ONDER RECEIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE S/Side of Greenspring Valley Road, c/l of Alston Road 8th Election District

2nd Councilmanic District

(1617 Landon Road)

William H. Schwarz

Petitioner

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 06-269-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 owner of the subject property, William H. Schwarz. The variance request is for property located at 1617 Landon Road in the Towson area of Baltimore County. The variance request is from Sections 1B02.3.B and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an addition with a side yard setback of 5 ft. in lieu of the required 8 ft. and to permit a front yard setback of 25ft. in lieu of the required front average setback of 31 ft.. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated December 5, 2005 opposing the requested variance, a copy of which is attached hereto and made a part hercof. In addition this comment indicated that a front yard setback variance was needed in addition to the side yard variance. Apparently this message was received by the Petitioner and thereafter a corrected Petition was submitted which also asked for a front yard setback of 25 feet in lieu of an average of 31 feet.

In regard to the front yard setback the Petitioner submitted a drawing of the front of the homes along Landon Road which was admitted a exhibit 2. This sketch showed that the addition proposed would be reasonably in line with the adjacent home at 1615 Landon Road although the addition did not meet the average setback. Given the Planning Office comment a letter was sent to the Petitioner requesting him to contact the Planning Office. Apparently this contact occurred as indicated in the revised comment dated December 30, 2005 from the Planning Office which is attached and made a part of the record of this case. The revised comment indicates that the Petitioner submitted elevations of the proposed addition and photographs of adjoining homes. As shown by the revised comment the Planning Office now believes the addition will not have an adverse impact on the neighborhood provided the addition is constructed according to the submittals given to the Planning Office.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 3, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>10</u> day of January 2006, that a variance from Sections 1B02.3.B and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an addition with a side yard setback of 5ft. in lieu of the required 8ft. and to permit a front yard setback of 25ft. in lieu of the required front average setback of 31ft., be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall comply with the ZAC comments from the Office of Planning dated December 30, 2005.

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:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 10, 2006

William Schwarz 1617 Landon Road Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 06-269-A

Property: 1617 Landon Road

Dear Mr. Schwarz:

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

for Baltimore County

JVM:dlw Enclosure

c: People's Counsel; Case File



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of 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

for the property located at	1617	Landon	Road	Tower
which is presently zoned				3,5

is the subject of this Petition.

**	mich is presently zoned
This Petition shall be filed with the Department of Permits and Debay. Swner(s) of the property situate in Baltimore County and which is described a part hereof, hereby petition for a Variance from Section(s)	ribed in the description and plat attached hereto and
To permit an addition with a of 5' in he of the required	side yord setback 8' And to permit a
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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.

Contract Purchaser/Lessee: <u>Legal Owner(s):</u> William H. Schwarz Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature 410-821-6210 Attorney For Petitioner: **Address** Telephone No. 1 owsan 2120 MD Name - Type or Print City State Representative to be Contacted: Signature Company Name ddres ity Telephone No. Address Telephone No. State Zip Code City State Zip Code Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this years of the subject matter of this petition be set for a public hearing, advertised, as required by the zoning that the subject meguations of Baltimore County and that the property be reposted. that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County Reviewed By ___ Estimated Posting Date __/2-4-05

Affidavit in Support of Administrative Variance

Address

City

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

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.

State

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):
We have three dribren and the house has three
bedrooms, The addition we want to bird would
have a 4th Jedsoon and a playour.
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
Signature
Name - Type or Print Name - Type or Print Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 21 day of Myelwe ,2005, 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
Cutherine S. Popelarshi
Notary Public My Commission Expires — H-08-09
REV 10/25/01

Zoning Description

1617 Landon Road Towson, MD 21204

Beginning at a point on the South side of Landon Road which is 50' wide at the distance of 12.5' East of the centerline of the nearest improved intersecting street, Alston Road, which is 50' wide. Being Lot # 22, Block 'N' as shown on a Plat entitled, "Plat One, Section One, Thornleigh", which Plat is recorded among the Land Records of Baltimore County in Liber GLB No. 23, Folio 26 containing .23 acres. Also known as 1617 Landon Road and located in the 8th Election District and 2nd Councilmanic District.

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CERTIFICATE OF POSTING

ATTENTION!	KRISTEN	MATTHEWS
7111001000	VICIO IDI	7.17.1.110000

Date Ducember 7, 2005

RE Case Number _06-269-A

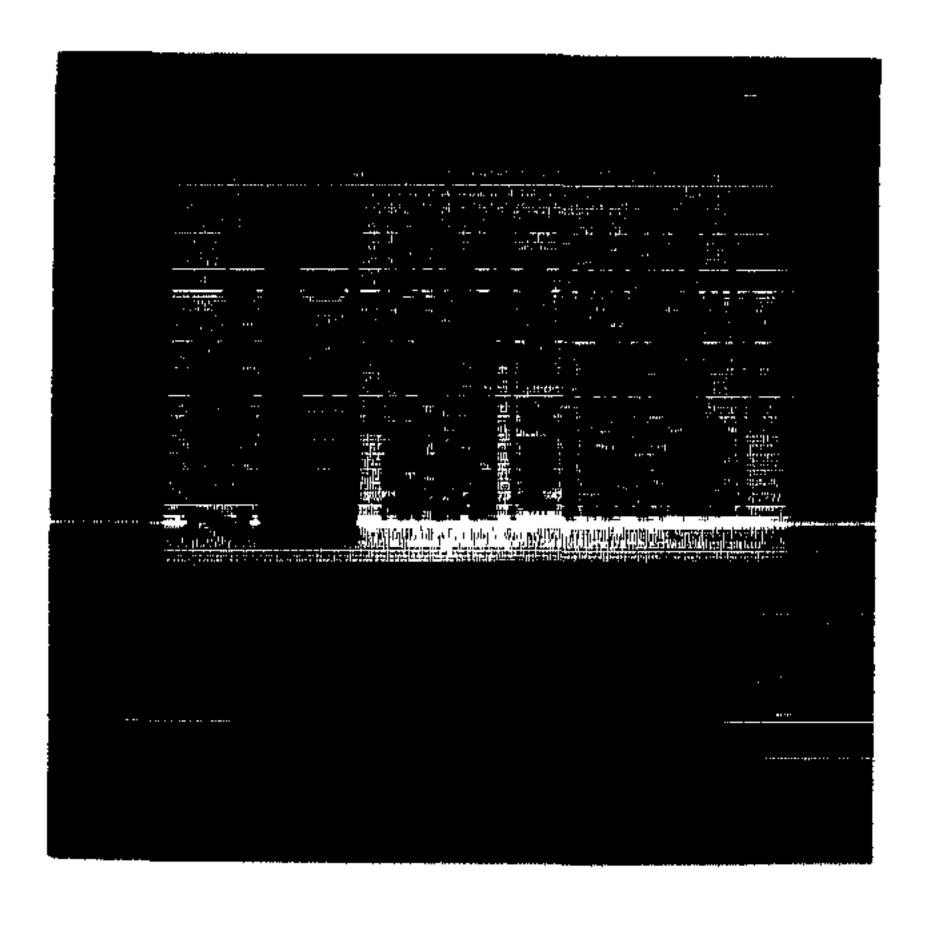
Peritioner/Developer WILLIAM H. SCHWARZ

Date of Hearing(Closing) L) LCLMbel 19, 2005

This is to certify under the behalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at $1617~\rm kaypon~Rp$.

The sign(s, were posted on]

December 3, 2005
(Morin, Day Year)



Signature of Sign Poster)

Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Foster)

HUNT VALLEY MD 21030
'Ch. State, Zip Code of Sign Poster)

410-66-5366 Telephone Number of Sign Pasien

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.

For Newspaper Advertising: Item Number or Case Number OG - 269 - 4	
Petitioner Will Schwarze	
Address or Location. 1617 Landon Road.	
PLEASE FORWARD ADVERTISING BILL TO Name: Will Schwarz Address 1617 Landa RJ	
Address 1617 Landon Rd Tonson MD 21204	

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	06-	269	-A	Address_	1617 LA	ANDON	RD.
Conta	ct Persor	n:	···	FERNA Please Print Your N			Phone Numbe	r: 410-887-3391
Filing	Date: _	//	-21-05	_ Posti	ng Date: <u>/</u>	2-4-05	Closing D	ate: <u>/ス - / </u> ク - 0
				ice regarding ner) using the			ninistrative var	iance should be
1.	1. <u>POSTING/COST:</u> 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.	a forma	rec	uest for a p		. Please ι	inderstand the	hat even if the	1,000 feet to file ere is no formal
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.	(whether commission change)	r du sione I givi certi	e to a neigher), notification	bor's formal on will be for the bearing da	request or warded to atended	by order of you. The set of the s	the zoning of the part of the side of the	a public hearing reputy zoning roperty must be gn was originally be forwarded to
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Department of Permits Development Management

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





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

December 19, 2005

William H. Schwarz 1617 Landon Road Towson, Maryland 21204

Dear Mr. Schwarz:

RE: Case Number: 06-269-A, 1617 Landon Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

W. Calling yours

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 November 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 21, 2005

Item No.: 263, 264, 266, 268, 269.

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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 6, 2005

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For November 28, 2005 Item Nos. 173, 263, 264, 266, 268

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 12062005 doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 5, 2005

DIC - 7 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1617 Landon Road

INFORMATION:

Item Number: 6-269

Petitioner:

William Schwarz

Zoning:

DR 3.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and recommends the following:

The petition should be amended to include a front yard variance, as one would be needed to accommodate the front yard setback. Despite the aforementioned comment the Office of Planning is of the opinion that there is nothing unique about the subject lot and would therefore not justify a variance.

Ultimately the petitioner should reconfigure the subject addition to meet the average front yard setback.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 30, 2005

JANG . 2000

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1617 Landon Road

INFORMATION:

Item Number:

6-269 (revised comment)

Petitioner:

William Schwarz

Zoning:

DR 3.5

Requested Action: Administrative Variance

The petitioner has requested a side yard setback variance for 5 feet in lieu of the required 8 feet for an addition and a front yard variance of 25 feet in lieu of the required 31 feet.

The petitioner has submitted architectural elevation drawings of the proposed addition and photographs of the existing and adjacent properties. It has been demonstrated that the proposed addition will not have an adverse effect on adjacent properties or the neighborhood.

RECOMMENDATION:

The Office of Planning does not oppose the front and side yard variance provided it is constructed in accordance with the submitted architectural elevation drawings.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Division Chief:

AFK/LL: CM



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

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

Maryland Department of Transportation

Date:

11.28.05

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

RE:

Baltimore County
Item No. 269

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

1. 1. Smelh

Engineering Access Permits Division



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 22, 2005

William Schwarz 1617 Landon Road Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 06-269-A

Property: 1617 Landon Road

Dear Mr. Schwarz:

Your Petition for Administrative Variance has been given to me for review. I received the attached comment from the Office of Planning, who has opposed your request. I could set this case in for public hearing to give you a chance to respond to the Planning Office.

However, you might call Ms. Itter in the Office of Planning at 410-887-3480 to see if you can work out something in this regard. If not, I will set the case in for public hearing.

Please let me hear from you at your earliest convenience.

Very truly yours,

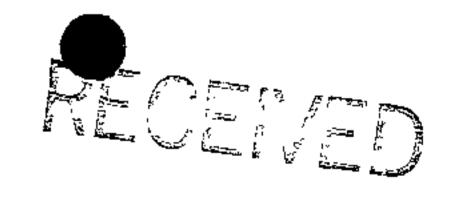
John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: People's Counsel; Diana Itter, Office of Planning, Case File

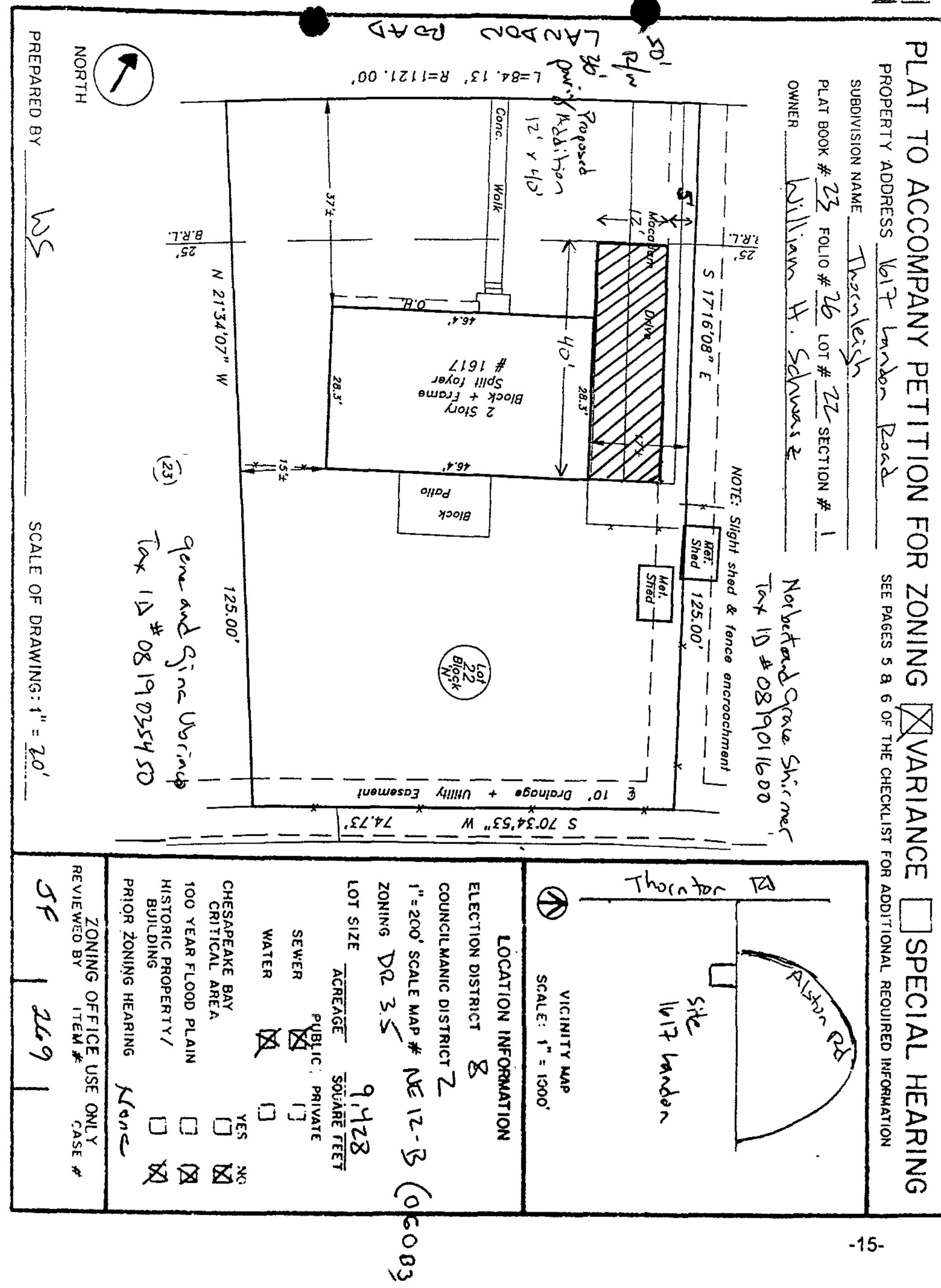


CORRECTION:

DEC 12 2005

CASE NO. 06-269-A

ADMINISTRATIVE VARIANCE: TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 5 FEET IN LIEU OF THE REQUIRED 8 FEET AND TO PERMIT A FRONT YARD SETBACK OF 25 FEET IN LIEU OF THE REQUIRED FRONT AVERAGE SETBACK OF 31 FEET.



SITE PLAN HO Reference 田門 USED MEHA Section HHE 7 **LETERMINING** IMMEDIATE ADJOINING LOTS ARE 303.1 Baltimore FRONT County YARD NOT IMPROVED Zoning DEPTHS IN Regulations RESILENCE ZONES

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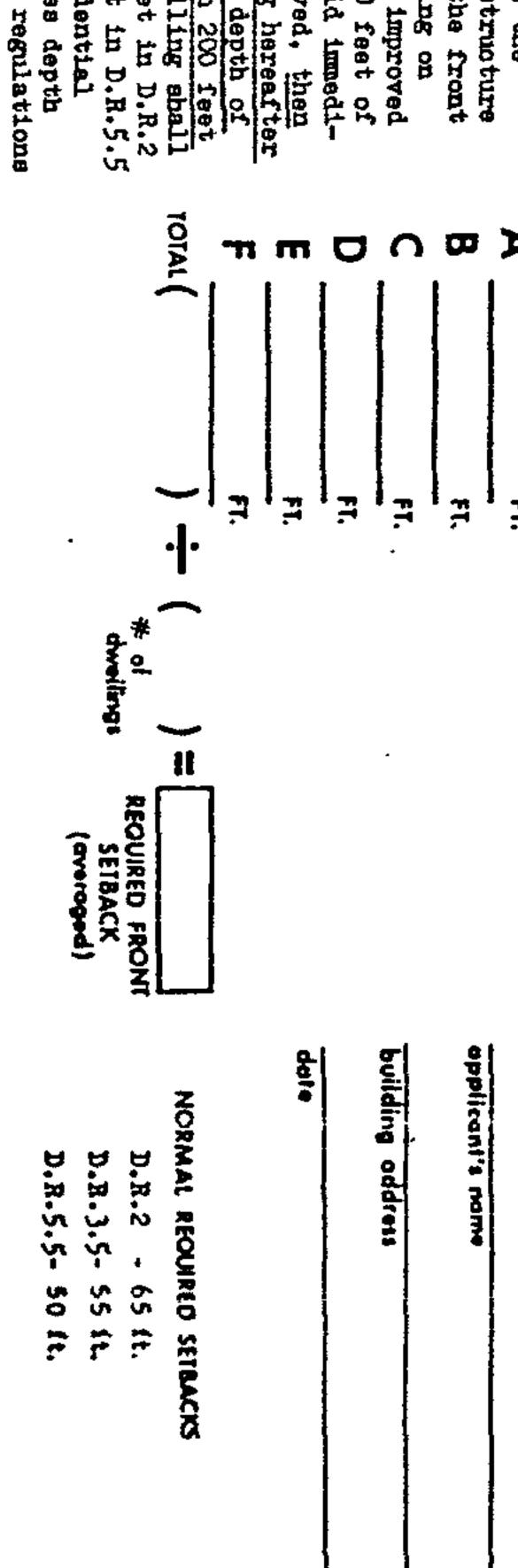
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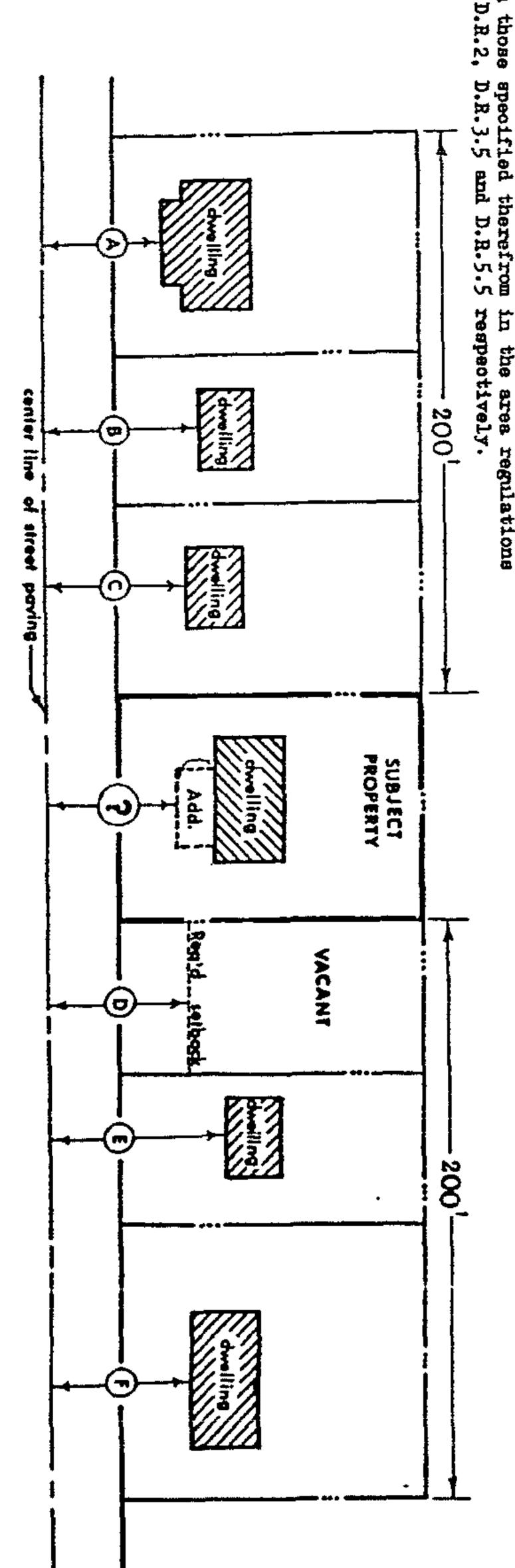
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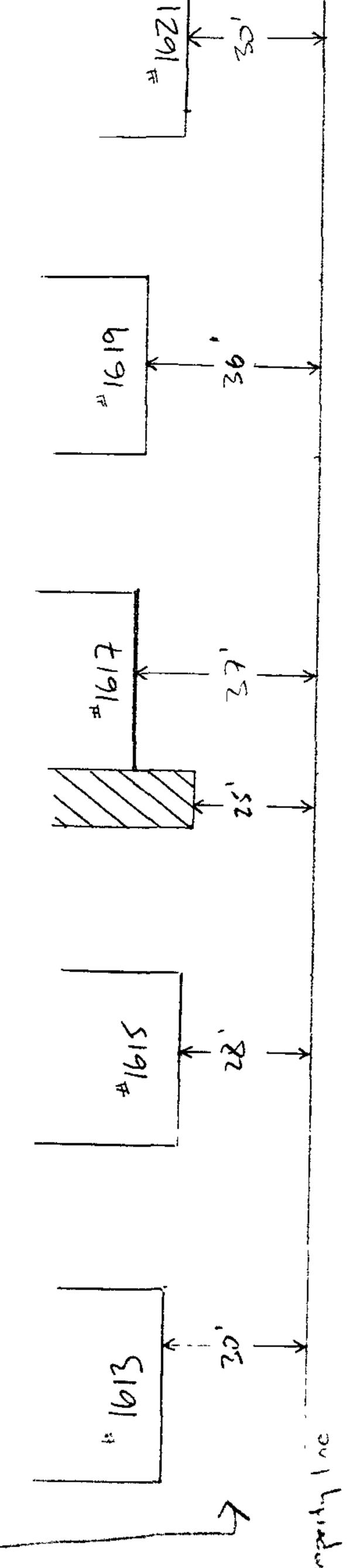
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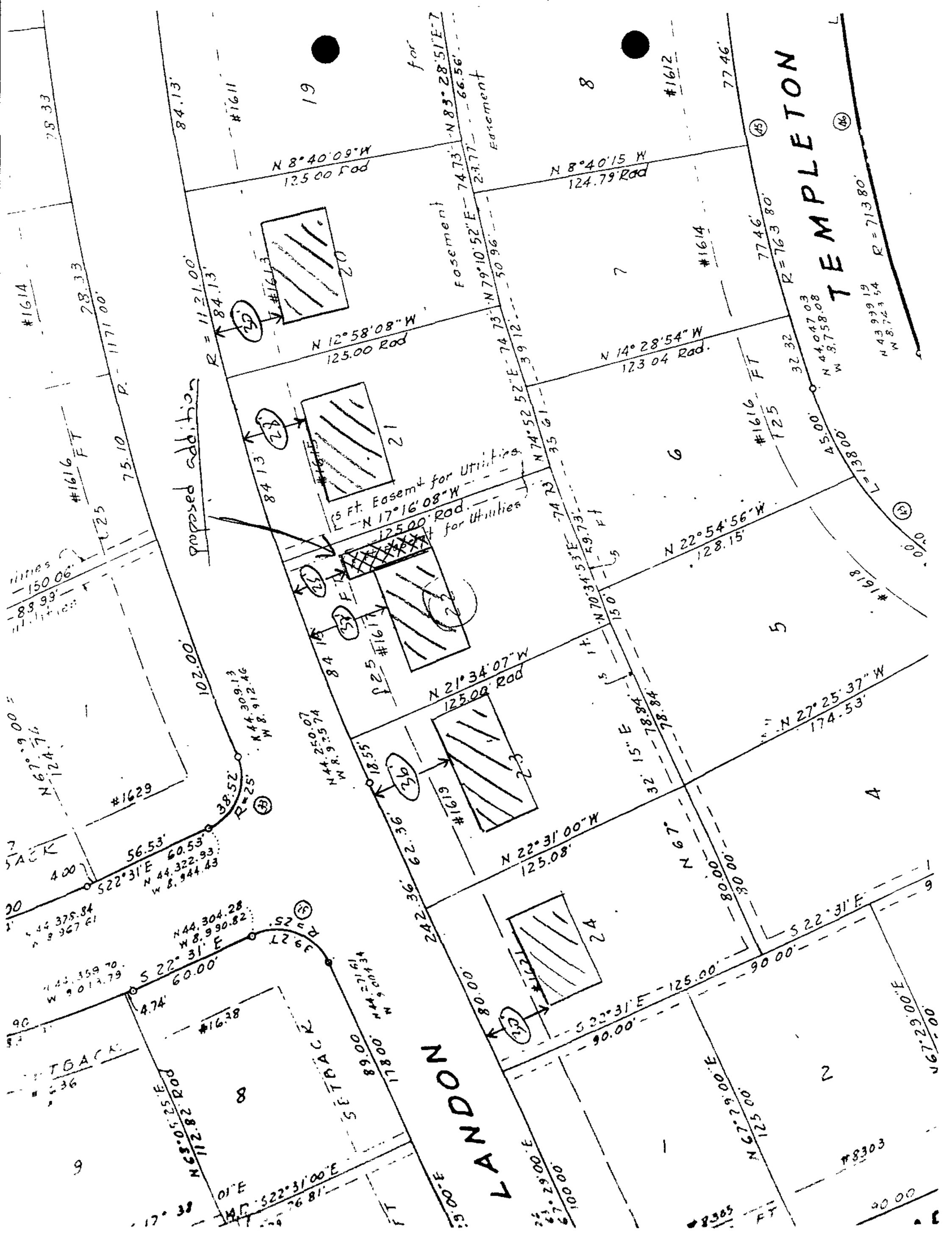
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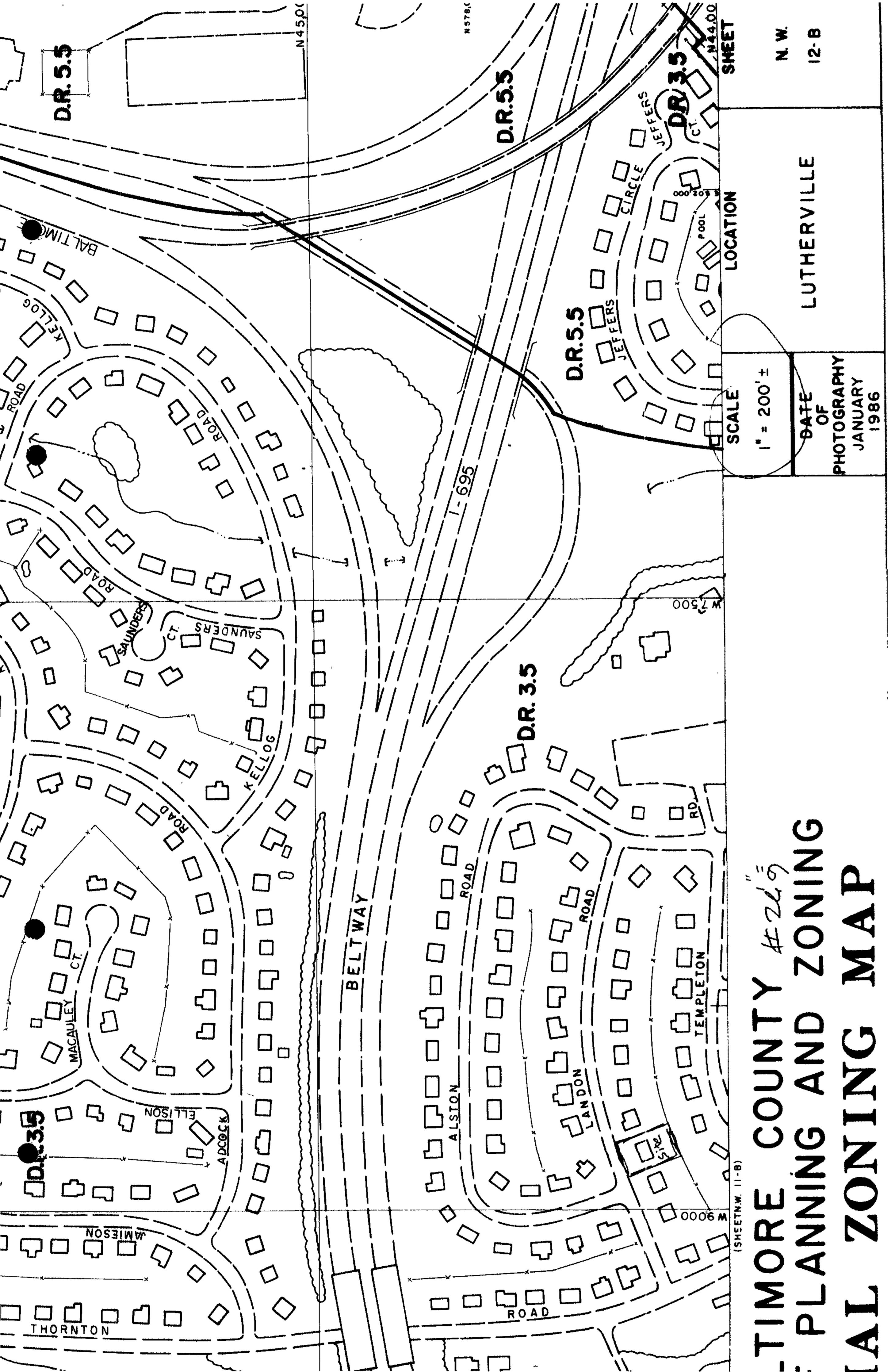


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Proposed addition will bring left side of #1617 doser to front of #1615 while heaving right side of #1617 Virtually even with #1619

PO AT





1617 (an) on Pal location of the properties add: Ho 4 lo (9