IN RE: PETITION FOR ADMIN. VARIANCE

N side of Breezewick Circle; 800 feet N of Breezewick Road 9th Election District 5th Councilmanic District

, ·

(922 Breezewick Circle)

Edward and Lisa Macsherry Petitioners

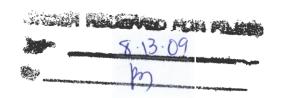
- * BEFORE THE
- DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0023-A

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, Edward and Lisa Macsherry for property located at 922 Breezewick Circle. The variance request is from Sections 208.4 and 301.1 (1955-71 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing deck and an addition to same with a rear yard setback of 4 feet in lieu of the required 22 ½ feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing deck was constructed prior to the Petitioners' purchase of the dwelling. Petitioners now wish to extend the existing deck along the rear of the house to maximize usable space for the family. Subject deck will extend laterally with a small wrap around so that a second door and steps can access the deck.

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 26, 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.

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.

HOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

8:13 09 m

2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 13, 2009

EDWARD AND LISA MACSHERRY 922 BREEZEWICK CIRCLE TOWSON MD 21286

Re: Petition for Administrative Variance

Case No. 2010-0023-A

Property: 922 Breezewick Circle

Dear Mr. and Mrs. Macsherry:

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

ORIGINAL KEEP IN FICE

TAX. ACCOUN 0915770050



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 922 Breezewick Circle which is presently zoned DR 3.5

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) 208. 4 pm 301. 1 (1955-71 BCZR

TO PERMIT AN EXISTING DECK AND AN ADDITION TO SAME WITH A REAR YARD SETBACK OF 4 FT. IN HEW OF THE REQUIRED 22 1/2 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.

TANTERUIT			Zoning Com	missioner of Baltimore Cour	
A Public Hearing having be this day of _ regulations of Baltimore Coun	ti ti	hat the subject matter of		the Zoning Commissioner of the lice hearing, advertised, as re	
City	State	Zip Code	City	State	Zip Code
Address		Telephone No.	Address	,	Telephone No.
Company			Name		•
Signature			Representative	to be Contacted:	
Name - Type or Print			City	State	Zip Code
			Towson	MA	Telephone No. 21286
Attorney For Petition	ner:		922 Breeze	wick Circle 4	43 901-098
City	State	Zip Code	Signature	, Muc X	Moder
Address		Telephone No.	Name Type or Print	Mac sue	X
Signature			Signature	I last	
Name - Type or Print			Name - Type or Print		1
		•	Edward W	1. Macsherry	
Contract Purchaser	Lessee:		Legal Owner(s)	<u>:</u>	
			I/We do solemnly do perjury, that I/we are is the subject of this	eclare and affirm, under the the legal owner(s) of the Petition.	he penalties of e property which
			IAMa de selembro de	salars and offices in dead	

Reviewed By JL

Estimated Posting Date __

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are

competent to testify thereto in the event that a p	public hearing is schedule	ed in the future with regard to	thereto.
That the Affiant(s) does/do presently reside at	922 Breeze	wick Circle	
	Towson	M D State	21286 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship)	owing are the facts upon ip or practical difficulty):	which I/we base the reque	est for an Administrative
A deck was built at.	the rear of t	he residence p	rios to
the current owners' p	urchase of t	he house in J	une 2008.
the current owners in	reed to impr	ove the deck	to maximize
useable space for the 1	family includ	ing two young	children.
This will be done with	out extendin	q the existi	ng aeck
F ther From the hous	e. Kather, t	the deck will	be
extended laterally wi	ith a Small	wrap around	so that
a conned door and S	steps can a	access the c	Jeck.
Also to seek relief for e	xisting deck	setback which	we did
not construct. That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed.	Affiant(s) will be required t	to pay a reposting and
advertising fee and may be required to provide a	additional information.		
Edward W. Macsherry		1	ac sherry
	Signatur		1
Edward W. Macsherry Name - Type or Print	Name -	15a C. Macshe Type or Print	rry
STATE OF MARYLAND, COUNTY OF BALTIN	NORE, to wit:		
I HEREBY CERTIFY, this	elly	2009, before me, a No	otary Public of the State
Polward W Mar She	ru K hus	a @ Macs	herry
the Affiant(s) herein, personally known or satisfa	actorily identified to me a	s such Affiant(s).	Y
AS WITNESS my hand and Notarial Seal		. ,	

Notary Public

My Commission Expires

NOTARY PUBLIC HARFORD COUNTY MARYLAND MY COMMISSION EXPIRES MAY 04, 2012

REV 10/25/01

Zoning Description

0023

Zoning Description For 922 Breezewick Circle.

Beginning at a point on the north side of Breezewick Circle which is 50 feet wide at the distance of 800 feet north of the centerline of the nearest improved intersecting street Breezeewick Road which is 50 feet wide. *Being Lot #13, Block A. Section # N2 in the subdivision of Cromwell Valley as recorded in Baltimore County Plat Book # 25, Folio # 61, containing 0.19 acre. Also known as 922 Breezewick Circle and located in the 9th Election District, 5th Councilman District.

			RECEIPT	Rev	Sub	Date:	7/17/	109
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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Department of Permits & Development Management Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, MD 21204 Date: July 29, 2009

Attention: Zoning Office

Ms. Kristen Matthews / Mr. John Lewis

Re: Case Number: 2010-0023-A

Petitioner/Developer: Ed & Lisa MacSherry Date of Hearing/Closing: August 10, 2009

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: 922 Breezewick Circle

The sign (s) were posted on: July 26, 2009

Villiam D. Gulick, Jr.

2944 Edgewood Avenue Baltimore, MD 21234 (410) 530-6293

SEE ATTACHED SITE PHOTOS





JUL 2 9 2009

DEPT, OF PERMITS AND DEVELOPMENT MANAGEMENT

William D. Gulick, Jr.

Baltimore County Approved Sign Poster Notary Public 2944 Edgewood Avenue Baltimore, MD 21234 410-530-6293

LETTER OF TRANSMITTAL

O: Balto. Cou	nty PDM	DATE:July 29,2009 JOB NO.2009-0023
oming Office		RE: Case No.: 2010-0023-A
TTENTION:	Ms. Kristen Matthew	ws / Mr. John Lewis MacSherry/922 Breezewick Circle
VE ARE SEN	DING YOU	Attached Under separate cover the following items:
Сору о	f letter P	rints Other
No. of Copies	Date	Description
1	July 26, 2009	Cert. Of Posting
2	July 26, 2009	Site Photos
For ap		For your use As requested For review & comment
0.1		

ED& LISE

MEGSHERRY

SIGNED: SCUPING BULICH SWILLIAM D. GULICK, JY.



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number # 0023 -A. Address 922 BREEZEWICK CIR							
Contact Person: Phone Number: 410-887-3391 Planner, Please Print Your Name							
Filing Date: 7/17/09 Posting Date: 7/16/09 Closing Date: 8/10/09							
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.							
1. 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. 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 (typically within 7 to 10 days of the closing date) 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 Co23 -A Address 922 BREEZEWICK RD							
Petitioner's Name ED + LISA MACSHERRY Telephone 443 90/ 098/							
Posting Date: 7/26/09 Closing Date: 8/10/09							
Wording for Sign: To Permit AN EXISTING DECKWITH A NEW DECK ADDITION							
WITH A REAR YARD SETBACK OF 4 FT. IN LIEW OF THE REQUESD							
MINIMUM OF 22/2 FT.							

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 Newspaper Advertising:
Item Number or Case Number 2410 - 0023 - A
Petitioner: Edward Macsherry
Address or Location: 922 Breezewick Circle
PLEASE FORWARD ADVERTISING BILL TO
Name: Edward Macsherry
Address: 922 Breezewick Circle
Towson MD 21286
Telephone Number: 443 901 - 0981



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 11, 2009

Edward & Lisa Macsherry 922 Breezewick Cir. Towson, MD 21286

Dear: Edward & Lisa Macsherry

RE: Case Number 2010-0023-A, 922 Breezewick Cir.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 17, 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,

u. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

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) 10-023- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

RECEIVED

DATE: July 29, 2009

JUL 3 1 2009

ZONING COMMISSIONER

AV_8/10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



SEP 10 2009

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

September 10, 2009

SUBJECT:

Zoning Item # 10-023-A

Address

922 Breezewick Circle

(Macsherry Property)

Zoning Advisory Committee Meeting of July 27, 2009

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

Reviewer:

JWL

Date: 9/10/09

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 7, 2009

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 3, 2009

Item Nos. 2010-015, 020, 022, 023, 024

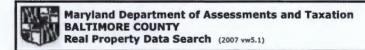
and 025

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08032009-NO COMMENTS.doc



Go Back View Map New Search

				0	wner Infor	mation					
Owner I						Use:			R	ESIDENTIAL	
MACSHERRY LI				Y LISA		Princ	ipal R	esidence:	YES		
Mailing	Addr	ess:	922 BREEZEWICK CIR BALTIMORE MD 21286-3301			Refer	ence:	1)) /27172/ 263)		
				Location	& Structure	e Inform	ation				
Premise								Legal Des	cription		
922 BRE	EZEW	ICK CIR						922 BREEZ CROMWELL			
Map 70	Grid 4	Parcel 755	Sub District	Subdivision	Section N2	Block	Lot 13	Assessmen 2	it Area	Plat No: Plat Ref:	25/ 6
				Town							,
Special	Tax A	reas		Ad Valorem							
				Tax Class							
Primary Structure Built 1963				ed Area Property Land Area 44 SF 8,470.00 SF			ea	County Use			
Stories Basemo			ment	Туре				Exterior			
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Seller:	ECK	S FORREST	W			Date:	05/0	9/2000	Price:	\$154,000	
Type:	IMP	ROVED ARM	1S-LENGTH			Deed1	: /144	155/ 556	Deed2:		
Seller:	OUR	SLER ROD	GER C			Date:	06/3	30/1975	Price:	\$50,000	
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FROM EXISTING DECK TO REAR SETBACK

EXISTING DECK TO 924 BREEZEWICK CIRCLE

FROM SETBACK TO REAR OF DWELLING



FROM EXISTING DECK TO 924 BEEZEWICK CIR

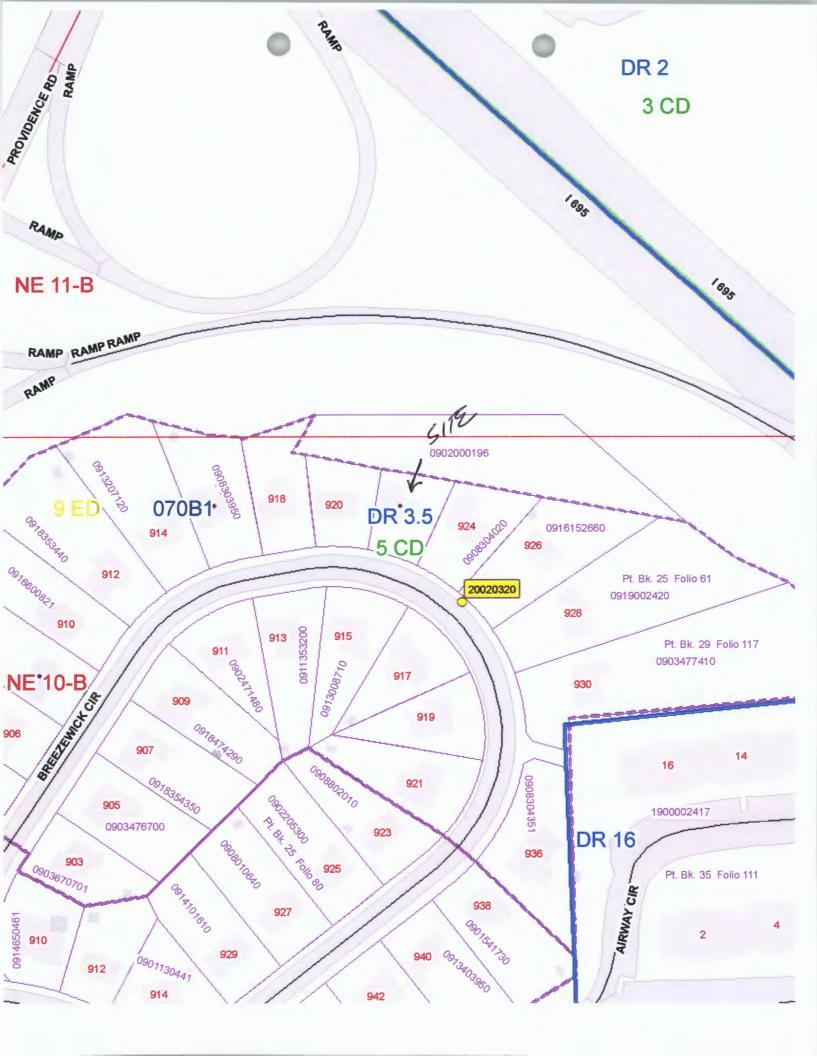




FROM ERISTING DECK TO SETBACK



FROM EXISTING DECK TO 920 BREEZWICK CIRCLE



PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANC	
PROPERTY ADDRESS 922 Breezewick Circle SEE PAGES 5 & 6 OF THE CHECKLIST FO	R ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME <u>Cromwell Valley</u>	
PLAT BOOK # 25 FOLIO # 61 LOT # 13 SECTION # A N2 (NERTH I	Kurenta Subject
OWNER Edward W. Macsherry, Lisa C. Macsherry	(3) HOOSE
S 79.50'10" E 92.74' A'EXIST DECK STACK SETSACK Wood DECK CONST BY PRICE UNDOOD DECK CONST BY PRICE 1 Story Frame 1 Conc. Addition	Previdence Road Greezewick Curil
24.5' SE S S S S S S S S S S S S S S S S S S	VICINITY MAP SCALE: 1" = 1000'
Existing Dwelling 1 Story Block & Frame # 920 Rich 924	A OCATION INFORMATION
# 920 Mary Depetris # 0908008920 Front Block & Frame # 922 # 0908304029 ner Front Front # 79 Dwelling # 0908304029 ner Front	ELECTION DISTRICT 9
# 0908008920 (m) 8 = 48.5' Front 48.5' Front	COUNCILMANIC DISTRICT 5
# 0908008920 Front (2) 18.5' Front (2) Front Front	1"=200' SCALE MAP # 07081
	ZONING DR 3.5
30' y B.R.L. 2 S.R.L.	LOT SIZE 0.19 8,470
MIT. Inc. 18.8.7. 18.8.7. 18.8.7.	ACREAGE SQUARE FEET PUBLIC PRIVATE
iteed by	SEWER []
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signature of the state of the s	YES NO YES NO CHESAPEAKE BAY STATE TO THE SAPEAKE BAY STATE TO THE SAPE
English Book 170 L=63.25 R=230	100 YEAR FLOOD PLAIN
See BREEZEWICK CIRCLE	HISTORIC PROPERTY/
Breezewick Road Breezewick Road Breezewick Road	PRIOR ZONING HEARING NONE
2.0 0	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
NORTH	REVIEWED BY ITEM # CASE #
PREPARED BY EM SCALE OF DRAWING: 1" = 20'	JL 2010-0023-A

1958 RC