IN RE: PETITION FOR ADMIN. VARIANCE

N side Brook Road, 450 feet E

c/l Hilton Avenue

1<sup>st</sup> Election District

1<sup>st</sup> Councilmanic District

(1332 Brook Road)

Christopher P. and Chiara F. Kirby Petitioners

BEFORE THE

DEPUTY ZONING

COMMISSIONER

\* FOR BALTIMORE COUNTY

\* Case No. 08-076-A

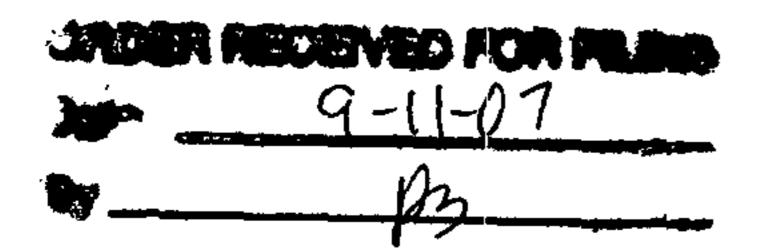
#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Christopher P. and Chiara F. Kirby for property located at 1332 Brook Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet for an existing addition, a side yard setback of 13.5 feet for a proposed addition, and a sum of side yards of 23.5 feet in lieu of the required 15 feet, 25 feet and 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish construct an addition measuring 14 feet 6 inches x 15 feet in size. The proposed addition falls within the same side set backs as the existing structure. The house was built prior to zoning guidelines being set for DR 2. There is an existing 15 foot x 10 foot addition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 17, 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 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 \_\_\_\_\_\_ day of September, 2007 that a variance Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 10 feet for an existing addition, a side yard setback of 13.5 feet for a proposed addition, and a sum of side yards of 23.5 feet in lieu of the required 15 feet, 25 feet and 40 feet, respectively 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.

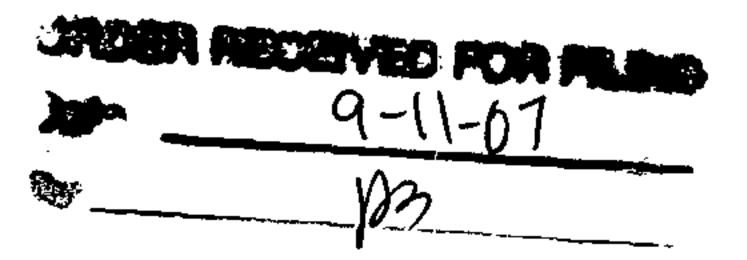
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

September 11, 2007

CHRISTOPHER P. AND CHIARA F. KIRBY 1332 BROOK ROAD CATONSVILLE MD 21228

> Re: Petition for Administrative Variance Case No. 08-076-A Property: 1332 Brook Road

Dear Mr. and Mrs. Kirby:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore

perjury, that I/we are the legal owner(s) of the property which

for the property located at 1332 BROK READ which is presently zoned DR. 2

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): HKISTEPHER P. KIRBY Name - Type or Print Signature Name - Type or Print Address Telephone No. Zip Code City State Signature Attorney For Petitioner: Telephone No. Address 21228 ENSYILE Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Address Address Telephone No. State Zip Code Zip Code City City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised; as required by the zoning day of this

Reviewed By

**Estimated Posting Date** 

regulations of Baltimore County and that the property be reposted.

CASE NO.

REV 10/25/01

# Affida Vit 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.

compotent to toothy thereto in the event that a p		_	_	, <b>3</b> •
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	CATENSYILL	E	Mo	2,218
	City	<u></u> .	State	Zip Code
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I HEREBY CERTIFY, the day of of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfations.	rsonally appeared			e, a Notary Public of the State
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REV 10/25/01

# Affida Vit in Support of Administrative Variance

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competent to testify thereto in the event that a p	ublic hearing is	scheduled in th	e future with regard the	ereto.
That the Affiant(s) does/do presently reside at	/332 Address	BROOK	ROAT	<u></u>
•	CATENSY	ME	in	21228
	City		State	Zip Code
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Name - Type or Print	· · · · · · · · · · · · · · · · · · ·			,
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		~	. <b>.</b>
I HEREBY CERTIFY, this Other day of	11 1/ 2000 2	207	, before me, a Not	ary Public of the State
of Maryland, in and for the County aforesaid, ipe	2 Ch		· 	<u> </u>
the Affiant(s) herein, personally known or satisfa	actorily identifie	d to me as such	Affiant(s).	
AS WITNESS my hand and Notarial Seal			1	
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		ry Public ommission Expi	res	2711



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 1332 Block Ross which is presently zoned DL-2

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.

