IN RE:

PETITION FOR ADMIN. VARIANCE

W/S Brookview Road, 1,073' N of

the c/l of Holabird Road (1762 Brookview Road) 12th Election District

7th Councilmanic District

John Quinn, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-36-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, John and Ginger Quinn. The Petitioners seek relief from Sections 1B02.3.C.1, 303.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 24 feet in lieu of the required 32 feet and a side yard setback of 4 feet, 8 inches, in lieu of the minimum required 7 feet, 6 inches for a proposed attached open deck. The subject property, known as 1762 Brookview Road, is located in the vicinity of Holabird Avenue in Dundalk, and is 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 subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient

ORDER RECEIVED FOR FILING

facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE) IT IS ORDERED by the Zoning Commissioner for Baltimore day of September, 1997 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1, 303.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 24 feet in lieu of the required 32 feet and a side yard setback of 4 feet, 8 inches, in lieu of the minimum required 7 feet, 6 inches for a proposed attached open deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 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 the 30-day appeal period from the date of this Order has If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

> > LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bis



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 3, 1997

Mr. & Mrs. John Quinn 1762 Brookview Road Baltimore, Maryland 21222

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Brookview Road, 1,073' N of the c/l of Holabird Road
(1762 Brookview Road)
12th Election District - 7th Councilmanic District
John Quinn, et ux - Petitioners
Case No. 98-36-A

Dear Mr. & Mrs. Quinn:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Randolph J. Farmer 1118 Seneca Road, Baltimore, Md. 21220

People's Counsel

File

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

98-36-A

ESTIMATED POSTING DATE:

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) 1802.3.CI AND 303.1 AND 301.1 BLZK TO PERMIT A FROM + SIDE YARD SETBACK (FOR A DROPOSED ATTACHED OPEN DECK) OF 24FZ AND 4FT. 8 IN RESPECTIVELY IN LIED OF THE REQUIRED 32FZ 4 IN AND クアア 631

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

SEE AFFIDAVIT

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

((	'andractor'	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  Legal Owner(s)
	RANDON J. FARMER	TOHN QUINN (Type or Print Name)
	Signature Copy Address	S(hature  GINGER QUINN  (Type or Print Name)
are.	State Zipcode	Signature Thorax: 410-5503735
	(Type or Print Name)	1762 BROOKVIEW RO 410-285-5624
NG	Signature	City State Zincode Name, Address and phone number of representative to be contacted
FOR FILING	Address Phone No	JOHN QUENN Name 1762 BROOKUTEW RD. 410-285-5624
\$000 P	City State Zipcode  A fublic Hearing having been requested and/or found to be required, it is ord	allala
RECE	that the subject matter of this petition be set for a public hearing advertised, circulation throughout 8 attimore County and that the property be reposted	leted by the Laning Regulations of Baltimore County, in two newspapers of general as required by the Laning Regulations of Baltimore County, in two newspapers of general Laning Commissioner of Baltimore County
ORDER RECE	REVIEWED BY: JU DATE 07-3(-97.	Printed with Soybean Ink on Recycled Paper

# Affidavit in support of 98-36-A 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) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) ON THE That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  $\mu HoL$ STATE OF MARYLAND, COUNTY OF BALTIMORE, to with before me, a Notary Public of the State I HEREBY CERTIFY, this 30 day of J of Maryland, in and for the County aforesaid, personally appeared GINGER the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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 -30-97 date

My Commission Expires. 7 - 2000



# Affidavit in support of 98-36-A 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) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. (type or print name) STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit , before me, a Notary Public of the State THEREBY CERTIFY, this of Maryland, in and for the County aforesaid, personally appeared QUINN the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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 NOTARY PUBLIC 2000 My Commission Expires:



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at

98-36-A

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) 18023; CI NWD 303.1 NWD 3d. 1 BLZR
TO PERNAT A FRONT + SAME TARD SETRICK (FOR A PROPOSED ATTACHED OPEN DECK)
OF 24PT. NWD 4FT 8AL RESPECTAVELY IN LAEV OF THE REQUIRED 32 FT. 42N MD 1FT. 6IN

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

SEE AFFADAVIT

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.

	.  We do solemnly declare and affirm, under the penalties of perjury, that I/we are the
1 1 - 1 - 1	legal owner(s) of the property which is the subject of this Petition,
Contract Furchasantessoe	Legal Owner(s).
RANDOLON J. FARMER	TOHN QUILLAND
State Sple 1 come	5 Agrire
Address SEMERA ROAD.	CINCER QUINN (Type or Print Name)
State Size	Signature Du WORK: 410-550373
Attorney for Petitioner	1762 BROOKUJEW RO 410-285-5624
(Type or Print Name)	BALTO. MO. 21222 City State Ziocode
Signature	Name, Address and phone number of representative to be contacted
Address Phone No	1762 BROOKYZEW RD. 410 2855624
City . State Zipcode	Address 11112

circulation aproughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JU DATE: 07.3197.



# JONING DESCRIPTON 98-36-A

ZONING DESCRIPTION: 1962 BROOKVIEW ROAD BEGINNING AT A POINT ON THE WEST SIDE OF BROOKVIEW ROAD WHICH IS 24 FEET WIDE AT THE DISTANCE OF 1073 FEET NORTHWEST OF THE CENTERLIZNE OF THE NEAREST IMPROVED INTERSECTING STREET HOLARTRO AVE WHICH IS 40 FT. 8 INCHES WIDE. BEING LOT # N/A BLOCK NIA, SECTION NIA IN THE SUBDIVISION OF BROOKVIEW AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #12, FOLTO # 108 CONTAINING 5,600.00 SQUARE FEET. ALSO KNOWN AS 1962 BROOKNTEW ROAD- AND LOCATED IN THE 12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND FICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 98-36-2 043317	1	PAID RECEIPT PROCESS ASTAL TIME
DATE	CO(-65/C.	REG	/31/1997 7/31/1997 10:27:55 8304 CASHIER LENI LIS DRAWER MISCELLAMOUS CASH RECEIFT GFT # 015722 D. 045317
FOR: TOTAL	DUINE		50.00 CASA Baltimore County, Maryland
<u>ISTRIBÚTION</u> WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	-57. FRE		CASHIER'S VALIDATION

#### **CERTIFICATE OF POSTING**

RE: Case # 98-36-A

Petitioner/Developer:
(John Quinn)

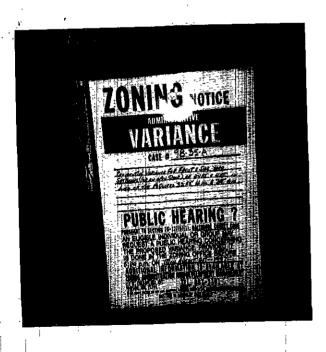
Date of Hearing/Closing:
(August 25, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

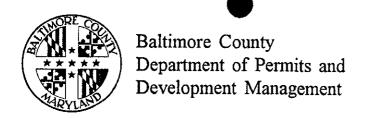
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law						
were posted conspicuously on the	property located at	_				
1762 Brookview Road Baltimore, 1	laryland 21222					
The sign(s) were posted on	August 10, 1997 (Month. Day. Year)	<u>-</u>				



98-36-A



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

August 15, 1997

#### ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-36-A
1762 Brookview Road
W/S Brookview Road, 1073' N of Holabird Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): John Quinn and Ginger Quinn
Post by Date: 08/10/97
Closing Date: 08/25/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

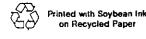
- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND ON \_THE THAT THE CLOSING DATE, **PROCESS** IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director

cc: John and Ginger Quinn Randolph J. Farmer



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than \_\_\_\* \( \frac{10}{20} \).

Format for Sign Printing, Black Letters on a White Background:

## ZONING NOTICE

## ADMINISTRATIVE VARIANCE

Case No.: 98-38-A

RESIDENTUAL VARIENCE FOR FRONTS SIDE TAND SETTSPICES (FONAN OPEN DECK) OF 24FT & 4FT. IN LIGHT THE REQUIRED 32FT 4 IN. 9 7F76IN.

