

IN RE: PETITION FOR ADMIN. VARIANCE

E side of York Road, 370 feet +/- N of
Wiseburg Road
7th Election District
3rd Councilmanic District
(18209 York Road)

Ron and Heidi Krauss and Jonathan Schmitt
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-359-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, Ron and Heidi Krauss and Jonathan Schmitt for property located at 18209 York Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side setback of 29 feet and 38 feet in lieu of required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition onto the rear of the home to provide additional living space. Elevation drawings submitted by the Petitioners depict a large and attractive addition to the home with standing seam metal roof, horizontal lap siding and stone veneer. The first floor portion of the addition includes a dining room, porch, kitchen, great room, laundry room and pantry. The second floor addition portion includes a master bedroom suite with balcony. The current square footage of the home is approximately 1,640 square feet and the proposed addition contains approximately 1,900 square feet. The home was constructed in 1899 long before the imposition of zoning on the property. The property contains 1.25 acres of land zoned RC 5.

The Petitioners' neighbor, M.V. Runkles III of 18200 York Road, requested a public hearing on this matter in a letter received after the March 10, 2008 closing date. Barbara and

ORDER RECEIVED FOR PLANNING

4-25-08

pb

Irving Robinson of 18213 York Road also requested a public hearing in a letter received April 1, 2008. Subsequent to the receipt of the letters, the Petitioners meet with both parties in order to resolve any concerns about the proposed addition that the neighbors might have. As a result of these meetings, Mr. Runkles and Mr. and Mrs. Robinson now state, in separate letters, that they are pleased with the design of the proposed addition and have no reservations about the requested variance.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated February 22, 2008 which indicates that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and must also comply with the Forest Conservation Regulations.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 20, 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.

COPIES RECEIVED FOR FILING
4.25.08
[Signature]

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 April, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side setback of 29 feet and 38 feet in lieu of required 50 feet 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. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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 RESERVED FOR FILING
4-25-08




TAX. ACCOUNT

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 18209 YORK ROAD
which is presently zoned RC-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)

SEE ATTACHED

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

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

REV 10/25/01

Reviewed By

Date

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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

Address 18209 YORK ROAD
City PARKTON State MD Zip Code 21120

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 ATTACHED *

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 Row G Krauss Heidi Krauss

Signature [Signature]
Name - Type or Print Jonathan Schmitt

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 12/31/2011

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

Address 18209 YORK ROAD
City PARKTON State MD Zip Code 21120

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 ATTACHED *

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

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

12/31/2011



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 18209 York Rd.
which is presently zoned RC-3

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)

SEE ATTACHED

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):

Heidi Krauss

Name - Type or Print

Signature

RON KRAUSS

Name - Type or Print

Signature

Address

City

State

Zip Code

Jonathan Schmitt

Signature

Address

City

State

Zip Code

Representative to be Contacted:

GERHOLD, CROSS & ETZEL CO.

Name

320 E. TOWSON TOWN BVD. 410-823-4470

Address

Towson

City

MD

State

Telephone No.

21286

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 4-25-08 day of April 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.

08-359-A

Reviewed By

Date

2/11/08

REV 10/25/01

Estimated Posting Date

2/24/08

4-25-08

PS

18209 YORK ROAD

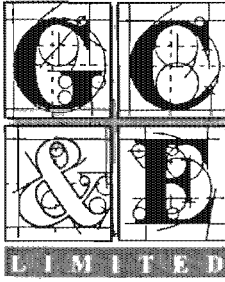
ADMINISTRATIVE VARIANCES REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS

1A04.3.B.2.b

*TO ALLOW A SIDE SETBACK OF 29 FEET AND 38 FEET IN LIEU OF
REQUESTED 50 FEET.*

**On the property is a very old house, formerly a meeting lodge, with
insufficient inside living space for an average family, on a narrow lot.
The existing Septic system and well constrain the area for a propose
addition to the house.*



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

January 18, 2008

ZONING DESCRIPTION

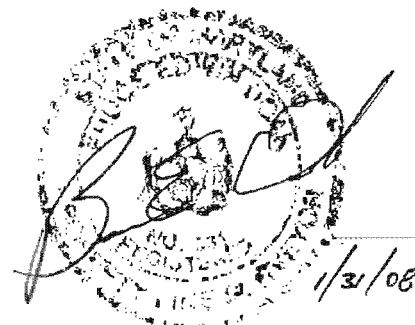
**Jonathan M. Schmitt, Heidi S. and Ron Krauss property
18209 York Road
Baltimore County, Maryland**

All that piece or parcel of land situate, lying and being in the Seventh Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point 30 feet easterly from the centerline of York Road being northerly 370 feet $\pm$ from the intersection with Wiseburg Road along the centerline of York Road and running thence,

- 1) North 00 degrees 11 minutes 11 seconds East 35.00 feet,
- 2) North 89 degrees 48 minutes 49 seconds West 3.00 feet,
- 3) North 00 degrees 11 minutes 11 seconds East 90.00 feet,
- 4) North 89 degrees 48 minutes 49 seconds East 123.00 feet,
- 5) North 45 degrees 11 minutes 11 seconds East 30.00 feet,
- 6) North 85 degrees 18 minutes 22 seconds East 213.77 feet,
- 7) South 13 degrees 45 minutes 33 seconds East 169.39 feet,
- 8) North 89 degrees 48 minutes 49 seconds West 395.03 feet to the point of beginning.

Containing 1.253 Acres of land, more or less.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09791**

Date: **02-07-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DISH
 2/28/2008 2/07/2008 15:29:21 2

REC # 002 NATL JEWEL JEE
 >>RECEIPT # 562244 2/07/2008 OFLH

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	000			6150				65.00

Total: **65.00**

Rec From: **R. KRAUSS**

For: **SPH**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Dept 5 520 ZONING VERIFICATION

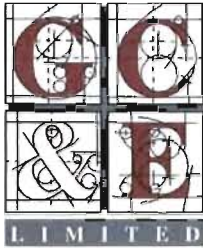
CR # 009791

Recpt Tot 665.00

665.00 CR 1.00 CR

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#08-359-A
PETITIONER/DEVELOPER:
Ron Krauss
DATE OF CLOSING: 3/10/08

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION: KRISTEN 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**

(see page 2 for full size photo)

LOCATION:
18209 York Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 2/20/08

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 08-359-A

A Variance To permit: side yard setbacks of 38 feet and 29 feet in lieu of the required 50 feet for an 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 March 10, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL THE HEARING DATE. UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 08-359-A

A Variance To permit: side yard setbacks of 38 feet and 29 feet in lieu of the required 50 feet for an addition.

