IN RE: PETITION FOR ADMIN. VARIANCE

S/S Merrie Hunt Drive, 390.7' W of the c/l

Fox Chapel Drive

(309 Merrie Hunt Drive)

8th Election District

3rd Council District

Laurence A. Brown, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- ^k Case No. 06-452-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, Laurence A. Brown, and his wife, Emily S. Brown. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (formerly Sections 202.2, 3) to permit a front setback of 24 feet and a front/side yard setback of 34 feet in lieu of the minimum required 50 feet each, and a street centerline setback of 64 feet in lieu of the required 75 feet for a proposed garage addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition 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 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.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessary given the layout and location of existing improvements. As shown on

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the site plan, the Petitioners propose to convert an existing attached garage to living space and constructing a new two-car garage that will be attached to the dwelling via a breezeway. An existing macadam driveway on the north side of the lot will be removed and a smaller driveway constructed on the west (front) side to provide access to the new garage. Due to the location of the existing house, the northern corner of the proposed garage will be located within the required front/side and street centerline setbacks. Thus, the requested variance relief is necessary.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and none of the neighbors voiced any objection. In this regard, the site plan shows that these are large lots and the houses are located a significant distance apart from one another. Thus, I am persuaded that relief can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition 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 21 day of April 2006 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (formerly Sections 202.2, 3) to permit a front setback of 24 feet and a front/side yard setback of 34 feet in lieu of the minimum required 50 feet each, and a street centerline setback of 64 feet in lieu of the required 75 feet for a proposed garage addition, 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.

WILLIAM J. WISEMAN/III

Zoning Commissioner for Baltimore County

WJW:bjs



JAMES T. SMITH, JR. County Executive

April 24, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Laurence A. Brown 309 Merrie Hunt Drive Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Merrie Hunt Drive, 390.7' W of the c/l Fox Chapel Drive

(309 Merrie Hunt Drive)

8th Election District -- 3rd Council District Laurence A. Brown, et ux - Petitioners

Case No. 06-452-A

Dear Mr. & Mrs. 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:dlw

cc: Site Rite Surveying, Inc.

200 E. Joppa Road, Suite 101, Towson, Md. 21286

People's Counsel; Case File

ZONING DESCRIPTION #309 MERRIE HUNT DRIVE

BEGINNING at a point on the south side of Merrie Hunt Drive which is 40 feet wide at the distance of 390./7 feet west of the centerline of Fox Chapel Drive which is 50 feet wide. Being Lot#19, in the subdivision of Fox Chapel as recorded in Baltimore County Plat Book #30, folio #44, containing 0.921 of an acre, more or less. Also known as #309 Merrie Hunt Drive and located in the 8th Election District, 3rd Councilmanic District.

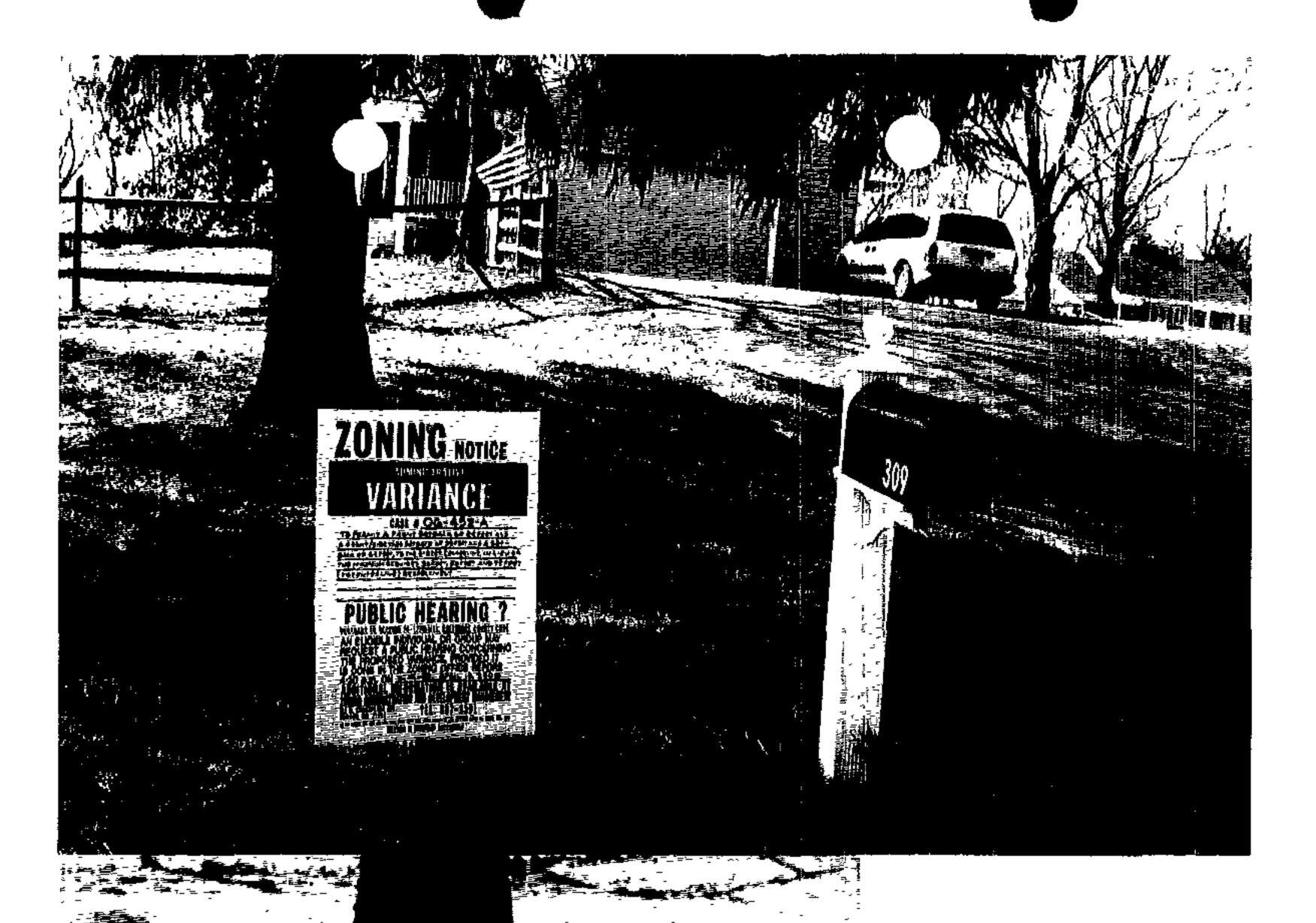
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Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 (410) 828-9060

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DATE R. DISTRIBUTION WHITE CASHIER g F



ZONING NOTICE

ADMINISTRATIVE

CASE # 06-452-A

TO PERMIT A FRONT SETBACK OF 24 FEET AND A FRONT/SIDEYARD SEPBACK OF SOFERT AND A SET-BACK OF GAFERT, TO THE STREET CENTERLINE, IN LIEU OR THE MINIMUM REQUIRED SOFEET, SOFEET AND 75 FEET (TOCENTERLINE) RESPECTIVELY

PUBLIC HEARING?

W. CHETAPEAKE AVE.

TEL. 887-3391

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CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

Towson, MD 21204

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Permits and Development Management

RE: Case No.: 06.452.4

Petitioner/Developer: LARRY Brown

Date of Hearing/Closing: APRIC 10, 2006. 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 propery located at # 309 MERRIE LUNT DRIVE The sign(s) were posted on March 24, 7006

(Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) CARLAGEDE, MOORE (Printed Name) 3225 RYELSON CIRCLE BAUTIMORE, MD, 21227 (City, State, Zip Code)

(Telephone Number)

ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 06-452.

Date Completed/Initials	i !
3/20/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
· · · · · · · · · · · · · · · · · · ·	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
<u> </u>	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
<u>. </u>	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

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:
individual control control
Item Number or Case Number: 66-4524
Petitioner: Lawy Brown
Address or Location: 309 Merrie Hunt Drive
PLEASE FORWARD ADVERTISING BILL TO:
!
· · · · · · · · · · · · · · · · · · ·
Address: 309 Merrie Hunt Drive
Luthanille, MP 21093-2828
Telephone Number: 410 207-3766

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-

Address 309 Menvichlunt DR

Conta	ct Perso	on:		Please Print Your Name	······································	Phone Number: 4	10-887-3391
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## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	309 Merrie	Hunt Driv	<u>e</u> (
for the property located at which	ı is presently zoned _	D.R.1	(016 R-40)

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) | B 0 2,3. B (202, 2,3) To 4/1000 4

front Sctback of 24 ft, fa front side yard Setback of 34 ft, and a

64 ft sictback to the Street Centerline in lieu of the minimum

reprined 50 ft, 50 ft and 75 ft (To street Centerline) respectively

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:				Legal Owner(s):		
Name - Type or Print		<del></del>	 Name -	Laurence A. Type or Frint	. 18	
				Mauren,	ffren	
Signature	1	١	_	Signature	•	***************************************
Address	<del></del>	Telephone No.	<b></b> -	Emily S. Brown Name - Type or Print	wn	
City	State	Zin Code	<del></del>	EMILLS	. 100	
		Zip Code		Signature		
Attorney For Petition	<u> 1er:</u>			309 Merrie Hun Address	nt Drive	(410) 207- Teleph
			_	Lutherville	MD	21093-2
Name - Type or Print			City		State	Zip Code
Signature	···········	······································	<b>-</b>	Representative to	be Contact	ted:
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A Public Hearing having been day of of Baltimore County and that the	n formally demand that the property be reposted	ed and/or tound to subject matter of this	be req petition	be set for a public hearing, ac	oning Commission dentised, as requi	red by the zoning re
{ w2 <b>X</b> }				2011.19	sono, oi bannio,	, county
CAJE NO	-452	Reviewed	Ву	200 Date	3-16-	36
CASE NO	-452				26-06	
	·-45-7			/		

## Affidavit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

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.

309 Merrie Hunt Drive

Lutherville

21093-2828

Cily		State		Zip Code
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pro-	re the facts up ractical difficu	pon which I/we bas lty):	e the request for	an Administrative
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or problem). We would like to 400 9	unice	g grage	to the	Side/Flor
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That the Affiant(s) acknowledge(s) that if a formal deadvertising fee and may be required to provide addition	lemand is file	ed, Affiant(s) will b	e required to pa	ay a reposting and
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LAURENCE APROUN- Name - Type or Print	Name - Type	or Print	> 15K	-OVVIV
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STATE OF MARYLAND, COUNTY OF BALTIMORE,  HEREBY CERTIFY, this day of	_	.2006.	before me, a N	otary Public of the
State of Maryland, in and for the County aforesaid, per	rsonally appe	ared		
the Affiant(s) herein, personally known or satisfactorily law that the matters and facts hereinabove set forth ar	v identified to	me as such Affiar	nt(s), and made his/her/their kno	oath in due form of wledge and belief.
AS WITNESS my hand and Notarial Seal				
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Date	Notary Pu	ission Expires	-1-00	
REV 09/15/98	wy Comm	ission Expires	<u> </u>	

## 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

April 11, 2006

Laurence A. Brown Emily S. Brown 309 Merrie Hunt Drive Lutherville, MD 21093

Dear Mr. and Mrs. Brown:

RE: Case Number: 06-452-A, 309 Merrie Hunt Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 16, 2006.

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,

U. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Site Rite Surveying, Inc.200 E. Joppa Road Suite 101 Towson 21286



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

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 29, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-452- 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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL

APR 0 . 2000



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

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

Maryland Department of Transportation

Date: 3.24.01

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

RE:

**Baltimore County** 

Item No.

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

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#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 3, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2006

Item Nos. 442, 443, 444, 445, 447, 448, 449, 450, 452, 453, 454, 455, and 456

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-04032006.doc



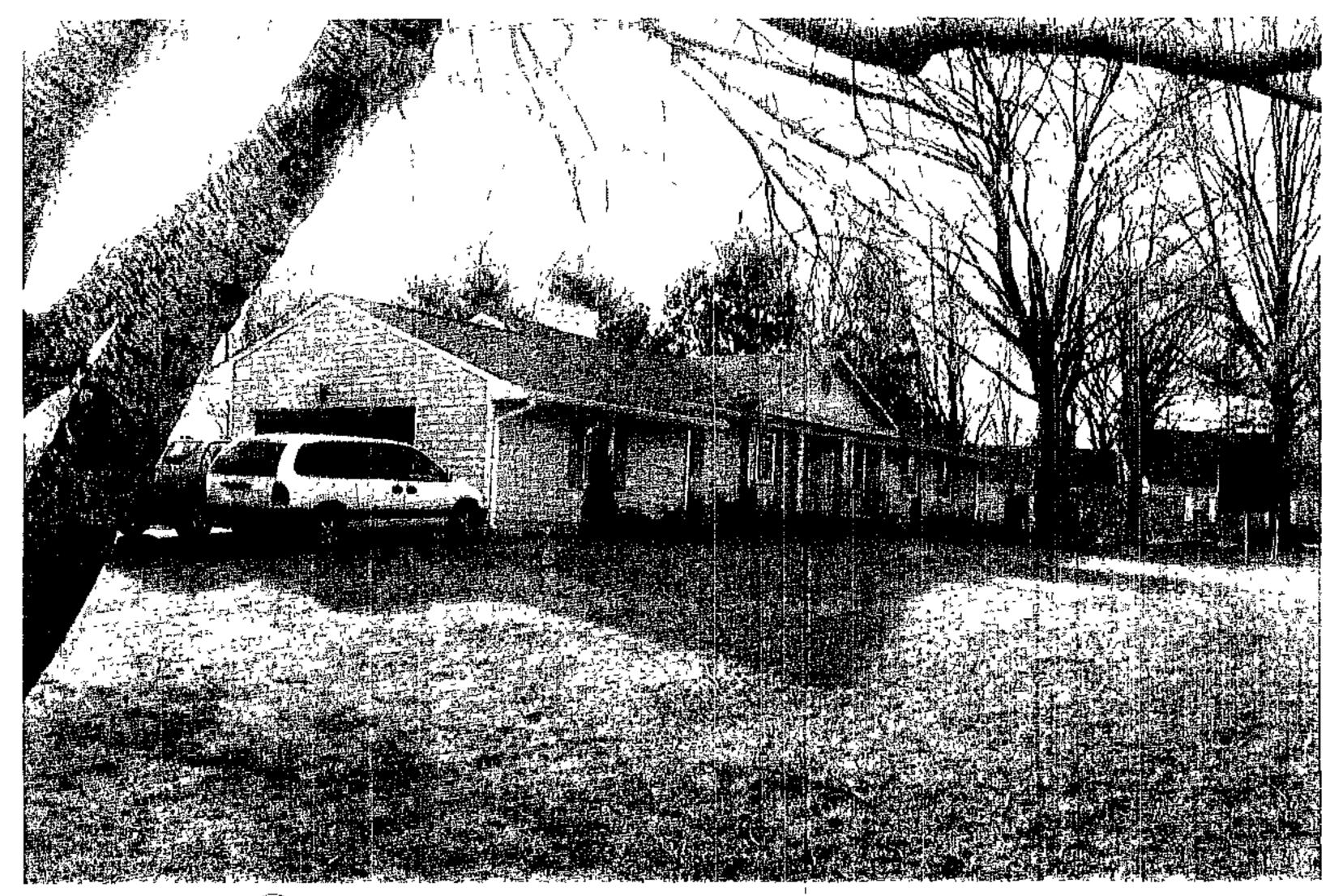
#309 Merrie Hunt Drive Zoming Map: 061A1

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## #309 Merrie Huw Dhire



Subject Property Sude view



Subject Property Front view

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# Embjed Propully



Plan View



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# Shired Property



Sude to fourt new



Site Wew

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# Embjed- Propurty



Front Wen

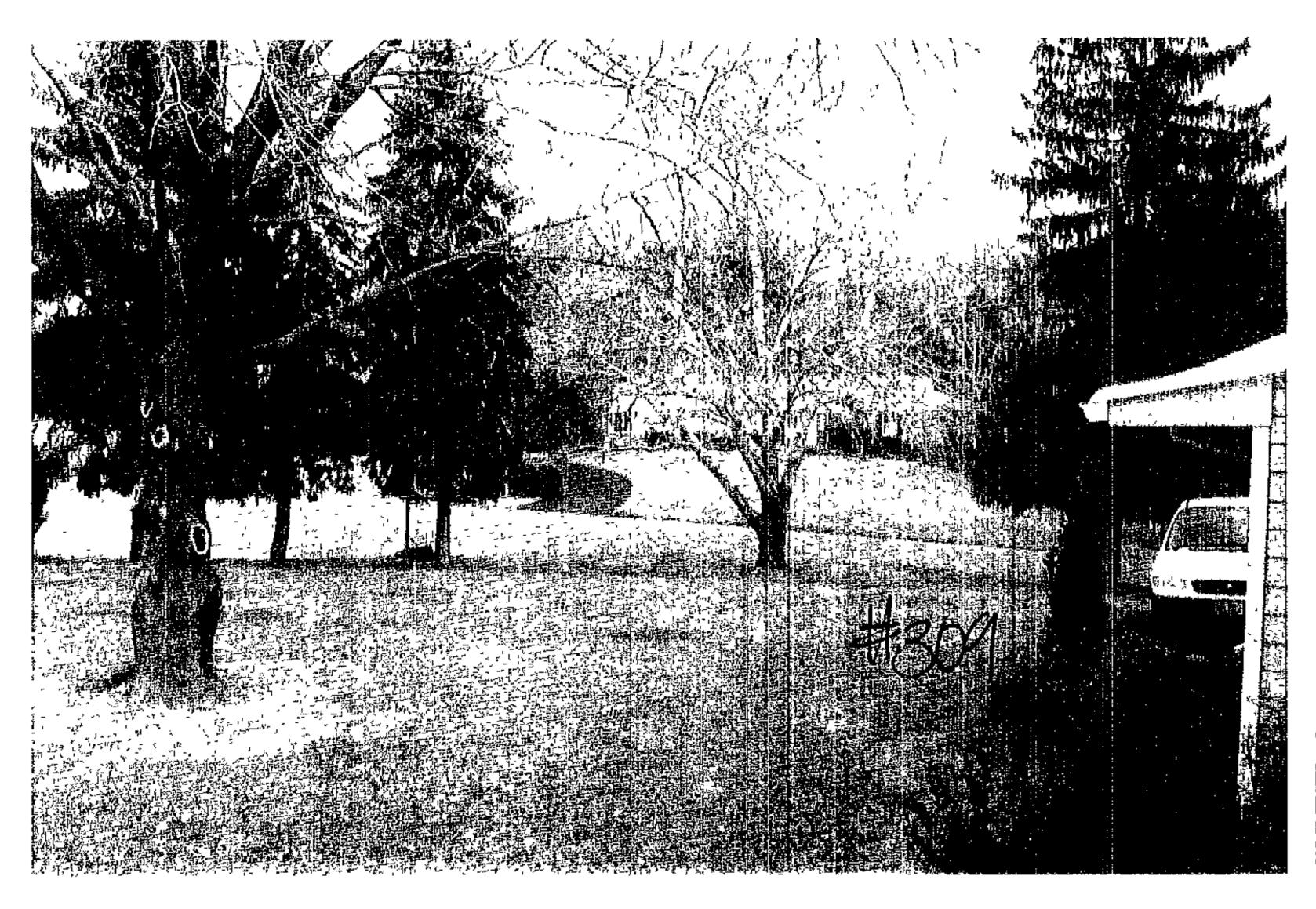


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Menne Hunt Drive



45%

## Subject Property



View from rear of house into yard



View from gauage to Menne Hunt Drive

45%

