IN RE: PETITION FOR ADMIN. VARIANCE
N/S Riverside Road, 970' W
centerline of Mace Avenue
15th Election District
7th Councilmanic District
(130 Riverside Road)

Sharon L. Whitley Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-503-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 owner of the subject property, Sharon L. Whitley. The variance request is for property located at 130 Riverside Road in the Essex 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 (inground swimming pool) 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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

5/22/03 St. Januar As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioner's compliance with any recommendations made by DEPRM upon completion of their review.

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 an accessory structure (inground swimming pool) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

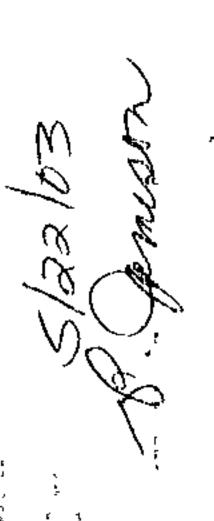
- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with any recommendations, if any, made by DEPRM.
- 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.

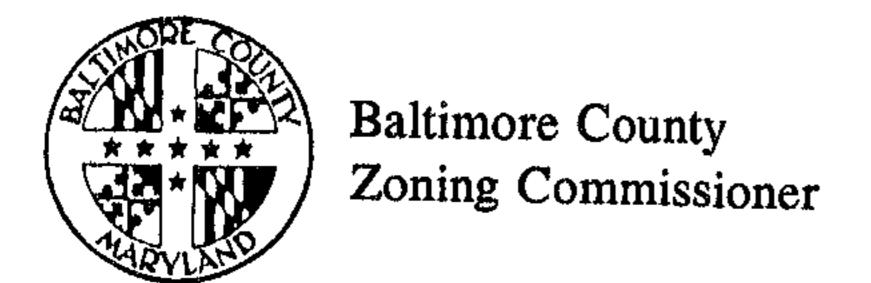
TIMOTHY M. KOTROCO

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

May 22, 2003

Ms. Sharon L. Whitley 130 Riverside Road Baltimore, Maryland 21221

Re: Petition for Administrative Variance

Case No. 03-503-A

Property: 130 Riverside Road

Dear Ms. Whitley:

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

luthy lotroco

TMK:raj Enclosure

CBCA • Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	130	Riversido	Rd.
which i	s presei	ntly zoned	S. R. 5.5

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg	ıal
owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto ar	nd
made a part hereof hereby petition for a Variance from Section(s)	-

Structure (ineground swimming post) 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.

			perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	e property which
Contract Purchaser/	Lessee:		Legal Owner(s):	•	
Name - Type or Print Signature	,		Mrs. Sharon I Name - Type or Print Signature	whitley	<u>lau</u>
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		· ••
Attorney For Petition	<u> </u>	,	Address		Telephone No
Name - Type or Print	······································		City	State	Zip Code
Signature			Representative to be Name	heep	
Address	n-:	Telephone No	Address Ballone	p Kd 4	143506 [06] Telephone No. 21021
City	State	Zip Code	City City	State	Zip Code
A Public hearing having bed this day of regulations of Baltimore Count CASE NO.	y and that the proper	ty be reposted.	Reviewed By Zoning Commission Zoning Commission Reviewed By	oning Commissioner of aring, advertised, as reconstruction of Baltimore Court Date	equired by the zoning
REV 10/25/01			Estimated Posting Date	5/5	1/A3

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	130 Rive	erside Road		· · · · · · · · · · · · · · · · · · ·
	Baltimor City	e, Maryland St	21221 ate	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the fac ip or practical dif	ts upon which I/we ficulty):	base the request for	an Administrative
1. Pool activity can placed in the side yar from the house.			_	
2. Excavation and grominimized by placing t				
)		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	s filed, Affiant(s) wi ation.	ll be required to pa	y a reposting and
Sharon L. Hhetlar	·	Signature	<u>. </u>	
Name-Type or Print Sharon L. Whitley	· · · · · · · · · · · · · · · · · · ·	Name - Type or Print	,	
STATE OF MARYLAND, COUNTY OF BALTIN	- 1	2003	<u></u>	
I HEREBY CERTIFY, this 24h day of for Maryland, in and for the County aforesaid, per	Maron	MM	before me, a Notary	Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as such Affia	nt(s).	
AS WITNESS my hand and Notarial Seal		A A		

My Commission Expires

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	ă
---	---

City		S	itate	Zin Code
Bal '	timore,	Maryland	21221	
Address				
130	Rivers	ide Road		

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. Pool activity can be observed from the house if pool is placed in the side yard; a back yard pool would be unobservable from the house.
- 2. Excavation and ground disturbance would be greatly minimized by placing the pool in the side yard.

