

IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of Worthington Road and
Hunters Glen
4th Election District
2nd Councilmanic District
(12203 Worthington Road)

Parker B. and Jeanette C. Rockefeller
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0371-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Parker B. and Jeanette C. Rockefeller for property located at 12203 Worthington Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed pool and outdoor kitchen/dining pavilion (accessory structures) in the side yard in lieu of the required rear yard, and to amend the last approved Final Development Plan for Worthington Valley, Lot #24 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an in-ground swimming pool and outdoor kitchen/dining pavilion. The proposed pavilion measures 16 feet x 25 feet, the proposed pool is 42 feet long and L-shaped. Petitioners' rear yard contains the septic tanks and septic reserve area; therefore, the in-ground swimming pool must be constructed in the side yard. The most effected property owner at 12205 Worthington Road did not express any concern about the proposed accessory structures. The property contains 1.14 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated July 20, 2010, which indicate that the proposed pool and pavilion

ORDER RECEIVED FOR FILING

Date 8.5.11

By 

building permits will need to be reviewed by Groundwater Management mainly to confirm setbacks to the septic and well.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 8, 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 5th day of August, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed pool and outdoor kitchen/dining pavilion (accessory structures) in the side yard in lieu of the required rear yard, and to amend the last approved Final Development Plan for Worthington Valley, Lot #24 only be and is hereby GRANTED, subject to the following:

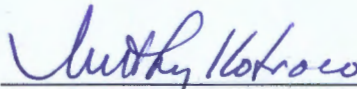
ORDER RECEIVED FOR FILING

Date 8-5-11

By 

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 proposed pool and pavilion building permits will need to be reviewed by the Groundwater Management Division of the Department of Environmental Protection and Sustainability to confirm setbacks to the septic and well.

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



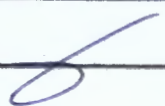
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 8-5-11

3

By 



KEVIN KAMENETZ
County Executive

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

August 5, 2011

PARKER B. AND JEANETTE C. ROCKEFELLER
12203 WORTHINGTON ROAD
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 2011-0371-A
Property: 12203 Worthington Road

Dear Mr. and Mrs. Rockefeller:

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, Approvals 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 that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

ORIGINAL KEEP IN FILE

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property
located at 12203 WORTHINGTON RD, OWINGS MILLS, MD 21117
which is presently zoned RC4, 5

Deed Reference: 2500001501 Tax Account # 2500001501

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)

SECTION 400.1 BCZR: TO
(ACCESSORY STRUCTURES)
PERMIT A PROPOSED POOL AND PAVILION TO BE LOCATED IN THE SIDE YARD
IN LIEU OF THE REQUIRED REAR YARD. AND TO AMEND THE
LAST APPROVED FINAL DEVELOPMENT PLAN FOR WORTHINGTON VALLEY,
LOT #24

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

Address

Date Telephone No.

City State Zip Code

Legal Owner(s):

PARKER B. ROCKEFELLER
Name - Type or Print

Signature

JEANETTE C. ROCKEFELLER
Name - Type or Print

Signature

12203 WORTHINGTON RD. 581-1768
Address Telephone No.

OWINGS MILLS, MD 21117
City State Zip Code

Representative to be Contacted:

PARKER ROCKEFELLER 410-952-
Name Telephone No.

12203 WORTHINGTON RD 6820
Address Telephone No.

OWINGS MILLS, MD 21117
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 0371 A

Reviewed By SL Date 6/28/11

Estimated Posting Date 7/10/11

ORIGINAL KEEP IN FILE

#0371

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 12203 WORTHINGTON RD, OWINGS MILLS, MD
Address number Road or Street name 21117
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)

THE SEPTIC TANK AND DRAIN FIELD ARE LOCATED
IN OUR BACK YARD SO WE ARE REQUESTING
PERMISSION TO BUILD A POOL IN OUR SIDE YARD WITH
AN OUTDOOR KITCHEN PAVILION.

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.

Parker B. Rockefeller
Signature

Jeanette C. Rockefeller
Signature

PARKER B. ROCKEFELLER
Name- print or type

JEANETTE C. ROCKEFELLER
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 22 day of June, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

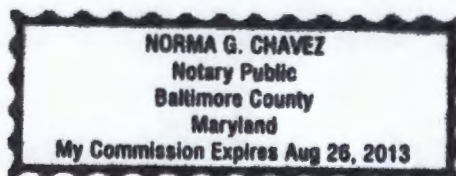
(Name Affiant(s) here): Parker Rockefeller and Jeanette Rockefeller
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Norma Chavez
Name of Notary Public

8/26/2013
Commission expires

PLACE SEAL HERE:



0371

Property Description for 12203 Worthington Road, Owings Mills MD 21117.

Beginning at the North East corner of Worthington Road which is 40 ft. wide and Hunters Glen which is 40 ft. wide, being lot 24 in the subdivision of Worthington Valley as recorded in Baltimore County Plat Book 0078, Folio #166, containing 1.14 acres. Also known as 12203 Worthington Road and located in the 4th Election District, 2nd Councilmanic District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 07/10/11

Case Number: 2011-0371-A

Petitioner / Developer: PARKER ROCKEFELLER

Date of Hearing (Closing): JULY 8, 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:
12203 WORTHINGTON ROAD

The sign(s) were posted on: JULY 8, 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)

COMMERCIAL FILE APP HAS ORIGIN POST LIST

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0371 -A Address 12203 WORTHINGTON RD

Contact Person: John Lewis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/28/11 Posting Date: 7/10/11 Closing Date: 7/25/11

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 2011- 0371 -A Address 12203 WORTHINGTON RD

Petitioner's Name ROCKEFELLER Telephone 410 952 6820

Posting Date: 7/10/11 Closing Date: 7/25/11

Wording for Sign: To Permit A PROPOSED POOL AND PAVILION (ACCESSORY STRUCTURES)
IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND TO
AMEND THE FINAL DEVELOPMENT PLAN FOR WORTHINGTON VALLEY, LOT 24

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011-0371-A

Petitioner: x ROCKEFELLER

Address or Location: x 12203 WORTHINGTON RD
OWINGS MILLS, MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: x PARKER ROCKEFELLER

Address: x 12203 WORTHINGTON RD
OWINGS MILLS, MD 21117

Telephone Number: x 410-952-6820

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

July 18, 2011

Mr. & Mrs. Rockefeller
12203 Worthington Road
Owings Mills, MD 21117

RE: Case Number 2011-0371-A, 12203 Worthington Road

Dear Mr. & Mrs. Rockefeller,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 28, 2011. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 13, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **July 11, 2011**

Item No.:

Special Hearing: 2011-0370-SPHA.

Administrative Variance: 2011-0363A, 2011-371A-0372A, 2011-0374A.

Variance: 2011-0370-SPHA, 2011-0373A, 2011-0375A.

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

AV 7/25

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: July 20, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-371-A
Address 12203 Worthington Road
(Rockefeller Property)

Zoning Advisory Committee Meeting of July 11, 2011.

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

1. Proposed pool and pavilion bldg. permits will need to be reviewed by Groundwater Mgmt., mainly to confirm setbacks to the septic and well.

Reviewer: *Dan Esser; Groundwater Management*

RECEIVED

JUL 20 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2011
Item Nos. 2011-363, 370, 371, 372, 374
And 375.

DATE: July 18, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07252011 -NO COMMENTS.doc

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 7/21/2011 3:03 PM
Subject: ZAC Comments

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Also, please disregard if you've submitted comments.

Thanks.

2011-0363-A - *Administrative Variance* - 606 Hollow Road (Closing Date 7/25/11)

2011-0370-SPHA - 7924 Ellenham Ave. (Hearing Date: 8/10/11 @ 10 AM)

2011-0371-A - *Administrative Variance* - 12203 Worthington Road (Closing Date 7/25/11)

2011-0372-A - *Administrative Variance* - 3407 Louth Road (Closing Date 7/25/11)

2011-0373-A - 5 Mandel Court (Hearing Date: 8/7/11 @ 1:30 PM)

2011-0374-A - *Administrative Variance* - 7602 Old Harford Rd. (Closing Date 8/1/11)

2011-0375-A - 8048 Philadelphia Rd. - (No Hearing Date reflected in data base as of today)

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 7-15-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

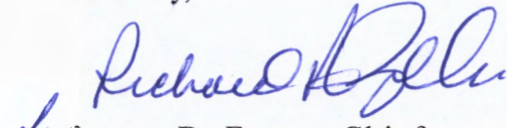
RE: Baltimore County
Item No. 2011-0371-A
Administrative Variance
Parker E. & Jeanette C. Rockefeller
12203 Worthington Road

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. 2011-0371-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



