

IN RE: PETITION FOR VARIANCE
S/S Beach Road, 194' W
centerline of Northwind Road
9th Election District
4th Councilmanic District
(326 South Wind Road)

Thomas and Laura Johnson
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-052-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Thomas and Laura Johnson. The Petitioners are requesting a variance for property they own at 326 South Wind Road, located in the Ruxton area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 10 ft. in lieu of the required 40 ft. for a proposed addition.

Appearing at the hearing on behalf of the variance request were Thomas Johnson, Petitioner, Jeffrey Penza, his architect and Howard Alderman, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were residents of the surrounding community, namely Colin and Ann Duer, adjacent property owners, Valerie Wilson, Rosalie Connor and Sarah Lord, appearing on behalf of the Ruxton/Riderwood Community Association.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.989 acres, more or less, zoned DR 2. The subject property is located at the corner of South Wind Road in Ruxton. The property is improved with an existing two-story dwelling wherein Mr. and Mrs. Johnson reside with their four children. The Johnson's have resided here for the past 4 years.

DATE 9/22/00
BY R. J. J. J.

Testimony and evidence indicated that the structure wherein the Petitioners reside was once a barn. The barn was converted into a dwelling. It has no basement, in that the barn was originally constructed on a concrete slab. Furthermore, there is little, if any, useable attic space within the dwelling. Because of this the Petitioners now propose to construct an addition to the rear of their dwelling, as shown on Petitioners' Exhibit No. 1, the site plan submitted at the hearing. The addition will consist of a two-car garage and an office/studio located on the second-story level of the addition. The structure will be attached to the existing dwelling by virtue of a breezeway. The dimensions of the garage/addition are 27 ft. x 35 ft., with a height of 27 ft. Because of the orientation of the existing house, the addition is proposed to be constructed in the rear yard of the property. Therefore, in order to proceed with its construction, a variance to allow the addition to be 10 ft. from the rear property line is being requested in lieu of the required 40 ft.

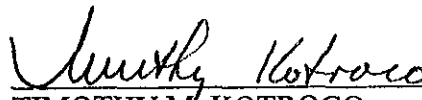
As stated previously, the adjacent property owners, Mr. and Mrs. Duer, appeared in opposition to the Petitioners' request. In addition, others from the surrounding community also appeared in opposition. The Duers are opposed to the addition being situated just 10 ft. from their side property line. The Duers property is also situated on a corner which creates the only private area of their property to be adjacent to the area where the Johnson's propose this addition. Therefore, Mr. Duer objects in that the structure proposed will interfere with his quiet enjoyment of his property, and at 27 ft. in height, will be overbearing. Mr. Duer testified that his house is a one-story dwelling, the height of which is much less than the addition proposed by the Petitioners. He objects to the 27 ft. height of the addition, in that it will be overbearing to his property. He also believes the proposed addition to not be in character and keeping with the surrounding community, given the ample and generous setbacks that these other neighbors enjoy

to their property lines. Mr. Duer testified that he believes the Petitioners could construct an addition on the front of their existing dwelling, which would accommodate the needs of their family, while not infringing or imposing upon his enjoyment of his property. He, therefore, asked that the variance be denied.

After considering the testimony and evidence offered at the hearing, as well as the exhibits submitted, I find that the Petitioners' request for a variance should be denied. The Petitioners in this case could accommodate their needs by constructing an addition without infringing upon the 40 ft. rear yard setback requirement. They could accomplish their goal by constructing a smaller detached garage in the rear yard of their property, or add onto another portion of their existing single-family dwelling. This was Mr. Duer's suggestion at the hearing. Accordingly, the variance request must be denied.

THEREFORE, IT IS ORDERED this 20th day of September, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 10 ft. in lieu of the required 40 ft. for a proposed addition, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

2000 SEP 20 10:00 AM
BALTIMORE COUNTY
ZONING DEPARTMENT
9/22/00
J.P. Johnson



Baltimore County
Zoning Commissioner

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

September ²²20, 2000

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. 01-052-A
Property: 326 South Wind Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been denied 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

Copies to:

Mr. & Mrs. Thomas W. Johnson
326 South Wind Road
Towson, MD 21204

Mr. Jeffrey Penza
Penza Associates Architects
401 Woodbourne Avenue
Baltimore, MD 21212

Mr. & Mrs. Colin Duer
328 South Wind Road
Towson, MD 21204

Ms. Valerie Wilson
919 Army Road
Towson, MD 21204

Ms. Rosalie Connor
908 Eastwind Road
Towson, MD 21204

Ms. Sarah Lord
Ruxton/Riderwood Assn.
P. O. Box 204
Riderwood, MD 21139



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 326 South Wind Road
which is presently zoned DR2

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)

1B02.3.C.1 and applicable portions of the CMDP *to permit a rear yard setback of 10 feet in lieu of the 40 feet required*

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:

Howard L. Alderman, Jr.
Name Type or Print City
Howard L. Alderman, Jr.
Signature
Levin & Gann, PA Suite 113
Company
305 W. Chesapeake Avenue 410-321-0600
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

Thomas W. Johnson
Name - Type or Print
Thomas W. Johnson
Signature
Laura L. Johnson
Name - Type or Print
Laura L. Johnson
Signature
326 South Wind Road 410-895-4530
Address Telephone No.
Towson MD 21204
City State Zip Code

Representative to be Contacted:

Jeffrey Penza
~~Bwayne Van Horn~~ - Penza Assoc. Architects
Name
401 Woodbourne Avenue 410-435-6677
Address Telephone No.
Baltimore MD 21212
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. 01-052-A

Reviewed By CTM Date 8/3/00

Estimated Posting Date 8/13/00

PLEASE NOTE:

Effective September 01, 2000 our new address will be:

Levin & Gann, PA
502 Washington Avenue
8th Floor
Towson, Maryland 21204

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 326 South Wind Road
Address
Towson MD 21204
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):

1. irregularly shaped lot;
2. corner lot; and
3. need to additional living area,

all of which justify the proposed addition to the existing structure and the conversion of the existing garage into habitable space, as depicted on the plat to accompany this Petition, and the balance of the materials submitted herewith in support thereof.

