

IN RE: PETITION FOR VARIANCE
S/S Freeland Road, 2175' W of
centerline Norris Road
6th Election District
3rd Councilmanic District
(1633 Freeland Road)

John T. & Sandra L. Olszewski
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-413-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, John and Sandra Olszewski. The Petitioners are requesting a variance for property they own at 1633 Freeland Road, which property is zoned R.C.2. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to allow the accessory structure with a height of 28 ft. in lieu of the required 15 ft.

Appearing at the hearing on behalf of the variance request were Mr. & Mrs. Olszewski and their attorney, Leslie A. Winter. There were no protestants or other persons in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 3.56 acres, more or less, zoned R.C.2. The subject property is being improved at this time with a single family residential dwelling, wherein the Olszewskis intend to reside. In addition to the construction of the house there is also being constructed a garage which is the subject of this variance request. The Olszewskis are hopeful of moving into their new home some time this summer. However, during the construction of their house and garage their building plans changed in that they no longer intend to connect the house and garage by way of a

ORDER RECEIVED FOR FILING

Date 5/25/00

By J. R. J. J. J.

breezeway. Therefore, the garage itself changes from an attached garage, which would have been permitted, to a detached garage which need the variances that are the subject of this request. Nothing else has changed about the property. After considering the testimony and evidence of the Petitioners, I find that their request for variance should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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

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 circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

CODER RECEIVED FOR FILING

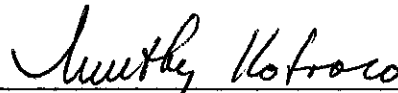
Date 5/25/00

By: R. J. Jenson

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 25th day of May, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to allow the accessory structure with a height of 28 ft. in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
- 2) The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities. In addition, the accessory structure should not be used for commercial purposes.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 5/25/00
By R. Jameson



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1633 Freeland Road

which is presently zoned RC 2

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) 400.1 to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard, and
Section 400.3 to permit an accessory structure (garage) with a height of 28 ft.
in lieu of the required 15 ft.
of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

to be determined at the hearing

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:

Leslie A. Winter, Esquire

Name - Type or Print

Signature

Company

600 Baltimore Ave., Suite 202

410-823-7700

Address

Telephone No.

Towson, MD.

21204

City

State

Zip Code

Case No. 00-413-A

Legal Owner(s):

John T. Olszewski

Name - Type or Print

Signature

Sandra L. Olszewski

Name - Type or Print

Signature

1517 Sherbrook Road

410-825-0771 Home

Address

Telephone No.

Lutherville, MD. 21093

City

State

Zip Code

Representative to be Contacted:

Leslie A. Winter, Esquire

Name

410-343-1754 E

600 Baltimore Ave., Suite 202

410-823-7700 D

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By sk Date 4/4/00

COPIES RECEIVED FOR FILING

REC'D 9/15/98

ZONING DESCRIPTION FOR 1633 FREELAND ROAD

Beginning at a point on the South side of Freeland Road which is thirty-eight (38) feet wide at the distance of 2175 feet West of the centerline of the nearest improved intersecting street, Morris Road, which is twenty-eight (28) feet wide. Being Lot # 2, in the subdivision of Elf Hill as recorded in Baltimore County Plat Book # 41, Folio 114, containing 3.56 acres. Also known as 1633 Freeland Road and located in the 6th Election District, 3rd Councilmanic District.

00-413-A

413

No. 080485

DATE 4/7/03 ACCOUNT 10001-150

AMOUNT \$ 50.00

RECEIVED
FROM: James W. Winters

FOR: Post Office, New York, New York

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHER'S VALIDATION

00-413-A

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 00-413-A

1633 Freeland Road

S/S Freeland Road, 2175' W of centerline Norris Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): Sandra L. & John T. Olzewski

Variance: to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to permit an accessory structure (garage) height of 28 feet in lieu of the required 15 feet.

Hearing: Wednesday, May 24, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/5/829 May 9

C369567

CERTIFICATE OF PUBLICATION

TOWSON, MD, 5/11, 2000

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/9, 2000.

THE JEFFERSONIAN,
S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 00-413-A
Petitioner/Developer: S&J. - OLZEWSKI
DOVE, ETAL
LESLIE WINTER, ESQ
Date of Hearing/Closing: 5/24/00

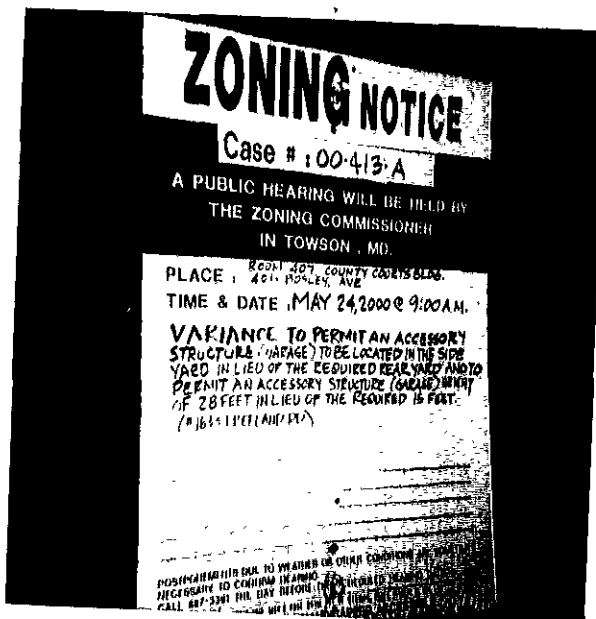
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 #1633 FREELAND RD

The sign(s) were posted on 5/8/00
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 5/10/00
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 2103

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8.

(Telephone Number)

RE: PETITION FOR VARIANCE
1633 Freeland Road, S/S Freeland Rd,
2175' W of c/l Norris Rd
6th Election District, 3rd Councilmanic

Legal Owner: John T. & Sandra L. Olszewski
Petitioner(s)

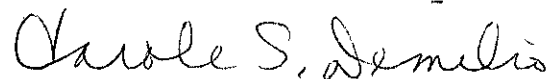
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-413-A

* * * * *

ENTRY OF APPEARANCE

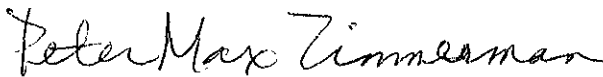
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of April, 2000 a copy of the foregoing Entry of Appearance was mailed to Leslie A. Winter, Esq., 600 Baltimore Avenue, Suite 202, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

April 27, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-413-A

1633 Freeland Road

S/S Freeland Road, 2175' W of centerline Norris Road

6th Election District – 3rd Councilmanic District

Legal Owner: Sandra L. & John T. Olzewski

Variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to permit an accessory structure (garage) height of 28 feet in lieu of the required 15 feet.

HEARING: Wednesday, April 24, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Arnold Jablon
Director

C: Leslie Winter, Esquire, 600 Baltimore Avenue, Suite 202, Towson 21204
Sandra & John Olzewski, 1517 Sherbrook Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 9, 2000.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 9, 2000 Issue – Jeffersonian

Please forward billing to:

Leslie A. Winter, Esquire
600 Baltimore Avenue
Suite 202
Towson, MD 21204

410-823-7700

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-413-A

1633 Freeland Road

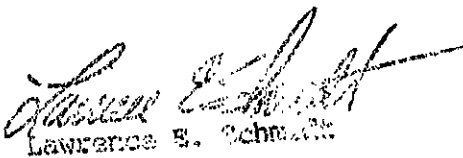
S/S Freeland Road, 2175' W of centerline Norris Road

6th Election District – 3rd Councilmanic District

Legal Owner: Sandra L. & John T. Olzewski

Variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard and to permit an accessory structure (garage) height of 28 feet in lieu of the required 15 feet.

HEARING: ^{May} Wednesday, ~~April~~ 24, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

59

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

5/1/00 - TC to Susan at
Patuxent - will change
date to May before
publishing sj

**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: 00-413-A

Petitioner: John T. & Sandra L. Olszewski

Address or Location: 1633 Freeland Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Leslie A. Winter, Esquire

Address: 600 Baltimore Avenue, Suite 202

Towson, MD 21204

Telephone Number: 410-823-7700

Revised 2/20/98 - SCJ



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

May 19, 2000

Attorney Leslie A. Winter
600 Baltimore Ave., #202
Towson MD 21204

Dear Attorney Winter:

RE: Case Number 00-413-A , 1633 Freeland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 4, 2000.

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,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

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

April 18, 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 **APRIL 17, 2000**

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:

411, 412, 413, 414, 417, 418, 419, 420, 422, 425, 426, and 427

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

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS*

DATE: May 12, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 17, 2000

RECEIVED MAY 24 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
411	23 Mansez Drive
412	7046 Eastern Avenue
413	1633 Freeland Road
414	528 Church Road
415	3607 East Joppa Road
417	8204 Rider Avenue
419	12 Hunter Horn Court
420	13411 Fork Road
421	East Joppa Road
422	2802 Tennessee Avenue
424	8511 Liberty Road
425	8551 Philadelphia Road
426	419 Samantha Court
427	9011 Moonstone Road

Jim
5/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 20, 2000

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

APR 20

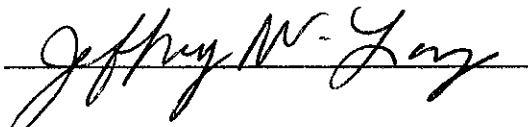
SUBJECT: Zoning Advisory Petitions - Case 413

The Office of Planning supports the applicant's request subject to the following conditions:

1. The petitioner or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit or apartment;
2. The structure shall contain no sleeping quarters, living, kitchen or bathroom facilities; and,
3. The accessory structure should not be used for commercial purposes.

Should there be any further questions, or if this office can provide any additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: 

Section Chief: 

AFK/JL: MAC



**Maryland Department of Transportation
State Highway Administration**

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

Date: 4.17.00

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

RE: Baltimore County
Item No. 413

BR

Dear Ms. Jackson:

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,

for 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

5/24



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

May 1, 2000

Leslie A. Winter, Esquire
600 Baltimore Avenue
Suite 202
Towson, MD 21204

MAY - 5

CC
FYI

Dear Mr. Winter:

RE: Zoning Case 00-413-A, 1633 Freeland Road

This letter is to notify you that there was an error on the "Notice of Zoning Hearing" dated April 27, 2000. As Sophia Jennings indicated in her telephone conversation with you and Mrs. Olszewski today, the correct hearing date for the above referenced case is **May 24, 2000**.

If you need further information or have any questions, please do not hesitate to contact either Sophia Jennings or myself at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:scj

C: John & Sandra Olszewski, 1517 Sherbrook Road, Lutherville 21093



Census 2000



For You, For Baltimore County

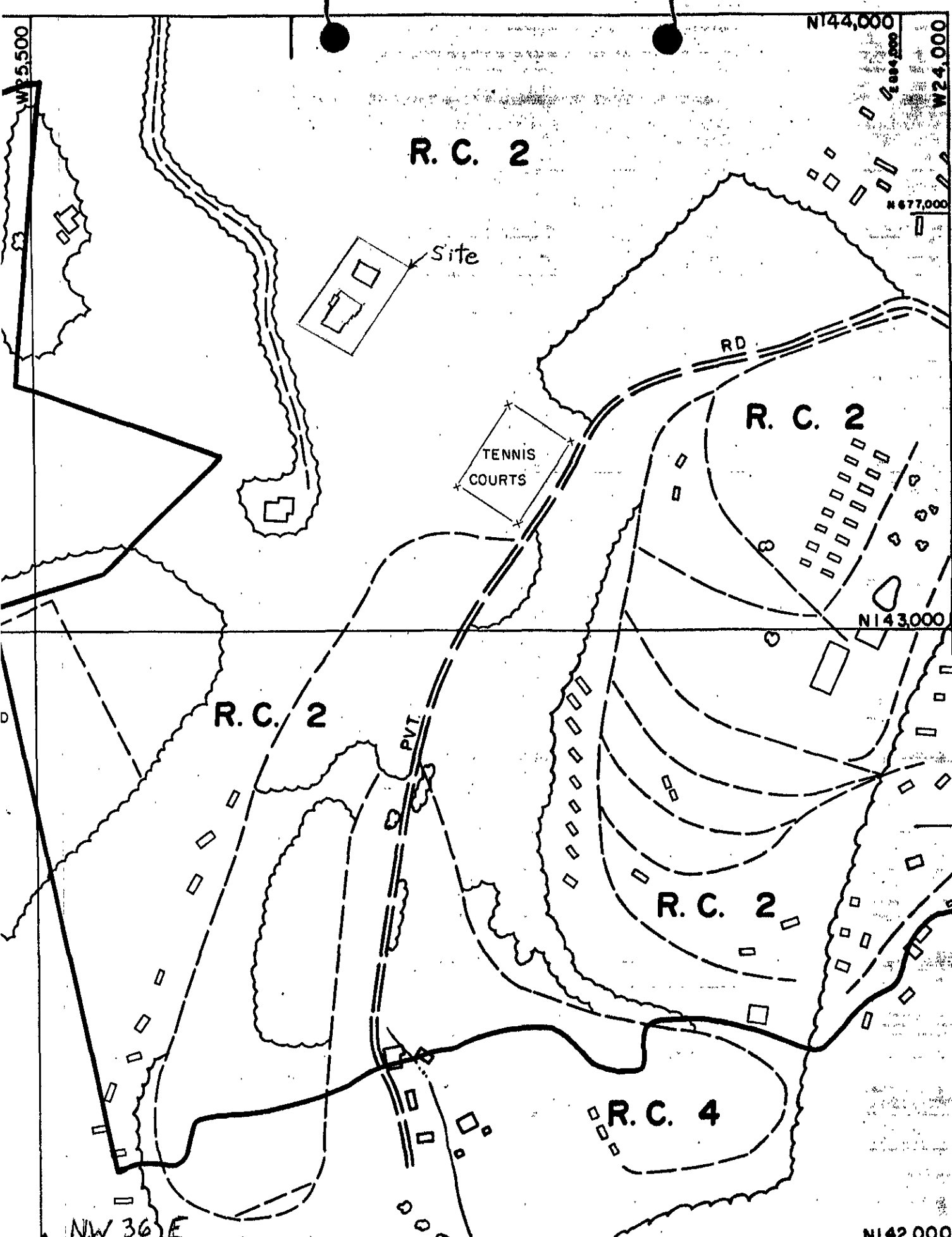


Census 2000



Printed with Soybean Ink
on Recycled Paper

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



R.C. 2

Site

TENNIS
COURTS

RD

R.C. 2

R.C. 2

PVT

R.C. 2

R.C. 4

N144,000

N143,000

N143,000

N142,000

NW 36 E

00-413-A

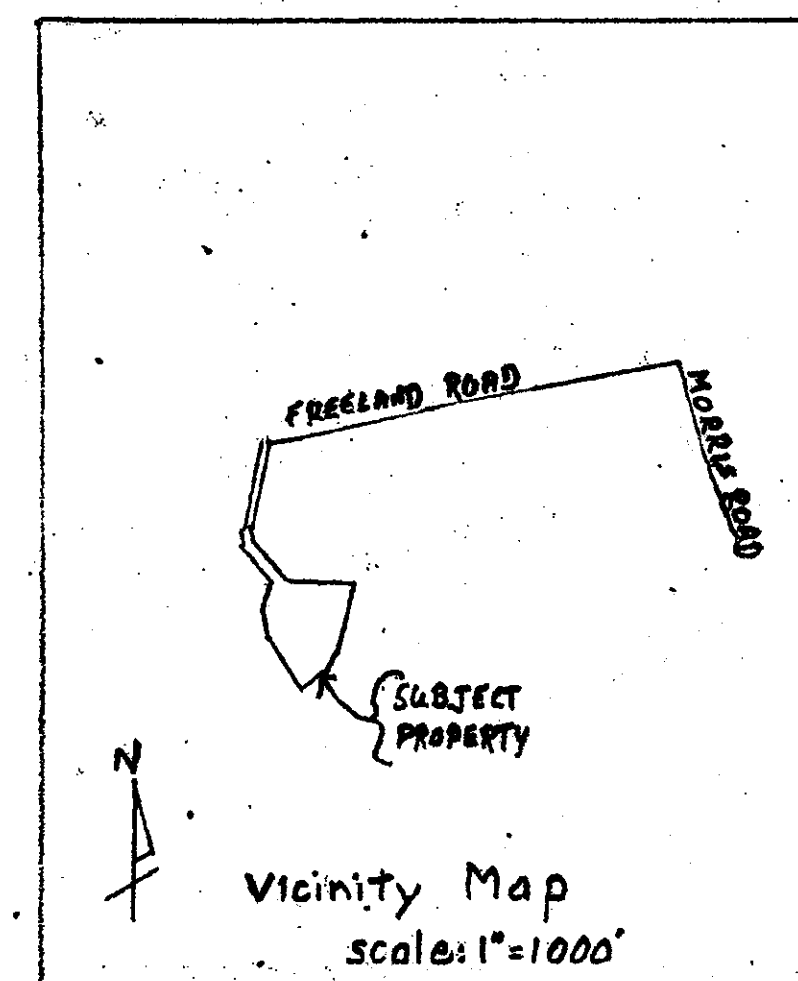
#413

SHEET NW36-D

OWNER: John & Sandra Olszewski

Pet. 24 #1

00-413-A



Per Ex #

DENNIS R. CARTER
06 06 03000470

BR	413	00-413-A
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Date: 3/21/00
Prepared by: LAW

Scale of Drawing - $1" = 50'$



Baltimore County
Zoning Commissioner

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

May 25, 2000

Leslie A. Winter, Esquire
600 Baltimore Avenue, Suite 202
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 00-413-A
Property: 1633 Freeland Road

Dear Ms. Winter:

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 and 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,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. & Mrs. John T. Olszewski
1517 Sherbrook Road
Lutherville, MD 21093

