REGENVED FOR FILLING

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Windwood Road, 145' W of the c/l

Holly Lane

(527 Windwood Road)

9th Election District

5th Council District

Joy E. Hecker-Bauer Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-575-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Joy E. Hecker-Bauer. The Petitioner seeks relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (proposed deck) with a side yard setback of 0' in lieu of the required 7.5'. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the information contained therein, I am persuaded to grant the requested relief. It was indicated that the location and configuration of existing improvements on the property limit development on the site and that strict compliance with the B.C.Z.R. would result

in a practical difficulty upon the Petitioners. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. However, the Office of Planning has requested that elevation drawings of the proposed deck, including building materials and color scheme, be submitted for their review and approval prior to the issuance of any permits. Thus, relief shall be granted contingent upon the Petitioner's compliance with this request.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of July 2004 that the Petition for Administrative Variance seeking relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (proposed deck) with a side yard setback of 0' in lieu of the required 7.5' in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall submit elevation drawings for the proposed deck, including building materials and color scheme, to the Office of Planning for review and approval prior to the issuance of any permits.

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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

FOR FILMG

ORDER RE

Ô

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

July 20, 2004

Ms. Joy E. Hecker-Bauer 527 Windwood Road Baltimore, Maryland 21212

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S Windwood Road, 145' W of the c/l Holly Lane (527 Windwood Road)

9th Election District – 5th Council District Joy E. Hecker-Bauer - Petitioner Case No. 04-575-A

Dear Ms. Hecker-Bauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Office of Planning; People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Estimated Posting Date 6/20/04

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		which is preser	ntly zoned	11(~ 5 ,)
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equired 7,5 ft,		, •		•
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ne zoning regulations of Baltimore (nis petition form.	County, to the zoning la	aw of Baltimore County	, for the reasons indic	cated on the bac
perty is to be posted and advertised we, agree to pay expenses of above V lations and restrictions of Baltimore Co	/ariance, advertising, po:	sting, etc. and further agr	ee to and are to be bou nore County.	nded by the zoning
		I/We do solemnly de perjury, that I/we are is the subject of this	clare and affirm, under the legal owner(s) of the Petition	the penalties of e property which
ntract Purchaser/Lessee:	The state of the s	Legal Owner(s)		
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orney For Petitioner:		Address Wind	wood Road	
		Balto.	MD	Telephone No
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atur e		<u>Representative</u>	to be Contacted:	
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es	Telephone No.	Address		Telephone No.
State	Zip Code	City	State	Zip Code
of Baltimore County and that the prop	nded and/or found to be that the subject matter of the erty be reposted.	required, it is ordered by nis petition be set for a publi	the Zoning Commissioner c hearing, advertised, as re	of Baltimore County equired by the zoning
		7		
		Zoning Com	nissioner of Baltimore Coul	nty

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

REV 10/25/01

527	Windwood	Road	
Address Balt	, - -	MD	21212
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):

- 1. Present configuration of the side yard and side porch provides no useful outdoor space.

 (A deck would provide useful outdoor space that could be used for children's play in the vicinity of the kitchen.)
- 2. Existing side porch is small and provides no significant additional living space.
- 3. A deck can only be placed in the location specified. There is no other outside space which can practically accommodate a deck alongside the house.
- 4. Configuration of existing side porch and side yard is architecturally impractical for people flow. (Existing side porch is not particularly attractive.)
- 5. Building a deck off from kitchen entrances is a practical configuration often incorporated in the architectural plans of residences.
- 6. The master landscape plan for the house includes the concept of an 8-foot-wide deck along the west side of the house with steps at both the north and south ends of the deck and with ability to enter the house via the kitchen entrance (side entrance of the house).

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.

Spinature Boy E. Hecker-Bo	Signature
Name - Type or Print	Name - Type or Print
	•
OTATE OF BEADY AND OCCURRY OF DE	
STATE OF MARYLAND, COUNTY OF BA	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesal	<u>ປິທອ</u> ຸ, <u> </u>
JOY E. HECKER-BANG	
the Affiant(s) herein, personally known or s	satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Mats Julia Bullett
·	Notary Public
i	My Commission Expires If (1 204

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

527	Windwood Road	<u>'</u>
Address		21212
Balto	MD	
City	State	Zip Code

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- 6. The master landscape plan for the house includes the concept of an 8-foot-wide deck along the west side of the house with steps at both the north and south ends of the deck and with ability to enter the house via the kitchen entrance (side entrance of the house).

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 Signature Joy E, Hecker-Bauer Name-Type or Print	Signature Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to I HEREBY CERTIFY, this day of Maryland, in and for the County aforesaid, personally at the Affiant(s) herein, personally known or satisfactorily ide	ppeared 구앤니 , before me, a Notary Public of the State
	Notary Public My Commission Expires Lev 1, 2004



CASE NO. 04-575-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

. ARYLAND	for the property	located at	527 Win	dwood	Rd.
		which is pre	esently zone	ed <u>()</u>	R-5.5
This Petition shall be filed with to owner(s) of the property situate in I made a part hereof, hereby petition	Baltimore County and wh	nich is described in th	he description a	ınd plat atta	ched hereto and
made a part hereof, hereby petition Set back of zero	At. for an	apen proje	ention (d	leck)	in lieu of
the required 7	. .				
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of the zoning regulations of Baltimo of this petition form.					ated on the back
Property is to be posted and advert I, or we, agree to pay expenses of aboregulations and restrictions of Baltimor	ove Variance, advertising, p	osting, etc. and furthe	r agree to and an	e to be boun	ded by the zoning
	,		ily declare and aft e are the legal ow f this Petition.		
Contract Purchaser/Lessee:		Legal Owne	r(s): T. Heck	er -Ba	uer
Name - Type or Print		Name - Type or P			
Signature	Telephone No.	Signature Tuno or F	04 (4 /	owher	
	relephone 140.	Name - Type or P	1 !!][(4)) 410-825-1729
City	ite Zip Code	Signature		~ ^	410-377-83
Attorney For Petitioner:		$\frac{5.27}{\text{Address}}$ $\frac{5.27}{\text{Balto}}$	indwood	MD	110-211-00 Telephone No. 21212
Name - Type or Print	<u> </u>	City	· · · · · · · · · · · · · · · · · · ·	State	Zip Code
Signature		Representat	ive to be Con	tacted:	
Company	<u> </u>	Name		<u> </u>	· · · · · · · · · · · · · · · · · · ·
Address	Telephone No.	Address		- 	Telephone No.
City	ite Zip Code	City		State	Zip Code
A Public Hearing having been formally of this day of regulations of Baltimore County and that the	that the subject matter of	this petition be set for a	d by the Zoning Co public hearing, adv	/ertised, as red	uired by the zoning

Reviewed By _

Estimated Posting Date ______6/20/

Zoning Description For 527 Windwood Road, Baltimore, MD 21212

Beginning at a point, on the south side of Windwood Road, the frontage width of 60 feet begins at a distance of 145 feet west of the centerline of the nearest improved intersecting street, Holly Lane, which is 34 feet wide , curb to curb. Being lot #s 28 and 29 and parts of lot #s 27 and 30, Block V, in the subdivision of Anneslie as recorded in Baltimore County Plat Book #7, Folio #40, containing approximately 6,140 square feet.

Also known as 527 Windwood Road, Baltimore, MD 21212 and located in the 9th Election District, 5th Councilmanic District.

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CERTIFICATE OF POSTING

RE: Case No. **04-575-A**Petitioner/Developer:

Joy Bauer

Closing Date: July 5, 2004

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

Attention: Ms. Kristen Matthews:

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 527 Windwood Rd.

The sign(s) were posted on 6/20/04.

Diana Sugiuchi

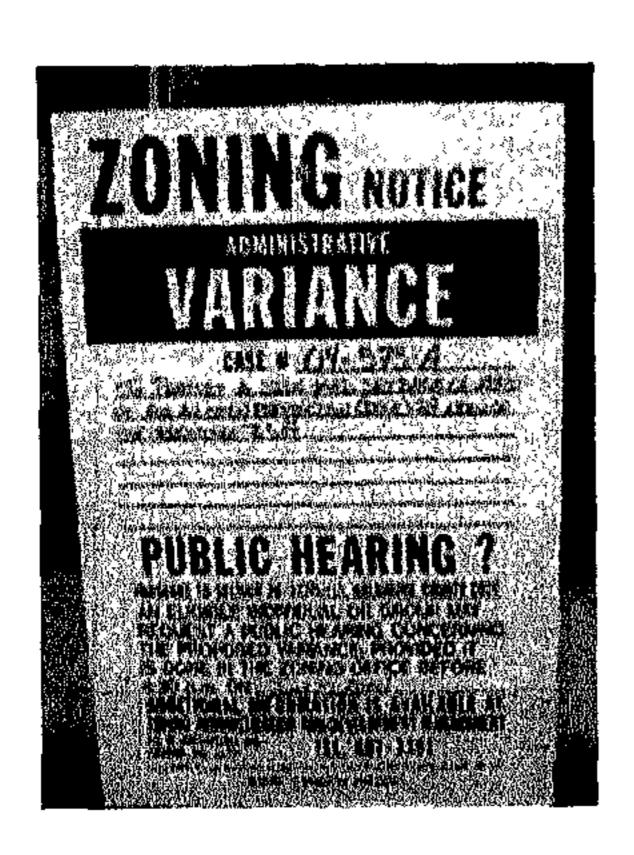
Sincerg

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants 406 WEST PENNSYLVANIA AVENUE TOWSON, MD. 21204 410-296-3668 FAX 410-296-5326

06/22/04

Joy Bauer 527 Windwood Rd. Baltimore, MD 21212

Invoice # 185

Posting for: 527 Windwood Rd.

TERMS: DUE UPON RECEIPT

Posting for Administrative Variance

Amount Due: \$ 110.00

These signs were posted on 6/20/04 And will be removed 7/5/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

|-A

Address 527 Windwood Rd.

Ontact Person: Bruno Rudaitis Planner, Please Print Your Name	Phone Number: 410-887-3391
ling Date: $6/9/04$ Posting Date: $6/26$	
by contact made with this office regarding the status of the ough the contact person (planner) using the case number.	e administrative variance should be
POSTING/COST: The petitioner must use one of the signer reverse side of this form) and the petitioner is responsible reposting must be done only by one of the sign posters of is again responsible for all associated costs. The zoning property on or before the posting date noted above. It should date.	on the approved list and the petitioner
DEADLINE: The closing date is the deadline for an occur a formal request for a public hearing. Please underst request for a public hearing, the process is not complete of	on the closing date.
ORDER: After the closing date, the file will be review commissioner. He may: (a) grant the requested relief; order that the matter be set in for a public hearing. (typically within 7 to 10 days of the closing date) as to will denied, or will go to public hearing. The order will be mail	You will receive written notification hether the petition has been granted, led to you by First Class mail.
POSSIBLE PUBLIC HEARING AND REPOSTING: In calculation will be forwarded to you. changed giving notice of the hearing date, time and locat posted, certification of this change and a photograph of this office.	ases that must go to a public hearing der of the zoning or deputy zoning. The sign on the property must be
(Detach Along Dotted Line)	
tioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE :	SIGN FORMAT
a Number Oll Fize	Windwood Rd.
ioner's Name Joy Beuer	Tolophone 4/0-877-8307 14
ling Date: 6/20/04 Closing D	,
ding for Sign: To Permit a side yard setback	~ · · · · · · · · · · · · · · · · · · ·
open projection (decle) in lieu o	of the required 7.5 ft.
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	WCR - Revised 6/28/00

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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: 04-575-A
Petitioner: Joy E. Hecker-Bauer
Address or Location: 527 Windwood Boad Bultimore MD 21212
PLEASE FORWARD ADVERTISING BILL TO: Name: Joy Pawer
Address: 527 Windwood Road
Baltimore MD 21212
Telephone Number: 410 - 377 - 8303

Department of Permits Development Management

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





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

July 6, 2004

Joy E. Hecker-Bauer 527 Windwood Road Baltimore, Maryland 21212

Dear Ms. Hecker-Bauer:

RE: Case Number:04-575-A, 527 Windwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 9, 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,
U. Call Rill ()

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel C:



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



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

June 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 21, 2004

Item No.:

572-579

Dear Ms. Mathews:

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.22.04

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

RE:

Baltimore County

Item No.

575

BPR

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,

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

1. 1. Houlk

119/04

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

June 28, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 21, 2004

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

04-572

04-573

04-575

04-576

04-577

04-578

04-579

Reviewers:

Sue Farinetti, Dave Lykens

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 6, 2004

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

CEIVED

JUL - 8 2004

ZONING COMMISSIONER

SUBJECT:

527 Windwood Road

INFORMATION:

Item Number:

4-575

Petitioner:

Joy E. Hecker-Bauer

Zoning:

DR 5.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning is unable to provide comments regarding the petitioner's request due to inadequate information. The petitioner should submit elevation drawings including building materials and color scheme to this office for review.

For further information concerning the matters stated herein, please contact Karin Brown at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 23, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 28, 2004 Item Nos. 572, 573 (575) 576, 577,

578, and 579

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

RWB:CEN:jrb

cc: File

Letter from adjacent neighbor

We the undersigned, residing at 525 Windwood Road, adjacent to the applicant's dwelling, and directly adjacent to the proposed deck, referenced in the attached petition for administrative variance as an 8x24 foot deck on the west side of 527 Windwood Road, hereby declare that we have no objection to the proposed deck being built on the applicant's property.

Reta Bui	0/8/04		
Janya Denkarian	6/8/04		

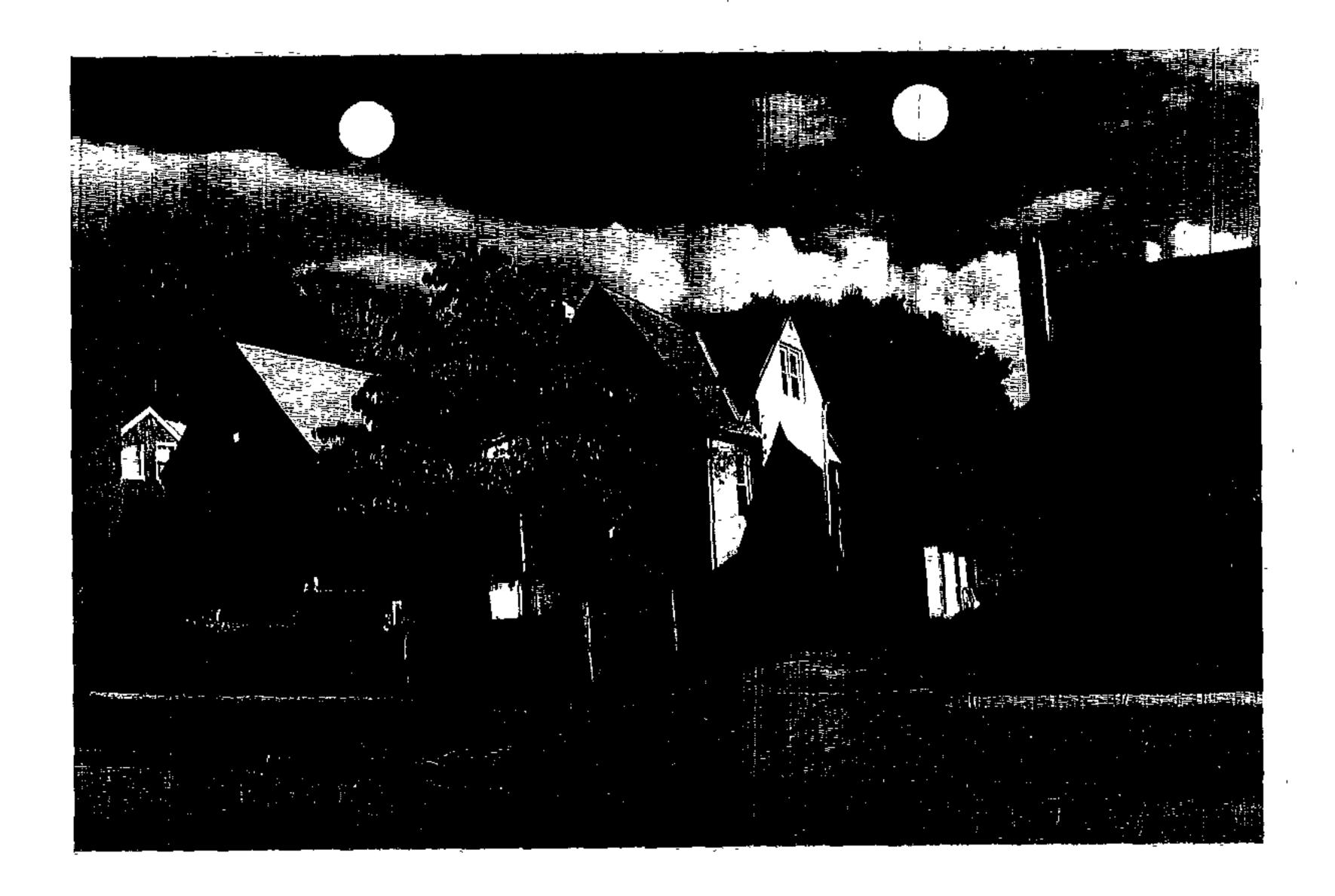
Supporting photographs

of 527 Windwood Road

indicating existing conditions,

immediately adjacent dwellings,

and area of proposed changes









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