OFFICE SEPTEMBER OF FILING BY AND STATE OF THE SEPTEMBER OF THE SEPTEMBER

IN RE: PETITION FOR ADMIN. VARIANCE

SE/S of Weatherbee Road, 500' SW

of Fairway Drive

9th Election District

4th Councilmanic District

(313 Weatherbee Road)

Timothy L. Kunn and

Mary Katherine McKew-Kunn

**Petitioners** 

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 00-359-A

\* \* \* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Timothy L. Kunn and Mary Katherine McKew-Kunn, property owners, for that property known as 313 Weatherbee Road in the Towson area of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.C.1. and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback for an open projection (deck) of 2 ½ ft. in lieu of the required 7 ½ ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy 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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30 day of March, 2000, that a variance from Sections 1B02.3.C.1. and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback for an open projection (deck) of 2 ½ ft. in lieu of the required 7 ½ ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.

TIMOTHY M! KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

Den 53/30/2000



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

Fax: 410-887-3468

March 30, 2000

Mr. & Mrs. Timothy L. Kunn 313 Weatherbee Road Towson, Maryland 21286

Re: Petition for Administrative Variance

Case No. 00-359-A

Property: 313 Weatherbee Road

Dear Mr. & Mrs. Kunn:

Enclosed please find the decision rendered in the above-captioned case. 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 an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

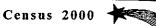
> Very truly yours, huntly 16 troco

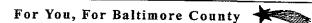
Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure















REU 9/15/98

# Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

MARYLAND	for the property located at 313 Weathersee R
	which is presently zoned DR5.5
owner(s) of the property situate in Baltim made a part hereof, hereby petition for a SELMIT & SIDEYAND	epartment of Permits and Development Management. The undersigned, legal ore County and which is described in the description and plat attached hereto and Variance from Section(s)   BOZ.3.C.1 AND 301.1 BCZR TO SETBACK FOR AN OPEN PROJECTION (PROPOSED DECTION (PROPO
of the zoning regulations of Baltimore Co of this petition form.	unty, to the zoning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a l, or we, agree to pay expenses of above Va regulations and restrictions of Baltimore Cou	is prescribed by the zoning regulations. fiance, advertising, posting, etc. and further agree to and are to be bounded by the zoning ty adopted pursuant to the zoning law for Baltimore County.

<del>-</del>		·		
		I/We do solemnly dec perjury, that I/we are is the subject of this I	clare and affirm, under t the legal owner(s) of th Petition.	the penalties of se property which
Contract Purchaser/Lessee:		Legal Owner(s):		
		Timothy 1	KUHN	
Name - Type or Print		Name - Type or Print	1 2/	
Signature		Signature	LFC	
		MARY RATHE	rive McKer	n-KUM
Address	Telephone No.	Name - Type or Print		
		* Mery Kathere	we Mikew-Krik	
City State	Zip Code	Signature	(w)	410-323-001°
Attorney For Petitioner:		313 WEATHE	NSEE KO (B)	416-847-90
		Address	,000	Telephone No.
Name Tree or Drink		City City	MD State	Zip Code
Name - Type or Print		•		Zip Code
Signature		<u>Representative t</u>	to be Contacted:	
agnatue 1				
Company		Name		
Addless	Telephone No.	Address		Telephone No.
City 2 State	Zip Code	City	State	Zip Code
A Public Hearing having been formally der	manded and/or found to be	required, it is ordered by t	he Zoning Commissioner	of Baltimore County,
this day of regulations of Baltimore County and that the p	_ that the subject matter of t reports be reposted	his petition be set for a public	: hearing, advertised, as re	equired by the zoning
110 1	roporty po ropostas.			
7 7	<b>ν</b> Λ	Zoning Comm	nissioner of Baltimore Cou	. 1
CASE NO. $00.35^{\circ}$	7 - A Don	riewed By	Date 3/	2/00
1000	·			<del></del>

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

Address

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

variance at the above address (indicate hardship of practical difficulty).
Propose a deck 15 feet wide x 14 feet deep. This deck will cover
6 ld steps that have settled , are uneven and dangerous.
A side setback of 10 feet allows only bor a deck that is 6 feet
wide and imprairtical. The deck can not extend past the old steps because of a planned future addition of of the back of the house.
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.  Signature  Signature  Signature  Mary Karneaue McKeu-Kuhn Name-Type or Print
Name - Type or Print  Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  I HEREBY CERTIFY, this 22 day of 1 through 1, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared to the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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
Date  Notary Public  My Commission Expires
R80 09/15/98

# 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.

competent to testify thereto in the event that a p			
That the Affiant(s) does/do presently reside at	313 WEATHER	usee Ro	
	Address ) OWS on	WD	21286
	City	State	Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardsh	owing are the facts up tip or practical difficult	oon which I/we base the re y):	quest for an Administrative
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old steps that have settled, are	uneven and	dangerous. A sid	Ł
Setback of 10 feet only allows			,
and impractical. The deck ca	n not extend f	Dast the old Steps	
because of a planned hiture	addition of	g the back of the	house.
That the Affiant(s) acknowledge(s) that if a feative advertising fee and may be required to provide	additional information	1.	
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Signature	Sig	nature	10 1) 1) \
Name - Type or Print	 Nar	MACH MTHERINE	McKen-Kunn
Traine Type of Train			
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		
of Maryland, in and for the County aforesaid, pe	Teleriary	, <u>2000</u> , before me,	a Notary Public of the State
of Maryland, in and for the County aforesaid, po	and Mary	Kathepine Mck	Lew-Kuhn
the Affiant(s) herein, personally known or satisflaw that the matters and facts hereinabove set	stactorily identified to	me as such Amanus), and	d liighe nam in dhe min a
AS WITNESS my hand and Notarial Seal		4	
2/22/01	$\sim$	The Day	
Date	Notary Put	<del></del>	1 4 3
	My Commi	ission Expires	1.03



REU 9/15/98

## Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at	313	WEATHERBEE	Ro
		esently zoned	

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) 1 BO2.3.C.1 AND 301.1 BCZR TO PENNITA STORYARD SETBACK FOR AND OPEN PROJECTION. (PROPOSED DECK) OF THE BEQUIRED TYST.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above 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 dec perjury, that I/we are is the subject of this I	clare and affirm, under the the legal owner(s) of the Petition.	e penalties of property which
Contract Purchaser/Less	see:		Legal Owner(s):		
Name - Type or Print			Name - Type or Print	KUHD	
Signature	•	<u>.</u>	Signature V	n McKow	- Kum
Address		Telephone No.	Name - Type or Print	ine Moken Kely	- 1/ 0/0
City	State	Zip Code	Signature	(w) <sup>v</sup>	110-323-0019
Attorney For Petitioner:			313 Wenni Address	iensee Ro (m)	Telephone No.
			Towsw	m	21286
Name - Type or Print			City	State	Zip Code
Signature	****	<u>.</u>	Representative t	to be Contacted:	
Company			Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	, tha	at the subject matter of t	nis petition be set for a public	he Zoning Commissioner of hearing, advertised, as req hissioner of Baltimore Count	uired by the zoning

JONING DESCRIPTION 359 313 WEATHERBRE RD,

BEGINNING AT A POINT ON THE SOUTH EAST SIDE OF WEATHERBEE RD A 50± FT, RW AT A DISTANCE OF 500 FT! South WEST OF FAIRWAY DRIVE, BEING LOT B IN THE SUBDIVISION OF OVER BROOK AS BECARDED IN PLAT BOOK 12 FOLIO 76. LOT SIZE 5,800 SQUARE FT. IN THE 9TH ELECTION DIST.

BALLINGS CHANTER INSTERED BRIGHT PROPERTY SECTION OF THE CONTRACT PROPERTY factor that the thing the factor of the fact the purpose and many CASHIER'S VALIDATION N.TIMI Door 5 120 2 Received 8 CR ML MASS 20.354 359 No. Q78925 ACCOUNT \$201-1150 AMOUNT \$ 50, 00 YELLOW - CUSTOMER BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY DISTRIBUTION WHITE CASHIER RECEIVED FROM: FOR: DATE

50,001 (E) (E)

RE Case No 00-359-A

Petitioner/Developer T. KUHN, ETAL

Date of Hearing Closing 3/27/200

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

Attention: Ms Gwendolyn Stephens

Ladies and Gentlemen

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 #313 WEATHERSEE RD.

The sign(s) were posted on

CASE # 00-359-A

TO PERMIT & SIDE YARD SETBACK FOR A PROPOSED OPEN DECK OF 2.5 FEET IN LIEU OF 7.5. FEET (#313 WEATHERBEE RD)

PURSUANT TO SECTION 26-127(6)(1), MALTIME AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE

Sincerely,

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571 (Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT WARRACEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 359 -A Address 3/3 WEATHERBEE RD
Contact Person: Vothy CEWII Phone Number: 410-887-3391
Filing Date: $\frac{3}{200}$ Posting Date: $\frac{3}{12}$ OO Closing Date: $\frac{3}{200}$
Any contact made with this office regarding the status of the administrative variance characteristics. The status of the administrative variance characteristics of the administrative variance characteristics.
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 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. <u>DEADLINE:</u> 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 (typically within 7 to 10 days of the closing date) as to whether the petition has been granted. (typically within 7 to 10 days of the closing date) 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
Address 3/3 WEATHERBEE RD.
Case Number 00- 99 1
Petitioner's Name TIM AND MARY KATHERINE KITHON Telephone 470 323 3017  Closing Date: 3/27/00
Posting Date:
Wording for Sign:
OPENDECK OF 2/2 FT. IN LIEU OF 1/2 FT.
en de la composition de la composition En la composition de
WCR - Revised 7/28/99

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

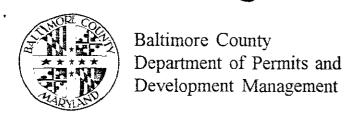
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 55
Petitioner: _TIM_AND KATIE KUHN
Address or Location: 313 WEATHERBEE RO
PLEASE FORWARD ADVERTISING BILL TO:
Name: Tran Kuhn
Address: 313 WEATHERBEE RO
Touson, mo 21286
Telephone Number: 410 - 847 - 9026

Revised 2/20/98 - SCJ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 24, 2000

Mr & Mrs Timothy Kunn 313 Weatherbee Road Towson MD 21286

Dear Mr & Mrs Kunn:

RE: Case Number 00-359-A, 313 Weatherbee Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 2, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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.

Sincerely.

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:ggs

**Enclosures** 













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

March 21, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 13, 2000

Item No.: 353, 356, 357, 359 360, AND 361

Dear Ms. Stephens:

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley My

DATE:

March 15, 2000

SUBJECT:

**Zoning Petitions** 

Zoning Advisory Committee Meeting of March 13, 2000

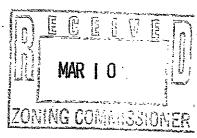
DEPRM has no comments for the following zoning petitions:

Item #	Address
354	7922-7930 Wise Avenue
355	7531 Bel Air Road
358	Highgate/Cedar Avenue
359	313 Weatherbee Road
360	1434 Darius Court
361	13803 Manor Glen Road

3/27

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE



Date: March 10, 2000

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

and Development Management

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

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 337, 349, 359, 360 and 361

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 3.13.00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 359

JLL

Dear. Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief

f. J. Doelle

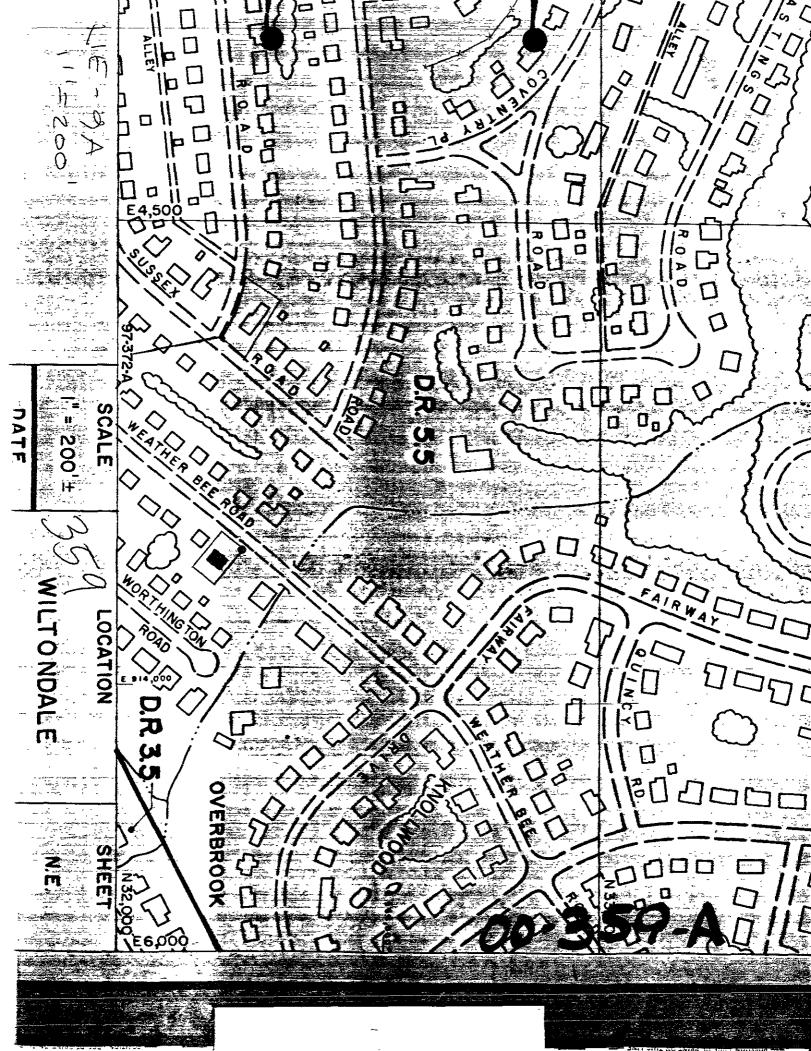
Engineering Access Permits Division

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ADDRESS: 213 WERTNEYAGE RD SPECIAL STEVENSON IN CHECKLIST for additional response to the checklist for additional respo	SEWER: WATER: Chesapeake Bay Critical Area: Prior Zoning Hearings: Now	STOWE THE	ADDITION TO THE CONTRACT TO TH
ADDRESS: 313 WENTINGAGE KO SONING VARIANCE Special NOTAY L. KUHO  TO 170 AND STEVENSON OF THE SPECIAL STEVENSON OF THE STEVEN	Councilmanic District: 4 1'*200' scale map#: 11E - Zoning: DK 5 5 800 Lot size: acreage square ii	ATTE NEW POWCO	SEAR-OFT SOFTHA SOFTHA SOMENSION COUNTEMENT NCED, IT
ADDRESS: 313 WENTHENGES RO  STEVENSON LAND  ST	Vicinity Map  Scale: 1'*1000  LOCATION INFORM	2/2'	IN THE FUTURE
ADDRESS: 313 WERTHENSEE RO  See pages 5 & 6 of the CHECKLIST for additional re-  - 10110# 76 .101# 8 .section#	Newson Lare	J=+08	
ADDRESS: 313 WENTNEWSEE RP See Pages 5 & 6 of the CHECKLIST for additional re-	away a	L. KUHN L. KUHN NAK. 57/6 5	
	Special	npany Petition for Zoning ⊠Var 3/3 সিংগোদেওভিং সি	ъ

Pet. 2.#/

00-359-A

-15-



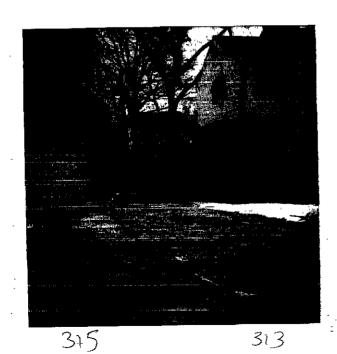


SITE OF DECK CHANSTEPS



REAR VIEW - BILL HOUSES

359





FANT VIEW-BLU HOUSES 00.359-A

