

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
S/S Nearbrook Lane, 650' W of *
Northwind Road * ZONING COMMISSIONER
(10001 Nearbrook Lane) *
11th Election District * OF BALTIMORE COUNTY
6th Council District *
Case No. 06-187-A
Larry D. Byrd, et ux *
Petitioners *

* * * * *

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, Larry D. Byrd and his wife, Frances L. Byrd. The Petitioners seek relief from Sections 1B02.3.C (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0' in lieu of the minimum required 10' for a proposed 16' x 37' addition. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence 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, 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 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

By

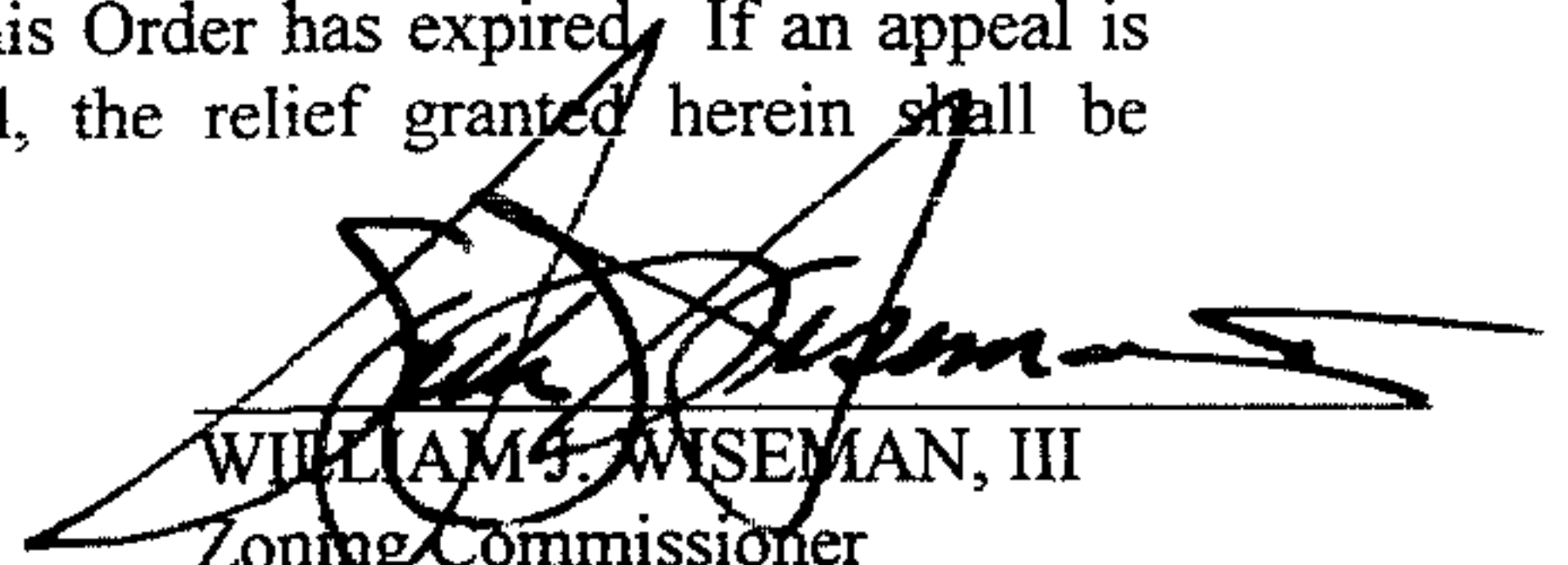
10/26/05
[Signature]

Based upon the information contained therein, I am persuaded to grant the variance. Relief is necessitated given the narrow width of the property and the layout and location of existing improvements thereon. It was indicated that the proposed addition is necessary to provide more storage space and will serve as both a garage and hobby room. As shown on the site plan, the existing house is located 16 feet from the west side property line and 15 feet from the eastern property line. Thus, the construction of any addition of reasonable size on either side of the property would necessitate variance relief. It was also indicated that Mr. Byrd recently suffered a stroke and that having the garage attached to the home would eliminate him from having to go outdoors in inclement weather to access the building. There were no adverse comments submitted by any County reviewing agency and the neighbors on the affected side have no objections. Thus, it appears that relief can be granted and that there will be no detrimental impact to adjacent properties.

Pursuant to the advertisement, posting of the property(s) and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of October 2005 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 0' in lieu of the minimum required 10' for a proposed 16' x 37' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date 10/26/05
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

October 26, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Larry D. Byrd
10001 Nearbrook Lane
Baltimore, Maryland 21234

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
S/S Nearbrook Lane, 650' W of the c/l Northwind Road
(10001 Nearbrook Lane)
11th Election District – 6th Council District
Larry D. Byrd, et ux - Petitioners
Case No. 06-187-A

Dear Mr. & Mrs. Byrd:

~~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,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at X 10001 NEARBROOK LANE

which is presently zoned X RESIDENTIAL RD 3.5

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) 1 BCR. 3C. (C) (A) (B) (C) (D) (E) (F) (G) (H) (I) (J) (K) (L) (M) (N) (O) (P) (Q) (R) (S) (T) (U) (V) (W) (X) (Y) (Z)

TO PERMIT A SIDE YARD SETBACK OF 10 FT. INSTEAD OF 15 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.

State

Zip Code

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10/24/05 day of October, 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.

Legal Owner(s):

X FRANCES L. BYRD

Name - Type or Print

X Frances L. Byrd

Signature

X LARRY D. BYRD

Name - Type or Print

X Larry D. Byrd

Signature

X 10001 NEARBROOK LANE X 410-661-0665

Address

Telephone No.

X BALTIMORE

City

X MD

State

X 21234

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By SDP Date 09-30-05

Estimated Posting Date 10-09-05

CASE NO. 06-187-A

REV 10/25/01

ORDER RECEIVED FOR FILING
Date 10/24/05
By [Signature]

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 X 10001 NEARBROOK LANE
Address
X BALTIMORE X MARYLAND X 21234
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):

X We would like to add an addition in the form of a garage. Larry had a stroke and our daughter and grandson have moved back home. We have been using our 4th bedroom on the lower level for storage but now need it for a bedroom. Adding a garage would solve our problem. Due to my husband's medical condition we would like the garage to be attached so that he would not have to go out in bad weather to get to it. He is able to do some household repairs and this would be a good place for him to work.

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.

X Frances L. Byrd
Signature

X Larry D. Byrd
Signature

X FRANCES L BYRD
Name - Type or Print

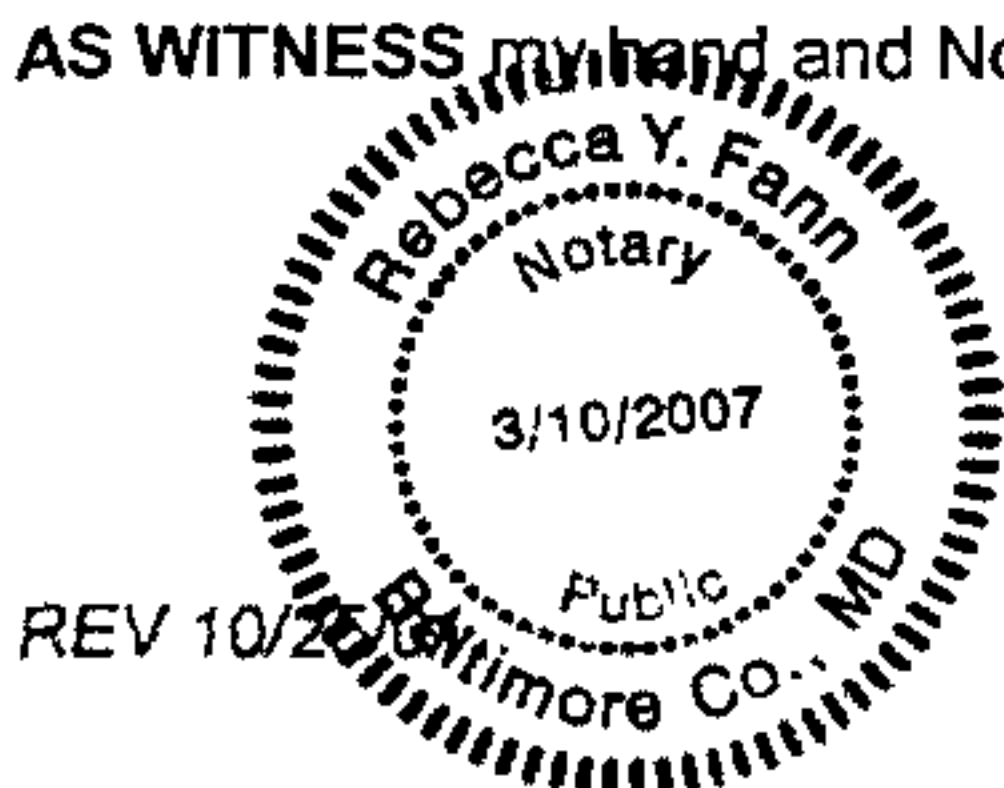
X LARRY D. BYRD
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of September, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

X Frances L Byrd Larry D Byrd
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



X Rebecca Y Fann
Notary Public

My Commission Expires X 3/10/07

SEAL

06 187.A

Zoning Description

Southside Nearbrook Lane a 50ft. RW. 650 ft.

West of Northwind Rd.

Being Lot 93, Amended Plat 1 & 2 Village of Nearbrook

Recorded in Plat Book 44, Folio # 88 & 89.

11th ED

Lot size 7500 sq ft. +_

OG-157-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

06-1827A

No. 0311

DATE 09-20-05 ACCOUNT TR 0016666150

AMOUNT \$ 625.00

RECEIVED FROM FILMWORKS 5 LAMAR BLVD
10661 N DE A ST ROCK CRANE

FOR Rec. DAs

REMITTANCE
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME 10/01/2005 9/30/2005 11:00:42 2

NO. 0012 MAIL 10/01/05

SERIAL # 029372 9/30/2005 00131

REPT. # 520 ZANING VERIFICATION

SP. NO. 000311

Receipt Tot 605.00
6.00 CK 610.00 00
625.00 00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-187-A

Petitioner/Developer: FRANCIS +

LARRY BYRD

Date of Hearing/Closing: OCT 24, 2005

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

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

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: _____

10001 NEARBROOK LANE

The sign(s) were posted on 10-9-05
(Month, Day, Year)

Sincerely,

Robert Black 10-11-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

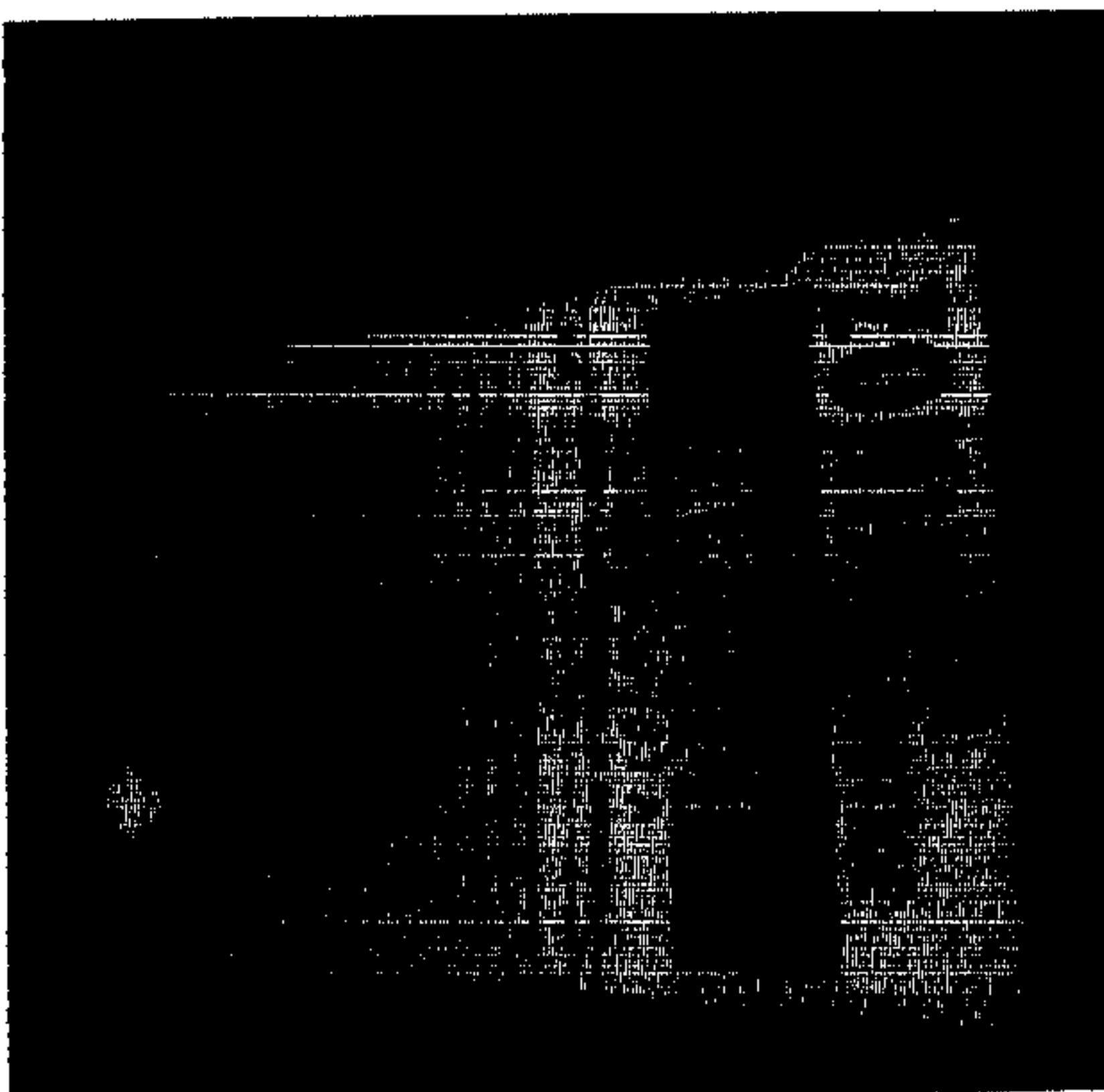
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



10001 NEARBROOK LANE

**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: OG-187-A

Petitioner: FRANCES BYRD

Address or Location: 10001 NEARBROOK LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: FRANCES BYRD

Address: 10001 NEARBROOK LANE

BALTIMORE, MARYLAND

Telephone Number: 410-661-0665

Revised 7/11/05 - SCJ

OG-187-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 187 -A

Address 10001 DEARBROOK LANE

Contact Person: JOHN R. ALEXANDER

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 09-30-05

Posting Date: 10-09-05

Closing Date: 10-24-05

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- 187 -A

Address 10001 DEARBROOK LANE

Petitioner's Name B. YARD

Telephone 410-661-0665

Posting Date: 10-09-05

Closing Date: 10-24-05

Wording for Sign: To Permit A SIDE YARD SETBACK OF 10 FT.
10' VIEW OF 10 FT.

WCR - Revised 6/25/04

**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 24, 2005

Frances L. Byrd
Larry D. Byrd
10001 Nearbrook Lane
Baltimore, Maryland 21234

Dear Mr. and Mrs. Byrd:

RE: Case Number: 06-187-A, 10001 Nearbrook Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 30, 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." in a cursive style.

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

October 18, 2005

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: October 17, 2005

Item No.: 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197
198, 199, 200, 201, 202, 203

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

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

Acting Lieutenant William F. Connolly, Jr.
Fire Marshal's Office
(O) 410-887-4880
MS-1102F

cc: File

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





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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 11.14.05

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

RE: Baltimore County
Item No. 187 JRA

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 25, 2005

RECEIVED

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

OCT 26 2005

SUBJECT: 10001 Nearbrook Lane

ZONING COMMISSIONER

INFORMATION:

Item Number: 6-187

Petitioner: Frances L. Byrd

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

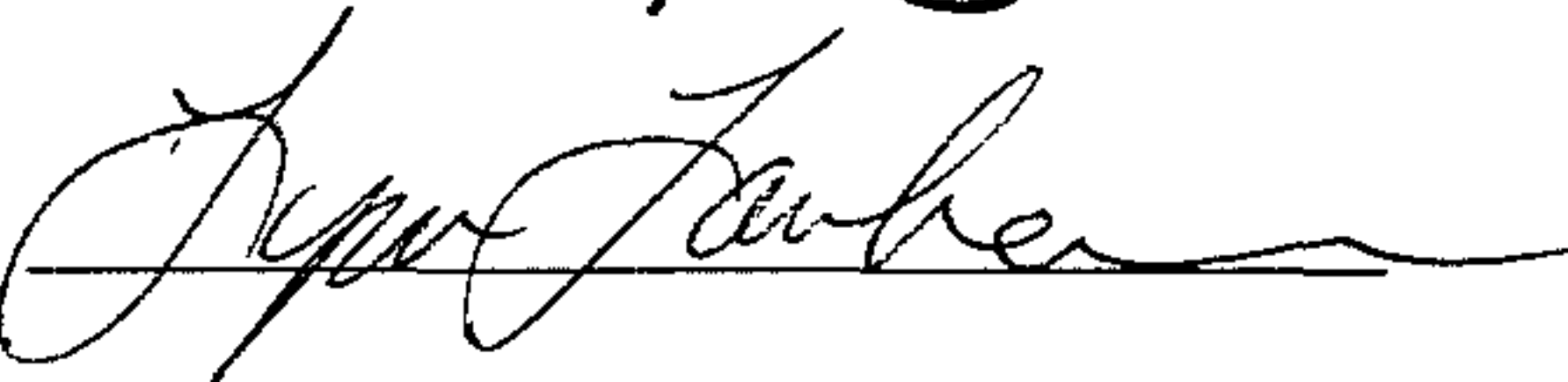
The Office of Planning does not oppose the petitioner's request to permit a side yard setback of 0 feet in lieu of the required minimum 10 feet.

For further information concerning the matters stated here in, please contact Jeff Meyhew at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 24, 2005
Item Nos. 186, 187, 188, 189, 191, 192,
193, 194, 195, 196, 197, 199, 201 and 202

DATE: October 27, 2005

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-10272005.doc

**Allstate.**

You're in good hands.

FAXDate 10/17/05Number of Pages 3
(Including Cover Sheet)To John Alexander

Company _____

Department _____

Phone _____ Fax _____

From Frances Byrd

Department _____

Phone 410-248-1510 Fax _____

Subject _____

Notes Please drop to my file case # 06-182-AThanksFrances Byrd

Notice of Confidentiality. The document accompanying this facsimile transmission contains information which is confidential and/or legally privileged. The information is intended only for the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original document.

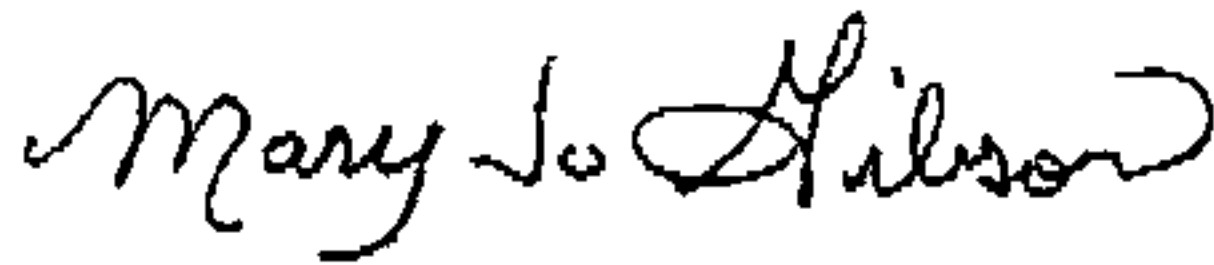
☐ For Review☐ Please Respond☐ Urgent☐ FYI

re: case # 06-187-A

October 1, 2005

To Whom It May Concern:

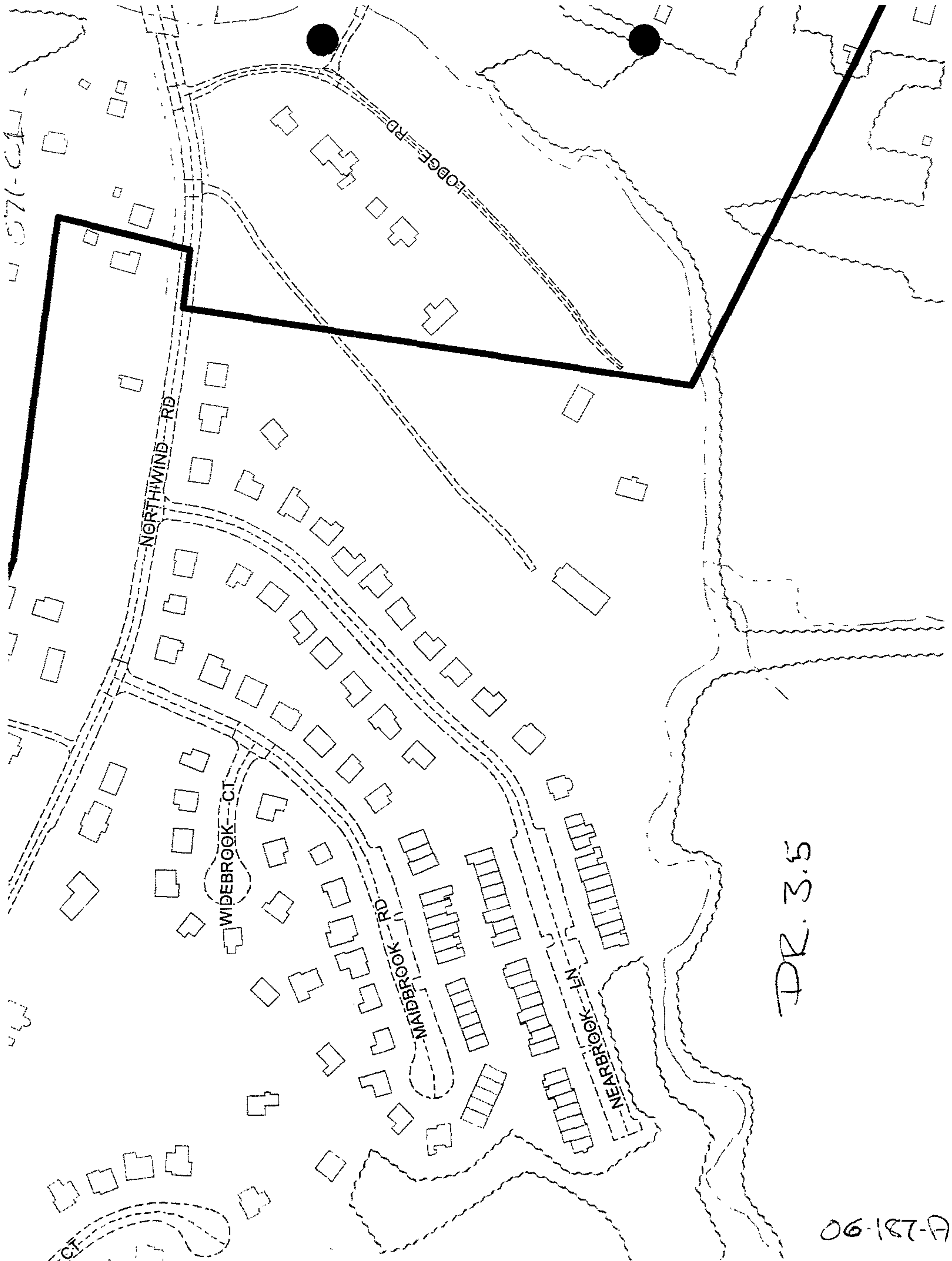
Flo Worsdell and Mary Jo Gibson who reside at 9945 Nearbrook Lane do not have any objections to Fran & Larry Byrd building a garage on the side of their property.



Mary Jo Gibson



Flo Worsdell

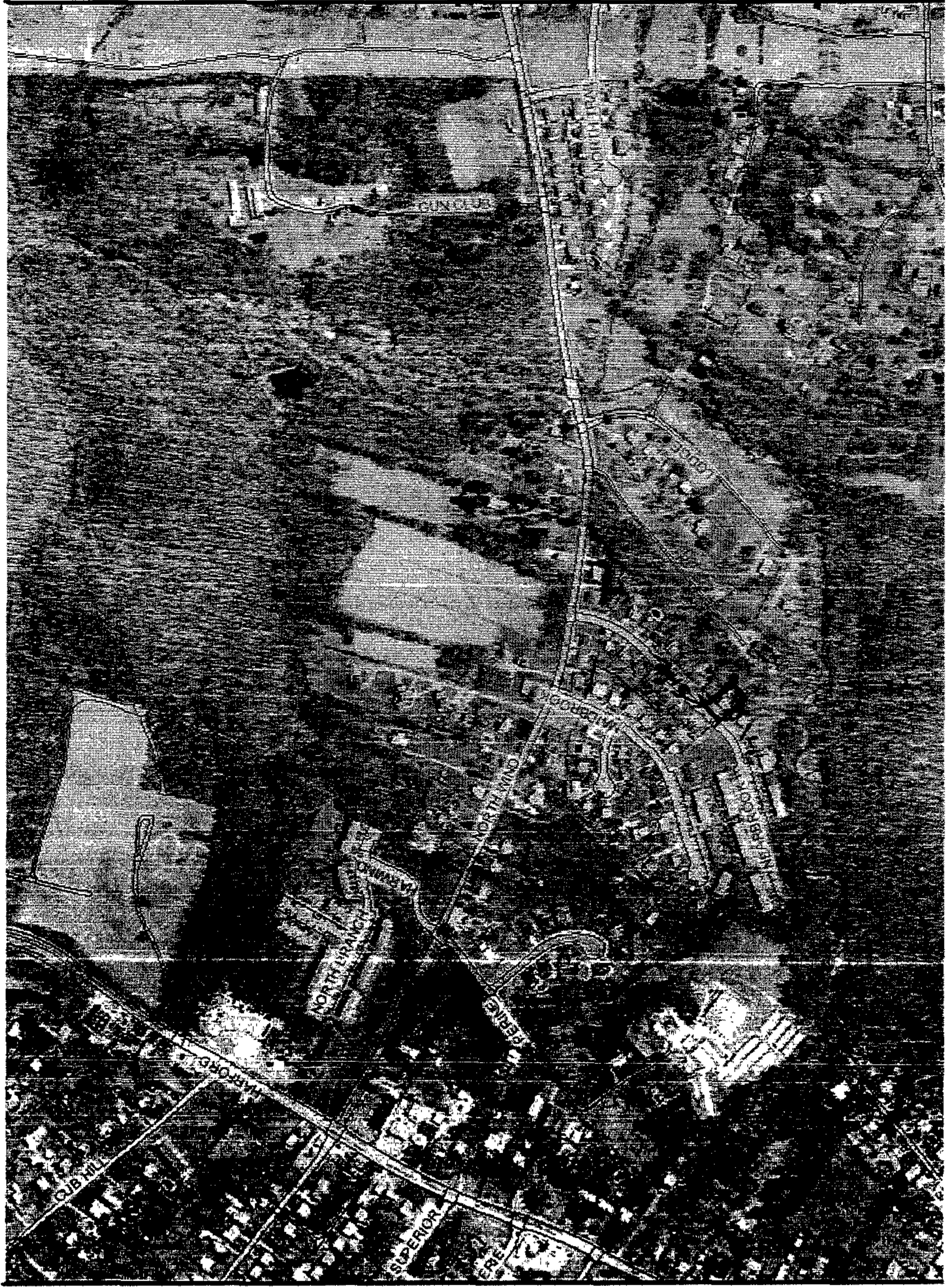


071-01

DR. 3.5

06-187-A

07(-C1



06-187-A

NEAR BROOK
LANE

6501 ±
TO NORTHWARD
RD

EXIST DARG

EXIST DUNG

30
TO
SIDE
NERS
DEALING

SPLIT LEVEL
BRICK FRAME ONLY
13.3'

PROP.
ADDITION
WITH
OFT.
SEYBA

OWNED BY
LOT OWNER
OF VARIANCE
REQUEST

2nd PARCEL
10.330⁺

FRAME
SWED.

N 51° 42' E 73.70'

OWNER'S * FRANCES L BYRD
* LARRY D BYRD
ADD. 10001 NEAR BROOK LANE
BALTIMORE, MD 21234

Public Water & Sewer
No Prior Hearings.
Lot is in RTA
10' SETBACK REQD.
ON SIDE OF VARIANCE
REQUEST

PUBLIC WATER + SEWER
ELECTION DIST 11
COUNCIL DIST 6
NOT FIELD PLAIN / NOT CBCA
NOT HISTORIC

LOT SIZE 7,500 $\pm$

LOT #43
AMENDED PLAT 142
VILLAGE OF
NEAR BROOK
PLAT BOOK 44/88+89
Zoning DE .3.5
map # 071-C1

1001 NEARBROOK LAWE
PLAN FOR ZONING VARIANCE

06-187-A

VICINITY MAP NTS

A hand-drawn sketch map showing the intersection of Northrup Rd and Newbrook St. Northrup Rd is a diagonal line, and Newbrook St is a horizontal line crossing it. The intersection is labeled 'LA.'.



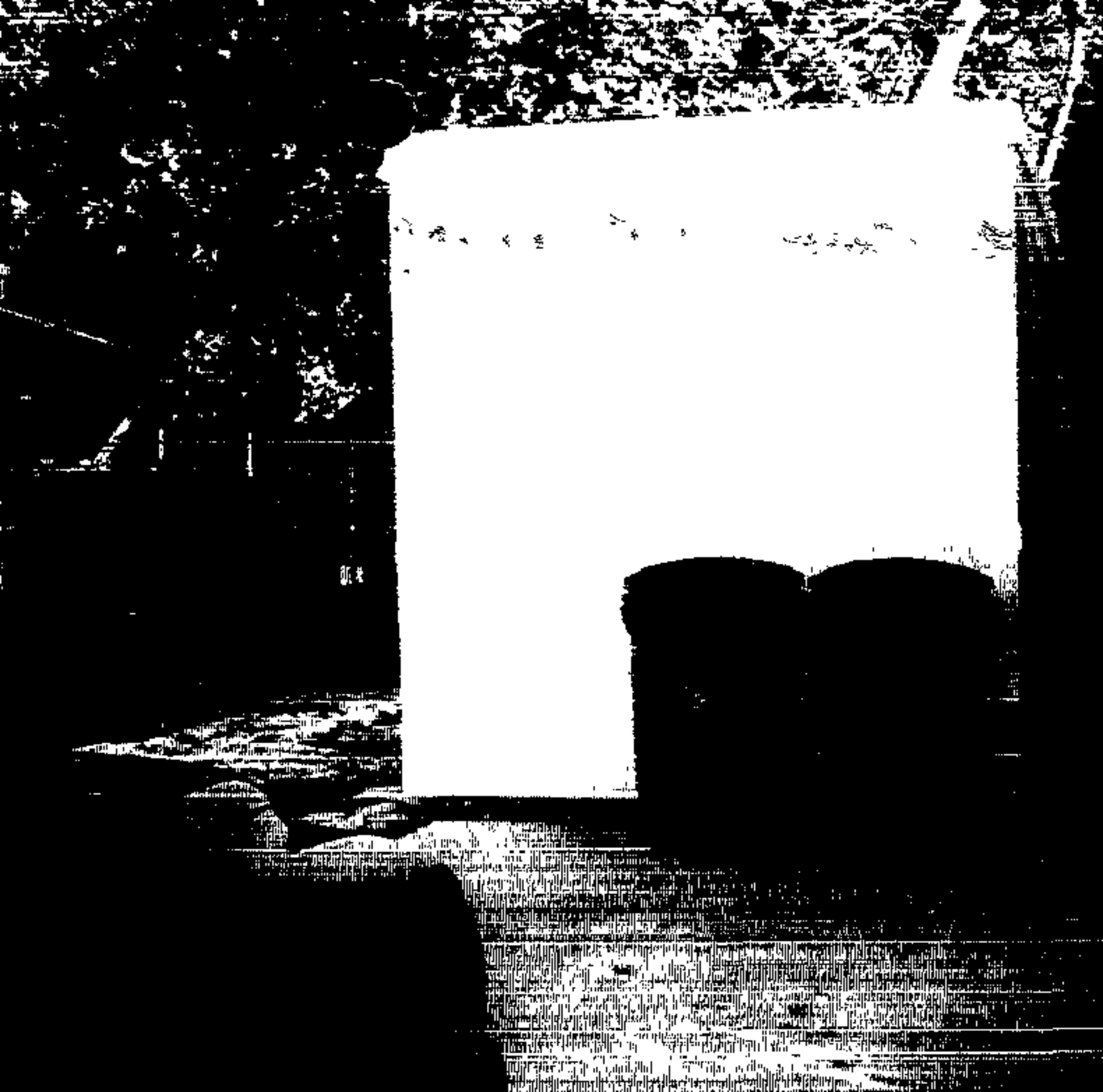
~~What~~



Marker shows location of garage
on site.

2000-00-00-00-00-00

06-127-0



Area of parkhandle property next
to area where garage would be
built.

1966-1967-1968

56-187-A

PODS

Area where garage is to be located.

NOV 19 1959 PM 7/50

CG 187-A



06-157-A

House showing proximity to neighbor.

SECRET

06-187-19

Re: case # 06-187-A

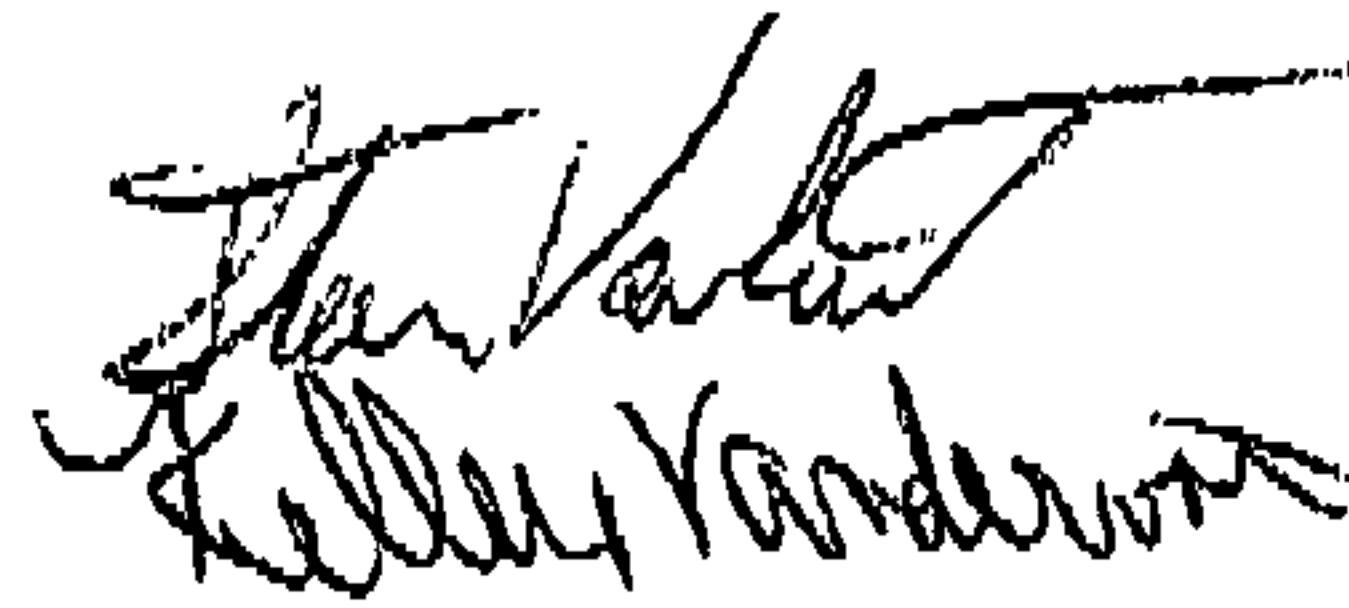
Steven & Kelley Vandervort
10000 Nearbrook Lane
Baltimore, MD 21234

October 10, 2005

To: Baltimore County Zoning Board

To Whom It May Concern:

This letter is being written as notice that Steven & Kelley Vandervort who reside at 10000 Nearbrook Lane, Baltimore, MD 21234, live in the house which is directly across the street from 10001 Nearbrook Lane which is owned and occupied by Larry and Fran Byrd. It has been brought to our attention that Larry and Fran would like to build an addition to their house. Neither Kelley nor I see any problem with Larry and Fran building their addition. If anyone would have any objections to this addition being built, it would be us as we have direct visual contact with the front of Larry and Frans residence. However, we have no problem with it at all and would love to see their house grow as they could use the extra space. If further questioning of either myself or Kelley is needed, please feel free to contact either of us by mail or at (410) 665-0788.



Steven Vandervort
Kelley Vandervort