IN RE: PETITION FOR ADMIN. VARIANCE

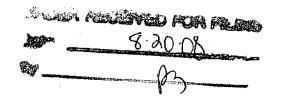
NE corner of Wesley Woods Court and Belair Road 11th Election District 3rd Councilmanic District (3 Wesley Woods Court)

Ronald and Dawn Silverthorn-Cerra Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2009-0011-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, Ronald and Dawn Silverthorn-Cerra for property located at 3 Wesley Woods Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an in-ground swimming pool as an accessory structure in a residential zone to be placed in the rear and in the third of the lot closest to the street in lieu of being in the third lot farthest removed from the street. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The proposed in-ground pool, which is actually under construction, replaces an above ground swimming pool of similar size, but different configuration. An above-ground swimming pool was installed according to a plot plan that accompanied a permit application that was approved in July, 1995 under permit number B242840. The existing dwelling, septic tank and septic reserve area make it prohibitive to install the in-ground pool in a location different than depicted on the site plan. Many of the Petitioners' neighbors signed a letter acknowledging that they are not opposed to the proposed in-ground swimming pool.



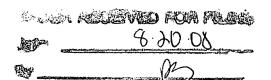
The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 27, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 day of August, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an in-ground swimming pool as an accessory structure in a residential zone to be placed in the rear and in the third of the lot closest to the street in lieu of being in the third lot farthest removed from the street 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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 20, 2008

RONALD AND DAWN SILVERTHORN-CERRA 3 WESLEY WOODS COURT KINGSVILLE MD 21087

Re: Petition for Administrative Variance

Case No. 2009-0011-A

Property: 3 Wesley Woods Court

Dear Mr. and Mrs. Cerra:

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

E: Kenneth J. Wells, 7403 New Cut Road, Kingsville MD 21087

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 3 Wesley Woods Court which is presently zoned RC-5 Deed Reference: 13046 / 312 Tax Account # 2100010276

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

See attached sheet.

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 declar perjury, that I/we are the is the subject of this Pet	legal owner(s) of the	
Contract Purchaser/L	_essee:		Legal Owner(s):		
			Ronald Gera Cerro	9	
Name - Type or Print			Rame - Type or	Print	
Signature			Signature - Dawn Silverthorn-Ce	erra	
Address		Telephone No.	Name - Type or Print	etl - Cos	La Ca
City	State	Zip Code	Signature		
Attorney For Petition	er:		3 Wesley Woods Cou	ırt	410-817-6568
			Address		Telephone No.
			Kingsville	Maryland	21087
Name - Type or Print			City	State	Zip Code
			Representative to	be Contacted:	
Signature			Kenneth J. Wells		
Company			Name 7403 New Cut Road		
Address		Telephone No.	Address		Telephone No.
			Kingsville,	Maryland	21087
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County	. tha	it the subject matter of	quired, it is ordered by the Zon this petition be set for a public he		
			Zoning Commiss	ioner of Baltimore Count	у
Case No. <u>2009</u> -	0011-A	Rev	iewed By	Date 7-1	5-08
REV 7/20/07	-SML FUN	Estimated Po	osting Date 7-27-	- 08	
in the second	8.20.00				

Affidavit in Support of Administrative Variance

Address

City

Kingsville

That the Affiant(s) does/do presently reside at

See attached sheet.

Variance at the above address (indicate hardship or practical difficulty):

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.

3 Wesley Woods Court

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

Maryland

State

21087

Zip Code

	•
That the Affiant(s) acknowledge(s) that if a formal demand is filed advertising fee and may be required to provide additional information	d, Affiant(s) will be required to pay a reposting and
to la Carri	Da Ail H-Con-
Signature Sign	ature street
Ronald Cerra	Dann Silverthorn-Cerra
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	•••••••••
	3 - 0
I HEREBY CERTIFY, this 14 day of July	_, <u>2000</u> , before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appeared	
Ronald Cenra and Dawn Streen the Affiant(s) herein, personally known or satisfactorily identified to m	ilverthorn - Cema e as such Affiant(s)
	,
AS WITNESS my hand and Notarial Seal	- :11
Notary Pub	eaux Edyes
***************************************	•
DIANE E. NAVES	sion Expires
REV 7/24/07 Salitmore County	0.011 2.401.00
Maryland P	
My Commission Expires Jan 1, 2010	2011
	1 1

Administrative Variance of the Cerra Property

3 Wesley Woods Court Kingsville, Maryland 21087

Variance Requested:

To allow a swimming pool as an accessory structure in a residential zone to be placed in the rear and in the third of the lot closest to the street in lieu of being in the third of the lot farthest removed from the street per Section 400.1 of the BCZR.

Explanation of Hardship and Practical Difficulty:

The hardship and practical difficulty is based on two reasons. The first is the proposed in ground pool is replacing the existing above ground pool both being of similar size, but differ slightly in configuration. The existing above ground pool was installed according to a plot plan that accompanied a permit application that was approved on July of 1995 under Permit Number B242840. The second reason is the relationship between the existing dwelling, septic tank and septic reserve area make it prohibitive to install the proposed in ground pool in the third of the lot that is farthest removed from any street in accordance to Section 400.1 of the BCZR.

kjWellsInc

Land Surveying and Site Planning

Telephone: (410) 592-8800 Fax: (410) 817-4055

Email: kwells@kjwellsinc.com

7403 New Cut Road Kingsville, Md. 21087-1132

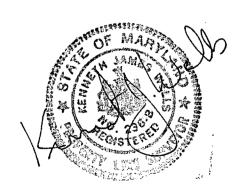
July 4, 2008

Zoning Description
of the
Cerra Property
3 Wesley Woods Court
Baltimore County, Maryland
11th Election District
3rd Councilmanic District

Beginning at a point located at the intersection of the north side of New Cut Road (60 feet wide) and the east side of Wesley Woods Court (50 feet wide) at a distance of 39 feet east of the said Wesley Woods Court.

Being known as Lot 1 as shown on a Plat entitled "Section Two, Wesley Woods" as recorded in the Land Records of Baltimore County in Plat Book 59 folio 104.

Containing 1.412 acres or 61,507 square feet.



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VARIANCE

CASE # 09-0011 A

WITH OFFICE BUILDING

PERMIT AN ACCESSORY STRUCTURE (SWIMMING POOL) IN THE REAR YARD IN THE HIRD OF THE LOT CLOSEST STREET IN LIEU OF REQUIRED FARTHEST PROM STREET

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 THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5-00 P.M. ON 8-11-6

CERTIFICATE OF POSTING

	Date: 7/27/08
RE: Case Number: 09-0011-A	
Petitioner/Developer: <u>Lon Car</u>	ra
Date of Hearing/Closing: N/A	
This is to certify under the penalties of by law were posted conspicuously on the pro-	perjury that the necessary sign(s) required operty located at 3 Wesley Woods (
The signs(s) were posted on	7/27/08 (Month, Day, Year)
	(Signature of Sign Poster)
	J. LAWRENCE PILSON (Printed Name of Sign Poster)
ATTACH PHOTGRAPH	,
	1015 Old Barn Road
ÇF.	(Street Address of Sign Poster)
	Parkton, MD 21120 (City, State, Zip Code of Sign Poster)
	410-343-1443 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 20	09- 0011	-A	Address	3 WP5	ley Wood	5 (5)
Contact Person:	CRAIG Planner Pl	Mc Gara lease Print Your Na	7W			: 410-887-3391
Filing Date: 7				- 27-08	Closing Da	ate: <u>8 -//-0</u> 8
Any contact mad through the conta					ninistrative varia	ance should be
reverse sid reposting r is again re	COST: The petite of this form) a must be done onlessonsible for all or before the position.	and the petition y by one of to associated of	oner is resp he sign pos costs. The	consible for sters on the zoning not	all printing/pos approved list ar ice sign must b	ting costs. Any nd the petitioner e visible on the
a formal r	:: The closing date equest for a public hearing,	olic hearing.	Please u	nderstand t	hat even if the	1,000 feet to file re is no formal
commissio order that t within 10 whether th	After the closing ner. He may: (the matter be set days of the clos e petition has be ou by First Class	a) grant the in for a puble sing date if en granted,	requested ic hearing. all County	relief; (b) d You will rec agencies' of	eny the reques eive written not comments are	ted relief; or (c) ification, usually received, as to
(whether commission changed g	E PUBLIC HEAR lue to a neighborner), notification iving notice of the rtification of this o	or's formal r will be forw e hearing da	equest or varded to yet, time and	by order of you. The s d location.	the zoning or sign on the pro As when the sig	deputy zoning operty must be in was originally
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Petitioner: This	Part of the Form	n is for the S	ign Poster	Only		
	USE THE AC			,		_
Case Number 200	1100 Page 1909	Addres	ss <u>3</u>	Wesler	Woods	Ct
Petitioner's Name	RON CE	FRRA		Te	lephone <u>410</u>	817-6568
Posting Date: _	7-27-08	}	Clos	sing Date;	8-11-	08
Wording for Sign:	To Permit AA	I ACCESSO	MY STRU	CTURE (S	WIMMING PO	SOL) IN THE
REAR YARD					•	
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STREET	,				V	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
AUQUA bornent AVAIDS cement

Ronald Cerra Dawn Silverthorn-Cerra 3 Wesley Woods Court Kingsville, MD 21087

Dear Mr. & Mrs. Cerra:

RE: Case Number: 2009-0011-A, 3 Wesley Woods Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 15, 2008. 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

u. Callilal D

WCR/klm

Enclosures

Kenneth Wells, 7403 New Cut Road, Kingsville 21087



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 29, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2009-0011-A, 2009-0012-A, 2009-0014-A, 2009-00015-SPH,

2009-0016-A and 2009-0018-A.

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.

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

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

cc: File

Martin O'Malley, Governor

Anthony G. Brown, Lt. Governor





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

Maryland Department of Transportation

Date: 7-29-2008

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

RE: **Baltimore County** Item No 2008 - 0011-A 3 WERLEY WOODS CT SILVERZION - CERRA 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. 2009-001-A

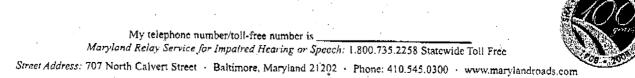
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB





INTEROFFICE CORRESPONDENCE

Timothy M. Kotroco, Director TO:

DATE: July 29, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For August 4, 2008

Item Nos. 2009-0011, 0012, 0013, 0014,

0015, 0016, 0017, and 0018

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC- 07292008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** August 12, 2008

ECEIVE

AUG 1 8 2008

BY: _____

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-011- 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:

CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



O:	i iiiiouiy ivi. r	Conoco			
ROM:	Dave Lykens	, DEPRM - Developmer	nt Coordinat	ion Jw	
ATE:	August 19, 20	008			DECEIVE
UBJECT:	Zoning Item Address	# 09-011-A 3 Wesley Woods Cour (Cerra Property)	rt	,	AUG 1 9 2008
Zonin	g Advisory Co	mmittee Meeting of July	27, 2008		
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	•	nvironmental Protection ents on the above-referen		-	gement offers
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	•	of this property must co Regulations (Sections 3 unty Code).			
anna numa ana	Critical Area	of this property must co Regulations (Sections 3 s, of the Baltimore Cour	3-2-101 thro	-	• •
Addit	ional Comment	<u>s:</u>			·
	•				•

Date: August 19, 2008

J. Livingston

Reviewer:

Circumstances should arise I may also meins additional line /15/08

NOTE TO FILE

Ron and Dawn Cerra 3 Wesley Woods Court Kingsville, MD 21087

July 7, 2008

Dear Neighbors,

We are in the process of replacing our existing swimming pool due to structural damage. The pool when originally built was granted a permit by Baltimore County.

Baltimore County has notified us that we need to apply for an administrative variance to put our new pool in the exact same location as the original pool.

We are asking our immediate neighbors to sign this letter acknowledging the fact that they are not opposed to our project.

Sincerely,

Signature

Roomari Mode

Dark Kup

Address

4 Wesley Woods Ct. Kingsuille

7511 NEW CUT KINGSVILLE MDZIGST

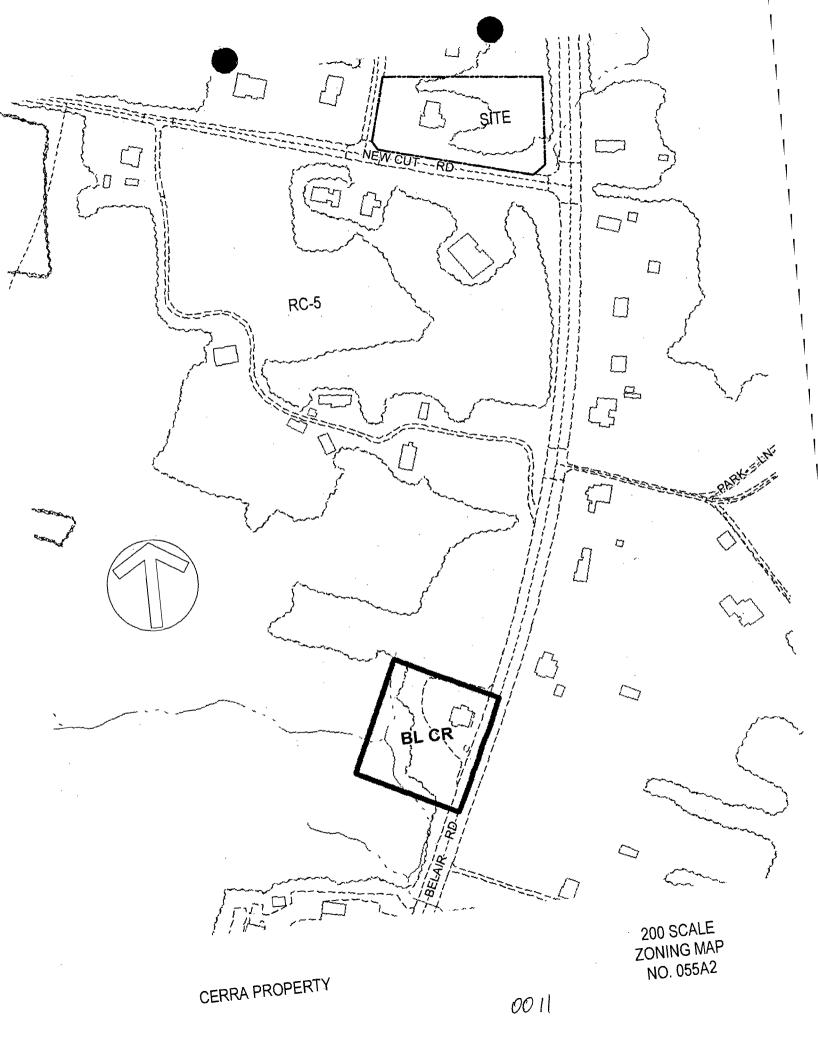
7517 New Cut Kingsville, M7 21087

75/1 New Cat Per Lugaville, MP 21087

7519 New Cut Rd Kingsville MD 21037

2 Wesley Wards ct. 21087

5 wesley woods ct, 21087 7515 New but Pl 21087





View from New Cut Rd. Completely Tree lived To Bel AIR Rd.

View from Basement Door





View from only advaining Neighbor

