

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
SE/S Joicy Court, 165' S of the * ZONING COMMISSIONER
c/1 Windsor Boulevard * OF BALTIMORE COUNTY
(7 Joicy Court) * Case No. 98-40-A
2nd Election District *
2nd Councilmanic District *
Rosa D. Koonce *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Rosa D. Koonce. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool with attached deck) to be located in the side yard in lieu of the required rear yard. The subject property is located in the vicinity of Windsor Boulevard in the Milford area and is more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date 9/3/99
By [Signature]

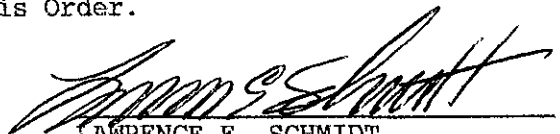
Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of September, 1997 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool with attached deck) 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:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to the Zoning Plans Advisory Committee comments submitted by Robert W. Bowling, Chief, Development Plans Review Division of the Department of Permits and Development Management (DPDM), dated August 14, 1997 (copy attached hereto), no permanent structure (either the deck or the swimming pool) can be constructed within any drainage or utility easement, or within 10 feet of any property line.
- 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.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/3/97
34

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 14, 1997
Item No. 040

Date: August 14, 1997

~~TO: ROBERT W. BOWLING~~

The Development Plans Review Division has reviewed the subject zoning item. An existing 10-foot drainage and utility easement, located on this lot, runs the entire length of the rear property line. An existing 8-inch sanitary sewer is within the easement along the north and southeast property lines.

Baltimore County policy prohibits the construction of a permanent structure within a recorded utility easement.

RWB:HJO:jrb

cc: File

ZONE818.040

ORDER RECEIVED FOR FILING
Date 9/3/97
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

September 3, 1997

Ms. Rosa D. Koonce
7 Joicy Court
Baltimore, Maryland 21207

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/S Joicy Court, 165' S of the c/l Windsor Boulevard
(7 Joicy Court)
2nd Election District - 2nd Councilmanic District
Rosa D. Koonce - Petitioner
Case No. 98-40-A

Dear Ms. Koonce:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

✓
File



FL 6/27 9:00 Rm 111



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7 Joice Ct.

which is presently zoned DR 5.5

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 *To allow an accessory*

structure to be located in the side 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)

See Reverse
See Reverse

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)

Rosa D. Koonce
(Type or Print Name)

Signature

Rosa D. Koonce
Signature

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner

7 Joice Ct. (410) 298-0265
Address Phone No

(Type or Print Name)

Baltimore, Md. 21207
City State Zipcode

Signature

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: _____ DATE: _____



Printed with Soybean Ink
on Recycled Paper

ITEM #: 46

ESTIMATED POSTING DATE

ORDER RECEIVED FOR FILING

Date 6/27/07

By [Signature]

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 7 Jolly Ct.
address
Baltimore, Md. 21207
City State 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)

My property is located on a lot with the yard to the side of the house instead of the back. There isn't enough room to build the patio deck and underground pool in the back yard. Therefore, to get the entire use of my land I need to use the side yard. Also if I have a pool I need to place a fence atleast 4ft. high.

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.

Rosa D. Koonce
(signature)
Rosa D. Koonce
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of June, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROSA D. KOONCE

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(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.

6/5/97
date

Charles A. Levette
NOTARY PUBLIC

My Commission Expires: 5/01

C. Levette - Notary Certification Stamp
City/County of Baltimore
State of Maryland
Sworn To and Subscribed Before Me
This 5th Day of June, 1997
Witness my hand and Official Seal
Charles A. Levette, Notary Public

ORDER RECEIVED FOR FILING
Date 6/3/97
By [Signature]

Zoning Description

Zoning Description for 7 Joice Ct.

Beginning at the point on the southeast side of Joice Ct which is 50 feet wide at the distance of 165' south of the centerline of the nearest improved intersecting street Windsor Blvd. which is 70 feet wide.

