### CASE HISTORY

Case Number: 2014-0148-A Reviewer: GH

Existng Use: RESIDENTIAL Proposed Use: RESIDENTIAL

**Type:** VARIANCE

**Legal Owner:** Tom & Evelyn Pon

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 2 Council Dist: 4

Property Address: 6819 WINDSOR MILL RD

Location: N/S of Windsor Mill Road, 129.6 ft. NW of the centerline of Read Road

**Existing Zoning:** DR 5 & DR 6 **Area:** 3.892+/- acres

**Proposed Zoning:** 

**VARIANCE:** 

- 1. To permit setbacks from side building faces to side building faces as follows:
  - a. 10 ft. in lieu of the required 20 ft. for lots 1-9; and
  - b. 11 ft. in lieu of the required 20 ft. for lots 13-16;
- 2. If necessary, To permit open projections for decks and porches in the rear yard to extend a distance 40 % of the required rear yard setback in lieu of the required 25 %;
- 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County

Attorney: Lawrence E Schmidt, 600 Washington Avenue, Ste. 200, Towson MD 21204

Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None

**Closing Date:** 

#### **Miscellaneous Notes:**

Unable to locate postponement letter, withdrawal letter, or final ALJ order. Due to inactivity, case closed by Carl Richards, Zoning Review Supervisor, on July 2, 2018.

Petition Filing Date 01/08/2014

# **Admin. Law Judge Information:**

# Admin Law Judge's Name

W. CARL RICHARDS, JR., ZONING REVIEW SUPERVISOR ▼

### Law Judge Order Date/Withdrawal Date

07/02/2018

## Law Judge Decision

Case Closed Due To Inactivity 

▼

### **Order Has Restrictions**

No 🔻

**APPLICANT REQUESTS** A COMBINED ZONING **HEARING WITH THE DEVELOPMENT PLAN** HEARING. PLEASE SCHEDULE TO COMPLY WITH THEIR REQUEST.



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 locate							
	Address 6819 Windsor Mill Road		which is presently zoned DR 5.5 and D.R. 10 Digit Tax Account # 0216600830					
	Deed References: 9528/217 Property Owner(s) Printed Name(s) Tom		# 02 16600630					
	Property Owner(s) Printed Name(s)	POII and Everyti Poit Hustons						
(SE	LECT THE HEARING(S) BY MARKING $X$ AT THE	APPROPRIATE SELECTION AND PRINT O	R TYPE THE PETITION REQUEST)					
The un	dersigned legal owner(s) of the property s and plan attached hereto	ituate in Baltimore County and which and made a part hereof, hereby peti						
	Special Hearing under Section 500.7 of the Zoning Commissioner should approve	he Zoning Regulations of Baltimore	County, to determine whether					
2a	Special Exception under the Zoning Reg	ulations of Baltimore County to use	the herein described property for					
3. <u>x</u> a	Variance from Section(s)							
Pl	ease see attached.							
(Indica	zoning regulations of Baltimore County, te below your hardship or practical dif ed additional space, you may add an at	ficulty or indicate below "TO BE I						
TO BE	PRESENTED AT HEARING							
I, or we, agr and restriction Legal Owner	to be posted and advertised as prescribed by the zore to pay expenses of above petition(s), advertising, ons of Baltimore County adopted pursuant to the zorer(s) Affirmation: I / we do so solemnly declare and subject of this / these Petition(s).	, posting, etc. and further agree to and are to ning law for Baltimore County.						
Contract	Purchaser/Lessee:	Legal Owners (Petition	Legal Owners (Petitioners):					
		Tom Pon, Trustee	,Evelyn Pon, Trustee					
Name- Type	or Print	Name #X Type or Print	Name #2 – Type or Print  (Ap.A.) 12/20/2013					

Contract Purchaser/L	essee:		Legal Owners (Petitioners):					
			Tom Pon, Trustee	Evelyn Pon,	Trustee			
Name- Type or Print			Name #17-Type or Print  Name #2 - Type or Print  Lau W. Pa (Ro.A.) 12/20/2013					
Signature			Signature #1	Signature # 2				
			2910 Greenway Drive	Ellicott City	MD			
Mailing Address	City	State	Mailing Address	City	State			
1	1		21042	1				
Zip Code Telephor	ne# Email Ad	dress	Zip Code Telephone	# Email A	ddress			
Attorney for Petitioner:			Representative to be contacted:					
Lawrence E. Schmid	t, Smith, Gildea & So	chmidt, LLC	Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC					
Name- Type or Print			Name Type or Print	butt				
Signature	COUNT		Signature	MM/				
600 Washington Avenue, Su	ite 200 Towson	MD	600 Washington Avenue, Suite 2	00 Towson	MD			
Mailing Address	City	State	Mailing Address	City	State			
21204 (410) 82	1-0070 /lschmidt@	sgs-law.com	21204 ,(410) 821-0	070 /Ischmidto	@sgs-law.com			
Zip Code Telephor	ne# Email Add	dress	Zip Code Telephone	# Email A	ddress			

CASE NUMBER 2014-0148-A Filing Date 1 18/14 Do Not Schedule Dates:

Reviewer 6

#### **ATTACHMENT TO PETITION FOR ZONING HEARING**

6819 Windsor Mill Road

#### Variance relief from Section(s):

- 1. 1B01.2.C.1.b of the BCZR to permit setbacks from side building faces to side building faces as follows:
  - a. 10 feet in lieu of the required 20 feet for lots 1-9; and
  - b. 11 feet in lieu of the required 20 feet for lots 13-16;
- 301.1.A of the BCZR, and/or page 33 of Division II, Section A of the CMDP (See BCZR §§ 301.1, 504.1 and 504.2), if necessary, to permit open projections for decks and porches in the rear yard to extend a distance 40% of the required rear yard setback in lieu of the required 25%;
- 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

# "AGENTS CERTIFICATION AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY

State of Maryland (County) of Howard

I, GARY W. PON, certify under penalty of perjury that EVELYN K. PON granted me authority as an agent or successor agent in a power of attorney dated JUNE 20, 2011.

