IN RE: PETITION FOR SPECIAL HEARING

& VARIANCE

W/S of Westbury Road, 195 ft. N

centerline of Lincoln Avenue

9th Election District

3rd Councilmanic District

(124 Westbury Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-009-SPHA

Jacqueline B. & Garnett P. Broy Petitioners

\* \* \* \* \* \* \* \* \* \*

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Jacqueline B. and Garnett P. Broy, the legal owners of the subject property. The Petitioners are requesting variance relief for property they own at 124 Westbury Road in the Lutherville area of Baltimore County. The special hearing is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the parking of a recreational vehicle with a length of 38 ft. in lieu of the 35 ft. current zoning regulations allow. In addition, a variance is requested from Section 400.1 of the B.C.Z.R., to allow an accessory structure (carport) for the parking of a recreational vehicle to be located in the side yard in lieu of the required rear yard.

The property was posted with Notice of Hearing on August 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 17, 2004 to notify any interested persons of the scheduled hearing date.

#### 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."

#### 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 was Garnett Broy, the Petitioner. Linda Clarke appeared at the hearing as an interested citizen who is trying to become more familiar with the process. 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, contains 9,730 sq. ft. and is zoned DR 5.5. The property is improved with a single-family dwelling which has a garage and carport attached to the home. The Petitioner would like to build a second carport to protect a recreational vehicle up to 38 ft. long, which hopes to purchase should the above requests be granted.

In regard to the Special Hearing, the B.C.Z.R., Article 1, Section 101 Definitions, defines Recreational Vehicle as follows:

"Recreational Vehicle and Boat -- A vehicular type unit which is primarily designed for recreation, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which, except for a boat kept in water, is not more than 35 feet in length and which, in general, is of such size and weight as not to require special highway movement permits when driven or drawn by a passenger automobile or pickup truck." [Bill No. 54-1993]

This limits these vehicles to 35 ft. in length. The Petitioner indicated that the regulations were out dated in specifying this length because RV lengths today range from 35 ft. to 45 ft. and longer. In addition, a 35 ft. RV is actually 35.5 feet bumper to bumper. He is asking to be able to purchase a "smaller" RV up to 38 ft. long.

In regard to the variance request, he indicated that there was no possibility of any 35 ft. to 38 ft. RV making the turn around his home in order to be parked under a carport across the rear yard. See Petitioner's Exhibit No. 1. He indicated that the only place to put the RV and carport is along the side of his home. There would be enough room between the carport and the property line so that there is no need for a variance for distance of this accessory structure from the lot line. His adjacent and most affected neighbor signed a letter indicating the he had no objection to the placement of the RV in the side yard next to his property as shown in Petitioner's Exhibit No. 3.

However, on examining the Petitioner's photographs, especially Exhibit No. 2C and Petitioner's Exhibit No. 1, it is apparent that there is enough room in the back yard to park the RV without extending into the side yard. However, the shrubbery shown in photograph Exhibit No. 2D would have to be sacrificed.

#### Findings of Fact and Conclusions of Law

In regard to the Special Hearing, I find that parking an RV up to 38 ft. in length would not adversely effect the surrounding community. This is only three feet more than allowed by right, and given the testimony of the Petitioner, this seems like a reasonable request.

In regard to the Petition for Variance, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is already built out with limited room to construct a carport to handle the RV envisioned by the Petitioner. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no way to have the RV make the turn around the back of the house and the only place to put the RV is in the side yard. I will not require that the Petitioner sacrifice the plantings shown in his photographs in the back yard. Finally, I find that this 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. Mr. Cooney, the Petitioners' adjacent neighbor, does not object to the request. Additionally, from looking at Petitioners' photographs of the neighborhood, I can see that there are several RV's of this size in the area.

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

THEREFORE, IT IS ORDERED, this <u>S</u> day of September, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the parking of a recreational vehicle with a length of 38 ft. in lieu of the 35 ft. current zoning regulations allow, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, that the Petitioners' request for variance from Section 400.1 of the B.C.Z.R., to allow an accessory structure (carport) for the parking of a recreational vehicle to

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be located in the side yard in lieu of the required rear yard, 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;

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

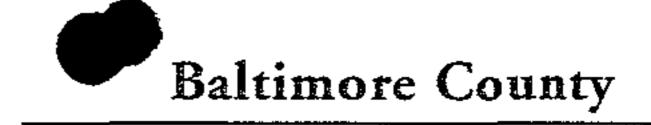
FOR BALTIMORE COUNTY

JVM:raj

### Zoning Commissioner

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





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

September 8, 2004

Mr. & Mrs. Garnett P. Broy 124 Westbury Road Lutherville, Maryland 21093

Re: Petitions for Special Hearing & Variance

Case No. 05-009-SPHA

Property: 124 Westbury Road

Dear Mr. & Mrs. Broy:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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

JVM:raj

Enclosure



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



# Petition for Special Hearing

to the Zoning Commissioner of 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

for the property located at _	124 WEST	bur	y Rd	
which is	presently zoned	DR	5.5	

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

the parking of a recreational vehicle with a length of 38 in lieu of the 35' current zoning regulation allow.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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.

Contract Purchaser/Lessee:   Legal Owner(s):     Carl NETT P. Body     Name - Type or Print     Signature     Signature     Address   Telephone No.     Attorney For Petitioner:     Name - Type or Print     Signature     Sign		is the subject of this Petition.
Name - Type of Print  Signature  Address  Telephone No.  City  State  Zip Code  Attorney For Petitioner:  Name - Type of Print  Signature  Telephone No.  Name - Type of Print  Address  Telephone No.  Name - Type of Print  Address  Telephone No.  Signature  Address  Telephone No.  Representative to be Contacted:  NA  Name  Telephone No.  Address  Telephone No.  Address  Telephone No.  State  Zip Code  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING  UNAVAILABLE FOR HEARING  UNAVAILABLE FOR HEARING	Contract Purchaser/Lessee:	· ·
Signature  Address Telephone No.  City State Zip Code  Attorney For Petitioner:  Name - Type or Print  Name - Type or Print  City Signature  Address Telephone No.  Representative to be Contacted:  Name  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING  Reviewed By  Telephone No.  Reviewed By  Telephone No.  Signature  Address  Telephone No.  Address Telephone No.  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING	Name - Type or Print	
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Attorney For Petitioner:  Attorney For Petitioner:  Name - Type or Print  Name - Type or Print  Signature  Address  Telephone No.  Address  Telephone	Address Telephone	
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Name - Type or Print  City State Zip Code  Representative to be Contacted:  NAME  Company  Name  Address  Telephone No.  State Zip Code  City State Zip Code  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING  Reviewed By JRF Date 7/7/04	· · · · · · · · · · · · · · · · · · ·	
Representative to be Contacted:  NAME  Company  Name  Name  Address  Telephone No.  State  Zip Code  City  State  Zip Code  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING  Reviewed By  Telephone No.  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING		LUTRERVILLE Md. 21093
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State Zip Code  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING  Reviewed By JRF Date 7/7/04		Name
OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING  UNAVAILABLE FOR HEARING  Reviewed By JRF Date 7/7/04	Telephone	No. Address Telephone No.
ESTIMATED LENGTH OF HEARING  Case No. 05-009-5PHA UNAVAILABLE FOR HEARING  Reviewed By JRF Date 7/7/04	State ——Zip C	ode City State Zip Code
Case No. 05-009-5PHA UNAVAILABLE FOR HEARING		OFFICE USE ONLY
Reviewed By JRF Date 7/7/04		ESTIMATED LENGTH OF HEARING
	Case No. 05-009-5PHA	UNAVAILABLE FOR HEARING
	R80 9 15 98	Reviewed By JRF Date 7/7/04



# Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 124 WEST bury Rd.

which is presently zoned DR 5.5

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) 400.1BCZR

To allow an accessory structure (carport) for the parking of a recreational vehicle to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The granting of this variance, to locate motor home port on the side rear of the home, will have the following impact: (1.) Significantly reduce the cost of driveway modifications (2.) Reduce parking pad cost (3.) Reduce cost for electrical support requirements (4.) Eliminate the requirement for major yard reconstruction (5.) This location is more aesthetically pleasing for the neighborhood.

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:		<u>Legal Owner(s):</u>	
Name - Type or Print	- 	GARNETT P. Brog Name - Type or Print	
Signature	<u></u>	Signature  Signature  JACQUELINE B. BROW	
Address	elephone No.	Name - Type or Print  Sacqueline 10. Mou	<u>, , , , , , , , , , , , , , , , , , , </u>
City	Zip Code	Signature/ /4/10-29	16-4650-H
Attorney For Petitioner:		Signature / 410-29 124 WEST bury Rd. 410-29	0-0780-01
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Case 110.	Reviewed By	UNAVAILABLE FOR HEARING  Date 7/7/01/	<del></del>
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#### **Zoning Description**

Zoning Description for: 124 Westbury Road, Lutherville, MD 21093

Beginning at a point on the west side of Westbury Road, which is 50 feet wide at the distance of 195 feet north of the centerline of the nearest improved intersecting street, Lincoln Avenue, which is 50 feet wide.

Being Lot #3, Block 10, Section #2 in the subdivision of Orchard Hills as recorded in Baltimore County Plat Book #21, Folio #30, containing 9,730 square feet. Also known ass 124 Westbury Road and located in the 9<sup>th</sup> Election District, 4<sup>th</sup> Councilmanic District.

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#### 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: #05-009-SPHA

124 Westbury Road
W/side of Westbury Road at the distance of 195 feet
n/of the centerline of Lincoln Avenue

9th Election District - 3rd Councilmanic District

Legal Owner(s): Garnett and Jacqueline Broy

Special Hearing: to allow the parking of a recreational vehicle with a length of 38 feet in lieu of the allowed 35 feet. Variance: to allow an accessory structure (carport) for the parking of a recreational vehicle to be legated in the side yard in lieu of the required rear yard.

Hearing: Wednesday, September 1, 2004 at 11:05 a.m. in Room 487, County Courts Building, 401 Bosley

Avenue.

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

JT/8/708 Aug. 17 17506

#### CERTIFICATE OF PUBLICATION

<u>8/19/, 2004</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 817,20 <u>04.</u>
No de la company de la compan
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
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LEGAL ADVERTISING

#### CERTIFICATE OF POSTING

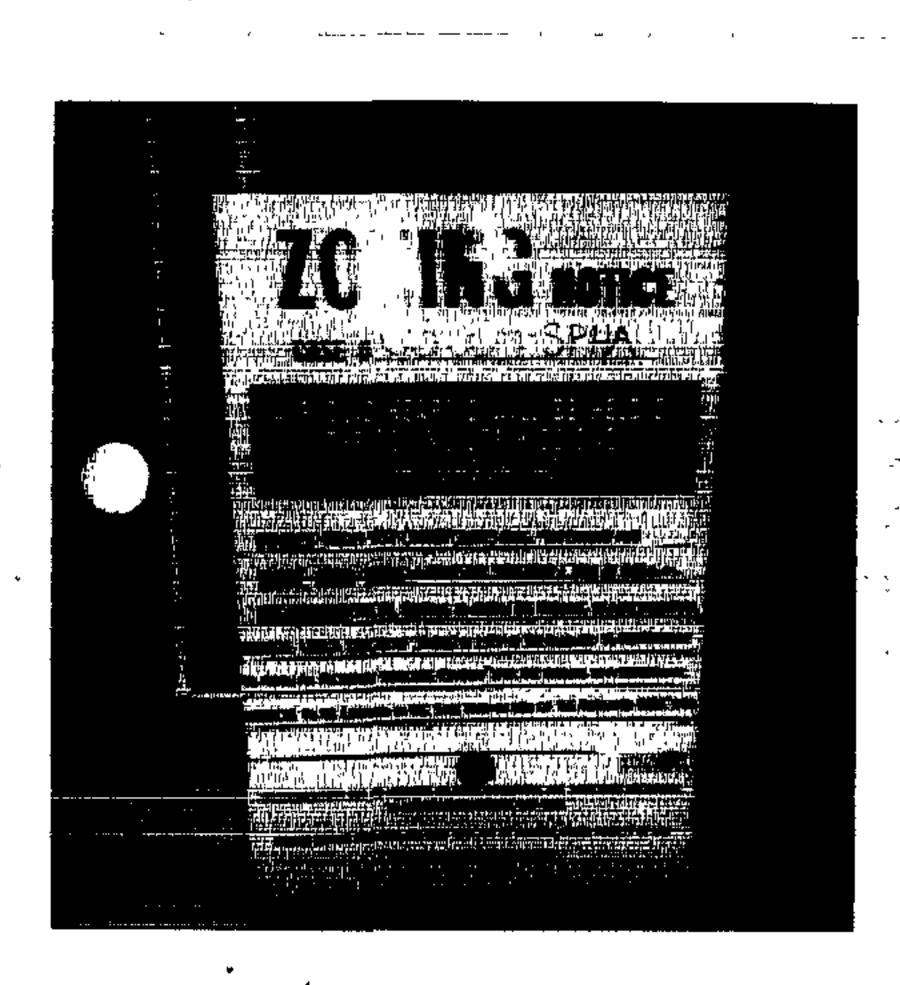
RE: Case No.: 05-009-5PHA Petitioner/Developer: GARNETT & JACQUELINE BROY Date of Hearing/Closing: SEPT 1, 2004 This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were 124 WESTBURY RD Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**Baltimore County Department of** 

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

Permits and Development Management

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

posted conspicuously on the property located at:

# Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel· 410-887-3353 • Fax: 410-887-5708



#### **Baltimore County**

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

July 14, 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: 05-009-SPHA

124 Westbury Road

W/side of Westbury Road at the distance of 195 feet n/of the centerline of Lincoln Avenue 9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Garnett and Jacqueline Broy

Special Hearing to allow the parking of a recreational vehicle with a length of 38 feet in lieu of the allowed 35 feet. Variance to allow an accessory structure (carport) for the parking of a recreational vehicle to be located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, September 1, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kołroco

Director

TK:klm

C: Garnett & Jacqueline Broy, 124 Westbury Rd., Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 17, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 17, 2004 Issue - Jeffersonian

Please forward billing to:
Garnett Broy
124 Westbury Road
Lutherville, MD 21093

410-296-4650

#### **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: 05-009-SPHA

124 Westbury Road

W/side of Westbury Road at the distance of 195 feet n/of the centerline of Lincoln Avenue 9<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Garnett and Jacqueline Broy

Special Hearing to allow the parking of a recreational vehicle with a length of 38 feet in lieu of the allowed 35 feet. Variance to allow an accessory structure (carport) for the parking of a recreational vehicle to be located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, September 1, 2004, at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

Marie Shirth

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 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: 05-009-5PAA
Petitioner: GARNETT P. Brow
Address or Location: 124 WEST busy No. O Luthou le, MD 21093
PLEASE FORWARD ADVERTISING BILL TO:  Name: GARNETT P. Broy
Address: 124 WESThury Rd.
Lu Pherville, Mp. 21093
<del></del>
Telephone Number: 410 - 296-4650

#### Department of Permits Development Management

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





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

August 25, 2004

Garnett Broy Jacqueline Broy 124 Westbury Road Lutherville, Maryland 21093

Dear Mr. and Mrs. Broy:

RE: Case Number: 05-009-SPHA, 124 Westbury Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 7, 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. Callilal S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

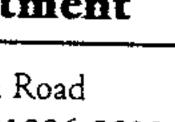
Enclosures

People's Counsel C:



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 19, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of July 19, 2004

Item No.:

001, 003-016

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.

3. The Fire Marshal's Office has no comments at this time.

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

o: File



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

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

#### Maryland Department of Transportation

Date: 7.14.04

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

RE:

Baltimore County

Item No. COOT 9

JEF

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,

1. 1. Soull

Steven D. Foster, Acting Chief Engineering Access Permits Division

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

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

July 23, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of July 19, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-004

05-005

05-006

05-007

05-008

15 000

05-013

05-014

05-015

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

# BALTIMORE COUNTY, MARYLAND MARYLAND MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: September 9, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SEP 1 3 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 4-578 and 5-009

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:

Division Chief:

MAC/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** July 23, 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 July 26, 2003

Item Nos. 001, 003, 004, 005, 006, 007, 008, 009, 010, 012, 013, 014,

015, and 016

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

RWB:CEN:jrb

cc: File





RE: PETITION FOR SPECIAL HEARING \* BEFORE THE

AND VARIANCE

124 Westbury Road; W/side of Westbury \* ZONING COMMISSIONER

Road, 195' N c/line of Lincoln Avenue

9<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \* FOR

Legal Owner(s): Garnett P & Jacqueline Broy

Petitioner(s) \* BALTIMORE COUNTY

\* 05-09-SPHA

\* \* \* \* \* \* \* \* \* \*

#### **ENTRY OF APPEARANCE**

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21<sup>st</sup> day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to Garnett & Jacqueline Broy, 124 Westbury Road, Lutherville MD 21093, Petitioner(s).

RECEIVED

JUL 2 1 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

#### Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



#### **Baltimore County**

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

August 11, 2005

Stephanie J. Boblooch, President The Orchard Hills Community Association P.O. Box 104 Lutherville, Maryland 210903

Re:

Garage/Carport at 124 Westbury Road

Zoning Case 05-009-SPHA

Dist.9C3 Permits B567656, B573358

Dear Ms. Boblooch,

Thank you for your letter addressed to Timothy Kotroco, Director of Permits and Development Management, which has been referred to me for reply. You, on behalf of your Community Association, have expressed your concern regarding the application, processing and approvals of the above referenced structure. Also, you have made recommendations to improve the public notification requirements, included in the existing variance procedures.

The record of this case reflects that a sign was posted on this property for 15 days notifying the neighborhood of this request. In addition, an advertisement was placed in the Jeffersonian. Furthermore, a public hearing was held where one member of the community appeared at the hearing and another, the next-door neighbor who is most affected by this structure, gave a written letter of support. Lastly, Peter Zimmerman, People's Counsel, entered his appearance on the file. The variance procedure may not be perfect, but I can tell you with quite a bit of credibility that it is alive and well in Baltimore County with much Community Input from individuals and organizations following the process.

In this zone aesthetics and compatibility are not included in the zoning regulations. However, with good communication and determination a community can be successful in defending their quality of life. Sometimes there is a genuine lack of communication or misunderstanding due to the technical and often complicated requirements within the zoning, review and approval process. The quazi-judicial public hearing is an excellent forum for input provided it is utilized. In addition to the required notifications in the law, this office responds to all zoning informational requests in the most committed and uncomplicated way possible, whether it is an individual or an organization with a specific agenda. This information, although not legal advice, may be critical to the outcome or the negotiation with an adversary in the zoning process.

In this particular case, The Deputy Zoning Commissioner granted a variance permitting an accessory carport in the side yard in lieu of the required rear yard. Also a special hearing was granted permitting a 38-foot R.V. in lieu of the permitted maximum 35 feet. When the permits were applied for and approved, they indicated first a 38'x 12' carport then were later revised to a 40'x 12' carport in the rear yard. This revision did not mention the 38' R.V. Absent the 38' R.V. there was no zoning conflict with a carport in the rear yard. Furthermore, the garage as currently constructed, is a permitted structure in the rear yard.



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

Page 2 05-009-SPHA

As you know, a completely enclosed structure was constructed, not a carport. The location was changed which eliminated the variance. However, the plan in the zoning case granting the 38' R.V. does not agree with the location and type of structure that was finally constructed. This office requires that in order to keep the 38' R.V. on the property, a special hearing is necessary to amend the plan in the zoning case to correctly reflect the location and structure constructed. There is a legislated purpose for maintaining permanent zoning files which is to accurately reflect the request and final approval. Alternatively, if the 38' R.V. is not located on the property, we feel that the current garage meets zoning and there is no basis for another hearing or zoning review. However, the storage of the 38' R.V. will require additional relief from the Deputy Zoning Commissioner. This office will rescind our approval of the permit and refer the matter to the enforcement division.

It is the County's responsibility to ensure that everyone has the opportunity to be heard in a meaningful and expeditious manner. We believe the current law provides the framework and reasonable and adequate parameters within which this is assured. Your involvement in this case in a more timely manner, may very well have prevented the approval by the Deputy Zoning Commissioner. Now that the structure is already built, we will require another hearing before the Deputy Zoning Commissioner, in the event that this property owner wishes to park his 38' R.V. within this building.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

WCR/clb

C: Honorable T. Bryan McIntire
Councilman, District 3
400 Washington Avenue, Room 205
Towson, MD 21204
Timothy Kotroco, Director of PDM
Arnold F. Kellar, Director of Planning
401 Bosley Avenue, Room 406
Towson, MD 21204
Jim Thompson, Supervisor, Code Enforcement
Jun R. Fernando, Planner II, Zoning Review

# PLEASE PRINT CLEARLY

CASE NAME 124 Westburg RA CASE NUMBER 25.009 DATE 9/1/04

PETITIONER'S SIGN-IN SHEET

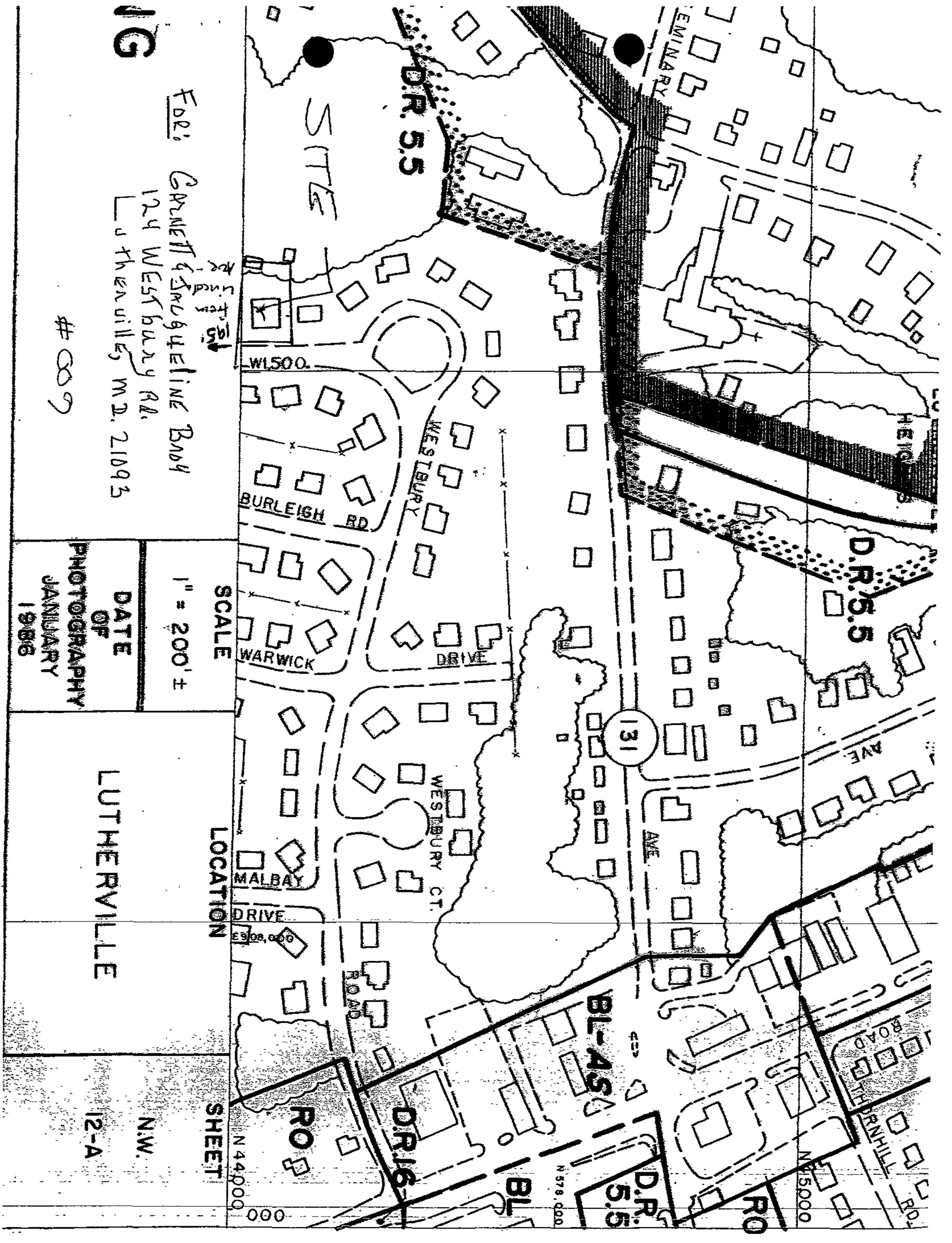
E- MAIL											
CITY, STATE, ZIP	LJThu 11 11e, md 21093										
ADDRESS	124 WEST buny PU.										
NAME	Brogs Strave TT										

PLEASE PRINT CLEARLY

CASE NAME 124 Westbury Rd CASE NUMBER 05-009 DATE 8/1/04

# CITIZEN'S SIGN-IN SHEET

E-MAIL											
CITY, STATE, ZIP	BALTO MO 221206										
ADDRESS	4319 WillsHine Ave					-					**************************************
NAME	Ling Clark				-				*		



PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE SPECIAL HEARING PROPERTY ADDRESS 124 WEST bury Rd. SEE PAGES 5 8 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION SUBDIVISION NAME Brahand Hills PLAT BOOK #2/ FOLIO # 30 LOT #3 SECTION #2 OWNER GARNETT & JACQUELINE BAOY Seminary lincoln WESTBURY ROAD 50. RILL! gellout. 30. IT MACKOAM 1103.05.50-10 3492: -- - R.37500 A. 4364 BALTIMORE POB LINE) AVENLY BELTWAY 1191 SCALE: 1" = 1000" CIP SOUR 25. MBSL5 STONE レのア MULL LOCATION INFORMATION ELECTION DISTRICT #124 BRICK & FRAME COUNCILMANIC DISTRICT 4 SPLIT LEVEL 1"=200' SCALE MAP # //////2-A COVEREID ZONING DR 5-5 PATION 12' X38'CAR (R.V.) PORT LOT SIZE ACREAGE ProPosEd ) SQUARE FEET PUBLIC PRIVATE 10/7/ SEWER TOTAL AREA 0.26 Ac+ 区 WATER YES NO CHESAPEAKE BAY X CRITICAL AREA 100 YEAR FLOOD PLAIN 区 ٠ ۍ کړ ESMT CONC. MALL M HISTORIC PROPERTY/ S 03:05:50.E X BUILDING PRIOR ZONING HEARING None NORTH ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE # PREPARED BY GARNETT P. Broy SCALE OF DRAWING: 1" = 30' JR# 009

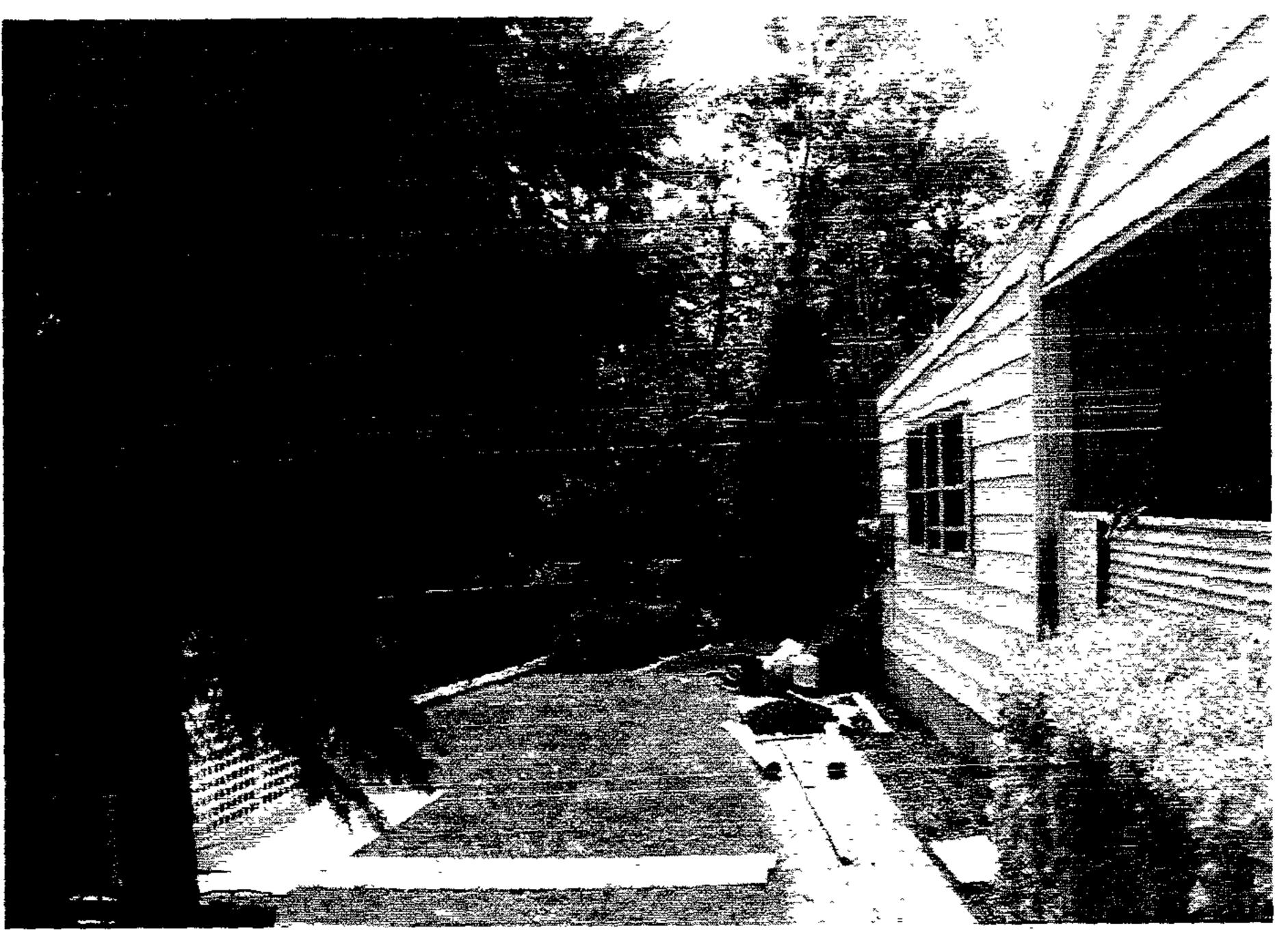


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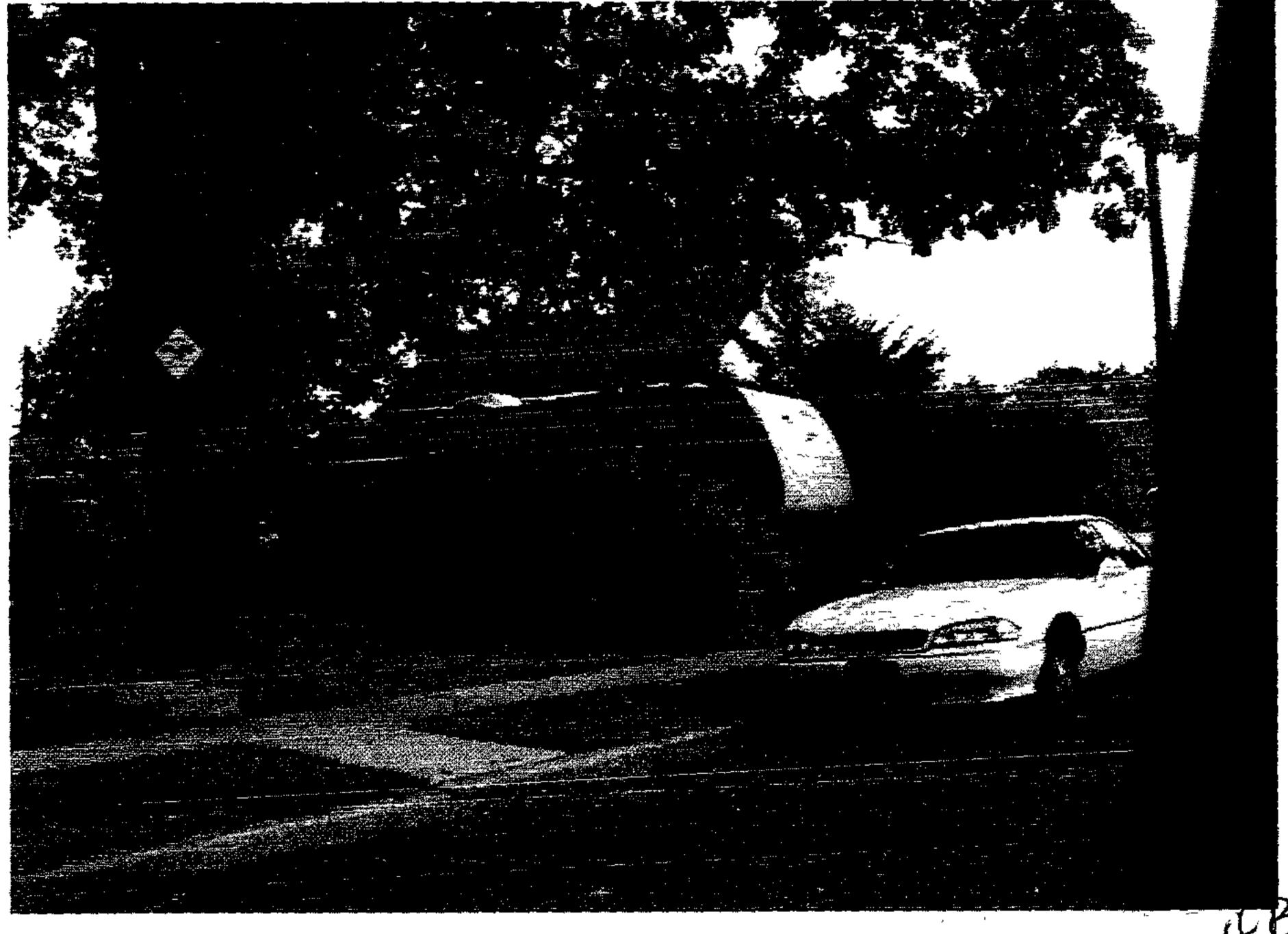
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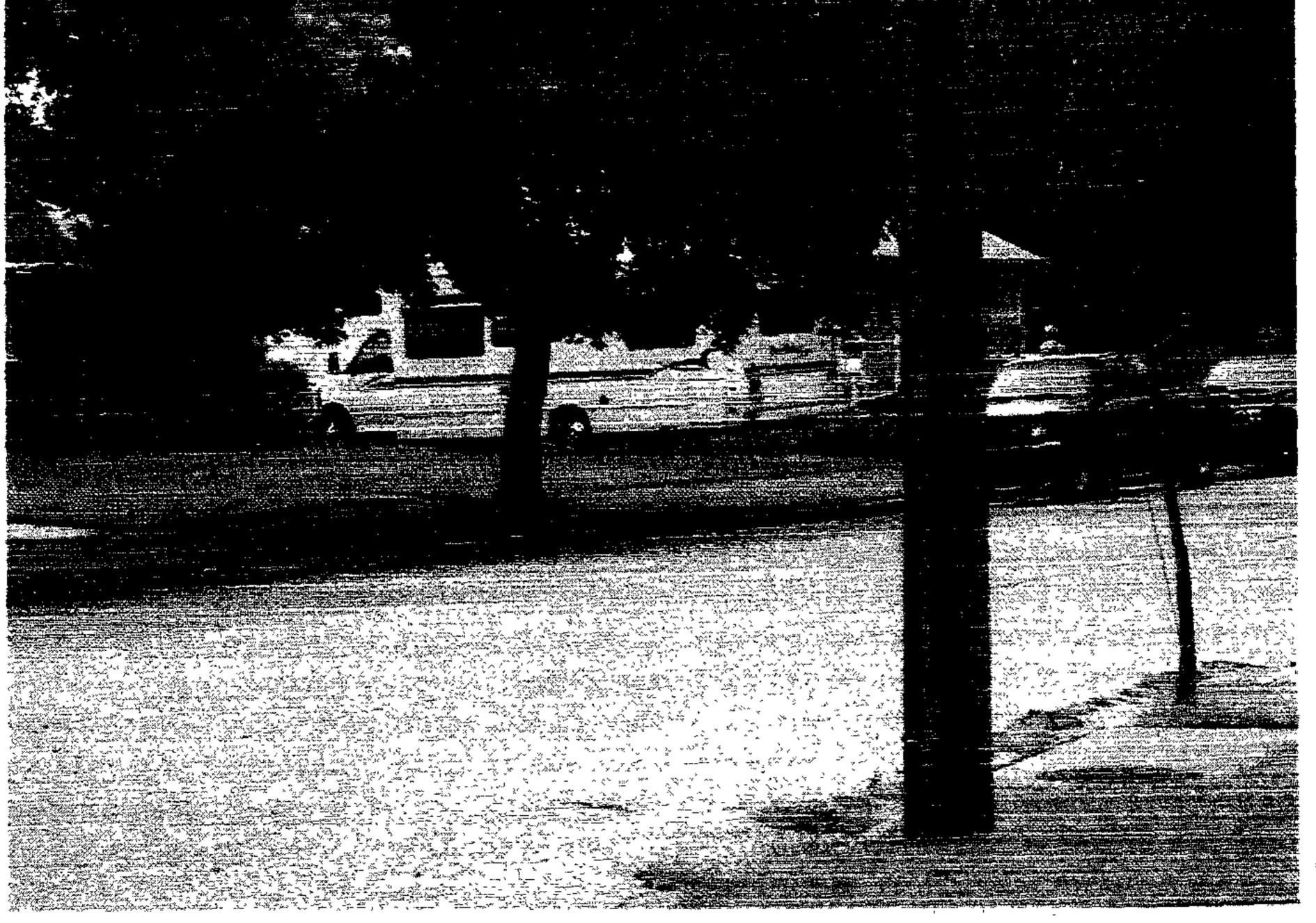
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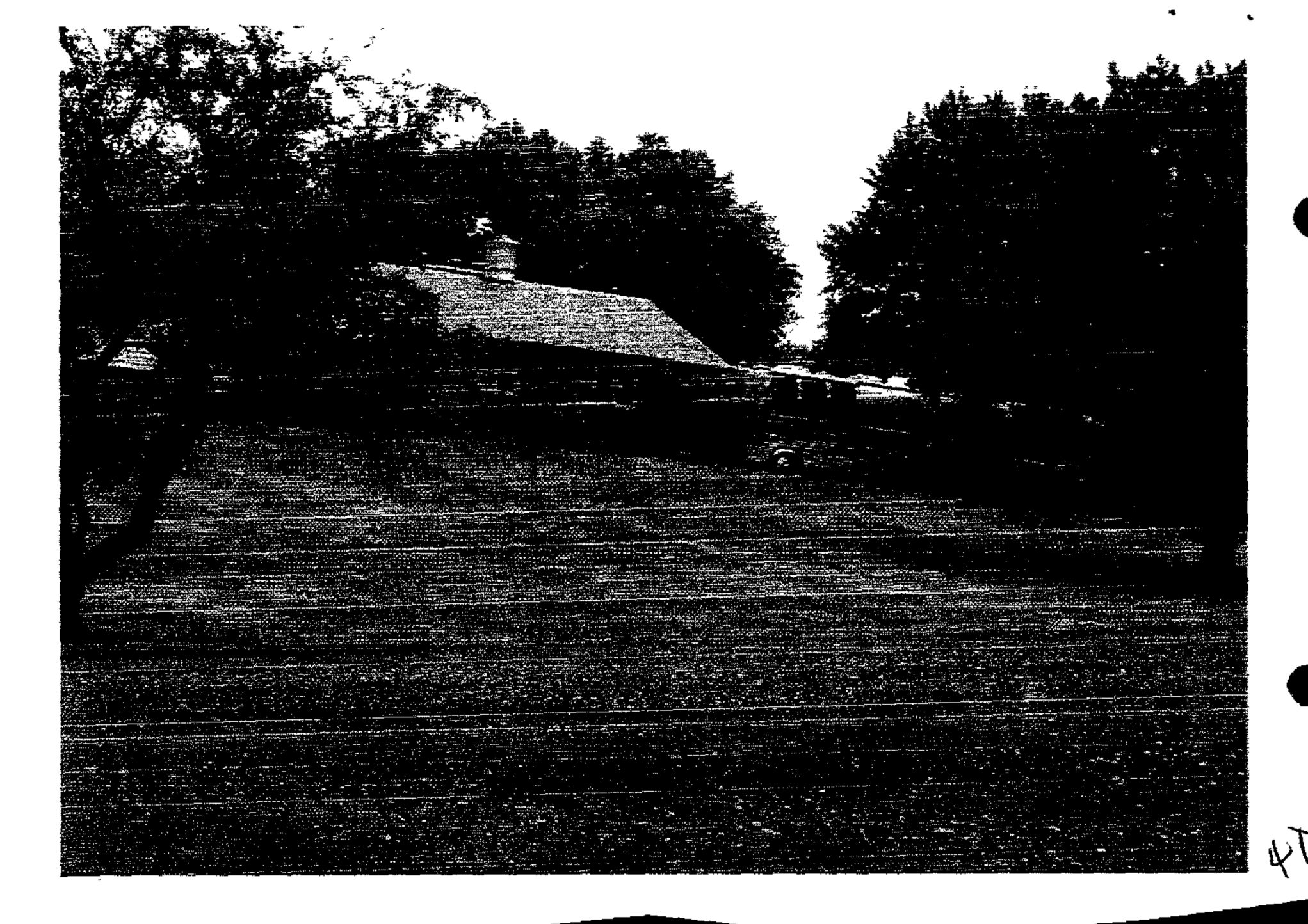




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WC



#### Memorandum

To People's Counsel for Baltimore County, Zoning Commissioner

From: Walter Cooney

126 Westbury Road Lutherville, MD. 21093

Date: August 23, 2004

RE: Petition for Variance & Special Hearing

No. 05-09-SPHA

To Whom it may concern:

Kindly be advised that I have reviewed the *Notice of Zoning Hearing*, Case # 05-009-SPHA, and have no objections to these plans. The plan as advertised is:

Special Hearing: To allow the parking of a recreational vehicle with a length of up to 38 feet in lieu of the allowed 35 feet.

Variance: To allow an accessory structure (RV / carport ) for the parking

of a recreational vehicle to be located in the side yard in lieu

of the required rear yard.

Walter Cooney

Date:

QUY HY