ORDER RECEIVED FOR FILING

By

By

IN RE: PETITION FOR ADMIN. VARIANCE S/S Sue Avenue, 780' W of the c/l

Holly Road

(1947 Sue Avenue)
15<sup>th</sup> Election District
6<sup>th</sup> Council District

Brian Brown, et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-599-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, Brian Brown, and his wife, Stephanie Brown. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 16 feet each for a proposed addition and open projection in lieu of the required 30 feet and 22.6 feet, respectively. 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. That Section 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 Petitioner has 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.

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. It was indicated that the proposed improvements are necessary to provide additional living space for this growing family and that due to the location and configuration of existing improvements on the property,

ORDER RECEIVED FOR FILING Date

By

By that strict compliance with the B.C.Z.R. would result in a practical difficulty upon the Petitioners. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, I find that there will be no detrimental impact to the surrounding locale and that relief can be granted. However, due to the property's close proximity to Sue Creek, the proposed improvements must be in compliance with Chesapeake Bay Critical Areas regulations, pursuant to the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated July 15, 2004, 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 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 July 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 16 feet each for a proposed addition and open projection in lieu of the required 30 feet and 22.6 feet, respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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.
- 2) Compliance with the ZAC comments submitted by DEPRM relative to Chesapeake Bay Critical Areas regulations, dated July 15, 2004, a copy of which is attached hereto and made a part hereof.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

July 21, 2004

Mr. & Mrs. Brian Brown 1947 Sue Avenue Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S Sue Avenue, 780' W of the c/l Holly Road (1947 Sue Avenue) 15<sup>th</sup> Election District — 6<sup>th</sup> Council District Brian Brown, et ux - Petitioners Case No. 04-599-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: Chesapeake Bay Critical Areas Commission 1804 West Street, Suite 100, Annapolis, Md. 21401 DEPRM; People's Counsel; Case/File



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	1947	SUE	ANE.	
—	·		DR 3,	5

I/We do solemnly declare and affirm, under the penalties of

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) | BOQ. BB. (BCTR)

TO PERMIT A REAR YARD SETBACK OF 16-PEET FOR AN ADDITION AND OPEN PROJECTION IN LIEU OF THE REQUIRED 30-FEET AND 22.6-FEET RESPECTIVELY.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Brown AN BROWP Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print  $\omega_0$ . 、ロス City State **Attorney For Petitioner:** Address Telephone No. Name - Type or Print State Zip Code Representative to be Contacted: Signature **Company** Address Telephone No. Address Telephone No. State Zip Code Zip Code State learing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, ay of \_\_\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning ay of \_\_\_\_\_\_ that the subject methods of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County SE NO. Reviewed By D. THOMPSON Date 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.

competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.	al C
That the Affiant(s) does/do presently reside at Address 1995 SUE Address	<del></del>
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That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrat Variance at the above address (indicate hardship or practical difficulty):	ive
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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting advertising fee and may be required to provide additional information.  Signature  Signature	and
	•
Name - Type or Print  Stephanie Brown  Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	.2
I HEREBY CERTIFY, this $10^{\circ}$ day of $10^{\circ}$ day of $10^{\circ}$ , before me, a Notary Public of the St of Maryland, in and for the County aforesaid, personally appeared	ate
Brian Garry Brown	
the Affiant(s) herein personally known or satisfactorily identified to me as such Affiant(s)	<del></del>
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).  AS WITNESS my hand and Notarial Seal	

REV 10/25/01

# 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.

competent to testify thereto in the event that a p	public hearing is scheduled in the futur	e with regard thereto.
That the Affiant(s) does/do presently reside at	Address Address MO.	21721
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RESTRICTION OF THE	EXPANDING FAR	RS. Interfes
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	ormal demand is filed, Affiant(s) will additional information.	be required to pay a reposting and
Signature B	Signature	Brown
Name - Type or Print	Stephounie Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	VIORE, to wit:	
I HEREBY CERTIFY, this $\frac{1}{2} \frac{1}{2} \frac{1}{2} \frac{1}{2}$ day of $\frac{1}{2} \frac{1}{2} \frac{1}$		efore me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me as such Affian	t(s).
AS WITNESS my hand and North Beal,		•
JANUARY &	Notary Public	
2008 :	My Commission Expires	1/1/2008

REV 10/25/01



REV 10/25/01

# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	1947 SUE	AVE.	
which i	s presently zon	ed DR3.5	

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) 1800. So. (80 + R)

TO PERMIT A REAR MARD SETRACK OF 16-FEET FOR AN ADDITION AND OPEN PROTECTION IN LIEU OF THE REQUIRED 30-FEET AND 22.6-FEET RESPECTIVELY.

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:		Legal Owner(s):	
BRIAN BROWN		BRIAN BROWN	
Name - Type or Print Signature		Name - Type or Print Signature	
1947 SUE AVG. 4	110-682-013	STEPHANIE BROWN	
Address City  Address  MO  State	Telephone No.  21221 Zip Code	Name - Type or Print  Stephanie Bown  Signature	
Attorney For Petitioner:		1947 SUE AVE. 410-682-9022	
		Address Mo. 3/221	
Name - Type or Print		City State Zip Code	
Signature	<del></del>	Representative to be Contacted:	
		MAURY & CO. INC.	
Company		Name 574 SYLVIEW DR. 410-340-9	าา
Address	Telephone No.	Address Telephone No.	' '
City	Zip Code	City NO. 21122 State Zip Code	
A Public Hearing having been formally dema this day of regulations of Baltimore County and that the prop	nded and/or found to be rec that the subject matter of this erty be reposted.	quired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning	
-		Zoning Commissioner of Baltimore County	
CASE NO. 04-599-A	Reviev	wed By DTHOMPSON Date 6504	

Estimated Posting Date \_\_\_\_\_

### **ZONING DESCRIPTION**

### Zoning Description For 1947 Sue Avenue

Beginning at a point on the south side of Sue Avenue, which is 40 feet wide at the distance of 780 feet west of the centerline of the nearest improved intersecting street Holly Road which is 40 feet wide. Being Lot #1, in the subdivision known as the Harry Horney Property as recorded in Baltimore County Plat Book #56, Folio# 115, containing .1517 acres. Also known as 1947 Sue Avenue and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

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# CERTIFICATE OF POSTING

• -	
	RE: Case No.: 04-599-A
†	Petitioner/Developer: BROWN
	Date of Hearing/Closing: 7/19/04
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 posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
1947 SUE	AVE
·	·
The sign(s) were posted on	7/2/14
who arendal mere hosten on	(Month, Day, Year)
• • • • • • • • • • • • • • • • • • •	Sincerely, -
†±	
	Robert Block 7/3/04
	(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)

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	04-	59	9	-A	Ą	\ddress_	1947	SUE	AVE.	- <del></del>	
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	ner's Nai					<del></del>		<del></del>	Teleph	one <u>41</u>	0-682	-9022
Postin	g Date:	<del></del>	7	4/04	······································	<del></del>	Clo	sing Date	e: <u>1</u>	19/04		
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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.

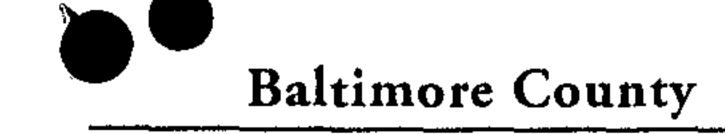
### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:OH-599-A
Petitioner: Brown
Address or Location: 1947 SUE AVE.
PLEASE FORWARD ADVERTISING BILL TO:  Name:MRS. BRIAN BROWN
Address: 1947 SUE AVE.
BALTO. MO 21221
Telephone Number: 410-682-9022

# Department of Permit Continued of Permit Conti

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





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

July 19, 2004

Brian Brown Stephanie Brown 1947 Sue Avenue Baltimore, Maryland 21221

Dear Mr. and Mrs. Brown:

RE: Case Number:04-599-A, 1947 Sue Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 25, 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.

U. Callinal Sours, Callinal Source of the Callina Source of the Callina Source of the Callina Source of the Callin

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Maury & Co., Inc. 514 Sylview Drive Pasadena 21122



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

### Fire Department

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



### Baltimore County

James T. Smith, Jr, County Executive John J. Hohman, Chief

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

July 1, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 1, 2004

Item No.:

585, 592-596, 598-609

Dear Ms. Mathews:

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

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

**DATE:** July 23, 2004

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 12, 2004

Item Nos. 585, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 605, 606, 607, 608, and 609

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco	RECEIVED
FROM:	John D. Oltman, Jr	JUL 2 0 2004
DATE:	July 15, 2004, 2004 ZON	IING COMMISSION
SUBJECT:	Zoning Item # 04- 599 Address 1947 Sue Avenue (Brown Property)	
Zoning	g Advisory Committee Meeting of July 6, 2004.	
	epartment of Environmental Protection and Resource ents on the above-referenced zoning item.	Management has no
	epartment of Environmental Protection and Resource lowing comments on the above-referenced zoning ite	•
	Development of the property must comply with the Protection of Water Quality, Streams, Wetlands and 14-331 through 14-350 of the Baltimore County Co.	Floodplains (Sections
<u></u>	Development of this property must comply with the Conservation Regulations (Section 14-401 through Baltimore County Code).	
<u>X</u>	Development of this property must comply with the Critical Area Regulations (Sections 26-436 through Sections, of the Baltimore County Code).	<del>-</del>
<u>Additi</u>	onal Comments:	

Reviewer:

Keith Kelley

Date: July 15, 2004

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 8, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 4-598 and 4-599

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.

MAC/LL



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

7.2.04

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

RE:

**Baltimore County** 

Item No. 599

TOT

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

PREPARED BY BBDT. SCALE OF DRAWING: 1" = 30'	PROPOSED DECK  NORTH	EXISTING HOUSE HOUSE FX. (1042) 648 (444)  DROPOSED SUMBOOM (WILLIAM + JOPAN)  GEIGER)	TAX # 20000 14730	SUE AVE (40' R/W)	PLAT BOOK # 56 FOLIO # 115 LOT # 1 SECTION # 117)  OWNER PRIAN + STEPHANIE BROWN	PLAT TO ACCOMPANY PETITION FOR ZONING WARIANC PROPERTY ADDRESS 1947 See Pages 5 & 6 OF THE CHECKLIST F
D.THOMPSON 599 04-599-A	WATER  YES NO CHESAPEAKE BAY CRITICAL AREA  100 YEAR FLOOD PLAIN	LOCATION INFORMATION ELECTION DISTRICT 15 + COUNCILMANIC DISTRICT 6 +				E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION

