



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 15, 2013

Charles B. Marek, III, Esquire
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petitions for Variance
Case No. 2013-0214-A
Property: 7125-7131 Windsor Mill Road

Dear Mr. Marek:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

IN RE: PETITION FOR VARIANCE

(7125-7131 Windsor Mill Road)

2nd Election District

4th Councilman District

Kirk & Engrid Randall, John A. Pinnock,

Stephanie Bailey and Dwane & Kaydesha

Plummer, *Legal Owners*

Beatrice Properties, LLC,

Contract Purchaser

Petitioners

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE No.: 2013-0214-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Charles B. Marek, Esquire, on behalf of the legal owners of the subject property. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to permit a rear yard setback of 20 ft. in lieu of the required 30 ft.; (2) to permit a side yard setback of 17 ft. in lieu of the required 50 ft. and 30 ft.; (3) If necessary, to permit a side yard setback of 35 ft. in lieu of the required 50 ft.; (4) to permit a front yard setback of 56 ft. in lieu of the 75 ft. required; and (5) If necessary, to permit a motorway and residential boundary setback of 56 ft. in lieu of the required 100 ft. The Petitioners presented at the hearing a revised zoning petition (Exhibit 2), reflecting that the proposed improvements had been "pulled back" two feet (2') from Windsor Mill Road, thus changing by that amount the scope of variance relief needed. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was John A. Pinnock and Rick Richardson, from Richardson Engineering, LLC, the firm who prepared the site plan. Charles B. Marek, III, Esquire with Smith, Gildea & Schmidt, LLC., appeared and represented the Petitioners. There were no Protestants or interested citizens in attendance, and the file does not

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Date

5/15/13

By

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contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated April 5, 2013, which indicated that the development of this property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). The Department of Planning (DOP) submitted a comment dated May 8, 2013, which did not oppose the petition, but did set forth several conditions that counsel indicated Petitioners would satisfy. A comment was also received from Bureau of Development Plans Review (DPR) dated April 4, 2013, indicating that a landscape plan must be received and approved prior to issuance of the building permit.

In addition to the ZAC comments, there was also included in the case file a "Note to File" authored by the County's Zoning Office. This Note pertained to variance request No. 5, which seeks (if necessary) a setback of 58 feet in lieu of the required 100 feet pursuant to BCZR § 253.4. The Zoning Office indicated that this request was akin to a "use variance" rather than a setback variance under BCZR § 307, and that as such it should not be allowed.

When this provision was first discussed with counsel at the hearing, I did not believe that variance relief was needed in the first instance. But on further reflection and review of the regulation, and finding that Windsor Mill Road does not qualify as an "expressway" or "freeway" as those terms are defined in BCZR § 101.1, I believe the setback requirement in § 253.4 is applicable in this case. At the same time, I respectfully disagree with the Zoning Office's interpretation, and find that the 100 foot buffer in the regulation is a setback requirement subject to variance relief under BCZR § 307. In fact, former zoning commissioners have granted such

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variances. See, e.g., 09-192-A; 08-302-A; and 06-463-SPHA.

Under Maryland law an "area variance" seeks relief from a height or setback restriction, while a "use variance" would permit a "use other than that permitted in the particular district....such as a variance for an office or commercial use in a zone restricted to residential uses." Anderson v. Board of Appeals, 22 Md. App. 28, 38 (1974). The Petitioners are not seeking to use the property in a manner forbidden by the M.L. use regulations; instead, they seek to reduce to 58' the 100' requirement in § 253.4, inside of which only car parking and M.R. zone uses are allowed. As such, I believe the request is for an area variance, contemplated by BCZR § 307. I agree with the Zoning Office that BCZR § 253.4 is intended to shield adjoining dwellings from "offensive uses," many of which are permitted in the M.L. zone. But in this case, only retail uses are proposed, which are (relatively speaking) innocuous when compared to some of the permitted uses in the M.L. zone. In these circumstances, I agree with Petitioners' counsel that the use will be "complimentary" to the residential uses to the north.

Testimony and evidence revealed that the subject property is approximately 1.05 acres and is zoned ML-IM. The developer will combine 11 small lots (improved with 4 single family dwellings in poor condition) and proposes to raze the dwellings and construct in their place two commercial buildings (a 1 story carry-out restaurant and 1 story retail building) totaling 8,760 SF. The subject property is situated among industrial uses to the south, while north of the site (across Windsor Mill Road) is primarily residential. This demarcation is shown on the 200-scale zoning map submitted as Petitioners' Exhibit 3, and that map also reflects that the lots comprising the subject property are significantly smaller than the much larger industrial properties to the south.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires showing that

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Date

By

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. As noted above, the subject property contains substantially smaller lots (improved with non-conforming single family dwellings) than the other industrially zoned parcels in the vicinity. Thus, it is unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to construct the proposed commercial buildings. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of county opposition and the support of the community. Indeed, Mr. Pinnock indicated that several neighbors approached him and expressed enthusiasm for his proposal, that would bring economic investment and vitality to the area.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 15th day of May, 2013, by the Administrative Law Judge for Baltimore County, that the Variance filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit a rear yard setback of 18 ft. in lieu of the required 30 ft.; (2) to permit a side yard setback of 22 ft. in lieu of the required 50 ft. and 30 ft.; (3) to permit a side yard setback of 35 ft. in lieu of the required 50 ft.; (4) to permit a front yard setback of 58 ft. in lieu of the 75 ft. required; and (5) to permit a motorway and residential boundary setback of 58 ft. in lieu of the required 100 ft, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date

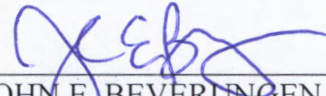
5/15/13

By

Den

- Petitioners may apply for appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the ZAC comments of DOP, DEPS and DPR, which are attached as exhibits hereto.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date

5/15/13

By

slm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 7125 - 7131 Windsor Mill Road

which is presently zoned ML-IM

Deed Reference See Attachment 1

10 Digit Tax Account # See Attachment 1

Property Owner(s) Printed Name(s) See Attachment 1

CASE NUMBER 2013-0214-A Filing Date 3/22/13 Estimated Posting Date 1/1 Reviewer DL

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ✓ a **Variance** from Section(s)

See Attachment 1.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

See Attachment 1

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Charles B. Marek, III, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

cmarek@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

See Attachment 1

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Charles B. Marek, III, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

(410) 821-0070

cmarek@sgs-law.com

Zip Code

Telephone #

Email Address

Attachment 1 to
Petition for Special Hearing and Variance

7125 Windsor Mill Road

Tax Id #0220660460

Deed Reference: 12252/572

Contract Purchaser/Lessee:

Beatrice Properties, LLC

By: M. Pinnock

Name: John A. Pinnock

Title: Authorized Signatory

Address:

7113 Windsor Mill Road

Baltimore, MD 21244

Telephone: _____

Email: _____

Legal Owners:

By: _____

Name: Kirk & Engrid Randall

Title: _____

Address:

7125 Windsor Mill Road

Baltimore, MD 21244

Telephone: _____

Email: _____

7127 Windsor Mill Road

Tax ID #0206570150

Deed Reference: 33236/255

Contract Purchaser/Lessee:

By: _____

Name: _____

Title: _____

Address: _____

Telephone: _____

Email: _____

Legal Owners:

Beatrice Properties, LLC

By: M. Pinnock

Name: John A. Pinnock

Title: Authorized Signatory

Address:

7133 Windsor Mill Road

Baltimore, MD 21244

Telephone: _____

Email: _____

7129 Windsor Mill Road
Tax Id #0208800120
Deed Reference: 22835/130

Contract Purchaser:
Beatrice Properties, LLC

By: M. Pinnock
Name: John A. Pinnock
Title: Authorized Signatory
Address:
7133 Windsor Mill Road
Baltimore, MD 21244
Telephone: _____
Email: _____

Legal Owners:

By: _____
Name: Stephanie Bailey
Title: _____
Address:
7129 Windsor Mill Road
Baltimore, MD 21244
Telephone: _____
Email: _____

7131 Windsor Mill Road
Tax Id #0208800120
Deed Reference: 28075/18

Contract Purchaser:
Beatrice Properties, LLC

By: M. Pinnock
Name: John A. Pinnock
Title: Authorized Signatory
Address:
7133 Windsor Mill Road
Baltimore, MD 21244
Telephone: _____
Email: _____

Legal Owners:

By: _____
Name: Dwane & Kaydesha Plummer
Title: _____
Address:
7131 Windsor Mill Road
Baltimore, MD 21244
Telephone: _____
Email: _____

ATTACHMENT 2 TO PETITION FOR ZONING HEARING

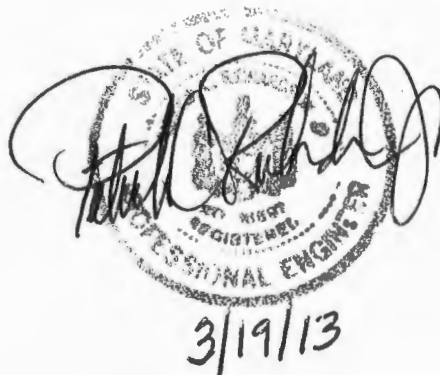
7125-7131 Windsor Mill Road

Variance relief:

1. To permit a rear yard setback of 20 feet in lieu of the required 30 feet pursuant to Sections 238.2, 255.1 of the BCZR;
2. To permit a side yard setback of 17 feet in lieu of the required 50 feet and 30 feet pursuant to Sections 238.2, 255.1, 255.2 and 243.2 of the BCZR;
3. If necessary, to permit a side yard setback of 35 feet in lieu of the required 50 feet pursuant to Sections 255.2 and 243.2 of the BCZR.
4. To permit a front yard setback of 56 feet in lieu of the 75 feet required pursuant to Sections 255.2 and 243.1 of the BCZR;
5. If necessary, to permit a motorway and residential boundary setback of 56 feet in lieu of the required 100 feet pursuant to Section 253.4 of the BCZR;
6. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

**ZONING PROPERTY DESCRIPTION FOR
7125-31 WINDSOR MILL ROAD
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the South side of Windsor Mill Road which is 60 feet wide at the distance of 76 feet east of the centerline of the nearest improved intersecting street Jeffrey Road which is 50 feet wide. Thence the following courses and distances: (1) South 32 degrees 02 minutes 55 seconds West 150.00 feet, (2) South 57 degrees 57 minutes 05 seconds East 305.45 feet, (3) North 31 degrees 48 minutes 08 seconds East 147.06 feet, (4) North 58 degrees 06 minutes 50 seconds West 53.67 feet, (5) North 11 degrees 45 minutes 45 seconds East 3.30 feet, and (6) North 57 degrees 57 minutes 05 seconds East 250.00 feet to the point of beginning, containing 45,605 square feet or 1.05 acres of land. Located in the 2nd Election District and 4th Council District.



A circular professional engineer seal for the State of Maryland is shown. The seal contains the text "STATE OF MARYLAND", "REGISTERED PROFESSIONAL ENGINEER", and "EXPIRATION DATE 12/31/2014". A handwritten signature is written over the seal. Below the seal, the date "3/19/13" is handwritten.

