

IN RE: PETITION FOR VARIANCE
N/S Tufton Avenue, 2,160' E of the c/l
Mantua Mill Road
(2330 Tufton Avenue)
8th Election District
3rd Councilmanic District

Michael Weinman, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-163-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Michael and Laurie Weinman, through their attorney, Benjamin Bronstein, Esquire. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were Michael Weinman, property owner; Carol D. Macht, an Architect engaged by the Petitioners; and, Benjamin Bronstein, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 29.368 acres, more or less, zoned R.C.2. The property is located on the north side of Tufton Avenue in the Greenspring Valley area of Baltimore County and is improved with a two-story structure which is identified on the site plan as a tenant house. This property was the subject of prior proceedings before me in Case No. 99-150-SPHA in which the Petitioners were granted special hearing approval for an existing dwelling and variance relief for a proposed pool house with a height greater than that allowed by the B.C.Z.R. Testimony presented in that case revealed that the Petitioners intend to construct a substantially sized single family dwelling on the property

RECEIVED FOR FILING

Date

By

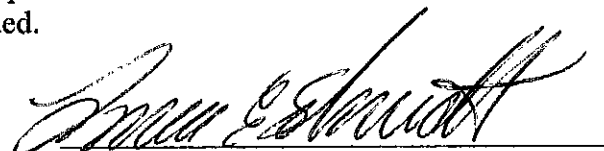
and wished to retain the existing structure as an accessory garage with living quarters for a tenant to oversee the property in their absence. The Petitioners now come before me seeking approval for the proposed swimming pool. As shown on the site plan, the Petitioners propose to construct the swimming pool in the side yard, adjacent to the proposed dwelling. Section 400.1 of the B.C.Z.R. requires that accessory structures be constructed in the rear yard. Due to the location of forest buffer easements to the rear of the property and the location of the proposed dwelling, the Petitioners seek variance relief to permit the swimming pool to be located in the side yard.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. This is a large tract of land, almost 30 acres in area, zoned R.C.2. The swimming pool and proposed dwelling are all located to the interior of the site, a significant distance away from the nearest property line. Clearly, these internal improvements are appropriate and will not cause any impact on surrounding properties. In this case, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. and the case law. Thus, the variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of December, 1999 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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

LES:bjs



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 9, 1999

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S Tufton Avenue, 2,160' E of the c/l of Mantua Mill Road
(2330 Tufton Avenue)
8th Election District – 3rd Councilmanic District
Michael Weinman, et ux - Petitioners
Case No. 00-163-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Michael Weinman
11605 Jennifer Road, Timonium, Md. 21093
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101, Towson, Md. 21204
Ms. Carol D. Macht, Hord Coplan Macht, LLC
111 Market Place, Suite 710, Baltimore, Md. 21202
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2330 Tufton Avenue

which is presently zoned RC2

This Petition shall be filed with the Department of Permits and 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 permit an accessory structure (swimming pool) in the side yard in lieu of 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)

1. the topography of the property
2. the configuration of the property
3. and for such other and further reasons as will be demonstrated at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Benjamin Bronstein

Name - Type or Print

Signature

George & Bronstein, LLP

Company

29 West Susquehanna Avenue, Suite 205

410-296-0200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

Michael Weinman

Name - Type or Print

Signature

Laurie Weinman

Name - Type or Print

Signature

11605 Jennifer Road

410-561-4425

Address

Telephone No.

Timonium

Maryland

21093

City

State

Zip Code

Representative to be Contacted:

M & H Development Engineers, Inc.

Name

200 East Joppa Road, Room 101, Shell Bldg.

410-828-9060

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By Wes

Date 10-20-99

Drop. Off - No Review

ORDER RECEIVED FOR FILING

RE 9/15/98

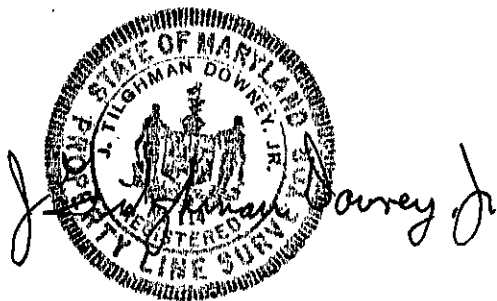
Date

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21286

ZONING DESCRIPTION FOR #2330 TUFTON AVENUE

BEGINNING at a point on the north side of Tufton Avenue at the distance of 2160 feet east of the centerline of Mantua Mill Road. As recorded in deed 11ber 11745, folio 334 and running thence N 11° 40' 30" E, 592.22'; thence N 04° 15' 20" E, 401.66'; thence S 85° 44' 40" E, 1169.51'; thence S 04° 15' 20" W, 1126.78'; thence N 86° 28' 40" W, 44.15'; thence N 84° 57' 40" W, 150.75'; thence N 78° 07' 40" W, 259.74' and thence N 78° 06' W, 800' to the place of beginning. Also known as #2330 Tufton Avenue and located in the 8th. Election District, 3rd. Councilmanic District. Containing 29.368 acres of land, more or less.



J. Tilghman Downey, Jr.

163

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 072291

DATE 10/20/99 ACCOUNT 001-6150

AMOUNT \$ 50.00 (WCR)

RECEIVED FROM: George & Bronstein

FOR: 00-1163 - A

2330 Tufton Ave

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
10/21/1999	10/20/1999	15:16:21
REG MS01	CASHIER JRIC JMR	DRAWER 1
Dept	5	528 ZONING VERIFICATION
Receipt #	122843	OFLM
CR NO.	072291	

Recpt Tot 50.00
50.00 CK 100.00
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 072291

DATE 10/20/99 ACCOUNT 001-6150

AMOUNT \$ 50.00 (WCR)

RECEIVED
by George & Bronstein

FOR: CO-163-A

2330 Tufton Ave

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
10/21/1999 10/20/1999 15:16:21

REG #901 CASHIER JRIC JMR DRAWER

Dept 5 528 ZONING VERIFICATION

Receipt # 122843 (FLW)

CP NO. 072291

Receipt Tot 50.00

50.00 OK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-193-A
2330 Tutton Avenue
N/S Tutton Avenue, 230' E
of Mantua Mill Road
8th Election District
3rd Councilmanic District
Legal Owner(s):
Michael Weinman and
Laurie Weinman

Variance: To permit an accessory structure (swimming pool) in the side yard in lieu of the rear yard.
Hearing: Thursday, December 2, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/668 Nov 9 C352280

TOWSON, MD,

11/12

1999

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 11/9, 1999.

S. Williams
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-163-A
PETITIONER/DEVELOPER
(Michael Weinman)
DATE OF Hearing
(Dec. 2, 1999)

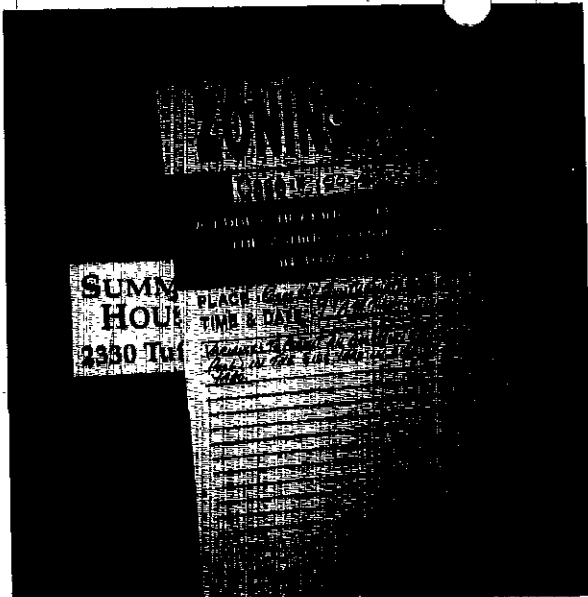
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
2330 Tufton Ave. Baltimore, Maryland 21136__

The sign(s) were posted on__ 11-16-99 __
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)

RE: PETITION FOR VARIANCE
2330 Tufton Avenue, N/S Tufton Ave,
2160' E of Mantua Mill Rd
8th Election District, 3rd Councilmanic

Legal Owner: Michael & Laurie Weinman
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-163-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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 4, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-163-A

2330 Tufton Avenue

N/S Tufton Avenue, 230' E of Mantua Mill Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Michael Weinman and Laurie Weinman

VARIANCE: To permit an accessory structure (swimming pool) in the side yard in lieu of the rear yard.

