IN RE: PETITION FOR ZONING VARIANCE S/S Marlyn Avenue, 360 ft. W c/l Bennett Road

951 Marlyn Avenue

15th Election District 5th Councilmanic District Dale A. Poletynski, et ux Petitioners

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

* BEFORE THE

* Case No. 91-305-A

FINDINGS OF FACT AND CONCUSIONS OF LAW

.

The Petitioners herein request, pursuant to Petition for Zoning Variance, a variance from Section 180 11 of the Baltimore County Zoning Regulations (B. 1.Z.R.) to llow a r ar y d letback of 13 ft. in lieu of the required 30 ft., as me rent in a rescribed on Petitioner's Exhibit No. 1.

The Petitioners, by Cheryl c etynski, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 951 Marlyn Avenue, consists of .415 acres +/- and is zoned D.R.5.5. Testimony indicated that the Petitioners are desirous of constructing the subject addition to accommodate an elderly uncle who will be moving into their home. I Testimory also indicated that the addition would merely be providing addi-Monal habitable space and would contain no kitchen.

The Pelitioner testified that the requested variance will be on a property line that abuts Baltimore County school property and will, in no way, be detrimental to the surrounding residential community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the

relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of Mile, 1991 that a Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 13 ft. in lieu of the required 30 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

2. The Petitioners shall not allow or cause the

Upon request and reasonable notice, the Zoning Enforcement Division to make an inspection

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

subject addition to be converted to a second dwelling unit and/or apartment. The addition shall contain no kitchen facilities.

Petitioner shall permit a representative of the

-2-

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-305-1

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described the description and plat attached hereto and made a part hereof, petition for a Variance from Section IRO2 3.C.1 to allow a rear word setback of 13' in lieu of the requires 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

See Attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations. Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon fill of this petition, and further agree to and are to be bound by the zoning regulations and restrictions Baltimore County adopted pursuant to the Zoning Law for Baltimore County. I/We do solemnly declare and affirm, under the

penalties of perjury, that I/we are the legal owner(s) of the property which in the subject this Petition. Contract Purchaser: Poletynski

Attorney for Patitioner:

purchaser or representative to be contacted.

petition be posted on the property on or before the 20 day of Fab

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER CROCKED by the Zoning Commissioner of Baltimore County, this __ _ _ day of _

ORDER RECEIVED FOR FILIN

91-305-A

Inabogime geren ai heitilaba wish T rero ellane llie ti ao glimaf rero at au him evil emes at elane blo rage EP Graga hure with springh magne staisone ell (Uniterature les mas en shirte a haisen) esaga rehetik Graha gelbalg bliw elt ail les toe live et princem; autriu phosen ask lett. Julinsof us this alsom become blend and also had to wear a baring aid Taking rare of his home, personal husiness, rooking, shopping and yard work has become impossible. sand wo ot error at ai esiods will

probaban ena en hailen emal prisarun e ra and expecially him wants him to do, not retto Atland trallegre ni ai el

protecting and hearing and we are expecting and hoping that he will live to enjoy you many just this family

this Order.

cc: Peoples Counsel

of the subject property to insure compliance with

for Baltimore County

AFFIDAVIT

91.305-A

That the information berein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

IN SUPPORT OF RESIDERTIAL ZONING VARIANCE

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of January 1991 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Dale A. Dietynski + Cheryl B. Poletynski the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and helief.

AS WITHESS my hand and Motarial Seal.

January 28, 1991

My Commission Expires:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

May 16, 1991

Mr. and Mrs. Dale A. Poletynski 951 North Marlyn Avenue Essex, Maryland 21221

RE: Petition for Zoning Variance Case No. 91-305-A

Dear Mr. and Mrs. Poletynski:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

cc: Peoples Counsel

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MARKING AND A THE USAGE REF 2 (00) DECORDED .