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 Hhitler	Signature
Name - Type or Print Sharon L. Whitley	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMOR	
of Maryland, in and for the County aforesaid, person	$\lambda \ln \lambda + 0.0$
the Affiant(s) Merein, personally known or satisfacto	rily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Notary Public \
•	My Commission Expires (~3~27)

REV 10/25/01



CASE NO. 03-503-A

REV 10/25/01

CBCA Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	130	Rivers	ide	RD.	
		itly zoned			

I/We do solemnly declare and affirm, under the penalties of

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 (in-ground swimming pool) be located in the side yard in liea of the required year 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.

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): Mrs. Sharon L. Whitley Name - Type or Print Name - Type or Print Signature Address Name - Type or Print Telephone No City State Zip Code Signature **Attorney For Petitioner:** Address Telephone No. Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Address Telephone No Felephone No City State Zip Code 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, day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this regulations of Baltimore County and that the property be reposted Zoning Commissioner of Baltimore County

Reviewed By BR Date

Estimated Posting Date ______5/4/03

ZONING DESCRIPTION

Zoning Description For 130 Riverside Road

Beginning at a point on the North side of Riverside Road which is 50 feet wide at the distance of 970 feet west of the centerline of the nearest improved intersecting street Mace Avenue which is 60 feet wide. Being Lot # 1 in the subdivision of Meeks Property as recorded in Baltimore County Plat Book # 46, Folio 43, containing 13,939 square feet. Also known as 130 Riverside Road and located in the 15th Election District, 7th Councilmanic District.

DISTRIBUTION WHITE - CASHI RECEIVED FROM: DATE MISCELLANEOUS RECEIPT OFFICE OF BUDGET BALTIMORE CASHIER **K** 🏂 COUNTY, PINK -& FINANCE AGENCY MARY AMOUNT ACCOUNT YELLOW - CUSTOMER 1 1 という -· 连接点 医连翻正 CASHIER'S VALIDATION **建筑是连城** 44.74 64.74 and of the second of the secon

N 83. 1 6 2

CERTIFICATE OF POSTING

	RE: Case No.: 03-503-A	- Paragraphical Control of the Contr
	Petitioner/Developer: SAARON)
	WHITLEY	·
	Date of Hearing/Closing: 5/19/6	, 23
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
ATTN: Becky Hart {(410) 887-3394}		
Ladies and Gentlemen:	¹ .	
This letter is to certify under the penalties of perjury posted conspicuously on the property located at:		e
	FRSIDE RD	C irra
	, , , , , , , , , , , , , , , , , , , 	
The sign(s) were posted on	5/3/03	
(Mc	nth, Day, Year)	
Since	erely,	
	1-1/1/11 .	
ADMINISTRATIVE TO THE PARTY OF	- 100M 5/3/C	23
	(Signature of Sign Poster) (Date)	
THE RULE TO THE TOTAL THE RESERVE TO THE TOTAL	SSG Robert Black	
	(Print Name)	
PUBLIC HEADING 5	1508 Leslie Road	
AN ELIGIBLE INDIVIDUAL OR OROLG VAN	(Address)	-
	Dundalk, Maryland 21222	
	(City, State, Zip Code)	
である。 ・ 1 年 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日 日	(410) 282-7940	
4	(Telephone Number)	
	(forman + destinot)	

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 Sharon L. Whitley
Address or Location < 130 Riverside Road, Baltimore, Maryland 21221
PLEASE FORWARD ADVERTISING BILL TO:
Name Sharon L. Whitley
Address 130 Riverside Road, Baltimore, Maryland 21221
Telephone Number <u>410-686-4133</u>

Revised 2/20/98 - SCJ

ZONING REVIEW ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	03-	503	-A	Address_	130	Riversid e	RD.
Conta	ct Perso	n:	Planne	r, Please Print Your N	Vame		Phone Number	: 410-887-3391
Filing	Date: _	·	······································	Posti	ing Date: _	5/4/03	Closing D	ate: <u>5//9/03</u>
Any o	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.	repostin is again	g mu resp	ust be done of some of) and the petit only by one of all associated	tioner is res the sign po costs. The	sponsible to sters on the	sters on the approved list at tice sign must be remain there through	ting costs. Any nd the petitioner
2.	a iorma	rec	juest for a p	oublic hearing.	. Please u	inderstand	or owner within that even if the e closing date.	1,000 feet to file re is no formal
	order th (typically	at the	ne may: ne matter be nin 7 to 10 d	(a) grant the set in for a ays of the close	requested public hea sing date) as	reliet; (b) (Iring. You s to whethe	y the zoning or deny the reques will receive writer the petition had you by First Cla	ted relief; or (c) tten notification sheep granted
	commiss	r auc sione I givi certif	e to a neigi er), notification ng notice of	nbor's formal on will be for the hearing da	request or warded to attention	by order o you. The d location.	that must go to of the zoning or sign on the product of the sign design must	deputy zoning perty must be n was originally
**********				(Detach	n Along Dotted Lin	ne)		
Petitio	ner: Th	is Pa	art of the Fo	rm is for the S	Sign Poster	Only	-	
			USE THE	ADMINISTRAT	TIVE VARIA	NCE SIGN	FORMAT	
Case N	Number	03-[503 -1	Addre	ss <u>/3</u>	o River	side Rd.	
Petitio	ner's Nar	ne _	Sharon	Luhitley	-	Te	elephone 40	- 686-4133
Postin	g Date:	 	5/4/03		Clos	sing Date:	5/19/03	
Wordir	ig for Sig	n: _	To Permit	an accesso	ry stru	cture (in-ground su	1. m ming 1201)
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requ	Yard	? 		······································				
			·····				14600	



Baltimore County Department of Permits and Development Management

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

May 19, 2003

Mrs. Sharon L. Whitley 130 Riverside Road Baltimore, MD 21221

Dear Mrs. Whitley:

RE: Case Number: 03-503-A, 130 Riverside Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 25, 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

W. Card Marine

WCR:klm

Enclosures

c: People's Counsel Steve Whitley, 130 Riverside Road, Baltimore MD 21221



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

召尺

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.5.03

Baltimore County

Item No. 503

RE:

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

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



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 May 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 5, 2003

Item No.:

497-504, 506-511

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

A/22

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon	RECEIVED			
FROM:	R. Bruce Seeley 185 / 751	JUN 2'5 2003			
DATE:	June 18, 2003	ZONING COMMISSION			
SUBJECT:	Zoning Item 503 Address \$130 RiversideRoad (Whitley				
Zoning	Advisory Committee Meeting of May 5, 200	<u>)3</u>			
The De	partment of Environmental Protection and Rents on the above-referenced zoning item.	esource Management has no			
an exte	esource Management requests zoning item to determine the the the site.				
X The Details	X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:				
	ith the Regulations for the nds and Floodplains (Sections inty Code).				
	Development of this property must comply we Conservation Regulations (Section 14-401 th Baltimore County Code).				
	Development of this property must comply we Critical Area Regulations (Sections 26-436 the Sections, of the Baltimore County Code).				
X	Additional Comments: See attachment.				
Review	er: Keith Kelley	Date: June 18, 2003			

CBCA Zoning Comments (zoning item = 503)

The property is located within the Limited Development Area (LDA), or Resource Conservation Area (RCA), or Intensely Developed Area IDA of the Chesapeake Bay Critica

This proposal must use best management practices, which reduce pollutant loadings of 10% (plant a tracs) ____Vian-made impervious surfaces are limited to 150% for ots greater than ladge in size ___Vian-made impervious surfaces are limited to 25% for oits less than la acre in size

_____`villigation is required if exceeding the 25% impenitous surface limit. [moenvious surfaces are imited to 25% of the of & 500 square feet on 2.25%. Three of Otherwise, a Chitical Area

percentage may be maintained auting receive/coment of the property.

jis forest must be established of maintained. This equates to ____ trees for a lot of this size

LARY tree removed in the buffer for this structure must be replaced on a . I basis

_= advinspouts must disonarge fairwater funoff across a demilous surtace such as a lawn

The or sind Buffer Management Hreal EMA Wittgotion planting trees, removing mber tous area, or bay high feet number of required for the placement of the proposed structure

intre or olunimproved, then the proposed dive ling cannot go any closer to the vater than The religiodoring diverting ratthest dival intomitae voter

This is a manned then the proposed twelling oan go is place to the water as the existing Civeti na

. - Orivia, Area - aministrative ill-mande (044) is real red for the placement of the proposed trusture - thin 30% of mad. Paters, mad. Petiangs Gream or Prinin 25% of honer ad

A Critical Area Administrative variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building

√ulcd (4/coeazoningcomments

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

MAY - 6 2003

DATE: May 5, 2003

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-503

Administrative Variances

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 12, 2003

Item Nos. 496, 497, 498, 501, 502, 503, 504, 505, 508, 509, and 511

DATE: May 13, 2003

MAY 2 I 2003

ZOWNG COMMISSIONER

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

RWB:CEN:jrb

cc: File

Robert L. Ehrlich, Jr. Governor



Audroy E. Scott Secretary

Florence E. Burtan Deputy Secretary

Michael S. Steele Lt. Governor

May 12, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 05/12/03 re: case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH, 03-509-A, 03-510-A, 03-511-SPHX

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410,767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Planning Services

cc: Mike Nortrup











