IN RE: PETITION FOR ADMIN. VARIANCE

S side of Overbrook Road, 48 feet +/- W of c/l of Sharon Street 9th Election District 5th Councilmanic District (1029 Overbrook Road)

Michael W. McKee and Lorraine C. Trusheim *Petitioners*

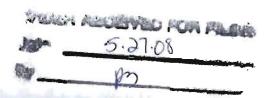
- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-501-A

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, Michael W. McKee and Lorraine C. Trusheim for property located at 1029 Overbrook Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear setback of 25 feet in lieu of the required 30 feet and a side yard setback of 7 feet in lieu of the required 10 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners desire to construct a one-story addition of 540 square feet onto the back of their home to accommodate an 81 year old widowed mother who is moving in with them. The addition will be flush with the sidewalls of the home. The home is located on the corner of Overbrook Road and Sharon 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 May 4, 2008 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 Petitioners.

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.

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.

Deputy Zoning Commissioner

THB:pz for Baltimore County

5.27.08

2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 27, 2008

MICHAEL W. MCKEE AND LORRAINE C. TRUSHEIM 1029 OVERBROOK ROAD BALTIMORE MD 21239

Re: Petition for Administrative Variance

Case No. 08-501-A

Property: 1029 Overbrook Road

Dear Mr. McKee and Ms. Trusheim:

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,

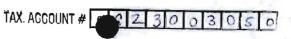
THOMAS H. BOSTWICK

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 1029 Overbrook Rd. Balt.MD 21239 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 of	lat attached horoto and
made a part hereof, hereby petition for a Variance from Section(s) 1802 3 C 1 8C 2 8	TA.

PERMIT A REAR SETBACK OF 25 FT. IN LIEU OF THE REQURED 30 FT. AND A SIDEYARD SETBACK OF 7 FT. IN LIEU OF THE REQURED 10FT. FOR AN ADDITION.

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.

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- ppu spirani sagira s			I/We do solemnly declar	re and affirm, under	the penalties of
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Contract Purchaser/	Lessee:		Legal Owner(s):		
			Michael W. Mcl	Kee + Lorra	ine C. Trushe
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Signature			Signature C.	Trusheim	-7.4
Address		Telephone No.	Name - Type or Print	C. Tushe	·····
City	State	Zip Code	Signature		
Attorney For Petition	ier:		1029 Overbro	ook Rd. 4	40-372-0344
			Address Baltimore	MD	Telephone No. 21239
Name - Type or Print			City	State	Zip Code
			Representative to	be Contacted:	
Signature			Lorvaine (heim
Company			Name		
Address		Telephone No.	1029 Overbro	UR 1201. 110	Telephone No.
7 (4.4.1.0.0.0		,	Baltimore City	MD	21239
City	State	Zip Code	City	State	Zip Code
	en formally deman	ided and/or found to be	required, it is ordered by the	Zoning Commissione	r of Baltimore County.
this day of regulations of Baltimore Count	v and that the prope	hat the subject malter of erty be reposted.	this petition be set for a public he	earing, advertised, as	required by the zoning
again and an analysis of the same	, ,	,		3.7	
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			Zoning Commiss	ioner of Baltimore Co	unty
CASE NO. 200			viewed By	Date <u>4</u>	24.08
REV 10/25/01	o medicity was	PUR PUR Est	imated Posting Date	5.	4.08
	5.27.0	280			

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	1029	Overbrook	Rd.
	Address Baltimore	Overbrook MD	Z/239 Zip Code
That based upon personal knowledge, the follo /ariance at the above address (indicate hardshi			
We are planning for my 81-year old wide in York, PA into a first floor in-law suite slowing down and requires assistance wir plan for this to be a long-term care option possible. The move will be stressful and for example, her bedroom suite she has u mother's essential belongings and we nee addition. We will also be sharing a kitch accommodate everyone's needs. This im- value to the neighborhood. Furthermore, such an improvement to our home will me	(540 sq.ft.) in our heth daily living. Our new so that my mother it is vital for her to used since 1950. Our ed to expand the fooden and our current gaprovement will add, many people with a	ome. My mother is family is supportive will not have to ente be surrounded by a procurrent home does t print of our house calley kitchen needs value to our propertinging parents have to	still independent, but of this venture and we er a facility if at all portion of her belongings, not accommodate my by adding a first floor to be expanded to ty and subsequently add of explore these options and
hat the Affiant(s) acknowledge(s) that if a fo dvertising fee and may be required to provide a Michael W. M. Kel	additional information. Signa	Lorraine C.	quired to pay a reposting and Anskeyn Trusheim
ame - Type or Print	Name	e - Type or Print	
HEREBY CERTIFY, this 23 day of Art Maryland, in and for the County aforesaid, per	rsonally appeared	, <u>2008</u> , before r	ne, a Notary Public of the Sta
Michael W. McLee Cond of he Affiant(s) herein, personally known or satisfa		e as such Affiant(s).	-
AS WITNESS my hand and Notarial Seal		·	181
	Notary Publi My Commiss	luger wany	responent Nicoli