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.

Thomas W. Johnson
Signature

Thomas W. Johnson
Name - Type or Print

Laura L. Johnson
Signature

Laura L. Johnson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of July, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas W. Johnson and Laura L. Johnson

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

7/28/00
Date

Susan M. Hoffman
Notary Public

My Commission Expires 03/01/01

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 326 South Wind Road
Address
Towson MD 21204
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):

1. irregularly shaped lot;
2. corner lot; and
3. need to additional living area,

all of which justify the proposed addition to the existing structure and the conversion of the existing garage into habitable space, as depicted on the plat to accompany this Petition, and the balance of the materials submitted herewith in support thereof.

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.

Thomas W. Johnson
Signature

Thomas W. Johnson
Name - Type or Print

Laura L. Johnson
Signature

Laura L. Johnson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of July, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas W. Johnson and Laura L. Johnson

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

7/28
Date

Dorothy M. Hoffman
Notary Public
My Commission Expires 05/01/01



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 326 South Wind Road
which is presently zoned DR2

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)

1B02.3.C.1 and applicable portions of the CMDP *to permit a rear yard setback of 10 feet in lieu of the 40 feet required*

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:

Howard L. Alderman, Jr.
Name - Type or Print
Howard L. Alderman, Jr.
Signature
Levin & Gann, PA Suite 113
Company
305 W. Chesapeake Avenue 410-321-0600
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

Thomas W. Johnson
Name - Type or Print
Thomas W. Johnson
Signature
Laura L. Johnson
Name - Type or Print
Laura L. Johnson
Signature
326 South Wind Road 410-895-4530
Address Telephone No.
Towson MD 21204
City State Zip Code

Representative to be Contacted:

Jeffrey Penza
Wayne Van Horn - Penza Assoc. Architects
Name
401 Woodbourne Avenue 410-435-6677
Address Telephone No.
Baltimore MD 21212
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. 01-052-A

Reviewed By CTM

Date 8/3/00

Estimated Posting Date 8/13/00

PLEASE NOTE:

Effective September 01, 2000 our new address will be:

Levin & Gann, PA
502 Washington Avenue
8th Floor
Towson, Maryland 21204

ZONING DESCRIPTION FOR 326 SOUTH WIND ROAD

Beginning at a point on the South side of South Wind Road, which is 36' +/- wide at the distance of 194' +/- West of the centerline of the nearest improved intersecting street North Wind Road, which is 36' wide. Being recorded in Lot #47, Baltimore County Deed Liber in the subdivision of Four Winds #13, Folio #136, containing 43, 071 +/- square feet, 989 +/- acres. Also known as 326 South Wind Road and located in the 4th Election District, 9th Councilmanic District.

Typical metes and bounds: S.77 41' E. 173.20 ft., S.13 29' W. 109.65 ft., N.76 31' 00" W.239.81 ft., N.10 59' 30" E.179.26 ft. to the place of beginning.

01-052-A 52

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083516

DATE 5/2/00 ACCOUNT 1001 6150

AMOUNT \$ 50.00

RECEIVED FROM: WILKINSON

FOR: OLD VEHICLE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	AMOUNT	DATE
1001 6150	50.00	5/2/00
TOTAL 50.00		

PAID TO: WILKINSON
FOR: OLD VEHICLE
BY: 01-052-A

50.00 OK
Baltimore County, Maryland

01-052-A

CASHIER'S VALIDATION



FORMAL DEMAND FOR HEARING

CASE NUMBER: 01-052A

Address: 326 South Wind Rd

Petitioner(s): Thomas W. Johnson
Laura L. Johnson

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Colin M. Duer [REDACTED]
Name - Type or Print

() Legal Owner OR ☒ Resident of
328 South Wind Road
Address

Roxton, MD 21204
City State Zip Code

410-823-3240
Telephone Number

which is located approximately adjacent feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Colin M. Duer 8/23/2000
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083758

DATE 8/23/00 ACCOUNT R001-6150

AMOUNT \$ 40.00

RECEIVED
FROM:

Colin M. Duer

FOR:

Formal Demand for Hearing (Adm. Variance)

01-052A (326 South Wind Rd.)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT	ACTUAL	TIME
8/24/2000	8/23/2000	12:37:52
REG-1805	CASHIER	MSIE NBS DRAMER 5
Dept 5	528 ZONING VERIFICATION	
Receipt #	172892	OPEN
CR NO. 003758		
Receipt Tot	40.00	
40.00	CK	.00 CA
Baltimore County, Maryland		

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-052-A
326 South Wind Road
S/S Beach Road, 194 feet W
of centerline Northwind Road
9th Election District
4th Councilmanic District
Legal Owner(s): Laura L. &
Thomas W. Johnson
Special Hearing: to permit
a rear yard setback of 10
feet in lieu of the 40 feet re-
quired.

