IN RE: PETITION FOR ADMIN. VARIANCE W/S of Windmill Circle, 160 feet north of

Windmill Road

2nd Election District

4th Councilmanic District

(4146 Windmill Circle)

Burton Jackson and Yvette Jackson Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-115-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

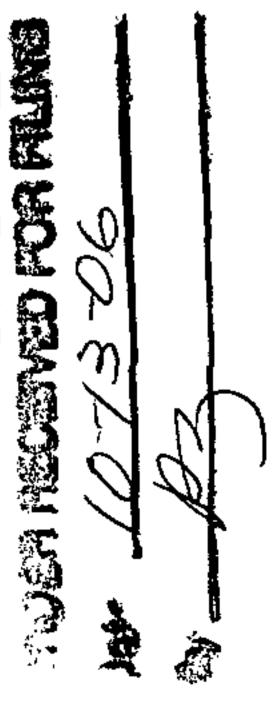
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This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Burton Jackson and Yvette Jackson. The variance request is for property located at 4146 Windmill Circle. The variance request is from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5 and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP 1971-1992 Regulations) to permit a proposed sunroom addition with window tract boundary setback of 30 feet and a window to property line setback of 6 feet in lieu of the required minimums of 35 feet and 15 feet respectively and to amend the Final Development Plan of Owings Overlook for Lot #14 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the sunroom will be constructed on the existing deck. This would not be a problem except their lot is located on the perimeter of the subdivision and the lots in the center of the subdivision do not have this problem.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.



Applicable Law

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Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 24, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13th day of October, 2006, that a variance from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5 and V.B.6.b of the Comprehensive Manual of Development Policies (CMDP 1971-1992 Regulations) to permit a proposed sunroom addition with window tract boundary setback of 30 feet and a window to property line setback of 6 feet in lieu of the required minimums of 35 feet and 15 feet respectively and to amend the Final Development Plan of Owings Overlook for Lot #14 only be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

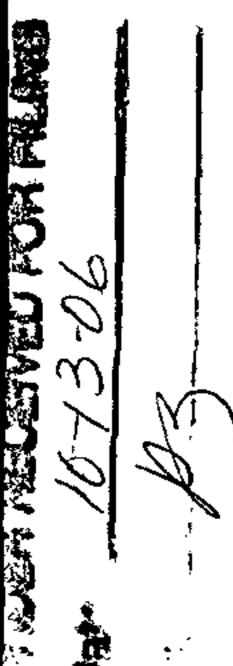
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN'V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



Zoning Description for 4146 Windmill Cir.

WEST KR

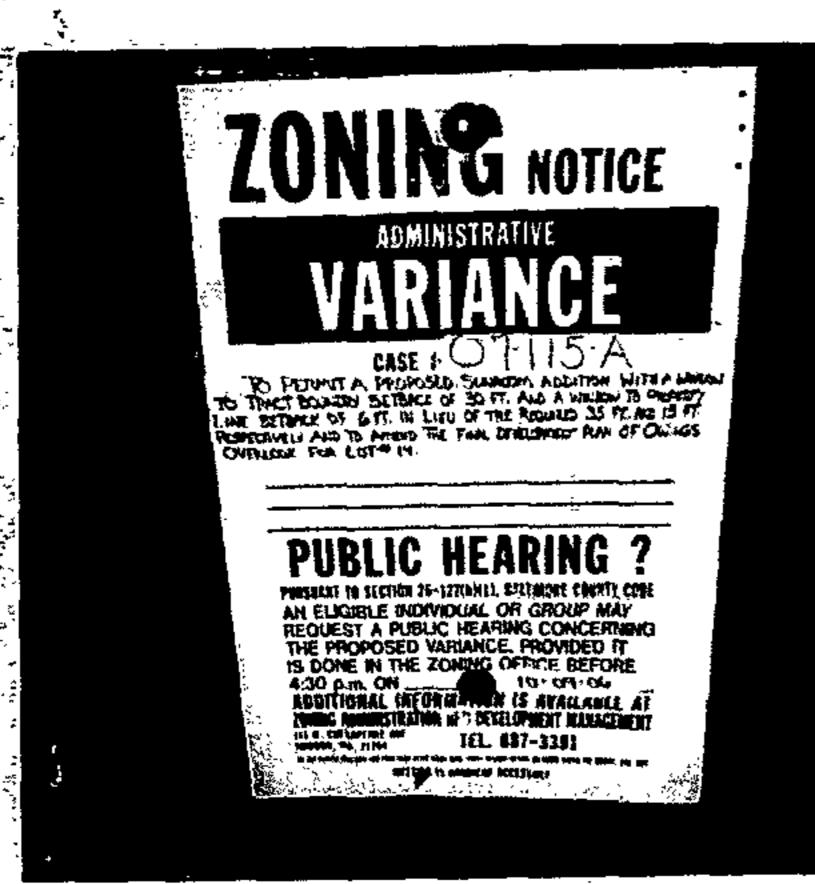
Beginning at a point on the Base side of Windmill Cir. which is 50 ft. wide at the distance of 160 ft. North of the centerline of the nearest improved intersecting street Windmill Rd. which is 50 ft. wide. *Being lot #14, in the subdivision of Owings Overlook as recorded in the Baltimore county Plat Book #62, Folio #142, containing 5,982 sq. ft. Also known as 4146 Windmill Cir. and located in the 2nd election district, 4th Councilmanic District.

