

IN RE: PETITION FOR ADMIN. VARIANCE
W side Brightoak Court, 105 feet +/- N c/
Magledt Road
11th Election District
5th Councilmanic District
(4 Brightoak Court)

Robert and Patricia Phillips
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-253-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 owners of the subject property, Robert and Patricia Phillips. The variance request is for property located at 4 Brightoak Court. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have a rear yard setback of 19 feet in lieu of the required 30; and to amend the final development plan of Necker property, Lot 1 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 14 foot x 23 foot sunroom and a new open deck. The location on the rear of the house is the only place the sunroom can be constructed. There is an existing sliding door that will be used to enter the sunroom. The south front corner of the house is setback 35 feet which is more than the required 25 feet. They start with a rear yard setback of 33 feet due to the house's depth and the increased front yard setback.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated December 26, 2006. That Office does not oppose the Petitioners' request

1-9-07
P3

provided the building materials used are consistent with that of the existing structure. A copy of which is incorporated herein and made a part hereof the file.

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 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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 17, 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.

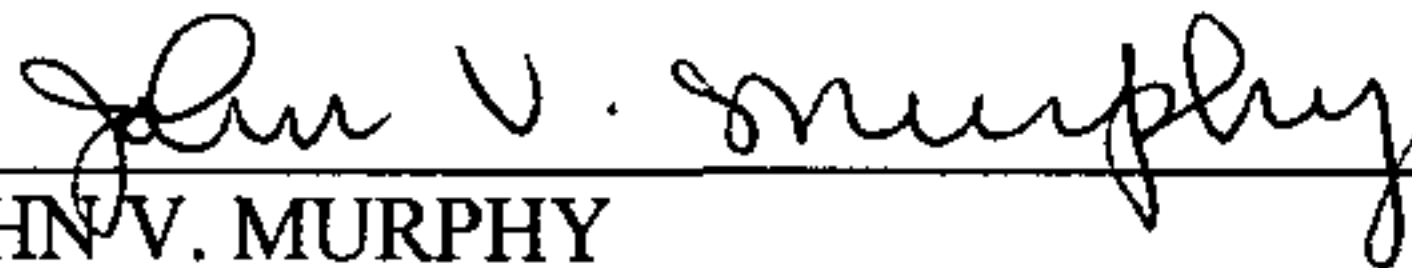
1-9-07
PB

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 9th day of January, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have a rear yard setback of 19 feet in lieu of the required 30; and to amend the final development plan of Necker property, Lot 1 only 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.
2. The building materials used shall be consistent with that of the existing structure.

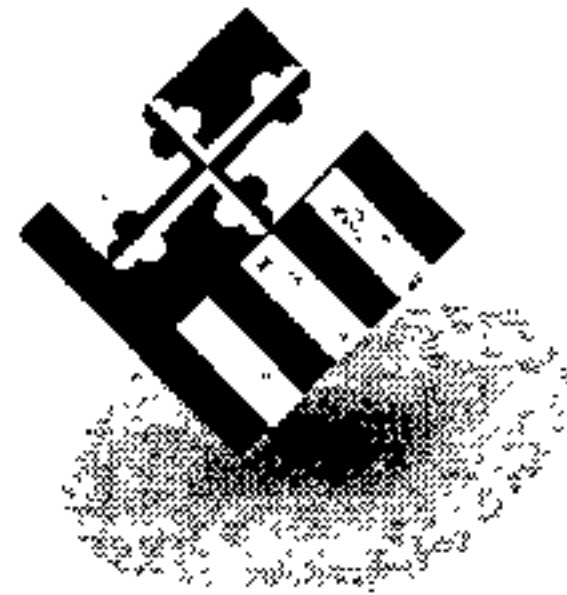
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

1-9-07
PB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 8, 2007

ROBERT AND PATRICIA PHILLIPS
4 BRIGHTOAK COURT
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 07-253-A
Property: 4 Brightoak Court

Dear Mr. and Mrs. Phillips:

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

c: Gerald Anderson, 7110 Golden Ring Road, Baltimore MD 21221

1-9-07
JVM



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4 Bright Oak Ct.
which is presently zoned DR 5.5

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.C.1 - to permit a

proposed addition (sunroom) to have a rear yard setback of 19 feet in lieu of the required 30; and to amend the final development plan of Necker property, lot 1 only

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):

Robert Phillips

Name - Type or Print

Signature

Patricia Phillips

Name - Type or Print

Signature

4 Bright Oak Ct. (410) 882-9023

Address Telephone No.

Baltimore MD 21234

City State Zip Code

Representative to be Contacted:

Gerard Andersen

Name

7110 Golden Ring Road 410-780-0062

Address Telephone No.

Baltimore MD 21221

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 12 day of December, 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.

CASE NO.

07-253-A

REV 10/25/01

FILED FOR FILING

1-9-07

Zoning Commissioner of Baltimore County

Reviewed By

Date

12/4/06

Estimated Posting Date

12/17/06

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 4 Bright Oak Ct.
Address
Baltimore MD 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):

Our Difficulty is the size and shape of our lot. The front property line is curved and does not run parallel with our house. The south front corner of our house is setback at 35ft. This is more than the required 25ft. The lots north property line is 85.89ft. And the south line is 106.96. This gives us a realistic lot depth of only 85.89ft. And when combined with a home with a depth of over 34ft, this leaves us with a rear setback of 33ft to start with. We would like to build a sunroom 14'x23' with a new open deck 9'x14' to the north of the room on the rear of our house. This is the only place we could build the sunroom. There is an existing deck at this location and a sliding door going into our house. So we are asking for a variance of 11ft. To change our setback to 19ft. In lieu of the required 30ft.

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.

Robert Phillips
Signature

Robert Phillips
Name - Type or Print

Patricia Phillips
Signature

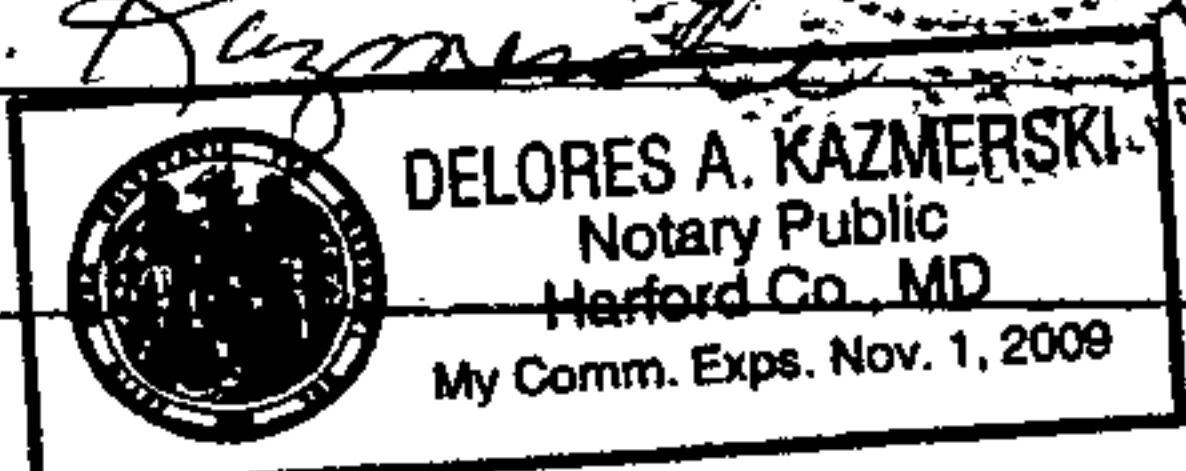
Patricia Phillips
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of Nov, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Delores A. Kazmerski
Notary Public
My Commission Expires


Zoning Description for 4 Bright Oak Ct.

Beginning at a point on the west side of 4 Bright Oak Ct. which is 50 ft. wide at the distance of 105 ft. north of the centerline of the nearest improved intersecting street Magledt Rd. which is 60 ft. wide. *Being lot #1, in the subdivision of Necker property as recorded in the Baltimore county Plat Book #69, Folio #101, containing 6,186 sq. ft. Also known as 4 Bright Oak Ct. and located in the 11th election district, 5th Councilmanic District.

Item #253

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22978

DATE 12/4/06 ACCOUNT 3001 005 6150
AMOUNT \$ 115.00

RECEIVED
FROM:

FOR: Zoning + amendment hearing
case # 07-253-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTED BY
12/04/2006 12/04/2006 CASHIER 2
REB 0202 0011 JEN JH
RECEIPT # 072531 12/04/2006 0714
Dept 5 520 ZONING (SPECIALTY)
CR NO. 002978

Receipt Tot 115.00
\$115.00 CASH
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-253-A

Petitioner/Developer: ROBERT

PHILLIPS

Date of Hearing/Closing: 1/1/07

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:

4 BRIGHT OAK CT

The sign(s) were posted on 12-17-06
(Month, Day, Year)

Sincerely,

Robert Black 12-18-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

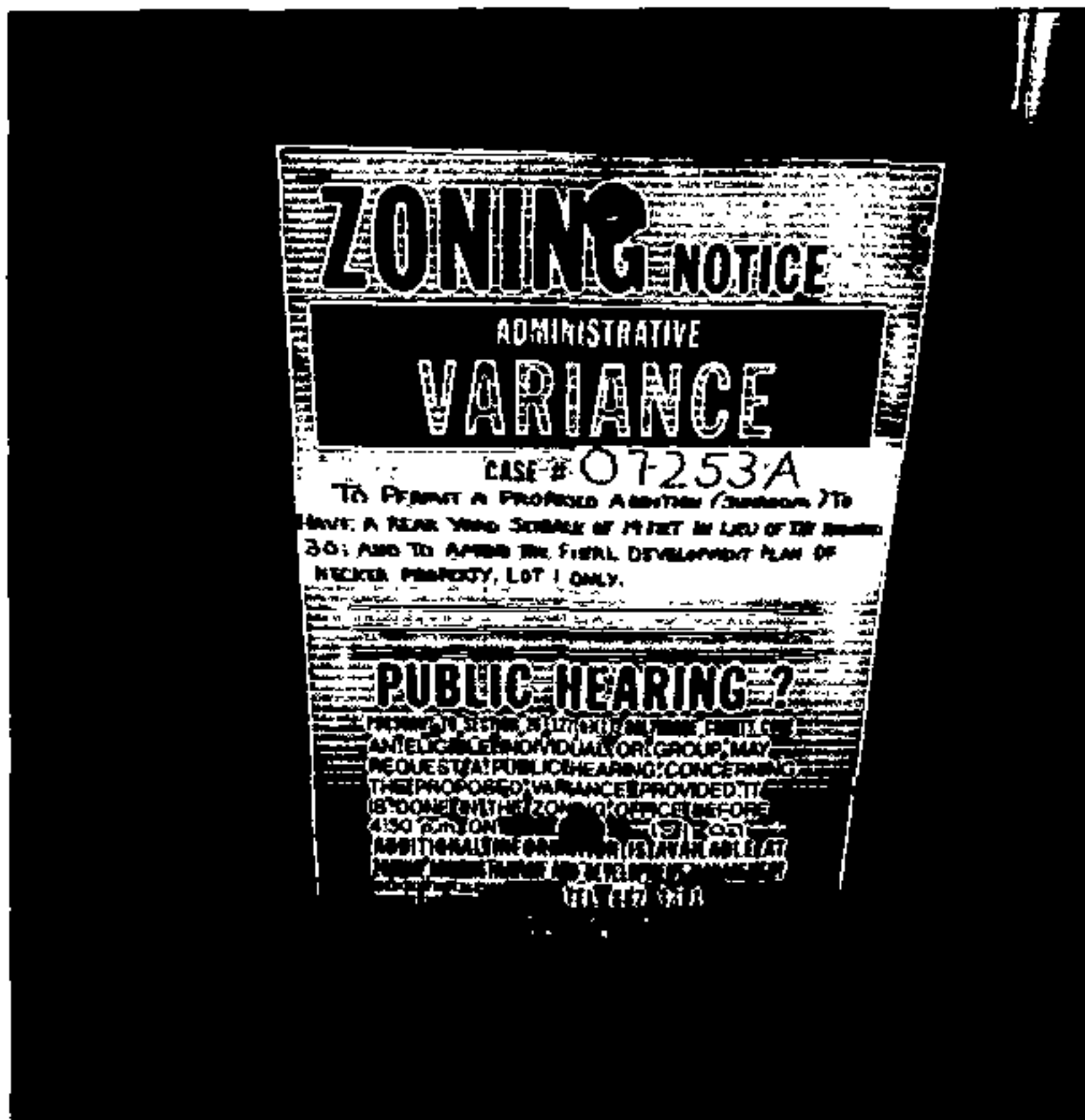
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 253 -A Address 4 Bright Oak Ct
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 12/4/06 Posting Date: 12/17/06 Closing Date: 1/1/07

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

- 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.
- 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.
- 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.
- 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 07- 253 -A Address 4 Bright Oak Ct
Petitioner's Name Robert Phillips Telephone 410 882 9023
Posting Date: 12/17/06 Closing Date: 1/1/07
Wording for Sign: To Permit a proposed addition (sunroom) to have a rear
yard setback of 19 feet in lieu of the required 30; and to amend
the final development plan of Necker property, lot 1 only

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: 07-253-A

Petitioner: Phillips Robert + Patricia

Address or Location: 4 Bright Oak CT

PLEASE FORWARD ADVERTISING BILL TO:

Name: Champion Window Co of Balto. LLC

Address: 7110 Golden Ring Rd Balto. Md. 21221

Telephone Number: 410 780 0062



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 2, 2007

Robert Phillips
Patricia Phillips
4 Bright Oak Court
Baltimore, MD 21234

Dear Mr. and Mrs. Phillips:

RE: Case Number: 07-253-A, 4 Bright Oak Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 4, 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:amf

Enclosures

c: People's Counsel
Gerard Anderson 7110 Golden Ring Road Baltimore 21221

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

December 12, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: December 11, 2006

Item No.: 252, 253, 254, 255, 256, 257, 258, 259, 261, 262, 263, 264 and 265.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2006
Item Nos. 07-252, 253, 257, 258, 260,
261, 262, 263, 264, and 265

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-12132006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 26, 2006

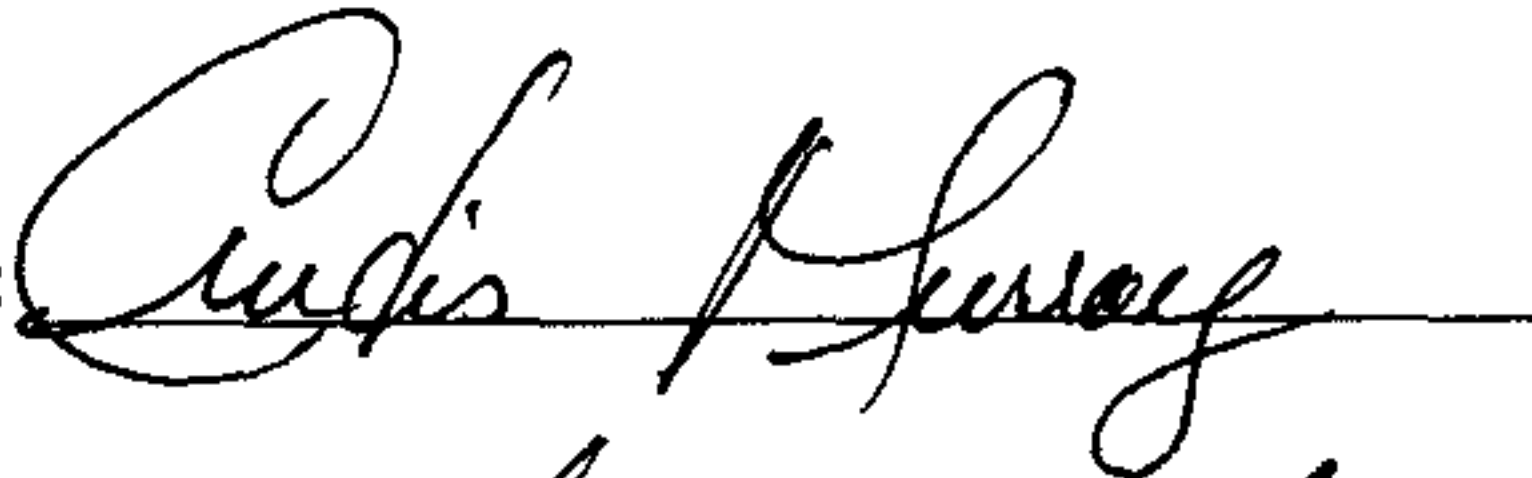
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-253- Administrative Variance**

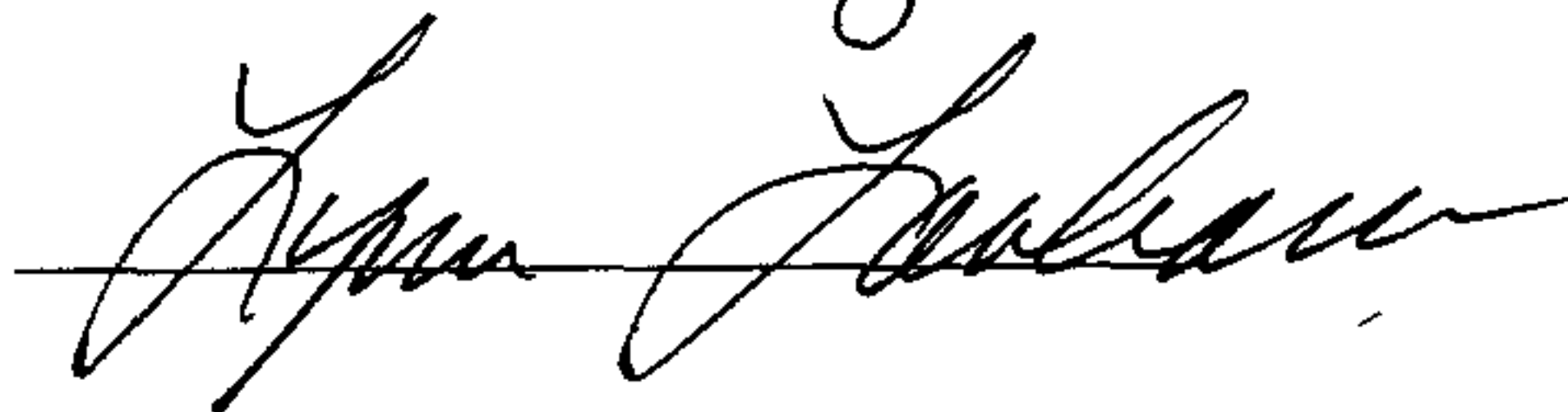
The Office of Planning has reviewed the above referenced case(s) and does not oppose the subject request to have a rear yard setback of 19 feet in lieu of the required 30 feet provided the building materials used are consistent with that of the existing structure.

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

Prepared By:



Division Chief:



CM/LL



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 12-13-2006

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

RE: Baltimore County
Item No. 7-253-A
4 BRIGHTON COURT
PHILLIPS PROPERTY
VARIANCE - PROPOSED ADDITION
TO HAVE REAR YARD SET BACK

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For [^] Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 4. Bright Oak Ct.

SUBDIVISION NAME Necker Property.

PLAT BOOK # 69 FOLIO # 101 LOT # 1 SECTION #

OWNER Phillips, Robert + Patricia

97.09 Bright Oak Ct.

Magledt Rd. 60R/W

S.W.M.
Reservation

Proposed
Swimming
pool
on
existing
deck

WOOD PRIVACY FENCE

10' DRAINAGE & UTILITY EASEMENT

00.59' W 22.20.90' N

4.01'

2.5'

2.5'

4.54'

0.92'

28.3'

261'

34.2'

7.01'

0.01'

64.49'

30.17.59' E

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BRIGHT OAK COURT

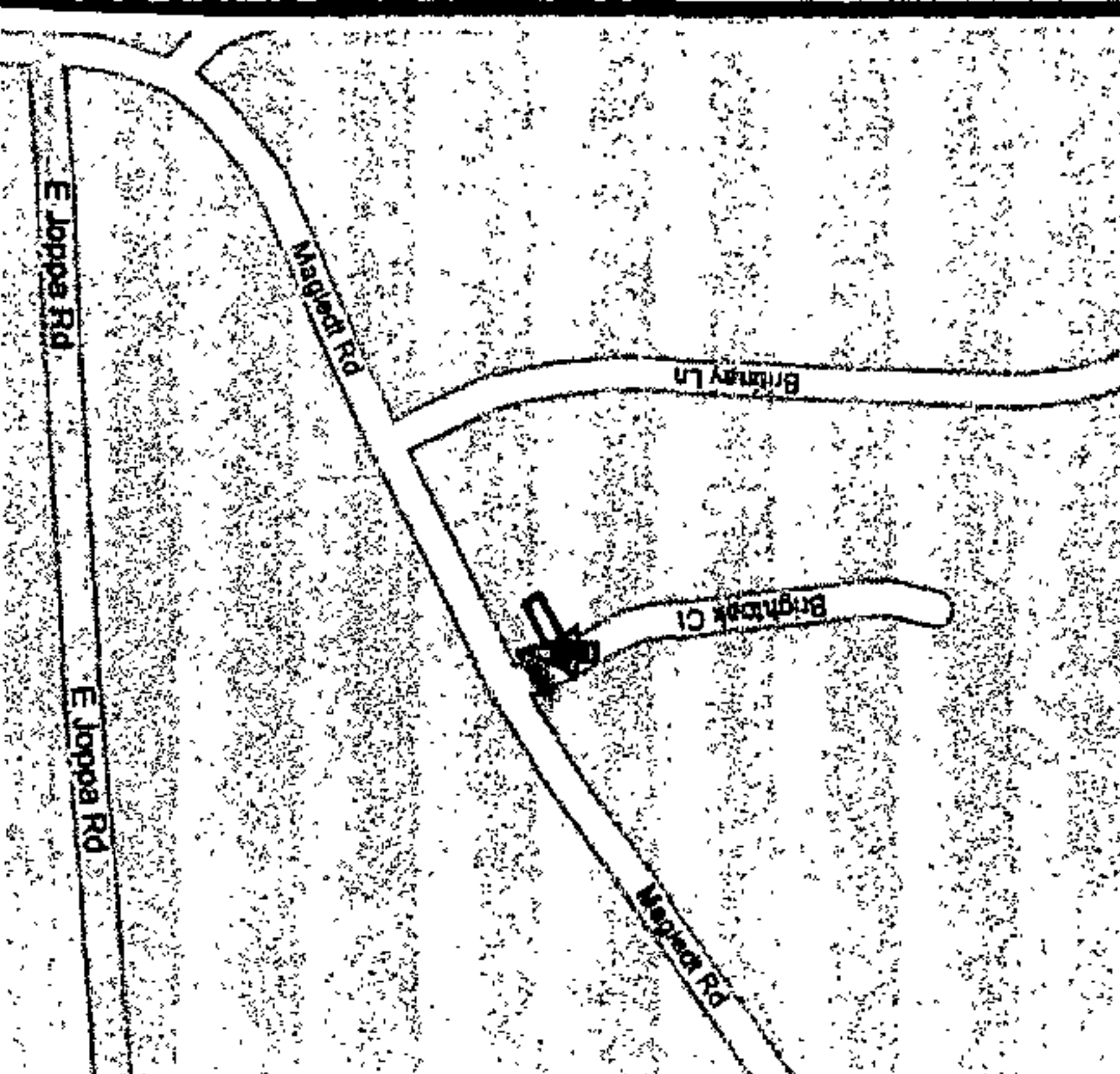
No Windows.

#6
Peters
Robert + Susan

height 28'

Steps to
grade

105' ±



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 071C2

ZONING DR 5.5

LOT SIZE

ACREAGE

SQUARE FEET

PUBLIC PRIVATE

SEWER

WATER

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

YES NO

☐ ☒

☐ ☒

☒ ☒

No

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

DATE #

07-253-A

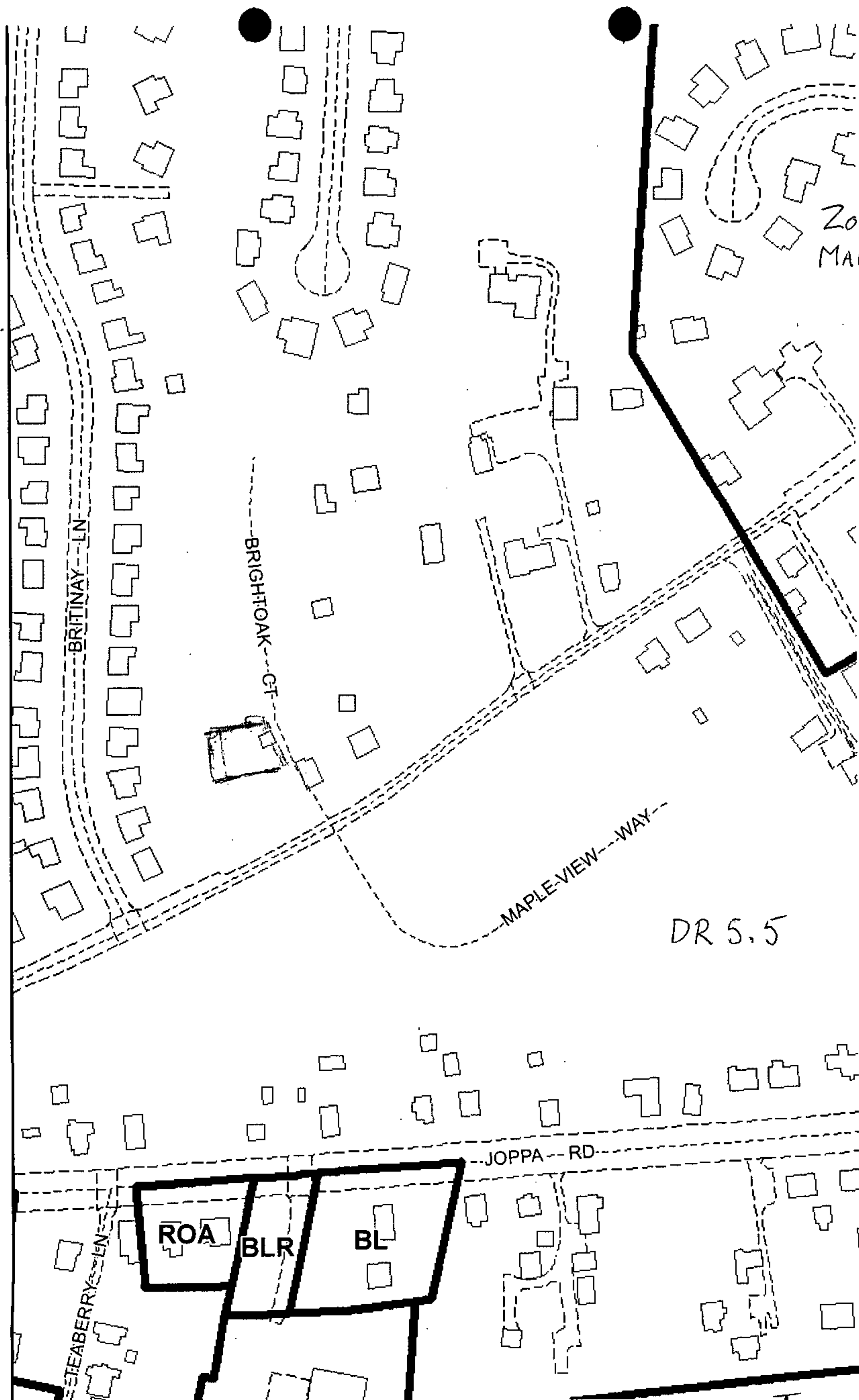
NORTH



Howard Anderson

SCALE OF DRAWING: 1" = 30'

ZONING
MAP 071C2



DR 5.5

JOPPA RD

ROA

BLR

BL

Item #253



veiw of back yard



Location of proposed sunroom



Storm Water Management Reservation
Adjacent to our property



Veiw of nieghbors home

Item # 253