\* DEPUTY ZONING COMMISSIONER

(14321 Green Road) \* OF BALTIMORE COUNTY 8th Election District 3rd Councilmanic District \* Case No. 93-406-A

Gerry Brewster Petitioner \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owner of the subject property, Gerry L. Brewster, by and through his attorney, Robert A. Hoffman, Esquire. The Petitioner requests relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building envelope setback of 0 feet from the northern lot line in lieu of the required 35 feet for a proposed dwelling in accordance with Petitioner's

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances 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, pictures, 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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $23^{-6}$  day of June, 1993 that the Petition for Administrative Variance requesting relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building envelope setback of 0 feet from the northern lot line in lieu of the required 35 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1. be and is hereby GRANTED, subject, however, to the following restrictions:

> 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.

TMK:bjs

Deputy Zoning Commissioner for Baltimore County

## VENABLE, BAETJER AND HOWARD

- 2-

ATTORNEYS AT LAW A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS 210 ALLEGHENY AVENUE P.O. BOX \$517

ROCKVILLE, MD BEL AIR, MO

RICHARD M. VENABLE (1839-1910) EDWIN G. BAETJER (1868-1946) CHARLES MCH. HOWARD (1870-1942) ROBERT A. HOFFMAN

May 19, 1993

BALTIMORE, MO

WASHINGTON, D. C.

On behalf of our client, Gerry L. Brewster, we respectfully

By way of background, the lot upon which Mr. Brewster is proposing to build is located at 14321 Green Road (about .8 of a mile north of Mantua Mill Road) and was created as a children's lot out of his father's land which is in the Maryland Agricultural Land Preservation Program. See attached photographs of subject property. Please note that the one acre lot size is the maximum permitted under the program. Due to the lot's small size as well as its unusual configuration, Mr. Brewster has determined that in order to have a house consistent with the size of other houses in the area, the best location for the proposed dwelling is one utilizing a 0 ft. setback from the adjoining 4 acre lot which Mr. Brewster also owns.

situation by simply combining his two lots. However, this is not possible in his case because of the 1 acre maximum lot size limitation placed upon his building lot by virtue of the Maryland order to properly locate a house of size consistent with the surrounding residential homes that Mr. Brewster is faced with a

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

June 23, 1993

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue, Suite 700 Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE E/S Green Road, 4100' N of the c/l of Mantua Mill Road (14321 Green Road) 8th Election District - 3rd Councilmanic District Gerry L. Brewster - Petitioner Case No. 93-406-A

Dear Mr. Brewster:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

> Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

• • •

cc: People's Counsel /File •

(410) 887-4386

to the Zoning Commissioner of Baltimore County 14321 Green Road for the property located at Glyndon Maryland 21071 which is presently sensed RC2 This Petition shall be filed with the Office of Zoning Administration & 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) 1A01 3 B.3 to permit a setback of the building envelope of 0 feet from the northern lot line in lieu of the required 35 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or Property is to be posted and advertised as prescribed by Zoning Regulations. t, 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. LWe do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property wrich is the subject of this Petition Contract Purchaser/Lessee Gerry Brewster (Type or Print Name) (Type or Print Name) (Type or Print Name) Attorney for Petitione 527 Allegheny Avenue Robert A Hoffman Esquire 337 7173 Towson, Md. 21204 City State
Name, Address and phone number of representative to be contacted Venable. Baetier & Howard 210 Alleghenv Avenue 494 6200 Robert A Hoffman Esquire Name 210 Alleghenv Avenue Towson Marvland 21204 Towson Maryland 21204 494 6200

Petition for Administrative Variance

FERMATED POSTING DATE

on throughout Battimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

ITEM #: 420

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zaning Regulations of Battimore County, in two newspapers of general

SORDON T. LANGDON DENNIS M. MILLER EDWARD F. DEIACO-LOHR BRUCE E. DOAK

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors SUITE 100 320 EAST TOWSONTOWN BOULEVARD

TOWSON, MARYLAND 21286-5318

410-823-4470

FAX 410-823-4473

PAUL 6. DOLLENBERG PRED M. DOLLENBERG CARL L. SERHOLD PHILIP N. CROSS of country JOHN F. ETZEL WILLIAM G. ULRICH

May 11, 1993

93-406-A

ZONING DESCRIPTION Property of Gerry L. Brewster 14321 Green Road Election District 8 Councilmanic District 3

Beginning at a point in Green Road at a distance of 4100 feet, more or less, north of the centerline of Mantua Mill Road, thence leaving said road (1) North 63 degrees 15 minutes 00 seconds East 396.00 feet, (2) South 49 degrees 20 minutes 00 seconds East 70.00 feet, (3) South 51 degrees 38 minutes 05 seconds West 341.93 feet, (4) South 01 degree 15 minutes 00 seconds East 30.96 feet, (5) South 88 degrees 45 minutes West 20.00 feet (6) North 01 degree 15 minutes 00 seconds West 38.57 feet and (7) South 88 degrees 45 minutes 00 seconds West 116.85 feet to a point in said Green Road, thence binding in Green Road (8) North 01 degree 15 minutes 00 seconds West 75.00 feet to the place of beginning.

Containing 1.000 Acres, more or less.

Being the same parcel of land which by deed dated January 7, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9033 folio 696 was granted and conveyed by Daniel B. Brewster and Judy Lynn Brewster, his wife, to Gerry L. Brewster.



Affidavit in support of Administrative Variance

Towson, Maryland 21204

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 \_\_\_\_527 Allegheny Avenue

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 letter)

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Gerry Brewster

1 HEREBY CERTIFY, this \_\_\_\_\_ day of \_\_ of Maryland, in and for the County aforesaid, personally appeared Gerry Brewster

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Scal.

TOWSON, MARYLAND 21265-5517 (410) 823-4111 FAX (410) 821-0147

WRITER'S DIRECT NUMBER IS (410) 494-9162

Arnold Jablon, Director Office of Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Property of Gerry L. Brewster - 14321 Green Road Request for Administrative Variance

request an administrative variance to allow a 0 ft. lot line setback from Mr. Brewster's proposed dwelling to his adjoining 4 acre lot to the north.

Under normal circumstances, Mr. Brewster could alleviate this Agricultural Land Preservation Program. It is for this reason and in

Arnold Jablon, Director May 19, 1993 Page 2

93-406-A

practical difficulty in strictly complying with the Zoning Regulations. However, notwithstanding the fact that Mr. Brewster cannot combine his lots, no adverse impact will result from the 0 ft. setback due to the fact that Mr. Brewster's 4 acre lot is part of the Maryland Environmental Trust ("M.E.T.") Program. Under the terms of this program, this lot is in a perpetual easement and can never have a home built upon it. See attached copy of M.E.T. Deed of Conservation Easement recorded 12/18/92.

It is clear that the requested variance will not create any adverse impact since Mr. Brewster owns both the 1 acre building lot and the adjacent 4 acre lot. Thus, the requested 0' ft. lot line setback is a setback from his own land. In addition, Mr. Brewster's parents, who own almost all the surrounding land, have no objection to the requested variance. It is respectfully submitted that in light of these circumstances, requiring Mr. Brewster to strictly comply with the setback requirements would be unnecessarily

For the reasons set forth above, we believe the requested variance meets the requirements for a variance contained in § 307.1 B.C.Z.R. and is within the spirit and intent of the Zoning Regulations. We therefore respectfully request your approval of this

> Sincerely, Rob Hoffman/Pu Robert A. Hoffman

cc: G. Paige Wingert, Esquire

ZONNIG DEPARTMENT OF BALTIMORE COUNTY

strict Sets  ded for: Variance	Date of Posting 6/3/93
ted for: QYIENCO	
Mose Bary Brews tor	
cation of property: 14 321 Green Rd	- Els 4100' N/ Mon Tula RA
	·
stion of Stone Ported of begin	ming of Private youd louding
to proporty to be some	
narks:	
: <b>::::::::::::::::::::::::::::::::::::</b>	

Company Contract	Baltim
	Zoning
(##)	Develo
4.20	Tous on,

iore County g Administration & pment Management t Chesapoake Avanua Maryland 21204

5-19-93

GERRY BROWSTON, -143219RUEN RD. GLYNDON MOZIGTI

"a 1 VARIANCE (ADMIN) \$50 "0802 SIGNS@\$SEA . \$70 \$120

INTER-OFFICE CORRESPONDENCE

BALTIMORE COUNTY, MARYLAND

TO: Arnold Jablon, Director Zoning Administration and

DATE: June 28, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Development Management

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 420, 435, 441, 443, 444, 445, 446, 447, 448, 457, 458, 459 and 461.

43-406-A If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

435.ZAC/ZAC1

TEM # 420. **Baltimore County Government** Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER

For newspaper advertising: Item No.: # 4/6

Note: 2 SIGNS.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting of June 1, 1993

the following comments on the above-referenced zoning item.

See the attached memo from W. Lippincott dated 6/10/93.

The Department of Environmental Protection and Resource Management offers

Mr. Arnold Jablon, Director

Zoning Administration and

SUBJECT: Zoning Item #420, Brewster Property

14321 Green Road

Attachment

BREWSTER/TXTSBP

Development Coordinator, DEPRM

Development Management

Petitioner: Gerry L. Brewster Location: 14321 Green Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ms. Barbara White

ADDRESS: Venable Baetier + Howard 210 Allegheny Ave. Towson MD 21204 PHONE NUMBER: 494 - 6201

(Revised 04/09/93)

June 10, 1993

Towson, MD 21204

111 West Chesapeake Avenue

(410) 887-3353

June 11, 1993

**Baltimore County Government** 

Office of Zoning Administration

and Development Management

Robert A. Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, MD 21204

> RE: Case No. 93-406-A, Item No. 420 Petitioner: Gerry Brewster Petition for Administrative Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 May 19, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

State Highway Administration

O. James Lighthize Hal Kassoff

5-26-93

HELENE KEHKING

Baltimore County

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Winiarski:

Ms. Julie Winierski

Zoning Administration and Development Management

County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toil Free
707 North Calvert St., Baltimore, Maryland 21203-0717

My telephone number is 410-333-1350

BARIMORE COUNTY, MARY AND

INTER-OFFICE CORRESPONDENCE

Date\_ May 27, 1993 Zoning Advisory Committee Captain Jerry Pfeifer FROM Fire Department

Comments for 06/08/93 Meeting

Building shall comply with applicable provisions of the 1991 Life Safety Code. Item 416 No Comments Item 417 No Comments No Comments No Comments No Comments Item 421 No Comments No Comments Item 422 Item 423 No Comments

No Comments

JP/dmc

Item 424

**Baltimore County Government** Office of Zoning Administration and Development Management

Towson, MD 21204



111 West Chesapeake Avenue

(410) 887-3353

Gerry Brewster 527 Allegheny Avenue Towson, Maryland 21204

Re: CASE NUMBER: 93-406-A (item 420) 14321 Green Road E/S Green Road, 4100' N of c/l Mantula Road

8th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 6, 1993. The closing date (June 21, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (h) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

ZADM

111112 1161

Q 5055-93

Arnold Jablon, Director Office of Zoning Administration and Development Management FROM: Wallace Lippincott, Jr., Administrator Baltimore County Agricultural Land Preservation Program SUBJECT: Review of Petition for Administrative Variance Item 420, 14321 Breen Road. DATE: June 10, 1993 LEER9511 MEG 25 This one acre lot was excluded from a Maryland Agricultural Land Preservation Program easement for the use of the child of the seller of the easement for the construction of DEED OF CONSERVATION EASEMENT a home for his personal use. The lot was released in January of 1992. THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") made this  $\frac{1+1}{2}$  day of  $\frac{1}{2}$ , 1992, by and between DANIEL B. BREWSTER and JUDY LYNN BREWSTER, having an address Given the release has been accomplished, the only consideration with respect to this request is the effect that the setback variance will have on the agricultural capability at 14301 Green Road, Glyndon, Maryland 21071 ("Grantors") and of the easement property and adjacent properties. On this the MARYLAND ENVIRONMENTAL TRUST, having an address at 275 West question, the request will have no significant impact. Street, Suite 322, Annapolis, Maryland 21401 ("Grantee"). In conclusion, there does not appear to be any adverse WITNESSETH impact of the proposal on the adricultural resources of the WHEREAS the Maryland Environmental Trust is charitable in nature and is created and exists pursuant to Subtitle 2 of Title 3 of the Natural Resources Article, Annotated Code of Maryland (1989 Replacement Volume as amended ), to conserve the natural and scenic qualities of the environment; WHEREAS Grantors own in fee simple 4.12 acres of certain real property ("Property") situate, lying and being in the Eighth Election District of Baltimore County, Maryland, and more particularly described in Exhibit A attached hereto, which was conveyed to the Grantors by Crompton Smith and Frances Cochran Smith, his wife by Deed dated June 15, 1972 and recorded among the land records of Baltimore County, Maryland

in Liber 5275, Folio 326;

Conservation Easement;

condition;

ULTURAL TRANSFER TAX

ATURE 1/W DATE 12/18/52

PPLICABLE

WHEREAS Grantors are willing to grant a perpetual

WHEREAS Grantors and Grantee recognize the open-space

WHEREAS Grantors and Grantee have a common purpose in

WHEREAS Grantee is authorized by the laws of Maryland

LED FOR TRANSFER

Clate Department of

Assessments & Taxation

for Baltimore County

Conservation Easement over the Property, thereby restricting and limiting the use of the land and contiguous water areas of the Property, on the terms and conditions and for the purposes hereinafter set forth, and Grantee is willing to accept such

conservation value of the Property in its present state, as a

conserving the dominant scenic, cultural, rural, agricultural, woodland and wetland character of the Property, and, except as hereinafter provided, preventing the use or development of the Property for any purpose or in any manner that would conflict with the maintenance of the Property in its open-space

to accept, hold and administer conservation easements, and possesses the authority to accept and is willing to accept

development, and have identified significant conservation

natural and rural area that has not been subject to

features in Exhibit B attached hereto;









