

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Rosanda Court, 500' SE
centerline of Bird River Road
15th Election District
5th Councilmanic District
(1114 Rosanda Court)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-508-A

Betty Smith
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Betty Smith, legal owner, of that property known as 1114 Rosanda Court in the Middle River area of Baltimore County. The Petitioner herein seeks relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 10 ft. in lieu of the required 22.5 ft. for an open projection (deck/pool combination) and to amend the Final Development Plan for Lot #7 in the Holt subdivision. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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 Petitioner has 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 Petitioner.

ORDER RECEIVED FOR FILING

Date

By

6/24/02

R. J. [Signature]

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 24th day of June, 2002, that a variance from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 10 ft. in lieu of the required 22.5 ft. for an open projection (deck/pool combination) and to amend the Final Development Plan for Lot #7 in the Holt subdivision, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 6/24/02
By R. Johnson



Baltimore County
Zoning Commissioner

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

June 24, 2002

Ms. Betty Smith
1114 Rosanda Court
Middle River, Maryland 21220

Re: Petition for Administrative Variance
Case No. 02-508-A
Property: 1114 Rosanda Court

Dear Ms. Smith:

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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1114 Rosanda Ct.
which is presently zoned D.R.-3.5

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)

301.1 A to permit a rear yard setback of 10 ft. in lieu of the required 22.5 ft. for an open projection (deck/pool combination) and to amend the Final Development Plan for Lot #7 in the Helt subdivision.

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

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

Signature

City

State

Zip Code

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Signature

Name

Company

Address

Telephone No.

Address

Telephone No.

City

State

Zip Code

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 16th day of June, 2002, 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. 02-508-A

Reviewed By BH Date 5/13/02

REV 10/25/01

Estimated Posting Date 5/27/02

ORDER RECEIVED FOR FILING
Date
By

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 1114 Rosanda Ct.
City Middle River State Md. Zip Code 21220

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):

I have a 1 1/2 story dwelling with a sliding glass door off the rear of the house 6' off the ground. There is an existing deck that is 54" high to the right of the door which surrounds a 21' pool (above ground) (see attached). We would like to build a deck off of the rear of the house which will step down onto the pool deck. (see attached). The Zoning Board says that we must place 3 feet between the two decks. In order to meet the Zoning code we cannot extend the deck more than 18' off the house and by connecting the two decks we do not meet the code. Placing 3' between the two decks will severely cut the amount of space on the proposed deck while still taking up the same amount of usable space in the yard as well as adding a stairway to the proposed deck will limit even more space in the already small yard (see attached). Also we would have the added inconvenience of having to walk all the way down off of one deck then back up another flight of stairs to get to the deck for the pool. We feel that it will be much more practical as well as much more attractive to connect the two decks with a pair of stairs since the decks will only be 18" difference in height.

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

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Betty Smith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

5/10/2005

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

1114 Rosanda Ct.
Address
Middle River Md. 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

I have a 1 1/2 story dwelling with a sliding glass door off the rear of the house 6' off the ground. There is an existing deck that is 54" high to the right of the door which surrounds a 21' pool (above ground) (see attached). We would like to build a deck off of the rear of the house which will step down onto the pool deck. (see attached). The Zoning Board says that we must place 3 feet between the two decks. In order to meet the Zoning code we cannot extend the deck more than 18' off the house and by connecting the two decks we do not meet the code. Placing 3' between the two decks will severely cut the amount of space on the proposed deck while still taking up the same amount of usable space in the yard as well as adding a stair carriage to the proposed deck will limit even more space in the already small yard (see attached). Also we would have the added inconvenience of having to walk all the way down off of one deck then back up another flight of stairs to get to the deck for the pool. We feel that it will be much more practical as well as much more attractive to connect the two decks with a pair of stairs since the decks will only be 18" difference in height.

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

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of May, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Betty Smith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

5/10/2005



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1114 Rosanda Ct.
which is presently zoned DR 3.5

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)

301.1A to permit a rear yard setback of 10 ft. in lieu of the required 22.5 ft. for an open projection (deck/pool combination) and to amend the Final Development Plan for Lot #7 in the Holt subdivision.

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):

Name - Type or Print Betty Smith
Signature [Signature] only 1 owner

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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.

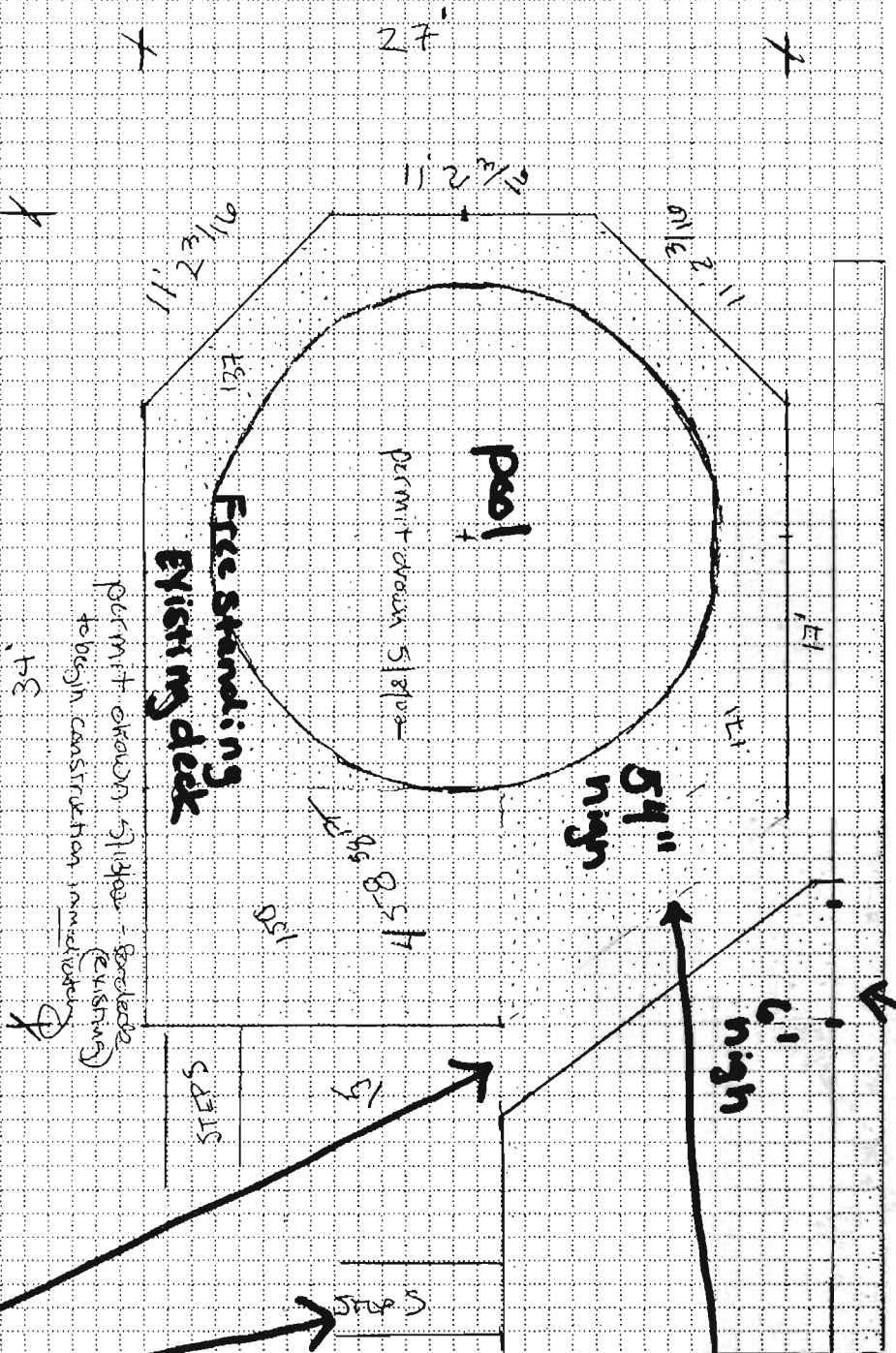
Zoning Commissioner of Baltimore County

CASE NO. 02-508-A

Reviewed By DR Date 5/13/02

Estimated Posting Date 5/27/02

Sliding glass door



We want to build deck out + put a pair of steps down to existing deck / eliminating Xtra stair carriage leaving more usable Yards space + more attractive deck!

Xtra steps limits space in Yards

Zoning Board says 3' between the two decks to meet code space between would hardly be usable space + cut size of deck

1114 Rosenda Ct.

#508

zoning description for - 1114 Rosanda Ct.

Beginning at a point on the East side of Rosanda Ct. which is 50' wide at the distance of 550 feet South and East of the center line of the nearest improved intersecting street Bird River Rd. which is 70 feet wide. Being lot #7 in the Subdivision of Hlt Property as recorded in the Baltimore County Plat Book #72, Folio #45, containing 6145 sq. feet. Also known as 1114 Rosanda Ct. and located in the 15th Election District, 5th Councilman District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **13374**

DATE 5/13/02 ACCOUNT PO01-006-6150

AMOUNT \$ 100.00

RECEIVED
FROM:

Betty Smith

FOR:

Zoning Administrator's Office

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 508

PAID RECEIPT

BUSINESS	ACTUAL	TIME
5/14/2002	5/13/2002	10:49:04
REG 0001	WALKIN JRIC JMR	DRYER 1
RECEIPT # 091121	5/13/2002	OFLH
Dep	5. 520 ZONING VERIFICATION	
DR NO.	013374	
Recpt Tot	\$100.00	
100.00 CR	.00 CA	
Baltimore County, Maryland		

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-508-A

Petitioner/Developer: _____

BETTY SMITH

Date of Hearing/Closing: 6/11/02

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

MR. GEORGE ~~SAHNER~~
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 _____

1114 ROSANDA CT

The sign(s) were posted on _____

5/27/02

(Month, Day, Year)

Sincerely,

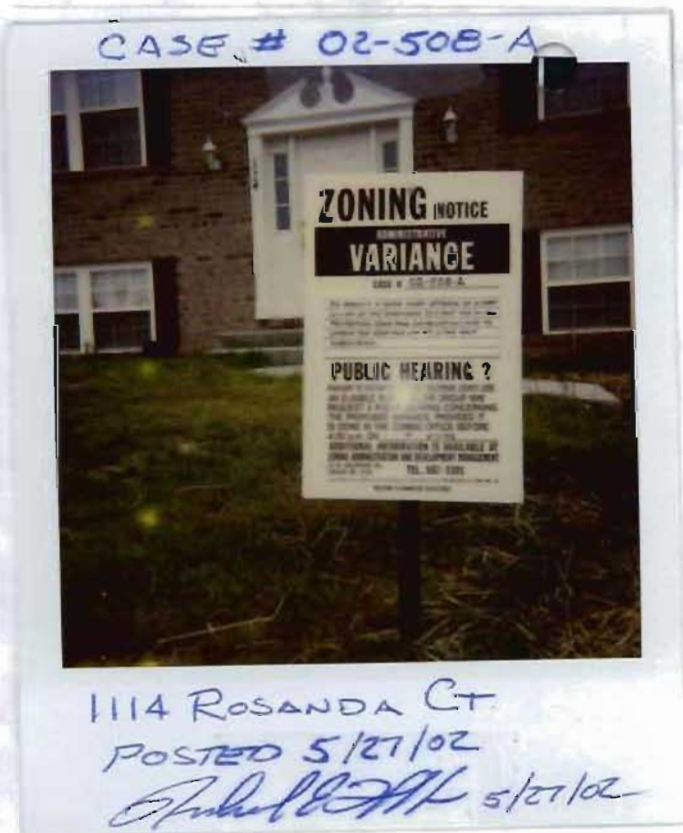
Richard E. Hoffman 5/27/02
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 508 -A Address 1114 Rosanda Ct.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/13/02 Posting Date: 5/27/02 Closing Date: 6/11/02

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 02- 508 -A Address 1114 Rosanda Ct.

