

IN RE: PETITION FOR ADMIN. VARIANCE

W/S of Dew Garth, 50' S of

Day Break Terrace

14th Election District

6th Councilmanic District

(5303 Dew Garth)

Constance M. & Stephen G. Kozak

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-236-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Constance M. & Stephen G. Kozak, property owners, for that property known as 5303 Dew Garth located in the Rosedale area of Baltimore County and zoned D.R.5.5. The Petitioners herein seek a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (1962 DR 5.5), to permit a rear yard setback of 23 ft. in lieu of the required 30 ft. for an addition. 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.

ORIGINAL FILED FOR FILING

Date

By

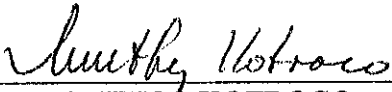
1/7/2000
R. G. G. G. G.

After due consideration of the testimony and evidence presented, in the opinion of this Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should, therefore, be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. 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 Deputy Zoning Commissioner for Baltimore County this 7th day of January, 2000, that a variance Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (1962 DR 5.5), to permit a rear yard setback of 23 ft. in lieu of the required 30 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

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

January 7, 2000

Mr. & Mrs. Stephen Kozak
5303 Dew Garth
Baltimore, Maryland 21206

Re: Petition for Administrative Variance
Case No. 00-236-SPH
Property: 5303 Dew Garth

Dear Mr. and Mrs. Kozak:

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 Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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.

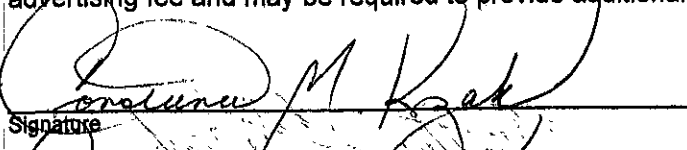
That the Affiant(s) does/do presently reside at

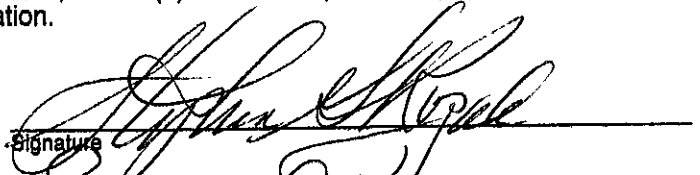
Address 5303 DEW GARTH
City BALTO State MD Zip Code 21206

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):

WE BABYSIT OUR TWO GRANDCHILDREN WHILE THEIR PARENTS WORK AND NEED THE ADDITIONAL SPACE.

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.


Signature
CONSTANCE M. KOZAK
Name - Type or Print


Signature
STEPHEN G. KOZAK
Name - Type or Print

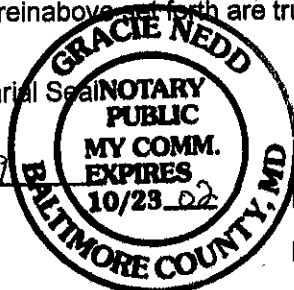
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of November, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Stephen G. Kozak and Constance M. Kozak
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

November 20, 1999
Date



Gracie Nedd
Notary Public

My Commission Expires 10/23/2002



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5303 DEW GARTH
which is presently zoned RESIDENTIAL
DR5.5

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; BCZR (1962 DR5.5)

TO PERMIT A REAR YARD SETBACK OF 23FT. IN LIEU
OF THE REQUIRED 30FT FOR AN ADDITION

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):

CONSTANCE M. KOZAK
Name - Type or Print _____
Constance M. Kozak
Signature _____
STEPHEN G. KOZAK
Name - Type or Print _____
Stephen G. Kozak
Signature _____
5303 DEW GARTH 410 866
Address _____ Telephone No. 3364
BALTO MD 21206
City _____ State _____ Zip Code _____

Representative to be Contacted:

Same
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. 00-236A

REV 9/15/98

Reviewed By JAM Date 12.6.99

Estimated Posting Date 12.19.99

ZONING DESCRIPTION FOR 5303 DEW GARTH

Beginning at a point on the west side of Dew Garth which is a circular cul de sac with a radius of 50', south of the nearest improved intersecting street, Daybreak Terrace.

Being Lot #24, Section #2 in the subdivision of Blackthorn as recorded in Baltimore

County Plat Book #28, Folio #71, containing 6,903 square feet. Also known as 5303

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

236

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

236

No. 075779

DATE 12-6-99 ACCOUNT F-1150

AMOUNT \$ 50.00

RECEIVED FROM CASH - 543 Dine 6.00

FOR: (over) Ad. Un.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-236-A
PETITIONER/DEVELOPER
(Connie Kozak)
DATE OF Closing
(Jan 3, 2000)

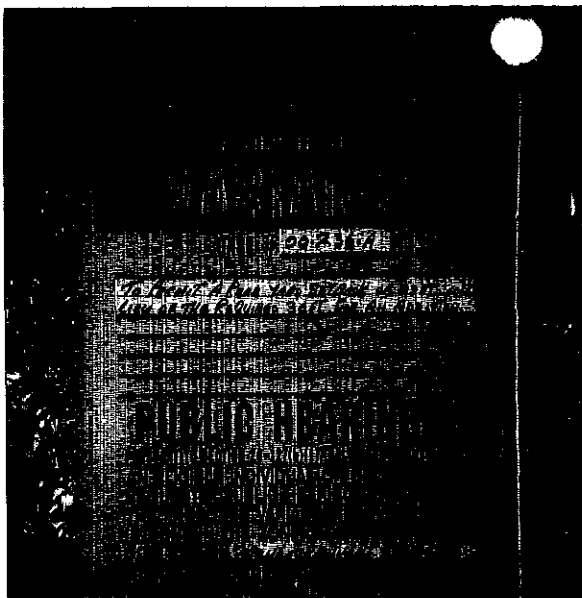
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
5303 Dew Garth Baltimore, Maryland 21206—

The sign(s) were posted on 12-17-99
(Month, Day, Year)



Sincerely,

Thomas P. Ogle 12/17/99
(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 236 -A Address 5303 DEW GARTH
Contact Person: J. Mewey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12-22-99 Posting Date: 1-3-2000 Closing Date: 1-3-00
12-6-99 12-19-99

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- 236 -A Address 5303 DEW GARTH
Petitioner's Name C. KOZAK Telephone (410) 866-3368
Posting Date: 12-19-99 Closing Date: 1-3-00
Wording for Sign: A VARIANCE
To Permit A REAR YARD SETBACK OF 23ft.
IN LIEU OF THE REQUIRED 30ft. FOR AN
ADDITION.

**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/neighbor 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: 236
Petitioner: STEPHEN KOZAK
Address or Location: 5303 DEW GARTH

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR & MRS STEPHEN G. KOZAK
Address: 5303 DEW GARTH
BALTO MD 21206
Telephone Number: 410 866 3364

Revised 2/20/98 - SCJ

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

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

OWNER: _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 14

Councilmanic District: 6

1"=200 scale map#: _____

Zoning: DR 5.5

Lot size: _____
 acreage square feet

SEWER: ☐ public ☐ private

WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

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



North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____

1/8/00
8
WCR

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: December 28, 1999

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

RECEIVED JAN 06 2000

SUBJECT: Zoning Advisory Committee Meeting
for January 3, 2000
Item Nos. (236) 237, 238, 240, 241,
242, 243

and

Airey Property
Case No. 99-297-SPH

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

RWB:HJO:jrb

cc: File

ZAC01030.NOC



Baltimore County
Fire Department

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

January 11, 2000

RECEIVED JAN 13 2000

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

Item No.: See Below.

Dear Ms. Stephens:

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:

236, 237, 238, 240, 241, 242, AND 243

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

cc: File



AV
1/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: December 22, 1999

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

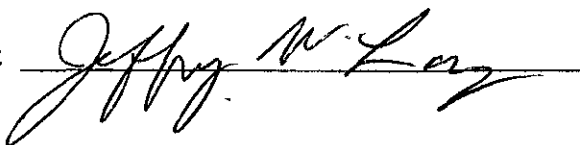
SUBJECT: Zoning Advisory Petitions

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

Item No(s): 236

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

Property Owners Adjacent to 5303 Dew Garth

00-236-A

Joe and Pat Kleiderlein
Tax Acct. 14-11-048220
(tax account shows Kluderlein)

5305 Dew Garth

Rose Bowen Shipley
Tax Acct. 14-26-020561

5605 Daybreak Terrace

Brian and Kimberly Macijeski
Tax Acct. 14-18-087350

5603 Daybreak Terrace

Calvin and Catherine Jenkins
Tax Acct. 14-02-005390

5553 Lanham Way

238

00-236-A



Front of 5303 DEW GARTH.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

Date: November 29, 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): 186, 188, and 196

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:

Jeffrey M. Long

AFK/JL

00-236-A



Rear view of
5303 Dew
GARTH.



Rear of 5303
Dew Garth.
Addition will
extend across
20' ~~out~~ and
out 10' (end
of current
concrete pad).

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 29, 1999

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

SUBJECT: 2807 West Woodwell Road

INFORMATION:

Item Number: 198

Petitioner: Raymond K. Swan

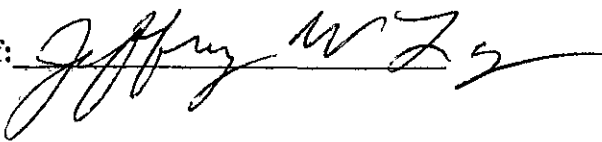
Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

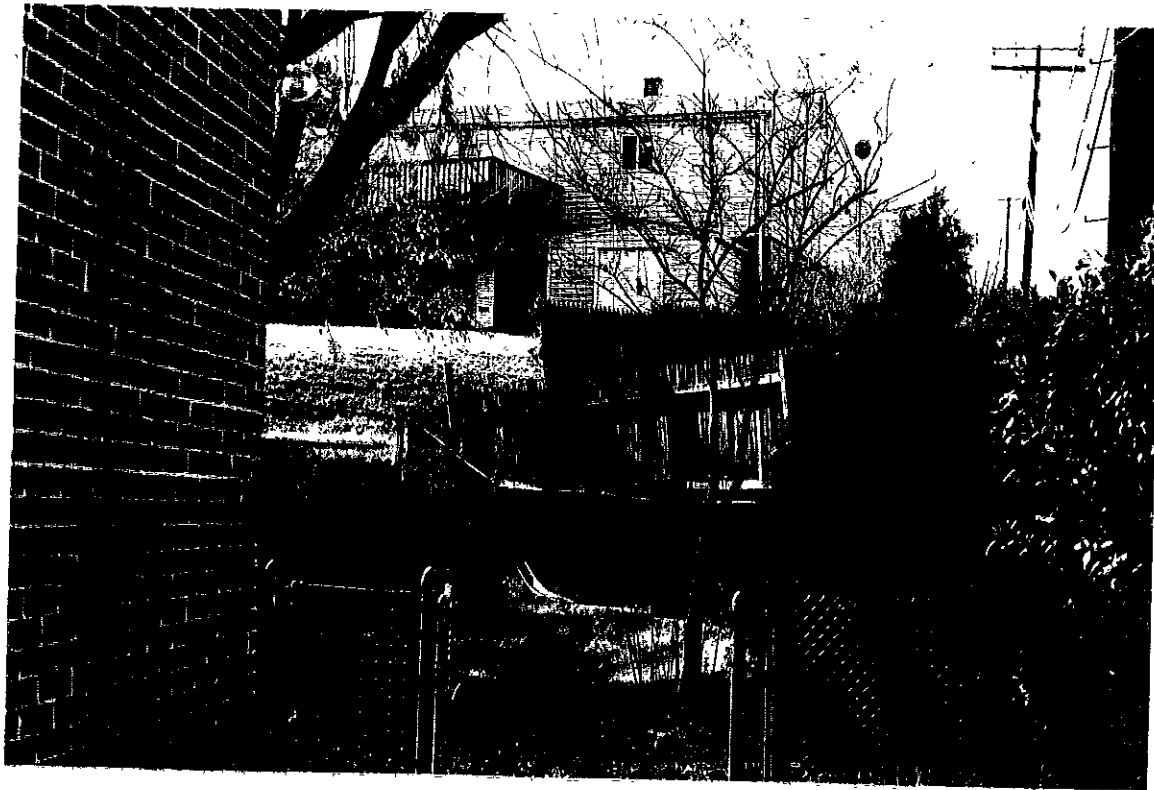
A site inspection determined that the location of the detached garage as proposed might be undesirable due the number of existing accessory structures on the subject lot. In addition, the site visit indicated that numerous household items are being stored within the fenced-in area of the property. The Office of Planning recommends that the Zoning Commissioner conduct a site visit prior to rendering a final decision in this matter.

If there should be any questions, please contact Amy Trexler, Seventh District Community Planner, at 410-887-3480.

Section Chief: 

AFK/JL

00-236-A



Side view of
5303 Dew Garth
stockade fence is
back yard of 5603
Daybreak Terrace
owned by Brian and
Kimberly Maciejewski.
House on top of hill
is back yard of
Calvin & Catherine
Jenkins 5553
Lanham Way.



Side view of
5303 Dew Garth
(Petitioner's Property)
Chain link fence
joins 5305 Dew Garth
owned by
Joe & Pat Kleiderman

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: November 29, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for November 22, 1999
Items No. 183, 185, 187, 188, 189,
190, 191, 192, 193, 194, 195, 196,
197 & 198

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

RWB:HJO:cab

cc: File

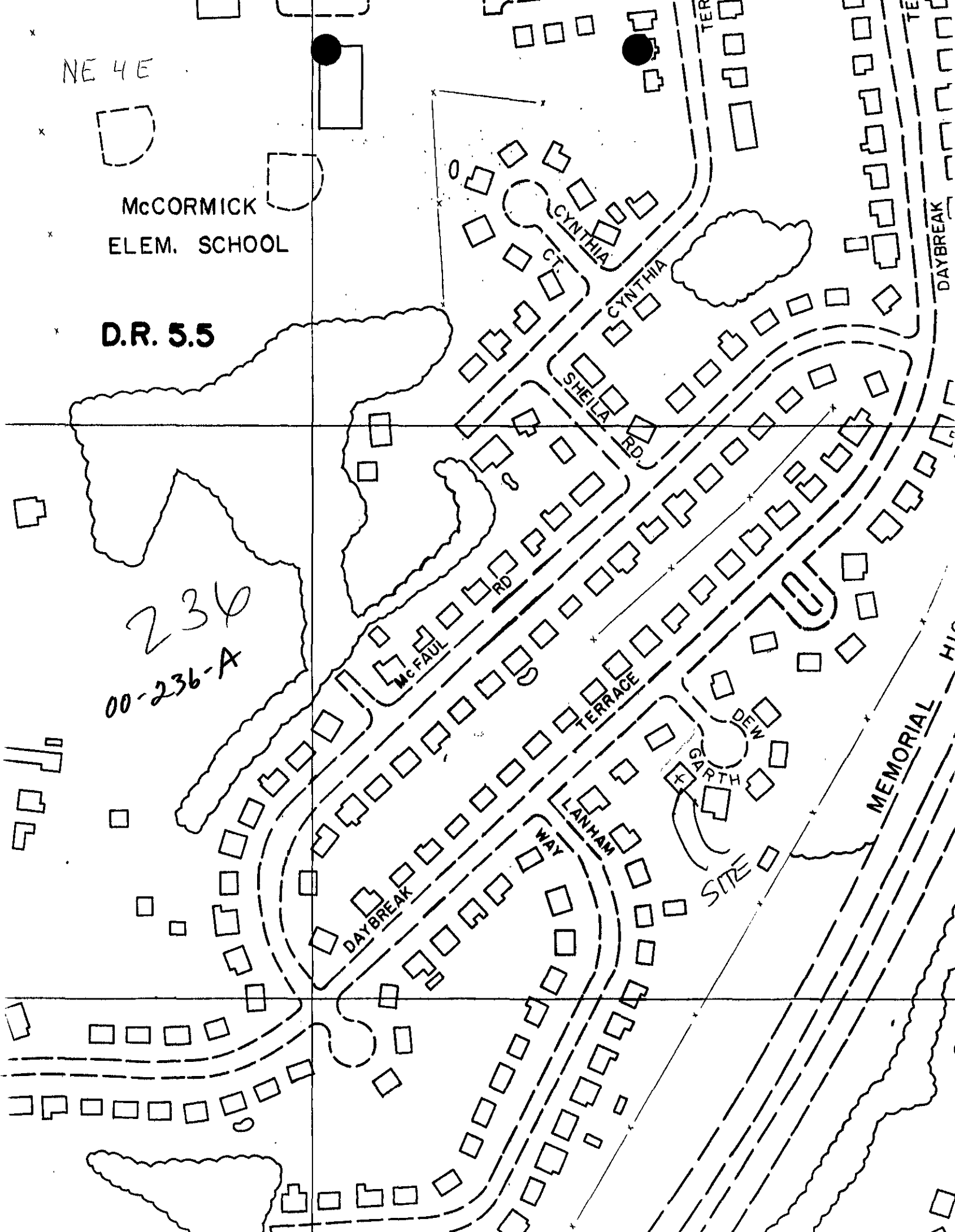
ZAC1122.NOC

NE 4 E

MCCORMICK
ELEM. SCHOOL

D.R. 5.5

234
00-236-A



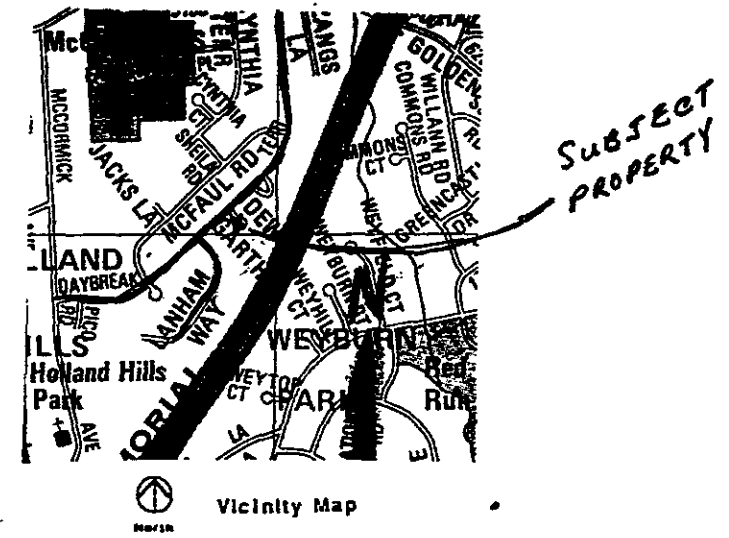
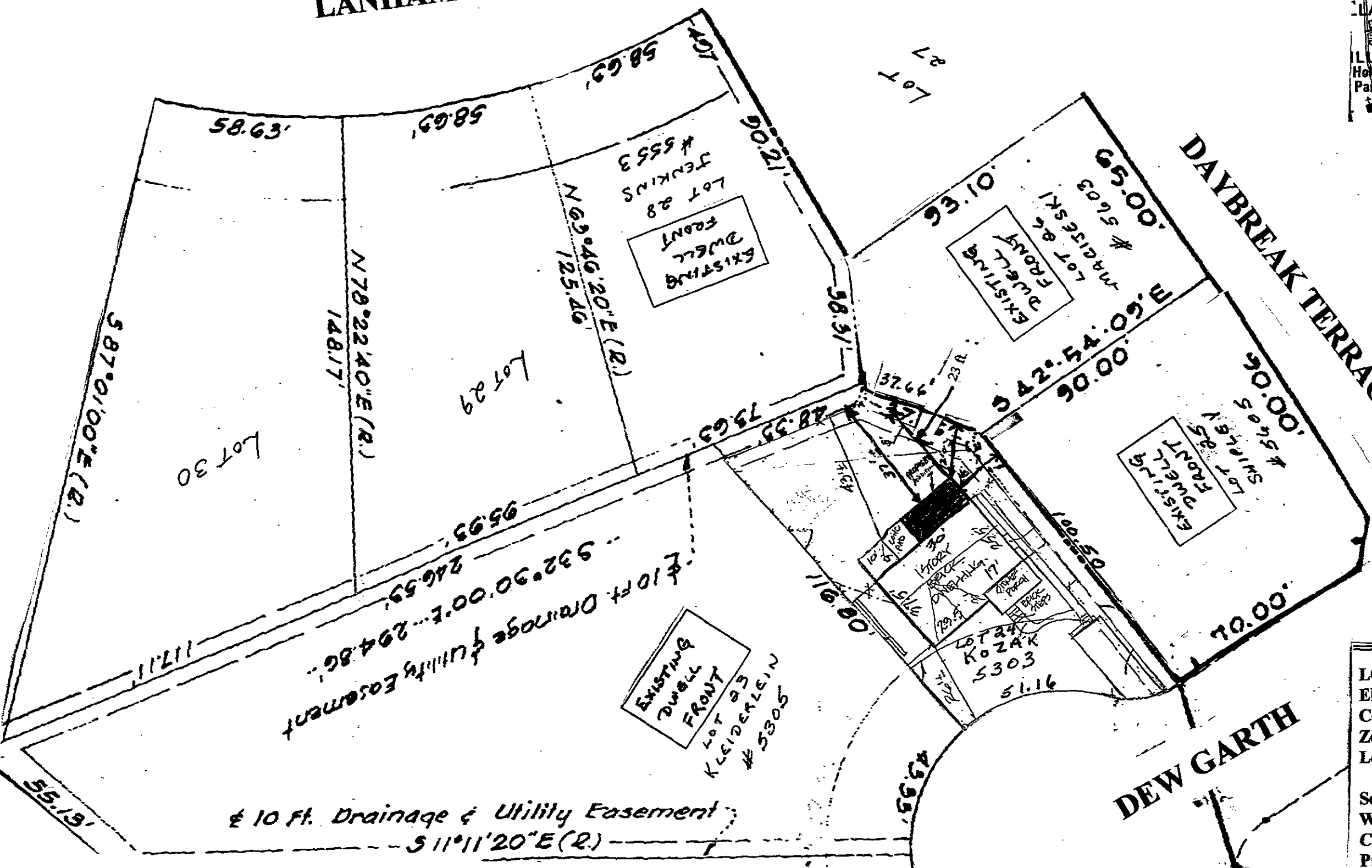
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 5303 DEW GARTH
Subdivision name: BLACKTHORN - BLOCK D
Plat book # 28, folio # 71, lot # 24, section # 4
OWNER: CONSTANCE & STEPHEN KOZAK

LANHAM WAY

DAYBREAK TERRACE

DEW GARTH



PET. EX. #1
00-236-A

LOCATION INFORMATION

Election District	14
Councilmanic District	6
Zoning:	DR 5.5
Lot size	6903
	Square feet
Sewer:	Public
Water:	Public
Chesapeake Bay Critical Area:	No
Prior Zoning Hearings:	
Zoning Office USE ONLY!	

Reviewed by: Scm ITEM #: 236 CASE#:



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

LOCATION

SHEET

DATE
OF
PHOTOGRAPHY
JANUARY
1986

ROSEDALE

NE.
4-E

00-236-A