

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Delaware Avenue, 170 feet W of
c/l of Margaret Avenue
15th Election District
7th Councilmanic District
(502 Delaware Avenue)

Arthur D. and Janet S. Brooks
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0100-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, Arthur D. and Janet S. Brooks for property located at 502 Delaware Avenue. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet for a proposed addition in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition measuring 27 feet x 6 feet onto the left side of their home. There is an existing enclosed area and porch measuring 8 feet x 6 feet which will be incorporated into the addition. This proposed addition would encroach into the 10 foot setback by only 3 feet.

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 26, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

~~NOT FOR FILING~~
11-14-08
MB

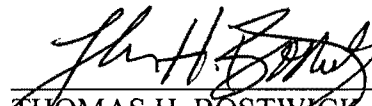
The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and 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 14th day of November, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet for a proposed addition in lieu of the required 10 feet is hereby GRANTED, subject to the following:

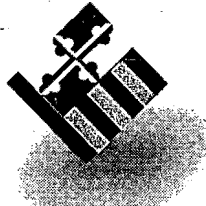
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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

~~STAMP: RECEIVED FROM PLANNING~~
11-14-08

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 14, 2008

ARTHUR D. AND JANET S. BROOKS
502 DELAWARE AVENUE
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2009-0100-A
Property: 502 Delaware Avenue

Dear Mr. and Mrs. Brooks:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: William Brocato, Merritt Development Consultants, Inc., 2418 East Joppa Road,
Baltimore MD 21234

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

502 DELAWARE AVENUE
Address

BALTIMORE
City

MD.
State

21221
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):

WE WISH TO CONSTRUCT AN ADDITION TO OUR SINGLE FAMILY DWELLING ON THIS LOT. THE ADDITION WILL BE ON THE LEFT SIDE (27'X6'). THERE IS ALREADY AN EXISTING 8'X6' ENCLOSED AREA & PORCH WHICH WILL BE INCORPORATED INTO THE ADDITION. THE ADDITION WILL ENCRACH INTO THE 10' SETBACK BY 3'. WITHOUT THIS REQUEST BEING APPROVED WE CANNOT BUILD OUR ADDITION TO ENLARGE OUR HOUSE FOR ADDITIONAL ROOM. THE ADDITION WILL BE IN CHARACTER WITH NEIGHBORING PROPERTIES IN THE COMMUNITY.

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.

Arthur D. Brooks
Signature

ARTHUR D. BROOKS
Name - Type or Print

Janet S. Brooks
Signature

JANET S. BROOKS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14TH day of OCTOBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ARTHUR D. BROOKS AND JANET S. BROOKS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Robert V. Brocato
Notary Public

My Commission Expires 1-1-2011



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 502 DELAWARE AVENUE
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)

1B02.3.C.1 to permit a side yard setback of 7 ft. for a proposed addition in lieu of the required 10 ft.

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):

ARTHUR D. BROOKS

Name - Type or Print

Signature

JANET S. BROOKS

Name - Type or Print

Signature

502 DELAWARE AVE. 410-391-2248

Address

Telephone No.

BALTIMORE

MD.

21221

City

State

Zip Code

Representative to be Contacted:

WILLIAM A. BROCATO

Name

2418 E. JOPPA RD. 410-663-5525

Address

Telephone No.

BALTIMORE

MD.

21234

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 11 day of 11 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. 2009000-A

Reviewed By BR

Date 10-14-08

REV 10/25/01

Estimated Posting Date 10/20/08

11.14.08

pm

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 502 DELAWARE AVENUE
Address

BALTIMORE MD. 21221
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):

WE WISH TO CONSTRUCT AN ADDITION TO OUR SINGLE FAMILY DWELLING ON THIS LOT. THE ADDITION WILL BE ON THE LEFT SIDE (27'X6'). THERE IS ALREADY AN EXISTING 8'X6' ENCLOSED AREA & PORCH WHICH WILL BE INCORPORATED INTO THE ADDITION. THE ADDITION WILL ENCRACH INTO THE 10' SETBACK BY 3'. WITHOUT THIS REQUEST BEING APPROVED WE CANNOT BUILD OUR ADDITION TO ENLARGE OUR HOUSE FOR ADDITIONAL ROOM. THE ADDITION WILL BE IN CHARACTER WITH NEIGHBORING PROPERTIES IN THE COMMUNITY.

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.

Arthur D. Brooks
Signature

ARTHUR D. BROOKS
Name - Type or Print

Janet S. Brooks
Signature

JANET S. BROOKS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14TH day of OCTOBER, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ARTHUR D. BROOKS AND JANET S. BROOKS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Robert V. Brocato
Notary Public
My Commission Expires 1-1-2011

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 502 DELAWARE AVENUE

Beginning at a point on the North side of Delware Avenue which is 50 feet wide at a distance of 170 feet west of the centerline of nearest improved intersection street Margaret Avenue which is 50 Feet wide. Being Lot # 29, Block 1A, Section 'A' in the subdivision of Essex as recorded in Baltimore County Plat Book, #5, Folio # 76, containing 7,250 sf or 0.166 ac. Also known as 502 Delaware Avenue and located in the 15th Election District, 7th Councilmanic District.

No. 234

Date: 7/14/03

PROBATION

DATE	TIME	LOCATION	REMARKS
10/15/2006	10:15	2000	10:15:36

JCS 001 001000 001000
 001000 001000 001000 001000

SECRET

Import Int	1.25 (0)	1
Export Int	4.00 (0)	0
Export Int	3.00 (0)	0

1992年12月15日

Total: 22

Rec
From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Date: 10/27/08

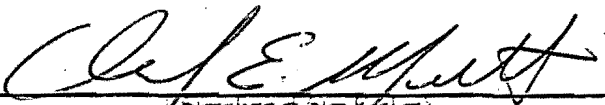
RE: Case Number: 2009 0100 A

Petitioner/Developer: Active Brooks

Date of Hearing/Closing: 11/10/08

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 502 DELAWARE AVE

The sign(s) were posted on 10/26/08
(Month, Day, Year)


(Signature of Sign Poster)

Charles E. Merritt
9831 Magledd Road
Baltimore, MD 21234
410-665-5562

502

WELCOME

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2009-0100-A

TO PERMIT A SIDE YARD
SETBACK OF 7FT. FOR A
PROPOSED ADDITION IN
LIEU OF THE REQUIRED
10FT.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON NOV. 10, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

**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: 2009-0100-A
Petitioner: ARTHUR D. & JANET S. BROOKS
Address or Location: 502 DELAWARE AVE. BALTO, MD. 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARTHUR D. & JANET S. BROOKS
Address: 502 DELAWARE AVE. BALTO., MD. 21221

Telephone Number: 410-391-2248

Revised 2/20/98 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0100 -A Address 502 Delaware Ave.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/14/08 Posting Date: 10/26/08 Closing Date: 11/10/08

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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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

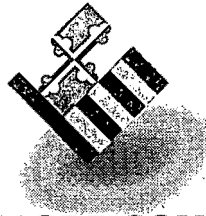
Case Number 2009- 0100 -A Address 502 Delaware Ave.

Petitioner's Name Arthur & Janet Brooks Telephone 410-391-2248

Posting Date: 10/26/08 Closing Date: 11/10/08

Wording for Sign: To Permit a side yard setback of 7 ft. for a proposed addition in lieu of the required 10 ft.

WCR - Revised 7/7/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 10, 2008

Arthur D. & Janet S. Brooks
502 Delaware Ave.
Baltimore, MD 21221

Dear: Arthur D. & Janet S. Brooks

RE: Case Number 2009-0100-A, 502 Delaware Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 14, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
William A. Brocato, 2418 S. Joppa Rd., Baltimore, MD 21234

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 31, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2008
Item Nos. 2009-0100, 101, 102, 103, 104,
105, 106, 107 and 108

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

DAK:CEN:cab
cc: File
ZAC- 11032008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2008

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

RECEIVED
NOV 06 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-100- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:
CM/LL

Candis Murray



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 through 0107

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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

Maryland Department of Transportation

Date: Oct. 24, 2008

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

RE: Baltimore County
Item No. ~~2009-0100A~~
502 DELLWAZE AVE
BROOKS 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. 2009-0100A.

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).

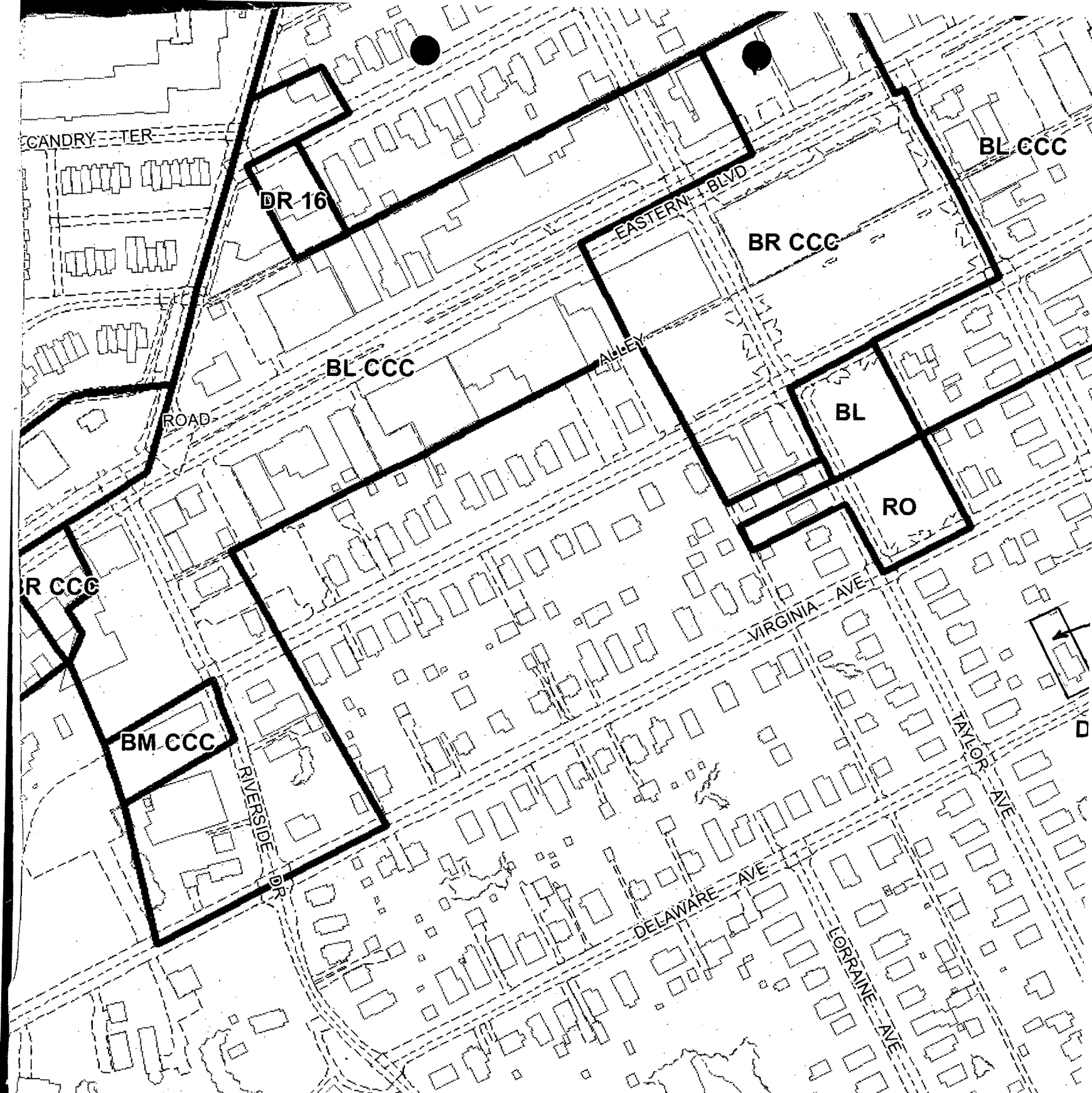
Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Bailey" or "Steven D. Foster".

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB





e County ing and Zoning oning Map

089B3	089C3	090A3	090B3	090C3
096B1	096C1	097A1	097B1	097C1
096B2	096C2	097A2	097B2	097C2

0





10.04.2008 13:07

#2

00/00

