

IN THE MATTER OF
THE APPLICATION OF
KRZYZSTOF ZIELINSKI— LEGAL OWNER /
PETITIONER FOR VARIANCE ON PROPERTY
LOCATED ON THE SW/COR OF SEMINARY
AVENUE AND MACER ROAD
(1001 W. SEMINARY AVENUE)
8TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 04-461-A

* * * * *

OPINION

This case comes before the Baltimore County Board of Appeals on a timely appeal brought by the Petitioner, Krzysztof Zielinski, legal owner, resulting from a decision by the Zoning Commissioner for Baltimore County, dated August 24, 2004, denying a Petition for Variance from § 1B02.3.B of the *Baltimore County Zoning Regulations* (B.C.Z.R.) to permit a side yard setback of 17 feet 2 inches in lieu of the required 30 feet for a corner lot in order to construct a proposed addition (garage) on the existing dwelling.

The subject property is located at 1001 W. Seminary Avenue, Eighth Election District, and Second Councilmanic District.

A public hearing before the Board of Appeals was held on April 19, 2005. A public deliberation followed on May 10, 2005. Patrick S. Preller, Esquire, represented Krzysztof Zielinski. Lawrence J. Hayward, Esquire, represented the Longford Community Association, et al, Protestants.

In his opening statement, Mr. Preller indicated that Mr. Zielinski is from Poland and has trouble speaking and understanding fully the English language. He noted that Mr. Zielinski is in the construction business and works out of his house and has a construction truck (panel van) that he uses for his business. He stated that he stores his tools in his truck, and his current situation is a safety hazard for himself and his children and future family, and causes him hardship due to traffic

on W. Seminary Avenue as he must park on the street since his current garage is insufficient to handle his truck. He also stated that his property is unique in that his is only 1 of 4 properties that abuts W. Seminary Avenue, and only 3 of 33 have a driveway on W. Seminary Avenue.

Testimony

Mr. Zielinski was the first witness. Mr. Piotr Michael Scigala was introduced and sworn in as an interpreter for Mr. Zielinski. All parties agreed that Mr. Scigala's interpretation would stand as Mr. Zielinski's own words. Mr. Zielinski testified that he has owned the property for 5 years, and that he rented the house for 1 year. The house did have a fire in 2002 and was restored. He installs doors and windows in new homes and as replacements in older homes. He needs a vehicle for work to do that job. His truck will not fit into the garage, and he also owns two other vehicles (Toyota 4 runner and Mazda 626). He is divorced with three children ages 18,16, and 15, and the children visit every year during the summer. He testified that only one car will fit into the driveway, and, due to heavy vehicle traffic he has difficulty getting out of his driveway during the peak times in the morning and afternoon, which poses a safety hazard. He also testified that his truck was vandalized three times on W. Seminary Avenue. Mr. Zielinski further stated he is engaged and that his fiancé, Elzeita Wisniewska, has two children, ages 17 and 14. The children have their own vehicles, and this will pose a further safety hazard, when he and Ms. Wisniewska are married.

On cross-examination, Mr. Hayward (Counsel for Protestants) pointed out that Mr. Zielinski has 208 feet of property line on Macer Road and never parks on Macer Road. Mr. Zielinski admitted he could use Macer Road to park his vehicles or truck. Mr. Zielinski also admitted that there are more than four houses fronting Seminary Ave. and that he (Mr. Zielinski) had not counted them. Mr. Hayward argued that Mr. Zielinski's house is not "unique." pointing

out that there are four other four-bedroom homes in the community. Mr. Zielinski stated that he had no office on site and that his business was "direct factory to install."

Elzeita Wisniewska was called to testify for Mr. Zielinski. She testified that she has known him for 2 years and they have been engaged for 6 months. She currently lives in Pikesville but is planning on moving in with him along with her children. She testified that she is concerned for her safety and that of her children. There was no cross-examination.

Mr. Scigala then testified for Mr. Zielinski and stated that he has known Mr. Zielinski for 6 years; they see each other regularly and he visits two to three times per week. He must park in the driveway or street and is concerned for his safety. There was no cross-examination.

Mr. Hayward introduced Charles Boecker, of 1000 Adcock Road and Treasurer of the Homeowners Association. He was authorized to speak on behalf of the Association and filed the appropriate "Rule 8" papers. He testified that he has been Treasurer for 3 years and they have over 200 homes of which about 60% pay dues. It is a voluntary dues structure and that they try to have quarterly meetings.

Mr. Boecker stated that the basis for the exhibits and his testimony is that there are complaints that if the variance is allowed and the garage built it would block the view from Macer Road when entering Seminary Avenue. He (Boecker) testified that Mr. Zielinski was invited to the Association meeting and did not attend, and that there is nothing "unique" about Mr. Zielinski's property. He stated that there are 15 homes that front Seminary Avenue and that it would not be unsafe to park on Macer Avenue. He also testified that he has never seen the inside of Mr. Zielinski's garage. Mr. Preller did cross-examine, and Mr. Boecker testified that there was a concern about "setting a precedent." Additionally Mr. Preller pointed out, and Mr. Boecker agreed, that there were houses in the community with two-car garages and some "split level" homes such as

Mr. Zielinski's. Mr. Boecker also testified that he never spoke to Mr. Zielinski and that the building would not "hinder the view" and actually would be safer for Mr. Zielinski and the Community. Mr. Mohler of the Appeals Board asked Mr. Boecker if there were any additional attempts to contact Mr. Zielinski and were there any other variances in recent history. Mr. Boecker replied there was the newsletter given to all in the community but he did not know whether Mr. Zielinski had received it or not, and there were no other variances to his knowledge in recent history. There was some testimony about traffic counts.

Donna Lorber, 1000 Jameson Road, testified for the Association. Her property is contiguous (back yards connect) to Mr. Zielinski's. She testified that Zielinski's house was vacant for 10 to 12 months and that he has no cars in the garage; that it is used only for storage. She testified there was heavy traffic on Seminary Avenue and that it was difficult to enter Seminary Avenue from Macer Avenue. She felt an addition to Petitioner's garage would bring his driveway closer to Macer Avenue and make the entering to Seminary even more difficult.

Mr. Preller used Petitioner's Exhibit #13 to show Mrs. Lorber's SUV parked in her driveway which exits and enters from Macer Avenue.

Closing Statements

In closing arguments Mr. Hayward stated that the Petitioner has not shown nor proven there is any hardship or difficulty or any circumstances or conditions be it health, safety or the welfare of the community for the variance to be granted. He also stated that this property is not unique.

Mr. Preller in closing stated that by Mr. Boecker's own testimony the garage would be "safer" from a traffic perspective. He also stated that there is high traffic and that the road is dangerous, and that the purpose of the garage is to make it safer for all. He also stated that there was "no injury to public health" if the variance were granted.

Decision

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102Md.App.691 (1995), which sets forth the legal benchmark by which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of law. The first burden of the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can properly be considered.

The Court defined the term "uniqueness" and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.

After a through review of the evidence and testimony before us, the Board finds unanimously as a matter of fact that the Petitioners have not met this burden as required for a variance under BCZR § 307 and the standards of *Cromwell v Ward*.

The testimony and evidence are substantial that 1001 West Seminary Avenue is not different from the other properties in the neighborhood. There are at least four other lots similar to Petitioner's as shown on the partial plat of the neighborhood submitted by Petitioner (Petitioner's Exhibit #4). The Petitioners offered no conclusive evidence or testimony that the subject property is unique. Since the Board finds that the property is not unique, it need not consider any other conditions in denying the variance.

Therefore, it is the unanimous decision of this Board to deny the Petition of Variance seeking relief from § 1B02.3B of the *Baltimore County Zoning Regulations* to permit a side yard setback of 17'2" in lieu of the required 30' for a corner lot in order to construct a proposed addition

(garage) on the existing dwelling.

ORDER

THEREFORE, IT IS THIS 21st day of July, 2005 by the
County Board of Appeals of Baltimore County

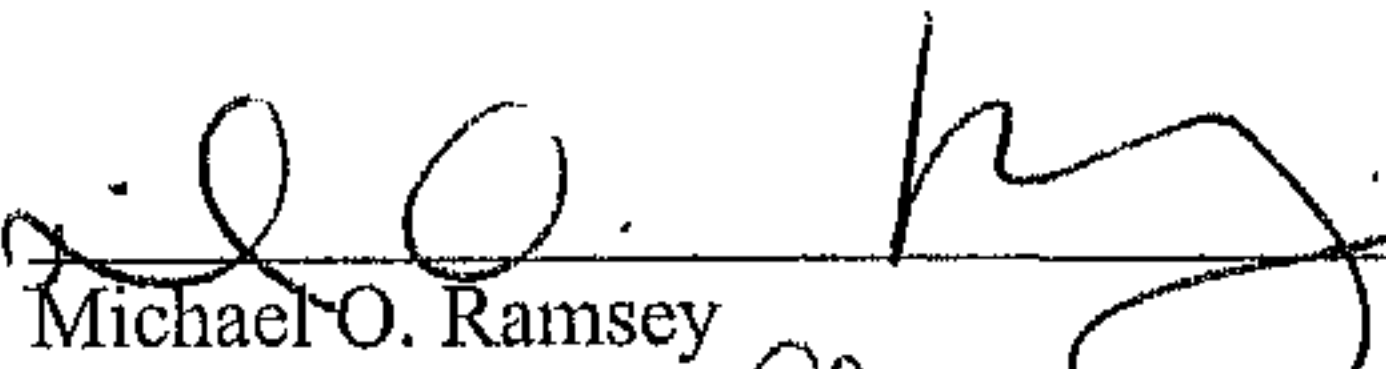
ORDERED that the Petitioners' request for variance from § 1B02.3B of the BCZR to permit relief from a side yard setback of 17 feet 2 inches in lieu of the required 30 feet be and is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.


**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Michael O. Ramsey



Mike Mohler

IN RE: PETITION FOR ADMIN. VARIANCE
SW/Corner W. Seminary Avenue and
Macer Road
(1001 W. Seminary Avenue)
8th Election District
2nd Council District

Krzysztof Zielinski
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-461-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property Krzysztof Zielinski. The Petitioner requests a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 17'2" in lieu of the required 30' for a corner lot in order to construct a proposed addition (garage) on the existing dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted 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, notice of the hearing was posted on the property on April 18, 2004. By letter dated May 3, 2004, Lawrence J. Hayward, Esquire, requested a hearing on the matter on behalf of Timothy Lorber, who owns the adjacent property. Thus, the matter was scheduled for a public hearing. The matter was initially scheduled for June 14, 2004; however, due to a continuance as a result of vacation conflicts and improper posting, the matter was ultimately heard by the undersigned Zoning Commissioner on August 11, 2004.

ORDER RECEIVED FOR FILING

Date

By

8/24/04
[Signature]

Appearing at the hearing was Christopher Preller, who appeared on behalf of Mr. Zielinski, property owner, who was apparently out of the country and unavailable at that time. Also present were a number of neighbors from the community who appeared in opposition to the request. They included Charles Boecker, W. H. Plopper, Sr., Ann T. Plopper and Donna Lorber. Lawrence J. Hayward, Esquire appeared on behalf of Ms. Lorber and her husband.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the southwest corner of Seminary Road and Macer Road in Lutherville. The property contains a gross area of 11,662 sq.ft., more or less, zoned D.R.3.5 and is improved with a one-story single-family dwelling. A series of photographs submitted at the hearing show that the house is a split-level, which features an attached one-car garage with living quarters above. As shown on the site plan, a 13'10" x 28' garage addition is proposed.

On behalf of Mr. Zielinski, Mr. Preller indicated that the garage addition was necessary to provide needed storage space as well as additional space to park the family's vehicles. Additionally, he indicated that there are least two other vehicles that are typically parked out front of the property. In this regard, photographs of the property were submitted at the hearing, which show a white contractor's van stored on the property. Documentation within the case file indicated that Mr. Zielinski is a contractor by profession and his neighbors have apparently complained about him storing his work truck on the property.

Ms. Lorber offered interesting testimony. She testified that she has seen no indication that a family occupies the house for many months. She questioned whether Mr. Zielinski's family actually resides on the property and whether he runs his business from the subject site. Although he indicated on the Petition form that he is married and has three children, Ms. Lorber testified that she has not seen Mr. Zielinski's wife or children in some time. She also noted the existence of construction-type materials stored in the side and rear yards of the house. More significantly, several of the neighbors expressed concerns about possible interruptions of sight distance if the addition is permitted. As noted above, the property is a corner lot and concerns were expressed that such a large structure could limit visibility of traffic on the adjacent public roads.

ORDER RECEIVED FOR FILING

Date

8/24/09

By

[Signature]

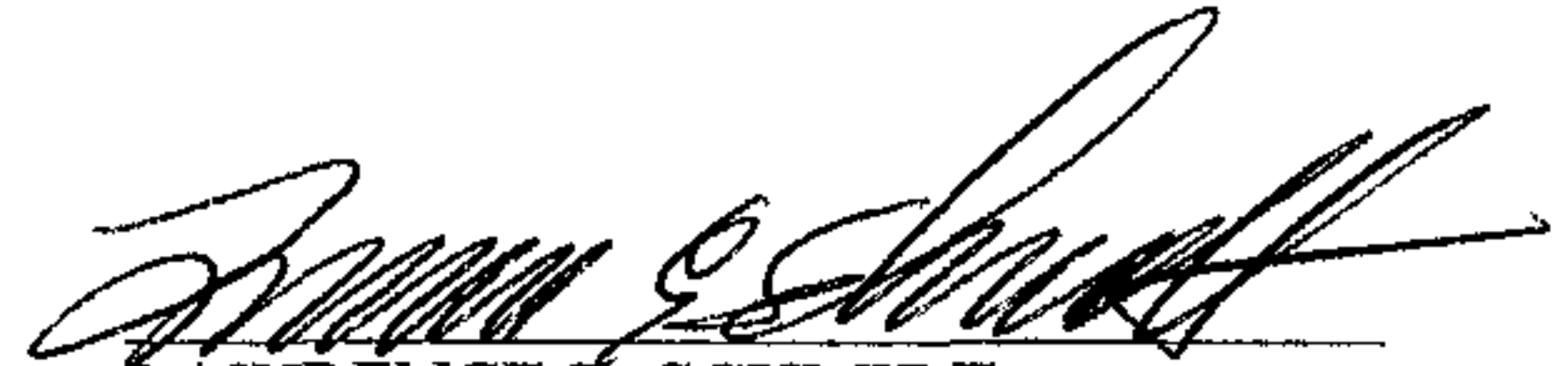
Consideration of variance requests from the zoning regulations is governed by Section 307 of the B.C.Z.R. That Section has been construed by the Court of Special Appeals in Cromwell v. Ward, 307 Md. App. 691 (1995). Therein, the Court noted a two-part test to be applied in considering any variance. First, the applicant must show that the property is somehow unique or different from other lots in the neighborhood. It must also be shown that such uniqueness drives the need for the variance. Moreover, it must be demonstrated that the Petitioner would suffer a practical difficulty if relief were not granted. That is, variances cannot be approved for mere matters of convenience but rather there must be a showing of an urgent need in order for relief to be afforded. Finally, the statute requires that a grant of the variance would not cause adverse impact upon the surrounding locale.

Based upon the testimony and evidence presented, I am not persuaded that the Petitioner has met this burden. I am appreciative of the neighbors' concerns about potential impacts on visibility caused by such a large garage. In this regard, the proposal appears excessive, given the fact that there is already an existing one-car garage and the width of the proposed addition is large enough to accommodate at least two more vehicles. Moreover, I am not satisfied that the property is being used for residential purposes as required by the underlying D.R.3.5 zoning. For all of these reasons, the requested relief shall be denied.

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 denied.

24th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2004 that the Petition for Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 17'2" in lieu of the required 30 feet for a corner lot in order to construct a proposed addition (garage) on the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Any appeal of this decision must be filed within thirty (30) days from the date hereof.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

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

August 24, 2004

Mr. Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, Maryland 21093

RE: PETITION FOR VARIANCE
SW/Corner W. Seminary Avenue and Macer Road
(1001 W. Seminary Avenue)
8th Election District – 2nd Council District
Krzysztof Zielinski - Petitioner
Case No. 04-461-A

Dear Mr. Zielinski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, 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".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Christopher Preller
6247 Falls Road, Suite L, Baltimore, Md. 21209
Lawrence J. Hayward, Esquire
8521 Valleyfield Road, Lutherville, Md. 21093
Ms. Donna Lorber, 1000 Jamieson Road, Lutherville, Md. 21093
Mr. Charles Boecker, 1000 Adcock Road, Lutherville, Md. 21093
Mr. & Mrs. W. H. Plopper, Sr., 1003 Adcock Road, Lutherville, Md. 21093
People's Counsel; Case File

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 1001 W. Seminary Ave.
 which is presently zoned DR-3.5

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)

1302.3.B to permit a side yard setback of 17' 2" for a corner lot in lieu of the required 30' to construct an addition (garage).

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 N/A
 Signature _____
 Company _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Krzysztof Zielinski
 Signature Zielinski K
 Name - Type or Print _____
 Signature _____
 Address 1001 W. Seminary Ave. Telephone No. (410) 262-3629
 City Lutherville State MD Zip Code 21093

Representative to be Contacted:

Name Christopher Preller Sutel
 Address 6247 Falls Rd. Telephone No. (410) 321-7751
 City Baltimore State MD Zip Code 21209

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. 04-461-A

Reviewed By BK Date 4/7/04

Estimated Posting Date 4/18/04

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 1001 W. Seminary Ave
Address
Lutherville MD 21093
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):

I have a wife and three children. She drives a mini-van. I am a contractor with a construction van. My neighbors have been complaining about my work van and it being parked visually on the street. I am also concerned because my van has been broken into twice in the last two (2) years. I do not want my wife to park there because she usually drives my children & this street is heavy with traffic (as connection between Falls & York). There are also other safety issues regarding her parking there in the evening & the distance from the street to my home. A 2nd garage would allow us to meet all the needs I have expressed above.

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

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of April, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

SANDRA L. FOWBLE
Notary Public
Baltimore City, MD.
My Commission Expires 6/6/2006

Sandra L Fowble
Notary Public
My Commission Expires 6/6/2006

Affidavit in Support of Administrative Variance

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

1001 W. Seminary Ave
Address
Lutherville MD 21093
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):

I HAVE A wife AND three children. She drives a mini-VAN. I AM A contractor with A construction VAN. My neighbors HAVE been complaining ABOUT my work VAN AND it being parked VISUALLY on the street. I AM ALSO concerned because my VAN has been broken into twice in the LAST TWO (2) years. I do not WANT my wife to park there because she usually drives my children & this street is heavy with traffic (AS connection between FALLS & York). There are ALSO other SAFETY issues regarding her parking there in the evening & the distance from the street to my home. A 2nd GARAGE would ALLOW US to meet ALL the needs I HAVE expressed ABOVE.

