

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Freeland Road, 850 feet SW
of the c/l of Hesson Road
6th Election District
3rd Councilmanic District
(2020 Freeland Road)

Daniel and Jeannine Fishpaw
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 08-176-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, Daniel and Jeannine Fishpaw for property located at 2020 Freeland Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed in-ground pool) to be located in the side yard in lieu of in the rear yard as required. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners cannot locate the proposed in-ground pool in the rear yard because of the existing septic tank and septic reserve area. The owners will expand the home on the left side in the near future. The pool at this location allows access to the basement entry for the use of bathroom and changing facilities. The subject property contains 4.13 acres, and the home is located approximately 471 feet from Freeland Road.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 28, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

COPIES RECEIVED FOR PLANS

11-15-07

[Signature]

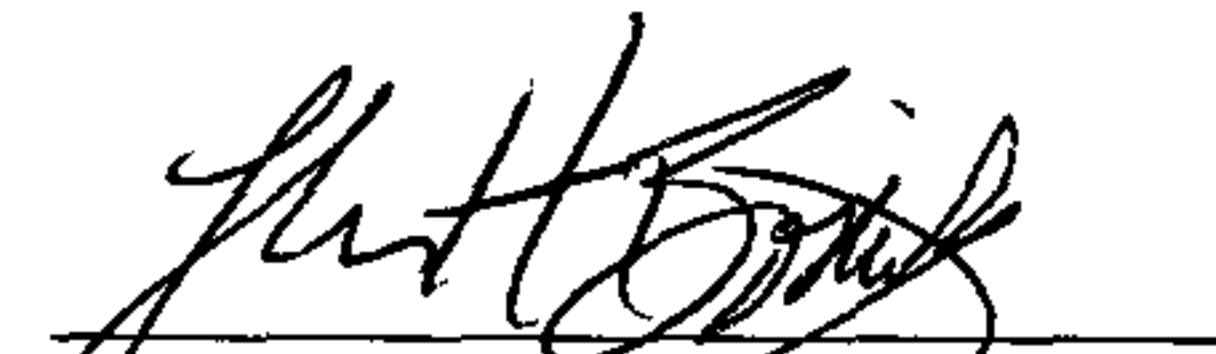
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of 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 15th day of November, 2007 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (proposed in-ground pool) to be located in the side yard in lieu of in the rear yard as required 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

NOTED RECEIVED FOR FILE
11-15-07
PB



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 15, 2007

DANIEL AND JEANNINE FISHPAW
2020 FREELAND ROAD
FREELAND MD 21053

Re: Petition for Administrative Variance
Case No. 08-176-A
Property: 2020 Freeland Road

Dear Mr. and Mrs. Fishpaw:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Francis Stefanski, 2066 York Road, Timonium MD 21093



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2020 FREELAND 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) BCZR 400.1

TO PERMIT AN ACCESSORY STRUCTURE (PROPOSED INGROUND POOL) TO BE LOCATED IN THE SIDE YARD 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):

DANIEL FISHPAW

Name - Type or Print

Signature

Name - Type or Print

Signature

2020 FREELAND ROAD

Address

410 357 9116

Telephone No.

FREELAND

City

MD

State

21053

Zip Code

Representative to be Contacted:

FRANCIS STEFANSKI

Name

2066 YORK ROAD

Address

410 252 5116

Telephone No.

TIMONIUM

City

MD

State

21093

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 _____ day of _____ 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. 08-176-A

REV 10/25/01

Reviewed By A-TSM

Date 10/15/07

Estimated Posting Date 10/28/07 - 11/12/07

~~STAMP RECEIVED FOR FILE~~

11-15-07

pb

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

2020 FREELAND ROAD
Address
FREELAND MD 21053
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① THE SEPTIC TANK IS LOCATED IN THE REAR AREA BEHIND HOUSE
- ② OWNERS HOPE TO EXPAND HOUSE INTO LEFT REAR AREA IN FUTURE
- ③ CLOSE ACCESS TO BASEMENT ENTRY ALLOWS FOR EASY USE OF BATHROOM AND CHANGING FACILITIES FROM POOL