HEARING: THURSDAY, DECEMBER 2, 1999 at 9:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

Arnold Jablon
Director

cc: Michael and Laurie Weinman
Benjamin Bronstein, Esq.

bcc: M & H

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 17, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
November 9, 1999 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esq.
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204
410-296-0200

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 30, 1999

Benjamin Bronstein, Esq.
George & Bronsein, LLP
29 West Susquehanna Avenue, Ste 205
Towson, MD 21204

Dear Bronstein, Esq.:

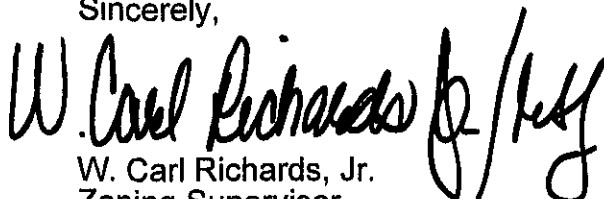
RE: 00-163-A , 2330 Tufton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 10/20/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: M & H Development Engineers, Inc.
Michael & Laurie Weinman



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: November 16, 1999

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 8, 1999
Item Nos. 155, 156, 157, 158, 159,
160, 161, 162, 163, 164, 165, 166,
167, 168, 169 & 170

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

RWB:HJO:cab

cc: File

ZAC11089.NOC

AP 12/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

16

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

Date: November 16, 1999

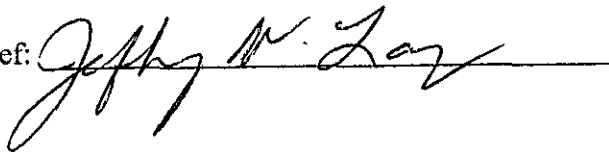
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 147, 159, 162, 163, and 167

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 7, 2000

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 West Susquehanna Avenue
Suite 205
Towson, MD 21204

Dear Mr. Bronstein:

RE: Drop-Off Petition Review, Case Number 00-163-A, 2330 Tufon Avenue

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$50.00 revision fee.

Petition form requires nighttime phone number for contract rep.

Site plan shows a pool house adjacent to proposed pool. The petition request should also include the pool house in the variance request.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Bruno Rudaitis".

Bruno Rudaitis
Planner II
Zoning Review



1/14/00

Called Ben & informed
him that previous case

\$ 99,150 SP/11A did not
request variance for
pool house to be in
the side yard but just
a ht. variance was requested.
Ben to take no further action.


Hord Coplan Macht LLC

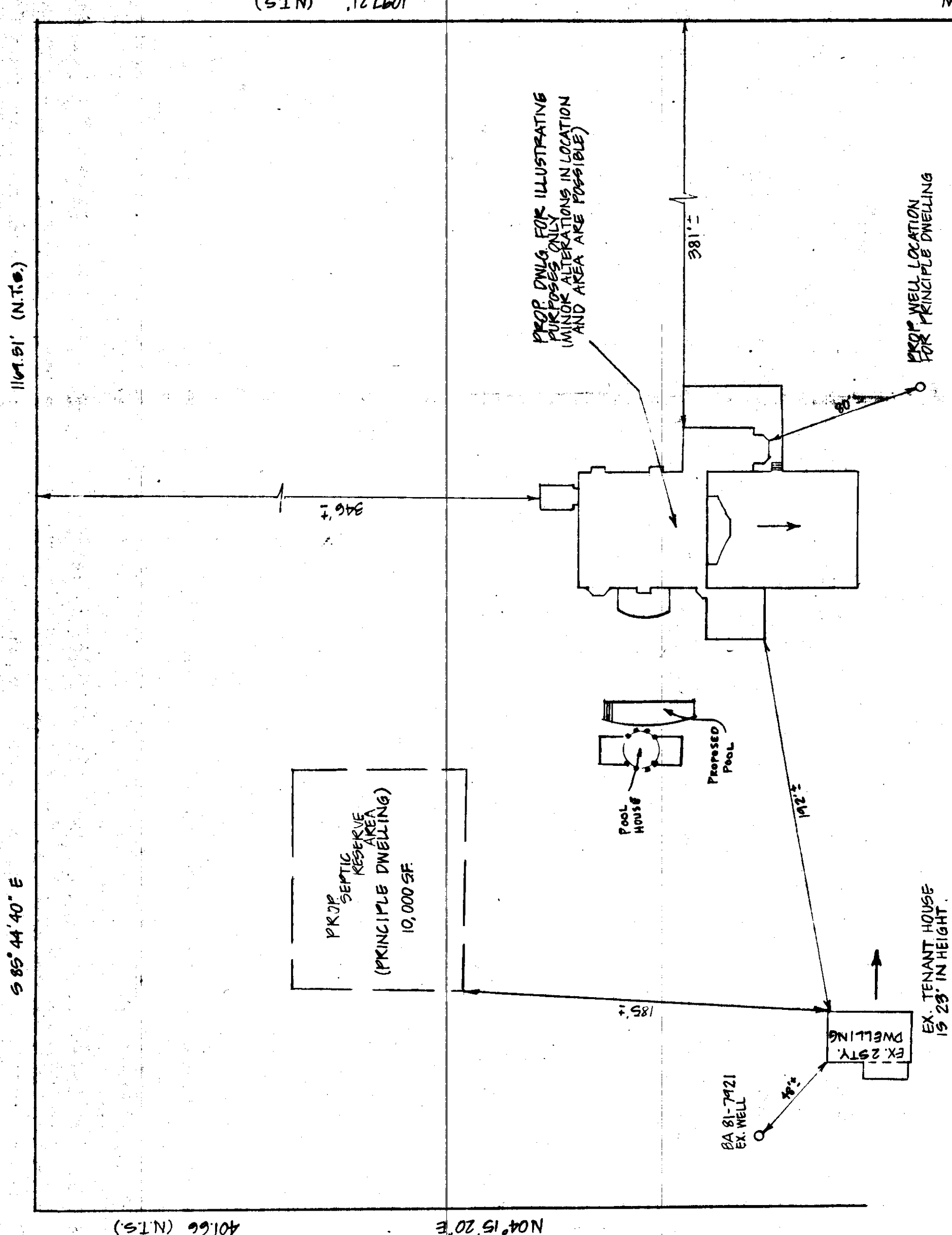
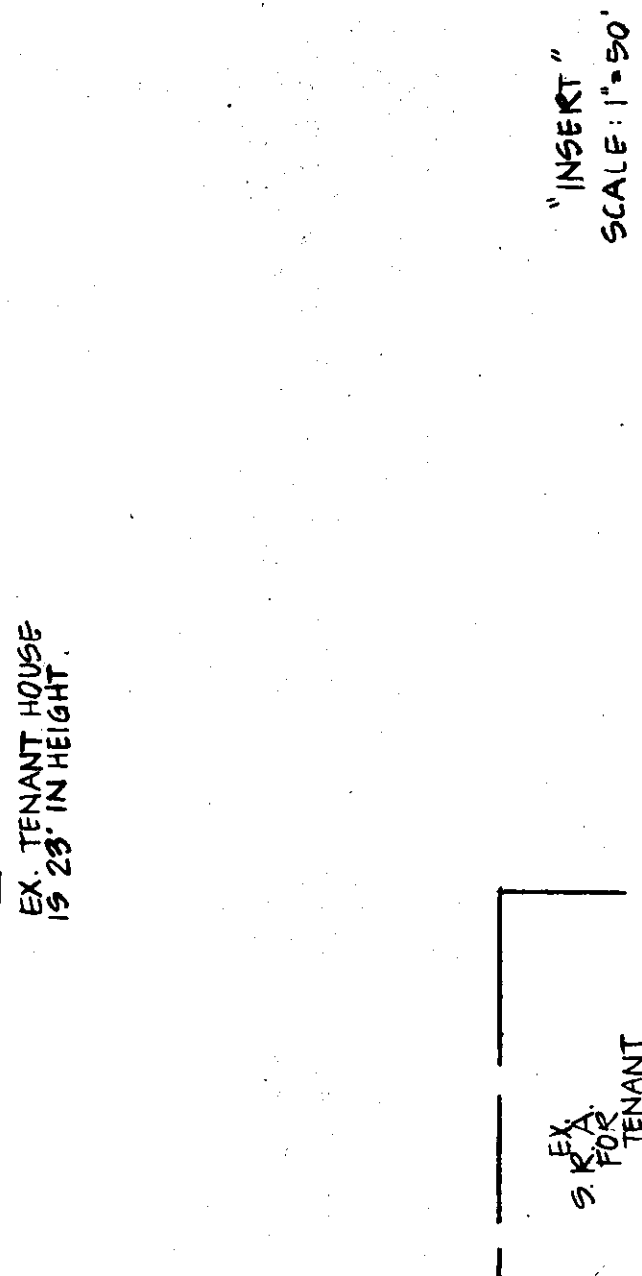
