

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Greenwood Road; 800 feet S of
West Joppa Road
9th Election District
5th Councilmanic District
(606 Greenwood Road)

John and Leslie Tunney
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0300-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, John and Leslie Tunney for property located at 606 Greenwood Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a pool and pool house to be installed in the side yard in lieu of the required rear. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an in-ground swimming pool measuring 32 feet x 18 feet and a one-story pool house measuring 12 feet x 20 feet. The current dwelling was constructed 1955 before the current zoning regulations. The dwelling is located in the northern half of the site and faces south toward the paper street known as Meadowridge Road on the record plat "Riderwood Ridge". This road is actually owned by 600 Greenwood Road there is a restriction in the deed for 606 to not be able to use the area of the road for access. There was a separate driveway installed at one point due to this restriction. Prior to the restriction, there was a common driveway from Greenwood Road for both houses. There is a septic system in the rear one-third of the lot where the accessory structure (pool house) would be required to be installed. The septic system would have to be relocated in order to accommodate the pool in this area, which would be a hardship. The property contains 0.945 acre and is served by public water.

ORDER RECEIVED FOR FILING

Date 6-7-10

By ps

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated June 2, 2010 which indicates that the Petitioners need to retain and maintain as much of the vegetation on the northern property line as possible. Comments were received from the Bureau of Development Plans Review dated May 18, 2010 which indicates that the Petitioners are hereby advised that by obstructing the existing right-of-way they are proceeding at their own risk.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 16, 2010 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 7th day of June, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a pool and pool house to be installed in the side yard in lieu of the required rear is hereby GRANTED, subject to the following:

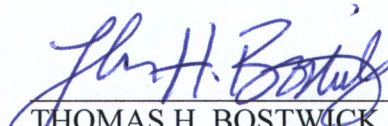
ORDER RECEIVED FOR FILING

Date 6-7-10

By [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.
2. Petitioners shall retain and maintain as much of the vegetation on the northern property line as possible.
3. The accessory structure (pool house) structure shall not be used for commercial purposes.
4. The Petitioners or subsequent owners shall not convert the subject accessory structure (pool house) structure into a dwelling unit or apartment.

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

ORDER RECEIVED FOR FILING

Date 6-7-10

By pf



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 7, 2010

JOHN AND LESLIE TUNNEY
606 GREENWOOD ROAD
TOWSON MD 21204

Re: Petition for Administrative Variance
Case No. 2010-0300-A
Property: 606 Greenwood Road

Dear Mr. and Mrs. Tunney:

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

c: Rick Richardson, Richardson Engineering LLC, 30 East Padonia Road, Suite 500,
Timonium MD 21093

TAX. ACCOUNT # 0913080170

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at * 606 GREENWOOD RD
which is presently zoned * DR 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 ALLOW A POOL AND POOL HOUSE TO BE INSTALLED IN THE SIDE YARD
IN LIEU OF THE REQUIRED REAR

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):

* John Tunney
Name - Type or Print _____
Signature _____
* LESLIE TUNNEY
Name - Type or Print _____
Signature _____
* 606 GREENWOOD RD 410-812-8443
Address _____ Telephone No. _____
* TOWSON MD 21204
City _____ State _____ Zip Code _____

Representative to be Contacted:

RICK RICHARDSON
Name _____
RICHARDSON ENGINEERING, LLC
Address _____ Telephone No. _____
30 E PADONIA RD ST 500 410-560-1502
TIMONIUM MD 21093
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. 2010-0300-A

REV 10/25/01

Reviewed By JCM Date 5.6.10

Estimated Posting Date 5/16

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 606 GREENWOOD RD
Address
TOWSON MD 21204
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 property was constructed in 1955 before current zoning regulations were in place.
The requirement of having the pool and pool house (accessory structures) in the rear 1/3 of the lot because this is a corner lot is not practical:

The house is located in the northern half of the site and faces south toward the paper street known as Meadowridge Road on the record plat "Riderwood Ridge". This road is actually owned by 600 Greenwood Road and there is a restriction in the deed for 606 to not be able to use the area of the road for access. There was a separate driveway installed at one point due of this restriction, because prior to it, there was a common driveway from Greenwood Road for both houses.

There is a septic system in the rear 1/3 of the lot where the accessory structure would be required to be installed. The septic system would have to be relocated in order to accommodate the pool in this area, which would be a hardship.

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.

John Tunney
Signature
John Tunney
Name - Type or Print

Leslie Tunney
Signature
LESIE TUNNEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of May, 2010, 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

Paul J. Fricks
Notary Public
My Commission Expires 3/27/2013

**ZONING DESCRIPTION FOR
606 GREENWOOD ROAD
9TH ELECTION DISTRICT
5TH COUNCILMANIC District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the west side right-of-way of Greenwood road (30 feet in width) thence binding on the west side of Greenwood Road; (1) South 05 degrees 53 minutes West 97.49 feet, (2) South 08 degrees 12 minutes West 74.71 feet, thence leaving Greenwood Road for the following courses and distances; (3) North 74 degrees 57 minutes West 249.37 feet, (4) North 15 degrees 03 minutes East 176.11 feet, (5) South 73 degrees 30 minutes East 225.00 feet to the point of beginning;

Containing a net area of 41,202 square feet, or 0.946 acres of land, more or less.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0300 -A Address 606 GREENWOOD Rd.

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

Filing Date: 5-6-10 Posting Date: 5/16/10 Closing Date: 5/31/10

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 2010- 0300 -A Address 606 GREENWOOD Rd.

Petitioner's Name John Tunney Telephone _____

Posting Date: 5/16 Closing Date: 5/31

Wording for Sign: To Permit A POOL AND POOL HOUSE TO
Be LOCATED IN THE SIDE YARD IN LIEU
of The REQUIRED REAR YARD.

Revised 8/20/09

**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: 2010-0300-A
Petitioner: JOHN & LESLIE TUNNEY
Address or Location: 606 GREENWOOD RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN TUNNEY
Address: 606 GREENWOOD RD
TOWSON MD 21204
Telephone Number: 410-812-8443

Revised 7/11/05 - SCJ

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

No. **53912**

Date: **5/6/10**

PAID RECEIPT

BUSINESS ACTUAL TIME WFM
 5/06/2010 5/06/2010 09:52:28 1
 REC 001 BALXCH JRTT HP
 RECEIPT # 456728 5/06/2010 09:52
 Dept 5 528 (0000) VERIFICATION
 CR 01 053912
 Recpt Tot \$65.00
 \$65.00 0 \$65.00 12
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6130				65.00

Total: **65.00**

Rec From:

For:

TUNNEY
2010-0300-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

+ - CERTIFICATE OF POSTING

2010-0300-A

RE: Case No.: _____

Petitioner/Developer: _____
John Tunney

_____ May 31 2010
Date of Hearing/Closing: _____

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: _____
606 Greenwood Road

_____ May 16 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black /5/ 21/10
(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 # 2010-0300-A

TO PERMIT A POOL AND POOL HOUSE TO BE
LOCATED IN THE SIDE 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 THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 5-31-10

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



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

June 1, 2010

John and Leslie Tunney
606 Greenwood Rd.
Towson, MD 21204

Dear: John and Leslie Tunney

RE: Case Number 2010-0300-A, 606 Greenwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 06, 2010. 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
Rick Richardson; Richardson Engineering, LLC; 30 E. Padonia Rd.; Timonium, MD 21093

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MAY 19, 2010

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

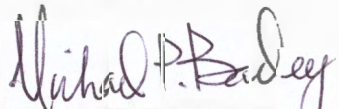
RE: Baltimore County
Item No. 2010-0300-A
606 GREENWOOD RD
TUNNEY PROPERTY
ADMIN. VARIANCE -

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. 2010-0300-A.

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

Very truly yours,


For¹ 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.sha.maryland.gov



BALTIMORE COUNTY
MARYLAND

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

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

DATE: May 18, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2010
Item No.: 2010-300

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The petitioner is hereby advised that by obstructing the existing right-of-way, he is proceeding at his own risk.

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0300-05312010.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 2, 2010
RECEIVED

JUN 02 2010

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

ZONING COMMISSIONER

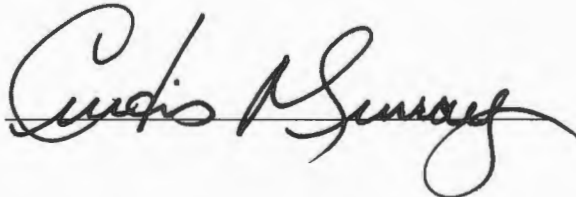
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-300- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the following comment is addressed:

Retain and maintain as much of the vegetation on the northern property line as possible.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



AV
5-31-10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 11, 2010
SUBJECT: Zoning Item # 10-300-A
Address 606 Greenwood Road
(Tunney Property)

Zoning Advisory Committee Meeting of May 17, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The proposed pool & pool house permits will be reviewed by the Groundwater Mgmt. Section, especially since the existing septic may need to be relocated.

Reviewer: Dan Esser Date: 5/18/10

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 443-901-1208



Rear of house from Greenwood Road



Rear yard where pool will be constructed

606 Greenoow Road
Tunney Property
May 4, 2010

Richardson Engineering, LLC



Rear yard facing property to north



Greenwood Road facing north from south property line



P.O.B.

SITE

DR 2

ZONING MAP #069 C-1
SCALE: 1" = 200'