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

x 

Signature

Daniel E fishpaw

Name - Type or Print

x 

Signature

Jeannine N fishpaw

Name - Type or Print

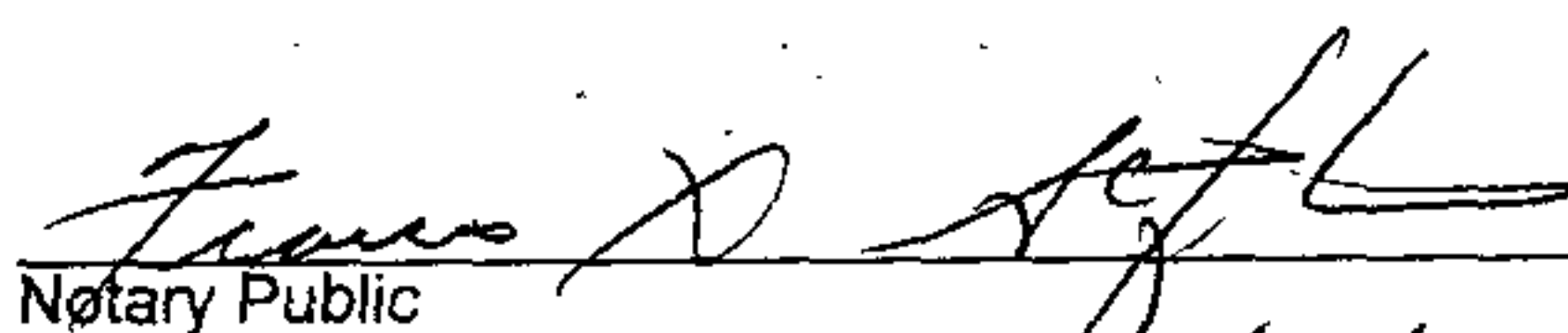
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DANIEL & JEANNINE FISHPAW
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

4/1/11

ZONING DESCRIPTION FOR 2020 FREELAND ROAD

"As recorded in Deed Liber 7242, Folio 147" and described as follows,

Typical metes and bounds: N. 17' 35' 24" E. 400.0 ft., N. 79' 54' 40" E. 529.90 ft.,
S. 69' 00' 00" E. 175.24 ft., S 52' 06' 53" E. 190.90 ft., N. 52' 06' 53" W. 186.43 ft.,
N. 55' 00' 00" W. 61.35 ft., S 66' 12' 59" W. 258.86 ft., S. 31' 08' 40" E. 53.20 ft.,
S 66' 12' 59" W. 629.35 ft. to the place of beginning.

08-176-A

SECRET

Date: 10/15/07

7-11-2000 11:30 AM

[illegible]

Total:

FRANÇOIS STANSKE

2020 Fasting BP

08-176-8

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Date: 10/28/07

RE: Case Number: 08-176-A
Petitioner/Developer: Daniel Fishpaw
Date of Hearing/Closing: 11/12/07

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2020 Freeland Rd

The sign(s) were posted on 10/28/07
(Month, Day, Year)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-176-A
TO PERMIT AN ACCESSORY STRUCTURE
(PROPOSED IN-GROUND POOL) TO BE LOCATED
IN THE SIDEYARD IN LIEU OF IN THE
REARYARD AS REQUIRED

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS FILED IN THE ZONING OFFICE BEFORE
12/12/07. DETAILS AVAILABLE AT
ZONING MANAGEMENT

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, Md 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 12, 2007

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

Mr. & Mrs. Daniel Fishpaw
2020 Freeland Road
Freeland, MD 21053

Dear Mr. & Mrs. Fishpaw:

RE: Case Number: 08-176 2020 Freeland Road

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures
c: Peoples Council
Francis Stefanski 2066 York Road Timonium, MD 21093

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 25, 2007

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

RECEIVED
OCT 30 2007

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-176 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray /ms

Division Chief: Lynn Lantham /ms

CM/LL



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

State Highway
Administration

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

Maryland Department of Transportation

Date: OCTOBER 25, 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. 8-176-A
2020 FREELAND ROAD
FISHDAW 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. 8-176-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,

For 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, MARYLAND
INTEROFFICE CORRESPONDENCE

