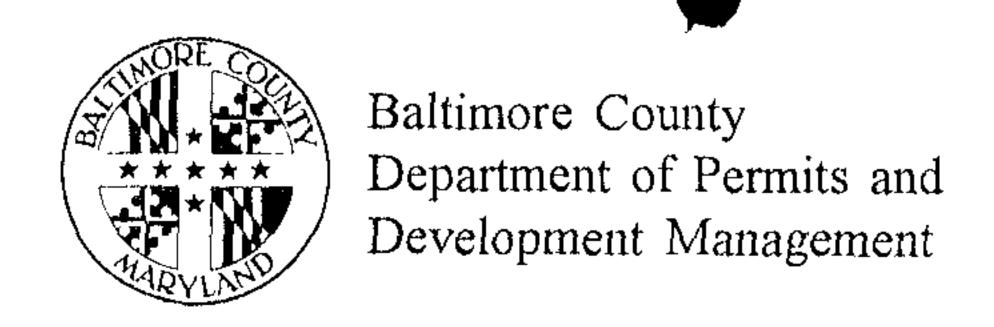
PINK - AGENCY

œ

DISTRIBUTION WHITE - CASHIER

CERTIFICATE OF POSTING

	RE: Case No.: 03-449-A
	Petitioner/Developer: DHV G. SCHULT 2
	Date of Hearing/Closing: 5/28/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perju posted conspicuously on the property located at:	ry that the necessary sign(s) required by law were
7340 MANCHEST	E/2 P.D
CHANGE MANY AND DESCRIPTION OF THE PROPERTY AND ADDRESS AND ADDRES	•
The sign(s) were posted on	5/10/03
(I	S/10/03 Month, Day, Year)
	incerely,
	100/10/03
	(Signature of Sign Poster) (Date)
	SSG Robert Black
THE TORING COMMISSIONS OF THE TORING COMMISS	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353

Fax: 410-887-5708

April 8, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-449-A

7340 Manchester Road

N/side Manchester Road, 246 feet west centerline Margo Road

12th Election District – 7th Councilmanic District

Legal Owner: John G. Schultz

Variance to allow a distance of 10 feet from a side building face to a tract boundary line instead of the required 15 feet.

Hearings: Wednesday, May 28, 2003 at 11:00 a.m. in Rm. 407, County Courts Bldg.,

401 Bosley Avenue

Arnold Jablon

Director

AJ:klm

C: John E. Schultz, 12 Highshire Court, Baltimore MD 21222

David Billingsley, Central Drafting and Design, Inc., 601 Charwood Ct., Edgewood MD 21040

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 13, 2003.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 13, 2003 Issue - Jeffersonian

Please forward billing to:

John G. Schultz 12 Highshire Court Baltimore, MD 21222

410-284-4618

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401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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OFFICE AT 410-887-4386.

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

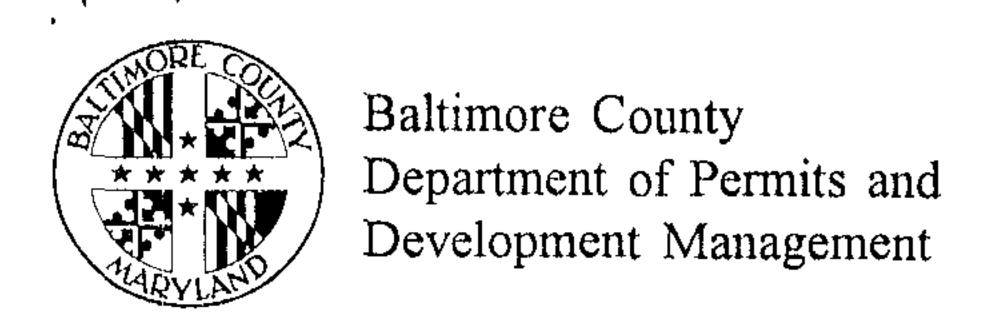
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

	or Case Number: 03-449-4
Petitioner:	JOHN G. SCHULTZ
A al al	TRAD LANCUESTER ROAD
	ocation: 7340 MANCHESTER, ROAD RWARD ADVERTISING BILL TO:
PLEASE FO	RWARD ADVERTISING BILL TO:
PLEASE FO	RWARD ADVERTISING BILL TO:



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

May 23, 2003

John G. Schultz 12 Highshire Court Baltimore, MD 21222

Dear Mr. Schultz:

RE: Case Number: 03-449-A, 12 Highshire Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 31, 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.

U. Cal Rohal D

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
David Billingsley, Central Drafting and Design, Inc., 601 Charwood Ct., Edgewood 21040



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 08, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 7, 2003

Item No.:

445-455

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Sceretary Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

4.8.03

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

RE:

Baltimore County

Item No.

449

BR

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,

1

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

1.1. Gredlen

DATE: May 8, 2003

RECEIVED

MAY - 9 2003 ZONNG COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7340 Manchester Road

INFORMATION:

03-449 Item Number:

Petitioner: John G. Schultz

DR 5.5 Zoning:

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a distance of 10 feet from a side building face to a tract boundary line in lieu of the minimum required 15 feet. However, the petitioner should be advised that any future subdivision of the subject property would require in-fee access leading to a public road.

