

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N side of Devere Lane, 40 feet		
NE of the c/l of Taunton Avenue	*	DEPUTY ZONING
1 st Election District		
1 st Councilmanic District	*	COMMISSIONER
(2116 Devere Lane)		
	*	FOR BALTIMORE COUNTY
Michael and Amy Doggett and		
Michael and JoAnn Edwards	*	Case No. 08-129-A
<i>Petitioners</i>		
	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Michael and Amy Doggett and Michael and JoAnn Edwards. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed swimming pool) in the side yard of an existing dwelling in lieu of in the required rear yard. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Although there was no request for hearing by any interested citizens during the posting period, on October 12, 2007 the Undersigned called for a public hearing on this matter in order to gain more information from Petitioners concerning the proposed placement of the swimming pool. The hearing was subsequently scheduled for Tuesday, December 4, 2007 at 2:00 PM in Room 106 of the County Office Building located at 111 West Chesapeake Avenue, Towson, Maryland.

Appearing in support of the requested relief was Petitioner Michael Doggett. There were no Protestants or other interested citizens in attendance at the hearing.

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 [Signature]

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 19,355 square feet zoned D.R.2. The property is located in the Graham Place subdivision on the north side of Devere Lane near Westchester Elementary School in the Catonsville area of Baltimore County. It is improved with Petitioners' existing single-family dwelling, which is placed on the left (west) side of the property, fairly close to the rear yard. At this juncture, Petitioners desire to erect an approximately 18 foot by 34 foot aboveground oval swimming pool on the right (east) side of the property. The majority of the swimming pool will be located in the rear yard; however, a portion will encroach beyond the rear yard into the side yard of the property. As a result, Petitioners seek variance relief to permit the swimming pool in the side yard.

In support of the variance request, Petitioner indicated that due to the fact the dwelling is situated far from the front yard of the property, the pool will not be visible from Devere Lane. In addition, the neighbor to the east who might be affected by the proposed swimming pool is situated over 100 feet away. Even so, Petitioner explained that he plans to provide adequate landscaping in order to screen any potential view from the road and from adjacent neighbors. Petitioner submitted copies of Internet descriptions of Cherry Laurel landscape shrubs and Emerald Green Arborvitae trees which were marked and accepted into evidence as Petitioners' Exhibits 2A and 2B, respectively. Petitioner indicated these trees and shrubs are either in place or will be planted and will provide sufficient height and width screening. In addition, Petitioner indicated that he has a six year old daughter afflicted with a neurological condition which causes her brain to misinterpret sensory information and results in poor motor control and weak postural muscles, as well as trouble in regulating her body temperature. Access to a pool is very helpful for her muscle therapy and in keeping her body temperature normal while outdoors in the

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summer. Petitioner submitted a narrative marked and accepted into evidence as Petitioners' Exhibit 3 that elaborates on his daughter's need for the pool.

Petitioner submitted a number of photographs in support of the variance request which were marked and accepted into evidence as Petitioners' Exhibits 4A through 4J. These photographs show the remote location of Petitioner's home on Devere Lane, and also show the configuration and location of the home on the property and the proposed location of the swimming pool. Additional photographs were marked and accepted into evidence as Petitioners' Exhibits 5A through 5C and show the landscape screening located at the front of the property and the long distance from the proposed swimming pool to the road and to the adjacent property to the east. Petitioner also submitted photographs showing the proposed location of the swimming pool which were marked and accepted into evidence as Petitioners' Exhibits 6A through 6D. These photographs show a mulched play area to be replaced by the swimming pool. An orange spray painted oval depicts the exact location and orientation of the pool.

In further support of the variance request, Petitioner indicated the configuration and topography of the lot, as well as the location of the dwelling on the lot, makes the property unique. As to the dwelling, it is placed further to one side of the property, which creates a larger, unused area on the other side of the property. It is also placed toward the rear of the property and closely abuts a large sloping drainage area. This area also contains a number of trees and afforestation. This renders the back yard virtually unusable but for a small patio and wood deck off the back of the dwelling. Petitioners also own the lot directly behind their dwelling; however, this area is unusable because it is encompassed almost entirely by the aforementioned drainage area. Photographs of the back yard and drainage area were marked and accepted into evidence as Petitioners' Exhibits 7A and 7B.

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~~By~~

The Zoning Advisory Committee (ZAC) offered no comments in response to Petitioners' requested relief.

Based on the testimony and evidence presented, I am persuaded to grant Petitioners' relief. In particular, I find that the photographs admitted into evidence and the testimony of Petitioner as to the placement of the existing dwelling and the unusual characteristics of the land present special circumstances or conditions that are peculiar to the land or structure which is the subject of the variance request. Therefore I find the property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. In short, there are no other areas on the property where Petitioners could place the pool. In addition, there were no negative ZAC comments against the requested relief, and there were no neighbors or interested citizens opposed to the relief.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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 2nd day of January, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed swimming pool) in the side yard of an existing dwelling in lieu of in the required rear yard is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

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1. 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, 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.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

 1-2-08
 B



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 2, 2008

MICHAEL AND AMY DOGGETT AND
MICHAEL AND JOANN EDWARDS
2116 DEVERE LANE
BALTIMORE MD 21228

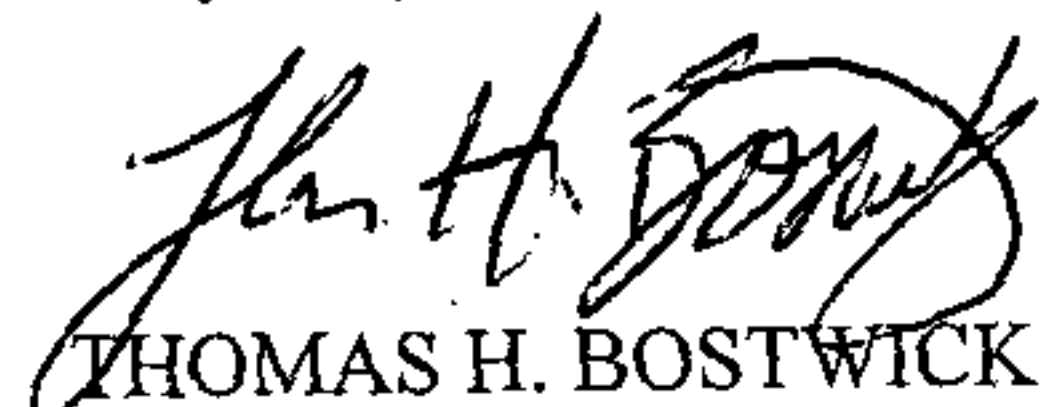
Re: Petition for Administrative Variance
Case No. 08-129-A
Property: 2116 Devere Lane

Dear Mr. and Mrs. Doggett and Mrs. and Mrs. Edwards:

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,


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

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 2116 Devere Lane
Address
Baltimore MD 21228
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):

We would like to install a 18' x 34' pool to the right front side of our property. Due to the layout of our home and property, it would be difficult to place it anywhere else on the property. We own the lot behind us, however, it is dense with trees and hate to disturb the forestry and remove the existing trees. This would not be detrimental to the neighborhood and the forestry would continue to be an environmental asset to the community.

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.

Michael Doggett Amy Doggett
Signature
Michael Doggett Amy Doggett
Name - Type or Print

Michael Edwards JoAnn Edwards
Signature
Michael Edwards JoAnn Edwards
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Anne Arundel

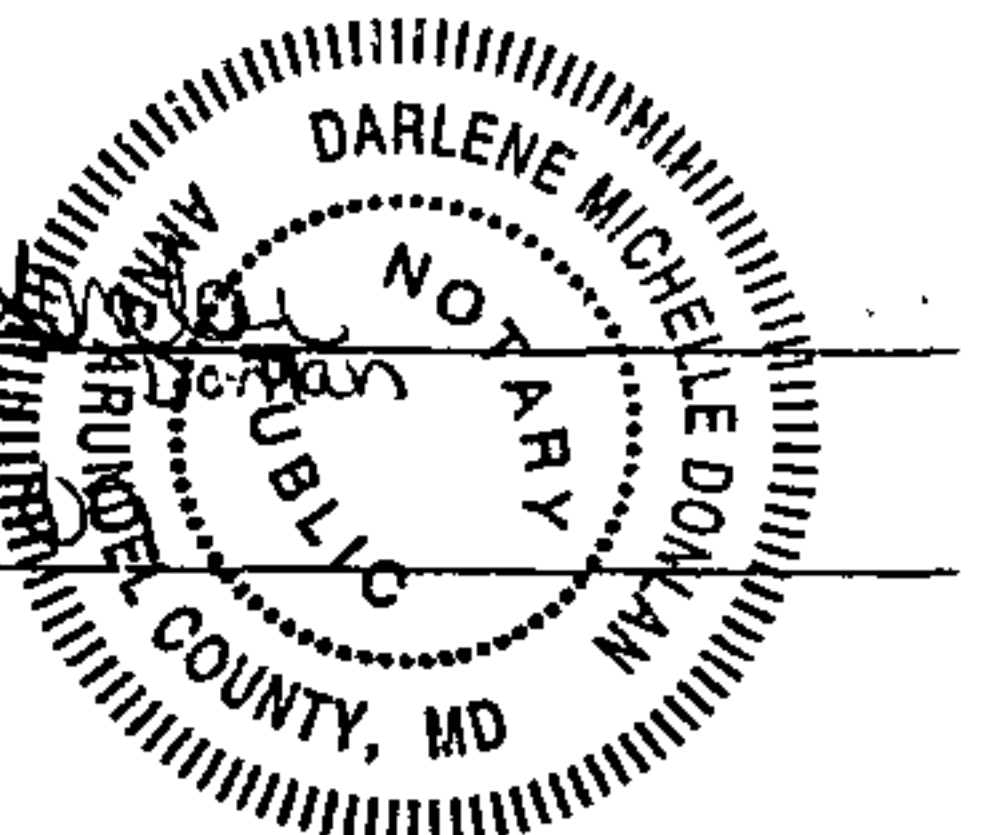
I HEREBY CERTIFY, this 24th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Amy Doggett Michael Doggett JoAnn Edwards and Michael Edwards
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Darlene Michelle
Notary Public

My Commission Expires 2/01/08





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2116 Devere Lane Baltimore, MD 21228
which is presently zoned DR 2

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) BCZR 400.1

TO PERMIT AN ACCESSORY BUILDING (PROPOSED SWIMMING POOL) IN THE SIDE YARD OF EXISTING DWELLING IN LIEU OF IN THE REAR YARD AS REQUIRED

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):

x Michael Daggett Amy Daggett
Name - Type or Print

x [Signature] Amy Daggett
Signature

x Michael Edwards JoAnn Edwards
Name - Type or Print

x [Signature] John Edwards
Signature

2116 Devere Lane 410-935-8296
Address Telephone No.
Baltimore MD 21228

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, this 08 day of 12 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. 08-129-A

Reviewed By A. TSUI Date 9/12/07

REV 10/25/01

Estimated Posting Date 9/23/07 - 10/08/07

1-2-08

[Signature]



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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):

x Michael Doggett
Name - Type or Print

Signature

x Michael Edwards
Name - Type or Print

Signature

Amy Doggett

Amy Doggett

JoAnn Edwards

JoAnn Edwards

2116 Devere Lane

Address
Baltimore

410-935-8296

Telephone No.
21228

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, this 1-2-08 day of January 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. 08-129-A

REV 10/25/01

Reviewed By A-TSUI

Date 9/12/07

Estimated Posting Date 9/23/07 - 10/08/07

Affidavit in Support of Administrative Variance

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[Signature] Amy Doggett
Signature

X Michael Doggett Amy Doggett
Name - Type or Print

[Signature] JoAnn Edwards
Signature

X Michael Edwards JoAnn Edwards
Name - Type or Print

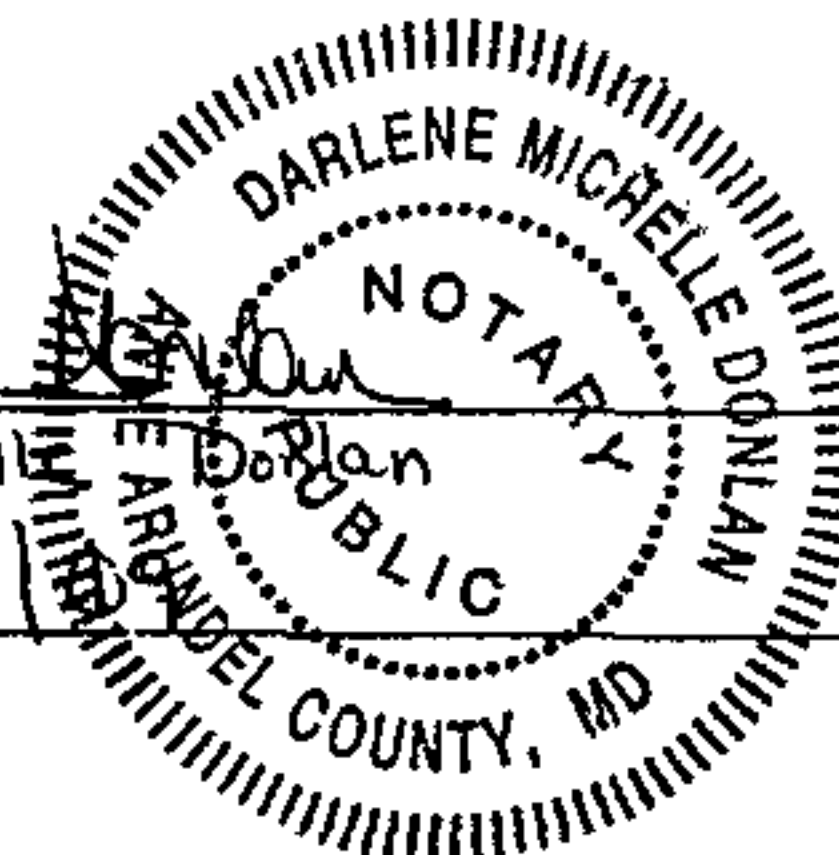
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Anne Arundel

I HEREBY CERTIFY, this 24th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Amy Doggett Mike Doggett JoAnn Edwards and Michael Edwards
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 Darlene Michelle
My Commission Expires 2/01/11





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2116 Devere Lane Baltimore, MD 21228

which is presently zoned DR 2

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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):

Michael Doggett

Name - Type or Print

Amy Doggett

Signature

Michael Edwards

Name - Type or Print

JoAnn Edwards

Signature

2116 Devere Lane

Address

Baltimore

City

410-935-8296

MD

Telephone No.
21228

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

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Zoning Commissioner of Baltimore County

CASE NO. 08-129-A

REV 10/25/01

Reviewed By A-TSUI

Date 9/12/07

Estimated Posting Date 9/23/07 - 10/08/07

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1-2-08

PM

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[Signature] Amy Doggett
Signature

Michael Doggett Amy Doggett
Name - Type or Print

[Signature] JoAnn Edwards
Signature

Michael Edwards JoAnn Edwards
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Anne Arundel

I HEREBY CERTIFY, this 24th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Amy Doggett, Michael Doggett, JoAnn Edwards, and Michael Edwards
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 Darlene Michelle Donlan
My Commission Expires 2/01/09

ZONING DESCRIPTION FOR 2116 Devere Lane Baltimore, MD 21228

Beginning at a point on the North side of Devere Lane which is 20' wide at the distance Of 40' North East of the centerline of the nearest improved intersecting street Taunton Ave. which is 50' wide. Being Lot # 34 Block 11, Section 1 in the subdivision of Graham Place containing 19,355 SF. Also known as 2116 Devere Lane and located in the 1st Election District, 1st Councilmanic District.

08-129-A

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 20, 2007 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-3353

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-129-A

2116 Devere Lane

N/side of Devere Lane, 40 feet n/east of the centerline of Taunton Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Michael & Amy Doggett & Michael & JoAnn Edwards

Variance to permit an accessory building (proposed swimming pool) in the side yard of existing dwelling in lieu of the rear yard as required.

Hearing: Tuesday, December 4, 2007 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 18, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2007
Item Nos. 08-124, 125, 126, 127, 128, 129 and 130

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-09182007.doc

**NOTICE OF ZONING
HEARING**

Zoning Commissioner
Baltimore County, by au-
thority of the Zoning Act
and Regulations of Balti-
more County will hold a
public hearing in Towson,
Maryland on the property
identified herein as follows:

Case: #08-129-A

2116 Devere Lane, 40
feet n/east of the centerline
of Taunton Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): Michael &
Amy Doggett & Michael &
JoAnn Edwards

Variance: to permit an ac-
cessory building (proposed
swimming pool) in the side
yard of existing dwelling in
lieu of the rear yard as re-
quired.

Hearing: Tuesday, De-
cember 4, 2007 at 2:00
p.m. in Room 106, County
Office Building, 111 West
Chesapeake Avenue,
Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/11/29 No 20 155830

CERTIFICATE OF PUBLICATION

11/22, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/20, 2007.

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

S. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 23, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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

CASE NUMBER: 08-129-A

2116 Devere Lane

N/side of Devere Lane, 40 feet n/east of the centerline of Taunton Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Michael & Amy Doggett & Michael & JoAnn Edwards

Variance to permit an accessory building (proposed swimming pool) in the side yard of existing dwelling in lieu of the rear yard as required.

Hearing: Tuesday, December 4, 2007 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco.
Timothy Kotroco
Director

TK:klm

C: Doggett/Edwards, 2116 Devere Lane, Baltimore 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 19, 2007.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CERTIFICATE OF POSTING

RE: Case No.: 08-129-A

Petitioner/Developer: MICHAEL

DOGGETT

Date of Hearing/Closing: 10-8-07

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:

2116 DEVERE LANE

The sign(s) were posted on

9-23-07
(Month, Day, Year)

Sincerely,

Robert Black 9-24-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

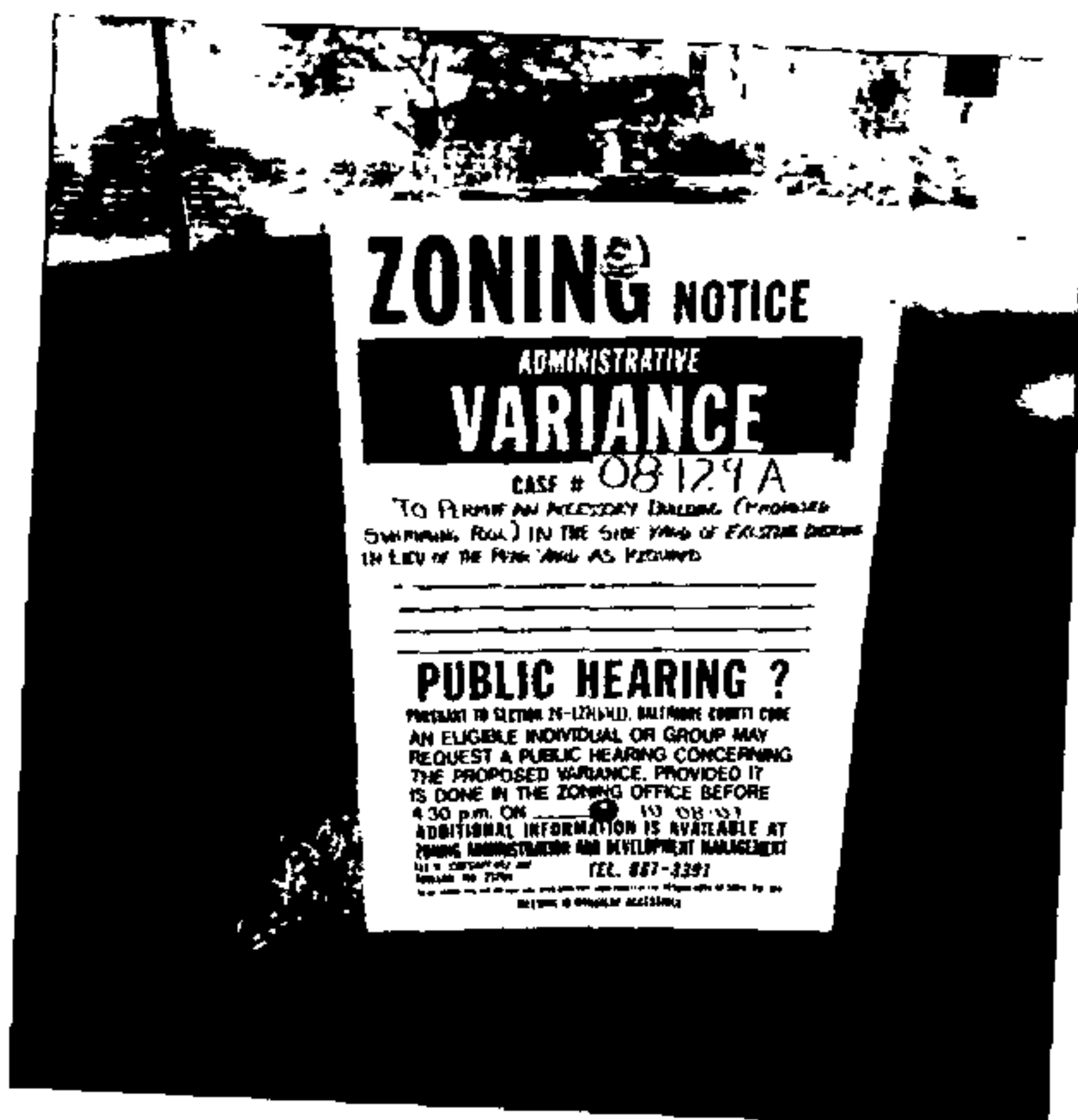
(Address)