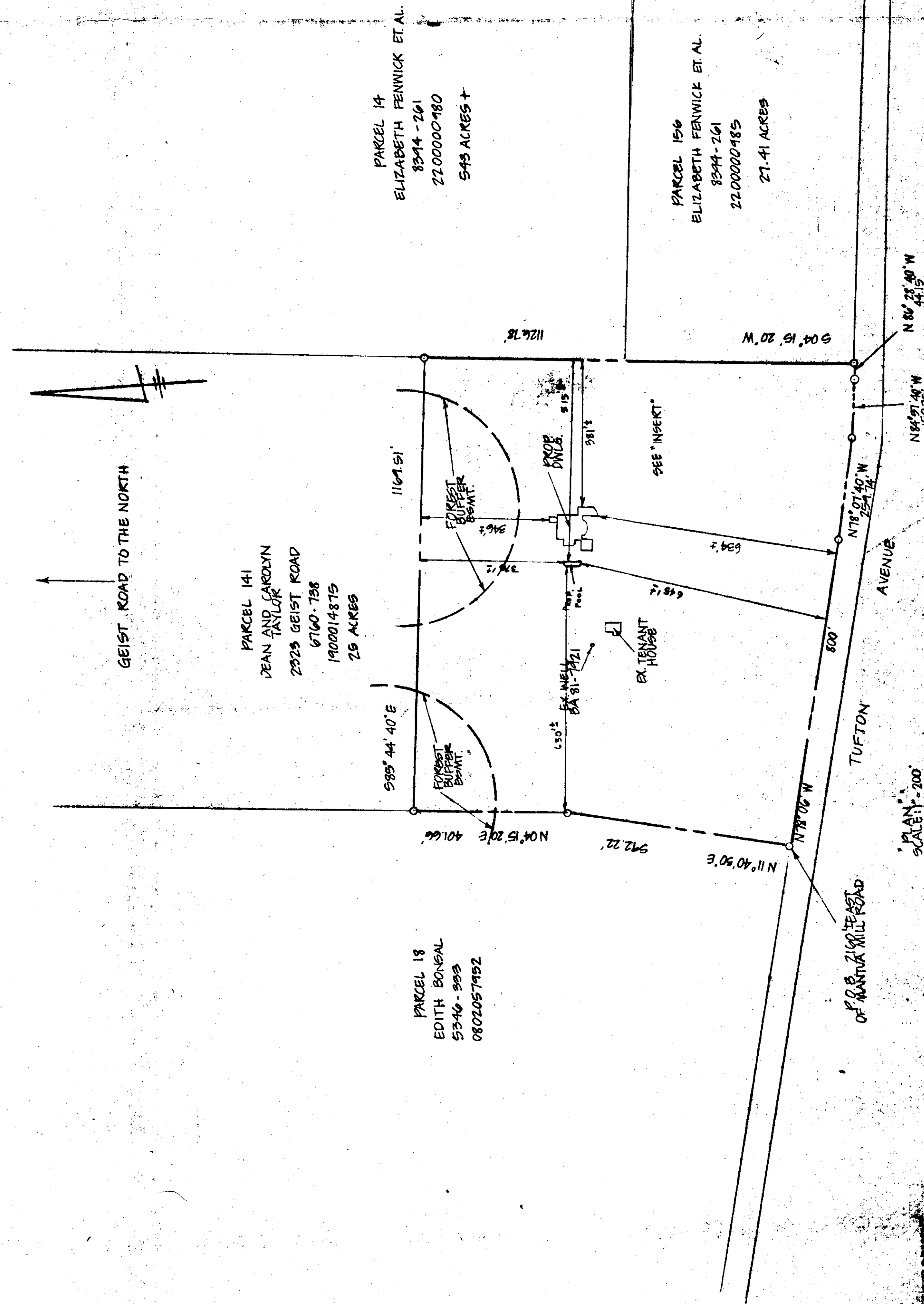
ARCHITECTURE
LANDSCAPE ARCHITECTURE
PLANNING
INTERIOR DESIGN

CAROL D. MACHT ASLA
Principal

111 MARKET PLACE SUITE 710
BALTIMORE MARYLAND 21202
410 837 7311 FAX 410 837 6530

THE PEOPLE OF THE CITY OF BALTIMORE, BY THE ZONING COMMISSIONERS OF BALTIMORE COUNTY, THIS DAY HAVE GRANTED A VARIANCE FROM SECTION 40-3 OF THE BALTIMORE COUNTY ZONING ORDINANCE TO THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS, TO USE THE ACCESSORY BUILDING (GARAGE) WITH A CERTAIN TYPE OF APARTMENT, BE AND IS HEREBY GRANTED AND IS HEREBY REVOKED.

IT IS FURTHER ORDERED THAT A VARIANCE FROM SECTION 40-3 OF THE BALTIMORE COUNTY ZONING ORDINANCE (BEZED) TO PERMIT A MAXIMUM HEIGHT OF 23' IN LIEU OF THE PERMITTED HEIGHT OF 20' BE AND IS HEREBY GRANTED SUBJECT, HOWEVER, TO THE FOLLOWING PRESCRIPTION:



540' 15" 20" W

"INSERT"
SCALE: 1"=50'

PARCEL 14
ELIZABETH FENNICK ET. AL.
8394 - 261
22.00000980
543 ACRES +

PARCEL 156
LIZABETH FENWICK ET. AL.
8394-261
22000000985

OWNERS: MICHAEL AND LAURIE WEINMAN
11608 JENNIFER ROAD
TIMONIUM, MD 21043
(410) 561-4425
DEED REF: 12360-540
TAX ACCT. N°: 0814010780

PLAT TO ACCOMPANY PETITION FOR VARIANCE
FOR PROPOSED POOL

#2330 TUFTON AVENUE
"WEINMAN RESIDENCE"
TAX MAP 41 GRID 14 PARCEL 90
ELECTION DISTRICT NO 8
BALTIMORE CO, MD.
SEPT 22, 1979.

W.P. ENGINEERS, INC.
280 East Apple Road
P.O. Box 104
St. Louis, MO 63103

100 East Apple Road
Room 101, Shes Building
Annapolis, Maryland 21403

ZONING OFFICE USE ONLY!
REVIEWED BY: ITEM # 163
SCALE: AS SHOWN
18-8010

SCALE: AS SHOWN 98-8010

SCALE: AS SHOWN 98-8010