

## **M E M O R A N D U M**

DATE: December 27, 2016  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0081-A- Appeal Period Expired

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The appeal period for the above-referenced case expired on December 22, 2016. 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

**IN RE: PETITION FOR VARIANCE**

(5533 Windsor Mill Road)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

John E. Phair

*Legal Owner*

Petitioner

\*

\*

\*

\*

\*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

**CASE NO. 2017-0081-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by John E. Phair, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit a front addition with a front yard setback of 22 ft. in lieu of the front averaging of 31 ft. A site plan was marked as Petitioner's Exhibit 1.

John Phair appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not support the request, and believed the addition would be too close to Windsor Mill Road.

The property is approximately 4,800 square feet in size and is zoned DR 5.5. The property is improved with a small single family dwelling constructed in 1951. Petitioner would like to create additional living space, and proposes to construct an addition along the front of the existing home. A variance is required to do so.

ORDER RECEIVED FOR FILING

Date

11/22/16

By

sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Cromwell v. Ward*, 102 Md. App. 691 (1995).

Petitioner has met this test. The property is narrow and deep (40' x 120') and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed addition. 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 community opposition.

I am mindful of the DOP's ZAC comment, and agree Petitioner needs to improve the appearance of the property. Mr. Phair indicated he is in the process of organizing and neatly stacking the construction materials in the rear yard, which will be used to complete the proposed addition. While the structure will be located somewhat close to Windsor Mill Road, the reality is that the addition will protrude into the front yard no further than the existing covered porch. Thus, I believe the same risk exists at present, although it is true the proposed improvements will involve enclosed living space compared to an open front porch with a roof. In addition, Petitioner presented several photos which show other houses in the vicinity are situated a similar distance from Windsor Mill Road, and thus I believe the addition would be compatible with the neighborhood.

ORDER RECEIVED FOR FILING

Date 11/22/16  
By Den

THEREFORE, IT IS ORDERED, this 22<sup>nd</sup> day of November, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a front addition with a front yard setback of 22 ft. in lieu of the front averaging of 31 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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



\_\_\_\_\_  
JOHNE. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date\_\_\_\_\_

11/22/16

By\_\_\_\_\_

Sen



# 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 5533 WINDSOR MILL ROAD which is presently zoned DR 5-5  
Deed References: 2P340 / 00417 10 Digit Tax Account # 0118350840  
Property Owner(s) Printed Name(s) \_\_\_\_\_

(SELECT THE HEARING(S) BY MARKING ☒ 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) 303.1 BCZR To Permit a front addition with a frontyard set back of 22 feet in lieu the front averaging of 31 feet.

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)

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

## Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

JOHN E. PHAIR

Name #1 - Type or Print

Name #2 - Type or Print

John E. Phair

Signature #1

Signature #2

5533 WINDSOR MILL RD, GWYNNOCK, MD

Mailing Address

City

State

21207 / 410-236-3633 / jephair@yahoo.com

Zip Code

Telephone #

Email Address

## Representative to be contacted:

JOHN E. PHAIR

Name - Type or Print

John E. Phair

Signature

5533 WINDSOR MILL RD, GWYNNOCK, MD

Mailing Address

City

State

21207 / 410-236-3633 / jephair@yahoo.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2017-0081-A

Filing Date

9/26/15

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

# **ZONING DESCRIPTION OF PROPERTY**

## **PART A:**

ZONING PROPERTY DESCRIPTION FOR 5533 WINDSOR MILL ROAD, GWYNN  
OAK, MARYLAND 21207.

Beginning at a point on the SOUTHEAST side of WINDSOR MILL ROAD which is  
30 feet (street right-of-way) wide at a distance of 75 feet NORTHEAST of the centerline  
of the nearest improved intersecting street SUNBRIAR LANE which is 20 feet wide.

## **PART B:**

OPTION 2 (Subdivision Lot – lot is part of record plat):

Being Lot(s) #(63) & (64), Block (26), Section ( N/A ), in the subdivision of

“WINDSOR TERRACE” as recorded in Baltimore County Plat Book #(5),

Folio #(0064), containing (4800 of total square feet/(.11) acres of lot). Located

in the (1) Election District and (1) Council District.

2017-0081-A



501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4543467

**Sold To:**

John Phair - CU00568269  
5533 Windsor Mill Rd  
Gwynn Oak, MD 21207-5927

**Bill To:**

John Phair - CU00568269  
5533 Windsor Mill Rd  
Gwynn Oak, MD 21207-5927

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Oct 27, 2016

The Baltimore Sun Media Group

By S. Wilkinson  
Legal Advertising

**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: # 2017-0081-A**  
5533 Windsor Mill Road  
SE/s of Windsor Mill Road, NE of Sunbriar Road  
1st Election District - 1st Councilmanic District  
Legal Owner(s) John Phair

**Variance:** to permit a front addition with a front yard setback of 22 feet in lieu of the front averaging of 31 feet.

**Hearing: Friday, November 18, 2016 at 11:00 a.m. in Room 104, 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.

10/128 Oct. 27 4543467

# CERTIFICATE OF POSTING

2017-0081-A

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

John Phair

November 18, 2016

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:

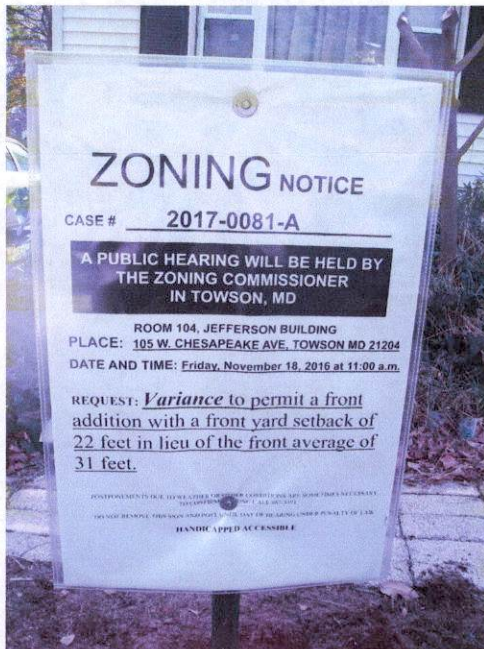
Ladies and Gentlemen:

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: \_\_\_\_\_

5533 Windsor Mill Road

October 29, 2016

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



Sincerely,

October 29, 2016

(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)



KEVIN KAMENETZ  
County Executive

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

October 14, 2016

## NOTICE OF ZONING HEARING

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**CASE NUMBER: 2017-0081-A**

5533 Windsor Mill Road  
SE/s of Windsor Mill Road, NE of Sunbriar Lane  
1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District  
Legal Owners: John Phair

Variance to permit a front addition with a front yard setback of 22 feet in lieu of the front averaging of 31 feet.

Hearing: Friday, November 18, 2016 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon  
Director

AJ:kl

C: John Phair, 5533 Windsor Mill Road, Gwynn Oak 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 29, 2016.**
- (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  
Thursday, October 27, 2016 Issue - Jeffersonian

Please forward billing to:

John Phair  
5533 Windsor Mill Road  
Gwynn Oak, MD 21207

410-236-3633

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## NOTICE OF ZONING HEARING

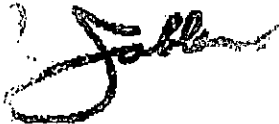
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SE/s of Windsor Mill Road, NE of Sunbriar Lane  
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Legal Owners: John Phair

Variance to permit a front addition with a front yard setback of 22 feet in lieu of the front averaging of 31 feet.

Hearing: Friday, November 18, 2016 at 11:00 a.m. in Room 104, 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.

RE: PETITION FOR VARIANCE  
5533 Windsor Mill Road; SE/S of Windsor  
Mill Road, NE 75' to c/line Sunbriar Road  
1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts  
Legal Owner(s): John E. Phair  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINSTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2017-081-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

RECEIVED

OCT 05 2016

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5th day of October, 2016, a copy of the foregoing Entry of Appearance was mailed to John E. Phair, 5533 Windsor Mill Road, Gwynn Oak, Maryland 21207, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
ZONING REVIEW OFFICE**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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.**

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**For Newspaper Advertising:**

Case Number: 2017-0081-A  
Property Address: 5533 WINDSOR MILL ROAD, GWYNN OAK, MD 21207  
Property Description: Southeast side of Windsor Mill Road  
Northeast 75' to E of Sunbriar Lane  
Legal Owners (Petitioners): JOHN E. PHAIR  
Contract Purchaser/Lessee: /

PLEASE FORWARD ADVERTISING BILL TO:

Name: John E. Phair  
Company/Firm (if applicable): N/A  
Address: 5533 WINDSOR MILL RD  
Gwynn Oak, MD 21207  
Telephone Number: 410-236-3633

Revised 7/9/2015

**CASHIER'S  
VALIDATION**



KEVIN KAMENETZ  
*County Executive*

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

November 9, 2016

John E Phair  
5533 Windsor Mill Road  
Gwynn Oak MD 21207

RE: Case Number: 2017-0081 A, Address: 5533 Windsor Mill Road

Dear Mr. Phair:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 26, 2016. 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary  
Gregory C. Johnson, P.E., Administrator

Date: 10/5/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No.

2017-0081-A  
Variance  
John E. Phair  
5533 Windsor Mill Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA  
Acting Metropolitan District Engineer – District 4  
Baltimore & Harford Counties

WW/RAZ

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** October 31, 2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-081

RECEIVED

NOV 03 2016

**INFORMATION:**

**Property Address:** 5533 Windsor Mill Road  
**Petitioner:** John E. Phair  
**Zoning:** DR 5.5  
**Requested Action:** Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a variance to permit a front addition with a front yard setback of 22 feet in lieu of the front averaging of 31 feet.

A site visit was conducted on October 12, 2016. The site is the subject of zoning violation Case # CC1602605 for maintaining an open dump.

The Department does not support granting the petitioned zoning relief.

