

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
W/S Cleghorn Road, 680 feet north of *
Padonia Road * ZONING COMMISSIONER
(12208 Cleghorn Road) *
8th Election District * OF BALTIMORE COUNTY
2nd Council District *
Leonard Weinberg II and *
Lindley B. Weinberg *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Leonard Weinberg II and Lindley B. Weinberg. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (in-ground swimming pool) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

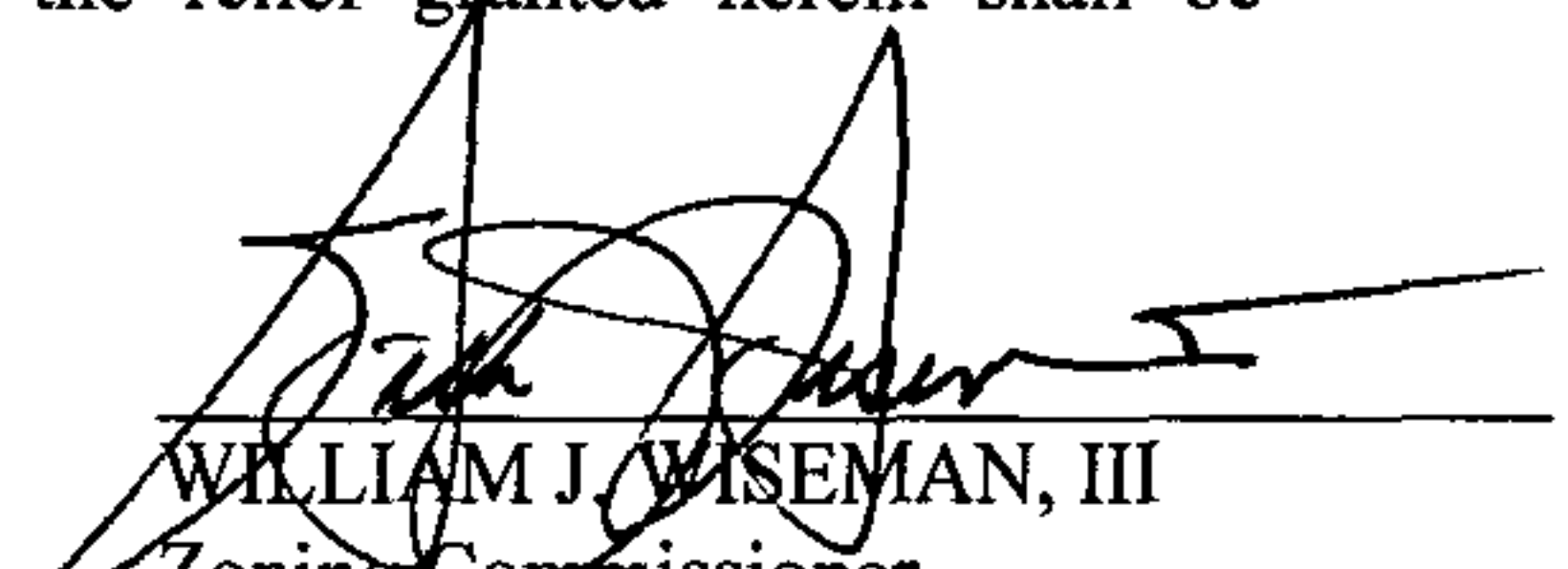
RECEIVED FOR FILING
8-24-06
[Signature]

I am persuaded that relief as set forth above should be granted. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. As noted above, the uniqueness of the property is the steepness of the rear yard which prevents the Petitioner from installing an in-ground swimming pool. There is ample space in the side yard for the pool to be installed within the required 52 foot side yard setback. There were no adverse comments submitted by any County reviewing agency. For all of these reasons, I find that the requested relief can be granted and that there will be no detrimental impact upon adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested, as modified, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August, 2006 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure in the side yard in lieu of the required rear yard. in accordance with revised Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

RECEIVED FOR FILE
8-24-06
WJW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 24, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Robert A. Hoffman, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Cleghorn Road, 680 feet north of Padonia Road
(12208 Cleghorn Road)
8th Election District – 2nd Council District
Leonard Weinberg II and Lindley B. Weinberg
Case No. 06-504-A

Dear Mr. and Mrs. Weinberg:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been approved, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

c: Leonard Weinberg II and Lindley B. Weinberg

RECEIVED FOR FILING
8-24-06
P3



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12208 Cleghorn Road

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)

SEE ATTACHED

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:

Robert A. Hoffman

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson, MD

21204

City

State

Zip Code

Legal Owner(s):

Leonard Weinberg II

Name - Type or Print

Signature

Lindley B. Weinberg

Name - Type or Print

Signature

12208 Cleghorn Road

(410) 453-9595

Address

Telephone No.

Cockeysville, MD

21030

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson, MD

21204

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By

Date

Estimated Posting Date

CASE NO.

