

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
N/S of Brook Road *
W of David Lee Court * DEPUTY ZONING COMMISSIONER
1st Election District *
1st Councilmanic District * OF BALTIMORE COUNTY
(1328 Brook Road) *
Stacey Ann Taylor *
Petitioner * CASE NO. 06-672-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, Stacey Ann Taylor. The variance request is for property located at 1328 Brook Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with side setbacks having a combination of 30 feet in lieu of the required 40 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner proposes to construct an addition that measures 20 feet x 22 feet in size. The house currently has only 800 square feet of finished living space and is not large enough to accommodate a growing family. The addition with its proposed amenities will allow the Petitioner to provide future care to her elderly parents.

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

RECEIVED FOR ALAND
8-1-06
PZ

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 July 8, 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.

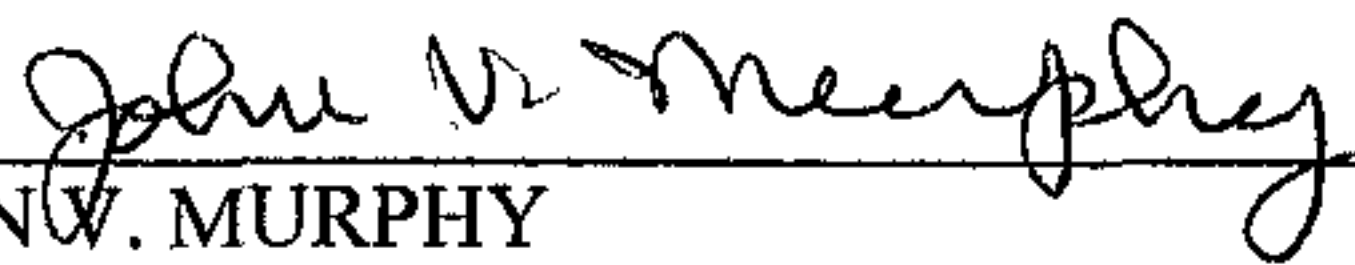
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 1st day of August, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore

County Zoning Regulations (B.C.Z.R.), to permit an addition with side setbacks having a combination of 30 feet in lieu of the required 40 be 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

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1328 Brook Road
which is presently zoned DR2

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.C.1, to permit an

addition with side setbacks having a combination of 30 feet in lieu of the required 40

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

City

Representative to be Contacted:

Name

Address

City

A Public Hearing having been formally demanded and/or found to be required, It is ordered by the Zoning Commissioner of Baltimore County, this 10 day of August, 2006, 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. 06-672-A

REV 10/25/01

Reviewed By RDD

Date 6/28/06

Estimated Posting Date 7/9/06

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

1328 Brook Road
Address
Croftonville Maryland
City State Zip Code 21229

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):

I live in an old established neighborhood in a house in a non-conforming situation. In order to comply with the current regulation I would only be able to expand by 25%. This restriction would not allow the addition enough space to include even the basics to stay competitive with the Amenities and Square Footage present in the nearby surrounding homes. My home currently has 800 square feet of finished living space. This space is not enough to accommodate the needs of a growing family. I have lived 15 years with 1 bathroom and a 7x9 kitchen. All the while dreaming and saving to one day expand and update my home. Allowing my addition, which would basically double my living space, would allow me to stay in a neighborhood and community that I don't want to leave. My parents are aging, live close by. I would like to be able to offer my home to them if care is needed, but can't unless I have space and amenities on the first floor.

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.

Stacey Ann Taylor
Signature
Stacey Ann Taylor
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of June, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



AUDREY A. BERG
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 01, 2007

Audrey A. Berg
Notary Public
My Commission Expires 9/01/07

Zoning Description For 1328 Brook Road

Beginning at a point on the Northwest side of
Brook Road which is 40 feet wide at the distance
of 547 feet(+/-) E of the centerline of the nearest
improved intersecting street, Hilton Avenue, which
is 40 feet .*Being Lot #'s 53 and 54, Block N/A, Section N/A,
in the subdivision of Ridge-Brook as recorded in Baltimore
County Plat Book #7, Folio #19 containing .16 acres. Also known
As 1328 Brook Road and located in the 1st Election District, 1st
Councilmanic District.

Item # 672

BAITMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1203

DATE 5/12/06

ACCOUNT 6001-0061-0000

AMOUNT \$ 1.00

RECEIVED FROM S. Taylor

FOR 2006/07

6032 # 06-612-4

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME TRAV
6/28/2006 6:28:20 PM 08:53:37 1
WEB UNIT WELTH IND JHR
2006/07 6/28/2006 08:53:37
Dept 5 533 LIVING VERIFICATION
OF NO. 007203

Exptd Tot 1.00
\$45.00 EA 1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

PUBLIC HEARING ?

PRESENT IN SEVEN OF EIGHT
AMERICAN ADWORTHY CHURCHES MAY
BEQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED REFORMS CONCERNING
SUNSHINE AND OTHER REFORMS

!! DIVERSITY !!
 PRESENT TO SEVEN 25-YEAR-OLD MEN, ALL OF WHOM
 AN ENGINEER HAD CHOSEN TO CHARGE. MAY
 HONEST, RICH, YOUNG, AND
 LIVE IN THE SAME CITY, THE SAME
 COUNTRY, AND THE SAME

CERTIFICATE OF POSTING

RE: Case No.: OC-672-A

Petitioner/Developer: STACEY A. TAYLOR

Date of Hearing/Closing: JULY 24, 2006

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

Attention: **Christen Matthews**

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 _____

#1328 BROOK ROAD

The sign(s) were posted on _____

JULY 8, 2006

(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

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/neighborhood 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: 06-672A
Petitioner: Stacey Ann Taylor
Address or Location: 1328 Brook Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Stacey Ann Taylor
Address: 1328 Brook Road
Catonville, Maryland 21228

Telephone Number: 410-744-8711

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 672 -A Address 1328 Brook Road

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/28/06 Posting Date: 7/9/06 Closing Date: 7/24/06

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

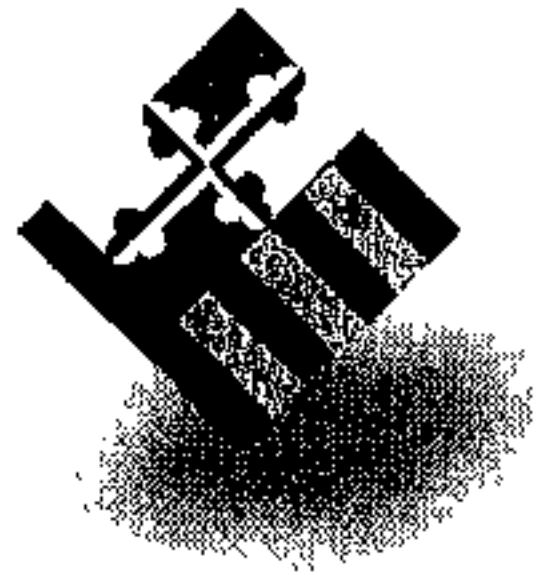
Case Number 06- 672 -A Address 1328 Brook Road

Petitioner's Name Stacey Ann Taylor Telephone 410 744 8711

Posting Date: 7/9/06 Closing Date: 7/24/06

Wording for Sign: To Permit an addition with side setbacks having a
combination of 30 feet in lieu of the required 40

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 25, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Stacey Ann Taylor
1328 Brook Road
Catonsville, MD 21228

Dear Ms. Taylor:

RE: Case Number: 06-672-A, 1328 Brook Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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



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

Maryland Department of Transportation

Date: 6.30.06

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

RE: Baltimore County
Item No. 672 DD

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

INTEROFFICE CORRESPONDENCE

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

DATE: July 10, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 10, 2006
Item Nos. 231, 657, 658, 659, 661, 662,
663, 664, 666, 670, 671, and 672

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-07072006.doc



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 650 through 673

672

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.

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

Lieutenant Roland P. Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 13, 2006

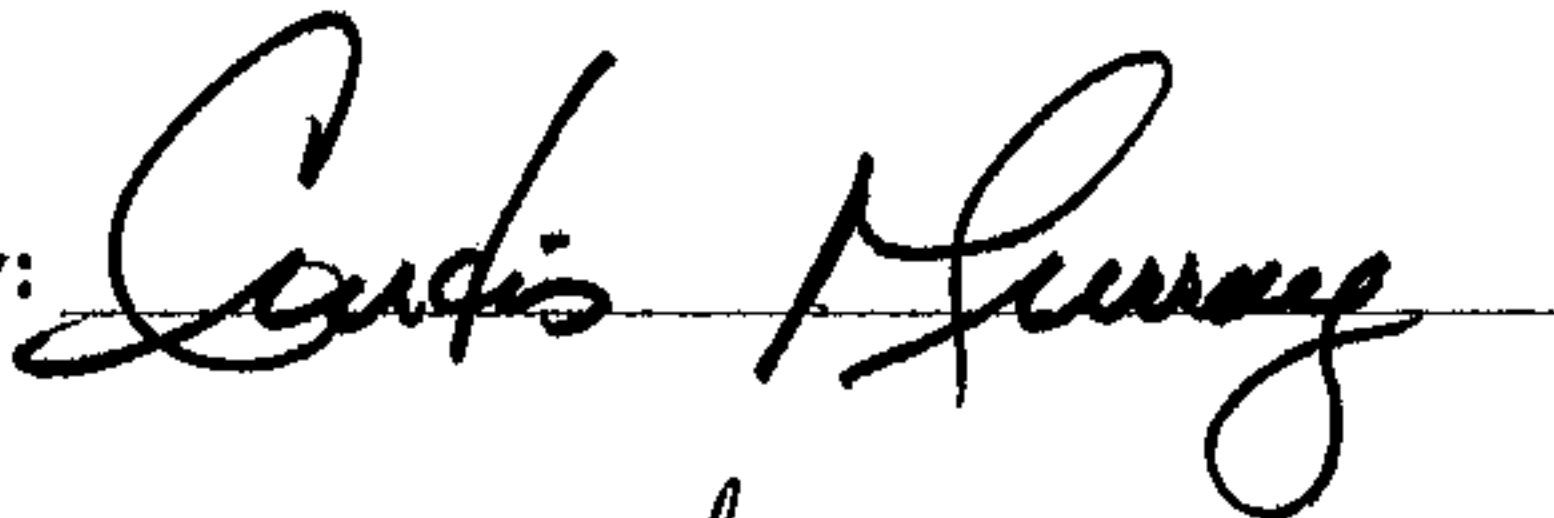
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-672- Administrative Variance

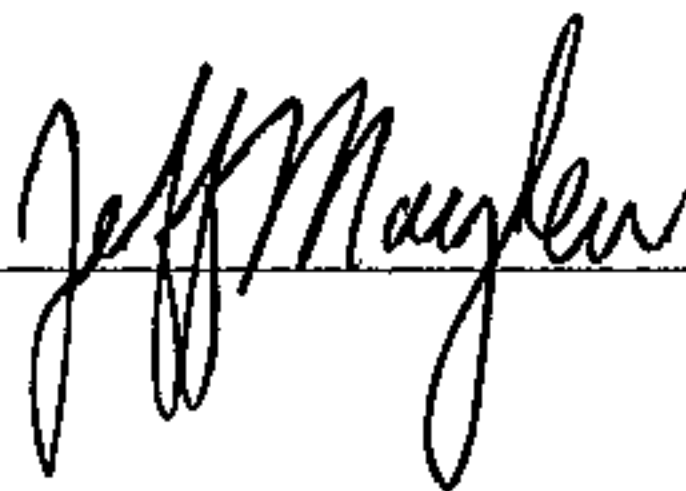
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

JUL 14 2006

ZONING COMMISSIONER

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

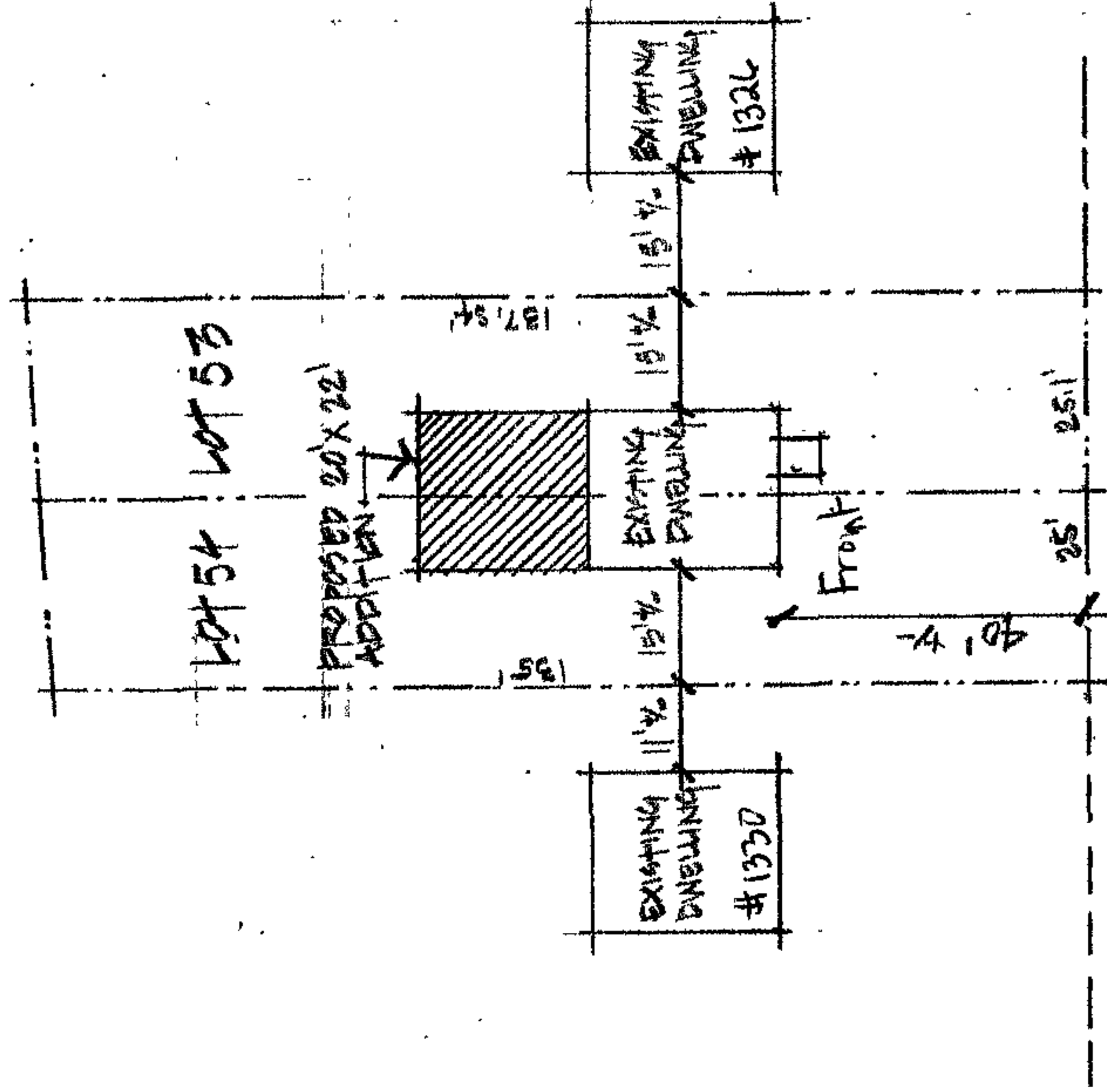
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 328 BROOK ROAD

SUBDIVISION NAME RIDGE BROOK

PLAT BOOK # 7 FOLIO # 19 LOT # 53 SECTION # 5

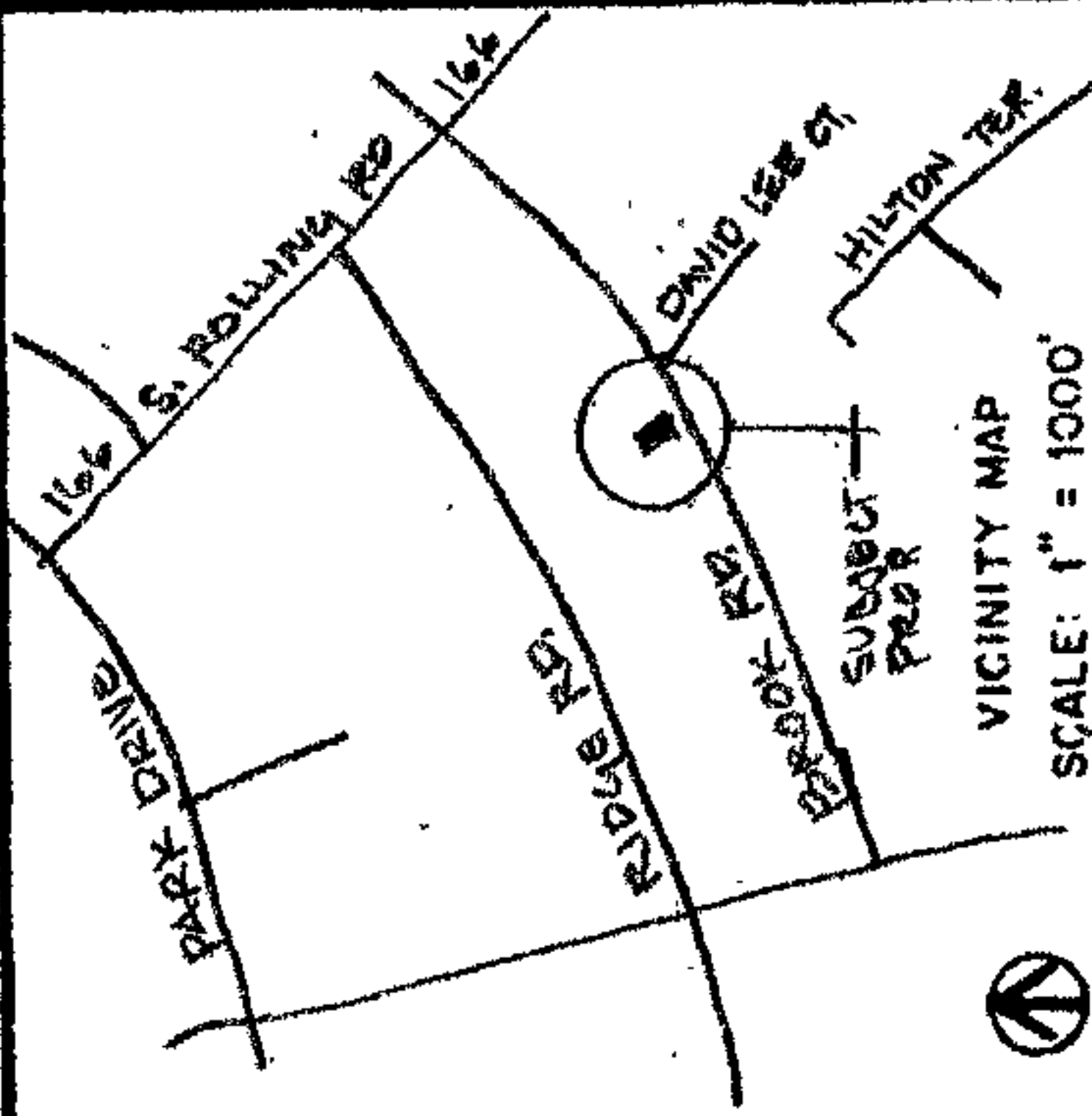
OWNER Stacey Ann Taylor



BROOK ROAD
 40' R/W 26' +/- MAC

PREPARED BY J.H.J.

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 2F

COUNCILMANIC DISTRICT 2F

1" = 200' SCALE MAP # 101A2

ZONING DR2

LOT SIZE 1.16 ACRES 6000 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒ YES ☐ NO ☒

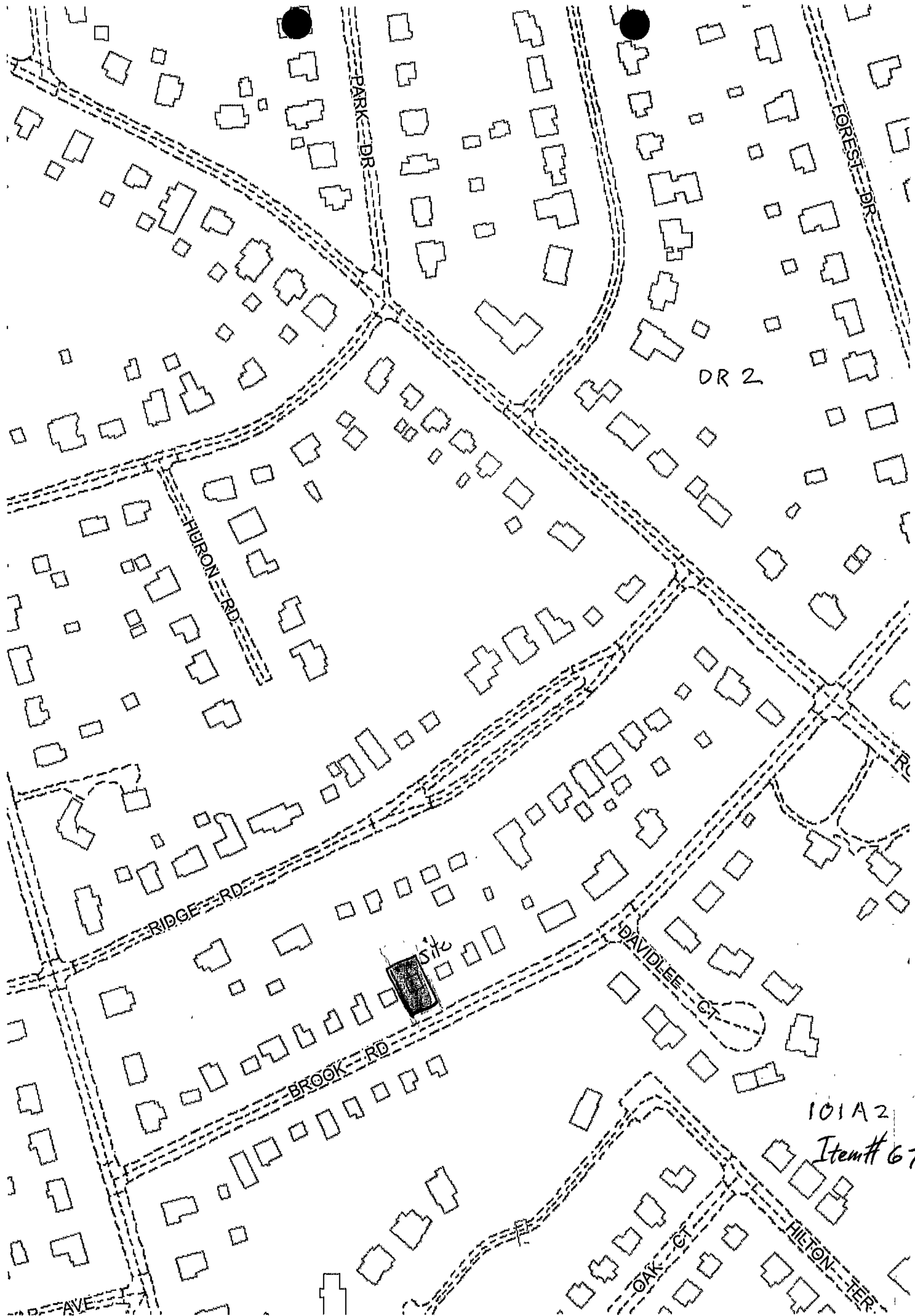
CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO ☒

100 YEAR FLOOD PLAIN ☒ YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING ☒ YES ☐ NO ☒

PRIOR ZONING HEARING ☐ YES ☐ NO ☒

ZONING OFFICE USE ONLY
 REVIEWED BY RDD ITEM # 672 CASE # 06-C72-A



DR 2

Site

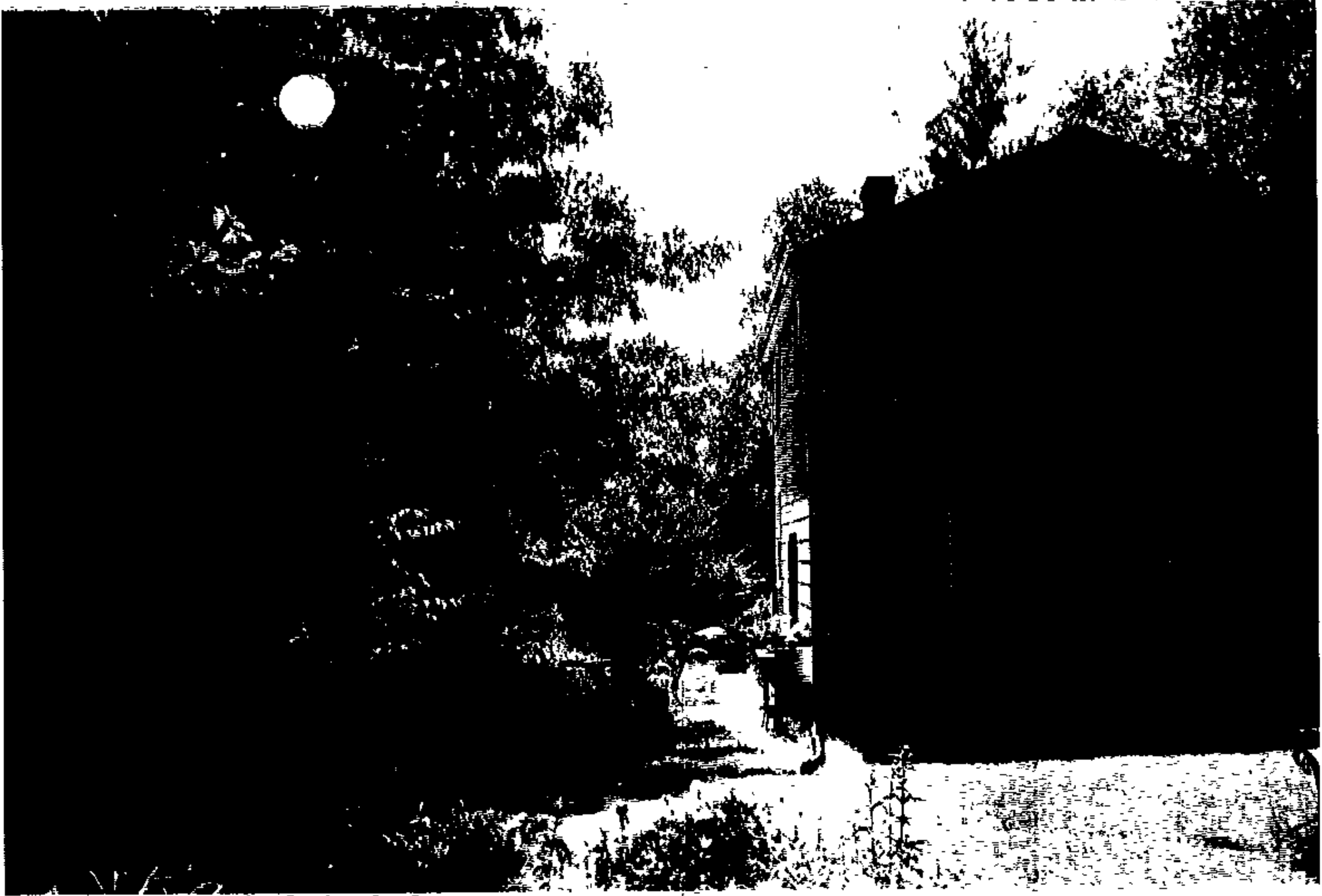
101A2
Item# 672

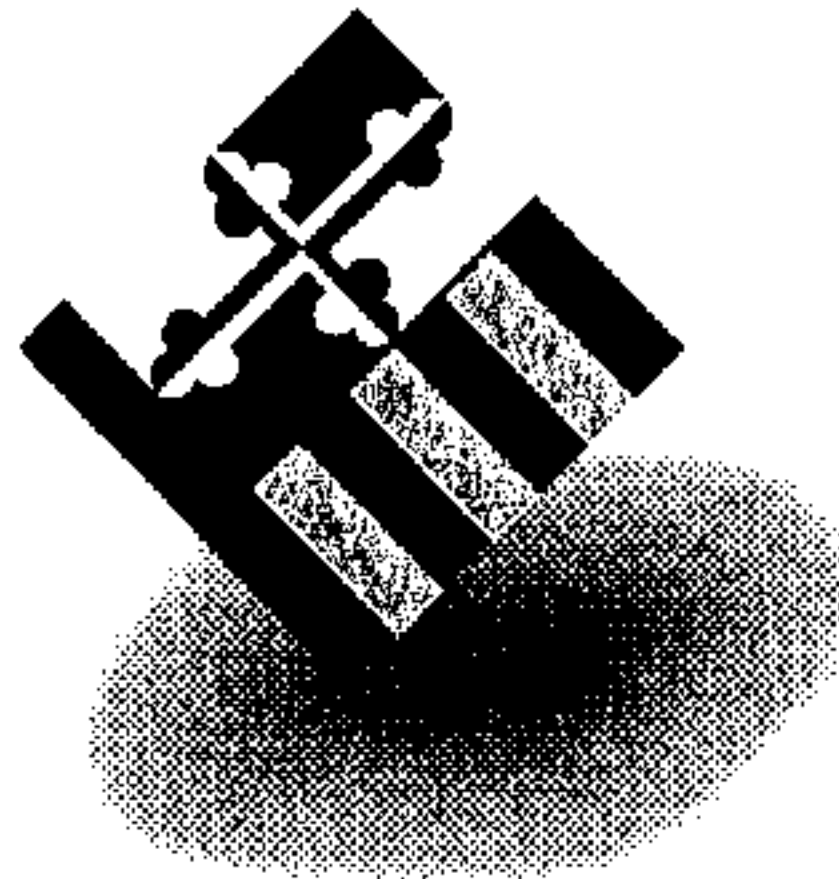












BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 1, 2006

STACEY ANN TAYLOR
1328 BROOK ROAD
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 06-672-A
Property: 1328 Brook Road

Dear Ms. Taylor:

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".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure