

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Catherine Avenue; 71 feet
SE of the c/l of Celeste Avenue
15th Election District
7th Councilmanic District
(907 Catherine Avenue)

Donald J. and Tina L. Bauer
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0063-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Donald J. and Tina L. Bauer for property located at 907 Catherine Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the rear yard with a height of 19 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a two car garage measuring 19 feet high x 30 feet long x 24 feet wide. The additional garage height is necessary to accommodate storage of the growing family's belongings.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 10, 2011, 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

ORDER RECEIVED FOR FILING

Date 10-4-11

By PS

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 Administrative Law Judge, 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.

Although the Office of Planning did not make any recommendations related to the shed height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 Administrative Law Judge for Baltimore County, this 4th day of October, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the rear yard with a height of 19 feet in lieu of the required 15 feet, be and is hereby GRANTED, subject to the following:

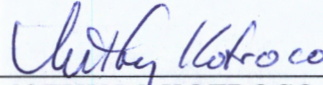
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 10-4-11

By [Signature]

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 10-4-11

By PJ



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 4, 2011

DONALD J. AND TINA L. BAUER
907 CATHERINE AVENUE
ESSEX MD 21221

Re: Petition for Administrative Variance
Case No. 2012-0063-A
Property: 907 Catherine Avenue

Dear Mr. and Mrs. Bauer:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 907 CATHERINE AVE
which is presently zoned DR 5.5

Deed Reference: L29221409 Tax Account # 1900001235

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) 400.3

To permit a garage in the rear yard of an existing single family with a height of 19 feet in lieu of the required 15 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):

DONALD J BAUER

Name - Type or Print

Donald J Bauer

Signature

Tina L Bauer

Name - Type or Print

Tina L Bauer

Signature

907 Catherine Avenue

Address

Telephone No.

Essex, Maryland

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2012-0063-A

Reviewed By [Signature]

Date 9/1/11

Estimated Posting Date 9/11/11

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 own and reside at 907 CATHERINE AVE
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

I would like to build a two CAR garage
19' H X 30'6" X 24' W
FAMILY IS GETTING LARGER NEED MORE
STORAGE SPACE

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Donald J. Bauer
Signature

Tina L. Bauer
Signature

DONALD J BAUER
Name- print or type

Tina L Bauer
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 15 day of August, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Donald J. Bauer, Tina L. Bauer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Deborah R. Alt
Name of Notary Public

3-11-2015
Commission expires

PLACE SEAL HERE:



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Donald J. Bauer
Signature

Tina L. Bauer
Signature

DONALD J. BAUER
Name- print or type

Tina L. Bauer
Name- print or type

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(Name Affiant(s) here): Donald J. Bauer, Tina L. Bauer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Deborah R. Alt
Name of Notary Public

3-11-2015
Commission expires

PLACE SEAL HERE:



Zoning property description for 907 Catherine Avenue

Beginning at a point on the south-west side of Catherine Avenue which is 50 feet wide at the distance of 71 feet south-east of the centerline of the nearest improved intersecting street, Celeste Avenue which is 50 feet (of the right of way width) wide.

Being Lot #1, in subdivision Andrew Saal as recorded in Baltimore County Plat Book# 47, folio# 109, containing 31,499 square feet. Located in the 15th election district and 7th council district.

2012-0063-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0063 -A Address 907 Catherine Ave

Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/1/11 Posting Date: 9/11/11 Closing Date: 9/26/11

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, 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.
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 2012- 0063 -A Address 907 Catherine Ave

Petitioner's Name Donald & Tina Bauer Telephone 410-686-4748

Posting Date: 9/11/11 Closing Date: 9/26/11

Wording for Sign: To permit a garage in the rear yard of an existing single family with a height of 19 feet in lieu of the required 15 feet.

Revised 7/06/11

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

No. **73663**

Date: **9/1/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DPM
 9/12/2011 9/01/2011 10:02:28 8
 CSD W004 WALKIN SHIL SWH
 RECEIPT N 511360 9/01/2011 DELH
 Dept 3 528 ZONING VERIFICATION
 CR NO. 073663

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **Donald Bauer**

For: **907 Catherine C Ave**

2012-0063-A

21221

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Recpt Tot \$75.00
 \$1.00 CR \$75.00 CA
 Baltimore County, Maryland

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/11/2011

Case Number: 2012-0063-A

Petitioner / Developer: DONALD BAUER

Date of Hearing (Closing): JULY 16, 2008

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:
907 CATHERINE AVENUE

The sign(s) were posted on: SEPTEMBER 10, 2011



Linda O'Keefe
(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)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 21, 2011

Mr. & Mrs. Bauer
907 Catherine Avenue
Essex, MD 21221

RE: Case Number: 2012-0063-A, 907 Catherine Avenue

Dear Mr. & Mrs. Bauer,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 1, 2011. 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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-12-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

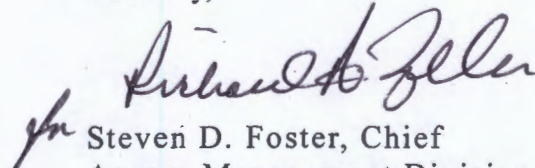
RE: Baltimore County
Item No. 2012-0063-A
Administrative Variance
Donald & Tina Bquer
907 Catherine Avenue

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. *2012-0063-A*.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 19, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-0063-A
Address: 907 Catherine Avenue
(Bauer Property)

Zoning Advisory Committee Meeting of September 12, 2011.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For September 26, 2011
Item Nos. 2012-061, 063, 064, 065
And 066

DATE: September 15, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09262011 -NO COMMENTS.doc

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 15 Account Number - 1900001735

Owner Information

Owner Name: BAUER DONALD J
BAUER TINA L
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 907 CATHERINE AVE
BALTIMORE MD 21221-3411
Deed Reference: 1) /17977/ 00409
2)

Location & Structure Information

Premises Address
907 CATHERINE AVE
0-0000
Legal Description
30450 SQ FT 0.6991 A
907 CATHERINE RD
ANDREW SAAL PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0090	0021	0063		0000			1	3	Plat Ref: 0047/0109

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	1,943 SF	31,499 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2011	07/01/2012
Land	80,300	80,300		
Improvements:	156,200	156,200		
Total:	236,500	236,500	236,500	
Preferential Land:	0			

Transfer Information

Seller: SAAL CLAIRE J	Date: 05/12/2003	Price: \$145,000
Type: ARMS LENGTH IMPROVED	Deed1: /17977/ 00409	Deed2:
Seller: SAAL CATHERINE	Date: 11/19/1990	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08651/ 00433	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt:
Exempt Class: **Special Tax Recapture:**

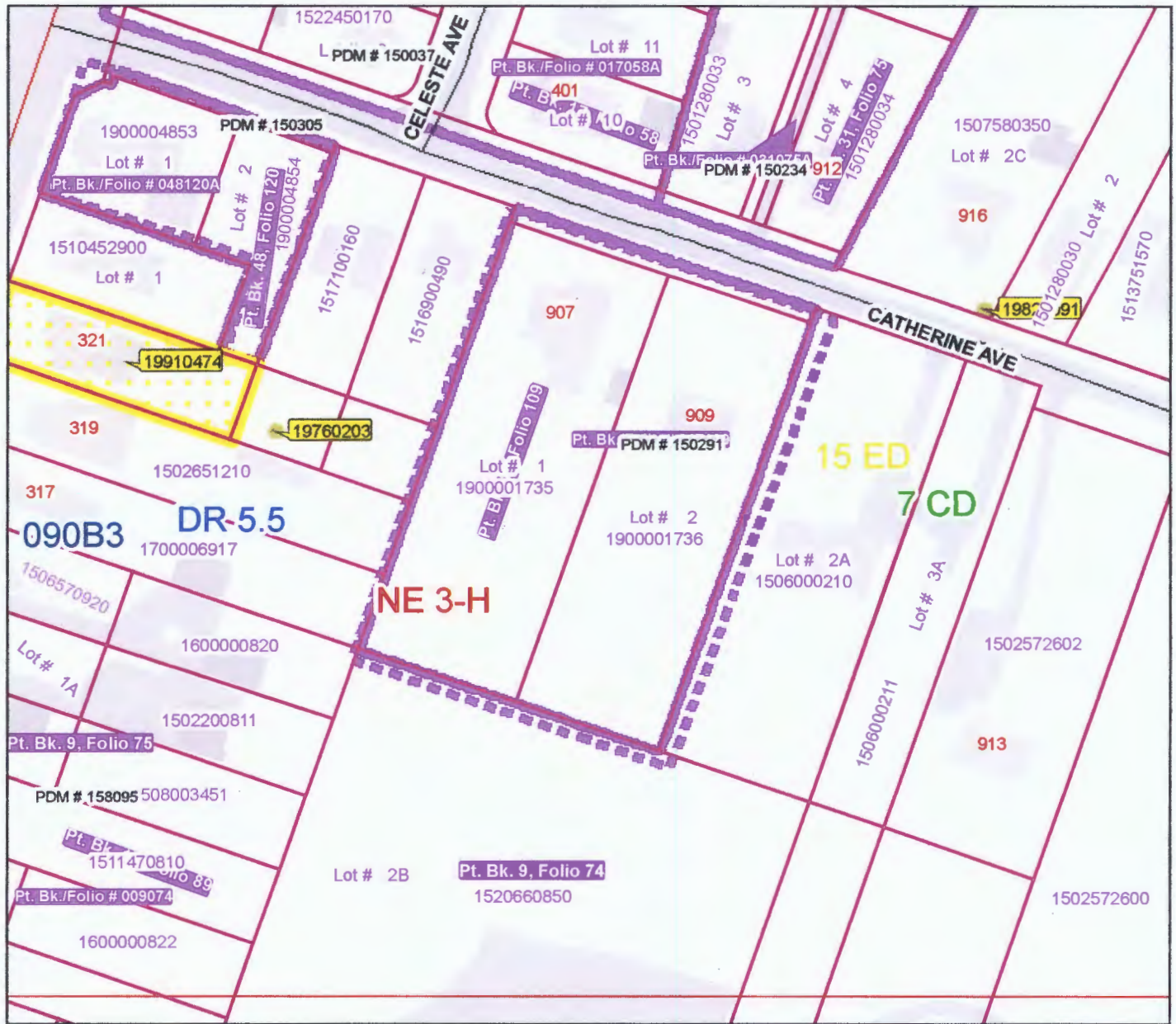


2012-0063-A



2012-0063-A

2012-0063-A



Publication Date: September 01, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



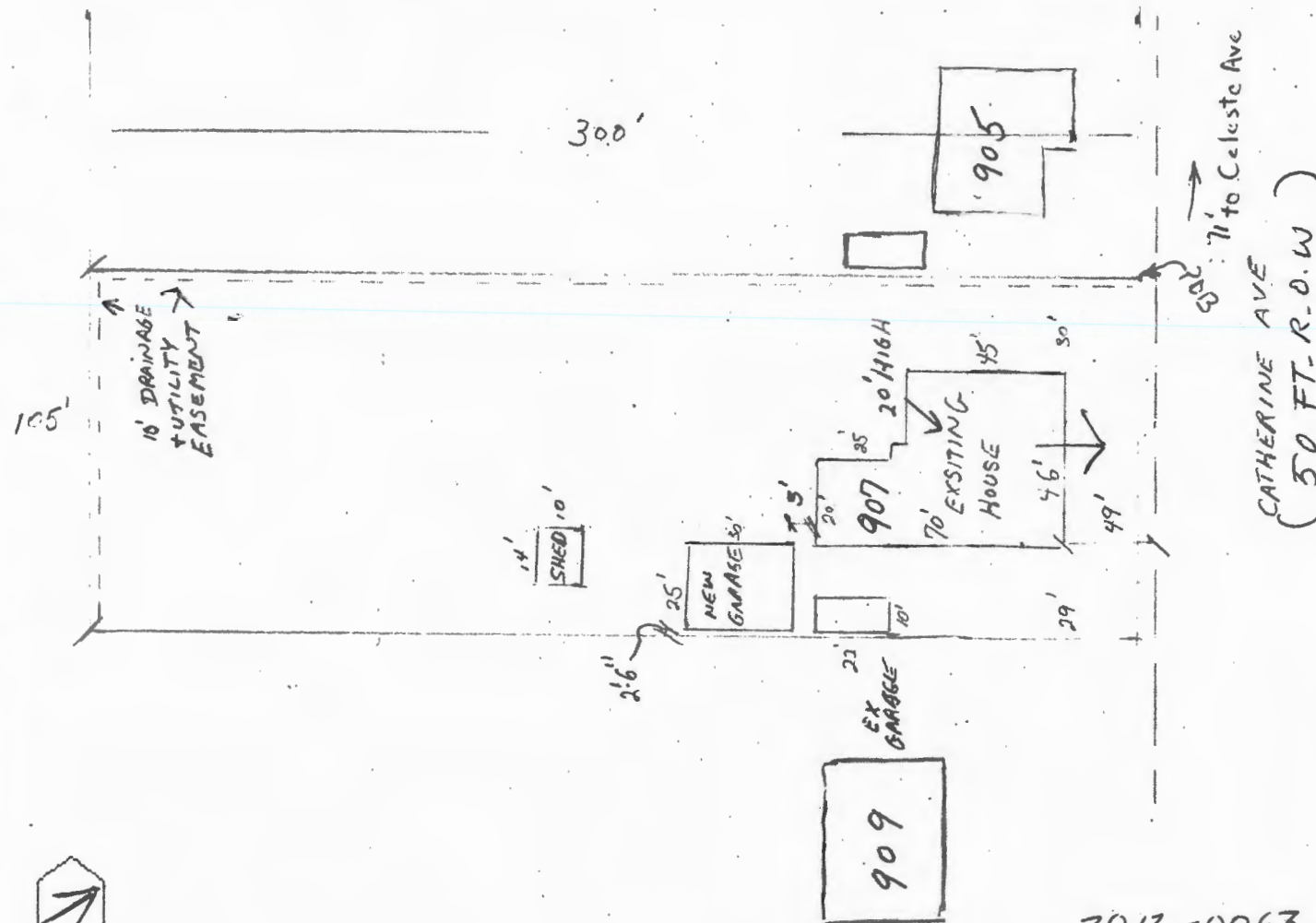
1 inch = 100 feet

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

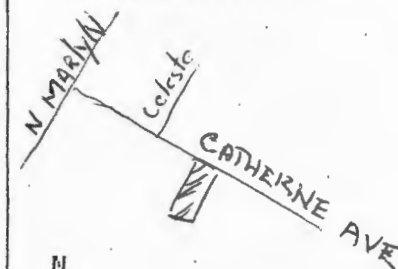
ADDRESS 907 CATHERINE AVE OWNER(S) NAME(S) DONALD, TINA BAUER

SUBDIVISION NAME SAAK ANDREW PROPERTY LOT # 1 BLOCK # _____ SECTION # _____

PLAT BOOK # 47 FOLIO # 109 10 DIGIT TAX # 1900001235 DEED REF. # 179221409



SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 090B3

SITE ZONED DR 5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE _____

OR SQUARE 31,499 ~~sq~~

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

NONE

PLAN DRAWN BY DON BAUER

DATE 8/22

SCALE: 1 INCH = 50 FEET

2012-0063-A