PROFINED FOR FILING
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Ny 1. Common

IN RE: PETITION FOR VARIANCE

SW from centerline of intersection Scotts Knoll Court & Westwicke Lane 8th Election District 3rd Councilmanic District

(1112 Westwicke Lane)

Mark A. Powers Petitioner

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 01-108-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Mark Powers. The Petitioner is requesting a variance for property he owns at 1112 Westwicke Lane. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a set back of 3 ft. in lieu of the required 35 ft. for a proposed dwelling and to amend the last approved Final Development Plan for Westwicke.

Appearing at the hearing on behalf of the variance request were Mark Powers, owner of the property and Lee Talboys, a landscape architect assisting the property owner. Appearing as interested persons in the case were Harold Burns and Scott Fine.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 5.825 acres, more or less, zoned RC 2. The subject lot is unimproved at this time. The Petitioner, Mr. Powers, is interested in constructing a 7,000 sq. ft. home on the subject property. The footprint of the house and lot are more particularly shown on Petitioner's Exhibit No. 1, the site plan submitted at the hearing. Because of the slope of the property, as well as the location of a septic reserve area and a forest buffer easement located to the rear of the site, the Petitioner has opted to situate his house towards the front of the building lot. As can be seen

ORDER RECEIVED FOR FILING
Date 10/19/00
EV 10. American

from the site plan, the lot is triangularly shaped and, therefore, the house, being sited on the front portion of the property, fails to meet all required side yard setbacks. In order to proceed with the house at this location, the variance is necessary. The variance is requested from the common property line shared with property owned by Maryvale Preparatory School. The Petitioner submitted into evidence a letter of support signed by a representative of Maryvale, as well as Mr. Tom Faust, the owner of the other adjacent lot.

As stated previously, Mr. Harold Burns and Mr. Scott Fine attended the hearing. These gentlemen did not oppose the Petitioner's request for variance and preferred to see the house sited in the area shown on the site plan, thereby protecting the steep slopes on the property as well as the forest buffer area. However, they asked that certain conditions and restrictions be imposed upon the property owner to further protect the forest buffer area and the Dipping Pond Run located off site.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this / day of October, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a set back of 3 ft. in lieu of the required 35 ft. for a proposed dwelling and to amend the last approved Final Development Plan for Westwicke, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall be prohibited from clearing in excess of 15,000 sq. ft. of forested area on the subject property during construction.
- 3) The Petitioner shall be required to install and utilize super silt fencing during construction.



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

Fax: 410-887-3468

October 19, 2000

Mr. Mark Powers 8032 Upperfield Lane Owings Mills, Maryland 21117

> Re: Petition for Variance Case No. 01-108-A

Property: 1112 Westwicke Lane

Dear Mr. Powers:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been approved in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

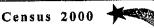
> Very truly yours, luthey Kotroco

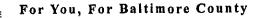
Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:rai Enclosure













Copies to:

Mr. Lee Talboys P. O. Box 66479 900 Oak Hill Road Baltimore, MD 21239

Mr. Harold Burns 5 Candlestick Drive Timonium, MD 21093

Mr. Scott Fine 8 Barstad Court Timonium, MD 21093



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at _	1112	Westwicks	Cane
		zoned RCZ	

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) | AOI, 3, B, 3 | TO PERMIT A

SETBACK OF 3 FT. IN LIEU OF THE REQUIRED 35FT. FOR A PROPOSED QUELLING. AND TO AMEND THE LAST APPROVED FOR GIVELOPMENT PLAN FOR WESTWICKED LOT 1A TO BUILD OUTSIDE OF THE BUILDING ENVELOPE.

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 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 perjury, that I/we are the I is the subject of this Petiti	egal owner(s) of the	e penalties of property which
Contract Purchaser/Less	<u>ee:</u>		Legal Owner(s):		
y			MARK A. POWER	.\$	
Name - Type or Print	1481164 ₄ , ₂ , ₂ , ₁ , ₂ , ₂ , ₁ , ₂ , ₁		Name - Type or Print Markarfiem		
Signature			Signature	New York Control of the Control of t	
Address		Telephone No.	Name - Type or Print		
City Attorney For Petitioner:	State	Zip Code	signature 8032 Uperficld	lane 41	o. 917. 317 2
Attorney i of i entiones.			Address Owings Mills	mo	Telephone No
Name - Type or Print			City	State	Zip Code
Signature			Representative to b Same as above		
Company	نده شدد ودريه ودروي يو درين درين		Name		
Address	Billiot (Age gas perspecting and a second side of the second	Telephone No.	Address		Telephone No
Blv 8	State	Zip Code	City	State	Zip Code
To de			<u>OFFIC</u>	E USE ONLY	
500	A		ESTIMATED LENGTH	- OF HEARING _	1/2 HR
dase No. <u>O/ - 108</u>	<u>- /t</u>		UNAVAILABLE FOR Reviewed By	HEARING Date _	9/7/00

