IN RE: PETITION FOR ADMIN. VARIANCE N/S West Geipe Road, 330' E

centerline of Windy Run Road

1st Election District

1st Councilmanic District

(2213 West Geipe Road)

Sadie I. & Walter H. Witz, Jr.

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-100-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Sadie I. and Walter H. Witz, Jr., property owners, for that property known as 2213 West Geipe Road in the Westchester area of Baltimore County. The Petitioners herein seek a variance from Sections 1B01.2.C.1.b and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 18.8 ft. for an open projection (deck) in lieu of the minimum 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 RESERVED FOR FILTING DESC. 9/27/00

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 27 day of September, 2000, that a variance from Sections 1B01.2.C.1.b and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 18.8 ft. for an open projection (deck) in lieu of the minimum 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





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

Fax: 410-887-3468

September 26, 2000

Mr. & Mrs. Walter H. Witz, Jr. 2213 West Geipe Road Baltimore, Maryland 21228

> Re: Petition for Administrative Variance Case No. 01-100-A Property: 2213 West Geipe Road

Dear Mr. & Mrs. Witz:

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

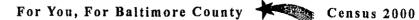
Deputy Zoning Commissioner

lustly lotroco

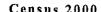
· TMK:rai Enclosure















Petition for Administrative Variance

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

to the Zoning Commissioner of Baltimore County

for the property located at 2213 WIEST GEIPE which is presently zoned

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) / Bolizacion To allow a rear yard setback of 18 february and pen projection deck in lieu of the minimum require 22/2 A 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: Legal Owner(s): WITZ, JR Name - Type or Print Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Telephone No. Address Name - Type or Print Representative to be Contacted: Signature Company Name Addres Telephone No. Telephone No. Address State Zip Code City Zip Code State APublic Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County. this say of that the subject my bulletions of Baltimore County and that the property be reposted. that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County GASE NO. 0/-100-17 Estimated Posting Date REV 9/15/98

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.

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

2213	WEST	GEIPE	RD_	
Address GALT!	MORE	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 ALLOWED PROJECTION INTO THE REAR YARD DOES NOT PROVIDE AN ADEQUATE DISTANCE FROM THE REAR OF THE HOUSE CREATING A NARROW AND DIFFICULT AREA TO UTILIZE.

My Commission Expires

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			
	GALTIMORE	MD	21228
	City	State	Zip Coae

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 ALLOWED PROJECTION INTO THE REAR YARD DOES NOT PROVIDE AN ADEQUATE DISTANCE FROM THE REAR OF THE HOUSE CREATING A NARROW AND DIFFICULT AREA TO UTILIZE.

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.

| Walter H. WITZ | Signature |

My Commission Expires

REV 09/15/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	2213 WEST	GEIPE	RD.
. which	h is presently zoned	DR5.	

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made à par	t hereof, hereby petition fo	r a Variance from Sec	nits and Development Manag nich is described in the descripti nicn(s) /801.3.6/8/7/2	ion and plat atta	acned hereto ar
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2/2/1	301.1A. To		FROJESTICAL	NTO	
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	RECURED	CPTH OF A	RAPE STATE AGE	20.2	5'
•			MAS (COM		
of the zoning of this petition	g regulations of Baltimore on form.	County, to the zoning	law of Baltimore County, for the	reasons indic	ated on the bac
	to be posted and advertise e to pay expenses of above ' and restrictions of Baltimore C		e zoning regulations. osting, etc. and further agree to an to the zoning law for Baltimore Co	d are to be boun unty.	ded by the zonin
			I/We do solemnly declare an perjury, that I/we are the legals the subject of this Petition.	al owner(s) of the	ne penalties of e property which
<u>Contract F</u>	Purchaser/Lessee:		Legal Owner(s):		
Name - Type or	Print		Name - Type or Printy Signature	Z, JR.	
Address			SADIE I. WITT	Z	
		Telephone No.	Name - Type or Print	it o	,)
City	State	Zip Code	Signature	7	
Attorney F	or Petitioner:		2213 WEST GI	eipe ro	
			BALTIMORE	MD	Telephone No.
Name - Type or	Print		City	State	Zip Code
Signature			Representative to be C	Contacted:	
Company	·	,	Name		
			мате .		
Address		Telephone No.	Address		· Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearin this day of regulations of Ba	ig having been formally dema	nded and/or found to be that the subject matter of the perty be reposted.	required, it is ordered by the Zoning is petition be set for a public hearing,	Commissioner of	Baltimore County
	,		Zoning Commissioner of		
CASE NO	. 01-100-A	? Revi	lewed By	Date <u>\$ = </u>	9-00
REV 9115198				10 -00	

ZONING DESCRIPTION FOR 2213 WEST GEIPE ROAD

Election District: 1st Councilmanic District: 1st

Beginning at a point on the north side of West Geipe Road which is 60 foot wide at a distance of 30 feet east of the centerline of the nearest intersecting street known as Windy Run Road which is 50 feet wide.

Being Lot No. 2 in the subdivision of Caton Glen as recorded in Baltimore County Plat Book 67 folio 124 containing 5,445 square feet or 0.125 acres of land more or less.

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BALTIMORE COUNTY, MARYLANI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	PAID FILEIFT WASHIN FIRM USE STOCKED BETTER
DATE \$ 29-20 ACCOUNT \$ 50.	FES WAS SECULED WITE DES TOWAY OF E DES CONTRO MERIFICATION OF SECULED TO A CONTROL MERIFICATION OF SECURED TO A CONTROL M
FOR: Kesidential Variance file to	industry Courts, but loss

CERTIFICATE OF POSTING

	RE: Case No.: 01-100-A
	Petitioner/Developer:
	MR & MRS WALT WITZ
	Date of Hearing/Closing: 9-25-00
Baltimore County Department of Permits and Development Mana, County Office Building, Room I 111 West Chesapeake Avenue Towson, MD 21204	gement
Attention: Ms. Gwendolyn Stepl	nens
Ladies and Gentlemen:	
were posted conspicuously on th	penalties of perjury that the necessary sign(s) required by law e property located at
The sign(s) were posted on	SEPT. 974 2000
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
	GARLAND E. MOORE
for an in	(Printed Name)
To the second	(Address)
	BACTIMONE, MD. 2127
	(City, State, Zip Code)
w.,	(C)10) 24-2-4763 (Telephone Number)
<i>1</i> 96	- Parada A Maria A Mar

ZONINO NOICE ADVINSERANCE VARIANCE

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 100 -A Address 2213 West Geine Rd.
Contact Person: To be Sullivan Phone Number: 410-887-3391
Filing Date: 8-29-00 Posting Date: 9-10-00 Closing Date: 9-35-00
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. <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, 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 01- 100 -A Address 2213 West Geije Rd Petitioner's Name Mitz Telephone Posting Date: 9-10-00 Closing Date: 9-25-00 Vording for Sign: To Permit a rear yard setback for an open projection Jeck of 18 17.8 in her of the required 22/2 ft.
Petitioner's Name
Posting Date: 9-10-00 Closing Date: 9-25-00
Vording for Sign: To Permit a rear yard setback for an open projection
deck) of 18 ft. 8 in her of the required 22/2ft.

WCR - Revised 6/28/00

DEPARTMENT 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.

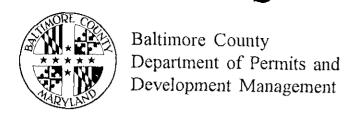
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number: D1-100-A
Petitioner: WALTER WITE & SADIE WITE
Address or Location: 2213 WEST GEIPE R. BACTO, MO, 21228
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 2213 WEST GEIDE P) BAUTO. (MD, 21228
Telephone Number: (40-2744 - 0089

Revised 2/20/98 - SCJ

01-100-A



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

September 25, 2000

Sadie I. & Walter H. Witz, Jr. 2213 West Geipe Road Baltimore, MD 21228

Dear Mr. & Mrs. Witz, Jr.:

RE: Case Number: 01-100-A, 2213 West Geipe Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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. Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR: gdz

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 3, 2000

Department of Permits & Development Mgmt.

FROM:

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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



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

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

Printed with Saybean Ink on Recycled Paper

AV 9/25

DATE: September 12, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 01-095, 01-100, and 01-104.

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



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

115

Date: 10.2.00

RE:

Baltimore County

Item No. 100

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

Dear, Ms. Jackson:

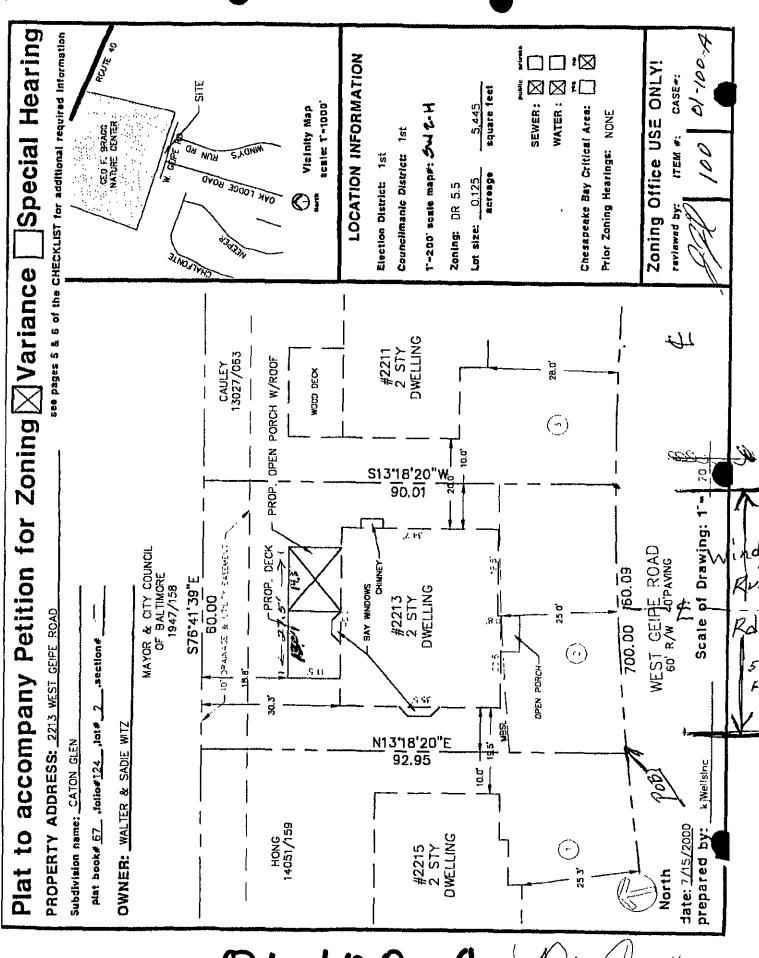
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

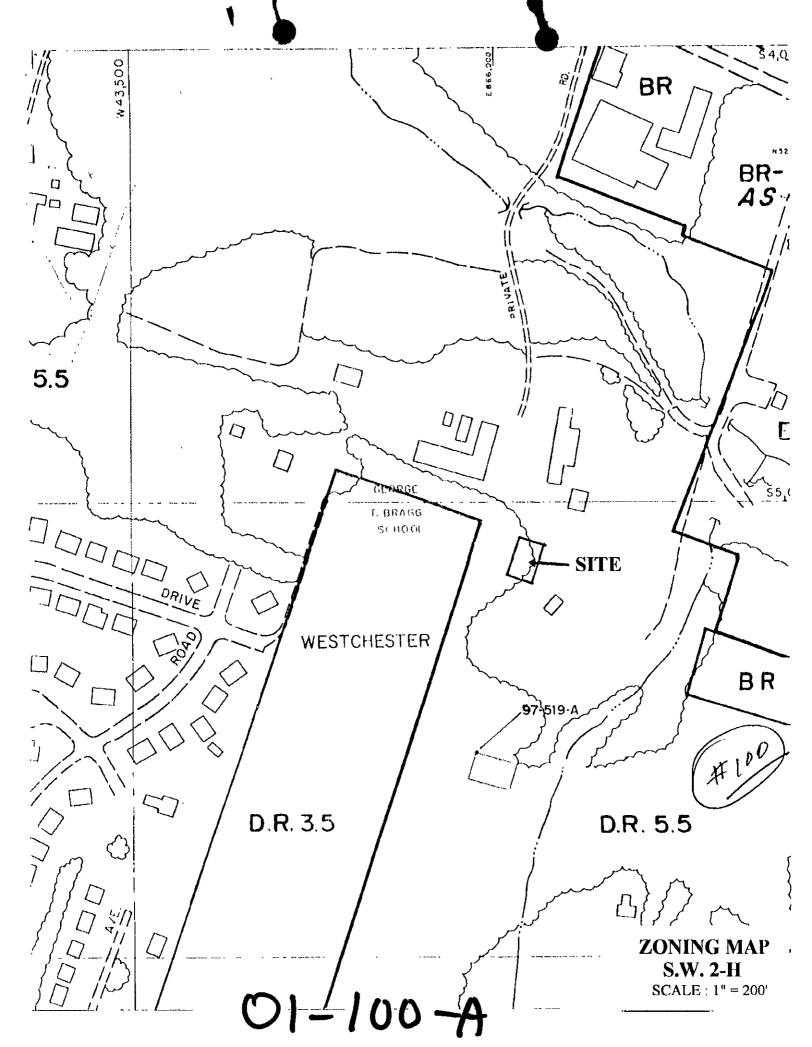
Pr Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

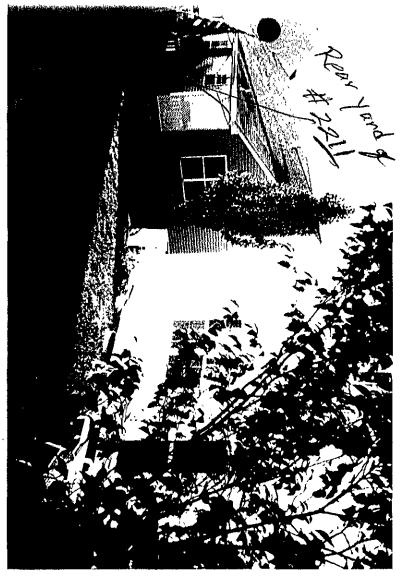
f. f. Drelle



01-100-A

Det. Cx. #/











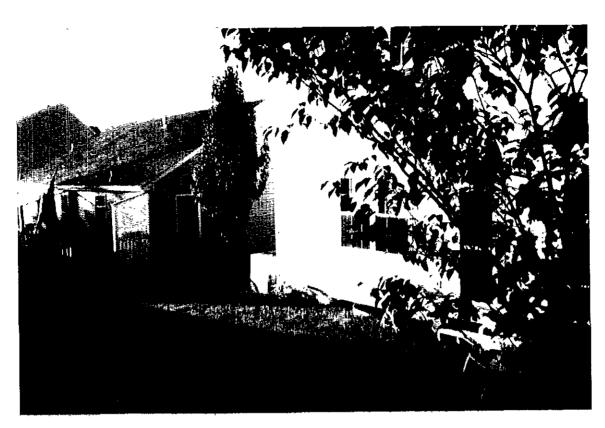


01-100-A





01-100-A





01-100-A

