

IN RE: PETITION FOR ADMIN. VARIANCE *

N/Side of Gateswood Road, 168' W of *

C/line of Knollton Road *

(222 Gateswood Road) *

8th Election District *

3rd Council District *

Nicklas Brandt, et ux *

Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0143-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Nicklas Brandt, and his wife, Nicole Brandt. The Petitioners request a variance from Section 1B02.3.A.1 (March 30, 1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 7 feet (west side) and to permit an existing dwelling with a side yard setback of 13 feet (east side) in lieu of the required 15 feet, respectively.¹ The subject property and requested relief are more particularly described on the amended site plan which was accepted into evidence and marked as Petitioners' Exhibit 1A.

The Petition was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal public hearing provided certain conditions are met. First, the property is posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property may request a public hearing for a determination as to the merits of the request. Additionally,

¹ Petitioners amended their petition and site plan at the onset of the hearing, without objection, to show a requested (west side) setback of 7 feet (rather than the 5 feet as originally filed). Since this decreased the relief that was being requested, they were permitted to proceed. It is also to be noted that Dulaney Forest is a residential subdivision approved by the Baltimore County Planning Board in 1955 and therefore entitled to the development standards and zoning regulations in effect at that time.

ORIGINAL RECEIVED FOR FILING

Date

BY

the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code.

On November 13, 2009, Philip C. Hack, 220 Gateswood Road, filed a formal demand for public hearing. Additionally, the Dulaney Forest Community Association provided this Commission with a letter raising concerns of the project's potential impact on the community. The hearing was, therefore, subsequently scheduled for Monday, December 21, 2009, at 11:00 AM in Room 104 of the Jefferson Building, located at 105 West Chesapeake Avenue, Towson, MD.

Appearing at the requisite public hearing in support of the request were Niklas and Nicole Brandt, property owners. Appearing as Protestants were Philip C. and Janice K. Hack as well as William R. Levasseur, Esquire, in his capacity as Chairperson of the Dulaney Forest Community Association's Protective Covenants Committee.

Testimony disclosed the subject property is a rectangular-shaped lot with improvements built in 1956 oriented to front on the north side of Gateswood Road, just west of that roads intersection with Pot Springs Road in Timonium. The property is also known as Lot 9 of the Dulaney Forest subdivision, and contains an area of 0.62 acres, more or less (28,806 square feet), zoned D.R.2. Presently, the site is improved with a two-story split level-style dwelling, which features mature trees, a sloping rear yard with retaining walls and accessory structures (shed and playhouse). Photographs of the property were submitted and described by Mr. Brandt. He explained that a 26' wide x 32' deep attached garage addition is desired and proposed to be located on the front western side of the existing dwelling, adjacent to the Hack property. Mr. Brandt described the site constraints associated with the property, including the existence of a

substantial retaining wall due to the topography, large trees, playhouse and shed that prevent placement of the garage in the rear yard. In sum, the Brandt's opined that the proposed location for the addition was the most appropriate, and that relief should be granted to allow a reduced setback in order to proceed. The addition as contemplated will be one-story high and add 832 square feet to the home and provide parking and additional storage space. Architectural drawings prepared by Lloyd B. Martin, Jr. were received as Petitioner's Exhibit 3. Mr. and Mrs. Brandt indicated that it would be very difficult, from a functional standpoint, to construct the addition to other parts of the house. The Brandt's point out that the 13 foot side yard setback on the eastern side of the lot that they included on the Petition is to legitimize the house location on the lot which has existed without change for over 53 years. Evidently, the home was inadvertently built two (2) feet closer to the eastern property line than permitted as determined by Advanced Surveys in June 2009. (See Petitioners' Exhibit 1A).²

Testimony was received from Philip and Janice Hack who have lived in their home for over twenty (20) years. They purchased Lot 8 in Dulaney Forest as it is a half acre, wooded lot with the home (theirs and the Petitioners) set back further than mandated by Section 1B02.3.C.1 that requires a front yard depth of 40 feet. Their home is 62 feet from the right-of-way line of Gateswood Road; the Brandt's home is 88 feet. They asked for a public hearing to the side yard variance stating, if granted and the proposed structure built, it would be easily visible and

² I believe it analogous to refer to Section 5-114, of the Courts and Judicial Proceedings Article, Annotated Code of Maryland, Setback Line Restrictions. Specifically, Section 5-114(b)(3) provides:

... notwithstanding any other provision of State or local law to the contrary, a building permit that was otherwise validly issued, except that the permit wrongfully permitted the building or structure to violate a setback line restriction, shall be considered a valid building permit.

Sections 5-114(b)(1) and (2) prevent either a person or a governmental entity from initiating an action or proceeding arising out of a failure of a building or structure to comply with a setback line restriction more than 3 years after the date on which the violation first occurred if the building or structure was constructed or reconstructed.

become a dominant structure that would set an undesirable precedent to the detriment of the community. Mr. Hack testified that his property has similar topography constraints and he placed his garage in the rear yard. Without a doubt, he stated that having a garage attached to the front of the house would change the look and character of the neighborhood – for the worst. Additionally, it is not the type of structure that screening with landscaping could hide. See Protestants Exhibit 1 - photographic simulations (PhotoShop). Mr. Levasseur stated that the community association is also opposed to the granting of a variance. The association is comprised of 136 lots, most all are half acre lots with a 30-foot separation between homes. He stated the association will not approve the placement of a garage in front of the house.

As mentioned at the conclusion of the hearing, this is a difficult case. From a practical standpoint, I am appreciative of Mr. and Mrs. Brandt's desire to expand their home. It was indicated that they have no basement and that additional space is needed. On the other hand, Mr. and Mrs. Hack have expended sufficient sums to safeguard their privacy and believe the proposed garage 7 feet from their property would impact in a negative way upon their property value. This position is shared by the Dulaney Forest Community Association.

Any proposed construction in the front yard mandates close scrutiny. The impact of building in this area will be greater than the same proposal in the rear. Weighing all the testimony and evidence on this issue, I am persuaded to agree with Mr. and Mrs. Hack that granting a side yard variance would adversely impact the neighborhood. Communities simply look nicer if the view from the street is the grandest, prettiest part of the house – the formal front entry to the home. Aesthetics demand that the "front" should be the most attractive side. The proposed garage addition placed squarely in front of the house would destroy 50 years of efforts undertaken by this community in the enforcement of their covenants which promote and

maintain the standards for the changes to property setbacks. See, also B.C.Z.R. Section 260 – Residential Performance Standards - which state in pertinent part: “. . . garages may not become the dominant street feature . . . ”.

In considering the variance request, I am mindful of the requirements of Section 307 of the B.C.Z.R., as construed by *Cromwell v. Ward*, 102 Md. App. 691 (1995), which is the leading appellate case in considering the variance statute in Baltimore County. *Cromwell v. Ward* essentially requires a three-part examination of the variance request. First, the Petitioner must demonstrate that the property at issue is unique. Second, it must be shown that the uniqueness of the property results in a practical difficulty upon the Petitioner, if strict compliance with the regulations is required. Third, the Petitioner must demonstrate that the variance, if granted, would not be detrimental to adjacent properties.

Upon due consideration of the testimony and evidence presented in the instant case, I am not persuaded that the Petitioners have met their burden. Mr. Hack's cross-examination of Mr. Brandt was particularly compelling that the subject property is not unique. Indeed, *Cromwell* requires that there must be a unique characteristic of the property at issue (i.e., topography, shape, configuration, etc.) in order for relief to be granted. The characteristics of the subject site are not unique when compared to other lots in the neighborhood. Moreover, I am not persuaded by the testimony presented by the Petitioners that the location for the proposed addition is the only functionally appropriate site. Without delving into matters of architectural taste or style, the Brandt's contemporary home with the rear yard retaining wall is somewhat different from other residences in the community. It seems, however, that this configuration and location of the other improvements was done by Mr. Brandt and his predecessor in title. Although I understand and appreciate the testimony offered by the Petitioners about the benefits of economically locating

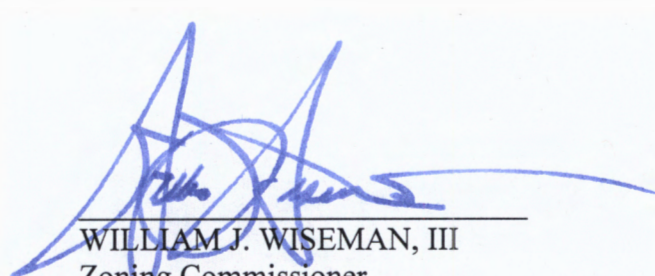
the needed garage at the proposed location versus expenditures of large sums of money to place it elsewhere, I am not persuaded by the argument. I do not find the land unique, as required by *Cromwell* and, moreover, find no justification relating to the design of the house which would satisfy this prong. See also *Montgomery County vs. Rotwein* 169 Md. App. 716 (2006) involving a similar case where a rear yard pool complicated the location of desired improvements.

Pursuant to the advertisement, posting of the property, public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 14th day of January 2010, that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 7 feet (west side), in accordance with Petitioners' Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the portion of the Petition for Variance to approve a side yard setback of 13 feet (east side) in lieu of the required 15 feet, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.


WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 1-14-10
BY [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 14, 2010

Niklas Brandt
Nicole Brandt
222 Gateswood Road
Timonium, Maryland 21093

RE: PETITION FOR ADMIN. VARIANCE

N/Side of Gateswood Road, 168' W of C/line of Knollton Road
(222 Gateswood Road)
8th Election District - 3rd Council District
Nicklas Brandt, et ux – Petitioners
Case No. 2010-0143-A

Dear Mr. and Mrs. Brandt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Philip C. and Janice K. Hack, 220 Gateswood Road, Timonium, MD 21093
William R. Levasseur, Esquire, 1917 Knollton Road, Timonium, MD 21093
People's Counsel; File



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2010-0143-A

Address: 222 GATESWOOD RD

Petitioner(s): NIKIAS & NICOLE BRANDT

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We PHILIP & JAMES HACK

Name - Type or Print

(☒) Legal Owner OR (☐) Resident of

220 GATESWOOD RD

Address

TIMONIUM MD 21093

City State Zip Code

410-560-3616

Telephone Number

which is located approximately ADJACENT TO feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Philip C. Hack 11-13-09

Signature Date

Signature Date

Revised 9/18/98 - wcr/scj

TAX. ACCOUNT # 807060960

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 222 GATESWOOD RD.
which is presently zoned DR 2

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.A.1 BCZR (March 30, 1955)

To permit an addition with a side yard setback of 5' and to permit an existing dwelling with a side yard setback of 13' in lieu of the required 15', respectively.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

222 GATESWOOD RD 410 382 5279
Address Telephone No.

THOMAS MD 21093
City State Zip Code

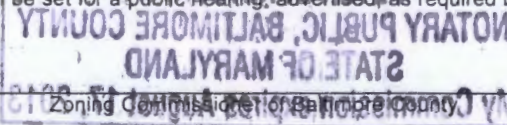
Representative to be Contacted:

Name

222 GATESWOOD RD 410 382 5279
Address Telephone No.

THOMAS MD 21093
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.



CASE NO. 2010-0143-A

REV 10/25/01

Reviewed By JF Date 10/30/09

Estimated Posting Date 11-08-09

Date 1-14-10

By [Signature]

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

Address 222 GATESWOOD RD
City JM JMW State MD Zip Code 21093

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 ATTACHMENT

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.

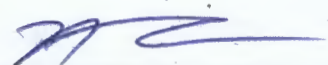
Signature



Name - Type or Print

NIKLAS BRANDT

Signature



Name - Type or Print

NICOLE BRANDT

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of October, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Niklas Brandt and Nicole Brandt

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

AS WITNESS my hand and Notarial Seal

PETER D. KEYSER, JR
NOTARY PUBLIC, BALTIMORE COUNTY
STATE OF MARYLAND
My Commission expires August 17, 2013

REV 10/26/07

Notary Public

My Commission Expires

Peter D. Keyser, Jr
August 17, 2013

To Whom It May Concern:

10/30/09

Regarding Administrative Variance for 222 Gateswood Road, Timonium MD 21093

We are seeking administrative variance for an attached garage addition to our house. Due to lot layout and terrain, the only feasible spot is attachment to front side of house. Requesting side setback reduced from standard 15 feet to 5 feet to accommodate a two car, single story garage.

We are unable to attach garage in back yard due to retaining wall, structures, (shed, playhouse), trees and severe slope. See attached pictures.

Since the primary dwelling lacks any basement an attached garage is the preferred solution for convenience and practicality.

We are also requesting an adjusted variance on the east side of the property. Apparently the primary dwelling at time of construction, 1956, was located at 13.3 feet from property line instead of standard 15 feet.

Attachments:

Plat survey

Pictures

Sincerely,

Niklas and Nicole Brandt

**ZONING DESCRIPTION FOR: 222 GATESWOOD ROAD,
TIMONIUM MD 21093**

Beginning at a point on the north side of Gateswood Road which is 50 feet wide at the distance of 168 feet west of the centerline of the nearest improved intersecting street Knollton Road which is 50 feet wide. Being Lot#8, Block L, Section#2 in the subdivision of Dulaney Forest as recorded in the Baltimore County Plat Book#21, Folio#37 containing 26806 square feet. Also known as 222 Gateswood Road and located in the 8th Election District, 3rd Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2010- 0143 -AAddress 222 GATESWOOD RD.Contact Person: JUN FERNANDO

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 10-30-09Posting Date: 11-08-09Closing Date: 11-23-09

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 2010- 0143 -AAddress 222 GATESWOOD RDPetitioner's Name NIKLAS BRANDTTelephone 410-382-5279Posting Date: 11-08-09Closing Date: 11-23-09

Wording for Sign: To Permit an addition with a side yard setback of 5' and to permit an existing dwelling with a side yard setback of 13' in lieu of the required 15', respectively.

Revised 8/20/09

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 2010-0143-A
Petitioner: NIKLAS BRANDT
Address or Location: 222 GATESWOOD ROAD, TIMONIUM MD

PLEASE FORWARD ADVERTISING BILL TO

Name: NIKLAS BRANDT
Address: 222 GATESWOOD RD
TIMONIUM MD 21093
Telephone Number: 410 382 5279

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

No. **37501**

Date: **November 13, 2009**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				50.00
001	806	0000		6150				4.50

Total: **54.50**

Rec
From:

For:

Formal Demand 4 Copies

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS - ACTIVE TIME 11/13/2009 11:18:05

11/13/2009 11/13/2009 11:18:05

11/13/2009 11/13/2009 11:18:05

RECEIPT # 512207 11/13/2009

5.00 ZONING VERIFICATION

NO. 037301

Receipt Tot 854.50

1.00 CI 855.00 CA

4.50 CB

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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

No. **47536**

Date: **10-30-09**

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					65.00

Total: **65.00**

Rec From: **NIKLAS BRANDT**

For: **Det. for Admin. Yr.**
222 Gateswood Rd.

Working Copy: 2010-0143-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

BUSINESS ACTUAL TIME DEW
10/03/2009 10/30/2009 11:32:47 5
DEU 0003 WALKIN R005 LRD
>>RECEIPT # 428937 10/30/2009 0FLH
Rcpt 5- 529 ZONING VERIFICATION
CR # 047536
Recpt Tot 165.00
165.00 CR 1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2010-0143-A

222 Gateswood Road

N/side of Gateswood Road at a distance of 168 feet west of centerline of Knollton Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): Nicklas & Nicole Brandt

Variance: to permit an addition with side yard setback of 5 feet and to permit an existing dwelling with a side yard setback of 13 feet in lieu of the required 15 feet, respectively.

Hearing: Monday, December 21, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/044 December 3

223061

CERTIFICATE OF PUBLICATION

12/3/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/3/2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2010-0143-A

222 Gateswood Road

N/side of Gateswood Road at a distance of 168 feet west of centerline of Knollton Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): Nicklas & Nicole Brandt

Variance: to permit an addition with side yard setback of 5 feet and to permit an existing dwelling with a side yard setback of 13 feet in lieu of the required 15 feet, respectively.

Hearing: Monday, December 14, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/977 November 24

222503

CERTIFICATE OF PUBLICATION

11/26/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/24/2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2010-0143-A

Petitioner/Developer NICKLAS
BRANDT

Date Of Hearing/Closing: 12/21/09

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 222 GATESWOOD RD

This sign(s) were posted on December 5, 2009
Month, Day, Year

Sincerely,

Martin Ogle 12/5/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2010-0143-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 104, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE,
TOWSON, MD 21204
DATE AND TIME: MONDAY, DECEMBER 21, 2009
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT AN
ADDITION WITH SIDE YARD SETBACK OF
5 FEET AND TO PERMIT AN EXISTING
DWELLING WITH A SIDE YARD SETBACK
OF 13 FEET IN LIEU OF THE REQUIRED 15
FEET RESPECTIVELY.

POSTPONEMENTS DUE TO UNUSABLE OR STALE CONDITIONS MAY OCCUR. AS NECESSARY,
TO DETERMINE REASON FOR DELAY, CALL 410-321-3342

TO GET CLARIFICATION, CALL 410-321-3342. THE CITY OF TOWSON RESERVES THE RIGHT OF LAW.

HANDICAPPED ACCESSIBLE **7**

CERTIFICATE OF POSTING

RE: Case No 2010-0143-A

Petitioner/Developer NIKLAS
BRANDT

Date Of Hearing/Closing: 11/23/09

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 222 GATESWOOD RD

This sign(s) were posted on November 8, 2009

Month, Day, Year

Sincerely,

Martin Ogle 11/8/09

Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 11/8/09





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
November 24, 2009

NEW NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0143-A

222 Gateswood Road

N/side of Gateswood Road at a distance of 168 feet west of centerline of Knollton Road

8th Election District – 3rd Councilmanic District

Legal Owners: Nicklas & Nicole Brandt

Variance to permit an addition with side yard setback of 5 feet and to permit an existing dwelling with a side yard setback of 13 feet in lieu of the required 15 feet, respectively.

Hearing: Monday, December 21, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Brandt, 222 Gateswood Road, Timonium 21093
Philip Hack, 220 Gateswood Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 5, 2009**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 3, 2009 Issue - Jeffersonian

Please forward billing to:

Philip Hack
220 Gateswood Road
Timonium, MD 21093

410-560-3616

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0143-A

222 Gateswood Road

N/side of Gateswood Road at a distance of 168 feet west of centerline of Knollton Road

8th Election District – 3rd Councilmanic District

Legal Owners: Nicklas & Nicole Brandt

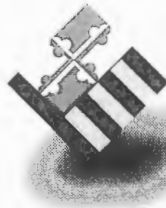
Variance to permit an addition with side yard setback of 5 feet and to permit an existing dwelling with a side yard setback of 13 feet in lieu of the required 15 feet, respectively.

Hearing: Monday, December 21, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 19, 2009

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0143-A

222 Gateswood Road

N/side of Gateswood Road at a distance of 168 feet west of centerline of Knollton Road

8th Election District – 3rd Councilmanic District

Legal Owners: Nicklas & Nicole Brandt

Variance to permit an addition with side yard setback of 5 feet and to permit an existing dwelling with a side yard setback of 13 feet in lieu of the required 15 feet, respectively.

Hearing: Monday, December 14, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy M. Kotroco in black ink.
Timothy M. Kotroco
Director

TK:klm

C: Mr. & Mrs. Brandt, 222 Gateswood Road, Timonium 21093
Philip Hack, 220 Gateswood Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 28, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 24, 2009 Issue - Jeffersonian

Please forward billing to:
Niklas Brandt
222 Gateswood Road
Timonium, MD 21093

410-382-5279

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0143-A

222 Gateswood Road

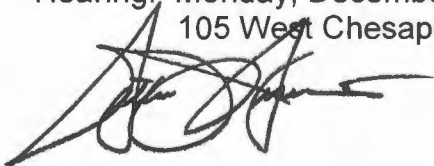
N/side of Gateswood Road at a distance of 168 feet west of centerline of Knollton Road

8th Election District – 3rd Councilmanic District

Legal Owners: Nicklas & Nicole Brandt

Variance to permit an addition with side yard setback of 5 feet and to permit an existing dwelling with a side yard setback of 13 feet in lieu of the required 15 feet, respectively.

Hearing: Monday, December 14, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 15, 2009

Niklas & Nicole Brandt
222 Gateswood Rd.
Timonium, MD 21093

Dear: Niklas & Nicole Brandt

RE: Case Number 2010-0143-A, 222 Gateswood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 30, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 18, 2009

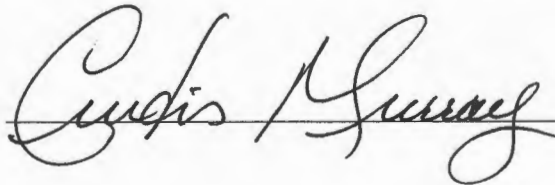
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-143- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



BW 12/21
11 Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 11 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 11, 2009
SUBJECT: Zoning Item # 10-143-A
Address 222 Gateswood Road
(Brandt Property)

Zoning Advisory Committee Meeting of November 9, 2009

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

Reviewer: JWL

Date: 12/11/09

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 23, 2009
Item Nos. 2010-116, 140, 141,
142, 143, 144, 146 and 147

DATE: November 17, 2009

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

DAK:CFN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11232009 -NO COMMENTS.doc



BALTIMORE COUNTY
MARYLAND

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

November 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 9, 2006

Item Numbers: 0139,0140,0141,0142,0143,0144,0145,0146,0147

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 12, 2009

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

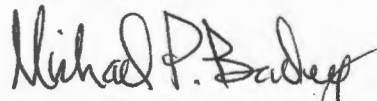
RE: Baltimore County
Item No. 2010-0143-A
222 GATESWOOD RD
BRANDT PROPERTY
ADMIN. VARIANCE -

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. 2010-0143-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

December 7, 2009

220 Gateswood Road
Timonium, MD 21093

Zoning Review Board
Baltimore County Office Bldg.
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Ref: Zoning Case 2010-0143-A
222 Gateswood Road
Legal Owners: Niklas & Nicole Brandt

Dear Sir:

The zoning hearing for this case is scheduled for Monday, December 21, 2009. For the zoning board record, construction of this project commenced on this 7th day of December, 2009. Contractors were on site excavating for the relocation of an underground utility gas line required for this project.

Sincerely,

Philip Hack

Philip Hack

Cc: William Levasseur, Covenants Chairman
Dulaney Forest Community Association



November 23, 2009
220 Gateswood Rd
Timonium, MD 21093

Zoning Review
Baltimore County Office Bldg.
111 West Chesapeake Avenue, Room 111
Baltimore, MD 21204

Attn: Christen

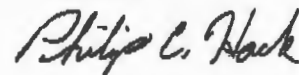
Ref: Zoning Case # 2010-0143-A

The zoning hearing scheduled at my request was set for December 14, 2009. Unfortunately I cannot make this date as I am leaving town on business December 9 and will not be returning until December 19. Attached are copies of my airline reservations to substantiate my plans.

I am requesting the hearing be rescheduled for another date. I truly regret any inconveniences this may cause the Brandt's as we both look forward to a timely resolution to this zoning case.

Thank you for your understanding and cooperation with this matter.

Sincerely,



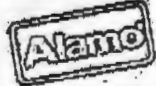
Philip C. Hack

Attachments:

Southwest Airline Confirmation (2)

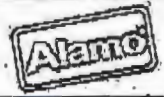
Hack, Phillip C

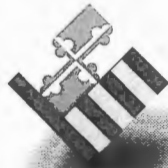
From: Southwest Airlines [SouthwestAirlines@luv.southwest.com]
 Sent: Tuesday, November 03, 2009 8:35 AM
 To: Hack, Phillip C
 Subject: Ticketless Confirmation - HACK/PHILIP - NFW9H7

 SOUTHWEST.COM		TRIPLE RAPID REWARDS CREDIT AND UP TO 30% OFF ON ANY RENTAL OF TWO DAYS OR MORE. CLICK NOW		
Receipt and Itinerary as of 11/03/09 7:35 AM				
Confirmation Number NFW9H7		 EARLY BIRD CHECK-IN A More Convenient Way To Travel Get It Now		
Confirmation Date: 11/03/09 Received: WN/PHILIP HACK BY ICBM				
Be prepared when you get there! Consult Travel Guide for relevant tips from real travelers.				
Passenger Information				
Passenger Name	Account Number	Ticket#	Expiration	
HACK/PHILIP	00000 1111111111	5262184127980	11/03/10	
* All travel involving funds from this Confirmation Number must be completed by the expiration date.				
Itinerary				
Depart: BALTIMORE WASHNTN to LOS ANGELES		Travel Time: 7 hrs 20 mins		
INTL				
Date	Flight	Routing Details		
Wed Dec 09	# 3484	Depart BALTIMORE WASHNTN (BWI) at 4:15 PM <i>Stops in LAS VEGAS NV</i> Arrive in LOS ANGELES INTL (LAX) at 8:35 PM		
Cost and Payment Summary				
Base Fare	\$115.35			
+ Excise Taxes	\$8.85			
Advertised Fare	\$124.00			
+ Segment Fee	\$7.20			
+ Passenger Facility Fee	\$4.50			
+ Security Fee ¹	\$2.50			
Total Payment:	\$138.20			
¹Security Fee is the government-imposed September 11th Security Fee.				
Current payment(s) 11/03/09 Mastercard XXXXXXXXXXXXXXX1370 \$138.20				
Fare Rule(s)				

Hack, Philip C

From: Southwest Airlines [SouthwestAirlines@luv.southwest.com]
 Sent: Tuesday, November 03, 2009 8:46 AM
 To: Hack, Philip C
 Subject: Ticketless Confirmation - HACK/PHILIP - NVW9RM

 SOUTHWEST.COM		TRIPLE RAPID REWARDS CREDIT AND UP TO 30% OFF ON ANY RENTAL OF TWO DAYS OR MORE CLICK HERE		
Receipt and Itinerary as of 11/03/09 7:46 AM				
Confirmation Number NVW9RM				
Confirmation Date: 11/03/09 Received: WN/PHILIP HACK BY ICBM			Be prepared when you get there! Consult <u>Travel Guide</u> for relevant tips from real travelers.	
Passenger Information				
Passenger Name	Account Number	Ticket#	Expiration¹	
HACK/PHILIP	00000 XXXXXXXXXX	5262164128813	11/03/10	
¹ All travel involving funds from this Confirmation Number must be completed by the expiration date.				
Itinerary				
Depart: SAN FRANCISCO CA to BALTIMORE WASHNTN		Travel Time: 6 hrs 30 mins		
Date	Flight	Routing Details		
Sat Dec 19	# 2956	Depart SAN FRANCISCO CA (SFO) at 8:55 AM Arrive in DENVER CO (DEN) at 12:25 PM		
	# 2220	Change planes in DENVER CO (DEN) departing at 1:05 PM Arrive in BALTIMORE WASHNTN (BWI) at 6:25 PM		
Cost and Payment Summary				
Base Fare	\$357.21			
+ Excise Taxes	\$26.79			
Advertised Fare	\$384.00			
+ Segment Fee	\$7.20			
+ Passenger Facility Fee	\$9.00			
+ Security Fee ¹	\$5.00			
Total Payment:	\$405.20			
¹ Security Fee is the government-imposed September 11th Security Fee.				
Current payment(s) 11/03/09 Mastercard XXXXXXXXXXXX1370 \$405.20				
Fare Rule(s) All travel involving funds from this Confirmation Number must be completed by the expiration				



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

Niklas Brandt
Nicole Brandt
222 Gateswood Road
Timonium, MD 21093

Dear Mr. & Mrs. Brandt:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 2010-0143-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property will be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Jun Fernando at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Philip Hack, 220 Gateswood Road, Timonium 21093

Blw 12/21
11 AM

RECEIVED

DEC 15 2009

ZONING COMMISSIONER

**Dulaney Forest Community Association
Covenants Committee**

1917 Knollton Road
Timonium, MD 21093

December 15, 2009

Zoning Commissioner of Baltimore County
105 West Chesapeake Ave.
Towson, Md. 21204

**Re: Dulaney Valley Forest Community Association
Zoning Matter, Case 2010-0143A
222 Gateswood Rd.
Timonium, Md. 21093** Dear Zoning Commissioner,

On behalf of the Dulaney Forest Community Association and its Protective Covenants Committee please refer to the above matter currently pending before this Commission for a petition for a set back variance for the construction of a garage fronting on the said property,

This Association has now received and does hereby acknowledge receipt of the requested variance and the detailed plans from the requesting parties. This Association has also received the notice of a hearing now scheduled for December 21, 2009 in your office resulting from the filing of a "Formal Demand for a Hearing" by Mr. Philip C. Hack, the Homeowner residing at 220 Gateswood Road, the property most affected by the requested variance.

This Association is aware of the County set back requirements, which are similar to the provision found in the Community Covenants. A copy of the community covenants is enclosed. Even though the county code for zoning is controlling, the Covenants are also enforceable per the filings in the Land Records of Baltimore County. As such the homeowners in this Community have continuously demanded and rely upon the enforcement of this set back provision since its inception in 1955.

After a thorough review of the variance request, this Association supports the need for a formal hearing to determine the essential need for a variance which, if granted, may have an detrimental and obtrusive impact on the adjoining property which we understand prompted the request for the hearing.

This Association, after a thorough review by its leadership, has determined that any such variance without careful review for the needs versus the many other options will effect the attempt by this Community to adhere to the long standing provision in the

Community covenants promoting and maintaining the standards and assurances for the quality of any changes to property set backs.

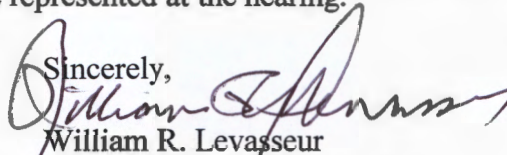
Without setting forth the many options for avoiding the variance it is clear the project is a large two car garage and allowance as such for this project could result in serious compromise for the integrity of long standing county zoning in place as well as the uniform needs for the Community. The particular size and configuration of this lot allows many options for locating this project.

The construction of a garage of this size and in the proposed location is suggested by petitioners as "convenient" and "practicality" for its positioning. This suggests also that there are options available to avoid violating the setback requirements. The Association does not question the possible legitimate need for additional space for a garage or storage, however, any such project should require placement elsewhere so as to avoid the unsightly spoilage of an otherwise desirable entranceway into this community.

The Petitioners are regarded as well respected residents of this community having done much to improve their home. We have no doubt they will provide a quality construction project if it was relocated to the rear of the property or if approved for the front portion it must be redesigned to comply with the set back zoning and Covenants provisions.

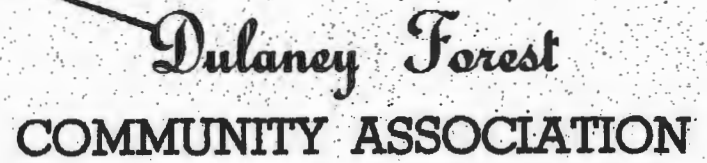
This Association stands ready to assert its position to demand strict compliance with its Covenants and plans to be represented at the hearing.

Sincerely,



William R. Levasseur
Association Covenants Chair

cc: Ms. Colleen Owens, President
Other Association Officers
Mr. and Mrs. Philip Hack
Mr. And Mrs. Niklas Brandt



PROTECTIVE COVENANTS

DULANEY FOREST

(Dulaney Forest Association Agents for Ashton Building Corporation)

1. The land in said tract and any lot or lots now or hereafter laid out thereon and any building or structure now or hereafter erected thereon shall be occupied and used for residential purposes only, and no building shall be erected, altered, placed or permitted to remain on any lot other than one detached dwelling not to exceed two and one-half stories in height, each dwelling being designed for occupancy by a single family, except and provided, however, as follows:

(a) Nothing herein contained shall be construed as preventing the use of any garage or garages, erected in accordance with the provisions hereinafter contained, for the usual purposes of private, non-commercial garage or garages.

(b) Real estate sales and/or construction offices may, with the written consent and approval of Dulaney Forest Association be erected, maintained and operated on any part of said land and/or in any building or structure now or hereafter erected thereon, provided such offices are used and operated in connection with the development of said land or the construction of improvements on said land or the sale of any part of the premises, or any improvements which may be now or hereafter erected on said land, but no part of said land nor any part of any improvements now or hereafter erected thereon shall be used for any of the aforesaid purposes set forth in this sub-paragraph (b) without the written consent and approval of Dulaney Forest Association being first had and obtained.

(c) Any part of any dwelling house or other building now or hereafter erected on said land, may with the written consent of Dulaney Forest Association be used as a physician's office or dentist's office for the treatment of patients and for the practice of such professions, but no part of said land or any improvements now or hereafter erected thereon shall be used for any of the aforesaid purposes set forth in this sub-paragraph (c) without the written consent and approval of Dulaney Forest Association being first had and obtained.

(d) Any part of said land and any improvements now or hereafter erected thereon may, with the written consent and approval of Dulaney Forest Association be used for the purposes of a church, school, library, playground, park, place of public assembly or community meetings and for any or all of the usual purposes and functions incidental to or connected with any or all of the foregoing, but no part of said land or any improvements now or hereafter erected thereon shall be used for any of the aforesaid purposes set forth in this sub-paragraph (d) without the written consent and approval of Dulaney Forest Association being first had and obtained.

2. No building, fence, wall or other structure shall be commenced, erected, placed or altered in structure or color on any lot until the plans and specifications, including color scheme and a grading plan showing the location of the structure, have been approved in writing by Dulaney Forest Association. Dulaney Forest Association shall have the right to refuse to approve any such plans or specifications or grading and location plan which are not suitable or desirable, in its opinion, for aesthetic or other reasons; and in so passing upon such plans, specifications and grading and location plan, it shall have the right to take into consideration the suitability of the proposed building or other structure, and of the materials of which it is to be built, to the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the affect of the building or other structure or the roadway, as planned, on the outlook from the

adjacent or neighboring property. In no event shall a fence, either temporary or permanent, be erected, placed, altered or maintained on any lot between the front lot line and the front setback line as provided hereinafter in paragraph 3. Fences, when erected, shall not exceed three and one-half ($3\frac{1}{2}$) feet in height, and they must have prior approval in writing by Dulaney Forest Association.

3. No building shall be located on any lot nearer than forty feet to the front lot line or nearer than thirty-five feet to the side street line. No building shall be located nearer than fifteen feet to an interior lot line. No dwelling shall be located on any interior lot nearer than forty feet to the rear lot line. For the purposes of this covenant, eaves, steps, chimneys and open porches shall not be considered as a part of the building, provided however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot. Dulaney Forest Association herein expressly reserves in its absolute discretion at any time to change or modify the restrictions in this paragraph 3 as to any part of said tract then owned by Dulaney Forest Association and, with consent of the then owner, as to any other land included in said tract.

4. No residential structure shall be erected on any building plot the area of which said plot is less than fifteen thousand (15,000) square feet.

5. No residential structure shall be erected on any of the lots in said tract the ground floor of which (exclusive of one-story open porches and garages) is less than twelve hundred (1200) square feet in the case of a one-story structure or less than fourteen hundred (1400) square feet in the case of a one and one-half, two or two and one-half story structure.

6. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

7. No noxious or offensive trade or activity shall be carried on upon any building lot; nor shall anything be done thereon which may be or become a nuisance or annoyance to the neighborhood.

8. Dulaney Forest Association, its successors and assigns hereby expressly reserves unto itself, its successors and assigns, the right to grant and/or reserve easements in and to 5 foot strips of land along the rear and side lot lines of each and every lot in said tract, together with the right to grant license or licenses to any person, firm or corporation, private or municipal, to erect and maintain public utilities in or upon said 5 foot strips.

9. No metallic garage shall be constructed or erected on any of the lots included in said tract, and garages, when so erected, shall be in keeping with the dwelling erected on the respective lots on which it is desired to erect the garage; provided, however, that said garages shall be of brick, stone and/or frame construction and have slate or asphalt shingle roof. The external design and location of garages must be approved in writing by Dulaney Forest Association.

10. No chickens, ducks, geese, or other type or kind of fowl, nor horses, ponies, cows, or livestock, of any kind whatsoever, may be kept, maintained or bred on any lot or lots or in any dwelling or building erected thereon, nor shall any owner or occupant be permitted to breed domestic animals such as cats and dogs, etc., or to keep more than two such animals on the premises.

11. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

12. Any or all of the rights and powers (including discretionary powers and rights) herein reserved by or conferred upon Dulaney Forest Association herein may be assigned or transferred by the said Dulaney Forest Association to any one or more corporations or associations agreeing to accept them. Any such assignment or transfer shall be evidenced by an appropriate instrument recorded among the Land Records of Baltimore County and upon recordation thereof, the grantees or grantees of such rights and powers shall thereupon and thereafter have the right to exercise and perform all the rights and powers reserved by or conferred upon Dulaney Forest Association by this instrument.

13. These covenants are to run with and bind the land and shall be binding upon all of the parties and all of the persons claiming under them, until thirty (30) years from the date of these presents, at which time said covenants shall automatically extend for successive periods of ten (10) years; unless, by a vote of the majority of then owners of the lots in fee simple or the lease-hold estate therein (excluding mortgagees under mortgage on said properties or part thereof, and also excluding owners of annual ground rents who have a reversionary interest therein), it shall be agreed to change said covenants in whole or in part. The vote above provided for shall be taken within sixty (60) days after the date of the termination of one of the periods aforesaid.

14. If the parties hereto, or any of them, their successors, heirs or assigns, as the case may be, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property in said development or sub-division and subject to these restrictions, to prosecute any proceedings at law or in equity, against the person or persons violating or attempting to violate any such covenant and/or require the restoration of said property to conform with these covenants and/or recover damages or other dues for such violation.

15. Invalidity of any one of these covenants by judgement or court order shall in nowise affect any of the other provisions, which shall remain in full force and effect.

CASE NAME Branet
CASE NUMBER 2010-043-A
DATE 12/21/09

[illegible]

CASE NAME Brenat
CASE NUMBER 2010-0143-A
DATE 12-21-09

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 Account Number - 0807060960

Owner Information

Owner Name:	BRANDT NIKLAS BRANDT NICOLE	Use:	RESIDENTIAL
Mailing Address:	222 GATESWOOD RD LUTH-TIMONIUM MD 21093-5245	Principal Residence:	YES
		Deed Reference:	1) /19826/ 175 2)

Location & Structure Information

Premises Address	Legal Description
222 GATESWOOD RD	222 GATESWOOD RD DULANEY FOREST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
61	7	262			2	L	9	2	Plat Ref: 21/ 37

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	3,584 SF	26,806.00 SF	04
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	125,200	185,200		
Improvements:	263,290	271,550		
Total:	388,490	456,750	433,996	456,750
Preferential Land:	0	0	0	0

Transfer Information

Seller: POMLES JOSHUA	Date: 04/01/2004	Price: \$389,000
Type: IMPROVED ARMS-LENGTH	Deed1: /19826/ 175	Deed2:
Seller: CULBERTSON RONALD L	Date: 08/01/2002	Price: \$330,000
Type: IMPROVED ARMS-LENGTH	Deed1: /16665/ 672	Deed2:
Seller: SPEES EVERETT K,JR	Date: 07/25/1986	Price: \$188,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7245/ 115	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

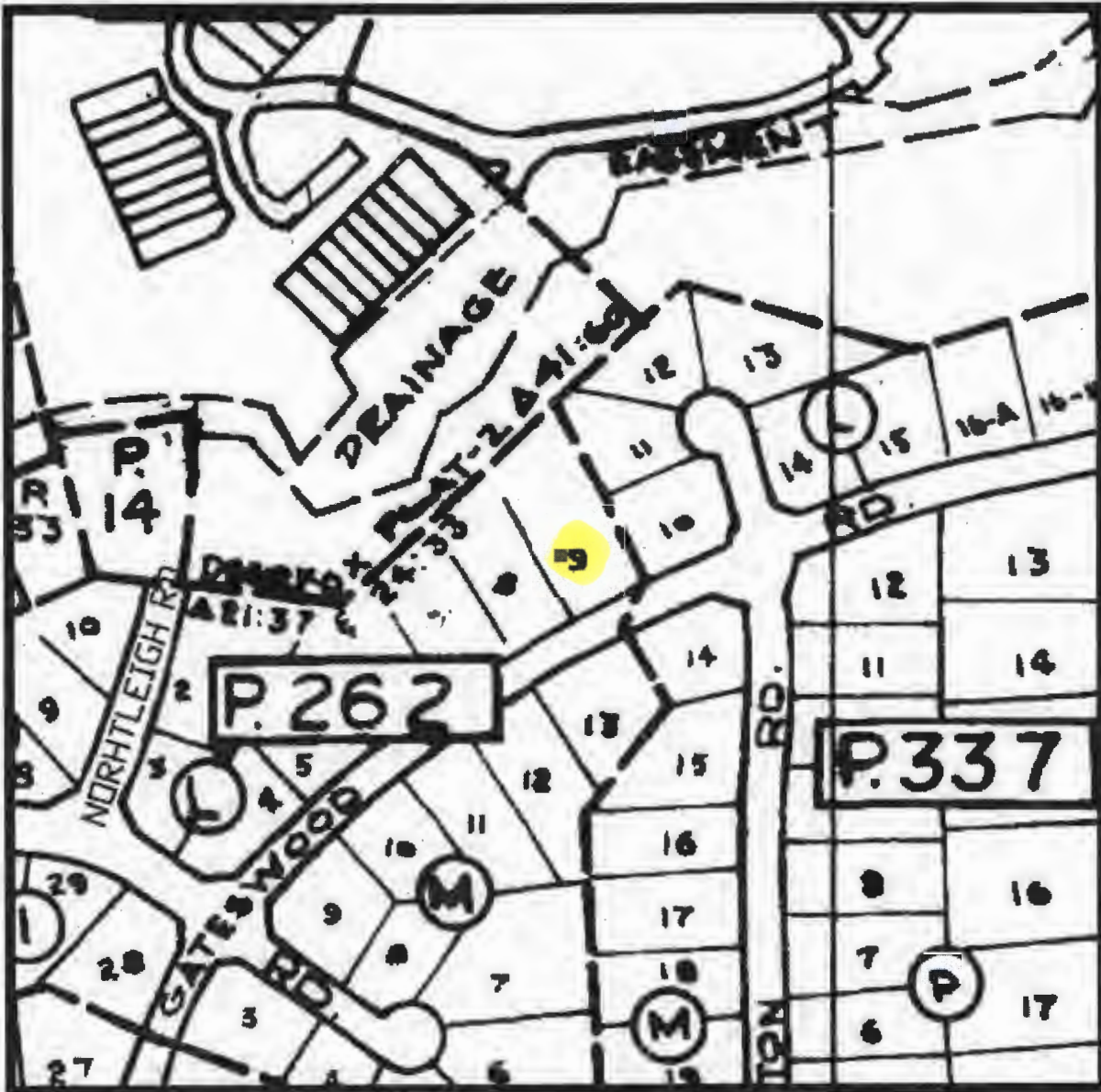
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 08 Account Number - 0807060960



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Case No.: 222 GATESWOOD RD 2010-0143-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	WITH Photoshopped-Garage Photographs
No. 2	PHOTOGRAPHS	
No. 3	Buildij Elevations	
No. 4	Dulaney Forest Community Assoc - MINUTES OF BRD MTG - Neighbors in Support - VICE President's Letter	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

222 BATESWOOD RD NIKLAS & NICOLE BRANT



REAR YARD WITH OBSTRUCTIONS

PETITIONER'S

EXHIBIT NO.

2

222 GREENWOOD RD, NIKLAS & NICOLE BRANDT



OBSTRUCTIONS AND
RETAINING WALL IN
REAR YARD

222 GATESWOOD RD

NIKLAS & NICOLE BRANDT



SLOPE OF REAR YARD

222 GATEWOOD RD

NIKIAS & NICOLE BRANDT



PROPOSED GARAGE WHERE
CARS ARE CURRENTLY
PARKED.

272 GATESWOOD RD, NIKLAS & NICOLE BRANOT



FRONT VIEW OF DRIVEWAY

222 GATESWOOD RD. NIKLAS & NIKOLE BRANDT



OBSTRUCTIONS AND TREES
IN REAR YARD

Dulaney Forest Community Association

Minutes for Board member meeting: December 3, 2009

Held at the home of Will Levasseur, 8 pm.

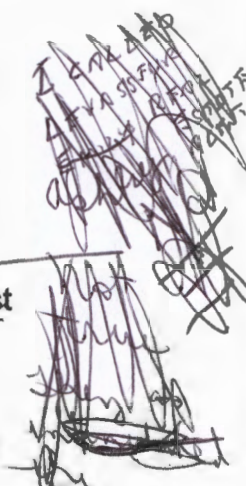
Gary Alcarese, Will Levasseur, Chris Burke, Denise Genuit, Leslie Leber, Ashley Richardson, Steve Pieszala. Excused: Colleen Owens

Reminder from Will Levasseur, Covenants Chair, that it is the duty of a Board Member to uphold the Bylaws and Covenants of the Community Association. Board Members must conform to Bylaws and Constitution of the Dulaney Forest Community Association, of which all Board Members have copies.

Minutes for General Meeting on 10/20/09 were approved.

Meeting run by Denise, Vice President, due to excused absence of Colleen.

Covenants Committee: 222 Gateswood has filed for a zoning variance for building a garage within the side setback area and to the front of the house. Garage would attach to front of 222 Gateswood and would be front-loading. Setback from street is sufficient with garage addition. Neighbor at 220 Gateswood has called several board members and has taken a position against the variance. He has filed an exception to the zoning variance thus forcing a zoning hearing on the matter. 222 Gateswood owners have signatures from some neighbors saying garage ok. Drawing of garage and note sent to Will Levasseur and passed around for Board members to see. Style of construction and visual appearance not noted, but Board felt other improvements to 222 Gateswood to be visually acceptable and believe any garage addition would be in holding with architectural style and materials of existing 222 Gateswood house.



The position of the Board will be: try to negotiate with owner of 222 Gateswood to move garage so that it is not within the setback. Board says to move garage to back yard or further from left property line, away from 220 Gateswood side. Letter to be sent to 222 Gateswood owners reminding them of restrictive covenants and violations caused by proposed garage addition, as well as position of Board at zoning hearing.

1900 Pot Spring: took all trees down in back. It is a mess. Still operating a business or two at house, and Will will follow up with County again to check on legitimacy of operations within home.

Treasurer: balances the same as last time: \$6302.73 savings, \$1929.18 checking, 78 households paid dues.

Vice President adjourned the meeting at 9:30 pm.

PETITIONER' S

EXHIBIT NO. 4

November 15, 2009

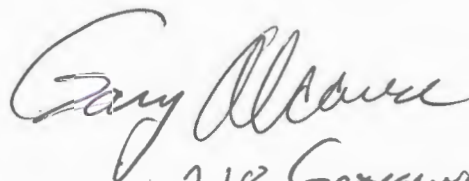
To Whom this May Concern,

My signature below represents my agreement and support of the proposed deviation to our neighbor's property, Nicole and Niklas Brandt, at 222 Gateswood Road. We understand that they are proposing an addition to the front, left side of the house. It is to be a one story, two car attached garage, size 26ft wide and 32ft deep with a breezeway in the back. We understand that the structure will match the house with cedar siding and stone front wall and blend in with the existing landscape and exterior.

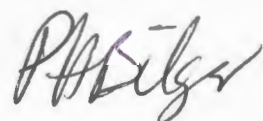
Sincerely,



FRANK S. WABESCH ^{III}
2000 Knollton Rd
21093

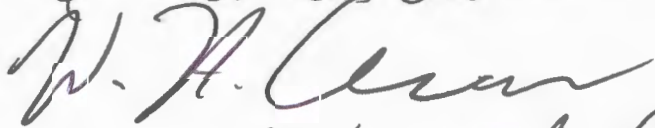
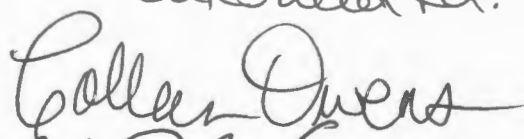


218 Gateswood Rd



216 Gateswood Rd.

Karen Morris
217 Gateswood Rd.



215 Gateswood Rd

Arline M. Herb
221 Gateswood Rd.

December 20, 2009

RE: 222 Gateswood Rd

To Whom It May Concern,

Please be advised I sit on the Dulaney Forest Community Association as acting Vice President. On December 3, 2009 a Board meeting was held regarding the variance request of 222 Gateswood Rd. At that meeting it was discussed that both parties involved may have valid arguments in favor of or against granting such variance. The consensus at the Board meeting was that the process of the variance application with the Zoning Board exists and is in place therefore it would address and resolve such matters in accordance with the law.

The letter dated 12/14/09 by the Covenants Committee Chair, Mr. Levasseur was sent out to the officers of the Board on 12/16/09 for approval. At that time both the President and I acting as the Vice President, via email opposed such letter in its current form. Objections and alternatives were raised and suggested to the Covenants Committee Chair. He unilaterally chose to ignore our requests for community canvassing (in various forms) regarding the matter or for a formal vote on the letter prior to it's being submitted to the Zoning Board.

Although I believe that Mr. Levasseur is acting in good faith and for the best interest of our community I simply believe that the letter submitted was not done with the appropriate level of due diligence and that the community as a whole believes there is an acceptable compromise that might be reached between the two parties under the Zoning Board's authority.

Respectfully,

Denise Genuit

Vice President, Dulaney Forest Community Association



PROPOSED GARAGE LOCATION

UNABLE TO MOVE GARAGE TO RIGHT DUE TO
LARGE WINDOW, OF EXISTING DWELLING



BACKYARD VIEW WITH OBSTRUCTIONS

SHED , PLAYHOUSE , TREES , RETAINING WALL



UNABLE TO PLACE ATTACHED GARAGE TOWARD
REAR OF HOUSE DUE TO OBSTRUCTIONS



PROPOSED ADDITION IS
WHERE CARS ARE PARKED.



Case No.: 222 GATESWOOD RD2010-0143-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	WITH Photoshopped-Garage Photographs
No. 2	PHOTOGRAPHS	
No. 3	Building Elevations	
No. 4	Dulaney Forest Community Assoc - MINUTES OF TBRD MTG - Neighbors in Support - Vice President's Letter	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PROPOSED
RIGHT VIEW

PROTESTANT' S

EXHIBIT NO. 1

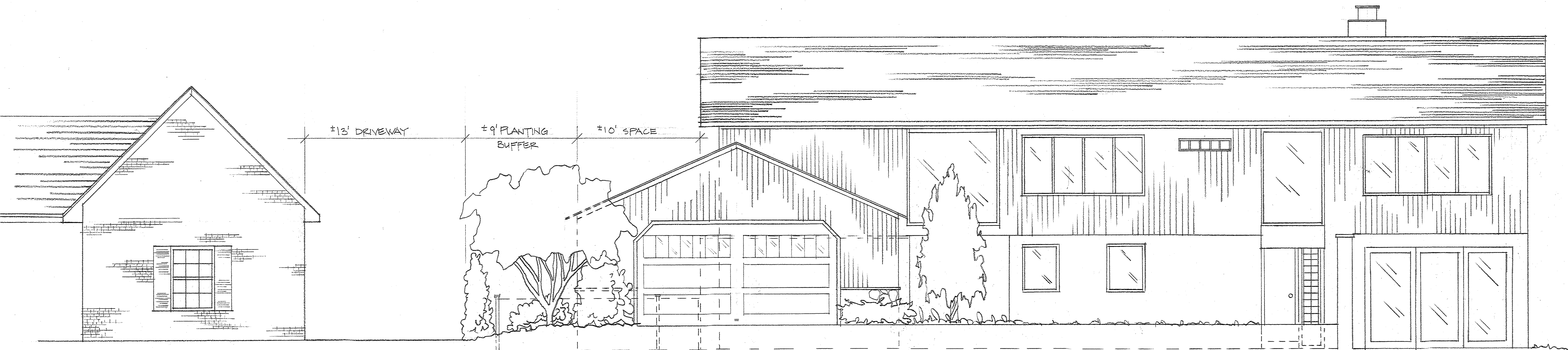


EXISTING
RIGHT VIEW





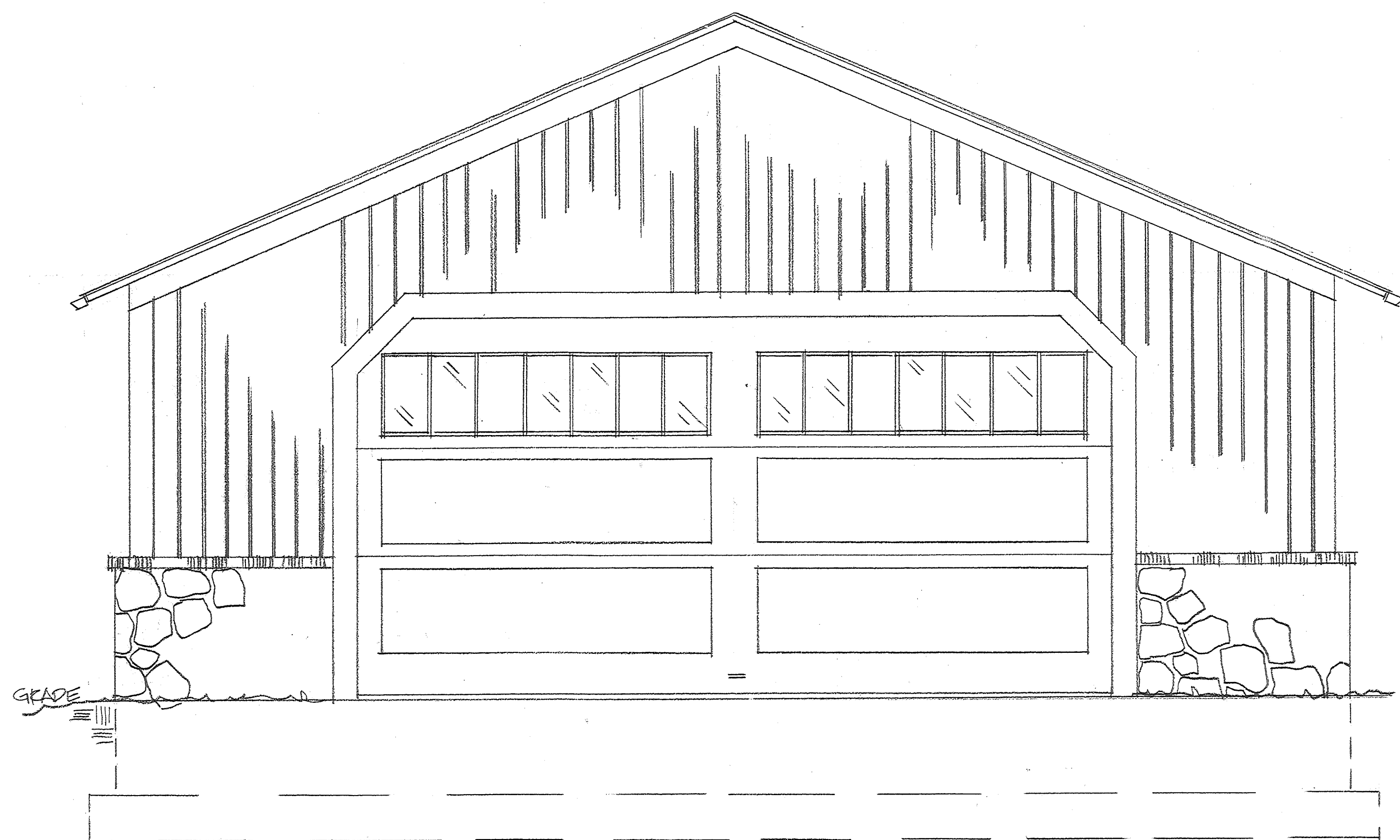
EXISTING



NEIGHBOR'S RESIDENCE

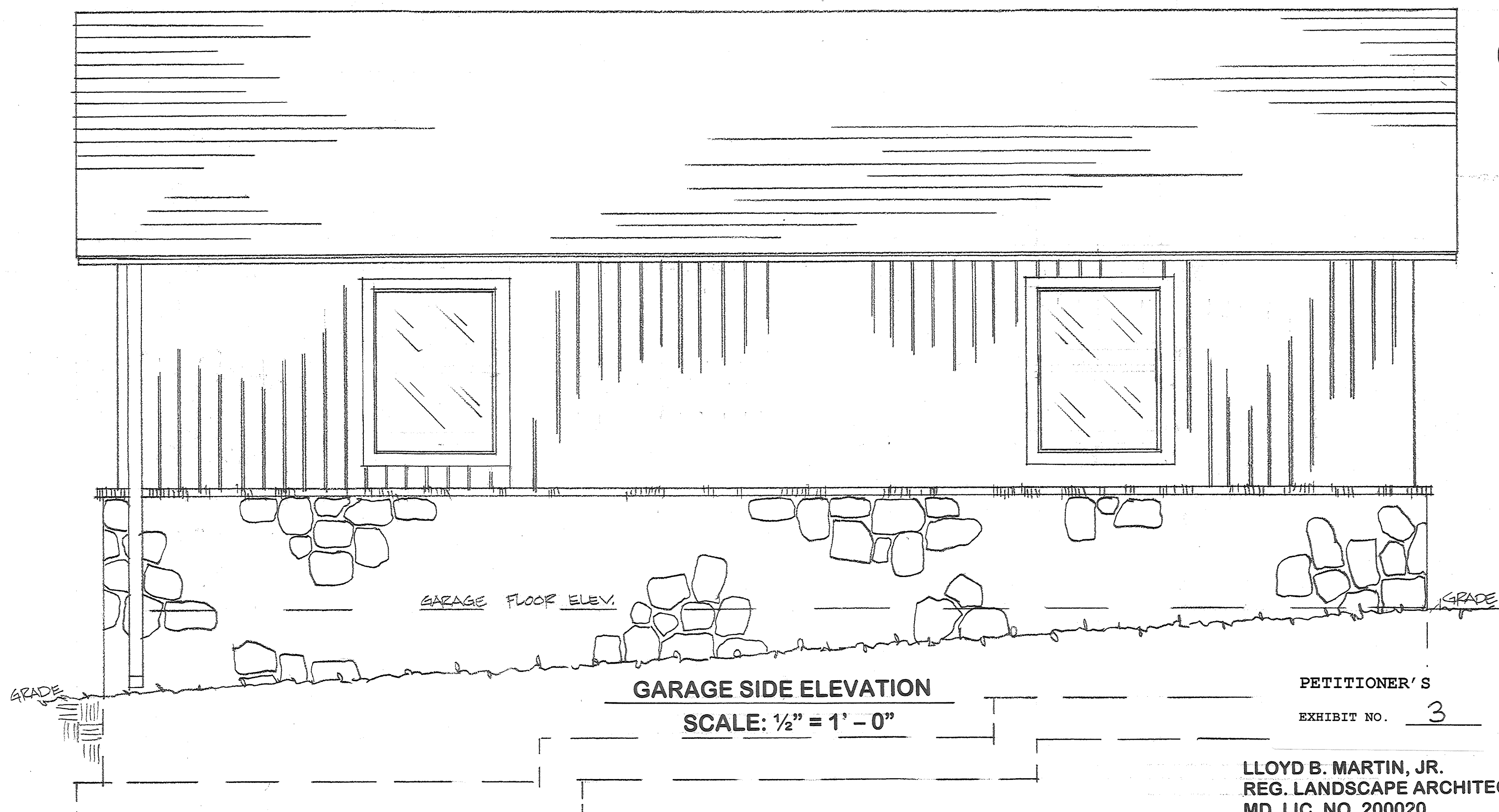
FRONT HOUSE AND GARAGE ELEVATION

SCALE: 1/4" = 1' - 0"



GARAGE FRONT ELEVATION

SCALE: 1/2" = 1' - 0"



GARAGE SIDE ELEVATION

SCALE: 1/2" = 1' - 0"

PETITIONER'S

EXHIBIT NO. 3

LLOYD B. MARTIN, JR.
REG. LANDSCAPE ARCHITECT
MD. LIC. NO. 200020

80

- LOT 8
BLOCK L
SECTION 2
"DULANEY FOREST"
GLB 21/37

LOT 9
26.381 sq.ft.

LOT 10
SECTION 1
DULANEY FOREST

15.
VE
IRON
ROD
SET

R=1825.00'
FIELD L=94.99' PLAT L=95.00'
CHD: S 61° 32' 35" W 94.97'

GATESWOOD ROAD

STATE OF MARYLAND
FRANCIS B. COLLINGS



I hereby certify to the best of my professional knowledge and belief, that the property shown hereon has been accurately surveyed by a transit, tape or total-station survey (subject to title search), and that the improvements shown hereon, have been accurately located.

1 TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

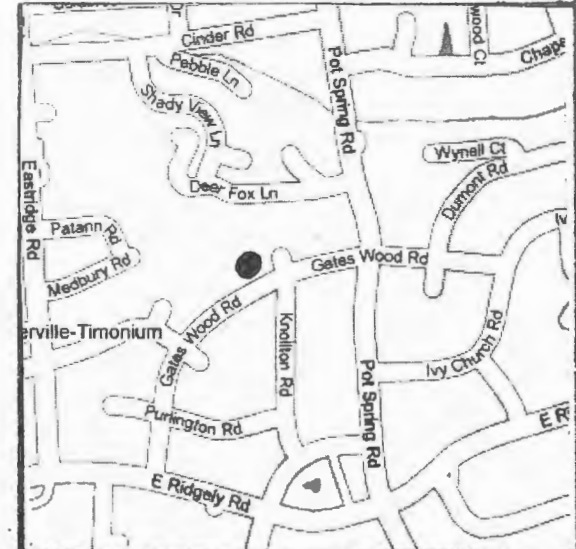
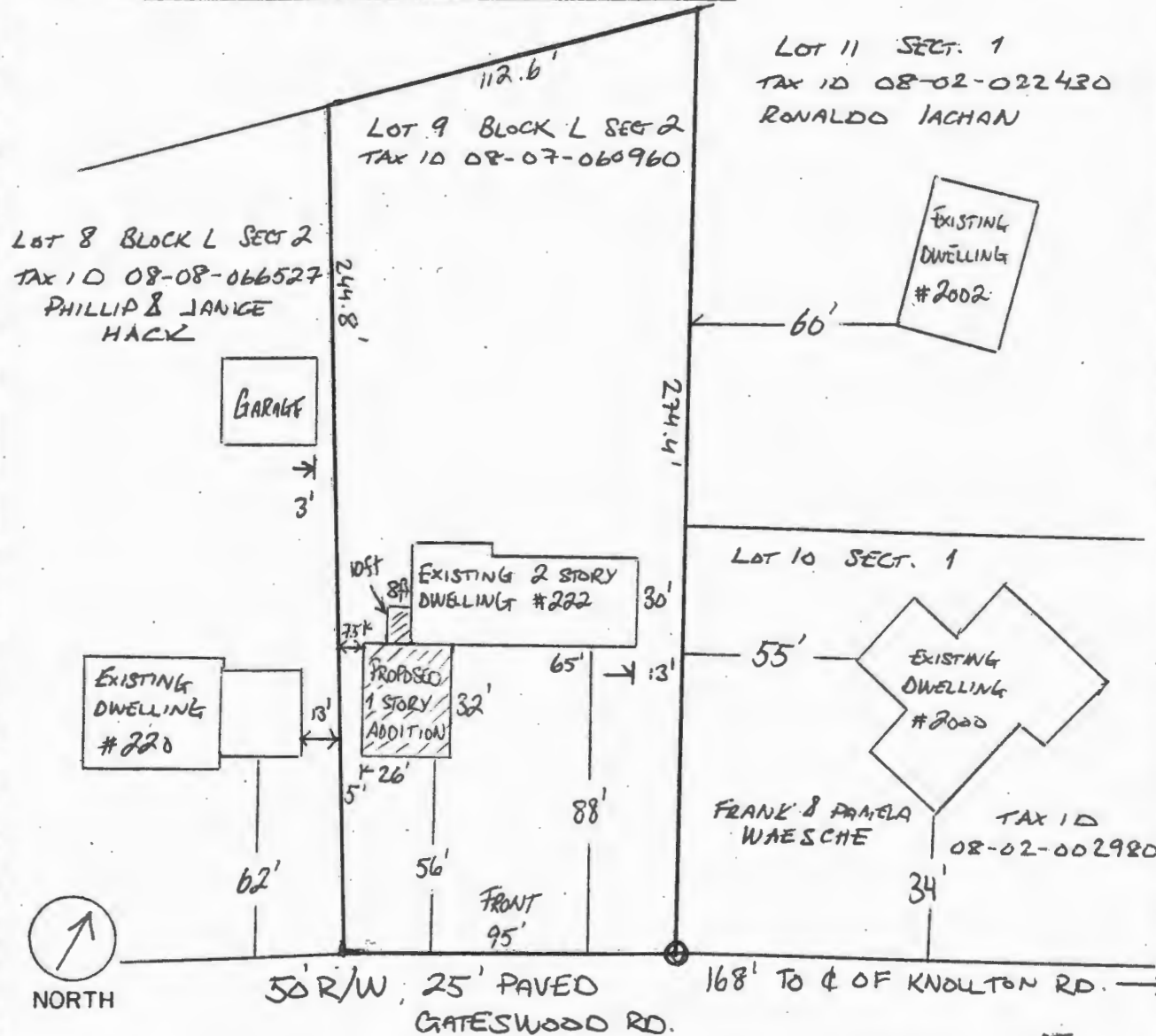
PROPERTY ADDRESS 222 GATESWOOD RD

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

SUBDIVISION NAME DOLANEY FOREST

PLAT BOOK # 21 FOLIO # 37 LOT # 9 SECTION # 2

OWNER NIKLAS & NICOLE BRANDT



LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 061A2
061A1

ZONING DR 2

LOT SIZE 0.62 26808.00
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING

PETITIONER'S

REV

EXHIBIT NO. 1B

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

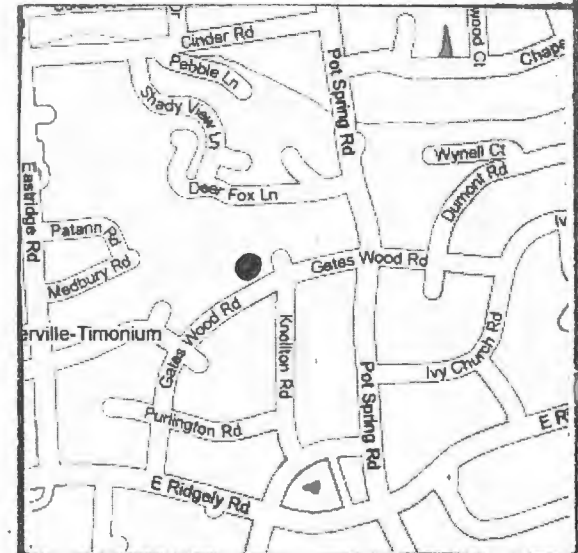
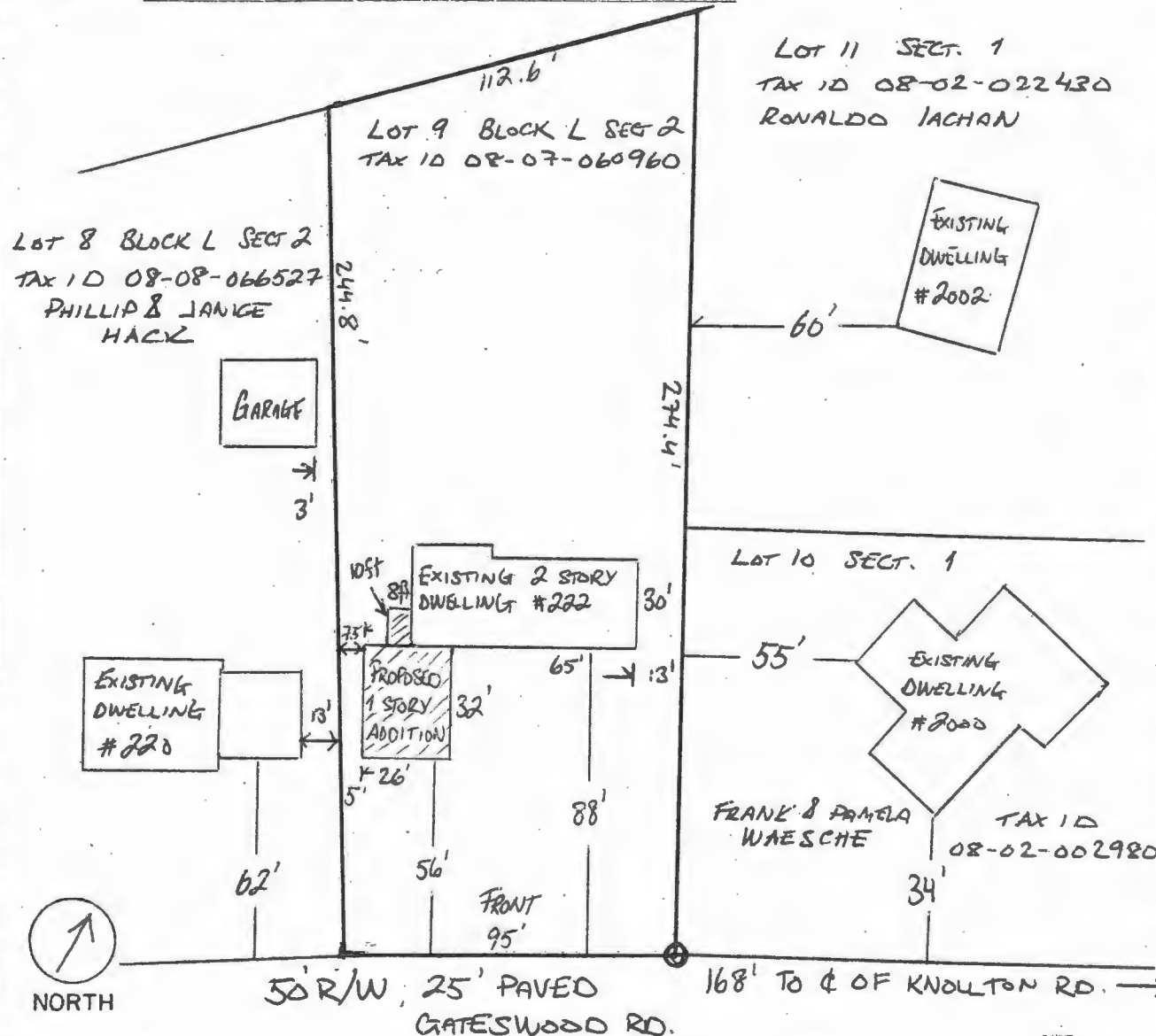
PROPERTY ADDRESS 222 GATESWOOD RD

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

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PLAT BOOK # 21 FOLIO # 37 LOT # 9 SECTION # 2

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	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

	YES	NO
100 YEAR FLOOD PLAIN	☐	☒

	YES	NO
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY.

REVIEWED BY JF ITEM # 0143 CASE #

PREPARED BY NIKLAS BRANDT

SCALE OF DRAWING: 1" = 50