If or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounced.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: CHRISTOPHER P. KIRBY Name - Type or Print Name - Type or Print Signature Telephone No. Name - Type or Print Address Zip Code Signature State City 1(2)4/10-789-3008 BLOOK KD Attorney For Petitioner: Telephone No. ATONSVICE *2,22*8 State Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address Zip Code Zip Code City State State Ĉity A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore-Co. Reviewed By CASE NO. **Estimated Posting Date** REV 10/25/0

1B02.3.C.1 to permit a side yard setback of 10 ft. for an existing addition, a side yard setback of 13.5 ft. for a proposed addition and a sum of side yards of 23.5 ft. in lieu of the required 15 ft., 25 ft., and 40 ft. respectively.

# ZONING DESCRIPTION

## Zoning Description For 1332 Brook Road

Beginning at a point on the North side of Brook Road, which is 40 feet wide at the distance of 450 ft. east of the centerline of the nearest improved intersecting street Hilton avenue, which is 60 ft. wide. Being Lots # 57 and 58, in the subdivision of Ridgebrook as recorded in Baltimore County Plat Book #7, Folio# 19, containing 6,750 square feet. Also known as 1332 Brook Road and located in the 1<sup>st</sup> Election District, 1<sup>st</sup> Councilmanic District.

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#### CERTIFICATE OF POSTING

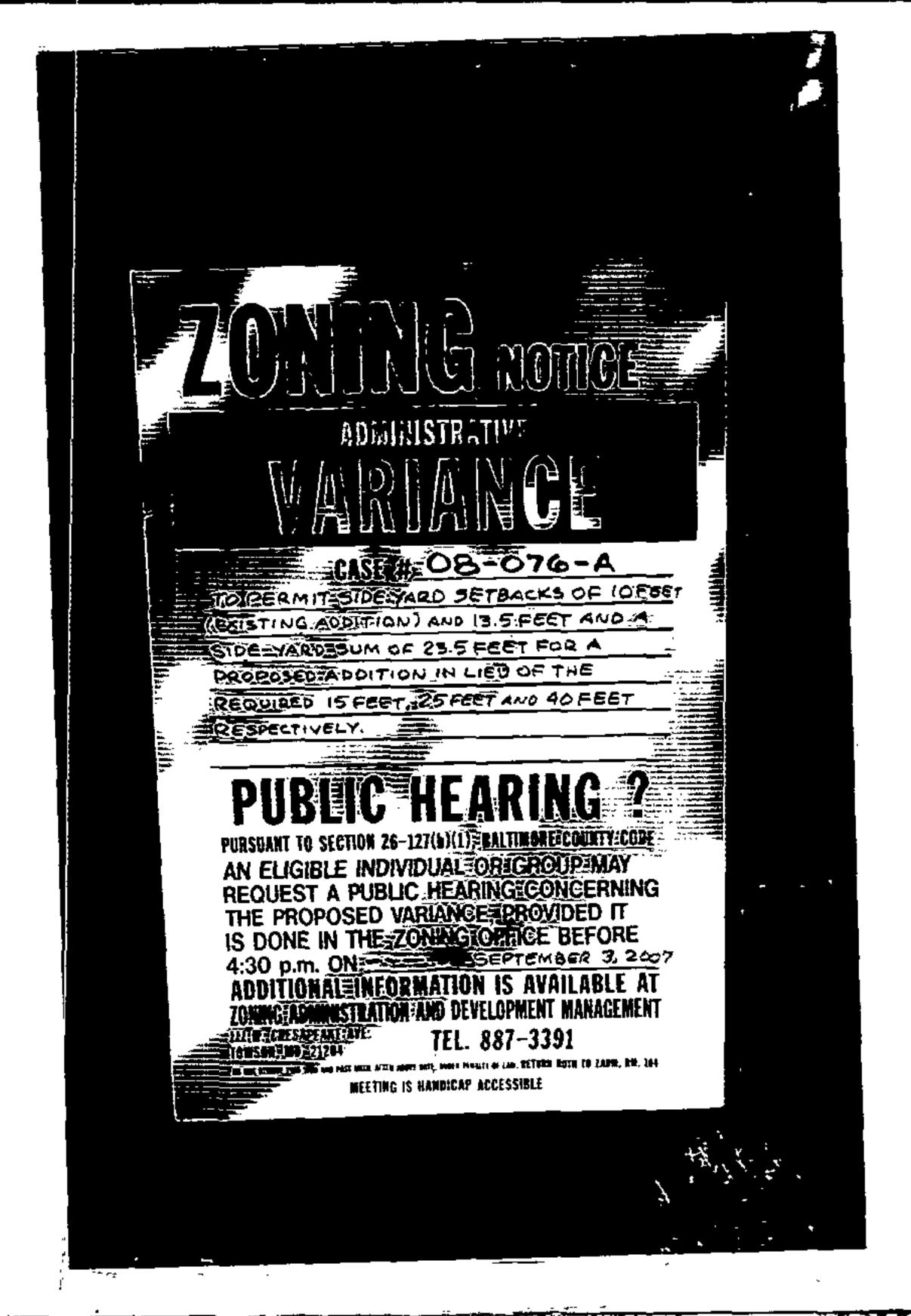
RE: Case No.: 08-076-A

Petitioner/Developer: CHRIS & CHIARA KIRBY

Date of Hearing/Closing: SEPT. 3, 2007

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

> (410) 242-4263 (Telephone Number)





## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For News	paper Advertising:		
Petitioner:	per or Case Number:  [HIS KINGY		-076-A
