

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Berans Road; 110 feet E of
the c/l of Bullneck Circle
8th Election District
2nd Councilmanic District
(1239 Berans Road)

Jai and Debra Seunarine
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0201-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, Jai and Debra Seunarine for property located at 1239 Berans Road. The variance request is as follows:

- From Section 1A03.4.B.4 (1984 regulations for RC 4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed garage addition attached to the principal dwelling, and to determine whether a 32.33 feet non-enclosed breezeway/deck combination meets the requirements for a breezeway; and
- From Section 1A03.4.A of the B.C.Z.R. to permit a height of 39 feet in lieu of the required 35 feet; and
- To amend the Third Amended Final Development Plan for "Morrisville", Lot 19 only.

The subject property and requested relief are more particularly described on the site plan that was filed with the Petition and marked as Petitioners' Exhibit No. 1. In the Affidavit in Support of the Administrative Variance, Petitioners request the height variance in order to replace the existing detached garage located at the rear of the home with a three-story four car garage addition with a loft connected by a deck and breezeway to the existing home. Petitioners

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Date 3-1-10

By pm

are in need of more room in order to provide ample storage space for farm equipment and utility vehicles as well as accommodate musical instruments and storage space. The height variance of 4 feet 8 inches is in order to construct the garage with clerestory windows at a height of 39 feet in lieu of the maximum 35 feet. Petitioners also request a side setback of 25 feet instead of the 50 feet setback specified in the original development plan. The Petitioners' property is zoned RC 4 which under the current rules permits a side setback of 25 feet. However, the original development plan dictates a side setback of 50 feet. Based on the location of the existing 100 year floodplain and the limited suitable building envelope, the Petitioners are requesting a variance of 25 feet total to permit a side setback of 25 feet instead of 50 feet. Additionally, a final development plan amendment is being requested to allow the house to be located outside of the building envelope as shown on the final development plan.

The Affidavit further states that Petitioners have carefully reviewed the existing lot conditions and believe that the requested variances are necessary based on the location of the existing dwelling, the sloping nature of the lot, the location of the floodplain, and the location of the existing septic reserve. Further, Petitioners have located the addition within the footprint of the existing garage and parking pad in order to ensure that the addition will not negatively impact any neighbor or alter the essential character of the land. Petitioners' lot, which is accessed via a panhandle, is set back significantly from Berans Road and is secluded with trees and foliage and not visible from the street. There is a significant wooded area between Petitioners' home and any bordering neighbor. Approval of the variances would permit appropriate attachment of the garage to the existing home and maintain the architectural integrity of the Victorian roof lines and pitches of the existing home, as shown on the photographs that accompanied the variance filing. The existing dwelling is at an elevation below the bordering neighbors' properties and no

ORDER RECEIVED FOR FILING

Date 3-1-10

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By pm

structure can be built behind Petitioners' home because the property borders the 100 year floodplain. Additionally, Petitioners' family owns the farm immediately behind the home as well as the lots immediately adjacent to the property to the north, northeast, east and southeast boundaries.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 18, 2010 which indicates that if granted, the variance would allow Petitioners to raze an existing freestanding garage and construct a larger four car garage and storage area attached to the existing dwelling via a breezeway/deck system. The property is a lot on the plat of Morrisville approved by the County in 1988. The Petitioners' request should not have an adverse impact on the neighboring properties due to the wooded nature of the area. The Planning Office does not object to the request provided the structure is attached as shown on the site plan detail. This structure is considered one single-family dwelling.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 31, 2010 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 uncontroverted information contained within the case file, including photographs and affidavits submitted, provide sufficient facts that comply with the requirements

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Date 3-1-10

By ms

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.

Neither the terms "covered passageway" nor "breezeway" are specifically defined in the B.C.Z.R. Section 101.1 of the B.C.Z.R. states that "[a]ny word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." A breezeway is defined therein as "a roofed open-air passage or porch connecting two buildings (as a house and garage) or forming a corridor between two halves of a building (as of a cabin)." A passageway is defined as "a way that allows passage to or from a place or between two points; a corridor, path."

In my view, based on the evidence, the open roofline that connects the Seunarine home with their proposed three-story four car garage is undoubtedly a "breezeway" or "covered passageway" which allows the garage to be connected to the dwelling, as provided by Section 400.1 of the B.C.Z.R. The relevant question here in determining whether the breezeway/deck combination meets the requirements for a breezeway is whether the breezeway is in fact an open air passage or porch that connects the home and garage and provides access to and from the home and the garage. In the instant matter, there is access between the dwelling and the garage addition by way of a covered breezeway on the garage level and an open deck between the dwelling and the second story of the garage. In short, there is a continuous covered passage from the garage to the house which is the very essence of a breezeway or covered passageway.

Petitioners' existing home and the proposed garage feature many of the details found in classic Victorian Queen Anne style homes including a steep roof, front-facing gable, bay windows, one-story porch that extends across one or two sides of the house, balcony, round or

ORDER RECEIVED FOR FILING

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By [signature]

square towers/turrets, and a complicated, asymmetrical shape. The proposed garage structure with its many architectural features, although substantial when compared to most garage structures, appears to be an aesthetically pleasing addition to the Petitioners' 4.39 acre property. Since the surrounding properties are owned by members of the Petitioners' family, the proposed garage structure, although significant in size, will not be a detriment to the community. The elevation drawings submitted with the Petition were marked as Petitioners' Exhibits 2A and 2B and depict a very attractive and well designed garage.

Petitioners' existing dwelling as well as the proposed garage, by virtue of its connecting breezeway and deck, are generally considered as one dwelling unit. This is confirmed by the Office of Planning's ZAC comment. As such, I will not impose the customary conditions normally attendant to an accessory structure that the garage not be used for commercial purposes, not contain any sleeping quarters, living area, kitchen or bathroom facilities.

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 15th day of March, 2010 that the requests for Variance as follows:

- From Section 1A03.4.B.4 (1984 regulations for RC 4) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed garage addition attached to the principal dwelling, and a determination that a 32.33 foot non-enclosed breezeway/deck combination meets the requirements for a breezeway; and

ORDER RECEIVED FOR FILING

Date 3-1-10

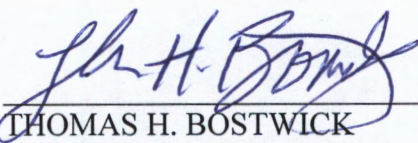
By [Signature]

- From Section 1A03.4.A of the B.C.Z.R. to permit a height of 39 feet in lieu of the required 35 feet; and
- To amend the Third Amended Final Development Plan for "Morrisville", Lot 19 only,

be and are 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.
2. The garage shall be attached to the existing dwelling as depicted on the site plan entitled "Plat to Accompany Zoning Variance for the Seunarine Residence 1239 Berans Road" dated 01-08-10 and marked as Petitioners' Exhibit 1, and the elevation drawings for the Seunarine Residence dated 11-20-09 and marked as Petitioners' Exhibits 2A and 2B.
3. The garage addition shall not be used for commercial purposes.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

ORDER RECEIVED FOR FILING

Date 2-1-10 6

By PJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 1, 2010

JAI AND DEBRA SEUNARINE
1239 BERANS ROAD
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 2010-0201-A
Property: 1239 Berans Road

Dear Mr. and Mrs. Seunarine:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "J. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: RLC Design & Engineering LLC, 13040 Old Harford Road, Reisterstown MD 21136

2010 - 0201 - A

MEMO TO THE FILE

HEARING OFFICER

Applicant was informed that filing a Special Hearing is the appropriate procedure to ascertain whether the proposed breezeway/deck combination meets the definition for an acceptable building connection.

B.R.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 1239 Berans Road

which is presently zoned RC-4

Deed Reference: 13799 / 476 Tax Account # 1900010668

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)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Jai Seunarine
Name - Type or Print _____
Signature _____
Debra Seunarine
Name - Type or Print _____
Signature _____
1239 Berans Road 410-252-2930
Address Telephone No.
Owings Mills MD 21117
City State Zip Code

Representative to be Contacted:

Jai Seunarine
Name _____
1239 Berans Road 443-250-6845
Address Telephone No.
Owings Mills MD 21117
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2010-0201-A Reviewed By BR Date 1/21/10

ORDER RECEIVED FOR FILING

Estimated Posting Date 1/21/10

FRM476_09

Date 2-1-10

Rev 3/09

By BR

1A03.4.B.4 (1984 regulations for RC-4) to permit a side yard setback of 25 ft. in lieu of the required 50 ft. for a proposed garage addition attached to the principal dwelling and to determine whether a 32.33 ft. non-enclosed breezeway/deck combination meets the requirements for a breezeway, Section 1A03.4.A to permit a height of 39 ft. in lieu of the required 35 ft., and to amend the Third Amended Final Development Plan for "Morrisville".

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 own and reside at 1239 Berans Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) PLEASE SEE ATTACHED.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

Jai Seunarine
Name- print or type

Signature

Debra Seunarine
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 4 day of December, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Jai Seunarine and Debra Seunarine
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Mary Allison Flagg
Name of Notary Public

MARY ALLISON FLAGG
NOTARY PUBLIC
HARFORD COUNTY, MD
My Commission Expires Nov. 1, 2010

PLACE SEAL HERE:

Affidavit in Support of Administrative Variance
1239 Berans Road

3

Petitioners request a height variance in order to replace the existing detached garage, located at the rear of the home, with a 3-story 4 car garage with a loft connected by a deck and breezeway to the existing home. In order to provide ample storage space for farm equipment and utility vehicles as well as accommodate musical instruments and storage space; petitioners request a height variance of 4 feet 8 inches in order to construct the garage with clerestory windows at a height of 39 feet in lieu of the required maximum height of 35 feet.

The petitioners also request a side setback variance of 25 feet instead of the 50 foot setback specified in the original development plan. The petitioners' property is currently zoned RC 4 which under current rules permits a side setback of 25 feet. However, the original development plan dictates a side setback of 50 feet. Based on the location of the existing 100 year flood plain and the limited suitable building envelope, the petitioners are requesting a variance of 25 total feet to permit a side setback of 25 feet instead of 50 feet. Additionally, an FDP amendment is being requested to allow the house to be located outside of the building envelope as shown on the FDP.

The petitioners have carefully reviewed their existing lot conditions and believe that the requested variances are necessary based on the location of the existing house, the sloping nature of the lot, the location of the flood plain, and the location of the existing septic reserve. Further, the petitioners have located the addition within the footprint of the existing garage and parking pad in order to ensure that the addition will not negatively impact any neighbor or alter the essential character of the land.

The petitioners' lot, which is accessed via panhandle, is secluded and is not visible from the street. Further, there is a significant wooded area between the petitioners' home and any bordering neighbor. Approval of the variances will permit appropriate attachment of the garage addition to the existing home and maintain the architectural integrity of the Victorian roof lines and pitches of the existing home. The existing home is at an elevation below the bordering neighbors properties and no structure can be built behind the petitioners' home because the property borders the 100 year flood plain. Additionally, the petitioners' family owns the Farm immediately behind the existing home as well as the lots immediately adjacent to the property on the North, Northeast, East, and Southeast boundaries.

Property Description

Zoning Description for 1239 Berans Road, Owings Mills, MD 21117

Beginning at a point on the north side of Berans Road which is 50 feet wide at the distance of 110 feet east of the centerline of the nearest improved intersecting street Bullock Circle which is 50 feet wide. Being Lot # 19, Map 50, Grid 16, Parcel 256 in the subdivision of Morrisville as recorded in Baltimore County Plat Ref 59/15 containing 4.39 acres. Also known as 1239 Berans Road and located in the Eighth Election District, Second Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0201 -A Address 1239 Berans Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/21/10 Posting Date: 1/31/10 Closing Date: 2/15/10

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- 0201 -A Address 1239 Berans Rd.

Petitioner's Name Jai & Debra Seuharine Telephone 443-250-6845

Posting Date: 1/31/10 Closing Date: 2/15/10

Wording for Sign: To Permit

a side yard setback of 25 ft. in lieu of the required 50 ft. for a proposed garage addition attached to the principal dwelling and to determine whether a 32.33 ft. non-enclosed breezeway/deck combination meets the requirements for a breezeway, to permit a height of 39 ft. in lieu of the required 35 ft., and to amend the Third Amended Final Development Plan for "Morrisville".

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/neighbor 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: 2010-0201-A

Petitioner: JAI SEUNARINE

Address or Location: 1239 BERANS RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAI SEUNARINE

Address: 1239 BERANS RD

OWINGS MILLS, MD 21117

Telephone Number: 410-252-2930

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

No. 100-1

Date: _____

Rev Sub
Source/ Rev/
Obj Sub Obj

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2010-0201-A

RE: Case No.: _____

Petitioner/Developer: _____
Jai and Debra Seunarine

February 15 2010
Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____
1239 Berans Rd

January 31 2010,
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black Feb 1 2010
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE 2010-0201-A

TO PERMIT A SIDE YARD SETBACK OF 25 FT. IN LIEU OF THE REQUIRED 50 FT. FOR A PROPOSED GARAGE ADDITION ATTACHED TO THE PRINCIPAL DWELLING AND TO DETERMINE WHETHER A 32.33 FT. NON-ENCLOSED BREEZEWAY / DECK COMBINATION MEETS THE REQUIREMENTS FOR A BREEZEWAY. TO PERMIT A HEIGHT OF 39 FT. IN LIEU OF THE REQUIRED 35 FT. AND TO AMEND THE THIRD AMENDED FINAL DEVELOPMENT PLAN FOR "MORREYVILLE".

(1239)

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE

4:30 p.m. ON 2-15-10

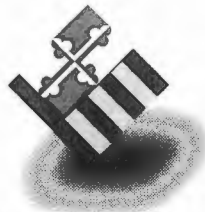
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

1. DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. VIOLATION PENALTY OF \$100. RETURN BOTH TO ZONING, RM. 100

MEETING IS HANDICAP ACCESSIBLE



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

February 17, 2010

Jai & Debra Seunarine
1239 Berans Rd.
Owings Mills, MD 21117

Dear: Jai & Debra Seunarine

RE: Case Number 2010-0201-A, 1239 Berans Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 21, 2010. 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: February 18, 2010

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

SUBJECT: 1239 Berans Road

INFORMATION:

Item Number: 10-201

Petitioner: Jai and Debra Seunarine

Zoning: RC 4

Requested Action: Administrative Variance

RECEIVED

FEB 19 2010

ZONING COMMISSIONER

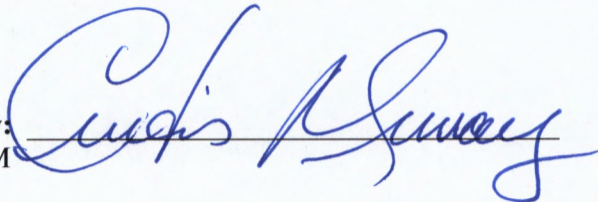
The petitioners request an administrative variance for a side yard setback of 25 feet in lieu of 50 feet and a building height of 39 feet. If granted, this would allow the petitioners to raze and existing freestanding garage and construct a larger 4-car garage and storage area attached to the existing dwelling via a breezeway/deck system. The property in question is a lot on the plat of Morrisville approved by the county in 1988.

SUMMARY OF RECOMMENDATIONS:

The petitioner's request should not have an adverse impact on the neighboring properties due to the wooded nature of the area. The Office of Planning does not object to the petitioners' request provided the structure is attached as shown on the detail. This structure is considered one single-family dwelling.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 3, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For February 15, 2010
Item Nos. 2010-0201, 202, 203 and
204

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-02152010 -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

February 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 01, 2010

Item Numbers: 0201, 0202, 0203, 0204

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: FEB. 22, 2010

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

RE: Baltimore County
Item No. 2010-0201A
1239 BERANS RD
JAI SEHARINE 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 - 0201A.

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,

A handwritten signature in black ink, appearing to read "Michael Bailey".

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

Patricia Zook - Case 2010-0201-A - comments needed (AV closed 2-15-10)

From: Patricia Zook
To: Murray, Curtis
Date: 2/19/2010 9:36 AM
Subject: Case 2010-0201-A - comments needed (AV closed 2-15-10)
CC: Bostwick, Thomas

Good morning Curtis -

The below-described case needs comments from the Planning Office.

CASE NUMBER: 2010-0201-A

1239 Berans Road

Location: N side of Berans Road; 110 feet E of the c/l of Bullneck Circle.

8th Election District, 2nd Councilmanic District

Legal Owner(s): Jai Seunarine

Closing Date: 2/15/2010

ADMINISTRATIVE VARIANCE 1) To permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed garage addition attached to the principal dwelling; 2) To determine whether a 32.33 feet non-enclosed breezeway/deck combination meets the requirements for a breezeway; 3) To permit a height of 39 feet in lieu of the required 35 feet; 4) To amend the Third Amended Final Development Plan for "Morrisville".

Thanks for your help.

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

410-887-3868

pzook@baltimorecountymd.gov



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

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

Account Identifier: District - 08 **Account Number -** 1900010668

Owner Information

Owner Name:	SEUNARINE JAI	Use:	RESIDENTIAL
	SEUNARINE DEBRA	Principal Residence:	YES
Mailing Address:	1239 BERANS RD	Deed Reference:	1) /13739/ 476
	OWINGS MILLS MD 21117-1641		2)

Location & Structure Information

Premises Address	Legal Description
1239 BERANS RD	4.39 AC
	MORRISVILLE TRACT A

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
50	16	256					19	2	Plat Ref: 59/ 15

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2000	3,124 SF	4.39 AC	04

Stories	Basement	Type	Exterior
2	YES	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	267,800	334,750		
Improvements:	374,730	469,410		
Total:	642,530	804,160	750,282	804,160
Preferential Land:	0	0	0	0

Transfer Information

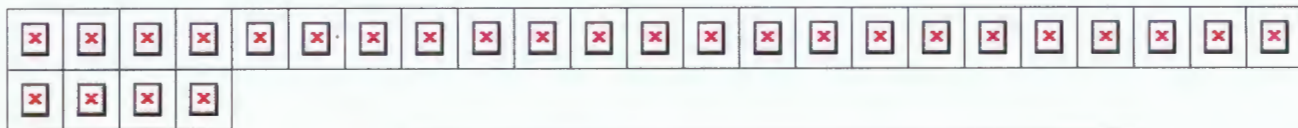
Seller: SEUNARINE JAI	Date: 05/12/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /13739/ 476	Deed2:
Seller: SEUNARINE HOLLIS	Date: 12/02/1998	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /13340/ 396	Deed2:
Seller: BERANS GENERAL PARTNERSHIP	Date: 08/29/1995	Price: \$315,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /11188/ 554	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:

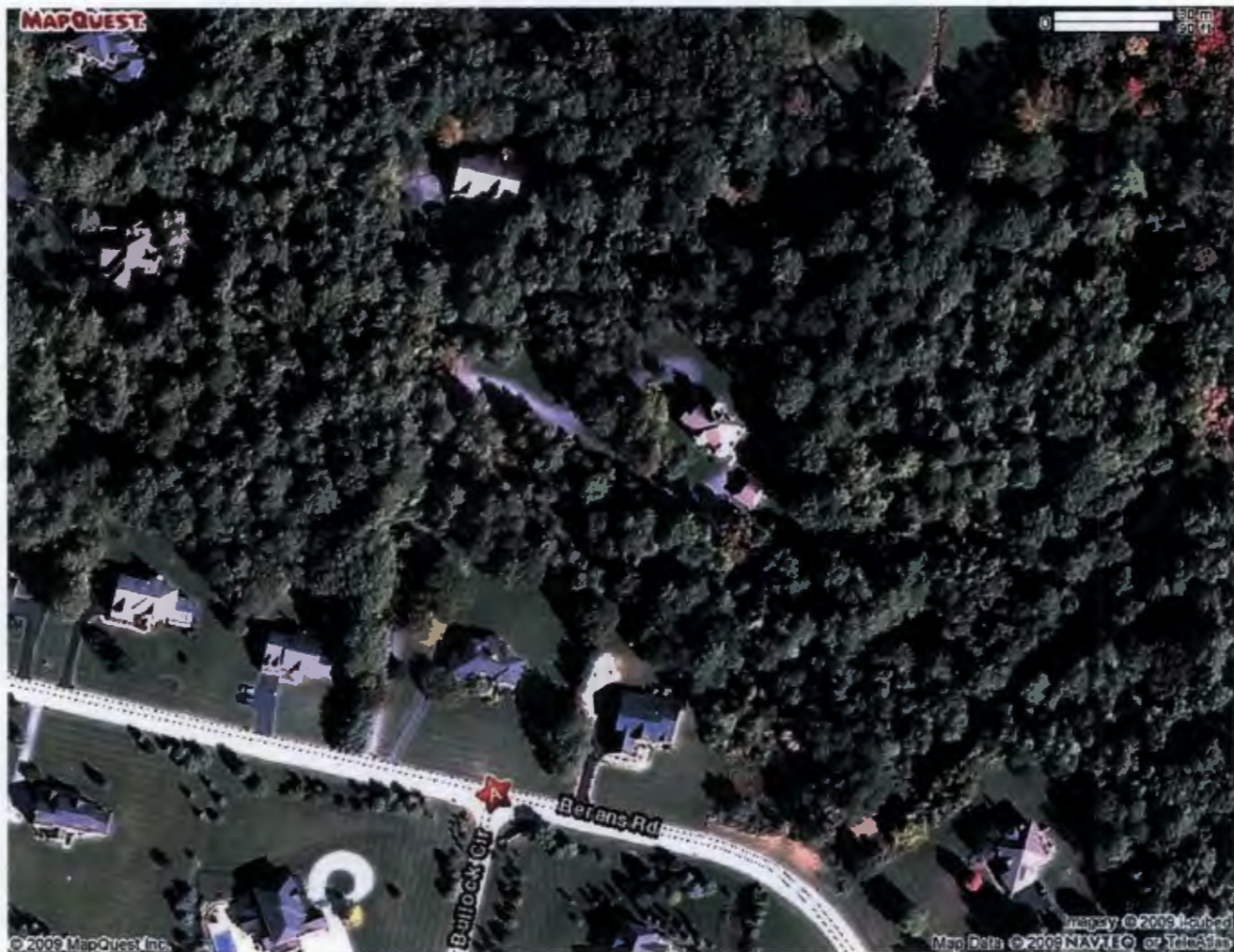
Special Tax Recapture:
 * NONE *

**MAPQUEST.**

Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

**1239 Berans Rd**

Owings Mills, MD 21117-1641



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Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route suitability. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from use of MapQuest. Your use of MapQuest means you agree to our [Terms of Use](#)

0807000675

Pt. Bk. 39 Folio 25

Lot # 7
1700005974

Lot # 20
1900010669

RC 4

1241

8 ED
2 CD

Lot # 19
1900010668
Pt. Bk. 59 Folio 15

SITE

050B2
NW 15-E

1900010670

PDM # 080223

1239

Lot # 15
1900010664

Lot # 21

Lot # 18
1900010667
20070309

1237

Lot # 17
1900010666

RC 5

1235

Lot # 16
1900010665

Lot # 14
1900010663

Lot # 13
1900010662

1223

Lot # 12

BERANS RD
Pt. Bk. 71 Folio 116

2300006135
PDM # 080616

BULLOCK CIR

2300006134

BERANS RD



Slope

Addition
Location

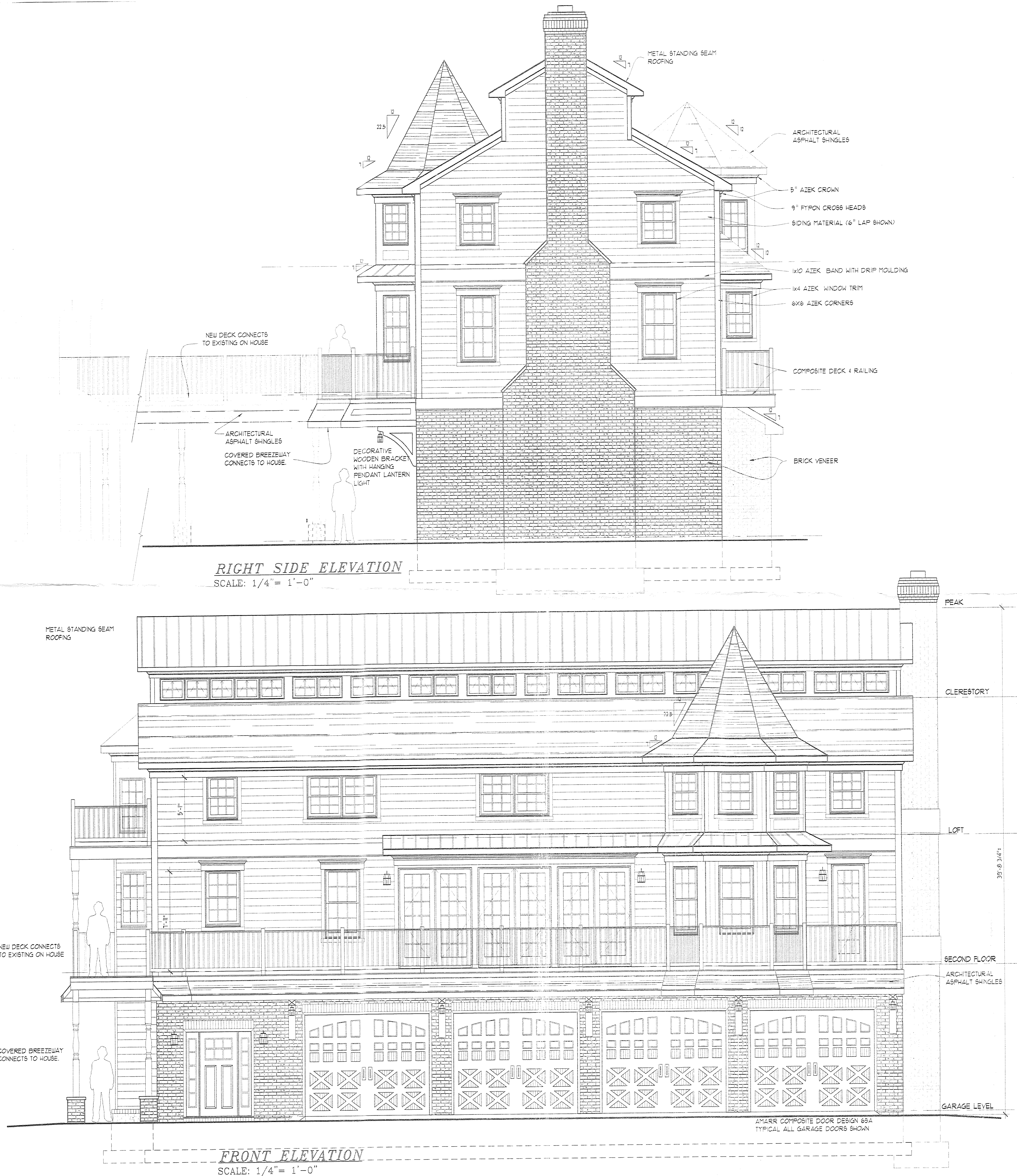


Woods

100 Year
Flood
Plain







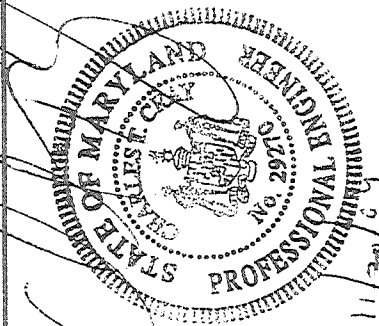
Note: This bar should equal 1" if drawing is at full scale.

PETITIONER'S
EXHIBIT NO. 2A

ISSUE FOR PERMIT 11-20-09

PROJECT TITLE		SEUNARINE RESIDENCE	
SHEET TITLE		ELEVATIONS	
SCALE		As Noted	11-20-09
SHEET NO.		A-1	

RLC Design & Engineering, LLC
13040 Old Hanover Road, Reisterstown, Maryland 21136
Phone: 410.833.1300 Fax: 410.833.6803



Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 29270, Expiration Date: 6/16/11.

DESIGNED	CTC
DRAWN	MAG
CHECKED	

REVISION NO.	REVISION DATE

Contractor shall verify all dimensions and conditions and bring any discrepancy to the attention of RLC Design & Engineering LLC before proceeding with the work. RLC Design & Engineering LLC is not responsible for any errors or omissions in this document. This document is the exclusive property of RLC Design & Engineering LLC. Nothing contained herein, including the design concept, may be used, copied, or distributed in any way or by any means without the written permission of RLC Design & Engineering LLC.

File name: S:\2009\546 -Seunarine Residence\SHEETS.dwg Plotted: Nov20,2009 - 2:37pm



PETITIONER'S
EXHIBIT NO. 26

ISSUE FOR PERMIT 11-20-09
PROJECT TITLE

SEUNARINE RESIDENCE

ELEVATIONS FRONT AND SIDE

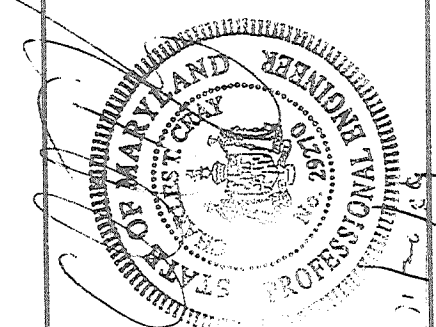
DATE 11-20-09

As Noted

SHEET NO.
A-2

2 OF 7

Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland. License No. 29270, Expiration Date: 6/16/11.

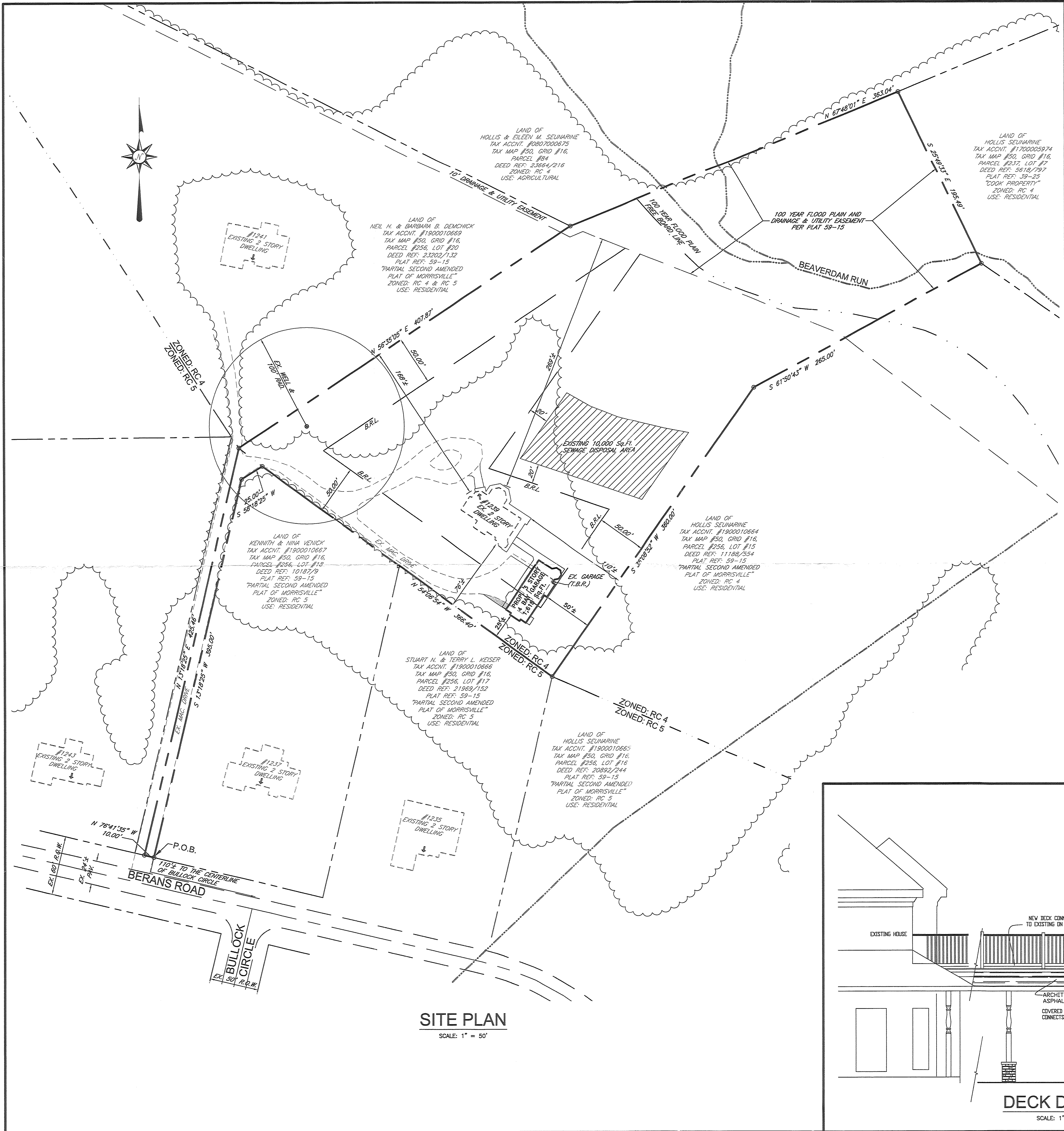


RLC Design & Engineering, Inc.
13040 Old Hanover Road, Reisterstown, Maryland 21136
Phone: 410.833.1300 Fax: 410.833.6803

