PADER RECEIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

SE/Corner Beckleysville Road and

Brick Store Road

(4715 Beckleysville Road)

5th Election District 3rd Council District

Ronald J. Schilling, Jr., et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-475-A

*

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Ronald J. Schilling, Jr., and his wife, Sharon L. Schilling. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, and in the third of the lot closest to the side street, in lieu of the third of the lot farthest removed from the side street. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted with a sign advertising the requested relief for a period of 15 days during which time any property owner residing within 1,000 feet thereof may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation

DATE RECEIVED FOR FILING

contained within the case file.

Based upon the information contained therein, I am persuaded to grant the requested relief. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. The location of existing improvements on the property and site conditions thereon dictate the proposed location of the pool and it is clear that strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Moreover, there were no adverse comments submitted by any County reviewing agency and apparently the neighbors are not opposed. Thus, it appears that relief can be granted and that there would be no detrimental impact upon the health, safety or general welfare of the surrounding community.

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

this day of May 2004 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, and in the third of the lot closest to the side street, in lieu of the third of the lot farthest removed from the side street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

May 27, 2004

Mr. & Mrs. Ronald J. Schilling, Jr. 4615 Beckleysville Road Hampstead, Maryland 21074

RE: PETITION FOR ADMINISTRATIVE VARIANCE SE/Corner Beckleysville Road and Brick Store Road (4715 Beckleysville Road)

5th Election District – 3rd Council District Ronald J. Schilling, Jr., et ux - Petitioners Case No. 04-475-A

Dear Mr. & Mrs. Schilling:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at $\frac{46/5}{8}$ Beckleysulle Ross which is presently zoned RC2

I/We do solemnly declare and affirm, under the penalties of

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) 400.1, BCZR, to permit a proposed accessory structure (pool) to be located in the side yard in lieu of the required rear yard, and to be located in the third of the lot closest to the side street in lieu of the

required third of the lot farthest removed from the side street.

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.

			perjury, that I/we are the legal is the subject of this Petition.	l owner(s) of the property which
Contract Purchase	r/Lessee:		<u>Legal Owner(s):</u>	
Name - Type or Print			Name Type or Print	nilling Ja
Signature		<u> </u>	Signature ()	$\frac{1}{2}$
Address		Telephone No.	Name Type or Print	Schilling
City	State	Zip Code	Signature	410
Attorney For Petitie	oner:		46/5 BECKLEYS	VILLE RAND 23928/3 Telephone No.
Name - Type or Print			City STEAD	Mo 2/074 State Zip Code
			Representative to be C	•
Signature				· · · · · · · · · · · · · · · · · · ·
Contoany			FRANCIS STEF	ans(Cl
Company			2066 YORK ROND	410252 5116
Addless		Telephone No.	Address	Telephone No
	Chala	Zin Codo	1 monium	1010 21093
	State	Zip Code	——————————————————————————————————————	State Zip Code
CONS-I Cay of	. that t	he subject matter of th	required, it is ordered by the Zoning is petition be set for a public hearing.	Commissioner of Baltimore County, advertised, as required by the zoning
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5 🛊 1			~Zoning Commissioner	of Baitimore County
CASENO.	14-475-A	Revi	iewed By JUP D	Date 4/19/04
REV 10/25/01	•	Esti	mated Posting Date5	72/04

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

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):
South of House is Septic Reserve AREA AND FENCES IN PASTURES
FOR HORSES AND
EAST OF HOUSE AN EXETING BARN & SHED PREVENT INSTALATION THERE.
WEST OF HOUSE IS AN AREA LARGE ENOUGH FOR USE.
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.
Signature Signature
Name - Type or Print Sharon L. Schilling Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 2 day of Maryland, in and for the County aforesaid, personally appeared
RONALD AND SHARON SHILLING TR. the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
OFFICIAL SEAL NOTABY BUBLIC MARYLAND 6
FRANCIS X. STEFANSKI E NOVARY PUBLIC FRANCIS X. STEFANSKI E NOVARY PUBLIC My Commission Expires Jan. 1, 2005 My Commission Expires Jan. 1, 2005 My Commission Expires Jan. 1, 2005
REV 10/26/01-