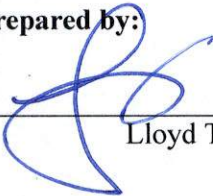
Windsor Mill Road is a minor arterial road. Under the Federal Highway Functional Classification System, an arterial road provides the highest level of service at the greatest speed for the longest uninterrupted distance, with some degree of access control. The structures at # 5531, #5533 and # 5535 are as close as 32 feet to the centerline of Windsor Mill Road. When considering one half the r-o-w width of 12 feet more or less in addition to the 20 foot building line setback as recorded in Plat Book 5 at Folio 64, the 32 foot centerline offset dimension places the structures at the said 20 foot recorded building line setback. An enclosed addition of 8 to 10 feet projecting into that setback places the structure perilously close to the edge of the road. The proposed addition would be inconsistent with and disruptive of the pattern of development that now establishes the relationship between improvements and the street edge on this section of Windsor Mill Road and poses an issue of safety when situated so close to the travel way.

The Department further recommends that the petitioner cease to use the rear yard of the property as a junk yard or for the storage of construction materials.

Date: October 31, 2016  
Subject: ZAC #17-081  
Page 2

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz  
John E. Phair  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

11-18-16

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



RECEIVED  
OCT 05 2016  
OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0081-A  
Address 5533 Windsor Mill Road  
(Phair Property)

Zoning Advisory Committee Meeting of **October 10, 2016**.

X The Department of Environmental Protection and Sustainability has no  
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 10-05-2016

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

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

**DATE:** October 12, 2016

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For October 10, 2016  
Item No. 2017-0076, 0077, 0080, 0081, 0082, 0083, 0086, 0087 and  
0088

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

DAK:CEN  
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC10102016.doc

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** October 31, 2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-081

**INFORMATION:**

**Property Address:** 5533 Windsor Mill Road  
**Petitioner:** John E. Phair  
**Zoning:** DR 5.5  
**Requested Action:** Variance

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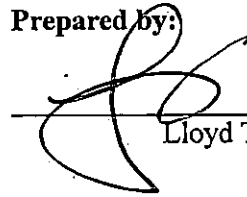
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Date: October 31, 2016  
Subject: ZAC #17-081  
Page 2

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:

  
\_\_\_\_\_  
Lloyd T. Moxley

Division Chief:

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz  
John E. Phair  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



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

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: October 5, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0081-A  
Address 5533 Windsor Mill Road  
(Phair Property)

Zoning Advisory Committee Meeting of **October 10, 2016**.

X The Department of Environmental Protection and Sustainability has no  
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 10-05-2016

CASE NAME PHAIR  
CASE NUMBER 2017-0081-A  
DATE 11-18-2016

[illegible]



## Department of Permits, Approvals & Inspections Complaint Report

Record Id: CC1602605

| <u>Record ID</u> | <u>Assigned To</u> | <u>Assigned Date</u> | <u>Received Date</u> | <u>Status</u>     | <u>Compliance Date</u> | <u>Hearing Date</u> |
|------------------|--------------------|----------------------|----------------------|-------------------|------------------------|---------------------|
| CC1602605        | Dan O'Neill        |                      | 04/18/2016           | Extension Granted | 12/15/2016             |                     |

Complaint Description: JTD, OD, UV

| <u>Property</u>                                                        | <u>Owner</u>                                                     | <u>Complainant</u> |
|------------------------------------------------------------------------|------------------------------------------------------------------|--------------------|
| 5533 WINDSOR MILL RD<br>GWYNN OAK, MD 21207-5927<br>Tax Id: 0118350840 | PHAIR JOHN E<br>5533 WINDSOR MILL RD<br>BALTIMORE, MD 21207-5927 | ANON               |

### Inspection Details

| <u>Inspector</u> | <u>Date</u> | <u>Service</u>     | <u>Result</u>            | <u>Action</u>            | <u>Complied On</u> |
|------------------|-------------|--------------------|--------------------------|--------------------------|--------------------|
| Dan O'Neill      | 04/22/2016  | Initial Inspection | Correction Notice Issued | Correction Notice Issued |                    |
| Dan O'Neill      | 05/09/2016  | Re-Inspection      | Extension Granted        | Extension Granted        |                    |
| Dan O'Neill      | 06/10/2016  | Re-Inspection      | Extension Granted        | Extension Granted        |                    |
| Dan O'Neill      | 07/11/2016  | Re-Inspection      | Extension Granted        | Extension Granted        |                    |
| Dan O'Neill      | 08/15/2016  | Re-Inspection      | Extension Granted        | Extension Granted        |                    |
| Dan O'Neill      | 09/19/2016  | Re-Inspection      | Extension Granted        | Extension Granted        |                    |
| Dan O'Neill      |             | Re-Inspection      | Scheduled                |                          |                    |

### Lien Information - No Lien

### Comments Detail

4/22/2016: 4/22/16-inspection shows a junk yard- open dump on rear of property , notice issued with a return set for 5/7/16  
5/9/2016: 5/9/16-re-inspection shows owner has done a lot of work extension granted and I will revisit on 6/9/16  
6/10/2016: 6/01/16-extension granted until 8/10/16  
8/15/2016: 8/15/16-I left a note on door extending case until 10/15/16  
4/22/2016: Must remove all open dump conditions

2017-0081-A

CASE NO. 2017-0081-A

C H E C K L I S T

Comment  
Received

Department

Support/Oppose/  
Conditions/  
Comments/  
No Comment

10/12

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

No Comment

10/5

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

No Comment

\_\_\_\_\_

FIRE DEPARTMENT

10/31

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

Comment

10/5

STATE HIGHWAY ADMINISTRATION

No Obj

\_\_\_\_\_

TRAFFIC ENGINEERING

\_\_\_\_\_

COMMUNITY ASSOCIATION

\_\_\_\_\_

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CC1602605)

PRIOR ZONING

(Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date:

10/27/16

SIGN POSTING

Date:

10/29/16

by SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: \_\_\_\_\_

\_\_\_\_\_

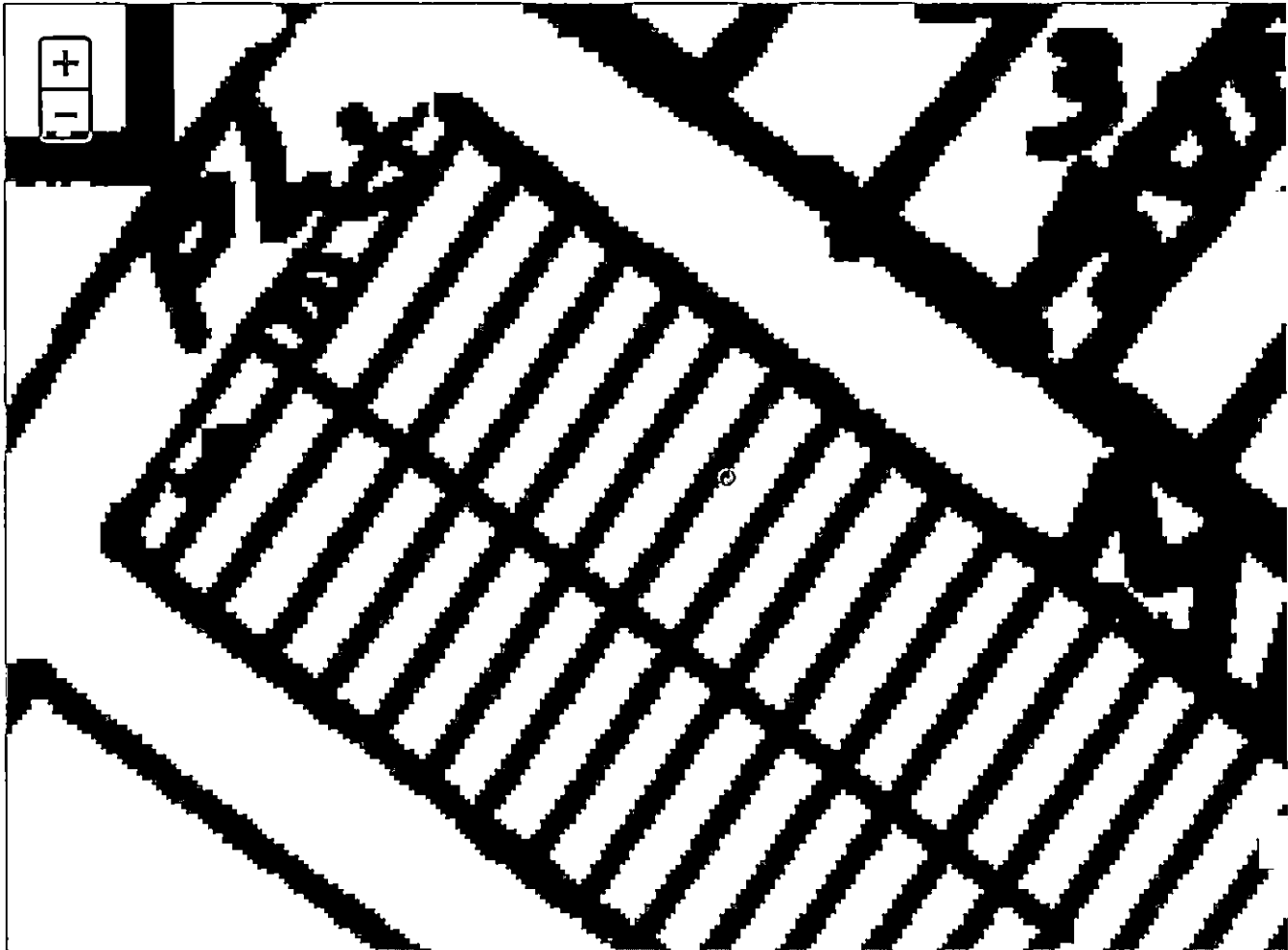
\_\_\_\_\_

## Real Property Data Search ( w1)

## Guide to searching the database

## Search Result for BALTIMORE COUNTY

| View Map                                                       |          | View GroundRent Redemption                      |               |                                          |                      | View GroundRent Registration          |                                                        |                  |                     |
|----------------------------------------------------------------|----------|-------------------------------------------------|---------------|------------------------------------------|----------------------|---------------------------------------|--------------------------------------------------------|------------------|---------------------|
| Account Identifier:                                            |          | District - 01 Account Number - 0118350840       |               |                                          |                      |                                       |                                                        |                  |                     |
| Owner Information                                              |          |                                                 |               |                                          |                      |                                       |                                                        |                  |                     |
| Owner Name:                                                    |          | PHAIR JOHN E                                    |               |                                          | Use:                 |                                       | RESIDENTIAL                                            |                  |                     |
| Mailing Address:                                               |          | 5533 WINDSOR MILL RD<br>BALTIMORE MD 21207-5927 |               |                                          | Principal Residence: |                                       | YES                                                    |                  |                     |
|                                                                |          |                                                 |               |                                          | Deed Reference:      |                                       | /20340/ 00417                                          |                  |                     |
| Location & Structure Information                               |          |                                                 |               |                                          |                      |                                       |                                                        |                  |                     |
| Premises Address:                                              |          | 5533 WINDSOR MILL RD<br>BALTIMORE 21207-        |               |                                          | Legal Description:   |                                       | PT LT 63.64<br>5533 WINDSOR MILL RD<br>WINDSOR TERRACE |                  |                     |
| Map:                                                           | Grid:    | Parcel:                                         | Sub District: | Subdivision:                             | Section:             | Block:                                | Lot:                                                   | Assessment Year: | Plat No:            |
| 0095                                                           | 0003     | 0247                                            |               | 0000                                     |                      | 26                                    | 63                                                     | 2016             | Plat Ref: 0005/0064 |
| Special Tax Areas:                                             |          |                                                 |               |                                          | Town:                |                                       | NONE                                                   |                  |                     |
|                                                                |          |                                                 |               |                                          | Ad Valorem:          |                                       |                                                        |                  |                     |
|                                                                |          |                                                 |               |                                          | Tax Class:           |                                       |                                                        |                  |                     |
| Primary Structure Built                                        |          | Above Grade Enclosed Area                       |               | Finished Basement Area                   |                      | Property Land Area                    |                                                        | County Use       |                     |
| 1951                                                           |          | 1,238 SF                                        |               |                                          |                      | 4,800 SF                              |                                                        | 04               |                     |
| Stories                                                        | Basement | Type                                            | Exterior      | Full/Half Bath                           | Garage               | Last Major Renovation                 |                                                        |                  |                     |
| 1 1/2                                                          | YES      | STANDARD UNIT                                   | SIDING        | 1 full                                   |                      |                                       |                                                        |                  |                     |
| Value Information                                              |          |                                                 |               |                                          |                      |                                       |                                                        |                  |                     |
|                                                                |          | Base Value                                      |               | Value As of 01/01/2016                   |                      | Phase-in Assessments As of 07/01/2016 |                                                        | As of 07/01/2017 |                     |
| Land:                                                          |          | 60,800                                          |               | 60,800                                   |                      |                                       |                                                        |                  |                     |
| Improvements                                                   |          | 56,100                                          |               | 64,900                                   |                      |                                       |                                                        |                  |                     |
| Total:                                                         |          | 116,900                                         |               | 125,700                                  |                      | 119,833                               |                                                        | 122,767          |                     |
| Preferential Land:                                             |          | 0                                               |               |                                          |                      |                                       |                                                        | 0                |                     |
| Transfer Information                                           |          |                                                 |               |                                          |                      |                                       |                                                        |                  |                     |
| Seller: SECRETARY OF HOUSING AND<br>Type: ARMS LENGTH IMPROVED |          |                                                 |               | Date: 06/29/2004<br>Deed1: /20340/ 00417 |                      |                                       | Price: \$73,500<br>Deed2:                              |                  |                     |
| Seller: REYNOLDS MARCUS<br>Type: ARMS LENGTH IMPROVED          |          |                                                 |               | Date: 11/21/2003<br>Deed1: /19198/ 00275 |                      |                                       | Price: \$63,000<br>Deed2:                              |                  |                     |
| Seller: RIES GEORGE A<br>Type: ARMS LENGTH IMPROVED            |          |                                                 |               | Date: 08/17/2000<br>Deed1: /14644/ 00454 |                      |                                       | Price: \$59,900<br>Deed2:                              |                  |                     |
| Exemption Information                                          |          |                                                 |               |                                          |                      |                                       |                                                        |                  |                     |
| Partial Exempt Assessments:                                    |          | Class                                           |               | 07/01/2016                               |                      | 07/01/2017                            |                                                        |                  |                     |
| County:                                                        |          | 000                                             |               | 0.00                                     |                      |                                       |                                                        |                  |                     |
| State:                                                         |          | 000                                             |               | 0.00                                     |                      |                                       |                                                        |                  |                     |
| Municipal:                                                     |          | 000                                             |               | 0.00 0.00                                |                      | 0.00 0.00                             |                                                        |                  |                     |
| Tax Exempt:                                                    |          | Special Tax Recapture:                          |               |                                          |                      |                                       |                                                        |                  |                     |
| Exempt Class:                                                  |          | NONE                                            |               |                                          |                      |                                       |                                                        |                  |                     |
| Homestead Application Information                              |          |                                                 |               |                                          |                      |                                       |                                                        |                  |                     |
| Homestead Application Status: Approved 05/22/2014              |          |                                                 |               |                                          |                      |                                       |                                                        |                  |                     |

