IN RE: PETITION FOR ADMIN. VARIANCE N/S of Kendigs Mill Road, 535' E of Windhill Drive 4th Election District 2nd Councilmanic District (330 Kendigs Mill Road)

ж *

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

* CASE NO. 03-492-A

Diane M. & Keith S. Pasternack

Petitioners

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, Diane M. and Keith S. Pasternack. The variance request is for property located at 330 Kendigs Mill Road in the Owings Mills 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 side yard in lieu of the rear yard.

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.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comment submitted by the Office of Planning dated May 5, 2003, a copy of which is attached hereto and made a part hereof.

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 day of May, 2003, that 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 side yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
- 2. Compliance with the recommendations made by the Office of Planning dated May 5, 2003.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

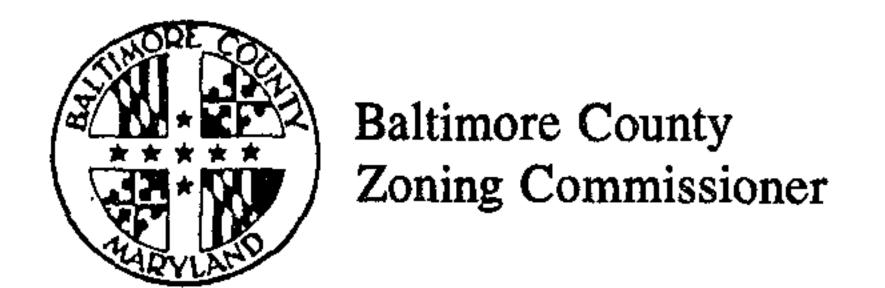
TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:rai

The state of the s



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

Fax: 410-887-3468

May 22, 2003

Mr. & Mrs. Keith S. Pasternack 330 Kendigs Mill Road Owings Mill, Maryland 21117

Re: Petition for Administrative Variance

Case No. 03-492-A

Property: 330 Kendigs Mill Road

Dear Mr. & Mrs. Pasternack:

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.

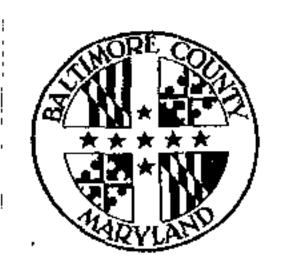
Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy llotroco

TMK:raj Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 330 Kendius Mill Rd. Owings Mills

	which is presently zoned <u>TR-5-5</u>
This Petition shall be filed with the Department of Permowner(s) of the property situate in Baltimore County and which made a part hereof, hereby petition for a Variance from Section Accessory Some Source Poor	its and Development Management. The undersigned, leach is described in the description and plat attached hereto a ion(s) (a) 400, 1 To Pennic A Detaction (b) W THE SIDE PAND IN USAGE
of the zoning regulations of Baltimore County, to the zoning I of this petition form.	aw of Baltimore County, for the reasons indicated on the ba
Property is to be posted and advertised as prescribed by the l, or we, agree to pay expenses of above Variance, advertising, po regulations and restrictions of Baltimore County adopted pursuant to	isting, etc. and further agree to and are to be bounded by the zon
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property whic is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
!	Keith Steven Pasternack
Name - Type or Print	Name - Type of Print
Signature	Signature Signature
Address Telephone No.	Name - Type or Print
	Diane Marie Fasternaire
City Attorney For Petitioner:	330 Kendicus Mill Rd. 410-581-6
Attorney i of Fetitioner.	Address Telephone
Name - Type or Print	Owings Mills Md. 21117 City State Zip Co
	Representative to be Contacted:
Signature .	Keith Pasternack
Company	Name
Address Telephone No	Address Address Telephone N
	Owings Mills Md 2111
City State Zip Code	City State Zip Coo
Public Hearing having been formally demanded and/or found to be that the subject matter of the gulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore Countries has petition be set for a public hearing, advertised, as required by the zon
Assemble County and that the property be reposted.	•
	Zoning Commissioner of Baltimore County
CASE NO. 03-492. A Rev	
Kev Color	riewed By 0104 Date 04765

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	330 Kendia	AS Mr	11 Rd	
	Adhiess		M	2111 7 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ving are the facts upo or practical difficulty	on which I/):	we base the reques	
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. then the back because of	the follow.	ind coc	sons. Firs	r.we.lack.
adequate space behind our b	ouse. There i	sonly	15 feet to	the end of the
property from the check (10 s	feet is draina	ige and	lutility eas	rement). We
choose the left side because	the Right si	de ho	s.a.draine	ige slope and
st-bas existing hand wood tre	es. The left	side	has flat	ground and.
neasures 63 feet by 39, feet	1. I have p	rovide	d pictures	of the area
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	Request mal demand is filed dditional information.	Affiant(s)	will be required to	o pay a reposting and
Keith Sleven Pasternack	Signa	Hure .	Marie 7	asternach
Name - Type or Print	Name	21400e e - Type or Pr	Marie P	asternack
	·			
STATE OF MARYLAND, COUNTY OF BALTIM	<i>.</i>	020	•	
of Maryland, in and for the County aforesaid, personally known or satisfactors.				tary Public of the State asternach
the Affiant(s) herein, personally known or satisfac	ctorily identified to me	as such A	ffiant(s).	
AS WITNESS my hand and Notarial Seal	•			
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	My Commiss	c sion Exnire	s 12/24/04	<i>f</i> -
_	, 5577111100	-	- 	

