

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Widebrook Court, 310' W
of Maidbrook Road
11th Election District
5th Councilmanic District
(9 Widebrook Court)

Patrick Belzner
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-170-A

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Patrick Belzner, the legal owner of the subject property. The variance request is for property located at 9 Widebrook Court in the eastern area of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 504.2 (V.B.6.b) of the CMDP, to permit a side yard setback of 6 ft. for a garage addition in lieu of the required 15 ft. and to amend the Final Development Plan of "Village of Nearbrook". The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner 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 Petitioner has 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

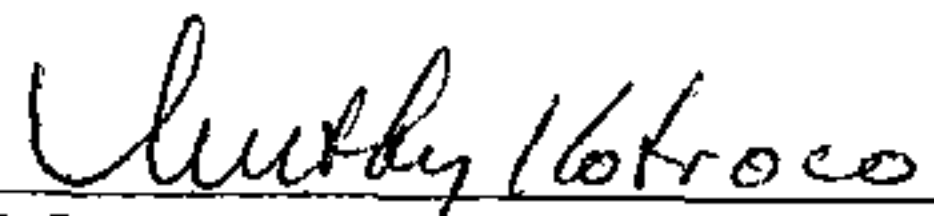
FILED
10/30/02
R. J. JENNISON

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 30th day of October, 2002, that a variance from Section 1B02.3.B of the B.C.Z.R. and Section 504.2 (V.B.6.b) of the CMDP, to permit a side yard setback of 6 ft. for a garage addition in lieu of the required 15 ft. and to amend the Final Development Plan of "Village of Nearbrook", be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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

OFFICE OF THE DEPUTY ZONING COMMISSIONER
BALTIMORE COUNTY
10/30/02
R. Jameson



Baltimore County
Zoning Commissioner

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

October 30, 2002

Mr. Patrick Belzner
9 Widebrook Court
Baltimore, Maryland 21234-1232

Re: Petition for Administrative Variance
Case No. 03-170-A
Property: 9 Widebrook Court

Dear Mr. Belzner:

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, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Chuck Merritt
1045 Taylor Avenue, Suite 111
Baltimore, MD 21286

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



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

TO AMEND THE FINAL DEVELOPMENT PLAN OF THE
VILLAGE OF NEARBROOK
for the property located at 9 Widebrook Court
which is presently zoned DR 3.5

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) 1 B02.3.B, 504.2 & V.B.C. 6 (CMDP), TO PERMIT A SIDEYARD SETBACK OF 6 ft FOR A GARAGE ADDITION IN LIEU OF THE REQUIRED 15 ft. AND TO AMEND THE FDP OF NEARBROOK.

VILLAGE OF

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):

Patrick Belzner

Name - Type or Print

Signature

Name - Type or Print

Signature

9 Widebrook Court

(443) 807 - 8448

Address

Baltimore

MD

Telephone No.

21234-1232

City

State

Zip Code

Representative to be Contacted:

Chuck Merritt

Name

1045 Taylor Ave., Suite 111

(410) 296 - 1636

Address

Towson

MD

Telephone No.

21286

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

Reviewed By JCM Date 10-4-02
Estimated Posting Date 10-14-02

CASE NO. 03-170A

10/30/02
10/15/98

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

9 Widebrook Court
Address
Baltimore MD 21234-1232
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):

Due to the unique lot configuration the proposed 1 car garage we wish to construct will not fit.

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

Patrick Belzner

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3RD day of OCTOBER 2002 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

PATRICK BELZNER

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

Date

10/3/2002

Notary Public

Sharon D. Gilroy

My Commission Expires

9/1/2003

REV 01/15/98

170

ZONING DESCRIPTION FOR #9 Widebrook Court

Beginning at a point on the west side of the cul-de-sac of Widebrook Court which is 50 feet wide at the distance of 310 feet west of the centerline of the nearest improved intersecting street, Maidbrook Road which is 50 feet wide. Being Lot #10, in the subdivision of Nearbrook as recorded in Baltimore County Plat Bood #44, Folio #88, containing 11,580 SF or 0.266 AC. Also known as 9 Widebrook Court and located in the 11th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17835

PAID RECEIPT

DATE 10-4-02 ACCOUNT 001-006-6150

AMOUNT \$ 100.00

RECEIVED
FROM:

P. BETZNER 9 WIDC3R

FOR:

AD UAR. SD.
AMEND FDP SD.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

BUSINESS ACTION TIME
10/07/2002 10/04/2002 14:34:10
REG MS02 MAIL JENA JEE DRAWER 2
RECEIPT # 220311 10/04/2002 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 017835

Recd Tot \$100.00
50.00 CK 60.00 CA
10.00 CG
Baltimore County, Maryland

CASHIER'S VALIDATION

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 03-170-A

TO PERMIT A VARIANCE - A SIDEYARD SETBACK
OF 6 FEET IN LIEU OF THE REQUIRED
15 FEET FOR AN ATTACHED GARAGE AND
TO AMEND THE FINAL DEVELOPMENT
PLAN OF THE VILLAGE OF NEARBROOK

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(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
4:30 p.m. ON OCTOBER 29, 2002

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE



CERTIFICATE OF POSTING

RE: Case No.: 03-170-A

Petitioner/Developer: _____

PATRICK BETZNER

Date of Hearing/Closing: 10-29-02

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 _____

#9 WIDEBROOK COURT

The sign(s) were posted on OCT. 10, 2002
(Month, Day, Year)

Sincerely,

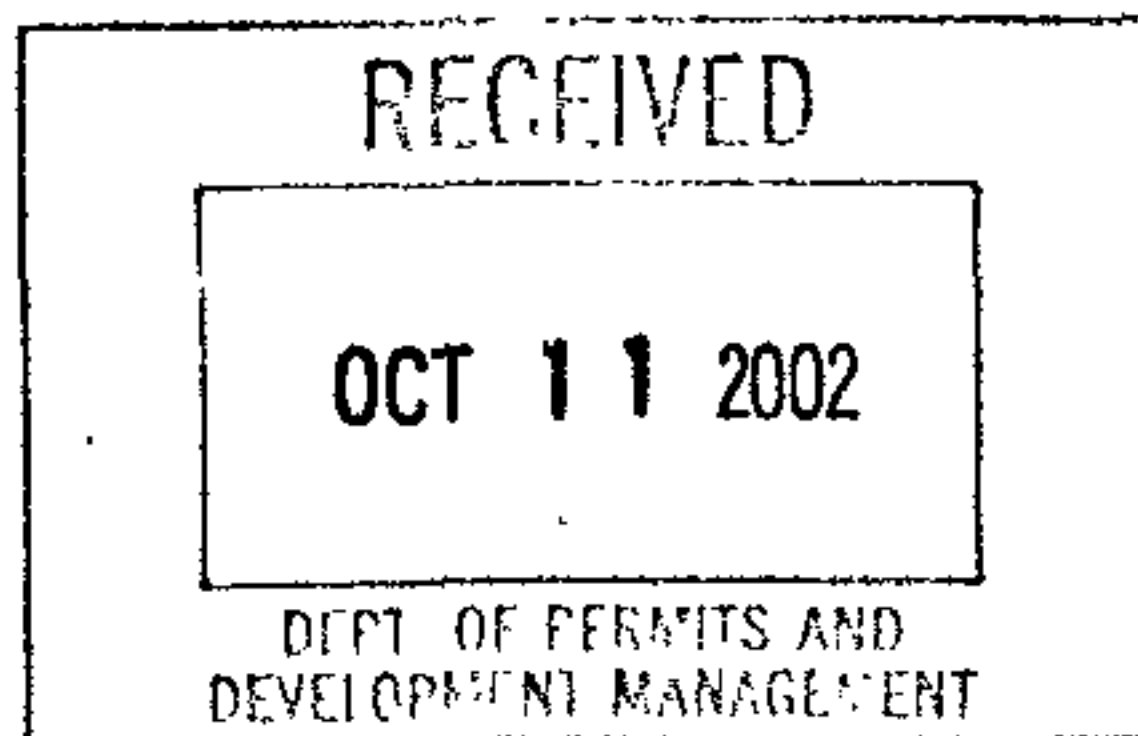
Garland E. Moore
(Signature of Sign Poster and Date)

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.

