

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Edmondson Avenue, 50' W of the c/l
Angus Avenue
(721 Edmondson Avenue)
1st Election District
1st Council District

Charles Ciecka
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-036-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Charles Ciecka. The Petitioner seeks relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 22 feet in lieu of the maximum allowed 15 feet for a proposed detached garage. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. As shown on the site plan, the proposed garage will be 22' x 26' in dimension, with a 15' x 11' extension off the rear.

ORDER RECEIVED FOR FILING

Date

By

8/28/03

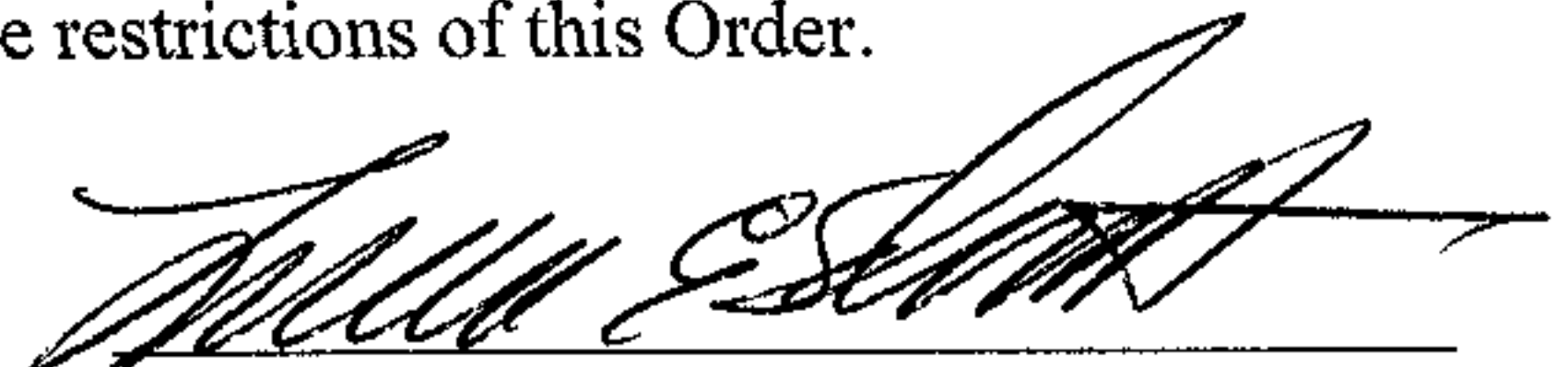
[Signature]

Based upon the information contained within the case file, I am persuaded to grant the requested relief. It was indicated that the proposed garage will have a second story to provide a hobby workspace area for the Petitioner and that there is no other intention for the structure but for the purpose of providing more storage space. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, relief will be granted subject to certain conditions to insure compliance with the use regulations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of August 2003 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 22 feet in lieu of the maximum allowed 15 feet for a proposed detached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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 garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



**Baltimore County
Zoning Commissioner**

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

August 20, 2003

Mr. Charles Ciecka
721 Edmondson Avenue
Baltimore, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Edmondson Avenue, 50' W of the c/l Angus Avenue
(721 Edmondson Avenue)
1st Election District -- 1st Council District
Charles Ciecka - Petitioner
Case No. 04-036-A

Dear Mr. Ciecka:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 721 Edmondson Ave
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 To allow an accessory structure (detached garage) with a height of 22ft in lieu of the maximum permitted 15ft.

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

If a Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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.

Legal Owner(s):

Charles Ciecka
Name - Type or Print

Signature

Name - Type or Print

Signature C 443 799 0399

721 Edmondson Ave H 410 869 4714

Address

Catonsville MD 21228
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 7-23-03

Estimated Posting Date 8-03-03

CASE NO. 04-036-1

REV 10/25/01

ORDER RECEIVED FOR FILING

Date 8-28-03
By [Signature]

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 721 Edmondson Ave
Address Catonsville MD 21228
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):

1. Main dwelling lacks adequate storage space.
2. Addition to the main dwelling proved to be prohibitively expensive.

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
Charles F Ciecka
Name - Type or Print

N/A
Signature

Name - Type or Print

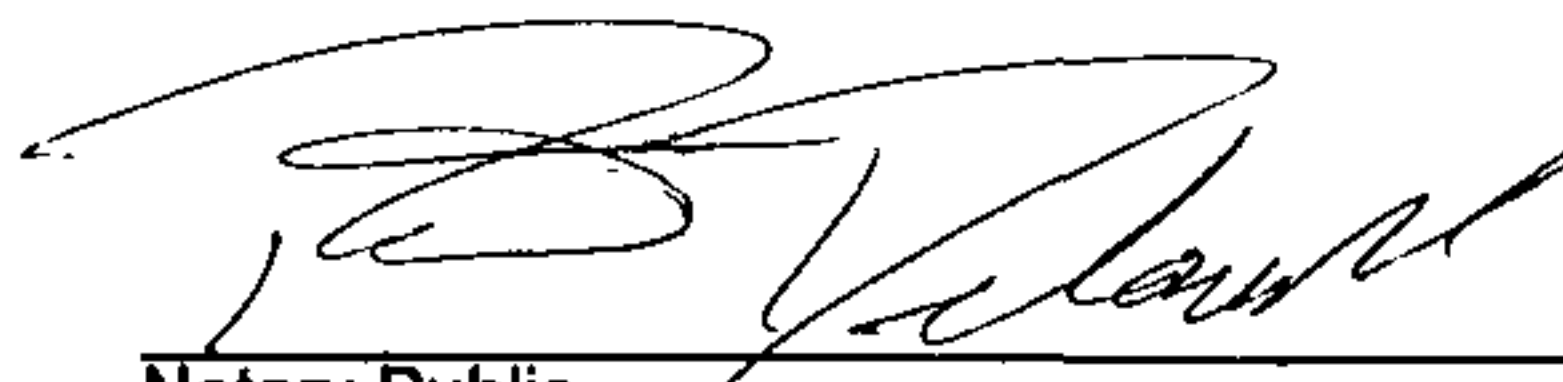
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of 7, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles F Ciecka
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

ROBERT DELAWDER
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES 5-1-2006


Notary Public
My Commission Expires 5-1-2006

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.

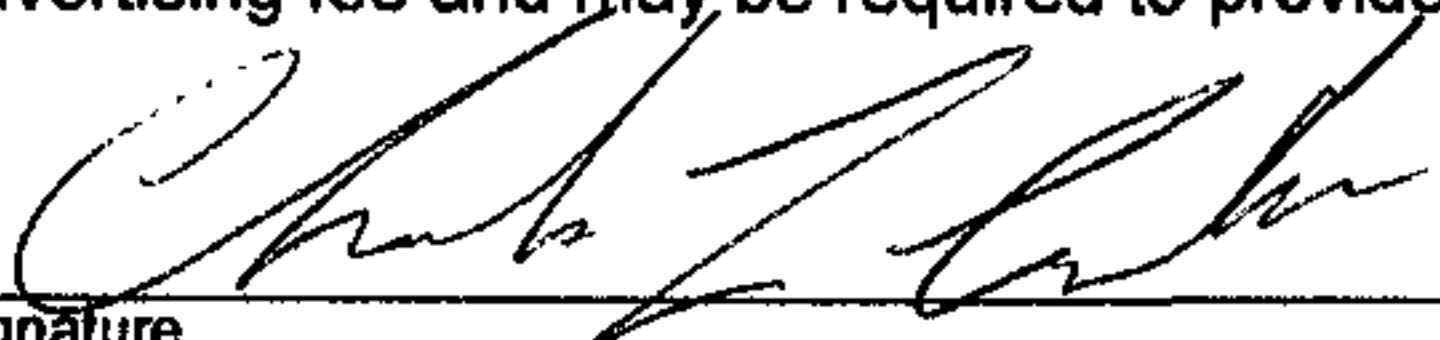
That the Affiant(s) does/do presently reside at

721 Edmondson Ave
Address
Catonsville MD 21228
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):

1 Main dwelling lacks adequate storage space
2 Addition to the main dwelling proved to be prohibitively expensive.

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
Charles F Ciecka
Name - Type or Print

N/A
Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of 7, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles F Ciecka
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

ROBERT DELAWDER
NOTARY PUBLIC
STATE OF MARYLAND
MY COMMISSION EXPIRES 5-1-2006

REV 10/25/01


Notary Public

My Commission Expires 5-1-2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 721 Edmondson

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 To allow an accessory structure (detached garage) with a height of 22ft in lieu of the maximum permitted 15ft.

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):

Charles Creeka

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No

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 04 day of 03 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. 04-036-A

REV 10/25/01

Reviewed By [Signature] Date 7-23-03

Estimated Posting Date 8-03-03

ZONING DESCRIPTION FOR 721 EDMONDSON AVENUE, CATONSVILLE
MARYLAND 21228

Beginning for the same on the south side of Edmondson Avenue Driveway (twenty feed wide) fifty feet east of August Avenue, which place of beginning is designed to be at the intersection of south side of Said Driveway with the division line between Lots Nos. 19-B and 20-A on the plat hereinafter mentioned; and running thence easterly bounding on the south side of the said Driveway fifty feet to Lot No. 18-B on said plat; thence southerly bounding on said last mentioned lot one hundred and fifty feet to the division line in this description first mentioned; thence southerly bounding on said last mentioned lot one hundred and fifty feet to Lot 21-A on said plat; thence westerly bounding on said last mentioned lot fifty feet to the division line in this description first mentioned; thence northerly bounding on said first mentioned division line one hundred fifty feet to the place of the beginning. Being known as Lot Nos. 19-A and 19-B on the plat recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 8, Folio 56. Also known as 721 Edmondson Avenue and located in the 1st Election district and the 1st Councilmanic District.

036

Case No. 27052
C4 - - A

AMOUNT \$ 65.00

FOR: Residential Variance #1 of 1984 for
721 Edmundo Ave.

YELLOW - CUSTOMER

[illegible]**CASHIER'S VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 04-036-A

Petitioner/Developer: CHARLES E. CIECKA

Date of Hearing/ Closing: AUG. 18, 2003

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

Attention: BECKY HART

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 #721 EDMONDSON AVE

The sign(s) were posted on JULY 30, 2003
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BAUTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ZONING NOTICE
ADMINISTRATIVE VARIANCE
PUBLIC HEARING ?
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
11111

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 04-036-A

**TO PERMIT AN ACCESSORY STRUCTURE
(DETACHED GARAGE) WITH A HEIGHT OF 22 FT.
IN LIEU OF THE MAXIMUM PERMITTED 15 FT.**

PUBLIC HEARING ?

PURSUANT 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 **AUGUST 18, 2003**

**ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
11111**

TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST WITHIN 10 FEET OF THE PROPERTY LINE, DOUBLE SIDING IS OK, RETURN BOTH TO ZADM, RM. 104
MEETING IS HANDICAP ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-036 -A

Address 721 Edmondson Ave

Contact Person: John Sullivan
Planner Please Print Your Name

Phone Number: 410-887-3391

Posting Date: 7-23-03

Posting Date: 8-03-03

Closing Date: 8-18-03

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 reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Baltimore County

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04-036 -A

Address 721 Edmondson Ave

Petitioner's Name Charles E. Ciecka

Telephone 410-869-4714

Posting Date: 8-03-03

Closing Date: 8-18-03

Reason for Sign: To Permit an accessory structure (detached garage)
with a height of 15 ft. in lieu of the maximum permitted
15 ft.



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

August 18, 2003

Charles Cieka
721 Edmondson Avenue
Catonsville MD 21228

Dear Mr. Cieka:

RE: Case Number: 04-036-A, 721 Edmondson Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 7, 23, 2003.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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





**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: August 4, 2003

Item No.: 034, 036-045

Dear Ms. Hart:

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.

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 25, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For August 11, 2003
Item Nos. 033, 034, 035, 036, 037,
039, 040, 041, 043, 045, and 046

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 12, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-036 – Administrative Variance

RECEIVED

AUG 14 2003

ZONING COMMISSIONER

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:

[Signature]

AFK/LL:MAC

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 8.5.03

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

RE: Baltimore County
Item No. 036 JJS

Dear Ms. Hart:

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,

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street Baltimore, Maryland 21202 Phone 410.545.0300 • www.marylandroads.com

