IN RE: PETITION FOR ADMIN. VARIANCE S/S Barthel Court, 500' W of the c/l

Broadridge Lane
(7 Barthel Court)

8<sup>th</sup> Election District

2<sup>nd</sup> Council District

Douglas J. Brown, et ux Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 04-106-A

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Douglas J. and Robin A. Brown. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 36 feet in lieu of the required 50 feet for a proposed addition, and to amend the Final Development Plan for Broadridge for Lot 20, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. The information contained therein is sufficient to support a finding that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the surrounding locale.

Moreover, there were no adverse comments submitted by any County reviewing agency. For all of these reasons, I am persuaded to grant the variance.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

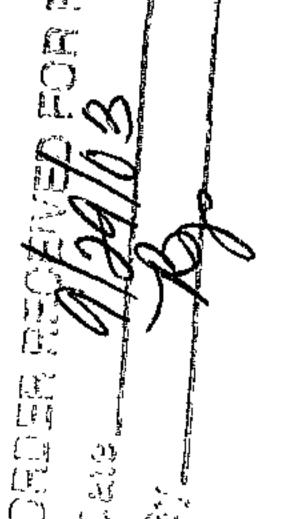
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September 2003 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 36 feet in lieu of the required 50 feet for a proposed addition, and to amend the Final Development Plan for Broadridge for Lot 20, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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



### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



### **Baltimore County**

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 24, 2003

Mr. & Mrs. Douglas J. Brown 7 Barthel Court Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S Barthel Court, 500' W of the c/l Broadridge Lane (7 Barthel Court)

8<sup>th</sup> Election District – 2<sup>nd</sup> Council District Douglas J. Brown, et ux - Petitioners Case No. 04-103-A

Dear Mr. & Mrs. Brown:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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:

People's Counsel; Case File





器EV10/25/01

### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property loc	rated at 1	BARTHEL	124-1017	CT.
		resently zone		

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)

Yard Setback of 36 ft. in lieu of the required 50 ft. and to approve a single lot amendment of the Finel Development Clan for lot #20,

"Broad ridge", in conjunction with the Administrative Variance,

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.

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	<del>/</del>	X DOUGUS J BRO	al)	
·		Signature		
	Telephone No	Name Type or Print	72	
State	Zip Code (	Signature 91	Mar	
<u>r:</u>				410-561-1143
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		Name		
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**Estimated Posting Date** 

# 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	T BARTHEL ROAD	
	Address	
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TIMONIUM LUTHKKUILLE WWD 71093
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):

see attached

That the Affiant(s) acknowledge(s) that if a formal demander advertising fee and may be required to provide additional in the second control of the second	nand is filed, Affiant(s) will be required to pay a reposting and information.
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Signature	Signature
Name - Type or Print	ROBINGA BROWN Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to v	vit:
I HEREBY CERTIFY, this Little day of Maryland, in and for the County aforesaid, personally ap	之。 ppeared , <u>2003</u> , before me, a Notary Public of the State
TOUGLAS J BROWN & COBIN A B the Affiant(s) herein, personally known or satisfactorily ide	ROWN
the Affiant(s) herein, personally known or satisfactorily ide	entified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
JEAN BERN	Susan Bernet Notary Public
/ /NOTARY\	
	My Commission Expires / 10.06

PUBLIC

REV 10/25/01

# Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	-1 BARTHER	(WAW)			
	Address	LUTHERVILLE	Mb	71093	

City

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):

See attached

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Zip Code

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PUBLIC

REV 10/25/01



REV 10/25/01

### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 7 BARTHEL (2500 CT. which is presently zoned RC5

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**Estimated Posting Date** 

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### **ZONING DESCRIPTION**

### Zoning Description For 7 Barthel Court

Beginning at a point on the South side of Barthel Court which is 50 feet wide at the distance of 500 feet west of the centerline of the nearest improved intersecting street Broadridge Lane which is 40 feet wide (varies up to 70 feet wide). Being Lot # 20, Section 2 in the subdivision of Broadridge as recorded in Baltimore County Plat Book # 50, Folio 42, containing 1.87 acres. Also known as 7 Barthel Court and located in the 8th Election District, 2nd Councilmanic District.

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**CASHIER'S VALIDATION** 

### CERPIFICATE OF POSTING

ADMINISTRAT  RE: Case Number 04-100  Petitioner/Developer: DOUG  Date of Hearing/Closing) SE	Date: September 9, 2003 IVE 6-A GLAS BROWN EPTEMBER 22, 2003
This is to certify under the penalti- were posted conspicuously on the prope	es of perjury that the necessary sign(s) required by law erty located at
The sign(s) were posted on	September 5, 2003  (Month, Day, Year)
	(Signature of Sign Poster)  LINDA O'KEFFE (Printed Name of Sign Poster)  523 PENNY LANE (Street Address of Sign Poster)  HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)  410-666-5366 (Telephone Number of Sign Poster)

ZONING REVIEW

## ADMINISTRATIVE RIANCE INFORMATION SMEET AND DATES

-A

Address 7 Barthel Ct.

Case Number 04-

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# DEPARTMENT OF PERMITS AND DEVELOPMEN MANAGEMENT

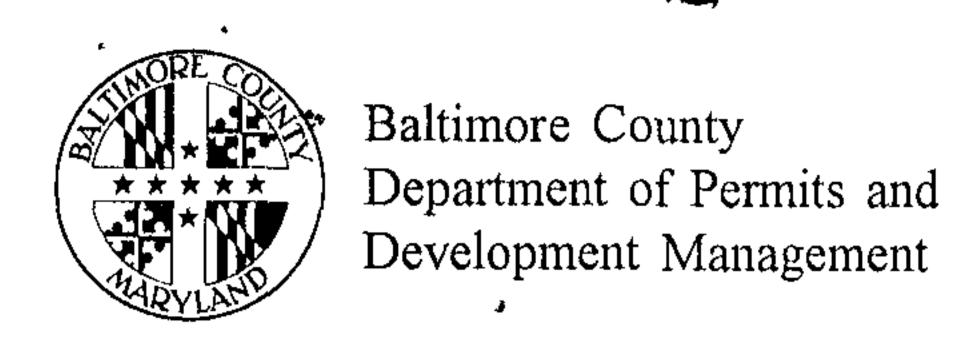
# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

Revised 2/20/98 - SCJ



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

September 22, 2003

Douglas Brown Robin Brown 7 Barthel Court Lutherville, MD 21093

Dear Mr. and Mrs. Brown:

RE: Case Number: 04-106-A, 7 Barthel Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callibal)

WCR:klm

Enclosures

c: People's Counsel



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

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.:

098 - 111

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.

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

cc: File

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9.10.03

Baltimore County

Item No. 106 (BPR)

RE:

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

Dear. Ms. Hart:

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

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

TO:

Tim Kotroco

FROM:

R. Bruce Seeley pBS/TGT

DATE:

October 9, 2003

SUBJECT:

Zoning Item <u>04-106</u>

Address

7 Barthel Court

Zoning Advisory Committee Meeting of: September 8, 2003

The proposed additions must be a minimum of 20 feet from the septic and 30 feet from the well. An inspection of the well and septic may be required prior to permit approval.

Reviewer: Sue Farinetti

Date: October 9, 2003

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 26, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 04-106 - Administrative Variance

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:

**Section Chief:** 

AFK/LL:MAC

RECEIVED

SEP 2 6 2003

ZONING COMMISSIONER

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 26, 2003

¥ ,...

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 15, 2003

Item Nos. 099, 101, 102, 103, 104, 106, 107, 108, and 109

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

RWB:CEN:jrb

cc: File







