IN RE: PETITION FOR ADMIN. VARIANCE

BEFORE THE

S side of Old Lyme Road, 275 feet E of Falls Road

8th Election District

* DEPUTY ZONING COMMISSIONER

2nd Councilmanic District

(3 Old Lyme Road)

BALTIMORE COUNTY

Roger E. and Melissa H. Schneider Petitioners

* CASE NO. 07-571-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, Roger E. and Melissa H. Schneider. The variance request is for property located at 3 Old Lyme Road. The variance request is from Sections 103.1 and 1A00.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback of 19 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for Old Lyme Road, Lot 9 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a garage addition and utilize the existing blacktop driveway. They further indicate that constructing the garage in its proposed location is the most aesthetically pleasing orientation; that the interior renovations require using the current garage space; and that the rear of the house cannot be used because of the septic reserve area.

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 Office of Planning dated July 12, 2007, a copy of which is incorporated herein and made a part hereof the file. That Office does not oppose the Petitioners' request provided the construction complies with the current RC 5 requirements. In order to make that determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order.

7-24-07

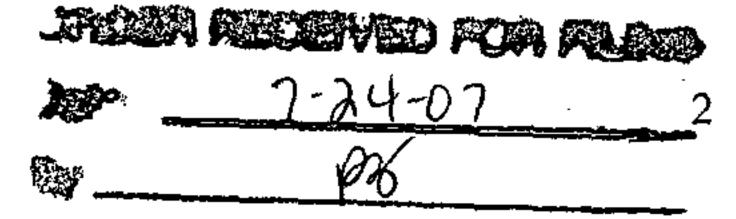
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 29, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits 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 24th day of July, 2007 that a variance from Sections 103.1 and 1A00.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback of 19 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for Old Lyme Road, Lot 9 only, be and is hereby GRANTED, subject to the following:

- 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. Prior to obtaining a building permit, the Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the RC 5 Performance Standards:



- A. Submit photographs of existing adjacent dwellings to the Office of Planning.
- B. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
- C. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
- E. Provide landscaping along the public road, if it is consistent with the existing streetscape.

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

PHOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 24, 2007

ROGER E. AND MELISSA H. SCHNEIDER 3 OLD LYME ROAD LUTHERVILLE MD 21093

> Re: Petition for Administrative Variance Case No. 07-571-A Property: 3 Old Lyme Road

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,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Stuart Knight, 611 Nursery Road, Westminster MD 21157



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \		T		•	
MARYLAND		for the property	located at 3 OLD LYME	ROAD	
· · · · · · · · · · · · · · · · · · ·	-		which is presently zo		
owner(s) of the propert made a part hereof, he IADH, 3, B, 3 of the set back	y situate in Baltimo reby petition for a half he 1975 Zonin	re County and which lariance from Section Sections, Bi	ts and Development Management is described in the description on (5) 1.03.1, 1A00.4, B. (198-75) to permit a property of the minimum required 5	CZR (Section	anc
the Final Develo	pment Plan t	for Old Lymi	e Road, Lot 9.		
			ou of Dallimore County for the r	eacone indicated on the	haci
of the zoning regulation of this petition form.	ns of Baltimore Col	unty, to the zoning is	aw of Baltimore County, for the r	Casons indicated on the	Jaci
Property is to be posted I, or we, agree to pay expend regulations and restriction	senses of above Vari	iance advertising, pos	zoning regulations. sting, etc. and further agree to and a o the zoning law for Baltimore Coun	are to be bounded by the ze	oninç
	: : :	•	I/We do solemnly declare and perjury, that I/we are the legal is the subject of this Petition.	affirm, under the penalties owner(s) of the property wh	of ich
Contract Purchaser	/Lessee:		Legal Owner(s):	•	
į	· .		Roger E. Schneid	er/ /	
Name - Type or Print 15			Name - Type of Print	l'e Mo	
Signature			Signature	: .1 a a	
		Telephone No.	Melissa H. Schne Name - Type or Print	ider	
Address	. <i>:</i>	телернопе тто.	4 / /1	neider	,
City '.	State	Zip Code	Signature		
Attorney For Petitic	oner:		3 Old Lyme Road	(410)561-9037	
1		•	Address	MD 21093	e No
KILL TO THE RESERVE			Lutherville City		Code
Name - Type or Print					
Signature	<u></u>		Representative to be Co	ontacteu.	
;			Stuart Knight		<u> </u>
Company	<u></u>		Name	(/10)0/0-000	n .
	<u> </u>	Telephone No.	611 Nursery Road	(410)840-080 Telephone	
Address		relephone ivo.	Westminster	MD 21157	
City	State	Zip Code	City	State Zip	Code
this day of	th:	at the subject matter of t	required, it is ordered by the Zoning this petition be set for a public hearing.	Commissioner of Baltimore Cadvertised, as required by the	ount zonin
regulations of Baltimore Cou	and marmic proper				
		-	Zoning Commissioner o	f Baltimore County	-
CACENO	17-071-	4	downed By MAP	$\frac{1}{6}$ 6/20/07	
CASE NO.	The state of the same of	Ke\	riewed By	"," — 	

Estimated Posting Date

Affidavit in Support of Administrative Variance

Address

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.

3 OLD LYME ROAD

	L	UTHERVILLE	MD	21093
	City		State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ring are or pract	the facts upon whi tical difficulty):	ch I/we base the	request for an Administrative
Desired proposed addition est-backs. The interior rend garage space. Adding the gas is the most astheticly pleased house may not be used because infringed upon. The space be room to turn into the parking the proposed addition is the desires to improve the proposed.	vations arage is ing set we the set we set w	ons require in its' pro orientation he septic re en the two goaces inside at way to ac	using curre posed locat . The rear serve would arages is j	ion of the be ust enough
That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add			nt(s) will be requ	uired to pay a reposting and
Jogeli-Stallen		melis	on H Solm	ezh
Signature		Signature	•	
- Roger E. Schneider Name - Type or Print		Melis Name-Type	sa H. Schne	eider
STATE OF MARYLAND, COUNTY OF BALFIMO	RE, to v	• 	. – – – – – – – – – – – – – – – – – – –	
HEREBY CERTIFY, this 18 th day of June of Maryland, in and for the County aforesaid, person	e onally ap	ppeared , 2d	محر, before me	, a Notary Public of the State
Roger E. Schneider ar	nd n	relissa H.	Schneider	
ine Amani(s) nerem, personally known or satisfacti	опу ше	ntified to me as suc	cn Amant(s).	
AS WITNESS my hand and Notarial Seal				
WILKER		Margare	L.D ii	•
The state of the s		I K Wa are	T (7).YX JUHA	magae)

Notary Public

My Commission Expires ____

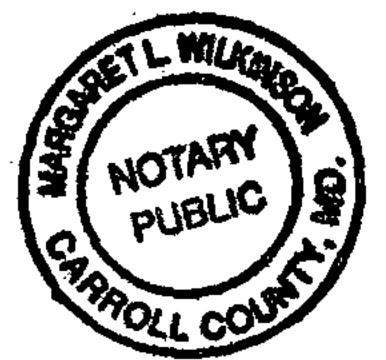
REV 10/25/01

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.

		Ū		-	
That the Affiant(s) does/do presently reside at		3 OLD LYME	ROAD		
	Address				
•		LUTHERVILLE		_ 	21093
b.	City		State		Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship			vhich I/we base t	he request for an	Administrative
Desired proposed addition set-backs. The interior regarage space. Adding the garage space. Adding the gis the most astheticly ple house may not be used becaring infringed upon. The space room to turn into the part The proposed addition the desires to improve the proposed.	enova garage easing ause betwe king	tions required in its' property or ientations the septical search inside two spaces inside way to ache	re using curoposed locates rea rea would be garages is de the garages and the garages are server where the garages are server and the garages are server as a server and the garages are server as a server and the garages are server as a server	rrent ation of the labe just enough	
; ; ;					
: :					
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal de additiona	emand is filed, Af al information.	fiant(s) will be re	equired to pay a	reposting and
Signature Signature	e Mi	Signature	na 11. 8ch	mele	·
Roger_E.:Schneider Name - Type or Print	_ _		issa H. Sch	neider	
Carre	2/1		· · · · · · · · · · · · · · · · · · ·		
STATE OF MARYLAND, COUNTY OF BALTIN	,				
I HEREBY CERTIFY, this 18th day of June of Maryland, in and for the County aforesaid, per	rsonally	appeared	<u>2007</u> , before	me, a Notary Publ	ic of the State
the Affiant(s) herein, personally known or satisfa	actorily id	Melissa H. dentified to me as	Schneide such Affiant(s).	· C	
- , , , , , , , , , , , , , , , , , , ,	,	,			
AS WITNESS my hand and Notarial Seal		•	-		•

REV 10/25/01





REV 10/25/01

Petition for Administrative Variance

for the property located at __3 OLD LYME ROAD

to the Zoning Commissioner of Baltimore County

	which is presently zoned R.C.5
This Petition shall be filed with the Department of Permitsowner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section	is described in the description and plat attached hereto and $n(s)$ $1/3.1.$ $1/4/0.4.$ $RCZR$ $\int_{0.0.4}$
1A04.3.B.3 of the 1975 20ning Regulation with a side yard set back of 19 feet in to amend the Final Development Plan	s, Bill 98-75) to permit a proposed addition lieu of the minimum required 50 feet, a n for Old Lyme Road, Lot 9.
of the zoning regulations of Baltimore County, to the zoning la	
of this petition form.	
Property is to be posted and advertised as prescribed by the 25 l, or we, agree to pay expenses of above Variance, advertising, post regulations and restrictions of Baltimore County adopted pursuant to	ting, etc. and turther agree to and are to be bounded by the zoning
	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:	Legal Owner(s):
-	Roger E. Schneider/)
Name - Type or Print	Name - Type or Print
Signature	Signature Melissa H. Schneider
Address . Telephone No.	Melissa H. Schneider Name-Type or Print Misse H. Schneider Signature
City State Zip Code	
Attorney For Petitioner:	3 Old Lyme Road (410)561-9037 Address Telephone No.
	Address Lutherville MD 21093
Name - Type or Print	City State Zip Code
· · · · · · · · · · · · · · · · · · ·	Representative to be Contacted:
Signature	Stuart Knight
Company	Name 611 Nursery Road (410)840-0800
Address Telephone No.	Address Westminster MD 21157
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be	required, it is ordered by the Zoning Commissioner of Baltimore County als petition be set for a public hearing, advertised, as required by the zoning
this that the subject matter of the regulations of Baltimore County and that the property be reposted.	
	Zoning Commissioner of Baltimore County
ROD_COI_A	110.
CASE NO. Rev	iewed By $\frac{JNP}{Date}$ Date $\frac{6/20/07}{}$

Estimated Posting Date

7-24-07

GYC Group Ltd 611 Nursery Road Westminster, MD 21157 O: (410) 840-0800 F: (410) 840-9211

Zoning description for: 3 Old Lyme Road.

Beginning at a point on the South side of Old Lyme Road which is 50' wide as a right-of-way, 21.6' of asphalt at the distance of 275' East of the centerline of the nearest improved street being Falls Road which is 22' wide. Being Lot# 9 in the subdivision of Old Lyme Road 1st Amended, as recorded in Baltimore County Plat Book # 50, Folio # 49, containing 1.00ac. Also known as 3 Old Lyme Road, and located in the 8th Election District, 2nd Councilmanic District.

MISCELL RECEIVED FROM: BALTIN OFFICE DATE. FOR

YELLOW - CUSTOMER

DISTRIBUTION WHITE - CASHIER

CERTIFICATE OF POSTING

	RE: Case No: 07-57/-1
	Petitioner/Developer: ROGER É
	MELISSA SCHNEIDER
•	Date Of Hearing/Closing: 7/14/07
Permits County	re County Department of and Development Management Office Building,Room 111 Chesapeake Avenue
Attentio	n: !
Ladies a	ind Gentlemen:
	ter is to certify under the penalties of perjury that the necessary equired by law were posted conspicuously on the property
ıt	3 OLD LYME ROAD
This sig	n(s) were posted on
	(Month, Day, Year)
	Sincerely,
	Sincerely, Matingo 4/29/07
;	(Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	<u>(443-629 3411)</u>

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 571 -A Address 3 Old Lyme Road
Contact Person: Jeffrey Perlaw Phone Number: 410-887-3391 Planner Please Print Your Name
Filing Date: $6/20/07$ Posting Date: $7/1/07$ Closing Date: $7/16/07$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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- 571 -A Address 3 Old Lyme Road Petitioner's Name Roger & Melissa Schneider Telephone 410-561-9037
Posting Date: 7/1/07 Closing Date: 7/16/07
Wording for Sign: To Permit a proposed addition with a side yard set back of 19 fee
in lieu of the minimum required 50 feet feet, and to amend the Final
Development Plan for Old Lyme Road, Lot 9.
· · · · · · · · · · · · · · · · · · ·
WCR - Revised 6/25/04



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

July 16, 2007

Roger E. Schneider Melissa H. Schneider 3 Old Lyme Road Lutherville, MD 21093

Dear Mr. and Mrs.: Schneider:

RE: Case Number: 07-571-A, 3 Old Lyme Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 20, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Stuart Knight 611 Nursery Road Westminster 21157

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 12, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3 Old Lyme Road

INFORMATION:

Item Number:

7-571

Petitioner:

Roger and Melissa Schneider

Zoning:

RC 5

Requested Action: Administrative Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The petitioner requests a side yard variance of 19 feet in lieu of 50 feet to allow the construction of a garage attached via a breezeway to the existing garage. An amendment to the FDP of Old Lyme Road is also needed.

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter with the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 27, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 2, 2007

Item Nos. 07-521, 555, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569,

570,571, and 572

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-06272007.doc

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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

571

Item Number: 555 through 572

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



State Highway
Administration 8

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

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

Maryland Department of Transportation

Date: JHN= 24, 2007

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

RE: Baltimore

Baltimore County

1tem No. 07-571-4 3 OLD LYME ROAD

SCHNEIDER PROPERTY ADMINISTRATIVE WIZIANCE

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. 7-571-A.

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

Engineering Access Permits

Division

SDF/MB

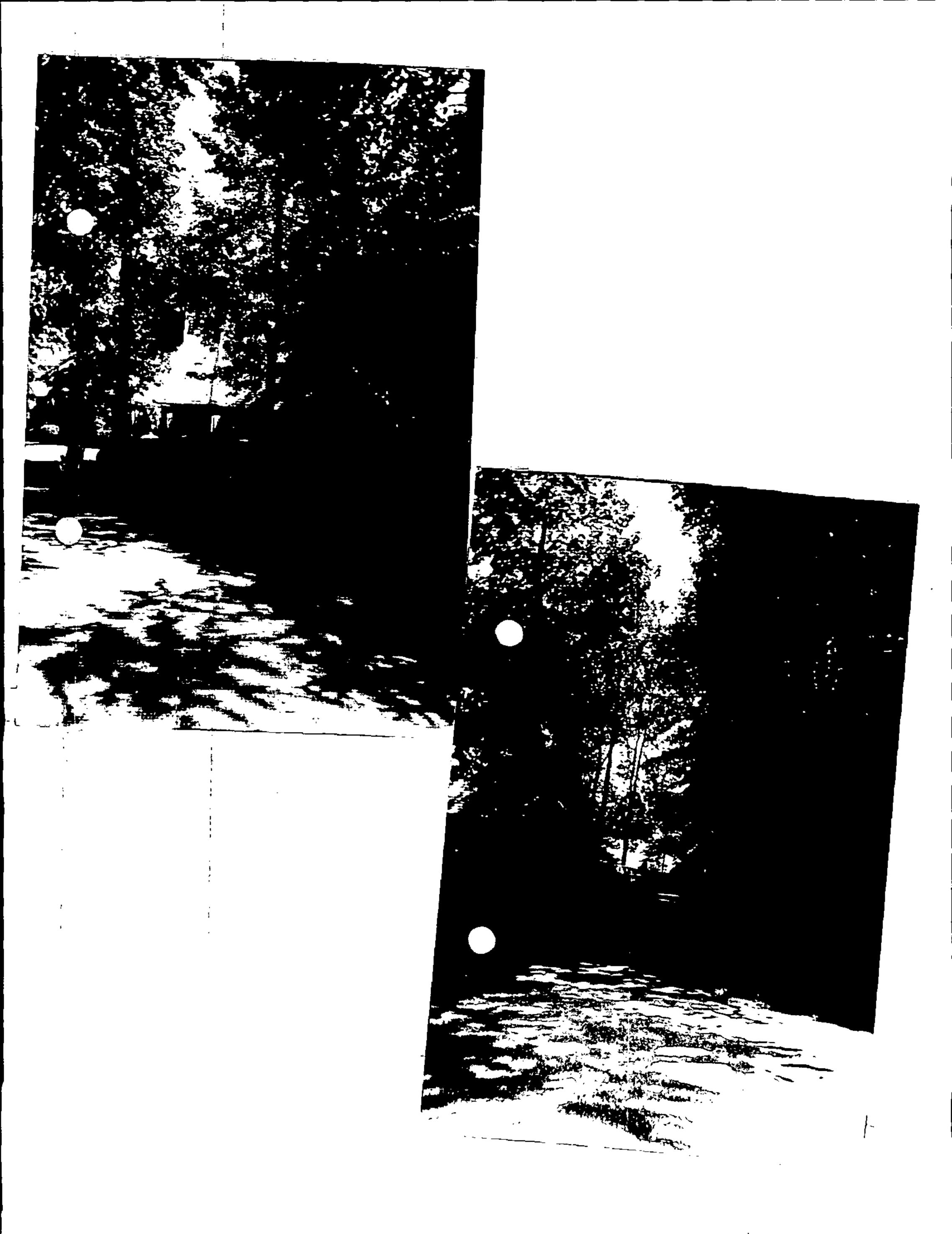


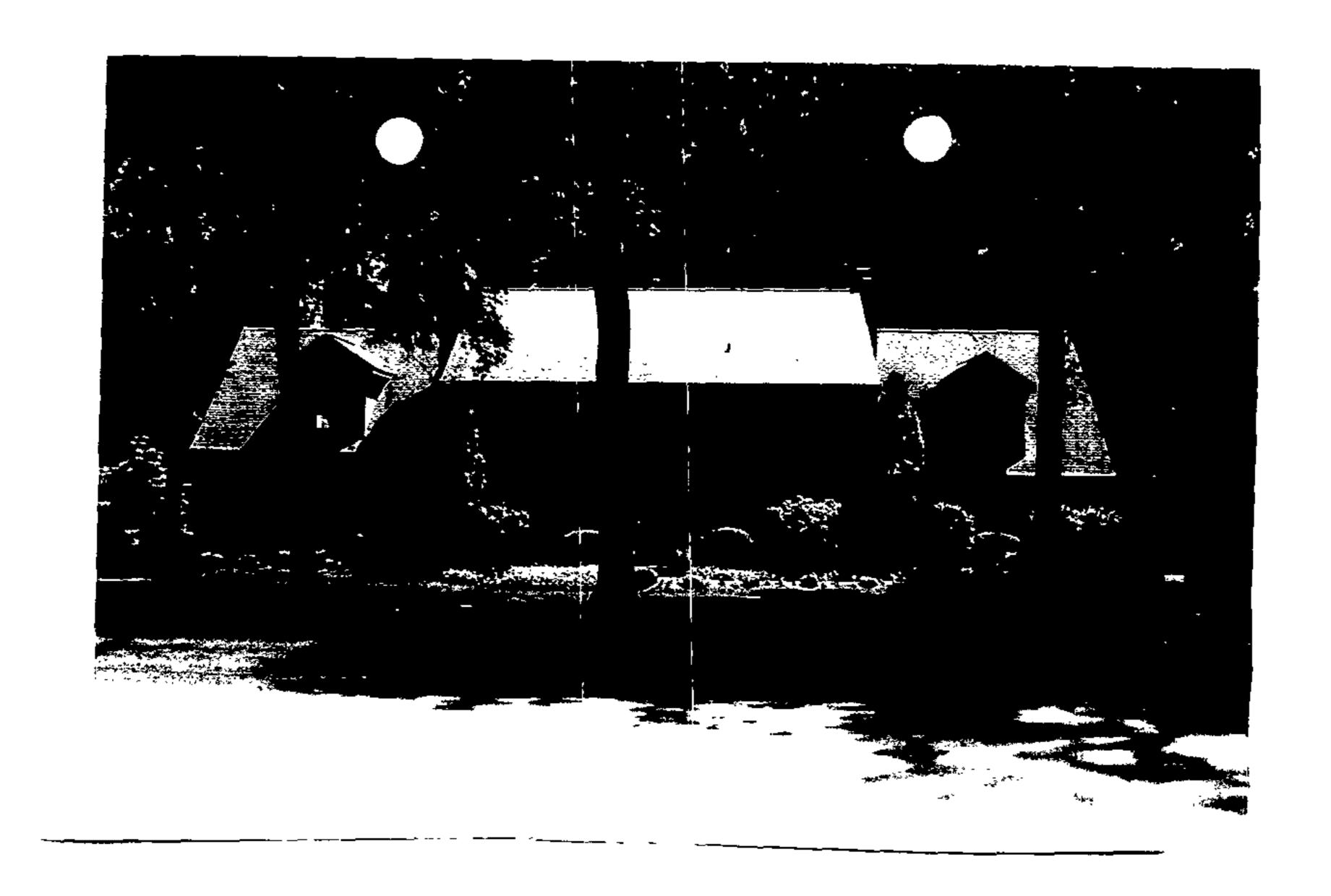


•









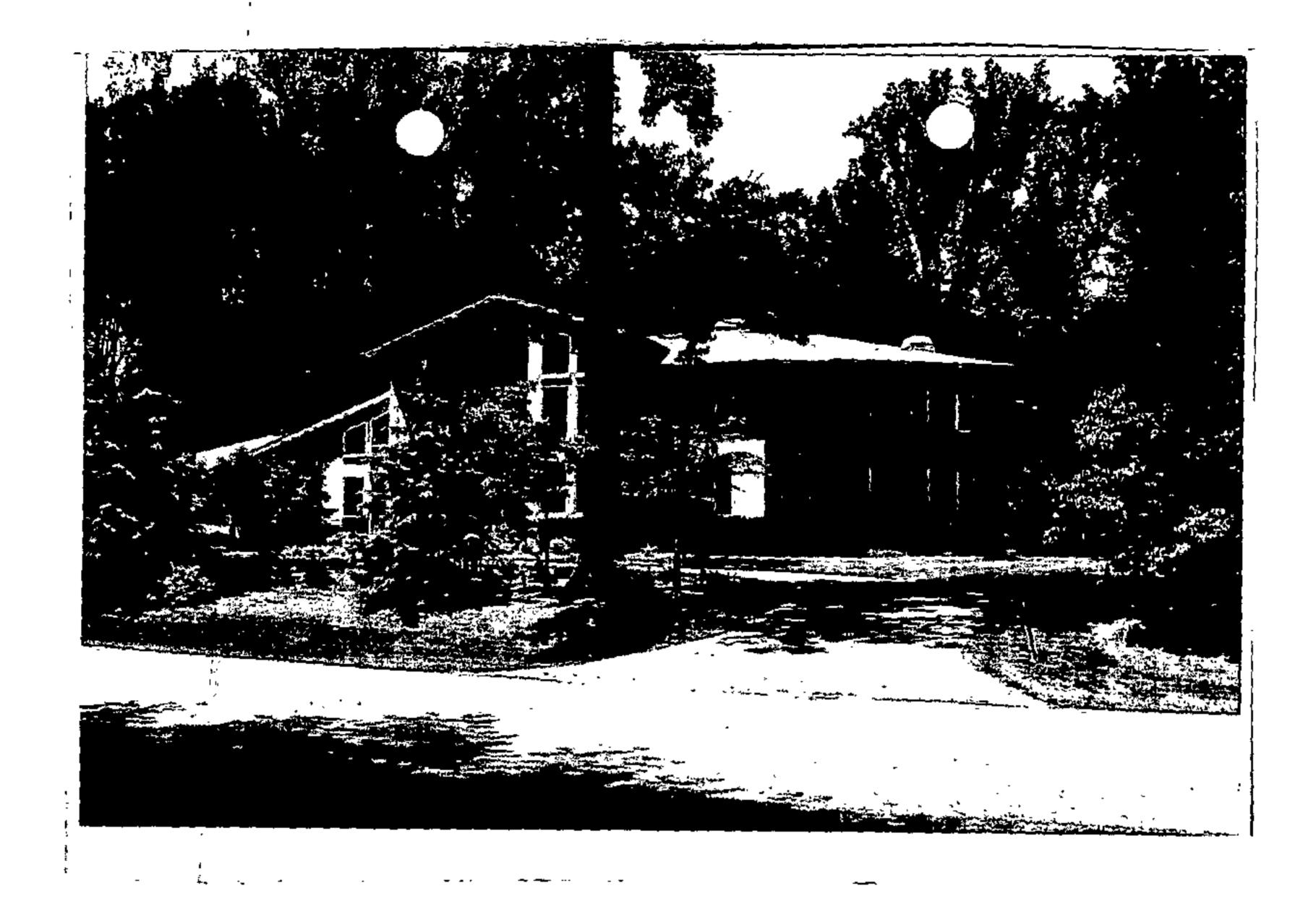


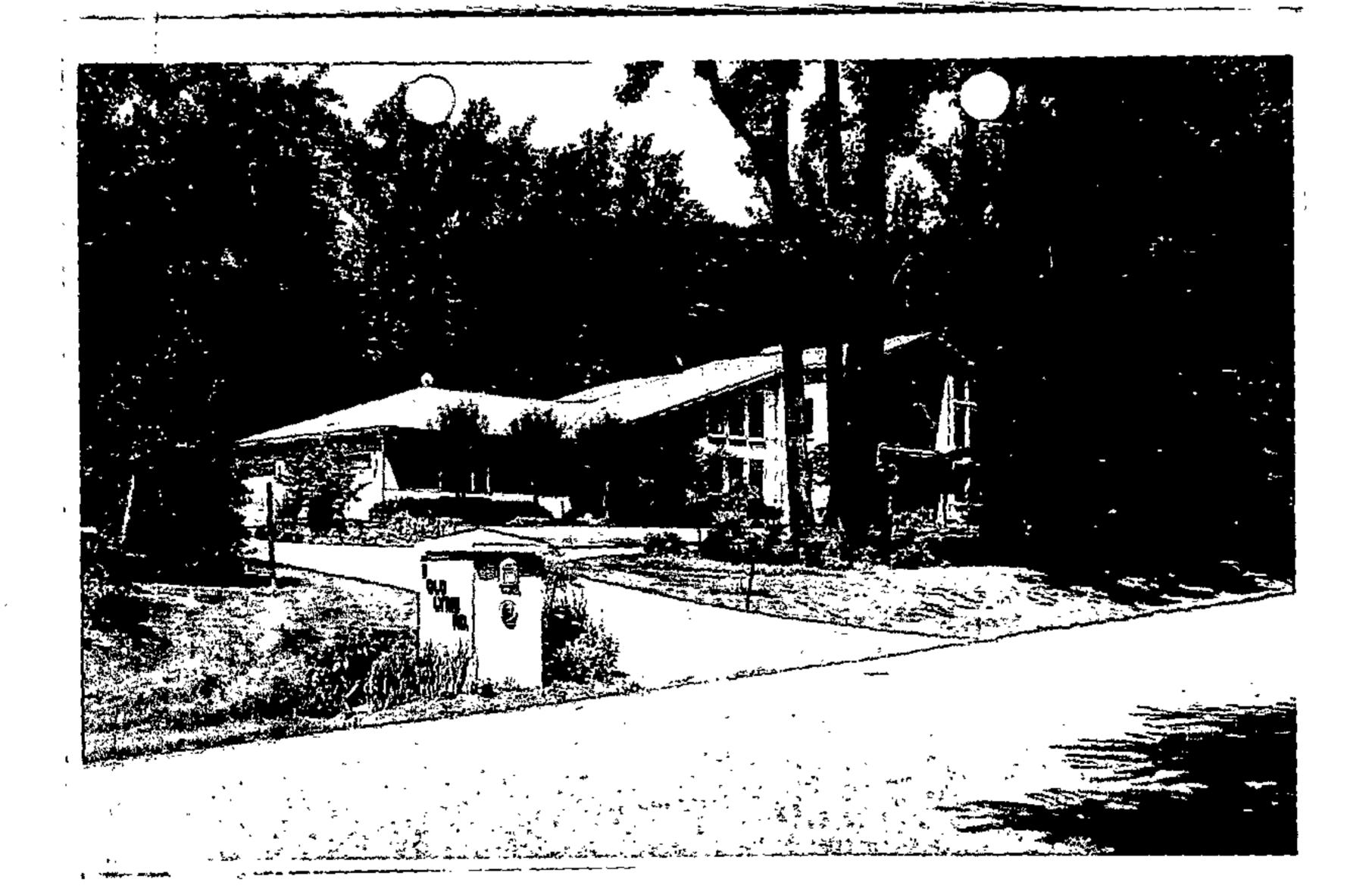




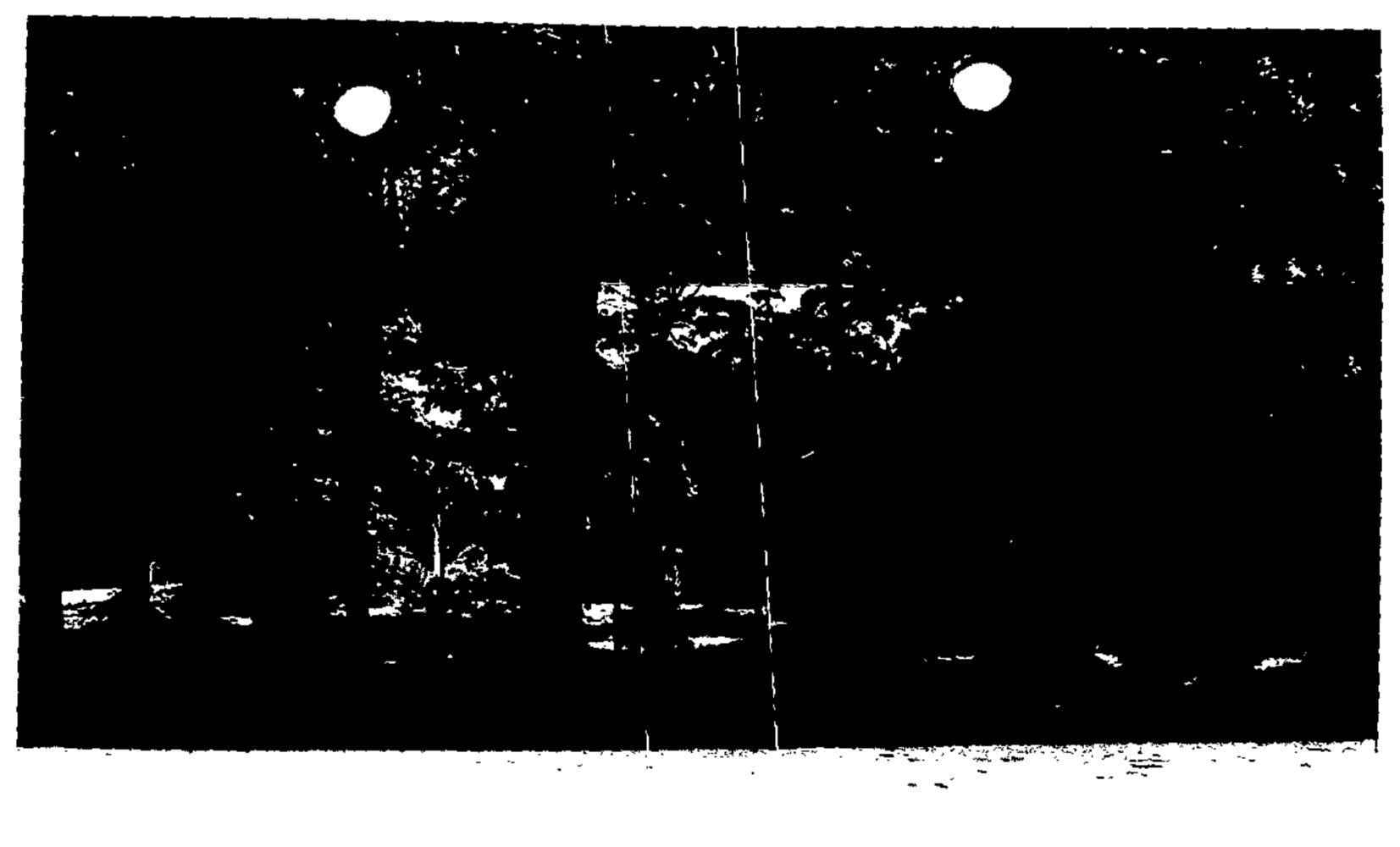


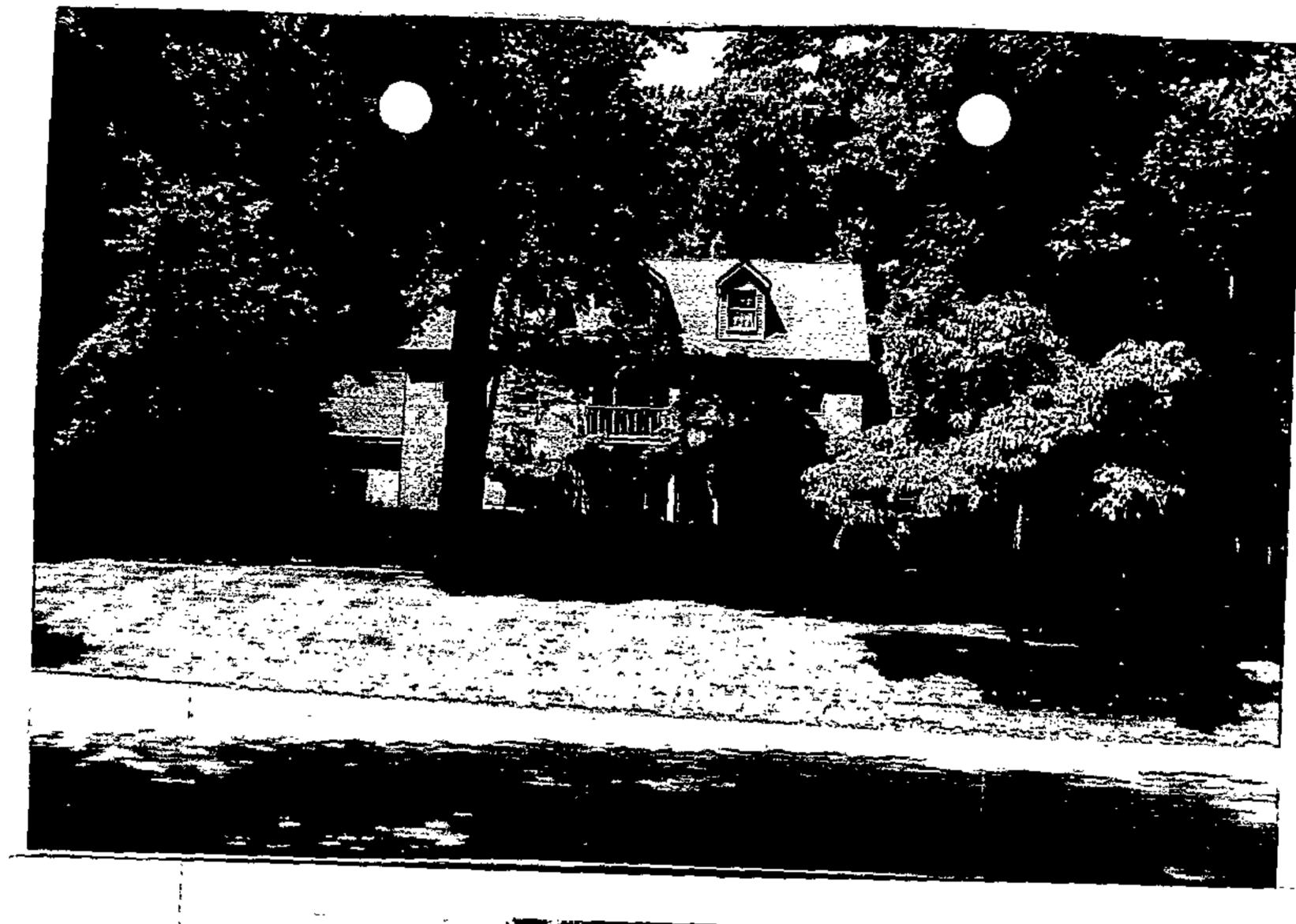




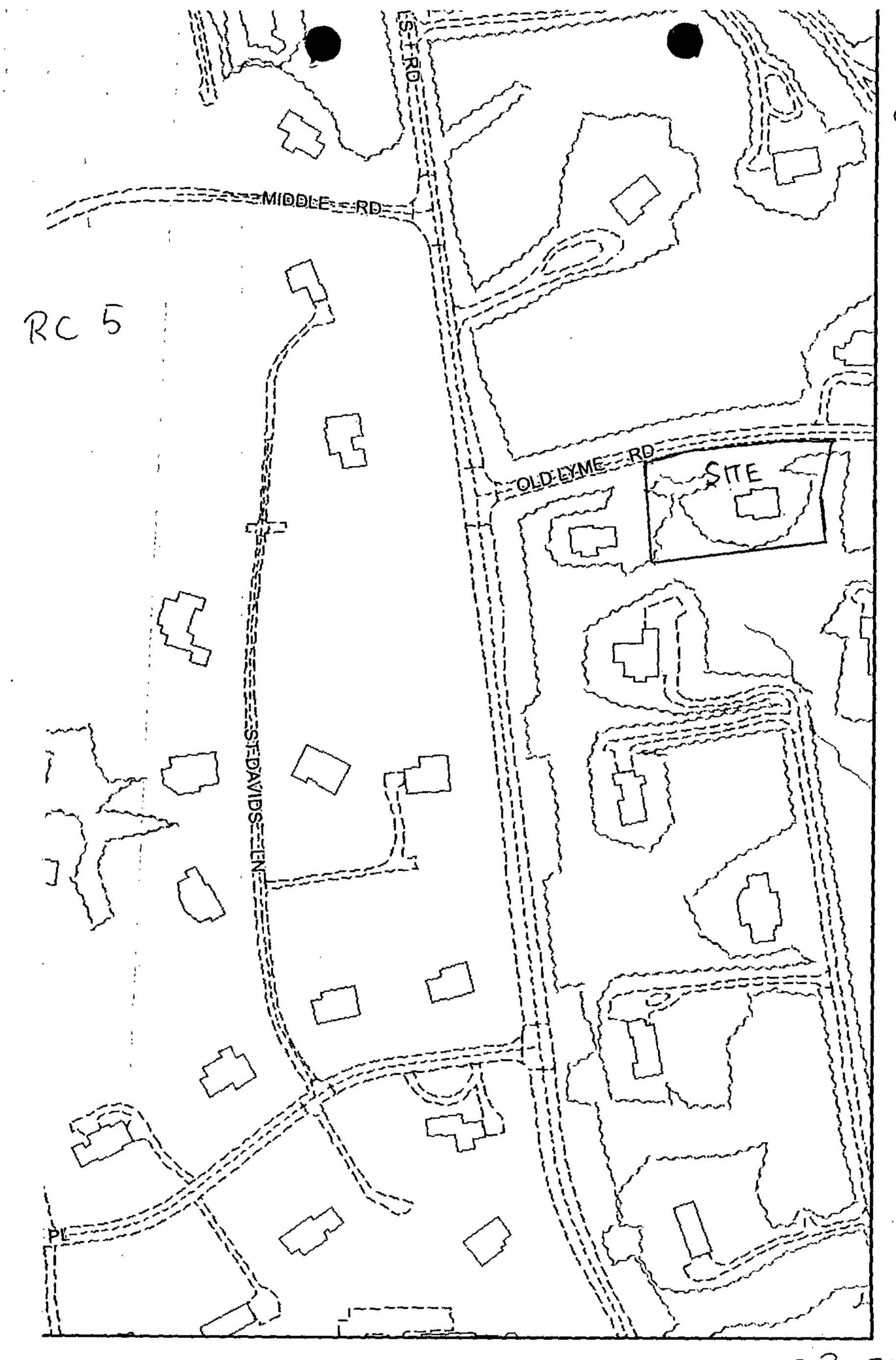




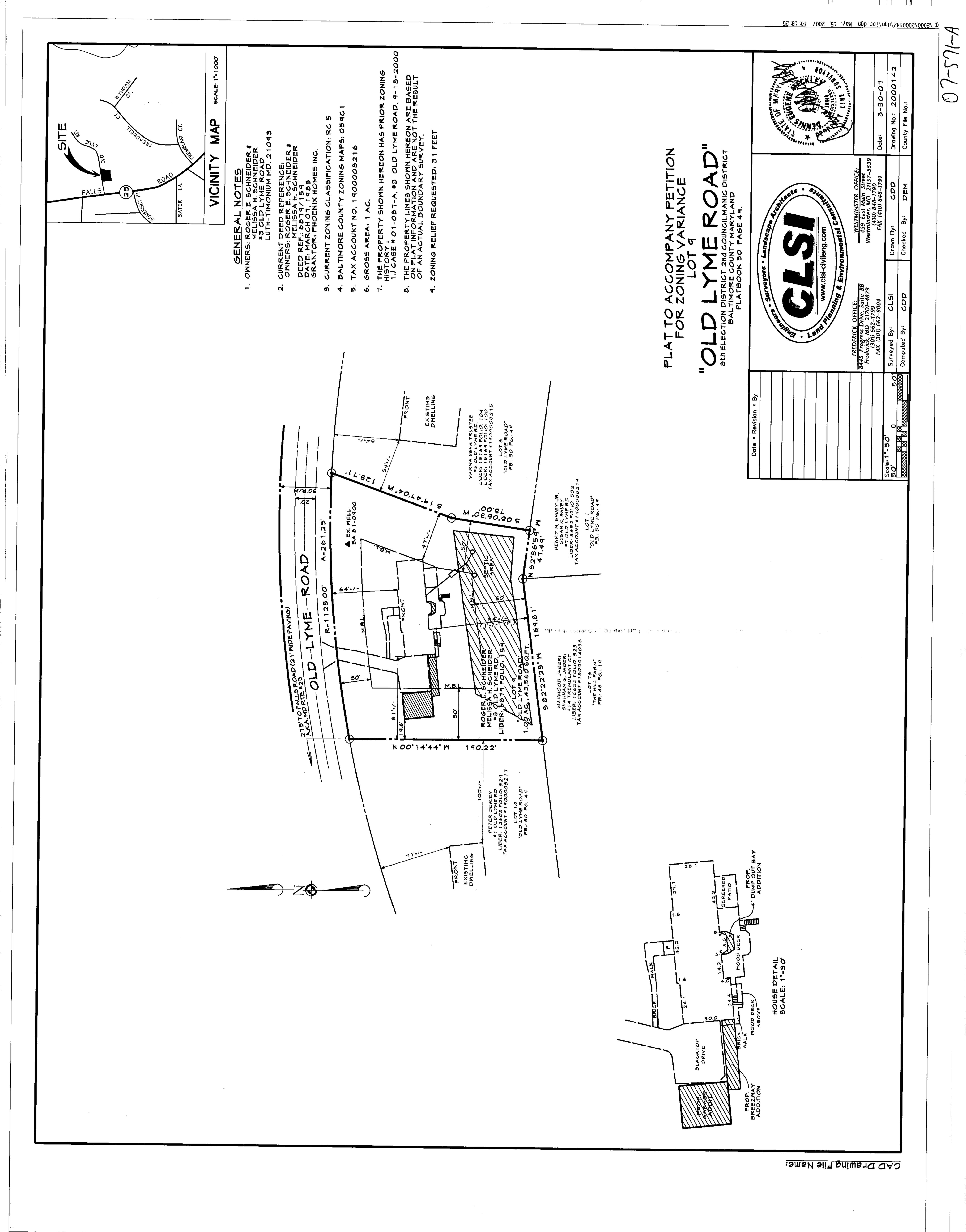


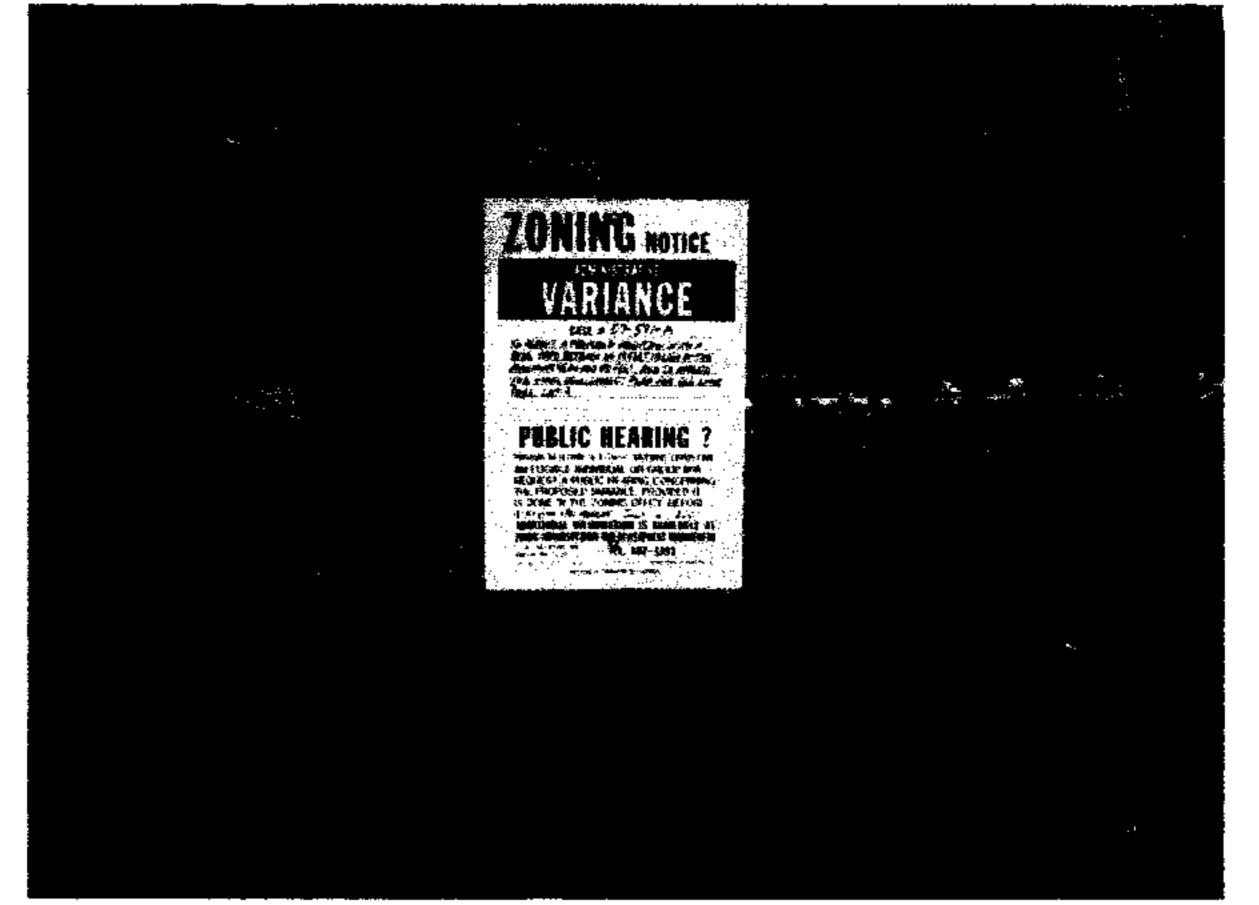






07-571-A





.

•