

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of North Wind Road; 1855 feet NW
of the c/l of Harford Road
9th Election District
3rd Councilmanic District
(2818 North Wind Road)

Thomas and Susan Esposito
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2010-0118-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, Thomas and Susan Esposito for property located at 2818 North Wind Road. The variance request is from Sections 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 25 foot rear setback in lieu of the minimum required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition measuring 18 feet x 16 feet in size. The existing dwelling was constructed in 1933 prior to the current zoning regulations. Said dwelling was also situated at an angle on the property. Petitioners' growing family needs the additional living space that the proposed addition will provide.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. A comment letter was received from Katherine Sterling who resides at 2816B North Wind Road who expressed a concern that in the future the Petitioners may request a variance for a deck and that the proposed addition should not have an egress on the rear. I will not prohibit the Petitioners from having a rear door on the proposed dwelling.

11-6-09
[Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 18, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

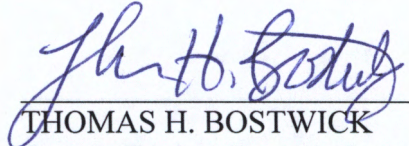
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 Petitioners.

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 5th day of November, 2009 that a variance from Sections 1B02.3.A.5 and 1B02.3.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 25 foot rear setback in lieu of the minimum required 30 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORIGINAL FILED FOR RECORD

11.6.09

pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 6, 2009

THOMAS AND SUSAN ESPOSITO
2818 NORTH WIND ROAD
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 2010-0118-A
Property: 2818 North Wind Road

Dear Mr. and Mrs. Esposito:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Katherine Sterling, 2816B North Wind Road, Baltimore MD 21234



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2818 NORTH WIND RD.
which is presently zoned D.R.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) 1802.3A.5., 1802.3C. (BCZR)

TO PERMIT AN ADDITION WITH A 25-FOOT REAR SETBACK IN LIEU
OF THE MINIMUM REQUIRED 30-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):

Thomas M. Esposito
Name - Type or Print

Thomas M. Esposito
Signature

Susan Ellen Boyd
Name - Type or Print

Susan Ellen Boyd
Signature

2818 North Wind Road
Address

410-668-6915
Telephone No.

Baltimore
City

MD
State

21234
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 11-16-09 day of November, 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. 2010-0118-A

Reviewed By D.T. Date 10/5/09

REV 10/25/01

Estimated Posting Date 10/18/09

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

2518 North Wind Road
Address
Baltimore MD 21234
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):

Due to a growing family, the house is too small to fit our needs.

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.

Thomas M. Esposito
Signature

Thomas M. Esposito
Name - Type or Print

Susan Ellen Boyd
Signature

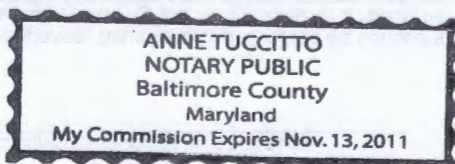
Susan Ellen Boyd
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of September, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Thomas M. Esposito and Susan Ellen Boyd
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Anne Tuccitto
Notary Public

My Commission Expires 11-13-2011

ZONING DESCRIPTION FOR 2818 NORTH WIND RD.

Beginning at a point on the North East side of North Wind Rd which is 30 feet wide at the distance of 1855 feet North West of the centerline of the nearest improved intersecting street Harford Rd which is 50 feet wide. *Being Lot # 30 in the subdivision of Debaugh Farms as recorded in Baltimore County Plat Book # 5 Folio # 70, containing 6840 square feet. Also known as 2818 North Wind Rd, and located in the 9th Election District, 3rd Councilmanic District.

2010-0118-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0118 -A Address 2818 NORTH WIND RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/5/09 Posting Date: 10/18/09 Closing Date: 11/2/09

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2010- 0118 -A Address 2818 NORTH WIND RD.

Petitioner's Name ESPOSITO / BOYD Telephone 410-668-6915

Posting Date: 10/18/09 Closing Date: 11/2/09

Wording for Sign: To Permit An ADDITION WITH A 25-FOOT REAR SETBACK
IN LIEU OF THE MINIMUM REQUIRED 30-FEET.

Revised 8/20/09

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2010-0118-A

Petitioner: ESPOSITO/BOYD

Address or Location: 2818 NORTH WIND RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. THOMAS M. ESPOSITO

Address: 2818 NORTH WIND RD.

BALTO. MD 21234

Telephone Number: 410-668-6915

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT**

No. 45947

Date: 10/5/03

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	800	0000		0150					45.00

Total: 45.00

Rec From: Expenditure/0010

For: 2010-2012-8

2012-2017-0000-00

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: October 18, 2009

Attention: Ms. Kristen Matthews
Zoning Office

Re: Case Number: 2010-0118-A
Petitioner/Developer: Boyd/Esposito
Date of Hearing/Closing: November 2, 2009

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 2818 North Wind Road.

The sign (s) were posted on: October 18, 2009


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS





NORTH WIND ROAD



William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
410-530-6293

LETTER OF TRANSMITTAL

TO: Baltimore County PDM
Zoning Office

DATE: October 18, 2009
JOB NO.: 2009-035
RE: 2818 North Wind Road
Case No.: 2010-0118-A

ATTENTION: Ms. Kristen Matthews

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☒ Prints ☒ Documents ☐ Other ☐

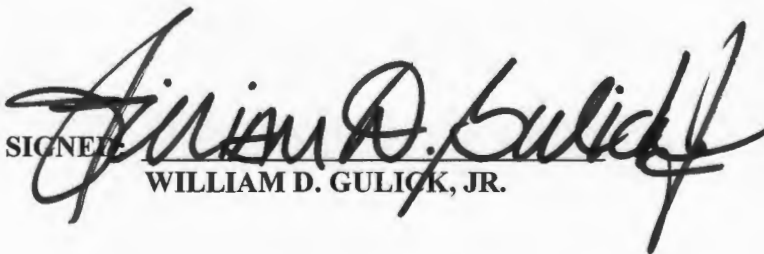
No. of Copies	Date	Description
1	Oct. 18, 2009	Certificate of Posting
2	Oct. 18, 2009	Site Photos

TRANSMITTALS are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & comment

☐ Other ☐

REMARKS:

SIGNED 
WILLIAM D. GULICK, JR.

cc: Tammy Sumners





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

November 2, 2009

Thomas Esposito & Susan Boyd
2818 North Wind Rd.
Baltimore, MD 21234

Dear: Thomas Esposito & Susan Boyd

RE: Case Number 2010-0118-A, 2818 North Wind Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 05, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 21, 2009

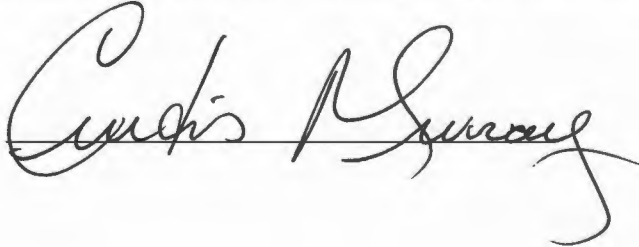
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-118- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



RECEIVED

OCT 22 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 26, 2009
Item Nos. 10-112, 114, 117, 118,
119, 120 and 121

DATE: October 13, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10262009 -NO COMMENTS.doc



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

Beverley K. Swalm-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCT. 12, 2009

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

RE: Baltimore County
Item No. 2010-0118-A
2818 NORTH WIND RD
ESPOSITO PROPERTY
ADMIN. 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. 2010-0118-A.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

AV
11-2-09**Thomas Bostwick - 2818 Northwind Road. Case # 2010-0118-**

From: Kat Sterling <ksterling1000@gmail.com>
To: <tbostwick@baltimorecountymd.gov>
Date: 11/2/2009 1:26 PM
Subject: 2818 Northwind Road. Case # 2010-0118-

Dear T. Bostwick:

I have been in contact with C. Richards and Jesse Bialek concerning the Administrative Variance # 2010-0118 stating my concerns to the zoning variance for an addition. I will not be voicing concerns henceforth with the following condition to be noted:

The applicant has the ability to build a reasonable 18X28 foot addition without getting a zoning variance. If he builds this addition, I respectfully request that no egresses on on the rear of the property that would likely prompt yet another variance for a deck.

I am concerned that in the future that another variance for a deck would be requested five feet away from my property line based on the location of the egress.

Thank you for your time.

