ORDER RECEIVED FOR FILING Date

1N RE: PETITION FOR SPECIAL HEARING
W/S Brooklandwood Road, 750' S
 of the c/l of Falls Road

(1004 Brooklandwood Road) 8th Election District 3rd Councilmanic District

Elizabeth S. Mitchell Petitioner

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 98-362-SPH

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\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Elizabeth S. Mitchell, for property located at 1004 Brooklandwood Road, in Lutherville. The Petitioner seeks approval of a caretaker's apartment (and kitchen) within a proposed garage connected to an existing single family dwelling. 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.

Appearing at the hearing on behalf of the Petition were K. Donald Proctor, Esquire, attorney for the Petitioner, and Joseph Mason, Architect and principal with Probst-Mason, Inc., the consulting firm which prepared the site plan for the subject property. Appearing as an interested party was Michael Brooks, a nearby property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.1 acres, zoned R.C.2, and is located in the Greenspring Valley area of Baltimore County. The Petitioners recently purchased the subject property and are in the process of making extensive renovations to the existing dwelling, including 3,200 sq.ft. of additional living space. Upon completion of these renovations, the dwelling will

contain approximately 7,200 sq.ft. of living space. In addition to those renovations, the Petitioners are constructing a 4,300 sq.ft. garage which is proposed to be connected to the dwelling. Testimony revealed that Mr. Mitchell collects antique cars and that a building of substantial size is needed to house these vehicles. In addition, the Mitchells are desirous of providing living quarters within the proposed garage for their caretaker. Testimony indicated that the Mitchells leave Maryland for extended periods of time and that it is necessary for someone to oversee the property while they are away. The Petitioners' caretaker has been with them for the past 5 years and is a teacher at St. Paul's School, located nearby. The Petitioners wish to continue that arrangement on the subject property and have therefore filed the instant request.

To incorporate the proposed garage into the residence, a 6-foot high brick wall will be constructed from the walls of the existing house to the proposed 4,300 sq.ft. garage. Connecting the two structures will enclose the courtyard and area between the house and garage and make it one structural entity. In addition, fencing is provided for security reasons and is accessed by way of two electronic gates.

Further testimony revealed that the Mitchells hosted a neighborhood get-together where they presented their plans for renovation to several of their neighbors, all of whom supported their renovations to the house and the construction of the proposed garage with its living quarters.

As noted above, Mr. Michael Brooks, a nearby property owner, appeared at the hearing out of interest. After hearing the testimony and evidence presented, Mr. Brooks had no objections to the proposed improvements to the house or the construction of the garage with a caretaker's apartment therein.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing relief. It is clear that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioners and that the proposed garage with a caretaker's apartment therein and its connection to the single family dwelling, as shown on Petitioner's Exhibit 1, will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Standard day of June, 1998 that the Petition for Special Hearing to approve a caretaker's apartment (and kitchen) within a proposed garage connected to an existing single family dwelling located on R.C.2 zoned land, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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

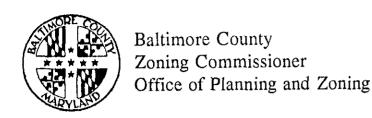
TIMOTHY M. KOTROCC

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

PRDER RECEIVED FOR FILLI



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

June 8, 1998

K. Donald Proctor, Esquire 102 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
W/S Brooklandwood Road, 750' S of the c/l of Falls Road
(1004 Brooklandwood Road)
8th Election District - 3rd Councilmanic District
Elizabeth S. Mitchell - Petitioner
Case No. 98-362-SPH

Dear Mr. Proctor:

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

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

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

hun they Kotrow

for Baltimore County

TMK:bjs

cc: Mr. Joseph Mason

3200 Elm Avenue, Baltimore, Md. 21211

Mr. Michael Brooks

1009 Brooklandwood Road, Lutherville, Md. 21093

People's Counsel; Case Files



# Petition for Special Hearing

This Petition shall be filed with the Department of Permits & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat affached hereto and made a part hereof, hereto petition for a Special Heritagy under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve  The use of a caretaker's apartment (and kitchen) on the second story of the garage connected to this single family dwelling in the RC 2 Zone.  That the residence and garage as shown on this lot are an integrated single structure.  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.  We do sciency declare and affirm, under the penalese of perjuty, that lives are the legal ownerful at the property which is the surject of the Petition.  Address  The Property State Decores  Address  The Department of the Property Masson  Address  The Department of the Property Masson  Name  Address  Joseph Mason  Name  Joseph Mason		for the property located a	at 1004 Punchlandened Paris
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RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
1004 Brooklandwood Road, W/S Brookland-		
wood Road, 750' S of Falls Rd	*	ZONING COMMISSIONER
8th Election District, 3rd Councilmanic		
	*	OF BALTIMORE COUNTY
Elizabeth S. Mitchell		
Petitioner	*	CASE NO. 98-362-SPH
and the state of the state of	a. a.	as as

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned 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

People's Counsel for Baltimore County

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

### CERTIFICATE OF SERVICE

Peter Max Zimmoeman

362

### ZONING DESCRIPTION FOR 1004 BROOKLANDWOOD ROAD

Beginning at a point on the west side of Brooklandwood Road which is 50 feet wide at the distance of 750 feet south of the centerline of the nearest improved intersecting street, Falls Road, which is a variable right of way. Being Lot #9, Section #1 in the subdivision of Brooklandwood Farms as recorded in Baltimore County Plat Book #18, Folio #130, containing 3.1 acres. Also known as 1004 Brooklandwood Road and located in the 8<sup>th</sup> Election District, 3d Councilmanic District.

NOTICE OF ZOMING HEARING

The Zoning Corrunissioner of Battimore County, by authority of the Zoning Act and Begulations of Battimore County will hold a public hearing in <u>Toverson</u>. Son. Markent on the property identified herein as follows:

Case: #89-362-5PH 1004 Brooklandwood Road WKS Brooklandwood Road, 750'S of Falls Road 8th Election District 3d Councilmanic District 3d Councilmanic District 12gal Owner(s). Elegal Owner(s). Elegal Owner(s). Election S. Mitchell Special Hearing: to approve the use of a caretaker's apartment and kindenjon on the second stopy of the gange second stopy of the gange connected to this single family.

Overling.
Hearing: Monday, May 18, 1998 at 10:00 a.m., in Room 407, County Courts Birlig., 461 Bosley Avenue.

LAWRENCEE SCHMIDT
Zoning Commissioner for
Baltimore Counting
ONTOES. (1) Hearings are
Handicapped Accessible: for
special
Please Call (410) 887-3333.
(2) For information concerning the Re and/or Hearing.
Please Call (410) 887-3339.

c224698

4539 April 30

CERTIFICATE OF PUBLICATION

TOWSON, MD., \_

published in THE JEFFERSONIAN, a weekly newspaper published successive THIS IS TO CERTIFY, that the annexed advertisement was .1990/30 in Towson, Baltimore County, Md., once in each of \_ weeks, the first publication appearing on

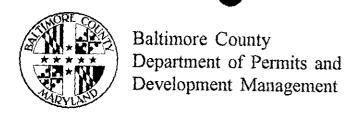
THE JEFFERSONIAN,

LEGAL AD. - TOWSON

DISTRIBUTION WHITE - CASHIER PINK - AGENCY	FOR RES SPH	RECEIVED PROCTOR	DATE All 138	BALTIMORE COUNTY, MAR' OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT
AGENCY YELLOW - CUSTOMER	SPH FILING	AMOUNT \$ 20,00	ACCOUNT LOOIS 150	Y, MAR' ND INANCE (6) No.
30%			<b>3 3 3</b>	
CASHER'S VALIDATION	502	times		

### CERTIFICATE OF POSTING

K	E: Case No.:
	Petitioner/Developer:
	ELIZABETH S. MITCHELL
	ELIZABETH S. MITCHELL  Date of Hearing/Closing: 5/18/98
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjuwere posted conspicuously on the property locate	d at
1004 BROOKLAN	DWOOD KD
The sign(s) were posted on( M	5 /3 /98 Ionth, Day, Year)
ZONING NOTICE	Sincerely,  Signature of Sign Poster and Date)  Cichard L. Hoffman  (Printed Name)  904 Derevoco De  (Address)  FALLSTON, MO. 21047  (City, State, Zip Code)  (410) 875-3122  (Telephone Number)
1004 BROOKLANDWOOD RO.	
POSTED 5/3/98 Apolul 6:39/ 5/3/98	•



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

April 13, 1998

### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-362-SPH 1004 Brooklandwood Road W/S Brooklandwood Road, 750' S of Falls Road 8th Election District - 3rd Councilmanic District Legal Owner: Elizabeth S. Mitchell

Special Hearing to approve the use of a caretaker's apartment (and kitchen) on the second story of the garage connected to this single family dwelling.

**HEARING**:

Monday, May 18, 1988 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

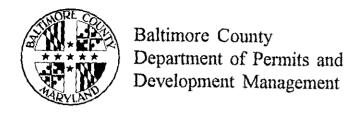
Arnold Jablo Director

c: K. Donald Proctor, Esquire Elizabeth S. Mitchell Joseph Mason

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 3, 1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



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

April 13, 1998

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Arnold Jablon

Director

c: K. Donald Proctor, Esquire Elizabeth S. Mitchell Joseph Mason

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TO: PATUXENT PUBLISHING COMPANY April 30, 1998 Issue - Jeffersonian

Please forward billing to:

K. Donald Proctor, P.A.

410-823-2258

Suite 505

102 West Penn. Avenue Towson, MD 21204-4542

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1004 Brooklandwood Road
W/S Brooklandwood Road, 750' S of Falls Road
8th Election District - 3rd Councilmanic District
Legal Owner: Elizabeth S. Mitchell

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**HEARING:** 

Monday, May 18, 1988 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 98-362-SPH
Petitioner: EUZABETH MITCHELL
Address or Location: 1004 BROOKLANDWOOD ROSD
PLEASE FORWARD ADVERTISING BILL TO:
Name: K. DONALD PROCTOR, P.A.
Address: Suite 505
102 WEST PENN, AVE, TOWSON, MD, 21209 - 4542
Telephone Number: 410 823-2258

Request for Zoning: Valuace, Special Exception or Special Hearing
Date to be Posted: Anytime before but no later than
Format for Sign Printing, Black Letters on White Background:

### **ZONING** NOTICE

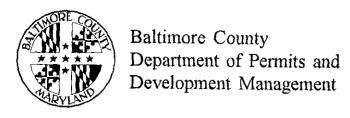
Case No.: <u>98-36</u>2-SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *
DATE AND TIME:
REQUEST: A SPECIAL HEARING TO APPROVE THE USE OF A CARETAKERS APPRIMENT
AND TO CONFIRM THAT THE RESIDENCE AND GARAGE ARE A SINGLE (INTEGRATE
STRUCTURE
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



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

May 13, 1998

K. Donald Proctor, Esq. 102 W. Pennsylvania Avenue Towson, MD 21204

RE:

Item No.: 362

Case No.: 98-362-SPH

Petitioner: Elizabeth S. Mitchell Location: 1004 Brooklamndwood Road

Dear Mr. Proctor:

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 April 1, 1998.

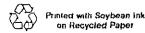
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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 Gwendolyn Stephens in the zoning office (410-887-3391).

U. Con Richardy

W. Carl Richards, Jr. Zoning Supervisor

WCR:ggs
Attachment(s)



#### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 24, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for April 20, 1998

Item Nos. 361, 362, and 363

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

RWB:HJO:jrb

cc: File

# C O U N T Y, M A R Y L A N D

### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley A(5) / (6) Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Mesting 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

April 13, 1998

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

RE: Property Owner: ELIZABETH S. MITCHELL

Location: DISTRIBUTION MEETING OF April 13, 1998

Item No.: 362 > Zoning Agenda:

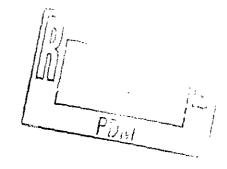
Gentlemen:

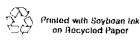
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File







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 4 . 7 . 9 V

Item No. 362

144

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,

A Ronald Burns, Chief

Engineering Access Permits

P. J. Dudle.

Division

LG

1-800-735-2258 Statewide Toll Free

### PLEASE PRINT CLEARLY

### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Kilon AZD PROCTOR	102 W PENNA TOWSON
JOSEPH MASON	3200 ELM AVE BOLT, W. ZIZI
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