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	BO Kendius II	7-11 KU	
	vings Mill	State	2111 7 Zip Code
That based upon personal knowledge, the following a Variance at the above address (indicate hardship or p	are the facts upon which ractical difficulty):	l/we base the reque	est for an Administrative
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property from the check (10 fee	r is drainage as	a uzility ea	sement). We
thoose the left side because the	e Aight side	nas a drain	age slope and
thas existing hand wood trees	The left side	e has flat	ground and
hersures 63 feer by 39 feer i	,		~>> <u>~</u>
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide addition			
Keith Sterren Pasternach	Signature	Marie) aternach
Name - Type or Print	Name - Type o	e Marie	Pasternack
STATE OF MARYLAND, COUNTY OF BALTIMORE,			
I HEREBY CERTIFY, this 8 day of 42 day of of Maryland, in and for the County aforesaid, personal	y appeared		otary Public of the State
Heith Steven Pasternack the Affiant(s) herein, personally known or satisfactorily) and Klean	e marce	asternick)
The Amant(s) herein, personally known or satisfactority	nucinined to me as suci	i Amanus).	
AS WITNESS my hand and Notarial Seal	0 ,		
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REV 10/25/01	wy Commission Exp	"ES	



CASE NO. OS. 49

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 330 Kendings Mill Rd. Owings M	1
which is presently zoned	

Reviewed By ______ Date ____ Date

Estimated Posting Date OS-OU-OS

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 6 Femili & De talelo

ACCESSORY STRUCTUME (FOOL) IN THE SIDE LAND IN LIEW OF THE READ

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>
Name - Type or Print			Keith Steven Pasternack Name-Type or Print
Signature			Signature Serven Costernacol
Address	,	Telephone No	Name - Type or Print
City	State	Zip Code	Signature Marie Pasternach
Attorney For Petitio	<u>ner:</u>	*	330 Kendigs Mill Rd. 410-581-0099 Address Telephone No.
Name - Type or Print			Owings Mills Md. 21117 City State Zip Code
Signature			Representative to be Contacted:
Company			Keith Pasternack
Address		Telephone No.	330 Kendigs Mill Ru 410-581-0090 Address Telephone No
City	State	Zip Code	City State Zip Code
A Public Hearing having be this day of regulations of Baltimore Coun	en formally demands the trope	ded and/or found to be at the subject matter of the reposted.	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

03/31/03

ZONING REVIEW DEPARTMENT OF PERMITS AND DEVELOPMENT 111 WEST CHESAPEAKE AVE TOWSON, MD. 21204

Zoning description for 330 Kendigs Mills Rd., Owings Mills, MD 21117.

Beginning at a point on the north side of Kendigs Mill Road which is feet wide at a

Gistance 38 feet 10 inches east of the nearest improved intersecting street Kendigs Mill

Road which is 30 feet wide.

Being Lot #105, Block ______, Section _____ in the subdivision of Kendig Mill Station

As recorded in Baltimore County Plat Book #58, Folio #139, containing .27 acres.

Also known as 330 Kendigs Mill Road and located in the 4th Election District,

3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

5)]-/
No. 23629

AMOUNT \$ 6500 MAN.

