

IN RE: PETITION FOR VARIANCE

E/S Winding Way, 225' N
of Silver Spring Road
11th Election District
5th Councilmanic District
(8611 Winding Way)

Joanna L. McGowan
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-089-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8611 Winding Way in the White Marsh community of Baltimore County. The petition was filed by Joanna L. McGowan, property owner. Variance relief is requested from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 5 ft. in lieu of the required setback of 25 ft. from the paving of a private road. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the petition for variance.

Appearing at the requisite public hearing held for this case was Alex Ratych, the surveyor who prepared the site plan. Appearing as an interested person was Daniel G. Bohlan who resides immediately next door at 8615 Winding Way. There were no other protestants or interested persons present.

Testimony and evidence presented was that the property at issue is an irregularly shaped parcel, approximately .389 acres in area, zoned DR 5.5. The property has frontage on Winding Way, a public street near Silver Spring Road in the White Marsh community in eastern Baltimore County. The Petitioner proposes subdividing the property into two lots. After the subdivision, Lot No. 1 will be a 16,000 sq. ft. parcel encompassing the front part of the overall

NOT A SUBSTITUTE FOR FILING

Date 11/13/00

By R. J. [Signature]

tract immediately adjacent to Winding Road. That rectangularly shaped lot will contain a one-story existing frame dwelling known as 8611 Winding Way.

Proposed Lot 2 will encompass the rear portion of the tract (32,376 sq. ft.) and a narrow strip sufficient to contain a driveway from Winding Way to the proposed dwelling. As shown on the site plan, the Petitioner proposes construction of a single family dwelling on the rear of the lot.

Variance relief is required because of the construction of the proposed driveway and the necessity to provide an in fee strip from Lot 2 to Winding Way. As more particularly shown on the site plan, a 5 ft. setback will be retained from the existing house to the property line for that driveway.

Mr. Bohlan indicated that he was not opposed to the request, but was concerned about the potential use of the property and the location of the driveway. When shown the plat, he was satisfied that the proposed driveway will be located on the other side of the existing dwelling, away from his property. Thus, his concerns about the location of the driveway were satisfied. He is concerned, however, about the proposed use of the new lot and wanted assurance that it would be used residentially.

Based on the testimony and evidence offered, I am persuaded to grant the requested relief. I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. However, in granting the request, I will impose certain restrictions. First, the Petitioner is reminded of the residential zoning of the property and the use regulations therein. Thus, any construction on Lot 2 will be restricted to a single family detached unit. Secondly, I questioned the Petitioner's surveyor at the hearing about the architectural features of the proposed house and the double garages shown on the plan. That is, the plan shows that the driveway splits and

apparently leads to two separate garages attached on opposite corners of the house. When questioned about the need for dual garages, Mr. Ratych was unable to provide a satisfactory explanation. Based on this lack of information, I shall further condition the relief and require that the Petitioner submit for review and approval elevation drawings, including floor plans of the proposed dwelling, to the Office of Planning. No permits can be issued until these elevations drawings are reviewed and approved by that office, and any construction must be consistent with that agency's recommendations. Moreover, although I will defer the final decision to the Office of Planning, when reviewing the building plans, I recommend that one of the garages be eliminated. No satisfactory evidence was presented at the hearing as to why a split driveway is necessary and such construction would only result in the loss of impervious surface. Such construction could lessen the buffer for the subject property and adjacent parcels from traffic on I-95, which immediately abuts the rear of Lot 2.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 13th day of November, 2000, by this Zoning Commissioner, that the Petitioner's request for variance from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 5 ft. in lieu of the required setback of 25 ft. from the paving of a private road., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be

2. Construction on Lot No. 2 shall be restricted to a single family detached unit; and
3. Petitioner shall submit for review and approval elevation drawings, including the floor plans of the proposed dwelling, to the Office of Planning, as well as show the number of garages and driveways to be located on the property; and
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:raj

Sent another
signed & dated
copy to Alex
Ratych at 7427
Hayford Rd.
address. 10.11.13/ce

4



Baltimore County
Zoning Commissioner

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

November 13, 2000

Mr. Alex Ratych
APR Associates, Inc.
Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 01-089-A
Property: 8611 Winding Way

Dear Mr. Ratych:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES: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 Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8611 Winding Way

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.bBCZR

To allow a sideyard setback of 5' in lieu of the required setback of 25' from paving of a private road.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT THE HEARING

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Joanna L. McGowan

Name - Type or Print

Signature

Name - Type or Print

Signature

8611 Winding Way 410-931-4866
Address Telephone No.

Baltimore, MD 21128
City State Zip Code

Representative to be Contacted:

Alex Ratych/APR Associates, Inc.
Name

7427 Harford Road 444-4313
Address Telephone No.

Baltimore, Maryland 21234
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 8/23/01

ORDER RECEIVED FOR FILING

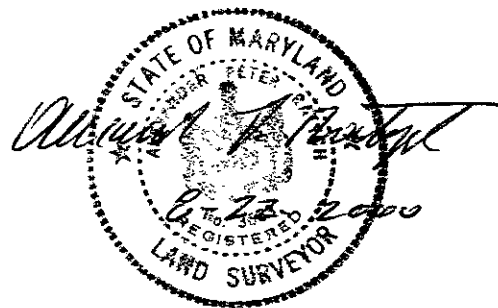
Case No. 01-089-A

RECEIVED 9/15/98

ZONING DESCRIPTION FOR 8611 WINDING WAY

BEGINNING at a point on the East side of Winding Way which is 40 feet wide at the distance of 225 feet North of the centerline of Silver Spring Road which is 30 feet wide, as recorded in Deed Liber 10245, Folio 597; thence running along the East side of Winding Way North 02 degrees 47 minutes 41 seconds West 100.00 feet; thence leaving Winding Way and running North 87 degrees 11 minutes 40 seconds East 200.00 feet North 02 degrees 47 minutes 41 seconds West 100.00 feet North 87 degrees 12 minutes 19 seconds East 72.09 feet South 45 degrees 24 minutes 41 seconds East 175.30 feet to intersect the Northwestern right of way of J.F.K. Memorial Highway (I-95); thence binding thereon South 39 degrees 16 minutes 49 seconds West 95.65 feet; thence leaving said right of way and running South 87 degrees 17 minutes 10 seconds West 326.01 feet to the point of beginning; containing 1.1082 acres more or less.

ALSO known as 8611 Winding Way and located in the 11th Election District and 5th Councilmanic District.



089

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **R5282**

DATE 8/23/00

ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Thomas L. McGowan

FOR: Cell Winding May Item # 089

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

NEG. REC. 11/23/2000 8/23/2000 11:30:32
Dept 5 528 ZONING DEVIATION
REC-414 H 150251
CR. NO. 0000000000

Receipt Tot 50.00
50.00 TX
BALTIMORE COUNTY, MARYLAND .00 CA

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: # 01-089-A
8611 Winding Way,
E/S Winding Way, 225 feet
N of Silver Spring Road
11th Election District
5th Councilmanic District
Legal Owner(s): Joanna L.
McGowan.

Variance: to allow a side yard setback of 5 feet on lieu of the required setback of 25 feet from paving a private road.

Hearing: Tuesday, October 10, 2000 at 10:00 a.m. in Room 106, Baltimore County Building, 111 West Chesapeake 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) 887-4396.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-43391. **RECEIVED**
9/16/02 Sept 21 04:20:32

CERTIFICATE OF PUBLICATION

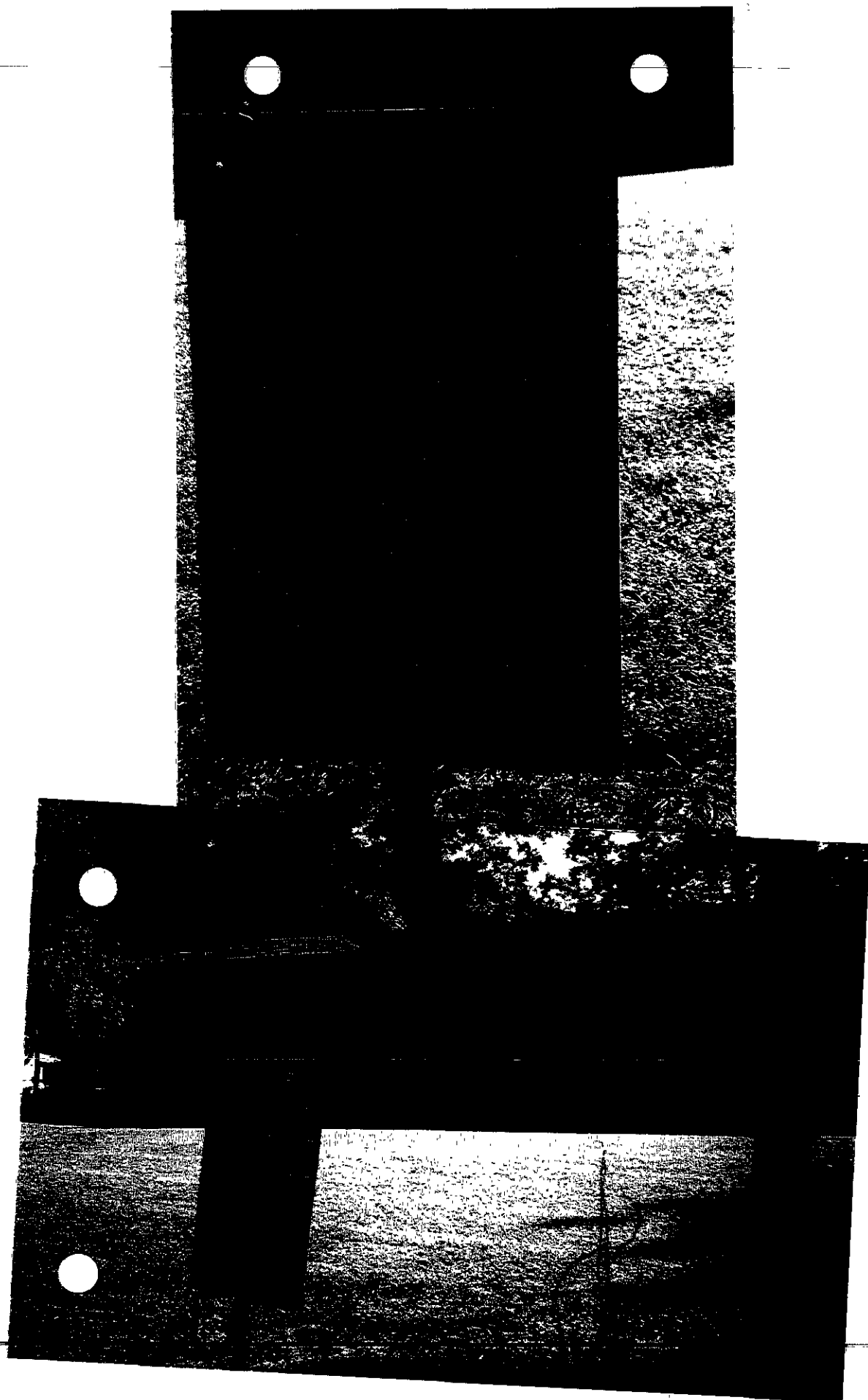
TOWSON, MD, 9/21, 2000

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 9/21, 2000.

THE JEFFERSONIAN,

S. Williams

LEGAL ADVERTISING



CERTIFICATE OF POSTING

RE: Case No.: 01-089-A

Petitioner/Developer: JOANNA L. MCGOWAN
% APR ASSOCIATES, INC.

Date of Hearing/Closing: OCT. 10, 2000

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 _____

8611 WINDING WAY

BALTIMORE MD, 21228

The sign(s) were posted on SEPT. 20, 2000
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

RE: PETITION FOR VARIANCE
8611 Winding Way, E/S Winding Way,
225' N of Silver Spring Rd
11th Election District, 5th Councilmanic

Legal Owner: Joanna L. McGowan
Petitioner(s)

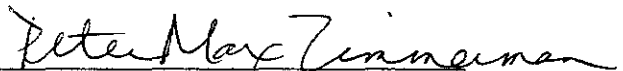
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-89-A

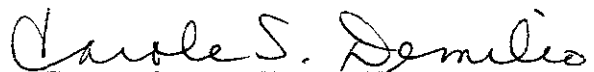
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

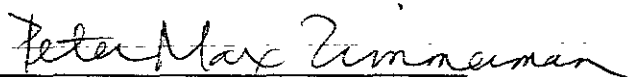
All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2000 a copy of the foregoing Entry of Appearance was mailed to Alexander P. Ratych, APR Associates, Inc., 7427 Harford Road, Baltimore, MD 21234, representative for Petitioners.


PETER MAX ZIMMERMAN



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

September 8, 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: 01-089-A
8611 Winding Way
E/S Winding Way, 225 feet N of Silver Spring Road
11th Election District – 5th Councilmanic District
Legal Owner: Joanna L. McGowan

Variance to allow a side yard setback of 5 feet in lieu of the required setback of 25 feet from paving a private road.

HEARING: Tuesday, October 10, 2000, at 10:00 a.m. in Room 106, Baltimore County Building, 111 West Chesapeake Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".
GDZ

Arnold Jablon
Director

C: Joanna L. McGowan, 8611 Winding Way, Baltimore 21128
Alex Ratych/APR Associates, Inc. 7400 Harford Rd., Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY: SEPTEMBER 22, 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, September 21, 2000 Issue – Jeffersonian

Please forward billing to:
Joanna L. McGowan
8611 Winding Way
Baltimore, MD 21128

410 931-4866

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: 01-089-A
8611 Winding Way
E/S Winding Way, 225 feet N of Silver Spring Road
11th Election District – 5th Councilmanic District
Legal Owner: Joanna L. McGowan

Variance to allow a side yard setback of 5 feet in lieu of the required setback of 25 feet from paving a private road.

HEARING: Tuesday, October 10, 2000, at 10:00 a.m. in Room 106, Baltimore County Building, 111 West Chesapeake Avenue.



Lawrence E. Schmidt
C72

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: 089

Petitioner: JOHANNA L. MCGOWAN

Address or Location: 8611 WINDING WAY, BALTIMORE,

PLEASE FORWARD ADVERTISING BILL TO:

Name: MRS. JOHANNA L. MCGOWAN

Address: 8611 WINDING WAY

BALTIMORE, MD 21128

Telephone Number: 410-931-4866



Baltimore County
Department of Permits and
Development Management

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

October 6, 2000

Alex Ratych
Apr Associates, Inc.
7400 Harford Road
Baltimore, MD 21234

Dear Mr. Ratych:

RE: Case Number: 01-089-A, 8611 Winding Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Joanna L. McGowan, 8611 Winding Way, Baltimore 21128
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 3, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2000
Item Nos. 070, 071, 072, 073, 075, 078,
079, 081, 082, 085, 086, 087, 088, 089,
090, 091, 092, 093, 094, 095, 097, 098,
100, 101, 103, and 104

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

RWB:HJO:jrb

cc: File



September 19, 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 September 11, 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 REGARDING THE FOLLOWING:

ITEM #'S 070, 071, 072, 073, 074, 075, 079, 080, 081, 082, 083,
084, 085, 086, 087, 088, 089, 092, 093, 094, 095, 097,
098, 099, 100, 101, 102, 103, AND 104

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

10/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 19, 2000

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

SUBJECT: 8611 Winding Way

INFORMATION:

Item Number: 01-089

SEP 19

Petitioner: Joanna L. McGowan

Zoning: DR 5.5

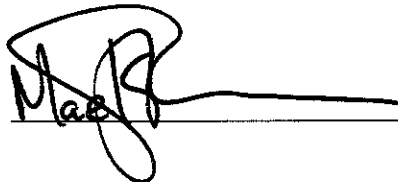
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

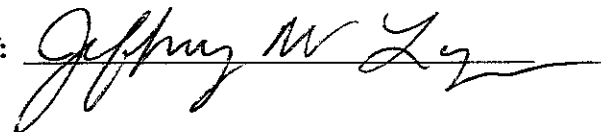
The Office of Planning cannot support the request until such time as the following information is submitted to this office:

1. Elevation drawings (including floor plan) of the proposed dwelling on lot two. This office requests that the Zoning Commissioner withhold final approval of this matter until the aforementioned elevation drawings and floor plan have been reviewed and approved by planning staff.
2. The proposed dwelling on lot two should be restricted to a single family detached unit.

Prepared by:



Section Chief:



AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

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

Date: 10.2.00

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

RE: Baltimore County
Item No. 089

JRF

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

NE 8 H

089

