IN RE: PETITION FOR ADMIN. VARIANCE S/S of Kenwood Avenue, 10 ft. E centerline of Beech Avenue 14th Election District 6th Councilmanic District (4325 Kenwood Avenue)

> N. Marie Coulson Macek and John Adam Macek Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

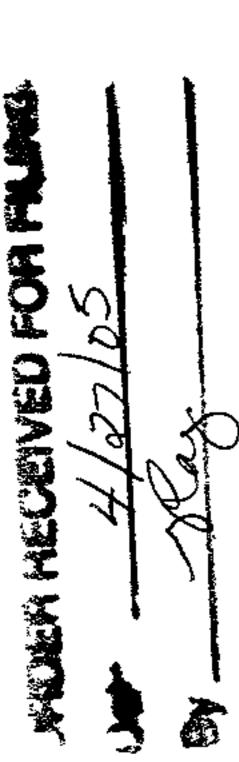
* CASE NO. 05-491-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, N. Marie Coulson Macek and John Adam Macek. The variance request is for property located at 4325 Kenwood Avenue in the eastern area of Baltimore County. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10.5 ft. to tract boundary in lieu of the required 35 ft. for an addition with a window, and to amend Lot #1 of the Final Development Plan for "Belwood." The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 9, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts



that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>al</u> day of April, 2005, that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10.5 ft. to tract boundary in lieu of the required 35 ft. for an addition with a window, and to amend Lot #1 of the Final Development Plan for "Belwood.", be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:rai

SOLVED!

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 William J. Wiseman III., Zoning Commissioner

April 27, 2005

Mr. & Mrs. John Adam Macek 4325 Kenwood Avenue Baltimore, Maryland 21206

> Re: Petition for Administrative Variance Case No. 05-491-A Property: 4325 Kenwood Avenue

Dear Mr. & Mrs. Macek:

JVM:raj

Enclosure

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

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

Very truly yours,

John V. Murphy In

Zoning Commissioner



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	4325	Kenwood	Avenue	MD 21201
		ently zoned	DR 5.5	

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

This Petition shall be filed with the Department of Permits and Development Management. The	e undersigned, legal
owner(s) of the property situate in Baltimore County and which is described in the description and plat a	attached hereto and
made a part hereof, hereby petition for a Variance from Section(s)	1

Yard setback of 10.5 Ct. to tract boundary in lieu of the required 35 Ct. for an addition with a window, and to amend 10t 21 of the Final Development Plan for "Belwood."

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.

			is the subject of this F	Petition.	
Contract Purchaser/L	<u>_essee:</u>		Legal Owner(s):		410-866-4173
			John A	dam Macek	410-866-4173 410-404-2508
Name - Type or Print	<u></u>		I adam	n March	
Signature	· · · · · · · · · · · · · · · · · · ·			oulson Mac	ek.
Address	_ 	Telephone No.	Name - Type or Print		
City	State	Zıp Code	Signature		
Attorney For Petition	<u>er:</u>		Address		Telephone No
Name - Type or Print	<u></u>		City	State	Zıp Code
			Representative t	o be Contacted:	•
ignature					
Сотралу	·····	1.T. 11.T	Name		
Address)	- w=x	Telephone No.	Address	· ·· ·	Telephone No.
	State	Zip Code	City	State	Zip Code
A Public Hearing having bed hisday of egulations of Baltimore Count	en formally demand that y and that the proper	ded and/or found to at the subject matter ty be reposted.	be required, it is ordered by the of this petition be set for a public		
			Zoning Comm	nissioner of Baltimore C	county
CISENO <i>05</i>	-491-A	<u> </u>	Reviewed By	Date <u>3/ 2</u>	9/05
REV 10/25/01		•	Estimated Posting Date _	4/10/05	

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.