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That the Affiant(s) does/do presently reside at 1029 Overbrook Rd

Baltimore

MD

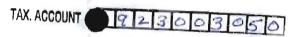
21239

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):

We are planning for my 81-year old widowed mother to move from a two-story condominium (1200 sq.ft.) in York, PA into a first floor in-law suite (540 sq.ft.) in our home. My mother is still independent, but slowing down and requires assistance with daily living. Our family is supportive of this venture and we plan for this to be a long-term care option so that my mother will not have to enter a facility if at all possible. The move will be stressful and it is vital for her to be surrounded by a portion of her belongings, for example, her bedroom suite she has used since 1950. Our current home does not accommodate my mother's essential belongings and we need to expand the foot print of our house by adding a first floor addition. We will also be sharing a kitchen and our current galley kitchen needs to be expanded to accommodate everyone's needs. This improvement will add value to our property and subsequently add value to the neighborhood. Furthermore, many people with aging parents have to explore these options and such an improvement to our home will make it attractive in the distant future to another home buyer.

That the Affiant(s) acknowledge(s) that if a formal cadvertising fee and may be required to provide addition	demand is filed, Affiant(s) will be required to pay a reposting and hal information.
Muhachtehee mm.	Joraine C. Tusheim
Name - Type or Print Name - Type or Print	Lorraine C. Trusheim Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE,	0.4.6
of Maryland, in and for the County aforesaid, personally the Affiant(s) herein, personally known or satisfactorily	oxiaire C. /WShein
AS WITNESS my hand and Notarial Seal	h
	Notary Public Project 1/29/09 Vieckin

REV 10/25/01





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1029 Overbrook Rd. Balt. MD 21231 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 de-	escribed in the description and plat attached hereto and
made a part hereof, hereby petition for a Variance from Section(s)	1802,3, C.1; BCZR, TO

PERMIT A REAR SETBACK OF 25ft IN LIEU OF THE REQUIRED 30ft. AND A SIDEYARD SETBACK OF 7ft.
IN LIEU OF THE REQUIRED 10ft FOR AN ADDITION

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.

cha tal or c lan om som	13		I/We do solemnly declare perjury, that I/we are the I is the subject of this Petiti	legal owner(s) of the	he penalties of e property which
Contract Purchaser/L			<u>Legal Owner(s):</u> Michael W. 1	Mc Kee	PT = 1462
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Signature			Signature Lorraine C.	Trusheim	
Address		Telephone No.	Name - Type or Print C.	. Inshein	7
City	State	Zip Code	Signature	1 01	
Attorney For Petition	e <i>r:</i>	•		rook Rd.	410-372-034
			Address Baltimore	MD	Telephone No. 21239
Name - Type or Print		_	City	State	Zip Code
			Representative to b	e Contacted:	
Signature			Lorraine (Lor	i) Trushe	eim
Company			Name 1029 Overbro	ok Rd. 41	0-372-0344
Address		Telephone No.	Address Baltimore	MU	Telephone No. 2/239
City	State	Zip Code	City	State	Zip Code
this day of regulations of Baltimore County	and that the property	the subject matter of be reposted.	required, it is ordered by the Zoning Commission	oning Commissioner ring, advertised, as re oner of Baltimore Cou	equired by the zoning
CASE NO. 200	8- 0501	-# Rev	riewed By	_ Date	CTOS
REV 10/25/01	5.27.0	. Est	imated Posting Date	5.4.08	, 44 2

ZONING DESCRIPTION

ZONING DESCRIPTION for 1029 Overbrook Road, Baltimore, MD 21239. Beginning at a point on the south side of Overbrook Road, which is 17 feet wide at the distance of 48 feet west of the centerline of the nearest improved intersecting street Sharon, which is 17 feet wide. Being Lot# 338,339, Block NE7, Section #080B1 in the subdivision of Idlewylde as recorded in Baltimore County Plat Book#7, Folio#140, containing 0.137 acres. Also known as 1029 Overbrook Road and located in the 9th Election District, 5th Councilmanic District.

