IN RE: PETITION FOR ADMIN. VARIANCE E/S Windys Run Road, 430' S of W. Geipes Road 1st Election District 1st Councilmanic District (1915 Windys Run Road)

> Jean & Robert Miller Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-062-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Jean and Robert Miller. The variance request is for property located at 1915 Windys Run Road in the Catonsville area of Baltimore County. The variance request is from Section 1B01.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 504 (CMDP – Table 6), to allow a rear yard setback of 12 ft. in lieu of the required 30 ft. for an addition, and to amend the Final Development Plan for "Caton Glen", Lot 13. 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.

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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 day of September, 2002, that a variance from Section 1B01.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 504 (CMDP – Table 6), to allow a rear yard setback of 12 ft. in lieu of the required 30 ft. for an addition, and to amend the Final Development Plan for "Caton Glen", Lot 13, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
- 2. The Petitioners must submit their elevation drawings to the Office of Planning and Zoning for their review and approval.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

3

Fax: 410-887-3468

September 16, 2002

Mr. & Mrs. Robert Miller 1915 Windys Run Road Catonsville, Maryland 21228

Re: Petition for Administrative Variance

Case No. 03-062-A

Property: 1915 Windys Run Road

Dear Mr. & Mrs. Miller:

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

luthy Kotroco

TMK:raj Enclosure



CASE NO.

REV 10/25/01

03-062-A

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1915 WINDYS RUNRO	
which is presently zoned $DRSS$	

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

Estimated Posting Date 8 - 19-02

USO

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) 1301.C.1.b and 504 (CMDP-Table 6) to allow a rear yard setback of 12 feet in lieu of the required 30 feet for an addition, and to amend the final Development Plan for "Caton Glen", lot 13.

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.

			perjury, that I/we are the legal owner(s) of is the subject of this Petition.	the property which
Contract Purchaser/L	<u>_essee:</u>		Legal Owner(s):	
Name - Type or Print			Robert Miller Name - Type or Print	
Signature		· · · · · · · · · · · · · · · · · · ·	Robert Miller Signature	<u> </u>
Address	 _	Telephone No.	Name - Type or Print	
City	State	Zip Code	Signature an mille	WK 410-925.3
Attorney For Petition	<u>er:</u>		Address WINDXS RUN R	ひ 4//ひ-フソフ-376 Telephone No.
Name - Type or Print			CATONS VILLE MD City State	2/228
Signature			Representative to be Contacted.	Zip Code
Company			Name	 , <u></u>
Address		Telephone No.	Address	Telephone No
3	State	Zip Code	City State	Zip Code
Public Hearing having bee day of equilibriums of Baltimore County	n formally demande that and that the propert	ed and/or found to be t the subject matter of t y be reposted	required, it is ordered by the Zoning Commission his petition be set for a public hearing, advertised, as	er of Baltimore County, required by the zoning

Reviewed By

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.

1915 WINDYS RUN RD

That the Affiant(s) does/do presently reside at	Address WIND	347 1C010 KT	<u> </u>
	CHY	// D State	2/2コ8 Zip Code
•			•
That based upon personal knowledge, the following variance at the above address (indicate hardship)	ip or practical difficulty):		
we are expecti-	19 000 sevent	h Child a	ed need to
We are expecti- expand our living of	pace to accon	adate our	growing
family the most fee	isible locati	on for 1	Le addition
in our house is at -	the right b	ackside of	- OUT EXISTING
lwelling. Therefore, we	are request	ing this V.	ariance to
amend the current 2	oning requirem	ents on th	e rear of
our property.	-		
& (18 X16 the-story add back of house - se	e drawings)	current woo	od deck on the
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	ormal demand is filed, Affia additional information.	nt(s) will be required	to pay a reposting and
Robert Miller Signature	Signature	Jan mil	Q
	Signature	T	
Robert Miller Name - Type or Print	Name - Type	Jean miller or Print	<u></u>
			,
STATE OF MARYLAND, COUNTY OF BALTI	tı		
HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	ersonally appeared	, before me, a N	Notary Public of the State
Robert Miller a	d Jan Mill	e	
the Affiant(s) herein, personally known or satisf	actorily identified to me as su	ich Affiant(s).	
AS WITNESS my hand and Notarial Seal			
PUBLIC SE	Notary Public My Commission Ex	xpires 9-1-6	
REV 10/25/01			

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.

1915 WINDYS RUN R.D

That the Affiant(s) does/do presently reside at	Address WINDYJ	RUN R.D	
	CITONSVILLE	MD	2/208
•	City -	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	in or practical difficulty):		
We are expectina	gour seventh	child and	need to
expand our living space	e to accomadat	e our gro	wing
We are expecting expand our living space family. The most fee	sible location	tor The ad	dition on
our house is at the	e right with		
dwelling. Therefore,	we are reque	sting this	Variance
dwelling. There-fore, to amend the cum	nt Zoning reg	Uchanents	on the
* (18x16 two-story addit	tion to replace	current woo	od deckon
back of house -	see drawings)		
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affian		
Robert Miller	De la constant de la	an mella	_
Signature	Signature		
Robert Miller Name - Type or Print	Name - Type o	n Millen	
		~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	
STATE OF MARYLAND, COUNTY OF BALTIN			
of Maryland, in and for the County aforesaid, pe	· ~ .	, before me, a No	otary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me as suc	h Affiant(s).	······································
AS WITNESS my hand and Notal Sea			
S ICTARY &			
PUBLIC ST	Notary Public My Commission Exp	oires 9/	25
REV 10/25/01	,	-·· - -	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

Estimated Posting Date 8-19-02

Date 8-5-02

	or (he property	located at	1915 WINDYSA	KUN KILS
			which is pr	esently zoned $_$	R 5.5
This Petition shall be fill owner(s) of the property smade a part hereof, herek	ed with the Dep situate in Baltimor by petition for a Va	artment of Perr e County and wh ariance from Sec	nits and Developm tich is described in the stion(s)	nent Management. The he description and plat	e undersigned, legal attached hereto and (CMDP - table C
to allow a rear	yard setback	of 12 feet	in lieu of th	ne required 30	feet for an
addition, and to	, amend the	. (Tinal Dev	elopment flan	tor Catou Gle	n, (01 (3.
of the zoning regulations of this petition form.	of Baltimore Cou	nty, to the zoning	law of Baltimore C	ounty, for the reasons ir	idicated on the back
Property is to be posted and it is not be a second and restrictions of the second restrictions and restrictions of the second restrictions of the second restrictions of the second restrictions are second restrictions.	ses of above Varia	nce advertising n	osting etc and furthe	er agree to and are to be h	ounded by the zoning
			I/We do solemi perjury, that I/w is the subject o	nly declare and affirm, und e are the legal owner(s) of this Petition.	ler the penalties of f f the property which
Contract Purchaser/L.	essee:		<u>Legal Owne</u>		¬
Name - Type or Print	<u> </u>		Name Type or i	+ Miller Miller	
Signature		<u></u>	Signature	miller	
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Name Type or F	Print *	
	— \		م دا	mille	
•	State	Zip Code	Olgitaldig	Muller VINDYS RUN F	
Attorney For Petitione		Zip Code	19/5 1	VINDYS RUN A	Telephone No.
Attorney For Petitione		Zip Code	Address CATUNSI City	VINNYS RUN F	2/27473 Telephone No. 2/238 Zip Code
Attorney For Petitione Name - Type or Print		Zip Code	Address CATUNSI City	VINDYS RUN A	2/27473 Telephone No. 2/238 Zip Code
Name - Type or Print Signature		Zip Code	Address CATUNSI City	VINNYS RUN F	2/07473 Telephone No. 2/238 Zip Code
Attorney For Petitione Name - Type or Print Signature Company		Zip Code Telephone No.	Address City Representation	VINNYS RUN F	2/07473 Telephone No. 2/238 Zip Code

REV 10/25/01

CASE NO. <u>23-062-4</u>

ZONING DESCRIPTION FOR 1915 Windys Run Rd

Beginning at a point on the East side of Windys Run Rd which is 29.5 feet wide at the distance of 430 feet South of the centerline of the nearest improved intersecting street West Geope Rd. which is 60 feet wide. *Being Lot # 13, Block */* , Section # */* in the subdivision of Caton Glen as recorded in Baltimore County Plat Book # 67, Folio # 124, containing .125 acres. Also known as 1915 Windys Run Rd and located in the 1st Election District, 1st Councilmanic District.

Item #062

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 10450	
DATE 8 5 02 ACCOUNT 0	01006 6150	White Hills The Vib/2002 shift/2002 in:03:02 Reg usos: wal shall s
AMOUNT \$	20 ===	PRICEIPI II 248252 7/31/2002 OF DEPT. 3 STO ANTIO PEPTETCATION OR UR IU. MUATA
RECEIVED R J MILLE E-12		fered not \$100.00 100.00 (K .00 fg
FOR:	722	Billiume limits, Suryland
C150 703-062	· A	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S VALIDATION

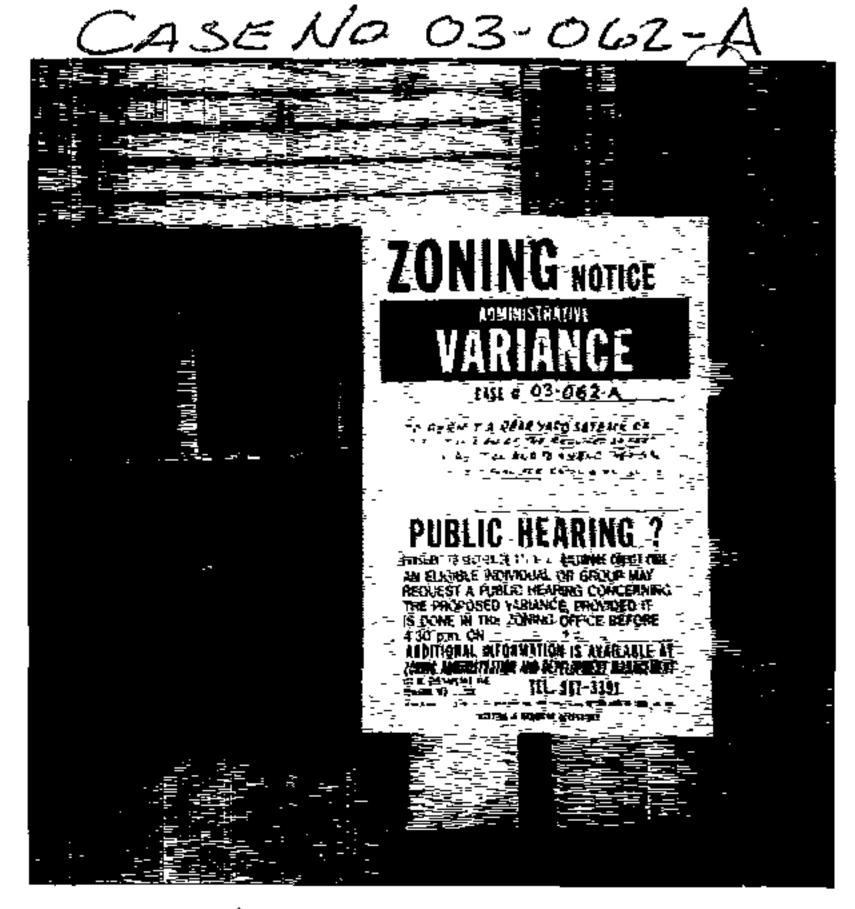
RE: Case No.: 03-062-A
Petitioner/Developer:
ROBERT F. & JEANM. HILLER
Date of Hearing/Closing: 9/3/02

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

MR. GEORGE SAHWER
Attention: Man Gwendelyn 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 prop	_			
1915 K	INDYS RUN RO			
		*********** *		
The sign(s) were posted on	8/19/0Z (Month. Day, Year)	***************************************		



1915 WINDYS RUN RD.
POSTED 8/19/02
Thehell Soft 8/19/02

Sincerely,

(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN (Printed Name)

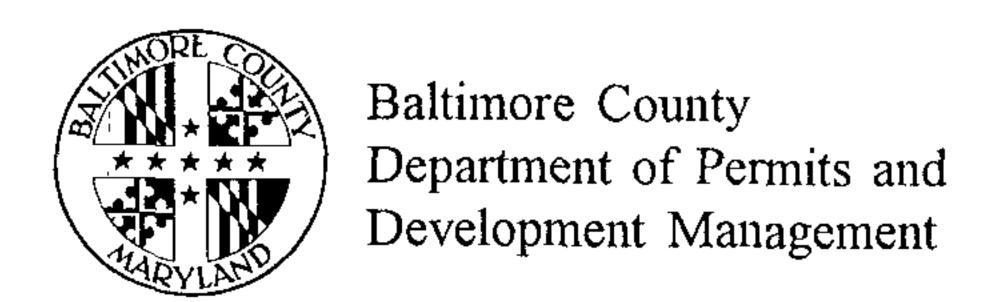
904 DELLWood DR. (Address)

(410) 879·3122

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 062 -A Address 1915 WINDYS RUN RD.
Contact Person: Donna Thompson (- David David) Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 8-5-02 Posting Date: 8-19 Closing Date: 9-3
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.
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 03- 062 -A Address 1915 WINDYS RUN RD.
Petitioner's Name ROBERT F. + JEAN M. MILLER Telephone 4/0 747-3764
Posting Date: 8-19-02 Closing Date: 9-3-02
Wording for Sign: To Permit A REAR YARD SETBACK OF 12 FEET IN LIEU
OF THE REQUIRED 30 FEET FOR AN APPLITION AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR "CATON GLEN", LOT 13.



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

September 3, 2002

Mr. & Mrs. Robert Miller 1915 Windys Run Road Catonsville MD 21228

Dear Mr. & Mrs. Miller:

RE: Case Number: 03-062-A, 1915 Windy Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 5, 2002.

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 Rucharch

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

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

August 13,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF August 12,2002

Item No.: See Below

Dear Mr. Zahner:

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, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 055,056,057,058,059,060,061,062,063,064,065,066 and 067.

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

DATE:

August 27, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of <u>August 12, 2002</u>

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

55,56,57,62,63-67

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 20, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-062

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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/LL:M



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 8.12.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 062

RDD

Dear. Mr. Zahner:

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



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kienuz Secretary Mary Abrains Deputy Secretary

August 12, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda - 8/19/02 re: case numbers 03-055-A, 03-056-A, 03-057-A, 03-058-A, 03-059-A, 03-060-A, 03-061-A, 03-062-A, 03-063-A, 03-064-A, 03-065-A, 03-066-A, 03-067-SPH

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/9/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup



410.418.8900 tel • 410.203.9984 fact • 3230 Bethany Lane, Suite 1 • Ellicott City, MD 21042 W W W , f o r t y W e s t . e o m

September 3, 2002

Tim Kotroco Deputy Zoning Commissioner Baltimore County, Maryland

Re:

1915 Windys Run Road Catonsville MD 21228

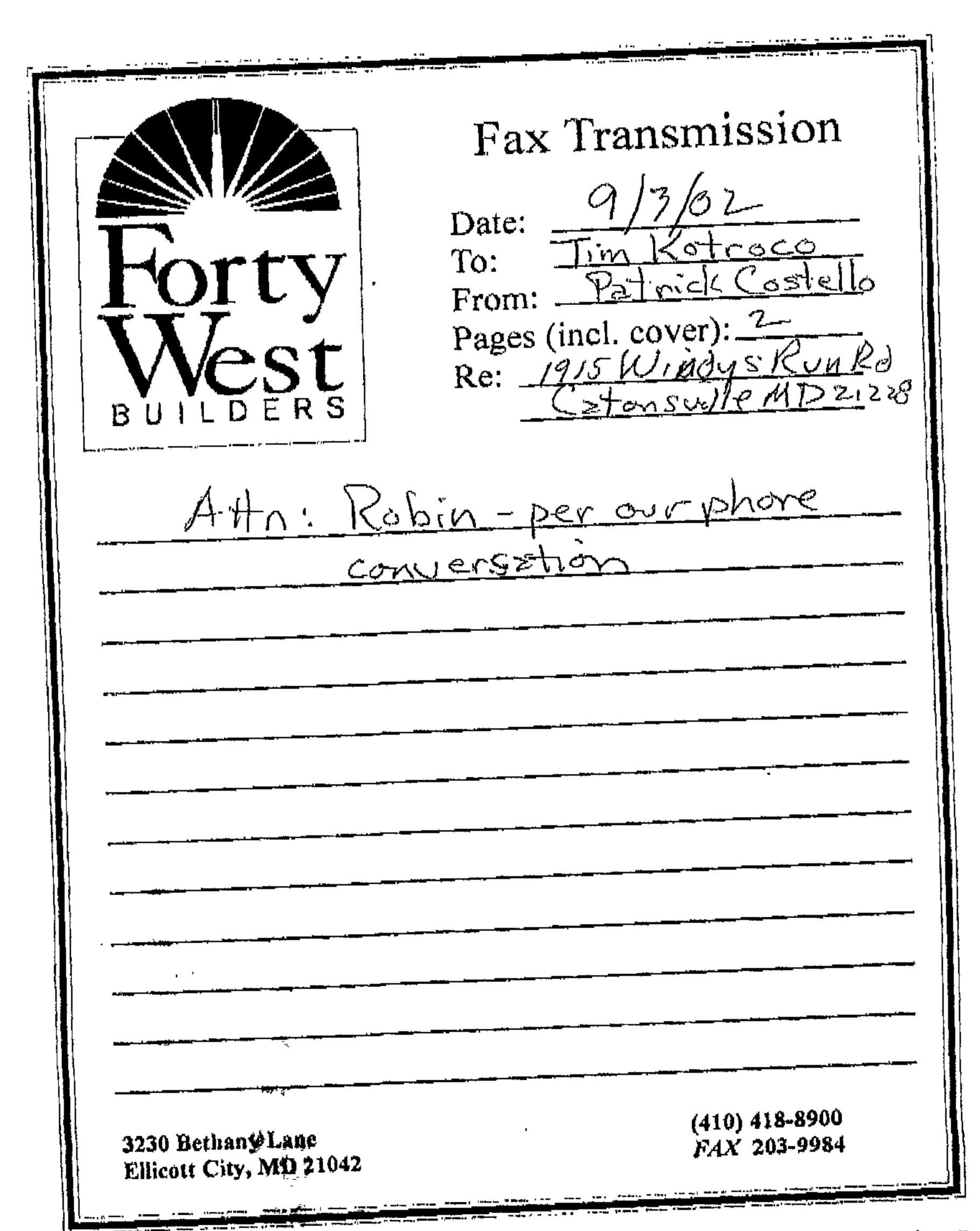
Deat Mr. Kotroco,

It has been brought to our attention that the homeowners at 1915 Windys Run Road, Catonsville MD 21228 (Lot 13 of the Caton Glen Subdivision), have requested a reduction to the setback requirement for their property. As developer of the community in question, we have been notified by the Department of Parks and Recreation that the homeowners are already encroaching on the open space for the community. We feel that to grant a reduction to their setback requirement at this time, could only further impact our ability to obtain dedication signoff for the open space from the Department of Parks and Recreation. We ask that no reduction be granted until the Department of Parks and Recreation have issued their approval for dedication of the community.

Sincerely,

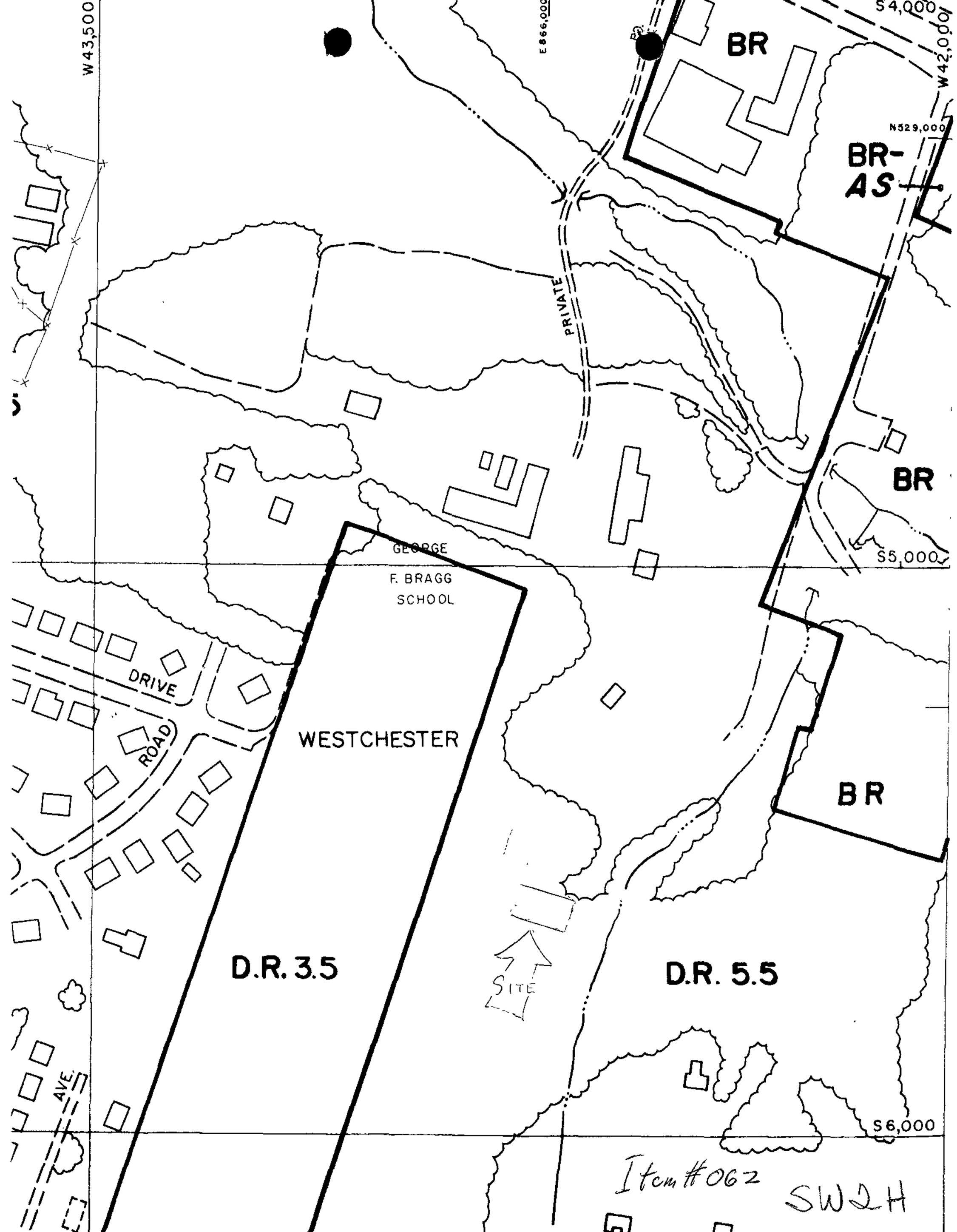
Patrick Costello,

Forty West Group, Inc.



410.8873468

PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANCE PROPERTY ADDRESS 1915 WINDYS RUN RD SEE PAGES 5 B 6 OF THE CHECKLIST FOUND SUBDIVISION NAME CATON GLEN PLAT BOOK #67 FOLIO #134 LOT # 13 SECTION # OWNER Robert & Jean Miller		15-
Forest Buffer EASEMENT (Deck to be removed) 12' 60' 18x16 Propodadity Propodadity SARTELISA HOLLON 2'att. 12' 40' 40' Existing Dwelling H1915 H01 10' #1915 LOT #13 FRONT FRONT FRONT	LOT SIZE 125 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER	14/6 1/4
TO WEST GEIPERD 430' TO CHTON 6UEN AD	100 YEAR FLOOD PLAIN	
WINDYS RUN RD 29.5'	HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE	
NORTH PREPARED BY Jean Miller 8/1/51 SCALE OF DRAWING: 1" = 30'	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE # 062 03-062-A	





Item #062



Item#06Z



Build 18'x16' addition off rear part of house, located where current deck.

Item 062



I tem #062



Item #062



Item #062



Item#06Z



Item #062