#315

A Pale Tynsking et un Location of property 93 Marlyn Are 360' W/ Bons. HRV Location of Signe Facing Monly - Many approx. 20 for foodway

91-305-17

887-3353

CERTIFICATE OF POSTING

Dolx A. Piletynski polux Location of property: 3/3 Marily-11 Mrs., 360' Wish Bernist Re facing Morly & Any gan no 15 17 400 durcy Posted by Date of return: 11/15/91

Baltimore County Government

Zoning Commissioner
Office of Planning and Zoning

Please be advised that \$ 73.58 is due for advertising and posting of the above

THIS PEE MUST BE PAID AND THE ZONLING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign &

post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113,

Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Saines

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY

111 West Chesapeake Avenue

Daue and Cheryl Poletynski

Baltimore, Maryland 21221

951 N. Marlyn Avenue

Case Number: 91-305-1

951 Marlyn Avenue

Dear Petitioner(s):

OF THE HEARING.

ROBERT HAINES

ZONTING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

S/S Marlyn Avenue, 360' W c/l Bennett Road

15th Election District - 5th Councilmanic

Petitioner(s): Dale A. Poletynski, et ux

HEARING: WEDNESDAY, MAY 1, 1991 at 2:00 p.m.

Towson, MD 21204

Thomas A. Bout atus Location of property: Els Summer Pork Dride, 350' 5/uplon Dride Summer Pork Dr. Location of Signes. Lawrey Boodway + appres 13 Fr. conto as fre perty of proporty boing regarded for romings

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 4-4, 1911.

THE JEFFERSONIAN.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Variance to allow a rear yard selback of 3 ft. in lieu of the required 300et.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-305-A S/S Marlyn Avenue, 360' W c/l Bennett Road 951 Marlyn Avenue 15th Election District - 5th Councilmanic Petitioner(s): Dale M. Poletynski, et ux HEARING: WEDNESDAY, MAY 1, 1991 at 2:06 p.m.

Variance to allow a rear yard setback of 13 ft. in lieu of the required 30 feet.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

MEARING: WEDGESDAY, MAY 1, 1981
AT 2:00 P.M.
Variance to allow a rear yard setback
of 13 ft. in lieu of the required 30 feet.

Zoning Commisioner
County Office Building
111 West Chesapeaks Avenue
Towsen, Maryland 21206

PUBLIC HEARING FEES

010 -ZONING MARIANCE (IRL)

LACY HAME OF OWNER: POLETYNSKI

080 -POSTING SIGNS / ADVERTISING 1 X

· 2707791

887-3353

February 13, 1991

Dale A. and Cheryl B. Poletynski 951 N. Marlyn Avenue Baltimore, Maryland 21221

Re: CASE NUMBER: 91-305-A LOCATION: S/S Marlyn Avenue, 360' W c/l Bennett Road 951 N. Marlyn Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before February 20, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is March 7, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > Very truly yours, G. G. Stephens (301) 887-3391

This is to Certify, That the annexed Case no. 91-305 Bo#0111283 was inserted in the Times, a newspaper printed

\$ 15.75

One 5 ct - april mu m Publisher.

H9100315

FRICE

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Please Make Checks Payable To: Baltimore County011:28AH02-07-91

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesspeake Avenue

19 september 19 se

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Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

February 25, 1991

Mr. & Mrs. Dale A. Poletynski 951 N. Marlyn Avenue Baltimore, MD 21221

> RE: Item No. 315, Case No. 91-305-A Petitioner: Dale A. Poletynski, et ux

Petition for Residential Variance

Dear Mr. & mrs. Poletynski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS

REGARDING THIS, FLEASE CONTACT HER AT 887-3391.

Chairman

Zoning Plans Advisory Committee

Enclosures

JED:jw

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204 887-3353

Your petition has been received and accepted for filing this 7th day of February, 1990.

J. ROBERT HAINES
ZONING COMMISSIONER

James SID

Zoning Plans Advisory Committee

Petitioner: Dale A. Poletynski, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

O: J. Robert Haines
Zoning Commissioner

DATE: February 20, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Paul Joseph Chaney, Item No. 296
Martin J. Sussman, Item No. 299
Curtis Turner, Item No. 305
Church of God at Dundalk, Item No. 313
Dale A. Poletynski, Item No. 315
Virgil L. Woodie, Item No. 317

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSVAR.JL/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 22, 1991

FROM: Robert W. Bowling, P.E.

RWB:s

E: Zoning Advisory Committee Meeting for February 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 296, 299, 302, 305, 312, 313, 314, 315 and 317.

For Items 300 and 316, County Review Group Comments are required.

For Item 310 the previous County Review Group Comments are still applicable.

are still applicable.

For Item 307, the previous minor subdivision comments

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

80 a a **!**

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

March 14, 1991

Dale & Cheryl Poletynski 951 N. Marlyn Avenue Baltimore, Maryland 21221

CASE NUMBER: LOCATION:

S/S Marlyn Avenue, 360' W c/l Bennett Road
951 N. Marlyn Avenue

Dear Petitioner:

By Order of the Zoning Commissioner's Office, dated March 13, 1991, this matter must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

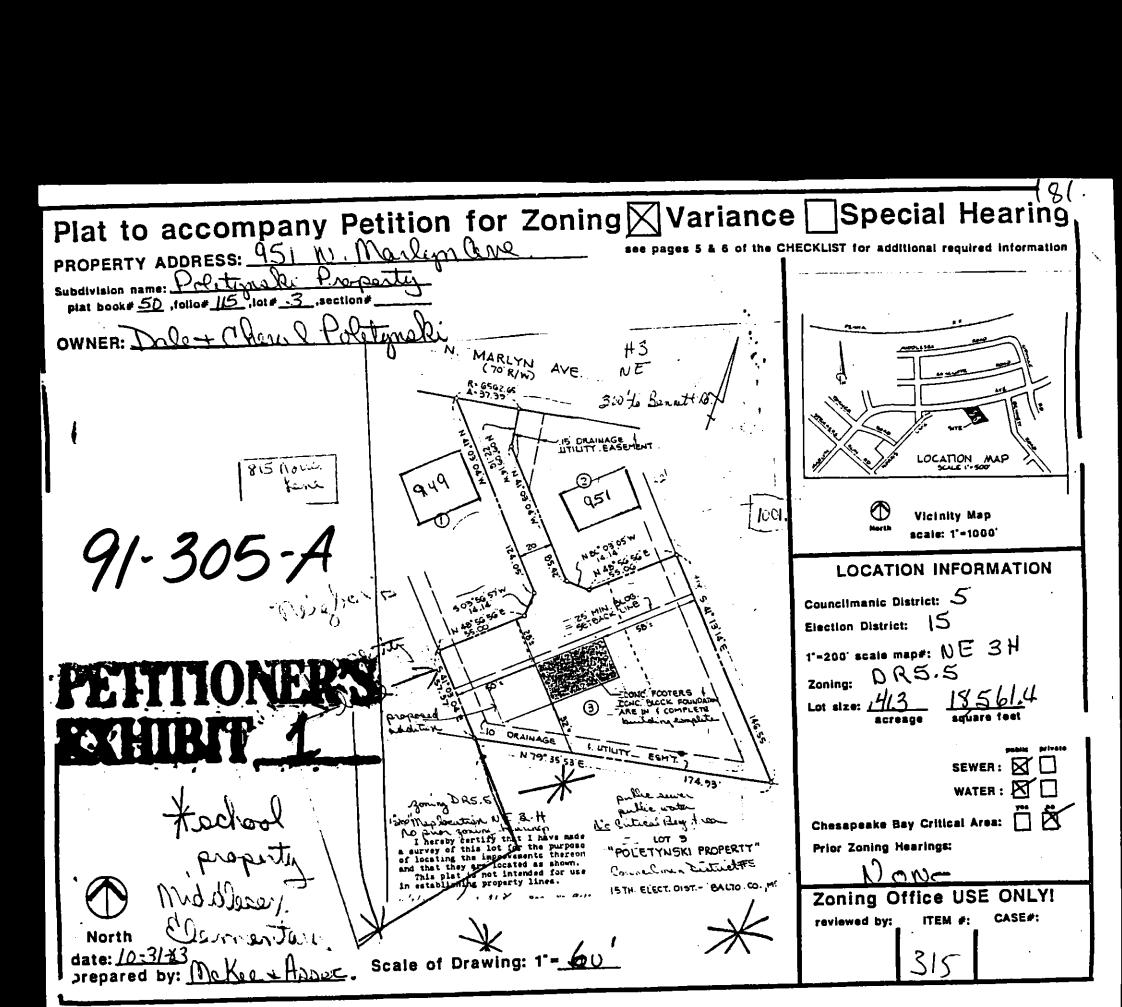
If you have any questions, please do not hesitate to contact this

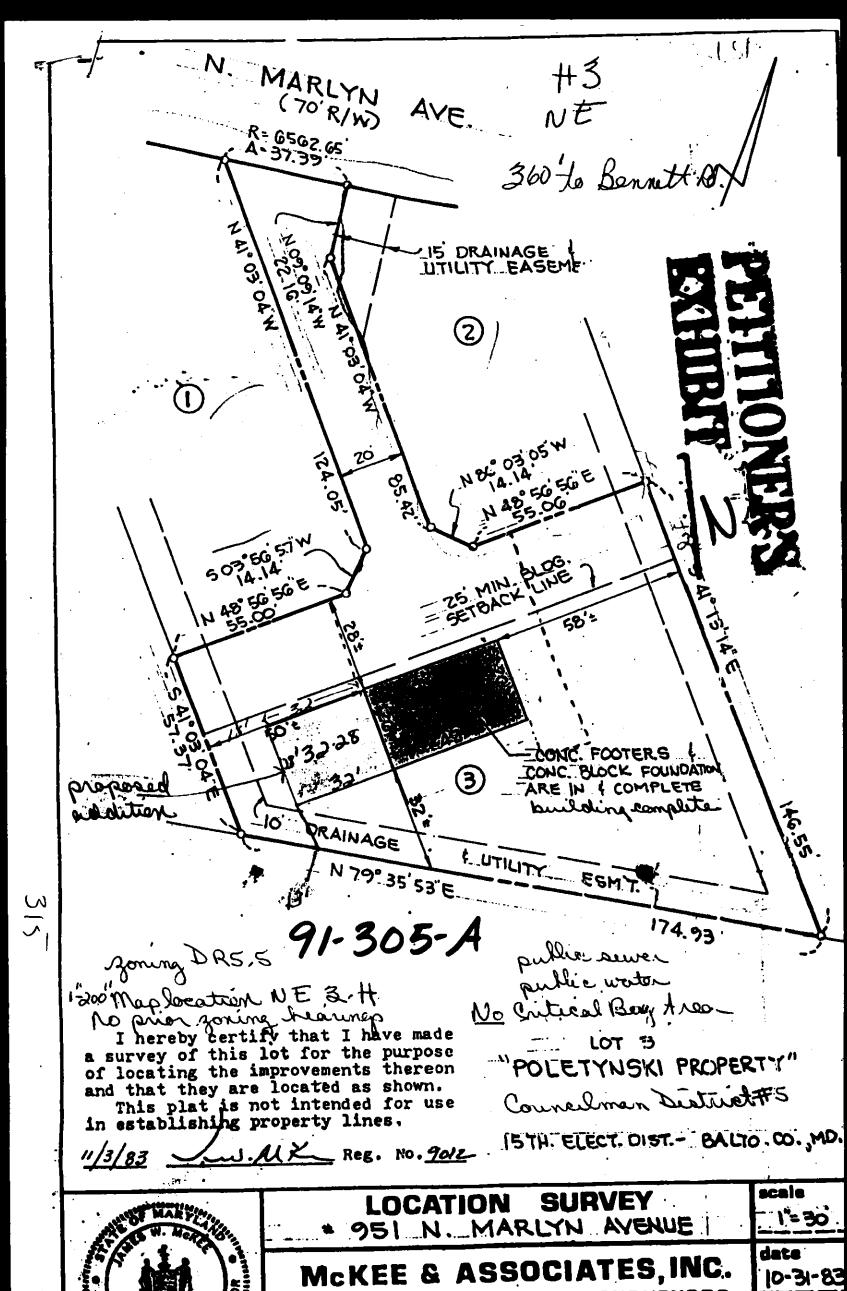
Very truly yours,

/5/

G. G. Stephens (301) 887-3391

File Copy

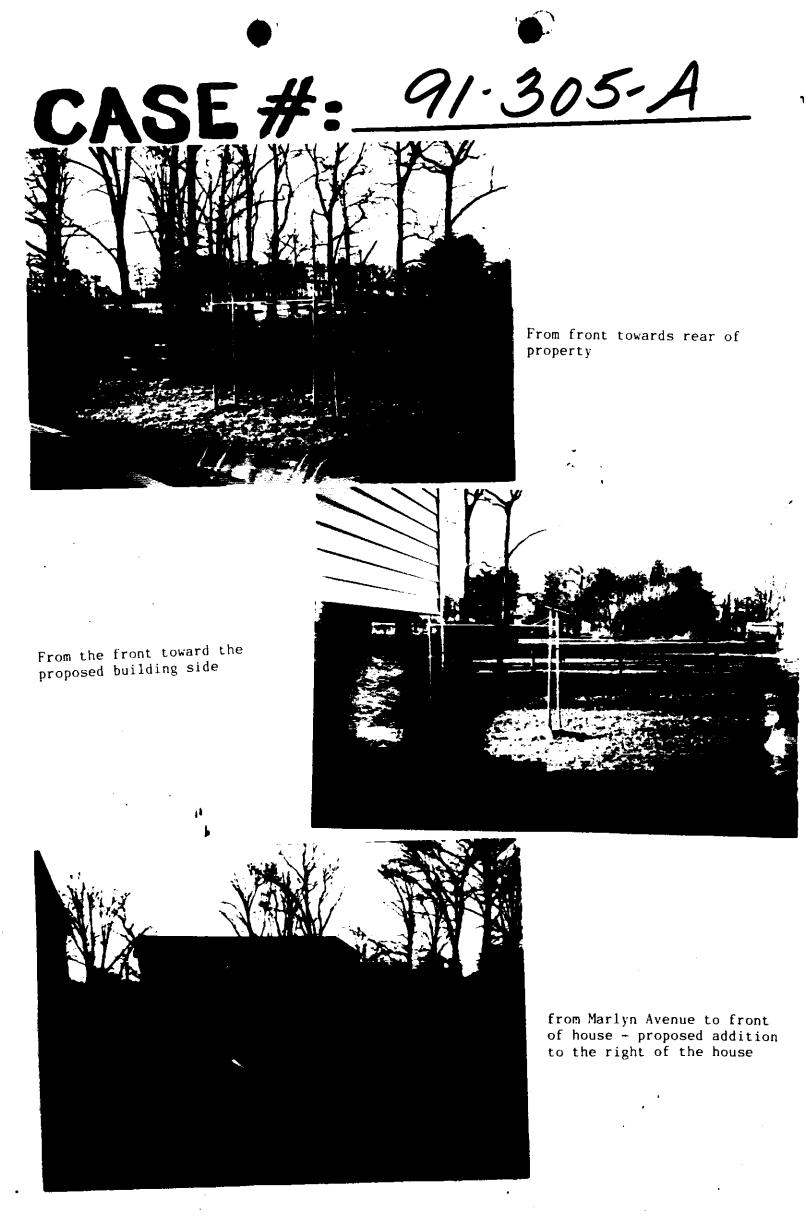




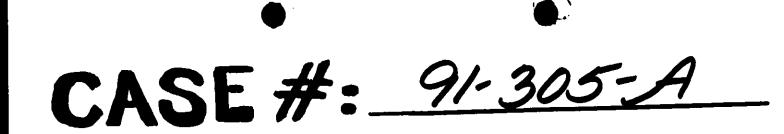
CIVIL ENGINEERS & LAND SURVEYORS , 1717 YORK RD. LUTHERVILLE, MD. 21093

252 - 5820

83-23



PETITIONER'S EXHIBIT #3





Melvin E. Weber for whom the proposed addition shall house



Looking from the rear toward Marlyn Avenue

PETITIONER'S EXHIBIT # 4

