IN RE: PETITION FOR ADMIN. VARIANCE

N side of Brandy Springs Road, 900 feet

+/- W of c/l of Masemore Road

7<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

(1212 Brandy Springs Road)

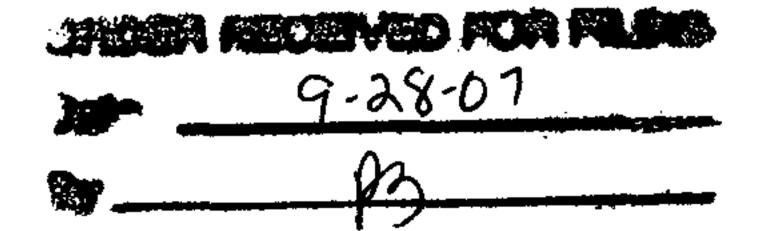
Mark Alexander and Elizabeth Pearce Hochstein Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 08-111-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, Mark Alexander and Elizabeth Pearce Hochstein for property located at 1212 Brandy Springs Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage to be located in the side yard with a height of 22 feet in lieu of the required rear yard and permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that due to the sloping terrain, septic reserve area and underground propane tank, placing the garage in the rear yard is not practical. They wish to place the proposed two car garage in the side yard where it will be practical and most aesthetically pleasing. The proposed garage will blend architecturally with the existing residence which will require the roof pitch to exceed 15 feet. The property contains 3.89 acres zoned RC 2.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated September 21, 2007, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.



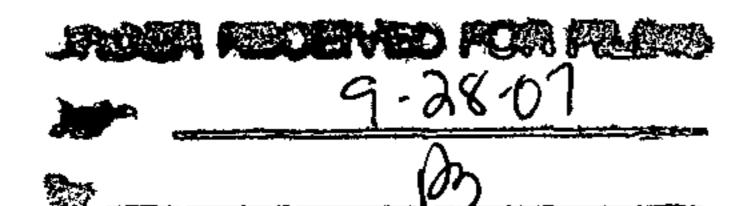
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 4, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage to be located in the side yard with a height of 22 feet in lieu of the required rear yard and permitted 15 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.
- 2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.



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 26, 2007

MARK ALEXANDER AND ELIZABETH PEARCE HOCHSTEIN 1212 BRANDY SPRINGS ROAD PARKTON MD 21120

> Re: Petition for Administrative Variance Case No. 08-111-A Property: 1212 Brandy Springs Road

Dear Mr. and Mrs. Hochstein:

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,

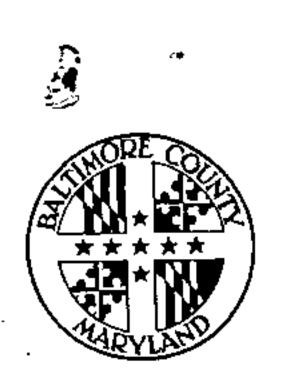
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 1212 BRANDY SPRINGS RD, PARKTON, MD which is presently zoned \_\_\_\_\_ RCZ\_

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A DETACHED GAR	AGE TO BE	LOCATED, IN	THE	SIDEMARD
WITH A HEIGHT	OF 22 H.	IN LIEU OF	THE R	2EQJIRED
REAR MARD ANS				
of the zoning regulations of Baltimore of this petition form.	County, to the zoning lav	v of Baltimore County, for th	ne reasons indic	ated on the back
Property is to be posted and advertised I, or we, agree to pay expenses of above V regulations and restrictions of Baltimore Co	/ariance, advertising, posti	ng, etc. and further agree to a	ind are to be boui county.	nded by the zoning
	•	I/We do solemnly declare a perjury, that I/we are the le- is the subject of this Petitio	gal owner(s) of th	the penalties of e property which
Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print		MARK ALEXANOGA Name - Type or Print	HOCHSTEIN	
Signature		Signature EL12ABETH PEARC	6 HOCUSTON	<del></del>
Address	Telephone No.	Name - Type or Print	<u> </u>	<u> </u>
City State	Zip Code	Signature	<del></del>	- · · · · · · · · · · · · · · · · · · ·
Attorney For Petitioner:		1212 BRAWDY SF Address PARKTON	RINGS RD MD	(443) 212-5137 Telephone No. 21120
Name - Type or Print	<del></del>	City	State	Zip Code
		Representative to be	Contacted:	
Signature		\		
Company	<u></u>	Name	+M-C	
Address	Telephone No.	Address	<u> </u>	Telephone No.
City	Zip Code	City City	State	Zip Code
A Public Hearing having been formally demathis day of, regulations of Baltimore County and that the pro	that the subject matter of this	s petition be set for a public heari	ng, advertised, as re	equired by the zoning
CASE NO. 08 - 111-1	A Revie	Zoning Commission	er of Baltimore Cou	nty 3:2407
REV 10/25/01	Estin	nated Posting Date	9-9.0	<u> </u>

# 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.

That the Affiant(s) does/do presently reside at	1212 BRANDY SPRINGS ROAD				
	Address	MD	21120		
	City	State	Zip Code		
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts up ip or practical difficulty	on which I/we base the requ y):	uest for an Administrative		
SEE ATTACHMENT#1					
That the Affiant(s) acknowledge(s) that if a fe	ormal damand is file	d Affiant(s) will be required	d to pay a reposting and		
advertising fee and may be required to provide	additional information		r to pay a reposting and		
2000	<u></u>	igabeth P. Hoch	stein		
Signature  MANK A. HOCHSTEIN  Name - Type or Print	•	ELIZABETH P. HOC			
Name - Type or Print	Nan -	ne - Type or Print			
STATE OF MARYLAND, COUNTY OF BALTIN			·		
I HEREBY CERTIFY, this 24 day of of Maryland, in and for the County aforesaid, pe			Notary Public of the State		
Mark Hochstein the Affiant(s) herein, personally known or satisfe	actorily identified to m	e as such Affiant(s).			
AS WITNESS my hand and Notarial Seal					
	Notary Pub	11/18/	12009		
DEV 40/25/04	My Commis	ssion Expires	<u> </u>		

REV 10/25/01

# Affidavit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

REV 10/25/01

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.

1212 BRANDY SPRINGS ROAD

	PARICTON	10	21120
<b>→</b>	City	State	Zip Code
That based upon personal knowledge, the Variance at the above address (indicate by	ne following are the facts un nardship or practical difficul	pon which I/we base the req ty):	uest for an Administrative
SEE ATTACHMENT #1			
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That the Affiant(s) acknowledge(s) that advertising fee and may be required to pro-	if a formal demand is file rovide additional information	ed, Affiant(s) will be required	d to pay a reposting and
200	<u> </u>	lisabeth P. Hoch	stein
Signature	•	_	
MARK A. HOCHSTEN		ELIZABETH P. HOCHS	TEN
		•	
STATE OF MARYLAND, COUNTY OF			
of Maryland, in and for the County afores	aid, personally appeared	, <u>760 7</u> , before me, a	Notary Public of the State
Mark Hochstein and			
the Affiant(s) herein, personally known or	r satisfactorily identified to r	ne as such Affiant(s).	
AS WITNESS my hand and Notarial Sea	TO THE	1. In	
	Notary Pul My Comm	ission Expires	12009





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	1212 BRANDY SPRINGS RD.	PARKTON, MC
	h is presently zoned <u>RCZ</u>	<u></u>

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

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) 400.1 \$ 400.3; BCZR, TO PERMIT

A DETACHED GARAGE TO BE LOCATED IN THE SIDEYARD WITH A HEIGHT OF ZZFT.

IN LIEU OF THE REQUIRED REAR YARD AND PERMITTED ISFT.

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.

			perjury, that I/we are the I is the subject of this Petiti		he property which
Contract Purchaser/Lessee:			Legal Owner(s):		
Name - Type or Print	<u>,                                    </u>	<u> </u>	MARK ALEXANDER Name Type or Print	HOCKSTEIN	
Signature			Signature ELIZABETH PEAR	CE HOCHSTEIN	J
Address		Telephone No.	Name - Type or Print		<u> </u>
City	State	Zip Code	Signature		· · · ·
Attorney For Petitione	<u>r:</u>		1212 BRANDY SPA Address PARKTON	rings RD MD	(443) 212-5137 Telephone No. 21120
Name - Type or Print	<u> </u>	<del></del>	City	State	Zip Code
Signature	·		Representative to b	e Contacted:	<u> </u>
Address		Telephone No.	Address	HUN	Telephone No.
City	State	Zip Code	City City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County a	. tha	at the subject matter (	be required, it is ordered by the Z of this petition be selver a public hea	ring, advertised, as	required by the zoning
CASE NO.	- \ \ \ - \ \ - \ \ \ - \ \ \ \ - \		Zoning Commission	Date	-29.07
REV 10/25/01	9-28-0	Of Flater E	stimated Posting Date	9.9.0	

#### Attachment #1 for Administrative Variance for 1212 Brandy Springs Rd

Due to the sloping terrain, septic reserve area and underground propane tank behind the existing house, placing the structure completely behind the house is not practical. We are requesting to place the structure where it is both practical and most aesthetically pleasing.

In addition, it is our intention for this structure to blend architecturally with the existing residence requiring a pitch on the roof of the structure that will exceed 15'.

#### ZONING DESCRIPTION #1212 BRANDY SPRINGS ROAD PARKTON MD 21120

BEGINNING at a point on the north side of Brandy Springs Road which is 50 feet wide at the distance of 900 feet west of the centerline of Masemore Road which is 40 feet wide thence by a curve to the right radius 687.50', ARC = 335.02', thence N 44° 15' 32" E, 413.37'; thence N 80° 10' 30" E, 417.00; thence S 6° 00' 00" E, 228.66'; thence N 37° 51' 44" W, 337.66'; S 18° 56' 20" W, 359.28; S 18° 56' 20" W, 12.53', containing 3.89 acres, more or less. Also being known as 1212 Brandy Springs Road and located in the 7<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

MOF MACHINE OF MACHINE

Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 410.828.9060

File: 1212 Brandy Springs Rd.doc\'07 zoning

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### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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Conta	ict Person: _		Please Print Your N			Phone Number	er: 410-887	7-3391
Filing	Date:	3/29/07		4	9/9	Closing I	Date: 9	124
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2.	a formal re	The closing of quest for a public hearing	ublic hearing.	Please u	inderstand	or owner within that even if the closing date.	1,000 feet ere is no	to file formal
3.	commission order that to (typically with	er. He may: he matter be hin 7 to 10 day	(a) grant the set in for a ys of the clos	requested public hea ing date) as	relief; (b) or ring. You sto whether	the zoning the request will receive were the petition has you by First Cl	sted relief; ritten notifi as been gr	or (c) ication
<b>4</b> .	(whether du commission changed giv	ie to a neighb er), notification ing notice of th	or's formal r n will be forw ne hearing da	request or varded to te, time and	by order or you. The discription is described by the description of th	that must go to find the zoning of sign on the parties of the start that sign must be seen	or deputy a property mu ign was orion	zoning ust be ginally
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Petitio	ner's Name	MARK H	ochstein	<u> </u>	T	elephone	<del></del>	
Postir	ng Date:	9 9 0 A UAZIANI	<u></u>	Clos	sing Date:	9/24	4/07	
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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.

	per or Case Number: 08-111-A	
	MARIC HOCHSTEIN	
Address or	Location: 1212 BRANDY SPRINGS RD, PARKTON, MO 2	1120
PLEASE FO	ORWARD ADVERTISING BILL TO:	
<i>-</i> 144.000	AMA	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 24, 2007

Mark Alexander Hochstein Elizabeth Pearce Hochstein 1212 Brandy Springs Road Parkton, MD 21120

Dear Mr. and Mrs. Hochstein:

RE: Case Number: 08-111-A, 1212 Brandy Springs 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 29, 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,

u. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

## 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: September 21, 2007

IECZIVE SEP 2 1 2007

BY:\_\_\_\_

SUBJECT: 8-111- Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Jessie Bailek at 410-887-3480.

Reviewed by:

AFK/LL: CM



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

istration Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: SEPT. 11,2007

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

RE: Baltimore County

Item No. 8-111-A

1212 BRANDY SPRINGS RD.

John D. Porcari, Secretary

HOCHSTEIN PROPERTY

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. 8-111-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,

Constant Steven D. Foster, Chief | Steven D.

Division

SDF/MB

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 17, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennédy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 17, 2007

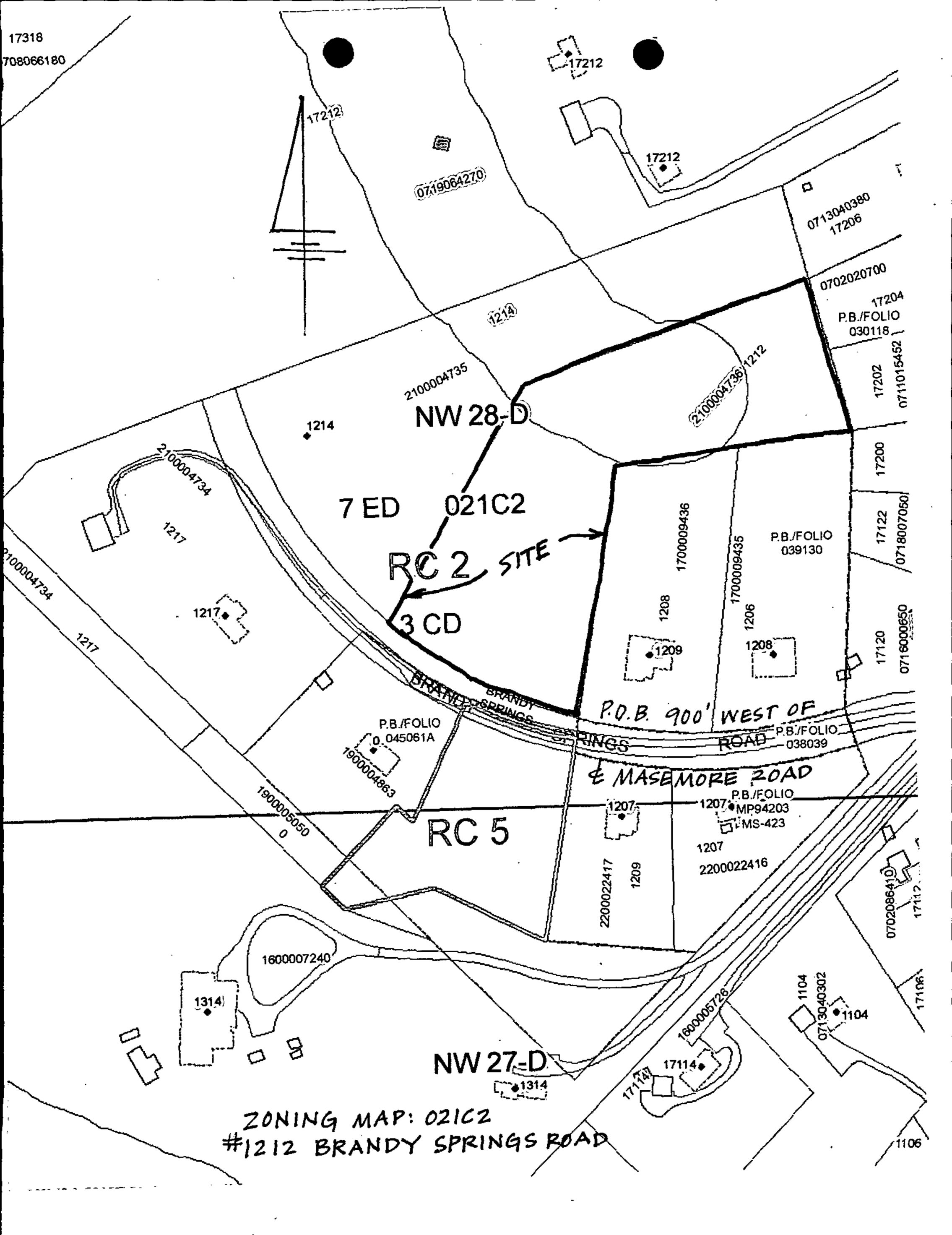
Item Nos. 08-069, 082, 105, 106, 107, 108, 109, 111, 113, 114, 115, 117, 118, 119, 120, 122 and 123

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

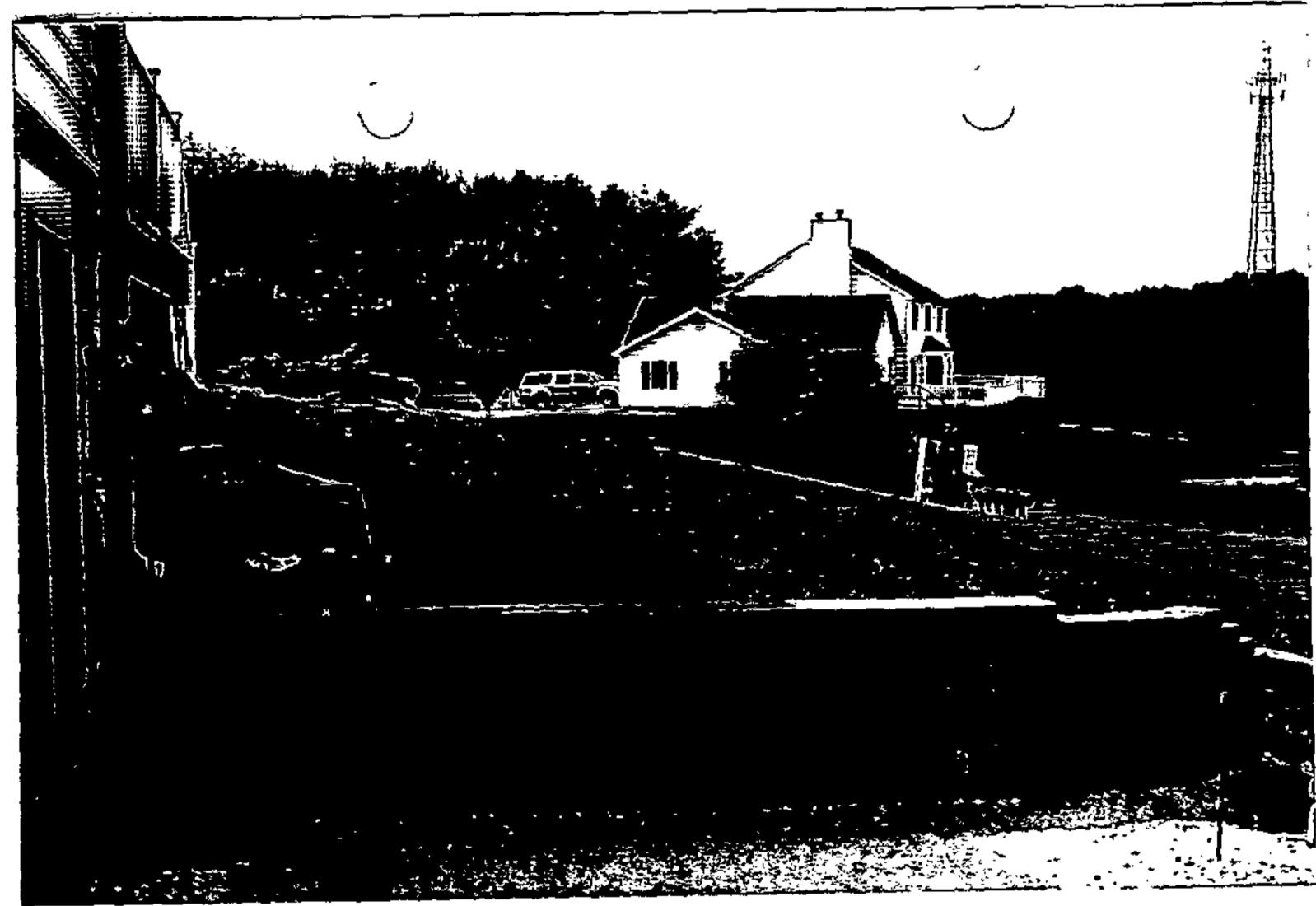
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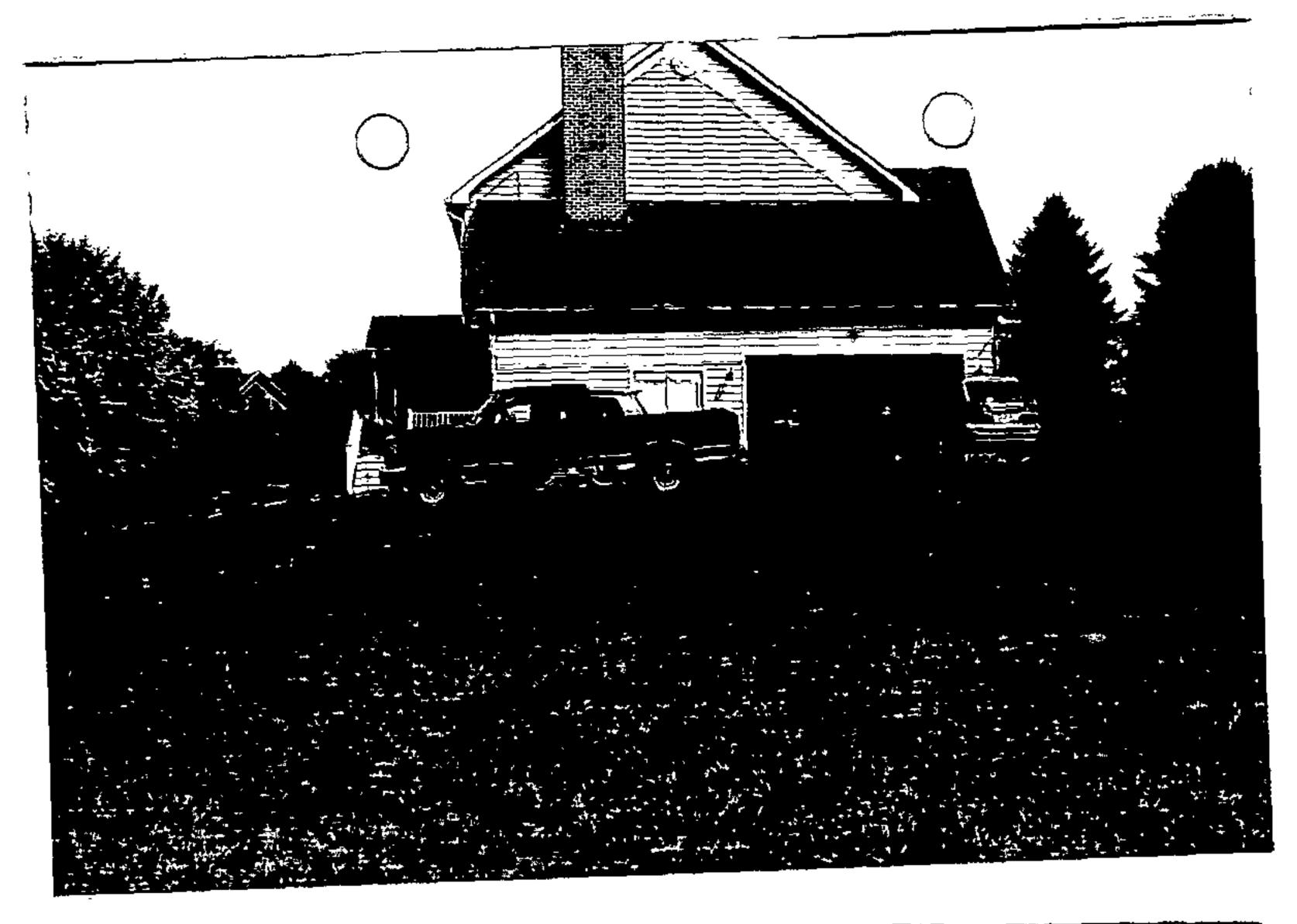
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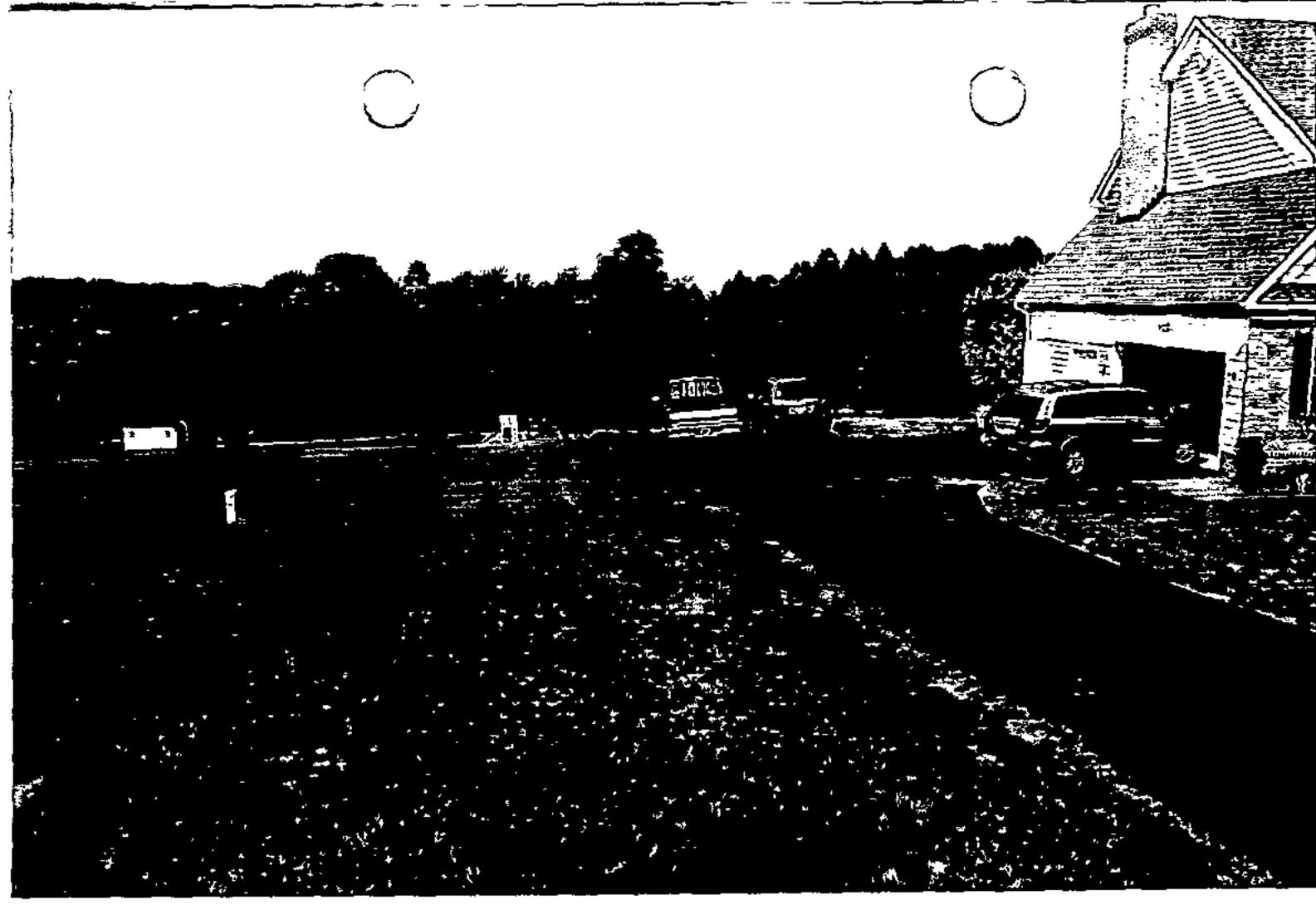
ZAC-NO COMMENTS- 09172007.doc



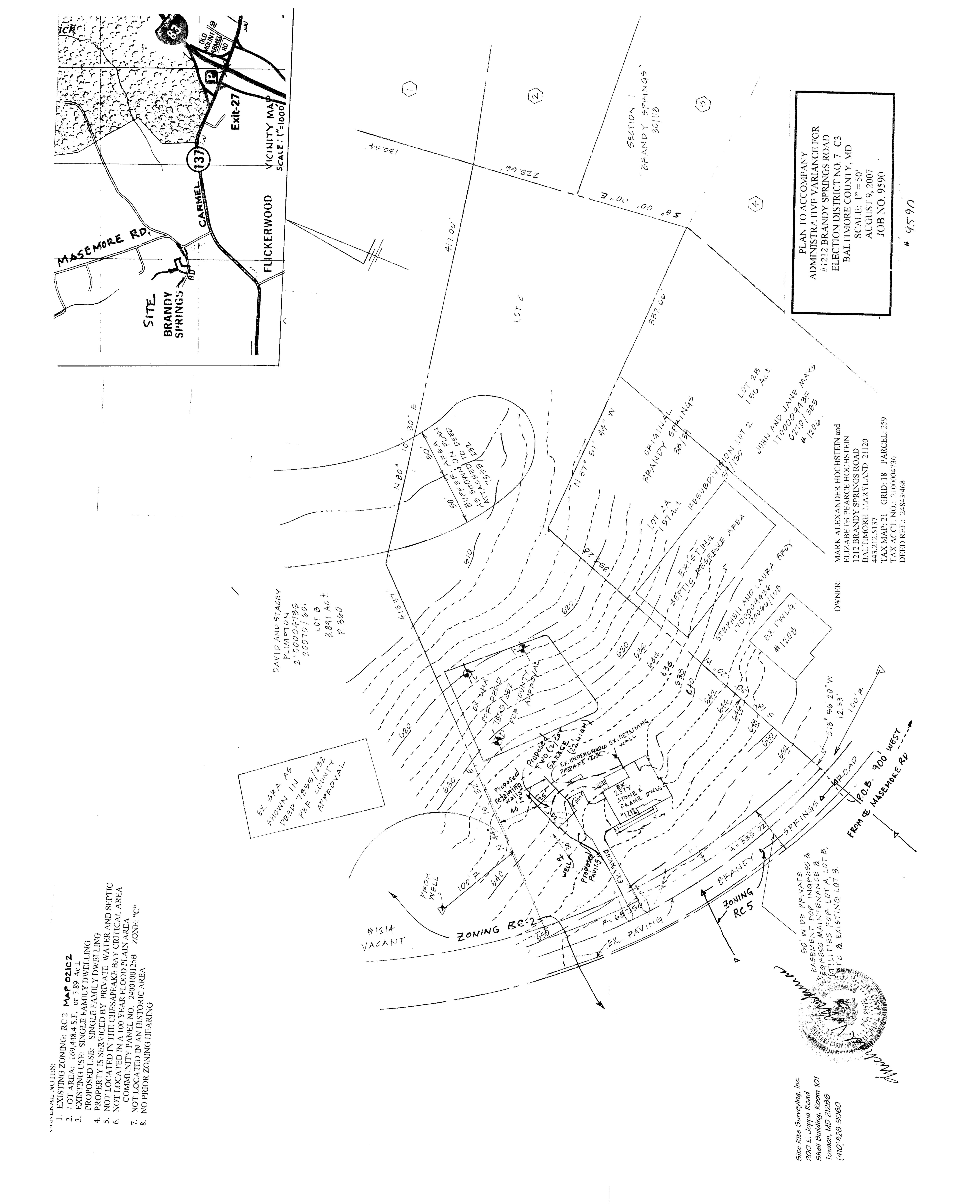


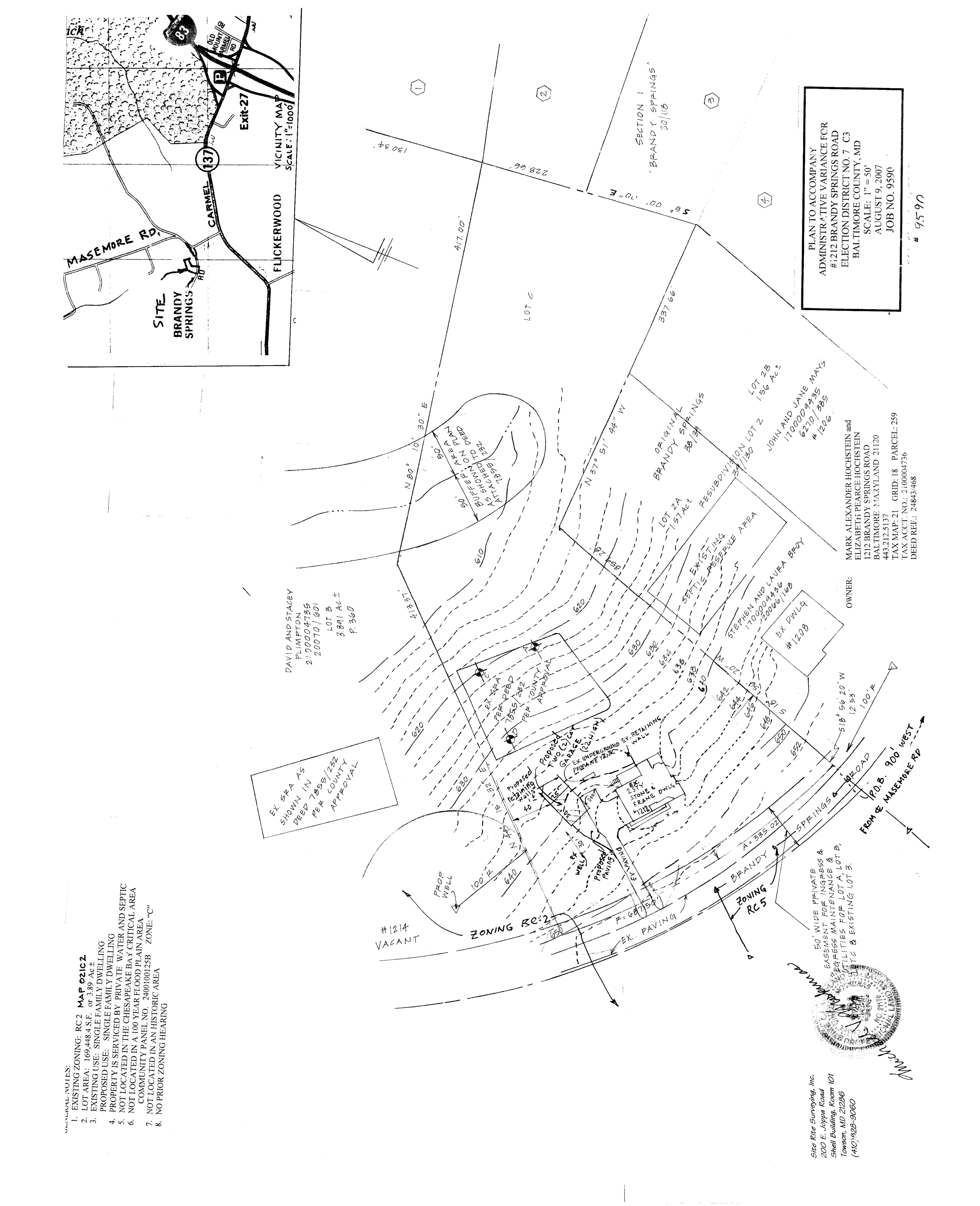


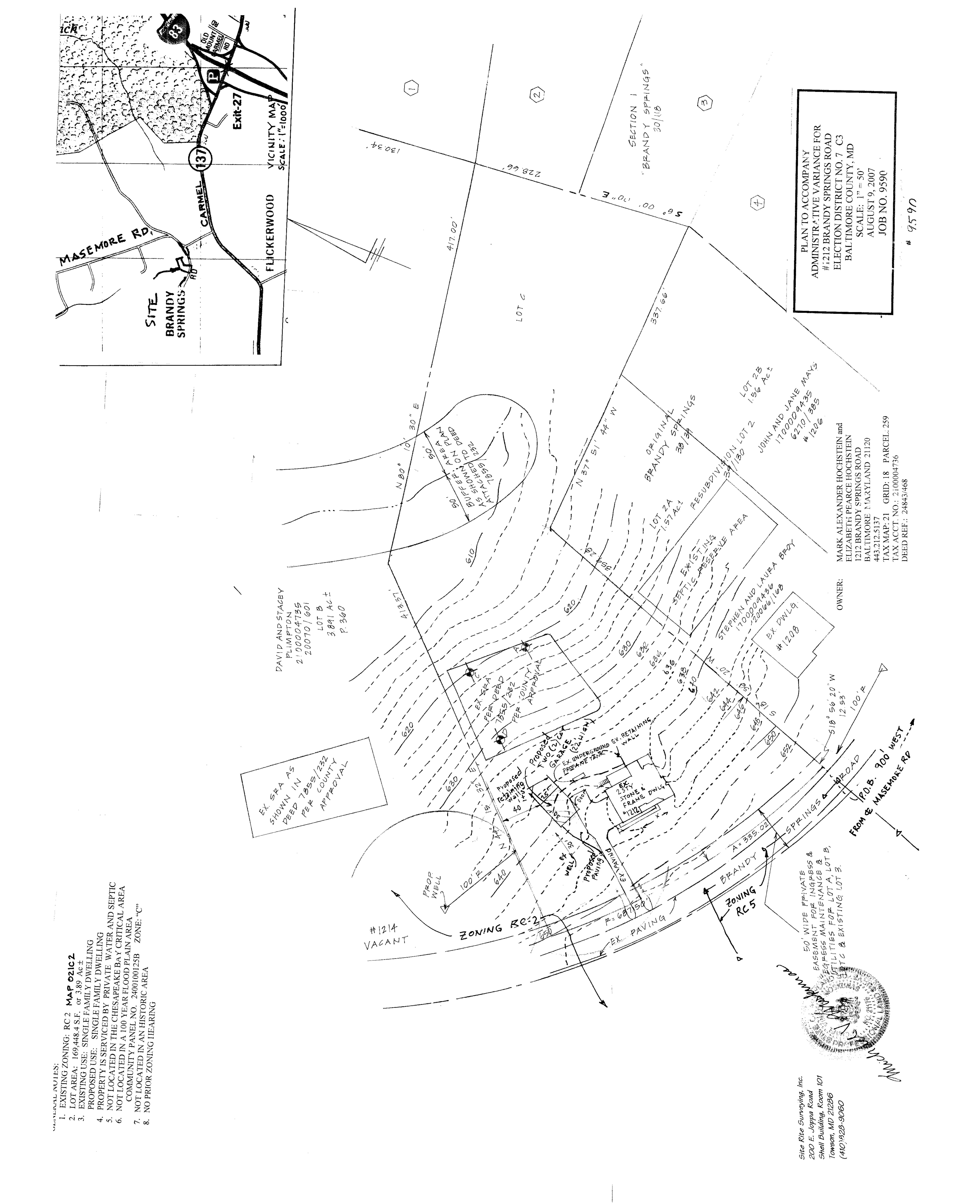












# **CERTIFICATE OF POSTING**

ATTENTION: KRISTEN MATTHEWS

DATE: <u>09/06/07</u>

Case Number: <u>08-111-A</u>

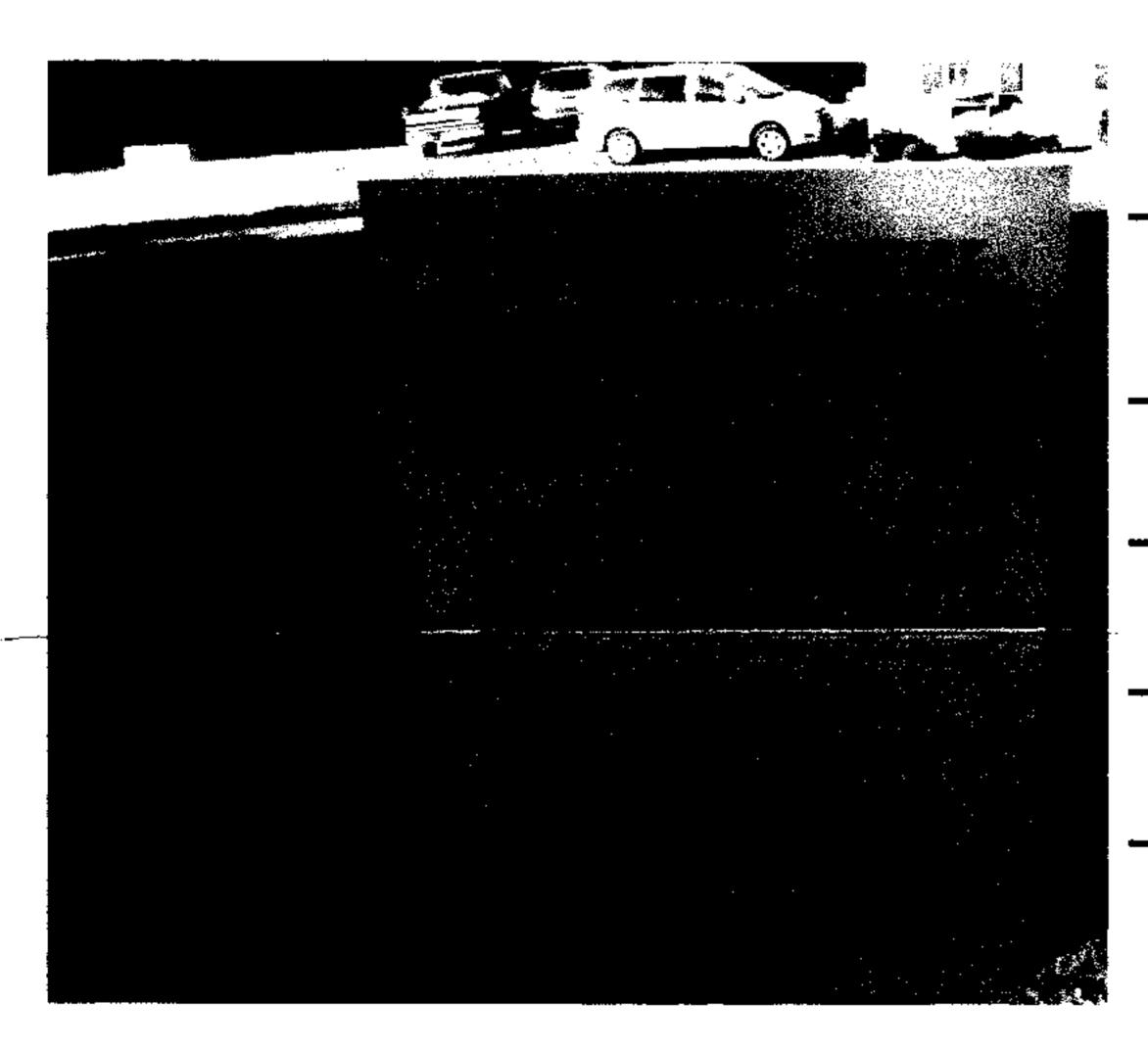
Petitioner / Developer: MARK HOCHSTEIN

Date of Hearing (Closing): SEPTEMBER 24, 2007

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: 1212 BRANDY SPRINGS ROAD

TETEDIAMINET STRINGS RUMD

The sign(s) were posted on: 09/04/07



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)