TO TO TO THE STATE OF THE STATE

IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Hillcrest Avenue, 190 ft. +/-

from W/S of Park Drive

9th Election District

5th Councilmanic District

(2532 Hillcrest Avenue)

Linda R. & Dennis B. Schumaker Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-186-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, Linda R. and Dennis B. Schumaker. The variance request is for property located at 2532 Hillcrest Avenue in Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 5.5 ft. side yard setback in lieu of the required 10 ft. side yard setback for a garage addition. 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 October 17, 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

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.

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;

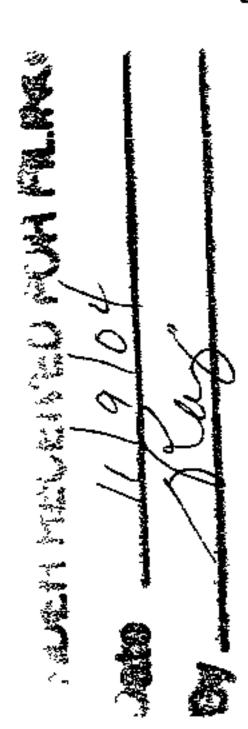
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:rai



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

November 8, 2004

Mr. & Mrs. Dennis B. Schumaker 2532 Hillcrest Avenue Baltimore, Maryland 21234

> Re: Petition for Administrative Variance Case No. 05-186-A Property: 2532 Hillcrest Avenue

Dear Mr. & Mrs. Schumaker:

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



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 2532 HILLCREST AVENUE which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

I BOZ. 3. C. I TO ALLOW A 5.5 FOOT SIDE YARD IN UEU OF THE REQUIRED 10 FOOT SIDE YARD FOR A GARAGE ADDITION.

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 decla perjury, that I/we are the	だっけいぶい ひいかひきだらい へたか	the penalties of se property which
Contract Purchaser/Lessee:		is the subject of this Pet I egal Owner(s):	tition.	to brobotti ditticit
Name - Type or Print	<u> </u>	DENNIS B. SH	MAKER	0
Signature		Name - Type or Print / O. X De No / Signature	2040110	-
Address	Telephone No.	Name - Sype or Print -	SHUMAKE	ER.
City	Zip Code	Signature Signature	5) Shum	(aku)
Attorney For Petitioner:	•	2532 HILLC	REST AVE	
Name - Type or Print		BALTIMORE	MD.	Telephone No.
Signature	- -	Representative to b	State e Contactod:	zip Code
Containy	<u></u>	CENTRAL DRAF	ISLEY TING AND D	•
Access	Telephone No.	GOI CHARWOOD Address	.CT. (410)G	79-87/9 Telephone No.
State	Zip Code	EDGEWOOD City	MD. State	Z1040
	ded and/or found to be hat the subject matter of the reposted.		ning Commissioner of ing, advertised, as required of Baltimore County	niien på uie souni
EN 0/25/01		nated Posting Date	Date 10.6	7.04

Affidaviten 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

Z532 HILLCREST AVENUE

Address

BALTIMORE

MQ. State

2/234

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):

SEE ATTACHED

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.

DENNIS B. SHUMAKER

Name - Type or Print

LINDA RETZ SHUMAKER Name - Type or Print

DEXXIS 13 Shumpken

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

of Maryland, in and for the County aforesaid, personally appeared

2004, before me, a Notary Public of the State

LINDA LETT SHILMAKER

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

AS WITNESS my hand and Notarial Seal

My Commission Expires March 1 2006

REV 10/25/01

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2532 HILLCREST AVENUE

Address

BALTIMORE

MO.

2/234

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DENNIS B. SHUMAKER

Name - Type or Print

LINDA RETZ SHUMAKER Name - Type or Print

LINDARETE SHUHAKER

DENNIS B. Shumaken STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit

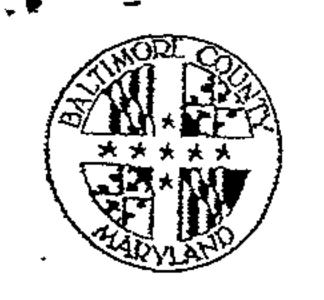
of Maryland, in and for the County aforesaid, personally appeared

2004, before me, a Notary Public of the State

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

AS WITNESS my hand and Notarial Seal

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2532 HILLCREST AVENUE which is presently zoned <u>OR 5.5</u>

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)

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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.

