IN RE: PETITION FOR ADMIN. VARIANCE SE side of Newburg Avenue, 595 feet

SW of c/l of Rolling Road

1st Election District

1st Councilmanic District

(313 Newburg Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

Mark F. and Angela M. Schneider Petitioners

CASE NO. 07-399-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, Mark F. and Angela M. Schneider. The variance request is for property located at 313 Newburg Avenue. The variance request is from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a minimum side yard setback of 8.33 feet in lieu of the required 15 feet, and to allow same on both sides of 17.83 feet in lieu of the required 40 feet, and to allow an open projection addition (deck) setback of 9.5 feet in lieu of the required 18.75 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to add a family room with a bedroom and bathroom. The addition will not exceed the width of the home. The existing home is small and has two very small bedrooms. They provided pictures of other homes in the area that have similar additions. The Petitioners indicate that the father, who is 78 years old, will move in with the family when the addition is finished. The property is deep at 325 feet. The Petitioners spoke with adjacent property owners to advise them of their request.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

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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."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 17, 2007 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 and photographs 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.

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.

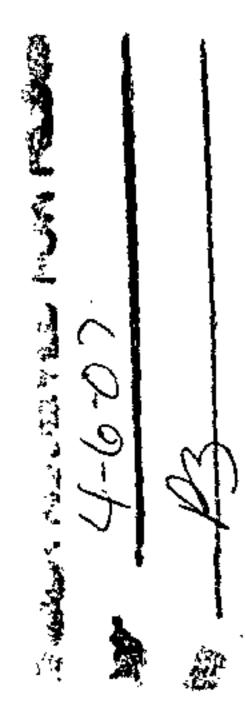
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





CASE NO. 07-399-A

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REV 10/25/01 The REV 10/25/01

A. . .

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	313	NEWBURG	Are	BAITO.	MO 21228
		resently zone			

I/We do solemnly declare and affirm, under the penalties of

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) | BO2.3.C. | and 30|.1 (BCZR)

To permit an addition with a minimum side yand subject of 8.33 ft.
In liev of the required 15 ft. and to allow some on both sides of 17.83 ft.
In liev of the required 40 ft. and to allow an open projection addition (deck) setback of 9.5 ft. In liev of the required 18.75 ft.

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.

If 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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: F. SCHNEWER Name - Type or Print Name - Type or Print Signature Signature SCHNEDOCK ANGELA Name Type or Print Telephone No. Address Zip Code State City NEWBURG AVE , 443.341.6348 Attorney For Petitioner: Telephone No. Address BATTOMORE 21228 Zip Code State City Name - Type or Print Representative to be Contacted: Signature mwuma Ine. Company Telephone No. Address Telephone No. Address 21286 Zip Code Zip Code State State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County. that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Estimated Posting Date ____

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.

competent to testify thereto in the event that a p	within the personal bublic hearing is sche	duled in the future with regard	s) and that Amant(s) is/are ard thereto.
That the Affiant(s) does/do presently reside at	313 New 30	16 Au	
	Address BATTIMORE	mo	21228
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	owing are the facts up or practical difficult	pon which I/we base the rety):	quest for an Administrative
Se	e attache		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	additional information	i.	
Mark 2. Allerenter		Chala Schrature	eg_
MARK F. SCHNEDER		ANGEZA M. SO	CHNETBER
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STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:		
HEREBY CERTIFY, this 26 day of Telestof Maryland, in and for the County aforesaid, per	rucif sonally appeared	, <u>2007</u> , before me, a	a Notary Public of the State
he Affiant(s) herein, personally known or satisfa	ctorily identified to m	e as such Affiant(s).	uder
AS WITNESS my hand and Notarial Seal	ر معمدون		
}	A. NICHOLOGO SENOTARY	which a Mosh	Son.
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REV 10/25/01

To Whom It May Concern,

क्षी कर है

I am requesting an Administrative Variance for 313 Newburg Ave. I purchased this house in Catonsville Md. moving from Arbutus Md. Reasons for my move was two-fold. One I am from the area and I have a twelve year old son that I would like to have him attend Catonsville High School. The reason we purchased this house was for the amount of property that came with this home and it fit into our plans. We moved from a home in Arbutus that had 3 floors and we wanted more living space on the ground level. When we looked at this house and property we noticed that majority of the homes on this block made extensive additions to their existing homes. We want to add a family room with a bedroom and bathroom. More importantly, my father lives in a 3 story townhouse and is through his second total hip replacement. He is having a more difficult time on the second surgery. He is 78. We planned on having him move in with us as soon as the addition is completed. This existing home is very small and has 2 very small bedrooms. The largest doesn't even hold our bedroom furniture. We have discussed our plans and have shown the drawings to the neighbors. The addition we want to add does not exceed the width of the existing home. We want to build toward the back and thought because the lot was at least 325 ft. deep this would not be a problem. I respectfully ask permission

Mark Schneider 313 Newburg Ave.

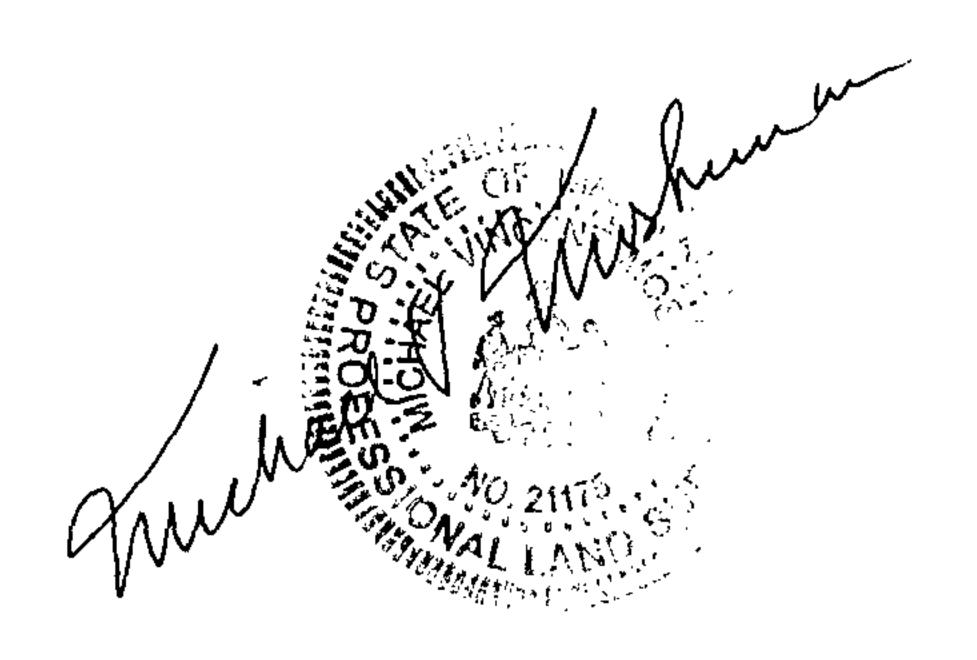
Catonsville, Md. 21228

State of MD County of Baltimore

I hereby certify, this set day of February 2007, before me, a Motary Public of the State of Maryland, in and for the County aforesaid, personally appeared Mark Schneider, the Affrant herein, personally Known tome as such Affrant. AS Witness my hand and Votar Morary of A. Vicholson
Commission Expires 5/1/10

ZONING DESCRIPTION #313 NEWBURG AVENUE

BEGINNING at a point on the southeast side of Newburg Avenue which is 50 feet wide at the distance of 595 feet southwest of the centerline of Rolling Road which is 50 feet wide. As recorded in the Land Records in a Deed dated July 14, 2006 and running thence S42°03'E, 325.00 feet; thence S48°W, 50.00 feet; N42°03'W, 325.00 feet; and thence N48°E, 50.00 feet, containing 16,250 S.F. Also known as 313 Newburg Avenue and located in the 1st Election District, 1st Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

#391

File: 313 Newburg.doc\zoning

KRY KW 07-399. 200-100 3 YELLOW . CUSTOMER Vainana ACCOUNT AMMA 40 BALTIMORE COUNTY, MARYLAND AMOUNT RECEIVED WAY 14 Schmai Lev Aummstruthe RECEIPT OFFICE OF BUDGET & FINANCE 313 NEW DAVEN PINK - AGENCY MISCELLANEOUS 1 DISTRIBUTION WHITE - CASHIER **4**)

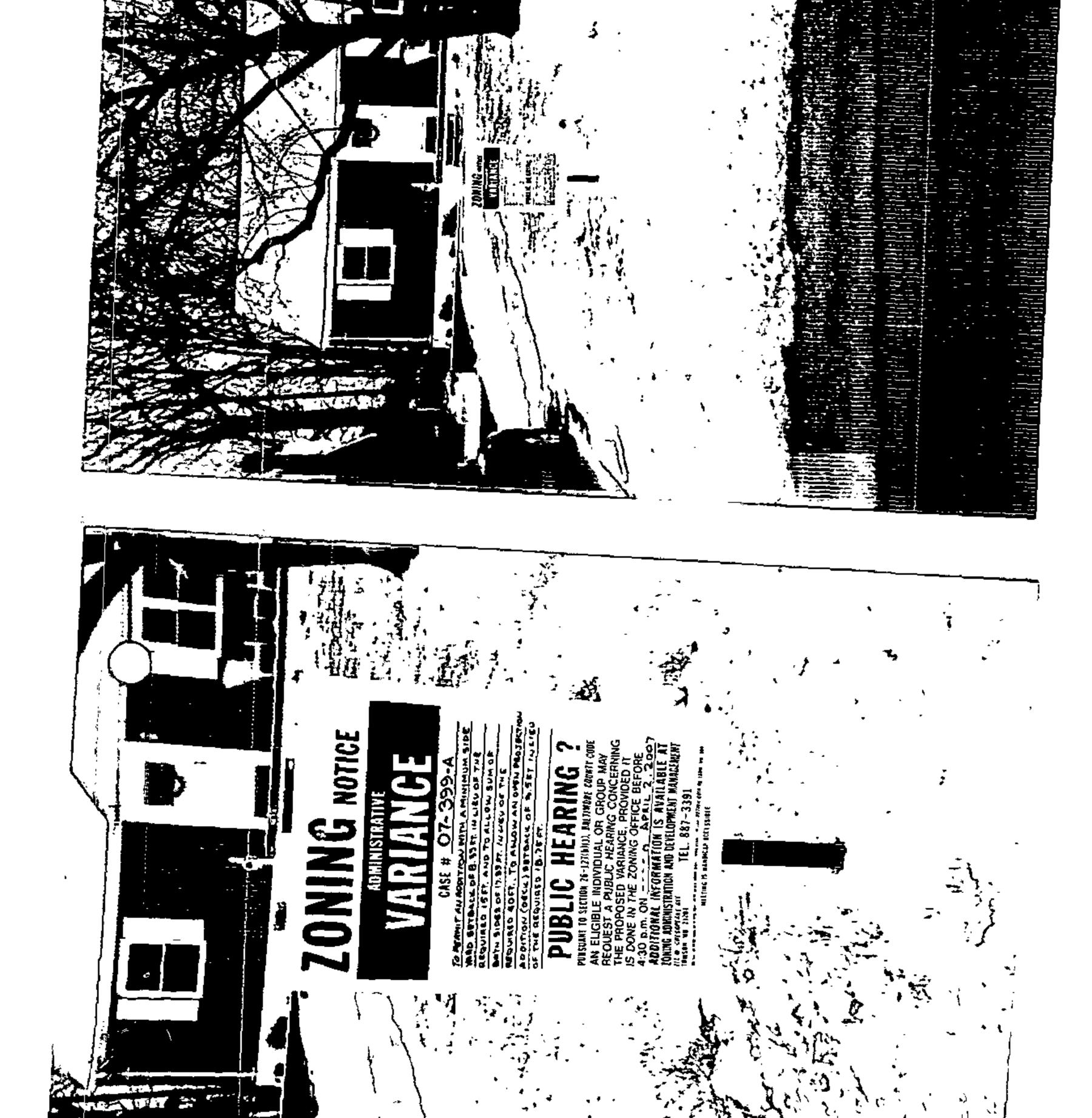
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CERTIFICATE OF POSTING

Petitioner/Developer: M. & A. SCHNEIDE12 Date of Hearing/Closing: APILIL 2, 2007 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Christen Matthews 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 propery located at _ # 313 NEWIBURG AVER Sincerely, (Signature of Sign Poster and Date) CARLAGE E, MOORE (Printed Name) 3225 RYERSONI CIRCLE (Address) BALTIMOIZE, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 07-399-A





BALTIMORE COUNTY DE RTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **ZONING REVIEW**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 399 -A Address 313 NEWBURG AVE.
Contact Person: JUN R. FERNANDO Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $3-9-07$ Posting Date: $3-18-07$ Closing Date: $4-2-07$
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. <u>DEADLINE:</u> 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 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 07- 399 -A Address 313 NEWBURG AUE.
Petitioner's Name Mark + Angala Schneider Telephone 443-341-6348
Posting Date: 3-18-07 Closing Date: 4-2-07
Wording for Sign: To Permit an addition with a minimum side yard
sethack of 8.33'in her of the required 15' and to allow sum
of both sides of 17.83 in hew of the required 40. To allow
an open projection addition Codeck) setback of 9.5' in lieu
of the required 18.75. WCR-Revised 6/25/04

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.

m Number	or Case Number:	· · · · · · · · · · · · · · · · · · ·
titioner:	Mark Schneider	
dress or Lo	ocation: 313 Newburg Avenue	
	·	
EASE FOR	RWARD ADVERTISING BILL TO:	
EASE FOR	RWARD ADVERTISING BILL TO: Mark Schnerder	
EASE FOR	RWARD ADVERTISING BILL TO: Mark Schnerder 313 Newburn Avenue	
EASE FOR	RWARD ADVERTISING BILL TO:	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 2, 2007

Mark F. Schneider Angela M. Schneider 313 Newburg Avenue Baltimore, MD 21228

Dear Mr. and Mrs. Schneider:

RE: Case Number: 07-399-A, 313 Newburg Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 9, 2007.

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,

W. Carl Richards Jr

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 19, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-399- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

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

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, (399) 400, 401, 402, 403, 405, 406, 407, 408, 409.

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 (0)410-887-4880 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountymd.gov



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 6, 2007

MARK F. AND ANGELA M. SCHNEIDER 313 NEWBURG AVENUE BALTIMORE MD 21228

Re: Petition for Administrative Variance

Case No. 07-399-A

Property: 313 Newburg Avenue

Dear Mr. and Mrs. Schneider:

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

John V. Murphy

for Baltimore County

JVM:pz

Enclosure

c: Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21206

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 19, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2007

Item Nos. 07-389, 390, 391, 392, 393, 394, 399, 400, 401, 402, 403, 404, 405

and 408

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

DAK:CEN:cab cc: File

ZAC-NO COMMENTS-03262007.doc



John D. Porcari, Secretary Designate Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: March 15, 2007

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

RE: Baltimore County Item No. 7-399-A 313 NEWBURG AVENUE SCHNEIDER PROPERTY

ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-399-4.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A Steven D. Foster, Chief U Engineering Access Permits

Division

SDF/MB

