

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Essex Avenue, 8 ft. W
centerline of Woodward Drive
15th Election District
7th Councilmanic District
(511 Essex Avenue)

Gary S. Pivonski
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-284-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Gary S. Pivonski. The variance request is for property located at 511 Essex Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a new dwelling (to replace an existing dwelling) to have a side yard setback of 9 ft. and side street setback of 9 ft. in lieu of the required 10 ft. and 25 ft. respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

RECEIVED FOR FILING

Date

By

1/8/04

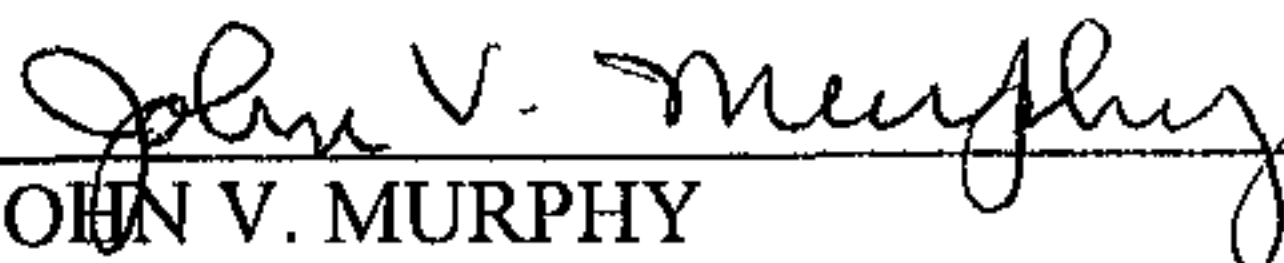
J. R. Pivonski

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8 day of January, 2004, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a new dwelling (to replace an existing dwelling) to have a side yard setback of 9 ft. and side street setback of 9 ft. in lieu of the required 10 ft. and 25 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

1/8/04

By



Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

January 8, 2004

Mr. Gary S. Pivonski
1247 Bayside Road
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 04-284-A
Property: 511 Essex Avenue

Dear Mr. Pivonski:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 511 ESSEX AVE
which is presently zoned D.R. 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) 1202.3.C.1. BCZR

To permit a dwelling with a side yard setback of 9' and side street setback of 9' in lieu of the required 10' and 25', respectively.

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

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):

GARY STEVEN PIVONSKI
Name - Type or Print

Gary Steven Pivonski
Signature

Name - Type or Print

Signature

1247 BAYSIDE ROAD (410) 391-6638
Address Telephone No.

BALTIMORE MD 21221
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JRF Date 12/9/03

Estimated Posting Date 12-21-03

ORDER RECEIVED FOR FILING
Date 11/8/03
By [Signature]
CASE NO. 04-284-A
Date 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 511 ESSEX AVE
Address
BALTIMORE MD 21221
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):

MY HOME IS IN POOR STRUCTURAL CONDITION & WOULD LIKE TO REPLACE IT WITH A NEW HOME SLIGHTLY LARGER. I WILL OCCUPY THE NEW DWELLING ONCE IT IS COMPLETED, THE HOUSE WAS BUILT AROUND 1930'S. I DO NOT RESIDE IN THE HOUSE CURRENTLY

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.

Gary Steven Pinowski
Signature
GARY STEVEN PINOWSKI
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of December, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gary Steven Pinowski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

John J. [Signature]
Notary Public

My Commission Expires 3.1.2007

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.

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Address
BALTIMORE MD 21221
City State Zip Code

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LIKE TO REPLACE IT WITH A NEW HOME SLIGHTLY
LARGER. I WILL OCCUPY THE NEW DWELLING ONCE
IT IS COMPLETED. THE HOUSE WAS BUILT AROUND
1930's. I DO NOT RESIDE IN THE HOUSE CURRENTLY

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Gary Steven Pivonski
Signature
GARY STEVEN PIVONSKI
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of December, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gary Steven Pivonski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notarial Seal

John J. Long
Notary Public
My Commission Expires 3.1.2007



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 511 ESSEX AVE
which is presently zoned D.R. 55

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) 1302.3.C.1, PC2R

TO PERMIT A DWELLING WITH A SIDE YARD SETBACK OF
9' AND A SIDE STREET SETBACK OF 9' IN LIEU OF THE
REQUIRED 10' AND 25' RESPECTIVELY

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):

GARY STEVEN PIVONSKI
Name - Type or Print _____

Gary Steven Pivonski
Signature _____

Name - Type or Print _____

Signature _____

1247 BAYSIDE ROAD (410) 391-6638
Address _____ Telephone No. _____

BALTIMORE MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

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. 04-284-A

Reviewed By JRF Date 12/9/03

REV 10/25/01

Estimated Posting Date 12/21/03

Zoning Description

This is a zoning description for 511 Essex Avenue located in Essex, Maryland.

*Beginning at a point on the south side of Essex Avenue which is 50ft. wide at a distance of 8 ft. west of the centerline of the nearest improved intersecting street Woodward Drive which is 30' wide.

*Being lot #14 block Q section C in the subdivision of Essex as recorded in Baltimore County Plat book #9, Folio #74 containing 7500 square feet..

*Also known as 511 Essex Avenue and located in the 15th Election District, 7th Councilmanic District.

#284

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **23569**

DATE 12/9/03 ACCOUNT 001-006-6150
AMOUNT \$ 651.00

RECEIVED FROM: GARY PINOWSKI
611 Essex Ave
FOR: Animal Vaccines
ITEM # 284

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRM
12/10/2003	12/09/2003	15:41:28	1
REG NO.	WAKIN	JRIC JWR	
EXP. D.	12/09/2003		0011
DEPT	S-521/ZONING VERIFICATION		
CP	021541		
Dept Tot	165.00		
REG. FEE	5.00		CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-284-A

Petitioner/Developer: GARY
PIYONSKI

Date of Hearing/Closing: 1/5/03

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

ATTN: Becky Hart {(410) 887-3394}

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: _____

511 ESSEX AVE

The sign(s) were posted on _____

12/21/03
(Month, Day, Year)

Sincerely,

[Signature]
(Signature of Sign Poster)

12/21/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

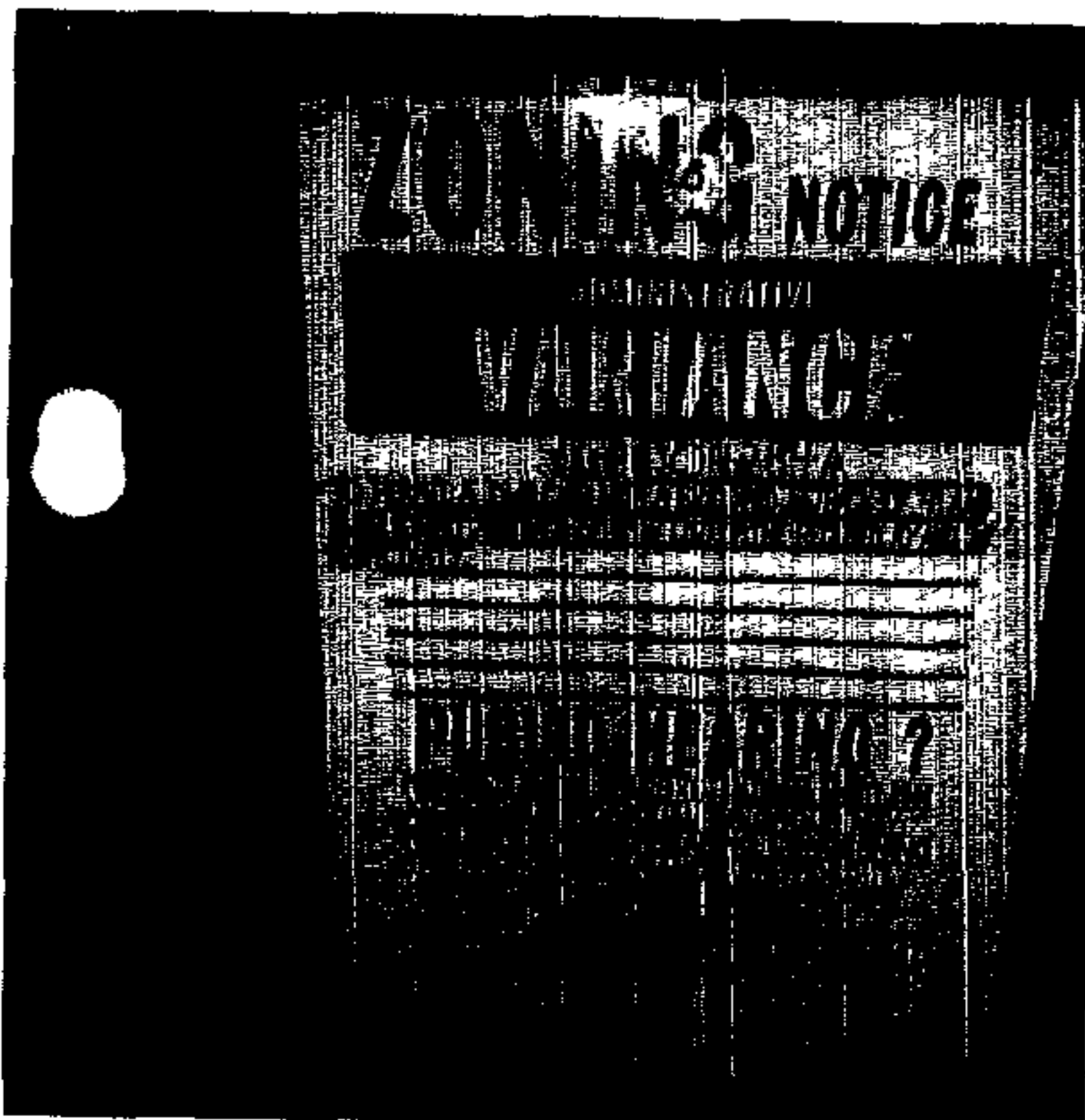
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 04-284-A
Petitioner: GARY S. PIVONSKI
Address or Location: 511 ESSEX AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARY S. PIVONSKI
Address: 1247 BAYSIDE RD.
BALT. MD 21221

Telephone Number: (410) 391-6638

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴ 284 -A

Address 511 Essex Ave.

Contact Person: Jon Fernando

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12-9-03

Posting Date: 12-21-03

Closing Date: 1-5-04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴ 284 -A

Address 511 Essex Ave

Petitioner's Name GARY PIYONSKI

Telephone 410-391-6632

Posting Date: 12-21-03

Closing Date: 1-5-03

Wording for Sign: To Permit a dwelling with a side yard setback of 9'
and side street setback of 9' in lieu of the required 10' and
25', respectively.

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 5, 2004

Gary Steven Pivonski
1247 Bayside Road
Baltimore, MD 21221

RE: Case Number: 04-284-A, 511 Essex Avenue

Dear Mr. Pivonski:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 9, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

C: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



**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

January 5, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: December 29, 2003

Item No.: 280-285, 287-299

6. 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: February 2, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For January 5, 2004
Item Nos. 280, 281, 282, 284, 285, 286,
288, 289, 290, 291, 292, and 299

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

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 6, 2004

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

SUBJECT: Zoning Advisory Petition(s): Case 04-284 and 04-296
Administrative Variance

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: John L. [Signature]

AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1.7.04

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

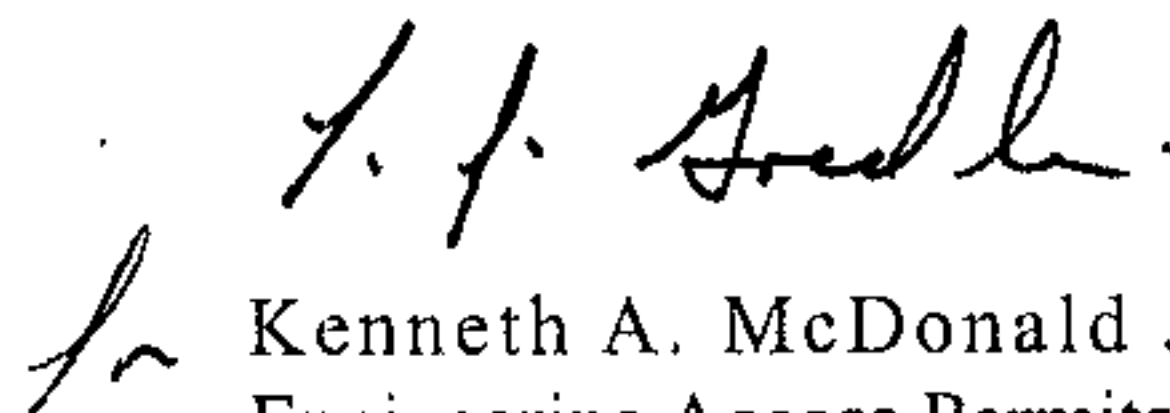
RE: Baltimore County
Item No. 284 JRF

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

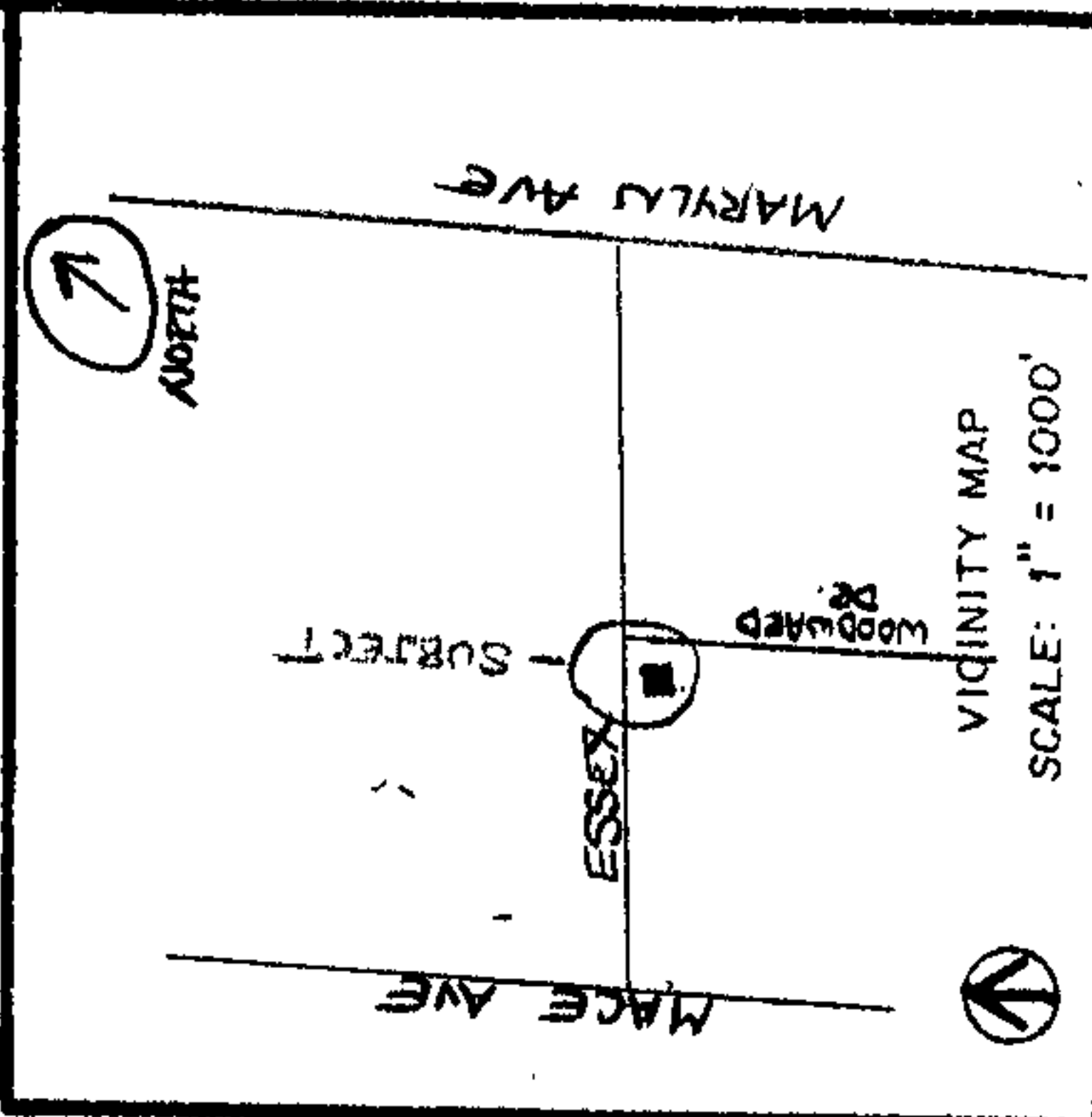
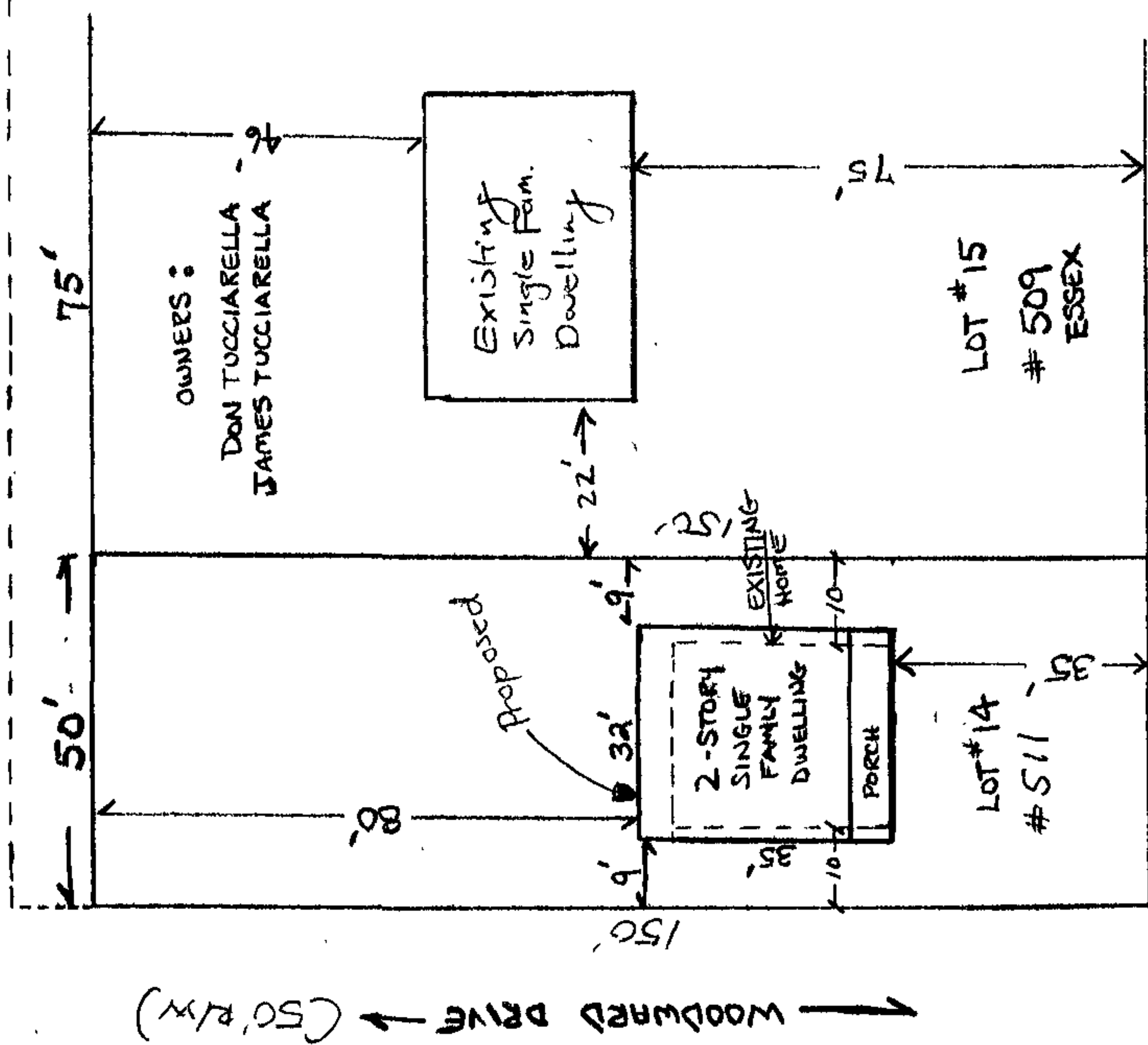
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 511 ESSEX AVE.

SUBDIVISION NAME ESSEX

PLAT BOOK # 9 FOLIO # 74 LOT # 14 SECTION # C

OWNER GARY S. PIVONSKI



LOCATION INFORMATION

ELECTION DISTRICT 15th

COUNCILMANIC DISTRICT 7th

1"=200' SCALE MAP # NE 3-C

ZONING D.R.-5.5

LOT SIZE 7,500 ACRES 7,500 SQUARE FEET

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY / BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

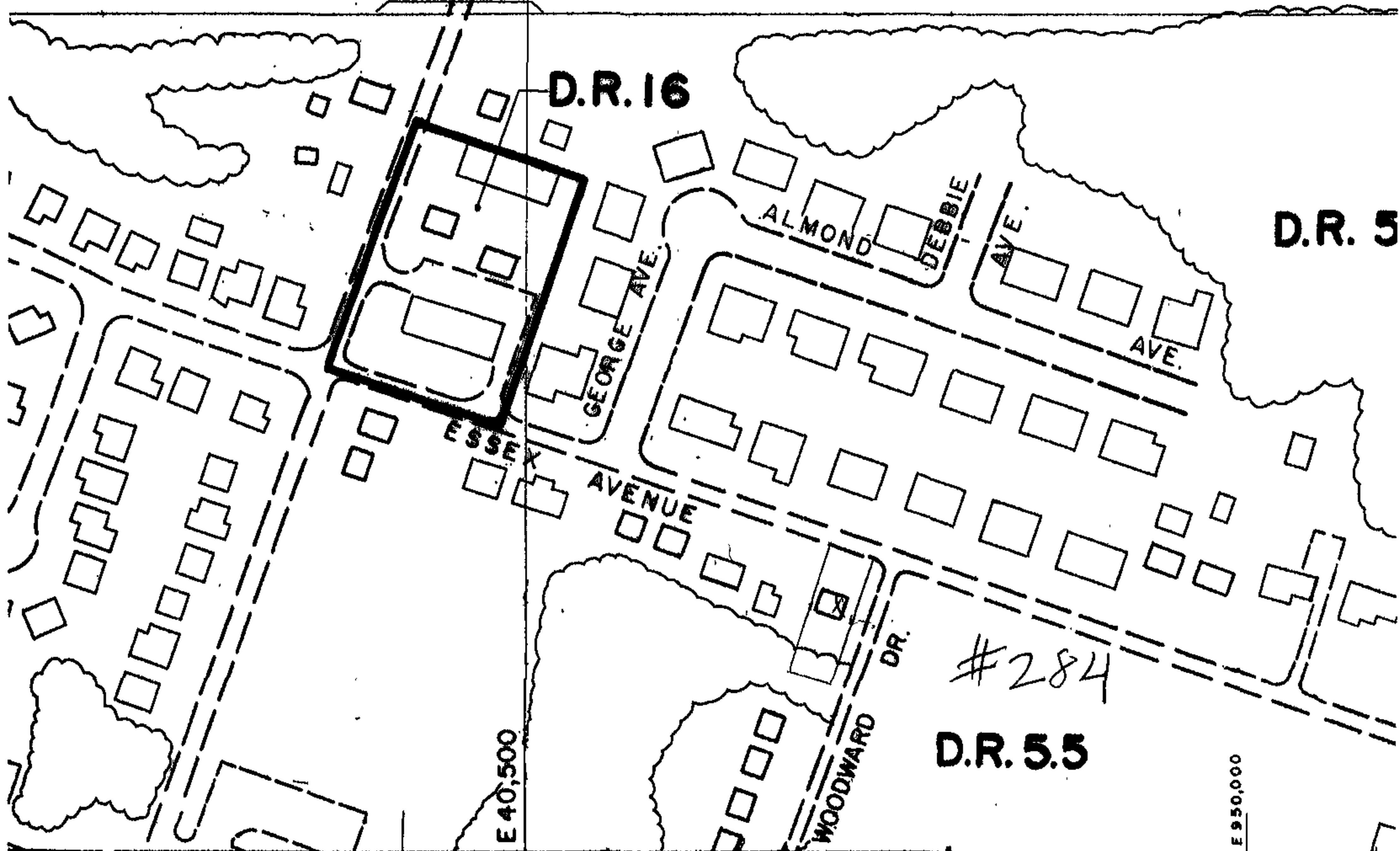
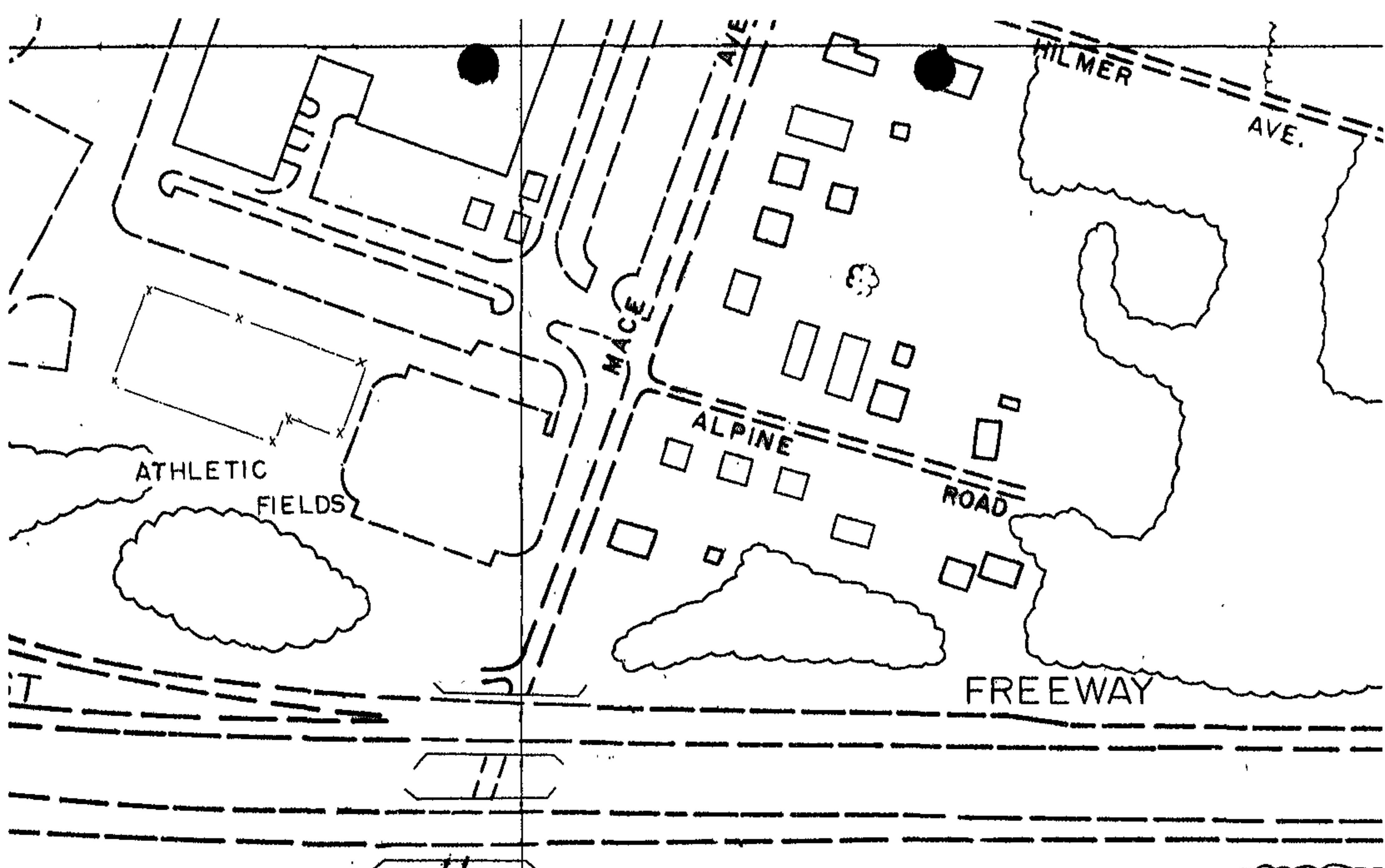
REVIEWED BY JRF ITEM # 284 CASE # 04-284-A



PREPARED BY GARY PIVONSKI

ESSEX AVE (50' R/W) SCALE OF DRAWING: 1" = 30'

Det. G. #1



SCALE

1" = 200' ±

LOCATION

NE 3-G





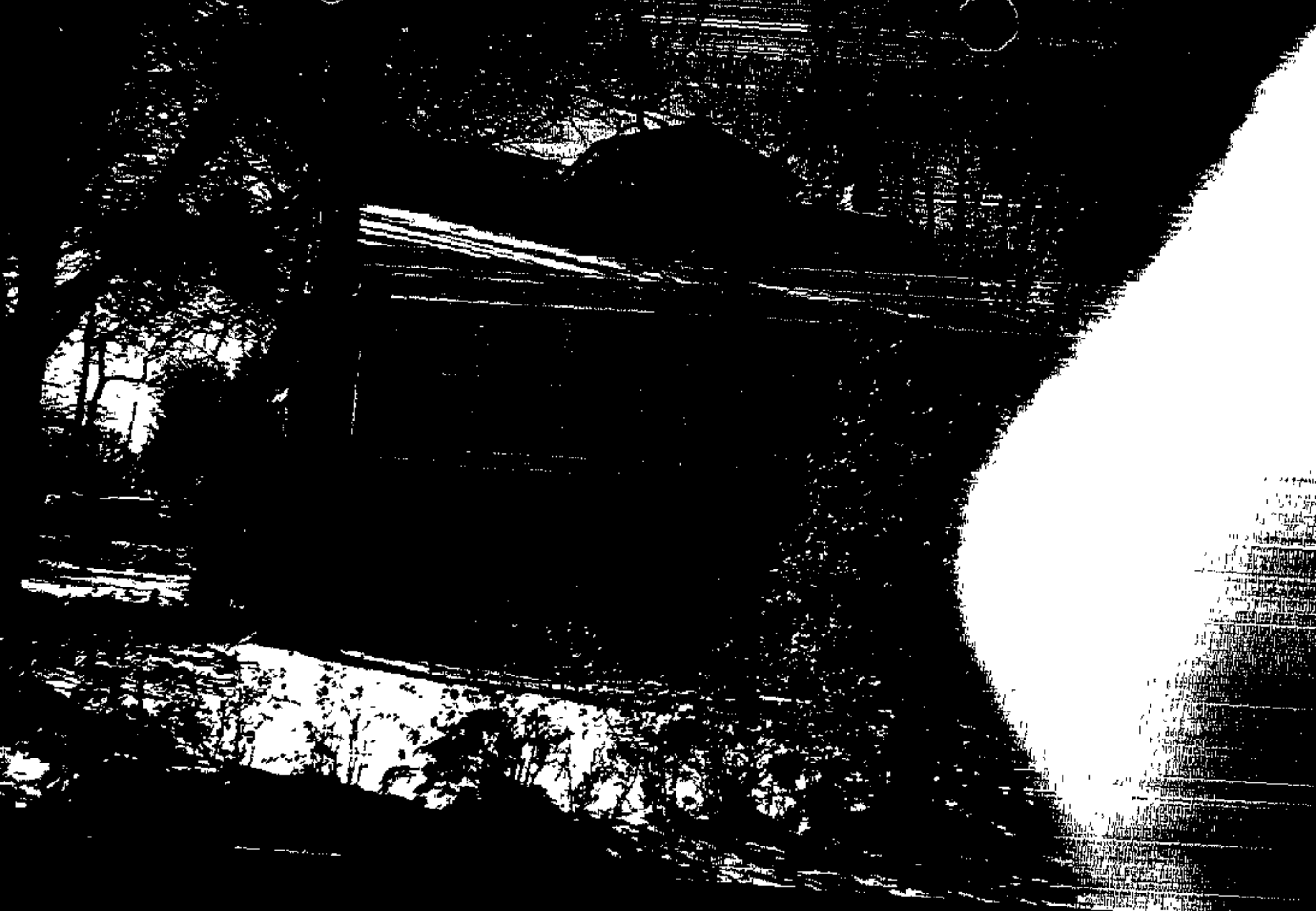






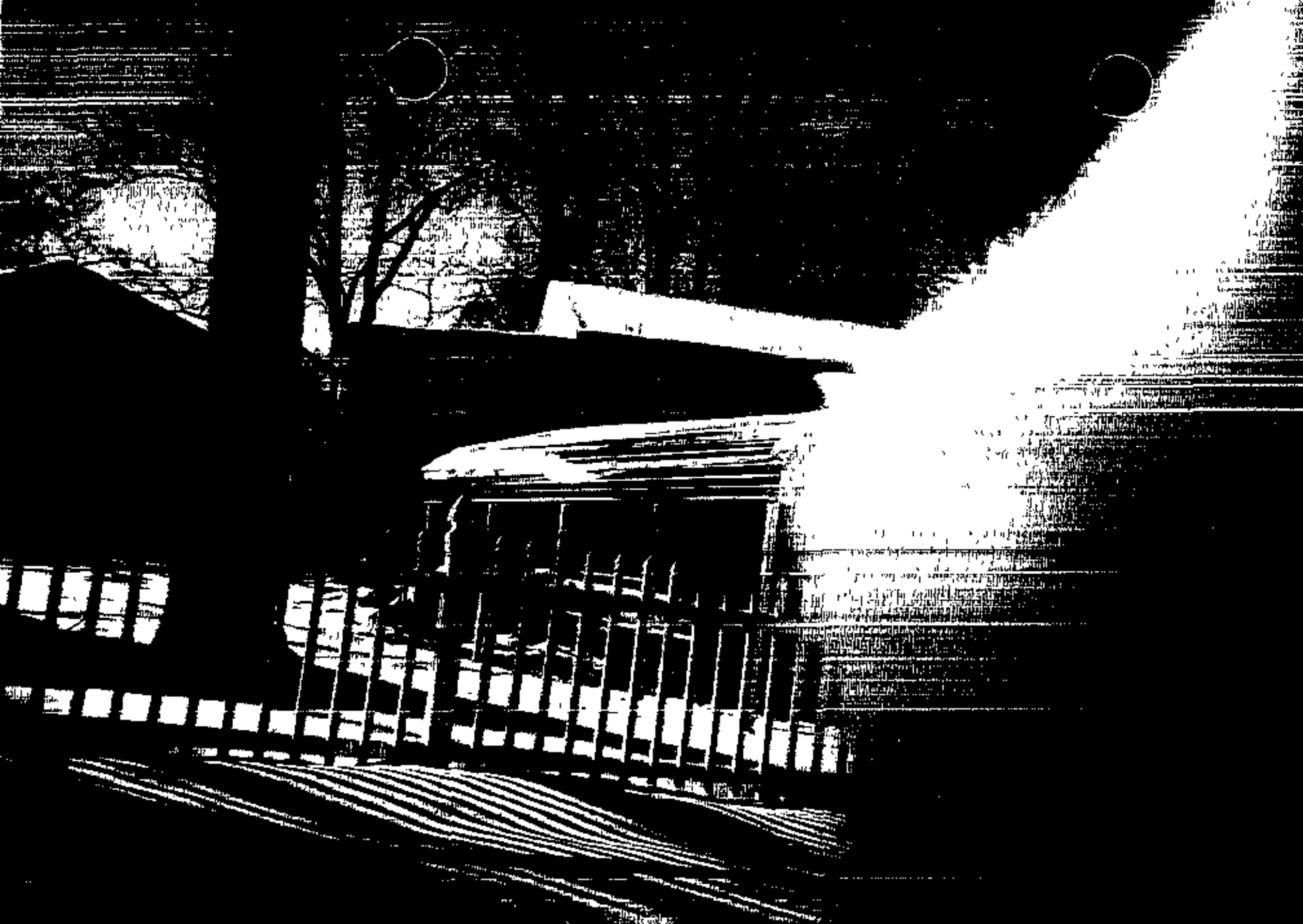
























3A



4A



5A



6A



7A



8A



9A



10A



11A



12A



13A



14A



15A



16A



17A



18A

WAL★MART

INDEX PRINT