

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE N/S Broadway Road, 201 ft. W of Ridgmont Road 1406 Broadway Road 8th Election District 3rd Councilmanic District John W. Wright Petitioner

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-73-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John W. Wright for that property known as 1406 Broadway Road in the Ridgmont subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a garage to be located in the front yard in lieu of the rear yard in a residential zone, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

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

The Petitioner has 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 variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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 Zoning Commissioner for Baltimore County this 23rd day of September, 1993 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a garage to be located in the front yard in lieu of the rear yard in a residential zone, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. There shall be no service garage work performed within the structure or on the subject property at any time.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/23/93
By M. Wright

LES/mm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 22, 1993

Mr. John W. Wright
1406 Broadway Road
Lutherville, Maryland 21093

RE: Petition for Administrative Variance
Case No. 94-73-A
1406 Broadway Road

Dear Mr. Wright:

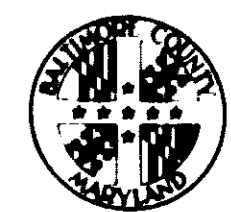
Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1406 Broadway Road Lutherville, Maryland 21093

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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 400.1 To allow a garage to be located in the front yard in lieu of the rear yard in a residential (RC 5) zone.

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

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations 1, 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.

Offer to certify to use and adhere to the provisions of Section 1 that we are the legal owner(s) of the property which is the subject of this petition.

Large Print Name: John W. Wright
Type or Print Name: John W. Wright
Signature: [Signature]
Address: 1406 Broadway Road, Lutherville, Maryland 21093
City: Lutherville, Maryland 21093
State: MD
Phone No: 410 252-8770
Home: 410 252-8770
Office: 410 771-4900
Name Address and phone number of representative to be contacted: [Name]
City: [City] State: [State] Phone No: [Phone No]

A Public Hearing has been requested and/or held to be required, it is ordered, by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, to be held on the date of the hearing, at the office of the Zoning Commissioner of Baltimore County, at the address of the Zoning Commissioner of Baltimore County, and that the property be posted.

RECEIVED BY [Signature] DATE 8-20-93
ESTIMATED POSTING DATE: 9-7-93

ITEM # 83

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) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 1406 Broadway Road Lutherville Maryland 21093
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: (please describe in greatest detail)

SEE ATTACHED

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

Signature: [Signature]
Name or Print Name: John W. Wright

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of September, 1993, before me, a Notary Public of the State of Maryland, and for the County aforesaid, personally appeared:

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

My Commission Expires: 3-1-97

ATTACHMENT # 1

Erecting a garage according to strict zoning guidelines would (in this case and in my opinion) defeat the original intent of Section 400.1 by creating an eyesore that would cause a considerable impediment to the beauty and line of sight for my neighbors and myself.

Also, the additional measures associated with driveway relocation, substantial grading changes and removal of mature trees creates a serious practicality issue. The expenses associated with these additional measures would be in the \$20,000 to \$25,000 range.

I have also recently purchased a completely restored, antique automobile which must be garaged.

[Signature]
John W. Wright

EXAMPLE 3 - Zoning Description

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1406 Broadway Rd. Lutherville, Md. 21093

Election District 8 Councilmanic District 3

Beginning at a point on the north side of Broadway Road (north, south, east or west)

which is (number of feet of right-of-way width) (street on which property fronts)

wide at a distance of (number of feet) (north, south, east or west) of the

centerline of the nearest improved intersecting street (name of street)

which is (number of feet of right-of-way width) wide. *Being Lot # 4

Block A, Section 1 in the subdivision of Ridgmont as recorded in Baltimore County Plat (name of subdivision)

Book # 23, Folio # 48, containing

40,872 Sq. Ft. .94 acres N 81 29' 34" E 200.04' S 82 40' 41" W 200.00' S 7 19' 19" E 206.40' N 7 19' 19" W 202.28'

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio # and include the measurements and directions (notes and bounds only) here and on the plat in the correct location.

Example of notes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.63 19' 00" W. 318 ft., and N.08 18' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 9/23/93

Posted for: John W. Wright

Petitioner: John W. Wright

Location of property: 1406 Broadway Rd., Lutherville, Md.

Location of signs: 1406 Broadway Rd., Lutherville, Md.

Remarks:

Posted by: [Signature] Date of return: 8/23/93

Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-4180

Date 8-20-93

Owner: John W. Wright

S.P.A.: 1406 Broadway Rd. (2093)

Variance 1.50

Sign & posting 35

771.1 1.85

01401801381CHRC
PA 001177AN08-20-93

169.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Lanham, MD 21093

(410) 887-3353

September 14, 1993

Mr. John W. Wright
1106 Broadway Road
Lutherville, Maryland 21093

RE: Case No. 94-73-A, Item No. 83
Petitioner: John W. Wright
Petition for Administrative Variance

Dear Mr. Wright:

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 August 20, 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.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 83 (533)

Dear Ms. Kehring:

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 projects.

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

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 583-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 2, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item No. 83.

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.

Prepared by: Jeffrey W. Long

Division Chief: Caryl L. Leins

PK/JL:lw

ZAC 83/PZONE/ZAC1



N. NW View from proposed garage location line
near property line. Shows grading problem as well
as mature trees hindering view to right of property.



Appropriate location of proposed garage. View is
toward the South (toward Broadway road)



View of proposed garage and existing parking
space. (Note - secluded nature of location)



Existing driveway & parking area.
(Facing South - Broadway Rd.)



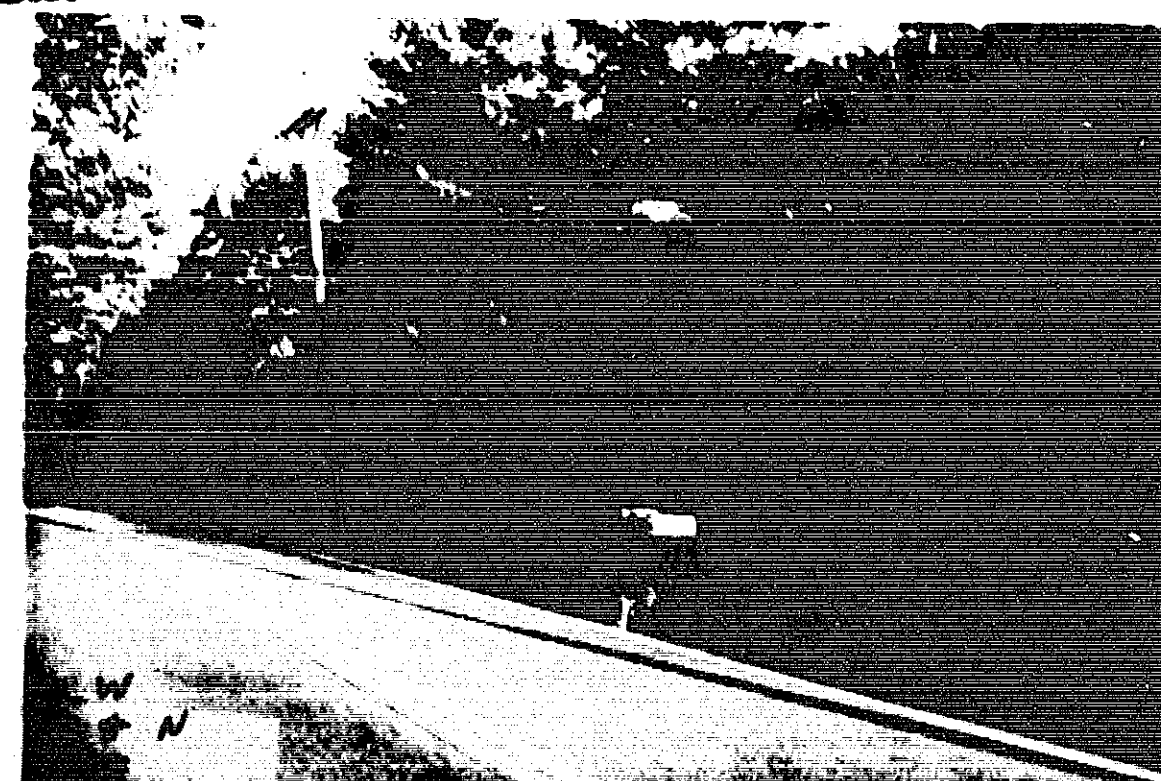
View from second floor window. Showing
existing parking & proposed garage location.



View from South showing existing parking area and proposed
garage location. Photo taken at my mid-property line with
my back towards 5 rows of poplar trees that are now 12-15' tall.



View of existing driveway (facing north) from south
side of Broadway Rd. Shows totally hidden proposed
location.



North Westerly view of driveway and dense evergreens
that would totally block view of garage from Broadway Rd.



View from east to west from front of proposed location.
Shows evergreen trees that will completely block view of garage
from 1408 Broadway (neighbor to south)



SW view from NW property line showing grading problem &
existing evergreen barrier. View is from rear property line.



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1406 Broadway Rd. Lutherville, Md. 21093 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Ridgemont

plat book# 23 **folio#** 48 **lot#** 4 **section#** 1

OWNER: John W. Wright

Donald G. Kammerer
Janice A. Kammerer
08-04-002340
Lot 0002 Card 04493
Ridgemont

Louis J. Pucci
08-05-053130
Lot 003 Card 04482
Ridgemont

Virginia B. Smart
08-19-052770
Lot 0003 Card 04482
Ridgemont

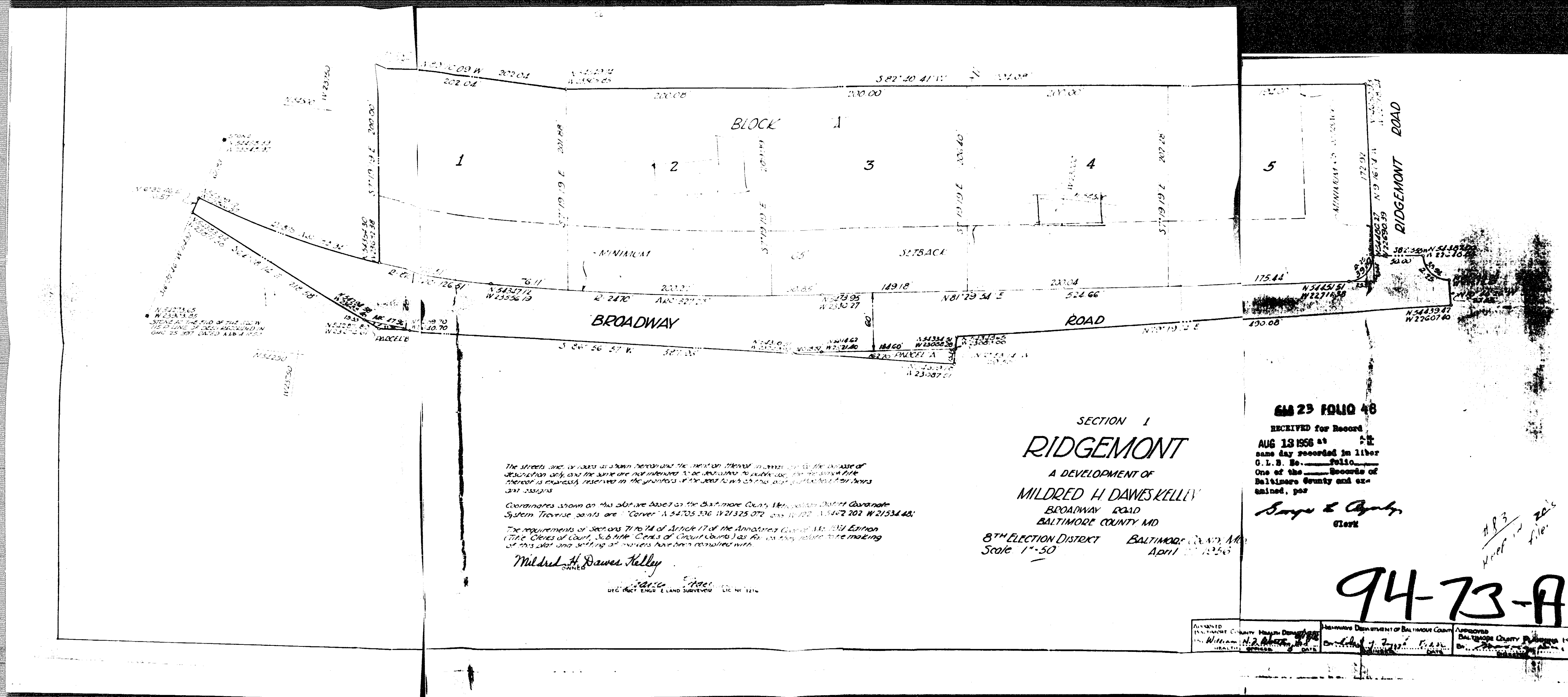
North
date: 7/17/85
prepared by: Cassell Engineering Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Election District: 8
Councilmanic District: 3
1"=200' scale map#: NW 14 D
Zoning: RC 5
Lot size: 94 40,872
acres square feet

SEWER: ☐ public ☒ private
WATER: ☐ public ☒ private
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY
reviewed by: JS ITEM #: 85 CASE#: 94-73-A





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	BALTIMORE COUNTRY CLUB	NW 1A.D.
DATE OF PHOTOGRAPHY JANUARY 1986		

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94-73-A
MICROFILMED