

IN RE: PETITION FOR ADMIN. VARIANCE *

N side of Charlee Avenue, 135 feet

E Bishops Lane

1st Election District

1st Councilmanic District

(502 Charlee Avenue)

Sandra Schaufler

Petitioner

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-331-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Sandra Schaufler for property located at 502 Charlee 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 a proposed addition (enclosed porch) with a rear yard setback of 6 feet in lieu of the minimum required 30 feet, and to permit an open projection (screened deck) with a rear yard setback of 6 feet in lieu of the minimum required 22.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner wishes to enclose the covered back porch and build a covered deck alongside of the proposed enclosed porch. The deck would not extend beyond the back wall of the porch. The proposed open stoop with stairs measures 4 feet 6 inches x 4 feet 6 inches. The proposed screened deck measures 7 feet x 10 feet in size. The inability to modify the back of the home prevents the Petitioner from making any reasonable use of the back of her property. There is only 6 feet between the porch wall and the property line. This is peculiar to her property because the home is the only one that was built so close to the rear property line. The home was constructed in 1924. The Petitioner's property is only 72 feet deep while adjacent properties on Bishop Lane are 120 feet deep and properties behind the Petitioner on Bloomingdale

2-28-08
p17

Avenue are 140 feet deep. The small size of the property prevents the Petitioner from having a rear deck or enclosing the covered porch as many of the neighbors have done.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 3, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 25th day of February, 2008 that a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (enclosed porch) with a rear yard setback of 6 feet in lieu of the minimum required 30 feet, and to permit an open

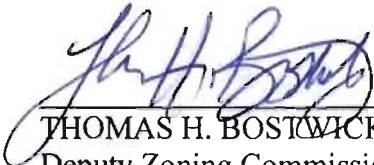
RECEIVED FOR FILED

2-28-08

projection (screened deck) with a rear yard setback of 6 feet in lieu of the minimum required 22.5 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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

THB:pz

ORDER - ARRIVED FOR FILING
2-28-08
p2



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 502 CHARLEE AVE
which is presently zoned DR 5.5

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)

1802.3.C.1 & 301.1, BCZR, to permit a proposed addition (enclosed porch) with a rear yard setback of 6 feet in lieu of the minimum required 30 feet, and to permit an open projection (screened deck) with a rear yard setback of 6 feet in lieu of the minimum required 22½ feet.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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 _____ day of _____, 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.

08-331-A

Reviewed By

JNP

Date

1/24/08

REV 10/25/01

Estimated Posting Date

2/3/08

2.28.08

pn

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

Address 502 CHARLEE AVE
City CATONSVILLE State MD Zip Code 21228

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):

I want to enclose my covered back porch and build a covered deck alongside of the proposed enclosed porch. The deck would not extend beyond the back wall of the porch.

My situation is unusual since my house is the only one in the surrounding area where the back wall of the existing porch is within 10 feet of the property line. Therefore the current zoning restriction that prohibits extending or modifying the existing structure within 10 feet of the property line effectively bars me, and only me, from any modifications to the rear of my house. This prevents me from having a rear deck or enclosing my covered porch, as many of my neighbors have done.

The inability to modify the back of my house prevents me from making any reasonable use of the back of my property, since there is only 6 feet between the porch wall and the property line. This is peculiar to my property because my house is the only one that was built so close to the rear property line. The house was built in 1924 so the situation is not the result of my own actions.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of JANUARY, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SANDRA SCHAUFLE
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

MARY BLAIR DIZE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires April 26, 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 502 CHARLEE AVE
Address
CATONSVILLE MD 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):

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The inability to modify the back of my house prevents me from making any reasonable use of the back of my property, since there is only 6 feet between the porch wall and the property line. This is peculiar to my property because my house is the only one that was built so close to the rear property line. The house was built in 1924 so the situation is not the result of my own actions.

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Signature

Name - Type or Print

Name - Type or Print

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SANDRA SCHAUFLE
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

MARY BLAIR DIZE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires April 26, 2011

Property/Zoning Description

This is a zoning description for 502 Charlee Ave. Catonsville, MD 21228.

Beginning at a point on the north side of Charlee Avenue which is 30 feet wide at the distance of 135 feet east of the centerline of the nearest improved intersecting street, Bishops Lane, which is 30 feet wide. Being part of Lot #14, with no block or section number, in the subdivision of Bishop Bloom as recorded in Baltimore County Plat Book #5, Folio #49 containing 4320 square feet. Also known as 502 Charlee Avenue and located in the 1st Election District, 1st Councilmanic District.

