IN RE: PETITION FOR ADMIN. VARIANCE

N corner of Leinster Garth, 554'

NW of Ridgely's Choice Drive

11th Election District

6th Councilmanic District

(20 Leinster Garth)

Lee H. & Joseph T. Hammerbacher

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 02-151-A

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lee H. & Joseph T. Hammerbacher. The variance request is for property located at 20 Leinster Garth in the Ridgely's Choice area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory structure (swimming pool) to be located partially in the side yard in lieu of the required rear yard, and to amend the latest Final Development Plan for Ridgely's Choice (Section 1, Lot 10). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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

12/2/0)

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 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 3 day of December 2001, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory structure (swimming pool) to be located partially in the side yard in lieu of the required rear yard, and to amend the latest Final Development Plan for Ridgely's Choice (Section 1, Lot 10, 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 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.

ГІМОТНҮ М. KÖTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

December 3, 2001

Mr. & Mrs. Joseph T. Hammerbacher 20 Leinster Garth Baltimore, Maryland 21234

Re: Petition for Administrative Variance

Case No. 02-151-A

Property: 20 Leinster Garth

Dear Mr. & Mrs. Hammerbacher:

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

buthy Kotroco

TMK:raj Enclosure

c: Francis Stefanski 2066 York Road Timonium, MD 21093



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20	LEINSTER	GARTH_
	esently zoned	DRS.5

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 (BCZR) to permit a proposed accessory structure (swimming pool) to be located partially in the side yard in lieu of the required rear yard, and to amend the latest Final Development Plan for Ridgely's Choice (Section 1, Lot 10).

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):
		JOSEPH T HAMMER BACHER
Name - Type or Print		Name - Type of Print To Hambelin
Signature .		Signature LEE HARRIETT HAMMER BACHER
Address	Telephone No.	Name Type of Print
City State	y Zip Code	Signature
Attorney For Petitioner:		20 LEINSTER GARTH 410 529 3991 Address Telephone No.
		BULTIMORE MO 2/234 State Zip Code
Name - Type or Print		Representative to be Contacted:
Signature .		FRANCIS STEFANSKI
Company		Address Telephone No.
Address	Telephone No.	THONIUM MO 21093
City State	Zip Code	City State Lip 5555
A Public Hearing having been formally dema this day of Baltimore County and that the pro-	mai me sumeu manei oi u	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
		Zoning Commissioner of Baltimore County

02-151-A

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

variance at the above address (indicate nardship or	
INGREUND POOL MUST BE L	OCATED PARTIALLY IN SIDEYARD DUE
TO THE TOPOGRAPHY OF HILL	SIDE IN REAR YARD, IT PREVENTS
PUTTINGIT ENTIRELY IN REA	L YARD
DRAINAGE NEED TO BE CONTR	olled off REAR YARD TO PREVENT
	- 13 LOCATED ENTIRELY IN REAR
YARD, IT WOULD INTERFE	RE WITH DRAWINGE
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additi	demand is filed, Affiant(s) will be required to pay a reposting and lonal information.
Speph T. Hembaile	XLe darriett Gammala
JOSEPH T. HAMMERBACK	
STATE OF MARYLAND, COUNTY OF BALTIMORE	
I HEREBY CERTIFY, this 10 day of Octoor Maryland, in and for the County aforesaid, personal	BER, 2001, before me, a Notary Public of the State
TOSEPHT. Y Lee HAR the Affiant(s) herein personally known or satisfactor	RIST HAMMER BACHER ily identified to me as such Affiant(s), and made oath in due form of
law that the matters and facts hereinabove set forth a	re true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
10/10/01	Francis X AC/
Date / /	Motary Public
REU 09/15/98 A OFFICIAL SEAL	My Commission Expires
NOTARY PUBLIC MARYLAND FRANCIS X. STEFANSIG BALTIMORE COUNTY	·

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

LEINSTER GARTH

	BALTIMORE	MARYLAND	2/236
That based upon personal knowledge, the foll Variance at the above address (indicate hards)	lowing are the facts upon which hip or practical difficulty):	I/we base the request for a	Zip Code n Administrative
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TO THE TOPOGRAPHY OF			
PUTTING IT ENTILLY		,	
DRAINAGE NEED TO BE	CONTROLLED OFF	REAR YARD TO	PREVENT
RUN OFF INTO HOUSE I	F Pool is LOCA	TED ENTIRELY!	NEAR
YARD IT WOULD INTER	efere with	DRAINAGE	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	additional information.	41	
Spend T. Hambale	Lee	harriett Han	nnester
JOSEPH T. HAMMERB	SACHER LEE H	LERIETT HAM	IME K BACH
Name - Type or Print	Name - Type of P	rint	
STATE OF MARYLAND, COUNTY OF BALTIM	MORE, to wit:		
I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	/_, before me, a Notary Pub	lic of the State
the Affiant(s) herein, personally known or satisfiant that the matters and facts hereinabove set for	factorily identified to me as such	MSL BACHER Affiant(s), and made oath	in due form of
	our are noe and correct to the p	est of his/her/their knowleαg	e and beliet.
AS WITNESS my hand and Notarial Seal	7.2	- 11/L	
Date	Notary Public	1.1.1-	
OFFICIAL SEAL NOTARY PUBLIC MARYLAND FRANCIS X STEFANSKI BALTIMORE COUNTY	My Commission Expire	s <u> </u>	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Lawrence Contil

for the proper	ty located at ZO LEINS IEU GARTH
	which is presently zoned
This Petition shall be filed with the Department of Pernowner(s) of the property situate in Baltimore County and who made a part hereof, hereby petition for a Variance from Section 1.	nits and Development Management. The undersigned, legal nich is described in the description and plat attached hereto and ction(s) 400, (RCZR) to bermit a proposed
accessory structure (swimming pool) to be the required rear yard, and to amend Of balling Chaire (fection 1, Lot 10)	nich is described in the description and plat attached hereto and cition(s) 400,1 (BCZR) to bermit a proposed located partially in the side yard in lieu of the latest Final Development Plan for
Riagely's Choice (Section 1) sorroy	
of the zoning regulations of Baltimore County, to the zoning of this petition form.	g law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by th I, or we, agree to pay expenses of above Variance, advertising, pregulations and restrictions of Baltimore County adopted pursuant	nosting etc. and further agree to and are to be bounded by the zoning
	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): TOSEPH T HAMMER BACHE
Name - Type or Print	Name - Type of Print School - School - School
Signature	SIGNATURE HARRIETT HAMMER BACHE
Address Telephone No	Name-Type of Print Nammerla
City State : Zip Code	Signature 20 LEINSTER GARTH 410 52939
Attorney For Petitioner:	Address Telephone No. BNITIMORE MO 2/234
Name - Type or Print	Representative to be Contacted:
Signature	FRANCIS STEFANSKI Name ZOGG YORK ROAD 4/02525/1 Address TIMONIUM MO 21093 City State Zip Code
Company	7066 YORK KOND 4/02525/1
Address Telephone No.	Address Telephone No. TIMONIUM Mo 21093
City State Zip Code	Oily
A Public Hearing having been formally demanded and/or found to this day of that the subject matter regulations of Baltimore County and that the property be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
CASE NO. 02-151-A F	Zoning Commissioner of Battimore County Reviewed By
REU 9 15 98	Estimated Posting Date 1821/01

HAMMERBACKER

Zoning Description for #20 Leinster Garth, Balto. Md, 21236

(which is 50 feet wide)

Beginning at north corner of Leinster Garthlat lot 10 meets lot 9, 554 feet Northwest of Ridgely's knice Drive which is 50 feet wide.

Plat A (Plat Book 55/Folio 114)
Being lot 10 of Ridgely's Choice, section 1, being 14251 sq. ft.

Located in the 11th district of Balto. Co. Md., 6th Concilmanie District

Adjoining lot owners.

