

IN RE: PETITION FOR ADMIN. VARIANCE
NW corner of Virginia Avenue and Brian Street
13th Election District
1st Councilmanic District
(2820 Virginia Avenue)

Albert J. and Judy A. Braun
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-360-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, Albert J. and Judy A. Braun. The variance request is for property located at 2820 Virginia Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above-ground swimming pool) be located in the third portion of the rear yard closest to a street of a corner lot in lieu of the required third portion of the rear yard farthest removed from a street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners purchased a large rectangular shaped above ground pool to be placed in the rear yard. The new pool will replace the older round above ground pool. There is a frame shed in the back yard on the farthest side removed from the street, therefore the pool needs to be placed closest to the street of a corner lot. Petitioners state that there are overhead electrical wires that preclude placing the pool in the required location.

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

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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 February 18, 2007 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.

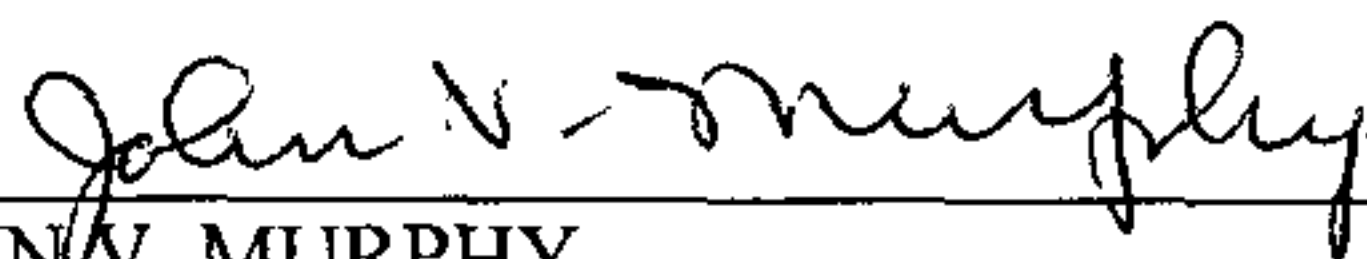
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of March, 2007 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above-ground

3-7-07
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swimming pool) be located in the third portion of the rear yard closest to a street of a corner lot in lieu of the required third portion of the rear yard farthest removed from a street 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 V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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C.B.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 8, 2007

ALBERT J. AND JUDY A. BRAUN
2820 VIRGINIA AVENUE
BALTIMORE MD 21227

Re: Petition for Administrative Variance
Case No. 07-360-A
Property: 2820 Virginia Avenue

Dear Mr. and Mrs. Braun:

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2820 VIRGINIA AVE
which is presently zoned _____

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)

see attached

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):

ALBERT J. BRAUN

Name - Type or Print

Albert J. Braun

Signature

JUDY A. BRAUN

Name - Type or Print

Judy A. Braun

Signature

2820 VIRGINIA AVE

Address

BALTO, MD.

City

State

443-694-4612
21227
Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

02-360-A

Reviewed By

BK

Date

2/7/07

Estimated Posting Date

2/18/07

DEV 10/25/04

3-7-07

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

2820 VIRGINIA AVE.
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):

Due to a joining property (neighbor) which was not graded properly, any excessive water would cause flooding, and damage to property and heating & electrical units located in crawl space. Also placing the pool in the approved site would not be possible due to overhead electrical wires. We have purchased this pool not knowing of difficulties in obtaining this permit and would be out \$5,900 for the cost of the pool. We have checked and are unable to cancel this contract on the purchase of the pool. We feel that it would be in the best interest of our neighbors that the pool be placed on the right side of the property due to a culvert located on other side of fence. Also our existing pool is located on right side of yard. Due to the size of this pool it did not require a permit and we did not expect these additional difficulties.

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.

