IN RE: PETITION FOR ADMIN. VARIANCE SW/Corner at intersection of Robins Perch Lane & Forge Hill Road 11th Election District 5th Councilmanic District (5115 Robins Porch Lane)

Kelly A. & John F. Vontran

Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-357-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, Kelly A. and John F. Vontran. The variance request is for property located at 5115 Robins Perch Lane in the Perry Hall 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 swimming pool to be located in the 1/3 portion of the rear yard not furthest removed from an adjoining street (corner lot) and to amend the Final Development Plan of "Forge Heights".

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.

2 Selo3

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 26th day of February, 2003, that a variance from Section 400.1 of the B.C.Z.R., to permit a proposed swimming pool to be located in the 1/3 portion of the rear yard not furthest removed from an adjoining street (corner lot) and to amend the Final Development Plan of "Forge Heights", be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

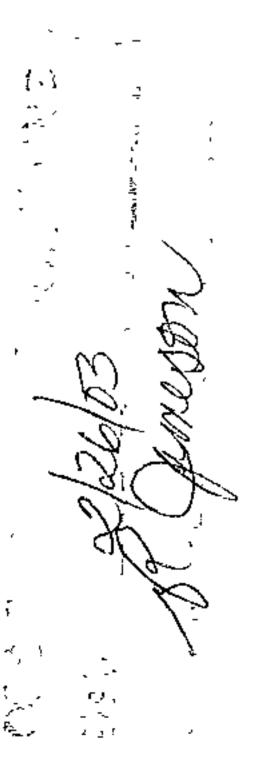
1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

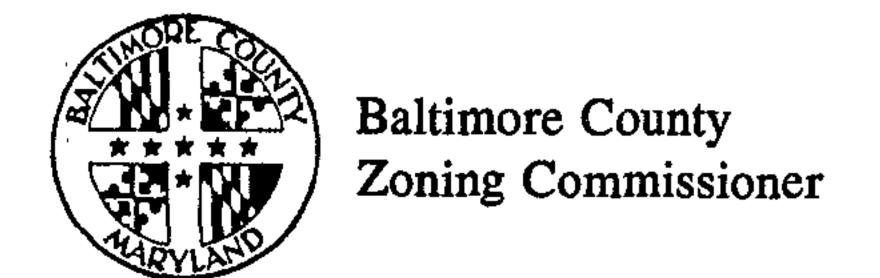
IMOTHY M. KOTROCO

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

February 26, 2003

Mr. & Mrs. John F. Vontran 5115 Robins Perch Lane Perry Hall, Maryland 21128

Re: Petition for Administrative Variance

Case No. 03-357-A

Property: 5115 Robins Perch Lane

Dear Mr. & Mrs. Vontran:

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

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Deputy Zoning Commissioner

TMK:raj Enclosure



# Petition for Administrative Variance TO AMEND THE FOR STEP OF FORGE HEIGHTS to the Zoning Commissioner of Baltimore County

for the property located at	5115Robins F	Perch Lane
which is	presently zoned	D12-1

tor the property	Totaled at Onto 1000 1000 1000
i ·	which is presently zoned $D2$
nade a part hereof, hereby petition for a Variance from Sec	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and ction(s)  ADD 1 BC 2-2 TO PERMIT.
A SWIMMING POOL TO BE	E LOCATED IN THE Y3 1'OPTION
OF THE REAR YARD NOT	FURTHEST REMOVED FROM AN
ADjoining STREET (COINNER	L LOT ) AND TO AMEND THE FOP
of Foil-G HEIGHTS.	FURTHEST REMOVED FROM AND L COT) AND TO AMEND THE FOR
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the bac
Property is to be posted and advertised as prescribed by the or we, agree to pay expenses of above Variance, advertising, prescribed pursuant egulations and restrictions of Baltimore County adopted pursuant	nosting, etc. and further agree to and are to be hounded by the zonion
	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):
·	John F. Vontran
ame - Type or Print	Name - Type of Print
ignature	Signature
ddress Telephone No.	Helly A. Vontran
relephone 140.	Name - Type or Print USULY W. VONTROU
ty State Zip Code	Signature V
ttorney For Petitioner:	5115 Robins Perch Lane (A10)529-247 Address Telephone No
!	Perry 1-1/211 MC. 21128
arne - Type or Print	City State Zip Code
gnature	Representative to be Contacted:
ompany ;	Name .
	, '
Idress Telephone No.	Address Telephone No.
State Zip Code	City State Zip Code
R Cross of the subject matter of	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
gulations of Baltimore County and that the property be reposted.	
A.	Zoning Commissioner of Baltimore County

CASE NO.

REV 10/25/01

\_\_\_\_ Date \_\_\_\_\_\_\_ Reviewed By Estimated Posting Date \_

## 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

5115 Mubins P	erchlüne	
Address	<u> </u>	
PerruHall	Md.	21128
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):

Below is a list of reasons the zoning regulations cannot be met on our property for the installation of inground pool:

- The property is on a corner lot facing Robins Perch Lane and adjacent to Forge Hill Road.
- 2. According the HOA regulations, there must be a 50 foot deep private forest buffer behind each house and a private tree buffer between each house.
- 3. The location of some of the mature trees, the slope of the property for water runoff, the location of the house on a corner lot and the above mentioned tree buffers, it is a practical difficulty to locate the pool within the current regulations.
- 4. The dimensions of the pool are 20'x48'. There will be no concrete decking adjacent to the Forge Hill Rd. side of the pool.

That the Affiant(s) acknowledge(s) that if a formal demandary advertising fee and may be required to provide additional in	·
Signature MM / MM	Signature Signature
John F. Vontran	Kelly A Vontran
Name Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to w	/it:
I HEREBY CERTIFY, this 3/2 day of JANUARY of Maryland, in and for the County aforesaid, personally ap	<u> </u>
JOHNEVONDAN V	KELLY W. VONTRAN
the Affiant(s) herein, personally known or satisfactorily ider	ntified to me'as such Affiant(s).
AS WITNESS my hand and Notarial Seal	otary Public
	Ny Commission Expires 12/1/03
REV 10/25/01	

# 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	5115 130bins k	erch Lane	
	Address		
	Permi Hall	Md.	21128

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):

Below is a list of reasons the zoning regulations cannot be met on our property for the installation of inground pool:

- 1. The property is on a corner lot facing Robins Perch Lane and adjacent to Forge Hill Road.
- 2. According the HOA regulations, there must be a 50 foot deep private forest buffer behind each house and a private tree buffer between each house.
- 3. The location of some of the mature trees, the slope of the property for water runoff, the location of the house on a corner lot and the above-mentioned tree buffers, it is a practical difficulty to locate the pool within the current regulations.
- 4. The dimensions of the pool are 20'x48'. There will be no concrete decking adjacent to the Forge Hill Rd. side of the pool.

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

Signature

Signature

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31 day of January of Maryland, in and for the County aforesaid, personally appeared

JOHN F VINTAN FRELLY A VONTAN

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

**Notary Public** 

My Commission Expires

Della Rese

REV 10/25/01



REV 10/25/01

# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at	5115 Robins Pe	rch Lane
which is	presently zoned	OPI

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; BCZB, to Permit a Swimming pool to be located in the 13 portion of the rear yard not furthest removed from an adjoining street (corner lot). It is a portion of the rear yard not furthest removed from an adjoining street (corner lot). It is a portion of the rear yard not furthest removed from an adjoining street (corner lot).

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: <u>Legal Owner(s):</u> John E. Vontkan Name - Type or Print Name / Type or Phint Signature Signature Hellu A. Vontran Address Telephone No Mame - Type or Print Kelly a. Vontran City State Zip Code Signature Robins Perch Lane (410)529-2471 Attorney For Petitioner: Address Telephone No 21128 Perry Hall Ma. Name - Type or Print City State Zip Code Representative to be Contacted: Signature John F. Vontran Company Name (410) 529-2471 5115 Robins Perch Lane Address Telephone No. Address Telephone No. City State Zip Code City State Zıp 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.

Reviewed By

Estimated Posting Date

Zoning Commissioner of Baltimore County

Date

## ZONING DESCRIPTION FOR 5115 ROBINS PERCH LANE, PERRY HALL, MD 21128

Beginning at a point on the southwest intersection of Robins Perch Lane which is 40' wide and Forge Hill Road which is 45' wide. Being Lot #20 Block 1 Section D in the subdivision Forge Heights as recorded in Baltimore County Plat Book #73, Folio #49 containing .76 acres. Also known as 5115 Robins Perch Lane and located in the 11th election district, 5th councilmatic district.



	VHITE - CASHIER PINK - AGENCY Y	FOR: PAR CAR. 65.	RECEIVED . CONTON	DATE / ) ) ( ) ACCOUNT	BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE SCELLANEOUS RECEIPT
A the same of the	ELLOW - CUSTOMER		INT \$ 115 Regions	101-101-101	ND 35 7 No. 21007
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DGET & FINANCE EOUS RECEIPT	DATE 1-31-6150 ACCOUNT (C1-10-6150	AMOUNT \$ // S.	RECEIVED - UONTIE / CONTROM:	ENB.	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	The same of the sa

### CERTIFICA OF POSTING



,	RE: Case No.: 0005
•	Petitioner/Developer: John
•	VONTRAN
	Date of Hearing/Closing: 2/12/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	<b>*</b>
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
	Caratana de la Elementa de la Caratana de la Carat
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 5/15 ROBINS PEARC
	LANE
	**************************************
The sign(s) were posted on	2/2/03
	(Month, Day, Year)
	Sincerely,
	2/2/03
	(Signature of Sign Poster and Date)
िक्षा प्रति के सिक्षित कि	SSG ROBERT BLACK
	(Printed Name)
	1508 Leslie Rd
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
	(410) 282-7940

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

i	dress 5/15 forBins PERCh LANE
Contact Person:  Planner Please Print Your Name	Phone Number: 410-887-3391
Filing Date: / 31.03 Posting D	Date: 2-10-03 Closing Date: 2 25-0
Any contact made with this office regarding the through the contact person (planner) using the cas	status of the administrative variance should be e number.
reverse side of this form, and the petitione reposting must be done only by one of the sisted cost all associated cost	one of the sign posters on the approved list (on the r is responsible for all printing/posting costs. Any sign posters on the approved list and the petitioner s. The zoning notice sign must be visible on the above. It should remain there through the closing
DEADLINE: The closing date is the deadling a formal request for a public hearing. Placed request for a public hearing, the process is request for a public hearing, the process is request.	e for an occupant or owner within 1,000 feet to file ease understand that even if there is no formal not complete on the closing date.
commissioner. He may: (a) grant the req order that the matter be set in for a pub	will be reviewed by the zoning or deputy zoning uested relief; (b) deny the requested relief; or (c) lic hearing. You will receive written notification date) as to whether the petition has been granted. First Class mail.
(whether due to a neighbor's formal requipment commissioner) notification will be forward changed giving notice of the hearing date it	STING: In cases that must go to a public hearing est or by order of the zoning or deputy zoning ed to you. The sign on the property must be me and location. As when the sign was originally otograph of the altered sign must be forwarded to
,	3 " 1 = 1
Petitioner: This Part of the Form is for the Sign	Poster Only
. USE THE ADMINISTRATIVE	VARIANCE SIGN FORMAT
Case Number 03- $357$ Address _	5115 ROBINS PERCH CAME
Petitioner's Name John Lont RHN	
Posting Date: 210.63	Closing Date: 2.25-63
Wording for Sign To Permit A Poct	TO BE (CLATED IN THE
1/3 of The PEAR YARD	AR NEAREST THE
ADJOINNIC STREET, AND	
DECELOPMENT PLAN OF	FORCE HEIGHTS

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

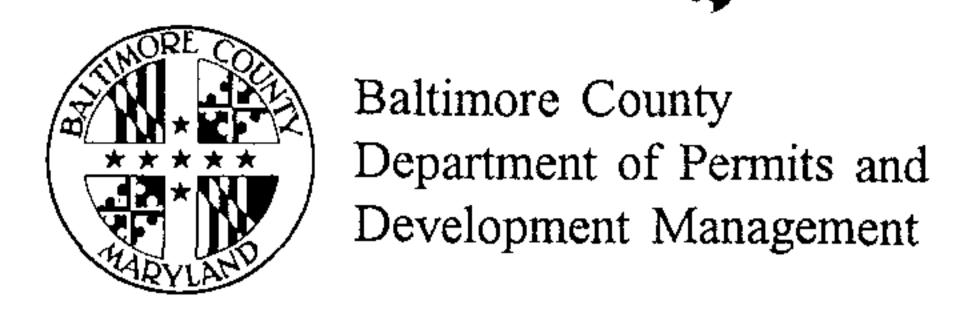
#### <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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:	VONTRAN	
Address or Location: 5115	ROBINS PERCH LAWE, PERRY HALL, Md. 2	1122
PLEASE FORWARD ADVERTIS	SING BILL TO:	
Name:		
Address:	SAMO.	
Telephone Number:	410 - 529-2471	



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

February 20, 2003

John & Kelly Vontran 5115 Robins Perch Lane Perry Hall, MD 21128

Dear Mr. and Mrs. Vontran:

RE: Case Number: 03-357-A, 5115 Robins Perch Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 10, 2003.

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.

Supervisor, Zoning Review

U. Callaball

WCR:klm

Enclosures

c: People's Counsel



Come visit the County's Website at www.co.ba.md.us G:\Zoning Review\Letters-ZAC Comments\03-357-A Comments.doc



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 11, 2003

Item No.:

351-360

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** February 27, 2003

TO: Arnold Jablon, Director

Department of Permits & Development Management

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

Review

**SUBJECT:** Zoning Advisory Committee Meeting

For February 18, 2003

Item Nos. 351, 352, 353, 354, 355, 356 357, 358, and 360

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

RWB:CEN:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** February 19, 2003

ZONING COMMISSIONER

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

5115 Robins Perch Lane

**INFORMATION:** 

Item Number:

03-357A

Petitioner:

John F. Vontran

Zoning:

DR 1

Requested Action: Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an accessory structure (swimming pool) with a 1/3 of said structure to be located in the rear yard not furthest removed from the adjoining street, provided the swimming pool is adequately buffered from view. The petitioner should submit elevation drawings of the proposed buffering to this office for review and approval prior to the issuance of any permits.

**Section Chief:** 

AFK/LL:MAC:



#### MAR LAND DEPARTMENT OF TRANSPERSSON

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

Date: 2.7.03

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

RE:

**Baltimore County** 

Item No. 357

JCM

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,

1-

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