Being Lot #4, Block -, Section # in the subdivision of Windsor Mill Manor as recorded in Baltimore County Plat Book #62, Folio #45, containing 8934 square feet. Also known as 7 Joice Ct. and located in the 2nd Election District, 2nd Councilmanic District.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

042701

DATE

1 Aug 97

ACCOUNT

R-001-6150

40

AMOUNT

\$

50.00

RECEIVED
FROM:

Koonce

FOR:

Admin Var

7 Joice Ct

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS

ACTUAL

TIME

8/01/1997

8/01/1997

10:27:56

REG

W505

CASHIER BTRY DAT DRAWER

MISCELLANEOUS CASH RECEIPT

Receipt #

019478

OFFN

CR NO. **042701**

50.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 98-40-A

Petitioner/Developer:
(Rosa Koonce)

Date of Hearing/Closing:
(August 25, 1997)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention: Ms. Gwendolyn Stephens

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 _____**

7 Jolcy Court Baltimore, Maryland 21207 _____

**The sign(s) were posted on _____ August 10, 1997 _____
(Month, Day, Year)**

Sincerely,

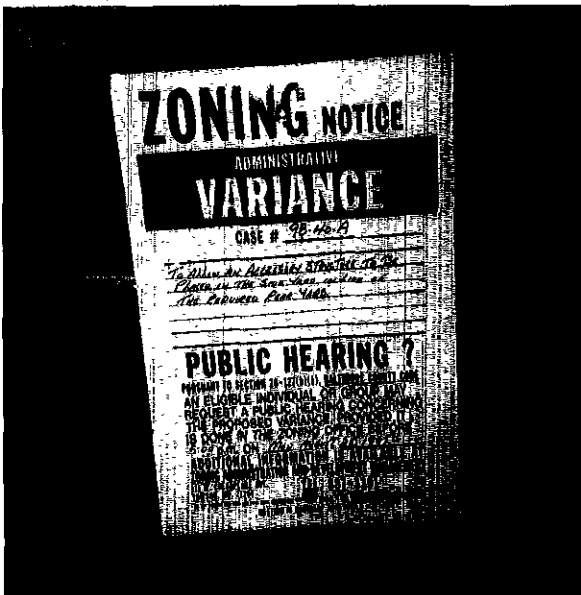

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)



98-40-A



Baltimore County
Department of Permits and
Development Management

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

August 15, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-40-A
7 Joicy Court
SE/S Joicy Court, 165' S Windsor Boulevard
2nd Election District - 2nd Councilmanic
Legal Owner(s): Rosa D. Koonce
Post by Date: 08/10/97
Closing Date: 08/25/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She 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 (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, 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, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Rosa D. Koonce





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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 40

Petitioner: Rosa D. Koonce

Location: 7 Jincy Ct.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Rosa D. Koonce

ADDRESS: 7 Jincy Ct.
Baltimore, Md. 21207

PHONE NUMBER: (410) 298-0265

AJ:ggs

(Revised 09/24/96)

40



Baltimore County
Department of Permits and
Development Management

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

August 25, 1997

Ms. Rosa D. Koonce
7 Joicy Court
Baltimore, MD 21207

RE: Item No.: 40
Case No.: 98-40-A
Petitioner: Rosa Koonce

Dear Ms. Koonce:

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 August 1, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



INTEROFFICE CORRESPONDENCE

Date: August 14, 1997

RECEIVED ROBERT W BOWLING

ZONE818.040



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 8-8-97
Item No. 040 CAM

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 8/13/97

FROM: R. Bruce Seeley *BS/JP*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 11, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

34
35
38
39
40
41

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: August 12, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

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

Item Nos. 20, 22, 26, 27, 28, 29, 33, 38, 39, 40 and 41

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL



Baltimore County
Fire Department

9

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

DATE: 10-01-96

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MOBILE 2102-1105

PL: Property Owners: SEE BELOW

Location: DISTRIBUTION MEETING OF August 11, 1997

Item No.: SEE BELOW

Zoning Agenda:

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments shown 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 NUMBER(S):

005, 007, 008, 009, 040, and 041

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS 1102F

cc: File



RE: PETITION FOR ADMINISTRATIVE VARIANCE *	BEFORE THE
7 Joicy Court, SE/S Joicy Court,	
165' S Windsor Boulevard *	ZONING COMMISSIONER
2nd Election District, 2nd Councilmanic *	OF BALTIMORE COUNTY
Rosa D. Koonce *	
Petitioner *	CASE NO. 98-40-A

* * * * *

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 28th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Rosa D. Koonce, 7 Joicy Court, Baltimore, MD 21207, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7 Joicy Ct

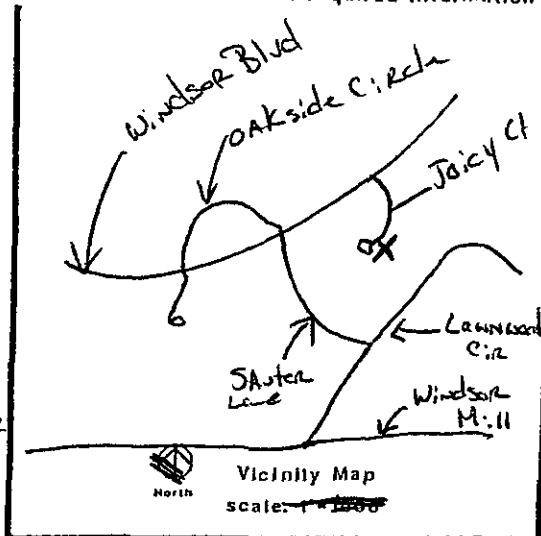
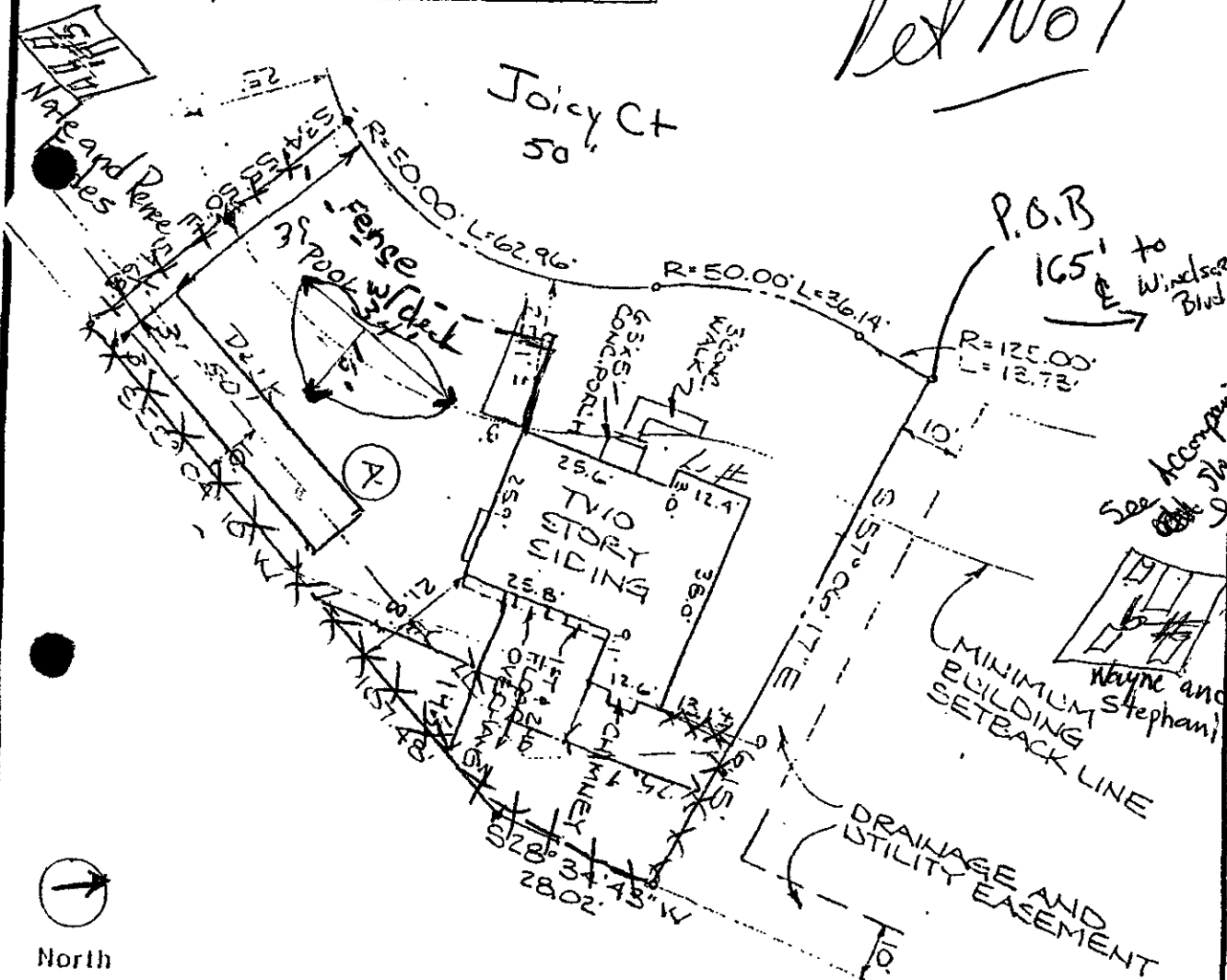
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Windsor Hills Manor

