Date (2/3/0)
By M. Am. Am.

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Summit Avenue, 23' W

Centerline of Wyndcrest

1st Election District

1st Councilmanic District

(1301 Summit Avenue)

Cathy M. Sideowski & E. Thomas Mace Petitioners

BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 02-157-A

. \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Cathy M. Sideowski and E. Thomas Mace, the legal owners of the subject property. The variance request is for property located at 1301 Summit Avenue in the Catonsville area of Baltimore County. The Petitioners herein seek a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the side yard and to have a height of 25 ft. in lieu of the required 15 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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.

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 <u>3</u> day of December, 2001, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be located in the side yard and to have a height of 25 ft. in lieu of the required 15 ft. respectively, 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

12 /2/01 The 10/6

TMK:raj



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

Fax: 410-887-3468

December 3, 2001

Ms. Cathy M. Sideowski Mr. E. Thomas Mace 1301 Summit Avenue Catonsville, Maryland 21228

> Re: Petition for Administrative Variance Case No. 02-157-A

Property: 1301 Summit Avenue

Dear Ms. Sideowski & Mr. Mace:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

Leuthy Motroco

TMK:raj Enclosure



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

		8	,	,		TO COUMLY
	f	or the proper	ty located at _	1301 5	JAMIN A	Œ
			which	is presently	zoned	>1Z Z
This Petition shall be filed owner(s) of the property situ made a part hereof, hereby  TO PERMIT  TO BE LOCA  A UEIGHT  PERMIT  PERMIT	petition for a Var	THE S	ich is described tion(s) 400  Y STRU  SIDEYAM  U OF THE	IN the descrip I, do ICTUR ID AH IE REQ	DOOR and plat at	tached hereto and
, , , ,		2 1-62 b	ec noe	<u>_</u> T		
of the zoning regulations of of this petition form.  Property is to be posted and I, or we, agree to pay expenses regulations and restrictions of E	advertised as press of above Variance	rescribed by the	zoning regulation	ons.	istive)	
Contract Purchaser/Les			I/We do sole perjury, that is the subjec <u>Legal Ow</u>	emnly declare a l/we are the le it of this Petitio ner(s):	and affirm, under gal owner(s) of th	the penalties of ne property which
Name - Type or Print			Name - Type o	HOMAS M or Print	wee	
Signature Address		Telephone No.	Signature  CMH 9  Name - Type of	M SIDU	COWSK!	
City		Zin Cada	<del>Control of</del>			
Attorney For Petitioner:	State	Zip Code	Signature  1301 C Address	SUMMIT	AVL AIO	744-2133 Telephone No. 21228
Name - Type or Print			City	HOLDI CA	State	Zip Code
Signature			SAN		Contacted:	
Company			Name	ΛS		
Address	Te	elephone No.	Address	ABTI	nz	Telephone No.
City	State	Zip Code	City		State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	that the	subject matter of the	is petition be set for	r a public hearing	g, advertised, as re	quired by the zoning
CASE NO. 02-	157-A	Davi	•	ng Commissione	of Baltimore Cour	1,2/1
<b>28</b> 1 915198	<u> </u>		mated Posting		10/28/	01

# ffidavie 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	1301 SUMM	117 NVE	
	1301 SVMM ddress BNDWOLK ity	Mn	Zerve
That based upon personal knowledge, the following Variance at the above address (indicate hardship of	no are the facts upon y		e request for an Administrative
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OF THE BOL THERE A	VIULOBL NO	VEHICULAR	Acelss
TO THE GARAGE	. 1	4	•
Umilton NEQUESTED HOS 25			
AND MALICANCE	STYLE OF	EXISTINA	HOUSE COUYROLD Vac
That the Affiant(s) acknowledge(s) that if a formation advertising fee and may be required to provide additional to the second s	al demand is filed, Af	ffiant(s) will be req	uired to pay a reposting and
advertising fee and may be required to provide addi	itional information.		
Signature  E.1HOMAS MALE  Name - Type or Print	Signature	athy M. Su	Moss :
E.THOMAS MALE	CM	THY M. SU	ou/SIL:
Name - Type or Print	Name - Ty	/pe or Print	
STATE OF MARYLAND, COUNTY OF BALTIMOR	· <b>RE.</b> to wit:		
HEREBY CERTIFY, this day ofOch of Maryland, in and for the County aforesaid, person	ober c	<u>∂eo /</u> , before me	e, a Notary Public of the State
E. Thomas Mare and C	Tathan M. Si	dlowski	
he Affiant(s) herein, personally known or satisfacto aw that the matters and facts hereinabove set forth	orily identified to me a	s such Affiant(s)	and made oath in due form of their knowledge and belief.
AS WITNESS my hand and Notarial Seal			
11 October 2001	Maria	1. cm dol	1
Date	Notary Public	h <u>Mandel</u> Expires <u>  Te</u>	/ 22
>971 /19115198	My Commission	Expires <u>[ ]-e</u>	10 9009

MICHELE MANDELL NOTARY PUBLIC STATE OF MARYLAND My Commission Expires February 1, 2002

### ▼ ■ 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. Address 1301 SJMM17 NVK That the Affiant(s) does/do presently reside at 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): VAX INC DUE TO THE CONTOUR OF THE PROJECT I NUN THE LOCATION OF THE BOI THERE WISLOBL NO VEHICULAR ACCESS TO THE ITALANE Umiltor REQUESTED HOS 25' REQUIRED TO MATCH PITCH AND MERCICALE STYCK OF EXISTENT HOUSE CONTROLD VERTICE 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. STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: of Maryland, in and for the County aforesaid, personally appeared . <del>೨೮0</del> ∫, before me, a Notary Public of the State E. Thomas Mace and Cathy M. Sidlowski 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

REV 09[15]98

October

MICHELE MANDELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 1, 2002

My Commission Expires



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

to	The	Zoning	Commi	issioner	of I	Baltimore	County

for the proper	ty located at 1301 SUMMIT AIC
	which is presently zoned DIZZ
made a part hereof, hereby petition for a Variance from Sec	nits and Development Management. The undersigned, legal nich is described in the description and plat attached hereto and
	<pre></pre>
	$(10E)_{AB}$
A WEIGHT OF 25' IN LIE	U OF THE RED VOL
REARYARD AND IS ' RESP	ECTIVELY
of the zoning regulations of Baltimore County, to the zoning of this petition form $Mb$ $ACCESS$ $DUE$ $TO$ $SWI$	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the , or we, agree to pay expenses of above Variance, advertising, pole egulations and restrictions of Baltimore County adopted pursuant	Osting etc. and further agree to and are to be hounded by the server.
	I/We do solemnly dectare 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:	<u>Legal Owner(s):</u>
ame - Type or Print	Name - Type or Print
arrie - Type of Print	Name - Type or Print
gnature	Signature
. Telepnone No	CMHY M SINCOWSKI
Telephone No	Name - Type or Print
ty State Zip Code	Signature
ttorney For Petitioner:	Address Telephone No.  BALTIMONE MA ZIZZÓ  City State Zin Code
	Address Telephone No.
ame - Type or Print	City State Zip Code
gnature	Representative to be Contacted:
	<u>S</u> AME
Ompany	Name
State Zip Code	Address Telephone No
Printed & St. Control of the Control	ABOUE
State Zip Code	City State Zip Code
Rublic Hearing having been formally demanded and/or found to be	required, it is ordered by the Zoning Commissioner of Baltimore County,
relations of Baltimore County and that the property be reposted.	nis petition be set for a public hearing, advertised, as required by the zoning
ह ते व	Zoning Commissioner of Baltimore County
ASE NO. 02-157-A Revi	iewed By LTM Date 10/18/01
	mated Posting Date 10/28/01
in the state of th	•

#### ZONING DESCRIPTION FOR 1301 SUMMIT AVENUE

BEGINNING AT A POINT ON THE SOUTH SIDE OF SUMMIT AVENUE WHICH IS 30 FEET WIDE AT THE DISTANCE OF 23 FEET WEST OF THE CENTER LINK OF THE NEAREST IMPROVED INTERSECTING STREET, WYNDCREST WHICH IS 20 FEET WIDE.

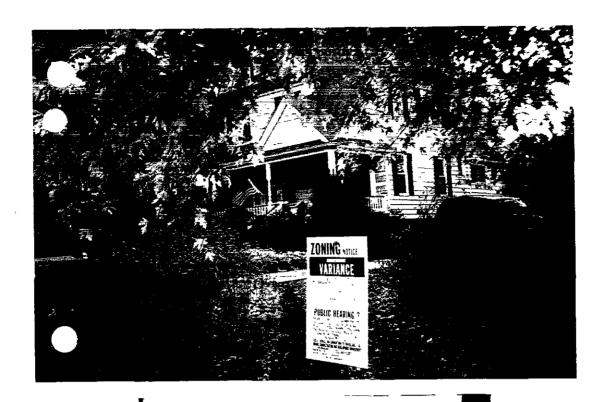
BEING PARCEL #1519 GROUP #80 AS SHOWN ON MAP #101 GRID #7 CONTAINING 21,978 SQ. FT. ALSO KNOW AS 1301 SUMMIT AVENUE, AND LOCATED IN THE 1<sup>ST</sup> ELECTION DISTRICT AND 1<sup>ST</sup> COUNCILMANIC DISTRICT.

BEGINNING FOR THE SAME at a point in the center line of Summit Avenue (30 feet wide) at the end of the first or nor h 73 1/2 degrees east 11 foot line of the parcel of land conveyed by deed from John Huber and wife to Lilia K. Soper, dated October 23, 1896 and recorded a ong the Land Records of Baltimore County, in Liber LMB No. 225, folio 412; thence running along the second line of the deed aforesaid as surveyed in 1934 so th 28 degrees 13 minutes east 194.35 feet to a point; thence by a new division line (1945) South 71 degrees 34 minutes west, which crosses the parcel of laid aforesaid and also crosse; the original lot of land conveyed to Lilia K. So er by deed from John Huber and wife dated March 6, 1893 and recorded among t e aforesaid Land Records in Liber LMB No. 196, folio 385, at a distance in all of 111.15 feet to a point in the third line of the last mentioned deed at the distance of 57 feet nort westerly from the beginning thereof and thence along said third line as per survey of 1934, north 27 degrees 54 minutes west 202 - 1/4 feet to the end of said line in the center line of Summit Avenue; thence along the fourth line of said deed and on the center line of Summit Avenue, no th 75 degrees 40 minutes east 111 feet to the place of beginning.

THE improvements thereon being known as No. 1301 Summit Avenue.

でいるできる	BALTIMORE COUNTY, MARYL OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 0€€ •	FILL REPORTED THE STATE OF THE
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## ZONING NOTICE

ADMINISTRATIVE

CASE # 02-157-A

TO PERMIT AN ACCESSORY
STRUCTURE (GARAGE) TO BE LOCATED
IN THE SIDE YARD AND TO HAVE A
HEIGHT OF 25 FEET IN LIEU OF THE
REQUIRED REAR YARD AND 15 FEET
RESPECTIVELY

### PUBLIC HEARING?

PRISHART TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON NOV. 12, 2001
ABOUT TOWAL INFORMATION IS AVAILABLE AT
1888. CHARMESTIATION AND EVELOPETT MANAGEMENT
125. CHARMESTIATION AND EVELOPETT
125.

THE PART HE SEE THE SEE OF THE SE



•	RE: Case No.: <u>02-157-A</u>
•	Petitioner/Developer:
	MACE/SIDLOWSKI
	Date of Hearing/Closing: Nov. 12, 2001
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:	
	of perjury that the necessary sign(s) required by law located at 1301 SUMMIT AVE.
	·
The sign(s) were posted onOc7.	76; 200] (Month, Day, Year)
	_ Sincerely,
	(Signature of Sign Poster and Date)
	GARLAND E, MOORE (Printed Name)
	3225 RYERSONI CIRCLE (Address)
•	BACTIMORE, MD. 21227 (City, State, Zip Code)
	(410) 242-4263 (Telephone Number)

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zening Regulations</u> (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 Newspape	er Advertising:			
item Number o	r Case Number:	02-157-	A	
Petitioner:	E. THOMAS M	ACK : CA74.	1 M SIDLOW	SKI
Address or Loc	ation: 130, S	UMMIT AVE	BALTO NO	21228
	VARD ADVERTISIN			
Address:	301 SUMMIT	AVK		
	BALTIMONE	Mn 21228		
Telephone Num	ber: 410 - 74	14-2133		

ZONING REVIEW ZONING REVIEW	OPMENT MANAGEMENT
-----------------------------	-------------------

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

WIND THE TAND DATES
<del></del>
Case Number 02- 157 -A Address 1301 SUMMIT AVE
Contact Person: LIOTO T. MOXLEY Phone Number: 410-887-3391
Filing Date: 10/18/01 Posting Date: 10/28/01 Closing Date: 11/12/01
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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 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.
72 DEADLINE. The closing data in the decimal of the
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.
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 denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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 changed giving notice of the hearing date, time and location. As when the sign was originally this office.
(UetaCh A ong Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 02-157 -A Address 1301 SUMM, TAVE
Petitioner's Name WACE/SIDLOWSKI Telephone 410 744 Z 133
Posting Date: 10/28/61 Closing Date: 11/12/61
Wording for Sign: To Permit ALL ACCESSORY STRUCTURE (GARAGE)
TO BE LOCATED IN THE SIDEYARD AND TO HAVE A HEIGHT
OF 25' IN LIEU OF THE REQUIRED REALYARD ALIO
15' RESPECTIVELY
WCR - Revised 6/28/00

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 20, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 3, 2001

Item Nos.\* 151, 152, 155, 161, 164, 165, 167, 168, 170, 171, 172, 173, 174,

and 175

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

\*Items number 153 and 154 were not designated.

RWB:HJO:jrb

cc: File



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

December 10, 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 November 26, 2001

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:

151, 152, 155, 156, 159, 161, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, and 175

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

cc: File



### Maryland Department of Transportation State Highway Administration

Parris N Glendening Governor John D Porcari Secretary

Parker F. Williams Administrator

Date: 12.3.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No.

LTM

Dear. Mr. Zahner:

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.

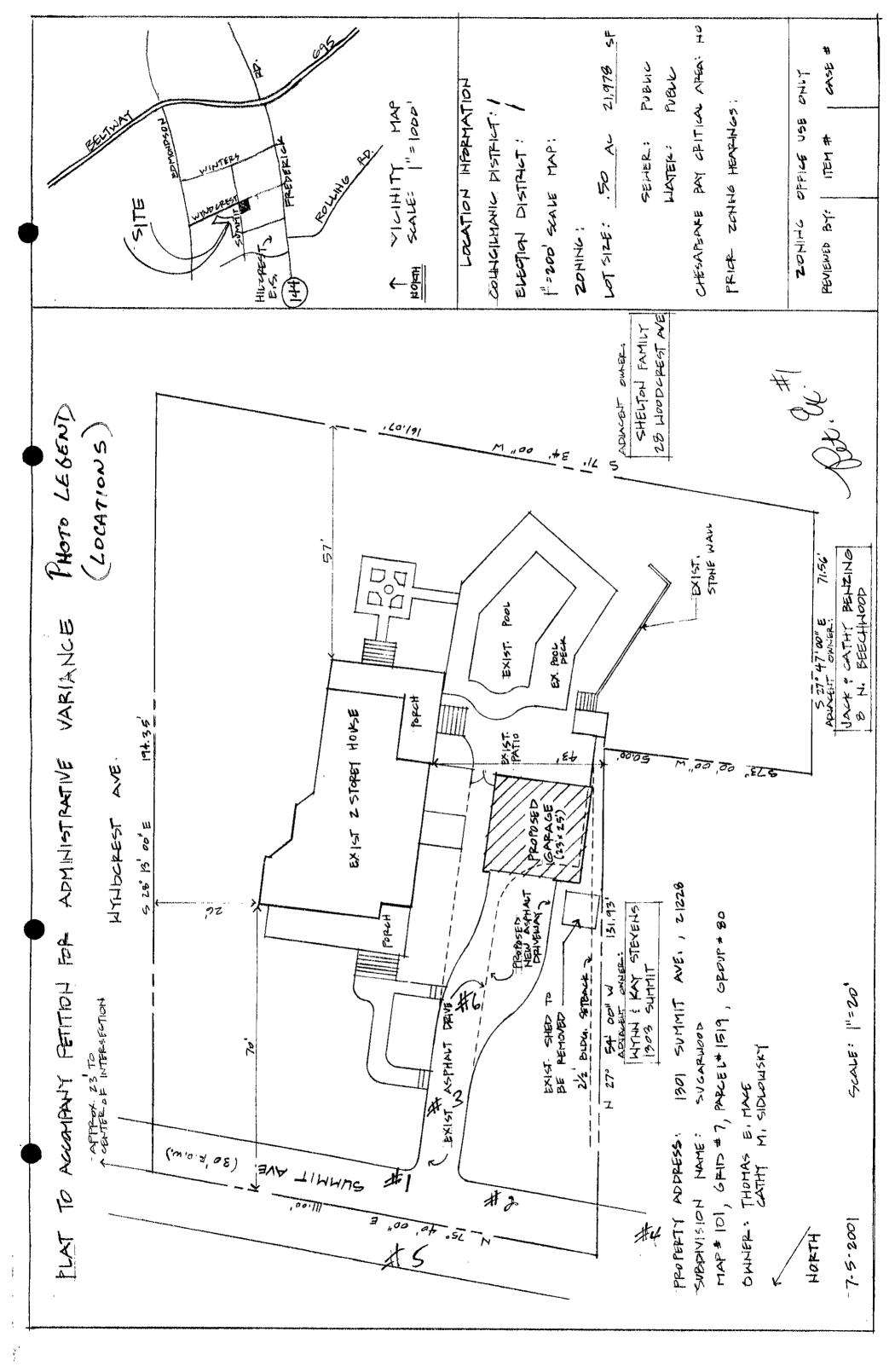
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

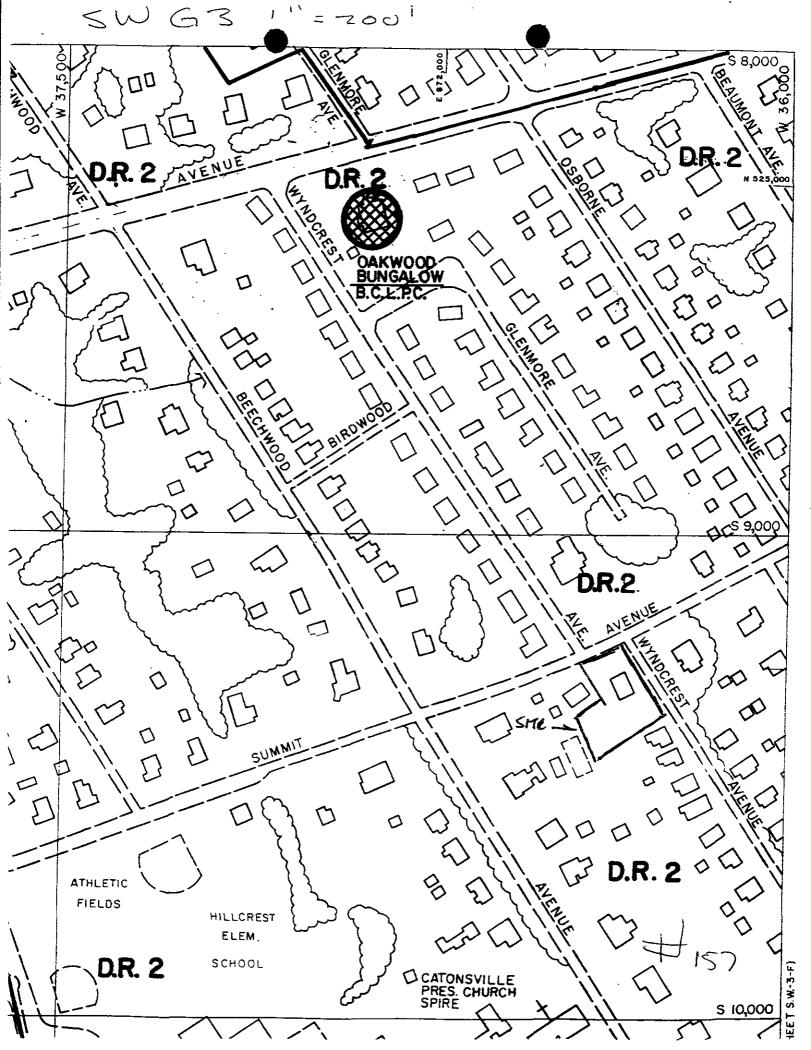
Very truly yours,

1. f. sull

10

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







Baltimore County Zoning Commissioner Office of Planning Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204

- Known 157. P

Printed with Soybean Ink



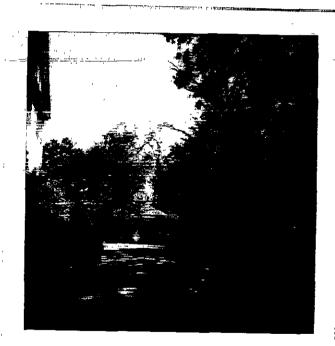
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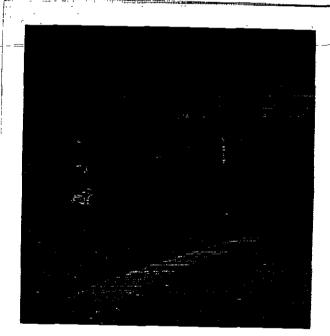


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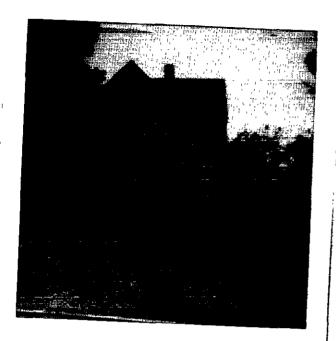
#157



#3 #157



#157

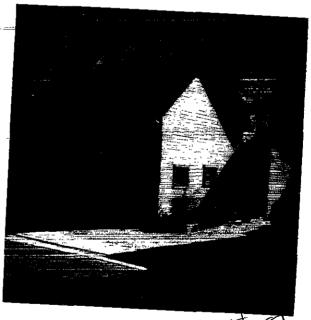


#157 #5



#157 #6





style of proposed garage Style of proposed garage