**Hearing: Tuesday, Sep-
tember 19, 2000 at 10:00
a.m. in Room 407, County
Courts Building, 401 Bos-
ley Avenue.**

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

8/369 Aug. 31 C415820

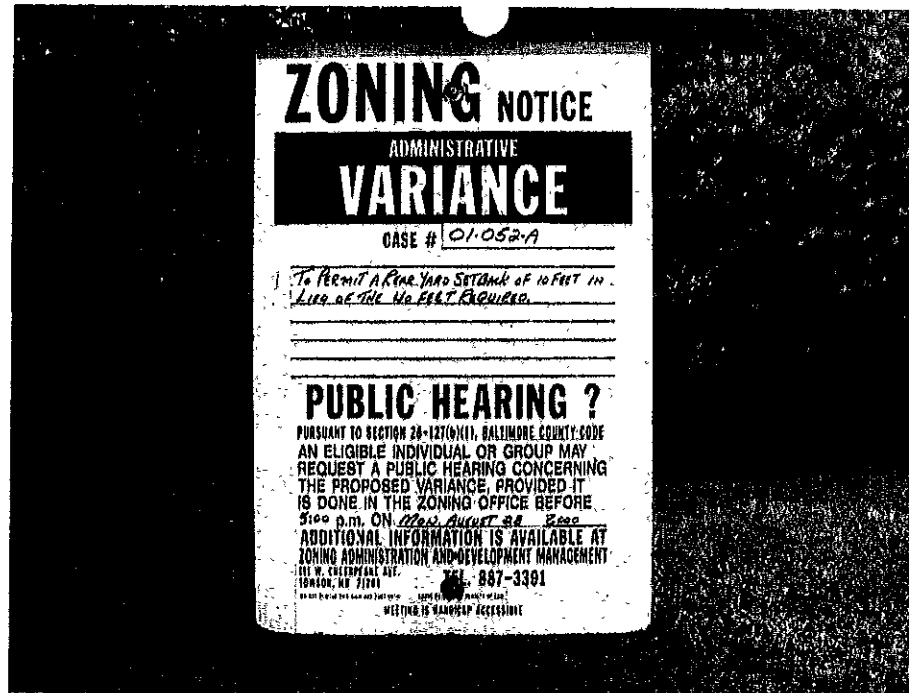
CERTIFICATE OF PUBLICATION

TOWSON, MD, 8/31, 2000

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 8/31, 2000.

THE JEFFERSONIAN,
J. Wilkinson

LEGAL ADVERTISING



Posted at 326 South Wind Road

CERTIFICATE OF POSTING

**RE: CASE # 01-052-A
PETITIONER/DEVELOPER
(Thomas Johnson)
DATE OF Closing
(8-28-00)**

**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**

326 South Wind Road Towson , Maryland 21204_____

THE SIGN(S) WERE POSTED ON_____ 8-11-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

ZONING NOTICE

Case # : 01-052-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE *Baltimore County Court House, 400 N. E. Ave.*
TIME & DATE *10:00 AM, Tues. Sept. 19, 2000*

*VARIANCE TO PERMIT A REAR YARD SETBACK OF
15 FEET IN CUE OF THE STREET EXISTING.*

FOR INFORMATION OF THE PUBLIC, THE ZONING COMMISSIONER
IS REQUESTING THAT THE PUBLIC ATTEND THE PUBLIC HEARING
ON THE MATTER OF THE VARIANCE TO PERMIT A REAR YARD SETBACK OF
15 FEET IN CUE OF THE STREET EXISTING.

326 Southwind Road

CERTIFICATE OF POSTING

**RE: CASE # 01-052-A
PETITIONER/DEVELOPER
(Thomas W. Johnson)
DATE OF Hearing
(9-19-00)**

**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**

326 South Wind Road Baltimore, Maryland 21204_____

THE SIGN(S) WERE POSTED ON _____ 9-1-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 23, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-052-A
326 South Wind Road
S/S Beach Road, 194 feet W of centerline Northwind Road
9th Election District – 4th Councilmanic District
Legal Owners: Laura L. & Thomas W. Johnson

Special Hearing to permit a rear yard setback of 10 feet in lieu of the 40 feet required.

HEARING: Tuesday, September 19, 2000, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, reading "Arnold Jablon". Below the signature, the initials "G.D.Z." are written in a smaller, handwritten font.

Arnold Jablon
Director

C: Howard L. Alderman, Jr., Levin & Gann, 305 W. Chesapeake Avenue,
Towson 21204
Thomas & Laura Johnson, 326 South Wind Road, Towson 21204
Jeffrey Penza, Penza Assoc. Architects, 401 Woodbourne Ave., Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 1, 2000.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 31, 2000 Issue – Jeffersonian

Please forward billing to:

Mr. & Mrs. Thomas W. Johnson
326 South Wind Road
Towson, MD 21204

410-895-4530

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-052-A

326 South Wind Road

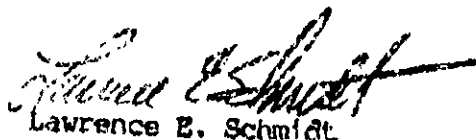
S/S Beach Road, 194 feet W of centerline Northwind Road

9th Election District – 4th Councilmanic District

Legal Owners: Laura L. & Thomas W. Johnson

Special Hearing to permit a rear yard setback of 10 feet in lieu of the 40 feet required.

HEARING: Tuesday, September 19, 2000, at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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: 01-052-A

Petitioner: Thomas W. and Laura L. Johnson

Address or Location: 326 South Wind Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. and Mrs. Thomas W. Johnson

Address: 326 South Wind Road

Towson, MD 21204

Telephone Number: 410-895-4530

Revised 2/20/98 - SCJ

01-052-A



Baltimore County
Department of Permits and
Development Management

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

September 15, 2000

Howard L. Alderman, Jr.
Levin & Gann
305 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 01-052-A, 326 South Wind Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 2000.

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,

W. Carl Richards, Jr.
GDZ

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Thomas & Laura Johnson, 326 South Wind Road, Towson 21204
Jeffrey Penza, Penza Assoc. Architects, 401 Woodbourne Ave., Baltimore 21212
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 30, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For August 21, 2000
Item Nos. 046, 049, 052, 054, 055,
and 056

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

August 22, 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 AUGUST 14, 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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME REGARDING THE FOLLOWING ITEM #'S.

046, 048, 049, 050, 052, 053, 055, 056

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

cc: File

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *mc/RBS*

DATE: September 11, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of August 14, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
046	104 Glen Ridge Road
047	19807 York Road
050	34 Dovefield Road
051	200 Detroit Avenue
052	326 South Wind Road
053	4467 Spring Avenue
056	435 Main Street
550 Revised	Phillips Purchase

Sept
9/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 23, 2000

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-037, 01-046, & 01-052**

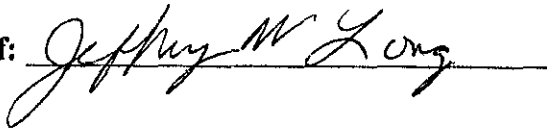
The Office of Planning has reviewed the above referenced case and has no comments to offer.

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:



Section Chief:



AFK/JL:MAC

AUG 23



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8-16-00

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

RE: Baltimore County
Item No. 052 LTM

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Thomas W. Johnson

326 South View Rd. Balt. MD 21204

JEFFREY TENZA

401 WOODBURN AVE
BALTO 21212

HOWARD L Alderman Jr.

Levin & Gann Pt 502 Washington
Avenue, Nottingham Centre 8th Floor.
Towson MD 21204

NEW
ADDRESS



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

COLIN AND ANN DUEK

328 SOUTH WIND ROAD

Valerie Wilson

TOWSON, MARYLAND 21204

919 Army Road
Baltimore, MD 21204

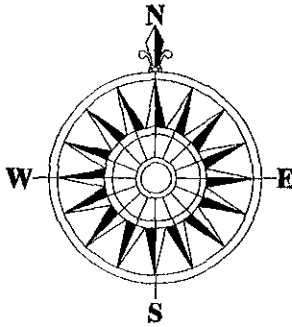
Rosalie Connor

908 Eastwind Rd.

Baltimore, MD 21204

Sarah Lord Ruxton-Piderwood
Assn.

PO BOX 204
Piderwood, MD 21139



The Four Winds Association

At The Four Winds Association board meeting, held on Thursday, September 7, 2000, the 30-foot variance requested by the residents of 326 South Wind Road was discussed in terms of its impact on the characteristics of the neighborhood. One of the important features of Four Winds is the privacy ensured by spacious lots and setback requirements.

After examination, the board concluded that the significant size of the requested variance was problematic for two primary reasons:

1. Enabling substantial additions within a few feet of the neighboring property is not in keeping with the characteristics of the Four Winds neighborhood. Privacy is a characteristic The Four Winds Association wants to preserve.
2. The Four Winds Association is very much concerned that if the 30-foot variance at 326 South Wind is granted, it will set a precedent for future encroachments on neighboring property lines.

Valerie A. Wilson
Valerie Wilson, President
919 Army Road

Patricia Jenkins
Patricia Jenkins
303 North Wind Road

Rosalyn Evans
Rosalyn Evans, Secretary
321 South Wind Road

Rosalind Walman
Rosalind Walman
801 South Wind Court

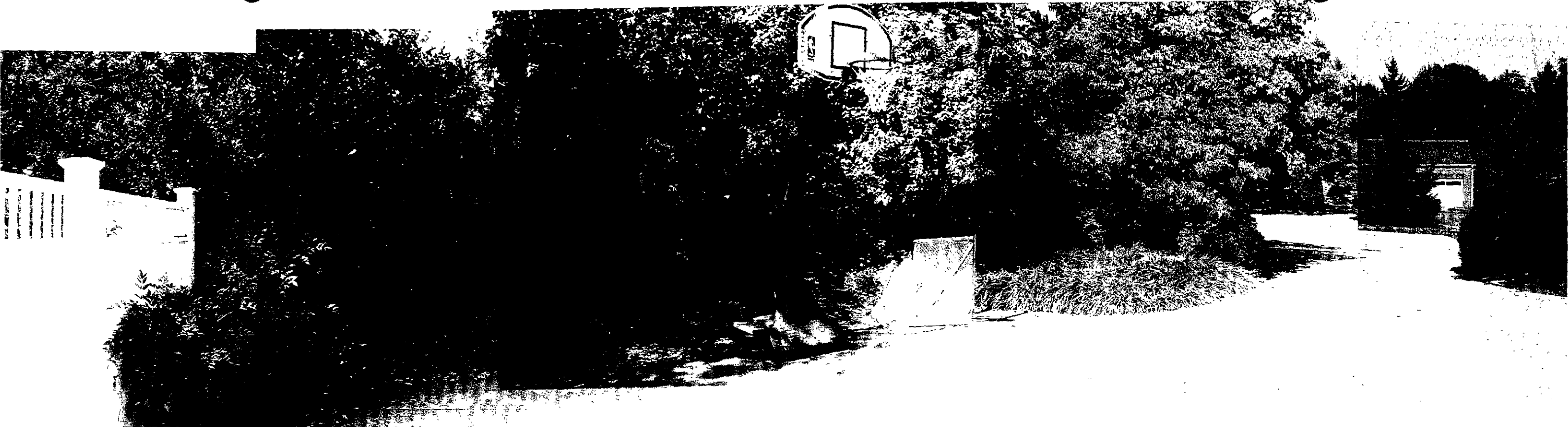
Rosalie Connor
Rosalie Connor, Treasurer
908 East Wind Road

Robert McDonald
Robert McDonald
1004 Malvern Avenue

Mort Bullock
Mort Bullock
320 North Wind Road

Craig Eifler
Craig Eifler
1002 Malvern Avenue

Margaret P. Stout
MARGARET STOUT
8 MALVERN CT

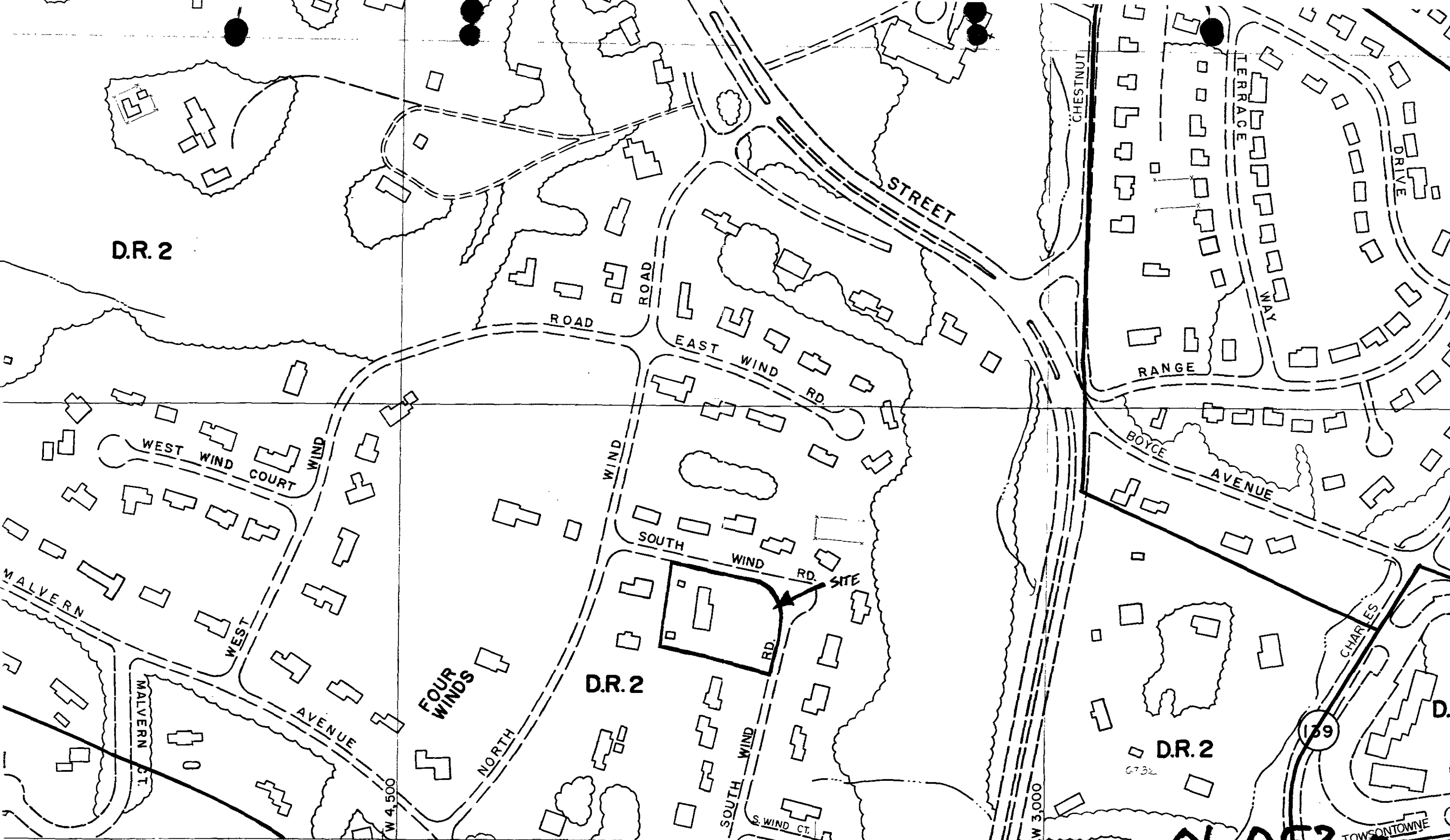


VIEW FROM DRIVEWAY LOOKING NORTHWEST



VIEW OF EXISTING PATIO LOOKING WEST

Pot Ex 2A



1996 COMPREHENSIVE ZONING MAP
 ADOPTED by
 THE BALTIMORE COUNTY COUNCIL
 OCTOBER 8, 1996

Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

NW 10-A
 1" = 200'

(SHEET- NW-9-A)

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING

01-052-A
 52



VIEW APPROACHING DRIVEWAY FROM EAST



VIEW APPROACHING DRIVEWAY FROM WEST

Ref 2B



VIEW OF WEST SIDE OF RESIDENCE



VIEW FROM WEST SIDE OF RESIDENCE LOOKING WEST

01-052-A

52

THE DUER'S HOUSE – 328 SOUTH WIND RD
--- A ONE STORY HOUSE ---



Prot Ex #1

PROPOSED LOCATION OF GARAGE / OFFICE



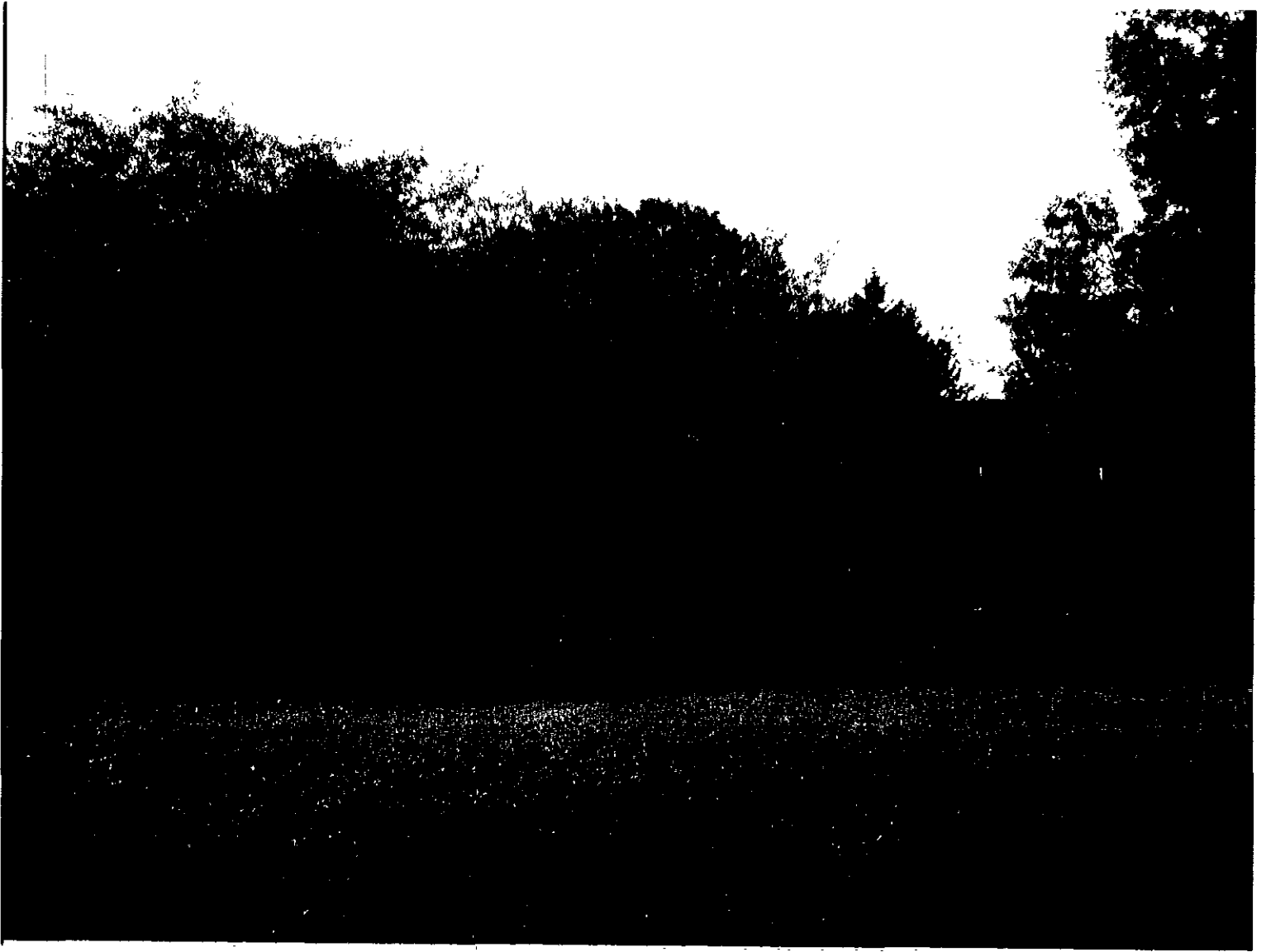
Plot Ex #2

FRONT LAWN / OPEN FIELD



141 FEET OUT FRONT Plot ^{#3} EX

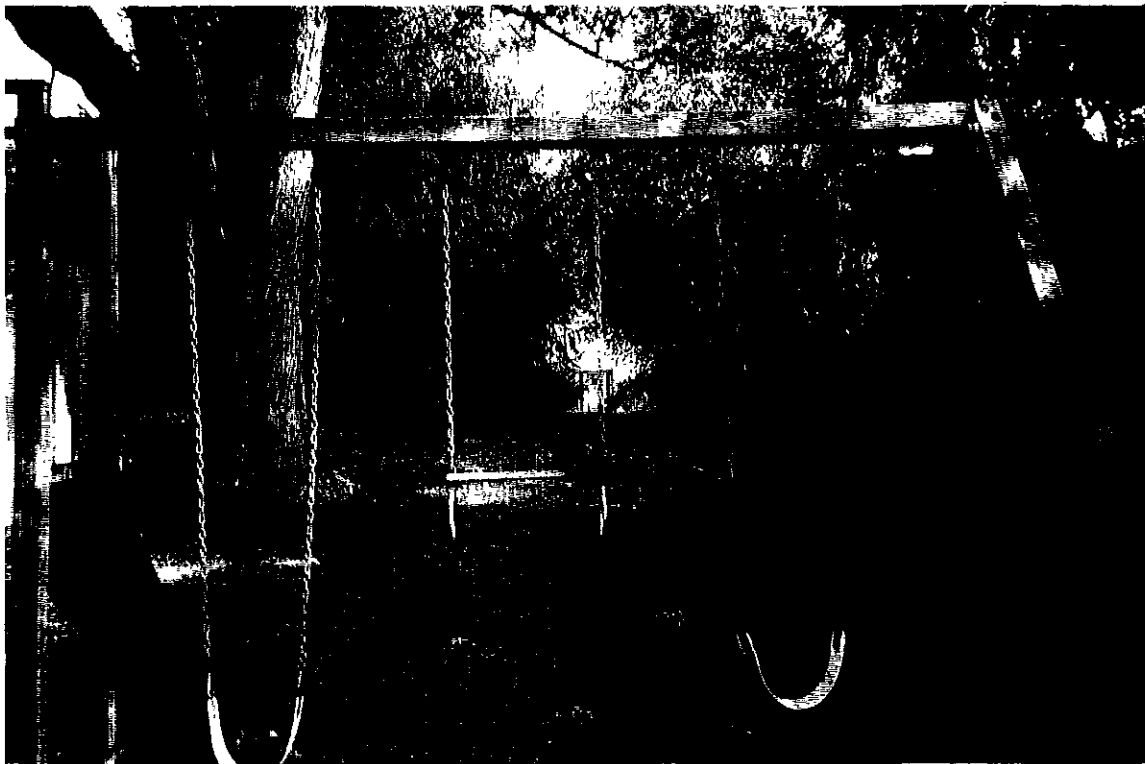
SPACIOUS FRONT LAWN



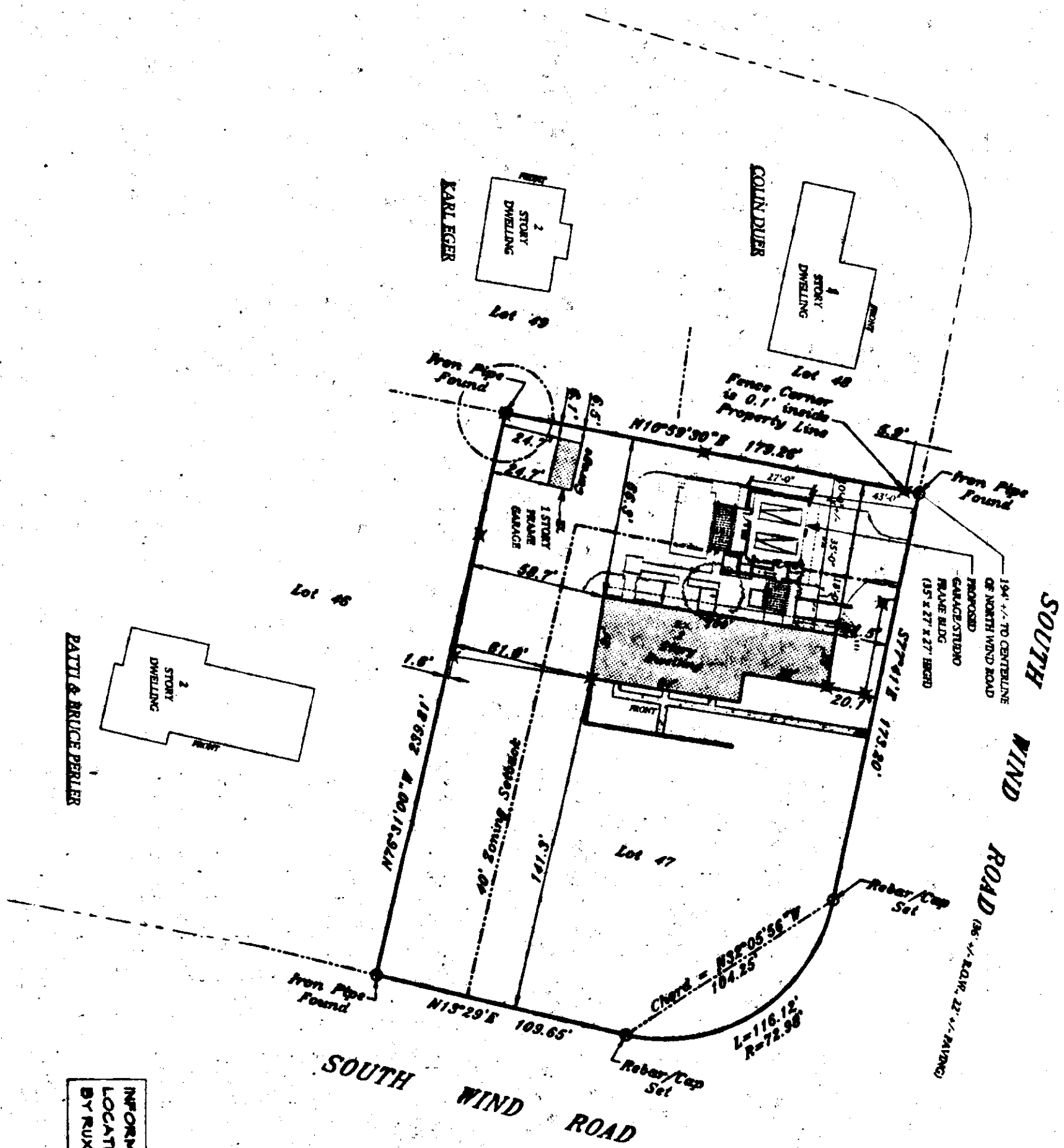
141 Feet Out Front

Plot Ex #4

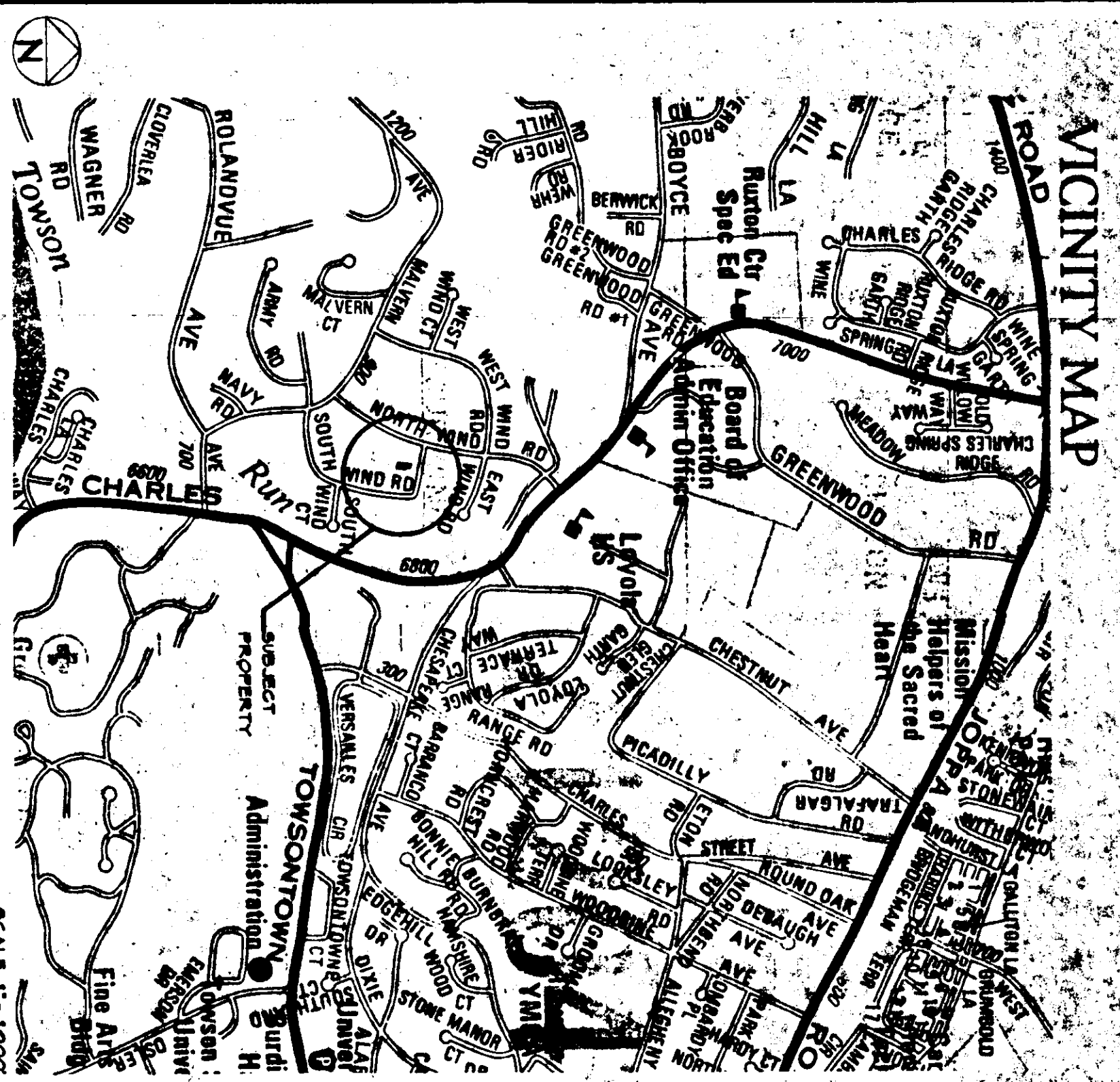
THE DUER'S HOUSE – 328 SOUTH WIND RD
-- SIDE YARD NEXT TO PROPOSED GARAGE --



PROTEx #5



PLAT PLAN
SCALE: 1" = 50'



LOCATION INFORMATION
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS
326 SOUTH WIND ROAD
BALTIMORE, MARYLAND
21204

OWNER(S)
MR. THOMAS JOHNSON
MS. LAURA JOHNSON

ZONING MAP (1"=200' SCALE)
NM 10-A

ZONING
DR-2

LAND RECORDS
RECORDED AMONG LAND RECORDS
OF BALTIMORE COUNTY, MARYLAND
IN BOOK 18, FOLIO 156
P. 6

PROPERTY SIZE
43,071.65 +/- SQ. FT.
984 +/- ACRES

COUNCILMAN DISTRICT
DISTRICT #4

ELECTION DISTRICT
DISTRICT #4

MATER & SEMER
PUBLIC

**CHESAPEAKE BAY
CRITICAL AREA**
NOT APPLICABLE

FLOOD ZONE
C

PRIOR ZONING HEARINGS
NONE

ZONING OFFICE USE ONLY

Ref #1

ZONING VARIANCE PLAT PLAN

1/18/00	ADMINISTRATIVE VARIANCE

JOHNSON RESIDENCE

326 SOUTH WIND ROAD
BALTIMORE, MARYLAND 21204

**PENZA ASSOCIATES
ARCHITECTS, INC.**

401 WOODBOURNE AVENUE
BALTIMORE, MARYLAND 21212
(410) 455-6677 FAX (410) 455-6666
URL: www.penza.com E-Mail: penza@penza.com

PREPARED BY:
KCE
PENZA ASSOCIATES ARCHITECTS, INC.



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	TOWSON	NW 10-A
DATE OF PHOTOGRAPHY JANUARY 1986	52	

CROFTLAND