

IN RE: PETITION FOR ADMIN. VARIANCE  
SW/S Ruby Avenue, 165' E  
of Ruby Court  
13th Election District  
1st Councilmanic District  
(4715 Ruby Avenue)

Louis and Mary Brocato  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 01-113-A

\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Louis and Mary Brocato. The variance request is for property located at 4715 Ruby Avenue in the Arbutus area of Baltimore County. The Petitioners herein seek a variance from Sections 208.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open projection (carport) in the side yard with a 6 in. setback in lieu of the required 7.5 ft. and a sum of side yards of 13.5 ft. in lieu of the required 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

ORDER RECEIVED FOR FILING

Date 10/13/00

By

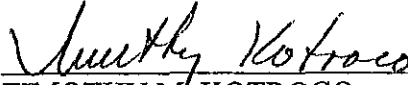
J.R. Johnson

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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3<sup>rd</sup> day of October, 2000, that a variance from Sections 208.3 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open projection (carport) in the side yard with a 6 in. setback in lieu of the required 7.5 ft. and a sum of side yards of 13.5 ft. in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RESOLVED FOR FILING  
Date 10/13/00  
By R. Jensen



Baltimore County  
Zoning Commissioner

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

October 3, 2000

Mr. & Mrs. Louis Brocato  
4715 Ruby Avenue  
Baltimore, Maryland 21227

Re: Petition for Administrative Variance  
Case No. 01-113-A  
Property: 4715 Ruby Avenue

Dear Mr. & Mrs. Brocato:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure



# Affidavit in Support of 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 4715 RUBY AVE  
Address  
ARBUTUS MD 21227  
City State Zip Code

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):

The affiants are both senior citizens with heart conditions (both have had heart bypass surgery). They wish to install a carport (approximately 11 feet wide by 23 feet long) over an existing 10 foot wide driveway, so that it appears to be a contiguous part of the existing house. This request is necessitated by the physical stresses involved with cleaning snow, ice and frost from their automobile, as well as tree sap and bird droppings from a large tree on neighbor's property. The sap has completely destroyed the finish on one automobile. The affiants offered to pay 1/2 the cost of removing the tree, but the neighbor refused the offer.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]  
Signature  
LOUIS J BROCATO  
Name - Type or Print

[Signature]  
Signature  
MARY E BROCATO  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of SEPT 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

LOUIS & MARY BROCATO  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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

Sept 6, 2000  
Date



[Signature]  
Notary Public

My Commission Expires JAN 14, 2003



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4715 RUBY AVE  
which is presently zoned DR5.5

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) 208.3 AND 301.1 BCZ.R (1955 REGS)  
To PERMIT A PROPOSED (CARPORT) OPEN PROJECTION IN SIDE YARD WITH  
A 6 INCH SETBACK IN LIEU OF THE REQUIRED 7 1/2 FT. AND A SUM OF  
SIDE YARDS OF 13 1/2 FT. IN LIEU OF 25 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.  
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Attorney For Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Legal Owner(s):

LOUIS BROCATO  
Name - Type or Print \_\_\_\_\_  
Signature [Signature] \_\_\_\_\_  
MARY BROCATO  
Name - Type or Print \_\_\_\_\_  
Signature [Signature] \_\_\_\_\_  
4715 RUBY AVE 410  
Address \_\_\_\_\_ Telephone No. 242 5939  
ARBITUS MD 21227  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

\_\_\_\_\_  
Zoning Commissioner of Baltimore County

CASE NO. 01 113 A

REV 9/15/98

Reviewed By SL Date 9/8/00

Estimated Posting Date 9/17/00

113

## ZONING DESCRIPTION FOR 4715 RUBY AVENUE

Beginning at a point on the Southwest side of Ruby Avenue which is 30 feet wide at the distance of <sup>165</sup>~~144~~ feet <sup>EAST</sup>~~West~~ of the nearest improved intersecting street, <sup>RUBY CT</sup>~~Polo Circle~~, which is 30 feet wide. Being lot # 17, block B, Section 7 in the subdivision of Wynnewood as recorded in Baltimore County Plat Book Reference 26/90, containing 11,537 square feet. Also known as 4715 Ruby Avenue and located in the 13<sup>th</sup> Election District, 1<sup>st</sup> Councilmanic District.

01-113-A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

86622

No.

