THE RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

SE/Corner Silver Lane & Cedar Creek Road,

360' W of the c/l Maple Road

(1117 Silver Lane)

15th Election District

* OF BALTIMORE COUNTY

6th Council District

* Case No. 03-254-A

Andrew Kozlowski, et ux

Petitioners

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Andrew and Betty Kozlowski. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single family dwelling with a setback of 34 feet from the centerline of any street in lieu of the required 75 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

This matter was originally scheduled for a public hearing on January 27, 2003. At that time, the Petitioners appeared along with their consultant, Buck Jones. However, at the onset of the proceedings, it was discovered that the property had not been properly posted with notice of the hearing and requested relief. Thus, the matter was rescheduled for March 26, 2003 and notice of that hearing was conspicuously posted on the property as required. Buck Jones appeared at that hearing on behalf of the Petitioners. Also appearing were several residents from the surrounding community, including Irma E. Sofinowski, Catherine T. Travis, and Jack Mowll.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located adjacent to the intersection of Cedar Creek Road and Silver Lane in the Cedar Beach community of eastern Baltimore County. The property contains a gross area of 1.23 acres in area, zoned R.C.5, and is presently unimproved. Although not waterfront, the subject

property is located within close proximity of Sue Creek and as such, is subject to Chesapeake Bay Critical Areas requirements. Additionally, the property features significant environmental constraints, including a large area of wetlands towards the rear of the site, which significantly limits development. The Petitioners are prohibited from developing that area of the property and a buffer must be maintained from the wetlands area to the building envelope. As a result, the proposed dwelling will be located in the northwest corner of the site, adjacent to the intersection of Silver Lane and Cedar Creek Road. It was indicated that this is the only area of the property on which the building envelope can be located. Due to the proposed location, variance relief is necessary for a reduced setback to the centerline of Silver Lane.

At the hearing, Mr. Jones described the property as set forth above and explained the rationale for the requested variance relief. He also offered a series of photographs of the site. Moreover, the file contains copies of written comments from the Department of Environmental Protection and Resource Management (DEPRM) which notes that the proposed development must comply with Chesapeake Bay Critical Areas regulations. Further, a letter from that Department to the property owner established the limitations as a result of the wetlands.

The neighbors who appeared at the hearing expressed concern about the location of the building envelope. They were specifically concerned about the impact of the house on traffic patterns in the neighborhood and that the house could block sight distances along Silver Lane and Cedar Creek Road. At the request of the parties, I visited the site after the hearing. The property is wooded and mature trees exist to the property line and immediately adjacent to the roadway. Removal of some of these trees for the construction of a driveway to provide access to the dwelling will actually improve sight distance. Moreover, Mr. Jones advised subsequent to the hearing that he met with the neighbors at the site to demonstrate the exact location of the proposed building envelope. He advised the undersigned that the neighbors were satisfied that the location of the building envelope was appropriate and would not interfere with sight distance. This meeting and conversation were confirmed with Ms. Sofinowski, one of the neighbors who appeared at the hearing and later met Mr. Jones at the property.

Based upon the testimony and evidence presented, I am persuaded that relief should be granted. The uniqueness associated with this property arises from the environmental constraints that limit the area for development of this site. These constraints require that the building envelope be located where proposed. I am persuaded based upon the testimony and evidence presented that the Petitioners have met the requirements of Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this April, 2003 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single family dwelling with a setback of 34 feet from the centerline of any street in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed development shall comply with the Chesapeake Bay Critical Areas regulations and any other requirements deemed appropriate by DEPRM, as set forth in their written comment dated January 21, 2003, a copy of which is attached hereto and made a part hereof.

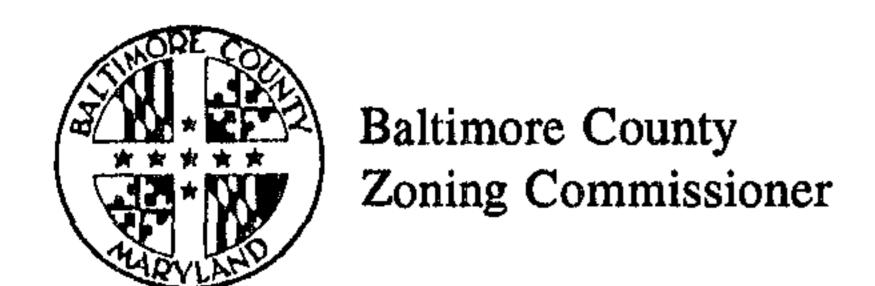
3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

3)



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

April 18, 2003

Fax: 410-887-3468

Mr. & Mrs. Andrew Kozlowski 6703 Railway Avenue Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE

SE/Corner Silver Lane & Cedar Creek Road, 360' W of the c/l Maple Road

(1117 Silver Lane)

15th Election District – 5th Council District Andrew Kozlowski, et ux - Petitioners

Case No. 03-254-A

Dear Mr. & Mrs. Kozlowski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
Mr. Buck Jones, 500 Vogts Lane, Baltimore, Md. 21221
Ms. Irma Sofinowski, 1900 Silver Lane, Baltimore, Md. 21221
Ms. Catherine T. Travis, 2019 Silver Lane Road, Baltimore, Md. 21221
Mr. Jack Mowll, 6 E. Read Street, Apt. 205, Baltimore, Md. 21202
DEPRM; People's Counsel; Case File



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

Fax: 410-887-3468

January 28, 2003

Mr. Buck Jones, President Free-State General Contractors, Inc. 500 Vogts Lane Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE

SE/Corner Silver Lane & Cedar Creek Road, 360' W of the c/l Maple Avenue

(1117 Silver Lane)

Andrew Kozlowski, et ux – Petitioners

Case No. 03-254-A

Dear Mr. Jones:

This letter is to confirm that the above-captioned matter, for which a public hearing was held on Monday, January 27, 2003, has been scheduled for continued proceedings due to the lack of proper posting. My office contacted Patrick O'Keefe, the sign poster you apparently hired for this purpose, and it is my understanding that the property was never posted. In order to afford any interested parties an opportunity to review the proposal and participate in the hearing, I have scheduled the matter for further proceedings on Wednesday, February 19, 2003 at 2:00 PM in Room 407 of the County Courts Building. Please insure that the property is posted no less than 15 days prior to the hearing date. In the event no one appears at the continued hearing, I will base my decision on the testimony and evidence that was presented at the initial hearing.

Should you have any questions on the subject, please do not hesitate to call me.

