IN RE: PETITION FOR RESIDENTIAL

ZONING VARIANCE

SS of Winehurst Road 647 ft. W

of the c/l of Norhurst Way North

43 Winehurst Road

1st Election District
1st Councilmanic District

Kenneth Noppenberger, et ux

Petitioners

\* BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* C---- N- CO 270 A

\* Case No. 98-378-A

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#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Kenneth Noppenberger and Kimberly Noppenberger, his wife, property owners, for that property known as 43 Winehurst Road in the Catonsville section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 6 ft. and a sum of sideyard setbacks of 19 ft., in lieu of the minimum 8 ft. and 20 ft., respectively, for an addition; and to amend the Second Amended Final Development Plan of Garywood (Section C), in a D.R.5.5 zone. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, 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 26-127 (b)(1) 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 Zoning Commissioner, the information, photographs, and affidavits



submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.



1. The 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.

TAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

May 6, 1998

Mr. and Mrs. Kenneth Noppenberger 43 Winehurst Road Baltimore, Maryland 21228

> RE: Petition for Administrative Variance Case No. 98-378-A Property: 43 Winehurst Road

Dear Mr. and Mrs. Noppenberger:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very touly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at

This Petition shall be filed with the Dept. of Permits & Development Management

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Amended	Finel De	velopmen	I Plan fe GARYWORD (Sect C).
of the Zoning Regulations practical difficulty)	, of Baltimore Count	ly, to the Zoning Law	of Baltimore County; for the following reasons: (Indicate hardship or
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would make placing any furn	iture in the room nearl	ly impossible	•
I, or we, agree to pay exp	penses of above Va	iriance advertising, p	ped by Zoning Regulations.  losting, etc., upon filing of this petition, and further agree to and are to County adopted pursuant to the Zoning Law for Baltimore County.
		•	(We do solamnly declare and affirm, under the penalties of perjury, that I/we are the
Contract Purchaser/Lessee			legal awner(s) of the property which is the subject of this Patition  Legal Owner(s).
(Type or Print Name)		<del></del>	KENNETH NOPPEN BETGET
<b>, ,</b>			V +1 1/
Signature		<del></del>	Sighature / Crysten Charles
			Kimberly Noppenberger
Address			Type of Print Name)
*			Kimberly Looperber
City	State	Zipcode	Signature
Attorney for Petitioner			301 394-2222(u 43 Winehurst Road 410 744-1093 (H
(Type or Print Name)			Address Phane No
			BAltimore MD 21228
Signature			City State Zipcode Name, Address and phone number of representative to be contacted
		•	
	Phone N	No.	Name
Address		Zipcode	Address Phone No
	Phone f		



Printed with Saybean Ink on Recycled Paper

-378-A

# fidavit in support of Administrative Variance

Baltimore MD

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 based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

That the Affiant(s) does/do presently reside at 43 WinEhurst Road

Variance at the above address: (Indicate hardship or practical difficulty)

The needs of our family have grown since purchasing the house in 1986. We lack adequate space
for using our computer, for the children to complete their homework, and for storage. The
computer currently is in the basement and we feel its location does not afford us the best
opportunity to oversee its use by our children. The gas main, utility easement and air-
conditioning compressor on the west side of the house leave little opportunity for an addition.
Access to the basement on the south side and the multiple roofs that would have to be tied
together make this option highly inefficient. The twelve (12) foot set back would limit the interior
depth of the addition to 7'-7' (20'-12'-5"). With a 2' minimum deep closet in the room, this would
reduce the available depth to less than 6'. This would make placing any furniture in the room
nearly impossible.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
may be reducted to browner approximation.
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(signature) (algnature)
KENNETH NOPPENDERGET KIMBERLY NOPPENDERGET
(type or print name) (type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
: I HEREBY CERTIFY, this 4th day of Open 1998, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appeared
Kenneth NOPPENBERGER AND KIMBERLY NOPPENBERGER
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due 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.
april 4-1998 Stuth 7-100
My Commission Evniros: 7 122001
// RAV Commission Everyor - / - / m// - /

# fidavit 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 reside at 43 Winehurst Road

Baltimore MD

City State

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative



### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at

The undersigned, legal of	owner(s) of the property	y situate in Baltin	evelopment: Management: more County and which is described in the description and plat attached:
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work, and for storage. The c en. The gas main, utility eas ent on the south side and the	omputer currently is in the ement and air-conditioning multiple roofs that would ion to 7'-7' (20'-12'-5").	e basement and we ag compressor on the I have to be tied tog With a 2' minimum	lack adequate space for using our computer, for the children to complete their cheel its location does not afford us the best opportunity to oversee its use by our ne west side of the house leave little opportunity for an addition. Access to the gether make this option highly inefficient. The twelve (12) foot set back would n deep closet in the room, this would reduce the available depth to less than 6'.
Property is to be no	sted and advertise	ed as prescrit	bed by Zoning Regulations.
i or we, agree to pay ex	penses of above Varian	nce advertising, p	posting, etc., upon filing of this petition, and further agree to and are to ecounty 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
Contract Purchaser/Lessee			legal owner(s) of the property which is the subject of this Pelition.  Legal Owner(s);
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. ,			Kimberly Noppenberger
Address .	<del>,</del>		(Type or Print Name)
4	,		Kincherly Viprastier
City	State	Zipcode	Signature
Attorney for Patitioner.			301 394-2222(W) 43 Winehurst Road 410 744-1093 (H)
(Type or Print Name)			Address Phone No.
			Baltimore MD 21228
Signature			City State Zipcode
argnature			Name, Address and phone number of representative to be contacted
Address	Phone No.	**************************************	Name
City	State	Zipcode	Address Phone No.
	<b>5,2</b>		Priority (40)
A Public Hearing having been that the subject matter of this percention throughout Baltimo	etitlan be set for a public he	earing , advertised, a	ored by the Loning Commissioner of Baltimore County, this day of 19 os required by the Loning Regulations of Baltimore County, in two newspapers of general
			Zoning Commissioner of Raillimore County
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arrange on ON	NATE 4/10	$\sim$	Printed with Soybean Ink ITEM #: 378

