

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Benson Mill Road, 190 feet E
of the c/l of Falls Road
5th Election District
3rd Councilmanic District
(3006 Benson Mill Road)

Roberta Geidner-Antoniotti
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0055-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 owner of the subject property, Roberta Geidner-Antoniotti for property located at 3006 Benson Mill Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (above ground swimming pool) in the front yard of a dwelling in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to install an above-ground swimming pool measuring 36.7 feet x 21 feet in size to be located in the front yard. The proposed pool cannot be placed in the rear yard due to steep slopes. The perimeter of the property is heavily wooded and the pool will not be visible to adjacent properties. This property contains 3.73 acres of land and is served by private well and septic system.

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.

FILED FOR FILING
9-23-08
m

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 4, 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.

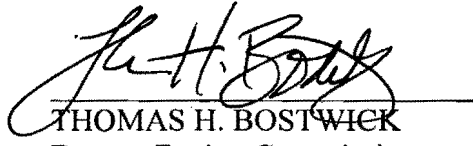
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23rd day of September, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (above ground swimming pool) in the front yard of a dwelling in lieu of the required rear yard is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

RECEIVED FOR FILED
9-23-08
[Signature]

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

RECEIVED FOR FILE
9.23.08




BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 23, 2008

ROBERTA GEIDNER-ANTONIOTTI
3006 BENSON MILL ROAD
UPPERCO MD 21155

Re: Petition for Administrative Variance
Case No. 2009-0055-A
Property: 3006 Benson Mill Road

Dear Ms. Geidner-Antoniotti:

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 "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3006 BENSON MILL ROAD
which is presently zoned RESIDENTIAL RC-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) 400.1

To permit a proposed accessory structure, above ground swimming pool in the front yard of a dwelling in lieu of the permitted rear yard.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

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 _____ 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. 2009-0055-A

Reviewed By [Signature] Date 8/26/08

REV 10/25/01

Estimated Posting Date 09-07-08

9-23-08

[Signature]

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 3006 BENSON MILL ROAD
Address
Upperco MD 21155
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 backyard of this property is a hill and does not have any section amenable to installing this pool. In addition, it has morning sun only and is surrounded by woods with high trees that create significant shade for the area. The backyard faces Benson Mill Road, as does the south side of the house. The side yard where the pool is requested to be located is the furthest part of the rear of the property from the road, and is far enough away from the front of the property or any view by neighbors to not be intrusive.

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.

Roberta Geidner-Antonioth
Signature

ROBERTA GEIDNER-ANTONIOTH
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of August, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Roberta Geidner-Antonioth

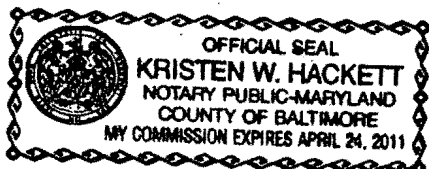
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Kristen W. Hackett
Notary Public

My Commission Expires

4/24/2011



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.

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City State Zip Code

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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.

Roberta Geidner-Antonioth
Signature

Signature

ROBERTA GEIDNER-ANTONIOTH
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of August, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Roberta Geidner-Antonioth
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

