

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – S/S Bush Street,
625' E of the c/l Winkler Street
(5209 Bush Street)
11th Election District
5th Council District

Michael A. Brazil, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-166-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Michael A. and Deborah J. Brazil. The Petitioners request a special hearing to confirm that the construction of a dwelling on a lot in a recorded subdivision is exempt from the provisions of Sections 259.4 through 259.9 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Honeygo Regulations), or, in the alternative, a variance from the applicable Honeygo Overlay District Standards to permit this lot to be developed with a single family dwelling, pursuant to Section 259.8 of the B.C.Z.R. In addition, the Petitioners request a variance from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 15 feet, and a rear yard setback of 30 feet in lieu of the required 40 feet. 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 in support of the request were Mr. & Mrs. Brazil, property owners, Mickey Cornelius, traffic engineer, and Howard L. Alderman, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a v-shaped parcel, containing a gross area of approximately 2 acres, more or less, zoned D.R.2H, and is located on the south side of Bush Street in Perry Hall. The property is actually comprised of three lots; namely, Lots 4, 9 and 10 of Forge Acres, which is an older subdivision that was recorded in the Land

ORDER RECEIVED FOR FILING
Date 12/2/11
By [Signature]

Records of Baltimore County in 1948. The recording and approval of subdivision plats at that time did not require the various County approvals that are mandated by law today. A copy of the subdivision plan was submitted into evidence as Petitioner's Exhibit 2.

In any event, the property has been in Mr. Brazil's family for nearly 30 years and was acquired by the Petitioners about 4 years ago. The Petitioners are desirous of developing the property with a single family dwelling. Due to the site constraints associated with this property, and it's location in the Honeygo District, the Petitioners request special hearing and variance relief, as noted above. As to the variance request, it is to be noted that the property has areas of forests, wetlands, and a significant number of environmental constraints, including being partially located in a floodplain. The Petitioners have had extensive negotiations with the Department of Environmental Protection and Resource Management (DEPRM) and as a result, the proposed area of disturbance has been limited. Specifically, the Petitioners cannot build in the forest buffer, floodplain, or wetlands areas. Thus, the building envelope is limited to only a portion of Lot 10, which is located to the rear of the parcel, a significant distance from Bush Street. As shown on the plan, the house will be sited with a 30-foot rear setback and a 10-foot side yard setback in lieu of the required 40 feet and 15 feet, respectively. It was indicated that these setbacks were a direct result of the environmental constraints associated with this property and DEPRM's requirement that any building be located in the area shown on the Environmental Constraints Map No. 4.

Based upon the testimony and evidence presented, I am persuaded to grant the variance from setback requirements. The Petitioners have shown that the relief requested complies with the requirements of Section 307 of the B.C.Z.R. Moreover, it is clear that there will be no detriment to the health, safety or general welfare of the surrounding locale.

The Petition for Special Hearing presents an interesting question. As noted above, the property is located in Perry Hall within the Honeygo District of Baltimore County and as such, would normally be subject to the requirements contained in Sections 259.4 through 259.9 of the B.C.Z.R. It is to be noted that Section 259.7 of the B.C.Z.R. does list certain exemptions from those regulations; however, the situation presented here is not directly identified therein. A Zoning

ORDER RECEIVED FOR FILING
Date 12/12/11
By [Signature]

Advisory Committee (ZAC) comment was received from the Department of Permits and Development Management (DPDM) in which they noted that "The plat which recorded Lot 10 was filed for approval in 1948. This plat does not have a Planning Commission or Board approval. Without this approval, we are at a loss to qualify 'the applicant' as exempt, although due to the fact that this is a lot in a build-out subdivision with public sewer and water, we feel an exemption is appropriate." I agree. Surely, it was the intent of the Honeygo regulations to provide guidance and regulation for the proposed subdivision of vacant land. To the contrary, this is an in-fill lot in a previously recorded subdivision. The natural features of the site and environmental constraints associated therewith prohibited any development on the subject lot for many years. In my judgment, the property should be exempt from the Honeygo regulations. Thus, the Petition for Special Hearing shall be granted, and that portion of the variance request seeking relief from the Honeygo regulations set forth in Section 259.8 of the B.C.Z.R. shall be dismissed as moot. It should also be noted that a letter from the Perry Hall Improvement Association indicated that they have no objections to the requested relief, and "urges" its approval.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of December, 2000 that the Petition for Special Hearing to confirm that the construction of a dwelling on a lot in a recorded subdivision is exempt from the provisions of Section 259.4 through 295.9 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Honeygo Regulations), be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 15 feet, and a rear yard setback of 30 feet in lieu of the required 40 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

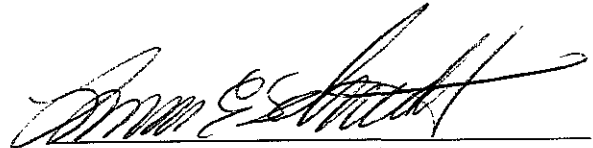
ORDER RECEIVED FOR FILING

Date

By

- 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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the applicable Honeygo Overlay District Standards to permit this lot to be developed with a single family dwelling, pursuant to Section 259.8 of the B.C.Z.R., be and is hereby DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 12/27/00
By [Signature]

**IN RE: PETITION FOR VARIANCE and
SPECIAL HEARING
5209 Bush Street
s/s Bush Street 625' East of Winkler
Street
11th Election District
5th Councilmanic District**

Deborah J. & Michael A. Brazil, Owners

Petitioners

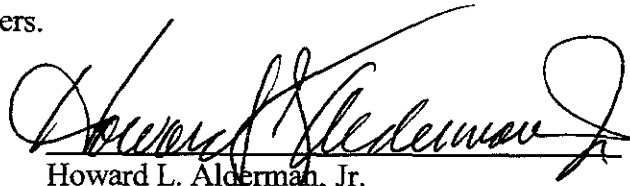
**BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY**

Case No. 01-166-SPHA

ENTRY OF APPEARANCE

Mr. Commissioner:

Please enter the appearance of the undersigned legal counsel in the above-captioned matter
on behalf of the above-captioned Petitioners.



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204
410.321.0600 [voice]
410.296.2801 [fax]
Halderman@LevinGann.com [e-mail]

Attorneys for Petitioners/Owners

Date: November 30, 2000

*Bitte -
this case I
heard last
week*



Baltimore County
Zoning Commissioner

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

December 11, 2000

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING and VARIANCE
S/S Bush Street, 625' E of Winkler Street
(5209 Bush Street)
11th Election District – 5th Councilmanic District
Michael A. Brazil, et ux - Petitioners
Case No. 01-166-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Michael Brazil
210 Cove Road, Baltimore, Md. 21221
DEPRM; People's Counsel; Case File



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



FLOODPLAIN Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5209 Bush Street
which is presently zoned DR2H

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should confirm the construction of a dwelling on a lot in a recorded subdivision as being exempt from the provisions of Section 259.4 thru 259.9 BCZR (Honeygo Regulations).

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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):

Michael A. Brazil
Name - Type or Print

Michael A. Brazil
Signature

Deborah J. Brazil
Name - Type or Print

Deborah J. Brazil
Signature

210 Cove Road 687-2512
Address Telephone No.

Baltimore, MD. 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING —

Reviewed By VL Date 10/13/00

ORDER RECEIVED FOR FILING

Case No. 01-166-SPHA

Date 10/15/98
By [Signature]



FLOODPLAIN Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5209 Bush Street

which is presently zoned DR2H

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) 1 BOZ. 3.C. 1 TO PERMIT A SIDE

YARD SETBACK OF 10 FT. AND A REARYARD SETBACK OF 30 FT. IN LIEU OF THE REQUIRED 15 FT. AND 40 FT. RESPECTIVELY, ALSO AS AN ALTERNATIVE TO THE SPECIAL HEARING TO VARIANCE THE APPLICABLE HOMEYGO OVERLAY DISTRICT STANDARDS TO ALLOW THIS LOT TO BE DEVELOPED WITH A SINGLE FAMILY DWELLING PER SECT. 259.8 BCZR.

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

To be determined at Hearing.

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

Case No. 01-166-SPHA

REC 9/15/98

Legal Owner(s):

Michael A. Brazil

Name - Type or Print

Michael A. Brazil

Signature

Deborah J. Brazil

Name - Type or Print

Deborah J. Brazil

Signature

210 Cove Road 410-338-3016

Address

Telephone No.

Baltimore, MO. 21221

City

State

Zip Code

Representative to be Contacted:

Name

See above

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Reviewed By JL Date 10/13/00

166

Zoning Description for 5209 Bush Street

Beginning at a point in the south side of Bush Street which is 50 feet wide at the distance of 625 feet East of the centerline of the nearest improved intersecting street Winkler Street, which is 50 feet wide. Then the following courses and distances. West 30' along the south side of the right of way of Bush Street, then southerly 200 feet, westerly 170 feet, southerly 200 feet, easterly 400 feet, northerly 200 feet, westerly 200 feet then northerly 200 feet back to the point of beginning. Being lot #10 in the subdivision of Forge Acres recorded in Plat Book 14 Folio 088 and lot # 9 as referenced in deed Folio # 0011635 page 184-186. Also, known as 5209 Bush Street in the 11th Election District and the 5th Councilmanic District.

01-166-SPHA

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

JK 166 No. **86891**

DATE

10/13/00

ACCOUNT

Res 16150

AMOUNT

\$ *100.00*

RECEIVED
FROM:

RES 211

FOR:

Res SPHA

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE	AMOUNT	TIME
0/13/2000	10/13/2000	09:36:15
DEPT 5	CASHIER JRIC JMC BROOKER	
RECEIPT #	029025	
TR NO.	086991	
Receipt Tot	100.00	
100.00	100.00	
Baltimore County, Maryland		

01-166-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

**RE: CASE # 01-166-SPHA
PETITIONER/DEVELOPER
(Deborah J. Brazil)
DATE OF Hearing
(11-30-00)**

**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**

5209 Bush Street Baltimore , Maryland 21128_____

THE SIGN(S) WERE POSTED ON _____ 11-11-00 _____
(MONTH, DAY, YEAR)

SINCERELY,



(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)

NOTICE OF ZONING HEARING

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

Parcel No. 1-06-SP-1A
8209 Bush Street

S/S Bush Street, 825 feet E of Winkler Street

The Election District - 5th Councilmanic District

Special Hearing, to confirm the construction of a dwelling

on a lot in a recorded subdivision as being exempt from the

Honeygo Regulations. Variance to permit a side yard set

back of 10 feet and a rear yard setback of 30 feet in lieu of

the required 15 feet and 40 feet, respectively, also as an alternative to the special hearing to validate the applicable

Honeygo Overlay District Standards to allow this lot to be

developed with a single family dwelling.

Hearing: Thursday, November 30, 2000 at 11:00 a.m. in

Room 407, County Courts Building, 401 Basset Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for site-

visit accommodations. Please Contact the Zoning Commis-

sioner's Office at (410) 887-4386.

(2) For information concerning the file and/or Hearing, contact the Zoning Review Office at (410) 887-3381.

17/1/852 No. 14

0484048

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/16/, 2000

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 1 successive weeks, the first publication appearing on 11/14/, 2000.

THE JEFFERSONIAN,
S. Williams Sr.

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
5209 Bush Street, S/S Bush St, 625' E of Winkler St
11th Election District, 5th Councilmanic

Legal Owner: Michael A. & Deborah J. Brazil
Petitioner(s)

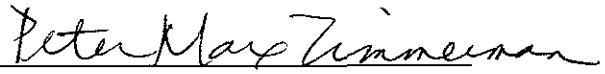
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-166-SPHA

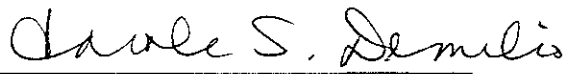
* * * * *

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.

