### IN RE: PETITION FOR ADMIN. VARIANCE

N side of Stablers Church Road; 2,985 feet E of the c/l of Walker Road 7<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District (408 Stablers Church Road)

Peter Janney and Linda Hobson Schwab Petitioners

- \* BEFORE THE
- DEPUTY ZONING
- \* COMMISSIONER
- FOR BALTIMORE COUNTY
- \* Case No. 2011-0063-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, Peter Janney and Linda Hobson Schwab for property located at 408 Stablers Church Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to erect a shed measuring 12 feet x 18 feet. The shed cannot be placed in the rear yard due to the steep topography as evidenced by the photographs submitted with the Petition. The proposed shed is a high quality structure by Pine Harbor of Massachusetts and will have cedar siding to match the dwelling. The property contains 4.24 acres, is served by private well and septic systems, and is also 85% forest. Mr. Patrick Dedea of 410 Stablers Church Road, approves of the proposed shed.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Department of Environmental Protection and Resource Management dated September 8, 2010 which indicates that the proposed shed permit will be reviewed by Groundwater Management for well and septic setbacks.

ORDER REC	EIVED FOR FILING	
Date	9-13-10	
Ву	pg-	and the second s

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 21, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

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.

# Date 9-13-10 By

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 RECEIVED FOR FILING



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 13, 2010

PETER JANNEY AND LINDA HOBSON SCHWAB 408 STABLERS CHURCH ROAD PARKTON MD 21120

Re: Petition for Administrative Variance

Case No. 2011-0063-A

Property: 408 Stablers Church Road

Dear Mr. and Mrs. Schwab:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

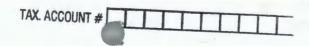
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





## **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County
408 Stablers Church Rd.

for the property located at Parkton MD. 21120 which is presently zoned Residential

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)

accessory structure (shed) be located in the side yard

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.

AMOUNT OF STREET STREET	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:	Legal Owner(s):
SM the SEVERILL IN COLUMN TO A MARKET THE PARTY OF THE PA	PETER JANNEY SCHWAB
Name - Type or Print	Name - Type or Print Janus Jelulr
Signature	Signature LINDA HOBSON SCHWAB
Address Telephone No.	Name-Type or Print Linda Hubson Orlington
City State Zip Code	Signature
Attorney For Petitioner:	408 Stablers Church Rd, 443 491 3327
	Parkton MD 21120
Name - Type or Print	City State Zip Code
FOR FILIT	Representative to be Contacted:
Signature ORDER RECEIVED FOR FILING Company	- PETER JANNEY SCHWAB
	408 STABLERS CHURCH 120 491.3327
Address Telephone No.	Address Telephone No.
811	PARKTON MD 21120
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be his day of that the subject matter of the egulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning
	Zóning Commissioner of Baltimore County
	2.102.100.00111.000

Reviewed By

Estimated Posting Date

BU

2011-0063- A

CASE NO.

REV 10/25/01

## 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	408 STABLERS CHURCH ROAD
	PARKTON MD ZIZO City State Zip Code
That based upon personal knowledge, the follo	
Variance at the above address (indicate hardshi	owing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):
We live on 4 4 acres	in north Baltimore County. The
	forest and is very steep. The
only portion level pe	ortion of the lot was created
by building the hous	e and is in front of the house.
The proposed Shed	outbuilding is high quality by
Pine Harber of Massa	chussetts and will have cedar
Cilina to Match M	e House the Brown !
creates a very fin	e relationship to the house. Lr. Patrick Dedea (410 Stablers
Our neighbor M	r Patrick Dadas (die stille
approves of this	THE DEBEG (418 STABLETS
<b>F</b>	(1
I ETER JANNEY SCHU	UAB AIA (American Institute of Archite
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	ormal demand is filed. Affiant(s) will be required to pay a reposting and
D. 1	10 P. 1 Hela Cl. 1
Signature Janua John	& Finda Hobson Schwab
Signature	Signature
PETER JANNEY SCHWIN	LINDA HOBSON SCHWAR
Name - Type of Find	realite - Type of Fifth
STATE OF MARYLAND, COUNTY OF BALTIM	the state of the s
I HEREBY CERTIFY, this 23 rd day of of Maryland, in and for the County aforesaid, per	, <u>ZOIO</u> , before me, a Notary Public of the State
Peter 1. Schwab	1 1 1
the Affiant(s) herein, personally known or satisfa	
1013	- VE
AS WITNESS my hand and Notarial Seal	
SUSAN C. RESAVAGE Notary Public-Maryland Anne Arundel County	Sugar C. Kescuse
My Commission Expires September 08, 2012	Notary Public  My Commission Expires September 8, 2012
	My Commission Expires September 8, 2012

REV 10/25/01

August 10, July 2010

ZONING DESCRIPTION FOR: 408 Stablers Church Road Parkton Maryland 21120.

Beginning at a point on the north side of Stablers Church Road which is 60' wide at a distance of 2,985 feet from the nearest improved intersecting street Walker Road which is 60' wide.

Being: Lot #8, Section 1 in the subdivision of Mill Stream as recorded in Baltimore County Plat Book No. SM57 Folio #147 containing 4.24 acres. Also known as 408 Stablers Church Road and located in the 7<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

A STATE OF THE STA
Case Number 20063 -A Address 408 Stablers Church Rd.
Contact Person: Brane Ruda Lis Phone Number: 410-887-3391
Filing Date: 8/1/13 Posting Date: 8/22/14 Closing Date: 9/6/10
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. <a href="POSTING/COST">POSTING/COST</a> : 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.
<ol> <li>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 forma request for a public hearing, the process is not complete on the closing date.</li> </ol>
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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
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 2000 - 6063 -A Address 408 Stublers Charil Rd.
Petitioner's Name Peter Schwab Telephone
Posting Date: 8/22/(3 Closing Date: 9/4/(3
Wording for Sign: To Permit an accessory structure ( Shell ) be located in the side yard in line of the required
side yard in live of the required
tear yerl

WCR - Revised 7/7/08

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2011- 0063- A
Petitioner: PETER SCHWAB
Address or Location: 408 Stablers Church Road
Parkton, MD. 21120
PLEASE FORWARD ADVERTISING BILL TO:
Name: PETER SCHWAB
Address: 408 Stablers Church Road
Parkton, MD. 21120
Telephone Number: 44 3-491 - 33 2 7

Fund	Dept	Unit	ND FINANCH RECEIPT	Rev Source/	Sub Rev/ Sub Obj	No. 593 Date: Dept Obj. BS Acct	10/2	PAID RECEIPT  MENAGE ACTIME THE  VILCOMO BALL/2000 11:25:16  MENO NOL DEVA TE  SEJPI N 697/64 8/11/2010  S 5.00 700/06 DERIFTCATION  OF DE 1998/17
Rec From:			Schu			Total;		De 199817  ROCTET TOE \$45.00  #AN.OD ## \$.00  Ral Cusore County's Navyland
TRIBUTION	ER PINK	AGENCY	- I - American St.	W- cuer		GOLD - ACCOUNT		CASHIER'S VALIDATION

## **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN MATHHEWS** 

**DATE:** 08/22/10

Case Number: 2011-0063-A

Petitioner / Developer: PETER SCHWAB

Date of Hearing (Closing): SEPTEMBER 6, 2010

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

408 STABLERS CHURCH ROAD

The sign(s) were posted on: AUGUST 21, 2010



Linda O Kufe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 9, 2010

Peter & Linda Schwab 408 Stablers Church Rd. Parkton, MD 21120

Dear: Peter & Linda Schwab

RE: Case Number 2011-0063-A, 408 Stablers Church Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 22, 2010. 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:lnw

**Enclosures** 

c: People's Counsel

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: Apgust 302010

AUG 31 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Ad

Zoning Advisory Petition(s): Case(s) 11-063- 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

RECEIVED

AUG 31 000

**ZONING COMMISSIONER** 



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Sweim-Stoley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: AUGHST 25,2010

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

RE: Baltimore County
Item No. 2011-0063-A

408 STABBERS (HUDCH RD SCHWAB PRIDERLY

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. 2011-.

Should you have any questions regarding this matter, please 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).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb

## **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

**DATE:** August 26, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits &

**Development Management** 

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For September 6, 2010

Item Nos. 2011- 037, 038, 039, 040, 041, 046, 059, 060, 061, 062, 063, 064, 066, 067, 069, 070 and 071

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09062010 -NO COMMENTS.doc

AV 9-6

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



RECEIVED

SEP 082010

**ZONING COMMISSIONER** 

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

September 8, 2010

SUBJECT:

Zoning Item

# 11-063-A

Address

408 Stablers Church Road

(Schwab Property)

Zoning Advisory Committee Meeting of August 23, 2010

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

The proposed shed permit will be reviewed by Groundwater Mgmt., for well and septic setbacks.

Reviewer:

Dan Esser

Date: 8/25/10

## Patricia Zook - Descriptions for Monday's administrative variance cases

From:

Patricia Zook

To:

Williams, LaShenda

Date:

9/10/2010 9:36 AM

Subject: Descriptions for Monday's administrative variance cases

CC:

Bostwick, Thomas

#### LaShenda -

I don't yet have the files or the descriptions for the administrative variances that closed on Monday. I'd like to at least get the descriptions now so that I can start processing the requests.

I've received a couple calls from Petitioners and they were referred to you.

Patti Zook **Baltimore County** Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



From:

Patricia Zook

To:

Williams, LaShenda

Date:

9/9/2010 10:03 AM

Subject:

any administrative variance cases from Monday?

CC:

Bostwick, Thomas

Good morning LaShenda -

Are there any administrative variance cases that closed on Monday?

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

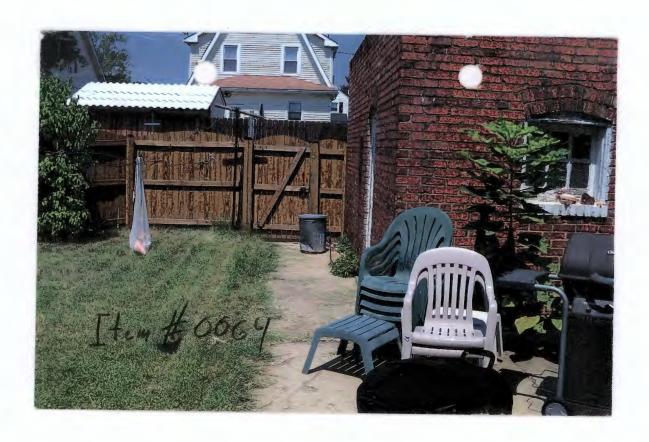




Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

Go Back View Map New Search

Account Identifier:	2.001100	07 Account N									
			vner Infor								
Owner Name:	SCHWAB PETER JANNEY				Use:			ESIDENT	AL		
SCHWAB LINDA HOBSON				Principal Residence:				YES			
Mailing Address:	ddress: 408 STABLERS CHURCH RC PARKTON MD 21120			DAD Deed Reference:				1) /11765/ 436 2)			
		Location 8	& Structu	re In	forma	ition					
Premises Address						Legal De	scription				
408 STABLERS CHURCH RD				4.240 AC							
						MILL STRI	EAM				
Map Grid Parcel	Sub District	Subdivision	Section	Bloc	k Lo	t Assessment	Area	Plat No:			
12 14 208					8	2		Plat Ref:	57/ 14		
		own									
Special Tax Areas	-	d Valorem									
		ax Class									
<b>Primary Struc</b>			ed Area						<b>County Use</b>		
1993	3	3,1	18 SF	8 SF 4.24 AC				04			
Stories	Basen	nent	Туре					Exterior			
2	YES	5		STANDARD UNIT					FRAME		
		Va	lue Infor	mati	on						
	<b>Base Value</b>	Value	Phase-ii	1 Ass	essm	ents					
		As Of		Of		As Of					
		01/01/2008	07/01/20	010	07/01	1/2011					
Land		211,840									
Improvements:			504		NOT	*****					
Total:	/	531,050	531,0	0		AVAIL					
Preferential Land:	0	0				AVAIL					
		Ira	nsfer Info			20.1271.005		+222 50			
Seller: KNAPIK JOSE	The second secon					08/27/1996 /11765/ 436	Deed2:	\$332,50	0		
Type: IMPROVED AF											
	EDWARDS MARK A					02/03/1993		\$98,750			
Type: IMPROVED AF	MS-LENGTH					/ 9584/ 467	Deed2:				
Seller: PITTMAN THO						09/30/1991		\$90,000			
Type: IMPROVED AF	RMS-LENGTH					/ 8925/ 651	Deed2:				
		Exen	nption In	forma	ation						
Partial Exempt Assessments				lass	(	07/01/2010 07/01/20:					
County				00	0 0						
State			_	00							
Municipal	0	000 0 0									
Tax Exempt: N	0					Specia	Tax Rec	apture:			
Exempt Class:		* NONE *									







Same View above showing proposed shed location on a naturally level well compacted site







View of left side of Front Yard– the only partially portion of property



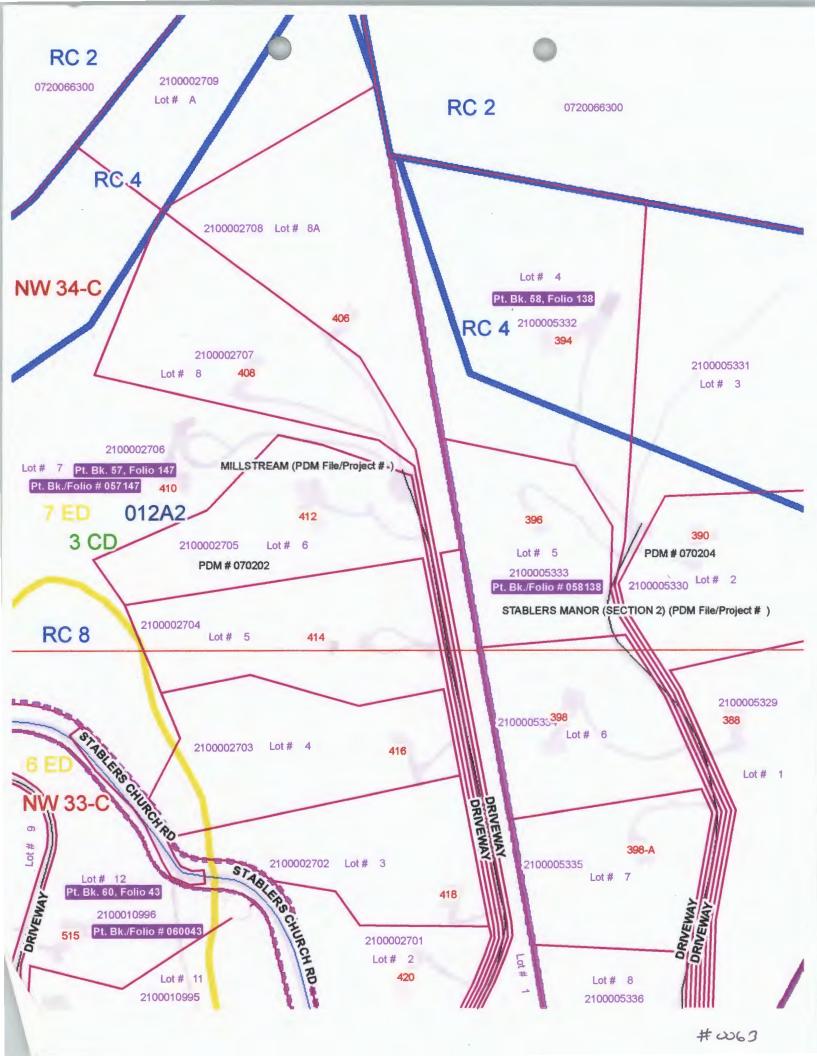
Peter & Linda Schwab Residence at 408 Stablers Church Road Parkton MD 21120

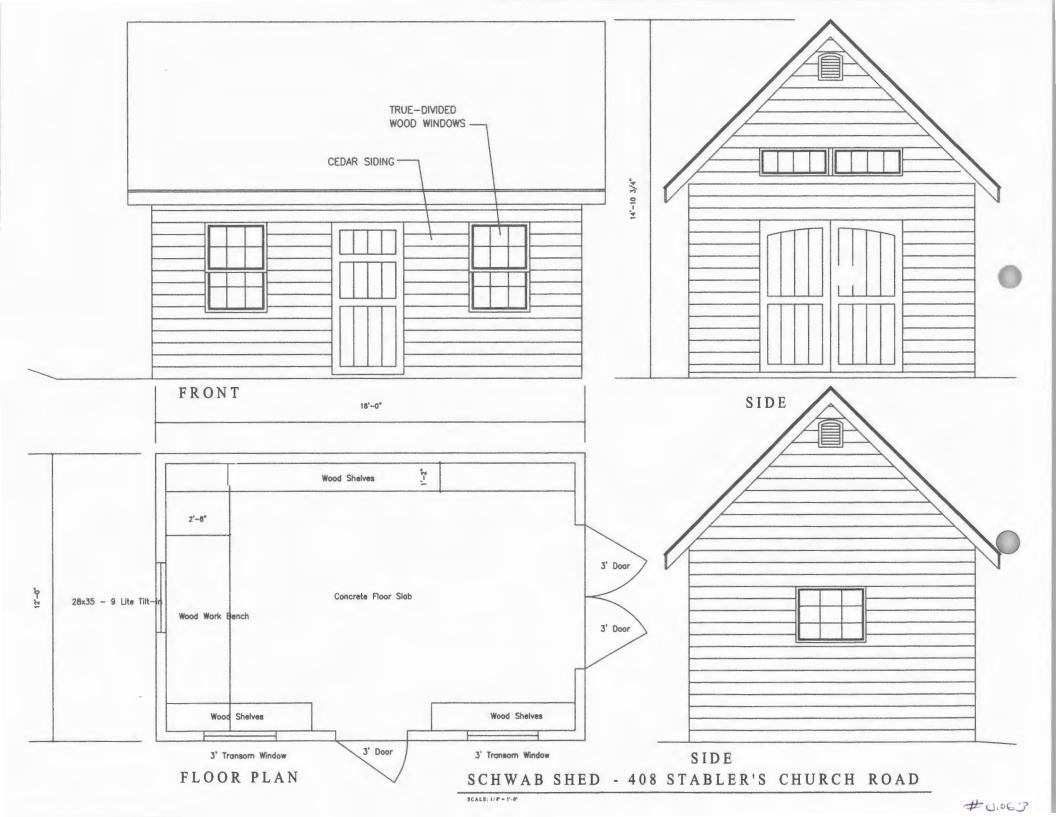
View of Back Yard – Very Steep

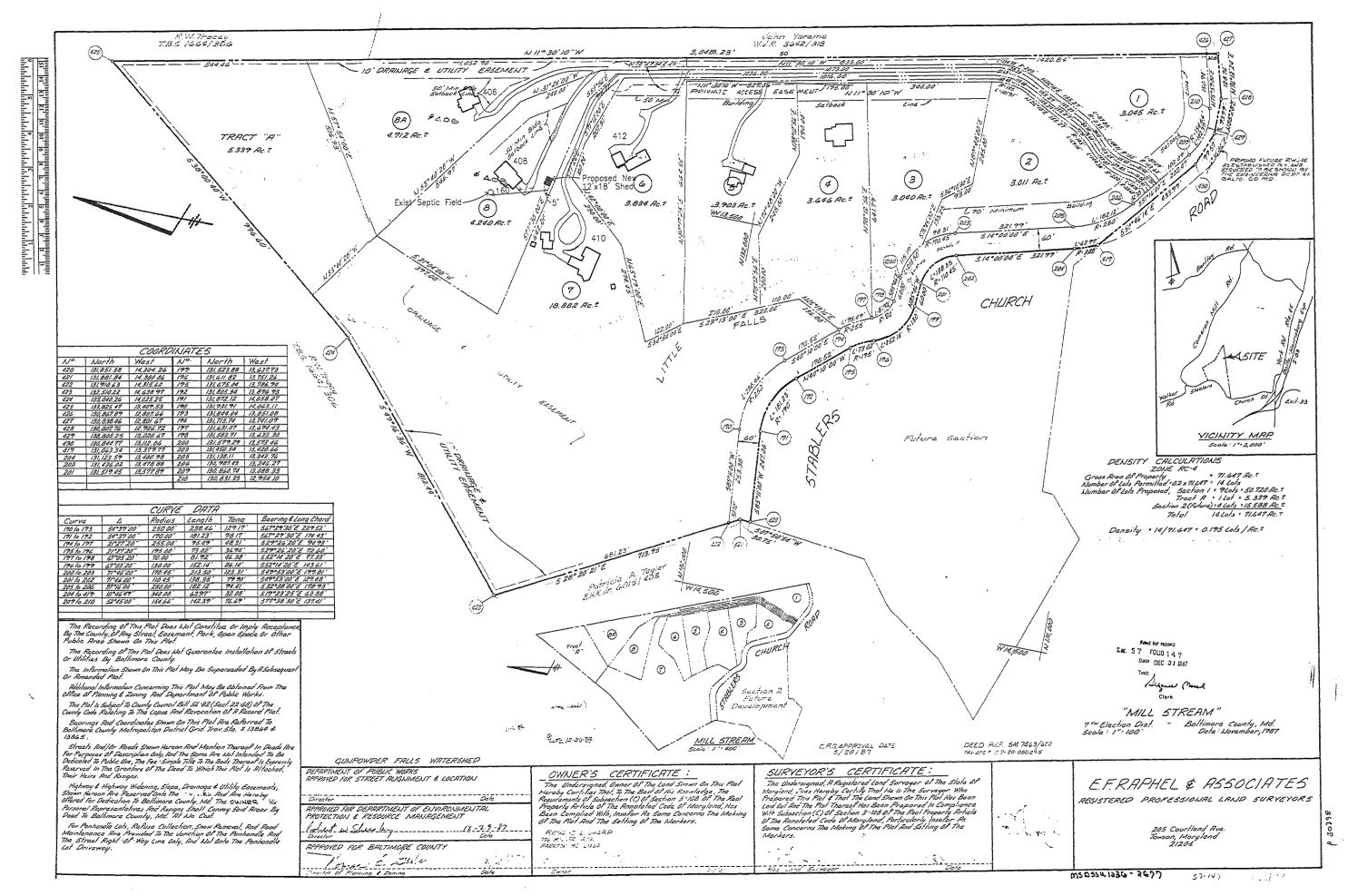


View of Back Yard from end of Driveway - Very Steep









PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANC PROPERTY ADDRESS 408 Stablers Church Road SEE PAGES 5 & 6 OF THE CHECKLIST FOR	
SUBDIVISION NAME MILLSTEAM  PLAT BOOK #SM 57 FOLIO # 147 LOT # 8 SECTION # 1  OWNER Peter & Linda Schwab	gonlag Rd.
10' DRAINAGE & UTILITY EASEMENT  50' Min. Blog. 406  N. 31° 24'00' W  53' Abock Line 406  N. 31° 24'00' W  50' Abock Line 406  N. 31° 24'00' W  60' Abock Line 406  N. 31° 24' W  60' Abock Line 406	Condition of the state of the s
LOT #8A, 406 Stablers Church Road Gregory & Leslie Tinios Tax Account No. 2100002708  Exist Septic Field  A.712 Ac. ±  LOT #8A, 406 Stablers Church Road Gregory & Leslie Tinios  Tax Account No. 2100002708  Proposed New 12'x18' Shed	LOCATION INFORMATION  ELECTION DISTRICT 7  COUNCILMANIC DISTRICT 3  I"=200' SCALE MAP # 012A2  ZONING FORMERLY RC4, RC8  LOT SIZE 4.24 184,695
LOT #8, 408 Stablers Church Road Peter & Linda Schwab Tax Account No. 2100002707  LOT #7, 410 Stablers Church Road Patrick Dedea & Army Dedeo—Brocious Tax Account No. 2100002706	ACREAGE SQUARE FEET  PUBLIC PRIVATE  SEWER X  WATER X  YES NO CHESAPEAKE BAY CRITICAL AREA  100 YEAR FLOOD PLAIN X  HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING
NORTH  PREPARED BY PJS SCALE OF DRAWING: 1" = 1001	ZONING OFFICE USE ONLY REVIEWED BY ITEM# CASE#  AN DOG 3 201/-0063-A