

IN RE: PETITION FOR ADMIN. VARIANCE

SW corner of Pendleton Road and
Knox Avenue
8th Election District
2nd Councilmanic District
(13103 Pendleton Court)

Stephen and Diane Grubb
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-258-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, Stephen and Diane Grubb for property located at 13103 Pendleton Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 2 proposed accessory structures (a pool and a pool house) to be located within the front and side yards in lieu of the required rear yard only, and to allow an accessory building (pool house) up to 28 feet in height in lieu of the required maximum 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The lot shape is very irregular with curving side lines. The buildable areas are greatly diminished by the septic reserve areas in the front of the lots, the wells in the rear of the lots, and the very generous forest buffer and forest conservation easements in the rear of the lots. The construction over the property line between Lots 1 and 2 is needed to effectively consolidate the lots. There is not a way to build over the property lines or build in an area convenient to the existing dwelling in the rear yard. The existing parcels around the proposed pool are comprised of a stormwater management pond, FBE/FCE easement and Knox Avenue. Lot 1 measures 2.56 acres in size and Lot 2 measure 1.321 acres in size.

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ps

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 18, 2007 and that Office does not object to the Petitioners' request. The comments recommend that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area or kitchen facilities, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 15, 2007 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 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.

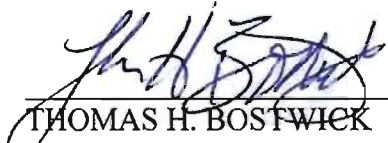
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of January, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 2 proposed accessory structures (a pool and a pool house) to be located within the front and side yards in lieu of the required rear yard only, and to

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1-7-08
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allow an accessory building (pool house) up to 28 feet in height in lieu of the required maximum 15 feet is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
3. The accessory structures shall not be used for commercial purposes.

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


THOMAS H. BOSWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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1-7-08
BY 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 7, 2008

STEPHEN AND DIANE GRUBB
13103 PENDLETON COURT
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 08-258-A
Property: 13103 Pendleton Court

Dear Mr. and Mrs. Grubb:

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

c: J. Scott Dallas, JS Dallas Inc., PO Box 26, Baldwin MD 21013



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at #13103 Pendleton Court

which is presently zoned RC4 and RC5

Deed Reference: 25379 / 235 Tax Account # 08-2400006160
25379 / 240 08-2400006161

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 to permit two proposed accessory structures (a pool and a pool house) to be located within the front and side yards in lieu of the required rear yard only and Section 400.3 to allow an accessory building of up to 28 feet in height in lieu of the required maximum 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Stephen Grubb

Name - Type or Print

Signature

Diane Grubb

Name - Type or Print

Signature

c/o Martin Bement
13103 Pendleton Court 410-732-1555

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

Representative to be Contacted:

J. Scott Dallas (J.S. Dallas Inc)

Name

P.O. Box 26

410-817-4600

Address

Telephone No.

Baldwin

MD

21013

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 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. 08-258-A

Reviewed By JF/CM Date 12-6-07

REV 7/20/07

Estimated Posting Date 12-16-07

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P3

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 13103 Pendleton Court
Address
Reisterstown MD 21136
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):

The lot shape is very irregular, with curving sidelines. The buildable areas are greatly diminished by the septic reserve areas in the front, the wells in the rear, and the very generous forest buffer and forest conservation easements in the rear of the lots. The construction over the property line between lots 1 and 2 is needed to effectively consolidate the lots. There is not a way to build over the property line or build in an area (convenient to the existing dwelling) in the rear yard. The existing parcels around the proposed pool house are comprised of a SWM pond, FBE/FCE easement and Knox Avenue.

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.

Stephen S. Grubb
Signature

Dianne Grubb
Signature

Stephen Grubb
Name - Type or Print

Dianne Grubb
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of November, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dianne + Stephen Grubb
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 07/21/2009
My Commission Expires _____

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE

P.O. BOX 26

BALDWIN, MD 21013

(410) 817-4600

FAX (410) 817-4602

ZONING DESCRIPTION FOR #13103 PENDLETON COURT

BEGINNING at the intersection of the south side of Pendleton Court which is 40 feet wide and the west side of Knox Avenue, which is 50 feet wide.

BEING Lots No.1 and 2, "**MEDFORD**" as recorded in Baltimore County Plat Book No.76 Folio 145.

CONTAINING 169019 square feet of land, more or less or **3.880** acres of land, more or less.

ALSO known as **#13103 PENDLETON COURT** and located in the 8TH Election District 2ND Councilmanic District.

Note: above description is based on existing record plat and is for zoning purposes only.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **08740**

Date: **12-6-07**

PAID RECEIPT

BUSINESS DAY TIME
 12/07/2007 12:06:40 PM 11:10:54 2

DEPT 002 MAIL DEPT 001
 DIRECT 1PT 11 12/06/2007 12/06/2007 OPEN

DEPT 001 12/06/2007 12/06/2007

DEPT 001 12/06/2007 12/06/2007

DEPT 001 12/06/2007 12/06/2007

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DEPT 001 12/06/2007 12/06/2007

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
0001	0000			6151				65.00

Total: **65.00**

Rec

From: **Stephen Gubb**

For:

13113 Payroll of IREM #258
payroll for IREM #258

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 12/19/07

Case Number: 08-258-A

Petitioner / Developer: J. S. DALLAS INC.~STEPHEN & DIANE GRUBB

Date of Hearing (Closing): DECEMBER 31, 2007

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:
13103 PENDLETON ROAD

The sign(s) were posted on: 12/15/07



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 258 -A

Address 13103 PENDLETON RD.

Contact Person: JF/CM

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12-6-07

Posting Date: 12-16-07

Closing Date: 12-31-07

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- 258 -A

Address 13103 PENDLETON RD

Petitioner's Name Stephen / Diane Grubb

Telephone 410-732-1555

Posting Date: 12-16-07

Closing Date: 12-31-07

Wording for Sign: To Permit Two PROPOSED ACCESSORY STRUCTURES (A POOL AND A POOL HOUSE) TO BE LOCATED WITHIN THE FRONT AND SIDE YARDS IN LIEU OF THE REQUIRED REAR YARD ONLY AND SECTION 400.3 TO ALLOW AN ACCESSORY BUILDING OF UP TO 28 FEET IN HEIGHT IN LIEU OF THE REQUIRED MAXIMUM 15 FEET

WCR - Revised 6/25/04

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: 08-258-A
Petitioner: Stephen and Dianne Grubb
Address or Location: 13103 Pendleton Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Stephen and Dianne Grubb
Address: 13103 Pendleton Ct.
Reisterstown MD 21136
Telephone Number: c/o Martin Bement
410. 732.1555



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

December 31, 2007

Stephen Grubb
Diane Grubb
% Martin Bement
13103 Pendleton Court
Reisterstown, MD 21136

Dear Mr. and Mrs. Grubb:

RE: Case Number: 08-258-A, 13103 Pendleton Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 6, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
J. Scott Dallas P.O. Box 26 Baldwin 21013



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: 12/11/2007

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

RE: Baltimore County
Item No. 8-298-A
13103 PENDLETON COURT
GRUBB 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. 8-298-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

DATE: December 12, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For December 17, 2007
Item Nos. 08-248, 249, 251, 252, 253,
254, 255, 256, and 258

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- 121207.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 18, 2007

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

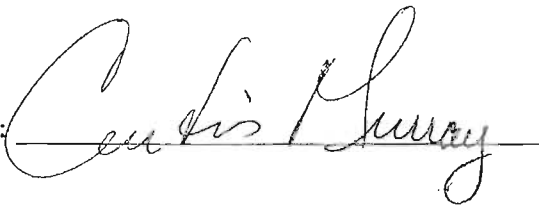
SUBJECT: 8-258 – ~~Administrative Variance~~

The Office of Planning does not oppose the petitioner's request to permit two accessory structures (pool and pool house) with the pool house having a height of 28 feet in lieu of the maximum permitted 15 feet and to be located in the front and side yards in lieu of the required rear yard provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
2. The accessory structure(s) shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 18, 2007

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

RECEIVED
DEC 26 2007

BY:

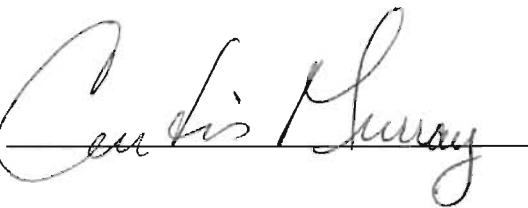
SUBJECT: 8-258 –Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit two accessory structures (pool and pool house) with the pool house having a height of 28 feet in lieu of the maximum permitted 15 feet and to be located in the front and side yards in lieu of the required rear yard provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
2. The accessory structure(s) shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:



AFK/LL: CM



Baltimore County
Fire Department

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

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 10, 2007

Item Number: 248,249,251,253,254,256,258

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.

