

**IN RE: PETITION FOR ADMIN. VARIANCE**

S side of Buedel Court, 719 feet W  
of York Road  
7<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
**(413 Buedel Court)**

Kelly A. Wilkinson  
*Petitioner*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2012-0102-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 owner of the subject property, Kelly A. Wilkinson for property located at 413 Buedel 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 swimming pool) to be located in the side yard in lieu of the required rear yard only, and to amend the latest Final Development Plan for Theresa's Manor, Lot 11 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The photographs submitted with the Petition clearly illustrate that the Petitioner's property is much lower than the surrounding properties of 414 Buedel Court, 415 Buedel Court and 417 Buedel Court. The side yard is the only available level area on the property for construction of the proposed swimming pool. The new swimming pool, 668 square feet travertine patio and fireplace will be attractive outdoor amenities for the family. Even if the property were level, the proposed in-ground swimming pool would still have to be constructed in the side yard due to the required septic reserve area, pipeline easement and revertable slope easement in the rear yard. The property contains 1.21 acres and is served by private water and sewer. No dwellings are within 200 feet of the subject side property line.

ORDER RECEIVED FOR FILING

Date 11-8-11

By [Signature]

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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 16, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 8<sup>th</sup> day of November, 2011 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (in-ground swimming pool) to be located in the side yard in lieu of the required rear yard only, and to amend the latest Final Development Plan for Theresa's Manor, Lot 11 only, be and is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

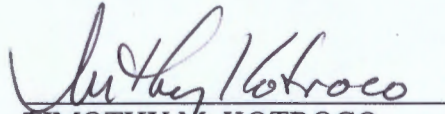
Date 11-8-11

By 



1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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 11-8-11

By 



KEVIN KAMENETZ  
*County Executive*

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

November 8, 2011

KELLY A. WILKINSON  
413 BUEDEL COURT  
SPARKS MD 21152

Re: Petition for Administrative Variance  
Case No. 2012-0102-A  
Property: 413 Buedel Court

Dear Ms. Wilkinson:

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, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK:pz

Enclosure





# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property  
located at 413 Buedel Court Sparks, MD 21152  
which is presently zoned \_\_\_\_\_

Deed Reference: 20126/244 Tax Account # 2400000952

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, BC2R, to permit an accessory structure (pool) to be located in the side yard in lieu of the required rear yard only, and to amend the latest Final Development Plan for Theresa's Manor, Lot 11 only.*

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):

Kelly A. Wilkinson

Name - Type or Print \_\_\_\_\_

Signature *Kelly A. Wilkinson*

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

413 Buedel Court

410-472-3203

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Sparks

MD

21152

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

## Representative to be Contacted:

Kelly or Jeff Wilkinson Cell: 410 236 6569

Name \_\_\_\_\_

413 Buedel Court

Home: 410-472-3203

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Sparks

MD

21152

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. 2012-0102-A

Reviewed By JNP

Date 10/7/2011

Estimated Posting Date 10/16/2011

FRM476 ORDER RECEIVED FOR FILING

Rev 3/09

Date 11-8-11



## 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 413 Buedel Ct. Sparks, MD 21152  
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) Unfortunately due to the topography of my property, as well as the location of my well, septic, septic reserve, and presence of the Colonial pipeline  
and it's easement, the only location to install my in ground pool is on the side of my property,  
which requires a variance. SEE attached site grading plan

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.

Kelly A. Wilkinson  
Signature

Signature

Kelly A. Wilkinson  
Name- print or type

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 3rd day of October, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Kelly A. Wilkinson  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

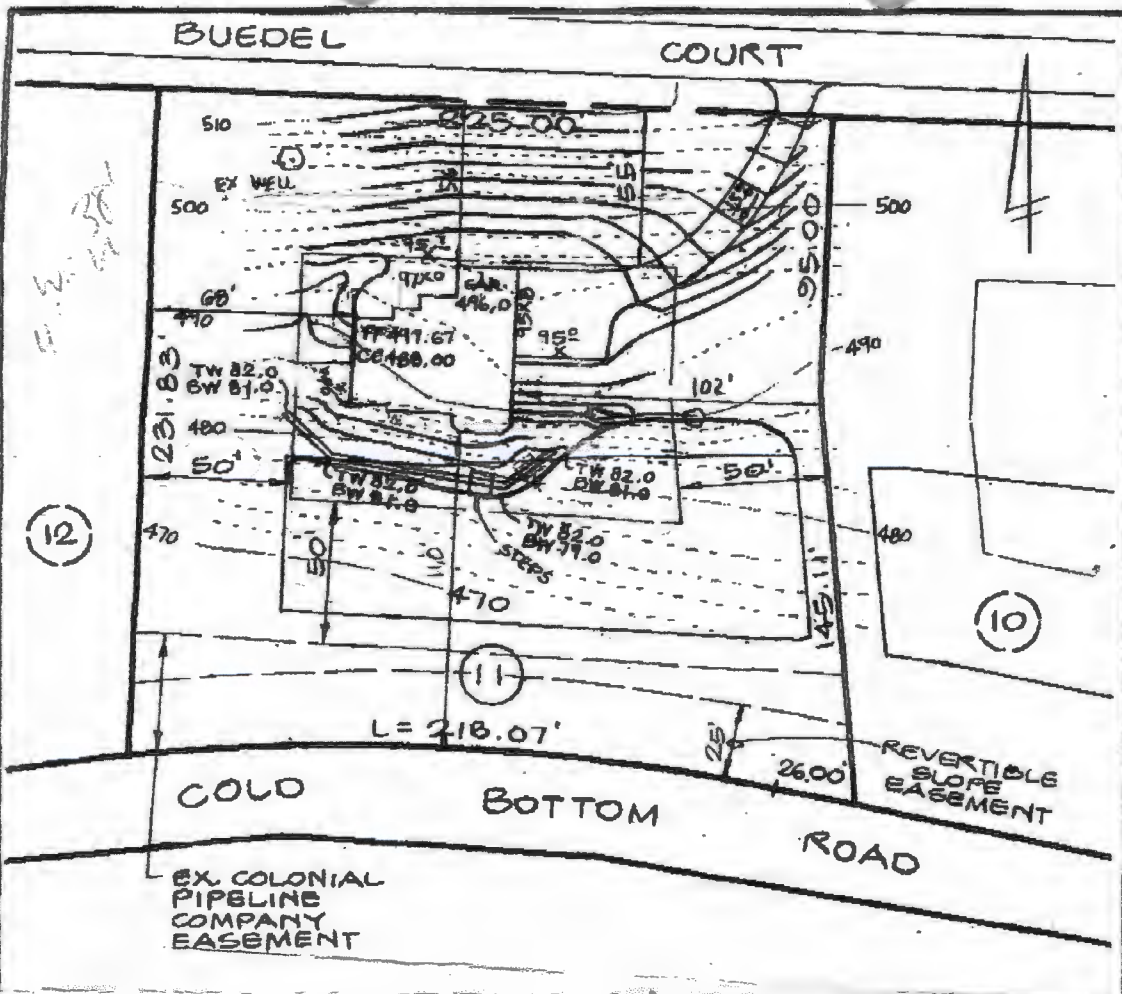
**AS WITNESS** my hand and Notarial Seal

