

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE	*	BEFORE THE
N/S Whitesworth Rd., 646.64 ft.	*	ZONING COMMISSIONER
W of c/l Jarrettsville Pike	*	
3301 Whitesworth Road	*	OF BALTIMORE COUNTY
10th Election District	*	
3rd Councilmanic District	*	Case No. 96-130-SPHA
Richard D. Borschuk, et ux	*	
Petitioners	*	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 3301 Whitesworth Road in the Phoenix section of Baltimore County. The Petitions are filed by Richard D. Borschuk and Linda D. Borschuk, his wife, property owners. The Petitioners seek special hearing relief to approve a pool house as an accessory building and to approve a modification of the site plan and relief granted in case No. 94-216-AA. That case granted administrative variance relief for the construction of a shed. Variance relief is sought from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory building to have a height of 24 ft. in lieu of the required 15 ft. The subject property and requested relief are all more particularly shown on Petitioners' Exhibit No. 1, the site plan.

Appearing at the requisite public hearing held for this case was the Petitioner/property owner, Richard D. Borschuk. Also present was Randy Shelley of Shelley Construction Company, the contractors who will build the proposed pool house. Carolyn W. Heggie and Victoria Kagler, her daughter, also appeared. They reside next door and do not oppose the Petitions. The Petitioners were represented by Robert A. Hoffman, Esquire.

Testimony and evidence presented is that the subject site is approximately 5.651 acres in area zoned R.C.4. This is a large residential lot located not far from Jarrettsville Pike in rural Phoenix. The property is situated at the end of the cul-de-sac in a residential community. Vehic-

ORDER RECEIVED FOR FILING

Date 11/27/95
By SM. [Signature]

11/27/95

ular access to the site is obtained through a long driveway which leads from the cul-de-sac into the property. The property is presently improved with an existing two story brick frame dwelling and a one story frame shed. The shed will be removed.

The Petitioner obtained administrative variance relief pursuant to an Order issued by the undersigned in case No. 94-216-AA for a shed. The subject Petitions have been filed in order to obtain approval for further improvements to the property.

Proffered testimony offered on behalf of the Petitioner is that he and his family reside on the subject property. Apparently, Mr. Borchuk's son is disabled and in need of intensive physical therapy. The child's physicians have recommended treatment at a swimming pool. Thus, owing to the fact that the Petitioners own a rather large lot, they have proposed constructing a pool in the rear yard. The pool is under construction as is shown in numerous photographs which were submitted at the hearing.

In order to accommodate the child's physical therapy needs, the Petitioners also propose building a pool house. The pool house will be one story with a loft and will be 24 ft. in height. A floor plan was also submitted which shows a first floor area including bath and kitchen facilities and a second floor loft area. Mr. Borchuk indicated that these facilities were necessary to accommodate the intensive physical therapy which his son must receive.

The uncontradicted testimony and evidence which was offered is persuasive that the Petitions for Special Hearing and Variance should be granted. As noted above, this is a large tract which can easily accommodate the proposed improvements. Ms. Heggie and her daughter who reside next door confirmed their support of the project and indicated that same would not be overly burdensome or adversely affect the surrounding locale. I am

ORDER RECEIVED FOR FILING

Date

11/17/91

By

M. G. Gork

persuaded that the Petitioners have satisfied the variance standard set forth in Section 307.1 of the BCZR, as well as the special hearing criteria found in Section 502.1 of the BCZR. For these reasons, I will grant the Petitions.

Notwithstanding my approval, I will condition the relief which has been granted to ensure that the proposed use will not evolve into a subdivision. The pool house appears capable of providing independent living quarters. I am appreciative of the need for these facilities in view of the child's medical condition. However, the relief which is granted will be restricted so as to provide that the pool house cannot be rented or utilized as an independent dwelling. As stated within the Petition for Special Hearing, the pool house must continue to be utilized as an accessory structure only; and thus, customarily incidental to the single family dwelling on the property. The pool house cannot be used as a rental apartment or similar structure to provide independent living quarters.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of November 1995, that, pursuant to the Petition for Special Hearing, approval for a pool house as an accessory building and to approve the modification of the site plan and relief granted in case No. 94-216-AA for the construction of a shed, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory building to have a height of 24 ft., in lieu of the required 15 ft., be and is hereby GRANTED, subject, however to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk

ORDER RECEIVED FOR FILING

Date

11/17/95
M. Grant

By

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. The Petitioners shall not allow or cause the pool house to be used as a rental apartment, or similar structure, to provide independent living quarters, as fully set forth herein above.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

11/7/91

By

[Handwritten signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 6, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
Richard D. Borschuk, et ux, Petitioners
Case No. 96-130-SPHA

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

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 887-3353.

Very truly yours

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:man
att.





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at ³³⁰¹ 3317 Whitesworth Rd., Phoenix, MD 21131

which is presently zoned RC4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a pool house as an accessory building and to amend the final development plan.

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

I, or we, agree to pay expenses of above Special Hearing 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.

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

(Type or Print Name)

Signature *[Signature]*
Sustainable, Baetjer & Howard, LLP

210 Allegheny Avenue 494-6200

Address

Phone No.

Towson, Maryland 21204

City

State

Zipcode

Legal Owner(s):

Richard D. Borschuk

(Type or Print Name)

Signature *[Signature]*

Linda Borschuk

(Type or Print Name)

Signature *[Signature]*

3301

3317 Whitesworth Road

666-3019

Address

Phone No.

Phoenix, Maryland 21131

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Robert A. Hoffman, Esquire

Name 210 Allegheny Avenue

Towson, Maryland 21204

494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE



129



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3301
3317 Whitesworth Rd., Phoenix, MD 21131

which is presently zoned RC4

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)

400.3 of the Baltimore County Zoning Regulations to permit an accessory building to have a height of 24 feet in lieu of the permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

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.

Contact Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Agency for Petitioner

Robert A. Hoffman
(Type or Print Name)

[Signature]
Signature Venable, Baetjer & Howard, LLP

210 Allegheny Avenue 494-6200

Address Phone No
Towson, Maryland 21204

City State Zipcode

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

Legal Owner(s):

Richard D. Borschuk
(Type or Print Name)

[Signature]
Signature

Linda Borschuk
(Type or Print Name)

[Signature]
Signature

3301
3317 Whitesworth Road 666-3091

Address Phone No
Phoenix, Maryland 21131

City State Zipcode
Name, Address and phone number of legal owner, contact purchaser or representative to be contacted.

Robert A. Hoffman, Esquire

Name 210 Allegheny Avenue

Towson, Maryland 21204 494-6200

Address Phone No

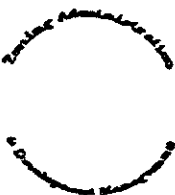
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr
unavailable for hearing

the following date Next Two Months

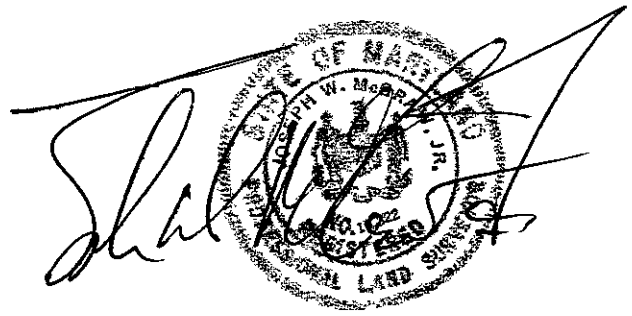
ALL OTHER

REVIEWED BY: CAM DATE 21 Sept 95



Zoning Description For #3301 Whitesworth Road.

Beginning at a point on the north side of Whitesworth Road which is 50' wide at the distance of 646.64' west of the centerline of the nearest improved intersecting street, Jarrettsville Pike, which is 70' wide. Being Lot #1, in the subdivision of FOUR PONDS SOUTH, as recorded in Baltimore County Plat Book 56, Folio 121 containing 5.651 Acres. Also known as #3301 Whitesworth Road and located in the 10TH Election District, 3RD Councilmanic District.



MICROFILM

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-130 SPH
Towson, Maryland

District 10th Date of Posting 10/14/95

Posted for: Special Hearing

Petitioner: Richard & Linda Borschak

Location of property: 3301 Whitworth Rd, N/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by M. Healy Date of return: 10/20/95
Signature

Number of Signs: 1



[Faint handwritten text]

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. **916-130** 002279

DATE 21 Sept 95 ACCOUNT R-001-6150
CAM

AMOUNT \$ 170.00

RECEIVED FROM: Venerable Bader & Heuser

FOR: Borschok (3301 Whitesworth Hill)

Item # 129 01AGL#0015MICHRC \$170.00
0003:ISFMD9-21-95

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-130-SPH
(Item 129)
3301 Whiteworth Road
N/S Whiteworth Road, 646.64'
W of Cf Jarrettsville Pike
10th Election District
3rd Councilmanic
Legal Owner(s):

Richard D. Borschuk and
Linda Borschuk
Hearing: Wednesday, November 1, 1995 at 11:00 a.m. in
Rm. 118, Old Courthouse.

Special Hearing to approve a pool house as an accessory building and to approve the modification of the site plan and relief granted in Case No. 94-216-AA for the construction of a carport.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) or information concerning the File and/or Hearing, Please Call 887-3391.

10/158 Oct. 12

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/12, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 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 accessed 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.: 129 Petitioner: Borschuk, Richard + Linda

Location: 3301 Whitesworth Rd., Phoenix Md 21131

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod

ADDRESS: Venable, Baetjer + Howard LLP
210 Allegheny Avenue, Towson Md 21204

PHONE NUMBER: 410-494-6201

129

TO: PUFUXENT PUBLISHING COMPANY
October 12, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-130-SPH (Item 129)
3301 Whitworth Road
N/S Whitworth Road, 646.64' W of c/l Jarrettsville Pike
10th Election District - 3rd Councilmanic
Legal Owner: Richard D. Borschuk and Linda Borschuk

Special Hearing to approve a pool house as an accessory building and to approve the modification of the site plan and relief granted in Case No. 94-216-AA for the construction of a carport.

HEARING: WEDNESDAY, NOVEMBER 1, 1995 at 1100 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-130-SPH (Item 129)
3301 Whiteworth Road
N/S Whiteworth Road, 646.64' W of c/l Jarrettsville Pike
10th Election District - 3rd Councilmanic
Legal Owner: Richard D. Borschuk and Linda Borschuk

Special Hearing to approve a pool house as an accessory building and to approve the modification of the site plan and relief granted in Case No. 94-216-AA for the construction of a carport.

HEARING: WEDNESDAY, NOVEMBER 1, 1995 at 1100 a.m. in Room 118, Old Courthouse.

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

Arnold Jablon
Director

cc: Richard and Linda Borschuk
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 26, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 129
Case No.: 96-130-SPH
Petitioner: R. D. Borschuk, et ux

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 10, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item No. 129

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:

Jeffrey W. Long

Division Chief:

Edryl Kiers

PK/JL

10/10/95
887-3480
mbf/ldc

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 20, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief ^{RWB/DAK}
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 23, 1995
Items 129, 148, 150 and 151 3

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-16-95

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

RE: Baltimore County
Item No. *129 REV 10/6/95*

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

RE: PETITION FOR SPECIAL HEARING
3301 Whiteworth Road, N/S Whiteworth Rd,
646.64' W of c/l Jarrettsville Pike
10th Election District, 3rd Councilmanic

Richard and Linda Borschuk
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-130-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

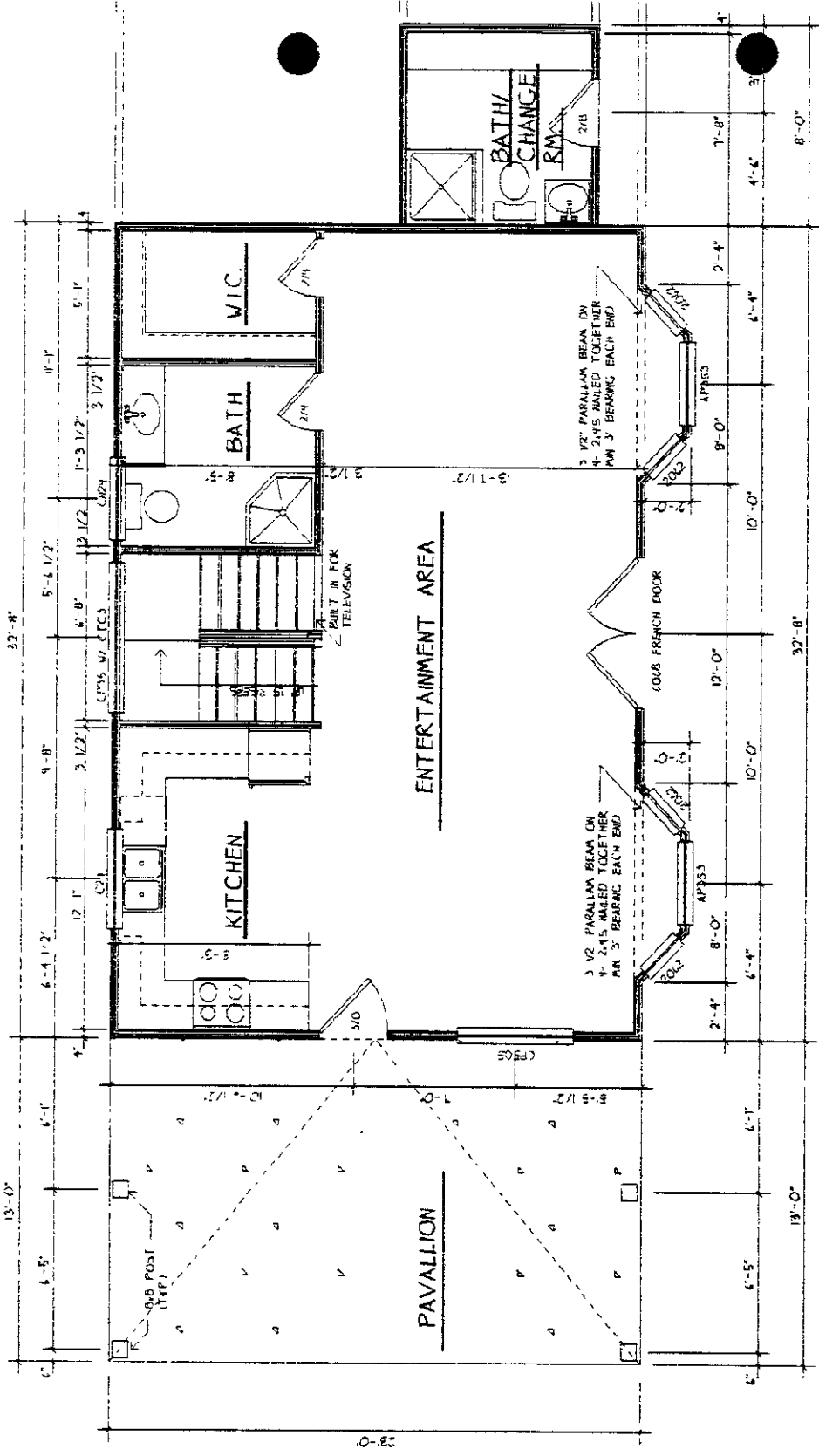
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Hoffman, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



POOL HOUSE MAIN FLOOR

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman

210 Allegheny Ave 21204

Randy Shelley

2601 Cotton St. Miller md 21107

Carolyn & Nannie

3300 Whitesworth Rd 21131

Rick BORSCHUK

3317 WHITESWORTH RD 21131

Victoria Kagler

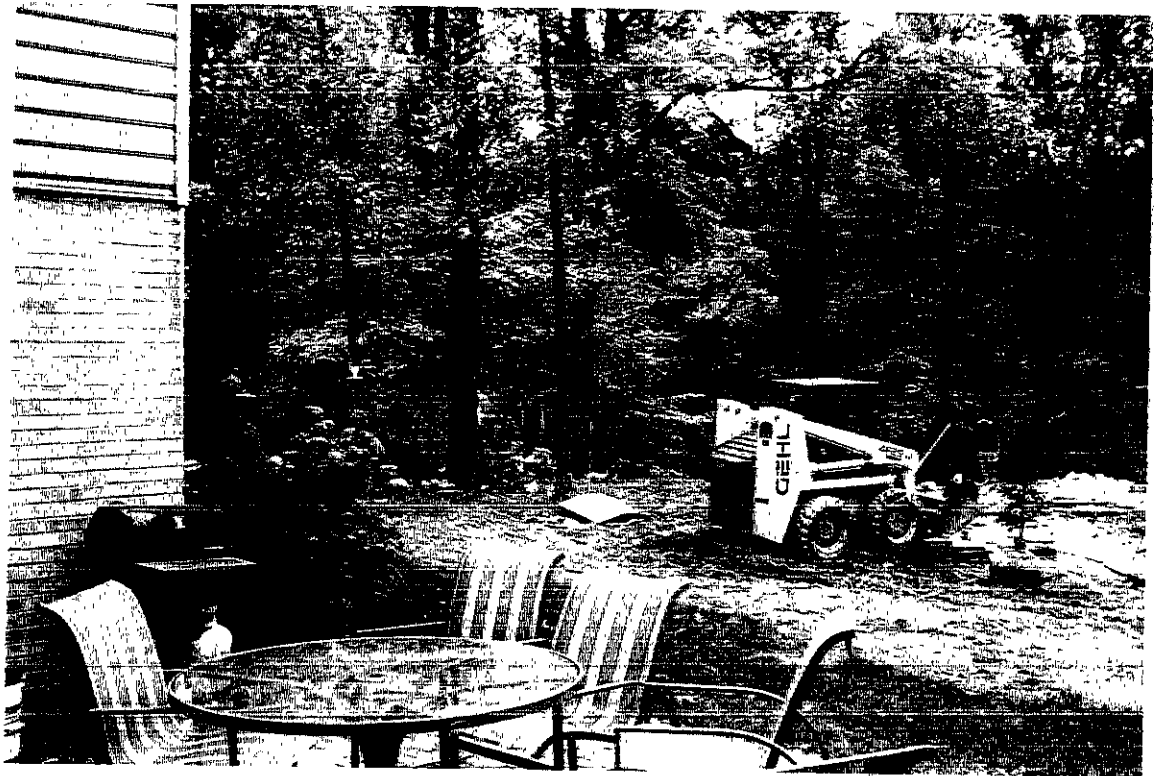
3300 Whitesworth Rd 21131

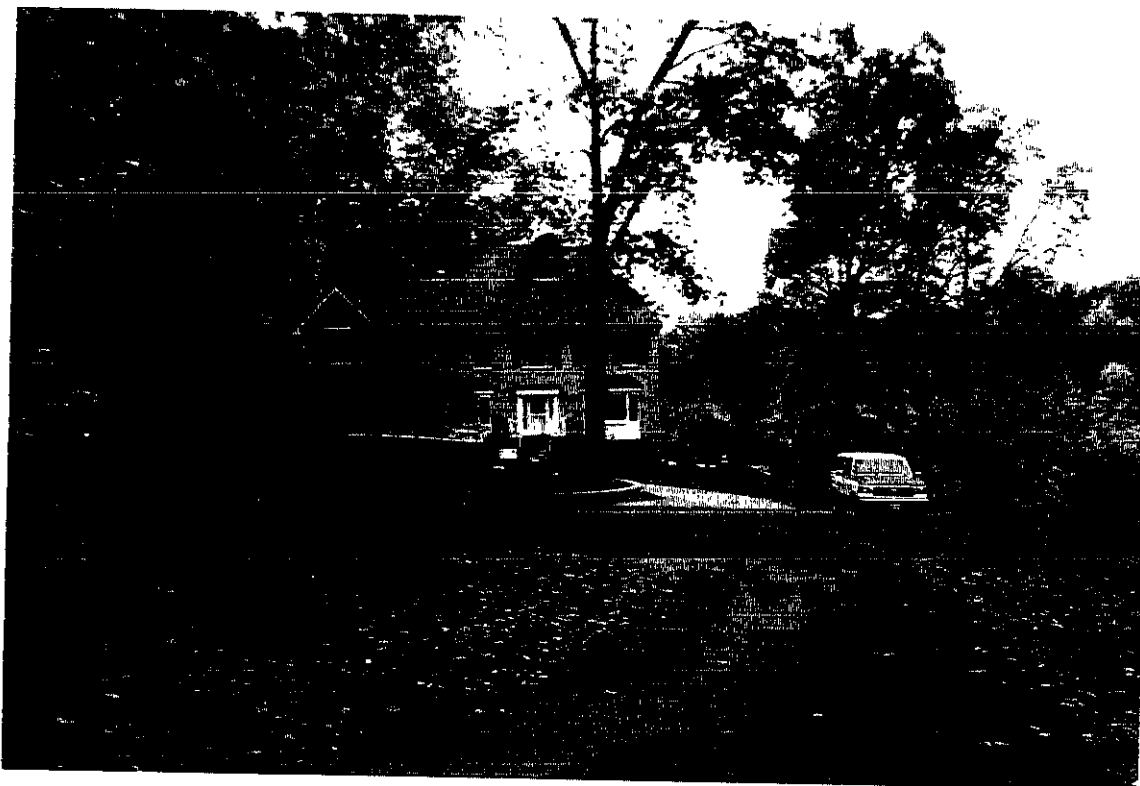


2008-03-07

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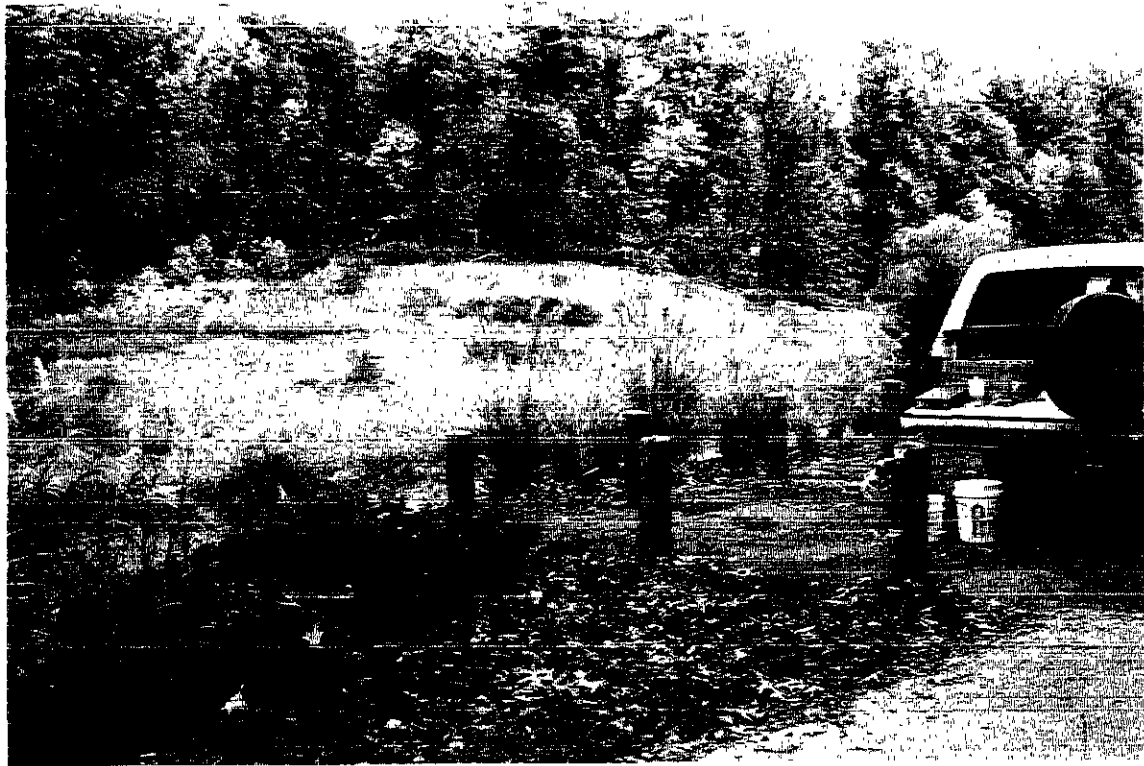


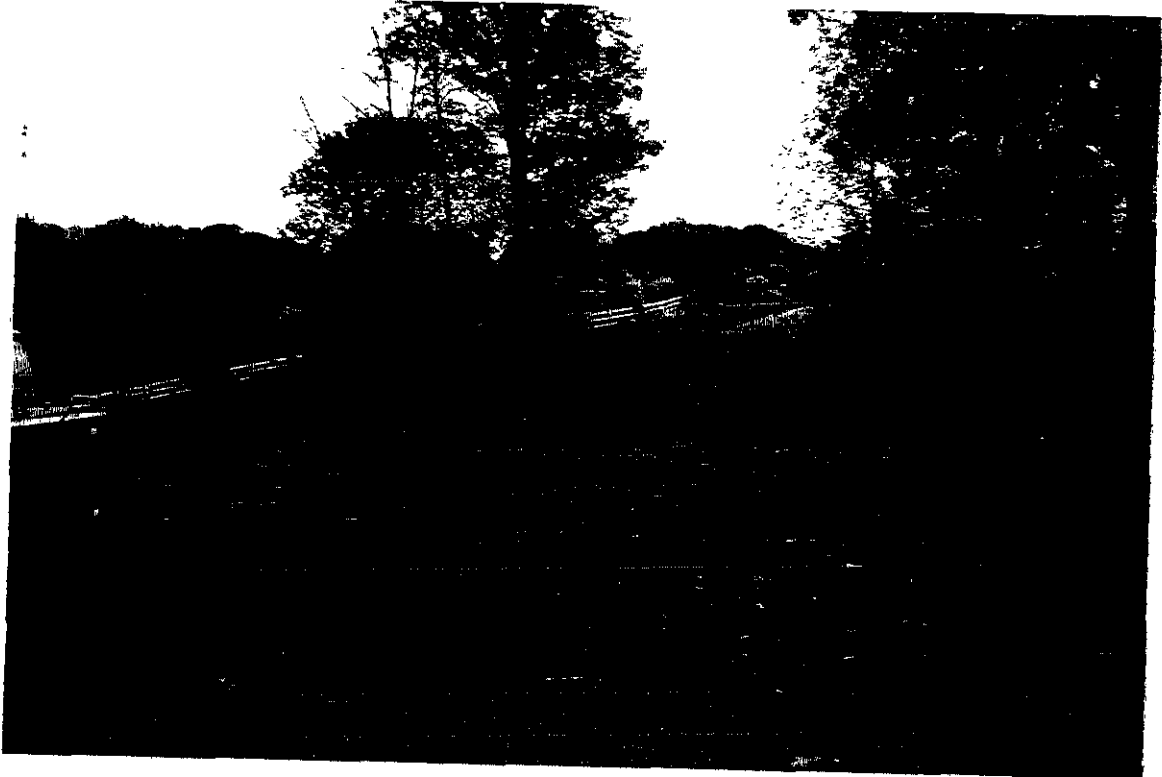












IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE
 N/S Whitesworth Rd., 646.64 ft. N of c/1 Jarrettsville Pike
 3301 Whitesworth Road
 10th Election District
 3rd Councilmanic District
 Richard D. Borschuk, et ux
 Petitioners

