IN RE: PETITION FOR ADMIN. VARIANCE
NE/S of Briarwood Court, 190 ft. NW
centerline of Knox Avenue
8th Election District
2nd Councilmanic District
(4 Briarwood Farm Court)

Mary Anne & Richard G. Kowalewski Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* CASE NO. 06-017-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, Mary Anne and Richard G. Kowalewski. The variance request is for property located at 4 Briarwood Farm Court in the Reisterstown area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 20 ft. sctback to a (side) lot line in lieu of the required 50 ft., for a proposed addition and to amend the last approved Final Development Plan for "Briarwood Farm", Lot #10. 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 July 15, 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>3</u> day of August, 2005, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a 20 ft. setback to a (side) lot line in lieu of the required 50 ft., for a proposed addition and to amend the last approved Final Development Plan for "Briarwood Farm", Lot #10, 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:raj

#### 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

August 4, 2005

Mr. & Mrs. Richard G. Kowalewski 4 Briarwood Farm Court Reisterstown, Maryland 21136

> Re: Petition for Administrative Variance Case No. 06-017-A Property: 4 Briarwood Farm Court

Dear Mr. & Mrs. Kowalewski:

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

Deputy Zoning Commissioner

JVM:raj Enclosure



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



### Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

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

for the property located at 4 Briarwood Farm Court
which is presently zoned RC-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) I AO 4. 3. B. 2. BCZR to permit a DO ft. Setback to a (side) lot line in lieu of the required 50 ft., for a proposed addition and to a mend the last approved final development plan for Briar wood Farm, Lot #10.

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 Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name Signature Signature Telephone No. Address City State Zıp Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Name Company Address Addre. Telephone No. Telephone No. City State Zip Code Zip Code State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning ithis day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By Date **Estimated Posting Date** REV 10/25/01

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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That the Affiant(s) does/do presently reside at	Address	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		^
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That the Affiant(s) acknowledge(s) that if a	formal demand is	filed. Affiant(s	a) will be requir	ed to pay a reposting and
advertising fee and may be required to provide	additional informa	tion.	7	
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STATE OF MARYLAND, COUNTY OF BALT			<b></b>	
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the Affiant(s) herein, personally known or satis	factorily identified t	dary An	Affiant(s).	Jewski
AS WITNESS my hand and Notarial Seal				
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REV 10/25/01	Notary	Public	<del></del>	<b>4</b>
REV 10/25/01	My Con	nmission Expire	es 10/01	2001
REV 10/25/01				

## Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	4 Briarwood	Fam Cl.	
	Reisterstown City		2/3/ <sub>Zip Code</sub>
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That the Affiant(s) acknowledge(s) that if a sadvertising fee and may be required to provide	formal demand is filed, Affia additional information.	nt(s) will be req	uired to pay a reposting and
Signature  Richard G. Konnelensk!  Name - Type or Print	Signature Name - Type	Anne La	Jualenski.
STATE OF MARYLAND, COUNTY OF BALTI			
of Maryland, in and for the County aforesaid, parallel Chard G. Koualeusk the Affiant(s) herein, personally known or satis	ersonally appeared  Cond Moury Fractorily identified to me as su		e, a Notary Public of the State
AS WITNESS my hand and Notarial Seal	Dayna Notary Public My Commission Ex	L. Hawk xpires 10/0	Nec~ 1/2007
REV 10/25/01 リカラ 🤣 🔆 🦪			



REV 10/25/01

### Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

Date

for the property located at	Briarwood	Farm Ct.	
which is p	oresently zoned	RC-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) /AOA. 3. B. Z. BCZR TO PERMIT A 20 FT. SETBACK TO A (SIDE) LOT LIWEIN LIEU OF THE REGUIRED 50 FT. FOR A PROPOSED ADDITION AND TO AMEND THE LAST APPLOVED FINAL DEVELOPMENT PLAN FOR BRIARWOOD FARM, LOT # 10.

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.

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Attorney .	For Petitioner:	-	1		4 DF	arwor	rd ta	m (+	Telephone No
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<b>.</b>			1			ect of this F	Petition.	, -	

**Reviewed By** 

**Estimated Posting Date** 

#### **Zoning Description**

Zoning description for 4 Briarwood Farm Court, Reisterstown, Maryland 21136.

Beginning at a point on the East side of Briarwood Farm Court which is 50' wide at the distance of 190' north of the centerline of the nearest improved intersecting street, Knox Avenue, which is 60' wide. Being lot #10 in the subdivision of Briarwood Farm as recorded in Baltimore County Plat Book #61, Folio#134, containing 1.940 acres. Also known as 4 Briarwood Farm Court and located in the 8<sup>th</sup> Election District, 2<sup>nd</sup> Councilmanic District.

DISTRIBUTION
WHITE - CASHIER RECEIVED FROM: MISCELLANEOUS OFFICE OF BUDGET & FINANCE BALTIMORE COUN RECEIPT TY, MARYL AMOUNT R ACCOUNT AETTOM - CASLOWER 14 No. 1 

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AGENCY

## CERTFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

RE. Case Number 06-017-A

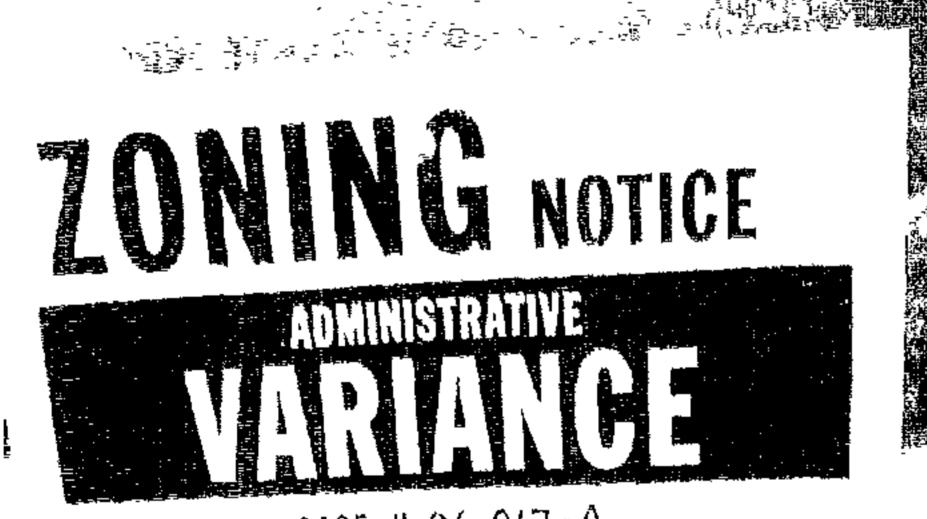
Date July 18, 2005

Petitioner/Developer RICHARD + MARYANNE KOWALEWSKI Date of Hearing (Closing) AUGUST 1, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at  $\frac{4}{8}RIARWOOD$  FARM COURT

The sign(s) were posted on

JULY 15,2005



TO PERMIT A 20 FEET SETBACK TO A SIDE LOT LINE IN LIEU OF THE REDUIRED SO FEET. FOR A PROPOSED.

ACCITION AND TO AMIENO THE LAST APPROPIED FINAL DEVELOPMENT PLAN FOR DEVELOPMENT PLAN FOR DEVELOPMENT PLAN FOR

HERIARWOOD FARM COURT.

PERSONNE TO SECTION TO THE MINITY CODE

AN ELICIBLE INDIVIDUAL OR GROUP MAY

PEQUEST A PUBLIC HEARING CONCERNING

THE PROPOSED VARIANCE, PROVIDED IT

IS DONE IN THE ZONING OFFICE BEFORE

130 pm on MON. .... AUGUST LACOS

ADDITIONAL INFORMATION IS AVAILABLE AT

16HING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

TEL. 887-3301

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Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City. State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

## 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 Newspaper Advertising:
Item Number or Case Number:
Petitioner: <u>Kowatewsk</u> /
Address or Location: 4 BRIAR LUCIOD FARM CT
PLEASE FORWARD ADVERTISING BILL TO: Name: Richard & Mary Amne Kowalewski
Address: 4 Briarwood Farm Count
Reisterstown, Maryland 21136
Telephone Number: (4/0) 252-3864

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

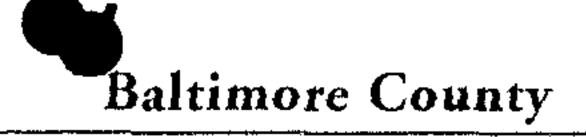
## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 0/7	-A Address A BRIARILLOD EIS	KM CT
Contact Person: JOHN	LEWIS Phone N	umber: 410-887-339
Filing Date: 705/05	Posting Date: 71105 Clos	ing Date: 8/0//05
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DEADLINE: The closing of a formal request for a public hearing	date is the deadline for an occupant or owner would be aring. Please understand that even g, the process is not complete on the closing da	rithin 1,000 feet to file if there is no formal ate.
ORDER: After the closin commissioner. He may: order that the matter be (typically within 7 to 10 day)	ng date, the file will be reviewed by the zoni (a) grant the requested relief; (b) deny the reset in for a public hearing. You will receive you of the closing date) as to whether the petitic hearing. The order will be mailed to you by First	ng or deputy zoning quested relief; or (c) e written notification
POSSIBLE PUBLIC HEAR (whether due to a neighborn commissioner), notification changed giving notice of the	RING AND REPOSTING: In cases that must goods formal request or by order of the zoning will be forwarded to you. The sign on the hearing date, time and location. As when the change and a photograph of the altered sign recommends.	o to a public hearing or deputy zoning property must be
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# Department of Permits and Development Management

