

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

S side of Dixie Drive; 95 feet W of the c/l  
of Southland Court  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
(323 Dixie Drive)

David Brown and Kate Knott  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2010-0054-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, David Brown and Kate Knott for property located at 323 Dixie Drive. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit enclosing portion of the open porch on side of existing dwelling to become a powder room and coat closet addition with a side setback of 4 feet 6 inches in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing dwelling has a tiny, unusable coat closet on the entry level and a very small powder room located adjacent to the kitchen area. Petitioners propose to renovate the current kitchen. They wish to incorporate the current powder room space into the area of the kitchen. Then they want to replace the powder room and provide a useable coat closet on the entry level. Therefore, they desire to enclose a portion of the existing side porch.

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.

9.23.09

*[Signature]*

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 29, 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.

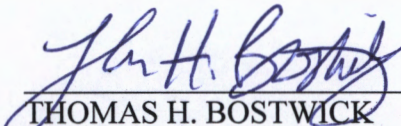
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23rd day of September, 2009 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit enclosing portion of the open porch on side of existing dwelling to become a powder room and coat closet addition with a side setback of 4 feet 6 inches 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.

9-23-09

M

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  
9.23.09  
pm



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

September 23, 2009

DAVID BROWN AND KATE KNOTT  
323 DIXIE DRIVE  
TOWSON MD 21204

Re: Petition for Administrative Variance  
Case No. 2010-0054-A  
Property: 323 Dixie Drive

Dear Mr. Brown and Ms. Knott:

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



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 323 DIXIE DR TOWSON MD  
which is presently zoned PR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3 C.1

TO PERMIT ENCLOSING PORTION OF THE OPEN PORCH ON SIDE OF EXISTING DWELLING TO BECOME A POWDER ROOM & COAT CLOSET ADDITION, WITH A SIDE SETBACK OF FOUR FEET SIX INCHES (4'6") IN LIEU OF THE REQUIRED TEN (10) FEET.

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):

DAVID BROWN  
Name - Type or Print

Signature

KATE KNOTT  
Name - Type or Print

Signature

323 DIXIE DR 443.521.5153 C  
Address Telephone No.

TOWSON MD 21204  
City State Zip Code

### Representative to be Contacted:

Name

Address

City

Telephone No.

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. 2010-0054-A

Reviewed By A. Tsui Date 08/18/09

REV 10/25/01

9.23.09

Estimated Posting Date 08/30/09 - 09/14/09

# Affidavit in Support of Administrative Variance

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

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

323 DIXIE DRIVE

Address

TOWSON

City

MD

State

21204

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):

The property at 323 Dixie currently has a tiny, unusable coat closet on the entry level and a very small powder room located adjacent to the kitchen area. We are proposing to renovate the current kitchen. Due to financial restrictions, we cannot expand the kitchen beyond the footprint of the house, into the rear yard. Therefore, we need to incorporate the current powder room space into the area of the kitchen. We would then want to replace the powder room and provide a useable coat closet on the entry level. In order to do so, we want to enclose a portion of the existing side porch.

We believe that all of these proposed changes will increase the value of the house and therefore be beneficial to the neighborhood.

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.

[Signature]

Signature

Kate P. Knott

Name - Type or Print

[Signature]

Signature

DAVID BROWN

Name - Type or Print

STATE OF MARYLAND, CITY COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12<sup>th</sup> day of August, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kate Knott & David Brown

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

AS WITNESS my hand and Notary Seal



[Signature]  
Notary Public

My Commission Expires 5/30/2011

Zoning Description for 323 Dixie Drive Towson Maryland 21204

Beginning at a point on the South side of Dixie Drive  
which is 50'-0" wide  
at the distance of 95' West of the centerline of the  
nearest improved street Southland Court  
which is 50'-0" wide.

Being Lot # 25, Block -, Section# 5 in the subdivision of Southland Hills  
As recorded in Baltimore County Plat Book # 12, Folio # 30  
Containing 8840.00 SF.

Also known as 323 Dixie Drive

And located in the 1 Election District, 5 Councilmanic District.

2010-0054-A

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

No. 43317  
 Date: 08/18/09

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 650             |                  |          |         | 65-    |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |
|      |      |      |          |                 |                  |          |         |        |

Total: \$65

Rec

From:

For:

323 DIXIE DR

2010-0054-A

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**PAID RECEIPT**

BUSINESS ACTUAL TIME PER  
 8/19/2009 8/18/2009 10:31:56 2  
 MSG2 MATH JEFF  
 RECEIPT # 44950 8/18/2009 OFLH  
 5 528 20000 VERIFICATION  
 TR NO. 043317  
 Recpt Tot \$65.00  
 \$65.00 CE \$0.00 CA  
 Baltimore County, Maryland

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN MATHHEWS

**DATE:** 08/29/09

**Case Number:** 2010-0054-A

**Petitioner / Developer:** DAVID BROWN~KATE KNOTT~LISA KYLE, AIA

**Date of Hearing (Closing):** SEPTEMBER 14, 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:  
323 DIXIE DRIVE

**The sign(s) were posted on:** AUGUST 29, 2009



Linda O'Keefe  
(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)

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2000- 0054 -A Address 323 DIXIE DRIVE

Contact Person: AARON TSUI Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 08/18/2009 Posting Date: 08/30/09 Closing Date: 09/14/09

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.
3. **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 2000- 0054 -A Address 323 DIXIE DRIVE

Petitioner's Name DAVID BROWN Telephone 443.527.5153

Posting Date: \_\_\_\_\_ Closing Date: \_\_\_\_\_

Wording for Sign: To Permit TO ENCLOSE PORTION OF THE EXISTING SIDE  
OPEN PORCH TO BECOME A POWDER ROOM & COAT CLOSET WITH  
A SIDE SETBACK OF FOUR FEET SIX INCHES (4'6") IN LIEU  
OF THE REQUIRED TEN (10) FEET.

WCR - Revised 7/7/08



**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

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

September 15, 2009

David Brown & Kate Knott  
323 Dixie Dr.  
Towson, MD 21204

Dear: David Brown & Kate Knott

RE: Case Number 2010-0054-A, 323 Dixie Dr.

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

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

**DATE:** August 31, 2009

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 7, 2009  
Item Nos. 10-007, 048, 049, 050,  
051, 052, 054 and 055

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-09072009 -NO COMMENTS.doc



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 27, 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. 2010-0054-A  
323 DIXIE DRIVE  
BROWN/KNOTT PROPERTY  
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0054-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** September 15, 2009

**RECEIVED**

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

**SEP 18 2009**

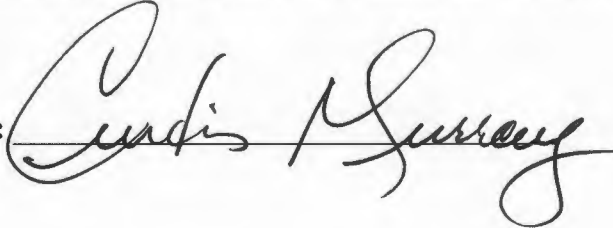
**ZONING COMMISSIONER**

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 10-054- 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



AV 9/14

**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 # 10-054-A  
Address 323 Dixie Drive  
(Brown/ Knott Property)

Zoning Advisory Committee Meeting of August 24, 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

Closing  
9/14/09

2010-0054-A

To Whom It May Concern:

We, the undersigned are neighbors of Kate Knott & David Brown. We are aware of the proposed plans for the partial enclosure of the side porch at 323 Dixie Drive.

We do not have any objections to the proposed plans.

Thank you.

Robert and Rebecca Baummer (325 Dixie Drive)

A handwritten signature in dark ink, reading "Rebecca Baummer". The signature is written in a cursive style with a large initial 'R'.

Edward Rosenfeld and Merrill Alterman (321 Dixie Drive)

A handwritten signature in dark ink, reading "Edward Rosenfeld". The signature is written in a cursive style with a large initial 'E'.

## FAX COVER SHEET

Date: August 20, 2009

To: Linda O'Hee Fe

Fax number: 410-666-0929

From: Baltimore County Office of zoning

Fax number: 410-887-3391

Number of pages  
(including this  
cover sheet): 2 pages

Message: 2010-0054-A

If any part of this fax transmission  
is missing or not clearly received  
please call:

Name: \_\_\_\_\_

Phone number: \_\_\_\_\_



2010-0054-A

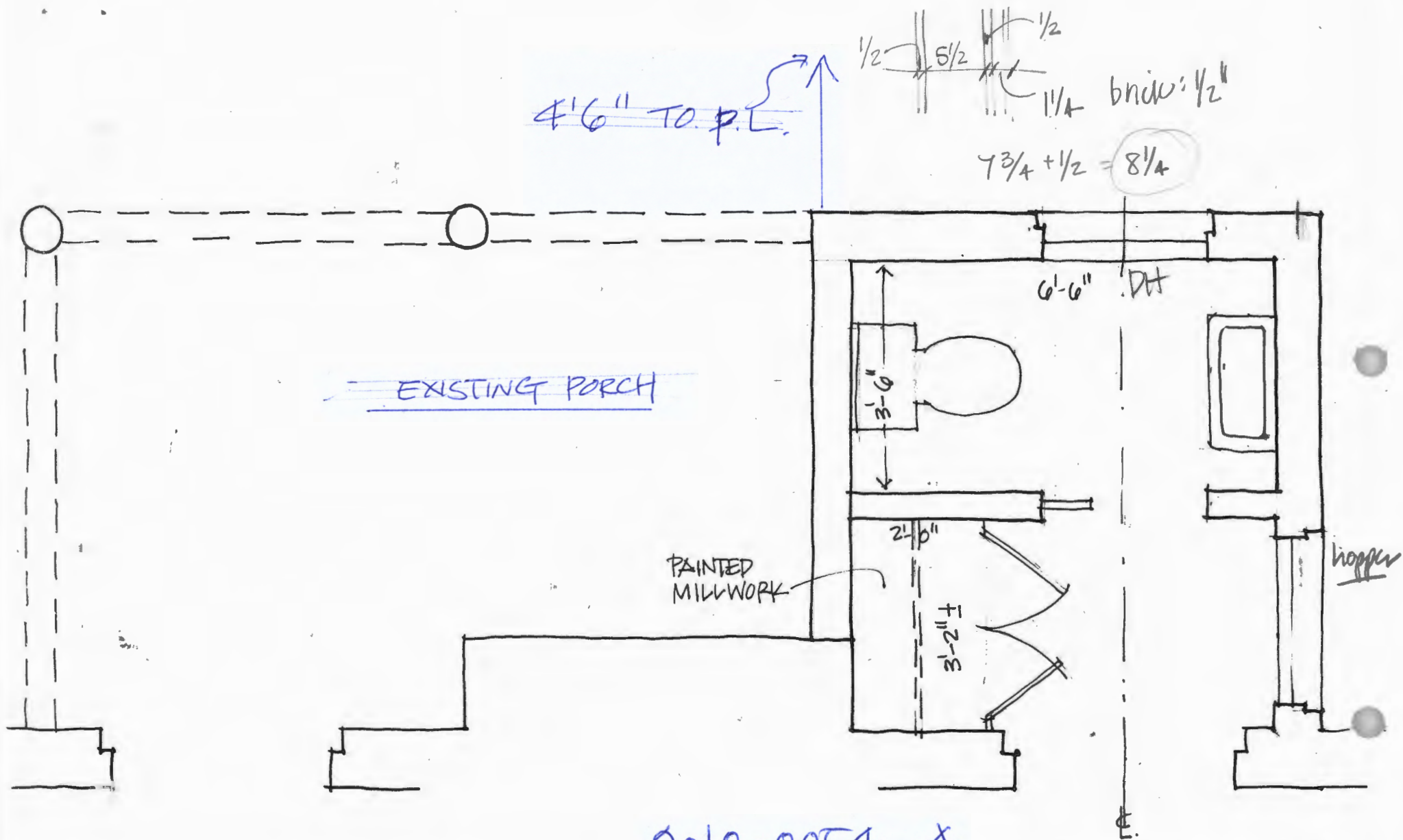


2010-0054-A



2010-0054-A





KATE & MOOSE'S PROJECT

SCALE:  $\frac{1}{2}" = 1'-0"$

POWDER ROOM - OPTION A

JULY 23, 2009

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

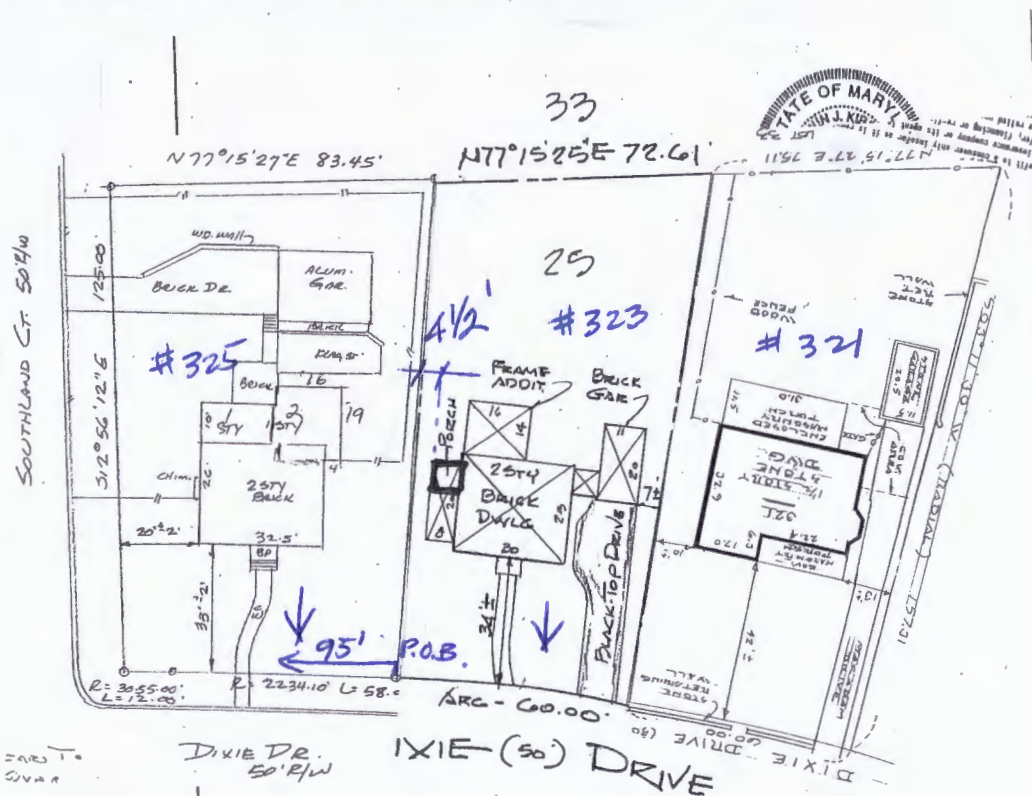
PROPERTY ADDRESS 323 DIXIE DRIVE

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

SUBDIVISION NAME SOUTHLAND HILLS

PLAT BOOK # 12 FOLIO # 30 LOT # 25 SECTION # 5

OWNER KATE KNOTT & DAVID BROWN



LOCATION DRAWING  
No. 323 DIXIE DRIVE  
LOT No. 25  
SOUTHLAND HILLS  
BALTIMORE CO., MD

GREENSPRING SURVEYS  
P.O. BOX # 761  
GREENSPRING STATION  
BROOKLANDVILLE, MD 21022

410-409-5237

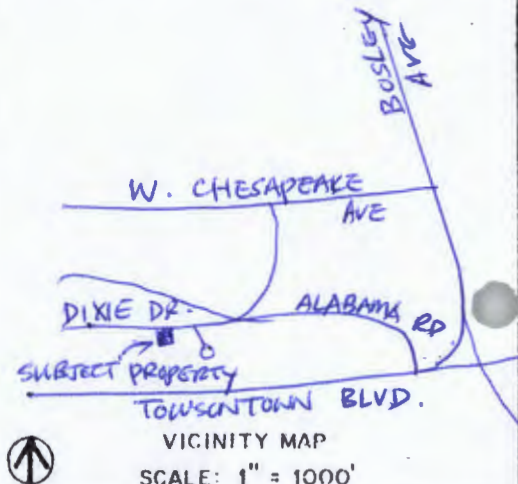
Date: 10-19-04 Scale:



NORTH

PREPARED BY LISA KYLE

SCALE OF DRAWING: 1" = 50'-0"



## LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # 070A2

ZONING DR5.5

LOT SIZE .2 ACREAGE 0.044 SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              | YES                      | NO                                  |
|------------------------------|--------------------------|-------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 100 YEAR FLOOD PLAIN         | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| HISTORIC PROPERTY/ BUILDING  | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| PRIOR ZONING HEARING         | <u>NONE</u>              |                                     |

ZONING OFFICE USE ONLY  
REVIEWED BY A-TSMI ITEM # 0054 CASE # 2010-0054-A