IN RE: PETITION FOR ADMIN. VARIANCE

S side of Collingwood Road, 299 feet +/- E from c/l of Glen Alpine Road 11th Election District 3rd Councilmanic District

(10 Collingwood Road)

Mitchell D. and Theresa Scholtes

Petitioners

BEFORE THE

DEPUTY ZONING

COMMISSIONER

* FOR BALTIMORE COUNTY

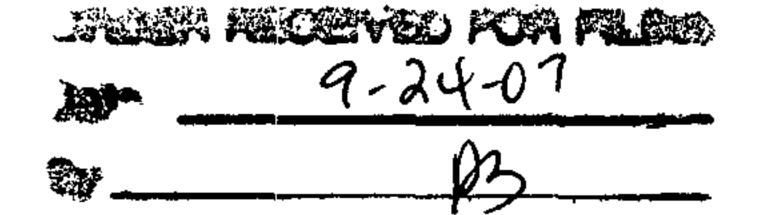
Case No. 08-096-A

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, Mitchell D. and Theresa Scholtes for property located at 10 Collingwood Road. The variance request is from Section 1B02.3.B (R-40 1958) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 14 feet in lieu of the required 20 feet for an attached garage. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 36 foot x 43 foot garage which would encroach 6 feet into the side yard setback. The existing garage was converted into living space prior to the Petitioners' purchase of the home. The proposed garage cannot be placed further back on the property due to a steep slope at the rear of the home. The rear yard also contains the septic tank and two drainfields.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 2, 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.

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.

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

9-24-07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 24, 2007

MITCHELL D. AND THERESA SCHOLTES 10 COLLINGWOOD ROAD PHOENIX MD 21131

> Re: Petition for Administrative Variance Case No. 08-096-A Property: 10 Collingwood Road

Dear Mr. and Mrs. Scholtes:

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



Petition for Administrative Variance

for the property located at 10 Callinguage Ro

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

to the Zoning Commissioner of Baltimore County

which is presently zoned _

owner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section.	th is described in the description and plat attached hereto and $D^{on(s)}$ /B02.3.B; BC22 (R-40) \uparrow_{N}
•	TBACK of 14ft. IN LIEU OF
	OR AN ATTACHED GAZAGE.
of the zoning regulations of Baltimore County, to the zoning la of this petition form.	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the all, or we, agree to pay expenses of above Variance, advertising, postegulations and restrictions of Baltimore County adopted pursuant to	sting, etc. and further 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:	<u>Legal Owner(s):</u>
Name - Type or Print	Mitchell D Scholtes Name - Type or Print Little M - O. D. Name
Signature	Signature Signature Theresa Schottes
Address Telephone No.	Name - Type or Print Larese Scholtes
City State Zip Code Attorney For Petitioner:	Signature 10 Collingwood Road.
· · · · · · · · · · · · · · · · · · ·	Address Telephone No. Address Tolephone No. 21131
Name - Type or Print	City State Zip Code Representative to be Contacted:
Signature	Mitchell Schaltes
Company	10 Calling wood 410 592-3822
Address Telephone No.	Address Phoenix MD 21131
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be this day of, that the subject matter of the regulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
CASE NO. $08 - 096 - 4$ Rev	Zoning Commissioner of Baltimere County iewed By Date Zoning Commissioner of Baltimere County
REV 10/25/01 FOR PLANE Esti	imated Posting Date
9-24-07	•

Affidavit in Support of Administrative Variance

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.

•	City	MIX	State	21131 Zip Code
That based upon personal knowledge, to Variance at the above address (indicate	the following are the f hardship or practical	acts upon which difficulty):	I/we base the reque	est for an Administrative
The existing garage in	bottouros 2Ac	into living	SPACE PUIDE	-to our purchase
on 8-16-05. According	g to the Wind	semere deed	Reguren.	ti 4 out house must
have a sarage.	•			
2) As shown in the p	hoto's, the c	mly possib	ic Area to	zí varap A sa Ala
to Attach it to the	ena of th	e house.	A 5' drop-	off is At the end
3) There is A small	part of the	HATE GTAK	r is level, ho	swever it contains
our septic tank		4 ₀₀ and		•
Approx 6' And is Still have An Orig That the Affiant(s) acknowledge(s) that advertising fee and may be required to p	it if a formal demand	l is filed, Affiant(rea it dro re one of a sould prefer s) will be required	ps off sharply few homes that not to remove to pay a reposting and
Machell Scholtes. Signature		Signature	se Sabolto	ر ا
Mitchell Scholte		Name - Type or		1-es
Name - Type or Print				
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to wit:			
I HEREBY CERTIFY, this day of Maryland, in and for the County afore	of august	, <i>200</i>	\mathcal{Z} , before me, a N	lotary Public of the State
of Maryland, in and for the County afore	said, personally appea	ared L	•	
the Affiant(s) herein, personally known of	or satisfactorily identifi		Affiant(s).	<u> </u>
	•			
AS WITNESS my hand and Notarial Se	al · · · · · · · · · · · · · · · · · · ·	I hush S	Mitchell	
	Nota	ary Public	1.1/150	
	My €	Commission Expi	res _///5/07	
REV 10/25/01	The strike			

