

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SW/S Nicodemus Road, 250' E of the c/l		
Berrymans Lane	*	ZONING COMMISSIONER
(821 Nicodemus Road)		
4 th Election District	*	OF BALTIMORE COUNTY
4 th Council District		
	*	Case No. 06-160-A
William P. Brown, Jr.		
Petitioner	*	

* * * * *

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 owner of the subject property, William P. Brown, Jr. The Petitioner seeks relief from Section 1A04.3.B.2 (1A00.3.B.3-RDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side lot line setback of 39 feet in lieu of the minimum required 50 feet for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 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, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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 Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) 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.

ORDER RECEIVED FOR FILING

Date 10/18/15

By [Signature]

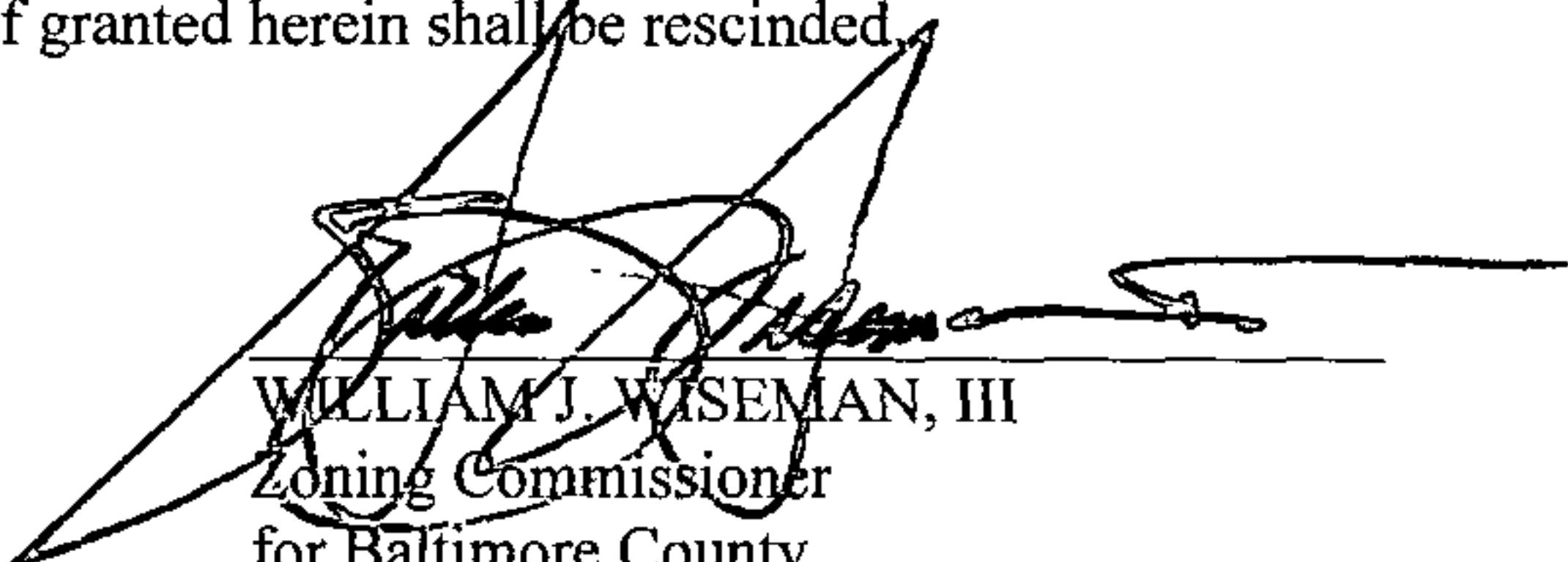
Based upon the documentation contained therein, I am persuaded to grant the requested relief. Variance relief is necessitated given the unique configuration of the property and the layout and location of the existing house thereon. There were no adverse comments submitted by any County reviewing agency, and none of the neighbors voiced any objection. Thus, I find that relief can be granted and that there will be no detriment to adjacent properties, or the health, safety or general welfare of the surrounding community.

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 18th day of October 2005, that the Petition for Administrative Variance seeking relief Section 1A04.3.B.2 (1A00.3.B.3 - RDP, 1970 Bill 100) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side lot line setback of 39 feet in lieu of the minimum required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/18/05

By [Signature]

