

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Essex Avenue, 115 feet SE of the
c/l of Franklin Avenue
15th Election District
7th Councilmanic District
(105 North Essex Avenue)

Krisy Ann Brashears
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2011-0181-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, Krisy Ann Brashears for property located at 105 North Essex Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the rear yard of a single family dwelling with a height of 20 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a detached garage measuring 24 feet x 24 feet in size. The new garage will provide storage for vehicles and the increased garage height will allow the storage of personal belongings and household goods. Petitioner states that a portion of the second floor will be a recreation room.

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 December 6, 2010, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 1-3-11

By PJ

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 5, 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 January, 2011 that a Variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the rear yard of a single family dwelling with a height of 20 feet in lieu of the required 15 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.

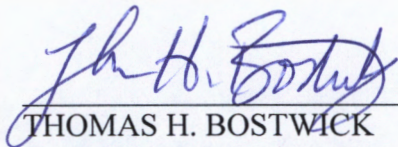
ORDER RECEIVED FOR FILING

Date 1-3-11

By [Signature]

2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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 1-3-11

By 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 3, 2011

KRISY ANN BRASHEARS
105 NORTH ESSEX AVENUE
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2011-0181-A
Property: 105 North Essex Avenue

Dear Ms. Brashears:

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,

A handwritten signature in cursive script, reading "Th H. Bostwick".

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 105 N. Essex Avenue 21221
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)

Section: 400.3

To permit an accessory structure (garage) in the rear yard of a single family dwelling with a height of 20 feet in lieu of the required 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

Address

City

State

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 1-3-11 day of January 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. 2011-0181-A

Reviewed By [Signature]

Date 11/15/10

REV 10/25/01

Estimated Posting Date 11/28/10

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

105 N. Essex Avenue
Address
Baltimore Co, MD 21221
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):

The first floor of the garage would be used to store vehicles. Increasing the structure from the allowed 15-0' to the proposed 20-0 would allow us to have adequate storage and a family/recreation room on a second floor.

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.

Kristy Ann Brashears
Signature
Kristy Ann Brashears
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of November, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Margaret Dawell
Notary Public
My Commission Expires 6-12-2013

ZONING DESCRIPTION FOR 105 N. ESSEX AVENUE

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF ESSEX AVENUE AS SHOWN ON THE PLAT OF ESSEX, SECTION B, BLOCK 1, THE SAID PLACE OF BEGINNING BEING SITUATED NORTH 6 DEGREES 14 MINUTES WEST 484-1/2 FEET ALONG THE EAST SIDE OF ESSEX AVENUE FROM THE NORTH SIDE OF EASTERN AVENUE AS SHOWN ON SAID PLAT AND RUNNING THENCE FROM SAID PLACE OF BEGINNING ALONG THE EAST SIDE OF ESSEX AVENUE NORTH 6 DEGREES 14 MINUTES WEST 75 FEET THENCE LEAVING SAID STREET AND RUNNING NORTH 83 DEGREES 46 MINUTES EAST 150 FEET THENCE SOUTH 6 DEGREES 14 MINUTES EAST 75 FEET THENCE SOUTH 83 DEGREES 46 MINUTES WEST 150 FEET TO THE PLACE OF THE BEGINNING. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 105 NORTH ESSEX AVENUE. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 105 ESSEX AVENUE. LOCATED IN THE 15-16 ELECTION DISTRICT, 7 COUNCILMANIC DISTRICT.

2011-0181-A

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

No. 61120

Date 11/15/10

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
1/16/2010 11/15/2010 02:35:07 5

REC MS03 WALKER ROAD LRD
>>RECEIPT W 020655 11/15/2010 OFLH

Dept 5 520 ZONING VERIFICATION
CR NO. 061120

Recpt Tot \$65.00
\$65.00 CT \$0.00 CA
Baltimore County, Maryland

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

Total 65.00

Rec From: Kristy A. Brashears

For: 105. HESSEX AVE
21221

2011-0181-A

DISTRIBUTION

CASHIER'S
VALIDATION

Certificate of Posting

RE: Case NO. 2011-0181-A

Petitioner/Developer _____

Kristy Ann Brashears

Date of Hearing/Closing 12/20/10

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

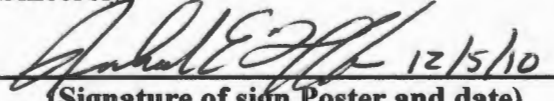
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

105 N. Essex Ave.

The sign(s) were posted on 12/5/10
(Month, Day, Year)

Sincerely,

 12/5/10
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2011-0181-A

Petitioner/Developer: _____

Kristy Ann Brashears

Date of Hearing/Closing: 12/20/10



105 N. Essex Ave.

Posting Date: 12/5/10

Kristy Ann Brashears 12/5/10
(Signature and date of sign poster)

*Conceded & administrated**Closing 12-20-10***ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**Case Number 2011- 0181 -A Address 105 N. Essex AveContact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 11/15/10 Posting Date: 11/28/10 Closing Date: 12/13/10

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 0181 -A Address 105 NPetitioner's Name Kristy Ann Brashears Telephone 443-559 6525Posting Date: 11/28/10 Closing Date: 12/13/10Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE)
in the rear yard of a single family Dwelling with a height of 20 feet
in lieu of the required 15 feet.

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 20, 2010

Kristy Ann Brashers
105 N. Essex Avenue
Baltimore, Maryland 21221

Dear Ms. Brashers:

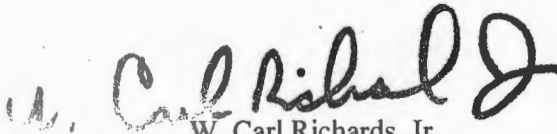
RE: 2011-0181-A 105 N. Essex Avenue

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

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 9, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For December 13, 2010
Item Nos. 2011- 181

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-12132010 Item 2011-181 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Goerge Klunk, (Acting) Director
Department of Permits and
Development Management

DATE: December 6, 2010

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

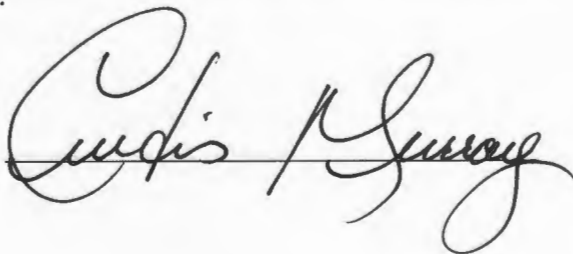
SUBJECT: 11-181 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact John Alexander at 410-887-3480.

Prepared by:
AFK/LL: CM



RECEIVED

DEC 08 2010

ZONING COMMISSIONER

From: Patricia Zook
To: Viscara@mviscara@baltimorecountymd.gov;grice@baltimorecountymd.gov
Date: 12/28/2010 2:13 PM
Subject: Fwd: Case 2011-0184-A - administrative variance
Attachments: Case 2011-0184-A - administrative variance

Hello -

Please see the attached e-mail that I just sent to Dennis Kennedy. We need comments on an administrative variance from your office.

Thank you 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

From: Dennis Kennedy
To: pzook@baltimorecountymd.gov
Date: 12/28/2010 1:52 PM
Subject: Re: Case 2011-0184-A - administrative variance (next year)

I will be out of the office until Jan. 3, 2011. Contact Mike Viscara@mviscara@baltimorecountymd.gov or Geoff Rice at grice@baltimorecountymd.gov or call 410-887-3751 for assistance.

>>> Patricia Zook 12/28/10 13:52 >>>

Hello Dennis -

The below described file was brought to our office and it is missing comments from your office. If you have no comments, feel free to just reply to this e-mail and I'll place it in the file.

CASE NUMBER: 2011-0184-A
20413 Kirkwood Shop Road
Location: E side of Kirkwood Rd, 215 feet S of the c/l of Green Street
7th Election District, 3rd Councilmanic District
Legal Owner(s): Scott D. and Sally O'Hara
Closing Date: 12/20/2010

ADMINISTRATIVE VARIANCE to permit a proposed addition on a non-conforming single family dwelling in excess of the permitted 25% of the ground floor area of the building so used.

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

Patricia Zook - Re: Case 2011-0184-A - administrative variance

From: Dennis Kennedy
To: Zook, Patricia
Date: 1/3/2011 9:04 AM
Subject: Re: Case 2011-0184-A - administrative variance
CC: Richards, Carl

Patti:
We had no comment on item 2011-0184-A.
Dennis Kennedy

>>> Patricia Zook 12/28/2010 1:52 PM >>>
Hello Dennis -

The below described file was brought to our office and it is missing comments from your office. If you have no comments, feel free to just reply to this e-mail and I'll place it in the file.

CASE NUMBER: 2011-0184-A
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ADMINISTRATIVE VARIANCE to permit a proposed addition on a non-conforming single family dwelling in excess of the permitted 25% of the ground floor area of the building so used.

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
Real Property Data Search (vw6.3)
BALTIMORE COUNTY

Account Identifier: District - 15 Account Number - 1519391460

Owner Information			
Owner Name:	BRASHEARS KRISTY ANN	Use:	R
		Principal Residence:	Y
Mailing Address:	105 N ESSEX AVE	Deed Reference:	1
	BALTIMORE MD 21221-3620		2

Location & Structure Information			
Premises Address	Legal Description		
105 N ESSEX AVE	105 N ESSEX AVE ES		
	484 N EASTERN AV		

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
90	22	1044						3

Special Tax Areas	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	
1933	1,680 SF	11,250.00 SF	0

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	63,060	63,060		
Improvements:	110,530	145,560		
Total:	173,590	208,620	196,942	208,620
Preferential Land:	0	0	0	0

Transfer Information				
Seller:	VIGILANT FEDERAL SAVINGS BANK	Date:	05/16/2008	Price:
Type:	NOT ARMS-LENGTH	Deed1:	/27006/ 218	Deed2:
Seller:	PRESSELL BERNARD A,JR	Date:	10/05/2007	Price:
Type:	IMPROVED ARMS-LENGTH	Deed1:	/26246/ 65	Deed2:
Seller:	PRESSELL BERNARD A,JR	Date:	06/23/2006	Price:
Type:	NOT ARMS-LENGTH	Deed1:	/24065/ 513	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

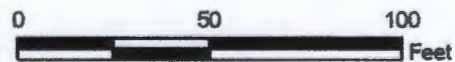
Tax Exempt:	NO	Special Tax Rec:	
Exempt Class:			* NONE *

105 N Essex Avenue 2011-0181-A



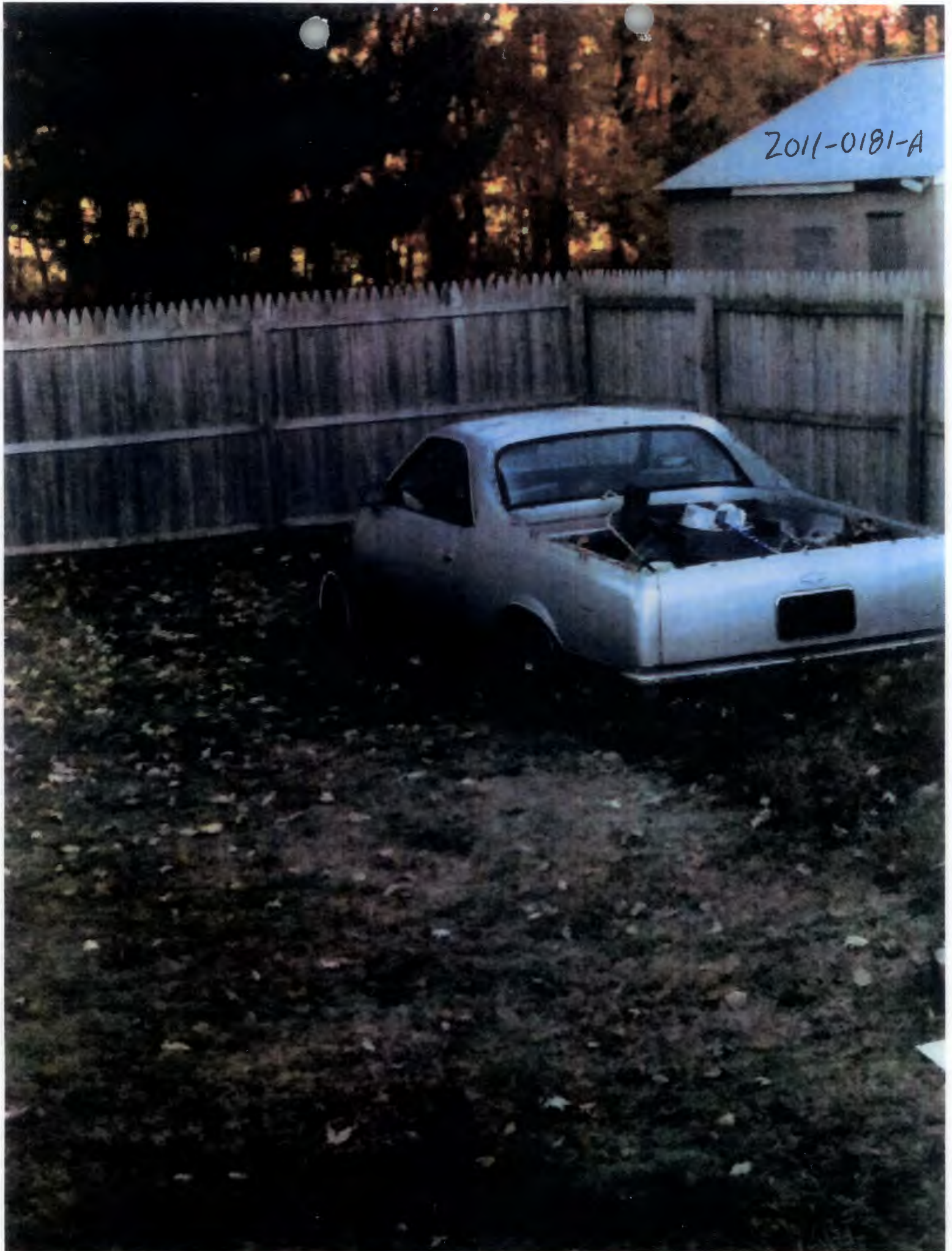
Publication Date: November 15, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 50 feet