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111 W. CHESAPEAKE AVE. TEL. 410-887-3391
TOWSON, MD 21204

HEARINGS ARE HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 359 -A Address 18209 York Rd.
Contact Person: J. Meppen Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 2/11/08 Posting Date: 2/24 Closing Date: 3/10

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- 359 -A Address 18209 York Rd.
Petitioner's Name RON KRAUSS Telephone 410-804-7921
Posting Date: 2/24 Closing Date: 3/10
Wording for Sign: A VARIANCE
To Permit SIDEYARD SETBACKS OF 38ft AND 29ft.
IN LIEU of The REQUIRED 50ft. for an 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/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: _____

359

Petitioner: _____

JONATHAN M. SCHMITT

Address or Location: _____

18209 YORK ROAD, PARKTON, MD 21120

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

JONATHAN M. SCHMITT

Address: _____

18209 YORK ROAD, PARKTON, MD, 21120

Telephone Number: _____

410 - 329 - 9898



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

March 10, 2008

Ron and Heidi Krauss
Jonathan Schmitt
18209 York Road
Parkton, MD 21120

Dear Mr. and Mrs. Krauss and Mr. Schmitt:

RE: Case Number: 08-359-A, 18209 York Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 11, 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
Gerhold, Cross & Etzel, Ltd 320 E. Towsontown Blvd Towson 21286

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 21, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2008
Item Nos. 08-337, 341, 348, 355, 356, 358,
359, 360, 361, 362, 363, 365, and 373

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-02212008.doc



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 25, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 18, 2008

Item Number: 337,348,355,356,357,359,360,361,362,363,364,365,366,367,368,369
373

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

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



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

Date: February 26, 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. 08-359-A
MD 45 (York Road) e/s
18209 York Road
Schmitt Property
Plan to Accompany an
Administrative Variance

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on February 14. A field inspection and internal review reveals that the existing entrance onto MD 45 (York Road) is consistent with current State Highway Administration requirements. Therefore, this office has no objection to Schmitt Property 18209 York Road, Case Number 08-359-A approval.

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

Very truly yours,

A handwritten signature in blue 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

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
FEB 22 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: February 22, 2008

SUBJECT: Zoning Item # 08-359-A
Address Schmitt Property
18209 York Road

Zoning Advisory Committee Meeting of February 18, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

1. The existing well must be thirty feet from the proposed addition. In order to proceed with the plan as shown, the applicant must submit a written request for a well variance to DEPRM's Groundwater Management section to the attention of Ms. Sue Farinetti.

– *M. Epps; Groundwater Management*

Reviewer: Jonathan Bowman

Date: February 21, 2008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2008

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

RECEIVED
MAR 14 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-359- 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 Bialek in the Office of Planning at 410-887-3480.

Prepared By:



CM/LL

MODE = MEMORY TRANSMISSION

START=APR-29 09:50

END=APR-29 09:52

FILE NO.=619

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	94104724003	004/004	00:01:54

-ZONING COMMISSIONER OFF 11-

***** - 410 887 3468 - *****



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 25, 2008

RON AND HEIDI KRAUSS AND JONATHAN SCHMITT
18209 YORK ROAD
PARKTON MD 21120

Re: Petition for Administrative Variance
Case No. 08-359-A
Property: 18209 York Road

Dear Mr. and Mrs. Krauss and Mr. Schmitt:

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: Barbara and Irving C. Robinson, 18213 York Road, Parkton MD 21120
M.V. Runkles III, 18200 York Road, Parkton MD 21120

forced to Schmitt 4/29 per his request

18,200 York Road
Parkton, MD. 21120
30 March 2008
(410) 343-0399

RECEIVED
APR 01 2008

BY:

Mr. Carl Richards, Zoning Supervisor
Zoning Administration & Development Mgmt.
111 W. Chesapeake Avenue
Towson, MD. 21204

Ref: Case No. 08-359-4
18,209 York Road
Setback Variances

Dear Mr. Richards:

You or someone in your department must have suggested to the Shmitts that they consult with their neighbors with regard to their proposed additions.

Both the Robinsons and myself have seen the drawings, and since the additions are to the rear of the existing building, we have decided that we can live with what they have proposed.

We therefore, in the form of this letter, withdraw our request for a public hearing on the setback variances.

We both thank you for the way that this matter was handled.

Very truly yours,



M. V. Runkles, III

Henry 3-10-08

18213 York Rd
Parkton, Md. 21120
16 March 2008
(410) 343-1465

Mr. Carl Richards, Zoning Supervisor

Zoning Administration & Development Mgmt.
111 West Chesapeake Avenue

Towson, Md. 21204

Ref: Case No. 08-359-4
18209 York Rd.

Setback Variances

Dear Mr. Richards:

As I believe you have heard from Mr. Runkles, my wife and I would also like to have a public hearing concerning the above referenced case. We learned of the request from a person protecting our house while we were vacationing in the state of Maine on the 10th of March. We were surprised to learn that as an adjoining property owner we would not be informed of such a desire in writing.

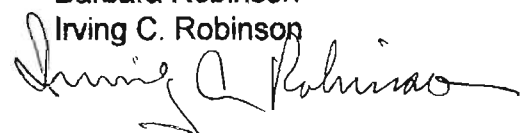
Our 2+ acre property adjacent to the north side of the referenced variance site is listed as the Pleasant Hunter house on the Baltimore County Landmarks list. An adjacent Smoke House on the property is also listed on the Baltimore County Landmarks List.

The building in question was known as "the hall" and originally a part of the Pleasant Hunter acreage. It was split off in the 1980's by the developer who began the development known as Coachman's Field and an arbitrary property line was created to provide enough acreage that the building could exist as a separate building lot.

It would be a shame to have a building erected that did not contribute to the existing historic setting. Inappropriate additions would not fit in with the character that has existed in the past and is sadly disappearing today.

We request that variances remain as they currently exist and that any additions contribute to the historic past.

Very truly yours,


Barbara Robinson
Irving C. Robinson


RECEIVED
APR 01 2008

BY: Z.C. office

4-1-08 - not date
stamped by ZRO of BOY
(in case file)

18,200 York Road
Parkton, MD. 21120
10 March 2008
(410) 343-0399

Mr. Carl Richards, Zoning Supervisor
Zoning Administration & Development Mgmt.
111 West Chesapeake Avenue
Towson, MD. 21204

Ref: Case No. 08-359-4
18,209 York Road
Setback Variances

Dear Mr. Richards:

I would like to request a public hearing on the above referenced case for the following reasons:

1. The sign was not standing for the full 15 days. Whether it was the wind (of which we have had considerable), whether it was hit, or for other reasons, it was not standing on Monday 3 March when I drove up the road.

2. I own land adjoining this property on both the south and west sides. My parcel on the south has been used for over 200 years as a pasture for horses and other livestock. I intend to continue this use. It also contains 3 outbuildings and is a part of the Weisburg Inn property and is listed by Baltimore County Landmarks as an archeological site. Due to possible noises and smells from animals, I would prefer that the existing 50 ft. setback from my property line remain.

3. Diagonally across the road is the Weisburg Inn and more outbuildings which I also own. This too, is a Baltimore County Landmark and also listed on the National Register of Historic Places. I have taken great pains to keep the Inn and buildings looking as close to the ca. 1800 era as is possible.

4. The Pleasant Hunter house owned by the Robinsons is directly to the north of this proposed variance site. It too, is listed as a Baltimore County Landmark. (The Robinsons will be writing you this weekend when they return from Maine.)

5. The above referenced site was built ca. 1912 as a small community hall and as lodging for farm hands working on the Pleasant Hunter farm. It has been changed very little from its original appearance. There are two other historic houses south of Weisburg Road that contribute to this historic village setting. We would hate to see carelessly placed additions using starkly modern materials mar this historic vista.

At this time, we would request that the variances remain as is, and that any additions be placed on the back of the house.

Very truly yours,



W. V. Runkles, III

RECEIVED

MAR 11 2008

PP. [initials]
rec'd after Closing Date
3-10-08

Ron Krauss
410 935.8587

Jon Schmitt
410 804.7921

Thank you,

Please call with any questions.

Re: Administrative Variance Request
Case No. 08-359-A
Permit # B691384

Date: 4.25.08
Fax: 410.887.3468
To: Zoning

18213 York Rd
Parkton, Md. 21120
24 April 2008
(410)-343-1465

Mr. Carl Richards, Zoning Supervisor

Zoning Administration & Development Mgmt
111 West Chesapeake Avenue
Towson, Md. 21204

Ref. Case No. 08-359-A
18201 1809 York Rd.

Setback Variances

Dear Mr. Richards:

My wife and I have visited Jonathan and Susan Schmitt at their home on York Rd. with their builder, Ron Krauss. We are pleased with the design of their expanded home and have no reservations about the requested variance. We whole heartedly concur with their plans and see no reason why their needs to be any public hearing. The design of their addition is in keeping with the historic characteristics of their surroundings.

Very truly yours,



Barbara Robinson
Irving C. Robinson











F





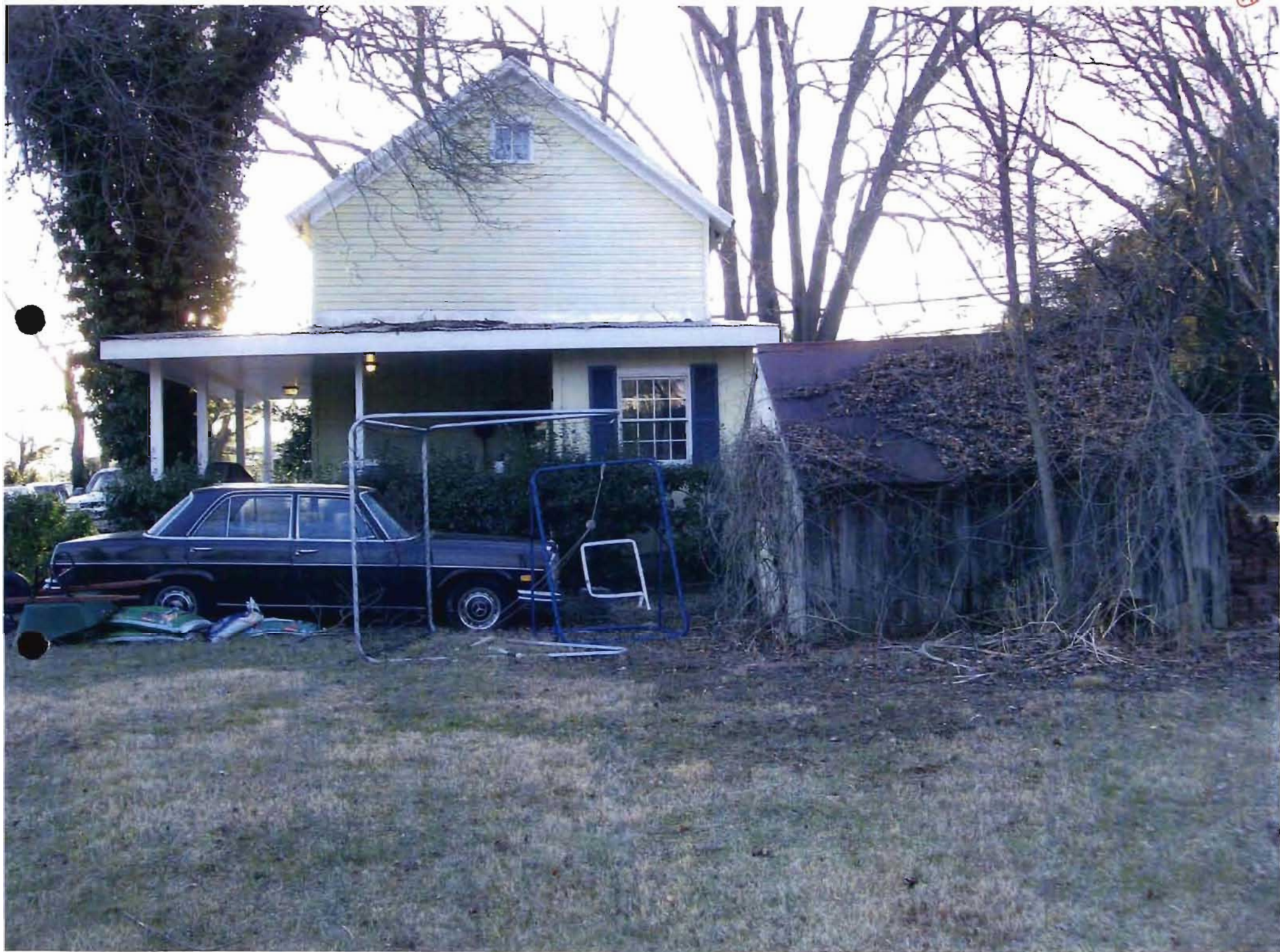






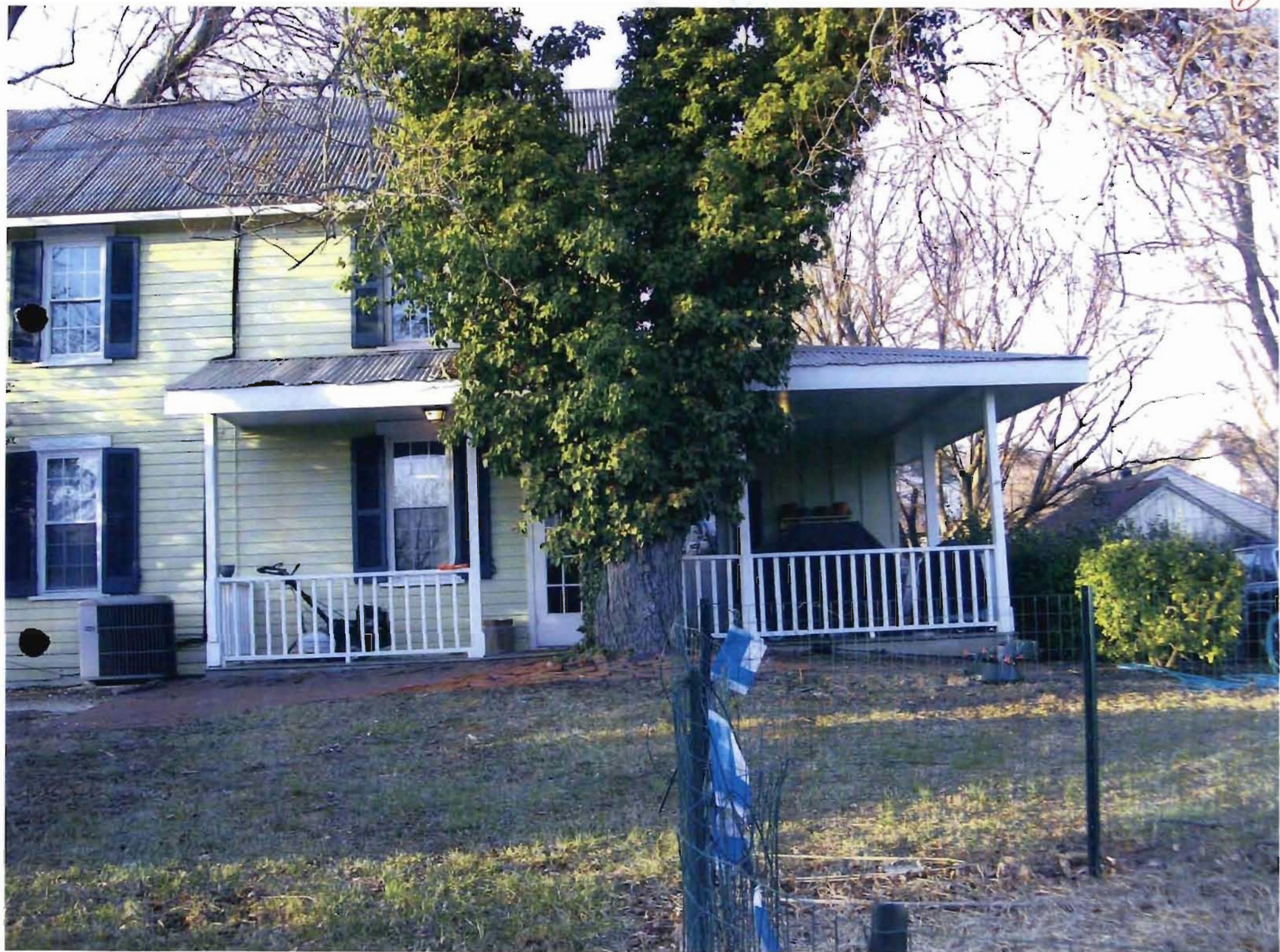










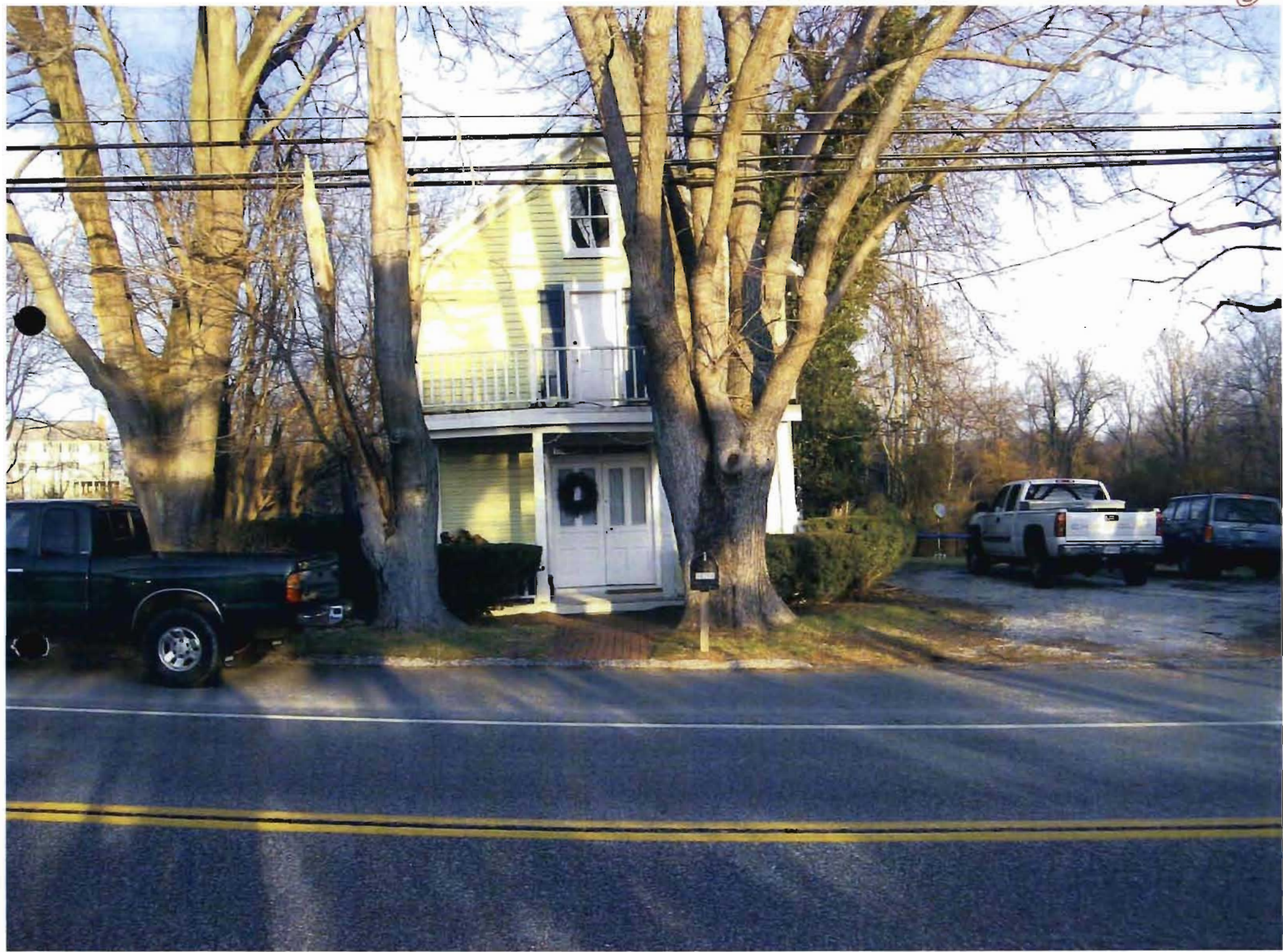


(3)

(2)







COORDINATES				
NO	NORTH	EAST	NO	EAST
165	5358.37	4703.83	289	4797.85
166	5358.89	4796.82	296	5767.64
167	4771.35	4795.59	315	5756.79
168	5013.09	5265.49	294	5038.45
169	5073.11	5390.62	304	5010.72
170	5007.84	5393.82	305	5750.92
272	5019.96	5180.82	475	4778.28
273	5036.98	5379.20	477	5357.85
478	5357.86	5000.83	479	5567.85
480	5567.84	5004.51	481	5757.96
474	4777.47	5032.60	473	5027.85