N.W VIEWS TO LOT 22



0371



N.E VIEW TO LOT #23

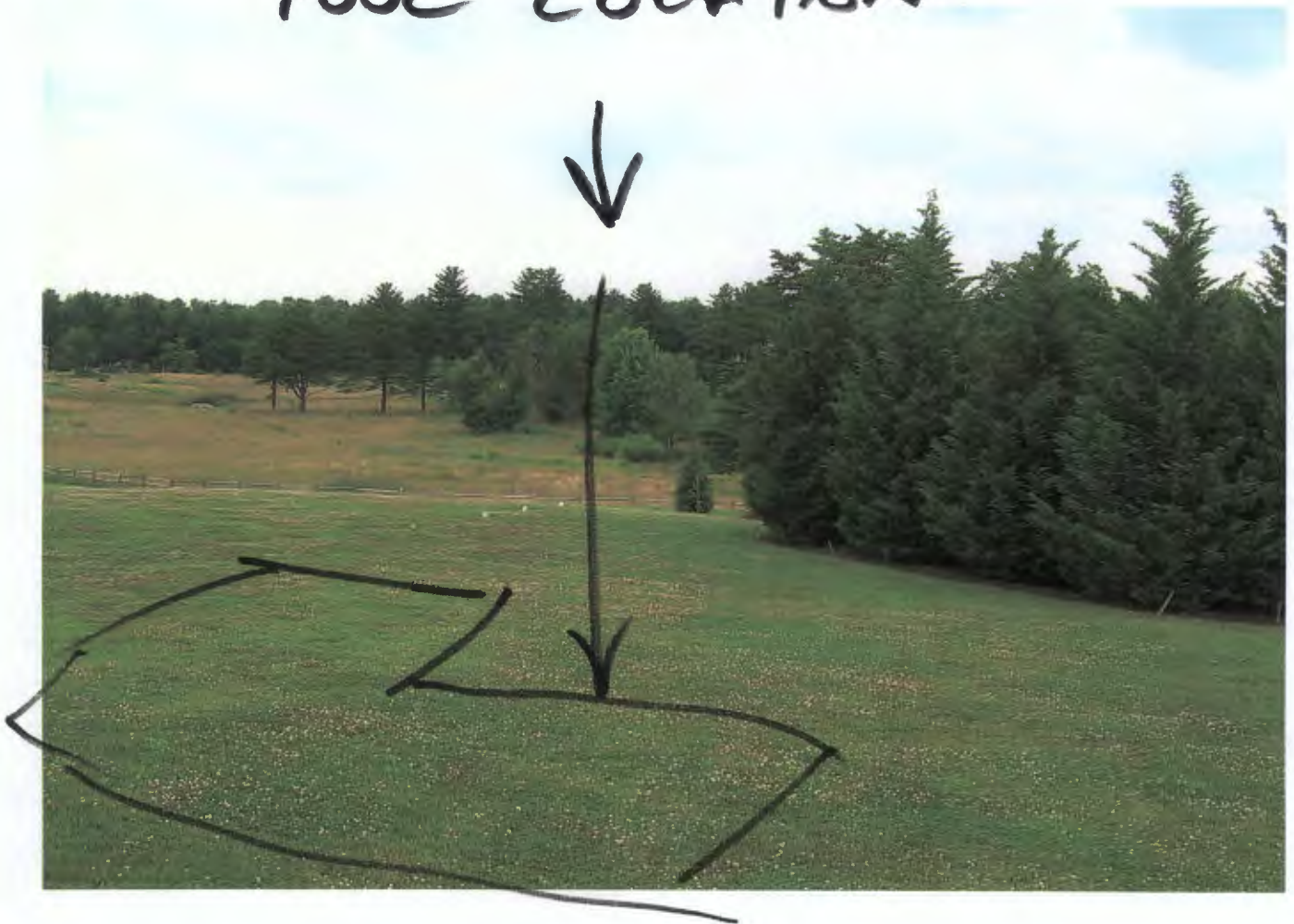


SEPTIC TANKS @ REAR
OF LOT #24

0371



LOT 24 SIDE YARD
POOL LOCATION



0371

NW 16-G

NW 16-F

Lot # 22

Pt. Bk. 78, Folio 167

2500001547

RC 4

Lot # 23

Pt. Bk. 78, Folio 166

2500001500

12205

Pt. Bk./Folio # 078166

20070393

0371

2500001502 Lot # 25

PDM # 040614

WORTHINGTON VALLEY - NEW SUBMITTAL (PDM File/Project # 4-614)

4 ED 050A2
2 CD

Lot # 24
2500001501

12203

NW 15-G

NW 15-F

RC-5

2500001498 Lot # 1

HUNTERS GLEN

2500001523

2500006163

Lot # 41

Pt. Bk./Folio # 079011

12201

WORTHINGTON RD

Lot # 42

2500006164

Pt. Bk. 79, Folio 11

Pt. Bk./Folio # 019052

Pt. Bk. Folio 52

Lot # 2
0404075475

PDM # 040007

DATE 06/28/2011 SCALE: 1 INCH = 20 FEET