

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Winands road, 211 ft. from
centerline of Setonhurst Avenue
2nd Election District
2nd Councilmanic District
(8504 Winands Road)

Chere C. F. Johnson
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-219-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 owner of the subject Chere C. F. Johnson. The variance request is for property located at 8504 Winands Road in the western area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a rear yard setback of 21 ft. in lieu of the required 30 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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.

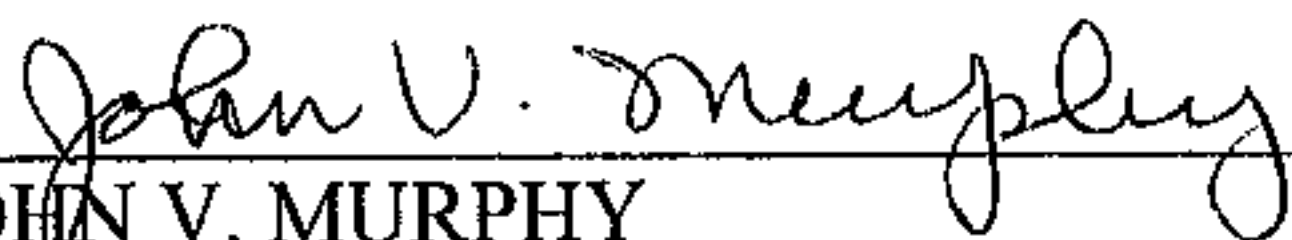
The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public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

ORDER 2004-000000
Date 12/9/03
By [Signature]

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 9th day of December, 2003, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a rear yard setback of 21 ft. in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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 required to return, and be responsible for returning, said property to its original condition.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER
Date 12/9/03
By R. J. Janssen

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

December 8, 2003

Mrs. Chere C. F. Johnson
8504 Winands Road
Baltimore, Maryland 21208

Re: Petition for Administrative Variance
Case No. 04-219-A
Property: 8504 Winands Road

Dear Ms. Johnson:

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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8504 Winands Road

which is presently zoned D. R. 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) 1B02.3.B BCZR

To permit an addition with a rear yard setback of 21' in lieu of the required 30'.

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:

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):

Chere C. F. Johnson

Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____

8504 Winands Road 410 922-2788
Address Telephone No

Baltimore County MD 21208
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

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.

CASE NO. 04-219-A

Reviewed By JRF Date 11/3/03

Estimated Posting Date 11/14/03

REV 10/25/01

Zoning Commissioner of Baltimore County

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 8504 Winands Road
Address
Baltimore Maryland 21208
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):

Petitioner seeks to add an addition to the rear of split level house. The proposed addition to the rear of the property is 15'x22'. The addition would be accessed by the rear patio door off the lower level walk-out of the house. The addition would replace the existing patio slab. Setback relief is requested to permit construction of the addition.

The zoning regulations cannot be met because:

- 1. The allowable space based on the zoning regulation would limit the size of the addition to 6 in depth, which severely restricts living space.*
- 2. The depth of 15' is the minimal amount needed to provide usable space.*
- 3. There is a 10' drainage and utility easement along the Petitioner's rear property line.*
- 4. The proposed site is the only practical site for constructing an addition.*

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.

Signature

Chere C. F. Johnson

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of NOV, 2003, before me, a Notary Public of the State of Maryland, in and for the **County** aforesaid, personally appeared

Chere C. F. Johnson

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 12/14/06

Affidavit in Support of Administrative Variance

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Address
Baltimore Maryland 21208
City State Zip Code

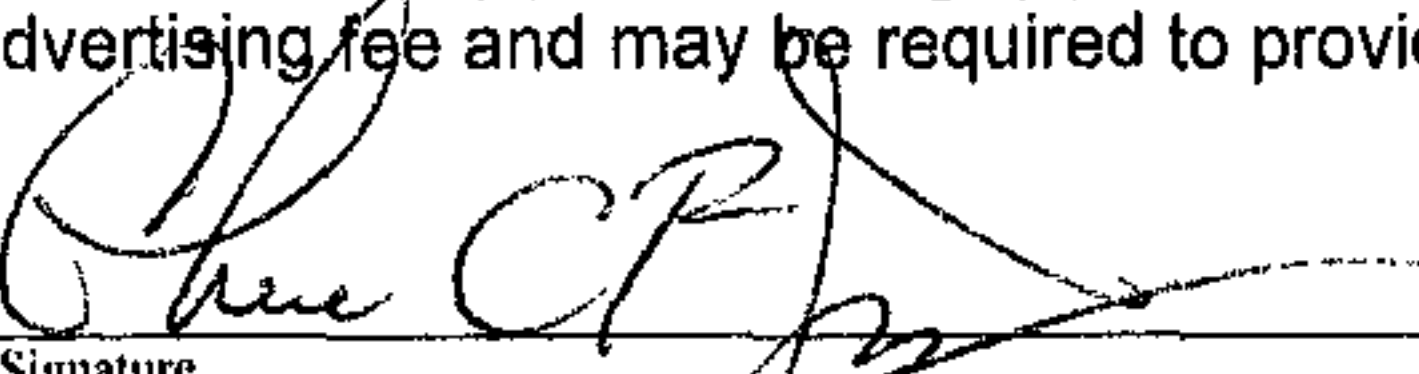
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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature
Chere C. F. Johnson
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of NOV, 2003, before me, a Notary Public of the State of Maryland, in and for the **County** aforesaid, personally appeared

Chere C. F. Johnson

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires 12/18/06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8504 Winands Road
which is presently zoned D.R.S.S

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.B BCZR

To permit an addition with a rear yard setback of 21' in lieu of the required 30'.

of the zoning regulations of **Baltimore County**, to the zoning law of **Baltimore County**, for the reasons indicated on the back 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:

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):

Chere C.F. Johnson
Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____

8504 Winands Road 410 922-2788
Address Telephone No

Baltimore County MD 21208
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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.

CASE NO. 04-219-A

Reviewed By

JRF

Date

11/3/03

Zoning Description

Zoning description for ***8504 Winands Road, Baltimore County Maryland 21208.***

Beginning at a point on the north side of ***Winands Road*** which is ***50 feet*** wide at the distance of ***211 feet*** of the centerline of the nearest improved intersecting street ***Setonhurst Avenue*** which is ***30 feet wide***. Being Lot # ***48***, Block ***B***, Section # ***7*** in the subdivision of ***Laydon Park*** as recorded in Baltimore County Plat Book # ***32*** containing ***7068*** square feet. Also known as ***8504 Winands Road*** and located in the ***2nd*** Election District, ***2nd*** Councilmanic District.

219

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **23561**

DATE 11-3-03 ACCOUNT 001-006-6150

AMOUNT \$45.00

RECEIVED FROM: Chere C.F. Johnson

2504 Winard Rd.

FOR: Annual Vote

ITEM # 219
TAKEN BY: JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
11/04/2003 11/03/2003 09:19:19

RECEIPT # 10054 11/03/2003

ITEM # 528 ZONING CERTIFICATION

DATE 11/03/2003

Receipt Tot \$45.00
\$45.00 OK \$4.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-219-A

Petitioner/Developer: _____

CHERE JOHNSON

Date of Hearing/Closing: 12/1/03

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

Attention: MS. BECKY HART

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 _____

8504 WINANDS RD.

The sign(s) were posted on 11/16/03
(Month, Day, Year)

CASE # 04-219-A

Sincerely,

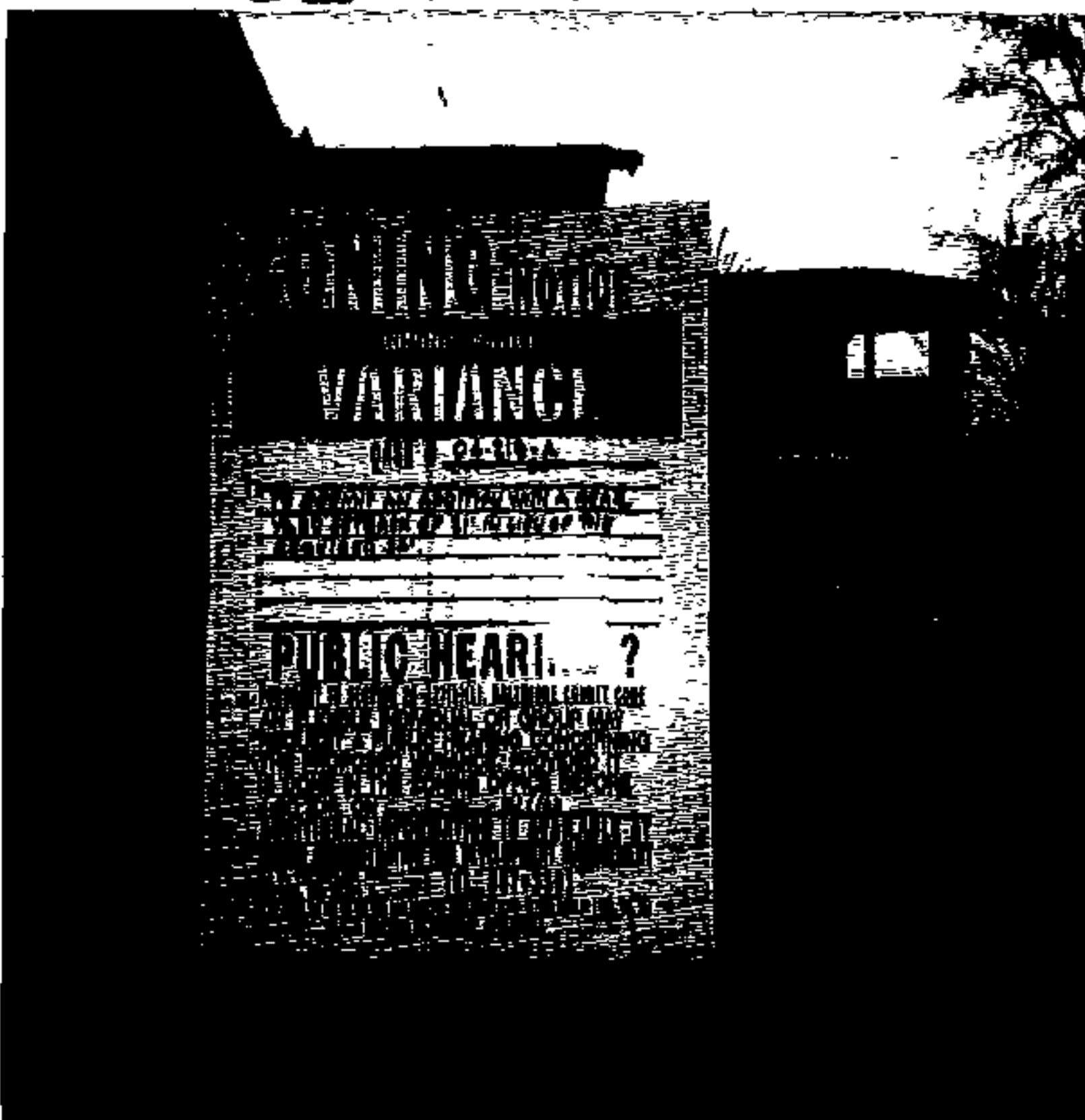
Richard E. Hoffman 11/16/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



8504 WINANDS RD.

POSTED 11/16/03

Richard E. Hoffman 11/16/03

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-219 -A

Address 8504 Winands Rd

Contact Person: JUN R. FERNANDO

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11-3-03

Posting Date: 11-16-03

Closing Date: 12-1-03

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04-219 -A

Address 8504 Winands Rd.

Petitioner's Name Chere C. F. Johnson

Telephone 410-922-2788

Posting Date: 11-16-03

Closing Date: 12-1-03

Wording for Sign: To Permit an addition with a rear yard setback of
21' in lieu of the required 30'.

**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: 04-219-A

Petitioner: Chere Johnson

Address or Location: 8504 Winands Road, Baltimore MD 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: Chere Johnson

Address: 8504 Winands Road
Baltimore MD 21208

Telephone Number: 410 966 4842

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

December 4, 2003

Chere C. Johnson
8504 Winands Road
Baltimore, MD 21208

Dear Ms. Johnson:

RE: Case Number: 04-219-A, 8504 Winands Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 3, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info





**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 12, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 10, 2003

Item No.: 207-210, 213-219

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 21, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For November 17, 2003
Item Nos. 207, 208, 209, 210, 212,
213, 214, 216, 217, 218, and 219

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: November 10, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-218 and 04-219
Administrative Variance

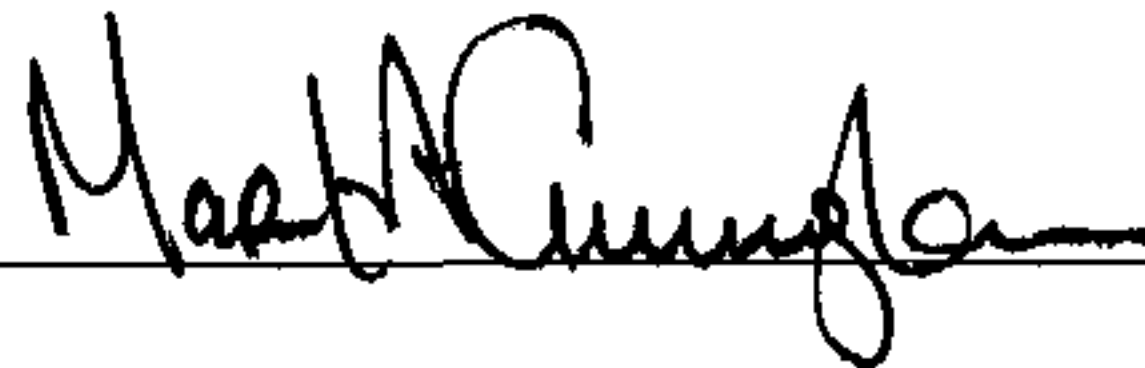
RECEIVED

NOV 10 2003

ZONING COMMISSIONER

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

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.17.03

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

RE: Baltimore County
Item No. 213 JRF

Dear Ms. Hart:

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,

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

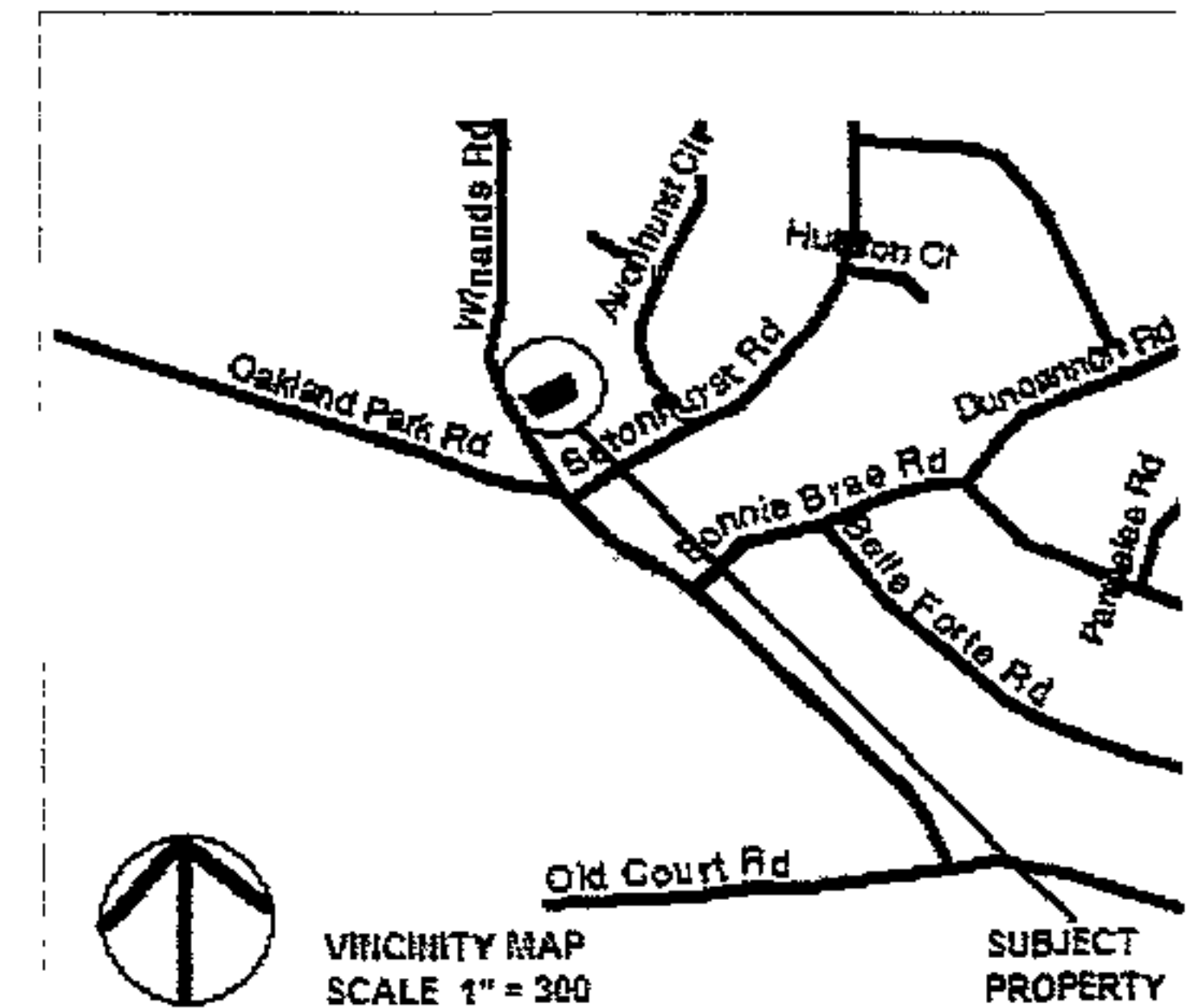
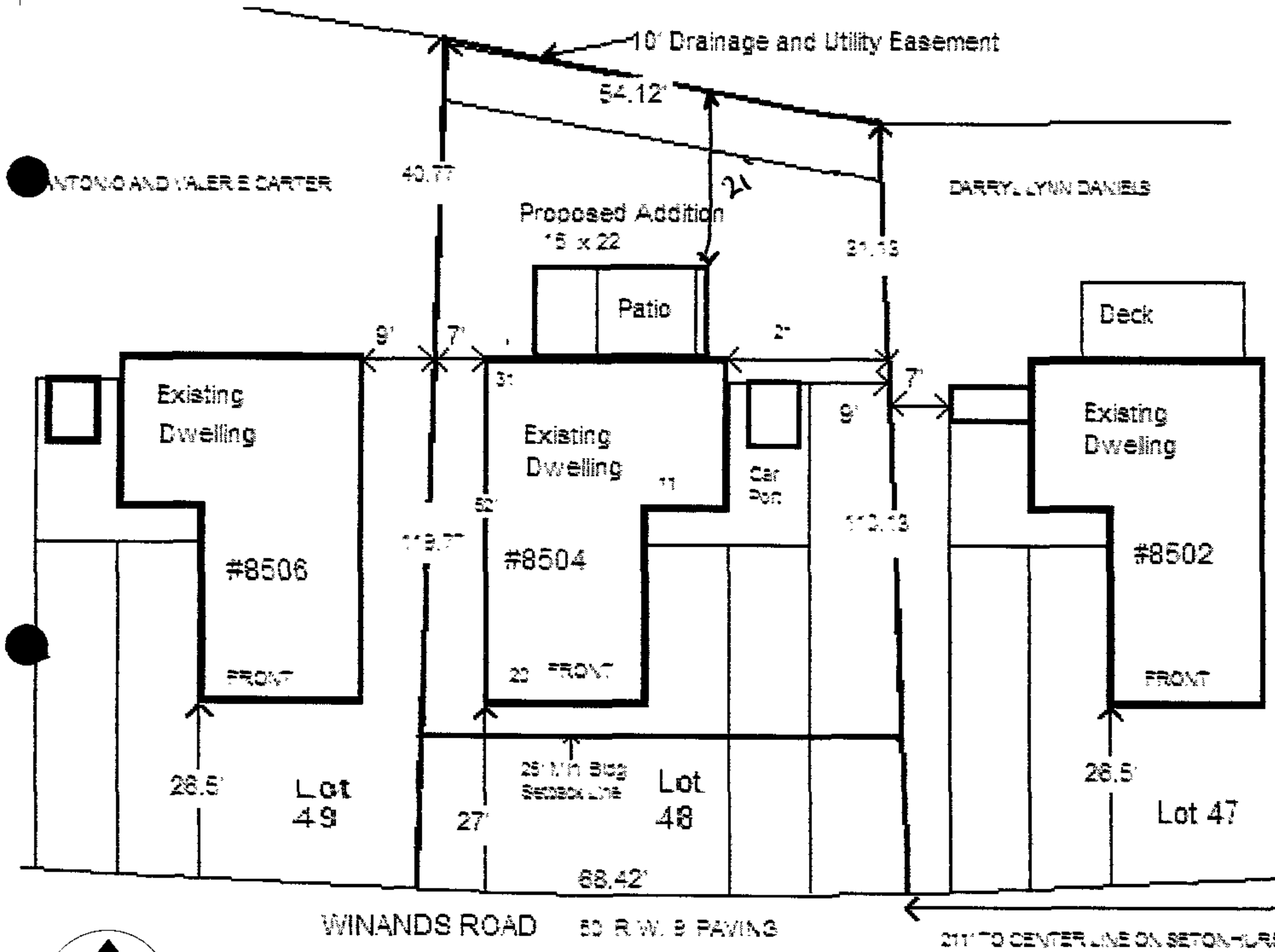
PROPERTY ADDRESS: **8504 WINANDS ROAD** SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME: **LAYDON PARK**

PLAT BOOK # **32** FOLIO # **73**

LOT# **48** SECTION # **7**

OWNER: **CHERE C. F. JOHNSON**



LOCATION INFORMATION

ELECTION DISTRICT **2**
COUNCILMANIC DISTRICT **2**
1"=200 SCALE MAP# **NW 7H**
ZONING **DR 5.5**
LOT SIZE

	.162	7068
	ACREAGE	SQUARE FEET
	PUBLIC	PRIVATE

SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY	YES	NO
CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

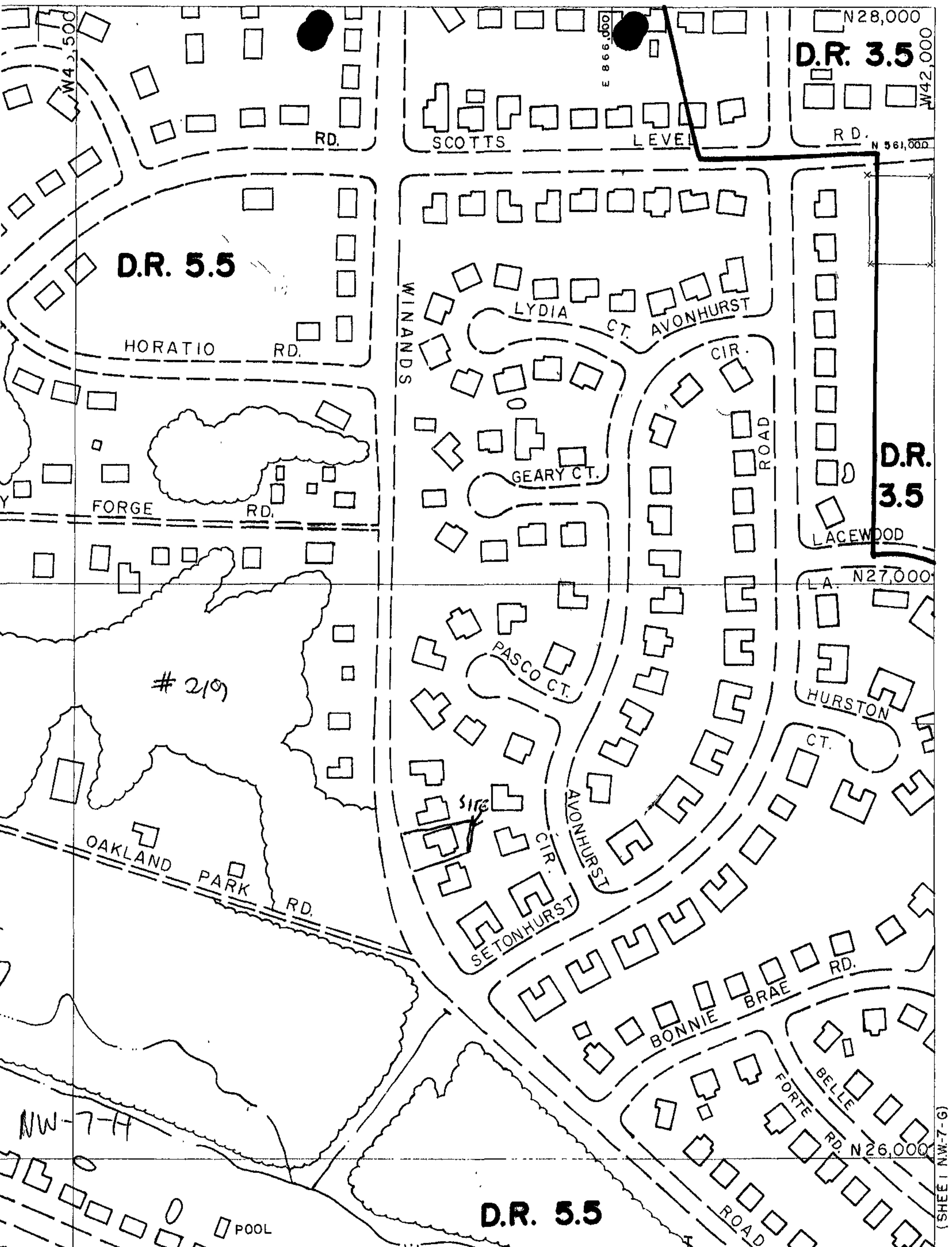
ZONING OFFICE USE ONLY

REVIEWED BY ITEM# CASE#

JRF **1** **217** **1**

PREPARED BY: **CHERE JOHNSON**

SCALE OF DRAWING: 1" = 20'



N 28,000
D.R. 3.5
W 42,000
RD. N 561,000

D.R. 5.5

D.R. 3.5

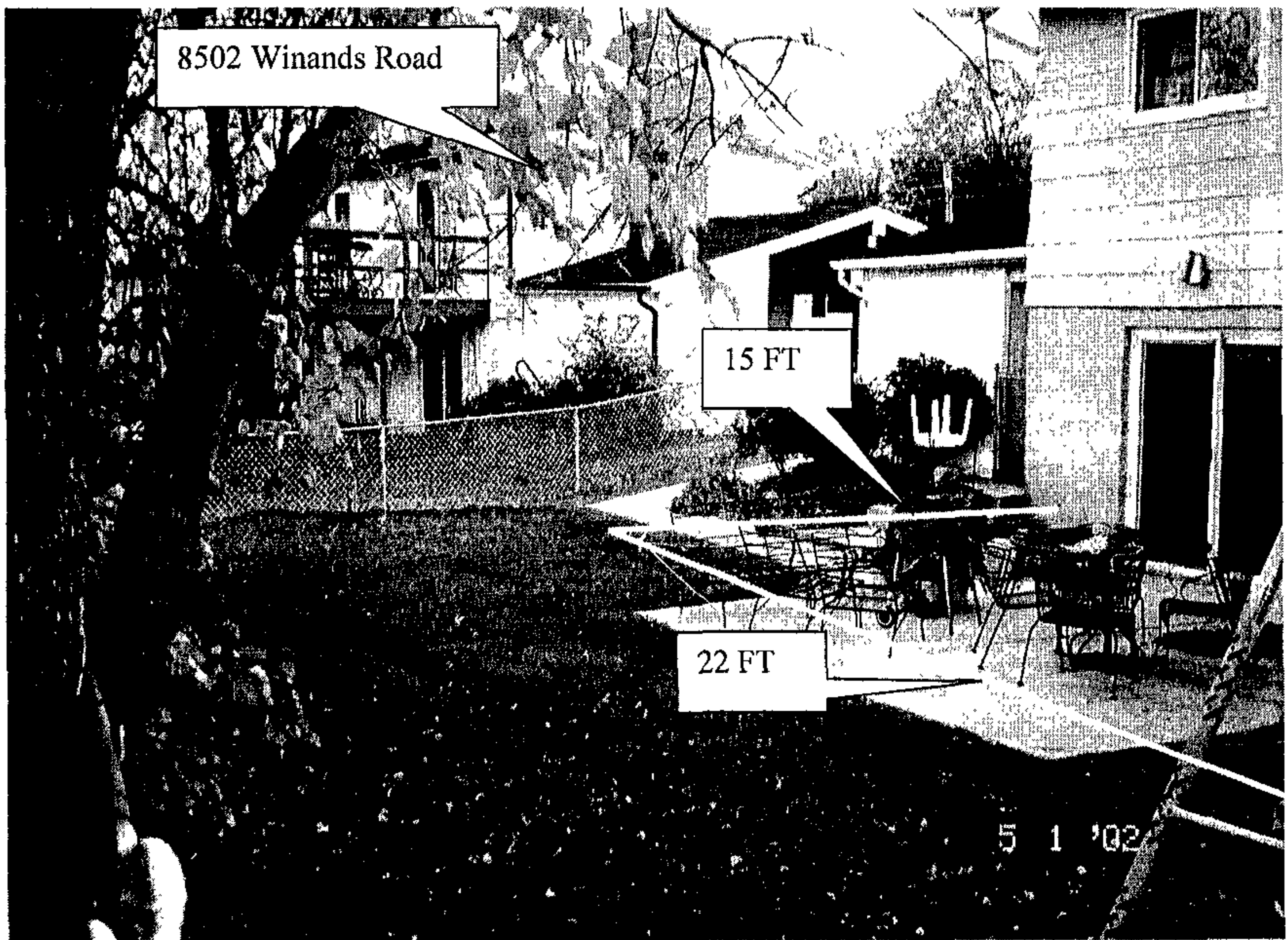
210

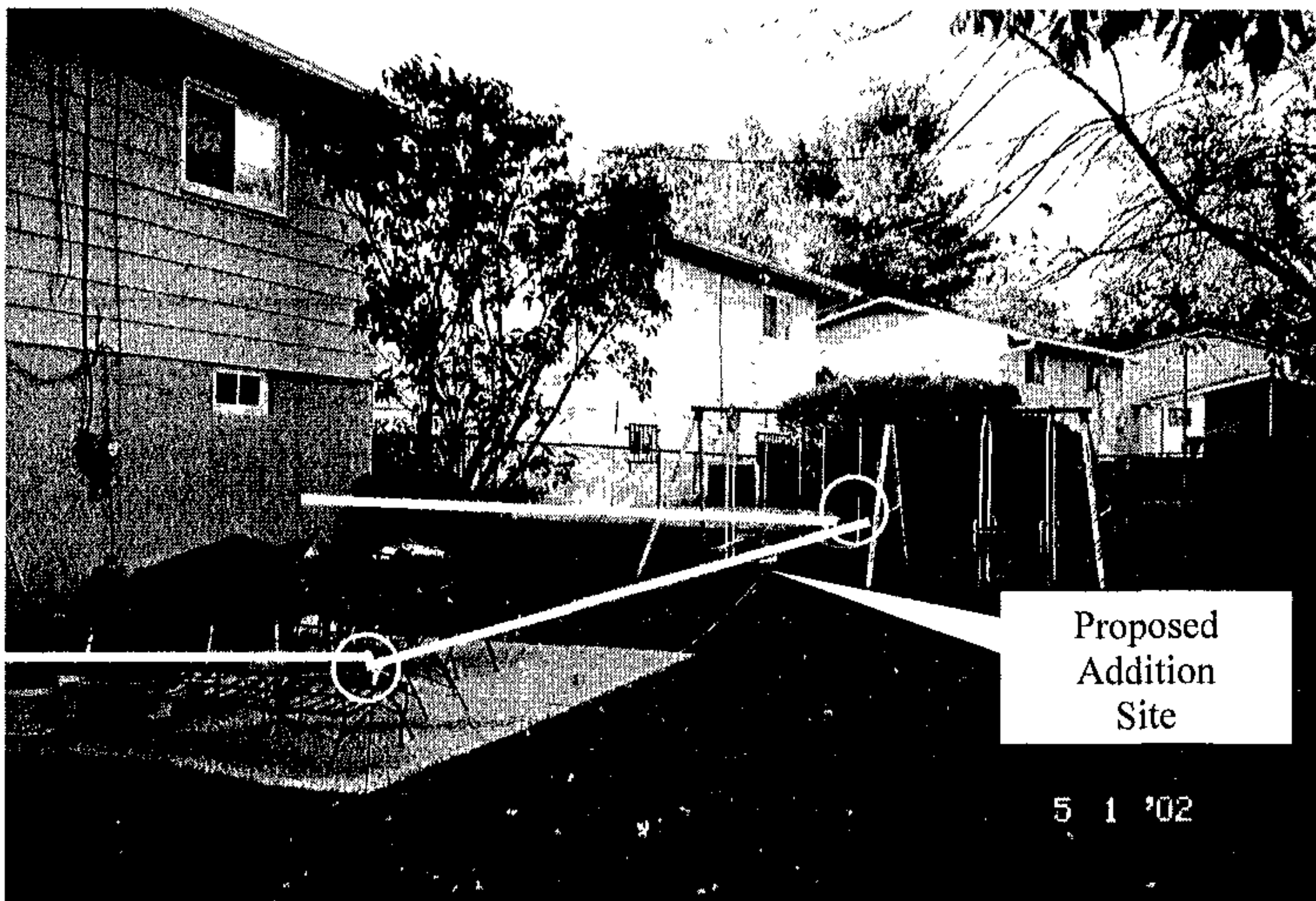
D.R. 5.5

NW-7-H

POOL

(SHEET NW-7-G)





8506 Winands Road