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

October 18, 2005

Mr. William P. Brown, Jr.
821 Nicodemus Road
Reisterstown, Maryland 21136

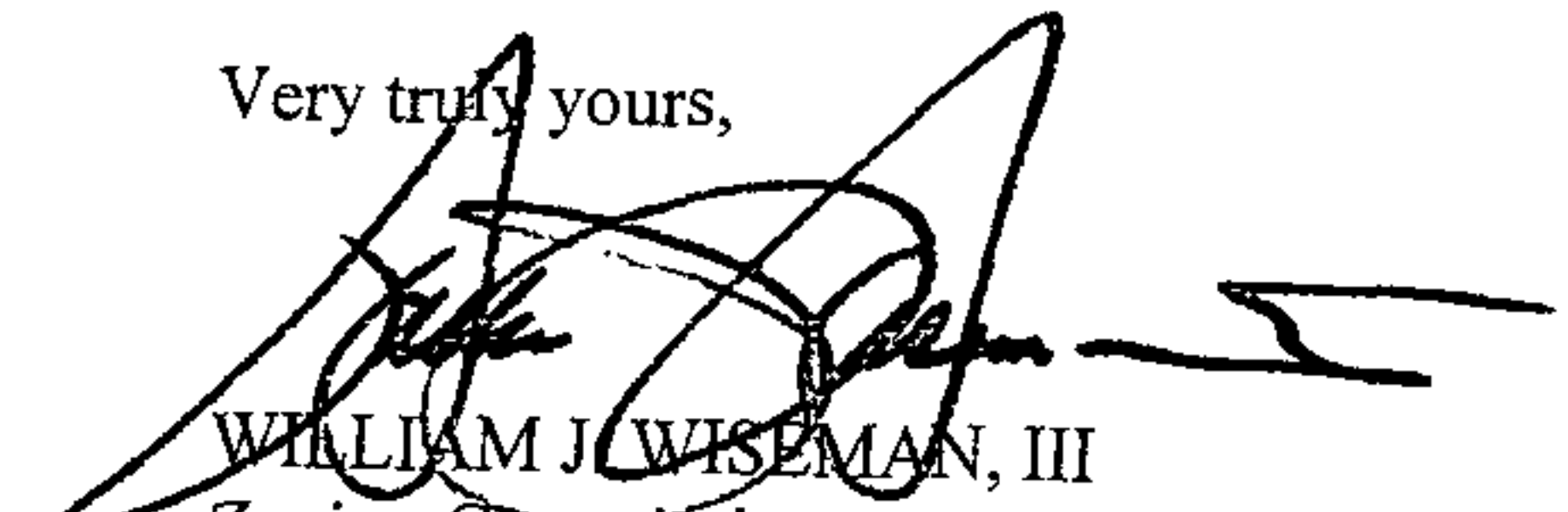
RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
SW/S Nicodemus Road, 250' E of the c/l Berrymans Lane
(821 Nicodemus Road)
4th Election District – 4th Council District
William P. Brown, Jr. - Petitioner
Case No. 06-160-A

Dear Mr. 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,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: 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 821 NICODEMUS RD
which is presently zoned RC 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) 1A00.3.B.3 (RDP ZONE REGS) 1970 BILL 100

TO PERMIT A PROPOSED ADDITION WITH A 39 FT. SIDE LOT LINE
SETBACK IN LIEU OF THE REQUIRED 50 FT.

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:

Name - Type or Print

Signature

Address

Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 06 day of 160 A that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06 160 A

Reviewed By ✓L

Date 9/16/05

Estimated Posting Date 9/25/05

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

821 Nicodemus Road
Address
Rustertown Md 21136
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):

because of the required set back the addition to the side of house speeds the zoning regulations. Putting addition to existing garage would not work on opposite side of house and well is located on opposite side along with basement stairway

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

William P. Brown Jr

Signature

Name - Type or Print

William P. Brown Jr

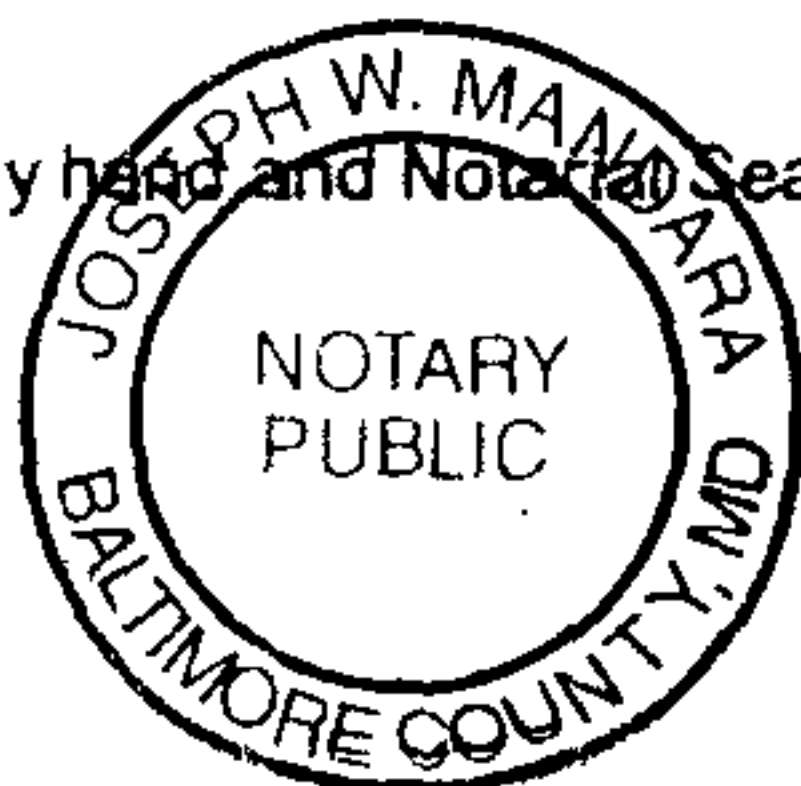
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of September 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland Baltimore County
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



Notary Public

Joseph W. Manders

My Commission Expires

4/12/08



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 821 NICODEMUS RD
which is presently zoned RC 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) 1A00.3.B.3 (RDP ZONE REGS) 1970 BILL 100

TO PERMIT A PROPOSED ADDITION WITH A 39 FT. SIDE LOT LINE
SETBACK IN LIEU OF THE REQUIRED 50 FT.

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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

WILLIAM P. BROWN, JR
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____

821 NICODEMUS RD 410526-7587
Address Telephone No.
REISTERS TOWN MD 21136
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED OF
CASE NO. 06 160 A

Reviewed By ✓L Date 9/16/05

Estimated Posting Date 9/25/05

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

821 Nicodemus Rd
Address
Reisterstown MD 21136
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):

because of the required setback the addition to the side of the house exceeds the zoning regulations. Putting addition to existing garage would not work on opposite side of house and well is located on opposite side along with basement stairway

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

William P Brown Jr

Signature

Name - Type or Print

William P Brown Jr

Name - Type or Print

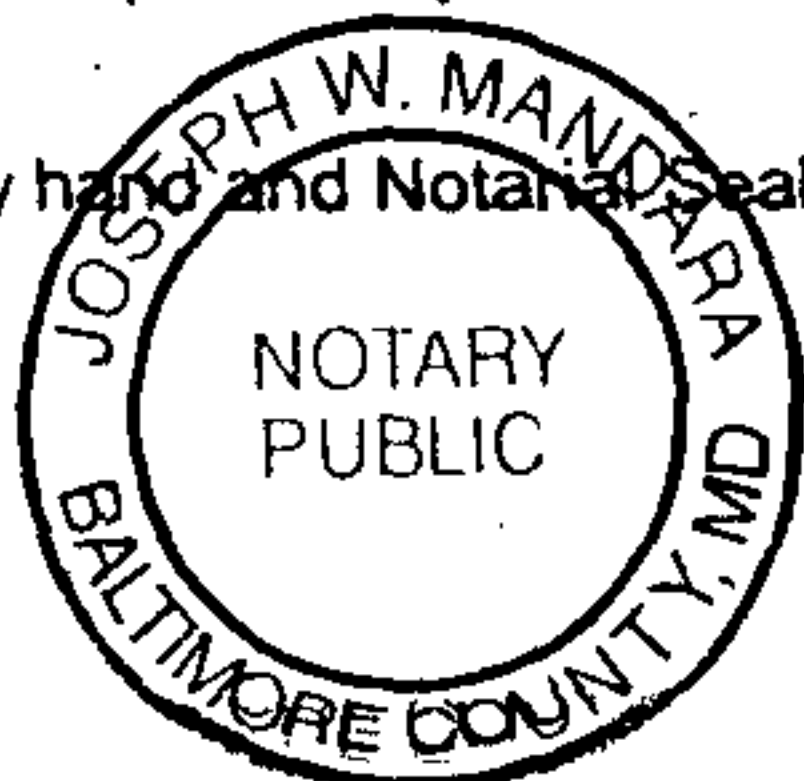
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland, Baltimore County

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



Joseph W. Mandara
Notary Public

My Commission Expires

4/12/08

Zoning Description
821 NICODEMUS RD.

The property being known as 821 Nicodemus Road beginning at a point on the ~~the~~ SOUTH WEST

side of Nicodemus Road which is ²² ~~321~~ feet ^{PAVING, 250 FT ± EAST OF BERRYMANSLANE.} ~~wide and 284 feet long~~ being lot # 19 ~~is~~ on

Plat 2 final subdivision plat "Dyer Property" as recorded in Baltimore County, ^{Book 40/121} containing

1.1 acres. Also known as 821 Nicodemus Road and located in the 4th election district.

160

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

06-160-1
No. 0052

DATE 9/16/05 ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM: Brown

FOR: RV filing 828 Macdonalds Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTING TIME
9/16/2005 9/16/2005 10:01:40

RES NO. 0052 PSIL JENA JEE

>>RECEIPT # 424050 9/16/2005 07:11

Dept 5 528 ZINING VERIFICATION

CR NO. 00052

Receipt Tot \$65.00

\$1.00 CR \$65.00 CR

Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 06-160-A

Petitioner/Developer: _____

William Brown

Date of Hearing/Closing: 10/10/05

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

Attention:

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 821 Nicodemus Road
Reisterstown, MD 21136

The sign(s) were posted on September 21, 2005
(Month, Day, Year)



Sincerely,

Stacy Gardner

(Signature of Sign Poster and Date)

Stacy Gardner

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD 21784

410-781-4000

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 160 -A

Address 821 NICODEMUS RD.

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 9/16/05

Posting Date: 9/25/05

Closing Date: 10/10/05

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 160 -A

Address 821 NICODEMUS RD.

Petitioner's Name WILLIAM P. BROWN

Telephone 410 526 7587

Posting Date: 9/25/05

Closing Date: 10/10/05

Wording for Sign: To Permit A PROPOSED ADDITION WITH A SIDE LOT LINE
SETBACK OF 39 FT. IN LIEU OF THE REQUIRED 50 FT.

