FOR FILING ORDER RECEIVED

PETITION FOR ADMIN. VARIANCE IN RE:

E/S Sandhill Road, 185' S of the

c/l of Honey Locust Court

(213 Sandhill Road) 15th Election District

5th Councilmanic District

Petitioners

James R. Whitehead, et ux

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-49-A

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 owners of the subject property, James R. and Cynthia A. Whitehead. The Petitioners seek relief from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sec. 1B02.C.2.a.4 Old RTA) to permit a front yard setback of 4'6" in lieu of the minimum required 25' for a proposed addition, and to permit an existing accessory structure (swimming pool) located in the side yard (pursuant to the relief granted in prior Case No. 92-18-A) to be relocated 4' to the southeast of its present location. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked 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

ORDER RECTIVED/FOR FILING Date.

LES:bjs

facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

- 2-



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

September 4, 1997

Mr. & Mrs. James R. Whitehead 213 Sandhill Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE

E/S Sandhill Road, 185' S of the c/l of Honey Locust Court

(213 Sandhill Road)

15th Election District - 5th Councilmanic District

James R. Whitehead, et ux - Petitioners

Case No. 98-49-A

Dear Mr. & Mrs. Whitehead:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

File

NOER RECEIVED FOR FILING The Control of the Control

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 213 Sandhill Road, Baltimore, MD 21221

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) 1B02.3.B (1B02C.2.a.4 old RTA)

To allow a front yard setback of 4'6" for a proposed addition in lieu of the min. req'd. 25 ft. and to allow accessory structure (pool) in the side yard (previously approved in prior zon. hear. #92-18-A) to be relocated 4 ft. to the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Back

circulation, throughout Baltimore County, and that the property be reposted

REVIEWED BY: ____ DATE:

ESTIMATED POSTING DATE:

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

Contract Purchaser/Lessee:		Legal Owner(s).	
N/A		James Ru	Shitehead
Type of Pryft Name)		(Type or Print Name) James RW	Duberd
Signature		Significa YNTHIA F	7. WHITEHEAD
Address	114	(Type or Print Name)	2. Whitehood
City State	Zipcode	Signature	
Attorney for Petitioner). Whitehead 11L Ro. 410-57
(Type or Ffirst Name)		Address BALT. City	Phone No 10 2/22/ State
Signature		Name, Address and phone number of re	epresentative to be contacted
Address Pi	hone No	Name	
City State	Zipcode	Address	Phone Na
			a County May at 10

Zoning Commissioner of Battimore County

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

Printed with on Recy.

Printed with Soybean Inkon Recycled Paper ITEM #: _____

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 re	side at 213 Sandhil	ll Road	
	address Baltimore	MD	21221
	City	State	Zip Code
That based upon personal knowledge, ti Variance at the above address: (indicate ha	he following are the facts upon wordship or practical difficulty)	hich I/we base the request f	or an Administrative
1. Placement of Dwelli	ng - Builder angled	house on lot m	aking what would
normally be our rea	r yard, actually si	ide yard.	
2. We are seeking Vari The addition is to Practical difficult not granted due to	provide a Family Ro y / unreasonable ha	oom, Master Bath ardship would re	and Master Bedroo sult if Variance i
3. Also, we are reques allowing for access to be modified to a	ory structure (Poo	l and Deck) loca	ted in side yard
That Affiant(s) acknowledge(s) that if may be required to provide additional in the support of t	F BALTIMORE, to wit:	<i>O</i> 1	. Whitehead
of Maryland, in and for the County afore	esaid, personally appeared		
JAMES R. WHITE,	KEAD E CYNTHIA	9 A. WHITEH	EAD
the Affiants(s) herein, personally known that the matters and facts hereinabove s	or satisfactorily identified to me et forth are true and correct to th	e as such Affiantt(s), and ma the best of his/her/their know	nde oath in due form of law dedge and belief.
AS WITNESS my hand and Notarral So	eal. Sau NOTARY	lie Michelle	Caperi
	My Commi	ssion Expires: 3/14/	26

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 2/3 SANDHILL ROAD
address
BALTIMORE MD 2/22/
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)
WHAT WOULD NORMALLY BE OUR REAR YARD ACTUALLY SIDE YARD,
WHAT WOULD NORMALLY BE OUR REAR YARD ACTUALLY SIDE YARD,
(2) WE ARE SEEKING VARIANCE TO ALLOW 2-STORY ADDITION IN
FAMILY ROOM, MASTER BATH AND MASTER BEDROOM.
OUR EAST SIDE YARD. THE ADDITION IS TO PROVIDE A FAMILY ROOM, MASTER BATH AND MASTER BEDROOM. PRACTICAL DIFFICULTY JUNEASONABLE HARDSHIP WOULD RESULT IF VARIANCE IS NOT GRANTED DUE TO
AN INABILITY TO MEET STANDARD SET BACK REQUIREMENTS
3) ALSO, WE ARE REQUESTING A REVIEW OF CURRENT
VARIANCE (CASE #92-18A) ALLOWING FOR ACCESSORY STRUCTURE
(POOL & DECK) LOCATED IN SIDE YARD TO BE MODIFIED TO ALLOW SIMILAR SIZE IN-GROUND POOL CONSTRUCTION.
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. ORE Continue O. Luhitehead Cyphin A. Whitehead Cyphin Compiler or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit
1 HEREBY CERTIFY, this 307# day of JULY . 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
JAMES R. WHITEHEAD & CYNTHIA A. WHITEHEAD
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. 7/30/97 Willa Collan
7/30/97 Morela C Colland NOTARY PUBLIC My Commission Expires: 3/1/0/
(ii) Collinson Express.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

213 SANDHILL ROAD BALTIMORE, MD 21221

which is presently zoned

SE

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) 1202.3.9 (17020.2.3.4 013 174)

To allow a front yard setback of 4'6" for a proposed addition in limb of the min. reg'd. 25 ft. and to allow accessory structure (pool) in the side yard (praviously approved in prior con. hear. #92-18-A) to be relocated 4 ft. to the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

see BACK

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, un legal owner(s) of the property which is the	der the penalties of perjury, that I/we are the esubject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)	
(Type of Print Name)			James R White	head
Signature			Signature	Llod
Address			Cynthia A W	hitchead
City	State	Zipcode	Cznthia Q.	Whitehead
Attorney for Pertugger (Type or Print Name)			213 Saudhill	Road 410574502
· · · · · · · · · · · · · · · · · · ·			Baltimore ,	Md ZIZZI
Signature	· · · · · · · · · · · · · · · · · · ·		City Name, Address and phone number of res	-
-				
Address	Phone No		Name	
City	State	Zipcode	Address	Phone No.





Printed with Soybean Ink on Recycled Paper

ITEM #:

Zoning Commissioner of Baltimore County

REVIEWED BY: _____ DATE _____

circulation throughout Baltimore County, and that the property be reposted

3 49

THE DESCRIPTION

Beginning at point on the east side of Sandhill Road which is 60 feet wide at the distance of 185 feet south of the center line of the nearest improved intersecting street Honey Locust Ct. which is 60 feet wide. Being Lot #236, Plat III, Section III, in the subdivision Goldentree as recorded in Baltimore County Plat Book #50, Folio #61, containing 9,910 square feet, .21 acres. Also known as 213 Sandhill Road and located in the #15 Election District, 5th Councilman District.

RECEIVED FROM: MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYLAND ISTRIBUTION
WHITE - CASHIER FFICE OF BUDGET & FINANCE PINK - AGENCY Sandri _ ACCOUNT AMOUNT \$ 50. 66 YELLOW - CUSTOMER R-001-6150 TANGET OF THE PROPERTY OF THE 042756 WOC/1997 8/07/1997 15:55:77

REGULATOR OFFICE OF THE STEEL OF THE STEE FACINGS Palhimare County、Maryland CASHIER'S VALIDATION =

CERTIFICATE OF POSTING

RE: Case # 98-49-A

Petitioner/Developer:
(James Whitehead)

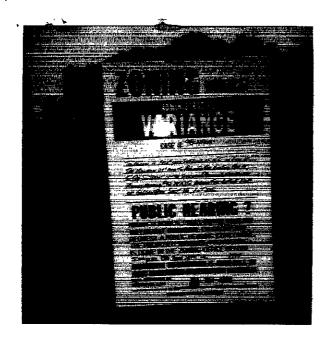
Date of Heating/Closing:
(September 2, 1997)

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

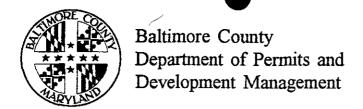
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by la			
were posted conspicuously on the p	property located at		
213 Sandhill Road Baltimore, Mary	land 21221		
The sign(s) were posted on	August 18, 1997 (Month. Day. Year)		



98-49-A



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

August 18, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-49-A
213 Sandhill Road

E/S Sandhill Road, 185' S of c/l Honey Locust Court
15th Election District - 5th Councilmanic

Legal Owner(s): James R. Whitehead and Cynthia A. Whitehead
Post by Date: 08/18/97
Closing Date: 09/02/97

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.

- 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** AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: James R. Whitehead



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than *8-17-9.7

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Item # 49 Case No.: 98 - 49 - A

To allow a front part setback of 4'6" in lieu of
minimum
the need 25 ff. and to reprote the existing pool 4

At to the southeast in the side yand previously granted by
Zoning hearing # 92-18-4, to amend lotest FDP & Golden Top
Sect III Let 236

PUBLIC HEARING?

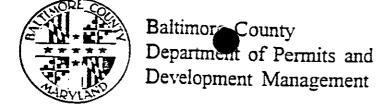
PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

* \$\int -1 7 -9 7\$

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Development Processing County Office Building III West Chesapeake A Towson, Maryland 2123

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.

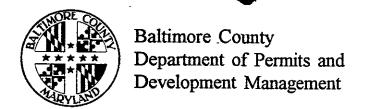
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 49
Petitioner: TAMES R Whitehead
Location: 213 Sand Lill Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: TAMES RWhitehead
ADDRESS: 213 Sandhill Road
Baltimore Md 21221-3283
PHONE NUMBER: 410 574 5025
AJ:ggs

-16-

(Revised 09/24/96)



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

August 27, 1997

Mr. and Mrs. James Whitehead 213 Sandhill Road Baltimore, MD 21221

> RE: Item No.: 49

> > Case No.: 97-49-A

Petitioner: James Whitehead, et ux

Dear Mr. and Mrs. Whitehead:

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 7, 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,

l Richard y W. Carl Richards, Jr. Zoning Supervisor

WCR/re Attachment(s)



21 =

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

August 19, 1997

Arnold Jablon, Director Zoning Administration and Devalopment Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Librarian: DISTRIBUTION MEETING OF <u>August 25, 1997</u>

Item No.: Bee Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and reputition where the contract of incontrolated into the final plant for : . 2002er=N.

L Diffire has his counterty at this time Entre Control (NEW Merchan)

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COLORS OF THE WORKS BY SECTIONS FLOWS

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DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

POM

DATE: 8/26/97

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date: Que

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

Item #'s:

42

RBS:sp

BRUCE2/DEPRM/TXTSBP



David L. Winstead Secretary Parker F. Williams Administrator

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

Baltimore County 8.14.97 RE:

Item No. 049

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,

P. J. Gredh Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 15, 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):

Thy W'Long

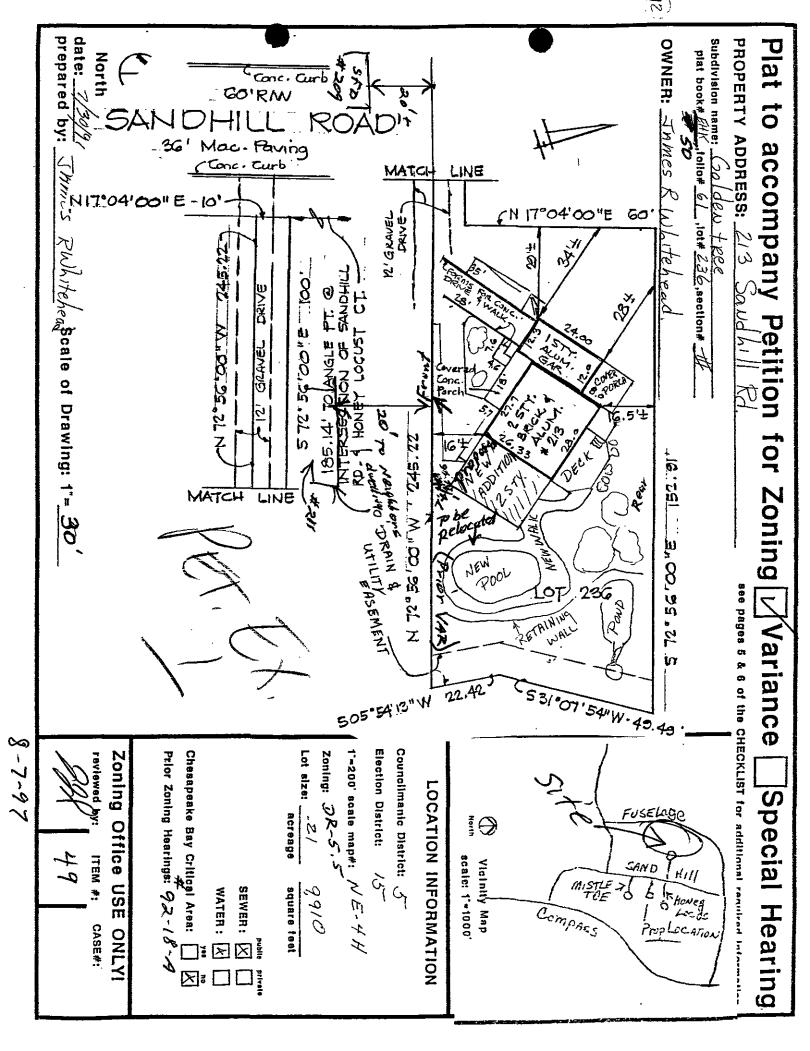
Item Nos. 23, 42, 43, 46, 47, 48, 49, 50, and 51

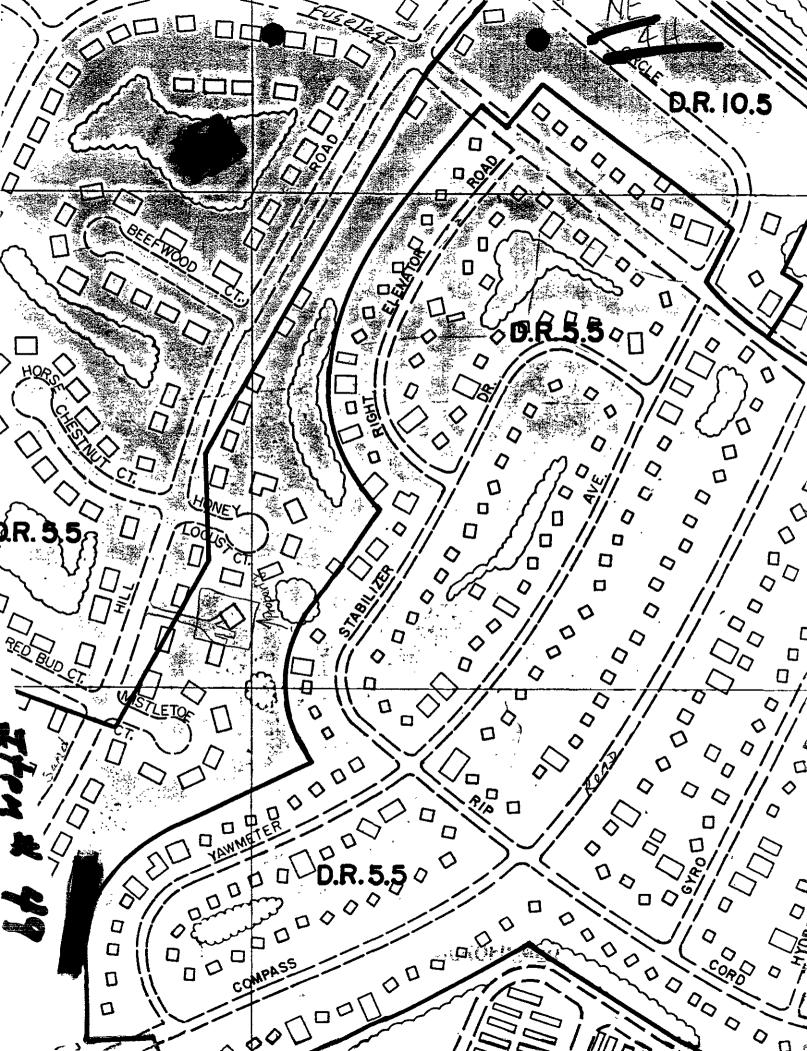
If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

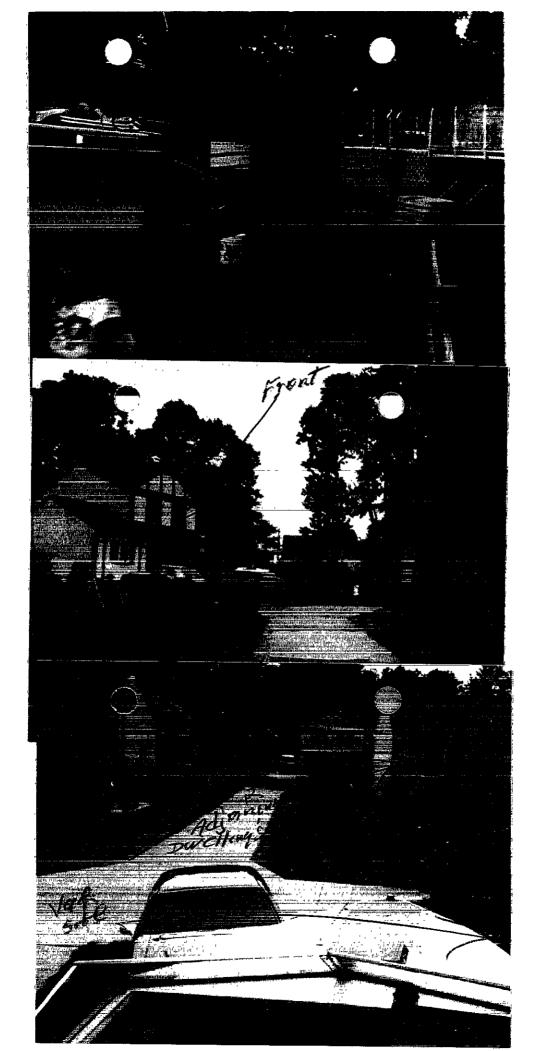
Prepared by:

Division Chief:

AFK/JL







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

RIVER