

IN RE: PETITION FOR VARIANCE
S/S of Bullneck Rd., 50 ft. wide, 132 ft.
+/- East of the c/l of Faircross Rd.
12th Election District
7th Councilmanic District
(8205 Bullneck Road)

David Schluter
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-138-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, David Schluter. The variance request is for property located at 8205 Bullneck Road in the Dundalk part of Baltimore County. The variance requested is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing addition (built in 1980+) with a side yard setback of 1 1/2 ft. in lieu of the minimum required 10 ft.

Notice of the hearing was given to the public by posting the property with notice of the hearing date and time on October 9, 2005 and by publication in "The Jeffersonian" newspaper on October 11, 2005.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Permits and Development Management dated September 23, 2005, a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING
Date 11-9-05
By [Signature]

Interested Persons

Appearing at the hearing on behalf of the variance request was David Schluter, Petitioner. There were no Protestants or interested citizens at the hearing. Richard Friedler, a student at the University of Baltimore attended the hearing. Peter Max Zimmerman, Peoples Counsel, entered his appearance in this case.

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 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."

Testimony and Evidence

The Petitioner indicated that he bought his home on Bullneck Road in 1998 after an extensive search for a single family dwelling with a garage. He has not modified the home in any way. He was notified recently that his garage was only 1.5 feet from the property line and in violation of the setback requirement of 10 feet in this DR 5.5 zone.

In researching the history of this garage he found that the garage and an addition was built in 1980 by a prior owner as shown by records kept by prior owners of the home. He has been unable

ORDER RECEIVED FOR FILING
Date 11-9-05
By [Signature]

to find any record of the County having granted a permit for this addition and garage nor having conducted a hearing on a request for variance for the side yard setback.

He indicated that he has spent some time and money repairing the garage and that the neighbor most affected by the garage has no problem with the garage remaining where or how large it is. He also indicated that if the 10 foot side yard setback was strictly enforced he would have to remove 8.5 feet of this 11 foot wide garage which in addition to the cost would make use of the structure as a garage impractical as it would only be 2.5 feet wide. Finally he noted that in an informal survey of the neighborhood he noticed many additions and garages which had similar side yard setbacks. As the garage has been there for the past 25 years he indicated that granting the variance would not change the pattern of development for the neighborhood.

In regard to the ZAC comments from the Bureau of Plans Review that the addition would have to be elevated above the flood plain, the Petitioner stopped by that Office and submitted a note from same that the Bureau's comments do not apply in this case.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This garage was erected by a prior owner and has been there for the prior 25 years. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. A 2.5 foot wide garage is of no practical use. Finally I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Again, the garage has been there for 25 years and will not change the pattern of development of the neighborhood.

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 9, 2005

Mr. David Schluter
8205 Bullneck Road
Dundalk, Maryland 21222

Re: Petition for Variance
Case No. 06-138-A
Property: 8205 Bullneck Road

Dear Mr. Schluter:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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 black ink, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Mr. Richard Friedler, 2323-6 Boston Street, Baltimore, MD 21224
People's Counsel; Case File

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





CBA / FLOOD

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 8205 Bullneck Rd.
which is presently zoned PR-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) 1802.3.C.1 To allow an existing addition (built in 1980's) with a side yard setback of 1 1/2 ft. in lieu of the minimum required 10 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Street front 1980's Building / Home 1985

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):

DAVID Schlöter
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____

8205 Bullneck Rd 410-2885176
Address _____ Telephone No. _____
DUNDALK MD 21222
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 9-6-05

ZONING DESCRIPTION FOR 8205 Bullneck Rd.
(address)

Beginning at a point on the South side of
(north, south, east or west)

Bullneck Rd. which is 50 ft.
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 102 ft. East of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Faircross Rd.
(name of street)

which is 50 ft. wide. *Being Lot # 3,
(number of feet of right-of-way width)

Block B, Section # - in the subdivision of Murray Point
(name of subdivision)

as recorded in Baltimore County Plat Book # 13, Folio # 19,

containing 5100 sq ft. Also known as 8205 Bullneck Rd.
(square feet or acres) (property address)

and located in the 12th Election District, 7th Councilmanic District.

