

IN RE: PETITION FOR ADMIN. VARIANCE

SW corner of West Chesapeake Avenue
and Burnbrae Road
9th Election District
5th Councilmanic District
(15 Burnbrae Road)

Mark T. and Elizabeth F. Hughes
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2011-0121-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, Mark T. and Elizabeth F. Hughes for property located at 15 Burnbrae Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a carport in the side and front yard in lieu of the required rear yard with a height of 16 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a carport measuring 20 feet x 20 feet to protect their vehicles from inclement weather and tree sap. This carport will accommodate storage of the garbage and recycling containers. Photographs submitted with the Petition show that the property contains dense vegetation as well as containing slopes.

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 October 18, 2010 which indicates that the rear yard of this property is fully vegetated with mature trees. Placing the carport in the front yard would protect the existing trees. The Planning Office supports the Petitioners' request.

ORDER RECEIVED FOR FILING

Date 11-1-10

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 9, 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 15th day of November, 2010 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a carport in the side and front yard in lieu of the required rear yard with a height of 16 feet in lieu of the permitted 15 feet is hereby GRANTED, subject to the following:

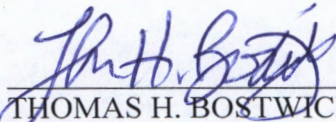
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

ORDER RECEIVED FOR FILING

Date 11-1-10

By [Signature]

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 11-1-10

By 



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 1, 2010

MARK T. AND ELIZABETH F. HUGHES
15 BURNBRAE ROAD
TOWSON MD 21204

Re: Petition for Administrative Variance
Case No. 2011-0121-A
Property: 15 Burnbrae Road

Dear Mr. and Mrs. Hughes:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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.

Sincerely,

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 15 Burnbrae Rd. Towson, Md 21204
which is presently zoned _____

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)

400.1 & 3; BCZR, to permit
a carport in the side and front yard in lieu of the
required rear yard with a height of 16 ft in lieu of
the permitted 15 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

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MARK and ELIZABETH HUGHES
Name - Type or Print

Signature

Name - Type or Print

Signature

15 Burnbrae Rd 443 8444886
Address Telephone No.

Towson MD 21204
City State Zip Code

Representative to be Contacted:

Elizabeth Hughes
Name

15 Burnbrae Rd 4438444886
Address Telephone No.

Towson MD 21204
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. 2011-0121-A

REV 10/25/01

Reviewed By [Signature]

Date

9.29.10

Estimated Posting Date

10/10/10

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.

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

15 Burnbrae Rd
Address
Towson MD 21204
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. ^(practical) The area where the carport is to be built is less than 10 feet from neighbors property line.
2. ^(hardship/practical) The reason to build a carport is because our cars are being damaged by all the tree droppings due to heavily wooded area ie: chestnuts, limbs, sap.
3. ^(practical) We would like a little more privacy, which a carport would offer us.
4. We would like an area to hide our garbage cans/recycling so they are not an eyesore to the neighbors.

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.

Elizabeth F. Hughes
Signature
ELIZABETH F. HUGHES
Name - Type or Print

Mark T. Hughes
Signature
Mark T. Hughes
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of September, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ELIZABETH F. HUGHES, MARK T. HUGHES

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 11-29-11

ZONING DESCRIPTION

Zoning Description For 15 Burnbrae Road

THAT PROPERTY LOCATED ON THE SW
CORNER OF W. CHESAPEAKE AVE. AND
BURNBRAE RD. CONTAINING 1.135 ACRES[±].

9TH ELECTION DISTRICT; 5TH COUNCILMANIC DISTRICT.

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

No. 57537

Date: 9.21.10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				65.00

Total: 65.00

Rec From: M. HUGHES

For: 215 BURNBANK RD

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 10/10/10

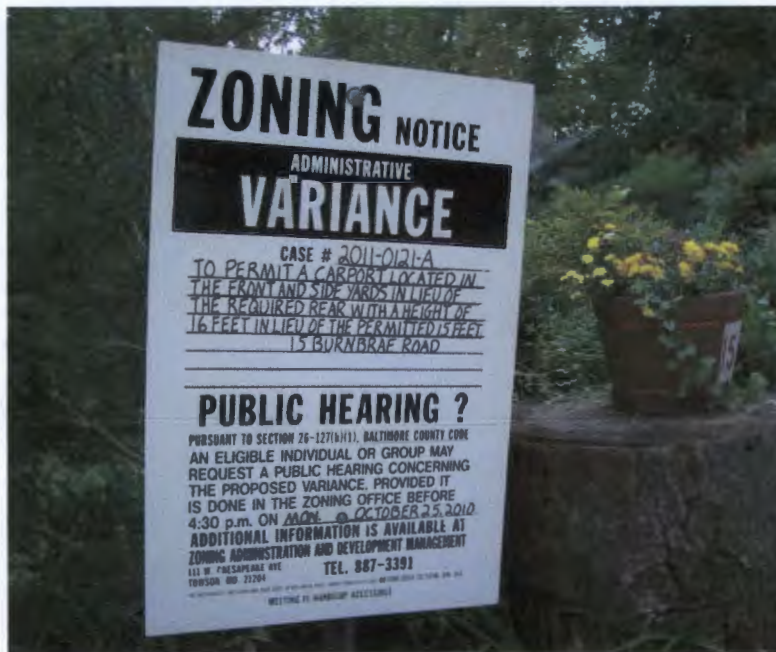
Case Number: 2010-0121-A

Petitioner / Developer: MARK HUGHES

Date of Hearing (Closing): OCTOBER 25, 2010

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:
15 BURNBRAE ROAD

The sign(s) were posted on: OCTOBER 9, 2010



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 20¹¹ 0121 -A Address 15 BURNBRAE Rd.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-29-10 Posting Date: 10/10 Closing Date: 10/25

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 20¹¹ 0121 -A Address 15 BURNBRAE Rd.

Petitioner's Name MARK HUGHES Telephone 443-844-4886

Posting Date: 10/10/10 Closing Date: 10/25/10

Wording for Sign: To Permit A CARPORT LOCATED IN THE FRONT
& SIDE YARDS IN LIEU OF THE REQUIRED REAR
WITH A HEIGHT OF 16 ft. IN LIEU OF THE
PERMITTED 15ft.

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 26, 2010

Mark & Elizabeth Hughes
15 Burnbrae Rd.
Towson, MD 21204

Dear: Mark & Elizabeth Hughes

RE: Case Number 2011-0121-A, 15 Burnbrae Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 29, 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: October 18, 2010

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

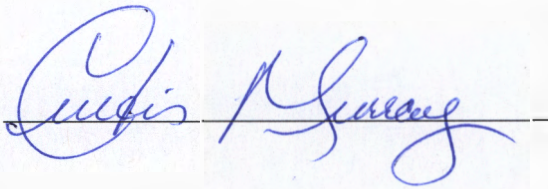
SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-121- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and offers the following comment:

The rear yard of this property is fully vegetated with mature trees. Placing the carport in the front yard would protect the existing trees. The Office of Planning Supports the petitioner's request.

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

OCT 18 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 26 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: October 26, 2010

SUBJECT: Zoning Item # 11-121-A
Address 15 Burnbrae Road
(Hughes Property)

Zoning Advisory Committee Meeting of October 4, 2010.

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

Reviewer: Michael S. Kulis

Date: October 13, 2010



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 4, 2010

ATTENTION: Kristen Mathews
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

2011-0102-A	Kingston Park La.
2011-0103-SPHA	Harrison Ave.
2011-0106-A	Valleyfield Rd.
2011-0107-SPHA	Emmanuel Ct.
2011-0108-A	Locust Ave.
2011-0110-A	Woodland Dr.
2011-0111-A	Monaghan Ct.
2011-0112-SPHA	Oakleigh Rd.
2011-0113-A	Stoney Batter Rd.
2011-0114-A	New Section Rd.
2011-0115-SPH	Hanover Pike
2011-0116-A	Meandering Dr.
2011-0117-A	Cockeys Mill Rd.
2011-0118-A	Cedarside Dr.
2011-0119-A	Linwood Ave.
2011-0120-A	Sue Grove Rd.
2011-0121	Burnbrae Rd.
2011-0122-A	Mt. Carmel Rd.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



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

State Highway
Administration

Beverly K. Swaim-Staley, Secretary
Noel J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Oct. 15, 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. 2011-0121
15 BURNBRAE RD
HUGHES 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. 2011-0121-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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Closing
10/25/10

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2010
Item Nos. 2011- 103, 106, 107, 108,
109, 110, 111, 112, 113, 115, 116,
117, 118, 119, 120, 121 and 122

DATE: October 7, 2010

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

DAK:CEN:cab

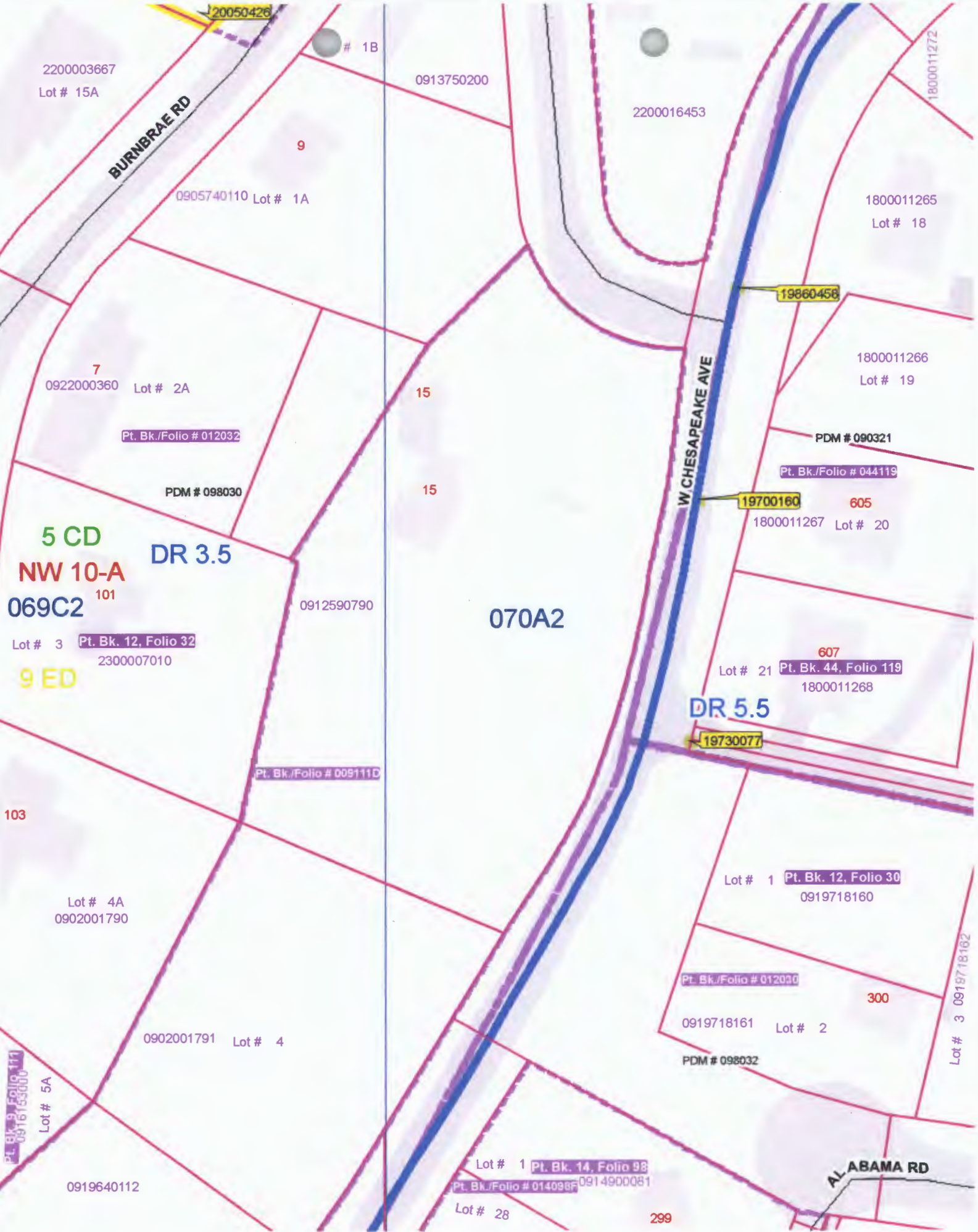
cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10182010 -NO COMMENTS.doc

BURNBRAE RD

W CHESAPEAKE AVE

ALABAMA RD



2200003667
Lot # 15A

0913750200

2200016453

0905740110 Lot # 1A

1800011265
Lot # 18

7
0922000360 Lot # 2A

1800011266
Lot # 19

Pt. Bk./Folio # 012032

PDM # 098030

PDM # 090321

Pt. Bk./Folio # 044119

19700160

605

1800011267 Lot # 20

5 CD
NW 10-A
069C2¹⁰¹
DR 3.5

070A2

Lot # 3 Pt. Bk. 12, Folio 32
2300007010

9 ED

Pt. Bk./Folio # 009111D

607
Lot # 21 Pt. Bk. 44, Folio 119
1800011268

DR 5.5

19730077

103

Lot # 4A
0902001790

Lot # 1 Pt. Bk. 12, Folio 30
0919718160

Pt. Bk./Folio # 012030

300

0919718161 Lot # 2

PDM # 098032

0902001791 Lot # 4

Pt. Bk. 9, Folio 111
0916155000
Lot # 5A

0919640112

Lot # 1 Pt. Bk. 14, Folio 98
Pt. Bk./Folio # 014098F 0914900081

Lot # 28

299

Lot # 3 0919718162

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

Account Identifier:

District - 09 Account Number - 0912590790

Owner Information

Owner Name: HUGHES MARK T
HUGHES ELIZABETH F
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 15 BURNBRAE RD
TOWSON MD 21204-4212
Deed Reference: 1) /27049/ 69
2)

Location & Structure Information

Premises Address
15 BURNBRAE RD
Legal Description
1.13 AC RER 150 FT
15 BURNBRAE RD
200 E BURNBRAE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
69	12	396						2

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	Cour
1942	1,951 SF	1.13 AC	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	212,730	212,730		
Improvements:	289,830	289,830		
Total:	502,560	502,560	502,560	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	Date:	Price:
HARRINGTON PETER F	06/03/2008	
Type: IMPROVED ARMS-LENGTH	Deed1: /27049/ 69	Deed2:
HARRINGTON PETER F	02/21/2002	
Type: IMPROVED ARMS-LENGTH	Deed1: /16131/ 637	Deed2:
SCHETELICH THOMAS J	09/13/2001	
Type: IMPROVED ARMS-LENGTH	Deed1: /15565/ 581	Deed2:

Exemption Information

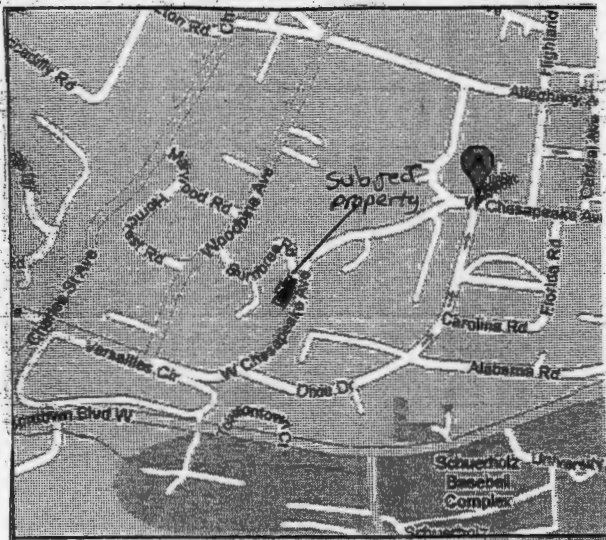
Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *







VICINITY MAP
SCALE: 1" = 1000'