ZONING DESCRIPTION FOR 1112 WESTWICKE LANE

Beginning at a point 400 feet (+/-) SW from the centerline of the intersection of Scotts Knoll Court and Westwicke Lane classification of the intersection of the inte

Being lot #1A in the subdivision of Westwicke as recorded in Baltimore County Plat Book #68, Folio #D88, containing 5.825 acres. Also known as 1112 Westwicke Lane and located in the 8^{th} election district, 3^{rd} councilmanic district.



BALTIMORE COUNTY, MARYLAN OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT No. 86618	PATO PEOLICE FINANT OUTSE DE VARANTO 9207/2000 002/5/20
DATE 1/7/00 ACCOUNT ROO/6/60	时分 快迎 《常用任息 即唯一据》 医动脉注: 《 如如 一 在 光想 为时制作 进程书户销售员 检定 归) 第二 《) 《) 《) 《) 《) 《) 《) 《) 《) 《
RECEIVED FROM: TO US ICC	the Mr. Carrison Section Secti
FOR: 2 VAND AMERIC FDT	01-108-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER ***********************************	CASHIER'S VALIDATION

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:

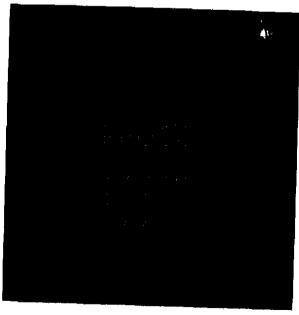
Case: #01-108-A 1112 Westwicke Lane end of Westwicke Lane cul-de-sac, 400 feet +/- SW of intersection Westwicke Lane and Scottsknoll Court 8th Election District 3rd Councilmanic District Legal Owner(s): Mark A. Powers Variance; to permit a setback of 3 feet in lieu of the required 35 feet for a proposed dwelling and to amend the last approved Final D Hearing: Tuesday, October 17, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for

Commissioner's Office at (410) 887-4386. (2) For information concerning, the file and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 9/245 Sept. 28 C422351

special accommodations Please Contact the Zoning **CERTIFICATE OF PUBLICATION**

TOWSON, MD,, 20 <u>00</u>
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 ofsuccessive
weeks, the first publication appearing on 928 , 200
i
, .
THE JEFFERSONIAN,
LEGAL ADVERTISING

RE: Case No.: 01-108-A Petitioner/Developer: Date of Hearing/Closing: 10-17-00 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Ms. Gwendolyn Stephens Ladies and Gentlement 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 1112 Westwicke Lane Lutherville, MD 21093 The sign(s) were posted on Sincerely.



Sincerely,

(Signature of Sign Poster and Date)

(Printed Name)

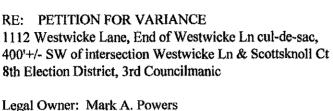
SHANNON-BAUM SIGNS INC.

105 COMPETITIVE GOALS DR.

ELDERSBURG, MD. 21784

(City, State, Zip Code)

(Telephone Number)



Legal Owner: Mark A. Powers Petitioner(s) BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

k Case No. 01-108-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.

All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

arole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

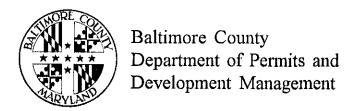
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Mark A. Powers, 8032 Upperfield Lane, Owings Mills, MD 21117, Petitioner.