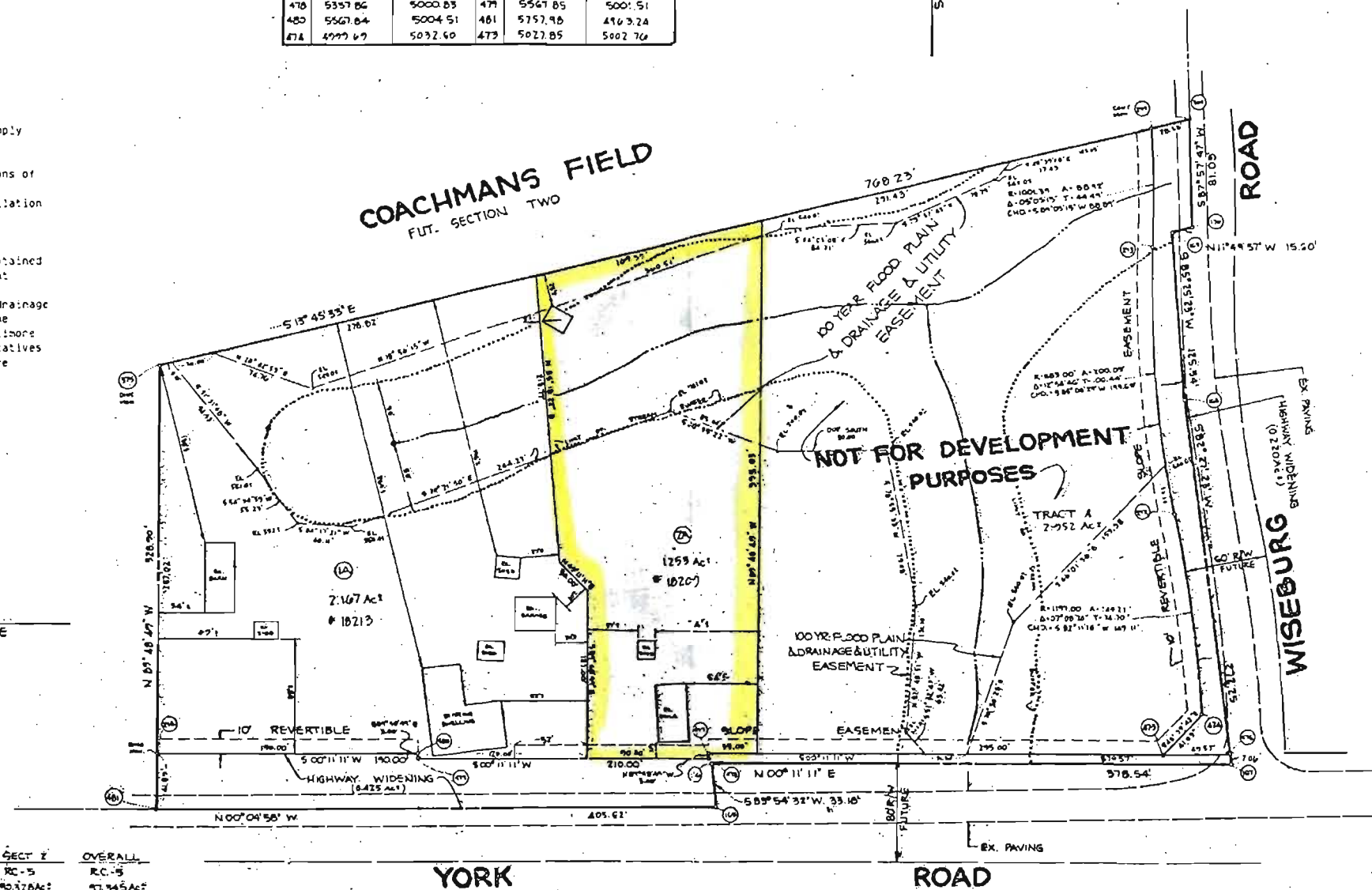
GENERAL NOTES

1. The recording of this plat does not constitute or imply acceptance by the county of any street, easement, park open space, or other public area shown on the plat.
2. This plat may expire in accordance with the provisions of Section 22-68 B(1) #56-92
3. The recording of this plat does not guarantee installation of streets or utilities by Baltimore County.
4. The information shown hereon may be superseded by a subsequent or amended plat.
5. Additional information concerning the plat may be obtained from the Office of Planning and Zoning or the Department of Public Works.
6. Highway and highway widening, slope easements, and drainage and utility easements shown hereon are reserved unto the Developer and are hereby offered for dedication to Baltimore County, Maryland. The Developer, His Personal Representatives and Assigns shall convey said areas by deed to Baltimore County, Maryland, at no cost.

5600E
5200N

5600E
5200N

5600E
5200N



DENSITY NOTES

1. EXISTING ZONING OF PARCEL
2. GROSS AREA OF PARCEL
3. NO. OF LOTS ALLOWED (7.107 = 0.667)
4. NO. OF LOTS PROPOSED
5. HIGHWAY WIDENING AREA (WISBURG ROAD)
6. NET AREA OF LOTS
7. AVERAGE LOT SIZE
8. NO. OF PARKING SPACES REQUIRED (2 PER LOT)
9. NO. OF PARKING SPACES PROVIDED

SECT. 1	SECT. 2	OVERALL
R.C. 5	R.C. 5	R.C. 5
7.017 Ac.	40.378 Ac.	47.395 Ac.
4 LOTS	60 LOTS	64 LOTS
3 LOTS	31 LOTS	42 LOTS
0.425 Ac.	+	+
0.120 Ac.	+	+
0.372 Ac.	+	+
2.124 Ac.	+	+
4	74	82
4	74	82

YORK

(MD. STATE ROUTE #45)

ROAD

FINAL SUBDIVISION PLAT

SECTION ONE

COACHMAN'S FIELD

7TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1"=50' APRIL 10, 1987

OWNER
ARTHUR E. WOOD
110 BALDWIN HILL ROAD
JARRYSTOWN, MD 21086
DEED REFERENCE: 2085 10
ACCOUNT NO. 1 17-00-0130-5

NOTE: SOIL PERCOLATION TESTS WILL BE REQUIRED FOR A PERIOD OF THREE YEARS FROM THE DATE THE RECORD IS FILED IN THE COUNTY OFFICE. AT THE EXPIRATION OF THIS PERIOD NEW TESTS MAY BE REQUIRED.

All requirements of the Maryland State Surveying and Mapping Act of 1971 shall be complied with in the execution of this plat.

APPROVED: BALTIMORE CO. OFFICE OF PLANNING & ZONING

5/12/87
DATE
DIRECTOR

APPROVED:

DATE
DEPUTY STATE / COUNTY HEALTH OFFICER

APPROVED: BALTIMORE CO. DEPT. OF PUBLIC WORKS

5/31/87
DATE
DIRECTOR

NOTE

THE STREETS AND/OR EASEMENTS SHOWN HEREON AND THE IDENTIFICATION THEREOF IN DEEDS ARE FOR PURPOSES OF IDENTIFICATION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE LANDS THEREOF IS EXPRESSLY RESERVED IN THE QUALITY OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THE F. W. B. AND ASSIGNS.

NOTE:

CONTOURS & ELEVATIONS SHOWN HEREON ARE BASED ON ASSUMED DATUM:

MAGNETIC NORTH - 7/80

OWNER'S CERTIFICATE

THE UNDERSIGNED, OWNER OF THE LAND SHOWN HEREON, HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-102 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED LAWS OF MARYLAND HAS BEEN COMPLIED WITH, AS SAME PRESENTS THE MAKING OF THE PLAT AND SETTING OF MARKERS.

5/12/87
DATE

SURVEYOR'S CERTIFICATE

THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LANDS SHOWN HEREON WAS BEEN LAIN OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN ACCORDANCE WITH SUBSECTION (C) OF SECTION 3-102 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED LAWS OF MARYLAND PARTICULARLY INsofar AS SAME COMPLETES THE MAKING OF PLAT AND MARKER SETTING.

5/12/87
DATE
JAMES V. MCKEE
(MD. REG. 17, 2012)

McKEE & ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

- SHAWAN PLACE -

5 SHAWAN ROAD HUNT VALLEY, MD

(301) 252-5820



SOUTH ELEVATION

SCALE: 1/4"=1'-0"



EAST ELEVATION

SCALE: 1/4"=1'-0"

ALL DIMENSIONS ARE APPROXIMATE.

REVISIONS

DATE 02-02-08

SHEET NO.

A-1

SCHMITT RESIDENCE

A
AUTOMATED DRAFTING & DESIGN
22 WEST PADONIA ROAD, SUITE C-349
TIMONIUM, MARYLAND 21093
PHONE: 410-561-1917 FAX: 410-561-3824



MARYLAND COORDINATE SYSTEM
NAD83(1981)

ZONING MAP

GIS TILE: 17B2

SCALE: 1" = 200'

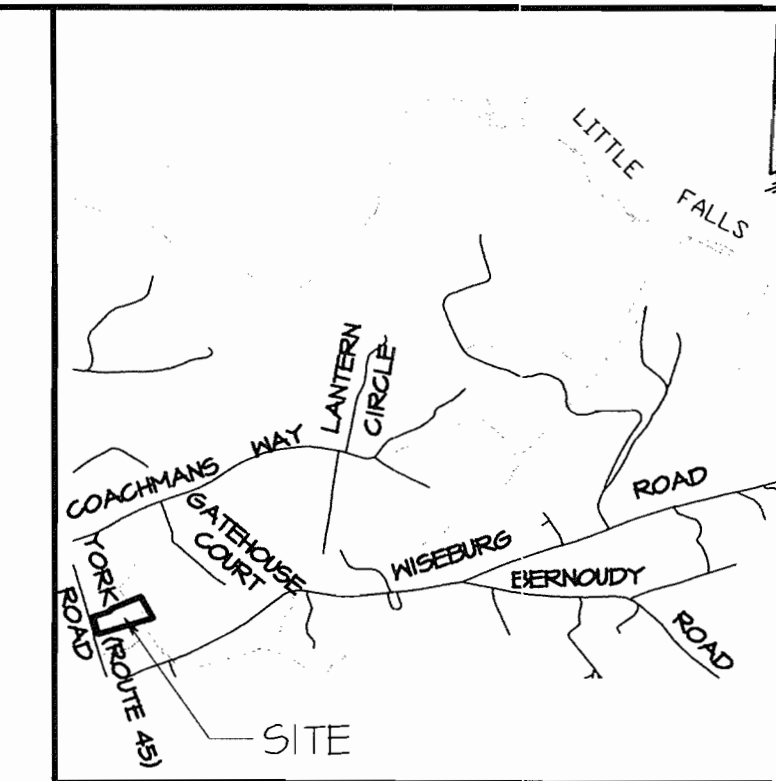
R.C. 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO:
CENTERLINE OF ANY STREET
(NOT COLLECTOR ROAD OR
LEADING TO COLLECTOR ROAD) 75'

FROM ANY BUILDING FACE TO:
LOT LINE OTHER THAN A STREET LINE 50'

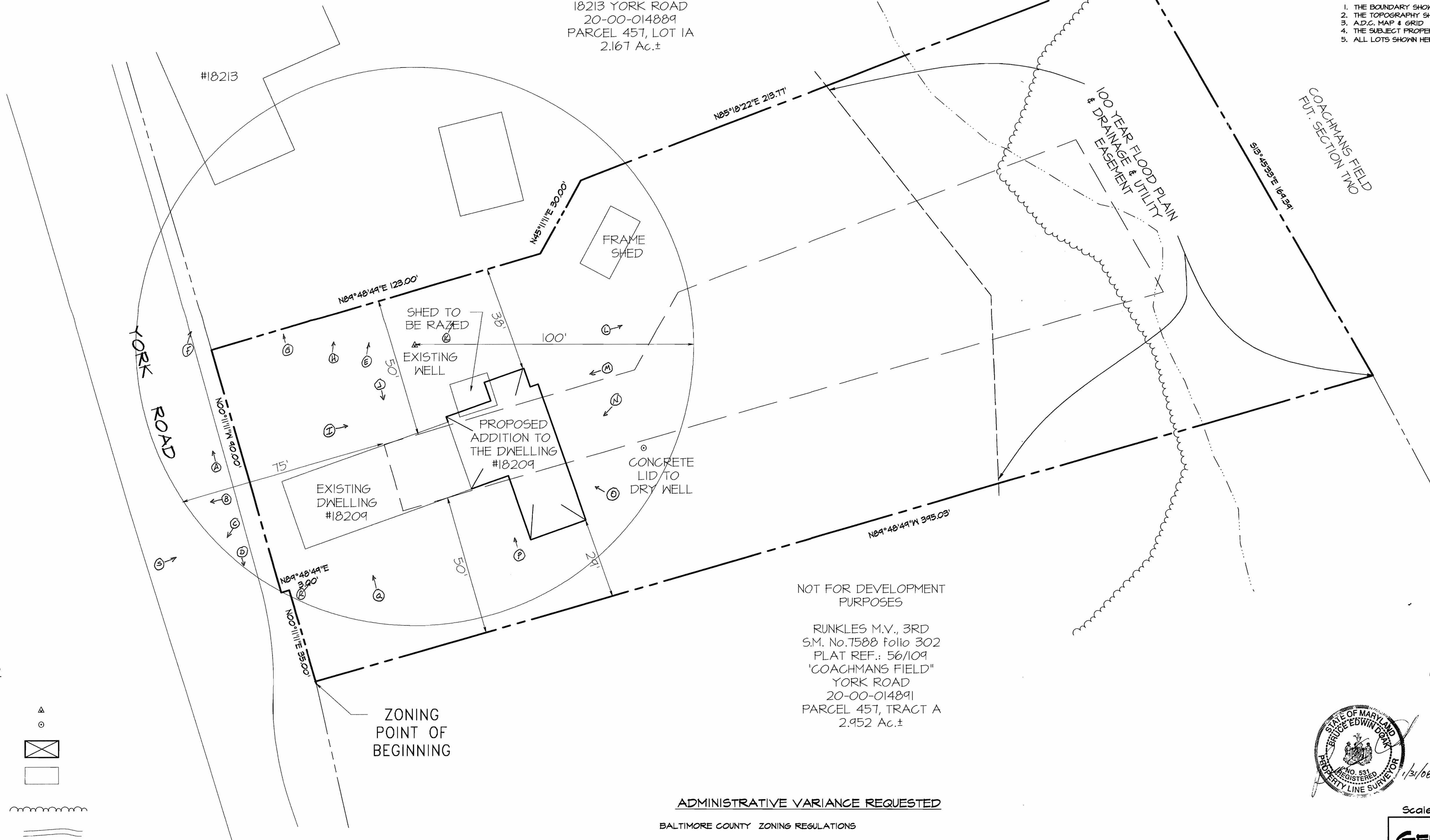
IRVING C. ROBINSON
BARBARA ROBINSON STUBENROUCH
S.M. No.10089 folio 92
PLAT REF.: 56/109
"COACHMANS FIELD"
18213 YORK ROAD
20-00-014889
PARCEL 457, LOT 1A
2.167 Ac.±

DEED MERIDIAN
(S.M. No. 16066 folio 618)



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 17B2
3. A.D.C. MAP & GRID 7 FD
4. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
5. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.