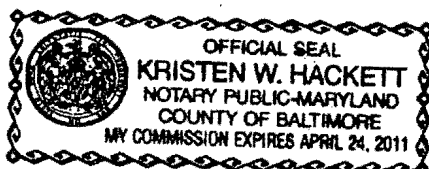
AS WITNESS my hand and Notarial Seal

Kristen W. Hackett
Notary Public

My Commission Expires

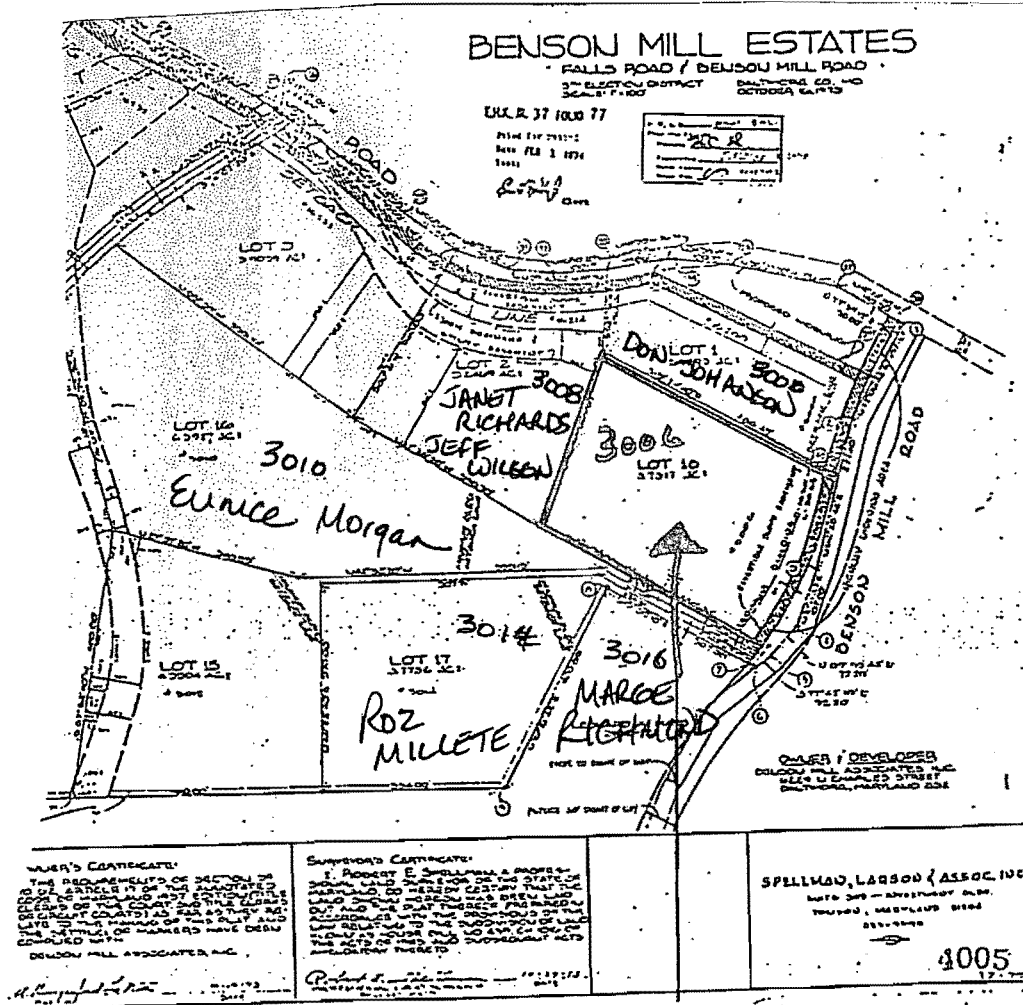
4/24/2011

REV 10/25/01



Being Lot #18 in the subdivision of Benson Mill Estates as recorded in Baltimore County Plat Book #37, Folio #77 and containing 3.7317 acres. Also known as 3006 Benson Mill Road, and located in the "05" Election District, "3" Councilmanic District.

3000 Benson Mill Road – Don and Terry Johanson
3008 Benson Mill Road – Janet Richards and Jeff Wilson
3010 Benson Mill Road – Eunice Morgan
3014 Benson Mill Road – Roz Millete
3016 Benson Mill Road – Marge Richmond



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18585**

PAID RECEIPT

Date: **8/26/08**

BUSINESS ACTUAL TIME
 8/26/2008 8/26/2008 11:41:31 2
 REG 1002 MAIL JENA JEE
 7/26/2008 8/26/2008 08/26/2008
 5 529 JUDICIAL VERIFICATION
 Receipt Tot 145.00
 665.00 13 67.00 12
 Baltimore County Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: **65.00**

Rec From: Roberta Gerdner - Antonelli
 For: 3006 Bixson Mill Rd 2009-0055-A
Upper Meriden MD
11

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 9-5-08

RE: Case Number: 2009-055-A

Petitioner/Developer: Roberta Gaidner - Angtonlotti

Date of Hearing/Closing: 9-22-08

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 3006 Benson Hill Rd

The signs(s) were posted on 9-4-08
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

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

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2009-0055-A

TO PERMIT A PROPOSED ACCESSORY
STRUCTURE, ABOVE-GROUND SWIM-
MING POOL IN THE FRONT YARD
OF A DWELLING IN LIEU OF THE PER-
MITTED REAR YARD.