#138

**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: #06-138-A

8205 Bullneck Road
S/side of Bullneck Road,
132 feet east of centerline
of Faircross Road
12th Election District
7th Councilmanic District
Legal Owner(s): David
Schluter

Variance: to allow an existing addition (built in 1980+) with a side yard setback of 1 1/2 feet in lieu of the minimum required 10 feet.

Hearing: Wednesday, October 26, 2005 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

JT/10/657 Oct 11 70532

CERTIFICATE OF PUBLICATION

10/13/2005

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 10/11/2005.

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

J. Wilkinson

LEGAL ADVERTISING

BAITMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

File No. 449421
06-1387

DATE 8-10-05 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM MR. SCHULTZ

FOR Resident of University Ave
16 8008 EIGHTH RD

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DATE 8/10/05 TIME 10:30:23

BY MR. SCHULTZ FOR MR. SCHULTZ

AMOUNT 65.00 CASH 65.00

RECEIVED BY MR. SCHULTZ DATE 8/10/05

BY NO. 000021 CASHIER 000021

RECEIVED BY MR. SCHULTZ DATE 8/10/05

AMOUNT 65.00 CASH 65.00

RECEIVED BY MR. SCHULTZ DATE 8/10/05

AMOUNT 65.00 CASH 65.00

RECEIVED BY MR. SCHULTZ DATE 8/10/05

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-138-A

Petitioner/Developer: DAVID

Schluter

Date of Hearing/Closing: OCT 26, 2005

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8205 BULLNECK RD

The sign(s) were posted on OCT 9, 2005
(Month, Day, Year)

Sincerely,

Robert Black 10-11-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

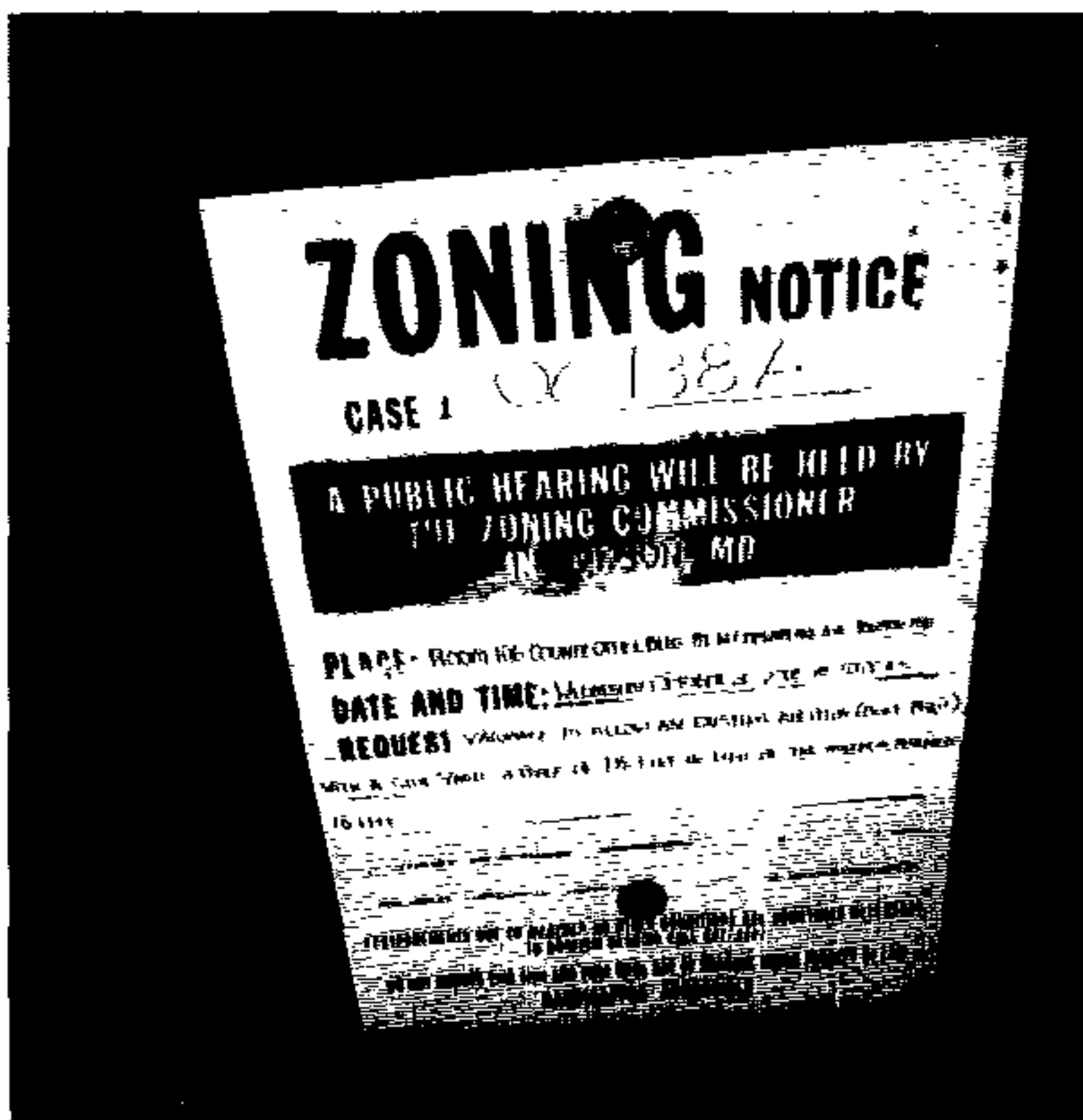
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



