

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Deacon Brook Circle; 132 feet S
of Gwynnwest Road
4th Election District
2nd Councilmanic District
(403 Deacon Brook Circle)

Lauren M. McCombs
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0303-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 owner of the subject property, Lauren M. McCombs for property located at 403 Deacon Brook Circle. The variance request is from Section 208.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (garage) with a side yard setback of 3 feet and a sum of both side yards of 12 feet in lieu of the required minimum 10 feet and 25 feet, respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct an attached garage measuring 27 feet x 30 feet in size to provide safety and security for vehicles. There is an existing double-wide driveway leading to the location of the proposed garage. Residences located at 401, 404, 405, 406 and 408 Deacon Brook Circle have garages. The garage addition will be constructed of building materials that blend with the existing dwelling. None of the neighbors expressed any opposition to the proposed garage addition.

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 May 25, 2010 which indicates that they do not oppose the Petitioner's request to modernize the existing dwelling.

ORDER RECEIVED FOR FILING

Date 6-3-10

By ps

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 16, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 3rd day of June, 2010 that a Variance from Section 208.3 (1955-1971 B.C.Z.R.) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (garage) with a side yard setback of 3 feet and a sum of both side yards of 12 feet in lieu of the required minimum 10 feet and 25 feet, respectively is hereby GRANTED, subject to the following:

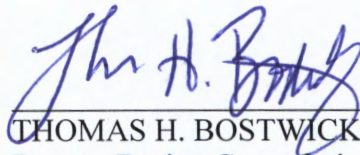
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 6-3-10

By PJ 2

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 6-3-10

By pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 3, 2010

LAUREN M. MCCOMBS
403 DEACON BROOK CIRCLE
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 2010-0303-A
Property: 403 Deacon Brook Circle

Dear Ms. McCombs:

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 black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

ORIGINAL
KEEP IN FILE

TAX. ACCO# # 0418012211



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

403 Deacon Brook Circle
Reisterstown, Maryland 21136

for the property located at which is presently zoned **DR 3.5**

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) **208.3 (1955-71 BCZR)**

TO PERMIT AN ADDITION (GARAGE) WITH A SIDEYARD SET BACK OF 3 FT AND A SUM OF BOTH SIDE YARDS OF 12 FT. IN LIEU OF THE REQUIRED MINIMUM 10 FT. AND 25 FT. 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

ORDER RECEIVED FOR FILING

Date **6-3-10**

Address

Telephone No.

City

State

Zip Code

By **pr**

Legal Owner(s):

Lauren M. McCombs

Name - Type or Print

Signature **Lauren McCombs**

Name - Type or Print

Signature

403 Deacon Brook Circle

443-742-2903

410-833-1254

Address

Reisterstown

Maryland

Telephone No.

21136

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 6 day of June , 2010, 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 0303 A**

Reviewed By **✓**

Date **5/07/10**

REV 10/25/01

Estimated Posting Date **5/16/10**

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.

403 Deacon Brook Circle

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

Address

Reisterstown

City

Maryland

State

21136

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. It will improve the value of the home and provide safety for the owner's vehicles.
2. There is already an existing double-wide driveway leading to the proposed site.
3. Residences at 401, 404, 405, 406, and 408 Deacon Brook Circle already have garages.
4. The owners of 405 Deacon Brook obtained a variance to build a two car garage similar to the one proposed for 403 Deacon Brook.
5. The proposed site is the only relatively flat area upon which to build a garage. Other sites would require other variances and more severe changes to the current land contours.
6. The proposed garage at 403 Deacon Brook would be an almost exact duplicate of the garage that already exists at 405 Deacon Brook Circle.
7. The height of the planned garage would not exceed the height of the current structure.
8. Planned building materials would blend the proposed attached garage into the existing structure. An effort would be made to obtain similar textures and colors to match the existing structure. It would be nothing different from what already exists in the community.
9. The existing location of the dwelling will not allow the addition without a variance.

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.

Lauren M. McCombs
Signature

Lauren M. McCombs

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of May, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lauren M. McCombs

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

AS WITNESS my hand and Notarial Seal



FRANK A. HAIRFIELD JR.
Notary Public, State of Maryland
County of Baltimore
My Commission Expires April 27, 2013

Frank A. Hairfield Jr.
Notary Public

My Commission Expires April 27, 2013

**ZONING DESCRIPTION FOR 403 Deacon Brook Circle, Reisterstown,
Maryland 21136.**

Beginning at a point on the east side of Deacon Brook Circle which is fifty (50) feet wide at a distance of one hundred thirty-two (132) feet south of the centerline of the nearest major improved intersecting street which is Gwynnwest Road which is seventy (70) feet wide. Being lot #1 in the subdivision of Chartley East as recorded in the Baltimore County Plat Book O.T.G. 33 Folio 27, containing 9,222.00 square feet (.21 acres). Also known as 403 Deacon Brook Circle and located in the 4th Election District and the 3rd Councilmanic District of Baltimore County, Maryland.

0303

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0303 -A Address 403 DEACON BROOK CIRCLE.

Contact Person: John Lewis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/07/10 Posting Date: 5/16/10 Closing Date: 5/31/10

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- 0303 -A Address ~~403~~ 403 DEACON BROOK CIRCLE

Petitioner's Name McCOMBS (CARREN) Telephone 410 833 1254

Posting Date: 5/16/10 Closing Date: 5/31/10

Wording for Sign: To Permit A PROPOSED ADDITION (GARAGE) WITH A SIDE YARD
SETBACK OF 3 FT. AND A SUM OF SIDE YARD SETBACKS OF 12 FT.
IN LIEU OF THE MINIMUM REQUIRED 10 FT. AND 25 FT. 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 0303 A

Petitioner: ☒ Lauren melinda mcombs

Address or Location: ☒ 403 Deacon Brook Circle Reisterstown, MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: ☒ Lauren mcombs

Address: ☒ 403 Deacon Brook Circle

☒ Reisterstown, MD 21136

☒ _____

Telephone Number: ☒ 410-833-1254

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

No. **53915**

Date: **5/07/10**

PAID RECEIPT

DATE: 5/7/2010 TIME: 1:04:53

AMOUNT: \$15.00

REMARKS: 806 000

REMARKS: 806 000

REMARKS: 806 000

REMARKS: 806 000

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Rev Sub
Source/ Rev/

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

001	806	000		806					15.00

Total: **15.00**

Rec From: **L. McCandless**

For: **White House - 400 000 000**

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Date: 5-16-10

RE: Case Number: 2010-0303-A

Petitioner/Developer: Lauren McComb

Date of Hearing/Closing: 5-31-10

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 403 Deacon Brook Ct

The signs(s) were posted on 5-16-10
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE

CASE # 2010-0303-A

TO PERMIT A PROPOSED ADDITION
(GARAGE) WITH A SIDEYARD SETBACK
OF 3 FEET AND A SUM OF SIDEYARD
SETBACKS OF 12 FEET IN LIEU OF
THE MINIMUM REQUIRED 10 FT AND
25 FT., RESPECTIVELY.

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 THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 5-31-10

AVAILABLE AT THE DEPARTMENT OF



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

June 1, 2010

Lauren McCombs
403 Deacon Brook Cir.
Reisterstown, MD 21136

Dear: Lauren McCombs

RE: Case Number 2010-0303-A, 403 Deacon Brook Cir.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 07, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

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: May 25, 2010

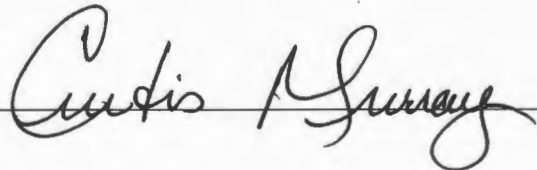
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-303- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request to modernize the existing dwelling.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



RECEIVED

MAY 25 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2010
Item Nos. 2010- 176, 230, 295, 296,
297, 298, 299, 301, 303, 304, 306, 307
311 & 312

DATE: May 18, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05312010 -NO COMMENTS.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MAY 19, 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. 2010-0303-A
403 DEACON BROOK CIR
LAUREN 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. 2010-0303-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,

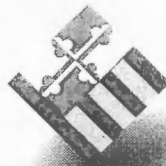

Steven D. Foster, Chief
Engineering Access Permits
Division

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



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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

