

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Overbrook Road, 88' +/- W
of Heathfield Road
9th Election District
5th Councilmanic District
(328 Overbrook Road)

Katherine C. & Scott R. Mitchell
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-336-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Katherine and Scott Mitchell. The variance request involves property they own at 328 Overbrook Road located in the Rodgers Forge area of Baltimore County. The variance request is to allow a rear yard setback of 30 ft. for a proposed open deck in lieu of the minimum required 37-½ ft.

Appearing at the hearing on behalf of the variance request were Scott and Katherine Mitchell, owners of the property. Ms. Jean Duvall, a representative of the Rodgers Forge Community Association, also attended the hearing. There were no others present.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.0436 acres, more or less, zoned D.R.10.5. The property is improved with an inside of group townhouse dwelling wherein the Petitioners reside. Mr. and Mrs. Mitchell are interested in constructing a deck on the rear of their home which would extend 12 ft. from the rear of their dwelling. The deck is proposed to be an open deck with no enclosures whatsoever, either on top of the deck or below the structure. The rear yard setback associated with this property warrants that a variance be granted in order for this 12-ft. deck to be constructed on the property.

3/26/03
R. P. Jamison

As stated previously, Ms. Jean Duvall, representing the Rodgers Forge Community Association, appeared at the hearing. Ms. Duvall indicated that the association is not opposed to the Mitchell's plans so long as a condition is placed on its construction that it remains open in perpetuity. That is, the association is opposed to any enclosure of the deck either above or below the structure. Accordingly, they ask for the imposition of a restriction on this approval. Furthermore, Ms. Duvall did indicated that the association would prefer to see a deck that extends 10 ft. from the rear of the dwelling in lieu of the requested 12 ft. However, given the size of the decks along this row of homes, wherein the Petitioners' property is located, I find that the 12 ft. deck proposed to be constructed, as shown on the site plan, is appropriate and shall be approved.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which

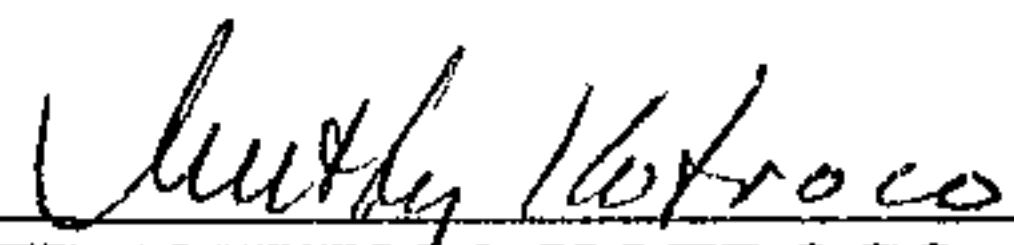
3/26/03
J. O. Omerston

is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 26th day of March, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations, to allow a rear yard setback of 30 ft. for a proposed open deck in lieu of the minimum required 37-½ ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
2. The property owners shall be prohibited from enclosing the deck in any fashion, either above or below the structure in question.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

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

March 26, 2003

Mr. & Mrs. Scott R. Mitchell
328 Overbrook Road
Baltimore, Maryland 21212

Re: Petition for Variance
Case No. 03-336-A
Property: 328 Overbrook Road

Dear Mr. & Mrs. Mitchell:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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

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

for the property located at 328 Overbrook Rd.
Baltimore MD 21212
which is presently zoned DR-10.5

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.C1, 301.1 To allow a rear yard setback of 30ft. for a proposed open deck in lieu of the minimum required 37 1/2 ft.

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

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Scott Ramsay Mitchell
Name - Type or Print

[Signature]
Signature

Katherine Charleen Mitchell
Name - Type or Print

[Signature]
Signature

328 Overbrook Rd. (410) 377-4289
Address Telephone No.

Balt. MD 21212
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3/26/03 day of March, 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. 03-336-A

REV 10/25/01

Reviewed By [Signature] Date 1-21-03

Estimated Posting Date 02-03-03

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 328 Overbrook Rd.
Address
Baltimore MD 21212
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):

- ① Our construction plans do not meet setback requirements.
- ② The setback requirements prevent the use of the property like that of dwellings in the same group as 328 Overbrook Rd.
- ③ Public safety, health and general welfare will not be compromised.

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.

Scott Mitchell
Signature
Scott Mitchell
Name - Type or Print

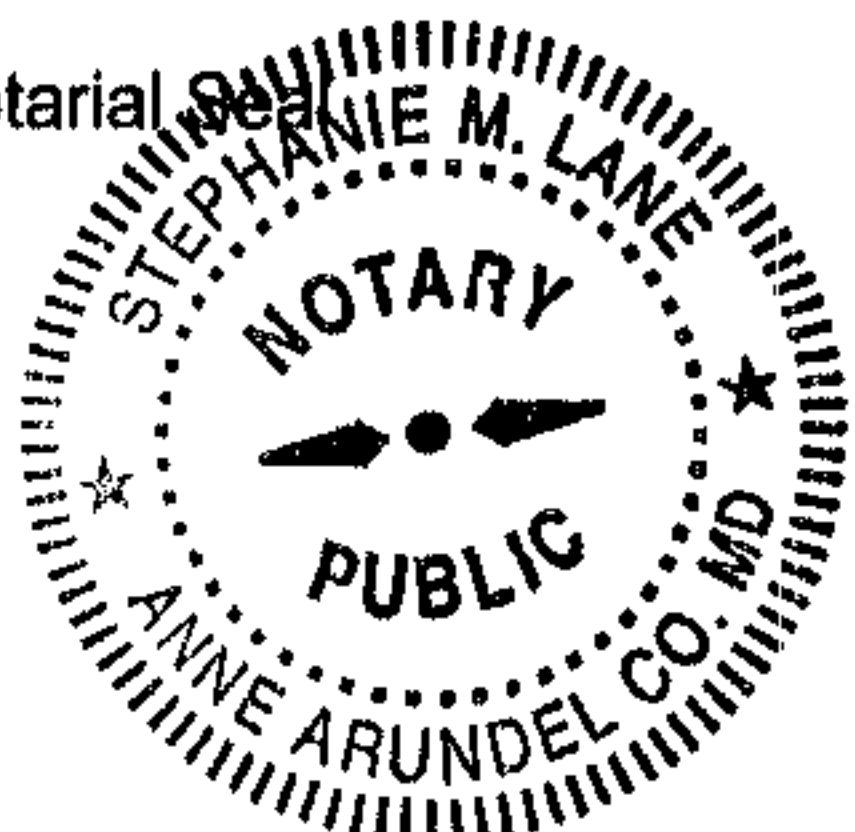
Katherine Mitchell
Signature
Katherine Mitchell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of December, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Katherine C. Mitchell & Scott R. Mitchell
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Stephanie M. Lane
Notary Public
My Commission Expires 7/31/05

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 328 Overbrook Rd.
Address
Baltimore MD 21212
City State Zip Code

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- ① Our construction plans do not meet setback requirements.
- ② The setback requirements prevent the use of the property like that of dwellings in the same group as 328 Overbrook Rd.
- ③ Public safety, health and general welfare will not be compromised.

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

[Signature]
Signature
Scott Mitchell
Name - Type or Print

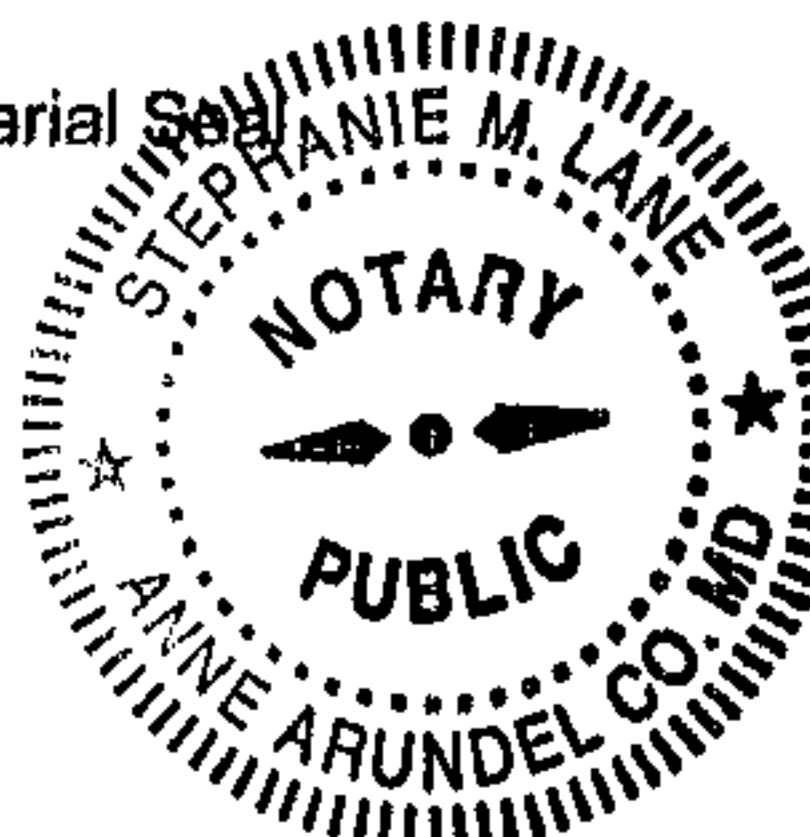
[Signature]
Signature
Katherine Mitchell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of December, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Katherine C. Mitchell & Scott R. Mitchell
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 7/31/05



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

328 Overbrook Rd.
for the property located at Baltimore, MD 21212
which is presently zoned DR-10.5

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.C.1, 301.1 To allow
a rear yard Setback of 30 ft for a proposed open
deck in lieu of the minimum required 37 1/2 ft.

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

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Scott Ramsay Mitchell
Name - Type or Print

[Signature]
Signature

Katherine Charlean Mitchell
Name - Type or Print

[Signature]
Signature

328 Overbrook Rd. (410) 377-4289
Address Telephone No.

Balt. MD 21212
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 03 day of March, 2003, 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. 03-336-A

Reviewed By [Signature] Date 1-21-03

Estimated Posting Date 02-03-03

Zoning Description

Beginning at a point on the Northside of
Overbrook Rd, 88 ft $\pm$ west of Heathfield Rd.
located in the ~~9th~~ Election Dist. of Bolto.
County, Plat Book 12, folio 57.

336

**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 #03-336-A
328 Overbrook Road
N/Side Overbrook Road, 88
feet +/- west of Health Field Road
9th Election District
5th Councilmanic District
Legal Owner(s): Scott Ramsey and Katherine Charleen Mitchell

Administrative: to permit a rear yard setback of 30 feet for a proposed open deck in lieu of the minimum required 37 1/2 feet.

Hearing: Tuesday, March 25, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Basile Avenue.

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) 887-3391.

JT 3/6/03 Mar 11 C591858

CERTIFICATE OF PUBLICATION

3/13/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/11/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Williams

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 19324

DATE 02-12-03 ACCOUNT R. COL 006 G.L.C.

AMOUNT \$ 50

RECEIVED FROM: REGENS TOWER ASSOC.

FOR: TOWN OF LEMINGTON TOWNSHIP

CASE # 03-336 A.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
2/13/2003 2/13/2003 11:07:46

REC 0504 WALKIN DIAL. DND DRAWER 2
MULTI # 215725 2/13/2003 DELN

041 5 528 ZONING VERIFICATION
CR #1. 019524

Receipt Tot \$50.00

50.00 CR .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Check No. 14343
03-236-2

DATE 1-21-03 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Mrs. Mitchell

FOR: Residential Variance Filing Fee
at 328 Overbrook Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED
1/21/2003

BUSINESS
1/21/2003

ACTUAL
10:37:46

TIME
10:37:46

REG. NO.
1721/2003

WALTON
1721/2003

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1721/2003

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-336-A

Petitioner/Developer: _____

SCOTT RAMSEY & KATHERINE MITCHELL

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: MS. BECKY HART

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 _____

328 OVERBROOK RD.

The sign(s) were posted on 3/10/03
(Month, Day, Year)

CASE # 03-336-A

Sincerely,

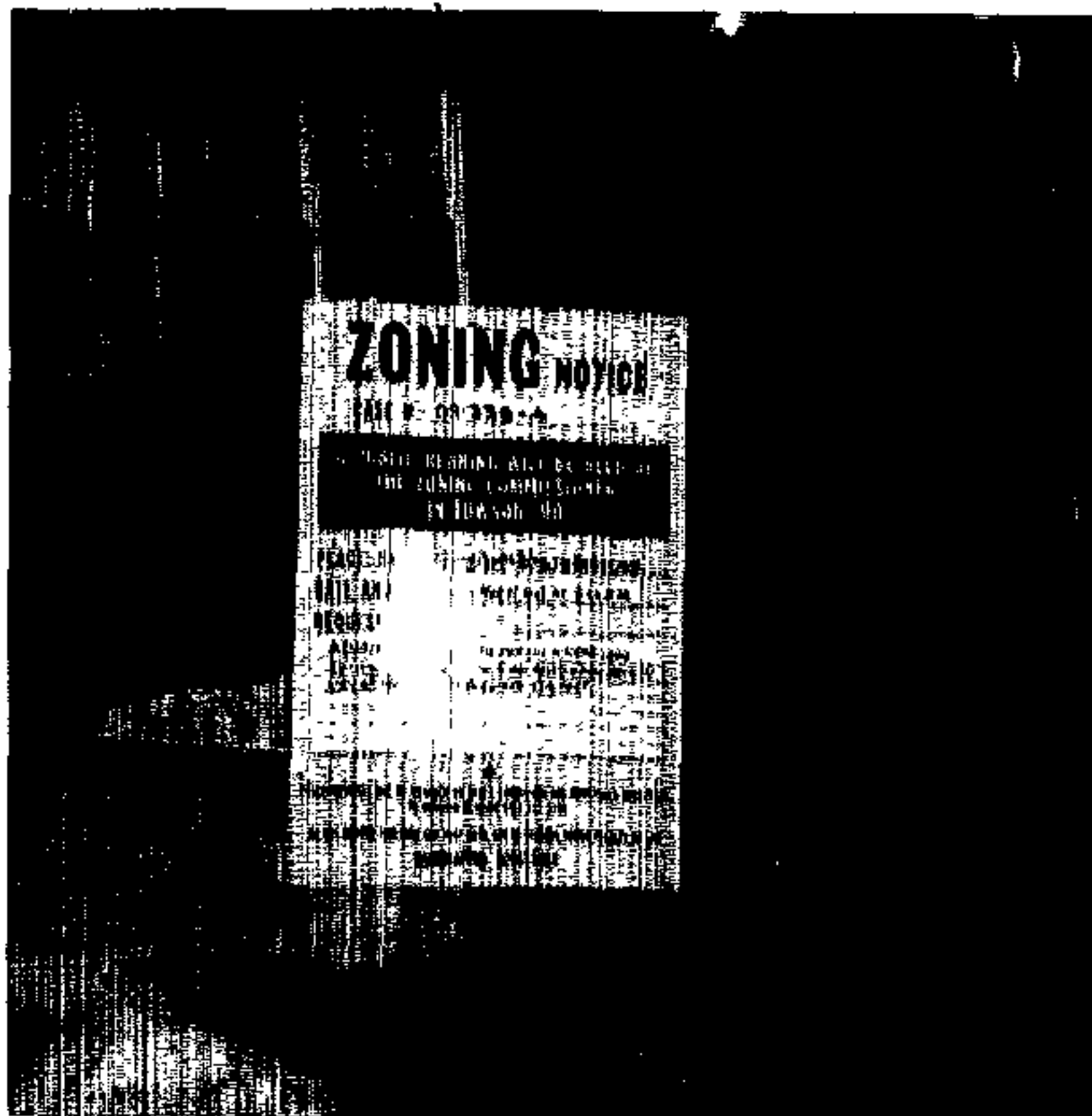
Richard E. Hoffman 3/10/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



328 OVERBROOK RD.

POSTED 3/10/03

Richard E. Hoffman 3/10/03

CERTIFICATE OF POSTING

RE: Case No.: 03-336-A

Petitioner/Developer: _____

SCOTT & KATHERINE MITCHELL

Date of Hearing/Closing: 2/18/03

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: MS. BECKY HART

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 _____

328 OVERBROOK RD.

The sign(s) were posted on 2/13/03
(Month, Day, Year)

