IN RE: PETITION FOR ADMIN. VARIANCE

SW/S of Old Bosley Road, 1,880 feet SE of

C/l of Pot Spring & Old Bosley Road

8th Election District

3rd Councilmanic District

*
(2421 Old Bosley Road)

BEFORE THE
DEPUTY ZON

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Theodore C. and Lisa A. Julio *Petitioners*

CASE NO. 07-122-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, Theodore C. and Lisa A. Julio. The variance request is for property located at 2421 Old Bosley Road. The variance request is from Section 1A03.4B.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (in-ground pool) with a 10-foot side setback in lieu of the permitted 18.75 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No.

1. The Petitioners state that the pool cannot be constructed in the rear yard because the septic system is located in the rear yard. The Petitioners submitted letters of support from Stella Maris, Inc., adjacent property owner, and the Stonewall Homeowners Association. The property is 1.436 acres +/- in size and zoned RC 6.

Zoning Advisory Committee Comments

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

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

SERVINGE FIRE

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."

Findings of Fact and Conclusions of Law

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 24, 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, 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 16th day of October, 2006, that a variance from Section 1A03.4B.2.a of the

Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (in-ground pool) with a 10-foot side setback in lieu of the permitted 18.75 feet 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.

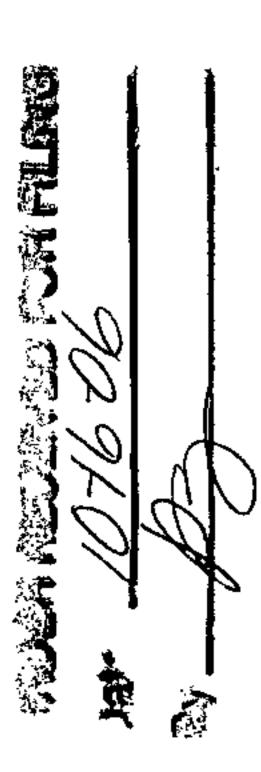
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





0/00/10 mec

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2421 DLD BOSLEY RD which is presently zoned RC.

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) 1803.48.2.0.(BCZR)

TO PERMIT AN OPEN PROJECTION (IN-GROUND POOL) WITH A 10-FOOT SIDE SETDACK IN LIEU OF THE PERMITTED: 18.75-FEET.

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.

-	-			is the subject of	uns Peuuon.		
Contract Purc	chaser/Lessee:			Legal Owner	<u>(s):</u>		
				THEODORE	E C JUI	40	
Name - Type or Print	•		Name - T	ype or Print	$\bigcap \bigcup_{i \in I} a_i$		<u> </u>
Signature				Signature		·,	
Address		Telephone No.		Name - Type or Pri	•		·
City	State	Zip Code		Signature Signature	Julio'		
Attorney For	Petitioner:	•		2421 OL	D BOSLE	YRD 4	40-1067-268
				Address TIMONIU	M MZ	211	Telephone No.
Name - Type or Print			City		State	Zi	p Code
Signature	 	<u> </u>		Representati	ve to be Co	ntacted:	
				PATRICK	CKICHAR	DSON VR	<u>-</u>
Company				Name RICHARI	SON ENGI	NEERING,	LLC 410-560-150
Address		Telephone No.		Address		4 A	i elephone No.
City	State	Zip Code		Cockeysv	IUE	State	21030 Zip Code
A Public Hearing h	aving been formally demanded	and/or found to	be requi	red, it is ordered t	y the Zoning Con	nmissioner of Bal	timore County, this
of Baltimore County a	and that the property be reposted.	uniece marrer or mis i	ревион о	e set for a public he	anng, adverused, s	as required by the	zoning regulations
				Zoning C	ommissioner of B	oltimoro Courte	
				zorany c	ADITATION (UI DE UI) DE (UI DE	attimore County	
CASE NO	07-122-A	Reviewed B	y).T	_ Date _ 9	506	
REV 9/15/98		Ε	Estimate	Posting Date	9/24/1	36 <u> </u>	
المستناه المستثناء الم	1114 - 114 - 114 F	Live			1 [

Affida Vit 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	2421 OLD E	OSLEY PD	
	TIMONIUM	MD State	Z/093 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardstream)	wing are the facts upon hip or practical difficulty):		. <u>.</u>
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide	rmal demand is filed, A additional information.	Affiant(s) will be requ	ired to pay a reposting and
Manda Chue			
Signature Theodore C. Julio	Signatur	e	
Name - Type or Print	Name - Type or Pri	nt .	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to with		
HEREBY CERTIFY, this $\sqrt{5}$ day of $\sqrt{5}$ State of Maryland, in and for the County aforesa		, <u>200 6</u> , before	me, a Notary Public of the
THEO DOVE CALL JUC the Affiant(s) herein, personally known or satisficate that the matters and facts hereinabove set for	actorily identified to me	as such Affiant(s), ar to the best of his/her	id made oath in due form of /their knowledge and belief.
AS WITNESS my hand and Notarial Seal		Λ (
915-06 Date	Notary Public	R- Man	
REV 09/15/98	My Commission	- 	seph R. Wawrzyński
		Carrol	Notary Public Co., State of Maryland
		My Com	mission Expires 6/15/08

A-CG1-PO

110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION JULIO PROPERTY 2421 OLD BOSLEY ROAD 9TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the southwest side of Old Bosley Road approximately 1,880 feet southeast of the intersection of Pot Spring Road and Old Bosley Road; for the following courses and distances: (1) by a curve to the left with a radius of 68.00 feet and length of 69.05 feet (2) South 18 degrees 30 minutes 49 seconds East 42.17 feet, (3) by a curve to the right with a radius of 112.00 feet and length of 134.32 feet (4) by a curve to the right with a radius of 312.00 feet and length of 154.81 feet, (5) by a curve to the left with a radius of 253.00 feet and length of 253.47 feet, (6) by a curve to the left with a radius of 103.00 feet and length of 152.64 feet (7) South 63 degrees 40 minutes 42 seconds East 182.07 feet, (8) South 07 degrees 35 minutes 35 seconds West 185.17 feet, (9) South 66 degrees 04 minutes 07 seconds East 43.60 feet, (10) South 12 degrees 35 minutes 27 seconds East 163.02 feet, (11) North 76 degrees 54 minutes 33 seconds East 119.74 feet, (12) North 07 degrees 48 minutes 33 seconds East 245.05 feet, (13) North 63 degrees 40 minutes 42 seconds West 402.19 feet, (14) by a curve to the right with a radius of 90.00 feet and length of 130.84 feet, (15) by a curve to the right with a radius of 245.00 feet and length of 245.46 feet, (16) by a curve to the left with a radius of 320.00 feet and length of 158.78 feet, (17) by a curve to the left with a radius of 120.00 feet and length of 143.92 feet, (18) North 18 degrees 30 minutes 49 seconds West 42.17 feet, (19) by a curve to the right with a radius of 60.00 feet and length of 154.81 feet, (20) by a curve to the left with a radius of 570.00 feet and length of 8.00 feet, to the place of beginning, being lot 9 of the Plat of Jones Property.

Containing 1.436 acres of land, more or less.

			SO		•	
			CASHIER'S WALIDATI			
				•		
			HOWF SOL			
		d.	USTOMER			
MARYLAND ANCE			STEW YELLOW		-	
RE COUNTY, BUDGET & FINAN			DINK - AG			•
BALTIMOI OFFICE OF MISCELL/	DATE	Fom	DISTRIBUTION WHITE - CASHIER			

CERTIFICATE OF POSTING

		RE: Case No.: () / - / 22 - //
•	•	Petitioner/Developer: JULIO
		Date of Hearing/Closing: 10-9-06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
ATTN: Kristen Matthews {(410) 887-339	4}	
Ladies and Gentlemen:	•	
This letter is to certify under the penalties posted conspicuously on the property loca		at the necessary sign(s) required by law were
2421	i OLD	BOSCEY RD
_		
The sign(s) were posted on	9 (Monti	-27.06 i, Day, Year)
	Sincere	eły,
	**	Robert Black 10-6-0((Signature of Sign Poster) (Date)
		SSG Robert Black
•		(Print Name)
	<u>.</u>	1508 Leslie Road
		(Address)
;	•	Dundalk, Maryland 21222
		(City, State, Zip Code)
, , , , , , , , , , , , , , , , , , ,		(410) 282-7940
•		(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

-A

Address 2421 OLD BOSLEY RD.

