

IN RE: PETITION FOR ADMIN. VARIANCE
SW/S of Oak White Road, 120' E
of Oak White Road
11th Election District
5th Councilmanic District
(9303 Oak White Road)

Dena & Carl W. Lundy, Jr.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-523-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Dena & Carl W. Lundy, Jr., the legal owners of the subject property. The variance request is for property located at 9303 Oak White Road in the eastern area of Baltimore County. The Petitioners herein seek a variance from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to provide an open projection (swimming pool) onto side street yard of 11 ft. in lieu of the permitted 18.75 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

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

6/2/03
R. J. G. [Signature]

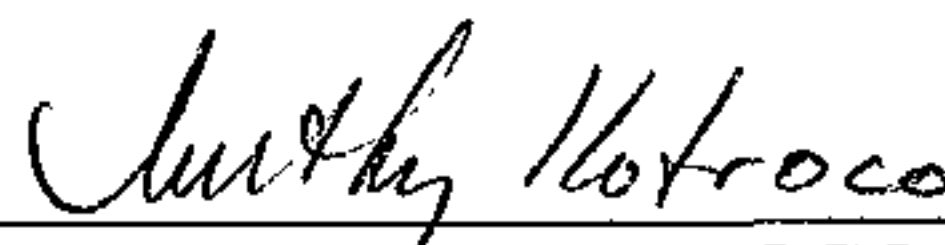
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comments submitted by the Office of Planning dated May 16, 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 2nd day of June, 2003, that a variance from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to provide an open projection (swimming pool) onto side street yard of 11 ft. in lieu of the permitted 18.75 ft., 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 building 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 16, 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. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

6/2/03
TMK:raj



Baltimore County
Zoning Commissioner

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

June 2, 2003

Mr. & Mrs. Carl W. Lundy, Jr.
9303 Oak White Road
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 03-523-A
Property: 9303 Oak White Road

Dear Mr. & Mrs. Lundy:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy 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 9303 Oak White Road
which is presently zoned DR-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1.A. TO REVOKE AN OPEN

PROJECTION ONTO SIDE STREET YARD OF 11 FT IN LIEU OF 18.75 FT

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

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. 03-523-A

Reviewed By SP7 Date 05-05-03

Estimated Posting Date 05-11-03

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 9303 Oak White Rd
City Baltimore State MD Zip Code 21236

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):

HOUSE IS SITUATED ON PROPERTY SUCH THAT BACK YARD IS LIMITED AND SIDE YARD
IS ONLY AREA ADEQUATE FOR PROPOSED 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 Carl W. Lundy Jr.
Name - Type or Print CARL W. Lundy Jr.

Signature Donna Lundy
Name - Type or Print Donna Lundy

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of May, 2003 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Donna M. Gerbes
Notary Public

My Commission Expires DONNA M. GERBES
Commission Expires 9-23-2006

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Signature Carl W. Lundy Jr.
Name - Type or Print Carl W. Lundy Jr.

Signature Dena Lundy
Name - Type or Print Dena Lundy

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of May, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Signature Donna M. Gerbes
Notary Public

My Commission Expires

DONNA M. GERBES
Commission Expires 9-23-2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9303 Oak White Road
which is presently zoned DR 3.5

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301.1.A. TO PROVIDE AN OPEN
PROJECTION ONTO SIDE STREET YARD OF 11 FT. IN LIEU OF 18.75 FT

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.

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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):

Carl W. Lundy Jr.

Name - Type or Print

Signature

Dena M. Lundy

Name - Type or Print

Signature

Address

City

Baltimore

City

Representative to be Contacted:

Name

Address

City

Zoning Commissioner of Baltimore County

CASE NO. 03-523-A

REV 10/25/01

Reviewed By SM Date 05-05-03

Estimated Posting Date 05-11-03

EXAMPLE 3 Zoning Description

301.1-A

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 9303 OAK WHITE RD.
(address)

Beginning at a point on the NORTH WEST side of
(north, south, east or west)

OAK WHITE RD. which is 80 FT.
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 120 FT. EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street OAK WHITE RD.
(name of street)

which is 80 FT. wide. *Being Lot # 2
(number of feet of right-of-way width)

Block D, Section # 3 in the subdivision of PLAT #2 VILLAGE OF WHITE OAK
(name of subdivision)

as recorded in Baltimore County Plat Book # 48, Folio # 113,

containing 6080 SQ. FT. Also known as 9303 OAK WHITE RD.
(square feet or acres) (property address)

and located in the 11th Election District, 5th Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

03-523-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23000

DATE 03-02-03 ACCOUNT 7-011601

AMOUNT \$ 6.00

RECEIVED FROM: CARL J. DANA : 1111304

FOR: REG. ANNUAL

TOTAL 6.00
73070 AN WHITE RD.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

3.77

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-523-A

Petitioner/Developer: _____

CARL & DENA LUNDY

Date of Hearing/Closing: 5/26/03

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

Attention: MS. BECKY HART

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 _____

9303 OAK WHITE RD

The sign(s) were posted on 5/11/03
CASE #03-523-A (Month, Day, Year)

Sincerely,

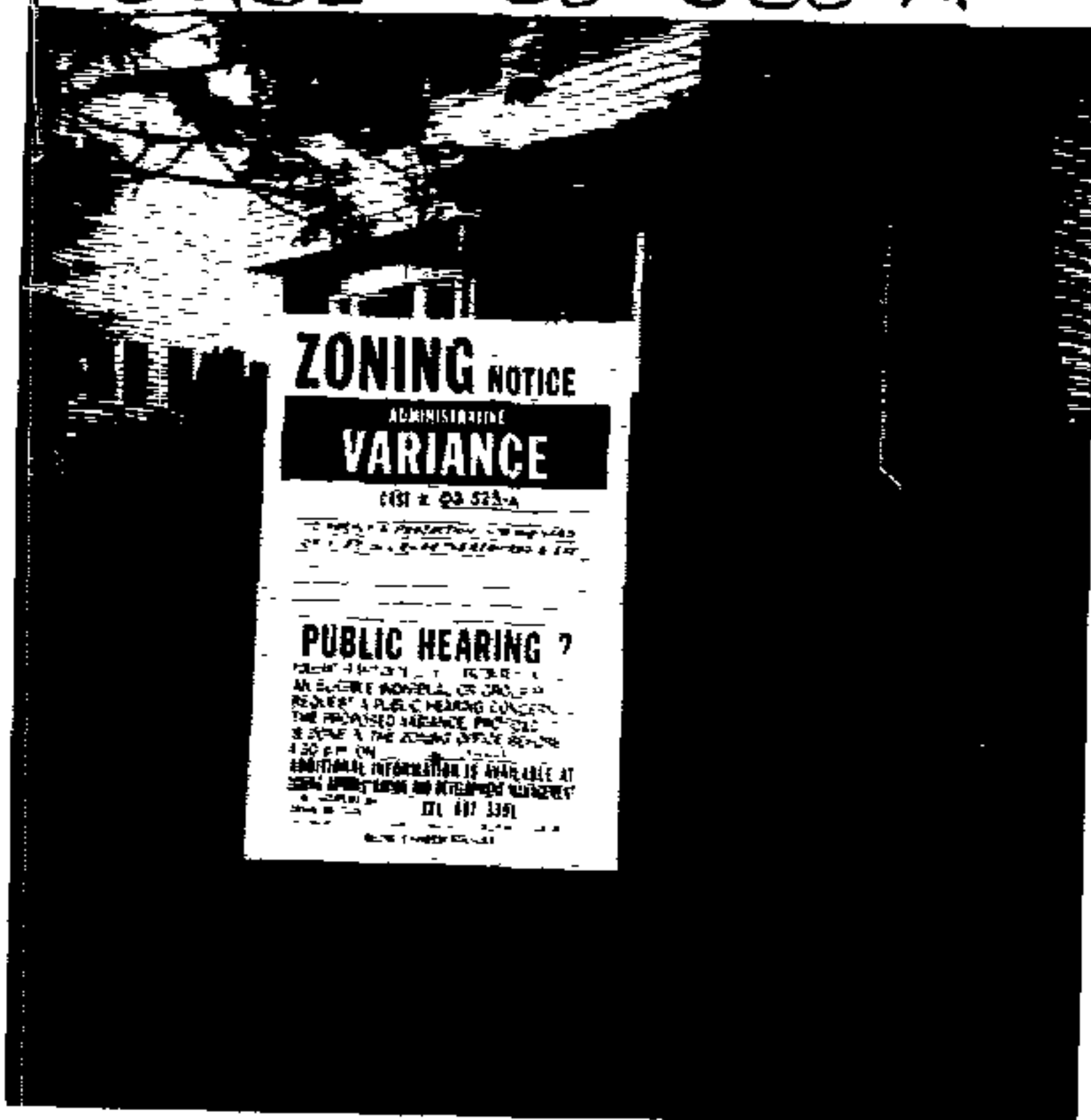
Richard E. Hoffman 5/11/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)



9303 OAK WHITE RD

POSTED 5/11/03

Richard E. Hoffman 5/11/03

POSTED 5/11/03

Richard E. Hoffman 5/11/03

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: 03-523-A

Petitioner: CARL & DENA LUNDQ

Address or Location: 9303 OAK WHITE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CARL & DENA LUNDQ

Address: 9303 OAK WHITE RD.

Telephone Number: 410-529-2548

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 523 -A Address 9303 OAK WHITE RD

Contact Person: JOHN R. FLEX ANDER Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 05-02-03 Posting Date: 05-11-03 Closing Date: 05-26-03

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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 523 -A Address 9303 OAK WHITE RD

Petitioner's Name CARL & DENA LUNDY Telephone 410

Posting Date: 05-11-03 Closing Date: 05-26-03

Wording for Sign. To Permit A PROTECTION INTO THE YARD OF 11 FT.
IN VIEW OF - THE REQUIRED 18.75 FT.



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

May 23, 2003

Carl W. Lundy, Jr.
Dena Lundy
9303 Oak White Road
Baltimore, MD 21236

Dear Mr. and Mrs. Lundy:

RE: Case Number: 03-523-A, 9303 Oak White Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 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:klm

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*

Date: 5.9.03

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

RE: Baltimore County
Item No. 523 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,

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



**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

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003

Item No.: 512, 514-516, 518-526, 528-531

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

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

DATE: May 16, 2003

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

RECEIVED

MAY 20 2003

SUBJECT: 9303 Oak White Road

INFORMATION:

Item Number: 03-523

ZONING COMMISSIONER

Petitioner: Carl W. Lundy, Jr.

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to construct an accessory structure in the front yard provided the following conditions are met:

1. Provide an effective vegetative buffer (Leland Cypress, or similar tall growing, coniferous trees) between the abutting property (The Morgans) and the subject property in combination with the proposed fence.
2. Provide landscaping in front of the proposed fence along the street edge. The fence should be setback at least 10 feet from the right-of-way.
3. Submit a landscape plan including fence design to this office for review and approval prior to the issuance of any building permits.

The petitioner should consult with Karin Brown, Community Planner regarding the above conditions. Ms. Brown can be reached at 410-887-3480.

Prepared by:

Marta A. Cuyler

Section Chief:

Lyman L. Lumbard

AFK/LL:MAC:

ORD 6/2/03
6/2/03
K. Lumbard

AV
5/26

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 23, 2003

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

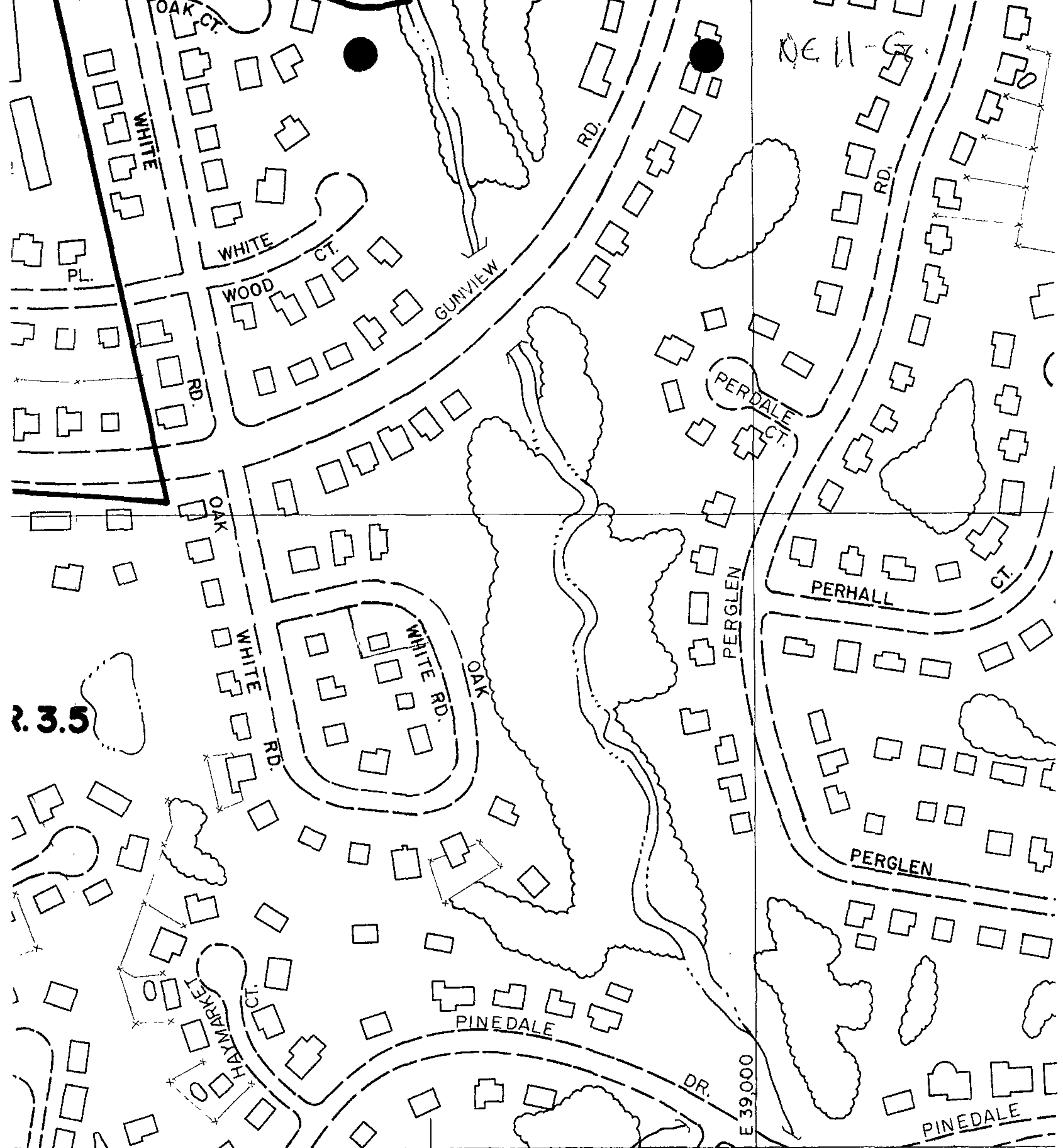
SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2003
Item No. 523

