

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Craigmont Road, N of
Johnnycake Road
1st Election District
4th Councilmanic District
(6401 Craigmont Road)

Matthew and Edith Bradley
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0199-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, Matthew and Edith Bradley for property located at 6401 Craigmont Road. The variance request is from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1970 Zoning Regulations C.M.D.P. Section 1B01.2.C.4) to permit a proposed addition to have a setback of 49 feet from the centerline of a road in a Transition Area in lieu of the required 55 feet (D.R.3.5), and to amend the final Development Plan of Discovery Acres, Section 1, Block C, Lot 1 only. The subject property and requested relief are more particularly described on the site plan accepted as Petitioners' Exhibit No. 1.

Petitioners wish to enclose an existing covered concrete patio porch attached to the front of the home where the main entrance is located. In support of the variance, Petitioners indicate in their affidavit that the proposed area lends itself to the utilization of existing facilities without major interruptions to the existing floorplan of the dwelling. They also seek to provide their front entrance with an enclosed area to reduce utility bills and reduce road and ambient noise. Petitioners also indicate that the enclosed porch will provide a place to sit out and enjoy the outdoors without concern for bugs, flies, mosquitoes, and the sun's harmful rays, while improving the overall appearance of the home. Finally, Petitioners indicate that the restrictiveness of the lot

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4.6.09
PM

configuration and existing improvements does not lend itself to any addition of adequate size without the requested variance.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments generally indicate no opposition concerning the requested relief; however, the comment dated February 4, 2009 from the Bureau of Development Plans Review indicates that sometime before August, 2007, Petitioner built a carport and a separate concrete patio on the adjacent property which is owned by Baltimore County. They believe the property owner must either remove the structures or buy the land from the County. As such, they recommend that the variance request be denied until Petitioner shows that this issue has been properly resolved.

In response to this comment, Petitioner's attorney, Arnold Jablon, Esquire, has indicated that he has been working with the County on behalf of Petitioner to resolve the encroachment issue. He has submitted a franchise agreement to the County which would allow Petitioner to keep the improvements on the County owned land, in exchange for payment of a franchise fee. Mr. Jablon has also indicated that the instant variance request is a discreet zoning relief issue that should not impact the apparent intrusion that exists with the County or potentially the State. Notwithstanding, Mr. Jablon anticipates that the pending franchise request will resolve that issue. I agree to a degree with Mr. Jablon and will, therefore, not hold the trespass issue involving Petitioner as an impediment to the instant variance request. I will, however, make satisfactory resolution of that issue a condition of relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 7, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

RECEIVED FOR FILE
4.6.09
[Signature]

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.

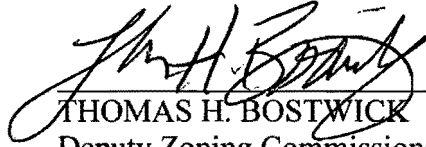
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 6th day of April, 2009 that a Variance from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1970 Zoning Regulations C.M.D.P. Section 1B01.2.C.4) to permit a proposed addition to have a setback of 49 feet from the centerline of a road in a Transition Area in lieu of the required 55 feet (D.R.3.5), and to amend the final Development Plan of Discovery Acres, Section 1, Block C, Lot 1 only 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. Petitioners shall satisfactorily resolve the issue involving encroachment of their carport and a separate concrete patio onto the adjacent property which is owned by Baltimore County, including perhaps by way of a franchise agreement that has been submitted by Petitioners and is currently under review and consideration by the County. Although this issue must be resolved by Petitioner, it shall not serve as an impediment to Petitioner obtaining the necessary permits for this project.