Case Number 06-

Conta	ct Perse	on:		THOME	SON Print Your Name			Phone Nur	nber:	410	-887-3391
Filing	Date:	9	5/06	•	Posting I	Date: 9	24/06	Closin	g Dat	e: _	10/9/06
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2.	a form	al requ	uest for a	a public t	hearing. P	lease ui	nderstand i	or owner with that even if closing dat	there		
3.	commis order to (typical	ssione that the lly with	r. He ma e matter in 7 to 10	ay: (a) gi be set ii days of	rant the reconstruction for a pul- the closing	quested blic hear date) as	relief; (b) d ring. You to whethe	y the zoning end the received will received the petition you by First	queste written has	d re en r bee	eliéf; or (c) notification n granted,
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		ص 70	USE TH	E ADMIN	IISTRATIVE	EVARIA	NCE SIGN	FORMAT			
Case I	Vumber	,	122] -A	Address_	3421	OLD B	BOSLEY	RD.	·	
Petitio	ner's Na	ame _	JUL	-10			Te	lephone 🚣	110-1	eler	1-2680
Postin	g Date	*	9 24	06	 _	Clos	ing Date:	10/9	1/06		
Wordin	ng for S	ign: _	To Permi	t AN OPE	EN PROJEC	TION	IN-GROU	ND POOL	J'WIT	H	· ·
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

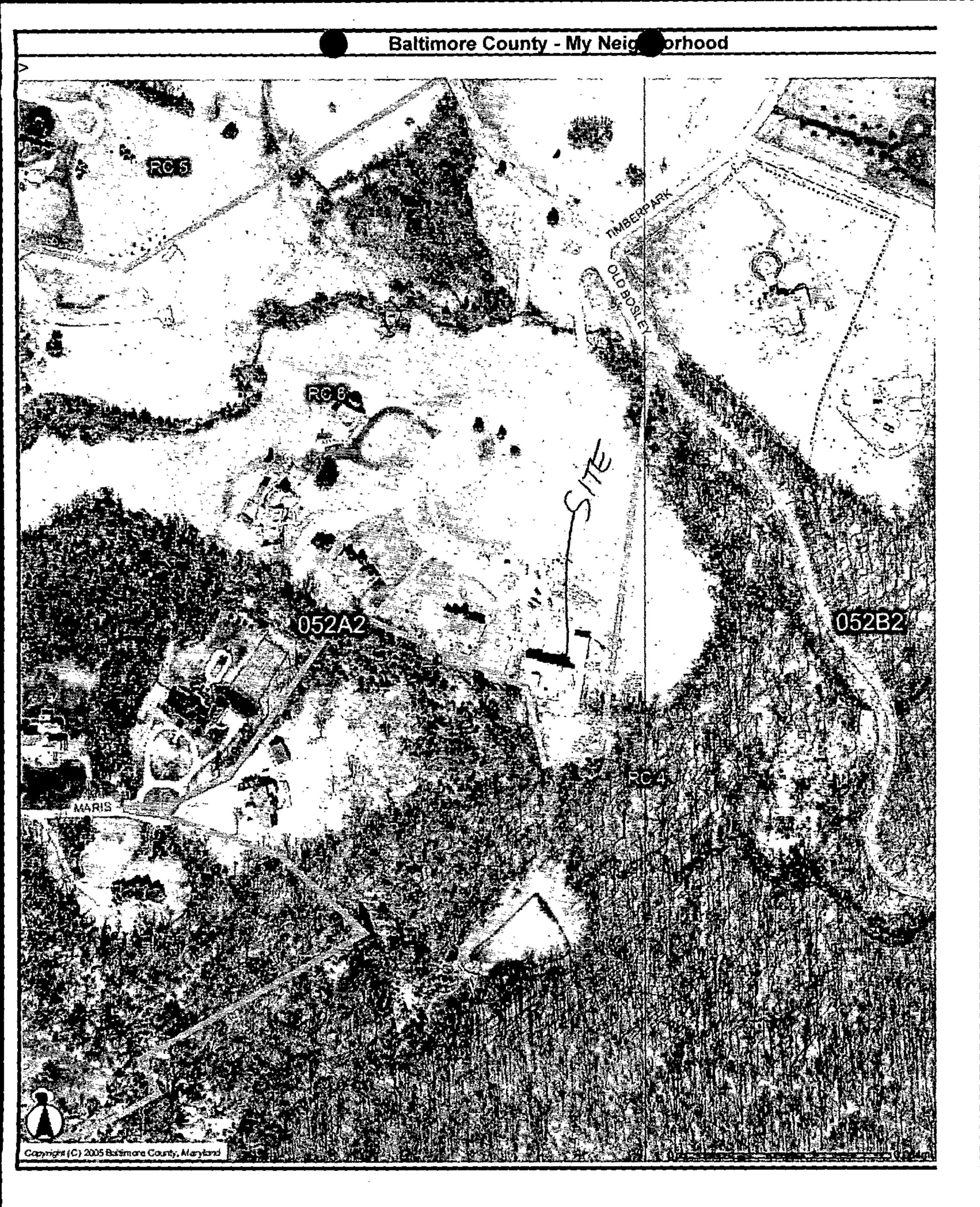
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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.

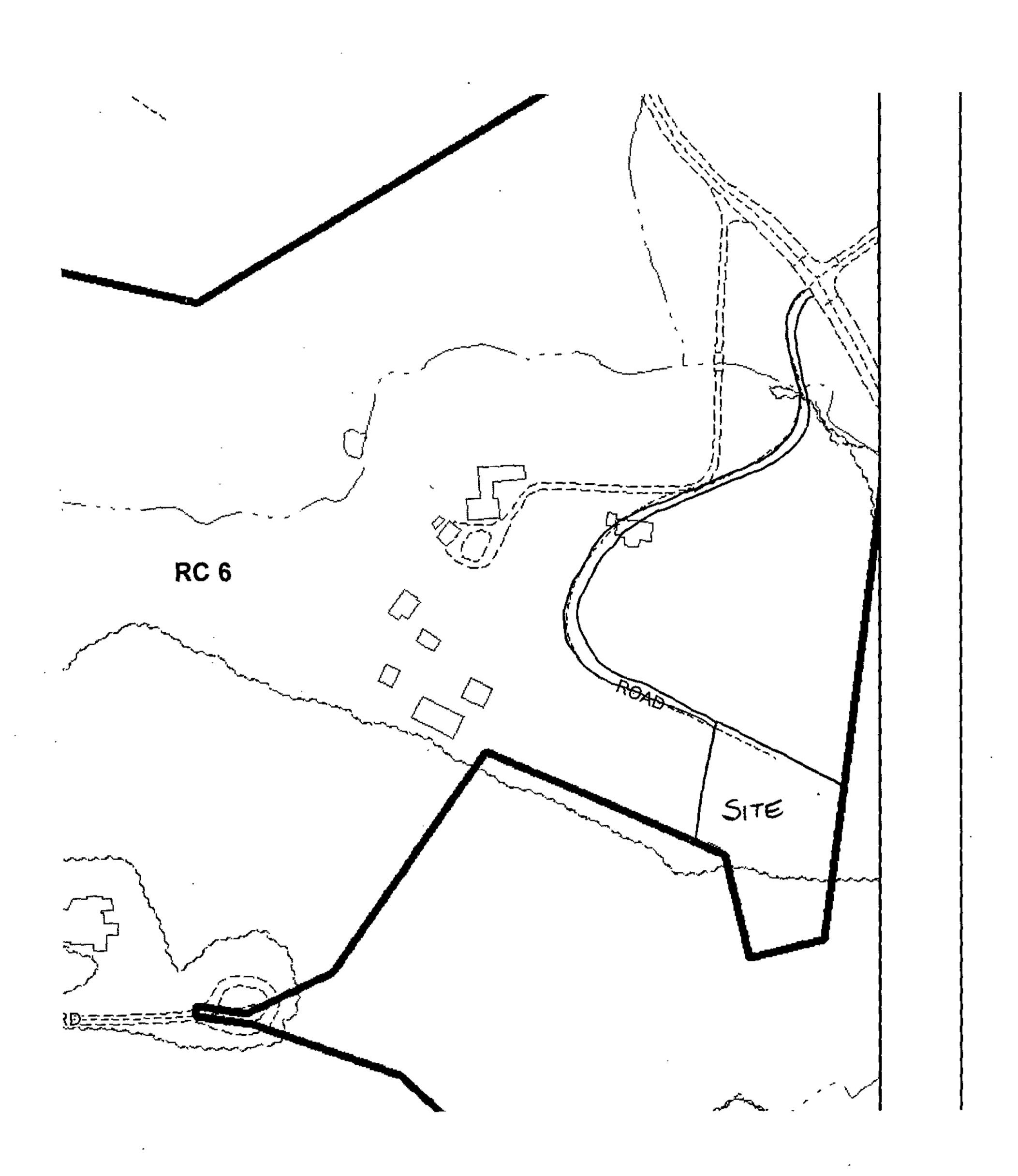
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

Item Number o	r Case Number:	07-122-A	<u></u>
Petitioner:	U	ULIO	<u>.,</u>
Address or Loc	ation: 2421	OLD BOSLEY RD.	
PLEASE FOR	NARD ADVERTISING	G BILL TO:	
Name:	MR. 4 MRS. THE	ODORE C. JULIO	
Address:	2421 OLD 10051	LEY RD.	
	LUTH-TIMONIUM	1, mo' 21093	
	nber: 410-10107	h. DA	

Revised 7/11/05 - SCJ





1"=200' 2004 MAP 052A2



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO. Director

Department of Permits and

Development Management

October 10, 2006

Theodore C. Julio Lisa A. Julio 2421 Old Bosley Road Timonium, MD 21093

Dear Mr. and Mrs. Julio:

RE: Case Number: 07-122-A, 2421 Old Bosley Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 15, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Patrick C. Richardson, Jr. Richardson Engineering, LLC 110 Old Padonia Road, Suite LC Cockeysville 21030

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: October 12, 2006

OCT 1 3 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

THE CONTRACTOR SOMER

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-122- 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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 25, 2006

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

RE:

Baltimore County

Item No. 122 #7-122-A

JULIO PROPERTY

ZAZI OLD BOSLEY ROAD VARIANCE - PROGUNT AN OPEN PROJECTION (IN-GROUND POOL)

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 122.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief U

Engineering Access Permits

Division

SDF/MB



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

Item Number(s): 113=130

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

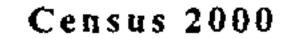


Printed with Soybean Ink.

on Recycled Paper









BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 2, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 2, 2006

Item Nos. 07-113, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130,

and 133

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- 10022006.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 16, 2006

THEODORE C. AND LISA A. JULIO 2421 OLD BOSLEY ROAD TIMONIUM MD 21093

Re: Petition for Administrative Variance

Case No. 07-122-A

Property: 2421 Old Bosley Road

Dear Mr. and Mrs. Julio:

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:pz

Enclosure

c: Patrick Richardson, Jr., Richardson Engineering, LLC, 110 Old Padonia Road, Suite LC, Cockeysville MD 21030





September 14, 2006

Department of Permits & Development Management Zoning Review Office 111 West Chesapeake Avenue, Mailstop 1105 Towson, Maryland 21204

Re: Mr. Ted Julio 2421 Old Bosley Road Timonium, MD 21093

To Whom It May Concern:

Please accept this letter as notification that the Administration of Stella Maris Inc. has no objection with the placement of the Julio swimming pool whose property is adjacent to our parcel located at 2300 Dulaney Valley Road.

We understand that Mr. Julio has elected to place the swimming pool on the side of his house as opposed to the back by the septic system. It is also our understanding, that this pool in no way encroaches on or affects our property.

Given this understanding, we have no objection to the placement of the swimming pool. Please feel free to contact me should you have any questions or comments at 410-252-4500 ext. 7225.

Sincerely,

2300 Dulancy Valley Road Timonium, Maryland 21093

> Phone 410-252-4500 TTY 410-560-9682

An affiliate of Mercy Health Services conducted by The Sisters of Mercy

Sr. Karen McNally, RSM Chief Administrative Officer

www.stellamarisinc.com

Stonewall Homeowners Association 2413 Old Bosley Road Timonium, MD 21093

(410) 666-5559 Office

(410) 960-8043 Cell

Baltimore County Zoning Office

To Whom It May Concern,

I am contacting you from the community of Stonewall in Baltimore County, where Mr. Ted Julio currently resides. I have recently been asked to review the variance request at Mr. Julio's property, and survey our neighbors in regards to his request for a variance for his pool to make certain there are no objections. I have not only visited the property personally at Mr. Julio's request and found no issues with what he is proposing; but I have also directly informed all of our neighbors about the requested variance. I am pleased to say that there were no objections from myself or any of our Stonewall neighbors. It is my hope that this approval goes though smoothly and without any delay. Please feel free to contact me directly should you have any questions or need any additional information.

Best Regards

Robert J. Lally III

Stonewall HOA President

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 12, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-122- Administrative Variance

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

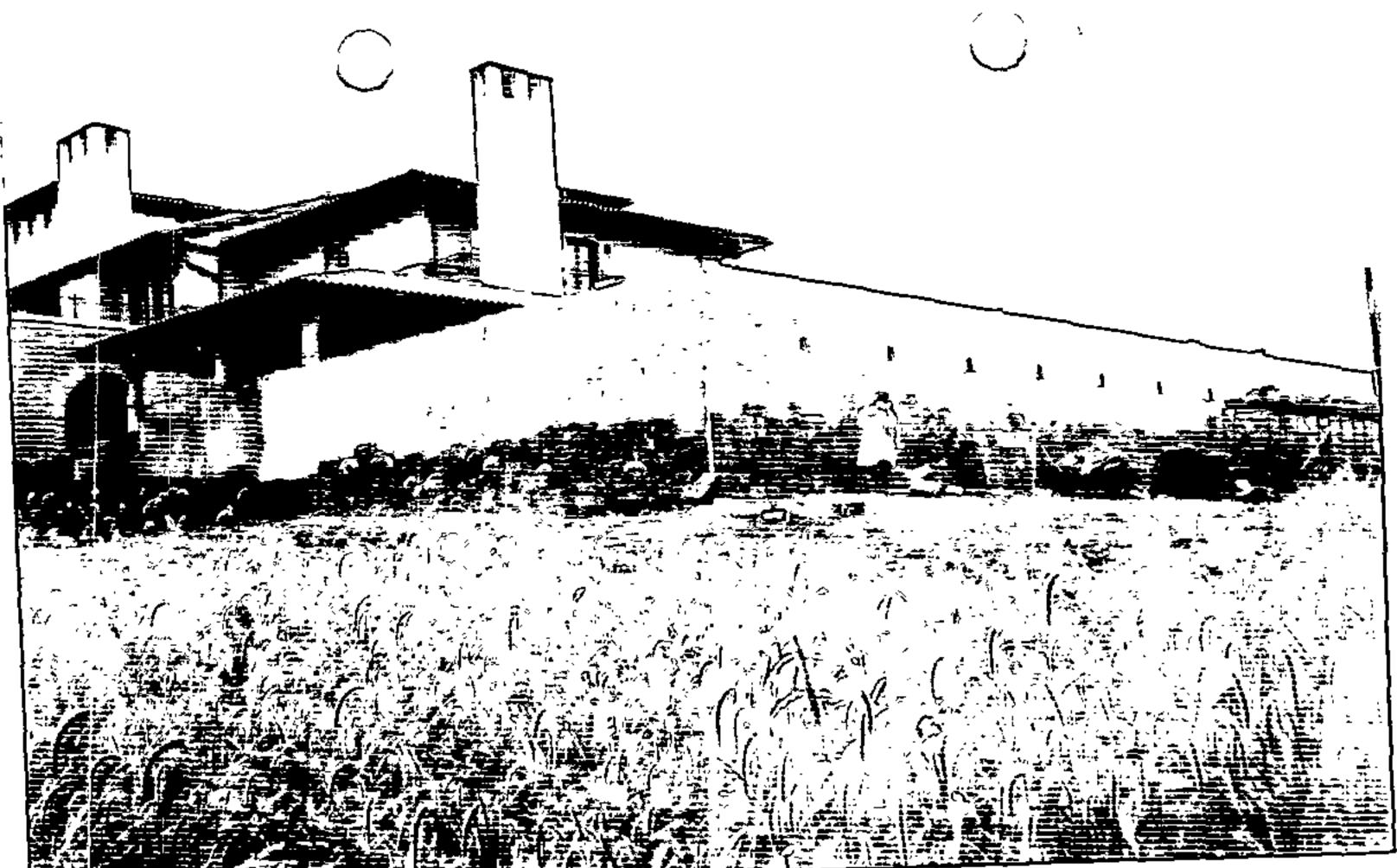
For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

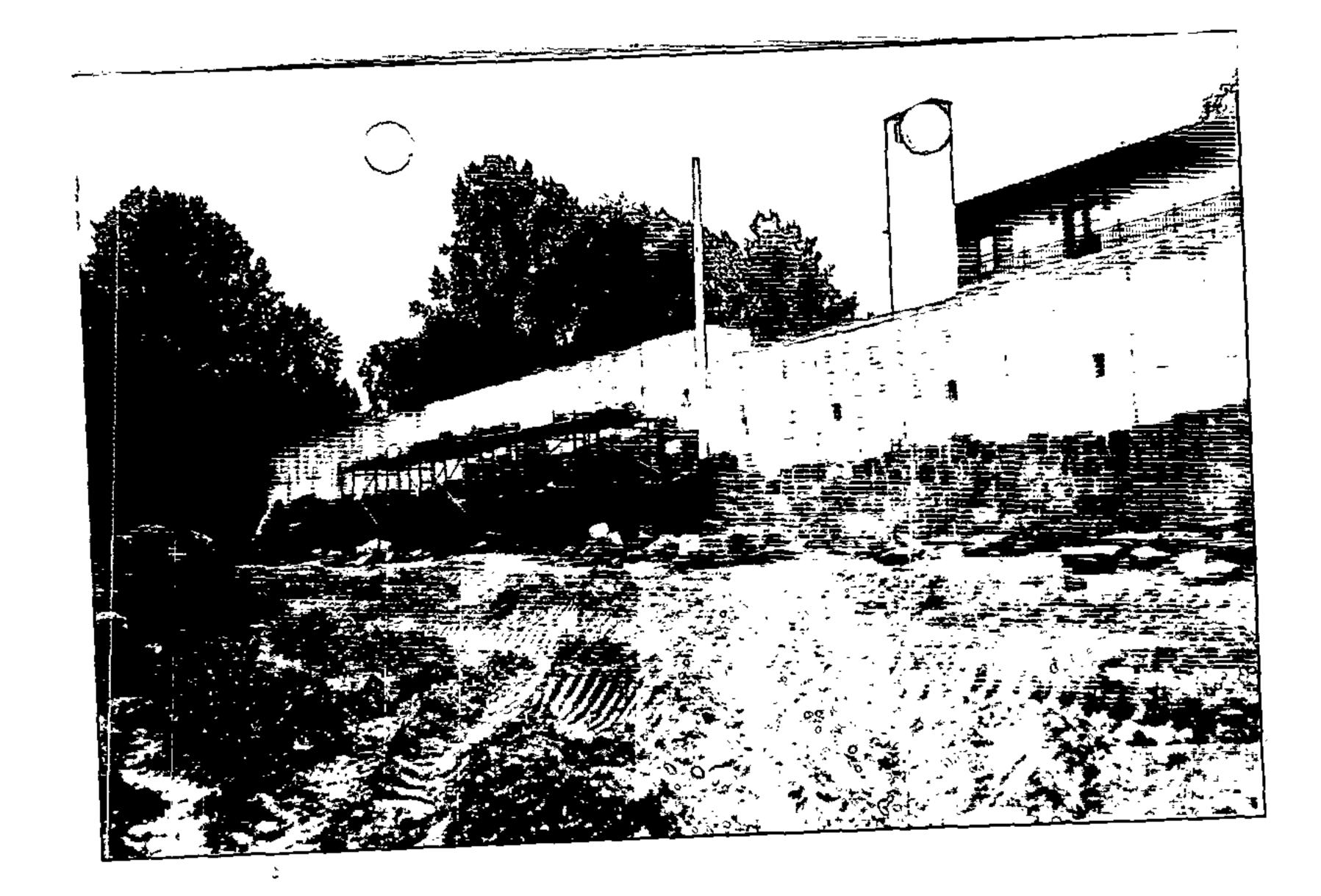
Prepared By:

Division Chief:

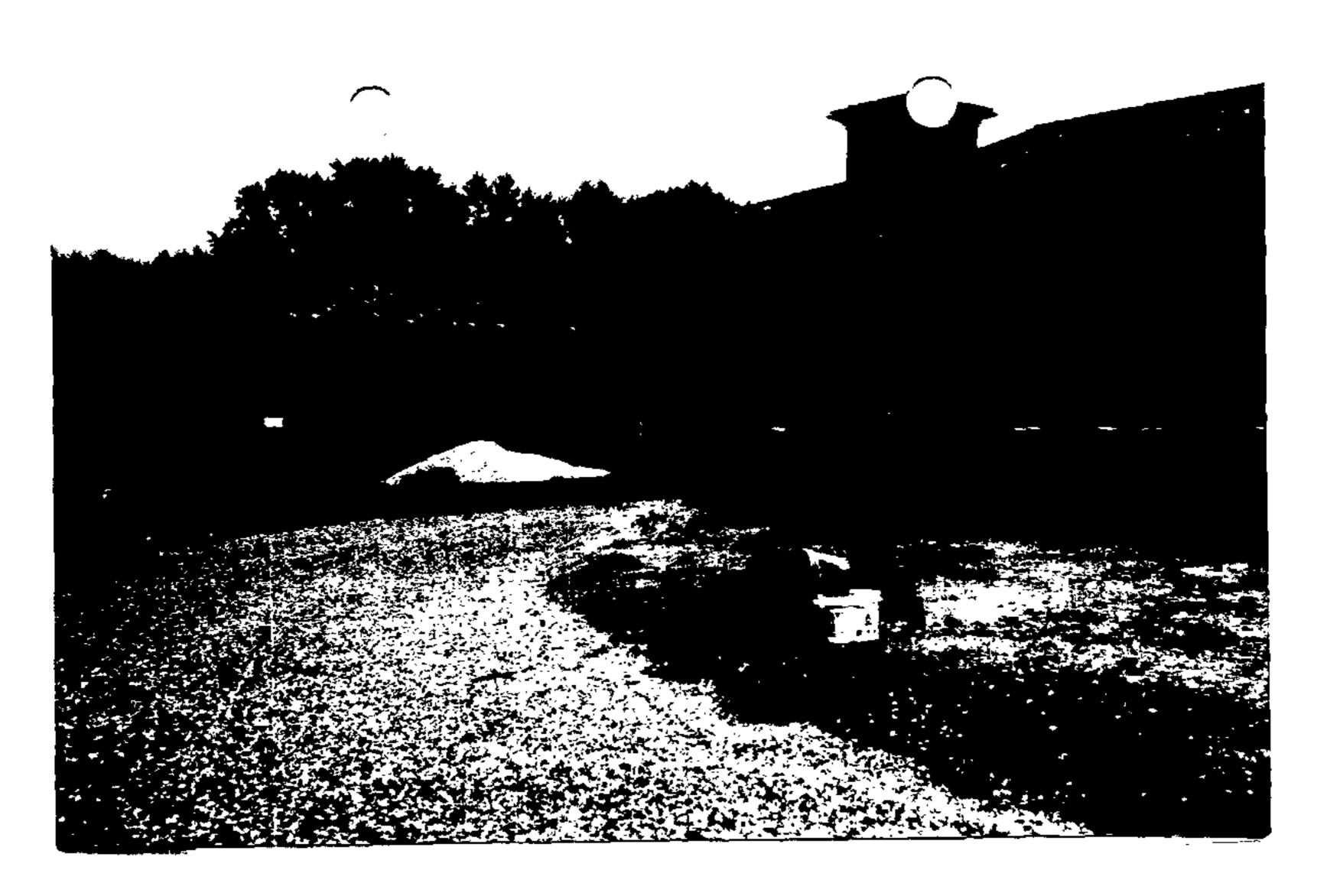
CM/LL

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07-122-A