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The proposed pool cannot block the line of sight.

RWB:CEN:jrb

cc: File



(SHEET N.E. 10-G)

03-523-0

BALTIMORE COUNTY OFFICE OF PLANNING AND OFFICIAL ZONING

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

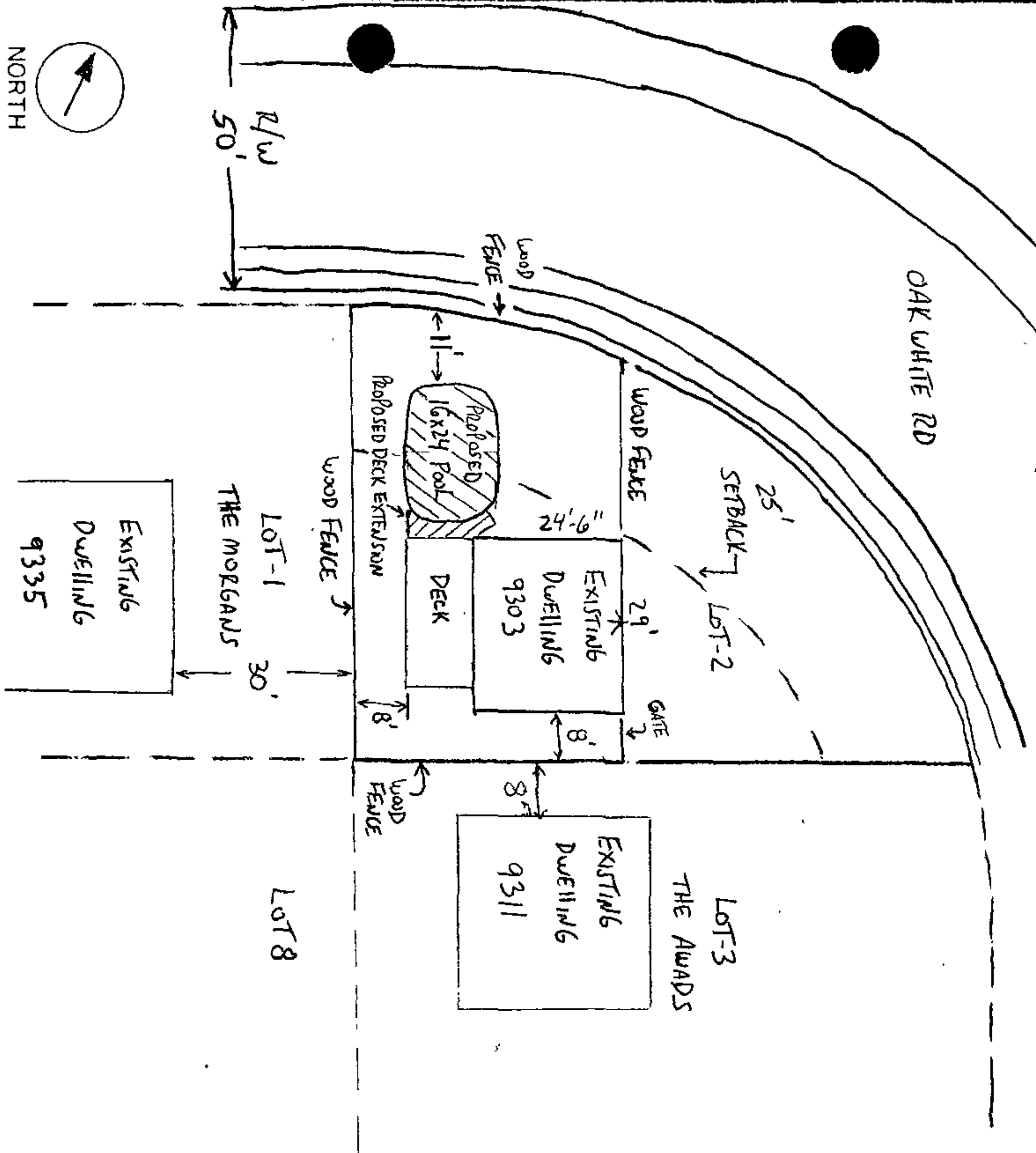
PROPERTY ADDRESS 9303 OAK WHITE RD

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

SUBDIVISION NAME Village of OAK WHITE

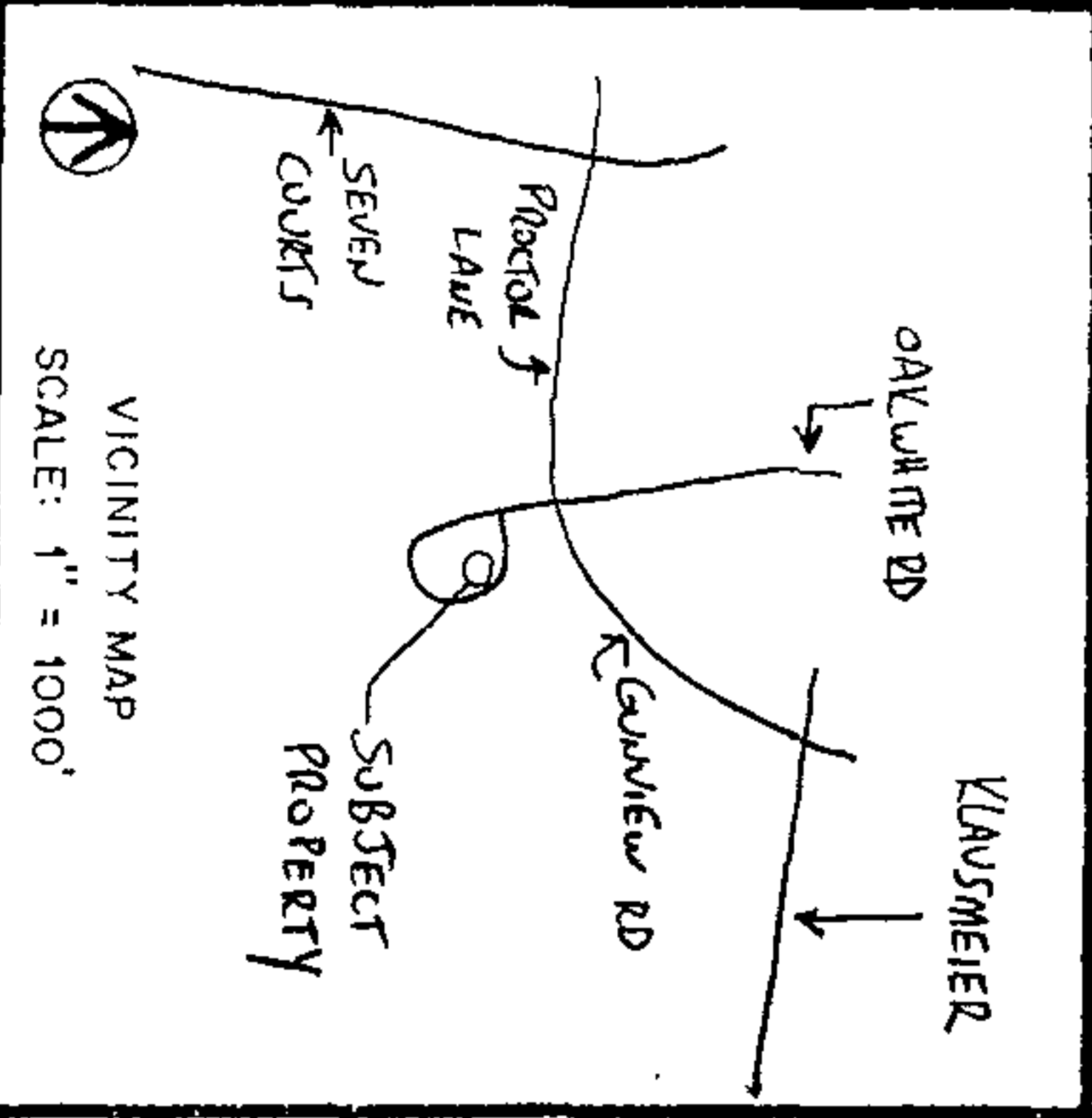
PLAT BOOK # 48 FOLIO # 113 LOT # 2 SECTION # 3

OWNER CARL & DEBRA LUNDY



PREPARED BY CWL

SCALE OF DRAWING: 1" = 30'

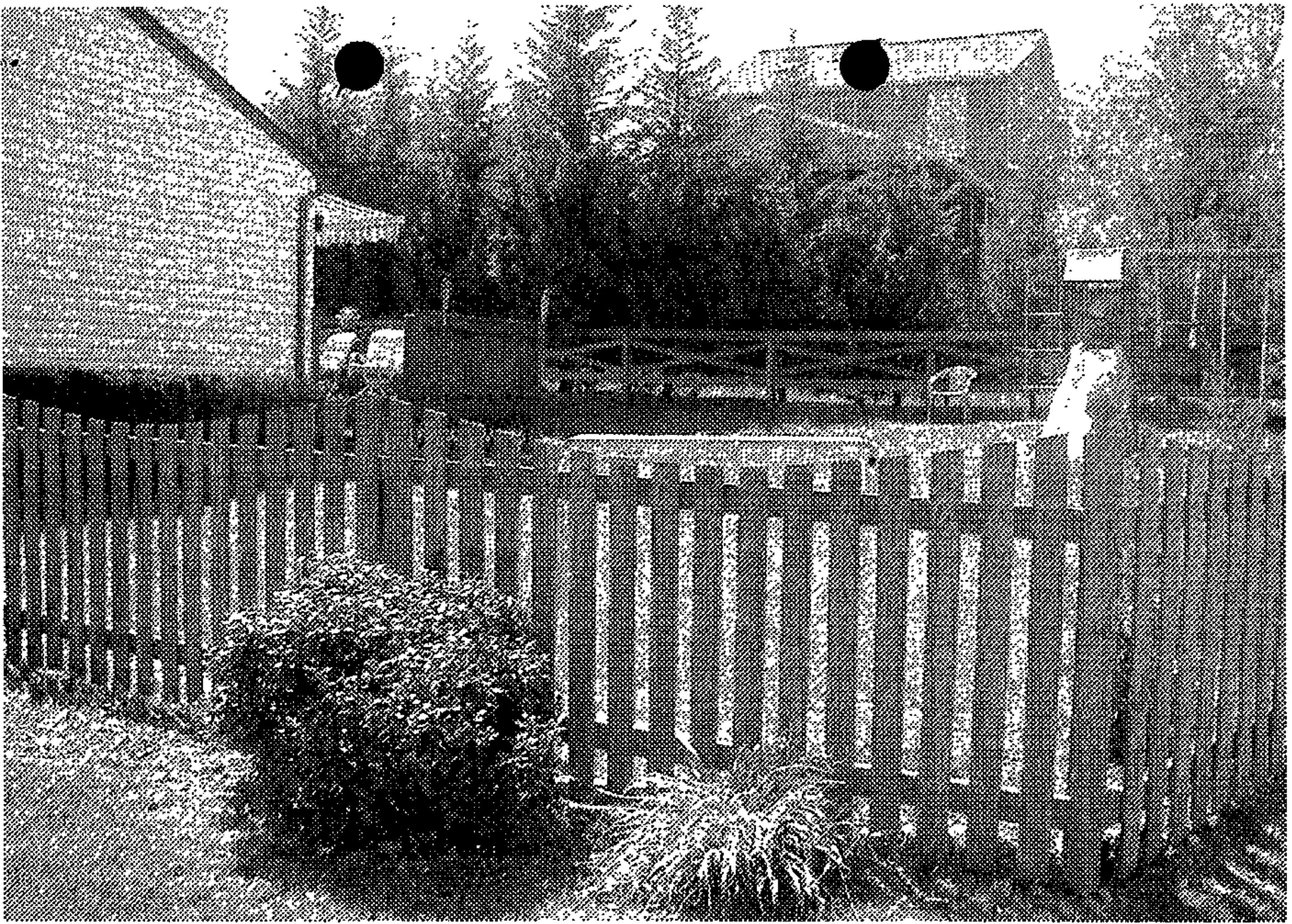


VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION			
ELECTION DISTRICT	<u>11</u>		
COUNCILMANIC DISTRICT	<u>5</u>		
1" = 200' SCALE MAP #	<u>NOE 11 Gt</u>		
ZONING	<u>DR 3.5</u>		
LOT SIZE	ACREAGE	SQUARE FEET	
		<u>6080</u>	
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒	☐	
CHESAPEAKE BAY CRITICAL AREA	☐ YES	☒ NO	
100 YEAR FLOOD PLAIN	☐	☒	
HISTORIC PROPERTY / BUILDING	☐	☒	
PRIOR ZONING HEARING	<u>NONE</u>		

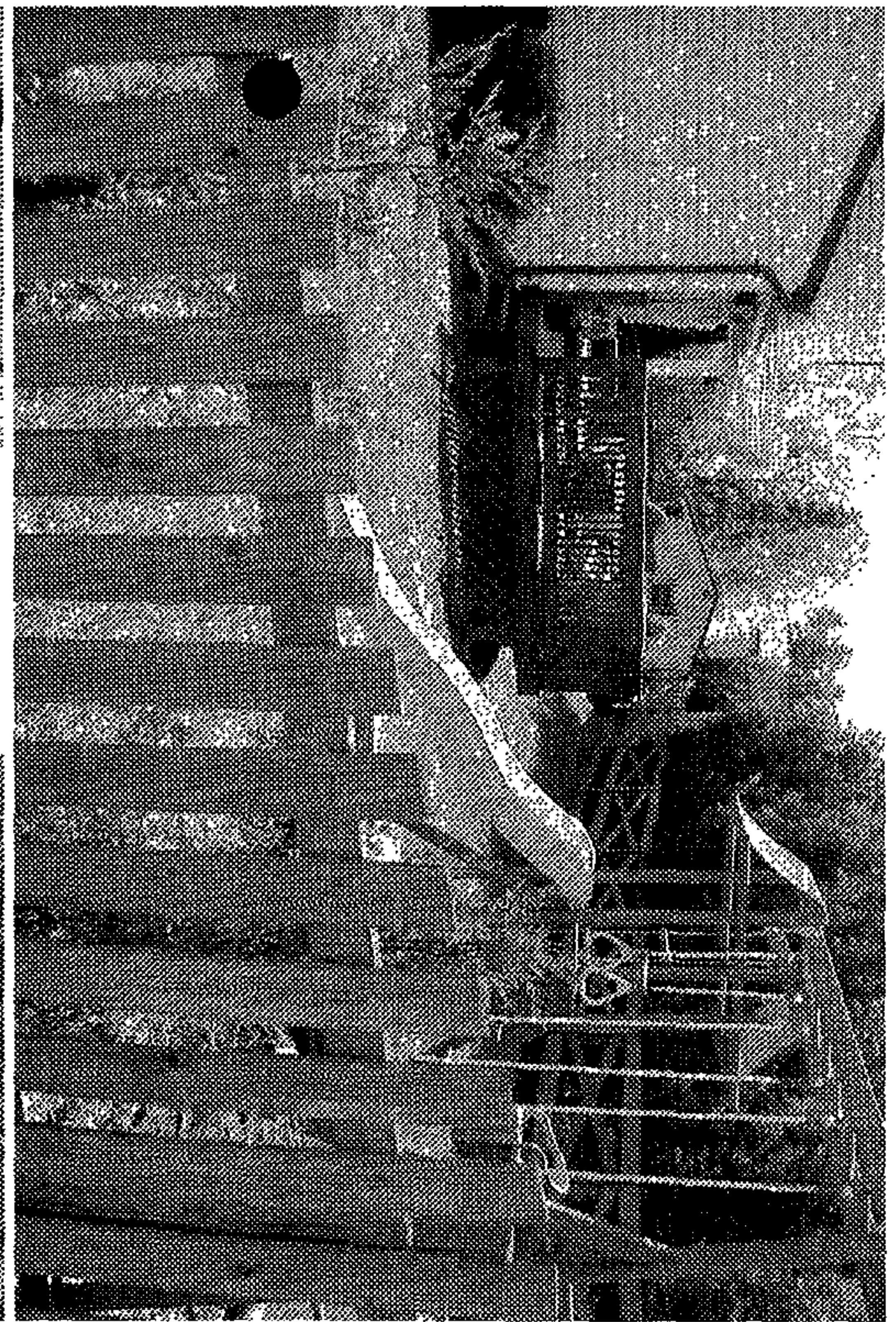
ZONING OFFICE USE ONLY
REVIEWED BY 507 ITEM # 103-5234 CASE #

Ret. Ex. #1

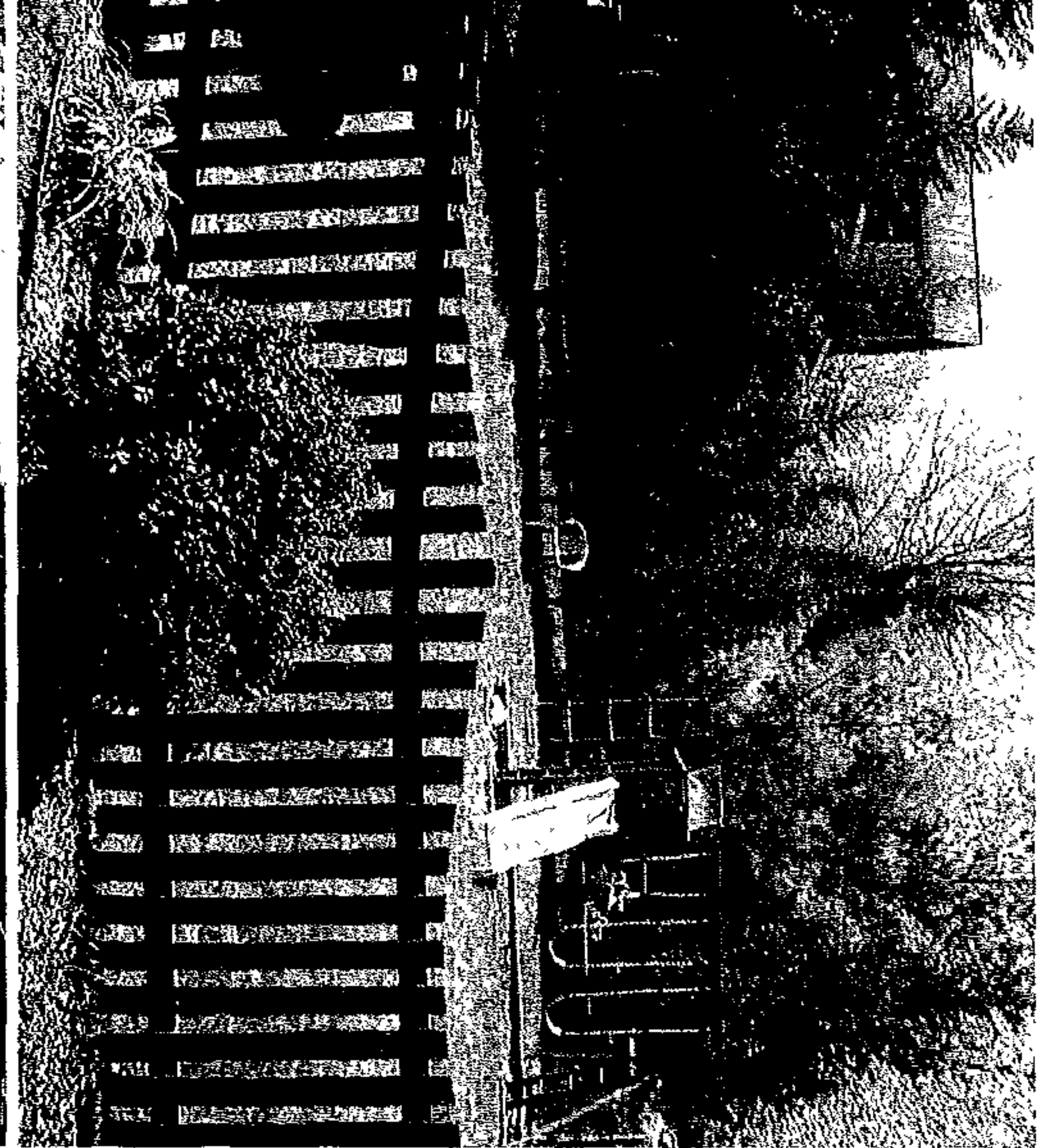


LUNDY
9303 OAK WHITE RD
PERRY HALL 21236

03-523-A



03-523 A



035 23.9



03-523.07