

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Oak White Road, 625' S of the c/l
Gunview Road
(9315 Oak White Road)
11th Election District
5th Council District

Thomas M. Brooks, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-027-A

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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, Thomas M. Brooks, and his wife, Elizabeth L. Brooks, through their attorney, Michael P. Tanczyn, Esquire. The Petitioners seek relief from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard building face setback of 17 feet and a side yard setback of 17 feet, both in lieu of the required 25 feet each, and a rear yard setback of 22 feet in lieu of the required 30 feet, for an attached garage. 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, which 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 variance. There were no adverse comments submitted by any County reviewing agency; however, the Office of Planning

ORDER RECEIVED FOR FILING

Date

By

requested certain modifications to the plan. Additionally, there was apparently no opposition from any of the neighbors. I find the unique configuration of the property and its pie shape justifies the need for the variance. In my view, the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that there will be no detrimental impacts to the health, safety and general welfare of the surrounding locale.

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 15th day of October 2004 that the Petition for Administrative Variance seeking relief from Section 1B01.2.C.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard building face setback of 17 feet and a side yard setback of 17 feet, both in lieu of the required 25 feet each, and a rear yard setback of 22 feet in lieu of the required 30 feet, for an attached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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) Prior to the issuance of any permits

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

October 1, 2004

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Oak White Road, 625' S of

Affidavit in Support of Administrative Variance

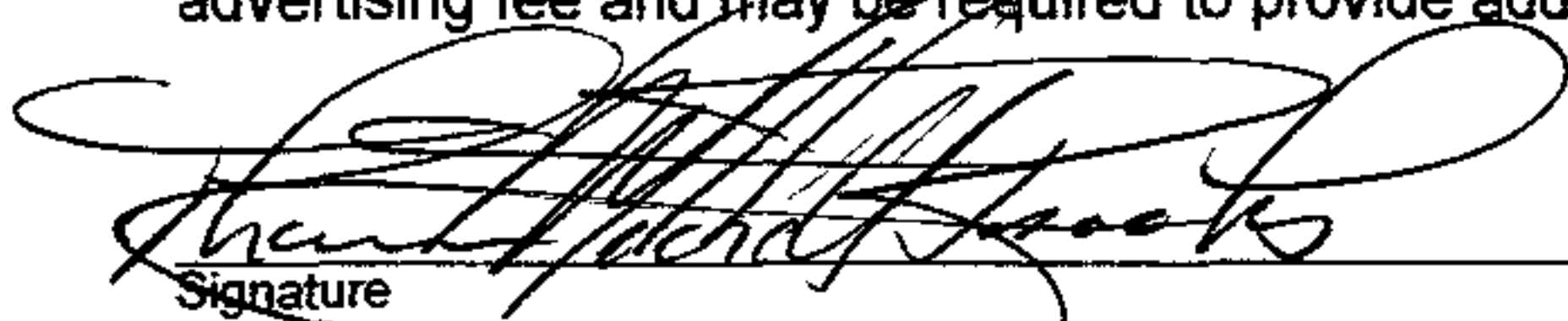
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9315 OAK WHITE RD.
Address
BALTO. MARYLAND 21236
City State Zip Code

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):

See Attachment "B"

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
THOMAS MITCHELL BROOKS
Name - Type

ATTACHMENT "A"

BCZR 1B01.2C1.B, to allow:

- A. A front yard building face setback of 17 feet to the property line, in lieu of the required 25 feet for an attached garage.
- B. To allow a side yard setback from an attached garage of 17 feet to the side property line, in lieu of the required 25 feet.
- C. To allow a rear yard setback of 22 feet to the rear property line, in lieu of the required 30 feet.

ATTACHMENT "B"

That the small size, pie-shape, and hilly topography of the Petitioner's lot causes impractical difficulty and unreasonable hardship and makes it impossible because their lot is on a curve of Oak White Road to comply with the set back requirements for the modest addition of a garage to replace an existing outdoor enclosed parking pad. The property is located in the Village of White Oak and directly fronts an unoccupied heavily vegetated storm drain reservation for this development directly across Oak White Road, as shown on the pictures submitted. Additionally, numerous neighboring property owners have already added similar accessory attached garage additions of the type proposed by the Petitioners. The Petitioners have consulted with their immediate neighbors who they believe are supportive of this request.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39133

DATE 7/13/04 ACCOUNT ROUT-006-6150

AMOUNT \$ 65.00

RECEIVED FROM Michael P. Tuleczka

FOR Administrative Expenses

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 037

CERTIFICATE OF POSTING

RE: Case No.: 05-027-A

Petitioner/Developer: THOMAS & ELIZABETH BROOKS

Date of Hearing/ Closing: AUG. 9, 2004

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

Attention: Becky Hart

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 #9315 OAK WHITE ROAD

The sign(s) were posted on JULY 23, 2004
(Month, Day, Year)

Sincerely,

