

IN RE: PETITION FOR SPECIAL HEARING
S/S Rosalie Avenue, 155 ft. E
of c/l Greyhound Road
2104 Rosalie Avenue
15th Election District
5th Councilmanic District
Joseph B. Bronushas, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-202-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 2104 Rosalie Avenue in the Back River Neck section of Baltimore County. The Petition is filed by Joseph B. Bronushas and Carolyn O. Bronushas, his wife, property owners. Special Hearing relief is requested to approve the extension of an existing nonconforming accessory structure (garage) on a separate lot so as to add an open carport as approved in case No. 97-107-A. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Joseph B. Bronushas, property owner. Also present was Gary Wheatley from Wheatley Associates, Inc. That firm prepared the plan.

Testimony and evidence offered was that Mr. and Mrs. Bronushas own approximately 3-1/2 lots on the north side of Rosalie Avenue. These lots abut one another and each lot is approximately 50 ft. in width. Thus, Mr. and Mrs. Bronushas own a parcel of approximately 175 ft. in width on the north side of Rosalie Avenue. Those lots, which are used collectively as a single building lot, front Middle River on one side and Rosalie Avenue to the rear. The lots are improved by a single family dwelling known as 2104 Rosalie Avenue in which the Petitioners reside.

On the south side of Rosalie Avenue, the Petitioners own an additional 2-1/2 lots. These lots are also 50 ft. wide and collectively the

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FILED
Date 12/20/96
By M. J. G. [Signature]

property on the south side of Rosalie Avenue is 125 ft. in width. The lots on the south side are all 150 ft. deep.

The configuration of these properties is somewhat unique in that Mr. and Mrs. Bronushas apparently utilize the properties as a single unit, notwithstanding that they are shown on the plan as separate lots and that the lots are separated by the public roadway known as Rosalie Avenue. As noted above, the dwelling in which the Petitioners reside is located on the north side of Rosalie Avenue and the lots on the south side of the road are unimproved, but for an existing garage. In this regard, Mr. Bronushas that the house is very old, having been constructed in the late 1800s and the garage has been present since approximately the 1920s. Mr. and Mrs. Bronushas have owned the property since 1958.

In any event, the Petitioners wish to construct a carport immediately abutting the garage on the south side of Rosalie Avenue. Previously, they obtained variance relief for this endeavor, by virtue of an Order issued by Deputy Zoning Commissioner Kotroco in case No. 97-107-A. In that case, the Deputy Commissioner granted variance relief to permit the garage and the carport.

The Petitioners now come before the Zoning Commissioner for special hearing relief. In the course of acquiring permits necessary for the proposed construction, it was determined that the garage is a nonconforming accessory structure by virtue of the fact that it exists on a separate lot than does the dwelling. Thus, the extension of the nonconforming accessory structure is requested as set forth in the Petition.

The Petitioners indicated that the proposed construction is necessary to allow them additional area of covered storage for their motor vehicles. Specifically, the Petitioners wish to park their vehicles out of the snow and other elements. The carport will be open on three sides but

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MAY 10 1998

will provide an area protected from the environment. The Petitioners also produced a Petition signed by their neighbors which supports the variance.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) dated November 19, 1996, pursuant to Section 500.14 of the BCZR. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Based upon the testimony and evidence all of which is uncontradicted, I am persuaded to grant the Petition for Special Hearing. In my judgment, construction of the carport, as proposed, will not detrimentally impact the surrounding locale. Special hearing relief is appropriate in this case due to the unusual configuration and location of the lots and improvements thereon. For all of these reasons, the requested special hearing relief shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition 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 20th day of December, 1996 that, pursuant to the Petition for Special Hearing, approval for the extension of an existing nonconforming accessory structure (garage) on a separate lot so as to add an open carport, as approved in case No. 97-107-A, be and is hereby GRANTED, subject, however, to the following restrictions:

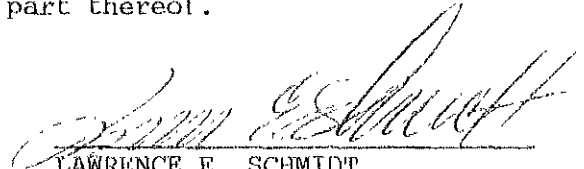
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date

By

The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated November 19, 1996, attached hereto and made a part thereof.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/20/96
By M. G. G. G.



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 19, 1996

Mr. and Mrs. Joseph B. Bronushas
2104 Rosalie Avenue
Baltimore, Maryland 21221-1814

RE: Petition for Special Hearing
Case No. 97-202-SPH
Property: 2104 Rosalie Avenue

Dear Mr. and Mrs. Bronushas:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restrictions.

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 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. Gary Wheatley
Wheatley Associates, Inc.
17415 Wesley Chapel Road
Monkton, Maryland 21111

MICROFILMED



CRITICAL
AREA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2104 Rosalie Avenue
97-202-SPH which is presently zoned DRS.5

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

the extension of an ^{existing} non-conforming accessory structure on
a separate lot to add an open carport as approved
in Case # 97-107-A

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

Wheatley Associates, Inc
Kathy Wheatley

Name

17415 Wesley Chapel
Monkton, MD 21111

410-329-8242
Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: SM DATE: 10-30-96



Wheatley Associates, Inc

Zoning Administration

Development Management

OCT 22 1996
207

97-202-SM

ZONING DESCRIPTION

Zoning description for: 2104 Rosalie Avenue

Beginning at a point on the south side of Rosalie Avenue which is 30' wide at a distance of 155' east of the centerline of the nearest improved intersecting street, Greyhound Road, which is 30' wide. Being the easternmost half of #3 in the subdivision of the property of Vincent O'Connor and his wife, as recorded in the Baltimore County Plat Book W.P.C. No. 7, Folio #112 containing 3750 sq. ft. Also known as 2103 Rosalie Avenue and located in the 15 Election District, 5 Councilmanic District.

100

202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-202-SPT1

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 202

Petitioner: Dr. & Mrs. Joseph Bronushas

Location: 2104 Rosalie Avenue

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dr. & Mrs. Joseph Bronushas

ADDRESS: 2104 Rosalie Avenue
Baltimore, MD 21221-1814

PHONE NUMBER: 410-687-3295

AJ:ggs

(Revised 09/24/96)

MICROFILMED

202



NOTICE OF HEARINGS

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners of the County of Baltimore, will hold a public hearing on the properly submitted application in Room 105 of the County Office Building, 1111 W. Chesapeake Avenue, in Towson, Maryland 21204, of Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #97-202-SPH (Item 202)

2104 Rosale Avenue
555 Rosale Avenue, 155' E of
of Grayhound Road
15th Eecan District
5th Chaucerlane

Legal Owner(s):
Joseph E. Brumsties and
Carolin O. Brumsties

Special Hearing to approve the extension of an existing non-conforming accessory structure on a separate lot to add an open carport as approved in case #97-107-A. Hearing Tuesday, December 3, 1996, at 9:00 a.m. in Room 118, Old Courthouse.

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 public hearing, Please Call 887-3391.

11/15/93 Nov. 14 C99712

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 14, 1996

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 Nov 14, 1996.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

TO: PUTUMENT PUBLISHING COMPANY
November 14, 1996 Issue - Jeffersonian

Please forward billing to:

Dr. & Mrs. Joseph Bronushas
2104 Rosalie Avenue
Baltimore, MD 2121-1814
410-687-3295

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: 97-202-SPH (Item 202)
2104 Rosalie Avenue
S/S Rosalie Avenue, 155' E of c/l Greyhound Road
15th Election District - 5th Councilmanic
Legal Owner(s): Joseph B. Bronushas and Carolyn O. Bronushas

Special Hearing to approve the extension of an existing non-conforming accessory structure on a separate lot to add an open carport as approved in case #97-107-A..

HEARING: TUESDAY, DECEMBER 3, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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.

1
15 NOV 21 1996



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 8, 1996

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: 97-202-SPH (Item 202)
2104 Rosalie Avenue
S/S Rosalie Avenue, 155' E of c/l Greyhound Road
15th Election District - 5th Councilmanic
Legal Owner(s): Joseph B. Bronushas and Carolyn O. Bronushas

Special Hearing to approve the extension of an existing non-conforming accessory structure on a separate lot to add an open carport as approved in case #97-107-A..

HEARING: TUESDAY, DECEMBER 3, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Dr. & Mrs. Joseph Bronushas
Wheatley Associates, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 18, 1996.
(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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 26, 1996

Mr. and Mrs. Joseph Bronushas
2104 Rosalie Avenue
Baltimore, MD 21221-1814

RE: Item No.: 202
Case No.: 97-202-SPH
Petitioner: Joseph Bronushas, et ux

Dear Mr. and Mrs. Bronushas:

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 October 30, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "Carl Richards, Jr.", is written over a circular stamp that partially obscures the word "Sincerely,".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

97-202-SPH INTER-OFFICE CORRESPONDENCE

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

November 19, 1996

FROM: Robert A. Wirth *RAW/98*
 DEPRM

SUBJECT: Zoning Item #202 - Bronushas Property
 2104 Rosalie Avenue
 Zoning Advisory Committee Meeting of November 12, 1996

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

Environmental Impact Review

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RAW:SA:sp

BRONUSH/DEPRM/TXTSBP

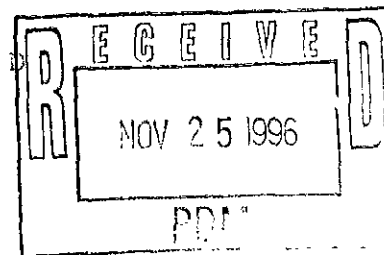
MICROFILMED

Alexander

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

97-202-SPT



TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: November 19, 1996

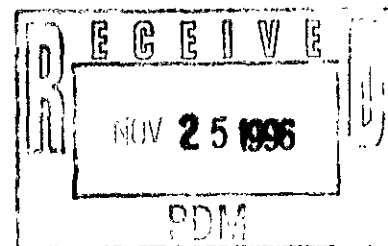
FROM: *pub* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for November 18, 1996
Item Nos. 197, 198, 199, (202), &
203

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

RWB:HJO:jrb

cc: File



ZONE37

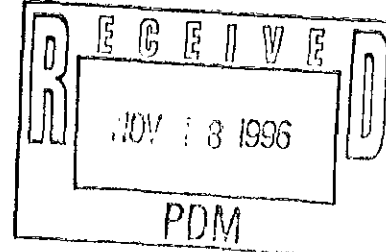
NOV 25 1996

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

97-202-SPH



Office of the Fire Marshal
(410)887-4880

DATE: 11/14/96

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 NOV. 12, 1996.

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: 196, 197, 198, 199, 200, 201,
202 AND 203.

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

cc: File



BALTIMORE COUNTY, MARYLAND

97-202-SPH INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: November 8, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 196, 198, 199 and 202

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 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL



**Maryland Department of Transportation
State Highway Administration**

97-262-SHA

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 11.11.94
Item No. 202 (JRA)

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

PETITION PROBLEMS

97-202-SPH

#197 --- MJK

1. Need signature, printed name, and title of person signing for legal owner.
2. No property address on petition form (only street name).

#198 --- JCM

1. Signature for legal owner says "Jr."; typed name does not - which is correct?

#200 --- MJK

1. Need title of person signing for Southland Corporation.
2. Need telephone number for Southland Corporation.
3. Need title of person signing for contract purchaser.
4. Plat says legal owner is Southland Corporation and Robert Gemmill and his wife; petition says Southland Corporation and Robert Gemmill - which is correct?

#202 --- JRA

1. Plat says prior zoning hearings, but has no case numbers.

11/6/96

NOV 11 1996

RE: PETITION FOR SPECIAL HEARING
2104 Rosalie Avenue, S/S Rosalie Avenue,
155' E of c/l Greyhound Road
15th Election District, 5th Councilmanic

Joseph B. and Carolyn O. Bronushas
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 97-202-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to Kathy Wheatley, Wheatley Associates, Inc., 17415 Wesley Chapel, Monkton, MD 21111, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

ZC HCL DATE
TUES. 12/3/96

[Faint handwritten text]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

97-202-SH

October 5, 1996

Mr. & Mrs. Joseph B. Bronushas
2104 Rosalie Avenue
Baltimore, Maryland 21221-1814

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Rosalie Avenue, 155' E of Greyhound Road
(2104 Rosalie Avenue)
15th Election District - 5th Councilmanic District
Joseph B. Bronushas, et ux - Petitioners
Case No. 97-107-A

Dear Mr. & Mrs. Bronushas:

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 Permits and Development Management Office at 887-3391.

Very truly yours,

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

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Kathy Wheatley, Wheatley Associates, Inc.
17415 Wesley Chapel Road, Monkton, Md. 21111

People's Counsel; DEPRM

File

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

202

97-202-SH

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Rosalie Avenue, 155' E of
Greyhound Road
(2104 Rosalie Avenue)
15th Election District
5th Councilmanic District

Joseph B. Bronushas, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-107-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 2104 Rosalie Avenue, located in the vicinity of Greyhound Road and the Middle River in Essex. The Petition was filed by the owners of the property, Joseph B. and Carolyn O. Bronushas. The Petitioners seek relief from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 1 foot in lieu of the minimum required 2.5 feet for a proposed open carport. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The property has been duly posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

After due consideration of the evidence submitted, in the opinion of this Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the

97-202-SP4

public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact

that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

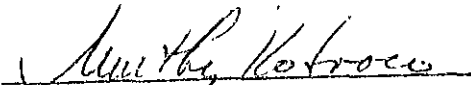
These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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 5-4 day of October, 1996 that the Petition for Administrative Variance seeking relief from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 1 foot in lieu of the minimum required 2.5 feet for a proposed open carport, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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 relief granted herein shall be rescinded.

2) Compliance with all requirements and recommendations of the Department of Environmental Protection and Resource Management (DEPRM), as set forth in their comments dated September 24, 1996, attached hereto and made a part hereof.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

97-202-SPH INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 24, 1996

FROM: Robert A. Wirth *RAW/gp*
DEPRM

SUBJECT: Zoning Item #107 - Bronushas Property
2104 Rosalie Avenue
Zoning Advisory Committee Meeting of September 16, 1996

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

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

RAW:SA:sp

c: Mr. & Mrs. Joseph B. Bronushas

BRONUSH/DEPRM/TXTSBP

SPECIAL HEARING NOTICE FOR 2104 ROSALIE AVENUE

We plan to build an open carport approximately 24'x24'x15' in front of our existing garage to protect our vehicles during snow and ice storms thereby alleviating our need to shovel out. Our garage, which has been in place for many years and sits across Rosalie Avenue from our home, is not in compliance with Baltimore County zoning regulations. We must therefore have a hearing to obtain permission to extend this non-conforming accessory structure on a lot separate from our home. Please sign below indicating your support of our plans to add a carport. Thank you.

NAME	ADDRESS	CITY, STATE, ZIP	PHONE
Howard Frank	320 GREYHOUND RD	BALTO MD 21221	686-5752
Steve Kerly	603 ROCKAWAY BLVD AVE	ROCKAWAY BELT MD	686-4506
E. J. Spealman	304 Greyhound Rd	21221	687-3771
David Ambrosak	304 Greyhound		687-3771
Nitte Nelson	2100 ROSALIE AVE	21221	686-6813
Wayne Hill	302 GREYHOUND RD	21221	780-3859
Barbara J. Cramer	302 Greyhound Rd.	21221	780-3859
Frank Pollock	2109 ROSALIE AVE	21221	687-7679

MICROFILMED.

Jane Woods 2111 ROSALIE AVE 780-7452
Willard G. Bankert 2115 ROSALIE AVE 574-3913
Edward J. Laubrey 2118 Rosalie Ave 687-0163

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

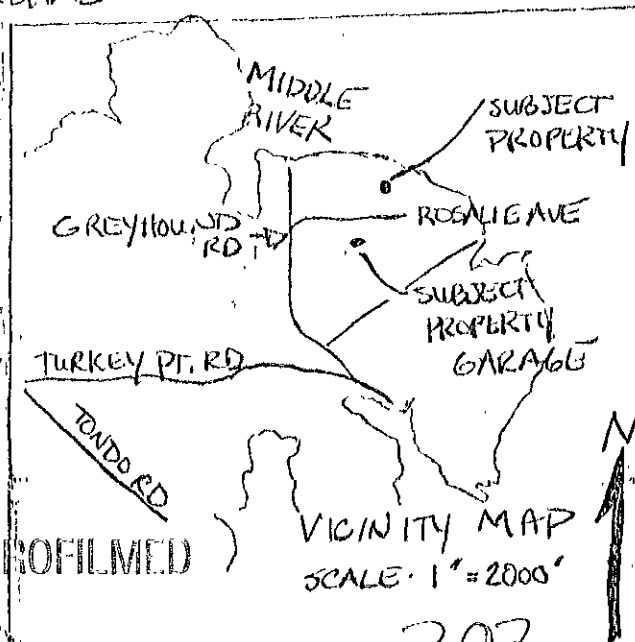
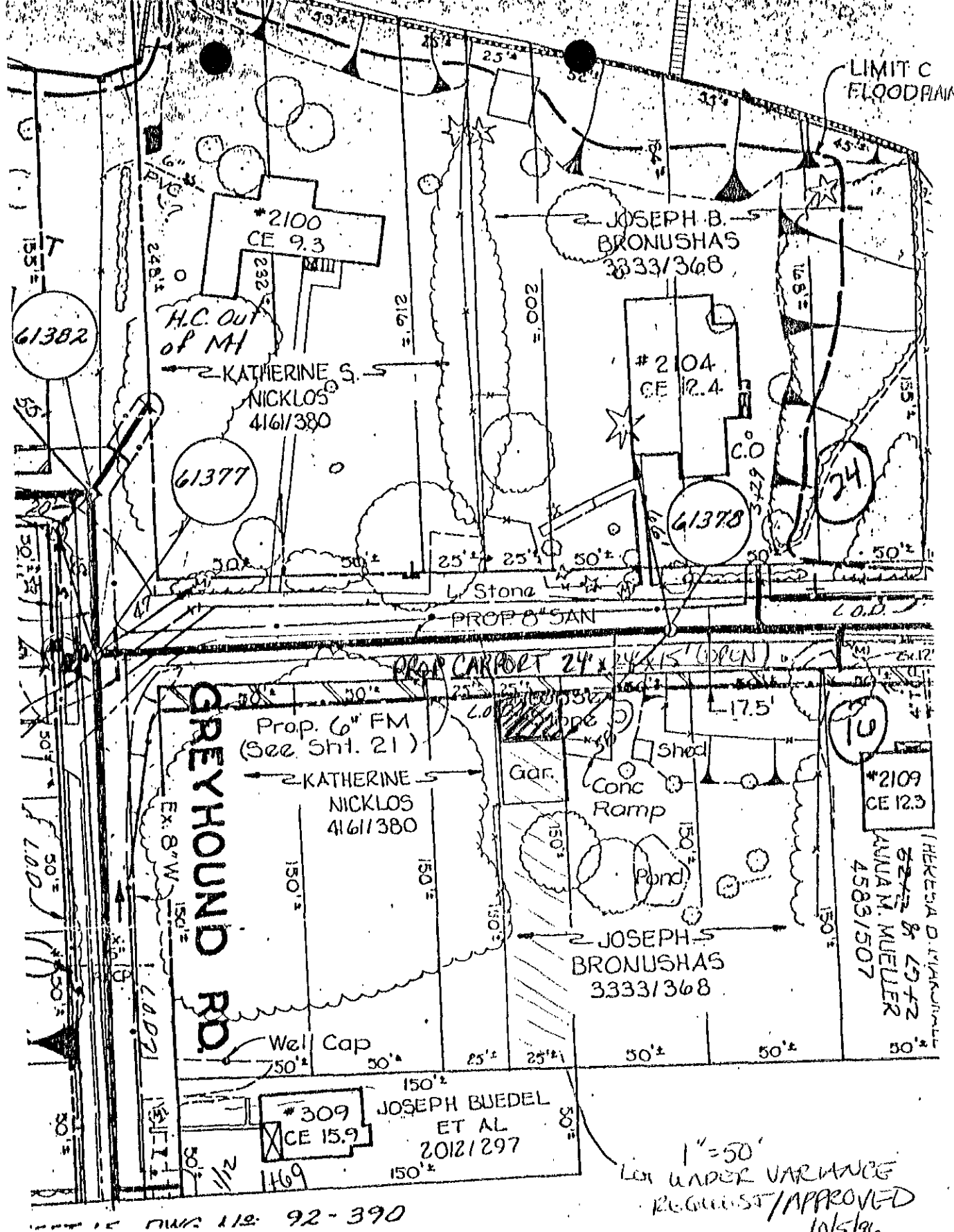
ADDRESS

MARY WHEARTLEY
Joseph & Carolyn Bronushas

17415 Wesley Chapel Rd 21111
2104 Rosalie Ave 21221-1814



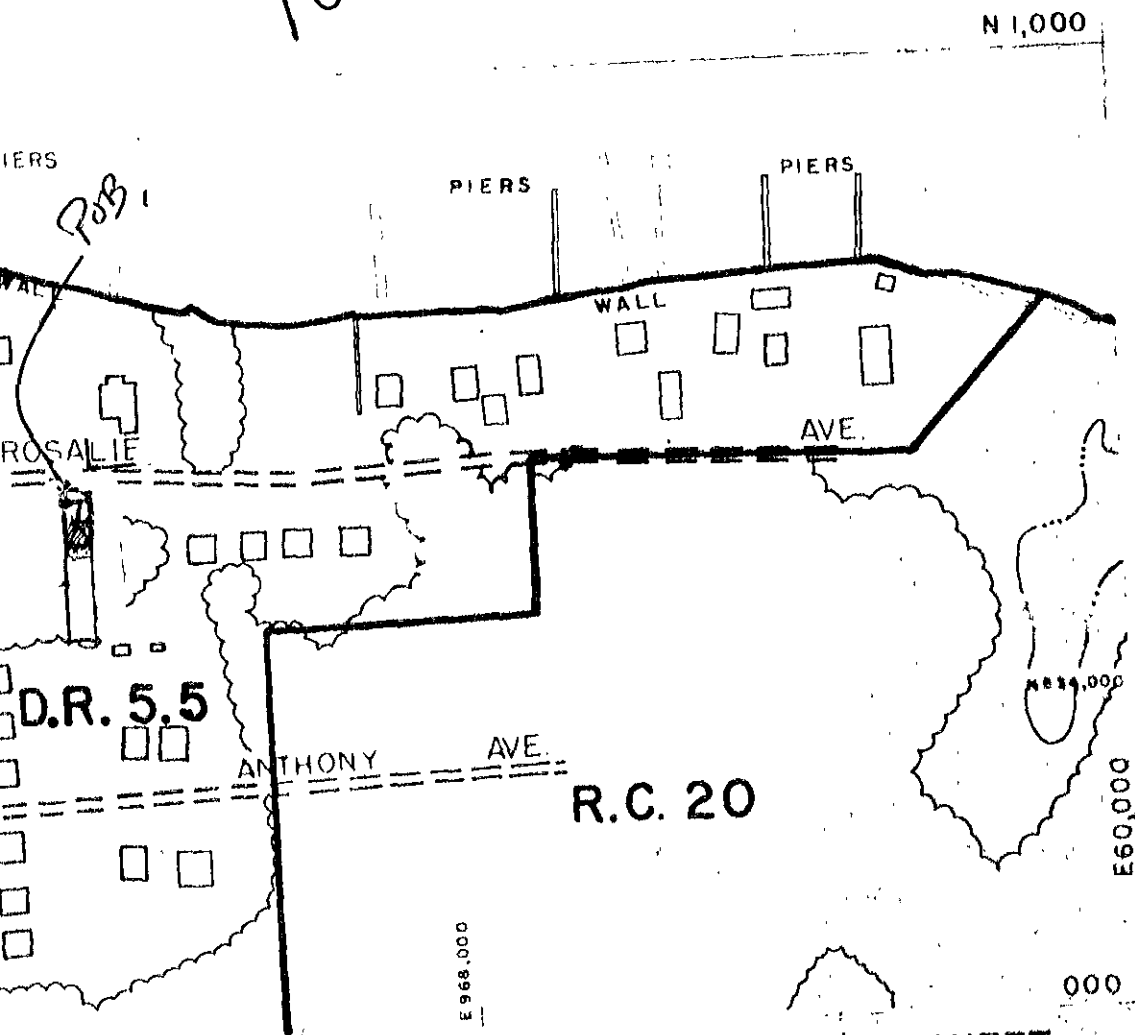
97-202-SPH



MICROFILMED

97-202 SPH

107



SCALE

1" = 200' ±

LOCATION

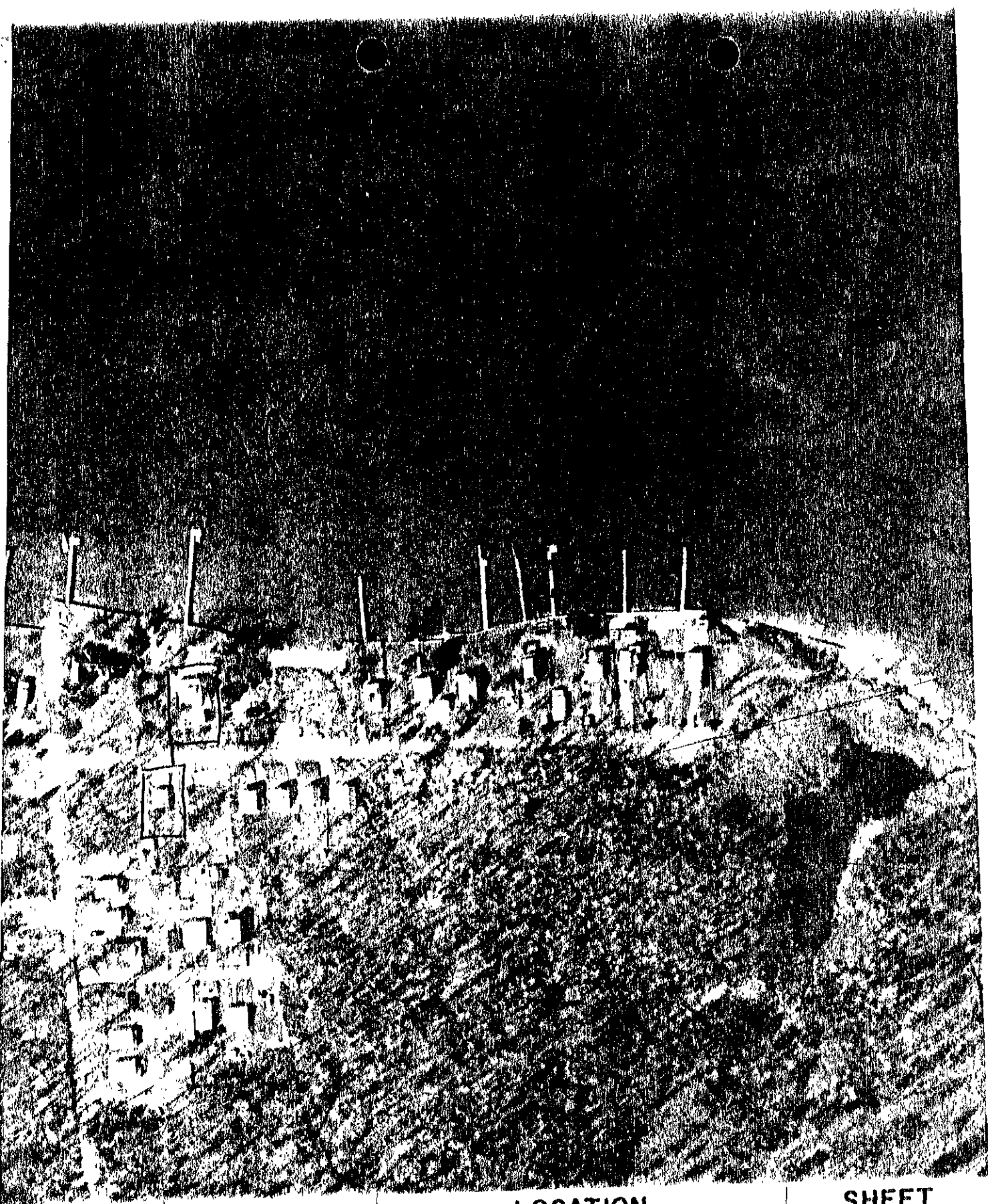
BACK RIVER NECK
CAPE MAY

SHEET

N. E.
1-J

DATE
OF
PHOTOGRAPHY
JANUARY
1986

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97-202-SPH
16

SCALE	LOCATION	SHEET
1" = 200' ±	BACK RIVER NECK	N.E.
DATE OF PHOTOGRAPHY	CAPE MAY	I-J 202