PETER MAX ZIMMERMAN



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

Fax: 410-887-5708

September 15, 2000

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: 01-108-A 1112 Westwicke Lane

end of Westwicke Lane cul-de-sac, 400 feet +/- SW of intersection Westwicke land and

Scottsknoll Court

8th Election District – 3rd Councilmanic District

Legal Owner: Mark A. Powers

<u>Variance</u> to permit a setback of 3 feet in lieu of the required 35 feet for a proposed dwelling and to amend the last approved Final D

TUESDAY

HEARING:

Wednesday, October 17, 2000, 9:00 a.m., in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Mark A Powers, 8032 Upperfield Lane, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: SEPTEMBER 29, 2000.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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

Thursday, September 28, 2000 Issue - Jeffersonian

Please forward billing to:

Mark A. Powers 8032 Upperfield Lane Owings Mills, MD 21117 410 977-3172

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: 01-108-A

1112 Westwicke Lane

end of Westwicke Lane cul-de-sac, 400 feet +/- SW of intersection Westwicke land and

Scottsknoll Court

8th Election District – 3rd Councilmanic District

Legal Owner: Mark A. Powers

<u>Variance</u> to permit a setback of 3 feet in lieu of the required 35 feet for a proposed dwelling and to amend the last approved Final D

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Wednesday, October 17, 2000, 9:00 a.m., in Room 407, County Courts

Building, 401 Bosley Avenue

Lawronce E. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

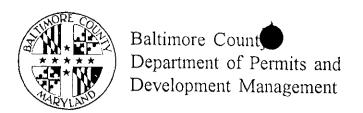
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number:	
Petitioner: MARK A · POWERS	
Address or Location: 1112 WESTWICKE LANE	
PLEASE FORWARD ADVERTISING BILL TO: Name:MARK_A_POWERS	
Address: 8032 UPERFIELD LANE	
owings miles and 21117	
Telephone Number: 400 977 3172	

Revised 2/20/98 - SCJ



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

October 13, 2000

Mark A. Powers 8032 Upperfield Lane Owings Mills, MD 21117

Dear Mr. Powers:

RE: Case Number: 01-108-A, 1112 Westwicke Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 7, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GY Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 10, 2000

TO:

Arnold Jablon, Director Department of Permits & Development Management

FROM:\\

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting for September 25, 2000 Item Nos. 106, 107, 108, 109, 110, 111 (409 Main Street), 112, 113, 115

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley MAS

DATE:

October 3, 2000

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of September 18, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
106	51 Honeycomb Road
107	9801 Richlyn Drive
108	1112 Westwicke Lane
109	4520 East Joppa Road
110	20 Glenwood Avenue
111	409 Main Street
112	12207 Falls Road
113	4715 Ruby Avenue
115	2750 Butler Road
L	



September 19, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF September 18, 2000

Item No.: See Below

Dear Ms. Stephens:

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

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

106, 107, 108, 109, 110, 112, 113, and 115

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

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

Printed with Soybean Ink on Recycled Paper

16/17

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 25, 2000

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-108, 01-111, & 01-115

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: <u>V</u>

Section Chief:

AFK/JL:MAC

SPZ5



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 9.18.00

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

RE: Baltimore County

Item No. 108

111

Dear. Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.ind.us).

Very truly yours,

In Kenneth A. McDonald Jr., Chiet Engineering Access Permits Division October 11, 2000

Dear Mr. Commissioner:

After careful review of the site plan and the proposed location of the dwelling located at 1112 Westwicke Lane, We hereby support the variance being requested by Mark Powers. We feel that it would be a benefit to the community.

Thank you for your time.

Alan Hoblitzell

1111 Westwicke Lane

Tom Faust

1110 Westwicke Lane

01-108-A HISTORIC DISTRICT (NRHD) 155 WE

CONTROTED MR, POWERS ON 9/13/00 By PHONE HE WOULD LIKE TO PROCEED WITH THIS VARIANCE WITH THE UNDERSTANDING THAT HE WILL GET AN APPROVAL CETTER FROM THE LANDMARKS PRESERVATION COMMITTEE, HE UNDERSTANDS THAT IF THIS LETTER GIVING APPRINAL 13 NOT FORTHCMING THAT HE WILL NEED A SPECIAL HEARING