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

Name - Type or Print

Zielinski K
Signature

Krzysztof Zielinski
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

AS WITNESS my hand and Notarial Seal

SANDRA L. FOWBLE
Notary Public
Baltimore City, MD.
My Commission Expires 6/6/2006

Sandra L Fowble
Notary Public
My Commission Expires 6/6/2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1001 W. Seminary Ave.
 which is presently zoned DR-3.5

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)

1302.3.B to permit a side yard setback of 17' 2" for a corner lot in lieu of the required 30' to construct an addition (garage).

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.

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Contract Purchaser/Lessee:

Name - Type or Print _____
 Signature _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print N/A
 Signature _____
 Company _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Krzysztof Zielinski
 Signature Zielinski K
 Name - Type or Print _____
 Signature _____
 Address 1001 W. Seminary Ave. Telephone No. (410) 262-3629
 City Lutherville State MD Zip Code 21093

Representative to be Contacted:

Name Christopher Preller
 Address 6247 Falls Rd Telephone No. (410) 321-7751
 City Baltimore State MD Zip Code 21209

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. 04-461-A

Reviewed By BH Date 4/7/04

Estimated Posting Date 4/18/04

ZONING DESCRIPTION

Zoning Description For 1001 W. Seminary Avenue

Beginning at a point on the southwest corner of W. Seminary Avenue, which is 65 feet wide, and Macer Road, which is 50 feet wide. Being Lot # 25, Block A, Section 3 in the subdivision of Thornleigh as recorded in Baltimore County Plat Book #25, Folio 47, containing 11,662 square feet. Also known as 1001 W. Seminary Avenue and located in the 8th Election District, 2nd Councilmanic District.

461

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: #04-461-A
1001 W. Seminary Avenue
S/west corner of Seminary Avenue and Macer Road
8th Election District
2nd Councilmanic District
Legal Owner(s): Krzysztof Zieliński

Administrative Variance:
to permit a side yard setback of 17 feet 2 inches for a corner lot in lieu of the required 30 feet to construct an addition (garage).

Hearing: Monday, June 21, 2004 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 accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/008 June 3

7399

CERTIFICATE OF PUBLICATION

6/3/2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/3/2004.

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

J. Wilkinson

LEGAL ADVERTISING



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 TONSON, MARYLAND ON THE PROPERTY IDENTIFIED
HEREIN AS FOLLOWS: CASE NUMBER 04-461-A

HEARING: WEDNESDAY JULY 7, 2004

AT 9:00 AM IN ROOM 106

COUNTY OFFICE BUILDING
11TH CHESAPEAKE AVENUE

JULY 2004

NOTICE OF JUDICIAL SALE
The undersigned, Clerk of the Court, do hereby give notice that the property described in the foregoing petition will be sold at public sale on the 1st day of January, 1907, at 10 o'clock in the forenoon, at the Court House in the City of New Orleans, Louisiana, to the highest bidder for cash. The property is situated in the Parish of Orleans, Louisiana, and is described as follows: [illegible]
Dated this 1st day of December, 1906.
Clerk of the Court.

541 x 42 2815

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

APPROVED SIGN POSTERS

Staff Sergeant Robert A. Black
1508 Leslie Road
Dundalk, MD 21222

Telephone: 410-282-7940
Cell: 410-499-7940
Pager: 410-373-9662
Work: 410-288-3284

Bruce E. Doak
Gerhold, Cross & Etzel, Ltd.
Suite 100, 320 E. Towsontown Boulevard
Towson, MD 21286

Telephone: 410-823-4470
Fax: 410-823-4473

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

Telephone: 410-781-4000
Toll Free: 800-368-2295
Fax: 410-781-4673

Thomas J. Hoff
406 W. Pennsylvania Avenue
Towson, MD 21204

Telephone: 410-296-3668
Fax: 410-296-5326

Richard Hoffman
904 Dellwood Drive
Fallston, MD 21047

Telephone: 410-879-3122

Linda M. Jones
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286

Telephone: 410-296-3333
Fax: 410-296-4705

Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234

Telephone: 410-665-5562

Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: 410-242-4263
Mobile: 410-382-4470

Martin Ogle
5016 Castlestone Drive
Baltimore MD 21237

Telephone: 410-933-9470
Fax: 410-931-1767
Cell: 443-629-3411
E-Mail: Mert1114.aol.com

Linda O'Keefe
523 Penny Lane
Hunt Valley, MD 21030

Telephone: 410-666-5366
Fax: 410-666-0929
Cell: 443-604-6431

J. Lawrence Pilson, R.S.
McKee & Associates, Inc.
5 Shawan Place Suite 1
Cockeysville, MD 21030

Telephone: 410-527-1555
Fax: 410-527-1563



FORMAL DEMAND FOR HEARING

CASE NUMBER: 04-461-A

Address: 1001 W. SEMINAR WY (706)

Petitioner(s): KRZYSZTOF ZIEGANSKI

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We TIMOTHY HOLBER
Name - Type or Print

Legal Owner ~~OR~~ Resident of

1000 JAMESON RD.
Address

LUTHERVILLE MD 21093
City State Zip Code

410-583-2235
Telephone Number

which is located approximately ADJOINING feet from the property, which is the subject of the above petition, do hereby formally demand that a public hearing be set in this matter. ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

[Signature] 5/3/04
Signature Date

L.S. HAYWARD, ATTY.
8521 VALLEY FIELDS RD
LUTHERVILLE, MD 21093
Signature Date
Revised 9/18/98 - wcr/scj 410-494-9653

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR/rcj – Revised 2/4/04

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-461-A

KRZYZSTOF ZIELINSKI - LEGAL OWNER

1001 W. SEMINARY AVENUE

8TH ELECTION DISTRICT

APPEALED: 9/20/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner’s Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-461-A

Petitioner/Developer:

KRZYZSTOF ZIELINSKI – LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1001 W. SEMINARY AVENUE - LUTHERVILLE

The sign was posted on 11/29/4, 2004

By: [Signature]
(Signature of Sign Poster)

Chen J
(Printed Name)

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:

Permit Number of [REDACTED], 04-461-A
Petitioner Krzysztof Zielinski
Address or Location 1001 W. Seminary AVE
LUTHERVILLE, MD 21093
PLEASE FORWARD ADVERTISING BILL TO
Name Krzysztof Zielinski
Address 1001 W. Seminary AVE.
 LUTHERVILLE /MD 21093

Telephone Number (410) 262-3629

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-461 -A Address 1001 W. Seminary Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 4/7/04 Posting Date: 4/18/04 Closing Date: 5/3/04

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

- 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.

Detach Along Dotted Line

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04-461 -A Address 1001 W. Seminary Ave.
Petitioner's Name Krzysztof Zielinski Telephone 410-262-3629
Posting Date: 4/18/04 Closing Date: 5/3/04
 wording for Sign. To Permit a side yard setback of 17 ft. 2 inches
for a corner lot in lieu of the required 30 ft. to
construct an addition (garage).

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 27, 2004 Issue - Jeffersonian

Please forward billing to:
Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, MD 21093

410-262-3629

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: 04-461-A

1001 W. Seminary Avenue
S/west corner of Seminary Avenue and Macer Road
8th Election District – 2nd Councilmanic District
Legal Owner: Krzysztof Zielinski

Administrative Variance to permit a side yard setback of 17 feet 2 inches for a corner lot in lieu of the required 30 feet to construct an addition (garage).

Hearing: Monday, June 14, 2004, at 10:00 a.m. in Room 407 County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT

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.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

May 4, 2004

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: 04-461-A

1001 W. Seminary Avenue
S/west corner of Seminary Avenue and Macer Road
8th Election District – 2nd Councilmanic District
Legal Owner: Krzysztof Zielinski

Administrative Variance to permit a side yard setback of 17 feet 2 inches for a corner lot in lieu of the required 30 feet to construct an addition (garage).

Hearing: Monday, June 14, 2004, at 10:00 a.m. in Room 407 County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Krzysztof Zielinski, 1001 W. Seminary Avenue, Lutherville 21093
Christopher Preller, 6247 Falls Road, Baltimore 21209
Timothy Lorber, 1000 Jamieson Road, Lutherville 21093
L.J. Hayward, 8521 Valley Field Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 29, 2004.**
- (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, June 3, 2004 Issue - Jeffersonian

Please forward billing to:
Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, MD 21093

410-262-3629

NOTICE OF ZONING HEARING

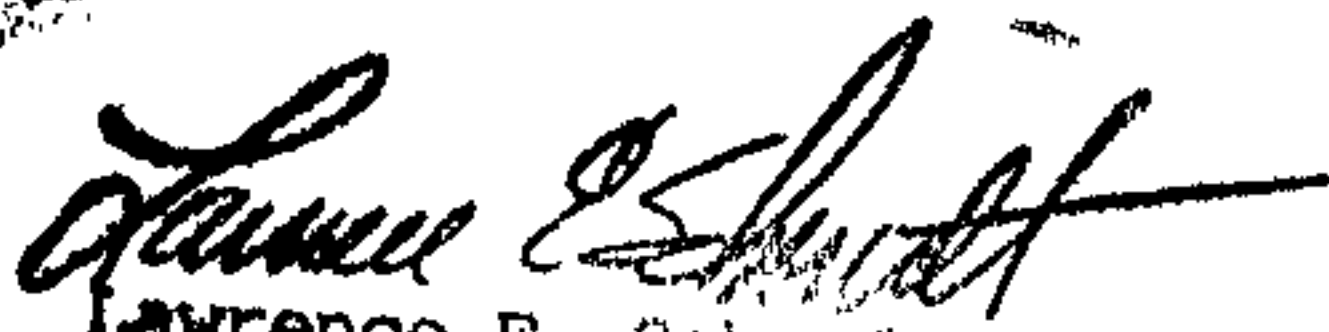
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-461-A

1001 W. Seminary Avenue
S/west corner of Seminary Avenue and Macer Road
8th Election District – 2nd Councilmanic District
Legal Owner: Krzysztof Zielinski

Administrative Variance to permit a side yard setback of 17 feet 2 inches for a corner lot in lieu of the required 30 feet to construct an addition (garage).

Hearing: Monday, June 21, 2004, at 11:00 a.m. in Room 407 County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

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.

TO: PATUXENT PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:

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:

*Publishing
Does Not Have
to Be done
Again.*

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.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

June 14, 2004

CORRECTED 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: 04-461-A

1001 W. Seminary Avenue
S/west corner of Seminary Avenue and Macer Road
8th Election District – 2nd Councilmanic District
Legal Owner: Krzysztof Zielinski

Administrative Variance to permit a side yard setback of 17 feet 2 inches for corner lot in lieu of the required 30 feet to construct an addition (garage).

Hearing: Wednesday, July 7, 2004, at 9:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Krzysztoff Zielinski, 1001 W. Seminary Ave., Lutherville 21093
Christopher Preller, 6247 Falls Road, Baltimore 21093
Timothy Lorber, 1000 Jamieson Road, Lutherville 21093
L.J. Hayward, 8521 Valley Field Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 22, 2004.**
- (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 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

July 8, 2004

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: 04-461-A
1001 W. Seminary Avenue
S/west corner of Seminary Avenue and Macer Road
8th Election District – 2nd Councilmanic District
Legal Owner: Krzysztof Zielinski

Administrative Variance to permit a side yard setback of 17 feet 2 inches for corner lot in lieu of the required 30 feet to construct an addition.

Hearing: Wednesday, August 11, 2004 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Krzysztof Zielinski, 1001 W. Seminary Avenue, Lutherville 21093
Christopher Preller, 6247 Falls Road, Baltimore 21093
Timothy Lorber, 1000 Jamieson Road, Lutherville 21093
L.J. Hayward, 8521 Valley Field Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 28, 2004.**
- (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.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 10, 2005

NOTICE OF ASSIGNMENT

CASE #: 04-461-A

IN THE MATTER OF: KRZYZSTOF ZIELINSKI
Legal Owner /Petitioner 1001 W. Seminary Avenue
8th Election District; 2nd Councilmanic District

8/24/04 – Z.C.'s Order in which variance request was DENIED.

ASSIGNED FOR:

TUESDAY, APRIL 19, 2005 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Patrick S. Preller, Esquire
Appellant /Petitioner : Krzysztof Zielinski
Christopher Adam Preller

Lawrence J. Hayward, Esquire
Donna Lorber

Charles Boecker
Mr. and Mrs. W. H. Plopper, Sr.

Office of People's Counsel
William J. Wiseman /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 19, 2005

NOTICE OF DELIBERATION

IN THE MATTER OF:

KRZYSZTOF ZIELINSKI – Legal Owner
Case No. 04-461-A

Having heard this matter on 4/19/05, public deliberation has been scheduled for the following date /time:

DATE AND TIME : **TUESDAY, MAY 10, 2005 at 9:30 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : Patrick S. Preller, Esquire
Appellant /Petitioner : Krzysztof Zielinski
Christopher Adam Preller

Counsel for Longford Community Assn., et al : Lawrence J. Hayward, Esquire
: Timothy and Donna Lorber
: Sue Deaver, President /Longford Comm. Assn.

Charles Boecker
Mr. and Mrs. W. H. Plopper, Sr.

Office of People's Counsel
William J. Wiseman /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

FYI: 3-4-1



**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*

August 3, 2004

Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, Maryland 21093

Dear Mr. Zielinski:

RE: Case Number:04-461-A, 1001 W. Seminary Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2004.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Christopher Preller 6247 Falls Road Baltimore 21209

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



**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

June 28, 2004

Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, Maryland 21093

Dear Mr. Zielinski:

RE: Case Number:04-461-A, 1001 W. Seminary Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2004.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Christopher Preller 6247 Falls Road Baltimore 21209

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

**Department of Permits
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*

April 29, 2004

Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, Maryland 21093

Dear Mr. Zielinski:

RE: Case Number:04-461-A, 1001 W. Seminary Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2004.

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

WCR: clb

Enclosures

c: People's Counsel
Christopher Preller 6247 Falls Road Baltimore Maryland 21209

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.19.04

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

RE: Baltimore County
Item No. 461 BPR

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 131 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

April 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.: ⁴⁶¹ 457-469

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.

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

5/20 PV
6/2/04
PP

INTER-OFFICE CORRESPONDENCE

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

DATE: May 18, 2004
RECEIVED

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

MAY 20 2004

ZONING COMMISSIONER

SUBJECT: 1001 Seminary Road

INFORMATION:

Item Number: 4-461

Petitioner: Krzyztof Zielinski

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the exterior building materials and architectural features of the proposed addition are compatible with the existing dwelling. The petitioner shall submit architectural elevations (all sides) of the proposed addition, including building materials and colors, to this office fore review and approval prior to the issuance of any building permits.

For further information concerning the matter state herein, Please contact Diana Itter at 410-887-3480.

Prepared by: Mark A. Cunningham

Division Chief: [Signature]

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBS/JDW*

DATE: April 5, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-457

04-458

04-459

04-460

04-461

04-462

04-465

04-466

04-467

04-468

04-468

04-469

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 18, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For April 26, 2004
Item Nos. 457, 458, 459, 460, 461, 462,
465, 466, 468, and 469

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

RWB:CEN:jrb

cc: File

**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*

May 4, 2004

Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, MD 21093

Dear Mr. Zielinski:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-461-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand concerning the above proposed administrative procedure.

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

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Christopher Preller, 6247 Falls Road, Baltimore 21209
Timothy Lorber, 1000 Jamieson Road, Lutherville 21093
L.J. Hayward, 8521 Valley Field Road, Lutherville 21093

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



**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

May 11, 2004

Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, MD 21093

Dear Mr. Zielinski:

RE: Case Number: 04-461-A, 1001 W. Seminary Avenue

The above matter, previously scheduled for Monday, June 14, 2004, has been postponed. The hearing has been rescheduled and the new notice is attached with the new date.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Christopher Preller, 6247 Falls Road, Baltimore 21209

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

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

July 8, 2004

Mr. Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 04-461-A
Property: 1001 W. Seminary Avenue

Dear Mr. Zielinski:

This letter is to advise you that under Baltimore County policy, adopted by the Department of Permits & Development Management, signs must be posted by one of the sign posters listed on an approved list. Therefore, your posting of the property does not meet those criteria. Because the sign was not posted properly the hearing could not go forward on July 7, 2004.

Please contact Kristen Matthews in the Department of Permits & Development Management at 410-887-3391 to arrange for a new hearing date and a list of sign posters.

Thank you for your attention and cooperation in this matter. Should you have any questions or require any additional information, please feel free to contact my office at 410-887-3868.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj

c: Lawrence J. Hayward, Esq., 852 Valleyfield Road, Lutherville, MD 21093
Donna Lorber, 1000 Jamieson Road, Lutherville, MD 21093
S. Cole, 1003 Jamieson Road, Lutherville, MD 21093

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



**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

October 20, 2004

RECEIVED

OCT 21 2004

**BALTIMORE COUNTY
BOARD OF APPEALS**

Krzysztof Zielinski
1001 W. Seminary Avenue
Lutherville, MD 21093

Dear Mr. Zielinski:

RE: Case: 04-461-A, 1001 W. Seminary Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on September 20, 2004 by Patrick Preller, Esq.. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Christopher Adam Preller, 6247 Falls Rd., Ste. L, Baltimore 21209
Lawrence Hayward, 8521 Valleyfield Rd., Lutherville 21093
Donna Lorber, 1000 Jamieson Rd., Lutherville 21093
Charles Boecker, 1000 Adcock Rd., Lutherville 21093
Mr. & Mrs. W. H. Plopper, Sr., 1003 Adcock Rd., Lutherville 21093



APPEAL

Petition for Administrative Variance
1001 W. Seminary Avenue
SW/corner of W. Seminary Avenue and Macer Road
8th Election District – 2nd Councilmanic District
Krzysztof Zielinski - Petitioner

Case No.: 04-461-A

Petition for Special Hearing (April 7, 2004)

Zoning Description of Property

Notice of Zoning Hearing (May 4, 2004)

Certification of Publication (June 3, 2004)

Certificate of Posting – Not available, Original Posting done by Owner, New Posting not in file

Entry of Appearance by People's Counsel (Not in File)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – 2 Sheets

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plat to accompany Petition for Variance
2. 3 Pages of Photos

Protestants' Exhibits: - None

Miscellaneous (Not Marked as Exhibit)

1. Code Regulations, Checklist and Approved Sign Posters Sheet
2. Letter dated August 11, 2004
3. Letter dated August 10, 2004
4. Letter dated August 9, 2004
5. Letter dated August 5, 2004

Zoning Commissioner's Order (DENIED – August 24, 2004)

Notice of Appeal received on September 20, 2004 from Patrick Preller, Esq., attorney for Appellant

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Christopher Adam Preller, 6247 Falls Rd., Ste. L, Baltimore 21209
Lawrence Hayward, 8521 Valleyfield Rd., Lutherville 21093
Donna Lorber, 1000 Jamieson Rd., Lutherville 21093
Charles Boecker, 1000 Adcock Rd., Lutherville 21093
Mr. & Mrs. W. H. Plopper, Sr., 1003 Adcock Rd., Lutherville 21093

date sent October 20, 2004, klm

Case No. 04-461-A

In the Matter of: Krzysztof Zielinski - Petitioner

VAR -- To permit a side yd setback of 17'2" ilo req'd 30' for a corner lot in order to construct a proposed addition (garage) on existing dwelling.