REV 10/25/01

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 12208 Cleghorn Road
Address
Cockeysville, MD 21030
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):

SEE ATTACHED

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

Leonard Weinberg II
Name - Type or Print


Signature

Lindley B. Weinberg
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

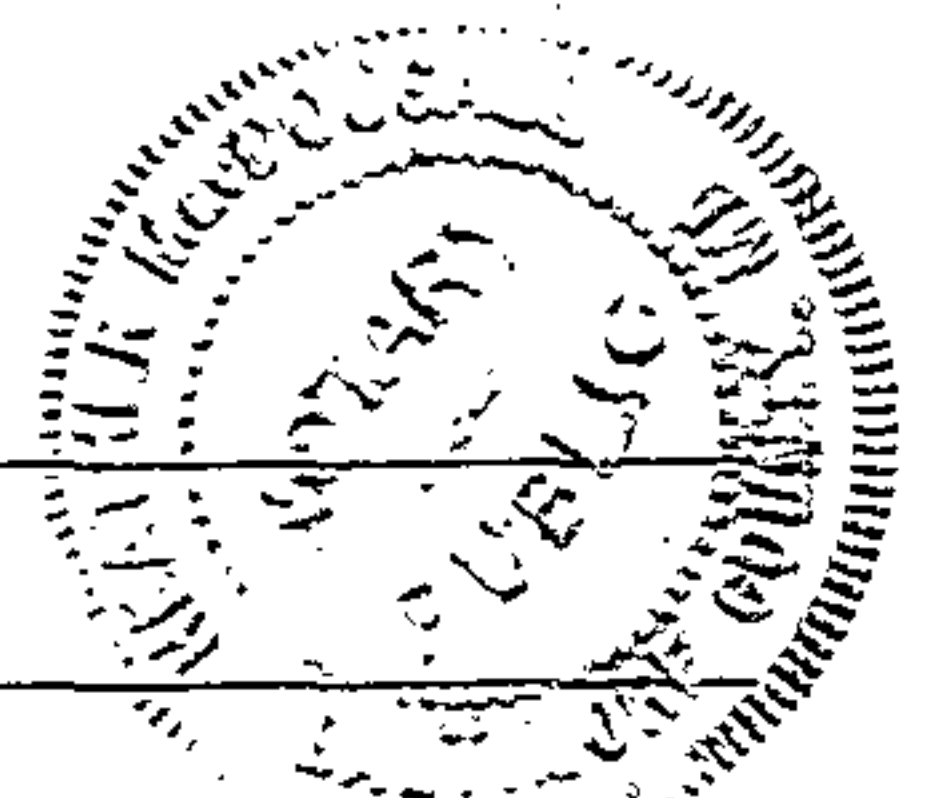
I HEREBY CERTIFY, this 5th day of July, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires 3/2/10



Affidavit in Support of Administrative Variance

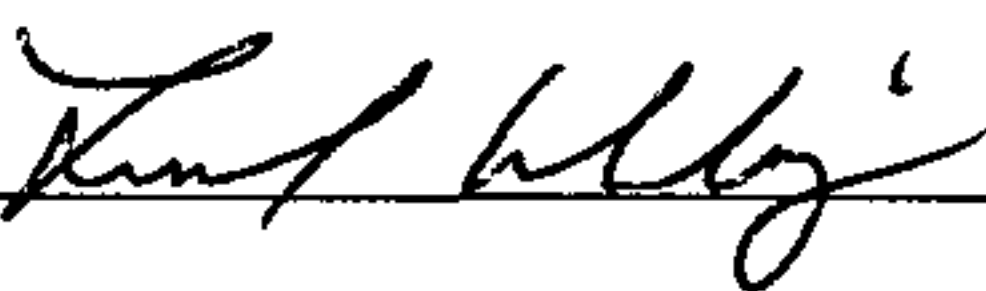
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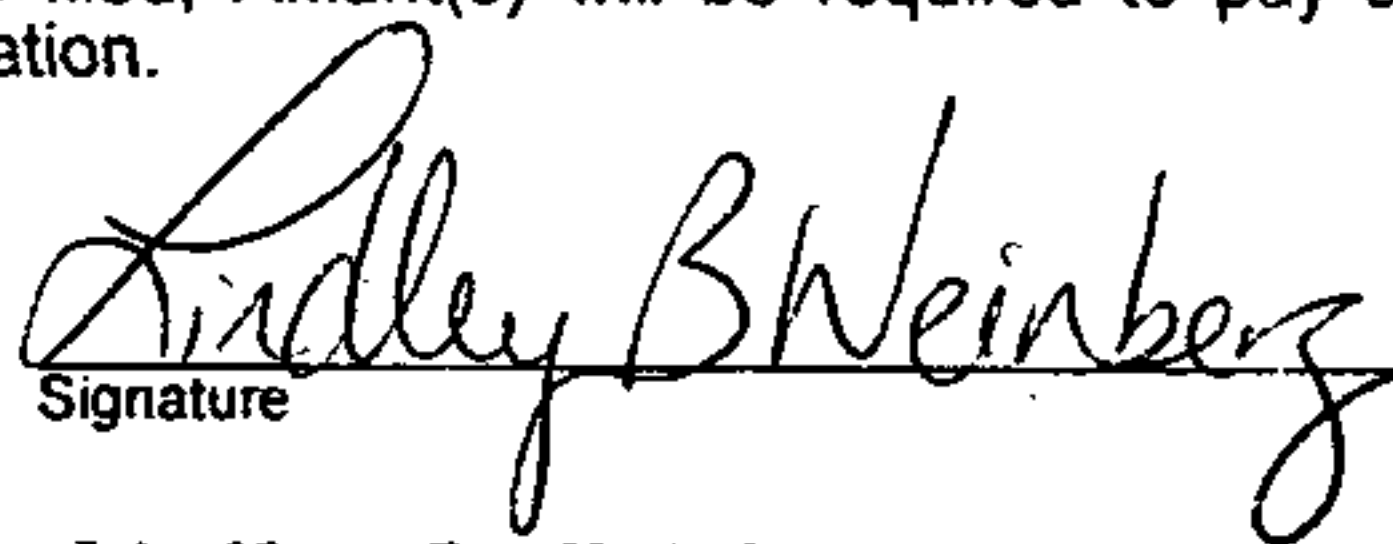
That the Affiant(s) does/do presently reside at 12208 Cleghorn Road
Address
Cockeysville, MD 21030
City State Zip Code

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):

SEE ATTACHED

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
Leonard Weinberg II
Name - Type or Print


Signature
Lindley B. Weinberg
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of July, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires 3/2/10



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12208 Cleghorn Road

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)

SEE ATTACHED

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:

Robert A. Hoffman

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Leonard Weinberg II

Name - Type or Print

Signature

Lindley B. Weinberg

Name - Type or Print

Signature

12208 Cleghorn Road

(410) 453-9595

Address

Telephone No.

Cockeysville,

MD

21030

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson,

MD

21204

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 07 day of August, 2006, 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. 07042 A

REV 10/25/01

Reviewed By Dropoff

Date 8/02/06

Estimated Posting Date 8/13/06

ATTACHMENT FOR ADMINISTRATIVE VARIANCE

12208 Cleghorn Road

Variance to permit an accessory structure in the side yard in lieu of the required rear yard, pursuant to BCZR Section 400.1.

Facts to Support Variance Request

We live at 12208 Cleghorn Road, on approximately 2.6 acres of land zoned R.C. 5. The purpose of this request is to install an in-ground swimming pool on our property. Our lot is uniquely shaped and existing site constraints are such that we cannot place the pool in the rear yard, as required by the Baltimore County Zoning Regulations ("Zoning Regulations"). We, therefore, request approval to construct the swimming pool in the side yard, as shown on the site plan filed with this petition.

As we understand it, the Zoning Regulations only permit accessory structures in a rear yard without a variance. As shown on the site plan and the photographs filed with this petition, existing site constraints present a practical difficulty with installing a pool in the rear yard. That yard area is severely sloped, so much so that installation of a pool would not be possible.

There is ample space for a pool in our side yard and the pool can be installed within the required fifty-foot side-yard setback. It is important to note that the pool area will be attractive and residential in character. If the requested relief is granted, there will be no injury to the public health, safety or general welfare of the surrounding area, as there is a substantial vegetative screen on the property line in the vicinity of the proposed pool (See photo nos. 2-5).

Leonard & Lindley Weinberg
12208 Cleghorn Road
Cockeysville, Maryland 21030

042

ZONING DESCRIPTION FOR 12208 Cleghorn Road

Beginning at a point on the West side of Cleghorn Road which is 50 feet wide at the distance of 680 feet North of the centerline of the nearest improved intersecting street Padonia Road. Being Lot No. 9, in the subdivision of Houses on the Hill, as recorded in Baltimore County Plat Book No. 56, Folio No. 128, containing 114,998.40 square feet or 2.64 acres. Also known as 12208 Cleghorn Road and located in the 8th Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Drop off
042 No. 101

DATE 8/02/06 ACCOUNT 001 006 6150
AMOUNT \$ ~~1200.00~~ 65.00

RECEIVED FROM: L. Uemling
FOR: Res Unv. + ~~Memo~~
12208 Clegborn Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME AMT
8/03/2006 8/03/2006 11:47:47 9
REG 1303 WALTON 14-02 1EP
XRECEIPT # 722787 8/03/2006 CFLK
Dept 5 028 ZENITH VERIFICATION
CR NO. 003501
Receipt Tot 65.00
65.00 00 0-00 04
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 07-042-A

Petitioner/Developer: WEINBERG

Date of Hearing/Closing: 8-21-06

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

12208 CLEGHORN RD

The sign(s) were posted on 8-6-06
(Month, Day, Year)

Sincerely,

Robert Black 8-10-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

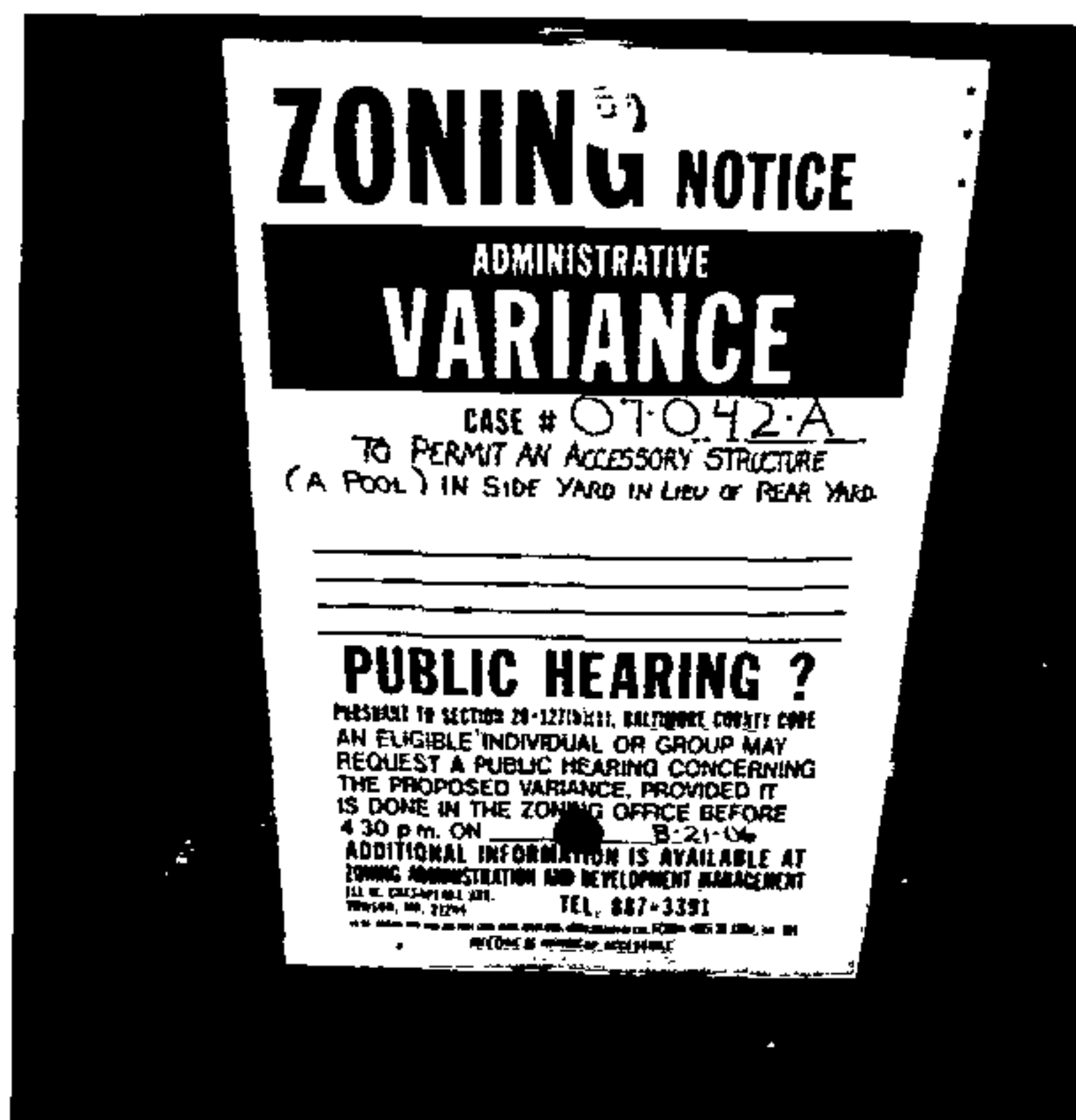
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 042 -A

Address 12208 CLEGHORN RD

Contact Person: JOHN LEWIS (DROP OFF PET.) Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/02/06

Posting Date: 8/06/06

Closing Date: 8/21/06

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 07- 042 -A

Address 12208 CLEGHORN RD

Petitioner's Name WEINBERG

Telephone 410 453 9595

Posting Date: 8/06/06

Closing Date: 8/21/06

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (A POOL) IN
SIDE YD. IN LIEU OF REAR YD.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 07-042-SPH
Petitioner: Leonard & Lindley Weinberg
Address or Location: 12208 Cleghorn Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Leonard Weinberg, II
Address: 12208 Cleghorn Road
Cockeysville, MD 21030

Telephone Number: 410-453-9595













BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
August 21, 2006

Robert A. Hoffman
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case Number: 07-042-A, 12208 Cleghorn Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 21, 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:amf

Enclosures

c: People's Counsel
Leonard Weinberg II Lindley B. Weinberg 12208 Cleghorn Road Cockeysville 21030

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5600
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

August 3, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 3, 2006

Item No.: 031, 036, 037, 038, 039, 040, 041, 042, 043 and 044

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 8, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 14, 2006
Item Nos. 036, 037, 040, 042, and 043

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-08082006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 11, 2006

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

SUBJECT: 12208 Cleghorne Road

INFORMATION:

Item Number: 7-042

Petitioner: Leonard & Lundley Weinberg

Zoning: RC 5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

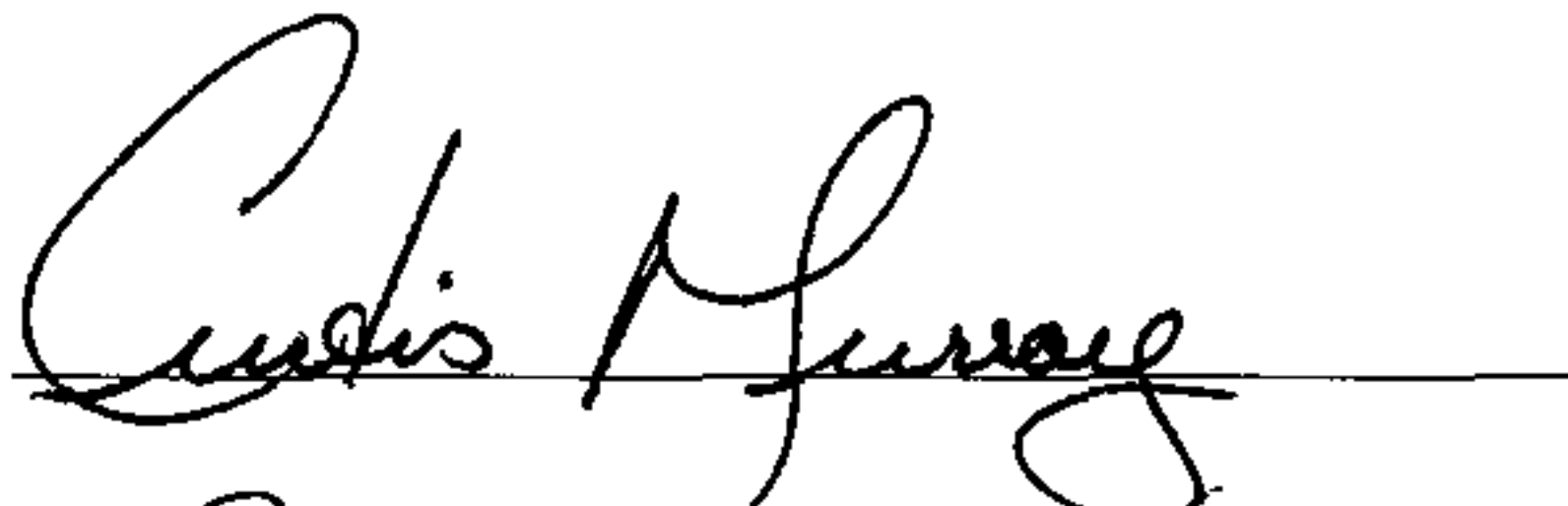
The petitioners request an administrative variance to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard. The house is situated towards the rear portion of the lot. They cite the steep grade of the rear yard as a practical difficulty and state that adequate screening exists between the pool and the property line.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance provided the Zoning Commissioner determines the case for hardship or practical difficulty is met.

