IN RE: PETITION FOR ADMIN. VARIANCE NE side Brookview Road, 150 feet NW of c/l Birch Avenue 12th Election District 7th Councilmanic District **(1729 Brookview Road)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY
Aaron S. and Maria R. Chauncey *Petitioners*	*	**Case No. 08-108-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, Aaron S. and Maria R. Chauncey for property located at 1729 Brookview Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 3 foot side yard setback in lieu of the minimum required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a small kitchen addition to accommodate the growing family. As the side yard setback is only 10 feet, an addition of any size will require a variance. The proposed location is the only practical place for a kitchen addition. The Petitioners submitted a letter of support from the affected neighbor at 1727 Brookview Road.

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 September 9, 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 28th day of September, 2007 that a variance from Sections 1B02.3.A.5 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 3 foot side yard setback in lieu of the minimum required 10 feet 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

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 26, 2007

AARON S. AND MARIA R. CHAUNCEY
1729 BROOKVIEW ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 08-108-A
Property: 1729 Brookview Road

Dear Mr. and Mrs. Chauncey:

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

c: Tim Lust, Comfortable Homes, 5604 Forge Road, White Marsh MD 21162

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-108 -A Address 1729 BROOKVIEW RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/28/07 **Posting Date:** 9/9/07 **Closing Date:** 9/24/07

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.

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 08-108 -A Address 1729 BROOKVIEW RD.

Petitioner's Name CHAUNCEY Telephone 443-829-3544 TIM LUST

Posting Date: 9/9/07 **Closing Date:** 9/24/07

Wording for Sign: To Permit AN ADDITION WITH A 3-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10-FEET.

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: 08-108-A

Petitioner: CHAUNCEY

Address or Location: 1729 BROOKVIEW RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS AARON S. CHAUNCEY

Address: 1729 BROOKVIEW RD.
BALTO. MD 21222

Telephone Number: 443-829-3544 FOR TIM LUST

Revised 7/11/05 - SCJ

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1729 BROOKVIEW RD.
which is presently zoned D.R.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) 1B02.3A.5. + 1B02.3B. (BCZR)

TO PERMIT AN ADDITION WITH A 3-FOOT SIDE YARD SETBACK IN LIEU OF THE MINIMUM REQUIRED 10-FEET.

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):

Aaron S. Chauncey
Name - Type or Print

Signature

Maria R. Chauncey
Name - Type or Print

Maria R. Chauncey
Signature

1729 Brookview Rd.
Address Telephone No.

Baltimore MD 21222
City State Zip Code

Representative to be Contacted:

TIM LUST, COMFORTABLE HOMES
Name

5604 FORGE RD. 443-829-3544
Address Telephone No.

WHITE MARSH MD 21162
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. 08-108-A

REV 10/25/01

RECEIVED FOR FILING
9-28-07
By PD

Reviewed By D.T. **Date** 8/28/07

Estimated Posting Date 9/9/07

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 1729 BROOKVIEW ROAD
Address

DUNDALK MARYLAND 21222
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):

NEEDED FOR A LARGER KITCHEN TO ACCOMODATE FAMILY.

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.

Aaron Chauncey
Signature

Aaron S. Chauncey
Name - Type or Print

Maria R. Chauncey
Signature

Maria R. Chauncey
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of JULY, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Aaron S Chauncey ; Maria R Chauncey
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

JAMES A. CAVOURES NOTARY PUBLIC BALTIMORE COUNTY MARYLAND

James A Cavoures
Notary Public

My Commission Expires 9/1/07

REV 10/25/01

Zoning Description for **1729 Brookview Road**

Beginning at a point on the northeast side of Brookview Road which is 55-feet wide at a distance of 150-feet northwest of the centerline of Birch Avenue which is 55-feet wide.

Being the same property and recorded among land records of Baltimore County in Plat Book 12, Folio 108 and being in the subdivision known as "Brookview" containing 5,700 square feet. Also known as 1729 Brookview Road located in the 12th ElectionDistrict and 7th Councilmanic District.

08-108-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 03867

Date: 8/28/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00
							Total:	65.00

Rec From: MIDSIZE CONSTRUCTION

For: 08-108-A 1709 BROOKVIEW RD.
D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
8/28/2007	8/28/2007	15:17:49	1

PGM 001 WALKIN TKTC JMR
RECEIPT # 344529 8/28/2007 OFLN
Dept 5 528 ZONING VERIFICATION
Obj Rev 003867
Recpt Tot $65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 08-108-A

Petitioner/Developer: CHAUNCEY

Date of Hearing/Closing: 9-24-07

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}

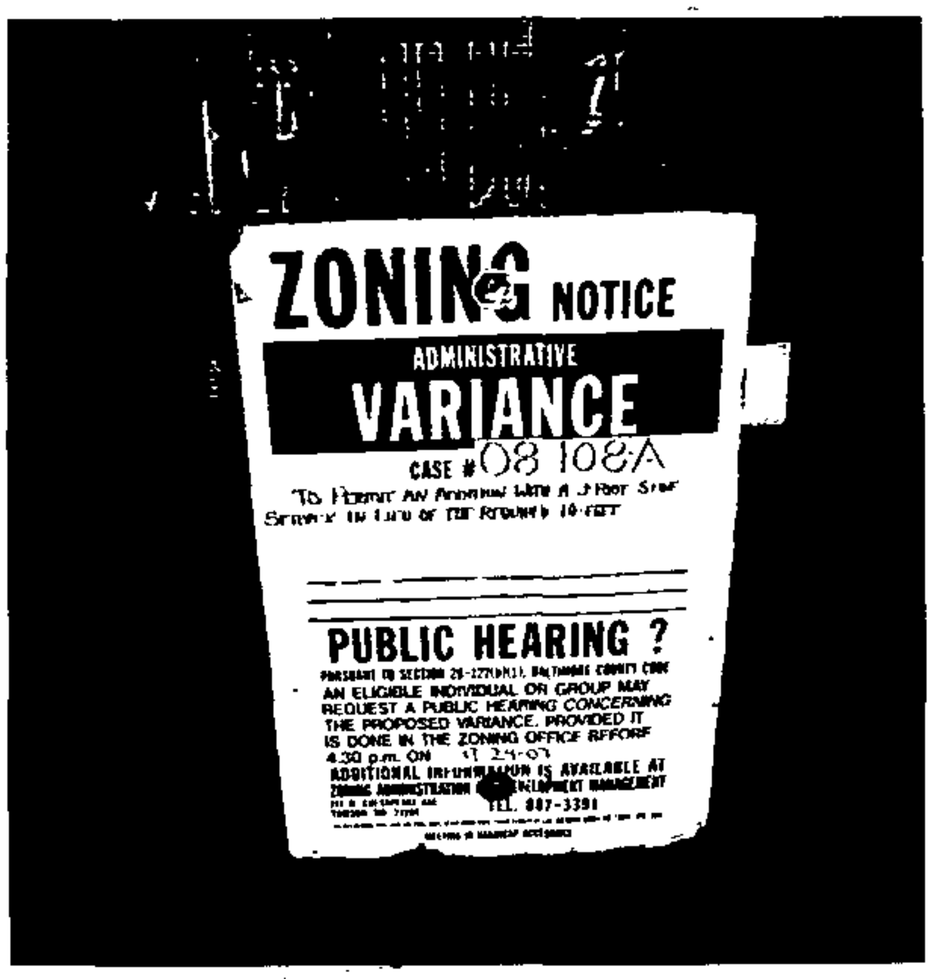
Ladies and Gentlemen:

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:

1729 BROOKVIEW RD

The sign(s) were posted on 9-9-07
(Month, Day, Year)

Sincerely,



Robert Black 9-12-07
(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)

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 24, 2007

Aaron S. Chauncey
Maria R. Chauncey
1729 Brookview Road
Baltimore, MD 21222

Dear Mr. and Mrs. Chauncey:

RE: Case Number: 08-108-A, 1729 Brookview 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 28, 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
Tim Lust, Comfortable Homes 5604 Forge Road White Marsh 21162

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 21, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-108- 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 Nkechi Hislop in the Office of Planning at 410-887-3480.

Reviewed By: Cindy R Murray

CM/LL

W:\DEVREV\ZAC\8-108.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 21, 2007

RECEIVED
SEP 21 2007
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-108- 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 Nkechi Hislop in the Office of Planning at 410-887-3480.

Reviewed By: Cindy Murray

CM/LL

W:\DEVREV\ZAC\8-108 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 17, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2007
Item Nos. 08-069, 082, 105, 106, 107, 108, 109, 111, 113, 114, 115, 117, 118, 119, 120, 122 and 123

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- 09172007.doc

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

SHA
State Highway Administration
Maryland Department of Transportation

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

Date: SEPT. 10, 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. 8-108 A
1729 BROOKVIEW RD
CHAUNCEY 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. 8-108 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,

Michael P. Bailey
For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

I, John Vandevander, owner and primary resident of
1727 Brookview Road, submit this letter to confirm that I am in
support of the proposed variance submitted by
Aaron and Maria Chauncey for 1729 Brookview Road.

