

IN RE: PETITION FOR ADMIN. VARIANCE

E side Maple Avenue, 160 feet S
c/l Frederick Road
1st Election District
1st Councilmanic District
(9 Maple Avenue)

Donald P. and Sharon I. Schaub
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-330-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, Donald P. and Sharon I. Schaub for property located at 9 Maple Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 6 feet and 8 feet, and a side yard combination of 14 feet in lieu of the required 10 feet, 15 feet and 25 feet respectively for a proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a two-story addition measuring 12 feet x 32 feet in size onto the side of their existing 1 ½ story dwelling. Due to the unforeseen expansion of the family, they need to add two bedrooms. The seniors living in the house are no longer able to use the stairs and the Petitioners need to add a washroom on the main level. None of the neighbors voiced any objection to the proposal.

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.

SPRING 2008
2-28-08
M

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 1, 2008 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 Petitioners.

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 25th day of February, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 6 feet and 8 feet, and a side yard combination of 14 feet in lieu of the required 10 feet, 15 feet and 25 feet respectively for a proposed addition 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.

ORDER APPROVED FOR FILED
2-28-08
m

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

THB:pz

~~FROM RECEIVED FOR FILING~~
2-28-08
B3



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 MAPLE AVE., BALTO, MD, 21228
which is presently zoned DR-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3.C.1 to permit side
yard setbacks of 6 ft. and 8 ft., and a side yard combination of 14 ft.
in lieu of the required 10 ft., 15 ft., and 25 ft. respectively for
a proposed addition.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

DONALD P SCHAUB

Name - Type or Print

Signature

SHARON I SCHAUB

Name - Type or Print

Signature

9 MAPLE AVENUE 410-747-5070

Address

Telephone No.

BALTIMORE, MARYLAND 21228

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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, this 28 day of February, 2008, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 33044 FOR PLAT Reviewed By BA Date 1/24/08

REV 10/25/01 2-28-08 Estimated Posting Date 2/3/08

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.

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

9 MAPLE AVENUE
Address
BALTIMORE, MARYLAND 21228
City State Zip Code

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):

SEE ATTACHMENT "A" LETTER

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.

Donald P. Schaub
Signature

Donald P. Schaub
Name - Type or Print

Sharon I. Schaub
Signature

SHARON I. SCHAUB
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DONALD P. SCHAUB & SHARON I. SCHAUB
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Franklin Blatt
Notary Public

My Commission Expires Franklin Blatt
Notary Public
Baltimore County, Maryland
My commission expires November 10, 2011

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.

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

9 MAPLE AVENUE
Address
BALTIMORE, MARYLAND 21228
City State Zip Code

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):

SEE ATTACHMENT "A" LETTER

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.

Donald P. Schaub
Signature

Donald P. Schaub
Name - Type or Print

Sharon I. Schaub
Signature

SHARON I. SCHAUB
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DONALD P. SCHAUB & SHARON I. SCHAUB
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Franklin Blatt
Notary Public

My Commission Expires Franklin Blatt
Notary Public
Baltimore County, Maryland
My commission expires November 10, 2011

DATE: 02-24-2008

12' X 32' ADDITION

WE ARE REQUESTING A VARIANCE IN ORDER TO BUILD AN ADDITION ONTO OUR HOME LOCATED AT 9 MAPLE AVENUE, CATONSVILLE, MD., 21228, DUE TO THE UNFORESEEN EXPANSION OF THE FAMILY AND THE HARDSHIP IT WILL CAUSE. WE WILL NEED TO ADD TWO BEDROOMS TO OUR HOME IN ADDITION, DUE TO THE FACT THAT THE SENIORS LIVING IN THE HOUSE ARE NO LONGER ABLE TO USE THE STAIRS AND WE NEED TO ADD A WASHROOM ON THE MAIN LEVEL FOR A WASHER/DRYER HOOK-UP.

THANK YOU .

SINCERELY,

Handwritten signatures of Sharon Schaub and Donald Schaub in cursive script.

DONALD & SHARON SCHAUB

ZONING DESCRIPTION

ZONING DESCRIPTION FOR ;

9 MAPLE AVENUE, CATONSVILLE, MARYLAND, 21228

Beginning at a point on the EAST side of Maple Avenue which is 20 feet wide at the distance of 160 feet South of the centerline of the nearest improved intersecting street, Frederick Road, which is 30 feet wide. Being Lot # 1, in the subdivision of Hazlen Terrace as recorded in the Baltimore County Plat Book #0009, Folio # 0021, containing 12,000 square feet. Also known as 9 Maple Avenue and located in the 1st Election District, 1st Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09756**

Date: 1/24/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount

Total: 65.00

Rec

From: Donald P. Finch

For: Administrative Services

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Item # 330

PAID RECEIPT

RECEIVED BY: 1/24/08 TIME: 15:21:26
 RECEIPT # 09756 DATE: 1/24/2008 DEPT: 3
 RECEIPT VERIFICATION
 RECEIPT TOTAL: 65.00
 RECEIPT TOTAL: 65.00 CH: 4.00 CA
 Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 08-330-A

Petitioner/Developer: D. & S. SCHAUB

Date of Hearing/Closing: FEB. 18, 2008

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 property located at # 9 MAPLE AVE.

The sign(s) were posted on FEB. 1, 2008
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 330 -A Address 9 Maple Ave.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/24/08 Posting Date: 2/3/08 Closing Date: 2/18/08

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. **DEADLINE:** 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.
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. **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- 330 -A Address 9 Maple Ave.

Petitioner's Name Donald & Sharon Schaub Telephone 410-747-5070

Posting Date: 2/3/08 Closing Date: 2/18/08

Wording for Sign: To Permit side yard setbacks of 6 ft., 8 ft., and 9 side yard combination of 14 ft. in lieu of the required 10 ft., 15 ft. and 25 ft., respectively for a proposed addition.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 08-330-A
Petitioner: DONALD P. SCHAUB
Address or Location: 9 Maple Ave., Baltimore, MD. 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. Donald P. Schaub
Address: 9 Maple Avenue
Catonsville, Md., 21228
Telephone Number: 410-747-5070

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # CE-330-A

The present study was designed to determine
 whether a 12-week intervention of 100
 kcal/day of total energy deficit (100
 kcal/day deficit) was sufficient to
 reduce body weight and body fat.

PUBLIC HEARING ?

APPLICANT TO SECTION 24-201-2, BETHUNE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON FRIDAY, AUGUST 4, 2006.
ADDITIONAL INFORMATION IS AVAILABLE AT
JUNIOR ADMINISTRATION AND DEVELOPMENT MANAGEMENT
OFFICE, 1000 N. 1ST ST., SUITE 100, TALLAHASSEE, FL 32301
TEL. 887-1191

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 105–112

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-330-A

TO PERMIT SIDE YARD SETBACKS OF 6 FEET,
8 FEET AND A SIDE YARD COMBINATION OF 14 FEET
IN LIEU OF THE REQUIRED 10 FEET, 15 FEET AND
25 FEET RESPECTIVELY FOR A PROPOSED ADDITION.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON ----- FEBRUARY 18, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW. RETURN SIGN TO ZADM, RM. 304

MEETING IS HANDICAP ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

February 18, 2008

Donald P. Schaub
Sharon I Schaub
9 Maple Avenue
Baltimore, MD 21228

Dear Mr. and Mrs. Schaub:

RE: Case Number: 08-330-A, 9 Maple Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 24, 2008. 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



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

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

Maryland Department of Transportation

Date: Feb. 4, 2008

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

RE: Baltimore County
Item No. 8-330-A
9 MAPLE AVENUE
SCHAUB 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. 8-330-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 handwritten signature in black ink that reads "Michael P. Bailey". The signature is written in a cursive style with a large, prominent "M" and "B".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 04, 2008

Item Number: 325, 326, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2008

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



SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-330- 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:

A handwritten signature in cursive script, appearing to read "Curtis Murray", written over a horizontal line.

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 7, 2008

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2008
Item Nos. 07-456, 08-325, 326, 328, 329,
330, 331, 333, 334, 335, 336, 338, and 339

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

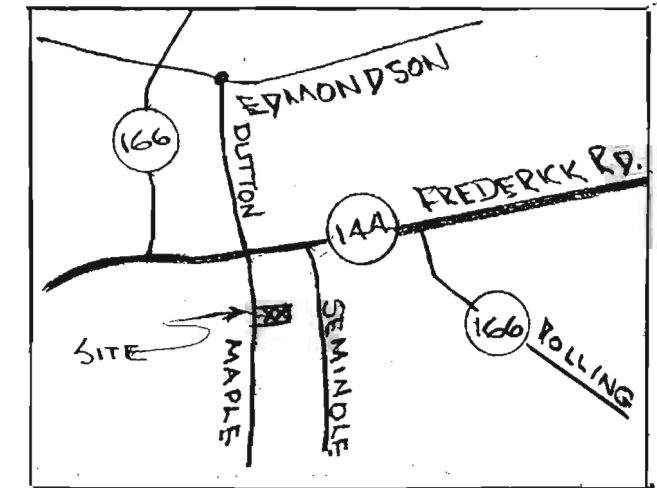
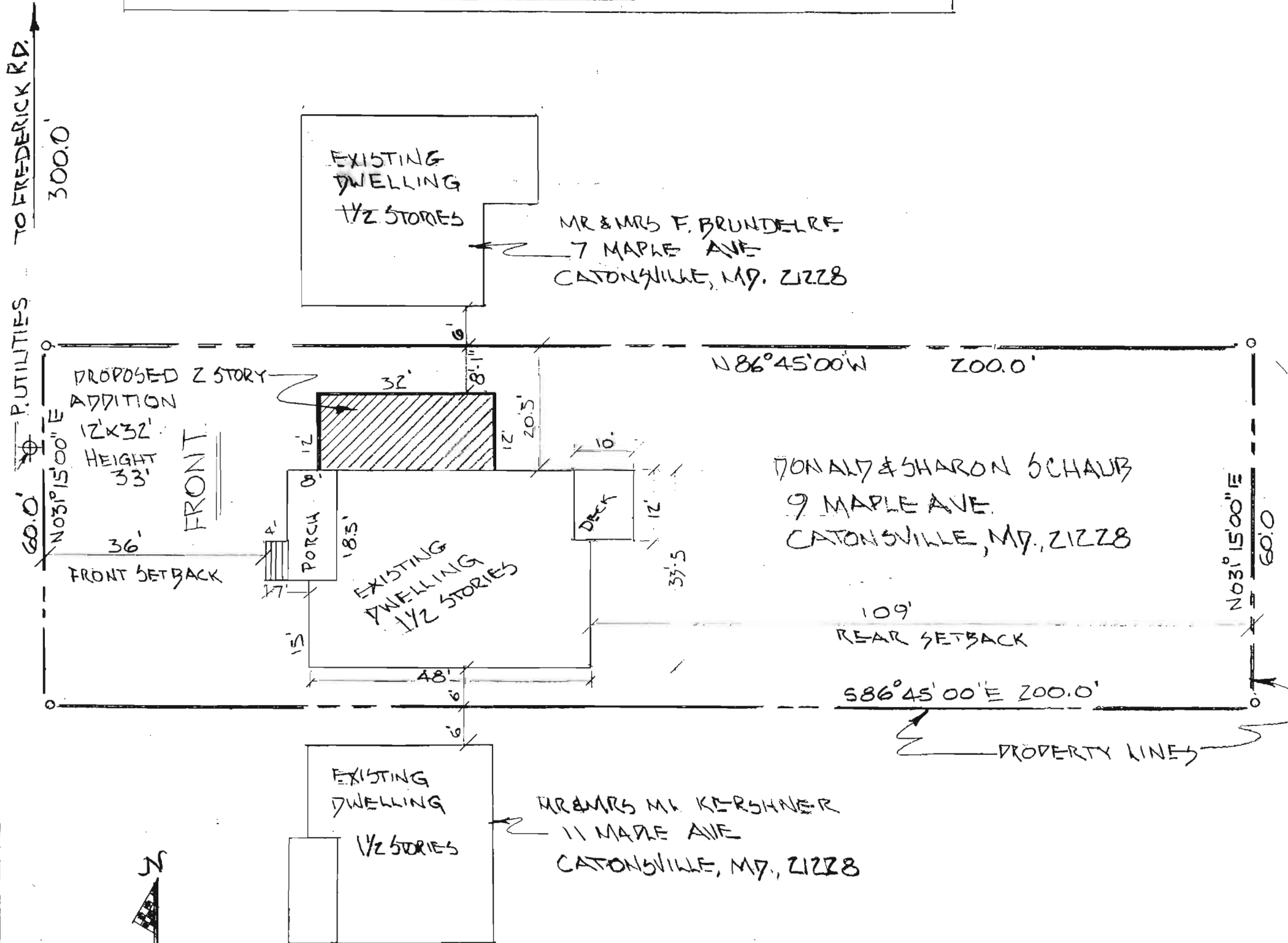
DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 02072008.doc



PROPERTY ADDRESS 9 MAPLE AVE., CATONSVILLE, MD., 21228
 SUBDIVISION HAZLEN TERRACE
 PLAT BOOK 9 FOLIO #0021 EOT #1 SECTION
 OWNER DONALD & SHARON SCHAUB



VICINITY MAP
 SCALE 1" = 1000'

LOCATION MAP

ELECTION DISTRICT #1
 COUNCIL DISTRICT #1
 ZONING 3.5
 LOT SIZE 23AC 60' x 200' 12,000 SF
 PUBLIC SEWER YES
 PUBLIC WATER YES
 CHESAPEAKE BAY AREA NO
 100 YR FLOOD PLAN NO
 HISTORIC PROPERTY NO
 PRIOR ZONING HEARING NO
 ZONING MAP # 100C2

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM# CASE #
 ML 330 08-330-A

PREPARED BY AM.T.

SITE PLAN
 SCALE 1" = 70'