ZONING DESCRIPTION FOR 10 COLLINGWOOD ROAD, PHOENIX, MD 21131

Beginning at a point on the South side of Collingwood Road which is 50 feet wide at the distance of 299 feet East of the centerline of the nearest improved intersecting street Glen Alpine Road which is 50 feet wide. Being Lot #5, Block J, Section #2 in the subdivision of Windemere as recorded in Baltimore County Plat Book #29, Folio # 139, containing 1.01 acres. Also known as 10 Collingwood Road and located in the 11 Election District, 3 Councilmanic District.

WHITE - CASHIER DISTRIBUTION OFFICE OF ANEOUS RE PINK - AGENCY Orgn Cato Total: Militarian and a **ALIDATION** -CASHIER'S THE STATE OF

CERTIFICATE OF POSTING

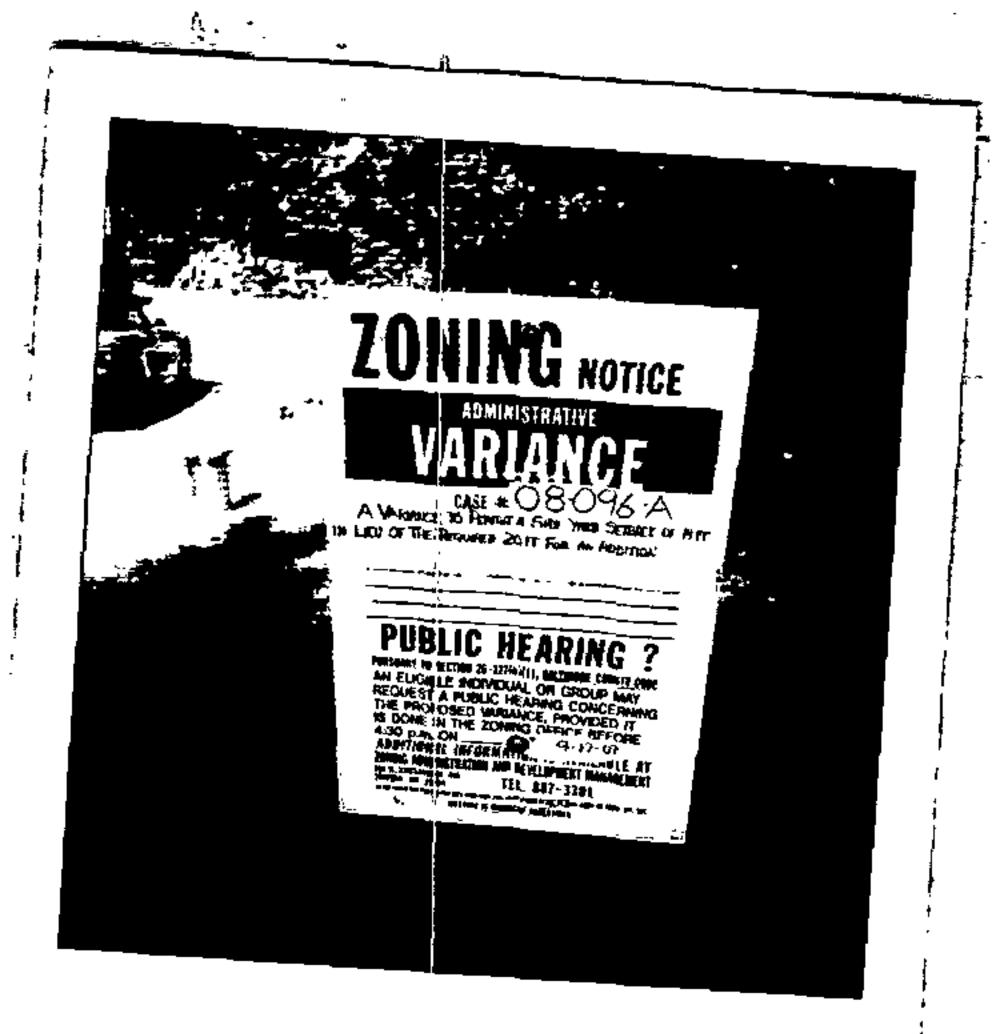
RE: Case No.: 08-096-A					
	Petitioner/Developer: MITCHELL				
	SCHOLTES				
	Date of Hearing/Closing: 9-17-07				

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:

Sincerely,



(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Lestie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



View of neighbors ho Roperty line 8' to right of mailbox.

haus

3h bors





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 13, 2007

Mitchell D. Scholtes Theresa Scholtes 10 Collingwood Road Phoenix, MD 21131

Dear Mr. and Mrs. Scholtes:

RE: Case Number: 08-096-A, 10 Collingwood Road

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

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: September 4, 2007

PECEIVE

SEP 0 5 2007

BY:_____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-096- 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 Jessie Bailek in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 4, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

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Prepared By:

Division Chief:

CM/LL



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

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

Maryland Department of Transportation

Date: SEPT. 2,2007

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

RE:

Baltimore County

Item No. 8-96-A

10 COLLINGWOOD KOAD SCHOLTES 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.

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,

1 Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

Street Address: 707 North Calvert Street + Baltimore, Maryland 21202 + Phone: 410.545,0300 + www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 4, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 3, 2007

Item Nos. 08-087, 089, 091, 092, 093, 094, 095, 096, 097, 098, 100, 101, and 104

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-08302007.doc

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 096 -A Address 10 Collingwood Rd.
Contact Person: J. Mcl2i2c Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: $8.21.07$ Posting Date: $9/2$ Closing Date: $9/17$
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 08- 096 -A Address 10 Collingwood Kd.
Petitioner's Name MITChell ScholtES Telephone 410-592-382
Posting Date: $\frac{9\sqrt{2}}{A\sqrt{ARVANCE}}$ Closing Date: $\frac{9/17}{\sqrt{2}}$
Nording for Sign: To Permit A SIDE YARD SETBACK of 14ft
IN LIEU of THE REQUIRED ZOFT FOR AN
ADDITION.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

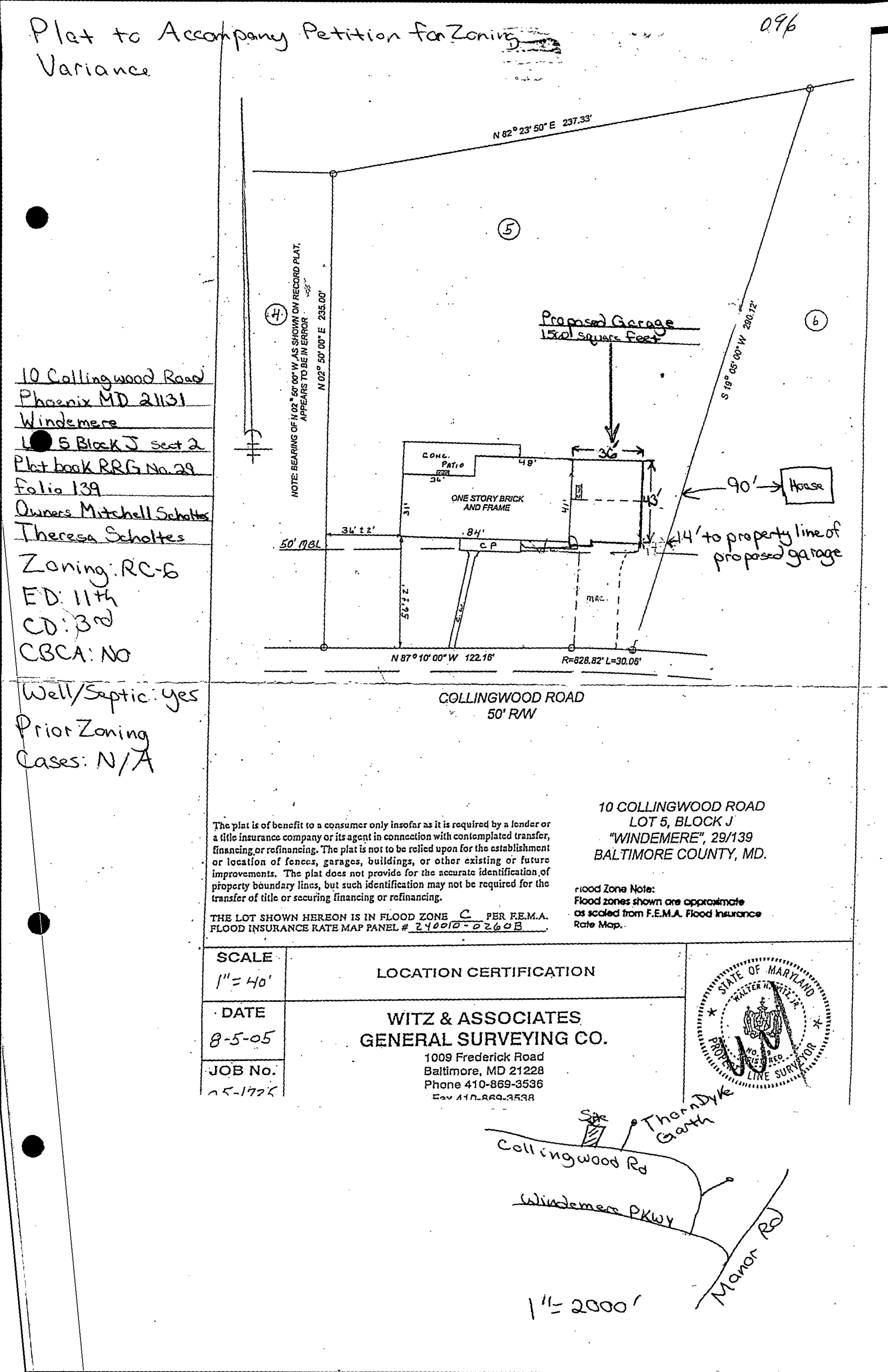
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

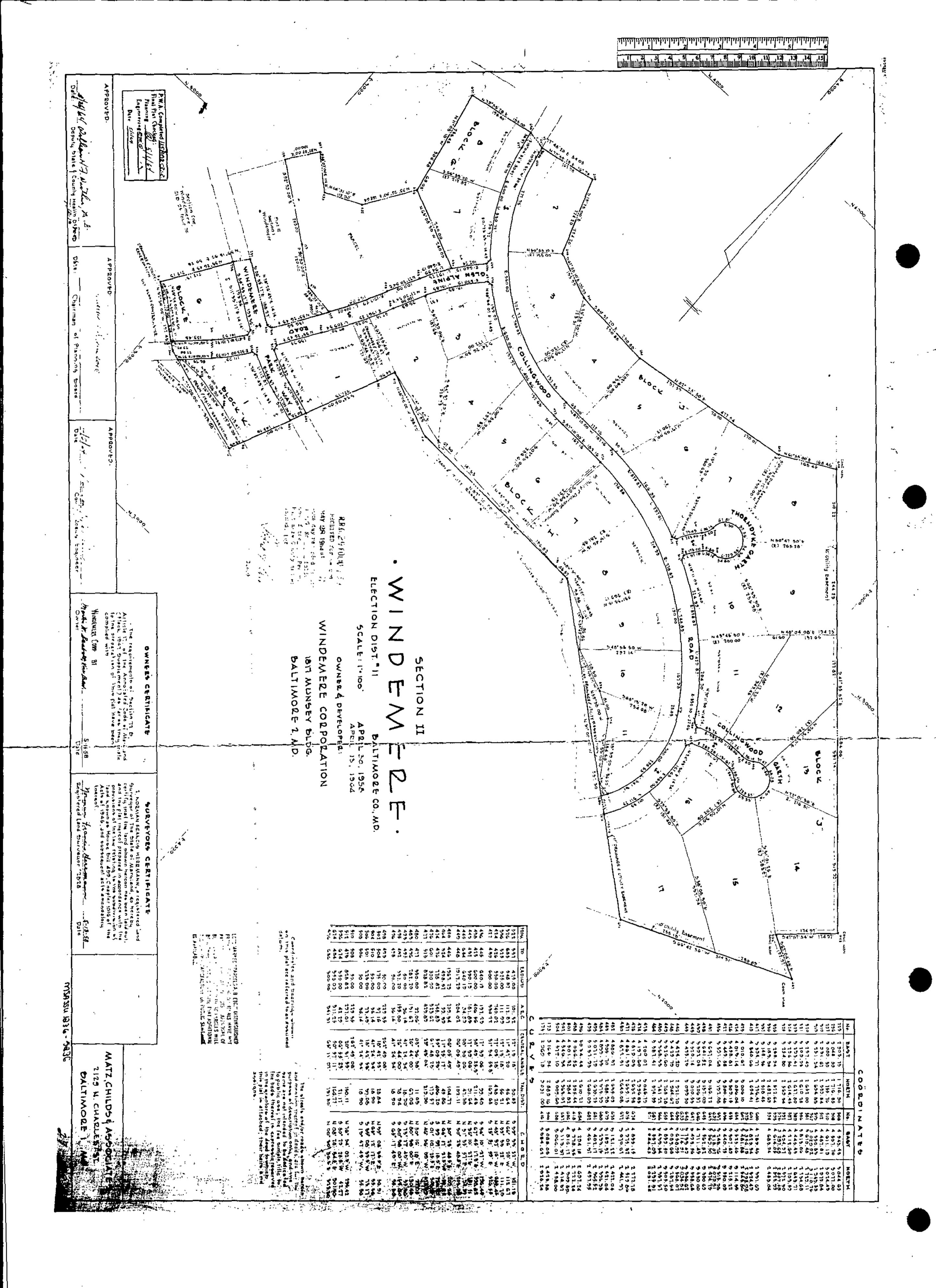
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: Petitioner:	Sch	090 0LT	e = S		
Address or Location: 10 Collin	<u>gwoon</u>	Pd,	Phoen	ix M	21131
PLEASE FORWARD ADVERTISIN	NG BILL TO): ,			
Name:Address:			<u> </u>		·
		P-10			
Telephone Number:	410-	- 593	2_38	22_	



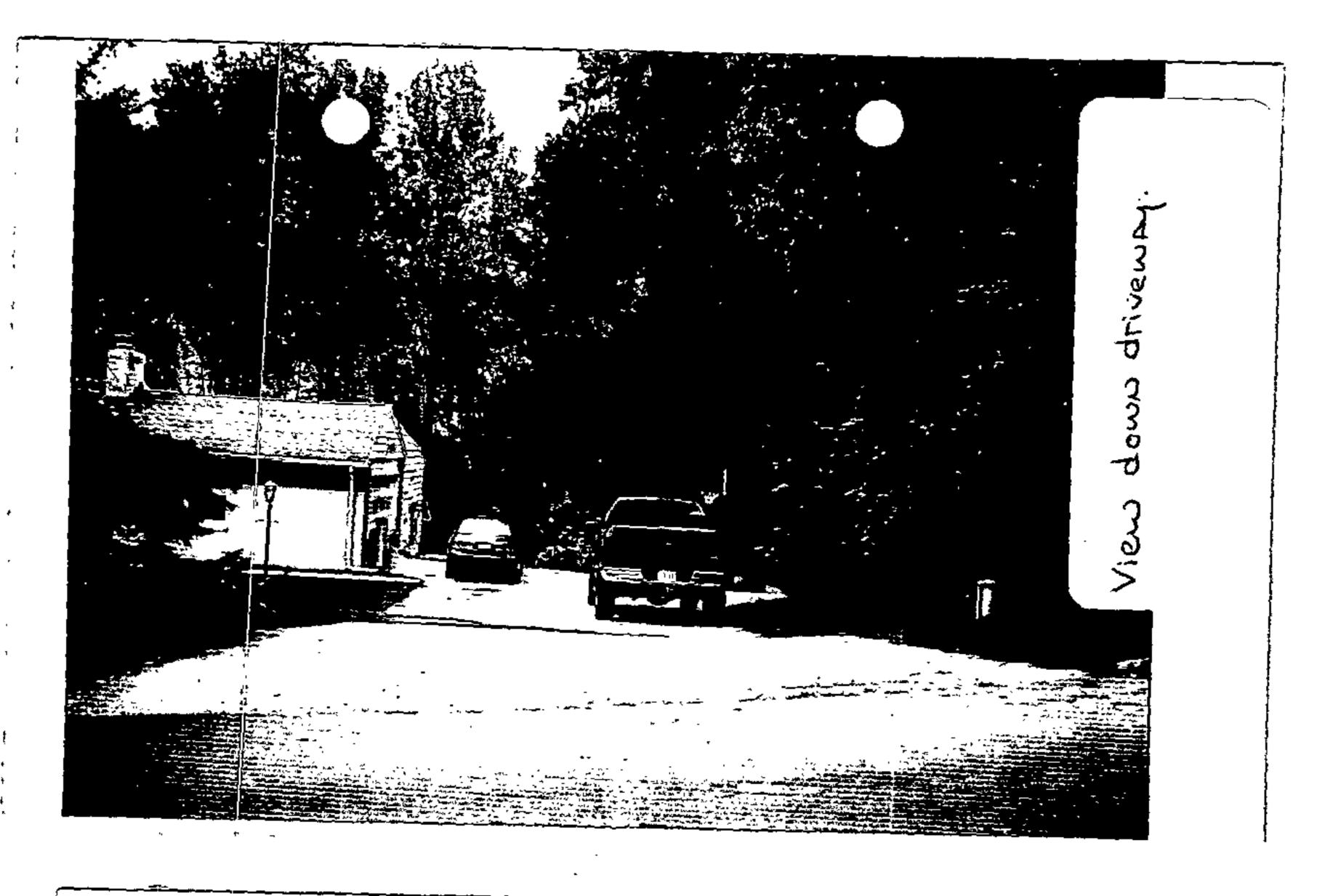




Where septic tank #
drain field is.

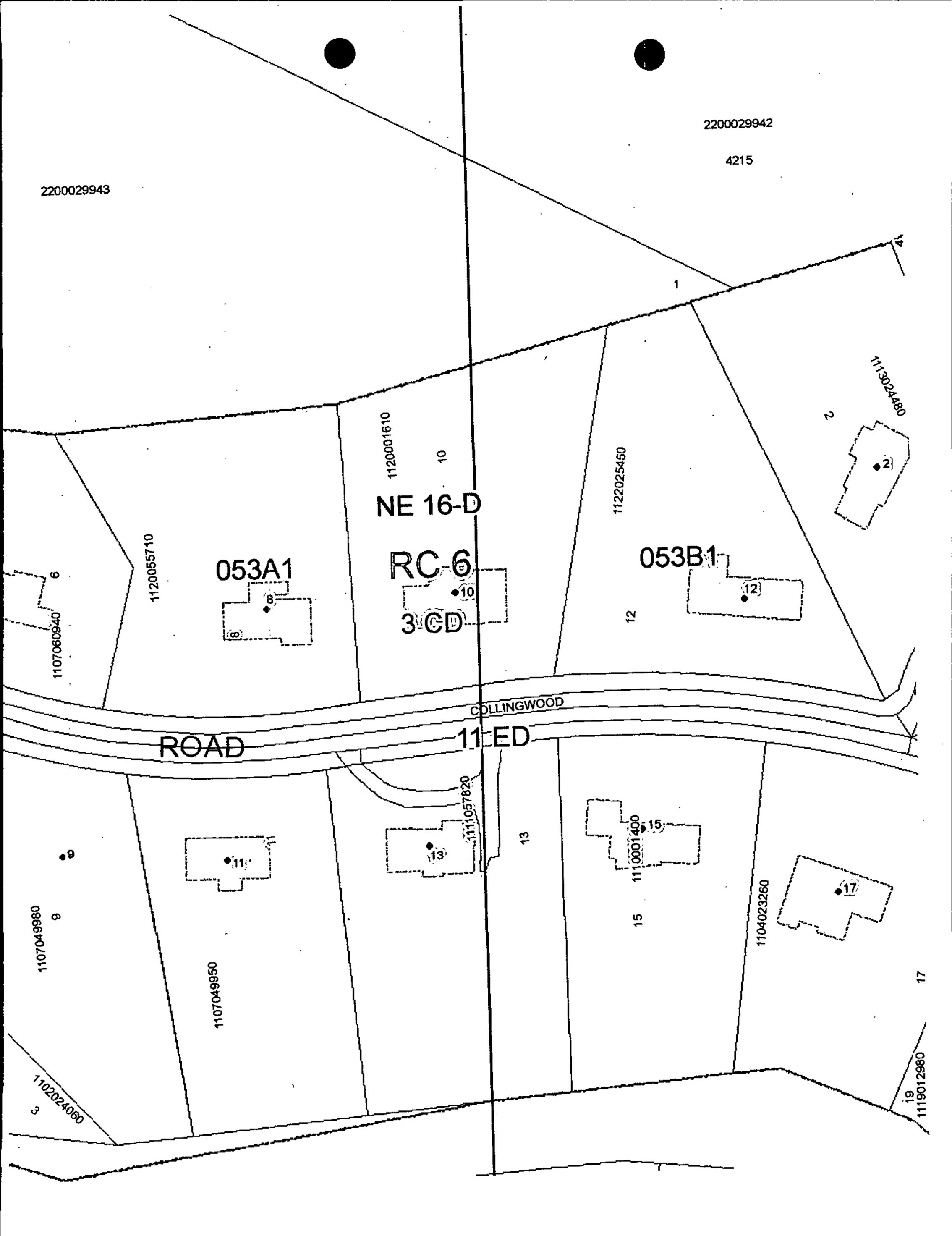


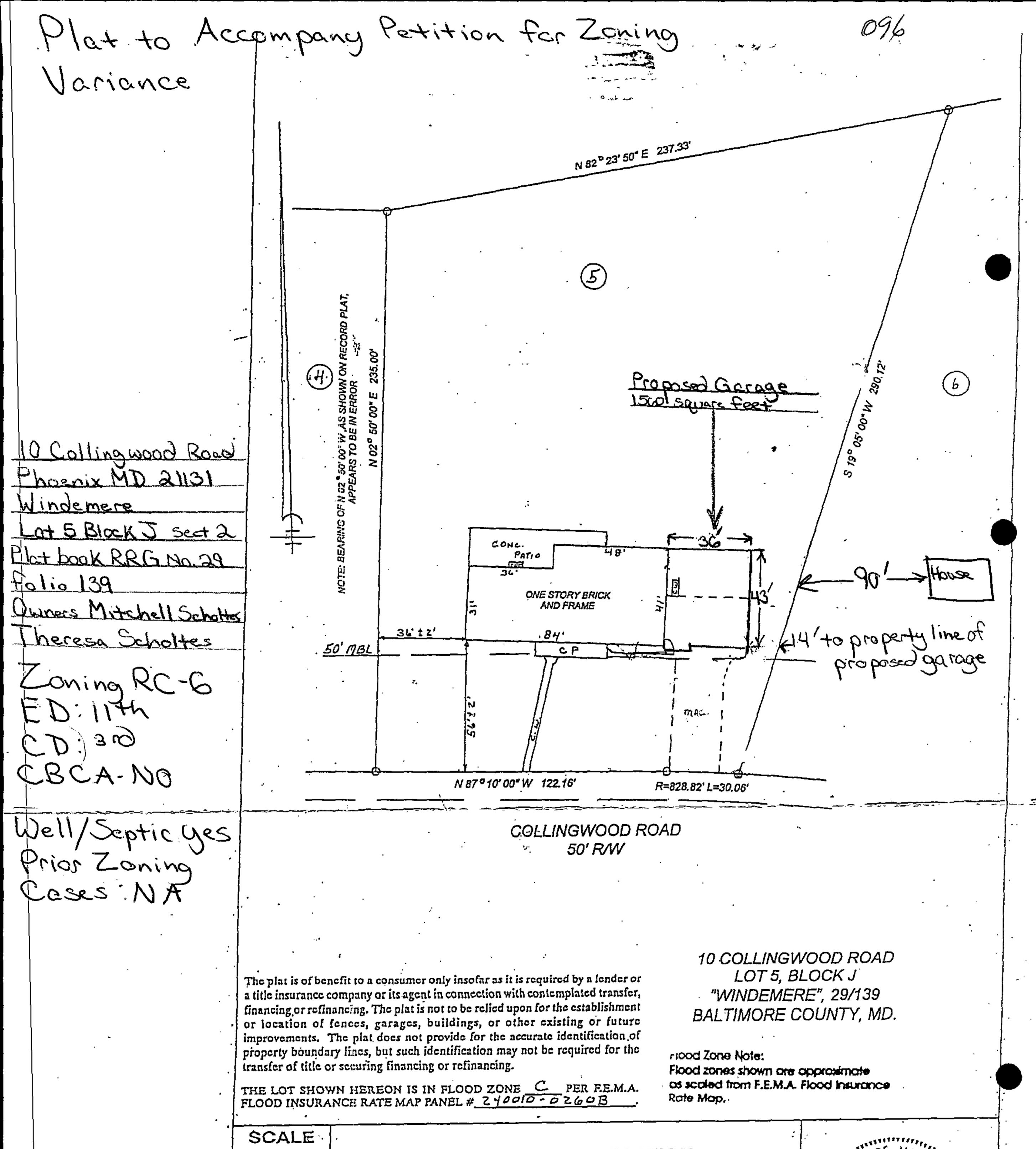
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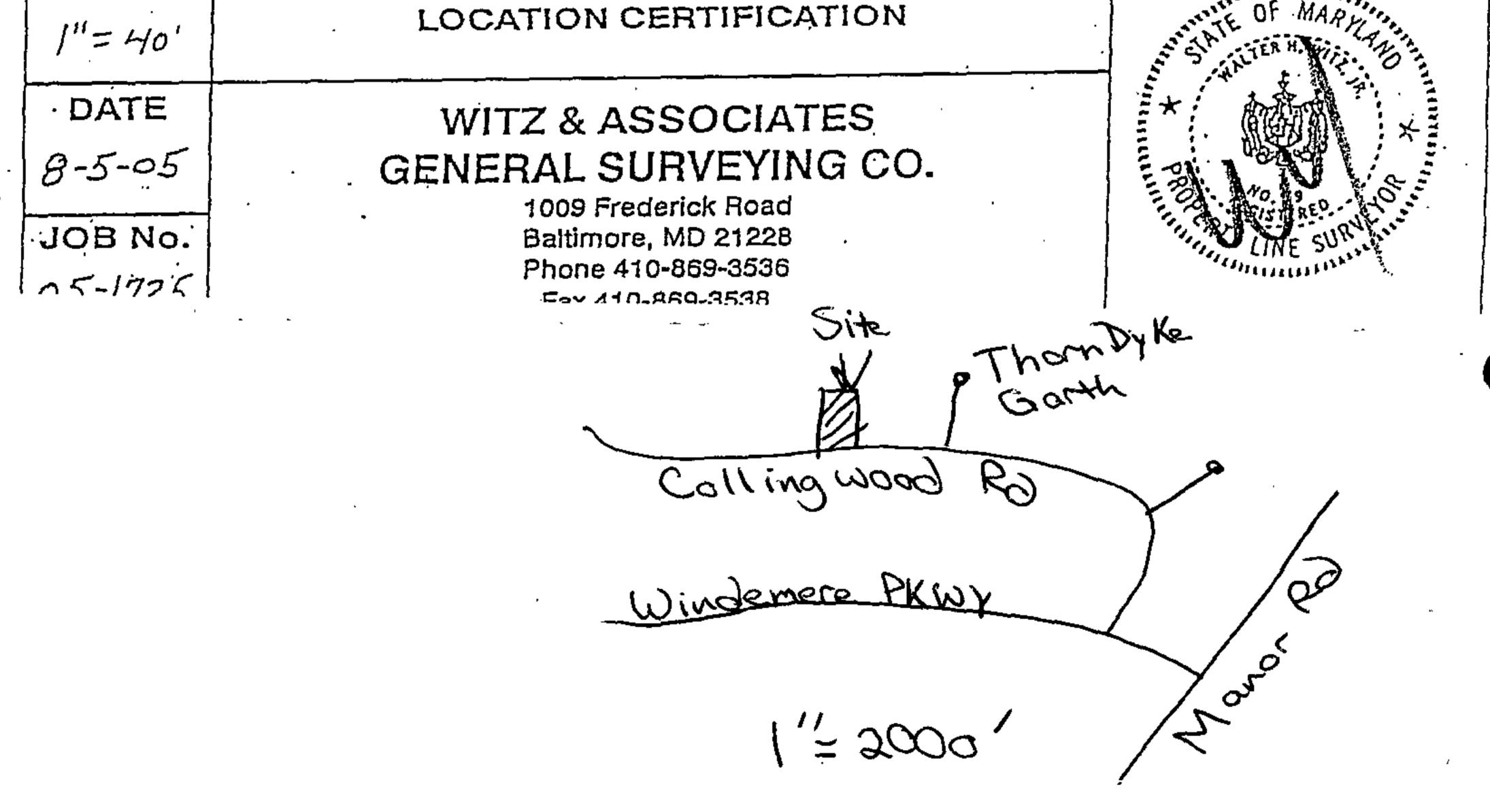


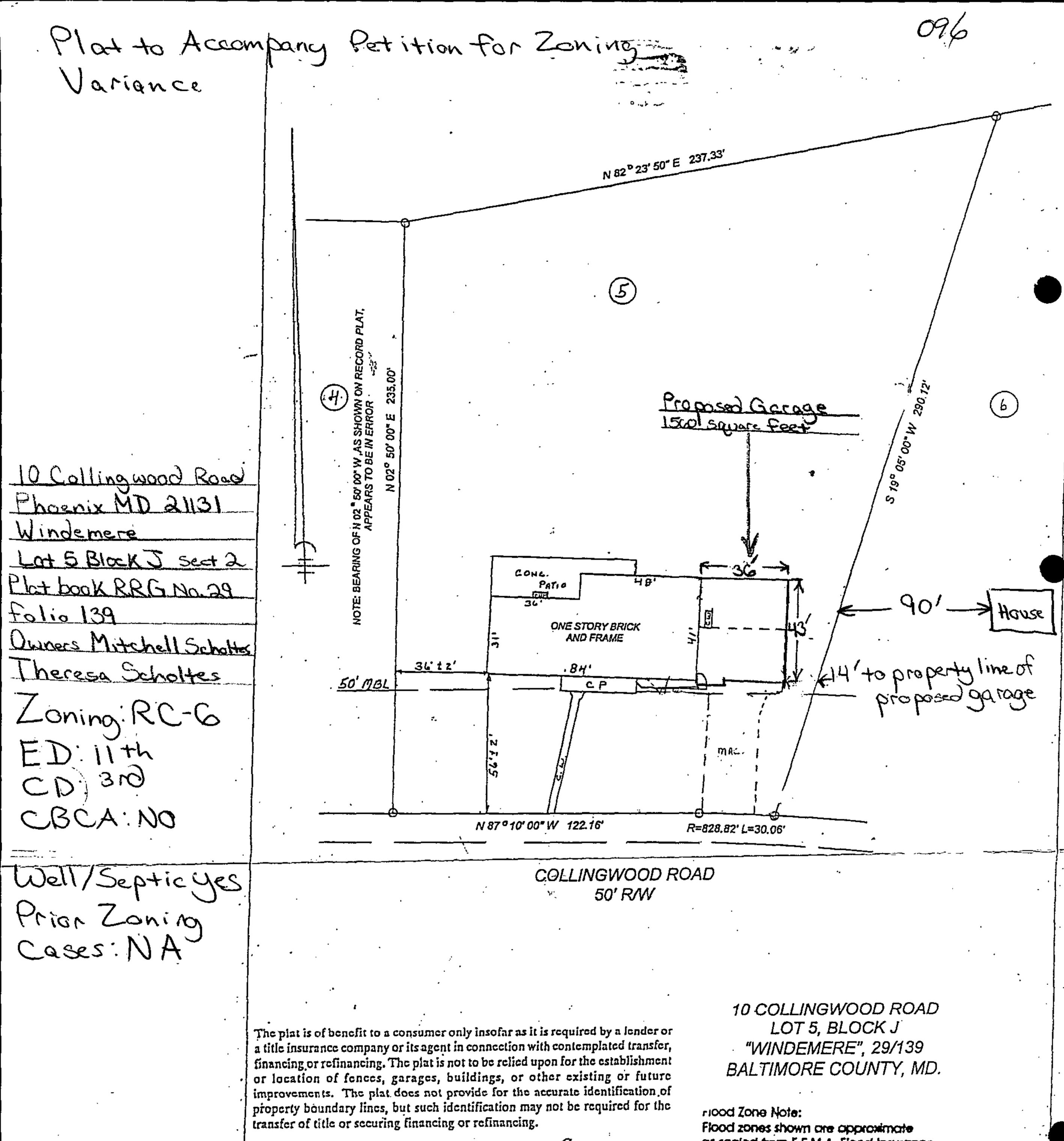


Frago. off @ end of









THE LOT SHOWN HEREON IS IN FLOOD ZONE _ FLOOD INSURANCE RATE MAP PANEL # 240010 - 0260B as scaled from F.E.M.A. Flood Insurance Rate Map,

SCALE /"= 4/0'	LOCATION CERTIFICATION	STATE OF MARKING
·DATE	WITZ & ASSOCIATES	
8-5-05	GENERAL SURVEYING CO. 1009 Frederick Road	70.19
JOB No.	Baltimore, MD 21228 Phone 410-869-3536	LINE SURVEY