3/19/13

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013-0214-A

Petitioner: Beatrice Properties, LLC

Address or Location: 7125-7131 Windsor Mill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debbie Gaskins

Address: 600 Washington Ave.

Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

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

No.

96209

Date:

3/22/13

PAID RECEIPT

BUSINESS ACTUAL TIME IN
 3/26/2013 3/26/2013 15:14:26 2

REG 0002 MAIL JEN ME
 RECEIPT # 8103.1 3/25/2013 GFLP

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				385.-

Dep: 5 528 CASHIER VERIFICATION
 0. 096209

Recpt Tot 1305.00
 \$385.00 1.00 G
 Baltimore County, Maryland

Total:

385.-

Rec From:

BEATRICE Prop, LLC.

For:

2013-0214-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0214-A

RE: Case No.: _____

Petitioner/Developer: _____

Beatrice Properties, LLC

May 13, 2013

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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: _____

7125-7131 Windsor Mill Rd

April 23, 2013

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

April 23, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

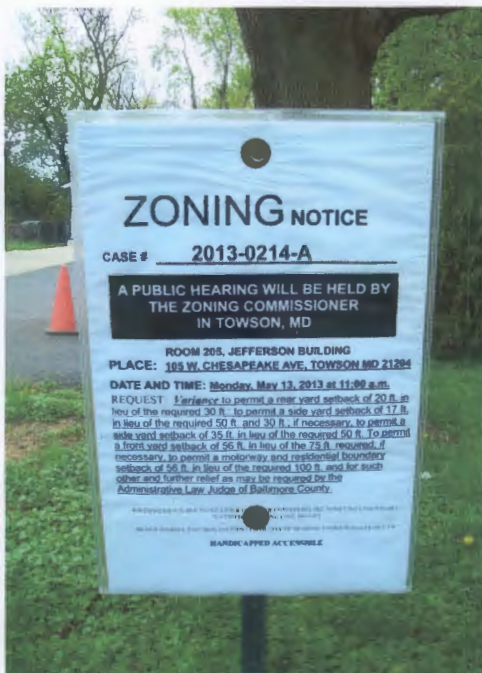
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 25, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on April 23, 2013

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2013-0214-A

7125-7131 Windsor Mill Road

S/s Windsor Mill Road, 76 ft. E/of centerline of Jeffrey Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Stephanie Bailey, Dwane & Kaydesha

Plummer, Kirk & Engrid Randall

Contract Purchaser: Beatrice Properties, LLC

Variance: to permit a rear yard setback of 20 ft. in lieu of the required 30 ft.; to permit a side yard setback of 17 ft. in lieu of the required 50 ft. and 30 ft.; if necessary, to permit a side yard setback of 35 ft. in lieu of the required 50 ft. To permit a front yard setback of 56 ft. in lieu of the 75 ft. required; if necessary, to permit a motorway and residential boundary setback of 56 ft. in lieu of the required 100 ft. and for such other and further relief as may be required by the Administrative Law Judge of Baltimore County.

Hearing: Monday, May 13, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 4/29 April 23

917419



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 11, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0214-A

7125-7131 Windsor Mill Road

S/s Windsor Mill Road, 76 ft. E/of centerline of Jeffrey Road

2nd Election District – 4th Councilmanic District

Legal Owners: Stephanie Bailey, Dwane & Kaydesha Plummer, Kirk & Engrid Randall

Contract Purchaser: Beatrice Properties, LLC

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Hearing: Monday, May 13, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Charles Marek, III, 600 Washington Avenue, Ste. 200, Towson 21204
Beatrice Properties, LLC, John Pinnock, 7133 Windsor Mill Road, 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 23, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 23, 2013 Issue - Jeffersonian

Please forward billing to:

Debbie Gaskins
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0214-A

7125-7131 Windsor Mill Road

S/s Windsor Mill Road, 76 ft. E/of centerline of Jeffrey Road

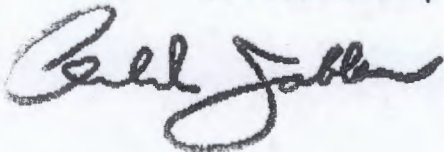
2nd Election District – 4th Councilmanic District

Legal Owners: Stephanie Bailey, Dwane & Kaydesha Plummer, Kirk & Engrid Randall

Contract Purchaser: Beatrice Properties, LLC

Variance to permit a rear yard setback of 20 ft. in lieu of the required 30 ft.; to permit a side yard setback of 17 ft. in lieu of the required 50 ft. and 30 ft.; if necessary, to permit a side yard setback of 35 ft. in lieu of the required 50 ft. To permit a front yard setback of 56 ft. in lieu of the 75 ft. required; if necessary, to permit a motorway and residential boundary setback of 56 ft. in lieu of the required 100 ft. and for such other and further relief as may be required by the Administrative Law Judge of Baltimore County.

Hearing: Monday, May 13, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

M E M O R A N D U M

DATE: June 17, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0214-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 14, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
~~Office of Administrative Hearings~~

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
7125-7131 Windsor Mill Road; S/S Windsor		
Mill Road, 76' E of c/line Jeffrey Road	*	OF ADMINISTRATIVE
2 nd Election & 4 th Councilmanic Districts		
Legal Owner(s): Kirk & Engrid Randall,	*	HEARINGS FOR
John Pinnock, Stephanie Bailey & Dwane		
& Kaydesha Plummer	*	BALTIMORE COUNTY
Contract Purchaser(s): Beatrice Properties, LLC		
Petitioner(s)	*	2013-214-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.

RECEIVED

APR 02 2013

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 2nd day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Charles B. Marek, III, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-

0214-A

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

4/4/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

4/5/13

DEPS
(if not received, date e-mail sent _____)

C

FIRE DEPARTMENT

4/24/13

PLANNING
(if not received, date e-mail sent _____)

C

4/4/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/25/13

SIGN POSTING

Date:

4/23/13

by Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any:

* See Note to file

7125-7131 Windsor Mill Road

Variance relief:

1. To permit a rear yard setback of ~~20~~18 feet in lieu of the required 30 feet pursuant to Sections 238.2, 255.1 of the BCZR;
2. To permit a side yard setback of ~~17~~22 feet in lieu of the required 50 feet and 30 feet pursuant to Sections 238.2, 255.1, 255.2 and 243.2 of the BCZR;
3. If necessary, to permit a side yard setback of 35 feet in lieu of the required 50 feet pursuant to Sections 255.2 and 243.2 of the BCZR.
4. To permit a front yard setback of ~~56~~58 feet in lieu of the 75 feet required pursuant to Sections 255.2 and 243.1 of the BCZR;
5. If necessary, to permit a motorway and residential boundary setback of ~~56~~58 feet in lieu of the required 100 feet pursuant to Section 253.4 of the BCZR;
6. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Petitioner's No. 2

NOTE TO FILE

As pertaining to Petitioner's request for variance number five, it has been the understanding and practice of the Zoning Office not to recognize a "Proximity Setback" requirement as coming within the purview of Section 307, as Petitioner's request is more akin to a "Use" variance than a 307 setback variance. Uses, not structures, are at the heart of Section 253.4 of the BCZR; ostensibly, to prevent potentially offensive uses from invading the privacy, use and enjoyment of the adjoining properties.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 24, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7125-7131 Windsor Mill Road

INFORMATION:

Item Number: 13-214

Petitioner: Charles Marek

Zoning: ML-IM

Requested Action: Variance

RECEIVED

APR 26 2013

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan, and does not oppose the petitioner's request for multiple variances.

However, the following comments are offered and shall condition any relief granted:

1. This department is concerned about the reduction of the front yard setback. The proposed commercial buildings and parking would be closer to the street than any of the adjacent commercial buildings. The proximity of the proposed buildings and parking could potentially have a detrimental impact to the existing dwellings located directly across the street. To mitigate the aforementioned impact a landscape buffer of at least 20 feet to match the landscape buffer of nearby commercial properties on Windsor Mill Road.
2. The front landscape buffer should be increased. Should the increase of the width of the front landscape buffer necessitate a rear setback variance; Planning would be inclined to support the request depending on the review of a new site layout and landscape plan.
3. Revise the parking calculations on the site plan and in the notes. The plan indicates 56 spaces are provided when in fact only 55 spaces are provided.
4. Submit elevations of the proposed buildings showing building materials and color. The front elevations should have a higher quality of architectural design so that the existing dwellings across the street do not face commercial buildings with minimal design and details.

5. Submit a landscape plan. Should the site design change and subsequently the parking arrangement change; Planning suggests installing landscaped islands in the parking lot. This will enhance the visual aesthetic of the site.
6. Provide a sidewalk along Windsor Mill Road, if such is consistent with the existing streetscape.
7. Provide a fence and vegetation along the western property line to screen the existing dwelling at 7133 Windsor Mill Road from the proposed parking lot.

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

Prepared By: _____

Division Chief: _____

AVA/LL:cjm

2115
11 Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 5, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0214-A
Address 7125 - 7131 Windsor Mill Road
(Randall, Pinnock, Bailey, Plummer Property)

Zoning Advisory Committee Meeting of April 1, 2013.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Glenn Shaffer - Environmental Impact Review (EIR)

RECEIVED

APR 05 2013

ORDER RECEIVED FOR FILING

Date

5/15/13

By

SLH

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 8, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 7125-7131 Windsor Mill Road

MAY 09 2013

Item Number: 13-214(*Revised Comments*)

Petitioner: Charles Marek

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: ML-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan, and does not oppose the petitioner's request for multiple variances.

However, the following comments are offered:

1. The right-of-way for Windsor Mill Road is being increased by 4-feet, therefore limiting the development area of the subject site. Nonetheless the petitioner shows an increased landscape buffer with a significant amount of landscaping.
2. Revise the parking calculations on the site plan and in the notes. The plan indicates 56 spaces are provided when in fact only 55 spaces are provided.
3. Submit elevations of the proposed buildings showing building materials and color. The front elevations should have a higher quality of architectural design so that the existing dwellings across the street do not face commercial buildings with minimal design and details. Architectural elevations can be submitted as part of the development plan package and do not need to be provided prior to the subject hearing.
4. Provide a sidewalk along Windsor Mill Road, if such is consistent with the existing streetscape.
5. Provide a fence and vegetation along the western property line to screen the existing dwelling at 7133 Windsor Mill Road from the proposed parking lot.

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

Prepared By:

Division Chief:
AVA/LL:cjm

ORDER RECEIVED FOR FILING

Date

By

5/15/13

sen

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 8, 2013
Item No. 2013-0214

DATE: April 4, 2013

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

A landscape plan must be received and approved prior to issuance of the building permit.

DAK:CEN
cc: file
ZAC-ITEM NO 13-0214-04082013.doc

ORDER RECEIVED FOR FILING

Date 5/15/13

By sen



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

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-4-13

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

RE: Baltimore County

Item No 2013-0214-A

Variance

Kirk & Ingrid Randall

John A. Pimmock, Stephanie Bailey

Dwane & Kaydesha Plummer

7125 - 7131 Windsor Mill Road.

Dear Ms. Lewis:

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. 2013-0214-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 7, 2013

Stephanie Baily
7129 Windsor Mill Road
Baltimore MD 21244

Kirk & Engrid Randall
7125 Windsor mill Road
Baltimore MD 21244

Dwane & Kaydesha Plummer
7131 Windsor Mill Road
Baltimore MD 21244

John A. Pinnock
7133 Windsor Mill Road
Baltimore MD 21244

RE: Case Number: 2013-0214 A, Address: 7125-7131 Windsor Mill Road

Dear Legal Owners:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 22, 2013. 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Charles B. Marek III, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

CASE NAME _____
CASE NUMBER 2013-214
DATE 5/13

[illegible]

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Account Identifier:**District - 02 Account Number - 0220660460****Owner Information**

Owner Name: RANDALL KIRK D
RANDALL ENGRID L
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7125 WINDSOR MILL RD
BALTIMORE MD 21244-3410
Deed Reference: 1) /12252/ 00572
2)

Location & Structure Information

Premises Address
7125 WINDSOR MILL RD
BALTIMORE 21244-
Legal Description
LTS 1-2-3 .2673 AC
NEWTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0087	0012	0162		0000	C		1	1	Plat Ref: 0009/0012

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,416 SF	11,858 SF	04

Stories 1.500000
Basement YES
Type STANDARD UNIT STUCCO
Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	77,900	59,100		
Improvements:	88,700	67,700		
Total:	166,600	126,800	166,600	126,800
Preferential Land:	0			0

Transfer Information

Seller: GILL JAMES G,JR	Date: 06/26/1997	Price: \$82,900
Type: ARMS LENGTH MULTIPLE	Deed1: /12252/ 00572	Deed2:
Seller: SMITH LEO F,JR	Date: 08/27/1979	Price: \$43,500
Type: ARMS LENGTH IMPROVED	Deed1: /06067/ 00537	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

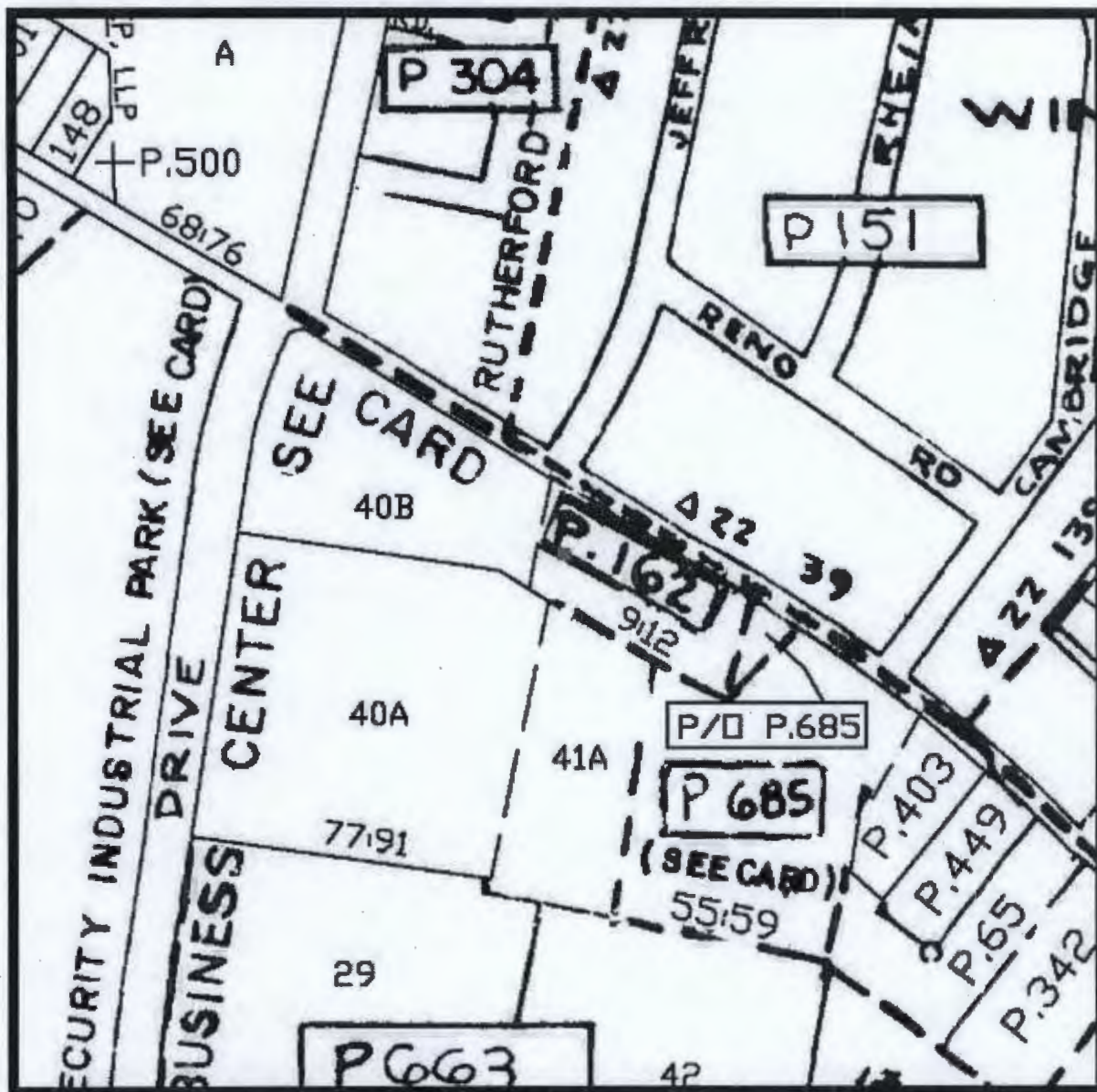
Homestead Application Status: Approved 12/31/2012



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District - 02 Account Number - 0220660460



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If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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Account Identifier:**District - 02 Account Number - 0206570150****Owner Information**

Owner Name: BEATRICE PROPERTIES LLC **Use:** RESIDENTIAL
Mailing Address: 7113 WINDSOR MILL RD **Principal Residence:** NO
BALTIMORE MD 21244- **Deed Reference:** 1) /33236/ 00255
2)

Location & Structure Information

Premises Address **Legal Description**
7127 WINDSOR MILL RD **LT 4,5**
BALTIMORE 21244-0000 7127 WINDSOR MILL RD
NEWTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0087	0012	0162		0000	C		4	1	Plat Ref:	0009/ 0012

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	999 SF	7,500 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	76,500	57,700		
Improvements:	94,300	69,000		
Total:	170,800	126,700	170,800	126,700
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
STAVRINOS JON	02/27/2013	\$190,000
Type: ARMS LENGTH MULTIPLE	Deed1: /33236/ 00255	Deed2:
STAVRINOS JON	03/30/2011	\$0
Type: ARMS LENGTH MULTIPLE	Deed1: /30666/ 00403	Deed2:
MICHALOS LLC	06/09/2005	\$114,500
Type: ARMS LENGTH MULTIPLE	Deed1: /22006/ 00431	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

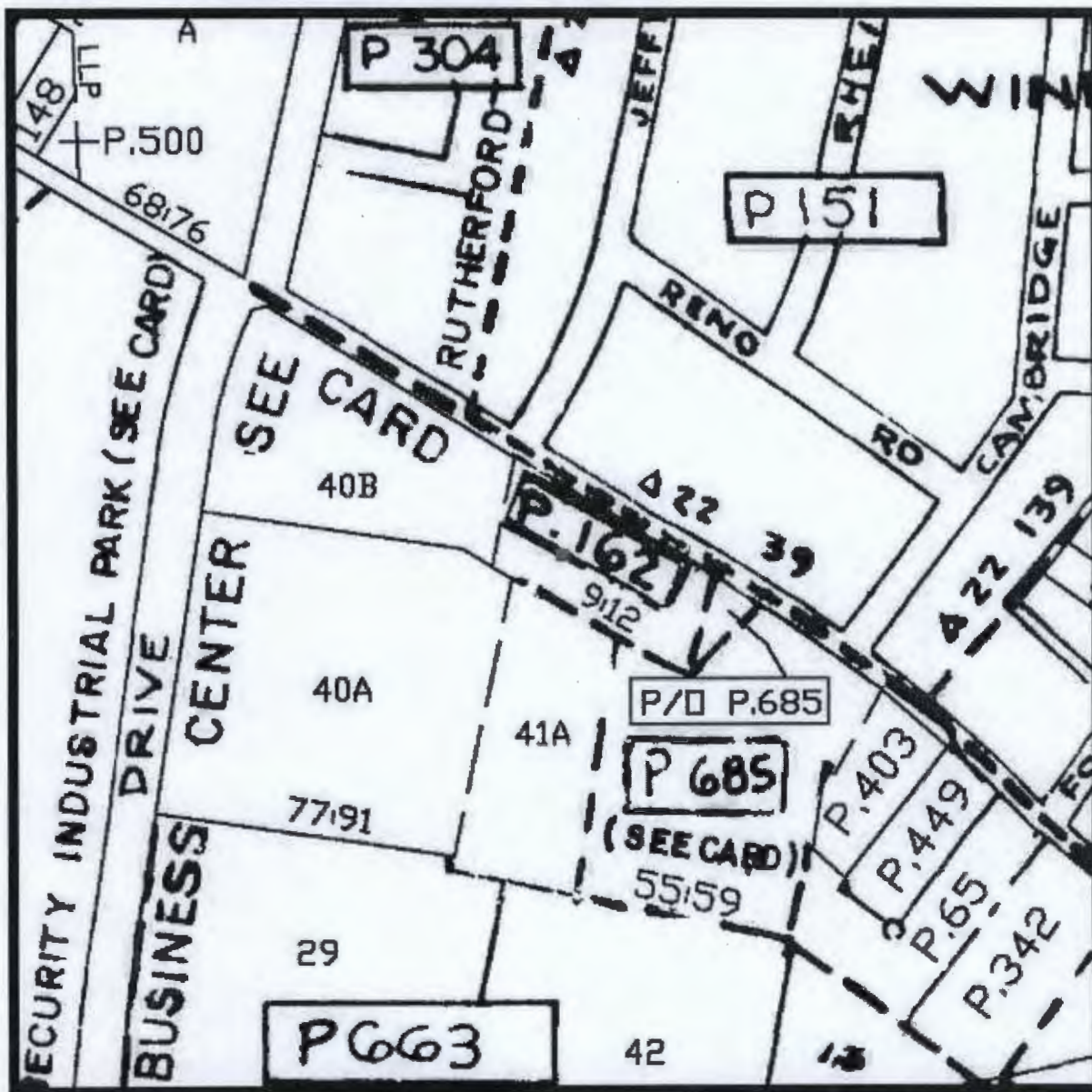
Homestead Application Status: No Application



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District - 02 Account Number - 0206570150



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Account Identifier:

District - 02 Account Number - 0206570151

Owner Information

Owner Name: BEATRICE PROPERTIES LLC **Use:** RESIDENTIAL
Mailing Address: 7113 WINDSOR MILL RD **Principal Residence:** NO
BALTIMORE MD 21244- **Deed Reference:** 1) /33236/ 00255
2)

Location & Structure Information

Premises Address
WINDSOR MILL RD
BALTIMORE 21244-0000

Legal Description

NEWTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0087	0012	0162		0000	C		6	1	Plat Ref:	0009/0012

