

IN RE: PETITION FOR ADMIN. VARIANCE

S/S of By Woods Lane, 423.76 feet

W of Nacirennia Lane

3rd Election District

2nd Councilmanic District

(1707 By Woods Lane)

Abdul and Kjelwood Julboori

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

*

CASE NO. 06-666-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Abdul and Kjelwood Julboori. The variance request is for property located at 1707 By Woods Lane. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (pool) to be located partially within the side yard in lieu of the required rear yard only, and to amend the Final Development Plan for Greenspring, Plat 2, Lot 3. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that due to Muslim religious law prohibiting immodest display of the human body in public, the pool needs be built in the more secluded part of the yard. There is an existing drainage swale located in the rear yard and the swale should not be disturbed.

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 letter was received from the Office of Planning dated July 13, 2006 which contains restrictions. That Office indicated that the practical difficulty in locating the pool in the rear yard is that there is an existing swale in the rear yard and extensive grading would be required in order to locate the pool entirely in the

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PH

rear yard. That Office does not object to the requested variance provided the fence is wood, vinyl or metal material and there is proposed and/or existing landscaping around the perimeter of the fence. Copy of which is attached hereto and made a part hereof.

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 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.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 8, 2006 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 and photographs 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 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,

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

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 1st day of August, 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (pool) to be located partially within the side yard in lieu of the required rear yard only, and to amend the Final Development Plan for Greenspring, Plat 2, Lot 3 be and is hereby GRANTED, subject to the following:

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. The fence shown on exhibit 1 shall be constructed of wood, vinyl or metal material.
3. The Petitioner shall provide landscaping around the perimeter of the fence and shall submit a landscape plan to the Office of Planning for their review and approval prior to building permit.

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:pz

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pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1707 By Wood Lane
which is presently zoned RC-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)

400.1, BCZR, to permit a proposed pool (accessory structure) to be located partially within the side yard in lieu of the required rear yard only, and to amend the Final Development Plan for Greenspring Plat 2, Lot 3,

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

City

Telephone No.

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 06 day of June , 20 06 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.

06-666-A

Reviewed By

JNP

Date

6/26/06

Estimated Posting Date

7/9/06

REV 10/25/01

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W6

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

1701 Bywoods Lane
Address
Stevenson MD 21153
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):

- 1- Current Muslim religion sacraments prohibit an immodest display of the human body in public areas and as a result, to create a more private and modest atmosphere, the pool should be built in the more secluded side yard of the house.
 - 2- The original grade plan set by the builder of the house at the location at 1701 Bywood Lane, Stevenson, MD 21153 has a drainage swale and berm area located in the rear of the property. This would not make the ideal location to install an in ground concrete swimming pool. This original grade plan is designed to keep the storm water drainage from settling around the dwelling & causing possible basement leakage issue. By locating the pool in the side yard we would enhance the existing grading plan & keep the existing grade pattern from changing dramatically. This side yard location of the swimming pool really becomes the proper place to install the pool.
 - 3- The rear yard of the property backs up to a psychiatric hospital. We believe that with the construction process of the swimming pool may disturb some of these patients. The side yard location is much less visible to the ground of the hospital. We believe that we would disturb the patients at the hospital much less by constructing the swimming pool in the side yard.
- That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature

Abdul Kadir Juhouri
Name - Type or Print

[Signature]
Signature

Khelood Juhouri
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25TH day of May, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Abdul KADIR Juhouri & Khelood Juhouri
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 6,1,2008

ZONING DESCRIPTION FOR 1707 BY WOODS LANE

Beginning at a point on an access easement 200 ft. south of the south side of By Woods Lane (50 ft. wide) said point being 423.76 ft. $\pm$ west of Nacirema Lane (60 ft. wide).

Being Lot #3, Plat 2, Lot #3 in the subdivision of Greenspring as recorded in Plat Book #051, Folio #0112, containing 1.23 acres $\pm$. Also known as 1707 By Woods Lane and located in the 3rd Election District, 2nd Councilmanic District.

06-666-A

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. 1228

DATE

6/26/06

ACCOUNT

R-001-006-6/10

AMOUNT

\$ 130.00

RECEIVED

FROM

106707

FOR

4112, UP - 1707 B4 Wood Lane

06-166-A (John)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS

ACTUAL

DATE

6/26/06

TIME

09:23:05

RECEIPT

NO.

106707

AMOUNT

\$130.00

PAID TO

106707

PAID BY

106707

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-666-A

Petitioner/Developer: ABDUL I
KHELWOOD TULBOORI

Date Of Hearing/Closing: 7/24/06

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 1707 BY WOODS LANE

This sign(s) were posted on July 8, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 7/8/06
(Signature of sign Poster and Date)

Martin Ogle

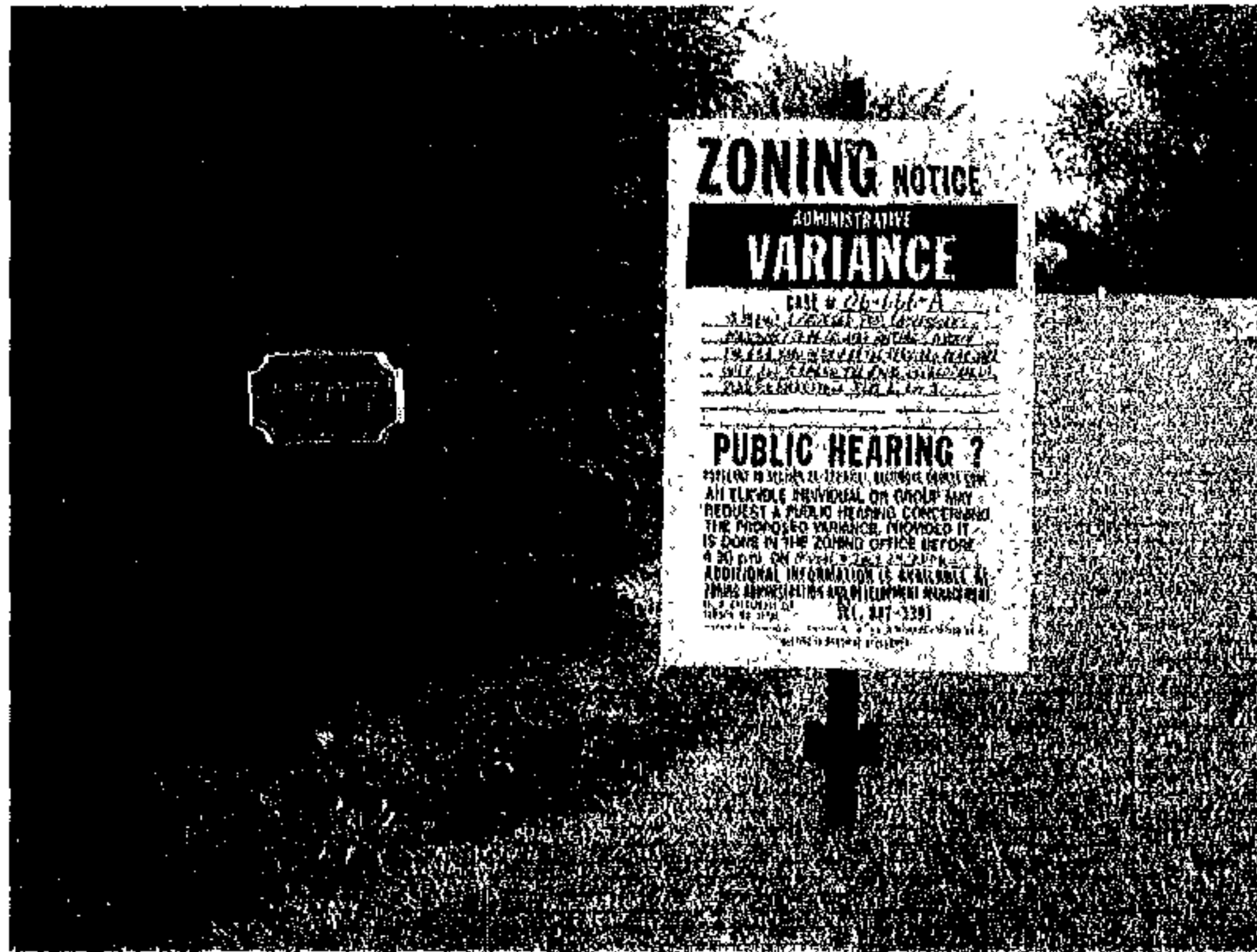
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Maclaugh 7/18/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 666 -A Address 1707 By Woods Lane
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 6/26/06 Posting Date: 7/9/06 Closing Date: 7/24/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