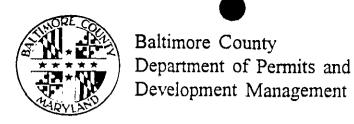
#### **PUBLIC HEARING?**

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



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

#### 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.: <u>98-36-</u> A-	
Petitioner: JOHN & GINGER QUI	Lu
Location: 1762 BROOKVIEW RO.	3AL70, MD, 21222
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: JOHN QUINN	
ADDRESS: 1762 BROOKUZEW RO.	
BALTO MD 21222	
PHONE NUMBER: 410 - 285-5624	

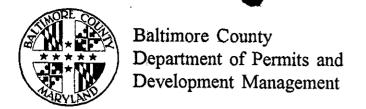
Printed with Soybean Ink

AJ:ggs

(Revised 09/24/96)

36-

Plat to accompany	Petition	for	Zoning	Var	ianc	e Sp	ecial	Hearing	]
PROPERTY ADDRESS:			s	ee pages 5 &	6 of the C	HECKLIST for	additional re	quired intormation	
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OWNER:									
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North date:				r	1	reviewed by:	ITEM #:	CASE#:	
prepared by:	Scale of Drav	wing:	1"=						



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

August 25, 1997

Mr. and Mrs. John Quinn 1762 Brookview Road Baltimore, MD 21222

RE: Item No.: 36

Case No.: 97-36-A

Petitioner: John Quinn, et ux

Dear Mr. and Mrs. Quinn:

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 July 31, 1997.

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.

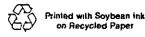
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re
Attachment(s)





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

Baltimore County RE:

Item No.

036 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,

Ronald Burns, Chief

**Engineering Access Permits** 

P. J. Soul

Division

LG

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 14, 1997

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August

Item Nos.

037, 039, & 041

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

RWB:HJO:jrb

cc: File

## BAL IMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley DS/47
Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

DATE: 10/07/96

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 August 11, 1997

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:

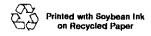


037, 038, 039, 040, and 041

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



ZONTHE VARJANCE

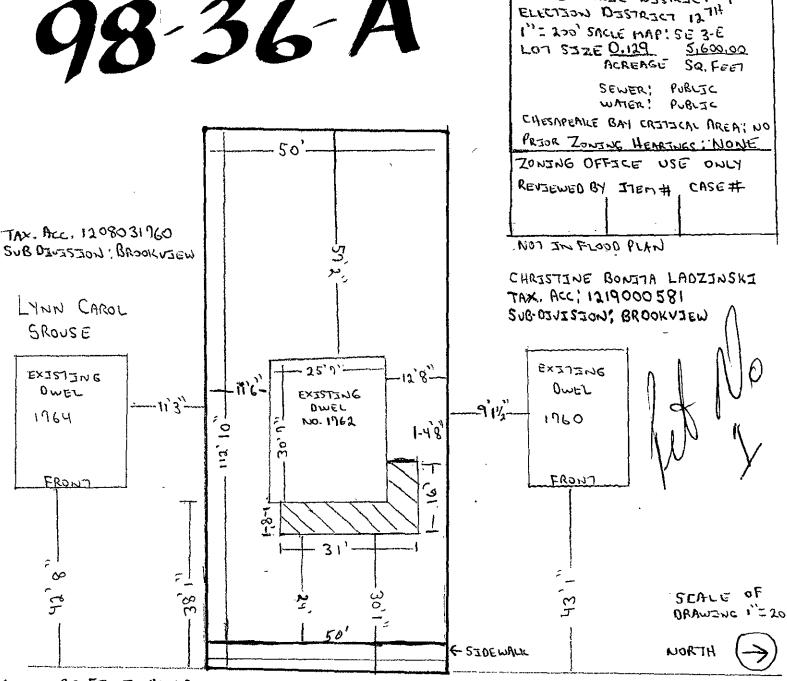
PROPERTY ADDRESS: 1962 BROOKVJEW ROAD

SUBDIVISION NAME, BROOKVIEW

PLAT BOOK # 12 FOLJO: 108 LOT # NONE SECTION # NONE

OWNER: JOHN & GINGER QUINN

# 78-36



← 1,073 FT TO HOLARSRO AVE.

8" SEWER LINE WATER LINE

Ø STORM DRAZN NO EASEMENTS FOR WATER OR SEWER ON PROPERTY.

MOETAM ROTAL MOETADOL

COUNCILMANIC DISTRICT 171H