**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*

October 11, 2005

William P. Brown, Jr.
821 Nicodemus Road
Reisterstown, Maryland 21136

Dear Mr. Brown:

RE: Case Number: 06-160-A, 821 Nicodemus

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl 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

September 22, 2005

ATTENTION: Zoning review planners

Distribution Meetings of: **October 3, 2005**

Item No.: **156-166**

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 J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: September 27, 2005

FROM: ^{DBK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 10, 2005
Item Nos. 155, 156, 157, 159, (160), 161,
162, 163, 164, 165, and 166

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09272005.doc

RECEIVED

BALTIMORE COUNTY, MARYLAND

SEP 27 2005

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 27, 2005

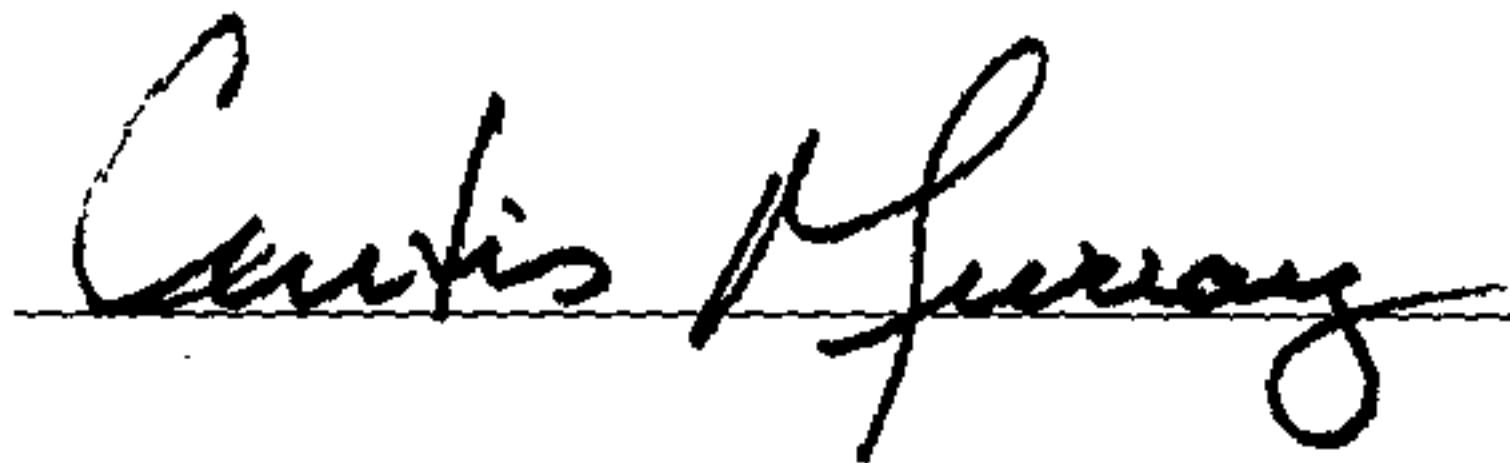
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-160- Administrative Variance

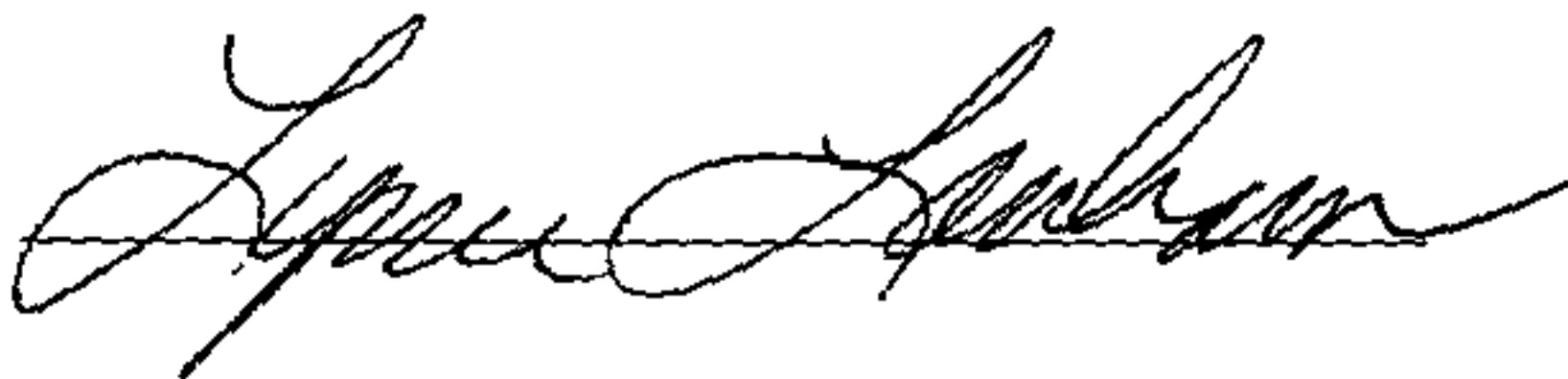
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

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



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

Maryland Department of Transportation

Date: 9.21.05

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

RE: Baltimore County
Item No. 160 JLL

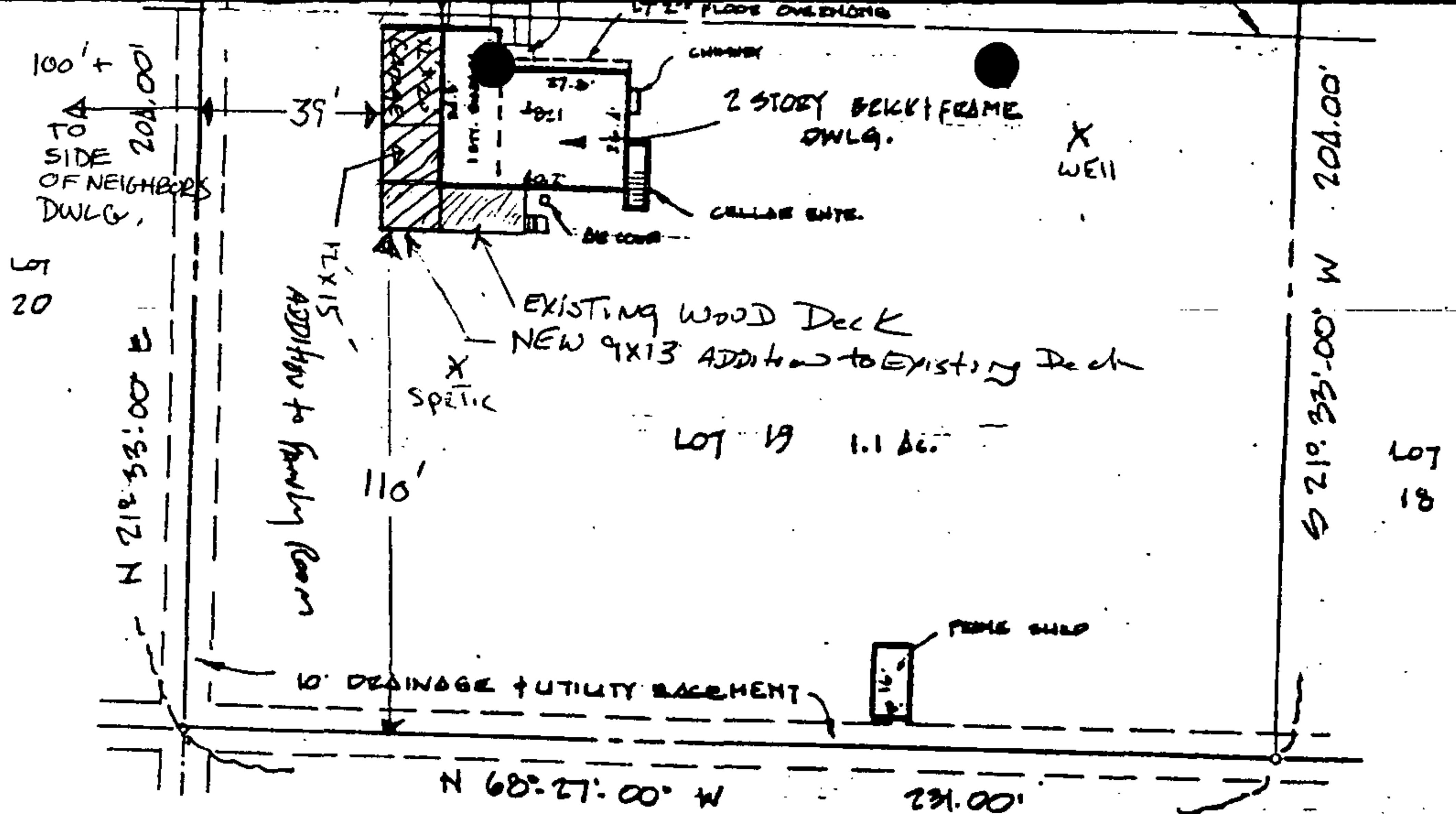
Dear Ms. Matthews:

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
Engineering Access Permits Division



I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN.

BEING KNOWN & DESIGNATED AS LOT 19, ON PLAT 2 FINAL SUBDIVISION PLAT "OYER PROPERTY" RECORDED IN BALTO. CO. IN PLAT BOOK F H K R 40/121

OWNER: WILLIAM P. BROWN
821 NICODEMUS RD.
BALTO MD. 21136

SCALE 1" = 40'

The undersigned accept responsibility for all information as shown and written By Baltimore County Regarding this Petition Alvin E. Berry 9/16/05

ZONING RC 5 (RECORD PLAT AS R.D.P.)

CD 4
ED 4

LOT SIZE 1.1 AC.

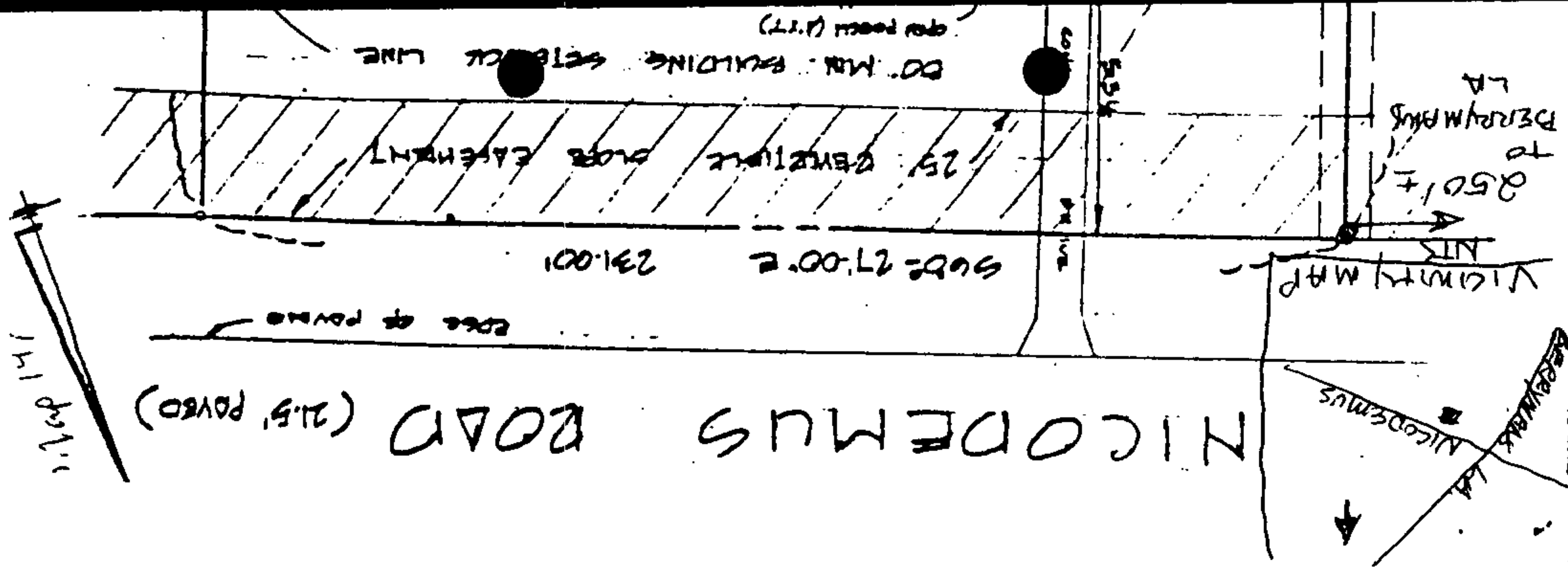
PRIVATE WATER & SEWER.
NOT IN A 100 YEAR FLOOD PLAIN
NOT HISTORIC
NO PRIOR ZONING HEARINGS.

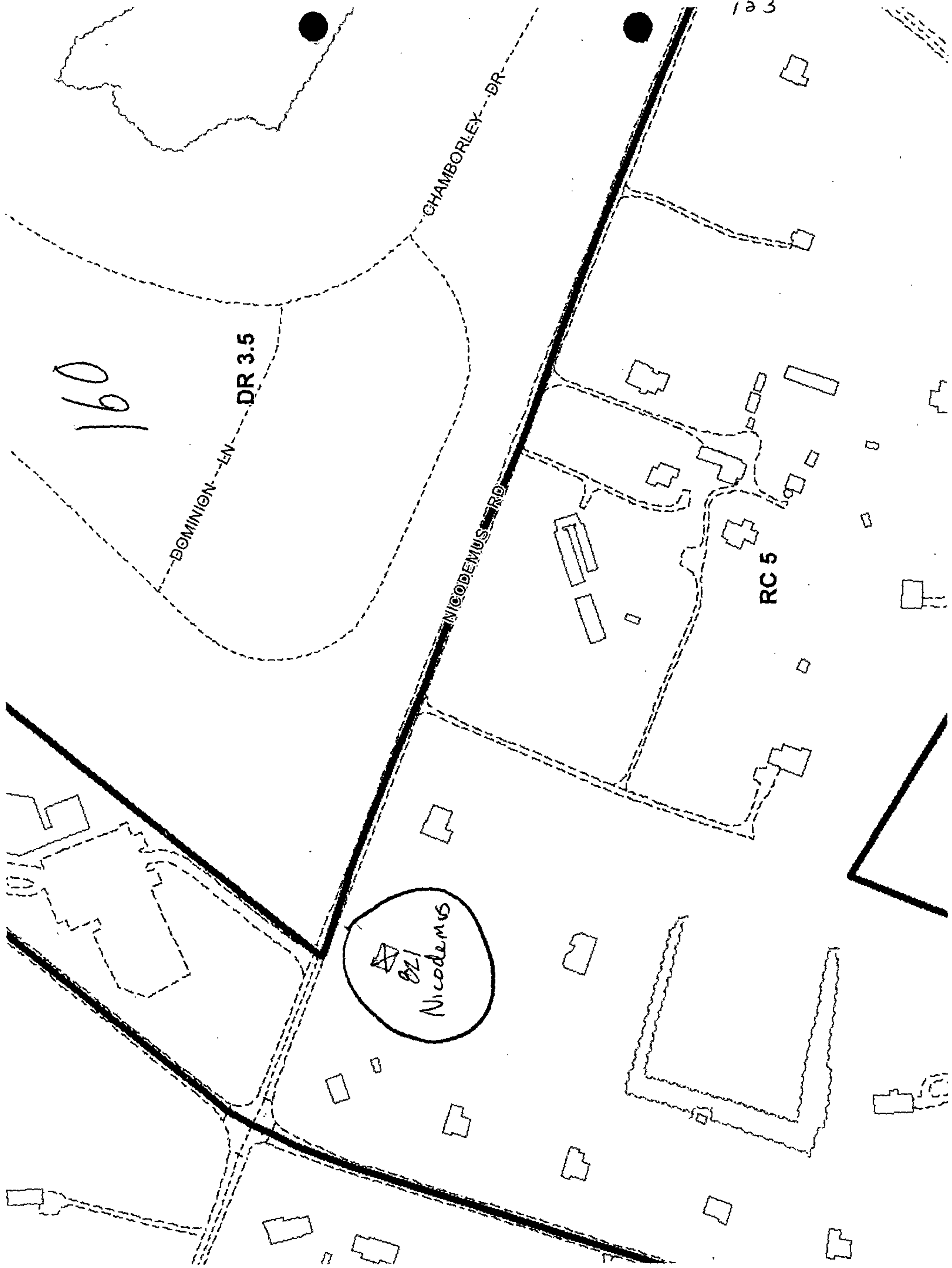
THE APPLICANT WILL PROVIDE LABELED PHOTOS WELL IN ADVANCE OF THE END OF THE POSTING PERIOD

Alvin E. Berry
Pet. Ex. 1

#06-160-A

821 NICODEMUS RD.
ZONING VARIANCE PLAN





821 Mcodermus Rd T

CASE #06-160-A



FRONT OF
HOUSE

Existing
garage to be
extended &
replace trailer



BACK OF
HOUSE

Existing
family
room

Deck to be
extended
same as
garage

821 Neodermus Rd
CASE # 06-160-A

side
→



Back of House
family room + deck
to be extended with garage

● CASE # 06-160 ● A



West yard; location of proposed addition



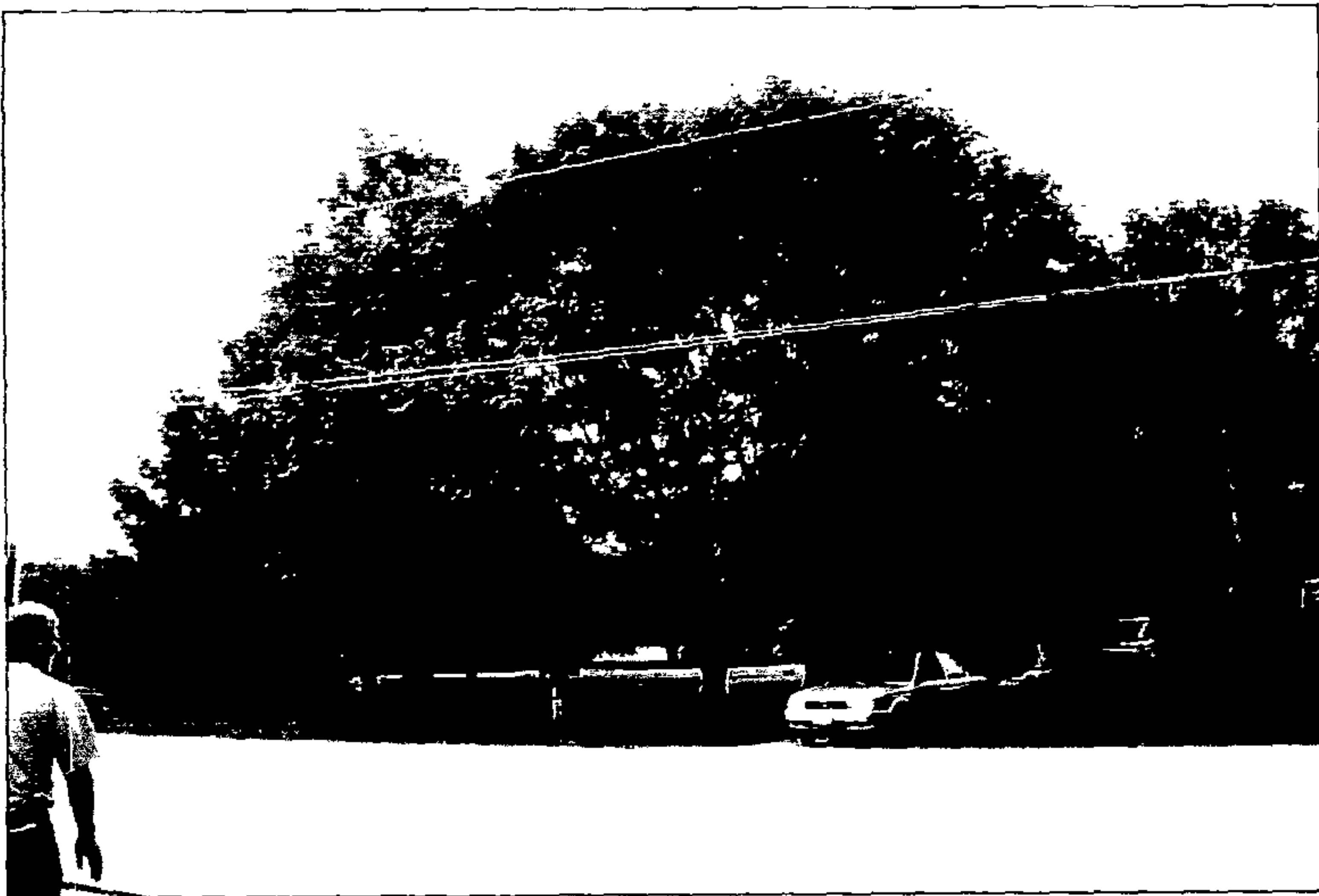
Adjoining lot west

→ Nearest
House -

CASE # 00-160-A



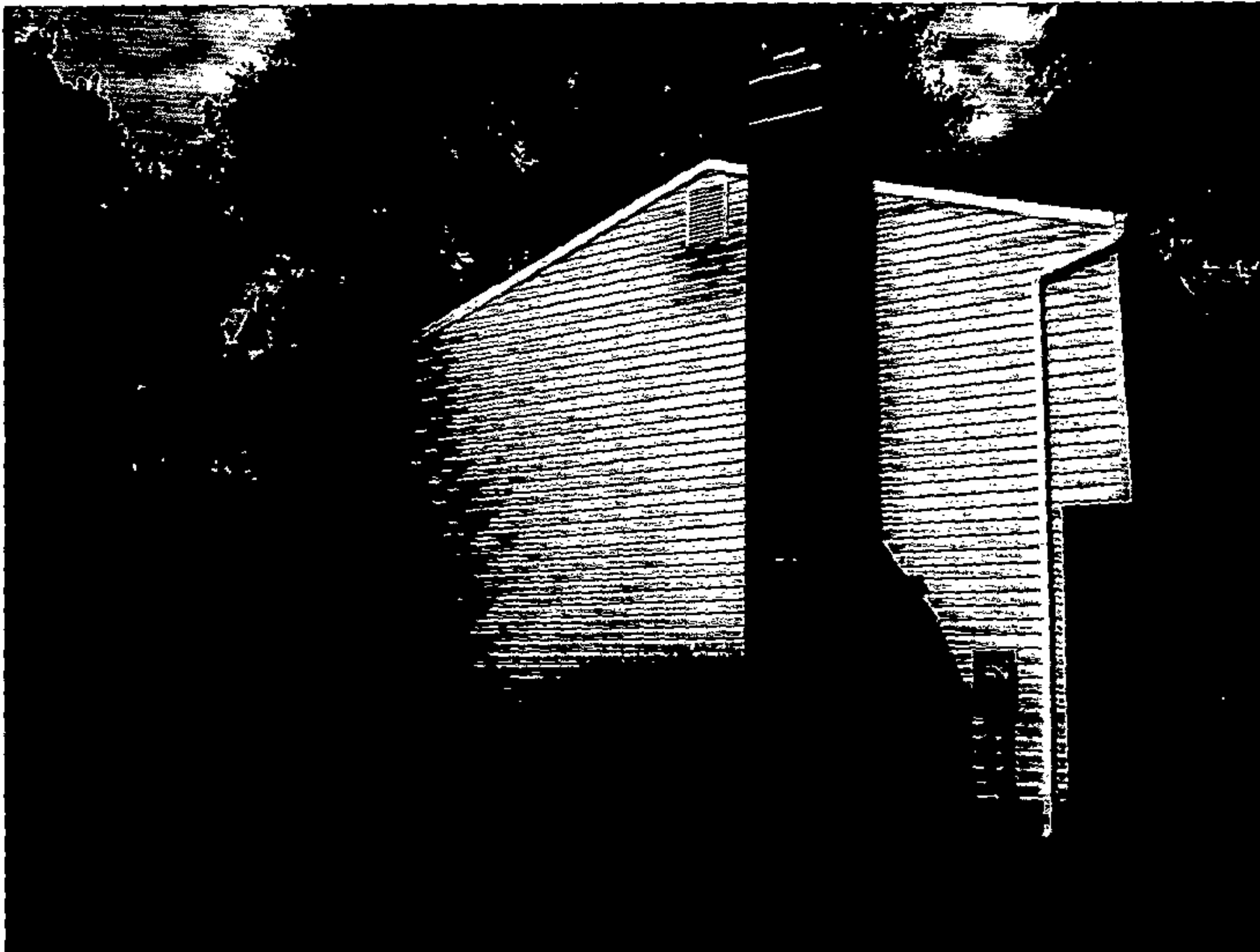
East yard (well head at extreme left), looking east to adjoining lot



CASE # 06-110-A



Basement steps and chimney east side of house



East side of house

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 06 - 160 - A

Petitioner: BROWN

Address or Location: 821 NICODEMUS RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: William P Brown

Address: 821 NICODEMUS RD

REISTERSTOWN MD 21136

Telephone Number: 410 526-7587