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

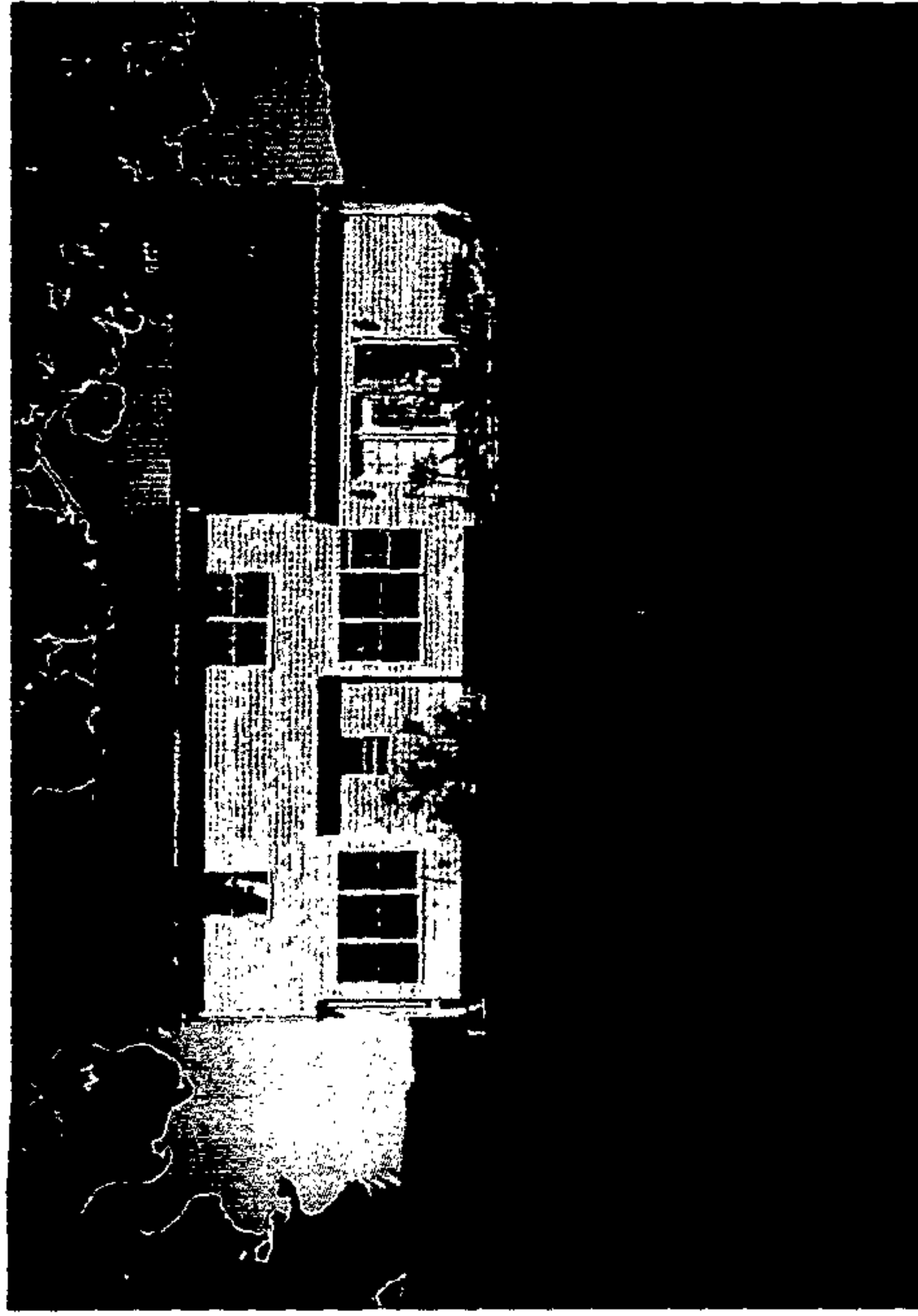
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 29, 2007
Item Nos. 08-171, 172, 173, 174, 175, 176,
177, 178, 179, 180, 181, and 182

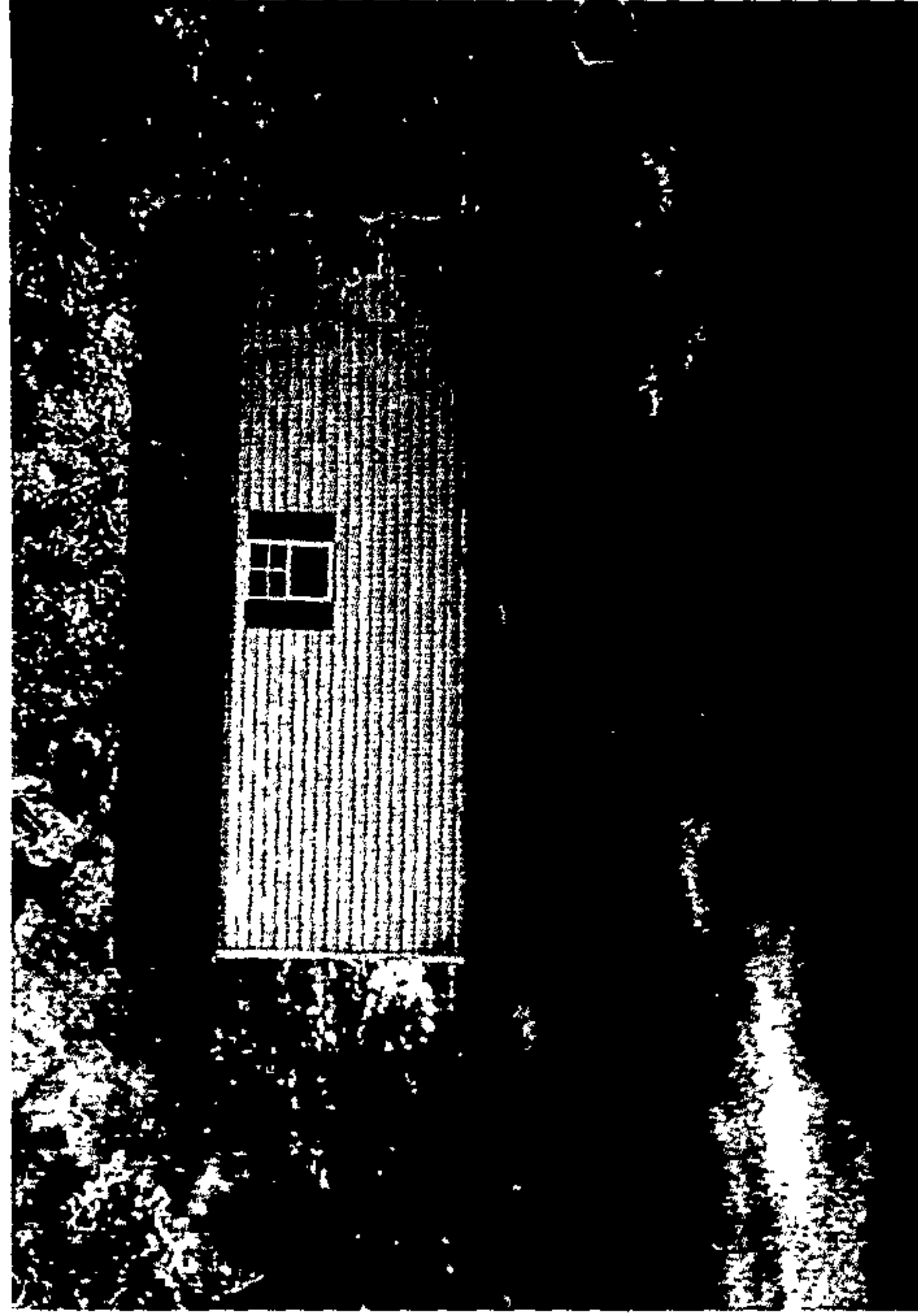
DATE: October 23, 2007

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-10232007.doc



BACK OF HOUSE



BACK ROWE RIGHT OF HOUSE



BACK LINE LEFT OF HOUSE

08-176-A



BACK RIGHT OF HOUSE



FRONT LEFT



REAR OF PROPERTY FRONT CENTER BACK
OF HOUSE



BACK OF HOUSE RIGHT

08-176-A



Room Right

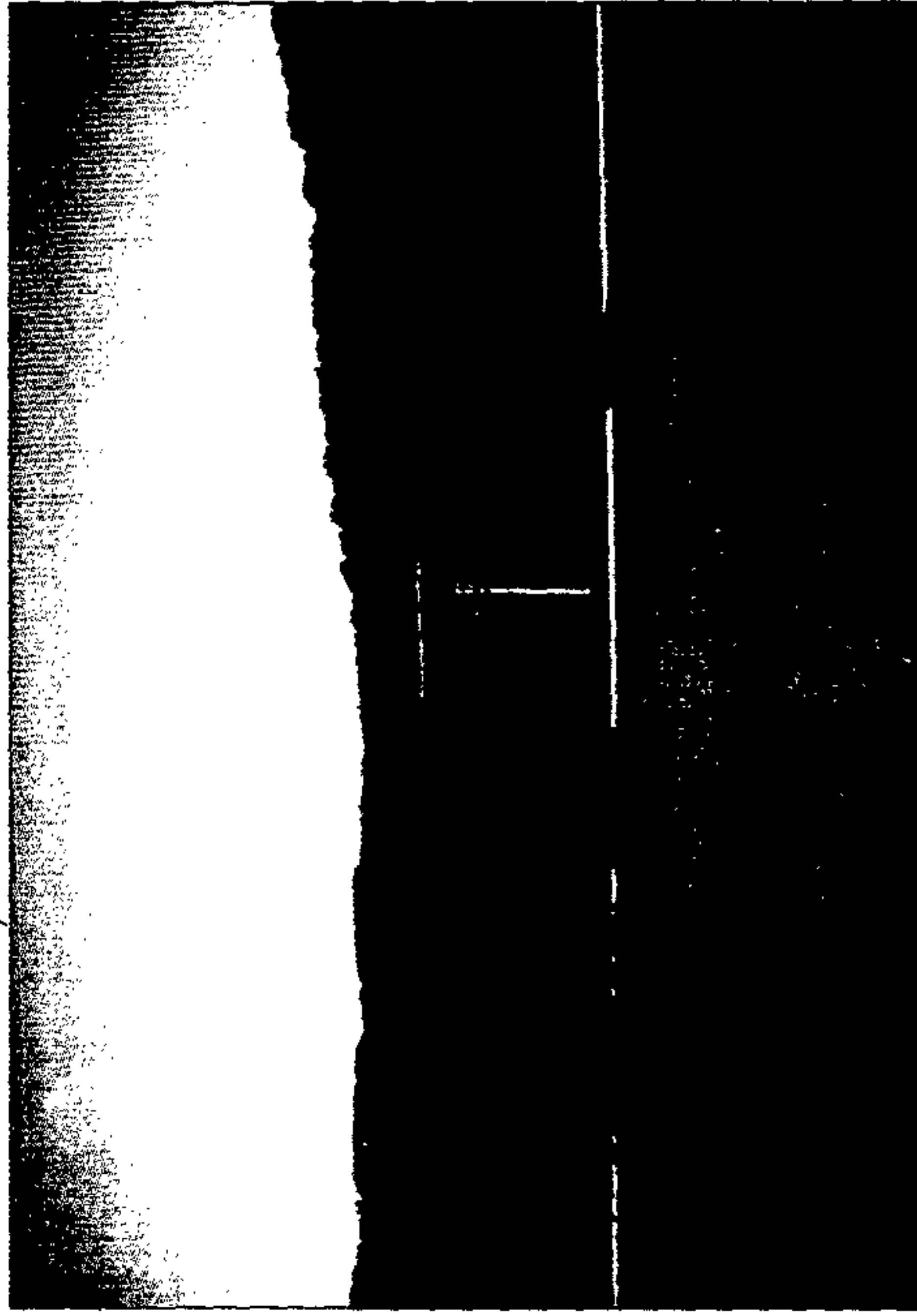
08-176-A



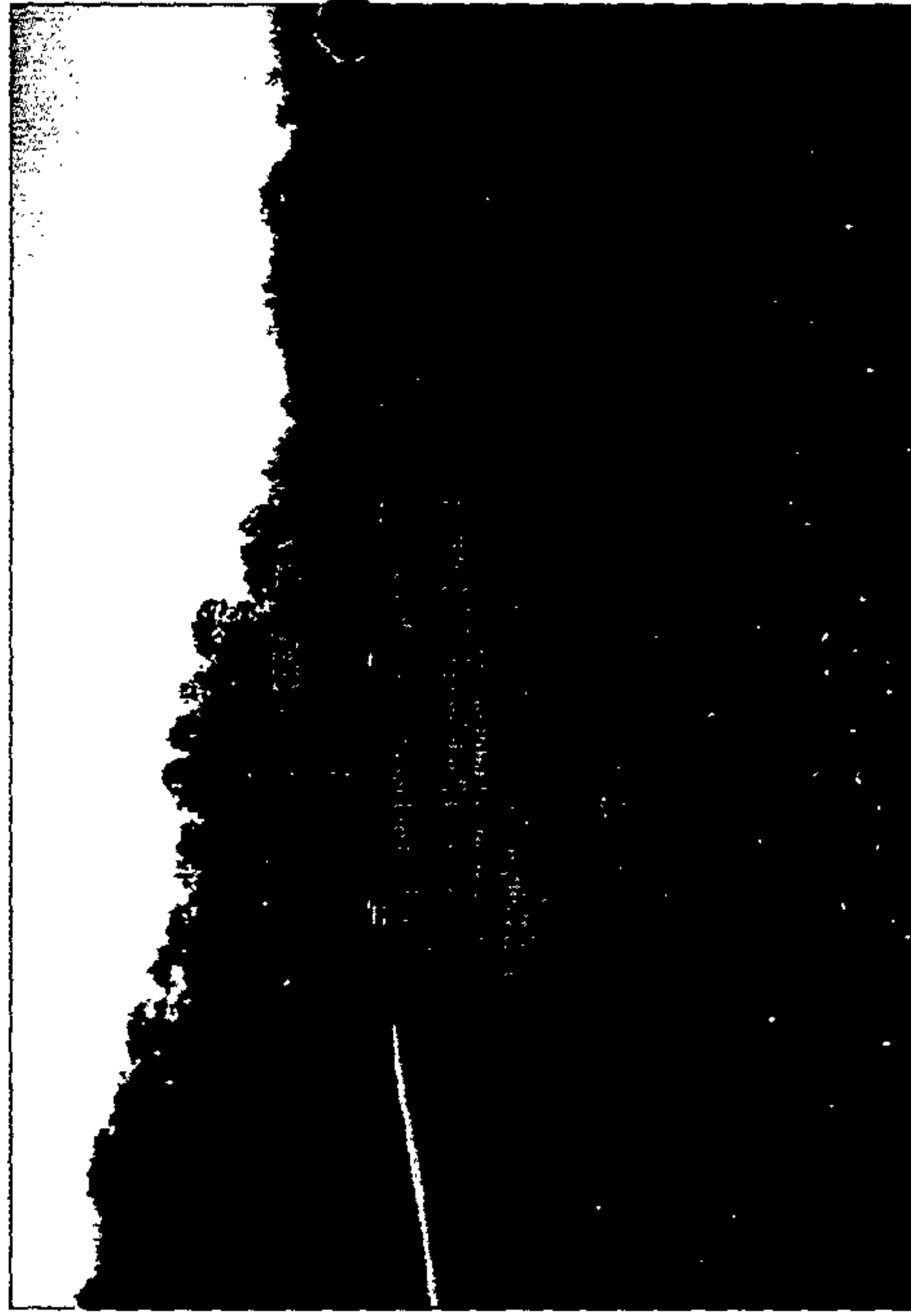
FRONT RIGHT SIDE



ROAD TO LEFT



HOUSE TO FRONT ROAD



FRONT ROAD TO HOUSE

08-176A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 176 -A Address 2020 FREELAND ROAD

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/15/2007 Posting Date: 10/28/2007 Closing Date: 11/12/2007

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- 176 -A Address 2020 FREELAND ROAD
Petitioner's Name DANIEL FISHPAW Telephone 410-357-9116

Posting Date: _____ Closing Date: 11/12/07

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (PROPOSED
INGROUND POOL) TO BE LOCATED IN THE SIDE YARD
IN LIEU OF IN THE REAR YARD AS REQUIRED

WCR - Revised 6/25/04

NW 36-F

ROAD

NW 36-E

006B3

RC 54

6 ED

3 CD

RC 2

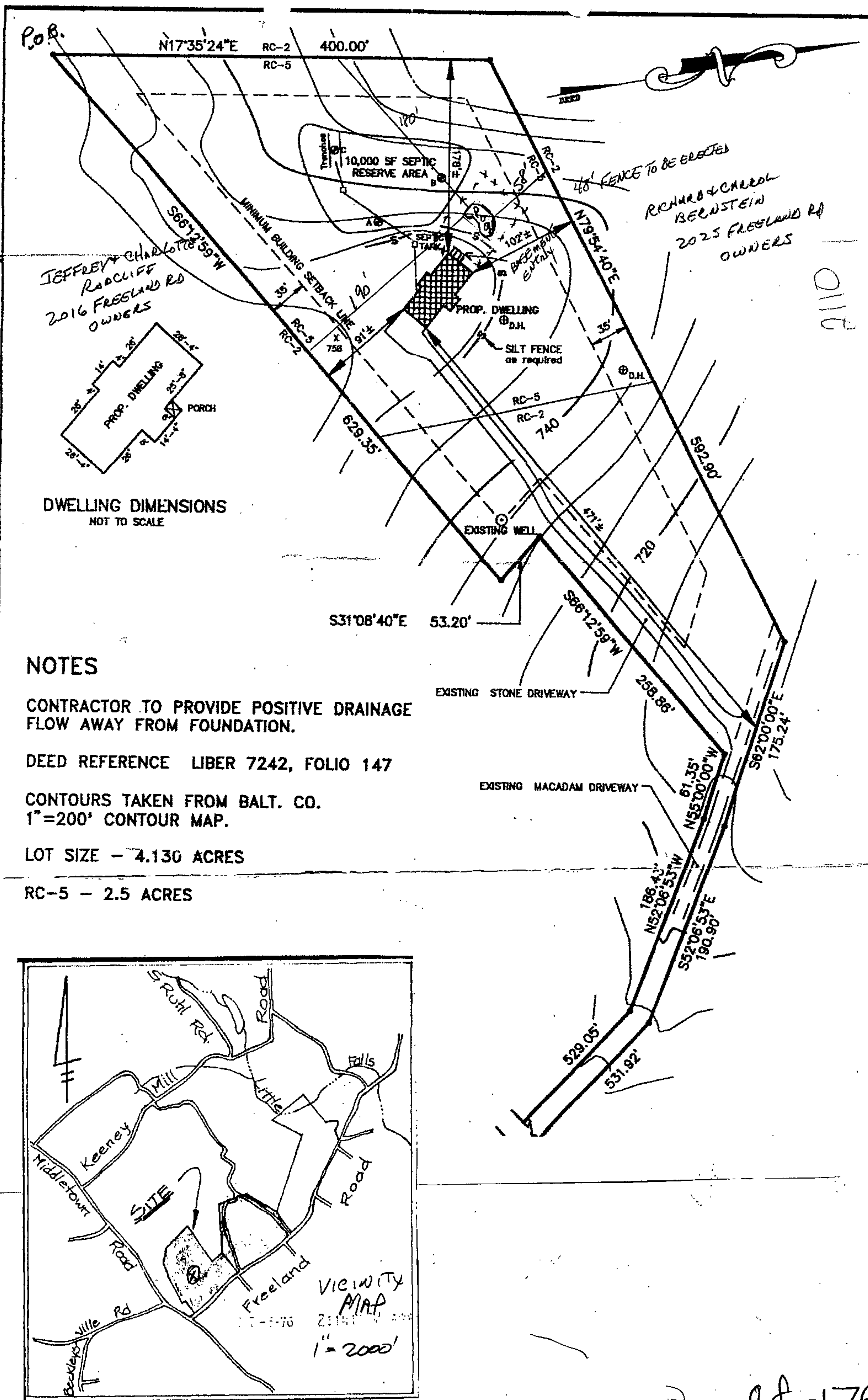
NW 35-F

NW 35-E

011B1

08176-A

PLATT TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE



08-176-A

PROPERTY ADDRESS 2020 FREELAND ROAD			LOCATION INFORMATION	
SUBDIVISION SPRING VALLEY FARMS			ELECTION DISTRICT	06
PLAT BOOK 40 FOLIO 28 LOT			COUNCILMANIC DISTRICT	03
OWNER DANIEL + JEANNINE FISHPAW			1" = 200' SCALE MAP	006B3
ZONING OFFICE USE ONLY			ZONING R	RC-5
			LOT SIZE	4.13 AC 165200.7
			SEWER	PRIVATE
			WATER	PRIVATE
			CHESAPEAKE BAY CRITICAL AREA	NO
			100 YEAR FLOOD PLAIN	NO
			HISTORIC PROPERTY	NO
REVIEWED BY			PRIOR ZONING HEARINGS	NONE
ITEM #				
CASE #				