IN RE: PETITION FOR VARIANCE S/S Dunellen Drive, 1225' NW centerline of Providence Road 9th Election District 4th Councilmanic District (921 Dunellen Drive) Katherine & Frank Szymanski *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-122-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, Katherine and Frank Szymanski. The Petitioners are requesting variance relief for property they own at 921 Dunellen Drive, which is located in the Towson area of Baltimore County. The variance request is to permit an existing single-family dwelling to have a side yard setback of 10 ft. in lieu of the required 15 ft.

Appearing at the hearing on behalf of the variance request were Frank and Katherine Szymanski, owners of the property, Melvin Kodenski, attorney at law, representing the property owners, and Joe Wilz. Appearing in opposition to the Petitioners request were Walter Savoye, Jr. and Anne Engle.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 24,750 sq. ft., zoned D.R.2. The property is known as Lot #90 of the subdivision known as "Glen Ellen". It is improved with a single-family residential dwelling wherein the Szymanski's have lived for the past 36 years. In addition to owning Lot #90, the Szymanski's also own Lot #89 and a 10 ft. section of Lot #88. They are interested in performing a lot line adjustment to the common boundary line between Lot #90 and Lot #89. Apparently, at the time their dwelling was constructed on their property, it was built directly upon the line of division between these two lots. In essence, the house currently has a 0 ft. setback. By virtue of the lot line adjustment, a new setback of 10 ft. will be established between the side of the

existing dwelling and the adjacent line of division between Lots #89 and #90. This will afford the Szymanski's an opportunity to sell their home and allow the new purchasers to have an area along side of the existing dwelling for purposes of maintaining the house and grounds.

Further testimony revealed that the Szymanski's are interested in selling their existing home and constructing a new single-family dwelling on Lot #89 within which they hope to live in the future. The Szymanski's are getting up in years and are interested in constructing a home that is better suited for their retirement years. Lot #89 is vacant at this time and may accommodate a new home. However, as was discussed at the hearing, it has yet to be determined whether or not a new home can be constructed on Lot #89. Apparently, there are a great number of environmental constraints that affect Lot #89, which may prevent a house from ever being constructed on that property. The purpose of the hearing before me is only to approve of this lot line adjustment and the new 10 ft. setback of their existing dwelling to this common lot line.

As stated previously, appearing in opposition to the Petitioners' request were two residents of the surrounding neighborhood, Walter Savoye, Jr. and Anne Engle. Ms. Engle and her husband were at one time the owners of all of the lots in this neighborhood. Ms. Engle has resided within the community since 1950. She has great concern regarding the intentions of the Szymanski's to construct a home on Lot #89. Ms. Engle stated that Lot #89 has never passed a percolation test and that a swale runs through the subject property. She is concerned that constructing a house on Lot #89 would have adverse environmental effects on the surrounding community. She, therefore, asks that no new home be permitted on Lot #89.

Also testifying at the hearing was Mr. Savoye. Mr. Savoye has resided in this neighborhood for the past 46 years. He too is concerned over the construction of a house on Lot #89. He indicated that the natural drainage patterns in the neighborhood cause water to sheet-

flow over Lot #89, which is then collected in a culvert and piped under Dunellen Drive. For these environmental reasons, Mr. Savoye is also against the construction of a house on Lot #89.

As I indicated at the hearing, the purpose of the hearing before me is to approve a 10 ft. setback from the existing dwelling owned by the Szymanski's to the boundary line which separates Lot #89 and #90. This is not a request to construct a home on Lot #89. That issue should be preserved for further review in the future by the Baltimore County Departments of Environmental Protection & Resource Management, Public Works, Zoning, and all other departments which review an application for a building permit. If, in fact, what Mr. Savoye and Ms. Engle have alleged at the hearing is true, that being that the property will not pass percolation tests, then there will never be a home constructed on Lot #89, assuming that public sewer is not extended to the property. Again, this shall be reviewed at the time the Szymanski's attempt to obtain a building permit for a house on that property.

As to the requested lot line adjustment and the 10 ft. setback, I believe it is appropriate to grant the variance to allow the existing dwelling to be situated 10 ft. from this property line in lieu of the required 15 ft.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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.

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 14th day of November, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit an existing single-family dwelling to have a side yard setback of 10 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

Timothy Kotroco

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

November 14, 2002

Melvin J. Kodenski, Esquire
19 E. Fayette Street, Suite 400
Baltimore, Maryland 21202

Re: Petition for Variance
Case No. 03-122-A
Property: 921 Dunellen Drive

Dear Mr. Kodenski:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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 Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. & Mrs. Frank Szymanski
921 Dunellen Drive
Towson, MD 21286

Mr. Joe Wilz
944 Ellendale Drive
Towson, MD 21286

Mr. Walter T. Savoye, Jr.
901 Dogwood Hill Court
Towson, MD 21286

Ms. Anne H. Engle
909 Ellendale Drive
Towson, MD 21286

Copies to:

Mr. & Mrs. Frank Szymanski
921 Dunellen Drive
Towson, MD 21286

Mr. Joe Wilz
944 Ellendale Drive
Towson, MD 21286

Mr. Walter T. Savoye, Jr.
901 Dogwood Hill Court
Towson, MD 21286

Ms. Anne H. Engle
909 Ellendale Drive
Towson, MD 21286

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 921 DUNELLEN DRIVE

which is presently zoned DR2

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.C.1 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING TO HAVE A SIDE YARD OF 10' IN LIEU OF THE REQUIRED 15'.

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):

Frank Szymanski (o) 410-837-5592
Name - Type or Print

Signature

Katherine Szymanski
Name - Type or Print

Signature

921 Dunellen Drive 410-337-8839
Address — Telephone No

Towson, Maryland 21286
City — State — Zip Code

Representative to be Contacted:

SAME AS ABOVE
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. 03-122-A

Reviewed By LTM **Date** 9/12/02

Estimated Posting Date 9/23/02

REV 10/25/01

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 921 DUNELLEN DRIVE
Address

TOWSON, MARYLAND 21286
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):

Current zoning regulations require a 15' distance between the proper property line and a dwelling.

1. a 210' frontage,lot 88(10'), lot 89 (100'), and 90 (100') exist
2. a 15' variance on lot 89 willnot allow us to build our home on lot 88 and 89,giving only a 95' frontage.(100' is required.
3. a variance relief of 5' gives us the required 100' frontage necessary to build our retirement home.

