#### IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Dawn Drive, 125 feet SW of the c/l of Walter Lane 11<sup>th</sup> Election District 5<sup>th</sup> Councilmanic District (9431 Dawn Drive)

Diane C. and Michael F. Bruns, Sr. *Petitioners* 

- \* BEFORE THE
- \* OFFICE OF
- \* ADMINISTRATIVE HEARINGS
- \* FOR BALTIMORE COUNTY
- \* Case No. 2011-0239-A

#### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Diane C. and Michael F. Bruns, Sr. for property located at 9431 Dawn Drive. The variance request is from Section 1B02.3.B (Section 211.2 of the 1963 Zoning Regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition (garage) with a side yard setback of 1 foot and a sum of side setbacks of 11 feet in lieu of the minimum required 8 feet and sum of 20 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 24 feet in size. The Petitioners' property line is 56 feet from the residence located at 4101 Walter Avenue. Photographs submitted with the Petition show that there are garages and carports in the neighborhood.

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 F	RECEIVED FOR FILING	
Date	3-15-11	
Ву	<i>P</i>	

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 20, 2011, 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 Administrative Law Judge, 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 Administrative Law Judge for Baltimore County, this \_\_\_\_\_\_\_ day of March, 2011 that a variance from Section 1B02.3.B (Section 211.2 of the 1963 Zoning Regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition (garage) with a side yard setback of 1 foot and a sum of side setbacks of 11 feet in lieu of the minimum required 8 feet and sum of 20 feet be and 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 3-15-11

2. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

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

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date\_\_\_\_\_



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

March 15, 2011

DIANE C. AND MICHAEL F. BRUNS, SR. 9431 DAWN DRIVE BALTIMORE MD 21236

> Re: Petition for Administrative Variance Case No. 2011-0239-A Property: 9431 Dawn Drive

Dear Mr. and Mrs. Bruns:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

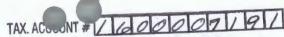
Sincerely,

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK:pz

Enclosure





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

Zoning Commissioner of Baltimore County

### **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County

for the property located at <u>943/DAWN DRIVE BASIHORS HD 2123U</u> which is presently zoned DR 5.5 (RG)

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) 1302.3. B - BCZR (Section 211.3

of 1963 Zoning Regs) - to permit a proposed addition (garage) with a side yard setback of 1 foot and a sum of side setbacks of 11 feet in lieu of the minimum required 3 and sum of 20

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.

			is the subject of thi	s Petition.	
Contract Purchaser/L	.essee:		Legal Owner(s	<u>:):</u>	
			MICHAEL	FRANCIS BRUNS	5R
Name - Type or Print			Name - Type or Print		-
Signature			Signature Dianis Ca	TILISRINIS BRU	WS.
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature	, wor	K 4103652191
Attorney For Petition	er:		Address	IN DAIVE HOM	Telephone No.
Name - Type or Print		ING	BALTIMOA City	State	Zip Code
Name - Type or Print Signature Company ORDER RECE	IVED FOR FIL		Representative	e to be Contacted:	
Company ORDER REUE	315		Name		
Address Date	P	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee	n formally demand	ed and/or found to be	required, it is ordered b	y the Zoning Commissioner of	of Baltimore County,

Reviewed By

**Estimated Posting Date** 

regulations of Baltimore County and that the property be reposted.

CASE NO. 2011-0239-

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

	BALTIMORE	MD State	2123L
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon whip or practical difficulty):	nich I/we base the red	quest for an Administrative
NE THE PROPERTY OWNERS APPLY ROPERTY IS UNIQUE AND UNUSING OVISION WOULD IMPACT MORE ON THE STHE ENCLOSED PICTURES SHELFER OUR CARPORT NIQUE LOT DOES NOT INTERFER	FOR A VARIANCE OF THE SURROUND THE SUBTECT THAN ON ADDITION WOULD	INPING PROPUL THE SURRUA THAN 56 FEBY BE CONSTRU	RTIES. THE ZONING NDING PROPERTIES FROWOUR CTED. OUR
- 100			
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide  Signature  Name - Type or Print	ormal demand is filed, Affi additional information.  Signature Name - Typ	ant(s) will be required	ed to pay a reposting and
STATE OF MARYLAND, COUNTY OF BALTII		And the same of th	H TBOOK
of Maryland, in and for the County aforesaid, pe	ersonally appeared	7011, before me, a	a Notary Public of the State
MICHAEL F. BRUNS SR.	AND DIANE B	RUNS	
the Affiant(s) herein, personally known or satisf	actorily identified to me as s	such Affiant(s).	
AS WITNESS my hand and Notarial Seal  REV 10/25/01  NOTARY PUBLIC  COUNTY: MARRIED  COUNTY:	Notary Public	Spracing 3/24/1	14

			O FINANC RECEIPT Sub Unit		Sub Rev/	No. Date:		Amount	PAID RECEIPT  USINESS ACTUM. TIME IN  2 14/2011 2/11/2011 11:55:57  AED ISO2 HAIL JEVA JEE  > RETEIPT IN 724371 2/11/2011 OFL  USPA 5 529 ZONING VERIFICATION
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						See See			CASHIER'S

#### CERTIFICATE OF POSTING

Date: 2-20-11

RE: Case Number: 2011-0239-A

Petitioner/Developer: Mike Bruns

Date of Hearing/Closing: March 7, 2011

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 94 31 Dawn Da

The signs(s) were posted on

2-20-11 (Month, Day, Year)

PUBLIC HEARING ? PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CORE, (Signature of Sign Poster)

J. LAWRENCE PILSON (Printed Name of Sign Poster)

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)

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2011 - 0 2 3 9 -A Address 9431 Dawn Dr
	ct Person: David Duval Planner, Please Print Your Name Phone Number: 410-887-3391
Filing	Date: $2/u/u$ Posting Date: $2/29/u$ Closing Date: $3/7/u$
Any c throug	ontact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.
1.	<u>POSTING/COST</u> : 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.	<b><u>DEADLINE:</u></b> 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)
Petitio	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case N	Number 2011 - 0239 -A Address 9431 Dawy Dr
Petitio	ner's Name MF Burns Telephone 410 870 0328
Postin	ng Date: 2/20/11 Closing Date: 3/7/11
_set	
_the	minimum required 8 and sum of 20

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2011 - 0239 - A  Petitioner: MR 2 MRS MICHAIS - F BRUNS
Address or Location: 9431 DAWN DRIVE BRUNS  AMD, 2123C
PLEASE FORWARD ADVERTISING BILL TO:  Name: MICHAEL F. BRUNS SR  Address: 9431 DAWN DRIVE  BANTIMORE, MD, 2123L
Telephone Number: 4/0-870-0328



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 28, 2011

Mr. & Mrs. Bruns, Sr. 9431 Dawn Drive Baltimore, MD 21236

RE: Case Number 2011-0239A, 9431 Dawn Drive, Baltimore, MD 21236

Dear Mr. & Mrs. Bruns, Sr.,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 11, 2011. 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:mcn

**Enclosures** 

c: People's Counsel



KEVIN KAMENETZ County Executive

JOHN J. HOHMAN, Chief Fire Department

February 22,2011

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

ATTENTION: Zoning Review

Distribution Meeting of: February 22, 2011

Item No.:

Administrative Variance: 2011-0236A, 2011-0239A - 0240A, 2011-0244A

Special Hearing: 2011-0237-SPH, 2011-0238-SPHA, 2011-0242-SPH

Variance: 2011-0238SPHA, 2011-0243A, 2011-0245A.

#### Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3<sup>RD</sup> Floor Towson, Maryland 21286 Office: 410-887-4880

dmuddiman@baltimorecountymd.gov

cc: File



State Highway

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

Maryland Department of Transportation

Date: MARCH 1, 2011

Close 3h li

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Martin O'Malley, Governor

Anthony G. Brown, Lt. Governor

RE: Baltimore County

Item No 2011-0239-A 9431 DAWN DRIVE BRUNS 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. 2011-0239-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 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

Access Management Division

SDF/mb

AV 3/7

#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**

RECEIVED



MAR 01 2011

**ZONING COMMISSIONER** 

TO:

Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Dave Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

March 1, 2011

SUBJECT:

DEPS Comment for Zoning Item:

# 11-239-A

Address:

9431 Dawn Drive

(Bruns Property)

Zoning Advisory Committee Meeting of February 18, 2011.

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

Reviewer:

**JWL** 

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

faped 3/9/11

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For February 28, 2011

Item Nos. 2011- 218, 236, 237, 238, 239, 240, 242, 243, 244 and 245

DATE: February 28, 2011

Changet from ad V. 3/7/11

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

#### **Patricia Zook - Comments for 2 Administrative Variance Cases**

From:

Patricia Zook

To:

Kennedy, Dennis

Date:

3/8/2011 11:08 AM

Subject:

Comments for 2 Administrative Variance Cases

Good morning Dennis -

I am in receipt of two administrative variance cases that do not have comments from your office. The cases are 2011-0239-A and 2011-0236-A. If you don't have a comment, just reply to this e-mail and I'll place it in the file.

As always, thanks for your help!

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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#### 9431 Dawn Drive 2100003740 Pt. Bk./Folio # 056117Pf. Bk. PDM # 110464 2100003741 WALTERAVE GUNTER PROPERTY (PDM File/Project # )2 9430 Pt. Bk./Folio # 058028 2100003739 Pt. Bk. 58, Folio PDM # 110452 Lot # 1 4101 Pt. Bk. 35, Folio 72 Lot # 5 1600007192 2300000029 4103 1600007193 Lot# 6 NE 11-G 072A1 9431 DR 5.5 5,CD 1600007191 Lot # 4 Pt. Bk./Folio # 035072 PDM # 110123 9429 1600007195 Lot # 8 1600007190 Lot# 3 1600007196 Lot # 9 1600007189 Lot # 2



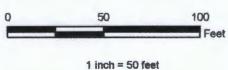
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Publication Date: February 11, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



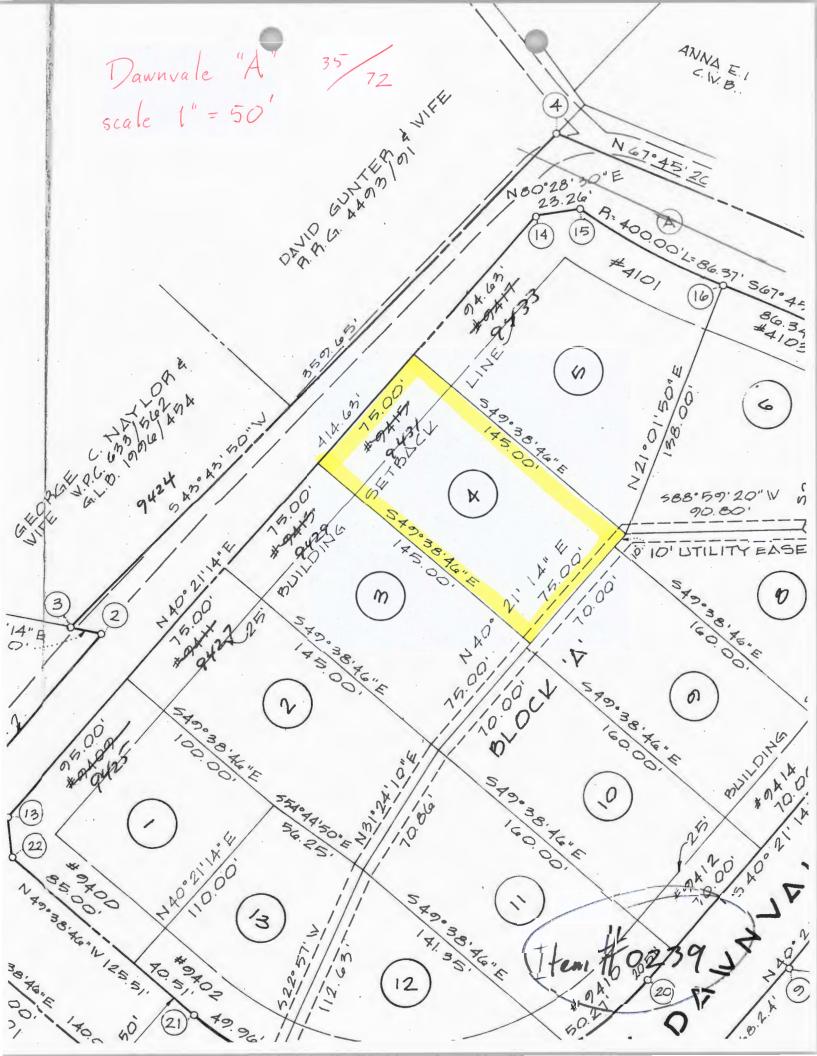
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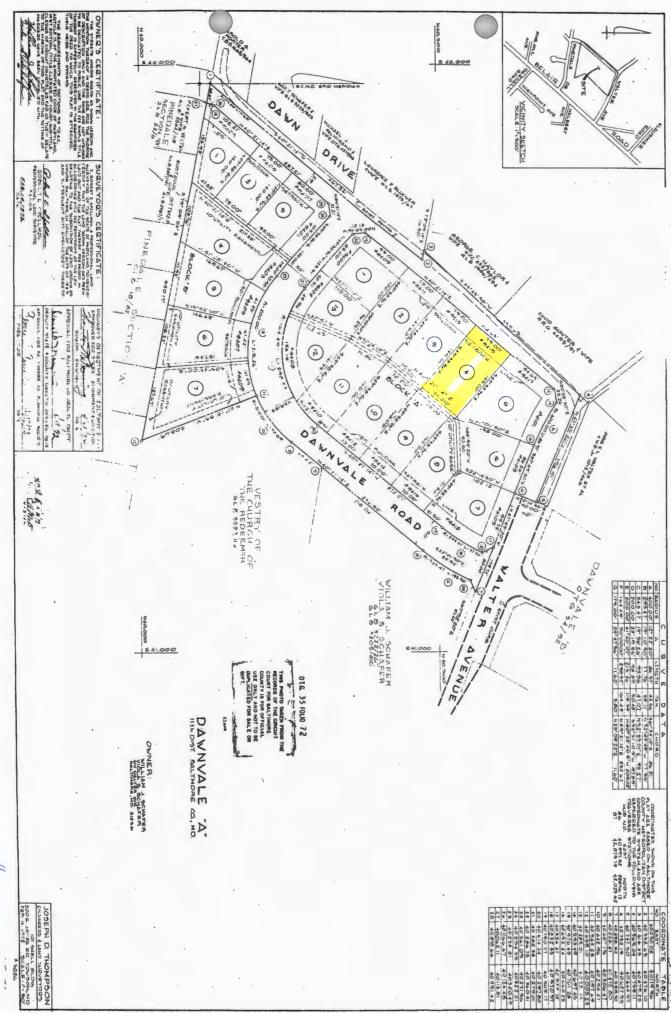
Lot # 10



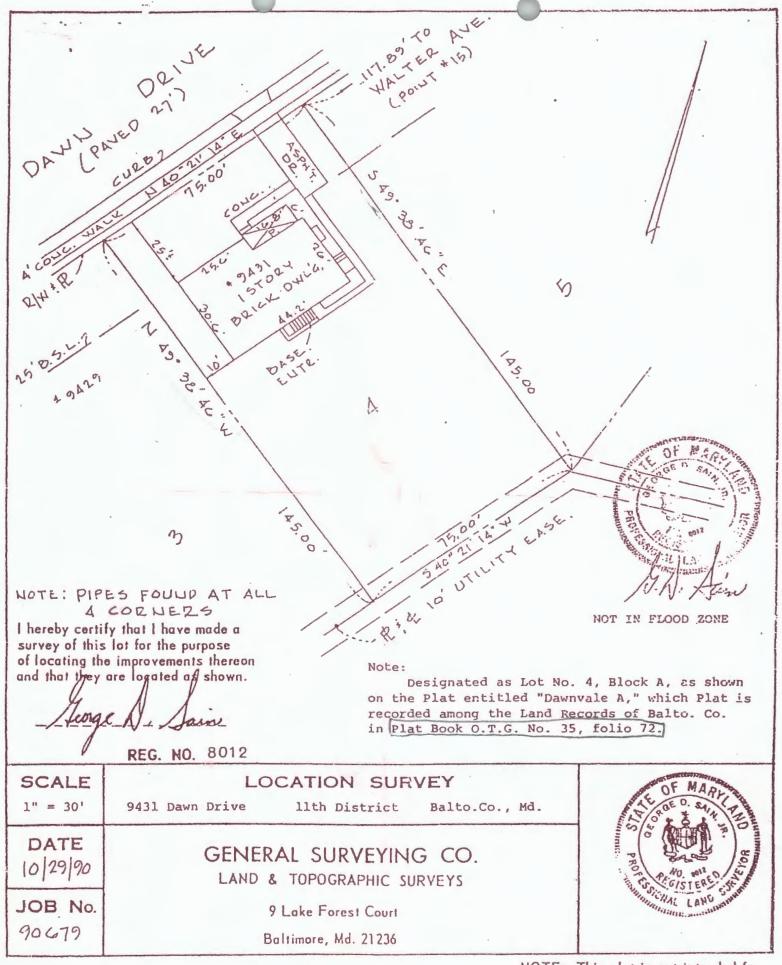
9414

Item #0239





Item #0239



Iten#0239

NOTE: This plat is not intended for use in establishing property lines.

