

MEMORANDUM

DATE: September 24, 2010

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County

SUBJECT: HOH Case No. 02-746 and Zoning Case No. 2011-0065-A
Estates at Windy Hill

This matter came before me on September 24, 2010 for an HOH and related Zoning Hearing. The property is located on the west side of Windy Hill Road, south of Liberty Road, in the Randallstown area of Baltimore County. The Developer/Petitioner is proposing a 4 lot subdivision. One of the lots is existing (Lot 1) and at one time had a home on it. It was on the landmarks list and several years ago, the property owner went before the Landmarks Commission in order to raze the structure due to its extensive disrepair. That home has since been removed. The Developer proposes a new home on that lot (Lot 1) and the creation of 3 additional lots on this tract of about 17.5 acres.

Per the County development procedures, the Concept Plan Conference occurred on July 6, 2009 and the Community Input Meeting on August 10, 2009. During the intervening period between then and the Development Plan Conference on September 1, 2010, Thomas Hoff, the Developer's consultant and landscape architect, indicated that there were disagreements with the extent to which the County was requiring the Developer to make road improvements to Windy Hill Road from the subject property to Liberty Road. According to Mr. Hoff, neither his client nor the surrounding community was in favor of improving and widening that road. As a result, Mr. Hoff was required to file a request for Special Hearing which was heard in early June 2010. In that case, Zoning Commissioner Wiseman issued an Order in Case No. 2010-0227-SPH dated June 11, 2010 granting a request for approval of a waiver of the "General Design Standards and Requirements" of the Bureau of Development Plans Review Policy Manual (Section VII.D.3) to permit the existing paving width of 12 feet to remain at Windy Hill Road in lieu of the required 16 feet.

Mr. Hoff indicated that as a result of having to resolve this issue beforehand, other submittals and development issues were put on hold to some extent. Hence, there were still a number of open issues identified at the Development Plan Conference that have not been resolved as of the date of the HOH.

September 24, 2010

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Therefore, at the HOH, the undersigned opened the hearing. Mr. Hoff appeared on behalf of the property owners/Developer/Petitioners, Namdi and Gail Iwuoha. Darryl Putty, the project manager, appeared, as did several County agency representatives including Dennis Kennedy with Development Plans Review, David Lykens with DEPRM, and Bruce Gill with Recreation and Parks. Other agency representatives had been called off by Mr. Hoff, given that the hearing was not ready to proceed on the entire merits. Also appearing was Jeffrey Pugh, an interested citizen who lives just east of proposed Lot 2 at 4309 Travancore Court.

Mr. Hoff explained that there are still a number of outstanding issues with the County and that the Development Plan/Petition for Variance was not yet ready to be heard on the merits. Messrs. Kennedy and Lykens verified there were still unresolved issues with their agencies. Mr. Pugh indicated only that he was concerned about the development since the area where his home is located is very secluded and forested and he hates to see that go. But otherwise, he mainly wanted to make sure he stayed informed as to the process and issues going forward. I informed him that he should stay in touch with Mr. Hoff as well as Mr. Putty to stay on top of the matter. The hearing was then adjourned, to be rescheduled upon notification from Mr. Putty and/or Mr. Hoff when this matter is ready to proceed. **Notice of the HOH will need to be Posted and the Zoning Hearing will need to be Posted and Advertised when it is rescheduled.**

c: Darryl Putty, Project Manager
Kristen Lewis, Zoning Review Office

From: Patricia Zook
To: Lewis, Kristen; Putty, Darryl
Date: 9/24/2010 11:05 AM
Subject: HOH 02-746 and 2011-0065-ESTATES AT WINDY HILL-PP.doc
Attachments: HOH 02-746 and 2011-0065-ESTATES AT WINDY HILL-PP.doc

Good morning -

Please find attached Tom's memorandum to the file regarding this case.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 4301 WINDY HILL RD (LOT 2, ESTATES AT WINDY HILL)
which is presently zoned RC-5

Deed Reference: 22840 / 528 Tax Account # 0202851080

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)

SEE ATTACHED EXHIBIT 'A'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

TO BE PRESENTED AT THE HEARING

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.

Legal Owner(s):

NAMDI IWUOHA

Name - Type or Print

Signature

GAIL IWUOHA

Name - Type or Print

Signature

300 NORTH WARWICK AVE 410-945-9553

Address

Telephone No.

BALTIMORE, MD 21223

City

State

Zip Code

Representative to be Contacted:

THOMAS J. HOFF

Name

512 VIRGINIA AVE 410-296-3668

Address

Telephone No.

TOWSON, MD 21286

City

State

Zip Code

Address

Telephone No.

City

State

Zip Code

Case No. 2011-0065-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by D.T. Date 8/11/10

THOMAS J. HOFF, INC.

Landscape Architects and Land Development Consultants

512 VIRGINIA AVENUE

TOWSON, MD. 21286

410-296-3668

FAX 410-825-3887

August 10, 2010

**Exhibit 'A' to Accompany Petition for Variance for
Lot 2, Estates at Windy Hill**

Zoning Relief Requested

- A Variance to allow a panhandle length of 1200 feet in lieu of the permitted 1000 feet per Section 307, BCZR and Section 32-4-409(e) of the Baltimore County Code.

2011-0065-A

THOMAS J. HOFF, INC.
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

August 10, 2010

Description of Lot 2, Estates at Windy Hill, to Accompany Petition for Variance, 2nd Election District, 4th Councilmanic District

BEGINNING FOR THE SAME at a point on the south side of Windy Hill Road, said point being 20.43 feet south of the centerline of Windy Hill Road, said point in the centerline of Windy Hill Road being 1,599 feet, as measured along the centerline of Windy Hill Road, from the centerline of Liberty Road.

Thence,

- 1) South 24 degrees 33 minutes 11 seconds West 215.25 feet, thence,
- 2) South 53 degrees 09 minutes 34 seconds East 226.48 feet, thence,
- 3) South 24 degrees 51 minutes 45 seconds West 985.99 feet, thence,
- 4) North 76 degrees 16 minutes 17 seconds West 151.68 feet, thence,
- 5) South 32 degrees 38 minutes 02 seconds West 1074.96 feet, thence,
- 6) North 57 degrees 57 minutes 04 seconds West 162.00 feet, thence,
- 7) North 24 degrees 47 minutes 31 seconds East 1163.50 feet, thence,
- 8) South 65 degrees 12 minutes 29 seconds East 446.35 feet, thence,
- 9) North 24 degrees 51 minutes 45 seconds East 887.95 feet, thence,
- 10) North 53 degrees 09 minutes 34 seconds West 226.43 feet, thence,
- 11) North 24 degrees 33 minutes 11 seconds East 164.84 feet, thence,
- 12) By a curve to the left with a radius of 50.00 feet and a length of 22.55 feet, subtended by the chord, North 37 degrees 28 minutes 26 seconds East 22.36 feet, thence,
- 13) North 24 degrees 33 minutes 11 seconds East 35.63 feet, thence,
- 14) South 77 degrees 14 minutes 56 seconds East 5.11 feet, to the place of beginning.

Containing 7.18 acres of land more or less.

Note:

This Description has been prepared for zoning purposes only.



2011-0065-A

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: 2011-0065-A
Petitioner: IWUOHA
Address or Location: 4301 WINDY HILL RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: NAMDI IWUOHA
Address: C/O JLN CONSTRUCTION SERVICES, LLC
300 N. WARWICK AVE PO Box 20538
BALTIMORE, MD 21223
Telephone Number: 410-945-9553

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

No. **59345**

Date: **8/11/10**

PAID RECEIPT

METHODS ACTION TIME USER
8/13/2010 8/11/2010 10:16:59 2

REC'D MAIL JESS JEE
RECEIPT N 077000 8/11/2010 JESS

5 529 ZONING VERIFICATION
FOR NO. 059345

Rec'd Tot \$45.00
\$45.00.00 \$45.00.00
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rew/Obj	Dept Obj	BS Acct	Amount
001	906	0000		6150				65.

Total: **65.00**

Rec From: **THOMAS J. HOFF INC**

For: **2011-0065-A**
ESTATE OF WINDY HILL
4301 WINDY HILL RD, LOT 2
D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 17, 2010

Namdi & Gail Iwuoha
300 N. Warwick Ave.
Baltimore, MD 21223

Dear: Namdi & Gail Iwuoha

RE: Case Number 2011-0065-A, 4301 Windy Hill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Thomas Hoff, 512 Virginia Ave., Towson, MD 21286

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 26, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 6, 2010
Item No. 2011-065

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We have no objection to the longer panhandle driveway.

DAK:CEN:cab
cc: File
ZAC-ITEM NO 11-065-09062010.doc



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: August 25, 2010

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

RE: Baltimore County
Item No. 2011-0065-A
4301 WINDY HILL RD
IWOHA 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. 2011-0065-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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

TB 9/24
9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 08 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 8, 2010
SUBJECT: Zoning Item # 11-065-A
Address 4301 Windy Hill Rd
(Iwuoha Property)

Zoning Advisory Committee Meeting of August 23, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 9/8/10



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 25, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 23, 2010

Item No.:

Administrative Variance: 2011-0039A, 0059A, 0062A - 0064A, 0067A, 0069A, 0070A, 0072A

Variance: 2011-0037A, 0038A, 0040A, 0041A, 0046A, 0058XA, 0059A, 0065A, 0066A, 0068A, 0071A

Special Exception: 2011-0058XA

Special Hearing: 2011-0061SPH

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop 1102

cc: File

RE: PETITION FOR VARIANCE
4301 Windy Hill Road; S/S Windy Hill
Road, 1,599' S of Liberty Road
8th Election & 4th Councilmanic Districts
Legal Owner(s): Namdi & Gail Iwouha
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-065-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th of August, 2010, a copy of the foregoing Entry of Appearance was mailed to Thomas Hoff, 512 Virginia Avenue, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED
AUG 27 2010

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



PDM # 020272

Lot # 2A

Pt. Bk. 71, Folio 86

2300008655

2100013389

2300007376

Lot # 20

4215

4305

4301

0213550430

066B3

PDM # 020591

2300007374

Pt. Bk./Folio # 072068

Lot # 18

Pt. Bk. 72, Folio 68

NW 8-K

RC 5

4 CD

2300007373

Lot # 17

PDM # 020746

0202851080

20100227

Lot # 16

2300007372

076B1

Lot # 15

2300007371

PDM #

Pt. Bk./Fo

2500006492 4

Pt. Bk. 79, F

Lot #1A

Pt. Bk./Folio # 072068

PDM # 020591

2300007370

Pt. Bk. 72, Folio 68

RC 5

Lot # 14

NW 8-K

076B1

4 CD

PDM # 020746

0202851080

4309

Lot # 18

2200020141

Lot # 17

4307

4305

4303

Lot # 16

Lot # 15

Lot # 13

PDM # 020451

Pt. Bk./Folio # 066114

TRAVANCORE WOODS (PDM File/Project #)

2200020148

Pt. Bk. 66, Folio 114

2200020143

Lot # 31

Lot # 32

Lot # 30

2011-0065-A

