NAMES PRETENTING FOR NAMENCE NAMES ENGINEETHE PROTECTION OF STATE OF STATE

FINDINGS OF FACT AND CONCLUSIONS OF LAM

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for the subject properties known as 1809 and 1811 Fairview Avenue, located in the Haiethorpe 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 existing deciling 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 Nagrowski, property comer, Nr. & Nr., Christopher Dagrowski, the Petitioner's son and daughter-in-law, and F. Nichael Grace, Empire, attorney for the Petitionor, There were no Protestants present.

Testimony revealed that both properties identified above contain approximately 0.1435 acres each, zoned D.R. 5.5. The property known as 1811 Fairview 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 humband purchased the subject properties in 1959 and that they resided together on the property at 1811 Fairview Avenue until the death of her husband in At this time, Mrs. Bagrowski 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 elder years. Testimony 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 peeded. The relief remnested bornin is necessary to localine evicting (envoyments on 1811 Palveley Suenus and to navnit down). opment of the adjoining property on 1809 Fairview Avenue.

An area variance may be granted where strict application of the zooing regulations would cause practical difficulty to the Petitioner and his property. <u>Notery</u>, 270 Md. 206 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unresconably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdenesses.
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser releastion than that applied for would give substantial relief; and
- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

RECEIVED FOR

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.R. and will not result in any injury to the public wood.

After due consideration of the testimony and evidence presented, it is clear that precised difficulty or unreasonable hardeling will result if the variance is not greated. It has been established that special circumstances 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 he petitions exacts relief will unbity restrict the use of the land due to the special conditions unique to this perticular parcel. In addition, the variance requested will not cause any injury to the public health, safety or peecark uniters. Further, the questing of the Patitions's request is in strict hermony with the appirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS CHORMED by the Dapity Zoning Commissioner for Bulliance County thin <u>/ T^(A)</u> day of May, 1994 that the Petition for veriance in Case No. 94-NS-A seeking relief from Sections 186,3.2.4.1 and 304 of the Bulliance County Zoning Requisitions (B.C.Z.R.) to presit a lot width of 50 feet in lies of the required 55 feet, side yeard esthacks of 8 Scet each in lies of the minima required 50 feet for both, and to approve an undersized lot as bulldable for a proposed dealing on 1807 Tairrism on undersized lot as bulldable for a proposed dealing on 1807 Tairrism Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANT-ED; and.

IT IS PURPOSE ORGERED that the Petition for Variance in Case No. 94-364-% in which the Petitioner seeke relief from Section 1802.3.C.1 of the B.C.E.R. to permit a lot width of 50 feet in lieu of the required 50 feet, and a side setback of 6.5 feet in lieu of the minimum required 10 feet for the existing demilling at 1811 Pairview Avenue, in accordance with Petitioner's Exhibit 1, be and in hereby CRANTED, subject to the following restrictions:

 The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made sware 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 relief granted berein shall be rescinded.

THE:bis

TINOTHY N. HOTROCO
Deputy Zoning Commissioner
for Baltimore County

DER RECEIVED FOLING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887,4386

May 17, 1994

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

RE: PETITIONS FOR VARIANCE
NR/S Fairview Ave., 279,75' & 329.75' SE of the c/l of Ridge Rd
(1809 and 1811 Fairview Avenue)
13th Election District - let Councilmanic District
Victoria 8. Bagrowski. - Petitioner

Door Mr. Grac

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.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board 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 887-339

Very truly yours,

LLU He, Kofroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissione
for Baltimore County

TMK:bjs

634 management

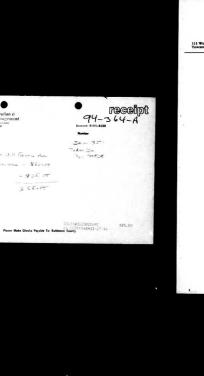
cc: Mrs. Victoria B. Bagrowski 1811 Fairview Avenue, Baltimore, Md. 2122 Mr. 5 Mrs. Christopher F. Bagrowski 433 Old Home Road, Baltimore, Md. 21206

433 Old Home Road, People's Counsel

Petition for Variance

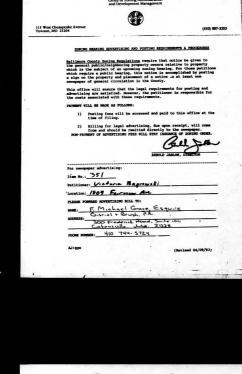
94-364-A
SONING DESCRIPTION FOR 1811 PAIRVING AVENUE
BEACTION DESPRICT 13
COUNCILABATIC DESPRICT 61

MRGINHING at a point on the northeast side of Pairview Avenue which is 60 feet wide at a distance of 135.75 feet scetheast of the control as 60 feet wide. BIRIN Let 6 1516 in the subdivision of Ralethorpe as recorded in Raltimore County Flat Book 1, folio 60 containing 6126 Square feet. #351



Z+m 35

Taken In



Baltimore County G Office of Zoning Ad

April 15, 1994

The Zoning Plans Shvinory Committee (ZAC) has reviewed the plans shown that the Plans shows the Plans show the

Enclosed are all comments submitted thus far from the numbers of Rac offer or sequest information on year stiller. If additional comments are read to the read of the read of the read of the comments are read of the read of the read of the read of the second of the read of the read

The following comments are related only to the filing of future coming patitions and are sized at expediting the patition filing process with this office. The director of Zoning Administration and Development Renorment
has instituted a system obtained position that the comply with
all aspects of the zoning regulations and puttions flittle
prequirements can file their potitions with this office without
the accessing of a preliminary revise by ranks personal.

111 West Chesapeake Avenue Towson, MD 21204

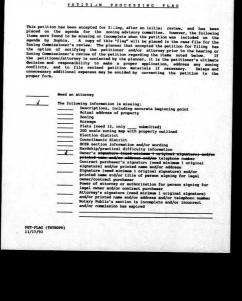
F. Michael Grace, Esquire Gisriel & Brush, P.A. 300 Frederick Road Baltimore, Maryland 21228

Dear Mr. Grace:

RE: Case No. 94-364-A, Item No. 351 Petitioner: Victoria B. Bragrowski Petition for Variance



(410) 887-3353



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

Zoning Advisory Committee Heeting for April 4, 1994 Item No. 351

FROM: PRobert W. Bowling, P.E., Chief Developers Engineering Sectio

Planner: HAK Date Filed: 3:17-Q4



RS

Maryland Department of Transportation State Highway Administration

North 31, 1994 Imme - Jeffe

NOTICE OF HEARING

The Ecolog Commissioner of Baltimore County, by suthority of the Scaling Act and Depolations of Baltimore County, will have a position bearing on the property identified herein in Boom 100 of the County of Clifford Scaling County of Clifford Scaling County (Clifford Scaling County) (Clifford Scaling Cou

Variance to permit a lot width of 50 feet in lies of the required 55 feet and a mide pard setheck of 6.5 feet in lies of the required 10 feet.

NOTES: (1) MEANINGS AND MANUFCHIPMEN ACCOMMENTAL; FOR SPICIAL ACCOMMENSATIONS PLEASE CALL 007-3353.

(2) FOR IMPOREPTION CONCERNS THE FILE MENORS MEANING, PLEASE CALL 007-3351.

CASE MERRES: 94-364-4 (Item 351)
1811 Fallrise Brenne
187, Fallrise Brenne
198, Fallrise Brenne, 198, 75' SE of Midys Sond
1984 Election Selected: - Let Conscilence
1984 Election Selection - In Segmental
1884 ERRES: THEREST, APRIL 26, 1994 et 10:00 e.m., Ro. 116, Old Courthouse.

LAMBERCE E. SCHUDT

Place french billion to:

F. Richael Grace, Esq. Gisriel & Brush, P.A.

3-26-94

Re: Baltimore County Item No.: \$\darklet 351 (MJK)

111 W. Chesapeake Avenue Towson, Maryland 21204

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.

Thank you for the opportunity to review this item.

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

Very truly yours, Bob Small O AND M. PANSEY, ACTING CHIEF

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Meiling Address: P.O. Box 717 - Seltimore, MD 21283-0717 Street Address: 707 North Calvert Street - Baltimore, Marriand 21202

Prompt and Suppose Int

111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353

MACE 24, 1994

NOTICE OF HEARING

Baltimore County Government Office of Zoning Administration and Development Management

The Zoning Commissioner of Baltimore County, by sutherity of the Zoning Let and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Rosm 106 of the County Office Building, 111 M. Chesqueaks Avenue in Townow, Navyland 21204

or Room 118, Old Courthouse, 400 Hambington Recesse, Tourson, Maryland 21204 as follows:

CASE MEMBER: 94-364-8 (Item 351)
1811 Fairview Avenue
EU/S Fairview Avenue, 329.75° SE of Ridge Road
13th Election District - 1st Councilmanic

Petitioner(s): Victoria B. Ragrowski segarmi: TESTAT. MWIL 26, 1994 at 10:00 a.m., Rm. 118, Old Courthoose Variance to permit a lot width of 50 feet in lies of the required 55 feet and a mide yard methack of 6.5 feet in lies of the required 10 feet.

Ealtimore Co Zoning Adm Developmen

cec. 1 sign

Victoria Baginisti - 1811 From Au 010- Res Zing Lynna - 850.00

- 905.00

\$ 65.00

Date 3/17/44

Cashier Validation

Cel John

NOTES: (1) EXPENDE SIGN & POST MEST SE RETURNED TO IM. 104, 111 M. CHESAPTARE ENTERS OF THE MEASURE DATE.

(2) MEASURED DAY REMOTED/PED ACCESSIBLE; FOR SPECIAL ACCOMMENSIONS FLUEST CALL 887-3553.

(3) FOR INFORMATION CONCREDED THE FILE AND/OR MEASURE, CONTECT THIS OFFICE AT 887-3391.