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	4615 BE	ECKLEYS VILLE RO	<i>PO</i>
	Address	MD	21074
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts unip or practical difficult	pon which I/we base the re ty):	quest for an Administrative
South OF HOUSE is SEPTIC	RESERVE AR	EA AND FENCED IN	PASTURES
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WEST OF HOUSE IS AN AREA	LARGE ENOU	9H FOR USE.	
That the Affiant(s) acknowledge(s) that if a feather advertising fee and may be required to provide	ormal demand is file additional information	ed, Affiant(s) will be require	ed to pay a reposting and
Signature Name - Type or Print	<u> </u>	Sharon L.S. me - Type or Print	hilling
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		
of Maryland, in and for the County aforesaid, pe	,	, <u>2004</u> , before me, a	a Notary Public of the State
the Affiant(s) herein, personally known or satisf	factorily identified to n	TR ne as such Affiant(s).	
AS WITNESS my band and Notarial Seal OFFICIAL SEAL NOTARY PUBLIC MARYLAND FRANCIS X. STEFANSKI		auis) At	
My Commission Expires Jan. 1, 2003	A	ission Expires	12007
REV 10/25/01			



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	4615	Beckley	sville	Romo
		tly zoned		

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) 400.1, BCZR, to permit a proposed accessory structure (pool) to be located in the side yard in lieu of the required rear yard, and to be located in the third of the lot closest to the side street in lieu of the required third of the lot farthest removed from the side street.

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:		<u>Legal Owner(s):</u>
Name - Type or Print		Round J Senilling Je
realite - Type of Fifth		Name—Type or Print
Signature		Signature
Address	Telephone No.	Name - Type or Print
City	Zip Code	Signature 4/0
Attorney For Petitioner:		4615 BECKLEYS VILLE ROAD 239281
		Address Telephone No
Name - Type or Print	···-	City Anny STEND Mo 21074 State Zip Code
Signature		Representative to be Contacted:
Company		FRANCIS STEFANSKI Name
		2066 YOLK ROND 4102525116
Address	Telephone No.	Address Telephone No
City State	Zip Code	City Modern Mo 2/09.3 State Zip Code
inis day of that	the cubicat matter of	required, it is ordered by the Zoning Commissioner of Baltimore County,
regulations of Baltimore County and that the property	be reposted	this petition be set for a public hearing, advertised, as required by the zoning
		1
CASE NO. <u>04-475-A</u>	Re	Zoning Commissioner of Baltimore County viewed By Date 4/19/04
REV 10/25/01	Est	imated Posting Date $\frac{5/2/04}{}$

Zoning description for 4615 BECKLEYSVILLE ROAD. Beginning at a point at the intersection of the southeast side of Beckleysville Road which is 22 feet wide and the Eastside of Brick Store Road which is 20 feet wide. *Being lot # 1. in the minor subdivision of 4615 Beckleysville Road (M.S. #92-016-M) as recorded in Baltimore County Plan Book # S.M. 1, Folio # 47 containing 19,378 acres. Also known as 4615 Beckleysville Road and located in the 5th Election District, 3rd Councilmanic District. As recorded in deed liber 14810/folio 715 and described as follows:

Typical metes and bounds: N. 43 25' 16" E. 501.00ft., S.44 18' 41" E. 500.00 ft., N.42 19' 56" E. 175.00 ft., S. 44 18' 41" E. 485.79 ft., S. 18 02' 53" E. 304.34 ft., S. 83 44' 59" W. 1,234.20 ft., N. 10 47' 16" W. 660.00 ft. to the place of beginning.

04-475-A

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CERTIFICATE OF POSTING

RE: Case No.: OH-475-A

Petitioner/Developer: ROWALD &

SHAROW SCHILLING Date of Hearing/Closing: 5/17/04 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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: 4615 BECKLEYGUILLE RD The sign(s) were posted on Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	04-	475	-A	Ac	ddress <u>46</u>	15	Beckleysville Road
			Jeff Pla	ppor Plance I	Drint Vous Nome	· ···		Phone Number: 410-887-3391
Filing	Date: _	4	19/04		Posting	Date: <u> </u>	1/04	Closing Date: 5/17/04
Any c	ontact n	nade	with this	office re	garding the	ь	the a	administrative variance should be
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2.	a forma	ıl req	uest for a	a public l	hearing. F	Please unde	erstan	nt or owner within 1,000 feet to file do not
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	(whether commission change)	r due sione I givi certif	e to a near), notificant ng notice	eighbor's ation will of the he	formal req be forwar aring date,	uest or by ded to you time and lo	order The cation	es that must go to a public hearing of the zoning or deputy zoning he sign on the property must be n. As when the sign was originally altered sign must be forwarded to
					(Detach Alor	ng Dotted Line)		
Petitic	ner: Th	is Pa	art of the	Form is 1	or the Sig	n Poster Or	nly	·
•			USE TH	IE ADMIN	IISTRATIV	E VARIANC	E SIC	SN FORMAT
Case I	Number	04-[475] -A	Address	4615 B	echle	eys ville Road
Petitio	ner's Na	me _	Ronald	& Sharon	Schilling	<u>g</u>		Telephone 410-239-2813
Postin	g Date:		5/2/04			Closing	g Date	e: <u>5/17/04</u>
Wordir	ng for Sig	gn: _	To Permi	t a prop	osed acce	ssory struc	tore	pool) to be located in the side
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close	0 + te	the	side st	reet in	lieu of H	re required	thi	rd of the lot farthest remove
			street.					
								WCR - Revised 6/28/00

Department of Permits Development Management

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





James T Smith, Jr, County Executive Timothy M Kotroco, Director

May 17, 2004

Ronald J. Schilling, Jr. Sharon L. Schilling 4615 Beckleysville Road Hampstead, Maryland 21074

Dear Mr. and Mrs. Schilling:

RE: Case Number:04-475-A, 4615 Beckleysville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 2004

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,
U. Callilal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

Francis Stefanski 2066 York Road Timonium 21093

Visit the County's Website at www.baltimorecountyonline.info





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 28, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of:

April 26, 2004

Item No.:

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.

6. 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, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

4.26.04

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

RE:

Baltimore County

Item No. 475

JHP

Dear. Ms.Matthews:

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,

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

1. J. Soull

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

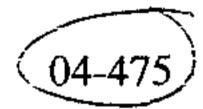
April 30,2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 26, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:



Reviewers:

Sue Farinetti, Dave Lykens

S:\Deveoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 27, 2004

RECEIVED

APR 3 0 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-475 – Administrative Variance

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:

Division Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 18, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

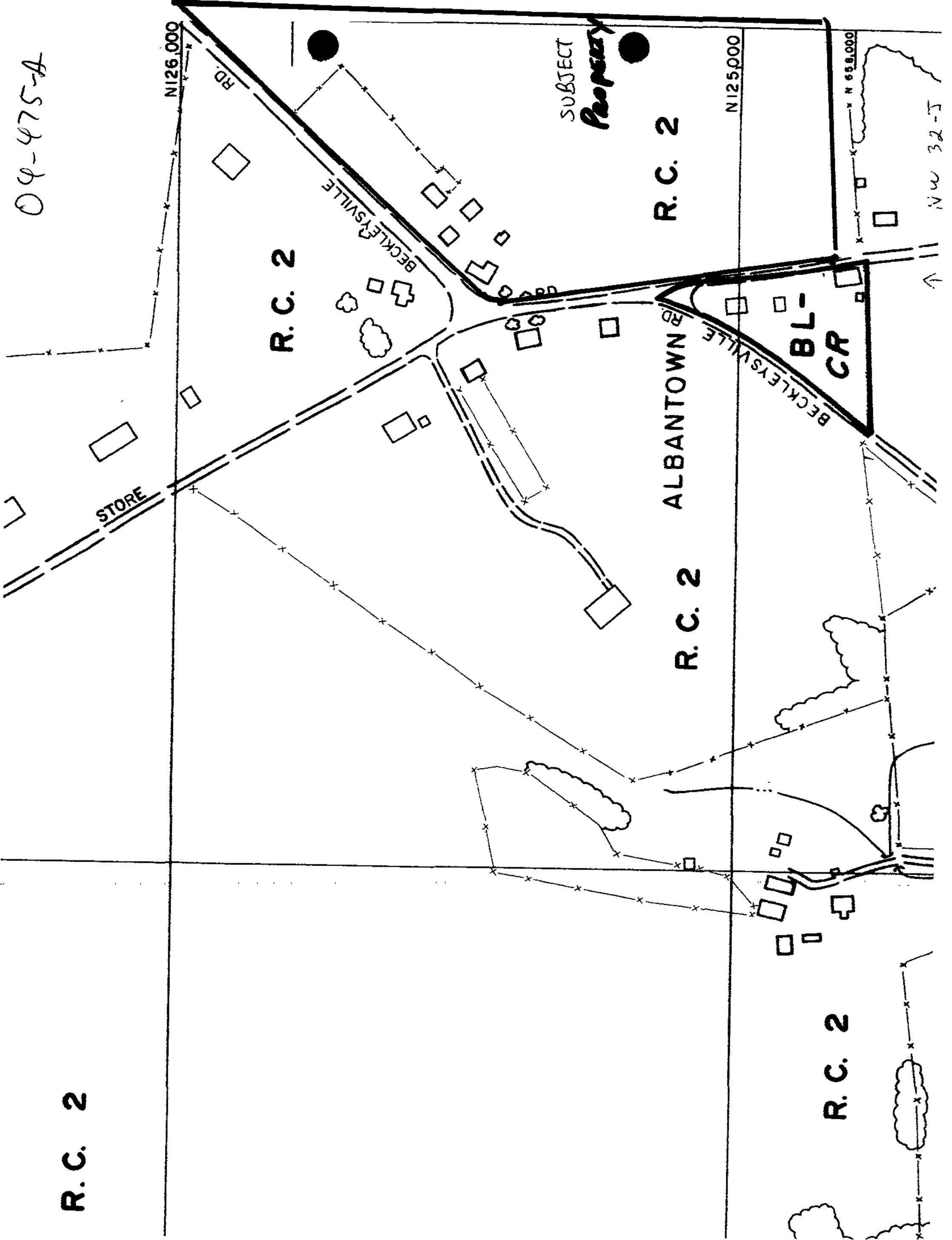
For May 3, 2004 Item Nos. 470, 474, 475, 476, 477, 478,

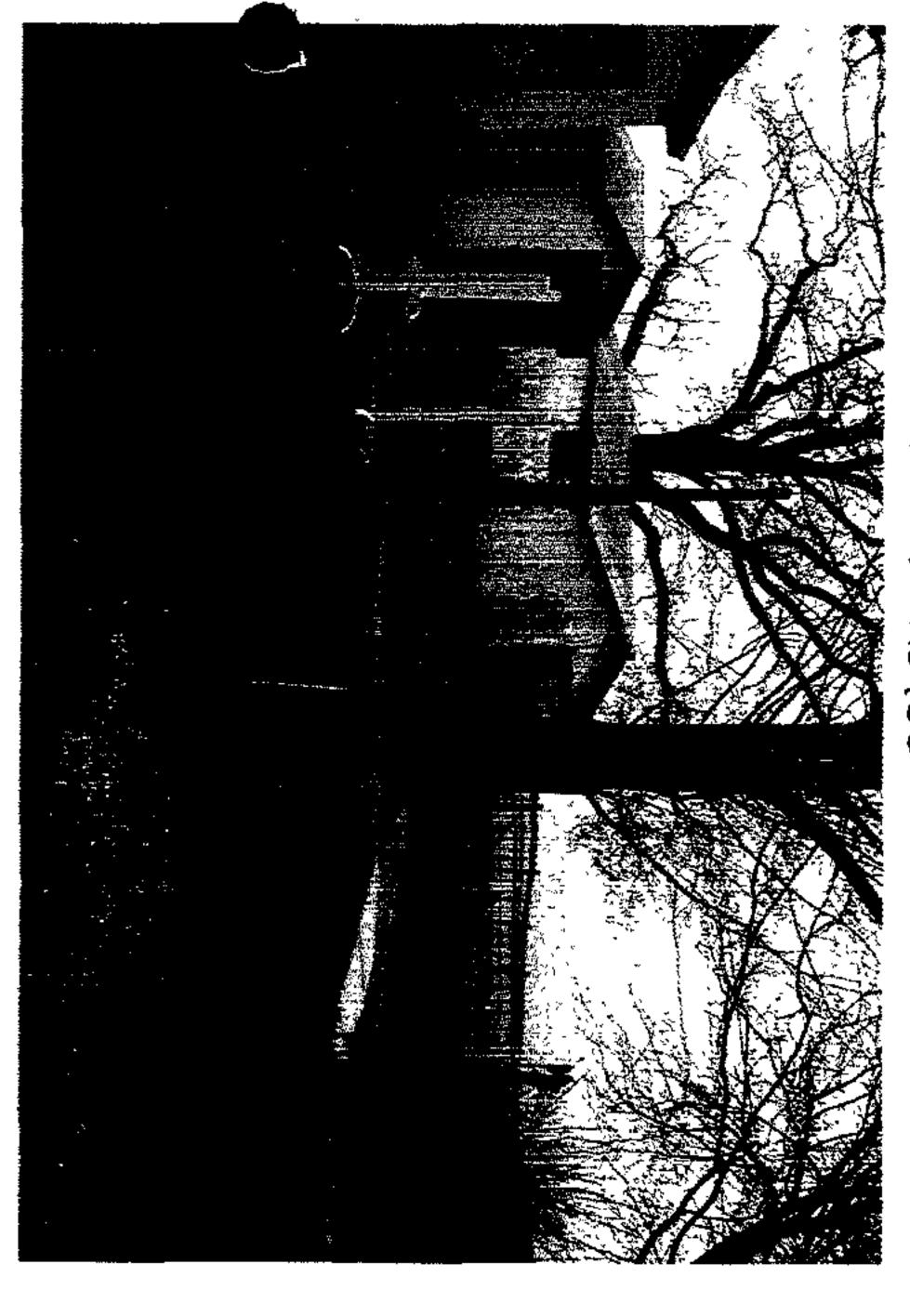
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