OWNER: MARK & ELIZABETH
HUGHES

PLAT: N/A

FOLIO: N/A

LOT: —

SECTION: —

ELECTION DIST: 9TH

COUNCIL DIST: 5TH

ZONING: DR 3.5

LOT SIZE: 1.13 ACRES 195150/47

PUBLIC SEWER

PUBLIC WATER

Not in Chesapeake Bay
Critical AREA

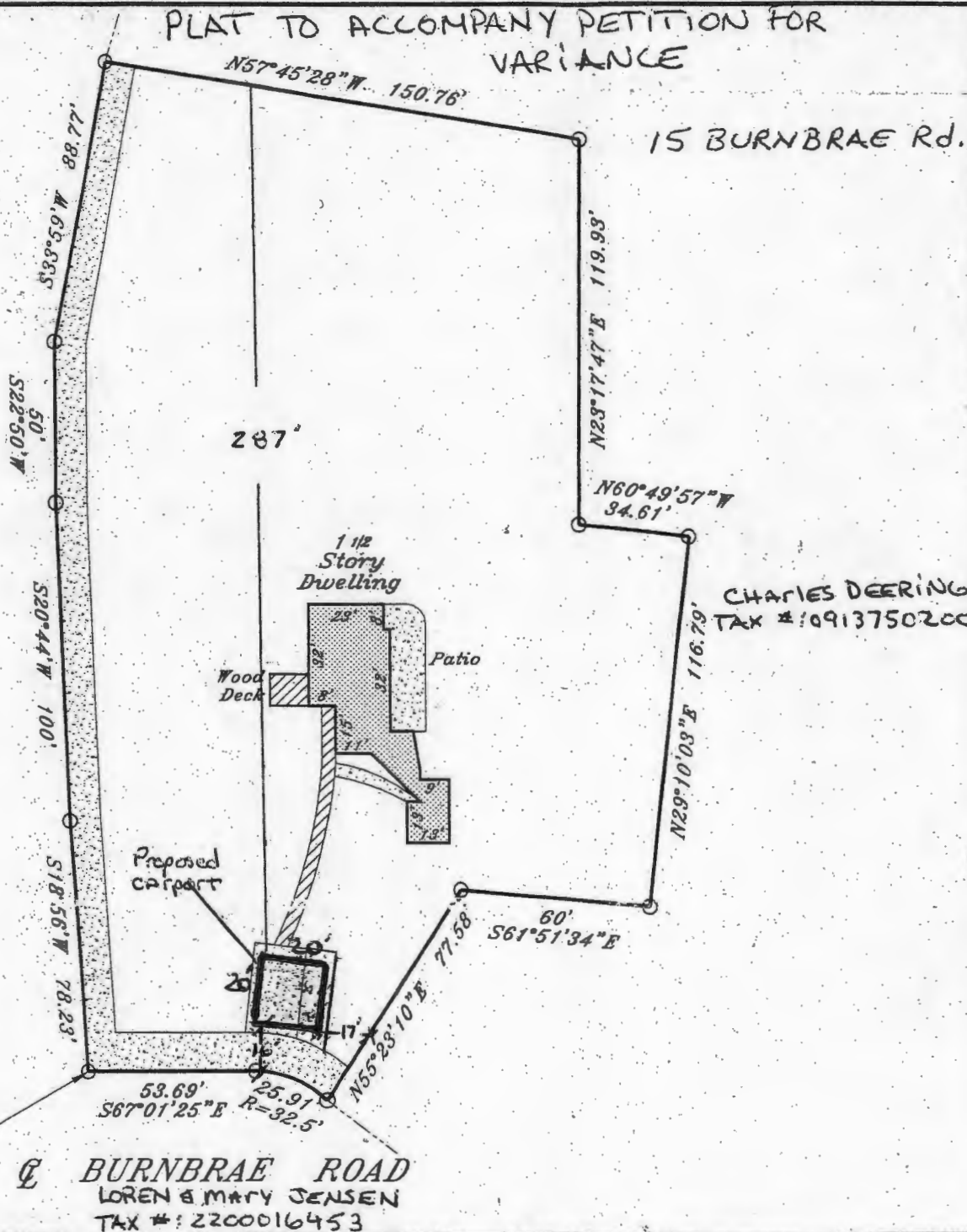
Not in 100 yr. Flood Plain

08-3540P

PLAT TO ACCOMPANY PETITION FOR VARIANCE

CHESAPEAKE AVENUE

P.O.B.



CHARLES DEERING
TAX #: 0913750200