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		3,750 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	3,700	3,700		
Improvements:	0	0		
Total:	3,700	3,700	3,700	3,700
Preferential Land:	0			0

Transfer Information

Seller: STAVRINOS JON	Date: 02/27/2013	Price: \$190,000
Type: ARMS LENGTH MULTIPLE	Deed1: /33236/ 00255	Deed2:
Seller: STAVRINOS JON	Date: 03/30/2011	Price: \$0
Type: ARMS LENGTH MULTIPLE	Deed1: /30666/ 00403	Deed2:
Seller: MICHALOS LLC	Date: 06/09/2005	Price: \$114,500
Type: ARMS LENGTH MULTIPLE	Deed1: /22006/ 00431	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

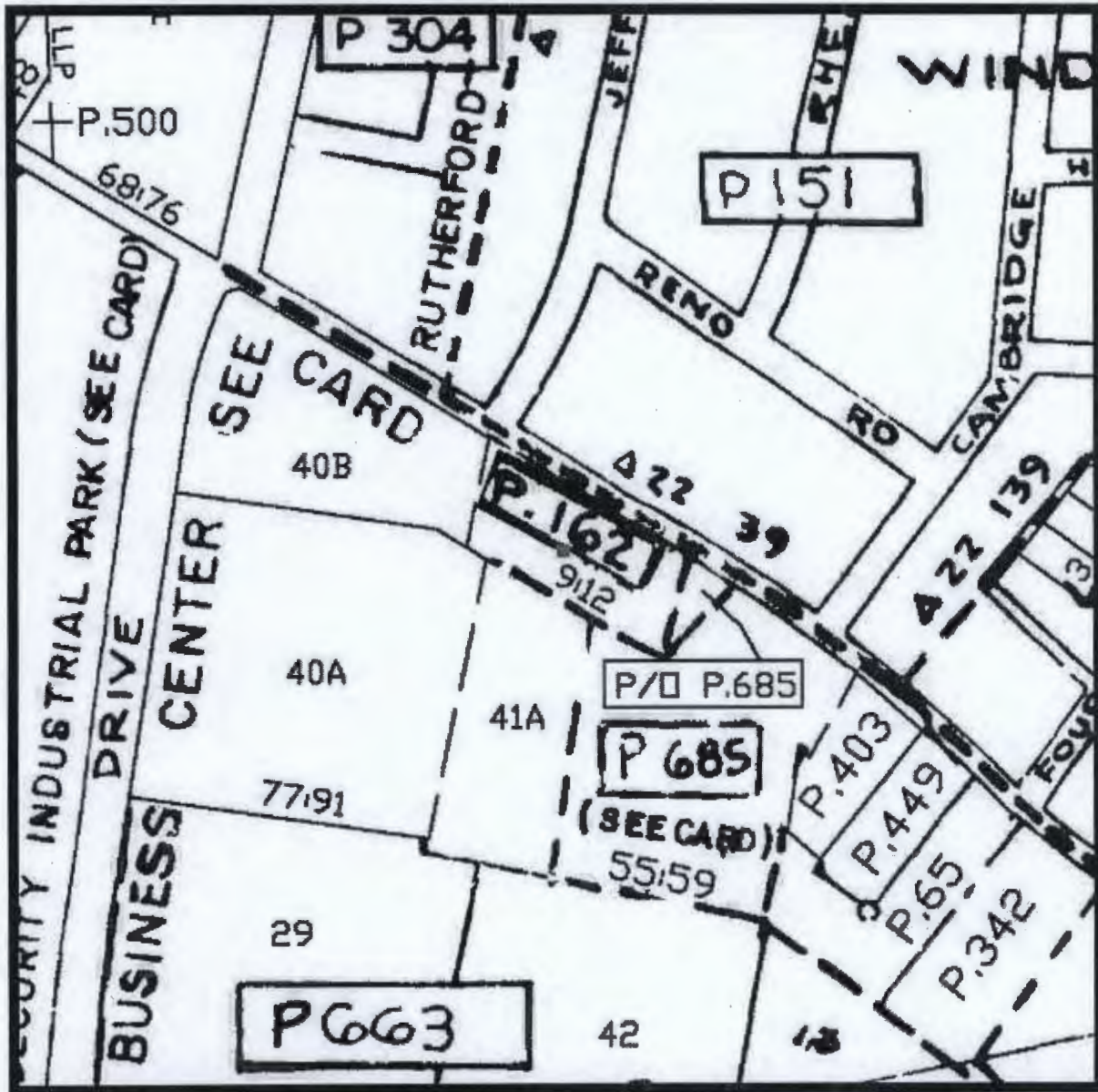
Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

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District - 02 Account Number - 0206570151



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Account Identifier:**District - 02 Account Number - 0208801010****Owner Information**

Owner Name: BAILEY STEPHANIE **Use:** RESIDENTIAL
Mailing Address: 7129 WINDSOR MILL RD **Principal Residence:** NO
BALTIMORE MD 21244-3410 **Deed Reference:** 1) /22835/ 00130
2)

Location & Structure Information

Premises Address
WINDSOR MILL RD
0-0000

Legal Description

NEWTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0087	0012	0162		0000	C		7	1	Plat Ref:	0009/0012

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		3,750 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	3,700	3,700		
Improvements:	0	0		
Total:	3,700	3,700	3,700	3,700
Preferential Land:	0			0

Transfer Information

Seller: HUGHES LOUISE V	Date: 11/02/2005	Price: \$180,000
Type: ARMS LENGTH MULTIPLE	Deed1: /22835/ 00130	Deed2:
Seller: CAROZZA EUGENE M	Date: 03/18/1968	Price: \$500
Type: ARMS LENGTH IMPROVED	Deed1: /04857/ 00208	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

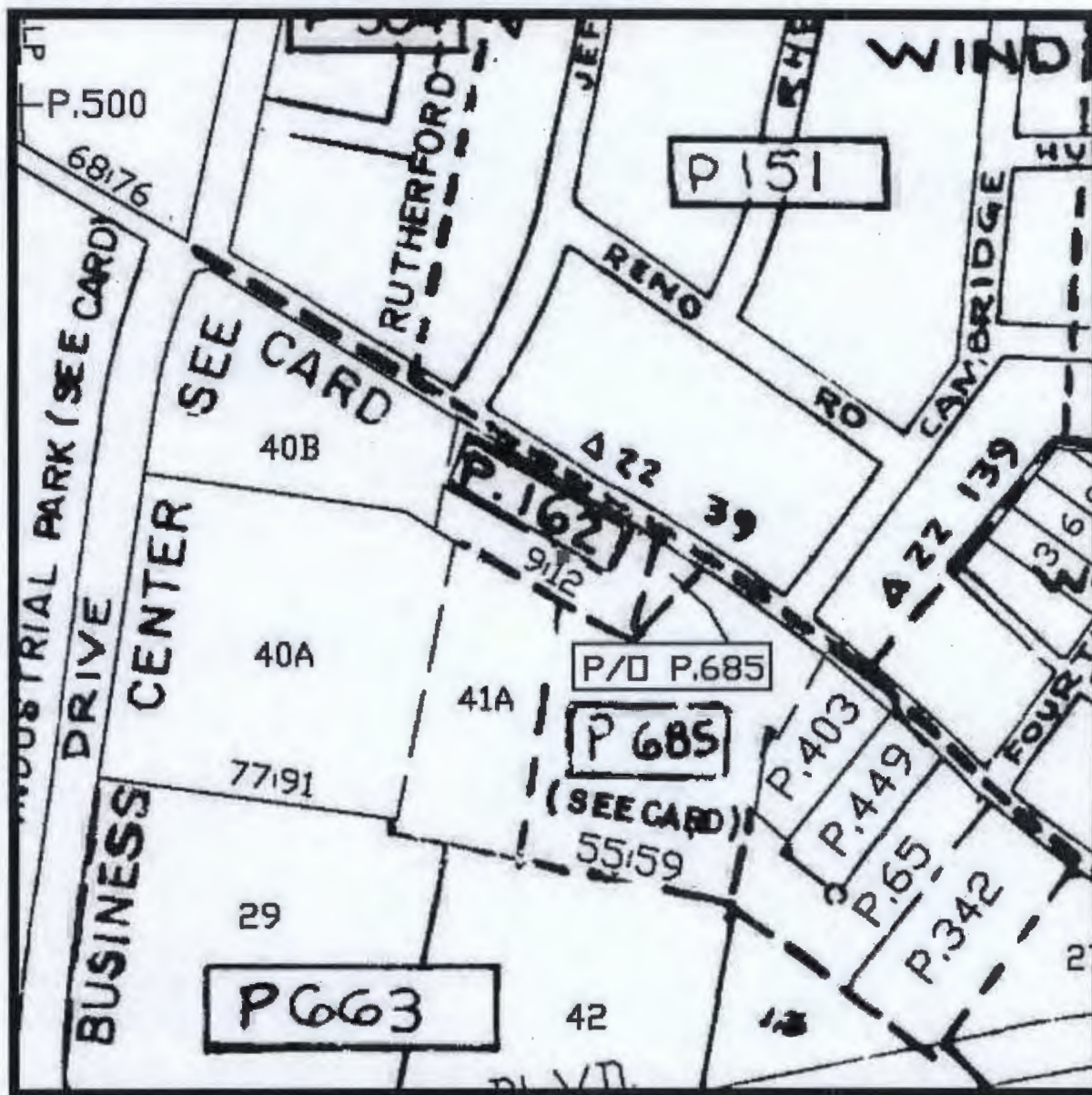
Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

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District - 02 Account Number - 0208801010



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Account Identifier: District - 02 Account Number - 0208800120

Owner Information

Owner Name: BAILEY STEPHANIE **Use:** RESIDENTIAL
Mailing Address: 7129 WINDSOR MILL RD **Principal Residence:** YES
BALTIMORE MD 21244-3410 **Deed Reference:** 1) /22835/ 00130
2)

Location & Structure Information

Premises Address **Legal Description**
7129 WINDSOR MILL RD **LTS 8,9**
0-0000 7129 WINDSOR MILL RD
NEWTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0087	0012	0162		0000	C		8	1	Plat Ref:	0009/ 0012

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	1,008 SF	7,500 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	76,500	57,700		
Improvements:	73,300	53,100		
Total:	149,800	110,800	149,800	110,800
Preferential Land:	0			0

Transfer Information

Seller: HUGHES LOUISE V	Date: 11/02/2005	Price: \$180,000
Type: ARMS LENGTH MULTIPLE	Deed1: /22835/ 00130	Deed2:
Seller: MORROWS HENRY WALTER & EVE	Date: 01/30/1951	Price: \$4,500
Type: ARMS LENGTH IMPROVED	Deed1: /00000/ 00000	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

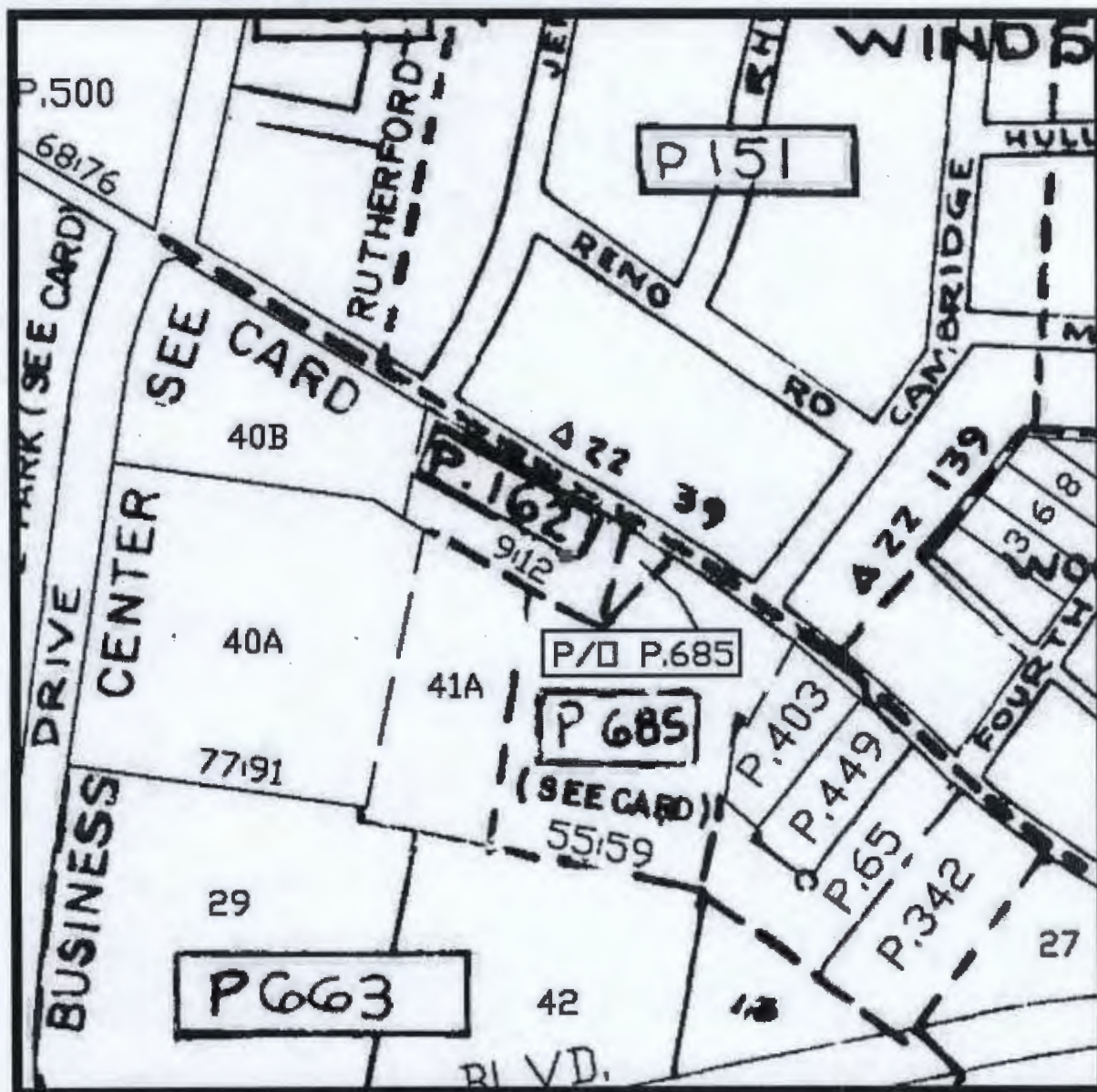
Homestead Application Status: No Application



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District - 02 Account Number - 0208800120



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[Registration](#)

Account Identifier:**District - 02 Account Number - 0207582150****Owner Information**

Owner Name: PLUMMER DWANE
PLUMMER KAYDESHA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7131 WINDSOR MILL RD
BALTIMORE MD 21244-3410
Deed Reference: 1) /28075/ 00018
2)

Location & Structure Information

Premises Address
7131 WINDSOR MILL RD
0-0000

Legal Description
LTS 10,11
7131 WINDSOR MILL RD
NEWTON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0087	0012	0162		0000	C		10	1	Plat Ref:	0009/ 0012

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,416 SF	7,500 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	76,500	57,700		
Improvements:	91,200	69,600		
Total:	167,700	127,300	167,700	127,300
Preferential Land:	0			0

Transfer Information

Seller: PLUMMER DWANE	Date: 05/13/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /28075/ 00018	Deed2:
Seller: HASKINS KEEMANI M	Date: 11/13/2007	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /26378/ 00137	Deed2:
Seller: GRIFFITH THOMAS E	Date: 11/24/2004	Price: \$126,000
Type: ARMS LENGTH IMPROVED	Deed1: /21032/ 00276	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class: **Special Tax Recapture:** NONE

Homestead Application Information

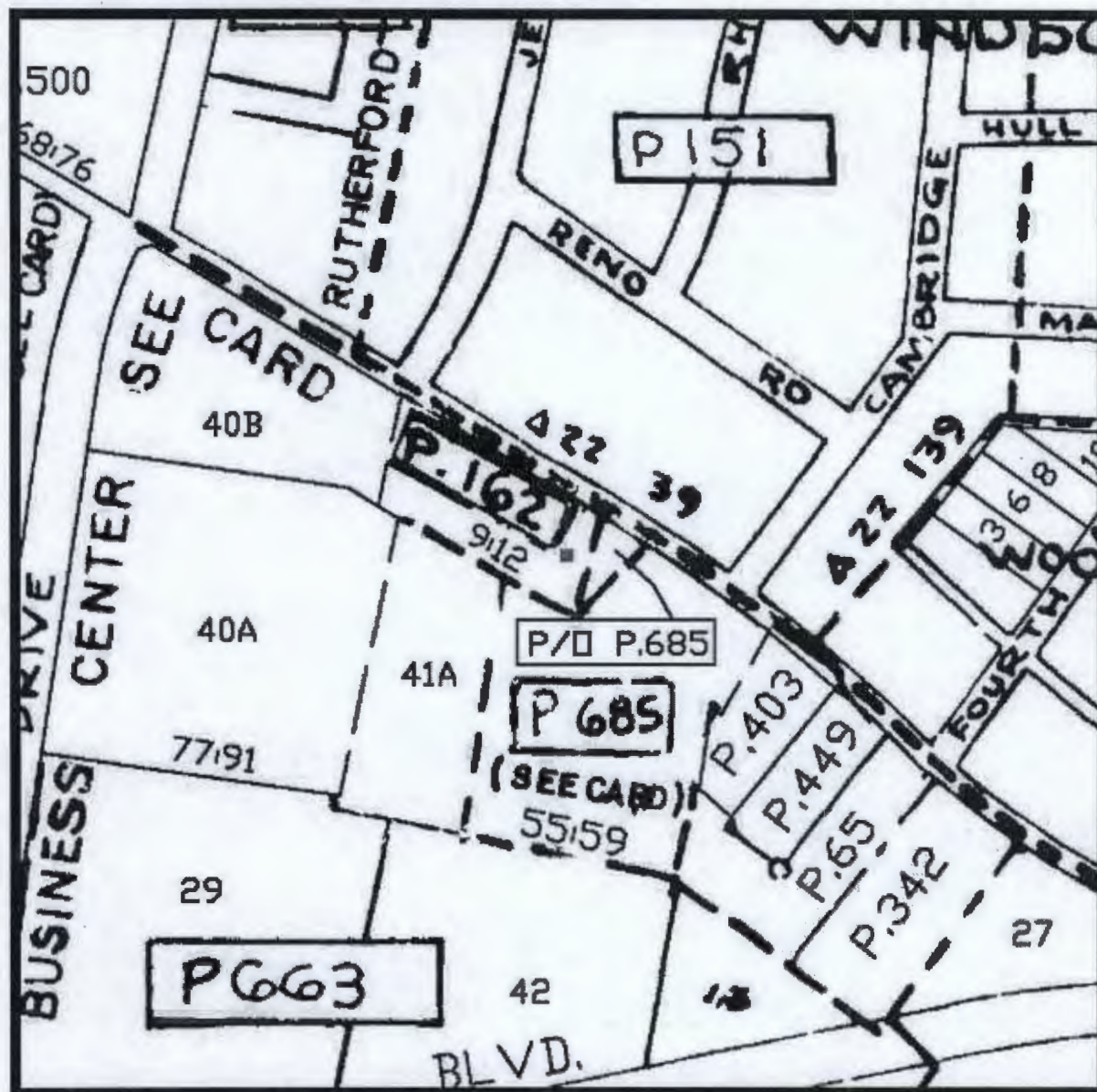
Homestead Application Status: No Application



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

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

District - 02 Account Number - 0207582150



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Case No.:

2013-214-A

Sen

Exhibit Sheet

DW
6-17-13

5-15-13

Petitioner/Developer

Protestant

No. 1	Revised Site plan	
No. 2	Revised Petition for Var.	
No. 3	200-scale Zoning map	
No. 4	Landscape plan	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



7125 Windsor Mill Road



Publication Date: 3/19/2013

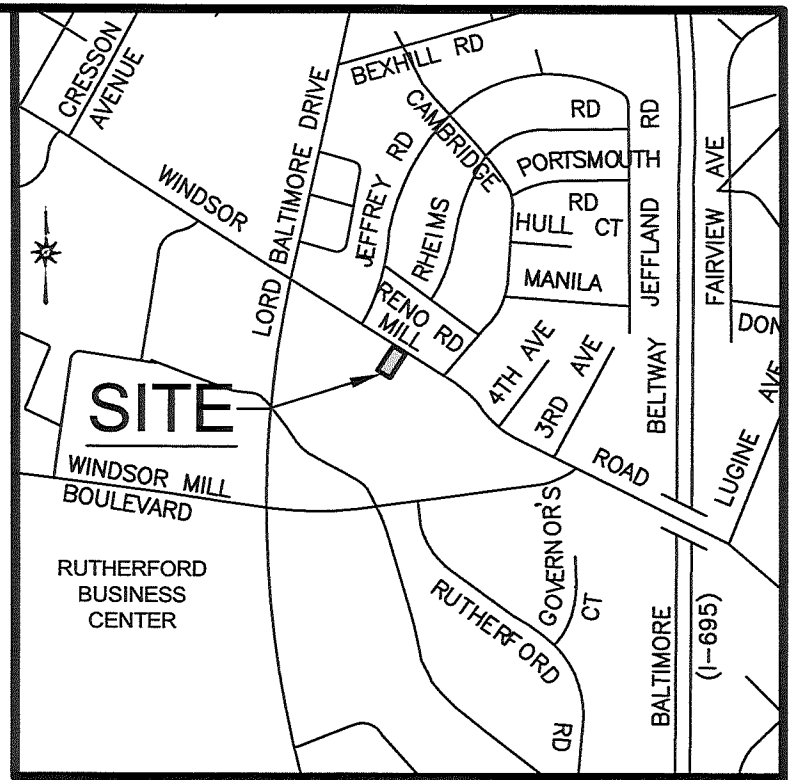
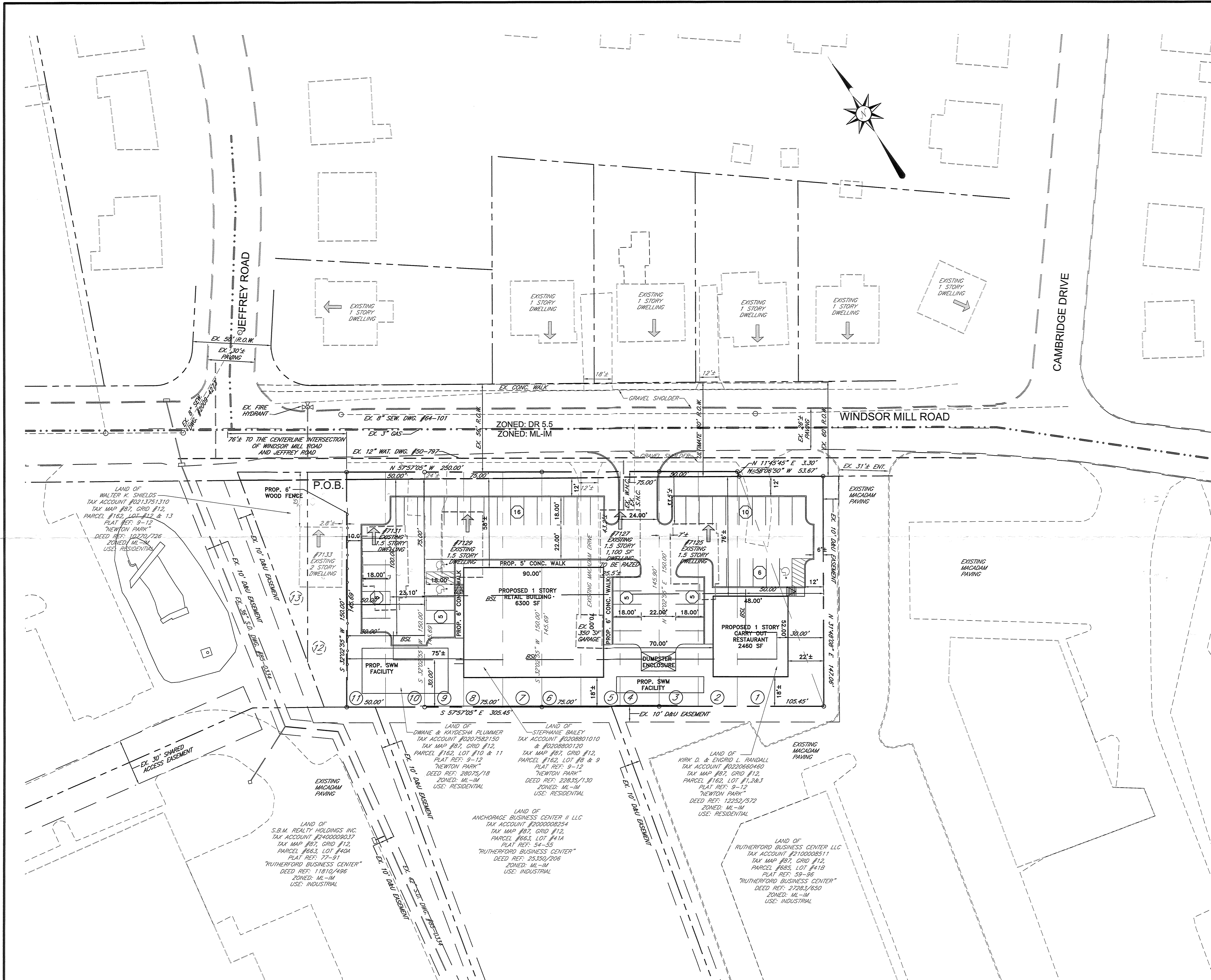


Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet



LOCATION MAP
SCALE: 1" = 1000'
OWNER INFORMATION

- LOT #1, 2 & 3**
1. OWNER: KIRK D. & ENGRID L. RANDALL
7125 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244-3410
2. DEED REF: 12252/572
3. TAX ACCOUNT: #0220660460
- LOT #4 & 5**
1. OWNER: BEATRICE PROPERTIES, LLC
7113 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244
2. DEED REF: 33236/255
3. TAX ACCOUNT: #0206570150
- LOT #6**
1. OWNER: BEATRICE PROPERTIES, LLC
7113 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244
2. DEED REF: 33236/255
3. TAX ACCOUNT: #0206570151
- LOT #7**
1. OWNER: BAILEY STEPHANIE
7129 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244-3410
2. DEED REF: 22835/130
3. TAX ACCOUNT: #0208801010
- LOT #8 & 9**
1. OWNER: BAILEY STEPHANIE
7129 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244-3410
2. DEED REF: 22835/130
3. TAX ACCOUNT: #0208801020
- LOT #10 & 11**
1. OWNER: DWANE & KAYDESHA PLUMMER
7131 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244-3410
2. DEED REF: 28075/18
3. TAX ACCOUNT: #0207582150

GENERAL NOTES:

- CONTRACT PURCHASER: BEATRICE PROPERTIES, LLC 7113 WINDSOR MILL ROAD BALTIMORE, MARYLAND 21244
- SITE AREA: GROSS: 45,605 SF or 1.05 Ac.± NET: 44,829 SF or 1.03 Ac.±
- COUNCILMANIC DISTRICT: 4TH
- TAX MAP #87, PARCEL #162
- ZONING: ML-IM (PER 1"=200' ZONING MAP 087C2)
- NO KNOWN PRIOR ZONING HISTORY ON FILE.
- NO KNOWN PRIOR PERMITS ON FILE.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- USES: EXISTING: RESIDENTIAL DWELLINGS. PROPOSED: 1 STORY RETAIL BUILDINGS
- SITE TO BE SERVICED BY PUBLIC WATER AND SEWER.
- SITE LIES WITHIN ZONE "X" OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #2400100378 F PANEL 378 OF 580 DATED SEPTEMBER 26, 2008.
- ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- FLOOR AREA RATIO (F.A.R.) MAXIMUM PERMITTED: 2.0 PROVIDED: 8,760/44,829= 0.195
- PARKING: REQUIRED: 8,760 SF @ 5/1000 = 44 SPACES PROVIDED: 55 SPACES
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS: YARD REQUIRED PROVIDED FRONT 75' 58'± SIDE 50' or 30' 22'± REAR 30' 18'±

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

L.C. WEST
7125-31 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244

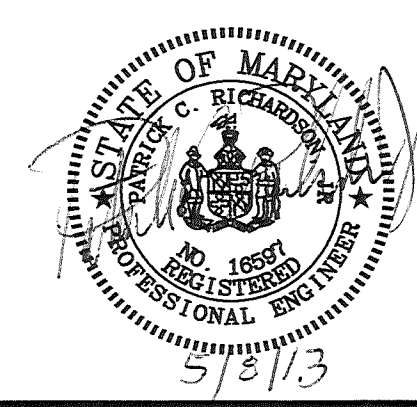
PETITIONER'S

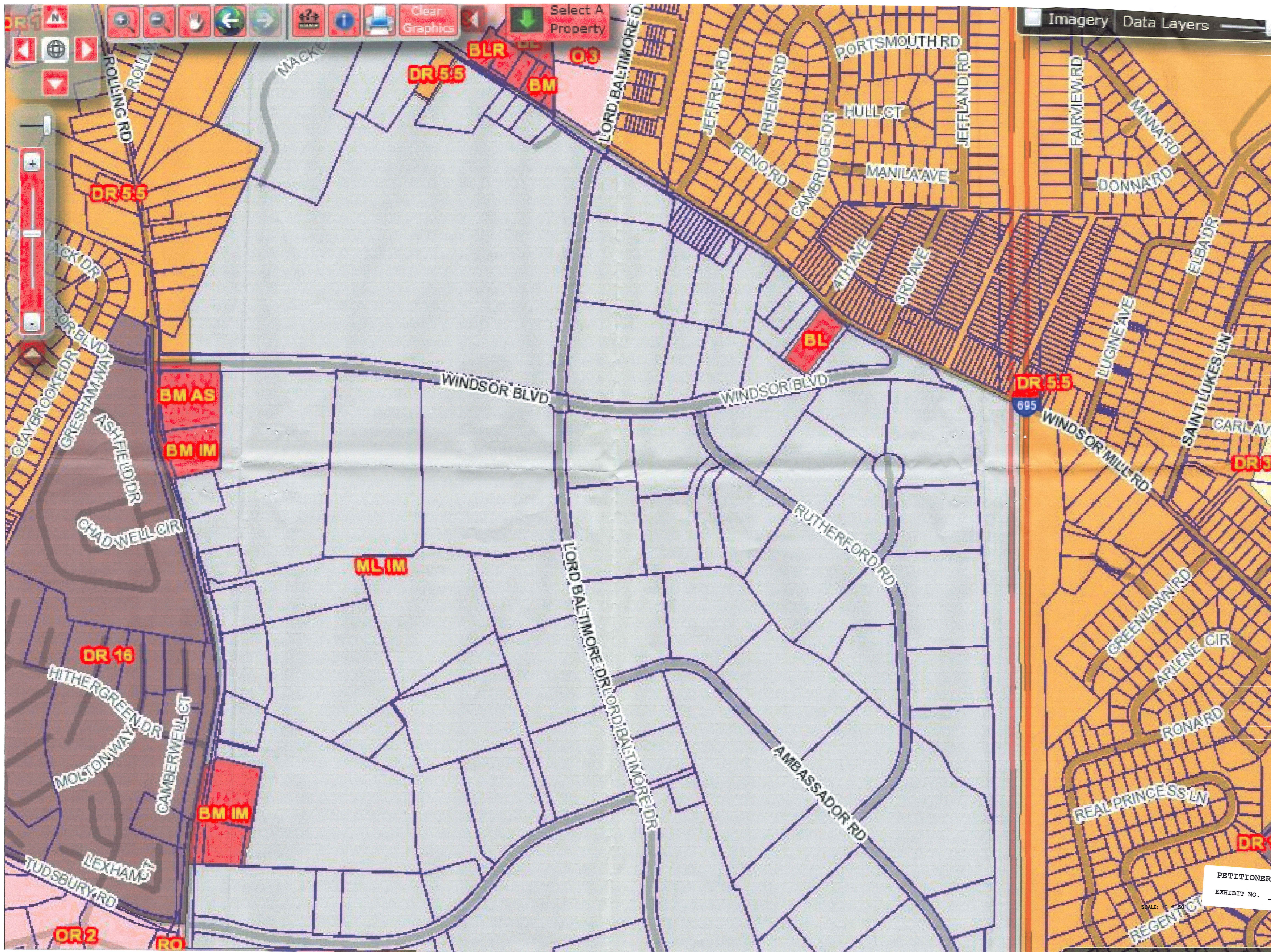
EXHIBIT NO. 1

2ND ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
5-8-13 PLANNING COMMENTS ADDRESSED	CND	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	03-18-13	12132	1 OF 1

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2013

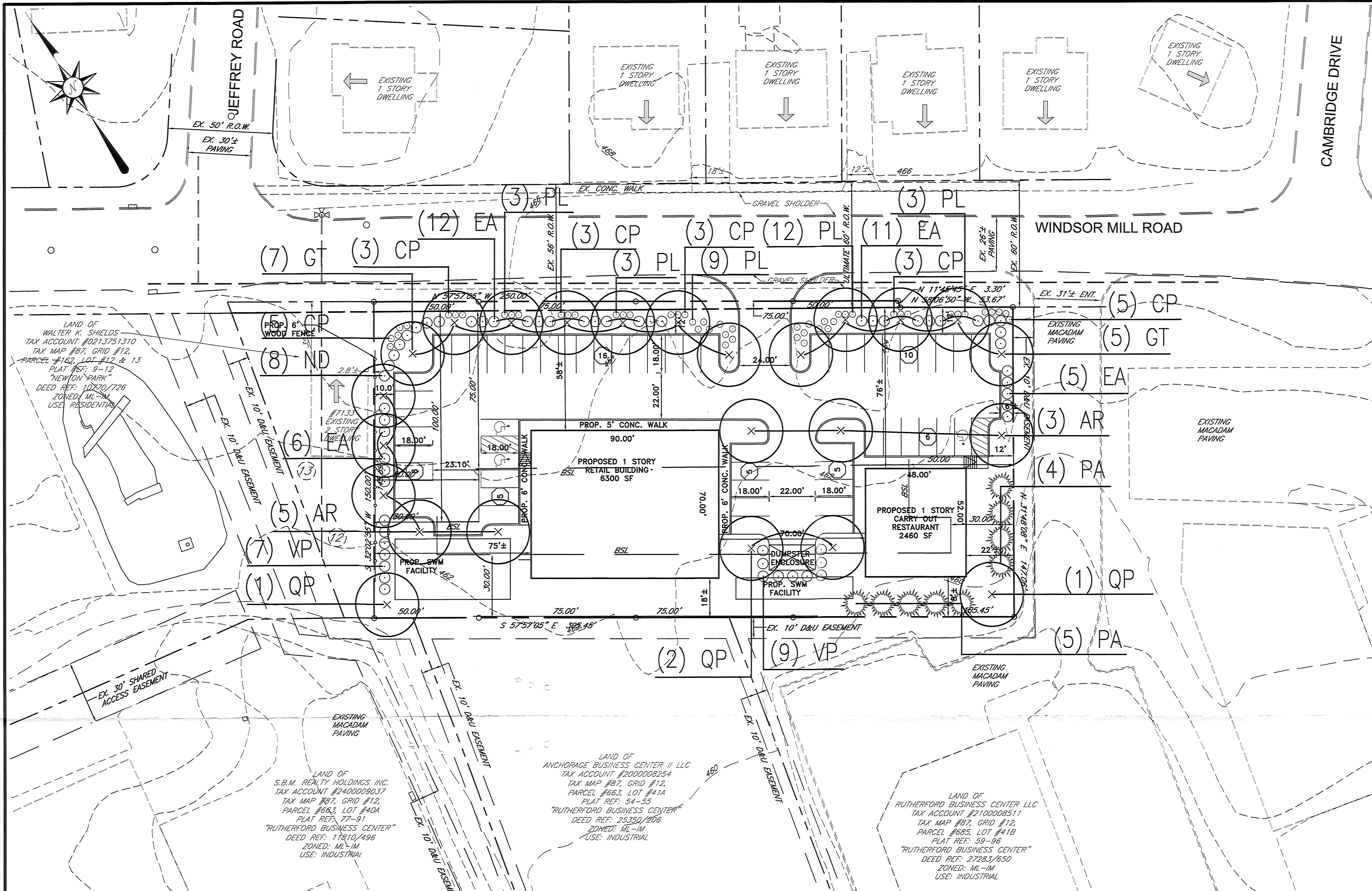




PETITIONER'S
EXHIBIT NO. 3

SCALE: 1" = 50'

1" = 200'



LANDSCAPING PROPOSED			
DESCRIPTION (PU)	RATE	QUANTITY	PLANTING UNIT
MAJOR TREES	1 PU/1 TREE	24	24.0 PU
SHRUBS	1 PU/5 SHRUBS	110	22.0 PU
EVERGREEN	1 PU/2 TREES	9	4.5 PU
TOTAL			50.5 PU

LANDSCAPING REQUIRED			
DESCRIPTION	RATE	QUANTITY	PLANTING UNIT (PU) REQUIRED
ADJACENT ROAD	1 PU/40 LF	305 LF	7.5 PU
INTERIOR ROAD	1 PU/20 LF	90 LF	4.5 PU
PARKING ADJACENT TO PUBLIC ROAD	1 PU/15 LF	223 LF	14.9 PU
PARKING ADJ. TO RESIDENTIAL (CLASS A)	1 PU/15 LF	96 LF	6.4 PU
PARKING ADJ. TO COMMERCIAL (CLASS B)	1 PU/20 LF	58 LF	2.9 PU
PARKING LOT SPACES INTERIOR	1 PU/12 PS	56 LF	4.7 PU
DUMPSTER SCREEN	1 PU/15 LF	46 LF	3.1 PU
NET PLANTING UNITS REQUIRED			44.1 PU
PLANTING UNITS PROVIDED			50.5 PU

LANDSCAPING PLANT LIST			
QTY	KEY BOTANICAL NAME	COMMON NAME	MINIMUM SIZE
MAJOR TREES			
8	AR ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	2-2 1/2" CAL.
12	GT QLEDISIA TRIACANTHOS VAR. INERMIS.	THORNLESS HONEYLOCUST	2-2 1/2" CAL.
4	QP QUERCUS PALUSTRIS	PIN OAK	2-2 1/2" CAL.
EVERGREEN TREES			
9	PA PICEA ABIES	NORWAY SPRUCE	6"-7" TALL
SHRUBS			
22	CP CHAMAECYPARIS PISIFERA 'GOLDEN MOP'	GOLDEN MOP CYPRESS	18"-24"
34	EA EUONYMUS ALATUS 'COMPACTUS'	DWARF BURNING BUSH	24"-30"
8	ND NANDINA DOMESTICA	HEAVENLY BAMBOO	24"-30"
30	PL PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN ENGLISH LAUREL	18"-24"
16	VP VIBURNUM X PRAGENSE	PRAGUE VIBURNUM	24"-30"

OWNER'S SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan; that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the Landscape installation not later than one (1) year from the date of approval of this plan to the Department of Permits Approvals and Inspections, Development Plans Review, County Office Building, Room 211, Towson, Md. 21204

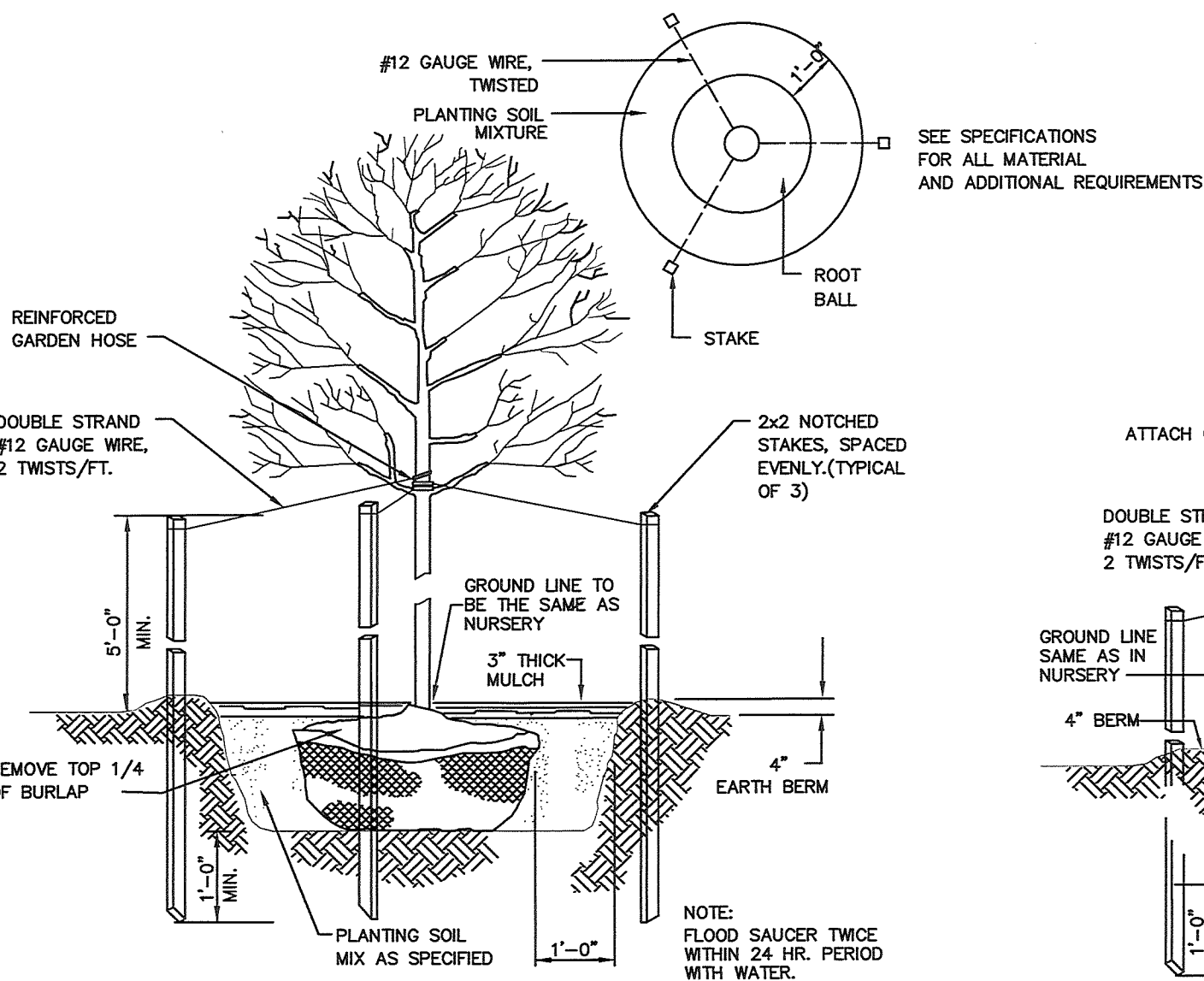
Owner's Signature _____ Date _____
Print Owner's Name _____ Telephone # _____

MINIMUM LANDSCAPE MAINTENANCE REQUIREMENTS

- LAWN AREAS SHALL BE MOWED TO A HEIGHT OF 2 TO 3 INCHES AND NOT ALLOWED TO REACH A HEIGHT OF 4 INCHES BEFORE MOWING.
- ALL CURBS AND WALKS SHALL BE EDGED AS NEEDED.
- ALL LAWN AREAS ADJACENT TO BUILDING FACES OR STRUCTURES SHALL BE TRIMMED.
- A SLOW RELEASE NITROGEN BALANCED FERTILIZER WITH A 2-1-1 RATIO SHALL BE APPLIED AT A RATE OF 2 POUNDS OF NITROGEN PER 1000 SQUARE FEET IN SEPTEMBER, OCTOBER, AND FEBRUARY.
- LIME SHALL BE APPLIED AT THE RATE DETERMINED BY A SOILS REPORT.
- IT IS RECOMMENDED THAT LAWN AREAS BE TREATED IN MID-MARCH TO EARLY APRIL WITH PRE-EMERGENT HERBICIDE (BETASAN) OR EQUAL APPLIED AT THE MANUFACTURER'S RECOMMENDED RATE.
- A POST-EMERGENT HERBICIDE (TRIMEC) OR EQUAL IS RECOMMENDED TO BE SPRAYED ON LAWN AREAS IN THE LATE SPRING OR THE EARLY FALL, FOLLOW MANUFACTURER'S RATES AND RECOMMENDATIONS.
- INSECTICIDES AND FUNGICIDES ARE RECOMMENDED FOR INSECT AND DISEASE CONTROL.
- RESEED BARE AREAS OF LAWN AS NECESSARY. YEARLY AERATION IS RECOMMENDED.
- ALL TRASH, LITTER, AND DEBRIS SHALL BE REMOVED FROM LAWN AREAS, PARKING LOTS, AND SHRUB BEDS AS NEEDED.
- MULCH ALL SHRUB AND GROUND COVER BEDS YEARLY WITH 3 INCHES OF SHREDDED HARDWOOD BARK.
- PERMIT SHRUBS AND TREES TO GROW AND ENLARGE TO THEIR DESIGN SIZE. CONSULT PROJECT LANDSCAPE ARCHITECT FOR DETAILS.
- PRUNE TREES IN ACCORDANCE WITH LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS.

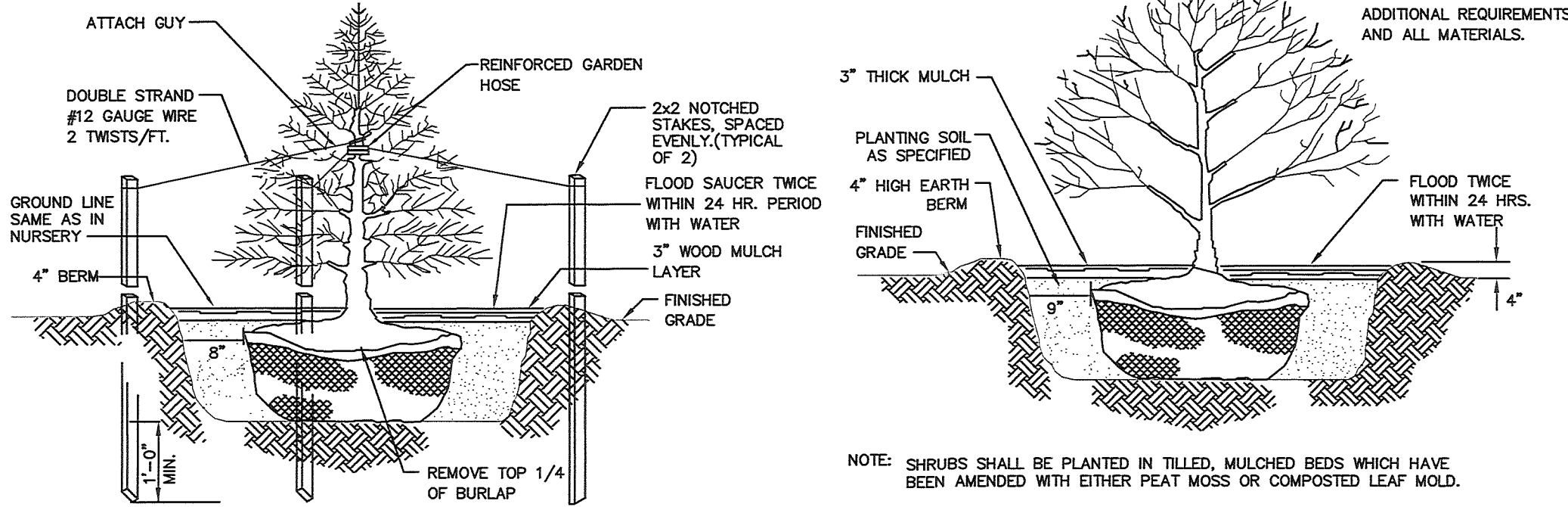
LANDSCAPE PLAN GENERAL NOTES

- CONTRACTOR SHALL CONTACT "MISS UTILITY" (800-257-7777) AND SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES WITHIN THE PROJECT AREA PRIOR TO INSTALLATION OF PLANT MATERIAL.
- PROPOSED LOCATIONS OF PLANT MATERIAL SHALL BE STAKED IN THE FIELD BY THE CONTRACTOR FOR APPROVAL BY OWNER'S REPRESENTATIVE PRIOR TO PLANTING.
- PLANT MATERIAL AND BEDS SHALL RECEIVE A MINIMUM 3-INCH DEPTH OF MULCH.
- ALL AREAS DISTURBED BY PLANTING OPERATIONS SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
- QUANTITIES OF TREES, EVERGREENS, AND SHRUBS NOTED ON THE PLANT LIST ARE BASED UPON THE GRAPHIC SYMBOLS SHOWN ON THE DRAWINGS. CONTRACTOR SHALL PROVIDE AND INSTALL THESE ITEMS BASED UPON GRAPHIC SYMBOL QUANTITIES. CONTACT OWNER'S REPRESENTATIVE IF A DIFFERENCE IS FOUND BETWEEN THE QUANTITIES NOTED IN THE PLANT LIST AND THE SYMBOL COUNT OF PLANT MATERIALS SHOWN ON THE DRAWINGS.
- QUANTITIES OF GROUNDCOVERS, PERENNIALS, ANNUALS, BULBS, AND ORNAMENTAL GRASSES SHALL BE AS NOTED IN THE PLANT LIST REGARDLESS OF THE NUMBER OF GRAPHIC SYMBOLS SHOWN ON THE DRAWINGS.
- ALL PLANT MATERIALS SHALL BE NURSERY GROWN AND SHALL COMPLY WITH THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1), LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- ALL TREES TO CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN'S STANDARDS: SECTION 1.1.2-HEIGHT OF BRANCHING. ALL TREES TO BE MATCHED.
- ALL PLANT MATERIALS TO BE FULL, HEAVY SPECIMENS.
- ALL AREAS WITHIN THE LIMIT OF DISTURBANCE OTHER THAN PAVEMENTS, WALKS, WALLS AND PLANTING BEDS SHALL BE SEEDED LAWN.
- ALL PLANTING PROCEDURES AND SPECIFICATIONS SHALL CONFORM TO "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE WASHINGTON METROPOLITAN AREA" LATEST EDITION.
- ALL PLANTS SHALL BE GUARANTEED BY THE CONTRACTOR FOR ONE YEAR FOLLOWING THE INSTALLATION COMPLETION DATE AND LANDSCAPE CERTIFICATION.
- EXISTING TREES TO BE PROTECTED PER FOREST CONSERVATION PLAN.
- PROPOSED FENCE PER APPROVED PATTERN BOOK PAGE 21.



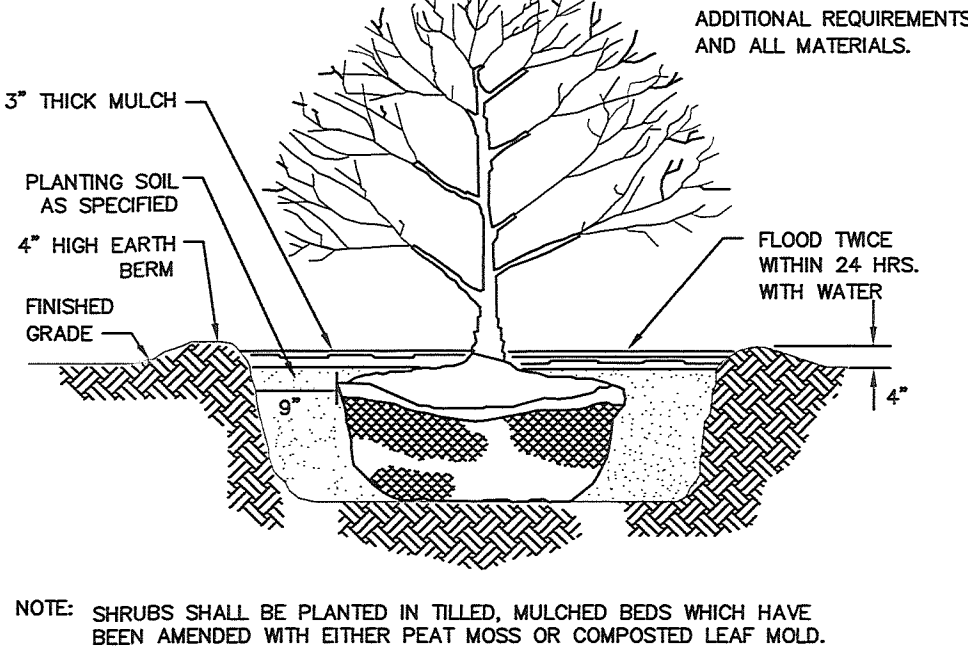
DECIDUOUS TREE PLANTING DETAIL

NOT TO SCALE



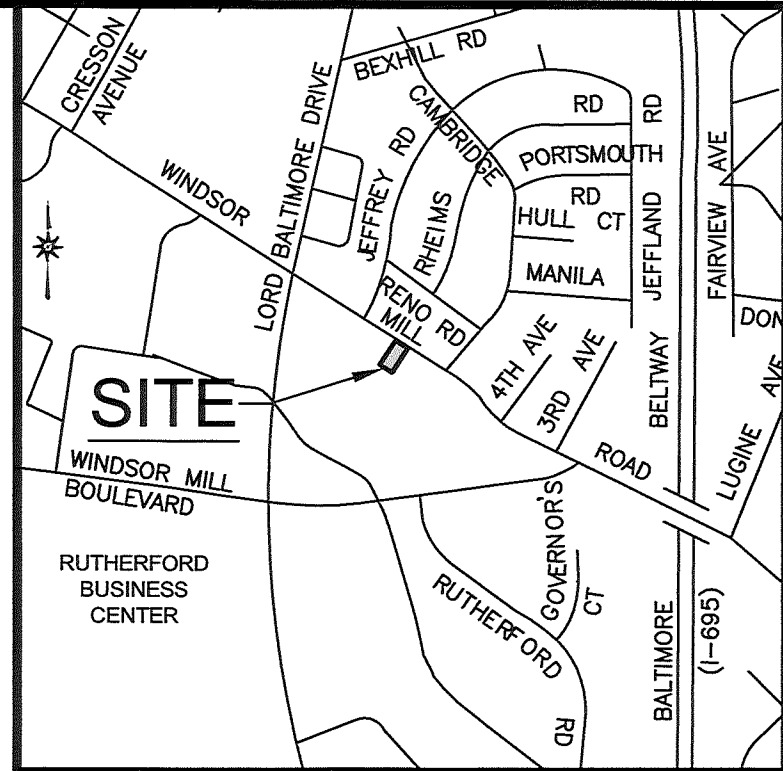
EVERGREEN PLANTING DETAIL

NOT TO SCALE



SHRUB PLANTING DETAIL

NOT TO SCALE



LOCATION MAP

SCALE: 1" = 1000'

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PRELIMINARY LANDSCAPE PLAN FOR

L.C. WEST
7125-31 WINDSOR MILL ROAD
BALTIMORE, MARYLAND 21244

2ND ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS		DRAWN BY:	DESIGNED BY:	SCALE:
		CND	PCR	1" = 30'
		DATE:	JOB NO.:	SHEET NO.:
		05-06-13	12132	1 OF 1