

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Overbrook Road; 145 feet NW
of Edmondson Ave
1st Election District
1st Councilmanic District
(406 Overbrook Road)

Kathleen K. Saxon
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2011-0025-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, Kathleen K. Saxon for property located at 406 Overbrook Road. The variance request is from Section 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with a rear yard setback of 32 feet in lieu of the minimum required 37.5 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to replace a metal painted back porch with a maintenance-free upgraded deck measuring 6.5 feet x 10 feet. The current approved replacement size is 7 feet x 7 feet. Petitioner would like to extend the length of the deck from 7 feet to 10 feet in order to make it more usable and aesthetic by decorating the deck with furniture and flowers. Keeping the deck the same size as the old porch does not allow Petitioner to take advantage of making the area an outdoor space that would be usable and enjoyable. Photographs submitted with the Petition show that there are a number of similar decks in the neighborhood including one residence that has a pitched roof over their deck.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

ORDER RECEIVED FOR FILING

Date

By

8-17-10

ES

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 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 17th day of August, 2010 that a Variance from Section 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with a rear yard setback of 32 feet in lieu of the minimum required 37.5 feet 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

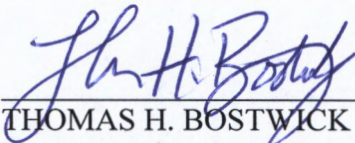
Date

8-17-10

By

17

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 17, 2010

KATHLEEN K. SAXON
406 OVERBROOK ROAD
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 2011-0025-A
Property: 406 Overbrook Road

Dear Ms. Saxon:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 406 Overbrook Rd Balt, MD 21228
which is presently zoned Residential

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) 301.1, BC2R, to permit an open

projection (deck) with a rear yard setback of 32 feet in lieu of the minimum required 37½ feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company Date

Address By

Telephone No.

City

State

Zip Code

Legal Owner(s):

Kathleen K Saxon

Name - Type or Print

Signature

Name - Type or Print

Signature

406 Overbrook Rd 410.744-8261

Address

Telephone No.

Catonsville MD 21228

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 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. 2011-0025-A

REV 10/25/01

Zoning Commissioner of Baltimore County
Reviewed By SNP Date 7/20/2010

Estimated Posting Date 8/1/2010

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 406 Overbrook Rd
Address
Catonsville MD 21228
City State 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. I wish to replace a metal painted back porch (which became an eye sore) with a maintenance-free upgraded deck with dimensions of 6.5' x 10'. The current approved replacement size is 7' x 7'.
2. I would like to extend the length of the deck from 7 ft to 10 ft in order to make it more usable and esthetic by decorating it with furniture and flowers.
3. Keeping it virtually the same size as the old porch does not allow me to take advantage of making it an outdoor space that would be more useable and enjoyable as a place to relax, and upgrade the overall attractiveness of my property.

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.

Kathleen K. Saxon
Signature
Kathleen K. Saxon
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of July, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Arum Peters
Notary Public
My Commission Expires 5/12/14

Zoning Description

ZONING DESCRIPTION FOR 406 Overbrook Road, Catonsville, MD 21228

Beginning at a point on the ^{southwest}~~southeast~~ side of Overbrook Road which is 50' wide at the distance of 145' northwest of the centerline of the nearest improved intersecting street Edmondson Avenue which is 50' wide. Being Lot #40 Block n/a, Section n/a in the subdivision of Westbrook as recorded in Baltimore County Plat Book #12, Folio #36 containing 2060 square feet.

Also known as 406 Overbrook Road and located in the First Election District, First Councilmanic District.

2011-0025-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0025 -A

Address 406 Overbrook Road

Contact Person: Jeffrey Perlow
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7/20/2010

Posting Date: 8/1/2010

Closing Date: 8/16/2010

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.

Petitioner: This Completed Form must be FAXED or MAILED to your chosen Sign Poster!

Sign Poster: USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2010- 0025 -A

Address 406 Overbrook Road

Petitioner's Name Kathleen K. Saxon

Telephone 410-744-8261

Posting Date: 8/1/2010

Closing Date: 8/16/2010

Wording for Sign: To Permit an open projection (deck) with a rear yard setback of 32 feet in lieu of the minimum required 37½ feet.

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

No. **58613**
 Date: **7/20/2010**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 7/22/2010 7/20/2010 14:43:37 3

REG NO:03 WALKIN 8909 LRD
 >> RECEIPT # 465447 7/20/2010 OPEN

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

5 528 TUNING VERIFICATION
 CR NO. 058613
 Rept Tot \$65.00
 \$65.00 CR \$1.00 CA
 Baltimore County, Maryland

Total: **65.00**

Rec from: **Kathleen K. Saxon**
 For: **Adm. Variance - 426 Overbrook Road**
2011-0025-A (Saxon)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2011-0025-A

Petitioner/Developer _____
KATHLEEN K. SAXON

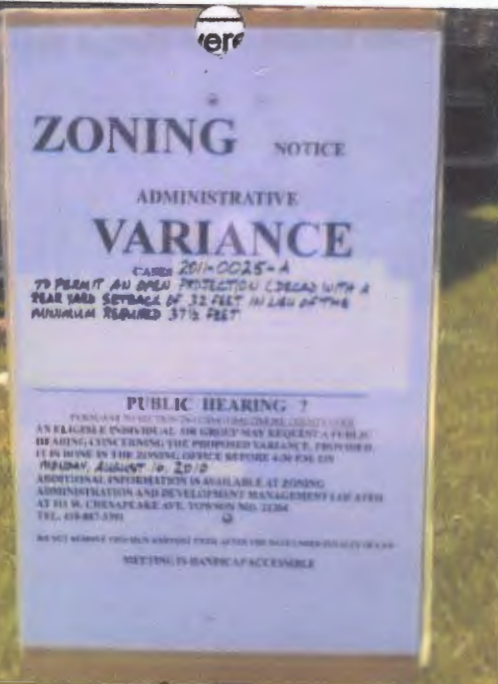
Date Of Hearing/Closing: 8/16/10

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 406 OVERBROOK ROAD



July 30, 2010

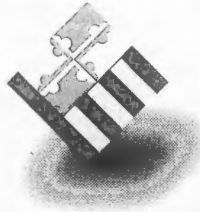
Month, Day, Year

Sincerely,

Martin Ogle 7/30/10
Signature of Sign Poster and Date

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

Martin Ogle 7/30/10



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 16, 2010

Kathleen Saxon
406 Overbrook Rd.
Catonsville, MD 21228

Dear: Kathleen Saxon

RE: Case Number 2011-0025-A, 406 Overbrook Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 20, 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: August 2, 2010

RECEIVED

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

AUG 03 2010

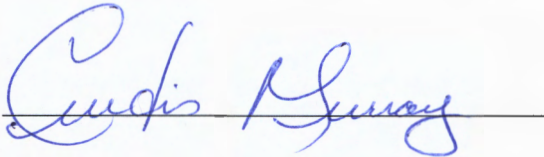
ZONING COMMISSIONER

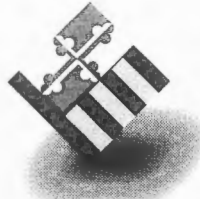
SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-025- Administrative Variance**

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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

A handwritten signature in blue ink, appearing to read "Curtis M. Gentry", is written over a horizontal line.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 27, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 9, 2010

Item No.: **Administrative Variance: 2011-0021A – 0025A, and 2011-0027A**

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable and required to be corrected or incorporated into the final plans for the above 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
Department of Permits &
Development Management

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

SUBJECT: Zoning Advisory Committee Meeting
For August 9, 2010
Item Nos. 2011- 021, 022, 023, 025
And 027

DATE: August 5, 2010

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-08092010 -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: August 2, 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. 2011-0025-A
406 OVERBROOK ROAD
SAXON 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. 2011-0025-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

TB AV 8-16-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 23 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 20, 2010
SUBJECT: **Zoning Item # 11-025-A**
Address 406 Overbrook Road
(Saxon Property)

Zoning Advisory Committee Meeting of July 26, 2010

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

Reviewer: JWL Date: 8/20/10

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
4022 Chestnut Rd.; N/side of Chestnut Rd., * ZONING COMMISSIONER
600+/- northeast from Seneca Road *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Barbara A. & *
Gregory J. Maliszewski * BALTIMORE COUNTY
Contract Purchaser: Judith Ann Pierce *
2019-0225-SPHA

none

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

FEB 02 2011

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carol S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to Barbara A. Maliszewski and Gregory J. Maliszewski, 4022 Chestnut Road, Baltimore, Maryland 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



408 Overbrook



404 Overbrook



414 Overbrook

Deck area is
new as of the
past month, incl
the roof.

406 Overbrook (Steps are temporary - old porch has been removed)



Kathleen K Saxon

7/30/10

2011-0025-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

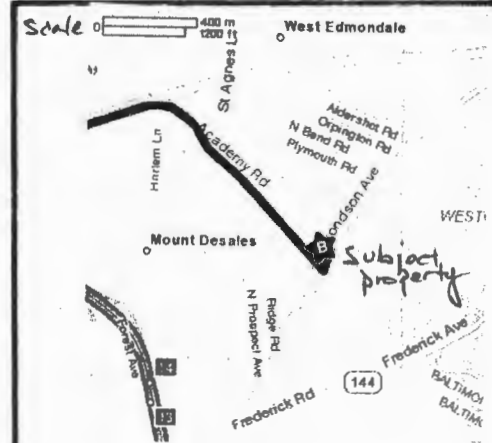
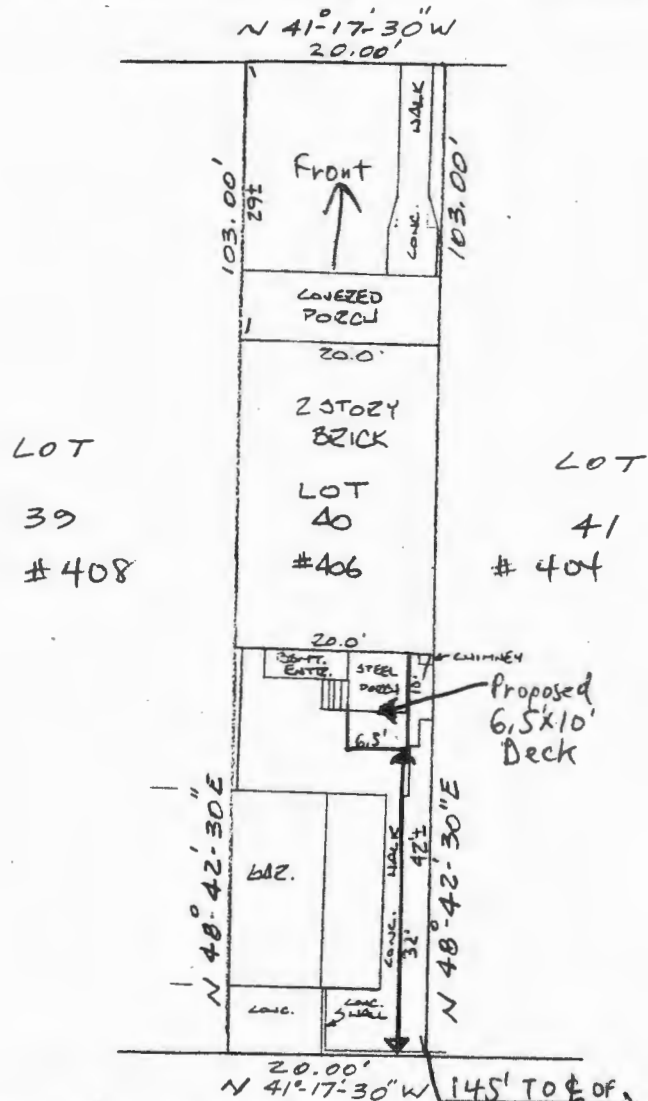
PROPERTY ADDRESS 406 Overbrook Rd (212) 888-8888 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WESTBROOK

PLAT BOOK # 12 FOLIO # 36 LOT # 40 SECTION # A/A

OWNER Kathleen K. Saxon

OVERBROOK (50') ROAD



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # 095B3

ZONING DR 10.5

LOT SIZE 2060
ACREAGE 0.047 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

ZONING OFFICE USE ONLY
REVIEWED BY JNP ITEM # 0025 CASE # 2011-0025-A

PREPARED BY 14' WIDE (50' R/O/W)

SCALE OF DRAWING: 1" = 20'

Mid-Atlantic Surveys