FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(l) of the Baltimore County Code and Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 37 ft. in lieu of the required 50 ft. for an addition, as more particularly described on Petitioners' Exhibits No. 1 and 2.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 4 Chamaral Court, improved with a single family home, zoned R.C.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to permit a side yard setback of 37 ft. in lieu of the required 50 ft. for an addition (garage).

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this $\frac{24}{100}$ day of $\frac{100}{100}$, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 37 ft. in lieu of the required 50 ft. for an addition, in accordance with Petitioners' Exhibits No. 1 and 2, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

 The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

-2**-**

Zoning Commissioner for Baltimore County

cc: Peoples Counsel

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE 91-395-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein 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

COCKENSVILLE, MO 21030

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

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John J Faranch AFFIANT (Handwritten Signature) JOHN D. FEDERICHIK AFFIANT (Printed Name)

CYNTHIA E, FERENCHINE AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: John O. Ferenchik AND CythiA F. Ferenchik

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 belief.

AS WITNESS my hand and Notarial Seal.

1-15-91

My Commission Expires: 11-1-4-2

ATTACHMENT TO PAGE #1 91-395-A

APPLYING FOR AN AREA VACIANCE:

WE FEEL THAT ALL THE CRITERIA HAS BEEN MET AND THAT PRACTICAL DIFFICULTY SHOULD BE CONSIDERED IN GRANTING A VARIANCE FOR THIS PROPERTY SINCE;

396

- THE MAIN STENCTURE HAS ALREADY BEEN BUILT AND BECAUSE OF THAT IT CANNOT BE HOVED DOWN, ALSO THE HOME WAS BUILT ARRIVED THE CONTOUR OF THE AND BELAUSE OF THE SLOPES AND CHANCE ELEVATIONS IT WOULD THE UNREADONABLE TO PUT THE CARAGE ON THE UTHER SIVE OF THE HOME (PICTURES OF THE CONTOUR OF THE LAND ENCION)
- ALSO THE LOT IS IN THE LOWEST POINT IN THE SUBDIVISION IN A HEAVILY WOUDD AREA WHICH WOULD NOT CREATE. AND UNSWHITTLY VIEW, ALSO THE GARAGE DOWN WILL BE FACILLY AWAY FROM THE PANHANIOLE ROAD AND WILL NOT INTELFERE THE AN UNSIGHTMY VIEW.
- III! THE HOME IS THE LAST HOME ON THE PANHAMILE THENE ACE NO HOMES ON EITHER SIDE, ALSO THE VIEW FROM THE SIDE IS VIRTUALLY HIDDEN BY TREES
- ALSO WE HAVE 3 ANTONUSILES AND DO NEED LOVER FROM THE ELEMENTS FOR ALL OF THE CARS

SCHEDULE "A" LEGAL DESCRIPTION

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Enclosed please find the decision rendered in the above captioned

be advised that any party may file an appeal within thirty (30) days of the

additional information concerning filing an appeal, please feel free to

In the event the decision rendered is unfavorable to any party, please

case. The Petition for Residential Variance has been granted, in

date of the Order to the County Board of Appeals. If you require

May 23, 1991

887-3353

111 West Chesapeake Avenue

4 Chamaral Court

cc: Peoples Counsel

Mr. and Mrs. John D. Ferenchik

Case No. 91-395-A

accordance with the attached Order.

contact our Appeals Clerk at 887-3391.

RE: Petition for Residential Zoning Variance

Cockeysville, Maryland 21030

Dear Mr. and Mrs. Ferenchik:

Towson, MD 21204

91-395-A

BEING KNOWN AND DESIGNATED as Lot No. 32, Section 5, as shown on the Plat entitled, "IVY HILL", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book 58, folio 26.

Charageate Folk a P.O. Box 365 Severa Park the +1145

PETITION FOR RESIDENTIAL VARIANCE

TO PERMIT A SIDE	YARD SETBACK OF 37FT IN LIEU OF
THE REQUIRED 50 FT	
The Action 20 Fr	М
of the Zoning Regulations of Baltimore County (indicate hardship or practical difficulty)	, to the Zoning Law of Baltimore County, for the following reas
	DEE WITHCHILD
Property is to be advertised and/or post	ed as prescribed by Zoning Regulations.
	above Variance posting and, if necessary, advertising, upon fi
of this petition, and further agree to and ar Baltimore County adopted pursuant to the Zoni	e to be bound by the zoning regulations and restrictions of
	I/We do solemnly declare and affirm, under the
	penalties of perjury, that I/we are the legal
	owner(s) of the property which is the subject this Petition.
Contract Purchaser:	Legal Owner(s):
	MP JOHN D FERENCHINE
(Type or Print Hame)	(Type or Print Name)
Signature	Signature Ferenchik
Address	PIES CYNTHIA E, FERENCHIC
nore 23	(Type or Print Name)
City/State/fip Code	Signature
Attorney for Petitioner:	W 301.661
(Type or Print Name)	ACHAMARAL COURT IT 301-795
	CCCKETSVILLE MO 21030 Elty/State/Zip Code
Signature	City/State/Zip Code
Address	Name, address and phone number of legal owner, contract
•	purchaset or representative to be contacted.
Attorney's telephone number	Name
	Address
DEDECT by the Zonica Completoner of Baltimore	County, this 150 day of 1990 , 19 90 , that the subject matter of
petition be posted on the property on or before the	
	41
	/ A
	ZONING COMMISSIONER OF BALTIMUNE COUNTY
A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUN	•
	of Baltimore County, this day of, 19, that the su
matter of this matition he educations, as required by the	ne Zoning Lew of Baltimore County, in two newspapers of general circulation thi d that the mobile bearing he had before the Zonion Complesioner of Baltimore (
	company of the company of the control of the control company of the control of the c
out Beltimore County, that the property be reposted, an	nore County, on the day of, 19, at o'c

Location of Signer with front of the the Charles of Court of Extenses

REVIEWED BY: SRD DATE 4-15.91

PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL)

111 West Chesapeake Avenue Towson, MD 21204

May 3, 1991

887-3353

Mr. & Mrs. John D. Frezenchik 4 Chamaral Court Cockeysville, MD 21030

> RE: Item No. 396, Case No. 91-395-A Petitioner: John D. Ferenchik, et ux Petition for Residential Variance

Dear Mr. & Mrs. Frezenchik:

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, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

91-395-A 5-16

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director

SUBJECT: Frank A. Cirincione, Item No. 385

Office of Planning and Zoning

Andrew F. David, Item No. 399

Richard J. Romano, Item No. 400

Francis T. Leyden, Item No. 402

Charles A. Romano, Item No. 404

T & G Partnership, Item No. 407

George Bromwell, Item No. 409

Ronald L. Morman, Item No. 418

Victor Khouzami, Item No. 422

Hawley Rodgers, Item No. 412

Joseph Ruzza, Item No. 416

Dale J. Lohman, Item No. 405

Stanley Z. Steinberg, Item No. 392
John D. Ferenchik, Item No. 396

White Marsh Joint Venture, Item No. 401

Westview Mall Association, Item No. 408

JED:jw

Enclosures

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

ZONING COMMISSIONER

Received By:

Petitioner: John D. Ferenchik Petitioner's Attorney:

15th day of April, 1991.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

Mr. J. Robert Haines Zoning Commissioner

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 30, 1991

Rahee J. Famili

This office has no comments for items number 385, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402 and 404.

In reference to the Petitioners' request, staff offers no

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 10, 1991

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

VARIEDIT.EMS/ZAC1

received

BAL MORE COUNTY, MAR AND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

April 25, 1991

Zoning Commissioner Office of Planning and Zoning

DIVISION OF GROUND WATER MANAGEMENT

Zoning Item #396, Zoning Advisory Committee Meeting of April 30, 1991, Mr. John D. Ferenchik, et ux, 580' East of Centerline Jerome Jay Drive, one end of cul-de-sac (private drive) (34 Chamaral Court), D-8, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any building structure must be a minimum of 30 feet from water wells.

91-395-A

applicable.

required.

DAK:s

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 26, 1991

The Developers Engineering Division has reviewed

the subject zoning items and we have no comments for Items 385, 392, 393, 396, 399, 400, 401, 402, 403 and 404.

For Items 347 (Case #91-374-A), 394 and 395, the

For Item 397, a revised County Review Group Meeting is

For Item 398, a County Review Group Meeting is required.

previous County Review Group Meeting comments are still

Zoning Advisory Committee Meeting for April 30, 1991

FROM: Dennis A. Kennedy, P.E.

WG OFFICE

700 East Joppa Road Suite 901 Towson, MD 21204 5500

(301)8874500

MAY 1, 1991

Baltimore County Government

Fire Department

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JOHN D. FERENCHIK

#4 CHAMARAL COURT

Item No.: 396 Zoning Agenda: APRIL 30, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Planning Group

REVIEWER: Cut fully 5-1-9/ Approved Cathorn Fire Prevention Bureau

Fire Prevention Special Inspection Division

JK/KEK

Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

April 24, 1991

Mr. & Mrs. John D. Ferenchik 4 Chamaral Court Cockeysville, Maryland 21030

Re: CASE NUMBER: 91-395-A LOCATION: 580' E of c/l Jerome Jay Drive, one end of cul-de-sac (private drive) 4 Chamaral Court

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 May 1, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 16 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.

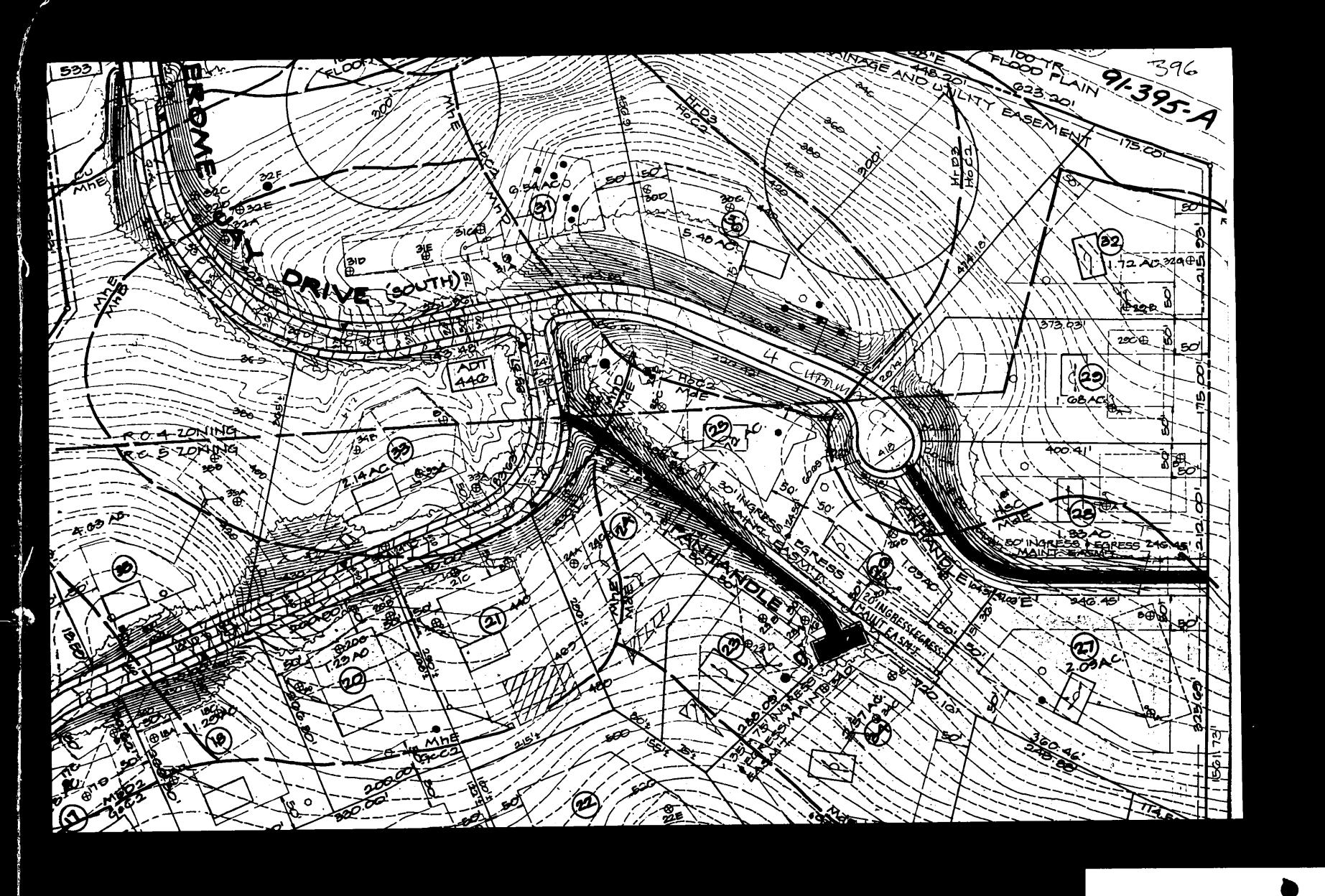
> > Very truly yours,

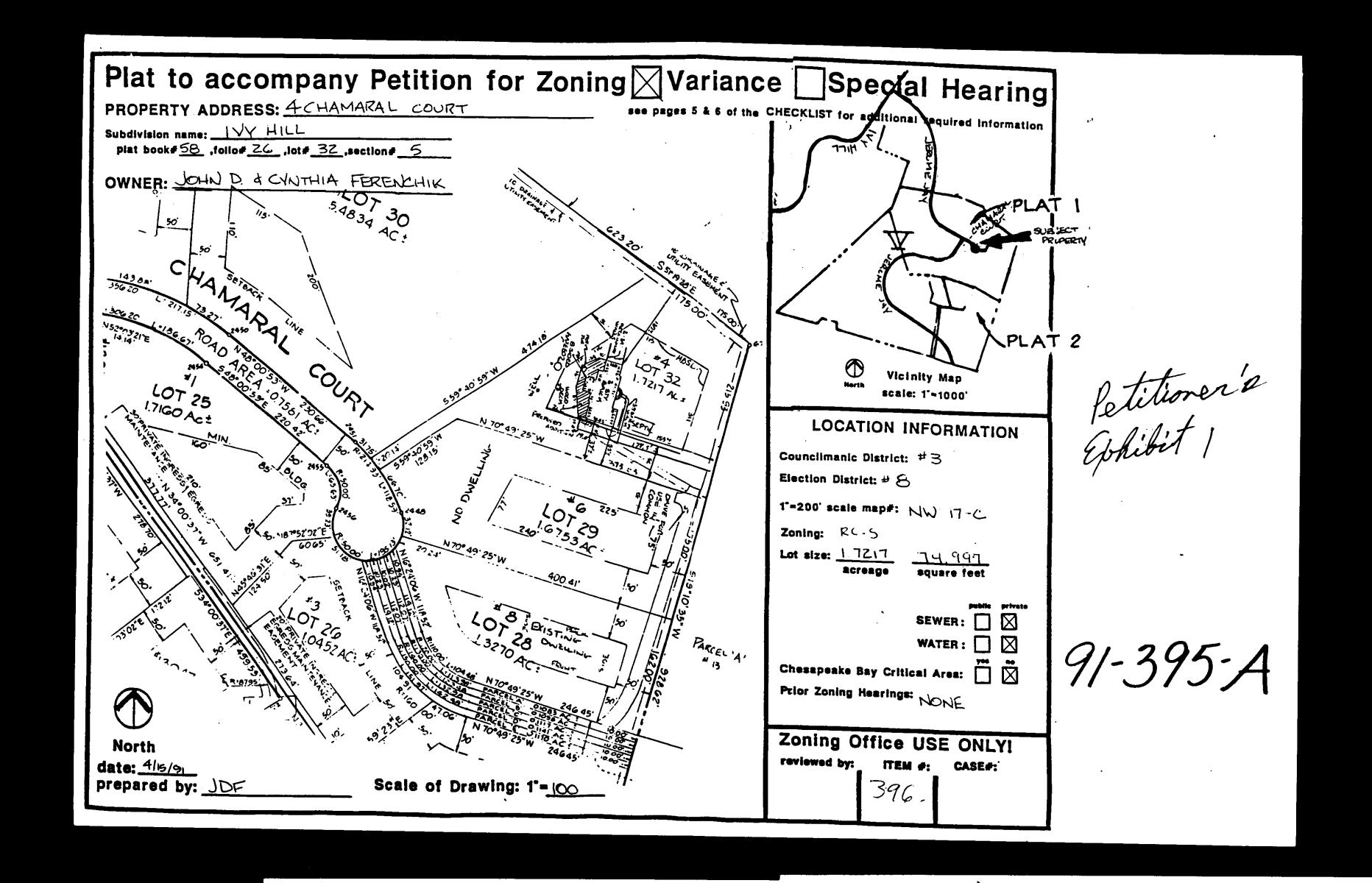
G. G. Stephens (301) 887-3391

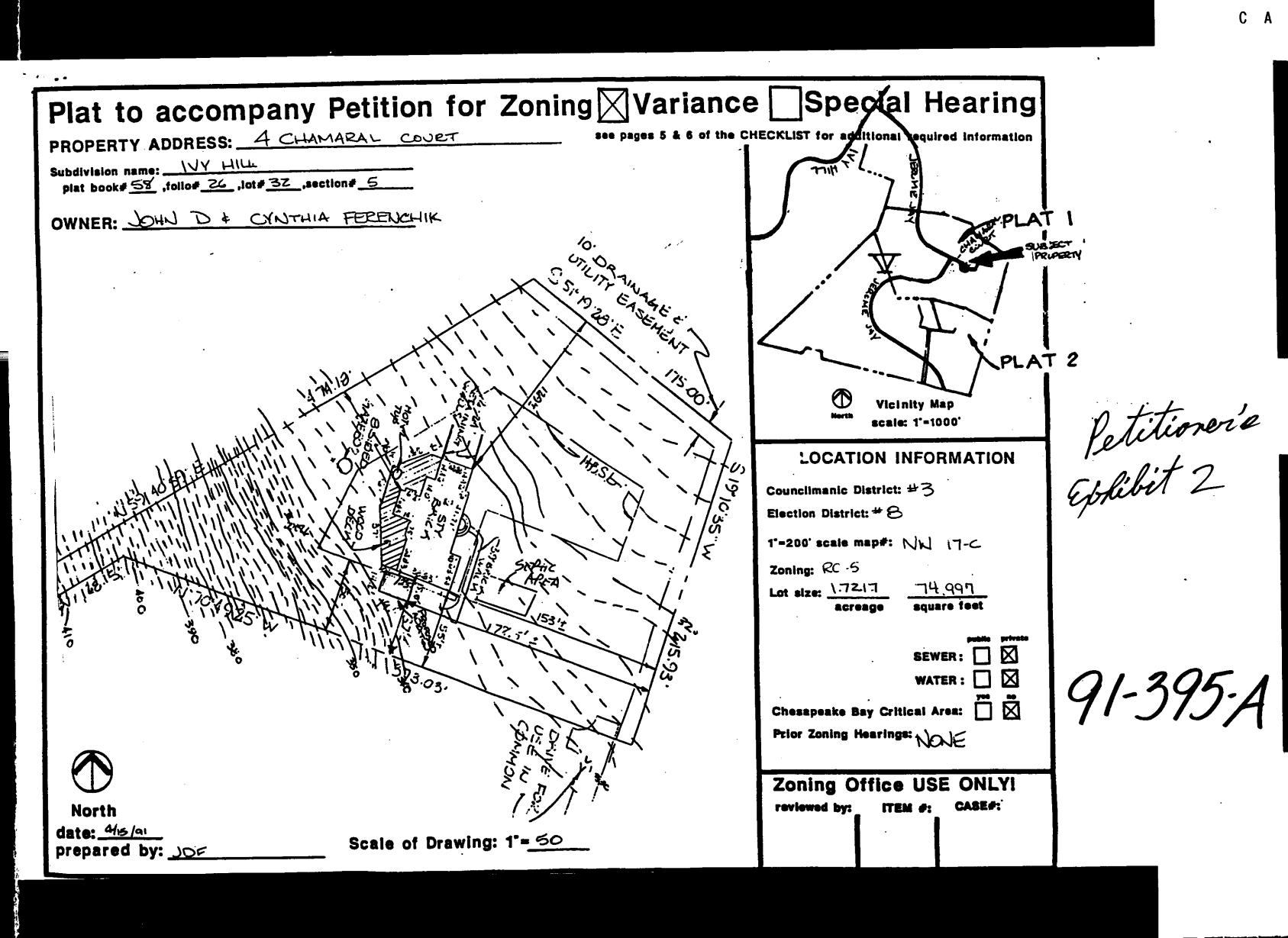
received

Dennis A. Kennedy JE., Acting Chief, Developers Engineering Division

Baltimore County Government





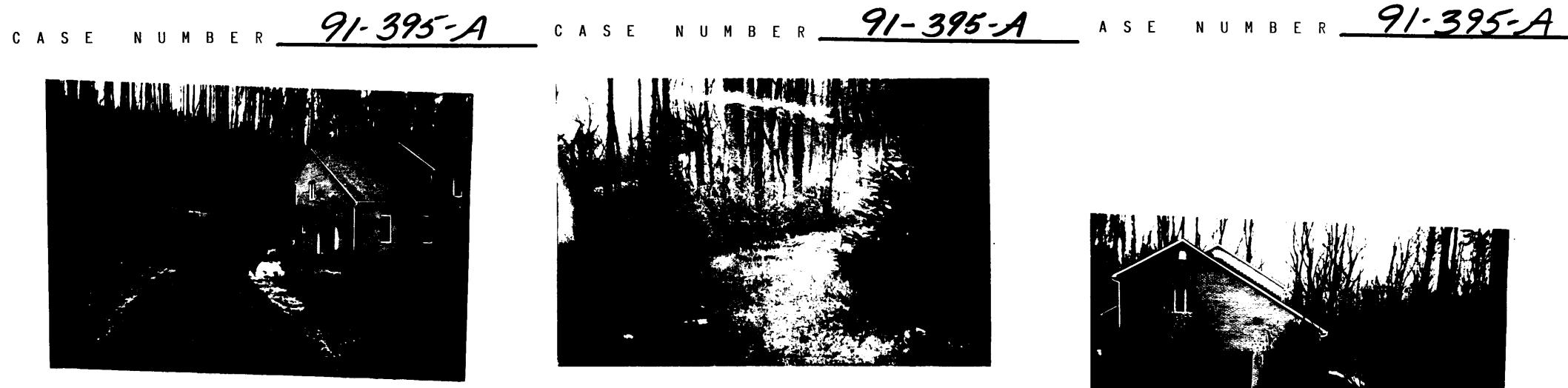




Looking from the beginning of the driveway.



Close up of the proposed garage.



Looking up from the end of the property line above the excavation.



Looking down from the property lines.



Looking from a level point on the unoccupied adjoining property.

PETITIONER'S EXHIBIT# 3 ITIONER'S EXHIBIT# 4

TIONER'S EXHIBIT# 5