JL 113

DATE 9/8/00 ACCOUNT B0016150

AMOUNT \$ 50.00

RECEIVED FROM: BRACATO

FOR: RV FILING

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT  
RECEIVED BY: [Signature]  
DATE: 9/8/00  
AMOUNT: \$50.00  
FOR: RV FILING  
OFFICE OF BUDGET & FINANCE  
BALTIMORE COUNTY, MARYLAND

01-113-A

CASHIER'S VALIDATION

# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 01-113-A

TO PERMIT A PROPOSED (GARAGE)  
OPEN PROJECTION IN SIDE YARD  
WITH A 6 INCH SETBACK IN LIEU OF  
THE REQUIRED 7 1/2 FT AND A SUM  
OF SIDE YARDS OF 15 1/2 FT IN LIEU  
OF 25 FEET.

## PUBLIC HEARING ?

PURSUANT TO SECTION 24-127(b)(1) - BALTIMORE COUNTY CODE  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE. PROVIDED IT  
IS DONE IN THE ZONING OFFICE BEFORE  
THE PUBLIC HEARING DATE.  
PUBLIC HEARINGS ARE AVAILABLE FOR  
A PERIOD OF 15 DAYS PRIOR TO THE  
PUBLIC HEARING DATE.  
FOR MORE INFORMATION CONTACT THE ZONING  
OFFICE AT 410-388-7000.





# CERTIFICATE OF POSTING

RE: Case No.: 01-113-A

Petitioner/Developer: \_\_\_\_\_

LOUIS & MARY PROCATO

Date of Hearing/Closing: 10-2-00

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 perjury that the necessary sign(s) required by law were posted conspicuously on the property located at \_\_\_\_\_

4715 RUBY AVE.

The sign(s) were posted on SEPT. 16, 2000  
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 113  
Petitioner: LOUIS + MARY BROCATO  
Address or Location: 4715 RUBY AVE ARBUTUS 21227

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: LOUIS BROCATO  
Address: 4715 RUBY AVE  
ARBUTUS MD 21227  
Telephone Number: 410 242 5939

Revised 2/20/98 - SCJ

01-113-A

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 01- 113 -A Address 4715 RUBY AVE  
Contact Person: J L LEWIS Phone Number: 410-887-3391  
Planner, Please Print Your Name  
Filing Date: 9/8/00 Posting Date: 9/17/00 Closing Date: 10/2/00

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

(Detach Along Dotted Line)

**Petitioner: This Part of the Form is for the Sign Poster Only**

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 01- 113 -A Address 4715 RUBY AVE  
Petitioner's Name LOUIS & MARY BROCATO Telephone 410 242 5939  
Posting Date: 9/17/00 Closing Date: 10/2/00  
Wording for Sign: TO PERMIT A PROPOSED (CARPORT) OPEN PROJECTION IN  
SIDE YARD WITH A 6 INCH SETBACK IN LIEU OF THE REQUIRED 7 1/2 FT. AND  
A SUM OF SIDE YARDS OF 13 1/2 FT. IN LIEU OF 25 FT.

**01-113-A**  
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

WCR - Revised 6/28/00



Baltimore County  
Department of Permits and  
Development Management

Director's Office  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
410-887-3353  
Fax: 410-887-5708

October 2, 2000

Louis & Mary Brocato  
4715 Ruby Avenue  
Arbutus, MD 21227

Dear Mr. & Mrs. Brocato:

RE: Case Number: 01-113-A, 4715 Ruby Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 17, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

*W. Carl Richards, Jr.*

W. Carl Richards, Jr.  
Supervisor, Zoning Review

GDZ

WCR: gdz

Enclosures

C: People's Counsel

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

INTEROFFICE CORRESPONDENCE

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

DATE:    October 10, 2000

FROM:  Robert W. Bowling, Supervisor  
              Bureau of Development Plans Review

SUBJECT:    Zoning Advisory Committee Meeting  
              for September 25, 2000  
              Item Nos. 106, 107, 108, 109, 110,  
              111 (409 Main Street), 112, 113, 115

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

RWB:HJO:jrb

cc:    File



Baltimore County  
Fire Department

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

September 19, 2000

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF September 18, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

106, 107, 108, 109, 110, 112, 113, and 115

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office  
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: October 3, 2000