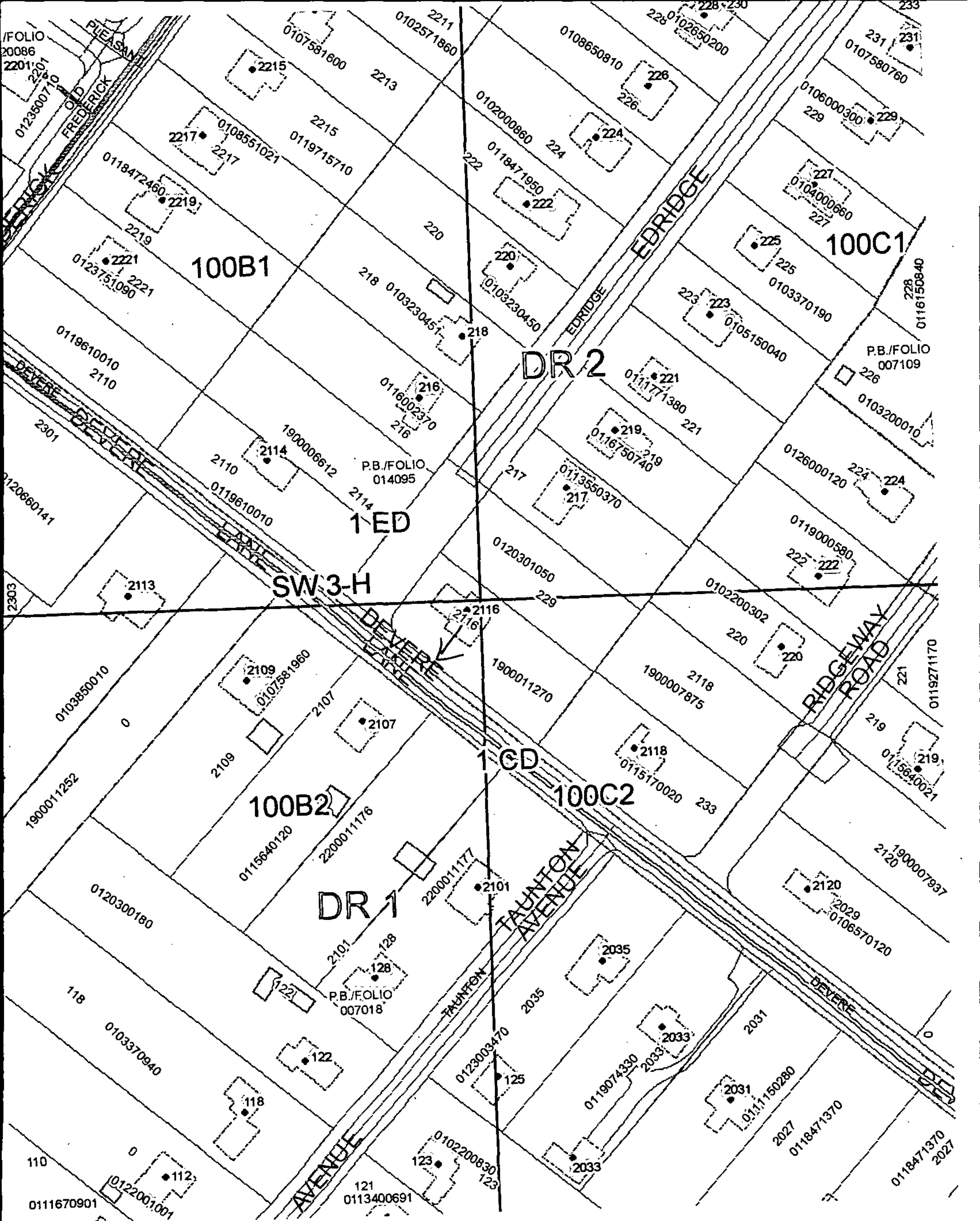
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





08-129-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 129 -A Address 2116 DEVERE LANE 21228
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 09/12/2007 Posting Date: 9/23/07 Closing Date: 10/08/07

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 08- 129 -A Address 2116 DEVERE LANE
Petitioner's Name MICHAEL DOGGETT Telephone 410-935-8296
Posting Date: _____ Closing Date: 10/8/07
Wording for Sign: To Permit AN ACCESSORY BUILDING (PROPOSED
SWIMMING POOL) IN THE SIDE YARD OF EXISTING
DWELLING IN LIEU OF IN THE REAR YARD AS
REQUIRED.

WCR - Revised 6/25/04



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

October 5, 2007

Michael and Amy Doggett
Michael and JoAnn Edwards
2116 Devere Lane
Baltimore, MD 21228

Dear Mr. and Mrs. Doggett and Edwards:

RE: Case Number: 08-129-A, 2116 Devere Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2007

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-129- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Reviewed By:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2007

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

RECEIVED
OCT 01 2007

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-129- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Reviewed By:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: October 12, 2007

TO: Kristen Matthews
Dept. of Permits & Development Mgmt.

FROM: Patricia Zook, Secretary to 
Thomas H. Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance – 10-8-07 Closing Date
Case No. 08-129-A -- 2116 Devere Lane

After a review of the above-captioned case file, Tom Bostwick has requested that this case be set in for a public hearing. We are returning the file to you for further processing, i.e., notifying the Petitioners, posting and advertising of hearing notices, etc. Per Tom, the County is to post and advertise the hearing. Tom will conduct the hearing on this matter.

The hearing will allow the Petitioners to present additional information in support of their request.

Thank you for your attention and cooperation in this matter.

Patricia Zook - Re: Administrative Variance cases that closed 10-8-07

From: Dennis Kennedy
To: Zook, Patricia
Date: 10/11/2007 3:34 PM
Subject: Re: Administrative Variance cases that closed 10-8-07

Patti:
The items that you are inquiring about are from two different agendas. Both were delivered to the zoning office in a timely fashion. In any event, we had no comment on any of the items you listed.
Dennis

>>> Patricia Zook 10/11/2007 2:32 PM >>>
Hello Dennis-

Yesterday I received the case files for the administrative variances that closed October 8. However, all the files are missing comments from your office. I double checked with Kristen and she didn't have the comments.

Please review the attached descriptions and see if you have comments (or no comments).

Feel free to let me know via e-mail.

Thanks for your help, Dennis.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov



State Highway
Administration

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: SEPT. 17, 2007

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

RE: Baltimore County
Item No. 8-129-A
2116 DEVERE LANE
DOUGGETT/EDWARDS PROPERTY
ADMINISTRATIVE VARIANCE

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. 8-129-A.

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,

Fo^a Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



**Baltimore County
Fire Department**

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

August 23, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 17, 2007

Item Number: Item Number 124, 125, 126, 127, 128 (129), 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

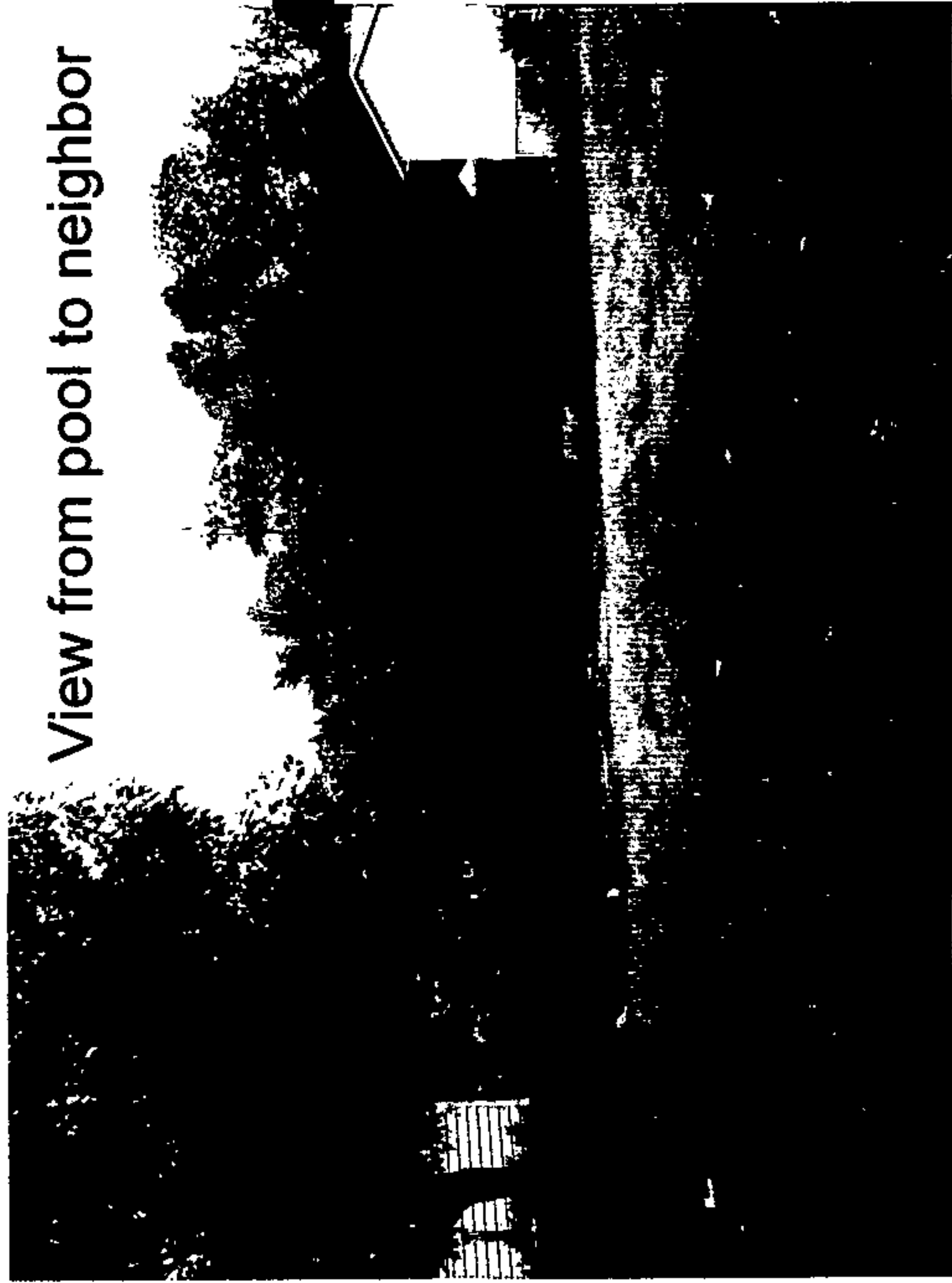
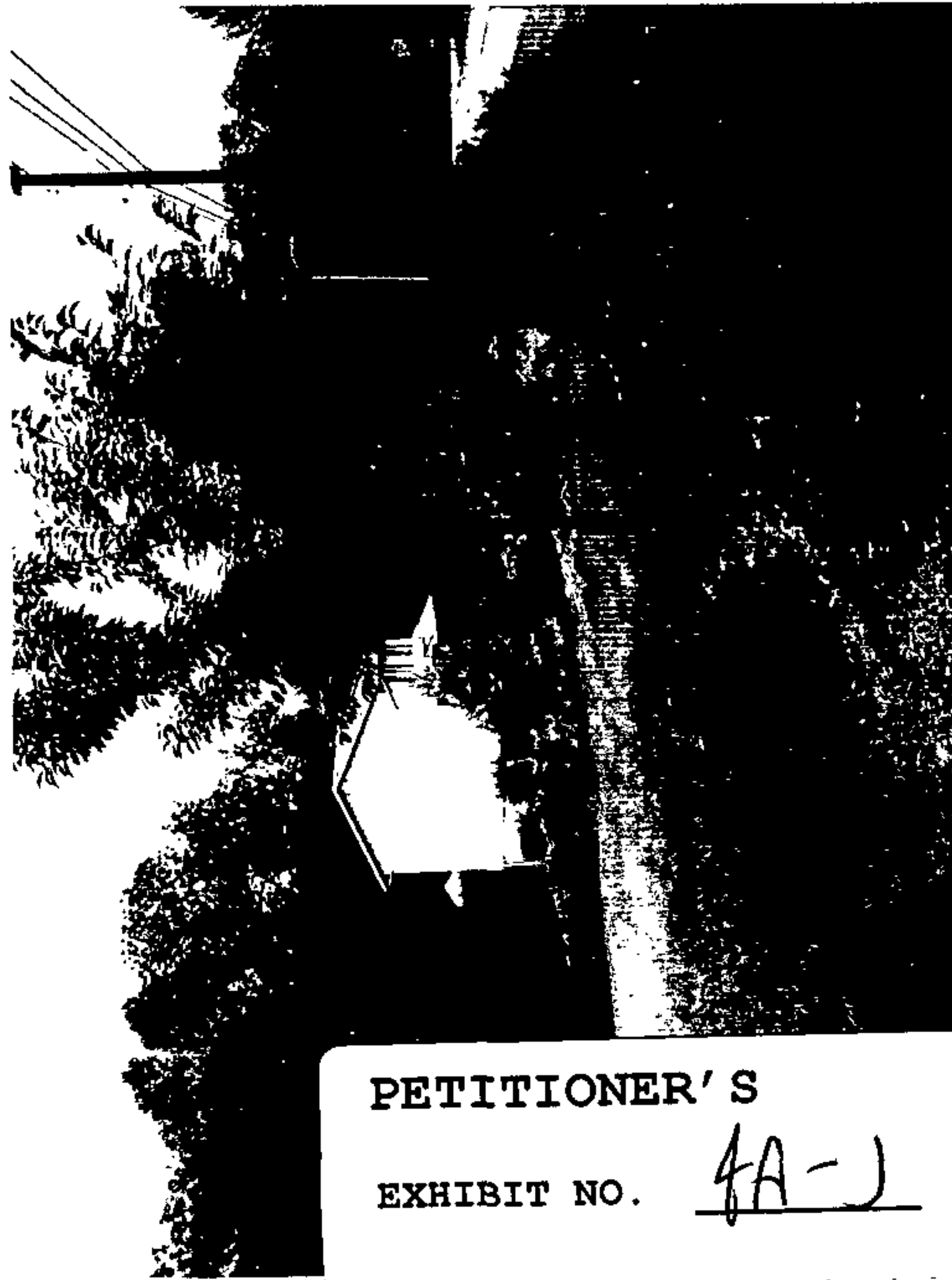
cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

2116 Devere Lane-Front



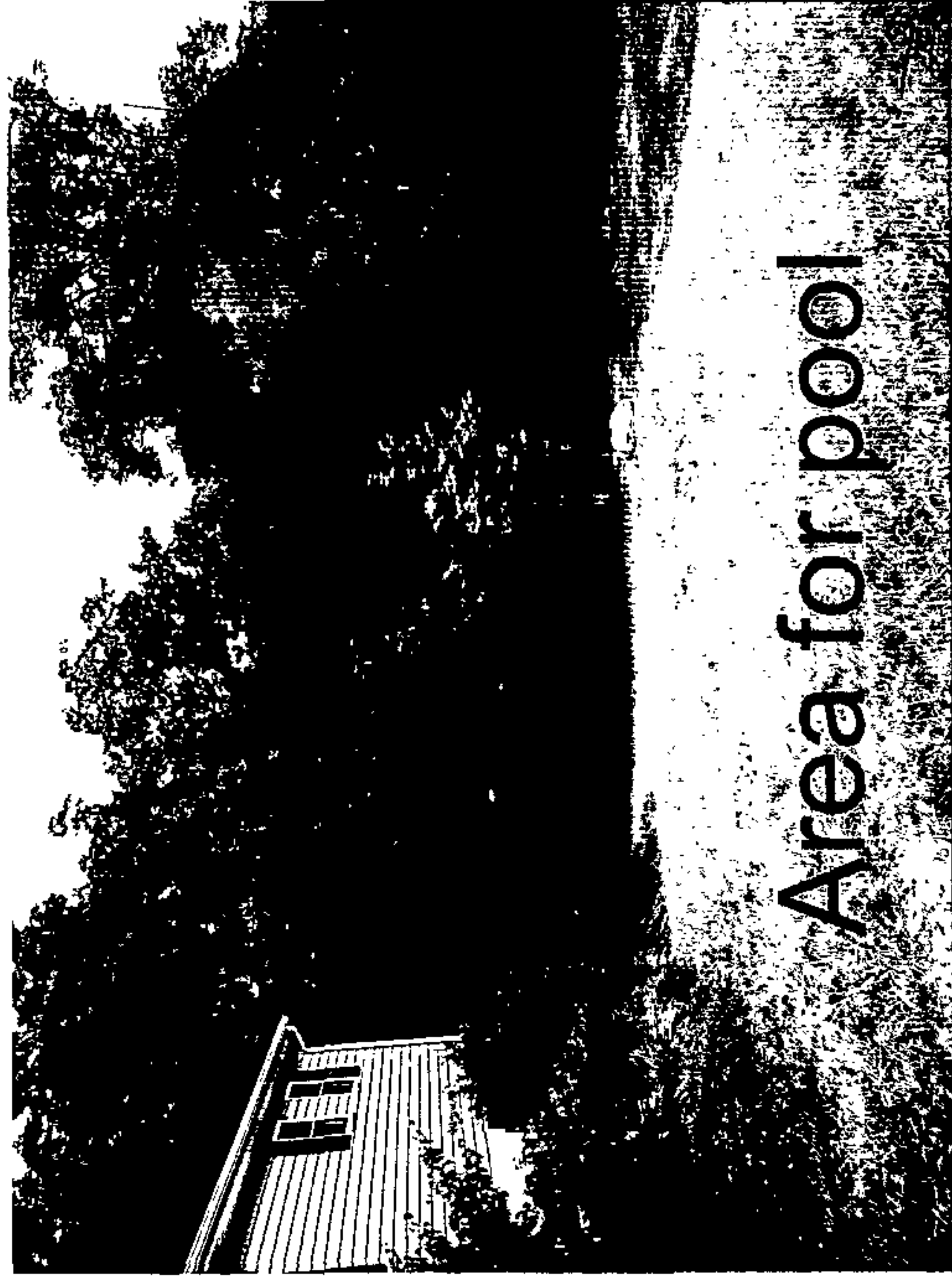
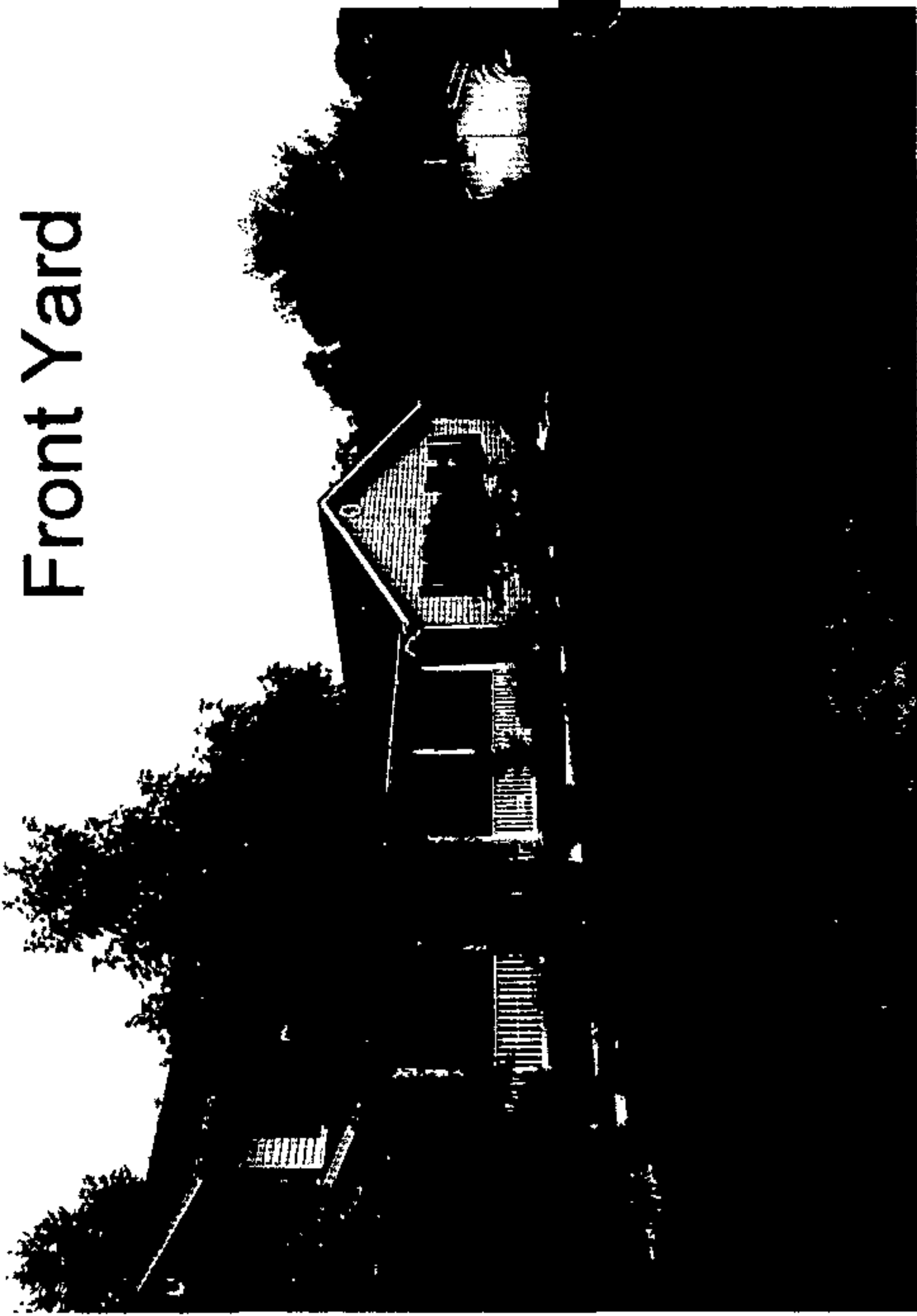
PETITIONER'S

EXHIBIT NO. 4A-1

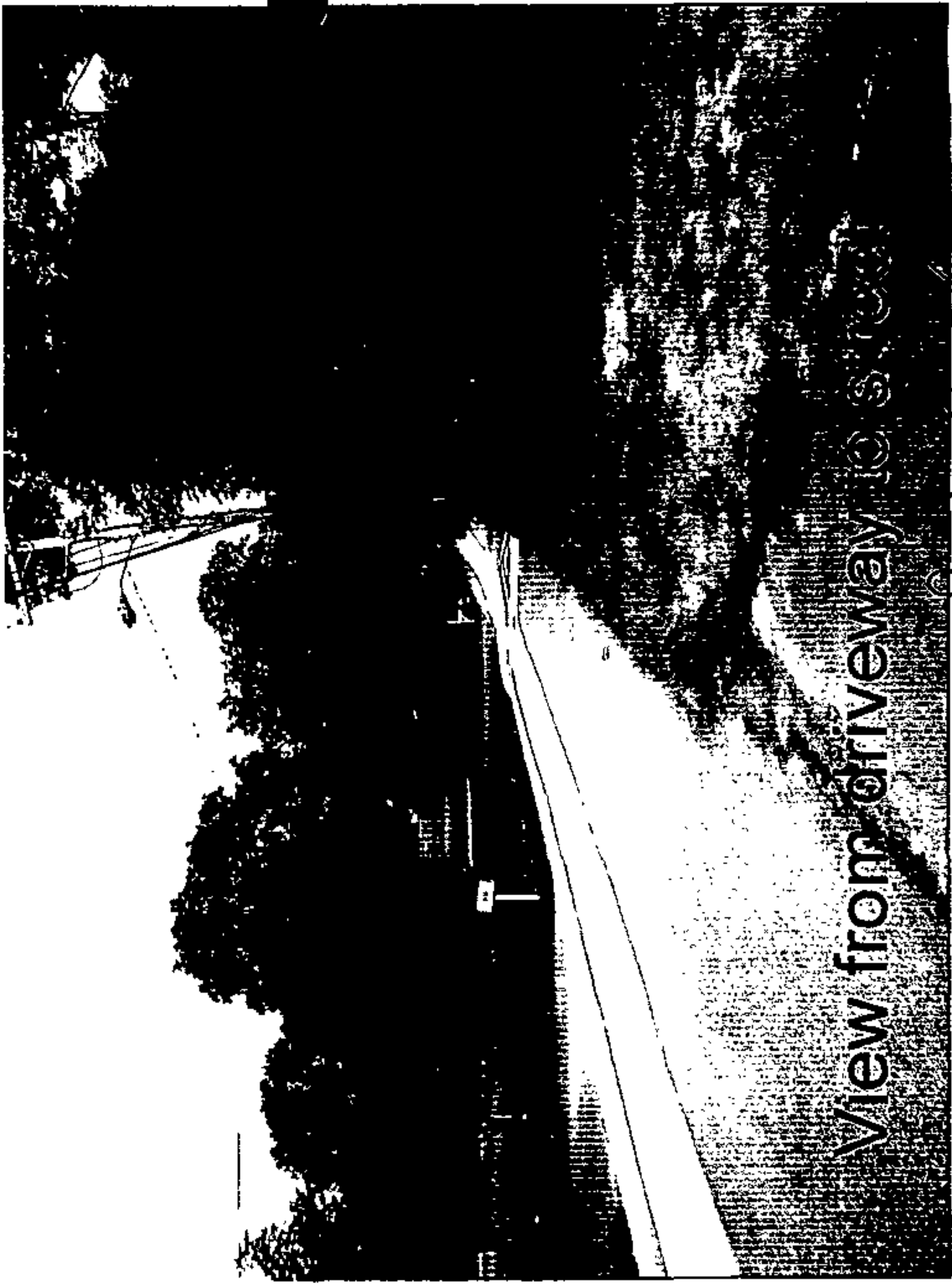


Left side of Property

Front Yard



Area for pool



View from driveway to street

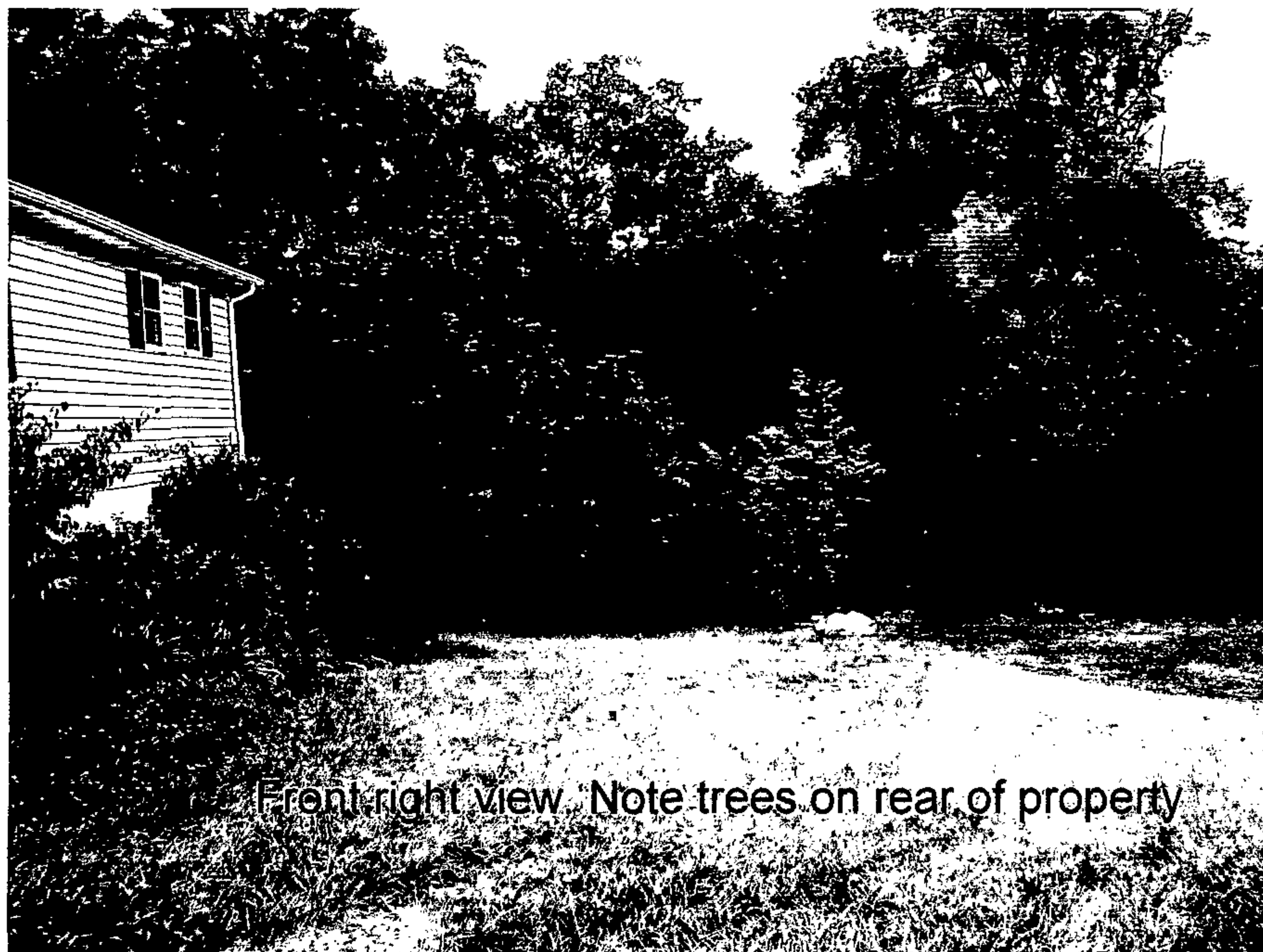
08-129-A

I



Dense Forestry behind house

J



Front right view. Note trees on rear of property

08-129-A







BALTIMORE COUNTY
MARYLAND

Zoning Commissioner's Office
401 Bosley Avenue, Suite 405
County Courts Building
Towson, Maryland. 21204

