

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Country Club Drive, 700' E
centerline of Green Tree Drive
10th Election District
3rd Councilmanic District
(12 Country Club Drive)

Robert M. Windsor
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-431-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Robert M. Windsor, the legal owner of the subject property. The variance request is for property located at 12 Country Club Drive in the Phoenix area of Baltimore County. The Petitioner herein seeks a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative 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

ORDER RECEIVED FOR FILING

Date

4/16/03

By

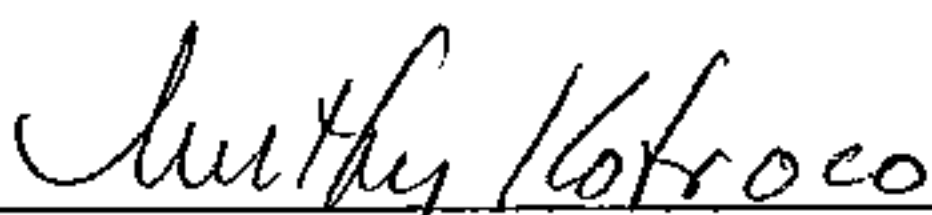
R. J. J. J.

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 16th day of April, 2003, that a variance from Section 400.1 of the B.C.Z.R., to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, 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 his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

DATE FOR FILING
Date 4/16/03
By R. J. J. J.



Baltimore County
Zoning Commissioner

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

April 16, 2003

Mr. Robert M. Windsor
12 Country Club Lane
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 03-431-A
Property: 12 Country Club Lane

Dear Mr. Windsor:

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 that reads "Timothy 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 12 COUNTRY CLUB Drive
which is presently zoned Rc-4

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)

structure (garage) to be located 400.1 to permit an accessory in the side yard in lieu of the required rear yard.

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

MA 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.

Legal Owner(s):

ROBERT M. WINDSOR

Name - Type or Print

Signature

Name - Type or Print

Signature

12 COUNTRY CLUB LANE

Address

PHOENIX

City

MD

State

592-9666

Telephone No.

21131

Zip Code

Representative to be Contacted:

ROBERT M. WINDSOR

Name

12 COUNTRY CLUB LANE

Address

PHOENIX

City

MD

State

Telephone No.

21131

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By BH Date 3/19/03

Estimated Posting Date 3/30/03

CASE NO. 03-431-A

REV 10/25/01

ORDER RECEIVED
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

12 COUNTRY CLUB LANE

Address

PHOENIX

City

MD

State

2121

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):

- 1) Uniqueness of lot shape and location: The wooded lot on Country Club lane is wrapped in thick tree growth at virtually all of its borders. Access to the lot is via an extended pan-handle lot with no visibility of the garage or the home from the road entry. The zoning-required set back beyond the rear of the main house intended to reduce visibility from adjacent neighbors is not an issue. No neighbors' house is readily visible from the location.
- 2) Concealment: The proposed zoning required setback would push the proposed garage deeper into the wooded area at its eastern edge and likely make it more visible to the existing neighbor.
- 3) Conservation: Locating the garage in the proposed zoning set back would mean removing up to 10 young and old-growth trees in the forested area. Additionally, locating the detached garage in this area would mean an increase of up to 1000 SF of additional impervious area of paving leading to the remote location.
- 4) Cost: Locating the garage in the zoning proposed area would place an un-due burden on the owner. Tree removal, re-design and additional black-topping and grading would add approximately \$6000.00 to the cost of the project

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 12th day of March, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Melina M. Surdel
Notary Public

MEISSA M. SURDEL

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires

My Commission Expires February 15, 2007

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

12 COUNTRY CLUB LANE

Address

PHOENIX

City

MD

State

2121

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):

- 1) Uniqueness of lot shape and location: The wooded lot on Country Club lane is wrapped in thick tree growth at virtually all of its borders. Access to the lot is via an extended pan-handle lot with no visibility of the garage or the home from the road entry. The zoning-required set back beyond the rear of the main house intended to reduce visibility from adjacent neighbors is not an issue. No neighbors' house is readily visible from the location.
- 2) Concealment: The proposed zoning required setback would push the proposed garage deeper into the wooded area at its eastern edge and likely make it more visible to the existing neighbor.
- 3) Conservation: Locating the garage in the proposed zoning set back would mean removing up to 10 young and old-growth trees in the forested area. Additionally, locating the detached garage in this area would mean an increase of up to 1000 SF of additional impervious area of paving leading to the remote location.
- 4) Cost: Locating the garage in the zoning proposed area would place an un-due burden on the owner. Tree removal, re-design and additional black-topping and grading would add approximately \$6000.00 to the cost of the project

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 M. Windsor
Signature

ROBERT M. WINDSOR
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of March, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert M Windsor

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

AS WITNESS my hand and Notarial Seal

Melissa M. Surdel
Notary Public

MELISSA M. SURDEL

NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires

My Commission Expires February 15, 2007



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12 COUNTRY CLUB Drive
which is presently zoned RC-4

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 to permit an accessory

structure (garage) to be located in the side yard in lieu of the
required rear yard.

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 M. WINDSOR

Name - Type or Print _____

Signature Robert M. Windsor

Robert

Name - Type or Print _____

Signature _____

12 COUNTRY CLUB LANE 592-9666

Address _____ Telephone No. _____

PHOENIX MD 21131

City _____ State _____ Zip Code _____

Representative to be Contacted:

ROBERT M. WINDSOR

Name _____

12 COUNTRY CLUB LANE

Address _____ Telephone No. _____

PHOENIX MD 21131

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. 03 - 431-A

Reviewed By BR Date 3/19/03

Estimated Posting Date 3/30/03

Zoning Description

Zoning Description for 12 Country Club Drive

Beginning at a point on the North side of Country Club Drive which is 50 ft. wide at the distance of 700 ft. east of the centerline of the nearest improved intersecting street Green Tree Drive which is 50 ft. wide. Being Lot # 29 in the subdivision of Overshot as recorded in the Baltimore County Plat Book # 55, folio # 72, containing 4.32 acres. Also known as 12 Country Club Drive and located in the 10th Election District, 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21952

DATE 3/19/03 ACCOUNT Rec'd 006-6126

AMOUNT \$ 165.00

RECEIVED FROM: Robert W. Under

FOR: 1st of 1/08/03

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

IT 03-431

PAID RECEIPT

BUSINESS ACTUAL TIME DMD
3/19/2003 3/19/2003 09:20:00

REC 0304 WALKIN DUEL DMD

RECEIPT # 21952 3/19/2003 09:20

Dept 5 523 ZONING VERIFICATION

CR NO. 021052

Receipt for \$165.00

\$165.00 OK 00 00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-431-A

Petitioner/Developer: ROBERT

WINDSOR

Date of Hearing/Closing: 4/14/03

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:

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 12 COUNTRY CLUB

DRIVE

The sign(s) were posted on 3/28/03
(Month, Day, Year)

Sincerely,

[Signature] 3/28/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

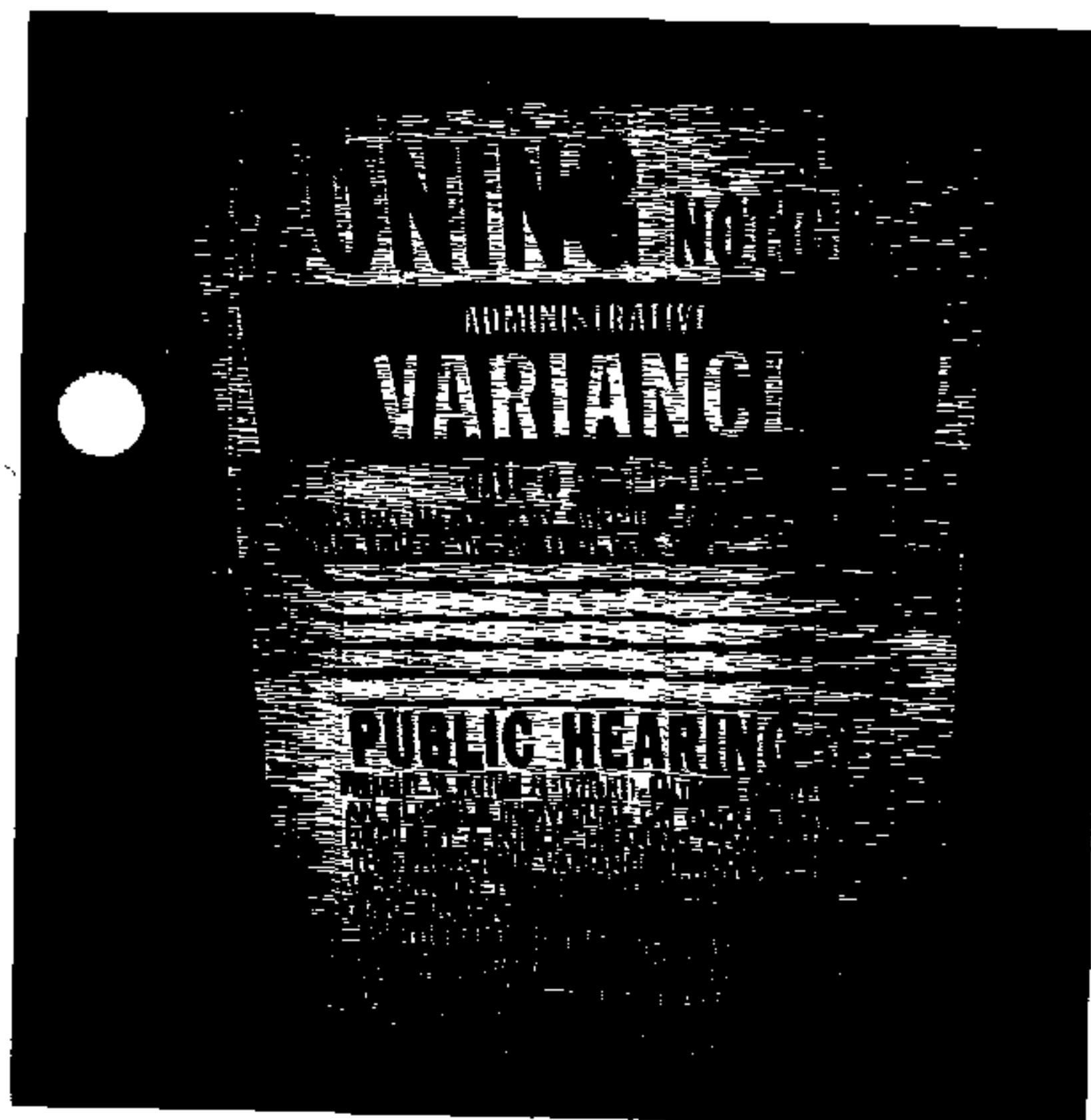
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 431 -A

Address 12 Country Club Drive

Contact Person: Bruno Rudaitis
Planner Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3/19/03

Posting Date: 3/30/03

Closing Date: 4/14/03

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.

(Continued on Other Side)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 431 -A

Address 12 Country Club Drive

Petitioner's Name Robert Windsor

Telephone 410-542-9666

Posting Date: 3/30/03

Closing Date: 4/14/03

Wording for Sign To Permit an accessory structure (garage) in the side yard in lieu of the required rear yard.

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: 03-431-A

Petitioner: ROBERT M. WINDSON

Address or Location: 12 Country Club Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT M. WINDSON

Address: 12 Country Club Drive

Phoenix MD 21131

Telephone Number: 410 592 9666

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

April 14, 2003

Robert M. Windsor
12 Country Club Lane
Phoenix, MD 21131

Dear Mr. Windsor:

RE: Case Number: 03-431-A, 12 Country Club Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 19, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

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



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4 . 1 . 03

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

RE: Baltimore County
Item No. 431 TBR

Dear Ms. Hart:

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



**Baltimore County
Fire Department**

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

April 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2003

Item No.: 431 - 438, 441 - 444

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.

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

RECEIVED

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

DATE: April 9, 2003

APR 10 2003

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-431 and 03-455
Administrative Variance

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:

Mark A. Cunningham

Section Chief:

Lynne L. Cunningham

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For April 7, 2003
Item Nos (431), 432, 433, 435, 436,
437, 438, 439, 440, 441, 442, 443,
and 444

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

RWB:CEN:jrb

cc: File

R. C. 4

12 COUNTRY CLUB DRIVE
NE 19-20 C
10TH DIST

N-610,000

E-16,500

E-926,000

E-18,000

N-76,000

R. C. 4

N-609,000

BLenheim
FOREST

GREEN
TREE
DR.

COUNTRY CLUB LA.

N-75,000

Item # 431

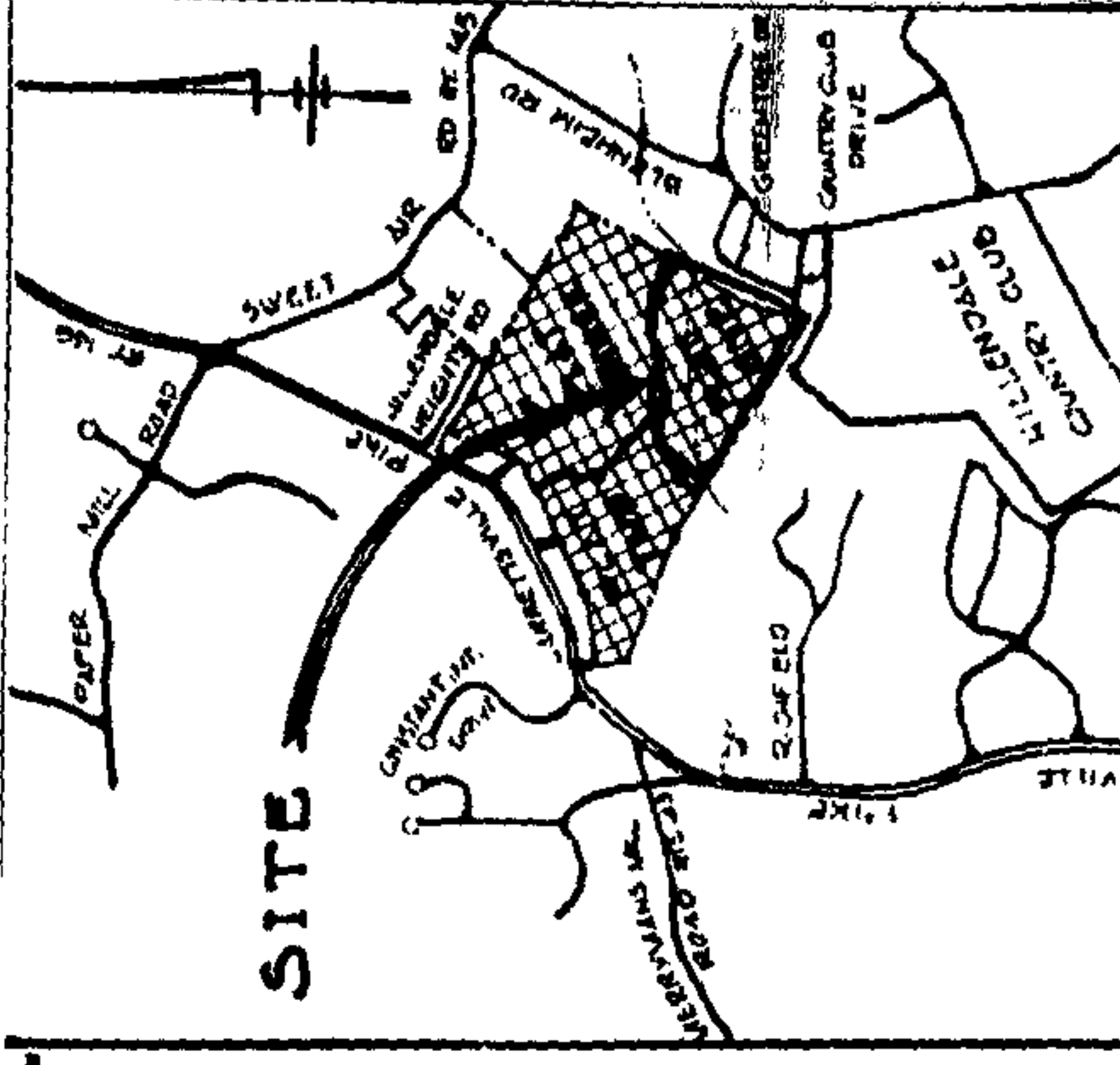
☐ SPECIAL HEARING

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

Overshot

FOLIO # 72 LOT # 29 ~~SECTION #~~

Robert Windsor



① VICINITY MAP
SCALE: 1" = 1000'

None

	ONLY	CASE #
--	------	--------

SCALE OF DRAWING: 1" = 100'

431

03-431-A

Figure 1 Looking north down drive from beginning of drive



Figure 2: Looking northeast from top of drive



Figure 3 Looking northwest from top of drive



Figure 4 View looking north from proposed garage location



Figure 5: View looking northeast from proposed garage location



Figure 6 View looking east from proposed garage location



#431

Figure 7 View looking southeast from proposed garage location



Figure 8 View looking south from proposed garage location



Figure 9 View looking west from proposed garage location