Very truly yours,

Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. & Mrs. Andrew F. Kozlowski, Sr. 6703 Railway Avenue, Baltimore, Md. 21222 People's Counsel; Case File



Petition for Variance

	to the Zoning Com	Missioner of Bal	timore Connty
•		ty located at 117 SILVER LANE	
		which is presently zon	ed RC5
This Petition shall be file of the property situate in nereof. hereby petition for dwelling with a serequired 75 feet	Baltimore County and which is described a Variance from Section(s) A 04,3 Hoack of 34 feet from the	d Development Management. Ted in the description and plat attable B.2 to permit a procenter line of any stree	The undersigned, legal owner (stached hereto and made a parabolic posed single family tin lieu of the
	s of Baltimore County, to the zoning law		
DESIRES OF	HE PROPERTY OWNERS HAVE OWNED THE PROPER HAVING THEIR NEW HOME CONSTRUCTED ON TH	IS SITE. THE COUNTY HAS DETERMINED	THAT
	WETLANDS ON THE EASTERLY SIDE OF THERE PROKS AND 35' BUFFER, THEY ARE LEFT WITH A SMALL		
TO BUILD O	ON. STRICT COMPLIANCE WITH THE ZONING SETBA		

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.

	is the subject of this Pe	uuon.	,		
Contract Purchaser/Lessee:		<u>Legal Owr</u>	ner(s):		
			ANDREW KÓZLOWSKI	ı 1	
Name - Type or Print		Name - Type o	r Print	gloust	2i
Signature		Signature	BETTY KOZLOWSKI	0	
Address	Telephone No.	Name - Type o	A 11 1)	nushi	
City Attorney For Petitioner:	Zip Code	Signature	6703 RAILWAY AVEN	•	\ \tag{\tag{\tag{\tag{\tag{\tag{\tag{
Attorney For Fetitioner.		Address	·		Telephone No.
			BALTIMORE, MD 2122		• · · · · · · · · · · · · · · · · · · ·
Name - Type or Print		City	·	State	Zip Code
		Represen	tative to be Con	tacted:	
Signature			BUCK JONES		
Contigany		Name	,,,, <u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>		
			500 VOGTS LANE	410-574	
Addiese	Telephone No.	Address			Telephone No.
		BALT.	<u> </u>	MD	2/22/
Cik	Zip Code	City		State	Zip Code
2000			OFFICE USE	ONLY	
		ESTIMATI	ED LENGTH OF HE	ARING	
Case No. 03-254-A		EQ I HAVE	LD ELNGIII OI III	C**	
	Reviewed		ABLE FOR HEARIN	16 102	
#EV 9/15/98					

ZONING DESCRIPTION FOR 1117 SILVER LANE

ZONING DESCRIPTION FOR LOT'S 345 TO 363 SILVER LANE.)

BEGINNING AT A POINT ON THE EAST SIDE OF CEDAR CREEK ROAD WHICH IS

40 (FORTY) FEET WIDE AT THE DISTANCE OF 360 FEET WEST OF THE

CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET

MAPLE AVENUE WHICH IS 40 (FORTY) FEET WIDE. *BEING LOT #345 - 363.

BLOCK _____, SECTION #_____ IN THE SUBDIVISION OF CEDAR BEACH

AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 7, FOLIO 186.

CONTAINING 53,581 SQUARE FEET / 1.23 ACRE. ALSO KNOWN AS 111.77

SILVER LANE AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.

Ine 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:

6th Councilmanic District
Legal Owner(s): Andrew
and Betty Kozlowski
Variance: to permit a proposed single-family dwelling with a setback of 34 feet
from the centerline of any
street in lieu of required 75
feet.
Hearing: Monday, January
27, 2003 at 11:00 a.m. in
Reem 407, County Courts
Building, 401 Bosley Ave-Case: #03-254-A 1117 Silver Lane E/side of Cedar Creek Road, 360 feet west of Maple Aveaue 15th Election District

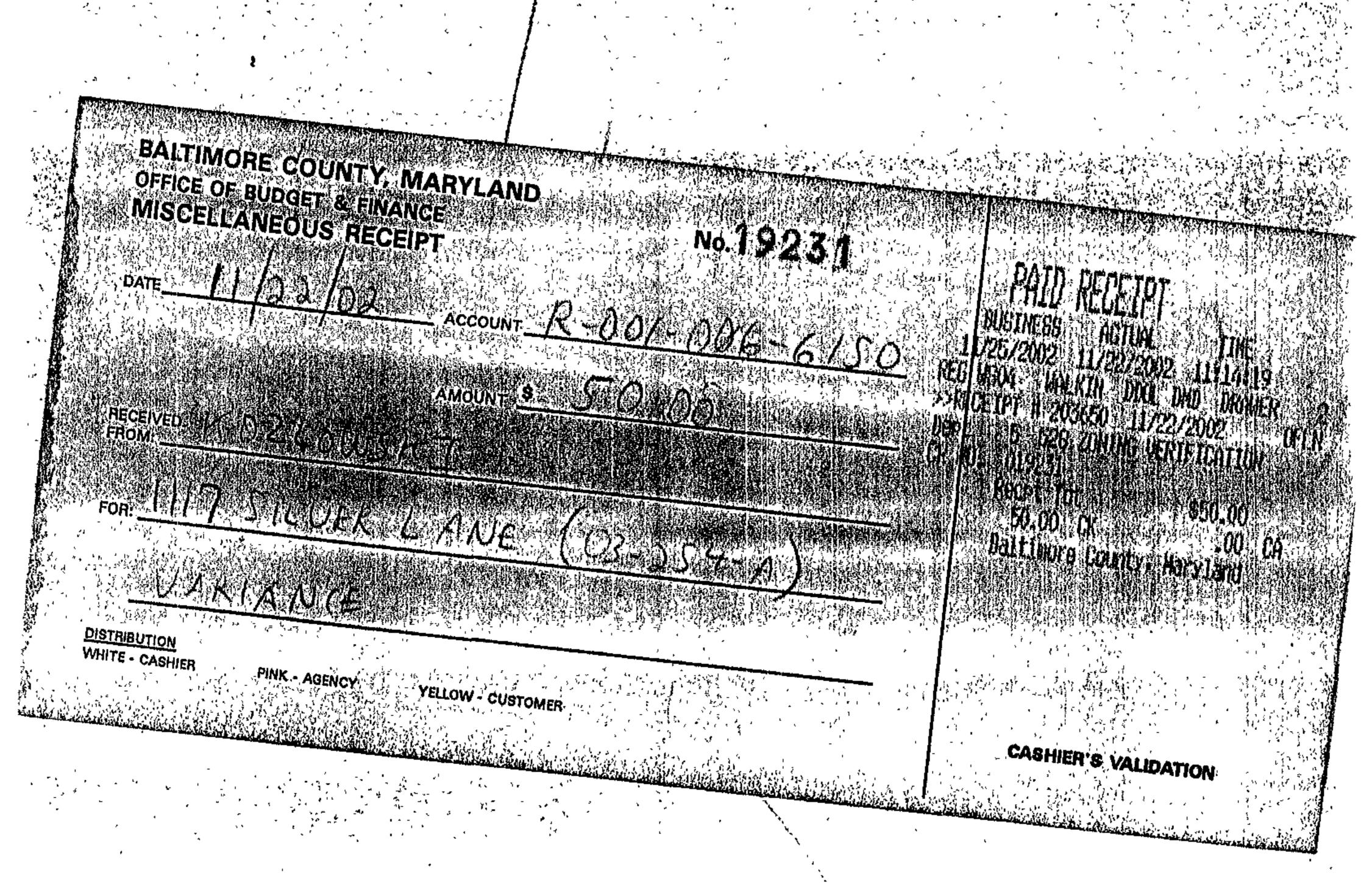
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391
1/130 Jan. 9 C581357

RUO.

once in each ofsuccessive weeks, the first publication appearing	weekly 	THIS IS TO CERTIFY, that the annexed advertisement was published	$\frac{1}{4}$ $\frac{1}{2003}$	
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	North County News	□ NE Booster/Reporter	Owings Mills Times	☐ Towson Times	☐ Catonsville Times	Arbutus Times	The Jeffersonian	
-S								