JOHN LEWIS 9/13/00

01-108-A

PLEASE PRINT CLEARLY

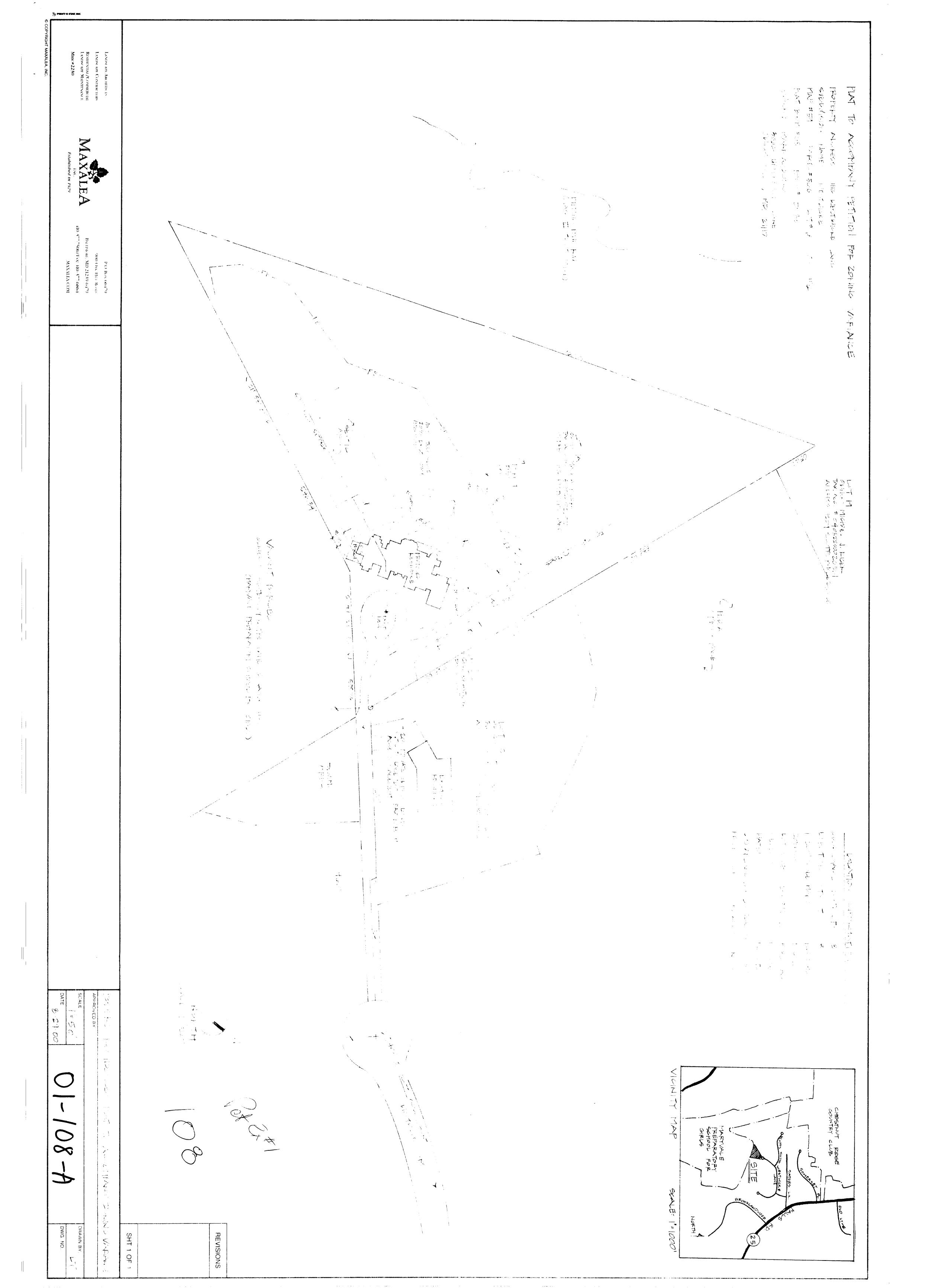
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
MARK A POWERS	8032 approbabline owngs mus MO Just
LEE TALBOYS (MAXALEA)	P.O. Box 900 09x HILL P. BALTIMONE 40. (P.O. BOX 66479) 21239

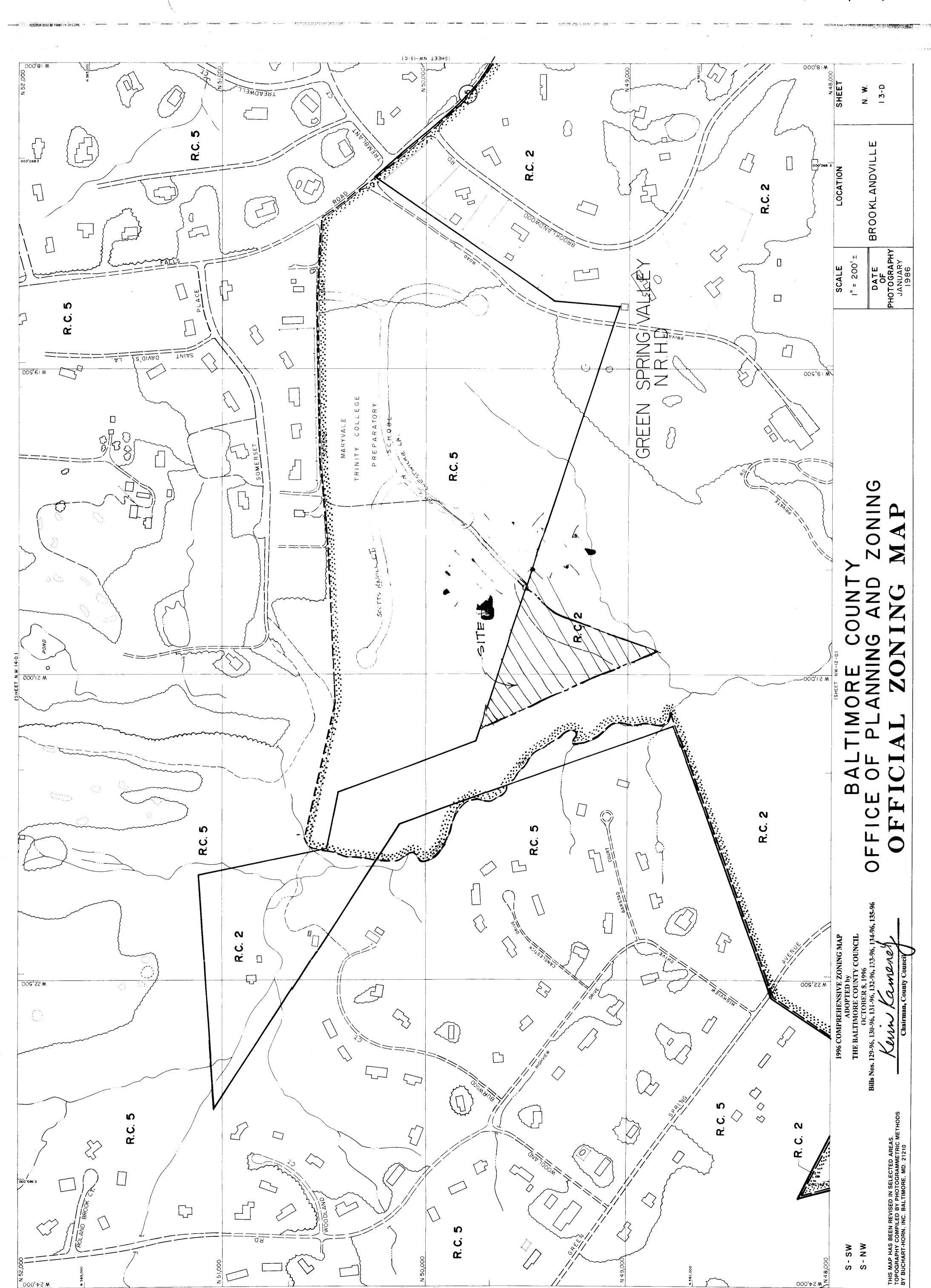




NAME	ADDRESS
Harvell Borns Scott Fine	5 Candles Tick Dr., 71093 8 Barsted Court 21093
Dott Fine	8 Barstad Court 21093



NW 13-D



- 4) All excavated dirt removed from the property, by virtue of the installation of the foundation of the house, shall be stored upgrade from the house itself and shall be further protected by use of super silt fencing.
- During construction and after the house is completed, the property owner must give particular attention to the manner in which surface water is drained from the roof of the new house by way of gutters and downspouts. The Petitioner shall use all appropriate methods to prohibit any erosion from occurring by virtue of any runoff generated by this house and property.
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj