

**IN RE: PETITION FOR ADMIN. VARIANCE**

S side of Stonecastle Avenue, 150 feet NE  
of c/l of Leyton Road  
4<sup>th</sup> Election District  
2<sup>nd</sup> Councilmanic District  
**(303 Stonecasstle Avenue)**

William P. Rausch  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0107-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, William P. Rausch for property located at 303 Stonecasstle Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on rear of existing dwelling with a rear setback of 20 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an addition measuring 20 feet x 16 feet. The property is a five-sided irregular pentagon shape which tapers to a point at the rear of the property. Because of the layout of the home on the uniquely shaped lot, the proposed family room addition cannot be built in any other location. None of the neighbors expressed any opposition to the proposed addition.

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 November 2, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

RECEIVED FOR FILING  
11.24.08  
[Signature]

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.

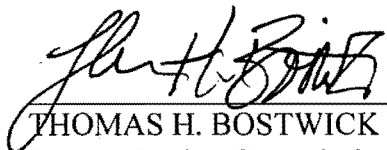
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 24<sup>th</sup> day of November, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on rear of existing dwelling with a rear setback of 20 feet in lieu of the required 30 feet is hereby GRANTED, subject to the following:

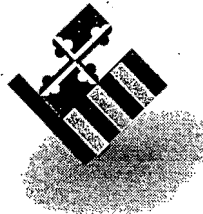
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order 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.

THB:pz

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

~~RECEIVED FOR FILE~~  
11-24-08  
pm



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

November 24, 2008

WILLIAM P. RAUSCH  
303 STONECASSTLE AVENUE  
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance  
Case No. 2009-0107-A  
Property: 303 Stonecasstle Avenue

Dear Mr. Rausch:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with conditions 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,

A handwritten signature in black ink, appearing to read "J. H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Jim Cabral, 721 Main Street, Reisterstown MD 21136



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 303 Stonecastle Avenue

which is presently zoned DR 5.5

Deed Reference: 22237 / 17 Tax Account # 0410025340

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 B 02.3 C.1

To PERMIT A PROPOSED ADDITION ON REAR OF EXISTING DWELLING WITH A REAR SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 30 FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

William P Rausch

Name - Type or Print

Signature

Name - Type or Print

Signature

303 Stonecastle Avenue

(410) 833-4241

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

## Representative to be Contacted:

Jim Cabral

Name

721 Main St.

(443) 744-7565

Address

Telephone No.

Reisterstown

MD

21136

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 11 day of November 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

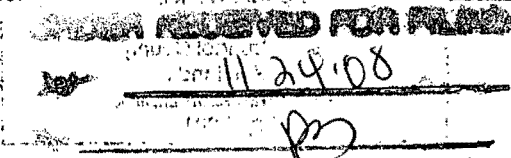
Case No. 2009-0107-A

Reviewed By A-TSUI

Date 10/20/2008

REV 7/20/07

Estimated Posting Date 11/02/08 - 11/17/08



# 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 **303 Stonecastle Avenue**

Address  
**Reisterstown** **MD** **21136**  
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):

Due to the shape of my lot (a pentagram which tapers to a point at the rear of my yard), I am presented with a unique hardship for the improvement of my dwelling. Because of the layout of my home, the proposed family room addition can not be built in any other location. My lot is unique to the area in its shape, due to the way lots 21 and 22 extend on their northeastern edges. The proposed addition does indeed meet the setback requirements providing there are no windows on the wall facing the nearest property line; therefore, my request is for relief of the zoning restriction to allow two windows on the west wall. I would like to have these windows to balance off the room. As is evidenced on the accompanying plat, the two adjoining homes (lots 21 & 22) are set toward the front of their lots, and thus are ample distance from my proposed addition's windows.

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.

William P. Rausch  
Signature

**William P Rausch**

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16<sup>th</sup> day of October, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Howard N Phelps  
Notary Public

My Commission Expires

REV 7/24/07

Howard N Phelps  
Notary Public  
Anne Arundel County  
Maryland  
My Commission Expires  
July 5 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

**303 Stonecastle Avenue**

Address

**Reisterstown**

**MD**

**21136**

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):

Due to the shape of my lot (a pentagram which tapers to a point at the rear of my yard), I am presented with a unique hardship for the improvement of my dwelling. Because of the layout of my home, the proposed family room addition can not be built in any other location. My lot is unique to the area in its shape, due to the way lots 21 and 22 extend on their northeastern edges. The proposed addition does indeed meet the setback requirements providing there are no windows on the wall facing the nearest property line; therefore, my request is for relief of the zoning restriction to allow two windows on the west wall. I would like to have these windows to balance off the room. As is evidenced on the accompanying plat, the two adjoining homes (lots 21 & 22) are set toward the front of their lots, and thus are ample distance from my proposed addition's windows.

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.

*William P. Rausch*

Signature

Signature

**William P Rausch**

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16<sup>th</sup> day of October, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

*William P Rausch*

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

AS WITNESS my hand and Notarial Seal

*Howard N Phelps*  
Notary Public

My Commission Expires

Howard N Phelps

Notary Public

Anne Arundel County

Maryland

My Commission Expires

July 5 2011

**ZONING DESCRIPTION FOR 303 STONECASTLE AVE.**

Beginning at a point on the south side of **Stonecastle Avenue** which is **50 feet** wide at the distance of **150 feet north-east** of the centerline of the nearest improved intersecting street **Leyton Road** which is **50 feet** wide. Being **Lot #24, Section #4** in the subdivision of **Suburbia** as recorded in Baltimore County **Plat Book #29, Folio #133**, containing **9,360 square feet**. Also known as **303 Stonecastle Avenue** and located in the **4<sup>th</sup> Election District, 2<sup>nd</sup> Councilmanic District**.

2009-0107-A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET AND FINANCE  
MISCELLANEOUS CASH RECEIPT

No. 23

Date 10/20/08

| Fund | Dept | Unit | Sub Unit | Unit | Sub | Rev | Source | Obj | Sub | Obj | Dept | Obj | BS | Acct | Amount |
|------|------|------|----------|------|-----|-----|--------|-----|-----|-----|------|-----|----|------|--------|
| 001  | 800  | 0000 |          |      |     |     | 6150   |     |     |     |      |     |    |      | 65     |
|      |      |      |          |      |     |     |        |     |     |     |      |     |    |      |        |
|      |      |      |          |      |     |     |        |     |     |     |      |     |    |      |        |
|      |      |      |          |      |     |     |        |     |     |     |      |     |    |      |        |
|      |      |      |          |      |     |     |        |     |     |     |      |     |    |      |        |

Total: \$ 65 -

Rec From

For

303 Stonecastle Ave

3007 - 0107-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S  
VALIDATION

DATE RECEIVED  
10/20/08  
BY  
J. J. JONES  
TITLE  
TREASURER  
OFFICE OF BUDGET AND FINANCE  
BALTIMORE COUNTY, MARYLAND



# Certificate of Posting

RE: Case NO. 2009-0107-A

Petitioner/Developer \_\_\_\_\_

Rausch

Date of Hearing/Closing 11/17/08

Baltimore County  
Department of Permits and Development Managements  
County Office Building – Room 111  
111 W. Chesapeake Ave.  
Towson, Md. 21204

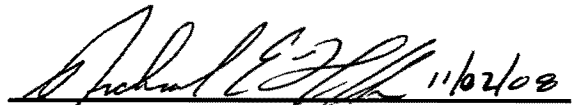
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at \_\_\_\_\_

303 Stonecastle Rd.

The sign(s) were posted on 11/02/08  
(Month, Day, Year)

Sincerely,

 11/02/08  
(Signature of sign Poster and date)

Richard E. Hoffman  
(Printed Name)

904 Dellwood Drive  
(Address)

Fallston, Md. 21047  
(City, State, Zip Code)

410-879-3122  
(Telephone Number)

See Attached  
Photograph

**Certificate of Posting**  
**Photograph Attachment**

Re: 2009-0107-A

Petitioner/Developer: \_\_\_\_\_

Rausch

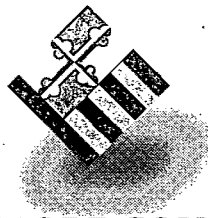
Date of Hearing/Closing: 11/17/08



**303 Stonecastle Rd.**

Posting Date: 11/02/08

**Richard E. Hoffman**



**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*  
November 17, 2008

William P. Rausch  
303 Stonecastle Ave.  
Reisterstown, MD 21136

Dear: William P. Rausch

RE: Case Number 2009-0107-A, 303 Stonecastle Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 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,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel  
Jim Cabral, 721 Main St., Reisterstown, MD 21136

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

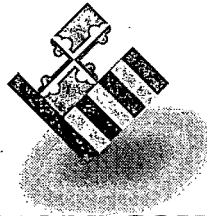
**DATE:** October 31, 2008

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 3, 2008  
Item Nos. 2009-0100, 101, 102, 103, 104,  
105, 106, 107 and 108

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

DAK:CEN:cab  
cc: File  
ZAC- 11032008-NO COMMENTS



**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  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 through 0107

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** November 6, 2008

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

**RECEIVED**  
NOV 06 2008  
BY: .....

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 09-107- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

**Prepared By:**  
CM/LL

*Curtis P. Murray*



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

State Highway  
Administration

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

Maryland Department of Transportation

Date: Oct. 24, 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. ~~2009-56107A~~

303 STONECASTLE AVE  
RANSCH PROPERTY  
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. 2009-0107A

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,

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**

**Inter-Office Correspondence**



TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: November 20, 2008  
SUBJECT: Zoning Item # 09-107-A  
Address 303 Stonecastle Avenue  
(Rausch Property)

**RECEIVED**  
NOV 20 2008

BY: .....

Zoning Advisory Committee Meeting of October 27, 2008

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

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

       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).

       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:

Reviewer: JWL

Date: 11/20/08



# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

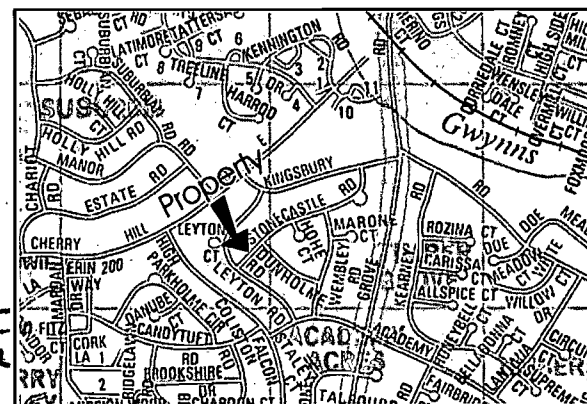
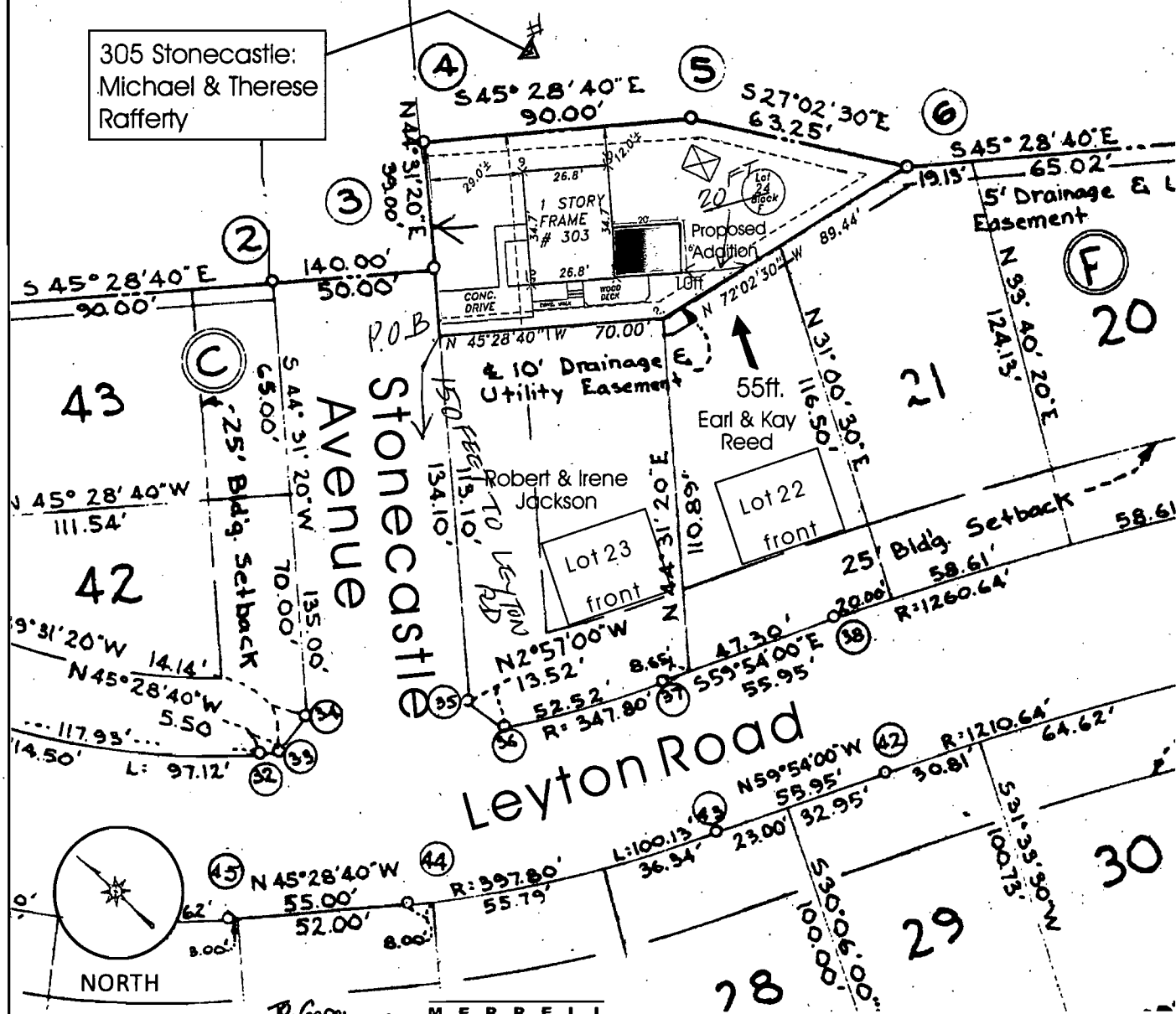
PROPERTY ADDRESS 303 Stonecastle Ave.

SUBDIVISION NAME Suburbia

PLAT BOOK # 29 FOLIO # 133 LOT # 24 SECTION # 4

OWNER William P Rausch

305 Stonecastle:  
Michael & Therese  
Rafferty



VICINITY MAP

SCALE: 1"= 1000ft.

## LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 2

1"=200' SCALE MAP # 049A3

ZONING DR 5.5

LOT SIZE 0.214 9360  
ACREAGE SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              | YES                      | NO                                  |
|------------------------------|--------------------------|-------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 100 YEAR FLOOD PLAIN         | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| HISTORIC PROPERTY/BUILDING   | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| PRIOR ZONING HEARING         | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

## ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

A-Tsui 0107 2009-0107-A

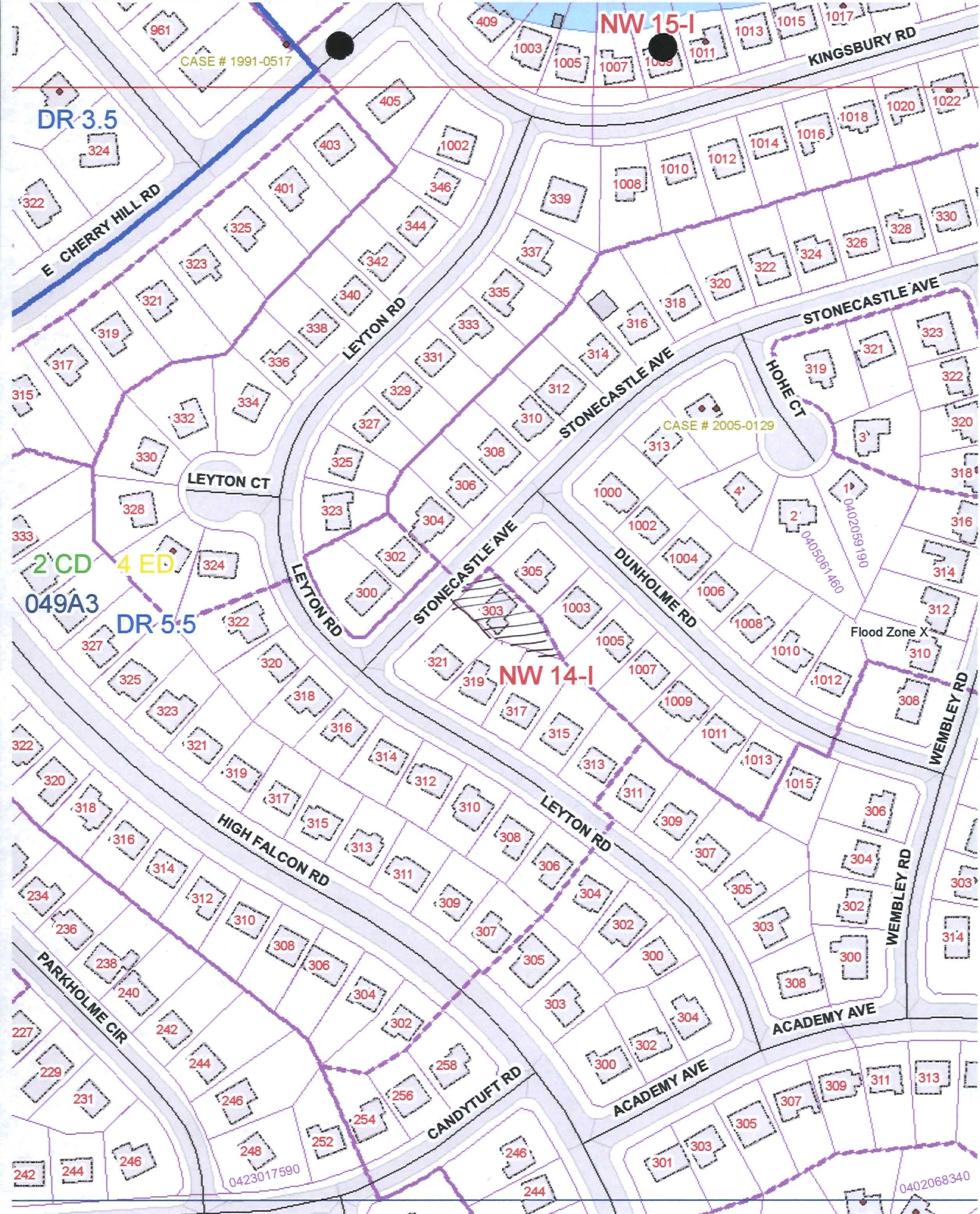
PREPARED BY

*Jim Goral*

for **MERRELL BUILDING ENTERPRISES**

SCALE OF DRAWING: 1" = 50ft.





2009-0107-A





proposed  
addition

property line

2009-0107-A



ASPHALT SHINGLES

#15 FELT PAPER

7/16" OSB SHEATHING  
W/H-CLIPS

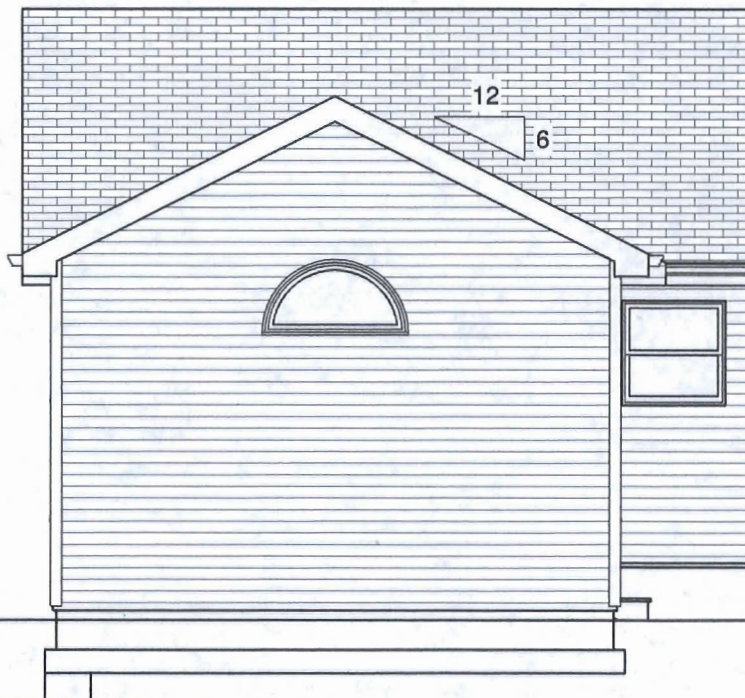
R-38 FIBERGLASS  
INSULATION

ALUMINUM COIL STOCK

2X6 FASCIA

SOFFIT NAILER

Scissor Truss Roof  
(shop drawings attached)



2009-0107-A