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





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

August 1, 2005

Richard D. Kowalewski Mary Anne Kowalewski 4 Briarwood Farm Court Reisterstown, Maryland 21136

Dear Mr. and Mrs. Kowalewski:

RE: Case Number: 06-017-A, 4 Briarwood Farm Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 5, 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 D

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 25, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 25, 2005

Item Nos. 001, 003, 006, 008, 011, 012,

013, 014, 016 (017, 018, and 019

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

DAK:CEN:clw

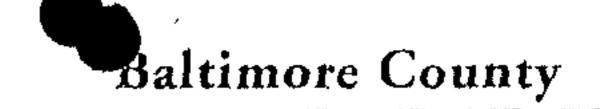
cc: File

ZAC-NO COMMENTS-07252005.doc

#### Fire Department

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





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

July 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 001,003,006,007,008,011,013,014,015,016,017,018,019

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.

1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant David S. Heath Fire Marshal's Office (0)410-887-4881 MS-1102F

cc: File



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

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-017- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

RECEIVED

**DATE:** July 22, 2005

JUL 2 6 2005

ZONING COMMISSIONER

CM/LL

W \DEVREV\ZAC\6-017 doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date: 7.15.05

RE:

Baltimoré County

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).

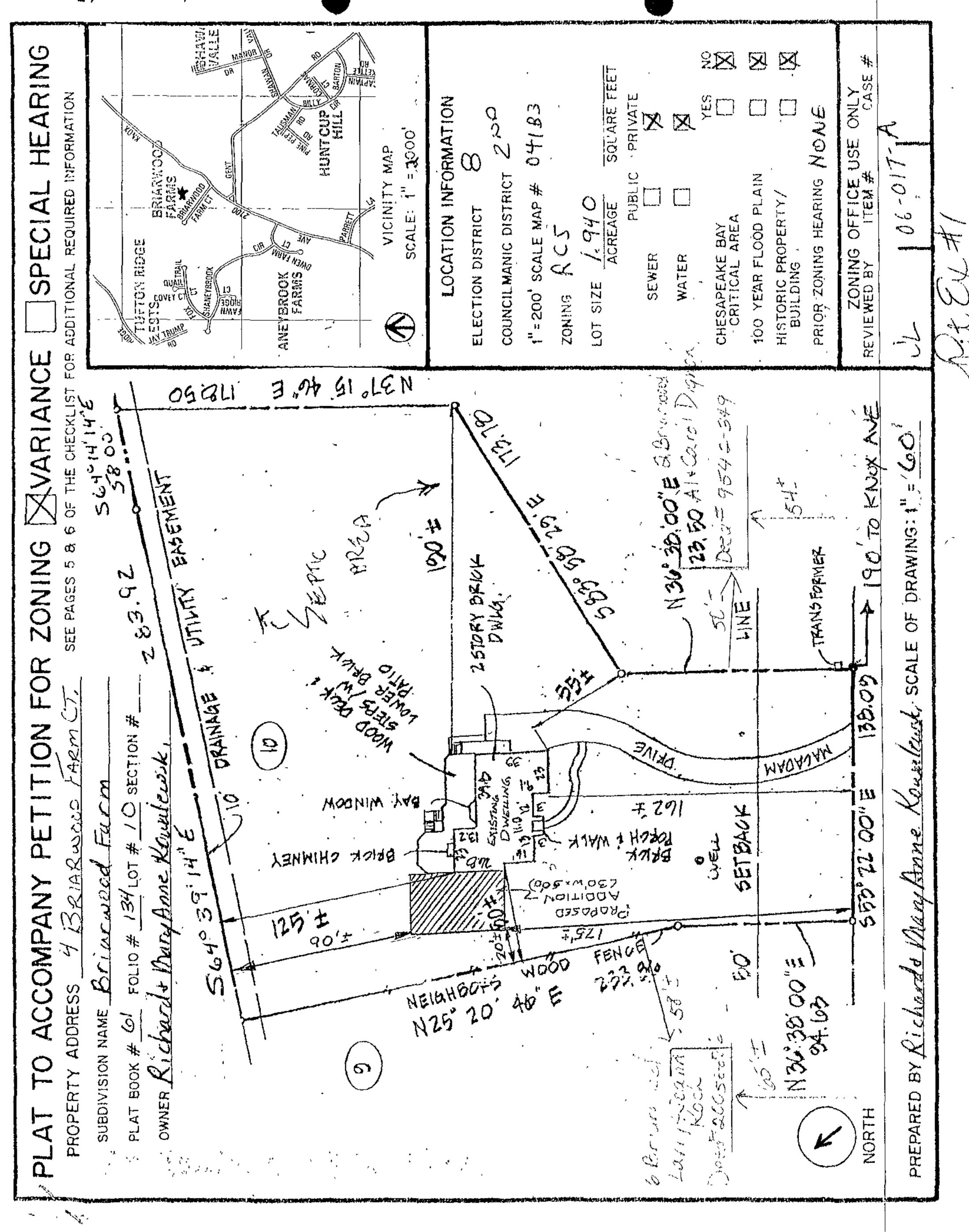
Very truly yours,

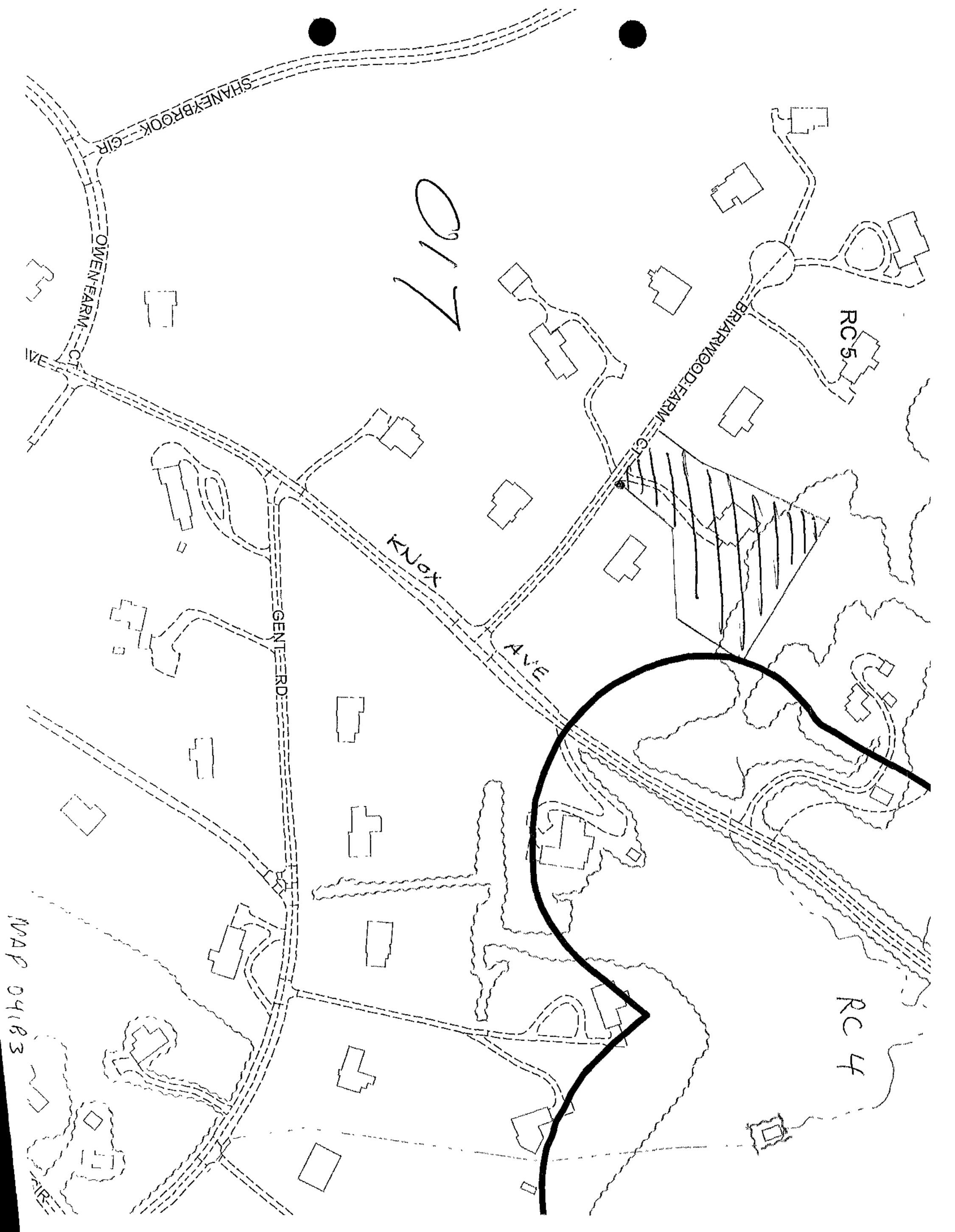
Steven D. Foster, Chief Engineering Access Permits Division

1. 1. Gredt

My telephone number/toll-free number is

Maryland Relay Service for Impaired Hearing or Speech: 1.800 735.2258 Statewide Toll Free







frontlett corner of home

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left side of homewhere proposed extension willbe.



closer View of left side



011