

IN RE: PETITION FOR ADMIN. VARIANCE

W/S Comstock Avenue, 100' N
of centerline of Canyon Avenue
14th Election District
6th Councilmanic District
(5812 Comstock Avenue)

Joseph F. Wrzesinski
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-177-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Joseph F. Wrzesinski, property owner, for that property known as 5812 Comstock Avenue in the Overlea area of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (211.4, 1955 Regs.) to allow a rear yard setback of 20 ft. (for an enclosed addition) in lieu of the minimum required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of 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.

CITY OF BALTIMORE FOR FILING

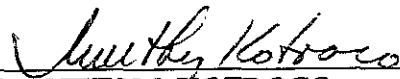
DATE 11/29/99

BY J. E. Jameson

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 Deputy Zoning Commissioner for Baltimore County this 29th day of November, 1999, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (211.4, 1955 Regs.) to allow a rear yard setback of 20 ft. (for an enclosed addition) in lieu of the minimum required 30 ft, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 11/29/99

By R. J. Gammon



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 29, 1999

Mr. Joseph F. Wrzesinski
5812 Comstock Avenue
Baltimore, Maryland 21206

Re: Petition for Administrative Variance
Case No. 00-177-A
Property: 5812 Comstock Avenue

Dear Mr. Wrzesinski:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5812 COMSTOCK AVENUE
which is presently zoned RESIDENTIAL DR-5.5

This Petition shall be filed with the Department of Permits and 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) 1802.3.B (211.4, 1955 Regs).

To allow a rear yard setback of 20 ft. (for an enclosed addition) in lieu of the minimum required 30 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

JOSEPH F. WRZESINSKI

Name - Type or Print

Signature

Name - Type or Print

Signature

5812 COMSTOCK AVE

410-866-5420

Address

Telephone No.

BALTIMORE

MD.

21206

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11 day of NOV, 1998, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-177-A

Reviewed By JA Date 10-28-99

Estimated Posting Date 11-2-99

REU 9/15/98

ORDER RECEIVED FOR FILING

DATE BY

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 5812 COMSTOCK AVENUE
Address
BALTIMORE MD 21206
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):

To build a Sun Room which measures 8' x 14' x 10'
which will foot the end of property 20' from back road
(Point Pleasant)

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

Joseph W. Wresinski
Signature
JOSEPH W. WRESINSKI
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of October, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph F. Wresinski
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

10/18/99
Date

Linda K. Jones
Notary Public

My Commission Expires 7/1/03

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 5812 Comstock Avenue
Address
Baltimore MD 21206
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):

To build a Sun Room which measures 8' x 14' x 10'
which will put the end of property 20' from Back Road
(Back Road)

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

Joseph Wyrzyski
Signature
Joseph Wyrzyski
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of October, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph F. Wyrzyski
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

10/18/99
Date

Linda K. Zemes
Notary Public
My Commission Expires 7/1/03



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5812 COMSTOCK AVENUE
which is presently zoned RESIDENTIAL DR-5.5

This Petition shall be filed with the Department of Permits and 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) 1B02.3.B (211.4, 1955 Regs)

To allow a rear yard setback of 20 ft (for an enclosed addition) in lieu of the minimum required 30 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

JOSEPH F. WRZESINSKI
Name - Type or Print

Joseph F. Wrzesinski
Signature

Name - Type or Print

Signature

5812 Comstock Ave 410-866-5420
Address Telephone No.

Baltimore MD 21206
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. DO-177-A

REV 9/15/98

Reviewed By [Signature] Date 10-28-99

Estimated Posting Date 11-7-99

11/22

Zoning Description for _____ 5812 Comstock Avenue

Beginning at a point on the West side of

Comstock Avenue which is _____ 50 feet

wide at the distance of 100 feet ± North of the

centerline of the nearest improved intersecting street _____ Canyon

which is _____ 50 feet wide. *Being Lot#2

Block _____ B, Section _____ Two in the subdivision _____ Hazelwood Manor

as recorded in Baltimore County Plat Book#26 Folio 108

containing 6000 square feet. Also known as _____ 5812 Comstock Avenue

and located in the _____ 14th Election District, _____ 6th Councilmanic District.

CO-1777A

#177

00-177-A
Case No
073241

DATE 10-28-99 ACCOUNT R-1001-6150

ACCOUNT 15-1001-6150

AMOUNT \$ 50. 00

RECEIVED
FROM: W. J. ...

FOR:

~~Send card Varianet / my house
#5812 Comstock Ave,~~

PINK - AGENCY

YELLOW - CUSTOMER

AND HERE

ACTUAL RULES

10/28/1999 03:41:11

CRASH! PILES UP!

2000-01-01

10/29/97

35243

KEY: 104

1000

PAID OFF TO COUNTY, MAY 1990

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-177-A
PETITIONER/DEVELOPER:
{Joseph Wrzesinski}
DATE OF Closing
{Nov. 22, 1999}

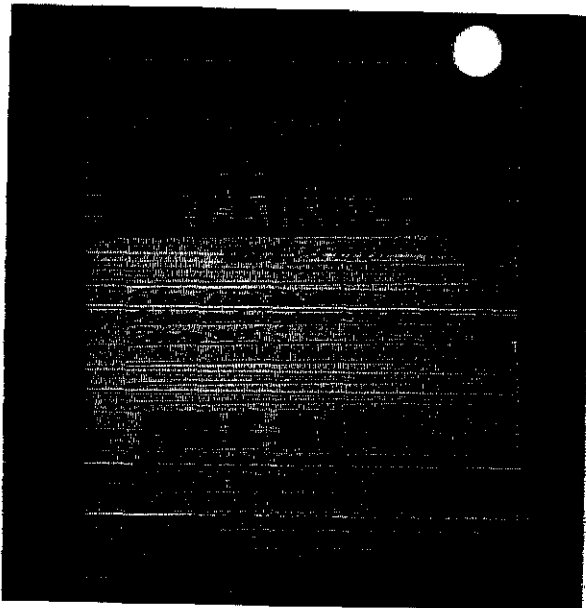
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

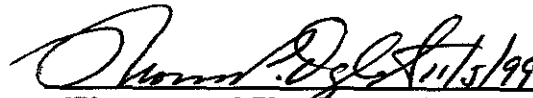
LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
5812 Comstock Ave. Baltimore, Maryland 21206__

The sign(s) were posted on__ 11-5-99 __
[Month, Day, Year]



Sincerely,


(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-177-A
Petitioner: JOSEPH WZRESINSKI
Address or Location: 5812 COMSTOCK AVE.
BALTO, MD, 21206 (410) 866-5420

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME

Address: _____

Telephone Number: _____

Revised 2/20/98 - SCJ

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: _____

Subdivision name: _____

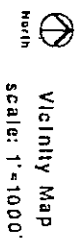
plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____ prepared by: _____ Scale of Drawing: 1" = _____



Vicinity Map
North
Scale: 1" = 1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1" = 200' scale map #: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

SEWER: ☐ public ☐ private

WATER: ☐ yes ☐ no

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 177 -A Address 5812 Comstock Ave -
Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10-28-99 Posting Date: 11-7-99 Closing Date: 11-22-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 177 -A Address 5812 Comstock Ave
Petitioner's Name Joseph Wrzesinski Telephone (410) 866-5420
Posting Date: 11-7-99 Closing Date: 11-22-99
Wording for Sign: To Permit a rear yard setback of 20 ft. (for an enclosed addition) in lieu of the minimum required 30 ft.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 23, 1999

Mr. Joseph Wrzesinski
5812 Comstock Avenue
Baltimore, MD 21206

Dear Mr. Wrzesinski:

RE: 00-177-A , 5812 Comstock Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards Jr. / rsj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 16, 1999

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 8, 1999

Item No.: See Below

Dear Ms. Stephens:

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

172, 173, 174, 175, 177, 178, 179, 182

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: November 16, 1999

FROM: *[Signature]* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 15, 1999
Item Nos. 172, 173, 175, 177 178,
179 & 182

The Bureau of Development Plans Review has reviewed the subject zoning item, and we have no comment.

RWB:HJO:cab

cc: File

ZAC11159.NOC

AV
11/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

15

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

Date: November 12, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

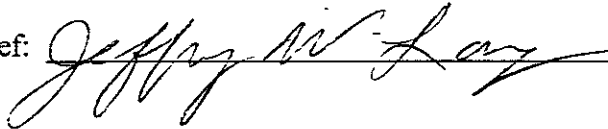
SUBJECT: Zoning Advisory Petitions

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

Item No(s): 164 and 177

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 11.5.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 177

JJS

Dear Ms Stephens:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

SCALE 1" = 20'

EXTERIOR OF SUBJECT

Borrower/Client **WRZESINSKI, JOSEPH**

File No. **S905150**

Property Address **5812 COMSTOCK AVENUE**

City County **BALTIMORE**

State **MD**

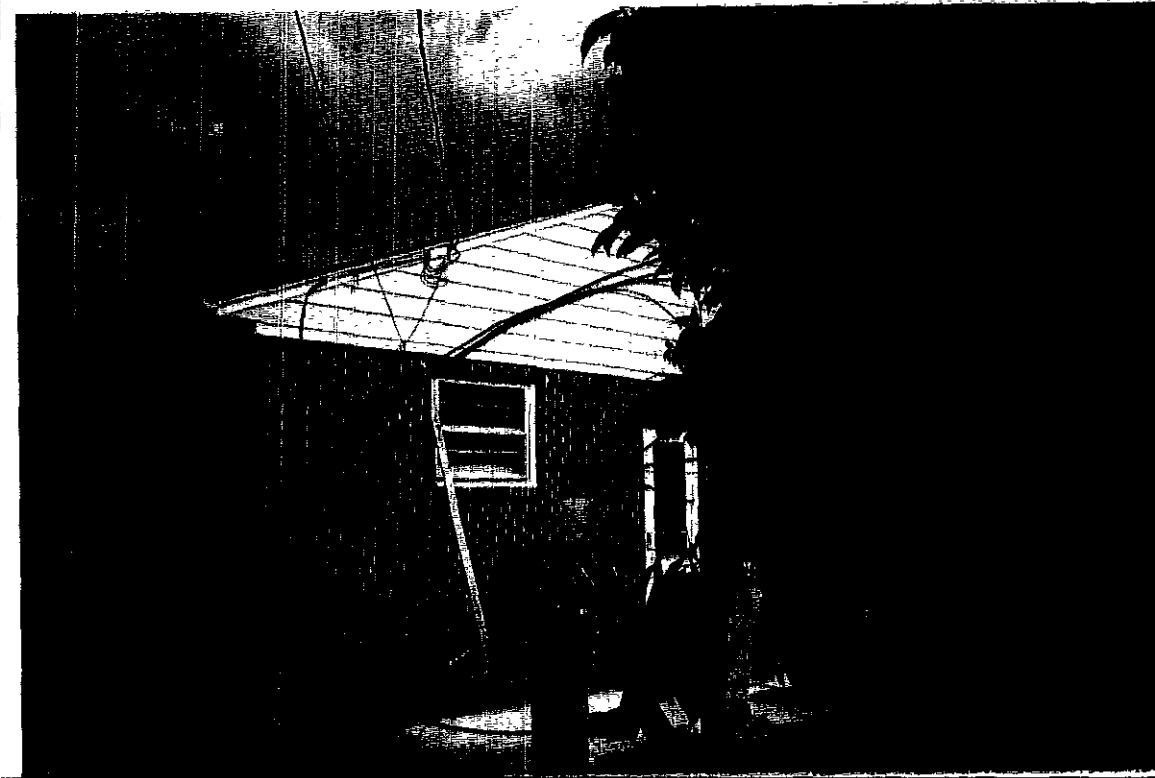
Zip Code **21206**

Lender **MUNICIPAL EMPLOYEES CREDIT UNION**



FRONT

00-177-A



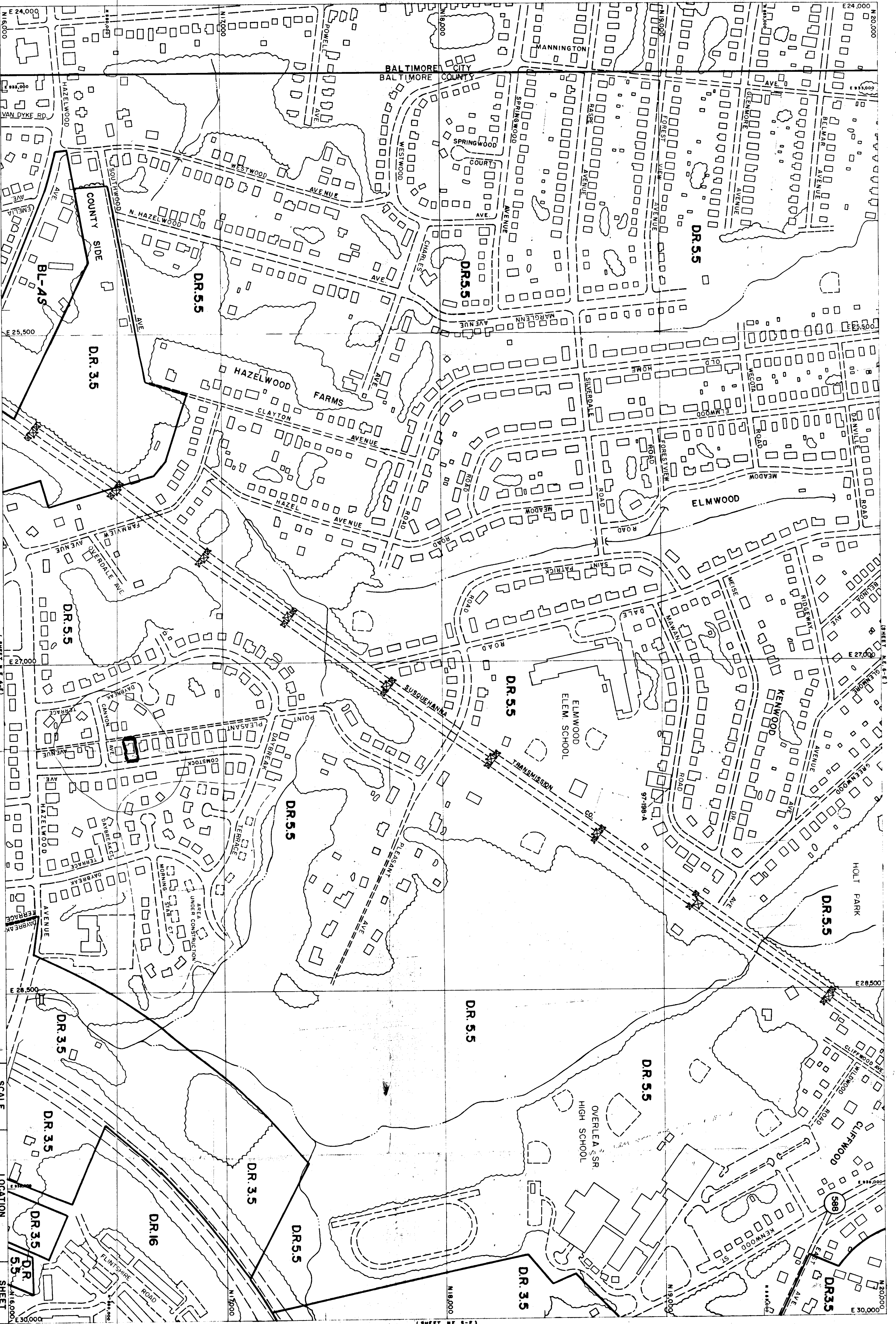
REAR

*Where
Sun Room
will be
located.*



STREET SCENE

*#
177*



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
BY BLOOMSBERRY, INC., BALTIMORE, MD 21210

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
BILL NOS. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Karin Lamoreaux
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE		LOCATION	SHEET
1" = 200' ±			
DATE	OVERLEA	#	5-E N.E.
PHOTOGRAPHY			
JANUARY 1986			

177