Lot # 9: 18 Leinster Garth, Keith D. & Veronica T. Rowe

> Acc # 2000010539 Dist. 11

20 Leinster Garth, Joseph T & Lee H. Hammerbacker Lot # 10

Acc # 2000010540Dist 11

Lot # 11: 17 Leinster Garth, Charles D. & Cynthia C. Satchell

> Acc # 2000010541 Dist. 11

> > # 02-151-A

OFFICE	MORE COUNTY, MARYLANGE OF BUDGET & FINANCE ELLANEOUS RECEIPT	No. 06(+1
DATE	$10/12/01$ ACCOUNT \tilde{h}	- 20- 006-6150
	AMOUNT \$	100.00
RECEIVE	· Regin Pools & Spa	<u> </u>
FOR:	20 Leinster Road (C):-151-A)
	t-lummer backer (Polition	er)
DISTRIBUT	ION	

PAYMENT ACTUM TIME 9/12/2001 10/12/2001 11:13:63 FE USOT CACHIER REUS LEE DAYMER 3. PRECEIPT # 215475
Deet 5 520 ZONLING VERIFICATION IF NO. 006640 Recpt Tet 100.00 100.00 CK .00 CA Baltimore County, Haryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

4106560929

RE:	Case No	_
	Petitioner Developer HAMMERBACHEL	ETAL
	POOLS, ETAL	T
	11/2/2	- /
	Date of Hearing Closing) 1/5/0	'

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 Gentlemen:

r it Fax Note / 7671	Date # of of >
TO ROBINBETT	From OVEEFE
CO.Dept ZONING WINH.	- ¹ Co.
Phone #15/1 1286	Phone # 666-5366
Fax * 837-3468	Fax* 666-0929

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 #20 LEINSTER GARTH

The sign(s) were posted on $\frac{10/20/0}{3}$

(Month, Day, Year)

VARIANCE STATE OF THE STATE OF

#20-151-X #20-1201=TER \$427H

Sincerely,

Patruk M. Oleefa G 10/25/0/ (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366 ; CELL-410-905-8571

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 151 -A Address 20 Leinster Garth
Contact Person: Phone Number: 410-887-339
Contact Person: Seffrey Perlow
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.
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 02- 151 -A Address 20 Leinster Garth
Petitioner's Name Hammer backer Telephone 410-529-3991
Posting Date: 10/21/01 Closing Date: 11/5/01
Vording for Sign: To Permit a proposed accessory structure (swimming pool) to be located
partially in the side yard in lieu of the required rear yard and to amend the
partially in the side yard in lieu of the required rear yard and to amend the latest Final Development Plan for Ridgely's Choice (Section 1, Lot 10)

Dear:

RE: Case Number: , Location

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

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 20, 2001

Department of Permits & Development Mgmt.

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

Zoning Advisory Committee Meeting SUBJECT:

For December 3, 2001

Item Nos.* 151, 152, 155, 157, 161, 164, 165, 167, 168, 170, 171, 172, 173, 174,

and 175

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

*Items number 153 and 154 were not designated.

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

December 10, 2001

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 November 26, 2001

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:

151, 152, 155, 156, 157, 159, 161, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, and 175

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 30, 2001

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-151 & 02-172

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.

Prepared by:

Section Chief:

AFK/JL:MAC



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 12.3.01

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No.

Dear. Mr. Zahner:

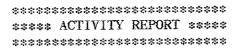
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

f. J. Godh Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

ZONING COMM.



TRANSMISSION OK

TX/RX NO. 1284

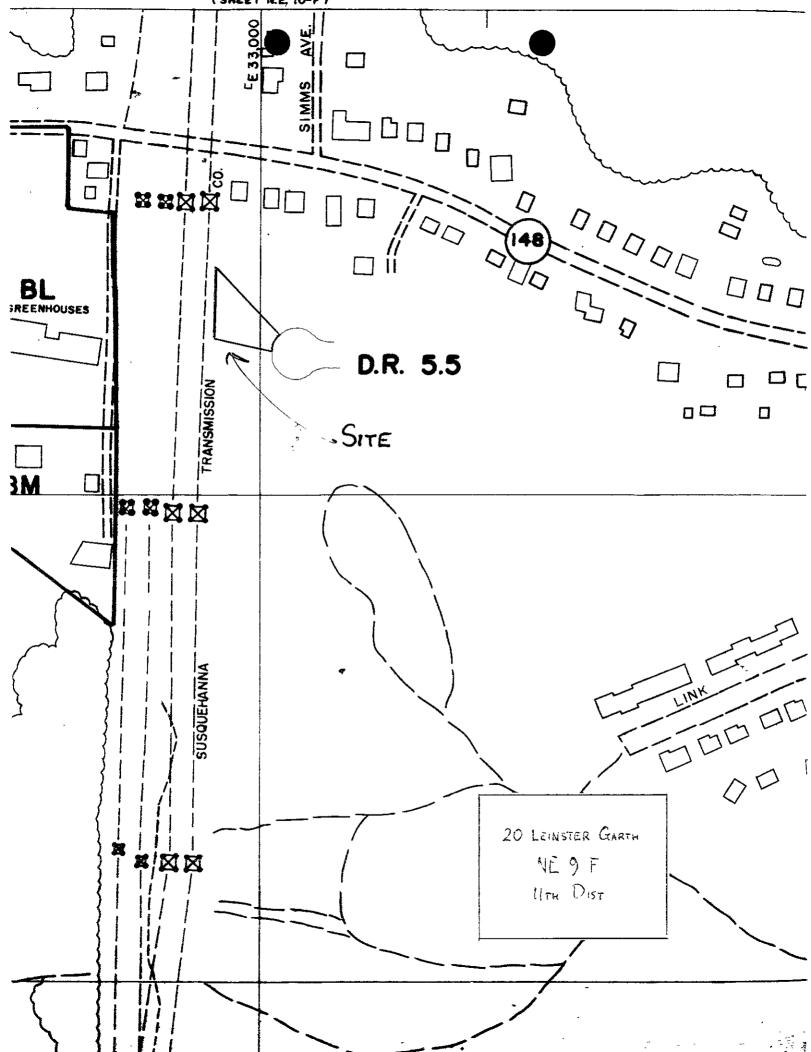
CONNECTION TEL 94102525213

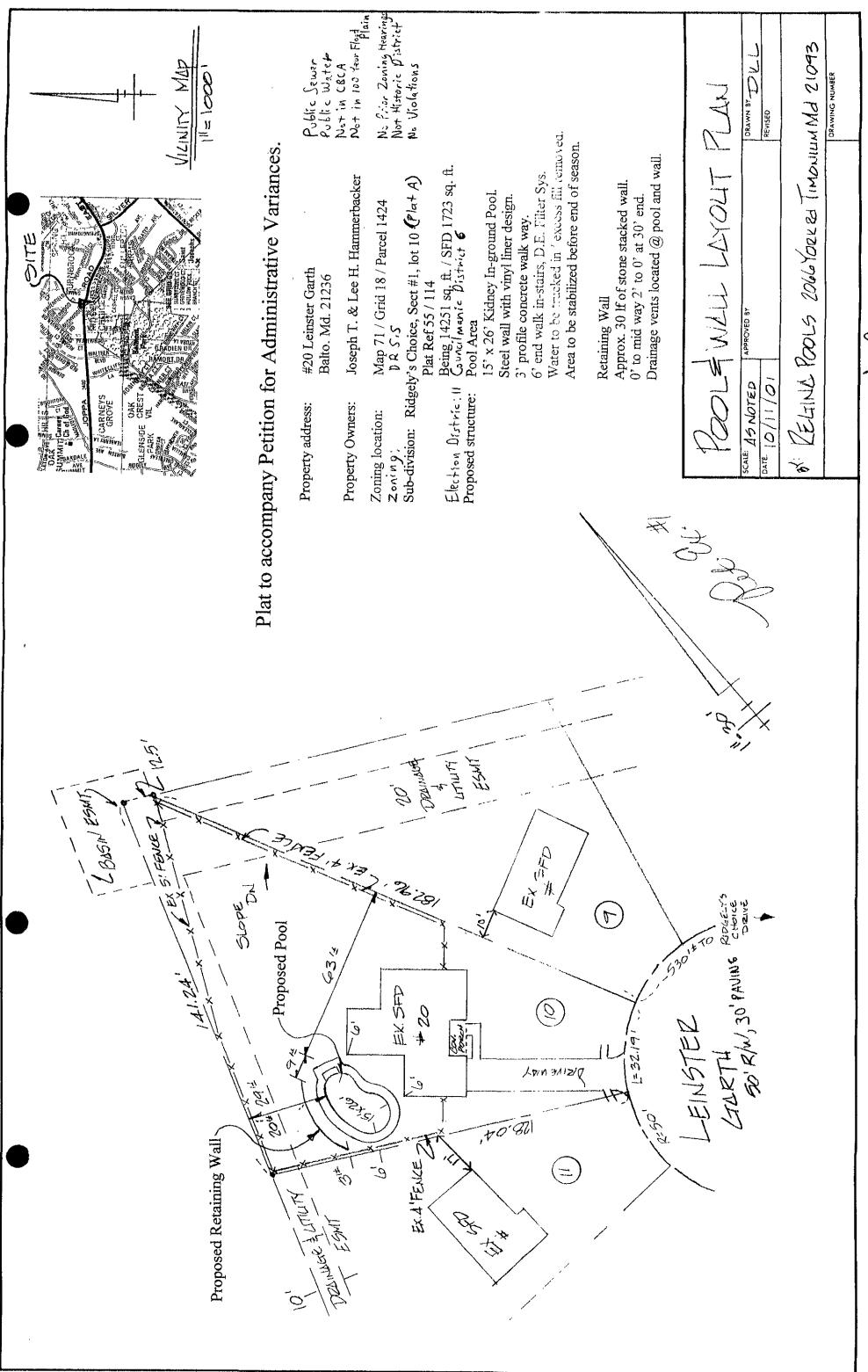
CONNECTION ID

START TIME 12/03 15:06

USAGE TIME 00°56
PAGES 2
RESULT OK

Post-it® Fax Note	7671	Date/2/3/0/ # of pages > 2
TO FRAN STEL	FANSKI	From ZONING COMM
Co./Dept.		Co.