Section Chief: AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 28, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 14, 2003

Item 449

The Bureau of Development Plans Review has reviewed the subject-zoning item.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

RWB:CEN:jrb

cc: File

RE:	-		FOR VA		*	BEFORE THE							
	7340 Manchester Road; N/side Manchester Rd; 246' W c/line Margo Road							ZONING COMMISSIONE					
	12 th Election & 7 th Councilmanic Districts Legal Owner(s): John G Schultz						*	FOR	FOR				
			•	Petitie	oner(s)		*	BALT	IMORI	E CO U	NTY		
							*	03-44	9-A				
*	4 e	*	yk:	*	*	*	*	*	*	*	*		

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

12HUL UXXXIMMERMAN

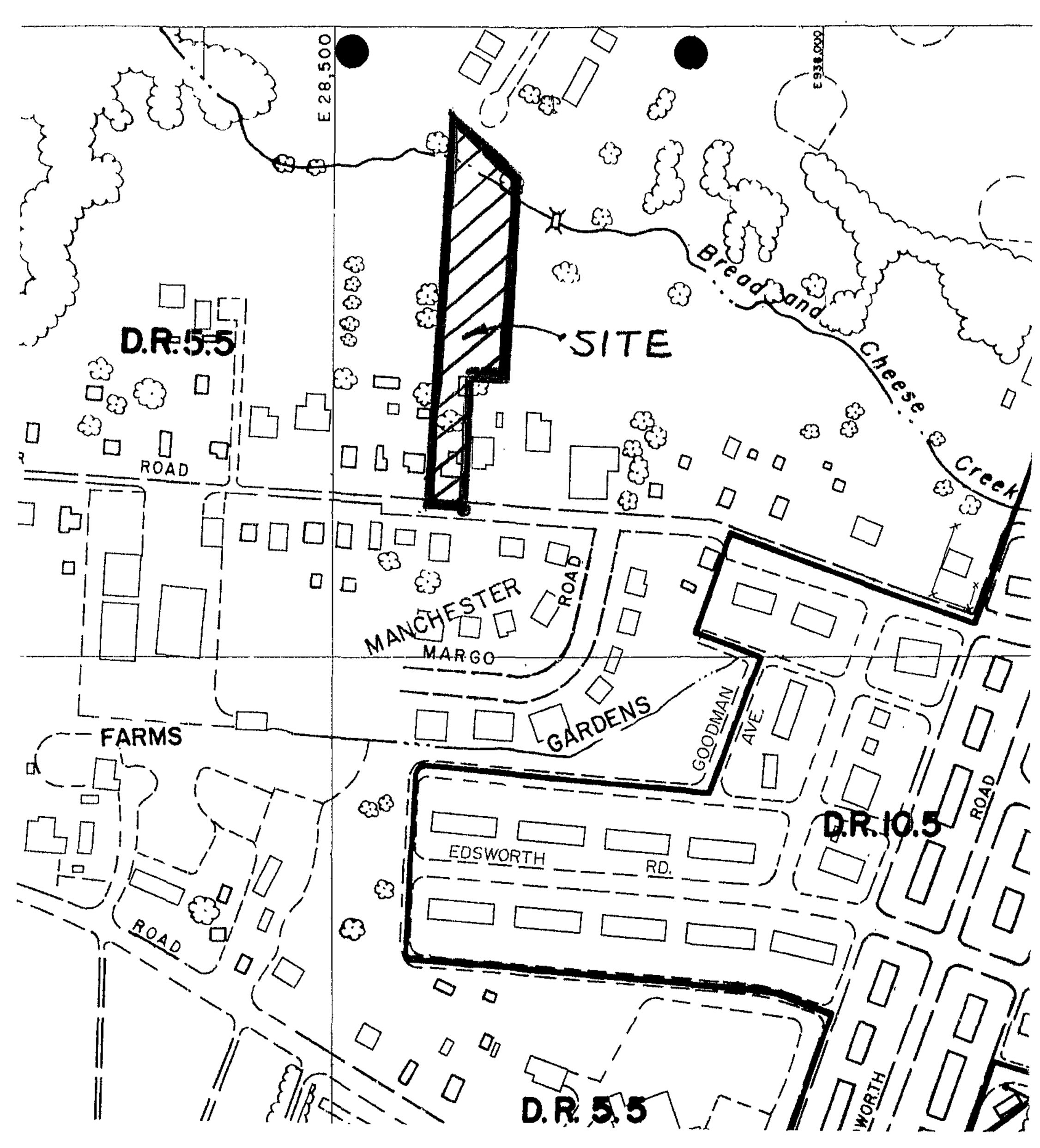
People's Counsel for Baltimore County

PLEASE PRII

1340 MANCHESTER RO. 03-449-1 CASE NAME CASE NUMBER DATE 5/28/

SHEET	
SIGN-IN	
NER'S	
PETITIO	

E- MAIL		dwb ozog e vehoo.com										
CITY, STATE, ZIP	BALTO. MD 21222	EDGERGOOMO 21040										
ADDRESS	13 HIGHSHIRE CT.	EDICHARMODO CT.										
ME	JUMN SCHMLTZ	DAVID BILL INGSLEY										



7340 MANCHESTER ROAD 5CALE: 1": ZOO"

5.E. Z-E

