YFOR FILING PADER RE

IN RE: PETITION FOR ADMIN. VARIANCE

SW/Corner Saxonhill Drive and

Trickling Brook Road (1027 Saxonhill Drive)

8th Election District

3rd Council District

Robert J. Schaper, et ux Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 05-048-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, Robert J. Schaper, and his wife, Jeanne M. Schaper. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 15 feet in lieu of the required 30 feet for a proposed addition. 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, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to 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.

In this case, the Petitioner has 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 contained within the case file.

Based upon all of the evidence contained therein, I am persuaded to grant the variance. There were no adverse comments submitted by any County reviewing agency and apparently no opposition from any of the neighbors. I find the unique configuration of the property and its corner location justifies the need for the variance. In my view, the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that there will be no detrimental impacts to the health, safety and general welfare of the surrounding locale.

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.

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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

August 30, 2004

Mr. & Mrs. Robert J. Schaper 1027 Saxonhill Drive Cockeysville, Maryland 21030

RE: PETITION FOR VARIANCE
SW/Corner Saxonhill Drive and Trickling Brook Road
(1027 Saxonhill Drive)
8th Election District — 3rd Council District
Robert J. Schaper, et ux - Petitioners

Dear Mr. & Mrs. Schaper:

Case No. 05-048-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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

for the property located at 1027 SAXONHILL

the Zoning Commissioner of Baltimore County

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	perjury	y, that I/we are the	e tegal owner(s)	nder the penalties of of the property which
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; Telephone	No. Name -	Type or Print	DCHMPE	1
State Zip Co	de Signatu	Je anne		chaper
u)	Address	S	PLL BRIVE	410 666-9124 Telephone No.
	City	RYSV III E	MD Stat	2/032-2907 le Zip Code
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Telephone N	102	· · · · · · · · · · · · · · · · · · ·	L DRIVE	410-066-9124 (H) 410-746-2592 (C)
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8-A	Reviewed By	BK	Date	7/26/04
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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.

1027

Address

That the Affiant(s) does/do presently reside at

SAXONIHILL

DRIVE

	Cockeysville	MD	Z 1030 - 2907
That has ad warm managed the	City	State	Zip Code
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Signature			
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STATE OF MARYLAND, COUNTY OF BA	TIMODE to with	******	
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NOTARY	My Commission Expire	, S	JOHN R. NIEC
REV 10/25/01 PUBLIC			Notary Public State of Maryland Immission Expires January 30, 2006
		-	

Zoning Description for 1027 Saxonhill Drive

Beginning at a point on the South, side of Saxonhill Drive which is 50 feet wide at a distance of 25 feet North of the centerline of the nearest improved street Trickling Brook Road which is 50 feet wide. Being Lot # 14, Block H, Section 3 in the subdivision of Springdale as recorded in Baltimore County Plat Book # 33, Folio # 7, containing 9604 square feet.

Also known as 1027 Saxonhill Drive and located in the 8th Election District, 3rd Councilmanic District.

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CERPFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS
Date August 10, 2004
Case Number 05-048-A

Case Number RE:

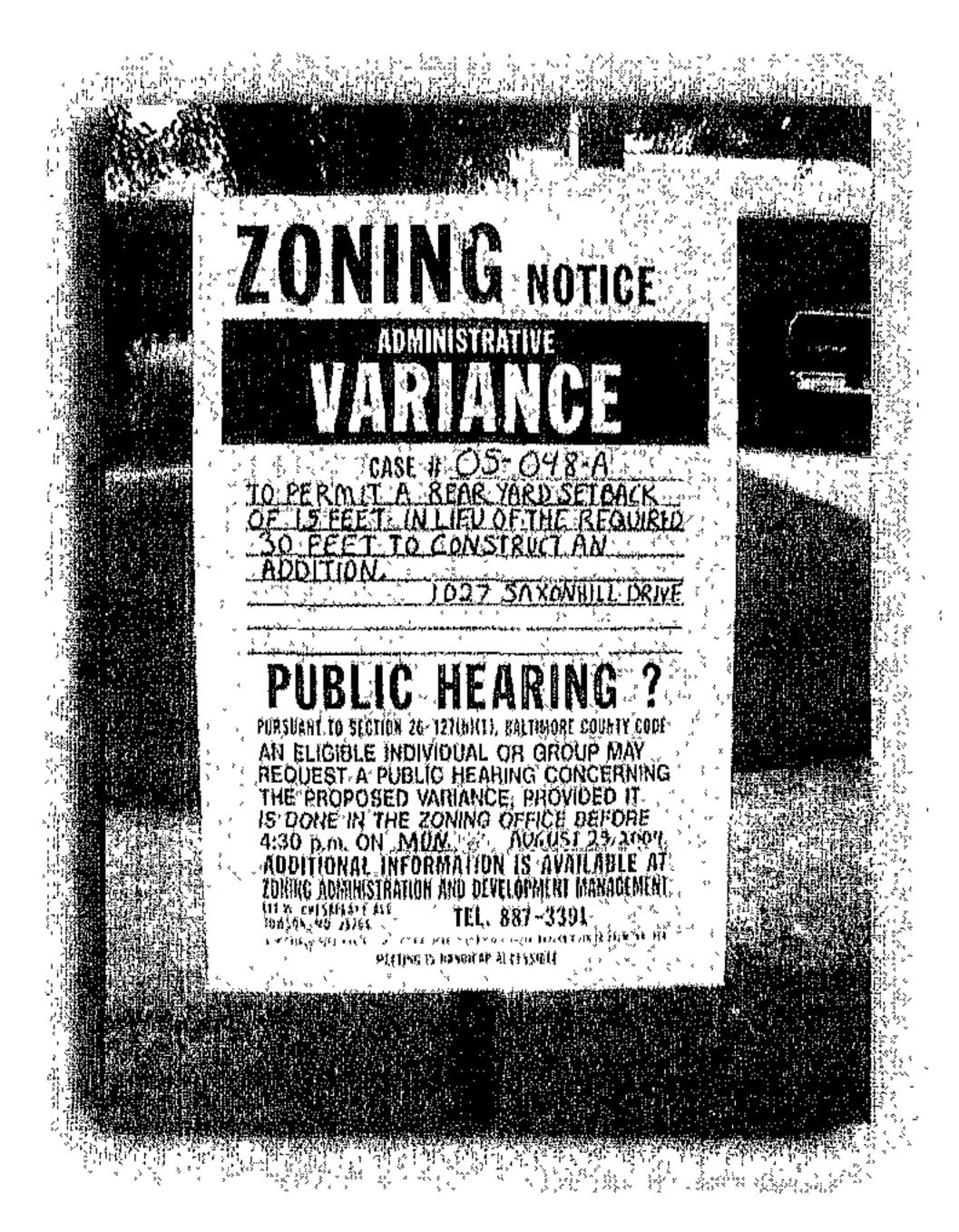
Petitioner/Developer ROBERT & JEANNE SCHAPER

Date of Hearing/Closing) AUGUST 23, 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 $1027\,SAXON\,HILL\,DRIVE$

The sign(s) were posted on

August 7, 2004



(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

				-			
Cas	e Number 05-	048	-A A	ddress	1027	Saxouh:11	Drive
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= 142			lease Print Your Name)			
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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.

<u>ror newspap</u>	<u>er Advertising:</u>					
Item Number	or Case Number:	05-04	18-A	· · · · · · · · · · · · · · · · · · ·		
Petitioner:	THOMAS	SCHAPEL (ROBERT &	JEANUE	SCHAPER	<u>) </u>
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Address:	Cockeysvill		21030			

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.

1027

Address

That the Affiant(s) does/do presently reside at

SAXONIHILL

DRIVE

	Cockeysuille	MD	Z 1030 ~ Z907
	City	State	Zip Code
That based upon personal knowledge, the foll Variance at the above address (indicate hards)	lowing are the facts upon wh hip or practical difficulty):	ich I/we base the re	equest for an Administrative
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ROBERT J. SCHAPER	JEA	NNE M. SO	CHAPER
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STATE OF MARYLAND, COUNTY OF BALTI	MORE. to wit:		
·	-	LOOU hefore me	a Notary Public of the State
I HEREBY CERTIFY, this 23 day of of Maryland, in and for the County aforesaid, p			a rectary r abile or the otate
ROBERT J. SCHAPEL +	JEANNE M. S	CHAPE/2	
the Affiant(s) herein, personally known or satis	factorily identified to me as si	uch Affiant(s).	
AS WITNESS my hand and Notarial Seal	_		
OHN R. No.			
	solm K.	Thee	
NOTARY	Notary Public 1	• •	JOHN R. NIEC
PUBLIC	My Commission E	•	Pry Public State of Maryland
REV 10/25/01		wy Comn	nission Expires January 30, 2006



Petition for Administrative Variance

for the property located at 1027 SAXONHILL

to the Zoning Commissioner of Baltimore County

which is presently zoned DR 3.5

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	 		Zoning Comn	nissioner of Ba	itimore County		
CASE NO. <u>05-048-A</u>	 	Reviewed By _	Bh	Date	7/2	6/04	
REV 10/25/01	i	Estimated Post	ting Date _		8/8/04		

Department of Permi Development Management

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





Baltimore County

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

August 23, 2004

Robert J. Schaper Jeanne M. Schaper 1027 Saxonhill Drive Cockeysville, Maryland 21030-2907

Dear Mr. and Mrs. Schaper:

RE: Case Number:05-048-A, 1027 Saxonhill Drive

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:

Thomas Schaper 1027 Saxonhill Drive Cockeysville 21030-2907



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

August 2, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of August 2, 2004

Item No.:

002, 036-049, 051

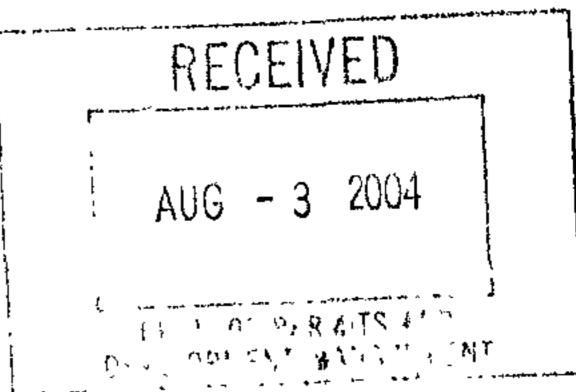
Dear Ms. Mathews:

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

DATE: August 26, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor 2005/27

Bureau of Development Plans

Review

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 9, 2004

Item Nos. 036, 037, 038, 039, 040, 041, 044, 045, 046, 047, 048, and 051

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

DATE:

August 25, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 2, 2004

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

05-002

04-037

04-038

04-039

04-040

04-041

04-044

04-045

04-047

04-048

04-049 04-051

Reviewers:

Sue Farinetti, Dave Lykens

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

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-038 and 5-048

DATE: August 5, 2004

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.

Division Chief: ___

MAC/LL





Robert L. Flanagan, Secretary

Neil J. Pedersen, Administrator

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

Maryland Department of Transportation

Date:

8-2.04

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

RE:

Baltimore County

Item No. 048

乃ア尺

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.

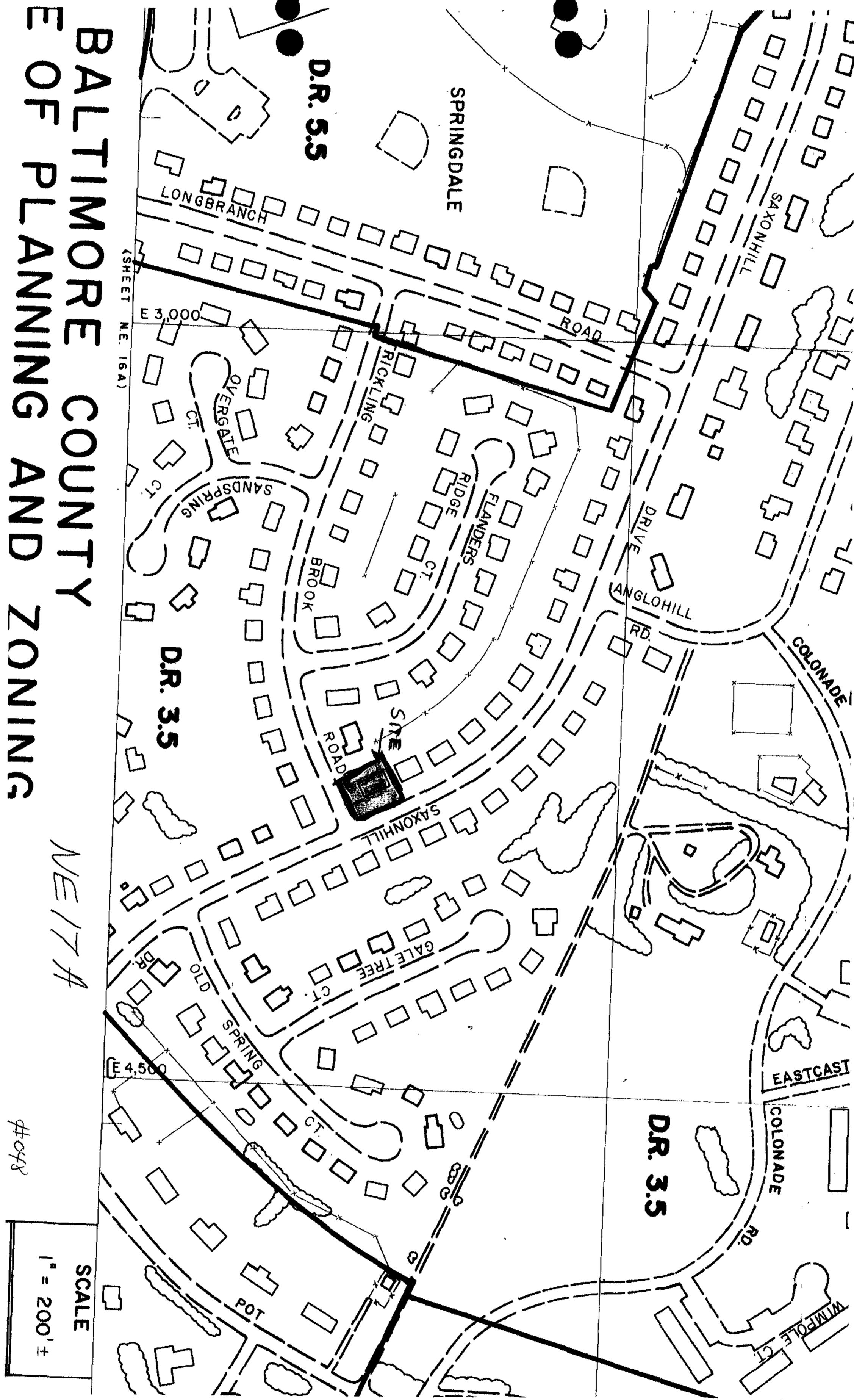
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

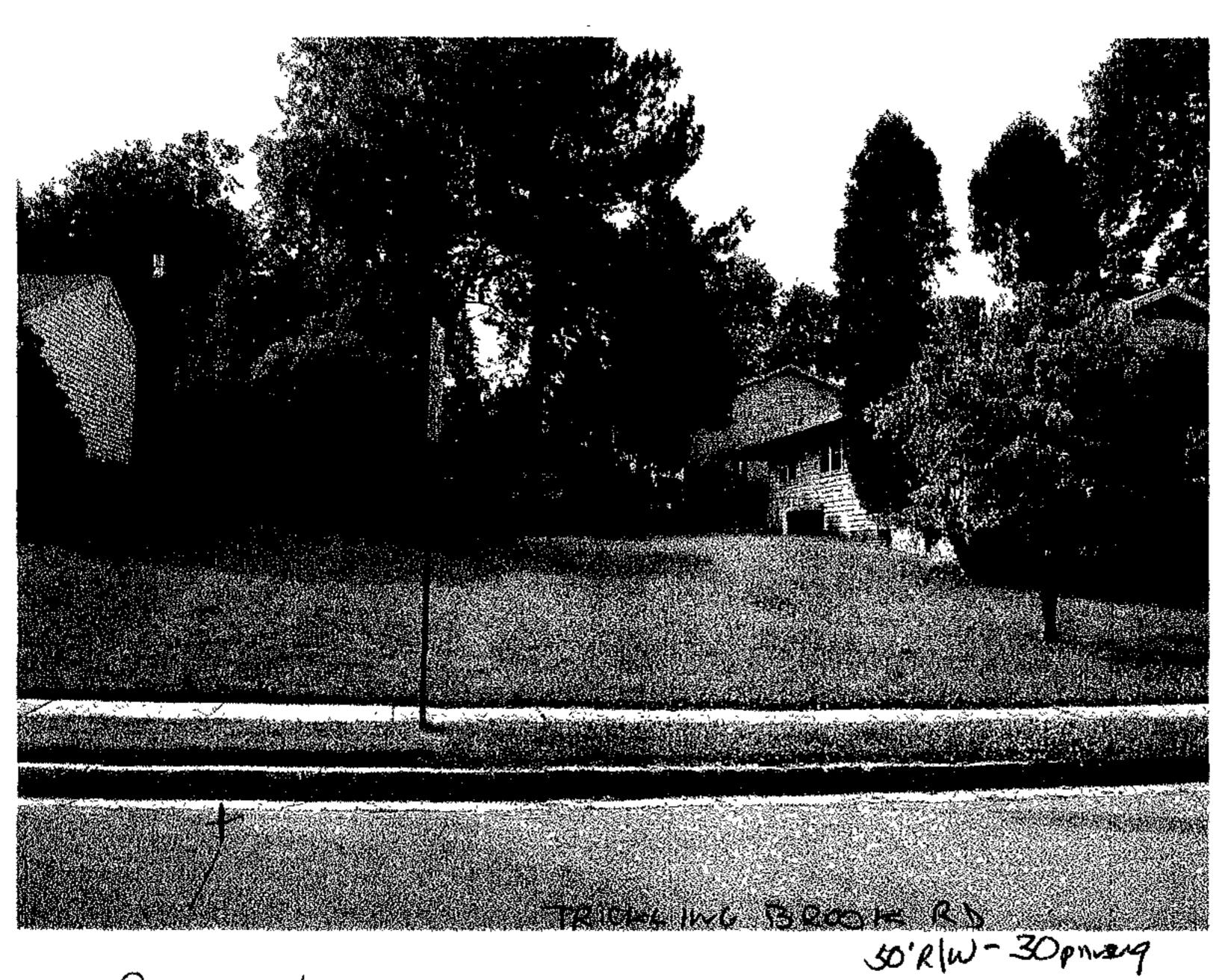
Very truly yours,

Steven D. Foster, Acting Chief. Engineering Access Permits Division

1. 1. And In

SCALE OF DRAWING: 1" = SD'	DRIVE (SORW)	\mathbf{F} (0) \mathbf{F} (2) \mathbf{F}	0201# 608.1441.808. CM ESS 1441.808.	180 # 1	THE M SCHAPER	27 SAXONFILL DRIVE SEE PAGES 5 & 6 OF THE CHECKLIST RING DALE
m 048 05-048-A	HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #	SIZE AZZ SIZE AZZ ACREZ SEWER WATER SAPEAKE BAY RITICAL ARE	ELECTION DISTRICT 8 COUNCIL MANIC DISTRICT 3 I"=200" SCALE MAP # NE 17 A ZONING DR 3,5	ALE: 1" = 1000	Cache	FOR ADDITIONAL REC





Proporty Line

#048

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