#### IN RE: PETITION FOR ADMIN. VARIANCE

S side of Brook Road; 240 feet E of c/l of Stevenson Lane 9<sup>th</sup> Election District 5<sup>th</sup> Councilmanic District (509 Brook Road)

Debra Stillman and George Poscover Petitioners

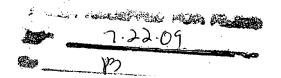
- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2009-0333-A

#### 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, Debra Stillman and George Poscover for property located at 509 Brook Road. 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 6.3 feet for an addition (enclosing porch) in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The subject dwelling has an existing porch that is original to the house and the owners now want to enclose the existing porch. This porch has deteriorated and replacing it with a new enclosed porch will improve the property's aesthetics. Dennis and Judy Hawkins, who reside at 511 Brook Road, indicated in a letter dated June 11, 2009 that they reviewed the drawings for the renovated porch and do not have any objections to the proposal.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 5, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.



The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22 day of July, 2009 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 6.3 feet for an addition (enclosing porch) in lieu of the required 10 feet is hereby GRANTED, subject to the following:

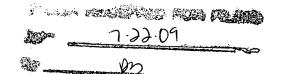
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 22, 2009

DEBRA STILLMAN AND GEORGE POSCOVER 509 BROOK ROAD TOWSON MD 21286

Re: Petition for Administrative Variance

Case No. 2009-0333-A Property: 509 Brook Road

Dear Ms. Stillman and Mr. Poscover:

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. BOSTWICK
Deputy Zoning Commissioner

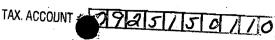
for Baltimore County

THB:pz

Enclosure

c: Steve Price, Post and Beam Design Build, 112 Colvard Court, Forest Hill MD 21050





I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for t	he pi	roperty	located at 509 Brook Rd	٠.
•	<i>:</i> •	٠.		which is presently zoned	

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) 1802.3. C. I i BCZR, To

Permit a Sideyard Setback of 6.3' for an addition (enclosing porch) in Lieu of the required 10ft.

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.

is the subject of this Petition. Contract Purchaser/Lessee: .egal Owner(s): Name - Type or Print Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Company Address Telephone No. 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	
	Reviewed By Date 6.23.0	P
	Estimated Posting Pare 7.5.09	
5	"minimum"	

REV 10/25/01

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## 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	309 Brook Rd Address						
	Towson City	ms	21286				
30. F. 100	City	State	Zip Code				
That based upon personal knowledge, the follo	wing are the facts up	on which I/we base the	request for an Administrative				
Variance at the above address (indicate hardsh		<b>')</b> :					
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That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed	I, Affiant(s) will be req	uired to pay a reposting and				
avertising fee and may be required to provide a	additional information.						
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NUMA XIMIMAN		·	INCO				
Signature	Sign	ature Day	cove				
Henra Stilman			we				
Name - Type of Print	Nam	e - Type or Print					
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:						
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ا HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	rsonally appeared	, <u>2°°\$</u> , before m	e, a Notary Public of the State				
Deba Cillana	/20	on Poscon					
the Affiant(s) herein, personally known or satisfa	actorily identified to me		· · · · · · · · · · · · · · · · · · ·				
AS WITNESS my hand and Notarial Seal	•						
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Notary Public

My Commission Expire

REV 10/25/01

WILLIAM WILKINSON IV NOTARY PUBLIC

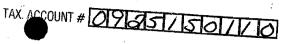
Baltimore County, Maryland My Commission Expires April 7, 2012

# 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	t <u>509</u>	Brook.	Rd	·	
		SON	MD	21	286
	City		State		Zip Code
That based upon personal knowledge, the fo Variance at the above address (indicate hards	llowing are the ship or practical	facts upon which difficulty):	I/we base the	request for an a	Administrative
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Debla Stillman		From	FPO	Scalle -	
Name - Type or Print	· · ·	Name - Type or		30009	•
A State of the sta	•	•	,	•	•
STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:				•
I HEREBY CERTIFY this 15 day of \	, na_	2009	before me	, a Notary Publ	ic of the State
of Maryland, in and for the County aforesaid,	personally appe	ared ,		,	
Debra Stillna	heore	Poscom-		• •	•
Tebra Still not the Affiant(s) herein, personally known or satis	sfactorily identifi	ed to me as such	Affiant(s).		
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AS WITNESS my hand and Notarial Seal					
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·	, My	Commission Expi	WILLIAM	WILKINSON	i iv
REV 10/25/01			NO	TARY PUBLIC	· · · · }

NOTARY PUBLIC
Baltimore County, Maryland
My Commission Expires April 7, 2012





CASE NO.

REV 10/25/01

## Petition for Administrative Variance

to the Zoning Commissioner of 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

Zoning Commissioner of Baltimore County

for the property located at 509 Brook	Rd	
which is presently zoned	DR 5.5	

is the subject of this Petition.

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) 1802.3.C.1; BCZR Ho

permit a sideyard Setback of 6.3 ft for an addition (conclasing porch) in lieu of the required loft.

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.

Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Company Address Telephone No. Telephone No. 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, 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.

Reviewed By

Estimated Posting

- 1. 509 Brook Road is an older house built in the early 1950's and has a smaller lot than modern houses. This smaller than typical lot creates a practical difficulty in complying with current zoning regulations especially when trying to upscale and create more space for a growing family.
- 2. The fascia boards and flooring on the existing screen porch have water damage and the northeast corner of the roof sags slightly. This creates an unsightly view for the owner's and neighbors of 509 Brook Rd. The new, enclosed porch will improve the view of the property from the east and is in keeping with similar enclosed porches in the adjoining neighborhood.
- 3. One of the owners to 509 Brook Rd (Debra Stillman) suffers from seasonal allergies (Fall and Spring); therefore, unable to go out or even enjoy the extra additional space of the screened-in porch. Enclosing the screens with windows and air conditioning would allow Debra Stillman to utilize and enjoy the existing porch.
- 4. 509 Brook Rd already has an existing porch that is original to the house and the owner's just want to enclose something that is already there on the property.

#### ZONING DESCRIPTION

Zoning Description for 509 Brook Rd, Towson, MD 21286:

Beginning at a point on the South side of Brook Road which is 50 feet wide at the distance of 240 feet East of the centerline of the nearest improved intersecting street Stevenson Lane which is 50 feet wide. \*Being Lot # 66, Block 500, in the subdivision of Greenbrier as recorded in Baltimore County Plat Book # 12, Folio # 68, containing 6350 square feet. Also known as 509 Brook Road and located in the 9<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.

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### CERTIFICATE OF POSTING

**ATTENTION: KRISTEN MATHHEWS** 

**DATE:** 07/06/09

Case Number: <u>2009-0333-A</u>

Petitioner / Developer: <u>DEBRA STILLMAN</u>
Date of Hearing (Closing): <u>JULY 20, 2009</u>

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: \_509 BROOK ROAD

The sign(s) were posted on: JULY 5, 2009



Linda O Kufe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	2009-	0333	-A	Address _	509	BReak	<u> </u>	-d.	
Conta	ct Perso	on;	Planner, P	MERICA Jease Print Your Na	inge .		Phone Number		fr	
Filing	Date: _	6-2	3.09	Postir	ng Date: <u>[</u>	7/5	Closing I	Date:	7/20	
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POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.										
2.	a forma	al reque	est for a pub	olic hearing.	Please u	nderstand	or owner withir that even if the closing date	n 1,000 fe nere is n	eet to file lo_formal	
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Petitio	ner: Th	is Part	of the Form	is for the S	ign Poster	Only				
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT										
Case Number 2009- 6333 -A Address 509 Brook Pol.										
Petitioner's Name DeBPA STILLMAN Telephone 4/0-769-8292										
Posting Date: $\frac{7/5/09}{}$ Closing Date: $\frac{7/20/09}{}$										
Nording for Sign: To Permit A SIDE SETBACK of 6.3 ft. IN CIEU										
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## 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.

For Newspap	er Advertising	<u>:</u>	$\sim$	$\supset$		
Item Number	or Case Numbe	r: <u> </u>	) <u> </u>	<u> </u>		
Petitioner:	DEB	RA S	STILL	MAN		
Address or Lo	ocation: 50	9 BR	OOK	Rd.	, Towson	, Md. 212
						<b>,</b>
PLEASE FOR	WARD ADVER	TISING BILL	TO:			
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JAMES T. SMITH, JR. County Executive

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

July 21, 2009

Debra Stillman & George Poscover 509 Brook Rd. Towson, MD 21286

Dear: Debra Stillman & George Poscover

RE: Case Number 2009-0333-A, 509 Brook Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 23, 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 Coul Dishards In

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel Steve Price; Post & Beam Design Build; 112 Colvard Ct.; Forest Hill, MD 21050



#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-333- 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

RECEIVED

**DATE:** July 9, 2009

JUL 1 0 2009

**ZONING COMMISSIONER** 





#### **Inter-Office Correspondence**



RECEIVED

JUL 1 4 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

July 13, 2009

SUBJECT:

Zoning Item

# 09-333-A

Address

509 Brook Road

(Stillman/ Poscover Property)

Zoning Advisory Committee Meeting of June 29, 2009

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

Reviewer:

JWL

Date: 7/13/09

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

**DATE:** July 14, 2009

TO:

Timothy M. Kotroco, Director

Department of Permits &

**Development Management** 

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 6, 2009

Item Nos. 2009-329, 330, 331, 333

and 334

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

DAK:CEN:cab

cc: File

ZAC-07062009-NO COMMENTS

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 09-333- Administrative Variance

**DATE:** July 9, 2009

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



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

Beverley K. Swaim-Staley, Acting Secretary Neil J. Pedersen. Administrator

Maryland Department of Transportation

Date: JULY 6, 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 - 0 333-A

509 BROOK RD POSCOVER 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 -0333-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

11 June, 2009

#### To Whom It May Concern:

We are aware that our neighbors at 509 Brook Road, George Poscover and Debra Stillman, are planning to renovate the screen porch on the east side of their house adjoining our property. They have shared the drawings with us and told us that the porch will be enclosed with windows and that they will use the same type of siding and shingles found in the rest of their house. We also understand that the renovated porch will be cantilevered over the existing foundation about ten inches towards our property line.

We agree that the renovated porch will improve the appearance of their home and of our view. We have no problems with the dimensions, design, or materials.

Regards,

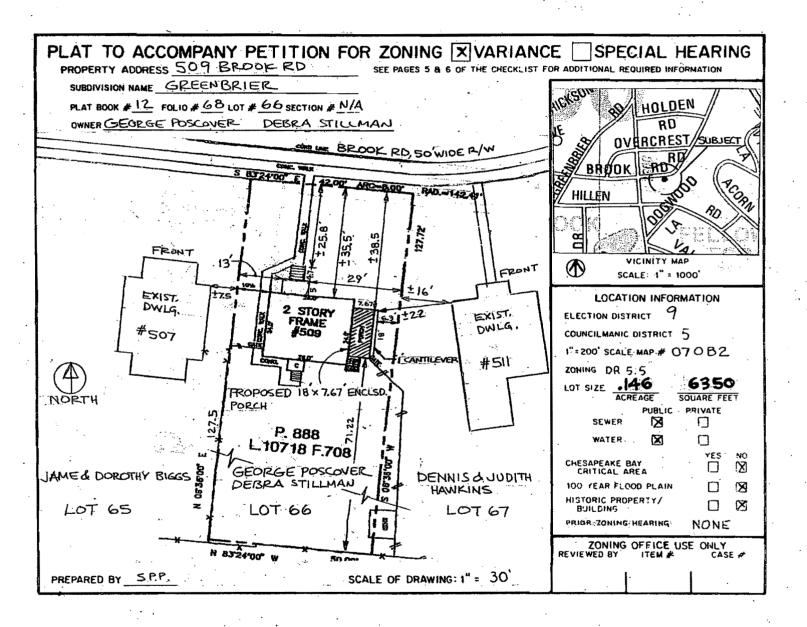
**Dennis Hawkins** 

Denis Hanky

∕Judy Ha⁄wkins

511 Brook Road Towson, MD 21286

edy Hawkins

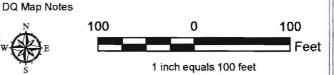


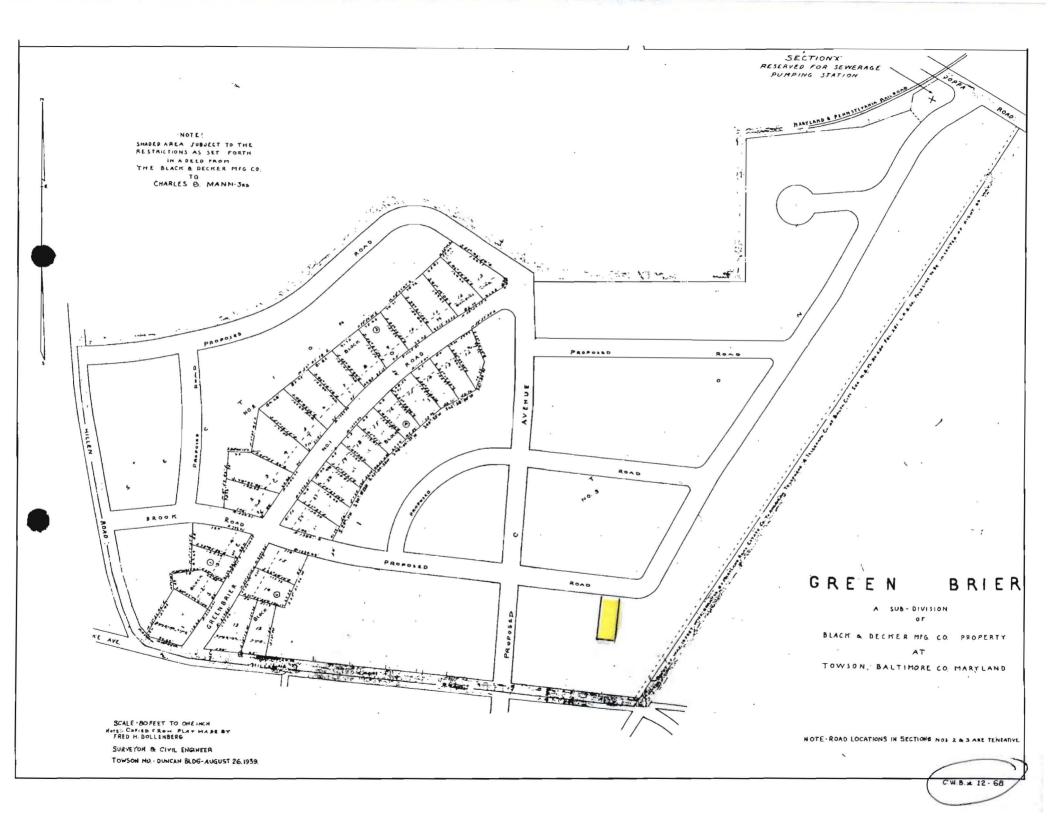
#### 509 Brook Road STEVENSON LN **BROOK RD** 097.9480750 BROOK RD 5-CD DR 5.5 070B2 **NE 9-B** STEVENSON LN **DR 16** BK Folio 68 WY OO WOO HILLEN RD HILLEN RD



Publication Date: June 09, 2009 Publication Agency: Department of Permits & Development Management Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot







front view





Cside view of porch

# Back view



Front view of porch + neighbors house





Back view of porch + neighbors house



Back view + neighbor's house