

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Golf Course Road, 742 feet E
of the c/l of Hopkins Lane
3rd Election District
2nd Councilmanic District
(333 Golf Course Road)

Jeffrey Y. and Rebecca M. Flynn
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0308-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Jeffrey Y. and Rebecca M. Flynn for property located at 333 Golf Course Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to pernnit a swimming pool be located in the side yard, and to permit a pool house with a height of 22 feet in lieu of the required rear yard and 15 feet height, respectively. Petitioners have an existing swimming pool which they plan to fill in and construct a new swimming pool measuring 20 feet x 40 feet much closer to the dwelling. Adjacent to the new swimming pool is a proposed one story pool house measuring 1,023 square feet. The additional height of the pool house is necessary so that the pool house has a similar roof pitch and architectural style as the existing dwelling. Photographs submitted with the Petition illustrate dense foliage surrounds the property. The property contains 3.42 acres and is served by private sewer and water. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

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 5-18-11

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 24, 2011, 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 Administrative Law Judge, 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 Administrative Law Judge for Baltimore County, this 18th day of May, 2011 that Petitioners' Variance request from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a swimming pool be located in the side yard, and to permit a pool house with a height of 22 feet in lieu of the required rear yard and 15 feet height, respectively 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. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.

ORDER RECEIVED FOR FILING

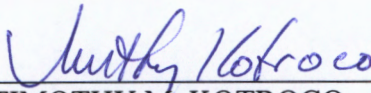
Date 5-18-11

2

By J

3. The accessory structure shall not be used for commercial purposes.
4. Upon issuance of building permits, the existing swimming pool which is shown on the site plan accompanying this Petition shall be filled in.
5. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 5-18-11 3

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 18, 2011

JEFFREY Y. AND REBECCA M. FLYNN
333 GOLF COURSE ROAD
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 2011-0308-A
Property: 333 Golf Course Road

Dear Mr. and Mrs. Flynn:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Anthony Gill, Ratcliffe Architects, 10404 Stevenson Road, Stevenson MD 21153



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 333 Golf Course Rd., Owings Mills, MD 21117 which is presently zoned RC-5

Deed Reference: 1579200075 Tax Account # 0304050976

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)

see attached

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.

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):

Jeffrey Y. Flynn

Name - Type or Print

Signature

Rebecca M. Flynn

Name - Type or Print

Signature

333 Golf Course Rd. 410-581-3449

Address

Telephone No.

Owings Mills, MD 21117-4127

City

State

Zip Code

Representative to be Contacted:

Anthony Gill, Ratchette Architects

Name

10404 Stevenson Rd.

Address

410-484-7010

Telephone No.

Stevenson, MD 21153

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. 2011-0308-A

Reviewed By Bh Date 4/12/11

Estimated Posting Date 4/24/11

Sections 400.1 and 400.3 to permit a proposed swimming pool be located in the side yard and to permit a proposed pool house with a height of 22 ft. in lieu of the required rear yard and 15 ft. height, respectively.

#0308

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 own and reside at 333 Golf Course Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) See attached Administrative Variance request letter.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Jeffrey Flynn
Signature

Jeffrey Flynn
Name- print or type

Rebecca Flynn
Signature

Rebecca Flynn
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 17th day of April, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Jeffrey Flynn & Rebecca Flynn
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sandra L. Mills
Name of Notary Public

07/27/2012
Commission expires

PLACE SEAL HERE:



REQUEST FOR ADMINISTRATIVE VARIANCE
PROPOSED POOL HOUSE

333 Golf Course Road, Owings Mills, MD 21117-4127

We the Owners and their representatives request an administrative variance to exceed the 15'-0" maximum height restriction established for an accessory structure located within a rear yard in a RC-5 zoning district by a height of 7'-0" for the proposed pool house shown. This request for additional height is for the purposes of maintaining a similar roof pitch, architectural style, and visual connection to the main house. We are also submitting for an administrative variance to locate the new pool associated with the pool house in the adjacent side-yard at this time. Consequently, upon approval the existing pool shown on the site plan will be filled-in as noted.

