

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S Birch Hollow Road		
3rd Election District	*	DEPUTY ZONING COMMISSIONER
2nd Councilmanic District		
(3430 Birch Hollow Road)	*	OF BALTIMORE COUNTY
Melissa and Alan Klawans	*	CASE NO. 02-033-A
Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Melissa and Alan Klawans. The variance request is for property located at 3430 Birch Hollow Road, in the Stevenson area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 2 ft. side yard setback (for a proposed addition) in lieu of the minimum required 15 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.

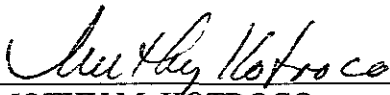
ORDER RECEIVED FOR FILING

Date 9/10/01
By R. J. [Signature]

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 10th day of September, 2001, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 2 ft. side yard setback (for a proposed addition) in lieu of the minimum required 15 ft., 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, Petitioner 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

ORDER RECEIVED FOR FILING

Date 9/10/01
By R. J. Jensen



Baltimore County
Zoning Commissioner

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

September 10, 2001

Mr. & Mrs. Alan Klawans
3430 Birch Hollow Road
Baltimore, Maryland 21208

Re: Petition for Administrative Variance
Case No. 02-033-A
Property: 3430 Birch Hollow Road

Dear Mr. & Mrs. Klawans:

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

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 3430 Birch Hollow Rd
which is presently zoned DR-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) 1802.3.B. (1955 REGULATIONS) BCZR

To PERMIT A 2 FOOT SIDE SETBACK (FOR A PROPOSED ADDITION) IN LIEU OF THE MINIMUM REQUIRED 15 FEET.

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):

ALAN KLAUANS
Name - Type or Print

AL
Signature

MELISSA KLAUANS
Name - Type or Print

Melissa Klawans
Signature

3430 Birch Hollow Rd (W)
Address

BALTO MD
City State Zip Code

Representative to be Contacted:

ALAN KLAUANS
Name

3430 Birch Hollow Rd (W)
Address

BALTO MD
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 9/10/01 day of September, 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. 02-033-A

Reviewed By _____ Date _____

Estimated Posting Date _____

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

3430 Birch Hollow Road
Address
BALTO MD 21208
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):

DUE TO THE ADVANCING AGE OF MY PARENTS IT HAS BECOME NECESSARY TO LIVE IN CLOSE PROXIMITY. UNFORTUNATELY THE HOME THAT WE PURCHASED IN THIS AREA DOES NOT MEET THE GROWING NEEDS OF MY FAMILY. THEREFORE, WE FEEL THAT IT HAS BECOME NECESSARY TO EXPAND THIS HOME. THIS PROPOSED ADDITION HAS BEEN DESIGNED TO BE INCORPORATED INTO THE CURRENT CONSTRUCTION OF THE HOUSE AND BE THE LEAST OBTRUSIVE TO THIS LOT.

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.

Alan Klawans
Signature

ALAN KLAUANS
Name - Type or Print

Melissa Klawans
Signature

MELISSA KLAUANS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of JULY, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ALAN KLAUANS AND MELISSA KLAUANS

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

Date

Stella Ruiz Lowery
Notary Public

My Commission Expires OCTOBER 1, 2001

ZONING DESCRIPTION FOR 3430 BIRCH HOLLOW ROAD

Beginning at a point on the ~~North~~ side of Birch Hollow Road which is 60 feet wide at the distance of 200 feet west of the centerline of the nearest improved intersecting street Dorian Road which is 50 feet wide. Being lot # 7, Block "B", Section # 1 in the subdivision of Stevenson at Anton Farms as recorded in Baltimore County Plat Book # 30, Folio # 7, containing .49 acres. Also known as 3430 Birch Hollow Road and located in the 3rd election district, 1st Council manic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

4059

JL

DATE 7/18/01 ACCOUNT 001006 6150

AMOUNT

\$ 50.00

RECEIVED
FROM:

KLAWANS

FOR: SP (RES)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
7/18/2001 7/18/2001 11:41:48

REG #003 CASHIER REOS LRB DRAWER

RECEIPT # 192552

Dept 5 528 ZONING VERIFICATION

CR NO. 004059

Receipt Tot

50.00

50.00 CK

.00 CA

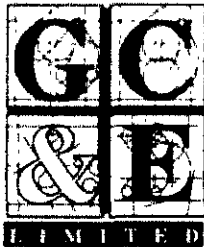
Baltimore County, Maryland

CASHIER'S VALIDATION

02-033-A

7/27/01

This prior payment OK
for today's petition per A.J.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

*These are
for the
County
mike*

CERTIFICATE OF POSTING

RE: CASE # 02-033-A
PETITIONER/DEVELOPER:
Alan and Melissa Klawans
DATE OF CLOSING:
August 20, 2001

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

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

LOCATION:

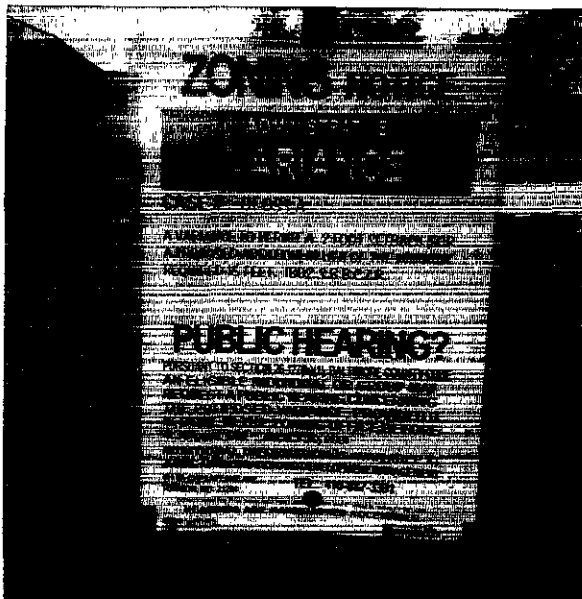
3430 Birch Hollow Road, West side of Birch Hollow
Road, South side of driveway

DATE: August 16, 2001

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX



POSTED ON : August 16, 2001

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02 033 -A

Address 3430 BIRCH HOLLOW RD., 21208

Contact Person: DONNA THOMPSON PLANNER II/JL Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/18/01

Posting Date: 8-05-01

Closing Date: 8-20-01

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 02 033 -A

Address 3430 BIRCH HOLLOW RD., 21208

Petitioner's Name ALAN + MELISSA KRAWANS

Telephone 410-653-8000

Posting Date: 8-05-01

Closing Date: 8-20-01

Wording for Sign: To Permit A 2 FOOT SIDE SETBACK (FOR A PROPOSED
ADDITION) IN LIEU OF THE MINIMUM REQUIRED 15 FEET.
1202.3.B. B.C.Z.R.

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/neighbors 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: 02-033-~~5577~~ A

Petitioner: ALAN + MELISSA KLANANS

Address or Location: 3430 Birch Hollow Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALAN KLANANS

Address: 3430 Birch Hollow Road

BALTIMORE, MARYLAND 21208

Telephone Number: 410-653-8000



Baltimore County
Department of Permits and
Development Management

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

September 5, 2001

Melissa & Alan Klawans
3430 Birch Hollow Road
Baltimore MD 21208

Dear Mr. & Mrs. Klawans:

RE: Case Number: 02-033-A, 3430 Birch Hollow Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 18, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G.D.Z.
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Jim
9/4
(AR)

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: September 6, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2001
Item Nos. 018, 019, 021, 022, 023, 025,
026, 028, 029, 030, 031, 032, 033,
035, and 057

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

RWB:HJO:jrb

cc: File

SEP 13



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

~~August~~ 14, 2001

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 August 6, 2001

Item No.:

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.

The Fire Marshal's Office has no comments regarding the item numbers:

018, 022, 023, 025, 026, 028, 029, 030, 033, 034, and 035

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

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



AV
9/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 29, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-033, & 02-054

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK/JL:MAC

AUG 29 2001

AV
9/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 4, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-033, & 02-019

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

SEP - 5

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.10.01

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

RE: Baltimore County
Item No. 033

DT/JL

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

033

July 13, 2001

Zoning Review
Department of Permits and Development Management
Room 111
Towson, Maryland 21204

To whom it may concern:

We reside at 8400 Dorian Road and our property backs to the 3430 Birch Hollow Road property. We are aware of the addition that is planned for 3430 Birch Hollow Road, and **we have no objections** to the addition extending back approximately 25 feet from the existing garage location.

We understand that no additional encroachment of the property line will occur, other than to extend what is currently in place.

Thank You,

William Friedlander
Esther Friedlander

William and Ester Friedlander
8400 Dorian Road
Baltimore, Maryland 21208

100

-15-

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

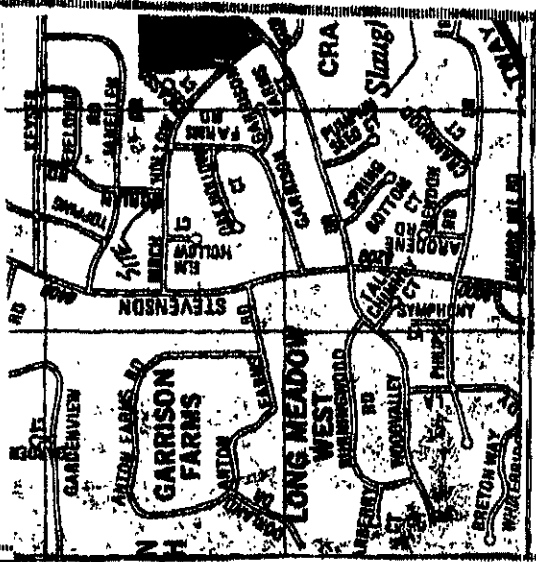
See pages 3 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 3430 Birch Hollow Road

Subdivision Name: Stevenson At Anton Farms

Plat book # 30, page # 07, plat # 07, sections B

OWNER: ALAN AND MELISSA KLAUS



LOCATION INFORMATION

Election District: 03
County: District 02
1"=200' scale map: NW 10-E
Zoning: DF-2
Lot size: 4/6 acre
19,994 sq ft

Check for City Council Area:
Sewer: ☒
Water: ☒
Check for City Council Area:
Sewer: ☒
Water: ☒
Check for City Council Area:
Sewer: ☒
Water: ☒

Zoning Office USE ONLY!

Reviewed by: JL

030

LOT 8

William +
Esther
Friedlander

8400
Dorian
RD.

88.9

200' TO
DORIAN RD.

LOT 7

LOT 6

Marvin +
Beverly
Kittay

Proposed
ADDITION

3432
Birch
Hollow
RD.

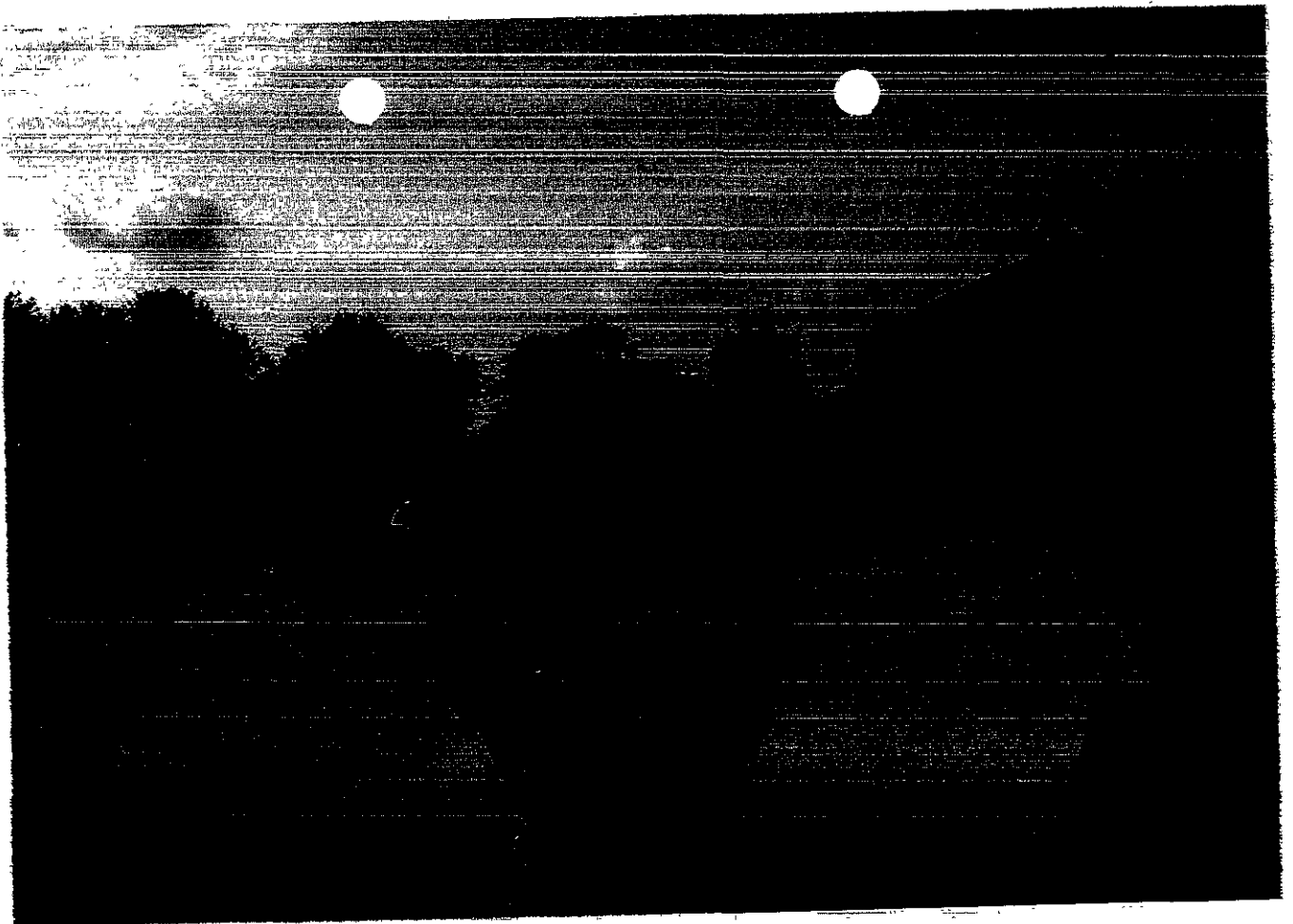
Birch Hollow Road

Scale of Drawing: 1" = 30'

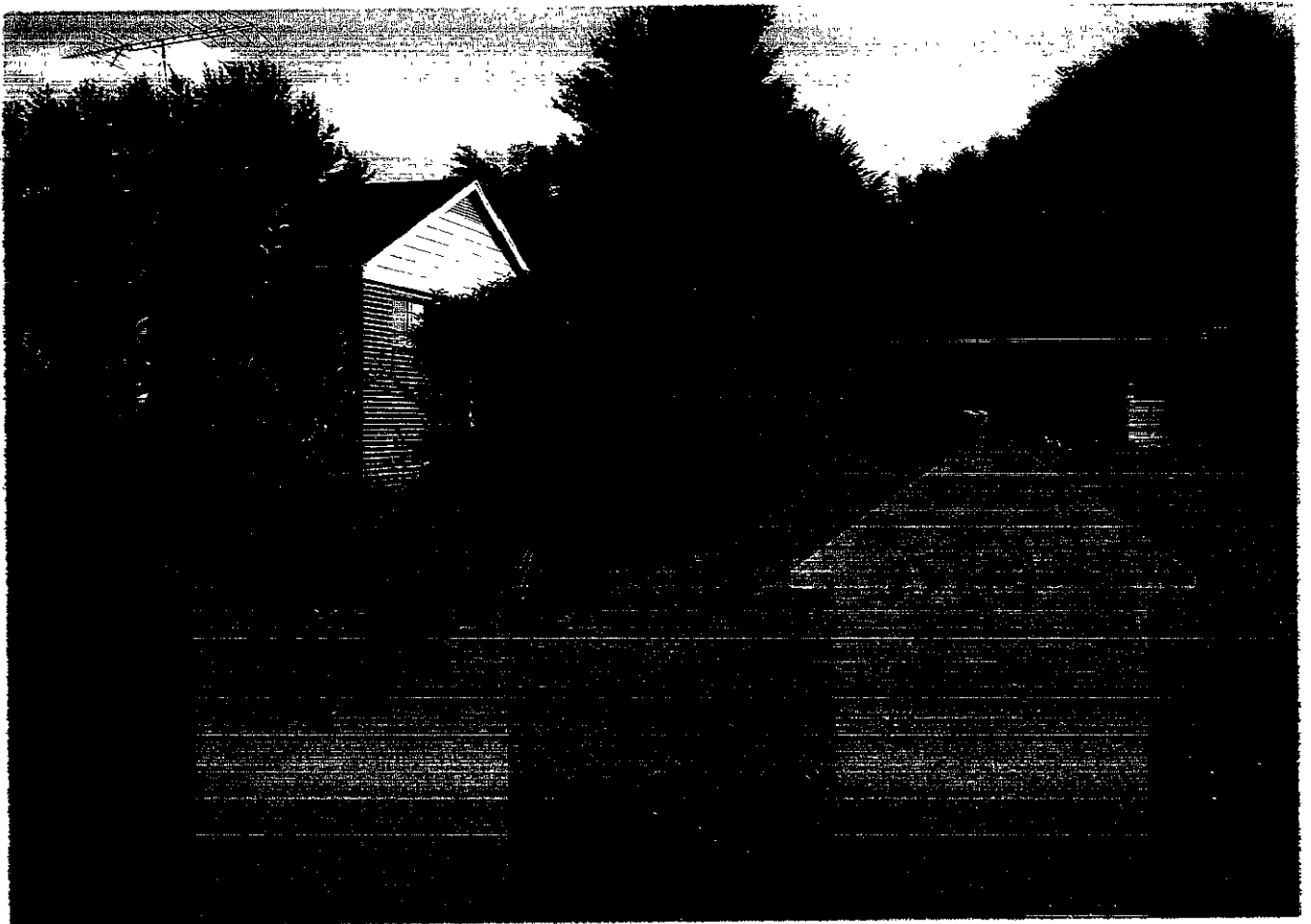
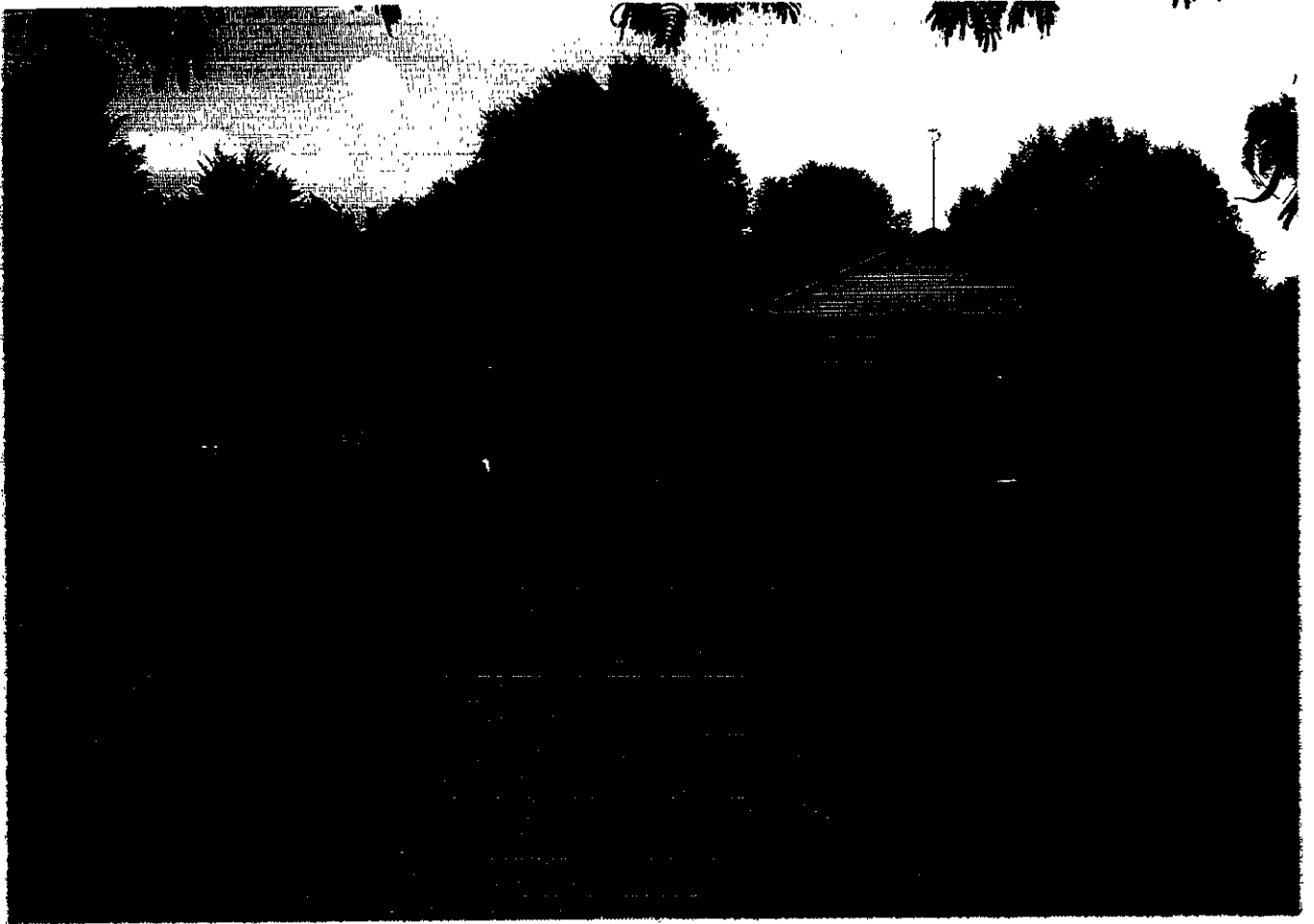
North
↑

date:
prepared by:

Ret. Ex. #1





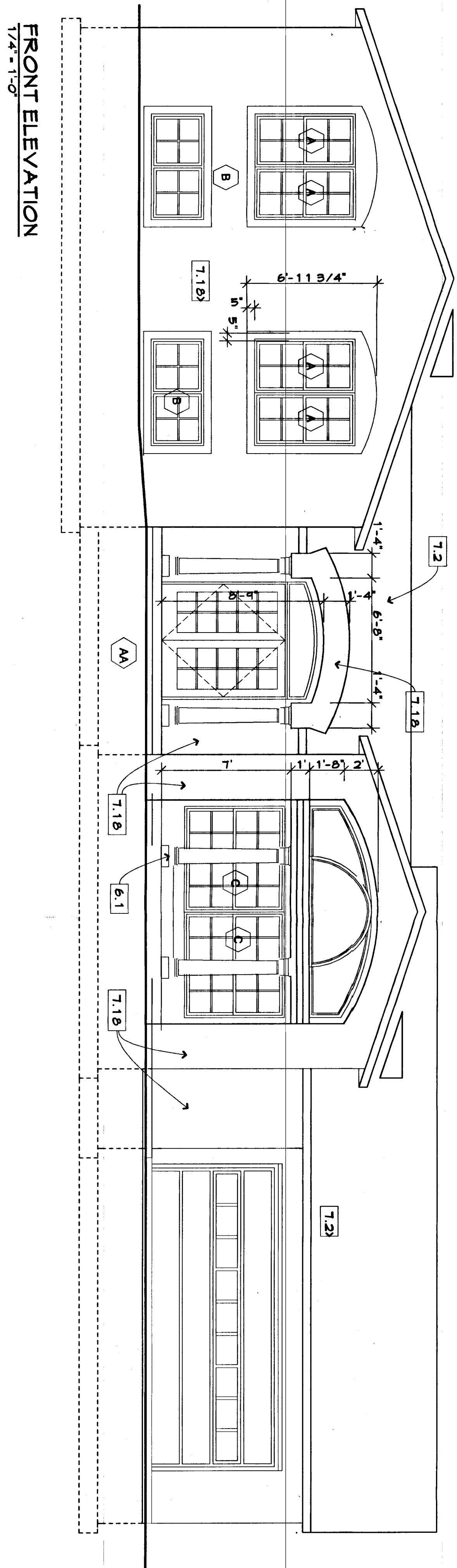
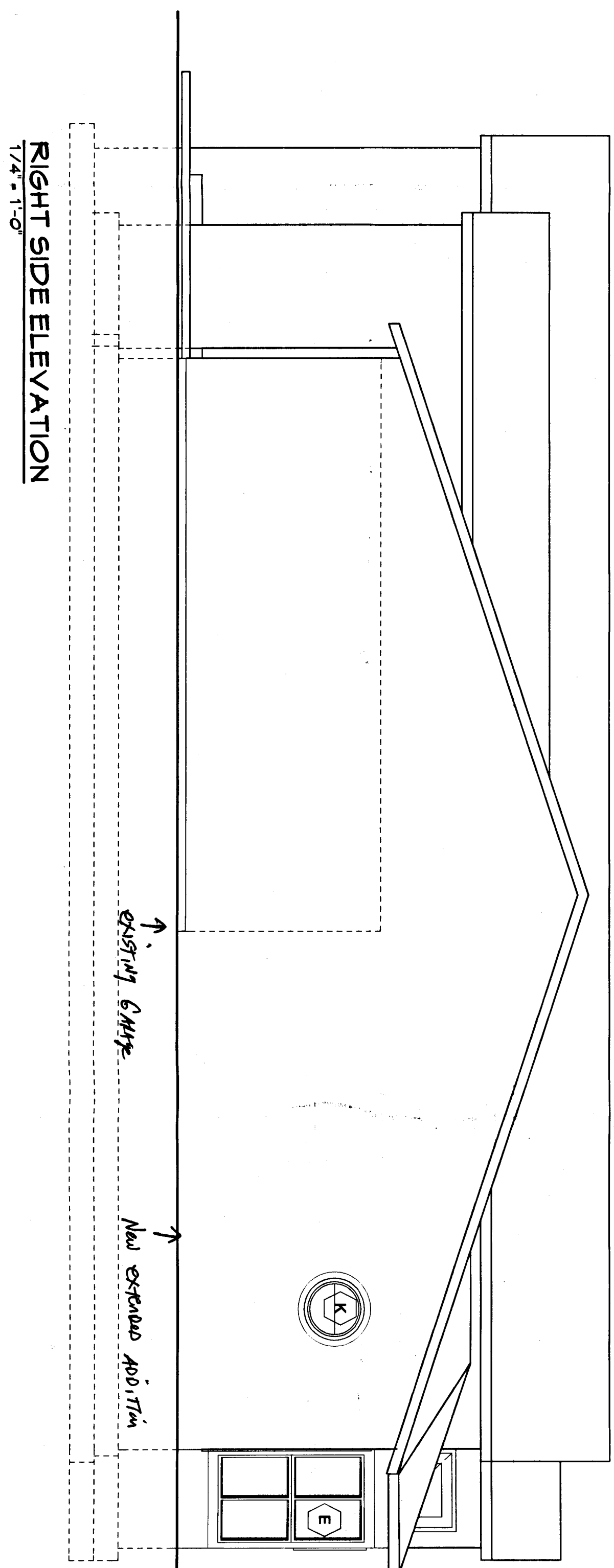
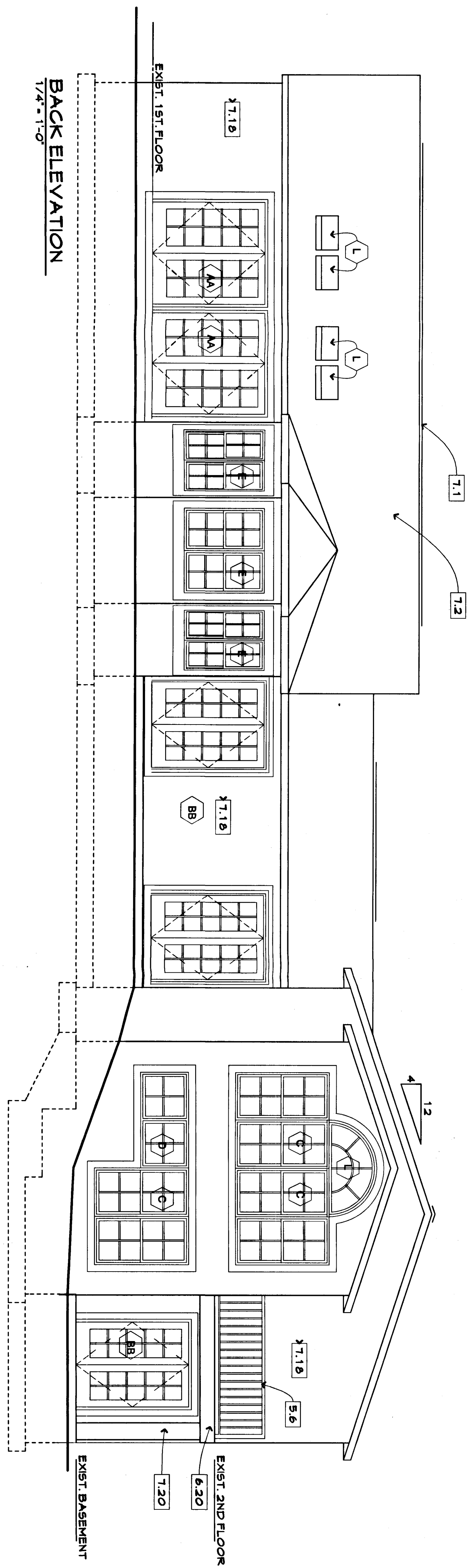




BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY JANUARY 1986	STEVENSON	N.W. 10-E





EXTERIOR
ELEVATIONS

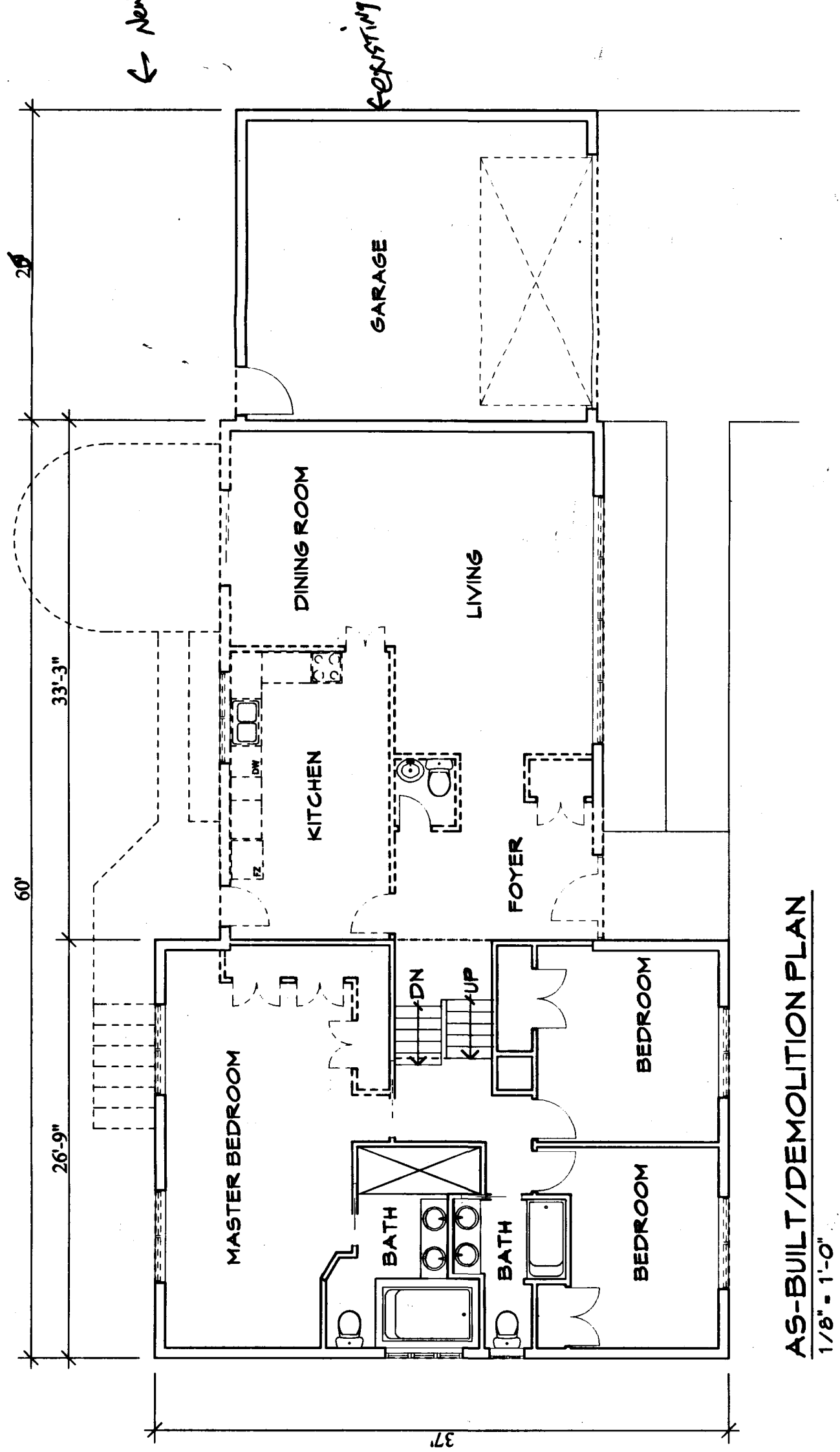
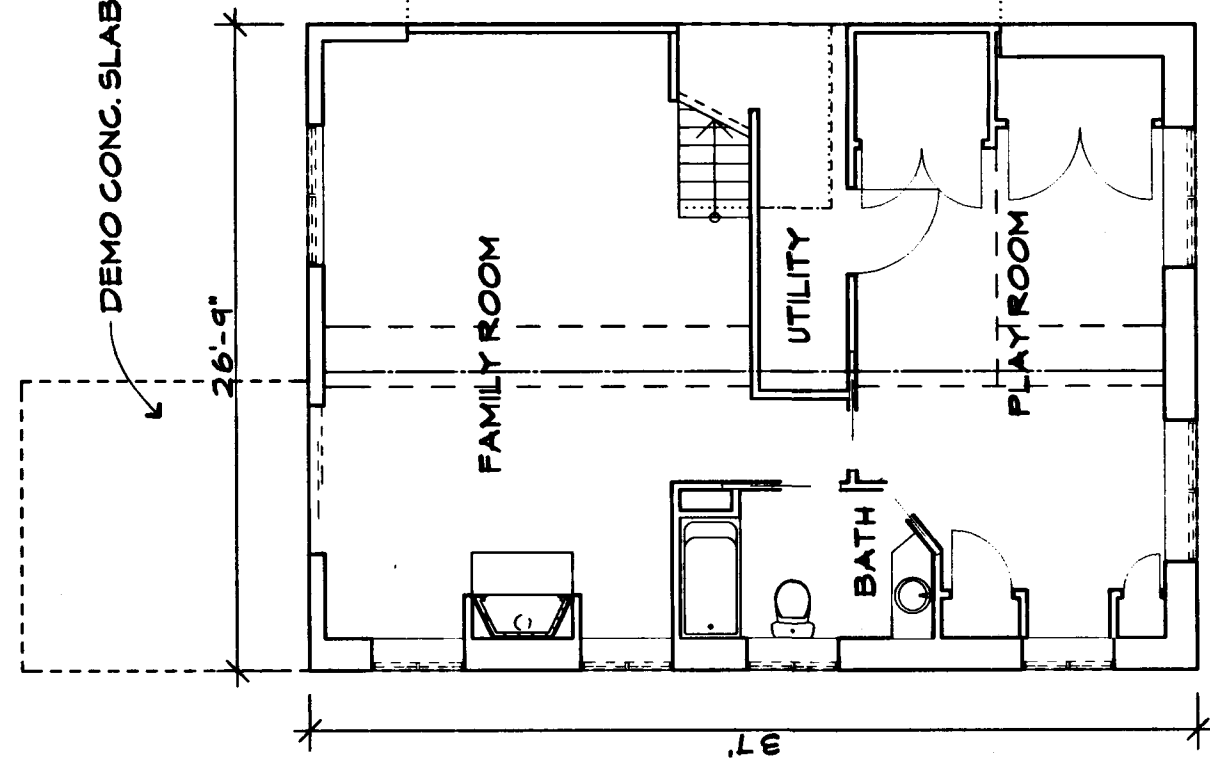
Klawans
Residence
Addition
A400
50%
CONSTRUCTION
DOCUMENTS
August 2000

JOE
ARCHITECT,
INC.

JOSEPH P. BRANDLI, AIA - PRESIDENT
505 WALKER AVENUE - BALTIMORE, MD 21212
PHONE/FAX - 410.435.2645

Mr. & Mrs. Alan Klawans
3430 Birch Hollow Road
Baltimore, MD 21208

KLAWANS RESIDENCE ADDITION/RENOVATION



AS-BUILT / DEMOLITION
PLANS

Klawans
Residence
Addition

A200

50%
CONSTRUCTION
DOCUMENTS
August 2000

SEAL

JOE
ARCHITECT,
INC.
JOSEPH P. BRANDLA AIA - PRESIDENT
505 WALKER AVENUE - BALTIMORE, MD 21212
PHONE/FAX - 410.435.2645

Mr. & Mrs. Alan Klawans
3430 Birch Hollow Road
Baltimore, MD 21208