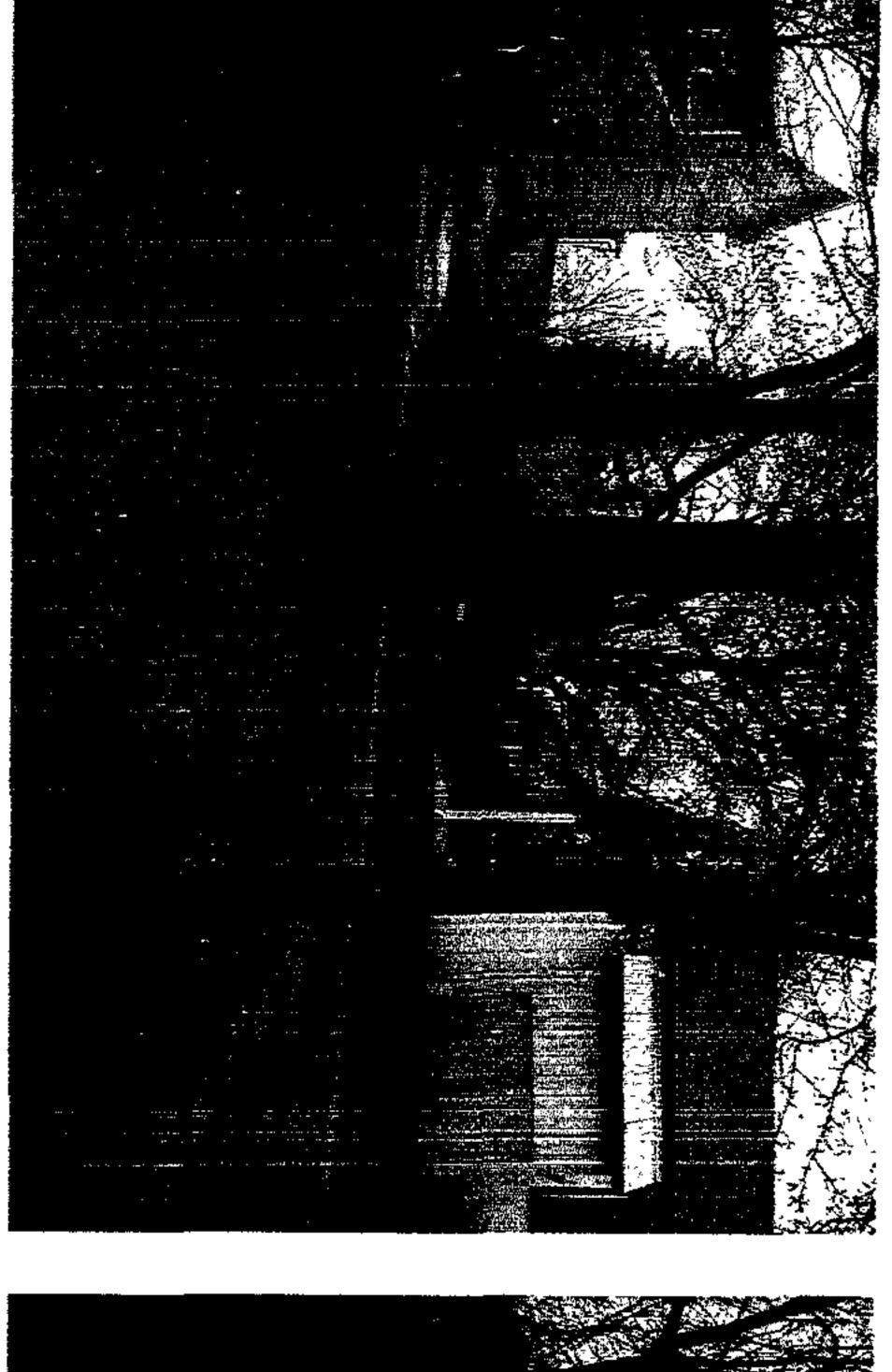
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File







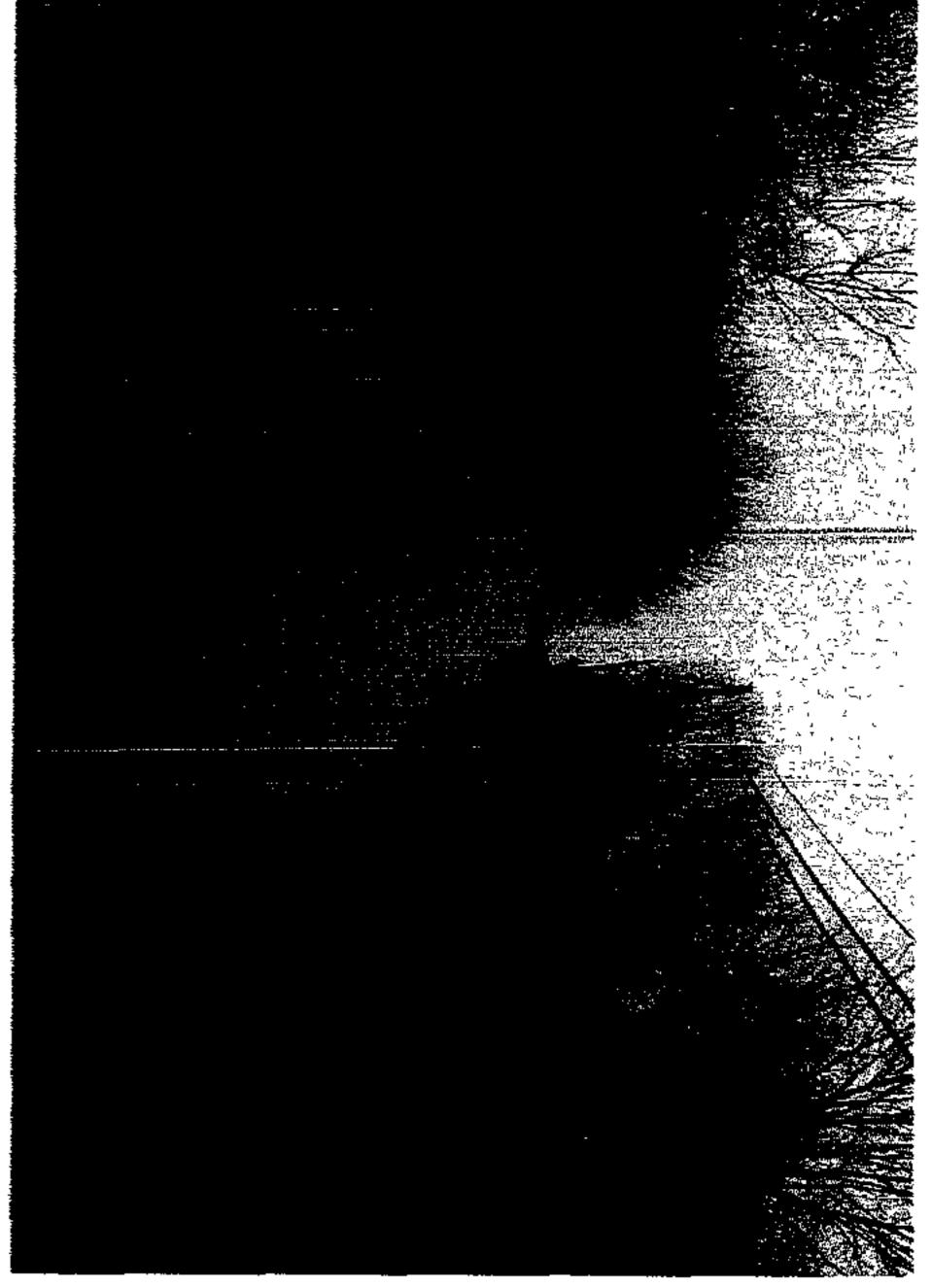
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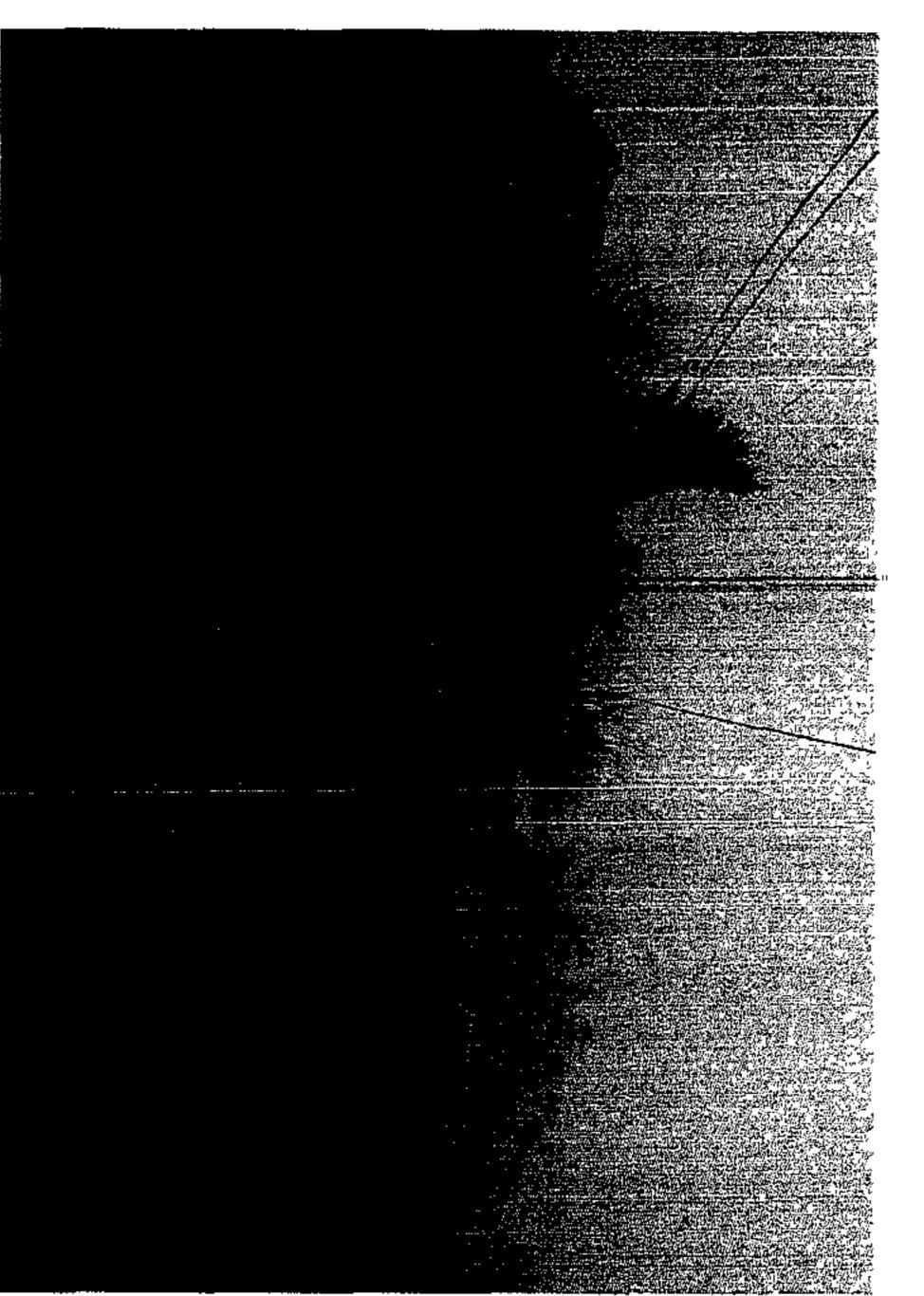