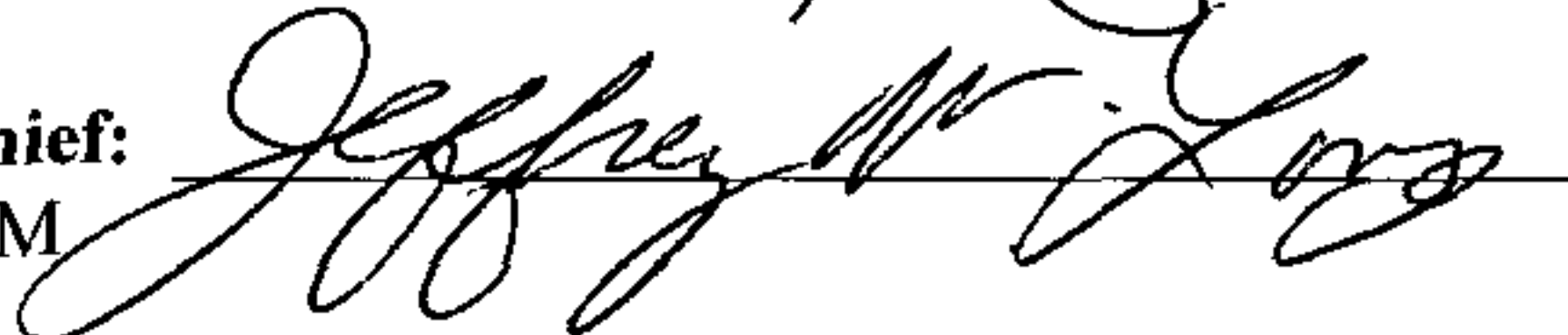
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



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



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

Maryland Department of Transportation

Date: 8.3.06

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

RE: Baltimore County
Item No. 0742 JLL

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

07-042-A

FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES

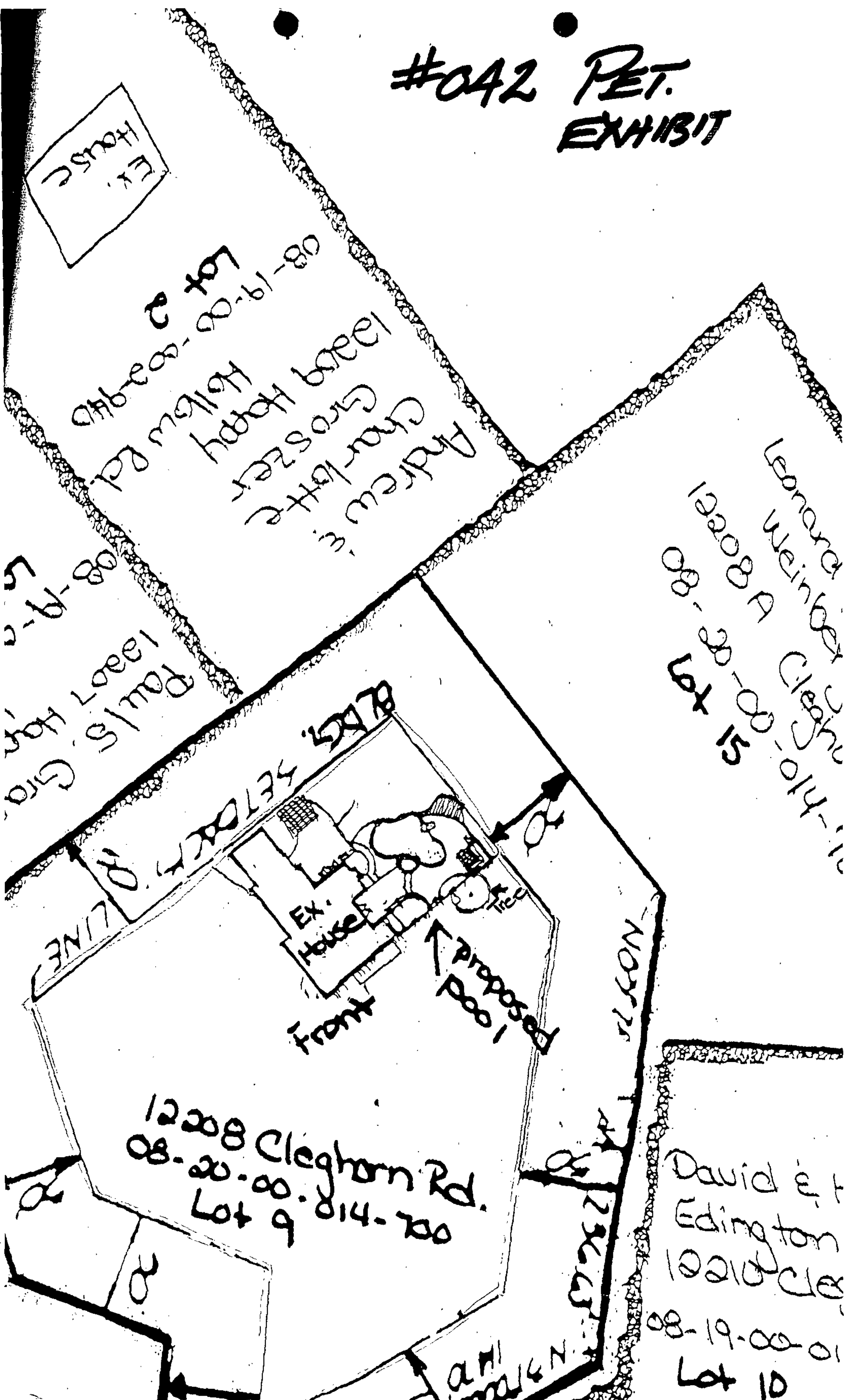
The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

~~THE 1"=100' SCALE PLANS ARE NOT DISCERNABLE
FOR THE EXACT POOL LOCATIONS, THERE IS A
SEMI-CIRCLE OF SOME KIND EXTENDING INTO
PART OF FRONT YD. (IS THIS P/O POOL?) IF SO ADJUST VARIANCE
A PRIOR ZONING HEARING IS REFERENCED
ON PLAN (86-430-SPH). DOES THIS
NEED AMENDMENT BY HEARING?
ABOVE IS
OK. ATTNY REVISED PRIOR TO
DISTRIBUTION~~

3/22/05
JLL/rjc
WORDING

#042 PET.
EXHIBIT



EX. House

Andrew & Charlotte Groszner
12209 Happy Hollow Rd.
Lot 2 08-19-00-00-94-00

Paul & Sandra
12207 Happy Hollow Rd.
Lot 1 08-19-00-00-94-00

Leonard & Weir
12208 A Cleghorn Rd.
Lot 5 08-19-00-00-94-00

12208 Cleghorn Rd.
08-20-00-00-14-00
Lot 9

David & Edington
12210 Cleghorn Rd.
08-19-00-00-94-00
Lot 10

Front
Proposed
EX. House

Back

#042

PET EXHIBIT

IN RE: PETITION SPECIAL HEARING
W/S of Cleghorn Road, 680'
N of the centerline of
existing Padonia Road
8th Election District

James Peak,

Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-430-SPH

* * * * *

The Petitioner herein requests a special hearing for the purpose of dis-
approving the amendment to the partial development plan of Houses on the Hill to
subdivide Section 1, Lot 9 into two lots (Lot 9 and Lot 15).

Testimony by the Petitioner, one of the original developers of the subdivi-
sion and currently a resident of Lot 11, indicated that Lot 9, the subject of
the present hearing, was sold as one lot to its present owner to be used for his
residence and to enable him to be a gentleman farmer who kept horses. The subdivi-
sion has been identified as a low-yield area. The waiver for storm
water management was based on a 14, not 15, lot subdivision. When a preliminary
plan showed both Lots 9 and 15, it was intended that a storm water management
pond would be installed. When an engineer pursued the matter it was determined
that it was not feasible to build a pond, therefore, the number of lots were
reduced and the waiver obtained. Each of the existing 14 lots has been de-
veloped except Lot 14.

Other residents of the subdivision testified that they reviewed the de-
velopment plan and other documents prior to the purchase of their lots, that
they expected the number of lots and spaciousness to remain the same, that they
were concerned about additional noise because of the topography, and that they
would consider the construction of another dwelling in the area proposed as an
infringement on their privacy.

owner of Lot 9 and proponent of the proposed amendment to the Partial
Development Plan bought over 6 acres as Lot 9 in December 1980 after seeing a

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May 13, 1986

DATE *Barbara A. Callahan*

BY

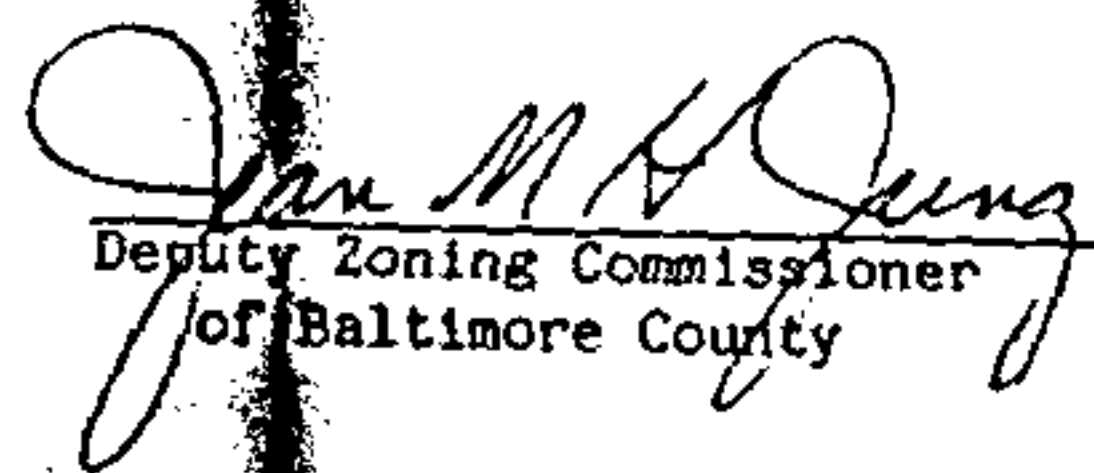
ADMINISTRATIVE ASSISTANT

RECEIVED FOR FILING

real estate listing which advertised either 3+ or 5.9 acres for sale (Protestant's Exhibit 2). Technically he knew he was purchasing one lot because at settlement he had seen a copy of the recorded plat with no subdivision line between Lot 9 and the currently proposed Lot 15. He has no written documents regarding any right to subdivide, although he testified that another one of the original developers had indicated that there would be no problem if he wished to subdivide in the future.

