

IN RE: PETITION FOR ADMIN. VARIANCE
N/E side of Bero Road
West of Caledonia Avenue
13th Election District
1st Councilmanic District
(3313 Bero Road)

Henry Parish
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-608-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 owner of the subject property, Henry Parish. The variance request is for property located at 3313 Bero Road. The variance request is from Section 1B02.3.B (1954) of the Baltimore County Zoning Regulations (B.C.Z.R) to permit an addition with a front yard setback of 17 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that the existing end unit of the group of townhomes was constructed on the front building setback line leaving no room or adequate space for an enclosed improvement to the front of the house. The Petitioner is handicapped and is going to utilize the addition for extra living space. The proposed addition measures 16 feet x 8 feet in size.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

7-5-06
[Signature]

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 10, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 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 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 Petitioner.

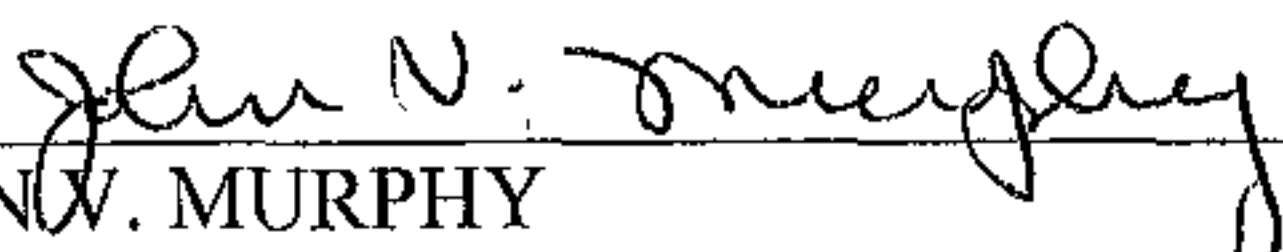
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5th day of July, 2006, that a variance from Section 1B02.3.B (1954) of the Baltimore

County Zoning Regulations (B.C.Z.R) to permit an addition with a front yard setback of 17 feet in lieu of the required 25 feet and is hereby GRANTED, subject to the following:

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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN W. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 5, 2006

HENRY PARISH
3313 BERO ROAD
BALTIMORE MD 21227

Re: Petition for Administrative Variance
Case No. 06-608-A
Property: 3313 Bero Road

Dear Mr. Parish:

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,

A handwritten signature in cursive script that reads "John V. Murphy / pz".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz
Enclosure

c Melissa Cabinet, American Design + Build, 221 Gateway Drive, Bel Air, MD 21014



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3313 BERO Rd.
which is presently zoned DR 10.5

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) 1B02.3.B BCZR 1954

To permit an addition with a front yard setback of 17'
in lieu of the required 25'.

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):

Henry Parish
Name - Type or Print _____

Henry Parish
Signature _____

Name - Type or Print _____

Signature _____

3313 BERO Rd. 410-242-0914
Address _____ Telephone No. _____

Baltimore MD 21227
City _____ State _____ Zip Code _____

Representative to be Contacted:

Melissa Gabinet-American Design-Build
Name _____

221 Gateway Drive 410-557-0555
Address _____ Telephone No. _____

Bel Air MD 21014
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 _____ day of _____ 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. 06-608-A

Reviewed By JF Date 6-1-06

Estimated Posting Date 6-11-06

REV 10/25/01

7506

26

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

3313 Bero Rd

Address

Baltimore MD 21227

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):

The existing end of group townhome was constructed on the front building set back line leaving no room of adequate space for an enclosed improvement to the front of the house. The homeowner is handicapped and is going to utilize the space for extra living space on the first floor. In order to construct the 16x8 addition, we would need this variance approved.

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.