plat book # 62, folio # 45, lot # 4, section #

OWNER: Rosa Koonce

Ref No 1



LOCATION INFORMATION

Election District: 2

Councilmanic District: 2

1"=200' scale map #:

Zoning: DR5.5

Lot size: .2 8934
acres square feet

SEWER: ☒ public ☐ private
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

None Known

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

40



North

date: _____
prepared by: _____

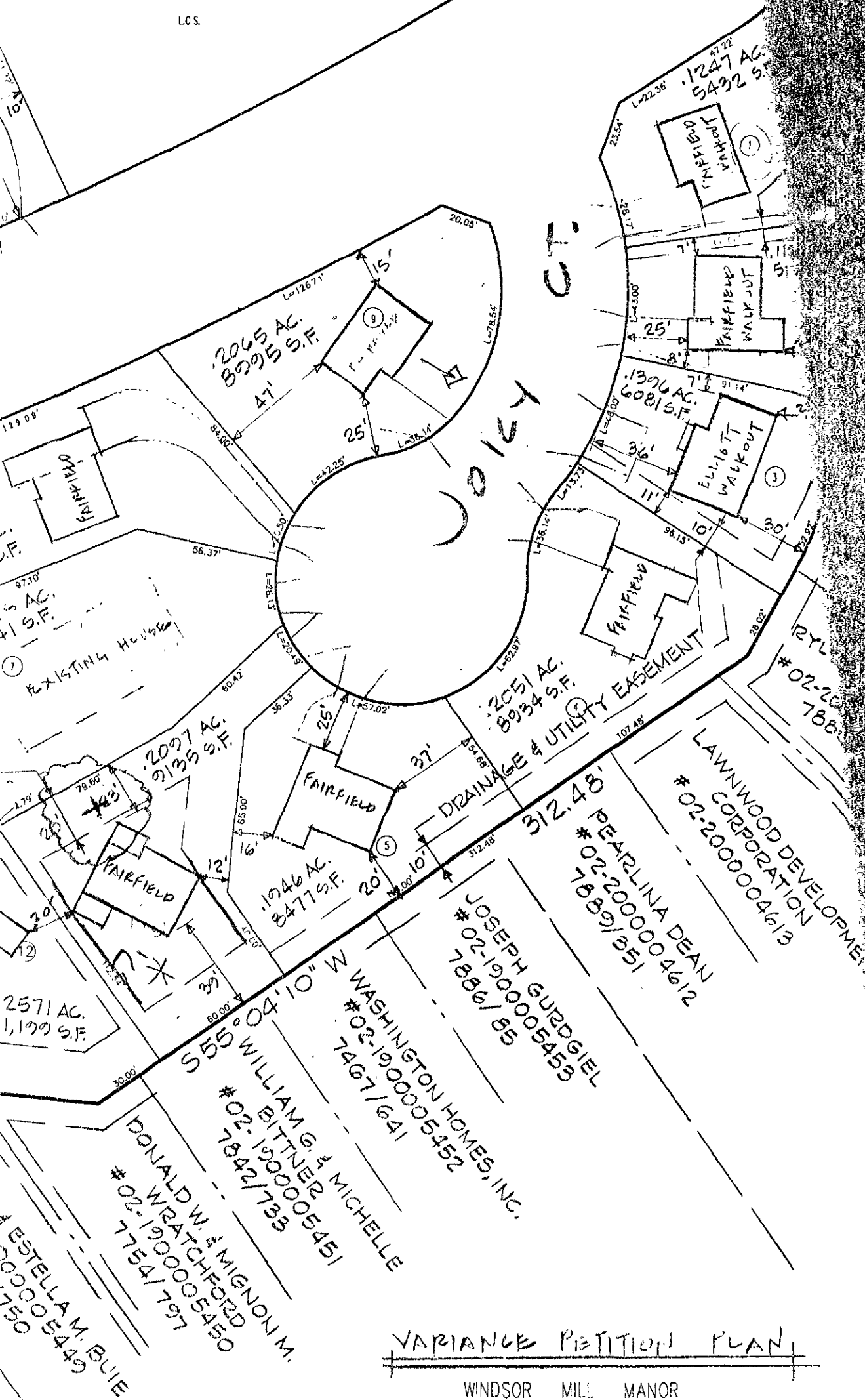
Scale of Drawing: 1"= 30

Not Flood Plc.

E & UTILITY EASEMENT

53.99'

L.O.S.

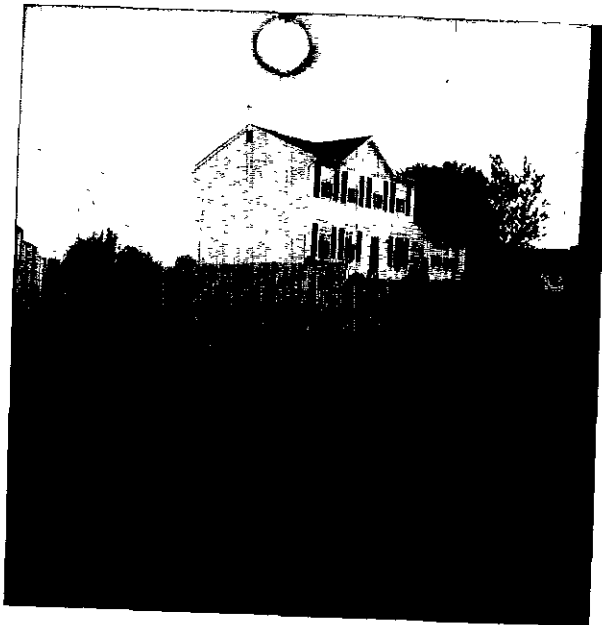


VARIANCE PETITION PLAN

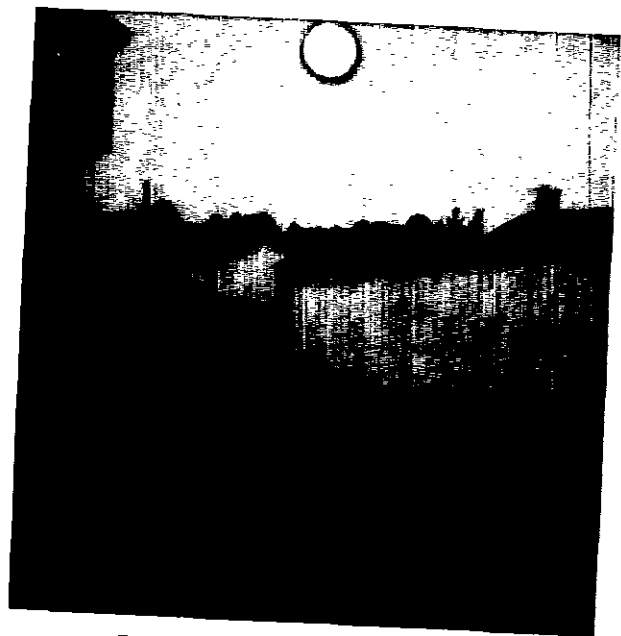
WINDSOR MILL MANOR

5-24-14 1" = 50'

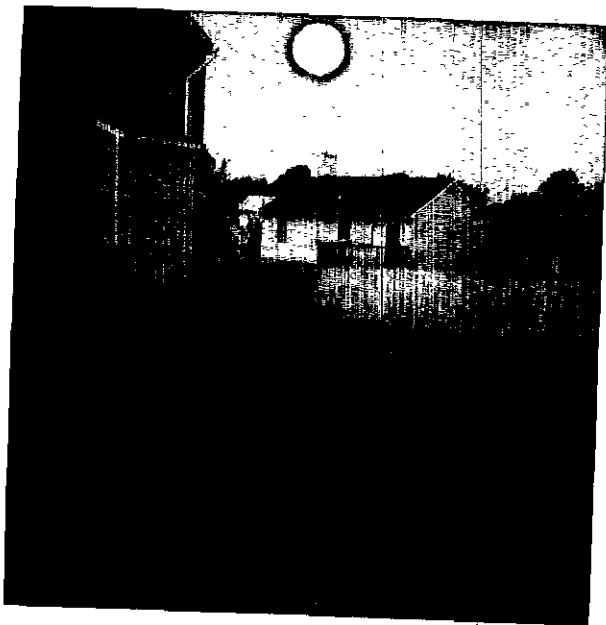
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98-40-A



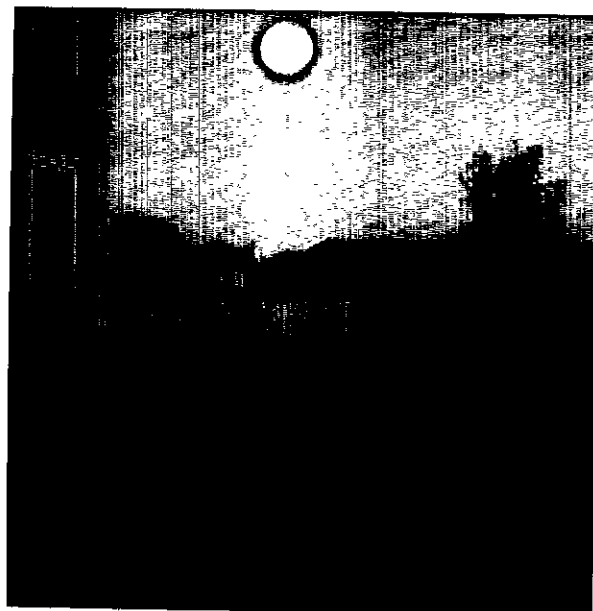
98-40-A



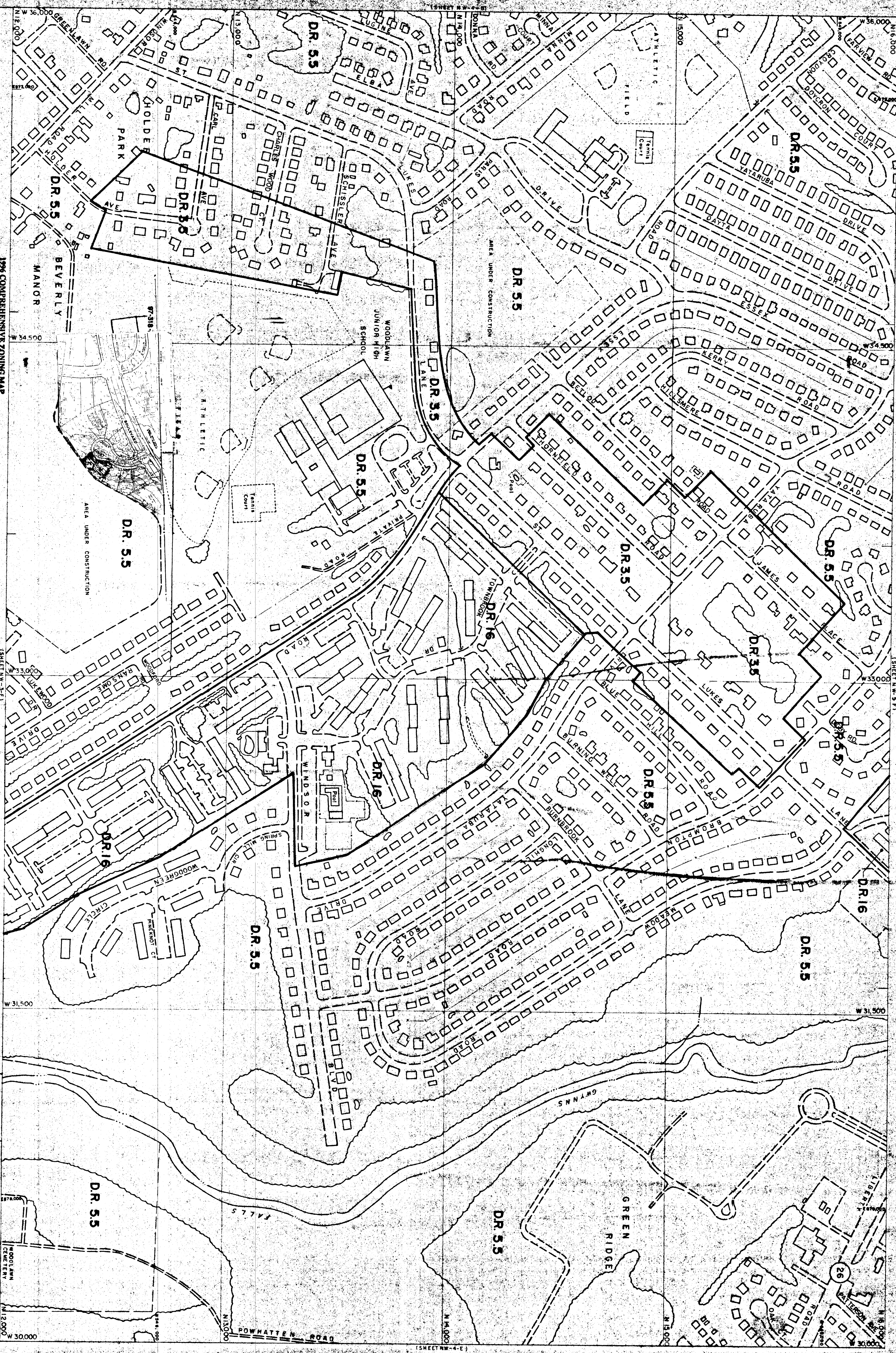
98-40-A



98-40-A



98-40-A



THIS MAP HAS BEEN REVIEWED IN SELECTED AREAS
 TOPOGRAPHY COMPILED BY AERIAL PHOTOGRAPHIC METHODS
 BY RICHARD HORN, INC. BALTIMORE, MD 21210

1996 COMPREHENSIVE ZONING MAP
 ADOPTED BY
 THE BALTIMORE COUNTY COUNCIL
 OCTOBER 5, 1995
 BILL NO. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kim Kanawley
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	MILFORD AREA	N.W. 4-F
DATE OF PHOTOGRAPHY JANUARY 1986		



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

40
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MILFORD AREA	N.W. 4-F
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED