

IN RE: PETITION FOR ADMIN. VARIANCE

West Side of Jerusalem Mill Court, 462'

South of Centerline of Glenbauer Road

11th Election District

3rd Councilmanic District

(4 Jerusalem Mill Court)

John and Sally Loh

Petitioners

*

BEFORE THE

*

ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 06-343-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by John and Sally Loh, Petitioners. The variance request is for property located at 4 Jerusalem Mill Court in the Kingsville area of Baltimore County. The variance request is from 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed accessory structure (pool) to be located partially within the side yard in lieu of the required rear yard only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 28, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 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 Zoning

ORDER RECEIVED FOR FILING

2-2-06
13

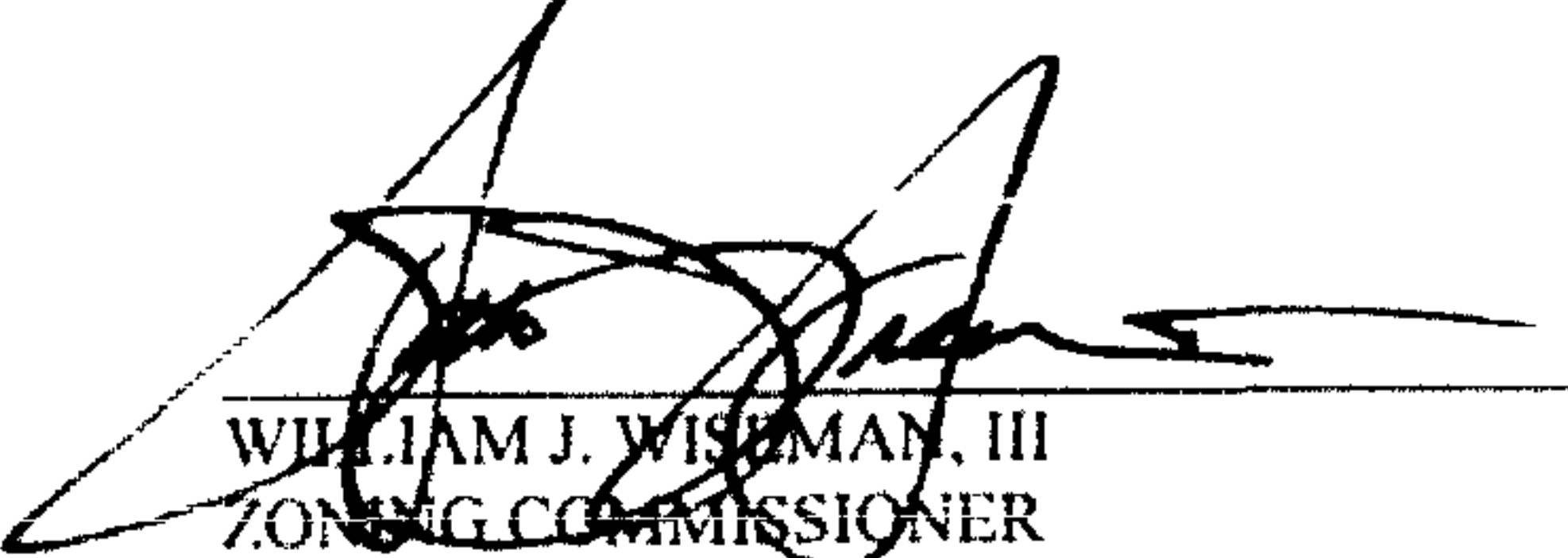
Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 Zoning Commissioner for Baltimore County, this 21st day of February, 2006, that a variance from 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed accessory structure (pool) to be located partially within the side yard in lieu of the required rear yard only, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

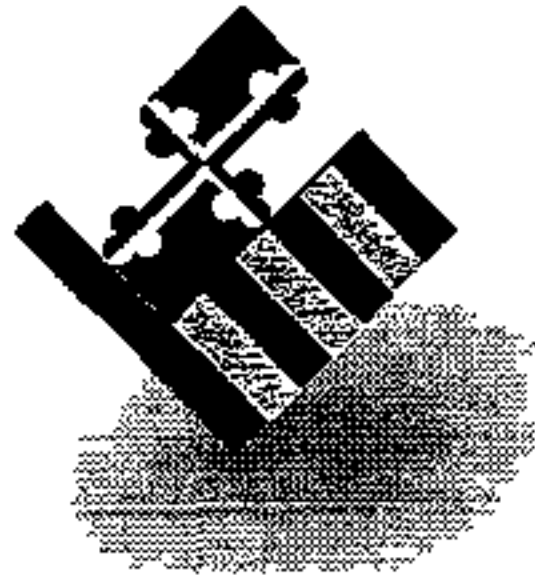
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

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


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW:dlw

UNDER RECEIVED FOR FILING
Date 2-21-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 21, 2006

John Loh
Sally Loh
4 Jerusalem Mill Court
Kingsville, Maryland 21087

Re: Petition for Administrative Variance
Case No. 06-343-A
Property: 4 Jerusalem Mill Court

Dear Mr. and Mrs. Loh:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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 black ink, appearing to read "William J. Wiseman, III", written over the typed name and title.

William J. Wiseman, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4 Jerusalem Mill Ct, Kingsville Md.
which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1, BC2R, to permit a proposed

accessory structure (pool) to be located partially within the side yard in lieu of the required rear yard only.

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 Telephone No.

City State Zip Code

Representative to be Contacted:

Name

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, 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. 06-343-A

Reviewed By SNP Date 1/17/06

Estimated Posting Date 1/29/06

REV 10/25/01

ORDER RECEIVED FOR FILING

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

4 Jerusalem Mill Ct
Address
Kingsville Md 21087
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):

The topography and or septic area is such that we are limited for location of 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 [Signature]
Name - Type or Print John Loh

Signature [Signature]
Name - Type or Print Sally Loh

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of January, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Wanda Sprague
Notary Public

My Commission Expires 10/01/08

ZONING DESCRIPTION FOR 4 Jerusalem Mill Court

Beginning at a point on the west side of

Jerusalem Mill Court which is 50 feet

Wide at the distance of ⁴⁶²~~400~~ feet south of the

Centerline of the nearest improved intersecting street GlenBauer Road

Which is 50 feet wide. *Being Lot# 48,

Jerusalem Mills

As recorded in Baltimore County Plat Book # 61, Folio# 135,

Containing 1.29 acres. Also known as 4 Jerusalem Mill Court

And located in the 11th Election District, 3rd Councilman District.

06-343-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **2847**

DATE 1/17/2016 ACCOUNT R.001.008-6150

AMOUNT \$ 130.00

RECEIVED FROM 011156

FOR Var. 4 Jerusalem Mill Ct.

01-343-A (LOH)

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME DATE
 1/17/2016 1:17 PM 1/17/2016
 ISSUED BY: [Signature]
 RECEIPT NO. 2847
 DEPT. 0300 ZONED INVESTIGATION
 CR NO. 002847
 RECEIPT INC. \$130.00
 PAID TO: [Signature]
 BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-343-A

Petitioner/Developer: JOHN!
SALLY LOH

Date Of Hearing/Closing: 2/13/06

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

Attention:

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
at 4 JERUSALEM Mill CT.

This sign(s) were posted on January 28, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 1/28/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto, Md 21220

(443-629 3411)

im000566 (1152x864x24b jpeg)



Master 1/28/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 343 -A Address 4 Jerusalem Mill Ct.
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1/17/06 Posting Date: 1/29/06 Closing Date: 2/13/06

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 06- 343 -A Address 4 Jerusalem Mill Ct.
Petitioner's Name John & Sally Loh Telephone 410-817-6832
Posting Date: 1/29/06 Closing Date: 2/13/06
Wording for Sign: To Permit a proposed accessory structure (pool) to be located
partially within the side yard in lieu of the required rear yard only

**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*

February 13, 2006

John Loh
Sally Loh
4 Jerusalem Mill Court
Kingsville, Maryland 21087

Dear Mr. and Mrs. Loh:

RE: Case Number: 06-343-A, 4 Jerusalem Mill Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 17, 2006.

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

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

January 25, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 23, 2006

Item No.: 335-A, 6-336-A, 6-337-A, 6-338-A, 6-339-A, 6-340-SPH, 6-341-A, 6-342-A, 6-343-A, 6-344-A and 6-345-SPHXA

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.

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lt. W T Moffitt
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: 1.20.06

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

RE: Baltimore County
Item No. 343 JHP

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, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 31, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 30, 2006
Item Nos. 336, 337, 338, 339, 340, 341,
343, 344, and 345

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-01302006 Doc

Debra Wiley - Re: Comments

From: Jeffrey Livingston
To: Wiley, Debra
Date: 2/15/2006 10:45 AM
Subject: Re: Comments

Debra,

Sorry for the delay. Here are comments for then ones that I've been able to get back and complete:

341- no comment
343- no comment
344 - attached
346 - attached
I'll send the others as soon as I can.

Jeff

Jeff Livingston
jlivingston@co.ba.md.us
(410) 887-4488 ext. 339

>>> Debra Wiley 02/14/06 10:15 AM >>>
Good morning Jeff - Happy Valentine's Day!

In reviewing our files, we noticed we don't have comments for the following:

06-341-A (hearing tomorrow 2/15 @ 10:00 a.m.)

06-355-X (hearing Thurs., 2/16 @ 10:00 a.m.)

Also needed are comments for the following Administrative Variances with a closing date of 2/13:

06-343-A
06-344-A
06-346-A
06-348-A
06-349-A
06-350-A
06-353-A
06-354-A

Thanks and have a great day!

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 23, 2006

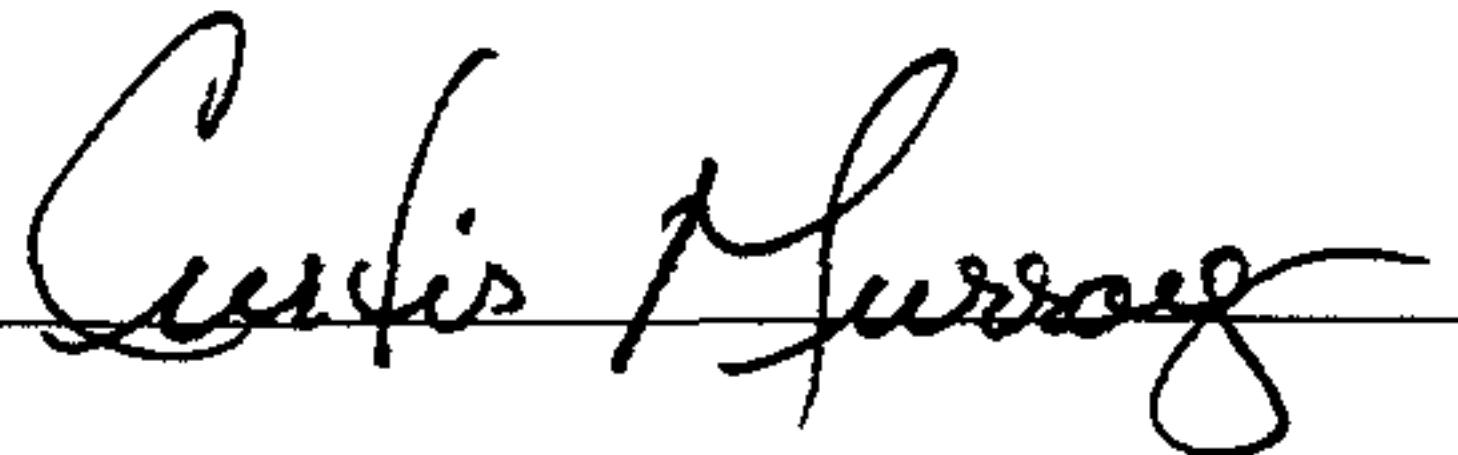
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-343- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

Baltimore County - My Neighborhood



© 2005 Baltimore County, Maryland

06-343-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

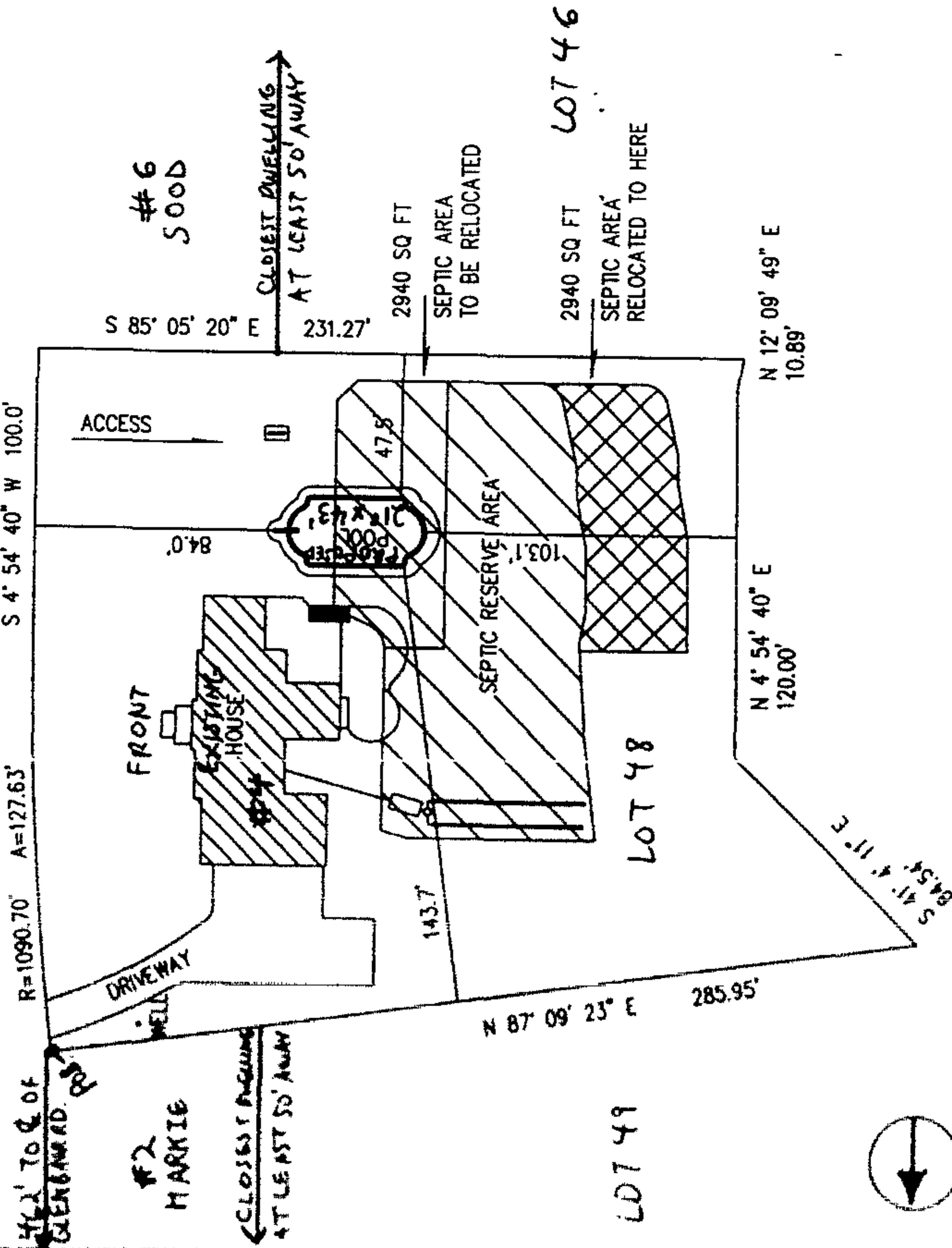
PROPERTY ADDRESS 4 JERUSALEM MILL COURT SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME JERUSALEM MILLS

PLAT BOOK # 61 FOLIO # 135 LOT # 48 SECTION # 1

OWNER JOHN & SALLEY LOH

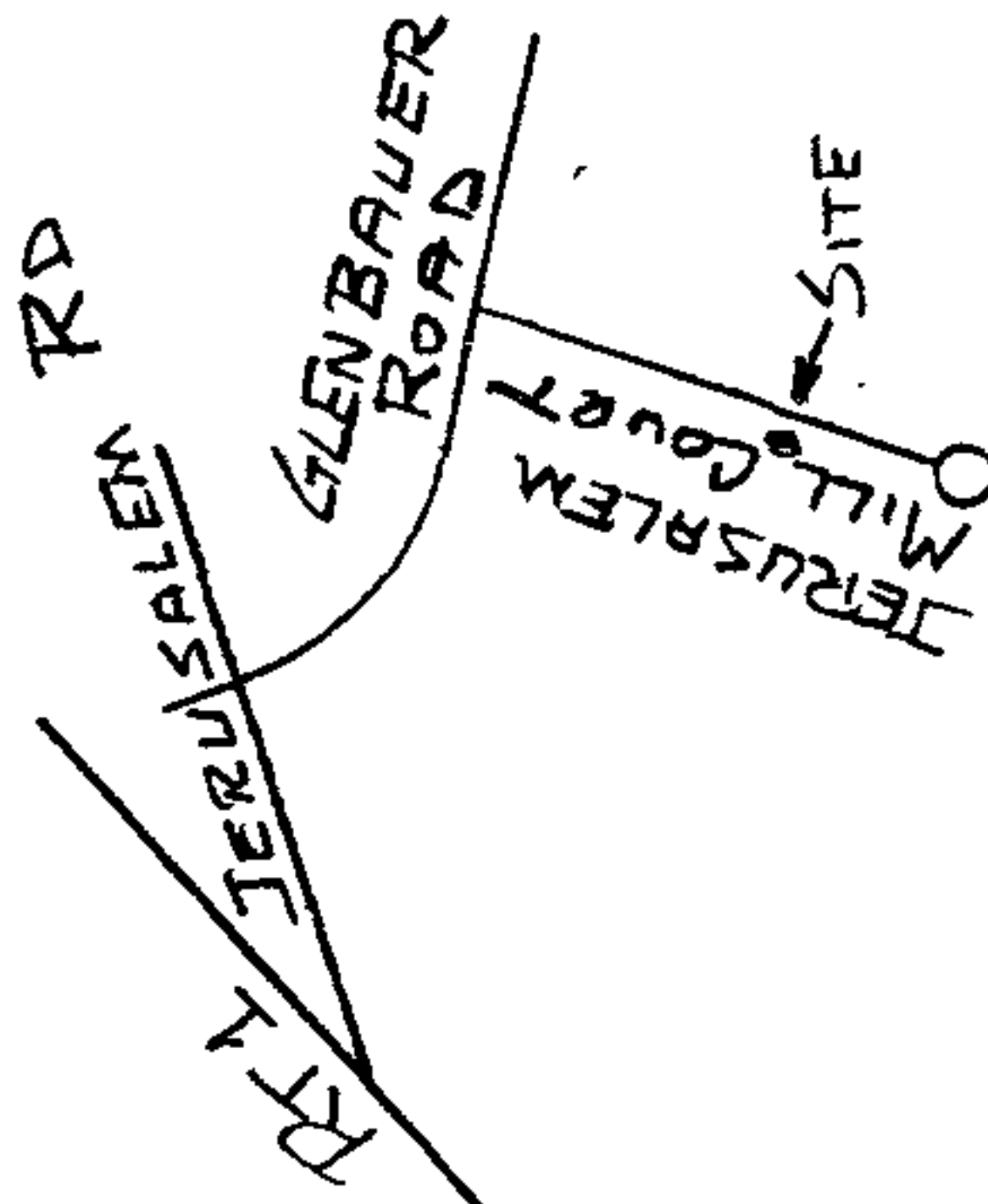
JERUSALEM MILL COURT (50' R/W, 24' PAVING)



NORTH

PREPARED BY CM BEAVER

SCALE OF DRAWING: 1" = 60'



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 055B3

ZONING RC 5

LOT SIZE 1.22

ACREAGE 56.192

SQUARE FEET

SEWER ☐

WATER ☐

PUBLIC ☐

PRIVATE ☒

YES ☐

NO ☒

CHESAPEAKE BAY CRITICAL AREA ☐

100 YEAR FLOOD PLAIN ☐

HISTORIC PROPERTY / BUILDING ☐

PRIOR ZONING HEARING ☐

NONE

ZONING OFFICE USE ONLY

REVIEWED BY JAP ITEM # 343 CASE # 06-343-A

Page #1

Photos

06-343-A





Side / back
view of house / yard



back view
woods



Side view
pat. $\rightarrow$



back of house
side view



side of
house

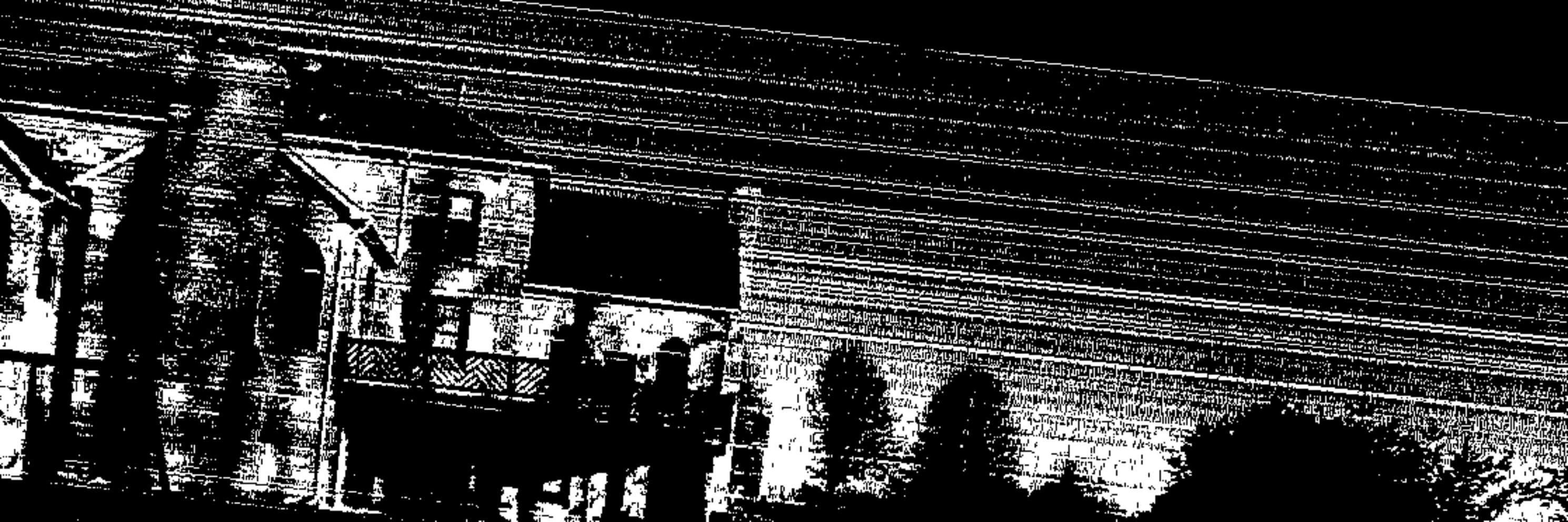


side view

Shows decking



side view
site



back side