SUBJECT: Zoning Petitions  
Zoning Advisory Committee Meeting of September 18, 2000

DEPRM has no comments for the following zoning petitions:

| Item # | Address              |
|--------|----------------------|
| 106    | 51 Honeycomb Road    |
| 107    | 9801 Richlyn Drive   |
| 108    | 1112 Westwicke Lane  |
| 109    | 4520 East Joppa Road |
| 110    | 20 Glenwood Avenue   |
| 111    | 409 Main Street      |
| 112    | 12207 Falls Road     |
| 113    | 4715 Ruby Avenue     |
| 115    | 2750 Butler Road     |

AN  
10/2

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** September 20, 2000

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

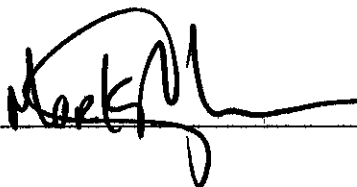
SEP 21

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 01-113

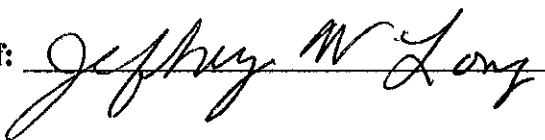
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 9.18.00

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

RE: Baltimore County  
Item No. 113 JLL

Dear Ms. Jackson:

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,

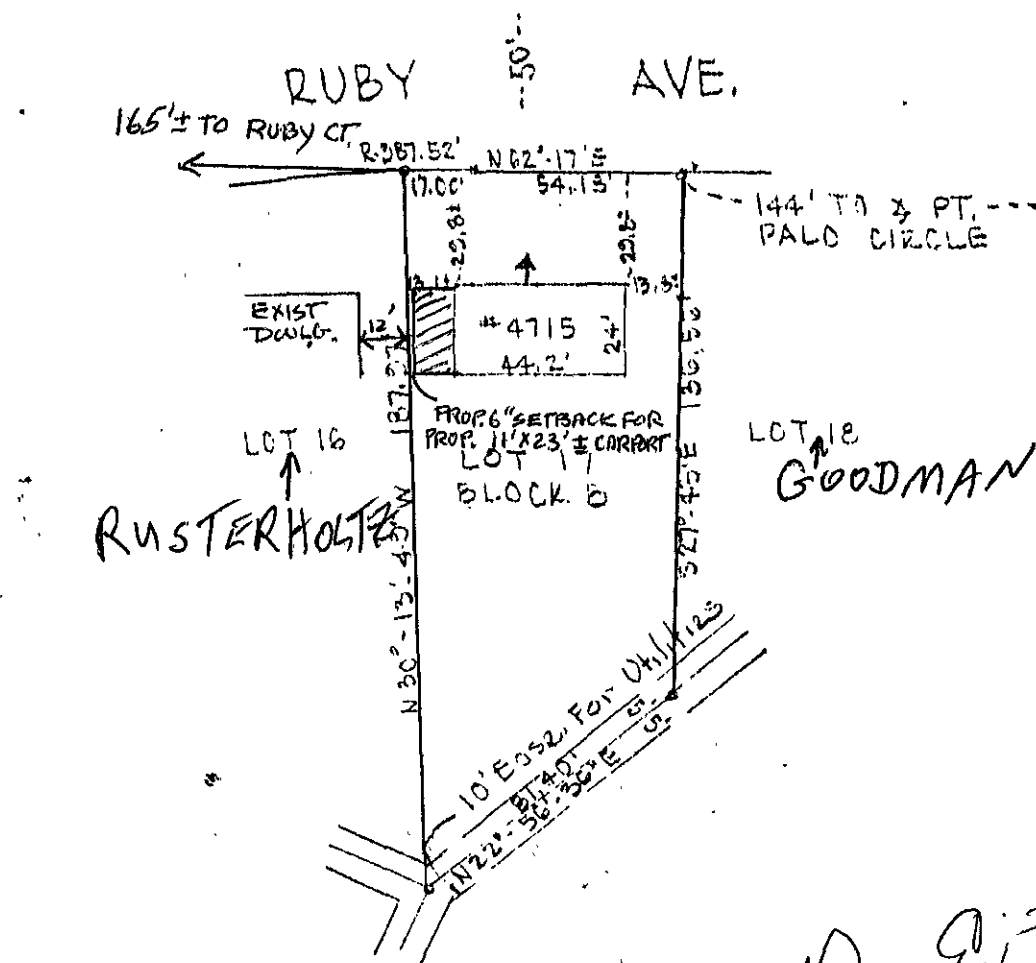
*for* Kenneth A. McDonald Jr., Chief  
Engineering Access Permits Division

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

# PLAN FOR ZONING VARIANCE



*Per Ex. #1*

**MULLER, RAPHEL & ASSOCIATES**  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
201 COURTLAND AVE.  
TOWSON 4, MARYLAND

**01-113-A**

WJR 26/90

**LOT 17 BLOCK B**  
SECTION SEVEN

**WYNNEWOOD**

13TH ELECT. DIST. BALTO. CO., MD.

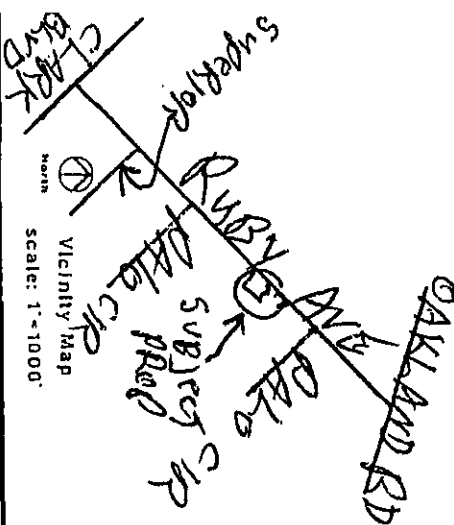
SCALE "1"=50'

NOV. 30, 1960.

The information on this plat show only that the improvements indicated hereon are contained within the outlines of the lot upon which they are erected, and is not to be construed as an establishment of property lines.

*R. Raphael*  
Reg. Land Surveyor

☐ **Special Hearing**  
CHECKLIST for additional required information



## LOCATION INFORMATION

Election District: **13**  
Councilmanic District: **1**

1"=200' scale map: **SW 7D**

Zoning: **DR 5.5**

Lot size: **26 ±** **11,537** square feet

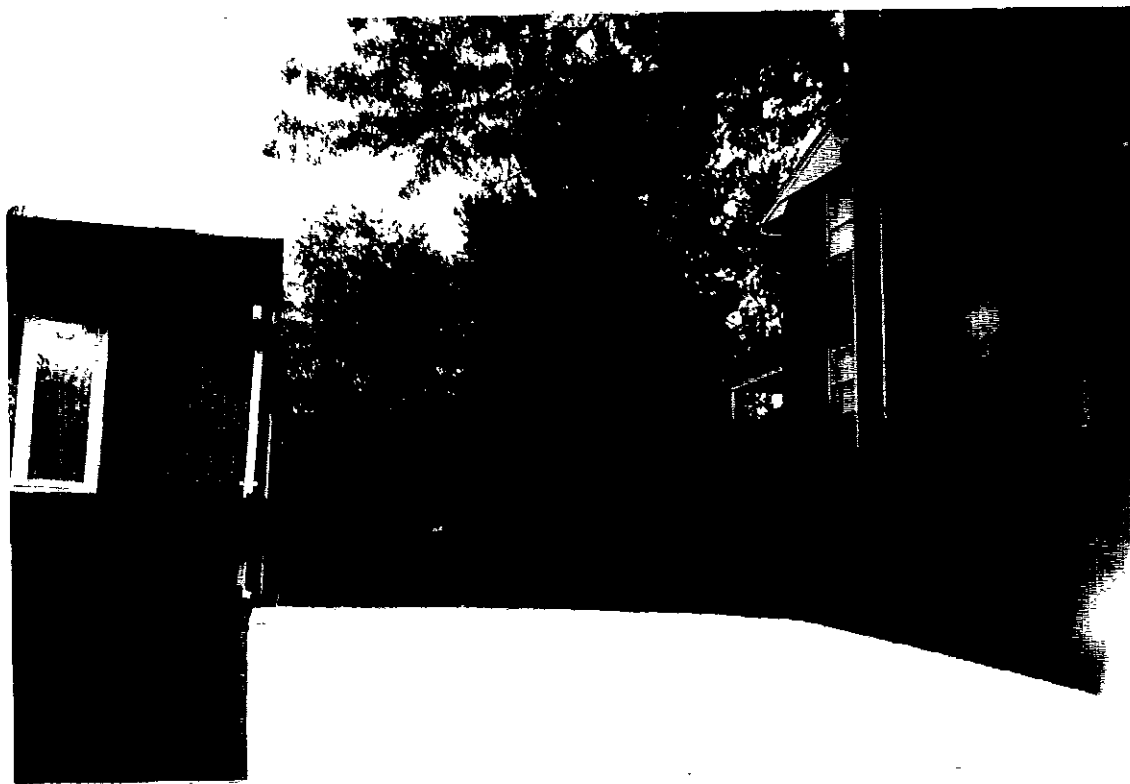
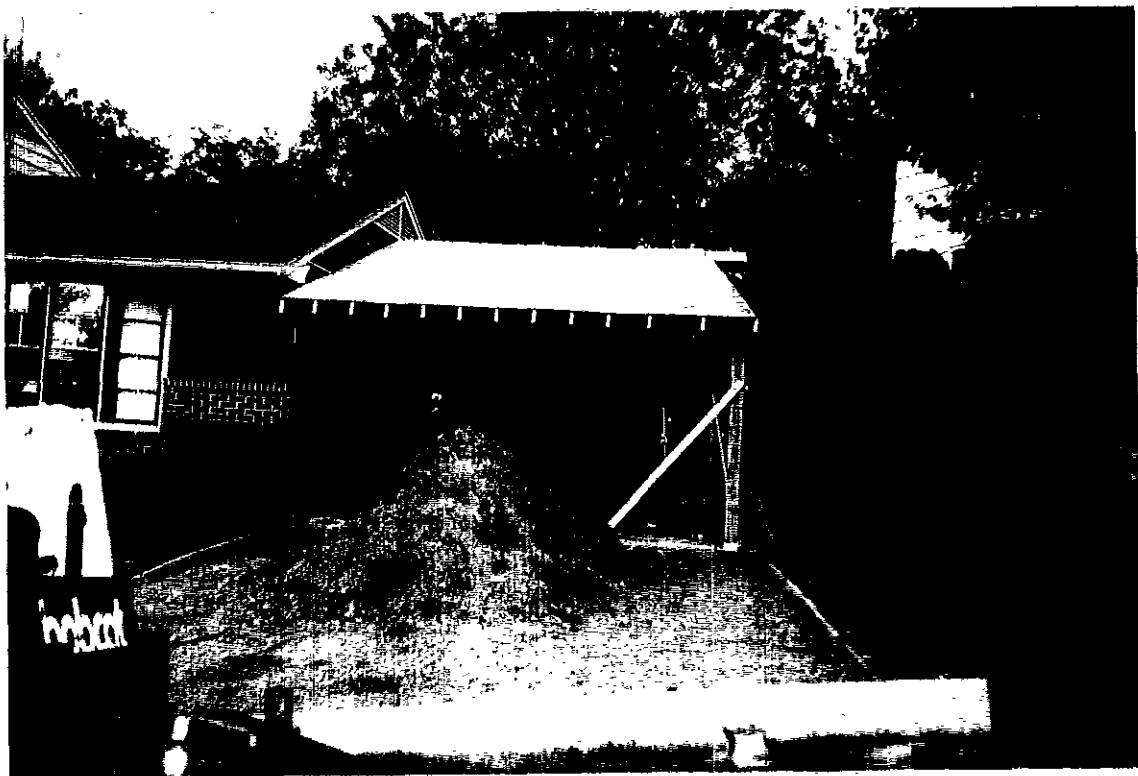
Chesapeake Bay Critical Area: ☐ **NO**  
WATER: ☒ **YES**  
SEWER: ☒ **PUBLIC** ☐ **PRIVATE**  
Prior Zoning Hearings: **NO**

## Zoning Office USE ONLY!

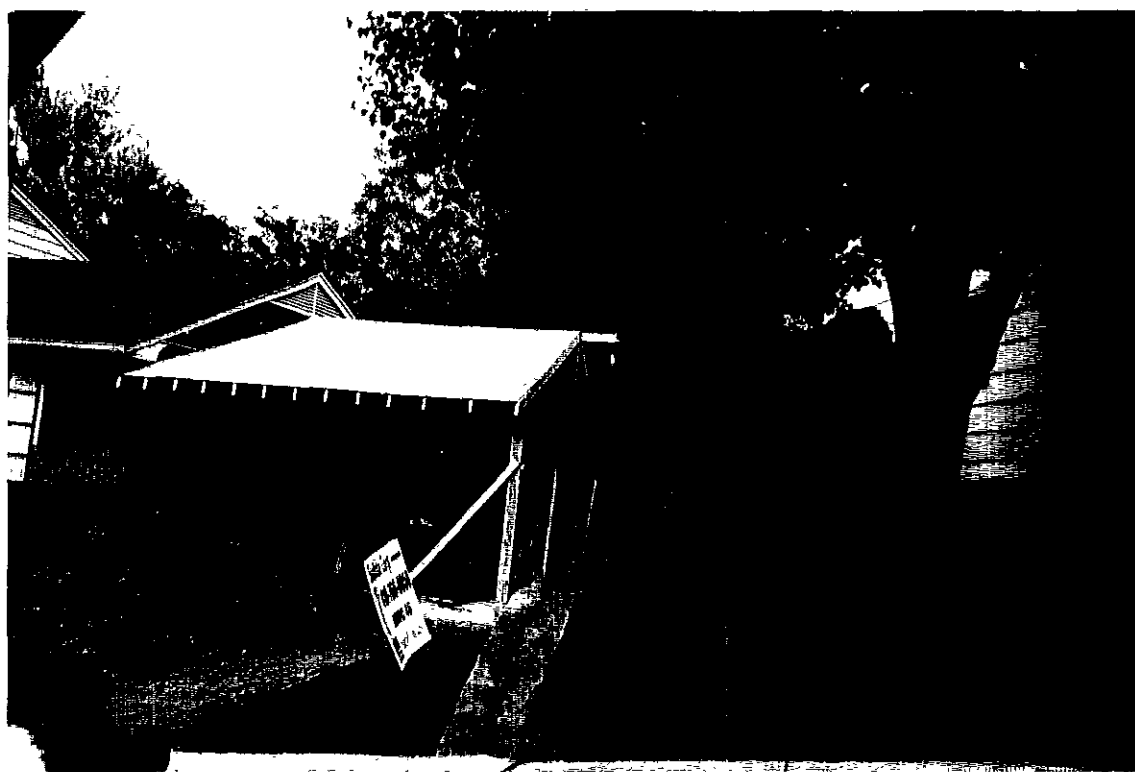
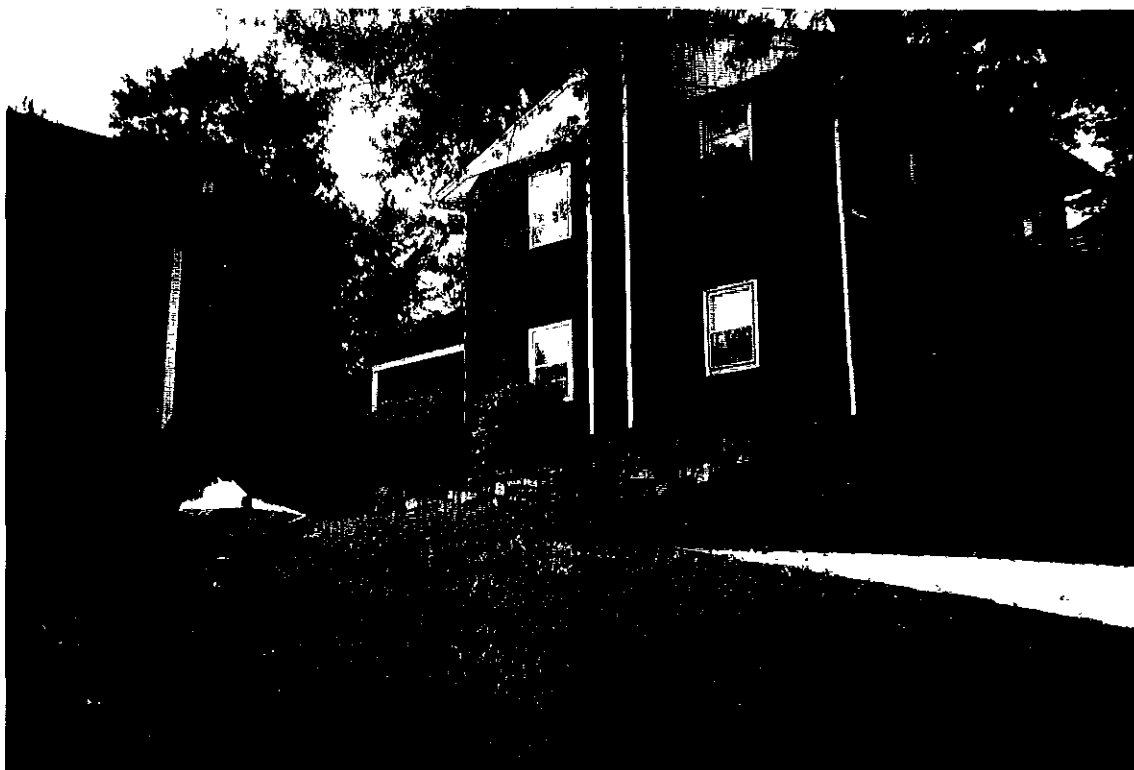
reviewed by: ITEM #: CASE #:

**113**

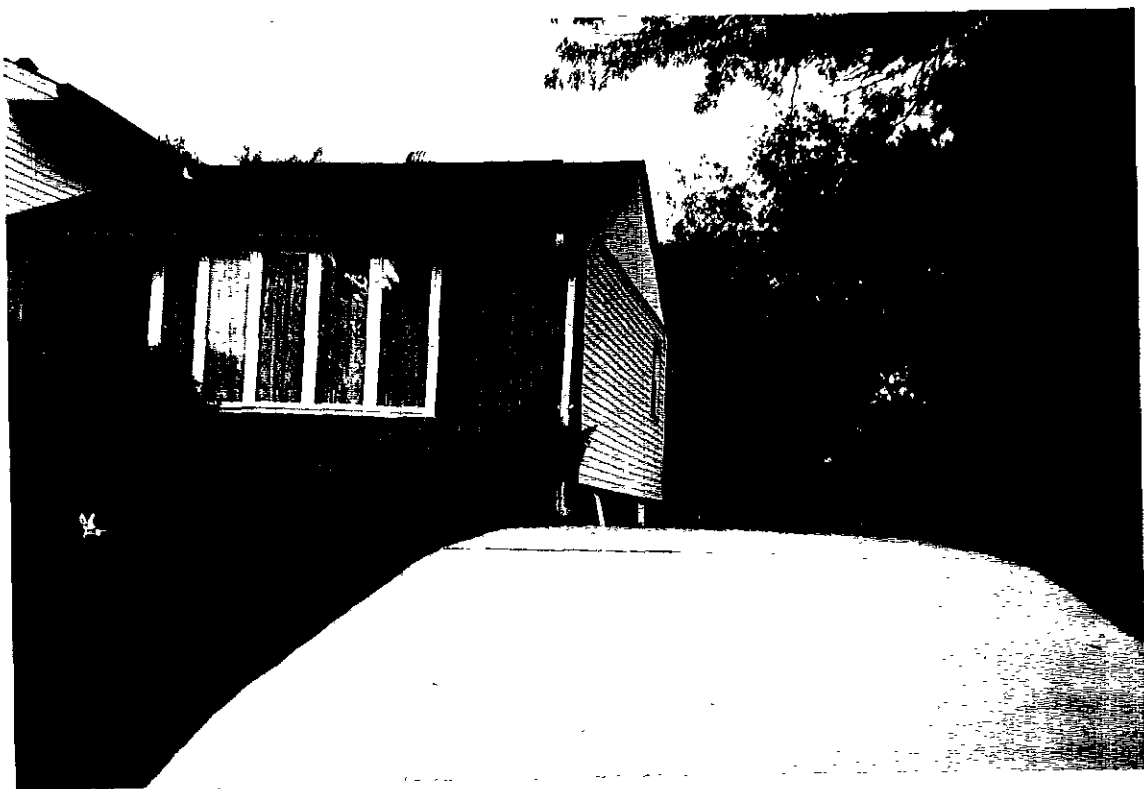
BLYD



01-113-A



01-113-A



01-113-A



Q1-113-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

| SCALE                                        | LOCATION   | SHEET       |
|----------------------------------------------|------------|-------------|
| 1" = 200'                                    | HALETHORPE | S.W.<br>7-D |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |            |             |