

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Chestnut Avenue, 220 ft. W
centerline of Charles Street
9th Election District
5th Councilmanic District
(407 Chestnut Avenue)

Milton Joseph Brownstein
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-285-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Milton Joseph Brownstein. The variance request is for property located at 407 Chestnut Avenue in the Towson area of Baltimore County. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 14 ft. in lieu of the required 50 ft. for an addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The case was originally filed as an administrative variance, but was ultimately set in for a hearing after this office received an e-mail from the West Towson Neighborhood Association. It was also discovered that the property had not been properly posted with notice of hearing. The hearing was scheduled for March 2, 2004. Notice of the hearing was given to the public by posting the property with notice of the hearing on February 14, 2004 and by publication in "The Jeffersonian" newspaper on February 12, 2004.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for

ORDER RECEIVED FOR FILING

Date

3/3/04

By

M. Joseph Brownstein

Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were Susan Miller and Milton J. Brownstein, Petitioner. No protestants or citizens appeared in opposition to the Petitioner's request. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 10,800 sq. ft. and is zoned DR 3.5. Testimony of the Petitioner indicated that this property is part of the Charles Terrace subdivision, which was recorded before the DR 3.5 zoning was applied. The property is improved by an existing home located approximately 44 ft. from Chestnut Avenue. Thus the present home does not meet the 50 ft. DR 3.5 setback. In addition the neighboring homes are set back 61 ft., 68 ft. and 174 ft. from Chestnut Avenue.

The Petitioner describes his home as the right size for a bachelor. However, he would like his fiancée and her three teenage children to move in with him. Thus, the request for an addition would contain a second garage, new kitchen, family room and master bedroom. The

ORDER RECEIVED FOR FILING

Date

3/3/04

By

J. J. [Signature]

new family will then have four vehicles to park and the need for a much larger home. The existing small kitchen will be converted to a laundry room. The existing home has no basement.

He considered adding to the home on the side of the house, but an addition would require a variance for the side yard setback for any addition that would be large enough. The proposed addition toward the front of the house will be constructed with a roof compatible with the existing home and the whole building will be re-sided. The Petitioner's photographs show the property ablaze in the spring with azaleas, which for the most part will be saved.

The Petitioner furnished two letters of support from his immediate neighbors. In addition, what initially appeared to be opposition from the West Towson Community Association was withdrawn after an investigation by the association. See correspondence contained in the file.

While the property is rectangular in shape, the property rises sharply from Chestnut Avenue toward the Petitioner's home. Thus, the elevated addition will have little or no visual impact on the neighborhood.

Findings of fact and conclusions of law

I must admit that I am troubled by this request purely from a community layout standpoint. The neighboring homes are set back quite a distance from the street and I was concerned that the addition will jut out into the line of homes and appear out of place. Mr. Brownstein points out that his home is at the entrance to the community and, therefore, one would not look down the line of homes to see this addition somehow out of place. The Petitioner indicated he would preserve almost all the azalea shrubs on Chestnut Avenue. Finally, I note that neither neighbor objects to the addition nor does the community association. This tells me that those who see the property everyday are not worried, more than likely because the land rises so quickly from Chestnut Avenue.

ORDER RECEIVED FOR FILING

Date

3/3/04

By

A. P. [Signature]

On balance, I find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request, and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no increase in residential density requested beyond that otherwise allowable by the Zoning Regulations. Furthermore, I find that such variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare

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 Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3 day of March, 2004, that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 14 ft. in lieu of the required 50 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

3/3/04

By



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

March 3, 2004

Mr. Milton Joseph Brownstein
407 Chestnut Avenue
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 04-285-A
Property: 407 Chestnut Avenue

Dear Mr. Brownstein:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Welsh Construction Remodeling Co.
3901 E. Monument Street
Baltimore, MD 21205

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

407 CHESTNUT AVE.

for the property located at TOWSON MD. 21204

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) 303.1, BC 22, TO PERMIT A

FRONT YARD SETBACK OF 14ft. IN LIEU OF THE REQUIRED 50ft. for an addition.

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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):

MILTON JOSEPH BROWNSTEIN

Name - Type or Print

Signature

Name - Type or Print

Signature

407 CHESTNUT AVE. 410-821-6330

Address

Telephone No

TOWSON MD.

21204

City

State

Zip Code

Representative to be Contacted:

WELSH CONSTRUCTION REMOD. CO.

Name

3901 E. MONUMENT ST. 410-732-1360

Address

Telephone No

BALTIMORE MD. 21205

City

State

Zip Code

ATTN: JOHN DE GRAW

Zoning Commissioner of Baltimore County

Reviewed By

Date

12.9.03

Estimated Posting Date

12.21.03

CASE NO. 04-285 A

EV 10/25/01

Date By

ORDER RECEIVED FOR FILING

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 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):

WELFARE OF ALL INVOLVED.
I HAVE LIVED IN THIS HOME SINCE 1952 AND WOULD VERY MUCH
LIKE TO RETIRE HERE WITH MY NEW FAMILY.

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 _____

Name - Type or Print _____

I HEREBY CERTIFY, this 9th day of December, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

AS WITNESS my hand and Notarial Seal

My Commission Expires 1-1-06



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

407 CHESTNUT AVE.

for the property located at TOWSON MD. 21204

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) 303.1 BC22, TO PERMIT A

FRONT YARD SETBACK OF 14ft. IN LIEU OF THE
REQUIRED 50ft. FOR AN ADDITION.

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):

MILTON JOSEPH BROWNSTEIN

Name - Type or Print

Signature

Name - Type or Print

Signature

407 CHESTNUT AVE. 410-821-6330

Address

Telephone No.

TOWSON MD.

21204

City

State

Zip Code

Representative to be Contacted:

WELSH CONSTRUCTION REMOD. Co.

Name

3901 E. MONUMENT ST. 410-732-1360

Address

Telephone No.

BALTO.

MD.

21205

City

State

Zip Code

ATTN: JOHN DEGRAW

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. 04-285A

Reviewed By DWM

Date 12-9-03

Estimated Posting Date 12-24-03

REV 10/25/01

ZONING DESCRIPTION FOR 407 CHESTNUT AVENUE, TOWSON MD

BEGINNING AT A POINT ON THE EAST SIDE OF CHESTNUT AVENUE
WHICH IS 20 FEET WIDE AT THE DISTANCE OF 220 FEET WEST
OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING
STREET CHARLES ST. WHICH IS 50 FEET WIDE. BEING LOT #25
IN THE SUBDIVISION OF CHARLES TERRACE AS RECORDED IN
DEED LIBER — , FOLIO — , CONTAINING 10,800 SQUARE FEET.
ALSO KNOWN AS 407 CHESTNUT AVENUE AND LOCATED IN THE
9TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

285
No. 23501

DATE

12-9-03

ACCOUNT

001-006-6150

AMOUNT \$

65.00

RECEIVED
FROM:

M. BRUNSTEIN

FOR:

AD. VAR

407 CHESTNUT
AVE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commission 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: #04-286-A
407 Chestnut Avenue
E/side of Chestnut Avenue
220 feet +/- west of center
line of Charles Street
9th Election District
5th Councilmanic District
Legal Owner(s): Milton
Joseph Brownstein
Administrative Variance: to
permit a front yard setback
of 14 feet in lieu of the re-
quired 50 feet for an addi-
tion.
Hearing: Tuesday, March
2, 2004 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

2/136 Feb. 12 C648973

CERTIFICATE OF PUBLICATION

2/12/2004

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 2/12/2004.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-285-A

Petitioner/Developer: MILTON

BROWNSTEIN

Date of Hearing/Closing: 1/5/04

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

ATTN: Becky Hart {(410) 887-3394}

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: _____

407 CHESTNUT AVE

The sign(s) were posted on _____

12/21/03
(Month, Day, Year)

Sincerely,

[Signature]
(Signature of Sign Poster)

12/21/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

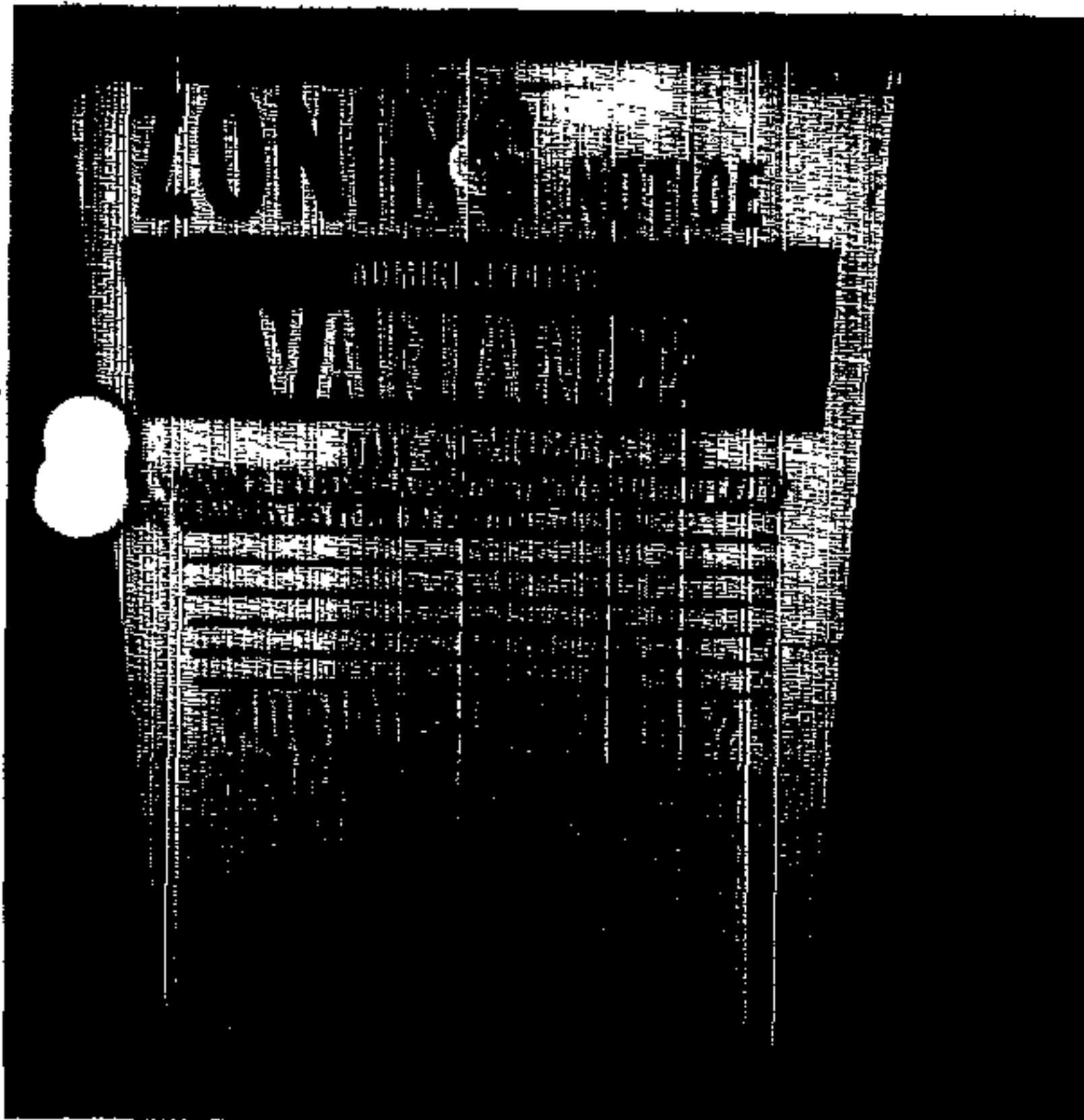
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

RE: Case No.: 04-285-A

Petitioner/Developer: MILTON

JOSEPH BROWNSTEIN

Date of Hearing/Closing: MARCH 2, 2004

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

407 CHESTNUT AVE.

The sign(s) were posted on _____

2/14/04
(Month, Day, Year)

Sincerely,

Robert Black 2/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

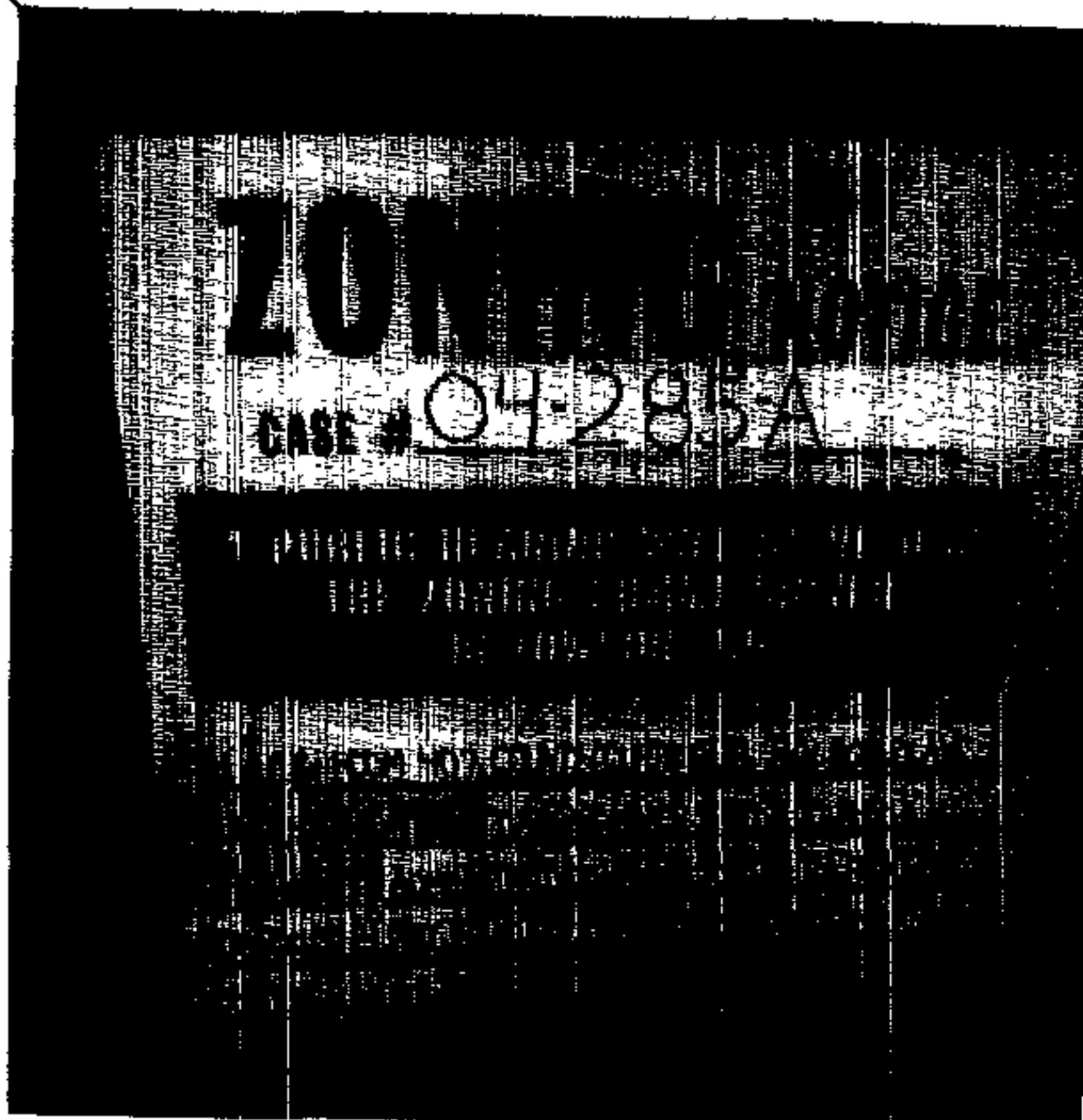
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Thursday, February 12, 2004 Issue - Jeffersonian

Please forward billing to:
Milton Brownstein
407 Chestnut Avenue
Towson, MD 21204

410-821-6330

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: 04-285-A

407 Chestnut Avenue

E/side of Chestnut Avenue, 220 feet +/- west of centerline of Charles Street

9th Election District – 5th Councilmanic District

Legal Owner: Milton Joseph Brownstein

Administrative Variance to permit a front yard setback of 14 feet in lieu of the required 50 feet for an addition.

Hearing: Tuesday, March 2, 2004, at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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**

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



Baltimore County

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

January 15, 2004

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: 04-285-A

407 Chestnut Avenue

E/side of Chestnut Avenue, 220 feet +/- west of centerline of Charles Street

9th Election District – 5th Councilmanic District

Legal Owner: Milton Joseph Brownstein

Administrative Variance to permit a front yard setback of 14 feet in lieu of the required 50 feet for an addition.

Hearing: Tuesday, March 2, 2004, at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Milton Brownstein, 407 Chestnut Avenue, Towson 21204

John De Graw, Welsh Construction Remodeling Co., 3901 E. Monument St., Baltimore 21205

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 16, 2004.**
- (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.

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

**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: 285

Petitioner: MILTON J. BROWNSTEIN

Address or Location: 407 CHESTNUT AVE TOWSON, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: MILTON J. BROWNSTEIN

Address: SAME AS ABOVE

Telephone Number: 410-821-6330

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number **04** 285 -A Address 407 CHESTNUT Ave.

Contact Person: J. Henry Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12.9.03 Posting Date: 12.21.03 Closing Date: 1.5.04

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 **04** 285 -A Address 407 CHESTNUT Ave.

Petitioner's Name MILTON BROWNSTEIN Telephone 410-821-6330

Posting Date: 12.21.03 Closing Date: 1.5.04

Wording for Sign: A VARIANCE
To Permit A FRONT SETBACK OF 14ft.
IN LIEU OF THE REQUIRED 50ft. for
AN ADDITION



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 25, 2004

Milton Joseph Brownstein
407 Chestnut Avenue
Towson, Maryland 21204

Dear Mr. Brownstein:

RE: Case Number:04-285-A, 407 Chestnut Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 9, 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:clb

Enclosures

c: People's Counsel
Welsh Construction Remodeling Co. 3901 E. Monument Street Baltimore 21205

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

**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*

January 5, 2004

Milton Joseph Brownstein
407 Chestnut Avenue
Towson, MD 21204

RE: Case Number: 04-285-A, 407 Chestnut Avenue

Dear Mr. Brownstein:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 9, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

C: People's Counsel
John De Graw, Welsh Construction Remodeling, 3901 E. Monument St., Baltimore 21205

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

January 5, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: December 29, 2003

Item No.: 280-(285), 287-299

6. 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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For January 5, 2004
Item Nos. 280, 281, 282, 284, 285, 286,
288, 289, 290, 291, 292, and 299

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

RWB:jrb

cc: File

Hearing Demanded.
1/12/04
1/5/04 AVH
(3/2)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 21, 2004

RECEIVED

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

JAN 22 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-285 – Administration 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: Mark A. Cunningham

Section Chief: Lynne L. L. L.

AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1.7.04

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

RE: Baltimore County
Item No. 285 JCM

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,

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

Larry Schmidt

From: "Richard Parsons" <rparsons@bcpl.net>
To: "Lawrence Schmidt, Esq." <lschmidt@co.ba.md.us>
Date: 1/12/2004 11:39 AM
CC: "Amy Bateman" <amybateman@comcast.net>, "Karen Kruger, Esq." <kkruger@bcpl.net>, "Ruth Pyle" <rh609@juno.com>, "Cathi Forbes" <johndp@erols.com>, "Donald Wright" <Drigsby@comcast.net>, "Venetia Holland" <vholland@coldwellbankermove.com>, "Arthur London" <Alondon@londoninsurance.com>, "Mike Ertel" <mertel@jacobscompany.com>, "Louise Teubner-Rhodes" <teubner@tidalwave.net>, "Stephanie Keene" <Stefkeene@hotmail.com>, "Richard Parsons" <rparsons@bcpl.net>, "Debbie Shephard" <dday0645@aol.com>, "John Pyle" <jwp609@juno.com>, "Karin Brown" <kebrown@co.ba.md.us>

Good morning, Larry:

I am in receipt of a copy of a petition for an Administrative Variance for a property at 407 Chestnut Avenue, Towson, owned by Milton Joseph Brownstein. The petition has a filing date of 12/9/03 and, as of 1/11/04 had not been posted as required by law. As this is a request for an administrative variance, the immediately neighbors need to be notified, especially as the requested variance will increase the size of the house by almost a third.

Further, the petition should be amended to give the exact dimensions of the addition requested. The West Towson Neighborhood Association requests that no hearing or decision on this matter be forthcoming until such an amendment is made, and the immediate neighbors have been given time to respond.

Dick Parsons, President, WTNA..

04-285-A

(?) properly posted 12/21/03
 by Sgt. R. Beach.
 Robin 1/12/04

Les -
 Robin has file -
 posting was done -
 however, may be
 appropriate.
 Better
 1/12/04

Backer Set in for
 Hearing
 Jles
 1/13/04

Butt -
 See if
 we have
 anything on
 this - I'd
 want to
 review +
 maybe set
 in for hearing
 per
 1/12/2004

From: "Richard Parsons" <rparsons@bcpl.net>
To: "Timothy Kotroco, Esq." <tkotroco@co.ba.md.us>
Date: 1/12/2004 2:44:25 PM
Subject: Fw:

Tim:

I had addressed this e.mail originally to Larry. Probably I should have addressed it to you as it wouldn't have been sent over to Larry yet. My concern is that the property be posted in a timely way so that neighbors have an opportunity to respond if they so wish.

Dick

> From: Richard Parsons <rparsons@bcpl.net>
 > To: Lawrence Schmidt, Esq. <lschmidt@co.ba.md.us>
 > Cc: Amy Bateman <amybateman@comcast.net>; Karen Kruger, Esq. <kkruger@bcpl.net>; Ruth Pyle <rhp609@juno.com>; Cathi Forbes <johndp@erols.com>; Donald Wright <Drigsby@comcast.net>; Venetia Holland <vholland@coldwellbankermove.com>; Arthur London <Alondon@londoninsurance.com>; Mike Ertel <mertel@jacobscompany.com>; Louise Teubner-Rhodes <teubner@tidalwave.net>; Stephanie Keene <Stefkeene@hotmail.com>; Richard Parsons <rparsons@bcpl.net>; Debbie Shephard <dday0645@aol.com>; John Pyle <jwp609@juno.com>; Karin Brown <kebrown@co.ba.md.us>
 > Subject:
 > Date: Monday 12 January 2004 11:38 AM
 >
 > Good morning, Larry:
 >
 > I am in receipt of a copy of a petition for an Administrative Variance for
 > a property at 407 Chestnut Avenue, Towson, owned by Milton Joseph Brownstein. The petition has a filing date of 12/9/03 and, as of 1/11/04
 > had not been posted as required by law. As this is a request for an
 > administrative variance, the immediate neighbors need to be notified,
 > especially as the requested variance will increase the size of the house by
 > almost a third.
 >
 > Further, the petition should be amended to give the exact dimensions of the
 > addition requested. The West Towson Neighborhood Association requests that
 > no hearing or decision on this matter be forthcoming until such an
 > amendment is made, and the immediate neighbors have been given time to
 > respond.
 >
 > Dick Parsons, President, WTNA..

From: "Richard Parsons" <rparsons@bcpl.net>
To: "Timothy Kotroco, Esq." <tkotroco@co.ba.md.us>, "Lawrence Schmidt, Esq." <lschmidt@co.ba.md.us>
Date: 1/23/2004 12:31:01 PM

Tim:

This is in reference to a Petition for Administrative Variance by Milton Joseph Brownstein, 407 Chestnut Avenue, Towson. I don't think a hearing date has been set at this point.

Don Wright, a past president of WTNA and still a board member, has examined this property for us and has had phone conversations with Mr. Brownstein. He is persuaded that Mr. Brownstein has complied with the requirements-that the proposed measurements are on file (we have seen them), that the variance request was posted, and that, according to Mr. Brownstein, the immediately adjacent neighbors have been informed. It would appear the said neighbors are not contesting the variance request. It is Mr. Wright's opinion that the proposed construction will be sensitively handled and will not be a cause of concern.

Therefore the West Towson Neighborhood Association will not be entering this case or disputing the requested variance.

Richard Parsons President, West Towson Neighborhood Association

CC: "Amy Bateman" <amybateman@comcast.net>, "Karen Kruger, Esq." <kkruger@bcpl.net>, "Ruth Pyle" <rh609@juno.com>, "Cathi Forbes" <johndp@erols.com>, "Donald Wright" <Drigsby@comcast.net>, "Venetia Holland" <vholland@coldwellbankermove.com>, "Arthur London" <Alondon@londoninsurance.com>, "Mike Ertel" <mertel@jacobscompany.com>, "Louise Teubner-Rhodes" <teubner@tidalwave.net>, "Stephanie Keene" <Stefkeene@hotmail.com>, "Richard Parsons" <rparsons@bcpl.net>, "Debbie Shephard" <dday0645@aol.com>, "John Pyle" <jwp609@juno.com>

Sunday, February 29, 2004

Mr. M. Brownstein
407 Chestnut Avenue
Towson, MD 21204

Mr. William B. Sweeney Jr.
409 Chestnut Avenue
Towson, MD 21204

Re: Zoning Variance and Home Addition Construction

Dear Milt,

As per our conversations regarding your addition, I have no objection to the proposed construction or zoning variance.

Regards,


William B. Sweeney Jr.

Sunday, February 29, 2004

Mr. M. Brownstein
407 Chestnut Avenue
Towson, MD 21204

Mr. Steven Tully
405 Chestnut Avenue
Towson, MD 21204

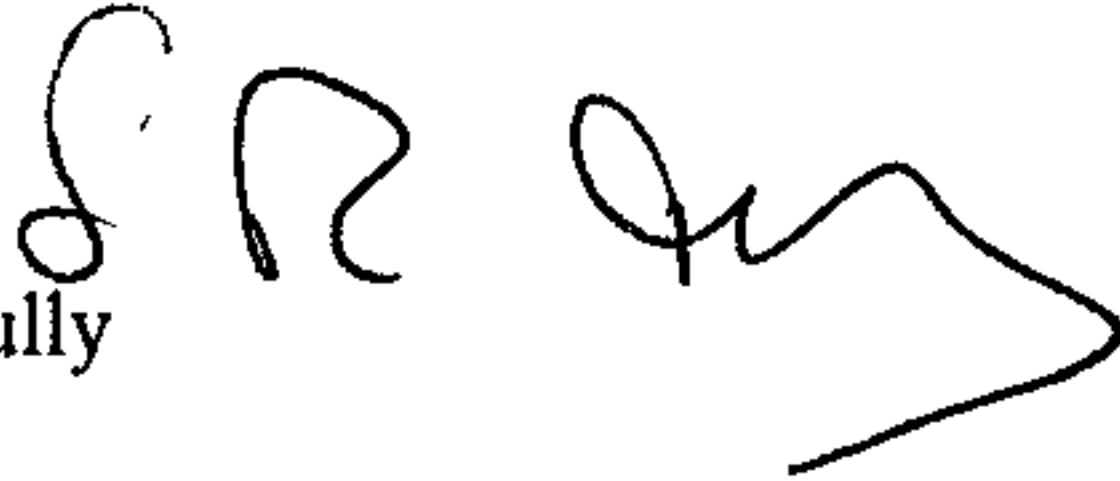
Re: Zoning Variance and Home Addition Construction

Dear Milt,

As per our conversations regarding your addition, I have no objection to the proposed construction or zoning variance.

Regards,

Steven Tully

A handwritten signature in black ink, appearing to be 'S. Tully', written over the printed name 'Steven Tully'.

DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04-285-A

Date Completed/Initials

PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

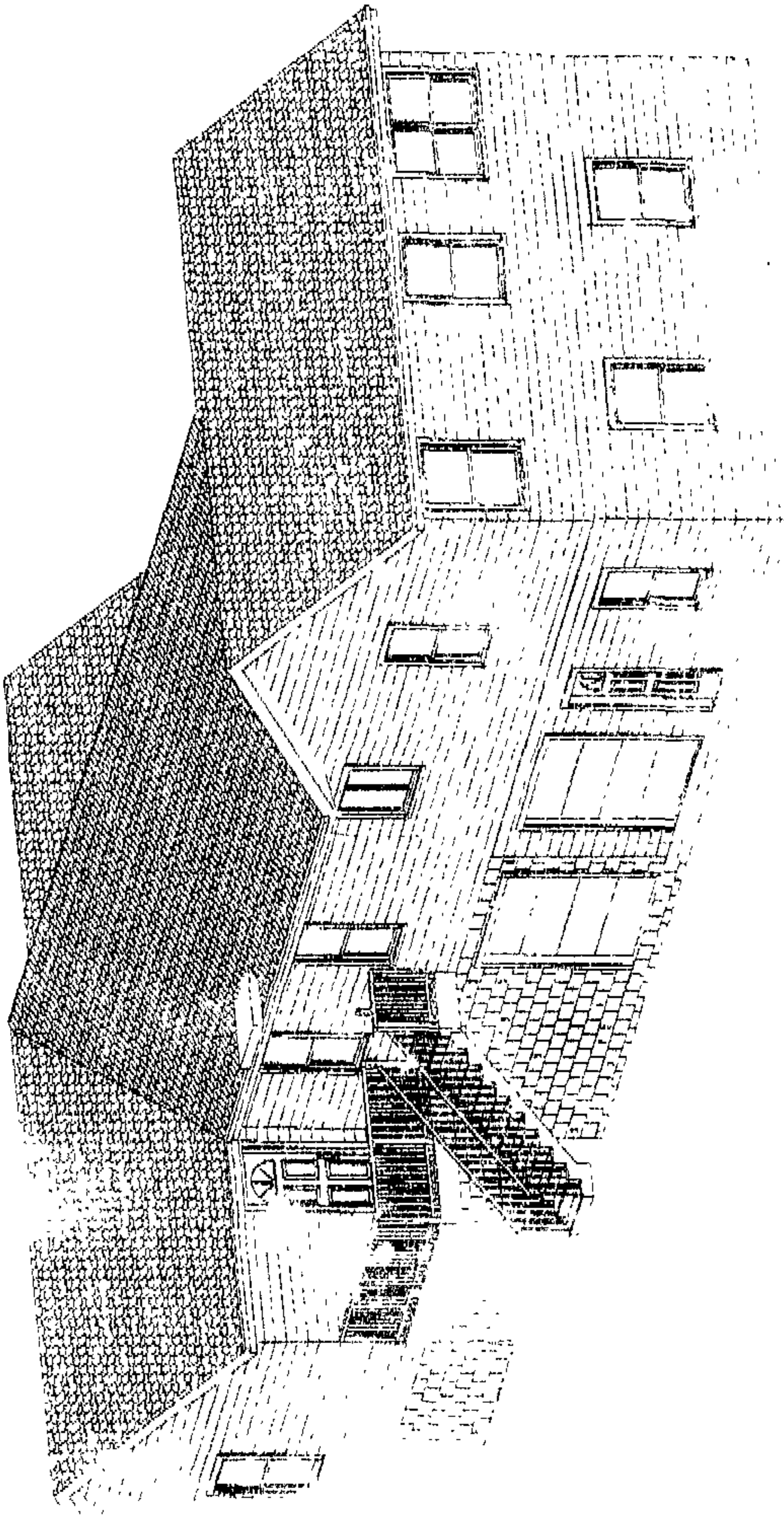
COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

2/14/04

2/25/04
WJ

4#200



Sample

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A	B	C	D	E	F
61	61	61	174		

$$\text{TOTAL } (303) \div (3) = 101$$

of dwellings

REQUIRED FRONT SETBACK (averaged)

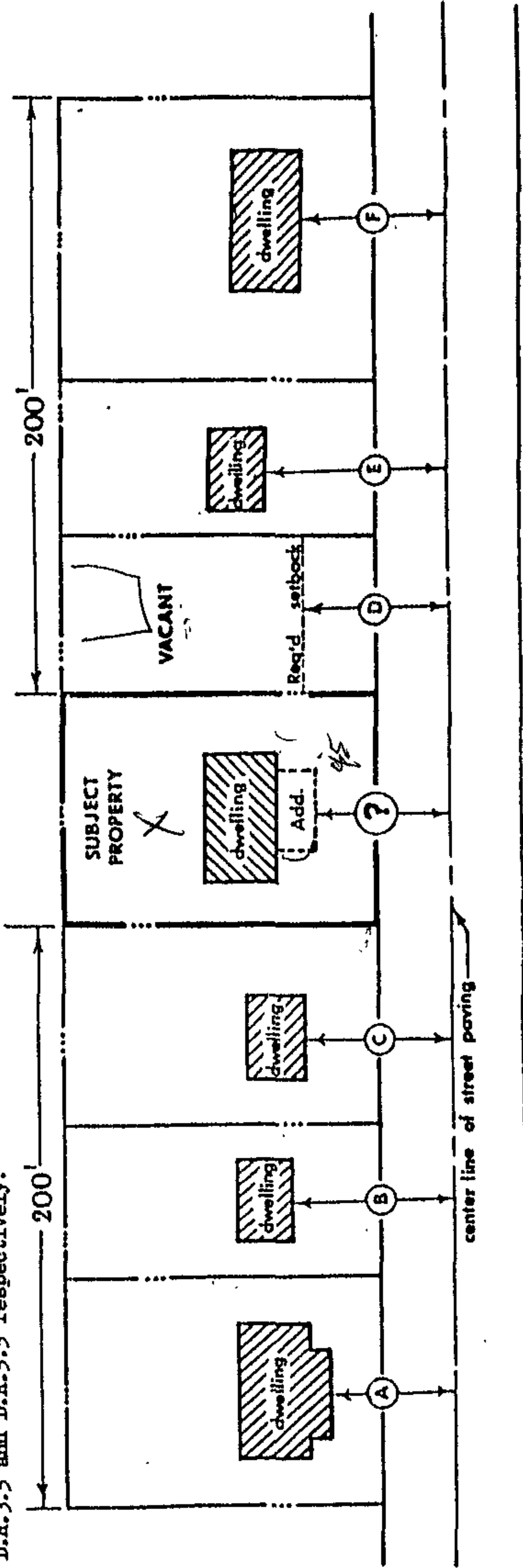
NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.

D.R.3.5- 55 ft.

D.R.5.5- 50 ft.

MICHAEL BROWNS REYN
 applicant's name
 407 CHESTNUT AVE THUNDER, MD
 building address
 12/12/03
 date



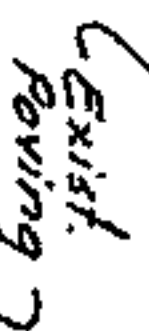
SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME

PLAT BOOK #

OWNER



NORTH

CHESTNUT AVE.
(40' R/W)

PREPARED BY MILTON BROWNSTEIN

SCALE OF DRAWING: 1" = 30'



SCALE: 1" = 1000'

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # NW 10-A

ZONING DR 3.5

LOT SIZE 10,800

	ACREAGE	SQUARE FEET
PUBLIC		PRIVATE

SEWER	☒	☐
-------	-------------------------------------	--------------------------

WATER ☒ ☐

☐ YES

CRITICAL AREA

100 LEAN FOOD LEAN	☐
HISTORIC PROPERTY/	☐

☐ BUILDING

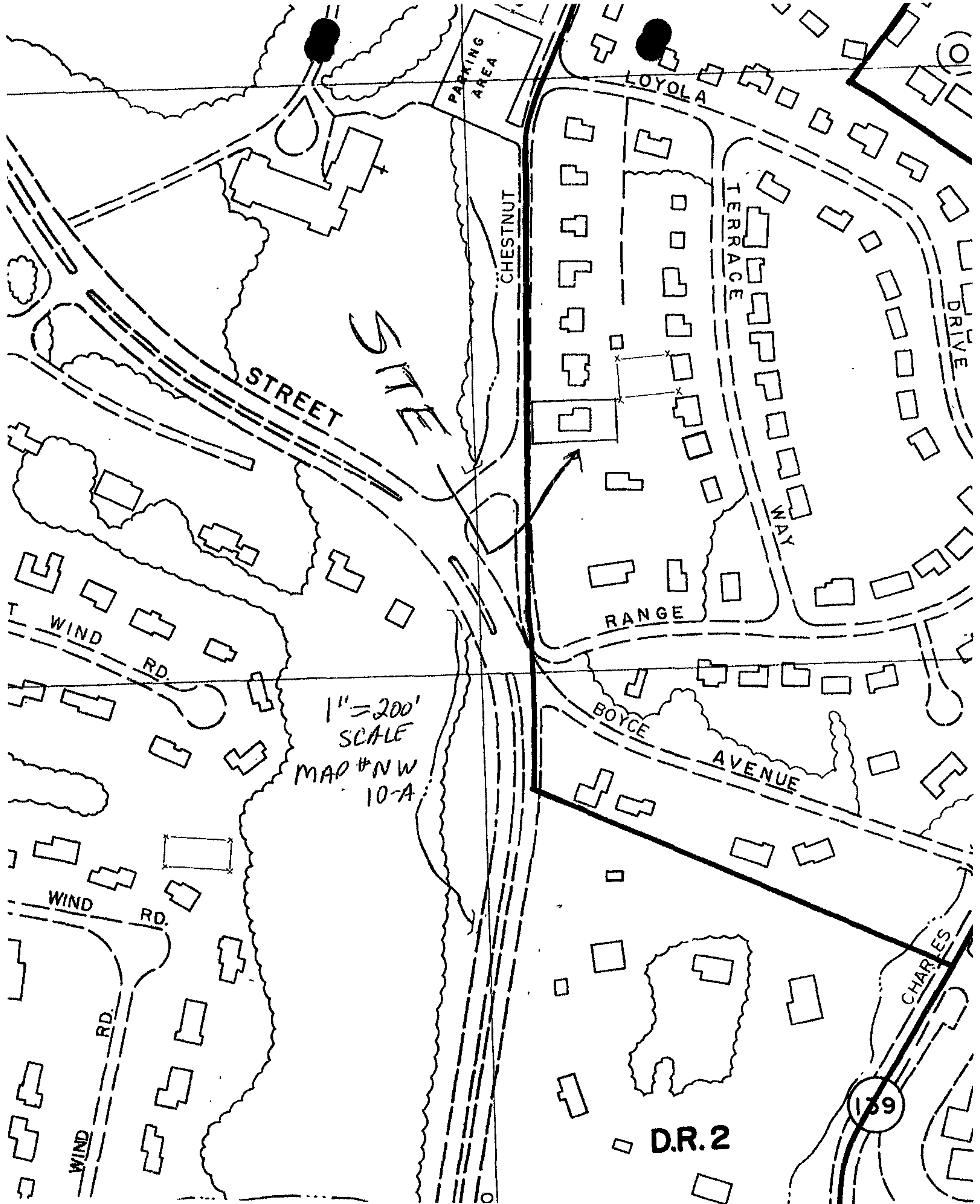
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

REVIEWED BY ITEM #

CASE #

SCM 285

Ret. Ex. #1





Hill's
catering
co.
407 chestnut avenue
lowson, maryland 21204

Photography

Case # 0A-285-A
Up. Nov. #2A-2I
#3A-3M



Pet 2A



Pet 2B



2C



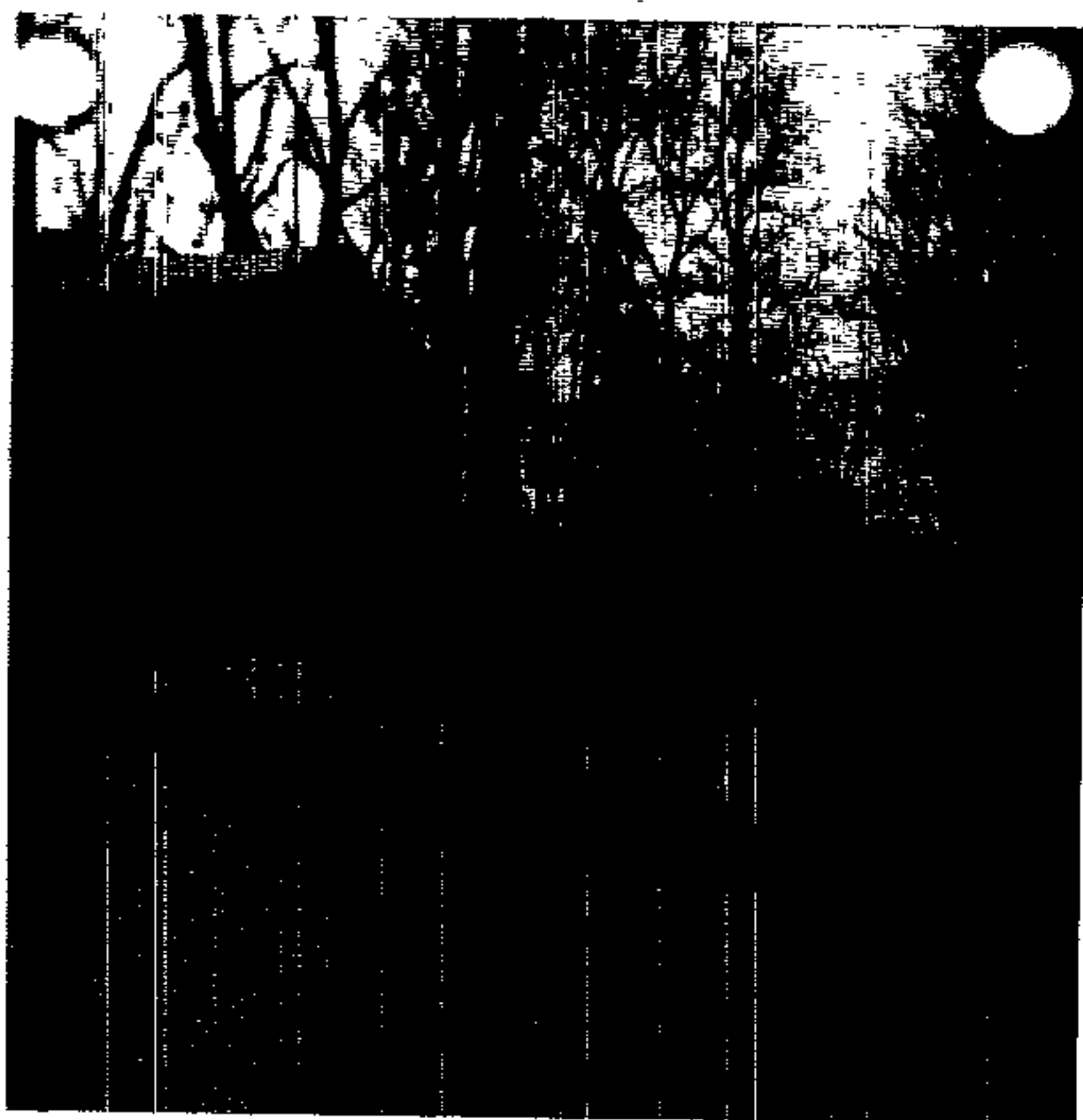
2D



23



24



25



26