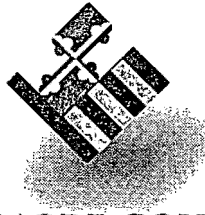
4.6.09
PM

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

RECEIVED FOR FILE
4.6.09
[Signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 6, 2009

ARNOLD JABLON, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Administrative Variance
Case No. 2009-0199-A
Property: 6401 Craigmont Road

Dear Mr. Jablon:

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 cursive script that reads "Thomas H. Bostwick / pz".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Matthew and Edith Bradley, 6401 Craigmont Road, Baltimore MD 21207
Greg Falter, Patio Enclosures, Inc., 224 8th Street NW, Glen Burnie MD 21061



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6401 Craigmont Rd. Balt. MD 21207
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.B and 504 (1970

zoning regs CMDP 1B01.2.C.4) to permit a proposed addition to have a setback of 49 feet from the centerline of a road in a Transition Area in lieu of the required 55 (DR 3.5); and to amend the Final Development Plan of Discovery Acres, Section one, Block "C", Lot one, only

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Matthew Bradley

Name - Type or Print

Signature

Edith Bradley

Name - Type or Print

Signature

6401 Craigmont Rd.

Address

410-788-8538

Telephone No.

Baltimore, MD 21207

State

Zip Code

Representative to be Contacted:

Patio Enclosures Inc. (attn: Greg Falter)

Name

224 8th Ave. NW

Address

410-760-1919

Telephone No.

Glen Burnie, MD 21061

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. 2009-0199-A

Reviewed By [Signature]

Date 1/30/09

Estimated Posting Date 2/8/09

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 - 6401 Craigmont Rd.
Address
- Baltimore, MD 21207
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):

1. This area lends itself to the utilization of existing facilities without major interruptions to the existing floorplan of the dwelling.
2. Insulate and reduce heating bills.
3. Reduce road and ambient noise.
4. A place to sit out and enjoy the outdoors without concern for bugs, flies, mosquitos, the sun's harmful rays etc...
5. Improve overall appearance of the house.
6. The restrictiveness of the lot does not lend itself to any addition of adequate size without a variance.

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.

Matthew Bradley
Signature

Matthew Bradley
Name - Type or Print

Edith Bradley
Signature

Edith Bradley
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22nd day of January, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Matthew & Edith Bradley
The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

I, **WITNESS**, my hand and Notarial Seal

1/22/09
Date

Barbara A. Ingino
Notary Public

My Commission Expires BARBARA A. INGINO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2010

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 6401 Craigmont Rd.

Address

Baltimore, MD 21207

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):

1. This area lends itself to the utilization of existing facilities without major interruptions to the existing floorplan of the dwelling.
2. Insulate and reduce heating bills.
3. Reduce road and ambient noise.
4. A place to sit out and enjoy the outdoors without concern for bugs, flies, mosquitos, the sun's harmful rays etc...
5. Improve overall appearance of the house.
6. The restrictiveness of the lot does not lend itself to any addition of adequate size without a variance.

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.

Matthew Bradley
Signature

Matthew Bradley
Name - Type or Print

Edith Bradley
Signature

Edith Bradley
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

HEREBY CERTIFY, this 22nd day of January, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Matthew & Edith Bradley
The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

WITNESS my hand and Notarial Seal

Date

1/22/09

Notary Public

My Commission Expires

Barbara A. Ingino

BARBARA A. INGINO

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires July 1, 2010

ZONING DESCRIPTION FOR 6401 Craigmont Rd.

***BEGINNING AT A POINT ON THE West SIDE OF Craigmont rd.
WHICH IS 50'' WIDE AT THE DISTANCE OF 0' North OF THE
NEAREST IMPROVED INTERSECTING STREET Johnny Cake Rd.
WHICH IS 60' WIDE. BEING LOT # 1 BLOCK C, SECTION 1 IN THE
SUBDIVISION OF Discovery Acres AS RECORDED IN COUNTY PLAT
BOOK # 43, FOLIO # 93, CONTAINING 10,413 SQ'. ALSO KNOWN AS
6401 Craigmont Rd. LOCATED IN THE 01st ELECTION DISTRICT,
04th COUNCILMANIC DISTRICT.***

Item # 199

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35052**

Date: **1/30/09**

PAID RECEIPT

BUSINESS ACTUAL TIME
 1/30/2009 1/30/2009 15:00:26
 REG MOD - MEXICO JRC 370
 RECEIPT # 406000 1/24/2009
 OFFER

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	007	0000							

Total: _____

Rec From:

For:

Handwritten notes and signatures in the 'For' section.

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Certificate of Posting

RE: Case NO. 2009-0199-A

Petitioner/Developer _____

Matthew & Edith Bradley

Date of Hearing/Closing 2/23/09

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

6401 Cragmont Road

The sign(s) were posted on 2/7/09
(Month, Day, Year)

Sincerely,

 2/12/09
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2009-0199-A

Petitioner/Developer: _____

Matthew & Edith Bradley

Date of Hearing/Closing: 2/23/09



6401 Craigmont Road

Posting Date: 2/7/09

Richard E. Hoffman

Richard E. Hoffman 2/7/09

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0199 -A Address 6401 Craigmont Rd
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/30/09 Posting Date: 2/8/09 Closing Date: 2/23/09

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- 0199 -A Address 6401 Craigmont Rd
Petitioner's Name Matthew + Edith Bradley Telephone _____
Posting Date: 2/8/09 Closing Date: 2/23/09

Wording for Sign: To Permit a proposed addition to have a setback of 49 feet
from the centerline of a road in a transition area in lieu of the
required 55; and to amend the final development plan of Discovery Acres,
section one, block "C", lot one, only

WCR - Revised 7/7/08

**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: 2009-0199-A

Petitioner: Matthew & Edith Bradley

Address or Location: 6401 Craigmont Rd. Baltimore, MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

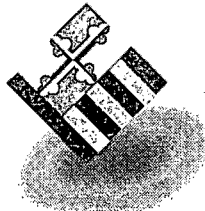
Name: Patio Enclosures Inc. (Attn: Greg Falter)

Address: 224 8th avw. NW

Glen Burnie, MD 21061

Telephone Number: 410-760-1919

Revised 2/20/98 - SCJ



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
February 23, 2009

Matthew & Edith Bradley
6401 Craigmont Rd.
Baltimore, MD 21207

Dear: Matthew & Edith Bradley

RE: Case Number 2009-0199-A, 6401 Craigmont Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 30, 2009. 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Greg Falter: Patio Enclosures, INC.; 224 8th Ave. NW; Glen Burnie, MD 21061



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

February 11, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 9, 2009

Item Numbers 0195, 0197, 0198, ~~0199~~, 0201

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 10, 2009

REC-100

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

FEB 10 2009

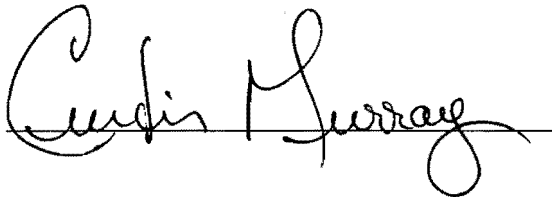
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-199- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL





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

State Highway
Administration

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

Maryland Department of Transportation

Date: FEB. 10, 2009

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

RE: Baltimore County
Item No 2009-0199-A
6401 CRAIGMONT RD
BRADLEY 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. 2009-0199-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

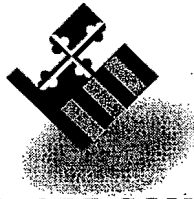
DATE: February 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2009
Item No. 2009-0199-A

Sometime before August of 2007, the property owner built a car port and a concrete patio on the adjacent property which is owned by Baltimore County. The property owner has two choices: remove the structures or buy the land from the County. We recommend that this variance request be denied until the property owner shows that one of these choices has been made and accomplished.

DAK:CEN:lrk
cc:file



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN E. BEVERUNGEN
County Attorney
Office of Law

September 25, 2008

Arnold Jablon, Esquire
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Bradley/Fat Boy Saloon - Franchise and License Agreements

Dear Mr. Jablon:

Your letter of July 10, 2008 to Fred Homan which accompanied a proposed franchise agreement concerning property owned by Matthew and Edith Bradley and a license agreement for the Fat Boy Saloon has been forwarded to my attention.

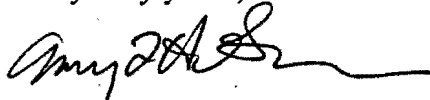
With regard to your proposed license agreement for Fat Boy Saloon, this office recently had the opportunity to review at length the appropriate transactions and procedures pertaining to third-party uses of areas encompassed in County road rights of way. It was the determination of the Office of Law, in consultation with the County Administrative Officer and the Bureau of Land Acquisition, that the appropriate transaction as a matter of legal form and sufficiency for granting third-party uses and road rights of way was the franchise agreement pursuant to Baltimore County Code Section 3-9-201, *et seq.* Please note that pursuant to the Baltimore County Code, the initial term of a franchise was previously limited to 25 years with legislation currently before the County Council to increase that term to 35 years, such legislation to be voted on at the County Council legislative session scheduled for October 9, 2008. The franchise agreement that was presented for the Bradleys was not in the form approved by the Baltimore County Office of Law. Please find included herewith a copy of the most recently revised franchise agreement, pending further revision to the term provisions pursuant to the aforementioned legislation.

Please feel free to re-submit proposals for your two clients with the attached form, including the revised initial term as appropriate. The Administrative Officer has advised this office to treat the fees with some leniency, given the extremely small nature of the intrusion. However, all other standard terms and conditions as included in the standard form are applicable.

Arnold Jablon, Esquire
September 25, 2008
Page -2-

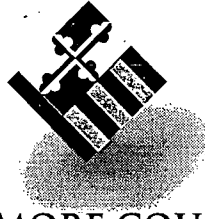
I anticipate receiving any subsequent submission to address these issues and look forward to working with you toward a resolution.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy L. Hicks Grossi", with a long horizontal flourish extending to the right.

Amy L. Hicks Grossi
Assistant County Attorney

sm
Enclosures



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 23, 2009

MATTHEW AND EDITH BRADLEY
6401 CRAIGMONT ROAD
BALTIMORE MD 21207

Re: Petition for Administrative Variance
Case No. 2009-0199-A
Property: 6401 Craigmont Road

Dear Mr. and Mrs. Bradley:

This Office is in receipt of the file concerning your above-referenced Administrative Variance request wherein you desire to enclose a covered concrete patio and are in need of variance relief from the setback requirement to the centerline of the road.

In evaluating your request, the undersigned has received a comment from the County's Bureau of Development Plans Review dated February 4, 2009. This agency is part of the County's "Zoning Advisory Committee," which provides input and comments on all zoning relief requests such as yours. In their comment, Dennis Kennedy, a Supervisor with that agency, states the following: "Sometime before August 2007, the property owner built a carport and a concrete patio on the adjacent property which is owned by Baltimore County. The property owner has two choices: remove the structures or buy the land from the County. We recommend that this variance request be denied until the property owner shows that one of these choices has been made and accomplished." A copy of this comment is attached for your reference. It appears these structures are located in a storm water management reservation area owned by Baltimore County.

In light of the above, please review this matter and provide a written response to this matter within the next fifteen (15) days. If I do not hear from you within that time period, I will decide this matter based on the information and documentation contained within the case file.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Th H Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 4, 2009

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2009
Item No. 2009-0199-A

Sometime before August of 2007, the property owner built a car port and a concrete patio on the adjacent property which is owned by Baltimore County. The property owner has two choices: remove the structures or buy the land from the County. We recommend that this variance request be denied until the property owner shows that one of these choices has been made and accomplished.

DAK:CEN:lrk
cc:file

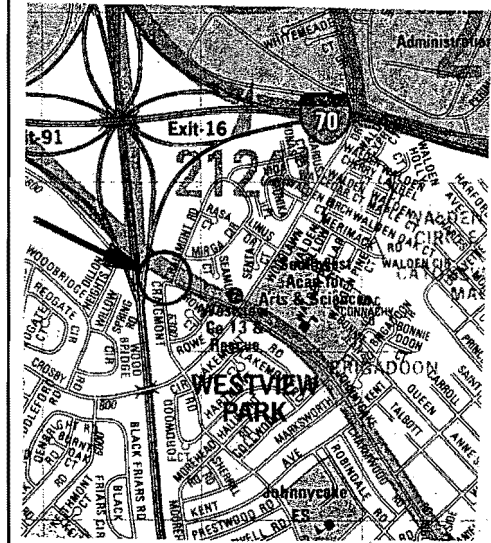
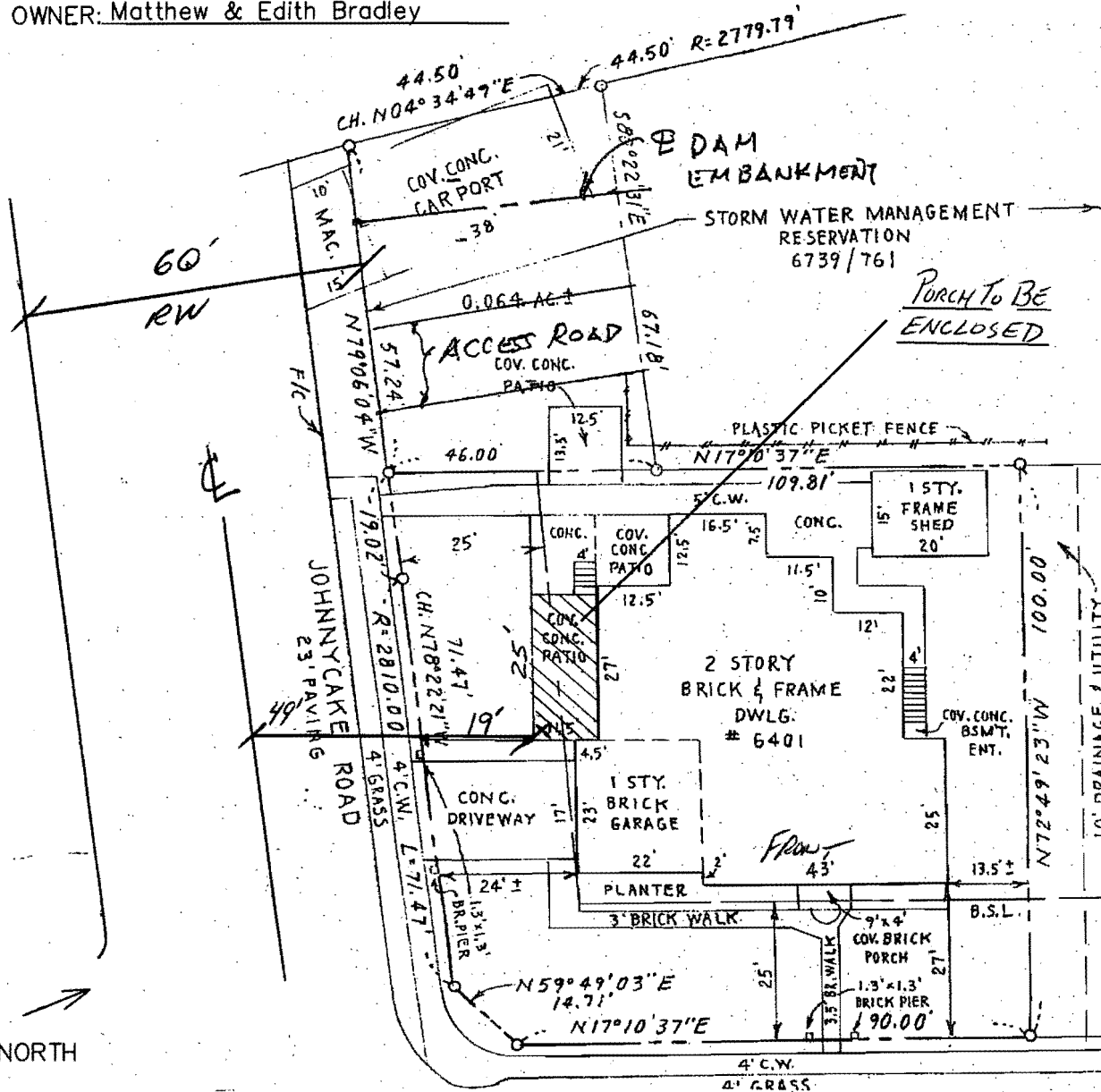
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6401 Craigmont Rd. Baltimore, MD 21207

subdivision name: Discovery Acres

Plat book# 43, Folio# 93, Lot# 1, Section# 1

OWNER: Matthew & Edith Bradley



LOCATION INFORMATION

Election district: 01

Councilmanic District: 04

Zoning: DR 5.5 *map 095A2*

Lot size: .239 acreage 10,413 square feet

SEWER: ☒ public ☐ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: none
05-040A

Zoning Office USE ONLY!

reviewed by: *[Signature]* ITEM #: 2009-0199A CASE #: 2009-0199A

NORTH

Date: 1-14-2009

Prepared by: Greg Falter

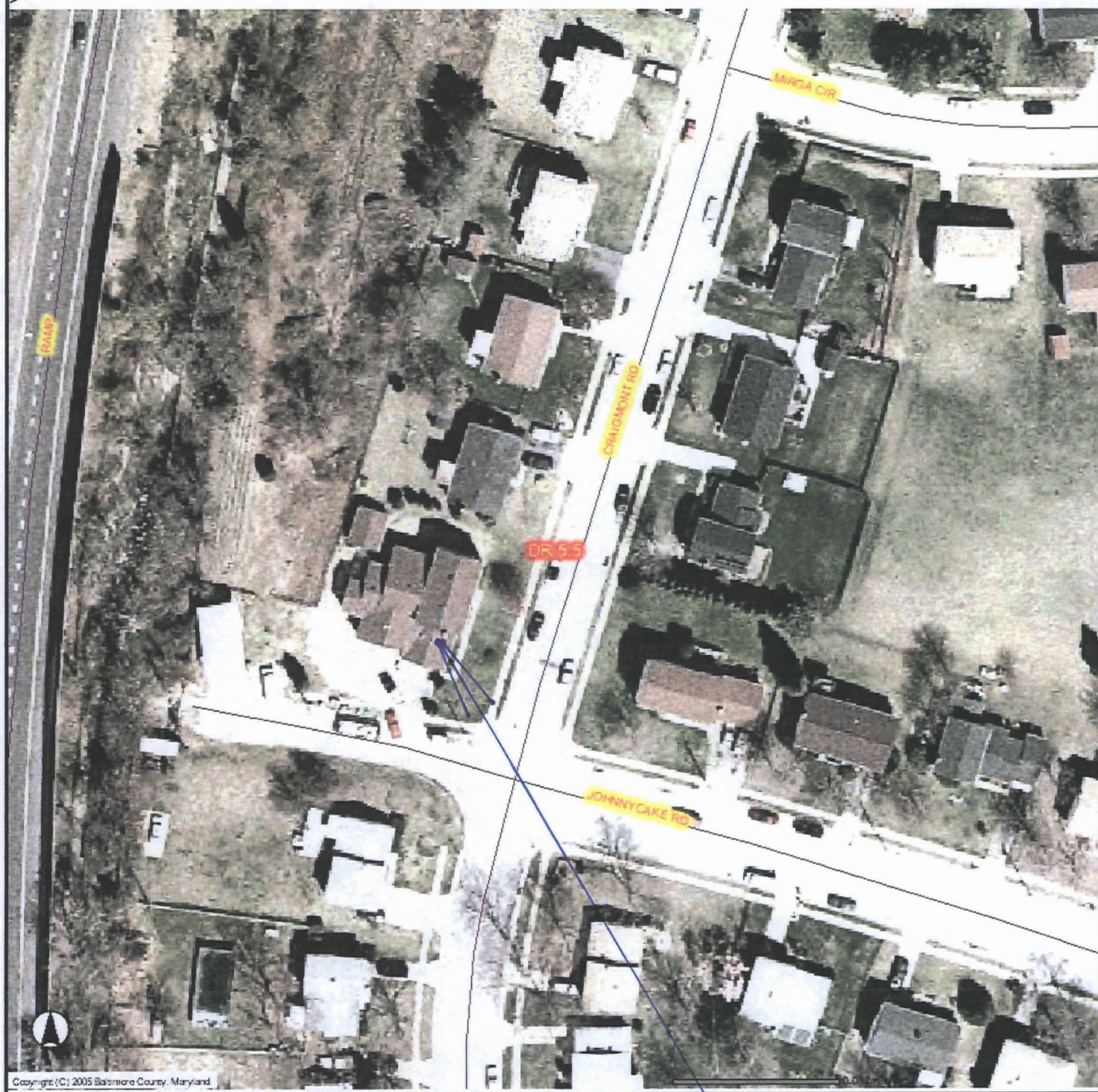
Scale of Drawing: 1" = 30'



Item # 199

VARIANCE PHOTO FOR :
6401 CRAIGMONT RD
BALT. MD 21207

Baltimore County - My Neighborhood



6401 CRAIGMONT RD
BALTIMORE MD 21207

Item #199