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YELLOW - CUSTOMER

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

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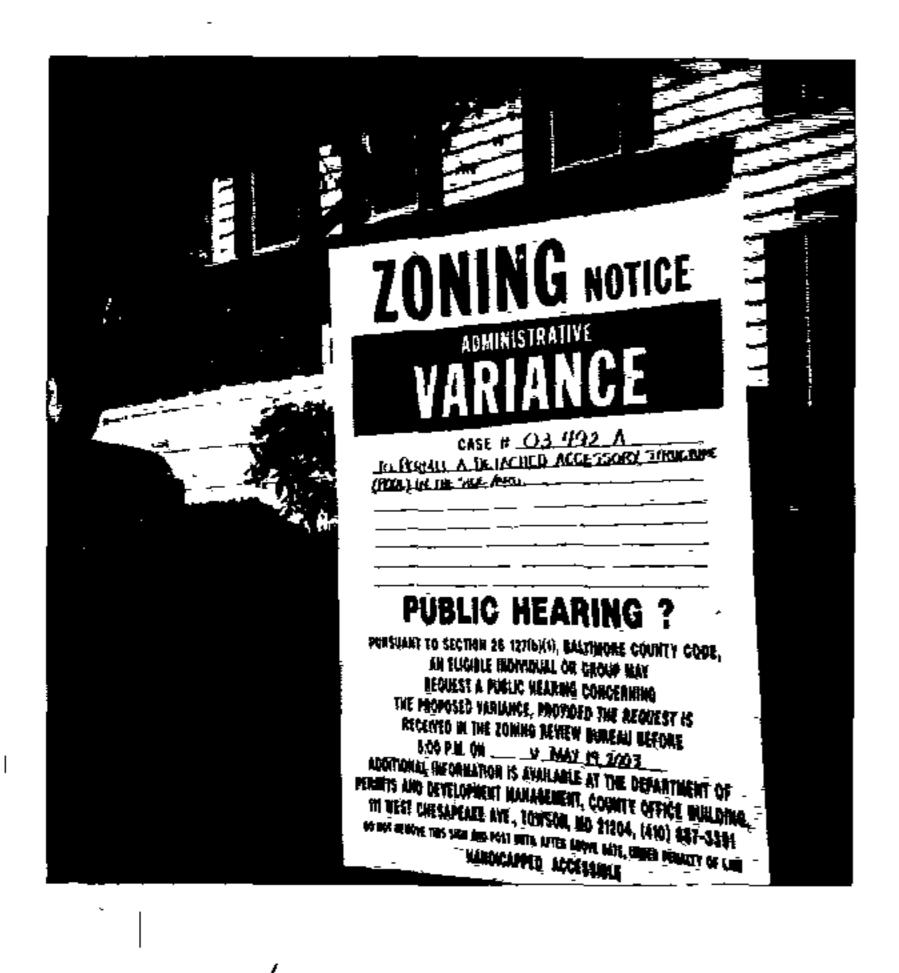
RE: Case No.:	03-492-11
Petitioner/De	eveloper:
Beith	Hasferrack.
,	ing/Closing: 5/19/03.

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 330 heading Mill Ro



94	23	ු ය

(Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

SHANNON BAUNTSIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBUNG MD. 21784

(City, State, Zip Code)

4/23/03

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Any contact made with this office regarding the status of the administrative variance should be

Planner Please Print Your Name

Filing Date: 04 - 2(-03) Posting Date: $5 - 4 \cdot 03$

through the contact person (planner) using the case number.

Case Number 03-

Contact Person:

Address 530 Kewouss Muilo.

Phone Number: 410-887-3391

Closing Date: 5-(4-03,

1.	<u>POSTING/COST:</u> 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.	<u>DEADLINE</u> : 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.
i	Detach Along Dotted Line,
Petiți	oner: This Part of the Form is for the Sign Poster Only
! !	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case	Number 03- 497 -A Address 330 Kansus flusto.
Petitic	oner's Name PASTER NACK Telephone 410-581-0099
Postii	ng Date: 05-04.03 Closing Date: 05-19-03.
Wordi	ng for Sign: To Permit A DETACHED EXCESSORY S-LAUCTURE LIN
	CHE SIDE RAND
i	
	03-492. AwcR - Revised 6/28/00

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

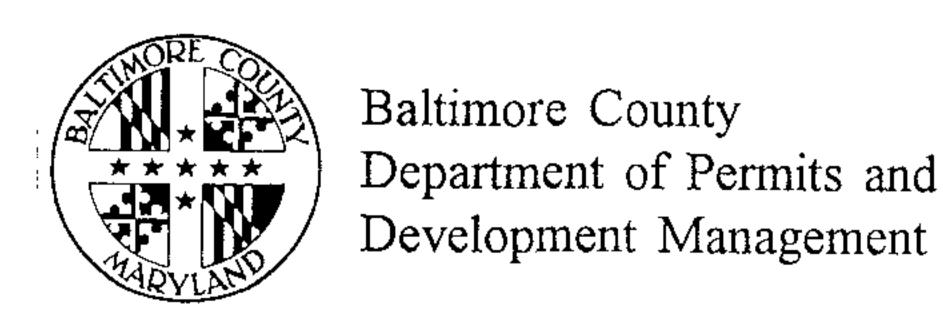
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: <u>Ke</u>	ith Pasternack
Address or Locat	tion: 330 Kendigs Mill Rd Owings Mills My
Name: <u>Reit</u>	ARD ADVERTISING BILL TO: h Pasternack
Address: <u>330</u>	Kendigs Mill Rd Owings Mills Md 21117
Telephone Numb	per: 410.581-0099

Revised 2/20/98 - SCJ



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

May 19, 2003

Keith Pasternack Diane Pasternack 330 Kendigs Mill Road Owings Mills MD 21117

Dear Mr. and Mrs. Pasternack:

RE: Case Number: 03-492-A, 330 Kendigs Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 21, 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. Callilal)

WCR:klm

Enclosures

People's Counsel



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.1.273

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

RE:

Baltimore County

Item No. 492

JRA

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,

4

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



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 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 28, 2003

Item No.: 478-480, 483-487, 489-490, 492-495

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

9/19

DATE: May 5, 2003

RECEIVED

MAY - 6 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

330 Kendings Mill Road

INFORMATION:

Item Number:

03-492

Petitioner:

Keith Steven Pastermack

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided an opaque fence is erected along the side lot line to screen the pool from the adjoining property.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 6, 2003

Department of Permits & Development Management

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

Review

SUBJECT:

Zoning Advisory Committee Meeting

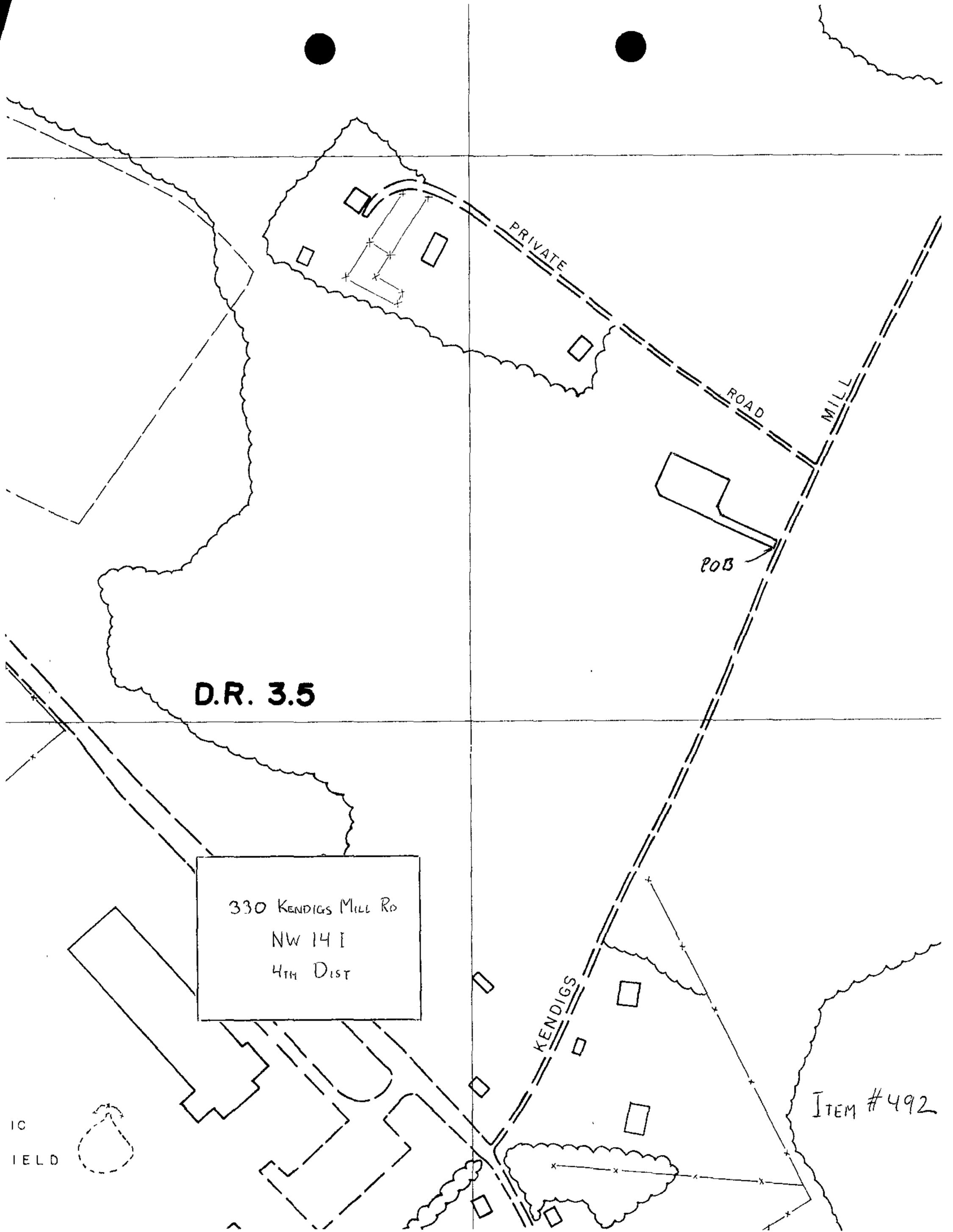
For May 5, 2003

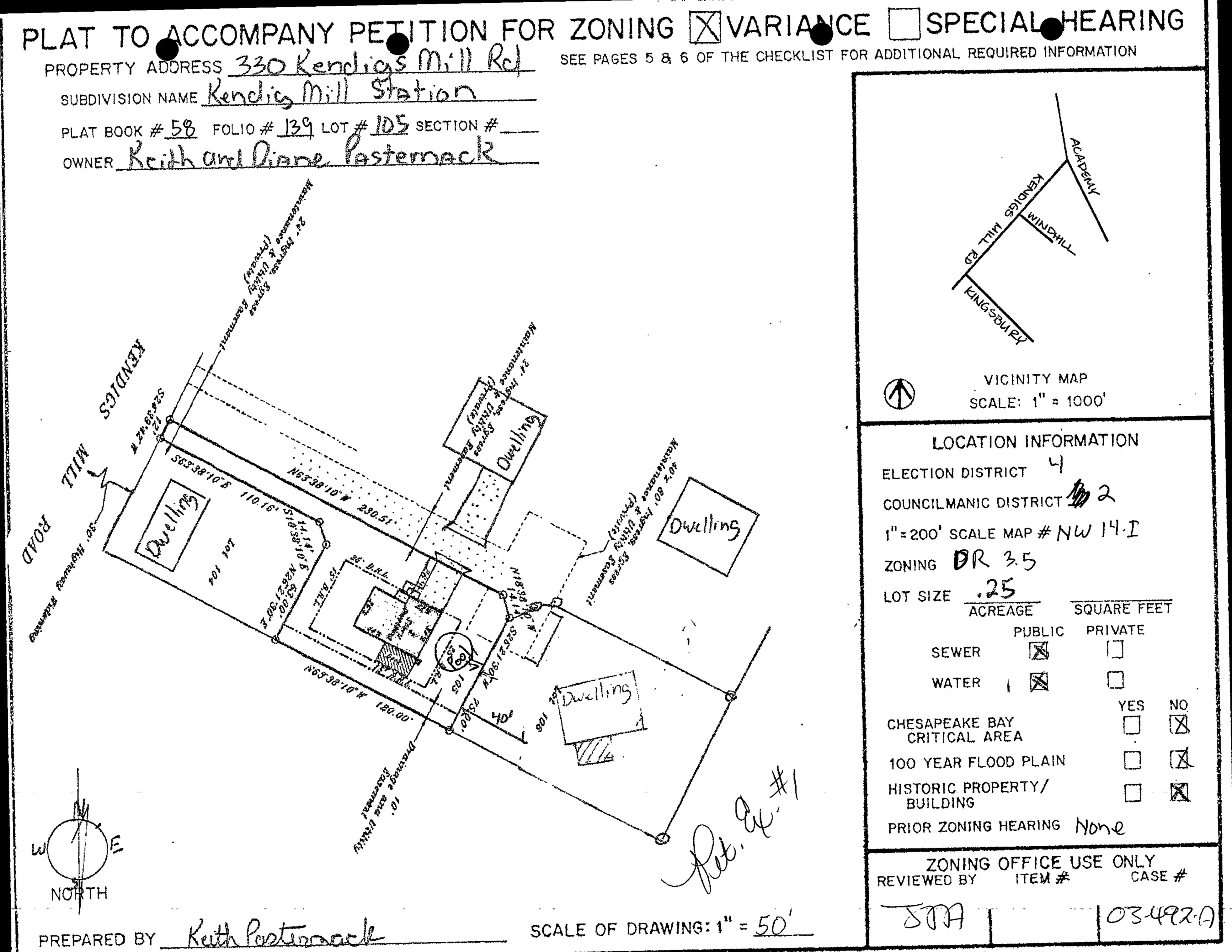
Item Nos. 479, 480, 485, 486, 487, 488, 490, 492, 493, 494, and 495

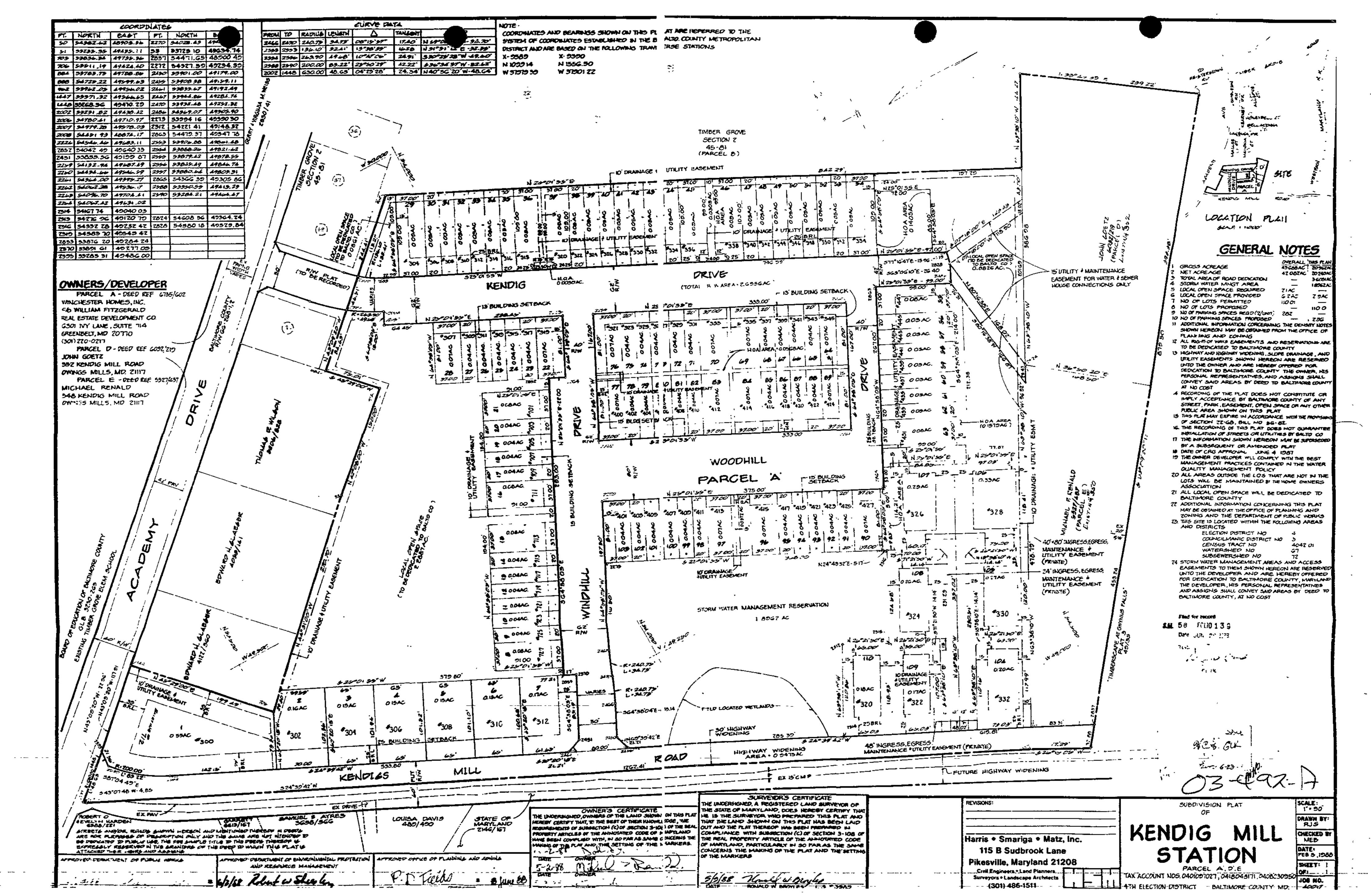
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

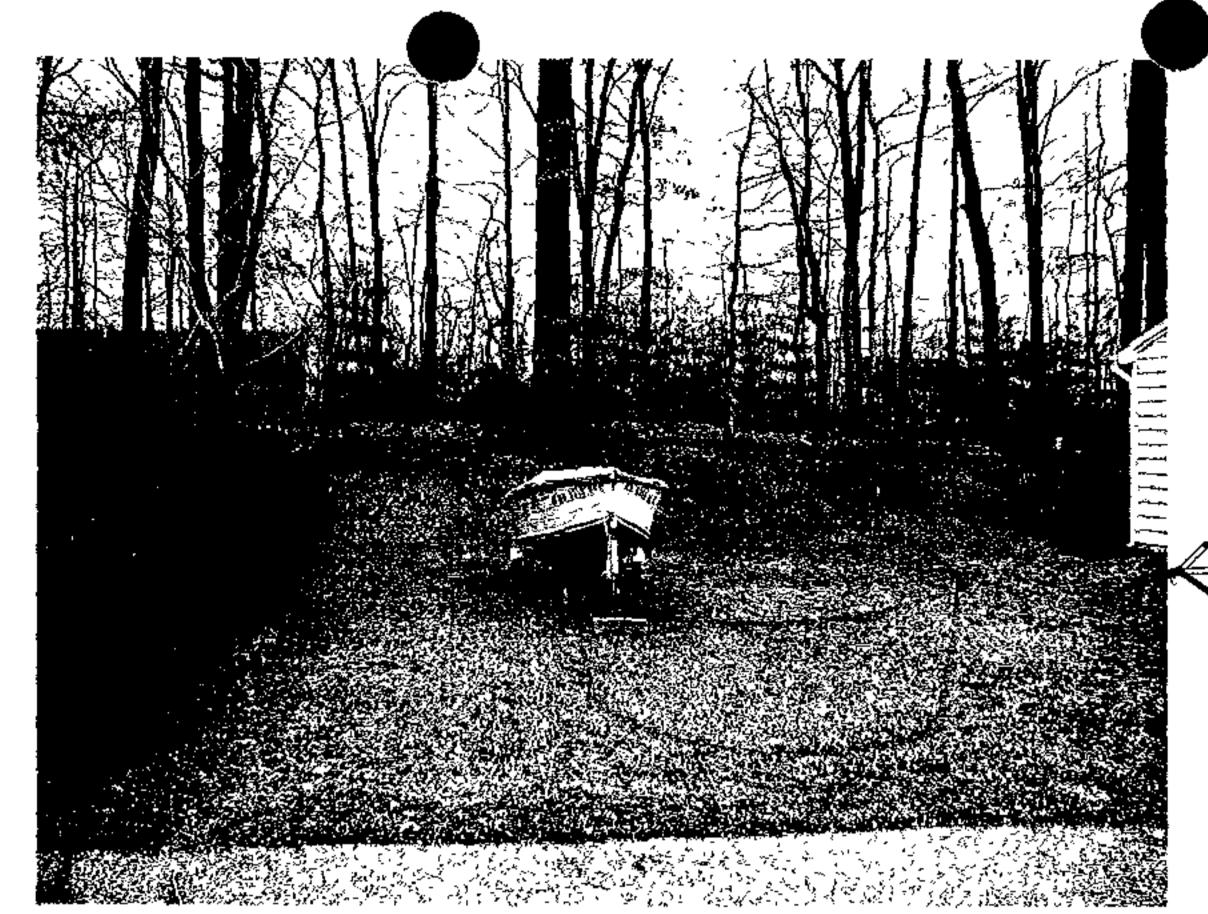
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cc: File









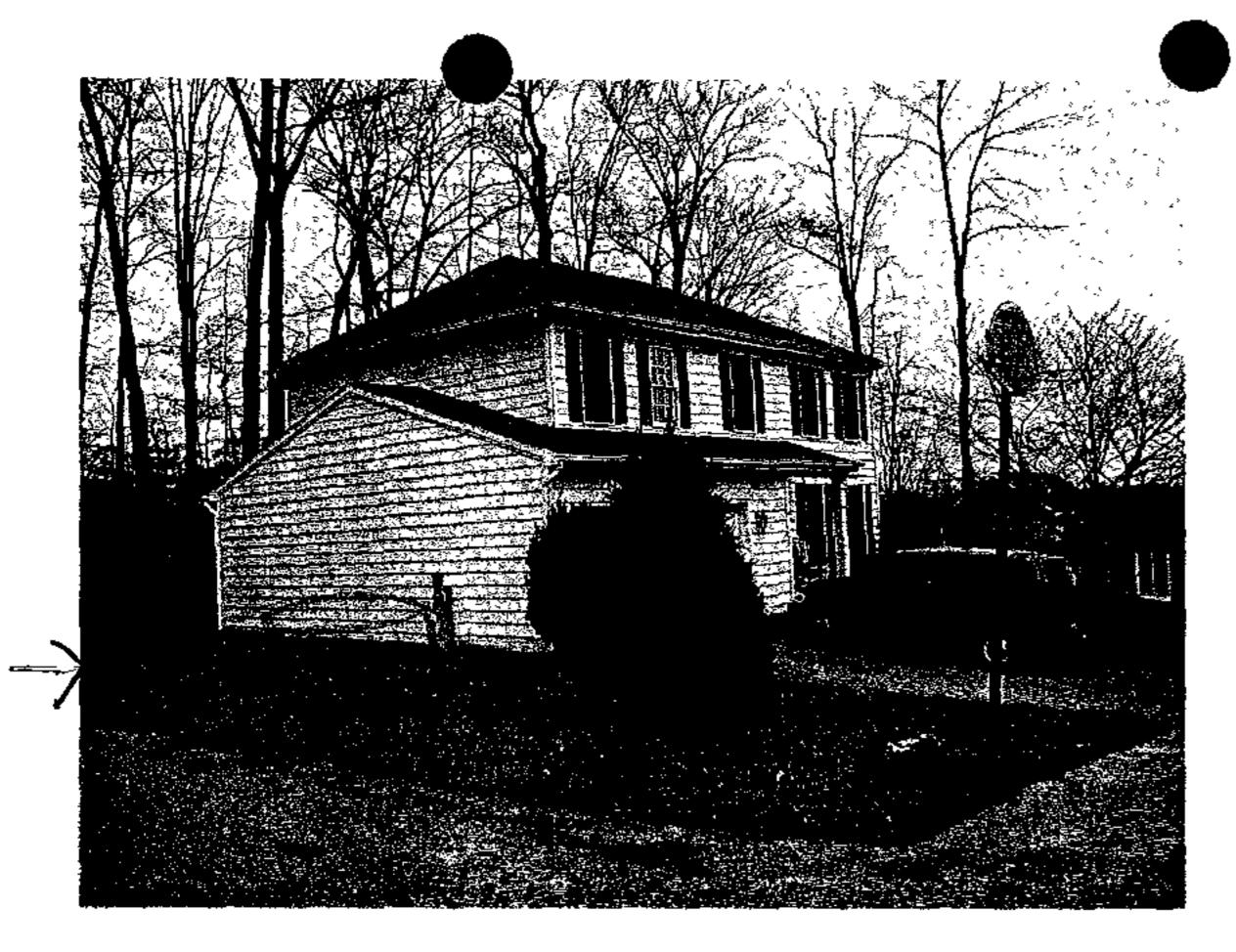
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Existing Hardwood
Trees



Back yard Drainage Slop



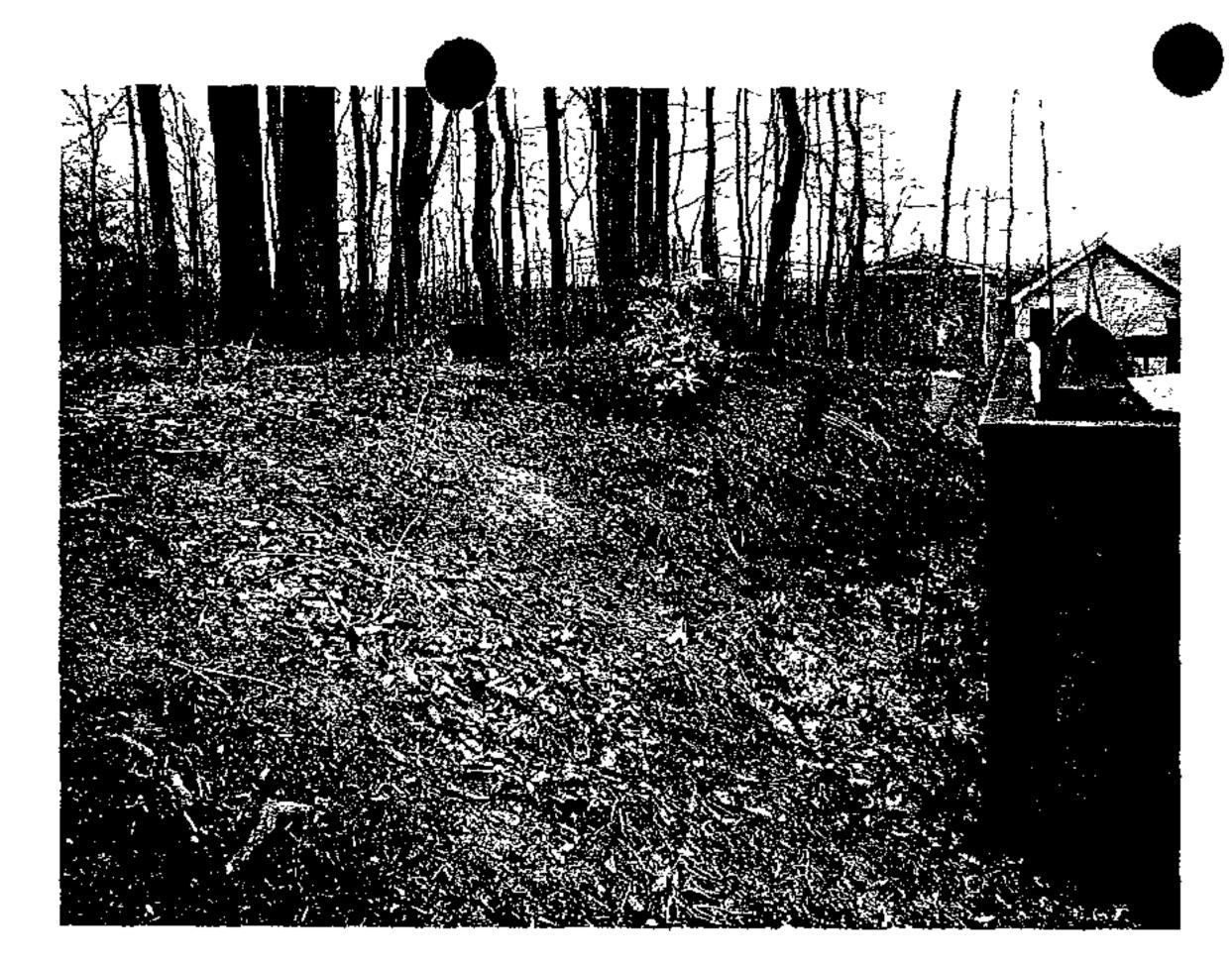
330 Kendigs Mill



330 Rendigs Mill Front



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Shared Drive WAY

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Neighbor to the Lett

Property Line stands

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