BEFORE THE ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 96-130-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 3301 Whitesworth Road in the Phoenix section of Baltimore County. The Petitions were filed by Richard D. Borschuk and Linda D. Borschuk, his wife, property owners. The Petitioners seek special hearing relief to approve a pool house as an accessory building and to approve a modification of the site plan and relief granted in case No. 94-216-AA. That case granted administrative variance relief for the construction of a shed. Variance relief is sought from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory building to have a height of 24 ft. in lieu of the required 15 ft. The subject property and requested relief are all more particularly shown on Petitioners' Exhibit No. 1, the site plan.

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Testimony and evidence presented is that the subject site is approximately 5.651 acres in area zoned R.C.4. This is a large residential lot located not far from Jarrettsville Pike in rural Phoenix. The property is situated at the end of the cul-de-sac in a residential community. Vehic-

ular access to the site is obtained through a long driveway which leads from the cul-de-sac into the property. The property is presently improved with an existing two story brick frame dwelling and a one story frame shed. The shed will be removed.

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Proffered testimony offered on behalf of the Petitioner is that he and his family reside on the subject property. Apparently, Mr. Borschuk's son is disabled and in need of intensive physical therapy. The child's physicians have recommended treatment at a swimming pool. Thus, owing to the fact that the Petitioners own a rather large lot, they have proposed constructing a pool in the rear yard. The pool is under construction as is shown in numerous photographs which were submitted at the hearing.

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The uncontradicted testimony and evidence which was offered is persuasive that the Petitions for Special Hearing and Variance should be granted. As noted above, this is a large tract which can easily accommodate the proposed improvements. Ms. Heggie and her daughter who reside next door confirmed their support of the project and indicated that same would not be overly burdensome or adversely affect the surrounding locale. I am

persuaded that the Petitioners have satisfied the variance standard set forth in Section 307.1 of the BCZR, as well as the special hearing criteria found in Section 502.1 of the BCZR. For these reasons, I will grant the Petitions.

Notwithstanding my approval, I will condition the relief which has been granted to ensure that the proposed use will not evolve into a subdivision. The pool house appears capable of providing independent living quarters. I am appreciative of the need for these facilities in view of the child's medical condition. However, the relief which is granted will be restricted so as to provide that the pool house cannot be rented or utilized as an independent dwelling. As stated within the Petition for Special Hearing, the pool house must continue to be utilized as an accessory structure only; and thus, customarily incidental to the single family dwelling on the property. The pool house cannot be used as a rental apartment or similar structure to provide independent living quarters.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of November 1995, that, pursuant to the Petition for Special Hearing, approval for a pool house as an accessory building and to approve the modification of the site plan and relief granted in case No. 94-216-AA for the construction of a shed, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit an accessory building to have a height of 24 ft., in lieu of the required 15 ft., be and is hereby GRANTED, subject, however to the following restrictions:

1. The 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. The Petitioners shall not allow or cause the pool house to be used as a rental apartment, or similar structure, to provide independent living quarters, as fully set forth herein above.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmitt
 LAWRENCE E. SCHMITT
 Zoning Commissioner for
 Baltimore County

ORDER RECEIVED FOR FILING
 Date 11/7/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 11/7/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 11/7/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 11/7/95
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

November 6, 1995

Robert A. Hoffman, Esquire
 Venable, Baetjer and Howard, LLP
 210 Allegheny Avenue
 Towson, Maryland 21204

RE: Petitions for Special Hearing and Zoning Variance
 Richard D. Borschuk, et ux, Petitioners
 Case No. 96-130-SPHA

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions.

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 887-3353.

Very truly yours,
Lawrence E. Schmitt
 Lawrence E. Schmitt
 Zoning Commissioner

LES:mmn
 att.

Petition for Special Hearing
 to the Zoning Commissioner of Baltimore County

for the property located at 3301 Whitesworth Rd., Phoenix, MD 21131
 which is presently zoned RC4

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 Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a pool house as an accessory building and to amend the final development plan.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Correct Purchaser/Lessee:
 (Type or Print Name)
 Signature
 Address
 City State Zipcode

Legal Owner:
 Richard D. Borschuk
 (Type or Print Name)
 Signature
 Linda Borschuk
 (Type or Print Name)
 Signature
 Linda M. Borschuk
 (Type or Print Name)
 Signature
 3301
 3317 Whitesworth Road 666-3019
 Address
 Phoenix, Maryland 21131
 City State Zipcode

Agency for Petitioner:
 Robert A. Hoffman
 (Type or Print Name)
 Signature
 Robert A. Hoffman, Esquire
 210 Allegheny Avenue
 Towson, Maryland 21204 494-6200
 Address
 Towson, Maryland 21204
 City State Zipcode

ESTIMATED LENGTH OF HEARING: OFFICE USE ONLY
 (Indicate length of hearing in minutes)
 All following dates: (Indicate date for hearing) Best Time Available
 ALL OTHER: _____
 REVIEWED BY: _____ DATE: _____

Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 3301 Whitesworth Rd., Phoenix, MD 21131
 which is presently zoned RC4

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) 400.3 of the Baltimore County Zoning Regulations to permit an accessory building to have a height of 24 feet in lieu of the permitted 15 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
 To be determined at hearing.

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.

Correct Purchaser/Lessee:
 (Type or Print Name)
 Signature
 Address
 City State Zipcode

Legal Owner:
 Richard D. Borschuk
 (Type or Print Name)
 Signature
 Linda Borschuk
 (Type or Print Name)
 Signature
 Linda M. Borschuk
 (Type or Print Name)
 Signature
 3301
 3317 Whitesworth Road 666-3091
 Address
 Phoenix, Maryland 21131
 City State Zipcode

Agency for Petitioner:
 Robert A. Hoffman
 (Type or Print Name)
 Signature
 Venable, Baetjer & Howard, LLP
 210 Allegheny Avenue 494-6200
 Address
 Towson, Maryland 21204
 City State Zipcode

ESTIMATED LENGTH OF HEARING: OFFICE USE ONLY
 (Indicate length of hearing in minutes)
 All following dates: (Indicate date for hearing) Best Time Available
 ALL OTHER: _____
 REVIEWED BY: C.A.H. DATE: 21 Sept 95

Zoning Description For #3301 Whitesworth Road.

Beginning at a point on the north side of Whitesworth Road which is 50' wide at the distance of 646.64' west of the centerline of the nearest improved intersecting street, Jarrettsville Pike, which is 70' wide. Being Lot #1, in the subdivision of FOUR FOUNDS SOUTH, as recorded in Baltimore County Plat Book 56, Folio 121 containing 5.651 Acres. Also known as #3301 Whitesworth Road and located in the 10TH Election District, 3RD Councilmanic District.

Shelley
 SHELLEY
 Zoning Commissioner

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 108 Date of Posting: 10/14/95

Posted for: Special Hearing

Petitioner: Richard D. Borschuk

Location of property: 3301 Whitworth Rd., Nk

Location of Signs: Posting on sign on property being zoned

Remarks:

Posted by: [Signature] Date of return: 10/24/95

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/13, 1995

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/12, 1995.

THE JEFFERSONIAN,
A. Henriksen
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 on Wednesday, November 1, 1995 at 11:00 a.m. in the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204. Case: 96-130-SPH (Item 129) 3301 Whitworth Road, 646.64' N of c/1 Jarrettsville Pike, 10th Election District - 3rd Councilmanic Legal Owner: Richard D. Borschuk and Linda Borschuk. Hearing: Wednesday, November 1, 1995 at 11:00 a.m. in the Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204. Special hearing to approve a pool house as an accessory building and to approve the modification of the site plan and relief granted in Case No. 94-216-AA for the construction of a carport. LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County. NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391. 1995 Oct 12.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 26, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 129
Case No.: 96-130-SPH
Petitioner: R. D. Borschuk, et ux

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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:

- Posting fees will be accessed and paid to this office at the time of filing.
- 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.: 129 Petitioner: Borschuk, Richard + Linda

Location: 3301 Whitworth Rd., Phoenix Md 21131

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod

ADDRESS: Venable, Baetjer + Howard LLP
210 Allegheny Avenue, Towson Md 21204

PHONE NUMBER: 410-494-6201

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: October 10, 1995

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item No. 129

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: Jeffrey W. Long

Division Chief: Caryl Kern

PK/JL

Sincerely,
W. Carl Richards, Jr.
Zoning Supervisor

ITEM129/PZONE/ZAC1

TO: FUTURE PUBLISHING COMPANY
October 12, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara Ormrod
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204
494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-130-SPH (Item 129)
3301 Whitworth Road
N/S Whitworth Road, 646.64' N of c/1 Jarrettsville Pike
10th Election District - 3rd Councilmanic
Legal Owner: Richard D. Borschuk and Linda Borschuk

Special hearing to approve a pool house as an accessory building and to approve the modification of the site plan and relief granted in Case No. 94-216-AA for the construction of a carport.

HEARING: WEDNESDAY, NOVEMBER 1, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: Oct. 20, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for October 23, 1995
Items 129, 148, 150 and 151

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 11, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-130-SPH (Item 129)
3301 Whitworth Road
N/S Whitworth Road, 646.64' N of c/1 Jarrettsville Pike
10th Election District - 3rd Councilmanic
Legal Owner: Richard D. Borschuk and Linda Borschuk

Special hearing to approve a pool house as an accessory building and to approve the modification of the site plan and relief granted in Case No. 94-216-AA for the construction of a carport.

HEARING: WEDNESDAY, NOVEMBER 1, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Richard and Linda Borschuk
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

10-16-95

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

RE: Baltimore County
Item No. 129 REV 10/16/95

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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

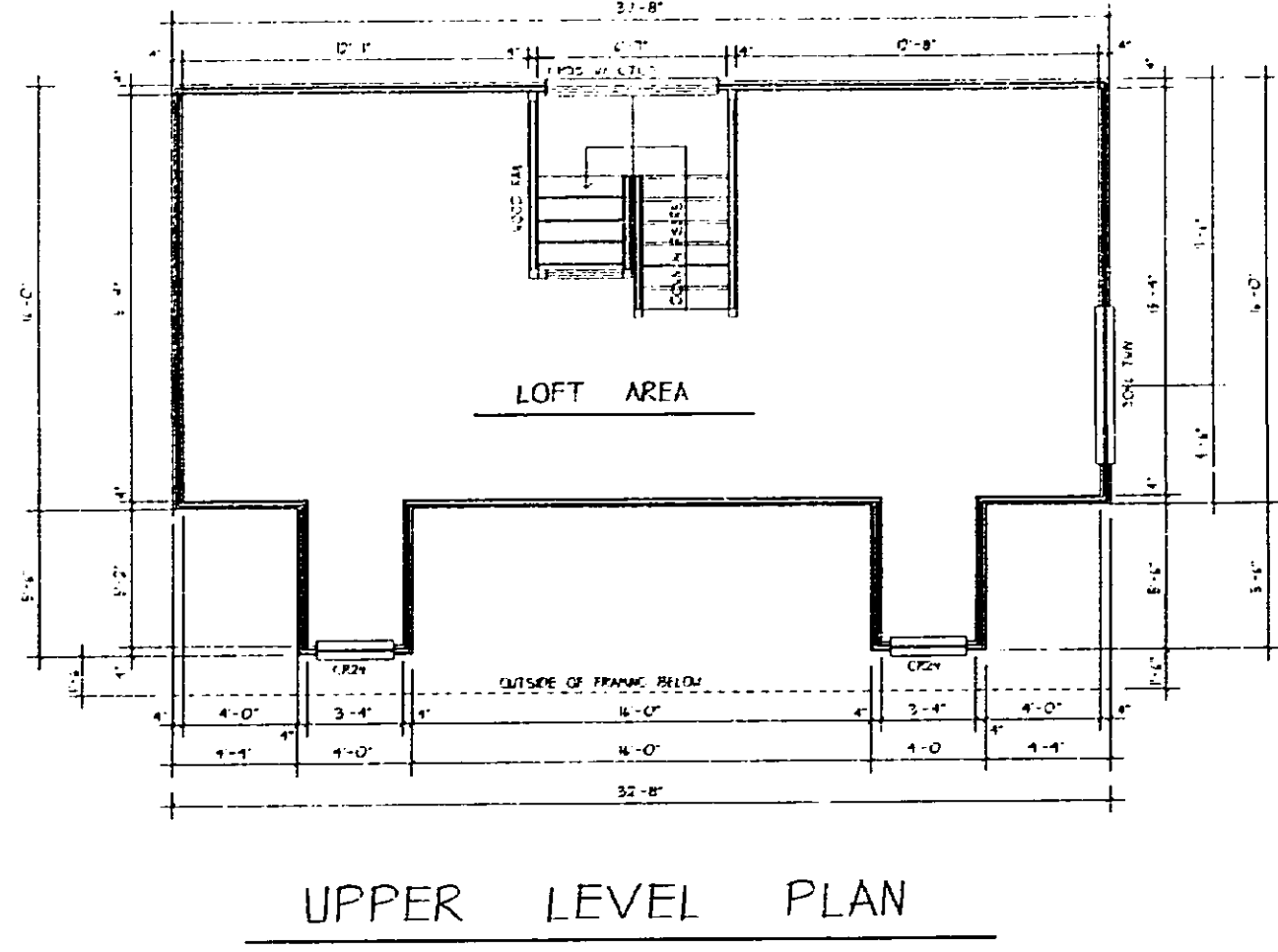
Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

96-130-SPHA



UPPER LEVEL PLAN

RE: PETITION FOR SPECIAL HEARING
3301 Whitworth Road, N/S Whitworth Rd,
545.64' W of c/l Jarrettsville Pike
10th Election District, 3rd Councilmanic
Richard and Linda Borschuk
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-130-SPH

ENTRY OF APPEARANCE

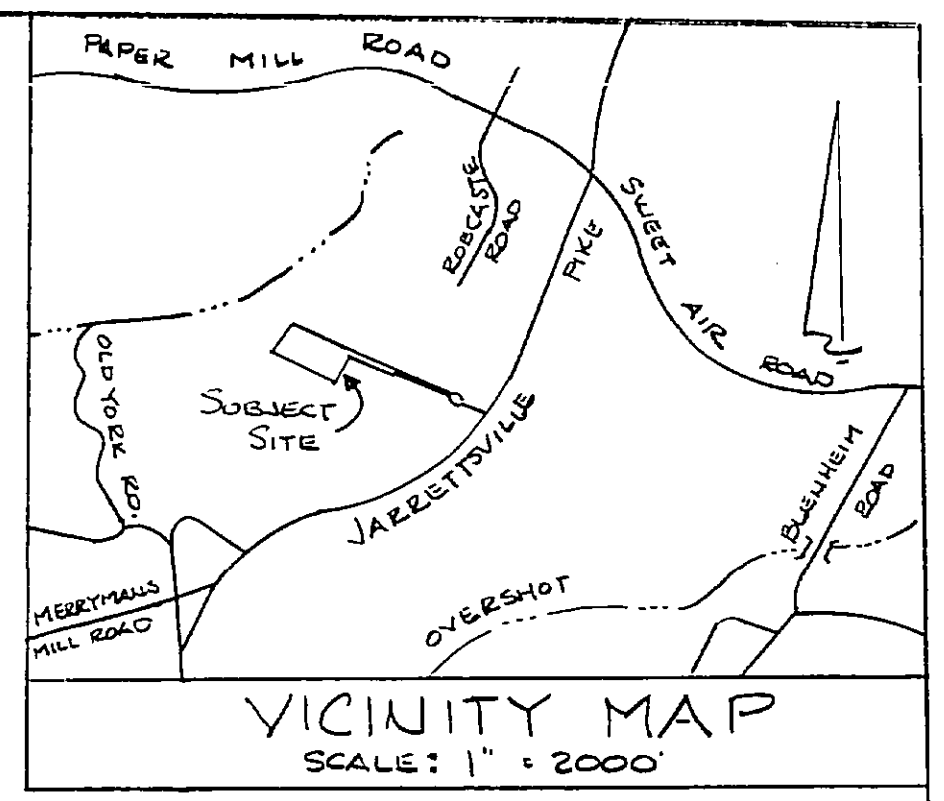
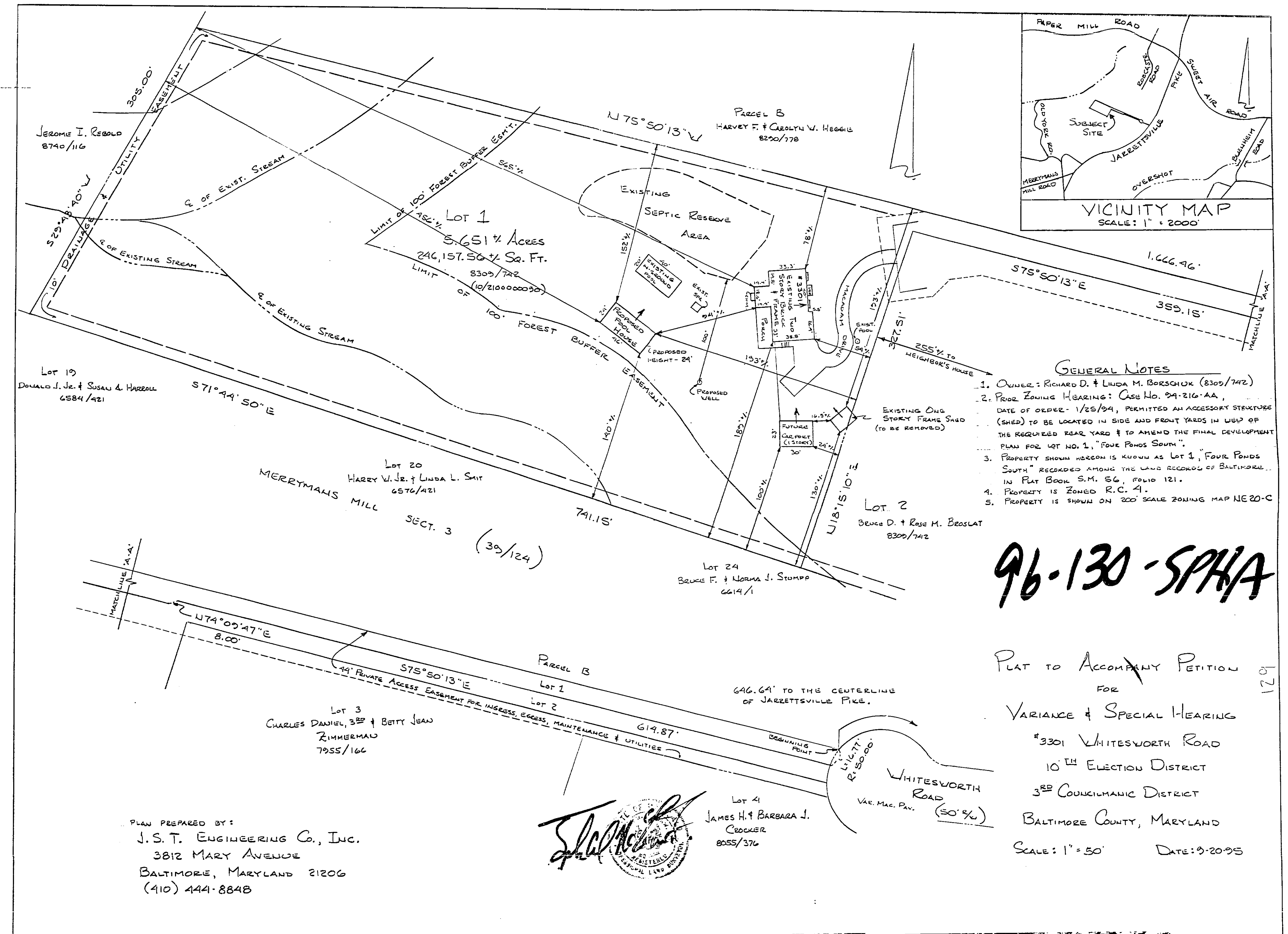
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer & Hoffman, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



- GENERAL NOTES
- 1. OWNER: RICHARD D. & LINDA M. BORSCHUK (8300/742)
 - 2. PREVIOUS ZONING HEARING: CASE NO. 94-216-AA, DATE OF ORDER: 1/25/94, PERMITTED AN ACCESSORY STRUCTURE (SHED) TO BE LOCATED IN SIDE AND FRONT YARDS IN LUMP OF THE REQUIRED REAR YARD & TO AMEND THE FINAL DEVELOPMENT PLAN FOR LOT NO. 1, "FOUR PONDS SOUTH".
 - 3. PROPERTY SHOWN HEREON IS KNOWN AS LOT 1, "FOUR PONDS SOUTH" RECORDED AMONG THE LAND RECORDS OF BALTIMORE IN PLAT BOOK S.M. 56, FOLIO 121.
 - 4. PROPERTY IS ZONED R.C. 4.
 - 5. PROPERTY IS SHOWN ON 200' SCALE ZONING MAP NE20-C

96-130-SPHA

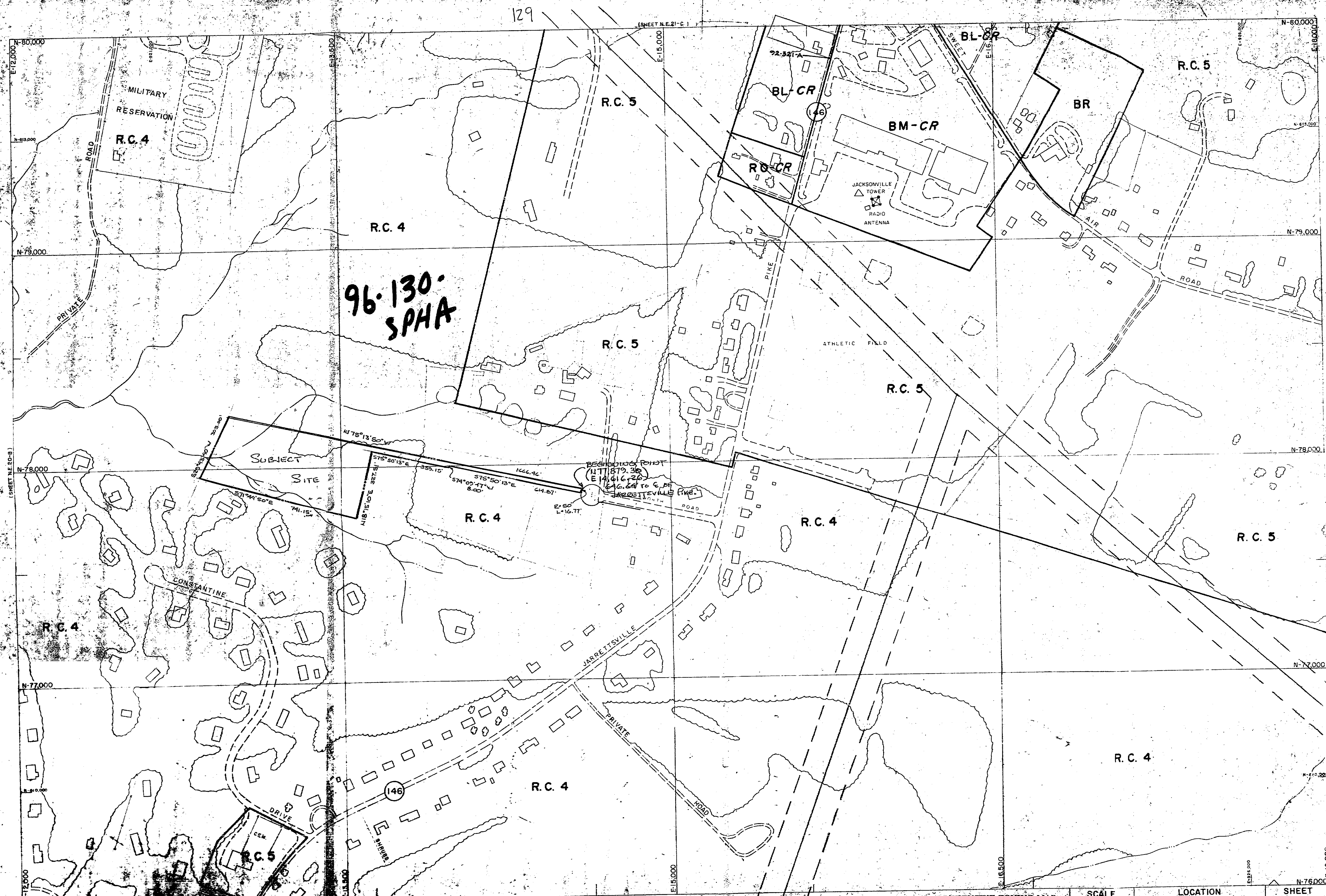
PLAT TO ACCOMPANY PETITION FOR VARIANCE & SPECIAL HEARING
#3301 WHITWORTH ROAD
10TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' DATE: 9-20-95

PLAN PREPARED BY:
J.S.T. ENGINEERING CO., INC.
3812 MARY AVENUE
BALTIMORE, MARYLAND 21206
(410) 444-8848



PLEASE PRINT CLEARLY

NAME	ADDRESS
Rob Hoffman	210 Allegheny Ave 21204
Randy Shelley	2601 Cotten Pl. Millers Md 21007
Caroline del Negro	3300 Whitworth Rd Rt 2
Rick Borschuk	3317 Whitworth Rd 21131
Victoria Kayler	3320 Whitworth Rd Rt 21131



96.130
SPHA

129

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE 1" = 200'	LOCATION SOUTH OF JACKSONVILLE	SHEET N.E. 20-C
DATE OF PHOTOGRAPHY JANUARY 1986		

U-NW U-NE
SE-SW SE-NE

THIS MAP HAS BEEN
TOPOGRAPHICALLY
BY SURVEYING

AND BEARS
CERTAIN METRIC METHODS
1987