2011-0181-A



2011-0181-A



2011-0181-A



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 105 N. ESSEX AVENUE

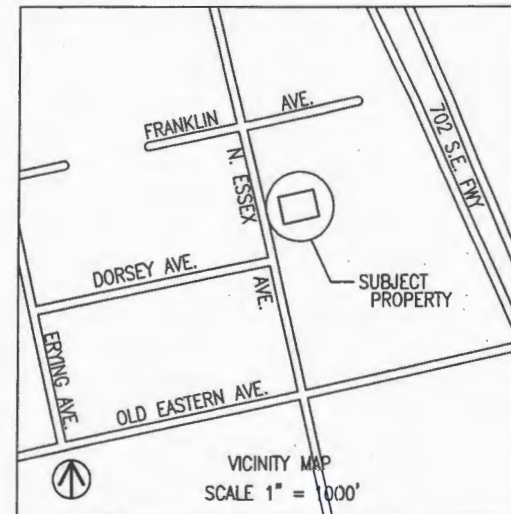
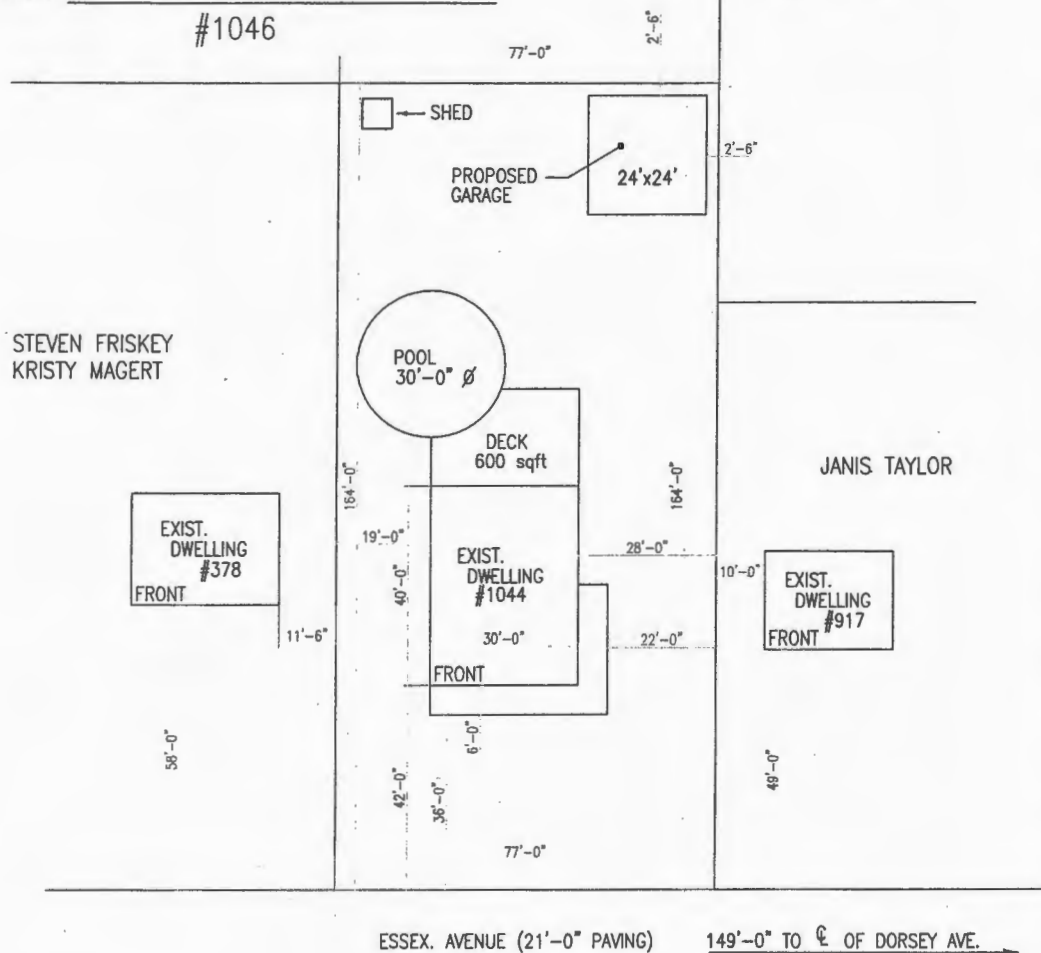
SUBDIVISION NAME: 484 N. EASTERN AVENUE

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER: KRISTY ANN BRASHEARS
#1046

MAP 90
GRID 22
PARCEL 1044

#P. 1013



LOCATION INFORMATION:

ELECTION DISTRICT: 15-16

COUNCIL MANIC DISTRICT: 7

1"=200' SCALE MAP #

ZONING: DR 5.5

LOT SIZE:	.26	11,250
	ACREAGE	SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAN	☐	☒
HISTORICAL PROPERTY / BUILDING	☐	☒

PRIOR ZONING HEARING

LOCATION INFORMATION:

REVIEWED BY	ITEM #	CASE #
<i>[Signature]</i>	2011	0181-A

PREPARED BY MJR

SCALE OF DRAWING: 1"= 40'