

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
E/S Windys Run Road, 50' c/l *
W. Geipe Road * ZONING COMMISSIONER
(1902 Windys Run Way) *
1st Election District * OF BALTIMORE COUNTY
1st Council District *
Case No. 06-481-A *
Melanie & Patrick Clatchey *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Melanie and Patrick Clatchey. The Petitioners request variance relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 30 feet for a family room, and to amend the Final Development Plan of "Caton Glen". 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 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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 32-3-303 (a)(2)(i) 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.

ORDER RECEIVED FOR FILING

Date 5-9-06

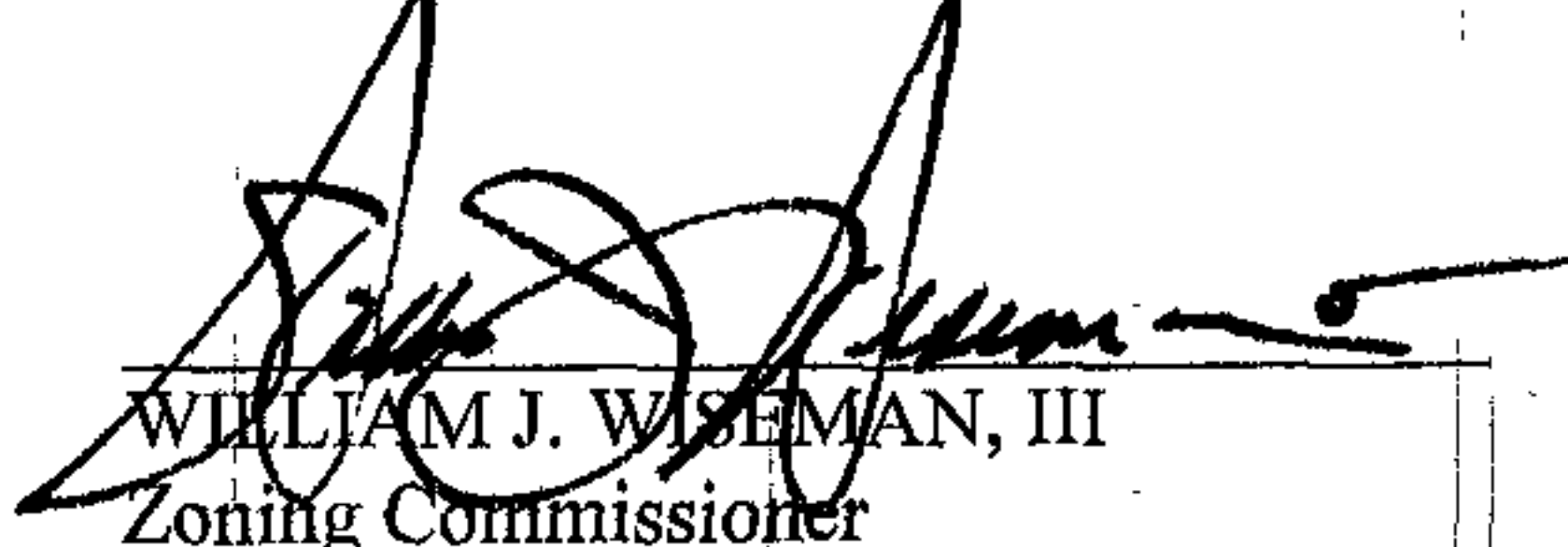
By [Signature]

Based upon the information contained within the case file, I am persuaded to grant the requested relief. There were no adverse Zoning Advisory Committee (ZAC) comments from any County reviewing agency and none of the neighbors voiced any opposition. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

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 9th day of May 2006 that the Petition for Administrative Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 30 feet for a family room, and to amend the Final Development Plan of "Caton Glen", 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) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

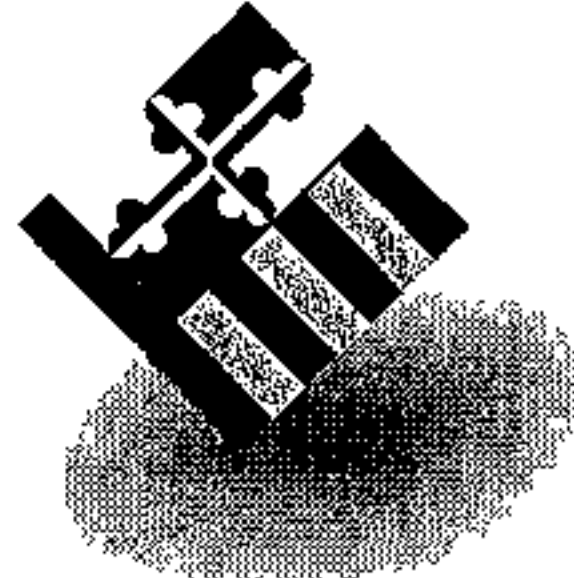

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 5-9-06

By Dawn C. Long



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 9, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Patrick Clatchey
1902 Windys Run Road
Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Windys Run Road, 50' c/l W Geipe Road
(1902 Windys Run Way)
1st Election District – 1st Council District
Melanie & Patrick Clatchey - Petitioners
Case No. 06-481-A

Dear Mr. & Mrs. Clatchey:

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,

A handwritten signature in black ink, appearing to read 'W. J. Wiseman, III', with a long horizontal flourish extending to the right.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Mr. Marvin Hartley, 30 Venturi Road,
Baltimore, Md. 21220
People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

To AMEND THE F.D.P. OF CATON GLEN
for the property located at 1902 Windys Run Way

which is presently zoned RS-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) 1001.2.C.1.b; BCZR, TO PERMIT

A REAR YARD SETBACK OF 14 FT. in LIEU OF THE REQUIRED 30 FT FOR A FAMILY ROOM, AND TO AMEND THE FINAL DEVELOPMENT PLAN OF "CATON GLEN".

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

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.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By

Date

Estimated Posting Date

NO. 06-481-A

REV 10/25/01

ORDER RECEIVED FOR FILING

Date

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.

That the Affiant(s) does/do presently reside at 1902 Windys Run Road
Address
Catonsville MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

THE CLATCHEY FAMILY HAS 2 SMALL CHILDREN AND NEED THE
EXTRA SPACE FOR THERE GROWING FAMILY. THE ONLY WAY THEY CAN EXPAND
IS IN THE REAR OF THERE HOME

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.

Melanie Clatchey
Signature
Melanie Clatchey
Name - Type or Print

Patrick Clatchey
Signature
PATRICK CLATCHEY
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of January, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Joana V. Bivvys
Notary Public

My Commission Expires 3-14-2009

Zoning Description

Zoning Description for 1902 Windysrun Rd.

Beginning at a point on the East side of Windys Run Rd which is 50' wide at the distance of 60' South of the centerline of the nearest improved intersecting street W. Gepe Rd. which is 50' wide. *

Being lot #56 in the subdivision of Caton Glen as recorded in Baltimore County Plat Book # SM .67, Folio #124 containing 5,096 sq ft +- Also known as 1902 Windys Run Rd and located in the 01 Election District. COUNCILMANIC DISTRICT 1ST.

4-81

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5824

DATE 4-3-08 ACCOUNT R001-006-6150

AMOUNT \$ 115.00

RECEIVED FROM M. CLATCHER 1902

FOR AD. UAL.
INTERO. P.D.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS OFFICE
DATE 4/3/08 TIME 11:21 AM
RECEIVED FROM M. CLATCHER
AMOUNT \$ 115.00
DATE 4/3/08
BY [Signature] OFFICE
FOR [Signature] OFFICE
TOTAL \$ 115.00
BALANCE \$ 0.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-481-A

Petitioner/Developer: MELANIE CLATCHEY

Date Of Hearing/Closing: 5/1/06

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

Attention:

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
at 1902 WINDY S RUN RD

This sign(s) were posted on April 15, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 4/15/06
(Signature of sign Poster and Date)

Martin Ogle

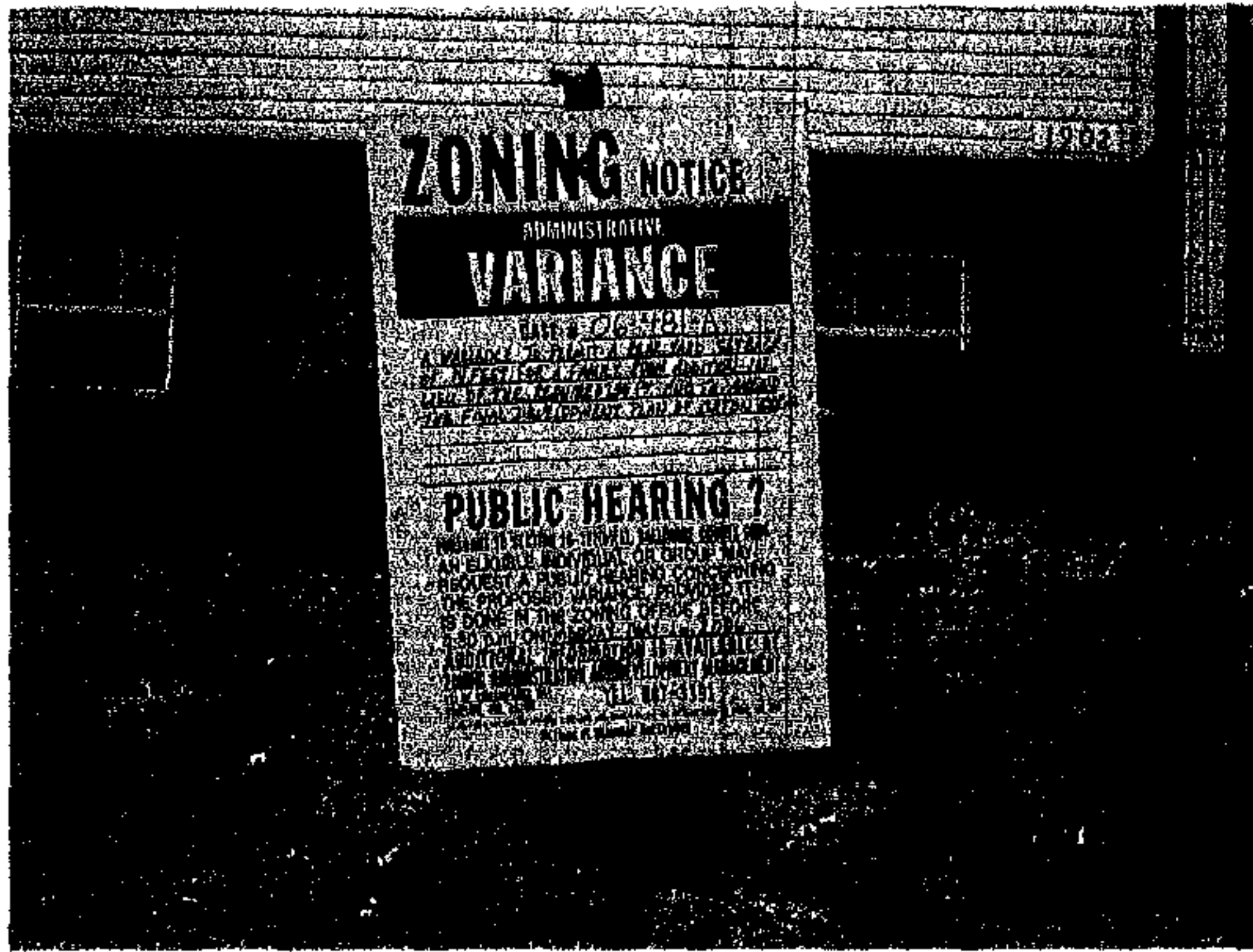
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



My action 4/15/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 481 -A

Address 1902 WINDAYS RUN Way.

Contact Person: J. MERRY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4.3.06

Posting Date: 4.16.06

Closing Date: 5.1.06

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 06- 481 -A

Address 1902 WINDAYS RUN Way.

Petitioner's Name MELANIE CLATCHEY

Telephone 410-788-3441

Posting Date: 4.16.06

Closing Date: 5.1.06

Wording for Sign: A VARIANCE
To Permit A REAR YARD SETBACK OF 14 feet
for A Family Room ADDITION IN LIEU OF THE REQUIRED
30ft, AND TO AMEND THE FINAL DEVELOPMENT
PLAN of CATON GLEN.

WCR - Revised 6/25/04

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: 481

Petitioner: MELANIE CLATCHER

Address or Location: 1902 WINDYS RUN WAY, CATONSVILLE, Md. 21228

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: SAM

Telephone Number: 410-788-3441

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 1902 Windys Run Road
Address
Catonsville MD 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The Clatchey Family has 2 small children and need the extra space for their growing family. The only way they can expand is in the rear of the home.

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.

Melanie Clatchey
Signature
Melanie Clatchey
Name - Type or Print

Patrick Clatchey
Signature
Patrick Clatchey
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of January, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Joana V. Buivys
Notary Public

My Commission Expires 3-14-2009



Petition for Administrative Variance

TO AMEND THE FDP OF CATON GLEN,
to the Zoning Commissioner of Baltimore County

for the property located at 1902 Windys Run Way
which is presently zoned ORS.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) 1B01.2.C.1.6; BC2R, TO PERMIT

A REAR YARD SETBACK OF 14ft. IN LIEU OF THE
REQUIRED 30ft. FOR A FAMILY ROOM, AND TO AMEND THE
FINAL DEVELOPMENT PLAN OF "CATON GLEN".

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

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 10 day of April, 2006, 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.

Zoning Commissioner of Baltimore County

Case NO. 06-481-A

Reviewed By JCM Date 4.3.06

Estimated Posting Date 4.16.06

REV 10/25/01

ORDER RECEIVED FOR FILING

Date
By

**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

May 1, 2006

Melanie Clatchey
Patrick Clatchey
1902 Windys Run Road
Catonsville, MD 21228

Dear Mr. and Mrs. Clatchey:

RE: Case Number: 06-481-A, 1902 Windys Run Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 16, 2006.

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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Marvin Hartley 30 Venturi Road Baltimore 21220

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



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

April 11, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 10, 2006

Item Numbers: 471-483

(481)

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 14, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2006
Item Nos. 471, 473, 476, 477, 478, 479,
480, 481 and 483

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-04142006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 3, 2006

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-481- 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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

Sandra Murray

Division Chief:

Arnold F. Keller, III

CM/LL

RECEIVED

APR 10 2006

ZONING COMMISSIONER



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4.10.06

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

RE: Baltimore County
Item No. 481 JCM

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is .

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

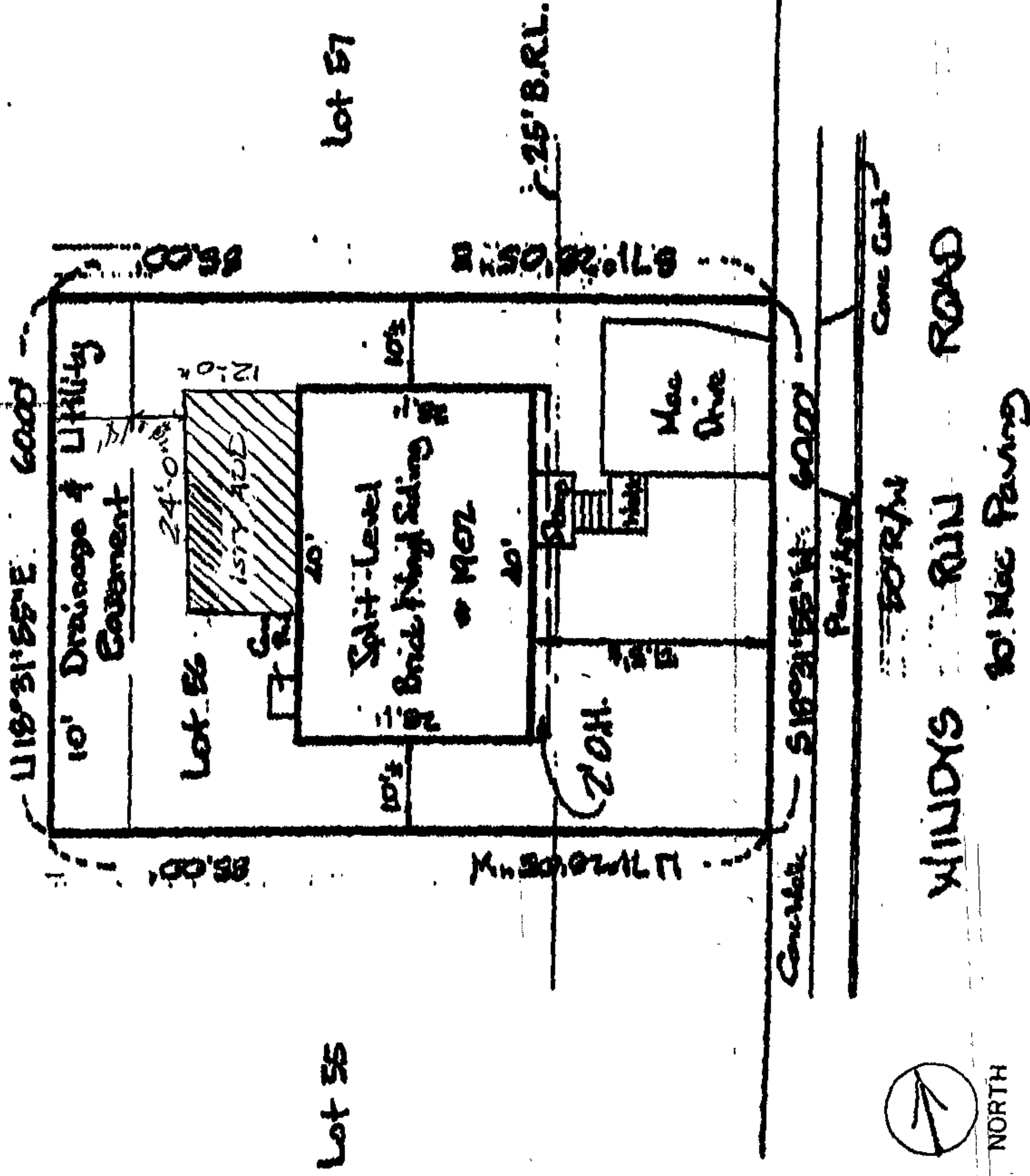
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1902 WINDYS RUN RD. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME CATON GLEN

PLAT BOOK # 67 FOLIO # 124 LOT # SECTION #

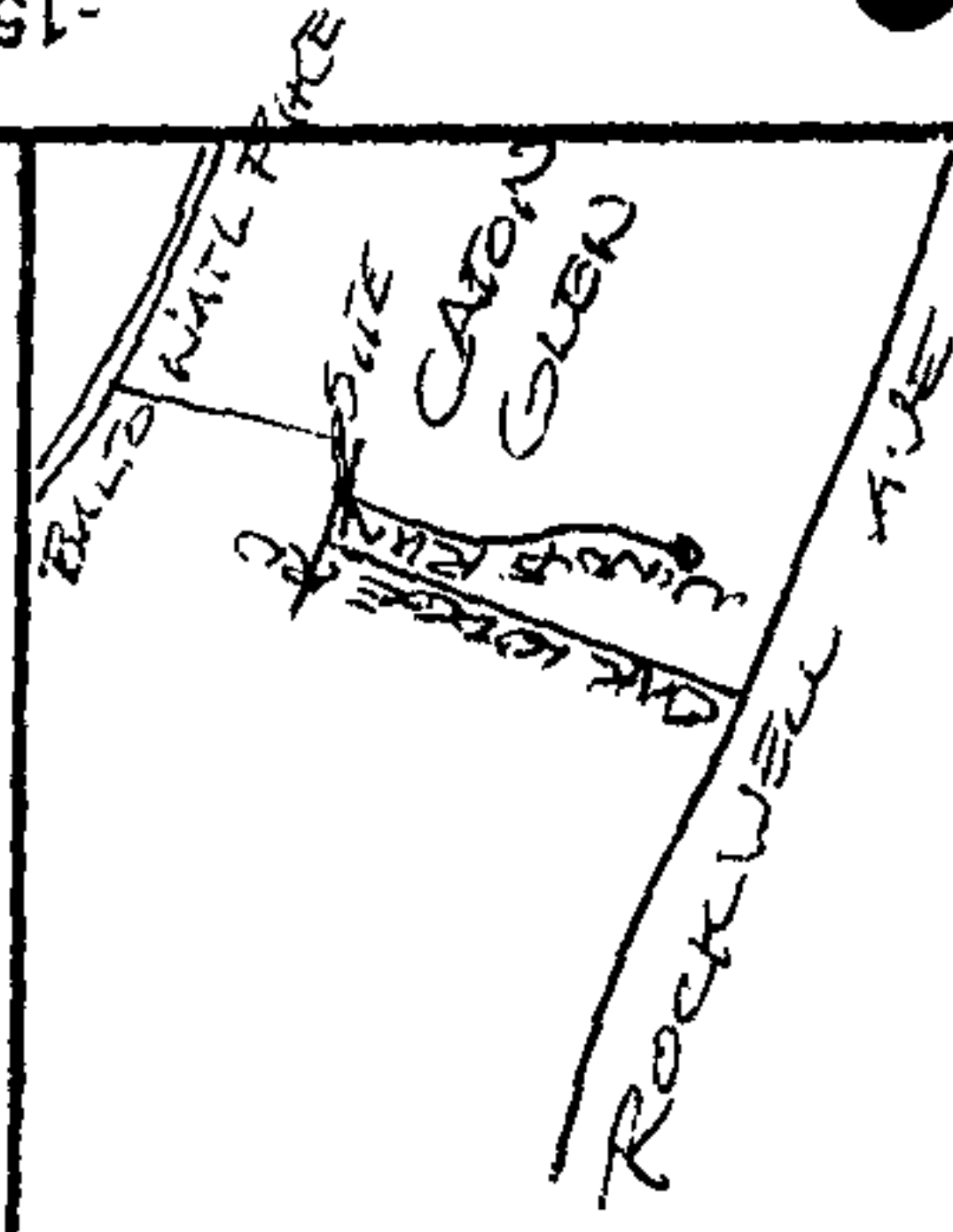
OWNER MR. + MRS. CATCHNEY



NORTH

PREPARED BY W. H. C.

SCALE OF DRAWING: 1" = 20'



VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 21

COUNCILMANIC DISTRICT 1ST

1" = 200' SCALE MAP # 100 B1, 94-C3

ZONING DR 5.5

LOT SIZE .117 AC 5,096
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY/
BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

Ref. #1