Contract Purchase	r/Lessee:		I/We do solemnly declar perjury, that I/we are the is the subject of this Pet I egal Owner(s):		the penalties of te property which
Name - Type or Print	-		DENNIS B. SH	UMAKER	·
Signature		· · · · · · · · · · · · · · · · · · ·	Name - Type or Pront & DCNNIS B. S. S. Signature	bump Ker	remaker_
Address	<u></u>	Telephone No.	Name - Type or Print	SHUMAKE	<u>ER.</u>
Attornov For Design	State	Zip Code	Signature Signature		uakee)
Attorney For Petition	ner:		2532 HILLCI Address	REST AVE	
Name - Type or Print		<u></u>	BALTIMORE	MO.	7 delephone No.
Signature	<u> </u>		Representative to b	e Contacted:	∠ip Code
Company	<u> </u>		DAVID BILLING CENTRAL DRAFT Name	ING AND D	ESIGN, INC.
Address		Telephone No.	GOI CHARWOOD Address	.CT. (410)6	
City	State	Zip Code	EDGEWOOD City	MO. State	Telephone No. Z/O4-C
A Public Hearing having besthis day of regulations of Baltimore County	and that the proper	led andlor found to be at the subject matter of the ty be reposted.	required, it is ordered by the Zor is petition be set for a public hearing	ning Commissioner of ng, advertised, as requ	Zip Code Baltimore County, ired by the zoning
CASE NO. 05-1	86-A	Davi	_	er of Baltimore County	
REV 10/25/01			nated Posting Date	Date <u>10.8-</u> 0.17.04	<u>o</u> 8

BRIEF TO ACCOMPANY ADMINISTRATIVE VARIANCE

2532 HILLCREST AVENUE

The petitioner's hired a building contractor to raze an existing detached garage and construct a garage attached to the existing single family dwelling. The contractor obtained a permit, began construction, and filed bankruptcy prior to completing the garage construction. The petitioner completed the project and requested a final inspection. During the inspection, the building inspector suggested that the petitioner verify the side yard setback. It was determined that the garage addition did not meet the minimum required side yard setback. Since the garage is already constructed, and can not be reconstructed to meet the required yard setback, the variance is being requested.

DESCRIPTION TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE 2532 HILLCREST AVENUE

Beginning for the same at a point on the north side of Hillcrest Avenue (50 feet wide), said point being distant westerly 190 feet from the west side of Park Drive (50 feet wide) thence (1) N 51°01′W 60 feet, thence (2) N 38°59′ E 120 feet, thence (3) S 51°01′E 70 feet, thence (4) S 43° W 120.42 feet to the place of beginning. Containing 7,800 square feet or 0.179 acre of land, more or less.

Being known as 2532 Hillcrest Avenue. Located in the 9th Election District, 5th Councilmanic District of Baltimore County, Maryland.

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CERTIFICATE OF POSTING

	RE: Case No.: 05 - 186-H
	Petitioner/Developer: DENNIS
	SHUMAKER
	Date of Hearing/Closing: 11/1/04
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 perju- posted conspicuously on the property located at:	ry that the necessary sign(s) required by law were
2532 HILLO	REST AVE
	<u></u>
The sign(s) were posted on(N	10/17/04 Ionth, Day, Year)
Si	ncerely,
	Robert Slack 11/20/04 (Signature of Sign Poster) (Date)
	SSG Robert Black
CER # O5-186A	(Print Name)
	1508 Leslie Road
PUBLIC HEADING ?	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
•	(Telephone Number)

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.

· · · · · · · · · · · · · · · · · · ·	186		
Item Number or Case Number	$\iota \upsilon \kappa$	} 	
Petitioner. DEMNS AM	D LINDA	JHU MAKER	
Address or Location: 2532	HILLCRE	JT AVE.	- -
PLEASE FORWARD ADVERTISIN	NG BILL TO		
Name. DENMS SHU			
			
Address 7537 HILLERA	RST AKE	<u> </u>	
Address 2532 HILLERE BALTO, MID.	RST AKE	·	<u> </u>
Address Z53Z HILLERE BALTO, MAD.	RST AVE		<u></u>

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-186 -A Address 2532 HILLCREST Ave-
Contact Person:
Filing Date: 10-8-04 Posting Date: 10-17-04 Closing Date: 110-887-3391
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 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
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.
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 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 05-186 -A Address 2532 HILLESTALE.
Petitioner's Name D. Shumpher— Telephone 410-668-0022
Closing Date:
Wording for Sign: To Permit A SIDE YAZO SEXPAU DE CET
W LIEU OF THE REQUIRED 10ft. FOR AN ATTACKED
GARAGE.

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 1, 2004

Mr. Dennis B. Shumaker Ms. Linda Retz Shumaker 2532 Hillcrest Avenue Baltimore, Maryland 21234

Dear Mr. and Mrs. Shumaker:

RE: Case Number:05-186-A, 2532 Hillcrest Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 8, 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. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

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



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

October 27, 2004

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.:

172, 174, 177, 183-195

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

DATE: November 4, 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 November 1, 2004

Item Nos. 172, 174, 183, 184, 186, 187, 188, 189, 190, 191, 192, and

193

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

PDM

FROM:

John D. Oltman, Jr 💯

DEPRM

DATE:

November 29, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 25, 2004.

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

05-174 05-186 05-187 05-188 05-190

05-192

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) 5-186 – 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:

RECEIVED

DATE: October 28, 2004

NOV 3 2004

MAC/LL

ZONING COMMISSIONER

State Highway

Administration

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

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

Maryland Department of Transportation

Date: 11.9.04

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

Item No. 186

Baltimore County

RE:

JCM

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.

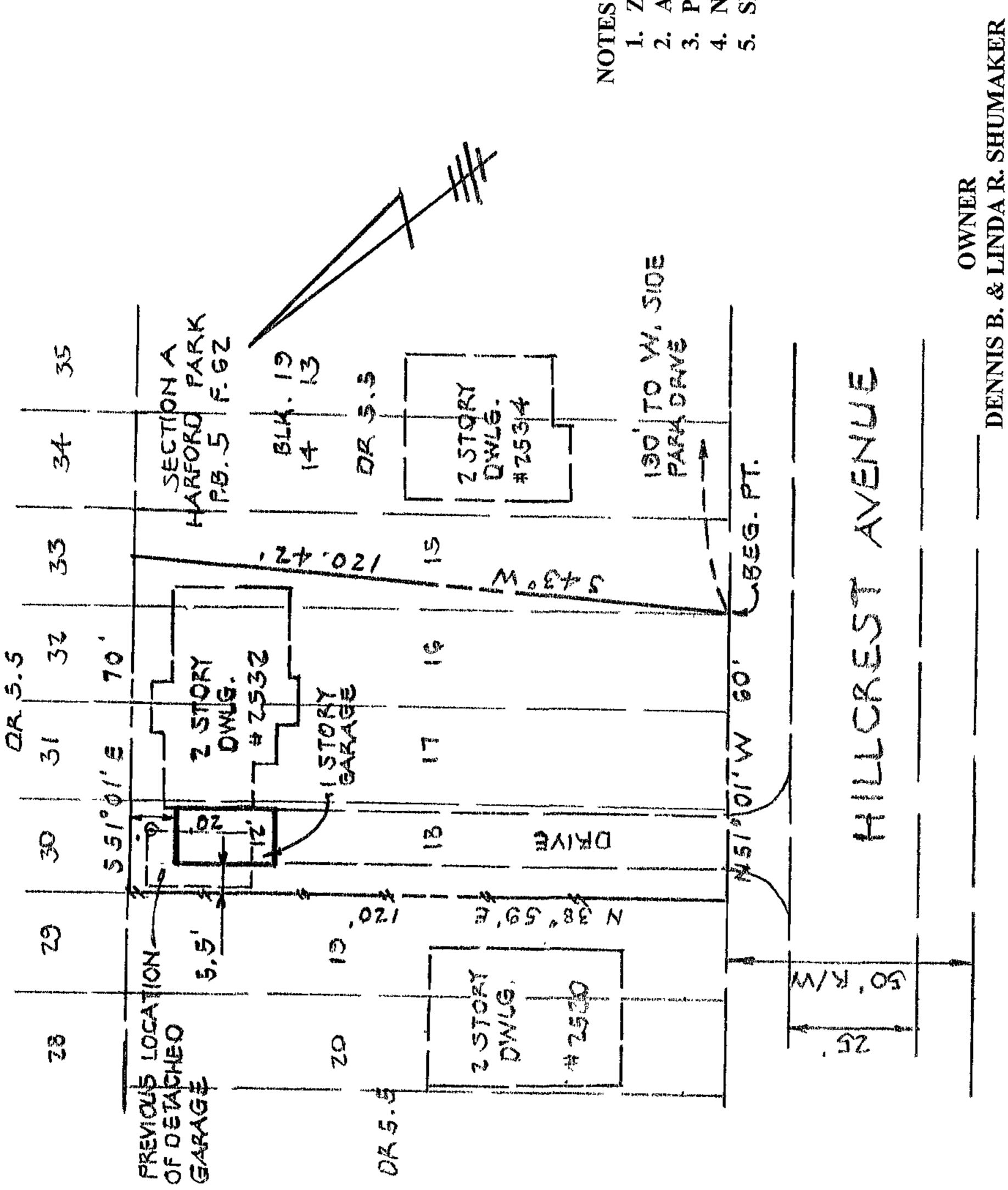
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

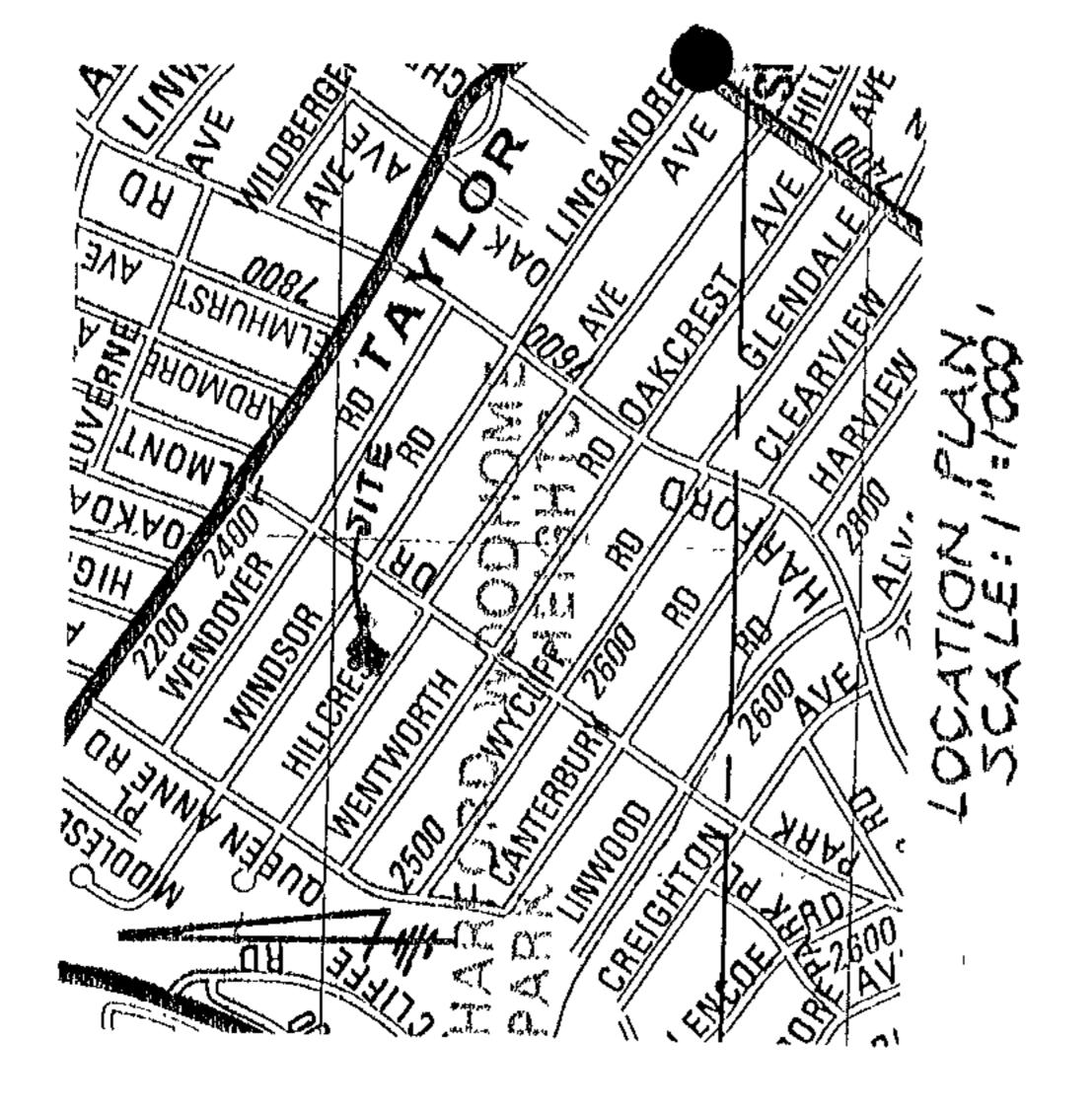
Very truly yours,

Steven D. Foster, Chief

1. J. Holl

Engineering Access Permits Division





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4,2004 SEPTEMBER VARIAPETI CREST **ACCOMPANY ADMINISTRATIVE** FEET 30 TIMORE INCH ELEC 2532

2532 HILLCREST AVENUE

CENTRAL DRAFTING & DESIGN, INC.

21040

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EDGEWOOD

(410) 679-8719

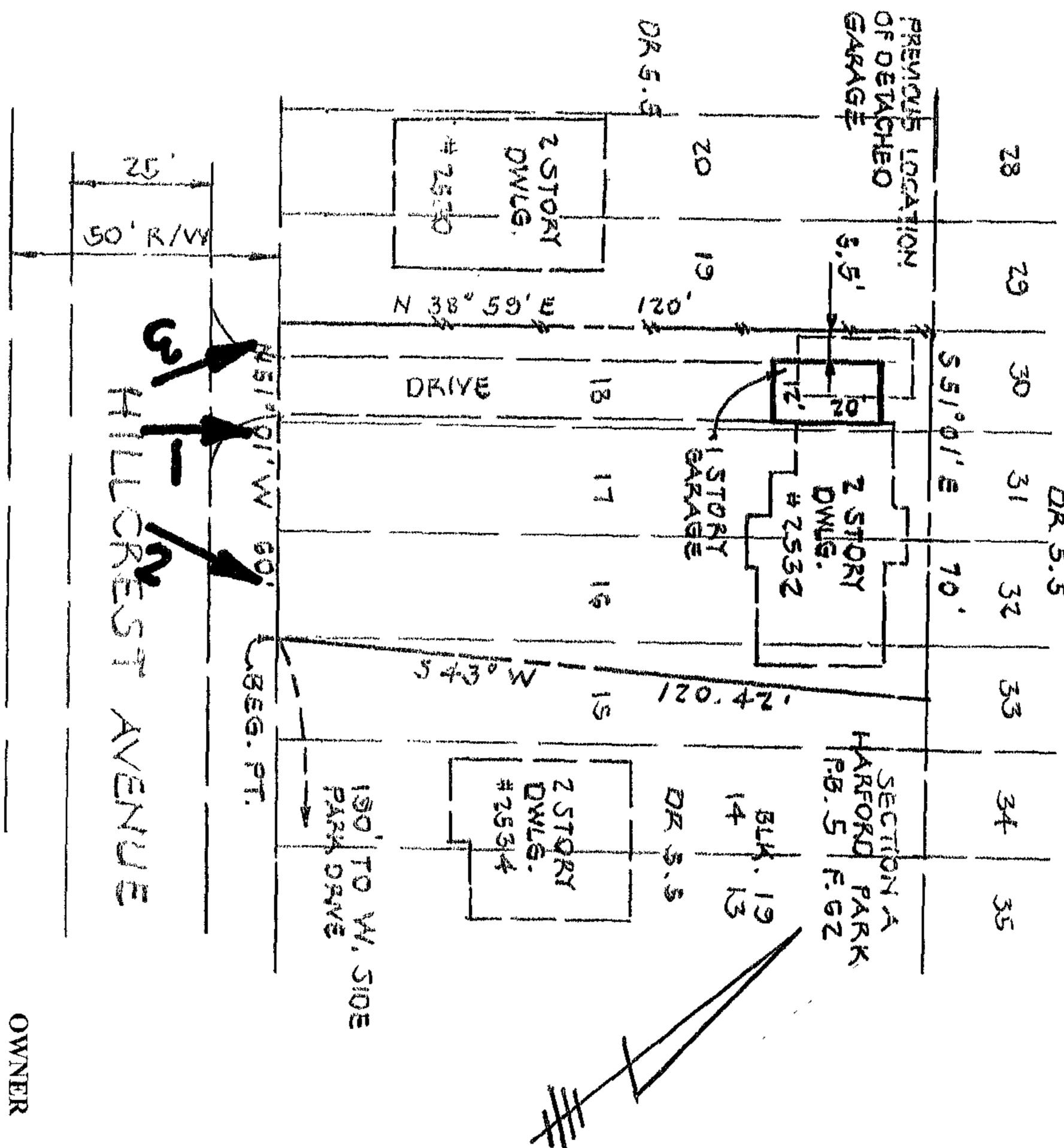
CHARWOOD

DEED REF. L.19131 F.353

ACCT. NO. 0918101730

BALTIMORE, MD. 21234

EDGEWOOD, MD 21040 (410) 679-8719 CENTRAL DRAFTING & DESIGN, INC. CHARWOOD COURT



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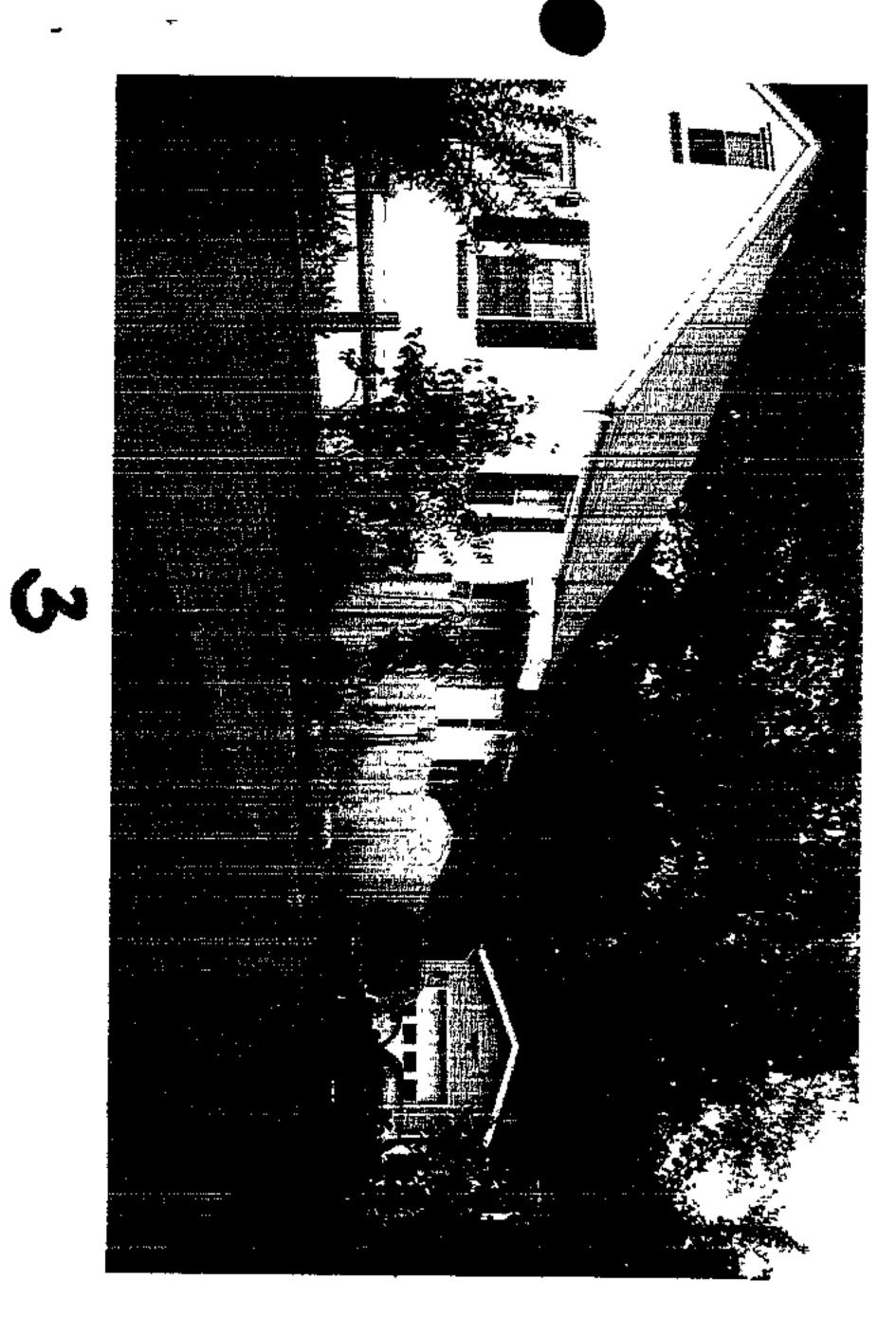
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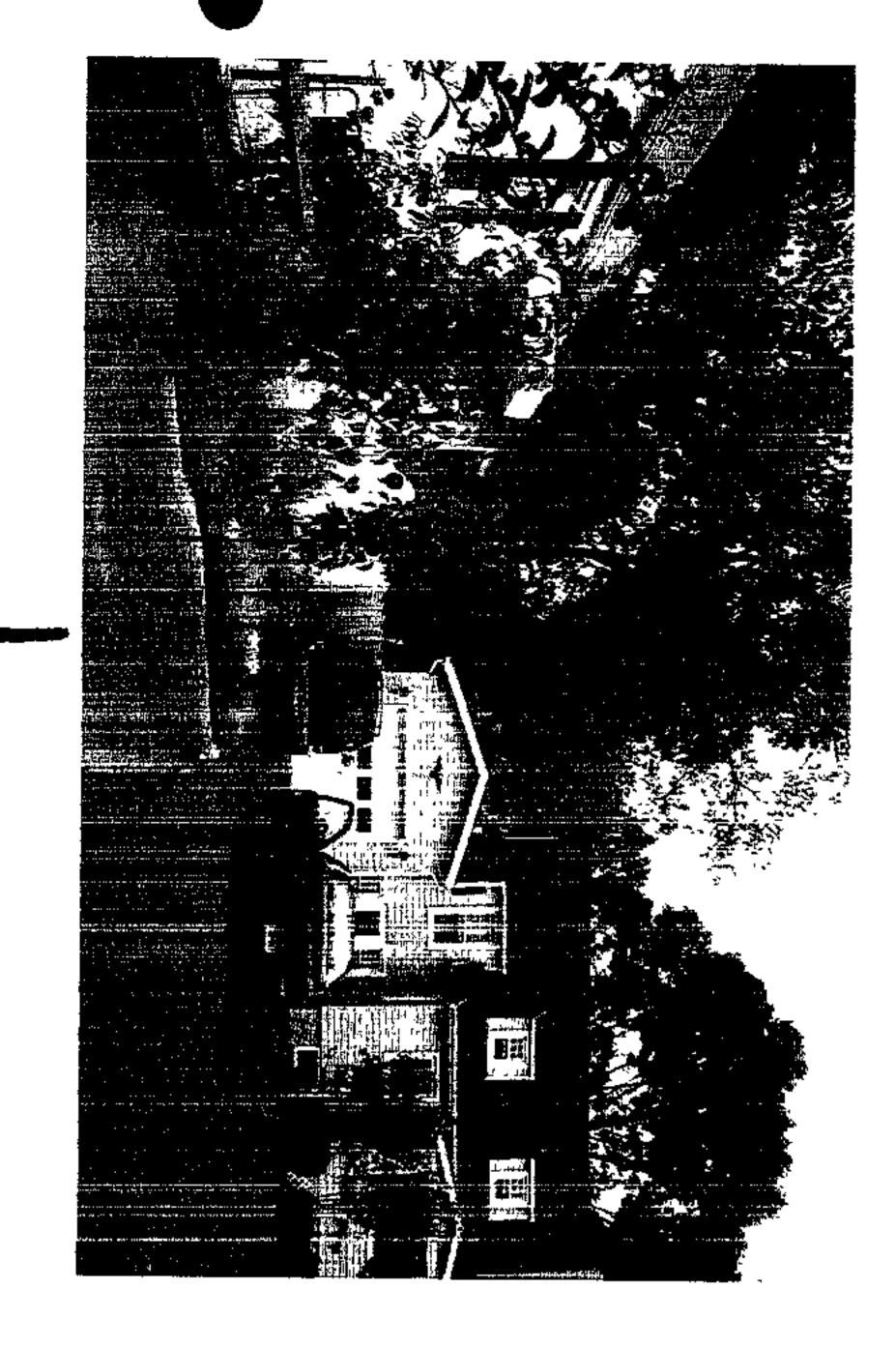
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FLOOD

DENNIS B. 2532 HILLCREST AVENUE DEED REF. L.19131 F.353 BALTIMORE, MD. 21234 ACCT. NO. 0918101730 Ø LINDA R. SHUMAKER

MINISTRATIVE NCH TIMORE ACCOMPANY ECTION LCREST FEET DIST SEPTEMBER PETITION VENUE







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