Signed this 20th day of July, 2007

JOHNNY
John Vandevander
Johnny Vandevander

08-108-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

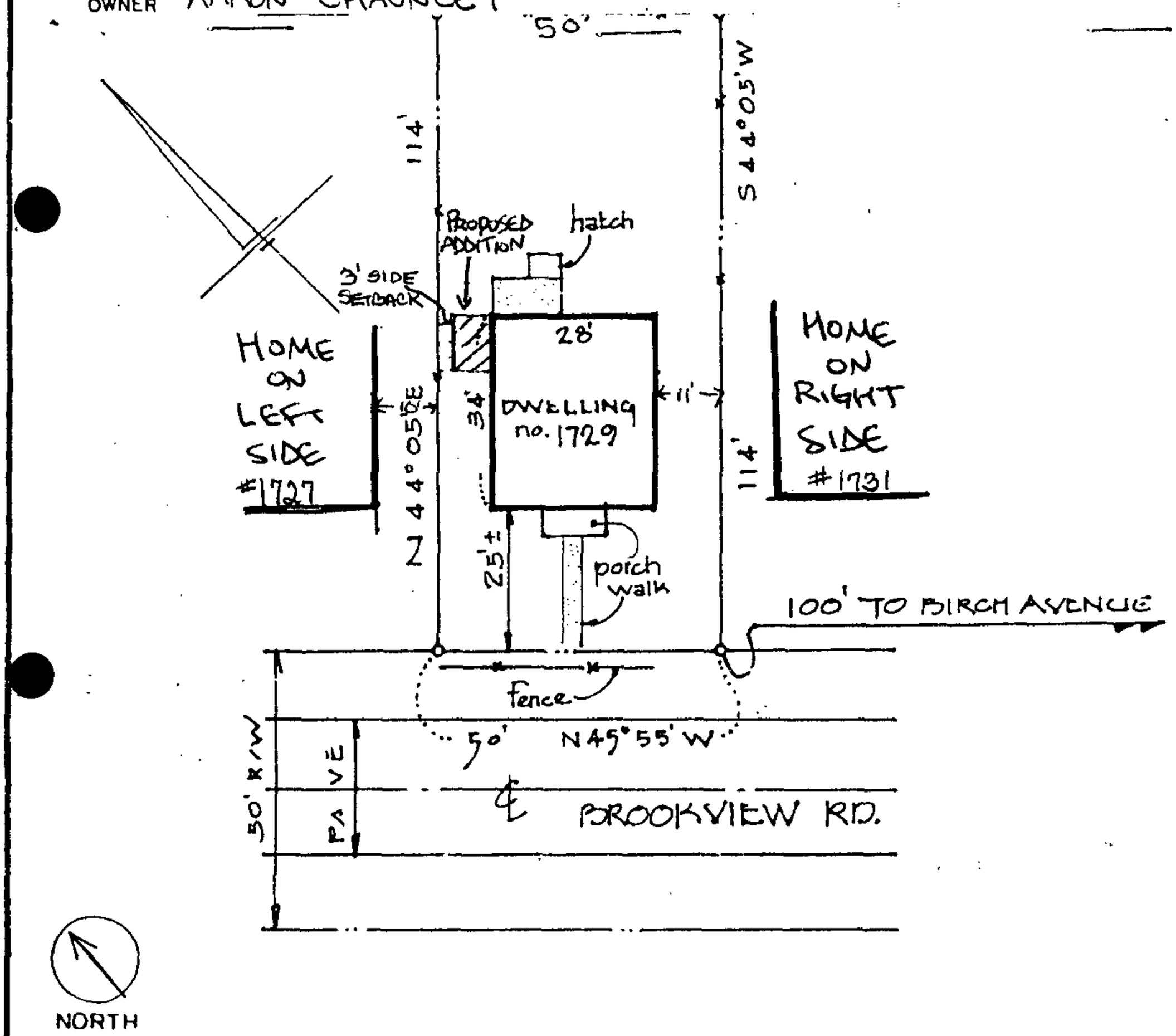
PROPERTY ADDRESS 1729 BROOKVIEW ROAD

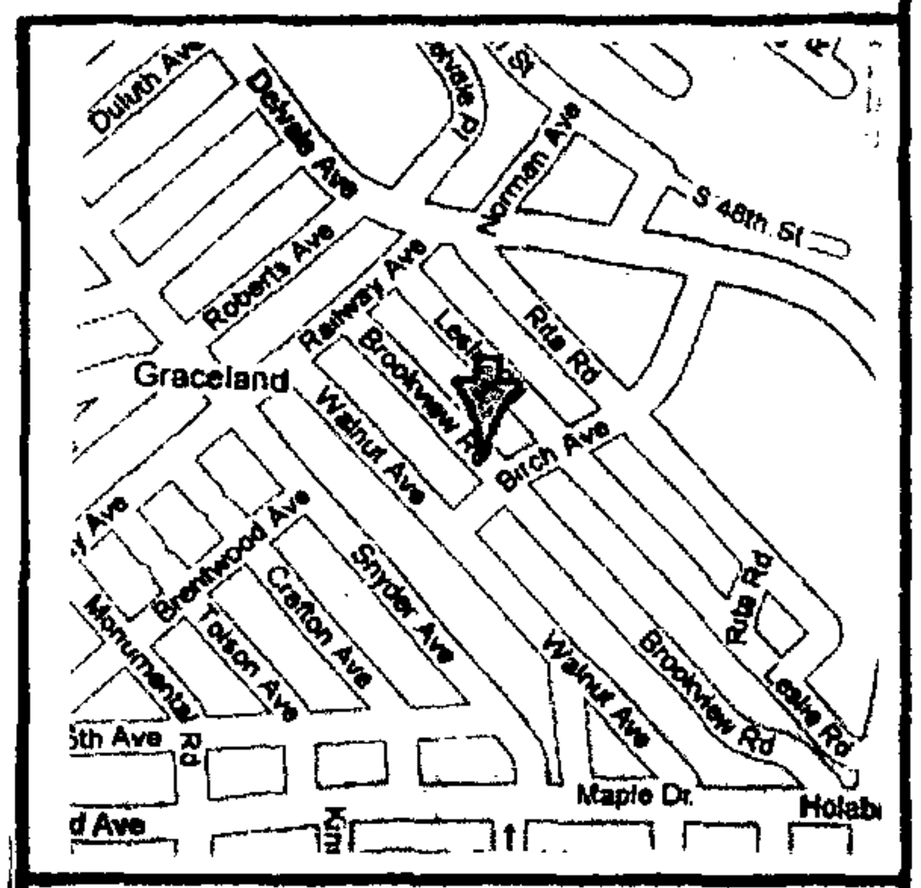
SUBDIVISION NAME BROOKVIEW

PLAT BOOK # 12 FOLIO # 108 LOT # N/A SECTION # N/A

OWNER AARON CHAUNCEY

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





LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 103B1

ZONING D.R.5.5

LOT SIZE ACREAGE _____ SQUARE FEET 5,700

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

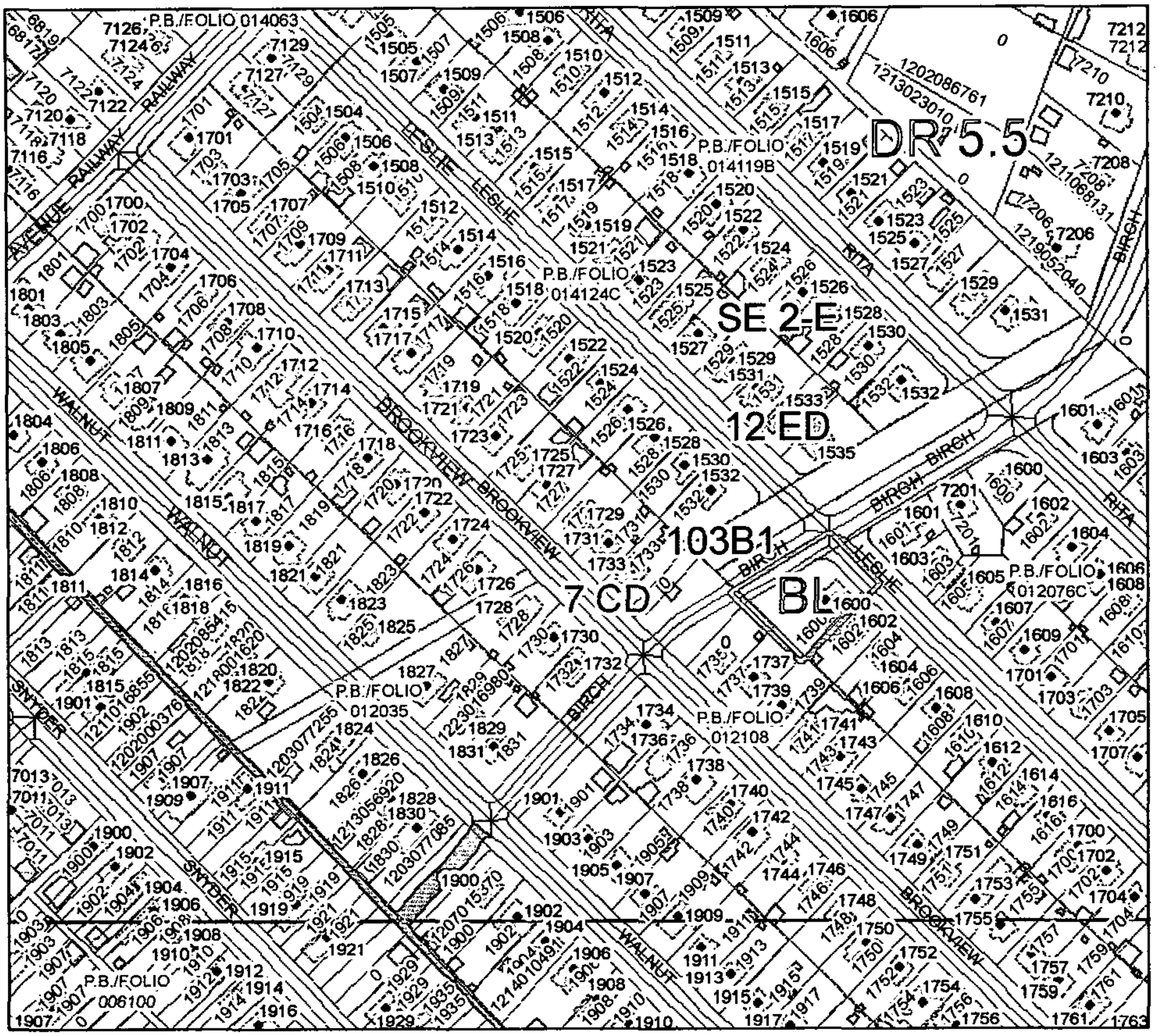
REVIEWED BY	ITEM #	CASE #
D.T.	108	08-108-A

PREPARED BY T.L.

SCALE 1" = 30'

-15-

1729 Brookview RD



DQ Map Notes

Publication Date: August 06, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