THOSE ADVENTIONS



· CERTIFICATE OF POSTING

brand fax transmettal memo 7671 For pages > 1)	Edge (Bill) From ONEERE	WING - Compa	17 April 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	-887.3468 FT. 666-0929 ·
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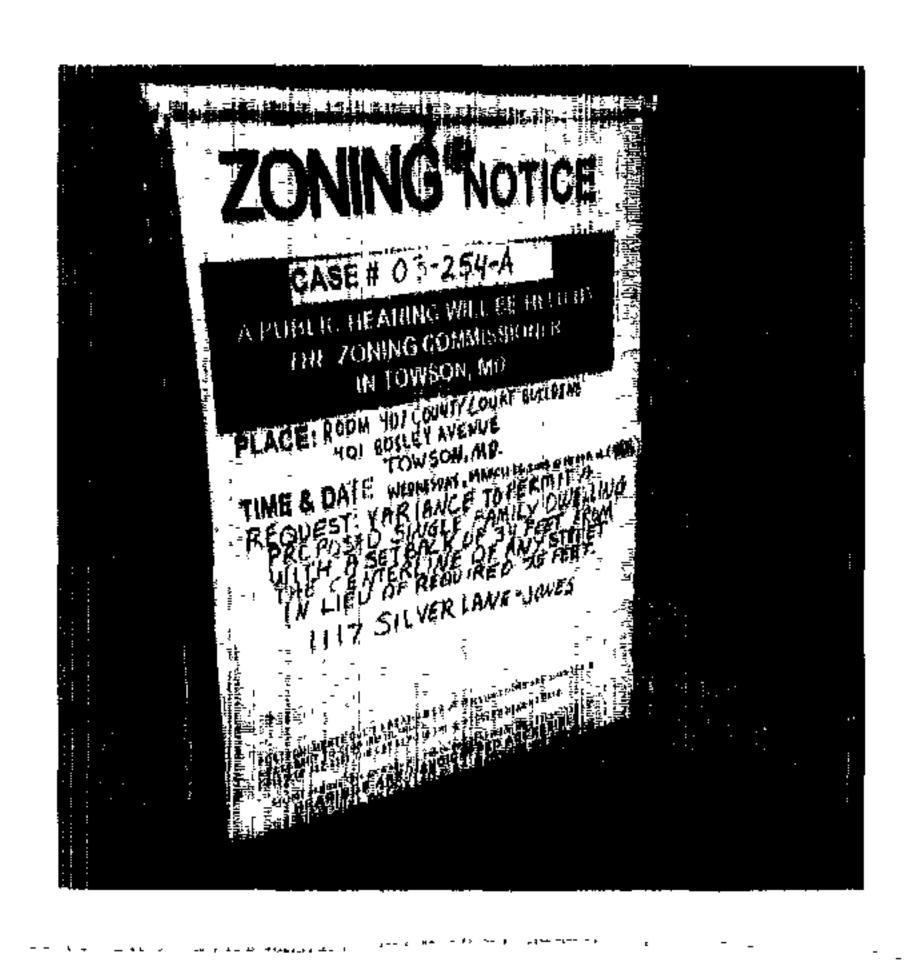
RE.	Case No.: 03-254-A
	Petitioner/Developer: Awarew + Betty
	Kozlowski + Buck Jones
	Date of Hearing/Closing: 3/2/1/03

The state of the state of the state of the state of

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

ATTENTION: BECKY HART POSTPONMENT-DUE TO SNOWSTORM

Gentlemen:

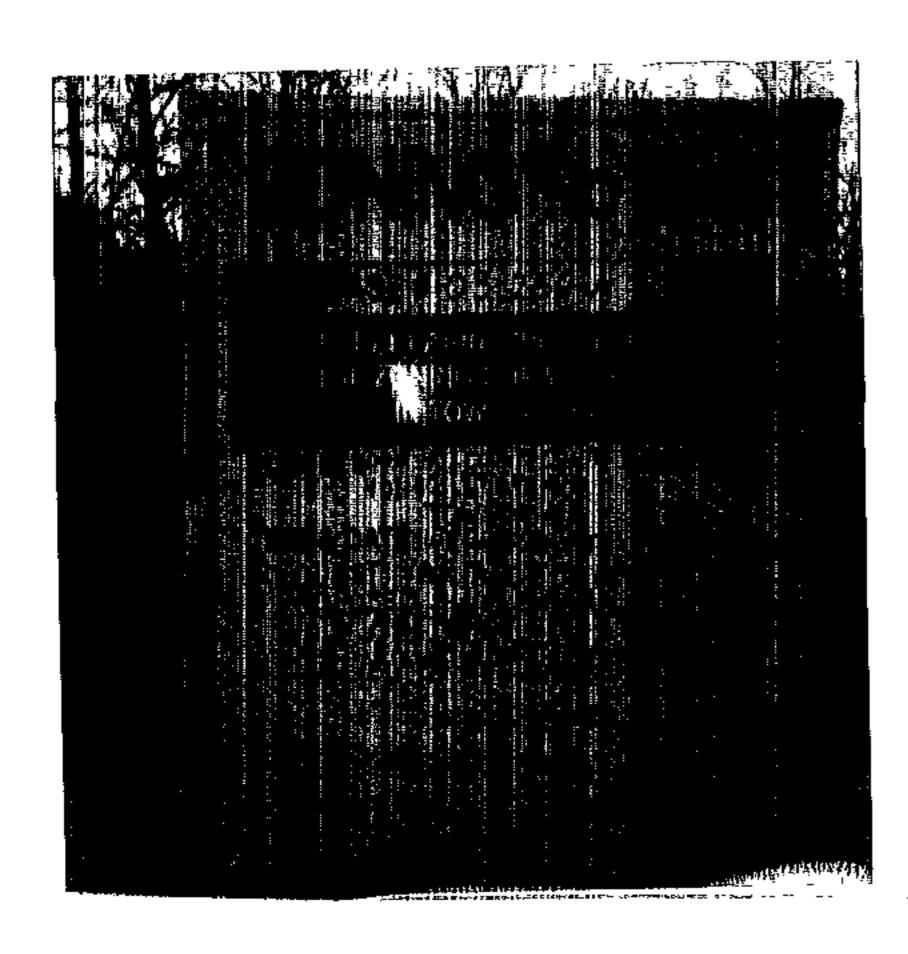


Sincerely,
Patrick M. Mule 3/8/03
(Signature of Sign Poster and Date)
PATRICK M. O'KEEFE
(Printed Name)
523 PENNY LANE
(Address)
HUNT VALLEY, MD. 21030
(City, State, Zip Code)
410-666:5366 ; CELL-410-905-8571
(Telephone Number)

1117 Silver Lane

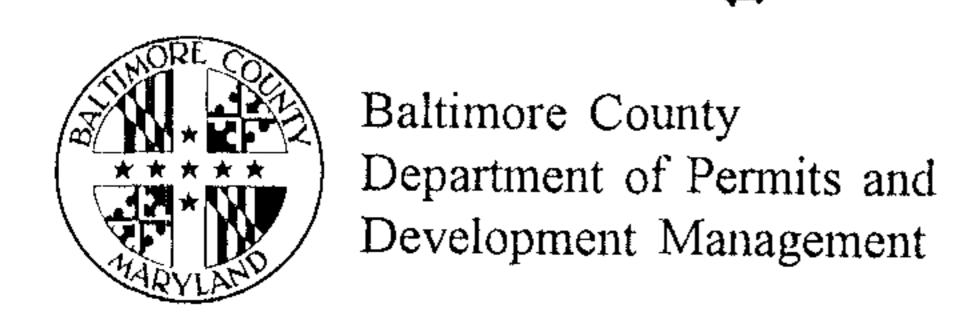
CERTIFICATE OF POSTING

	CERTIFICATE OF POSTING	
	RE: Case No.:	-254-A-BRUARY19,20
From Ock Est	Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 ATTENTION: BE	,
Drand fax trainsmittal (1.1. or. (1.081 R) (0.1. or. (1.081 R) (0.1. or. (1.081 R)	Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign were posted conspicuously on the property located at	(s) required by law $SILVERLANE$
	The sign(s) were posted on FEBRUARY 4, (Month, Day, Year)	2003



Sincerely, Signature of Sign Poster and Date) PATRICK M. O'KEEFE (Printed Name) 523 PENNY LANE (Address) HUNT VALLEY, MD. 21030 (City, State, Zip Code) 410-666:5366; CELL:410-905-8571 (Telephone Number)

1117 SILVER LANE BUCKJONES FREESTATE GENERAL CONT.



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

Fax: 410-887-5708

February 21, 2003

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: 03-254-A

1117 Silver Lane

E/side of Cedar Creek Road, 360 feet west of Maple Avenue

15th Election District – 6th Councilmanic District

Legal Owner: Andrew and Betty Kozlowski

Variance to permit a proposed single-family dwelling with a setback of 34 feet from the centerline of any street in lieu of required 75 feet.

Hearings:

Wednesday, March 26, 2003 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

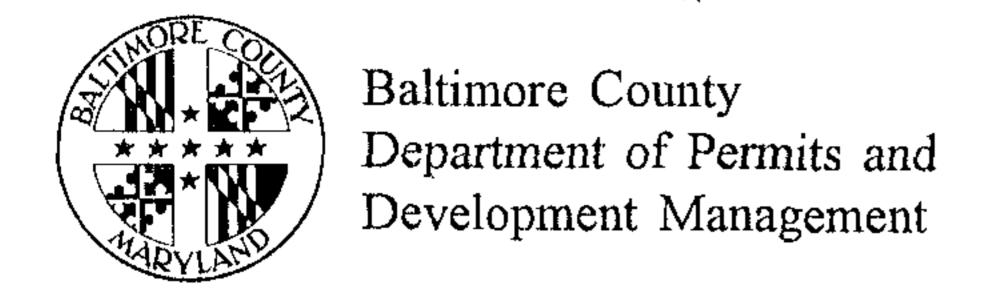
AJ:rlh

C: Andrew and Betty Kozlowski, 6703 Railway Avenue, Baltimore 21222 Buck Jones, 500 Vogts Lane, Baltimore 21221

NOTES: (1) THE PETITIONER MAY HAVE THE ZONING NOTICE SIGN REPOSTED BY HAVING A STRIP PUT ON THE SIGN SHOWING THE NEW DATE OF THE HEARING ON THE PROPERTY BY TUESDAY, MARCH 11, 2003.

(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.



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

Fax: 410-887-5708

December 18, 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: 03-254-A

1117 Silver Lane

E/side of Cedar Creek Road, 360 feet west of Maple Avenue 15th Election District – 6th Councilmanic District Legal Owner: Andrew and Betty Kozlowski

<u>Variance</u> to permit a proposed single-family dwelling with a setback of 34 feet from the centerline of any street in lieu of required 75 feet.

Hearings:

Monday, January 27, 2003 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Andrew and Betty Kozlowski, 6703 Railway Avenue, Baltimore 21222 Buck Jones, 500 Vogts Lane, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 11, 2003.

(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

Thursday, January 9, 2003 Issue - Jeffersonian

Please forward billing to:

Buck Jones 500 Vogts Lane Baltimore, MD 21221

410-574-9337

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: 03-254-A

1117 Silver Lane

E/side of Cedar Creek Road, 360 feet west of Maple Avenue

15th Election District – 6th Councilmanic District

Legal Owner: Andrew and Betty Kozlowski

Variance to permit a proposed single-family dwelling with a setback of 34 feet from the centerline of any street in lieu of required 75 feet.

Hearings:

Monday, January 27, 2003 at 11:00 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

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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

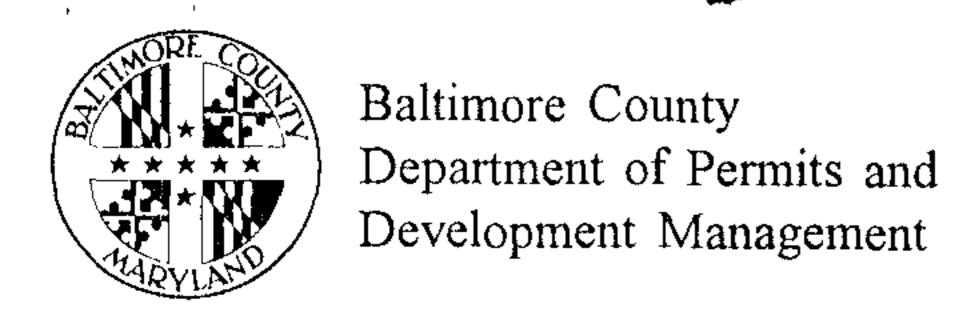
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning 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.

Item Number	or Case Number	: <u>03-25</u>	-4-A	
			4 1702 VOWS/11	
Address or Lo	cation: LoT	5 345-3	63 (1175/LV/ER NAN	Æ)
PLEASE FOR Name:	WARD ADVERT	TISING BILL TO	•	
	500	U0675	LANE	
Address:				



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

March 21, 2003

Mr. & Mrs. Andrew Kozlowski 6703 Railway Avenue Baltimore, MD 21222

Dear Mr. & Mrs. Kozlowski:

RE: Case Number: 03-254-A, Location 1117 Silver Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 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. Supervisor, Zoning Review

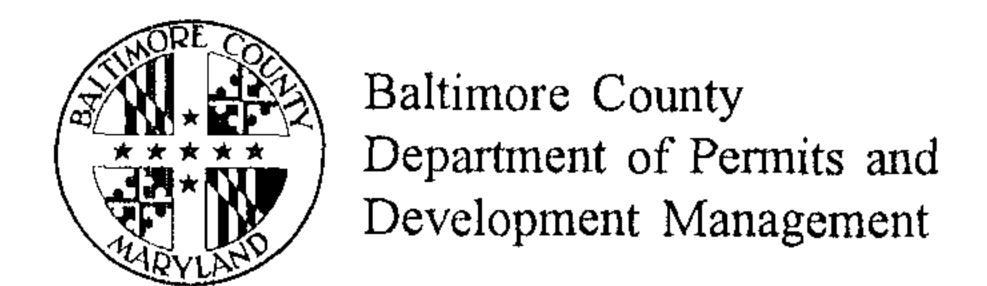
u. Callibal D

WCR:klm

Enclosures

c: Buck Jones 500 Vogts Lane Baltimore MD 21221 People's Counsel





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

January 24, 2003

Mr. & Mrs. Andrew Kozlowski 6703 Railroad Avenue Baltimore, MD 21222

Dear Mr. & Mrs. Kolowski:

RE: Case Number: 03-254-A, Location 1117 Silver Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 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,

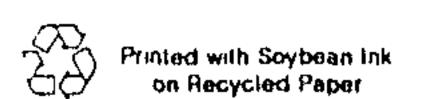
Supervisor, Zoning Review

1. Carlinal II

WCR:rjc

Enclosures

c: Buck Jones 500 Vogts Lane Baltimore MD 21221
People's Counsel







Maryland Department of Transportation State Highway Administration



Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams Administrator

Date: 12.17.02

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

RE:

Baltimore County

Item No. 254

JHT

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-

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



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

December 19, 2002

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

ATTENTION: George Zahner

Distribution Meeting of 12/23/02

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:

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

cc: File

fp)

PATERIMORE GOUNTLY MARKEAND. DELIAR IMENT OF ENVIRONMENTAL PROFESSION & RESOURCE MANAGEMENT.

TO:	Arnold Jablon	İ.					
FROM:	Todd G. Taylo	or RB 5 T5T				MM 2	
DATE:	January 21, 20	003				~	• •
SUBJECT:	Zoning Item Address	254 1117 Silver Lane	(Kozlowski	Prope	rty)		
Zoning	g Advisory Con	nmittee Meeting o	f <u>December</u>	16, 200	<u>)2</u>		
		nvironmental Prote ve-referenced zoni		esource	e Managen	nent has	no
an exte	ension for the re	nvironmental Prote eview of the above onmental regulation	referenced :	zoning	item to de		
		nvironmental Protents on the above-re			_	nent offe	rs
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*** ** ****************************		of this property mo Regulations (Sectional Inty Code).				the	
<u>X</u>	Critical Area F	of this property mo Regulations (Sections e Baltimore Count	ons 26-436 th		-	-	
<u>X</u>	Additional Co	mments:					
See att	ached commen	ts.					
Reviev	ver: Keith Kelle	ey		Date:	January 6	, 2003	

Syll S

CBCA Zoning Comments (zoning item #)

\mathbf{V}	
The property is located within the Limited Development Area (LDA), or Resource—Genservation Area (RCA), or Intensely-Developed Area (IDA) of the Chesapeake Bay Critic Area (CBCA).	cal
This proposal must use best management practices, which reduce pollutant loadings by	109
Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size.	
Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.	
Mitigation is required if exceeding the 25% impervious surface limit. Impervious surface limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Administrative Variance (CAAV) is required.	ices rea
If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.	
15% forest must be established or maintained. This equates to 16 trees for a lot of this	siz
Any tree removed in the buffer for this structure must be replaced on a 1.1 basis	
All downspouts must discharge rainwater runoff across a pervious surface such as a law	'n.
The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structu within 100' of tidal waters.	
If the lot is unimproved, then the proposed dwelling cannot go any closer to the water the neighboring dwelling farthest away from the water.	han
If the lot is improved, then the proposed dwelling can go as close to the water as the exist dwelling.	sting
A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100' of tidal waters, tidal wetlands, stream, or within 25' of non-tid wetlands.	ial
A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.	al ng
Mitigation (afforestation or fee-in-lieu) is required for any forest removed onsite. The maximum amount of forest allowed to be cleared on site is 30% without the need for a Critica Area Administrative Variance.	ıl
The forest to remain, and buffer from tidal waters, tidal wetlands, streams, and/or non-tid	dal

wetlands shall be known as an "Critical Area Easement" and recorded as such in Baltimore

CHOEN FICEIVED FOR FILES

County, MD Land Records.



Baltimore County Department of Environmental Protection and Resource Management

BUREAU OF RESOURCE MANAGEMENT AND ENGINEERING SERVICES 401 Bosley Avenue, Suite 416 Towson, Maryland 21204 (410) 887-3768

Fax: (410) 887-4804

August 11, 1997

Mr. Andy Kozlowski, Sr. 6703 Railway Avenue Baltimore, Maryland 21222

Re:

Cedar Beach, Lots 345-350, 357-363

Preliminary Assessment

Dear Mr. Kozlowski:

A preliminary assessment of the referenced property has been completed by Environmental Impact Review staff. As a follow-up to our site meeting between you, me, Betty Kelley, and Matt Gall, I am providing the following information regarding the developability of the subject property.

The property is located within the Chesapeake Bay Critical Area (CBCA) and is classified as a Limited Development Area. The entire site is mapped as forest and the majority of the property contains non-tidal wetlands. As such, any development of the site must comply with the following regulations:

- 1. A minimum 25 foot buffer shall be established from the non-tidal wetlands. This buffer is an area of non-disturbance which must be recorded in the Baltimore County Land Records (prior to building permit approval) as a Critical Area Easement (CAE) with protective covenants which restrict its use and disturbance. A building setback of 35 feet from the CAE to the principle dwelling shall also apply.
- 2. No more than 20% of the sum of all forest may be cleared, and any forest cleared shall be replaced on a 1:1 acreage basis. An additional 10% of the forest may be cleared provided that every acre of forest cleared is replaced on a 1.5:1 acreage basis. Any proposed clearing would require an approved Forest Protection and Establishment Plan. If unable to find a suitable planting site, upon approval of this Department, a fee-in-lieu of planting may be paid at \$0.40 per square foot for forest cleared at or below the 20% threshold, or \$0.60 per square foot from 0 to 30% threshold. The remaining forest must be placed into a Critical Area Easement. Forest clearing is considered to be any removal of vegetation, including understory and shrubs; therefore, site design for forest clearing should allow for reasonable use of a yard area and for expansion (i.e., decks, pools, sheds, etc.).



Mr. Andy Kozlowski, Sr. August 11, 1997 Page 2

3. The sum of all man-made impervious surfaces may not exceed 25% of the total site.

Considering the above constraints, our recommendation is that two houses MAY POSSIBLY be located along Cedar Creek Road and Silver Lane; however, variances of both the Zoning Regulations (to reduce the front, rear and side yard setbacks) and the CBCA Regulations (to reduce the 35 foot building setback) must be obtained prior to building permit approval. The location of the dwellings should be designed to maintain the 25 foot buffer from the wetlands and a reduced building setback. If impacts to the 25 foot buffer cannot be avoided, approval must also be obtained from the SAMP committee, as well as the CBCA Commission.

We discussed the area along Holly Neck Road as a possible building site; however, after walking this area in the field, this location does not appear large enough to locate a house without impacting the wetlands and buffer, which would not be supported by the SAMP Committee.

I have enclosed your original boundary survey showing the wetland limit, a copy of the Cedar Beach plat, and a copy of your boundary survey showing the applicable 25 foot buffer and 35 foot building setback, as well the approximate location of each lot per the Cedar Beach plat. This plan should be helpful in identifying building envelopes with the least amount of impact. As we discussed, it is easier and less costly to use the existing property lines; however, you do have the option to pursue a minor subdivision or lot line adjustment.

It is advised that you give a copy of this letter to any prospective buyers so that they may be fully aware of the issues involved in building on this site and know who to contact about the necessary steps to obtain a building permit.

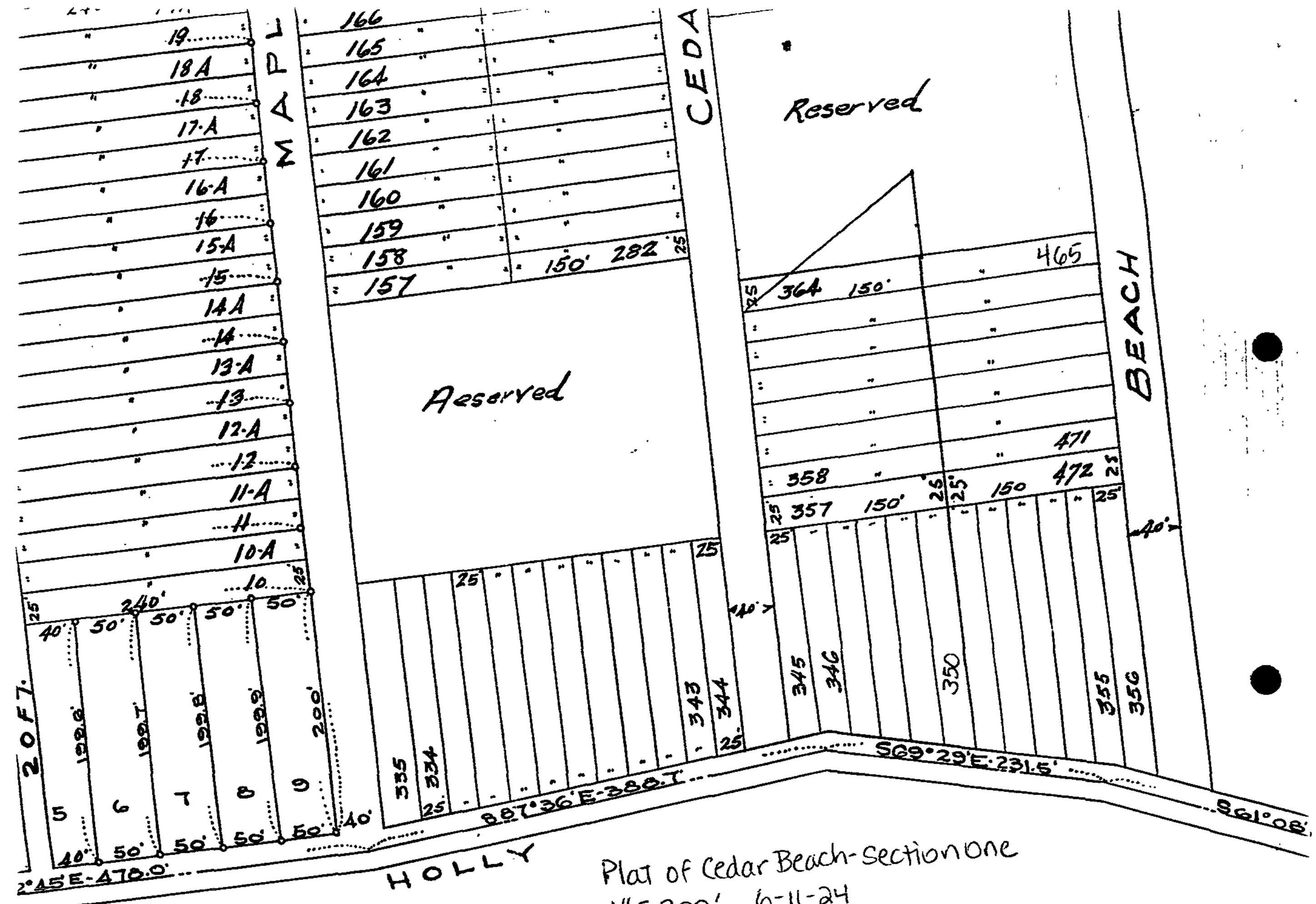
Please direct any questions regarding the SAMP process to Ms. Betty Kelley at 410-887-3980; the zoning variance process to 410-887-3391; sewer connections to Glen Keller (Department of Public Works) at 410-887-3781; lot line adjustments or the minor subdivision process to Permits & Development Management at 410-887-3321; or the CBCA Regulations to me at 410-887-3980.

Very truly yours,

Sami Ombierowicz

Natural Resource Specialist Environmental Impact Review

TJI
Enclosures
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1"=200'6-11-24

1/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 30, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

31

SUBJECT: Zo

Zoning Advisory Petition(s): Case(s) 03-249, 03-254 & 03-269

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:

Section Chief:

AFK/LL:MAC



INTEROFFICE CORRESPONDENCE

DATE: January 17, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

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

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 23, 2002

Item Nos. 241, 243, 244, 245, 246, 248, 249, 250, 251, 252, 253, 254, 255, 256, and 269

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR VARIANCE 1117 Silver Lane; Eside Cedar Creek Ro	*	BEFORE THE
	360 ft W Maple Avenue 15 th Election District	*	ZONING COMMISSIONER
	6 th Councilmanic District	*	FOR
	Legal Owner(s): Andrew & Betty Kozlo	wski	
	Petitioner(s)	*	BALTIMORE COUNTY
		*	03-254-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 _____ day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

1640 May 21MMERMAN

People's Counsel for Baltimore County



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

December 20, 2002

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

Re: Zoning Advisory Committee Agenda, 12/23/02 re: case numbers 03-241-SPHXA, 03-242-SPH, 03-243-A, 03-244-A, 03-245-A, 03-246-SPHX, 03-247-A, 03-248-SPHA, 03-249-A, 03-250-SPHXA, 03-251-A, 03-252-A, 03-253-A, 03-254-A, 03-255-SPH, 03-256-A, 03-269-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/19/02. 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

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

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CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

CITIZEN'S SIGN-IN SHEET

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NAME	TKMA E. SOFINOUSKI	Nature Conservancy, Baltimore, MD 21221	1 10 m/1														

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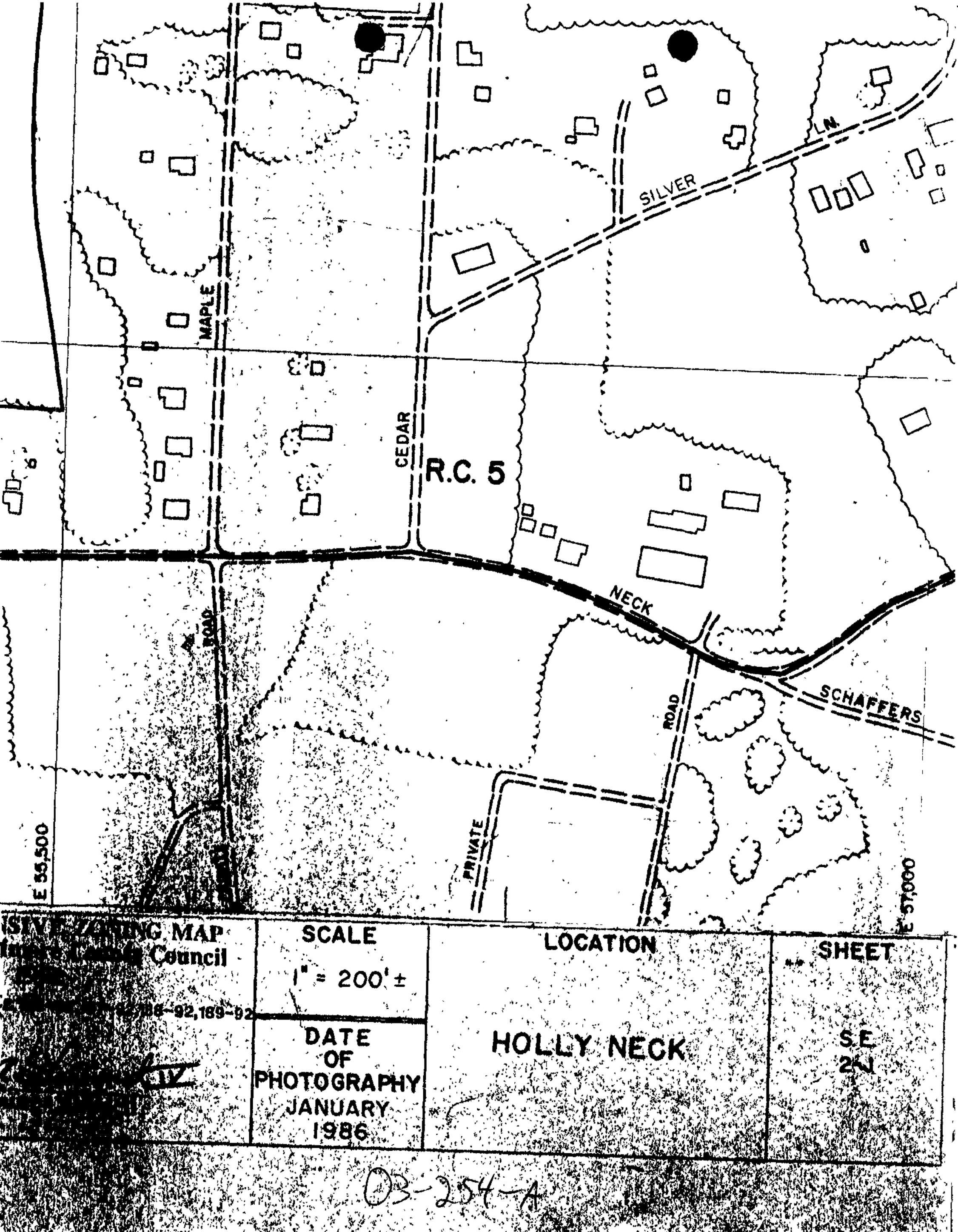
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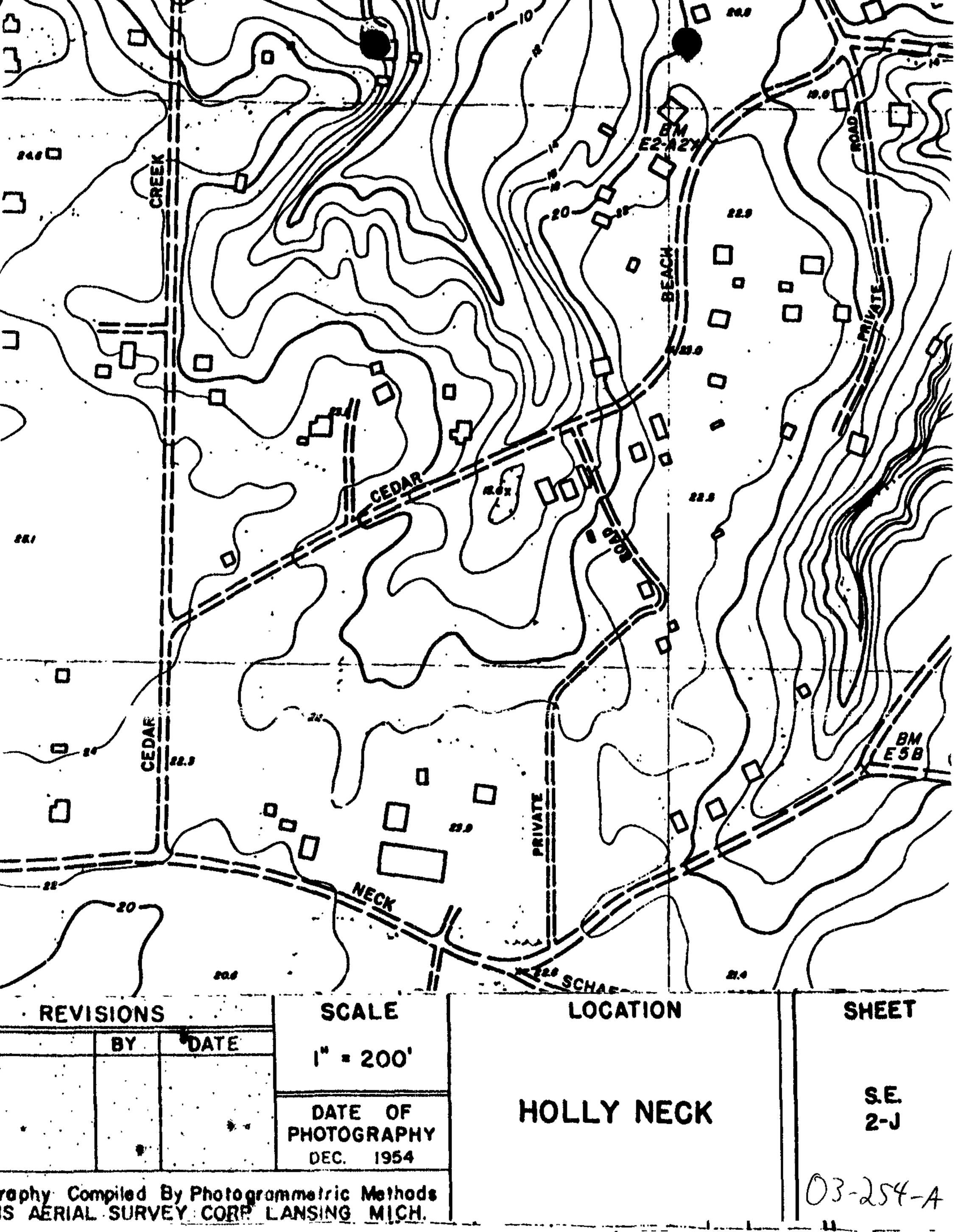
PETITIONER'S SIGN-IN SHEET

E- MAIL	BUCKY 301954									
CITY, STATE, ZIP										
ADDRESS	500 UOCTS 122R									
NAME	BUCH FUNES									

Plat to accompany Petition for Zoning X Variance	e Special Hearing
	CHECKLIST for additional required information
Subdivision name: CF. DAR BEACH	1, xx
plat book	
OWNER: ANDREW BETTY KOZLOWSKI	1/50
MARK GULCZYNSKI MARK GULCZYNSKI	
1512740971	William Curi
12551-742	
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	SITE
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	LOCATION INFORMATION
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26 / 25 / 20 - 4 = 1 = 1	1-200 scale maps: 5£ 2-7
Tropies in the second of the s	Zoning: RC5
8'W 66-702 8'W 552.80' 8'W	Lot size: 1.23 53,58/
- 4"PS - 4"PS - 4"PS	acreage square lect
CEDAN CREEN (40'n.w, 24 PAUED)	SEWER: X
MICHARL SPINNATO JANKT VOGAN MANK STUMPF	WATER: X
1513.108501	Chesapeake Bay Critical Area:
6238-791 6325-190 16341-669	Prior Zoning Hearings: NONE
	NOT IMSTORIC PROPERTY!
	Zoning Office USE ONLY!
North date: <u> - - - - - - - </u>	reviewed by: ITEM #: CASE#:
prepared by: BUCH JONES Scale of Drawing: 1 = 50	JNY 254 US-254-A

-15







STANDING AT INTERSECTION OF CEDAR CREEK ROAD AND SILVER LANE LOOKING NORTH. PROPERTY IS ON THE RIGHT.

()3)54-A



STANDING ON CEDAR CREEK ROAD LOOKING NORTH-EAST INTO PROPERTY.



STANDING ON CEDAR CREEK ROAD LOOKING NORTH DOWN THE NEIGHBORHOOD.

()3-154-A



STANDING ON SILVER LANE LOOKING NORTH-EAST. PROPERTY IS ON THE RIGHT.



STANDING ON CEDAR CREEK ROAD LOOKING SOUTH.
PROPERTY IS ON THE LEFT.



STANDING ON SILVER ROAD LOOKING SOUTH-WEST AT NEIGHBORHOOD. PROPERTY ON THE LEFT.



STANDING ON SILVER LANE LOOKING NORTH-EAST. PROPERTY IS ON THE RIGHT.



STANDING AT INTERSECTION OF CEDAR CREEK ROAD AND SILVER LANE LOOKING NORTH. PROPERTY IS ON THE RIGHT.



STANDING ON CEDAR CREEK ROAD LOOKING NORTH-EAST INTO PROPERTY.



STANDING ON SILVER ROAD LOOKING SOUTH-WEST AT NEIGHBORHOOD. PROPERTY ON THE LEFT.

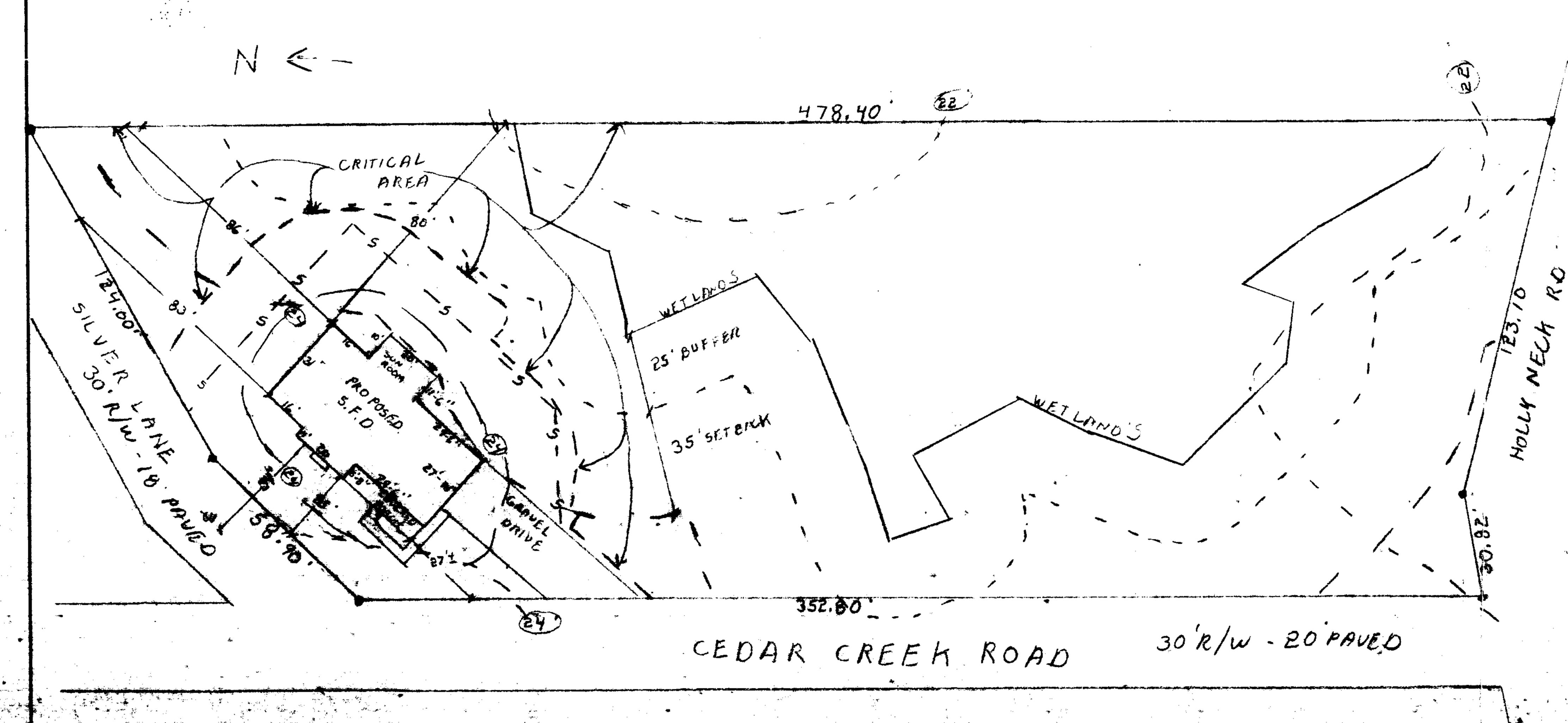


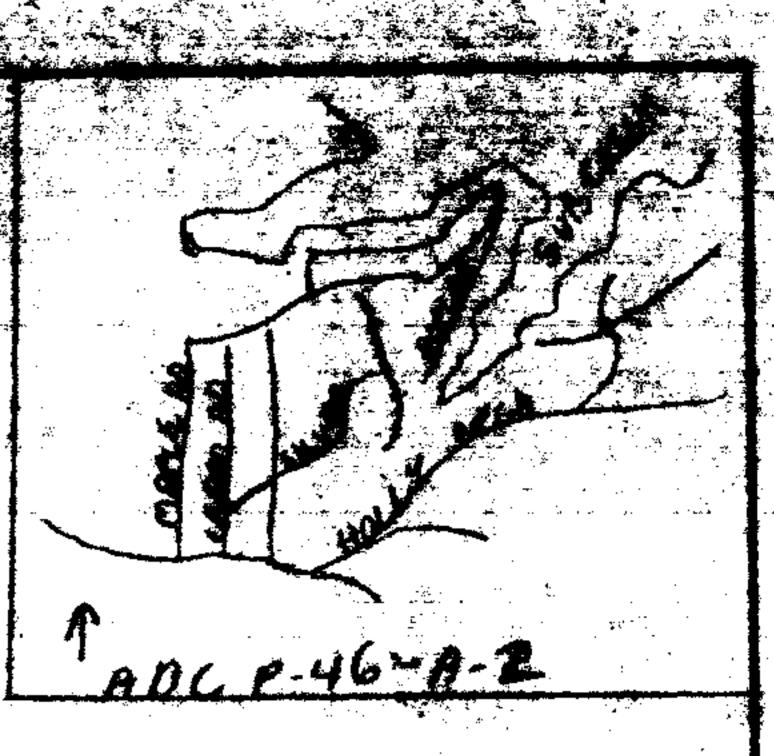
STANDING ON CEDAR CREEK ROAD LOOKING SOUTH. PROPERTY IS ON THE LEFT.

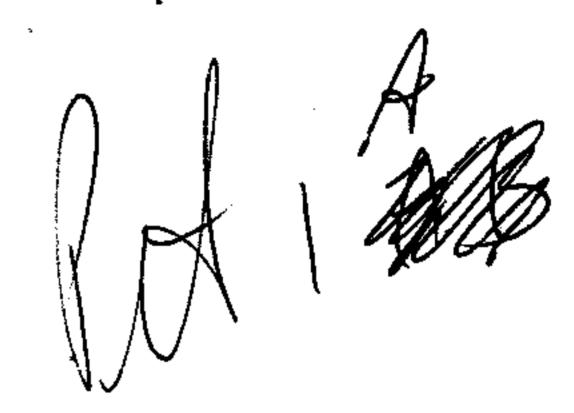


STANDING ON CEDAR CREEK ROAD LOOKING NORTH DOWN THE NEIGHBORHOOD.

ANDREW &BETTY HOZLOWSKI 1117 SILVERLANE BALTIMORE MO 21221 TAX ID: 1523/54500 DEED REF: 5103-645 LOTS: 345-350 LOT'S AREA! 27,33/SF TAX ID: 1523/54501 DEED REF: 5/03-645 LOTS: 357-363 LOTS AREA: 26,250sF COUNCIL DIST: 6 ELECTION DIST: 15 SUB DIVISION CEDAR BEACH 5UB DIV. REF : 7-186 TOTAL LOT'S ARE A: 53,58/SF/1.23AC ZONING RC. 5 VARIENCE 03-254-A







CRITICAL AREA NOTES

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