

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Musket Court, 440 ft. +/- N
centerline of Old Barn Road
7th Election District
3rd Councilmanic District
(5 Musket Court)

Heinz & Esther Bade
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-147-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Heinz and Esther Bade. The variance request is for property located at 5 Musket Court in the Parkton area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 40 ft. in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The case was originally filed as an administrative variance, but was ultimately set in for a hearing after this office received correspondence dated October 29, 2004 from Jane E. Callaghan, an adjacent property owner of the Petitioners. The hearing was scheduled for December 7, 2004. Notice of the hearing was given to the public by posting the property with notice of the hearing on November 21, 2004 and by publication in "The Jeffersonian" newspaper on October 28, 2004.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for

ORDER RECEIVED FOR FILING

Date

By

12/9/04
Ray

Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated October 26, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Alan and Donna Stokes, and Heinz Werner Bade, Petitioner. Jane Callaghan, an adjacent property owner, appeared in opposition to the requested variance. Greg McCarthy appeared for the Hamlet Farms Community Association as an interested citizen. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 3.62 acres and is zoned RC 5. Testimony of the Petitioner indicated that this property is improved by his home which is depicted in Petitioner's Exhibits 1, 2 and 3. He would like to build a garage to store a portion of his collection of vehicles out of the weather, some of which are of the Porsche line of automobiles and are quite valuable. He indicated that he is a retired engineer at Porsche and does consulting for racing programs. In addition, he

would like to store his tractors indoors. See Petitioner's Exhibit 2D, which indicates his present outdoor storage area.

While he has a garage attached to the house, he indicated that he uses this to store his family vehicles. He noted that these homes were built in the 1980's when people did not have as many vehicles. While the whole property contains more than three acres of land, he indicated that he is not able to have a detached garage on his property due to his neighborhood covenants of the "Hamlet Farms Community". Mr. McCarthy, who chairs the architectural committee of the Hamlet Farms Community Association, verified this requirement.

The Petitioner also indicated that he had to avoid encroaching on his septic reserve area which was located south of the proposed garage as shown on Petitioner's Exhibit 3. Finally, he noted that his rear yard contained an in-ground pool and was subject to flooding from the 100 year flood plain. In short, he said that there was no other place to locate the garage.

In regard to the size of the garage, he indicated that he had an architect prepare a rough draft of the proposed garage and that the architect located the garage symmetrically on the west wing of the house for best architectural effect. Presumably, this has to do with matching roof lines. He recognized that he could build the same size garage (30 ft. x 40 ft.) not symmetrically located on the west wing, but rather projecting the 40 ft. dimension into the front yard without a variance. However, he noted that the architect did not recommend this approach. Again, he could build a 30 ft. x 30 ft. non-symmetrical garage without a variance, but that would be too small for his intended purpose, which is to store his most valuable vehicles out of the weather. It would also not be architecturally proper. Finally, he presented a series of photographs, which show that the site of the garage is not visible to the neighbor on that side (Ms. Callaghan). This is due to the dense growth of evergreen trees along the property boundary. He indicated that he

ORDER RECEIVED FOR FILING

12/9/04
By [Signature]

would not repair vehicles on the property but would clean, polish and maintain the vehicles in a manner similar to any homeowner.

He was supported in his request by two neighbors Alan and Donna Stokes who share his passion for collecting automobiles. They confirmed his assertion that the proposed location was the only one where such a garage could be located. They also supported his contention that the non-symmetrical design would not be architecturally compatible with the house and that a smaller garage would not be sufficient for a collector's purposes.

Ms. Callaghan, who is the adjacent property owner nearest the proposed garage, objected to the variance because she contends that the new garage would encroach on the 50 ft. setback line that the zoning regulations prescribe. She indicated that a 1,200 sq. ft. garage was not typical for a residential setting. She also was concerned that given the Petitioner's association with racing vehicles, the garage would be used to tune, repair, experiment and maintain active racing vehicles with the attendant noise, smoke and confusion associated therewith. She said that she would not object to the requested variance if the garage were needed by the Petitioner for family living. She admitted that the Petitioner's present use of the property for outdoor storage of vehicles is not offensive.

Mr. McCarthy indicated that he did not oppose the request even though it had not been considered or approved by his architectural committee. He wanted to hear neighbors' concerns and be sure that all had an opportunity to discuss the proposal.

Findings of Fact and Conclusions of Law

The Petitioner could surely build a large garage without a variance by pushing the garage away from the 50 ft. setback line and to the south closer to his driveway. However, although I was not presented with architectural drawings of the new garage, I accept the Petitioner's assertion that any non-symmetrical design for the garage would not be architecturally

ORDER RECEIVED FOR FILING

12/9/04

Ray

appropriate. I further can see by the photographs presented by the Petitioner that Ms. Callaghan will not be able to see the proposed garage. Also, she apparently has had no problem with the Petitioner's outdoor storage of these vehicles. However, she worries that the garage will become a pit stop associated with the Petitioner's racing car consultation business in which the garage would be used to tune, repair, experiment and maintain active racing vehicles with the attendant noise, smoke and confusion associated therewith. She primarily objects not the size or location of the garage but to its use.

Considering all the evidence presented I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is oddly shaped (almost triangular) and the narrowness of the lot on the west side causes the setback problem for the proposed garage. I further find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. This may seem strange in that the house has a garage and clearly storing vehicles is simply the Petitioner's hobby. However, I find nothing in the regulations which limits use of residentially zoned land to only living conditions. People have hobbies and storing valuable vehicles out of doors can become a hardship to the owner. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance. Furthermore, I find such variance shall be granted in strict harmony with the spirit and intent of the regulations.

The problem is whether the garage will become the pit stop Ms. Callaghan fears, or simply amount to a large cover for the existing uses on the property. The new garage can not become a detriment to the community. I will impose restrictions at the end of the Order so that the garage will not become such a detriment. Consequently, pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the

ORDER RECEIVED FOR FILING

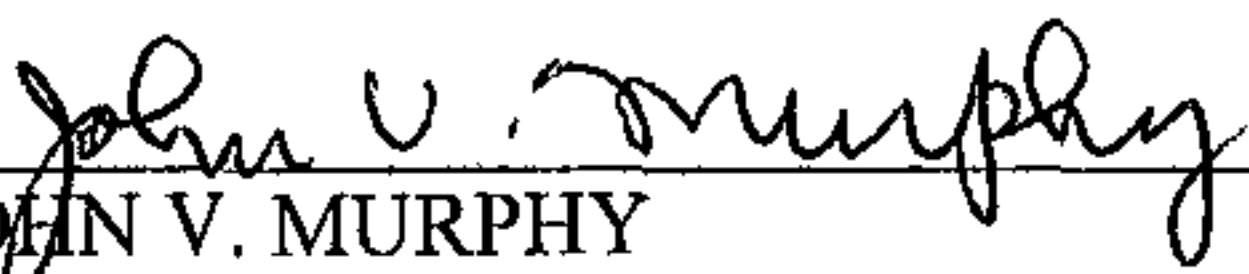
12/9/64
Ray

testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be granted with restrictions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 9 day of December, 2004, that a variance Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 40 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners shall not use the garage or property for commercial purposes of any kind including tuning, repairing, experimenting and maintaining racing vehicles associated in any way with the Petitioner's consulting business;
2. Compliance with the ZAC comments submitted by DEPRM dated October 26, 2004, a copy of which is attached hereto and made a part hereof; and
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.
4. 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
12/19/04
By: 

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
William J. Wiseman III, Zoning Commissioner

December 9, 2004

Mr. & Mrs. Heinz W. Bade
5 Musket Court
Parkton, Maryland 21120

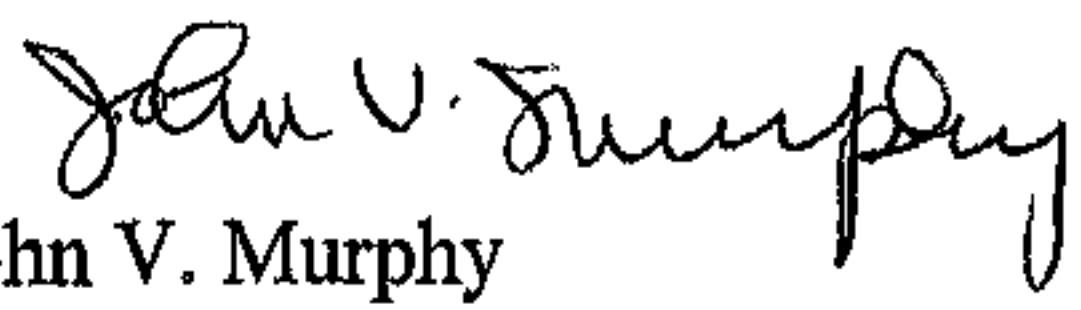
Re: Petition for Administrative Variance
Case No. 05-147-SPHA
Property: 5 Musket Court

Dear Mr. & Mrs. Bade:

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,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Alan & Donna Stokes, 4 Musket Ct., Parkton, MD 21120
Jane E. Callaghan, 7 Musket Ct., Parkton, Md 21120
Greg McCarthy, 8 Musket Ct., Parkton, MD 21120

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 5 Musket Court, Parkton, Md. 21120
which is presently zoned RCS

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) 1A04.3.B.2 BCZR

To permit an addition with a side yard setback of 40'
in lieu of the required 50'.

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):

Heinz Werner Bade

Name - Type or Print _____

Signature Heinz Werner Bade P.O. Box 272

Signature _____

Esther H. Bade

Name - Type or Print _____

Signature Esther H. Bade

Signature _____

5 Musket Court 410-343-1380

Address _____ Telephone No. _____

Parkton Md. 21120-0272

City _____ State _____ 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. 05-147-A

Reviewed By JF Date 9/22/04

REV 10/25/01

Estimated Posting Date 10-3-04

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 5 Musket Court
Address
Parkton Md. 21120-0272
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.) Restrictions for Hamlet Farms subdivision require all building addition attached to the main home.
- 2.) Existing house is placed 3' from 50' B.S.L. on property.
- 3.) Garage addition requires 50' B.S.L. on the north side of our property facing LOT # 38 of Timothy Jackson, 7 Musket Court reduced to 40' B.S.L. to accomodate proposed building while maintaining asthetics of the house and neighborhood.
- 4.) Of all the properties in Hamlet Farms, no building site is more handicapped as LOT # 39. You could not place the house any other place do to the topography of the land and the Flood Plan.
- 5.) LOT owner # 38, Timothy Jackson has no objection to our placement of our proposed garage.

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.

Heinz Werner Bade
Signature

Heinz Werner Bade
Name - Type or Print

Esther H. Bade
Signature

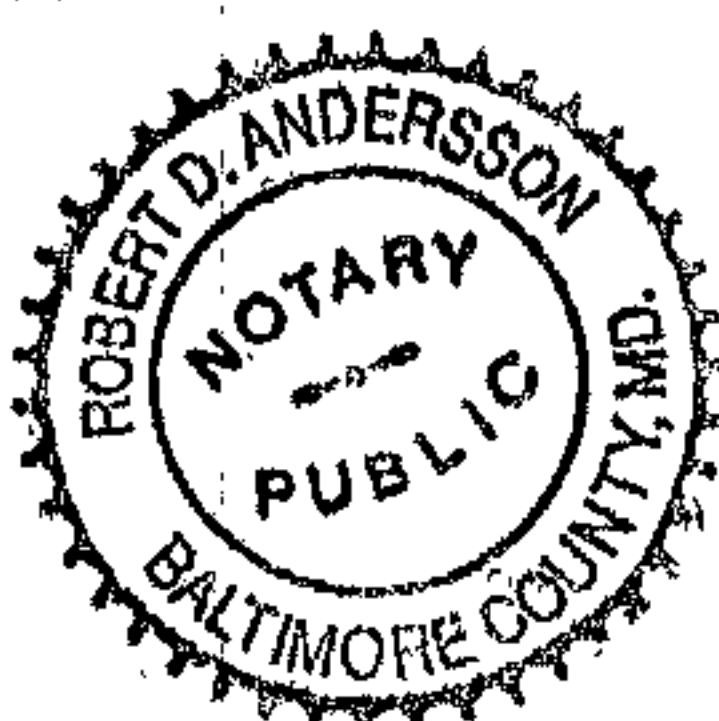
Esther H. Bade
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of September, 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



Robert Anderson
Notary Public

My Commission Expires 8-1-05

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 5 Musket Court
Address
Parkton Md. 21120-0272
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.) Restrictions for Hamlet Farms subdivision require all building addition attached to the main home.
- 2.) Existing house is placed 3' from 50' B.S.L. on property.
- 3.) Garage addition requires 50' B.S.L. on the north side of our property facing LOT # 38 of Timothy Jackson, 7 Musket Court reduced to 40' B.S.L. to accomodate proposed building while maintaining asthetics of the house and neighborhood.
- 4.) Of all the properties in Hamlet Farms, no building site is more handicapped as LOT # 39. You could not place the house any other place do to the topography of the land and the Flood Plan.
- 5.) LOT owner # 38, Timothy Jackson has no objection to our placement of our proposed garage.

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.

Heinz Werner Bade
Signature

Heinz Werner Bade
Name - Type or Print

Esther H. Bade
Signature

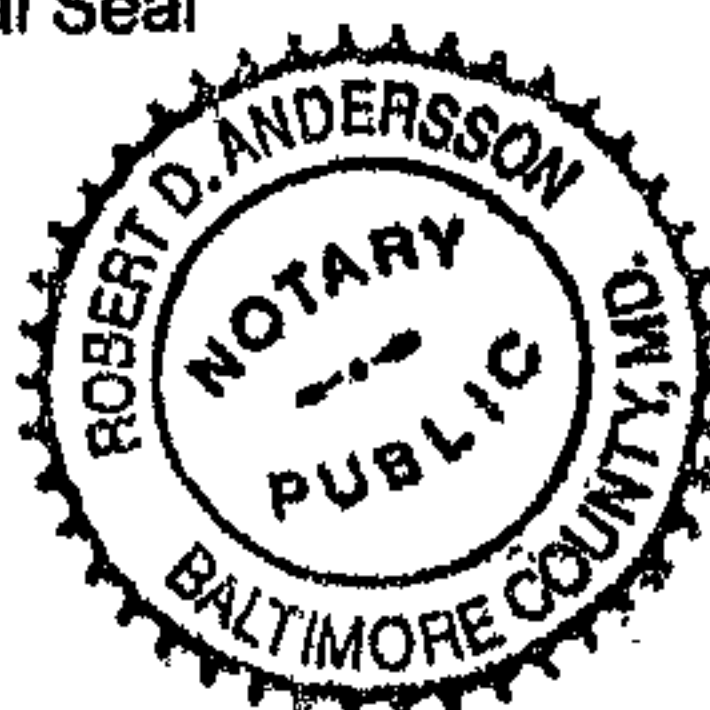
Esther H. Bade
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of September, 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



Robert Andersson
Notary Public

My Commission Expires 8-1-05

Zoning Description

3 COPIES

ZONING DESCRIPTION FOR 5 MUSKET COURT, PARKTON, Md.

Beginning at a point on the EAST side of MUSKET COURT,
which is 40 feet wide at the distance of 440'± NORTH of
the centerline of the nearest improved intersecting street
OLD BARN ROAD which is 50' wide.

Being Lot # 39 in the subdivision of Hamlet Farms as
recorded in Baltimore County Plat Book # 41, Folio # 135
containing 3.62 Acres.

Also known as 5 Musket Court and located in the
7th Election District, 3rd Councilmanic District.



FORMAL DEMAND FOR HEARING

CASE NUMBER: OS-147-A.

Address: #5 MUSKET COURT

Petitioner(s): PARKTON MD 21120

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

(w/ Jane Callaghan / Timothy Jackson)
Name - Type or Print

☒ Legal Owner OR ☐ Resident of

7 Musket Ct

Address
Parkton MD 21120

City State Zip Code

410 329-8098

Telephone Number

which is located approximately 0 feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Jane E Callaghan 10/13/04
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

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: #06-147-A

5 Musket Court

E/side of Musket Court at the distance of 440 feet +/- north of the centerline of Old Barn Road.

7th Election District -- 3rd Councilmanic District

Legal Owner(s): Heinz & Esther Bado

Administrative Variance: to permit an addition with a side yard setback of 40 feet in lieu of the required 50 feet.
Hearings Monday, November 15, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
10/30/04 Oct. 28 27535

CERTIFICATE OF PUBLICATION

10/28, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/28, 2004.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **40641**

DATE 7-22-04 ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Heinz Dade

5 Muskiet Ct

FOR: Admin. Expenses

ITEM # 147

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DATE
9/22/2004	9/22/2004	10:21:26	2
RED MS02	MAIL	JEVA JEE	
>>RECEIPT # 362930 9/22/2004 OFCJ			
Dept	5	528 ZONING VERIFICATION	
CR NO.	040641		
Recpt Tot		\$65.00	
\$65.00	17	1.00	00
Baltimore County, Maryland			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date October 4, 2004

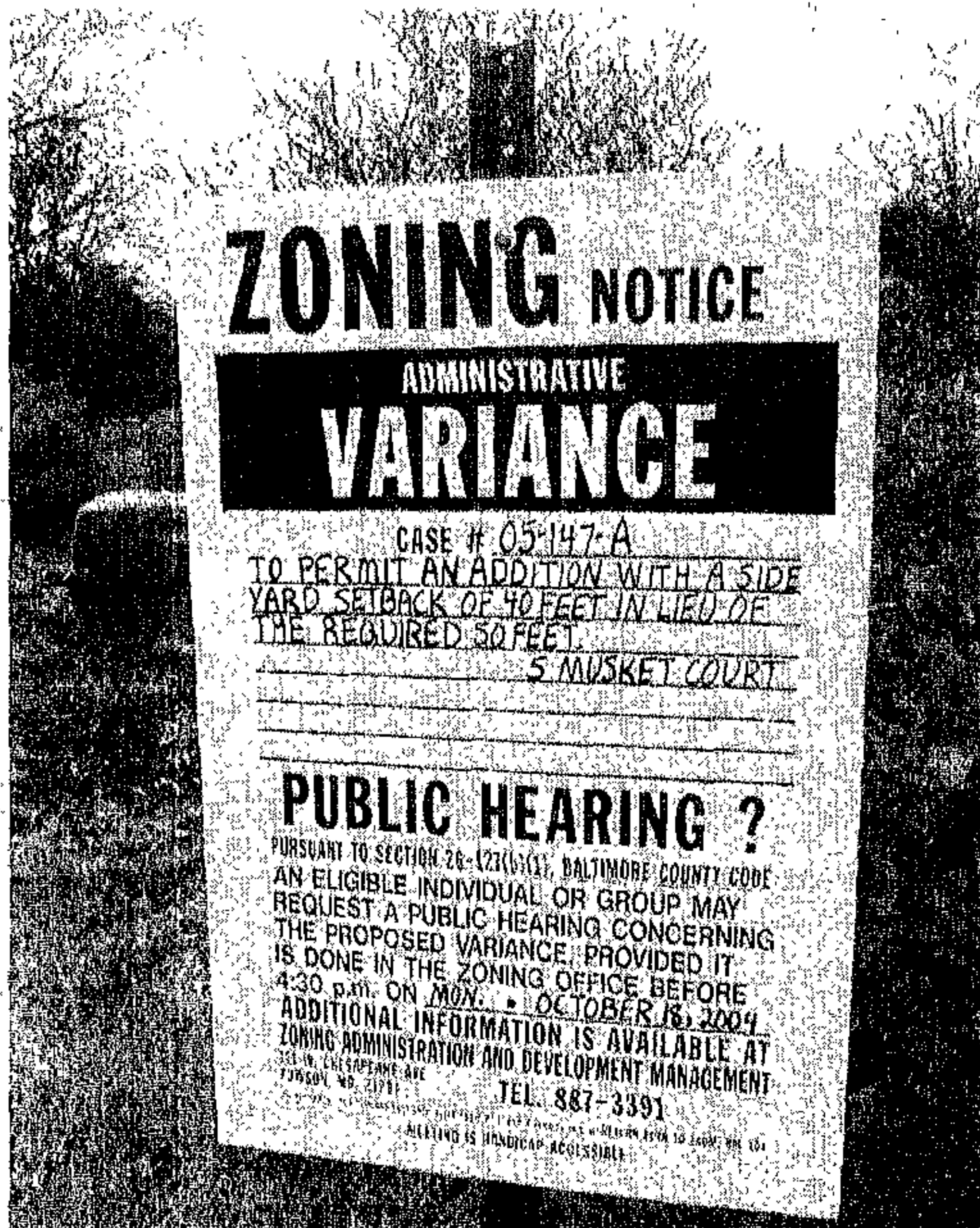
RE: Case Number 05-147-A

Petitioner/Developer H EINZ + ESTER BADE

Date of Hearing/Closing October 18, 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 S MUSKET COURT

The sign(s) were posted on October 2, 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)

RECEIVED
OCT - 5 2004
DEPT. OF REVENUE AND
DEVELOPMENT MASS. CTNY

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date *November 22, 2004*

RE: Case Number. *05-147-A*

Petitioner/Developer *HEINZ + ESTER BADE*

Date of (Hearing) Closing *December 7, 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 *5 MUSKET COURT*

The sign(s) were posted on

November 21, 2004

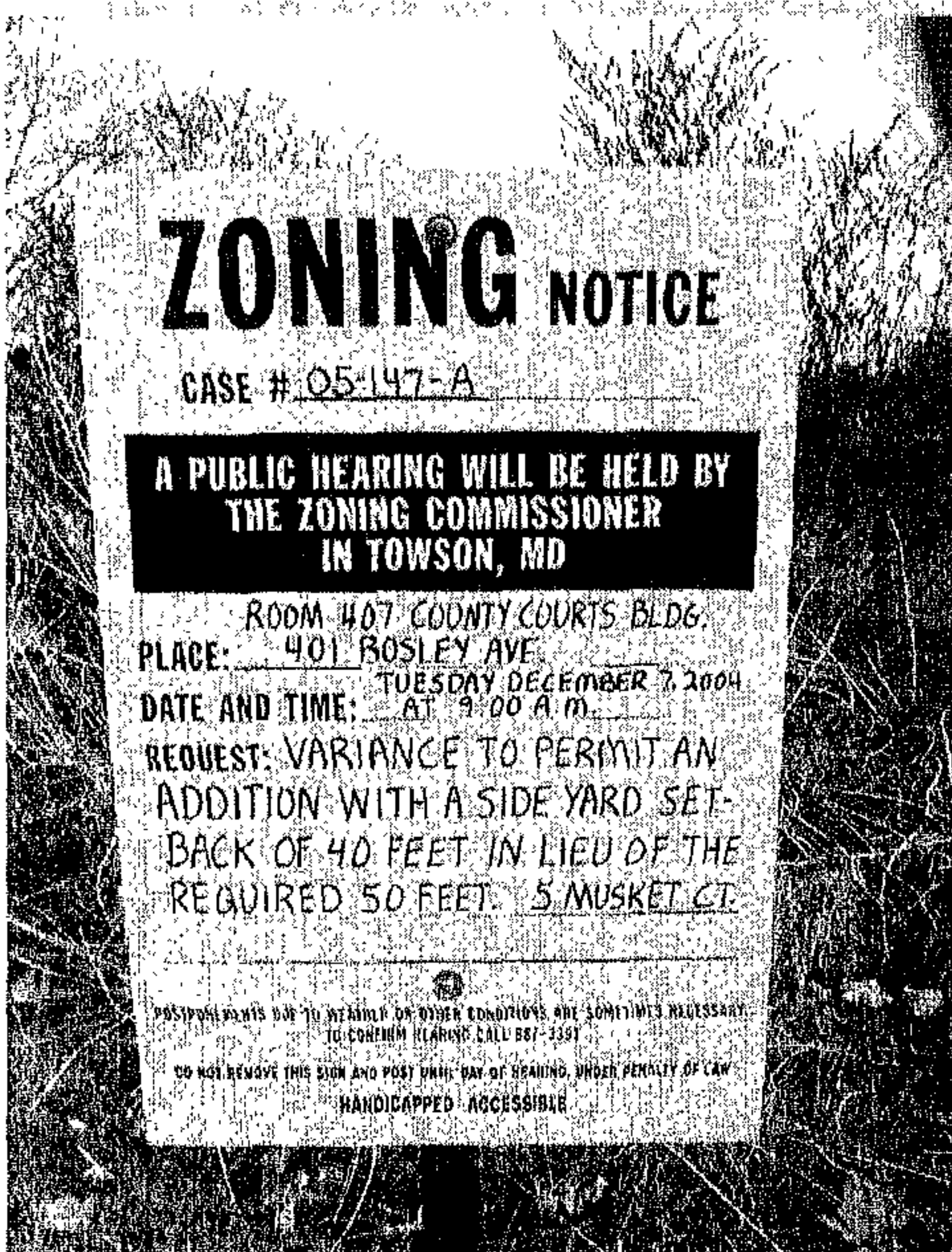
Linda O'Keefe
(Signature of Sign Poster)

