IN RE: PETITION FOR ADMIN. VARIANCE (311 Oak Forest Avenue)

1<sup>st</sup> Election District

1st Council District Kelly S. and Carl D. Broscious, Jr.

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2013-0313-A

#### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Kelly S. and Carl D. Broscious, Jr. The Petitioners are requesting Variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit 2 additions with street side setbacks of 22 ft. and 24 ft. in lieu of the required 40 ft., and (2) To permit the sum of both sides to be 32 ft. and 34 ft. in lieu of the required 40 ft. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 28, 2013, 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 (B.C.C.). 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 ORDER RECEIVED FOR FILING

Date	7-17-13	
By	(J)	

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, this <u>17<sup>th</sup></u> day of July, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit 2 additions with street side setbacks of 22 ft. and 24 ft. in lieu of the required 40 ft., and (2) To permit the sum of both sides to be 32 ft. and 34 ft. in lieu of the required 40 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 The Petitioners may apply for their appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER REC	EIVED	FOR F	LING
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Date\_\_\_\_\_7-17-13

2

By.



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 17, 2013

Carl D. Broscious, Jr. Kelly S. Broscious 311 Oak Forest Avenue Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 2013-0313-A

Property: 311 Oak Forest Avenue

Dear Mr. and Mrs. Broscious:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from 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:dlw Enclosure

# ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

	strative Law Judge of Baltimore County
A PUBLIC HEARING having formally demanded and/or found to be rethis day of that the subject matter regulations of Baltimore County and that the property be reposted.	equired, It is ordered by the Office of Administrative Law, of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Mailing Address City State	Mailing Address City State
Signature By	Signature
Name-Type of Paint	Name - Type or Print
Mailing Address  City State  Zip Code Telephone D Email Address  Attorney for Petitioner: 1-3	Representative to be contacted:
Zip Code Telephone ED Email Address	
SIGNE STATE	21228 410 - 744 - 6982 d k broscuvica V Zip Code Telephone # Email Address
Signature  Mailing Address City C State	Signature #1 Signature #2  311 oak Forest Are Calonsulle mo  Malling Address City State
Name- Type or Print	
	Carl D. Broscious J. Kelly S. Broscious Name #1 - Type or Print Name #2 - Type or Print
Property is to be posted and advertised as prescribed by the zoning regul I, or we, agree to pay expenses of above petition(s), advertising, posting, restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore.	lations. etc. and further agree to and are to be bounded by the zoning regulations and
Section 32-4- 416(a)(2): (indicate type of work in this space of the zoning regulations of Baltimore County, to the zoning	
	ove a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and
	additions with street side setbacks of 22 feet and 24 and to permit the sum of both sides to be 32 feet and et.
1. ADMINISTRATIVE VARIANCE from section(s)	
plat attached hereto and mad	Baltimore County and which is described in the description and de a part hereof, hereby petition for a
	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) It on the reverse of this Petition Form be completed / notarized.
Property Owner(s) Printed Name(s) Con Conc	Hilly Broscious
Address 311 Oak Forest Avenu Deed Reference 21122/00694	which is presently zoned 12-2-10 Digit Tax Account # 0 1 1 2 5 9 0 1 4 9

# Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 311 Oak Fores	ot Are Catons	sville mo	21228	
Print or Type Address of property	City	State		Zip Code
Based upon personal knowledge, Administrative Variance at the abo				
Kelly Broscions has a which slowly dimini herause of her worse first floor of our hou room so Kelly can li with greater safety your consideration.	ning condition b	Ne are hoping	to add on to	o the
(If additional space for the petition  Signature of Affiant  Carl D Broscious 3	and the second s	Signature of Affia	Groscion Broscion	0
Name- Print or Type		Name- Print or T	ype	
The following information	on is to be completed by	y a Notary Public of t	he State of Maryland	1
STATE OF MARYLAND, COUNT	Y OF BALTIMORE,	to wit:		
and for the County aforesaid, personal	day ofally appeared	,, befo	re me a Notary of M	laryland, in
Carl D. Broscions Tr.	& Kell, S.	Broscions		
the Affiant(s) herein, personally know			Affiant(s) <b>(Print na</b> n	ne(s) here)
AS WITNESS my hand and Notaries	Seal			
SEAN S. WRAY NOTARY PUBLIC BALTIMORE COUNTY	Notary Public  My Commission	05/15/2=14 Expires		

REV. 10/12/1

MARYLAND

My Commission Expires May 15, 2014

# Property Description for 311 Oak Forest Ave

Northeast corner of the intersection of Oak Forest Ave (22 feet wide) and Tredegar Ave (20 feet wide).

Being Lot #'s 151, 152, 153 in the subdivision of Oak Forest Park, containing 11,250 square feet. Located in the 1<sup>st</sup> Election District and the 1<sup>st</sup> Councilmatic District.

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 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. <u>For those petitions which require a public hearing</u>, 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: 2013-0313-A
Petitioner: BROSCIOUS
Address or Location: 311 OAK FORESTAVE
PLEASE FORWARD ADVERTISING BILL TO:  Name:
CATONSVILLE, MS 21228
Telephone Number: 410-744-6982

	OFFICE	OF BUD	GET AND	IARYLANI D FINANC RECEIPT	E		No.	, 1,	7650 21   13		PAID RECEIPT  RUSINESS ACRUM. THE DEM  L/24/2013 6/21/2013 11/24/21 2
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## Braze E. Doak Consulting, L

3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

#### **CERTIFICATE OF POSTING**

July 1, 2013

Re:

Case Number: 2013- 0313-A Petitioner / Owner: Broscious Date of Closing: July 15, 2013

Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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 located at 311 Oak Forest Avenue.

The sign(s) were posted on June 28, 2013.

Sincerely,

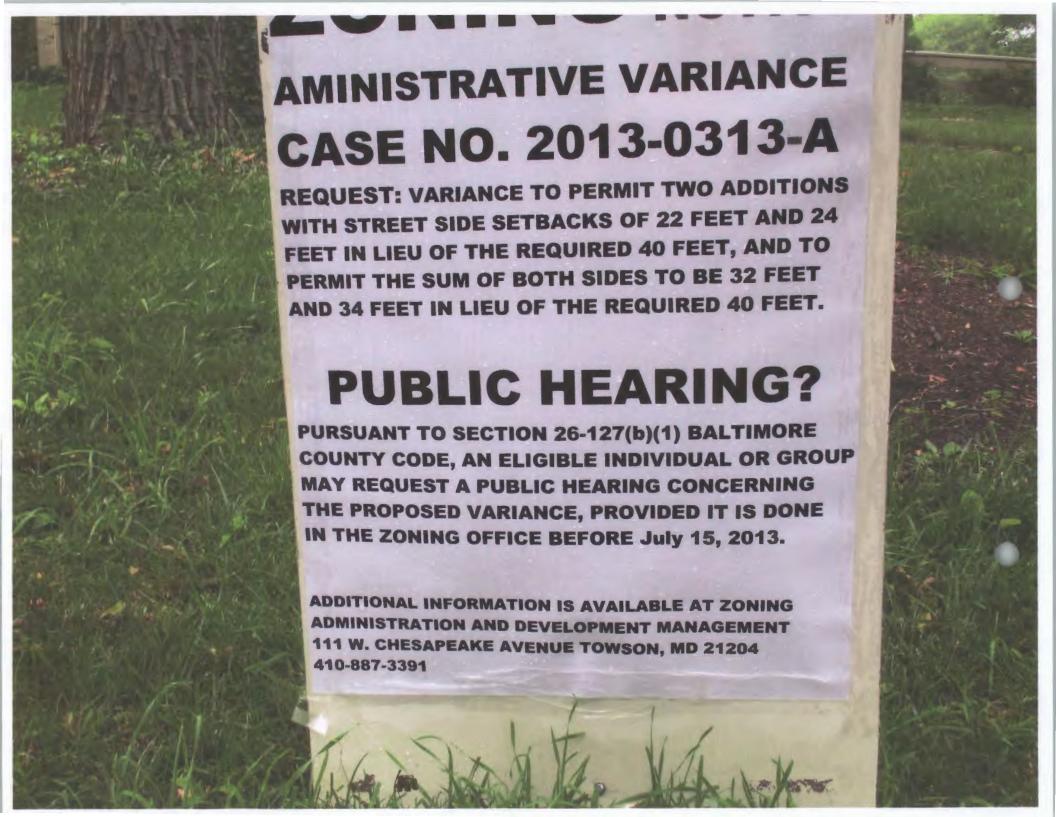
Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor





#### MEMORANDUM

DATE:

August 20, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0313-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 16, 2013. 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

CASE NO. 2013- 0313-A

## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
7-3	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
7-2	STATE HIGHWAY ADMINISTRATION	No espection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: 6-28-13	by Dool
PEOPLE'S COUNS	SEL APPEARANCE Yes No No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes $\square$ No $\square$	
Comments, if any:	Lee Str. from door	

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0313 -A Address 311 DAK FOREST AJE
Contact Person: Planner, Please Print Your Name  Phone Number: 410-887-3391
Filing Date: 6/2/13 Posting Date: 6/30/13 Closing Date: 7/15/13
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <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. <u>DEADLINE</u> : 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.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2013 0313 -A Address 311 OAK FOREST AVE.
Petitioner's Name BROSCIOUS Telephone 410-744-6982
Posting Date: 6 30 13 Closing Date: 7 15 30
Wording for Sign: To Permit 2 ADDITIONS WITH STREET SIDE SETBACKS OF 22 FEET
AND DY FEET IN LIEU OF THE REQUIRED 40 FEET, AND TO PERMIT THE
SUM OF BOTH SIDES TO BE 37 FEET AND 34 IN LIEU OF THE REQUIRED
40 FEET.

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** July 3, 2013

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 July 08, 2013

Item Nos. 2013-0313,0314, 0315,0316,0317,0318 and 0319.

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

DAK:CEN Cc: file

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



James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 7/2/13

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

**Baltimore County** RE:

Item No 2013-0313-A Administrative Variance Carl D. & Kelly S. Broscious 311 Dak Forest Avenue.

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. 2013-0313-A

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,

Steven D. Foster, Chief Access Management Division

SDF/raz



KEVIN KAMENETZ County Executive

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

July 16, 2013

Carl D. & Kelly S. Broscious 311 Oak Forest Avenue Catonsville MD 21228

RE: Case Number: 2013-0313 A, Address: 311 Oak Forest Avenue

Dear Mr. & Ms. Brocious:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 21, 2013. 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: jaf

**Enclosures** 

c: People's Counsel.



# THE WILMER OPHTHALMOLOGICAL INSTITUTE THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE THE JOHNS HOPKINS HOSPITAL

THE JOHNS HOPKINS HOSPITAL

Daniel Finkelstein, M.D.

Professor of Ophthalmology
The Bioethics Institute

219 Maumenee Building 600 N. Wolfe Street Baltimore, Maryland 21287-922 Department Office & Patient Appointmen (410)955-3429 \* Fax (410)955-086 email:df@jhmi.edu

November 25, 2002

Mrs. Kelly Broscious 403 North Main Street Shrewsbury, PA 17361

Dear Mrs. Broscious:

You have been seen at the Retinitis Pigmentosa Center of the Wilmer Eye Institute and found to have visual fields centrally constricted to less than 20 degrees in each eye, classifying you as legally blind.

Please don't hesitate to contact me if I can provide any further information in this regard.

Sincerely

Daniel Finkeistein,

enclosure - Goldmann visual fields

2013-0313-A

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

					Owner Infor	mation						
Owner Name: BROSCIOUS CARL D JR BROSCIOUS KELLY S				Use: Principal Residence:					RESIDENTIAL YES			
Mailing A	ddress:			FOREST AVENUE ORE MD 21228		Deed Re	ference:			1) /21122/ 00694 2)		
				Locat	ion & Structu	re Information	1					
Premises A 311 OAK FO 0-0000		VE			LTS 15	Description 51,152,153 AK FOREST A FOREST PARK						
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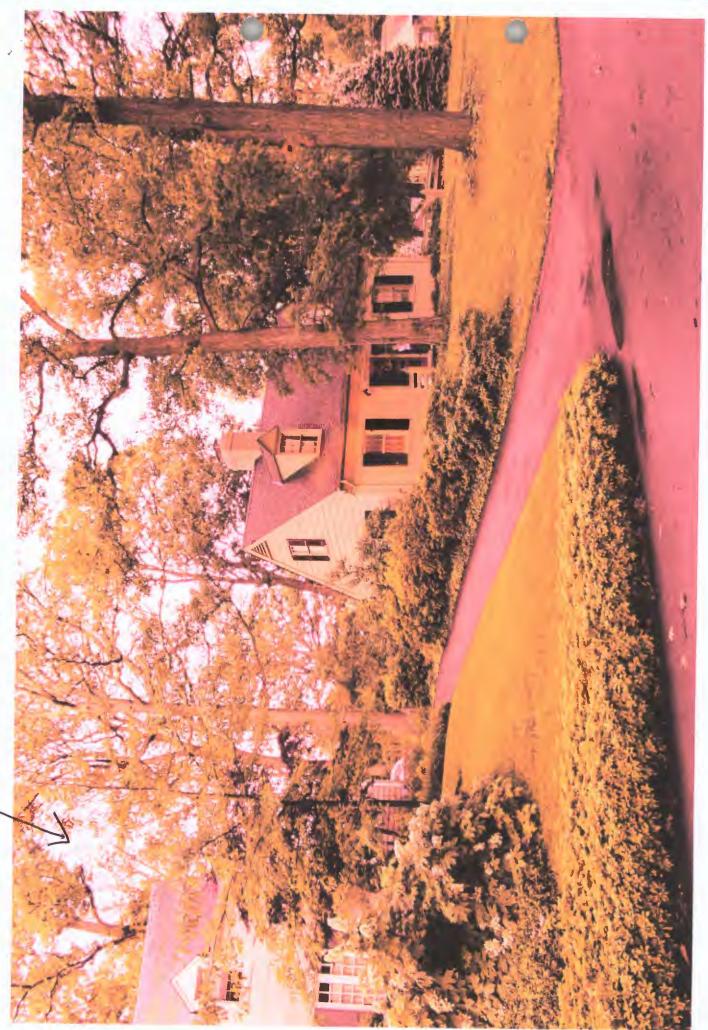
District - 01 Account Number - 0112590140



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>



M. Bowler, 309 Oak Farest Ave

312 Montherse C. Reiter



2013-0313-A

ZONING HEARING	PLAN FOR V	ARIANCE X FOR SPI		K TYPE REQUESTED W		165 e w 165 165 165 165 165 165 165 165 165 165
ADDRESS 311 Oc	ck Forest	Aue OWN	ER(S) NAME(S) Carl &	Kelly Brosci	ons	
SUBDIVISION NAME		Forest	LOT#_\ST\_BLO	ČK #SECTIC		
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NA COAK FOREST AVENUE (40 FT. WIDE)	John Bo	TREDEGAR (60 FT. WID)  311 OAK FOREST AVE	22. 100 Sep 0. S	39 6		MAP IS NOT TO SCALE  ZONING MAP# 100 C 3  SITE ZONED DR 2  ELECTION DISTRICT 1  COUNCIL DISTRICT 1  LOT AREA ACREAGE 0.258  OR SQUARE FEET 11,250  HISTORIC? No IN CBCA? No IN FLOOD PLAIN? No 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:
1						I WHILE AS I INTO CONSIL BEATURE

2013-6313-4

Pet. Exa 1