

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
NW side of Glenwood Road; 450 feet	*	OFFICE OF
SW of the c/l of Oakdean Road		
15 th Election District	*	ADMINISTRATIVE HEARINGS
6 th Council District		
(3520 Glenwood Road)	*	FOR BALTIMORE COUNTY
 Brandon and Samantha Brookshire	*	CASE NO. 2012-0223-SPHA
<i>Petitioners</i>		

* * * * *

ORDER AND OPINION

This matter comes to the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owners of the property, Brandon and Samantha Brookshire. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an accessory building to be built and used as an in-law apartment. Petitioners are also requesting Variance relief from Section 400.3 of the B.C.Z.R. to permit an accessory structure with a height of 36 feet in lieu of the permitted 15 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case was Petitioner Brandon Brookshire. There were no Protestants or other persons present, and the file does not contain any letters of opposition or protest. In fact, Petitioner indicated that all of his neighbors were supportive of his plans, and he indicated that two neighbors directly across the street are currently constructing similar in-law apartments.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Planning dated March 28, 2012, which state:

ORDER RECEIVED FOR FILING

Date 4-30-12

By [Signature]

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special hearing to permit an accessory building to be built and used as an in-law apartment and a variance to permit an accessory structure with a height of 36 feet in lieu of the permitted 15 feet. The subject proposal is subject to Section 400 of the Baltimore County Zoning Regulations, with that the following items shall be addressed before the requested variance and/or special hearing can be granted:

1. The site plan accompanying the subject petition shows an existing garage on the subject property. However, the petition indicates that the structure is to be built. Clarify whether the structure is existing or proposed.
2. The petitioner proposes that the accessory structure is going to be 36 feet in height, but does not indicate area of apartment. According to Section 400 of the BCZR, an accessory structure must be subordinate to the principle structure on the site. This provision refers to building footprint and building height. Clearly indicate the height of the principle structure so that the aforementioned condition can be evaluated.
3. Based on the information provided, it appears that the petitioner requests a rather large accessory structure. Provide architectural elevations of all side of the building to be constructed. Building materials should be similar in nature to the principle structure on the site.
4. Typically living quarters, kitchen and bathroom facilities are not permitted in accessory structures. However, since this proposal includes a special hearing so that the accessory structure can be used as an in-law apartment the aforementioned is allowed. The installation of living quarters, kitchen and bathroom facilities should be temporary in nature and able to be easily removed. Section 400 of the BCZR states that the accessory apartment shall only be utilized by immediate family members as defined in Section 101 and may not be leased or rented or used by any person other than an immediate family member for any other reason.
5. The size of the accessory apartment within an accessory structure may not exceed 1,200 square feet. With that being said, provide the total square footage of the proposed accessory apartment and show on the plan.
6. The accessory apartment may not have separate utility meters, such as gas and electric service.

Comments were received from the Bureau of Development Plans Review dated March 30, 2012. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, and the building must be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction must be in accordance with the Baltimore County Building Code which adopts the International Building Code.

ORDER RECEIVED FOR FILING

Date 4-30-12 2

By [Signature]

Comments were received from the Department of Environmental Protection and Sustainability dated April 19, 2012 which state:

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow an accessory structure to exceed the height limits. The lot is waterfront and contains the existing dwelling, garage, and driveway. The proposed in-law apartment is not shown on the plan and dimensions are not given. Lot coverage on the entirety of this property is limited to 31.25% (5,310 square feet), with mitigation required for lot coverage over 25% (4,248 square feet). If the applicant can meet the lot coverage requirements, BMA requirements, and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.

This office is unable to determine whether the applicant's proposal is consistent with this goal. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Testimony and evidence revealed that the subject property is located in the Bowleys Quarters area, and is 16,992 square feet in size. Petitioner bought the home four years ago, and wants to have his parents live on site. The Petitioner's home is 34 feet x 36 feet, and the proposed in-law apartment would be subordinate in size (30 feet x 30 feet) to meet the requirements of Bill 49-11 and Chesapeake Bay Critical Area regulations. The living quarters in the proposed structure would be 30 feet x 30 feet (1 floor) plus some small area for storage in the loft portion of the "A-frame" structure, which also complies with Bill 49-11. Finally, Petitioner confirmed the main dwelling and proposed accessory structure would both be served by one electric/utility meter.

As to the variance request, I am persuaded to grant the requested relief. I find special

ORDER RECEIVED FOR FILING

Date 4-30-12

3

By ps

circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is waterfront, and is subject to flood plain and CBCA regulations. As such, the first floor (approximately 11 feet) cannot be used for living quarters, which explains why the Petitioner seeks to build to the 36 feet height. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner, given that the Petitioner's parents would be unable to reside with their son and his wife and children.

I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on these Petitions, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 30 day of April, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an accessory building to be built and used as an in-law apartment, be and is hereby GRANTED;

IT IS FURTHER ORDERED that the Petition for Variance under Section 400.3 of the B.C.Z.R. to permit an accessory structure with a height of 36 feet in lieu of the permitted 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to and is expressly conditioned upon the following:

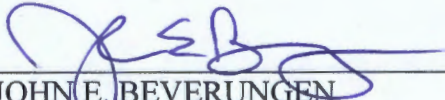
ORDER RECEIVED FOR FILING

Date 4-30-12

4

By [Signature]

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated March 30, 2012, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated April 19, 2012, a copy of which is attached hereto and made a part hereof.
4. The in-law apartment use is subject to Bill 49-11 and all of the restrictions and conditions therein.
5. Petitioner must record among the Land Records of Baltimore County – and provide to Baltimore County evidence of such filing – the affidavit attached hereto.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 4-30-12

By pm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item No. 2012-0223

DATE: March 30, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0223-04092012.doc

ORDER RECEIVED FOR FILING

Date 4-30-12

By [Signature]

JB
4-26-12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
APR 19 2012
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 19, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0223-SPHA
Address 3520 Glenwood Road
(Brookshire Property)

Zoning Advisory Committee Meeting of March 26, 2012.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow an accessory structure to exceed the height limits. The lot is waterfront and contains the existing dwelling, garage, and driveway. The proposed in-law apartment is not shown on the plan and dimensions are not given. Lot coverage on the entirety of this property is limited to 31.25% (5,310 square feet), with mitigation required for lot coverage over 25% (4,248 square feet). If the applicant can meet the lot coverage requirements, BMA requirements, and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.
3. This office is unable to determine whether the applicant's proposal is consistent with this goal. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger; Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 4-30-12

By [Signature]

Declaration of understanding

This declaration of understanding (hereinafter referred to as "Declaration") is made on this 14th day of March 2012, by and between Brandon Brookshire and Samantha Brookshire (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI).

Recitals

- A. The Declarant(s) who is/are the owner(s) of this property has/have filed an application for a use permit and special hearing to: Remove existing garage and replace with a 30x30 accessory building to include an in-law apartment above ~~elevated above the~~ garage as to be out of the flood plan. Accessory building will be cantilevered over the said Garage/foundation 2 feet on each side.
- The property being located at: 3520 Glenwood Rd. Middle River, Md 21220 and is particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is Zoned DR 3.5 which is the particular zone in which the property is located.
- B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated Bathing and Cooking Facilities, located on this owner-occupied property. The accessory apartment will be the housing for: Paul Louis Brookshire and Deborah Anne Brookshire Parents of Brandon Brookshire. The other residents of the property are: Brandon Brookshire and Samantha Brookshire. Brandon Brookshire is the Son of Paul Brookshire and Deborah Brookshire. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.
- C. As a condition of approval of the Declarants(s) request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the property that no part of any improvements or addition on the property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

ORDER RECEIVED FOR FILING

Date 4-30-12

By [Signature]

2012-0223-SPAM

DECLARATION
PAGE

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination: (

A. In the Accessory Apartment in the principal dwelling, use permit termination requires removal of the second kitchen and the former Accessory Apartment space to be occupied by the Declarant(s) or subsequent purchaser.

B. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

C. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

5. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

6. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

[Signature]
[Signature]

[Signature]
[Signature]

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 14th day of 2012, before the Subscriber, a Notary Public of State of Maryland, personally appeared Brandon M. Brookshire

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 8/17/2013

PAI ZR53

[Signature]
Notary Public

Rev. 11/08/11

PETER D. KEYSER, JR
NOTARY PUBLIC, BALTIMORE COUNTY
STATE OF MARYLAND
My Commission expires August 17, 2013

ORDER RECEIVED FOR FILING

Date

By

Exhibit A

Beginning for the same at the point on the South west side of Glenwood Rd, as laid out 50 feet wide said point being located 88 degrees 2 minutes 6 tenths of a mile from Bowleys Quarters road and the west side of Armstrong Creek/ Edwards Lane.

The Improvements being known as 3520 Glenwood Rd Middle River Md 21220.

Being the same lot of ground be deed dated May 2008 and record among the Land Records of Baltimore County conveyed by Brandon Brookshire and Samantha Brookshire.