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

FRANK SZYMANSKI
Name - Type or Print

Signature

KATHERINE SZYMANSKI
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of September 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Maryland, County of Baltimore the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 9.1.04

REV 10/25/01

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 921 DUNELLEN DRIVE
Address

TOWSON, MARYLAND 21286
City State Zip Code

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3. a variance relief of 5' gives us the required 100' frontage necessary to build our retirement home.

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Signature

FRANK SZYMANSKI
Name - Type or Print

Signature

KATHERINE SZYMANSKI
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of September, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Maryland, County of Baltimore the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS *my hand and Notarial Seal*

Notary Public

My Commission Expires 9·1·04

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 921 DUNELLEN DRIVE

which is presently zoned DR2

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.C.1 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING TO HAVE ASIDE YARD OF 10' IN LIEU OF THE REQUIRED 15'.

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):

Frank Szymanski (o) 410-837-5592
Name - Type or Print

Signature

Katherine Szymanski
Name - Type or Print

Signature

921 Dunellen Drive 410-337-8839
Address — Telephone No.

Towson, Maryland 21286
City — State — Zip Code

Representative to be Contacted:

SAME AS ABOVE
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. 03-122-A

Reviewed By LTM **Date** 9/12/02

Estimated Posting Date 9/23/02

REV 10/25/01

UNIVERSITY *of* BALTIMORE
ATHLETIC CLUB

Frank Szymanski
Director

September 12,2002

Zoning Review
Department of Permit and Development Management
111 West Chesapeake Avenue
Room 111
Towson ,Maryland 21204

I respectfully request consideration for an administrative variance on the property currently owned by my wife and I for the purpose of building our retirement home on the adjacent lot that also belongs to us. The property is located in:

Lots 89,90,and the north 10' of lot 88,as shown on plat #3,Glen Ellen recorded in Baltimore County in Liber JWB #14,folio #80. The boundaries are: N 76 01'-30" W 225.00' N 13 58'-30"E 210.00' and S 13 58-30"W 210.00' S 76 01-30" E 225.00'

This property lies in Zone 'C' (area of minimal flooding) as shown on Firm Map #240010 0265B and or 240010 0270B, dated March 2, 1981.

This property is in the 9th Election District, 8th Precinct, 42nd Legislative District, 4TH Councilmanic District, and 2nd Congressional District, deed Ref. 5930/819, with tax acct # 0919329900.

Specifically, we are requesting that the current zoning regulation for distance between the property line and the beginning of the dwelling of 15' be reduced by 5',(thus the request for a 10' administrative variance). This request will allow us to maintain a 100' frontage and meet the requirements of space between the current home we live in and the house we plan to build.

If this administrative variance is granted, my wife and I intend to build a single story ranch style home of @1,850 sq. ft. to satisfy our physical needs throughout our retirement years. This type of home will compliment the existing homes in this area, and will not effect the density or traffic pattern within the community. We have been an active member of the community since 1976 and would like to continue to live in this area.

Frank Szymanski

#122

UB

1420 North Charles Street / Baltimore, Maryland 21201-5779
tel 410/837-5591, web: *http //www.ubalt edu*

Zoning Description:

Zoning Description for 921 Dunellen Drive

Beginning at a point on the ~~North~~ WEST side of Dunellen DRIVE which is 50' wide at the distance of 1225' ±V NORTHWEST of the centerline of the nearest improved intersecting street Providence Road which is 50' wide. Being lot #90 Block 1 Section #1 in the subdivision of Plat #3 Glen Ellen as recorded in Baltimore County Plat Book #14, folio #80 containing 24750. Also known as 921 Dunellan DRIVE and located in the 9TH Election District, 4TH Councilmanic District.

#122

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17145

DATE 9/12/02 ACCOUNT [illegible]

AMOUNT $ 30.00

RECEIVED FROM: SZYMANSKI

FOR: VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 17600

DATE 10/9/01 ACCOUNT 001 006 6150

AMOUNT $ 40.00

RECEIVED FROM: ANNE ENGLE

FOR: DEMAND FOR FORMAL HEARING
921 DUNELLEN DRIVE
FRANK + KATHERINE SZYMANSKI 9TH ELD
02-4111

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

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: #03-122-A
921 Dunellen Drive
S/S Dunellen Drive, 1225' NW centerline Providence Road
9th Election District
4th Councilmanic District
Legal Owner(s): Frank & Katherine Szymanski
Administrative Variance: to permit an existing single family dwelling to have side yard of 10 feet in lieu of the required 15 feet.
Hearing: Tuesday, November 12, 2002 at 11 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 10/822 Oct 29 C571454

CERTIFICATE OF PUBLICATION

10/31/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/29/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-122-A

Petitioner/Developer: FRANK + KATY SZYMANSKI

Date of Hearing/Closing: 10/8/02

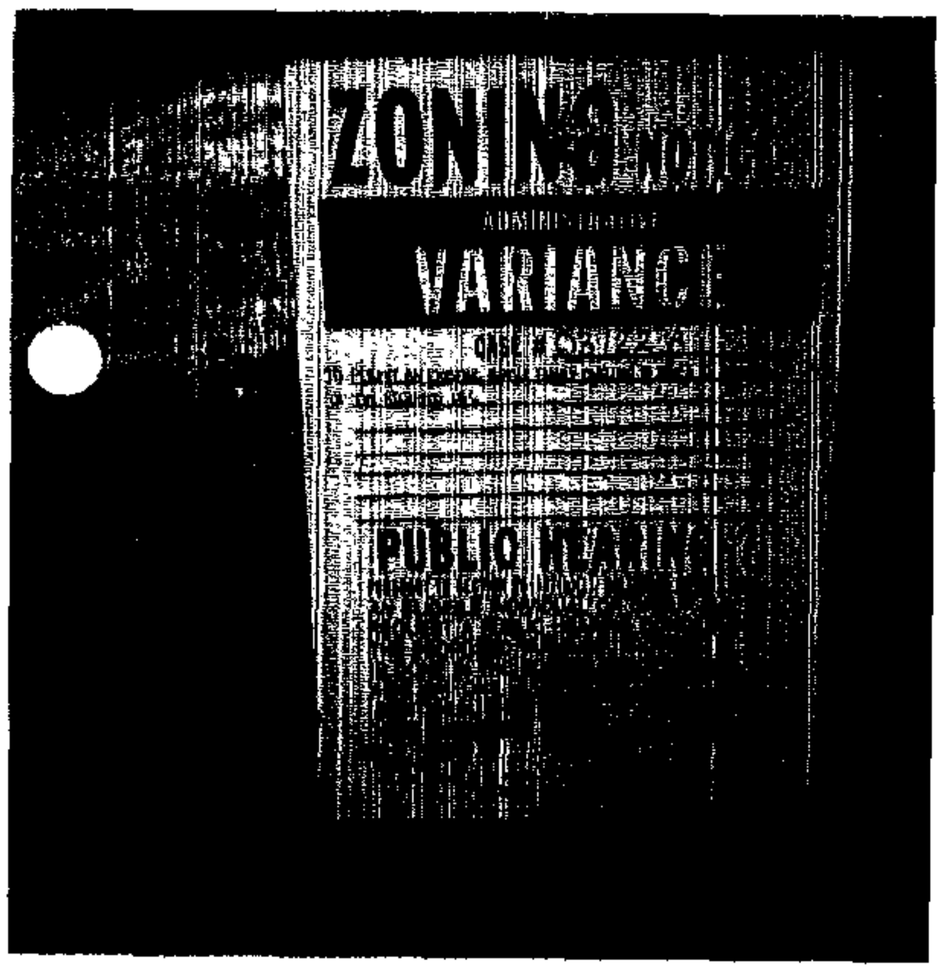
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 921 DUNLEEN DR

The sign(s) were posted on 9/21/02
(Month, Day, Year)



Sincerely,

9/21/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 03-122-A

Petitioner/Developer: FRANK & KATHERINE SZYMANSKI

Date of Hearing/Closing: ~~10~~ 11/12/02

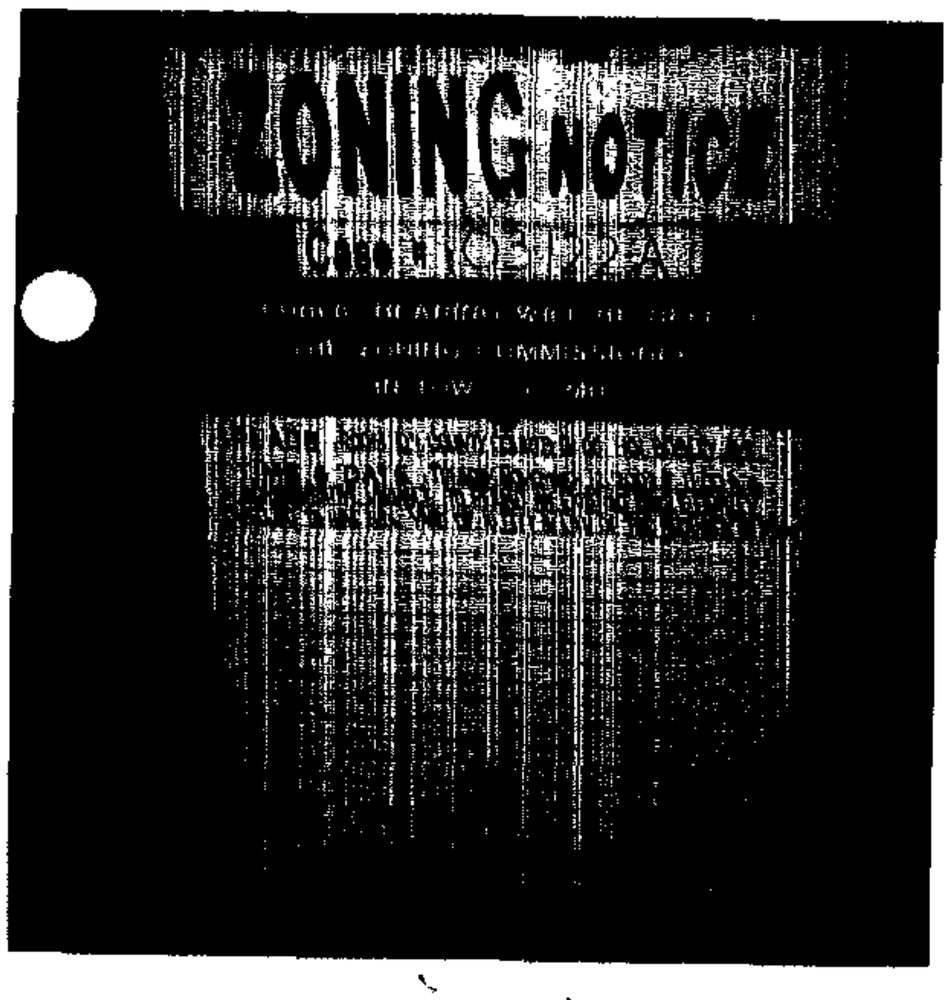
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 921 DUNELLEN DRIVE

The sign(s) were posted on 10/27/02
(Month, Day, Year)



Sincerely,

10/27/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK
(Printed Name)

1508 Leslie Rd
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 29, 2002 Issue – Jeffersonian

Please forward billing to:
Mr. & Mrs. Frank Szymanski
921 Dunellen Drive
Towson MD 21286

410 837-5592

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: 03-122-A
921 Dunellen Drive
S/S Dunellen Drive, 1225' NW centerline Providence Road
9th Election District – 4th Councilmanic District
Legal Owner: Frank & Katherine Szymanski

Administrative Variance to permit an existing single family dwelling to have side yard of 10 feet in lieu of the required 15 feet.

HEARING: Tuesday, November 12, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT GDZ
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.

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

October 11, 2002

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: 03-122-A
921 Dunellen Drive
S/S Dunellen Drive, 1225' NW centerline Providence Road
9th Election District – 4th Councilmanic District
Legal Owner: Frank & Katherine Szymanski

Administrative Variance to permit an existing single family dwelling to have side yard of 10 feet in lieu of the required 15 feet.

HEARING: Tuesday, November 12, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: Mr. & Mrs. Frank Szymanski, 921 Dunellen Drive, Towson 21286
Anne Engle, 909 Ellendale Drive, Towson 21286
Walter T Savoye, Jr., 901 Dogwood Hill Court, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 28, 2002.**
(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.

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Department of Permits and
Development Management

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

November 8, 2002

Mr. Frank Szymanski
Katherine Szymanski
921 Dunellen Drive
Towson, MD 21204

Dear Mr. and Mrs. Szymanski:

RE: Case Number: 03-122-A, 921 Dunellen Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 12, 2002.

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.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

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on Recycled Paper

Baltimore County
Fire Department

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

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

September 24, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: (122)
116-117, 121-130

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

cc: File

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For September 30, 2002
Item Nos. 106, 116, 117, 118, 119,
120, 121, 122, 123, 124, 126, 128,
129, and 130

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

RWB:CEN:jrb

cc: File

AN 10/8/02 AN
Hearing ~~AN~~
Requested ~~10/02~~

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS ITGT

DATE: October 7, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of September 23, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

116, 122, 124

AW
10/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 8, 2002

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

- 9

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-119, 03-122, & 03-151**

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: Lyn Lanham

AFK/LL:MAC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.24.02

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

RE: Baltimore County
Item No. 122 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,

L. L. Gredlein

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

PLEASE PRINT CLEARLY

CASE NAME 921 Dunellen Dr.
CASE NUMBER 03-122-A
DATE 11/12/02

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
WALTER T. SAVOYE, JR	901 DOGWOOD HILL CT.	TOWSON, MD, 21286	wsavoye@jhu.edu
Anne H. Engle	909 Ellendale Dr	TOWSON MD 21286	anne-engle @ ~~net~~ web TV.NET

PLEASE PRINT CLEARLY

CASE NAME 921 Dunellen Dr.
CASE NUMBER 03-122-A
DATE 11/12/02

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
FRANK SZYMANSKI	921 DUNELLEN DR.	TOWSON, MD. 21286	FSZYMANSKI@ubmail.ubalt.edu
Katherine Szymanski	921 Dunellen Dr	Towson Md 21286	
Joe Wilz	944 Ellendale Dr	Towson, Md 21286	

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

MDP
Maryland Department of Planning

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

September 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH, 03-128-A, 03-129-A, 03-130-A**

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 09/23/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

Bpov 10/8 AW 11/12

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

October 10, 2002

Mr. & Mrs. Frank Szymanski
921 Dunellen Drive
Towson MD 21286

OCT 10 2002

Dear Mr. & Mrs. Szymanski:

RE: Demand for Public Hearing, Administrative Variance, Case Number 03-122-A

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand on October 8, 2002 for a public hearing concerning the above-proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

W Carl Richards, Jr.

W. Carl Richards, Jr. GDZ.
Supervisor
Zoning Review

WCR: gdz

C: Anne Engle, 909 Ellendale Drive, Towson 21286
Walter T Savoye, Jr., 901 Dogwood Hill Court, Towson 21286

Printed with Soybean Ink
on Recycled Paper

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

October 10, 2002

Mr. & Mrs. Frank Szymanski
921 Dunellen Drive
Towson MD 21286

Dear Mr. & Mrs. Szymanski:

RE: Demand for Public Hearing, Administrative Variance, Case Number 03-122-A

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W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor
Zoning Review

WCR: gdz

C: Anne Engle, 909 Ellendale Drive, Towson 21286
Walter T Savoye, Jr., 901 Dogwood Hill Court, Towson 21286

Printed with Soybean Ink
on Recycled Paper

Anne Engle
909 Ellendale Drive
Towson, MD 21286

Walter T. Savoye, Jr.
901 Dogwood Hill Ct.
Towson. MD 21286

October 6, 2002

Mr. Arnold Jablon
Director - P.D.M
Baltimore County Office Building - Room 111
111 W. Chesapeake Ave.
Towson, MD 21204

Subject: Petition by Frank and Kathrine Szymanski for Administrative Variance to the Zoning Commissioner of Baltimore County - Case No. 03-122-A
Dated 09/12/02 Estimated posting 09/23/02

Dear Sir:

The petitioners own two adjoining half acre lots 89 and 90 reported as recorded on Plat #3 in Baltimore County in Liber JWB #14, Folio #80. 9th Election District, 8th Precinct, 42nd Legislative District, 1st Congressional District, and 3th Councilmatic District.

The property is located at 921 Dunellen Drive, Towson, MD 21286

The property is zoned DR2 which allows two houses on one acre.

It should be noted that there are special conditions associated with lot 89 in particular, and lot 90 by association.

Lot 89 is a swale that drains surface water from lots surrounding lot 89. Plot plans indicate a drop in elevation from contours of 463' to 433' draining an area of at least six acres. The amount of water can be gaged by observing the 18" diameter drain pipe at the edge of lot 89 that collects the water and lets it run under Dunellen Road.

No construction should be allowed on this lot without detailed plans that define the affects the construction will have on the natural drainage of the present contours that comprise the

When the Nichols (the original purchasers) purchased the half acre lots 89 and 90 originally they obviously considered these lots to be combined as a one acre lot and located their home accordingly. Their home was located with one side extending over the north boundary of lot 90 on a bulge of contours that put their home at approximately the 450' elevation with contour that allowed drainage into the low point of the swale on lot 89 without running across the area where their home was located.

RECEIVED
OCT 8 2002
02-4111
DEPT OF PERMITS AND
DEVELOPMENT MANAGEMENT

Approximately 7 years ago, the present owners (the Szymanskis) requested a change to the north property line of lot 89 which is shared by lot 89 and 90 with the obvious intent to sell lot 89. From that time until today the lot did not sell because lot 89 did not meet percolation (perk) test requirements for a septic system. Testing in a very dry year such as this year (2002) may allow "perk" test requirements to be met, but such a test should be disregarded since this is not a typical year.

Putting a septic system in a swale is asking for trouble. As soon as it rains, there is a good chance that the dry well will become flooded and septic waters will seep to the surface.

The Szymanski's present plans for their new proposed house is right in near the middle of the lot 89 swale. No provisions are indicated to show how the surface waters will be intercepted and diverted with respect to the new house and its driveway. However, it woiuld appear that no dwelling should be allowed on lot 89. Lot 89 should be permanently integrated with lot 90 as was the original intent when these lots were purchased and the single original house located on them.

Any request to change the property lines associated with lots 89 and 90 should be denied if the intent is to allow lot 89 to be sold, or the intent is to construct a home on lot 89, where the swale is located.

In view of the above considerations, we, the undersigned< respectively request a hearing on the petitions for Administrative Variance to the Zoning Commissioner of Baltimore County - Case NO. 03-122-A.

Sincerely,

Anne Engle

Anne Engle - Wife of the original
Developer of lots 89 and 90

Walter T. Savoye, Jr.

Walter T. Savoye, Jr.
Friend of the original Developer, and
President of the Dogwood Hill
Community Association

DATE: November 12, 2002

TO: Mr. Arnold Jablon
Director, P.D.M.
Baltimore County Office Building – Room1111
111 W. Chesapeake Ave.
Towson, MD 21204

FROM: Anne H. Engle
909 Ellendale Drive
Towson, MD 21286

SUBJECT: Testimony Opposing Administrative Variance – Case # 03-122-A 09/12/02

I am requesting that the above petition for variance be denied. The stated purpose of the variance is to build a dwelling on a lot which has repeatedly failed percolation tests. Development of this lot could have serious potential environmental consequences.

I have been a resident of the Glen Ellen neighborhood since 1950. My husband and I were the original developers of "Glen Ellen", where the property in question is located. My concern regarding this zoning variance request is that the petitioners are asking for the variance for the purpose of building a retirement home on the lot. The lot in question, lot 89, plat no. 3, "Glen Ellen" is a swale. It was never intended to be a building lot for that reason.

The lot was put up for sale approximately 7 years ago, but did not sell because it failed 3 attempts to meet perc tests. This confirmed to me what my husband told me, that the lot should never be built on because it would not perc.

This past summer, which saw a record drought, may have produced a positive perc test. Under normal conditions, this has never happened. The swale from lot 89 drains under Dunellen Drive, along side another lot, and directly into "Rush Brook", a feeder stream for the Loch Raven Reservoir. The potential for contamination is a real problem.

For these reasons, I am asking that the request for a zoning variance be denied. Thank you for the opportunity to comment.

PLAT No 2 PB 14 PG 25
GLEN ELLEN

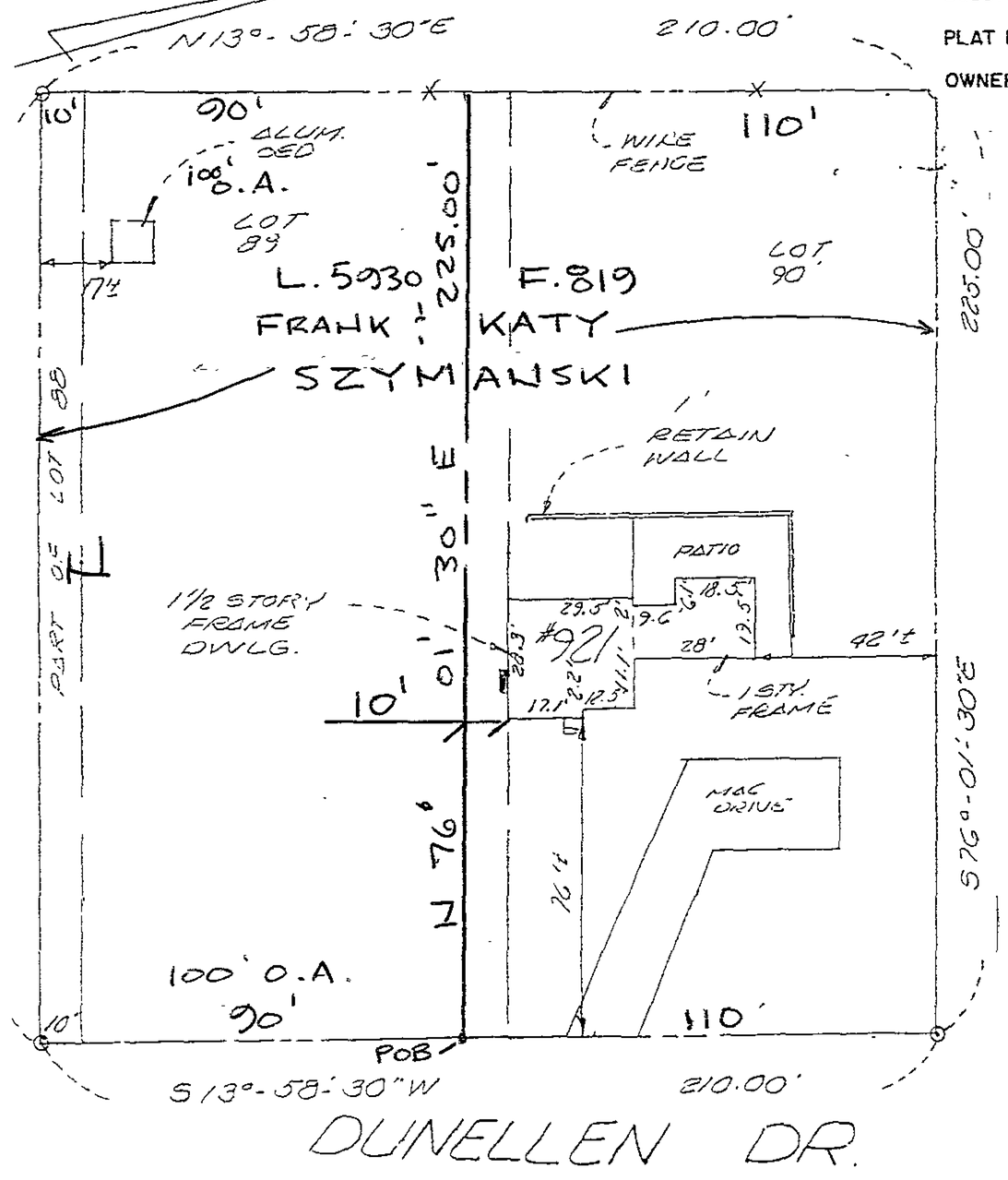
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