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

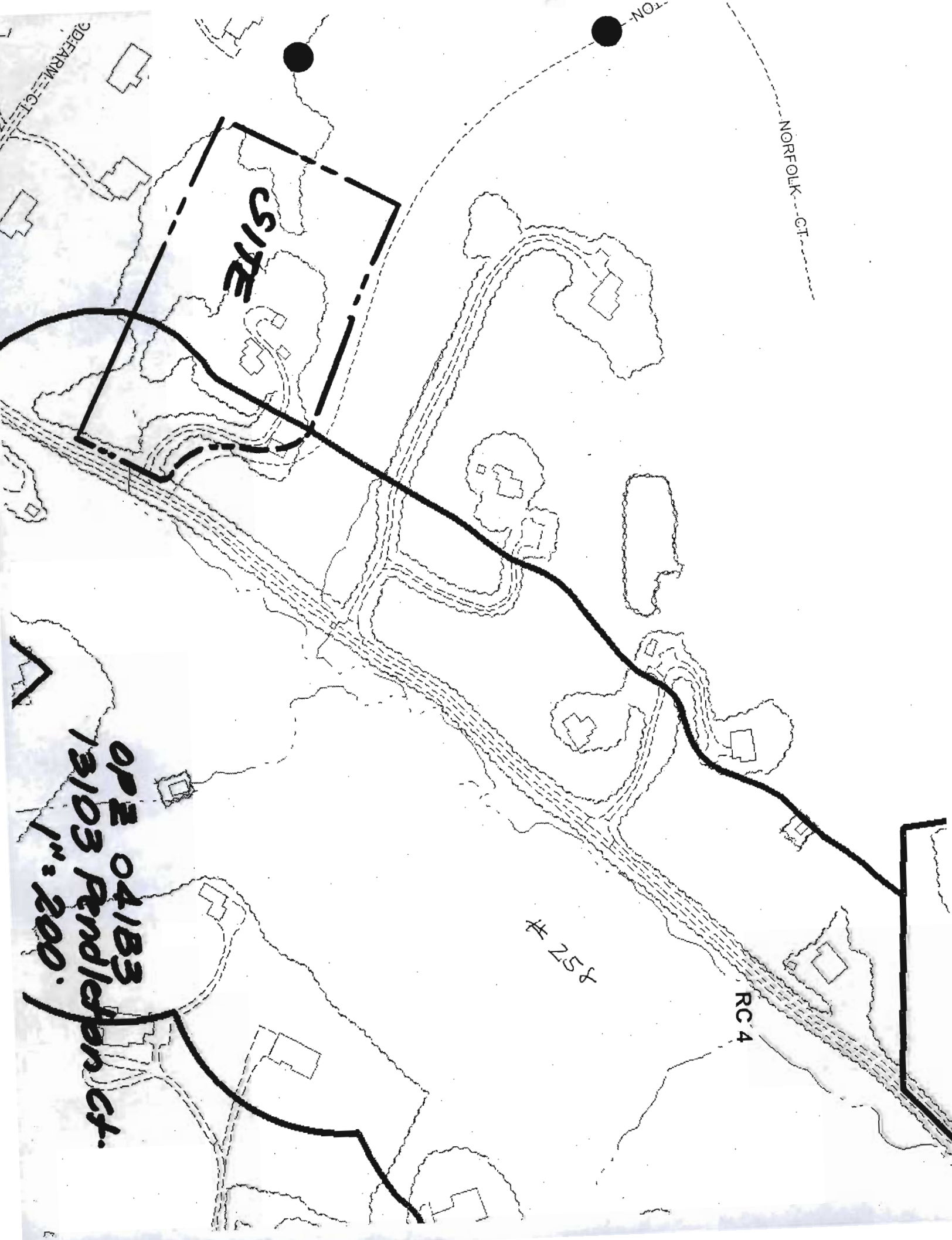
Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

