· DEPUTY ZONING COMMISSIONES (1809 Fairview Avenue and 1811 Fairview Avenue) 13th Election District 1st Councilmanic District . OF BALTIMORE COUNTY · Case Nos. 94-363-A E 94-364-A Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the subject properties know, as 1809 and 1811 Fairview Avenue, located in the Halethorpe area of western Baltimore County. The Petitions were filed by the owner of the properties, Victoria B. Bagrowski. In Case No. 94-363-A, the Petitioner seeks relief from Sections 1802.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.2.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, side yard setbacks of 8 feet each in lieu of the minimum required 10 feet for both, and to approve an undersized lot as buildable for a proposed dwelling at 1809 Fairview Avenue. In Case No. 94-364-A, the Petitioner seeks relief from Section 1802.3.C.1 of the B.C.Z.R. to permit a lot width of 50 feet in lieu of the required 55 feet, and a side yard setback of 6.5 feet in lieu of the minimum required 10 feet for the exist ing dwelling at 1811 Fairview Avenue. The subject properties and relief sought are more particularly described on the plat which accompanied the Petitions filed in this matter and marked as Petitioner's Exhibits 1.

Appearing on behalf of the Petitions were Victoria Bagrowski. property owner, Mr. & Mrs. Christopher Bagrowski, the Petitioner's son and daughter-in-law, and F. Michael Grace, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimosy revealed that both properties identified shows contain approximately 0 1435 acres each, goned D.R. 5.5. The property known as 1811 Pairwiew Avenue is improved with a two-story single family dwelling and accessory shed. The property known as 1809 Fairview Avenue is unimproved. Testimony indicated that the Petitioner and her late husband purchased the subject properties in 1959 and that they resided together on the property at 1811 Fairview Avenue until the death of her numberd in At this time, Mrs. Begrowski continues to reside in the dwelling alone. Mrs. Bagrowski's son is desirous of developing the property at 1809 Fairview Avenue with a single family dwelling for his wife and family in order to be closer to his mother and provide assistance to her in her older weers. Yestimony revealed that Mrs. Begrowski does not have a driver's license and relies upon her children to run errands and provide transportation for her as needed. The relief requested herein is necessary to legalize existing improvements on 1811 Fairview Avenue and to permit develorment of the adjoining property on 1809 Fairview Avenue.

An even vertices may be greated where strict application of the series were lations would cause practical difficulty to the Patitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

- difficulty for an area variance, the Petitioner must meet the following: whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
 - whether the grant would do substantial injust to applicant as well as other property owners in district or whether a lesser relaxation than tapplied for would give substantial relief; and

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974)

It is clear from the testimony that if the variance is granted such use, as proposed, will not be contrary to the spirit of the B.C.Z.P. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special nces or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Direment to the advertisement, meeting of the property, and public hearing on these Patitions held, and for the reserve given shows the variance remested should be granted.

THEREPORE. IT IS ORDERED by the Denuty Zoning Commissioner for

Beltimore County this 17th day of May, 1994 that the Petition for Variance in Case No. 94-363-A seeking relief from Sections 1802.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, side yard setbacks of 8 feet each in lieu of the minimum required 10 feet for both, and to approve an undersized lot as buildable for a proposed deelling on 1809 Pairview

Avenue. in accordance with Petitioner's Exhibit 1, be and is hereby GRAM

IT IS FURTHER ORDERED that the Petition for Variance in Care No. 94-364-A in which the Petitioner seeks relief from Section 1902 3 C 1 of the B.C.Z.R. to permit a lot width of 50 feet in lieu of the remained 55 feet, and a side setback of 6.5 feet in lieu of the minimum required 10 feet for the existing dwelling at 1811 Fairview Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following

1) The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made waver that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order is reversed, the relief granted herein shall be rescinded.

THOTHY H. HOTROCO
Deputy Zoning Commissioner
for Beltimore County

THE

Raltimore County Government Zoning Commissioner

Suite 113 Courthouse 400 Washington Avenu Towson, MD 21204

(410) 887-4386

May 17, 1997

F. Michael Grace, Esquire Sisriel & Brush, P.A. 300 Frederick Road, Suite 10 eville Haryland 2122

RE: PETITIONS FOR VARIANCE: NE/S Fairview Are., 27:9-75: 6.329.75' SE of the c/l of Ridge Rd. (1805 and 100 District - last Councilmanic District Victoria B. Bagrowski - Petitione Case No., 94-363-8. E M-364-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

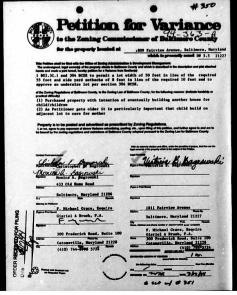
able, any party finds the decision rendered is unfavorable, any party may file an appeal to the County Mosard of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 807-1391

lenthe, Kotroco TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mrs. Victoria B. Bagrowski 1811 Fairview Avenue, Baltimore, Md. 21227

Mr. & Mrs. Christopher F. Bagrowski 433 Old Home Road, Baltimore, Md. 21206

People's Counsel pile



SCHING DESCRIPTION FOR 1800 PAINTIN AVIOUR BLECTION DISTRICT 13 94-363-A ---

#350

MBGIRHING at a point on the northeast side of Fairview Assessment in 10 feet wide at a distance of 279-75 feet contents of the nearest ingerowed intersecting street Miges Need Reletable of the Section 10 feet and 10 feet a

132h - 4 May Posted to . Vexteries Victorio B. Barrewsky 1809 Farriou Are, NESS 278.75' JE Aire. R. & Fring foodway on populy himsend Millety m a mm ... 1/12/194 CERTIFICATE OF PUBLICATION Opril1 ,1094 THIS IS TO CERTIFY, that the annexed advertise oublished in THE JEPPERSONIAN, a weekly newspaper published in Towson, Bultimore County, Md., once in each of weeks, the first publication appearing on March 31, 10 94 Henrilson LEGAL AD. TOWSON

Vienera Baganto - Nos Faires Amos

receipt 94-363-A

3, 2004

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03-078010-MICHRC
So 0009-05-A403-17-94
Please Make Checks Payable Te: Bettimere County

Baltimore County Governm Office of Zoning Administrat

111 West Chesapeake Avenue Towson, MD 21204

1

(410) 887-3353

MARCH 24, 1994 NOTICE OF HEARING

The Desirg Constitutions of Baltimere County, by authority of the Desirg Let and Repulsator of Baltimere County, will build a positio bearing on the property identified herein in Soun Sid of the County of Side Public, 11 18. Conceptuals where in Tomous, Agripated 12004 or Side 118, Old Courthours, 600 Manhington Seemes, Tomous, Reyland 22004 as follows:

CME REMGES. 14-NG-1-4 (Time 200)
1809: Indivine Seeme.
INFO Individual Seeme.
INFO Individual

Variance to permit a lot width of 50 feet in lieu of the required 55 foot and side pard methacks of 8 feet in lieu of the required 10 feet and to approve an undersized lot.

Call Jalle

on: Victoria B. Bagrowski Christopher and Romina Bagrowski F. Richael Grace, Esq.

NOTES: (1) DORING SING & POST MATS DE RETURNOS TO DM. 104, 111 M. ORESANDARE ANGURE OF THE MEASURE SAFE.

(2) REMAINDES AND RANDICLARPION ACCESSIBLES; FOR SPECIAL ACCORPORATIONS PLEASE CALL 807-10753.

(3) FOR INFORMATION CONCERNIS THE FILE MENJOR HEARING, CONTECT THIS OFFICE AT 807-13751.

PETITION PROCESSING PLAG

3-10-94

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. Showever, the following segunds by Sagnia. A copy of this filey will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has Zoning Commissioner's review. The planner that accepted the petition for filing has Zoning Commissioner's review of the petition regretly the times noted below. If the petitioner/site petitioner control is contacted by the planner, it is the petitioner's utilisate conflicts, and for file reviewed petitions determined in the commission of the petitioner's critical file recommenzary belongs and unnecessary delications expenses may be enoughed 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
Acresgo
Plats (need 12, only submitted)
Election districts with property outlined
Election districts and/or available
United the control of the c

PET-PLAG (TXTSOPH) 11/17/93

(A10) 887-3353

April 15, 1994

F. Michael Grace, Esquire Gisriel & Brush, P.A. 300 Frederick Road, Suite 100 Baltimore, Maryland 21228

RE: Case No. 94-363-A, Item No. 350 Petitioner: Victoria B. Bagrowski, et al. Petition for Variance

IJ1 West Chesapeake Aven

The Souling Flace Abdomy Committee (SAC) has reviewed the place schmitted with the slown refrescenced partition. The attended commit-es and reviewing spency are not intended to indicate the appropriateness of the souling action repeated, but to assure that all parties. Let almost or problems with report to the proposed improvements that any have a bearing on this case.

Enclosed are all comments submitted thus far from the numbers of such as the far from the numbers of such as the far from the numbers of the far from the far fro

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

The director of Zoning Administration and Development Management has instituted a system thereby seasoned coning attrempts to the control of the configuration of the control of the all sepects of the zoning regulations and patitions fulling requirements can file their petitions with this office without the necessity of a preliminary revise by zoning perconnel.

111 West Chesapeake Avenue Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCE

<u>Ballimore County Zouleg Regulations</u> require that notice be given to toe general public/malshoring property owners relative to property to the property owner shall be a supported by the property 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 advantising are satisfied. However, the patitioner in responsible for the costs associated with these requirements.

1) Posting fees will be accessed and paid to this office at the

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES MILL STAY ISSUANCE OF ZONING ORDER.

GLI JABON, DIRECTOR

(410) 887-3353

For newspaper advertising: Item Ho.: 350 Petitioner: Victoria Bagrowski

Location: 1809 Farmer Au PLEASE FORMARD ADVERTISING BILL TO: MANE: F. Michael Grace, Esquire
Cisriel + Brush, P.A.

ADDRESS: 300 Frederick Road, Suite 100 Carlows wille, July, 21228 PHONE HUMBER: 410 744-5724

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

FROM: (PRObert W. Bowling, P.E., Chief Developers Engineering Section

Zoning Advisory Committee Heeting for April 4, 1994 Item No. 350

Arnold Jablon, Director DATE: April 4, 1994 Zoning Administration and Development Management

The Developers Engineering Section has reviewed the subject soning item. If the variance is approved, the site is subject to Baltimore County Development Regulations, Divisions \$3, 4 and 5 for a minor development.

AJ:qgs

Maryland Department of Transportation State Highway Administration

TO: PUTULENT PUBLISHED COMPANY Barch 31, 1994 Innue - Jeffersonion

LAMBSECE E. SCHEIDT DOWNS COMMISSIONER FOR MALTIMORE COUNTY

NOTICE OF REARING

The Zonling Commissioner of Saltimore County, by authority of the Zonling Act and Regulations of Saltimore County, will hold a public hearing on the property identified herein in Room 106 of the County office Sulfilloy, 111 N. Consepants Reserve in Tomons, Registed 2204

Variance to permit a lot width of 50 feet in lieu of the required 55 foot and side yard sethecks of 6 feet in lieu of the required 10 feet and to approve an undersized jot.

CASE SURREL: 94-35.-8 (Tem 35C)
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RE/S Fairriew Arenne
RE/S Fairriew Arenne
Dith Election Statrict - 1st Concellmente
Logal Generic(1) Horizota 3. Supposed
Contract Perchamer(1): Certatoper 7. Supposed and Resica 8. Supposed
Contract Perchamer(1): Certatoper 7. Supposed and Resica 8. Supposed
REALIEST TREATM. 1812. 56, 1994 et 10:00 n.m., ms. 18, 014 Concellments.

F. Richael Grace, Esq. Gisriel & Brash, P.A. 300 Frederick Road, Suite 100 Catomoville, Racyland 21228 410-744-5724

Hal Kassoff

3-26-94

Item No.: \$350 (MJK)

Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Me Charlotte Minton Zoning Administration and Development Management County Office Building

This office has reviewed the referenced item and we have no objection to approval as it does not access 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.

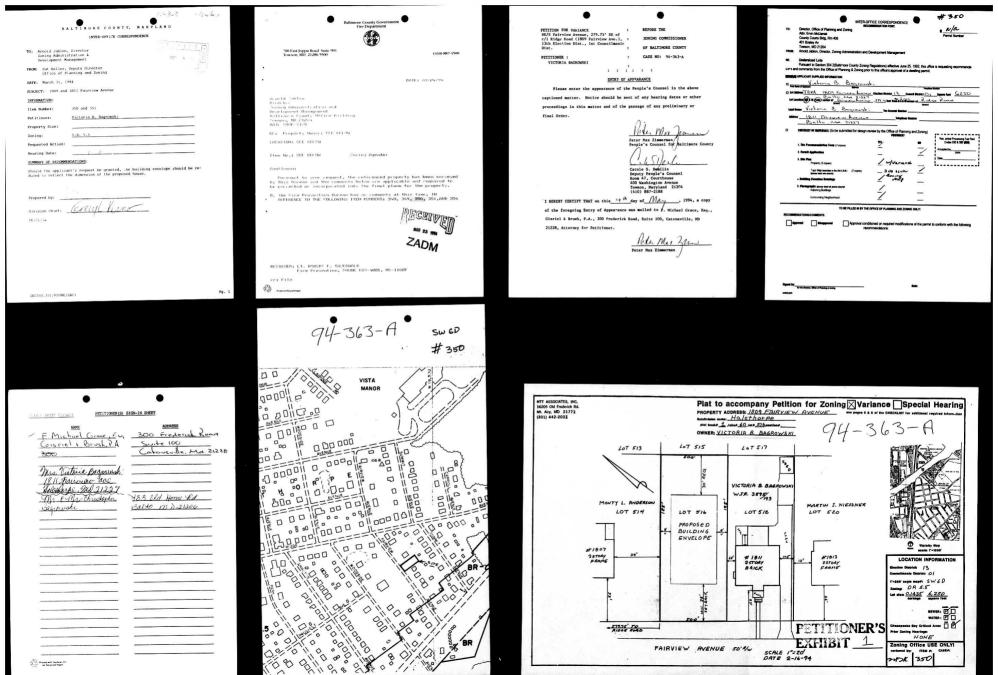
Bob Small ONUID NI. ICAMSEY, ACTINIC CHIEF

Look Concessable, Chief

Engineering Access Permits

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 - Saltimore, MD 21202-0717 Street Address: 707 North Calvert Street - Saltimore, Maryland 21202









Street one direction.









look from Dite to adjocent parcel



looking from site to adjacent panel

• 94-363-A

adjacent Parcel.



Front of adjacent porcel to sate.



Property line between site and adjocent



Middle of site to stuit.



adjacout property

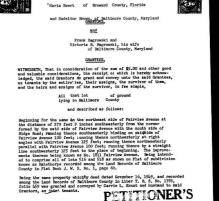


THIS DEED, Made this 31 st day of December , in the year ne thousand nine hundred and eighty-seven, by and between VICTORIA B. BAGROWSKI, widow, of Baltimore County, in the State of Maryland, party of the First Part, and VICTORIA B. BAGROWSKI, widow, of the County and State aforesaid, party of the Second Part, and/CHRISTOPHER F. BAGROWSKI, of the County and State aforesaid, party of the Third Part.

WITNESSETH, that in consideration of the sum of NO CASH and for other good and valuable consideration, the receipt of which is hereby acknowledged, the said VICTORIA B. BAGROWSKI, does hereby grant and convey unto the said VICTORIA B. BAGROWSKI, to sell, lease, mortgage or otherwise dispose of or encumber the hereinafter described fee simple property or any part thereof, or any interest therein (except by testamentary disposition), including the remainder as well as the life interest and including the the remainder as well as the Lie and apply the proceeds for the: $_{12}^{10}$ (0) absolute estate therein, and to use and apply the proceeds for the: $_{12}^{10}$ (0) use or for the use of the survivor of them and without state $_{12}^{10}$ (0) $_{12}^{10}$ (1 on the part of the purchaser, mortgagee or lessee of seeing, \$0.000,002 1/2:17 application of the proceeds thereof, and upon the death of the said 01/2/88 VICTORIA B. BAGROWSKI then as to so much of said property as may not have been disposed of by her under the above-mentioned powers unto CHRISTOPHER F. BAGROWSKI, his personal representatives and assigns, in fee simple, all that piece or parcel of ground situate, lying and being in Baltimore County, State of on the control that the control that

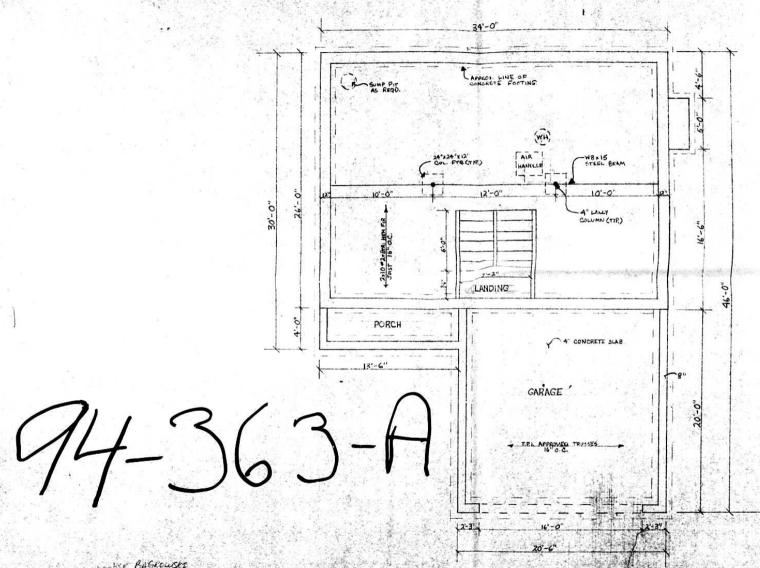
SILL AFT DATE 122





THIS DEED





MIR TIMES CHRISTOPHER BAGROUSES
15.09 FAM VIEW DRIVE
3.6 HO 1239 21321

BASEMENTY FOUNDATION PLAN