

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
5/5 Woodlynn Road, 310' E of
the c/l of Marlyn Avenue
(913 Woodlynn Road)
15th Election District
7th Councilmanic District
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-182-A
Gary E. Stahl
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front yard setback of 19 feet in lieu of the required average of 25.25 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, 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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of January, 1991 that the Petition for Residential Variance to permit a front yard setback of 19 feet in lieu of the required average of 25.25 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The addition shall have no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
Date 1/16/91
By [Signature]

- 2 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 16, 1991

Mr. Gary E. Stahl
913 Woodlynn Road
Baltimore, Maryland 21221

RE: PETITION FOR RESIDENTIAL VARIANCE
3/3 Woodlynn Road, 310' E of the c/l of Marlyn Avenue
(913 Woodlynn Road)
15th Election District - 7th Councilmanic District
Gary E. Stahl - Petitioner
Case No. 91-182-A

Dear Mr. Stahl:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

TO PERMIT A FRONT SETBACK OF 19 FT.
IN LIEU OF THE REQUIRED 25.25 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

(Indicate hardship or practical difficulty.)
1. ONLY Practical way to enlarge living room
2. WITH 7 People in Family, The home is too small
3. Most Economical way to Add on to Living room/only need to build Three walls
4. NOT NECESSARY to have Addition to Front of house/95' Woodlynn Rd 17.5' Set Back
905' Woodlynn Rd 13' Set Back

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Mr. Gary E. Stahl

Mr. Gary E. Stahl

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of January, 1991 that the subject matter of this petition be posted on the property on or before the 25th day of January, 1991.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FORGOTTEN TO BE REQUESTED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of January, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be represented, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 25th day of January, 1991, at 10:00 o'clock, AM.

ORDER RECEIVED FOR FILING

Date 1/16/91

By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-182-A

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 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 or upon settlement will reside at
913 Woodlynn Rd, Baltimore Maryland, 21221
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty.)

1. ONLY Practical way to enlarge Living room.
2. With 7 People in Family, The home is too small
3. Most economical way to Add on to house/only need Three walls
4. NOT NECESSARY to have Addition to front of house/95' Woodlynn Rd 17.5' Set Back
905' Woodlynn Rd 13' Set Back

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Gary E. Stahl
AFFIANT (Handwritten Signature)

GARY E. STAHL
AFFIANT (Printed Name)

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of January, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gary E. Stahl

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Jan 5, 1991
DATE

[Signature]
NOTARY PUBLIC

By Commission Expires May 1, 1992

Zoning Description 190
91-182-A

Being The same Lot of ground which by
Deed dated June 6, 1949 and recorded
among Land Records of Baltimore County
in Liber No 1752 Folio 60.

This same Being known and designated
as Lot No. 73, as shown on the Plat
of Martindale, which plat is recorded
in Plat Book JWB No. 14
folio 51.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

No 3831

Date

11/05/90

H9100197

PUBLIC HEARING FEES

QTY

PRICE

010 -ZONING VARIANCE (IRL) 1 X \$25.00

080 -POSTING SIGNS / ADVERTISING 1 X \$25.00

TOTAL: \$50.00

LAST NAME OF OWNER: STAHL

04404800391CHRC \$60.00
BA C00326FMI1-05-90
Baltimore County NEXT BUSINESS DAY

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

91-182-A

District 13th

Date of Posting 11/24/90

Posted for: Venue

Petitioner: Gary E. Stahl

Location of property: 310' E of Marlyn Ave

913 Woodlynn Rd

Location of Sign: Facing Woodlynn Rd, across 26' E. road

On property of Petitioner

Remarks:

Posted by: [Signature]

Date of return: 11/30/90

Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(800) 887-3353
J. Robert Haines
Zoning Commissioner

November 15, 1990

Mr. Gary E. Stahl
913 Woodlynn Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-182-A

LOCATION: 310' E of centerline Marlyn Avenue
913 Woodlynn Road

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before November 28, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 13, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or; (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

[Signature]

G. G. Stephens
(301) 887-3391

File Copy

Baltimore County Government
Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

December 6, 1990

Mr. Gary E. Stahl
913 Woodlynn Road
Baltimore, MD 21221

RE: Item No. 199, Case No. 91-182-A
Petitioner: Gary E. Stahl
Petition for Residential Variance

Dear Mr. Stahl:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commission
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
5th day of November, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Gary E. Stahl

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 3, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166
Earlie E. and Linda R. Towe, Item No. 170
Roland H. and Darlene Farlow, Item No. 171
Kwan Woo Lee, Item No. 173
Harry E. Belsinger, et al., Item No. 175
Gary D. and Kathleen M. Stewart, Item No. 178
Dale A. and Cheryl Poleyewski, Item No. 181
Bruce D. and Mary V. Frith, Item No. 182
Eileen C. Misler, Item No. 183
William M. and Constance M. Pitcher, Item No. 185
Key Federal Savings Bank, Item No. 186
Stephen D. and Wendy K. Mooney, Item No. 189
Brian D. and Tulla Briscoe, Item No. 193
Charles Henry and Vickie Jean Wallis, Item No. 195
Sharon Plaskowski, Item No. 196
Gary E. Stahl, Item No. 199
Keith E. and Terri L. Yeager, Item No. 201
Robert E. and Deborah L. Jennings, Item No. 202
Gloria P. Brown, Item No. 203
Robert E. and Karen F. Ege, Item No. 207
Javad Darbandi, Item No. 208
Thomas D. and Jeannette Considine, Item No. 209
Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMS MUL.TPL/2AC1

received
12/10/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reinecke
Chief

NOVEMBER 28, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GARY E. STAHL

Location: #913 WOODLYNN ROAD

Item No.: 199 Zoning Agenda: NOVEMBER 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved
REVIEWER: *Jeffrey Long* 11/28/90
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

received
11/24/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
NOVEMBER 15, 1990
TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 199
PROPERTY OWNER: Gary E. Stahl
LOCATION: 310' E of centerline Marlynn Avenue (#913 Woodlynn Road)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMP (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS ~~ARE NOT~~ ARE NOT REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERNATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Ret 11/13/90
ITEM #199
JRA
DATE: 11-9-90
PETITION CHECKLIST
91-182-A
Before the above petition can be accepted for filing, the following items must be corrected/included:
☒ Item number must be on all papers in the file folder.
☒ Item number must be in ink (pencil does not copy well).
☐ Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.
☐ Section information missing on petition forms.
☐ Not "original" signatures on all copies of petition forms.
☐ Owner's name address and/or telephone number is not on petition forms.
☐ Need signature and/or printed name and/or title of person signing for company.
☐ Need an attorney.
☐ "Red stamp" or closing information is not on petition form.
☒ Following information is missing on the file folder:
Petitioner's name
Item number
Description
Actual address
zoning
election district
councilmanic district
☐ Need 12 plats. Only 1 in folder.
☐ Plats need to be folded to 8-1/2" x 11".
☐ There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.
☒ SECTION INFORMATION TO BE TYPED IN DOES NOT AGREE WITH HAND-WRITTEN SECTION INFORMATION WRITTEN IN PEN.

This Deed, Made this July 31 day of
in the year one thousand nine hundred and eighty-one between

JOHN NOWICKI & NORMAN W. LAUBENSTEIN

Trustees s, as hereinafter mentioned, of the one part and
GARY E. STAHL, party of the second part, State of Maryland.

WITNESSETH, Whereas by a decree of the Circuit Court for Baltimore County dated on the 12th day of August in the year one thousand nine hundred and eighty one and passed in a cause in said Court, between

Robert Harmon

Complainant, and Anna C. Harmon
Defendant, the above named

Trustees were appointed
Trustee s with authority to sell the real estate in the proceedings in said cause mentioned; and the said Trustee s, after complying with all the previous requisites of the decree, did on or about the 31th day of July, in the year one thousand nine hundred and eighty-one sell unto the said Gary E. Stahl

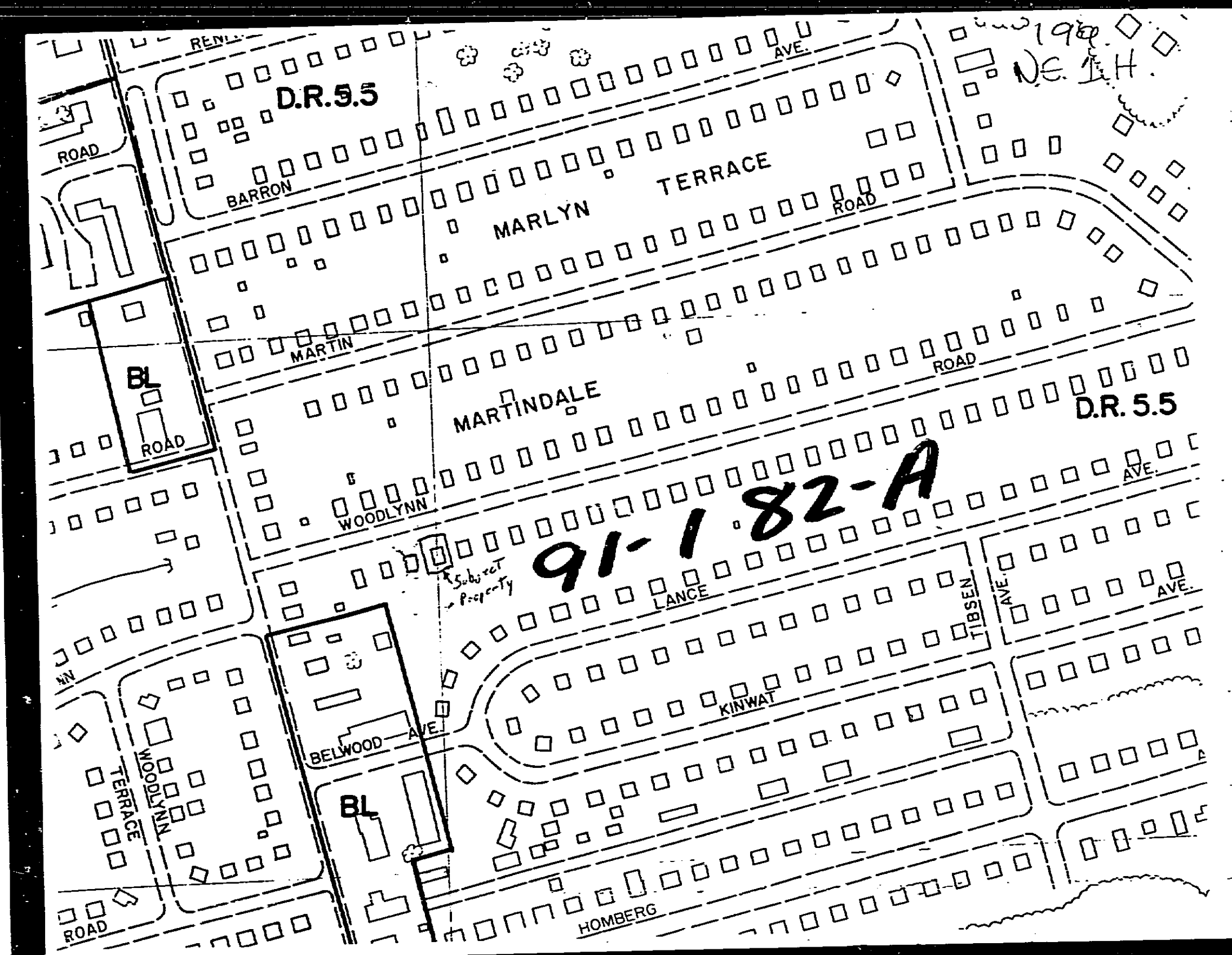
at and for the sum of Forty-one Thousand (\$41,000.00) Dollars, current money, the aforesaid property, situate in Baltimore County and State of Maryland, thus described: Beginning for the same and being known and designated as Lot No. 73, as shown on the Plat of Martindale, which plat is recorded among the Land Records of Baltimore County in Plat Book JWB NO. 14 folio 51.

Block
The Improvements thereon being known as No. 913 Woodlynn Road.

BEING the same lot of ground which by Deed dated June 6, 1949 and recorded among the Land Records of Baltimore County in Liber No. 1752 folio 60 was granted and conveyed from Julius F. Seaward, et al to Robert W. Harmon and Anna C. Harmon, his wife. See Equity case in the Circuit of Baltimore County, Docket 114 folio 231, case No. 91924, where by decree dated September 4, 1979, John Nowicki and Norman W. Laubenstein were appointed trustees with the authority to sell the above real estate.

STATE DEPARTMENT OF
ASSESSMENT & TAXATION
DATE: 11/24/90
B 8012-*****E150308a 3215A

STATE DEPARTMENT OF
ASSESSMENT & TAXATION
DATE: 11/24/90
B 8012-*****E150308a 3215A



199

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 913 Woodlynn Rd.

Subdivision name: MARTINDALE

plat book 14, folios 51, 52, 53, section 3

OWNER: GARY STAHL

Petitioner's Exhibit 1

WOODLYNN ROAD

91-182-A

North arrow

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Councilman's District: 07

Election District: 15

1" = 200' scale map: NE 1-H

Zoning: DA-5.5

Lot size: 172 acreage 7500' square foot

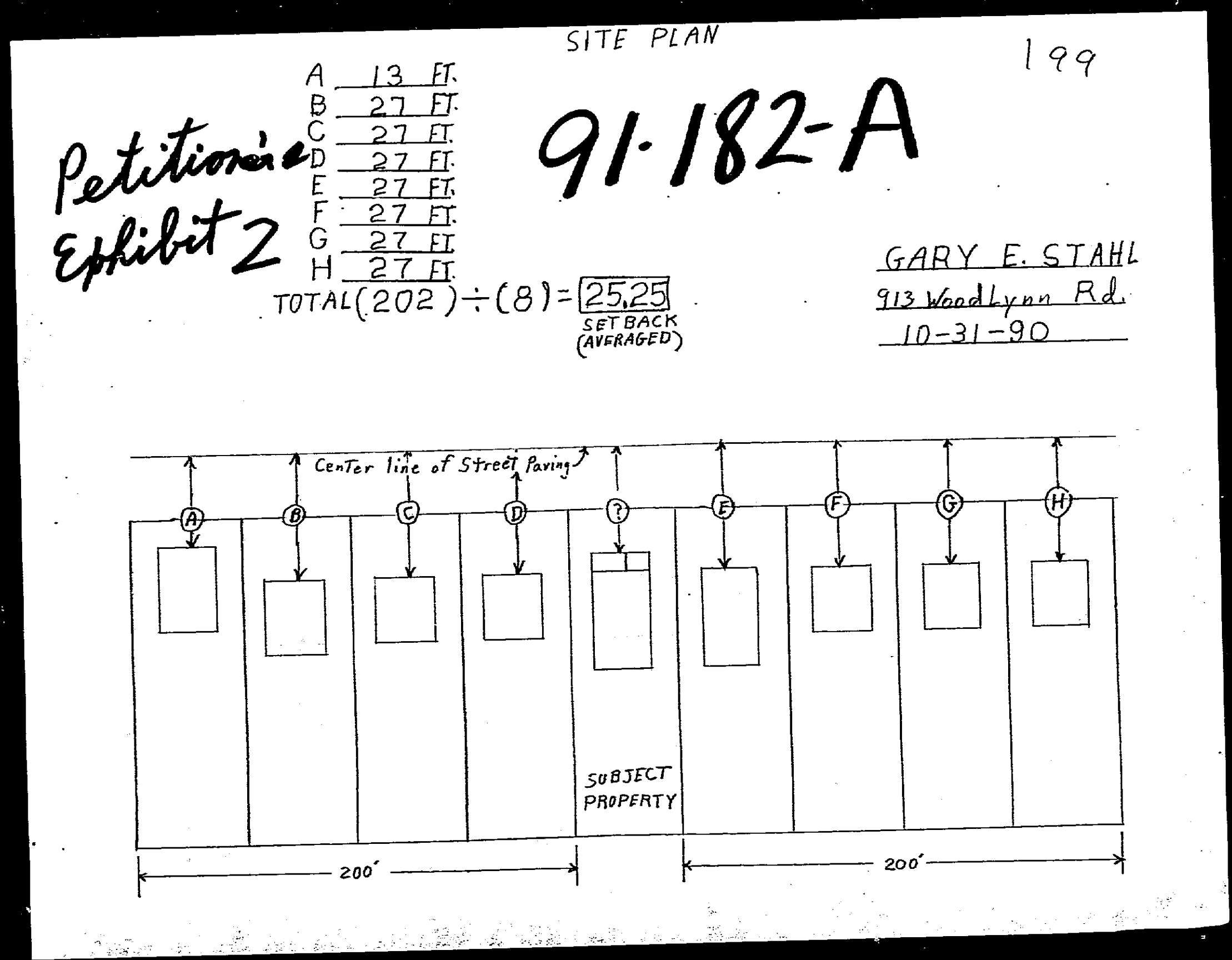
SEWER: ☒ WATER: ☐

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:



199

PLOT PLAN

OWNER: GARY STAHL

Application No.:

ADDRESS: 913 Woodlynn Rd.

PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback 19' Left side setback 12'

Rear yard setback 19' Right side setback 12'

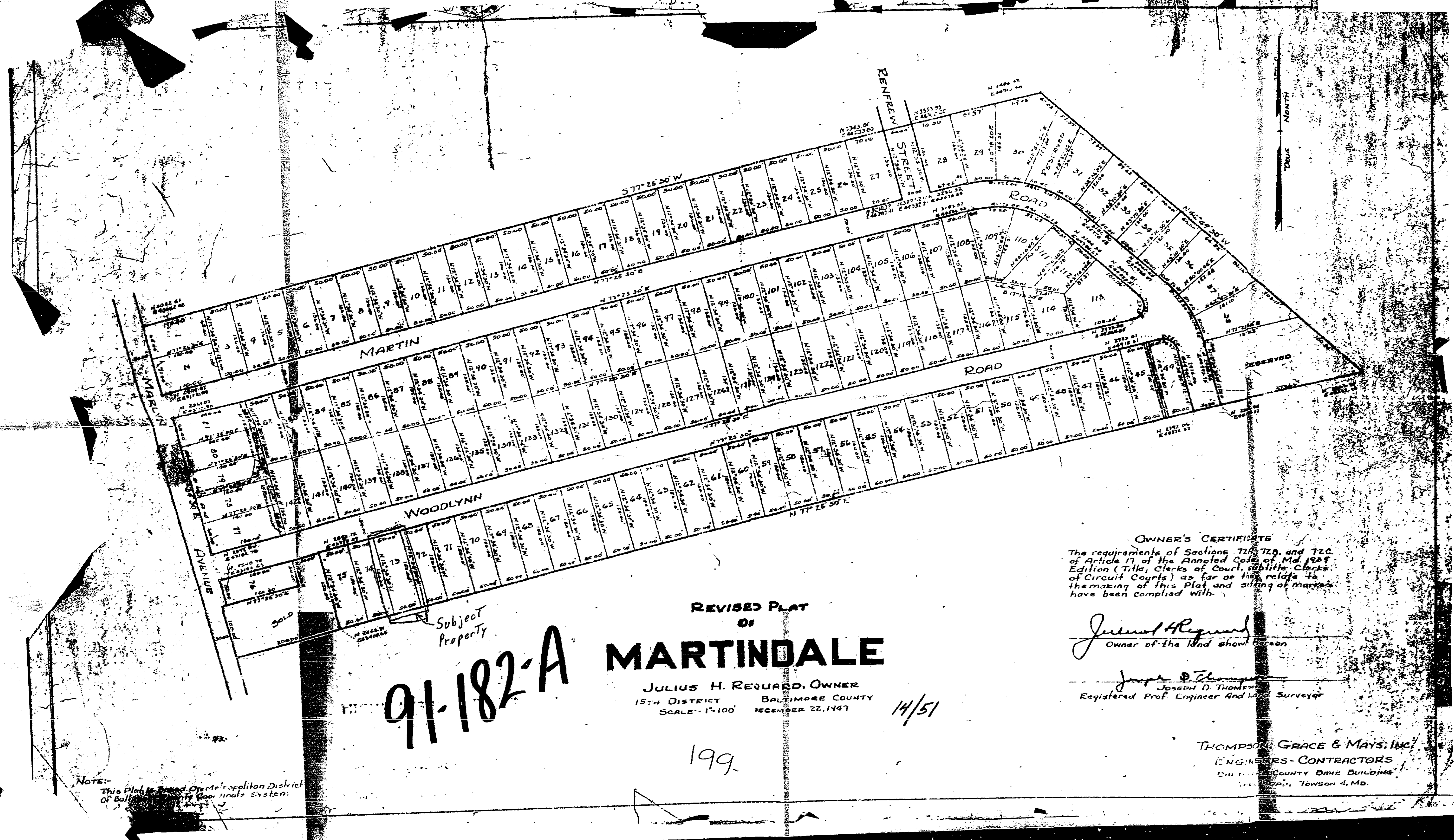
NOTE: 1. If a fence is to be closer than 2 feet to any existing fence or wall, adequate access must be provided for maintenance.

2. Cannot fence access easements.

91-182-A

Petitioner's Exhibit 3

ROAD NAME: Woodlynn Rd.



CASE #: 91-182-A

PETITIONER'S EXHIBIT #4



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200'	ESSEX	NE
DATE OF PHOTOGRAPHY JANUARY 1986		1-4