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 7-22-09

INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
MANAGEMENT, COUNTY OFFICE BUILDING,
21204, (410) 887-3391
PENALTY OF LAW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0055 -A Address 3006 Benson Mill Rd.

Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/26/08 Posting Date: 09/07/08 Closing Date: 09/22/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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 2009- 0055 -A Address 3006 Benson Mill Rd.

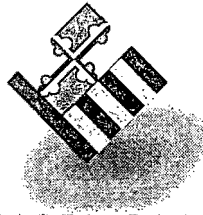
Petitioner's Name Roberta Geidner - Antoniotti Telephone 410 207 8829

Posting Date: 09-07-08 Closing Date: 09-22-08

Wording for Sign:

To permit a proposed accessory structure, above ground swimming pool, in the front yard of a dwelling in lieu of the permitted rear yard.

WCR - Revised 7/7/08



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

September 22, 2008

Roberta Geidner-Antoniotti
3006 Benson Mill Rd.
Upperco, MD 21155

Dear: Roberta Geidner-Antoniotti

RE: Case Number 2009-0055-A, 3006 Benson Mill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 26, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 9, 2008
Item Nos. 09-0051, 0052, 0053, 0054,
0055, 0056, 0057

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

DAK:CEN:lrk

cc: File

ZAC-08282008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 9, 2008

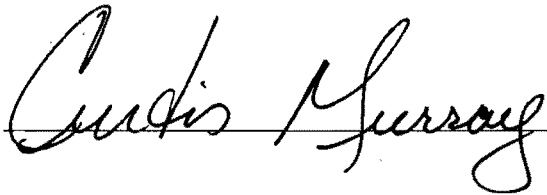
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-055- 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

A handwritten signature in cursive script, appearing to read "Curtis Murray", is written over a horizontal line.



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: SEPT. 8, 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 2009-0055-A
3006 BRASSON MILL RD
CANDLER-ANTONIO LOTTI PROPERTY
ADMIN. 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. 2009-0055-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

INTER-OFFICE CORRESPONDENCE

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

DATE: September 9, 2008

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

RECEIVED
SEP 11 2008

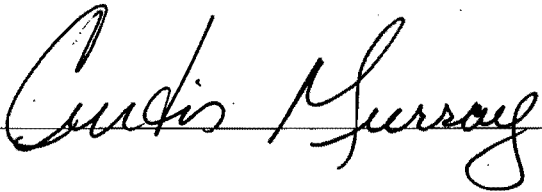
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-055- 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



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

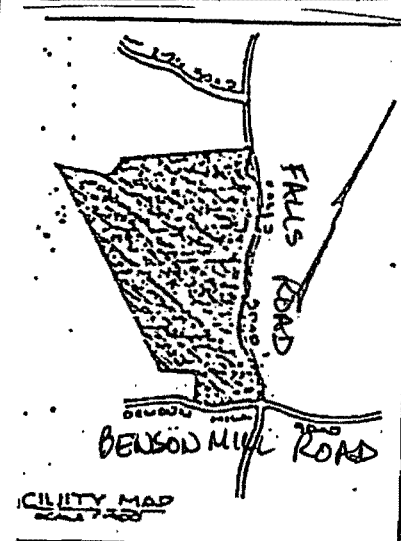
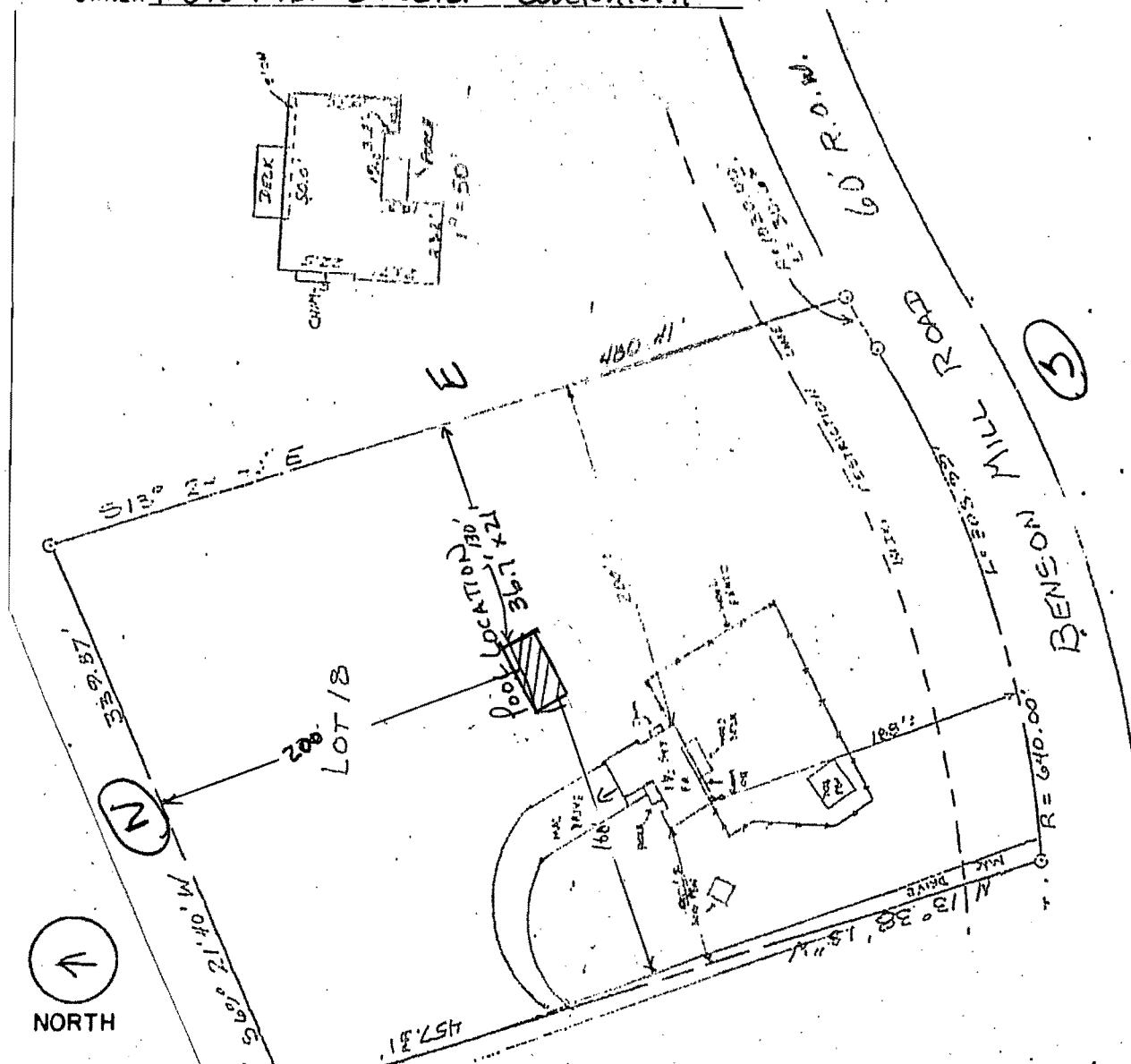
PROPERTY ADDRESS 3006 Benson Mill Road

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

SUBDIVISION NAME Benson Mill Estates

PLAT BOOK # 37 FOLIO # 17 LOT # 18 SECTION #

OWNER ROBERTA GUDNER-ANTONIOTTI



LOCATION INFORMATION

ELECTION DISTRICT 05

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # 02602

ZONING Residential RC-2

LOT SIZE 3.7317

ACREAGE SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE

WATER ☐ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☒

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

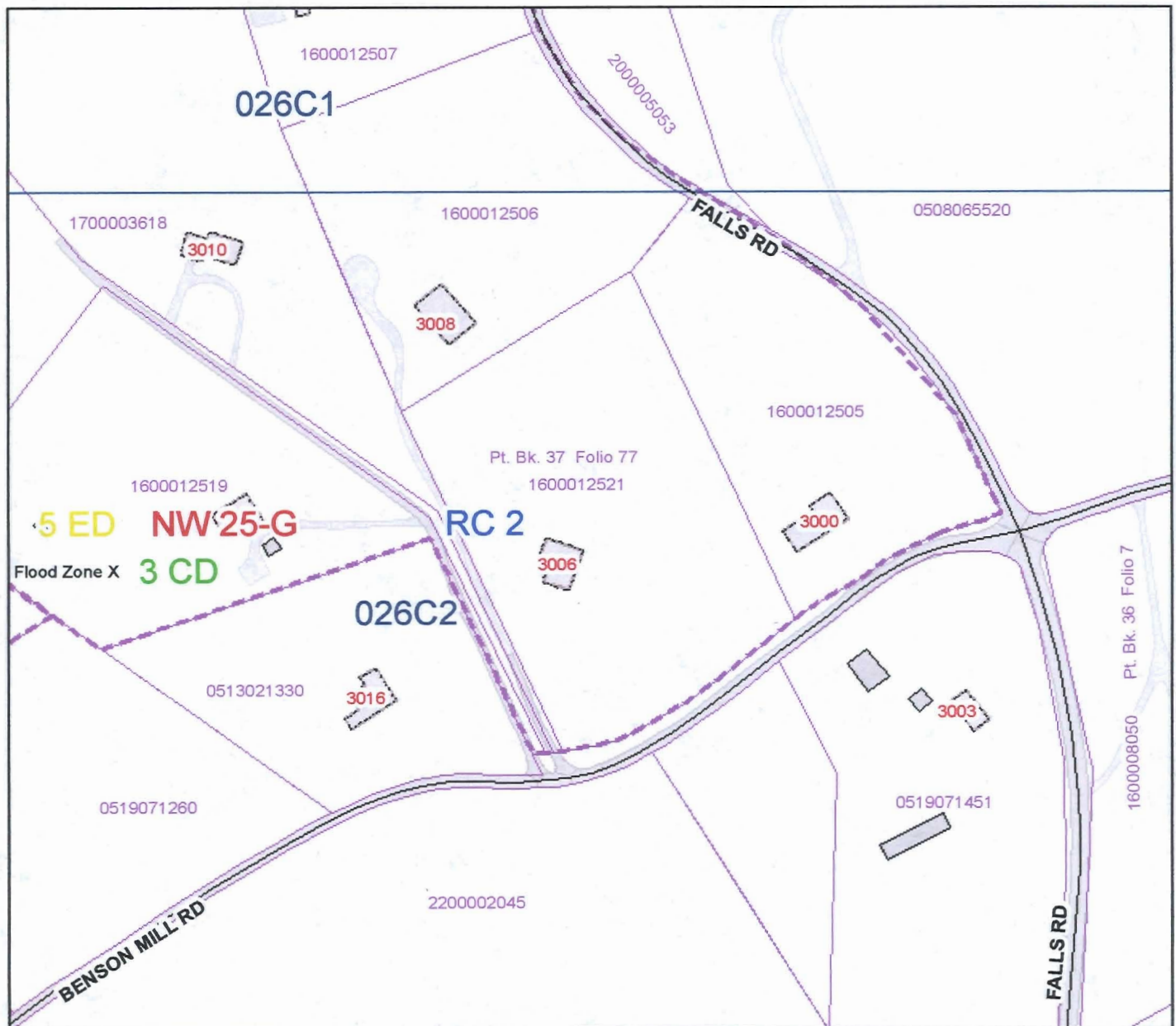
W | 2009 | 0055-A

PREPARED BY Thomas Phelps & Assoc.

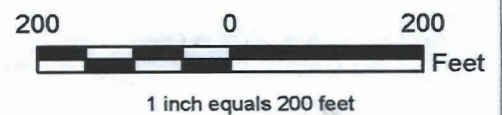
SCALE OF DRAWING: 1" = 100'

Roberta Gudner-Antoniotti

3006 Benson Mill Road, Case #2009-0055-A



DQ Map Notes



Publication Date: August 26, 2008
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

Case # 2009-0055-A



↕ View of backyard from road



Case # 2009-008A



Driveway to 3006
from Benson Hill Road

Case # 2009-005A

Side
view
to
driveway



Pool to be located in this area of
side yard

Back
left
corner
view



Case # 2009-005A



Hill in backyard & drainage field



Case # 2009 - 055A



front of house
pool to be placed in side
yard to left.

Case # 2009-0055-A



50' down driveway from road



25' down driveway from road

Case # 2009-050-A



Side yard from garage view



Side yard - Pool to be located on flat area between trees

Case # 2009-005 A



Side yard from far right view



Side yard from driveway