

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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 1 B02.3B, 217.5 (301.1) to permit a projection of 12.4 feet in lieu of the permitted 6.25 feet. (see case No 78-49-A)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

To enhance and add to the beautification and value of the community known as Brookshire II Condominium. Proposed deck has been approved by the Brookshire II Condo. Assoc.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound 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: Legal Owner(s) of Unit 8 19 Brookshire Dr. Reisterstown, MD 21136
 (Type or Print Name) Abbie E. Kealy
 Signature Abbie E. Kealy
 Address (Type or Print Name)
 City and State
 Attorney for Petitioner: 19 Brookshire Dr. Reisterstown, MD 21136
 (Type or Print Name) Address Phone No. 454390
 Signature City and State
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Address Name
 City and State
 Attorney's Telephone No.: Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of May, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 24th day of June, 1987, at 9:30 o'clock A.M.

(over)
 ESTABLISHED BOARD OF HEARDING
 Zoning Commissioner of Baltimore County
 3/23/87

PETITION FOR ZONING VARIANCE

4th Election District - 3rd Councilmanic District
 Case No. 87-516-A

LOCATION: 45 feet South of the Centerline of Brookshire Drive, 353 feet East of Benwell Road (19 Brookshire Drive)

DATE AND TIME: Wednesday, June 24, 1987, at 9:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a projection of 12.4 feet in lieu of the permitted 6.25 feet (See Case No. 78-49-A)

Being the property of Abbie E. Kealy, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
 ARNOLD JABLON
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY

IN RE: PETITION FOR ZONING VARIANCE
 45' S of the c/l of Brookshire Drive, 353' E of Benwell Road (19 Brookshire Drive)
 4th Election District
 3rd Councilmanic District
 Abbie E. Kealy
 Petitioner
 BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 87-516-A

The Petitioner herein requests a variance to permit a projection of 12.4 feet in lieu of the permitted 6.25 feet for a deck.

Testimony by the Petitioner indicated that the subject property is a quadronium shown as living unit "B" on the plan submitted and identified as Petitioner's Exhibit 1. She proposes the construction of a 7'4" x 12'4" deck just outside existing patio doors. There is no other available location for a deck and the elevation drops to such an extent that the ground level cannot be used for leisure living. By letter dated June 4, 1987, the condominium management approved the project with stipulations (see Petitioner's Exhibit 2, sheet 5). There were no Protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 1st day of July, 1987 that a projection of 12.4 feet for a deck in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED from and after the date of this Order.

Jean M. H. Jung
 Deputy Zoning Commissioner
 of Baltimore County

RE: PETITION FOR VARIANCE
 45' S of C/L of Brookshire Dr.
 353' E of Benwell Rd.
 (19 Brookshire Dr.)
 4th District
 BEFORE THE ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 ABIE E. KEALY, Petitioner
 Case No. 87-516-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Peter Max Zimmerman
 Peter Max Zimmerman
 Deputy People's Counsel
 Room 223, Court House
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 27th day of May, 1987, a copy of the foregoing Entry of Appearance was mailed to Abbie E. Kealy, 19 Brookshire Drive, Reisterstown, MD 21136, Petitioner.

Peter Max Zimmerman
 Peter Max Zimmerman

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 494-3353

Arnold Jablon
 Zoning Commissioner

July 1, 1987

Ms. Abbie E. Kealy
 19 Brookshire Drive
 Reisterstown, Maryland 21136

RE: Petition for Zoning Variance
 45' S of the c/l of Brookshire Drive
 353' E of Benwell Road (19 Brookshire Drive)
 4th Election District, 3rd Councilmanic District
 Case No. 87-516-A

Dear Ms. Kealy:

Pursuant to the recent hearing held in the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

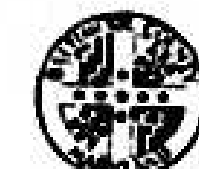
Very truly yours,

Jean M. H. Jung
 JEAN M. H. JUNG
 Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: People's Counsel



BALTIMORE COUNTY
 OFFICE OF PLANNING & ZONING
 TOWSON, MARYLAND 21204
 494-3353

ARNOLD JABLON
 ZONING COMMISSIONER

June 17, 1987

Ms. Abbie E. Kealy
 19 Brookshire Drive
 Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
 45' S of the c/l of Brookshire Dr., 353' E of Benwell Rd. (19 Brookshire Dr.)
 4th Election District - 3rd Councilmanic District
 Abbie E. Kealy - Petitioner
 Case No. 87-516-A