**Baltimore County**[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **01** Account Number: **0118350840**

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](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Fri. Nov. 18<sup>th</sup>  
Cases moved  
to Rm. 205

## Debra Wiley

**From:** Kristen L Lewis  
**Sent:** Wednesday, November 09, 2016 9:52 AM  
**To:** Debra Wiley  
**Subject:** RE: Change to November Calendar

Good Morning Debbie,

The information for contacts for cases set on 11/18 are as follows:

2017-0079-A – David Billingsley 410-679-8719 10:10 Am left r.m. 11-9-16 ✓ 10:33 conf. w/ Billingsley  
2017-0081-A – John Phair 410-236-3633 10:13 Am Sp- to Mr. Phair 11-9-16 ✓  
2017-0082-A – George Scaletta 410-489-7989 10:15 Am Refor r.m. 11-9-16 ✓ 1:45 conf. w/ Scaletta

Kristen Lewis  
PAI – Zoning Review  
410-887-3391

D. Wiley

**From:** Debra Wiley  
**Sent:** Wednesday, November 09, 2016 9:03 AM  
**To:** John E. Beverungen <jbeverungen@baltimorecountymd.gov>; Lawrence Stahl <lstahl@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>  
**Cc:** Kristen L Lewis <klewis@baltimorecountymd.gov>  
**Subject:** Change to November Calendar

Cases for Friday, Nov. 18<sup>th</sup> will be conducted in Room 205, not 104. The weekly calendar and notices will be posted to reflect same. Deb will contact Petitioners and/or counsel to notify once that information has been received in this office.

Please mark your calendars accordingly. Thanks.

Debra Wiley  
Baltimore County Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Maryland 21204  
410-887-3868

# SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

|   |    |     |
|---|----|-----|
| A | 32 | FT. |
| B | 32 | FT. |
| C | 32 | FT. |
| D | 32 | FT. |
| E | 32 | FT. |
| F | 24 | FT. |

$$\text{TOTAL } (184) \div (6) = 31'4"$$

# of dwellings

REQUIRED FRONT  
SETBACK  
(averaged)

JOHN E. PHAIR

applicant's name

5533 WINDSOR MILL ROAD

building address

9/26/16

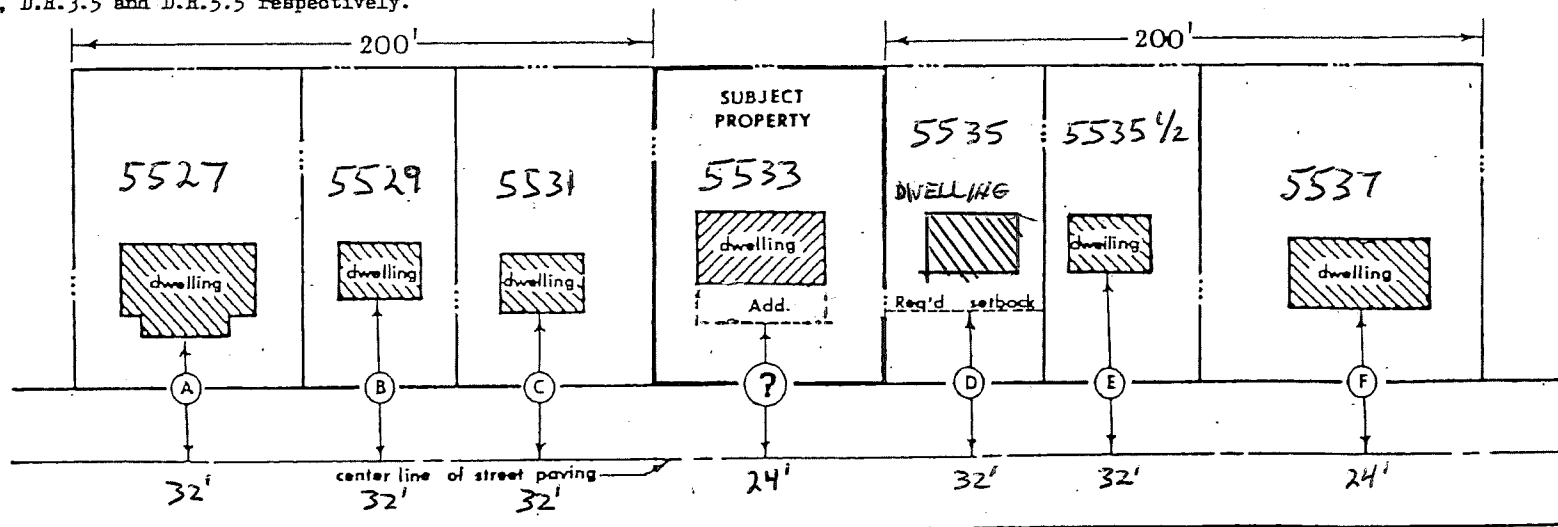
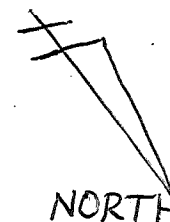
date

## NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.

D.R.3.5- 55 ft.

D.R.5.5- 50 ft.



WINDSOR MILL ROAD

2017-0081-A

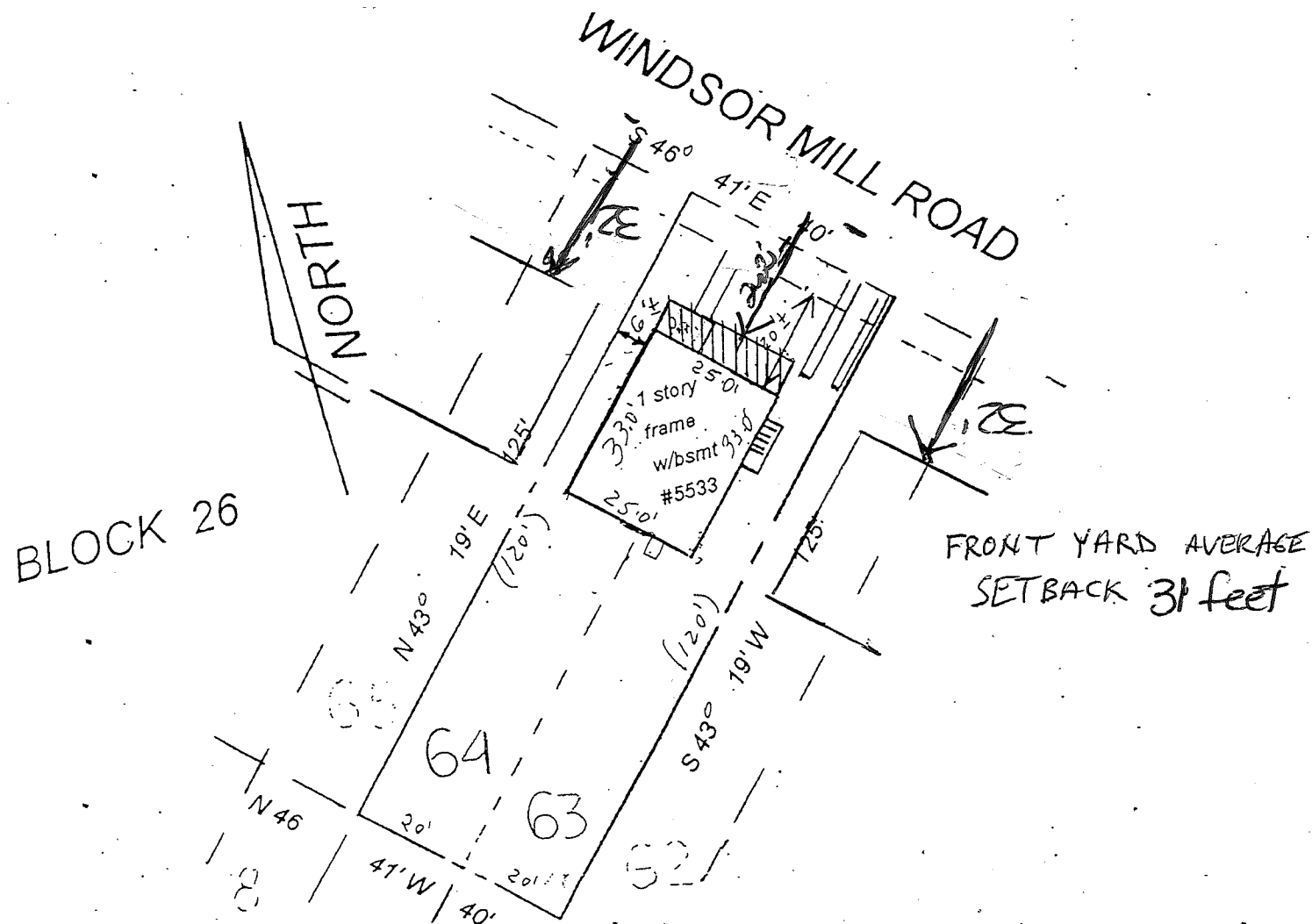


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH ☒)

ADDRESS 5533 WINDSOR MILL ROAD OWNER(S) NAME(S) JOHN E. PHAIR

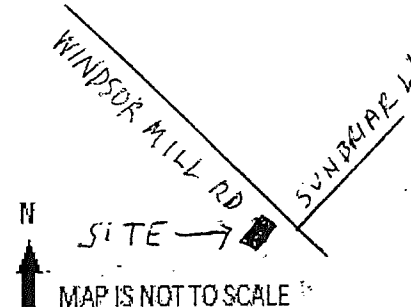
SUBDIVISION NAME WINDSOR TERRACE LOT # 63+64 BLOCK # 26 SECTION # \_\_\_\_\_

PLAT BOOK # 5 FOLIO # 0064 DIGIT TAX # 01-18-350840 DEED REF. # 20340 / 00417



PLAN DRAWN BY JOHN E. PHAIR DATE 9/26/16 SCALE: 1 INCH = 30' FEET

SITE VICINITY MAP



ZONING MAP# 095B1

SITE ZONED DR 5.5

ELECTION DISTRICT 2

COUNCIL DISTRICT 1

LOT AREA ACREAGE 0.11

OR SQUARE FEET 4800

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH ☒

WATER IS:

PUBLIC ☒ PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC ☒ PRIVATE \_\_\_\_\_

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC1602605

2017-0081-A

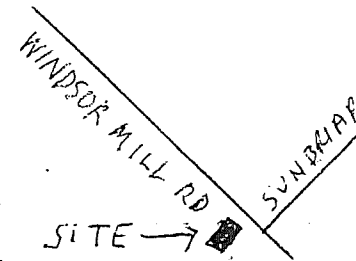
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)

ADDRESS 5533 WINDSOR MILL ROAD OWNER(S) NAME(S) JOHN E. PHAIR

SUBDIVISION NAME WINDSOR TERRACE LOT # 63+64 BLOCK # 26 SECTION # \_\_\_\_\_

PLAT BOOK # 5 FOLIO # 0064 DIGIT TAX # 01-18-350840 DEED REF. # 20340 / 00417

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 095B1

SITE ZONED DR 5.5

ELECTION DISTRICT 2

COUNCIL DISTRICT 1

LOT AREA ACREAGE 0.11

OR SQUARE FEET 4800

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE \_\_\_\_\_

SEWER IS:

PUBLIC X PRIVATE \_\_\_\_\_

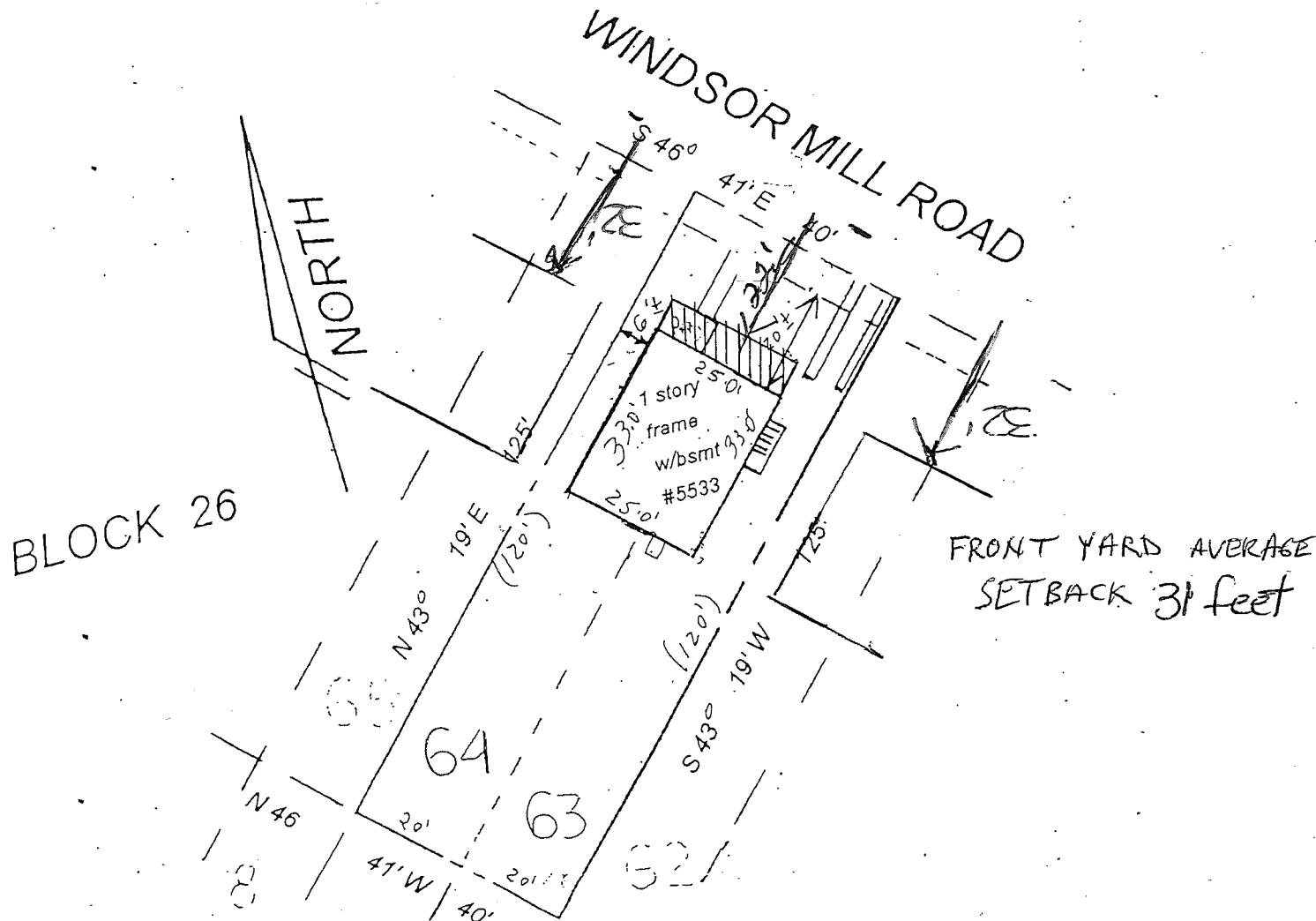
PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC1602605



PLAN DRAWN BY JOHN E. PHAIR DATE 9/26/16 SCALE: 1 INCH = 30' FEET

Ex. 1

2017-0081-A