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



Printed with Soybean Ink
on Recycled Paper



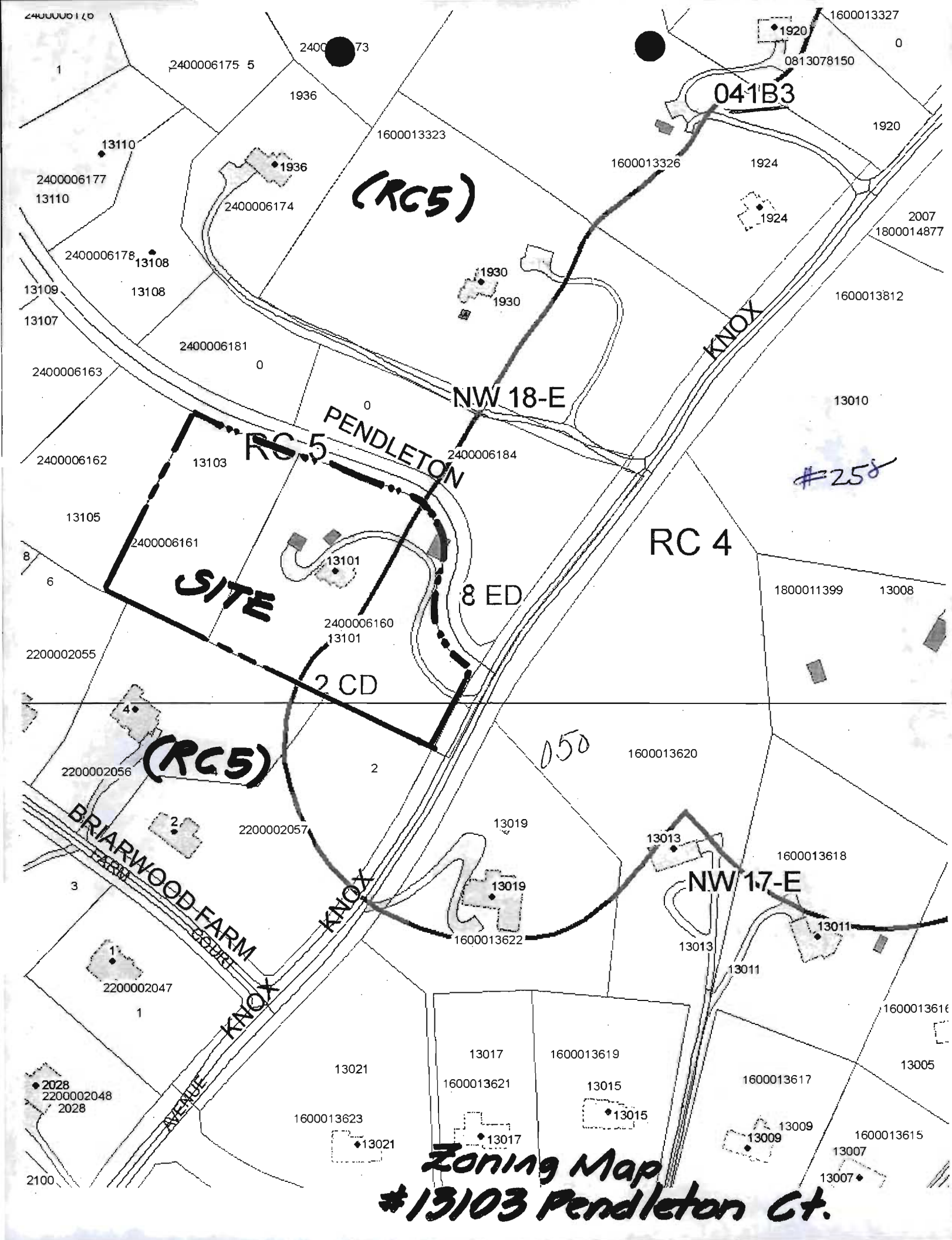
SITE

NORFOLK CT.

0P E 041B3
13103 Pendleton Ct.
1" = 200'

258

RC 4



13103 Pendleton Ct.



#258

13103 Pendleton Ct.



2

13103 Pendleton Ct.



3

13103 Pendleton Ct.



4

13103 Pendleton Ct.



5

13103 Pendleton Ct.



6

13103 Pendleton Ct.



7

13103 Pendleton Ct.



8

13103 Pendleton Ct.



9

13193 Pendleton Ct.



10

NOTES:

1. OWNERSHIP:
STEPHEN AND DIANNE GRUBB
13103 PENDLETON COURT
REISTERSTOWN MD 21136
2. PROPERTY INFORMATION:
TAX MAP 41 GRID 21 PARCEL 33
TAX ACCOUNT NO. 2400006160 (LOT 1)
2400006161 (LOT 2)
3. DEED REFERENCE: 25379- 235 (LOT 1)
25379- 240 (LOT 2)
FINAL SUBDIVISION PLAT
"MEDFORD" (76-145)
4. AREA OF SUBJECT SITE: LOT 1 = 2.560 AC. ± 111496 S.F. ±
LOT 2 = 1.321 AC. ± 57523 S.F. ±
5. SITE LIES IN FLOOD ZONE C PER F. I.R.M. 240010-0230B
6. PRIVATE WELL AND SEPTIC SYSTEM
7. EXISTING ZONING OF SITE RC4 AND RC5
(PER PLAT 76-145) NO KNOWN ZONING HISTORY.
8. SITE IS NOT IN CBCA.
9. NOT A HISTORIC DWG. OR PROPERTY.

