

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S Sunnybrook Road, 440' E/W and
NW centerline Merrymans Mill Road
10th Election District
3rd Councilmanic District
(13911 Sunnybrook Road)

Kirsten W. & Robert Greenwell, Jr.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-443-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Kirsten W. & Robert Greenwell, Jr., legal owners of that property known as 13911 Sunnybrook Road in the Jacksonville area of Baltimore County. The Petitioners herein seek relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 49 ft. in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient 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.

ORDER RECEIVED FOR FILING

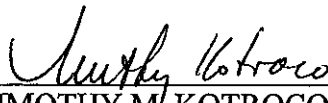
Date 5/28/01

By R. Jamison

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of May, 2001, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 49 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 5/29/01
By H. G. Mason



Baltimore County
Zoning Commissioner

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

May ²⁹~~28~~, 2001

Mr. & Mrs. Robert Greenwell, Jr.
13911 Sunnybrook Road
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 01-443-A
Property: 13911 Sunnybrook Road

Dear Mr. & Mrs. Greenwell:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted 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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13911 SUNNY BROOK ROAD
which is presently zoned RC-4 CRSC

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) 1 A01.3. B.3 BCLZ (1975)

To PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 49' IN LIEU OF THE
REQUIRED 50'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ROBERT GREENWELL JR.

Name - Type or Print

Robert C Greenwell Jr.

Signature

KIRSTEN GREENWELL

Name - Type or Print

Kirsten W Greenwell

Signature

13911 SUNNY BROOK RD

Address

653-1392

410-781-4844

Telephone No.

PHOENIX

City

MD

State

21131

Zip Code

Representative to be Contacted:

HOWARD SASLOW / ENCORE HOMES, INC

Name

7241 NORRIS AVE

Address

410-781-4844

Telephone No

SYKESTOWN

City

MD

State

21784

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 01-443-A

Reviewed By JRF Date 4-23-01

Estimated Posting Date 5-6-01

REV 9/15/98

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

Address

City

State

Zip Code

13911 Sunnybrook Rd
Phoenix MD 21131

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):

The proposed addition was designed to accommodate the growth of our family by providing another bedroom, a first floor study area for the children and additional recreation space in the basement. We originally looked to build towards the rear of our home, but the existing steep grade and structural limitations of our existing home made it economically impractical.

The proposed addition has already been reduced in size, a further reduction will prevent our ability to utilize some of the space for our intended purposes.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Robert Greenwell
Name - Type or Print

Signature

Kirsten W Greenwell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of APRIL, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARYLAND
the Affiant(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

Date April 5th 2001

Notary Public Leat L. Wilhelmsson

My Commission Expires 9-1-04

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

Address 13911 Sunnybrook Rd
City Phoenix State MD Zip Code 21131

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):

The proposed addition was designed to accommodate the growth of our family by providing another bedroom, a first floor study area for the children and additional recreation space in the basement. We originally looked to build towards the rear of our home, but the existing steep grade and structural limitations of our existing home made it economically impractical.

The proposed addition has already been reduced in size, a further reduction will prevent our ability to utilize some of the space for our intended purposes.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert Greenwell
Signature
Robert Greenwell
Name - Type or Print

Kristen W Greenwell
Signature
Kristen W Greenwell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of April, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARYLAND
the Affiant(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

April 5, 2001
Date

Leah L. Welkelmer
Notary Public
My Commission Expires 9-1-04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13911 Sunnybrook RD
which is presently zoned RC-4 CRSC

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) 1A01.3.B.3 BCZL (1975)

TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 49' IN LIEU OF THE
REQUIRED 50'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Legal Owner(s):

Name - Type or Print

ROBERT GREENWELL JR.
Name - Type or Print

Signature

Robert Greenwell Jr.
Signature

Address Telephone No.

KIRSTEN GREENWELL
Name - Type or Print

City State Zip Code

Kirsten Greenwell
Signature

Attorney For Petitioner:

13911 SUNNYBROOK ROAD 410-683-1392
Address Telephone No.

Name - Type or Print

PHOENIX MD 21131
City State Zip Code

Signature

Representative to be Contacted:

Company

HOWARD SASLOW / ENCORE HOMES, Inc
Name

Address Telephone No.

