

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-286-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged into structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the factors that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regula-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of March, 1994 that the Petition for a Zoning Variance from Section 1802.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 6 ft., in lieu of the required 10 ft., and a rear yard setback of 10 ft., in lieu of the required 30 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated February 14, 1994, attached hereto and made a part thereof.

LES/

ORDER RECEIVED FOR FILING
Date 3/6/94
By Fr. Book

-3-



(410) 887-4386

Mr. and Mrs. Michael P. Linkowich, Jr.
2109 Birch Road
Baltimore, Maryland 21221

Dear Mr. and Mrs. Linkowich

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.

Lawrence E. Schmitt
Zoning Commissioner

143:run
end
 Recycled on Recycled®

for the property located at 2107 Beech Road, Belts, MD 20705
which is currently used as DRUG STORE

Need two more bedrooms for grand children (boy + girl)
that we have full custody of AND Plan to Raise, Ages 3 + 2
Property is to be posted and advertised as prescribed by zoning regulations.
I, or we, agree to pay expenses of above variance advertising, engineering, etc., and to pay the commission, and further agree to and are to
be bound by the terms, conditions, and provisions of the Conditional Zoning Ordinance adopted by the Zoning Law for Saltwater County.

Contract Purchases/Lessor _____
Type or Print Name

Legal Counsel
Michael Paul Lukens, III, Jr.
Type or Print Name

City _____ State _____ Zip _____

Signature _____

Signature _____
Name _____ Phone No. _____
Address and phone number of representative: to be completed
DANIELA MARE LINKOVIC
1111 1111

Planning Commissioner of Baltimore County

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

That the Affiant(s) do/does presently reside at: 2109 Birch Road
BALTO MD 21221

two bedrooms on the rear of the house 16' x 16' 5".
the required set back cannot be maintained

Search ideas (Boy + girl) whom we are Pals.

Michael P. Linkowich
Diana Marie Linkowich

(Maryland) Michael Linbarick Jr.

My Commission Expires: 3-1-96

ZONING DESCRIPTION FOR 2109 Birch Road
(address)
Election District 15 Councilmanic District 5

ROAD which is 50'
(street on which property fronts) (number of feet of right-of-way width)

which is 50' wide. *Being Lot # 21
(number of feet of right-of-way width)

Book # 38, Folio # 103, containing

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed

Example of meters and bounds: W.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning

...the purpose of organizing.

7

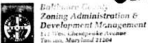
BEING KNOWN AND DESIGNATED as Lot No. 21, we show on a Plat entitled Subdivision of Lot No. 340, Middleborough, Election District 18, Baltimore County, Maryland, Plat Book WPC No. 4, Folio 191, which Plat is recorded among the Land Records of Baltimore County, in Plat Book ERM, Jr. No. 30, folio 100. The improvements thereon being known as No. 2109 Birch Road.

286 .
NO FDP FOUND

NO FDP FOUND

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Direct: 1-26-94 Date of Posting: 1-26-94
 Posted for: Baltimore County Zoning Administration & Development Management
 Petitioner: Michael Linkowich, Jr.
 Location of property: 2109 Birch Road, Baltimore, Maryland 21204
 Location of sign: 2109 Birch Road, Baltimore, Maryland 21204
 Remarks: None
 Posted by: Jeffrey Long Date of return: 1-26-94
 Number of Signs: 1



1-26-94
 MICHAEL LINKOWICH, JR.
 ADJ. V. (C) 50.00
 POSTING (C) 35.00
 85.00

030390077N1C48C \$25.00
 Please Make Checks Payable to Baltimore County 21204-20-94

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 867-3353

ONLINE HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public in showing 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STA: ISSUANCE OF ZONING ORDER.

RONALD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 286
 Petitioner: Michael Linkowich, Jr.
 Location: 2109 Birch Rd. Baltimore, MD 21204
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: SAME
 ADDRESS: SAME
 PHONE NUMBER: 574-2407

Ajgpa

(Revised 04/09/94)

Item Number: 286
 Planner: JCH/MAK
 Date Filed: 2-16-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- ☒ Descriptions, including accurate beginning point
- ☒ Actual address of property
- ☒ Zoning
- ☒ Acreage
- ☒ Plat (need 12, only 1 submitted)
- ☒ 200 scale zoning map with property outlined
- ☒ Election district
- ☒ Contiguous district
- ☒ RCN section information and/or wording
- ☒ Hardship/practical difficulty information
- ☒ Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☒ Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ☒ Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- ☒ Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- ☒ Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- ☒ Mayor's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number

PRE-FLAG (TATYOSI)
1/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 867-3353

February 15, 1994

Mr. and Mrs. Michael P. Linkowich, Jr.
2109 Birch Road
Baltimore, Maryland 21221

RE: Case No. 94-286-A, Item No. 286
 Petitioner: Michael P. Linkowich, Jr., et ux.
 Petitioner for Administrative Variance

Dear Mr. and Mrs. Linkowich:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 January 20, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Q James Lightner
Secretary
Hal Karsoff
Assistant

1-26-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 286 (JCH/MJK)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not cross a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
 BOB SMALL, ACTING CHIEF
 JOHN CORNELL, CHIEF
 Engineering Access Permits
 Division

BS/

My telephone number is _____
 Maryland Relay Service for Impaired Hearing or Speech
 1-800-735-2286 Statewide Toll Free
 Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
 Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
 Item Nos. 277, 278, 281, 286, 287 and 288.
 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 867-3480.

Prepared by: Jeffrey W. Long
 Division Chief: Pat Keller
 PK/2/1w

ZAC, 277/PZOME/ZAC1

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 867-4500

DATE: 01/27/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1109

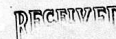
RE: Property Owner: MICHAEL PAUL LINKOWICH JR. ADRIANA MARIE LINKOWICH
 LOCATION: 4/S MCCORMACK AVE., 150' S OF CENTERLINE GEDMAN HILL RD.
 (2501 MCCORMACK AVE.)

Item No.: 286 (JCH/MJK) Zoning Agenda: ADMINISTRATIVE VARIANCE

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.

7. The Fire Prevention Bureau has no comments at this time.



ZADM

REVIEWER: LT. ROBERT P. SAUENMANN
 Fire Prevention, PHONE 867-4801, MS-1102F

cc: File

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204 (410) 867-3353

JANUARY 27, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

To: Michael and Frances Linkowich
2109 Birch Road
Baltimore, Maryland 21221

Re: CASE NUMBER: 94-286-A (Item 286)
 2109 Birch Road
 1/24 North Hill, 180' x 1/2 of 1/2 Section 10
 150' x Section 10 - 150' Commission

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to MS-335. This notice also serves as a reminder regarding the administrative process.

1. Your property will be posted on or before February 4, 1994. The closing date (February 22, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Supply Zoning Commission. They are (a) grant the requested relief; (b) deny the requested relief; or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
2. In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commission), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Changes related to the reporting and newspaper advertising are payable by the petitioner(s).

Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Bob Small
 BOB SMALL
 Director

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management

DATE: February 14, 1994

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 286
Linkowich Property
Chesapeake Bay Critical Area Findings

RECEIVED
FEB 15 1994
ZADM

SITE LOCATION

The subject property is located at 2109 Birch Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Michael and Diana Linkowich

APPLICANT'S PROPOSAL

The applicant has requested a variance from section 3802.C.1 of the Baltimore County Zoning Regulations to allow a side yard setback of 6' and 10' to the rear yard setbacks in lieu of the required 10' and 30' respectively for this lot.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. (COMAR 14.15.10.01.D)

Mr. Arnold E. Jablon
February 14, 1994
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Section 26-449(a)).

Finding: This property is located approximately 500' from the tidal waters of Middle River. Therefore, no disturbance of the 100' buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Program" (Baltimore County Code, Section 26-447).

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surface associated with that use are limited to 25% of the parcel or lot" (Baltimore County Code, Section 26-943(e)(1)).

Finding: Current impervious areas total approximately 2,259 square feet or 34% of the lot. This includes all building structures, paved and crusher-run driveways and parking pads, swimming pools, or any other impervious surfaces. Existing impervious surfaces equalling the amount of the proposed addition (416 square feet) must be removed. These measures will ensure that the requirements of this regulation are met.

Policy: "If permitted development on a property currently exceeds the 15% impervious surface limit, that percentage may be maintained during redevelopment of the property" (Baltimore County Department of Environmental Protection and Resource Management Policy Manual).

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" (Baltimore County Code, Section 26-453(h)(2)).

Mr. Arnold E. Jablon
February 14, 1994
Page 3

Finding: "Stormwater runoff shall be directed from impervious surfaces to vegetated areas, to encourage maximum infiltration. These measures will ensure that the requirements of this regulation are met.

5. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%." (COMAR 14.15.02.04 C.(5)(a)).

Finding: The property currently has 15% tree cover (approximately 12 small trees and shrubs) and it must be maintained to be in compliance with the above regulation.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD/KDK/tm

c: Mr. and Mrs. Michael Linkowich
2109 Birch Road
Baltimore, Maryland 21221

V-4

BIRCH/DEPRM/MQ/CCA

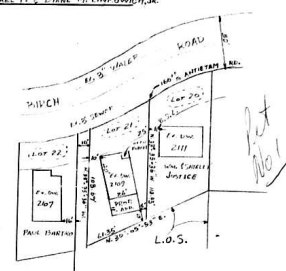
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2109 BIRCH ROAD

Subdivision name: LOT 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

plat book 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

OWNER: MICHAEL P. & DIANA M. LINKOWICH, JR.



LOCATION INFORMATION

Elevation District: 15'

Conservation District: D

1"=250' scale map: N.E. 1/4

Zoning: L24-5.5

Lot size: 2.00 acres

SEWER: ☐ WATER: ☐

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearing: ☐

Zoning Office USE ONLY

reviewed by: ITEM #:

case:

286

North
date: 2-14-94
prepared by:

Scale of Drawing: 1"=50'

94-286-A



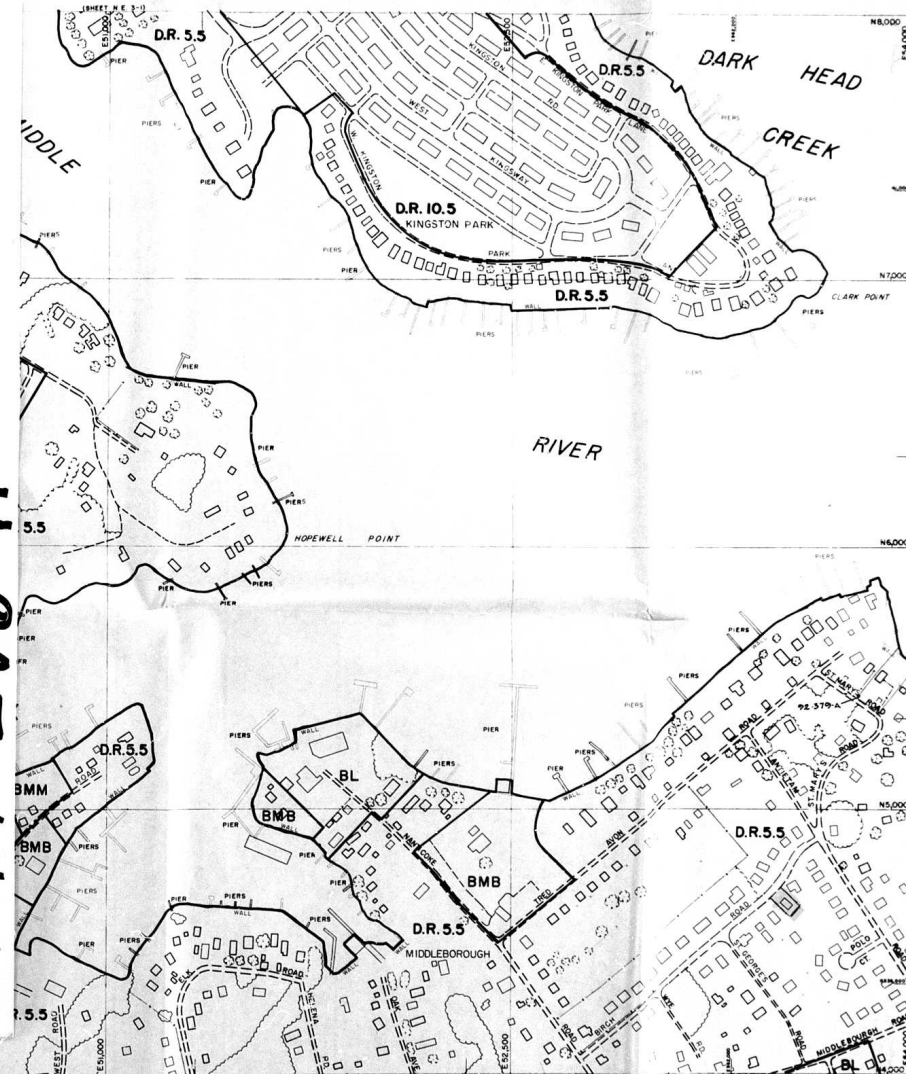


ALTIMORE COUNTY OF PLANNING AND ZONING OTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MIDDLE RIVER	N. E. 2-1
DATE OF PHOTOGRAPHY JANUARY 1986		

D.R.
10.5
BL-CNS
1- SE
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY RICHARD HORN, INC. BALTIMORE, MD. 21219

94-286-A



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1993 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Ord. Nos. 103-02, 104-02, 105-02, 106-02, 107-02, 108-02, 109-02, 110-02

William A. Howard
Chairman, County Council

SCALE	LOCATION	SHEET
1" = 200' ±	MIDDLE RIVER	N. E. 2-1
DATE OF PHOTOGRAPHY JANUARY 1986		