

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Windys Run Road, 287' S
centerline of West Geipe Road
1st Election District
1st Councilmanic District
(1906 Windys Run Road)

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-442-A

Michael D. & Mary T. Martin
Petitioners

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Michael and Mary Martin, property owners, for that property known as 1906 Windys Run Road in the Catonsville area of Baltimore County. The Petitioners herein seek a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 18 ft. in lieu of the required 22.5 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.

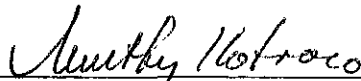
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

ORDER RECORDED FOR FILING
Date 5/26/00
By J. J. Johnson

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 26th day of May , 2000, that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 18 ft. in lieu of the required 22.5 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

COPIES RECEIVED FOR FILING
Date 5/26/00
By R. Jensen



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May ²⁶~~25~~, 2000

Mr. & Mrs. Michael D. Martin
1906 Windys Run Road
Catonsville, Maryland 21228

Re: Petition for Administrative Variance
Case No. 00-442-A
Property: 1906 Windys Run Road

Dear Mr. & Mrs. Martin:

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 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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1906 WINNYS RUN ROAD
which is presently zoned DR 5.5

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)

1B01.2.C.1.6 and Section 301(BC2R)

to permit an open projection (deck) with a rear setback of
18 ft. in lieu of the required 22.5 ft.

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 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:

N/A

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Representative to be Contacted:

Name

Address

City

MICHAEL D. MARTIN

Michael D. Martin

MARY T. MARTIN

Mary J. Martin

1906 WINNYS RUN RD

CATONSVILLE MD

21228

SAME AS ABOVE

Zoning Commissioner of Baltimore County

CASE NO. 00-442-A

REU 9/15/98

Reviewed By Bh Date 4/26/00

Estimated Posting Date 5/7/00

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 reside at

Address 1906 WINDY'S RUN ROAD
City CATONSVILLE State MD Zip Code 21228

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 hardship or practical difficulty):

THE CURRENT ZONING DOES NOT ALLOW FOR A DECK OF REASONABLE DEPTH TO BE BUILT AT THE APPLICANT'S RESIDENCE

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.

Michael D. Martin
Signature

MICHAEL D. MARTIN
Name - Type or Print

Mary T. Martin
Signature

MARY T. MARTIN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of April, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael D. Martin & Mary T. Martin
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

April 25, 2000
Date

Dorinda E. Clark
Notary Public

My Commission Expires 3/1/2004

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 reside at

1906 WINDY'S RUN ROAD
Address
CATONSVILLE MD 21228
City State Zip Code

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 hardship or practical difficulty):

THE CURRENT ZONING DOES NOT ALLOW FOR A DEED OF REASONABLE DEPTH TO BE BUILT AT THE APPLICANT'S RESIDENCE.

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.

Michael D. Martin
Signature
MICHAEL D. MARTIN
Name - Type or Print

Mary T. Martin
Signature
MARY T. MARTIN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of April, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael D. Martin & Mary T. Martin
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

April 25, 2000
Date

Dorinda E. Clark
Notary Public

My Commission Expires 3/1/2004



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1906 WINDY RUN ROAD
which is presently zoned DR 5.5

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) 1801.2.C.1.b and Section 301 (BCZR) to permit an open projection (deck) with a rear setback of 18 ft. in lieu of the required 22.5 ft.

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 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:

N/A

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City State Zip Code

Representative to be Contacted:

Name

Address

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. 00-442-A

Reviewed By BK Date 4/26/00

REV 9/15/98

Estimated Posting Date 5/7/00

Michael D. Martin

1906 Windys Run Road
Catonsville, Maryland 21228

◆
Day Phone 410.461.5828
Home Phone 410.788.1850

March 28, 2000

ZONING DESCRIPTION FOR 1906 WINDYS RUN ROAD

Beginning for the same at a point on the Northern side of Windys Run Road which is a 50' wide right-of-way at the distance of 287 feet ~~SOUTH~~ of the centerline of West Geipe Road which is a 60' wide right-of-way. Also being known and designated as Lot number 54 as shown on the plat entitled "Caton Glen" as recorded among the Land Records of Baltimore County, Maryland in Plat Book # 67 at Folio 124, containing 0.1171 Acres of land.

Also known as 1906 Windys Run Road and located in the 1st election district, 11th Councilmanic District.

00-442-A
#442

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 080862

DATE 4/26/00 ACCOUNT 2001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Michael Carter

FOR: Lab. for Administrative Services

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

It is 442

PAID RECEIPT

DATE FOR 5/26/2010 11:14:45
VED 0000 CASHIER LAB. LIAISON
Dept. 5 522 ZONING VERIFICATION
Receipt # 120135
RP NO. 080862

Receipt To: (blank)
From: (blank)
Baltimore County, Maryland

00-442-A
CASHIER'S VALIDATION

A-5442.00

CERTIFICATE OF POSTING

**RE: CASE # 00-442-A
PETITIONER/DEVELOPER
(Michael Martin)
DATE OF Closing
(5-22-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

1906 Windys Run Road Baltimore, Maryland 21228_____

THE SIGN(S) WERE POSTED ON_____ 5-5-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)



Posted at 1906 Windys Run Rd.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 442 -A Address 1906 Windys Run Rd.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/26/00 Posting Date: 5/7/00 Closing Date: 5/22/00

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (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

Case Number 00- 442 -A Address 1906 Windys Run Rd.
Petitioner's Name Michael Martin Telephone 410-461-5828 wk.
Posting Date: 5/7/00 Closing Date: 5/22/00
Wording for Sign: To Permit a rear yard setback of 18 ft. in lieu of
the required 22.5 ft.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-442-A
Petitioner: MICHAEL D. MARTIN
Address or Location: 1906 WINDY'S RUN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL D. MARTIN
Address: 1906 WINDY'S RUN ROAD
CATONSVILLE, MD. 21228
Telephone Number: (410) 788-1850

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

May 19, 2000

Mr. & Mrs. Michael and Mary Martin
1906 Windy Run Road
Baltimore MD 21228

Dear Mr. & Mrs. Martin:

RE: Case Number 00-442-A , 1906 Windy Run Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 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



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Baltimore County
Fire Department

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

May 17, 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 MAY 8, 2000

Item No.: See Below

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.

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

441, 442, 443, 444, 445

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

cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 14, 2000

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 15, 2000
Item Nos. 441, 442, 443, and 444

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 9, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

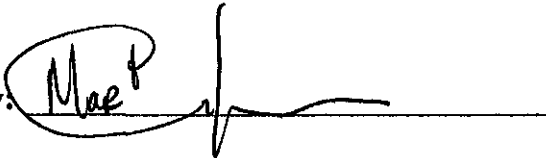
MAY 11 2000

SUBJECT: Zoning Advisory Petition(s): Case 442

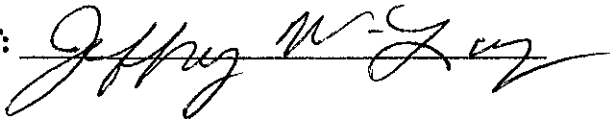
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

A handwritten signature in black ink, appearing to read 'Mark A. Cunningham', written over a horizontal line.

Section Chief:

A handwritten signature in black ink, appearing to read 'Jeffrey W. Gay', written over a horizontal line.

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

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

Date: 5 8 66

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

RE: Baltimore County
Item No. 442 BE

RECEIVED MAY 09 2000

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).

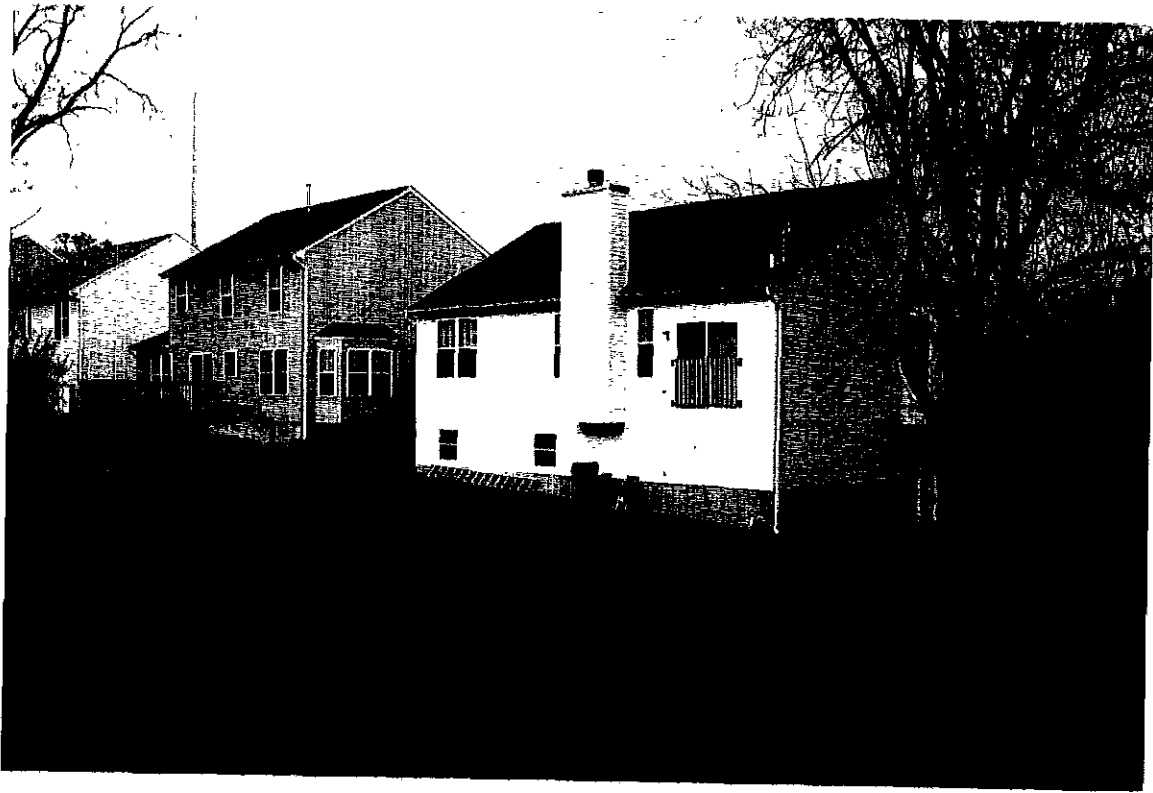
Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



00-442-A



00-442-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1906 WINDYS RUN ROAD

Subdivision Name: CATON GLEN

plat book# 64 ,folio# 124 ,lot# 54 ,section# N/A .

OWNER: MICHAEL D. & MARY T. MARTIN

STORMWATER MANAGEMENT
RESERVATION
CORWIN PROPERTY
PLAT 54-79

LOT 22
CORWIN PROPERTY
PLAT 54-79

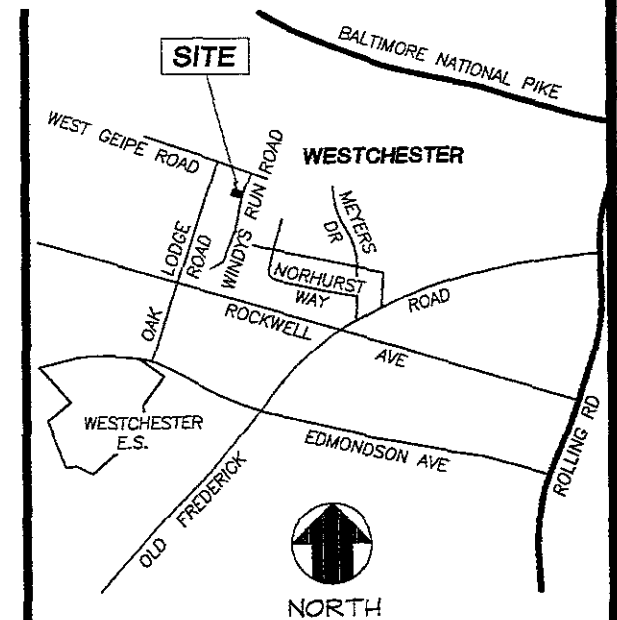
LOCAL OPEN SPACE
FOREST CONSERVATION EASEMENT
AND DRAINAGE AND UTILITY EASEMENT
PLAT SM 67/124

FANG GUO & YONG HONG
ZHANG
L.13072 / F.567

EX. DWELLING
NO. 1904

LOT 54
0.1171 Ac±
PLAT SM 67/124

LOT 55
PLAT SM 67/124



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 1

Councilmanic District: 11

1"-200' scale map: SW 2-H

Zoning: "DR-5.5"

Lot Size: 0.1171 Ac±
acreage 5,101 SqFt
square feet

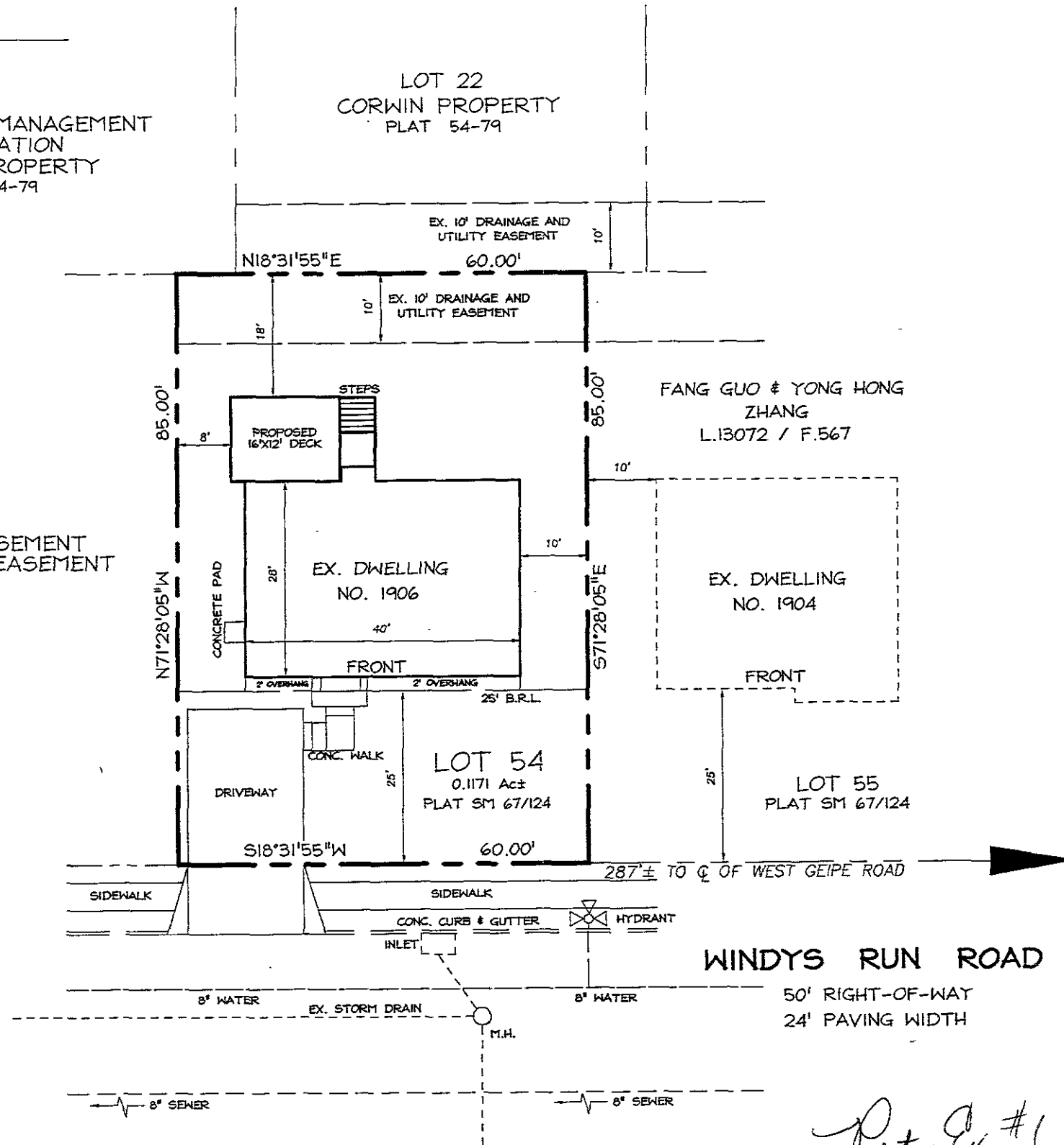
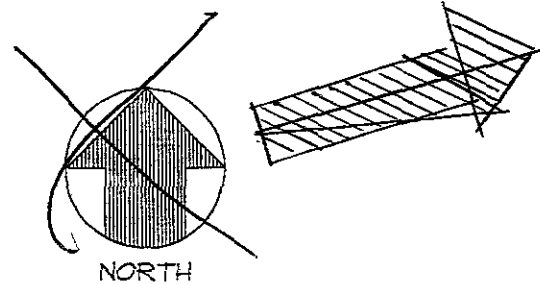
	public	private
SEWER	☒	☐
WATER	☒	☐

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings:

Zoning Office USE ONLY !

reviewed by:	ITEM #	CASE #
BR	442	00-442-A

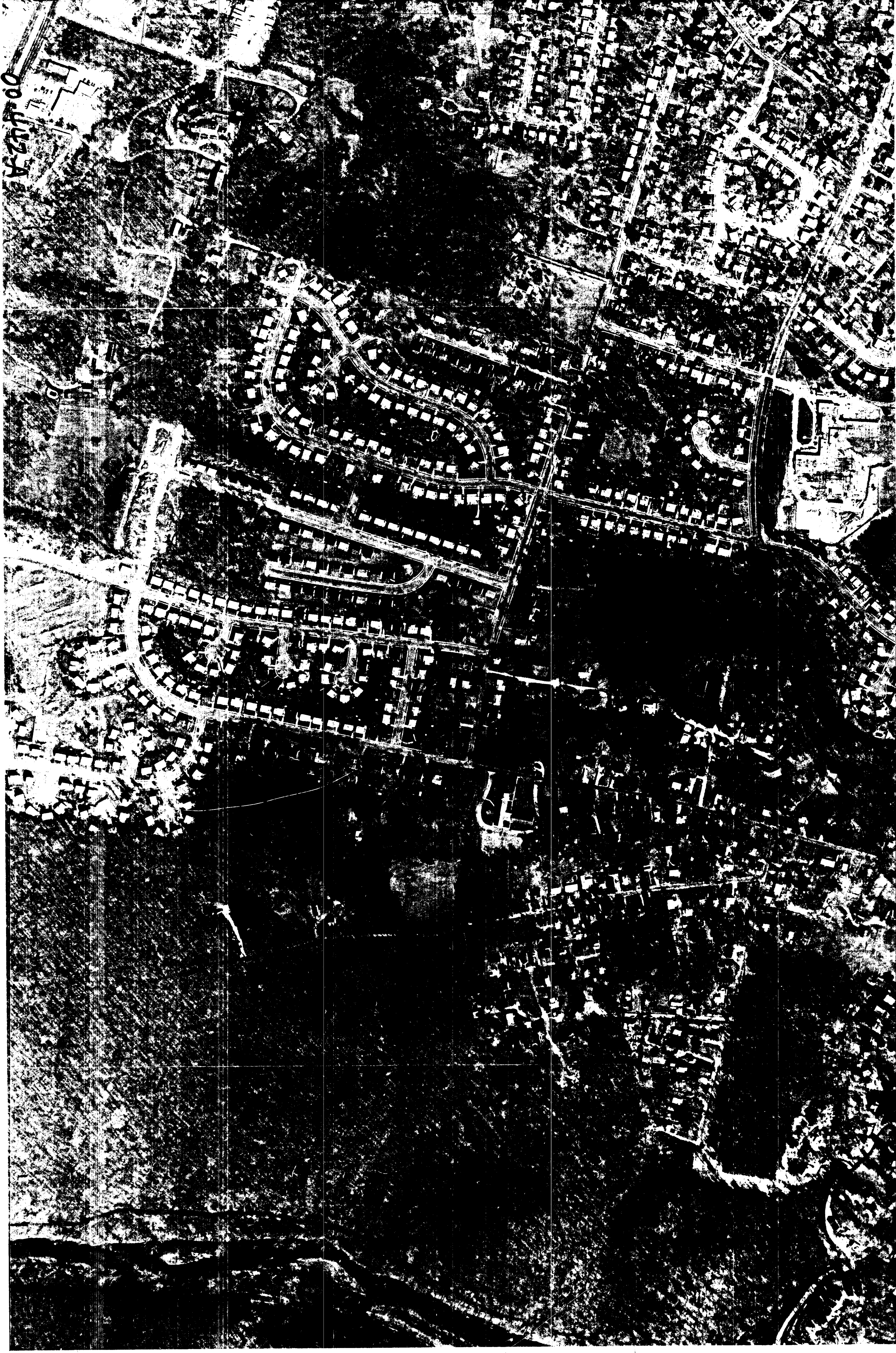


date: 3-28-00

prepared by: M.D.M.

Scale of Drawing: 1"=20'

Pet. Ex. #1



00-4423A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200' ±		LOCATION WESTCHESTER	SHEET SW 2-H
DATE OF PHOTOGRAPHY JANUARY 1986			