7241 NORRIS AVE 410-781-4844
Address Telephone No.

City State Zip Code

SYKESVILLE MD 21784
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 01-443-A

Reviewed By JRF Date 4-23-01

REV 9/15/98

Estimated Posting Date 5-6-01

Zoning Description for 13911 Sunnybrook Road, Phoenix, MD 21131

Beginning for the same at the Northerlymost right-of-way of Sunnybrook Road (60' Right-of-way) and located 496' from the centerline of Merrymans Mill Road, said point being the common corner between lots 1 & 2 on the plat of Merrymans Mill, section 1, dated September 22, 1975 and recorded among the plat records of Baltimore County, Maryland as Lot #2, Section 1, in the subdivision of Merrymans Mill, Baltimore County Plat Book EHK,Jr #38, Folio136 containing 1.66 acres. Thence leaving said Right-of-way line the following 11 courses and distances:

- | | | |
|-----|----------------|-----------------|
| 1. | N37° 50' 00"E | 226.04', thence |
| 2. | N59° 32' 36"E, | 51.76', thence |
| 3. | N30° 10' 55"E, | 161.62', thence |
| 4. | N42° 53' 09"W | 206.7', thence |
| 5. | N03° 51' 23"W | 230.00', thence |
| 6. | N16° 41' 41"E | 20.00', thence |
| 7. | S81° 43' 22"E | 200.00', thence |
| 8. | S05° 56' 33"E | 267.29', thence |
| 9. | S30° 10' 55"W | 293.71', thence |
| 10. | S59° 32' 36"W | 52.60', thence |
| 11. | S37° 50' 00"W | 227.67 |

to a point on the Northerly Margin of Sunnybrook Road, then running along the Northerly margin the following course and distance along a curve to the left with a radius equal 235.00' and an arc length L=12.63' to the place of beginning. Also know as 13911 Sunnybrook road and located in the 10th Election District, 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

93725

DATE

4-18-01

ACCOUNT

001 006 6150

AMOUNT

\$ 40.00

RECEIVED
FROM:

ROBERT + KIRSTEN GREENWELL

ITEM# 443

FOR:

VARIANCE 13911 SUNNYBROOK ROAD

PHOENIX MD 21131

410 683 1392

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT

ACTUAL

TIME

4/18/2001

4/18/2001

10:35:21

REG 4504 CASHIER DDOL DND DRAWER 2

RECEIPT # 138495

Dep 5 528 ZONING VERIFICATION

CR NO. 093725

Receipt Tot

40.00

40.00 OK

00 CA

Baltimore County, Maryland

TAKEN BY: JRF

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

92960

DATE

4-23-01

ACCOUNT

001-006-6150

AMOUNT

\$ 10.00

RECEIVED
FROM:

Encore Homes Inc.

13911 SUNNYBROOK

ITEM# 443

FOR:

01 - VARIANCE

TAKEN BY: JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT

ACTUAL

TIME

4/23/2001

4/23/2001

09:25:47

REG 4504 CASHIER DDOL DND DRAWER 2

RECEIPT # 138919

Dep 5 528 ZONING VERIFICATION

CR NO. 092960

Receipt Tot

10.00

10.00 OK

00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: #443

Petitioner: ROBERT AND KIRSTEN GREENWELL

Address or Location: 13911 SUNNYBROOK RD PHOENIX, MD 21131

PLEASE FORWARD ADVERTISING BILL TO:

Name: DR. ROBERT GREENWELL

Address: 13911 SUNNYBROOK RD

PHOENIX, MD 21131

Telephone Number: 410-683-1392

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 443 -A

Address 13911 SUNNYBROOK RD.

Contact Person: JUN R. FERNANDO ;

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4-23-01

Posting Date: 5-6-01

Closing Date: 5-21-01

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 01- 443 -A

Address 13911 SUNNYBROOK RD

Petitioner's Name Robert & Kirsten Greenwell

Telephone 410-683-1392

Posting Date: 5-6-01

Closing Date: 5-21-01

Wording for Sign: To Permit an addition with a side yard setback
of 49' in lieu of the required 50'



Baltimore County
Department of Permits and
Development Management

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

May 21, 2001

Kirsten & Robert Greenwell Jr
13911 Sunnybrook Road
Phoenix MD 21131

Dear Mr. & Mrs. Greenwell:

RE: Case Number: 01-443-A, 13911 Sunnybrook Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 23, 2001.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Howard Saslow, Encore Homes Inc, 7241 Norris Avenue, Sykesville 21784
People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

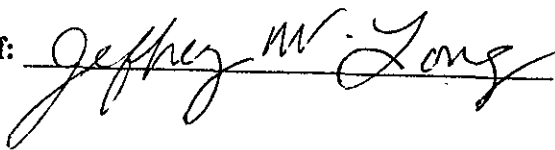
DATE: May 24, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-430, 01-443, 01-444, 01-445, 01-446,
01-451, 01-457 and 01-459

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey W. Long", written over a horizontal line.

AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5-16-01

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

RE: Baltimore County
Item No. 443

JRF

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.md.us).

Very truly yours,

lv

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

(SHEET NE.20-B)

NE 20-C

N-78,000

R. C. 4

443

N-77,000

N-610,000

SITE

13911

E-12,000

N-76,000

E-92,000

CONSTANTINE

DRIVE

CEM.

R. C. 5

E-13,500

2000 COMPREHENSIVE Z

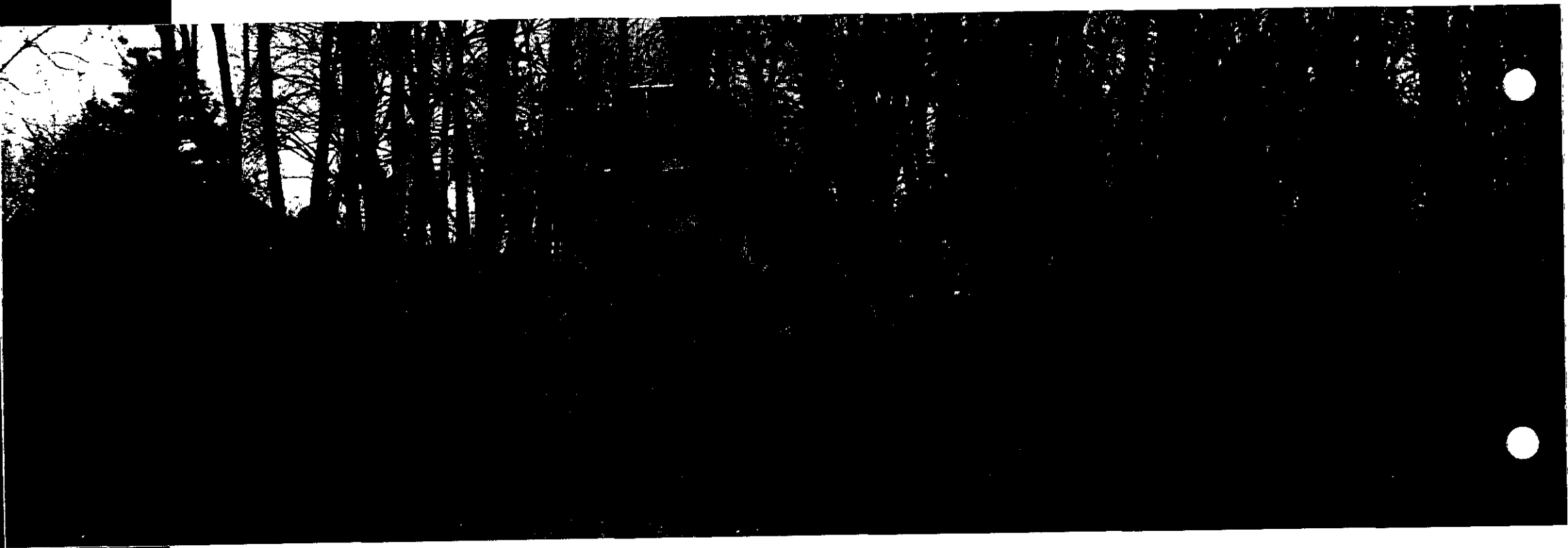






AMES RESIDENCE
3 TROJAN HORSE
TAX ACCT#
1700008614

EDWARDS RESIDENCE
5 TROJAN HORSE
TAX ACCT#
1700008613







443

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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