Henry G Parish

Signature

HENRY G PARISH

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Henry G. Parish

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

AS WITNESS my hand and Notarial Seal

Joyce Henge Mazzoli
Notary Public

My Commission Expires 3/1/09

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 3313 BEND RD
Address
Baltimore MD 2122
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):

The existing end of group townhome was constructed on the front building set back line leaving no room or adequate space for an endosed improvement to the front of the house. The homeowner is handicapped and is going to utilize the space for extra living space on the first floor. In order to construct the 16x8 addition, we would need this variance *approved*

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 Henry G Parish
Signature
X HENRY G. PARISH
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Jayce George Maggott
Notary Public
My Commission Expires 3/1/09



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3313 Bero Rd
which is presently zoned DR 10.5

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) 1B02.3.B BOZR 1954

To permit an addition with a front yard setback of 17'
in lieu of the required 25'.

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):

Henry Parish
Name - Type or Print

Henry Parish
Signature

Name - Type or Print

Signature

3313 Bero Rd 410-242-0914
Address Telephone No.

Baltimore MD 21227
City State Zip Code

Representative to be Contacted:

Melissa Gabinet American Design + Build
Name

221 Gateway Dr 410-557-0555
Address Telephone No.

Bel Air MD 21014
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 day of 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. 06-608-A

Reviewed By JF Date 6-1-06

REV 10/25/01 7506

Estimated Posting Date 6-15-06

ZONING DESCRIPTION FOR 3313 Bero Road

Beginning at the point on the North East side of Bero Road which is 36 feet wide at the distance of 110 feet west of the centerline of the nearest improved intersecting street Caledona Avenue which is 36 feet wide.

Being Lot # 21, Block 5 in the subdivision of Riverview as recorded in the Baltimore County Plat Book # 23, Folio # 102, containing 3,410 sq. feet.

Also known as 3313 Bero Road and located in the 13th Election District, 1st Councilmanic District.

608

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1123

DATE 6-1-06 ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED
FROM:

American Design & Build

FOR:

3013 Doro Rd. ITM 4604
Belmont, Va.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

RECEIVED - JUNE 1, 2006

AMOUNT \$ 65.00

FOR: 3013 DORO RD. BELMONT, VA.

PAID BY: 001-006-6150

DATE: 6/1/06

BY: [Signature]

OFFICE OF BUDGET & FINANCE

BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING

RE: Case No: 06-608-A

Petitioner/Developer: HENRY
PARISH

Date Of Hearing/Closing: 6/26/06

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

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
at 3313 BERO RD.

This sign(s) were posted on June 10, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 6/10/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

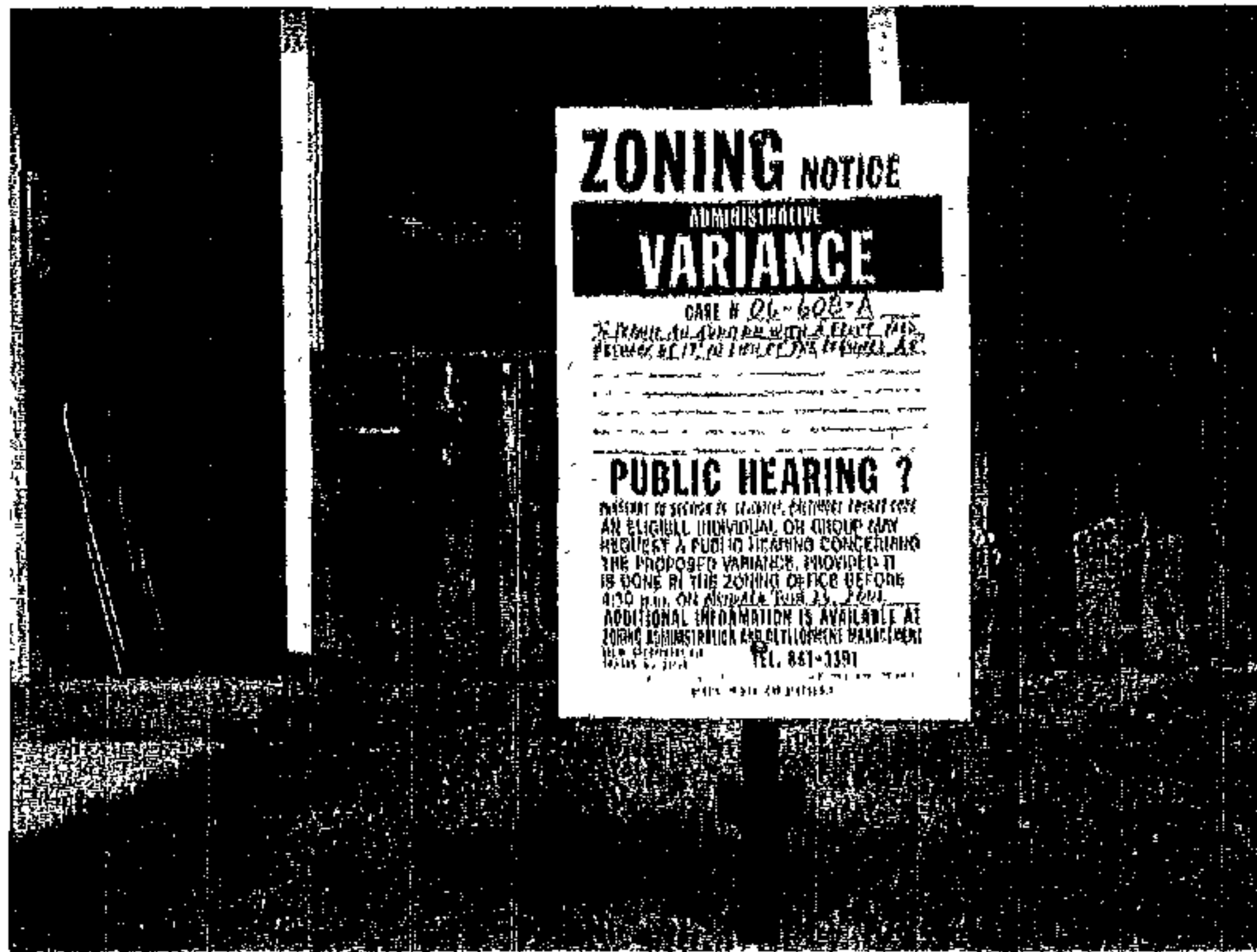
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000700 (1152x864x24b jpeg)



Yester 6/10/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 608 -A

Address 3313 BERO RD.

Contact Person: JUN FERNANDO
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6-1-06

Posting Date: 6-11-06

Closing Date: 6-26-06

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- 608 -A

Address 3313 BERO RD

Petitioner's Name HENRY PARISH

Telephone 410-242-0914

Posting Date: 6-11-06

Closing Date: 6-26-06

Wording for Sign: To Permit an addition with a front yard setback of
17' in lieu of the required 25'

WCR - Revised 6/25/04

**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: 06-1025-A
Petitioner: Henry Parish
Address or Location: 3813 Berw Rd - Baltimore MD 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: American Design (Build), LLC
Address: 221 Gateway Drive
Bel Air MD 21014

Telephone Number: 410-552-0555

**Department of Permits and
Development Management**



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

June 28, 2006

Henry Parish
3313 Bero Rd.
Baltimore, MD 21227

Dear: Mr. Parish

RE: Case Number: 06-608-A, 3313 Bero Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 1, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel
Melissa Gabinet - American Designer 221 Gateway Dr. Bel Air, MD 21014

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: June 7, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, 605, 606, 607, and (608')

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-06072006.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 20, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2006
Item Nos. 176, 597, 598, 599, 601, 602,
603, 604, 605, 606, 607, and 608

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-06202006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 21, 2006

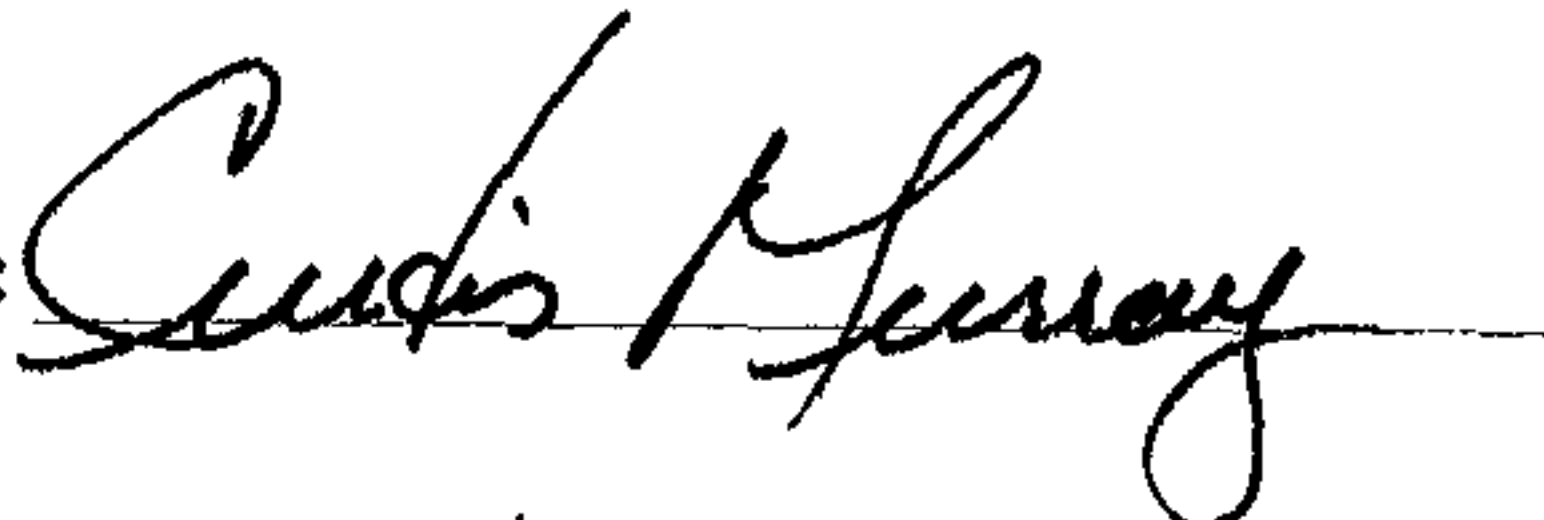
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-608- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUN 29 2006

ZONING COORDINATOR

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



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

Maryland Department of Transportation

Date: 6.5.06

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

RE: Baltimore County
Item No. 608 JRF

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

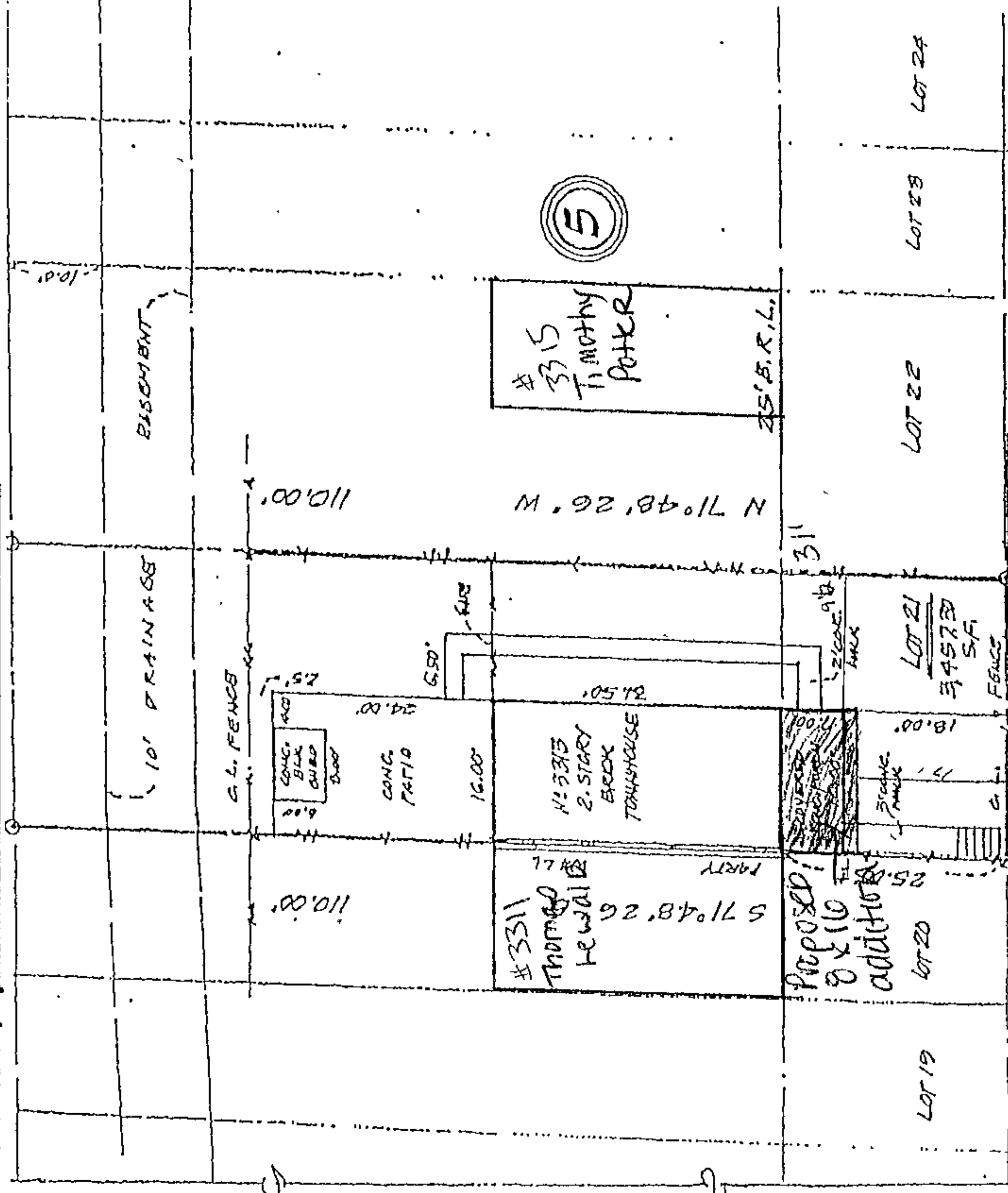
PROPERTY ADDRESS 3313 Bero Road SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Riverview

PLAT BOOK # 23 FOLIO # 102 LOT # 21 SECTION #

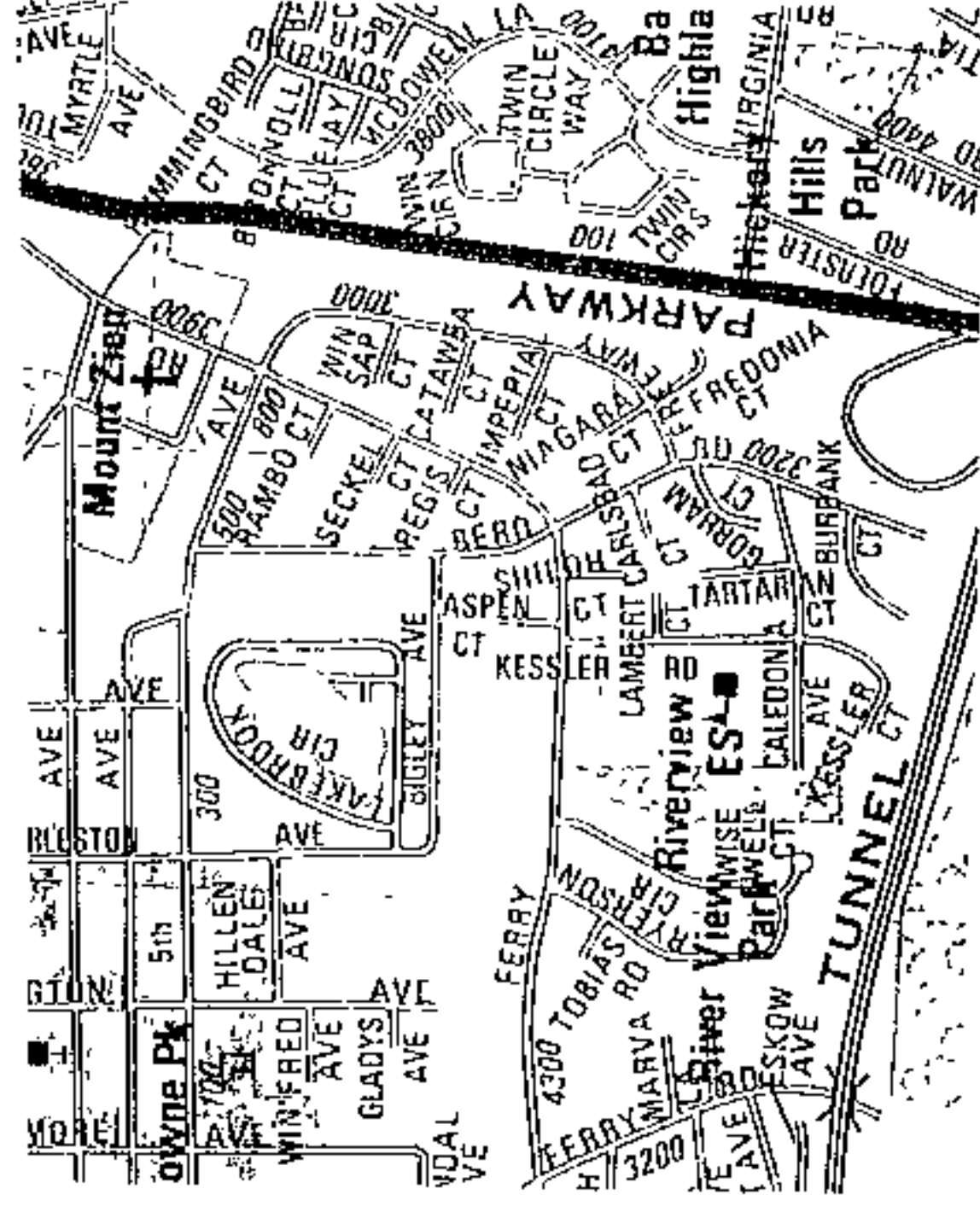
OWNER Henry Parish

State of Maryland
Patapsco Valley State Park



NORTH

PREPARED BY Melissa Gabinet Bero Rd. 60' R/W SCALE OF DRAWING: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 13
COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 10932

ZONING DR 10.5

LOT SIZE 3410 SQUARE FEET

ACREAGE 0.078

SEWER ☒ PUBLIC ☐ PRIVATE ☐

WATER ☒ PUBLIC ☐ PRIVATE ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☐ NO ☒

100 YEAR FLOOD PLAIN ☐ YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING ☐ YES ☐ NO ☒

PRIOR ZONING HEARING ☐ YES ☐ NO ☒

ZONING OFFICE USE ONLY
REVIEWED BY JF ITEM # 608 CASE #

Baltimore County - My Neighborhood





Right Side

PC08



Front view

~~608~~