

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
 ZONING VARIANCE *
 W/S Bradshaw Road, 360 ft. +/- * ZONING COMMISSIONER
 North of McCubbin Avenue *
 7923 Bradshaw Road * OF BALTIMORE COUNTY
 11th Election District *
 5th Councilmanic District * Case No. 95-469-SPHA
 Gary E. Rosenberger, et ux *
 Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 7923 Bradshaw Road in the Upper Falls community in northern Baltimore County. The Petitions are filed by Gary E. Rosenberger and Karen C. Rosenberger, property owners. The Petitioners seek special hearing relief to allow an in-law apartment above a garage in an R.C.5 zone. Variance relief is requested from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure with a 23 ft. maximum height in lieu of the permitted maximum of 15 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Zoning Variance.

Appearing at the requisite public hearing held for this case was the Petitioner/property owner, Karen C. Rosenberger. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence offered was that the Petitioners have owned the subject property for approximately 9 years. The subject site is approximately 5.29 acres in area and is zoned R.C.5. This is a large lot in the rural northern area of Baltimore County. The site is presently improved with an existing single family dwelling and an old barn. The Petitioners propose razing the barn and will construct a new garage. The garage will be 30 ft. in depth and 40 ft. in width. It will

COURT REPORTER
 7/23/95
 By: *[Signature]*

MICROFILM

contain an area sufficiently large to store three cars. A second floor will also be added to provide an in-law apartment. This apartment will contain two bedrooms, living room/kitchen/dining room area and bath area. Mrs. Rosenberger indicated that it is anticipated that her mother will reside in the apartment. She is 67 years old and in deteriorating health. Her medical condition is such that the family desires that she live nearby although she is medically capable of living alone. Moreover, her mother insists on a kitchen and her own private living area.

As to the Petition for Special Hearing, it is clear that the proposed construction will not be adverse to the surrounding locale. This is a large lot and more than sufficient setbacks to nearby property lines are being maintained. Moreover, the Petitioner understands that the proposed use must be restricted to an in-law apartment and/or family member. Mrs. Rosenberger indicated at the hearing that she understood that the apartment could not subsequently be leased or serve as a second dwelling unit.

As to the Petition for Variance, same is needed in order to construct the garage to a sufficient height to provide both the in-law apartment and storage area. As noted above, storage area is needed for the Petitioners' automobiles and other lawn items and household material. The 23 ft. proposed appears in keeping with other barns and storage structures in the area. It is, again, to be emphasized that this is a large lot and the proposed improvements will have no effect on the surrounding properties.

A Zoning Advisory Committee comment has been received from the Department of Environmental Protection and Resource Management dated July 6, 1995 which suggests that soil percolation tests be conducted for the installation of a septic system, and that the well, serving the existing single family dwelling, be tested to determine suitability for increased use.

7/25/95
M. [Signature]

2000

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (BCZR) and the case law. Thus, the Petition for Variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of July 1995, that, pursuant to the Petition for Special Hearing, approval to allow an in-law apartment above a garage in an R.C.5 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed accessory structure (garage) with a 23 ft. maximum height, in lieu of the permitted maximum of 15 ft., be and is hereby GRANTED, subject, however to the following restrictions, and in accordance with the site plan.

1. The 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 shall comply with the comments relating to the construction of the proposed garage and apartment issued by DEPRM dated July 6, 1995.

3. The occupancy of the garage is restricted to a family member/in-law and that the apartment cannot now or hereafter be utilized as a separate dwelling unit for individuals not related by blood or marriage.

Case No. 7/25/95
By: [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 25, 1995

Mr. and Mrs. Gary E. Rosenberger
7923 Bradshaw Road
Upper Falls, Maryland 21156

RE: Case No. 95-469-SPHA
Petitions for Special Hearing and Variances
Property: 7923 Bradshaw Road

Dear Mr. and Mrs. Rosenberger:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variances have been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.