CASE # 03-336-A

Sincerely,

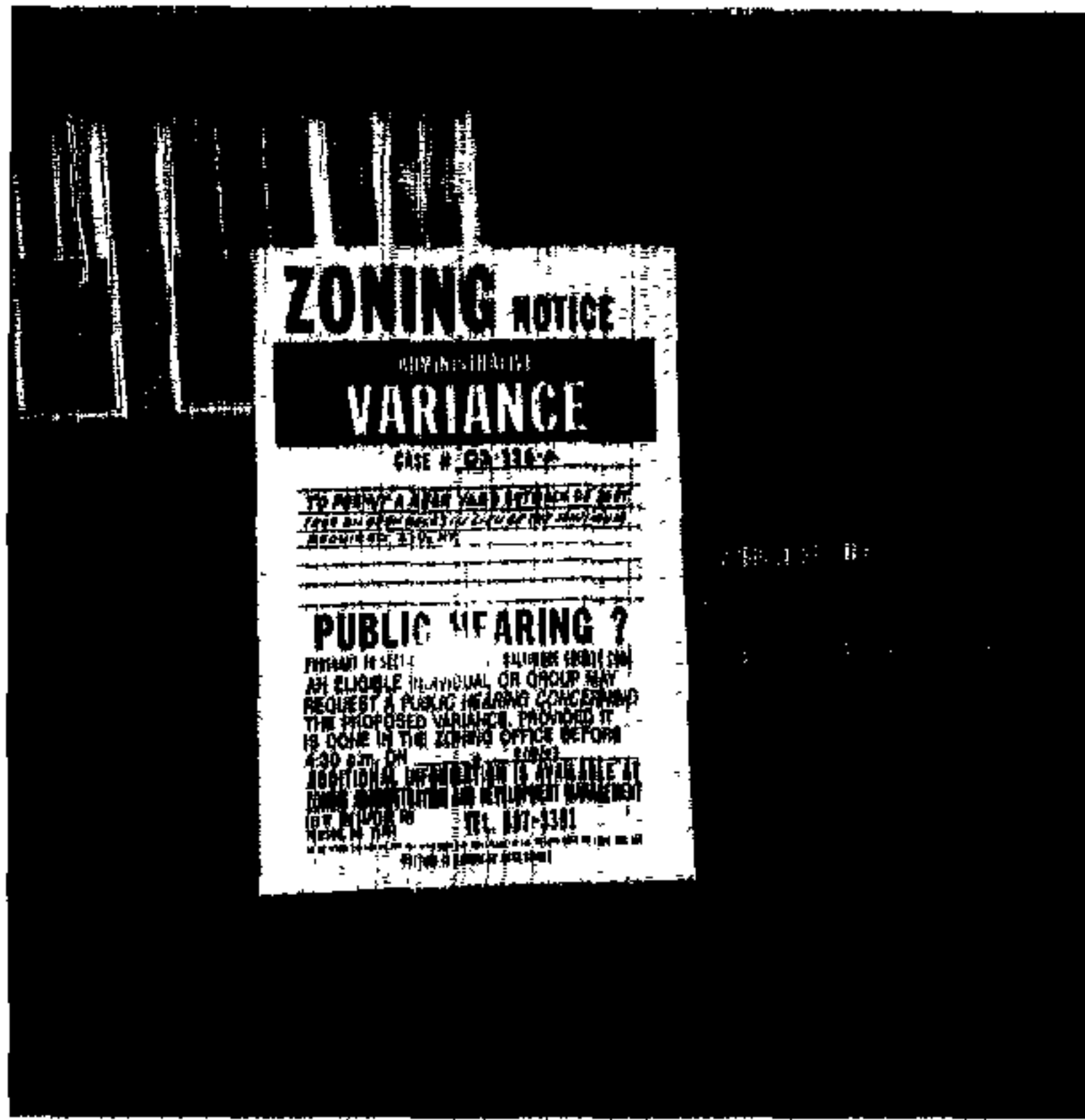
Richard E. Hoffman 2/13/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



328 OVERBROOK RD

POSTED 2/13/03

Richard E. Hoffman 2/13/03



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

February 20, 2003

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: 03-336-A

328 Overbrook Road

N/side Overbrook Road, 88 feet +/- west of Health Field Road

9th Election District -- 5th Councilmanic District

Legal Owners: Scott Ramsey and Katherine Charleen Mitchell

Administrative to permit a rear yard setback of 30 feet for a proposed open deck in lieu of the minimum required 37 ½ feet.

Hearings: Tuesday, March 25, 2003, at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon", written over a faint circular stamp.

Arnold Jablon
Director

AJ:rlh

C: Scott and Katherine Mitchell, 328 Overbrook Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 10, 2003.**
- (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, March 11, 2003 Issue - Jeffersonian

Please forward billing to:

Mr. and Mrs. Scott Mitchell
328 Overbrook Road
Baltimore, MD 21212

410-377-4289

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: 03-336-A

328 Overbrook Road

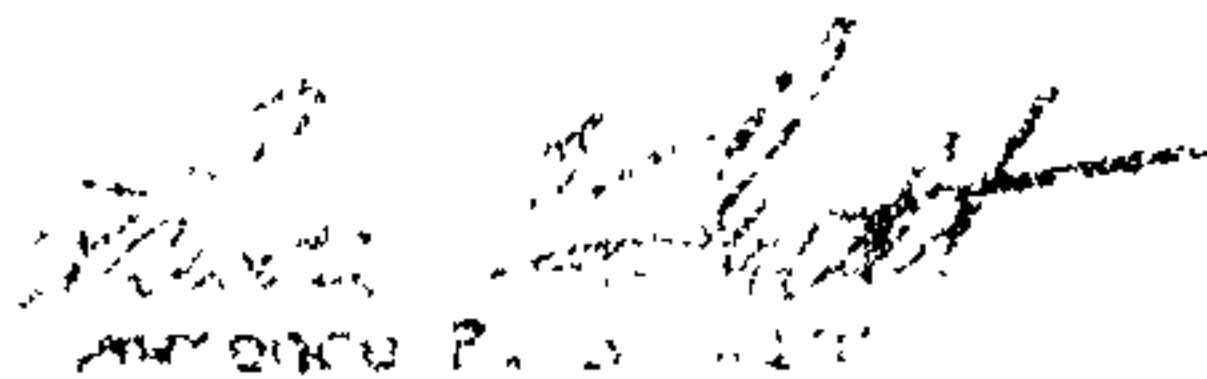
N/side Overbrook Road, 88 feet +/- west of Health Field Road

9th Election District – 5th Councilmanic District

Legal Owners: Scott Ramsey and Katherine Charleen Mitchell

Administrative to permit a rear yard setback of 30 feet for a proposed open deck in lieu of the minimum required 37 ½ feet.

Hearings: Tuesday, March 25, 2003, at 2:00 p.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 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: 03-336-A

Petitioner: Mr. + Mrs. Scott Mitchell

Address or Location: 328 Overbrook Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: _____

Balto, md 21212

Telephone Number: 410-377-4289

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 336 -A Address 328 Overbrook Rd.

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 1-21-03 Posting Date: 2-03-03 Closing Date: 2-18-03

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

Don't Sign Here

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 336 -A Address 328 Overbrook Rd.

Petitioner's Name Scott & Katherine Mitchell Telephone 410-377-4289

Posting Date: 2-03-03 Closing Date: 2-18-03

Wording for Sign: To Permit a rear yard setback of 30 ft. (for an open deck) in lieu of the minimum required 37 1/2 ft.



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

March 21, 2003

Mr. & Mrs. Scott Mitchell
328 Overbrook Road
Baltimore, Maryland 21212

Dear Mr. and Mrs. Mitchell:

RE: Case Number:03-336-A, 328 Overbrook Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 21, 2003.

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, appearing to read "W. Carl Richards, Jr.", written over a faint, illegible stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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



Printed with Soybean Ink
on Recycled Paper



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

February 14, 2003

Mr. & Mrs. Scott Mitchell
328 Overbrook Road
Baltimore, Maryland 21212

Dear Mr. and Mrs. Mitchell:

RE: Case Number:03-336-A, 328 Overbrook Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 21, 2003.

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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: January 28, 2003

Item No.: 326-329, 331-338

Dear Ms. Hart:

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.

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

cc: File

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



Robert L. Ehrlich, Jr., Governor • Michael S. Steele, Lt. Governor • Trent M. Kittleman, Acting Secretary

Date: 1.28.03

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

RE: Baltimore County
Item No. 336 JJS

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,

K Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number/toll-free 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 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS | TBT

DATE: February 27, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 28, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

³³⁰
298, 326, 328, 329, 331, 334-338

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS / TLT*

DATE: February 3, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of January 13, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

291, 292, 295, 296, 299, 300, 302, 303.



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

February 14, 2003

Mr. and Mrs. Scott Mitchell
328 Overbrook Road
Baltimore, MD 21212

Dear Mr. and Mrs. Mitchell:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 03-336-A

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand on for a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:rlh

C: Jeanne Duvall, 227 Murdock Road, Baltimore 21212

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



Jim
3/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 3, 2003

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

SUBJECT: 328 Overbrook Road

INFORMATION:

Item Number: 03-336

Petitioner: Scott Ramsey Mitchell

Zoning: DR 10.5

Requested Action: Variance

RECEIVED
FEB 5 2003
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a rear yard setback of 30 feet for a proposed open deck in lieu of the minimum required setback of 37 ½ feet.

Prepared by: Mark A. Cunningham

Section Chief: Lynne L. Latham

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 24, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For February 3, 2003
Item Nos. 298, 326, 327, 328, 329,
330, 331, 332, 334, 335, 336, 337,
and 338

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For January 21, 2003
Item No. 300

The Bureau of Development Plans Review has reviewed the subject-zoning item.

Langrehr Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way. Building setback from the ultimate road right-of-way must be verified.

RWB:HJO:jrb

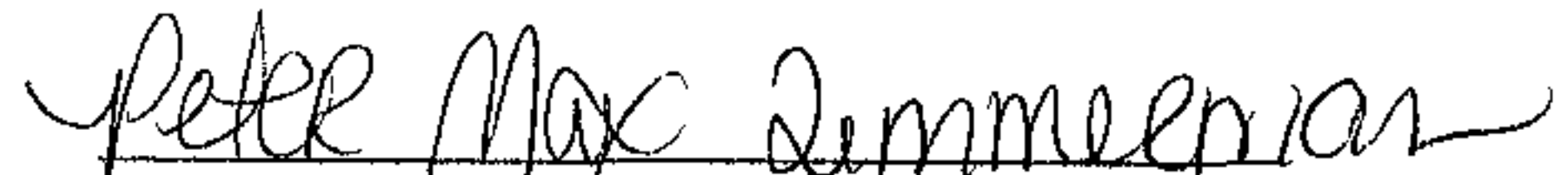
cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1100 Stevenson Ln; NW corner Stevenson * ZONING COMMISSIONER
LN & Fairway Dr *
9th Election District * FOR
5th Councilmanic District *
Legal Owner(s): Michael G. Allwell * BALTIMORE COUNTY
Contract Purchaser(s): Kenneth P. Heaps *
Petitioner(s) * 03-336-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 21st day of January, 2003, a copy of the foregoing Entry of Appearance was mailed to Thomas A. Church, P.E., Development Engineering consultants, Inc, 6603 York Road, Baltimore, MD, 21212, Representative for Petitioner(s).



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



FORMAL DEMAND FOR HEARING

CASE NUMBER: 03-336-A

Address: 328 OVERBROOK

Petitioner(s): Scott & Ramsey MITCHELL

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We THE ROGERS Forge Comm. Assn.
Name - Type or Print

() Legal Owner OR () Resident of

P.O. Box 571
Address

Ridgewood, MD 21139
City State Zip Code

410-377-4541 (T.K. Duvall)
Telephone Number

227 MURDOCK RD
13827 MD 21212 feet from the
property, which is the subject of the above petition, do hereby
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Joseph O. Syrett 2/12/02
Signature Date

Jan R. Duvall 2/12/02
Signature Date
Revised 9/18/98 - wcr/scj

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO. 2677
CONNECTION TEL 94103774606
CONNECTION ID
START TIME 03/28 16:39
USAGE TIME 02'37
PAGES 3
RESULT OK

Post-it® Fax Note 7671		Date 3/28/03	# of pages 3
To	Jeanne Murall		
Co /Dept	Zoning Comm.		
Phone #	bfc		
Fax #	410-377-4606		

Order - Re: 03-336-A

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

March 24, 2003

TO WHOM IT MAY CONCERN:

This is to advise that Jean Duvall is authorized to represent the Rodgers Forge Community Association in the matter of Issue 03-336A.



James M. Dunn III
Corresponding Secretary for the
Board of Governors

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

February 12, 2003

P.O. Box 571

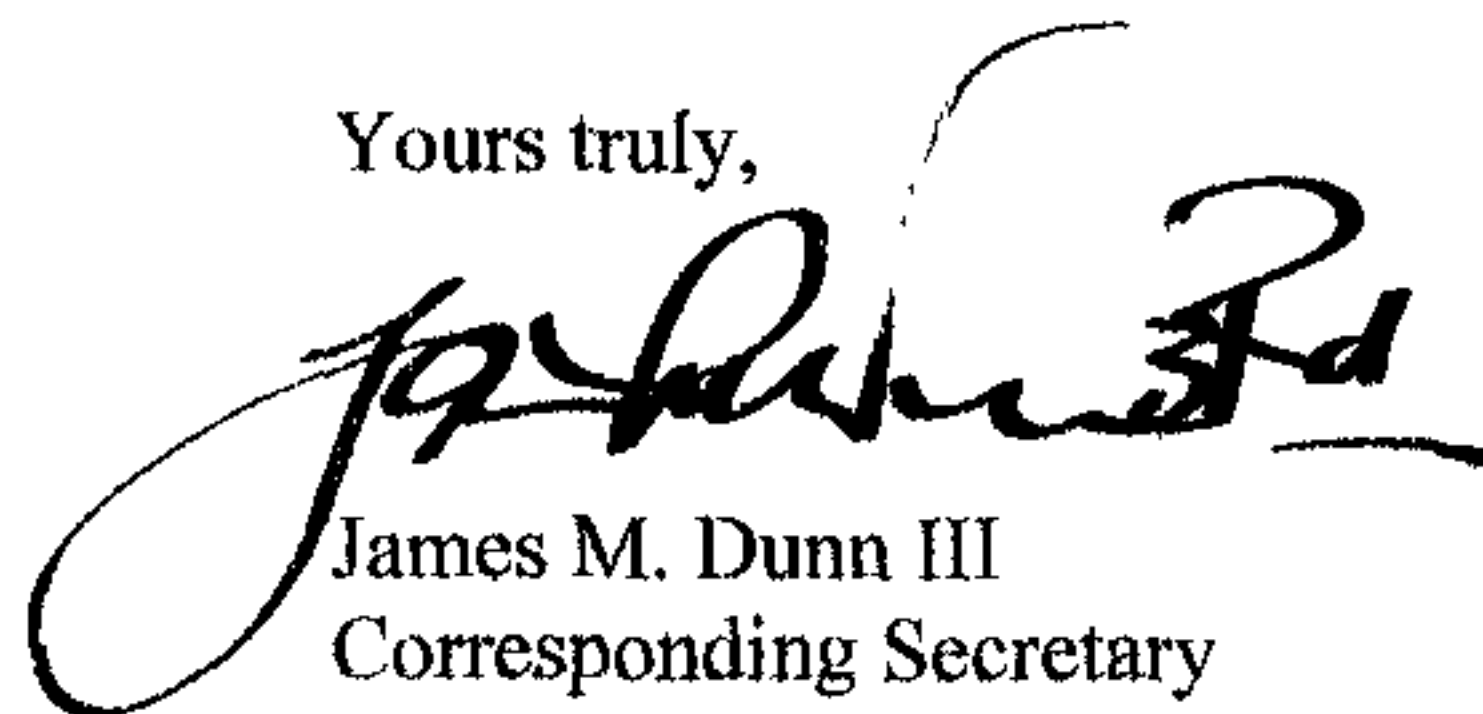
RIDGEMOOD, MD 21138

Mr. Lawrence Schmidt
Zoning Commissioner
Towson, Maryland 21204

Dear Mr. Schmidt:

The Rodgers Forge Community Association requests a formal hearing before the Zoning Commissioner regarding Case No. 03-336-A. Our intention is to be present as a participant for clarification purposes.

Yours truly,

A handwritten signature in black ink, appearing to read 'James M. Dunn III', with a large, stylized flourish extending from the end of the signature.

James M. Dunn III
Corresponding Secretary

No Lot Number 481

DATE: 01/21/2003
TIME: 10:04:19

STANDARD ASSESSMENT INQUIRY (2)

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
09-18-471920-09 2-2 04-00 H NO 01/08/03
LOT... BOOK... 0012 MAP... 0080 LOT WIDTH... 19.00
BLOCK... FOLIO... 0057 GRID... 0001 LOT DEPTH... 100.00
SECTION... PARCEL... 0031 LAND AREA... 1900.000 S
PLAT... YEAR BUILT... 00

#328 Overbrook Rd

-----TRANSFER DATA-----
NUMBER... 233814 STATUS...
DATE... 05/20/02 CLASS CODE... 000
PURCHASE PRICE... 168,000 STATE EXEMPT CODE... 000
GROUND RENT... 0 COUNTY EXEMPT CODE... 000
DEED REF LIBER... 16426 CURR STATE EX ASMT... 0
DEED REF FOLIO... 0180 PRIOR STATE EX ASMT... 0
CONVEYED IND... 1 CURR COUNTY EX ASMT... 0
TOT-PART TRAN IND... T PRIOR COUNTY EX ASMT... 0
GRANTOR ACCT NO.. 09-18-471920

-----STRUCTURE-----

CRITICAL NEW CONST CARD NO CODE SQ. FEET
AREAS CODE YEAR NO 09054 1216

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

#336

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
11 Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burtan
Deputy Secretary

January 29, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

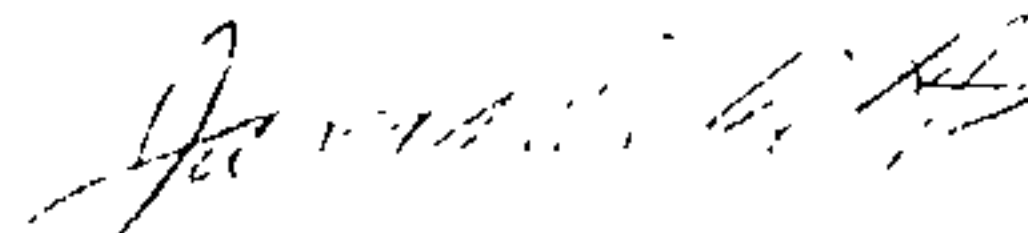
Re: Zoning Advisory Committee Agenda, 2/03/03 re: case numbers 03-298-SPH, 03-326-A, 03-327-X, 03-328-A, 03-329-SPH, 03-330-SPHX, 03-331-A, 03-332-SPH, 03-333-A, 03-334-A, 03-335-A, 03-336-A, 03-337-SPHA, 03-338-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 01/28/03. 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