98-378-A

BALTIMORE COUNTY, MARYL/ OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT THE 4/10/1793 4/10/1998 JB:Path ACCOUNT 12-001-6150 THERE BURLLARING Replied H 份門的 14 11 期間。 欧洲? RECEIVED 海湖 開催 FROM: Ballimor Contr. Revised DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER CASHIER'S VALIDATION



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### Zoning Description for 43 Winehurst Road

Beginning at a point on the South side of Winehurst Road which is 71 feet wide at the distance of 647 feet West of the centerline of the nearest improved intersecting street Norhurst Way North which is 62 feet wide. Being Lot # 1, Block --, Section C in the subdivision of Garywood as recorded in Baltimore County Plat Book # 50, Folio # 44 containing 8,342 square feet. Also known as 43 Winehurst Road and located in the 1st Election District, 1st Councilmanic District.

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

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Conta	ct Perso	n:			n Su Please Print	///vav Name	7	<u> </u>	Phone N	umber: 410-	887-3391
Filing	Date: _	4	10-	·		osting D	ate: <u>4</u>	-19-98	Clos	ing Date: <u>5</u>	-4-98
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#### CERTIFICATE OF POSTING

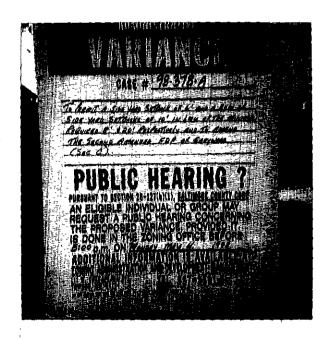
RH: Case No. 98-378-A
Petitioner/Developer;
(Ken Noppenberger)
Date of Heading/Closing:
(May 4, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

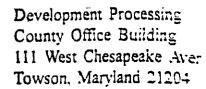
This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at
43 Winehurst Road Baltimore, Maryland 21228
The sign(s) were posted onApr. 17, 1998(Month. Day. Year)



Sincerely,  One of Significant & Date)
Thomas P. Ogle, Sr.
325 Nicholson Road
Baltimore, Maryland 21221
(416)-687-8405 (Telephone Number)



# Baltimore unty Department of Permits and Development Management



#### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for Legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 98-378-A	
Petitioner: Kenneth Noppe	nbergen
Petitioner: Kenneth Nappe.  Location: 43 Winehurst Rd.	(31228)
PLEASE FORWARD ADVERTISING BILL TO:	
NAME:	
ADDRESS:	
(	
PHONE NUMBER: (B) (30) 394-2222 (H)	(410) 744-1093
AJ:ggs	
	(Revised 09/24/96)

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

**DATE**: April 17, 1998

FROM: Arnold F. "Pat" Keller, III. Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 372, 373, 374, 375, 377, and 378

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Say L. Verns

Prepared by:

Division Chief:

AFK/JL

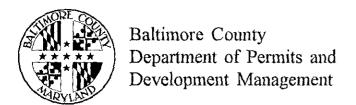
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

May 4, 1998

Mr. and Mrs. Kenneth Noppenberger 43 Winehurst Road Baltimore, MD 21228

RE: Item Number: 378

Case Number: 98-378-A

Petitioner: Kenneth Noppenberger, et ux

Conl Richards

Dear Mr. and Mrs. Noppenberger:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 10, 1998.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

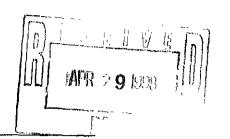
WCR:scj

**Enclosures** 





Baltimore County Fire Department



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

April 24, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 20, 1998

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

372, 373, 374, 375, 377 and 378

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

## ALTIMORE COUNTY, MARYLAND

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

### INTER-OFFICE CORRESPONDENCE

TO:

POM

DATE:

FROM:

R. Bruce Seeley ANS/9 Permits and Development Review DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date: Claril

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

37/

372

373

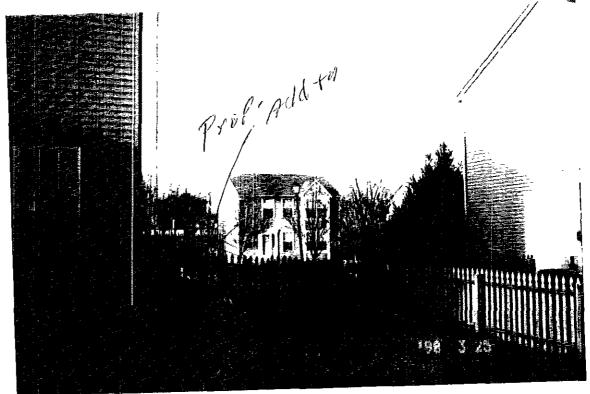
RBS:sp

BRUCE2/DEPRM/TXTS8P



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Lot size: 0.1915 8342  Lot size: square feet	Shaw Bus Company 5.500.
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انقی ۱ <u>۱                                    </u>	OWNER: Kenneth Noppenberger
Subject Roperty Winethurst of	plat book# 50 , tollo# 44 , tot#   , section# C
see pages 5 & 6 of the CHECKLIST for additional required information	43 Winehorst Rd
e Special Hearing	<u> </u>





98-378-A





