ORDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

S/S Eastern Avenue, 459' NE of the c/l

**Brinkmans Road** 

(12417 Eastern Avenue) 15<sup>th</sup> Election District 5<sup>th</sup> Council District

Nellie V. Brydge

Petitioner

- **BEFORE THE**
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 02-040-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Nellie V. Brydge. The Petitioner seeks relief from Sections 302 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the required 10 feet, and a lot width of 50 feet in lieu of the required 55 feet, for an existing single family dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Nellie V. Brydge, property owner, and her son and daughter-in-law, Jerry Lynn Bridge, Jr. and Barbara Henrietta Brydge. There were no Protestants or other interested persons present.

The hearing in the above-captioned matter was conducted contemporaneously with the hearing held in companion Case No. 02-041-A for the adjacent property, known as 12419 Eastern Avenue, owned by the Petitioner's son and daughter-in-law. The property in the instant case is an irregular shaped parcel, 50 feet wide along its frontage on Brinkmans Road and approximately 250 feet deep; however, the lot widens to the rear to a width of 74.5 feet. The property contains a gross area of .377 acres, zoned B.L., and is improved with a single family dwelling, in which the Petitioner has resided for over 40 years, and a detached garage. Ms. Brydge is now widowed and lives alone.

The adjacent property, owned by the Petitioner's son and daughter-in-law, is 50 feet wide along both its front and rear property lines, and is also 250 feet deep. Apparently, that lot has been vacant for many years and has been maintained by Ms. Brydge for a long time. In this regard, Ms. Brydge indicated that ownership of that lot was uncertain. A review of the Land Records of Baltimore County apparently produced a deed for that lot dating back to the 1800s, but there has been no active ownership for many years. Apparently, the Brydges brought an action in the Circuit Court of Baltimore County and were ultimately successful in acquiring the property. Ms. Brydge has since conveyed the property to her son and daughter-in-law who wish to construct a single family dwelling thereon. In view of that proposal, relief is required in the instant case to legitimize the side yard setback for the existing dwelling and lot width.

As noted above, the lot is 50 feet wide at the road frontage, although it does widen towards the rear of the lot to 74.5 feet; however, it is less than 55 feet at the building line. Also, the existing dwelling is located 5 feet from the side property line adjoining the property now owned by her son and daughter-in-law.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. In my judgment, the property is unique by virtue of its irregular shape and the historic use and nature of the adjacent lot. I am persuaded that the Petitioner has met the requirements set forth in Section 307 of the B.C.Z.R. for relief to be granted. It is also to be noted that there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. Moreover, the Petitioner produced letters from her neighbors on both sides indicating their support for these proposals. The property is not located within the Chesapeake Bay Critical Areas; however, will be subject to compliance with the comments submitted by the Department of Environmental Protection and Resource Management relative to development of property insofar as wetlands, water quality, streams and floodplains.

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

SEDER RECEIVED FOR FILING VATE

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September, 2001 seeking relief from Sections 302 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of the required 10 feet, and a lot width of 50 feet in lieu of the required 55 feet, for an existing single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

Fax: 410-887-3468

October 1, 2001

Ms. Nellie V. Brydge 12417 Eastern Avenue Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE

S/S Eastern Avenue, 495' NE of the c/l Brinkmans Road

(12417 Eastern Avenue)

15th Election District - 5th Council District

Nellie V. Brydge - Petitioner

Case No. 02-040-A

Dear Ms. Brydge:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the 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. Jerry L. Brydge, Jr.
914 Barron Avenue, Baltimore, Md. 21221
People's Counsel; Case File



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	12417	Eastern	Aue
which is presently zoned BL			

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) 302, 1802.3.C.1 (BCZR)

TOVALEXISTING SINGLE FAMILY DWELLING TO HAVE A

SIDE YARD OF 5' AHD A LOT WIDTH OF 50' IN LIEU OF THE

REQUIRED 10' AMP 55' RESPECTIVELY.

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 discussed 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:		Legal Owner(s):
		Nellie V. Brydge
Name - Type or Print	<del></del>	Name - Type or Print
Signature		Signature V. Brydge
address	Telephone No.	Name - Type or Print
ity State	Zip Code	Signature 410
ttorney For Petitioner:		12417 Eastern Av. 686038 Address Telephone N
		Baltimore Md. 21220
ame - Type or Print		City State Zip Co.
		Representative to be Contacted:
ignature		T 1 0 1 a
ppan/		Name Name 1400 1700 1338
		914 Barron Ave 4) \$40-686-0382
iress	Telephone No.	
y State	Zip Code	Balta MD State Zip Cod
g	•	OFFICE USE ONLY
Dr.		<del></del>
ase No. 02-040-A		ESTIMATED LENGTH OF HEARING
		UNAVAILABLE FOR HEARING Reviewed By Com Date 7/20/0
20 9115198		Reviewed By CTM Date 7/20/0
115198 60		
<i>₹</i>		

**Property Description** 

Zoning description for 12417 Eastern Avenue beginning at a point on the

South side of Eastern Ave. which is 30 feet wide at the distance of 459 feet

North East of the centerline of Brinkman's Road which is 17 feet wide being

lot #6 in the subdivision of Shadowood as recorded in Baltimore County Plat

book # 4488 Folio # 268 containing 16,430 square feet. Also known as 12419

Eastern Ave. and located in the 15th Election District 5th Councilmanic

District.

Jerry Brydge

WK: 410-444-5000 ext. 338 or 237

7/19/01

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  DATE  7/20/20  ACCOUNT   COC   COC
No. 4006
4006

#48

#### MOTICE OF ZOMING HEARING ...

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

Case: #02-040-A 12417 Eastern Avenue
\$\sis \text{Eastern Avenue}\$
\$\sis \text{Eastern Avenue}\$, 459' NEcenterline Brinkmans Road
Legal Owner(s): Nellie V.
Brydge

Variance: to permit an existing single family dwelling to have a side yard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet

respectively.
Hearing: Monday, September 17, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT.
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations.
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) 8873391.

C490753 8/316-Aug. 30

## **CERTIFICATE OF PUBLICATION**

830,200
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 8 30 ,2001.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

## CERTIFICATE OF POSTING

RE: Case No.: _02 -040 - A		
Petitioner/Developer: <u>NELLIE</u> V		
	BRYDGE	
	Date of Hearing/Closing: 2/17/01	
Baltimore County Department of Permits and Development Managem County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	ent	
Attention: Ms. Gwendolyn Stephens	- -	
Ladies and Gentlemen:		
were posted conspicuously on the pro	alties of perjury that the necessary sign(s) required by law operty located at 12417 EASTERN AVE	
The sign(s) were posted on	9/2/01	
	(Month, Day, Year)	
	Sincerely,	
	(Signature of Sign Poster and Date)	
LIC REARING WILL BE RELOTED. E ZONING COMMISSIONER	SSG ROBERT BLACK	
Securior Committee San	(Printed Name)	
DOTT MEDICAL STREET, S	1508 Leslie Rd	
HY	(Address)	
	Dundalk, Maryland 21222	
	(City, State, Zip Code)	
	(410) 282-7940	
	(Telephone Number)	

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number: 02-040-A
Petitioner: Jerry Lynn Brydge Jr
Address or Location: 12419 EAStern Ave Baltimore Md 21221
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jerry Lynn Brydge Jr
Address: 12419 Eastern Ave Baltimore
Balto Md 21220
Telephone Number: (ω) 410-444-5000 x 338 (Η)

TO: PATUXENT PUBLISHING COMPANY

Thursday, August 30, 2001 Issue - Jeffersonian

Please forward billing to:

Jerry Lynn Brydge Jr 12419 Eastern Avenue Baltimore MD 21220

410 444-5000 x 338

#### **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: 02-040-A 12417 Eastern Avenue

S/S Eastern Avenue, 459' NE centerline Brinkmans Road

Legal Owner: Nellie V Brydge

<u>Variance</u> to permit an existing single family dwelling to have a side yard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet respectively.

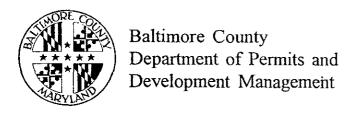
HEARING: Monday, September 17, 2001, at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT GO 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.



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

Fax: 410-887-5708

August 22, 2001

#### 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: 02-040-A 12417 Eastern Avenue

S/S Eastern Avenue, 459' NE centerline Brinkmans Road

Legal Owner: Nellie V Brydge

<u>Variance</u> to permit an existing single family dwelling to have a side yard setback of 5 feet and a lot width of 50 feet in lieu of the required 10 feet and 55 feet respectively.

HEARING: Monday, September 17, 2001, at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

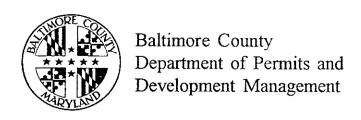
Arnold Jablon Goと Director

C: Nellie V Brydge, 12417 Eastern Avenue, Baltimore 21220 Jerry Lynn Brydge, 914 Barron Avenue, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 4, 2001.

(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.



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

September 14, 2001

Nellie V Brydge 12417 Eastern Avenue Baltimore MD 21220

Dear Ms. Brydge:

RE: Case Number: 02-040-A, 12417 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 2001.

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. ゅッこ Supervisor, Zoning Review

WCR: gdz

**Enclosures** 

c: Jerry L Brydge, 914 Barron Avenue, Baltimore 21221 People's Counsel

Rogin

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: September 11, 2001

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 27, 2001

Item Nos. 036, 039, 040, 041, 044, 045, 048, 049, 050, 051, 053, 054, and 055

SEP 2 0

s reviewed the subject zoning items, and we

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

RWB:HJO:jrb

cc: File



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

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

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:

036, 039, 2040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, AND 055

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

cc: File

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley
DATE:	September 5, 2001
SUBJECT:	Zoning Item 40 Address 12417 Eastern Ave Extension
Zonin	g Advisory Committee Meeting of August 20, 2001
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an ext	repartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	repartment of Environmental Protection and Resource Management offers flowing 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_	Additional Comments: This site is not in the Chesapeake Bay Critical Area

Reviewer: Glen Shaffer Date: August 30, 2001

A 101

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SEP 2 7

DATE: September 25, 2001

**SUBJECT:** 

12417 Eastern Avenue

INFORMATION:

**Item Number:** 

02-040

**Petitioner:** 

Neville V. Brydge

Zoning:

BL

**Requested Action:** 

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a side yard setback of 5 feet and a lot width of 55 feet in lieu of the required 10 feet and 55 feet respectively.

Prepared by:

Section Chief:

AFK MAC



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

Date: 8.23.01

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

RE: Baltimore County

Item No. 040 LTM

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS 150. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

1. f. South

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division RE: PETITION FOR VARIANCE 12417 Eastern Avenue, S/S Eastern Ave, 459' NE of c/l Brinkmans Rd 15th Election District, 5th Councilmanic

Legal Owner: Nellie V. Brydge Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 02-40-A

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

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. 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 10th day of September, 2001 a copy of the foregoing Entry of Appearance was mailed to Jerry L. Brydge, Jr., 914 Barron Avenue, Baltimore, MD 21221, representative for Petitioners.

PETER MAX ZIMMERMAN

George, Please Schedual Cases 02-040 A and

02-041 A togather Thank you Jerry Brydge work# 410-444-5000 x 338

Case Number	

### PLEASE <u>PRINT</u> LEGIBLY

### **PETITIONER'S SIGN-IN SHEET**

Name	Address	City, State	Zip Code
Jerry L. Brydge	3501 Taylor ave.	Balto, Md.	21236
Barbara Brydge	3501 Taylor ave.	Balto. Md.	21234
Nellie V. Brydge	12417 Eastern Ave.	Balto, Md.	21220
		Revised 4	1/17/00

