

IN RE: PETITION FOR ADMIN. VARIANCE
SE side of North Lane, 400 feet S of
East Avenue
14th Election District
6th Councilmanic District
(5619 North Lane)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY

Stephen A. Hartwig and Mary K. Windisch
Petitioners

* CASE NO. 07-330-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Stephen A. Hartwig and Mary K. Windisch. The variance request is for property located at 5619 North Lane. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback of 3 feet in lieu of the minimum required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 10 x 12 foot addition onto the back of their home. They are in need of an additional bedroom and bathroom space. Placing the new bathroom adjacent to the existing is the most practical and is their only option given the layout of the existing home. They are requesting to expand to infill the footprint of the home to make it square.

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

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

2-21-07
CO-1-2-2
[Signature]

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 3, 2007 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.

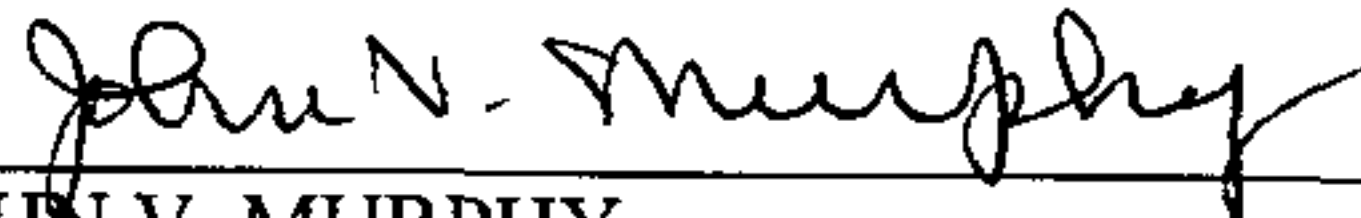
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 21st day of February, 2007 that a variance from Section 1B02.3.C.1 of the

2-21-07
K3

Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard setback of 3 feet in lieu of the minimum required 10 feet 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

2-21-07
Pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 21, 2007

STEPHEN A. HARTWIG AND MARY K. WINDISCH
5619 NORTH LANE
BALTIMORE MD 21206

Re: Petition for Administrative Variance
Case No. 07-330-A
Property: 5619 North Lane

Dear Mr. Hartwig and Ms. Windisch:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5619 NORTH LANE
which is presently zoned DR 5.5

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) 1B02.3, C.1, BC2R, to permit a

proposed addition with a side yard setback of 3 feet in lieu of the minimum required 10 feet.

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):

STEPHEN A HARTWIG
Name - Type or Print

Signature

Name - Type or Print

Signature

5619 NORTH LANE 410-977-8849
Address Telephone No.

BALTIMORE MD 21206
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 21 day of February 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. 07-330-A

Reviewed By JNP

Date 1/23/07

REV 10/25/01

Estimated Posting Date 2/21/07

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

5619 NORTH LANE
Address
BALTIMORE MD 21206
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):

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at **5619 North Lane**:

Our family is in need of an additional bathroom and bedroom space. Our home is a Cape Cod style house with one bathroom and two bedrooms. Placing a new bathroom adjacent to the existing is the most practical and is our only option given the layout of our existing home. It would be directly above the water supply and sanitary pipes in the basement below. In doing so, this new bathroom would occupy floor space of one of only two bedrooms. The bedroom in which the new bath would be located is currently 9 1/2' x 11 1/2'. This would essentially eliminate this room from accommodating a bed and furniture. We are requesting to expand the existing bedroom to infill the footprint of our home to make it square. This would give us the additional bathroom needed without sacrificing one of only two bedrooms.

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.

Stephen A. Hartwig
Signature
STEPHEN A HARTWIG
Name - Type or Print

Mary K Windisch
Signature
MARY K WINDISCH
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Stephen A Hartwig & Mary K Windisch
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Michael E Slane
Notary Public
My Commission Expires November 2008

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

5619 NORTH LANE
Address
BALTIMORE MD 21206
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):

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at **5619 North Lane**:

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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.

Stephen A. Hartwig
Signature
STEPHEN A HARTWIG
Name - Type or Print

Mary K Windisch
Signature
MARY K WINDISCH
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Stephen A Hartwig & Mary K Windisch
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Michael E. Slusky
Notary Public
My Commission Expires November 2008

ZONING DESCRIPTION FOR 5619 North Lane.

