IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Overbrook Road, 75 ft. W
centerline of Heathfield Road
9th Election District
5th Councilmanic District
(326 Overbrook Road)

Brenda J. & Gregory W. Bryant Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 05-363-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, Brenda J. and Gregory W. Bryant. The variance request is for property located at 326 Overbrook Road in Baltimore County. The variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback for an open projection (deck) of 31 ft. in lieu of the required 37.5 ft. 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 January 30, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agencies: A ZAC comment was submitted by the Office of Planning dated February 4, 2005, a copy of which is attached hereto and made a part hereof.

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

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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 posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15 day of February, 2005, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback for an open projection (deck) of 31 ft. in lieu of the required 37.5 ft., be and it 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;
- 2. Compliance with the ZAC comments submitted by the Office of Planning dated February 4, 2005, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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
William J. Wiseman III, Zoning Commissioner

February 15, 2005

Mr. & Mrs. Gregory W. Bryant 326 Overbrook Road Baltimore, Maryland 21212

> Re: Petition for Administrative Variance Case No. 05-363-A Property: 326 Overbrook Road

Dear Mr. & Mrs. Bryant:

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

JVM:raj Enclosure



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



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Estimated Posting Date 1/30/05

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gard setback Cor an of	the Project	ction (drike	) of .31 ft.	in dien.
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of the zoning regulations of Baltimore County, to	the zoning law	of Baltimore County,	for the reasons indicat	ed on the back
Property is to be posted and advertised as prescrior we agree to pay expenses of above Variance, adregulations and restrictions of Baltimore County adopted	bed by the zon vertising posting	ing regulations. g, etc. and further agree e zoning law for Baltimo	to and are to be bound ore County.	ed by the zoning
		∵l/We do solemnly decl	are and affirm, under the	e penalties of
Contract Purchaser/Lessee:		Legal Owner(s):		Same State
	-	GREGORA	W. BRYANT	<del>-</del> -
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Attorney For Petitioner:		326 0000 Address	DOOK KOAD	+10-961-907 Telephone No.
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Company		Name		Fig.
	one No.	Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.
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A Public Hearing having been formally demanded and/or this day of that the subjected laties of Baltimore County and that the property be repos	found to be requested matter of this pated	ulred, it is ordered by the etition be set for a public h	Zoning Commissioner of learing, advertised, as requ	Baltimore County, ired by the zoning
		Zoning Commis	sioner of Baltimore County	· · · · · · · · · · · · · · · · · · ·
CASE NO. 05-363-A	Review	ed By BK	Date//18/	<u> </u>
EV-0/25/01		ted 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.

That the Affiant(s) does/do presently reside a	t <u>326</u>	OUERbrook	< KOAD	<u></u>
		MORE	State	2/2/2 Zlp Code
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James W. Buyan		Burge	Rain	vater-Bryant
Crococi W BN/ANT	The state of the s	Signature	04 J. K	PAINMATER- BRYANT
Name - Type or Print		Name - Type	or Print	
STATE OF MARYLAND, COUNTY OF BALT		<i></i>		
I HEREBY CERTIFY, this 18th day of John of Maryland, in and for the County aforesaid,	-		<i>005</i> before m	ne, a Notary Public of the State
<b>▲</b>		_	_	<u> </u>
Greatry W. Bryant + the Atlant(s) therein, personally known or satisfications.	Stactorily iden	tified to me as suc	ch Affiant(s).	Iant
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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.

That the Affiant(s) does/do presently reside at	326 Overeb	LOOK ROAD	
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STATE OF MARYLAND, COUNTY OF BALTIM	•		
I HEREBY CERTIFY, this 18th day of Jav of Maryland, in and for the County aforesaid, per	sonally appeared	, <u>2005</u> , before me, a No	otary Public of the State
the Afficient(s) herein, personally known or satisfact	ctorily Identified to me a	s such Affiant(s)!	
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	Sail-	m. Price	; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ; ;
	Notary Public  My Commissio	n Expires <u>May 1</u>	2006
REV 10/25/01	,		



# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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	, **		ocated at <u>326</u> which is presen	ntly zoned $X$ $\Omega$	3-10.5
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CASE NO. O5 - 363 - A Reviewed By B/C Date 1/19/05
REV 10/25/01

Estimated Posting Date 1/30/05



# ZONING DESCRIPTION FOR 326 OVERBROOK ROAD, BALTIMORE, MD 21212

Beginning at a point on the North side of Overbrook Road which is 22 feet wide at a distance of 75 feet west of Heathfield Road which is 24 feet wide. Being in the subdivision of Rodgers Forge Liber #20412, Folio #031 containing .04 acres. Also known as 326 Overbrook Road and located in the 9<sup>th</sup> Election District and 5<sup>th</sup> Councilmanic District.

MARKLAND	ACCOUNT !		
BALLINGRE COUNTY, MARKLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIFT			

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## CERTIFICATE OF POSTING

<b>;</b>	RE: Case No. : 05-343-A
	Petitioner/Developer:
	GREGORY BRYANT
	Date of Hearing/Closing: 2/14/05
Baltimore County Department Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenu	anagement n 111
Attention:	
adies and Gentlemen:	
ign(s) required by law were	he penalties of perjury that the necessary posted conspicuously on the property  6 OVERBROOK ROAD
his sign(s) were posted on _	(Month, Day Year)
	Sincerely,
	20 1/30/05
	(Signature of Sign Poster and Date) <u>Martin Ogle</u>
	Sign Poster
	5016 Castlestone Drive
	Address Polto Md 21227
	<u>Balto. Md 21237</u> (443-629-3411)

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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: 05-363-A
Petitioner: Gregory W. BryANT & Brenida J. Rainwater-BryANT
Address or Location: 326 Overbrook Read BACTIMORE, MD 21212
PLEASE FORWARD ADVERTISING BILL TO:
Name: NEGORY W. BY/ant
Address: 326 Overchrook ROAD
BARTIMORE, MD 21212
Telephone Number: 410-961-9074

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-	363	-A	Address	326	Overbrook	Rd.
Contact Person:	Brug Planner,		itis		hone Number:	
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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

February 14, 2005

Gregory W. Bryant Brenda J. Rainwater-Bryant 326 Overbrook Road Baltimore, Maryland 21212

Dear Mr. and Mrs. Bryant:

RE: Case Number: 05-363-A, 326 Overbrook Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 19, 2005.

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, Call Rila De

W. Garl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

January 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

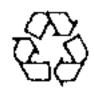
Item No.: 226,360-364,366-367

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

Co.: File



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

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



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

BTR

#### Maryland Department of Transportation

RE:

Date: 1.25.05

**Baltimore County** 

Item No. 363

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

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,

Steven D. Foster, Chief

1. J. Gredl

Engineering Access Permits Division



TO:

Tim Kotroco

FROM:

John D. Oltman, Jr Jp "

DATE:

February 11, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 31, 2005

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

05-360

05-361

05-363

05-364

05-366

05-367

Reviewers:

Sue Farinetti, Dave Lykens

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

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** February 4, 2005

TENN TO THE PARTY OF THE PARTY

FEB - 7 2005

SUBJECT:

326 Overbrook Road

INFORMATION:

Item Number:

5-363

Petitioner:

Gregory W. Bryant

Zoning:

DR 10.5

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a 31-foot rear yard setback for an open projection deck in lieu of the minimum required 37.5 feet. However, it should be noted that the if the relief is granted for the deck construction, it does not imply the same relief for any prospective conversion of the deck into an additional room on the subject property. Furthermore, the proposed deck addition must be constructed with similar materials and of a similar design as those of the adjacent properties.

Prepared by:

**Division Chief:** 

<sup>A</sup>AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** February 9, 2005

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 February 7, 2005 Item Nos. 360, 361 (363, 365, 366, 367)

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

RWB:CEN:cp

cc: File

RY (Marcol)

## THE RODGERS FORGE COMMUNITY, INC

DECK AND RODENT AGREEMENT

Date DCT 24 Z004

The following conditions are found in the Deputy Zoning Commissioner's Order that were placed on previous decks for the community's well being-both financially and structurally. Please sign and return to the RFCA Architectural Committee, P.O.Box 571, Riderwood, Md 21139.

The deck to be constructed to the rear of the Applicants home shall remain an open projection. That is, this Applicant or any subsequent owner of the property shall be prohibited from enclosing the deck in any fashion or adding any structure either above or below the said projection.

The Applicant shall be required to install rodent wire with gravel or solid concrete under the deck per this agreement.

NA

Owner's Name

Address

Address

3260

Phone Number

410-37)-2268

BAZIMORE ZIZIZ

# The Rodgers Forge Community, Inc.

IN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE BALTIMORE, MD. 21212

October 19, 2004

Dr. Greg Bryant 326 Overbrook Rd. Baltimore, Md. 21212

Re: New deck-16' across, 12' projection

Dear Dr. Bryant:

Enclosed is your approved application for your new deck as referenced above. As I informed you a variance will be needed since you will not meet the BCZR requiring a 37'6" setback for your area. Enclosed is the document required by the RFCA that we discussed which is self-explanatory. It must be signed and returned prior to installation. Please contact me or have your contractor call in order to expedite the process through the county. By doing this it will save time and money for all.

It is through the good faith of residents like you that the Forge has maintained its stability throughout the years. Because of this, the homes in our community have increase in value at a higher percentage rate than other in the Boltimore region.

Should you need the assistance of the Architectural Committee in the future please feel free to contact us prior to signing any contracts with anyone for exterior renovations or replacements. This procedure can avoid unnecessary delays, possible court costs and even expedite the process with the county when required.

Again, thank you for your cooperation.

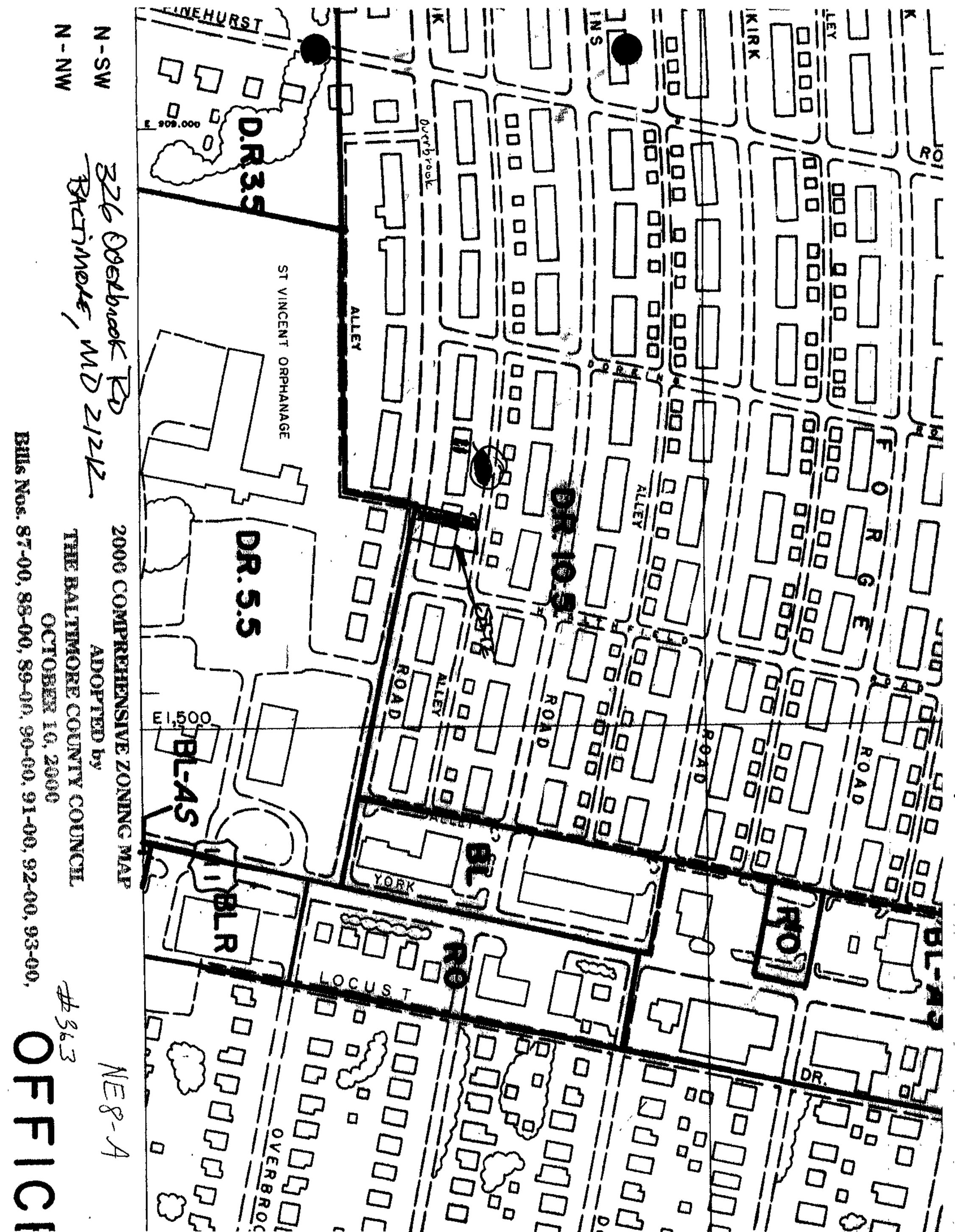
Yours truly,

Jean K Dewall.

RFCA Arch. Committee

227 Murdock Road

Baltimore, Md. 21212



#### AERIAL VIEW OF DECK LAYOUT AND DIMENSIONS OVERALL SIZE: 110' (Length) x 12! (Projection) ELEVATION: 11 KEY CODE: (X) or $(\otimes)$ = RAILINGS $\bullet$ = POST / FOOTERS 在少女人,也就是这些女人,也不不不不不不不好,我们就要我的我就就能够有多少的,我们就是我们就要是我们的 HORIZONTAL STARTING POINT VERTICAL STARTING POINT TIGHT UNDER DOOR 1'-6' FROM LEFT CORNER OF HOUSE 4' RAILING (SEE DETAIL (P1)) '8' RAILING (SEE DETAIL (PI)) 40" WIDE STAIRWAY: TO GRADE (SEE DETAIL (0) (SEE DETAIL (P1)) 6' RAILING (P)) 4' RAILING ISEE DETAIL (PI) FRONT BAND THE WIND BRACES ARE TO BE NAILED INTO THE BOTTOM 16' WITH THREE 3" GALVANIZED SCREW SHANK NAILS POST/ FOOTER, FRAMING/ UNDERSTRUCTURE, RAILING, AND STAIR LOCATION NOT TO SCALE DECK DESIGN EXCEEDS 4016 LIVE LOAD

# SURFACE DECKING WILL BE: 54 x4" parquet

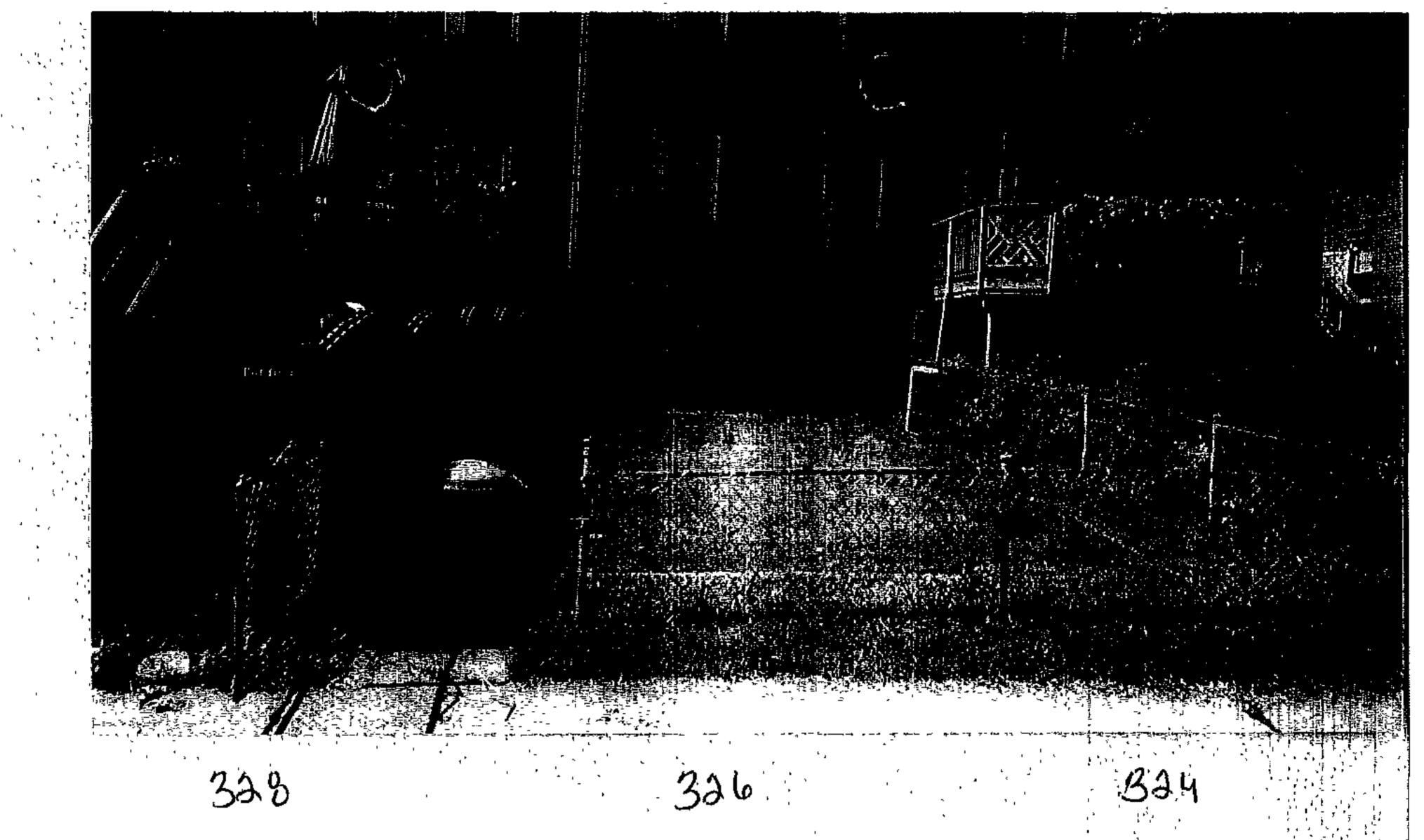
#### **Material List**

- NatureWood® Non-Arsenic based treated lumber (.25 retention, no finish applied). (see Exhibits, pg 2)
- Galvanized and Zinc plated Fasteners rated for outdoor usage. (see Exhibits, pg 8)
- Aggregate Concrete Footings (pre-poured and rated @ 3000 p.s.i.). (see Exhibits, pg 9)
- All applicable local city/county permits and/or inspections are obtained by Contractor.
- All decks include Lifetime, one-time transferable, non-prorated, material and labor warranty against rot, decay and termite infestation.

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PREPARED BY: Home Depot SCALE OF DRAWING: 1" = 30	NORTH	OUERBROOK Ro	WESTERY 19.	25	\$ 1. Z	CO THE CO		3/9 ACC 3/4 /0	21	326		1642.6 /018.0	Jax ID 091355026: A D Tax ID 07 18 471630		Scott & Katherine	Ligity	15 Couc ALLEY		OWNER Gregory & Bronda Bryant	PLAT BOOK # 1/2 FOLIO # 57 LOT # SECTION #	SUBDIVISION NAME Robers Forge	PROPERTY ADDRESS 336 Overbruk RD. SEE PAGES 5 8 6 OF THE CHECKLIST I	PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANO
Bn 363 35-7	REVIEWED BY ITEN # USE ONLY	PRIOR ZONING HEARING	O YEAR FLOOD	CHESAPEAKE BAY CRITICAL AREA  YES NO IN	WATER	SEWER PUBLIC PRIVATE *	LOT SIZE ACREAGE SQUARE FEET	ZON!NG D.2 -/0.5	1"=200' SCALE MAP # NE 8-A	COUNCILMANIC DISTRICT 5	ELECTION DISTRICT	LOCATION INFORMATION	SCALE: 1" = 2000'				ALVIN ALVIN A					OR ADDITIONAL REQUIRED INFORMATION	E SPECIAL HEAPING

Det Ec. #1