OFFICE	OF BUI	DUNTY, DGET AI US REC	ND FINA				No.	4.24-	PAID RECEIPT MISTHESS ACTION. TIME HAW PAYZOON 1/24/2008 07:25:05 0
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For: DISTRIBL		3-90	PINK - A	GENCY			YELLOW	CUSTOMER	CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 2008 -0501-71

Petitioner/Developer: M. MCKEE

Date of Hearing/Closing: 5-19-08

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

ATTN: Kiristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

Sincerely,



(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)

ZONING REVIEW ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 0501 -A Address 1029 Overbrock Rol.
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 4-24-08 Posting Date: 5-4-08 Closing Date: 5-19-08
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.
2. <u>DEADLINE</u> : 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 08-0501 -A , Address 1029 OverBrockKd.
Petitioner's Name M. McKee Telephone 416-372-0344
Posting Date: 5-19-08 Closing Date: 5-19-08
Vording for Sign: To Permit A PEH24HZN SETBACK of 25+1
(ASS) IN LIEU OF THE RESURED 30+T. AND A
SWEYARD SETBACK of 7+7 IN LIEU OF THE
REQUIRED LOTT TOR AN HADRITION.
WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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 Newspaper Advertising:
retitioner: Michael McKee
Address or Location: 1029 OUEZBROOK Kd. KALTO-Wol. 21230
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
elephone Number: 410 - 37 2 - 03 44

Revised 2/20/98 - SCJ



JAMES T. SMITH, JR.

County Executive
Michaael W. Mc Kee & Lorraine C. Trusheim
1029 Overbrook Rd.
Baltimore, MD 21239

TIMOTHY M. KOTROCO, Director Department DyPermit and Development Management

Dear Michaael W. Mc Kee & Lorraine C. Trusheim:

RE: Case Number: 2008-0501-A, Address: 1029 Overbrook Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 2008. 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

Lorraine Trusheim: 1029 Overbrook Rd., Baltimore, MD 21239



Martin O'Malley, Governor Anthony G Brown. Li Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 30, ZOOB

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

RE: **Baltimore** County Item No. 8-501.-A

1029 CHERBROOK ROAD MCKEER TRUSHEIM 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. 8-501A.

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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 1, 2008

Department of Permits &

Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 5, 2008

Item Nos. 08-489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501

502, and 503.

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

DAK:CEN:lrk cc: File

ZAC-5012008-NO COMMENTS

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: May 2, 2008



BY:____

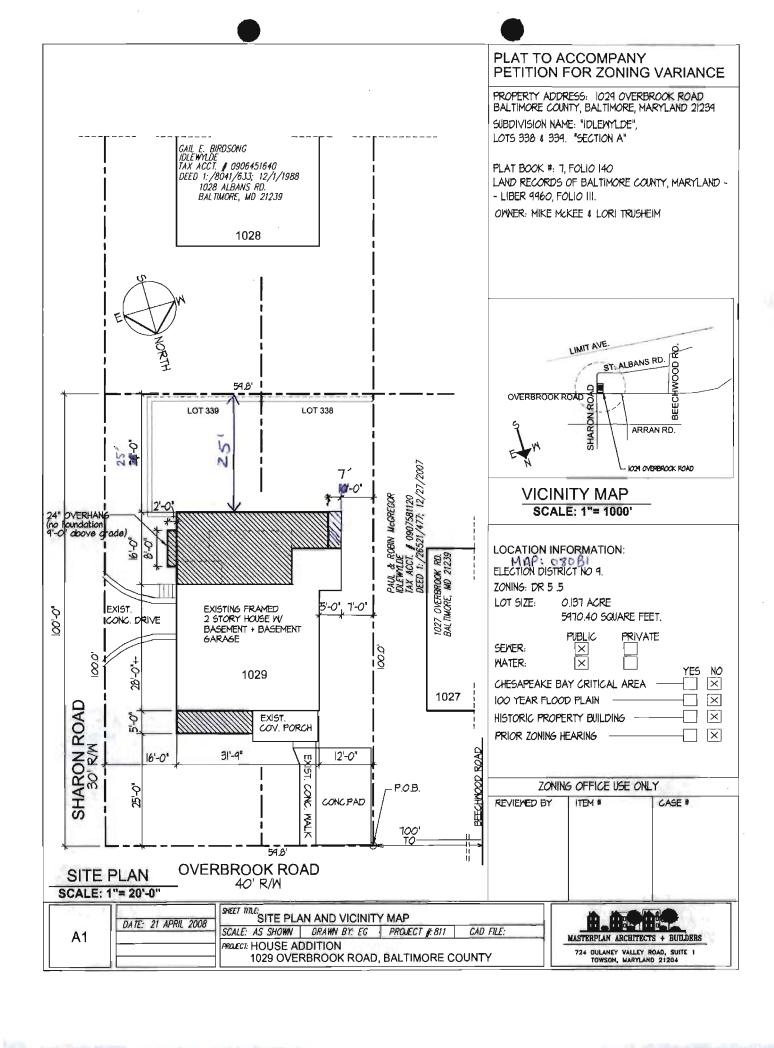
SUBJECT: Zoning Advisory Petition(s): Case(s) 08-501- Administrative Variance

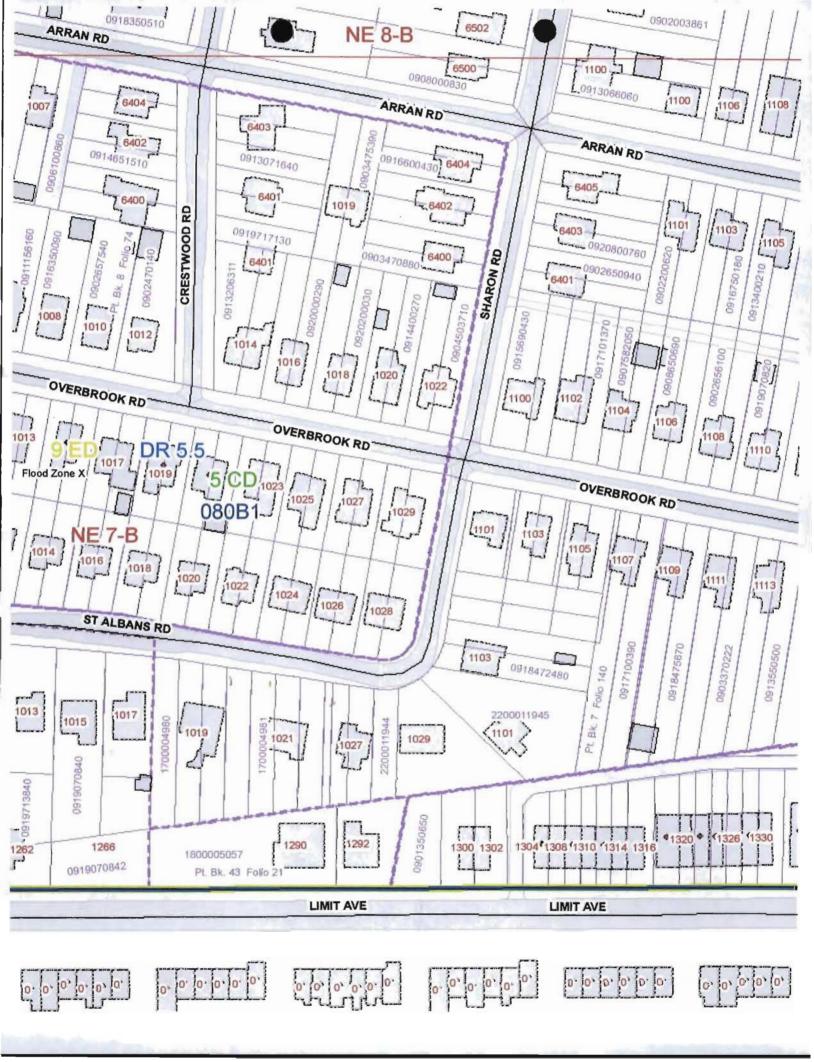
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:

CM/LL





Case # 2008-0501-A 1029 Overbook Red Baltmore MD 21239

Mckee Trusheim





1029 Overbrook Rd Bultimor no 21239

Mckee & Tusheim

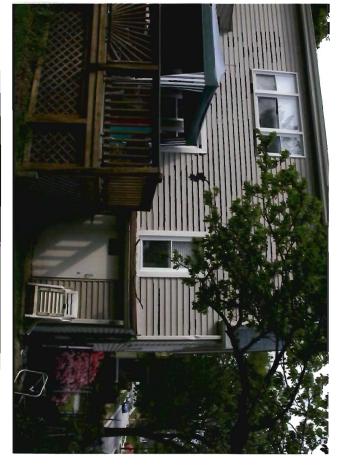


Case# 2008-0501-A McKeet Trusheim

1027 Overbrook Rd Baitman MD 21239

Case # 2003 - 0501 - A 1029 ON Book Rd Battimore Mg 21239

Mckee & Trustein



Side

To Whan It May Concern, fle (Cax# 2008-0501-A) if there are any questions is problems. We can be reached at 410-372-0344 Please add these photographs to our Trank You Very Much, LORI TRUSHEIM Loi Inshem Baltimore MD 21239 1029 Overbrook Rd