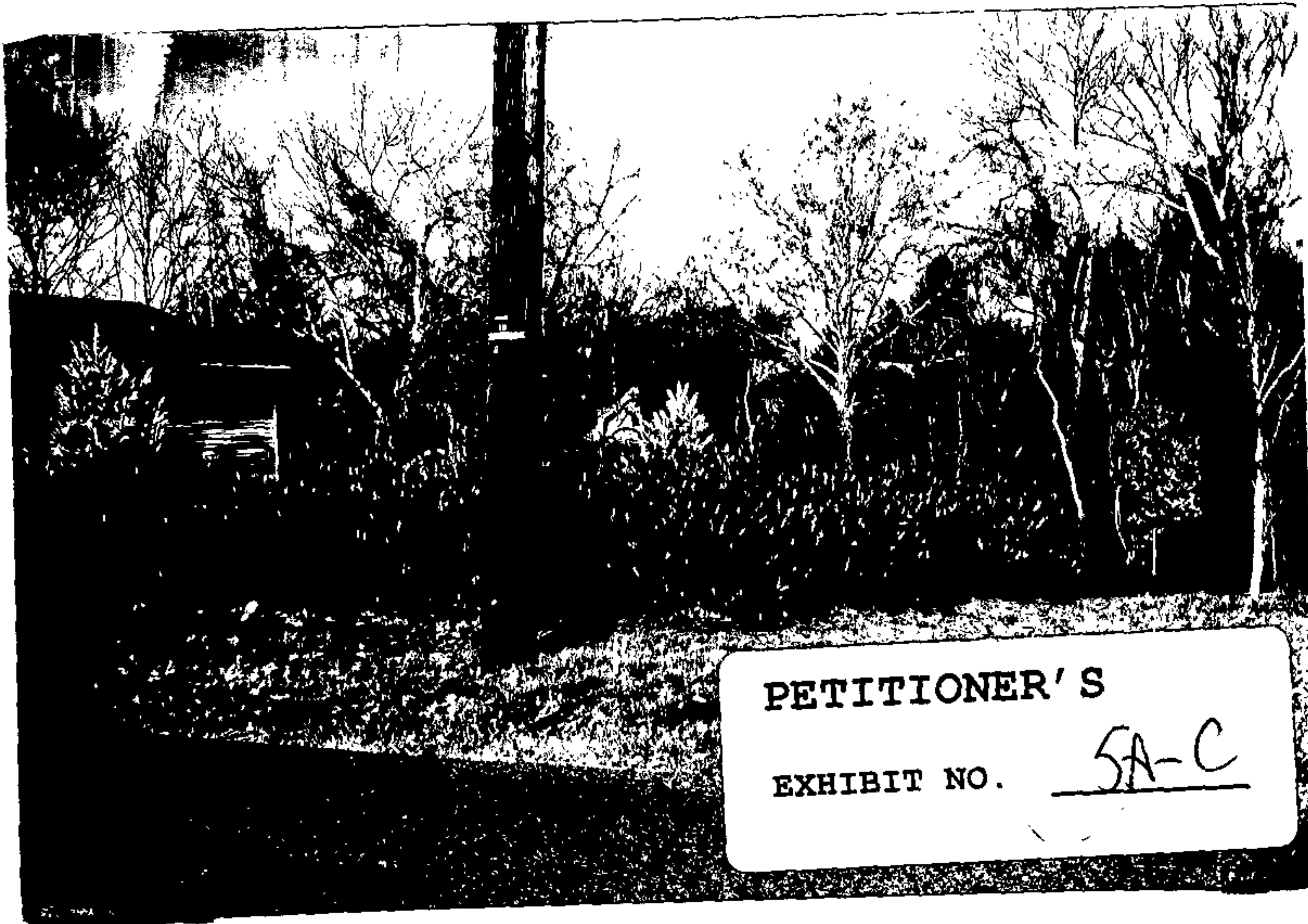
PHOTOS

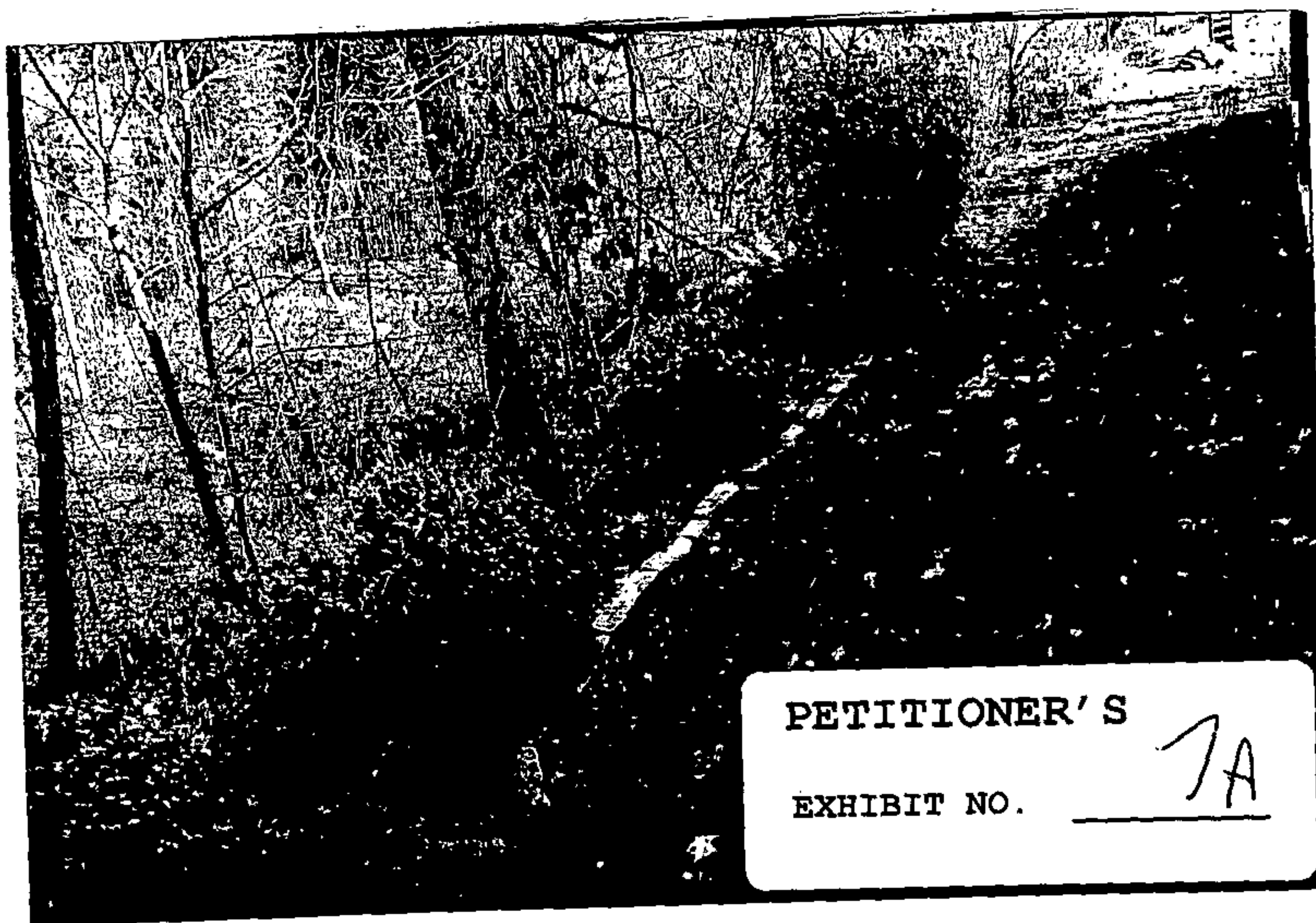
08-129-A

EX 5A-5C

Return Service Requested

C

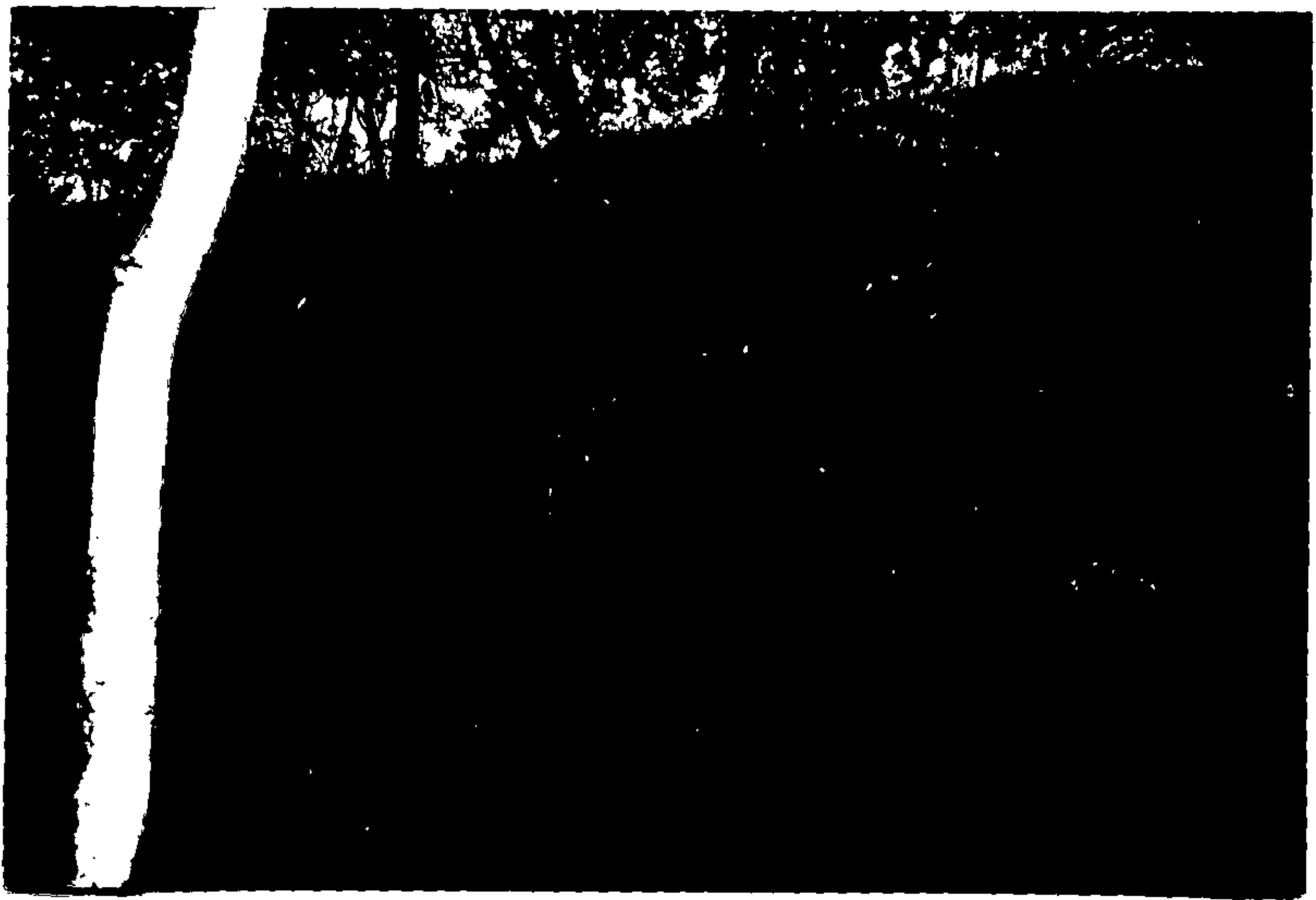




PETITIONER'S

EXHIBIT NO. _____

7A



Our daughter, Katie, has a neurological condition which causes her brain to misinterpret sensory information and how she acts on that information.

She has poor motor control and weak postural muscles.

Swimming is recommended by her therapist for building muscles and developing motor coordination.

She also has trouble regulating her body temperature and cannot be outdoors when it's really hot, without getting overheated. We have always had a baby pool or sprinkler on for her when it's hot out.

Also, being in water is very calming for her which is important since her sensory system is frequently overstimulated.

We had a membership to a local pool, but the noisy, busy environment was too much for her system to process.

Our primary motivation for putting in a pool at home is to provide exercise for Katie in a calm environment and a place where she can relax and have fun with friends and family in the summer.

- 6 $\frac{1}{2}$ years old

PETITIONER'S

EXHIBIT NO.

3

About.com Landscaping

'Emerald Green' Arborvitae Trees

By David Beaulieu, About.com

Plant Taxonomy of 'Emerald Green' Arborvitae:

Plant taxonomy
classifies 'Emerald
Green' Arborvitae
under *Thuja*
occidentalis.



'Emerald Green'
arborvitae is one of
its cultivars. The

'Emerald Green' Arborvitae
Courtesy Missouri Botanical
Garden

PETITIONER'S

EXHIBIT NO.

JB

common name for these conifers is often misspelled, "arbor vitae" (technically, when spelled as two words, it's a part of the human anatomy, not a tree). The term is Latin and means "tree of life," due to the alleged medicinal value of its resin. Oddly, this is a case in which a plant's common name and scientific name, while different, are both Latin!

Plant Type for 'Emerald Green' Arborvitae:

'Emerald Green' arborvitae is an evergreen in the Cypress family. Although some might say they are, technically, tall shrubs, they are commonly referred to as "trees."

USDA Plant Hardiness Zones for 'Emerald Green' Arborvitae Trees:

'Emerald Green' arborvitae should be grown in zones 2-7.

Characteristics of 'Emerald Green' Arborvitae Trees:

'Emerald Green' arborvitae usually reaches just 12'-14', with a spread of 3'-4'. Its foliage comes in flat sprays and, if you look closely, the needles appear covered in scales.

Plant Care for 'Emerald Green' Arborvitae Trees:

If the typical dimensions for this plant are still too big for your needs, they can be pruned in early spring (before any new growth) to a size with which you are more comfortable. Since this tree is not drought-tolerant, water well during hot summers and mulch generously to hold in some of that water.