Ellen Sparks  
Name of Notary Public

9/22/2012  
Commission expires

PLACE SEAL HERE:

**ELLEN SPARKS**



410-494-0317

NOTES:

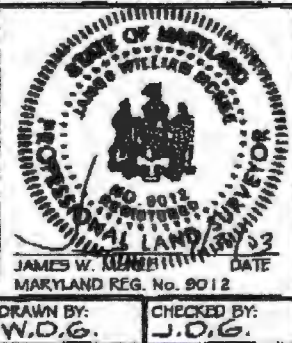
CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM FOUNDATION AT ALL TIMES.

DISTURBED AREA = 25,200 SF

PROPOSED ELEVATIONS:

FIRST FLOOR - 497.67  
CELLAR FLOOR - 488.00  
GARAGE FLOOR - 496.00

REVISED 8/13/03 TO MOVE WALKOUT & STEPS



**SITE GRADING PLAN**  
#413 BUEDEL COURT  
LOT 11 - PLAT ONE  
THERESA'S MANOR  
Δ SM 74/120  
7TH ELECT. DIST. BALTIMORE COUNTY, MD

**MCKEE & ASSOCIATES, INC.**  
Engineering - Surveying - Natural Resources Planning  
Natural Resources Planning - Real Estate Development  
SHORE PLACE, 8 SHAMAN ROAD COCKEYSVILLE, MARYLAND 21038  
TELEPHONE: (410) 867-2855 FAX: (410) 867-2853

SCALE:  
1" = 50'  
DATE:  
07-30-03  
REVISION:  
08-18-03  
JOB No. 1  
02-164

DRAWN BY: W.D.G.  
CHECKED BY: J.D.G.

2012-0102-A





# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property  
located at 413 Buedel Court Sparks, MD 21152  
which is presently zoned \_\_\_\_\_

Deed Reference: 201261244 Tax Account # 2400000952

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, BC2R, to permit an

accessory structure (pool) to be located in the side yard in lieu of the required rear yard only, and to amend the latest Final Development Plan for Theresa's Manor, Lot 11 only,

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):

Kelly A. Wilkinson

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

413 Buedel Court

410-472-3203

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Sparks

MD

21152

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

## Representative to be Contacted:

Kelly or Jeff Wilkinson Cell: 410 236 6569

Name \_\_\_\_\_

413 Buedel Court

Home: 410-472-3203

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Sparks

MD

21152

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. 2012-0102-A

Reviewed By JNP

Date 10/7/2011

Estimated Posting Date 10/16/2011

ORDER RECEIVED FOR FILING

FRM476 09

Date 11-8-11

Rev 3/09

By [Signature]



## Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently own and reside at 413 Buedel Ct. Sparks, MD 21152  
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) Unfortunately due to the topography of my property, as well as the location of my well, septic, septic reserve, and presence of the Colonial pipeline

and it's easement, the only location to install my in ground pool is on the side of my property, which requires a variance. SEE attached site grading plan

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.

Kelly A. Wilkinson  
Signature

Signature

Kelly A. Wilkinson  
Name- print or type

Name- print or type

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**STATE OF MARYLAND, BALTIMORE COUNTY, to wit:**

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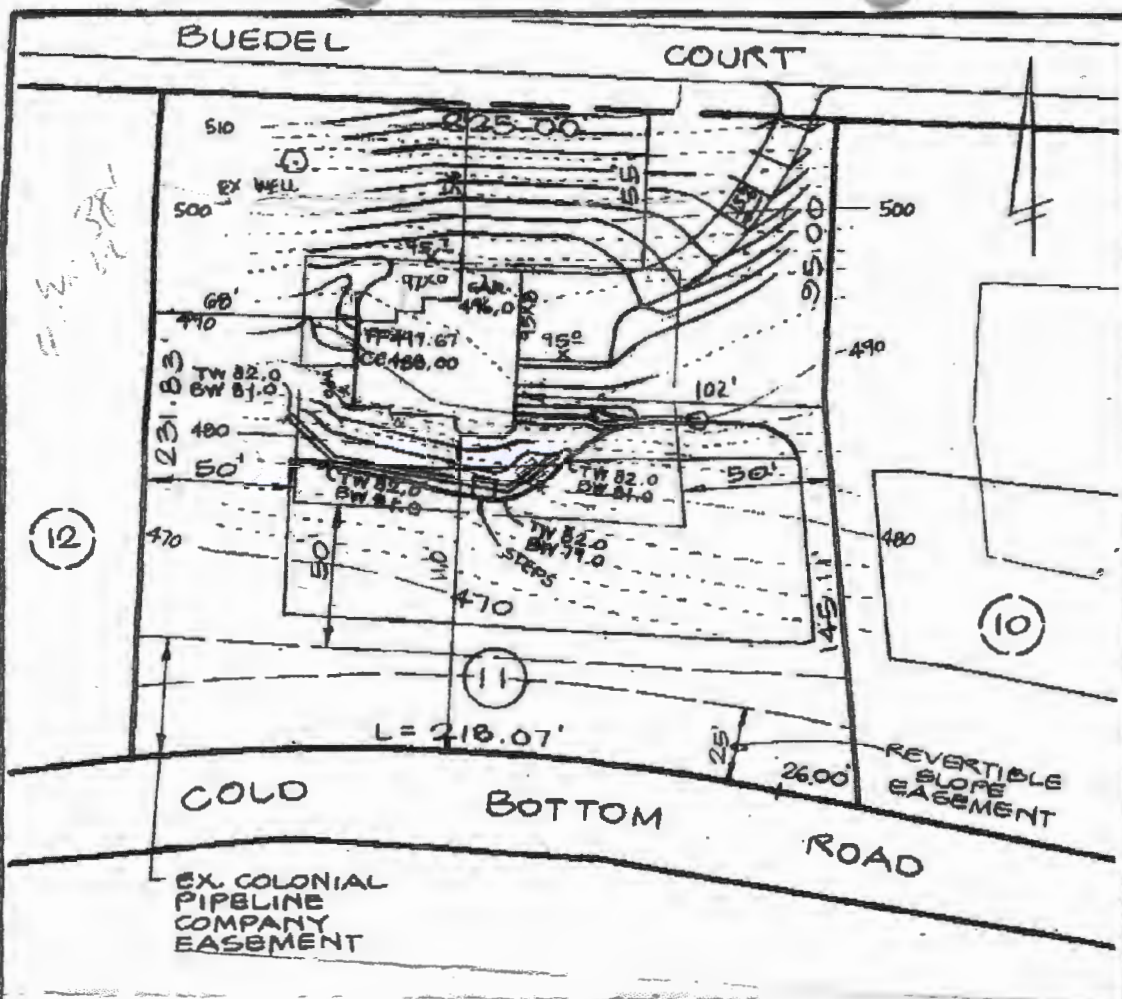
**AS WITNESS** my hand and Notarial Seal

Ellen Sparks  
Name of Notary Public

9/22/2012  
Commission expires

**ELLEN SPARKS**

PLACE SEAL HERE:







# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property  
located at 413 Buedel Court Sparks, MD 21152  
which is presently zoned \_\_\_\_\_

Deed Reference: 201261244 Tax Account # 2400000952

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 an

accessory structure (pool) to be located in the side yard in lieu of the required rear yard only, and to amend the latest Final Development Plan for Theresa's Manor, Lot 11 only.

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):

Kelly A. Wilkinson

Name - Type or Print \_\_\_\_\_

Signature Kelly A. Wilkinson

Name - Type or Print \_\_\_\_\_

Signature \_\_\_\_\_

413 Buedel Court

410-472-3203

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Sparks

MD

21152

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

## Representative to be Contacted:

Kelly or Jeff Wilkinson Cell: 410 236 6569

Name \_\_\_\_\_

413 Buedel Court

Home: 410-472-3203

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Sparks

MD

21152

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. 2012-0102-A

Reviewed By JNP

Date 10/7/2011

ORDER RECEIVED FOR FILING

Estimated Posting Date 10/16/2011

FRM476 09

Date 11-8-11

By [Signature]

Rev 3/09

## 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 413 Buedel Ct. Sparks, MD 21152  
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) Unfortunately due to the topography of my property, as well as the location of my well, septic, septic reserve, and presence of the Colonial pipeline

and it's easement, the only location to install my in ground pool is on the side of my property, which requires a variance.

SEE attached site grading plan

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.

Kelly A. Wilkinson  
Signature

Signature

Kelly A. Wilkinson  
Name- print or type

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 3rd day of October, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Kelly A. Wilkinson  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

**AS WITNESS** my hand and Notarial Seal

Ellen Sparks  
Name of Notary Public

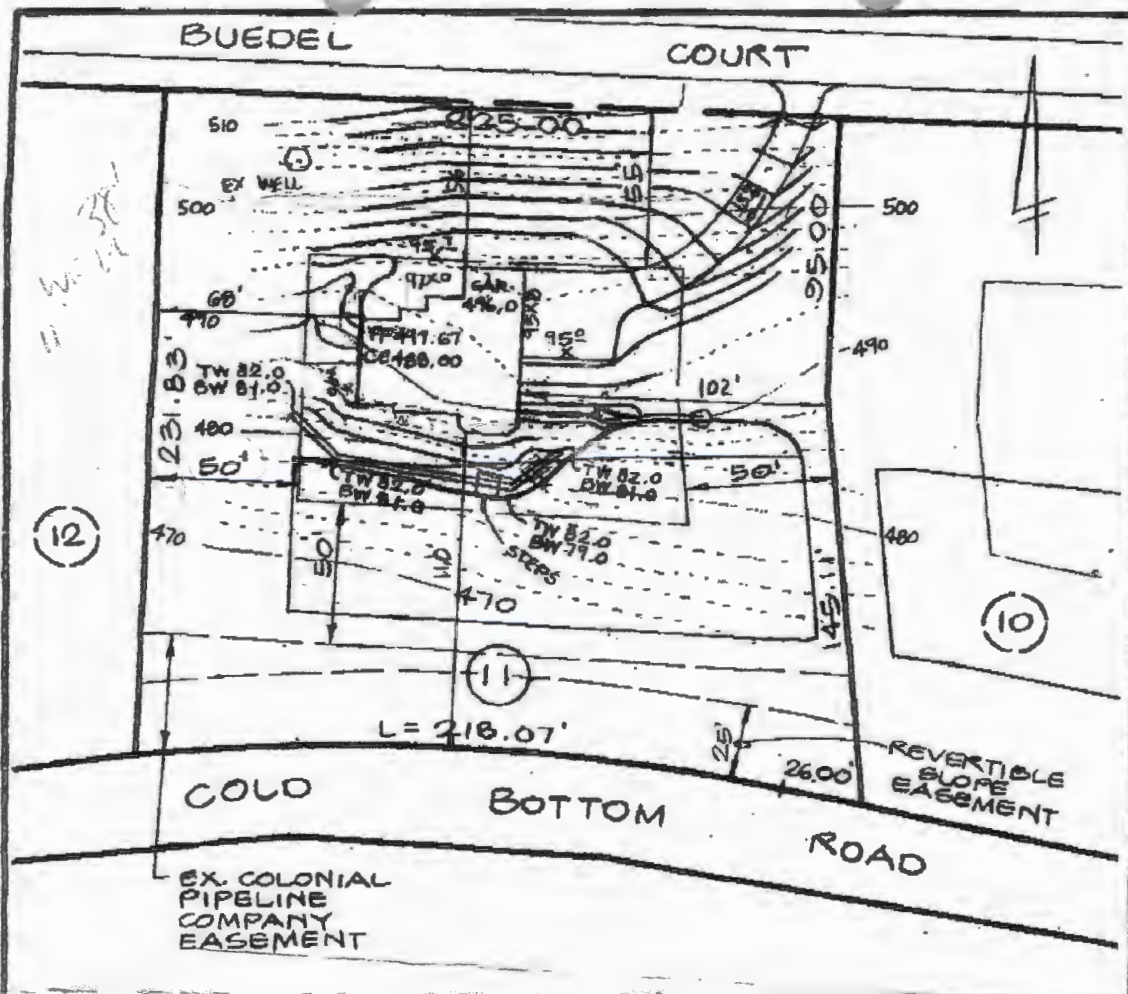
9/22/2012  
Commission expires

**ELLEN SPARKS**

PLACE SEAL HERE:

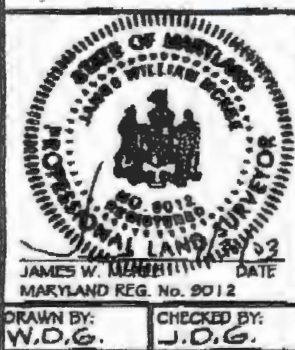


1/10<sup>th</sup> = 4 ft.



36'

410-494-0317



**REVISED 8/13/03 TO MOVE WALKOUT & STEPS**

**SITE GRADING PLAN**

**#413 BUEDEL COURT**

**LOT 11 - PLAT ONE**

**THERESA'S MANOR**

**Δ SM 74/120**

**7TH ELECT. DIST. BALTIMORE COUNTY, MD**

**MCKEE & ASSOCIATES, INC.**

**Engineering - Surveying - Natural Resources Planning**

**Natural Resources Planning - Real Estate Development**

**SHANNON PLACE, 8 SHANNON ROAD**

**COCKEYSVILLE, MARYLAND 21038**

**TELEPHONE (410) 607-0000**

**FACSIMILE (410) 607-0003**

**SCALE:**

**1" = 50'**

**DATE:**

**07-30-03**

**REVISION:**

**08-13-03**

**JOB No.:**

**02-164**

2012-0102-A

**Zoning Property Description:**  
**413 Buedel Court Sparks, MD 21152**

Beginning at a point on the South side of Buedel Ct., which is 40 feet wide at the distance of 719 feet west of the centerline of York Road, which is 60' feet wide. Being lot #11 in the subdivision of "Theresa's Manor" as recorded in Baltimore County Plat Book #74, Folio#120, containing 1.21 acres in lot. Located in the 7<sup>th</sup> Election District and 3<sup>rd</sup> Council District.

2012-0102-A



**Zoning Property Description:**  
**413 Buedel Court Sparks, MD 21152**

Beginning at a point on the South side of Buedel Ct., which is 40 feet wide at the distance of 719 feet west of the centerline of York Road, which is 60' feet wide. Being lot #11 in the subdivision of "Theresa's Manor" as recorded in Baltimore County Plat Book #74, Folio#120, containing 1.21 acres in lot. Located in the 7<sup>th</sup> Election District and 3<sup>rd</sup> Council District.

2012-0102-A

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2012- 0102 -A Address 413 Buedel Court  
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 10/7/2011 Posting Date: 10/16/2011 Closing Date: 10/31/2011

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 2012- 0102 -A Address 413 Buedel Court  
Petitioner's Name Kelly A. Wilkinson Telephone 410-472-3203

Posting Date: 10/16/2011 Closing Date: 10/31/2011

Wording for Sign: To Permit an accessory structure (pool) to be located in the side yard  
in lieu of the required rear yard only, and to amend the latest Final  
Development Plan for Theresa's Manor, Lot 11 only

Revised 7/06/11



# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 2012-0103-A  
TO REPORT AN UNLAWFUL STRUCTURE (POOL) TO BE LOCATED IN THE SDC YARD IN USE OF THE REQUIRED LEASE YARD ONLY, AND TO AMEND THE LATEST FINAL DEVELOPMENT PLAN FOR THE 654'S MANOR, LOT 11 ONLY.

### PUBLIC HEARING ?

PURSUANT TO SECTION 24-121(V)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE. PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON MONDAY, OCTOBER 29, 2012.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT DIVISION, 1000 E. JONES RD., BALTIMORE, MD 21202. TEL: 987-3391

MEETING IS PUBLICLY ACCESSIBLE.

10/16/2011

Metzger 10/16/11

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

No. **74485**

Date: 10/7/2011

**PAID RECEIPT**

BUSINESS ACTUAL TIME DSN  
 10/12/2011 10/07/2011 14433:50 5  
 REC 0503 WALKIN BROS LBN  
 RECEIPT # 551349 10/07/2011 OFLN  
 Dep. S ECR ZONING VERIFICATION  
 CR NO. 079085

| Fund | Dept | Unit | Sub Unit | Rev<br>Source/ | Sub<br>Rev/ | Obj | Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|-----|---------|----------|---------|--------|
| 001  | 206  | 0000 |          | 6150           |             |     |         |          |         | 150.00 |
|      |      |      |          |                |             |     |         |          |         |        |
|      |      |      |          |                |             |     |         |          |         |        |
|      |      |      |          |                |             |     |         |          |         |        |
|      |      |      |          |                |             |     |         |          |         |        |
|      |      |      |          |                |             |     |         |          |         |        |

Recpt Tot 1150.00  
 1150.00 CR 4.00 CA  
 Baltimore County, Maryland

Total: 150.00

Rec: Kelly Wilkinson  
 From: Adm. Variance - 413 Budget Court  
7012-0102-A (Wilkinson)

**CASHIER'S  
 VALIDATION**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!



## **M E M O R A N D U M**

DATE: December 9, 2011  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2012-0102-A – Appeal Period Expired

---

The appeal period for the above-referenced case expired on December 8, 2011. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File  
Office of Administrative Hearings

**Patricia Zook - 2012-0102-A -- 30 day appeal period up (AV)**

---

**From:** Patricia Zook  
**To:** Adams, Sarah; Wiley, Debra; Zook, Patricia  
**Date:** 12/8/2011  
**Due:** 12/8/2011  
**Subject:** 2012-0102-A -- 30 day appeal period up (AV)

---

Patti Zook  
Baltimore County  
Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson MD 21204  
410-887-3868  
[pzook@baltimorecountymd.gov](mailto:pzook@baltimorecountymd.gov)

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.



CHECKLIST

| <u>Comment Received</u>         | <u>Department</u>                                                     | <u>Support/Oppose/ Conditions/ Comments/ No Comment</u> |
|---------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------|
| <u>10-20</u>                    | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | <u>nc</u>                                               |
| <u>11-2</u>                     | DEPS<br>(if not received, date e-mail sent _____)                     | <u>nc</u>                                               |
| _____                           | FIRE DEPARTMENT                                                       | _____                                                   |
| _____                           | PLANNING<br>(if not received, date e-mail sent _____)                 | _____                                                   |
| <u>10-18</u>                    | STATE HIGHWAY ADMINISTRATION                                          | <u>nc</u>                                               |
| _____                           | TRAFFIC ENGINEERING                                                   | _____                                                   |
| _____                           | COMMUNITY ASSOCIATION                                                 | _____                                                   |
| _____                           | ADJACENT PROPERTY OWNERS                                              | _____                                                   |
| ZONING VIOLATION                | (Case No. _____)                                                      |                                                         |
| PRIOR ZONING                    | (Case No. _____)                                                      |                                                         |
| NEWSPAPER ADVERTISEMENT         | Date: _____                                                           |                                                         |
| SIGN POSTING                    | Date: <u>10-16</u> by <u>Ogle</u>                                     |                                                         |
| PEOPLE'S COUNSEL APPEARANCE     | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                         |
| PEOPLE'S COUNSEL COMMENT LETTER | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                         |
| Comments, if any: _____         |                                                                       |                                                         |
| _____                           |                                                                       |                                                         |
| _____                           |                                                                       |                                                         |

0012-0102-A

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

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[GroundRent](#)  
[Redemption](#)  
[GroundRent](#)  
[Registration](#)

**Account Identifier:**

District - 07 Account Number - 2400000952

**Owner Information**

**Owner Name:** WILKINSON KELLY A **Use:** RESIDENTIAL  
**Principal Residence:** YES  
**Mailing Address:** 413 BUEDEL CT  
SPARKS MD 21152-9430 **Deed Reference:** 1) /20126/ 00244  
2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
413 BUEDEL CT 1.206 AC  
0-0000 413 BUEDEL CT SS  
THERESAS MANOR

| Map  | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No:            |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|---------------------|
| 0028 | 0008 | 0087   |              | 0000        |         |       | 11  | 2               | Plat Ref: 0074/0120 |

**Special Tax Areas** **Town** NONE  
**Ad Valorem**  
**Tax Class**

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 2004                    | 3,906 SF      | 1.2100 AC          | 04         |

| Stories  | Basement | Type                 | Exterior |
|----------|----------|----------------------|----------|
| 2.000000 | YES      | STANDARD UNIT STUCCO |          |

**Value Information**

|                           | Base Value | Value      | Phase-in Assessments |            |
|---------------------------|------------|------------|----------------------|------------|
|                           |            | As Of      | As Of                | As Of      |
|                           |            | 01/01/2011 | 07/01/2011           | 07/01/2012 |
| <b>Land</b>               | 255,250    | 204,200    |                      |            |
| <b>Improvements:</b>      | 522,560    | 370,400    |                      |            |
| <b>Total:</b>             | 777,810    | 574,600    | 574,600              | 574,600    |
| <b>Preferential Land:</b> | 0          |            |                      | 0          |

**Transfer Information**

| Seller:              | Date:         | Price:      |
|----------------------|---------------|-------------|
| TOLL MD II           | 05/26/2004    | \$600,244   |
| Type:                | Deed1:        | Deed2:      |
| ARMS LENGTH IMPROVED | /20126/ 00244 |             |
| Seller:              | Date:         | Price:      |
| BUEDEL JOSEPH        | 06/20/2002    | \$2,024,000 |
| Type:                | Deed1:        | Deed2:      |
| ARMS LENGTH MULTIPLE | /16537/ 00359 |             |
| Seller:              | Date:         | Price:      |
|                      |               |             |
| Type:                | Deed1:        | Deed2:      |
|                      |               |             |

**Exemption Information**

| Partial Exempt Assessments | Class | 07/01/2011 | 07/01/2012 |
|----------------------------|-------|------------|------------|
| <b>County</b>              | 000   | 0.00       | 0.00       |
| <b>State</b>               | 000   | 0.00       | 0.00       |
| <b>Municipal</b>           | 000   | 0.00       | 0.00       |

**Tax Exempt:**  
**Exempt Class:**

**Special Tax Recapture:**



# Looking down to proposed pool area



Street level



House level



Lower level

2012-0102-A



# Proposed pool area

414 BUENEL CT

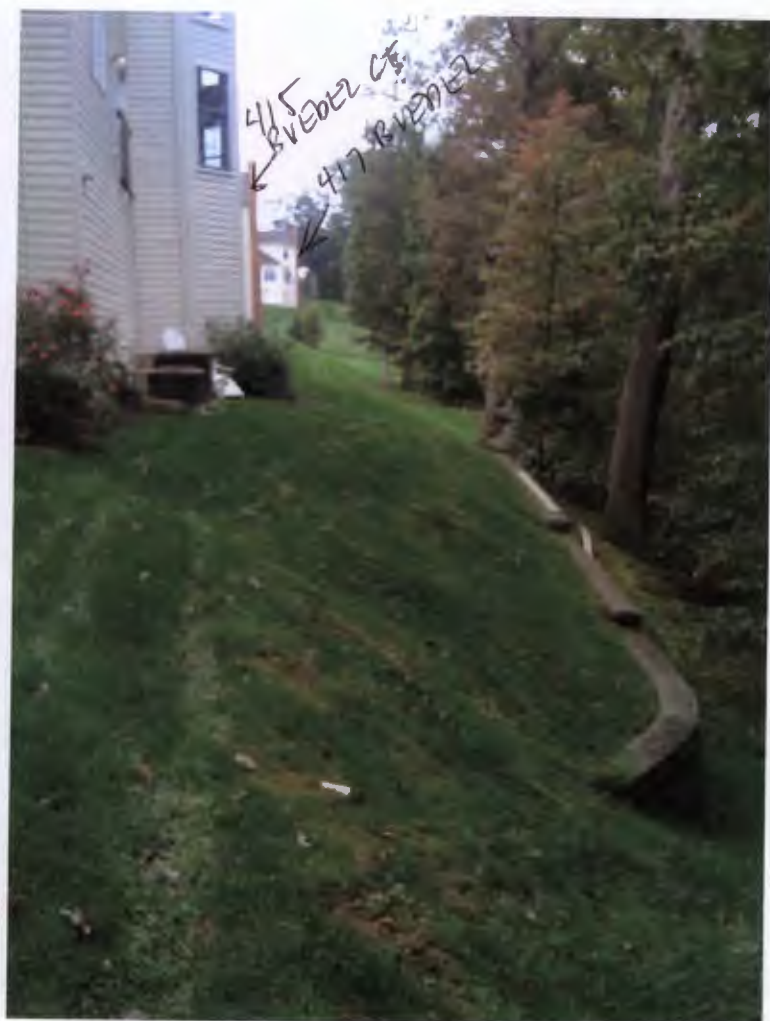
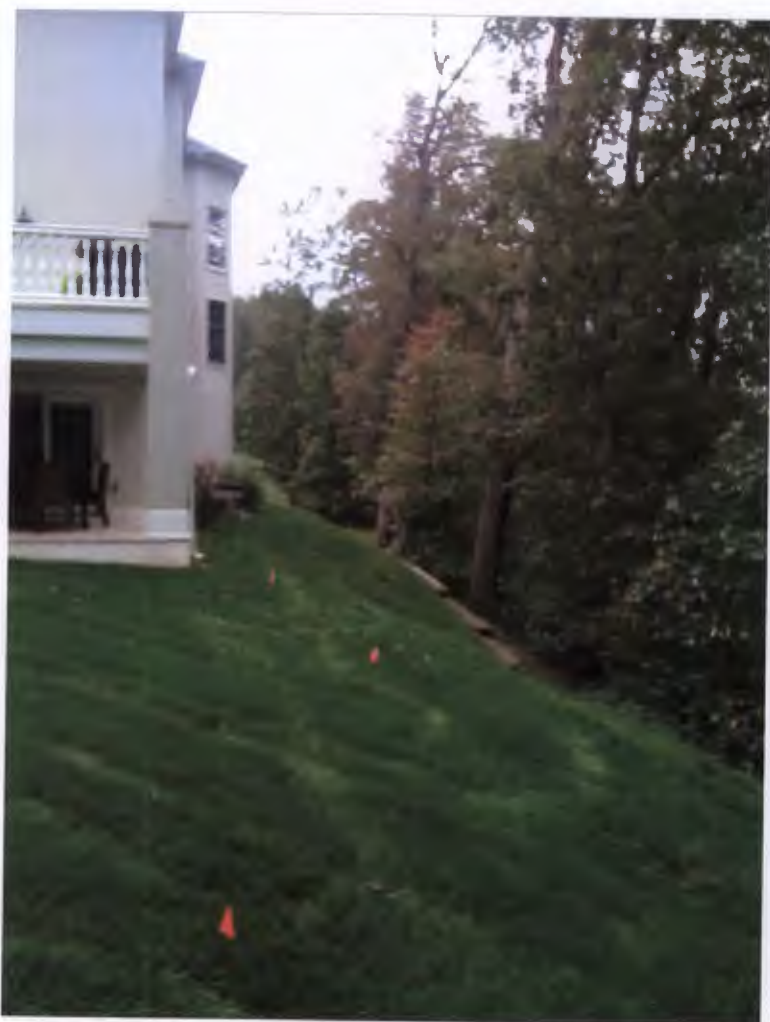


2012-0102-A



2012-0102-A

# Back of house - west side



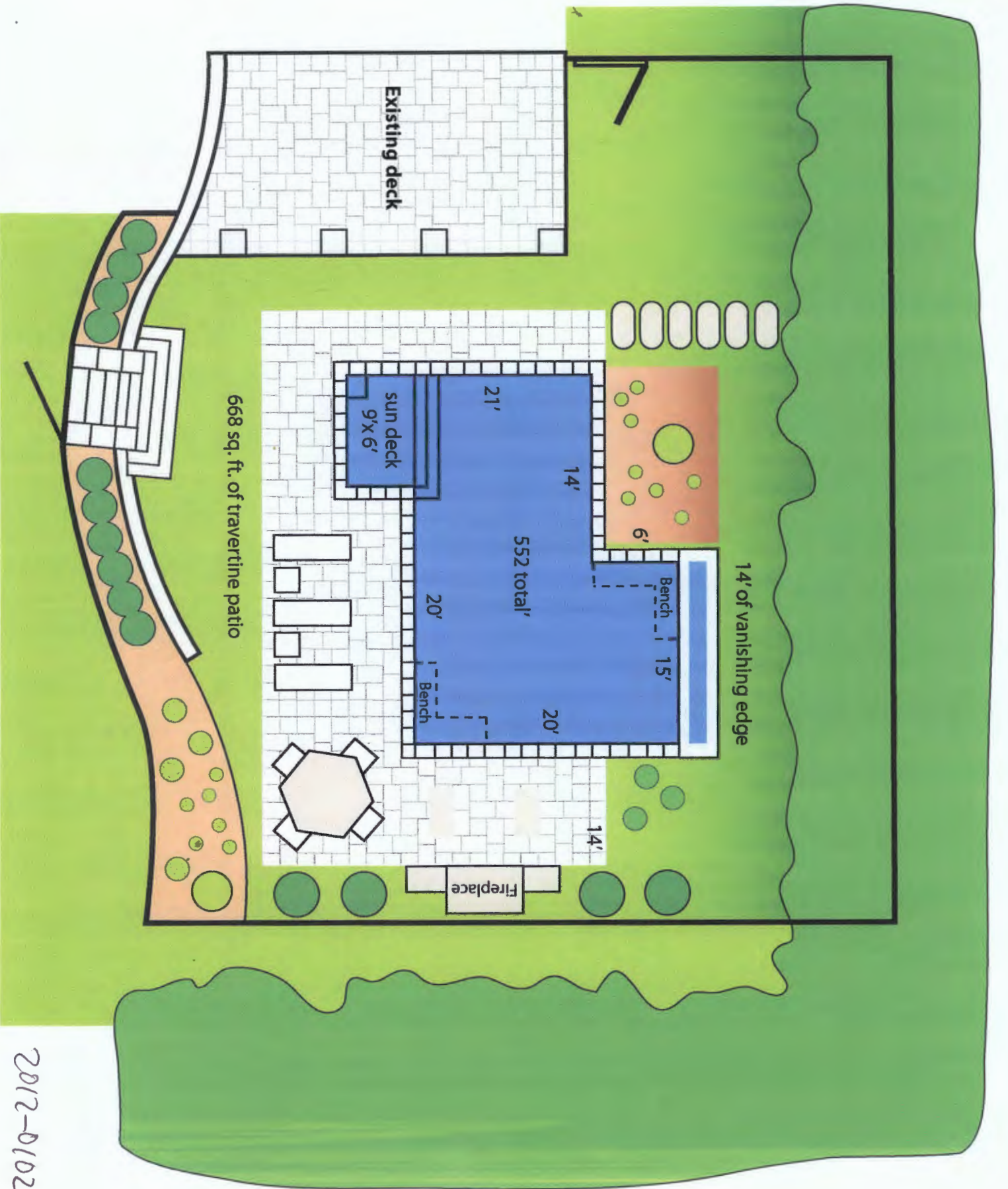


Back of house - east side



2012-0102-A





2012-0102-4

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



RECEIVED

NOV 02 2011

OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: November 2, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0102-A  
Address 413 Buedel Court  
(Wilkinson Property)

Zoning Advisory Committee Meeting of October 17, 2011.

X The Department of Environmental Protection and Sustainability has no  
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*



**Debra Wiley - ZAC Comments - Distribution Meeting of October 17, 2011**

---

**From:** Debra Wiley  
**To:** Kennedy, Dennis; Lykens, David; Livingston, Jeffrey; Lanham, Lynn; Murra...  
**Date:** 10/30/2011 2:10 PM  
**Subject:** ZAC Comments - Distribution Meeting of October 17, 2011

---

Hi there,

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. Thank you.

2012-0097-A - 1320 Chesapeake Avenue (CBCA & Floodplain)  
Administrative Variance - Closing Date: 10/31

2012-0098-A - 114 N. Beechwood Avenue  
Administrative Variance - Closing Date: 10/31

2012-0099-SPH - 10410 York Road  
No hearing date as of 10/28

2012-0100-SPHX - 7303 Old Battle Grove Road (CBCA & Floodplain)  
No hearing date as of 10/28

2012-0101-A - 224 Stonewall Road  
Administrative Variance - Closing Date: 10/31

2012-0102-A - 413 Buedel Court  
Administrative Variance - Closing Date: 10/31

2012-0103-A - 1314 Pleasant Valley Drive  
Administrative Variance - Closing Date: 11/7

Thank you.

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

Debbie Wiley  
Legal Administrative Secretary



KEVIN KAMENETZ  
*County Executive*

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

October 24, 2011

Kelly Wilkinson  
413 Buedel Court  
Sparks, MD 21152

RE: Case Number 2012-0102-A, 413 Buedel Court

Dear Ms. Wilkinson,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 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 dark ink, reading "Carl Richards Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

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

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 31, 2011  
Item Nos. 2012-098,099,100,101, 102  
And 103.

**DATE:** October 20, 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-10302011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary  
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-18-11

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

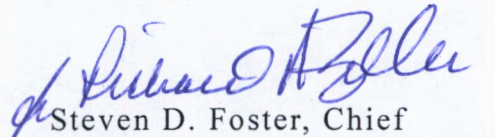
RE: Baltimore County  
Item No. 2012-0102-A  
Administrative Variance  
Kelly Wilkinson  
413 Buedel Court.

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. 2012-0102-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](mailto:rzeller@sha.state.md.us)). Thank you for your cooperation.

Sincerely,

  
Steven D. Foster, Chief  
Access Management Division

SDF/rz

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.roads.maryland.gov](http://www.roads.maryland.gov)



RC 2

2400000955

Lot # 13

Pt. Bk./Folio # 074121

Pt. Bk. 74, Folio 121

THERESA'S MANOR (PDM File/Project # 7-349) 412

414

Lot # 6  
2400000947  
PDM # 070349

2400000949

Lot # 8

DRIVEWAY  
DRIVEWAY

7 ED

BUEDEL CT

NW 25-C

RC 5

Pt. Bk./Folio # 074120

028A2

411

413

028B2

415

Lot # 12

Pt. Bk. 74, Folio 120

2400000953

Lot # 11  
2400000952

SITE

2400000951 Lot # 10

3 CD

Lot # 9  
2400000950

COLD BOTTOM RD

8 ED RC 2

0818010975

0818050970

2012-0102-A

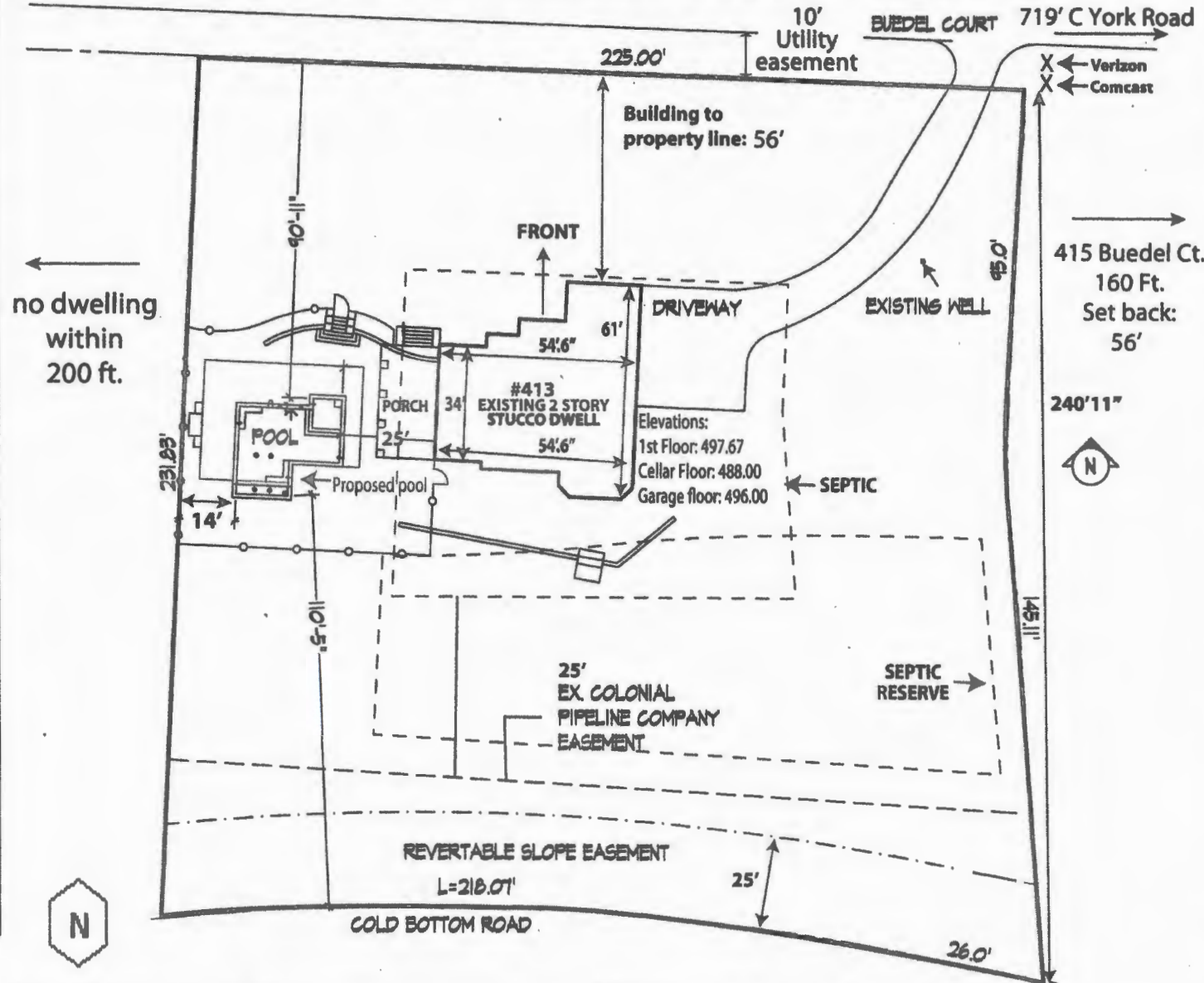
Administrative

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)

ADDRESS 413 Buedel Ct. Sparks, MD 21152 OWNER(S) NAME(S) Kelly A. Wilkinson

SUBDIVISION NAME Theresa's Manor LOT # 11 BLOCK # Null SECTION # Null

PLAT BOOK # 74 FOLIO # 120 10 DIGIT TAX # 2400000952 DEED REF. # 20126/244



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 028A2 & 028B2

SITE ZONED RC5

ELECTION DISTRICT 7

COUNCIL DISTRICT 3

LOT AREA ACREAGE 1.21 A

OR SQUARE FEET 52707.6

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC \_\_\_ PRIVATE X

SEWER IS:

PUBLIC \_\_\_ PRIVATE X

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIOLATION CASE INFO:

\_\_\_\_\_  
\_\_\_\_\_

PLAN DRAWN BY Jeff Wilkinson

DATE 10/2/11

SCALE: 1 INCH = 40 FEET

2012-0102-A