Beginning at a point on the southeast side of North Lane which is 30 feet wide at a distance of 400 feet south of the centerline of East Avenue which is 50 feet wide. Being part of lots #35 and #36, as recorded in Baltimore County Plat Book #1, Folio #323, containing 13,200 square feet. Also known as 5619 North Lane and located in the 14th Election District, 6th Councilmanic District and more particularly described by metes and bounds as follows:

Beginning on the southeast side of North Lane, located in Kenwood Park, South 25 degrees 30 minutes west 50 feet, South 56 degrees 08 minutes East 264 feet, North 25 degrees 30 minutes East 50 feet, North 56 degrees 08 minutes west 264 feet to the place of the beginning.

07-330-A

No. 23019

1/23/02

ACCOUNT

R-001-006-6158

AMOUNT

6500 \$

RECEIVED
FROM:

Max H. Windisch

FOR:

Adm. Union - 5619 North Lane

07-330-A (Hartwig/Winfield)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-330-A

Petitioner/Developer: MARY WINDISCH
STEPHEN HARTWIG

Date Of Hearing/Closing: 2/19/07

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 5619 NORTH LADE

This sign(s) were posted on February 3, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 2/3/07
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 330 -A Address 5619 North Lane
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1/23/07 Posting Date: 2/4/07 Closing Date: 2/19/07

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 07- 330 -A Address 5619 North Lane
Petitioner's Name Stephen Hartwig & Mary Windisch Telephone 410-977-8849
Posting Date: 2/4/07 Closing Date: 2/19/07
Wording for Sign: To Permit a proposed addition with a side yard setback of 3 feet in lieu of the minimum required 10 feet.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 20, 2007

Stephen A. Hartwig
Mary K. Windisch
5619 North Lane
Baltimore, MD 21206

Dear Mr. Hartwig and Ms. Windisch:

RE: Case Number: 07-330-A, 5619 North Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 23, 2007.

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, appearing to read "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 1, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-330 – 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By: CTM

Division Chief: [Signature]

CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 5, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For February 5, 2007
Item Nos. 07-316, 323, 325, 328, 330,
331, 332, and 333

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-02052006.doc



Martin O'Malley, Governor
Anthony Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary Designate
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEBRUARY 1, 2007

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

RE: Baltimore County
Item No. 7-330-A
5619 NORTH LANE
WINDISH PROPERTY
VARIANCE

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. 7-330-A.

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
For Engineering Access Permits
Division

SDF/MB

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



Fire Department

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



Baltimore County

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

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

February 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2007

330
Item Number: 314 and 322 through 333

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.

