

IN RE: PETITION FOR RESIDENTIAL	* BEFORE THE
ZONING VARIANCE	
S/S of N. Boundary Avenue, 30'	* ZONING COMMISSIONER
E of c/l Inverness Avenue	
8201 N. Boundary Avenue	* OF BALTIMORE COUNTY
12th Election District	
7th Councilmanic District	* Case No. 96-524-A
James J. Krawczyk, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by James J. Krawczyk and Maureen Krawczyk, his wife, for that property known as 8201 N. Boundary Avenue in the eastern section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 102.5 of the Baltimore County Zoning Regulations (BCZR) to allow a fence with a height of 6 ft., in lieu of the maximum permitted 3 ft.; when said fence is located approximately 12 ft. from the point of the intersection of a street and an alley and, therefore, within 15 ft. of the said point. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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

ORDER RECEIVED FOR FILING

Date

By

7/24/96
M. Howard

MICROFILMED

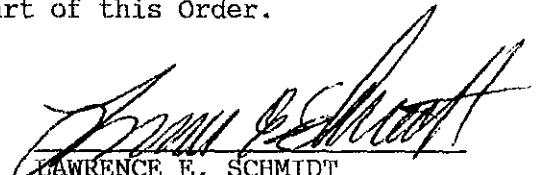
Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 24th day of July, 1996 that the Petition for a Zoning Variance from Section 102.5 of the Baltimore County Zoning Regulations (BCZR) to allow a fence with a height of 6 ft., in lieu of the maximum permitted 3 ft.; when said fence is located approximately 12 ft. from the point of the intersection of a street and an alley and, therefore, within 15 ft. of the said point, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The 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. The Petitioners shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Development Plans Review Division, dated July 16, 1996, (attached hereto), which are adopted in their entirety and made a part of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/24/96
M. Board

LES:mmm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 16, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
For July 15, 1996
Item No. 520

The Development Plans Review Division has reviewed the subject zoning item. The proposed fence shall not interfere with the line of sight.

The fence should be set back from the right-of-way 10 feet with a planting proposal for the street side of the fence. The fence should be of a design that is architecturally compatible with the area. The "good side" should face the street.

RWB:HJO:jrb

cc: File

ZONE17E

ENCLOSURE

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 24, 1996

Mr. and Mrs. James J. Krawczyk
8201 N. Boundary Avenue
Baltimore, Maryland 21222

RE: Petition for Administrative Variance
Case No. 96-524-A
Property: 8201 N. Boundary Avenue

Dear Mr. and Mrs. Krawczyk:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, 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 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

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Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

96-524-A

8201 N. Boundary

which is presently zoned

DR-10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.5

To allow for a fence height of 6 feet, 12 feet +/- from the point of intersection of a street and an alley in lieu of the minimum required 15 feet.

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

1) Restricts usage of yard.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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 of this Petition

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of ___, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY:

DATE:

6-28-96

ESTIMATED POSTING DATE:

7/7

Printed with Soybean Ink
on Recycled Paper

MICROFILMED

ITEM #: 520

Affidavit in support of Administrative Variance

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 that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

address 8201 North Boundary Rd
Balt. MD 21222
City State Zip Code

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

- ① Our pet needs to be protected from unwanted entry & safety.
- ② We have a large dog that the existing fence does not serve. We own on the corner of a busy road - foot & car traffic is heavy. I do not want our dog to cause undue harm - or be harmed if she got over the fence. We also have 2 children - I'd like to ensure their safety. We bought the house last Oct. for the main purpose of the large yard it offered personal enjoyment. The limitations price on this fence would not allow our own personal needs of privacy.

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

James J. Krawczyk
(signature)
James J. Krawczyk
(type or print name)



Maureen Krawczyk
(signature)
Maureen Krawczyk
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of JUNE, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JAMES J. KRAWCZYK.

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.