Sincerely,

Katherine Sterling

2816 B North Wind Rd
Baltimore MD 21234

2010-0118-A

Go to
View Map
New Search

Assessments and Taxation

(2007 vw3.10)

District - 09 Account Number - 0912200010

Owner Information
Use:
Principal Residence:
Deed Reference:

RESIDENTIAL
YES
1) /19093/ 14
2)

ESPOSITO THOMAS M
BOYD SUSAN ELLEN
2818 NORTHWIND RD
BALTIMORE MD 21234-1133

Location & Structure Information

Legal Description
PT LT 30 .157 AC
2818 NORTH WIND RD
DEBAUGH FARMS

Assessment Area
2

Plat No: 5/ 70
Plat Ref:

Parcel
1131

Sub District

Subdivision

Section

Block

Lot
30

Town
Ad Valorem
Tax Class

Enclosed Area
1,525 SF

Property Land Area
6,838.00 SF

Type
STANDARD UNIT

County Use
04

Exterior
SIDING

Special Tax Areas

Primary Structure Built
1933

Basement
YES

Value Information

Phase-In Assessments
As Of 07/01/2009
As Of 07/01/2010

Stories
2

Base Value

Value
As Of 01/01/2008
93,830
114,320
208,150
0

193,192
0
208,150
0

Land
Improvements:
Total:
Preferential Land:

57,830
105,450
163,280
0

Transfer Information

Date: 11/04/2003
Deed1: /19093/ 14
Date: 04/15/1986
Deed1: / 7133/ 842

Price:
Deed2:
Price:
Deed:
Price:
Deed:

Seller: ESPOSITO THOMAS M
Type: NOT ARMS-LENGTH
Seller: MATTHEWS & MATTH EWS INC
Type: IMPROVED ARMS-LENGTH
Seller:
Type:

Exemption Information

Date: 07/01/2009
Class
000 0
000 0
000 0

Partial Exempt Assessments

County
State
Municipal
Tax Exempt:
Exempt Class:

NO

results
Maryland Department of Assessment
BALTIMORE COUNTY
Real Property Data Search

Account Identifier:



2010-0118-A



Back yard & existing porch from Right of House 2010-0118-A
9/17/2009 ✓



Backyard from left side, rear of property
(from street)

2010-0118-A

9/17/2009 1:50 PM



Back of house

2010-0118-A

9/17/2009 1:33 PM



Front & left of House, showing rear yard & rear Neighbors house.



Right side of house from Neighbors' driveway.

2010-0118-A

9/22/2009 1:18



2818 A, Neighbor's house from 2818 Back yard. 2010-0118-A
9/17/2009 1:55 PM



Right neighbor's house from right of 2818 yard. 2010-0118-A
9/18/2009 9:59 AM



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

District - 09 Account Number - 0912200010

[Go Back](#)
[View Map](#)
[New Search](#)

Page 1 of 2



provided courtesy of the Maryland Department of Planning ©2008.
Electronic mapping applications, visit the Maryland Department of Planning web site at
www.mdp.state.md.us/webcom/index.html

owmap.asp?countyid=04&accountid=09+0912200010

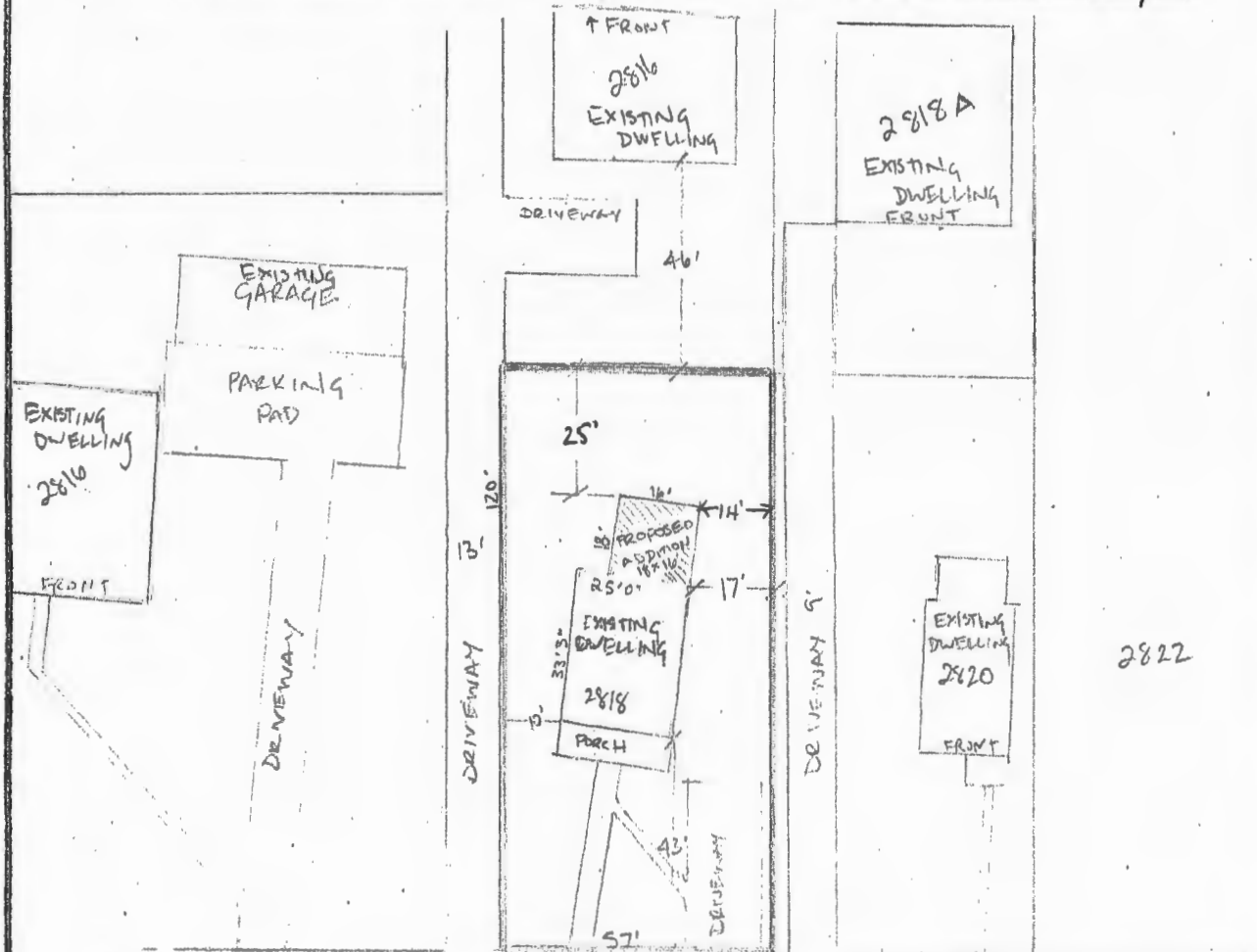
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2818 North Wind Rd. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Debaugh Farms

W.P.C.
PLAT BOOK # 5 FOLIO # 70 LOT # 30 SECTION # 1

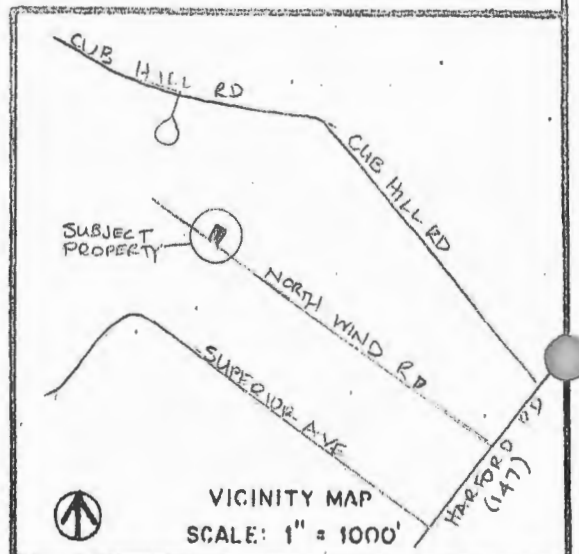
OWNER Thomas Michael Esposito and Susan Ellen Boyd.



NORTH

PREPARED BY TAMARA SUMMERS

SCALE OF DRAWING: 1" = 40'



LOCATION INFORMATION

ELECTION DISTRICT 9th

COUNCILMANIC DISTRICT 3rd

1" = 200' SCALE MAP # 07131

ZONING DRS.5

LOT SIZE .157 6840
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY DT ITEM # 0118 CASE # 2010-0118-A

DT

0118

2010-0118-A