OWNER/DEVELOPER

JONATHAN M. SCHMITT
HEIDI S. KRAUSS
RON KRAUSS
18209 YORK ROAD
PARKTON, MARYLAND 21120-9404

PLAN TO ACCOMPANY PHOTOGRAPHS
PHOTOS BY BRUCE DOAN JAN. 2008

PLAN TO ACCOMPANY AN
ADMINISTRATIVE VARIANCE
SCHMITT PROPERTY

18209 YORK ROAD
Deed Ref: S.M. No. 16066 folio 618
Tax Account No.: 20-00-014890
Zoned RC-5; GIS Tile 17B2
Tax Map 17; Grid 15; Parcel 457
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20' Date: JANUARY 17, 2008

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

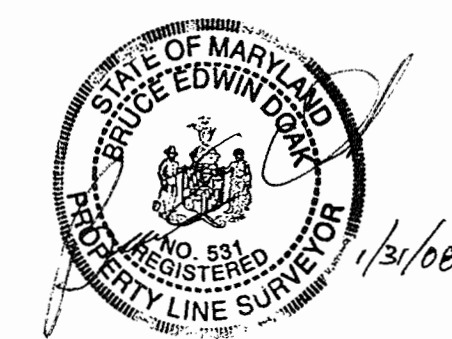
LEGEND

- EXISTING WELL
EXISTING CLEANOUT
PROPOSED DWELLING
EXISTING BUILDING
MOODS LINE
EXISTING PAVING
ZONING LINE
PROPERTY LINE

ADMINISTRATIVE VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS

IA043.B.2b
TO ALLOW A SIDE SETBACK OF 29 FEET AND 38 FEET IN LIEU OF REQUESTED 50 FEET.



REVISION	DATE	COMPUTED:	DRAWN: C.L.M.	CHECKED:	FILE: X:\Schmitt\variance.pro

R.C. 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO:
CENTERLINE OF ANY STREET
(NOT COLLECTOR ROAD OR
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FROM ANY BUILDING FACE TO:
LOT LINE OTHER THAN A STREET LINE 50'

IRVING C. ROBINSON
BARBARA ROBINSON STUBENROUCH
S.M. No. 10089 folio 92
PLAT REF.: 56/109
"COACHMAN'S FIELD"
18213 YORK ROAD
20-00-014889
PARCEL 451, LOT 1A
2.161 Ac.±

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 17B2
3. A.D.C. MAP # GRID 1 F5
4. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
5. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.

OWNER/DEVELOPER

JONATHAN M. SCHMITT
HEIDI S. KRAUSS
RON KRAUSS
18209 YORK ROAD
PARKTON, MARYLAND 21120-4404

PLAN TO ACCOMPANY AN
ADMINISTRATIVE VARIANCE
SCHMITT PROPERTY

18209 YORK ROAD
Deed Ref: S.M. No. 16066 folio 618
"COACHMAN'S FIELD"
PLAT REF. S.M. 56 folio 109
Tax Account No.: 20-00-014890
Zoned RC-5; GIS Tile 17B2
Tax Map 17; Grid 15; Parcel 451; LOT 2A
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=20'

Date: JANUARY 17, 2008

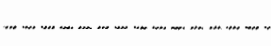
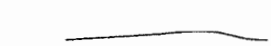
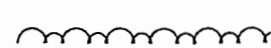


GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: C.L.M.	CHECKED:	FILE: X:\Schmitt\variance.pro
Add the Record Plat name and number	02/07/08				

LEGEND

EXISTING WELL
EXISTING CLEANOUT
PROPOSED DWELLING
EXISTING BUILDING
WOODS LINE
EXISTING PAVING
ZONING LINE
PROPERTY LINE



ADMINISTRATIVE VARIANCE REQUESTED

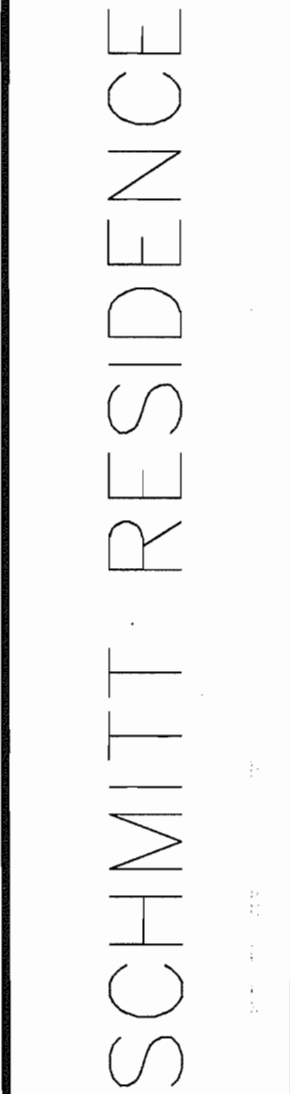
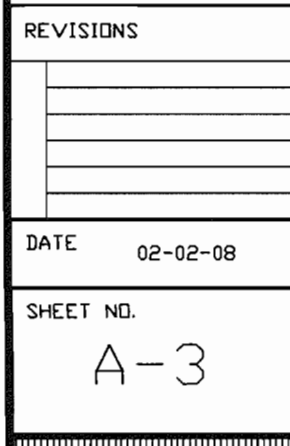
BALTIMORE COUNTY ZONING REGULATIONS

IA04.3.B.2.b
TO ALLOW A SIDE SETBACK OF 24 FEET AND 38 FEET IN LIEU OF REQUESTED 50 FEET.

NOT FOR DEVELOPMENT
PURPOSES

RUNKLES M.V., 3RD
S.M. No. 7588 folio 302
PLAT REF.: 56/109
"COACHMAN'S FIELD"
YORK ROAD
20-00-014891
PARCEL 451, TRACT A
2.952 Ac.±

ZONING
POINT OF
BEGINNING





WEST ELEVATION

SCALE: 1/4"=1'-0"



NORTH ELEVATION

SCALE: 1/4"=1'-0"

ALL DIMENSIONS ARE APPROXIMATE.

REVISIONS

DATE 02-02-08

SHEET NO.

A-2

SCHMITT RESIDENCE



MARYLAND COORDINATE SYSTEM
NAD83(1981)

ZONING MAP

GIS TILE: 17B2

SCALE: 1" = 200'

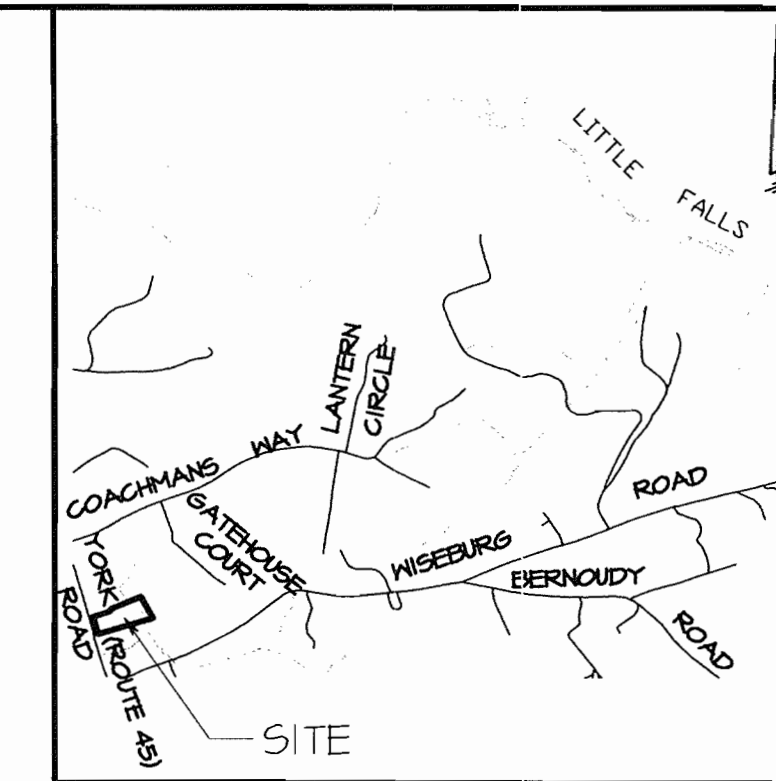
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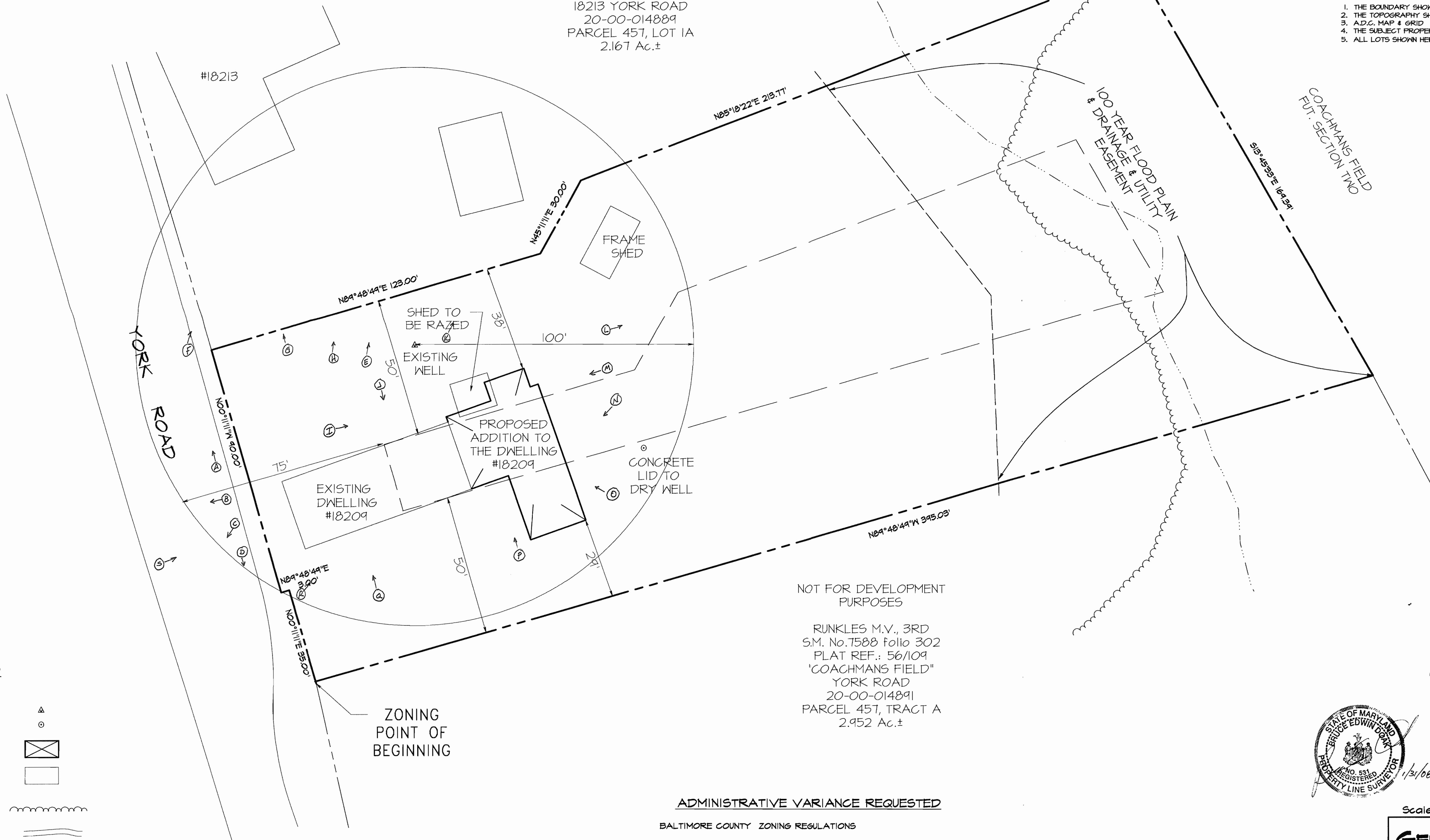
IRVING C. ROBINSON
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S.M. No.10089 folio 92
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2.167 Ac.±

DEED MERIDIAN
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3. A.D.C. MAP & GRID T 75
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OWNER/DEVELOPER

JONATHAN M. SCHMITT
HEIDI S. KRAUSS
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7th ELECTION DISTRICT
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Scale: 1"=20'

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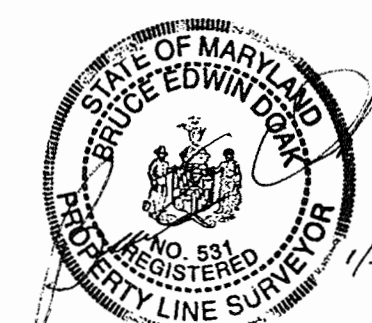
LEGEND

- EXISTING WELL
EXISTING CLEANOUT
PROPOSED DWELLING
EXISTING BUILDING
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ADMINISTRATIVE VARIANCE REQUESTED

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