

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Cottage Lane; 340 feet N of the c/l
of Pleasant Plains Road
9th Election District
5th Councilmanic District
(1563 Cottage Lane)

George E. Brune Jr. and Grace I. Brune
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0045-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, George E. Brune Jr. and Grace I. Brune for property located at 1563 Cottage Lane. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 47 feet in lieu of the required 50 feet for an enclosed deck/addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an enclosure measuring 12 feet x 18 feet. With six young grandchildren who visit often the rear deck with it's openness and height presents safety issues. They have decided to replace the open deck with an enclosure to minimize any potential safety hazards. The size of the proposed enclosure makes it a more functional room for the family. Petitioners have discussed the proposal with their neighbors who have no objection.

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 August 16, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

RECEIVED FOR FILING
9.9.09
pm

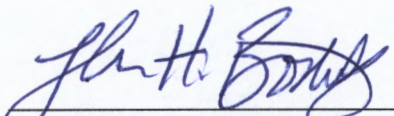
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 9th day of September, 2009 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 47 feet in lieu of the required 50 feet for an enclosed deck/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.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILE
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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 9, 2009

GEORGE E. BRUNE JR. AND GRACE I. BRUNE
1563 COTTAGE LANE
TOWSON MD 21286

Re: Petition for Administrative Variance
Case No. 2010-0045-A
Property: 1563 Cottage Lane

Dear Mr. and Mrs. Brune:

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,

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

c: Greg Wampler, Wampler & Sons, 408 Pulaski Highway, Joppa MD 21085

TAX. ACCOUNT

0902657240



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1563 COTTAGE LA
which is presently zoned DR10.5

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)

1802.3.C.1.BCZR, TO
PERMIT A REAR YARD SETBACK OF 47ft. IN LIEU
OF THE REQUIRED 50ft FOR AN ENCLOSED DECK/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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

GEORGE EDWARD BRUNE JR.

Name - Type or Print

George Edward Brune Jr.

Signature

GRACE IVORY BRUNE

Name - Type or Print

Grace Ivory Brune

Signature

1563 COTTAGE LA 331-7210

Address

TOWSON, MD. 21286

City

State

Zip Code

Representative to be Contacted:

WAMPLER & SONS

Name

408 PULASKI HWY 410-538-5410

Address

Telephone No.

Joppa, MD 21085

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. 2010-0045-A

Reviewed By JCM Date 8.12.09

REV 10/25/01

Estimated Posting Date 8.16.09

9.9.09

PS

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 1563 COTTAGE LAKE
Address
TOWSON MD 21286
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):

(SEE ATTACHED)

My wife and I have requested this project for the following reasons.
With our growing family, six small grandchildren with frequent visits, our current rear deck with it's openness and height presents safety issues. We have been getting progressively concerned with this situation, and decided to replace it with an enclosure to minimize this potential hazard. The size of the enclosure (12' X 18') would make this a more functional room to meet our family demands. However, a 50 foot setback is required. Measurements show that we have 47 feet of setback available. In order to be prudent, (even though only an additional 3 feet is needed to satisfy zoning regulations), **this request for an Administrative Variance is for 4 feet in order to exceed zoning requirements.** I have had discussions with my neighbors, and they have no objections to our project. They understand why we want this enclosure and that the size would be more functional and relieve our concerns for safety and more effectively serve our family needs.

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.

George Edward Brune Jr.
Signature
GEORGE EDWARD BRUNE JR.
Name - Type or Print

Grace Ivory Brune
Signature
GRACE IVORY BRUNE
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of Aug, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George & Grace Brune
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Cheryl W. Ward
Notary Public
My Commission Expires 9-01-11

ZONING DESCRIPTION

Zoning Description for 1563 Cottage Lane

Beginning at a point on the South side of Cottage Lane which is 60 feet wide at the distance of 340 feet north of the centerline of the nearest improved intersecting street Pleasant Plains Road, which is 60 feet wide. Being Lot # 61 in the subdivision of Loch Raven Manor as recorded in Baltimore County Plat Book # 23, folio # 68, containing 2,380 square feet. Also known as 1563 Cottage Lane and located in the 9th Election District, 5th Councilmanic District.

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

No. 43317

Date: 8-12-77

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				

Total: 43317

Rec
From: G. E. E. E.

For: 2010-11-15-1

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
410-530-6293

LETTER OF TRANSMITTAL

TO: Balto. County, PDM
Zoning Office

DATE: Aug 16, 2009
JOB NO. 2009-026
RE: Case no.: 2010-045-A
1563 Cottage Lane

ATTENTION: Ms. Kristen Matthews / Mr. Joe Merrey

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☐ Prints ☒ Documents ☐ Other ☐

No. of Copies	Date	Description
1	Aug. 16, 2009	Certificate Of Posting
2	Aug 16, 2009	Site Photos

TRANSMITTALS are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & comment

☐ Other ☐

REMARKS:

SIGNED:

WILLIAM D. GULICK, JR.

cc: Wampler & Sons





CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: AUG. 17, 2009

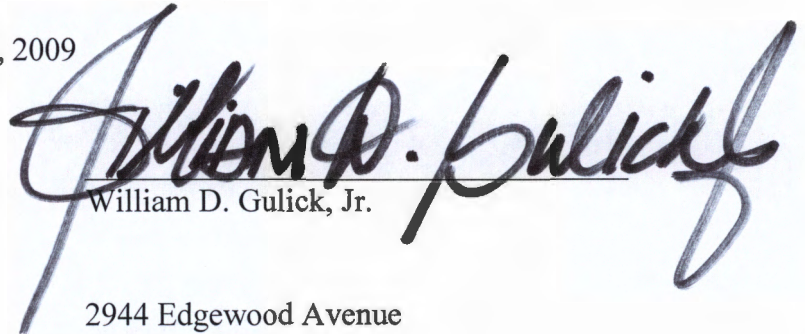
Attention: ZONING OFFICE

MS. KRISTEN MATTHEWS / MR. JOE MERREY

Re: Case Number: 2010-0045-A
Petitioner/Developer: GEORGE BRUNE
Date of Hearing/Closing: AUG. 31, 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: 1563 COTTAGE LANE

The sign (s) were posted on: AUG. 16, 2009


William D. Gulick, Jr.

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

SEE ATTACHED SITE PHOTOS



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000- 0045 -A Address 1563 COTTAGE LA.

Contact Person: J. MORREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8.12.09 Posting Date: 8/16 Closing Date: 8/31

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 2000- 0045 -A Address 1563 COTTAGE LA.

Petitioner's Name GEORGE BRUNE Telephone 410-332-7270

Posting Date: 8/16 Closing Date: 8/31

Wording for Sign: To Permit A VARIANCE TO PERMIT A REARYARD
SETBACK OF 7ft. IN LIEU OF THE REQUIRED 50ft
FOR AN ENCLOSED DECK.

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: 0045

Petitioner: GEORGE BRUNE

Address or Location: 1563 COTTAGE LN., Towson, Md. 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-538-5410



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 31, 2009

George & Grace Brune
1563 Cottage Ln.
Towson, MD 21286

Dear: George & Grace Brune

RE: Case Number 2010-0045-A, 1563 Cottage Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 12, 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
Wampler & Son; 408 Pulaski Highway; Joppa, MD 21085

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 8, 2009

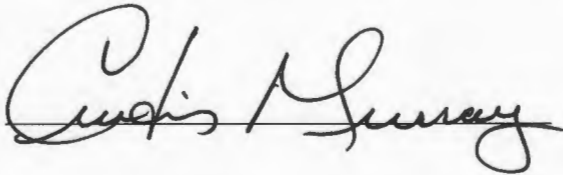
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-045- 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

SEP 09 2009

ZONING COMMISSIONER

AV 8/31

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-045-A
Address 1563 Cottage Lane
(Brune Property)

Zoning Advisory Committee Meeting of August 17, 2009

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

Reviewer: JWL

Date: 9/29/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 19, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For August 17, 2009
Item Nos. 2010-0041, 2010-042, 043 and 045

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-08192009 -NO COMMENTS.doc



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

August 21, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 17, 2009

Item Numbers 0041, 0043, 0044, 0045, 0046, 0047

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

State Highway
Administration

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

Maryland Department of Transportation

Date: August 19, 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. 2010-0045-A
1563 COTTAGE LN.
BRUNE 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. 2010-0045-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,

Foa¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Patricia Zook - Cases 2010-0041-A and 2010-0045-A – comments needed (closed 8-31-09)

From: Patricia Zook
To: Murray, Curtis
Date: 9/1/2009 3:30 PM
Subject: Cases 2010-0041-A and 2010-0045-A – comments needed (closed 8-31-09)
CC: Are, Kathy; Bostwick, Thomas; Wiley, Debra

Curtis -

I just received the following described administrative variance cases and both files are missing comments from the Office of Planning.

CASE NUMBER: 2010-0041-A

10 Marlvern Court

Location: E side of Malvern Court; 350 feet S of the c/l of Malvern Avenue.

9th Election District, 2nd Councilmanic District

Legal Owner: John and Elizabeth Linehan

Closing Date: 8/31/2009

ADMINISTRATIVE VARIANCE To permit an addition with an 11 foot side yard setback in lieu of the minimum required 20 feet.

CASE NUMBER: 2010-0045-A

1563 Cottage Lane

Location: S side of Cottage Lane; 340 feet N of the c/l of Pleasant Plains Road.

9th Election District, 5th Councilmanic District

Legal Owner: George and Grace Brune

Closing Date: 8/31/2009

ADMINISTRATIVE VARIANCE To permit a rearyard setback of 47 feet in lieu of the required 50 feet for an enclosed deck/addition.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



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BARKSDALE RD

GLEN KEITH BLVD

ALLEY

ALLEY

ALLEY

ALLEY

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PL BK 23 Folio 68
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PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

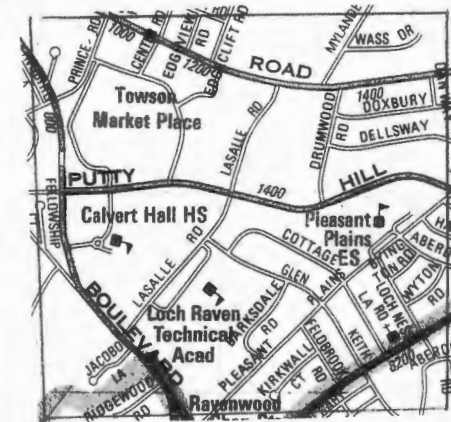
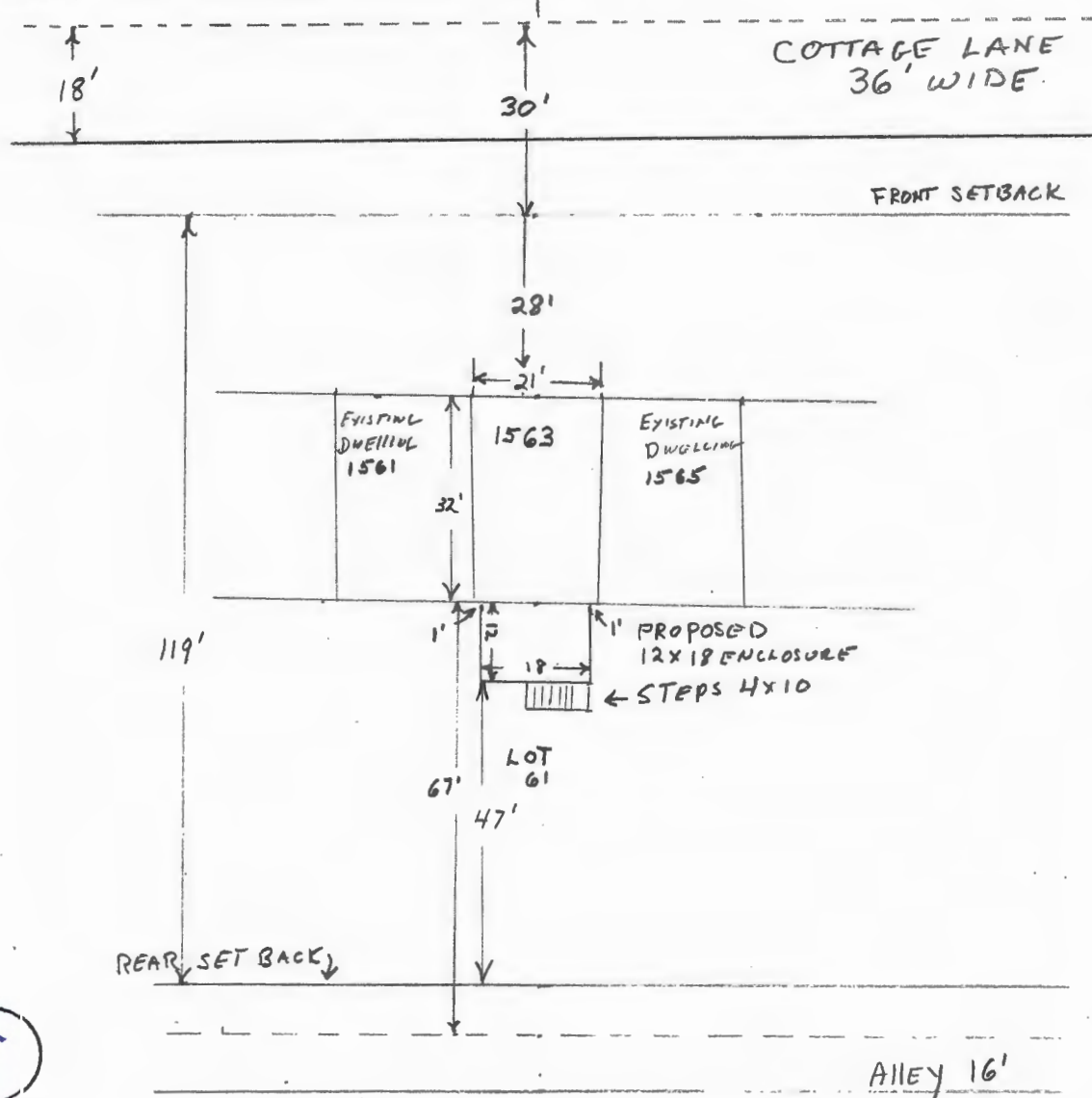
PROPERTY ADDRESS 1563 COTTAGE LANE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Loch Raven Manor

PLAT BOOK # 23 FOLIO # 68 LOT # 61 SECTION #

OWNER GEORGE C GRACE BRUNE



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 9
COUNCILMANIC DISTRICT 5
1" = 200' SCALE MAP # 070B3
ZONING DR-10.5
LOT SIZE 2,380
ACREAGE SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE ☐
WATER ☒ PUBLIC ☐ PRIVATE ☐
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO
PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #



PREPARED BY CALL MAUFRE

SCALE OF DRAWING: 1" = 30'