

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Pinehurst Road, 359 ft. S
centerline of Overbrook Road
9th Election District
5th Councilmanic District
(6412 Pinehurst Road)

Sally S. Goldsborough
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-133-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Sally S. Goldsborough. Thereafter, a formal demand for hearing was made by the Bellona-Gittings Community Association, Inc. and the matter was set in for a hearing. The variance request is for property located at 6412 Pinehurst Road in Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 6 ft. and sum of 16 ft. in lieu of 10 ft. and 25 ft. respectively for an addition. 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 property was posted with Notice of Hearing on October 22, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in the "Jeffersonian" newspaper on October 26, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for

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11/10/04
Ray

Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated October 4, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Eric Satterfield, builder and Elizabeth Reese, for the Petitioner Sally Goldsborough. Catherine Rakoff, Stepany Harper, Nancy Bosworth and Mary Jane Demarest appeared in opposition to the requested variance. Nancy Maronick, President of the Bellona/Gittings Community Association, appeared as an interested citizen at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 16,508 sq. ft. and is zoned DR 3.5. As such, the side yard setback requirement is 10 feet from the property line and the sum of the side yard setback is 25 feet. The Petitioner was represented by her daughter, Ms. Reese, who explained that her mother was recovering from surgery and unable to come to the hearing. She indicated that because of her mother's advancing age and physical condition, she and her husband agreed to purchase Ms.

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Goldsborough's home in which the Petitioner would continue to reside. The Reese's have two children and three dogs who would move into the home. All bedrooms are now on the second floor.

To accommodate the new family and physical condition of Ms. Goldsborough, the Petitioner is proposing to make two additions to the existing Dutch Colonial house. The first is to be located on the south side of the property, adjacent to the Rakoff property, where Ms. Goldsborough would have a first floor bedroom and bath in a 18 ft. x 22 ft. addition that would replace and extend the existing sunroom. The bath would be handicapped accessible.

The second addition would be on the west (rear) of the house in which a remodeled kitchen, new family room and office would be built. Ms. Reese testified that the office would house only computers and telephone to allow her to be in contact with her employment and that no customers would come to the home. Presumably, this would be allowed as a home occupation.

The architectural challenge to these additions comes in the south addition. Mr. Satterfield testified that the existing Dutch Colonial house has a roof line that is difficult to match if the addition directly adjoins the house. See the sketch on the rear of Petitioner's Exhibit 1. Mr. Satterfield proffered that the architect, who did not attend the hearing, indicated that the addition roofline should replicate the existing roof line. To accomplish this architecturally, the addition would have to be separated from the existing house. This is accomplished by the short "hyphen" portion of the addition shown on the Plat which also allows light into the existing windows on the first floor room to which the addition would be attached.

Mr. Satterfield indicated that his request for a 6 ft. side yard setback came before preliminary architectural drawings were available and in fact these drawings show the addition approximately 7 ft. from the property line. Similarly, the sum of the side yard setbacks is

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requested to be 16 feet in lieu of the required 25 feet, but Petitioner's Exhibit 1 indicates that the actual sum of side yard setbacks is approximately 17.5 ft. Mr. Satterfield explained that the request gives the architect flexibility in the final design.

He indicated that he thought the property was unique in a zoning sense in that the existing home has this odd Dutch Colonial roof design which again is very difficult to replicate architecturally if directly connected to the existing house. In addition, he noted that moving the south addition to the rear, which would essentially enlarge the rear addition, would cover up the existing basement entrance. He indicated that it would be a hardship and practical difficulty on the Petitioner whose age and health require her daughter to move in and which condition requires a new first floor bedroom and bath. Finally, he indicated that the additions would not have an adverse impact on the neighborhood.

The Protestants all indicated that they were friends with the Petitioner for many years and felt awkward expressing opposition to the proposed additions. Nevertheless, Ms. Rakoff indicated that she believed the addition was too close to her property line. She also indicated that an addition her family made to the Petitioner's side of her home some years ago met the 10 ft. setback according to her survey. However, Petitioner's Exhibit 1 shows the addition 8 feet from the property line. In addition, several of the Protestants indicated that the Petitioner could extend the addition toward the rear to eliminate the need for a variance for the side yard setback.

In response, the Petitioner indicated that if the south addition met the 10 foot setback, the new rooms would be unduly small and not functional for the purpose of providing the elderly Ms. Goldsborough adequate bedroom and bathroom space. The Petitioner indicated that the existing screen porch is approximately 9 feet wide. Mr. Satterfield noted again that the addition cannot be placed directly against the house and still maintain the architecturally compatible roof

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Date

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Ray

lines. He also noted that there would be an attic above the new bedroom that would contain windows and appear to be a second story.

Although preliminary architectural drawings have been made, these were not available at the hearing. Ms. Harper, Ms. Bosworth and Ms. Demarest indicated that they were opposed to the request for a 6 ft. side yard setback because it allows the addition to be too close to the adjacent house and that zoning ordinances have to be followed. However, none of the Protestants indicated any opposition to the request for sum of side yard setbacks of 16 feet. In fact, testimony indicated that the other adjacent neighbor, the Gibson's, no longer opposed the request.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In this case the uniqueness of the property is the peculiar structure of the Dutch Colonial roof which is so difficult to replicate on the addition. I accept the testimony the roofs must be separated. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Ms. Goldsborough is in need of care from her daughter, and the house has no first floor bedroom or wheelchair compatible bathroom on the first floor. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances.

However, the difficulty in this case comes with the requirement that the variances be in strict harmony with the spirit and intent of the regulations, and granted in a manner as to grant relief without injury to the public health, safety and general welfare. The Petitioner was handicapped somewhat by not having the architect or architectural drawings available at the hearing. These may well have answered several questions about room configuration and the

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Date

11/10/04

By

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need to maintain the addition as described. However, I have no reason to believe the south addition could not be slightly reconfigured to move the addition back from the Rakoff property line towards the rear of the property. Mr. Satterfield indicated the preliminary drawings showed the addition to be 7 ft rather than 6 feet from the property line. The Petitioner asks for 6 ft. to allow some flexibility in the final design.

Considering the testimony and evidence before me, I will grant the Petitioner a side yard set back of 8 feet in lieu of the required 10 feet for the south addition. I note that the Rakoff addition is 8 feet from the property line according to Petitioner's Exhibit 1. This would keep the variance consistent with the existing neighborhood design. I am convinced that the architect can make a slight modification to the design by extending the addition to the rear if need be, to accommodate Ms. Goldsborough's needs.

Having determined that the south side distance to the property line is 8 feet, I note that a setback of 12 feet on the north side would meet the design shown on the exhibit and provide some flexibility as requested by the Petitioner. As a result, the sum of the side yard setback would then be 20 feet in lieu of the required 25 feet.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted in part.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of November, 2004, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 8 ft. and sum of 20 ft. in lieu of 10 ft. and 25 ft. respectively for additions, be and is hereby GRANTED subject to the following conditions:

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

ORDER RECEIVED FOR PLANNING

Date 11/10/04

By Ray

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 the ZAC comments made by the Office of Planning dated October 4, 2004, a copy of which is attached hereto and made a part hereof. Specifically, the Petitioner shall submit architectural drawings to the Office of Planning for review and approval prior to issuing any building permit.
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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

11/10/04

By

Raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

November 10, 2004

Ms. Sally S. Goldsborough
6412 Pinehurst Road
Baltimore, Maryland 21212

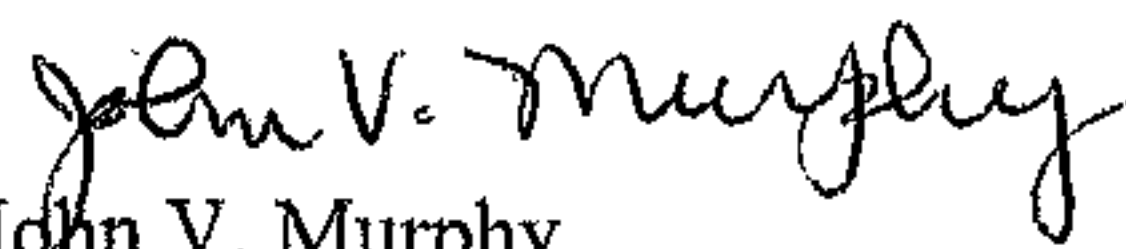
Re: Petition for Administrative Variance
Case No. 05-133-A
Property: 6412 Pinehurst Road

Dear Ms. Goldsborough:

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,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Elizabeth Reese, 6412 Pinehurst Road, Baltimore, MD 21212
Eric S. Satterfield, 746 Overbrook Road, Baltimore, MD 21212
Catherine Rakoff, 6410 Pinehurst Road, Baltimore, MD 21212
Nancy Maronick, 5911 Charlesmead Avenue, Baltimore, MD 21212
Stephany Harper, 6405 Pinehurst Road, Baltimore, MD 21212
Nancy Bosworth, 6402 Pinehurst Road, Baltimore, MD 21212
Mary Jane Demarest, 10406 Pinehurst Road, Baltimore, MD 21212

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6412 Pinchurst Road
which is presently zoned _____

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) 1802.3.C.1 to PERMIT

A SIDE YARD SETBACKS OF 6 FT. & SUMMIT 16 FT. 1 IN
LOW OF 10 & 25 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 _____

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.

Legal Owner(s):

Sally S. Goldsborough
Name - Type or Print _____

Sally S. Goldsborough
Signature _____

Name - Type or Print _____

Signature _____

6412 Pinchurst Rd. 410-377-6678
Address _____ Telephone No. _____

Baltimore MD
City _____ State _____ Zip Code _____

Representative to be Contacted:

Elizabeth G. Reese 410-766-2422
Name _____ Telephone No. _____

6412 Pinchurst Rd. 410-377-6678
Address _____ Telephone No. _____

Balto. MD 21212
City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

CASE NO. 05-133-A

REV 10/25/01

Reviewed By SDA Date _____

Estimated Posting Date 09-19-04

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 6412 Pinehurst Rd.
Address
Baltimore MD 21212
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

Our request for an Administrative Variance at 6412 Pinehurst Rd. is based on the following practical difficulty: constructing additions necessary and maintaining the architectural integrity of the house would require the side set-backs to be less than standard as required by zoning in this area. The objective of this project is primarily to accommodate the elderly, disabled owner (my mother) by constructing a living space - bedroom and bath - which will afford her as much independence as possible while remaining on the first floor. Her new bedroom suite will absorb the current family room. Therefore the secondary consideration is the addition of a new family room off the current kitchen in order to accommodate our family (who will act as her caregivers) while maintaining the property in keeping with a highly desirable neighborhood.

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.

X Sally S. Goldsborough
Signature

Sally S. Goldsborough
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of September, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Kimberly Walter
Notary Public

My Commission Expires 9/1/2007

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 6412 Pinehurst Rd.
Address
Baltimore MD 21212
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

Our request for an Administrative Variance at 6412 Pinehurst Rd. is based on the following practical difficulty: constructing additions necessary and maintaining the architectural integrity of the house would require the side setbacks to be less than standard as required by zoning in this area. The objective of this project is primarily to accommodate the elderly, disabled owner (my mother) by constructing a living space - bedroom and bath - which will afford her as much independence as possible while remaining on the first floor. Her new bedroom suite will absorb the current family room. Therefore the secondary consideration is the addition of a new family room off the current kitchen in order to accommodate our family (who will act as her caregivers) while maintaining the property in keeping with a highly desirable neighborhood.

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.

X Sally S. Goldsborough
Signature
Sally S. Goldsborough
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of September, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Kimberly Walter
Notary Public
My Commission Expires 9/1/2007



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6412 Pinchurst 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)

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/Lessor:

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

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.

Legal Owner(s):

x Sally S. Goldsborough

Name - Type or Print

x Sally S. Goldsborough

Signature

Name - Type or Print

Signature

6412 Pinchurst Rd. 410-377-6678

Address

Telephone No.

Baltimore

MD

City

State

Zip Code

Representative to be Contacted:

Elizabeth G. Reese

Name

410-766-2422

6412 Pinchurst Rd.

Address

410-377-6678

Telephone No.

Balto.

City

MD

State

21212

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. OS-133-A

REV 10/25/01

Reviewed By SJD Date

Estimated Posting Date 09-19-04

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 6412 PINEHURST ROAD

Beginning at a point on the West side of Pinehurst Road which is 48 feet wide at the distance of 359 feet south of the centerline of the nearest improved intersecting street Overbrook Road which is 60 feet wide. Being Lot # 10, Block _____, Section # E in the subdivision Pinehurst as recorded in Baltimore County Plat Book #5, Folio #12, containing 16,508 square feet. Also known as 6412 Pinehurst Road and located in the 9th Election District, 5th Councilmanic District.

OS- 133-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

05-133.0

No. 40916

DATE 09-09-03 ACCOUNT RCO1 006-6150

AMOUNT \$ 65.00

RECEIVED FROM: CORPORATION REESE

FOR: RES. VAN

6412 PINEHURST RD.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

507

PAID RECEIPT

RECEIVED ACTUAL TIME

9/10/2004 9/09/2004 13:21:12

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CASHIER'S VALIDATION

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 40585

DATE 10/4/04 ACCOUNT 001-006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Nancy R. Maronick

FOR: Request For Hearing 05-133-A
6412 Pinehurst Road

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
10/06/2004	10/05/2004	11:16:01	2
REG 0504	WALKIN	DDOL	DDO
>>RECEIPT # 203901			10/05/2004 OFLN
Dept 5 528 ZONING VERIFICATION			
CR NO. 040985			
Recpt Tot		\$50.00	
\$50.00 CK		\$.00 CA	
Baltimore County, Maryland			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date *September 22, 2004*

RE: Case Number *05-133-A*

Petitioner/Developer *ELIZABETH + ED REESE*

Date of Hearing(Closing) *October 4, 2004*

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at *6412 PINEHURST*

The sign(s) were posted on

September 18, 2004

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 05-133-A

PERMIT SIDE YARD SETBACKS OF
5 FEET AND SUM OF 16 FEET IN LIEU
OF 10 AND 25 FEET.
6412 PINEHURST

PUBLIC HEARING ?

PURSUANT TO SECTION 20-117(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
5:00 p.m. ON WED. OCTOBER 4, 2004.
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
TEL. 887-3391

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 06-133-A

8412 Pinehurst Road

W/side of Pinehurst Road, 359 feet south of centerline of Overbrook Road

9th Election District — 5th Councilmanic District

Legal Owner(s): Sally Goldsborough

Administrative Variance: to permit side yard setbacks of 8 feet and sum of 16 feet in lieu of 10 and 25 feet.

Hearing: Tuesday, November 9, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 10/772 Oct. 26

27431

CERTIFICATE OF PUBLICATION

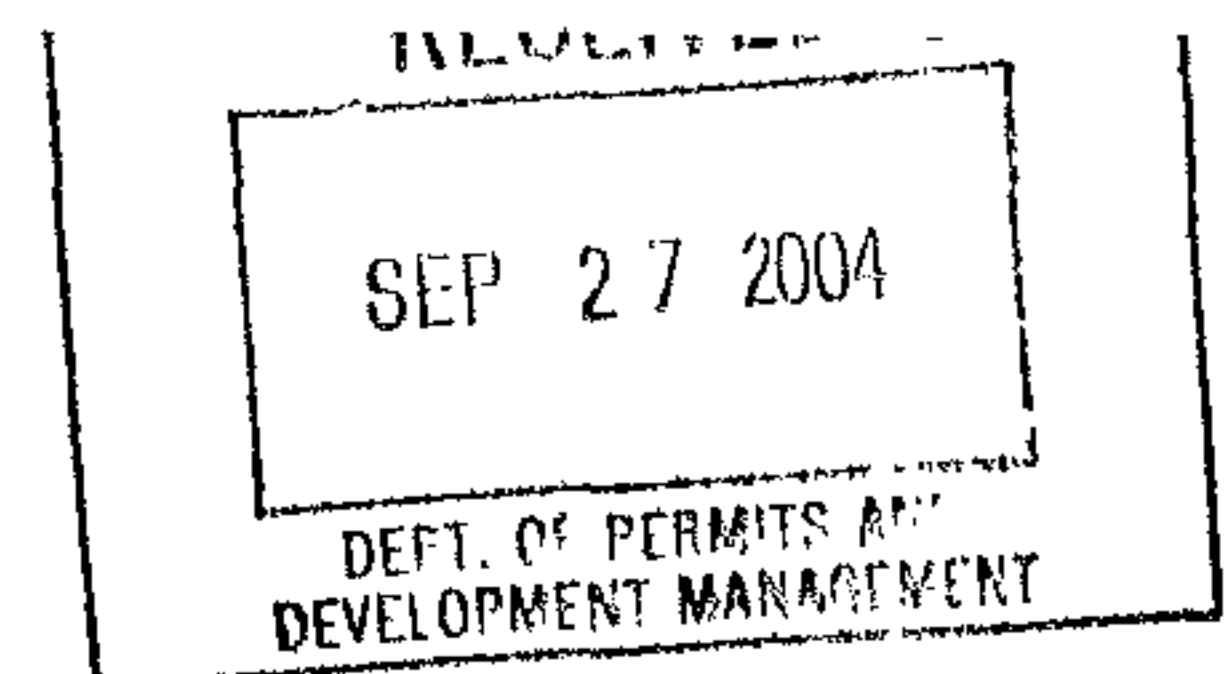
10/26/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/26/, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING



CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date *October 25, 2004*

RE: Case Number *05-133-A*

Petitioner/Developer *ELIZABETH AND ED REESE*

Date of Hearing/Closing *NOVEMBER 9, 2004*

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at *6412 PINEHURST*

The sign(s) were posted on *October 22, 2004*

ZONING NOTICE

CASE # *05-133-A*

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 407 COUNTY COURTS BLDG.
PLACE: *401 BOSLEY AVENUE*
DATE AND TIME: *TUESDAY NOVEMBER 9, 2004
AT 10:00 A.M.*

REQUEST: *TO PERMIT SIDE YARD
SETBACKS OF 6 FEET AND SUM
OF 16 FEET IN LIEU OF 10 FEET
AND 25 FEET.*

6412 PINEHURST

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONTINUE HEARING, CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

RECEIVED

OCT 27 2003

DEPT. OF PETROLEUM &
DEVELOPMENT INC. 1000 1000

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 26, 2004 Issue - Jeffersonian

Please forward billing to:
Elizabeth G. Reese
6412 Pinehurst Avenue
Baltimore, MD 21212

410-377-6678

NOTICE OF ZONING HEARING

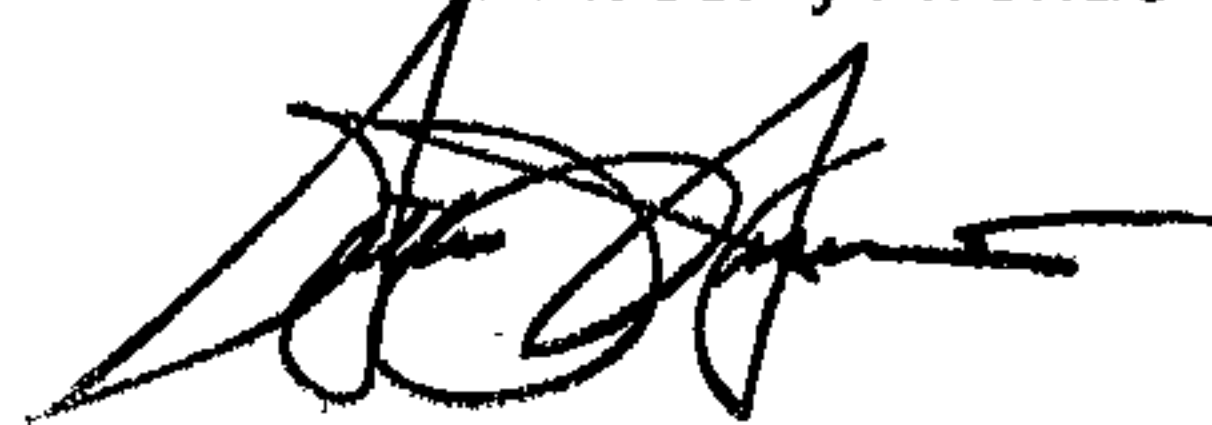
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-133-A

6412 Pinehurst Road
W/side of Pinehurst Road, 359 feet south of centerline of Overbrook Road
9th Election District – 5th Councilmanic District
Legal Owner: Sally Goldsborough

Administrative Variance to permit side yard setbacks of 6 feet and sum of 16 feet in lieu of 10 and 25 feet.

Hearing: Tuesday, November 9, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 7, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-133-A

6412 Pinehurst Road

W/side of Pinehurst Road, 359 feet south of centerline of Overbrook Road

9th Election District – 5th Councilmanic District

Legal Owner: Sally Goldsborough

Administrative Variance to permit side yard setbacks of 6 feet and sum of 16 feet in lieu of 10 and 25 feet.

Hearing: Tuesday, November 9, 2004 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Sally Goldsborough, 6412 Pinehurst Road, Baltimore 21212
Elizabeth G. Reese, 6412 Pinehurst Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 25, 2004.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 133 -A

Address 6412 PINEHURST

Contact Person: JOHN R. ALEXANDER
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 09.09.04

Posting Date: 09.19.04

Closing Date: 10.04.04

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 05- 133 -A

Address 6412 PINEHURST

Petitioner's Name ELIZABETH REESC

Telephone 410-377-6678

Posting Date: 09.19.04

Closing Date: 10-04-04

Wording for Sign: To Permit SIDE YARD SETBACKS OF 6 FT. & SUM OF 16 FT. IN LOW OF 10-25 FT.

WCR - Revised 6/25/04

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 4, 2004

Sally S. Goldsborough
6412 Pinehurst Road
Baltimore, Maryland 21212

Dear Ms. Goldsborough:

RE: Case Number: 05-133-A, 6412 Pinehurst Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 9, 2004.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Elizabeth Reese 6412 Pinehurst Road Baltimore 21212

Visit the County's Website at www.baltimorecountyonline.info



**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

November 3, 2004

Sally S. Goldsborough
6412 Pinehurst Road
Baltimore, Maryland 21212

Dear Ms. Goldsborough:

RE: Case Number: 05-133-A, 6412 Pinehurst Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 9, 2004.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Elizabeth Reese 6412 Pinehurst Road Baltimore 21212

Visit the County's Website at www.baltimorecountyonline.info



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

September 21, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 20, 2004

Item No.: 125, 127, 130, 132-137

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. 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

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: October 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For September 27, 2004
Item Nos. 125, 130, 133, 135, and 137

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JD*
DATE: October 27, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of September 20, 2004.

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-125

04-133

04-135

04-136

04-137

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

*Idemur
Demoralized
11/9
11/10/04
Granted
[Signature]*

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 4, 2004

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

RECEIVED

OCT - 6 2004

SUBJECT: 6412 Pinehurst Road

INFORMATION:

Item Number: 5-133

Petitioner: Sally Goldborough

Zoning: DR 3.5

Requested Action: Administrative Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the proposed request provided the petitioner exercises diligence in using materials similar and/or complimentary to the existing dwelling on the property.

Prepared by:

[Signature]

Division Chief:

[Signature]

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: 09/30/04

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

RECEIVED

OCT -1 2004

SUBJECT: 6412 Pinehurst Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 5-133

Petitioner: Sally Goldsborough

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided the petitioner exercise diligence in using materials similar and/or complimentary to the existing dwelling on the property.

Prepared By: Mark A. Cunningham

Section Chief: _____

AFK/JL:

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



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

Maryland Department of Transportation

Date: 9.17.04

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

RE: Baltimore County
Item No. 133 JRA

Dear Ms. Matthews:

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 15, 2004

Sally Goldsborough
6412 Pinehurst Road
Baltimore, MD 21212

Dear Ms. Goldsborough:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-133-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact John Alexander at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", followed by a large, stylized flourish.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Elizabeth G. Reese, 6412 Pinehurst Road, Baltimore 21212
Nancy Maronick, Bellona-Gittings, 5911 Charlesmead Ave., Baltimore 21212

Visit the County's Website at www.baltimorecountyonline.info



**Bellona-Gittings
Community Association, Inc.**
5911 Charlesmead Ave.
Baltimore, Maryland 21212

Oct. 4, 2004

Timothy Kotroco, Director
Permits & Development Management
111 W. Chesapeake Ave.
Towson, MD 21204

Re: 6412 Pinehurst Road
Case # 05-133A

Dear Mr. Kotroco:

The Bellona-Gittings Community Association on behalf of concerned community residents requests a regular public hearing regarding Case No. 05-133A. The applicant seeks a variance to the required setbacks in order to erect an addition to 6412 Pinehurst Road. Those objecting, including a neighbor who had initially indicated to the applicant that she would not object, but upon reflection has reconsidered, hope that a more suitable plan can be designed that will not impose on the neighbors or require a variance.

Thank you for your attention to this matter.

Yours truly,



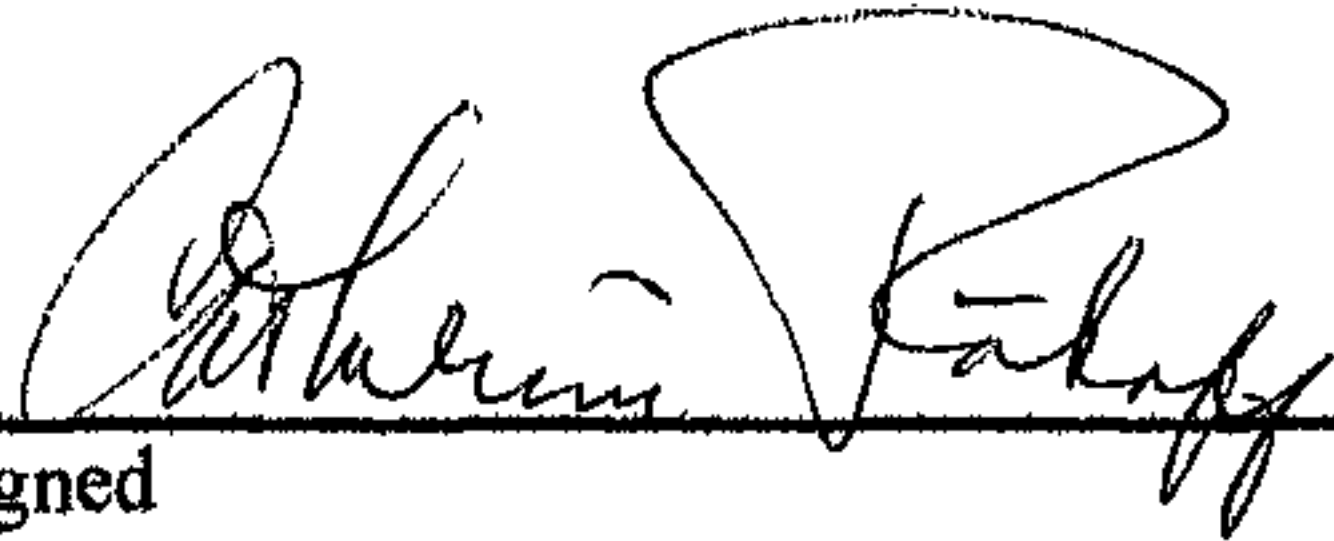
Nancy P. Maronick
President

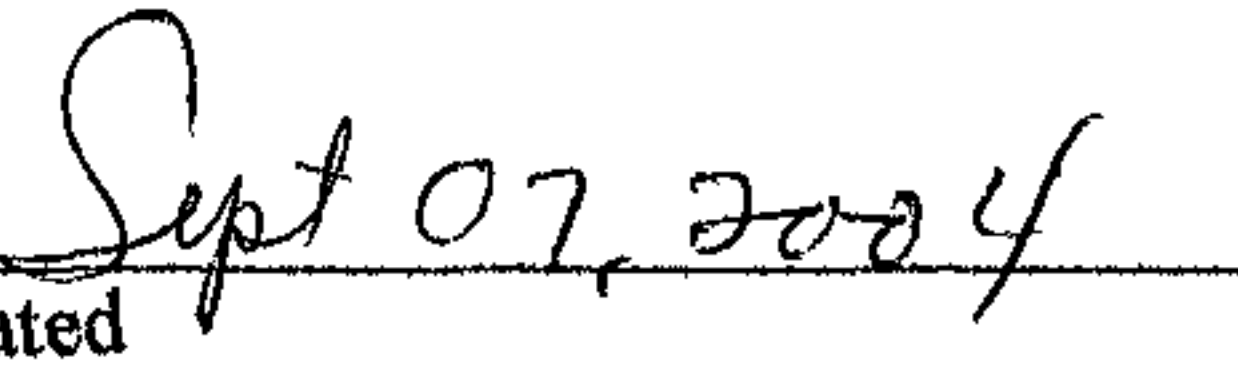
RECEIVED

OCT 04 2004

Per.....
PDM

I reside at 6410 Pinehurst Road and ^{am}are aware of our neighbors' plans to build additions onto 6412 Pinehurst Road. I have no objections to these plans as explained.


Signed


Dated

OS-133-A

We reside at 6414 Pinehurst Road and are aware of our neighbors' plans to build additions onto 6412 Pinehurst Road. We have no objections to these plans as explained.

Mary S. Gibson & Wade Gibson
Signed

9/6/04
Dated

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
✓ D.R.3.5	10,000 ✓	70 ✓	30 ✓	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

6
11.5

17.5

sum of side yard

request 16 feet

CASE NAME 6412 Pinehurst Rd
CASE NUMBER 05-133-A
DATE 11/9/04

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME 6412 Pinehurst Rd
CASE NUMBER 05-133-A
DATE 11/9/04

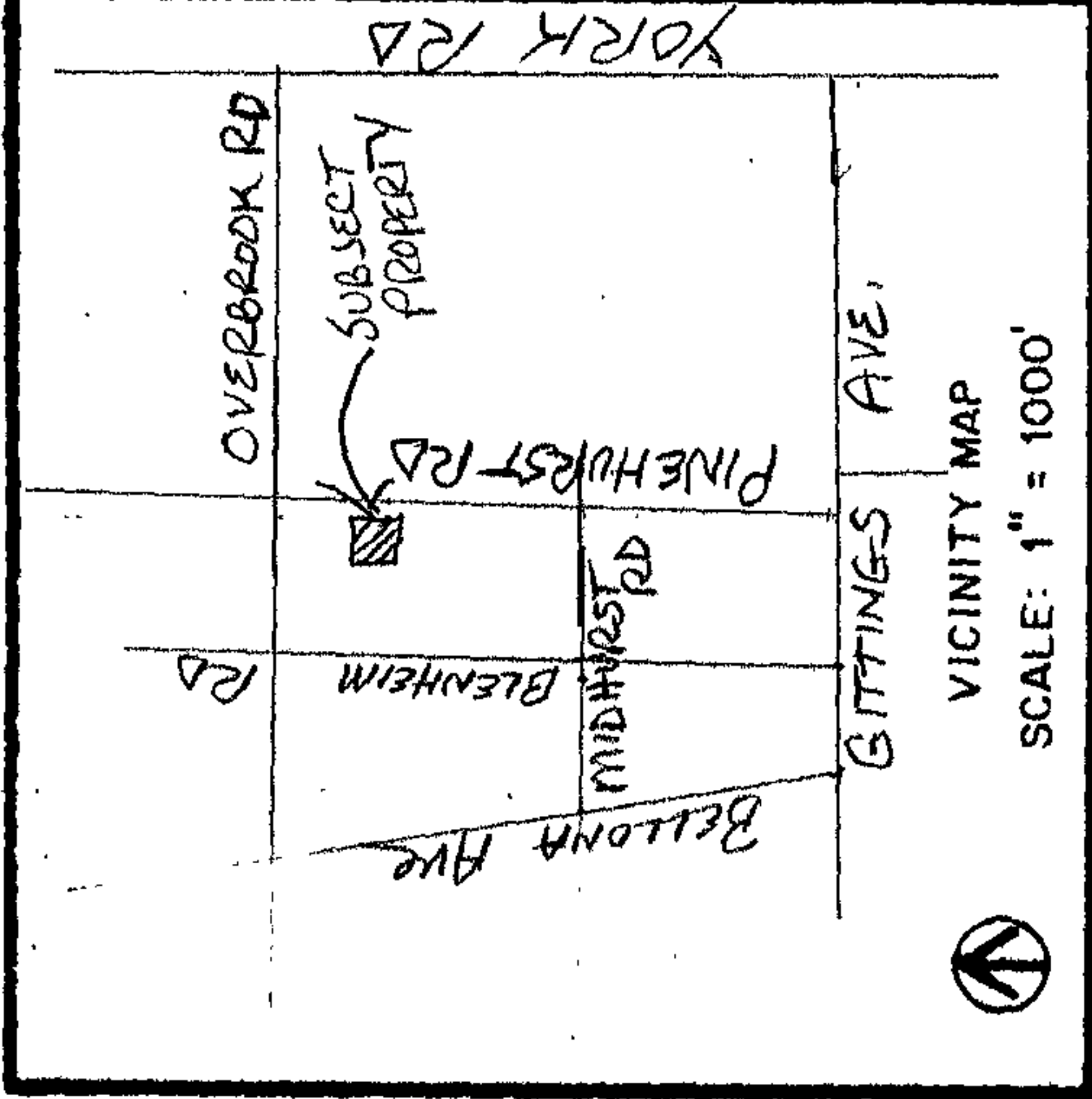
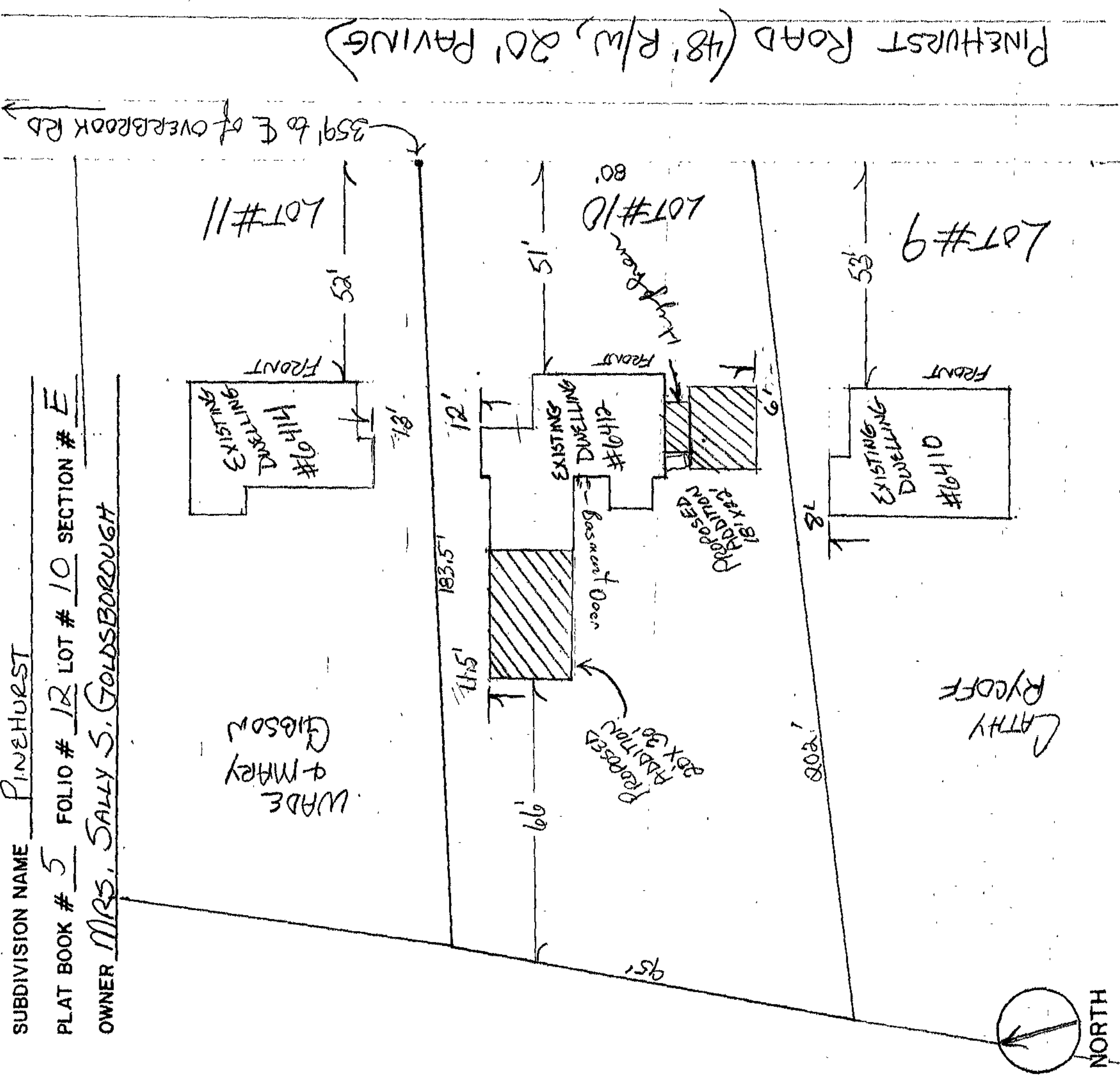
CITIZEN'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 6412 PINEHURST ROAD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME PINEHURST
PLAT BOOK # 5 FOLIO # 12 LOT # 10 SECTION # E
OWNER MRS. SALLY S. GOLDSBOROUGH



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # NE-8A

ZONING DR-3.5

LOT SIZE	ACREAGE	SQUARE FEET
<u>1.38</u>	<u>16,508</u>	

SEWER	PUBLIC	PRIVATE
☒	☒	☐

WATER	PUBLIC	PRIVATE
☒	☒	☐

CHESAPEAKE BAY CRITICAL AREA	YES	NO
☐	☐	☒

100 YEAR FLOOD PLAIN	YES	NO
☐	☐	☒

HISTORIC PROPERTY / BUILDING	YES	NO
☐	☐	☒

PRIOR ZONING HEARING None

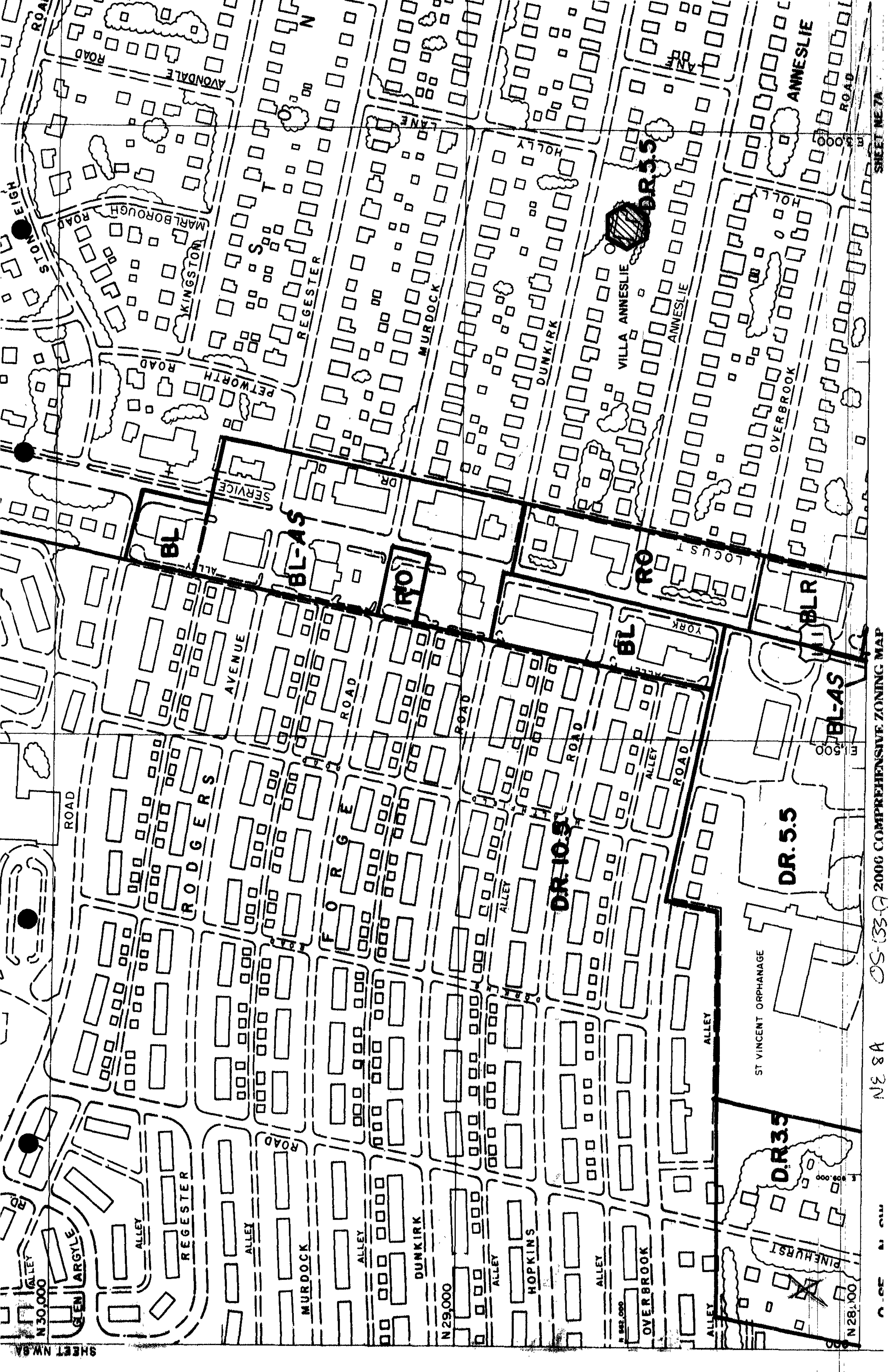
ZONING OFFICE USE ONLY

REVIEWED BY 303 ITEM # 105-1330 CASE # 105-1330

PREPARED BY EAR 9/8/04 SCALE OF DRAWING: 1" = 30'

NORTH

[Handwritten signature]





(Mc. 24)

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Front View of 6412
looking towards 6410

971

OS-133-A



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REAR VIEW LOOKING
TOWARDS 6410

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CS-133-A



No. 229

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REAR View of
6412 PINEHURST RD

925

05.133.7



6412

6412

from Rear of 6412 Pinchurst
looking up the side
next to 6414

6414

OS-133-9



from front of 6412 Penhurst
showing corner & side of house
next to 6414

922

OS (33-A)



No. 22

24

25

26

27

from front of 6412 Pinehurst
showing side of house
next to 6414

973

OS. 133. A