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		Marin 100,			CASHIER'S VALIDATION
No.					5
TY. MARYLAND FINANCE RECEIPT	ACCOUNT				AGENCY. YELLOW - CUSTOMER
BALTIMORE COUNT OFFICE OF BUDGET & MISCELLANEOUS F	DATE 9 14 M	RECEIVED COM.	FOR	BUTTON	WILL CASHIER PINK

CERTIFICATE OF POSTING

RE: Case No.: 07-115-4 Petitioner/Developer: BURTONY Date of Hearing/Closing: 10-9-0(**Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue -Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: CIRCLE 4146 WINDMILL The sign(s) were posted on (Month, Day, Year) Sincerely, ADMINISTRATIVE



٨	
	(Signature of Sign Poster) (Date)
	SSG Robert Black
<u></u>	(Print Name)
	1508 Lestie Road
_	(Address)
	Dundalk, Maryland 21222
_	(City, State, Zip Code)
٠,	(410) 282-7940
-	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 115 -A Address 4146 WINDMILL CR.			
Contact Person: John Lewis Planner, Please Print Your Name Phone Number: 410-887-3391			
Filing Date: 9/14/06 Posting Date: 9/24/06 Closing Date: 10/09/06			
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.			
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.			
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.			
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 07- 115 -A Address 4/46 WINDMILL C.F.			
Petitioner's Name BURTON & YVETTE VACKSON Telephone 4/1 250 8298			
Posting Date: 9/24/06 Closing Date:			
Nording for Sign: To Permit A PROPUSED SUNROOM ADDITION WITH A WINDOW TO FRACE			
TRACT BOLNDARY SETBACK OF 30 FT, AND A WINDOW TO PROPERTY LINE SETBACK OF			
6 FT. IN LIEU OF THE REQUIRED 35 FT AND 15 FT. RESPECTIVELY AND TO AMEND			
THE FINAL DEVELOPMENT PLAN OF OWINGS OVERLOOK FOR LOT# 14			
WCR - Revised 6/25/04			

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

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: 07 15 A
Petitioner: <u>Vackson</u> , <u>Burton</u> + <u>Yvette</u> Address or Location: <u>4146 Windmill Cir</u>
Address or Location: 4146 Windmill Cir
PLEASE FORWARD ADVERTISING BILL TO:
Name: Champion
Name: <u>Champion</u> Address: <u>7110</u> Golden Ring Rd
Balto Md 21221
Telephone Number:



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at	4146 Windmi	ll Cir.
	resently zoned _	DR 3.5

Zoning Commissioner of Battimore County

Date

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal cowner(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) 504 (BCZR) And VB.5. a and V.B.6. be (CMDP) 1971-1992 Rections. To Permit A Proposed Surroom.

Addition withwardow Tract Boundary Set Back of 30/4.

And A window To Property Line Setback of Ft indian of The Required minemans of 35 ft. and 15 ft. Respectively and to Amend The Final Development Plan of owing 3 over book for Lot #14

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: Legal Owner(s): Jackson, Burton Name - Type or Print Name - Type or Prop Signature Signature Yvette Jackson, Address Telephone No. Name Type or Print Zip Code City State Signature Attorney For Petitioner: (443) 250-8298 4146 Windmill Cir. Address Telephone No. Baltimore 21133 MDName - Type or Print City State Zip Code Representative to be Contacted: Signature Mike Diehl Company Name. 7110 Golden Ring Road 410-780-0062 Telephone No. Address Address Telephone No. 21221... Baltimore ... Zip Code State Zip Code City State A Public Hearing, having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, athisi20 day of 2.23 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.

Reviewed By

AND MAIN

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	4146 Windmill Cir	
	Address	
·		. 011

Baltimore MD 21133
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):

We would like to construct a sunroom on our existing deck. This would not be a problem execpt our lot is located on the perimeter of our subdivsion, the lots in the center do not have this problem. We need 35ft window to the tract boundary and we will only have 30ft. So we are asking for a variance of 30ft in leiu of the required 35ft window to track boundry.

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.

U Burton Jackson

Name - Type or Print

Yvette Jackson

Name - Type or Print

Signator

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

of Maryland, in and for the County aforesaid, personally appeared

2006, before me, a Notary Public of the State

Buston or UNO He Jackson

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

DELORES A. KAZMERSKI Notary Public Harford Co., MD

My Comm. Exps. Nov. 1, 2009



Potition for Administrative Variance

for the property located at 4146 Windmill Cir.

to the Zoning Commissioner of Baltimore County

which is presently zoned

DR 3.5

This Petition shall be filed with the Department of Period owner(s) of the property situate in Baltimore County and with made a part hereof, hereby petition for a Variance from Second Poly 1971-1992 Received Tract Boundary Addition with window Tract Boundary	mits and Development Management. The undersigned, legal hich is described in the description and plat attached hereto and ction(s) 504 (BCZR) AND V B.5. A and V. B.6. Is for possed Surroom
Required minamuns of 35 St. and Final Development Plan of owing	et of 6 Ft. inbien of The 15 Ft. Respectively and to Amend Th
orans petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the l, or we, agree to pay expenses of above Variance, advertising, pregulations and restrictions of Baltimore County adopted pursuant	Meling big and further agrees to and out to be houseded by it.
	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):
Name - Type or Print	Jackson, Burton Name - Type or Print
Signature	Signature
Address Telephone No.	Jackson, Yvette Name Type or Print
City State Zip Code	Signature Cechon
Attorney For Petitioner:	4146 Windmill Cir. (443)250-8298 Address Telephone No.
Name - Type or Print	Baltimore MD 21133 City State Zip Code
Signature	Representative to be Contacted:
Company	Mike Diehl Name
Address Telephone No.	7110 Golden Ring Road 410-780-0062 Address Telephone No.
City State Zip Code	Baltimore MD 21221 City State Zip Code
A Public Hearing having been formally demanded and/or found to be this day of that the subject matter of regulations of Baltimore County and that the property be reposted.	this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County
CASE NO. 0 / 15 A Rev	viewed By 12 Date 9/14/06
REV 10/25/01	timated Posting Date 9/24/06
10/13/00	
	•

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Address

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City State

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

Signature

Burton Jackson

Name - Type or Print

Signalore

Yvette Jackson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

of Maryland, in and for the County aforesaid, personally appeared

, 2006, before me, a Notary Public of the State

But In Ken

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

DELORES A. KAZMERSKI

My Comm. Exps. Nov. 1, 2009



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 10, 2006

Burton Jackson Yvette Jackson 4146 Windmill Circle Baltimore, MD 21133

Dear Mr. and Mrs. Jackson:

RE: Case Number: 07-115-A, 4146 Windmill Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 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.

Supervisor, Zoning Review

U. Callibal)

WCR:amf

Enclosures

c: People's Counsel Mike Diehl 7110 Golden Ring Road Baltimore 21221

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 26, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-115- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

RECEIVED

SEP 2 7 2006

JONING COMMISSIONER



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 13, 2006

BURTON AND YVETTE JACKSON 4146 WINDMILL CIRCLE BALTIMORE MD 21133

Re: Petition for Administrative Variance

Case No. 07-115-A

Property: 4146 Windmill Circle

Dear Mr. and Mrs. Jackson:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Mike Diehl, Champion, 7110 Golden Ring Road, Baltimore MD 21221

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item Nos. 07-101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115,

And 116

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-09212006.doc



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

September 24, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 18, 2006

Item Number(s): 100 thru 112, 114 (115, 116

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination

DATE:

September 25, 2006

SUBJECT:

Zoning Item # See List Below

Zoning Advisory Committee Meeting of September 18, 2006

The Department of Environmental Protection and Resource Management has no comments with regards to the following zoning items:

07-100-A

07-101-A

07-104-A

07-105-A

07-107-A

07-109-A

07-110-A

07-111-A

.07-T15-A

07-116-A

Reviewer: J. Livingston

Date: September 25, 2006



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 18, 2006

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

RE: Baltimore County

Item No. 115

At 7-115-A

OWINGS OVERLOOK

VARIANCE-SUNRON ADDITION

EXTERCISE SO

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 115

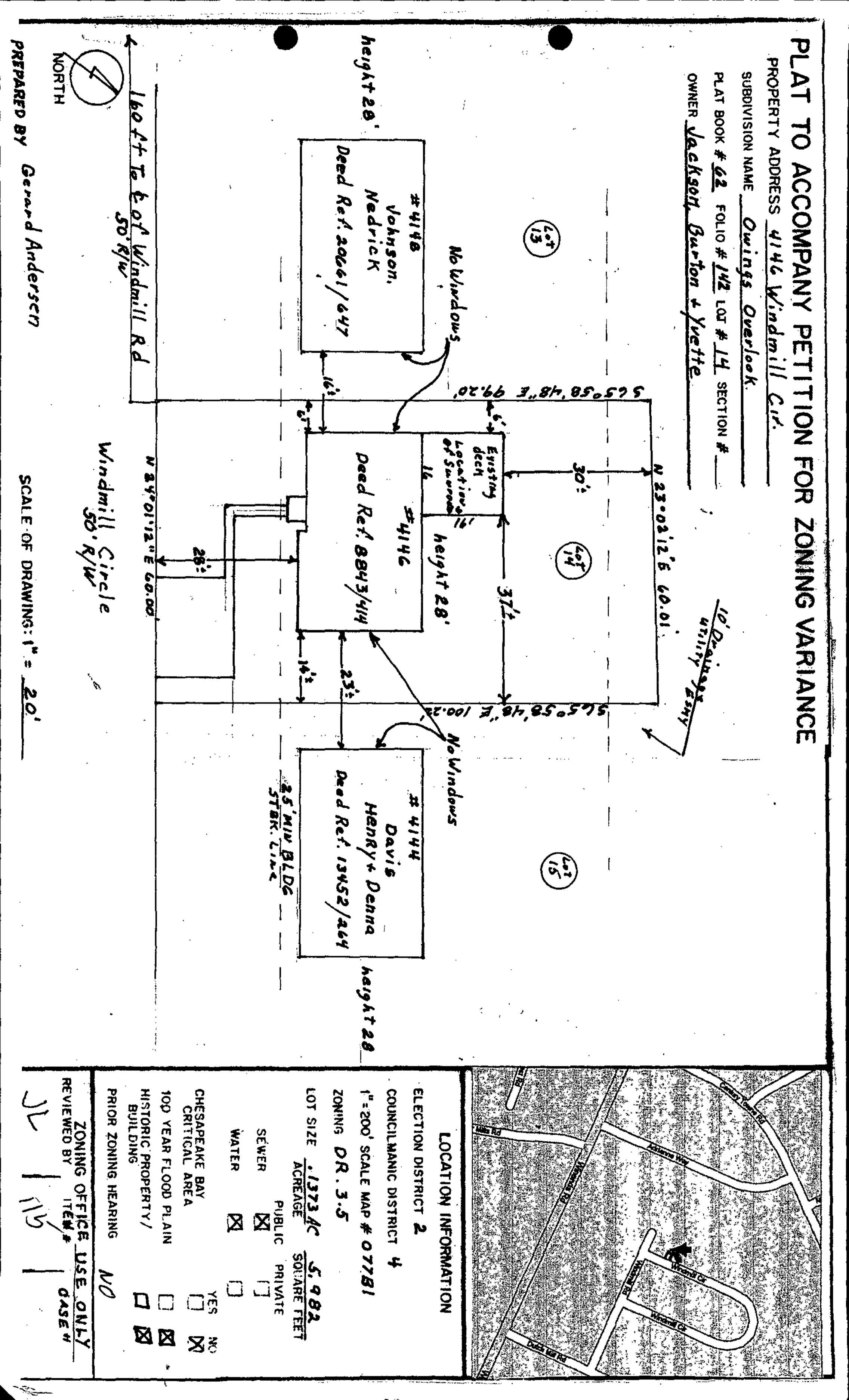
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

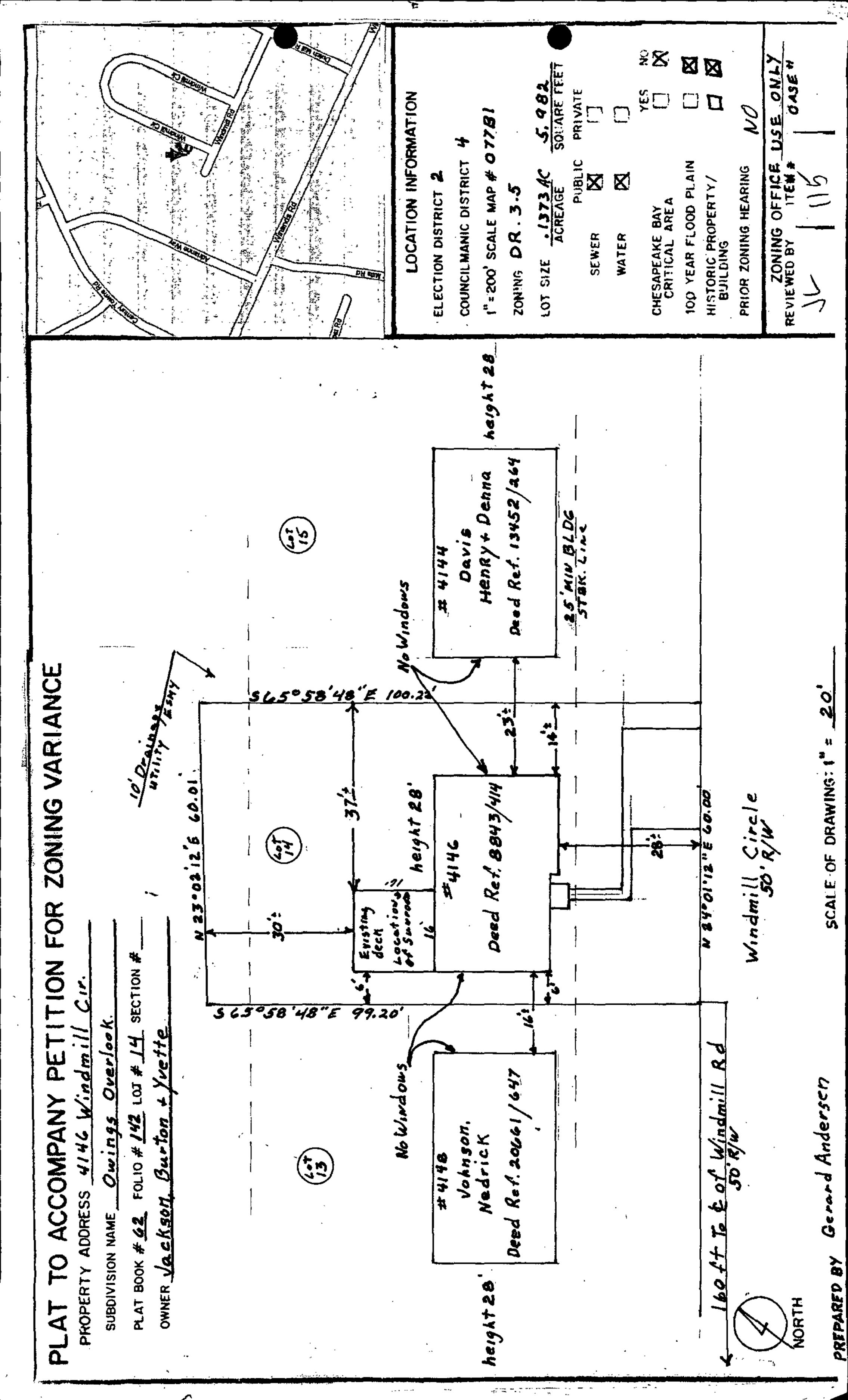
Very truly yours,

Steven D. Foster, Chief U Engineering Access Permits

Division

SDF/MB





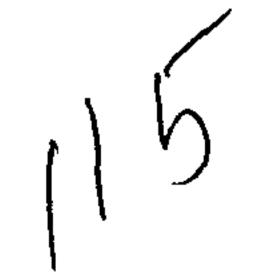
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4146 mill Cir.



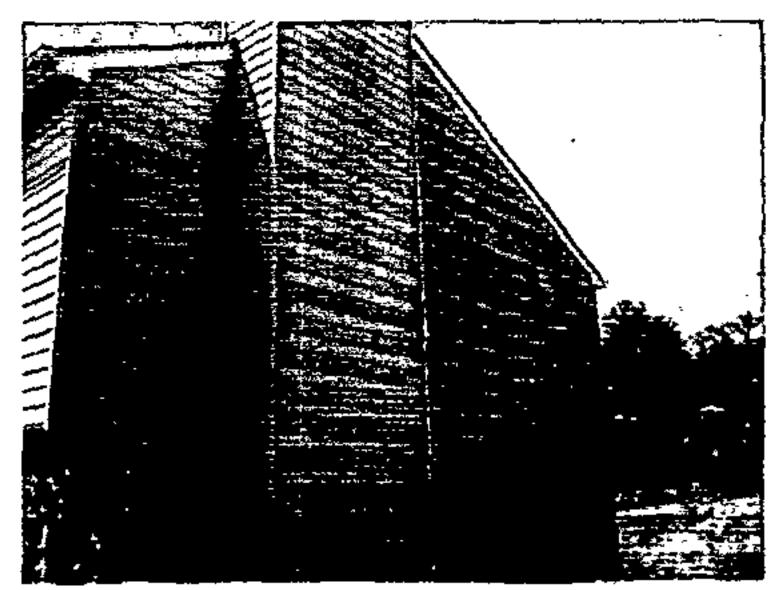
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4146. Windmill Cin

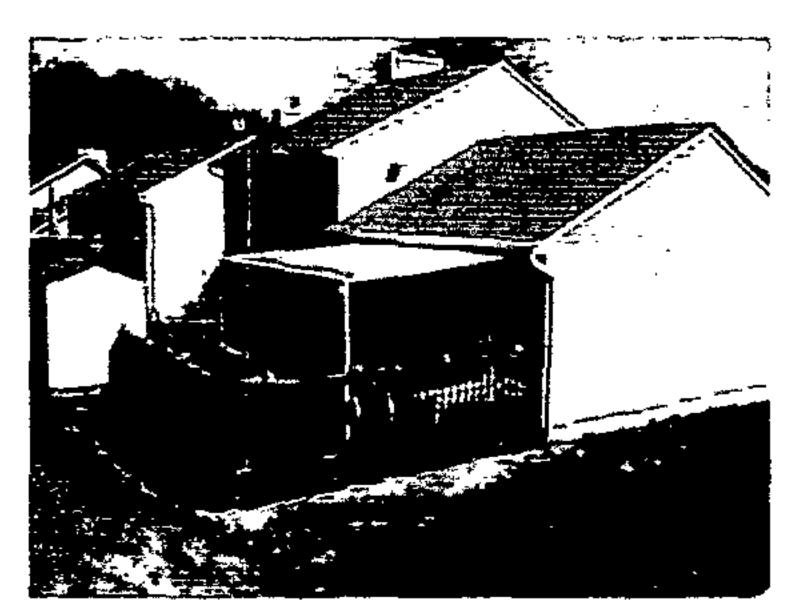




side view of 4144 Windmill Cir Note: no windows



side view of 4148 Windmill Cir Note: no windows



Location of proposed Sunroom at 4146 Windmill Cir.



View of the rear yard of 4146 Windmill Cir.