ROUNT MEDINED FOR FRESH.

IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Winterode Way, 412 ft. E centerline of Krisswood Court 11th Election District 6th Councilmanic District (4333 Winterode Way)

Warran M. & David Hamia III

Karen M. & Ray L. Harris, III

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-371-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, Karen M. and Ray L. Harris, III. The variance request is for property located at 4333 Winterode Way in the "Silver Gate South Addition" subdivision of Baltimore County. The variance request is from Sections 1B01.2.C.2.a and 504 (Bill No. 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.b (1970 Comprehensive Manual of Development Policies), to permit a proposed addition with a window to tract boundary setback of 22 ft. in lieu of the minimum required 35 ft., and a building to tract boundary setback of 22 ft. in lieu of the minimum required 30 ft., and to amend the Final Development Plan for Silvergate South, Lot 29 only. 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.

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 12 day of March, 2004, that a variance from Sections 1B01.2.C.2.a and 504 (Bill No. 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.b (1970 Comprehensive Manual of Development Policies), to permit a proposed addition with a window to tract boundary setback of 22 ft. in lieu of the minimum required 35 ft., and a building to tract boundary setback of 22 ft. in lieu of the minimum required 30 ft., and to amend the Final Development Plan for Silvergate South, Lot 29 only, 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;

JOHNY, MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

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

March 12, 2004

Mr. & Mrs. Ray L. Harris, III 4333 Winterode Way Baltimore, Maryland 21236

> Re: Petition for Administrative Variance Case No. 04-371-A Property: 4333 Winterode Way

Dear Mr. & Mrs. Harris:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Z1236

which is presently zoned DR 55 and Development Management. The undersigned, is described in the description and plat attached hereto's) BOI,2C,2,a,504 (Bill 100 1970) and it a proposed addition with a window of the minimum required 35 feet, as feet in lieu of the minimum required 30 for Silvergate South, Lot 29 only. of Baltimore County, for the reasons indicated on the toning regulations. g, etc. and further agree to and are to be bounded by the zone 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 whi is the subject of this Petition. Legal Owner(s): Recolumn Mark S. III. Name - Type or Print Mark Mark Mark
for Silvergate South, Lot 29 only. of Baltimore County, for the reasons indicated on the taining regulations. g, etc. and further agree to and are to be bounded by the zone 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 while is the subject of this Petition. Legal Owner(s):
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Legal Owner(s):
· Thou I HARRY TE
Name - Type or Print
Signature Signature
Name - Type or Print Kara A
Signature 4333 Win Turdl Way 509- Address Telephone
City State Zip (
Representative to be Contacted:
Name
Address Telephone
City State Zip C pulred, It is ordered by the Zoning Commissioner of Baltimore Co petition be set for a public hearing, advertised, as required by the Zine

Reviewed By

Estimated Posting Date

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.

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				Bacton	70,25 m	GRY CAUSE	2/236 Zip Code
				City		State	Zip Code
				owing are the fac hip or practical dif		/we base the reque	est for an Administrative
	A.						
		1. (i)	Existing cond	itions make it im	possible to exter	nd living area into r	ear yard.withour a varianc
		(ii)	-		•	additional living spa	•
			•	other projects ha	L -	•	•
		(iii)		not the result of	•	•	
		, ,	•				
	В.						
		2. (i)	Construction	cost would increa	ase by having to	build on unique ang	gles.
			Would not cre	ate needed squar	re footage in a fu	inctional manor.	
			Kitchen would	d have to be com	pletely remodele	ed.	
		(ii)	Many homes	in the zoning dist	trict have addition	onal living space in	same location.
		(iii)	Yes, relief has	been granted in	zoning district b	efore.	
	c.)	Fanc	. 1, 5126 h	as increesed	d causing e	Kisting Livir	it show
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		For Kit	chen.				
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Name - Type or F	Print				Name - Type or F	rint	
STATE OF MA	ARYLA	ND, COUN	ITY OF BALTI	MORE, to wit			
I HEREBY CE of Maryland, in	RTIFY and fo	this Coun	day of <u>fla</u> ty aforesaid, pe	ersonally appeared actorily identified	ed //) / before me, a N	otary Public of the State
the Affiant(s)	nerein,	personally 1	known or satisf	actorily identified	to me as such	Affiant(s).	
AS WITNESS	my har	nd and Nota	arial Seal		V or al	4 Sheats	
				Notary	Public Public	4- Julo!	

My Commission Expires 3/1/2004

Affidavit in Support of Administrative Variance

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That the Affiar	it(s) does	do presently reside at	4333 6/1/7 Address	ERODE WAY	
			CITY	State	2/236 Zip Code
That based up Variance at the	on perso e above a	nal knowledge, the follo ddress (indicate hardsh	owing are the facts upon hip or practical difficulty):	which I/we base the request	•
	A.	-			
	1.	- · · · · · · · · · · · · · · · · · · ·	-	to extend living area into rear at have additional living space	•
		Variances for	other projects have been	granted in the past.	•
		(iii) Hardship was	not the result of applica	nts own actions.	
	В.				
	2.	(i) Construction	cost would increase by ha	aving to build on unique angle	S.
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That the Affia advertising fee	nt(s) acki and may	nowledge(s) that if a for the bear be required to provide	ormal demand is filed, additional information.	Affiant(s) will be required to	pay a reposting and
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	<u> </u>	PARRIS III	Signatu	ren m. Harr	10
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STATE OF M	ARYLAND	O, COUNTY OF BALTI	MORE. to wit		,
		he County aforesaid, pe	•	200 4, before me, a Nota	ry Public of the State
Roy &	Hai	ris III & La	actorily identified to me a	s such Affiant(s).	
AS WITNESS	my hand	and Notarial Seal	Mauss	as a Stothe	
			Notary Public My Commission	on Expires 3/1/2004	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4333 Charerove War Pacco M.D. 21236

		which is presently zoned	R 5.5
This Petition shall be filed with the Department owner(s) of the property situate in Baltimore Comade a part hereof, hereby petition for a Variant Section V. B. S. a, V. B. S. b (1970) to tract boundary set back of 22 a building to track boundary set back of 22 and to amend the Final Perelopment of the zoning regulations of Baltimore County, to this petition form.	com sections C.M.D.P.) to Lifeet in lie Gade of 22 ent-Plan to	permit a proposed addition of the minimum vequired 3 feet in lieu of the minimum Vernimum . Silvengate laith, Lot 29 only.	with a window Steet, and required 30 teet,
Property is to be posted and advertised as pres l, or we, agree to pay expenses of above Variance, regulations and restrictions of Baltimore County ado	advertising, posting	id. etc. and further agree to and are to be hou	the penalties of
		is the subject of this Petition	,,
Contract Purchaser/Lessee:		Legal Owner(s):	
Name - Type or Print Signature		Name - Type or Print Signature	· — ·
	·····	Karen m. Harris	
Address	ephone No	Name - Type or Print	
Attorney For Petitioner:	Zip Code	Signature 1333 Un terode w Address BA Ito. mb	イルリー 04 529-2429 Telephone No
Name - Type or Print		City	Zip Code
Signature		Representative to be Contacted:	
Company	- 	Name	•
Address	phone No	Address	Telephone No
City	Zip Code	City	Zip Code
A Public Hearing having been formally demanded and this day of that the stregulations of Baltimore County and that the property be re	l/or found to be recubject matter of this posted	petition be set for a public hearing, advertised, as a	required by the zorang
CASE NO. 04-371-A	Reviev	ved By Date	10/04
REV 10/25/01		ited Posting Date 2000 04	[

The second secon
ZONING DESCRIPTION FOR <u>4333 WINTERODE</u> WAY (address)
Beginning at a point on the <u>EAST</u> side of (north, south, east or west)
(name of street on which property fronts) which is 50 FEET (number of feet of right-of-way width)
wide at the distance of <u> (number of feet)</u> (north, south, east or west)
centerline of the nearest improved intersecting street <u>KRISSWOOD</u> COURT (name of street)
which is
Block, Section # in the subdivision of SILVER GATE SOUTH ADDITION (name of subdivision)
as recorded in Baltimore County Plat Book # 52 , Folio # /26 ,
containing 8'668 so FF . Also known as 4333 WINTERODE WAY (square feet or acres) (property address)
and located in the $\frac{1}{2}^{+h}$ Election District, $\frac{6}{2}^{+h}$ Councilmanic District.

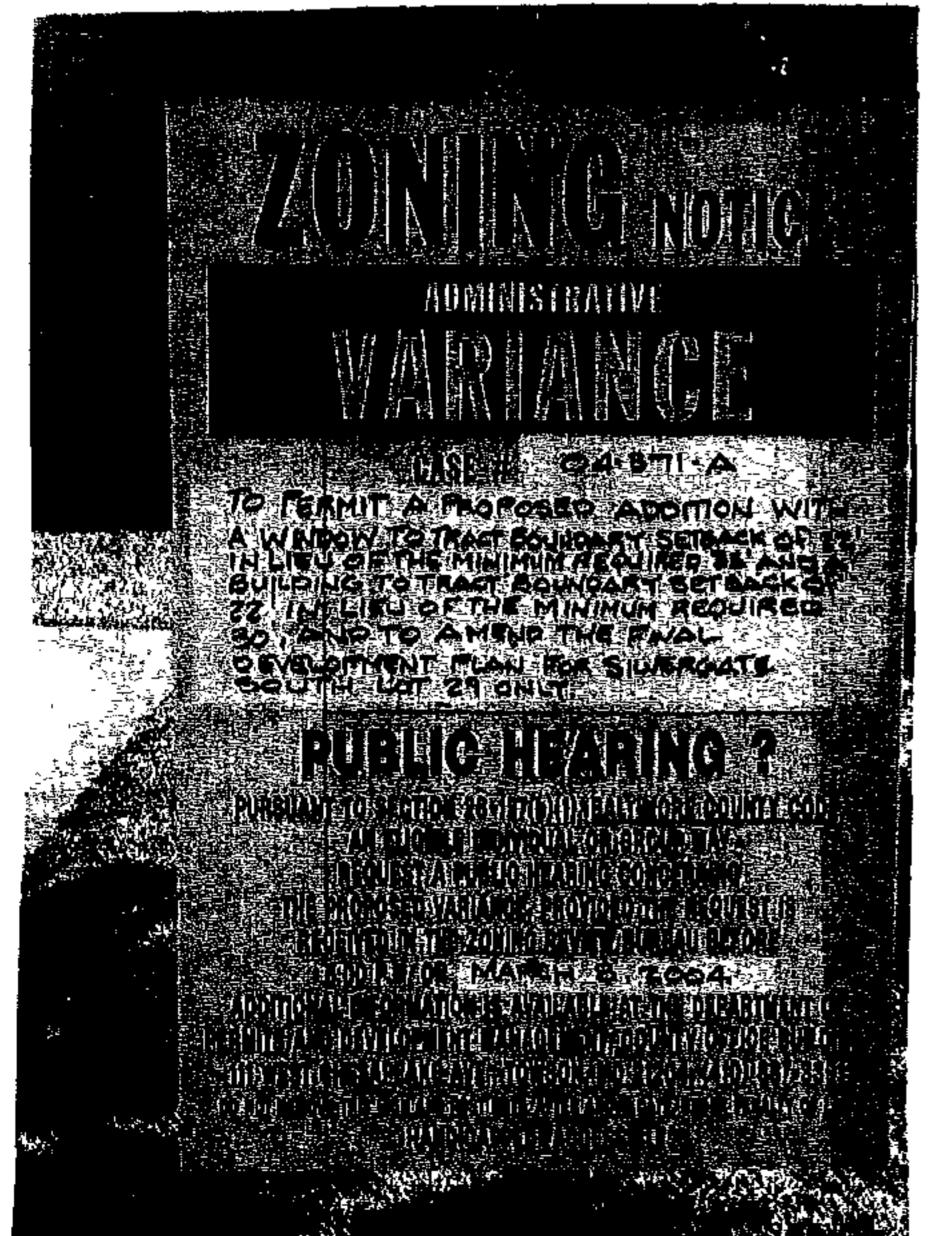
D4-371-A

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CERTIFICATE OF POSTING

Date: 2/23/04

RE: Case Number: 04-371-A
Petitionery Developer: HARRISTO
Date of Hearing/Closing: MAR. & ZOO4
This is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously on the property located at <u>4333</u> WINTERODE WAY



_ _ /

(Signature of Sign Poster)

Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	04	37/	-A	Address	4333	WINTE	SRODE W.	4 Y	
			Plant	er, Please Print Your	. Name			hone Numb	er: 410-887-3391	
Filing	Date: _	2/	10/04	Pos	ting Date:	2/22/0	04	Closing	Date: 3/8/04	
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Department of Permits an 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

March 8, 2004

Roy L. Harris Karen M. Harris 4333 Winterode Way Baltimore, MD 21286

Dear Mr. and Mrs. Harris:

RE: Case Number: 04-371-A, 4333 Winterode Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 10, 2004.

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

U. Callibal D.

WCR: clb

Enclosures

c: People's Counsel

Fire Department

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



Baltimore County

James T Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 23, 2004

Item No.:

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.

6. 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





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

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

JMP

MARYLAND DEPARTMENT OF TRANSPORTATION

RE:

Date: 2.24.04

Baltimore County

Item No. 371

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

Dear. Ms.Matthews:

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley MAS

DATE:

March 22, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 23, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-365

04-367

04-368

04-370

(04-371)

04-372

05-375

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

RYTE March 2, 2004

MAR 1 1 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-371 and 4-387 – Administrative Variance

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 15, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

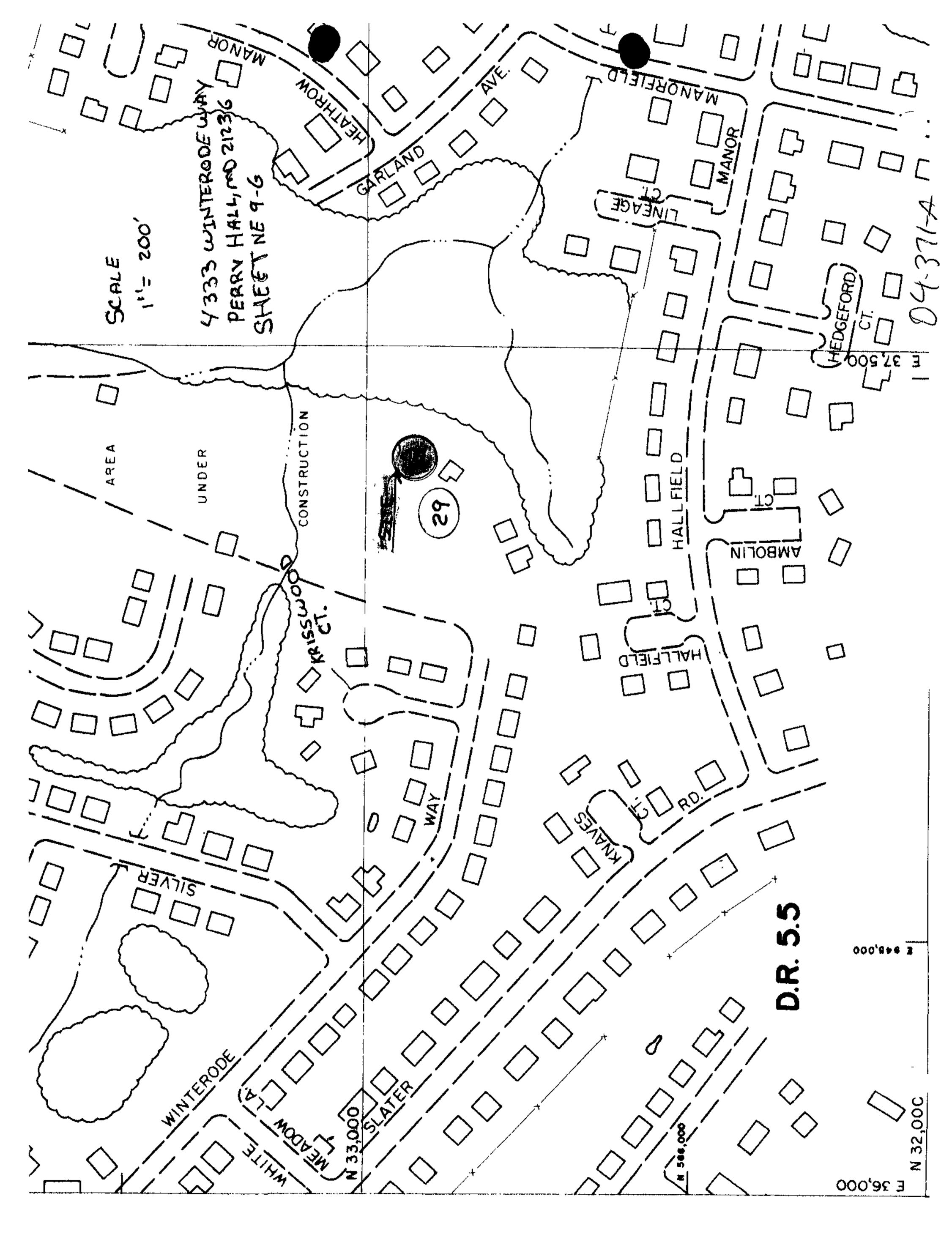
For March 1, 2004 Item Nos. 365, 367, 368, 370, 371,

372, 373, and 375

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

RWB:CEN:jrb

cc: File



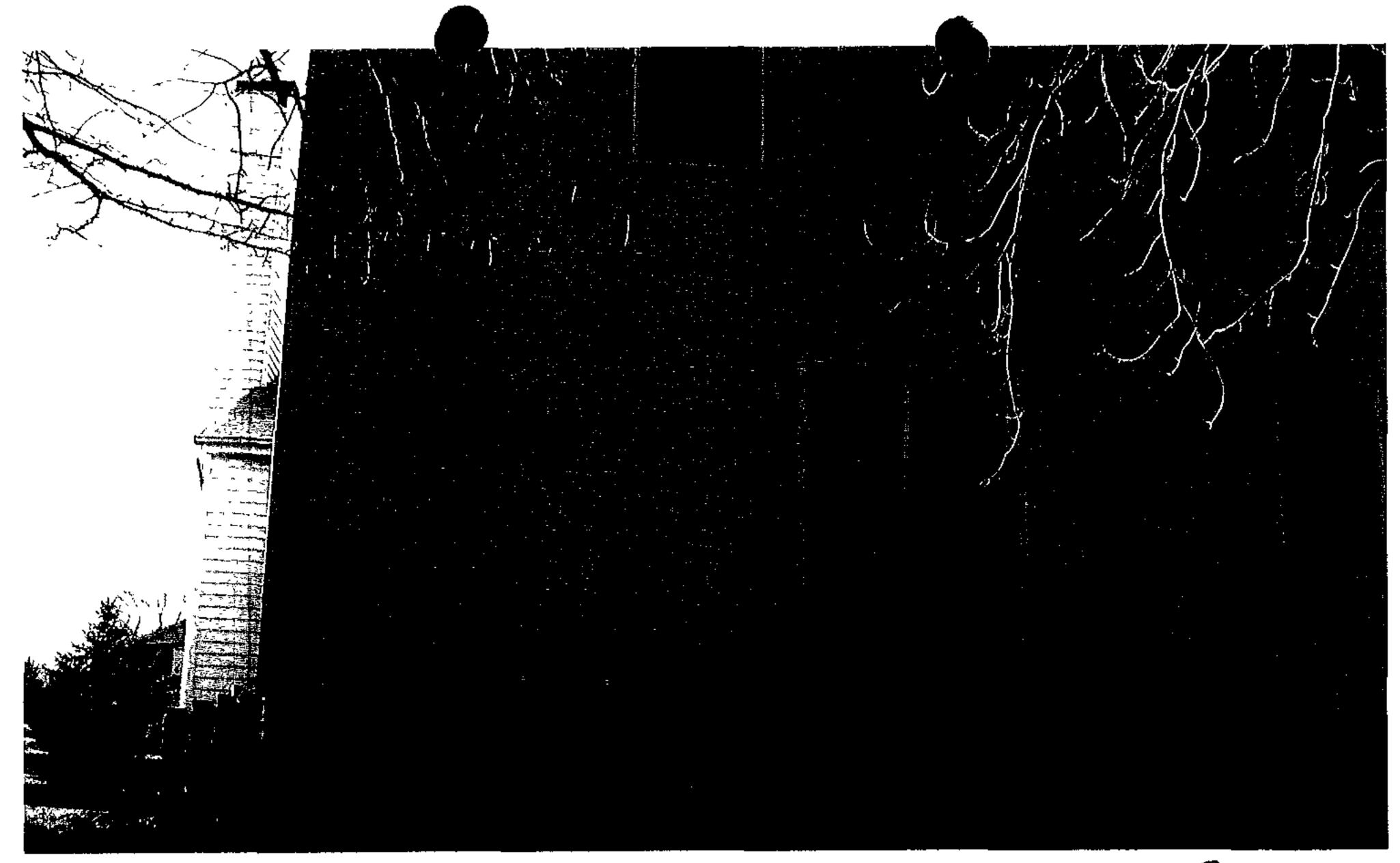
PLAT TO ACCOMPANY PETITION FOR ZONING XVARIANO PROPERTY ADDRESS 4333 WINTERODE WAY SEE PAGES 5 & 6 OF THE CHECKLIST F	
SUBDIVISION NAME SILVERGATE SOUTH ADDITION	S.1.
PLAT BOOK #52 FOLIO # 126 LOT # 29 SECTION # N/A OWNER ROY L. HARRIS / KARETU M. HARRIS	3 Spring Rd
123.09' TAX ACCT. 2000001416 PROPOSED PROPOSED 16' XIH' ADDITION: 22' ROOM ADDITION: 36' ROOM ADDITION: 36' TAX ACCT. 2000001417	VICINITY MAD SCALE ST = 1000'
	SCALE 1" = 1000"
2000 CHARLENE 2000 CHARLENE	LOCATION INFORMATION
2 37	ELECTION DISTRICT
	COUNCILMANIC DISTRICT 67H
	1"=200' SCALE MAP # NE 9-6
Exist 25 DWELLING	ZONING D.R 5.5
1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	LOT SIZE - 199 8,668.00 ACREAGE SQUARE FEET
FRONT FRONT	PUBLIC PRIVATE
2000	SEWER (
Derie	WATER X YES NO ;
46	CHESAPEAKE BAY CRITICAL AREA
3000	100 YEAR FLOOD PLAIN
	HISTORIC PROPERTY/
412' +/- TO ¢ 67 KRISSWOOD CT	PRIOR ZONING HEARING
NORTH (50'R-SW, 30' PAVIN'S)	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY S.L.D. SCALE OF DRAWING: 1" = 30'	JNP 371 104-371-A



SOUTHEAST - BACK YARD (FROM BACK OF HOUSE; Right SIDE VIEW)



SOUTHEAST BACKYARD (FROM BACK of HOUSE; Right SIDE VIEW)



SOUTH . BACK OF HOUSE with DECK REMOJED



SOUTH WEST. From BACK of House (LEST 5 DE VIEW)