Phone #		Phone # 410 - 887 - 3868
Fax#410-252-	5213	Fax #
		DRDED #02-151-1

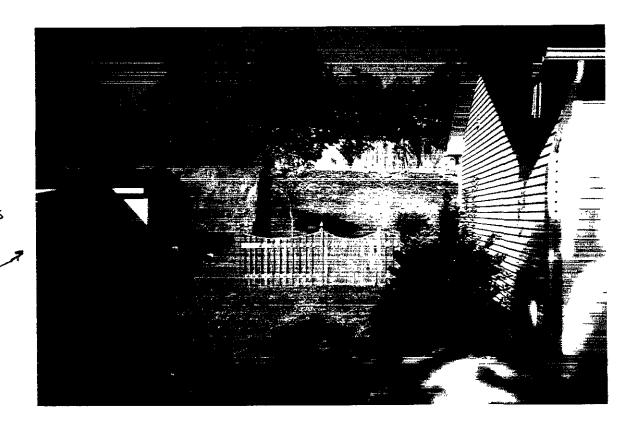




1)NP 03-151-A



EAST FRANT

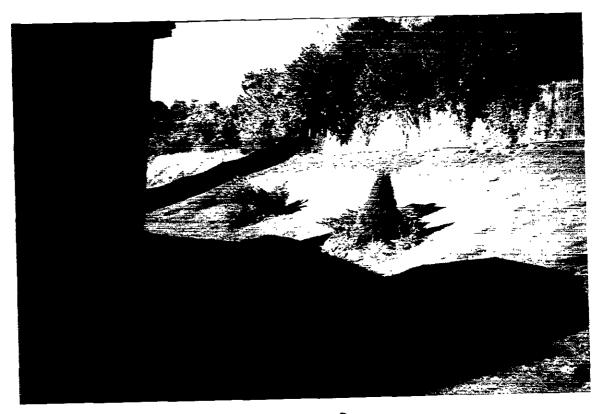


NEIGHBORS

SOUTH SIDE



NORTH SIDE



WEST REAR

02-151-A



RERR South (Pool Location)



SIDE SOUTH (POOL LOCATION)

02-151-A