

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Hammond Avenue, 340 ft. W
centerline of Second Avenue
4th Election District
3rd Councilmanic District
(103 Hammond Avenue)

Barbara Scherr & Steven Rohrbaugh
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-559-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, Barbara Scherr and Steven Rohrbaugh. The variance request is for property located at 103 Hammond Avenue in the Reisterstown area of Baltimore County. The variance request is from Sections 1B01.2.C.1.B & 301.1A of the Baltimore County Zoning Regulations, to allow an open deck with a rear yard setback of 12 ft. in lieu of the minimum required 22 1/1 ft. and to amend the latest approved final development plan to allow projection of same outside of the building envelope. 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 on June 11, 2004, 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

ORDER RECEIVED FOR FILING

Date

7/2/04

By

H. J. Jernigan

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 2 day of ^{July}~~June~~, 2004, that a variance from Sections 1B01.2.C.1.B & 301.1A of the Baltimore County Zoning Regulations, to allow an open deck with a rear yard setback of 12 ft. in lieu of the minimum required 22 1/1 ft. and to amend the latest approved final development plan to allow projection of same outside of the building envelope, 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;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 7/2/04
By J. P. [Signature]

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

June 30, 2004

Ms. Barbara Scherr
Mr. Steven Rohrbaugh
103 Hammond Avenue
Reisterstown, Maryland 21136

Re: Petition for Administrative Variance
Case No. 04-559-A
Property: 103 Hammond Avenue

Dear Ms. Scherr & Mr. Rohrbaugh:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 103 HAMMOND AVE
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) 1 B01.2 C.1.B, 301.1A.

To allow an open deck with a rear yard setback of 12 ft in lieu of the minimum required 22 1/2 ft.

AND
To amend the latest approved Final Development Plan to allow projection of same outside the building envelope.

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 _____

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.

Legal Owner(s):

STEVEN ROHRBAUGH
Name - Type or Print _____

Signature _____

Barbara Scherr
Name - Type or Print _____

Signature _____ (C) 443 463 4916

103 HAMMOND AVE (H) 410 833 8114
Address _____ Telephone No. _____

REISTERSTOWN MD 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 6-02-04

Estimated Posting Date 6-13-04

CASE NO. 04-559A

REC 10/25/01

ORDER RECEIVED FOR FILING
7/2/04
[Signature]

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

103 HAMMOND AVE
Address
REISTERSTOWN MD 21136
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 ARE APPLYING FOR THIS VARIANCE FOR THE REASON THAT OUR ALLOWED AREA TO BUILD A DECK IS ONLY 7.5 FEET, WE WISH TO BUILD THE DECK ABOUT 18 FEET THIS WOULD GIVE MORE ROOM FOR FAMILY GATHERINGS AND OUR CHILDREN TO PLAY. WE CAN'T USE THE BACK YARD NOW BECAUSE IT IS ON A SLOPE. WE CAN'T BUILD A PATIO. FOR THIS REASON, SO A DECK IS THE ONLY OPTION.

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

STEVEN ROHRSBAUGH
Name - Type or Print

[Signature]
Signature
Barbara Scherr
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 01 day of June, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires

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

103 HAMMOND AVE
Address
ROISTERSTOWN, MD 21136
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 ARE APPLYING FOR THIS VARIANCE FOR THE REASON THAT OUR ALLOWED AREA TO BUILD A DECK IS ONLY 7.5 FEET. WE WISH TO BUILD THE DECK ABOUT 18 FEET. THIS WOULD GIVE MORE ROOM FOR FAMILY GATHERINGS AND OUR CHILDREN TO PLAY. WE CAN'T USE THE BACK YARD NOW BECAUSE IT IS ON A SLOPE. WE CAN'T BUILD A PATIO FOR THIS REASON, SO A DECK IS THE ONLY OPTION.

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

STEVEN ROBERTSON
Name - Type or Print

[Signature]
Signature

Barbara Scherv
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 01 day of June, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires DONNA HARRY

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 3, 2005



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 103 HAMMOND AVE
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) 1B01.2(C), 1.B, 301.1A

To allow an open deck with a rear yard setback of 12 ft in lieu of the minimum required 22 1/2 ft.

AND
To amend the latest approved Final Development Plan to allow projection of same outside the building envelope.

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):

STEVEN ROHRBAUGH

Name - Type or Print

Signature

Barbara Scherr

Name - Type or Print

Signature

103 HAMMOND AVE

Address

(C) 443 463 4916

(H) 410 833 8114

Telephone No.

REISTERSTOWN MD

City

State

21136

Zip Code

Representative to be Contacted:

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. 04-559A

REV 10/25/01

Reviewed By [Signature]

Date 6-02-04

Estimated Posting Date 6-13-04

ZONING DESCRIPTION

The Zoning Description for 103 Hammond Ave., Reisterstown MD

Beginning at a point on the south side of Hammond Ave. which is 35ft wide at the distance of 340ft west of the centerline of the nearest improved intersecting street 2nd Ave. which is 50ft wide. Being Lot # 11, in the subdivision of Donofrio Property as recorded in Baltimore County Plat Book # 70, Folio # 69, containing 5,096 Square Feet. Also known as 103 Hammond Ave. and located in the 4th Election District, 3rd Councilman District.

559

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

12. NO. 10009
 04-5594

DATE 6-02-04 ACCOUNT R-001-006-615-0

AMOUNT \$ 115.00

RECEIVED FROM: Mrs. S. Richardson

FOR: Res. Van Horn & Assoc. P.C. 103 Hammond Ave.

DISTRIBUTION
 WHITE - CASHIER
 PINK - AGENCY
 YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTUAL TIME
 6/02/2004 6/02/2004 09:36:19
 10009
 RECEIPT # 354535 6/02/2004
 Dept 5 328 ZONING VERIFICATION
 013404
 Receipt for \$115.00
 \$115.00 CR \$4.00 CA
 Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date June 14, 2004

RE: Case Number 04-559-A

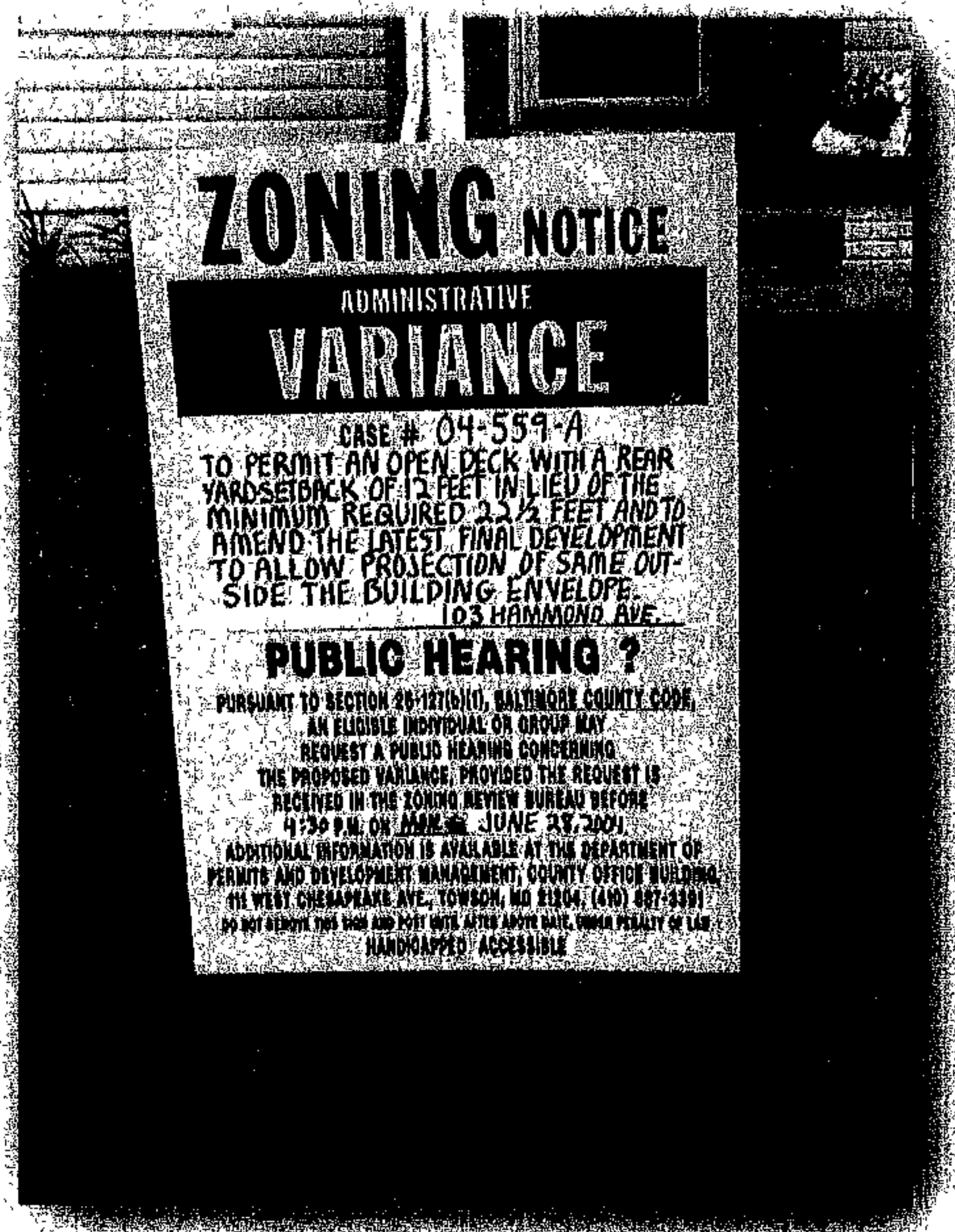
Petitioner/Developer STEVEN ROHRBAUGH

Date of Hearing/Closing JUNE 28, 2004

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 103 HAMMOND AVE

The sign(s) were posted on

JUNE 11, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 559 -A

Address 103 Hammond Ave

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6-02-04

Posting Date: 6-13-04

Closing Date: 6-28-04

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 04- 559 -A

Address 103 Hammond Ave

Petitioner's Name Steven Rohrbaugh

Telephone 443-463-4916

Posting Date: 6-13-04

Closing Date: 6-28-04

Wording for Sign: To Permit an open deck with a rear yard setback of
12 ft. less the minimum required 2 1/2 ft. and
To Amend the latest Final Development Plan to allow
projection of same outside the building envelope

WCR - Revised 6/28/00

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

June 28, 2004

Steven Rohrbaugh
Barbara Scherr
103 Hammond Avenue
Reisterstown, Maryland 21136

Dear Mr. Rohrbaugh and Ms. Scherr:

RE: Case Number:04-559-A, 103 Hammond Avenue

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

June 17, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 14, 2004

Item No.: 3550, 554-557, (559)-571

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2004
Item Nos. 550, 554, 555, 556, 557, (559)
560, 561, 562, 563, 564, 565, 566, 568,
and 569

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JDO*

DATE: July 2, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 14, 2004

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

04-554

04-555

04-557

04-559

04-562

04-564

04-565

04-568

04-571

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 15, 2004

RECEIVED

JUN 16 2004

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case 4-556 and 4-559-**
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:

Mark A. Cunningham

Division Chief:

John J. [Signature]

MAC/LL

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.15.04

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

RE: Baltimore County
Item No. 559 JJS

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 Phone: 410.545.0300 www.marylandroads.com

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

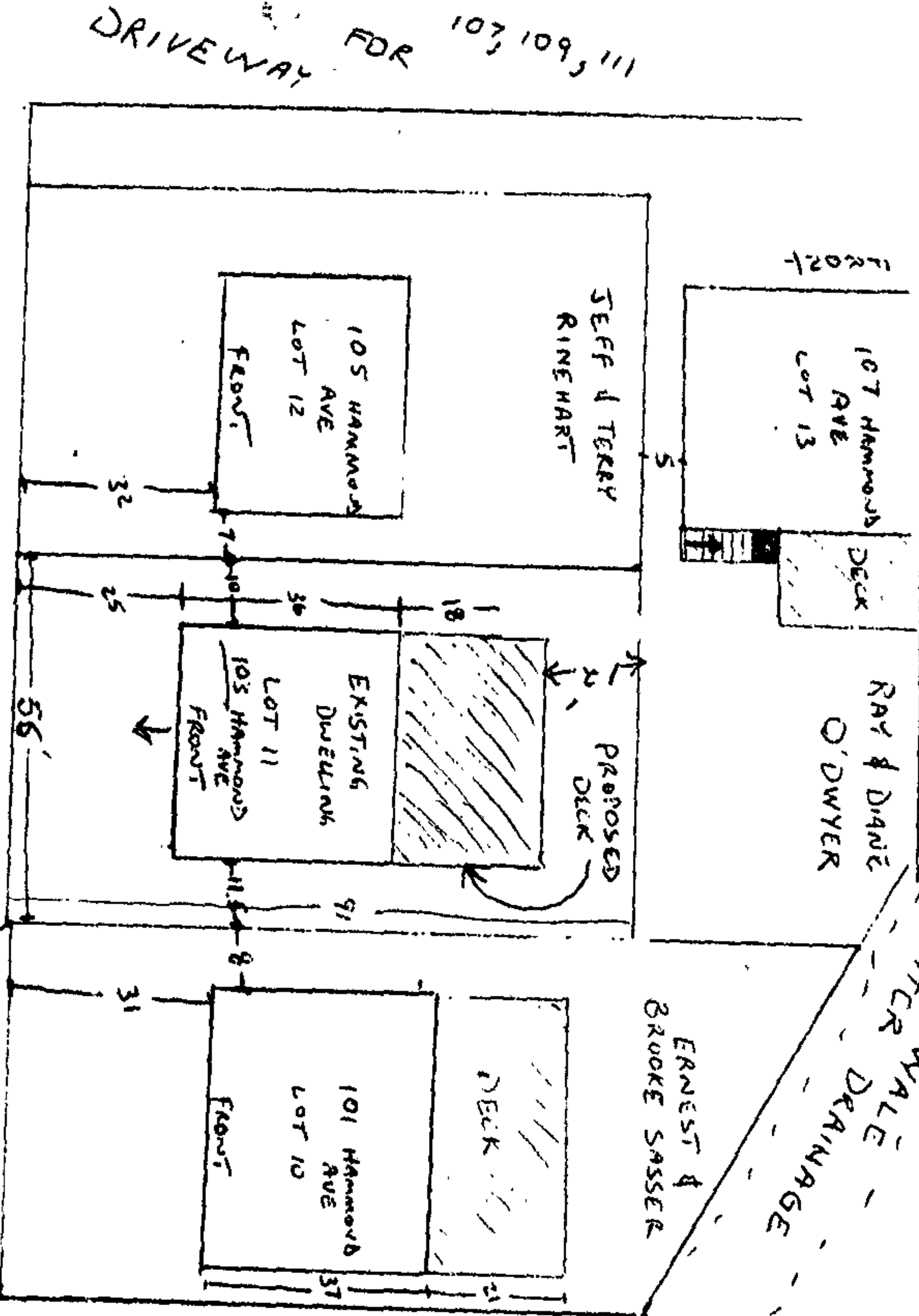
PROPERTY ADDRESS 103 Hammond Ave

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

SUBDIVISION NAME Dorothea Property

PLAT BOOK # 70 FOLIO # 69 LOT # 11 SECTION # 1

OWNER Steve Routhsault, Barbara Routhsault



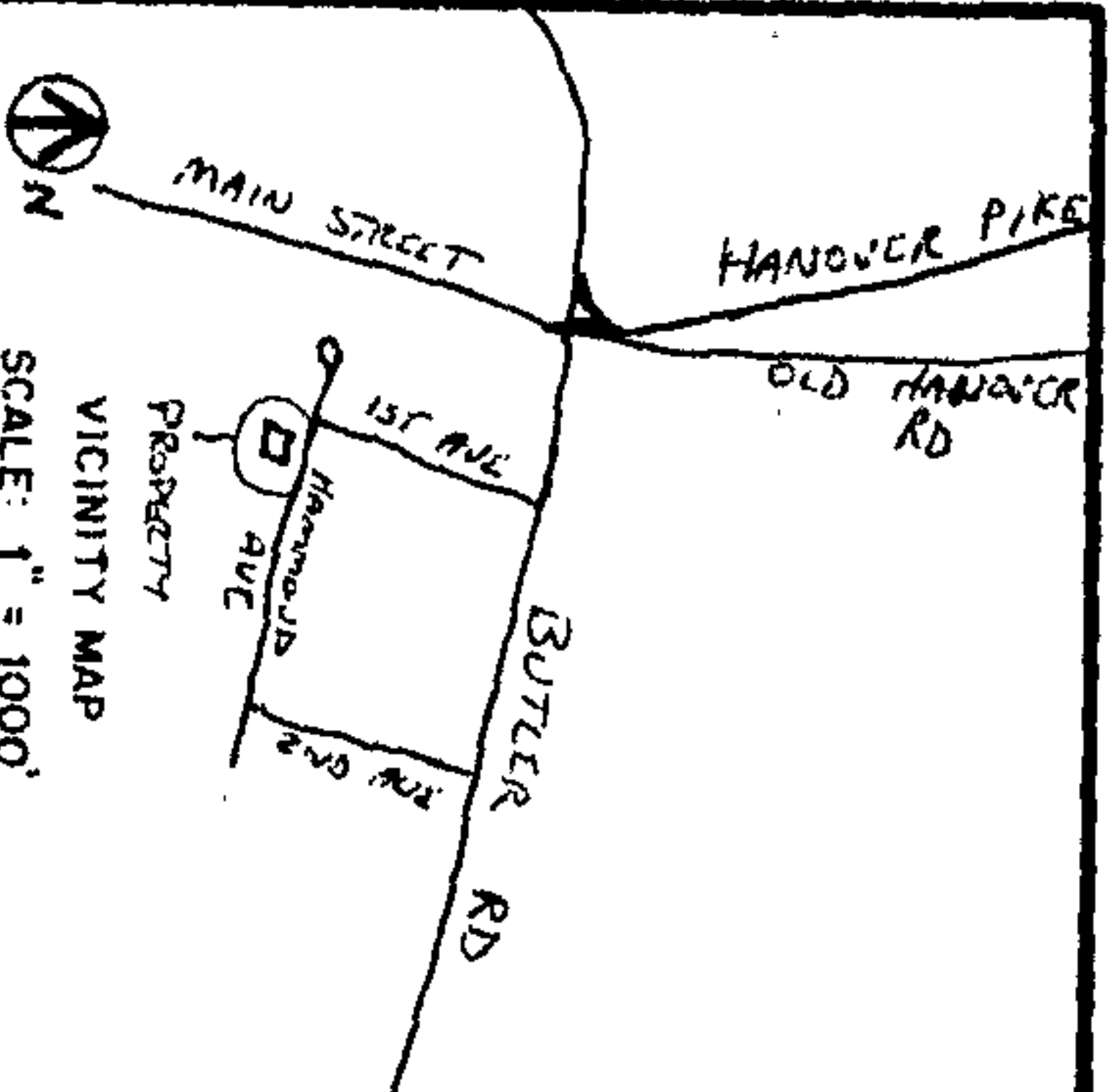
NORTH



HAMMOND AVE

PREPARED BY Steve Routhsault

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 4th

COUNCILMANIC DISTRICT 3rd

1" = 200' SCALE MAP # NW 16-5

ZONING D.R.-3.5

LOT SIZE 2.116 ACRES

5096 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐

100 YEAR FLOOD PLAIN ☐

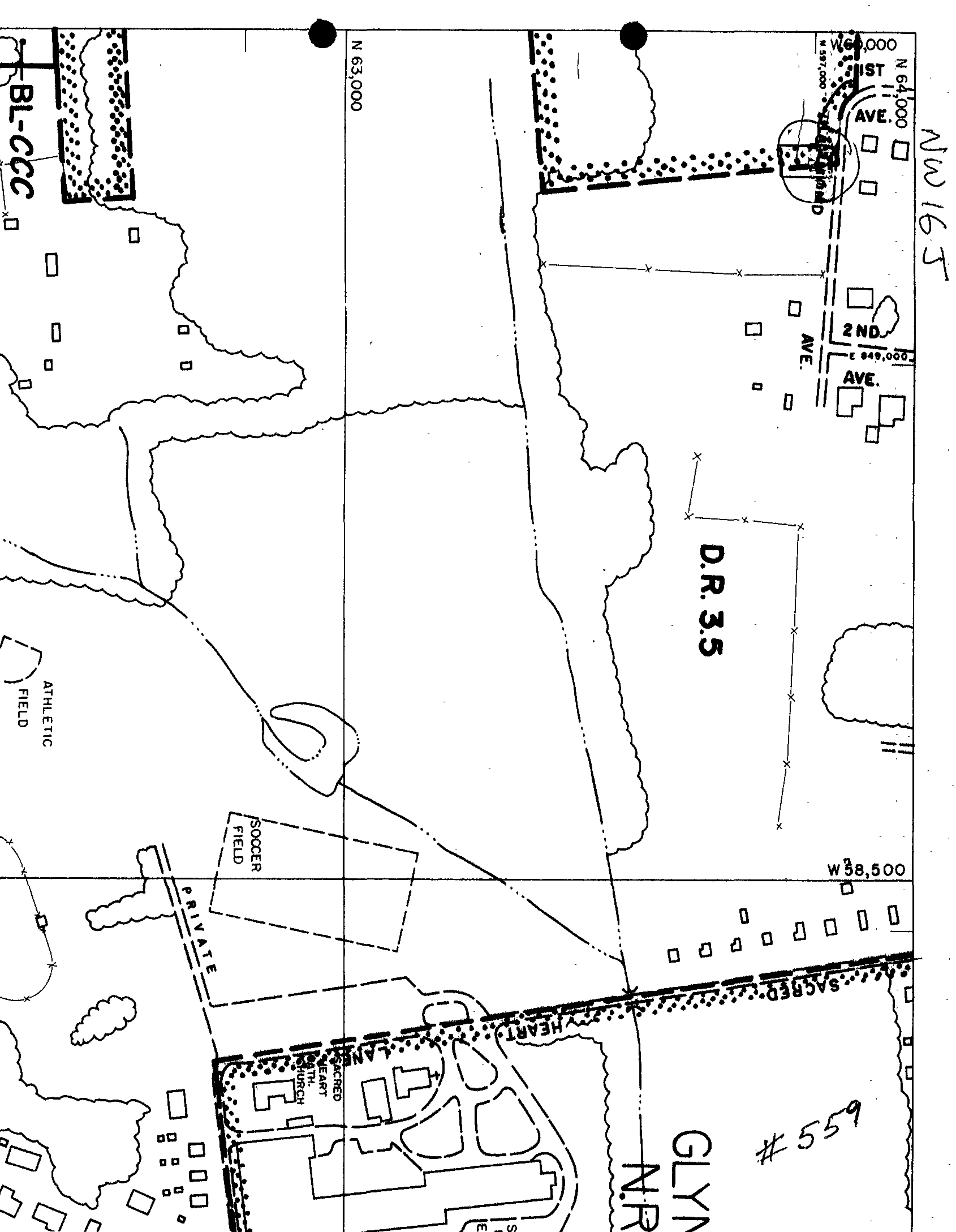
HISTORIC PROPERTY / BUILDING ☐

PRIOR ZONING HEARING ☒

ZONING OFFICE USE ONLY

REVIEWED BY Steve Routhsault ITEM # 559 CASE #

NW 16.5



BL-CCC

ATHLETIC
FIELD

SOCCER
FIELD

PRIVATE

SACRED
HEART
CHURCH

SACRED
HEART

GLYN
N.R.

#559

D.R. 3.5

1ST
AVE.

2ND
AVE.

AVE.

N 64,000
N 597,000
W 60,000

W 58,500

N 63,000



Proposed
Deck



Prop.
Deck

559



Prop.
Deck



559

05-17-04

PROPOSED DECK



Proof,
DEOR



559