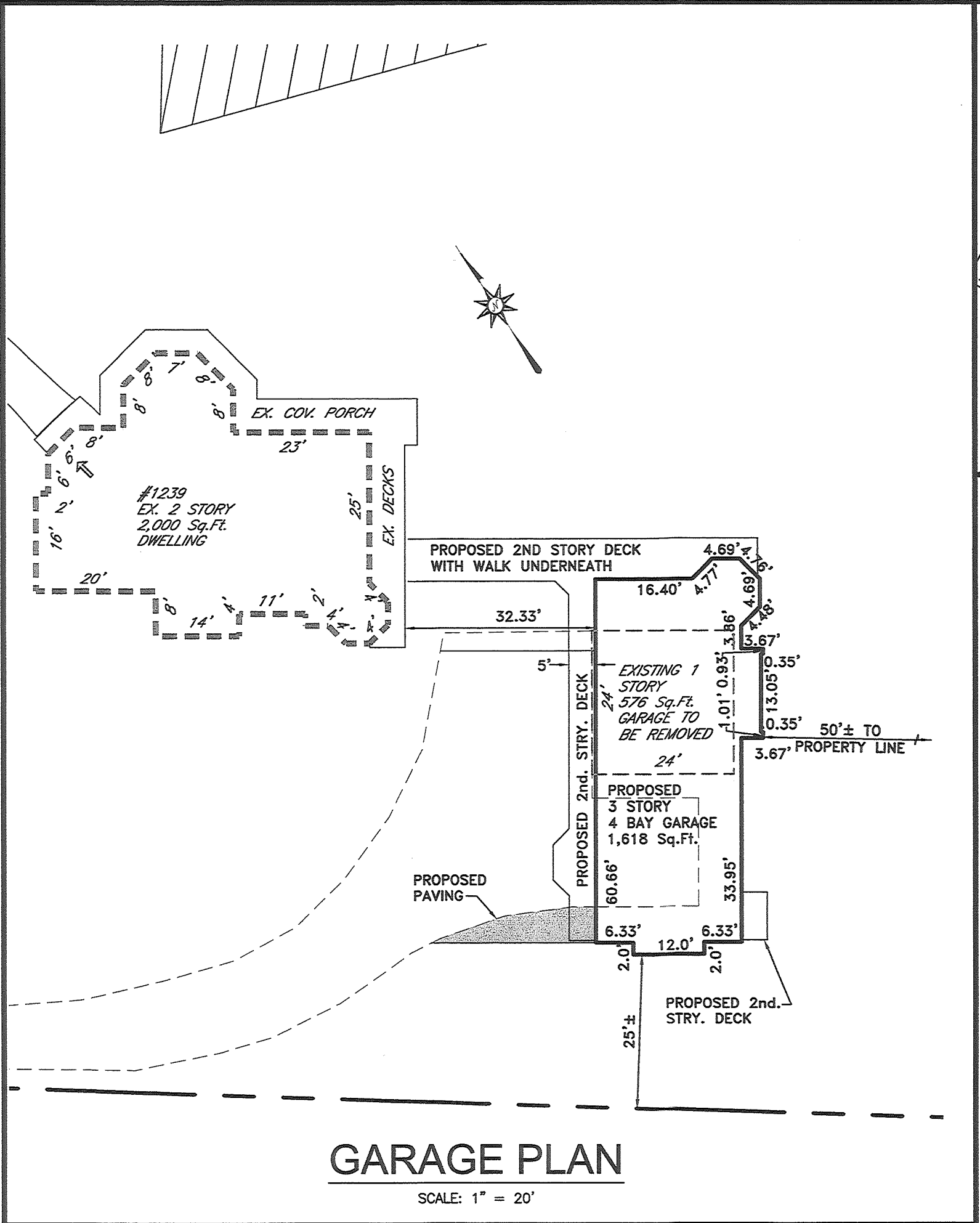
DESIGNED	DRAWN	CHECKED
CTC	MAG	

REVISION NO.	REVISION DATE

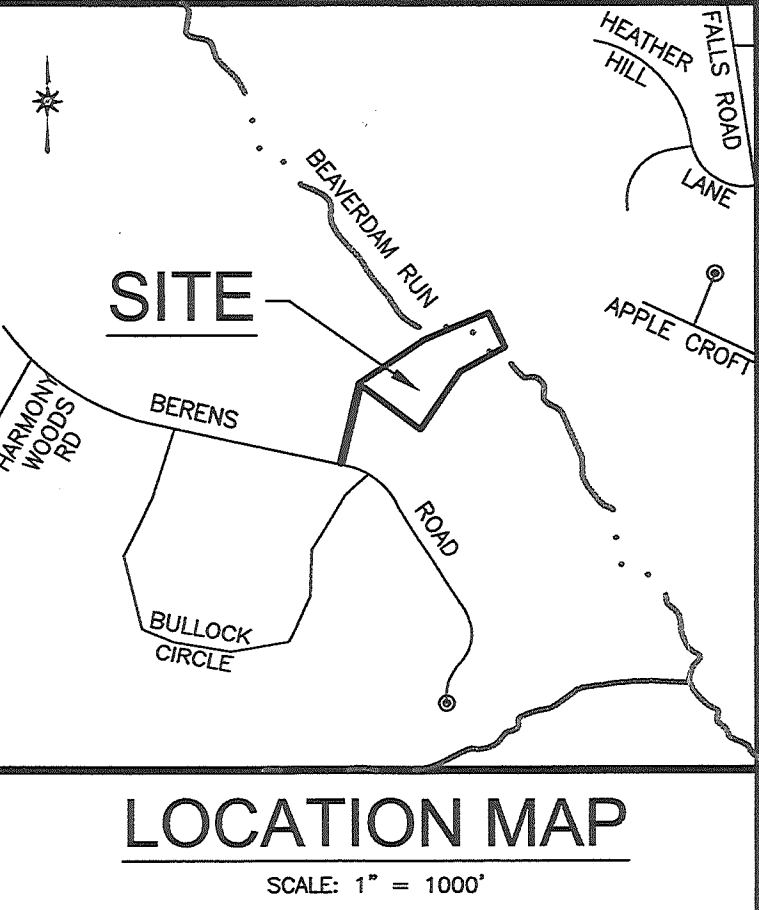
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SITE PLAN
SCALE: 1" = 50'

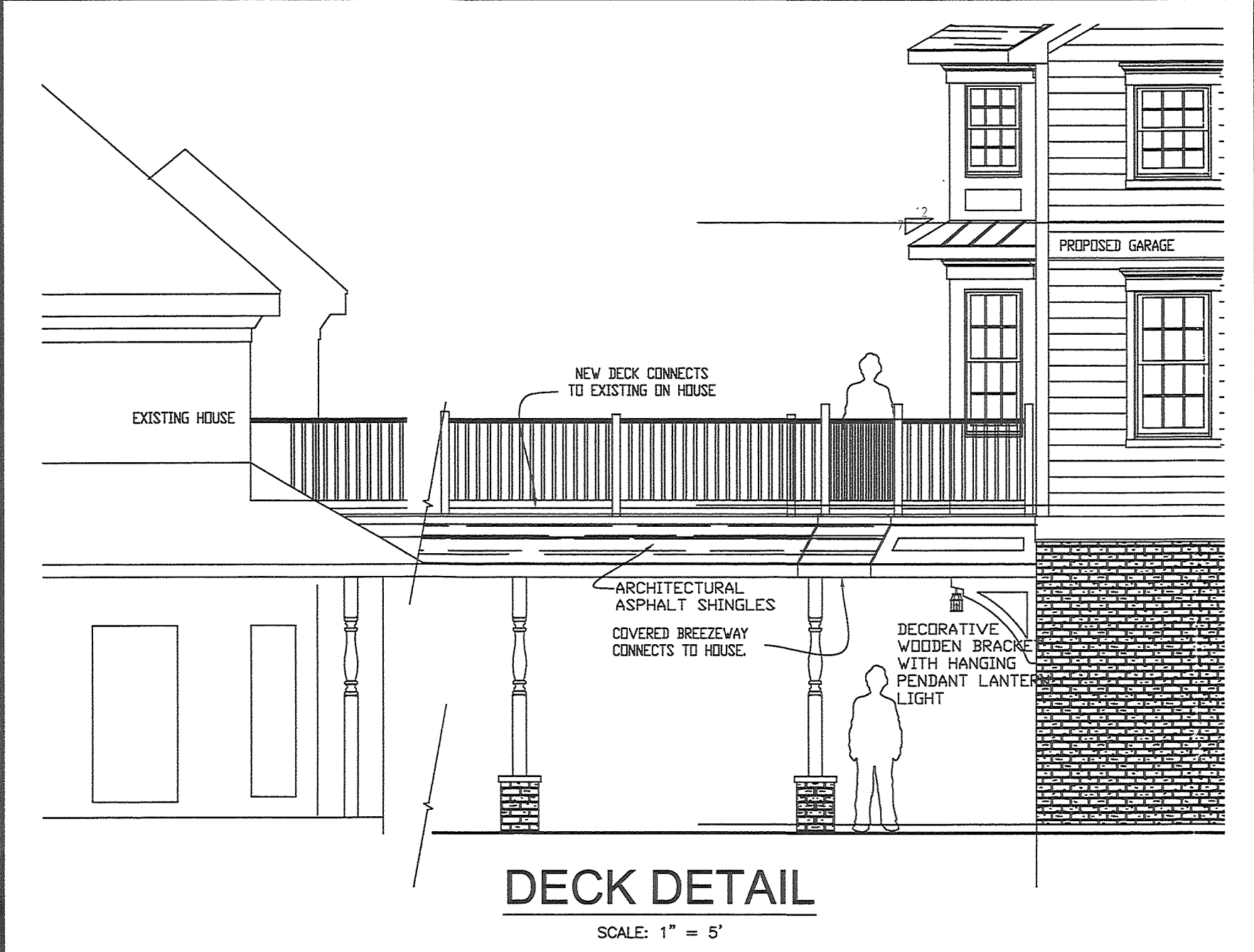


GARAGE PLAN
SCALE: 1" = 20'



GENERAL NOTES:

- OWNER: JAI & DEBRA SEUNARINE
1239 BERANS ROAD
OWINGS MILLS, MARYLAND 21117-1641
- SITE AREA:
191,228 Sq.Ft. or 4.39 Ac.±
- UTILITIES:
WATER: PRIVATE WELL SEWER: PRIVATE SEPTIC
- SITE LIES WITHIN ZONES "A" & "X" OF FLOOD INSURANCE
RATE MAP (FIRM) PANEL #240010 0230 F PANEL
230 OF 580 DATED SEPT. 26, 2008.
ZONE "A" IS NO BASE FLOOD ELEVATIONS DETERMINED.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOODPLAIN.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY
CRITICAL AREA.
- DEED REF: 13739/476.
- TAX ACCOUNT #1900010668.
- COUNCILMANIC DISTRICT: 2nd
- ZONING: RC 4 & RC 5
(PER 1"-200' ZONING MAP 050B2)
- TAX MAP #50, PARCEL #256, LOT #19.
- PLAT REF: 59-15 ENTITLED "PARTIAL SECOND AMENDED
PLAT OF MORRISVILLE"
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- THE EXISTING PROPERTY AND BUILDING ARE NOT HISTORIC.
- PREVIOUS BUILDING PERMIT FOR DWELLING AND GARAGE ON FILE.
- REQUIRED SETBACKS
(PER FINAL DEVELOPMENT PLAN FOR MORRISVILLE)
FRONT: 50'
SIDE: 50'
REAR: 50'
HEIGHT OF GARAGE = 39' (VARIANCE REQUIRED)
SIDE YARD SETBACK = 25' (VARIANCE REQUIRED)



DECK DETAIL
SCALE: 1" = 5'

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY
ZONING VARIANCE FOR THE

SEUNARINE RESIDENCE
1239 BERANS ROAD

8TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISIONS	PETITIONER'S	DRAWN BY:	DESIGNED BY:	SCALE:
		CND	PCR	AS SHOWN
	EXHIBIT NO.	DATE:	JOB NO.:	SHEET NO.:
		01-08-10	09119	1 OF 1