IN RE: PETITION FOR ADMIN. VARIANCE

S side of Tufton Road; 2,400 feet W of the c/l of Falls Road 8th Election District 2nd Councilmanic District (2007 Tufton Avenue)

John C. Wang and Paula Y. Woo *Petitioners*

- * BEFORE THE
- DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0139-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 C. Wang and Paula Y. Woo for property located at 2007 Tufton Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 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. Photographs submitted with the petition clearly show that the rear yard slopes upward making installation of an in-ground swimming pool at this location impossible. The south side of the property contains electrical utilities. Placement of the pool on the south side would require removal of an existing flagstone patio and a stone retaining wall. This location would also require the removal of mature trees. Placement of the swimming pool on the western side of the house would be difficult because it would block access to the garage. Placement of the pool on the western side would require the removal of an asphalt driveway leaving no place to park vehicles. Petitioners' property contains 24.38 acres and is served by private septic and well.

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.

ORDER RECEIVED FOR FILING

Date	11.13.10	ngaganahan paga alka kalaba danaka "Saya e Amangge Mananggi Ago
Ву	-3	

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 23, 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 12 to day of November, 2010 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a pool to be located in the side yard in lieu of the required rear yard is hereby GRANTED, subject to the following:

2

 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.

ORDER RE	CEIVED FOR FILING	
Date	11.13.10	
Ву	13	

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
		1 011	I ILIII

11.19.10 Date.

3



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 12, 2010

JOHN C. WANG AND PAULA Y. WOO 2007 TUFTON AVENUE REISTERSTOWN MD 21136

> Re: Petition for Administrative Variance Case No. 2011-0139-A Property: 2007 Tufton Avenue

Dear Mr. Wang and Ms. Woo:

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.

Sincerely,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Mike Duffy, Anthony & Sylvan Pools, 344 C Ritchie Highway, Severna Park MD 21146

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 2007 Tufton Ave Reistertown Maryland 21136 which is presently zoned rc-2 Deed Reference: / Tax Account # 1800004509 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; BCZP, TO PERMIT pool to BE LOCATED IN THE SIDE YARD IN LIEU of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly 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. Legal Owner(s): Contract Purchaser/Lessee: John Wand Name - Type or Print Signature Signature Paula W Telephone No. Name - Ty Address 4432572708 Signature State Zip Code 2007 Tufton Ave. (h) 410-785-0060 Attorney For Petitioner: Company RDER RECEIVED FOR FILING Address Telephone No. Reistertown 21136 Maryland City Zip Code Representative to be Contacted: Mike Duffy Anthony & Sylvan Pools 344 c Ritchie Hwy 443-994-3169 Telephone No. Address Telephone No. Address Severna Park Md. 21146 State Zip Code State City 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

Reviewed By

Estimated Posting Date

Case No. 2011-0139-A

Date 10-15-10

Affidavit in Support of Administrative Variance

County, as follows: That the information herein given is and that Affiant(s) is/are competent to testify thereto i	within the personal	- ,
the future with regard thereto. That the Affiant(s) does/do presently own and reside at		Tufton Ave.
That the Training about the probability of the that robust the	Address number	Road or Street name
and that this address is the subject of this variance reque	est as required by law	7.
That based upon personal knowledge, the following ar an Administrative Variance at the above address (indicadditional sheet if needed) The desired swimming pool if placed or which enter the property on the southeast comer of the property. The place because it would block access to the garage. The placement on the south patio and a stone retaining wall causing severe financial hardship. Placement trees also causing severe financial hardship. Placement of the pool on the driveway leaving no place to park vehicles. Placement on the western side	cate the hardship or part the south side of the propert ment of the pool on the western side would also require ment on the southern side would also receives western side would also receives.	practical difficulty; attach an any would interfere with electrical utilities are side of the house would be difficult removal of an existing flagstone and require the removal of several quire the removal of an asphalt
That the Affiant(s) acknowledge(s) that if a formal dem with their variance request, they will be responsible for advertising fees. They also understand that they may be Signature	reposting the proper	ty and for payment of the
John Wang	Paula Woo	0
Name- print or type	Paula Woo	
	Name- print or type	
Name- print or type	Name- print or type	
Name- print or type A Notary Public must complete the following	Name- print or type g section prior to W, to wit:	the filing appointment.
Name- print or type A Notary Public must complete the following STATE OF MARYLAND, BALTIMORE COUNTY I HEREBY CERTIFY, this 6 day of	Name- print or type g section prior to Y, to wit: Pel, 2010 b personally appeared Paula Woo	the filing appointment. efore me, a Notary Public of
Name- print or type A Notary Public must complete the following STATE OF MARYLAND, BALTIMORE COUNTY I HEREBY CERTIFY, this day of the State of Maryland, in and for the County aforesaid, (Name Affiant(s) here): for the Affiant(s) herein, personally known of the Affiant (s) herein (s)	Name- print or type g section prior to Y, to wit: Dec, 2010b personally appeared Paula Woo r satisfactorily identif	the filing appointment. efore me, a Notary Public of

, a la .

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2007 TUFTON AUS REISTRASTOWN Address MD.
Beginning at a point on the side of (north, south, east, west)
Mame of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of + 2400 WEST of the (number of feet) (north, south, east, west)
centerline of the nearest improved intersecting street FALLS ROAD (name of street)
which is wide. *Being Lot # 8 (number of feet of right-of-way width)
Block, Section # in subdivision of TUFION FARMS FARM 8 (name of subdivision)
As recorded in Baltimore County Plat Book #, Folio#
Containing 24.37, Also known as 2007 TUPTON AUE REISTENSTOWN (converted acres) (property address) MD. 21136
And located in the 8+H Election District, 2 Councilmanic District.

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BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2	0	0139	-A	Addr	ess	2007	Tuf	ron Pol	
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2.	a formal	requ	he closing est for a public hearin	ublic hea	ring. Plea	ase und	derstand th	at even i	f there is a	eet to file no formal
3.	commissi order that within 10 whether t	oner. the days	er the closing He may: matter be seen the close of the close tition has been by First Class	(a) gran et in for a osing dat been gran	t the reque public hea e if all Co	ested re uring. Y ounty a	elief; (b) de ou will rece gencies' co	ny the re eive writte omments	quested rel n notificatio are receive	ief; or (c) n, usually ed, as to
4.	(whether commission changed	due oner) giving ertific	IBLIC HEA to a neigh , notification , notice of t ation of this	bor's forr n will be he hearin	mal reques forwarded g date, tim	at or by d to you ne and l	order of u. The socation. A	the zonir ign on th s when th	ng or depu e property ne sign was	ty zoning must be originally
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and November 8, 2010 Management

Mr. John Wang 2007 Tufton Avenue Reisterstown Maryland 21136

RE: Case Number: 20110139A, 2007 Tufton Avenue

Dear Mr. Wang:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 15, 2010.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

Supervisor, Zoning Review

WCR:rjc

C: People's Counsel

Mike Duffy Anthony & Sylvan Pools 344 c Ritchie Hwy. Severna Park MD 21146

Patricia Zook - Cases 2011-0136-A and 2011-0139-A - comments needed

From:

Patricia Zook

To:

Kennedy, Dennis

Date:

11/9/2010 2:35 PM

Subject:

Cases 2011-0136-A and 2011-0139-A - comments needed

CC:

Bostwick, Thomas

Good afternoon Dennis -

The following two administrative variance case files were delivered to our office today. Both files are missing comments from your office.

CASE NUMBER: 2011-0136-A

4821 Forge Acre Drive

Location: S side of Forge Acre Drive; 35 feet E of the c/l of Perry Hall Drive.

11th Election District, 5th Councilmanic District

Legal Owner(s): Michael Ferger Sr.

Closing Date: 11/8/2010

ADMINISTRATIVE VARIANCE To permit a proposed detached accessory structure (pool)to be partially located on the third of the lot closest to a road in lieu of the required third of the lot farthest removed; and to amend the Final Development Plan of Perry Hall Farms.

CASE NUMBER: 2011-0139-A

2007 Tufton Avenue

Location: S side of Tufton Road; 2,400 feet W of the c/l of Falls Road.

8th Election District, 2nd Councilmanic District Legal Owner(s): John Wang and Paula Woo

Closing Date: 11/8/2010

ADMINISTRATIVE VARIANCE To permit a pool to be located in the side yard in lieu of the required rear yard.

If you don't have comments, just reply to this email and I'll place it in the case file(s).

Thanks again for your help, Dennis.

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

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Re: Cases 2011-0136-A and 2011-0139-A - comments needed

From:

Dennis Kennedy

To:

Zook, Patricia

Date:

11/10/2010 9:30 AM

Subject:

Re: Cases 2011-0136-A and 2011-0139-A - comments needed

Patti:

We have no comment on either Item 2011-0136 or 2011-0139.

We sent our comment to the zoning office on Nov. 1 for item 2011-0136 and we never got an item 2011-0139 to review.

Dennis Kennedy

>>> Patricia Zook 11/9/2010 2:35 PM >>>

Good afternoon Dennis -

The following two administrative variance case files were delivered to our office today. Both files are missing comments from your office.

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2007 Tufton Avenue

Location: S side of Tufton Road; 2,400 feet W of the c/l of Falls Road.

8th Election District, 2nd Councilmanic District Legal Owner(s): John Wang and Paula Woo

Closing Date: 11/8/2010

ADMINISTRATIVE VARIANCE To permit a pool to be located in the side yard in lieu of the required rear yard.

If you don't have comments, just reply to this email and I'll place it in the case file(s).

Thanks again for your help, Dennis.

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

410-887-3868

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

DATE:

DATE: November 10, 2010

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 1, 2010 Item Nos. 2011- 139

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11012010A -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-139- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

RECEIVED

DATE: November 3, 2010

NOV 0 4 2010

ZONING COMMISSIONER

Closing "/8/10 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-139- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

NOV 0 5 2010

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

DATE: November 3, 2010

BALTIMORE COUNTY, MARYLAND

AV 11-8-10

Inter-Office Correspondence



RECEIVED

DEC 01 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

December 1, 2010

SUBJECT:

Zoning Item # 11-139-A

Address

2007 Tufton Avenue

(Wang Property)

Zoning Advisory Committee Meeting of October 18, 2010.

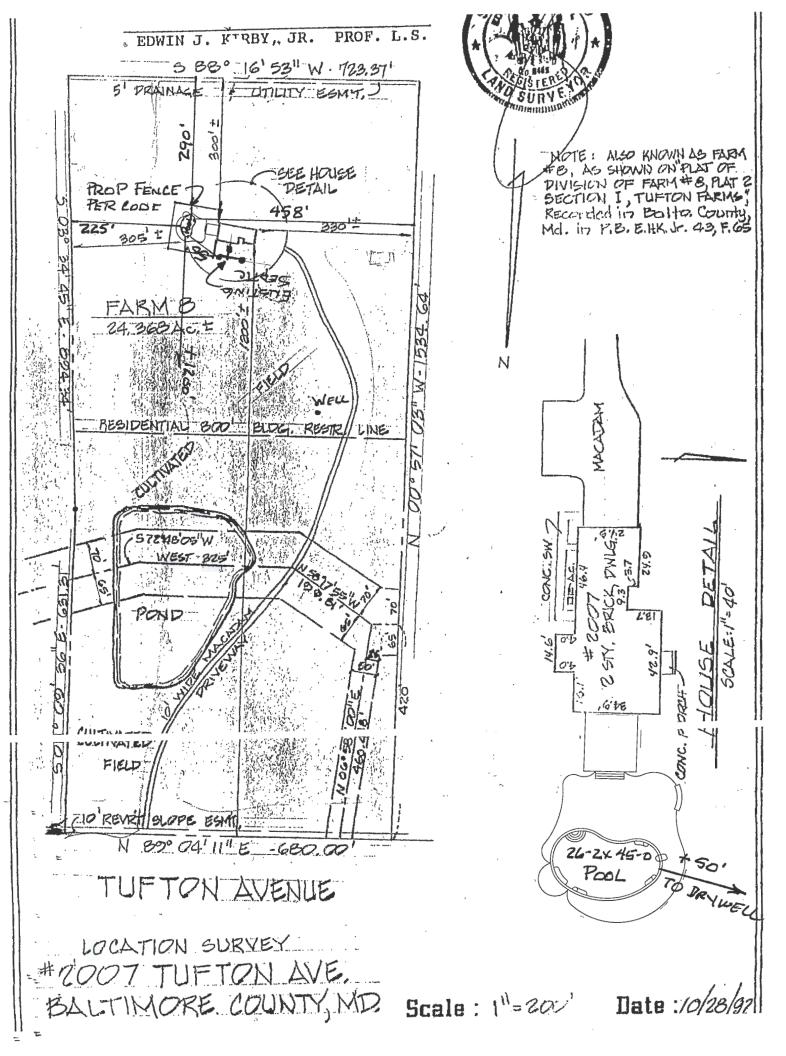
X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

- 1. As per Section 33-6-103 (a) (1) a person making application for a development, subdivision, building, grading, or erosion and sediment control approval on areas of land 40,000 square feet or greater must comply with the Forest Conservation Law. Gris Batchelder; Environmental Impact Review (EIR)
- 2. The proposed pool (permit) will require review by Groundwater Mgmt., to make sure there's enough distance from the septic reserve area on the lot. Dan Esser; Groundwater Management

PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANO PROPERTY ADDRESS ZOOT TUFTON RYE SEE PAGES 5 & 6 OF THE CHECKLIST F SUBDIVISION NAME TUFFON FAIRNS - FREN S PLAT BOOK # 2 FOLIO # 65 LOT # 8 SECTION # 1 OWNER JOHN C. WANLE & PAULA Y. WOO 2400' TO FALL ROAD	SPECIAL HEARING FOR ADDITIONAL REQUIRED INFORMATION SITE
TOFTON 70'ROW DVE.	SECTION II SECTION II VICINITY MAP SCALE: 1" = 1000'
TUFTON FAILMS TAX # 17000992 #40 FARM 7 FARM 7 FARM 8 BOO BUILDING WHENTE 40/95 FARM 8 BOO BUILDING FARM 8 BOO BUILDING FARM 8 BOO BUILDING HOUSE HOUSE +400' +330' +200'	LOCATION INFORMATION ELECTION DISTRICT 8 COUNCILMANIC DISTRICT 2 I"=200' SCALE MAP # ZONING RC-2 LOT SIZE 24.38 1,061,992 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER
HOUSE REISTERS TOWN, MD REISTERS TOWN, MD REISTERS TOWN, MD REISTERS TOWN, MD RESTON FAIRMS TAX # 1800004510 RAT BOOK EHK IR # 43	WATER CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING
NORTH FOLIO 65 PREPARED BY	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #



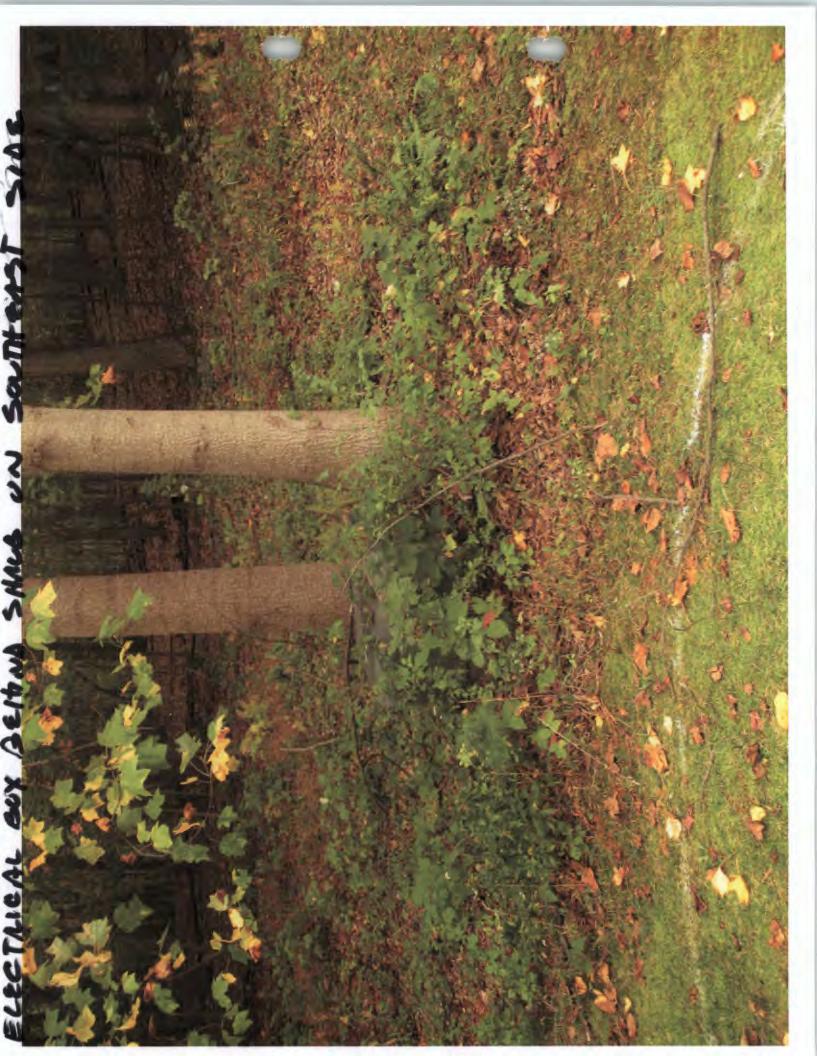
Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1) BALTIMORE COUNTY

		er:			ount Number				
					Owner Infor	mation			
Owner N	ame:		WANG JOHN (WON PAULA)			Use:		sidence:	,
Mailing A	Address		2007 TUFTON REISTERSTON	AVE VN MD 21136-5	528		Refere		
				Locati	ion & Structui	re Informat	ion		
Premises 2007 TUF					Legal Desc 24.368 AC 2007 TUFT TUFTON F		RM 8		
	Grid 15	Parcel 58	Sub District	Subdivision	Section 1	Block	Lot 8	Assessn 2	nent Area
Special T Areas	Гах		wn Valorem x Class						•
Primary : 1979	Structur	e Built		Enclosed Area 4,248 SF	a	Property 24.37 A		Area	
Stories 2 1/2	Base YES	ment	Type STANDARD UNIT	Exterior BRICK					
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Land			Base Value 258,760	Value As Of 01/01/2008 258,760	Phase-in As As Of 07/01/2010	As Of 07/01/2			RENTIAL LA DED IN LANI
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Seller.									

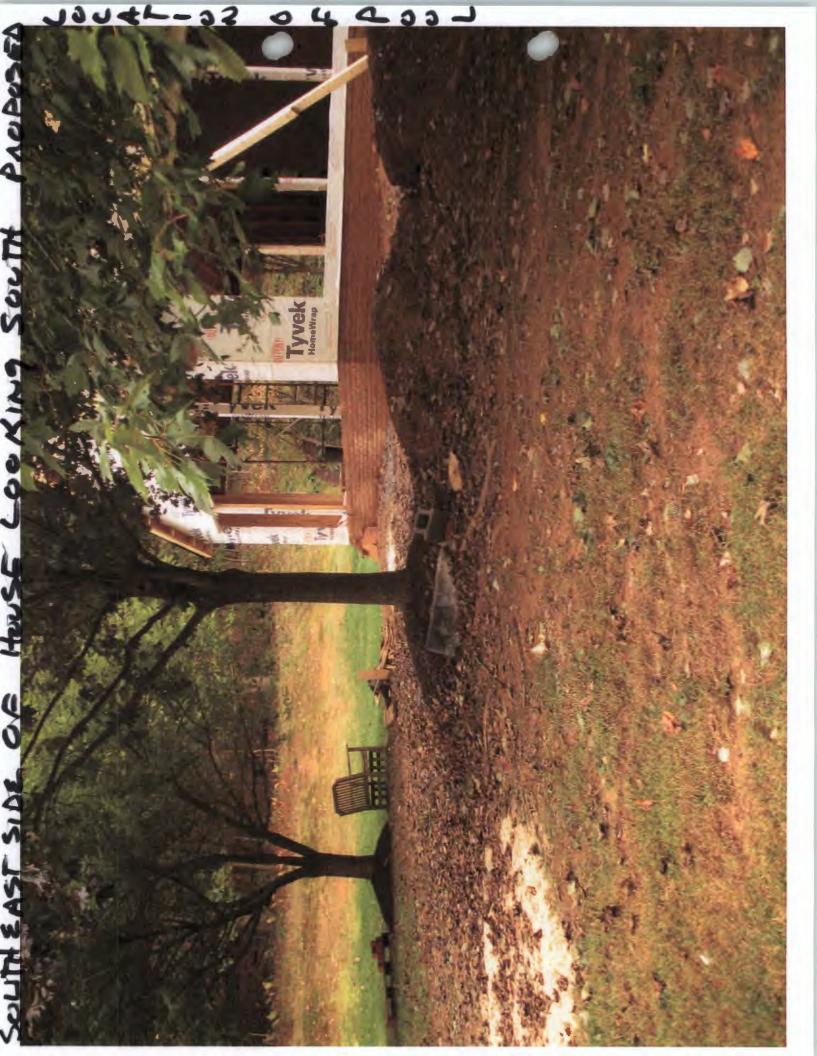
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State	000	0	0
Municipal	000	0	0

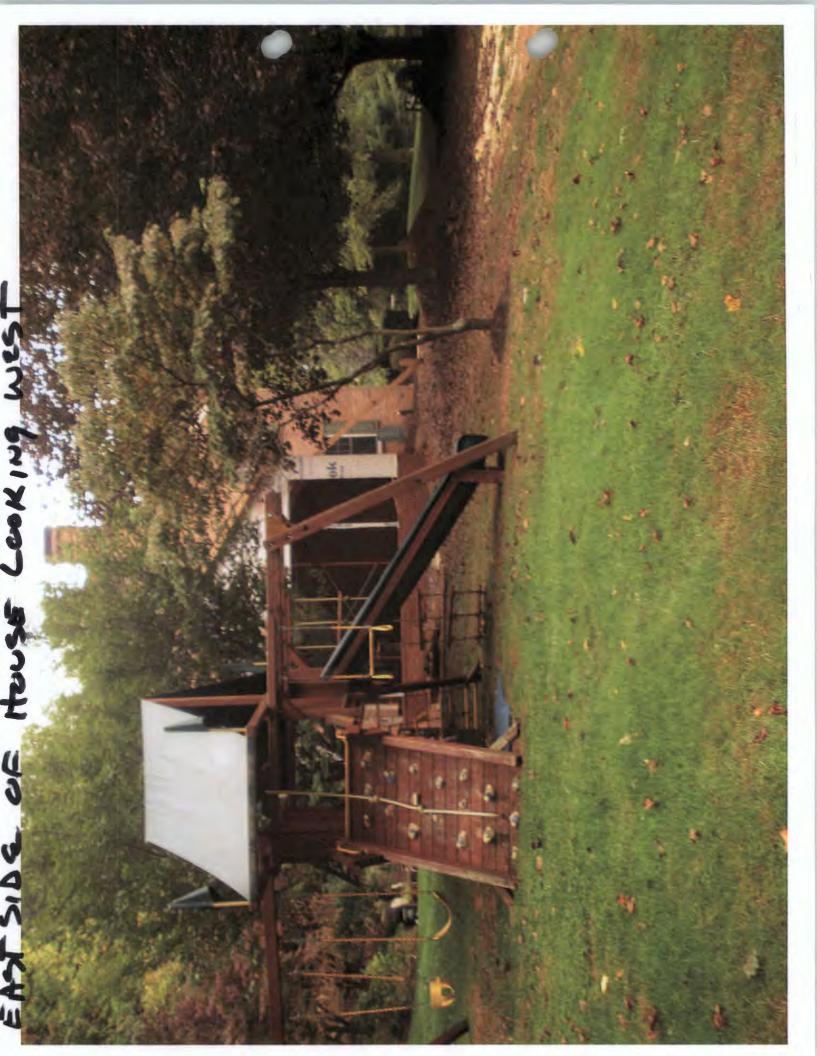
Tax Exempt: **Exempt Class:** NO

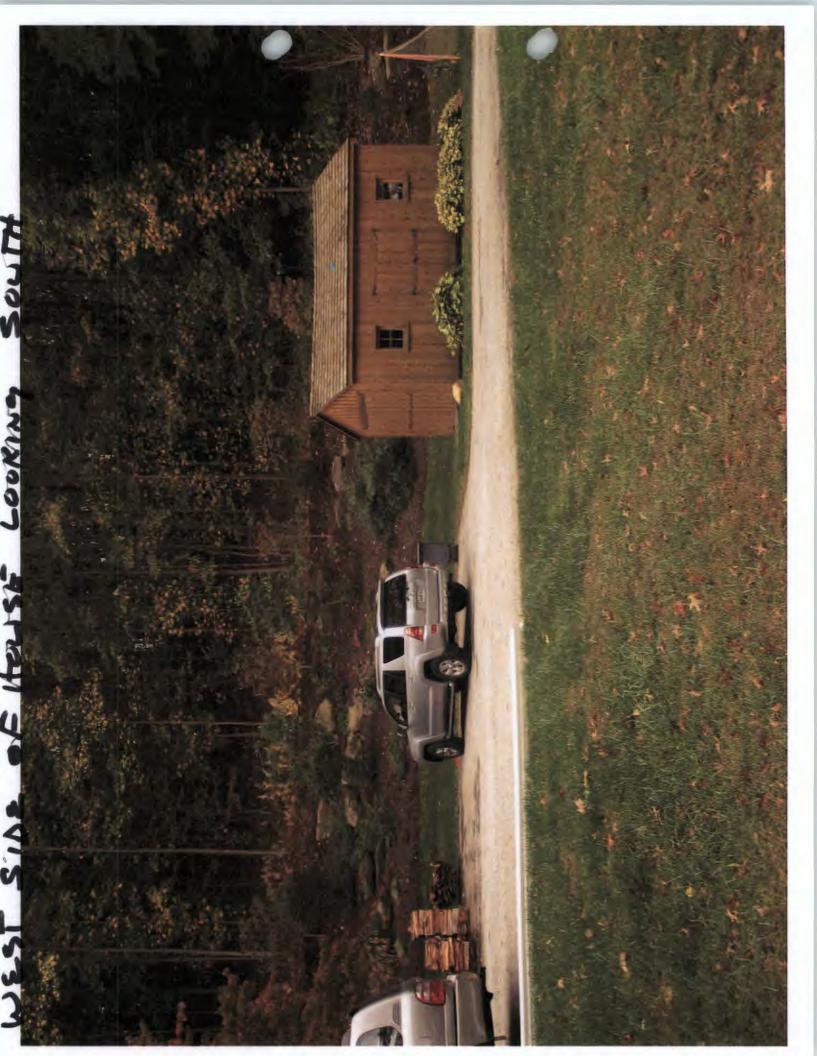
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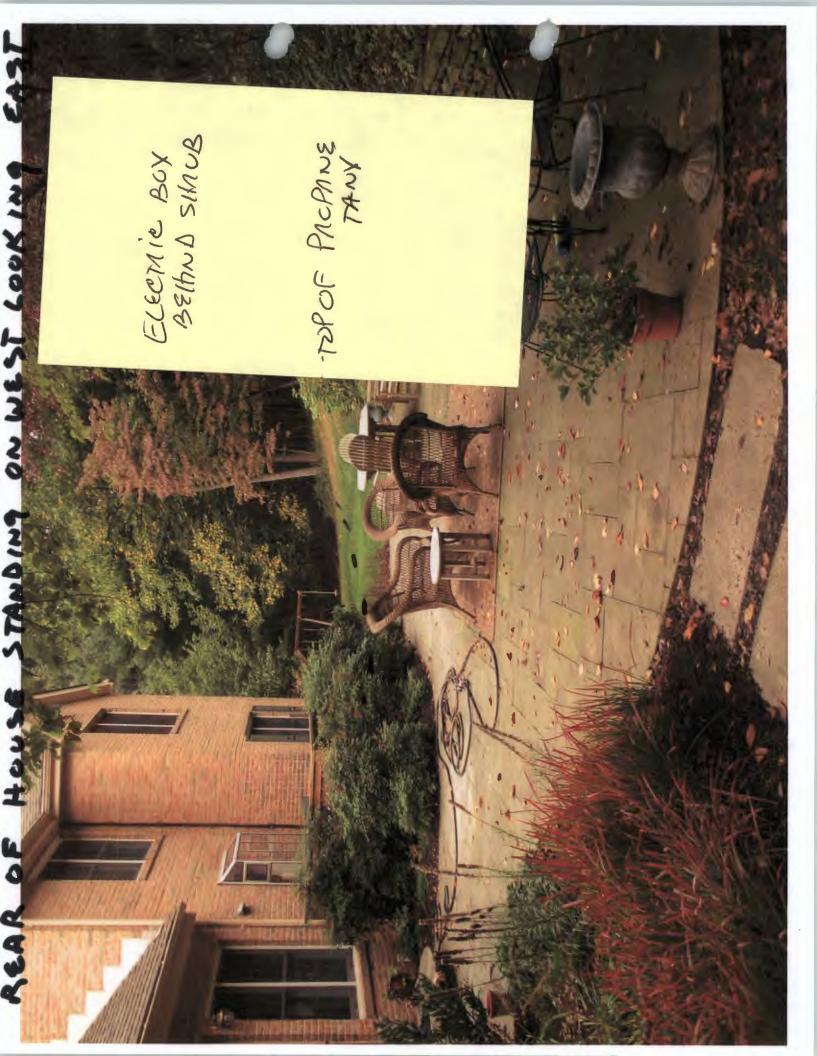








score cr



CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 10/24/10

Case Number: 2011-0139-A

Petitioner / Developer: JOHN WANG

Date of Hearing (Closing): NOVEMBER 8, 2010

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: 2007 TUFTON ROAD

The sign(s) were posted on: OCTOBER 23, 2010



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)