IN RE: PETITIONS FOR VARIANCE AND SPECIAL EXCEPTION

E/S Winters Lane, 192' NE of c/line of Old Frederick Road

(400 Winters Lane)

1st Election District

1st Council District

Michael Young, et ux Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF
- * BALTIMORE COUNTY
- * Case No. 07-036-XA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for the consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Michael Young, and his wife, Stacy Young. The Petitioners request a special exception for a Class "B" Office Building on the subject site and variance relief from Sections 409.6A.2, 303.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two parking spaces in lieu of the required four spaces, a side yard setback of 6 feet in lieu of the required 10 feet; and a front setback of 9 feet in lieu of the required front average. The subject property and requested relief are more particularly described on the site submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Michael and Stacy Young, property owners. Appearing as interested citizens/Protestants in this matter were Col. James Pennington, President of the Banneker Community Development Association, and Jordan Gilmore, a law school student from the University of Baltimore. Also in attendance and providing testimony was Dennis Wertz from the Office of Planning for this District.

Testimony and evidence revealed that the subject property is a small triangular shaped parcel,

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containing approximately 0.09 acres in area (3,762.05 square feet), zoned R.O. The property has frontage on the east side of Winters Lane and is just north of the intersection of Winters Lane and Old Frederick Road in the Catonsville Pines subdivision of Catonsville adjacent to the Winters Lane African-American Survey District. The property is improved with a two-story form stone garage, a concrete driveway with a two parking space area, and a cinder block storage building at the eastern end of the lot. In addition to the building site features, a board-on-board fence surrounds the property. All improvements are in poor condition and in need of restoration.

Mr. Young testified that he has owned the property since February, 2006 and at the time of his purchase, the existing building and property was used as a dumping ground and for storage of an old automobile and debris. Previously, the building was used by the Gundy family as a garage. Following the death of Carlene Gundy, Mr. Young purchased the property from her estate knowing that the property and building were in need of major renovation and improvements. Mr. Young, the owner of Young's Floor and Remodeling Company in Abingdon, Maryland believes he can convert the building to accommodate his needs for a field office in this area. In this regard, Young's flooring has a blanket contract with the City of Baltimore for the installation of hardwood flooring in all of its school gymnasiums. The subject premises will not be used or intended to attract customers, will not be open to the public, and will not have customer traffic coming to and going from the property. Mr. and Mrs. Young realize that the Residential-Office Zone does not allow for the storage of contractor's materials and supplies and other than their keeping some product samples, the small office will be used to cost out jobs for the Petitioners hardwood flooring services provided to Baltimore City Schools. To address concerns raised by Col. Pennington and Dennis Wertz at the hearing, and in the Zoning Advisory Committee (ZAC) comment of September 27, 2006, Mr. Young

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has begun renovations to the building's interior and exterior and projects completion for spring. Roofing permits have been obtained and roof repairs are nearing completion. The form stone exterior will be repaired and painted and new garage doors will be installed. The small shed at the rear of the property will be retained and renovated. The perimeter fencing will first be repaired and then later replaced with a new 6' high board-on-board fence.

The term "Office" is defined in Section 101 of the B.C.Z.R. as: "A building or portion of a building used for conducting the affairs of a business, profession, service, industry, or government, including a medical office." Surely, this structure falls within that definition. For the Petitioners, the building is suitable and economically feasible for use at this site. The proposed use for no more than two office workers on the premises at any one time would render the two off-street parking spaces adequate as no customers or clients are expected on the premises.

A Class B office building is defined in Section 101 of the B.C.Z.R. as: "A principal building used for offices and which is not a Class A office building." A Class B office building is permitted in the R.O. zone by Special Exception.

Based upon the testimony and evidence presented, I am persuaded that special exception relief should be granted. In my judgment, the proposal complies with the requirements of Section 502.1 of the B.C.Z.R., and that the proposed office building will not cause detrimental impacts to the health, safety, and general welfare of the locale.

In addition to the special exception relief, variances as outlined above are being requested. As shown on the site plan, the gross floor area of the building is 1,076 square feet. Pursuant to Section 409.6 of the B.C.Z.R., four spaces are required for this site. Mr. Young described the existing driveway, which is slightly undersized. Notwithstanding its dimension, it apparently

ORDER RECEIVED FOR FILING
Date
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functions adequately for the site and the two parking spaces are sufficient to accommodate the proposed use. Petitioners also seek relief to allow a side yard restriction of 6 feet in lieu of 10 feet and an existing front set back of 10 feet in lieu of the average setback of 26 feet. Due to the narrow width of the lot and the location of existing improvements and landscaped buffer proposed, I find that the Petitioners have satisfied the requirements of Section 307.1 of the B.C.Z.R. as interpreted by the Court of Special Appeals in *Cromwell v. Ward* 102 Md. 691 (1995).

Lastly, the testimony of Col. Pennington concerning traffic and Winters Lane being a very busy thoroughfare will be addressed. He's concerned that the backing up of vehicles out of the Petitioners garage would have an adverse effect on traffic and further points out that there is no permitted parking on Winters Lane. Mr. Young addressed these points, assuring Col. Pennington that none of his vehicles will be parking on neighboring streets and that the loading and unloading of any of his vehicles would occur before and after normal business hours.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted with conditions.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January, 2007, that the Petition for Special Exception to allow a Class "B" Office Building on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Sections 409.6A.2, 303.1 and 1B02.3.C.1 to permit two parking spaces in lieu of the required four spaces, a side yard setback of 6 feet in lieu of the required 10 feet; and a front setback of 9 feet in lieu of the required front average, in

Chilen never VED FOR FILING Date 1-22-27 By 122 accordance with Petitioners' Exhibit 1, be and is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the 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 shall be required to return, and be responsible for returning said property to its original condition.
- 2) There shall be no parking of vehicles on adjacent streets in the community. Also, there shall be no parking in front of the structure or any loading/unloading of any vehicle Monday through Friday, 7 AM through 6:30 PM.
- 3) The Special Exception relief granted herein is limited to the Petitioners. In the event of a different tenant or owner of the site, the new owner/tenant must file a Petition for Special Hearing seeking approval to continue the use and to ensure that the different occupant would not cause detrimental impacts to adjacent properties or vehicles using the public right-of-way.
- 4) Prior to the use of the premises for office purposes, Petitioners shall correct the problems addressed in this Order and bring the property into good order and repair.
- 5) Petitioners shall submit building elevation drawings of the proposed improvements to the form stone building to the Office of Planning for review and approval prior to the issuance of any permits and shall further submit a final landscaping plan for review and approval by the County's Landscape Architect.
- 6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be filed within thirty (30) days of the date hereof and in accordance

with the applicable provisions of law.