8205 BULLNECK RD



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

September 22, 2005

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: 06-138-A

8205 Bullneck Road

S/side of Bullneck Road, 132 feet east of centerline of Faircross Road

12th Election District – 7th Councilmanic District

Legal Owner: David Schluter

Variance to allow an existing addition (built in 1980+) with a side yard setback of 1 ½ feet in lieu of the minimum required 10 feet.

Hearing: Wednesday, October 26, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: David Schluter, 8205 Bullneck Road, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 11, 2005.**
- (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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 11, 2005 Issue - Jeffersonian

Please forward billing to:
David Schluter
8205 Bullneck Road
Dundalk, MD 21222

410-288-5176

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: 06-138-A

8205 Bullneck Road
S/side of Bullneck Road, 132 feet east of centerline of Faircross Road
12th Election District – 7th Councilmanic District
Legal Owner: David Schluter

Variance to allow an existing addition (built in 1980+) with a side yard setback of 1 ½ feet in lieu of the minimum required 10 feet.

Hearing: Wednesday, October 26, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J WISEMAN III
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.

**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 24, 2005

David Schluter
8205 Bullneck Road
Dundalk, Maryland 21222

Dear Mr. Schluter:

RE: Case Number: 06-138-A, 8205 Bullneck Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 6, 2005.

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



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

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: **September 26**, 2005

Item No.: 127, **138**, 141, 143-144, 146-154

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 2005
Item No. 138

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 138-09232005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 4, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-138- Variance

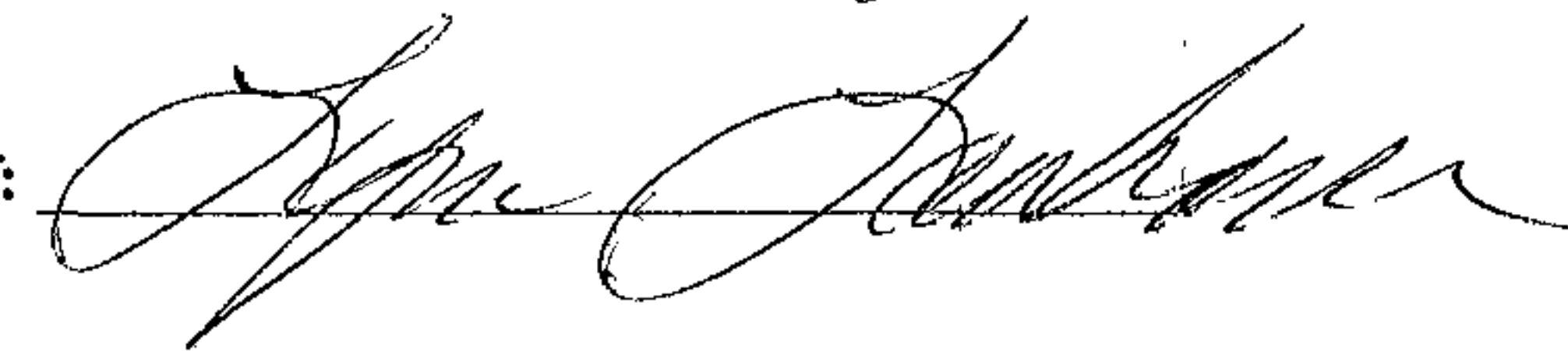
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

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



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

Maryland Department of Transportation

Date: 9.21.05

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

RE: Baltimore County
Item No. 138 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,

Steven D. Foster, 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

RE: PETITION FOR VARIANCE	*	BEFORE THE
8205 Bullneck Road; S/side Bullneck Road,	*	ZONING COMMISSIONER
132' E c/line Faircross Road	*	FOR
12 th Election & 7 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): David Schluter	*	06-138-A
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of September, 2005, a copy of the foregoing Entry of Appearance was mailed to, David Schluter, 8205 Bullneck Road, Dundalk, MD 21222, Attorney for Petitioner(s).

RECEIVED

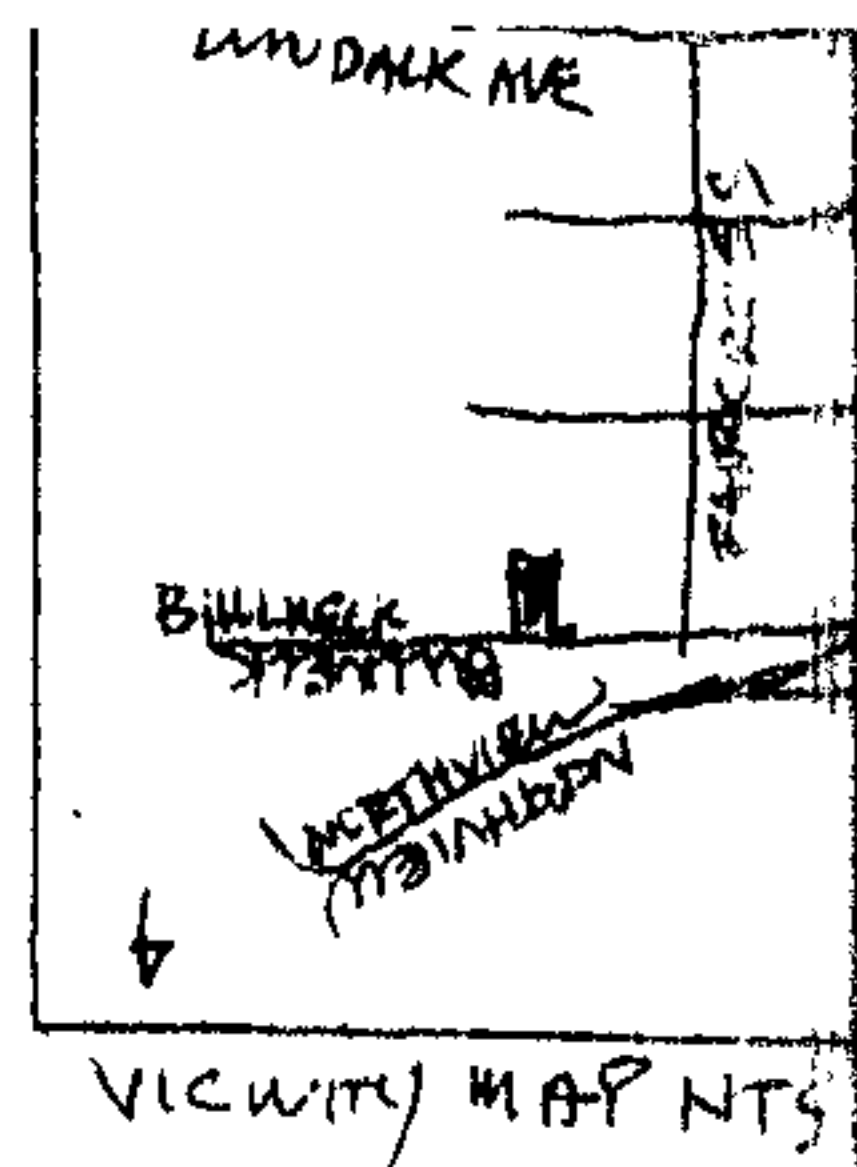
SEP 26 2005

Per

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8205 BULLNECK RD.
 OWNER: DAVID SCHLUTER.
 ZONE DR. 5.5
 COUNCIL DISTRICT 7
 ELECTION DISTRICT 12
 PUBLIC WATER + SEWER.
 IN C.B.C.A.
 IN 100 YEAR FLOODPLAIN
 NOT HISTORIC.
 LOT SIZE 5,100 SQ. FT.

SUBDIVISION
 MURRAY POINT (DUNDALK)
 LOT 3, BLOCK 3, PLAT B SECT B
 PLAT BOOK 13 FELIO 19

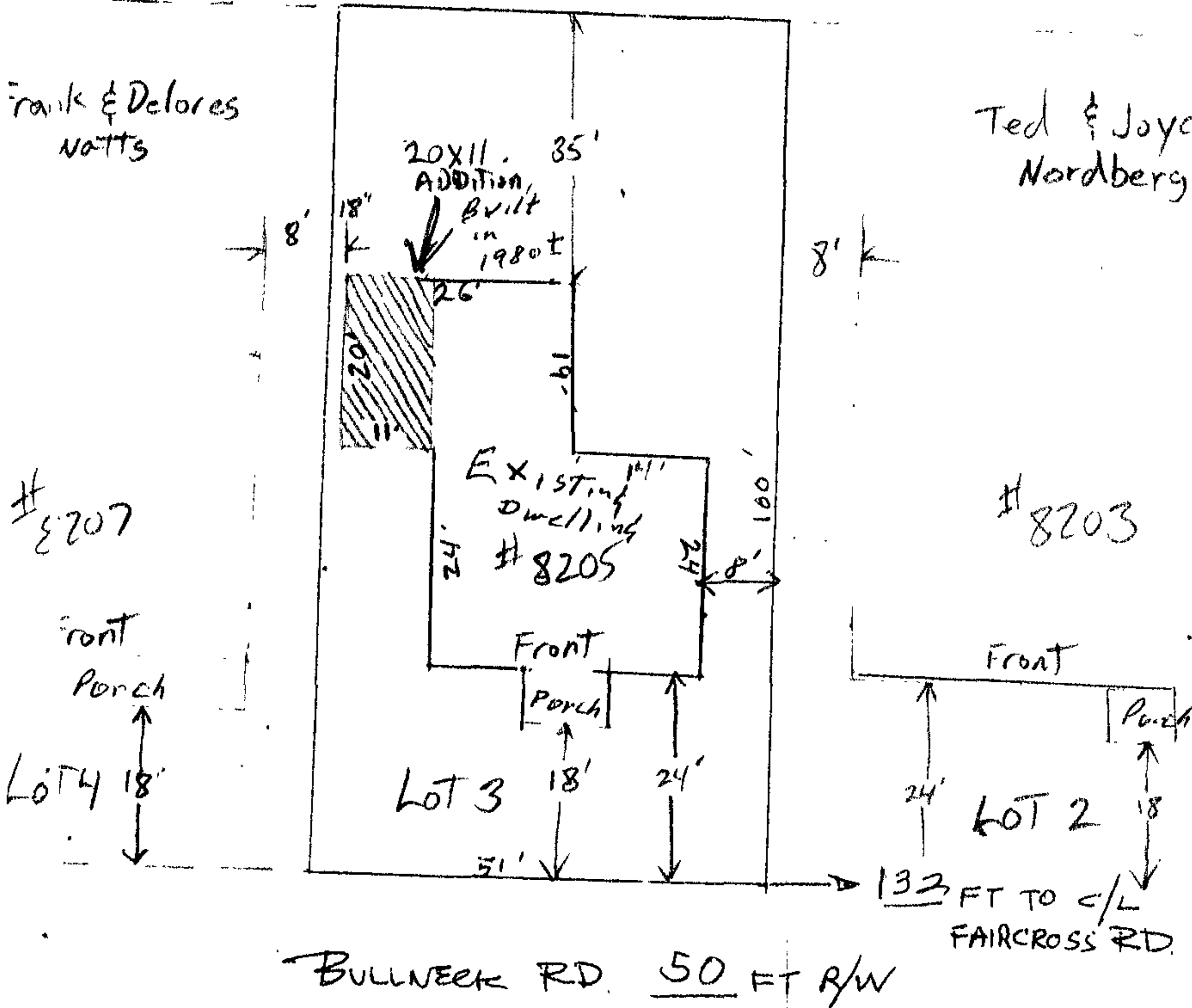


Frank & Dolores
 Natts

Ted & Joyce
 Nordberger

8207

8203



SCALE 1" = 20'

Per #1

JJR #138

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

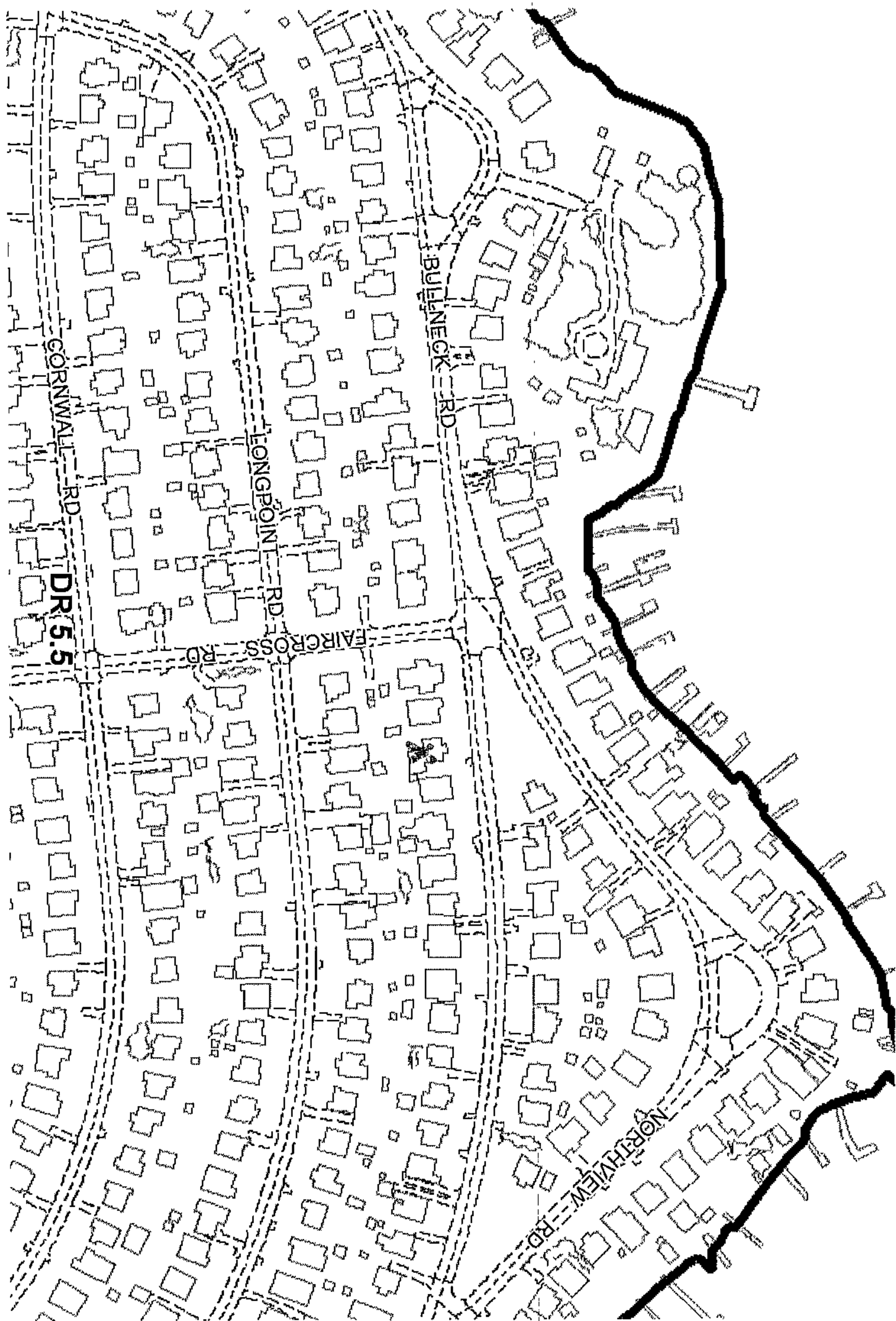
[illegible]

DATE October 26, 2005

E-MAIL

Schluter-6@aol.com

Zoning map #110C1



#138

ZONING MAP, #SE5-F



* This is his photograph