ORDER RECEIVED FOR FILING

Date 4-30-18

By PM



The Declaration of Understanding for the Accessory Apartment at:

Address of property

is approved: _____

Arnold Jablon, Director-PAI

Date

ORDER RECEIVED FOR FILING

Date 4-30-12

By [Signature]

Rev. 11/08/11



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 30, 2012

BRANDON AND SAMANTHA BROOKSHIRE
3520 GLENWOOD ROAD
MIDDLE RIVER MD 21220

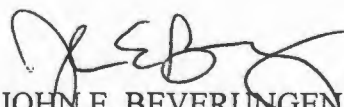
RE: Petitions for Special Hearing and Variance
Case No.: 2012-0223-SPHA
Property: 3520 Glenwood Road

Dear Mr. and Mrs. Brookshire:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE:CASE NO: 2012-0223-SPHA

PETITIONER/DEVELOPER BEADON
SAMANTHA BROOKSHIRE

DATE OF HEARING/CLOSING: _____
April 26, 2012

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 3520 GLENWOOD ROAD

THIS SIGN(S) WERE POSTED ON April 10, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 4/10/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2012-0223-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY, APRIL 26, 2012
AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO PERMIT AN ACCESSORY
STRUCTURE TO BE BUILT AND USED AS AN
10-UNIT APARTMENT. VARIANCE TO PERMIT AN ACCESSORY
STRUCTURE WITH A HEIGHT OF 36 FEET IN VIEW OF
THE PERMITTED 15 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONTINUE HEARING CALL 827-3291

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

Michael 4/10/12

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0223-SPHA
3520 Glenwood Road
N/west side of Glenwood Road, 450 feet S/west of centerline of Oakdean Road
15th Election District
6th Councilmanic District
Legal Owner(s): Brandon & Samantha Brookshire
Special Hearing to permit an accessory building to be built and used as an in-law apartment. **Variance:** to permit an accessory structure with a height of 36 feet in lieu of the permitted 15 feet.

Hearing: Thursday, April 26 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 4/648 Apr.10 301416

CERTIFICATE OF PUBLICATION

4/12/ 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/10/ 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 10, 2012 Issue - Jeffersonian

Please forward billing to:
Brandon M. Brookshire
3520 Glenwood Road
Middle River, MD 21220

443-286-0669

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0223-SPHA

3520 Glenwood Road

N/west side of Glenwood Road, 450 feet S/west of centerline of Oakdean Road

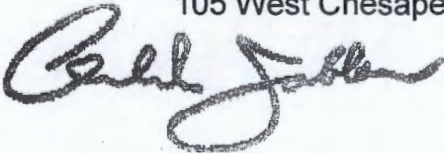
15th Election District – 6th Councilmanic District

Legal Owners: Brandon & Samantha Brookshire

Special Hearing to permit an accessory building to be built and used as an in-law apartment.

Variance to permit an accessory structure with a height of 36 feet in lieu of the permitted 15 feet.

Hearing: Thursday, April 26, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

April 2, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0223-SPHA

3520 Glenwood Road

N/west side of Glenwood Road, 450 feet S/west of centerline of Oakdean Road

15th Election District – 6th Councilmanic District

Legal Owners: Brandon & Samantha Brookshire

Special Hearing to permit an accessory building to be built and used as an in-law apartment.

Variance to permit an accessory structure with a height of 36 feet in lieu of the permitted 15 feet.

Hearing: Thursday, April 26, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Brookshire, 3520 Glenwood Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., APRIL 11, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2012-0223-SPHA
Petitioner: Brandon Michael Brookshire
Address or Location: 3520 Glenwood RD Middle River MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brandon Michael Brookshire
Address: 3520 Glenwood RD
Middle River MD 21220
Telephone Number: 443-286-0669



KEVIN KAMENETZ
County Executive

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

April 17, 2012

Brandon & Samantha Brookshire
3520 Glenwood Road
Middle River, MD 21220

RE: Case Number: 2012-0223A, Address: 3520 Glenwood Road, 21220

Dear Ms. Brown:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 19, 2012. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-27-12

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

RE: Baltimore County
Item No 2012-0223-SPHA
Special Hearing Variance
Brandon and Samantha Brookshire
3520 Glenwood Road.

Dear Ms. Lewis:

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. 2012-0223-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

JB 4/26 10am
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 28, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3520 Glenwood Road

INFORMATION:

Item Number: 12-223

Petitioner: Brandon and Samantha Brookshire

Zoning: DR 3.5

Requested Action: Special Hearing and Variance

RECEIVED

MAR 30 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special hearing to permit an accessory building to be built and used as an in-law apartment and a variance to permit an accessory structure with a height of 36 feet in lieu of the permitted 15 feet.

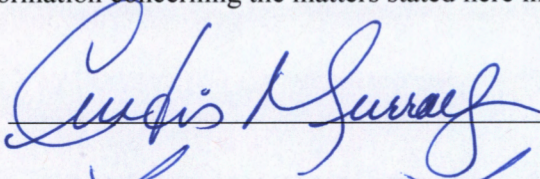
The subject proposal is subject to Section 400 of the Baltimore County Zoning Regulations, with that the following items shall be addressed before the requested variance and/or special hearing can be granted:

1. The site plan accompanying the subject petition shows an existing garage on the subject property. However, the petition indicates that the structure is to be built. Clarify whether the structure is existing or proposed.
2. The petitioner proposes that the accessory structure is going to be 36 feet in height, but does not indicate area of apartment. According to Section 400 of the BCZR, an accessory structure must be subordinate to the principle structure on the site. This provision refers to building footprint and building height. Clearly indicate the height of the principle structure so that the aforementioned condition can be evaluated.
3. Based on the information provided, it appears that the petitioner requests a rather large accessory structure. Provide architectural elevations of all side of the building to be constructed. Building materials should be similar in nature to the principle structure on the site.
4. Typically living quarters, kitchen and bathroom facilities are not permitted in accessory structures. However, since this proposal includes a special hearing so that the accessory structure can be used as an in-law apartment the aforementioned is allowed. The installation of living quarters, kitchen and bathroom facilities should be temporary in nature and able to be easily removed. Section 400 of the BCZR states that the accessory apartment shall only be utilized by immediate family members as defined in Section 101 and may not be leased or rented or used by any person other than an immediate family member for any other reason.

5. The size of the accessory apartment within an accessory structure may not exceed 1,200 square feet. With that being said, provide the total square footage of the proposed accessory apartment and show on the plan
6. The accessory apartment may not have separate utility meters, such as gas and electric service.

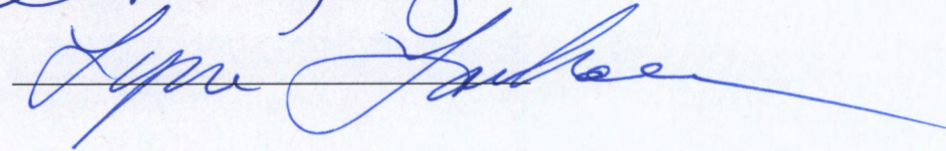
For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



JB
4-26-12
RECEIVED
APR 19 2012
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 19, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0223-SPHA
Address 3520 Glenwood Road
(Brookshire Property)

Zoning Advisory Committee Meeting of March 26, 2012.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow an accessory structure to exceed the height limits. The lot is waterfront and contains the existing dwelling, garage, and driveway. The proposed in-law apartment is not shown on the plan and dimensions are not given. Lot coverage on the entirety of this property is limited to 31.25% (5,310 square feet), with mitigation required for lot coverage over 25% (4,248 square feet). If the applicant can meet the lot coverage requirements, BMA requirements, and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.
3. This office is unable to determine whether the applicant's proposal is consistent with this goal. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger; Environmental Impact Review*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item No. 2012-0223

DATE: March 30, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0223-04092012.doc

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
3520 Glenwood Road; NW/s of Glenwood	*	OF ADMINSTRATIVE
Road, 450' SW of Oakdean Road		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Brandon & Samantha Brookshire	*	BALTIMORE COUNTY
Petitioner(s)	*	
	*	2012-223-SPHA

* * * * *

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
APR 02 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole 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 April, 2012, a copy of the foregoing Entry of Appearance was mailed to Brandon & Samantha Brookshire, 3520 Glenwood Road, Middle River, MD 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JB

Patricia Zook - Re: comment for Case 2012-0223-SPHA - hearing is Thursday, April 26

From: Jeffrey Livingston
To: Zook, Patricia
Date: 4/19/2012 11:52 AM
Subject: Re: comment for Case 2012-0223-SPHA - hearing is Thursday, April 26

I think that I can get that one for you today. Let me check...

>>> Patricia Zook 4/19/2012 11:49 AM >>>
Good morning Jeff -

This property is located at 3520 Glenwood Road and is in the CBCA. We need a comment prior to the hearing on Thursday, April 26.

Thank you.

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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Patricia Zook - comment for Case 2012-0223-SPHA - hearing is Thursday, April 26

From: Patricia Zook
To: Livingston, Jeffrey
Date: 4/19/2012 11:49 AM
Subject: comment for Case 2012-0223-SPHA - hearing is Thursday, April 26

Good morning Jeff -

This property is located at 3520 Glenwood Road and is in the CBCA. We need a comment prior to the hearing on Thursday, April 26.

Thank you.

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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JB 4/26
10 AM, 2012

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/26/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/27/2012 9:57 AM
Subject: ZAC Comments - Distribution Mtg. of 3/26/12

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0222-A - 1518 Kirkwood Road
No hearing date in data base as of today

2012-0223-SPHA - 3520 Glenwood Road - CRITICAL AREA & FLOODPLAIN
No hearing date in data base as of today

2012-0224-A - 11823 Manor Road
Administrative Variance - Closing Date: 4/16/12

2012-0225-A - 7015 Sollers Point Road
No hearing date in data base as of today

2012-0226-A - 604 Kahn Drive
No hearing date in data base as of today

2012-0227-A - 5516 Maudes Way
No hearing date in data base as of today

2012-0228-A - 112 Ridge Field Road
Administrative Variance - Closing Date: 4/16/12

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

JS 4-26-12
Granted w/Cond.
4-30-12

MEMORANDUM

DATE: June 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0223-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on May 30, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Circuit Court for
BALTIMORE COUNTY
Clerk of the Court,
JULIE L. ENSOR
COUNTY COURTS BUILDING
401 BOSLEY AVE. P.O. BOX 6754
TOWSON, MD 21205-6754
(410) 887-2401

Transaction Block: 1097
Ref: BROOKSHIRE
DECLARATION/BY LAWS
IMP FD SURE 40.00
RECORDING FEE 20.00
SUBTOTAL: 60.00
TOTAL CHARGES: 60.00
PAYMENTS
CASH 60.00
TOTAL TENDERED: 60.00

Cashier: BC Reg # BA02
Rcpt # 36114
Date: Nov 14, 2012 Time: 11:13 am

Instrument Intake Sheet

County: _____
of the Clerk's Office, State Department of
and County Finance Office Only.)
(Only—All Copies Must Be Legible)

Intake Form is Attached

Mortgage ☒
Lease ☐
Improved Sale ☐
Forms—Length [2] A

2012-0223

IMP FD SURE 40.00
RECORDING FEE 20.00
TOTAL 60.00
BA02 Rcpt # 36114
BC BLK # 1897
14-2012 11:12 am

Finance Office Use Only	
Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	\$
X () % =	\$
Less Exemption Amount	\$
Total Transfer Tax	\$
Recordation Tax Consideration	\$
X () per \$500 =	\$
TOTAL DUE	\$
Doc. 1	Doc. 2
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
\$	\$
Agent: <i>NS</i>	
Tax Bill:	
C.B. Credit:	
Ag. Tax/Other:	

Property
SDAT requires
submission of all
applicable information.
A maximum of 40
characters will be
indexed in accordance
with the priority cited in
Real Property Article
Section 3-104(g)(3)(i).

7	Transferred From	X	Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
Location/Address of Property Being Conveyed (2)								
X 3520 Glenwood Rd Middle River MD 21220								
Other Property Identifiers (if applicable)								
Water Meter Account No.								
Residential ☐ or Non-Residential ☐ Fee Simple ☐ or Ground Rent ☐ Amount:								
Partial Conveyance? ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:								
If Partial Conveyance, List Improvements Conveyed:								
Doc. 1 - Grantor(s) Name(s)					Doc. 2 - Grantor(s) Name(s)			
X Brandon Brookshire								
Samantha Brookshire								
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)					Doc. 2 - Owner(s) of Record, if Different from Grantor(s)			
Doc. 1 - Grantee(s) Name(s)					Doc. 2 - Grantee(s) Name(s)			
X Baltimore County								
New Owner's (Grantee) Mailing Address								
Doc. 1 - Additional Names to be Indexed (Optional)								
Doc. 2 - Additional Names to be Indexed (Optional)								

9	Other Names to Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)
10	Contact/Mail Information	Instrument Submitted By or Contact Person	
		Name: BRANDON BROOKSHIRE	
		Firm	
		Address: 3520 Glenwood Rd Middle River MD 21220	
		Phone: ()	
		☐ Return to Contact Person	
		☐ Hold for Pickup	
		☐ Return Address Provided	

11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER
Assessment Information	Yes ☐ No ☐ Will the property being conveyed be the grantee's principal residence?
	Yes ☐ No ☐ Does transfer include personal property? If yes, identify: _____
	Yes ☐ No ☐ Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line							
☐ Terminal Verification	☐ Agricultural Verification	☐ Whole	☐ Part	☐ Tran. Process Verification			
Transfer Number:	Date Received:	Deed Reference:		Assigned Property No.:			
Year 20	20	Geo	Map	Sub	Block		
Land		Zoning	Grid	Plat	Lot		
Buildings		Use	Parcel	Section	Occ. Cd.		
Total		Town Cd.	Ex. St.	Ex Cd.			
REMARKS:							
11/14/12							

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (5/2007)

1512740950

Lot # 12

614

Lot # 11

1503470320

1512400090

Lot # 10

Pt. Bk. 12, Folio 111

3522

1511671470 Lot # 9

3520

1900013558

1504000380 Lot # 8

Pt. Bk./Folio PDM # 150086

Bowleys Quarters-Back River Neck Area

Lot # 7

1900013557
Lot # 7

1519850700 Lot # 6

3514

1511771061 Lot # 5

3512

1508006130 Lot # 4

1501540650 Lot # 3

Lot # 2
1523156090

091B2 DR 3-5

15 ED
6 CD

NE 3-K
3516

GLENWOOD RD

Pt. Bk./Folio # 073005

Pt. Bk. 73, Folio

15040014
Lot # 4

Lot # 3
1515370

Pt. Bk./Folio # 024102A

Lot # 2

Pt. Bk. 22, Folio
1523156580

PDM # 158158

Pt. Bk./Folio # 012014

1900003672

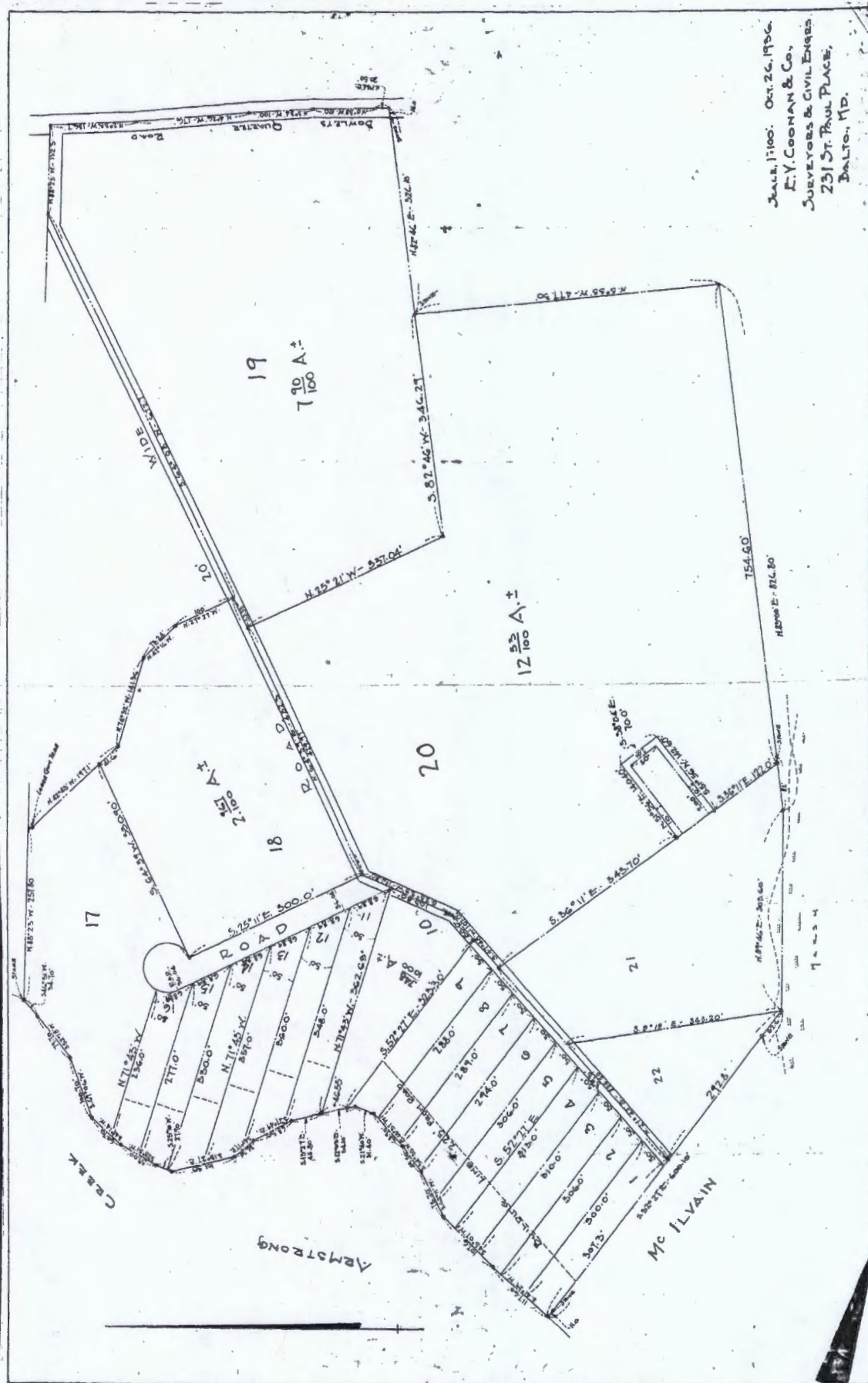
Lot # 1

1508303190

Lot # 1

19930284

2012 0223-SPHA



June 1, 1900. Oct. 26, 1906.
E. Y. COONAN & Co.,
SURVEYORS & CIVIL ENGINEERS
231 ST. PAUL PLACE,
BALTO., MD.

CASE NAME Glenwood Rd
CASE NUMBER 2012-223-SPHA
DATE 4-26-12

[illegible]

Case No.: 2012-223-SPHA

6-4-12
DW

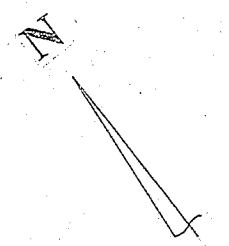
Exhibit Sheet

4/27/12
BS

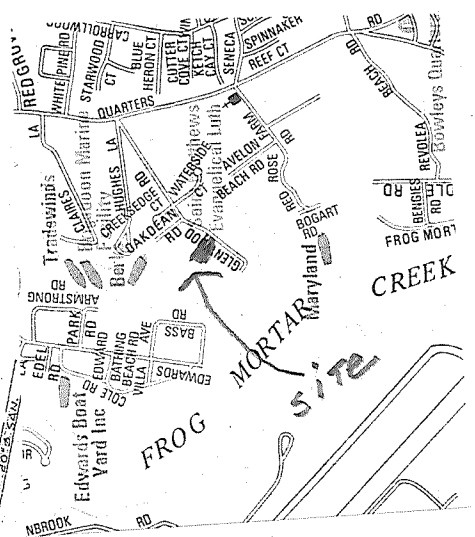
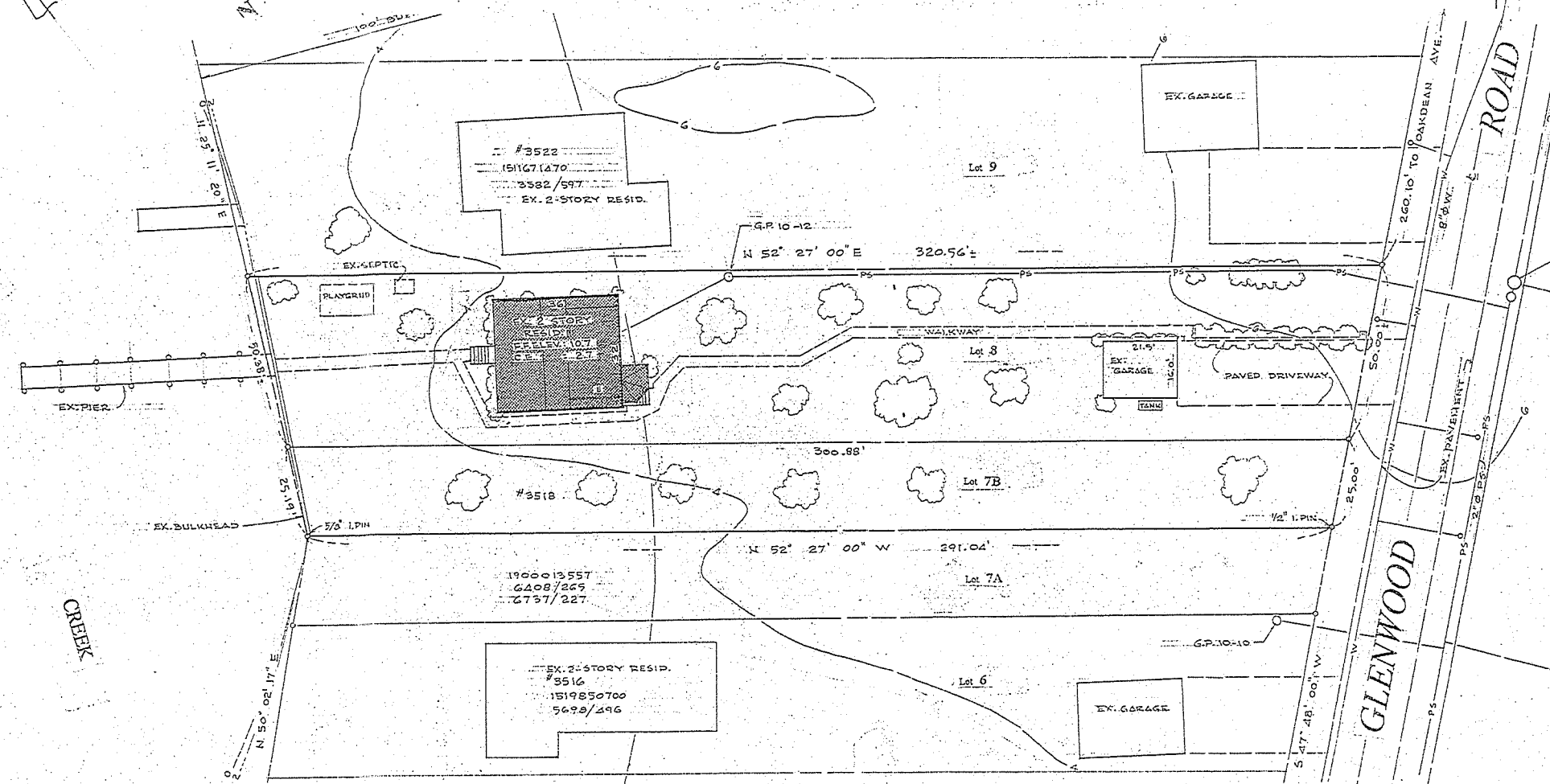
Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

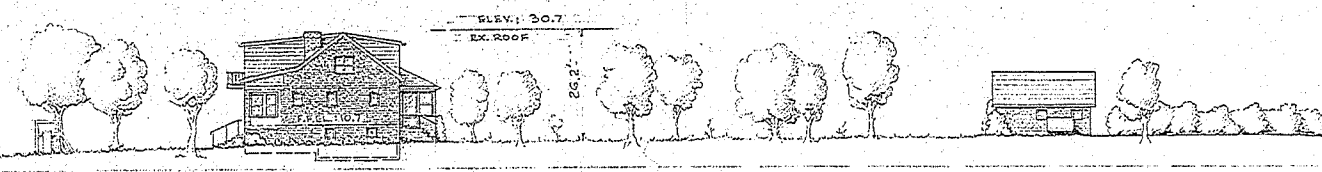


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 3520 Glenwood Rd Middle River, MD OWNER(S) NAME(S) Brandon Brookshire + Samantha Brookshire
SUBDIVISION NAME Glenwood LOT # 8 BLOCK # _____ SECTION # _____
PLAT BOOK # 12 FOLIO # 11 10 DIGIT TAX # 1504000330 DEED REF. # 27077 100212



MAP IS NOT TO SCALE
ZONING MAP# 091B2
SITE ZONED DR 3.5
ELECTION DISTRICT 15
COUNCIL DISTRICT G
LOT AREA ACREAGE _____
OR SQUARE FEET 16,992 SF
HISTORIC? NO
IN CBCA? Yes
IN FLOOD PLAIN? Yes
UTILITIES? MARK WITH X
WATER IS: PUBLIC X PRIVATE _____
SEWER IS: PUBLIC X PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:



SOUTH ELEVATION

SEAL	REVISIONS	SCALE: 1"=30'	DATE: 2 MAY, '08	DWN: A.E.
ELEVATION, UTILITIES: 5/26/08				
C.C.M. INC. CONSULTING & CONTRACTING INC. OF MD. PO. BOX 335, PLEASANT HARBOR, MD 21131 410-592-5153 FAX 410-592-3444				
PROPOSED RENOVATIONS TO EXISTING RESIDENCE AT 3520 GLENWOOD RD., MIDDLE RIVER, MD, 21220 OWNER: BRANDON BROOKSHIRE, PHONE: 443 286 2669				
SHEET 2	SITE PLAN			

2012-0223-SPAA

EX 1