Zoning Commissioner
for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 22, 2007

Mr. and Mrs. Michael Young 218 Maple Wreath Court Abingdon, MD 21009-2779

RE: PETITIONS FOR VARIANCE AND SPECIAL EXCEPTION

E/S Winters Lane, 192' NE of c/line of Old Frederick Road

(400 Winters Lane)

1st Election District - 1st Council District

Michael Young, et ux - Petitioner

Case No. 07-036-XA

Dear Mr. and Mrs. Young:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted with restrictions, 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,

WHILL WISEMAN, II

Zoning Commissioner for Baltimore County

WJW:dlw

Col. James R. Pennington, President, Banneker Community Development Association 5915 Old Frederick Road, Baltimore, MD 21228
 Jordan Gilmore, 851 Powers Street, Baltimore, MD 21211
 Mr. John C. Mellema, Sr., 5409 East Drive, Baltimore, Md. 21227
 Avery Harden, Baltimore County Landscape Architect, DPDM
 People's Counsel; Dennis Wertz, Office of Planning; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 400 Whitees LANK which is presently zoned <u>CO</u>

Thereof, hereby petition for a variance from Section(s) 40	9.6, A.2, 303.1 & 1802.3.C.13BCZR.
TO PERMIT TWO DARKING CON	CES IN LIEU OF THE REQUIRED 45A
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and h tront setback of 9th in Li	IEU OF THE REQUIRED FRONT AVERAGE
of the Zoning Regulations of Baltimore County, to the zoning	law of Baltimore County, for the following reasons: (indicate hards)
or practical difficulty)	
To Be presented	AT Hearing
Property is to be posted and advertised as prescribed by the a	**************************************
I, or we, agree to pay expenses of above Variance advertising	nosting atc. and further agree to and are to be hounded by the
regulations and restrictions of Baltimore County adopted pursuant to	the zoning law for Baltimore County.
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perjury, that I/	do solemnly declare and affirm, under the penalties of we are the legal owner(s) of the property which
is the subject of this Pe	
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
	Michael Young
Name - Type or Print	Name - Type or Print
Signature	Signature
· · · · · · · · · · · · · · · · · · ·	Stary Yours
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature (Signature)
Attorney For Petitioner:	218 Maple Wreath (+. (110)477-5012
	Address Telephone No.
Name - Type or Print	Abias dos Md. 21009 City State Zip Code
	Representative to be Contacted:
Signature	Nepresentative to be contacted.
Company	John Mcclama
— — — — — — — — — — — — — — — — — — —	Name 5409 FAST DRAC 410.247.7488
Address CAUCA ACCIVED FOR FILING Phone No.	Address Telephone No.
City Date \ State Zip Code	Abtzs Mo ZIZZZ City State Zip Code
By DJW	
	OFFICE USE ONLY
Case No. 07-036 XA	ESTIMATED LENGTH OF HEARING
	UNAVAILABLE FOR HEARING
REV 9/15/98 Reviewed By	V Date 7.27.06



Petition for Special Exception

for the property located at 400 Winter

to the Zoning Commissioner of Baltimore County

	which is presently zoned \bigcirc
owner(s) of the property situate in Baltimore County made a part hereof, hereby petition for a Special E	t of Permits and Development Management. The undersigned, legal y and which is described in the description and plat attached hereto and exception under the Zoning Regulations of Baltimore County, to use the
herein described property for AN	CLASS B' OFFICE BUILDING
Property is to be posted and advertised as prescribe	d by the zoning regulations
I, or we, agree to pay expenses of above Special Except zoning regulations and restrictions of Baltimore County ac	ion, advertising, posting, etc. and further agree to and are to be bounded by the
	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:	Legal Owner(s):
	Michael Youna
Name - Type or Print	Name - Type or Print
Signature	Signature
Address	a = a + b
City State Zip (Code Signature /
Attorney For Petitioner:	ZIS MAPLE WILAH CHUD977-501Z Address Telephone No.
Name - Type or Print	Abing 2000 Ma Ziooq Zip Code
	Representative to be Contacted:
Signature	John Mellema
Company	Name 5409 East ORIV 410. 247. 7488
Address	No. Address Telephone No.
City Date 1-22-07	Code City MO ZIZZ7 State Zip Code
By Ose	OFFICE USE ONLY
Case No. 07-036-KA	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
REV 09 15 98	Reviewed By 1 Date 1-27-06
MUN WITH TU	

JOHN C. MELLEMA SR., INC. LAND SURVEYORS 5409 EAST DRIVE BALTO. MD. 21227 PHONE: 410-247-7488 FAX: 410-247-2507 APRIL, 2006

ZONING DESCRIPTION
WINTERS LANE
LOT 67 AND LOT 68 "CATONSVILLE PINES"
PLAT BOOK 12 FOLIO 40

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF WINTERS LANE NORTHEASTERLY 192 FEET MORE OR LESS FROM THE CENTER OF OLD FREDERICK ROAD, THENCE BINDING ON THE EAST SIDE OF WINTERS LANE 67 FEET MORE OR LESS, THENCE LEAVING WINTERS LANE AND RUNNING EASTERLY 95 FEET MORE OR LESS, THENCE SOUTHWESTERLY 91 FEET MORE OR LESS TO THE PLACE OF BEGINNING CONTAINING 3,700 SQUARE FEET OF LAND MORE OR LESS.

BEING LOT 67 AND LOT 68 BLOCK "A" AS SHOWN ON A PLAT OF CATONSVILLE PINES RECORDED IN BALTIMORE COUNTY, MARYLAND IN PLAT BOOK 12 FOLIO 40.



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #07-036-XA

400 Winters Lane

East side of Winters Lane, 192 feet +/- northeast of centerline of Old Frederick Road

1st Election District-1st Councilmanic District

Legal Owner(s): Michael & Stacy Young

Special Exception: to allow a Class 'B' office building. Variance: to permit two parking spaces in lieu of the required 4 spaces, a side yard setback of 6 feet in lieu of the required 10 feet, and a front setback of 9 feet in lieu of ... the required front average.

Hearing: Thursday, November 2, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

nue, Towson 21204.

WILLIAM J. WISEMAN, HI

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/10/702 Oct. 17

CERTIFICATE OF PUBLICATION

10/19/2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on [O],20 <u>6</u>
The Jeffersonian
☐ Arbutus Times
Catonsville Times
Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkingon
LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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Hearing: Wednesday, September 20, 2006 at 9:00 a.m. In Room 407, County Courts Building, 401 Bosley

Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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97,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{95}{5}$,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

J. Wilking

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

The sign(s) were posted on _____

Towson, MD 21204

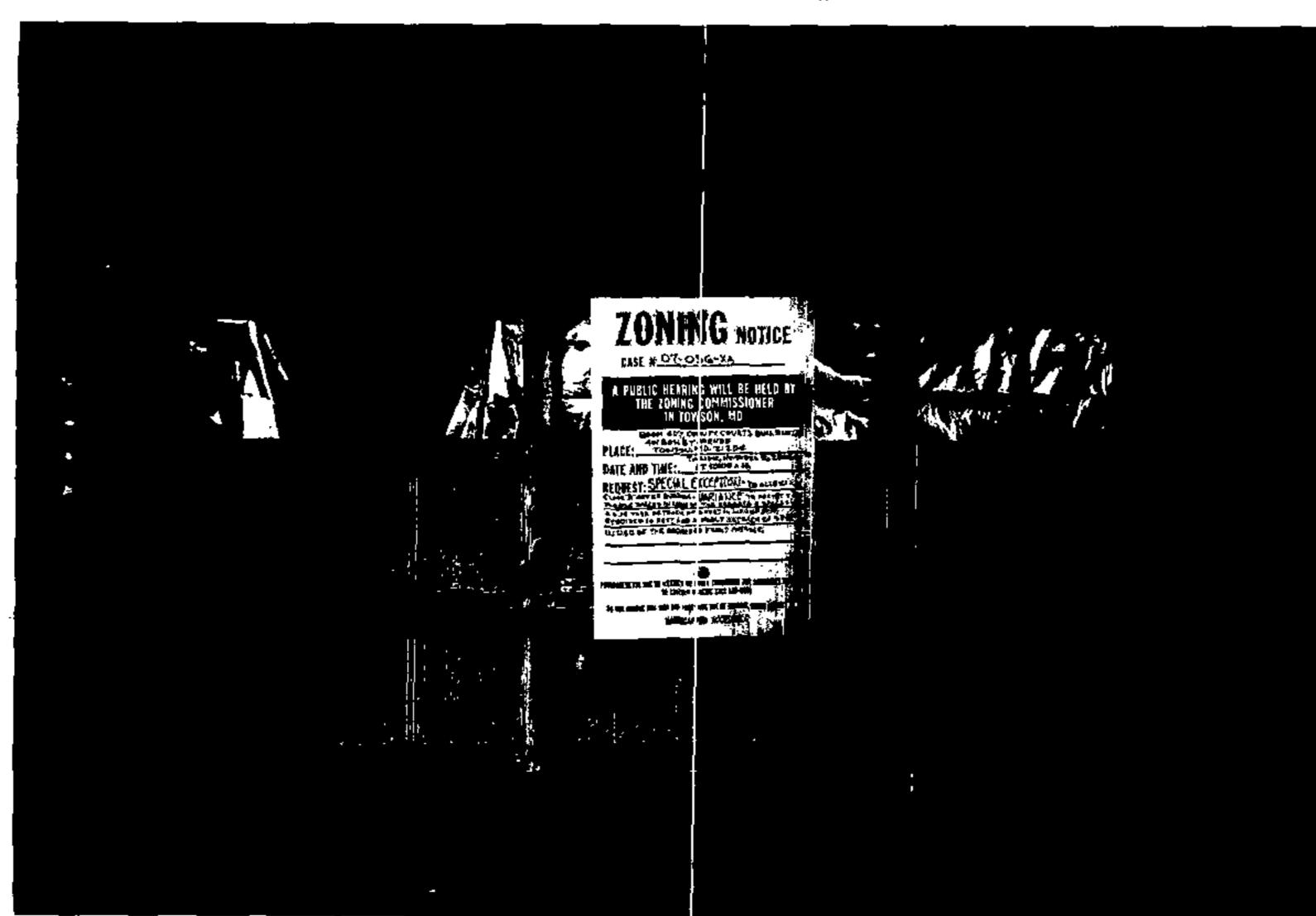
Permits and Development Management

Petitioner/Developer: MICHAEL YOUNG

Date of Hearing/Closing: MOV. 2, 7006 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 propery located at _____ #400 WINTERSLANE Sincerely, (Signature of Sign Poster and Date) CARLAGE, MOORE 3225 RYERSON CIRCLE BALTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263 (Telephone Number)

RE: Case No.: 07-036-XA

CASE # 07-036-XX



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Department of Permits all Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

October 3, 2006

NEW NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-036-XA

400 Winters Lane

East side of Winters Lane, 192 feet +/- northeast of centerline of Old Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Michael & Stacy Young

<u>Special Exception</u> to allow a Class "B" office building. <u>Variance</u> to permit two parking spaces in lieu of the required 4 spaces, a side yard setback of 6 feet in lieu of the required 10 feet, and a front setback of 9 feet in lieu of the required front average.

Hearing: Thursday, November 2, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Michael & Stacy Young, 218 Maple Wreath Court, Abingdon 21009 John Mellema, 5409 East Drive, Arbutus 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 5, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 17, 2006 Issue - Jeffersonian

Please forward billing to:

Michael Young

218 Maple Wreath Court

Abingdon, MD 21009

410-977-5012

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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Hearing: Thursday, November 2, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 5, 2006 Issue - Jeffersonian

Please forward billing to:

Michael Young 218 Maple Wreath Court Abingdon, MD 21009 410-977-5012

NOTICE OF ZONING HEARING

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Hearing: Wednesday, September 20, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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Department of Permits od Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708





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

August 15, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-036-XA

400 Winters Lane

East side of Winters Lane, 192 feet +/- northeast of centerline of Old Frederick Road

1st Election District – 1st Councilmanic District

Legal Owners: Michael & Stacy Young

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Hearing: Wednesday, September 20, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

buth Kotroco

Director

TK:klm

C: Michael & Stacy Young, 218 Maple Wreath Court, Abingdon 21009 John Mellema, 5409 East Drive, Arbutus 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 5, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 036
Petitioner: Michael Young
Address or Location: 400 Winters Lane.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Michael Young
Address: 218 Maple Woodtn Gt.
Abingdon Md. 21009
Telephone Number: 409977-5012



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

October 19, 2006

Michael Young Stacy Young 218 Maple Wreath Court Abingdon, MD 21009

Dear Mr. and Mrs. Young:

RE: Case Number: 07-036-XA, 400 Winters Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 27, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel John Mellema 5409 East Drive Arbutus 21227



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

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

Maryland Department of Transportation

Date: 8.3.64

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

RE:

Baltimore County

Item No. 2036

ICM

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

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

August 3,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 3,2006

Item No.: 031, 036, 037, 038, 039, 040, 041, 042, 043 and 044

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

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 23, 2006

Department of Permits & Development

Management

1)4

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 28, 2006

Item Nos. 07-036, 057, 058, 059, 060, 061, 062,

063, 064, 065, and 066

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-08232006.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 8, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 14, 2006 Item Nos. 036, 037, 040, 042, and 043

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-08082006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 27, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

400 Winters Lane

INFORMATION:

Item Number:

7-036

Petitioner:

Michael Young

Zoning:

RO

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

A field inspection revealed the existing formstone garage is in poor condition. Most of the windows are broken or the glass panes are missing. Much of the formstone exterior is cracked or broken. The garage doors need to be painted.

There are also poor conditions elsewhere on the site. Several boards are missing from the wood fence. There is a large, empty, rusted metal box in the side yard. At least 2 dozen used tires, wood debris, other trash, and a junked car are located in the rear yard. The small concrete block garage located in the rear yard is in poor condition and is unattractive.

The provision of adequate parking is a concern. The petitioner proposes only 2 off-street parking spaces for a Class B Office Building. No on-street parking is permitted on Winters Lane. It should be determined how many office workers and customers or clients may be expected on the premises at any one time.

The proposed use of both of the existing buildings and the proposed site improvements should be clarified. The Petition for Special Exception indicates that the proposed use is a Class B Office Building. However, according to the petitioner's representative (John Mellema), the petitioner does not want to use the formstone garage for an office. Instead, he intends to use the building for storage purposes related to a business that is owned by the petitioner and is located elsewhere. Also, the petitioner intends to place a

pool table in the building. The only exterior improvement to the building contemplated by the petitioner is to add a pitched roof. It isn't clear what the small concrete block garage will be used for.

The outlined parking data indicates a proposed building area of 1076 square feet. The building is shown as 23.1'x 23.2' one story, which does not yield the aforementioned square footage.

The approval of any of the petitioner's requests should be contingent on correcting the problems noted above and imposing restrictions as necessary to assure that the proposed parking will be adequate.

The site is located adjacent to the Winters Lane African American Survey District, and it is just north of the Winters Lane/Old Frederick Road intersection, which is the gateway to the Winters Lane residential community. The petitioner shall submit elevations for review and approval of any improvements to the formstone building. The small concrete garage should either be removed, or it should be restored to good condition.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

Michael Young

218 Maplewreath Ct. Abingdon MD 21009 Phone: (410) 977-5012

January 3, 2007

Renovations to 400 Winters Lane, Baltimore MD 21228

To all interested parties:

The following list addresses questions and concerns regarding our use of the building located at 400 Winters Lane:

Renovations:

- We intend to renovate the building interior and exterior.
- All renovations to be performed as the weather permits. Our goal is to substantially complete the restoration work by spring 2007.
- Roofing permits have been obtained and we are now in the process of having roof repairs completed.
- The small shed at the rear of the building will be retained and renovated.
- Formstone on exterior of building will be repaired and painted.
- Garage doors are to be replaced with new.

Parking/Traffic

- Our vehicles will not be parked on adjacent streets.
- Loading/unloading will occur before and after normal business hours.
- The building will serve as a field office.
- Our business will not be open to the public and we do not have customer traffic into our place of business. The majority of the work we perform is for government concerns and is not performed on our business premises. The building will serve as a field office.

You may reach us at the number above if you have any further questions.

Michael Young Owner



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 3, 2007

Mr. and Mrs. Michael Young 218 Maple Wreath Court Abingdon, MD 21009-2779

RE: Petitions for Variance and Special Exception

Part of Lots 67, 68, E/S Winters Lane, 192' NE of c/line of Old Frederick Road Case No. 07-036-XA

Dear Mr. and Mrs. Young:

This will serve to confirm our recent telephone conversation regarding your desire to use the captioned property as a Class "B" Office Building. At the conclusion of the public hearing held on November 2, 2006, I agreed to grant you a continuance so that you could contact your consultant and finalize your plans. After listening to your testimony, I informed you that there was an absolute need for me to better understand what the property will look like once the site improvements you intend to make are completed and also equally important for me to understand the business uses that will take place at the site. As pointed out during the hearing, the Residential-Office Zone does not allow for the storage of contractor's materials and supplies. It may, however, be suitable as a small office allowing you to cost out jobs for the hardwood flooring services you provide to Baltimore City Schools as you have suggested.

In any event, I trust that you will provide the requested information at your earliest opportunity.

Very truly yours

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

C: Col. James R. Pennington, 5915 Old Frederick Road, Baltimore, MD 21228 Jordan Gilmore, 851 Powers Street, Baltimore, MD 21211 Dennis Wertz, Community Planner, Office of Planning Click here for a plain text ADA compliant screen.



Maryland Department of Assessments and Taxation **BALTIMORE COUNTY** Real Property Data Search

Go Back View Map New Search Ground Rent

Account Identifier:

District - 01 Account Number - 0107830560

Owner Information

Owner Name:

YOUNG MICHAEL P

YOUNG STACY M

Sub District

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

218 MAPLE WREATH CT

ABINGDON MD 21009-2779

Deed Reference:

1) /23448/ 244

Location & Structure Information

Premises Address

WINTERS LA

95

Legal Description

PT LTS 67,68

138 NE OLD FREDERICK RD

CATONSVILLE PINES

Block Lot Section Assessment Area Plat No: 67 Plat Ref: 12/40

Special Tax Areas

16

Map Grid Parcel

Town **Ad Valorem**

Tax Class **Primary Structure Built**

Enclosed Area

Subdivision

Property Land Area

County Use

04

0000 Stories

42

Basement

3,731.00 SF Туре

Exterior

Value Information

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of	As Of
		01/01/2004	07/01/2006	07/01/2007
Land:	22,380	22,380		•
Improvements:	4,090	4,090		
Total:	26,470	26,470	7,820	NOT AVAIL
Preferential Land:	0	. 0	,	NOT AVAIL

Transfer Information

Seller: GUNDY LESLIE W,SR Type: IMPROVED ARMS-LENGTH	Date: 02/28/2006 Deed1: /23448/ 244	Price: \$45,000 Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007	
County	000	0	0	
State	000	0	0	
Municipal	000	0	0	

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

400 Winters Lane

RECEIVED

OCT - 4 2006

DATE: September 27, 2006

INFORMATION:

Item Number:

7-036

Petitioner:

Michael Young

ZONING COMMISSIONER

Zoning:

RO

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

A field inspection revealed the existing formstone garage is in poor condition. Most of the windows are broken or the glass panes are missing. Much of the formstone exterior is cracked or broken. The garage doors need to be painted.

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For further information concerning the matters stated here in, please contact Dennis Wertz at

410-887-3480.

Prepared by:

Division Chief: AFK/LL: CM

BANNEKER COMMUNITY DEVELOPMENT ASSOCIATION, INCORPORATED 5915 OLD FREDERICK ROAD CATONSVILLE, MARYLAND 21228 410-744-0366

RE: CASE NO. 07-038-XA 400 WINTERS LANE CATONSVILLE, MARYLAND 21228

WILLIAM WISEMAN, ZONING COMMISSIONER TOWSON, MARYLAND 21204

SIR,

President

The above case is set for a public hearing on 9/20/2006, at 9 a.m. in room # 407 of the County Courts Building. Please be advised that NO PUBLIC HEARING SIGN has ever been erected on 400 Winters Lane and nothing exists in the public hearing file.

Please correct this and advise us of the correction you make.

R. Fennington (RET)

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CASE NUMBER: 7-36-XA

400 Winters Lane

Location: East side of Winters Lane, 192 feet +/- northeast of centerline of Old

Frederick Road,

1st Election District, 1st Councilmanic District Legal Owner: Michael Young and Stacy Young

VARIANCE To permit two parking spaces in lieu of the required 4 spaces, a side yard setback of 6 feet in lieu of the required 10 feet, and a front setback of 9 feet in lieu of the required front average.

SPECIAL EXCEPTION To allow a Class "B" office Building.

Hearing: Wednesday, 9/20/2006 at 9:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

sign posting was not done; open case and postpone pending the required sign posting; meeting date to be determined

ZAC comments not sent to Petitioner

reschedule Case

Notify- Dennis Westy from Planning x3480 of new bearing data

M53402

ad Inday

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE:

September 20, 2006

TO:

Kristen Matthews 7

Department of Permits & Development Management

FROM:

Patti Zook, Legal Secretary to

John V. Murphy, Deputy Zoning Commissioner



SUBJECT: Case No. 07-036-XA

Petition for Special Exception and Variance

The above-referenced case file is being returned to you because the sign posting for the hearing was not done. The hearing was originally scheduled for Wednesday, September 20, 2006. The hearing will have to be rescheduled, advertised and the site posted. Please notify Dennis Wertz, Office of Planning, of the new hearing date.

Mr. Murphy advised that the ZAC comments were not sent to the Petitioner.

Thank you for your attention and cooperation in this matter.

JVM:pz

Attachment

RE: PETITION FOR SPECIAL EXCEPTION
AND VARIANCE
400 Winters Lane; W/S Winters Lane,
192' NE c/line Old Frederick Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Michael & Stacy Young
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 07-036-XA

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to John Mellema, 5409 East Drive, Arbutus, MD 21227, Representative for Petitioner(s).

RECEIVED

AU3 0 4 2006

PETER MAX ZIMMERMAN

2 Max dimmerman

Per....

JOE.

Here are the correct drawings.

For The variance on a 400 Whaters lane. There were Z

Things that were left off of the drawing I have originally submitted. The first was the screening that we showed around properly. The other was note #4 under the variance requests. If you have any questions, feel free to card me AT 443.463.0177

Mank you

Ben Gronn

Col. Rennington 410-965-4545

07-036-A

470 recvid

Sign portion

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CASE NAM	NUM	
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COUNTY REPRESENTATIVE'S

E-MAIL												
CITY, STATE, ZIP	. ******				-							
ADDRESS	Office of Planning											
NAME	Demnic Wertz	>										

NAME	NUMBER	
CASE	CASE	DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	Fat cow 32 @ concetto											
CITY, STATE, ZIP	7	2 7 7 7										
ADDRESS	718 Maple Weath Ct.	A									-	
NAME	Stock Tours											

7		
CASE NAME	CASE NUMBER	DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
3/ Canso R Ennafon	5915 Old Folderick Rd	18 My 2128	19Enn ngton ou (a) Concasting
Tordan Gilmone	851 Powers St.	Ballinger, MD 2111	jordan gilmone @ vbalt. ed
		-	

CASE NAME/100 Winters Lame, CASE NUMBER 07-036 DATE 11/2/06

COUNTY REPRESENTATIVE'S

i	dwertz @ co.ba.md.us										
CITY, STATE, ZIP											
ADDRESS											
NAME	Demins Wertzer										-

Case No.: 07-036 XA 400 WINTERS LANE

Exhibit Sheet

Petitioner/Developer

Protestant Bosto. Co

No. 1	Site PLAN	PHOTO'S - FAKEN ON TWO VISITE TO SITE - MOST RECENT 10-13-06
No. 2	Photographs	1(2020)
No. 3	DEED	
No. 4		
No. 5		
No. 6	•	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
	·.—	

Case No.: 11002720ARS- M06-01-0068

Title Insurer: Chicago Title Insurance Company

Tax Account No.: 01-0107890560

THIS DEED

This Deed, made this 1st day of February, 2006, by and between Florence G. Henderson Personal Representative of The Estate of Carlene T. Gundy, party of the first part, and Michael P. Young, party of the second part:

WITNESSETH, that in consideration of the sum of \$ 45,000.00, receipt of which is hereby acknowledged, and which the party of the first part certifies under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said party of the first part does grant and convey unto the party of the second part, in fee simple, as sole owner all that property situate in Baltimore County, State of Maryland, and described as follows:

BEGINNING FOR THE SAME and being known and designated as Lot Nos. 67 and 68, Block A, as shown on the Plat of Catonsville Pines, which Plat is recorded among the Plat records of Baltimore County in Plat Book L.McL.M No. 9, folio 41, and also shown on the Revised Plat of Catonsville Pines recorded in Plat Book C.W.B. Jr. No. 12, folio 40.

SAVE AND EXCEPTING that portion of the premises conveyed to Baltimore County, Maryland, in Liber 5140 at folio 661 to widen Winters Lane.

BEING THE SAME lots of ground which by Deed dated February 23, 1959 and recorded among the Land Records of Baltimore County in Liber 3481, folio 651 was granted and conveyed by Leslie W. Gundy, Jr. and Sylvia W. Gundy unto Leslie W. Gundy, Sr. and Carlene T. Gundy. The said Leslie W. Gundy having departed this life on or about December 2, 1987 thereby vesting sole title to Carlene T. Gundy. Carlene T. Gundy having departed this life on or about June 29, 1994 creating Estate number 82172 which appoints Florence G. Henderson as Personal Representative.

SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only and benefit forever of said party of the second part in fee simple.

AND said party of the first part does hereby covenant to warrant specially the property hereby conveyed; and to execute such further assurances of said land as it may be requisite or necessary.

PETTTTONER/S

EXHIBIT NO.

3

Case No.: 11002720ARS- M06-01-0068

STATUTORY NOTICE TO BUYER

As required by Section 22-102 of the Insurance Article of the Annotated Code of Maryland.

RE: ADDRESS: Winters Lane, IMPSPT LT 67-68 NE Old Frederick Rd., Catonsville, MD 21228

BORROWERS: Michael P. Young PURCHASE PRICE: \$45,000.00

LOAN AMOUNT:

With respect to the real estate transaction involving the purchase of the above property by us and the making of the purchase money mortgage by us on this property, we have been notified by our settlement agent of the following:

- 1. That the Lender in the captioned transaction has requested a Loan Policy of Title Insurance to be issued by Chicago Title Insurance Company under which Policy the said Lender will be insured as mortgagee of this property.
 - 2. That the face amount of this Loan Policy of Title Insurance is the amount recited above as "Loan Amount".
- 3. That we, as buyers of this property, have a right to obtain simultaneous title insurance issued in our favor, which will be the issuance of an Owner's Policy of Title Insurance in the amount of the purchase price, set forth hereinabove.
- 4. That there are 2 separate and distinct forms of Owner's Policy of Title Insurance available for our purchase:
 - A. 1992 ALTA Owner's Policy of Title Insurance; and,
 - B. OWNER'S RESIDENTIAL ENHANCED POLICY of Title Insurance.

The insurance coverage's contained in each form of policy has been disclosed to us.

- 5. That any Owner's Policy of Title Insurance issued in our favor will be issued subject only to the contingencies and conditions in the title insurance binder/commitment. We understand that we have the right to review a sample of each form of Owner's Policy of Title Insurance in which said contingencies and conditions will be inserted.
- 6. That, if we desire a Policy as buyers, the Owner's Policy of Title Insurance will be effective upon the payment of the additional premium pursuant to our HUD-1 statement and upon the delivery and recordation of the Deed from the seller to buyer.

As used herein, plural shall be construed to mean singular and vice versa.

WE HEREBY ACKNOWLEDGE receipt of this Notice prior to the disbursement of any funds.

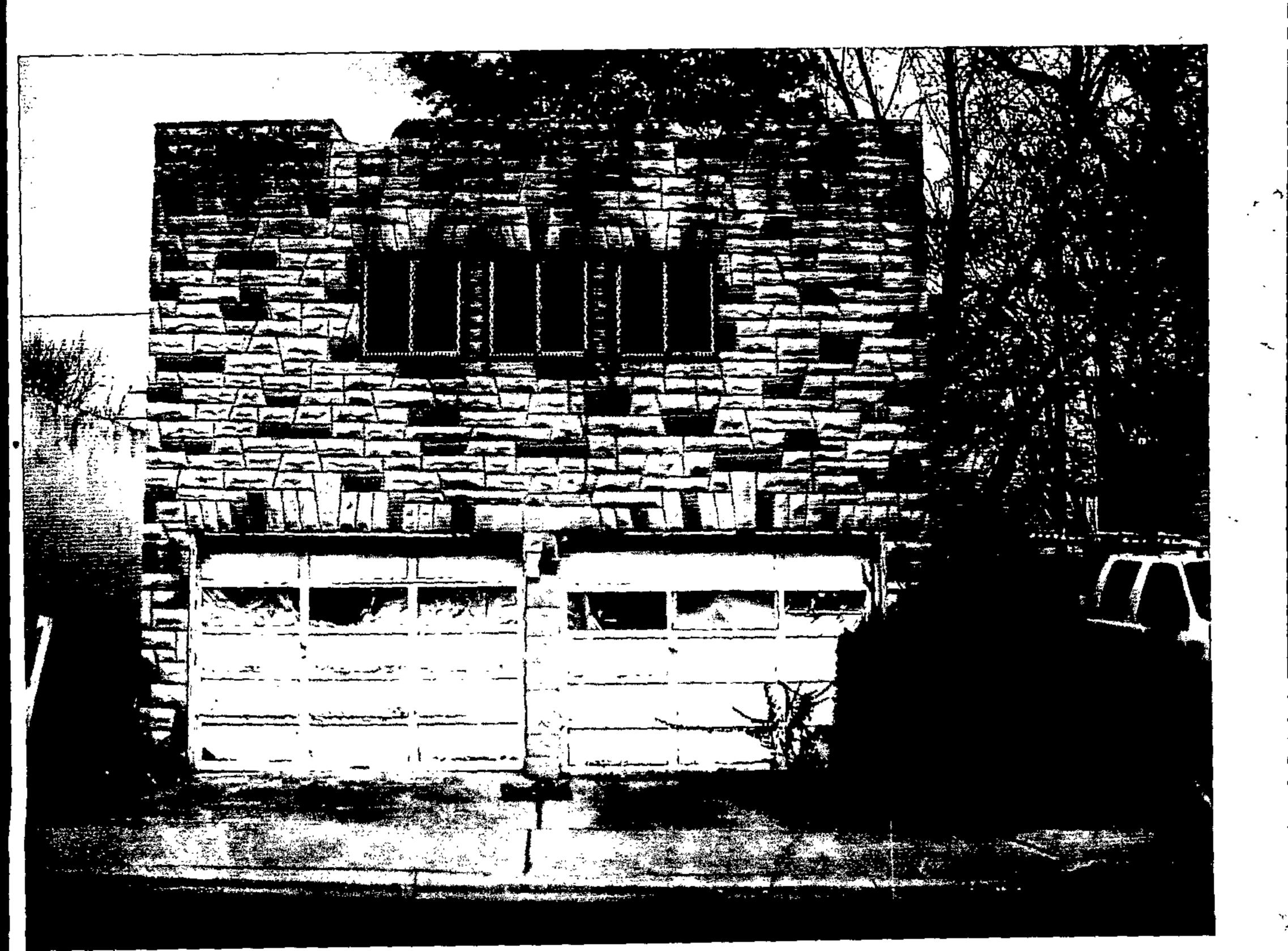
We hereby direct that Chicago Title Insurance Company, through its policy-issuing agent, proceed as follows:

	(CHOOSE ONE OPTION: INDICATE CHOICE BY PLACING AN "X")
OPTION 1:	
OPTION 2:	ISSUE ONLY LOAN POLICY: WE DO NOT DESIRE AN OWNER'S POLICY OF TITLE INSURANCE AT THIS TIME.
<u>Januar</u> .	ISSUE LOAN POLICY AND 1992 ALTA OWNER'S POLICY.
OPTION 3:	ISSUE LOAN POLICY <u>AND</u> ENHANCED OWNER'S POLICY.
· 	·
	Michael P. Young

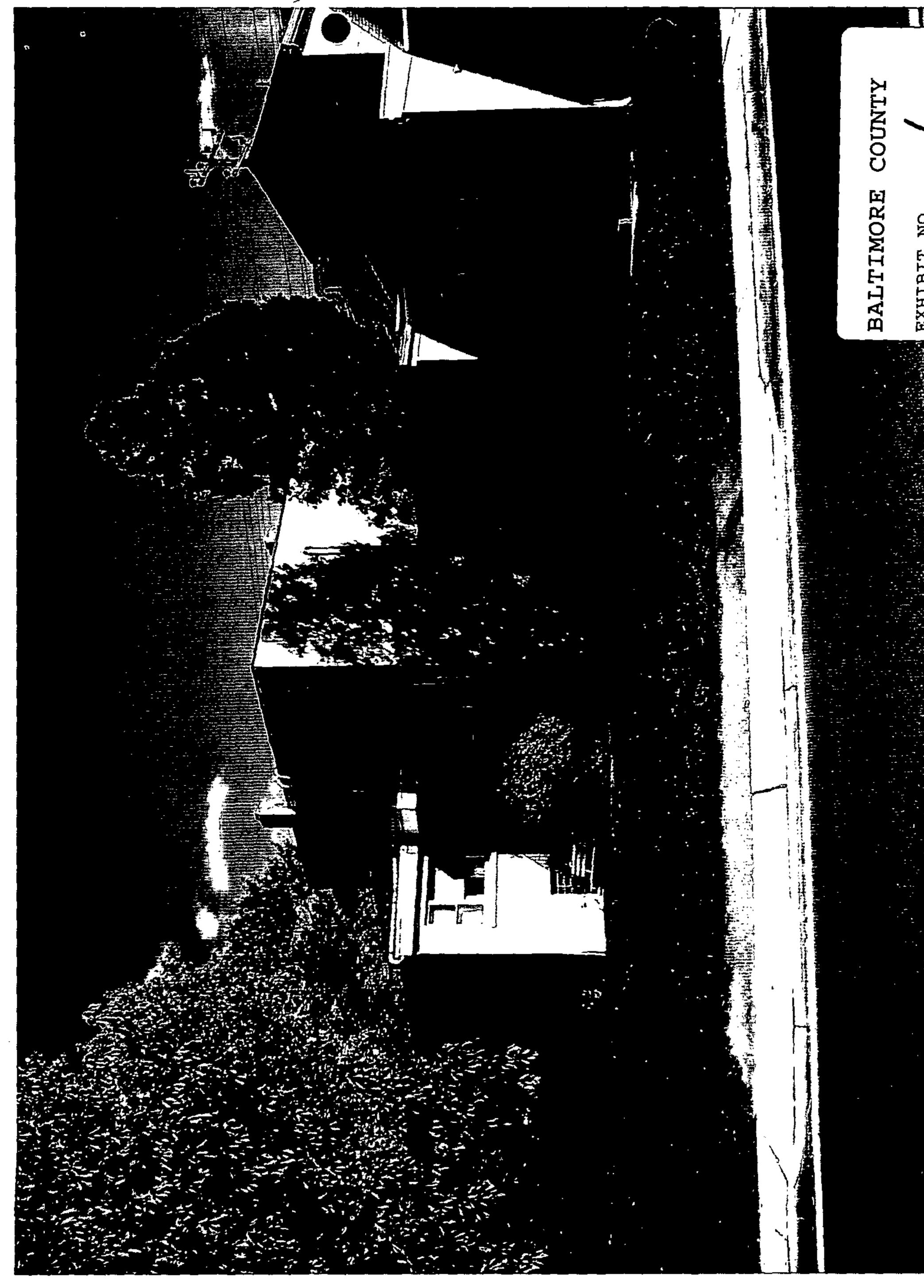
PETITIONER'S

EXHIBIT NO.

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4



Š. EXHIBIT



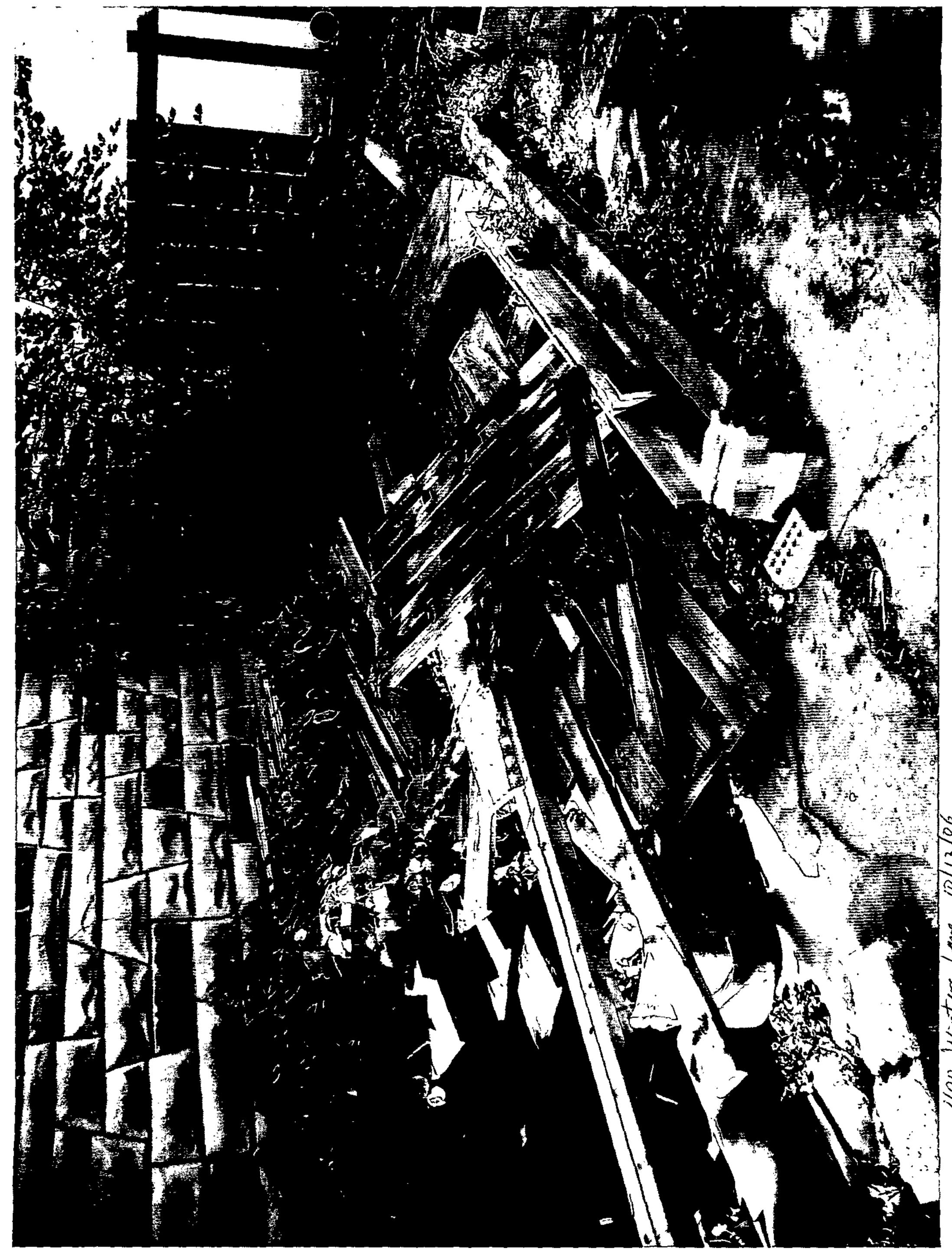




400 Winters lane 10/13/06



400 Winter Lane 10/13/06



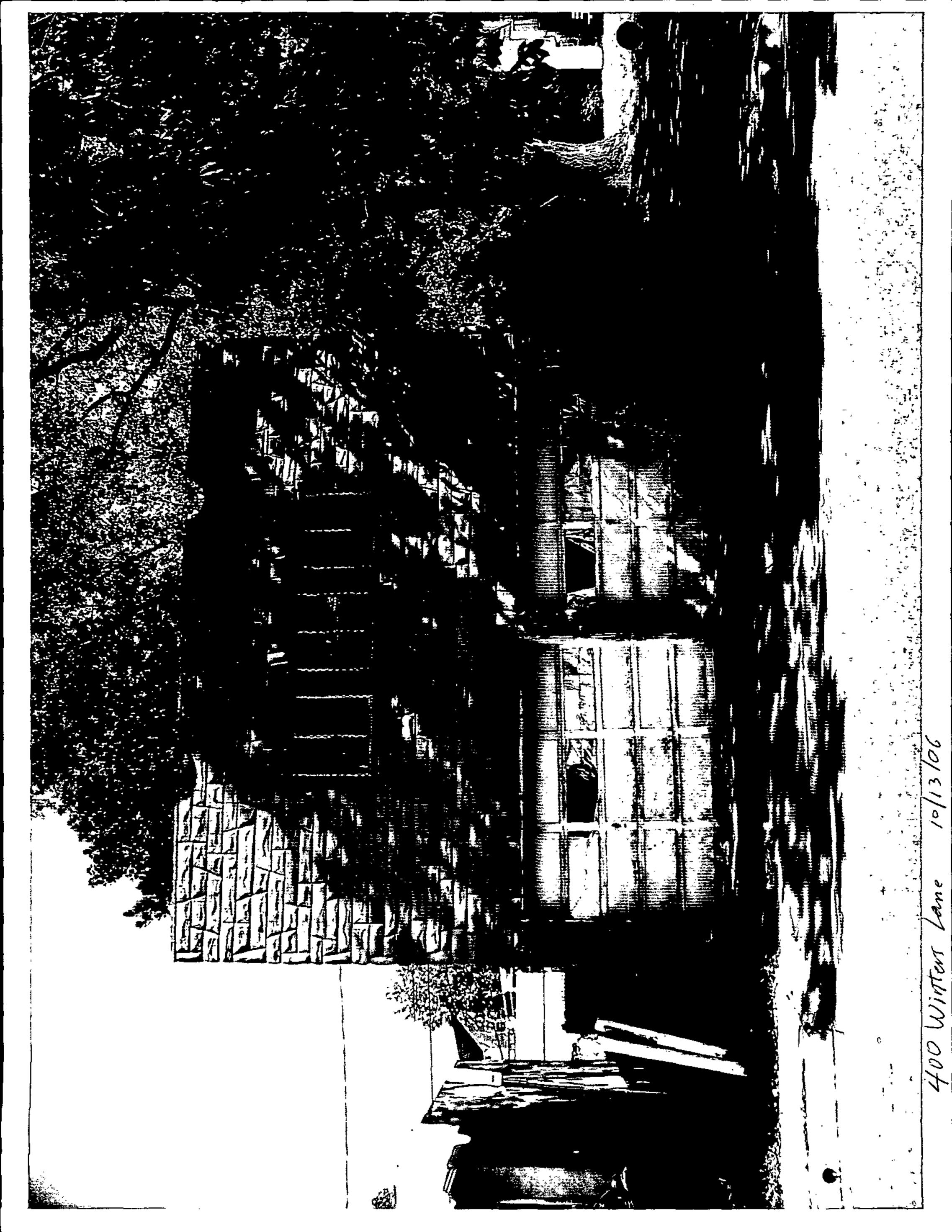


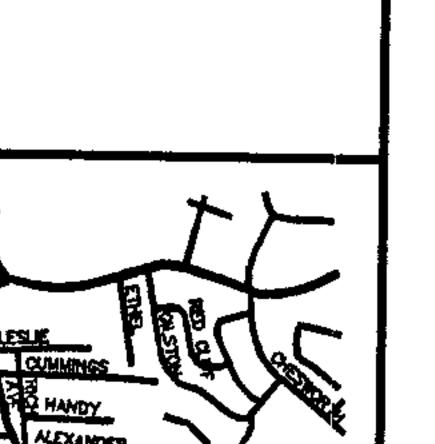
90/21/01 400 Winter





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