Dear Ms. Kealy:

This is to advise you that \$76.13 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 35943
 DATE 6/24/87
 SIGN & POST RETURNED
 \$ 76.13
 Ms. Abbie E. Kealy, 19 Brookshire, Reisterstown, Md. 21136
 ADVERTISING & POSTING COSTS RE CASE #87-516-A
 \$ 8012*****761318 82426

County, Maryland, and remit to, Towson, Maryland

Abbie Kealy
 19 Brookshire Dr.
 Reisterstown, MD 21136

3/23/87

Beginning at a point 45' south of the centerline of Brookshire Drive, at a distance of 353 feet east of Benwell Road and being Unit B, Building P-52 as shown on the plat of Brookshire Condominiums # 2. Plot of Phase Four which is recorded in the Land Records of Baltimore County in Condominium Plot Book EHR, J.R. No 5, Folio 86 known as 19 Brookshire Drive, in the 4th Election District.

Ms. Abbie E. Kealy
 19 Brookshire Drive
 Reisterstown, Maryland 21136

May 18, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
 45' S of the c/l of Brookshire Dr., 353' E of Benwell Rd. (19 Brookshire Dr.)
 4th Election District - 3rd Councilmanic District
 Abbie E. Kealy - Petitioner
 Case No. 87-516-A

TIME: 9:30 a.m.

DATE: Wednesday, June 24, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 32462
 DATE 6/24/87
 SIGN & POST RETURNED
 \$ 35.00
 Ms. Abbie E. Kealy, 19 Brookshire, Reisterstown, Md. 21136
 ADVERTISING & POSTING COSTS RE CASE #87-516-A
 \$ 8132*****350018 82356

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

87-516-A

District: 44th
Posted for: Mrs. E. Kealy
Petitioner: Mrs. E. Kealy
Location of property: 44th St. of the E. of Brookshire Dr. 353' E. of Carroll Ave. (12 Brookshire Dr.)
Location of Signs: On front of 12 Brookshire Dr.
Remarks: See sketch
Posted by: A. J. Kealy
Number of Signs: 1
Date of Posting: 6-6-87
Date of return: 6-12-87

CERTIFICATE OF PUBLICATION

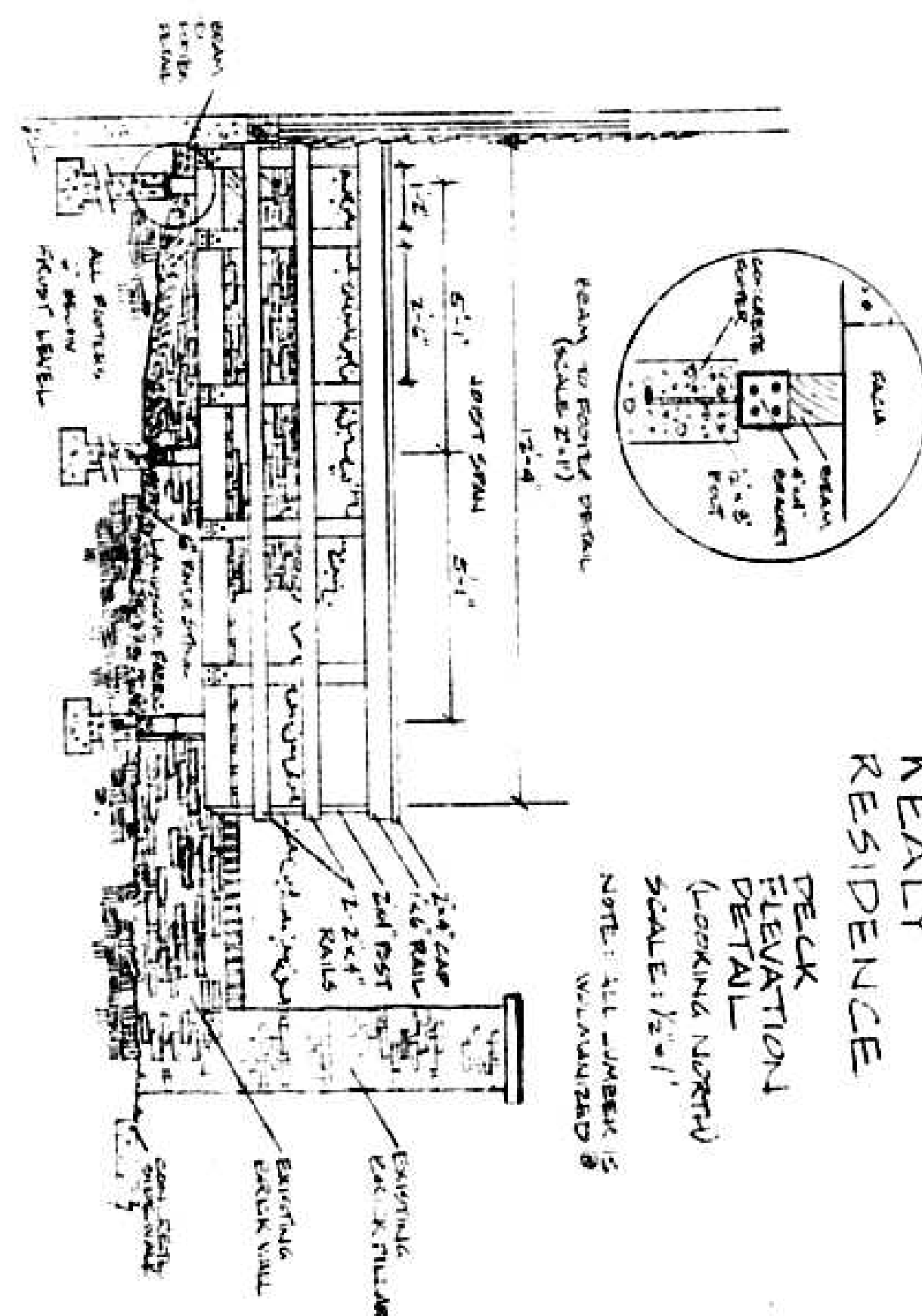
TOWSON, MD. JUNE 4, 1987.

THIS IS TO CERTIFY that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 4, 1987.

OWINGS MILLS TIMES,

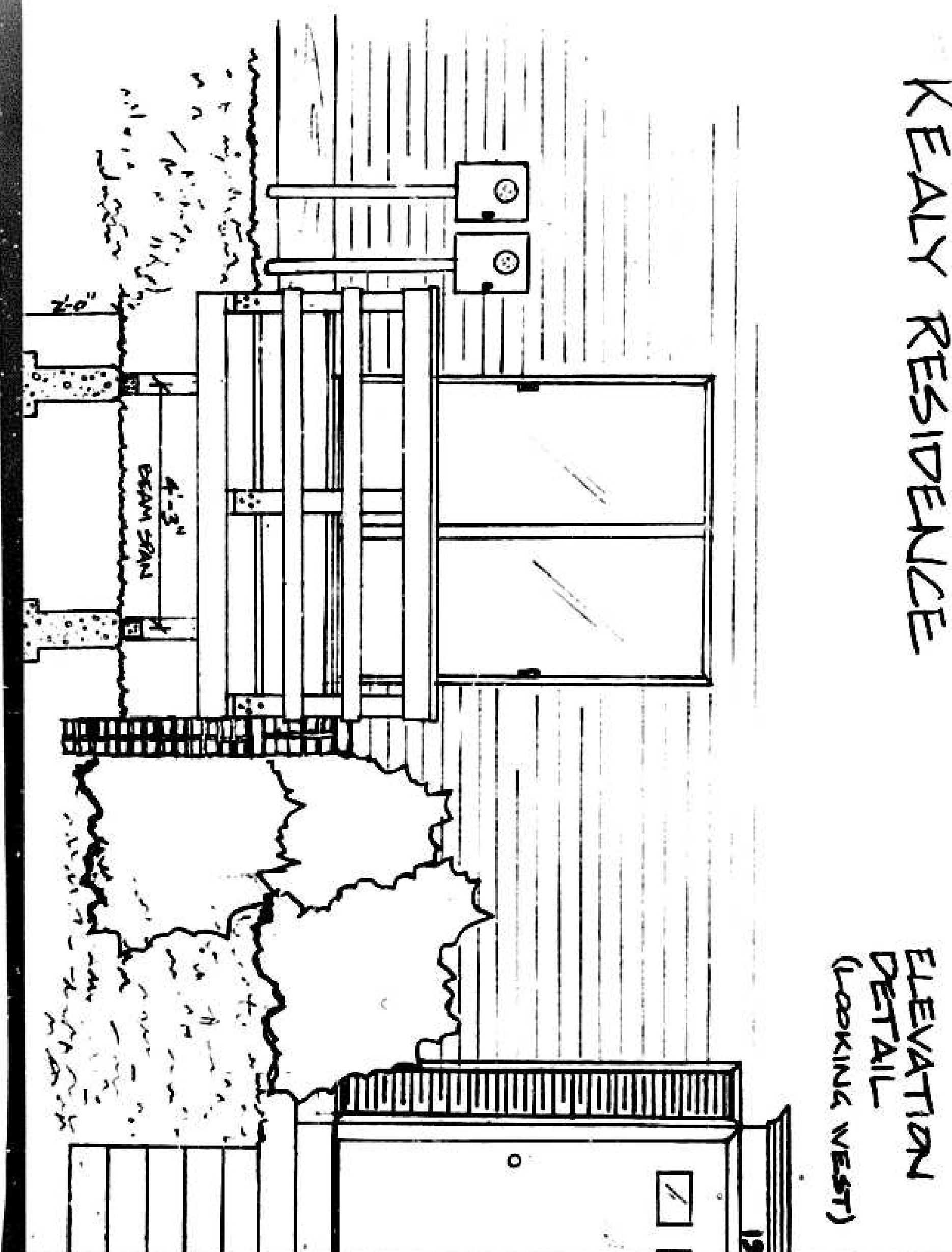
Susan Shuler Obrecht
Publisher

2896

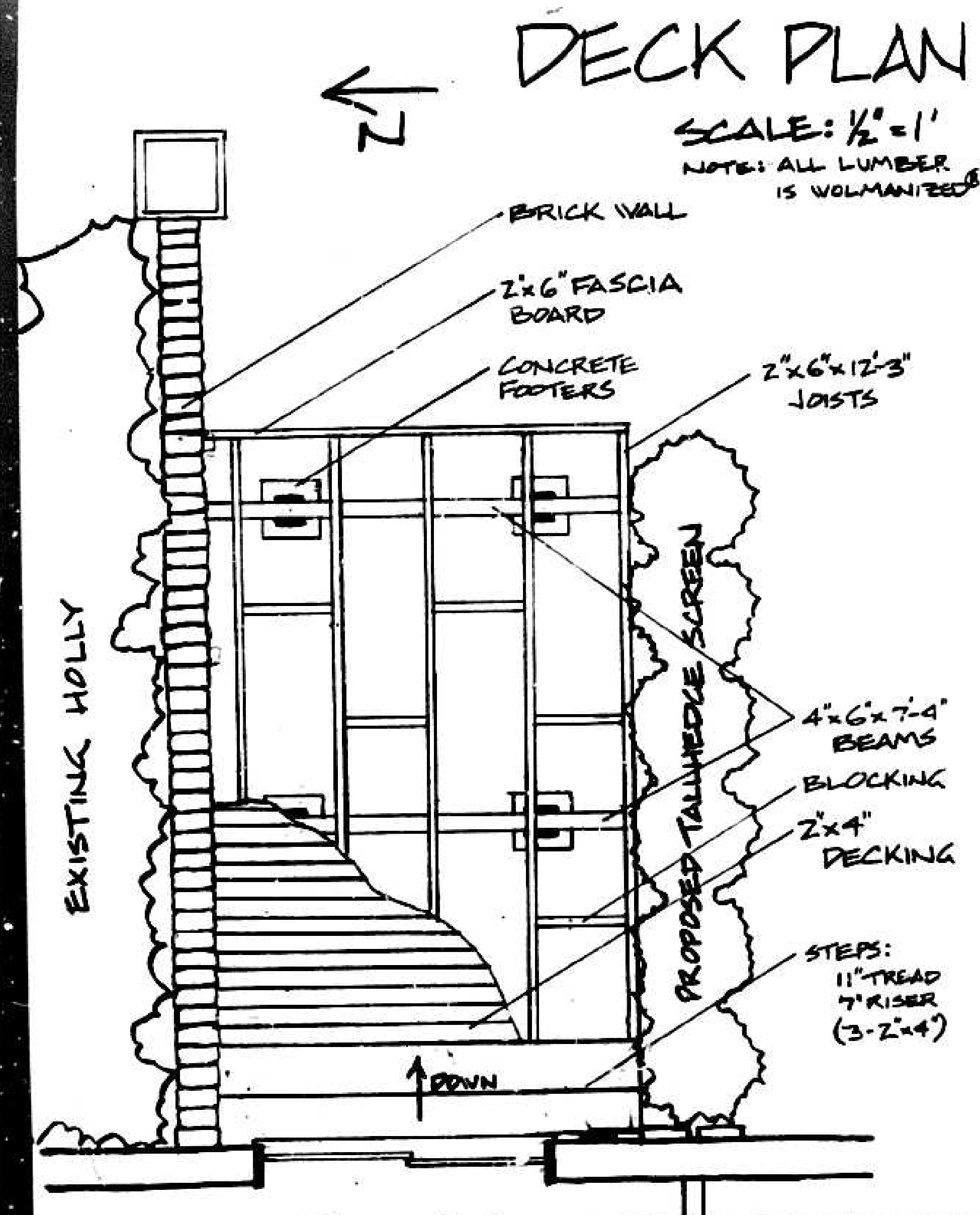


KEALY RESIDENCE
DECK
ELEVATION
DETAIL
(LOOKING NORTH)
SCALE: 1/2" = 1'

PETITIONER'S
EXHIBIT 2



KEALY RESIDENCE
ELEVATION
DETAIL
(LOOKING WEST)



DECK PLAN

SCALE: 1/2" = 1'
NOTE: ALL LUMBER IS VOLUNTARIZED

Lego Management Services, Inc.
P. O. BOX 5738 BALTIMORE, MARYLAND 21208
(301) 486-4256

June 4, 1987

Abbie Kealy
19 Brookshire Dr.
Reisterstown, Md. 21136

Dear Ms. Kealy,

In reference to your deck at 19 Brookshire Dr., we found that it was approved with the new plans on March 18, 1987.

There were two stipulations:

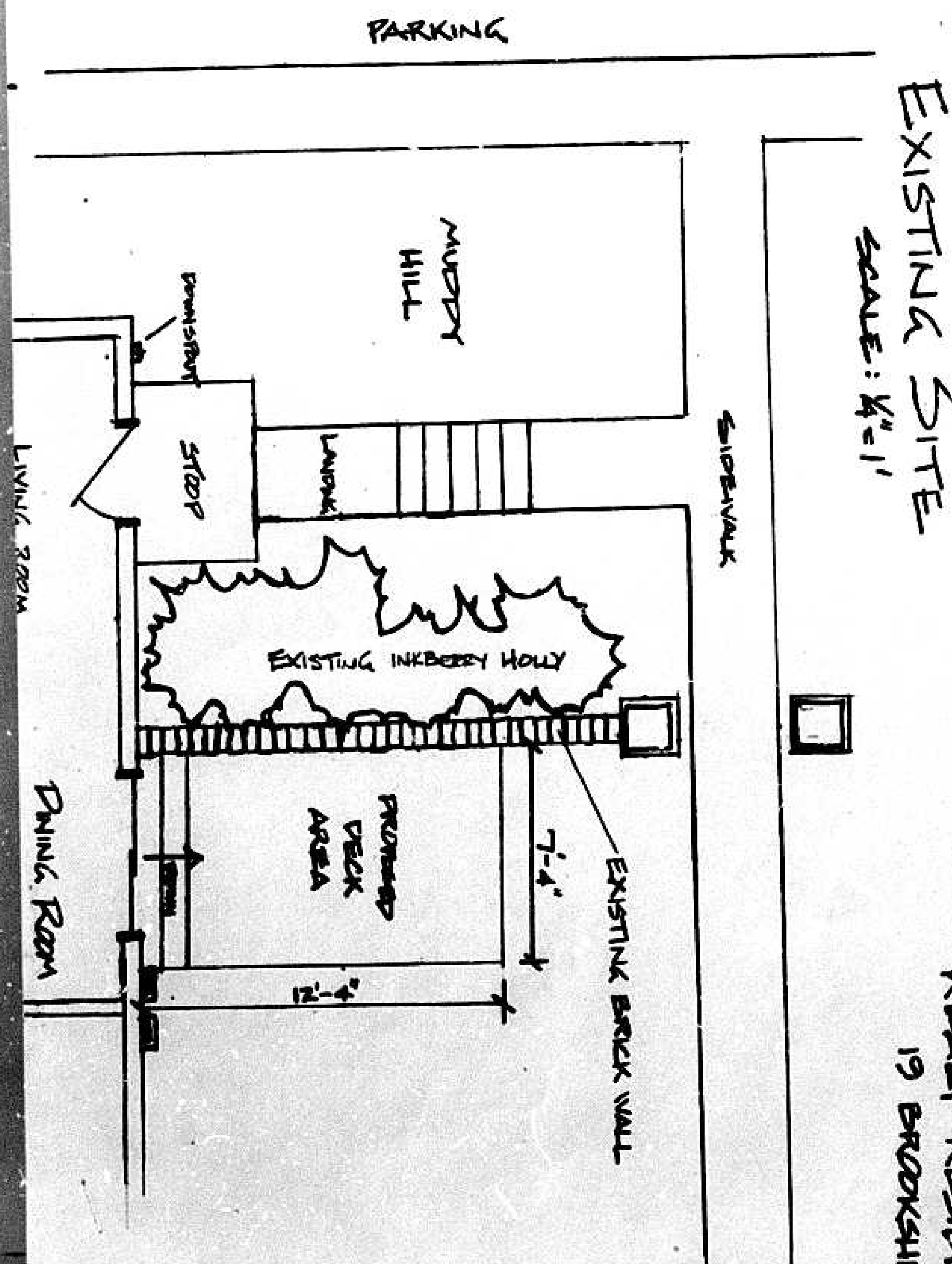
1. It cannot be attached to the house.
2. It cannot be put in concrete. It has to be portable.

If you have any other questions, please call.

Sincerely,

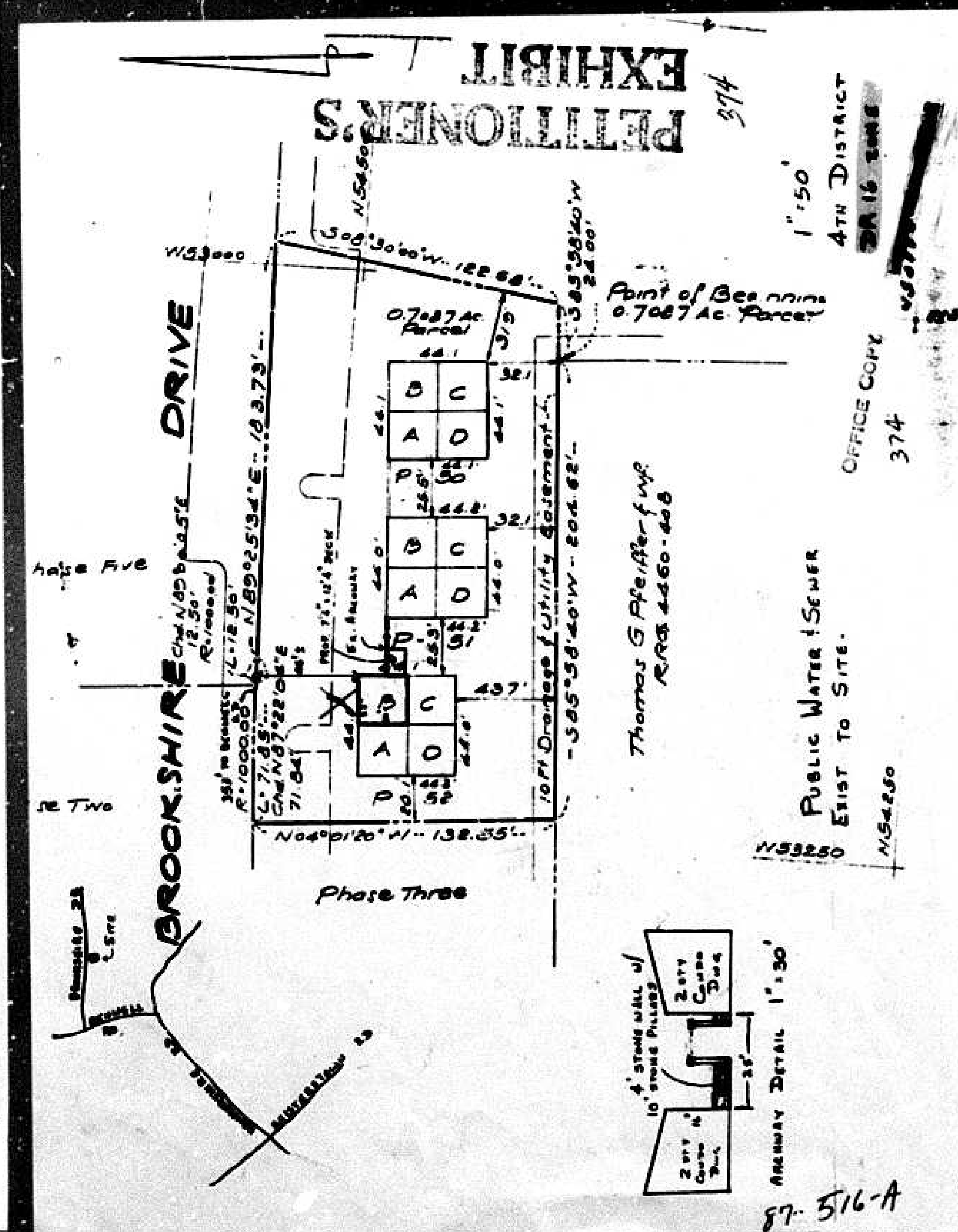
Arthur Lego
Lego Management Services, Inc.

cc: Board of Directors
cc: Chuck Pearson has set of plans



EXISTING SITE
SCALE: 1/4" = 1'

KEALY RESIDENCE
19 BROOKSHIRE DR.



87-516-A

87-516-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 9th day of May, 1987.

James B. Wyer
Zoning Commissioner

Petitioner: Ms. Abbie E. Kealy
Petitioner's Attorney

Received by: James B. Wyer
Chairman, Zoning Plans
Advisory Committee



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: May 21, 1987

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petition No. 87-511-A, 87-513-A, 87-516-A and 87-517-A

(There are no comprehensive planning factors requiring comment on these petitions.)

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:sib

RECEIVED
MAY 28 1987
ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

June 8, 1987

Ms. Abbie E. Kealy
19 Brookshire Drive
Keisterstown, Maryland 21136

RE: Item No. 374 - Case No. 87-516-A
Petitioner: Abbie E. Kealy
Petition Zoning Variance

Dear Ms. Kealy:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 24, 1987

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 374, 375, 377, 378, 379, 380, 383, 384, 385, 390, and 391.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2506
494-4500

PAUL H. REINCKE
CHIEF

April 7, 1987

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Abbie E. Kealy

Location: 45' S. of centerline Brookshire Dr., 353' E. Benwell Road

Item No.: 374

Zoning Agenda: Meeting of 4/6/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals or 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

(X) 2. A second means of vehicular access is required for the site. For units C & D.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. O'Neill*
Noted and
Approved: *John F. O'Neill*
Planning Group
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

May 5, 1987

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 374 Zoning Advisory Committee Meeting are as follows:

Property Owner: Abbie E. Kealy
Location: 15 Ft S of Centerline Brookshire Drive, 353 Ft E. Benwell Road
District: 4th

APPLICABLE ITEMS ARE CIRCLED:

(A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.B.C.I. #117-1 - 1980) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/are not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Registered seals are not acceptable.

E. All Two Groups except 2-4 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 4'-0" to an interior lot line. 2-4 Two Groups require a one hour wall 16' closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 1201, Section 1207, Section 1206.2 and Table 1222. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for maximum height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 1201 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Use _____. See Section 112 of the Building Code.

I. The proposed project appears to be located in a Flood Plain, Flood/Hurricane. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(A) Comments: Decks shall be designed to a #60 live load & dead load and shall be treated wood as per the Code.

K. These abbreviated comments reflect only on the information provided by the design submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Mark S. Flanigan
Mark S. Flanigan, Chief
Building Plans Review

4/77/K