

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Shady Spring Avenue, 2500 N
of Kenwood Avenue
4th Election District
6th Councilmanic District
(5901 Shady Spring Avenue)

Brian and Mary Stone
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0285-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, Brian and Mary Stone for property located at 5901 Shady Spring Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above-ground swimming pool) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to install a 24 foot diameter above-ground swimming pool in the front yard because the rear yard is heavily wooded and contains steep slopes. The subject property and the location of the proposed swimming pool abuts a berm with a concrete sound barrier wall for Interstate 95. The property is accessed via a driveway over 350 feet in length leading from Shady Spring Avenue. Subject property contains 2.795 acres zoned DR 3.5.

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.

2009 MAY 28 PM 5:28:09
13

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 3, 2009 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 Petitioners. The configuration of the property and the placement of the home on the property severely limits where the Petitioners can install the above-ground swimming pool. Photographs submitted with the Petition illustrate that the perimeter of the property is heavily wooded and contains slopes. A berm, perhaps 5 feet high, with a concrete sound barrier on top, separates the property from Interstate 95.

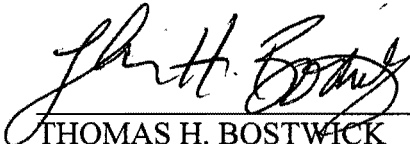
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 28th day of May, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above-ground swimming pool) to be located in the front yard in lieu of the required rear yard is hereby GRANTED, subject to the following:

NOT RECORDED FOR FILING
5.28.09
[Signature]

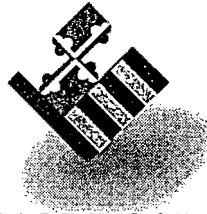
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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

RECEIVED POST FILM
5-28-09
m



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 28, 2009

BRIAN AND MARY STONE
5901 SHADY SPRING AVENUE
BALTIMORE MD 21237

Re: Petition for Administrative Variance
Case No. 2009-0285-A
Property: 5901 Shady Spring Avenue

Dear Mr. and Mrs. Stone:

Enclosed please find the decision rendered in the above-captioned case.

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 "Thomas 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 5901 Shady Spring Ave
which is presently zoned DR 3.5

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) 400.1 BCZR

To permit an accessory structure (swimming pool) to be located in the front yard in lieu of the required 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):

Brian W. Stone

Name - Type or Print

Brian W. Stone

Signature

Mary F. Stone

Name - Type or Print

Mary F. Stone

Signature

5901 Shady Spring Ave. 410 979 7640

Address

Telephone No.

Balto. MD 21237

City

State

Zip Code

Representative to be Contacted:

Brian W. Stone

Name

5901 Shady Spring Ave. 410 979 7640

Address

Telephone No.

Balto. MD 21237

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.

CHANDLER M. REED
CLERK OF BALTIMORE COUNTY

CASE NO. 2009-0285-A

Reviewed By JF

Date 4/24/09

REV 10/25/01

Estimated Posting Date 5/8/09

Zoning Commissioner of Baltimore County

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

Address 5901 Shady Spring Ave
City Balto State MD Zip Code 21237

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 are requesting this administrative variance to put our pool in the front yard because our rear yard is heavily wooded and sloped toward our house with a swail across the back for drainage. We're on a 2.795 lot with our neighbors being far away from us. We are surrounded by the rear yards of our neighbors on Shady Spring and Kenwood Aves. Our street frontage is only the entrance of our driveway. Our hardship is we don't want to cut alot more trees down to put the pool in the rear yard. Also when the wind blows up and down the 95 corridor we are agraidd a tree may fall on the pool and flood our house. We would also have to remove a great deal of dirt due to grade and where we want to put the pool is only a 13" difference in grade. As you can see in the pictures we face the 95 wall and noone will be able to see our pool unless they come onto my property. Please grant our variance. If we can expedite this please let us know. We are hoping to have our pool up for our annual family party the first week in July. The main reason is we already purchased our pool and can't get out of contract. Our mistake, but we are asking understanding. Thank you so much.

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.

Signature Brian W. Stone
Name - Type or Print Brian W. Stone

Signature Mary F. Stone
Name - Type or Print Mary F. Stone

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of April, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Frances Stone and Brian William Stone
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

GHADEER M. SHOMALI
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 12, 2012

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 5901 Shady Spring Ave.
Address
Balto MD 21237
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 are requesting this administrative variance to put our pool in the front yard because our rear yard is heavily wooded and sloped toward our house with a swail across the back for drainage. We're on an 2.795 lot with our neighbors being far away from us. We are surrounded by the rear yards of our neighbors on Shady Spring and Kenwood Aves. Our street frontage is only the entrance of our driveway. Our hardship is we don't want to cut alot more trees down to put to put the pool in the rear yard. Also when the wind blows up and down the 95 corridor we are afraid a tree may fall on the pool and flood our house. We would also have to remove a great deal of dirt due to grade and where we want to put the pool is only a 13" difference in grade. As you can see in the pictures we face the 95 wall and no one will be able to see our pool unless they come onto my property. Please grant our variance. If we can expedite this please let us know. We are hoping to have our pool up for our annual family party the first week in july. The main reason is we already purchased our pool and can't get out of contract. Our mistake but we are asking understanding. Thank You so much.

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.

Brian W. Stone
Signature
Brian W. Stone
Name - Type or Print

Mary F. Stone
Signature
MARY F Stone
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of April, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Frances stone and Brian william stone
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 _____



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5901 Shady Spring Ave
which is presently zoned DR-3.5

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) 400.1 BCZR

To permit an accessory structure (swimming pool) to be located in the front yard in lieu of the required 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):

Brian W Stone

Name - Type or Print

Brian W Stone

Signature

Mary F. Stone

Name - Type or Print

Mary F. Stone

Signature

5901 Shady Spring Ave

Address

410-979-7640

Telephone No.

Balto.

City

MD

State

21237

Zip Code

Representative to be Contacted:

Brian W Stone

Name

5901 Shady Spring Ave

Address

410-979-7640

Telephone No.

Balto.

City

MD

State

21237

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 2009-02-28 day of February 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. 2009-0285-A

Reviewed By JF

Date

4/24/09

REV 10/25/01

Estimated Posting Date

5/3/09

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 5901 Shady Spring Ave
(address)

Beginning at a point on the West side of
(north, south, east or west)

Shady Spring Ave which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 2500' North of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Kenwood Ave
(name of street)

which is 60' wide. *Being Lot #
(number of feet of right-of-way width)

Block L, Section # _____ in the subdivision of East Kenwood Park
(name of subdivision)

as recorded in Baltimore County Plat Book # 7, Folio # 112

containing 2.795 Also known as 5901 Shady Spring Ave
(square feet or acres) (property address)

and located in the 14 Election District, 6 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

0285

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **39275**

Date: **4-24-09**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		61 50				65.00

Total: **65.00**

Rec From: **BRIAN STONE**

For: **Admin. Variance**

5901 Shady Spring Ave.

2009-0285-AV

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRD
 4/24/2009 4/24/2009 09:45:57 5
 3 0003 WALTON RDOS LTD
 RECEIPT # 395092 4/24/2009 0411
 Dept 5 528 ZONING VERIFICATION
 NO. 039275

Recpt Tot \$55.00
 1.00 CA \$100.00 CA
 \$35.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: 2009-0285-A

Petitioner/Developer: _____

Brian & Mary Stone

Date of Hearing/Closing: May 18, 2009

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn : Kristin Matthews:

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, _____

5901 Shady Spring Avenue

The sign(s) were posted on _____ May 3 2009
(Month, Day, Year)

Sincerely,

Robert Black May 5 2009
2009
(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)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2009-0285-A

TO PERMIT AN ACCESSORY STRUCTURE (SWIMMING POOL)
TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED
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 IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON

5-18-09

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
533 W. CHESAPEAKE AVE.
BETHESDA, MD 20814

TEL. 887-3391

IF ANY REQUEST FOR THIS VARIANCE IS MADE AFTER THE PUBLIC HEARING, THE VARIANCE WILL BE REFERRED TO THE ZONING BOARD FOR REVIEW.
MEETING IS HANDICAP ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0285 -A Address 5901 SHADY SPRING AVE

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-24-09 Posting Date: 5-3-09 Closing Date: 5-18-09

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, 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.
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 2009- 0285 -A Address 5901 SHADY SPRING AVE.

Petitioner's Name BRIAN & MARY STONE Telephone 410-979-7640

Posting Date: 5-3-09 Closing Date: 5-18-09

Wording for Sign: To Permit an accessory structure (swimming pool)
to be located in the front yard in lieu of the required
rear yard.

WCR - Revised 7/7/08

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: 2009 - 0285 - A

Petitioner: Brian + Mary Stone

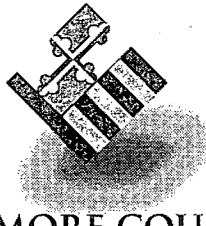
Address or Location: 5901 Shady Spring Ave, Rosedale MD, 21237

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian Stone

Address: 5901 Shady Spring Ave, Rosedale MD 21237
Rosedale MD, 21237

Telephone Number: 410-979-7640



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
May 18, 2009

Brian W. Stone
5901 Shady Spring Ave.
Baltimore, MD 21237

Dear: Brian W. Stone

RE: Case Number 2009-0285-A, 5901 Shady Spring Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 24, 2009. 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 28, 2009

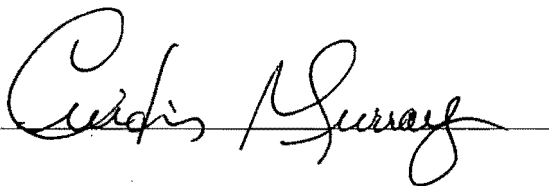
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-285- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 28, 2009

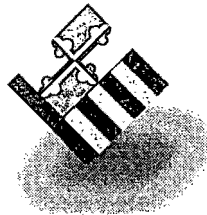
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-285- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By: _____
CM/LL



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 4, 2009

Item Numbers 0234, 0254, 0281, 0283, 0285, 0286 and 0287

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

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 May 11, 2009
Items Nos. 09-0234, 254, 281, 283, 285
and 287

DATE: May 13, 2009

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

DAK:CEN:cab

cc: File

ZAC-05112009-NO COMMENTS



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: MAY 14, 2009

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

RE: Baltimore County
Item No 2009-0285-A
5901 SHADY SPRING AVE.
STONE 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. 2009-0285A.

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



Patricia Zook - Case 2009-0285-A - comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 5/20/2009 3:39 PM
Subject: Case 2009-0285-A - comments needed

Curtis -

We need comments for this administrative variance:

CASE NUMBER: 2009-0285-A

5901 Shady Spring Avenue

Location: W side of Shady Spring Avenue, 2500 N of Kenwood Avenue.

14th Election District, 6th Councilmanic District

Legal Owner: Brian and Mary Stone

Closing Date: 5/18/2009

ADMINISTRATIVE VARIANCE To permit an accessory structure (above-ground swimming pool) to be located in the front yard in lieu of the required rear yard.

Patti Zook

Baltimore County

Office of the Zoning Commissioner

105 West Chesapeake Avenue, Suite 103

Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From: Curtis Murray
To: Zook, Patricia
Date: 5/28/2009 1:06 PM
Subject: Re: Case 2009-0285-A - comments needed

See Attached

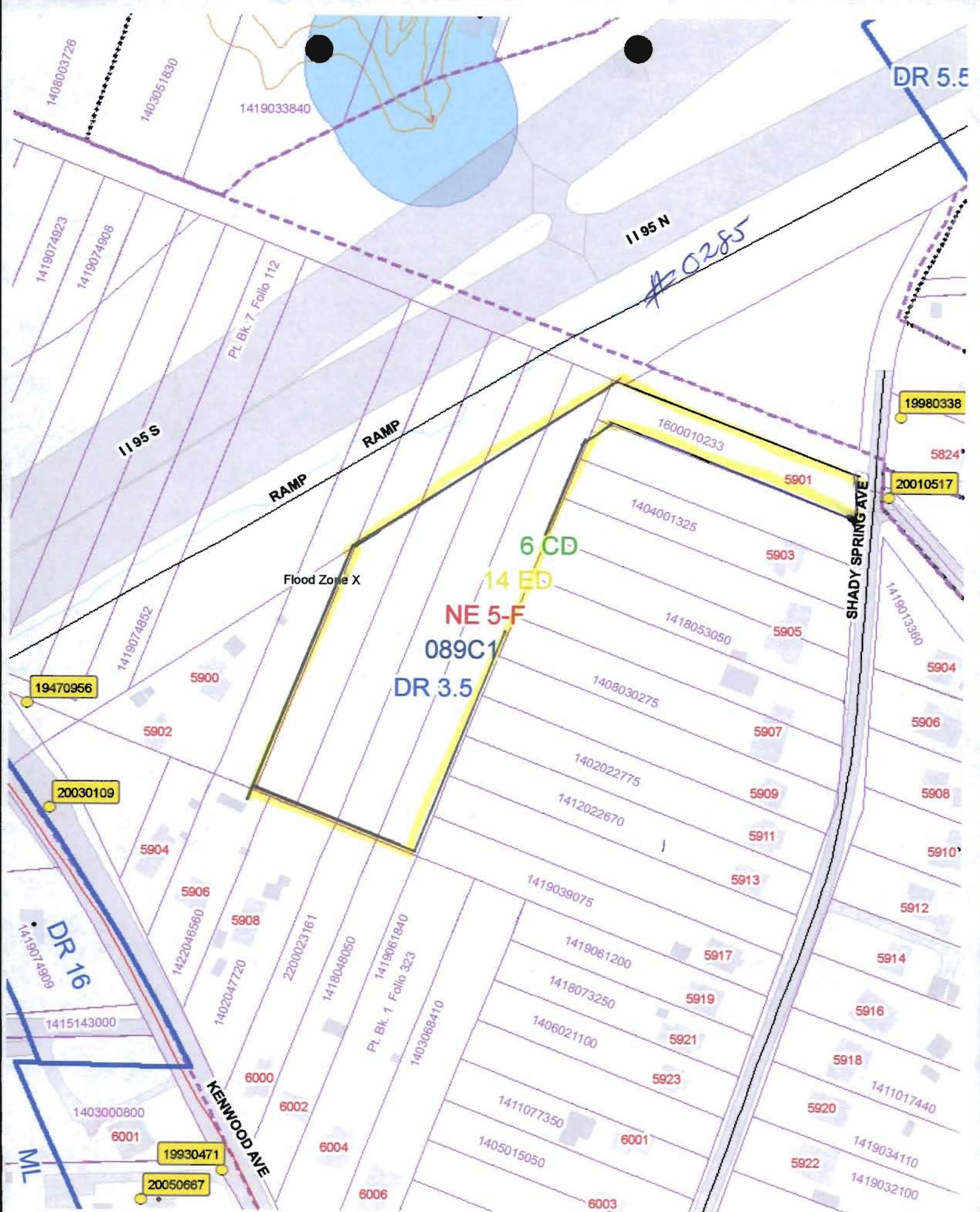
Curtis J. Murray
Development Planner
Baltimore County Office of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
(!"#\$%&'()*+,-./0123456789;:<=>?@ABCDEFGHIJKLMNOPQRSTUVWXYZ
)cjmurray@baltimorecountymd.gov

>>> Patricia Zook 5/20/2009 3:39 PM >>>
Curtis -

We need comments for this administrative variance:

CASE NUMBER: 2009-0285-A5901 Shady Spring Avenue Location: W side of Shady Spring Avenue,
2500 N of Kenwood Avenue. 14th Election District, 6th Councilmanic District Legal Owner: Brian and Mary
Stone Closing Date: 5/18/2009 ADMINISTRATIVE VARIANCE To permit an accessory structure (above-
ground swimming pool) to be located in the front yard in lieu of the required rear yard. Patti Zook
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Request for Administrative Variance to put a
24' Round Above ground pool in our front yard.

This numbered list goes with property pictures

- ① (Rear yard from west looking east) Hill with a drainage swail
- ② (Same position facing southeast) Back yard with many tall trees
- ③ (From front of house on west side looking south) Side yard w/drainage
- ④ (Westernly view from where I want the pool)
- ⑤ Side yard from pool location to side yard across drain swail and closest neighbors on the west side
- ⑥ Looking from pool southeasternly to closest neighbors
- ⑦ Looking from front of house to desired location
- ⑧ Preferred location with only a 13" grade difference
- ⑨ Northernly view from garage side
- ⑩ Southernly view from position 9
- ⑪ Westernly view from position 9
- ⑫ Opposite view of 3 with drainage swail

5901 Shady Spring Ave

3 Side yard



2 where pool would go
(back yard)



4 Near where I would like pool



1 Back yard with trees



Sway for drainage

8 Requested Pool Location



6



7 View of pool location from front of house



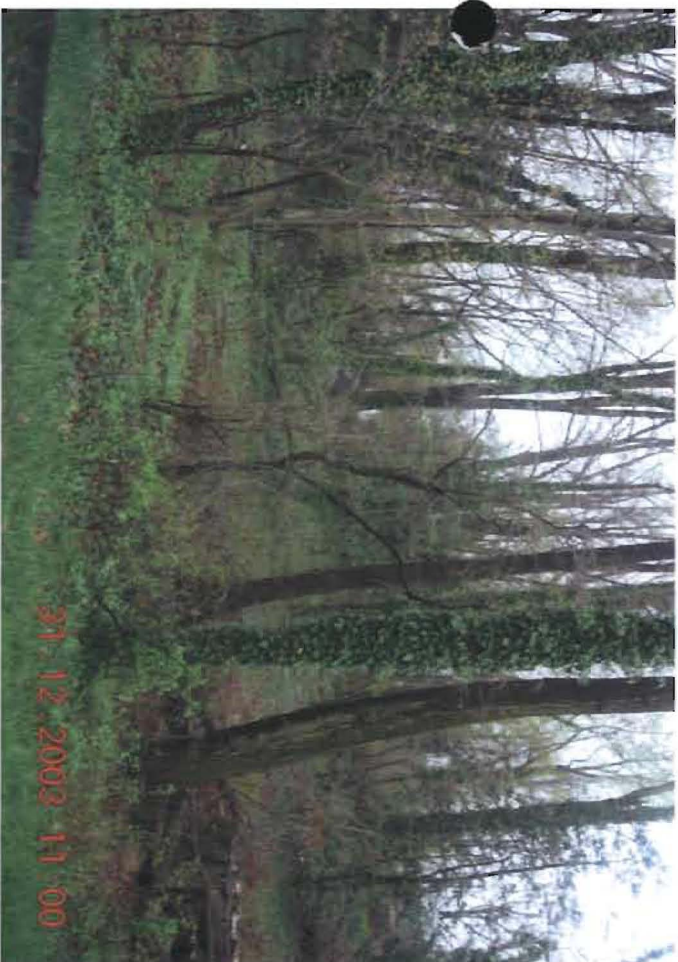
5 Sloped side yard



12



11



10



9



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

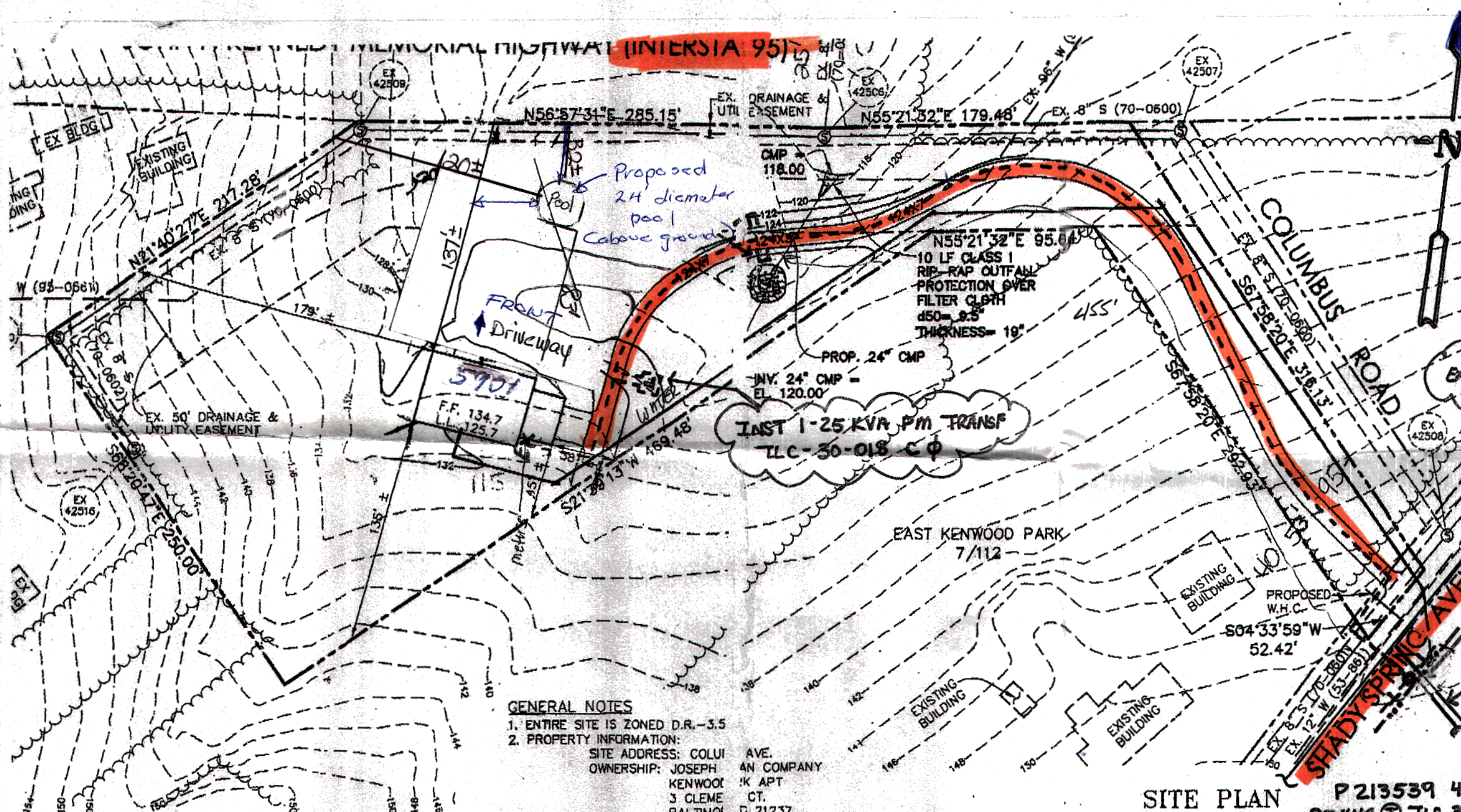
PROPERTY ADDRESS: 5901 Shady Spring Ave

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: East Kenwood Park

plat book# 07, folio# 112, lot# , section#

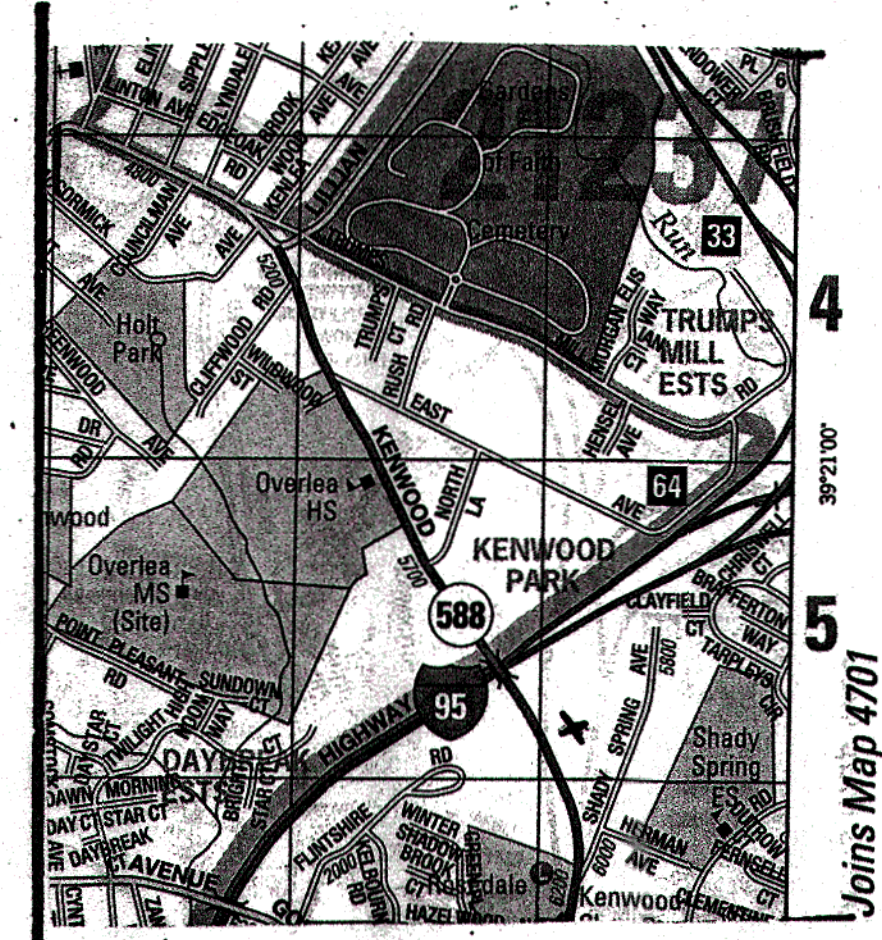
OWNER: Brian + Mary Stone



E & ASSOCIATES, INC.
LAND PLANNERS~SURVEYORS
355 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286

WMS 1388617
5901 Shady Spring Ave

MULLAN COMPANY PROPERTY
DISTRICT 14c6
SCALE: 1"=60'
BALTIMORE COUNTY, MD
MAY 17, 2001



LOCATION INFORMATION

Election District: 14
Councilmanic District: 6
1"=200' scale map# 089C1
Zoning: D.R.-3.5
Lot size: 2.795 acreage 121750 SF ± square feet

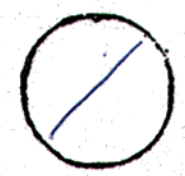
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

NONE

Zoning Office USE ONLY!

reviewed by: JF ITEM #: 0285 CASE#:



North

date: 4/23/09
prepared by: Brian W. Stone

Scale of Drawing: 1"= 60' 60'