Sun and Soil Requirements for 'Emerald Green' Arborvitae Trees:

Although not drought-tolerant, 'Emerald Green' arborvitae does fine in full sun (it doesn't mind partial shade, however). Grow in a well-drained soil.

Uses for 'Emerald Green' Arborvitae Trees in Landscaping:

A slim tree of medium height, 'Emerald Green' arborvitae is often planted in a row -- as a decorative border planting, wind screen or privacy screen. Because it is evergreen, its usefulness in any of these capacities extends throughout the year in the North. Occasionally, the tree is also used as a specimen.

Leyland Cypress vs. 'Emerald Green' Arborvitae Trees:

Its cold hardiness makes 'Emerald Green' arborvitae a solid choice for Northern landscapers, who might otherwise use Leyland cypress, a favorite in zone 6 and higher. 'Emerald Green' arborvitae would also be the choice over Leyland cypress in cases where a tall tree would be inappropriate. Whereas the latter reaches at least 60' at maturity, 'Emerald Green' arborvitae usually reaches just 12'-14'. These differences notwithstanding, the two trees have a similar look and are both popular, particularly as "living wall" privacy screens.

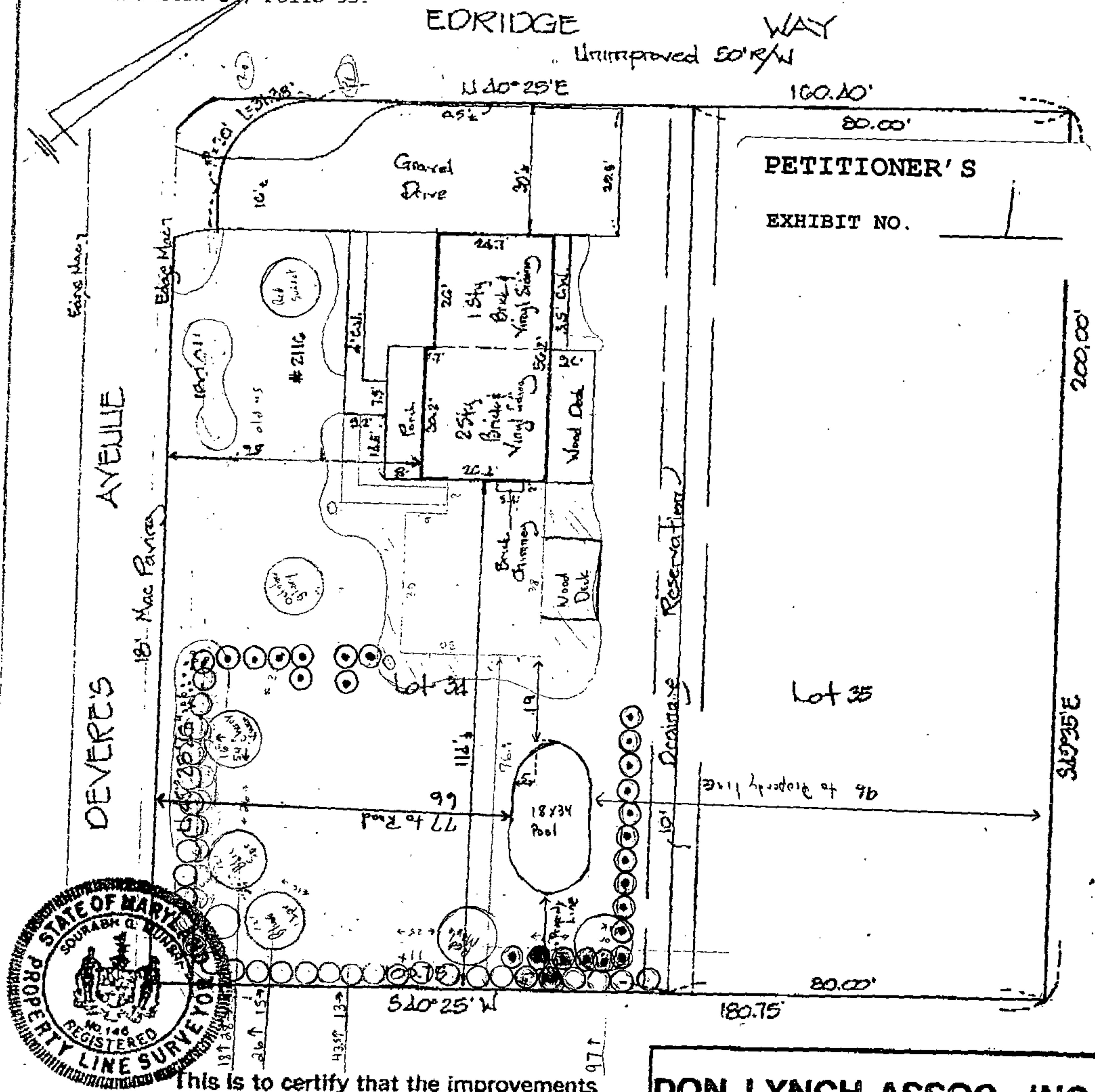
DATE _____

E-MAIL

mdaggett@teksystems.com

2116 Devere Avenue
503-55,725

Plat of Property known as #2116 Devere's Avenue, also known as Lots 34 and 35 as shown on Plat No. 2, "Graham Place" including Resubdivision of Lots No. 15-16-39-40-41 & 42 Graham Place, Section No. 1 and recorded among the land records of Baltimore County in Plat Book 14, Folio 95.



This is to certify that the improvements indicated hereon are located as shown. This is not a property line survey and should not be used as such.

Sourabh Munshi.

DON LYNCH ASSOC., INC.
4907 HARFORD ROAD
BALTIMORE, MD. 21214

Scale: 1" = 30'

Date: 11/18/84

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Laurel, Cherry

Using Cherry Laurel

Planting Cherry Laurel

Caring For Cherry Laurel

Problems of Cherry Laurel

Cherry Laurel (*Prunus laurocerasus*)

The many kinds of Cherry trees and shrubs are favorites in American yards. While some types of these familiar trees are grown primarily for their fruit, many others are valued for their ornamental qualities. Both kinds grace residential lawns and gardens with their lovely spring flowers and attractive shapes. One of the most popular and versatile of the ornamental kinds of cherries is Common Cherrylaurel. Also known as European or English Cherrylaurel, it is a broadleaved evergreen which has many uses in the landscape. The fruit and foliage of this fast growing plant are suspected of being poisonous to animals which may be why it is one of the few landscape shrubs which deer do not eat.

Size: Cherry laurels may be in the form of low, compact spreading shrubs, or upright taller shrubs or small trees. As trees, they may grow from 20 to 25 feet tall and 15 to 18 feet wide. However, the shrub forms are more common, growing only 10 to 18 feet tall and spreading as wide as 30 feet if they are not pruned. The variety 'Otto Luykens' is very compact, growing to only 5 feet in height and width. Under ideal growing conditions cherry laurels are fast growers.

Search Our Site

Foliage: Cherry laurel shrubs and trees have evergreen foliage. Individual leaves typically measure from 2 to 6 inches long and from 1/2 to 1 inch wide. They are narrowly oblong in shape with smooth edges that sometimes have a few teeth near the tip of each leaf. Leaves are an attractive glossy dark green above, a paler green underneath. Older leaves turn duller and more olive green as they age. Cherry laurel 'Variegata' has mottled leaves of cream and green. Other varieties have narrower, smaller leaves. The undersides of cherrylaurel leaves have distinctive tiny nectar disks about 1/5 inch long near their stem end.

PETITIONER'S

EXHIBIT NO.

2-A

Flowers and Fruit: Cherrylaurel varieties have fragrant white flowers about 1/4 inch long. They develop in narrow, cylindrical clusters from 2 to 5 inches long that emerge where the leaves join the stems. Appearing in late spring, they are followed later in the summer by 1/2 inch long oval green fruits. These drooping fruits that nestle inconspicuously among the foliage eventually turn a purplish-black. They are reputed to be mildly poisonous.

Cherrylaurel Choices

There are several excellent varieties of cherrylaurel: 'Magnolia' has very large leaves, can be trained into a tree; 'Otto Luyken' is compact with abundant flowers, grows to 4 feet, spreads up to 8 feet; 'Schipkaensis' is the hardiest, wide spreading, smaller leaves; 'Zabeliana' has narrow, willow type leaves, a good shade ground cover.

For more information see file on [Selecting Shrubs](#).

Using Cherry Laurel	Planting Cherry Laurel	Caring For Cherry Laurel	Problems of Cherry Laurel	Yardener's Advisor Newsletter
-------------------------------------	--	--	---	---

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PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

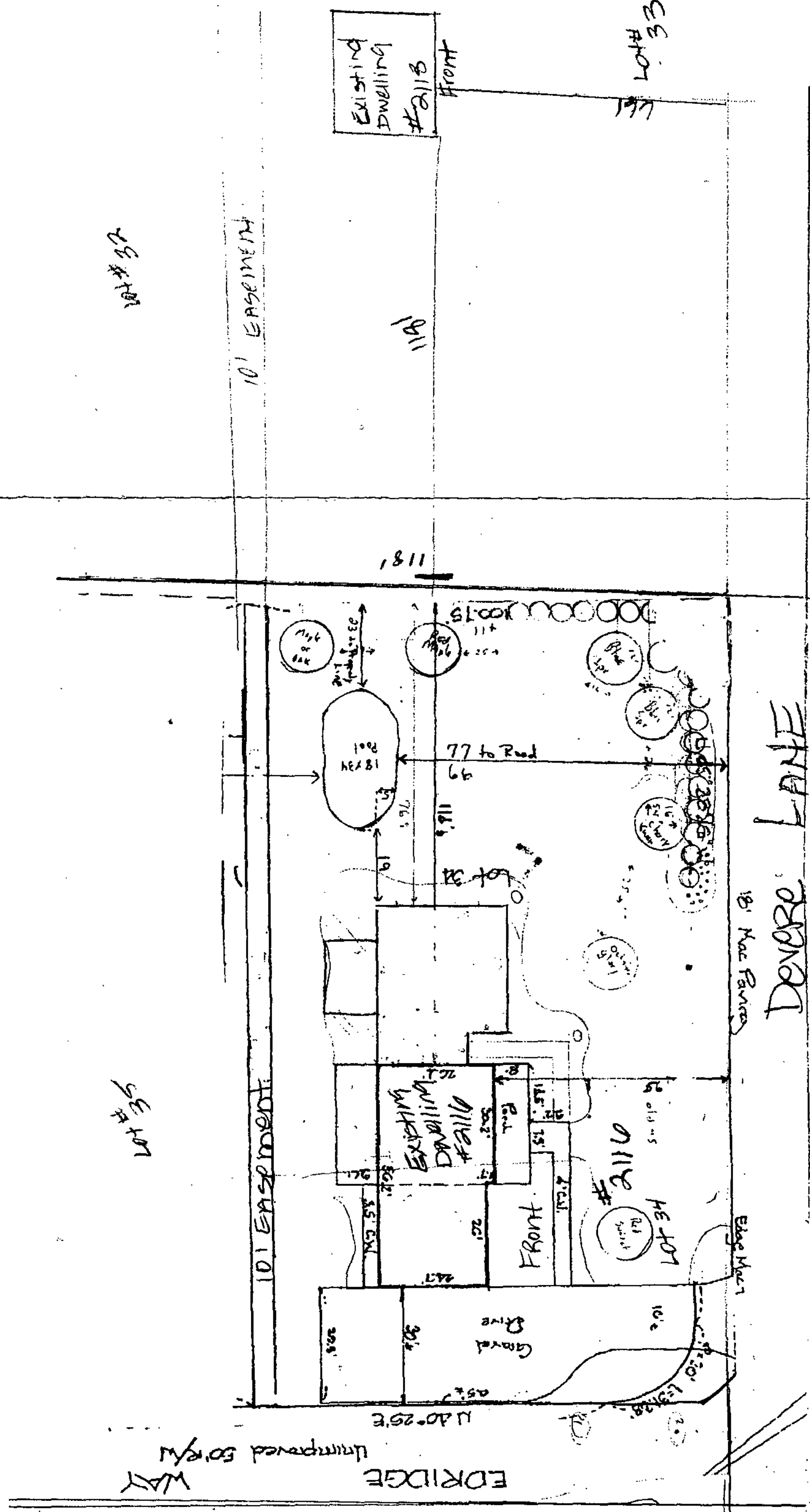
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 2116 Devere Lane

SUBDIVISION NAME Graham Place

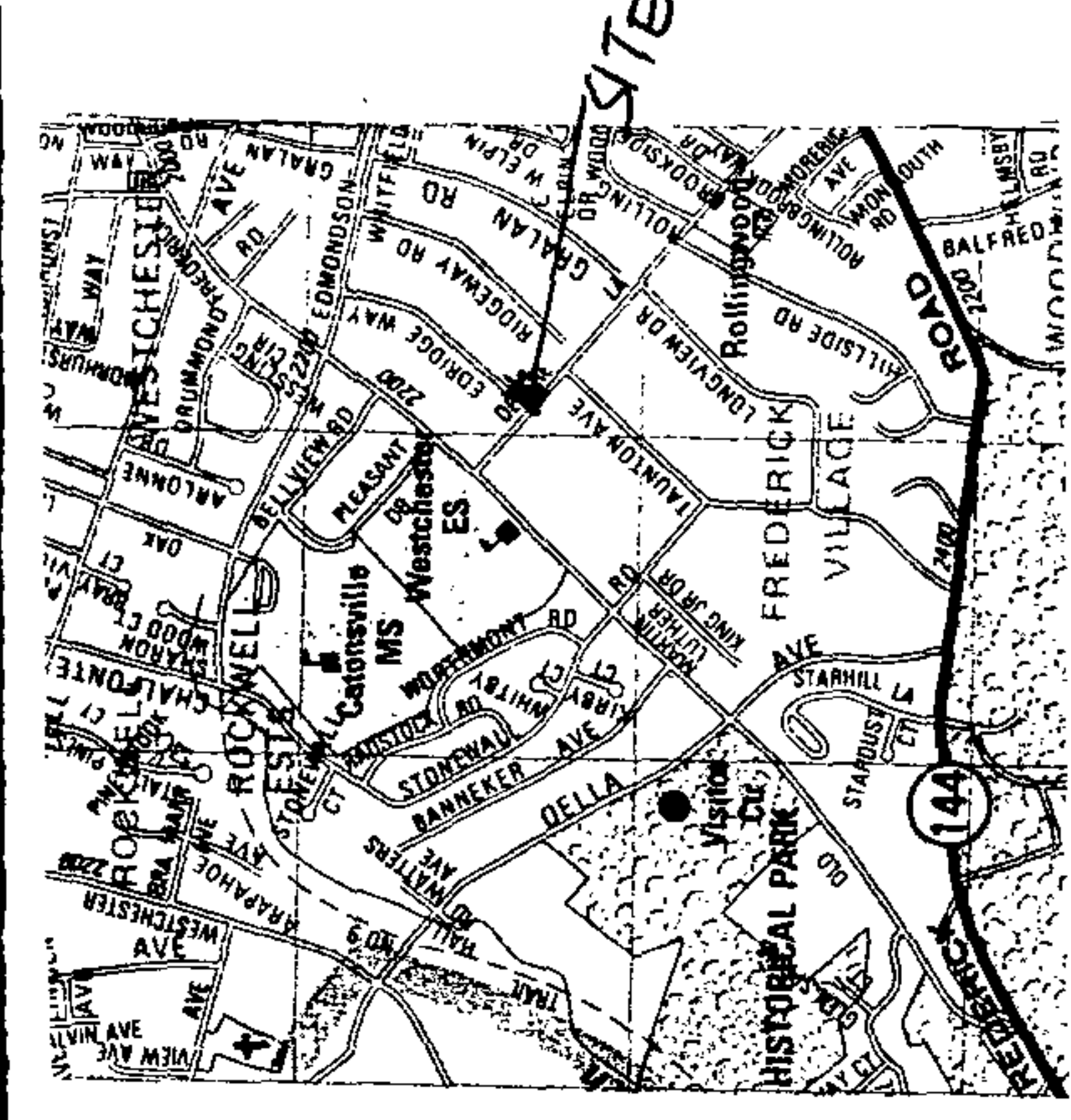
PLAT BOOK # FOLIO # LOT # 34 SECTION #

OWNER Michael D + Jeanne Edwards + Michael A. + Amy Daggett



PETITIONER'S
EXHIBIT NO. 1

PREPARED BY Beverly Trve SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1st
COUNCILMANIC DISTRICT 1st
1" = 200' SCALE MAP # SA3H
ZONING DR2 100C2
LOT SIZE 19,355 SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE ☐
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

A. TSUI | 129 | 08-129-A