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

AV
5-31-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



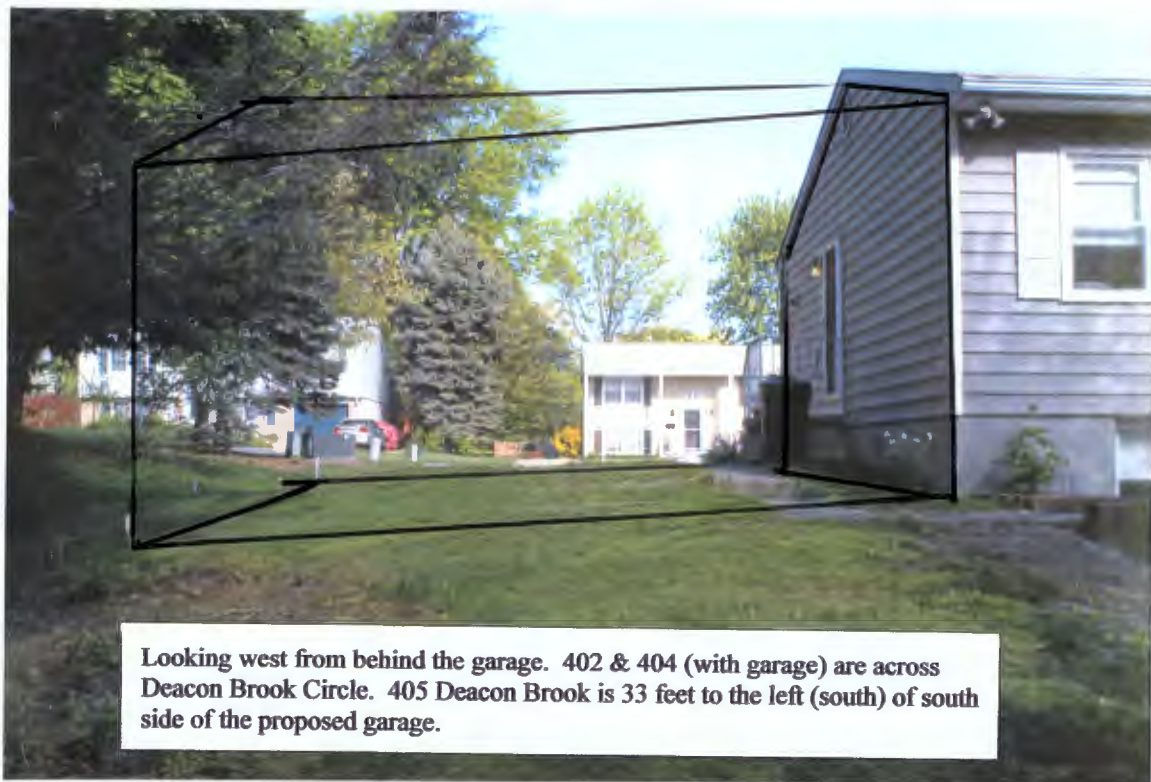
TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 11, 2010
SUBJECT: Zoning Item # 10-303-A
Address 403 Deacon Brook Circle
(McCombs Property)

Zoning Advisory Committee Meeting of May 17, 2010.

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

Reviewer: JWL Date: 6/11/10

0303





Looking northeast at the Southern & Western walls of the house. Outline of the proposed garage as seen from the front



Garage at 405 was built after the home was constructed. There were two variances affecting this garage, changing the side and rear setbacks. The proposed garage for 403 will be an almost exact duplicate, but needs only a side setback change.

0303



Looking northwest at the Southern & Eastern walls of the house. Outline of the proposed garage as seen from back. 402 Deacon Brook Circle is in the background, across the street.

NW 16-J

PDM # 040076

1600006572

Pt. Bk./Folio # 034150

Pt. Bk. 34, Folio 150

DR 16

GWYNNWEST RD

Lot # 9

Pt. Bk. 33, Folio 27

0418012198

400

Lot # 10

402

0418012199

Pt. Bk./Folio # 033027

2 CD 4 ED

404

Lot # 11

0418012200

048C2

DR 3.5

NW 15-J

DEACON BROOK CIR

Lot # 32

0418012214

401

19840292

502

0418012213 Lot # 31

0418012211

Lot # 1

PDM # 040069

#0303
SITS

504

0418012212

1600003514 Lot # 30

19880179
19990115

Lot # 2

19780060

405

GLEN GRANITE RD

Lot # 3

Pt. Bk. 34, Folio 12

1600003548

1600003513

Lot # 29

Pt. Bk./Folio # 034012

1600003549

Lot # 4

Lot # 1

0418012209

409

505

Lot # 5

1600003512
Lot # 28