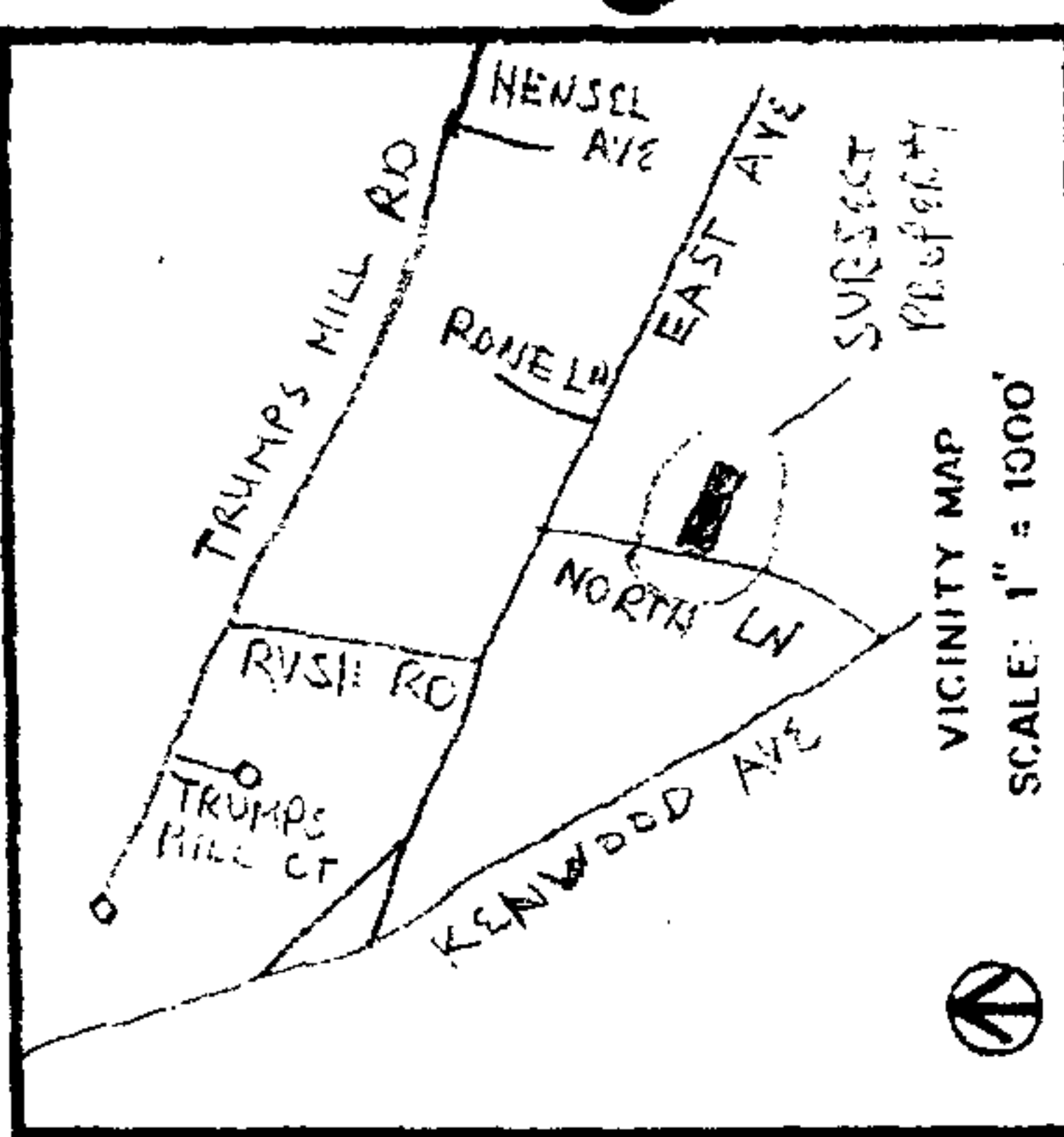
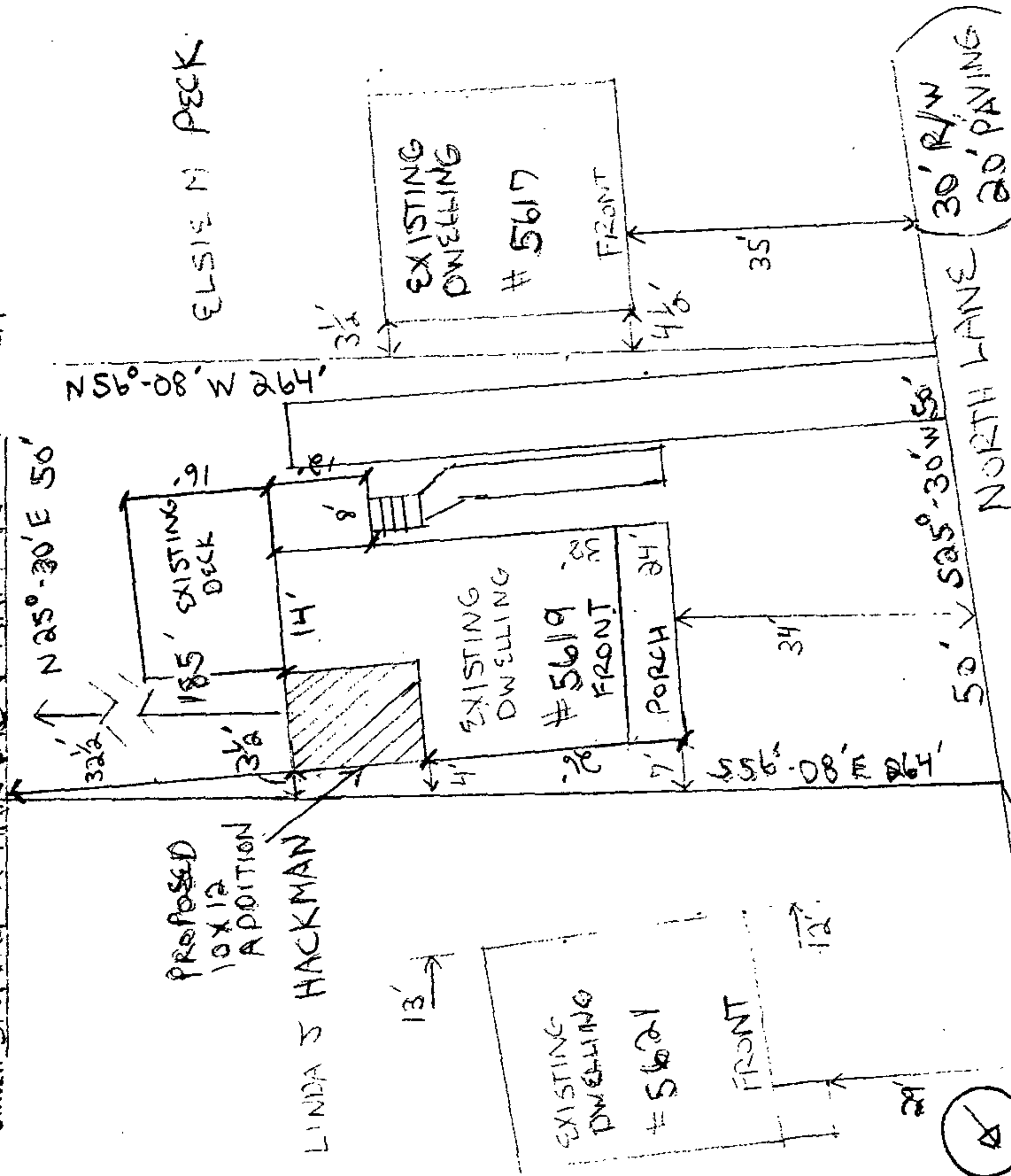
Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

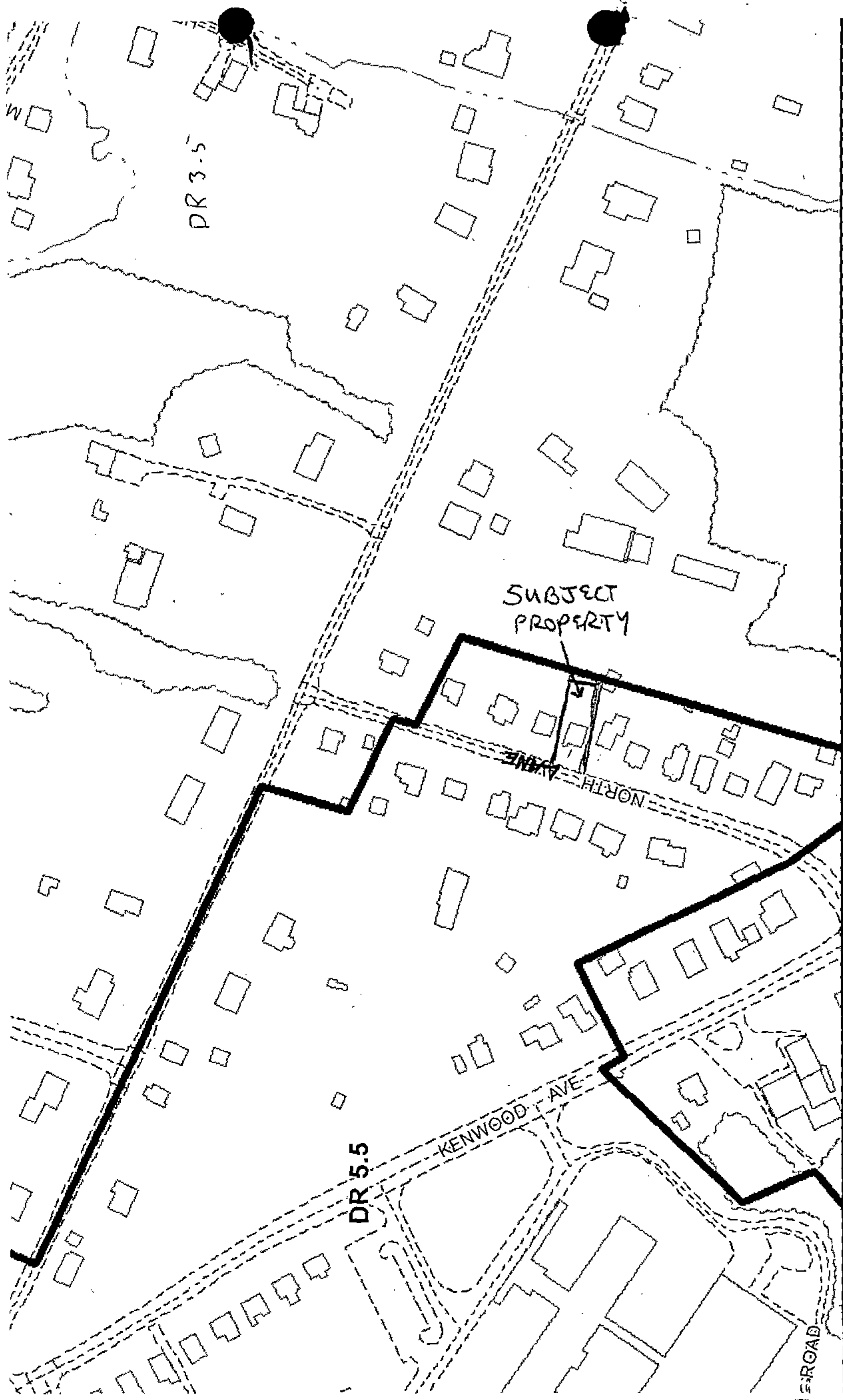
PROPERTY ADDRESS 5619 NORTH LANE
 SUBDIVISION NAME KENWOOD PARK
 PLAT BOOK # 1 FOLIO # 323 LOTS # 36 SECTION #
 OWNER STEPHEN A HARTWIG & MARY K WINDISCH



LOCATION INFORMATION	
ELECTION DISTRICT	14
COUNCILMANIC DISTRICT	6
1"=200' SCALE MAP #	081C3
ZONING	DR 5.5
LOT SIZE	13200
ACREAGE	0.33
SQUARE FEET	13200
SEWER	PUBLIC ☒ PRIVATE ☐
WATER	PUBLIC ☒ PRIVATE ☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING	YES ☐ NO ☒
PRIOR ZONING HEARING	NONE

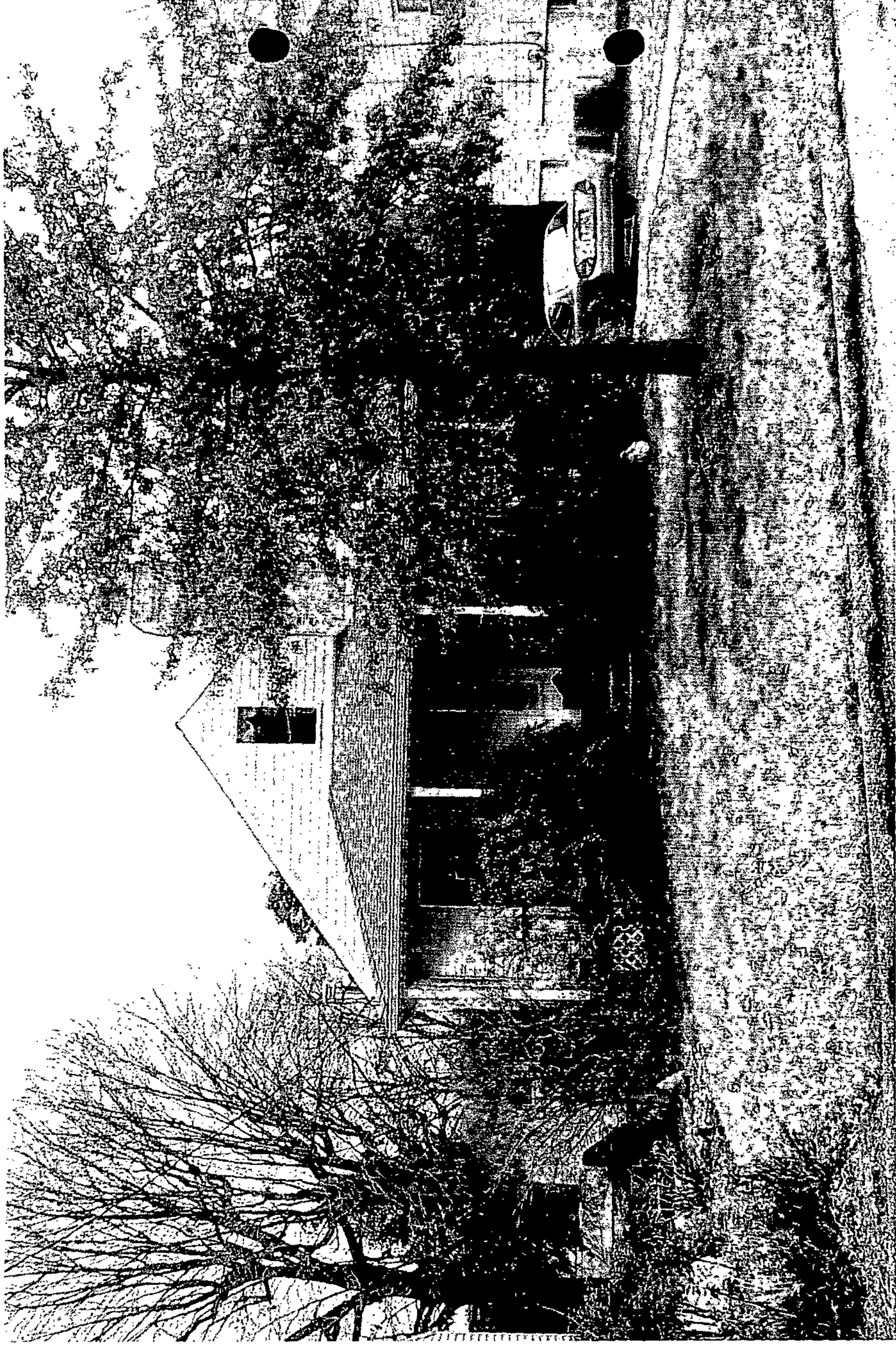
ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
JAP	330
CASE #	07-330-A

PREPARED BY M K V SCALE OF DRAWING: 1" = 20'



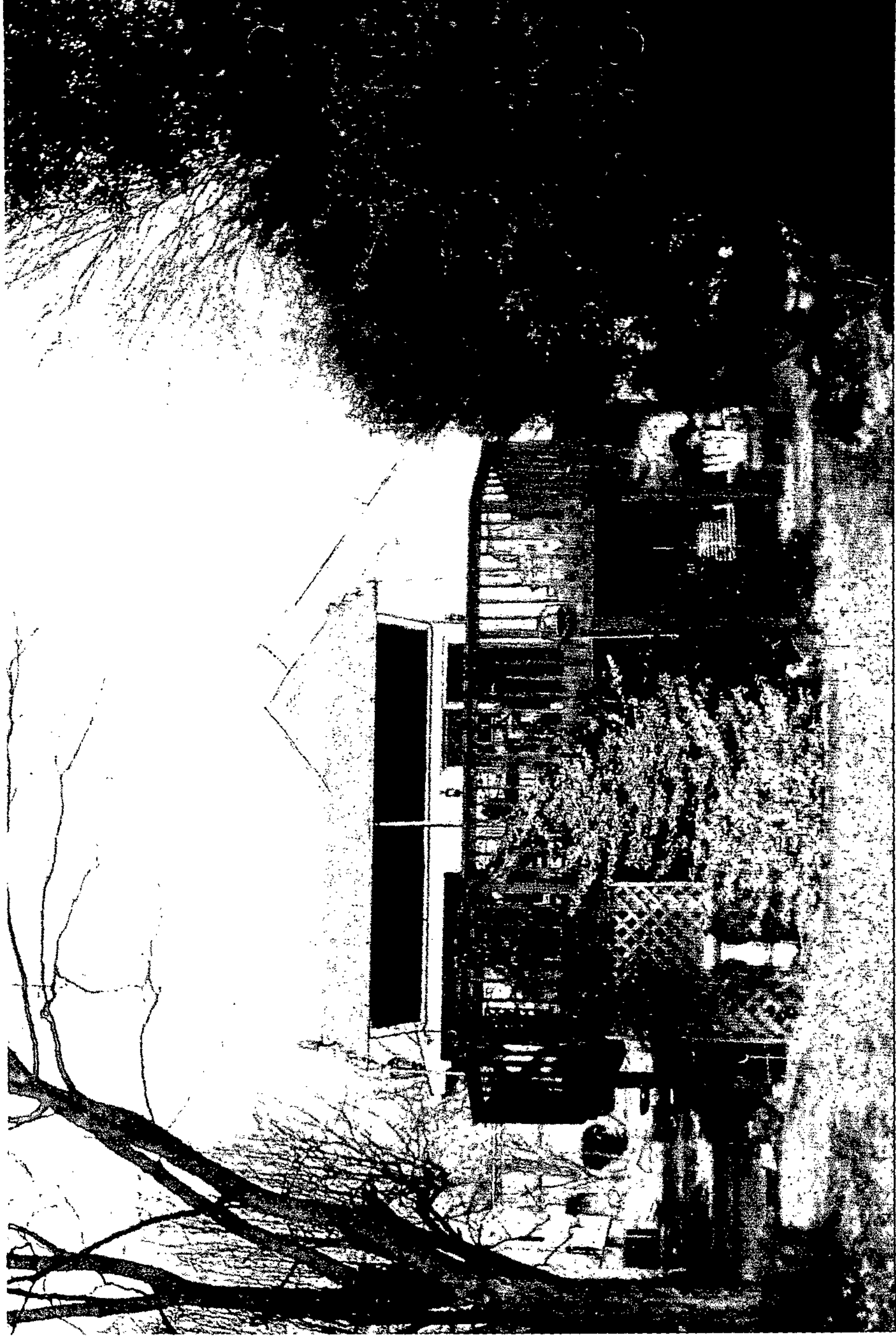
ZONING MAP 081C3

07-330-A



FRONT PHOTO OF 5619 NORTH LANE

07-330-A



REAR VIEW OF 5619 NORTH LANE

07-330-A

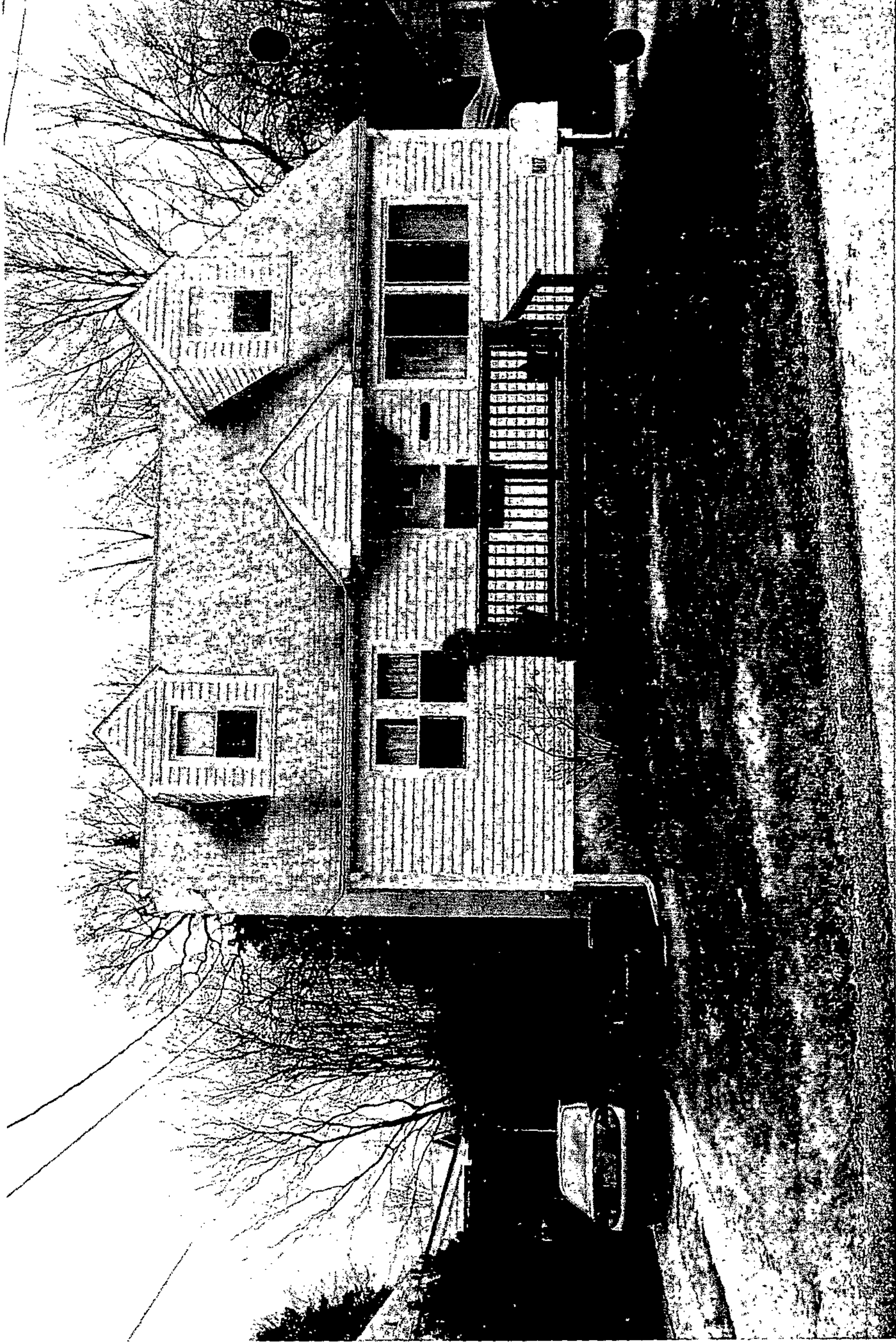


PHOTO OF 5617 NORTH LANE AND DRIVEWAY, SIDE DECK OF 5619 NORTH LANE

07-330-A



PHOTO OF AREA TO BE INFILLED AS BEDROOM EXTENSION AND BATHROOM

07-330-A

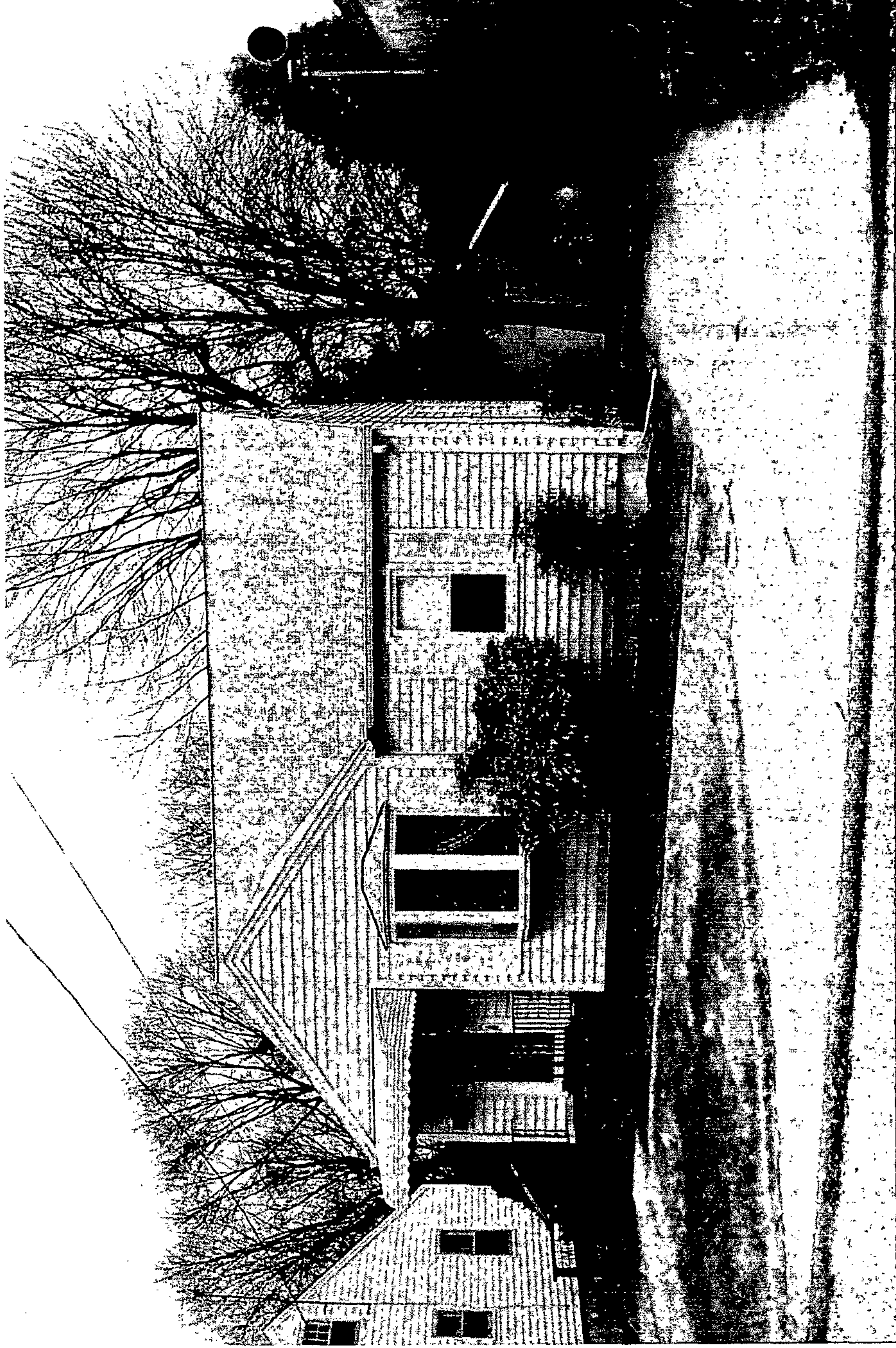


PHOTO OF 5621 NORTH LANE

07-330-A



PHOTO OF AREA TO BE INFILLED WITH ADDITION AND DRIVE AND GARAGE OF 5621 NORTH LAVE
07-330-A