IN RE: PETITION FOR VARIANCE SE/Corner Charlesmont Road and Wallford Drive

(3432 Wallford Drive)
12<sup>th</sup> Election District
7<sup>th</sup> Councilmanic District

James C. Braun, et ux Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 00-061-A

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, James C. and Thyra J. Braun. The Petitioners seek relief from Section 1B02.3.B of the 1955 Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a side yard setback of 0 feet and a rear yard setback of 26 feet in lieu of the required 11.25 feet and 37.5 feet, respectively. Additionally, in open hearing, the applicants requested that variance relief be permitted to allow an existing fence, 6 feet in height, to remain on the property. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite hearing were James and Thyra Braum, property owners.

There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a corner lot, located adjacent to the intersection of Wallford Drive and Charlesmont Road in Dundalk. The property consists of a gross area of 5,511 sq.ft., zoned D.R.10.5 and is improved with an end-of-group townhouse dwelling. Mr. & Mrs. Braun have owned the property for approximately 19 years. The subject of the Petition relates to an existing deck which is attached to the rear and side of the dwelling. Mr. Braun indicated that he constructed the deck himself, without benefit of a

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building permit. Although a permit was not obtained, photographs of the property show that the structure is attractive and appears appropriate for the house and the neighborhood. The deck wraps around the rear and side of the house, thereby necessitating the instant variance relief. As noted above, a side yard setback of 0 feet is maintained in lieu of the required 11.5 feet. This side yard represents the property line between the Petitioners' property and the next row of townhouses. Those townhouses front Charlesmont Road, whereas the Petitioners' unit bears a Wallford Drive address. A reduced rear yard setback is also required.

When questioned at the hearing, Mr. Braun indicated that the need for a permit and variance was originally brought to his attention following a complaint by an individual who resides in the neighborhood. Apparently, a dispute arose between Mr. & Mrs. Braun and this neighbor regarding parking. As is typically the case in townhouse communities, street parking is at a premium and a complaint was made to the County regarding potential building code violations following the parking dispute. An inspector was subsequently dispatched to the site by the County and a citation was issued requiring the Petitioner to obtain variance relief for the deck and acquire the requisite permit.

Also at the hearing it was indicated that the Petitioner has constructed a fence with a height of 6 feet. This fence is needed because of the change in grade of the property and the existence of a retaining wall on the side of the site. Mr. Braun indicated that the fence is similar to others in the community and is not inappropriate for the locale.

Based upon the testimony and evidence presented, I am persuaded to grant the variance relief. The existing improvements, including both the fence and deck, appear appropriate for this property and the neighborhood. As noted above, there were no Protestants present. Moreover, there were no adverse comments from any Baltimore County reviewing agency. I am persuaded

that the uniqueness of the property arises from its configuration and grade of the property and that the relief requested complies with the provisions of Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this \_\_\_\_\_\_\_ day of September, 1999 that the Petition for Variance seeking relief Section 1B02.3.B of the 1955 Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a side yard setback of 0 feet and a rear yard setback of 26 feet in lieu of the required 11.25 feet and 37.5 feet, respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit an existing fence, 6 feet in height, to remain on the property 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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

September 30, 1999

Mr. & Mrs. James C. Braun 3432 Wallford Drive Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE

SE/Corner Charlesmont Road and Wallford Drive

(3432 Wallford Drive)

12th Election District - 7th Councilmanic District

James C. Braun, et ux - Petitioners

Case No. 00-061-A

Dear Mr. & Mrs. Braun:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc: Code Enforcement Division, DPDM; People's Counsel; Case File



ORDER RECEIVED FOR FILING

# Petition for Variance

# to the Zoning Commissioner of Baltimore County for the property located at 3432 WALLFORD DR.

which is presently zoned  $\mathcal{DR}$ 

Address Telephone No.  Chy State Zip Code	3432 WALLFORD DR 457-457 Address Telephone No.  RALTO. MD. 2/22Z City State Zip Code  OFFICE USE ONLY
Signature  Company	Representative to be Contacted:  SAMES C. BRAUN  Name 3432 WALLFORD DR. 457-456
Attorney For Petitioner:  Name - Type or Print	Address Telephone No.  BALTO.  City State Zip Code
City State Zip Code	June Jean Staury Signature 410 3432 WALLFORD DR. 477-4967
Signature  Address Telephone No.	Signature  THYRA TEAN BRAUN  Name-Type or Print
Name - Type or Print	Name-Type or Print
Contract Purchaser/Lessee:	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):
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, postegulations and restrictions of Baltimore County adopted pursuant to	sting, etc. and further agree to and are to be bounded by the zoning
ADDITIONAL HARDSHIPS TO BE	DISCUSSED AT HEARING.
REAR	TO PROPOSED OPEH DECY
of the Zoning Regulations of Baltimore County, to the zoning hardship or practical difficulty) want Acces	law of Baltimore County, for the following reasons: (indicate
SETBACK OF O FEET AND REARY, IN LIEU OF THE REQUIRED 11.25 RESPECTIVELY.	FEET AND 37.5 FEET

This Petition shall be filed with the Department of Permits and 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.B (1955 BC7R)

#### ZONING DESCRIPTION

Zoning description for 3432 Wallford Drive Beginning at a point on the North side of Wallford Drive which is 60 feet wide at the Northwest Corner of the intersection of Wallford Drive and Charlesmont Road, which is 60 feet wide. \*Being Lat # 31, Block B, in the subdivision of Charlesmont as recorded in Baltimore County Plat Book # 23, Folio 130, containing 5511 square feet. Also known as 3432 Wallford Drive and located in the 12th Election District, 7th Vouncilmanic District.

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4-190-00

#### **CERTIFICATE OF POSTING**

RE: CASE #00-061-A
PETITIONER/DEVELOPER:
[James Braun]
DATE OF Hearing
(Sept. 24, 1999)

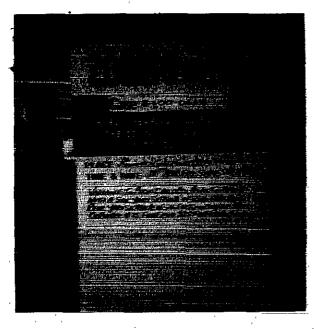
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

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 3432 Wallford Drive Baltimore, Maryland 21222\_\_\_\_\_

The sign(s) were posted on 9-8-99 [Month, Day, Year]



Sincerely,  Norm 9/8/9  (Signature of Sign Poster & Date)	7
Thomas P. Ogle, Sr	_
325 Nicholson Road	-
Baltimore, Maryland 21221	
[410]-687-8405	
(Telephone Number)	

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing in Iou-son Mandand on the property identified herein as follows:

Case: #00-961-A
3432 Waliford Orive
NWC Waliford Orive
NWC Waliford Orive
learnort Road
12th Election District
7th Councilmanic District
Legal Owner(s): Thyra Jean
Legal Owner(s): Thyra Jean

Variance: to permit an open projection (deck) with a side yard setback of zero feet and yard setback of zero feet and rear vard setback of 25 feet in 125 feet in 125 feet respectively.

Hearing: Friday, September 14 1999 at 1100 a.m. in Figure 407, County County Sulding, 401 Bodiny Ave.

LAWRENCE E. SCHWIDT
Zonling Commissioner for
Battimore County
NOTES: (1) Hearings are
Handicapped Accessible, for
Special accommodations
Please Contact the Zonling
Please Compat the Zonling
Commissioners Office at
(410) 887-4386.
(2) For Information concerning the File and/or: Hearing,
Contact the Zonling Review OfContact the Zonling Review OfContact the Zonling Review OfContact the Zonling Review Of-

9/118 Sept. 9 - 0338243

CERTIFICATE OF PUBLICATION

Nows
OWSON, MD., ——
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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 \_\_\_\_\_successive weeks, the first publication appearing on \_\_\_\_\_\_\_ \( \frac{1}{4} \) \( \frac{1}{2} \).

THE JEFFERSONIAN,

S. WURLMSTISING

RE: PETITION FOR VARIANCE 3432 Wallford Drive, NWC Walford Dr and Charlesmont Rd 12th Election District, 7th Councilmanic

Legal Owner: James C. and Thyra J. Braun Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 00-61-A

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

#### **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

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

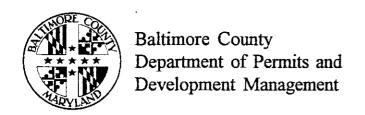
Towson, MD 21204

(410) 887-2188

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24 day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to James C. and Thyra J. Braun, 3432 Wallford Drive, Baltimore, MD 21222, Petitioners.

PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

September 1, 1999

## **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: 00-061-A
3432 Wallford Drive
NWC Wallford Drive and Charlesmont Road
12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District
Legal Owner: Thyra Jean Braun & James Craig Braun

<u>Variance</u> to permit an open projection (deck) with a side yard setback of zero feet and rear yard setback of 26 feet in lieu of the required 11.25 feet and 37.5 feet respectively.

HEARING: Friday, September 24, 1999 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: Thrya & James Braun, 3432 Wallford Drive, Baltimore 21222

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 9, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 9, 1999 Issue – Jeffersonian

Please forward billing to:

James C. Braun 3432 Wallford Drive Baltimore, MD 21222

410-477-4567

# **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: 00-061-A

3432 Wallford Drive

NWC Walfford Drive and Charlesmont Road 12<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Thyra Jean Braun & James Craig Braun

<u>Variance</u> to permit an open projection (deck) with a side yard setback of zero feet and rear yard setback of 26 feet in lieu of the required 11.25 feet and 37.5 feet respectively.

HEARING: Friday, September 24, 1999 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

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LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 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: 00-61-A
Petitioner: TAMES C. BRAYN
Address or Location: 3432 WALLFORD DR, BALTO, MD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: TAMES C. BRAUN
Address: 3432 WALL FORD DR.
BALTO, MD. ZLZZZ
Telephone Number: 410-477-4567

	prepared by:Scale of Drawing: 1"=	date: prepa
Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:	North	No.
Prior Zoning Hearings:		$\bigcap$
SEWER: PUBLIC PUBLIC PUBLIC PUBLIC POINTS		
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BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon; Director

Date: September 2, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for August 30, 1999

Item Nos. 049, 051, 052, 053, 054, 055, 056, 058, 059, 061, 062, 063,

064, 065, 067, 068

and

Case Number 99-297-SPH 18414 Vernon Road)

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

RWB:HJO:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

DATE: August 19, 1999

TO: Larry E. Schmidt

**Zoning Commissioner** 

FROM: James H. Thompson - RR

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 061

PETITIONER: Thyra Jean Braun and James Craig Braun

VIOLATION CASE NO.: 99-3654

LOCATION OF VIOLATION: NWC Wallford Drive and Charlesmont Road

(3432 Wallford Drive)

DEFENDANT(S): Thyra Jean Braun and James Craig Braun

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/rr/lmh

# BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: 8/26/1999

TO: Larry Schmidt

Zoning Commissioner

FROM: John M. Altmeyer / RR

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 061

PETITIONER: Thyra Jean Braun & James Craig Braun

**VIOLATION CASE NO.: 99-3654** 

LOCATION OF VIOLATION: 3432 Wallford Drive

DEFENDANTS: Thyra Jean Braun & James Craig Braun

Please be advised that the aforementioned petition is the subject of an active Violation case. When the petition is scheduled for a public hearing, please notify the Following person(s):

NAME

**ADDRESS** 

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JMA/RR/klh



Code Enforcement: 410-887-3351 Extension Building inspection: 410-887-3953

Code Inspections and Enforcement County Office Suilding 111 West eake Avenue Towson, Maryland 21204

Plumbing Inspection: 410-887-3620 Electrical Inspection: 410-887-3960

# BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE NO.	
BALTIMORE COOK	
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VIOLATION(S) OF TITLE 3, 7, 10, 24  BALTIMORE COUNTY CODE, ZONING, OR OTHER  BALTIMORE COUNTY CODE, AND POLICIES AS	
BALTIMORE COUNTY CODE, 2011 Case No. Ca	
INDICATED BELOW	
Pormit NO	
Election District	
Leave A Larning BRAIN	
2/32 WALL	
Address	
Location of Violation (if different than address)	
Vehicle License No.:	
Vehicle License No.  DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:	
DID UNLAWFULLY VIOLATE THE FULLOWING DATE	
Zoning Regulations	
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Other §§  COMMENTS OR OTHER VIOLATIONS:  DUTO NO PROJECT THESE VIOLATIONS) ON OR BEFORE YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATIONS) ON OR BEFORE FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON THE REVERSE SIDE OF THIS VIOLATION NOTICE.  INSPECTOR: DATE ISSUED:  STOP WORK NOTICE  PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS, ARE CORRECTED AND/OR PROPER YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS, ARE CORRECTED AND/OR PROPER YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER YOU SHALL CEASE ALL WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE.	<del>50</del> ;

for 9/24

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

Date: August 24, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions

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

Item No(s): 016 and 061

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jeffry W. Jon

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams

Administrator

Date:

9.9.99

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

RE:

Baltimore County

Item No. O6

JRF/LTM

Dear. Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

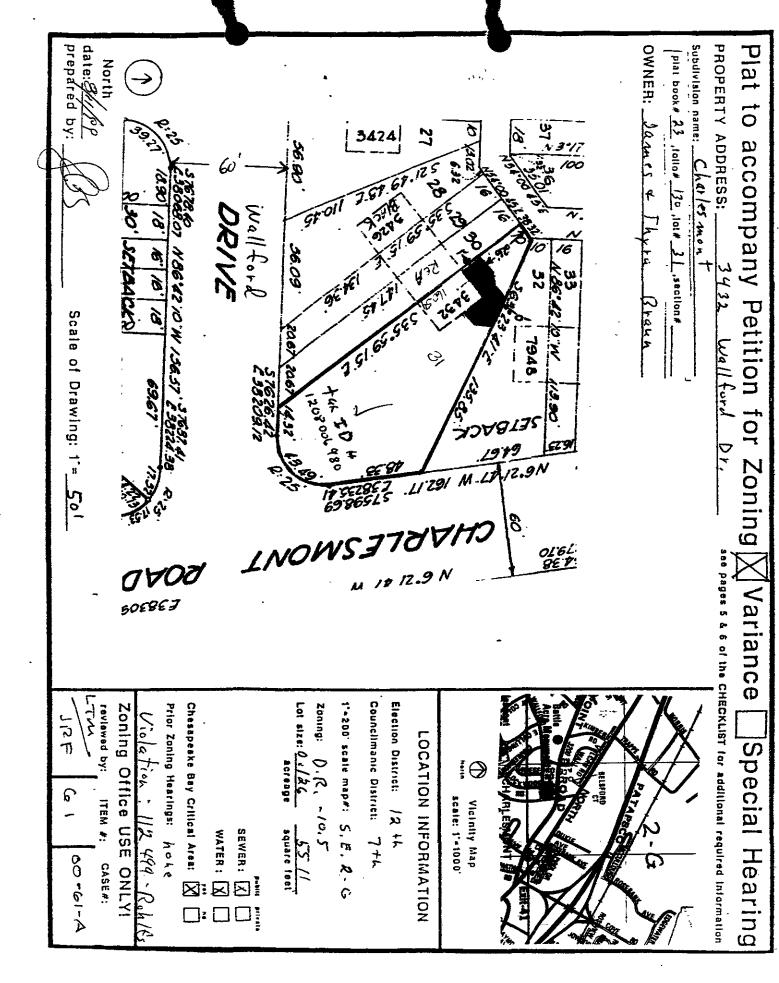
Very truly yours.

for Kenneth A. McDonald Jr.

P. J. Godle

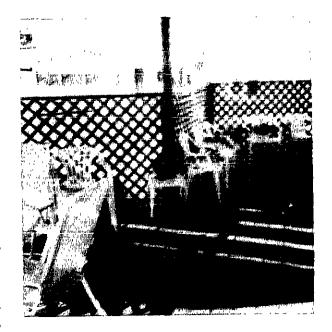
Acting Chief

**Engineering Access Permits Division** 

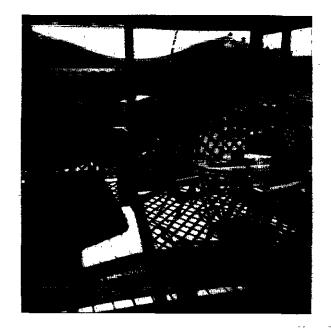




photographs 00-061-A







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