

IN RE: PETITION FOR ADMIN. VARIANCE  
S/S of Broadway Road, 28' W  
of Ridgemont Road  
8th Election District  
3rd Councilmanic District  
(1401 Broadway Road)

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 01-140-A

Anthony & Joyce Delauney  
Petitioners

\* \* \* \* \*

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, Anthony and Joyce Delauney. The variance request is for property located at 1401 Broadway Road, in the Lutherville area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. in lieu of the required 50 ft. for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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 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.

COPIES RECEIVED FOR FILING  
Date 10/25/00  
By R. Spitzer

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 25<sup>th</sup> day of October, 2000, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. in lieu of the required 50 ft. for an addition, 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

COPIES RECEIVED FOR FILING  
DATE 10/25/00  
BY R. J. [Signature]



Baltimore County  
Zoning Commissioner

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

October 25, 2000

Mr. & Mrs. Anthony C. Delauney  
1401 Broadway Road  
Lutherville, Maryland 21093

Re: Petition for Administrative Variance  
Case No. 01-140-A  
Property: 1401 Broadway Road

Dear Mr. & Mrs. Delauney:

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,

A handwritten signature in cursive script, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink  
on Recycled Paper

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

# 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: 1401 BROADWAY ROAD  
Address  
LUTHERVILLE MD 21093  
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):

FOR SECURITY PURPOSES WE WOULD LIKE TO PUT ON A GARAGE / ADDITION. THIS WOULD BE LOCATED AT THE END OF THE DRIVEWAY AND EXCESSABLE TO THE HOUSE. NEIGHBORS ON BOTH SIDES FEEL THIS WOULD BE GREAT!

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.

Anthony C. Delauney  
Signature  
ANTHONY C. DELAUNEY  
Name - Type or Print

Joyce O. Delauney  
Signature  
Joyce O. DELAUNEY  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of September, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Anthony C. Delauney & Joyce O. Delauney  
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

9/25/00  
Date

Carla Cuser  
Notary Public  
My Commission Expires 8/3/04



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1401 BROADWAY ROAD  
which is presently zoned RC-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) 1A04.3.B.2 (BC2R)

to permit an addition with a sideyard setback of 0 feet in lieu of the required 50 feet.

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.

Legal Owner(s):  
~~Government Purchases/Leases:~~

Legal Owner(s):

ANTHONY C. DELAUNEY →  
Name - Type or Print  
Anthony C. Delauney  
Signature  
1401 Broadway Road (410 252-8636)  
Address Telephone No.  
LUTHERVILLE MD. 21093  
City State Zip Code

ANTHONY C. DELAUNEY  
Name - Type or Print  
Anthony C. Delauney  
Signature  
JOYCE O. DELAUNEY  
Name - Type or Print  
Joyce O. Delauney  
Signature  
1401 BROADWAY ROAD 410-252-8636  
Address Telephone No.  
LUTHERVILLE MD 21093  
City State Zip Code

Attorney For Petitioner:

Representative to be Contacted:

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

SAME AS ABOVE  
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. 01-140-A

Reviewed By JNP Date 9/26/00

REV 9/15/98

Estimated Posting Date 10/8/00

ZONING DESCRIPTION FOR 1401 BROADWAY ROAD

One acre  $\pm$  located on the south side of Broadway Road, <sup>28</sup> feet west of <sup>Ridgemont</sup> Road. The lot is N85°55'00E 100.00 feet, S00°22'17"W 404.27 feet, N01°51'00E 398.60 feet, N89°21'00W 110.00 feet, located in the 8th election district.

01-140-A

#140

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET & FINANCE**  
**MISCELLANEOUS RECEIPT**

No. **36865**

DATE 9/26/00 ACCOUNT R-001-6150  
 AMOUNT \$ 50.00

RECEIVED FROM: Joyce Velazquez  
 FOR: Administrative Variation  
1401 Ernsbary Road (0-140-A)

DISTRIBUTION  
 WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT  
 PAID RECEIPT  
 DATE 9/26/2000 11:52 AM  
 RECEIVED BY JOYCE VELAZQUEZ  
 RECEIPT # 17886  
 OR NO. 00000  
 BALANCE \$50.00  
 BALANCE \$0.00  
 BALANCE COUNTY, MARYLAND

**01-140-A**

CASHIER'S VALIDATION

01-140-A

**CERTIFICATE OF POSTING**

**RE: CASE # 01-140-A  
PETITIONER/DEVELOPER  
(Anthony Delayney)  
DATE OF Closing  
( 10-23-00)**

**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  
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

**1401 Broadway Road Baltimore, Maryland 21093\_\_\_\_\_**  
\_\_\_\_\_

**THE SIGN(S) WERE POSTED ON \_\_\_\_\_ 10-6-00 \_\_\_\_\_**  
**(MONTH, DAY, YEAR)**

**SINCERELY,**

  
**(SIGNATURE OF SIGN POSTER & DATE)**

\_\_\_\_\_**THOMAS P. OGLE SR.**\_\_\_\_\_

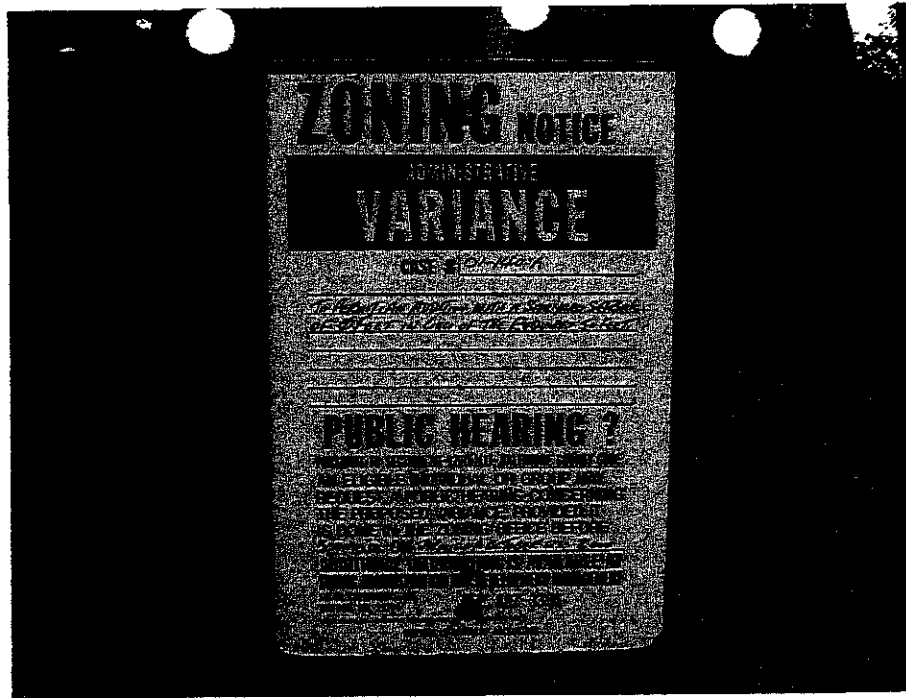
\_\_\_\_\_**325 NICHOLSON ROAD**\_\_\_\_\_

\_\_\_\_\_**BALTIMORE, MARYLAND 21221**\_\_\_\_\_

\_\_\_\_\_**410-687-8405**\_\_\_\_\_

**(TELEPHONE NUMBER)**





1401 Broadway Road

**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: 01-140-A  
Petitioner: Anthony + Joyce Delauney  
Address or Location: 1401 BROADWAY ROAD LUTHERVILLE MD 21093

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Anthony + Joyce Delauney  
Address: 1401 BROADWAY ROAD  
LUTHERVILLE, MD 21093  
Telephone Number: 410-252-8636

Revised 2/20/98 - SCJ

01-140-A

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 01- 140 -A Address 1401 Broadway Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 9/26/00 Posting Date: 10/8/00 Closing Date: 10/23/00

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

- 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.
- 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.
- 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.
- 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- 140 -A Address 1401 Broadway Road

Petitioner's Name Anthony & Joyce Delayney Telephone 410-252-8636

Posting Date: 10/8/00 Closing Date: 10/23/00

Wording for Sign: To Permit an addition with a side yard setback of 0 feet in lieu of the required 50 feet.

**01-140-A**



Baltimore County  
Department of Permits and  
Development Management

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

October 23, 2000

Joyce C. & Anthony C. Delauney  
1401 Broadway Road  
Lutherville, MD 21093

Dear Mr. & Mrs. Delauney:

RE: Case Number: 01-140-A, 1401 Broadway Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 26, 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. GDZ  
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits & Development Mgmt.

**DATE:** November 9, 2000

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 16, 2000  
Item Nos. 118, 136, 137, 138, 140, 141,  
142, 143, 144, and 145

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

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

October 12, 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 OCTOBER 10, 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:

118, 137, 140, 141, 142, 144, 145, 146, 147,

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)

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon  
FROM: R. Bruce Seeley *RBS*  
DATE: October 19, 2000  
SUBJECT: Zoning Petitions  
Zoning Advisory Committee Meeting of October 10, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
118	9616 Reisterstown Road
136	1501 Francke Avenue
137	7659 Old Battle Grove Road
138	6300 Baltimore National Pike
139	8335 Philadelphia Road
140	1401 Broadway Road
141	15 Bright Sky Court
142	14400 Green Road
144	8204 Anita Road
145	404 Kauffman Road

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

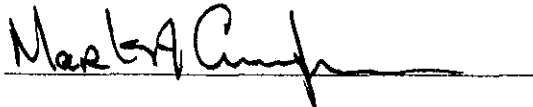
**DATE:** October 25, 2000

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

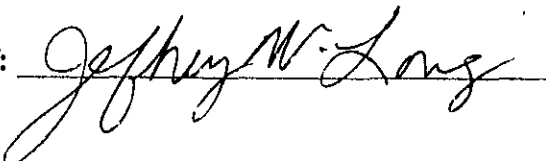
**SUBJECT:** Zoning Advisory Petition(s): Case(s) 01-135, 01-140, 01-141, and 01-145.

The Office of Planning has reviewed the above referenced case(s) 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: 10.11.00

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

RE: Baltimore County  
Item No. 140 JNP

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

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

Mr. Morton Swimmer  
1337 Broadway Road  
Lutherville, MD 21093

September 7, 2000

To Whom It May Concern,

I have been informed by my neighbors, Tony and Joyce Delauney, living at 1401 Broadway Road, that they are looking into the possibility of putting on an addition next to their property line. This would be on the left side of their house closest to my home. We have discussed this and I feel it would be great and a benefit for us both. I wish them the best of luck on this addition. Please contact me if you have any questions.

Sincerely,



Morton Swimmer

01-140-A

#140

R.C. 5

RIDGEMONT ROAD  
CHIPPENDALE

ROAD

BROADWAY

SITE

SITE

RD.

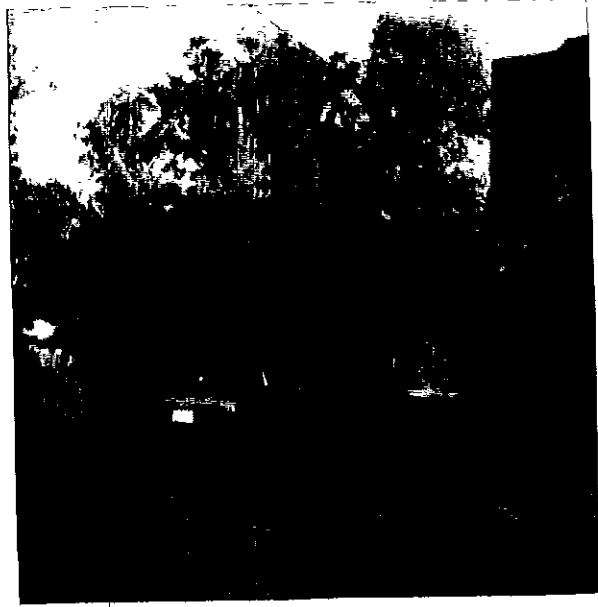
ODLAND

R.C. 5

NW 14-D  
11152001

#140





1401 Broadway Road  
Proposed addition site

#140



1401 Broadway Road  
Proposed addition site

#140

01-140-A



1401 Broadway Rd  
Proposed addition site

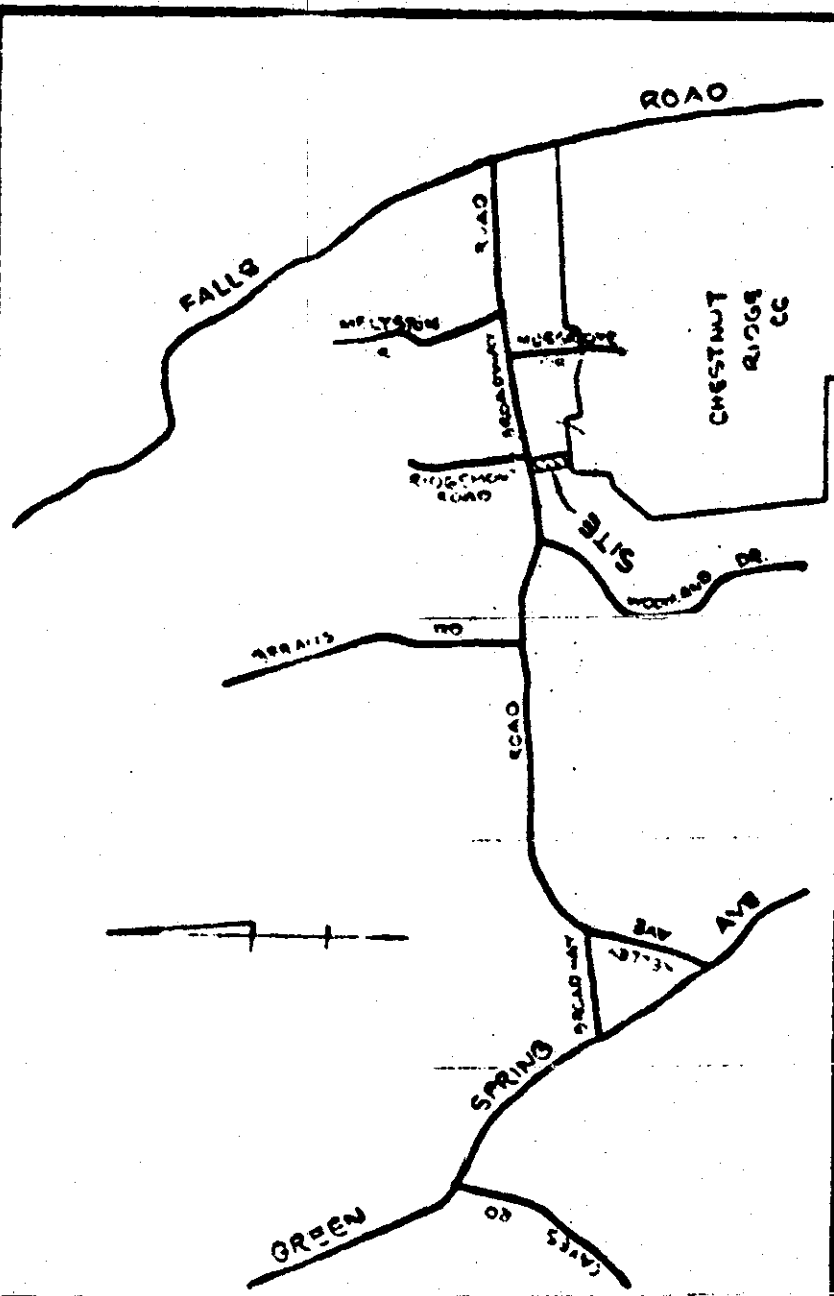
#140



1401 Broadway Road  
Proposed addition site

#140

01-140-A



VICINITY MAP  
SCALE: 1" = 2000'

NOTES:

1. GROSS AREA OF SITE 0.265 AC.±
2. EXISTING ZONING OF SITE R.C. 5
3. PROPOSED VARIANCE: REQUESTING A VARIANCE TO SECTION 1404.3.3 TO PERMIT A SIDEYARD SETBACK OF 41' IN LIEU OF THE REQUIRED 50'. APPROVED 85-85-A
4. LOT SET FORTH ON MARCH 19TH, 1956 AS REMAINDER OF CONVEYANCE RECORDED IN LIBER 6.L.B. 2898 FOLIO 541.
5. REQUESTED VARIANCE: REQUESTING A VARIANCE TO SECTION 1404.3.3 TO PERMIT A SIDEYARD SETBACK OF 0' IN LIEU OF THE REQUIRED 50'.

01-140-A  
J.P.C.

PLAT TO ACCOMPANY  
PETITION FOR  
VARIANCE TO ZONING

AT

# 1401 BROADWAY ROAD

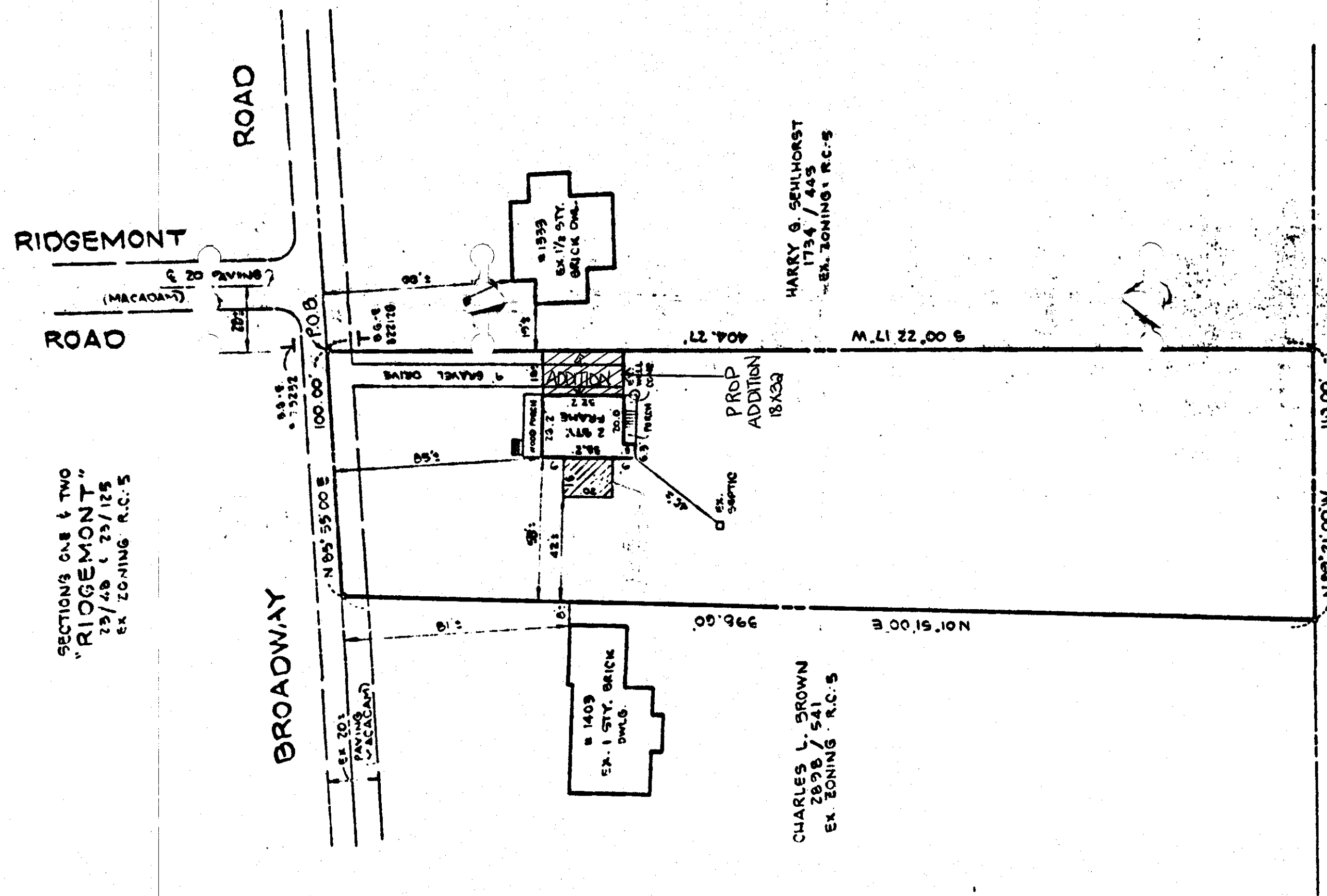
8TH. ELECTION DISTRICT BALTO. CO., MD.  
SCALE: 1" = 40'

Councilmanic District 3

OWNERS

ANTHONY CLAY & JAYCE DELANEY  
1401 BROADWAY ROAD BALTO. CO., MD. 21093  
DEED REFERENCE: 6002 / 42  
sewer: private  
water: private  
Chesapeake Bay Critical Area. No  
Prior Zoning hearing: 85-85-A

#140



SECTIONS ONE & TWO  
"RIDGEMONT"  
23/48 & 23/125  
EX. ZONING: R.C. 5

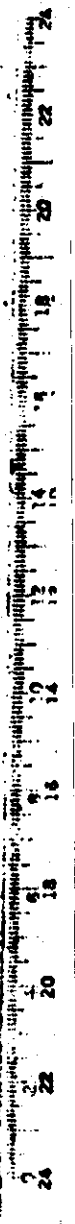
HARRY S. SEVILHORST  
1734 / 443  
EX. ZONING: R.C. 5

CHARLES L. BROWN  
2898 / 541  
EX. ZONING: R.C. 5

CHESTNUT RIDGE COUNTRY CLUB  
3918 / 181  
EX. ZONING: R.C. 5

DATE: SEPTEMBER 21, 2000  
PREPARED BY: Joyce Delaney  
Scale of Drawing: 1" = 40'

Zoning Office Use Only	ITEM #:	CASE #:
JNP	140	01-140-A



01-140-A

MICROFILMED

#140



SCALE	1" = 200' ±	LOCATION	BALTIMORE COUNTRY CLUB	SHEET	N.W. 14-D
DATE OF PHOTOGRAPHY	JANUARY 1966				

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401