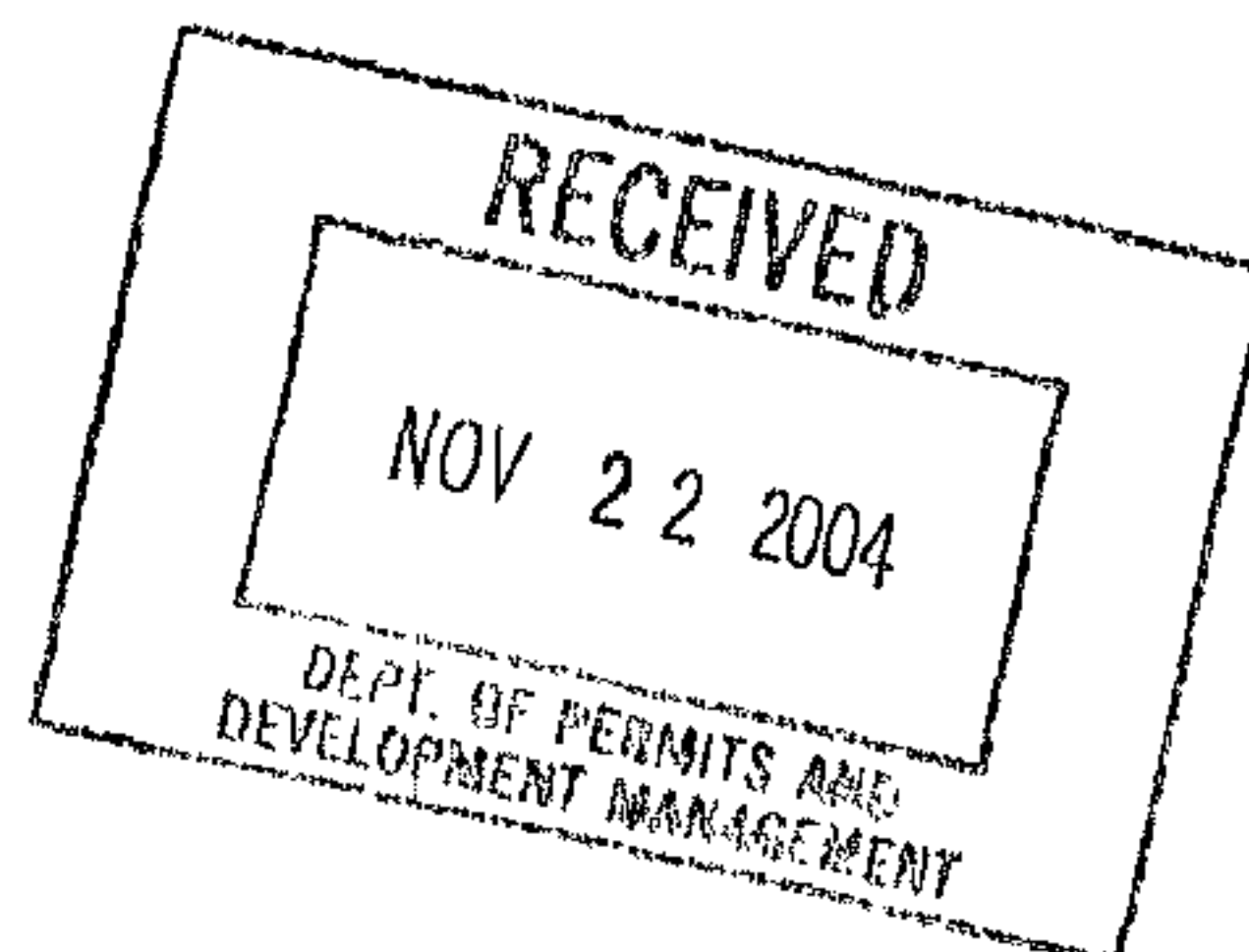
Linda O'Keefe
(Printed Name of Sign Poster)

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)





TO: PATUXENT PUBLISHING COMPANY
Thursday, October 28, 2004 Issue - Jeffersonian

Please forward billing to:
Heinz Bade
5 Musket Court
Parkton, MD 21120

410-343-1380

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: 05-147-A

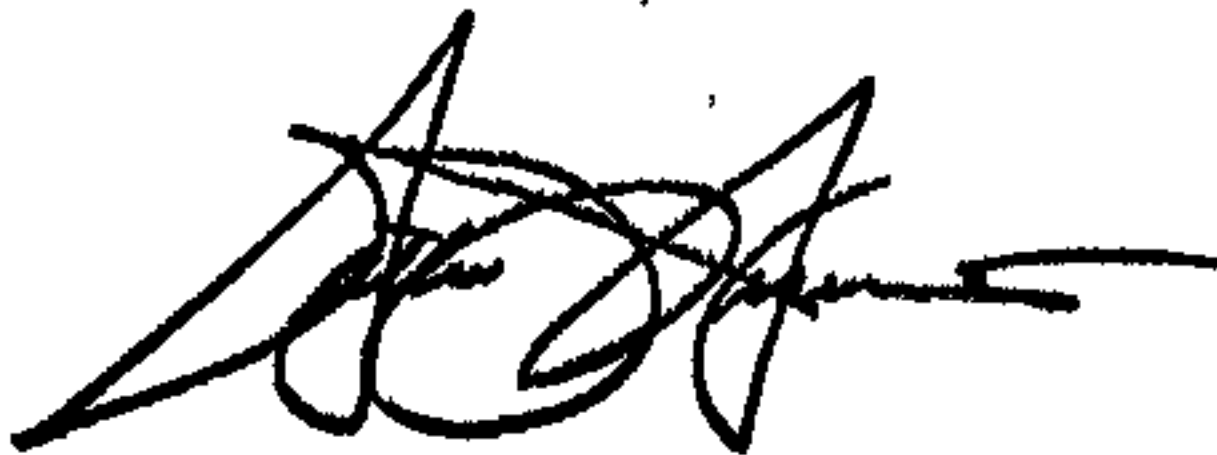
5 Musket Court

E/side of Musket Court at the distance of 440 feet +/- north of the centerline of Old Barn Road
7th Election District – 3rd Councilmanic District

Legal Owners: Heinz & Esther Bade

Administrative Variance to permit an addition with a side yard setback of 40 feet in lieu of the required 50 feet.

Hearing: Monday, November 15, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

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

October 14, 2004

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: 05-147-A

5 Musket Court

E/side of Musket Court at the distance of 440 feet +/- north of the centerline of Old Barn Road

7th Election District – 3rd Councilmanic District

Legal Owners: Heinz & Esther Bade

Administrative Variance to permit an addition with a side yard setback of 40 feet in lieu of the required 50 feet.

Hearing: Monday, November 15, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Heinz & Esther Bade, 5 Musket Court, Parkton 21120-0272
Jane Callaghan/Timothy Jackson, 7 Musket Court, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 30, 2004.**
- (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.

**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*

November 8, 2004

NEW 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: 05-147-A

5 Musket Court

E/side of Musket Court at the distance of 440 feet +/- north of the centerline of Old Barn Road
7th Election District – 3rd Councilmanic District

Legal Owners: Heinz & Esther Bade

Variance to permit an addition with a side yard setback of 40 feet in lieu of the required 50 feet.

Hearing: Tuesday, December 7, 2004 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Heinz & Esther Bade, 5 Musket Court, Parkton 21120-0272
Jane Callaghan/Timothy Jackson, 7 Musket Court, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 22, 2004.**
- (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.

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



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 147 -A

Address 5 MUSKET CT.

Contact Person: JUN FERNANDO

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9-22-04

Posting Date: 10-3-04

Closing Date: 10-18-04

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 05- 147 -A

Address 5 MUSKET CT.

Petitioner's Name Heinz & Esther Bade

Telephone 410-343-1380

Posting Date: 10-3-04

Closing Date: 10-18-04

Wording for Sign: To Permit an addition with a side yard setback
of 40' in lieu of the required 50'.

WCR - Revised 6/25/04

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 05-147-A

Petitioner Heinz Werner Bado

Address or Location: 5 Muskett Court, Parkton, Md 21220

PLEASE FORWARD ADVERTISING BILL TO

Name Heinz Werner Bado

Address 5 Muskett Court

Parkton, Md 21220

Telephone Number: 410-357-4431 | 410-343-1380

**Department of Permits
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*

November 29, 2004

Heinz Werner Bade
Esther H. Bade
5 Musket Court
Parkton, Maryland 21120-0272

Dear Mr. and Mrs. Bade:

RE: Case Number: 05-147-A, 5 Musket Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 22, 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

October 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: October 7, 2004

Item No.: 093, 131, 144-155, 157 147

Pursuant to your request, the referenced plan(s) have been reviewed 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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 13, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2004
Item Nos. 093, 146, 147, 148, 149,
150, 152, 153, 154, 155, and 157

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

RWB:CEN:jrb

cc: File

JM
N/15
PP

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: October 26, 2004

SUBJECT: Zoning Item # 05-147
Address 5 Musket Ct.

RECEIVED

OCT 27 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 4, 2004.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The proposed garage must be a minimum of 20-feet to the septic system and septic reserve area. The septic reserve area must be revised prior to building permit approval.

Reviewer: Martha Mickey, Sue Farinetti

Date: October 26, 2004

*Hearing
Demanded.*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 4, 2004

RECEIVED

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

OCT - 8 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-146 and 5-147**
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: [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: 10.4.04

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

RE: Baltimore County
Item No. 147 JRF

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, Chief
Engineering Access Permits Division

**Department of Permits and
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*

October 14, 2004

Heinz Werner Bade
Esther H. Bade
5 Musket Court
Parkton, MD 21120

Dear Mr. and Mrs. Bade:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-147-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Jun Fernando at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Jane Callaghan/Timothy Jackson, 7 Musket Court, Parkton 21120

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



Printed on Recycled Paper

gm
HHS
OP
12/7/04

FAX COVER SHEET

TO: Timothy Kotroco, Director
Baltimore County Zoning Commissioner's Office
FAX: 410 887-3468

FROM: Jane E. Callaghan
Fax. No. 410 321-6044
Home No. 410 329-8098

RE: Case Number: 05-147-A

Please include the attached two pages into case file.

Timothy N. Jackson & Jane E. Callaghan
7 Musket Court
Parkton, MD 21120

Tel. 410 329-8098
Email: jecdiva@comcast.net

October 29, 2004

Mr. and Mrs. Heinz Werner Bade
5 Musket Court
Parkton, MD 21120

CASE NUMBER: 05-147-A
5 Musket Court
E/side of Musket Court

Dear Heinz and Barbara,

You should have been notified that we have requested a public hearing re: the request for a variance for the setback requirement. We have had serious concerns about your contemplated project from the beginning. The footprint for the garage addition has changed several times. The last one was larger than your original discussion with us. It has proved difficult to get a clear answer from you about your intended plans for this large structure. Given your profession as an automotive engineer, we are concerned about the use(s) of this garage. As the closest neighbor to the placement of this structure, we are concerned about the 10' encroachment near our property.

We do not wish to appear adversarial. It is important that we hear about your plans in a public forum; so that, we may determine if your plans affect the health and well-being of your surrounding neighbors.

Sincerely,

Jane E. Callaghan

Cc: Timothy Kotroco, Director
Baltimore County Zoning Commissioner's Office
Fax 410 887-3468

Done #1

x opposed

E-MAIL

Greg. McCarthy, Ebeduk.com

je diva a comest. net

dstokes@apstoices.com

us@nrc.ca (w/ appt to lcr:com)

[illegible][illegible][illegible]

—

—

1. The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document." The author's name is "The author's name is the name of the person who wrote the document." The date of the document is "The date of the document is the date when the document was written." The title page is the first page of the document and it contains the title, author's name, and date of the document.

[illegible]

--	--

[illegible][illegible]

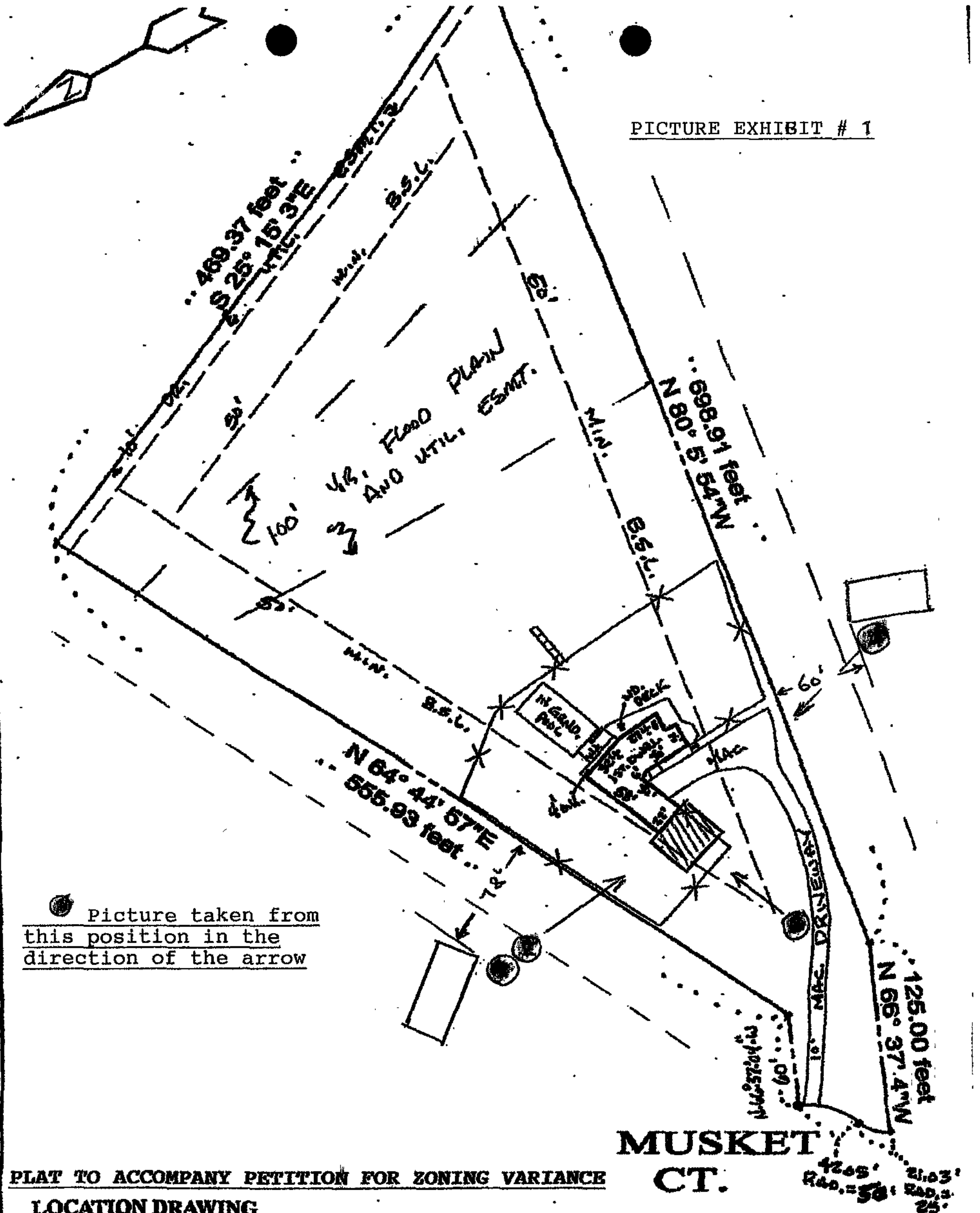
--	--

[illegible]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

CASE NAME 5 Trust Ct.
CASE NUMBER 05-147-A
DATE 12/7/04

PETITIONER'S SIGN-IN SHEET



Picture taken from
this position in the
direction of the arrow

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

LOCATION DRAWING

ADDRESS: 5 MUSKET CT., BALTIMORE COUNTY, MD., 21120

DEED REF: 14458/373 PLAT REF: 41/135 SUBDIVISION: "HAMLET FARMS"

LOT: 39 BLOCK: _____ SECTION: _____ FLOOD ZONE: _____

Pet # 1A

PICTURE EXHIBIT # 1

Picture taken from (1) toward proposed addition



Ref



PICTURE EXHIBIT # 1

Picture taken from

2

toward proposed addition

Ref



PICTURE EXHIBIT # 1

Picture taken from

(3)

toward proposed addition

Ref

11

PICTURE EXHIBIT # 1

Picture taken from



Ref 1/15

⊗ Picture taken from
this position in the
direction toward the # C

1-1205-2103
RAD. 501 RAD. 25

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

LOCATION DRAWING

ADDRESS: 5 MUSKET CT., BALTIMORE COUNTY, MD., 21120

DEED REF: 14458/373 PLAT REF: 41/135 SUBDIVISION: "HAMLET FARMS"

LOT: 39 BLOCK: _____ SECTION: _____ FLOOD ZONE: _____

2A



PICTURE EXHIBIT # 2

Picture taken from



toward



Ret 2 B



Plot 2C



Rel 2.D

8/5/2004

50' MIN B. S. L.

EXISTING HOUSE

6'-8"

22'-0"

X septic system
30'-0"

NEW BUILDING

3'-4"

9'-3"

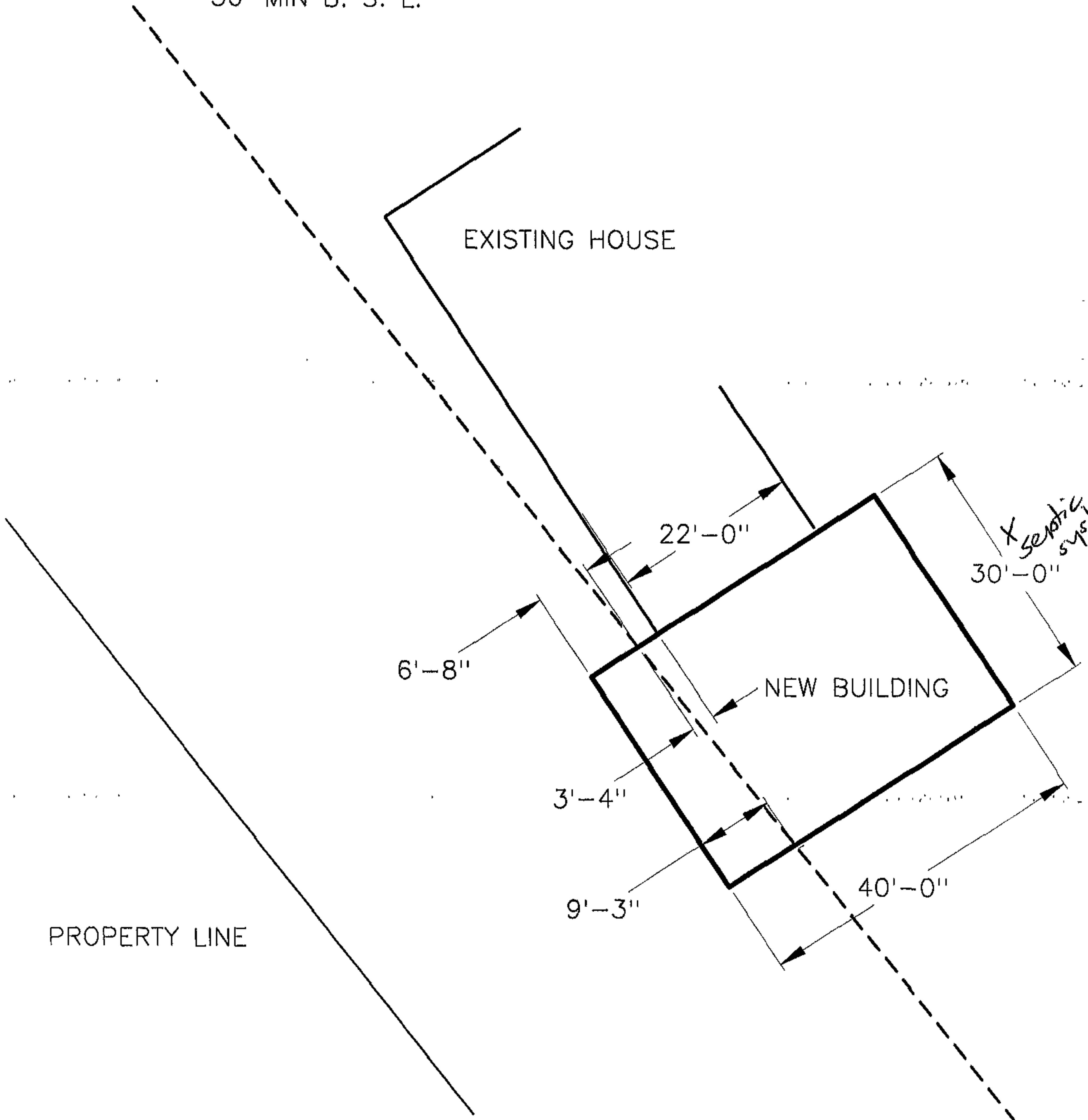
40'-0"

PROPERTY LINE

Scale 1:200

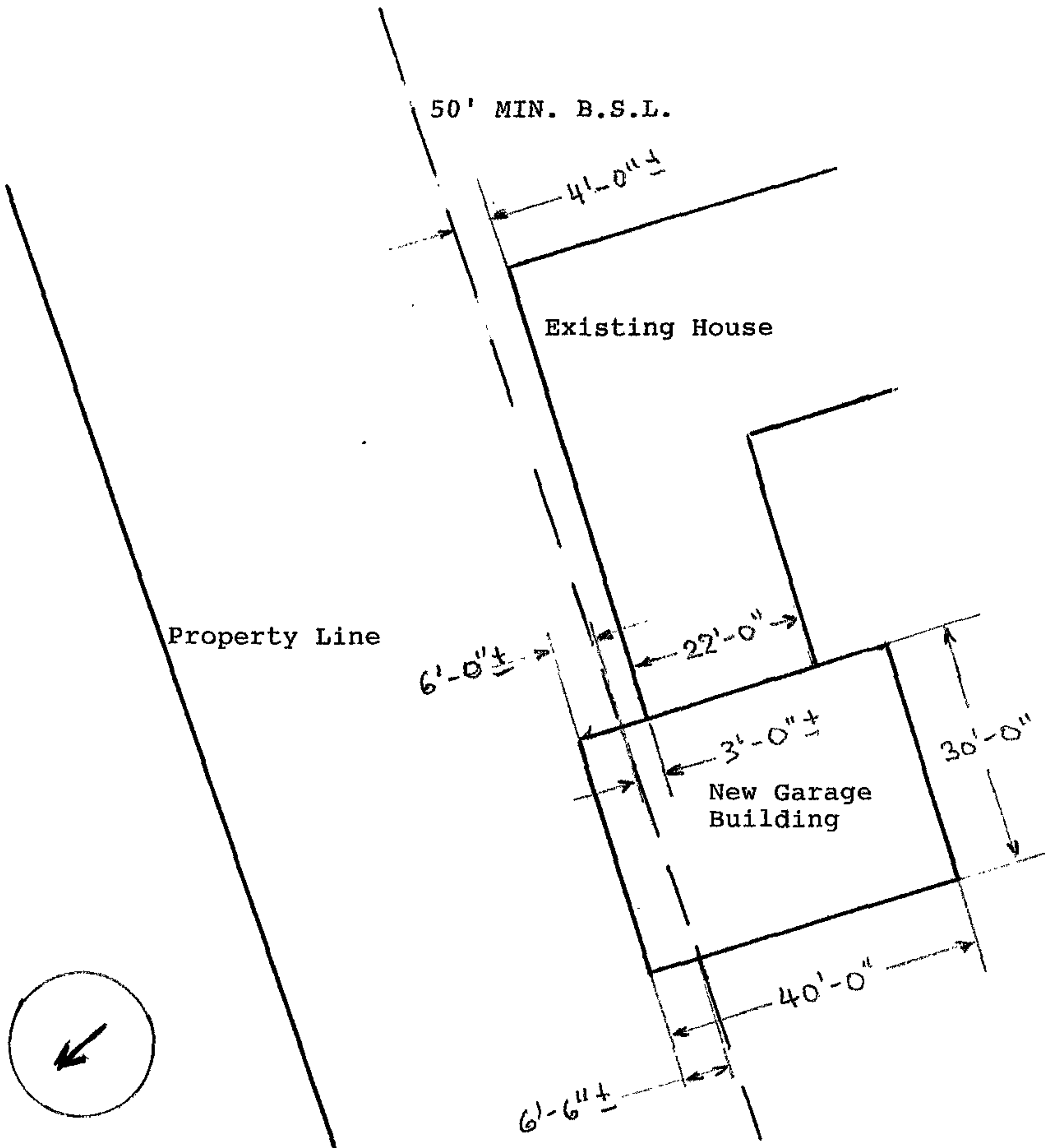
Bade Addition Location

Det #3



SUPPLEMENT DETAIL PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

Property address : 5 Musket Court
Subdivision name : Hamlet Farms
Plat Book # 41 Folio # 135 Lot # 39
Owner : Heinz Werner Bade & Esther H. Bade



Prepared by : H.W. Bade

SCALE : 1" = 20'

N.W. 31-C