Charlene V. Maglieri
date 6/27/96

Michael J. Spegheri
NOTARY PUBLIC

My Commission Expires: 2/1/98

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96-524-A

ZONING DESCRIPTION FOR 8201 N. BOUNDARY RO.

BEGINNING at a point on the South side of ^{North} Boundary Ro
which is 60' wide at the Distance of 300' EAST
OF THE CENTERLINE of the NEAREST IMPROVED INTERSECTING
STREET - NAMELY INVERNESS ~~Ave~~; which is 60' wide.

BEING Lot # 116, Block C on the "Revised Plat
OF PARTS OF BLOCKS B + C, PLAT ONE, "EASTCLIST"
RECORDED AMONG BALTIMORE COUNTY LAND RECORDS
PLAT BOOK GLB 24 / FOLIO 9. ALSO KNOWN AS
8201 NORTH BOUNDARY ROAD AND LOCATED IN
THE 12 ELECTION DISTRICT, 7th Council (MADRID DISTRICT).

520

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Administrative Variance Must Contain:

1. All requirements of item #1 through #6 above.
 2. Affidavit forms (reverse side of petition form) with original signatures and complete notarized statement that petitioners reside or, upon purchase, will reside at the property.
 3. Filing Fees: The following fees are subject to change. Contact Zoning Review (887-3391) to confirm the proper fees.
Administrative variance - \$85.00 (\$50.00 filing fee and \$35.00 per sign), payable at the time of petition filing. An additional \$50.00 is required for an amendment to a final development plan (required for any lots which are indicated on an approved zoning final development plan).
 4. One (1) copy of the aerial photo with the property outlined (map available from Engineering, room 206).
 5. Photographs of the property indicating existing conditions, immediately adjacent dwellings, and area of proposed changes.
- The first blank section of the petition form which requests the section of the BCRZ may be left open until the filing appointment. The planner will assist the petitioner in interpreting the provisions of the BCRZ applicable to their particular case. However, the final wording of the request and all other documents submitted shall be the responsibility of the petitioner.

Chesapeake Bay Critical Area Requirements:

The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA) and 100 year floodplain. (Map is available for review at Zoning Review, room 111 or room 311.) If the site is located in this area, the petitioner is required to meet critical area requirements. PDM must have the Department of Environmental Protection and Resource Management (DEPRM) comments concerning the request prior to holding a public hearing or making a decision on an administrative variance. It is recommended that the petitioner hand-deliver an extra copy of the plat and zoning item number to DEPRM to speed up the review process.

Review Agencies:

Prior to preparing the required plan, the petitioner or his engineer should contact the following agencies for pertinent data that may be required by that particular agency.

- | | | |
|----|--|----------|
| 1. | Tax Assessments | 321-2272 |
| 2. | Public Services | 887-3321 |
| 3. | Bureau of Capital Projects (for traffic issues) | 887-3751 |
| 4. | Fire Department | 887-3998 |
| 5. | State Highway Administration | 333-1350 |
| 6. | County Roads | 887-3739 |
| 7. | Planning (design, screening, landscaping) | 887-3211 |
| 8. | Building Engineer (plans) | 887-3987 |
| 9. | Department of Environmental Protection and Resource Management (DEPRM) | 887-3980 |

Zoning Advisory Committee (ZAC):

- A. The above information is to be used, in part, as a guide by members of ZAC.
- B. ZAC, as established by the County Administrative Officer in 1963, presently consists ten (10) representatives of various County agencies. The Committee reviews zoning petitions weekly.
- C. The review by ZAC is aimed, not at making a judgment in the appropriateness of the zoning action requested, but rather to assure that all agencies are made aware of plans or problems that may have a bearing on the case.

20-8
21-8
3-4
4-9

SC 39
NW 48

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-524-17

District 12th Date of Posting 7/5/96
Posted for: Variance
Petitioner: James & Marion Krawczak
Location of property: 8201 N. Boundary Ave
Location of Sign: Facing road way - on property being zoned,
Remarks: _____
Posted by [Signature] Date of return: 7/10/96
Number of Signs: 4

BALTIMORE COUNTY, MARYLAND
OFFICE OF INCOME - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107612

DATE 7/5/96 ACCOUNT 12th

96-524-A

AMOUNT \$ 100.00

RECEIVED FROM: [Signature]

FOR: [Signature]

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DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 3, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-524-A (Item 520)
8201 N. Boundary Avenue
S/S of N. Boundary Avenue, 30" E of c/l Inverness Avenue
12th Election District - 7th Councilmanic
Legal Owner(s): James and Maureen Krawczk

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 6, 1996. The closing date (July 22, 1996) 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 Deputy Zoning Commissioner. They may (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 Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) 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.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: James and Maureen Krawczk

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 18, 1996

James and Maureen Krawczyk
8201 North Boundary Road
Baltimore, MD 21222

RE: Item No.: 520
Case No.: 96-524-A
Petitioner: James Krawczyk, et ux

Dear Mr. and Mrs. Krawczyk:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 28, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

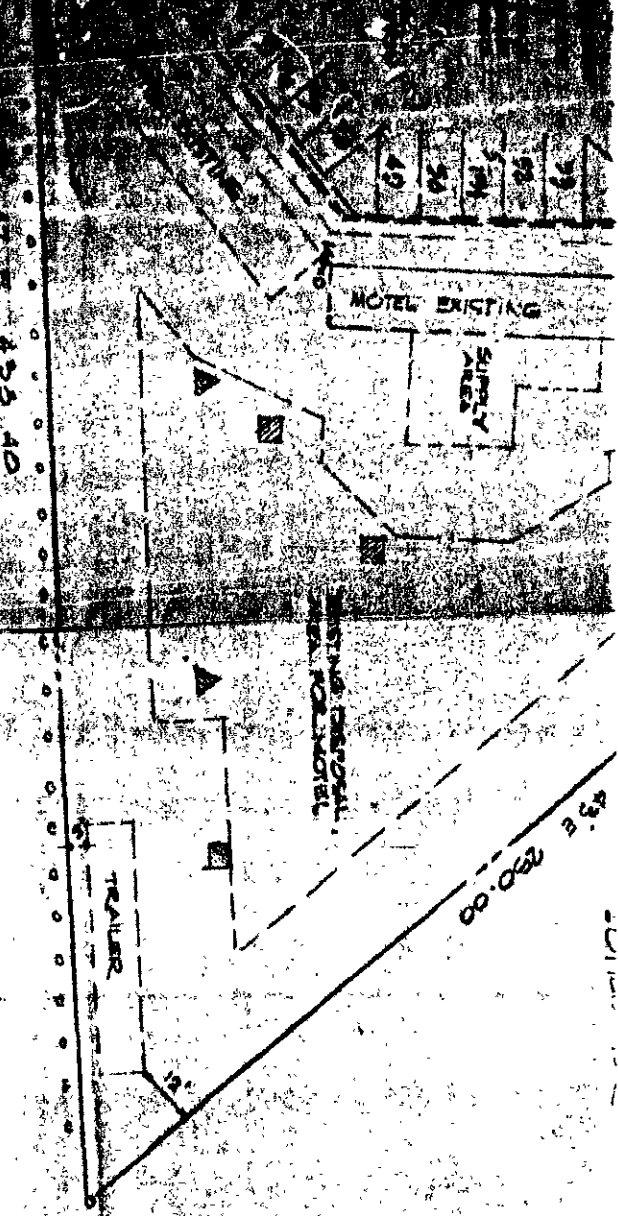
WCR/re
Attachment(s)

MICROFILMED



SITE PLAN

SCALE: 1" = 30' 0"



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: July 16, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 For July 15, 1996
 Item No. 520

The Development Plans Review Division has reviewed the subject zoning item. The proposed fence shall not interfere with the line of sight.

The fence should be set back from the right-of-way 10 feet with a planting proposal for the street side of the fence. The fence should be of a design that is architecturally compatible with the area. The "good side" should face the street.

RWB:HJO:jrb

cc: File

ZONE17E

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 07/12/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: PAUL E. FEILD, JR.

Location: E/S HARFORD RD., 510' FROM CENTERLINE SUNSHINE AVE.
(12619 HARFORD RD.)

Item No.: 509

Zoning Agenda: 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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 510, 511, 512, 513, 514, 515,
516, 517, 518, 519, 520, 521, 522, 523, 524 AND 525.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: July 9, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 497, 501, 509, 510, 512, 514, 515, 517, 518, 519 and 520

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 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

B A L T I M O R E C O U N T Y, M A R Y L A N D
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director July 15, 1996
 Zoning Administration and
 Development Management

FROM: Robert A. Wirth *RAW/gp*
 DEPRM

SUBJECT: Zoning Item #520 - Krawczyk Property
 Boundary Avenue
 Zoning Advisory Committee Meeting of July 8, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Fences are not specifically regulated per Chesapeake Bay Critical Area Regulations.

RAW:jbm

KRAWCZYK/DEPRM/TXTSBP

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PETITION PROBLEMS

#514 --- MJK

1. No telephone number for legal owner.
2. No special hearing fee was charged to amend the FDP.

#515 --- MJK

1. No special hearing fee was charged to amend the FDP.

#517 --- JCM

1. No legal owner information - no name, address, telephone number, or signature.
2. No acreage on folder.
3. Petition refers to a letter -- where is the letter?

#520 --- JJS

1. Notary section incomplete - only one signature notarized.

#522 --- JJS/WCR

1. No signature for legal owner.
2. No telephone number for legal owner.
3. No original signature for contract purchaser.
4. No original signature for attorney.
5. No councilmanic district on folder.

MICROFILM

July 2, 1996

a variance from section 1025,
to allow a fence with
a height of 6 feet, in
lieu of the maximum
permitted 3 feet; when
said fence is located
approximately .12 ft from the
point of the intersection of
a street & an alley, ~~and~~ ~~further~~
~~15 feet~~ & therefore within
15 feet of the said ~~point~~
point

MICHAEL J. JAMES

keep
in 2c's
file

520

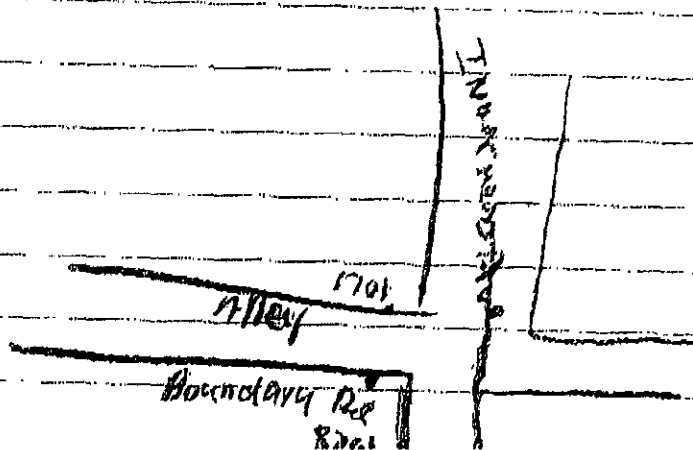
I am aware of the proposed plans for
the fence of the Kouryzys (8201 N. Boundary)

I do not find this fence to be a
problem in the area.

They are replacing an old fence & with children
& a dog I feel it would be a good idea.

Thank you.

Richy Hunt, Cindy Hunt
1701 Inverness ave



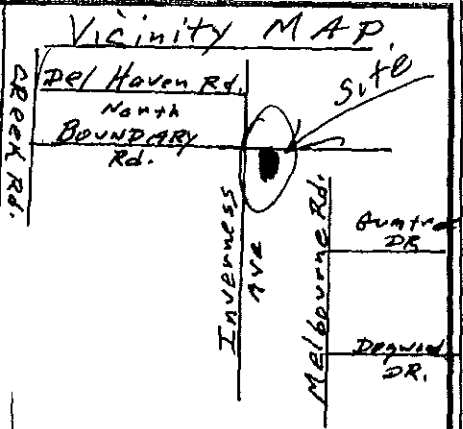
MICROFILMED

Survey
6.28.96
2 file
805
Burr
and

Keep
1/2
1/2

Subdivision: Revised
Plat of Eastcrest,
Block C, Lot # 116
GLB 24 / 9
book / folio

OPKINS ENGINEERING
18 BRIGHT STAR COURT
BALTIMORE, MARYLAND 21206
410 752 0565
410 752 1869 (FAX)



Elect. Dist. 12th
CO. Dist. 7th
1" 200' scale map # SE 3-G
Zoning: DR-10.5
Lot size: 4704^{sq} ft, 1079 ACRES

Public Water - yes
Public Sewer - yes

Critical Area: yes
Prior zoning
Hearings: none



Townhouses

#8203

No. 8201

2 EPG

TWO

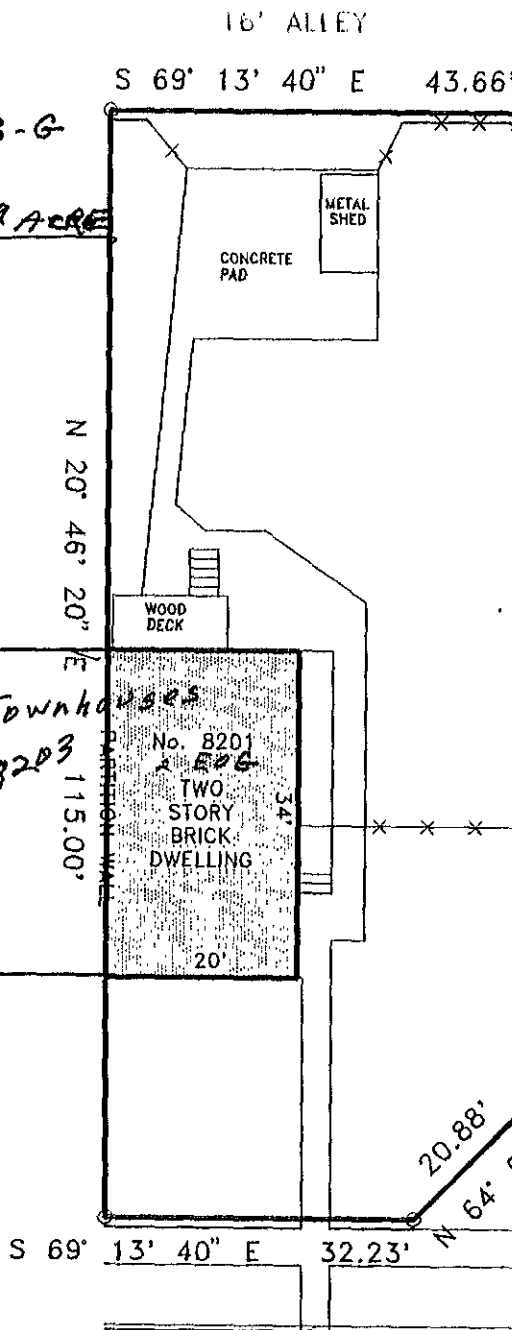
STORY

BRICK

DWELLING

20'

Taken in by: *JPB*
Item # 520



Proposed 6' high
fence.

12' to pt. of
intersection of
street & alley.

INVERNESS AVENUE

Per No!

NORTH BOUNDARY ROAD
60' R/W

Plat altered for Zoning
Variance Purposes

LOCATION DRAWING

ADDRESS: 8201 NORTH BOUNDARY ROAD
COUNTY/CITY: BALTIMORE COUNTY 21222
PLATBOOK: GLB 24, FOLIO 9
DEED REF.: 3351 / 492
SUBDIV NAME: Revised Plat of Parts of Blocks B and C, Plat One EASTCREST
LOT No.: LOT No. 116, BLOCK C
FLOOD ZONE: C
SCALE: 1" = 20.0'
RETURN TO: TRUST TITLE CO.

NOTES:

- 1) THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING.
- 2) THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS.
- 3) THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR RE-FINANCING.
- 4) THE OFFSET DIMENSIONS TO THE APPARENT PROPERTY LINES SHOWN HEREON REFLECT AN ACCURACY OF $\pm 0.5'$.

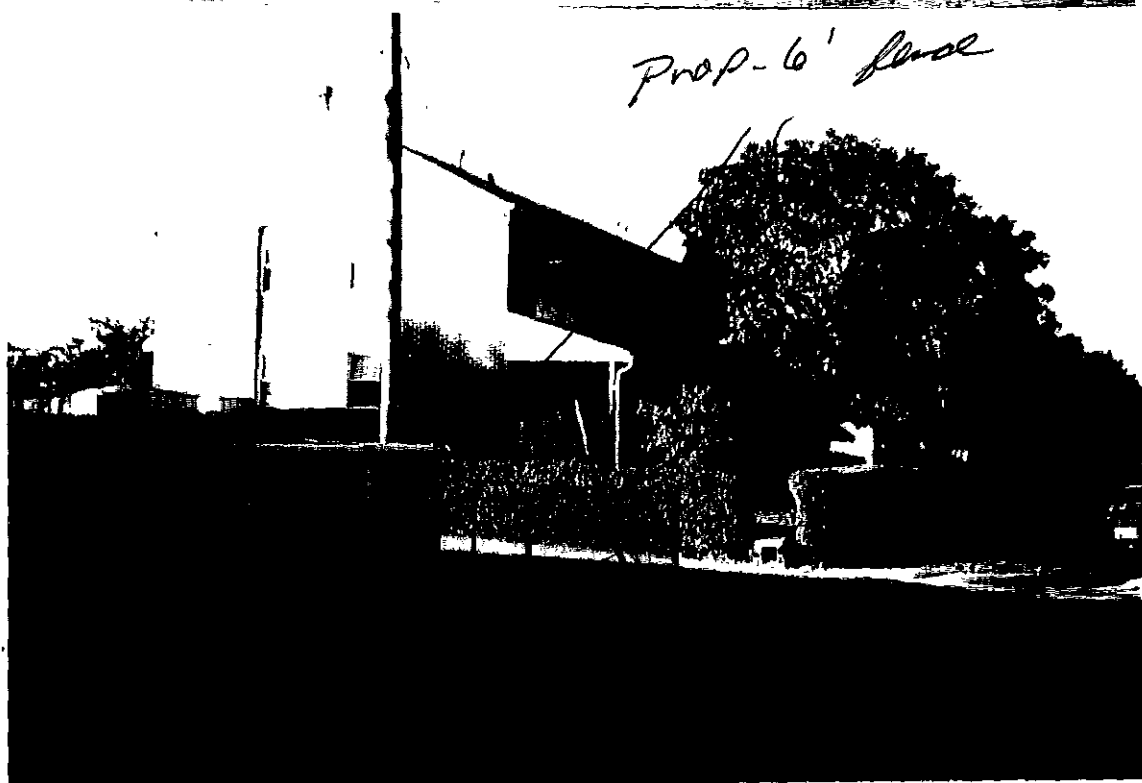
MICROFILMED

96-524-A

96-524-A



Prop. 6' fence



Prop. 6' fence

MICROFILMED.