

IN RE:	PETITION FOR RESIDENTIAL	* BEFORE THE
	ZONING VARIANCE	
	E/S Butler Road, 3225 ft. (+/-)	* ZONING COMMISSIONER
	S from c/l Belmond Road	
	3919 Butler Road	* OF BALTIMORE COUNTY
	4th Election District	
	3rd Councilmanic District	* Case No. 95-169-A
	Donald H. Wilson, III, et al	
	Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Donald H. Wilson, III and Beverly L. Wright, for that property known as 3919 Butler Road in the northwestern section of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pavilion) to be located in the front yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, 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 26-127 (b)(1) 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

12/19/98
 M. G. G.

MICROFILMED

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 Zoning Commissioner for Baltimore County this 1st day of Dec., 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pavilion) to be located in the front yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/1/94
By M. Good

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 30, 1994

Mr. and Mrs. Donald H. Wilson III
3919 Butler Rd.
Reisterstown, Md. 21136-4805

RE: Petition for Administrative Variance
Case No. 95-169-A
Property: 3919 Butler Rd.

Dear Mr. and Mrs. Wilson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.





Petition for Administrative Variance

75-169-A

to the Zoning Commissioner of Baltimore County

for the property located at 3919 Butler Rd., Reisterstown, MD 21136

which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 Accessory Buildings in Residence Zones

To permit an accessory structure (pavilion) to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The proposed location is at grade and convenient to the main house. Locating the pavilion on the other sides would involve substantial regrading of the site. In addition, the house septic tank is in the bank on the south side and the septic distribution box and field is just beyond the fence at the east end of the pool. The proposed location is not visible from any public road, or from adjacent property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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

Contract Purchaser/Lessee

Legal Owner(s).

(Type or Print Name)

Donald H. Wilson, III
(Type or Print Name)

Signature

Signature

Address

Beverly L. Wright
(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

785-6300 ext.390 work
3919 Butler Rd. 833-6699 home
Address Phone No

Signature

Reisterstown MD 21136-4805
City State Zipcode
Name, Address and phone number of representative to be contacted

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: R.T. DATE: 11-1-94
ESTIMATED POSTING DATE: 11-13-94



Printed with Soybean Ink
on Recycled Paper

MICROFILMED ITEM #: 165

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3919 Butler Rd.

address

Reisterstown

City

MD

State

21136-4805

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The proposed location is at grade and convenient to the main house. Locating on the other sides would involve substantial regrading of the site. In addition, the house septic tank is in the bank on the south side and the septic distribution box and field are just beyond the fence at the east end of the pool. The proposed location is not visible from any public road, or from adjacent property.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Donald H. Wilson III
(signature)

Donald H. Wilson, III
(type or print name)



Beverly L. Wright
(signature)

Beverly L. Wright
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of October, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Donald H. Wilson III and Beverly L. Wright

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief

AS WITNESS my hand and Notarial Seal.

10-26-94
date

Deborah Murphy
NOTARY PUBLIC

My Commission Expires: April 1995

95-169-A

Zoning Description

For 3919 Butler Rd., Reisterstown, MD 21136-4805

Beginning at a point in the bed of Butler Rd. which is 40 feet wide at the distance of 3225 feet south of the centerline of the nearest improved intersecting street which is Belmont Road which is 20 feet wide. As recorded in Deed Liber 8169, Folio 562, with the following metes and bounds:

S.61° 26' 43" E. 267.40 ft., S.59° 48' 46" E. 160.36 ft., S.62° 02' 23" E. 204.76 ft.,
S.61° 49' 48" E. 335.54 ft., N.31° 05' 02" E. 199.90 ft., S.59° 59' 16" E. 215.06 ft.,
S.19° 31' 53" E. 37.71 ft., S.27° 09' 37" W. 76.54 ft., N.79° 57' 03" E. 1370.61 ft.,
S.26° 23' 40" W. 206.17 ft., S.15° 06' 20" E. 178.74 ft., S. 52° 23' 26" W. 628.85 ft.,
S.57° 45' 26" W. 257.27 ft., S.04° 11' 26" W. 99.26 ft., N.84° 43' 44" W. 954.78 ft.,
N.39° 46' 07" W. 345.15 ft., N.09° 11' 20" E. 344.42 ft., N.26° 33' 54" W. 156.52 ft.,
N.48° 06' 40" W. 233.38 ft., N.45° 07' 46" W. 78.76 ft., N.59° 48' 46" W. 75.00 ft.,
N.61° 26' 43" W. 265 ft., and N.25° 33' 00" E. 35.05 ft. to the place of beginning.

Also known as Oak Meadow Farm and located in the 4th Election District, 3rd Councilmanic District.

RECEIVED

ITEM #165

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-109-A

District: 4th Date of Posting: 11/10/94

Posted for: Variance

Petitioner: Donald & Beverly Wright

Location of property: 3919 Butler Rd, E/S

Location of Signs: Facing roadway on property being zoned

Remarks: No F/S

Posted by: [Signature] Date of return: 11/15/94

Signature

Number of Signs: 1

[Signature]





Baltimore County
Zoning Administration &
Development Management
111 West Chestapeake Avenue
Towson, Maryland 21204

receipt

95-169-A

Account: R-001-6150

Number 165

R.T

Date 11-1-94

DONALD H. WILSON

3919 BUTLER RD.

OID - VARIANCE --- \$ 50⁰⁰

OID - SIGN --- \$ 35⁰⁰

TOTAL - \$ 85⁰⁰

PAID BY CK #1988
1 NOV 94

MICROFILM

01A01#0130MICR

\$85.00

BA 0009740AM11-01-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

11/1/94
Zoning Commissioner,
There is a previous
Zoning Hearing, Case #
89-352 SPH & 90-481-A
granted 6/20/94.

R.T.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 165

Petitioner: Donald H. Wilson, III and Beverly L. Wright

Location: 3919 Butler Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Donald H. Wilson, III

ADDRESS: 3919 Butler Rd.

Reisterstown, MD 21136-4805

PHONE NUMBER: 410-785-6300 ext. 390

AJ:ggs

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

Mr. Donald H. Wilson, III

Ms. Beverly L. Wright

3919 Butler Road

Reisterstown Maryland 21136-4805

(410) 887-3353

NOV. 21 1994

RE: Case No. 95-169-A, Item No. 165

Petitioner: Donald H. Wilson

Beverly L. Wright

Dear Petitioners:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on November 1, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw

Enclosure(s)

MICROFILMED



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/16/94

Arrold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
WALL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 14, 1994

Item No.: SEE BELOW

Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 3 The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 164, 165, 166, 167, 168,
169 AND 171.

RECEIVED

NOV 17 1994

ZADM

REVIEWER: LT. ROBERT P. SAJERWALD
Fire Marshal Office, PHONE 887-4881, 75-1102F

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE:

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 153, 154, 155, 156, 157, 160, 162, 163, 164, 165, 168, and 171

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer

Secretary

Hal Kassoff

Administrator

11-14-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: JOYCE WATSON

Dear Ms. Winiarski:

Re: Baltimore County

Item No.: *165 (RT)

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for RONALD BUREAU,
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 10, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Donald H. Wilson, III and Beverly L. Wright
3919 Butler Road
Reisterstown, Maryland 21136

Re: CASE NUMBER: 95-169-A (Item 165)
3919 Butler Road
E/S Butler Road, 3225' +/- S from c/l Belmond Road
4th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 13, 1994. The closing date (November 28, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

MICROFILMED



IN RE: PETITION FOR ZONING VARIANCE	* BEFORE THE
E/S Butler Road, 3225' SW of	* DEPUTY ZONING COMMISSIONER
the c/l of Belmont Road	* OF BALTIMORE COUNTY
4th Election District	
3rd Councilmanic District	
Donald H. Wilson, III, et ux	* Case No. 90-481-A
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Donald H. Wilson, III, appeared, testified and were represented by Robert A. Hoffman, Esquire. There were no Protestants.

Testimony indicated that the subject property is a 30-acre parcel split zoned R.C. 2 and R.C. 4 and is currently being developed with a single family dwelling. Said property was created as a developable lot as a result of a non-density transfer granted in prior Case No. 89-352-SPH. Petitioners are desirous of constructing a swimming pool on the subject property; however, as the rear portion of the site is zoned R.C. 2 and must be left for pasture land and agricultural uses in accordance with the restrictions set forth in Case No. 89-352-SPH, the swimming pool cannot be placed in the rear yard as required. Mr. Wilson testified the side yard is the most practical and aesthetically pleasing location for the proposed swimming pool due to the topography of the land. Further testimony indicated the proposed pool will not be visible to any adjoining property owners due to the size of the parcel and its topography. In conclusion, Mr. Wilson argued that denial of the variance would result in practical difficulty for Petitioners and that the granting of the variance will not

NOTED FOR FILE

ITEM # 165

result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach; 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

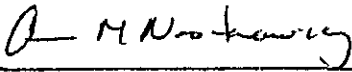
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of June, 1990 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the

following restrictions which are conditions precedent to the relief granted:

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.

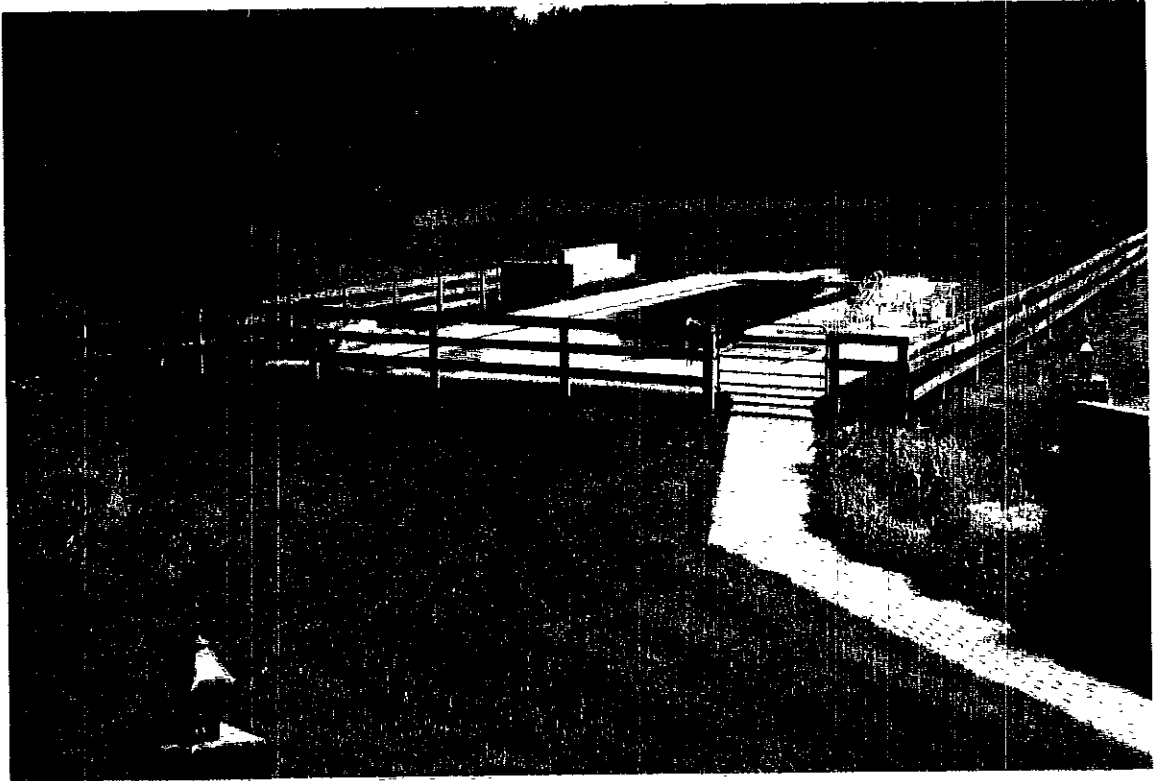
2) Petitioners shall continue to comply with the restrictions set forth in Case No. 89-352-SPH except as herein modified.

AMN:bjs

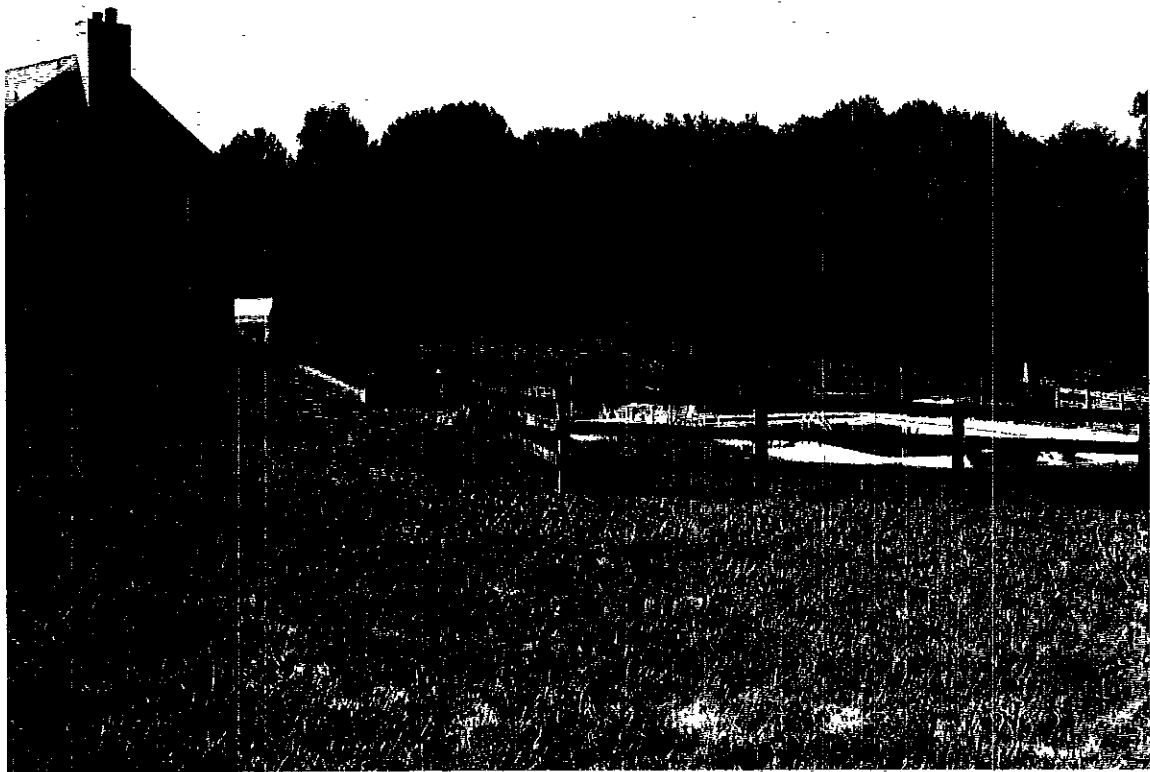


ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

95-169-A



N.E.
Elev.



N.W.
Elev.



BARN

W.
Elev.