For Newspaper Advertising:

Item Number or Case Number: 170

Petitioner: Patrick Belzner

Address or Location: 9 Widebrook Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrick Belzner

Address: 9 Widebrook Court

Baltimore, MD 21234 - 1232

Telephone Number: (443) 807 - 8448

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 170 -A Address 9 WIDEBROOK CT
Contact Person: J. Murray Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 10-4-02 Posting Date: 10/14 Closing Date: 10/29

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 03- 170 -A Address 9 WIDEBROOK CT
Petitioner's Name PATRICK BETZNER Telephone 410-807-8448
Posting Date: 10/14 Closing Date: 10/29
Wording for Sign: A VARIANCE
To Permit A SIDEYARD SETBACK OF 6ft. IN
LIEU OF THE REQUIRED 15ft AND TO FOR AN
ATTACHED GARAGE AND TO AMEND THE FINAL
DEVELOPMENT PLAN OF THE VILLAGE OF NEARBROOK.

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 28, 2002

Patrick Belzner
9 Widebrook Court
Baltimore, MD 21234

Dear Mr. Belzner:

RE: Case Number: 03-170-A, 9 Widebrook Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 4, 2002.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
Chuck Merritt, 1045 Taylor Ave., Towson 21286



Baltimore County
Fire Department

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

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

October 15, 2002

ATTENTION: George Zahner

Distribution meeting: 10/15/02

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: 159 & 160, 162-172

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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 *RBS/TGT*

DATE: November 6, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of October 15, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

170

160, 162-165, 167-172

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 30, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For October 21, 2002
Item No. 159, 160, 161, 162, 163, 164,
165, 166, 167, 168, 169, 170, and 172

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

RWB:CEN:jrb

cc: File

10/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 23, 2002

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-170

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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: Mark A. Cunningham

Section Chief: Arnold F. Keller, III

AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: *10.11.02*

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *170 JCM*

Dear Mr. Zahner:

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,

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



Maryland Department of Planning

*Parris N. Glendening
Governor*

*Kathleen Kennedy Townsend
Lt. Governor*

*Roy W. Kienitz
Secretary*

*Mary Abrams
Deputy Secretary*

October 16, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

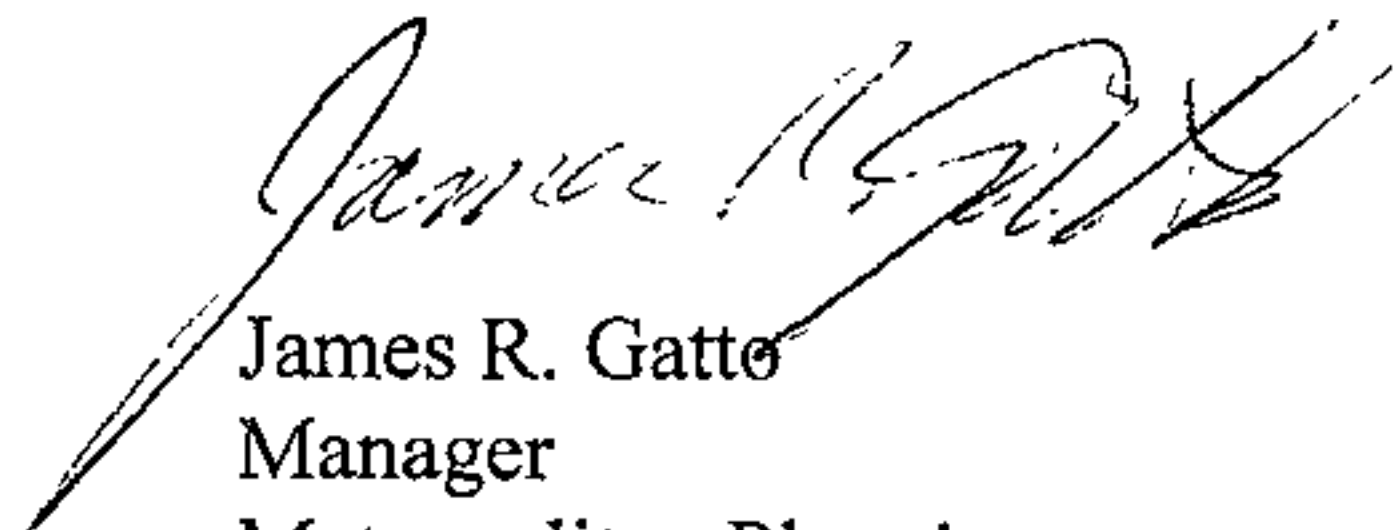
Re: Zoning Advisory Committee Agenda, 10/21/02 re: case numbers 03-159-SPHA, 03-160-SPH, 03-161-SPH, 03-162-A, 03-163-A, 03-164-A, 03-165-A, 03-166-A, 03-167-A, 03-168-A, 03-169-A, 03-170-A03-172-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/15/02. The information has been submitted to Mr. Mike Nortrup.