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

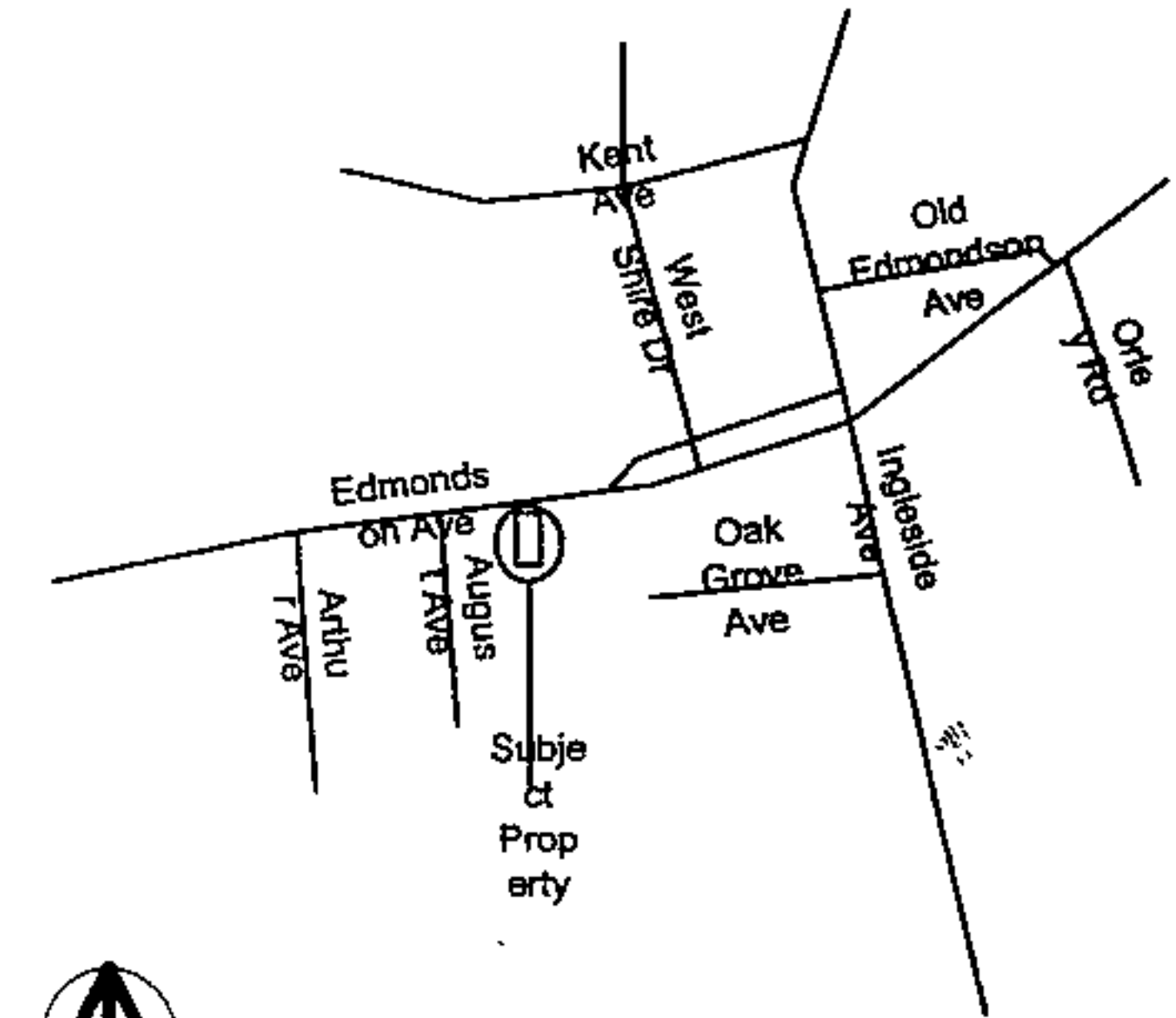
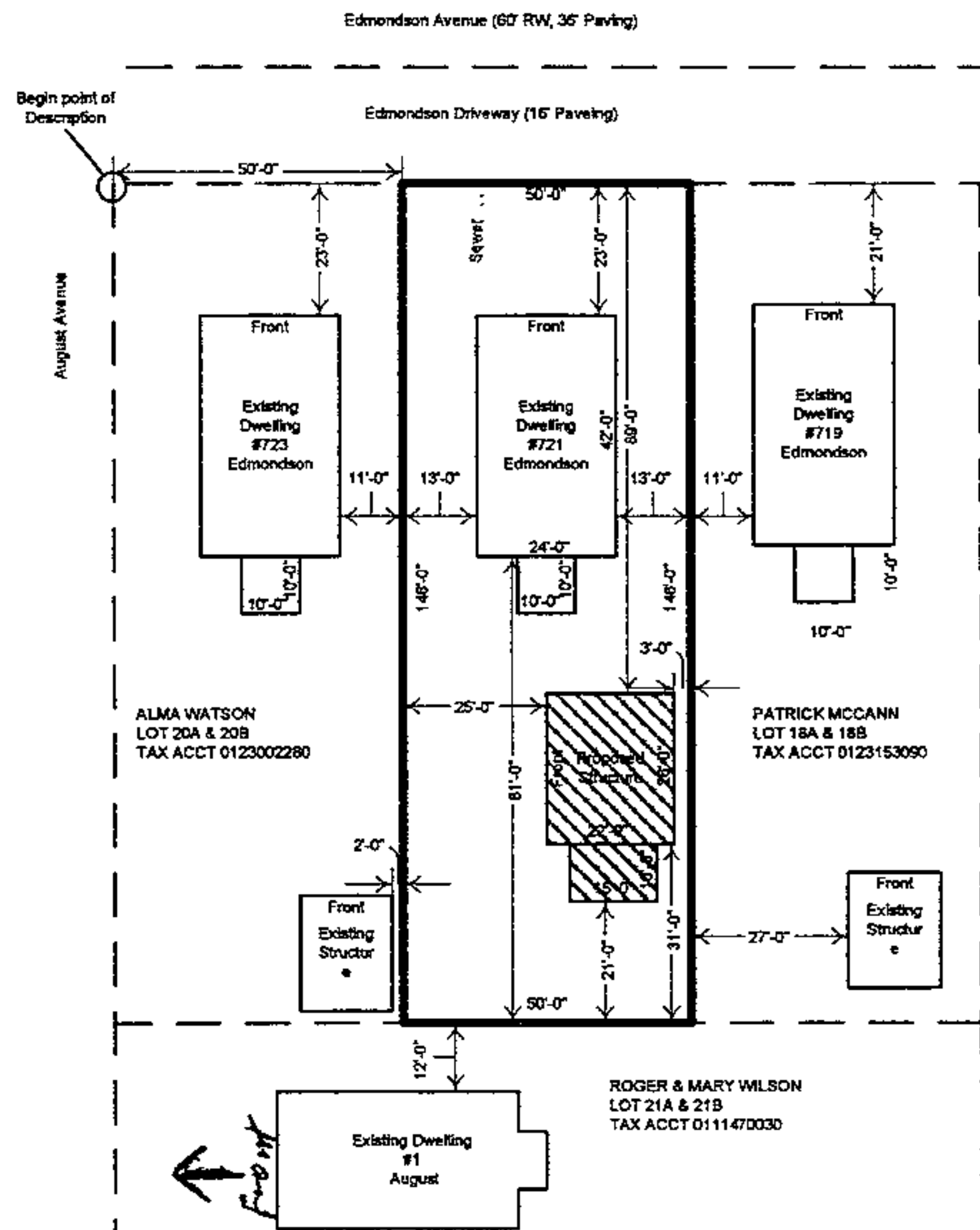
PROPERTY ADDRESS: 721 EDMONDSON AVE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME: HOMEWOOD

PLAT BOOK # 8 FOLIO # 56 LOT # 19A & 19B SECTION # ---

OWNER CHARLES CIECKA DATE 7/14/2003



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT 1

1" = 200' SCALE MAP # SW2F

ZONING D R 55

LOT SIZE 0.17 7500
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

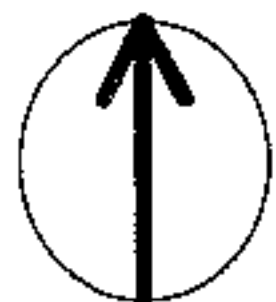
CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING HEARING

YES ☒ NO ☐
YES ☐ NO ☒
YES ☐ NO ☒
NONE



NORTH

PREPARED BY CHARLES CIECKA

SCALE OF DRAWING 1" = 50'

PET. EX. 1

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

CASE #

[Signature]

036



719 Edmondson Ave Front



719 Edmondson Ave Back

036



719 Edmondson Garage / Backyard

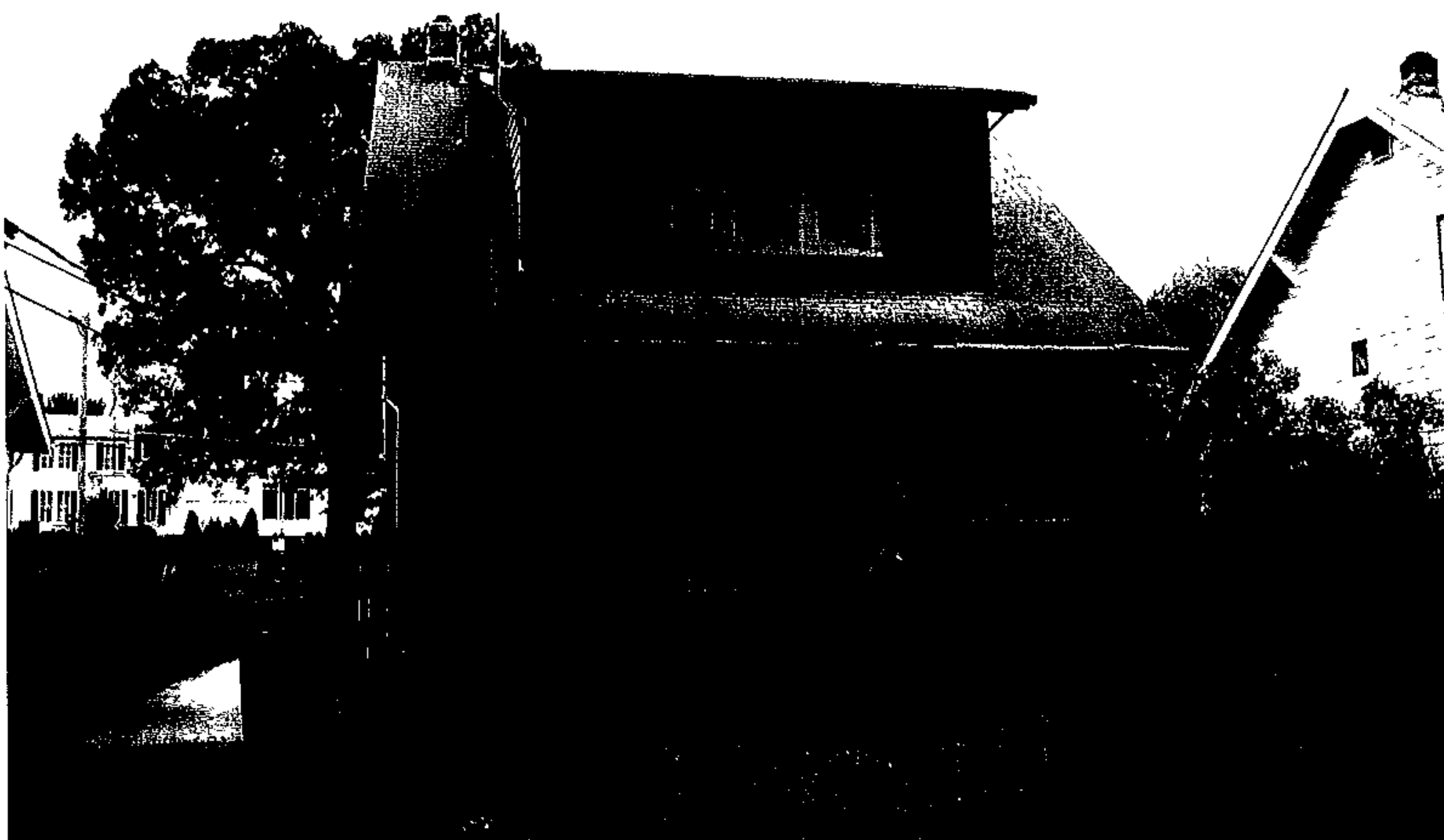


721 Edmondson Front

036



721 Edmondson Front (2) Proposed garage would be visible behind main dwelling.



721 Edmondson Back

036



723 Edmondson Ave Front



723 Edmondson Ave Back

036



Proposed Garage Site.



Proposed Garage Site (2) Wooden shed structure would be removed.

034



036