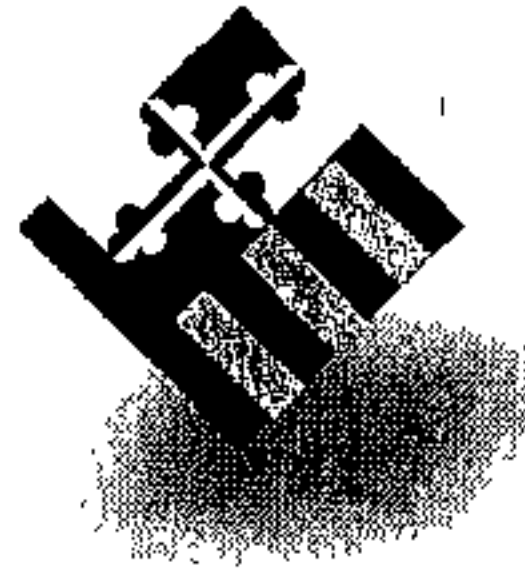
1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible 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- 666 -A Address 1707 By Woods Lane
Petitioner's Name Abdul & Khelwood Juboori Telephone 410-602-0157
Posting Date: 7/9/06 Closing Date: 7/24/06
Wording for Sign: To Permit a proposed pool (accessory structure) to be located partially within the side yard in lieu of the required rear yard only, and to amend the Final Development Plan for Greenspring Plat 2, Lot 3.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 24, 2006

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

Abdul Julboori
Kjelwood Julboori
1707 By Woods Lane
Stevenson, MD 21153

Dear Mr. and Mrs. Julboori:

RE: Case Number: 06-666-A, 1707 By Woods Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

July 5, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 10, 2006

Item Number(s): 657 through 673

666

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 13, 2006

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

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SUBJECT: 1707 Bywood Lane

INFORMATION:

Item Number: 6-666

ZONING COMMISSIONER

Petitioner: Abdul Kadir Juboori and Khelood Juboori

Zoning: RC 5

Requested Action: Administrative Variance

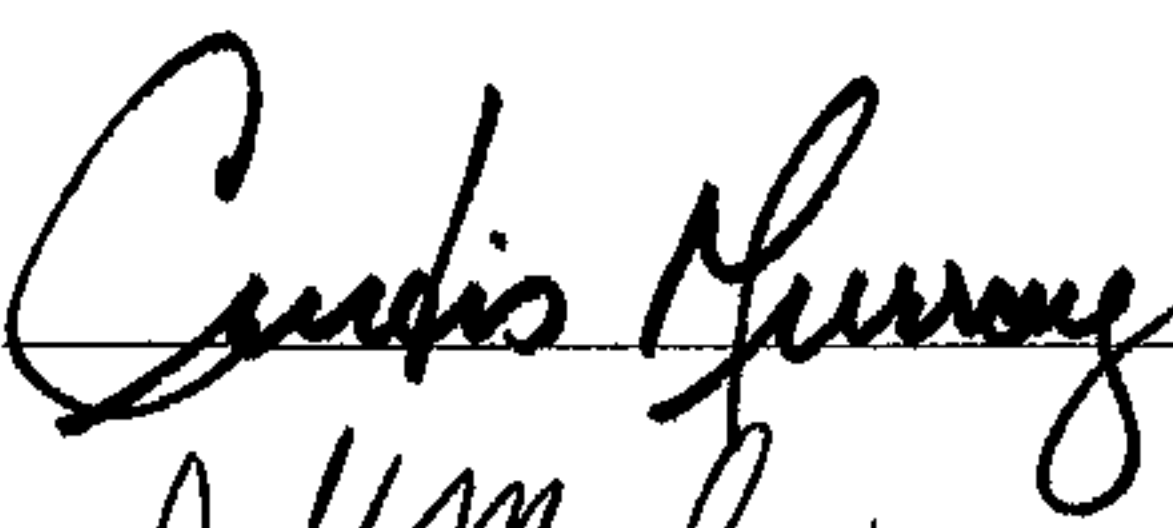
The petitioner requests an administrative variance for a pool to be partially constructed in the side yard and to amend the final development plan for Greenspring. Greenspring is a vested plat under the RC5 regulations in effect in 1984. Therefore a finding of compatibility with the current RC5 regulations is not required.

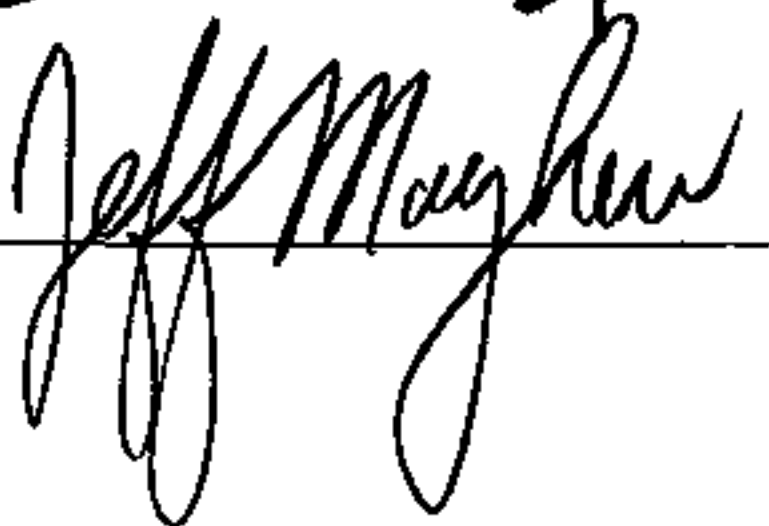
SUMMARY OF RECOMMENDATIONS:

The house is sited in a manner that there is a very limited rear yard. The practical difficulty concerning locating the pool in the rear yard is that there is an existing swale in the rear yard; extensive regrading would be required in order to locate the pool entirely in the rear yard.

The Office of Planning does not object to the requested variance provided the fence is wood, vinyl or metal material and there is proposed and/or existing landscaping around the perimeter of the fence.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by: 

Division Chief: 
AFK/LL: CM

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8-1-06
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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 10, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For July 10, 2006
Item Nos. 231, 657, 658, 659, 661, 662,
663, 664, 666, 670, 671, and 672

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-07072006.doc

Homeowners of Greenspring
(410) 978-7148
July 24, 2006

SENT BY FACSIMILE (410) 887-3048

Department of Zoning
Baltimore County
Attn: Timothy Kotroco
Re: Case # 06-666-A

Dear Mr. Kotroco:

I am writing to you on behalf of the Homeowners of Greenspring. The Board of Directors for our Home Association would like the record to reflect the following that the Homeowners Association is neither in favor of or opposed to the Variance request for this specific property. Furthermore, any decision by the Baltimore County Zoning Board regarding this case # 06-66-A, does not impact the right of the Board of the Homeowners of Greenspring to approve or deny the homeowners request to install the pool and any structure relating thereto. All such plans must also be approved by the Board of the Homeowners of Greenspring.

We would also like the record to reflect that the Homeowner's of Greenspring do not want any decision herein to apply to any property other than the subject property and that any Amendment to the Final Development Plans for Greenspring for any property in said Greenspring Development shall be determined on a case by case basis, with no prior determination providing a precedent for any future determination.

Additionally, we would like to make note to the Zoning Commissioner that the signage for notice regarding this case was placed on the back of the panhandle for the property approximately (1/8) of a mile from the end of the common driveway for the property that abuts the road known as By Woods Lane, as such the sign was only visible to the petitioners immediate adjacent neighbors which share a common driveway and was not visible from By Woods Lane the adjacent street, thus the notice was not sufficient to advise the community of the actions being taken.

Sincerely,
Lisa A. Stern, Director
Homeowners of Greenspring

To Whom It May Concern:

Synopsis of hardships for the side yard pool location at:

1707 By Wood Lane

Stevenson, Md. 21153

Property location is owned by Abdul-Kadir & Khelood Juboori.

1-----Current Muslim religion sacraments prohibit an immodest display of the human body in public areas and as a result, to create a more private and modest atmosphere, the pool should be built in the more secluded side yard of the house.

2----- The original grade plan set by the builder of the house at the location at (1707 By Wood Lane, Stevenson, Md. 21153) has a drainage swale and berm area located in the rear of the property. This would not make the ideal location to install an in ground concrete swimming pool. This original grade plan is designed to keep the storm water drainage from settling around the dwelling & causing possible basement leakage issues. By locating the pool in the side yard we would enhance the existing grading plan & keep the existing grade pattern from changing dramatically. This side yard location of the swimming pool really becomes the proper place to install the pool.

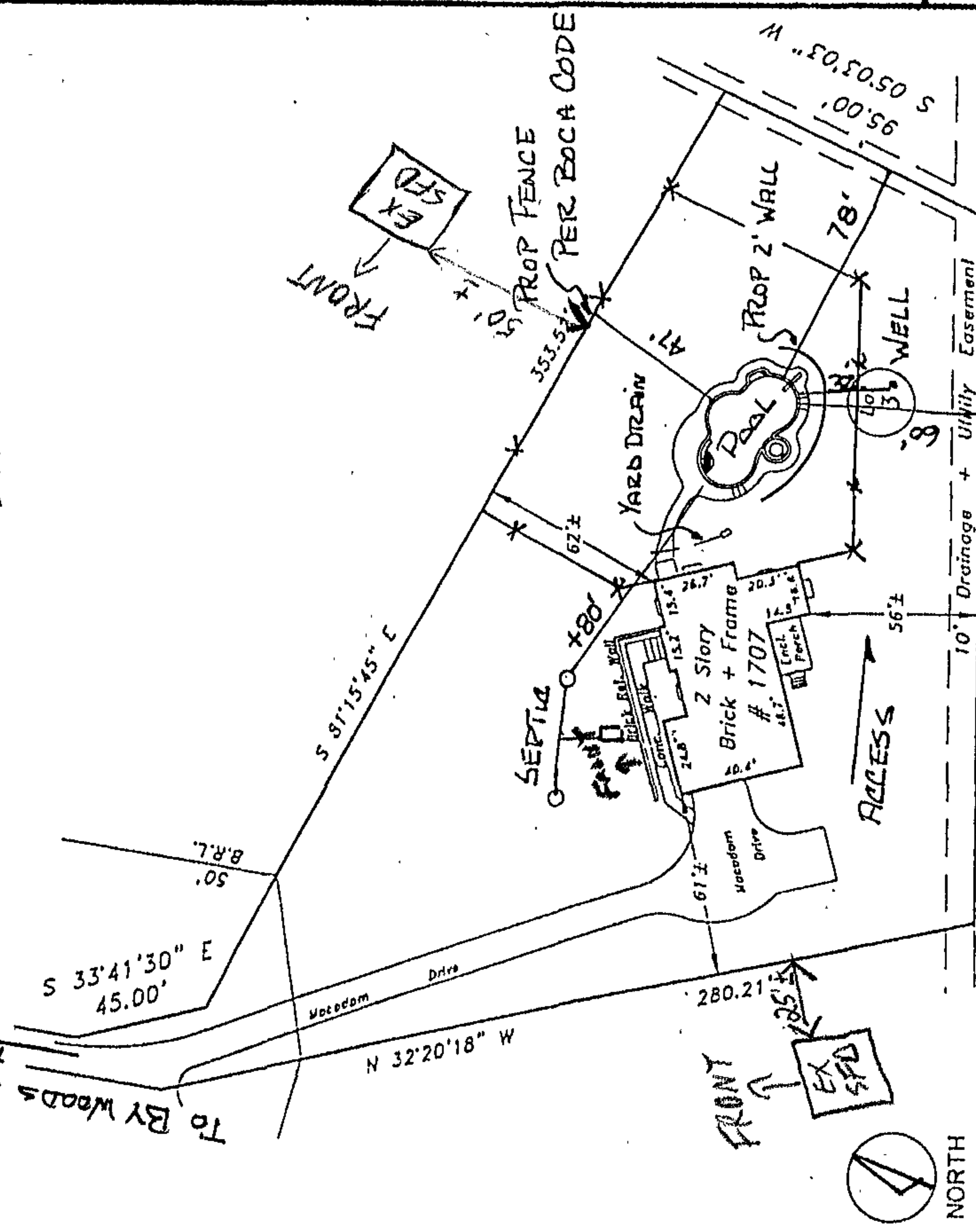
3----- The rear yard of the property backs up to a psychiatric hospital. We believe that with the construction process of the swimming pool may disturb some of these patients. The side yard location is much less visible to the grounds of the hospital. We believe that we would disturb the patients at the hospital much less by constructing the swimming pool in the side yard.

4 - well is located in the rear yard.

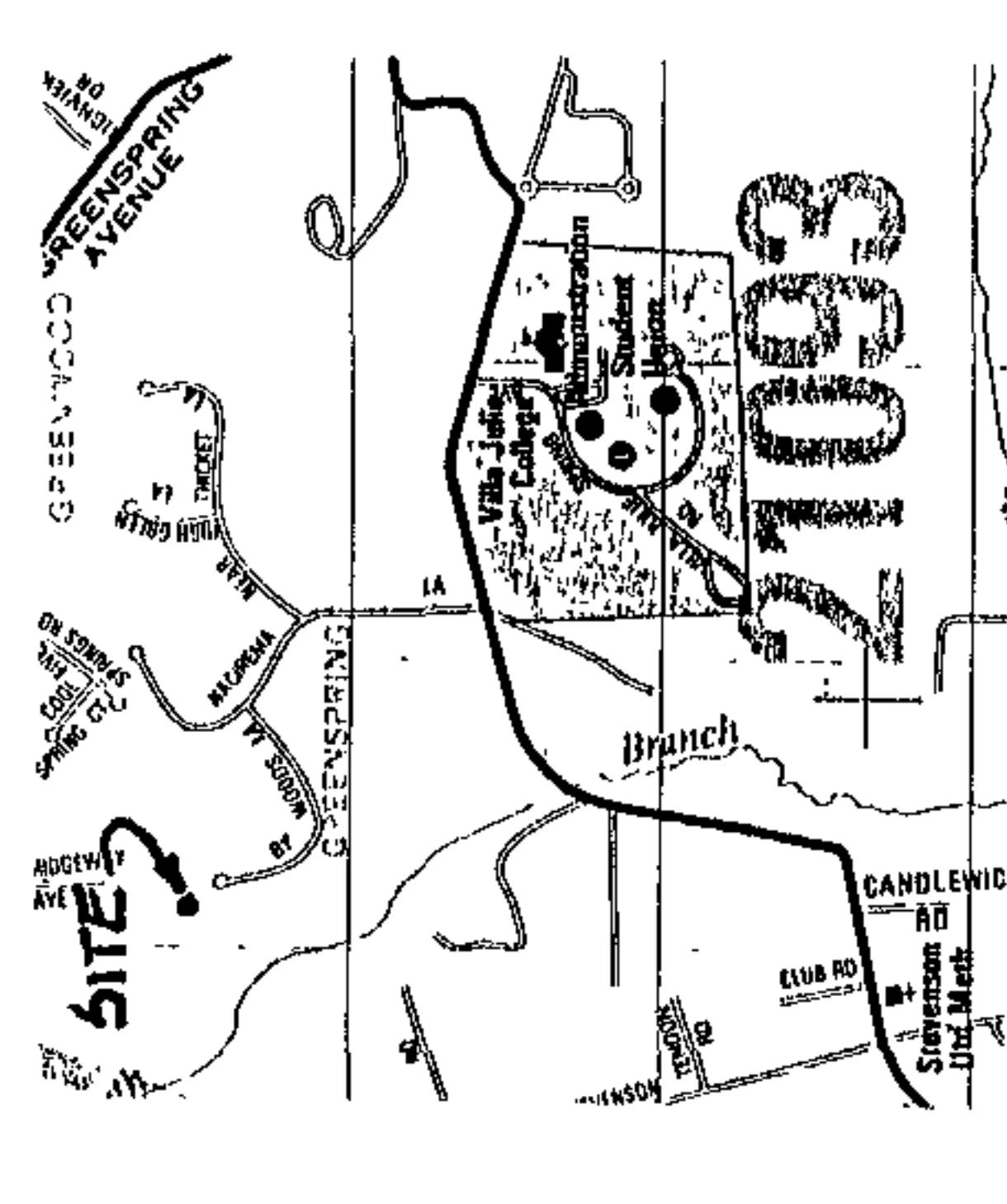
06-666-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME GREENSPRING
 PLAT BOOK # 51 FOLIO # 0112 LOT # 3 SECTION # 1 Plat 2
 OWNER ABDUL JUBOORI
By Woods Lane
423.76' ± TO NACIREMA LANE



PREPARED BY CM BEAVER
 SCALE OF DRAWING: 1" = 600'
 S 69°22'35" W 236.84'
 10' Drainage + Utility Easement



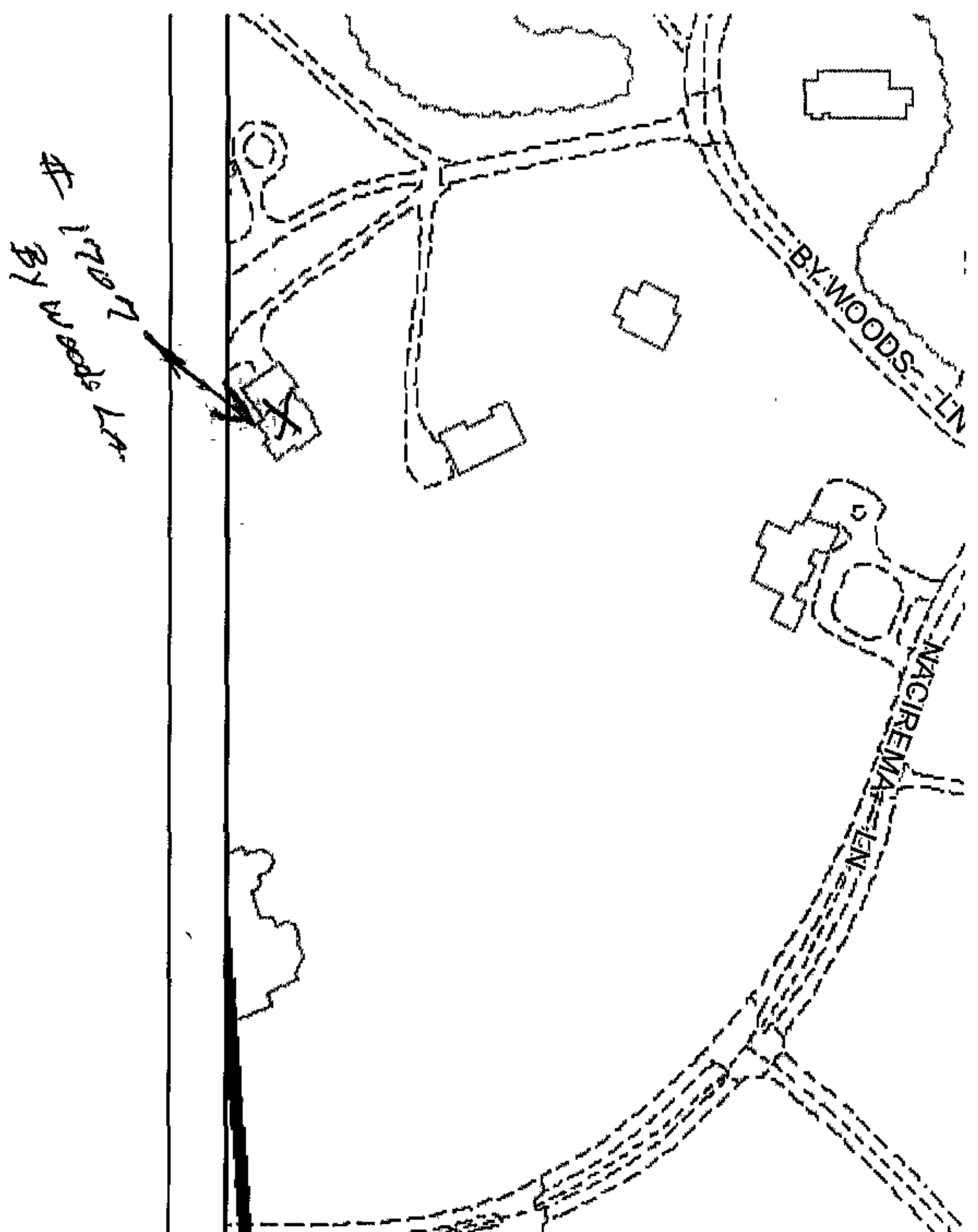
VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION
 ELECTION DISTRICT 3rd
 COUNCILMANIC DISTRICT 2nd
 1" = 200' SCALE MAP # 05982
 ZONING RC-5
 LOT SIZE 1.23 ACRES
 53,578 SQUARE FEET
 PUBLIC ☐ PRIVATE ☒
 SEWER ☐ WATER ☒
 CHESAPEAKE BAY CRITICAL AREA ☐ YES ☐ NO ☒
 100 YEAR FLOOD PLAIN ☐ YES ☐ NO ☒
 HISTORIC PROPERTY / BUILDING ☐ YES ☐ NO ☒
 PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY
 REVIEWED BY JMP ITEM # 666 CASE # 106-666-A

Zoning Map # 05952

RC-5



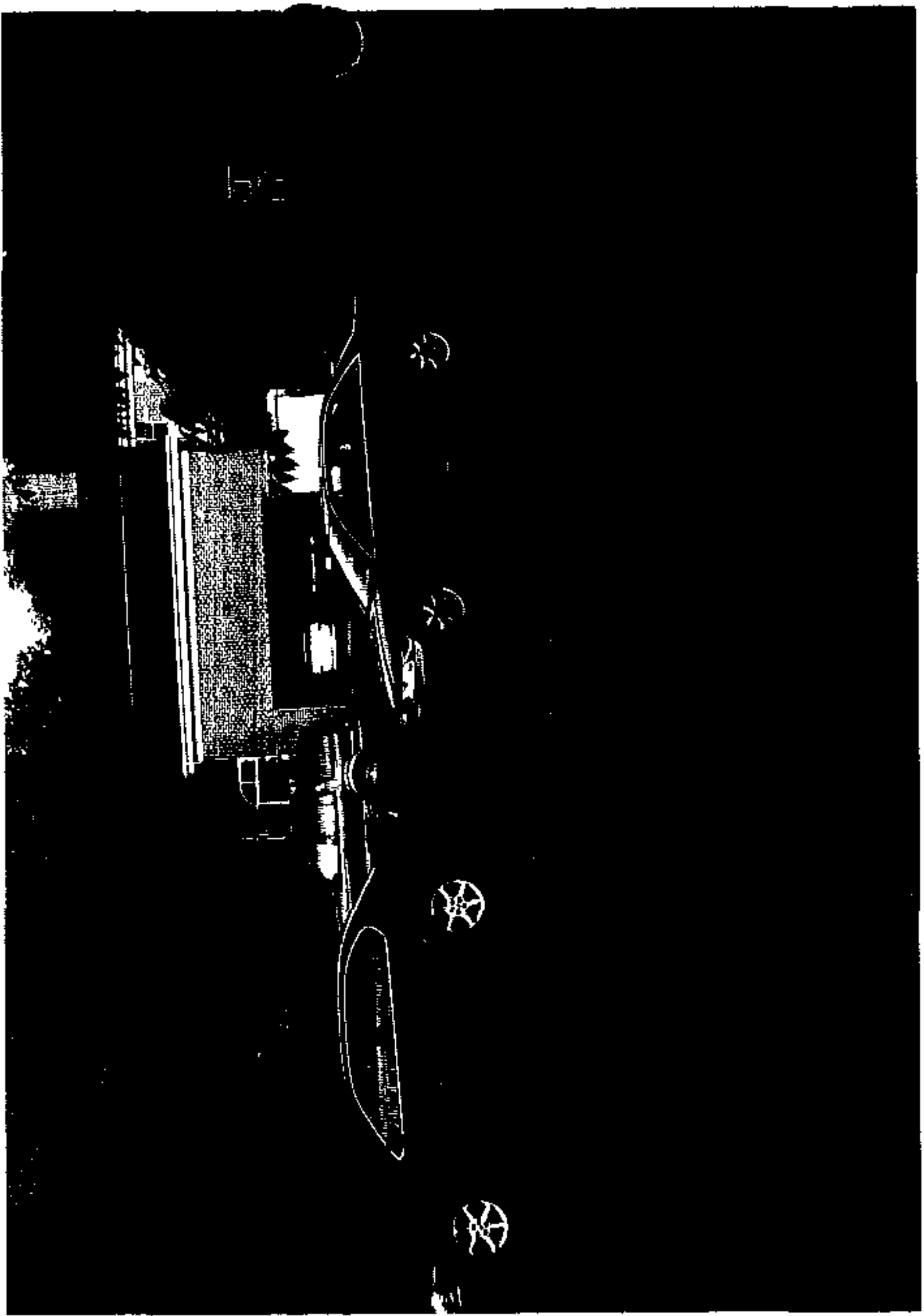
06-666-A

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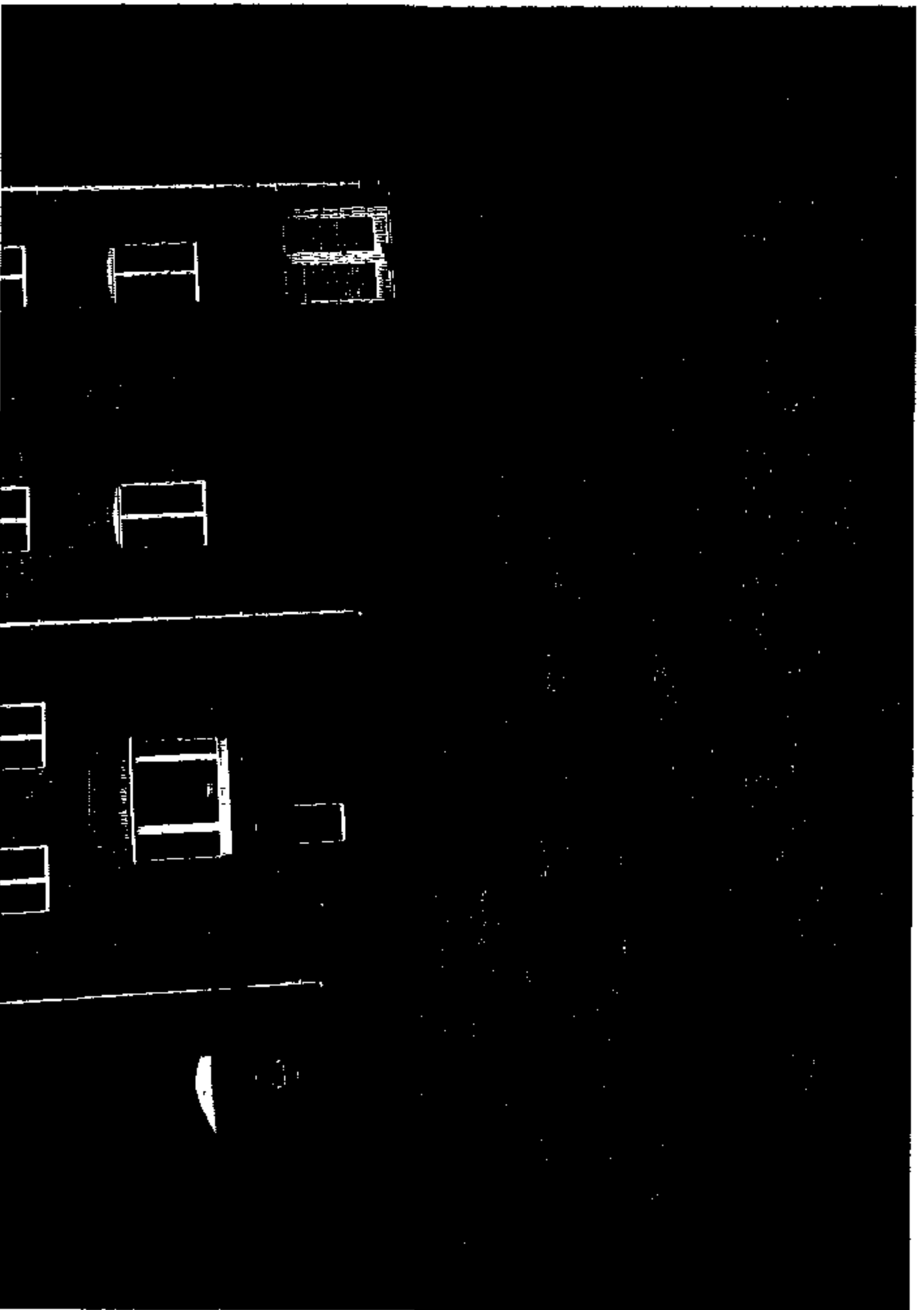
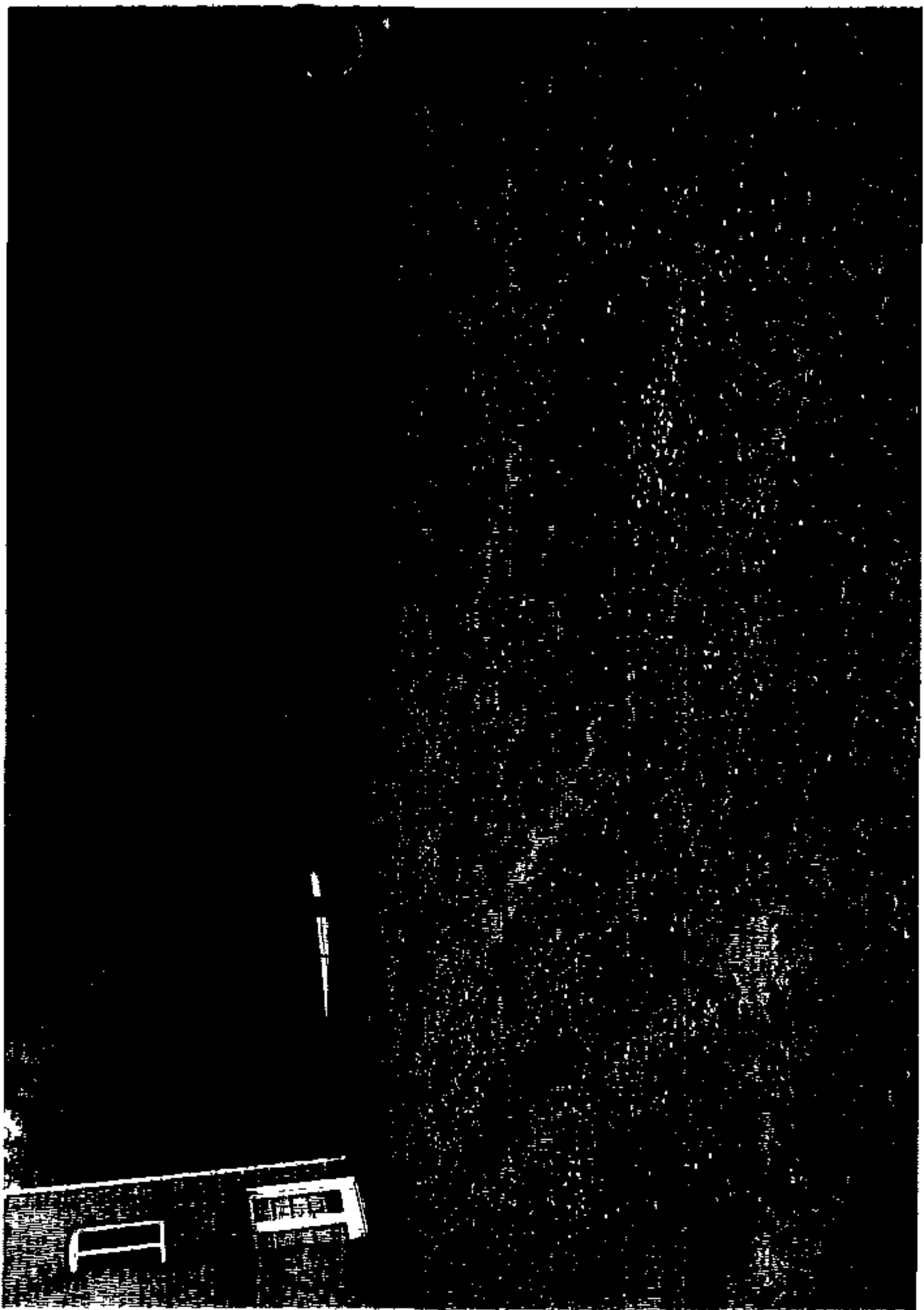
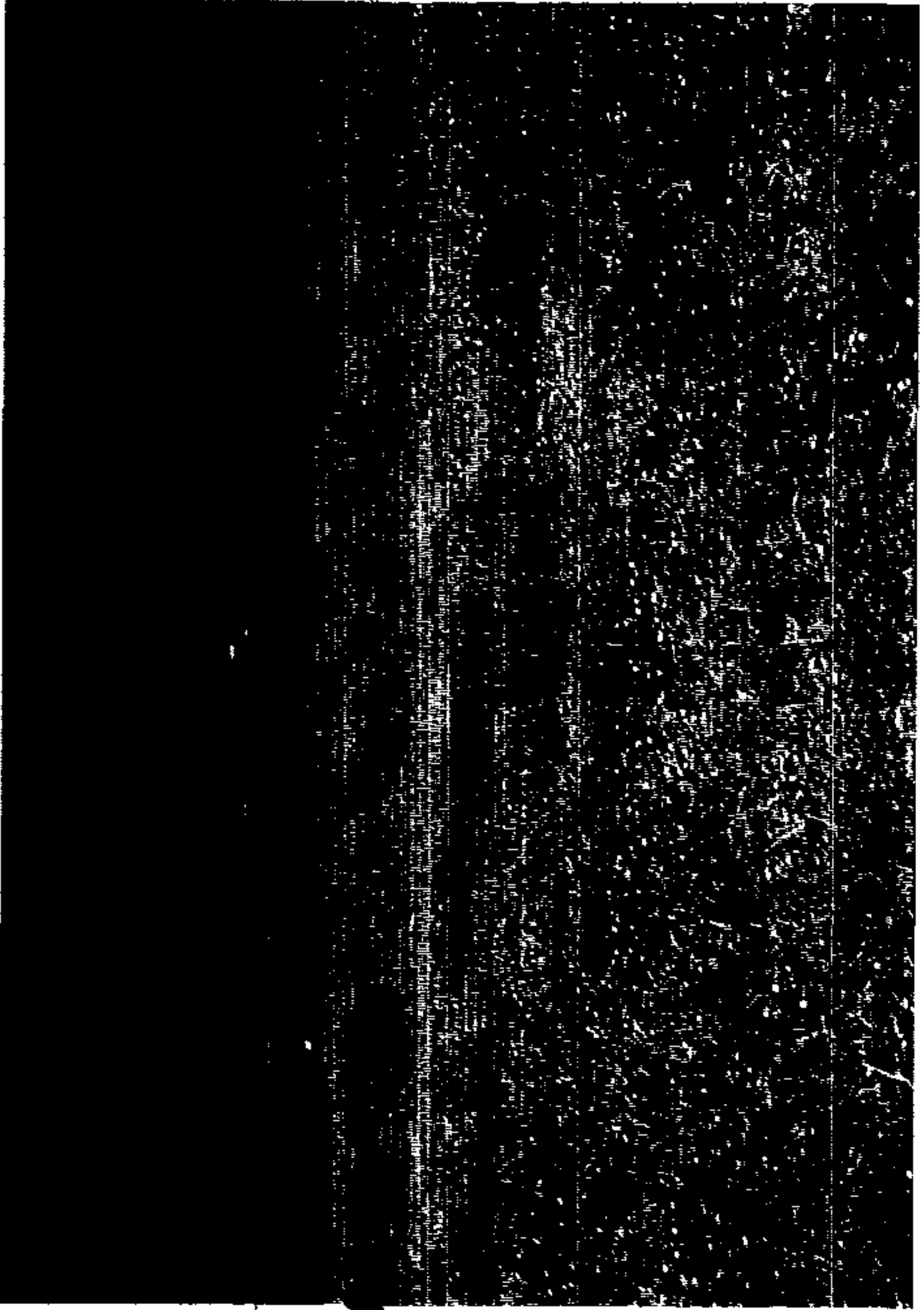
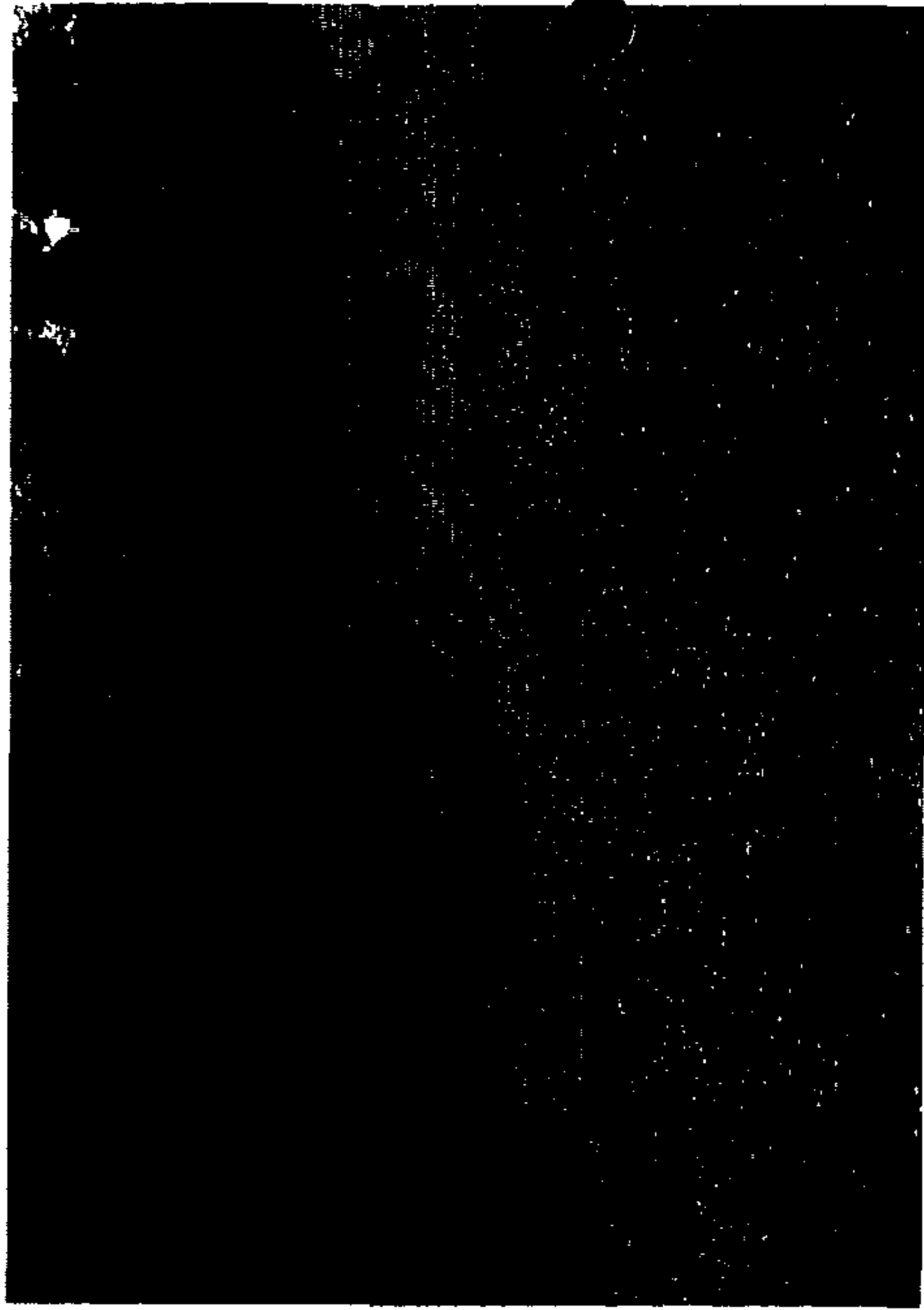
← front of Lot 4
Lt side

front of the neighbor
Rt side

↓ Lot 2

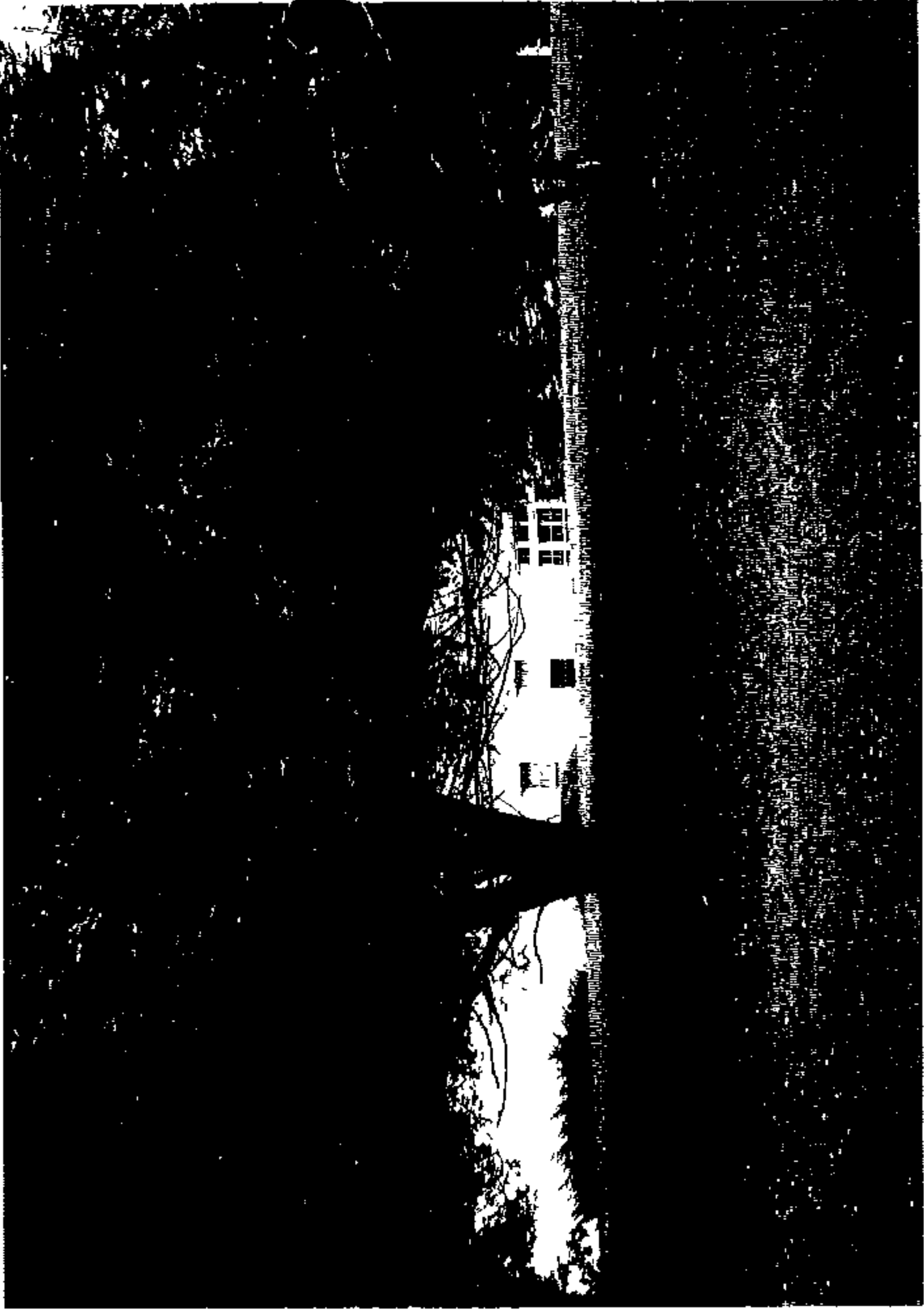
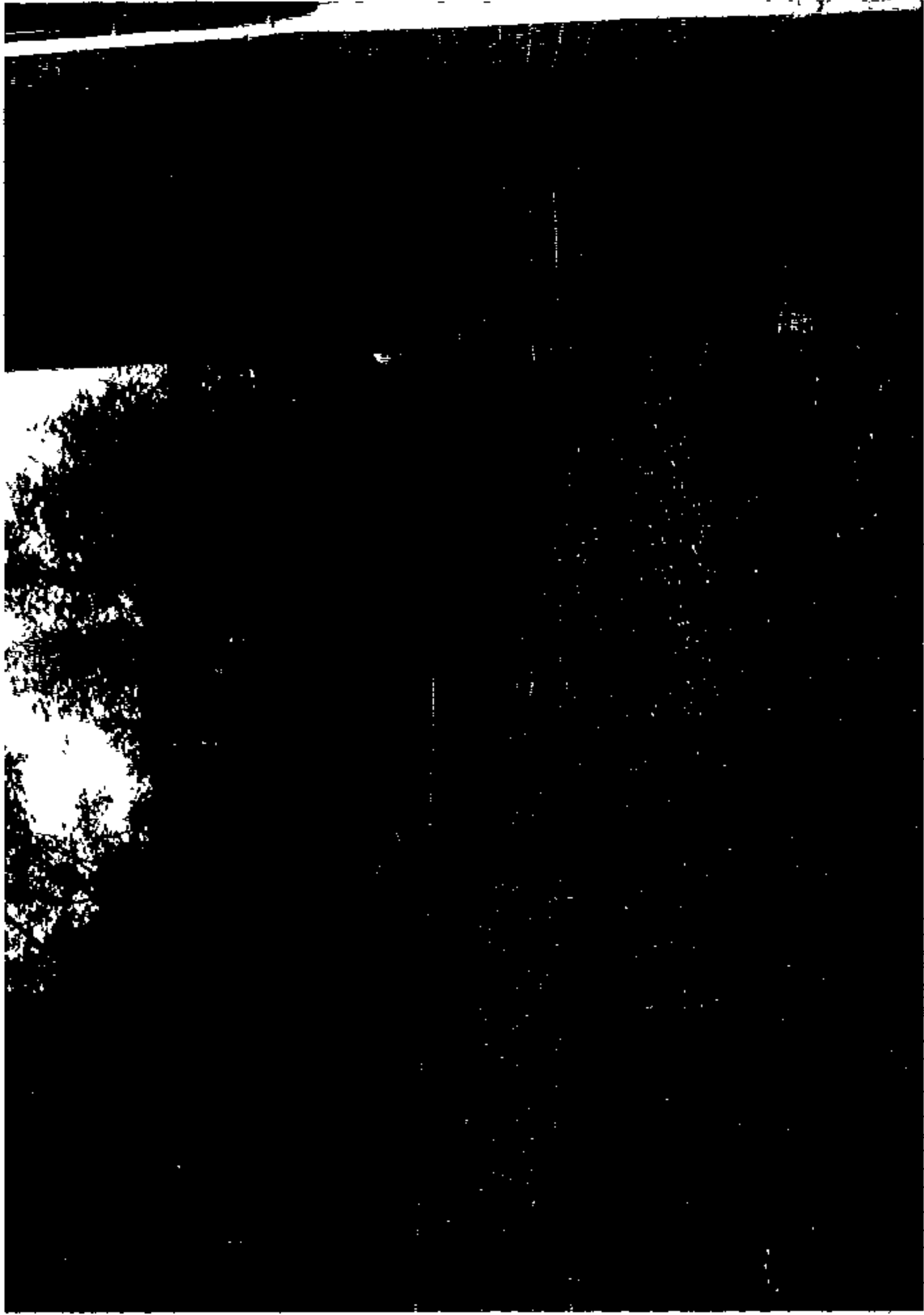
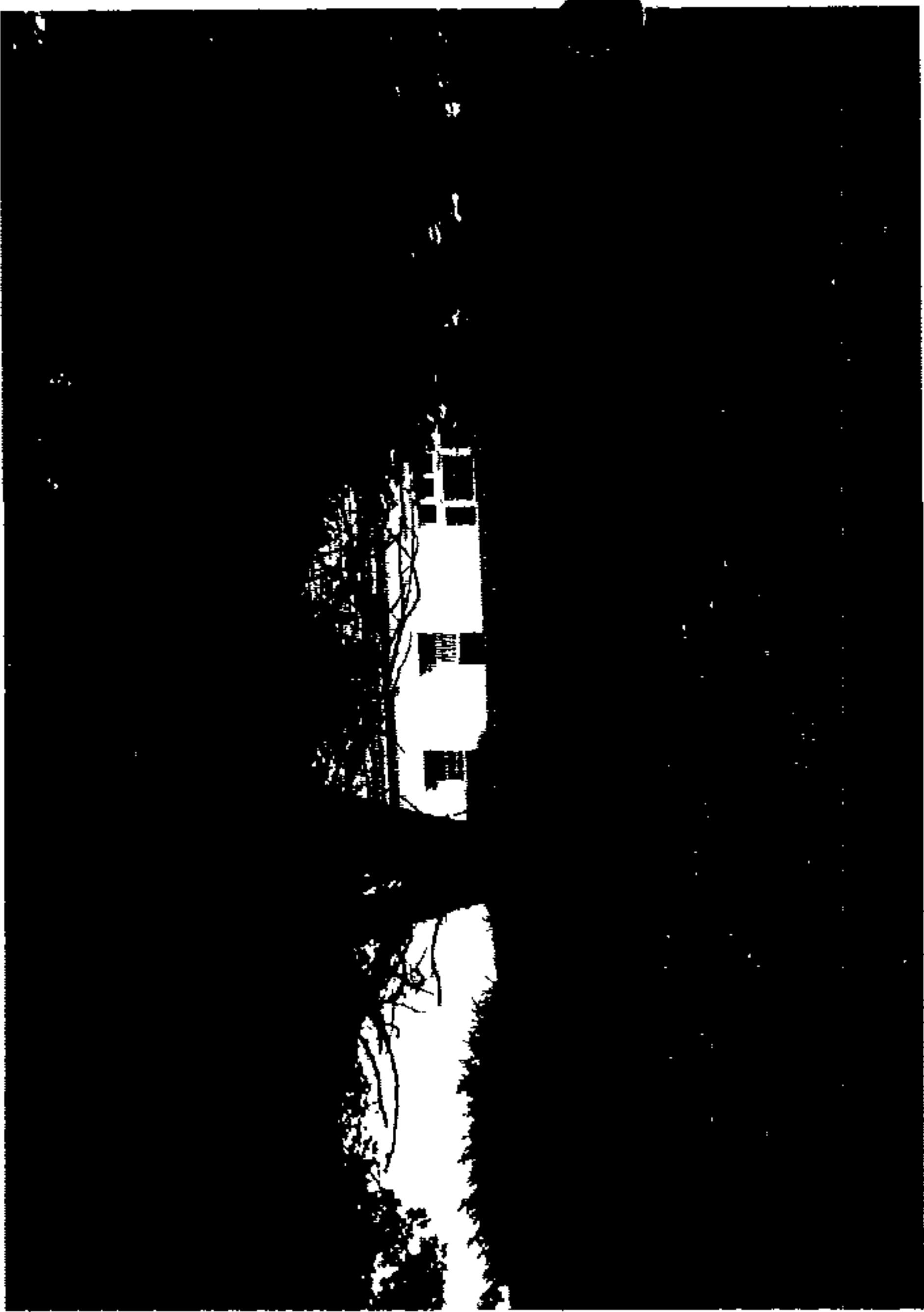


06-666-A

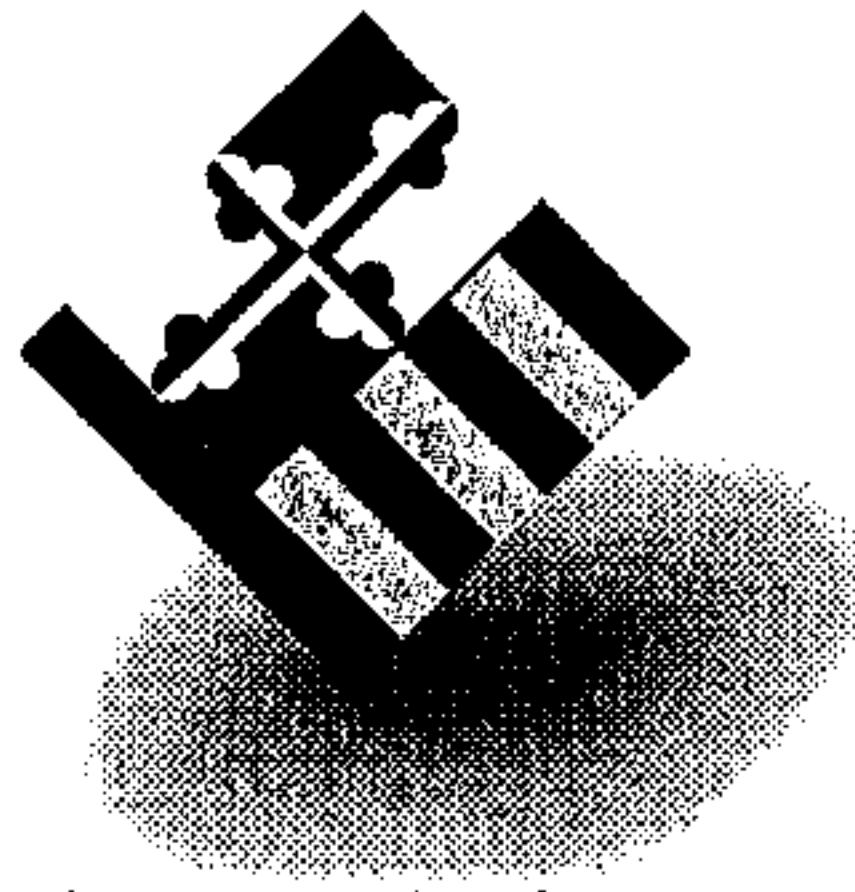


Let 3 Lt gile of the showing
house Rt of the where for pool it will be.
Wes, then

A dark, high-contrast, black and white photograph of a textured surface, possibly a wall or a large rock. The image is mostly black with some white speckles and a bright, irregular shape on the left side, suggesting a light source or a hole. The texture appears rough and uneven.



Back yard of the house. Shows the ^{hospital} parking



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 1, 2006

ABDUL AND KJELWOOD JULBOORI
1707 BY WOODS LANE
STEVENSON MD 21153

Re: Petition for Administrative Variance
Case No. 06-666-A
Property: 1707 By Woods Lane

Dear Mr. and Mrs. Julboori:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure