IN RE: PETITION FOR ADMIN. VARIANCE

N corner of the intersection of Marbrook Road and Mill Ridge Drive

3rd Election District

2nd Councilmanic District

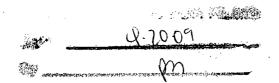
(11401 Marbrook Road)

Alan and Nancy Gilbert *Petitioners*

- BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2009-0246-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, Alan and Nancy Gilbert for property located at 11401 Marbrook Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 46.5 feet from property line and 72.5 feet from centerline of a road in lieu of the 50 feet and 75 feet respectively for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' house is currently a one-story dwelling containing two bedrooms and two baths. They are moving their elderly parents, ages 90 and 85, into their home for continuing care. Petitioners plan to enlarge one existing bedroom and add a full bathroom adjacent to it. This bathroom needs to be handicap accessible to accommodate one wheelchair bound parent. In order to do this, two corners of the proposed expansion cross three feet into the side setback. The plan also adds a carport and covered walkway between the carport and rear kitchen entrance. Several of the Petitioners' neighbors reviewed the variance request and site plan and did not have any objection to the proposal: Maya and Greg Coolidge of 11400 Marbrook Road, Joanne and Myles Eisenstein of 11403 Marbrook Road, Robin and Len Gilmor of 11309 Marbrook Road, Myrna and Joel Goldberg of 2214 Millridge Road, Marlene and Joel

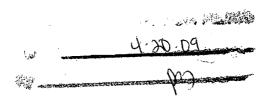


Sereboff of 2215 Millridge Road and Judy and Leslie Hunovice of 2300 Melinda Drive. Photographs submitted by the Petitioners depict dense vegetation surrounding the property. The subject property contains 1.05 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 6, 2009 which indicates that the property is in the vested development plan of Caves Park (Liber 31 Folio 64) and is improved with a two-story single family dwelling which as two bedrooms and two baths. The proposal is to add two addition to the rear and front/side of the dwelling to accommodate the needs of elderly parents. The existing dwelling is angled on the lot and the new addition requires a minor side yard variance of 46.5 feet from the property line and 72.5 feet to the centerline of the street in lieu of the required 50 feet and 70 feet respectively. The Planning Office does not oppose the proposed variance provided the dwelling continues to be used as a single family dwelling in the future.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 28, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 April, 2009 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 46.5 feet from property line and 72.5 feet from centerline of a road in lieu of the 50 feet and 75 feet respectively for an addition 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.

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

April 20, 2009

ALAN AND NANCY GILBERT 11401 MARBROOK ROAD OWINGS MILLS MD 21117

Re: Petition for Administrative Variance

Case No. 2009-0246-A

Property: 11401 Marbrook Road

Dear Mr. and Mrs. Gilbert:

Enclosed please find the decision rendered in the above-captioned case.

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,

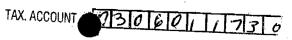
THOMAS H. BOST WICK

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 11401 MARBROOK 20AO which is presently zoned 12C5

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) IAOA.3.B.2.b; BCZR, TO PERMIT A SIDEYARD SETBACK OF 48.5ft. from property line AND 72.5ft. from CENTERLINE of ROAD IN LIEU OF THE Soft AND 75ft RESPECTIVELY 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.

		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:		Legal Owner(s):
		ALAN L. GILBERT
Name - Type or Print		Name - Type or Print
Signature		Signature NANCY GIUBERT
Address	Telephone No.	Name - Type or Print Wall Color of the Colo
City State	Zip Code	Signature
Attorney For Petitioner:		11401 MARBREOK ROAD 410-356-03/8 Address Telephone No.
Name - Type or Print		OWINGS MILLS MD 2/1/7 City State Zip Code
		Representative to be Contacted:
Signature	3	
Company		Name A N-P
Address	Telephone No.	Address Telephone No.
City State	Zip Code	City State Zip Code
A Public Hearing having been formally der this day of regulations of Baltimore County and that the process of the county and the county	that the subject matter of roperty be reposted.	re required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning OLSU YEATON VIVUOD BROWN ABOUT AB Zoning Commissioner of Baltimore County Eviewed By Date
REV 10/25/01 4.20	09 Est	timated Posting Date 3/29/09

Affidavit in Support of Administrative Variance

11401

Address

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

REV 10/25/01

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

MARBROOK

That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ring are the fa or practical d	cts upon which I/woifficulty):	e base the request	for an Administrativ	e
The house is presently a 2 bedroom 2 bath one sto our home for continuing care. Our plan will enlarge needs to be handicap friendly to accommodate one cross 3 feet into the side setback. The plan also ad entrance.	e one existing e wheelchair t	bedroom and add a bound parent. To do	full bathroom adjact this 2 corners of the	ent to it. Bathroom	
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That the Affiant(s) acknowledge(s) that if a forr advertising fee and pay be required to provide ad	inal demand Iditional inform	nation.	viii be required to	pay a reposting an	u
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Signature		Signature/		_	
ALAN GILBERT	•	NANC	4 (911 UBER	2T	
Name - Type or Print		Name - Type or Print		-	
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	1				-
STATE OF MARYLAND, COUNTY OF BALTIM	RE, to wit:	0000	•		
I HEREBY CERTIFY, this	gress	,2007	, before me, a Nota	ary Public of the Stat	е
of Maryland, in and for the County aforesaid pers	onally appear	ed)			
HIAN (Silbert and	Mance	1	<u> </u>		
the Affiant(s) herein, personally known or satisfac	torily identified	to me as such Affi	ant(s).		
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AS WITNESS my hand and Notarial Seal					•
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MARYLAND	My C	ommission Expires	101/2	OII	
MY COMMISSION EXPIRES FEB. 1, 2011	iviy O	Milliogion Explice	-		_

ZONING DESCRIPTION FOR 11401 Marbrook Road Owings Mills, MD 21117

Beginning at a point on the east side of

Marbrook Road which is 50 feet (number of feet of right-of-way width)

wide at the distance of 0 feet east of the

centerline of the nearest improved intersecting street Millridge Road

which is 50 feet wide. Being lot number 1

block E, section #3 in the subdivision Caves Park

as recorded in Baltimore County Plat Book #31, folio 64 containing 1.05 acre. Also known as 11401 Marbrook Road

and located in the 3rd election district, 2nd Councilmanic District.

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Certificate of Posting

	RE: Case NO. 2009-0246-A
	Petitioner/Developer
	A. Gilbert
	Date of Hearing/Closing4/13/09
Baltimore County Department of Permits and Develo County Office Building – Room 11 111 W. Chesapeake Ave. Towson, Md. 21204	-
Attention:	
	alties of perjury, that the necessary sign(s) as picuously on the property located at
11401	Marbrook Rd.
The sign(s) were posted on	3/28/09
• • •	(Month, Day, Year)
	Sincerety, Sincerety, (Signature of sign Poster and date)
	Richard E. Hoffman
See Attached	(Printed Name)
Photograph	904 Dellwood Drive
1 novogrupa	(Address)
	Fallston, Md. 21047
	(City, State, Zip Code)
	410-879-3122
	(Telephone Number)

Certificate of Posting Photograph Attachment

D ...

Re:	2009-0246-A
Petitio	ner/Developer:
	A. Gilbert
Date o	f Hearing/Closing: 4/13/09



11401 Marbrook Rd.

Posting Date:

3/28/09

Richard E.Hoffman

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Cas	se Number:	0246			
Petitioner: NA	NEY AND	ALAN	GIL	BERT	
Address or Location	1: 11401 M	AR BROOK	RD	OWINGS MILL, M	0 2111
PLEASE FORWAR	D ADVERTISING	G BILL TO:			
Name:					
Name:		Spa			

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0246 -A Address 11401 MARROOK Fd.
Contact Person: J. McFley Phone Number: 410-887-3391
Contact Person: J. Merley Phone Number: 410-887-3391 Filing Date: 3/18/09 Posting Date: 3/29 Closing Date: 4/3
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> 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, 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.
4. 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- 0246 -A Address 11401 MAPBROOK Rd.
Petitioner's Name A. GILBERT Telephone 410-356-0318
Posting Date: $3/29$ Closing Date: $4/3$
Wording for Sign: To Permit 4 SIDE ARD SETBACK of 46,5+1. 4ND
A HOUSE TO CENTERLINE of STREET of 72.5H. IN LIE
of The REQUIRED 50th AND 75th RESPECTIVELY
TOP AN ADDITION.
WCR - Revised 7/7/08



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

April 14, 2009

Alan & Nancy Gilbert 11401 Marbrook Rd. Owings Mills, MD 21117

Dear: 11401 Marbrook Rd.

RE: Case Number 2009-0246-A, 11401 Marbrook Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 18, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 6, 2009

RECEIVED

APR 07 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11401 Marbrook Road

INFORMATION:

Item Number:

9-246

Alan and Nancy Gilbert

Zoning:

Petitioner:

RC 5

Requested Action:

Administrative Variance

The property in question is in the vested development plan of Caves Park (Liber 31 Folio 64) and is improved with a 2 story single family dwelling, which has 2 bedrooms, 2 bath. The proposal is to add to additions to the rear and front/ side of the dwelling to accommodate the needs of elderly parents. The existing dwelling is angled on the lot and the new addition requires a minor side yard variance of 46.5' from the property line and 72.5' to the centerline of the street in lieu of the required 50' and 75' respectively.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the proposed variance provided the dwelling continues to be used as a single family dwelling in the future.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: March 25, 2009

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 30, 2009

Item Nos. 2009-0232, 0233, 0234, 0237, 0240, 0241, 0242, 0243, 0245, and 0246

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

DAK:CEN:Irk

cc: File

ZAC-03302009 -NO COMMENTS



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 March 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 23, 2009

Item Numbers 0234,0237,0240,0241,0242,0243,0245 and 0246

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: 3/23/2009

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

RE: Baltimore County

Item No. 2009-0246-A 11401 MARBROOK RD. GILBERT PROPERTY

ADMINISTIZATIVE 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. 2009-0246-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,

NSteven D. Foster, Chief FOD Engineering Access Permits

Division

SDF/MB



AV 4-13-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 0 4 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

April 4, 2009

SUBJECT:

Zoning Item (# 09-245-A)

Address

401 Upland Road

(Person Property)

Zoning Advisory Committee Meeting of March 23, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer:

JWL

Date: 5/4/09

AV 4-13-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 0 4 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

May 4, 2009

SUBJECT:

Zoning Item (# 09-243-A

Address

7 Middle Woods Court

(Angelo Property)

Zoning Advisory Committee Meeting of March 23, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer:

JWL

Date: 5/4/09

AV U-13-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 0 4 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

May 4, 2009

SUBJECT:

Zoning Item #_09-246-A

Address

11401 Marbrook Road

(Gilbert Property)

Zoning Advisory Committee Meeting of March 23, 2009

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

Prior to building permit approval, a variance to allow the well closer than 30 feet to the building must be submitted and approved. Contact GWM for more information.

Reviewer:

S. Farinetti

Date: 3.27.09

Nancy & Alan Gilbert

11401 Marbrook Road Owings Mills, MD 21117

Dear Maya and Greg,

Nancy and I would greatly appreciate your cooperation in our request for an administrative variance from Baltimore County regarding the building setback requirements on the Millridge Road side of our house. The text immediately below is the affadavit that accompanies our petition that is being presented to the Baltimore County zoning board.

The house is presently a 2 bedroom 2 bath one story dwelling on slab. We are moving our elderly parents (90 and 85) into our home for continuing care. Our plan will enlarge one existing bedroom and add a full bathroom adjacent to it. Bathroom needs to be handicap friendly to accommodate one wheelchair bound parent. To do this, two corners of the planned expansion extend 5 feet into the side setback.

Attached is a site plan that shows the location where the bathroom plan extends into the side setback area. The planned addition will be screened by dense foliage between the house and Millridge Road.

Please be in touch with me directly if you have any further questions.

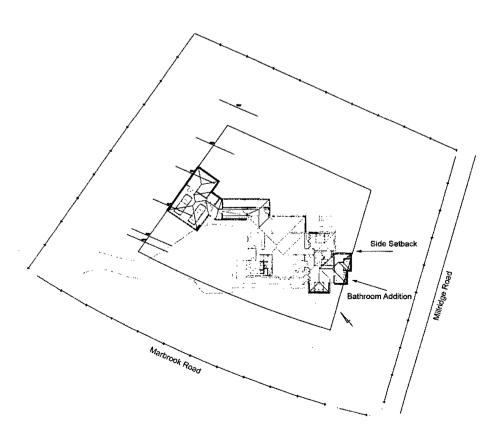
If you have no objection, please sign below and return to our mailbox or drop in mail.

Thanks so much. We truly appreciate your help.

Alan and Nancy & Que

We have reviewed the proposed plan for renovation to 11401 Marbrook Road and have no objection to the grant of a 5' variance to the 50' side setback requirement.

Maya and Gred Coolidge 11400 Marbrook Road





Dear Joanne and Myles,

Nancy and I would greatly appreciate your cooperation in our request for an administrative variance from Baltimore County regarding the building setback requirements on the Millridge Road side of our house. The text immediately below is the affadavit that accompanies our petition that is being presented to the Baltimore County zoning board.

The house is presently a 2 bedroom 2 bath one story dwelling on slab. We are moving our elderly parents (90 and 85) into our home for continuing care. Our plan will enlarge one existing bedroom and add a full bathroom adjacent to it. Bathroom needs to be handicap friendly to accommodate one wheelchair bound parent. To do this, two comers of the planned expansion extend 5 feet into the side setback.

Attached is a site plan that shows the location where the bathroom plan extends into the side setback area. The planned addition will be screened by dense foliage between the house and Millridge Road.

Please be in touch with me directly if you have any further questions.

If you have no objection, please sign below and return to our mailbox or drop in mail.

Thanks so much. We truly appreciate your help.

Alan and Nancy & alu

We have reviewed the proposed plan for renovation to 11401 Marbrook Road and have no objection to the grant of a 5' variance to the 50' side setback requirement.

Joanne and Myles Eisenstein 11403 Marbrook Road