Petitioner's Name Betty Smith Telephone 410-687-7532

Posting Date: 5/27/02 Closing Date: 6/11/02

Wording for Sign: To Permit a rear yard setback of 10 ft. in lieu of
the required 22.5 ft. for an open projection (deck/pool combination)
and to amend the FDP for Lot #7 in the Holt subdivision.

**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/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: 02-508-A
Petitioner: Betty Smith
Address or Location: 1114 Rosanda Ct. Middle River, Md 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Betty Smith
Address: 1114 Rosanda Ct.
Middle River, Md. 21220

Telephone Number: 410 687-7532

Revised 2/20/98 - SCJ



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

June 10, 2002

Betty Smith
1114 Rosanda Court
Middle River MD 21220

Dear Ms. Smith:

RE: Case Number: 02-508-A, 1114 Rosanda Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 13, 2002.

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. G72
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



Baltimore County
Fire Department

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

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

May 22, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 28, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

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

508

491, 501-504, 506-510

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

cc: File

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 Mgmt.

DATE: July 8, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For June 3, 2002
Item Nos. 491, 502, 503, 504, 505,
506, 507, 508, 509, and 510

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

RWB:HJO:jrb

cc: File

Granted 6/24/02

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS/TLS*

DATE: July 9, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of May 28, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

491,502, 505, 506, 507, 508, 509, 510

9-11-02
OWNER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 31, 2002

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

JUN - 3 2002

SUBJECT: 114 Rosanda Court

INFORMATION:

Item Number: 02-508

Petitioner: Betty Smith

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a rear yard projection of 10 feet in lieu of the required 22.5 feet contingent upon the following:

1. Provide to this office, written consent from the owners of lots 6 and 8 that they do not object to the presence of the subject pool.
2. Due to the close proximity to the adjoining neighbor's bedroom, submit to this office, a written statement that the subject pool will not be used after 10:00 PM.
3. Install an opaque evergreen screening along the property line of lots 6 and 8 that will completely screen the pool from the view of all adjacent properties.

Prepared by:

Mark A. Cunningham

Section Chief:
AFK/LL:MAC:

Lynne Karkhan



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.23.02

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

RE: Baltimore County
Item No. 508 BR

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,

K 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

-15-

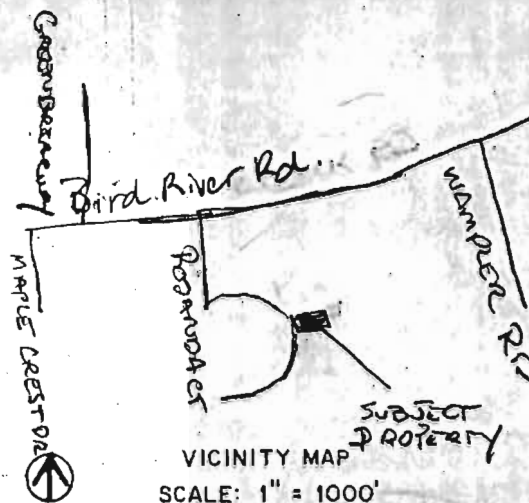
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

OWNER BETTY SMITH me/17 2002

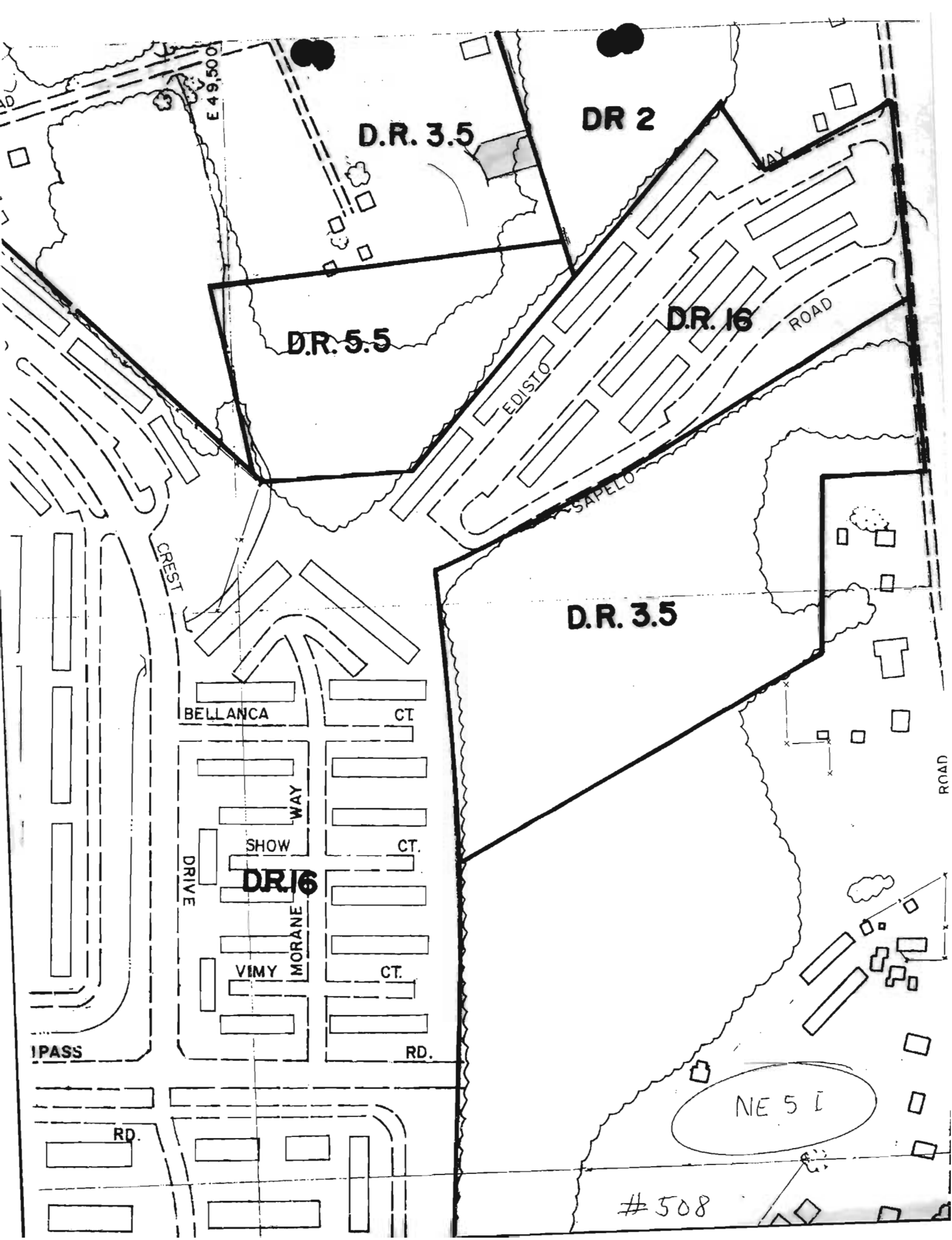


NORTH

SCALE OF DRAWING: 1" = 30'



13/2 | 508 | 02-508-A



D.R. 3.5

DR 2

D.R. 5.5

D.R. 16

D.R. 3.5

DR 16

BELLANCA

CT

SHOW

CT.

VIMY

CT.

IPASS

RD.

NE 5 I

#508



#508

VIEW FROM LOT #2



#508

VIEW FROM LOT #10



REAR OF HOUSE VIEW FROM LOT 6

#508