N W E S

200 0 200 Feet

1 inch equals 200 feet

PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

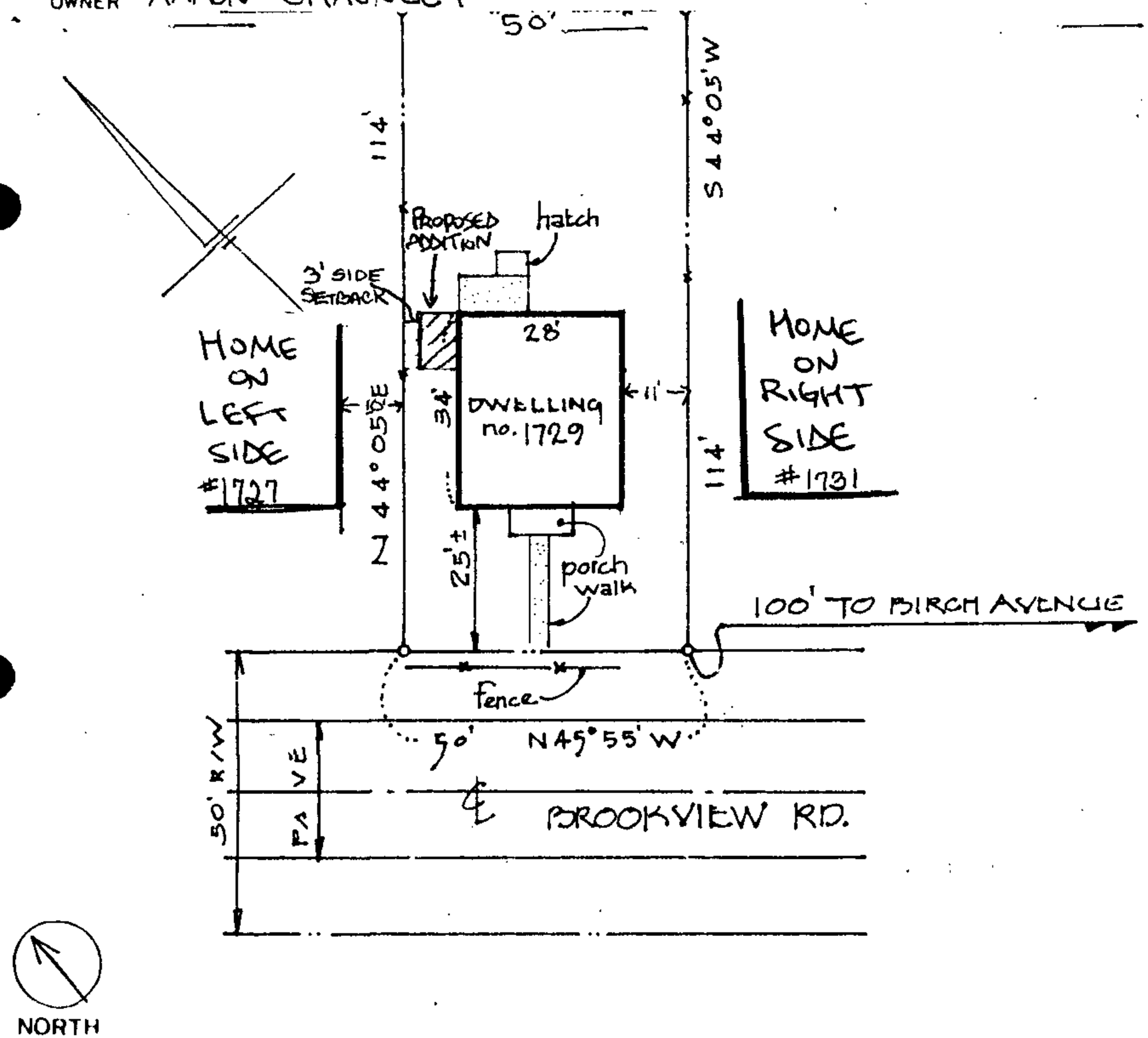
PROPERTY ADDRESS 1729 BROOKVIEW ROAD

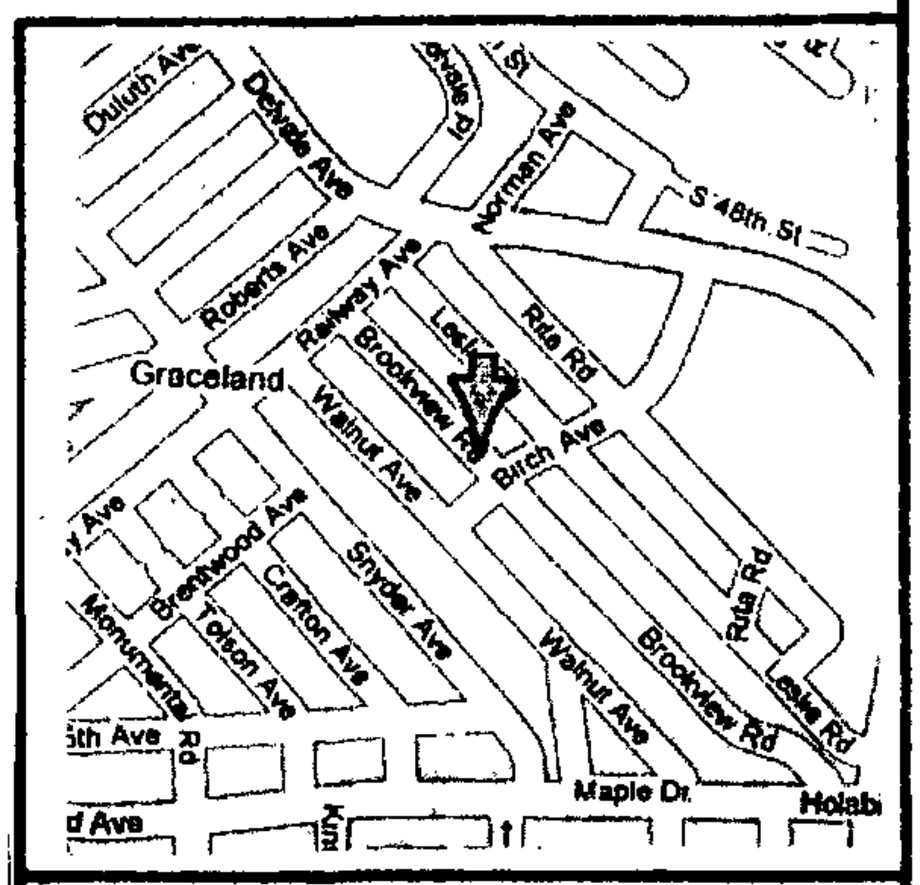
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BROOKVIEW

PLAT BOOK # 12 FOLIO # 108 LOT # N/A SECTION # N/A

OWNER AARON CHAUNCEY





LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 103B1

ZONING D.R.5.5

LOT SIZE ACREAGE ____ SQUARE FEET 5,700

	PUBLIC	PRIVATE
SEWER	[X]	[ ]
WATER	[X]	[ ]

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	[ ]	[X]
100 YEAR FLOOD PLAIN	[ ]	[X]
HISTORIC PROPERTY/ BUILDING	[ ]	[X]

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D.T.	108	08-108-A

PREPARED BY T.L.

SCALE 1" = 30'

-15-

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

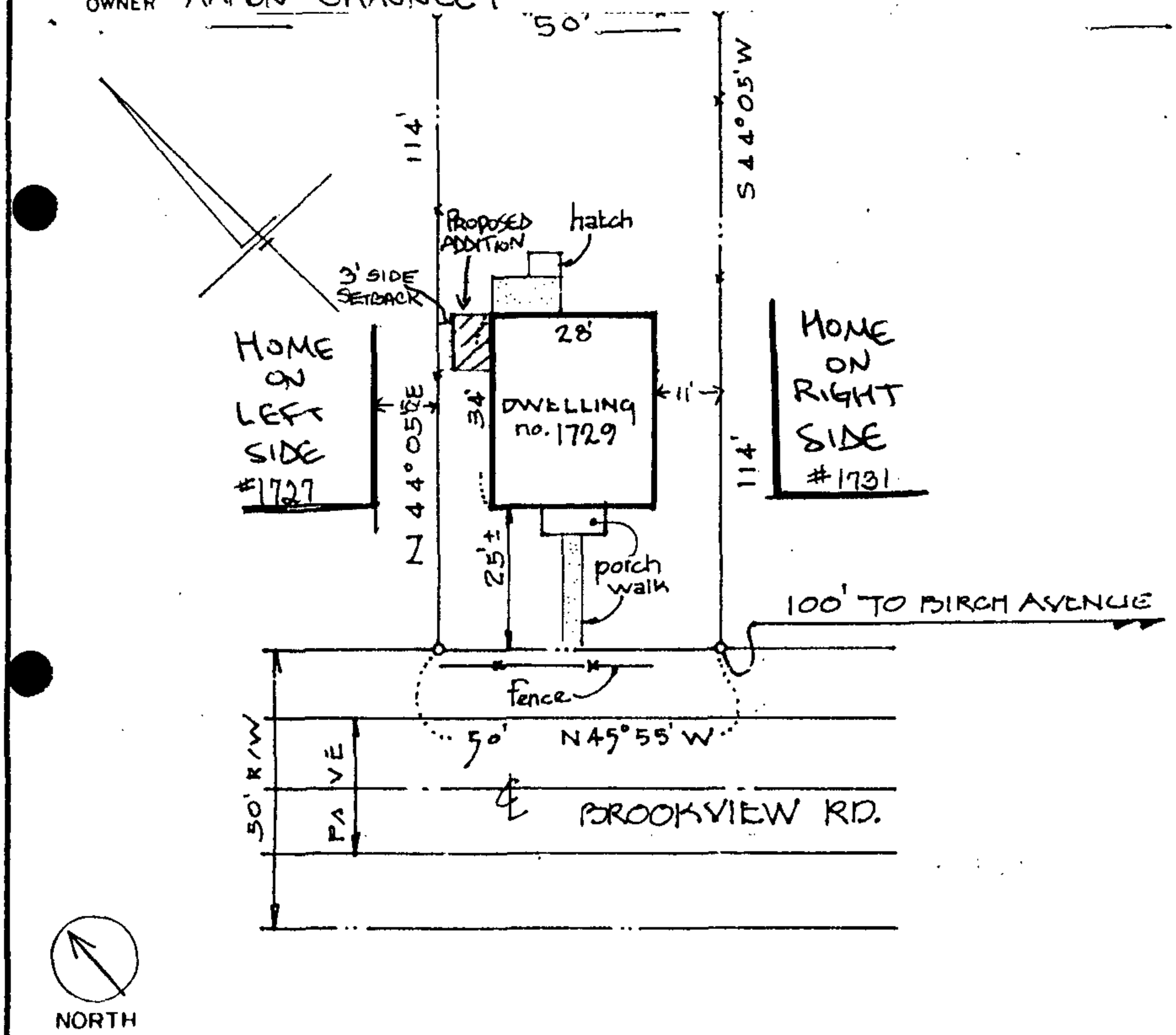
PROPERTY ADDRESS 1729 BROOKVIEW ROAD

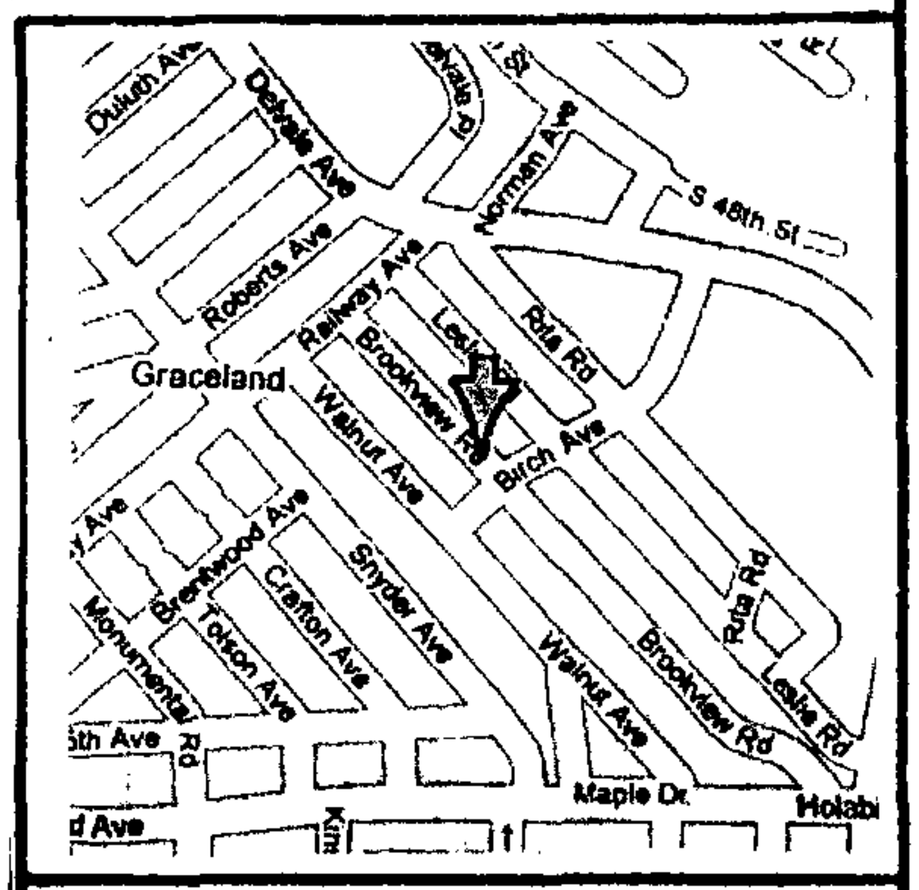
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BROOKVIEW