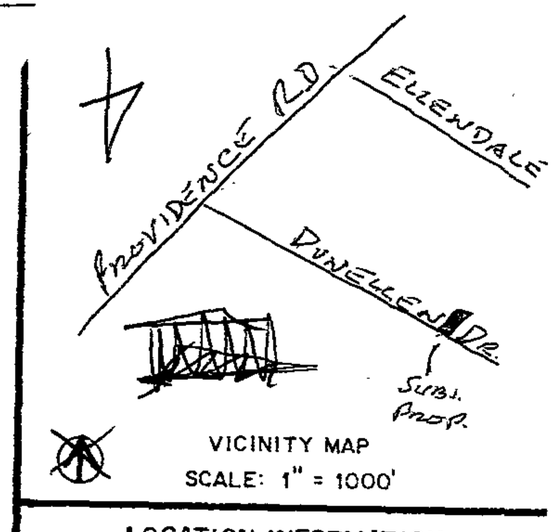
PROPERTY ADDRESS 921 DUNELLEN DRIVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR

SUBDIVISION NAME GLENELLEN

PLAT BOOK # 14 FOLIO # 80 LOT # 89, 90, and 10' of 88 SECTION # ___

OWNER FRANK & KATHERINE SZYMANSKI





VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 4

1"=200' SCALE MAP # NE 12C

ZONING DR2

LOT SIZE ~~[illegible]~~ ACREAGE 24,750 ~~47,250~~ SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☑
WATER	☐	☑

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☑
100 YEAR FLOOD PLAIN	☐	☑
HISTORIC PROPERTY/ BUILDING	☐	☑

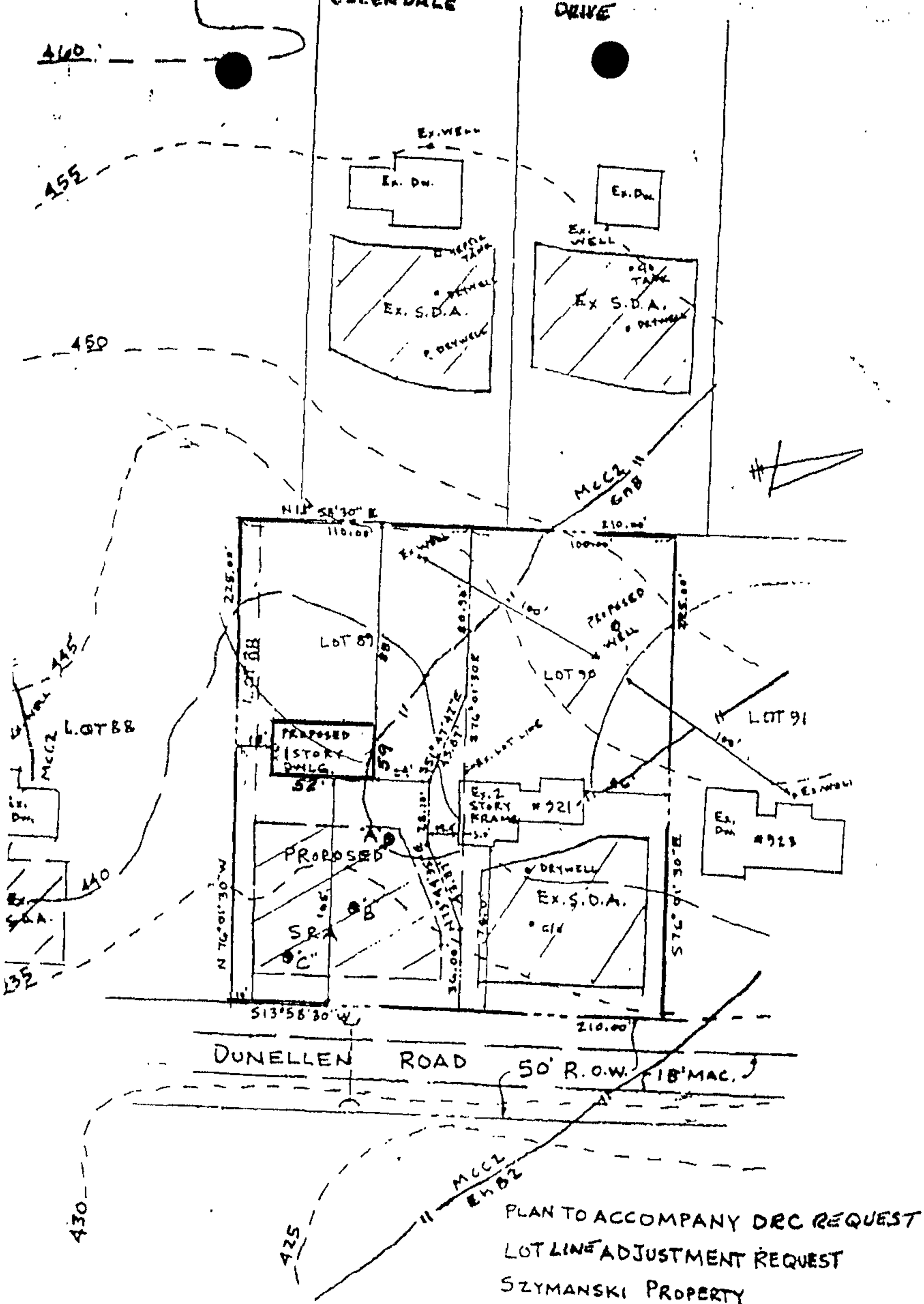
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
LTM	122	

PREPARED BY FAS

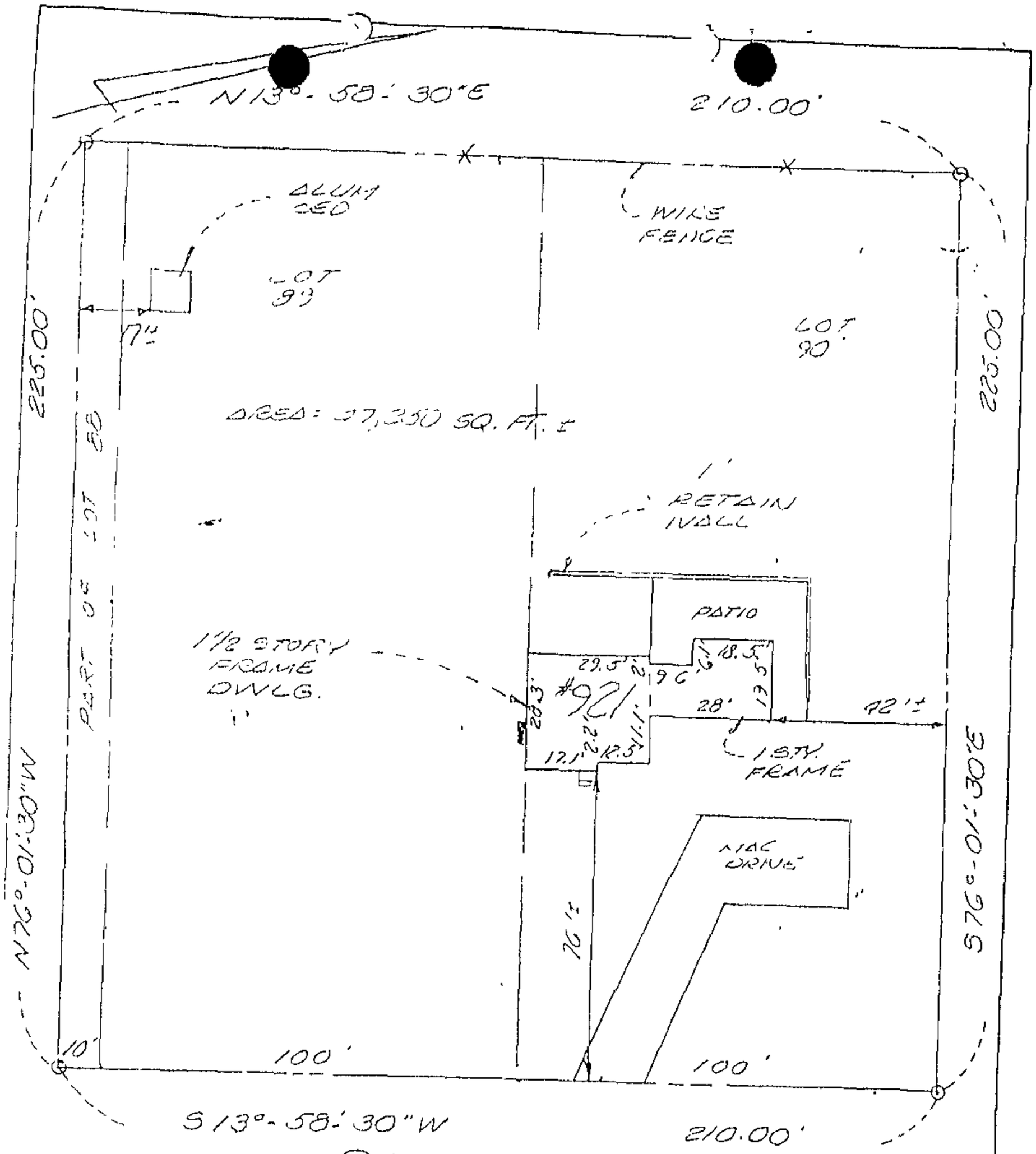
SCALE OF DRAWING: 1" = 40'



PLAN TO ACCOMPANY DRC REQUEST
LOT LINE ADJUSTMENT REQUEST
SZYMANSKI PROPERTY
921 DUNELLEN RD.
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
TAX ACCT. # 0919329900
DEED REF.: 5930/819

A.K.A. LOTS 89, 90 AND THE
NORTH 10' OF LOT 88
PLAT NO. 3 "GLEN ELLEN"
PLAT BOOK 14, FOLIO 80

SCALE: 1" = 50' DATE: AUGUST, 2002



NOTE:
1) BEING LOTS 89, 90 & THE NORTH 10' OF LOT 88, AS SHOWN ON PLAT NO. 3, GLEN ELLEN RECORDED IN BALTO. CO. IN LIBER JWB NO. 14 FOLIO 80
2) THIS PROPERTY LIES IN ZONE 'C' (AREA OF MINIMAL FLOODING) AS SHOWN ON FIRM MAP NO. 240010 0265B & 240010 0270B, DATED MARCH 2, 1991.

LOCATION SURVEY

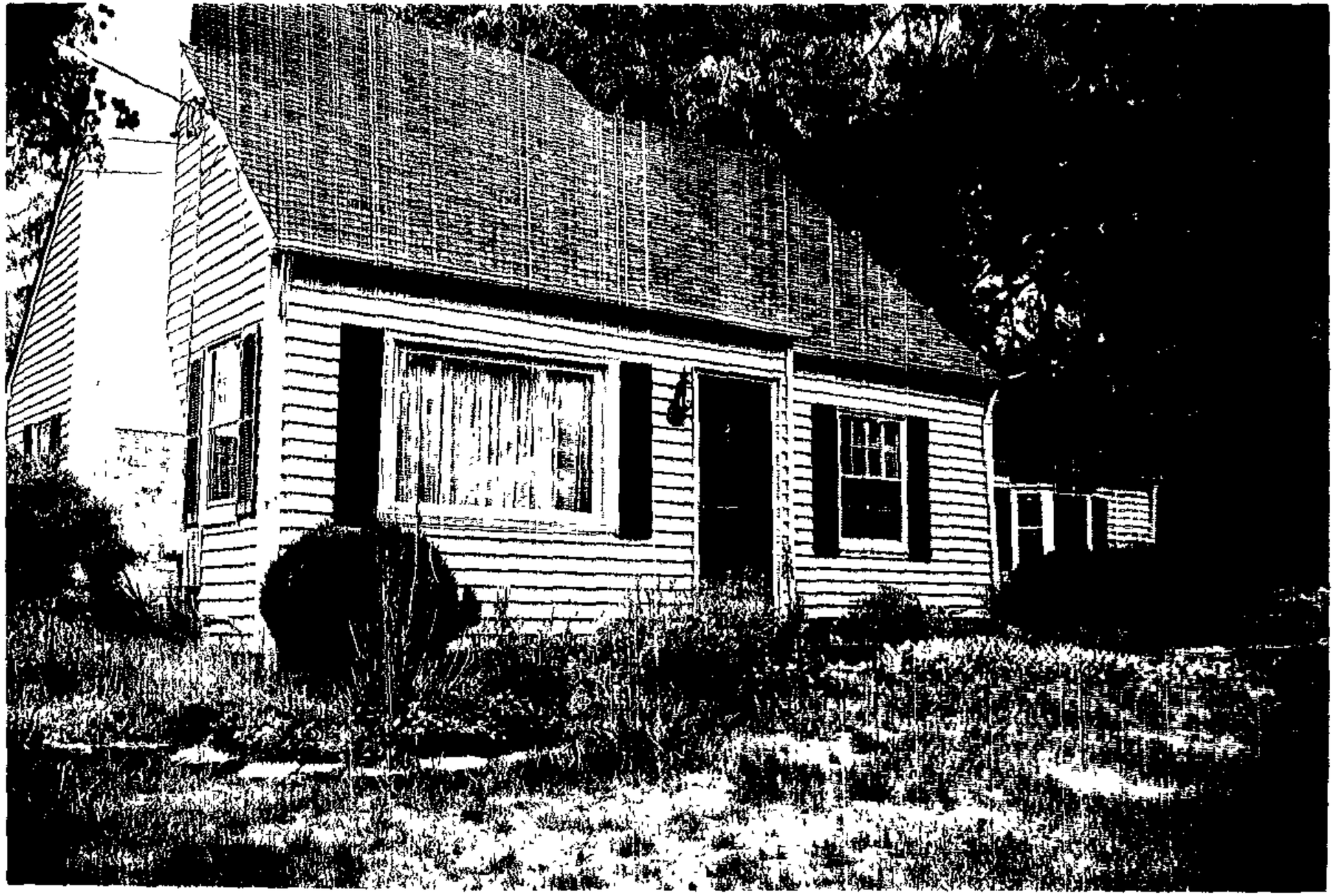
921 DUNELLEN DRIVE
BALTIMORE COUNTY, MD.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

This plat is not intended for use in establishing property lines

SSM
SPOTTS, STEVENS and McCOY, INC
ENGINEERS • SURVEYORS
PLANNERS • SCIENTISTS
555 Fairmount Ave., Suite 200
Towson, MD 21204
(301) 494-0500

APPLICATION NO	TITLE CO	DRAWN BY	CHECK BY	SCALE	DATE	JOB NO
N/A	RIDGE	J.K.	M.A.	1"=30'	3-15-93	93170



#122

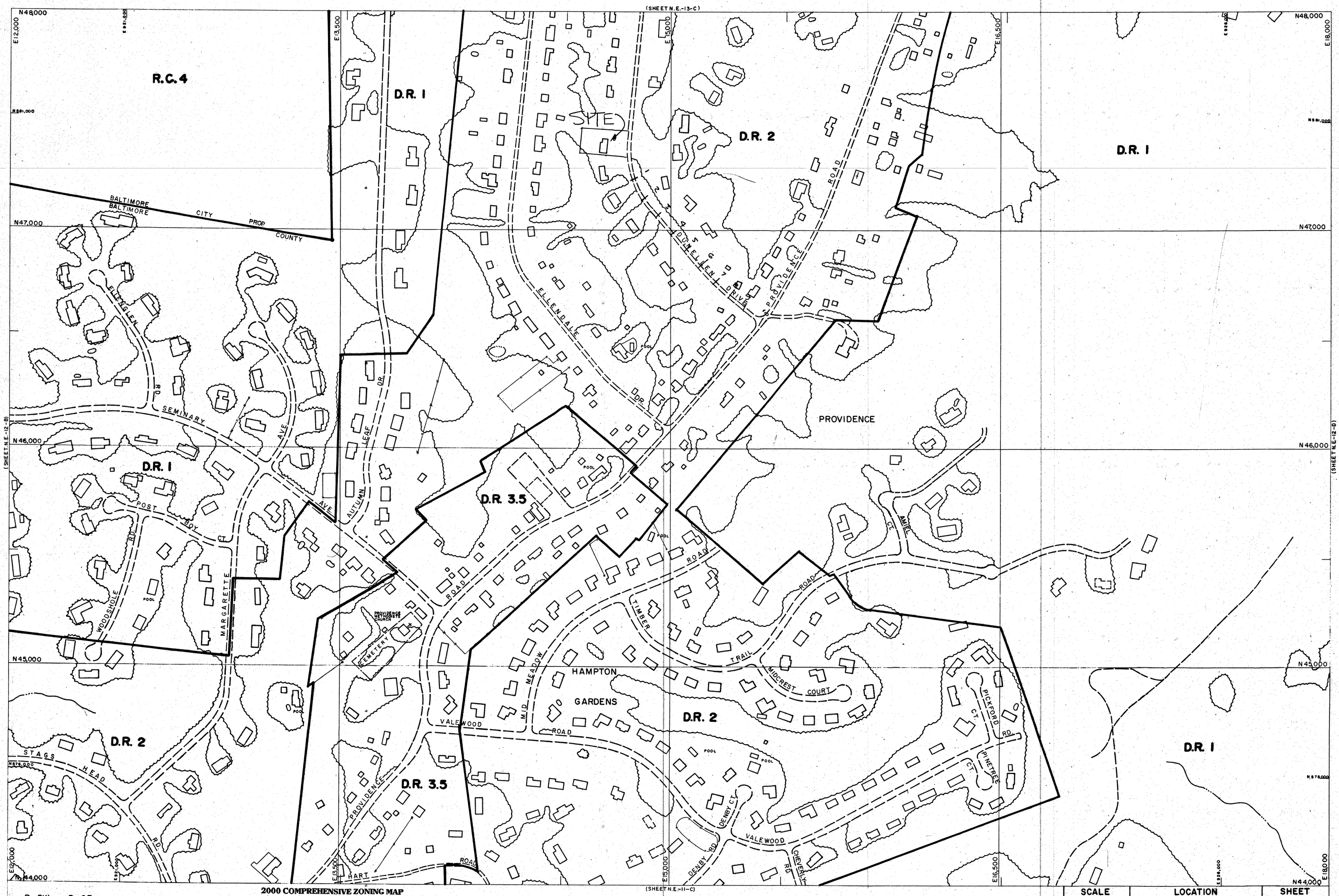
Subject dwelling
showing area of requested
variance

#122

View South from
Subject Site requested
Variance.

#122

925



R-SW R-SE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	PROVIDENCE	N.E. 12 - C
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 12 C

#122

Karamian resident