NE 8A

ROAD

RODGERS

AVENUE

BL

BL-AS

FORGE

ROAD

RO

D.R. 10.5

ROAD

BL

RO

OVER BROOK

ALLEY

ST VINCENT ORPHANAGE

D.R. 5.5

BL-AS

BLR

LOCUST

E1500

PLAN TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

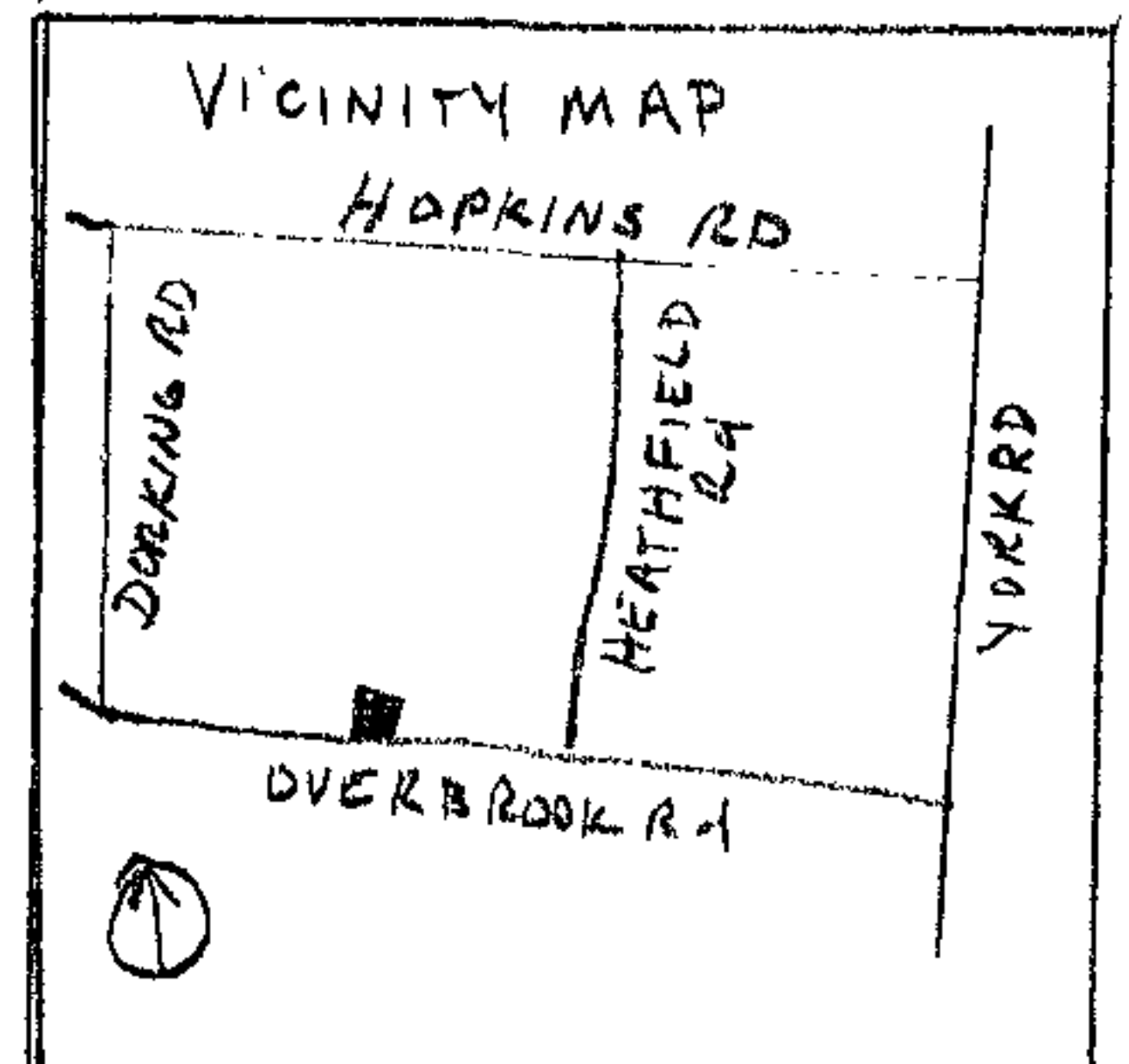
PROPERTY ADDRESS 328 OVERBROOK RD

SUBDIVISION NAME RODGERS FORGE

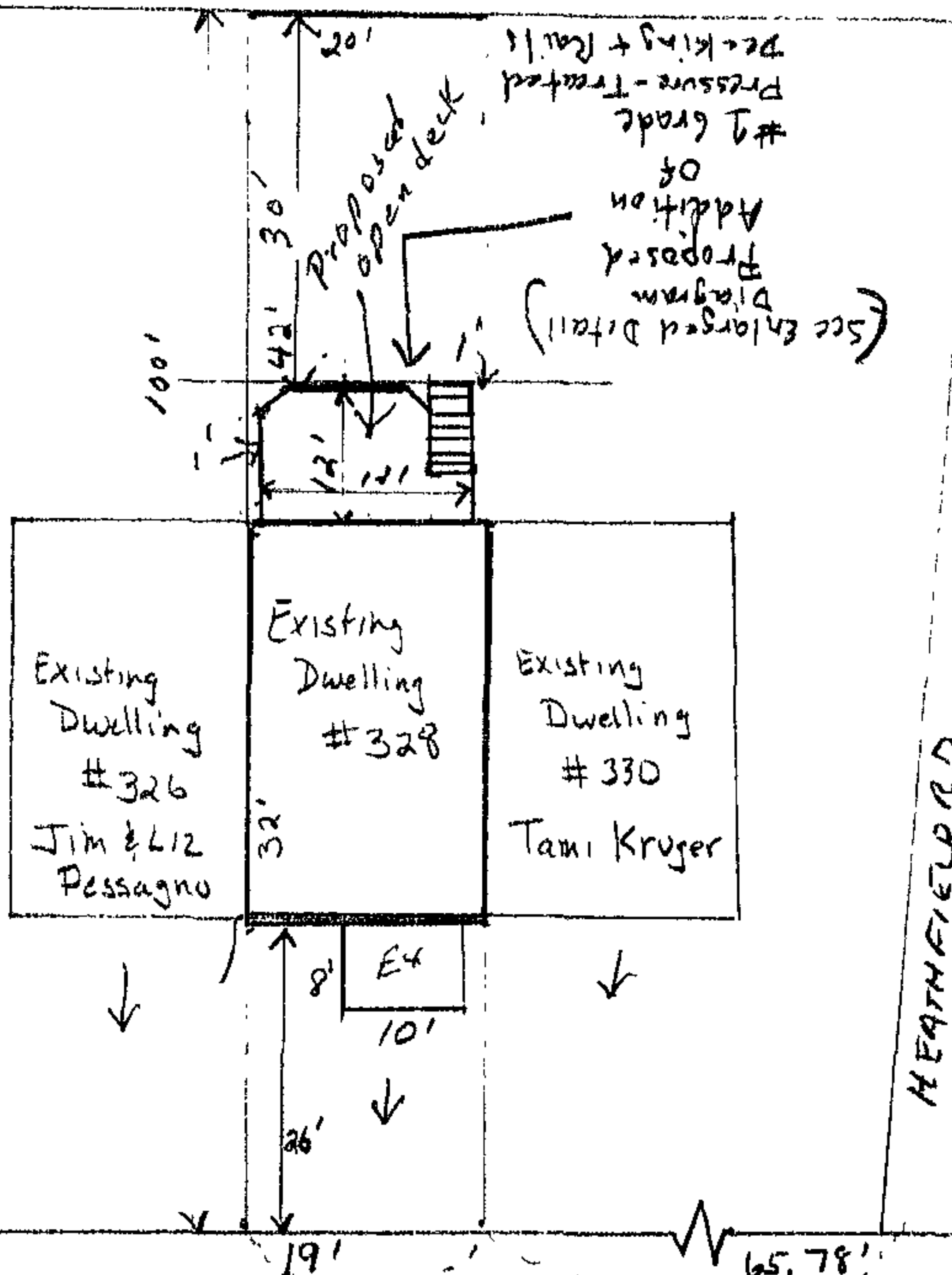
PLAT BOOK # 12 FOLIO # 57 LOT # — SECTION # —

OWNER Scott & Katherine MITCHELL

323 Hopkins
325 Hopkins



15' ALLEY



LOCATION INFORMATION

ELECTION DISTRICT 9 th

COUNCILMANIC DISTRICT 5 th
1" = 20' SCALE MAP #

ZONING DR 10.5

LOT SIZE 0.0436 1,900
ACRES SQUARE FT

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒
100 YEAR FLOOD PLAN	☐	☒
HISTORIC PROPERTY BUILDING	☐	☒
PRIOR ZONING HEARING	NONE	



OVERBROOK RD 50' WIDE

R/W

336 *[Signature]*
Pet. #1

PREPARED BY SRM

SCALE OF DRAWING: 1" = 20'

Overbrook
328 Reg