4325 Kenwood AVE.

That the Affiant(s) does/do presently reside at		wood AVE.	
	Address Baltimore	MD	21206
That based upon personal knowledge, the follow Variance at the above address (indicate hardship Twe have a small house and Dwe have 2 growing boys a 3) To stay in this house and request a variance so we a large table and a part food and cooking coursement	or practical difficulty): an exaptionally nd have difficulty d mile it wo	small Kitchen (91) offy cating in the RTHWhile we wou som to eat, add	Exchen, Witchen, Id like 15 Extenses caline
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide as Signature Tohn A. Macell Name - Type or Print	dditional information. Signatur	Marie Coulse	n-Macik
			
I HEREBY CERTIFY, this 28 day of Maryland, in and for the County aforesaid, personally known or satisfactors.	sonally appeared No Marie	, <u>2005</u> , before me, a No Coulson - Mac as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		^	1
	Notary Public	M. W. Hany	tou
	My Commissio	NIINE I	08
REV 10/25/01		ţ *	

Affida Vit 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	4325	Kenwood	AVE.	
	Address Baltimo City	M	State	21206 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	owing are the fa	icts upon which		·
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3) 10 5tay in this house	e and me	A THURST	THUNG W	e would sike to
request a jariance so a large table and a	we will	The Car	Try wolld	eliminate stovin
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1007 78:20				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional inform	is filed, Affiant(nation.	s) will be require	ed to pay a reposting and
Signature Signature		Signature	arie Coul	Son-Mack
John A. Macell		_	arie Cou	Ison-Macek
Name - Type or Print		Name - Type or	Print	
STATE OF MARYLAND, COUNTY OF BALTIN	 MORE. to wit:			
I HEREBY CERTIFY, this 20th day of 100 day o	*	<u>, 9-00</u>	∑, before me, a	a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	N. Mari	e Coult	SQA - Mac	rek
	actorny laentine	i to me as such	Amanus).	
AS WITNESS my hand and Notarial Seal		~	. 1	- - 1.0
	Notan	INNIN I	M-SKam	LOMUL 1
		ommission Expi	res <u>04/08</u>	5/08

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4325 Penulood Avenue mp 31206 which is presently zoned DR 5.5

Zoning Commissioner of Baltimore County

This Petition shall be filed with the Depower(s) of the property situate in Baltimor made a part hereof, hereby petition for a V	ca County and whic	h is described in the descri	rintion and nist attac	had hereto and
made a part hereof, hereby petition for a V	Ct. +, +,	act boundary	1.6. to perm	it a sid
35 Ct. for an additi	sh with a c	window, and to	amend 107	#1 of #1
Final Development P				
of the zoning regulations of Baltimore Cou of this petition form.	nty, to the zoning la	aw of Baltimore County, fo	r the reasons indica	ted on the back
Property is to be posted and advertised as I, or we, agree to pay expenses of above Varia regulations and restrictions of Baltimore County	ince, advertising, pos	sting, etc. and further agree t	o and are to be bound e County.	ed by the zoning
		I/We do solemnly declar perjury, that I/we are the is the subject of this Pet	legal owner(s) of the	,
Contract Purchaser/Lessee:		Legal Owner(s):	410	-866-4173
Nt		Legal Owner(s): John Aday Name - Type or Print	n Macek 410	-404-2508
Name - Type or Print		Name - Type or Print	Wlock	
Signature		Signature). Maric C		
Address	Telephone No	Name - Type or Print	Touloux Ma	ceh
City	Zip Code	Signature		
Attorney For Petitioner:		Address	<u> </u>	Telephone No.
Name - Type or Print		City	State	Zip Code
		Representative to	be Contacted:	
Signature				
Company		Name	· · · · · · · · · · · · · · · · · · ·	···
Address	Telephone No.	Address		Telephone No.
City	Zip Code	City	State	Zip Code
A Public Hearing having been formally demanded this day of that	t the subject matter of t	required, it is ordered by the his petition be set for a public he	Zoning Commissioner of earing, advertised, as req	f Baltimore County, uired by the zoning
regulations of Baltimore County and that the property	y be reposted.			

05-491-A

CASE NO.

RÈV 10/25/01

ZONING DESCRIPTION

Zoning Description For 4325 Kenwood Avenue

Beginning at a point on the South side of Kenwood Avenue, which is 50 feet wide at a distance of 10 feet east of the centerline of the nearest improved intersecting street Beech Avenue which is 50 feet wide. Being Lot #1 in the subdivision known as Belwood as recorded in Baltimore County Plat Book #49, Folio# 89, containing 12,379 square feet. Also known as 4325 Kenwood Avenue and located in the 14th Election District, 6th Councilmanic District.

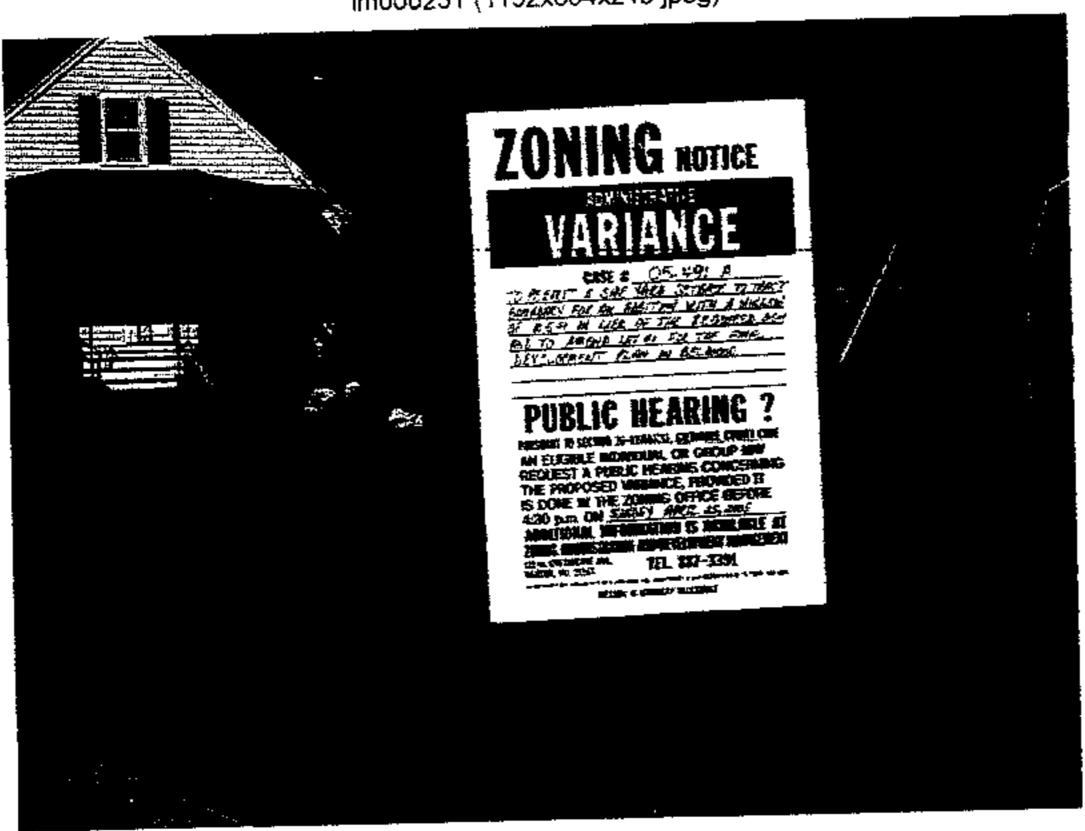
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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No. 4 (1)	
DATE	
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RECEIVED A CONTRACT OF THE PROPERTY OF THE PRO	
FOR	
DISTRIBUTION WHITE CASHED: PINK AGENCY YELOW CUSTOMER	CASHETS VALIDATION

•

CERTIFICATE OF POSTING

	RE: Case No. : <u>05-49/- 4</u>
	Petitioner/Developer: 10HN :
	MARIE MACEK
	Date of Hearing/Closing: 4/25/05
Baltimore County Department of Permits and Development Mana County Office Building, Room 1111 West Chesapeake Avenue	agement
Attention:	
sign(s) required by law were pos	penalties of perjury that the necessary sted conspicuously on the property 25 KENWOOD AUENME
This sign(s) were posted on	April 9, 2005 (Month, Day Year)
	Sincerely, (Signature of Sign Poster and Date) Martin Ogle

ım000251 (1152x864x24b jpeg)



Martin 8/0 4/9/05

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspa	per Advertising:				
Item Number	or Case Number:	05 - 491	1- A		
Petitioner: _	John & Marie	Macek		<u>, , , , , , , , , , , , , , , , , , , </u>	
Address or L	ocation: 4325 Keni	wood AVE.	Battinger	MD 2120	6
Name: Address:	RWARD ADVERTISING E That Marie Mac 1325 Kenwood Rup	ek			
	Baltimore, MD 2	21206			
 .	ımber: 410-866-		·		·