PLAT BOOK # 12 FOLIO # 308 LOT # N/A SECTION # N/A

OWNER AARON CHAUNCEY





LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 103B1

ZONING D.R.5.5

LOT SIZE ACREAGE _____ SQUARE FEET 5,700

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

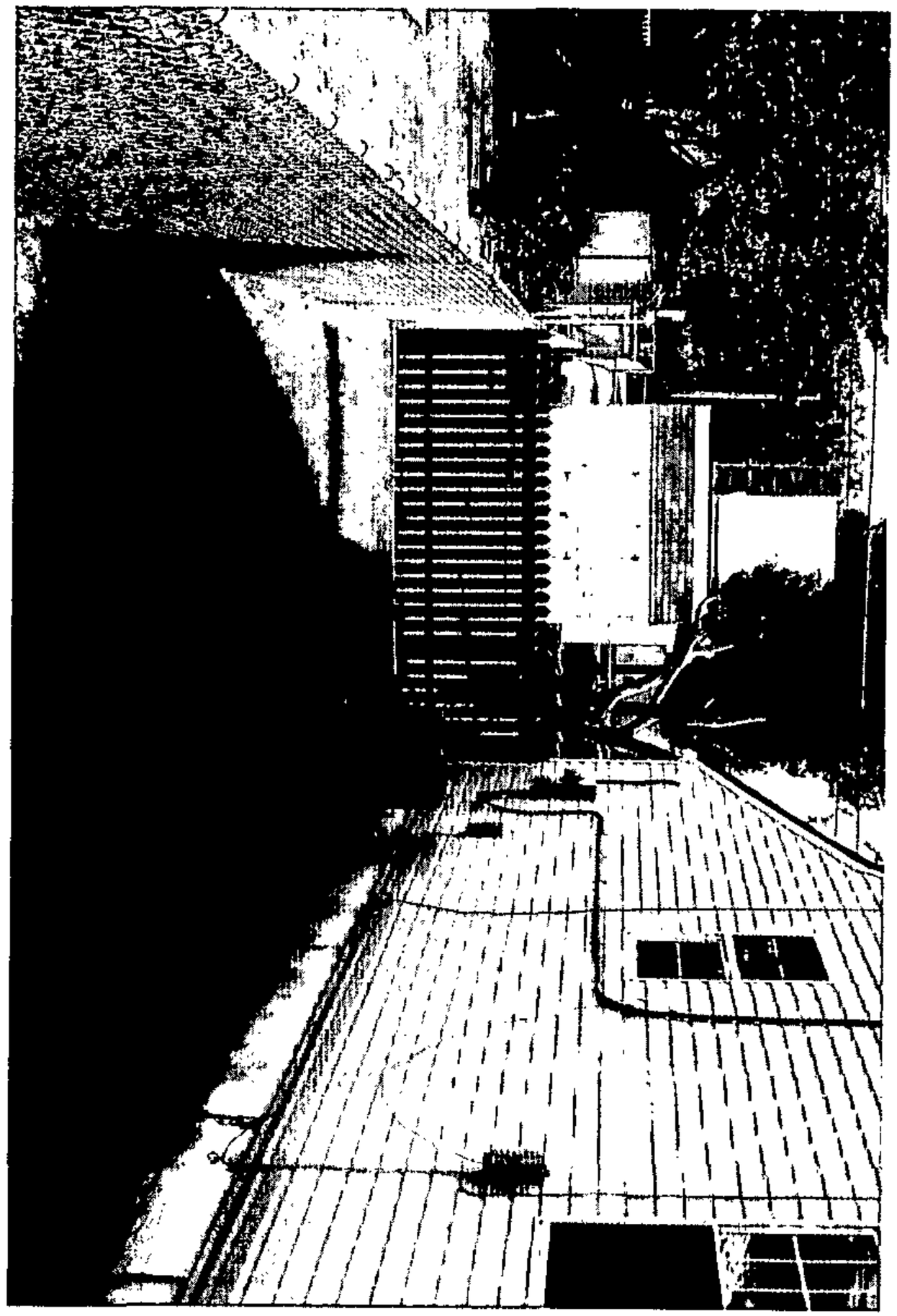
PRIOR ZONING HEARING NONE

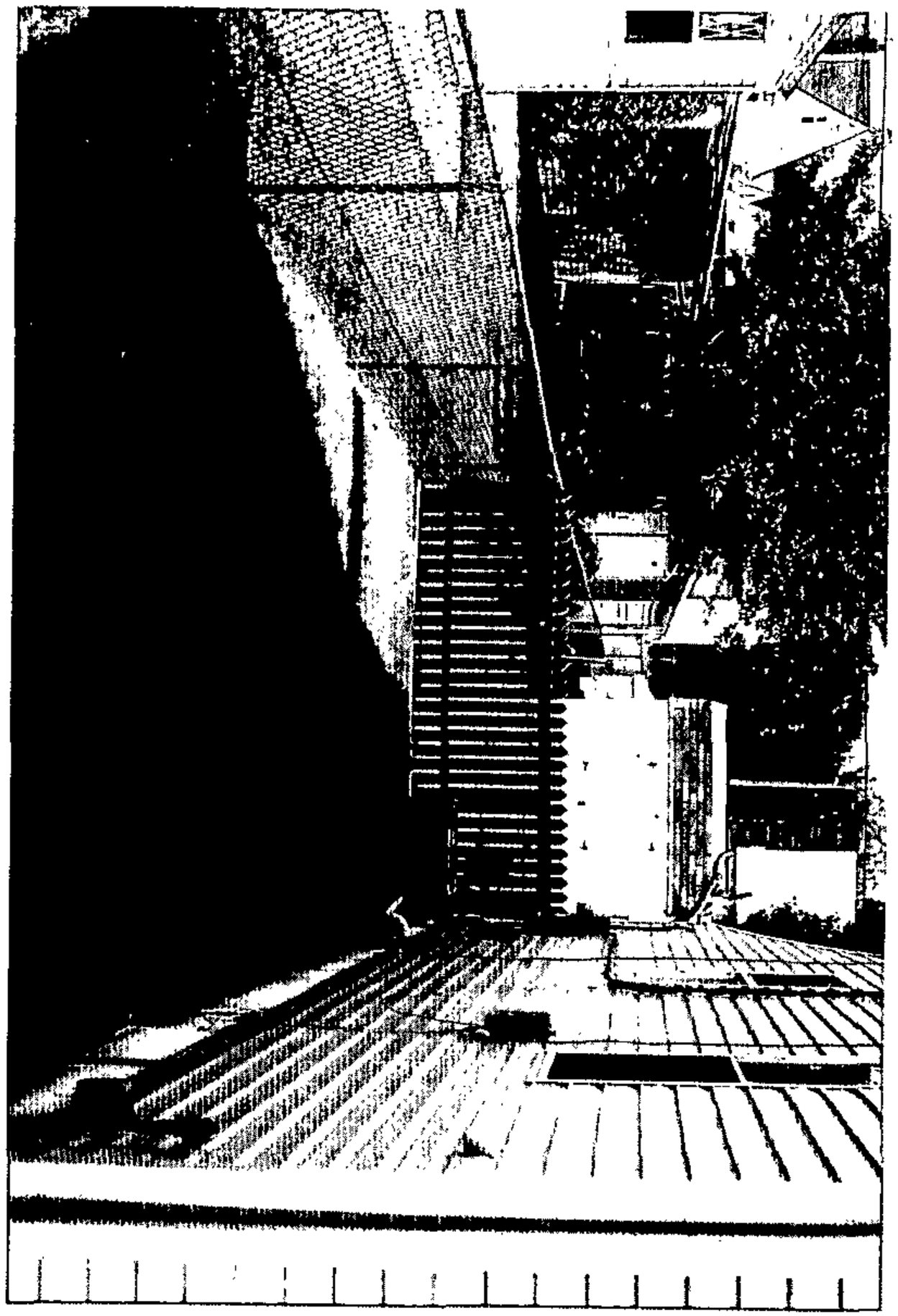
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D.T.	108	08-108-A

PREPARED BY T.L.

SCALE 1" = 30'





08-108-A