IN RE: PETITION FOR ADMIN. VARIANCE S/S of Brightside Road, 1,065 ft. SW centerline of Bellona Avenue 9th Election District 1st Councilmanic District (7326 Brightside Road)

> Janete & Edward K. Dunn, Jr. Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-415-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, Janete and Edward K. Dunn, Jr. The. variance request is for property located at 7326 Brightside Road in Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to be built in the side yard in lieu of the rear yard. 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 on March 19, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

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 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."

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

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 Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this ______ day of May, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory structure (garage) to be built in the side yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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;

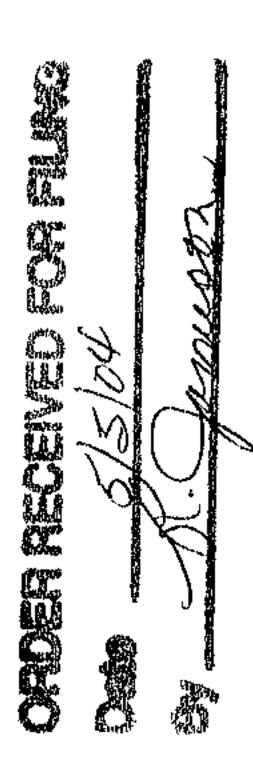
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

May 5, 2004

Mr. & Mrs. Edward K. Dunn, Jr. 7315 Bellona Avenue Baltimore, Maryland 21212

> Re: Petition for Administrative Variance Case No. 04-415-A Property: 7326 Brightside Road

Dear Mr. & Mrs. Dunn:

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,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy

JVM:raj Enclosure



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



Petition for Administrative Variance

for the property located at 7326 BHGMISIDE

to the Zoning Commissioner of Baltimore County

	which is p	resently zoned	1 <u> </u>	2-1
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	perjury, that	mnly declare and affin l/we are the legal own t of this Petition.	rm, under the	he penalties of property which
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City State Zip Code	Signature	العال	UBL	,
Attorney For Petitioner:	Address	7315 BELLONA	AVE	410.371.564
	- -	BALTIMORE	MD	Telephone No. 21 U レ
Name - Type or Print	City		State	Zıp Code
Signature	Represent	ative to be Cont	acted:	
Company	Name	HOURY WARFI	ELD	
		P.O. BOX 76	410	.472.4048
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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

	Address BAUT (more	MD	21212
	City	State	Zip Code
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STATE OF MARYLAND, COUNTY OF B	ALTIMORE, to wit:		
HEREBY CERTIFY, this day of of Maryland, in and for the County aforese		<u>3004</u> , before me,	a Notary Public of the State
he Affiant(s) herein, personally known or	satisfactorily identified to me	as such Affiant(s).	
AS WITNESS my hand side No DEC	Sus	an B Co	
2005	Notary Public	ion Expires 12.4	~().5
REV 10/25/01	iviy Commiss	ion Expires	

Affidavit in Support of Administrative Variance

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REV 10/25/01	ing Commission	1-11	1 · · · ·



CASE NO.

REV 10/25/01

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

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Attorney For Petitioner:	; ; ;	Address BAUTIMORE	MY OND AVE	410-377.50 Telephone No. 21212
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Company		HEWIZY WAPFIEW Name P.O. BOX 76	411	7.472.4048
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Reviewed By 800/ Date 03-1004

Estimated Posting Date 03 7(-04

ARCHITECTS

ZONING DESCRIPTION FOR

7326 BRIGHTSIDE ROAD, BALTIMORE, MD 21212

Beginning at a point on the SOUTH side of Brightside Road which is 30 FEET wide at the distance of 1065 FEET SOUTHWEST of the centerline of the nearest improved intersecting street BELLONA AVENUE.

As recorded in Deed Liber SM 12963, Folio 379:

S.75	34' 00" E	262.25
S.15	00' 00" W	265.0'
S.87	06' 30" W	207.45'
S.06	52' 00" W	240.63
N.75	37' 00" E	208.18'
S.15	00' 00" W	339.17'
N.26	05' 00" W	301.75
N.06	52' 00" E	579.67

Also known as 7326 BRIGHTSIDE ROAD and located in the 9th Election District, 1st Councilmanic District.

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CERT#ICATE OF POSTING

RE:	Case Number 04-415-A-	Date Sub. 20, 2004
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	Date of Hearing/Closing Open	-
were	This is to certify under the penalties of perposted conspicuously on the property locate	jury that the necessary sign(s) required by law dat 1326 Brightsize Rd.
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		(Signature of Sign Poster)
	ADMINISTRATIVE	Linda O'Keefe (Printed Name of Sign Poster)

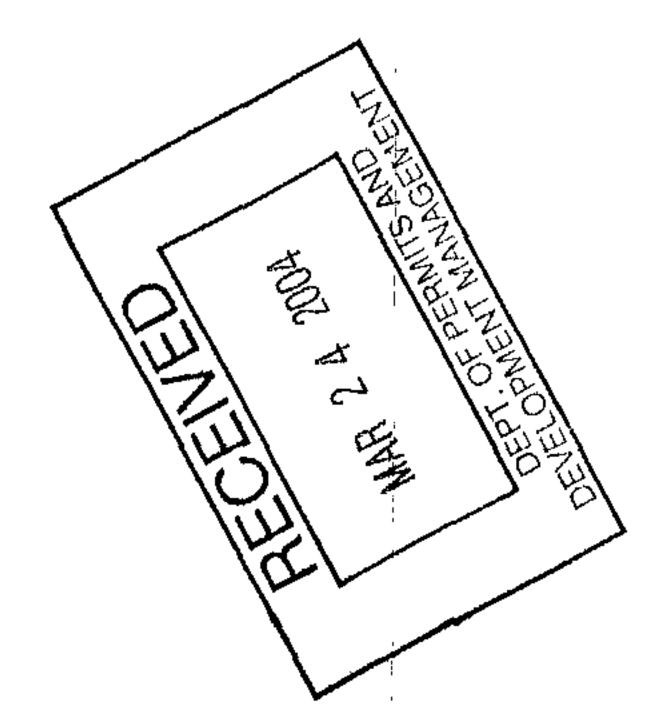
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523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)



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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

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.

For Newspaper Advertising:
Item Number or Case Number: GG-GG-GG-GG-GG-GG-GG-GG-GG-GG-GG-GG-GG-
PLEASE FORWARD ADVERTISING BILL TO: Name: HENFY WARFIED Address: P.o. Box 76 Butuar, MD 21023
Telephone Number: 410.472.4048

Revised 2/20/98 - SCJ

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

-A

Case Number 04-

Contact Person:

Address 7326 BICIGHTSIDE RD

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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

May 4, 2004

Edward K. Dunn Janette Dunn 7315 Bellona Avenue Baltimore, Maryland 21212

Dear Mr. and Mrs. Dunn:

RE: Case Number: 04-415-A, 7326 Brightside Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 10, 2004.

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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Henry Warfield P.O. Box 76 Butler 21023



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

March 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 22, 2004

Item No.:

413-416, 418-423

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.

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

DATE: April 14, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 29, 2004 Item Nos. 413, 414, 415, 416, 418, 419, 420, 421, and 423

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

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

APR 1 4 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-415, 4-431, and 4-448

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.

AFK/LL



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

Nell J. Pedersen, Administrator

Robert L. Flanagan, Secretary

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

3.19.04

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

RE:

Baltimore County

Item No. 415

IRA

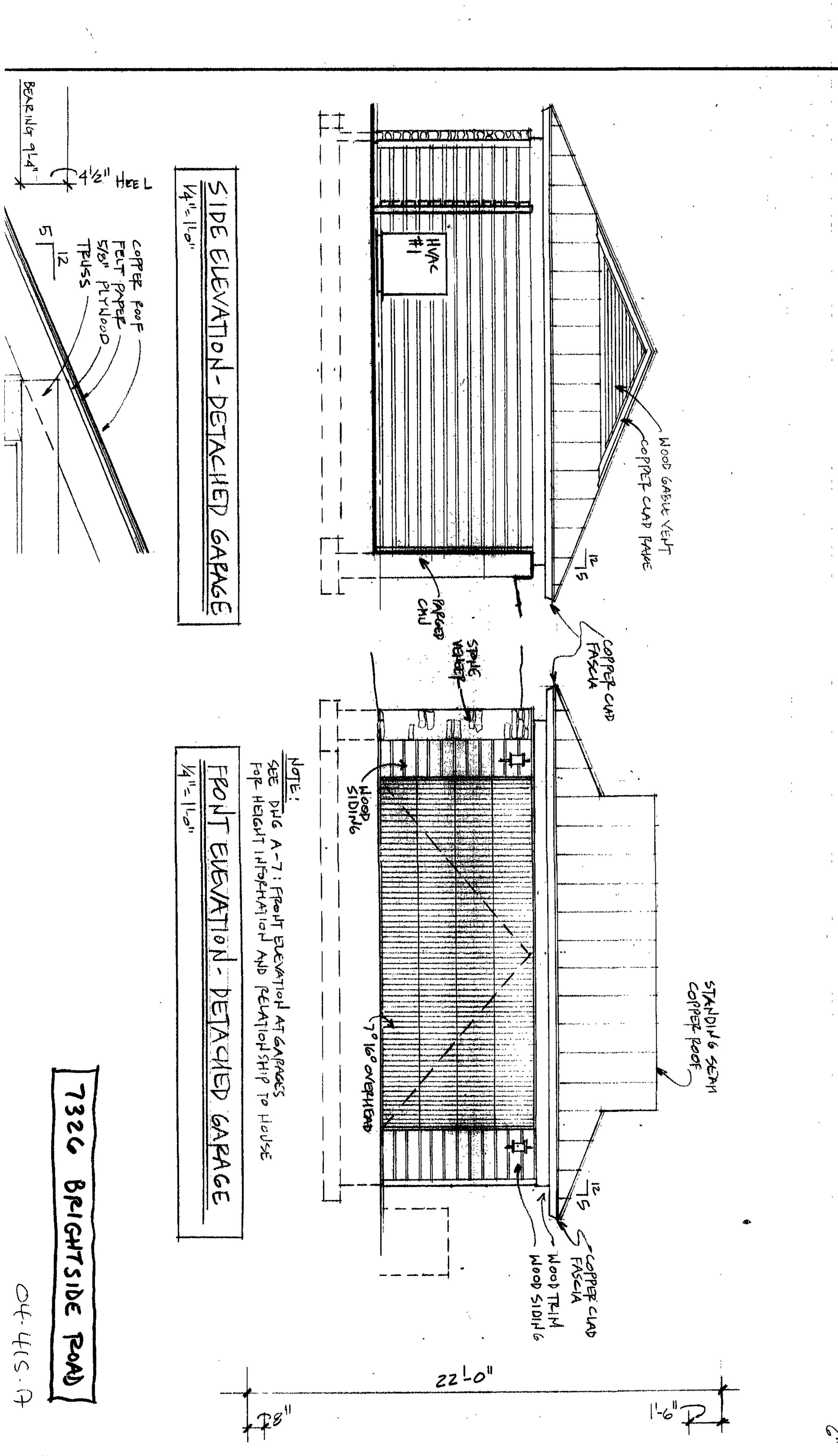
Dear. Ms.Matthews:

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).

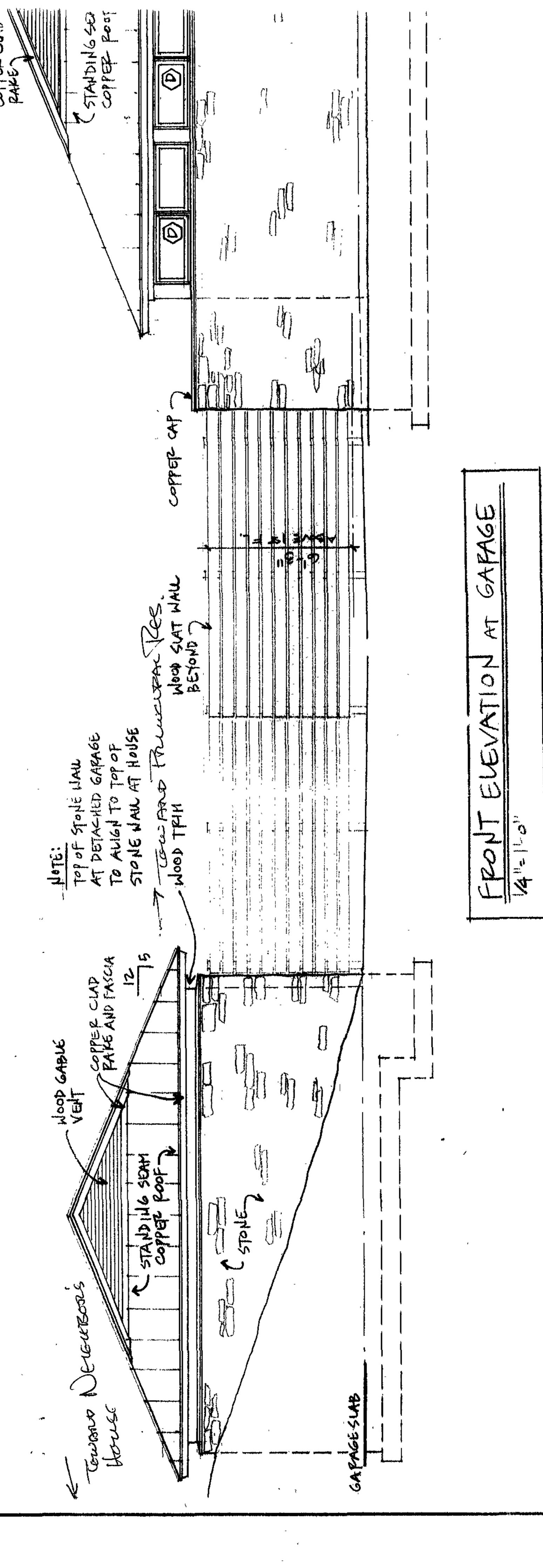
Very truly yours,

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

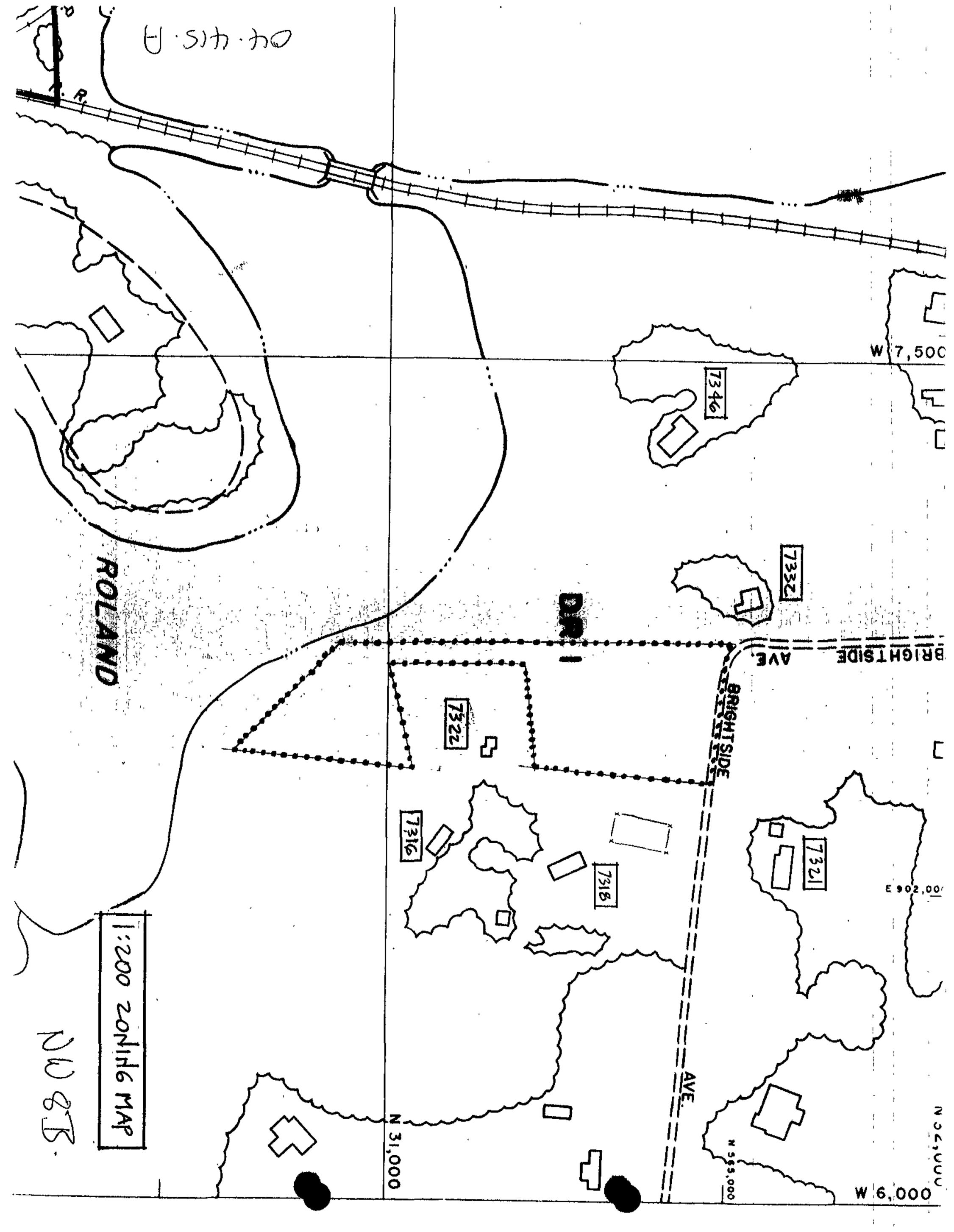




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