Address or	r Location: <u>/332</u>	Brook READ	CATENSVILLE, MD 21228
PLEASE F	ORWARD ADVERTIS	ING BILL TO:	
Address: _	1332 BROOK A CATONSVILLE, ME	21228	
	Number:		



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 4, 2007

Christopher P. Kirby Chiara F. Kirby 1332 Brook Road Catonsville, MD 21228

Dear Mr. and Mrs. Kirby:

RE: Case Number: 08-076-A, 1332 Brook Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 9, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

Maryland Department of Transportation

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

Date: AUGNST 20, 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. 8-76-A 1332 BROOK ROAD

KIRBY 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. 8-76-A.

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,

ASteven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 29, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 27, 2007

Item Nos. 08-076, 077, 078, 079, 081,

083, 084, 086, and 088

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-10292007.doc

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** August 24, 2007

IECEIVE ISEP 0 5 2007

BY:\_\_\_\_

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 8-076- 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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 August 23, 2007

ATTENTION: Zoning Review Planners

76

Distribution Meeting Of: August 20, 2007

Item Number: Item Number (76) through 079 and81,83,84,85,86,88

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

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**TO:** 

Timothy M. Kotroco, Director

**DATE:** August 24, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoring Advisory Petition(s): Case(s) 8-076- Administrative Variance

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

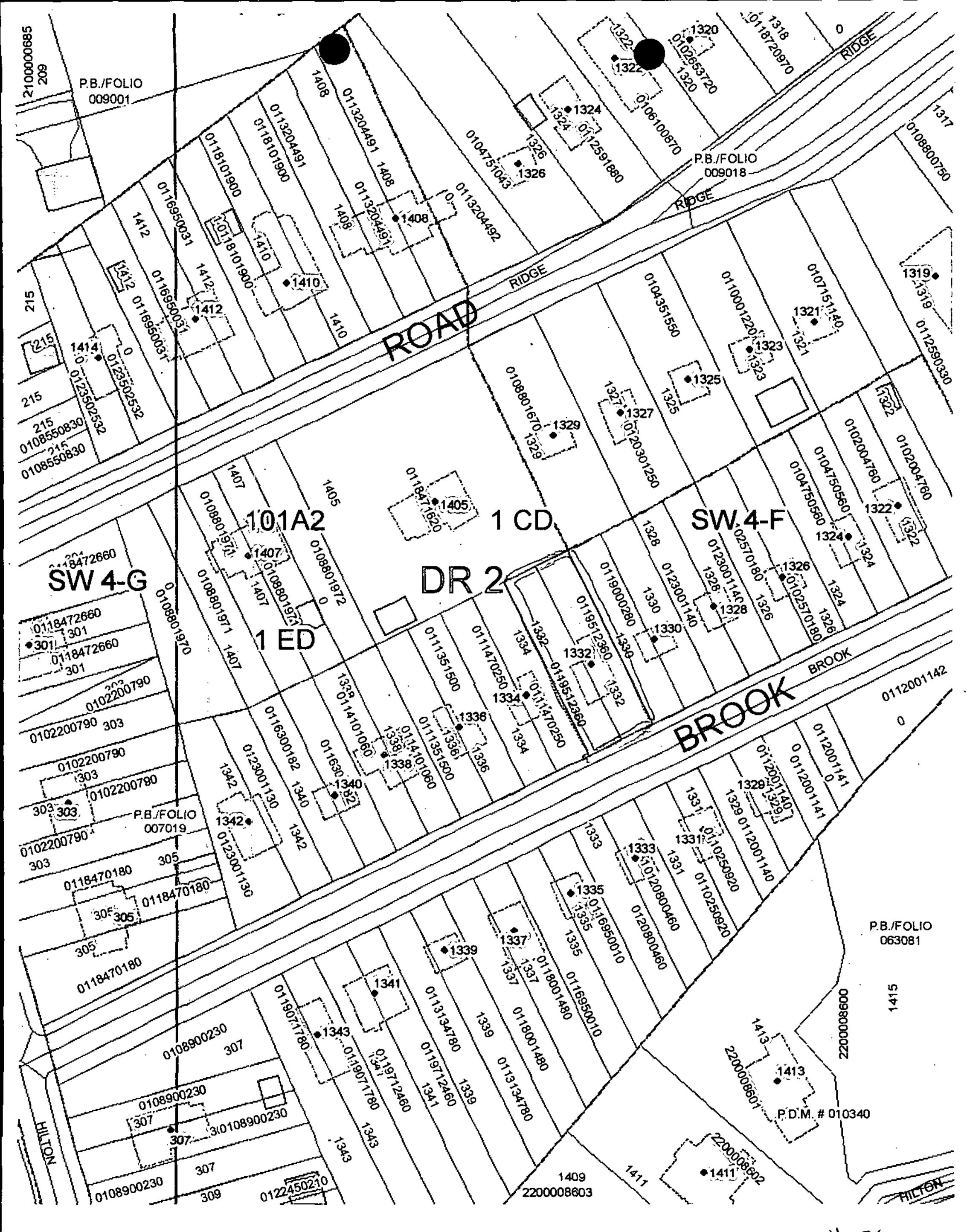
For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

PREPARED NORTH PROPERTY 1334 Beach 4 SUBDIVISION NAME PLAT BOOK # JAFILIAC 3700 EXISTAG ÝΒ ADDRESS ACCOMPA 145, dn + FOL10 ₩ DR. VEWAY BROOK ROAD 19 420 2 50 BROOK :,01.09 LOT #57-58 SECTION BROOK 707 R HIARA 15 /x/o' 57.58 **TCRES** 142. 4"+/-330 338 m 윾 PAGES 之 マ の DRAWING: Ů O) 퓼 ARIANCE CHECKLIST FOR ZONING **ADDITIONAL** PRIOR HISTORIC PROPERT CHESAPEAKE COUNCILMANIC DISTRICT ELECTION DISTRICT ZONING !" = 200 00 SIZE YEAR FLOOD SP WATER ZONING SEWER LOCATION SCALE MAP # M ACRE SCALE: REQUIR BAY AREA VICINITY HEA OFFICE 1 PLAIN XI 1C BEECHMOOD OH RING ED INFORMATION ₹ INFORMATION 0 MAP 3SU, 干 1000 NO 01313 143.00 ARING ONLY YJNO 8 & Rescue -076-Maryvill **X X Z** 8



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