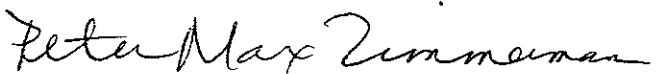
All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

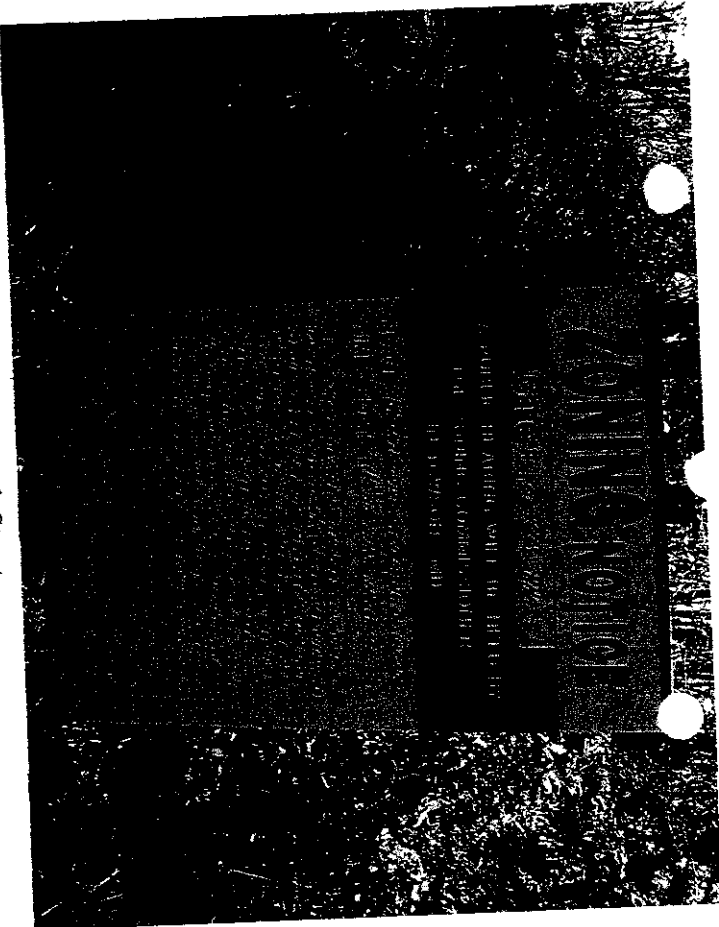

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 2000 a copy of the foregoing Entry of Appearance was mailed to Michael A. & Deborah J. Brazil, 210 Cove Road, Baltimore, MD 21221, Petitioners.


PETER MAX ZIMMERMAN

5209 Bush Street





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 19, 2000

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: 01-166-SPHA
5209 Bush Street
S/S Bush Street, 625 feet E of Winkler Street
11th Election District – 5th Councilmanic District
Legal Owners: Deborah J. & Michael A. Brazil

Special Hearing to confirm the construction of a dwelling on a lot in a recorded subdivision as being exempt from the Honeygo Regulations. Variance to permit a side yard setback of 10 feet and a rear yard setback of 30 feet in lieu of the required 15 feet and 40 feet, respectively; also as an alternative to the special hearing, to variance the applicable Honeygo Overlay District Standards to allow this lot to be developed with a single family dwelling.

HEARING: Thursday, November 30, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with the initials "GJZ" written below it.

Arnold Jablon
Director

C: Deborah J. & Michael A. Brazil, 210 Cove Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 13, 2000.**
(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
Tuesday, November 14, 2000 Issue – Jeffersonian

Please forward billing to:

Deborah Brazil
210 Cove Road
Baltimore, MD 21221

410 687-2512 or 410 338-3016

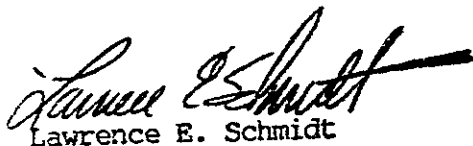
NOTICE OF ZONING HEARING

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: 01-166-SPHA
5209 Bush Street
S/S Bush Street, 625 feet E of Winkler Street
11th Election District – 5th Councilmanic District
Legal Owners: Deborah J. & Michael A. Brazil

Special Hearing to confirm the construction of a dwelling on a lot in a recorded subdivision as being exempt from the Honeygo Regulations. Variance to permit a side yard setback of 10 feet and a rear yard setback of 30 feet in lieu of the required 15 feet and 40 feet, respectively; also as an alternative to the special hearing, to variance the applicable Honeygo Overlay District Standards to allow this lot to be developed with a single family dwelling.

HEARING: Thursday, November 30, 2000 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt
GJZ

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 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.

For Newspaper Advertising:

Item Number or Case Number: 01 166 SPHA
Petitioner: Michael & Deborah Brazil
Address or Location: 5209 Bush Street

PLEASE FORWARD ADVERTISING BILL TO:

Name: Deborah Brazil
Address: 210 Core Road
Baltimore, MD. 21221
Telephone Number: 410-687-2512 or 410-338-3016

Revised 2/20/98 - SCJ

01-166-SPHA

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 5209 Bush Street

Subdivision name: Forge Acres

plat book # 14, lot # 088, lot # 9+10, section # —

OWNER: Michael + Deborah Brazil

See "Site Plan" attached "24x36"

See plan "Site 24x36"

North
date: 10/2/80
prepared by: D. Brazil Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Vicinity Map
North
Scale: 1"=1000'

Election District: 11th

Councilmanic District: 5th

1"=200' scale map: NE 113

Zoning:

Lot size: 2450 ft 9000

acreage square feet

SEWER: ☒ public ☐ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: none

Zoning Office USE ONLY

reviewed by: ITEM #: CASE #:



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 27, 2000

Deborah J. & Michael A. Brazil
210 Cove Road
Baltimore, MD 21221

Dear Mr. & Mrs. Brazil:

RE: Case Number: 01-166-SPHA, 5209 Bush Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 13, 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 24, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For October 30, 2000
Item No. 166

The Bureau of Development Plans Review has reviewed the subject zoning item. The lot lines on the submitted plan do not match the lots laid out on the recorded record plat of Forge Acres 14/88. If this is the case, a lot line adjustment may be required.

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

October 26, 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 23, 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:

160, 161, 162, 164, 165, and 166

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



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 27, 2000

SUBJECT: Zoning Item #166
5209 Bush Street

Zoning Advisory Committee Meeting of October 23, 2000

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X Development of the property must comply with the conditions to the variance from the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains which is on file at DEPRM.

Reviewer: Paul Dennis

Date: October 27, 2000

11/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 30, 2000

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

SUBJECT: 5209 Bush Street

INFORMATION:

Item Number: 01-166

Petitioner: Michael A. Brazil

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning defers to the position of DEPRM in this matter. Should the applicant's request be granted, this office recommends a condition be placed in the order requiring a landscape buffer along the driveway adjacent to the Aston property.

Prepared by: Mark A. Cunniff

Section Chief: Jeffrey M. Long

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.23.00

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

RE: Baltimore County
Item No. 166

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

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: October 13, 2000

TO: Hearing Officer

FROM: John L. Lewis *JLL*
Planner II, Zoning Review

SUBJECT: Case Number 01-166-SPHA
5209 Bush Street
Subdivision: Forge Acres
Zoning: D.R.2-H

This is just to advise you that the Zoning Review staff was involved in trying to find a clear exemption to the Honeygo District overlay regulations for this lot.

The plat, which recorded lot 10, was filed for record in 1948. This plat does not have a Planning Commission or Board approval. Without this approval, we are at a loss to qualify them as exempt, although due to the fact that this is a lot in a built-out subdivision with public sewer and water, we feel an exemption is appropriate.

JLL:scj

01-166-SPHA

5211 Bush Street
White Marsh, MD 21162

May 27, 1998

Mr. and Mrs. Michael Brazil
210 Cove Road
Baltimore, Maryland 21221

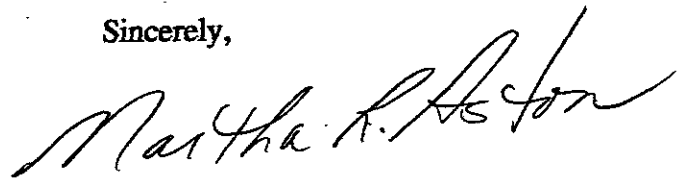
Dear Debbie and Michael:

This will confirm today's telephone conversation between you (Mrs. Brazil) and myself.

The call concerned your application for a building permit for your property which lies west and to the rear of my one acre tract at 5211 Bush Street. Although I sincerely hope you will be able to overcome all the obstacles, I cannot grant you a right-of-way or an easement across my property.

If I can be of assistance in any other way, please let me know.

Sincerely,

A handwritten signature in cursive script, reading "Martha R. Aston". The signature is fluid and written in dark ink.

Martha R. Aston



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, Maryland 21128

<http://www.bcpl.net/~phia>

phia@mail.bcpl.net

November 29, 2000

The Honorable Lawrence Schmidt
Baltimore County Zoning Commissioner
County Courthouse
Towson, MD 21204

Dear Mr. Schmidt:

On November 30, you will hear a variance request by the Brazil family for their property in the Honeygo/Forge Heights area of Perry Hall.

The Perry Hall Improvement Association has no objection to this request and urges its approval.

Sincerely:


David Marks
President

11 Dec 00

Carry

Re: Brazil Property

01-166-SPHA

The issue on Honeygo is that PDM treats a subdivision plot that has received Planning Board / Planning Commission approval as being VESTED and, therefore, unaffected by the Honeygo regulations. The Brazil Property is part of a recorded subdivision that, ~~based~~ ^{posed} on PDM's "policy" is not vested.

Howard

410-321-0600

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Deborah J. Brazil

210 Cove Road 21221

Michael A. Brazil

210 Cove Road 21221

MIKEY CORNELIUS

9900 FRANKLIN SQ DR STE. H
BALTIMORE MD 21236

Howard L Alderman Jr

802 Washington Ave S. Kensington

Town MD 21200



October 10, 2000

Arnold Jablon
Director, PDM
111 W. Chesapeake Avenue
Towson, Maryland 21204

**RE: Forge Acres Lots 9 & 10 (Bush Street)
Block K, Plat Book 14, Folio 088**

Dear Mr. Jablon:

My husband and I own 2 acres in Forge Acres in White Marsh, Maryland . The property is located in the Honeygo Overlay District, zoned DR 2H. The subdivision was approved in 1948 or 1949. The surrounding properties were developed in the 1950's and 60's.

My question at this time would be whether our property would be exempt from the requirements of the Honeygo Overlay District as these are existing (infill) lots within this subdivision. All surrounding properties have been hooked up to the existing public sewer system.

I would appreciate a response as soon as possible. Thank you.

Sincerely,

Deborah J. & Michael A. Brazil
210 Cove Road
Baltimore, Maryland 21221



Enclosure: Check # 5146 for \$10.00



Baltimore County
Department of Permits and
Development Management

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

October 19, 2000

Deborah & Michael Brazil
210 Cove Road
Baltimore, MD 21221

RE: Forge Acres Lot 10, Block K (5209 Bush Street)
Plat Book 14, Folio 88
11th Election District



Dear Mr. and Mrs. Brazil,

Your October 10, 2000 letter to Arnold Jablon, has been forwarded to me for reply. After extensive discussions regarding the unique circumstances of this lot, the Zoning Review Office had been unable to find a clear exception to the Honeygo District overlay regulations.

Unfortunately, the record plat applicable to Lot 10 was filed for record in 1948 and does not have Planning Commission or Planning Board approval. Without this approval, we are unable to qualify you as exempt from the Honeygo regulations.

However, your recent *petition filings for Special Hearing and Variance* appear to be the most appropriate action to address this situation. Since you have already paid considerable fees in relation to those petition filings, we are hereby returning your check for \$10.00.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