Many steps have been taken to reduce the visual impact of the proposed structure on the site prior to submitting for this administrative variance. For instance, the building site was selected, because it resides at the same grade level as the main house. This will alleviate any immediate or future hardship for the home owners traveling to the new pool site in their later years. The new build site was also chosen, because it sits at a lower grade level than an existing accessory garage structure, which can be found in the Southwest corner of the lot (See photograph D). Therefore the new pool house location will have a lower roof line than the existing roof line of the accessory garage.

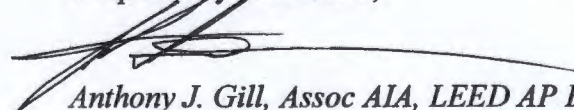
To further limit the impact of the pool & pool house on the site, the new building will be constructed 2'-0" below grade on its Southern elevation, which faces Golf Course Road as shown in the site plan attached. This will create a roof line that is only 5'-0" above the requisite 15'-0" height limitation established by the zoning code for the Southern exposure facing the main access road (Golf Course Road). By contrast, the three alternate facades facing away from the Golf Course Road and hidden from public view will be 7'-0" above the maximum height limitation as previously suggested.

It should be noted that the thick foliage that surrounds the proposed site will block much of the new structure from view by neighboring homes and other accessory pool structures located in the surrounding area (See color photographs attached).

All of these measures culminate to produce the lowest possible impact on the existing site and its environs while maintaining a balanced architectural connection to the main house.

Please contact me should you have any additional questions or require any further information regarding this submittal for a strong administrative variance.

Respectfully Submitted,


Anthony J. Gill, Assoc AIA, LEED AP BD+C
Project Manager

Peter W. Ratcliffe Architects, P.A.
10404 Stevenson Road, Stevenson, MD 21153 / 410-484-7010 / Fax 410-484-3819

#0304

ZONING DESCRIPTION

Zoning Description For 333 Golf Course Road

THE THIRD OR NORTH 62 degrees 06 minutes 50 seconds West 454.72 feet line of said property runs along and through : private drive or roadway, about 8 feet in width which said private drive or roadway is to be used in common by the parties hereto of the second part and the owner or owners of the parcel of land containing 3.42 acres, more or less, adjoining the property herein conveyed on the north.

not in
metes / bounds

AV 5/9/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 6, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-308-A
Address 333 Golf Course Road
(Flynn Property)

Zoning Advisory Committee Meeting of April 18, 2011.

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

1. Any proposed building permits will require review by Groundwater Mgmt., to check well and septic setbacks, etc. – *Dan Esser; Groundwater Management*

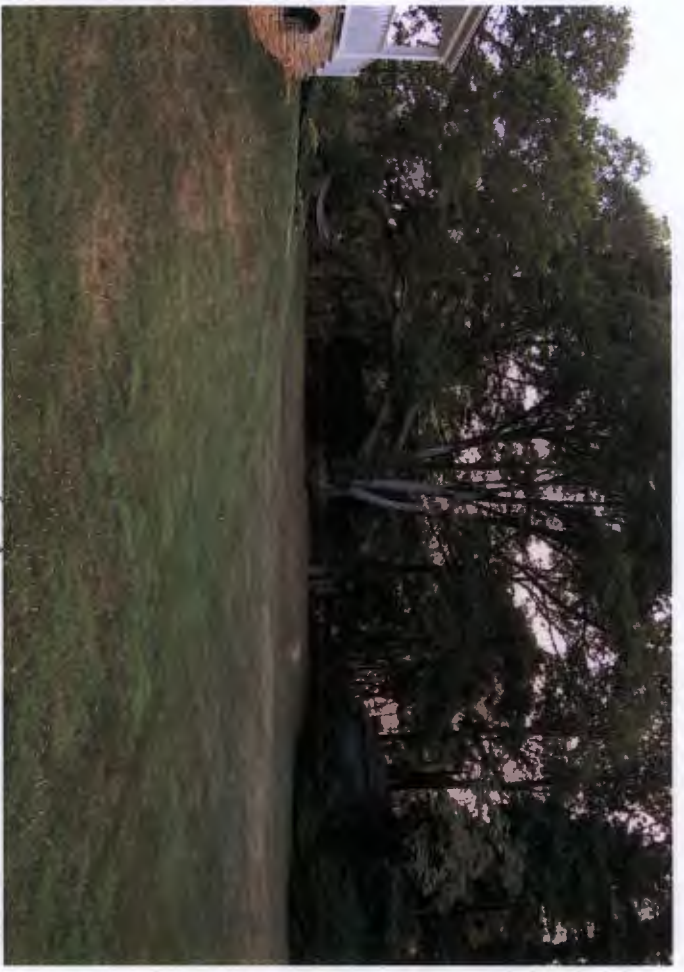
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JUN 06 2011