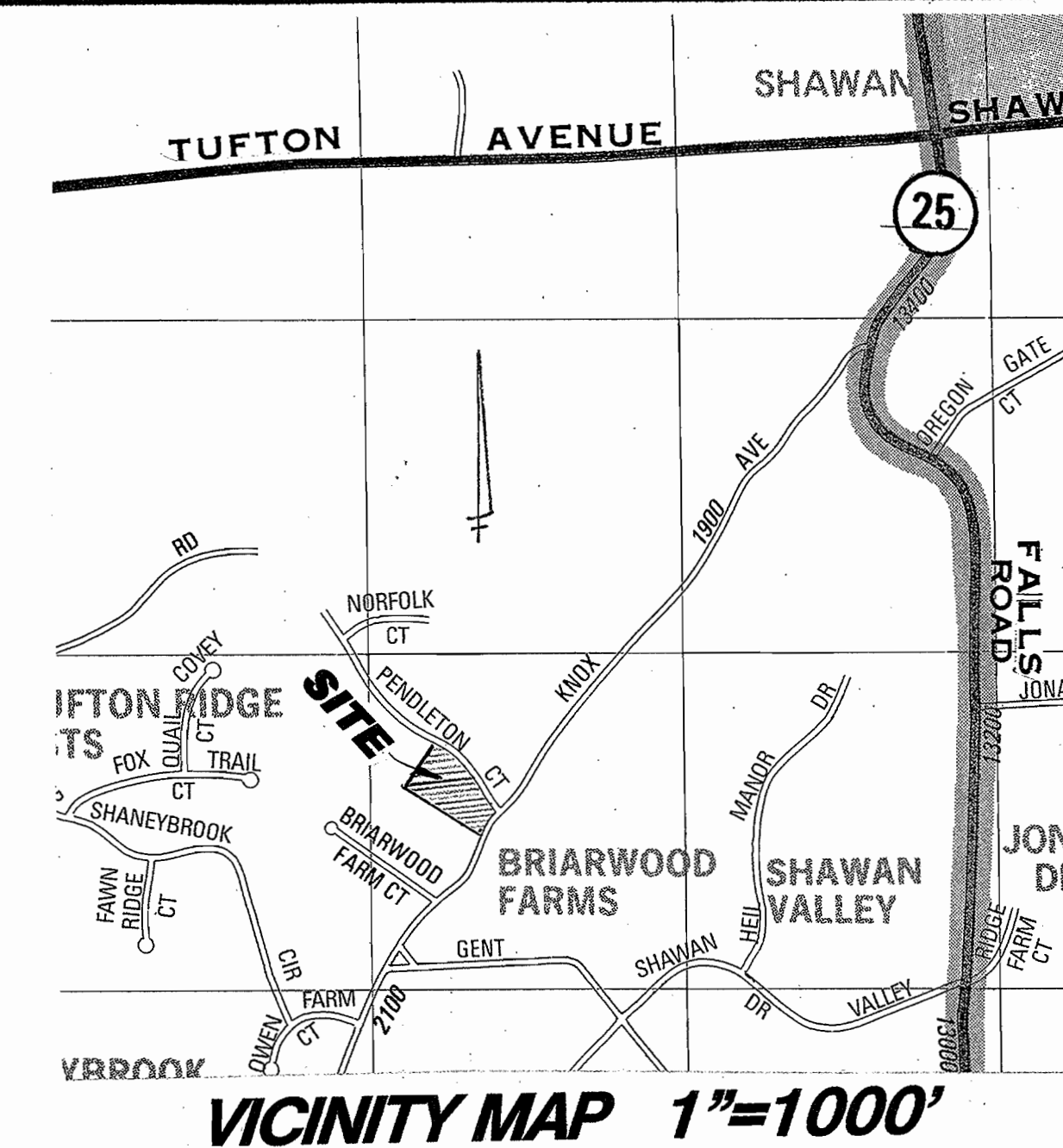
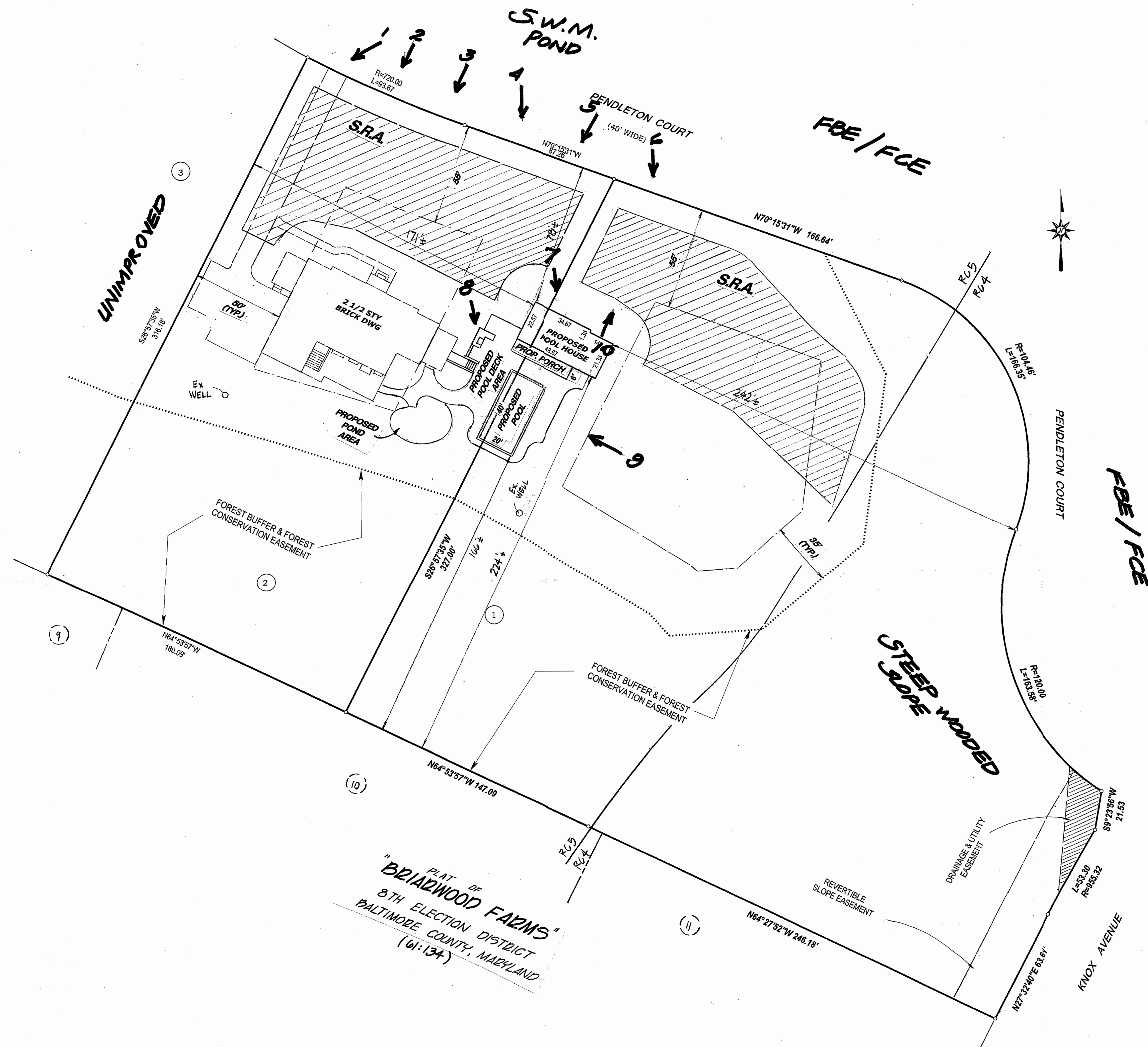


PHOTO KEY
 SITE PLAN TO ACCOMPANY PETITION FOR
 ADMINISTRATIVE VARIANCE
#13103 PENDLETON COURT
 LOTS 1 AND 2
 "MEDFORD" (76-145)
 8TH ELECTION DISTRICT
 2ND COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MD
 SCALE 1"=30' DATE 11-07

J.S. DALLAS, INC.
 SURVEYING & ENGINEERING
 P.O. BOX 26
 BALDWIN, MD. 21013
 (410) 817-4600