

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)

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BEFORE THE

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DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 05-009-SPHA

Jacqueline B. & Garnett P. Broy
Petitioners

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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

ORDER RECEIVED FOR FILING

Date

By

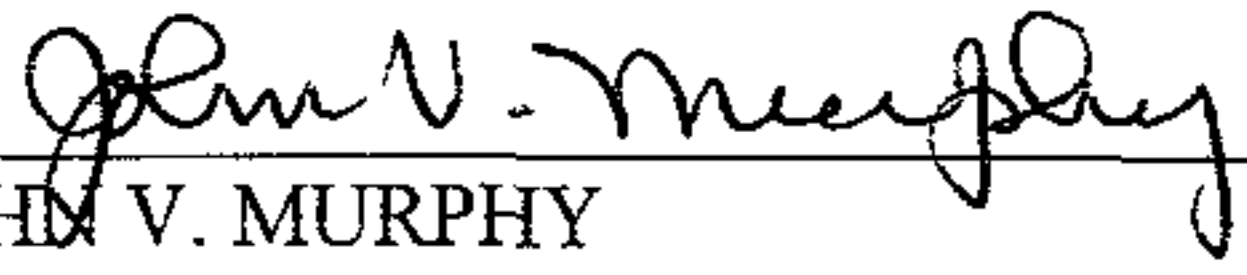
9/8/04

Roy

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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

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Date 9/8/04
By 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

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



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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 as 124 Westbury Road and located in the 9th Election District, 4th Councilmanic District.

#009