OFFICE OF ADMINISTRATIVE HEARINGS



A



B



C



D

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/26/2011

Case Number: 2011-0308-A

Petitioner / Developer: JEFFREY & REBECCA FLYNN~
PETER W. RATCLIFFE ARCHITECTS, P.A.

Date of Hearing (Closing): MAY 9, 2011

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:
333 GOLF COURSE ROAD

The sign(s) were posted on: APRIL 24, 2011



Linda O'Keefe
(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)

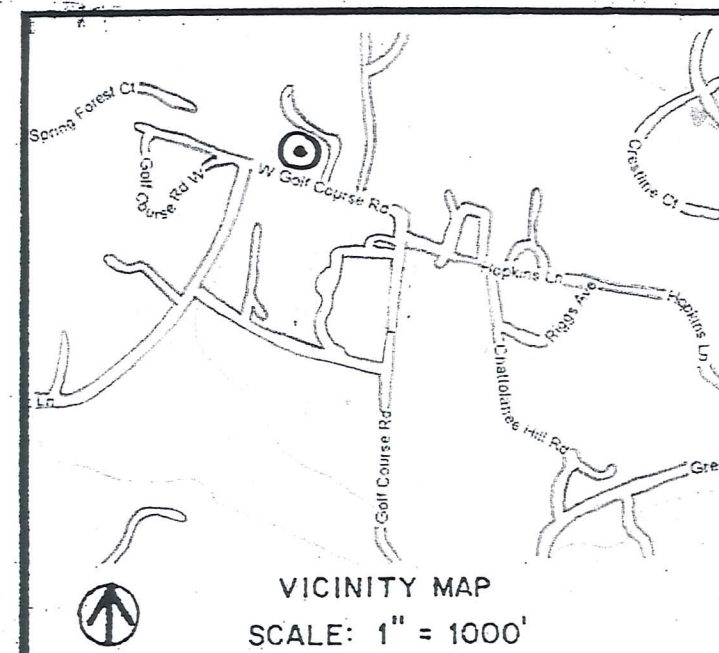
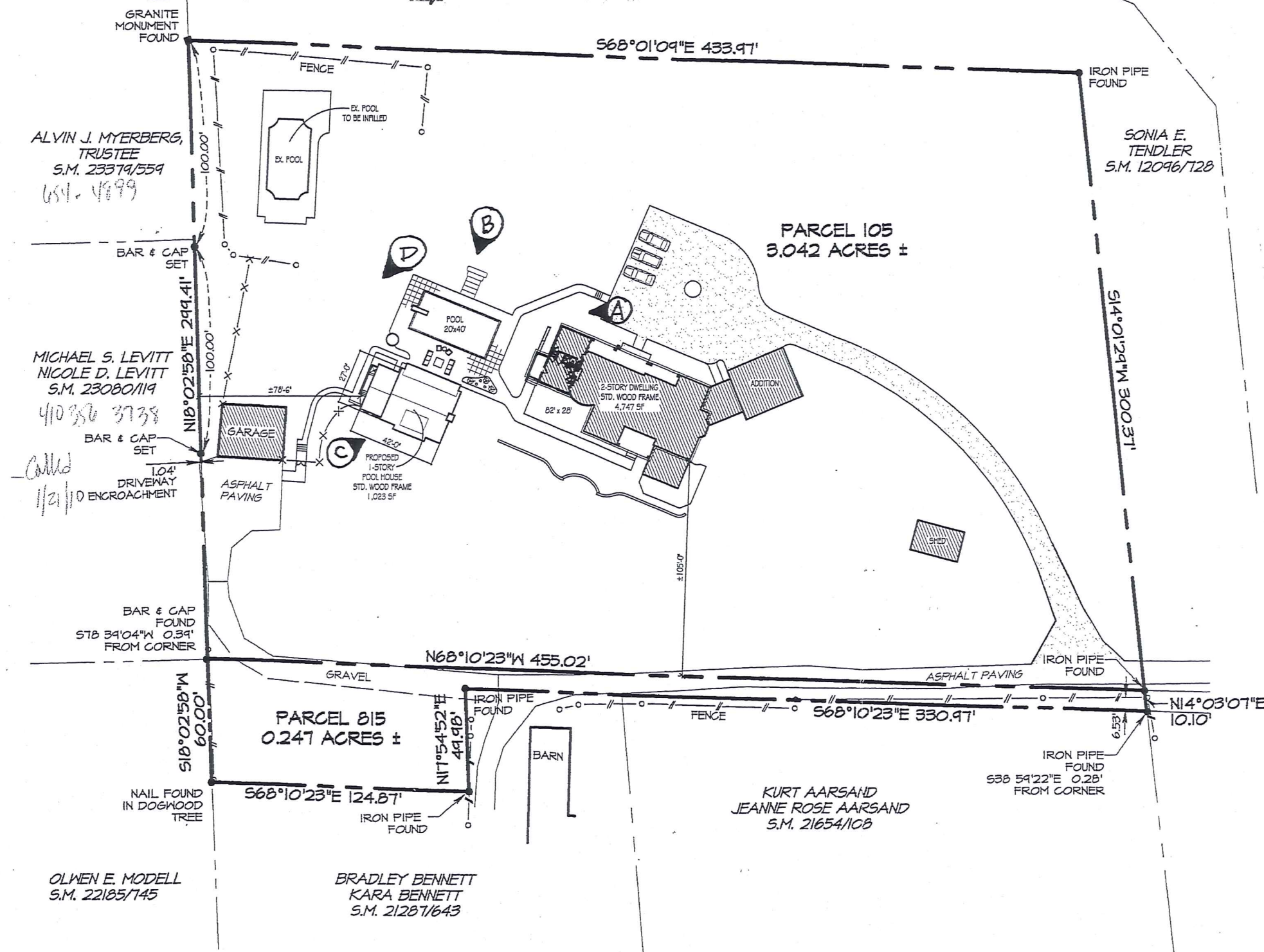
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 333 Golf Course Rd. Owings Mills, MD 21117 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME N/A

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Jelley and Rebecca Flynn



LOCATION INFORMATION

ELECTION DISTRICT 3
 COUNCILMANIC DISTRICT 2
 1" = 200' SCALE MAP # 058C3
 ZONING RC-5
 LOT SIZE 3.42 4,747
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY
 REVIEWED BY Bh ITEM # 0308 CASE # 2011-0308-A

PREPARED BY Peter W. Ratcliffe Architects SCALE OF DRAWING: 1" = 60'

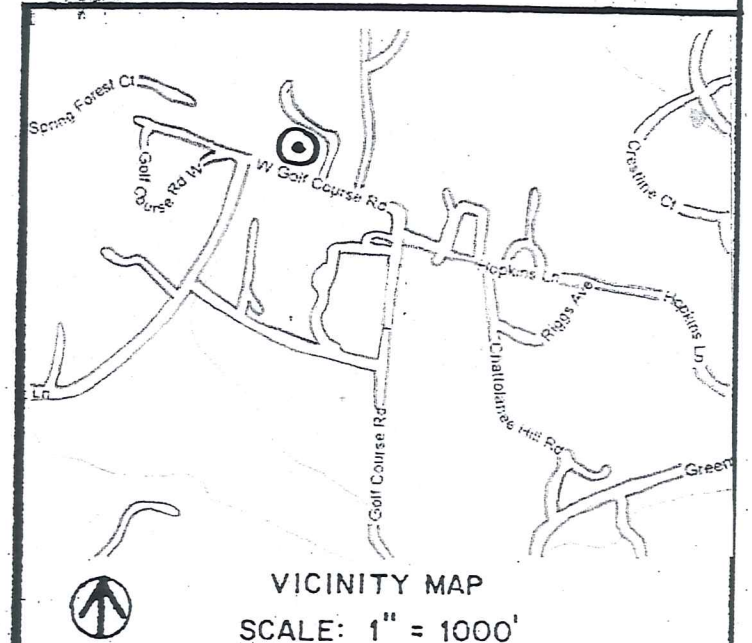
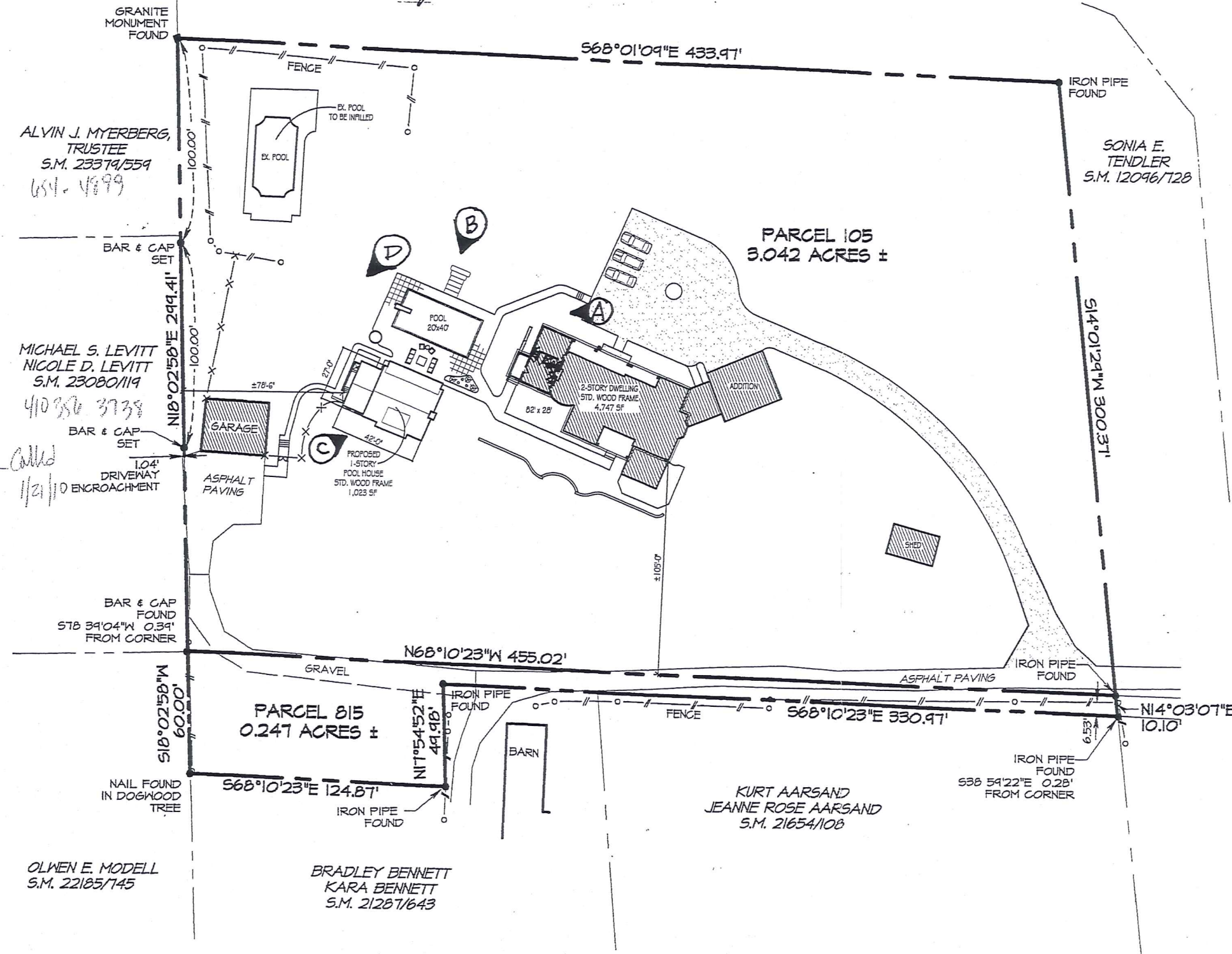
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SUBDIVISION NAME N/A