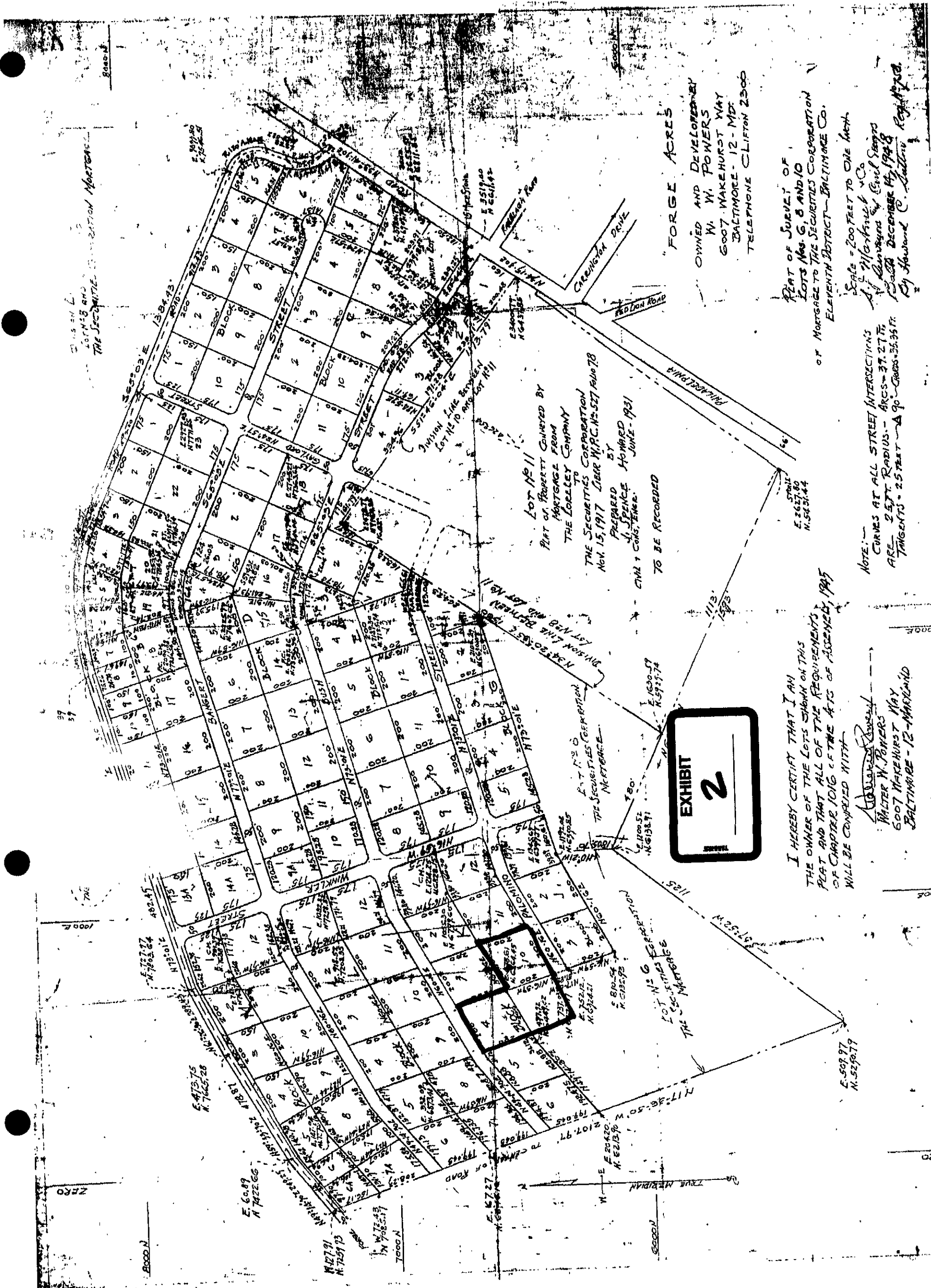
Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Perlow".

Jeffrey Perlow, Planner II
Zoning Review

JP:kll





"FORGE ACRES"
OWNED AND DEVELOPED BY
W. W. POWERS
6007 WAREHURST WAY
BALTIMORE - 12 - MD.
TELEPHONE CLIFTON 2300

PLAT OF SURVEY OF
LOTS Nos. 6, 8 AND 10
OF MORTGAGE TO THE SECURITIES CORPORATION
ELEVENTH DISTRICT - BALTIMORE CO.

Scale = 200 FEET TO ONE INCH.
S. J. Macfarlane & Co.
Surveyors & Civil Engineers
Baltimore, December 15, 1948
By Howard C. Clifton, Registered Professional Engineer

LOT NO 11
PART OF PROPERTY CONVEYED BY
MORTGAGE FROM
THE LORELEY COMPANY
TO
THE SECURITIES CORPORATION
NOV. 15, 1917 (Liber W.P.C. No. 517 Folio 78)
PREPARED BY
J. SPENCE HOWARD - 1931
CIVIL & CONVEYANCE
TO BE RECORDED

EXHIBIT
2

I HEREBY CERTIFY THAT I AM
THE OWNER OF THE LOTS SHOWN ON THIS
PLAT AND THAT ALL OF THE REQUIREMENTS
OF CHAPTER 106 OF THE ARTS OF ASSEMBLY 1945
WILL BE COMPLIED WITH

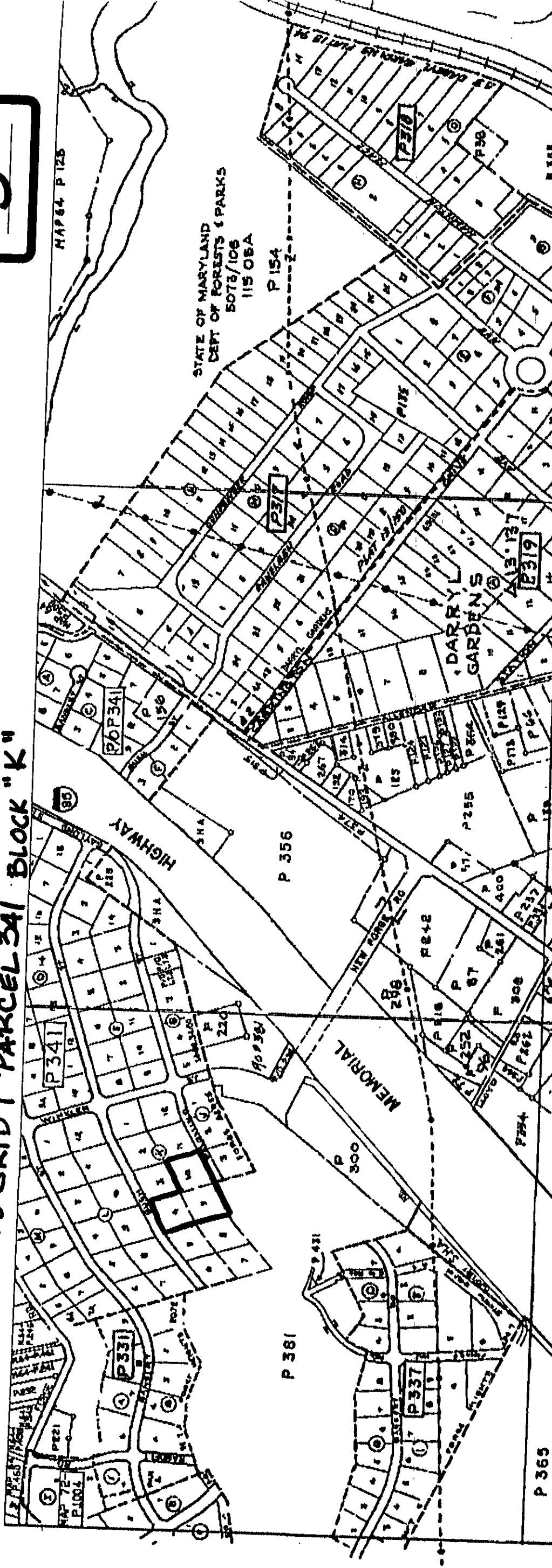
WALTER W. POWERS
6007 WAREHURST WAY
BALTIMORE - 12 - MARYLAND

NOTE:
CURVES AT ALL STREET INTERSECTIONS
ARE 25 FT. RADIUS - ARCS = 37.27 FT.
TANGENTS = 25 FEET - A 90° CROSS-SECTION

1840821mN
449403.6mE

TAX MAP 73 GRID 1 PARCEL 341 BLOCK "K"

EXHIBIT
3



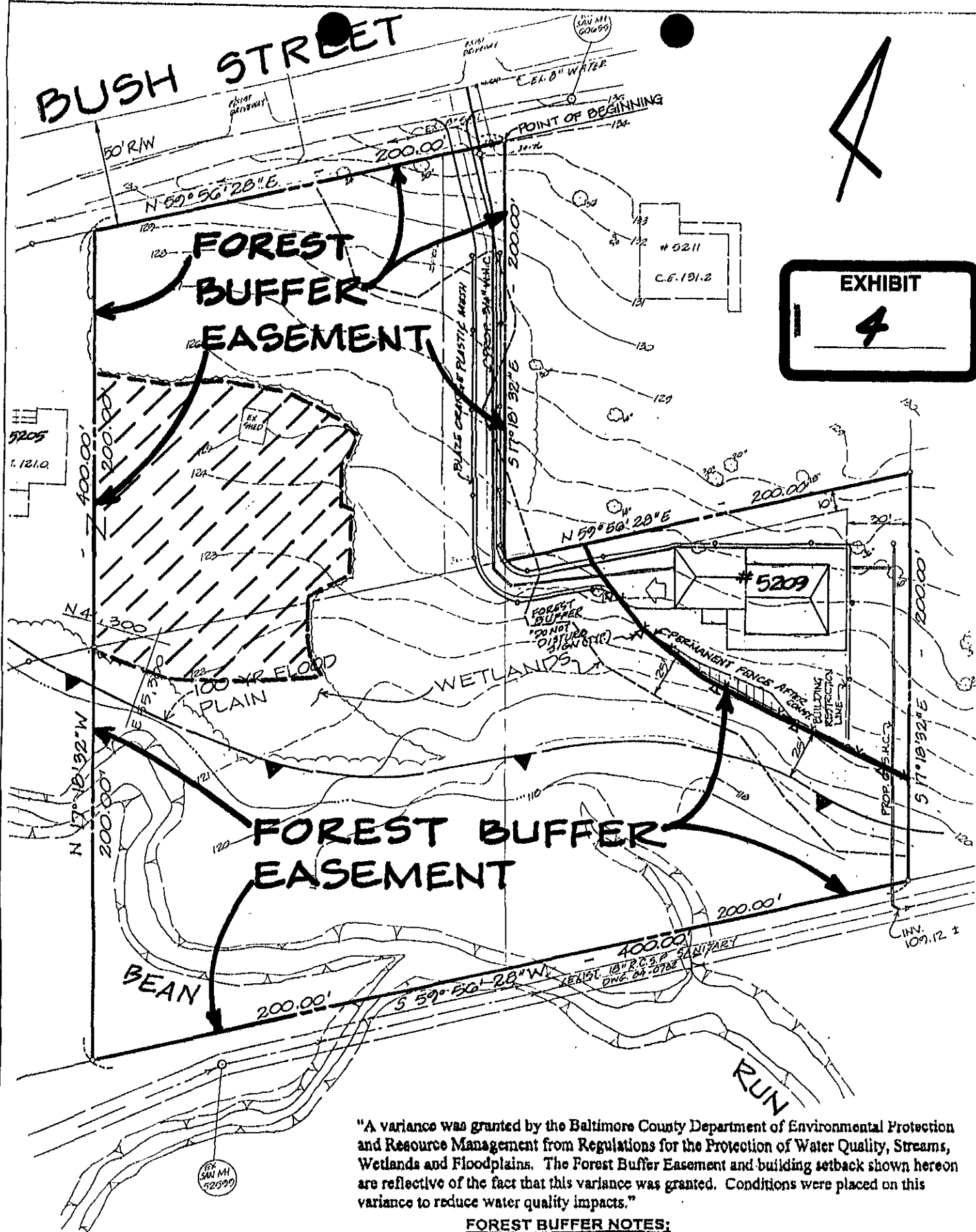


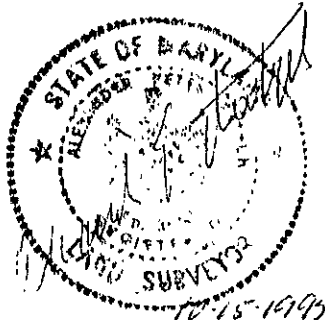
EXHIBIT
4

"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains. The Forest Buffer Easement and building setback shown hereon are reflective of the fact that this variance was granted. Conditions were placed on this variance to reduce water quality impacts."

FOREST BUFFER NOTES:
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

 - CONTINUED EXISTING USE AREA.



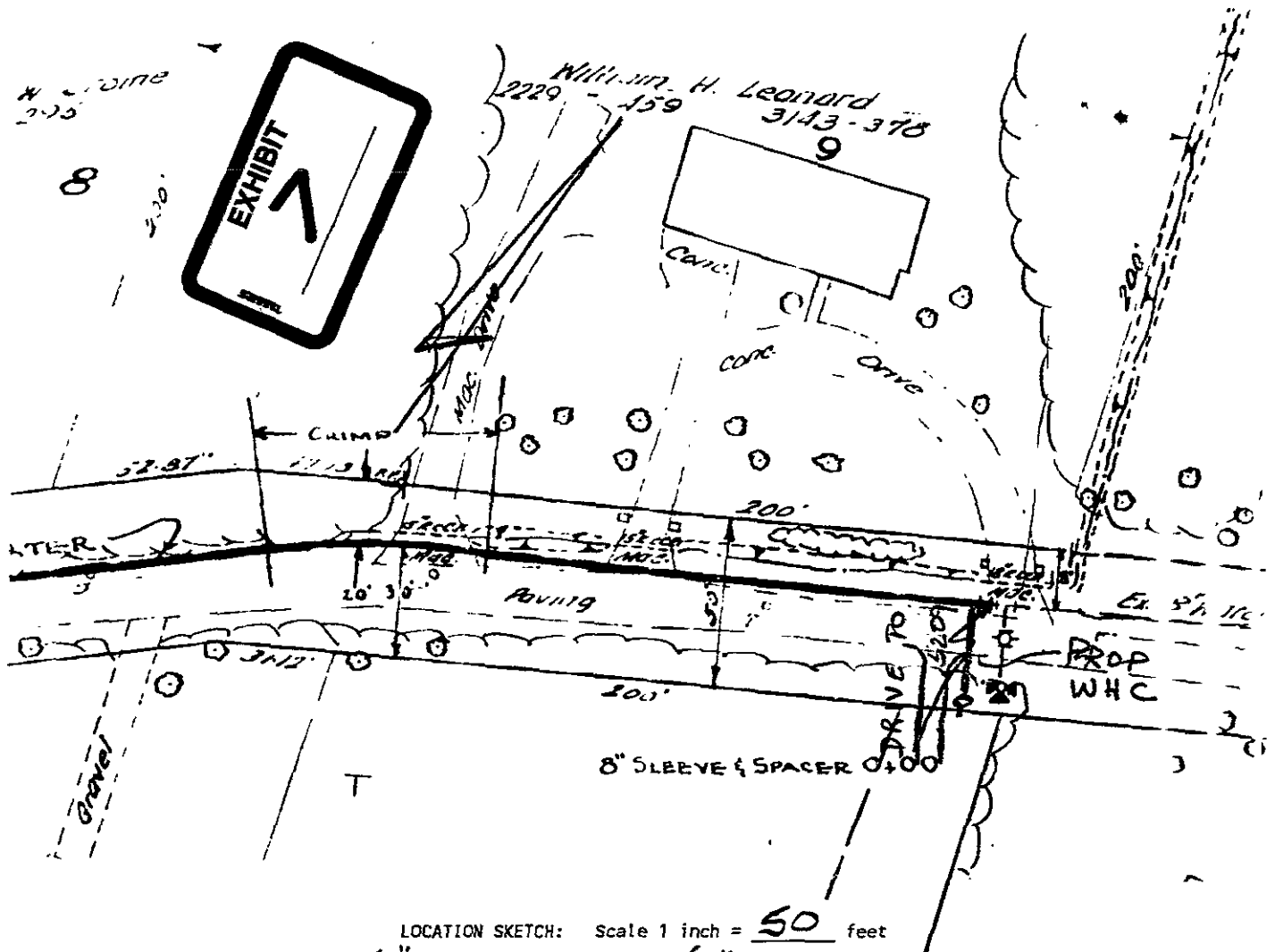
APR
APR ASSOCIATES, INC.
ENGINEERS • SURVEYORS

7427 HARFORD ROAD
BALTIMORE, MD. 21234-7160
410-444-4312 FAX: 410-444-1647
E-mail: apr444@erols.com

EXHIBIT 'A'
LOTS 4, 9 + 10
5209 BUSH STREET
11TH ELECTION DISTRICT
BALTO CO., MARYLAND
1" = 60' OCT. / 12 / 1999
SCALE: DATE

98015

**WATER SERVICE AND METER INSTALLATION OR ABANDONMENT
(5/8 INCH THROUGH 2 INCH SERVICE)**



LOCATION SKETCH: Scale 1 inch = 50 feet

Service Size: 3/4" Meter Size: 5/8" Standard Detail: W- 21

Reference Drawing No.: 58-129

1. Work within a Maryland State Road will require a Utility Construction Permit from the State Highway Administration, (410) 321-3456, and must be attached hereto.
2. All work within the county roadway shall be restricted to the hours of 9:00 A.M. to 3:00 P.M.
3. 48 hours prior to beginning work:
 - A) Make all notices required by Specification 105.07
 - B) Contact the Construction Contracts Administration Division (410) 887-3531 to arrange for inspection.
 - C) Contact the Baltimore City Bureau of Water and Wastewater (410) 396-7807 to arrange for inspection 72 hours before starting work.
 - D) Notify Miss Utility at 1-(800) 257-7777.
4. After receiving a Notice to Proceed, the contractor is to call the Water Meter Section at (410) 396-0170 to arrange to pick up the meter from the Baltimore City Department of Public Works, 200 N. Franklinton Road, Baltimore, MD 21223. The contractor must turn the owner's original cash slip over to Baltimore City to obtain the meter.
5. All work, including but not limited to installation, traffic control and repaving, is to be accomplished in accordance with the STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION of the Department of Public Works.
6. All work is to be performed by a Utility Contractor who is prequalified by the Baltimore County Department of Public Works.

BALTIMORE COUNTY	PROJECT NAME: <u>Brazil</u>	CONTRACT NO. <u>00340WS1,SS2</u>
DEPARTMENT OF	ADDRESS: <u>5209 BUSH ST</u>	JOB ORDER NO.
PUBLIC WORKS	ELECTION DISTRICT: <u>11</u>	COUNCIL DISTRICT: <u>5</u> <u>3-1-9140</u>

SANITARY SEWER SERVICE INSTALLATION

(K)

10

#5209

BUSH ST

Edgar and Antoinette M. Brazil
4786-356
2-069510

11

Edgar R. White
3438-31
11-23-035152

N 41°30'02" E
55816.35

M1
52528

EX 50' R/W

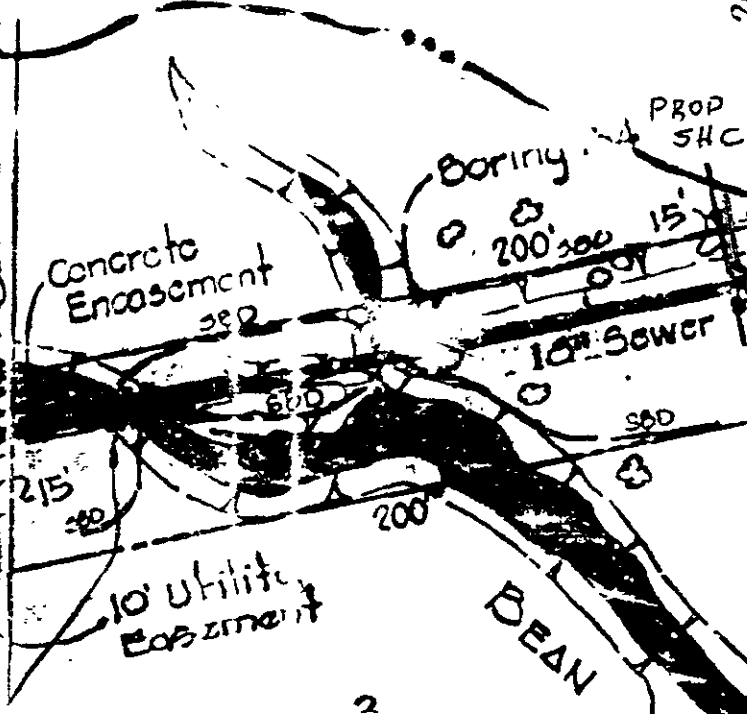
N 59°56'28" E
494.02'

TO PALOMINO RD

200' RD

Ex Well

Baltimore County
6198-462
037600



EXHIBIT

8

LOCATION SKETCH: Scale 1 inch = 50 feet

Service Size: 6"

Standard Detail: S-12A

Reference Drawing No.: 84

1. Work within a Maryland State Road will require a Utility Construction Permit from the State Highway Administration, (410) 321-3456, and must be attached hereto.
2. All work in the county roadway shall be restricted to the hours of 9:00 A.M. to 3:00 P.M.
3. 48 hours prior to beginning work:
 - A) Make all notices required by Specification 105.07
 - B) Contact the Construction Contracts Administration Division (410) 887-3531 to arrange for inspection.
 - C) Notify Miss Utility at 1-(800) 257-7777.
4. All work, including but not limited to installation, traffic control and repaving, is to be accomplished in accordance with the STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION of the Department of Public Works.
5. All work is to be performed by a Utility Contractor who is prequalified by the Baltimore County Department of Public Works.
6. Sanitary sewer house connections at the property line will be in accordance with Standard Detail S-12A.

BALTIMORE COUNTY

PROJECT NAME Brazil

CONTRACT NO.

DEPARTMENT OF

ADDRESS 5209 BUSH ST

00340WSI, 552

JOB ORDER NO.

PUBLIC WORKS

ELECTION DISTRICT: 11

COUNCIL DISTRICT: 5

1-1-9140

Pial to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 5209 Bush Street see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Forge Acres

plat book # 14, folio # 088, lot # 48+10, section # —

OWNER: Michael + Deborah Brazil

See "Site plan" on "14+36"

Sheet 1 of 2

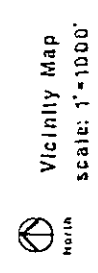


North

date: 10/2/80

prepared by: D. Brazil Scale of Drawing: 1" = 30'

See plan
"Site 24+36"



Vicinity Map
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: 11th

Councilmanic District: 5th

1" = 200' scale map #: NE 11d

Zoning: 2 + 60 ft

Lot size: 26,000 + 58 - ft
acreage square feet

public private

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: none

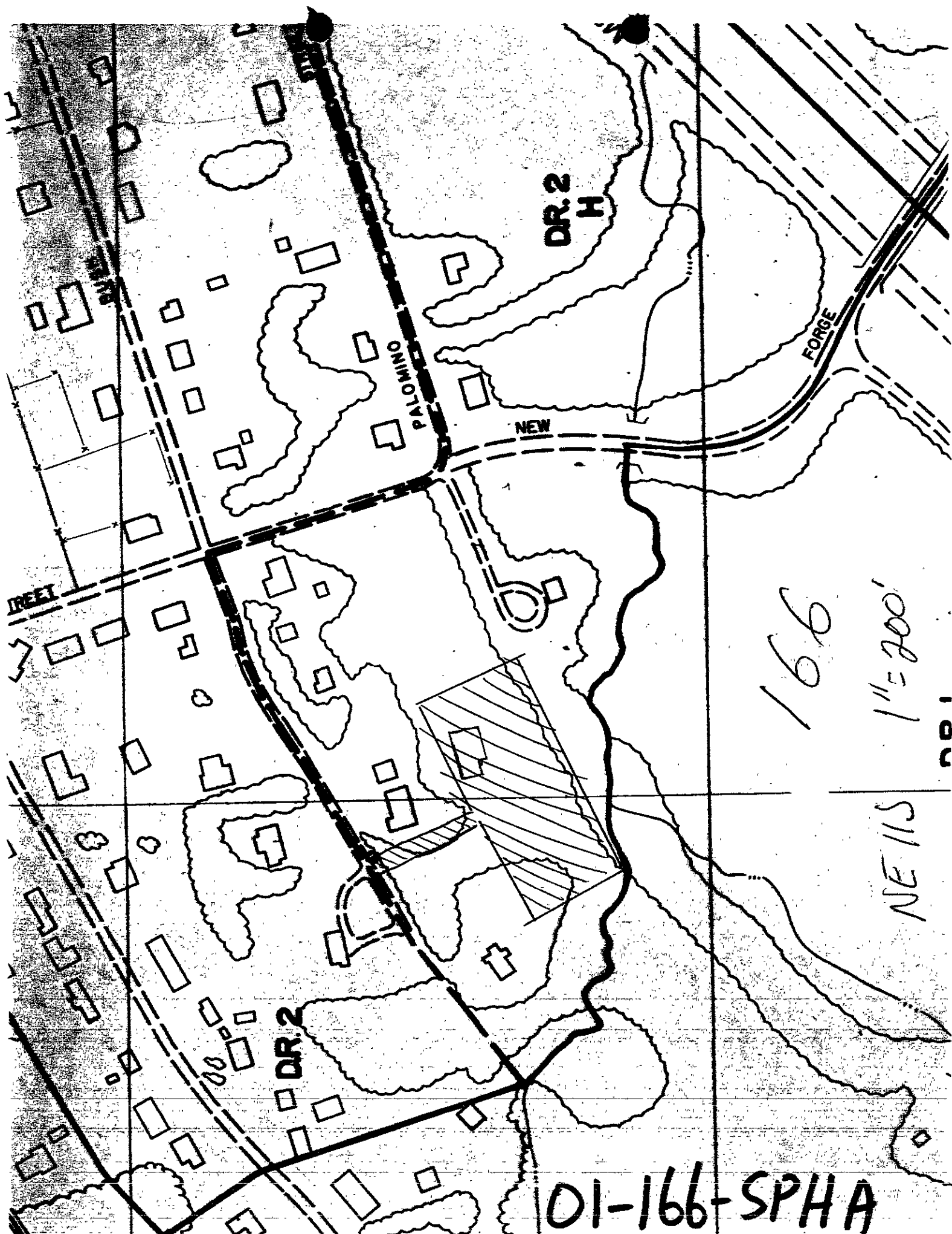
PART OF LOT IN 100 YR FLOOD ZONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

JL 166

01-166-SPHA





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

01-166-SPH4
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	LORELEY	N.E. 11-J