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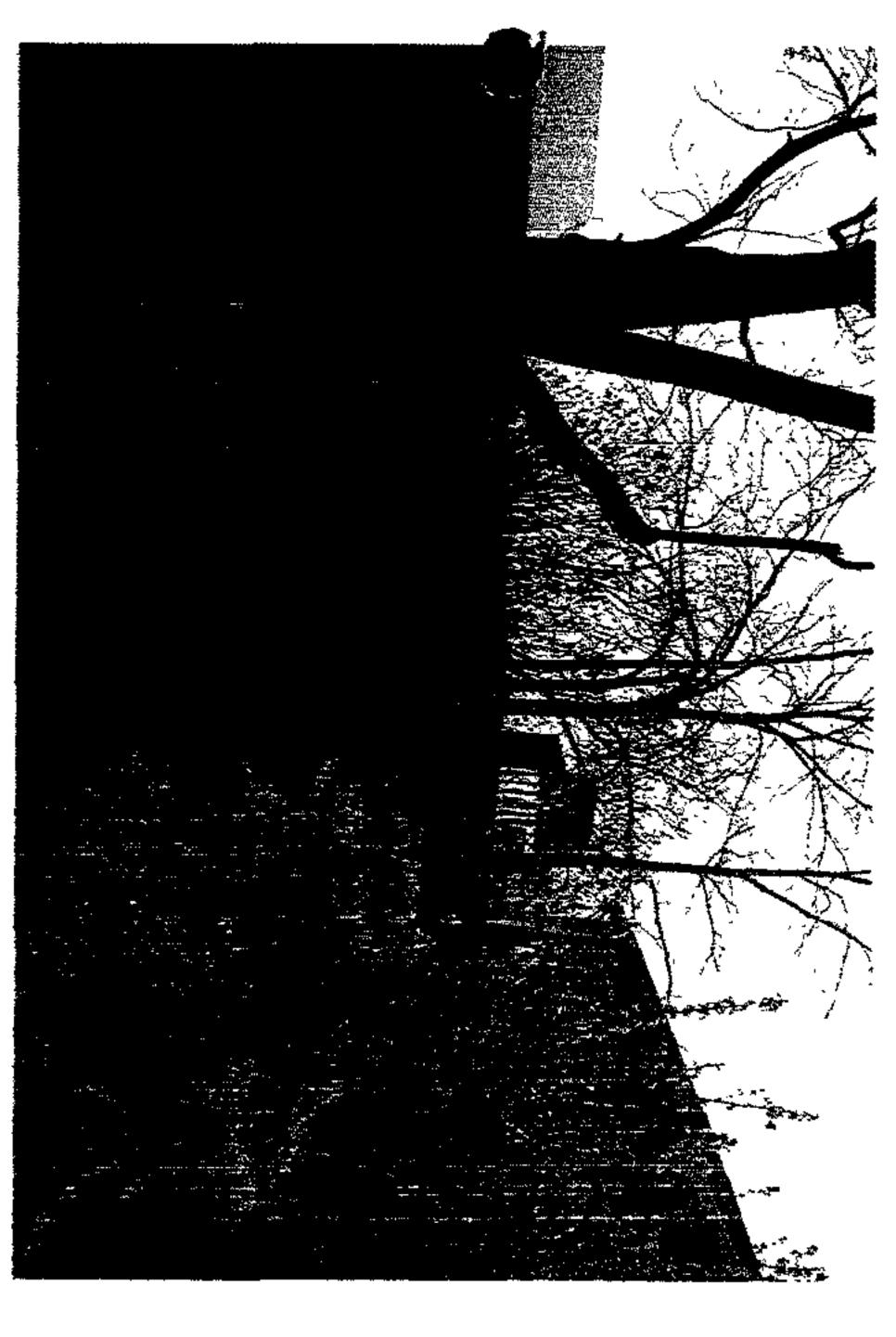


OWNER





TOWARD Bob,



South of House where septic Reserve STAR

04-475-A