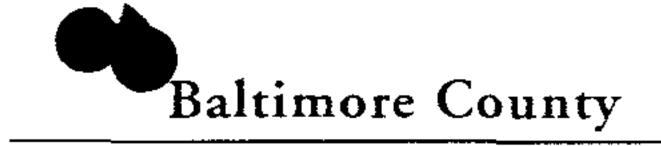
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Num	ber 05-	491	-A	Address	4325	Kenwood	Aux
Contact Pe	erson:	Bruk. Planner	Please Print You	eitis		Phone Number: 4	
Filing Date	e: <u>3</u>	28/05		ting Date:	_	Closing Date:	•
Any contact through the	t made contact	with this off person (plant	ice regardir ner) using th	ng the status ne case numbe	of the admi	nistrative variance	should be
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2. <u>DEAI</u> a form reque	DLINE: mal_request for a	The closing duest for a pupulous public hearing	late is the d blic hearing the proces	eadline for an J. Please un ss is not comp	occupant or derstand tha lete on the cl	owner within 1,00 at even if there is osing date.	0 feet to file s no formal
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		491 -A		ss <u>432</u>	5 Kenwo	od Ave.	
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·					. <u> </u>		

Department of Permits and Development Management

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





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

April 25, 2005

John Adam Macek N. Marie Coulson-Macek 4325 Kenwood Avenue Baltimore, Maryland 21206

Dear Mr. and Mrs. Macek:

RE: Case Number: 05-491-A, 4325 Kenwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 29, 2005.

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,
U. Call Rill ()

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

April 14, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 1, 2005

Item No.: 487, 488, 489, 490 (491, 493, 493, 495, 496, 497, 502, 503

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant William F Connolly, Jr. Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 18, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 18, 2005

Item No. 485, 486, 487, 488, 490, 491, 492, 494, 495, 497, 498, 499, 501, 503,

and 504

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

DAK:CEN:clw
cc: file

ZAC-NO COMMENTS-04182005.doc

Page 1 4 25 PM Grantell 27/65

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

T	'n	٠
1	V	•

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr

DEPRM

DATE:

April 28, 2005

SUBJECT:

05-491 Zoning Item

Address

4325 Kenwood Avenue

Zoning Advisory Committee Meeting of April 11, 2005

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer:

Mike Kulis

Date: May 18, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** April 12, 2005

AP-

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-491- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

MAC/LL







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

Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

BPR

Maryland Department of Transportation

Date: 4.8.05

Baltimore County

Item No. 491

RE:

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

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. Grall

Engineering Access Permits Division

March 19, 2004

To Whom it may concern,

Our neighbors John and Marie Macek has made us aware that they will be adding an addition to the back of their house. They asked us if we had any concerns about this addition as they may be extending further then the approved zoning regulations. The addition will not impact us at all and we are in total agreement with their plans. We live next door to the Maceks at 4405 A Kenwood ave.

Sincerely

Jim and Trish Swindell

To Whom It May Concern:

We currently reside at 4403 Kenwood Avenue, Baltimore, MD 21206. Our property backs up to the side of neighbors John and Marie Macek, living at 4325 Kenwood Avenue. We have lived at our residence for 35 years.

We also own the residence located at 4323 Kenwood Avenue, Baltimore, MD 21206 which also backs up to the side of the Macek's property. We are fully aware of the Macek's plans to extend their residence.

Please accept this letter as written verification that we are aware of these plans and that we have no problem with them executing.

Thank You,

Carol and Wayne Edwards

Carol Edwards Warry Kolinner

4403 Kenwood Avenue

Baltimore, MD 21206

March 24, 2005

To Whom It May Concern:

We currently reside at 4321 Kenwood Avenue, Baltimore, MD 21206. Our property backs up to the side of neighbors John and Marie Macek, living at 4325 Kenwood Avenue. We have lived at our residence for 9 years. We are fully aware of the Macek's plans to extend their residence.

Please accept this letter as written verification that we are aware of these plans and that we have no problem with them executing.

Thank You,

Denise and Ryan Edwards
4321 Kenwood Avenue

Baltimore, MD 21206

To Whom It May Concern:

We currently reside at 4405C Kenwood Avenue, Baltimore, MD 21206. Our property is two doors from neighbors John and Marie Macek, living at 4325 Kenwood Avenue. We have lived at our residence for 3 years.

We are fully aware of the Macek's plans to extend their residence.

Please accept this letter as written verification that we are aware of these plans and that we have no problem with them executing.

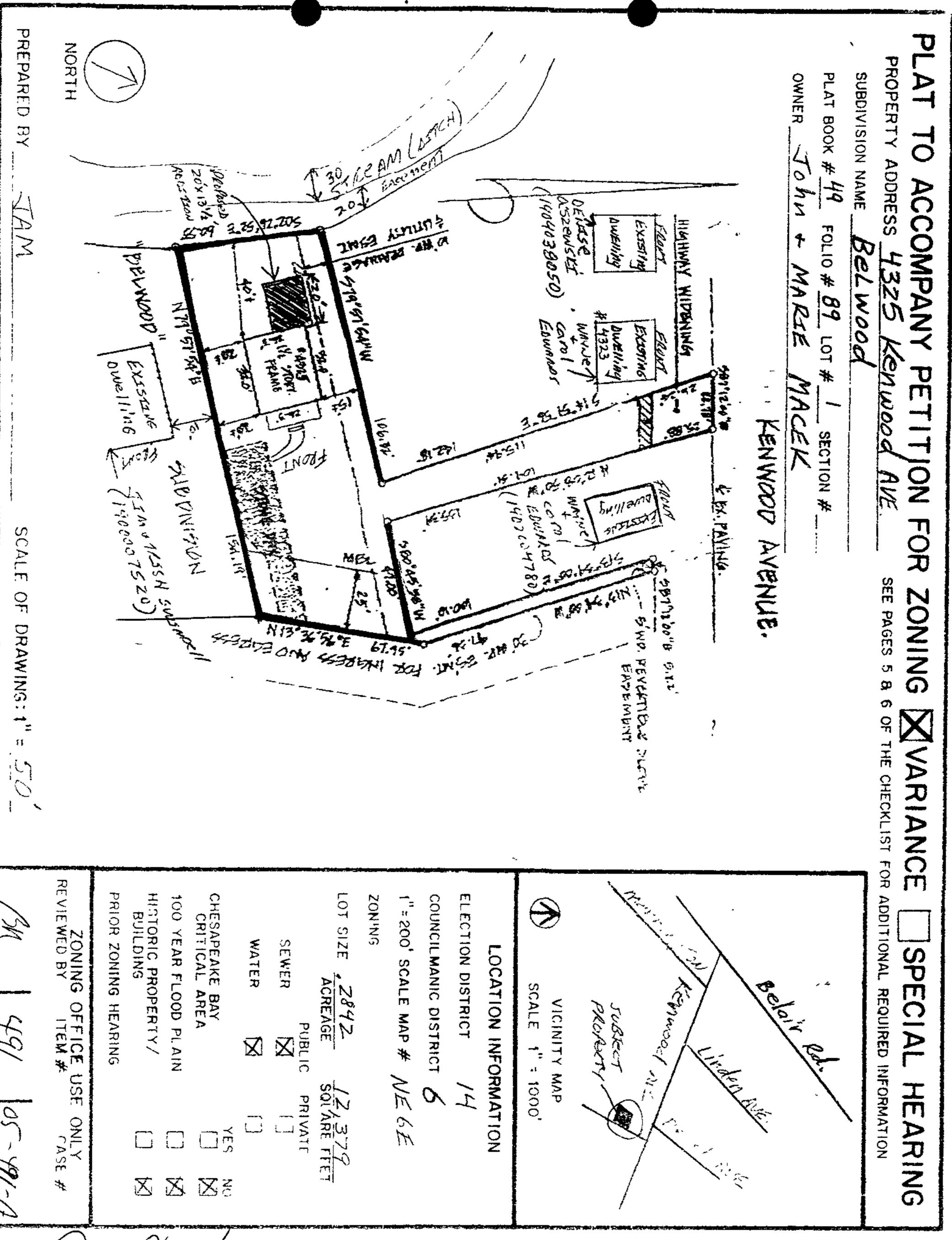
Thank You,

David & Tonya Filipkowski

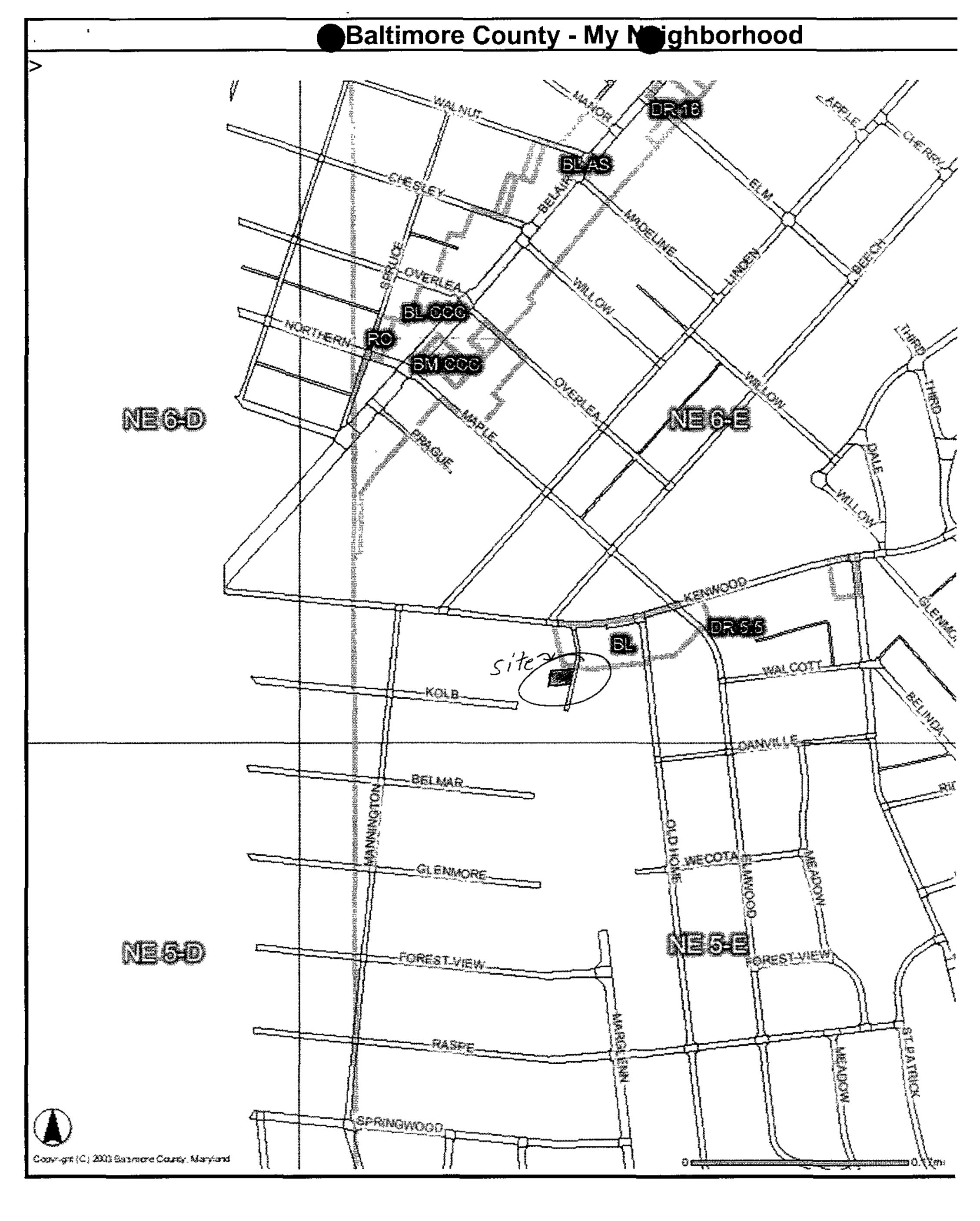
David & Toryan Llipkrusk

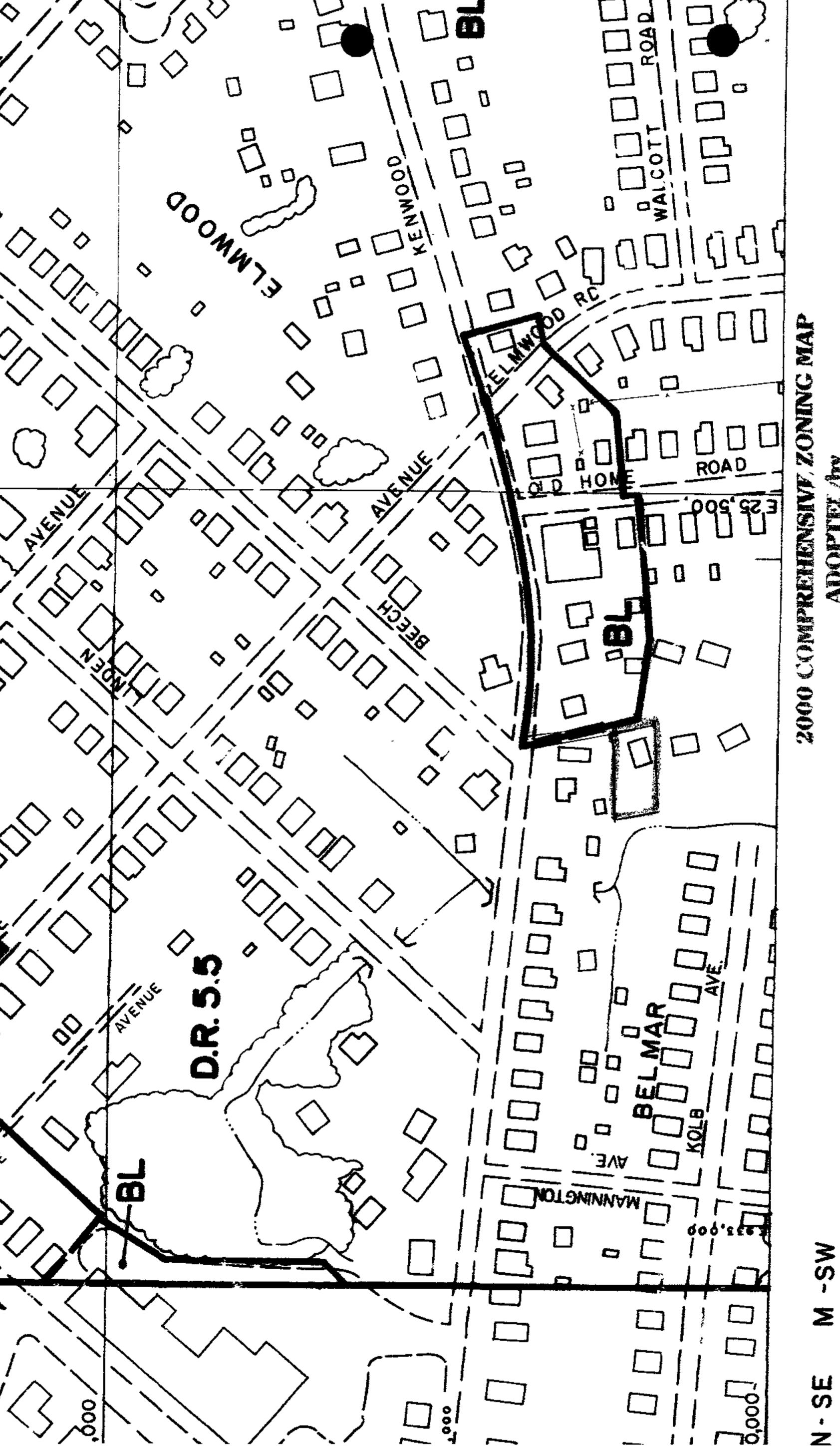
4405C Kenwood Avenue

Baltimore, MD 21206



Tel at





THE BALTIN

FOBER

-00.91-00,92-00,93-00 Bills Nos. 87-00, 88-00,

METHODS HOTOGRAMMETRIC 21210 Ž TIMORE,

DOGRAPHY COMPILED BY P

BUCHART-HORN, INC.

BAL

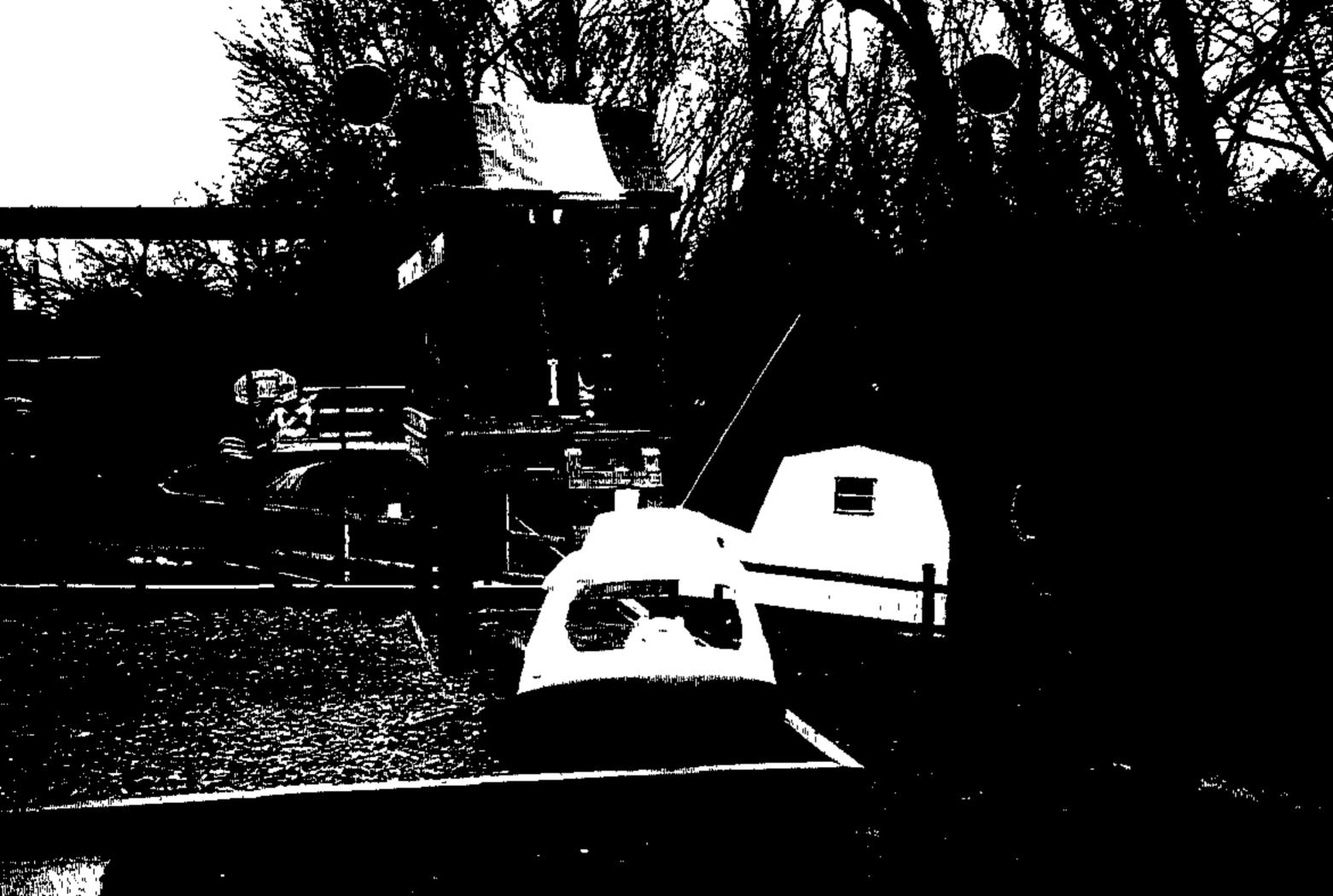
BEEN REVISED

B MAP HAS





Usen from where addition would be looking at adjacent property of Dentise OLSZEWSKI ACC! A 1404038050



view con where addition would be looking at adjacent property of Jim + Trish swindell ACCOUNT # 1900007520 adjacent property on other side of wood fence.



Lear ow of back yard of
4325 Kenwood AVE. From where proposed
addition would be built.



Usew for back of the year looking at 4325 Kenwood AVE. of where proposed addition would be built.