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Jelley and Rebecca Flynn



LOCATION INFORMATION

ELECTION DISTRICT 3
 COUNCILMANIC DISTRICT 2
 1" = 200' SCALE MAP # 05803
 ZONING RC-5
 LOT SIZE 3.42 4,747
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE	YES	NO
SEWER	☐	☒	☐	☒
WATER	☐	☒	☐	☒
CHESAPEAKE BAY CRITICAL AREA			☐	☒
100 YEAR FLOOD PLAIN			☐	☒
HISTORIC PROPERTY/BUILDING			☐	☒
PRIOR ZONING HEARING				

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #



PREPARED BY Peter W. Ratcliffe Architects SCALE OF DRAWING: 1" = 60'

AK | 0308 | 8011-0308-A

2200026919

Lot # 7

12

2200026918

Lot # 6

323

CAVES FOREST ESTATES (PDM File/Project # 3-230)

PDM # 030414

Lot # 1

2200028666

Pt. Bk./Folio # 068101 14

PDM # 030230

Pt. Bk. 68, Folio 101
2200026917

TENDLER, SONIA PROPERTY (PDM File/Project # MS 96131)

Pt. Bk./Folio # MP96131

058C3

11

2200026916

Lot # 4

2 CD

3 ED

NW 11-G

RC 5

0304050976

333

2200028667

Lot # 2

2400011691 Lot # 1

PDM # 030464

Pt. Bk./Folio # MP04049

GOLF COURSE RD

SPODAK PROPERTY (PDM File/Project # MS 04033)

PDM # 030463

2400009123 Lot # 3

3114

Pt. Bk./Folio # MP04033

Lot # 2

20050378

2400009122

3112

067C1

Lot # 2

20080082

2400011692

0320056260

20080195

320

0302048770

0303068940

#308

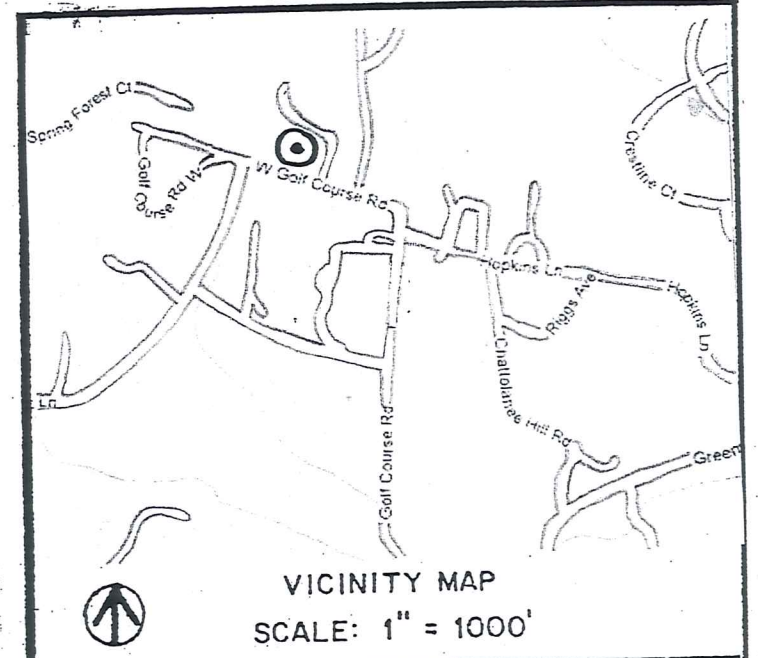
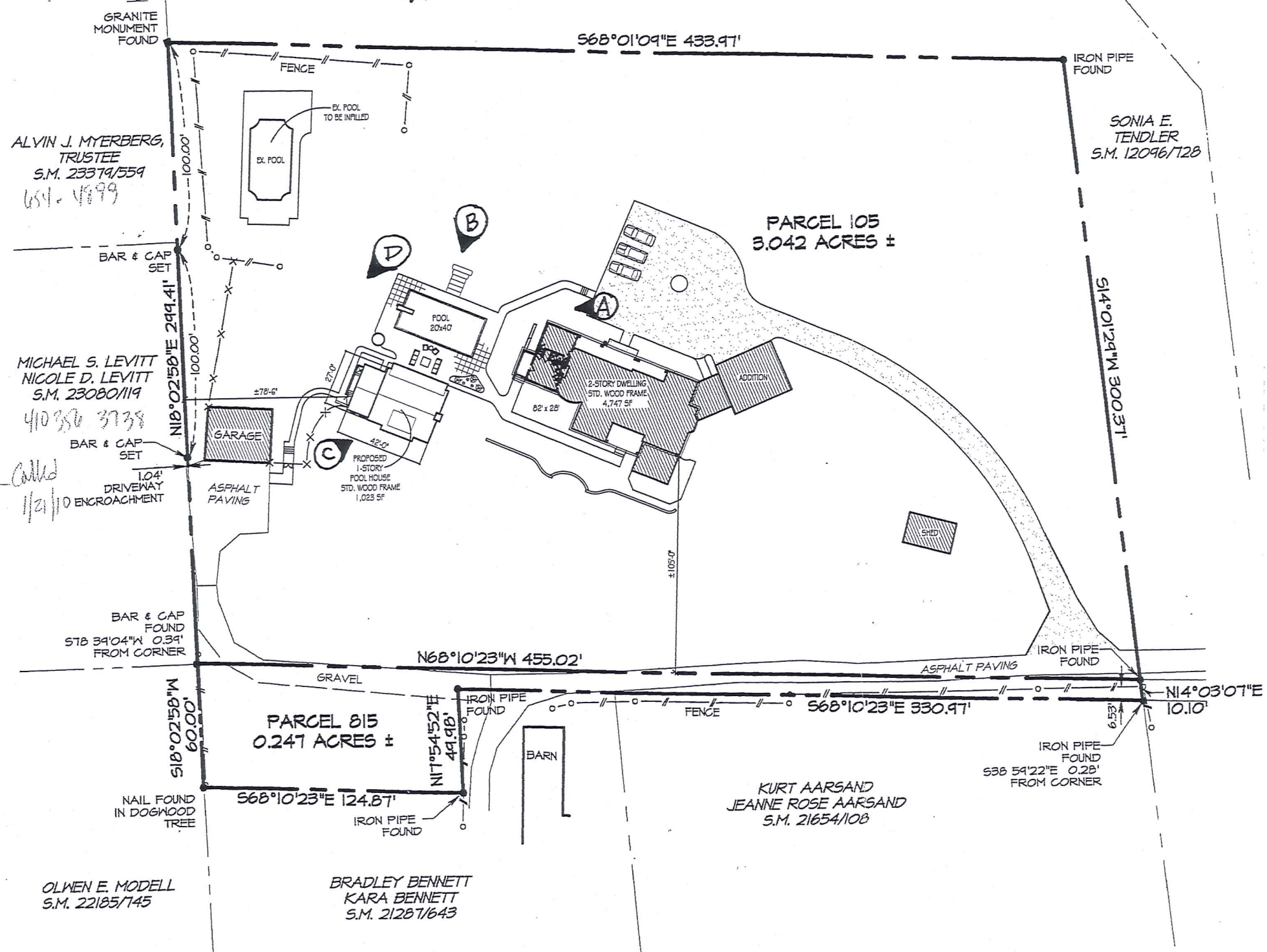
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 333 Golf Course Rd. Owings Mills, MD 21117 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME N/A

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER Jeffrey and Rebecca Flynn



LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 058C3

ZONING RC-5

LOT SIZE 3.42 4,747
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☐

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # 0308 CASE # 0011-0308-A