MICROFILMED



464



Petition for Special Hearing

95-469-SPHA

to the Zoning Commissioner of Baltimore County

for the property located at 1923 BRADSHAW RD.
which is presently zoned RC5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To ADD AN IN-LAW APARTMENT ABOVE A GARAGE IN RC-5 ZONE

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

I, or we, agree to pay expenses of above Special Hearing 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/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



A69



Petition for Variance

to the Zoning Commissioner of Baltimore County

95-469-SPHA

for the property located at 4923 Bradshaw Rd
which is presently zoned RC5

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)

structure with a 23' HEIGHT in lieu of the maximum permitted 15'. 400.3 TO PERMIT AN ACCESSORY

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

VARIANCE OF HEIGHT OF GARAGE TO BE 23'
TO BE DETERMINED AT HEARING.

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/Lessee:

Legal Owner(s):

(Type or Print Name)

KAREN C ROSENBERGER
(Type or Print Name)

Signature

Signature

Address

GARY E ROSENBERGER
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

Gary E Rosenberg
Address 7923 Bradshaw Rd Phone No 410-592-9744

(Type or Print Name)

Upper Falls Md 21156
City State Zipcode

Signature

Name, Address and phone number of representative to be contacted

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR
unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY [Signature] DATE 6/15/95



Printed with Soybean Ink on Recycled Paper



95-469-SPHA

A6A

Zoning-Description 7923 BRADSHAW RD.

11 ED.

BEGINNING AT A POINT ON THE WESTERN MOST SIDE OF
BRADSHAW ROAD AT A DISTANCE OF 360 FT. ^{NORTH}_{NESW}

OF M^cCUBBIN AVE. ~~BE~~, THENCE THE FOLLOWING
COURSES AND DISTANCES: S. $53^{\circ}25'00''$ W. 150 FT,
N. $28^{\circ}50'14''$ E 90.64 FT, N. $45^{\circ}26'37''$ W 93.08 FT,
N. $58^{\circ}01'E$ 276.21', S. $41\frac{1}{2}^{\circ}E$ 354.75 FT., S. $6\frac{1}{4}^{\circ}W$ 229.35 FT.
S. $69\frac{1}{2}^{\circ}W$ 412.50 FT. THEN N. $29\frac{1}{4}^{\circ}W$ 314.78 FT. BACK
TO THE POINT OF BEGINNING.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-1109-5P11#

District: 11th Date of Posting: 7/1/95

Posted for: Special Hearing/Variance

Petitioner: Karen & Gary Rosenberger

Location of property: 7923 Bradshaw Rd, w/s

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: M. Kelly Date of return: 7/7/95
Signature

Number of Signs: 1



MICROFILMED

ZONING NOTICE

Case # 35-200-9901

A PROPOSED ZONING MAP AMENDMENT HAS BEEN SUBMITTED TO THE ZONING COMMISSION FOR REVIEW AND ACTION.

PLEASE ADVISE THE COMMISSION OF ANY COMMENTS OR CONCERNS YOU MAY HAVE BY THE DATE INDICATED ON THIS NOTICE.

DATE: 10/15/2001

10:00 AM

10:00 AM

10:00 AM



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

receipt

95-469-SPHA

Account: R-001-6180

Number 464
 JLL

Date

6/15/95

1 RES VAR.	010	50.00
" " SPH	030	50.00
1 SIGN POSTING	080	35.00
TOTAL		<u>135.00</u>

MICROFILMED

OWNER: ROSENBERGER
 LOC. 7923 BRADSHAW RD.

03A03H0121MICHRD
 BA COLL#43AM06-15-95

\$135.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



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/neighborhood 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 assessed 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.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 464

Petitioner: KAREN Rosenberger

Location: 7923 BRADSHAW Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: KAREN Rosenberger

ADDRESS: 7923 Bradshaw Rd.

Upper Falls, Md 21156

PHONE NUMBER: 410-592-9744

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
June 29, 1995 Issue - Jeffersonian

Please forward billing to:

Karen Rosenberger
7923 Bradshaw Road
Upper Falls, MD 21156
592-9744

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-469-SPHA (Item 464)
7923 Bradshaw Road
W/S Bradshaw Road, 360'+/- N of McCubbin Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Karen C. Rosenberger and Gary E. Rosenberger
HEARING: THURSDAY, JULY 20, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to add an in-law apartment above a garage.
Variance to permit an accessory structure with a 23 foot height in lieu of the maximum permitted 15 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-469-SPHA (Item 464)
7923 Bradshaw Road
W/S Bradshaw Road, 360'+/- N of McCubbin Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Karen C. Rosenberger and Gary E. Rosenberger
HEARING: THURSDAY, JULY 20, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to add an in-law apartment above a garage.
Variance to permit an accessory structure with a 23 foot height in lieu of the maximum permitted 15 feet.

A handwritten signature in black ink that reads "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

cc: Gary and Karen Rosenberger

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

Mr. and Mrs. Gary Rosenberger
7923 Bradshaw Road
Upper Falls, Maryland 21156

RE: Item No.: 464
Case No.: 95-469-SPHA
Petitioner: G. Rosenberger, et ux

Dear Mr. and Mrs. Rosenberger:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 15, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
July 6, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #464 - Rosenberger Property
7923 Bradshaw Road
Zoning Advisory Committee Meeting of June 26, 1995

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

Ground Water Management

The proposed dwelling would have to be served by a well and a septic system.

Prior to approval by the Department of Environmental Protection and Resource Management, soil percolation tests must be conducted which demonstrate the suitability of the soils to be used for the installation of a septic system.

It is suggested that the well serving the existing single family dwelling be tested for yield to determine suitability for increased use.

If the apartment is approved, prior to use and occupancy permit approval, a potability water sample must be approved for water service to the apartment.

JLP:TE:sp

ROSENBER/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: July 7, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 3, 1995
Items 451, 453, 454, 463, 464 and 465 ;

The Development Plans Review Division has reviewed
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUN. 26, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 450, 451, 452, 453, 454, 455,
457, 458, 459, 460, 463 AND 464.

RECEIVED

JUL 3 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED




BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 21, 1995

FROM: Pat Keller, 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 Nos. 423 and 464.

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: Gary L. Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-23-95

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

Re: Baltimore County
Item No.: 464 (JLL)

Dear Ms. Watson:

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 project.

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

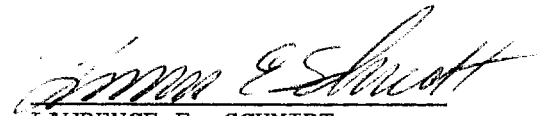
Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

7/29/95


IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE
 W/S Bradshaw Road, 360 ft. +/- North of McCubbin Avenue
 7923 Bradshaw Road
 11th Election District
 5th Councilmanic District
 Gary E. Rosenberger, et ux
 Petitioners

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 95-469-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 7923 Bradshaw Road in the Upper Falls community in northern Baltimore County. The Petitions are filed by Gary E. Rosenberger and Karen C. Rosenberger, property owners. The Petitioners seek special hearing relief to allow an in-law apartment above a garage in an R.C.5 zone. Variance relief is requested from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory structure with a 23 ft. maximum height in lieu of the permitted maximum of 15 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Zoning Variance.

Appearing at the requisite public hearing held for this case was the Petitioner/property owner, Karen C. Rosenberger. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence offered was that the Petitioners have owned the subject property for approximately 9 years. The subject site is approximately 5.29 acres in area and is zoned R.C.5. This is a large lot in the rural northern area of Baltimore County. The site is presently improved with an existing single family dwelling and an old barn. The Petitioners propose razing the barn and will construct a new garage. The garage will be 30 ft. in depth and 40 ft. in width. It will

contain an area sufficiently large to store three cars. A second floor will also be added to provide an in-law apartment. This apartment will contain two bedrooms, living room/kitchen/dining room area and bath area. Mrs. Rosenberger indicated that it is anticipated that her mother will reside in the apartment. She is 67 years old and in deteriorating health. Her medical condition is such that the family desires that she live nearby although she is medically capable of living alone. Moreover, her mother insists on a kitchen and her own private living area.

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A Zoning Advisory Committee comment has been received from the Department of Environmental Protection and Resource Management dated July 6, 1995 which suggests that soil percolation tests be conducted for the installation of a septic system, and that the well, serving the existing single family dwelling, be tested to determine suitability for increased use.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (BCZR) and the case law. Thus, the Petition for Variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of July 1995, that, pursuant to the Petition for Special Hearing, approval to allow an in-law apartment above a garage in an R.C.5 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed accessory structure (garage) with a 23 ft. maximum height, in lieu of the permitted maximum of 15 ft., be and is hereby GRANTED, subject, however to the following restrictions, and in accordance with the site plan.

1. The 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 shall comply with the comments relating to the construction of the proposed garage and apartment issued by DEPRM dated July 6, 1995.
3. The occupancy of the garage is restricted to a family member/in-law and that the apartment cannot now or hereafter be utilized as a separate dwelling unit for individuals not related by blood or marriage.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner for
 Baltimore County

FILED FOR FILING
Robert M. Hark

FILED FOR FILING
Robert M. Hark

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

1160

Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

July 25, 1995

Mr. and Mrs. Gary E. Rosenberger
 7923 Bradshaw Road
 Upper Falls, Maryland 21156

RE: Case No. 95-469-SPHA
 Petitions for Special Hearing and Variances
 Property: 7923 Bradshaw Road

Dear Mr. and Mrs. Rosenberger:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variances have been granted, with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3353.

Very truly yours,
Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES:mmn
 encl.

Petition for Special Hearing
 to the Zoning Commissioner of Baltimore County
 for the property located at 7923 BRADSHAW RD
 which is presently zoned RC5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To ADD AN IN-LAW APARTMENT ABOVE A GARAGE W/ARC5 ZONE

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser/Owner: KAREN C. ROSENBERGER
 Type or Print Name: _____
 Signature: *Karen C. Rosenberger*
 Address: _____
 City: _____ State: _____ Zipcode: _____
 Name and phone number of representative to be contacted: GARY E. ROSENBERGER
7923 BRADSHAW RD 410-592-9744
Upper Falls MD 21156
 Name, Address and phone number of representative to be contacted: _____
 Signature: _____ Name: _____ Phone No: _____
 Address: _____ Phone No: _____
 City: _____ State: _____ Zipcode: _____
 OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: _____
 the following date: _____ Next Two Months
 ALL OTHER DATE: _____
 REVIEWED BY: _____ DATE: _____

Petition for Variance
 to the Zoning Commissioner of Baltimore County
 for the property located at 7923 Bradshaw Rd
 which is presently zoned RC5

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(s) _____ of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

structure with a 23' HEIGHT IN LIEU OF THE MAXIMUM PERMITTED IS.

VARIANCE OF HEIGHT OF GARAGE TO BE 23' TO BE DETERMINED AT HEARING.

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.

Contract Purchaser/Owner: KAREN C. ROSENBERGER
 Type or Print Name: _____
 Signature: *Karen C. Rosenberger*
 Address: _____
 City: _____ State: _____ Zipcode: _____
 Name and phone number of representative to be contacted: GARY E. ROSENBERGER
7923 BRADSHAW RD 410-592-9744
Upper Falls Md 21156
 Name, Address and phone number of representative to be contacted: _____
 Signature: _____ Name: _____ Phone No: _____
 Address: _____ Phone No: _____
 City: _____ State: _____ Zipcode: _____
 OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: _____
 the following date: _____ Next Two Months
 ALL OTHER DATE: _____
 REVIEWED BY: *JES* DATE: *8/15/95*

95-469-SPHA A6A
 Zoning Description, 7923 BRADSHAW RD.
 1160
 BEGINNING AT A POINT ON THE WESTERN MOST SIDE OF BRADSHAW ROAD AT A DISTANCE OF 360 FT. NORTH OF McCUBBIN AVE. THENCE THE FOLLOWING COURSES AND DISTANCES: S. 53° 25' 00" W. 150 FT., N. 28° 50' 14" E. 20.64 FT., N. 45° 26' 37" W. 93.08 FT., S. 58° 01' E. 276.21', S. 41 1/2° E. 354.75 FT., S. 6 1/2° W. 229.35 FT., S. 69 1/2° W. 412.50 FT. THEN N. 22 1/2° W. 314.78 FT. BACK TO THE POINT OF BEGINNING.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/1/95
Posted for: Special Hearing - Variance
Petitioner: Karen & Gary Rosenberger
Location of property: 7923 Bradshaw Rd, 44
Location of Signs: 7923 Bradshaw Rd, 44
Remarks:
Posted by: Arnold Jablon Date of return: 7/1/95
Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 95-469-SPHA (Item 464)
7923 Bradshaw Road
W/S Bradshaw Road, 360' +/- N of McChabbin Avenue
11th Election District
5th Councilmanic Legal District
Karen C. Rosenberger and Gary E. Rosenberger
Hearing: Thursday, July 20, 1995 at 10:00 a.m. in Rm. 106, County Office Building

Special Hearing to add an in-law apartment above a garage. Variance to permit an accessory structure with a 23 foot height in lieu of the maximum permitted 15 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

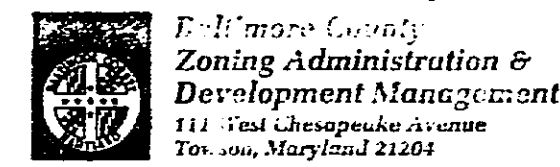
NOTES: (1) Hearings are Handicapped Accessible. For special accommodations please call 887-3353.
(2) Offer information concerning the file and/or hearing. Please call 887-3391.
6/29 June 29

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/29, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/29, 1995

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON



receipt
95-469-SPHA
Account: R-051-6150
Number: 464
JCL

Date: 6/15/95		
1 RES VAR.	010	50.00
" " SPH	030	50.00
1 SIGN POSTING	080	35.00
TOTAL		135.00

OWNER: ROSENBERGER
Loc. 7923 BRADSHAW RD.

05A02A0121MICHRC
BA, 00611434MOS-15-95 \$135.00

Cashier Validation

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/neighborly 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.

ARNOLD JABLON, Director

For newspaper advertising:

Item No.: 464

Petitioner: KAREN ROSENBERGER

Location: 7923 BRADSHAW RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: KAREN ROSENBERGER

ADDRESS: 7923 Bradshaw Rd

Upper Falls, Md 21176

PHONE NUMBER: 410-592-9744

AJ:egs

(Revised 04/09/93)

TO: PUTNEM PUBLISHING COMPANY
June 29, 1995 Issue - Jeffersonian

Please forward billing to:

Karen Rosenberger
7923 Bradshaw Road
Upper Falls, MD 21156
592-9744

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 95-469-SPHA (Item 464)
7923 Bradshaw Road
W/S Bradshaw Road, 360' +/- N of McChabbin Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Karen C. Rosenberger and Gary E. Rosenberger
HEARING: THURSDAY, JULY 20, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to add an in-law apartment above a garage.
Variance to permit an accessory structure with a 23 foot height in lieu of the maximum permitted 15 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 22, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 95-469-SPHA (Item 464)
7923 Bradshaw Road
W/S Bradshaw Road, 360' +/- N of McChabbin Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Karen C. Rosenberger and Gary E. Rosenberger
HEARING: THURSDAY, JULY 20, 1995 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to add an in-law apartment above a garage.
Variance to permit an accessory structure with a 23 foot height in lieu of the maximum permitted 15 feet.

Arnold Jablon
Director
Department of Permits and Development Management

cc: Gary and Karen Rosenberger

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 13, 1995

Mr. and Mrs. Gary Rosenberger
7923 Bradshaw Road
Upper Falls, Maryland 21156

RE: Item No.: 464
Case No.: 95-469-SPHA
Petitioner: G. Rosenberger, et ux

Dear Mr. and Mrs. Rosenberger:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 15, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management July 6, 1995

FROM: J. Lawrence Pilson, DP
Development Coordinator, DEPRM

SUBJECT: Zoning Item #464 - Rosenberger Property
7923 Bradshaw Road
Zoning Advisory Committee Meeting of June 26, 1995

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

Ground Water Management

The proposed dwelling would have to be served by a well and a septic system.

Prior to approval by the Department of Environmental Protection and Resource Management, soil percolation tests must be conducted which demonstrate the suitability of the soils to be used for the installation of a septic system.

It is suggested that the well serving the existing single family dwelling be tested for yield to determine suitability for increased use.

If the apartment is approved, prior to use and occupancy permit approval, a potability water sample must be approved for water service to the apartment.

JLP:TE:sp

ROSENBER/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: July 7, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for July 3, 1995
Items 451, 453, 454, 463, 464 and 465

The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JUN. 26, 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 450, 451, 452, 453, 454, 455, 457, 458, 459, 460, 463 AND 464.

RECEIVED
JUL 8 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

Printed Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 21, 1995

FROM: Pat Keller, 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 Nos. 423 and 464.

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: *Darryl L. Kern*

PK/JL

ITEM 423/PZONE/2AC1

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Assistant
Pat Kessler
Administrator

6-23-95

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

Re: Baltimore County
Item No: 464 (JLL)

Dear Ms. Watson:

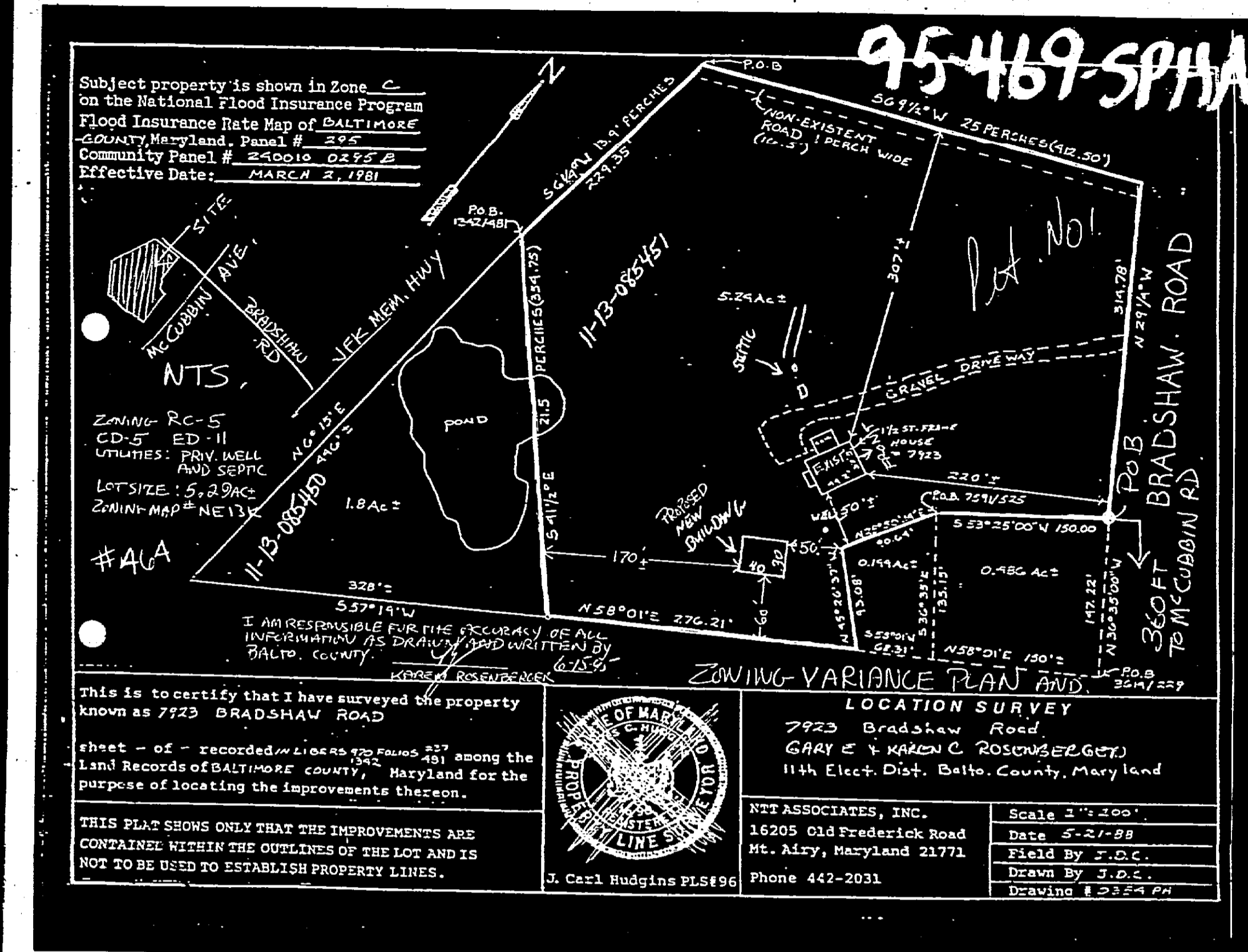
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

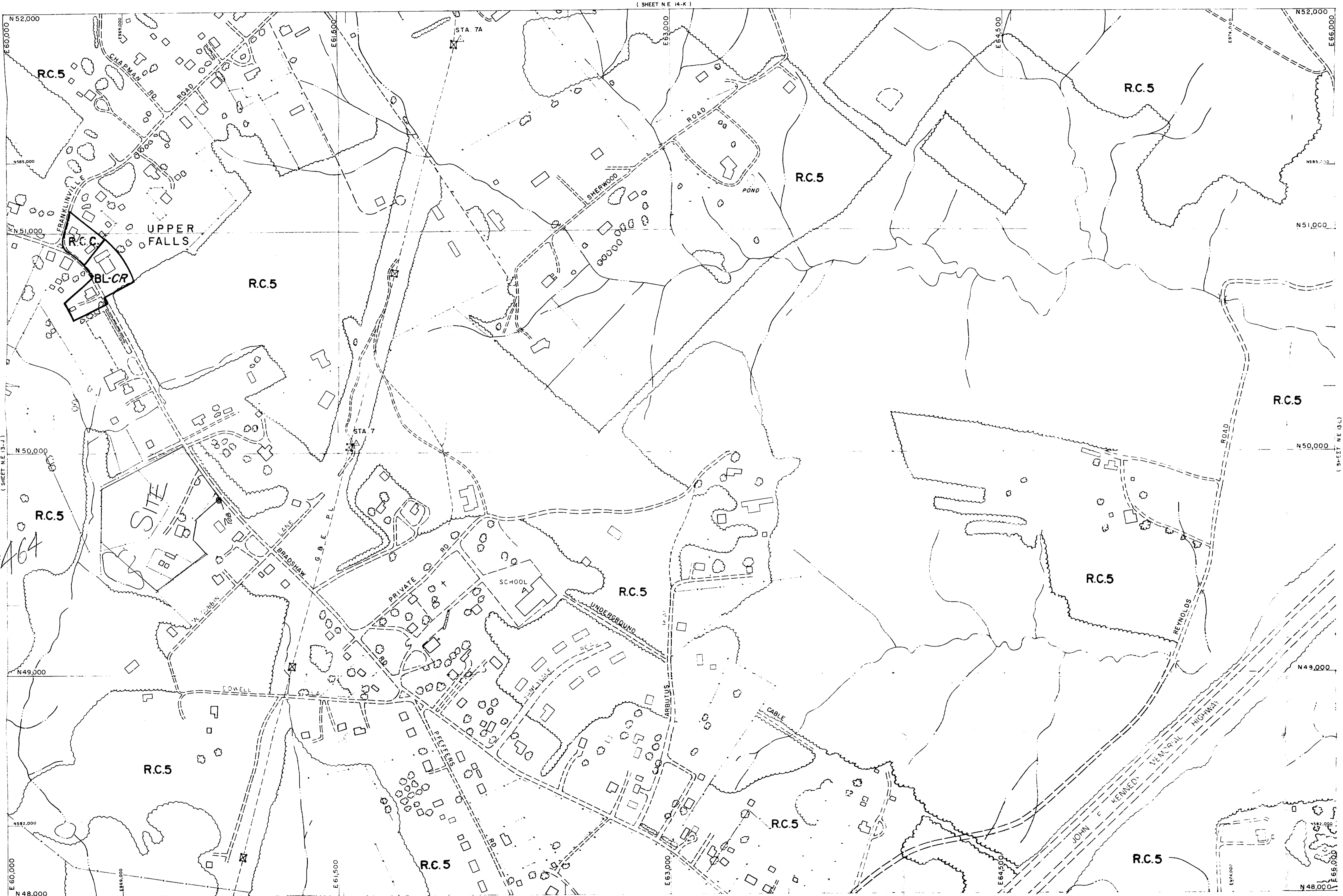
Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/





Q-SE QQ-SW
Q-NE QQ-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

Ord. Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard IV
Chairman, County Council

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
UPPER FALLS

SHEET
N. E.
13 - K

95-469-SPHA