ate 10 - 3s - og

IN RE: PETITION FOR ADMIN. VARIANCE *

N side Hilltop Acres Road, 100 feet E

c/l Silver Knoll Drive

11th Election District

5th Councilmanic District

(5002 Hilltop Acres Road)

Thomas and Marsha Brett Petitioners BEFORE THE

DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

* Case No. 2009-0089-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, Thomas and Marsha Brett for property located at 5002 Hilltop Acres Road. The variance request is from Sections 1B02.3.B and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have a window to property line setback of 11 feet in lieu of the required 15 feet, and to amend the Final Development Plan of Hilltop Acres, Lot 4. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a new sunroom (10 feet x 13 feet) on rear of present dwelling to replace an existing sunroom (12 feet x 10 feet). According to the site plan and Petitioners, the newly constructed sunroom will be supported by the existing deck (approximately 13 feet x 16 feet) that will be reinforced to support both the sunroom and a future hot tub.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 12, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

20 - 30 - 08 10 - 30 - 08 The Petitioner has 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 October, 2008 that a Variance from Sections 1B02.3.B and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have a window to property line setback of 11 feet in lieu of the required 15 feet, and to amend the Final Development Plan of Hilltop Acres, Lot 4, 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.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:dlw



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 30, 2008

Thomas and Marsha Brett 5002 Hilltop Road Baltimore, Maryland 21128

Re: **PETITION FOR ADMIN. VARIANCE**

N side Hilltop Acres Road, 100 feet E c/l Silver Knoll Drive

11th Election District - 5th Councilmanic District

(5002 Hilltop Acres Road)

Thomas and Marsha Brett - Petitioners

Case No. 2009-0089-A

Dear Mr. and Mrs. Brett:

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:dlw Enclosure

c: David McMahan, 7110 Golden Ring Road, Baltimore, MD 21221 People's Counsel; File



Tetition for Adminierative Variance to the Zoning Commissioner of Baltimore County

	to the Zoning Commissioner of Baltimore County
THRYLAND	for the property located at5002 Hilltop Acres Rd
	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 plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) IBOZ, 3, B \$ 504, Z (BCZR) TO PERMIT A WINDOW TO PROPERTY-LINE SETBACK OF 11 ft. for A SUNROOM IN LIEU of THE RESURED 15 ft, AND TO AMEND THE FOR OF HILLTOP ACRES".

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.

Thomas Brett e Type or Print Marsha Brett e Type of Print ature 2 Hilltop Acres Rd (410) 931-1261 ess Telephone No. Baltimore MD 21128 State Zip Code
Marsha Brett e-Type of Print ature 22 Hilltop Acres Rd (410) 931-1261 ess Telephone No. Baltimore MD 21128 State Zip Code
Marsha Brett e-Type o Print ature 22 Hilltop Acres Rd (410) 931-1261 ess Telephone No. Baltimore MD 21128 State Zip Code
Marsha Bretit e-Type o Print ature 02 Hilltop Acres Rd (410) 931-1261 ess Telephone No. Baltimore MD 21128 State Zip Code
e-Type of Print ature 12 Hilltop Acres Rd (410) 931-1261 ess Telephone No. Baltimore MD 21128 State Zip Code
D2 Hilltop Acres Rd (410) 931-1261 ess Telephone No. Baltimore MD 21128 State Zip Code
ess Telephone No. Baltimore MD 21128 State Zip Code
State Zip Code
presentative to be Contacted:
avid McMahan
10 Golden Ring Rd (410)780-0062
ess Telephone No.
ltimore MD 21221
State Zip Code
Zoning Commissioner of Baltimore County Date 9/24(08) Posting Date (0/2/08)

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.

competent to testify thereto in the event that a p	oublic hearing is sche	duled in the future with rega	ird thereto.		
That the Affiant(s) does/do presently reside at	5002 Hillto	p Acres Rd			
•	Baltimore City	MD State	21128		
· a	City	State	Zip Code		
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	ip or practical difficult	y) :	quest for an Administrative		
We would like to construct a new parton the rear of our house. Our problethe required 15ft window to property	em is we cannot	meet			
have 11ft. We do have 45ft to next I then required for the 40' window to	window setback,				
This hardship is caused by the shape lot, even though we have 9,805 sq ff	t. our lot is on	ly			
55ft wide in the front and with a unwith the north side being 184ft and line only being 9', This proposed lo	the rear proper	ty			
is the only practical place we could an existing 13'x16' deck and an exist	d build. As ther				
sunroom with a sliding glass door le house at this location. The old room	eading into the is in need to i		-		
replaced. We would like to go the fu of our house to cover the full width	n of the deck so	we	2		
may place a future hot tub within the not obstruct the existing sliding gl			5		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is file additional information	d, Affiant(s) will be requir	ed to pay a reposting and		
2 - a But		Clarsha H	nett		
Signature	Sig	nature			
Thomas Brett Name-Type or Print	Nar	Marsha Brett ne-Type or Print			
i anterna en anterna en en el desemble en el	. कोट के के कार्यकार में के किया के किया किया की व				
STATE OF MARYLAND, COUNTY OF BALTIN	ORE, to wit:				
I HEREBY CERTIFY, this 21 day of 60 day of 60 day after and for the County aforesaid, pe	rsonally appeared	2008 , before me,	a Notary Public of the State		
Thomas & Mars the Affiant(s) herein, personally known or satisfa		· H			
the Amant(s) herein, personally known of satisfa	acrount joeurined to u	ne as such Amant(s).			

AS WITNESS my hand and Notarial Seal

My Commission Expires

DELORES A KAZMERSKI Notary Public Harford Co., MD My Comm. Exps. Nov. 1, 2009

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 p	public hearing is so	cheduled in the future	e with regard thereto.	
That the Affiant(s) does/do presently reside at		top Acres Rd		· · · · · · · · · · · · · · · · · · ·
	Address	•	•	
	Baltimore	<u> </u>	<u>) </u>	21128
	City	State	9 **	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardshift would like to construct a new part on the rear of our house. Our problet the required 15ft window to property have 11ft. We do have 45ft to next then required for the 40' window to This hardship is caused by the shape lot, even though we have 9,805 sq ft 55ft wide in the front and with a unwith the north side being 184ft and line only being 9', This proposed to is the only practical place we could an existing 13'x16' deck and an existing the sumroom with a sliding glass door less thouse at this location. The old room replaced. We would like to go the function of our house to cover the full width	owing are the fact ip or practical difficultio room (10'x em is we cannot y line, We will house which is window setbace and width of the rear proposation for the build. As the sting 12'x10' eading into the is in need to of the deck	s upon which I/we be culty): x13') but meet al only s more ck, cour only lot berty de room dere is de co be de side so we	e ase the request for a	Zip Code an Administrative
may place a future hot tub within the not obstruct the existing sliding glant that the Affiant(s) acknowledge(s) that if a foldwertising fee and may be required to provide a	Lass door.	filed, Affiant(s) will	be required to pay	a reposting and
signature a Suff	<u>.</u> .	Uhrsh Signature	Morett	
Thomas Brett		Marsha Br	ett	i v
lame - Type or Print		Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	
				#
an analysis and a superior and a sup	Baran and an anguar an an an an an an an	ra <u>a sa sa sa sanana, a</u> sa	andan and an	
STATE OF MARYLAND, COUNTY OF BALTIN	AOPE to wit:	tale and tale can define have been an over the fact and secure to		the law care and the law care care and the law care care and the law care care care care care care care care
HEREBY CERTIFY, this 21 day of Solution of Maryland, in and for the County aforesaid, per			efore me, a Notary P	ublic of the State
he Affiant(s) herein, personally known or satisfa	1) a 10	YETT AFFE	1/6\	
the whitehile herein, bersolially known or sausta	zeromik indinititied r	o die as sacil Willan	((a)).	
•	,			
AS WITNESS my hand and Notarial Seal				
	n	1		*

My Commission Expires

DELORES A. KAZMERSKI Notary Public Harford Co., MD My Comm. Exps. Nov. 1, 2009

Zoning Description for 5002 Hilltop Acres Rd.

Beginning at a point on the north side of Hilltop Acres Rd. which is 50 ft. right of way wide at the distance of 100 ft. East of the centerline of the nearest improved intersecting street Silver knoll Dr. which is 50 ft. right of way wide. *Being lot #4, Block# D , in the subdivision of Hilltop Acres as recorded in the Baltimore county Plat Book #46, Folio #131, containing 9,805.00 SF. Also known as 5002 Hilltop Acres Rd. and located in the 11th election district, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT											PAID PECELPT			
				Rev Source/	Sub Rev/	Date	· .	24/c8	136	/30/2008	IN IRIC	JNEC .	051	
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	1	Time &			RIF ICATION		
801	800	0000		6150				110-		0, 022016			1 47	
: .					2.					Recpt To		*110.00		
	·				-	<u> </u>	*,-			\$110,46 0.01±5=0.00		\$. @1	(A	
				:						ENGLA, E. CHESA	e ment	Mary Land		
ø	<u>, , </u>	<u> </u>						<u> </u>		1			2)	
Rec From:		- Bi				Total		10.				,		
For:	2	009	-00	79-	14								. 7	
				<u> </u>					• • •					
				<u> </u>										
	·									1947 2014 - 1014 - 1014	* *		147	
DISTRIBL WHITE -		PINK - AGI	ENCY SE PRES		CUSTOME!	R	GOLD - AG	COUNTING			SHIER'S			



ADMINISTRATIVE VARIANCE

CACE \$ 2009-0089-A

A VARIANCE TO PERMIT A WINDOW TO PROPERTY-LINE SETBACK OF 11 FT. IN LIEU OF THE REQUIRED 15 FT AND TO AMEND THE FINAL DEVELOPMENT PLAN OF HILDOP ACRES.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), PARTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 10-27-08
ADDITIONAL INFORMATION AND DEVELOPMENT MANAGEMENT
LILL W. CHESAPEARE AVE. TEL. 887-3391

TOWSON, MD. 21204

DO NOT REMOVE THE SICH AND POST OWIL AFTER ABOVE DATE, WILE PERSON OF RETURN BOTH TO ZADM, RM. 164

MEETING IS HAND, CAP ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 2009-0089-A
Petitioner/Developer:
T. Brett
Date of Hearing/Closing: Oct 27, 08
·
·
•
Oct 12, 08
(Month, Day, Year)
Sincerely,
•
Nobert Bluch Oct 13,08
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2009-	0089	-A	Address	5002	HILLTOP	ACRES RO
Conta	ct Person:	Planner, Pla	<u>Vepre</u>	ame	· P	hone Number: 41	0-887-3391
Filing	Date: <u>9/2</u>	j.			10/12	Closing Date:	10/27
Any c	contact made vighthe contact p	with this office person (planne	e regarding	the status	of the admir	nistrative variance	
1.	reverse side of reposting must is again response	of this form) a t be done only onsible for all	nd the petit by one of associated	ioner is resp the sign pos costs. The	oonsible for a ters on the ap zoning notice	rs on the approved Il printing/posting oproved list and the sign must be vis nain there through	costs. Any e petitioner sible on the
2.	DEADLINE: a formal requ request for a p	est for a pub	lic hearing.	· Please ur	nderstand tha	owner within 1,000 at even if there is losing date.) feet to file no formal
3.	commissioner order that the within 10 day	He may: (a matter be set s of the closi etition has bee	a) grant the in for a pub ing date if en granted,	requested lic hearing. all County	relief; (b) der You will recei agencies' co	the zoning or depay the requested rower written notificat mments are receils hearing. The o	elief; or (c) ion, usually ived, as to
4.	(whether due commissioner) changed giving	to a neighbo), notification g notice of the	or's formal or will be for hearing da	request or t warded to y te, time and	by order of toou. The signocation. As	it must go to a put he zoning or dep gn on the propert when the sign wa ed sign must be fo	outy zoning y must be as originally
			(Detach	Along Dotted Line	e)		
Petitic	oner: This Par	t of the Form	is for the S	Sign Poster	Only		,
		USE THE AD	MINISTRAT	TIVE VARIA	NCE SIGN FO	DRMAT	
Case I	Number 2009-	0089-A	Addre	ss <u>500</u>	2 Hil	LTOP ACR	les Rd.
Petitio	ner's Name	T BRE	77		Tele	phone <u>4/0 - </u>	931-1261
Postin	g Date:	10/12/08	-	Clos	ing Date:	10/27/08	
Wordir	ng for Sign: 🤼	o Permit_	Au	ina out	TO PA	ENERTY-L	ince
54	TBHCK_	A 11	ft in	1 LIEU	LOF	THE RE	DUIRED
15	FT AN	JT 6	AME	ND Tr	E F	INAL DE	ELADMEN
PLI	AN of	Hil	LTOP	Aere	5		
		,	ø			WCR - Re	evised 7/7/08



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
October 27, 2008

Thomas & Marsha Brett 5002 Hilltop Acres Rd. Baltimore, MD 21128

Dear: Thomas & Marsha Brett

RE: Case Number 2009-0089-A, 5002 Hilltop Acres Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 29, 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:lnw

Enclosures

c: People's Counsel

David McMahan, 7110 Golden Ring Rd., Baltimore, MD 21221

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

DECEIVIED OCT O TEAM

DATE: October 23, 2008

BY:____

SUBJECT:

Zoning Advisory Petition(s): Case(s) 09-089- 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 7, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 13, 2008

Item Nos. 09-0077-A, 0081, 0085-A, 0086-A, 0088-A and 0089-A

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

DAK:CEN:lrk cc: File

ZAC-10072008 -NO COMMENTS



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

Maryland Department of Transportation

Date: 10/10/2008

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

RE: Baltimore County

SOEZ HILLTOF ACRES RD

BRETT PROPERTY ADMIN 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. 2009 -0009 -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,

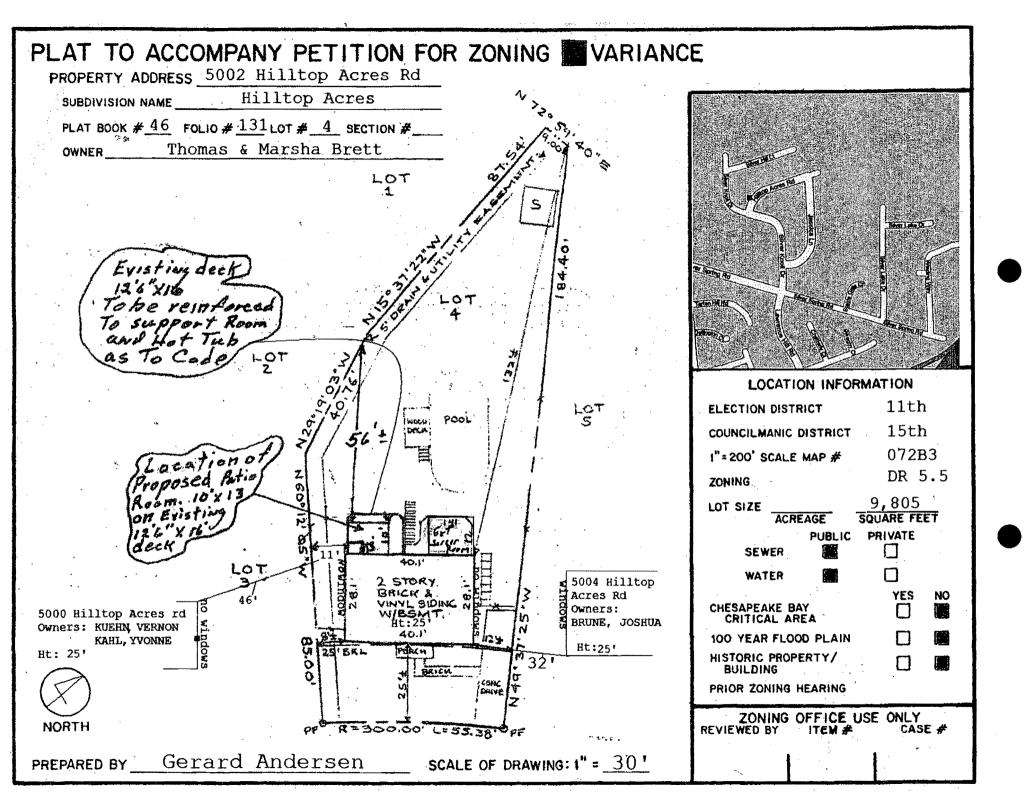
Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

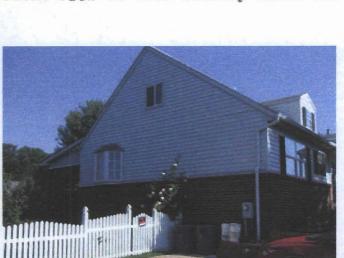








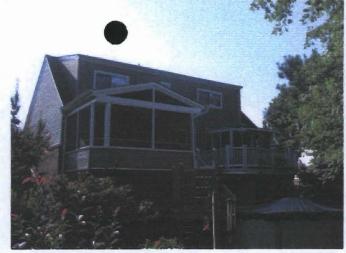
Front View of 5002 Hilltop Acres Rd.



View of 5004 Hilltop Acres Rd. Facing our property



View of 5000 Hilltop Acres Rd. Facing our property



Rear View and location of proposed patio room.



View of north side of our home Facing 5004 Hilltop Acres Rd.



View of south side of our home facing 5000 Hilltop Acres Rd.