

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Pendleton Road; 730 feet N of
the c/l of Knox Avenue
4th Election District
3rd Councilmanic District
(13110 Pendleton Court)

Michael L. and Nancy D. Spicer
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0025-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, Micheal L. and Nancy D. Spicer for property located at 13110 Pendleton Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The rear yard contains the septic tank, existing septic field and septic reserve field and there is no allowable room for the construction of an in-ground pool. The rear of the property is also encumbered with an existing storm drain and a drainage and utility easement. Said property contains one acre and is served by private water and septic systems.

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 August 4, 2009 that the property is in the vested subdivision known as Medford approved prior to the effective date of Bill 55-04, RC 5 Performance Standards. The septic reserve area occupies most of the rear yard. The Planning Office recommends extending the retaining wall along the front of the pool and provide attractive fencing/planting between the pool and the side lot line.

RECEIVED FOR FILING
8.26.09
PM

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 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.

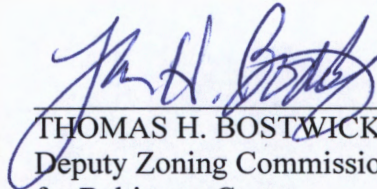
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26th day of August, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (in-ground pool) to be located in the side yard in lieu of the required rear yard 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. Petitioners shall extend the retaining wall along the front of the pool and provide attractive fencing/planting between the pool and the side lot line.

SECRET REMOVED FOR PUBLIC
8.26.09
B3

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 FILING
JUL 26 2009
P3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 26, 2009

MICHAEL L. AND NANCY D. SPICER
13110 PENDLETON COURT
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 2010-0025-A
Property: 13110 Pendleton Court

Dear Mr. and Mrs. Spicer:

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 "Th. H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Paul W. Botzler, P.E., Lothorian LLC, 13536 Jarrettsville Pike, Phoenix, MD 21131



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13110 Pendleton Court
which is presently zoned RC5

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
A POOL TO BE LOCATED IN THE SIDEYARD 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):

Michael L. Spicer
Name - Type or Print _____
Signature _____
Nancy D. Spicer
Name - Type or Print _____
Signature _____
13110 Pendleton Court

Address _____ Telephone No. _____
Reisterstown, MD 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

Paul W. Botzler P.E.
Name _____
13536 Jarrettsville Pike 410-667-2123
Address _____ Telephone No. _____
Phoenix, MD 21131
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. 2010-0025-A

Reviewed By [Signature] Date 7-22-09

REV 10/25/01 8-26-09

Estimated Posting Date 8-2-09

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

13110 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):

Due to the unique orientation of the existing house, septic reserve area, easements and property lines, there is no allowable area for an accessory structure (pool) in the rear yard without hardship or practical difficulty.

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.

Michael L. Spicer

Signature

Name - Type or Print

Nancy D. Spicer

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of JULY, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

Zoning Description for 13110 Pendleton Court

Beginning at a point on the east side of Pendleton Court, a County road, which right-of-way is 40 feet wide, which is 730 feet north of centerline of Knox Avenue, and being Lot No. 18 in the Subdivision of Medford as recorded in Baltimore County Plat Book No. 76, Folio No. 145 containing 1.0 acres; also known as 13110 Pendleton Court and located in the Election District, ^{4th} 3rd Councilmanic District.



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

No. 4327

Date: 7.22.07

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	1806								

Total: _____

Rec
From: M. Spr...

For: 2010-0035-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2010-0025-A

Petitioner/Developer MICHAEL
SPICER

Date Of Hearing/Closing: 8/17/09

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 13110 PENDLETON COURT

This sign(s) were posted on July 30, 2009
Month, Day, Year
Sincerely,

Martin Ogle 7/30/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



07/30/2009

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000- 0025 -A Address 13110 PENOLETON COURT

Contact Person: J. Merren Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/22/09 Posting Date: 8/2 Closing Date: 8/17

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 2000- 0025 -A Address 13110 PENOLETON COURT

Petitioner's Name Michael Spicer Telephone 410-667-2123

Posting Date: 8/2/09 Closing Date: 8/17/09

Wording for Sign: To Permit A Pool To BE LOCATED IN THE
SIDEYARD 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: 2010-0025-A
Petitioner: Michael Spicer
Address or Location: 13110 PENDLETON COURT

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAME

Telephone Number: 410-667-2123



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

August 19, 2009

Michael L. & Nancy D. Spicer
13110 Pendleton Ct.
Reisterstown, MD 21136

Dear: Michael L. & Nancy D. Spicer

RE: Case Number 2010-0025-A, 13110 Pendleton Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 22, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Paul W. Botzler P.E.; 13563 Jarrettsville Pike; Phoenix, MD 21131

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 4, 2009

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

SUBJECT: 13110 Pendleton Court

INFORMATION:

Item Number: 10-025

Petitioner: Michael and Nancy Spicer

Zoning: RC 5

Requested Action: Administrative Variance

RECEIVED

AUG 05 2009

ZONING COMMISSIONER

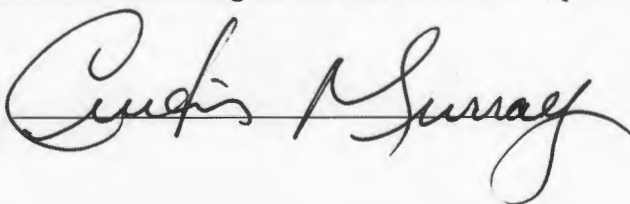
The property in question is in the vested subdivision known as Medford, approved prior to the effective date of Bill 55-04, RC5 Performance Standards. The petitioners request an administrative variance for a pool to be located within the side yard instead of the rear yard. The septic reserve area occupies most of the rear yard.

SUMMARY OF RECOMMENDATIONS:

In the event that the petitioner demonstrates hardship or practical difficulty and the administrative variance is granted, the Office of Planning recommends extending the retaining wall along the front of the pool and provide attractive fencing/planting between the pool and the side lot line.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 3, 2009
Item Nos. 2010-015, 020, 022, 023, 024
and 025

DATE: August 7, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08032009-NO COMMENTS.doc

AV
8-17-09
closing

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****SEP 10 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 10, 2009
SUBJECT: Zoning Item # 10-025-A
Address 13110 Pendleton Court
(Spicer Property)

Zoning Advisory Committee Meeting of July 27, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 9/10/09

Please find photos attendant to the application for Administrative Variance, Spicer
13110 Pendleton Ct

Paul W. Botzler, P.E.

Engineer

Lothorian, LLC

13536 Jarrettsville Pike

Phoenix, Maryland 21131

410-667-2123

Fax 410-666-0653

www.lothorian.com







Looking down the property line from the street



Property Opposite (across the street), a storm water pond

Patricia Zook - Re: 2010-0025-A

From: Patricia Zook
To: Botzler, Paul
Date: 8/26/2009 10:22 AM
Subject: Re: 2010-0025-A

Mr. Botzler -

Thank you for the photos. An Order should be issued in the next couple days. I will fax a copy of the Order to you.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

>>> "Paul Botzler" <pbotzler@lothorian.com> 8/25/2009 5:21 PM >>>

Please find photos attendant to the application for Administrative Variance, Spicer 13110 Pendleton Ct

Paul W. Botzler, P.E.
Engineer

Lothorian, LLC
13536 Jarrettsville Pike
Phoenix, Maryland 21131
410-667-2123
Fax 410-666-0653

www.lothorian.com



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 Account Number - 2400006177

Owner Information

Owner Name:	SPICER MICHAEL L SPICER NANCY D	Use:	RESIDENTIAL
Mailing Address:	13110 PENDLETON CT REISTERSTOWN MD 21136-5683	Principal Residence:	YES
		Deed Reference:	1) /24055/ 211 2)

Location & Structure Information

Premises Address	Legal Description
13110 PENDLETON CT	1 AC 13110 PENDLETON CT ES MEDFORD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
41	21	33					18	2	Plat Ref: 76/ 145

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2006	6,324 SF	1.00 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	250,000	350,000		
Improvements:	976,940	1,155,370		
Total:	1,226,940	1,505,370	1,412,560	1,505,370
Preferential Land:	0	0	0	0

Transfer Information

Seller: THOMAS DICKSON ENTERPRISES I N C	Date: 06/22/2006	Price: \$1,599,000
Type: IMPROVED ARMS-LENGTH	Deed1: /24055/ 211	Deed2:
Seller: TOBY INVESTMENTS LLC	Date: 04/18/2005	Price: \$518,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /21730/ 486	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

RC 2

1700013707

1800003330
Pt. Bk. 43 Folio 27

RC 6

1800003329

2400006168 13118

2400006170

2400006171

6

8

2400006172

2400006167 13117

2400006169

13116

Pt. Bk. 76 Folio 145
2400006166

13115

13113

2400006165

MEDFORD (PDM File/Project # 8-765)

2 CD
041B3

RC 5

NW 18-F
8 ED

2102

2200024079
Pt. Bk. 68 Folio 126

2400006182

13109

2400006164

2100

2200024080

2101

2200024081

2200002053

Pt. Bk. 61 Folio 134

BRIARWOOD FARMS (PDM File/Project # 8-547)

2200002054

2200002052

9

2200002051

2400006176

1

5

2400006175

2400006173

7

NORFOLK CT

PENDLETON CT

PENDLETON CT

2400006177

13110

NW 18-E

1936

2400006174

2400006178

13108

1600013323

Pt. Bk. 37 Folio 79

2400006181

13107

2400006163

13105

2400006162

13103

2400006161

2400006160

13101

2200002055

2200002056

RC 4

B.R.L.= BUILDING RESTRICTION LINE

PENDLETON COURT
(40' R/W)
BALTIMORE COUNTY ROAD

R = 680.00'
L = 53.96'

FT. NORTH OF C KNOX RD
POINT OF BEGINNING

SCALE: 1" = 20'

17
13112 PENDLETON COURT
SURINDER & AMEETA VOHRA
DEED REFERENCE: 21329-735
TAX ACCOUNT #: 2400008176
VACANT LOT

PROPOSED
IN-GROUND POOL
(ACCESSORY STRUCTURE)
PARTIALLY IN SIDE YARD

EXISTING
SEPTIC FIELD
SEPTIC RESERVE
AREA (10,740 SQ. FT.)
SEPTIC TANK

N 59°33'19" E 264.15'

POOL ENVELOPE
EXISTING
DRIVE

CONCRETE
PORCH
CONCRETE
WALK
EXISTING
WELL

18
13110
13110 PENDLETON COURT
REISTERSTOWN, MD 21136
MICHAEL & NANCY SPICER
DEED REFERENCE: 24055-211
TAX ACCOUNT #: 2400008177

16
5 NORFOLK COURT
MATTHEW R. BIRK
REISTERSTOWN, MD 21136-5685
DEED REFERENCE: 27859-337
TAX ACCOUNT #: 2400006175

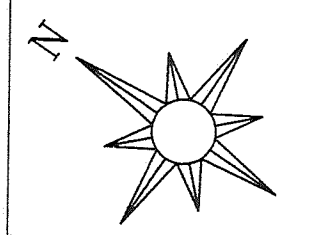
19
13108 PENDLETON COURT
JOSEPHINE & KY TSAO
DEED REFERENCE: 24379-474
TAX ACCOUNT #: 2400005168

PROJECT DATA
PROPERTY ADDRESS: 13110
PENDLETON COURT
OWNER: MICHAEL & NANCY SPICER
ELECTION DISTRICT: 4
COUNCILMANIC DISTRICT: 1
LOT SIZE: 1 ACRE (43560 SF)
SEWER: PRIVATE SEPTIC SYSTEM
WATER: PRIVATE WELL SYSTEM
CHES. BAY CRITICAL AREA: NO
100 YEAR FLOOD PLAIN: NO
HISTORIC PROPERTY: NO
PRIOR ZONING HEARING: NO
EXISTING ZONING: RC 5



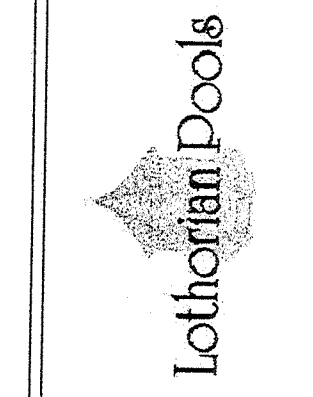
DATE:
07/17/09
SCALE:
AS SHOWN
JOB NO.

SHEET NO.
S1



These drawings, as
instruments of service,
are the property of
Lothorian Pool Service,
are not to be copied in
any fashion without
appropriate consent.

SITE PLAN TO ACCOMPANY ADMINISTRATIVE VARIANCE
SPICER RESIDENCE
SITE PLAN
13110 PENDLETON COURT
REISTERSTOWN, MD 21136



13536 Jarrettsville Pike
Phoenix, Maryland 21131
Phone 410.785.1000
Fax 410.785.1203
www.lothorian.com

REV #	DATE	DESCRIPTION

REVISIONS

VICINITY MAP
SCALE: 1" = 1000'