08-331-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09757**

Date: 1/24/2008

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	001			2110				61.00

Total: 61.00

Rec
From:

Candra Schaeffer

For:

Alma Williams - 502 Charles Avenue
02-331-A (Schaeffer)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS - ACTUAL TIME - 0000
 1/25/2008 1/24/2008 10426124 7
 003 WALKIN 1000 100
 RECEIPT # 000001 1/24/2008 0000
 5 502 JIMMY AFRICATION
 00757
 Rept tot 145.00
 145.00 01 1.00 01
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 08-331-A

Petitioner/Developer: SANDRA SCHAUFER

Date Of Hearing/Closing: 2/18/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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
at 502 CHARLES AVENUE

This sign(s) were posted on February 3, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 2/3/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 331 -A Address 502 Charlee Avenue
Contact Person: Jeffrey Perlow 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- 331 -A Address 502 Charlee Avenue
Petitioner's Name Sandra Schaufler Telephone 410-788-2103
Posting Date: 2/3/08 Closing Date: 2/18/08
Wording for Sign: To Permit a proposed addition (enclosed porch) with a rear yard setback of 6 feet in lieu of the minimum required 30 feet, and to permit an open projection (screened deck) with a rear yard setback of 6 feet in lieu of the minimum required 22½ feet.

WCR - Revised 6/25/04

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-331-A

TO PERMIT A PROPOSED ADDITION (ENCLOSED PORCH)
WITH A REAR YARD SETBACK OF 6 FEET IN LIEU OF THE
MINIMUM REQUIRED 30 FEET, AND TO PERMIT AN OPEN
PROTECTION (SCREENED DECK) WITH A REAR YARD SETBACK
OF 6 FEET IN LIEU OF THE MINIMUM REQUIRED 22 1/2 FEET.

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 MONDAY • FEBRUARY 18, 2009

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

NO FEE. RETURN THIS NOTICE AND FILL OUT WITHIN 30 DAYS. OTHER PROJECTS IN THE RETURN BOTH TO FROM. RM. 300

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

Sandra Schaufler
502 Charlee Avenue
Catonsville, MD 21228

Dear Ms. Schaufler:

RE: Case Number: 08-331-A, 502 Charlee 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. 8-331-A
502 CHARLEE AVENUE
SCHAUFELER 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. 8-331-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, appearing to read "Michael P. Bailey", is written over the typed name "Steven D. Foster".

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, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 7, 2008

RECEIVED
FEB 08 2008

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

BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-331- 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:



CM/LL



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

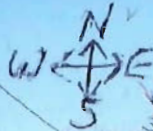
Item Number: 325, 326, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339

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



FRONT
302
CHARLEE



01/01/2000



REAR
COVERED PORCH
← 502 CHARLEE

WEST
SIDE
OF
HOUSE

PROPERTY
LINE

6 FT

13'6"

01/21/2008

REAR
PROPERTY
LINE
502 CHARLES

REAR
ENCLOSED
PORCH

EAST SIDE
OF HOUSE

6 FEET

01/21/2008

BACK 107 BISHOPS LANE



01/21/2008

11257 FRODO

BACK 105 BISHOPS LANE
107 BISHOPS LANE



01/21/2008



EASTERN PROPERTY LINE
102 CHARLEE

01/21/2008

FRONT 501 CHARLEE

502 CHARLEE

END
CHARLEE AVE

01/21/2008



EAST
PROPERTY
LINE

502

501

01/21/2008

PLAT TO ACCOMPANY PETITION FOR ZONING ~~X~~ VARIANCE SPECIAL HEARING

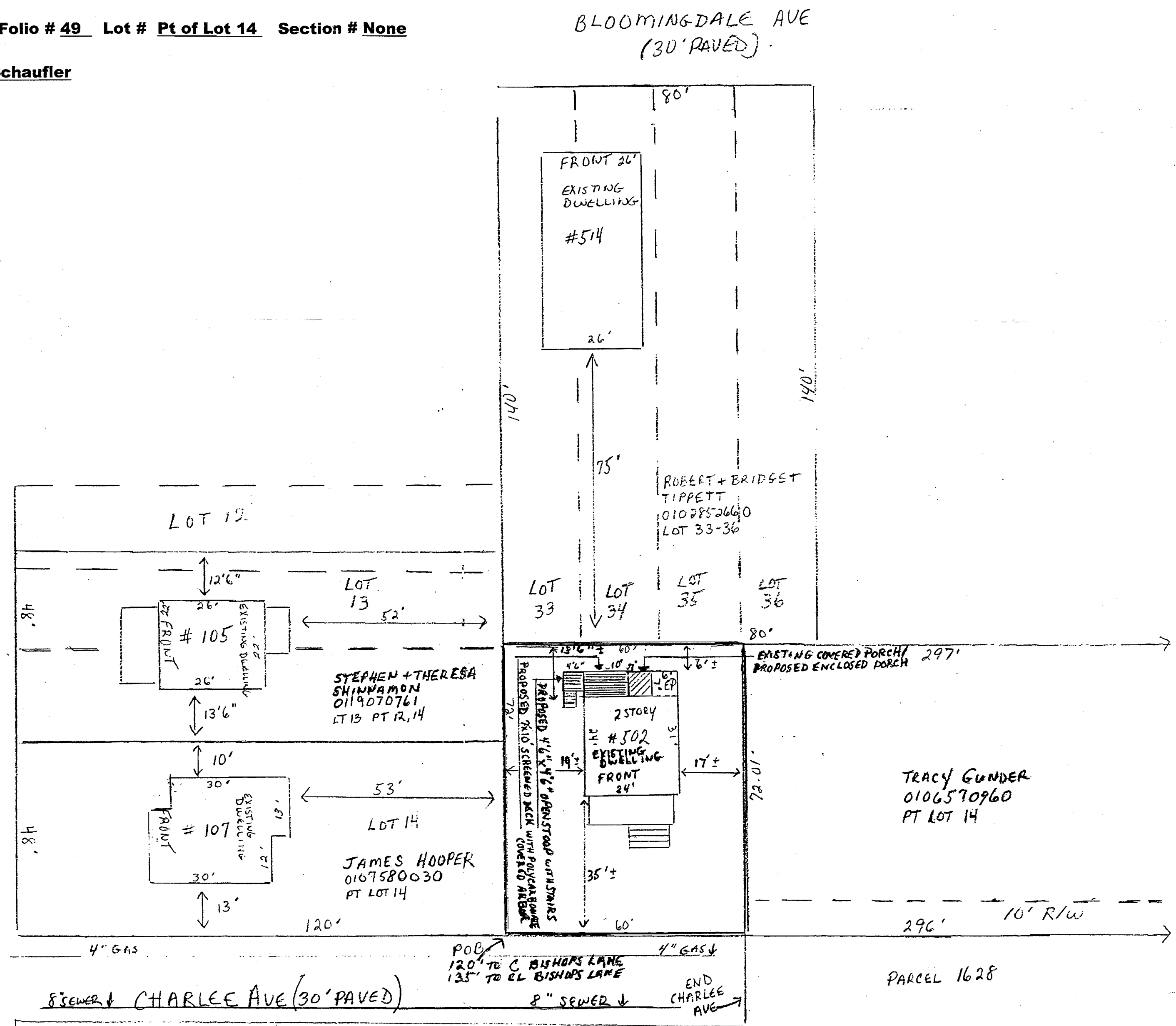
Property Address: 502 Charlee Avenue

Subdivision Name: Bishop Bloom

Plat Book # 5 Folio # 49 Lot # Pt of Lot 14 Section # None

Owner Sandra Schaufler

BISHOPS LANE (30' PAVED)



BLOOMINGDALE AVE
(30' PAVED)

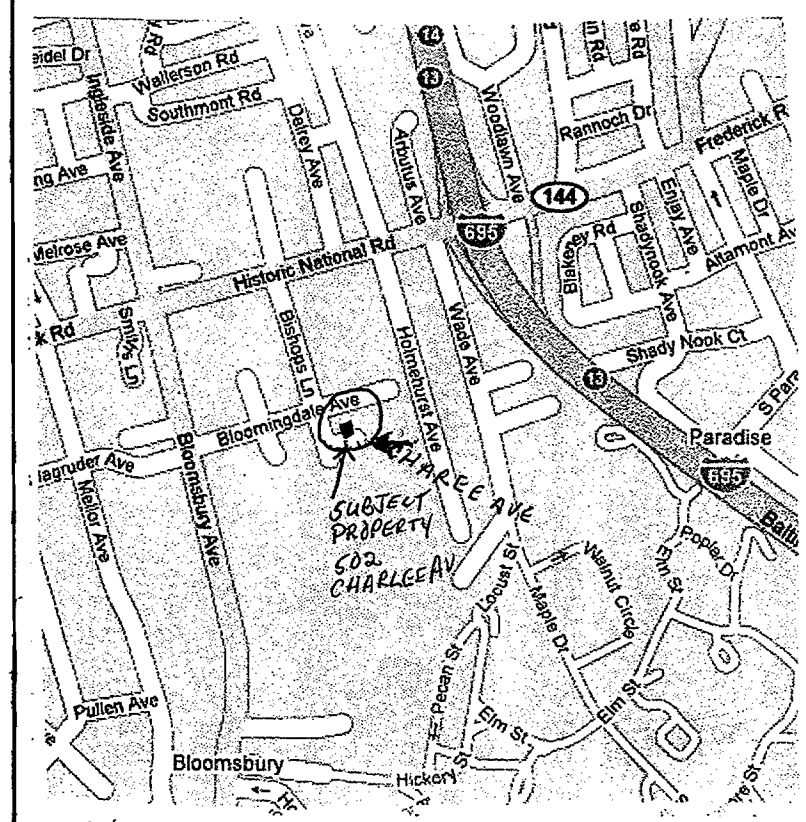
ROBERT + BRIDGET
TIPFETT
0107852660
LOT 33-36

STEPHEN + THERESA
SHINNAMON
0119070761
PT 13 PT 12, 14

JAMES HOOPER
0107580030
PT LOT 14

TRACY GUNDER
0106570960
PT LOT 14

PARCEL 1628



Vicinity Map

Scale 1" = 1000'

Location Information

Election District 1

Councilmanic District 1

1' = 100' Scale Map # 101A2

Zoning DR 5.5

Lot Size .099 4320
Acreage Square Feet

	Public	Private	YES	NO
Sewer	X			
Water	X			
CHESAPEAKE BAY CRITICAL AREA				X
100 YEAR FLOOD PLAIN				X
HISTORIC PROPERTY/ BUILDING				X
PRIOR ZONING HEARING				X

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JNP 331 08-331-A