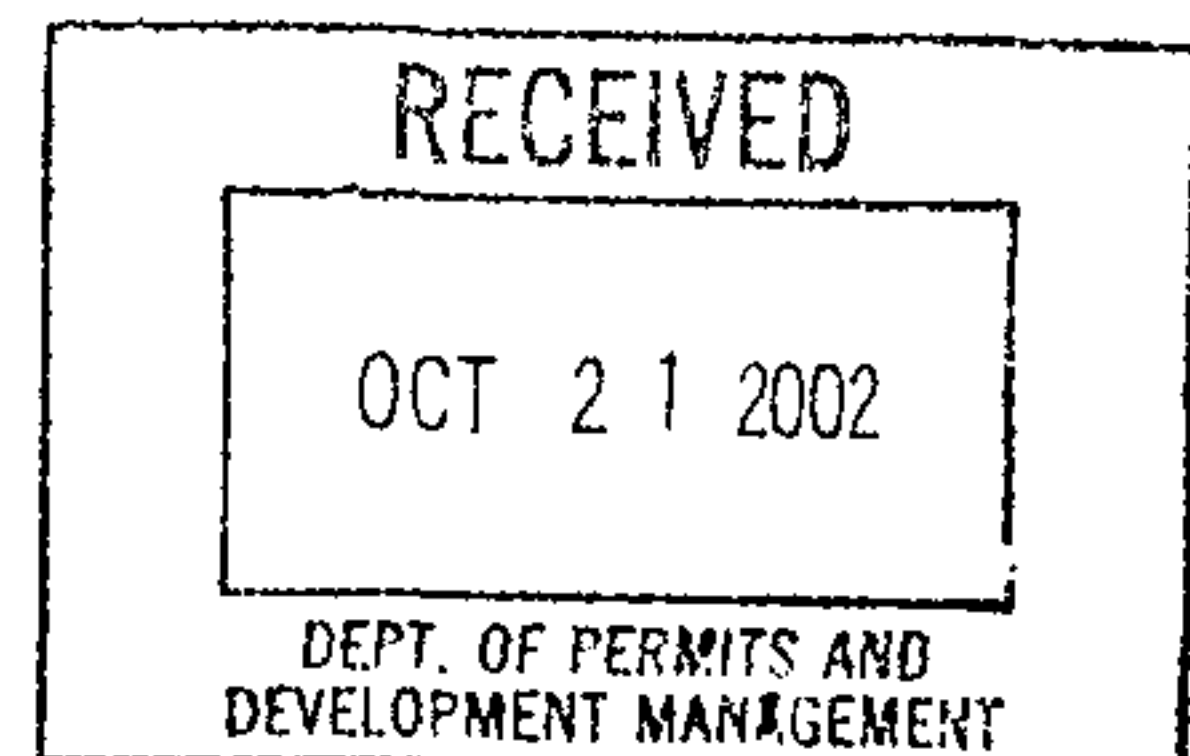
Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

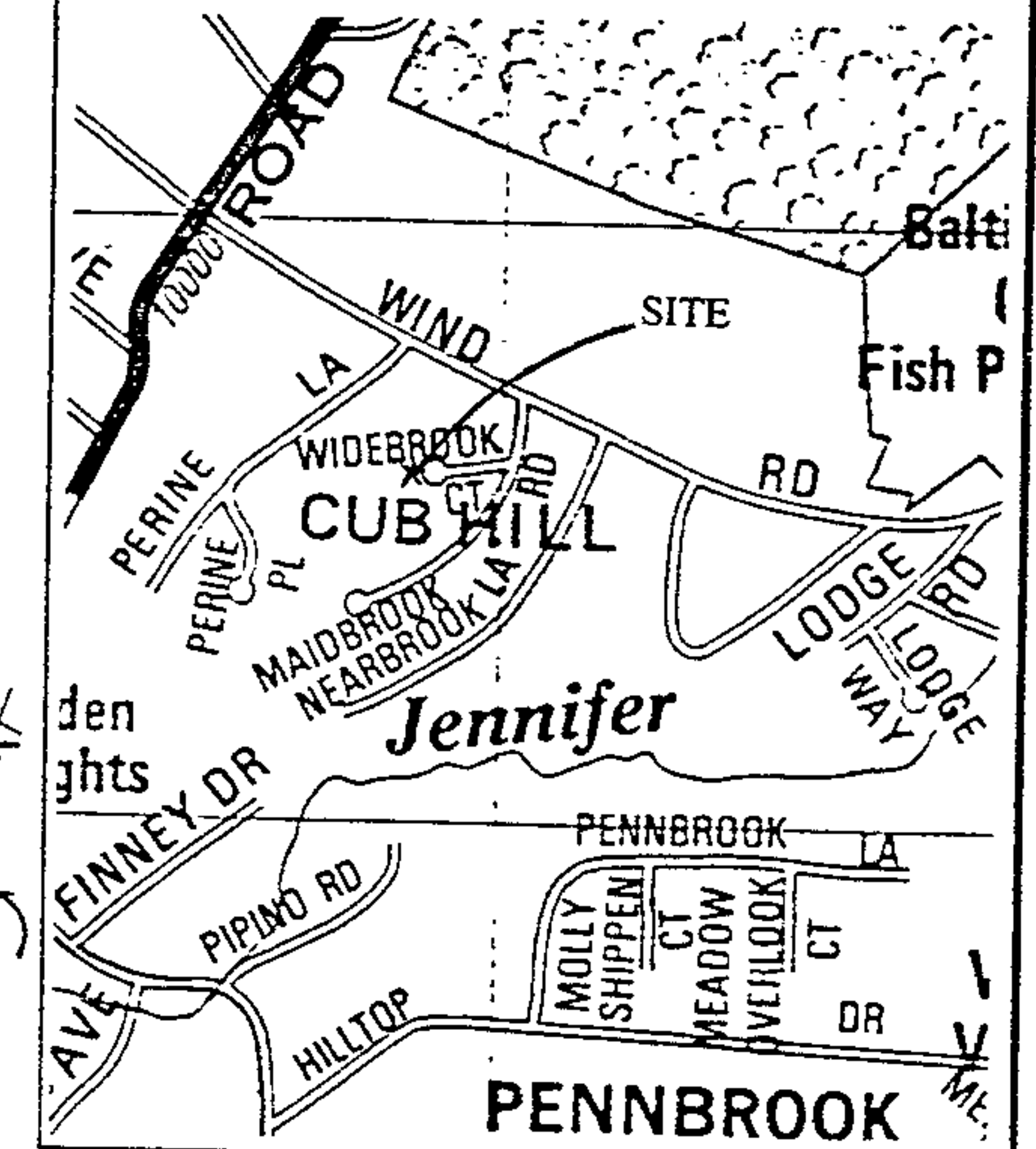


James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup



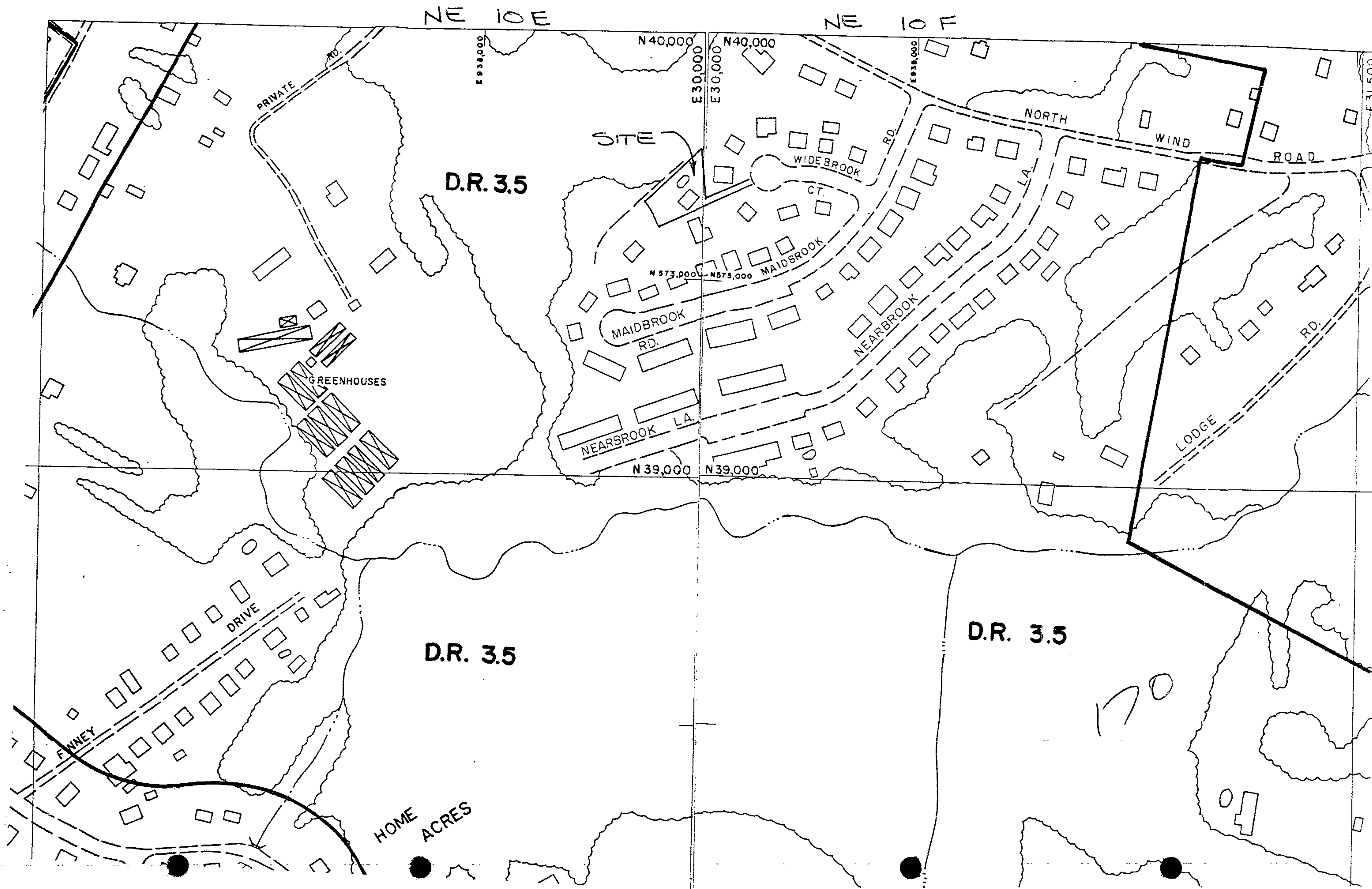
1. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
2. THESE LOTS DO NOT LIE WITHIN A 100 YEAR FLOODPLAIN.
3. THE SITE IS ZONED DR 3.5, MAP NE 10 F.
4. THIS SITE HAS NO PRIOR ZONING HISTORY.



VICINITY MAP
SCALE 1" = 1000'

OWNER OF LOT #10
PATRICK & KRISTIN BELZNER
TAX ACCT # 1800007688

PLAN TO ACCOMPANY ADMINISTRATIVE VARIANCE
#9 WIDEBROOK COURT
BALTIMORE COUNTY, MARYLAND
11TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT
SCALE: 1" = 30'
SEPTEMBER 18, 2002





REAR OF PROPERTY LOOKING AT
PROPOSED GARAGE LOCATION

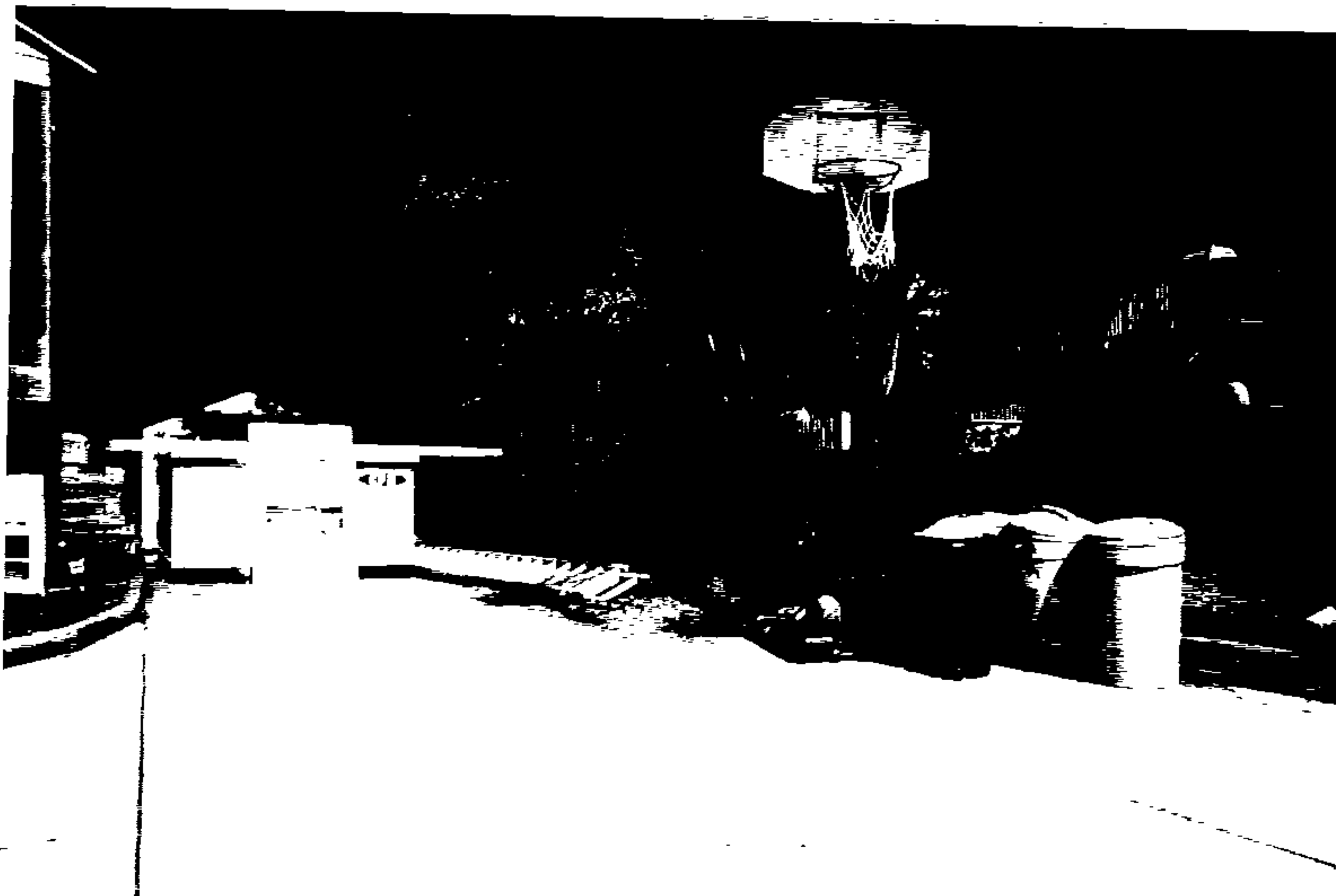


FRONT OF #9 WIDEBROOK COURT
LOOKING AT LOT 9

170



LOOKING TOWARD 9 WIDEBROOK COURT



LOOKING AT PROPOSED GARAGE
LOCATION

170