I further certify that to my knowledge:

- (1) The principal is alive and has not revoked the power of attorney or my authority to act under the power of attorney and the power of attorney and my authority to act under the power of attorney have not terminated;
- (2) If the power of attorney was drafted to become effective on the happening of an event or contingency, the event or contingency has occurred;
- (3) If I was named as a successor agent, the prior agent is no longer able or willing to serve; and

SIGNATURE AND ACKNOWLEDGME	INT					
Ship W. For	1/15/11					
Agent's Signature	Date					
GARY W. PON	2910 Greenway Drive, Ellicott City, MD 21042					
	Agent's Address					
	443-864-3445					
	Agent's Telephone Number					
This document was acknowledged	before me on <u>9/(5/11</u> , by (Seal, if any) Signature of Notary					
My commission expires: 8/2	6/12					
This document prepared by: JOHN G.	KOENIG, JR., ATTORNEY					

CERTIFICATION OF VITAL RECORD STATE OF MARYLAND Department of Health and Mental Hygiene Division of Vital Records Please Type or Print in Black Indelible Ink. Ensure All Copies Are Legible. State of Maryland / Department of Health and Mental Hygiene Certificate of Death Physician/ Medical Pan Examine Howard Ellicott City 2910 Greenway Drive Funeral 1 M 2 D F 90 213-20-7979 Director Ellicott City Howard MD-1 D Yes 2 No 2910 Greenway Drive 21042 USA 12. Was Decedent Ever in U.S. Armed Forces2. Asian TO Yes 2 No Speed 4 Caproad Seconday (0-12) dry cleaning laundry/dry cleaner owner 17. Father's Name (First, Middle, Last, Wei Wah Tom Jean Seto Marmant's Name/Relationship (Type, Prin Mr. Gary Pon (son)
20a. Method of Diaposition 2910 Greenway Dr., Ellicott City, MD 21042 20b. Place of Disposition (Name of cemetery, crematory or other) 1 A Burtal 2 Cremation 3 Ren 4 Donation 5 Other (Specify) Crest Lawn Memorial Marriottsville, MD 22. Name and Address of Facility Haight Funeral Home & Chapel P.O. Box 195 Sykesville, MD 21784 Signature of Funeral Service Licensee

A CHARLES CALLOS OF THE MODEL hysician Medical HOLL Examine **菲**賴 5府神 23c. If yes, outcome of pregnancy

1 Uve Birth 2 Fetal clean
4 Pregnant at time of death
1 B Unknown 1 Vee 3 Probably 4 Unikno 4 D Municing ER 5 Pending 1 Yes 2 No 28e. Place of Injury - At home, farm, street, factory, office building, etc. (Specific) 28f. Location (Street and Number or Rural Route Number (1994) - 1994. 038762 08-08-1 J. Ma Cormack H-SEL Registrar 793087 I HEREBY CERTIFY THAT THIS DOCUMENT IS A ORIGINAL TRUE COPY OF A RECORD ON FILE IN THE DIVISION OF VITAL RECORDS. Date Issued August 10, 2011 STATE REGISTRAR DO NOT ACCERT UNLESS ON SECURITY PAPER WITH SEAL OF VITAL RECORDS CLEARLY EMBOSSED / , ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE ,



# ZONING DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE AND SPECIAL HEARING FOR

WINDSOR WOODS - PAI# 02-0774 #6819 WINDSOR MILL ROAD ELECTION DISTRICT NO. 2 BALTIMORE COUNTY, MARYLAND

Beginning at a point along the centerline of **Windsor Mill Road**, which is 60-feet wide at a distance of 129.6-feet northwest of the centerline of the nearest improved intersecting street, **Read Road**, which is 50-feet wide. Thence the following courses and distances:



- 1) S 45°03'37" W 252.31';
- 2) S 43°49'27" W 157.00';
- 3) S 46°10'33" E 125.00';
- 4) S 43°49'27" W 86.62":
- 5) S 44°35'26" W 390.64';
- 6) N 01°13'26" W 383.20'
- 7) N 38°14'50" E 607.15';
- 8) S 49°12'54" E 216.16';

To the point of beginning,

As recorded in Deeds Liber 9528, Folio 217, Containing 3.997 -acres±. and located in the 2nd Election District, 4th Councilmanic District of Baltimore County, Maryland.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS.



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:							
Petitioner: Tom Pon and Evelyn Pon							
Address or Location: 6819 Windsor Mill Road							
PLEASE FORWARD ADVERTISING BILL TO:  Name: Lawerence E. Schmidt							
Address: 600 Washington Ave							
Suite 200							
Towson, MD 21204							
Telephone Number: 410-821-0070							

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RE: PETITION FOR VARIANCE
6819 Windsor Mill Road; N/S Windsor
Mill Road, 129.6' NW c/line Read Road
Legal Owner(s): Tom & Evelyn Pon
Petitioner(s)

- ' BEFORE THE OFFICE
- \* OF ADMINSTRATIVE
- \* HEARINGS FOR
- \* BALTIMORE COUNTY
- \* 2014-148-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

Carle S Dember

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 16th day of January, 2014, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peden Max Zummanman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 1/15/14

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

RE: **Baltimore County** 

Item No 2014-0148 A

Variance Tom à Evelyn Pon 6819 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. 2014 - 0148-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/ Development Manager

Access Management Division

Ruhal Keller

SDF/raz