Pursuant to the advertisement, posting of property and public hearing on the Petition, and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the granting of the disapproval requested in the Petition for Special Hearing would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the health, safety and general welfare of the community and, therefore, should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 13th day of May, 1986, that the disapproval of the proposed amendment to the Partial Development Plan of Houses on the Hill to subdivide Section 1, Lot 9 into two lots (Lot 9 and Lot 15), as requested in the herein Petition for Special Hearing, is hereby GRANTED from and after the date of this Order.


Deputy Zoning Commissioner
of Baltimore County

COULD BE RECEIVED FOR FILING

DATE May 13, 1986

BY


ADMINISTRATIVE ASSISTANT

#042 • PET. EXHIBIT

247

86-430-SPH

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve or disapprove

The proposed amendment to the Partial Development Plan of "Houses on the Hill"

Section 1, Lot #9 (to be subdivided into 2 lots #9 and #15)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound 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 am the legal owner(s) of the property which is the subject of this Petition.

MAP	NW 15C
2D	
E.D.	8
DATE	1-587
200	✓
1000	✓
OP	

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Petitioner

~~Legal Owner(s)~~

James Peak

(Type or Print Name)

Signature

(Type or Print Name)

Signature

12212 Cleghorn Road

Address

Cockeysville, Maryland

City and State

Phone No.

21030

Tel. 252-2098

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of March, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 22nd day of April, 1986, at 1:30 o'clock

Carl J. [Signature]

Zoning Commissioner of Baltimore County.

(over)

James Peak
Petitioner
86-430-SPH
1/5 Cleghorn Rd. 1080 N. of the C/I

86-430-SPH
#294

RECEIVED FOR FILING

May 13, 1986

Robert A. [Signature]
ZONING ASSISTANT

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

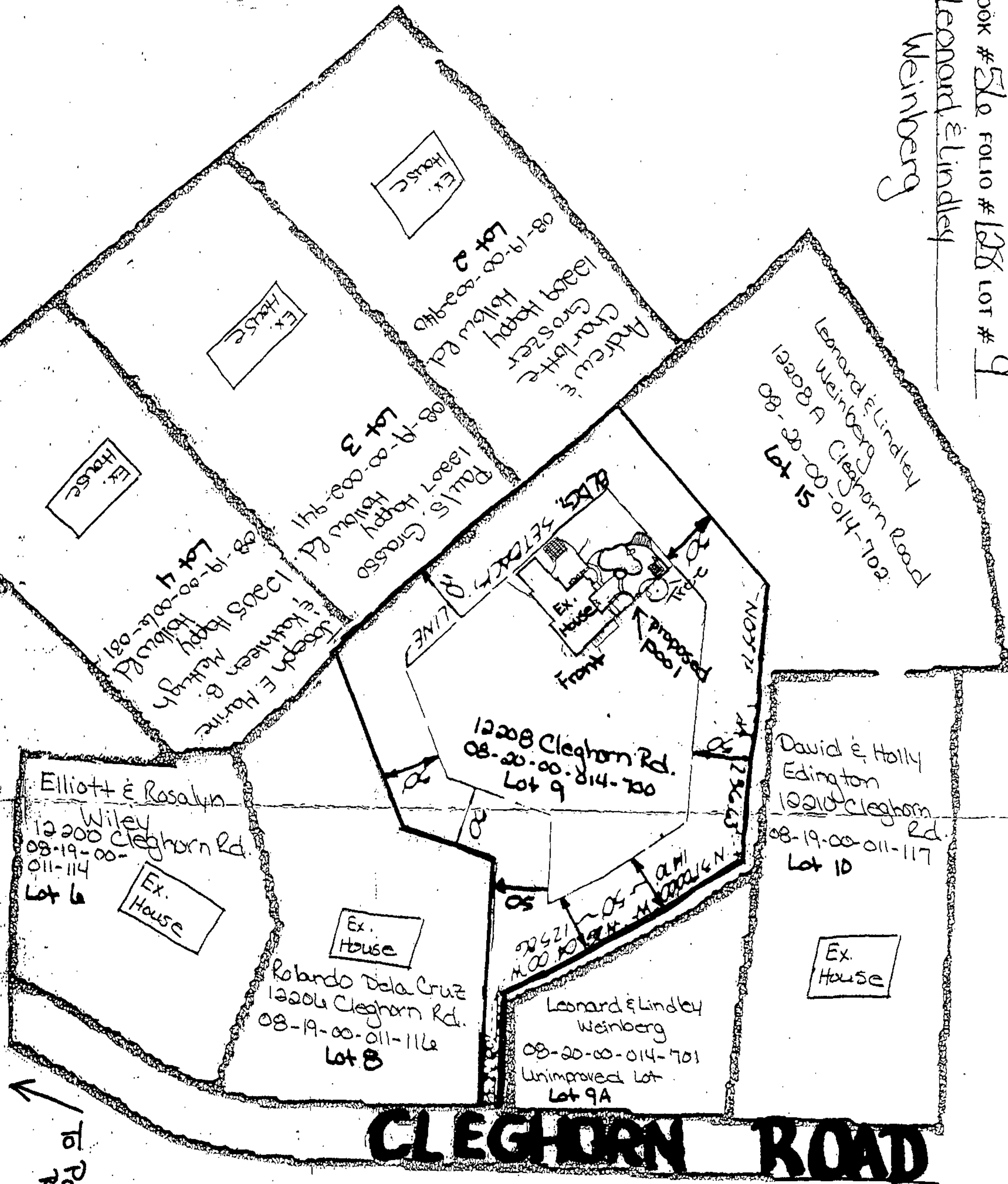
PROPERTY ADDRESS 12208 Cleghorn Road

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

SUBDIVISION NAME Houses On The Hill

PLAT BOOK # 516 FOLIO # 128 LOT # 9

OWNER Leonard & Lindley Weinberg

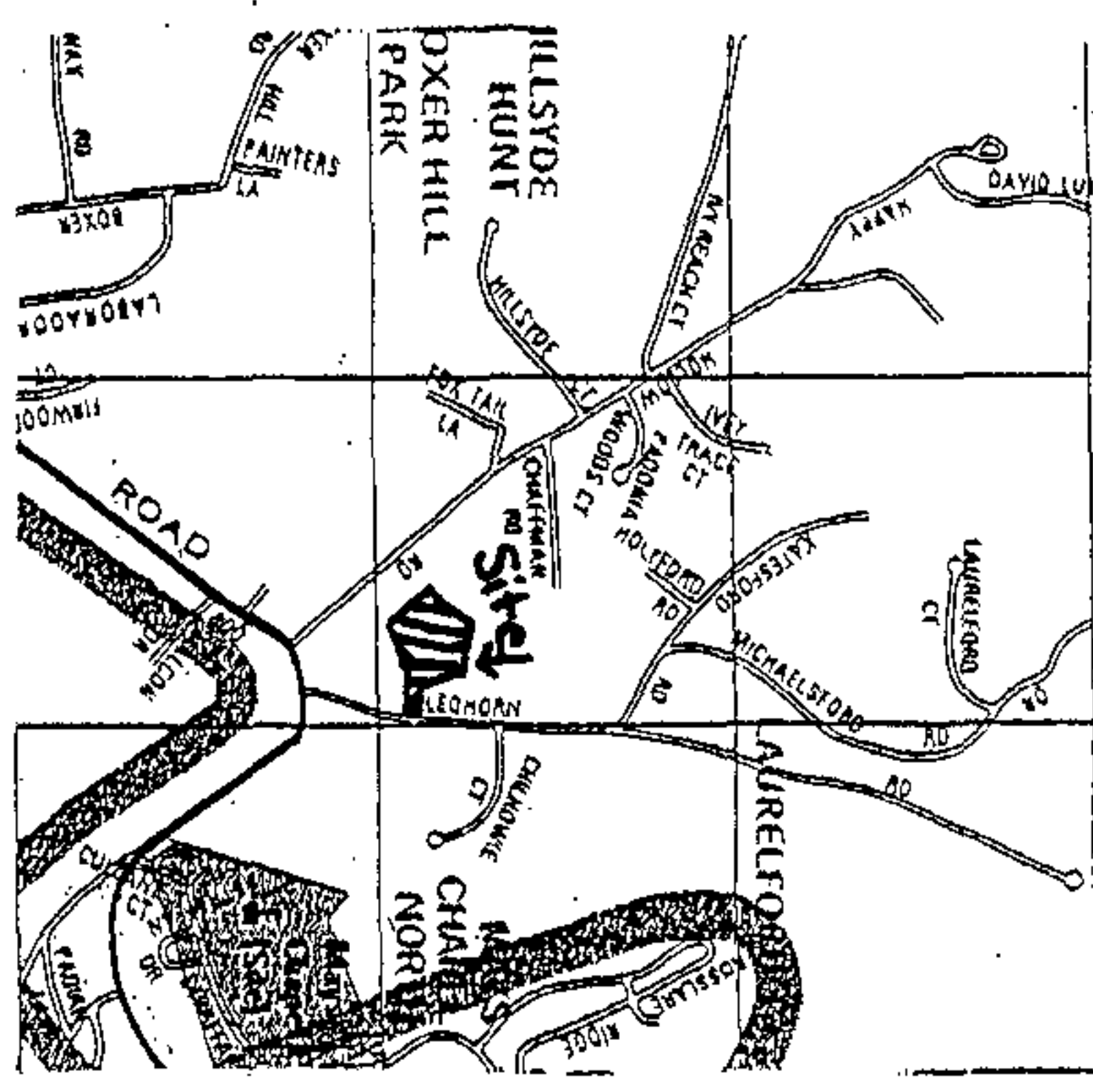


NORTH

PREPARED BY

Amy Dantell

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 051A2

ZONING RC 5

LOT SIZE 2.64 ac ± 114,998.40 sq ft ±
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER



WATER



CHESAPEAKE BAY
CRITICAL AREA



100 YEAR FLOOD PLAIN



HISTORIC PROPERTY/
BUILDING



PRIOR ZONING HEARING

86-430-SFH

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

CASE #

042