Albert J. Braun
Signature

ALBERT J. BRAUN
Name - Type or Print

Judy A. Braun
Signature

JUDY A. BRAUN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of FEBRUARY, 2007, before me, a Notary Public, the State of Maryland, in and for the County aforesaid, personally appeared

ALBERT J. BRAUN AND JUDY A. BRAUN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

MY COMMISSION EXPIRES 12/12/2009
My Commission Expires

400.1 to permit an accessory structure (above-ground swimming pool) be located in the third portion of the rear yard closest to a street of a corner lot in lieu of the required third portion of the rear yard farthest removed from a street.

#360

ZONING DESCRIPTION FOR: 2820 Virginia Ave, Baltimore, MD 21227

Beginning at a point on the NW Corner of Virginia Ave and Brian Street which is 50 ft wide. Being lots # PT.143 & 144. Block D in the subdivision of Baltimore Highlands as recorded in Baltimore County Plat Book #0002, Folio #0379 containing 5,904 ft. Also know as 2820 Virginia Ave and located in the 13th Election District, 1st Council manic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 24048

DATE 2/9/07 ACCOUNT 12001-006-0150

AMOUNT \$ 65.80

RECEIVED FROM: Albert - 1344

FOR: Alameda Station Vehicle

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Form # 360

PAID RECEIPT

BUSINESS ACTUAL TIME 1:00 PM
2/09/2007 2/07/2007 19:17:12 2

REG NO: 18012 MAIL JENNA JEE

>> RECEIPT # 503007 2/07/2007 OFLA

Dept: 5 528 ADMIN VERIFICATION

CR NO: 024086

Receipt Tot

\$45.00 CK

\$45.00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 2-18-07

RE: Case Number: 07-360-A

Petitioner/Developer: Albert + Judy Braun

Date of Hearing/Closing: 3-5-07

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2820 Virginia Ave

The sign(s) were posted on

2-18-07
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

JCE PILSON
of Sign Poster)

Born Rd
s of Sign Poster)

MD 21120
Code of Sign Poster)

-1443
mber of Sign Poster)

Revised 3/1/01 - SCJ

ADMINISTRATIVE VARIANCE

CASE # 07-360-A

TO PERMIT AN ACCESSORY STRUCTURE (ABOVE GROUND POOL) BE LOCATED IN THE THIRD PORTION OF THE REAR YARD CLOSEST TO A SIDE STREET IN LIEU OF THE REQUIRED THIRD PORTION FARTHEST FROM THE STREET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 3/5/07

ADDITIONAL INFORMATION IS AVAILABLE AT THE ZONING REVIEW BUREAU, 111 WEST CHESAPEAKE AVE.

DO NOT REMOVE THIS SIGN AND

10143
FEB 21 2007

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 360 -A Address 2820 Virginia Ave.
Contact Person: Bruno Rubcitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 2/7/07 Posting Date: 2/18/07 Closing Date: 3/5/07

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

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.
1. **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- 360 -A Address 2820 Virginia Ave.
Petitioner's Name Albert & Judy Braun Telephone 443-694-4612
Posting Date: 2/18/07 Closing Date: 3/5/07
Ordering for Sign: To Permit an accessory structure (above ground pool) be located in the third portion of the rear yard closest to a side street in lieu of the required third portion farthest from the street.

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: 07-360-A
Petitioner: ALBERT J. & JUDY A. BRAUN
Address or Location: 2820 VIRGINIA AVE, BALTO. MD. 21227

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALBERT J. & JUDY A. BRAUN
Address: 2820 VIRGINIA AVE,
BALTIMORE, MD. 21227

Telephone Number: 443-694-4612



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

March 5, 2007

Albert J. Braun
Judy A. Braun
2820 Virginia Avenue
Baltimore, MD 21227

Dear Mr. and Mrs. Braun:

RE: Case Number: 07-360-A, 2820 Virginia Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 7, 2007.

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

Martin O'Malley, Governor
Anthony Brown, Lt. Governor



John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 2/12/2007

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

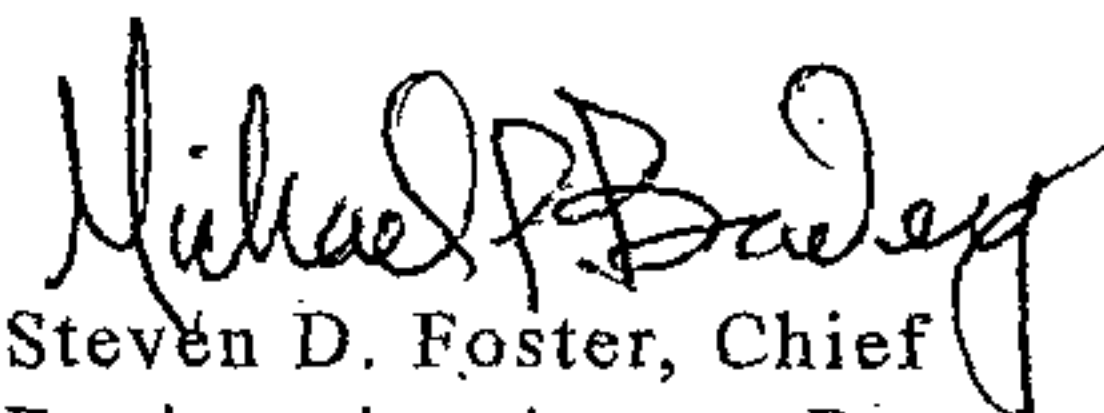
RE: Baltimore County
Item No. 7-360-A
2820 VIRGINIA AVENUE
BRAIN PROPERTY
ADMINISTRATIVE VARIANCE

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. 7-360A.

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,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 16, 2007

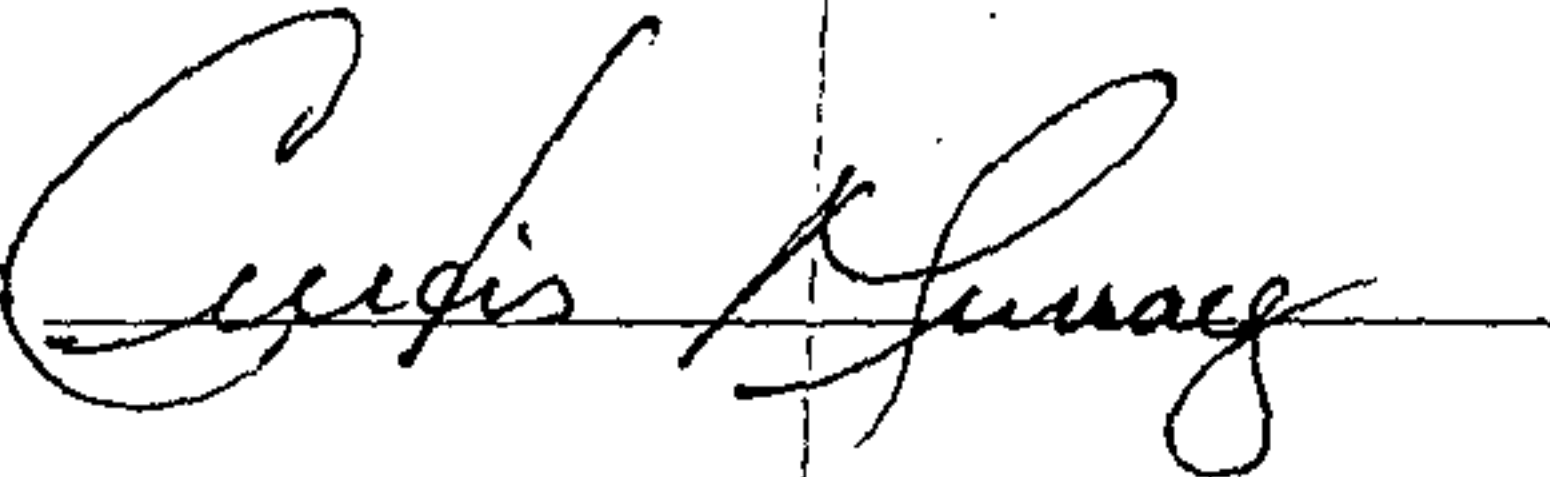
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-360- 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 20, 2007

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

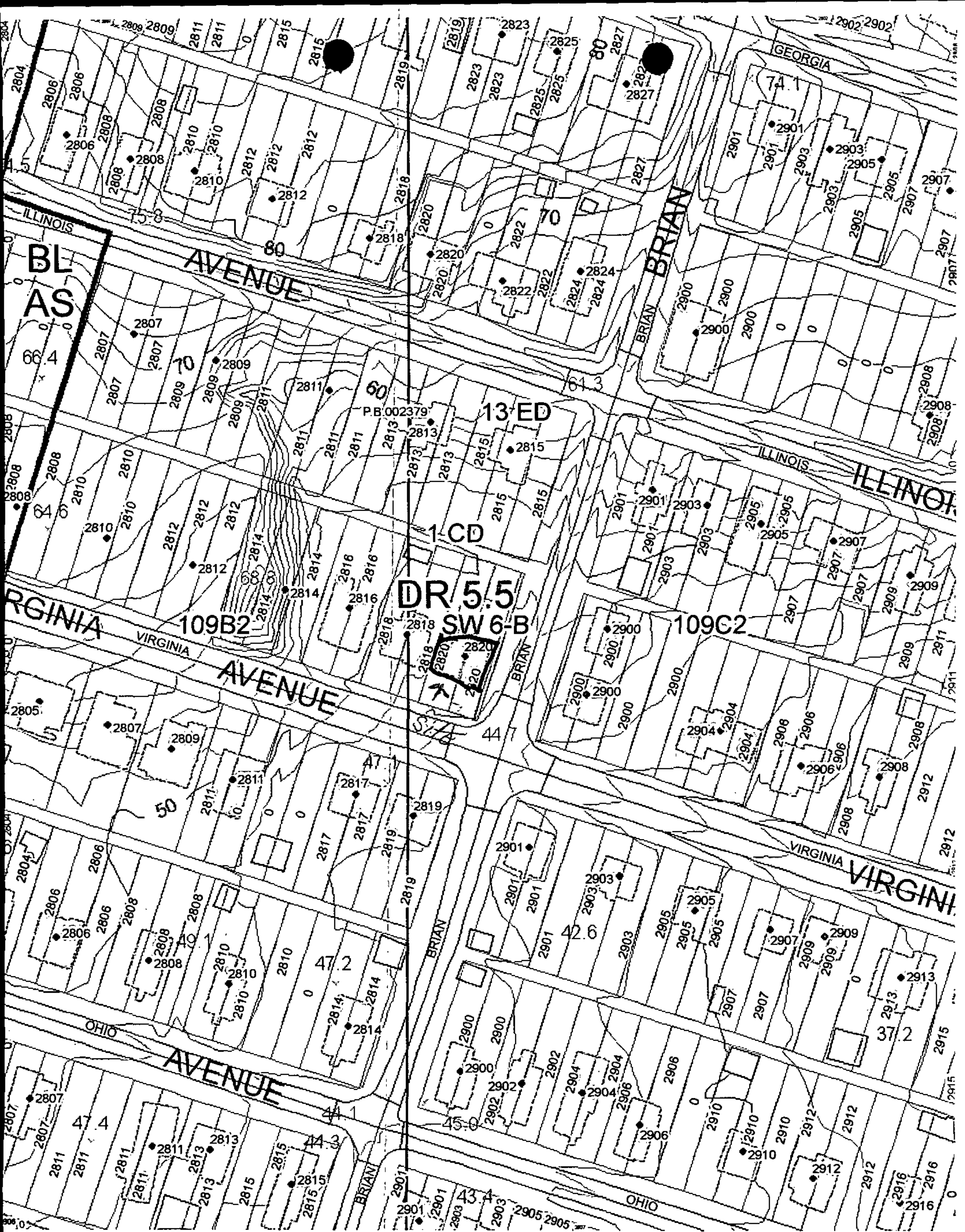
SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2007
Item Nos. 07-349, 350, 351, 352, 353,
354, 355, 356, 357, 360, 361, and 362

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-02202007.doc

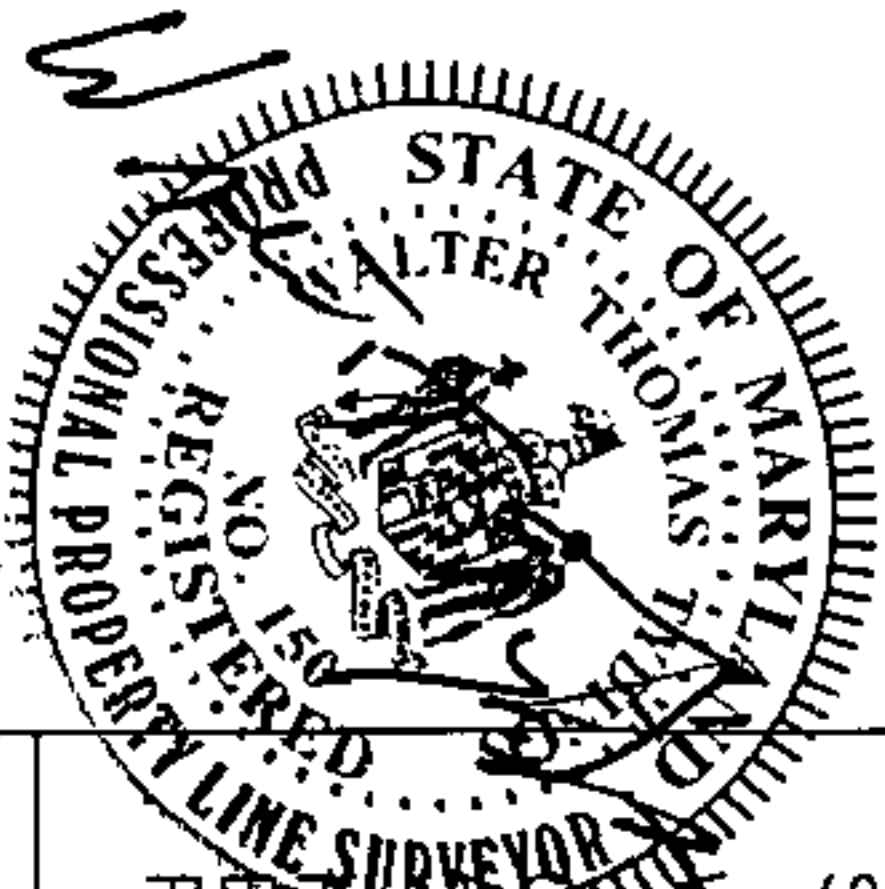
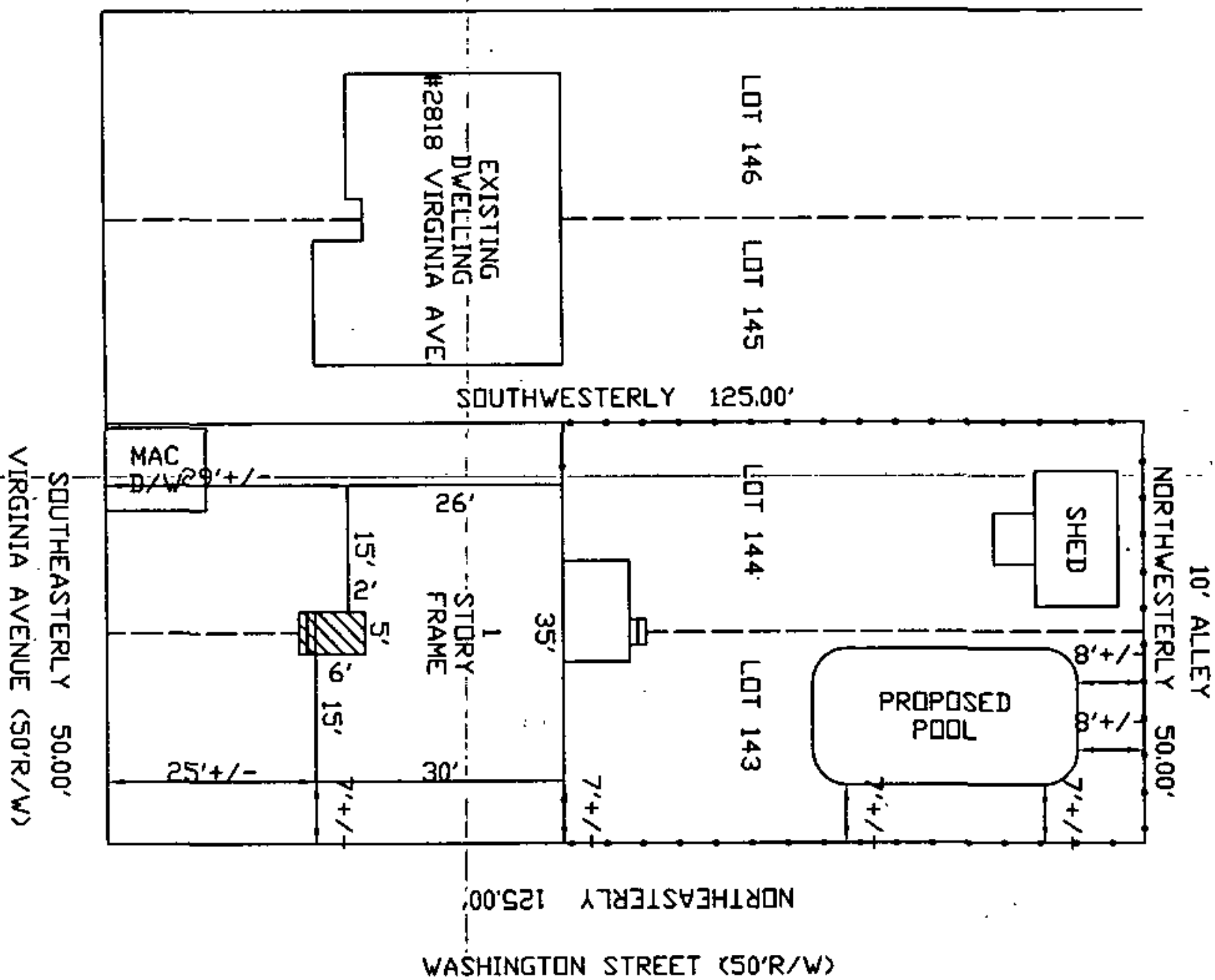


PLAT TO ACCOMPANY PETITION FOR ZONING

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

Property Address: 2820 Virginia Avenue
 Subdivision Name: Baltimore Highlands
 Plat Bk.# 2 Pg. 379
 Owner: Albert J. & Judy A. Braun

MOUNTAIN ROAD
 SURVEYS
 PHONE: (410)-360-9464
 FAX: (410)-360-0247



PREPARED BY Walter T. Tydings SCALE OF DRAWING IS 1"=30'
 WALTER T. TYDINGS, PROPERTY LINE SURVEYOR #150

☒ VARIANCE ☐ SPECIAL HEARING



VICINITY MAP
 SCALE 1"=1000'

LOCATION INFORMATION

ELECTION DISTRICT: 13
 COUNCILMANIC DISTRICT: 1

1"=200' SCALE MAP # 16962

ZONING: DR-515

LOT SIZE .14 AC. 5904.00 SQ.FT.

SEWER: ☒ PUBLIC ☐ PRIVATE

WATER: ☒ ☐

CHESAPEAKE BAY CRITICAL AREA: ☐ YES ☒ NO

100 YEAR FLOOD PLAIN: ☐ ☒

STORIC PROPERTY: ☐ ☒

BUILDING: ☐ ☒

PRIOR ZONING HEARING: ☐ ☒

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #
gh 360 07-360-19