8/24/04 -- Z.C.'s Order in which requested variance relief was DENIED.

2/10/05 -- Notice of Assignment sent to following; assigned for hearing on Tuesday, April 19, 2005 at 10:00 a.m.:

Patrick S. Preller, Esquire
Krzysztof Zielinski
Christopher Adam Preller
Lawrence J. Hayward, Esquire
Donna Lorber
Charles Boecker
Mr. and Mrs. W. H. Plopper, Sr.
Office of People's Counsel
William J. Wiseman /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

4/18/05 -- Received via FAX: letter from Sue Deaver, President, Longford Community Association, regarding representation at hearing by Chip Boecker, elected officer of the Association, holding the position of Treasurer, attending on behalf of the community association.
-- Letter from Ms. Deaver regarding concerns of the neighborhood.

4/19/05 -- Lawrence J. Hayward, Esquire, entered appearance on behalf of Timothy and Donna Lorber.
- Board convened for hearing (Wescott, Ramsey, M Mohler); concluded hearing this date; to be assigned for public deliberation.
-- Notice of Deliberation sent to parties; assigned for Tuesday, May 10, 2005 at 9:30 a.m. FYI copy to 3-4-1).

BOARD OF APPEALS OF BALTIMORE COUNTY

FILE COPY

MINUTES OF DELIBERATION

IN THE MATTER OF: Krzysztof Zielinski
Case No.: 04-461-A

DATE : May 10, 2005

BOARD/PANEL Mr. Wescott
Mr. Ramsey
Mr. Mohler

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate the request for a Petition for an Administrative Variance to permit a side yard setback of 17'2" for a corner lot ilo the required 30' to construct an addition (garage).

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- Does not meet standard for uniqueness under Cromwell v. Ward.
- House is not unique because it is a split level.
- Property is not unique because it appears to be like most corner lots in the neighborhood.
- Not granting this request would not prohibit him from using his property.

DECISION BY BOARD MEMBERS: The Board felt that the request did not meet the standard for uniqueness.

FINAL DECISION: After a deliberation of the facts and law the Board voted unanimously to *DENY* the Petitioner's request.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted



Linda B. Fliegel
County Board of Appeals

Longford Community Association
1008 Adcock Road
Lutherville, MD 21093

April 17, 2005

Zoning Commissioner
Baltimore County Zoning Commissioner
Suite 405, Courty Courts Building
401 Bosley Avenue
Towson, MD 21204

RECEIVED
POST - APPEAL

FAX 410-887-3182

Re: Petition for Variance, Case #04-461-A
Property 1001 W. Seminary Avenue, Owner - Mr. Krzysztof Ziellinski
Hearing scheduled for April 19, 2005

Dear Sir/Madam:

I am writing to inform you that Chip Boecker is an elected officer of the Longford Community Association, currently holding the position of Treasurer. He is a resident, at 1000 Adcock Road, Lutherville, Maryland 21093.

Please note that he will be attending this hearing to represent the Community Association and is authorized to speak on behalf of the community association, to share the concerns expressed by our neighbors.

Thanking you in advance for considering the concerns of the neighborhood, on this matter.

Sincerely,

Sue Deaver
President
Longford Community Association

c: Lawrence J. Hayward, Esq., 852 Valleyfield Road, Lutherville, MD 21093
Donna & Tim Lorber, 1000 Jamieson Road, Lutherville, MD 21093
Chip Boecker, 1000 Adcock Road, Lutherville, MD 21093

RECEIVED
POST - APPEAL

RECEIVED

BALTIMORE COUNTY
BOARD OF APPEALS

Longford Community Association
1008 Adcock Road
Lutherville, MD 21093

April 17, 2005

Zoning Commissioner
Baltimore County Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

FAX 410-887-3182

Re: Petition for Variance, Case #04-461-A
Property 1001 W. Seminary Avenue, Owner - Mr. Krzysztof Ziellinski
Hearing scheduled for April 19, 2005

Dear Sir/Madam:

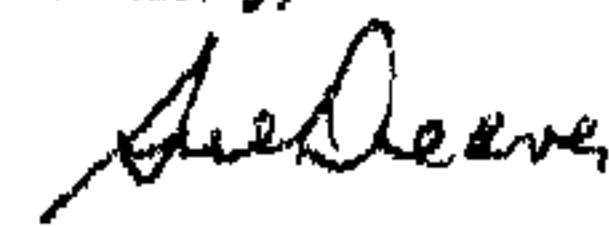
I am writing to express the concern of the neighborhood over this request. Longford Community Association Covenants and newsletters clearly request that residents submit a letter and general plan for any addition, fence, etc., regarding any possible zoning issues. This information is then reviewed by the elected Longford Community Association Board of Directors and current officers. Issues are reviewed with regard to the health, safety and welfare of the entire community. To date, board members have not received any plan or documentation from Mr. Ziellinski.

The biggest concerns surround safety/sightline issues, at the corner of this property. Neighbors feel that a driveway servicing an addition to the east side of this home, will impede a driver's view, as they attempt to make a left, heading west on Seminary Avenue from Macer.

Also, there is concern over the history of this property. Approximately two years ago, there was a fire in the home and debris remained against the house, until just recently. There have also been 3 reported traffic fatalities, within the last 5-6 years, within a 1/4 - 1/2 mile stretch of this residence, along Seminary Avenue.

Thank you for considering the concerns of the Longford Community, on this matter.

Sincerely,



Sue Deaver
President
Longford Community Association

c: Lawrence J. Hayward, Esq., 852 Valleyfield Road, Lutherville, MD 21093
Donna & Tim Lorber, 1000 Jamieson Road, Lutherville, MD 21093
Chip Boecker, 1000 Adcock Road, Lutherville, MD 21093

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POST - APPEAL

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APR 18 2005

BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED
POST - APPEAL

THE LAW OFFICES OF
PATRICK S. PRELLER



1017 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

September 20, 2004

Attention: Timothy Kotroco, Director of PDM
111 West Chesapeake Avenue
Room 111
Towson Maryland 21204

RE: Petition for Variance of Krzysztof Zielinski, Case No. 04-461-A

Dear Mr. Kotroco:

This law firm has been retained to represent Krzysztof Zielinski in his appeal of the Baltimore County Zoning Commissioner's order dated August 24, 2004 denying Mr. Krzysztof's Petition for Variance related to his property at 1001 West Seminary Avenue, Lutherville, Maryland 21093. Please accept this letter of Mr. Krzysztof's notice of appeal and request for hearing.

Enclosed please find this firm's check in the amount of \$300 to cover the cost of filing and posting. Thank you for your attention in this matter.

Sincerely,

Patrick S. Preller, Esq.
Attorney for Appellant

cc:

Krzysztof Zielinski
1001 West Seminary Avenue
Lutherville, Maryland 21093

Mr. Christopher Adam Preller
6247 Falls Road
Suite L
Baltimore, Maryland 21209

Lawrence J. Hayward, Esq.
8521 Valleyfield Road

RECEIVED

SEP 20 2004

Per

JHP
8/11

1003 Adcock Road
Lutherville, Md. 21093-4802
August 9, 2004

John V. Murphy
Deputy zoning Commissioner
Suite 405 County courts Building
401 Bosley Avenue
Towson, Md. 21204

RE: Petition for Administrative Variance
Case no. 04-461-A
Property: 1001 w. Seminary Ave.

Dear Mr. Murphy:

We are writing to you to express our opposition to the request for a zoning variance by Mr. Zielinski.

Mr. Zielinski was invited to the Longford Community Association Meeting held on August 4, 2004 at 7:00P.M. at 1008 Adcock Road to discuss his request for a zoning variance and provide a blueprint/drawing of his plans. He did not appear nor did he respond to requests for this information.

Our first concern is for the safety of our neighborhood. There have been several accidents in the proximity of this location with multiple fatalities. The view of oncoming traffic from the intersection of Macer and 1001 W. Seminary Avenues is always hampered due to the parking of a large van on the street in front of Mr. Zielinski's property. If the variance is allowed it will enable more vehicles to park both in the driveway and on the street, and further hinder the view from Macer Avenue of the oncoming vehicles traveling east on W. Seminary Avenue. It will also increase the traffic flow of vehicles turning into and out of the 1001 W. Seminary Avenue property.

The second concern is for the purpose/use of this addition. This property was used as a rental prior to a fire which gutted out the interior approximately two years ago. Reconstruction on the premises has been ongoing for the past year and a half. There is still a boarded up window in view and debris cluttering both the rear and side of this dwelling.

2

Our final concern relates to the aesthetic appeal of the addition and the effect on the neighboring and/or adjacent properties.

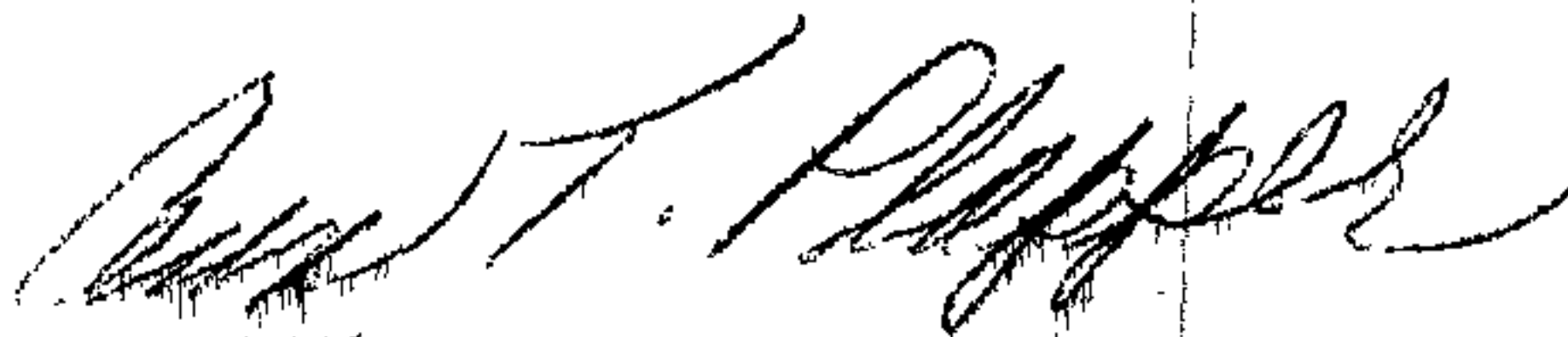
We sincerely hope you will take these concerns into consideration when ruling on this zoning variance.

Respectfully,



William H. Plopper, Sr.

&



Ann T. Plopper

THE DOCUMENT COMPANY

XEROX®

JD 8/11

Susan Cole

To:

Mr. Lawrence E. Schmidt

Mr. John V. Murphy, Deputy

Zoning Commissions

Fax (410) 837.3468

Phone: 410-583-5109

Fax: 410-583-5136

**Ms. Susan Cole Saval
1003 Jamieson Road
Lutherville, Maryland 21093**

August 5, 2004

Mr. Lawrence E. Schmidt, Zoning Commissioner
Mr. John V. Murphy, Deputy Zoning Commissioner
Baltimore County Zoning
401 Bosley Avenue, Suite 405
Towson, MD 21204

Dear Mr. Schmidt and Mr. Murphy,

I am writing as a resident of the Longford Community and member of the Longford Association in Lutherville, MD regarding Case No. 04-461-A Property 1001 W. Seminary Avenue 21093.

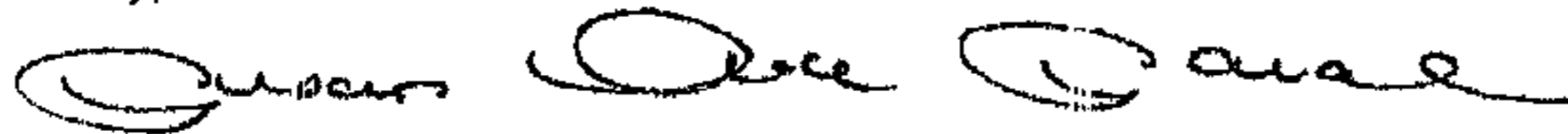
Mr. Ziellnski, the party requesting a variance for 1001 W. Seminary, has been invited by the community to meet with the Longford Association, and discuss his proposed changes. To date he has not responded to any contacts and has not submitted any drawings to be reviewed.

I believe, from the 17.2 foot set back being requested for his garage, the safety issue would be unacceptable at the corner of Macer and Seminary. The 30 foot set back should be enforced.

Seminary Avenue is a heavily travelled, high-speed road without a light to turn into the Longford neighborhood by way of Macer Road. There have been traffic fatalities in the vicinity multiple times.

I am against a large garage being added to this property that would hinder the line of site at this intersection.

Most Sincerely,



Susan Cole Saval
410-823-3530

Longford Community Association
1008 Adcock Road
Lutherville, MD 21093

August 5, 2004

Mr. John V. Murphy
Deputy Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towon, MD 21204

FAX 410-887-3468

RE: Petition for Administrative Variance, Case #04-461-A
Property 1001 W. Seminary Avenue, Owner - Mr. Krzysztof Zielinski

Dear Mr. Murphy:

Until just recently, most of our neighborhood was not aware of the Petition, currently before the Zoning Commissioner. Our neighborhood requests residents to submit a drawing/sketch of a planned addition prior to construction. However, we have not received such a drawing or sketch for this proposed addition.

The Community Association recently held a meeting to discuss the Petition and invited Mr. Zielinski to present his plan and ease concerns of the neighborhood. At this point, none of the Board Members are aware of the size or layout of the planned addition, only that a variance has been requested. Therefore, the Longford Community Association requests a postponement of the upcoming hearing scheduled for August 11th at 2pm., until we have a chance to review plans the proposed addition.

Neighbors have expressed concern over safety/sightline issues, at the corner of this property. There are concerns that a driveway servicing an addition to the east side of the house, would impede a drivers view turning west onto Seminary Avenue from Macer. Neighbors have expressed concern about a history of fire (approximately two years ago) and 3 reported fatalities, within close proximity of this residence (within the last 5-6 years). In addition, the outside of this property has a history of neglect and neighbors are concerned that the debris will just end up closer to the road.

Thanking you in advance for considering the concerns of the neighborhood, on this matter.

Sincerely,



Sue Deaver
President
Longford Community Association

c: Lawrence J. Hayward, Esq., 852 Valleyfield Road, Lutherville, MD 21093
Donna Lorber, 1000 Jamieson Road, Lutherville, MD 21093
Susan Cole, 1003 Jamieson, Lutherville, MD 21093

*lip
8/11*

Eileen M. Sturm
8405 Macer Road
Lutherville, Maryland 21093
410 825 3107

August 10, 2004

John V. Murphy, Deputy Commissioner
Zoning Commission Office
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Murphy:

Regarding case number 04-461-A, I am writing to express strong objection to the zoning variance request for the property at 1001 West Seminary Avenue, Lutherville, Maryland 21093. My house and property are directly across from the above property and situated at the corner of Seminary Avenue and Macer Road.

The proposed variance presents the strong likelihood of damage to my home and property. There have already been occasions when cars have failed to negotiate the turn to and from Seminary Avenue and have driven onto the lawn and within feet of my home. The next intersection at Seminary Avenue and Jameson Road has a similar problem and there have been fatalities involved.

Any structure that is added at the 1001 West Seminary address will further obstruct visual access to Seminary Avenue and constitute a foreseeable safety hazard.

I object to being penalized financially with the possibility of increased insurance costs.

Your time and thoughtful consideration would be greatly appreciated.

Sincerely,



Eileen M. Sturm

Baltimore County Zoning Commission:

Re: Case # 04-461-A

I, Timothy Lambert, would like to request
A public Hearing concerning the proposed

VARIANCE for the above case. It is my concern
that this condition would ① create a safety
problem for cars entering onto Seminary Rd
from Macer Rd ② be used in the owners
construction business ③ add to the building
materials presently on the property.

Lawrence J. Hayward, ATTY
8521 Valley Field Rd
LUTHERVILLE, MD 21093

410-494-9653

410-218-0913 (cell)

PAYMENT

ZONING OFFICE

FROM

MIKE MOORE
 921 JAMIESON RD
 LUTHERVILLE, MD 2109
 410 925-6285

AUGUST 11, 2004

MR. LAWRENCE E. SCHMITT
 MR. JOHN V. MURPHY
 BALT. CO. ZONING

RE: CASE #
 04-461-A
 PROPERTY 1001 W.
 SEMINARY AVE 2109

DEAR SIRS,

I AM UNABLE TO ATTEND TODAY'S HEARING,
 BUT WOULD LIKE MY OBJECTION TO THIS VARIANCE
 TO BE HEARD.

I LIVE ON JAMIESON RD FACING MACER RD
 WHICH IS ALONG SIDE OF 1001 W. SEMINARY.

THIS IS A BUSY INTERSECTION W/ VIEWS THAT
 ALREADY MAKE IT DIFFICULT, DURING HEAVY TRAFFIC
 PERIODS, TO PULL OUT OF MACER ONTO SEMINARY.
 THE 30' SETBACK SHOULD BE MAINTAINED. AS IT
 IS CARS/TRUCKS PARKING IN THIS DRIVEWAY LIMIT
 VISIBILITY TO THE WEST WHEN PULLING OUT.

ALSO THIS PROPOSED ADDITION HAS NOT BEEN
 SUBMITTED TO THE COMMUNITY HOA FOR REVIEW &
 APPROVAL.

CONSTRUCTION FROM A FIRE AT THIS PROPERTY
 2+ YEARS AGO STILL HAVE NOT BEEN COMPLETED,
 WHILE CONSTRUCTION DEBRIS HAVE BEEN LYING NEXT
 TO HIS CURRENT CAR GARAGE FOR ALL OF THAT
 TIME. I DON'T WANT HIS TRASH ~~ANY~~ ANY CLOSER
 TO THE SIDEWALK. HE NEEDS TO CLEAN UP BEFORE
 EVEN ADDING AN ADDITION THAT DOES COMPLY W/ THE 30'S ~~AND~~

CASE NUMBER: 04-461-A

1001 W. Seminary Avenue
S/W corner of Seminary avenue and Macer Road
Legal Owner: Krzysztof Zielinski

Client: Mr. & Mrs. Timothy Lorber
1000 Jamieson Road
(Property contiguous to and south of Mr. Zielinski's property)

1. Filed Formal Demand For Hearing on May 3, 2004 and on May 4, 2004 received notice that hearing date was set for Monday, June 14, 2004
2. Called on June 6, 2004 (spoke to Christin) to inquire about posting of sign and was advised that the hearing had been canceled. Neither my client or I received a notice of cancellation
3. On June 14, 2004, I spoke to Christin and she advise that "Charles Preller is sending a letter to the Zoning Office requesting a new hearing date so Mr. Zielinski can post the property".
4. Same day Christin called and said new hearing date was set July 7, 2004 and this was subsequently verified by letter.

The property was not posted for the July 7, 2004 hearing in accordance with the Baltimore County Zoning Regulations as evidenced by the Photo.

*Adam
Preller*

Lawrence J. Hayward
Attorney-At-Law
8521 Valleyfield Road
Lutherville, Maryland 21093

(410) 494-9653

April 18, 2005

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Case #04-461-A
In the Matter of: Krzysztof Zielinski
Legal Owner/Petitioner 1001 Seminary Road
8th Election District; 2nd Councilmanic District

Dear Board Members,

This is to advise you that I represent Timothy and Donna Lorber, of
1000 Jamieson Road, Lutherville, MD 21093 and the Longford Community
Association in the subject matter.

Sincerely yours,


Lawrence J. Hayward

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APR 19 2005
BALTIMORE COUNTY
BOARD OF APPEALS

(b) Within two (2) years after the county council has acted pursuant to subsection (a) of this section, the council by ordinance may take further action upon any issue related to the subject matter of the final report without the necessity of compliance with the provisions of section 26-123 regarding a prior recommendation of the planning board. However, prior to taking such action, the council shall prepare a specific proposal and hold a hearing on the proposal.

(Code 1978, § 22-24)

Sec. 26-127. Authority of zoning commissioner to provide for special exceptions and variances.

(a) Except as provided in section 2-356(p) of this Code and subject to the appropriate principles,

standards, rules, conditions, and safeguards set forth in the zoning regulations, and that all decisions of the zoning commissioner with respect to such matters shall be subject to appeal to the board of appeals as provided in this article. The zoning commissioner shall schedule a public hearing on any petition for such a variance or special exception for a date not less than twenty-one (21) nor more than ninety (90) days after the petition is accepted for filing. For a period of at least fifteen (15) days prior to the time of such hearing, notice of the time and place of the hearing relating to the property under petition shall be conspicuously posted thereon and shall be given in at least one (1) newspaper of general circulation in the county. Such notice shall provide the address of the property under petition, but if not available, a description and the action requested thereon. Upon establishing a hearing date for such a petition, the zoning commissioner shall promptly forward a copy of the petition to the director of planning and zoning (or deputy) for consideration and written report thereon containing findings thereon with regard to planning factors.

- (b) (1) Notwithstanding the above provisions, the zoning commissioner is hereby empowered to grant variances from area and height regulations, subject to the appropriate principles, standards, rules, conditions, and safeguards set forth in the zoning regulations, without a public hearing if the subject of the variance petition involves an owner-occupied lot zoned residential, as defined by the zoning regulations, and subject to the following conditions: (i) a supporting affidavit under oath made on the personal knowledge of the petitioner setting forth facts as to which would otherwise satisfy the petitioner's burden of proof as required by the zoning regulations if a hearing were to be required; (ii) the filing of such affidavit with the petition, to be in addition to the information required by the zoning commissioner on such petition; and (iii) on the lot in question, notice of the petition shall be conspicuously posted for a period of at least fifteen (15) days following the filing of the application. Within the fifteen-day posting period, any occupant or owner within one thousand (1,000) feet of

the lot in question may file a formal request for a public hearing with the zoning commissioner, and such hearing shall be scheduled within seventy-five (75) days from receipt of the request for public hearing. If a formal request for a public hearing is not filed, the zoning commissioner, without a public hearing, may grant such a variance as described above if the proposed requested variance is in strict harmony with the spirit and intent of the height and area requirements of the zoning regulations, and any other applicable requirements.

- (2) If a formal request for a public hearing is not filed and notwithstanding any provision herein to the contrary, the zoning commissioner may, at his or her discretion, require a public hearing whereat the petitioner shall be required to satisfy the burden of proof required by the zoning regulations for such variance to be granted.
- (c) Variances may be issued with such conditions or restrictions as determined appropriate by the zoning commissioner for the purpose of protecting the health, safety, or general welfare of the surrounding community.
- (d) Notwithstanding any provision of this Code or the county zoning regulations to the contrary:
- (1) The zoning commissioner shall schedule a public hearing on any petition for a special exception for a rail passenger station, as that term is defined in the county zoning regulations, or for a variance or special hearing on any issue involving transit facilities, for a date not more than sixty (60) days after the petition is filed. Posting and advertising for such hearing shall be as required by subsection (a) of this section.
- (2) The zoning commissioner shall issue a decision within fifteen (15) days after the conclusion of the public hearing required in subsection (d)(1) above.
- (3) Any person or persons, jointly or severally, or any taxpayer, aggrieved or feeling aggrieved by the decision of the zoning commissioner issued pursuant to this subsection, shall have the right to appeal

therefrom to the county board of appeals, with notice of such appeal in writing to be filed with the zoning commissioner within fifteen (15) days from the date of any final order appealed from, together with any required fee. Such appeal shall be heard and disposed of by the county board of appeals as is provided for below.

- (4) The board of appeals shall schedule a public hearing for a date not more than forty-five (45) days after such notice of appeal is received by the zoning commissioner. The board shall issue its decision within fifteen (15) days after the conclusion of its public hearing. There shall be appropriate notice of the date, time, and location of the public hearing and posting of the property at issue as otherwise provided in the Charter, law and the board's own rules of procedure.

(Code 1978, § 22-26; Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2)

Sec. 26-128. Files on zoning commissioner's hearing proceedings; basis of zoning commissioner's decision.

(a) The zoning commissioner shall cause to be maintained complete files with respect to all hearing proceedings over which he presides. The director of zoning administration and development management is the official custodian of all such files. The file with respect to the zoning commissioner's hearing proceeding upon a petition shall include at least the following documents:

- (1) The petition itself;
- (2) Any report of the planning board or comments from the director of planning and zoning or other officer of the office of planning and zoning relating to the petition, or any duly submitted pertinent report or comments from any other county agency;
- (3) Any exhibits introduced in evidence at the hearing; and
- (4) The opinion rendered by the zoning commissioner.

(b) In the rendering of each decision, the basis of the decision shall be fully explained.

(Code 1978, § 22-27; Bill No. 4, 1992, § 1)

Sec. 26-129. Review of zoning commissioner's decisions by board of appeals.

Whenever the zoning commissioner renders a decision pursuant to a hearing proceeding and an appeal from such decision is taken before the board of appeals, the file with respect to the zoning commissioner's hearing proceeding shall remain part of the case file, and the zoning commissioner's file and all of the documents contained therein as required by section 26-128 shall be considered in evidence by the board without testimony thereto, absent objection by any party to the case. If such objection is made, the item shall be entered by testimony of a proper witness, who shall be notified by the board.

(Code 1978, § 22-28; Bill No. 18, 1990, § 2)

Sec. 26-130. Zoning commissioner's docket.

A public docket shall be maintained in the office of the zoning commissioner in which he shall promptly cause to be noted a record of all proceedings before the zoning commissioner and all subsequent proceedings and appeals with reference thereto. The director of zoning administration and development management is the official custodian of all such records and dockets.

(Code 1978, § 22-29; Bill No. 4, 1992, § 1)

Sec. 26-131. Books and papers.

(a) The zoning commissioner shall also file all papers delivered to him to be filed. The director of zoning administration and development management shall have the official custody of all books and papers pertaining to the office of zoning commissioner.

(b) The zoning commissioner shall furnish with reasonable promptness a copy of any paper or record in his office to any person applying for same upon payment in advance of the sum of fifty cents (\$0.50) per page or as otherwise established by the administrative officer for transcribing, photographing, or otherwise reproducing such paper. Such reproduction when so made and certified under the seal of the zoning commissioner shall be evidence in any court or before any county board, commission, or official.

(c) The zoning commissioner shall permit any resident of the county or representative of the press to inspect and examine, as soon as received for filing or at any time thereafter, all papers filed in the zoning commissioner's office and to make memoranda or notes therefrom for any lawful purpose whatsoever, without payment of fees therefor, and also to examine the records and indexes in his office, free of charge. It shall be the duty of the zoning commissioner to afford such person immediate access to such papers or records and a full opportunity to examine the same and make memoranda therefrom.

(d) All records kept by the zoning commissioner shall be open to inspection by the county executive or any member of the county council at all reasonable times, whether or not such records are required to be kept by statute or ordinance. The zoning commissioner is authorized, in his discretion, to permit other county officials to remove a zoning file from his office; provided such official signs a regular receipt book to be kept by the zoning commissioner as a permanent record which shall show the date and time that such file is taken and returned. When the file is returned, the receipt book must be signed by the person who had withdrawn the file and countersigned by the zoning commissioner or his deputy.

(e) Nothing contained in this title or elsewhere shall prevent the zoning commissioner from transferring any file in his official custody to the board of appeals or to any circuit court or to the state court of appeals while review of proceedings is pending, and upon making such transfer the zoning commissioner is hereby relieved from any duties or responsibilities in connection therewith until such file is returned to him.

(f) The provisions of this section shall be executed by the deputy zoning commissioner as well as the zoning commissioner, and they may delegate to their chief clerk the performance of the daily duties and responsibilities in connection therewith.

(Code 1978, § 22-30; Bill No. 18, 1990, § 2; Bill No. 4, 1992, § 1)

Sec. 26-132. Appeals to county board of appeals.

(a) Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by any decision or order of the zoning commissioner or the director of zoning administration and development management shall have the right to appeal therefrom to the county board of appeals. No official, office, department, or board of the county aggrieved or feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the county board of appeals without the prior approval of the administrative officer and the county attorney. People's counsel is not subject to such prior approval. Notice of such appeals shall be filed, in writing, with the director within thirty (30) days from the date of any final order appealed, together with the required fee as provided in the zoning regulations. Such appeals shall be heard and disposed of by the county board of appeals as may be provided in the Charter and the board's own rules of procedure. Any reclassification when granted by the county board of appeals shall, in the absence of an appeal therefrom, have the force and effect of law.

(b) For purposes of this section, the term "person aggrieved or feeling aggrieved" includes a duly constituted civic, improvement, or community association if:

- (1) The property or issue which is the subject of the final order being appealed is:
 - a. Located within the geographic limits of the association, said limits to be defined and determined by the first of the following criteria found applicable:
 1. If incorporated, any geographic description contained in the associa-

- tion's corporate articles, bylaws, charter, or similar document;
2. If not so incorporated, by any metes and boundaries description for the association contained in any zoning map, plat, or similar document on file at the county department of public works, the land records office of the county, or at some other county governmental agency or department;
 3. If no such description exists, by any street, road, or thoroughfare description for the association contained in any zoning map, plat, or similar document on file in the county department of public works, the land records office of the county, or at some other county governmental agency or department; or

- b. The property or issue is of such a nature and kind as to be within the association's discernable and assessable tax base if such exists; or of such a nature as to personally and specifically affect, damage, or impact the members of the association in a way different from that suffered by the members of any other associations or in a way different from a general interest such as is the concern shared by the public in general; or of such a nature or type as to give the members of the association a valid and discernible property interest therein or right thereto.

- (2) The association complies with the rules of procedure of the board.

(Code 1978, § 22-32; Bill No. 18, 1990, § 2; Bill No. 116, 1990, § 2; Bill No. 4, 1992, § 1)

Annotations—Remedy provided under title 34 of 1958 Code held to be an alternative to that afforded by this section, at least where it is affirmatively alleged that the planning board has violated zoning regulations and that a violation of either the zoning or the subdivision regulations was subject to an injunction under title 34. *Lynn v. Goldman*, 216 Md. 562, 141 A.2d 172 (1958).

County council need not follow the recommendations of the planning board, and need not have any further or additional hearing in regard to any changes or amendments the county

council may see fit to make. *Swathmore Company v. Kaestner*, 258 Md. 517, 266 A.2d 341 (1970).

The people's counsel has the right to appeal zoning decisions. *People's Counsel for Baltimore County v. Williams*, 45 Md. App. 617, 415 A.2d 585 (1974).

Sec. 26-133. Appeals from the county board of appeals.

Appeals from the county board of appeals to the courts may be taken in the manner provided in article VI of the Charter.

(Code 1978, § 22-33)

Annotations—This section (34-7, 1958 Code) directs that the court of appeals shall not award cost of the appeal against any party to the appeal except the appellant. *Kroen v. Board of Zoning Appeals of Baltimore County* 209 Md. 420, 121 A.2d 181 (1956).

The adoption of a new land use may have caused issuance of the appeal to become moot. This section directs that the court of appeals should not award cost of the appeal against any party to the appeal except the appellant. *Lake Falls Assn. v. Board of Zoning Appeals of Baltimore County*, 209 Md. 561, 121 A.2d 809 (1956); *Grau v. Board of Zoning Appeals of Baltimore County*, 210 Md. 21, 122 A.2d 825 (1956); *Hardesty v. Board of Zoning Appeals of Baltimore County*, 211 Md. 174, 126 A.2d 621 (1956).

Cited in *Prince George's County v. Donohue*, 220 Md. 372, 152 A.2d 560 (1959).

Construed in *Renz v. Bonfield Holding Co.*, 223 Md. 34, 158 A.2d 615 (1960).

This section before amendment provided that in the appeal of zoning cases "the court of appeals shall not award cost of the appeal against any party to the appeal except the appellant." Maryland Rule 882a provides that in all cases in the court of appeals "the awarding of costs shall be in the discretion of this court, but unless it is otherwise ordered by this court, costs shall be awarded against the losing party." Held, that Maryland Rule 882 applies. *Reese et al. v. Mandel et ux.*, 224 Md. 121, 167 A.2d 111 (1961).

Referred to in *Renz v. Bonfield Holding Co.*, 223 Md. 34, 158 A.2d 615 (1960).

A person who was not a party to a proceeding before the board of appeals has no standing to appeal from an order entered by the board of appeals, *Hitzrot v. County Board of Appeals*, 262 Md. 297, 278 A.2d 11 (1971).

Sec. 26-134. Correction of zoning map.

(a) The owner of any property may give written notice to the director of planning and zoning that the zoning map last enacted by the county council does not accurately reflect the final zoning classification imposed by the council on the owner's property during the last or prior comprehensive

Harvard Survey

Pet has not shown potential of affluence as good counterpoint.

Not unique - Will not really contest me of Conf.

Pet. - Would be safer if cars not parked on the during.

Point going really important.

Expenditure up in education.

Control uncontrolled parking

Cars on campus speed. Admitted will make it safer. No injury to public health

Pat Ex 11 - 1008 Adeoch Rd.

Pat Ex 12 - 1015 Jammin Rd.

All houses are in community - All have
big 2 car garages
Letter for Mr Z. 7/4/05.
Bunch never spoke to Mr. Z.
Not aware that Mr. Z. did not speak English
2000 houses in country. 15 about Sunny Ave.

Redistrict

Pat Ex 4. - Triffin Court.

Adequate space on Mesa Rd to park cars.
Downing & Gung. would encroach on
the set back.

Mobles - better was last attempt to connect
with Mr. Z.

Michael Parly -

Parly on Mesa. no pubes - fair
husband - no party on the floor for the women

Mrs Dorcas Holmes - 1000 Jammin Rd.

Property adjoins Mr. Z. Has back to back
Newer room clothes for 4 years
Observed open garage - no car. looking for storage
Contents Metanly cleaned up in yard. No pubes
close to set back.
Difficult to enter Sunny for Mesa.
Has seen 2 cars in driveway & truck in street
If looking some gang was argued at all
long driveway closed to side yard.

Cross

Pat Ex 13. Photo - of Mrs. Holmes Home.

She makes her lot on plat Pat 4. Parly

Chubs.
 Mr. Becker. Boeche. 1000 Adcock Rd.
 Teams of Longford Assoc. Attempted to speak on
 behalf of the Assoc.
 Gangy had hints Thuta, Sunny # 103. The latter
 200 houses in Assoc. 60% of dues. Do not
 have to pay dues to be a member of Assoc.
 Has

Vari dū - Have 4 meetings - Annual Mtg in Jan.
 Ought to be over the

Herald -
 Assoc. has several complaints of vans being parked in
 the driveway blocking view from east end.
 Mr. 2. asked to attend mtg & did not come
 Put Ex # 2 - letters to Mr. 2. asking him to mtg of Assoc.
 for Brian Point
 Mr. 2. did not attend mtg.

Put Ex 2
 looks at Put Ex 4. - No requirement to let
 roads into Longford. - Masses Rd.
 A junction Rd.
 Masses Rd. is easier to access Sunny
 Rd. than

Property is on S.W. corner of Sunny. - Van.
 has blocked view to Sunny
 Put Ex 4 - Plot is 74% under community
 Put Ex 3 - Longford Country Primary Country Plot of
 Community.
 15 houses in Longford front on Sunny Ave.
 Not possible to park on Masses Rd.
 Has never seen Mr. 2.'s gang in car.

Cross - Pallets.
 Boeche lives in Plot # 2.
 Setting a precedent in neighborhood is a quote
 Put Ex 9 - Photo of 847 Kellogg - they were gang
 Put Ex 10 - Photo 1013 Junin Rd.

Will have own vehicles... 1.

Cross Haywood.

Has .026 acres:

208 ft. of property on Mason Rd.

Has never parked any vehicles on Mason Rd

Street is really narrow

Only 4 houses fronting on Sunny Ave.

Has not counted houses on Sunny between T. Street & James

Thinks it is more than 4.

1

Redmont.

No walking from Mason to his front door -
has to run the door. DOWN

North: No. 2. Office. Takes down & returns
for the factory.

ELBIZETA

Elizabeth - WISNIEWSKA

Known M.R. 2. 2 years. currently engaged.

Lives in Polarisville - Well known in north

M.R. 2. Has 2 kids.

2 children will be driving - Hand any letters drives

Palmer Street when visits M.R. 2. - Unsub

party on ST.

Cross - Now.

JANIAK ~~DA~~ - SCIGALT

Worked with M.R. 2. Known 6 years.

VISITS 2 times per week

Drives 4X4 pickup up.

Mitch will testify to same.

Put out EX #1 - Rules & papers.

Children visit him every year - in the summer.
Currently visits park on 5 street. Only 1 car will
fit in driveway. Park on Sunny Ave.

Describes traffic on Sunny Ave - 1-10. Mon 6:00 -
7:00. - 7. 4:00 - 4:30 - 8 to 9. (Hard to get out of
driveway.)

Average speed of cars. Speed limit - 40 Miles
per hour at 50 MPH.

Safety concerns. He said there were 3 fatal
accidents along road.

Phot EX#2 - Photo of property. 3"

Phot EX#3 - Topical view of property. Plot of property

Phot EX#4 - Plot of neighborhood.

4 Homes along Sunny Ave at 733

2nd floor home - has 4 bedrooms, long narrow driveway
down, double basement, 2 offices. Split level.

He does not know how other homes are
designed.

For PD. Phot EX#5 - Elevation drawing of proposed addition.

Shows front of home & proposed addition.

Proposed additions will be 10 ft high.

Phot EX#6-A Cross-section drawing showing

6-B. Actual drawing of proposed additions.

6-B - Shows the plan of the home & property.

Additions encroaches 12 ft 10 inches into the
30 ft setback.

Phot EX#7 - Photo of home from Main Ave. Station yesterday

Could see garage. Would come to corner of
opposite home.

Phot EX#8 - Photo of home from across Main Rd. for further

in Main Ave. Would park truck in garage

Van broken into 3 times. It was parked at
Sunny.

Recently got engaged - to E. Elizabeth. She has
2 children - 17 & 14.

4/19/05 Can #04-461-A. From KRZYSZTOF ZIELINSKI

Petitioner: Pralle Esq. Respondent: Lewis Hargrove

Pralle Ojeng 5 talent. Zielinski is from Poland. Has a construction license. Keeps a work truck. Need a garage for road reasons - safety. Sunny - 2 lanes heavy traffic speed. 3 fatalities on Sunny Ave in 3 mo.

2nd reason - Has a truck & tools. garage is insufficient to accommodate truck.

Practical difficulty - Unique home. Not like any other homes.

Zielinski knows only 1 of 4 that abuts Sunny Ave. Only 4 homes drawing abut on Sunny Ave. 1/2 London split level homes - few like it.

Century issues.

Main concern - of Ave. Will it be able to see traffic coming from the left.

Krzysztof Zielinski - 1001 W. Sunny Ave. PIOTR. MICHAEL SCIGALA

Lived at address - 5 years. Home built dem. - 2002. Home has been fully restored.

Profession: Installs doors & windows.

Has 2 vehicles he uses for occupation.

250 Ford Van

Pet. Ex. 1 - Photo of his work truck - X of license. Truck does not fit in current garage.

He owns 3 vehicles - Toyota 4Runner; X Mazda 426

Divorced. Has 3 children - Robert 18 -

Margaret - 16. & Damian - 15.

Notes
safety -

Case # 02-461-A

1. DIDN'T submit to community Association - P letter 9/minutes

Playward

Hay Packer

Pruder - Zielinski - construction / truck -

1. safety - Seminary Ave - 2 lanes 40 mph
2. truck & tools - street parking
3. hardship - unique house - Plat 2 sec. 3 - 1 of 4 ABUT Seminary
3 of 33 driveway on Seminary -
4th spot level
4. children - custody issues - frequent visits -
5. visibility issues -> from ASSOC.

witness -> Zielinski - interpreter PIOTR MICHAEL SCIGALA

5 YRS. AT ADDRESS - RENTED 1 YR - house fire (2002) RENTED

INSTALLS DOORS & WINDOWS - needs vehicle -

TRUCK WON'T FIT IN GARAGE - OWNS 3 VEHICLES - TOYOTA 4Runner

DIVORCED - 3 CHILDREN AGS - 8, 6, 15 -> visit every year - summer

VISITING - PARK ON STREET (Seminary)

TRAFFIC - am 6-6:30 (7) 4:4-4:55 (8-9) - 1st to get out SP limit 40
2 lanes

EX. 2 - shows 25 mph in back

how many ABUT Seminary Ave. - 4/33 (diff. than going statement)
sp. limit -

* SECTION
of
Seminary

* 1st drawing worthless

EX. 6A-6S - cover sheet of drawing B is drawing

1144
26

572
36
3452
44
1997

572
1144
18
2288
244
136

ex. 7
photo - impairment
ex. 8 - vehicle -

TRUCK - vandalized 3 times -> on Smiley Ave - NOT in driveway only on street
-> Elizabeth - engaged - children 17, 14

CROSS
HAYWARD

208' MACE RD - ex. 6A 6B

NEVER PARKED ON MACE RD - could use it? - narrow

more than 4 on Smiley

of the homes UNIQUE - He didn't testify to YSR

PARK ON MACE - WALKWAY - WALK PATH - BACKING SIDEWAY -

Office - OR PLACE OF BUSINESS - DIRECT FACTORY TO INSTALL ->

WITNESS

ELZETA

WISNIEWSKA -> 2 YRS KNOWN - ENGAGED 1/2 YR - LIVES PLEASANT - MOVING IN
PARKS ON STREET - SAFETY CONCERN

JANUARY

JANUARY

SCIGALA - WORK TOGETHER - 6 YRS - see each other - VISIT 2/3 TIMES PER WEEK -
DRIVEWAY ON STREET - SAFETY

HAYWARD

-> CH. BOCKER - TREASURER OF ASSOC - 1,000 MADOCK RD - THORNTON/GEMMANY/ 695+93

3 YRS - 200 HOMES - AVG 60% PAYMENTS - VOLUNTARY DIED STRUCTURE

MEETINGS 2004 - TRY TO DO - 1/17/04 - 4

ANNOUNCED 15 JANUARY -

1st MEETING JUNE/JULY

[1st meeting was not 1st meeting] RULE 8 *

ACTIVITIES REPORTED - MEETING

PRELIMINARY

HAYWARD - COMPLAINTS - BLOCK VIEW

INVITED TO MEETING EX-2

LETTER BY BRION GOLD - chairman - attend mtg - AUG 4 - DID NOT attend meeting *

unique about lots'

EX-2 - "better understood" of how many other attempts
DID he receive

Becker cont.

Ex. 3 -

15 homes on Seminary -

Police activity

Site links + president of various to contact on addition

DET. Ex. 8

847 Kelly -

→ timeline of

resolution + mtg. notice -

DET. ex 10

1013 JAMISON

*

11

1008 ADCK

} common 2 cont. of gorges

Addresses need

12

1015 JAMISON

*

mtg. notice - ^{letter} come from ASSOC. -

July 25th 2004 →

never spoke to Zolinski

Did he receive it?
ASK why he didn't respond

*

- Date of resolution - July 24 → Key!!

*

- notice July 25

? covered by document
of various in comm.
want good

* BLDG - would not hurt view - safety issue -

concern - driveway w/ trucks

- he lives there

*

"addition NOT hinder view"

"need president for zoning variances" - ? was not

communication -

AWARD

- traffic count on Seminary

MM

letter - was lost try - newsletters about variances
of other variances in recent history

- Newsletter communication

HOYWARD
DOWDA
LORBER
10, 9, 5, 2

1000 JAMESON RD - CONTIGUOUS - BACK YARDS -
Ø KIDS - RENTERS - 10-12 mos - VACANT -
Ø MINI-VAN
Ø PARK IN GARAGE - SUIT STORAGE
heavy traffic - tough to get out -
driveway closer causes problem -
moving postponed -

cross
Preller EX. 13

basic house
SUV in driveway - exits on street - park in driveway

CLOSING

HOYWARD

- hardship / difficulty - circumstances or conditions
health / safety / welfare of community

Preller

Boecker would be
"softer" testified

high traffic - dangerous - purpose is to ALLEVIATE
make it softer -
no injury to public health

① investigation - sequence of A mfg. to other
communities is poor -

Also poor from mt. Zebulis part as well - perhaps if he
had w/HDA -

my sense is that various should be counted -

might not have
gone to this point

- soft standpoint

- Testimony from 199506. Kamentel

that "I would be safer"

park on side road - yes -

seems to me that
creates more problems

↓ law doesn't allow for it!

PLEASE PRINT CLEARLY

CASE NAME 1001 W. Seminary Ave.
CASE NUMBER 84-461-A
DATE 7/7/04

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
MARLENE J. HAYWARD	8521 CHERRYFIELD RD	LUTHERVILLE MD 21093	
Donna Lorber	1000 Jamieson Road	Lutherville, MD 21093	
S. Cole	1003 Jamieson Road	Lutherville Md 21093	

PLEASE PRINT CLEARLY

CASE NAME

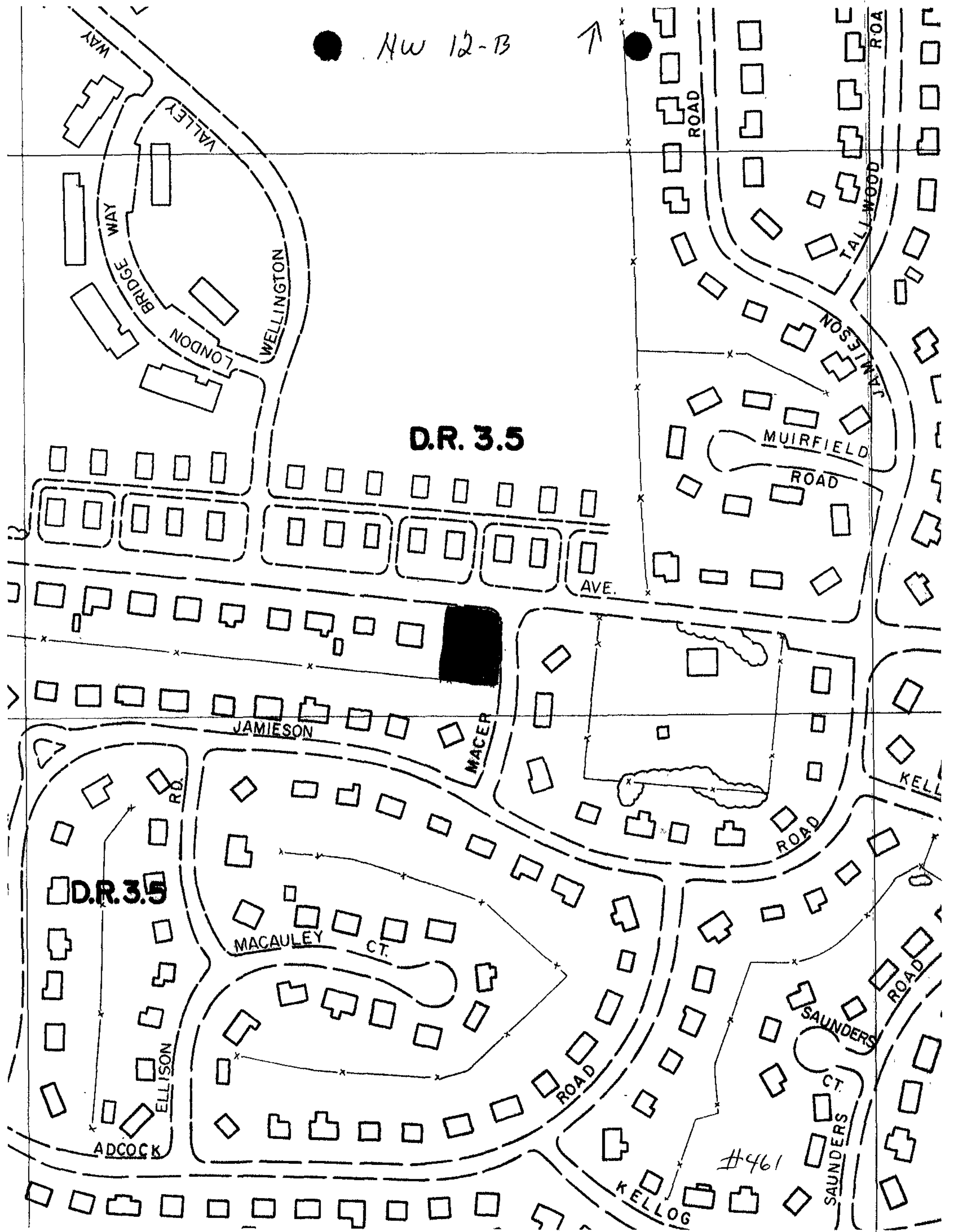
CASE NUMBER

DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
LAWRENCE J. HAYWARD	Big. 8521 Valley Forge Rd	Lutherville MD 21093	
Donna Lorber	1000 Jameson Rd	Lutherville MD 21093	
Charles Boecker	1000 Adcock Rd	Lutherville, MD 21093	
ANAL T. PROPPER	1003 Adcock Rd.	LUTHERVILLE Md. 21093	
AL R. PROPPER	1003 Adcock Rd.	LUTHERVILLE, Md. 21093	

NW 12-B



D.R. 3.5

D.R. 3.5

#461

WAY

VALLEY

BRIDGE

LONDON

WELLINGTON

ROAD

ROAD

TALLWOOD

JAMIESON

MUIRFIELD

ROAD

AVE.

JAMIESON

MACER

KELL

ROAD

MACAULEY CT.

SAUNDERS

CT.

ROAD

ADCOCK

ELLISON

KELLOG

SAUNDERS

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

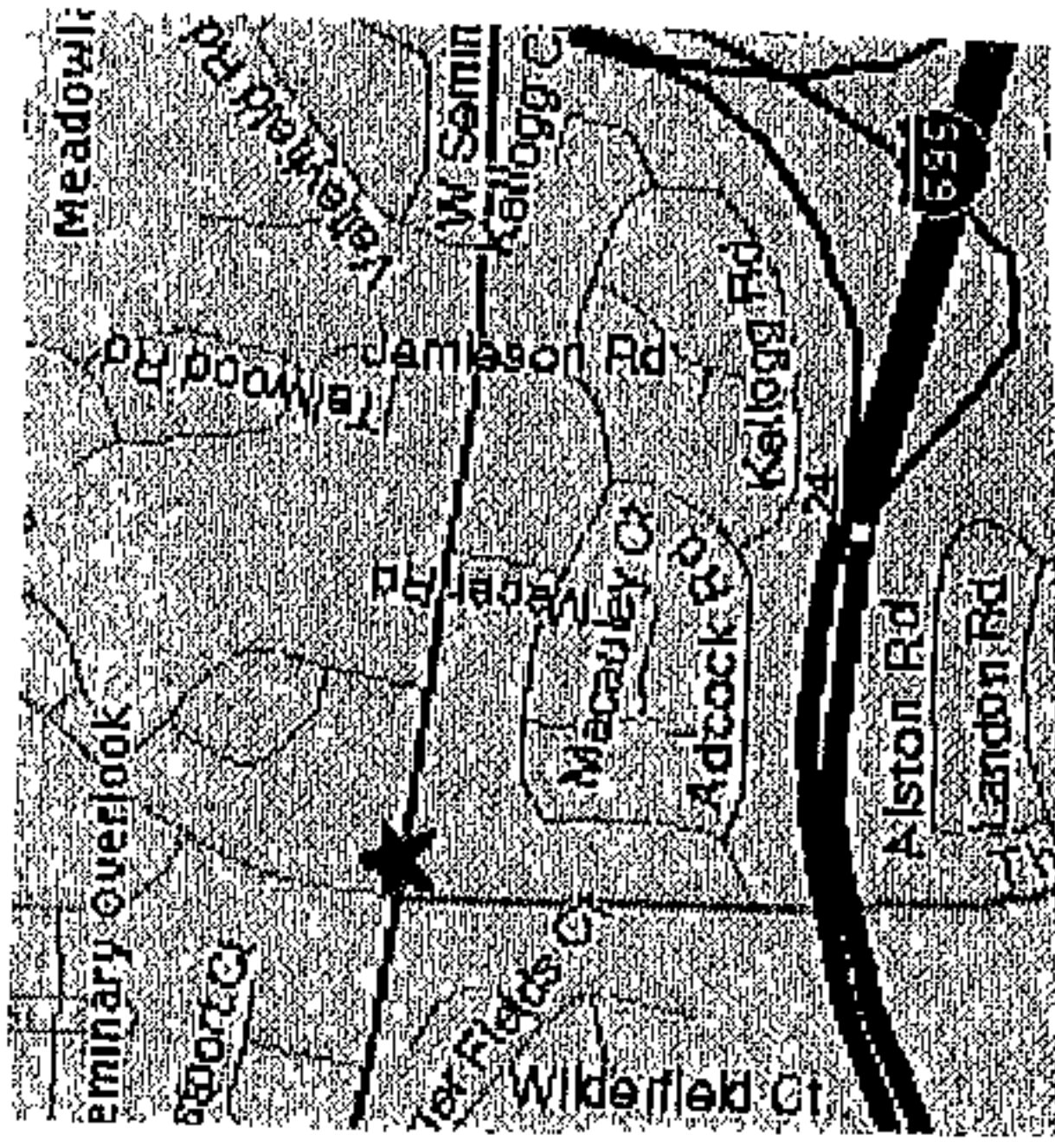
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 1001 W. Seminary Ave.

SUBDIVISION NAME Thornleigh

PLAT BOOK # 2 FOLIO # 47 LOT # 25 SECTION # 3

OWNER Krzysztof Zielinski



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8
 COUNCILMANIC DISTRICT 2
 1" = 200' SCALE MAP # NW 12.B
 ZONING D.R. - 3.5

LOT SIZE _____ ACREAGE 11.662 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 AM ITEM # 461 CASE # 04-461-A

See Attached

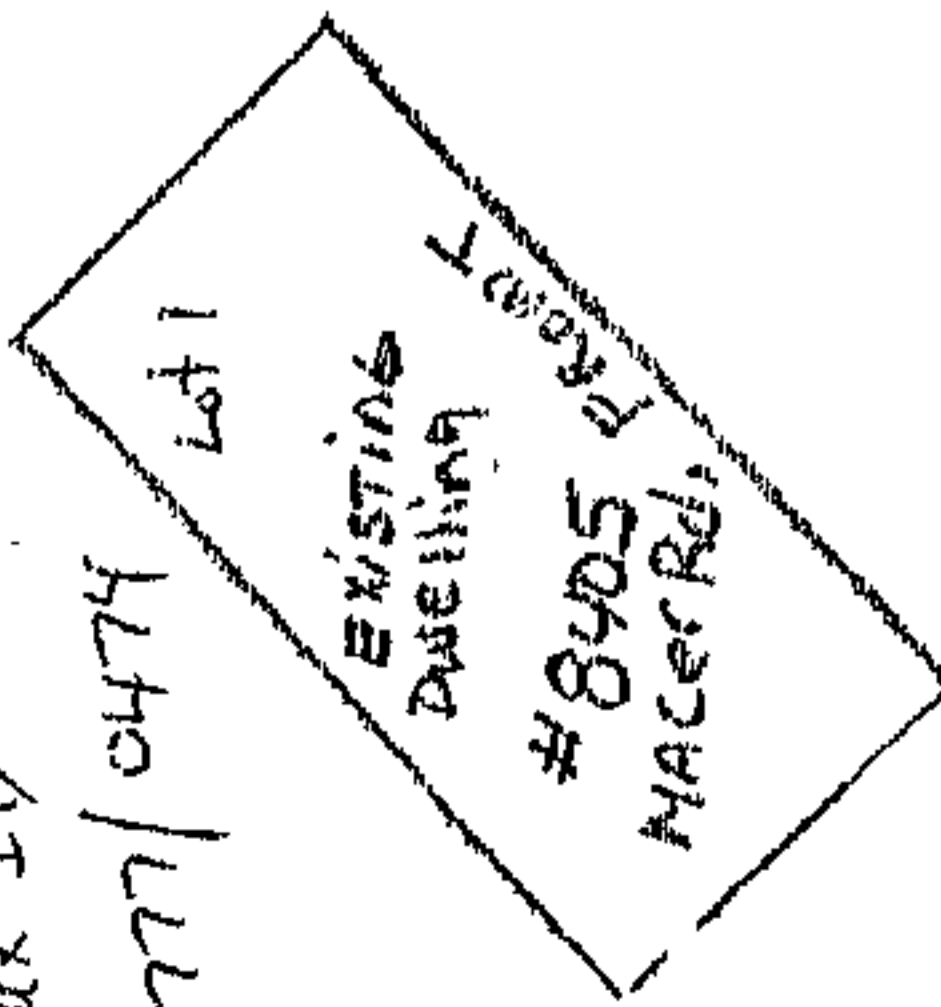
SCALE: 1" = 30'

Det. PL #1

EILEEN M.
STURM

Tax ID 0819078050

07777/0474



30' Setback

To York Rd.

ASPHALT PAVING

SEMINARY ROAD

MAGER ROAD



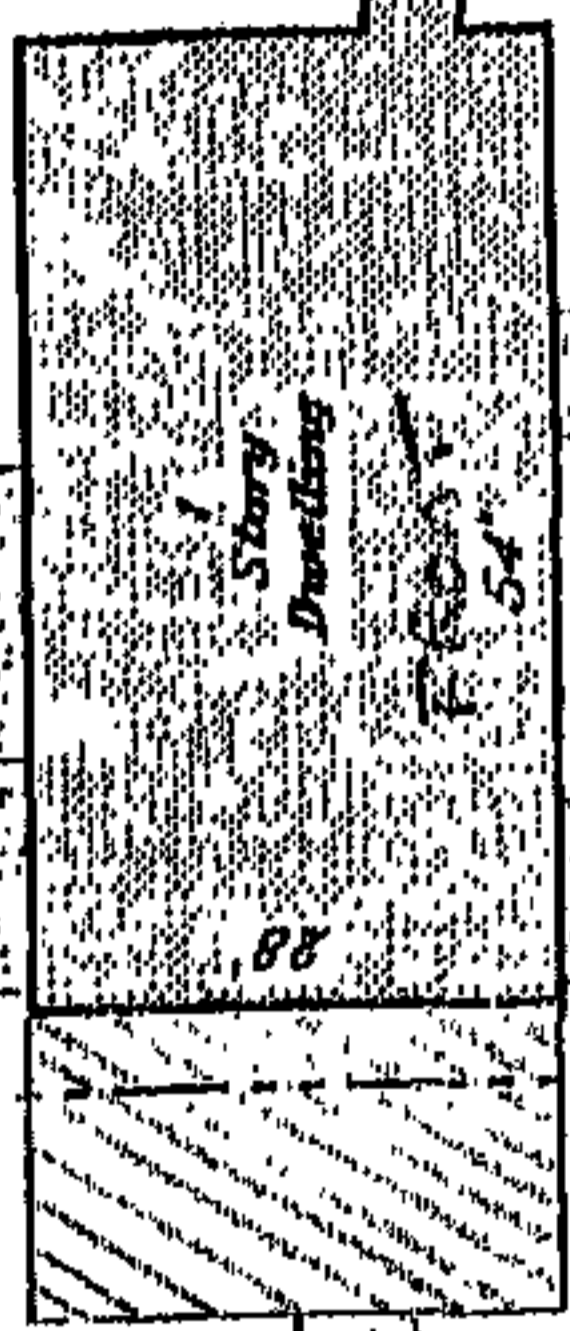
583°28'29"E 87.01'

21.33°
S38°47'28"E

Setback ENCLOSURES

#1001

30' Setback



N05°59'30"E 106.00'

N05°53'30"E 122.31'

Lot 25

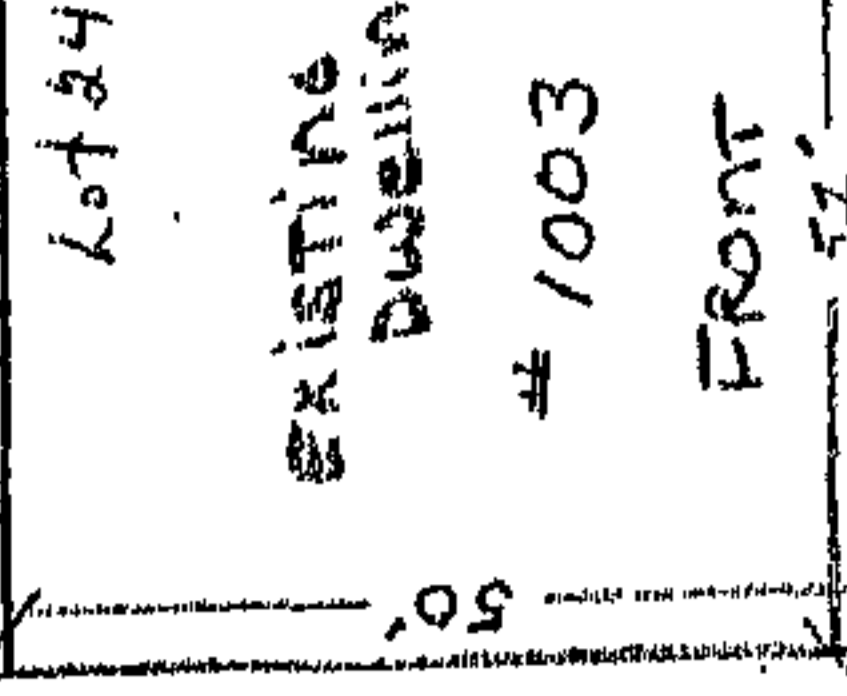
5' UTILITY EASEMENT

Drainage

RONALD & KELLY
COOPER

Tax ID 0802003

11619/0646



To Falls Rd.

Verified
4-19-05

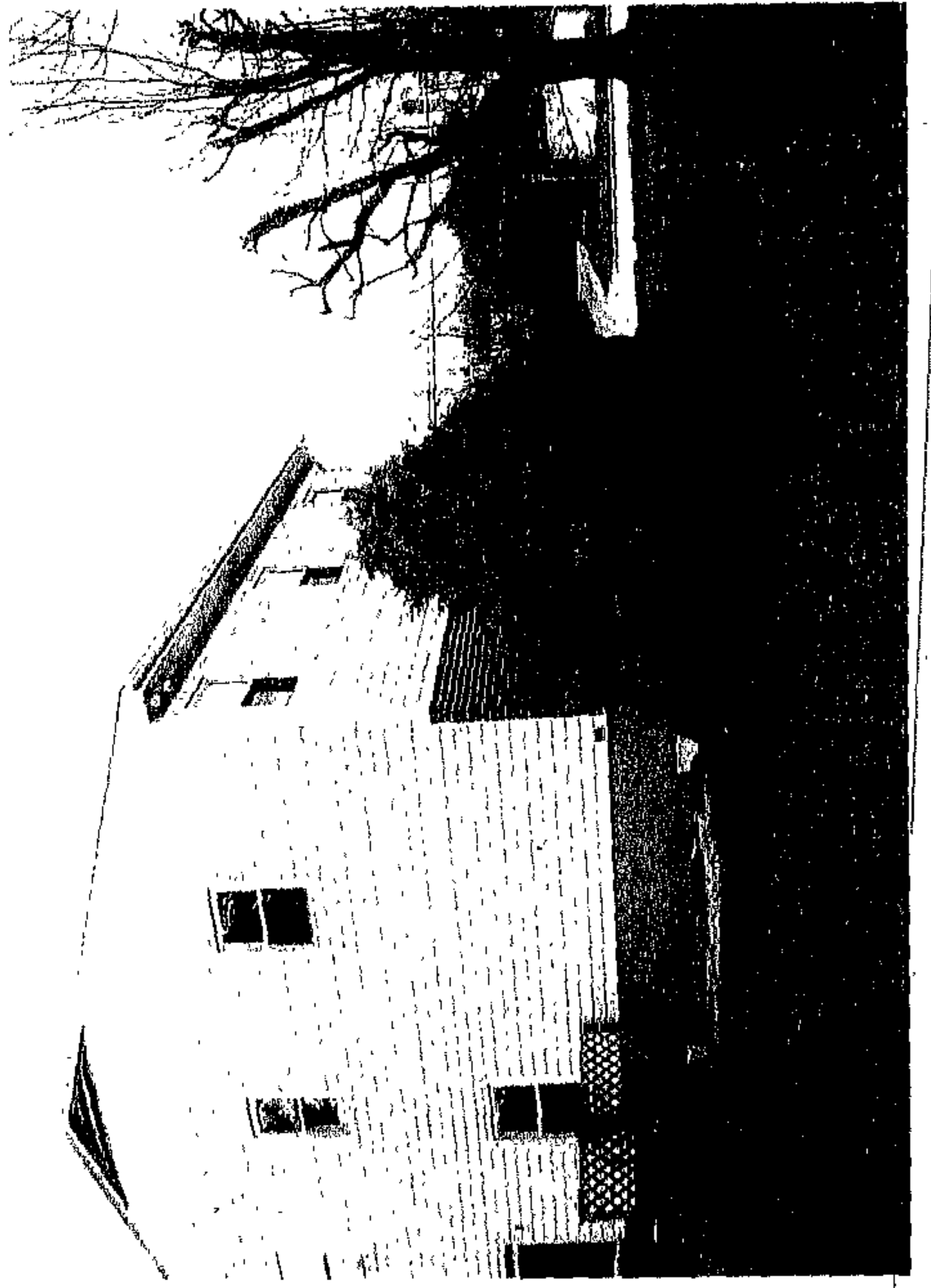
04-461-A

Zielinski, K.
4-19-2005

Petitioner's Exhibit List

1. Photo of work Truck Ford 250.
and of Home. -
2. Copy of Photo of Property
3. Copy of Registered Survey
Seminary Ave.
4. Typical view of Property (Platt)
5. Elevation of Proposed Addition
6. Photos of
 - A Cover sheet of Drawing
 - B Drawing of Proposed Addition
7. Photo of Property from Mason Road.
8. Photo of Property (Mason Road)
9. Photo 847 Kellogg.
10. Photo of 101 Jamison
11. Photo loc of Adcock
12. Photo: 1015 Jamison
13. Photo: Luber, Property

Pettinen, Eri



#41

Petitioner's Ex. 2.



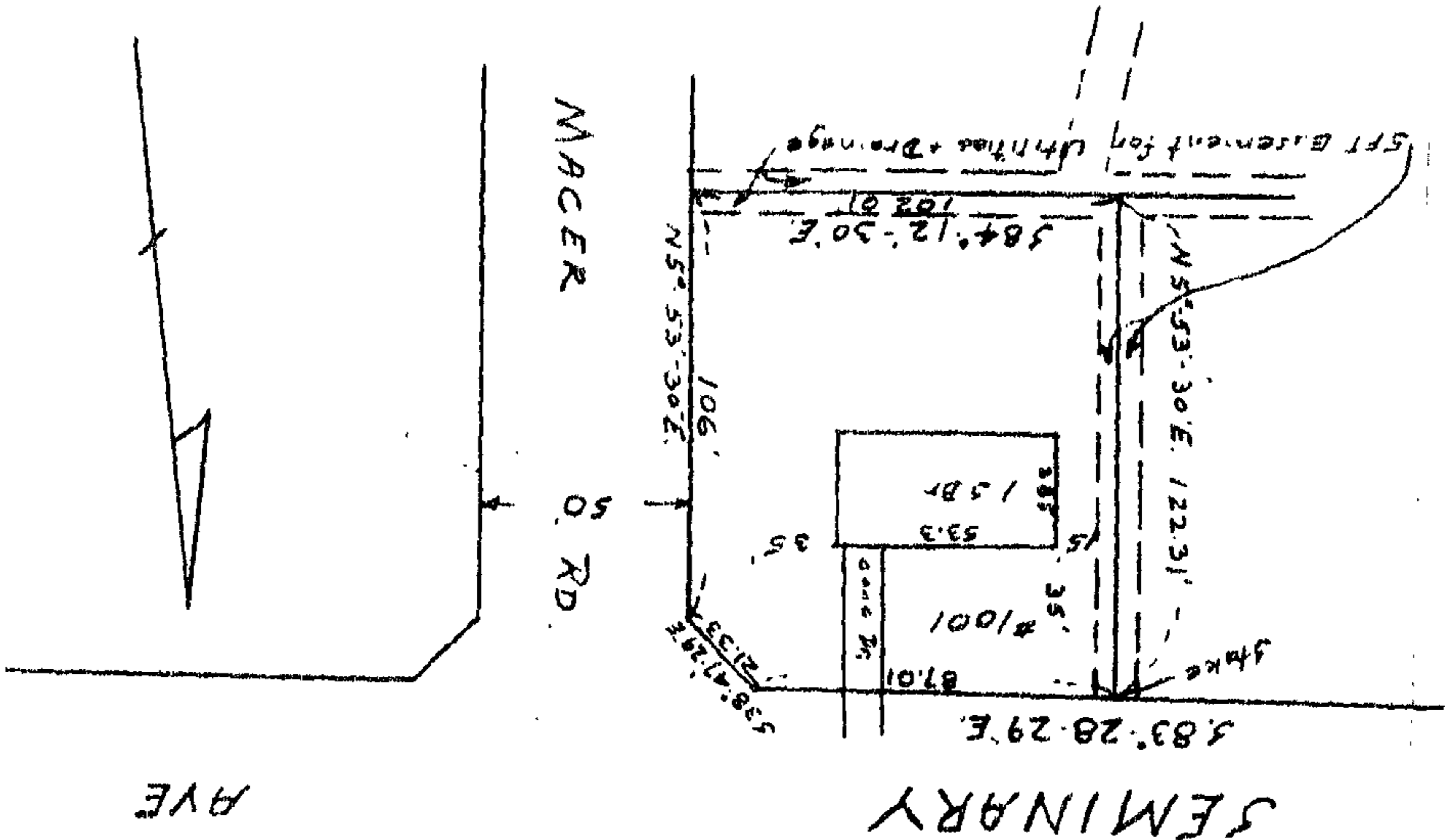
May 31, 1962

Registered Surveyor

This is to certify that I have located the improvements on the lot shown hereon and said improvements are entirely within the boundary lines of said land and are located as shown thereon.

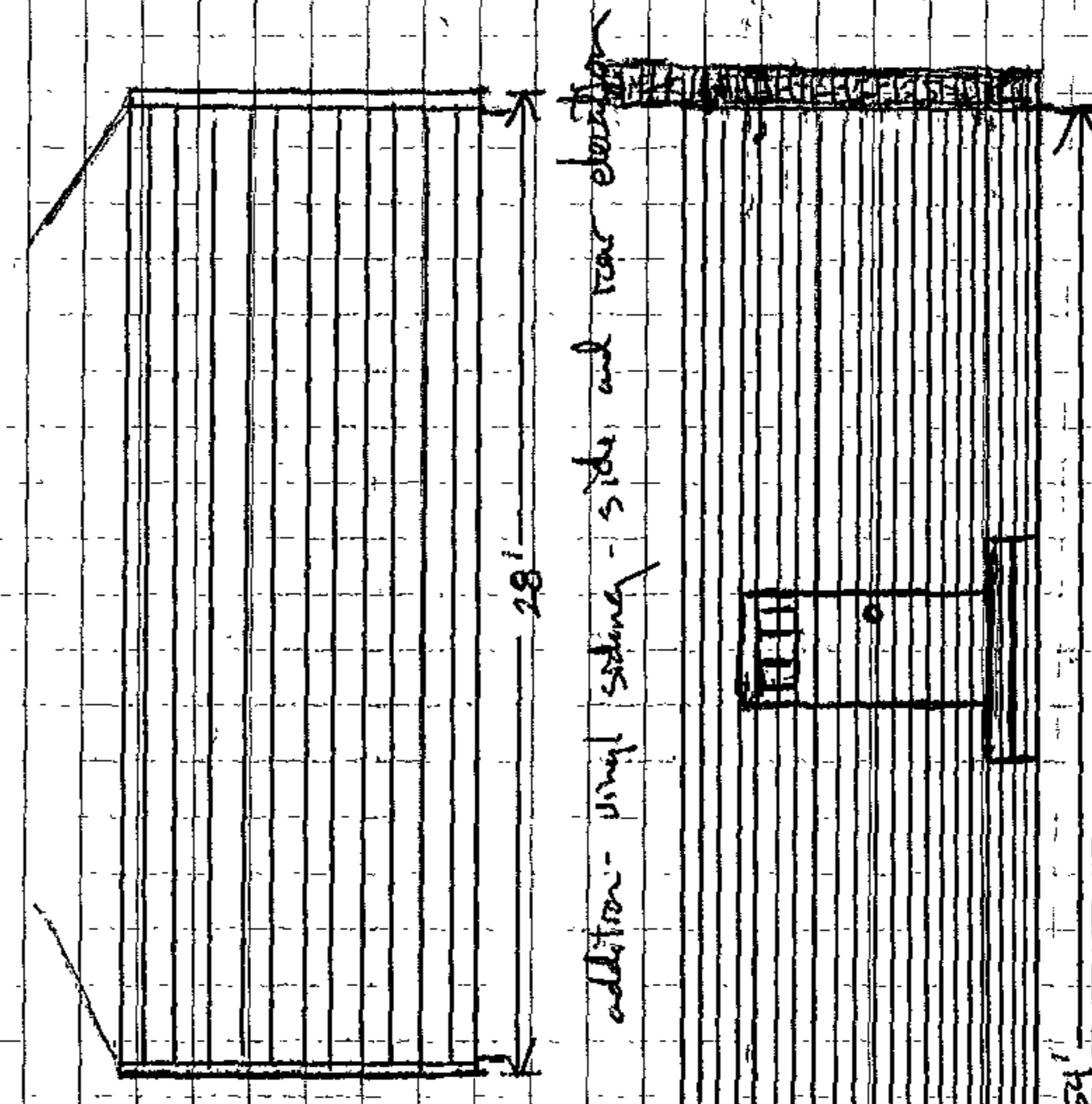
Scale 1" = 50'

LOT 25 BLOCK A
RESUBDIVISION
PLAT TWO
SECTION THREE
THORNLEIGH
GLB 25 FOLIO 47

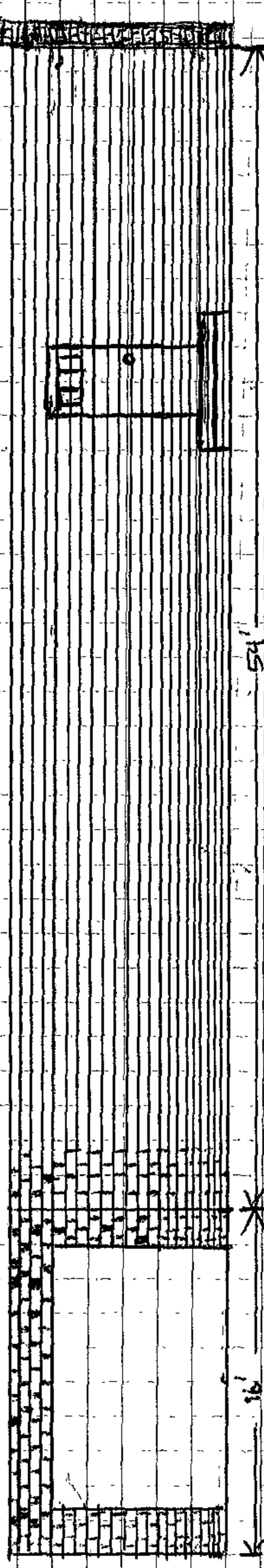


Petitioner's Ex. 3

Retainer's for S



addition - vinyl siding - side and rear elevation



addition - brick veneer to match existing - front elevation

1/8" = 1'

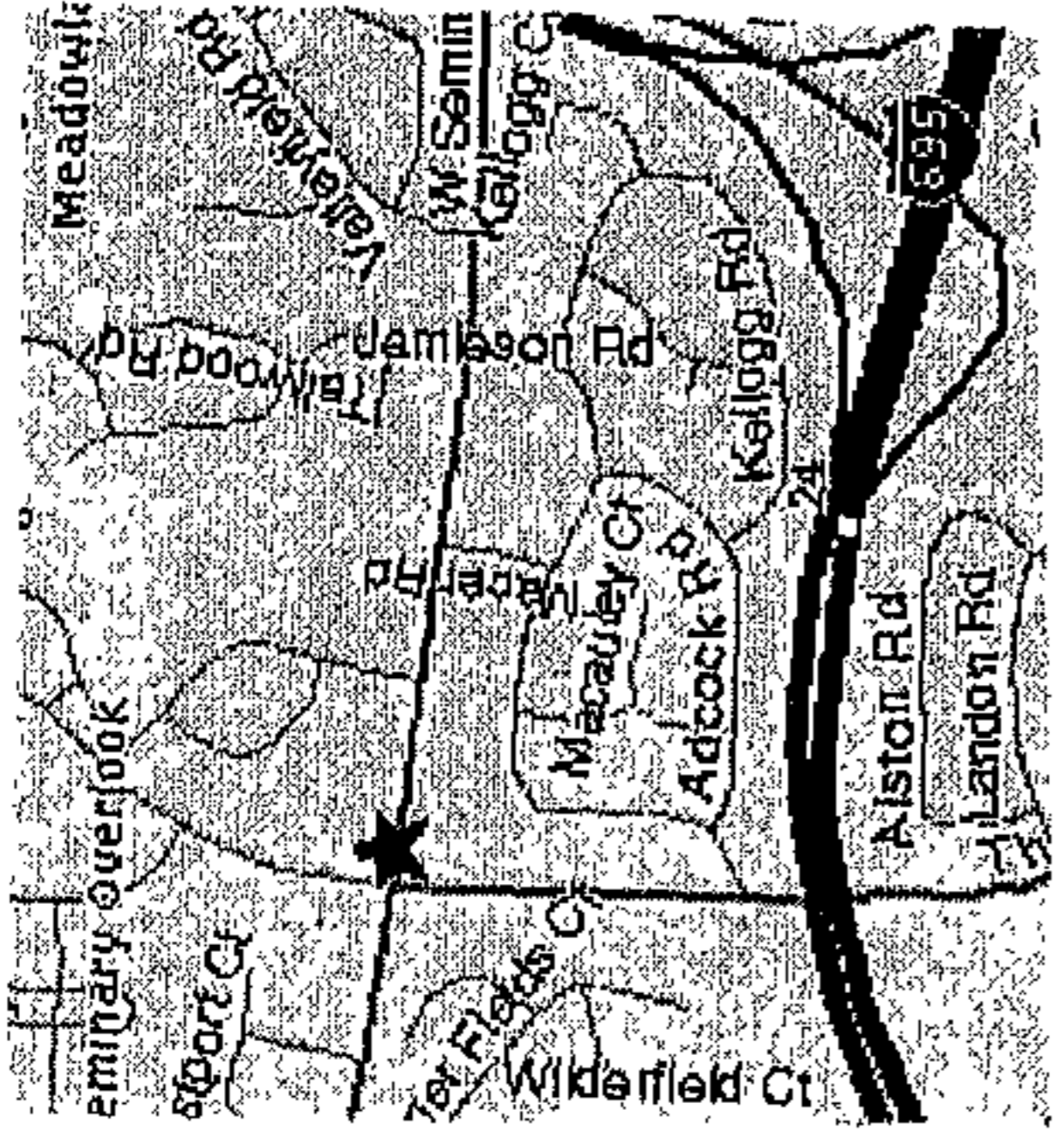
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

PROPERTY ADDRESS 1001 W. Seminary Ave SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Thornleigh
 PLAT BOOK # 2 FOLIO # 47 LOT # 25 SECTION # —
 OWNER Krzysztof Zielinski

Def Hansen's Exhibit
6 A

See Attachment D



VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8
 COUNCILMANIC DISTRICT 2
 1" = 200' SCALE MAP # NW 12. B
 ZONING D.R. - 3.5

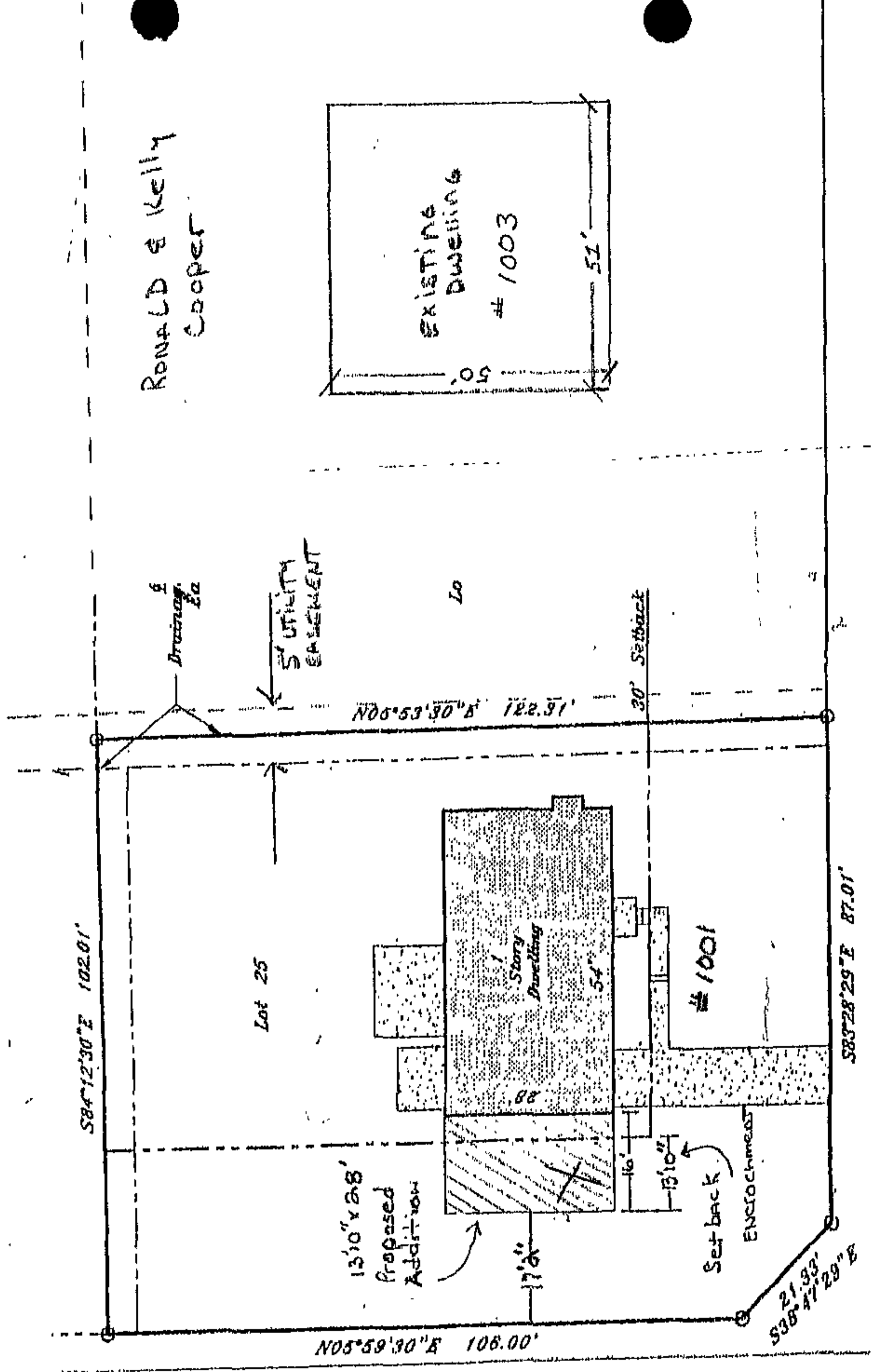
LOT SIZE 11,668 ACRES
 SQUARE FEET
 SEWER PUBLIC PRIVATE
 WATER

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 _____ ITEM # _____ CASE # _____

SCALE: 1" = 32'

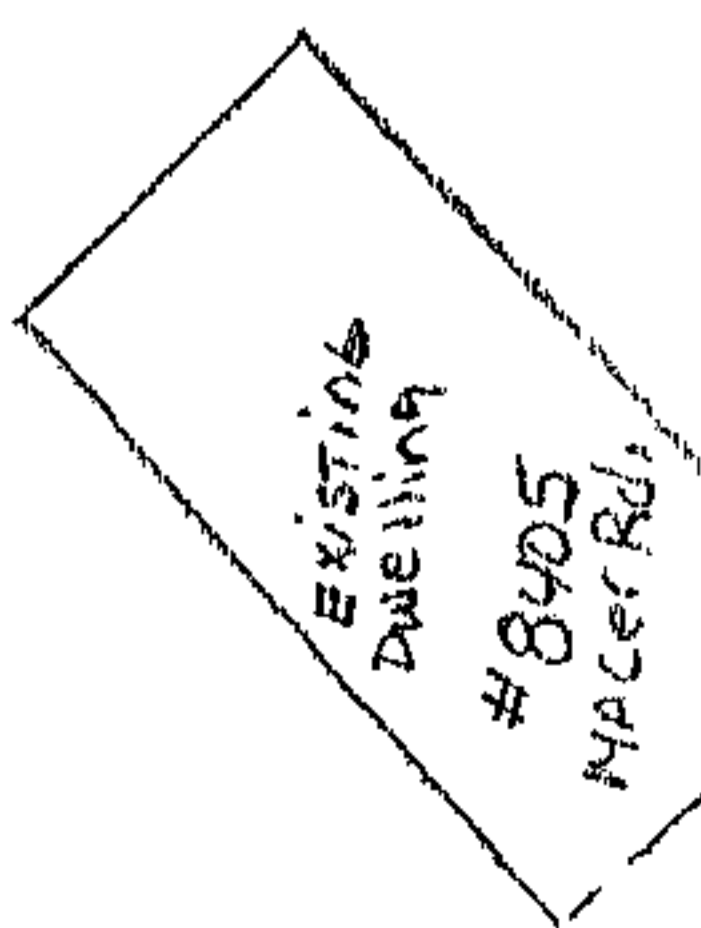
pettersen & Ex 6B



MAGER ROAD



EILEEN M. STURM



← To York Rd.

ASPHALT PAVING

SEMINARY ROAD

→ To Falls Rd.

verified
4-19-05

Zielinski, K

07-461-A
4-19-2005

Protestant's Exhibits

- ✓ 1. Rule 8. Papers
 - ✓ 2. Letter to Petitioner 7-25-04
 - ✓ 3. Longford Community Plat.
page 30.
15 houses are on
- ~~4.~~ Bath. County Traffic Counts.
withdawn.



1

The Longford Community Association, Board of Directors, met on July 24, 2004 and adopted the following resolution relative to the proposed addition at 1001 West Seminary Avenue, property of Krzysztof Zielinski, Case #04-461-A

Be it resolved this date, the Longford Community Association opposes the subject application for the following reasons:

1. The 17.2 foot set back being requested for this garage presents a safety issue that would be unacceptable at the intersection of Macer Road and Seminary Avenue. A large addition to this property would hinder the line of site when entering onto Seminary Road.
2. The Petitioner has not demonstrated a need for the structure, since there is no evidence that he uses the existing garage on the premises for other than storing materials.

Signed: *Sue Deaver*
Sue Deaver, President

Attested By: *Kathleen Phelps*
Kathleen Phelps, Secretary

Protestant's Exhibit 2

July 25, 2004

RE: PROPOSED ADDITION TO 1001 WEST SEMINARY AVENUE

Mr. Krzystof Zielinski
1001 West Seminary Avenue
Lutherville, MD 21093

Dear Mr. Zielinski,

The Longford Community Association welcomes the consideration for any resident to make improvements to their property. Hopefully as you know, the Longford covenants also have guidelines that we all must follow when planning to add to your house.

By way of the posted notice of zoning hearing, it has come to the community's attention that you intend to construct an addition toward the east side of your house. Furthermore, we understand that the new construction would encroach into the required 30-foot side yard setback requirement per the Baltimore County Zoning Regulations.

The community association would like to give you the opportunity to present your plans at the next community meeting. **This meeting is to be held at 7 pm on Wednesday, August 4th at 1008 Adcock Road.** Hopefully, we can get a better understanding of your planned construction at this time.

If you have any questions please feel free to call me at 410-823-1597. We look forward to seeing you at the meeting on the 4th.

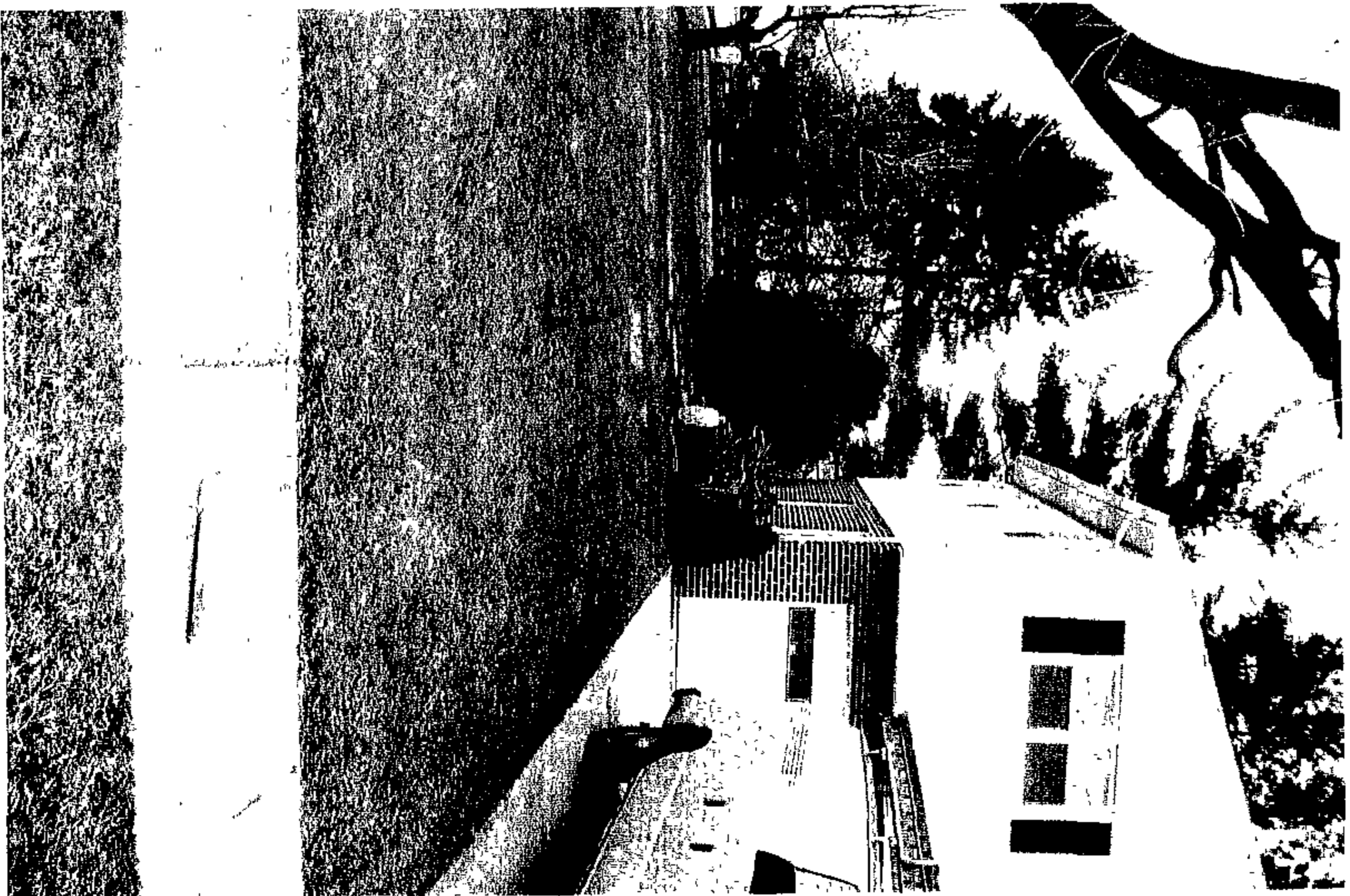
Sincerely,



Brian Gobell
Longford Community Association- Covenants Chair

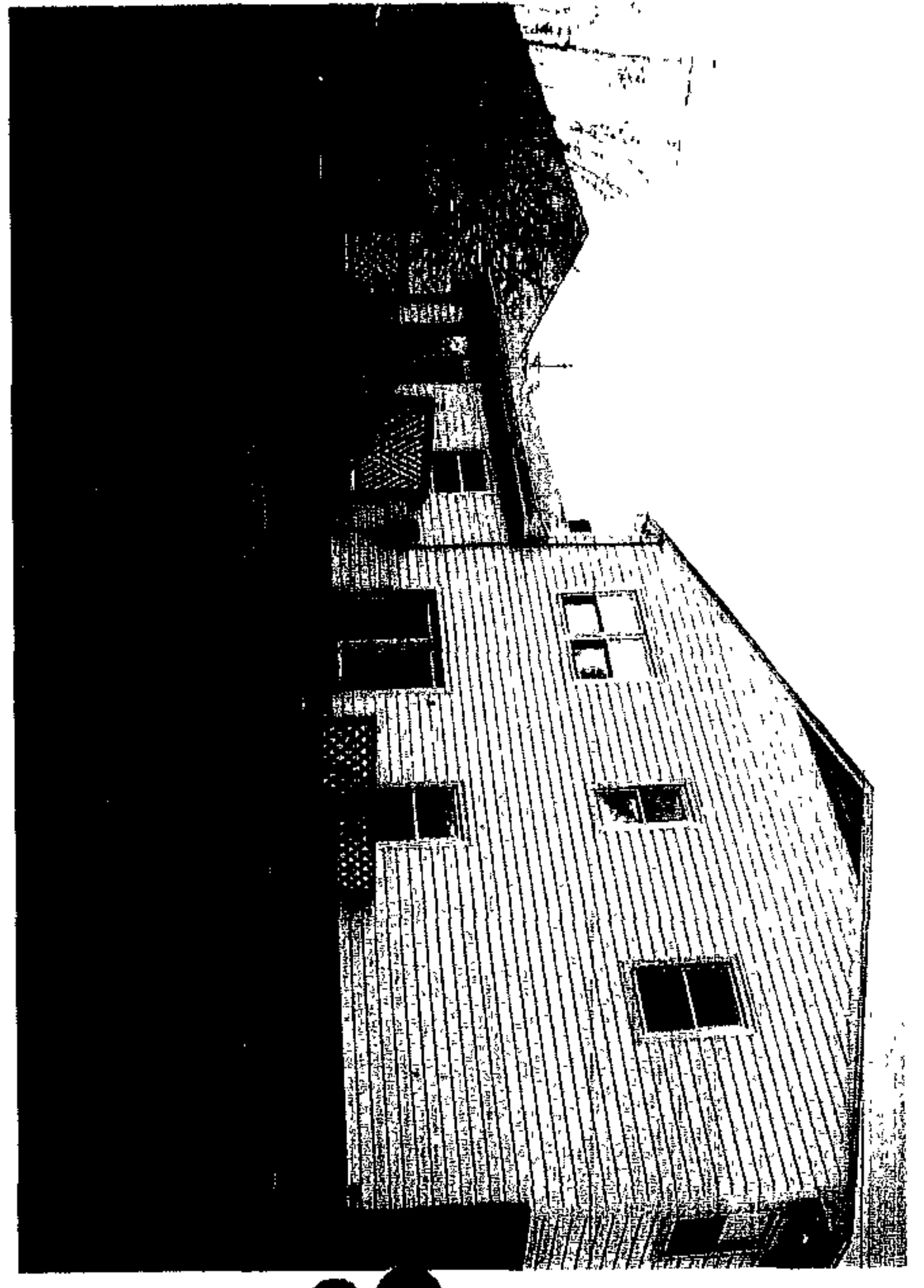
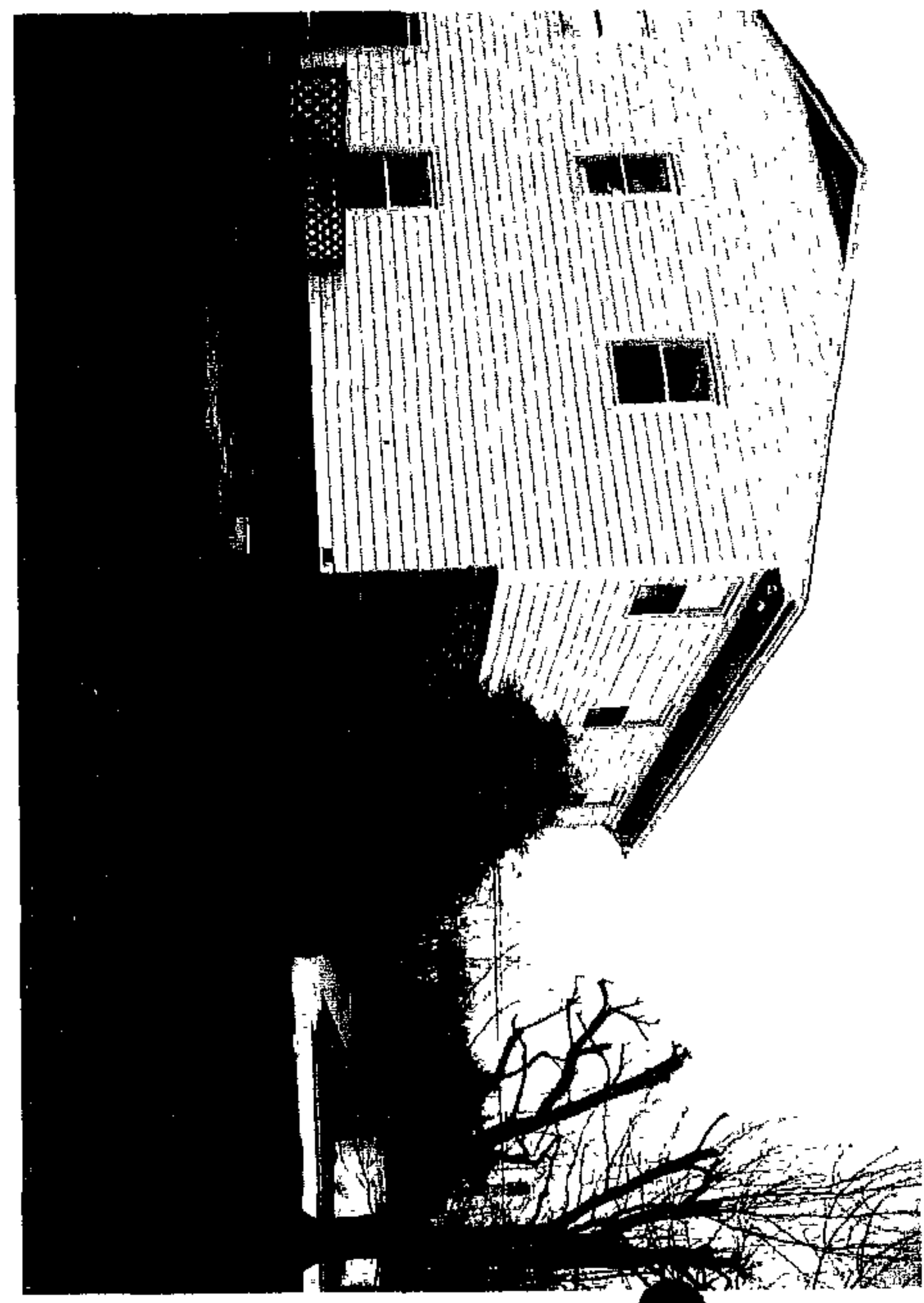
Cc: Sue Deaver/ Longford Community Association- President

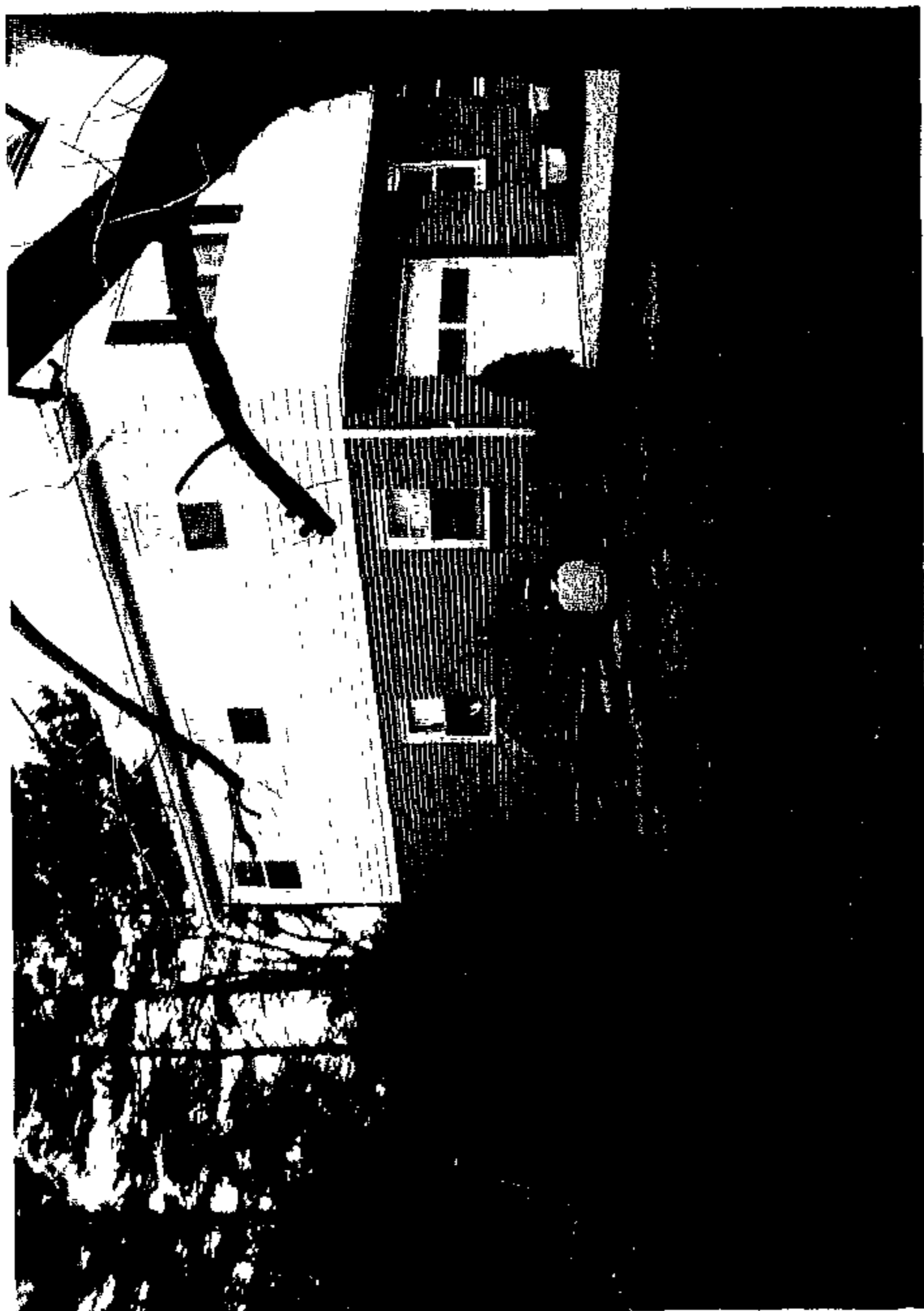
1975 #

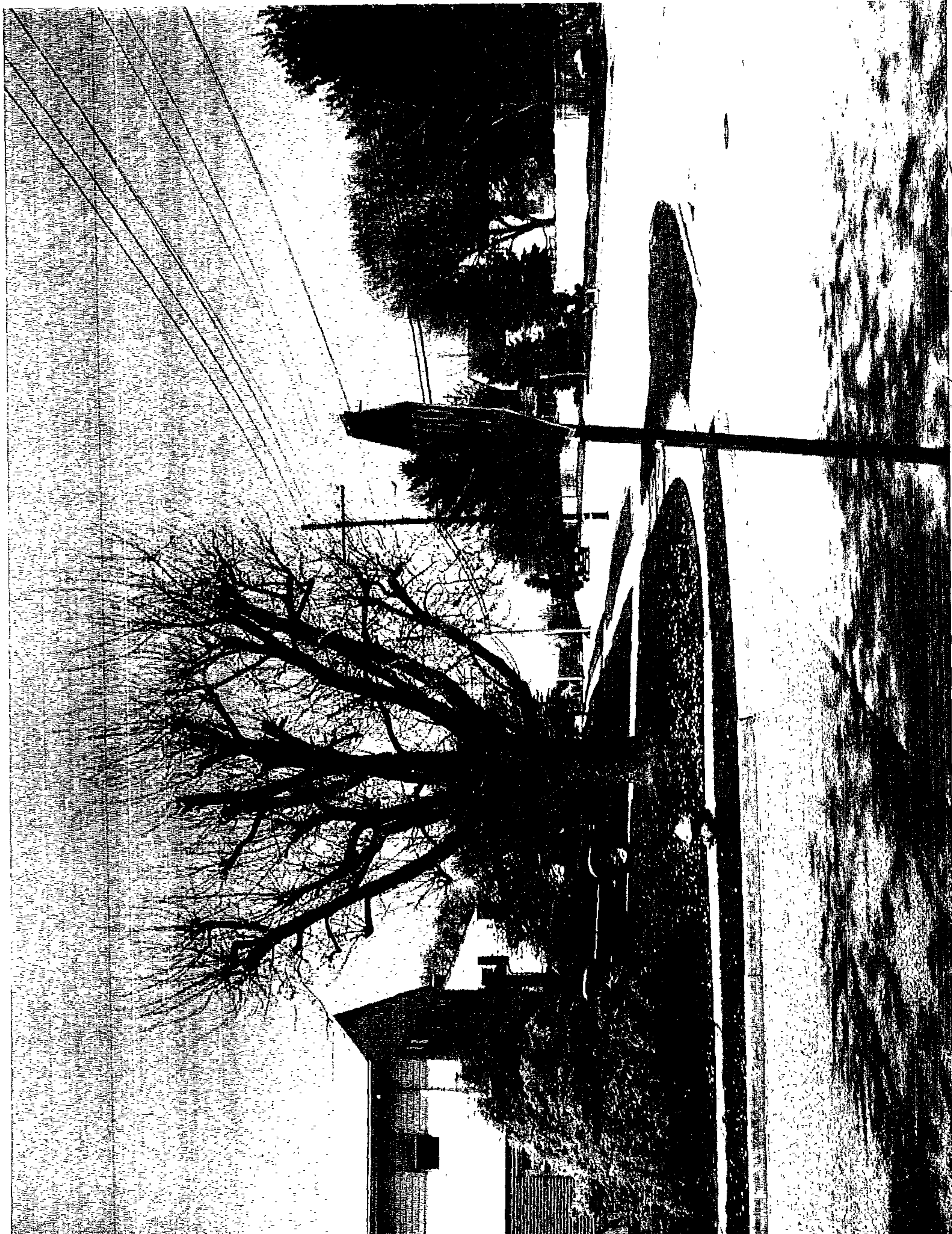


Box No 2

196 #







Peterson's Ex



Detachment's Ex 8



Retikainen's Ex. 1

847 Kello66



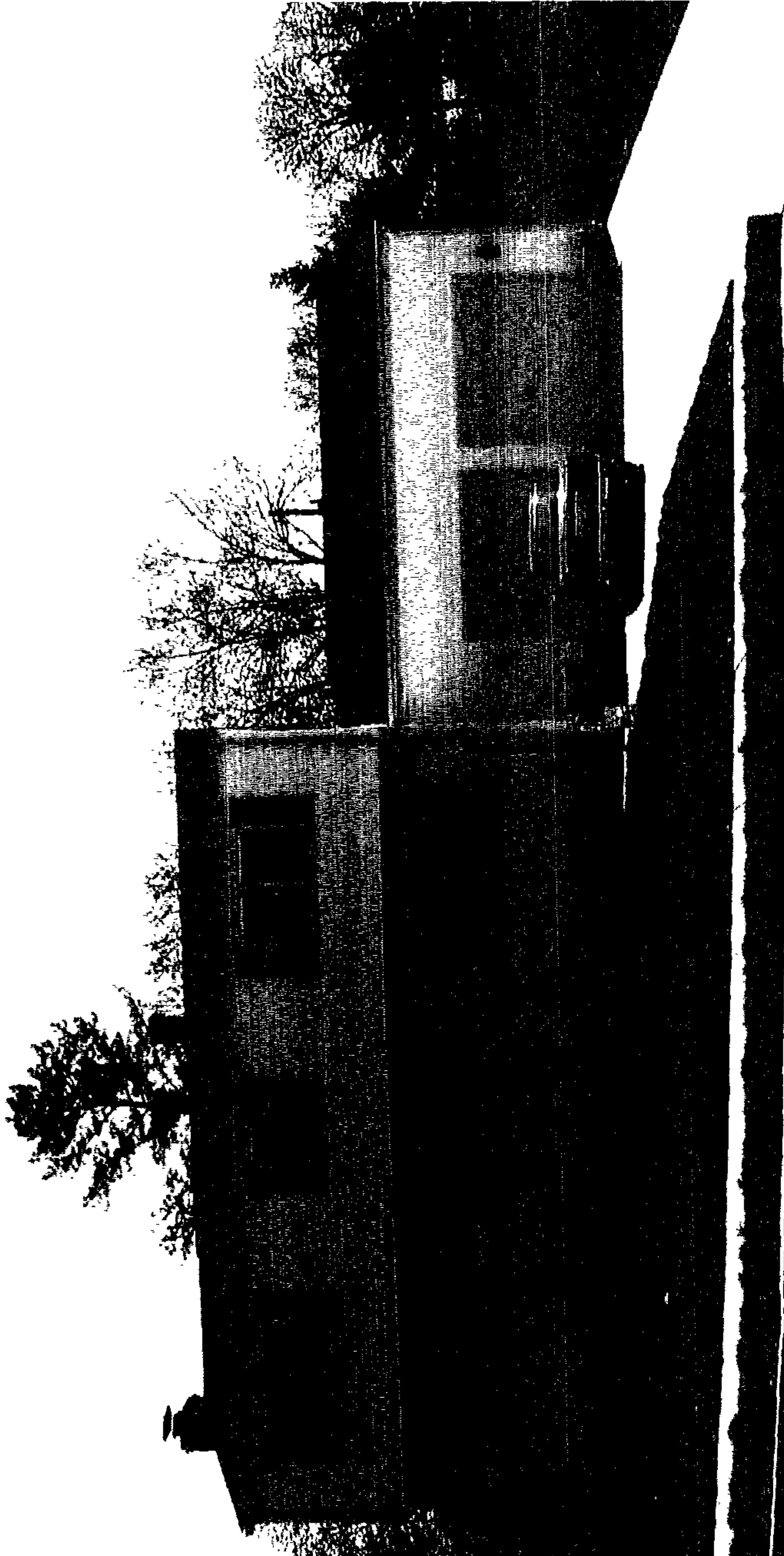
Gettiner's 10

1013 JAMISON Rd

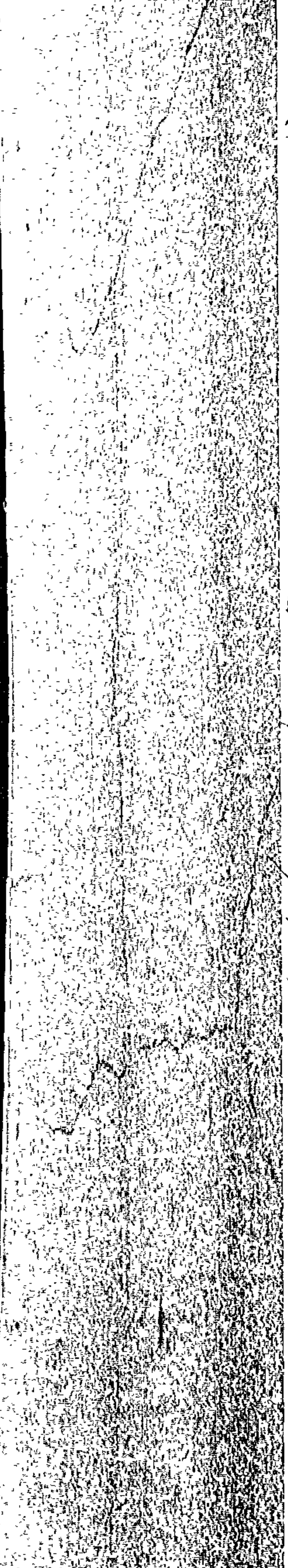


1008 Adcock Rd

Peterson's 11



1015



10/5 JAMESON ROAD

Petition 's 12



Peterson's 13

Neighbors - MACER & JAMISON Rd

Lutherville, Maryland 21093

Ms. Donna Lorber
1000 Jamieson Road
Lutherville, Maryland 21093
Mr. Charles Boecker
1000 Adcock Road
Lutherville, Maryland 21093

Mr. & Mrs. W. H. Plopper, Sr.
1003 Adcock Road
Lutherville, Maryland 21093

The Longford Community Directory 2000



*Lutherville
Maryland*