

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Breezewick Circle, 253 ft. N
centerline of Breezewick Road
9th Election District
5th Councilmanic District
(904 Breezewick Circle)

Kathleen O. & Gerald C. Beauchesne
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-163-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property Kathleen O. and Gerald C. Beauchesne. The variance request is for property located at 904 Breezewick Circle in the Towson area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard setback of 25 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners 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 Petitioners have 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

10/29/03
J.R. [Signature]

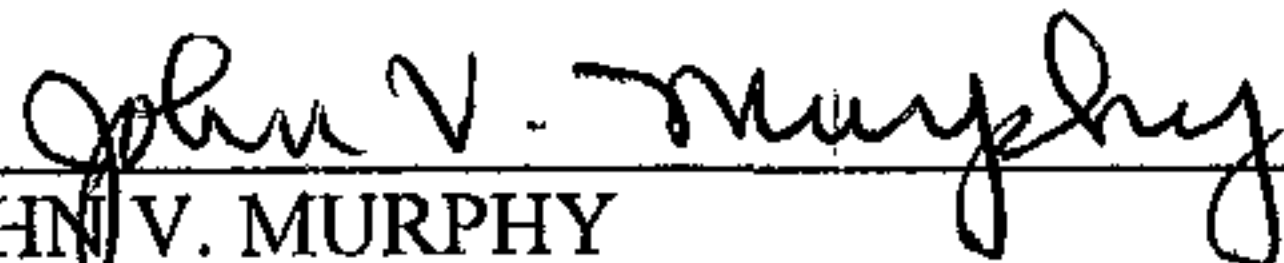
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) Comments submitted by the Office of Planning dated October 22, 2003, a copy of which is attached hereto and made a part hereof.

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 29 day of October, 2003, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard setback of 25 ft. in lieu of the required 30 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. Compliance with the recommendations made by the Office of Planning dated October 22, 2003.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

10/29/03
R. J. Murphy

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

October 29, 2003

Mr. & Mrs. Gerald Beauchesne
904 Breezewick Circle
Baltimore, Maryland 21286-3301

Re: Petition for Administrative Variance
Case No. 04-163-A
Property: 904 Breezewick Circle

Dear Mr. & Mrs. Beauchesne:

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 black ink, reading "John V. Murphy". The signature is written in a cursive style with a large, stylized "M".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 904 Breezewick Circle
which is presently zoned Residential
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) 1802.3.B DC2R

To permit an addition with a front yard setback of
25' in lieu of the required 30'.

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

At 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.

Legal Owner(s):

Gerald C. Beauchesne
Name - Type or Print

Gerald C. Beauchesne
Signature

Kathleen O. Beauchesne
Name - Type or Print

Kathleen O. Beauchesne
Signature

904 Breezewick Circle 410-336-7936
Address Telephone No.

Baltimore, MD 21286-3301
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 04-163-A

Reviewed By JRF Date 10/11/03

Estimated Posting Date 10-12-03

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

904 Breezewick Circle
Address
Baltimore, MD 21286-3301
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 explanation.

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.

Gerald C. Beauchesne

Signature

Gerald C. Beauchesne

Name - Type or Print

Kathleen O. Beauchesne

Signature

Kathleen O. Beauchesne

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

~~Gerald C. Beauchesne~~ Gerald C and Kathleen O Beauchesne
the Affiant(s) herein, (personally known or satisfactorily identified to me as such Affiant(s)).

AS WITNESS my hand and Notarial Seal

Ethel D. Brown
Notary Public

My Commission Expires

12/1/03

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

904 Breezewick Circle
Address
Baltimore, MD 21286-3301
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 explanation.

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.

Gerald C. Beauchesne

Signature

Gerald C. Beauchesne

Name - Type or Print

Kathleen O. Beauchesne

Signature

Kathleen O. Beauchesne

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

~~Gerald C. Beauchesne~~ Gerald C. and Kathleen O. Beauchesne
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Ethel D. Greenman
Notary Public

My Commission Expires

12/1/03



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 904 Breezewick Circle
which is presently zoned Residential
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) 18023.B. BC2R

To permit an addition with a front yard setback of 25' in lieu of the required 30'.

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):

Gerald C. Beauchesne
Name - Type or Print _____
Gerald C. Beauchesne
Signature _____
Kathleen O. Beauchesne
Name - Type or Print _____
Kathleen O. Beauchesne
Signature _____
904 Breezewick Circle 410-334-7936
Address _____ Telephone No. _____
Baltimore, MD 21286-
City _____ State _____ Zip Code _____
3301

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 _____ 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

CASE NO. 04-163-A

REV 10/25/01

Reviewed By JRF Date 10/11/03

Estimated Posting Date 10/12/03

Explanation

The variance will be needed to expand a room and add a front porch for the following reasons:

1. Uniqueness: Our house was the model home for the development and is situated closer to the road than any other house on Breezewick Circle. It sits 55" from the center line of Breezewick Circle. Our neighbors' homes are approximately 65' from the center line of Breezewick Circle. Their homes are set 10' farther back on the lot than ours. If they were to make the same renovations, they would not have to apply for a variance.

2. Practical difficulty: We plan to live in the home throughout our retirement. The addition of the front porch will make the entrance more easily accessible from the driveway with only one step to navigate. We are renovating the entire house to make it more open and handicapped accessible for our old age.

Zoning Description for 904 Breezewick Circle

Beginning at a point on the west side of Breezewick Circle, which is 50 feet wide at the distance of 253' North of the centerline of the nearest improved intersecting street Breezewick Road, which is 50 feet wide. Being Lot # 4, Block A, Section # N2 in the subdivision of Cromwell Valley as recorded in Baltimore County Plat Book # 25, Folio #61, containing 11,628 square feet. Also known as 904 Breezewick Circle and located in the 9th Election District, 5 Councilmanic District.

163

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **29309**

DATE **10-1-03**

ACCOUNT **001-0006-6150**

AMOUNT **\$ 65.00**

RECEIVED BY **Kathleen Boucousine**

FROM **7-9 Breckinridge Circle**

FOR **Accounts Payable**

7/25/03 - 10/1/03

DISTRIBUTION
WHITE CASHIER
PINK AGENCY
YELLOW CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME MON
07/22/03 10:01:20:03 07:34:00 5
RECEIPT 1 30553 10/22/03 07:14
REF 5 222 20000 0000000000
IN NO. 02309
Receipt for \$65.00
10/1/03 10:01:20
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 10-9-03

RE: Case Number: 04-163-A

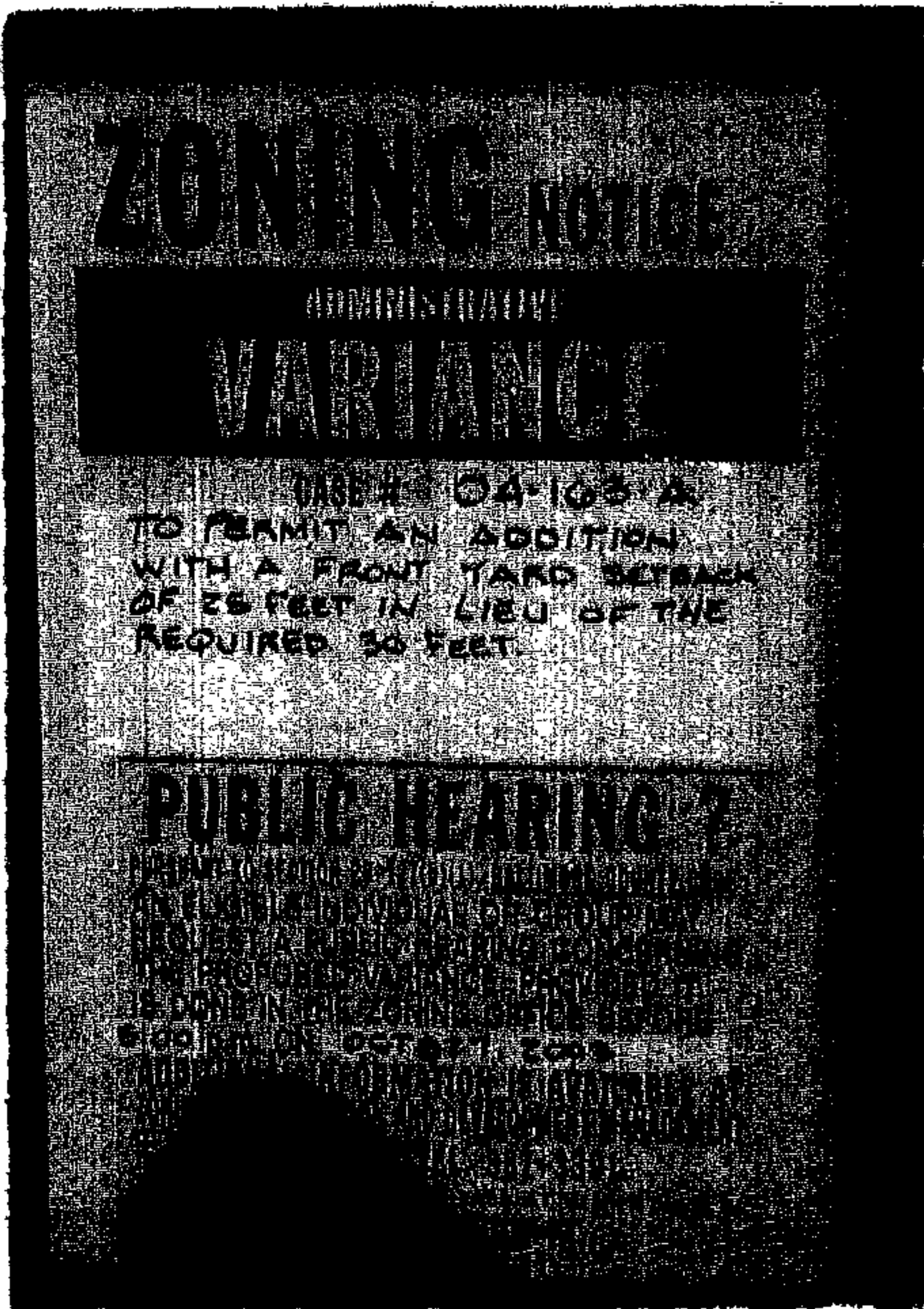
Petitioner/Developer: KATHLEEN BEAUCHESNE

Date of Hearing/Closing: 10-27-03

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 904 BREEZEWICK CIRCLE

The sign(s) were posted on 10/8/03

(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Maqledt Road
Baltimore, MD 21234
410-665-5562

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: 04-163-A

Petitioner: Gerald C. and Kathleen O. Beauchesne

Address or Location: 904 Breezeuick Circle
Baltimore, MD 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kathleen O. Beauchesne

Address: 904 Breezeuick Circle
Baltimore, MD 21286

Telephone Number: 410-339-7936

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴~~03~~ 163 -A Address 904 BREEZEWICK CIRCLE
Contact Person: JUN R. FERNANDO Phone Number 410-887-3391
Planner: Please Print Your Name

Filing Date: 10-1-03 Posting Date: 10-12-03 Closing Date: 10-27-03

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.

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.

DO NOT ADD TO THIS FORM

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴~~03~~ 163 -A Address 904 BREEZEWICK CIRCLE
Petitioner's Name Gerald & Kathleen Beauchesne Telephone 410-339-7936
Posting Date: 10-12-03 Closing Date: 10-27-03
Ordering for Sign To Permit an addition with a front yard setback of
~~25'~~ 25' in lieu of the required 30'.

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 27, 2003

Gerald Beauchesne
Kathleen Beauchesne
904 Breezewick Circle
Baltimore, MD 21286-3301

Dear Mr. and Mrs. Beauchesne:

RE: Case Number: 04-163-A, 904 Breezewick Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 1, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info





**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

October 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 14, 2003

Item No.: 151-169

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: 10.14.03

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

RE: Baltimore County
Item No. 163 JRF

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 22, 2003

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

RECEIVED

OCT 24 2003

SUBJECT: 904 Breesewick Circle

INFORMATION:

Item Number: 04-163

Petitioner: Gerald C Beauchesne

Zoning: DR 3.5

ZONING COMMISSIONER

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed addition is compatible with the building design. The petitioner should submit elevation drawings of the proposed addition (including information about the type of building materials) to this office for review and approval prior to the issuance of any building permits.

For further questions or additional information concerning the matters stated herein, please contact Karin Brown at 410-887-3480.

Prepared by:

Mark A. Cunniff

Section Chief:

John J. Lash

AFK/LL:MAC:

10/29/03
D. J. Jemison

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 26, 2003

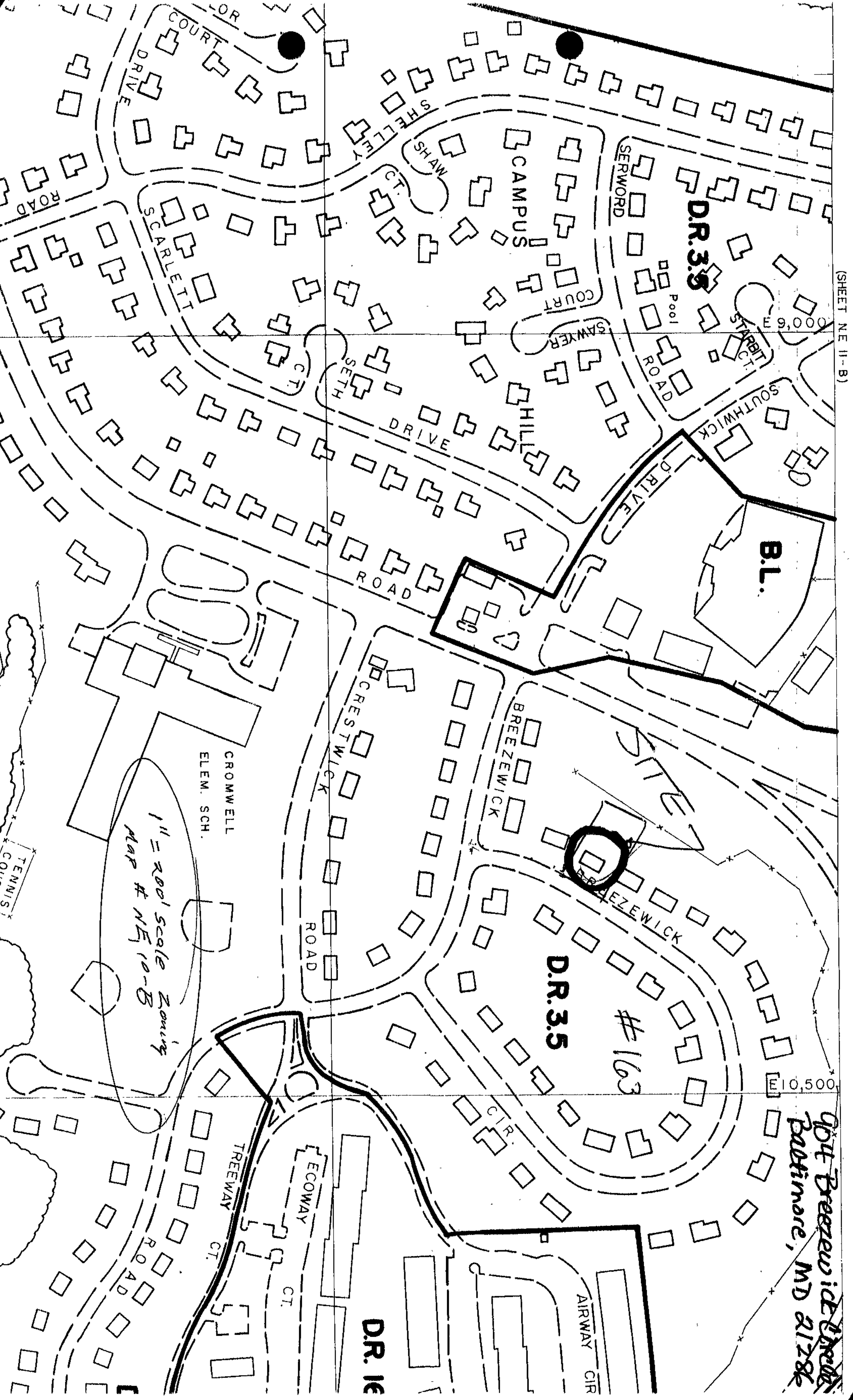
FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 20, 2003
Item Nos. 151, 152, 153, 154, 155,
157, 158, 159, 160, 161, 162, 163, 164,
167, and 168

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

RWB:CEN:jrb

cc: File



404 Breezewick Drive
Baltimore, MD 21286

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

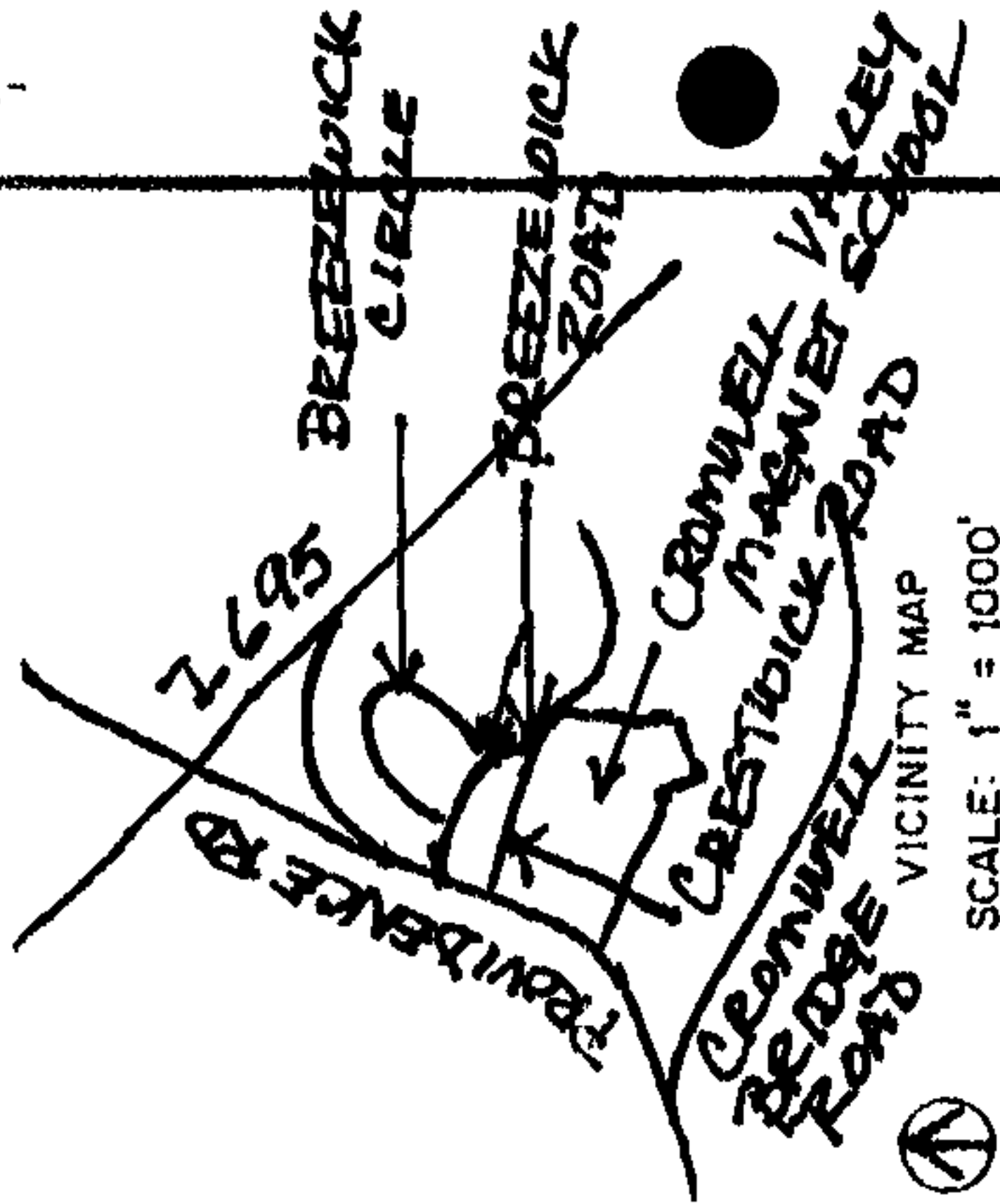
PROPERTY ADDRESS 904 Breezewick Circle SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Breezewick

PLAT BOOK # 25 FOLIO # 61 LOT # 4 SECTION # N12

OWNER Gerald and Kathleen Beauchesne

See Attached



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # NE, 10-B

ZONING DR 3.5

LOT SIZE

11,628 SQUARE FEET

ACREAGE

PUBLIC ☒ PRIVATE ☐

SEWER

☒

WATER

☒

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN

☐

HISTORIC PROPERTY / BUILDING

☐

PRIOR ZONING HEARING NONE

NORTH

ZONING OFFICE USE ONLY
REVIEWED BY JRF ITEM # 163 CASE #

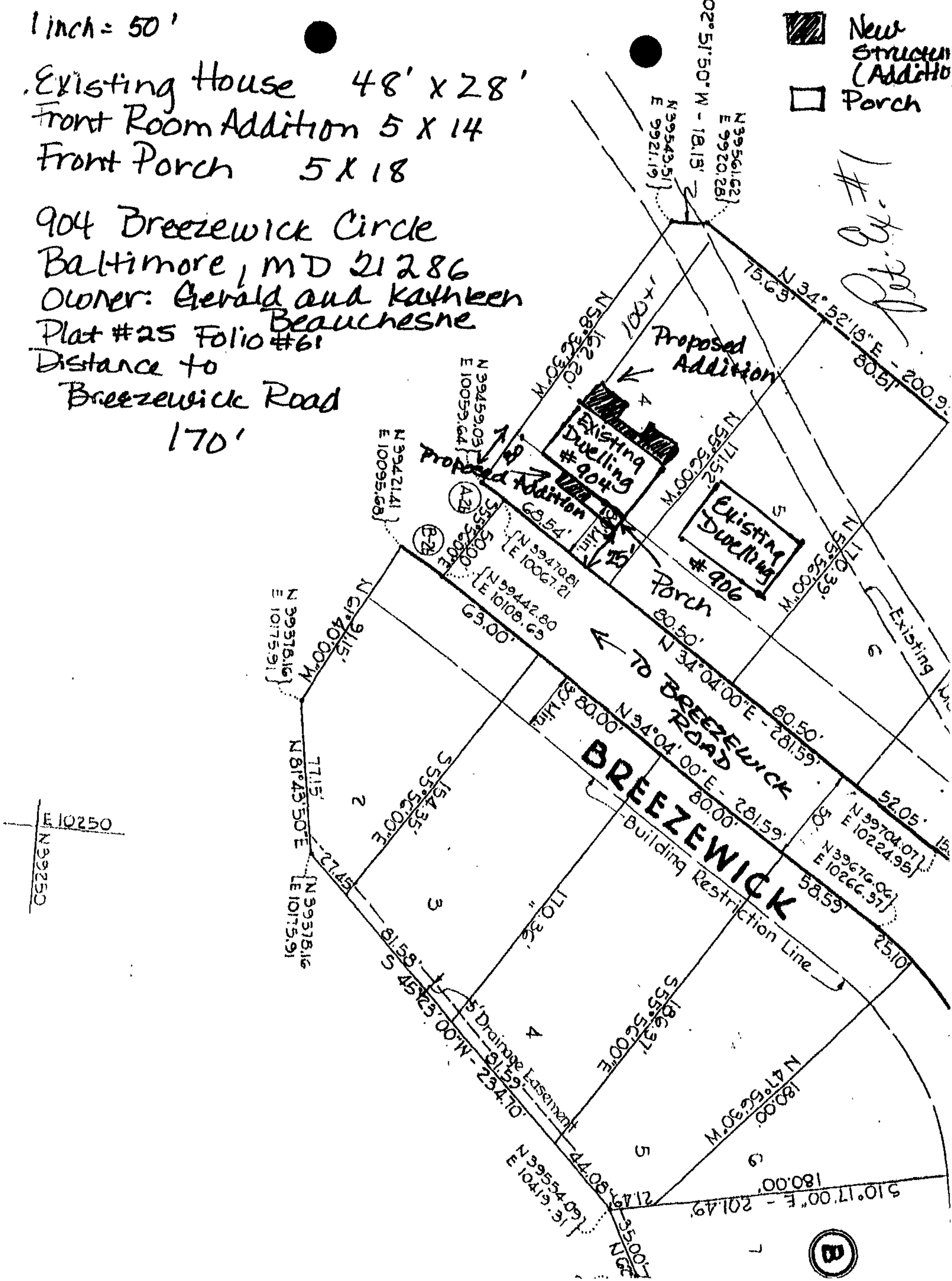
PREPARED BY Kathleen Beauchesne SCALE OF DRAWING: 1" = 50'

1 inch = 50'

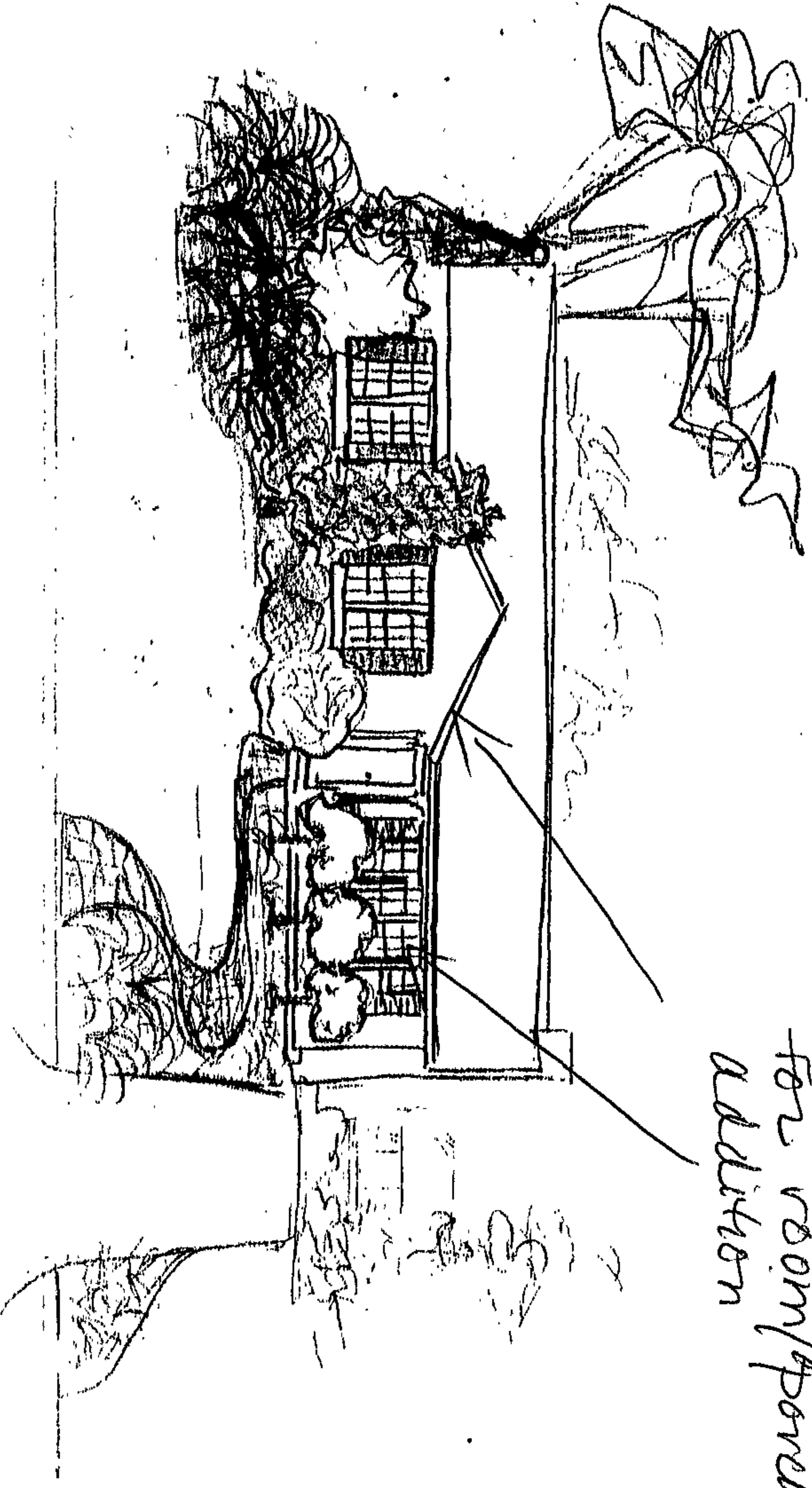
Existing House 48' x 28'
Front Room Addition 5 x 14
Front Porch 5 x 18

904 Breezewick Circle
Baltimore, MD 21286
Owner: Gerald and Kathleen
Beauchesne
Plat #25 Folio #61
Distance to
Breezewick Road
170'

 New Structure (Addition)
 Porch



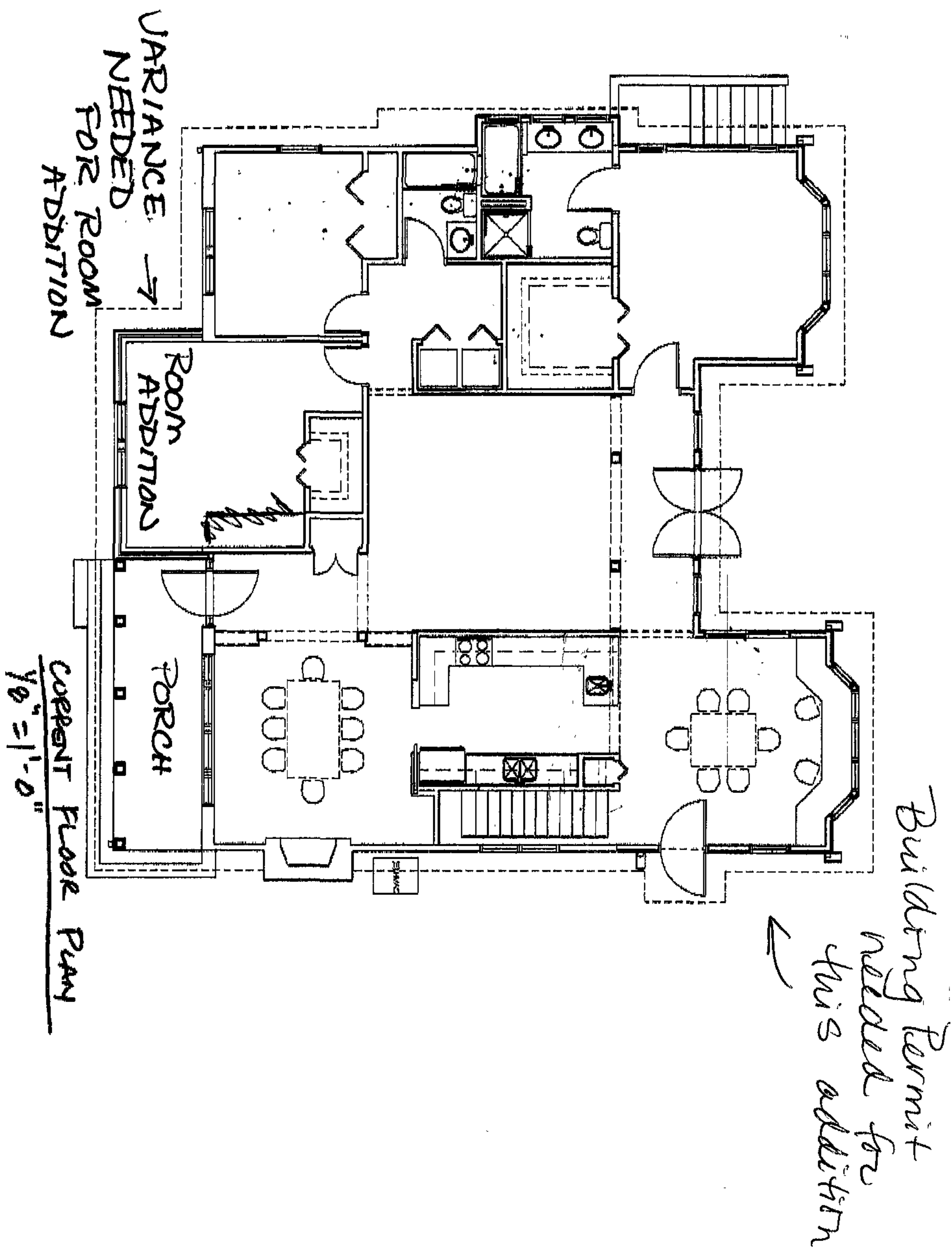
Proposed Renovation
904 Brezeville Circle
Baltimore, MD 21286
Variance requested
for room/porch
addition



163

5

Attention is directed
to the presence of
the following items:



[illegible]

10

10







904

904 BREZOWICK DRIVE

