IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Brushwood Drive, 721 feet N of Academy Avenue 4th Election District 2nd Councilmanic District (324 Brushwood Drive)

Rushi and Kalpana Bhatt Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0355-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, Rushi and Kalpana Bhatt for property located at 324 Brushwood Drive. The variance request is from Sections 1B01.2.C.1.b, 301.1 and 504.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") (Division II.A Single Family Detached, Comprehensive Manual of Development Policies to permit a proposed addition (sunroom) and open projection (deck) with rear yard setbacks of 16 feet, respectively, in lieu of the minimum required 30 feet and 22.5 feet, respectively, and to amend the Latest Final Development Plan for The Roland Property, Lot 1 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners have a rear door leading to the back yard; however this door does not have direct access to the back yard because there are no steps or deck to actually reach the back yard. The proposed deck will allow the Petitioner to access the back yard without having to walk around the entire dwelling. The proposed sunroom measures 14 feet x 14 feet and the proposed deck measures 16 feet x 14 feet. Additional living space is needed for the large family. Petitioners submitted photographs that clearly show there are other dwellings in the neighborhood with decks and sunrooms similar to that which is being proposed.

ORDE	R RECEIVED FOR FILING
Date_	7-21-10
-	M

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 June 26, 2010 and does not oppose the request. There have been similar requests for similar additions within the Roland Property subdivision.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 27, 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 information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2157 day of July, 2010 that an Administrative Variance from Sections 1B01.2.C.1.b, 301.1 and 504.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") (Division II.A Single Family Detached, Comprehensive Manual of Development Policies to permit a proposed addition (sunroom) and open projection (deck) with rear yard setbacks of 16 feet, respectively, in lieu of the minimum required 30 feet and 22.5 feet, respectively, and to amend the Latest Final

2

ORDER RECEIVED FOR FILING

Development Plan for The Roland Property, Lot 1 only is hereby GRANTED, subject to the following:

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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 7-21-10



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 21, 2010

RUSHI AND KALPANA BHATT 324 BRUSHWOOD DRIVE OWINGS MILLS MD 21117

Re: Petition for Administrative Variance

Case No. 2010-0355-A

Property: 324 Brushwood Drive

Dear Rushi and Kalpana Bhatt:

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

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

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



TAX. ACCOUNT # 2 100009873

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 324 Brushwood Daive 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) | Bol. 2, C.I. 6, 301.1 & 504.2, BC2R

(Division II. A. Single family Detached, CMOP) to permit a proposed addition (sun room) and open projection (deck) with rear yard retbacks of 16 feet, respectively, in lieu of the minimum required 30 feet and 22/2 feet, respectively, and to amend the latest Final Development Plan for The Roland Property, Lot 1 only.

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 Signature Telephone No. Address Zip Code City State Attorney For Petitioner: Address Telephone No. ORDER RECEIVED FOR FILING Name - Type or Print Representative to be Contacted: Signature Company Name Address Telephone No. Address Telephone No. City State Zip Code 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, 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 BENDA S. MATHE

Estimated Posting Date

GAM, VID STOME TIMORE CITY, MAD

My commission expires October 1, 2010

REV 10/25/01

Affidavit in Support of Administrative Variance

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

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 the reto in the event that a public hearing is scheduled in the future with regard thereto.

		Dusings Mills	MD	
		City	State	Zip Code
That based upon person Variance at the above ad	al knowledge, the follow dress (indicate hardship	wing are the facts upor or practical difficulty):	which I/we base the	request for an Administrative
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HEREBY CERTIFY, this	day of Me		, <u>2010</u> , before m	e, a Notary Public of the State
of Marviand, in and for the	e County aforesaid, ben	sonally appeared		
KUSNI IV.	DRIGHT WILL	Recipance	-, Drugi	0.
the Affiant(s) herein, pers	onally known or satisfac	ctorily identified to me a	as such Affiant(s).	VC/
AS WITNESS my hand a	nd Notarial Seal			
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		Notary Public	Wille 13 .1(yar U
2		if a formal demand is filed, Affiant(s) will be required to pay a reposting and ovide additional information. Kalpana Bloth Signature Kalpana R. Bhatt Name-Type or Print ALTIMORE, to wit: May , 2010, before me, a Notary Public of the State and Kalpana R. Bhatt satisfactorily identified to me as such Affiant(s).		
REV'10/25/01			BALTI	NOTARY PUBLIC

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 32	(address)
	rth East side of Brushwood Dr. (name of street on which property fronts)
which is 50 feet (number of feet of right-of-way width)	ide at the distance of 720 (+/-) 10+N of the (number of feet) (number, south, east or west)
centerline of the nearest improved inter	secting street Academy Avenue which (name of street)
is 50 feet_wide. * Being Lot # 1_ Block	x in subdivision
Roland Property as recorded in Baltim (name of subdivision)	nore County Plat Book # 77 Folio # 145
containing 6827.8 Sqft Also known (Square feet or accres)	as 324 Brushwood Drive and located in the (property address)
04 Election District, 02	Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2010-	0355 -A			rushwood Cour	<u>£</u>
Conta	ct Person:	Jeffrey Planner Please	Perlow Print Your Name		Phone Number: 4	10-887-3391
Filing	Date:6	(15/2010	Print Your Name Posting Date:	6/27/10	Closing Date	: 7/12/10
Any c	ontact made	with this office re	egarding the statuusing the case nun	us of the adm	ninistrative variand	ce should be
1.	reverse side reposting mus is again resp	of this form) and st be done only b onsible for all ass	er must use one of the petitioner is re y one of the sign p sociated costs. The ng date noted above	esponsible for posters on the he zoning not	all printing/postin approved list and ice sign must be	g costs. Any the petitioner visible on the
2.	a formal requ	uest for a public	is the deadline for hearing. Please e process is not co	understand t	hat even if there	000 feet to file is no formal
3.	commissioner order that the within 10 day whether the p	r. He may: (a) of matter be set in the vs of the closing	ate, the file will be grant the requeste for a public hearing date if all Coun granted, denied, cail.	ed relief; (b) d g. You will rec ty agencies' o	eny the requested eive written notific comments are re-	d relief; or (c) cation, usually ceived, as to
4.	commissioner changed givin	r), notification wi	formal request of the forwarded to the forwarded to the forwarded to the forwarded aring date, time a finge and a photograph of the forwarded to the forward f	o you. The and location.	sign on the prop As when the sign	erty must be was originally
			(Detach Along Dotted	Line)		
Petitio	oner: This Pa	rt of the Form is	for the Sign Post	ter Only		
		USE THE ADMI	NISTRATIVE VAR		A.J	
Case	Number 2010-	0355 -A	Address 32	4 Brushu	wood Court	
Petitio	ner's Name _	BHATT		Те	elephone 410-5	81-9693
Posti	ng Date:	6/27/10	C	losing Date:	7/12/10	
Wordi	ng for Sign: _	To Permit a pr	oposed addition	(sun noom) a	ind open projec	tion (deck)
wit		rear ya	rd set backs	of 16 fee	t, respectively	in lieu of
the	MINIMUM M	equired 30 fe	et and 22'z	feet, respec	tively, and to	amend the
late	est Final C	levelopment P	lan for The R	oland Prop	erty, Lot 1 o	nly.
		,				Revised 8/20/09

ACCURATE STATES	10 10 11 11 10 10 10		D FINANC RECEIPT		Sub Rev/	No.	5591	6/15/2010	PAID RECEIPT RESTRESS ACTUAL 6/16/2010 6/15/2010 6 850 8001 WELTH BY 98 504 ELETET 8 400166 6/15/2	
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CERTIFICATE OF POSTING

RE: Case No 2010 -0355-A

	evelopment Management Building,Room 111 Sapeake Avenue ZONING COMMISSIONER	
	Date Of Hearing/Cl	losing: 7/12/10
Baltimore County Depart		RECEIVED
County Office Building,R 111 West Chesapeake A	oom 111	JUL 2 0 2010
Attention:		ZONING COMMISSIONER
Ladies and Gentlemen		
	vere posted conspicuously on t	he property
This sign(s) were posted	on	,Year
	Signature	e of Sign Poster and Date

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





JAMES T. SMITH, JR. County Executive

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

July 12, 2010

Rushi & Kalpana Bhalt 324 Brushwood Dr. Owings Mills, MD 21117

Dear: Rushi & Kalpana Bhalt

RE: Case Number 2010-0355-A, 324 Brushwood Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 15, 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.

W. Cal Ribal 9

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

June 21, 2010

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: June 21, 2010

Item No.: Administrative Variance: 2010-0331A, 2010-0345A - 0353A,

2010-0355A.

Special Hearing Variance: 2010-0354-SPHA

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

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

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 23, 2010

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 5, 2010

Item Nos. 2010- 331, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354,

and 355

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-07052010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-355- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request. There have been similar requests for similar additions within the Roland Property subcivision.

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

DATE: June 29, 2010

JUN 302010

ZONING COMMISSIONER



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-Z4-Z010

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 - 0355-A
324 BRUSHWOOD DRIVE

BHATT 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. 20 10. -0355-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

Patricia Zook - Cases 2010-0355-A Case 2010-0350-A - AVs that closed 7-12-10 need posting certificates

From:

Patricia Zook

To:

Lewis, Kristen; Williams, LaShenda

Date:

7/19/2010 9:05 AM

Subject: Cases 2010-0355-A Case 2010-0350-A - AVs that closed 7-12-10 - need posting certificates

CC:

Bostwick, Thomas

Ladies -

The following two administrative variance cases that closed 7-12-10 are missing the posting certificates. Please check to see if you have the certificates before I contact the Petitioners.

Case 2010-0355-A and Case 2010-0350-A.

(Kristen - I talked with you about these on Friday, but never heard back.)

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

410-887-3868

pzook@baltimorecountymd.gov

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ No Comment
6-23-10	DEVELOPMENT PLANS REVIEW	_NC_
	DEPRM (if not received, date e-mail sent)	
6-21-10	FIRE DEPARTMENT	nc
6-29-10	PLANNING (if not received, date e-mail sent)	nc supports
6-24-10	STATE HIGHWAY ADMINISTRATION	<u>ne</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No)
PRIOR ZONING	(Case No.	
NEWSPAPER A	DVERTISEMENT Date:	-
SIGN POSTING	received 1/20/10 Date:	-
PEOPLE'S COU	NSEL APPEARANCE Yes No	
PEOPLE'S COU	NSEL COMMENT LETTER Yes No	
Comments, if any	·:	





Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

Go Back View Map New Search

			Ow	ner Informat	ion					
Owner Name:		BHATT RUSHI	N		Use:		R	ESIDENT	IAL	
		BHATT KALPA	NA R	Principal Residence:			e: Y	YES		
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		OWINGS MILI	LS MD 21117-				2)		
			Location 8	k Structure Ir	format					
Premises Address 324 BRUSHWOO						.1563AC	scription			
324 BRUSHWOO	D DK						SHWOOD D	RES		
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Special Tax Are	eas	Ad	Valorem							
		Та	x Class	- Comment						
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State				000	0		0			
Municipal				000	0		0			
Tax Exempt:	NO					Specia	I Tax Rec	apture:		
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