

IN RE: **PETITION FOR ADMIN. VARIANCE**

S/S Owl Branch Lane, 800' S of the c/l

Dairy Road

(12 Owl Branch Lane)

6th Election District

3rd Council District

Andris J. Jaunzemis, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* **Case No. 06-199-A**

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Andris J. Jaunzemis, and his wife, Sharon M. Jaunzemis. The Petitioners request variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) height of 23 feet in lieu of the maximum allowed 15 feet and to amend the final development plan for Owl Branch, Lot 17, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested relief. A review of the site plan shows that the Petitioners propose to construct a 28' x 40' garage in the rear.

ORDER RECEIVED FOR FILING

Date 11/16/15

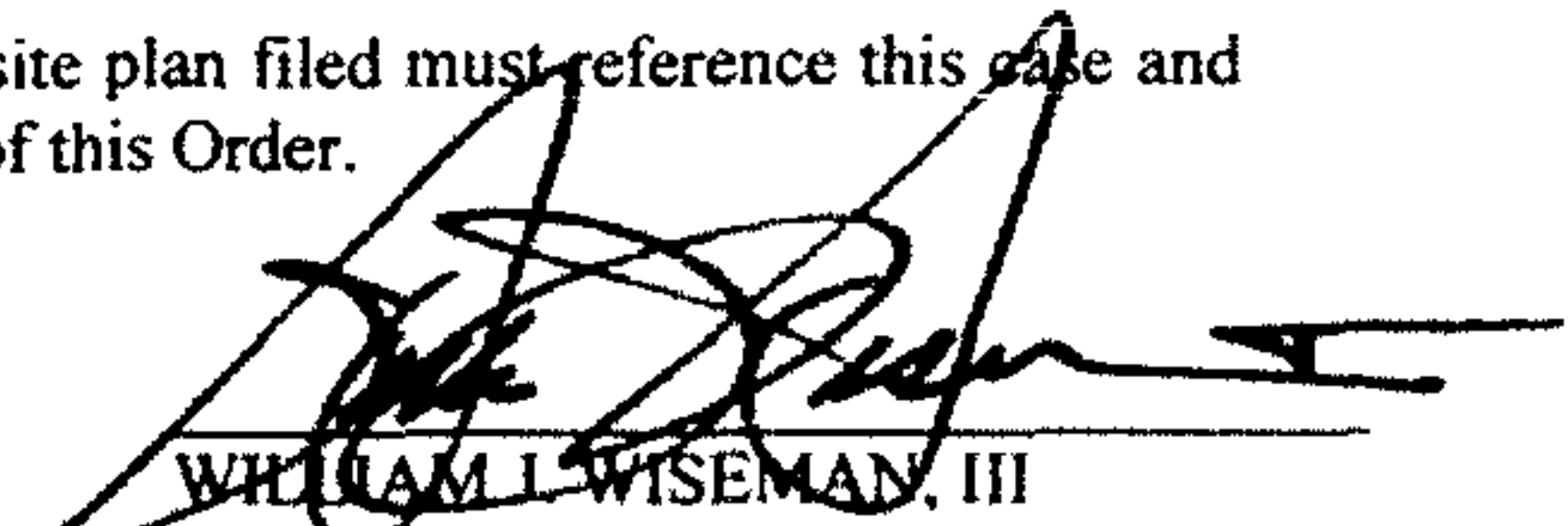
By [Signature]

northwest corner of the yard, with a height of 23'. It was indicated that the garage was designed in keeping with the architecture of the existing house and that the additional height is consistent with other accessory structures in the neighborhood. The proposed garage will allow storage of personal items as well as the Petitioners' classic car and motorcycle. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one voiced any objection. It is also to be noted that all area setback requirements will be met. The only deficiency is the height of the structure. Thus, I am persuaded that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

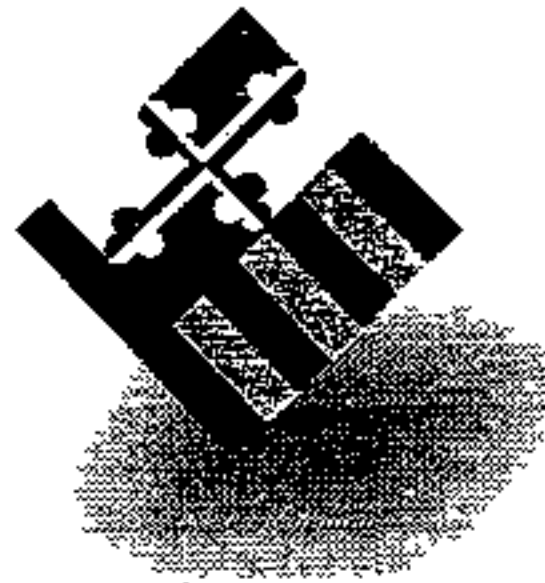
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

10th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November 2005 that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) with a height of 23 feet in lieu of the maximum allowed 15 feet and to amend the final development plan for Owl Branch, Lot 17, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs



BALTIMORE COUNTY

~~November 10, 2005~~
M A R Y L A N D

JAMES T. SMITH, JR.

County Executive
Mr. & Mrs. Andris Jaunzemis
12 Owl Branch Lane
Parkton, Maryland 21120

WILLIAM J. WISEMAN III
Zoning Commissioner

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
S/S Owl Branch Lane, 800' S of the c/l Dairy Road
(12 Owl Branch Lane)
6th Election District – 3rd Council District
Andris J. Jaunzemis, et ux - Petitioners
Case No. 06-199-A

Dear Mr. & Mrs. Jaunzemis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Office of Planning; People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 12 OWL BRANCH LANE
which is presently zoned RC4

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 BCZR

to allow construction of a detached garage (1 1/2 stories over slab) to a maximum height of 23 feet in lieu of the required 15 feet, and to amend the final development plan for Owl Branch Lot #17.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Andris J. Jaunzemis

Name - Type or Print

Signature

Sharon M. Jaunzemis

Name - Type or Print

Signature

12 Owl Branch Lane

Address

Parkton

MD

City

State

410.316.4860-W

410.357.8564-T

Telephone No.

21120

Zip Code

Representative to be Contacted:

Andris (Andy) Jaunzemis

Name

12 Owl Branch Lane

Address

Parkton

MD

City

State

410.316.4860-W

Telephone No.

21120

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By BN

Date 10/7/05

Estimated Posting Date 10/16/05

NO.

06-199-A

REV 9/15/95

ORDER RECEIVED FOR FILING

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 12 OWL BRANCH LANE
Address PARKTON MD 21120
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):

The desire to provide a garage structure with compatible architecture to the existing house and neighborhood, with adequate function within the garage structure, and with reasonable proportions, is obstructed by the height limitation, creating practical difficulty. The garage structure will be utilized for general storage and storage of our classic car and motorcycle.

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.

Andris J. Jaurzemis
Signature
Andris J. Jaurzemis
Name - Type or Print

Sharon M. Jaurzemis
Signature
Sharon M. Jaurzemis
Name - Type or Print

STATE OF MARYLAND, COUNTY OF Carroll BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of October, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Andris J. Jaurzemis & Sharon M. Jaurzemis
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

October 6, 2005
Date

Nancy J. Euse
Notary Public
My Commission Expires 6/1/09

ZONING DESCRIPTION FOR:

12 OWL BRANCH LANE
PARKTON, MD 21120

Beginning at a point on the south side of the cul-de-sac of Owl Branch Lane which is 40 feet wide at a distance ~~800~~ feet south of the centerline of the nearest improved intersecting street Dairy Road which is 50 feet wide.

Being Lot #17 in the subdivision of Owl Branch as recorded in Baltimore County Plat Book #50, Folio #55, containing 3.083 acres.

Also known as 12 Owl Branch Lane and located in the 6th Election District, 3rd
Councilmanic District

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0324

DATE 10/17/05

ACCOUNT 2001-006-6150

AMOUNT \$ 130.00

RECEIVED BY Andrew J. Jantz, Jr.

FOR Administration, Judiciary, LDR Approved

RECEIVED BY

PRK - AGENCY

YELLOW - CUSTOMER

661-11-199

PAID RECEIPT

PAID TO: BALTIMORE COUNTY
FOR: BALTIMORE COUNTY
DATE: 10/17/05
AMOUNT: \$ 130.00
RECEIVED BY: Andrew J. Jantz, Jr.
FOR: Administration, Judiciary, LDR Approved

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 10-15-05

RE: Case Number 06-199-A
Petitioner/Developer: ANDY + SHARON JAUNZEMIS
Date of Hearing/Closing: 10-31-05

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 12 Owl Branch Lane

The sign(s) were posted on 10-15-05

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 OLD BARN RD
(Street Address of Sign Poster)

PARKTON, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-199-A

Petitioner: ANDRIS & SHARON JAUNZEMIS

Address or Location: 12 OWL BRANCH LANE, PARKTON, MD 21120

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANDRIS JAUNZEMIS

Address: 12 OWL BRANCH LANE

PARKTON, MD 21120

Telephone Number: 410-316-4860 - OFFICE

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 199 -A Address 12 Owl Branch Lane

Contact Person: Bruno Radaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/7/05 Posting Date: 10/16/05 Closing Date: 10/31/05

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 199 -A Address 12 Owl Branch Lane

Petitioner's Name Andrie & Sharon Januszewicz Telephone 410-316-4860 etc

Posting Date: 10/16/05 Closing Date: 10/31/05

Wording for Sign: To Permit an accessory structure (garage) with a height of 23 ft. in lieu of the required 15 ft. and to amend the Final Development Plan for lot #17 only in the Owl Branch subdivision.

WCR - Revised 6/25/04

**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 31, 2005

Andris J. Jaunzemis
Sharon M. Jaunzemis
12 Owl Branch Lane
Parkton, Maryland 21120

Dear Mr. and Mrs. Jaunzemis:

RE: Case Number: 06-199-A, 12 Owl Branch Lane

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

October 18, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 17, 2005

Item No.: 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197
198, 199, 200, 201, 202, 203

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

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

Acting Lieutenant William F Connolly, Jr.
Fire Marshal's Office
(O) 410-887-4880
MS-1102F

cc: File

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: 10.14.05

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

RE: Baltimore County
Item No. 199 BPR

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 20, 2005

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

SUBJECT: 6-199 – Administrative Variance

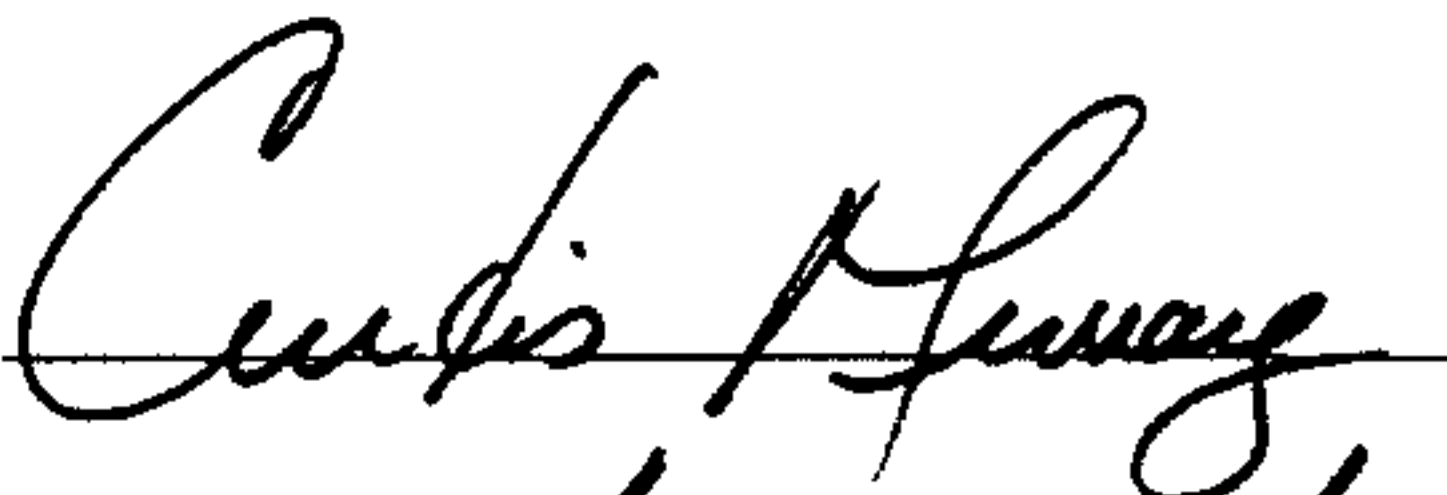
RECEIVED
OCT 21 2005
PLANNING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23 feet in lieu of the maximum permitted 15 feet and to amend the final development plan for Owl Branch Lot 17 provided the following conditions are met:

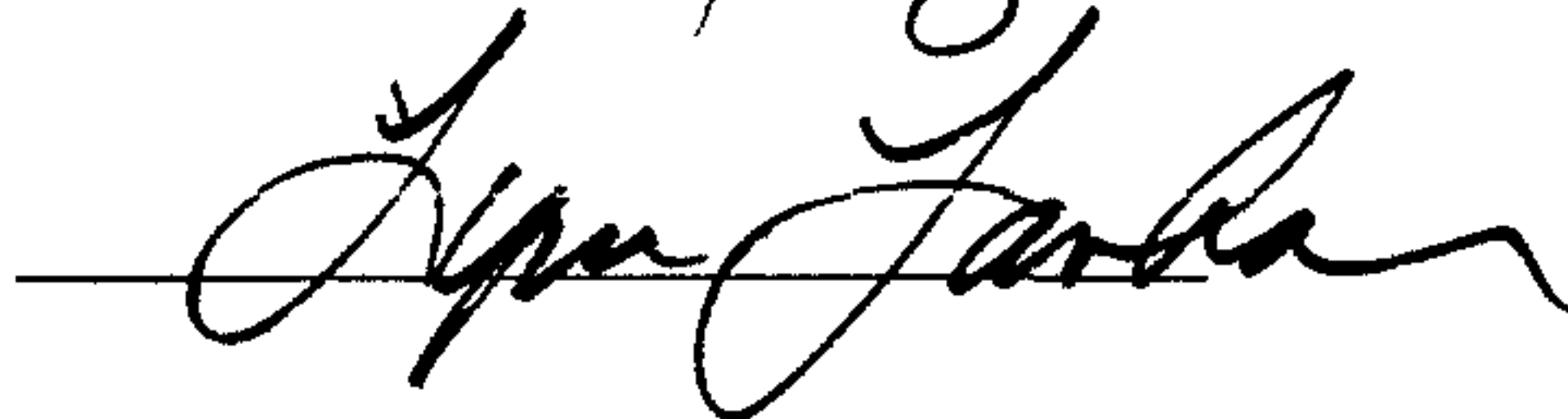
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 24, 2005
Item Nos. 186, 187, 188, 189, 191, 192,
193, 194, 195, 196, 197, 199, 201 and 202

DATE: October 27, 2005

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-10272005.doc

Photographs of property at 12 Owl Branch Lane, Parkton, MD 21120 indicating existing conditions and adjacent dwellings taken from the area of proposed building.

Attached: Legend of photographed location directions

Ten (10) photographs

Plat to accompany Petition for Zoning

PROPERTY ADDRESS: 12 OWL BRANCH LANE

Subdivision name: OWL BRANCH

plat book # 50 , folio # 55 , lot # 17 , section #

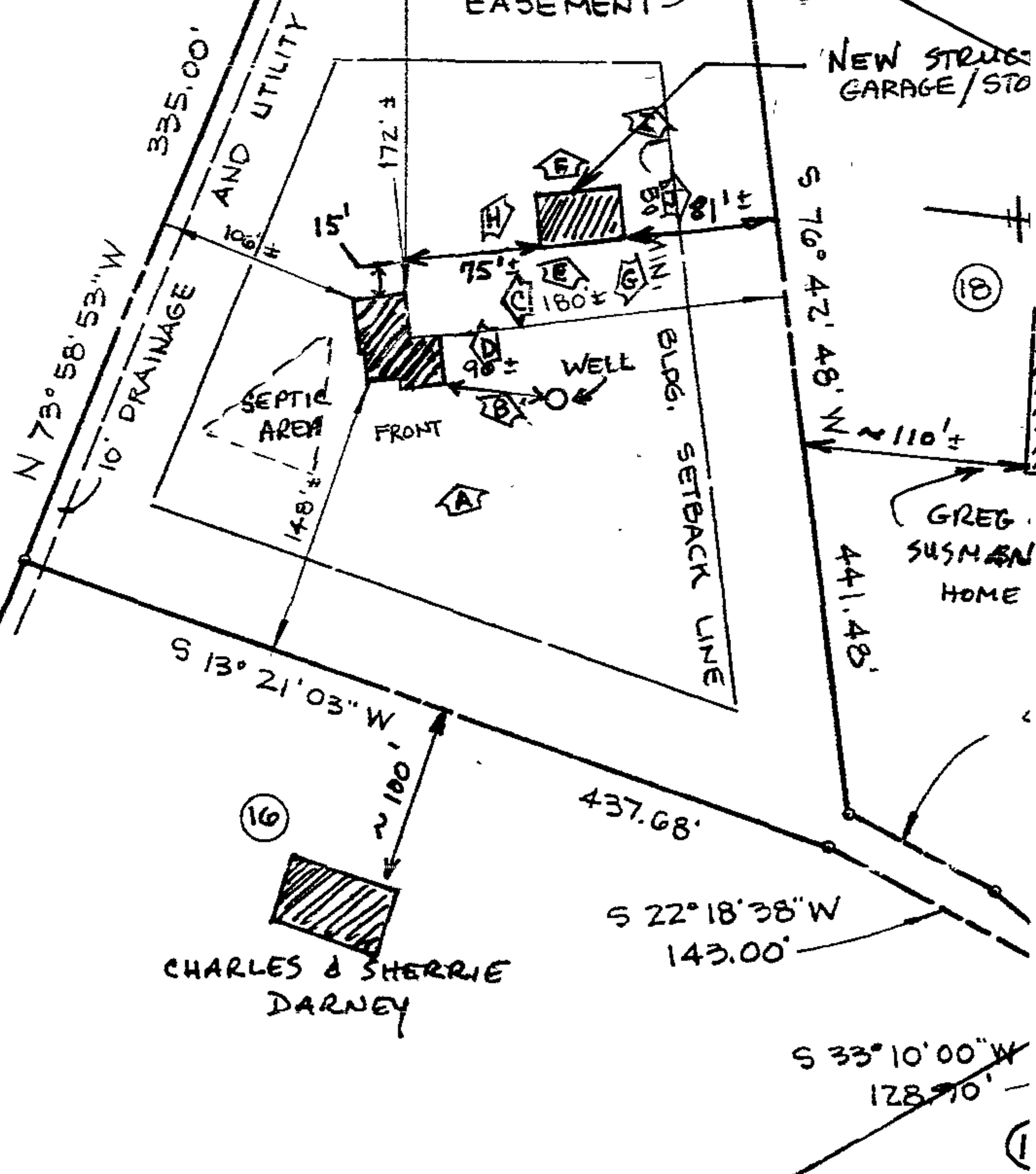
OWNER: ANDRIS & SHARON JAUNZEMIS

20+ AC. LOT
VACANT FARMLAND

N 05° 58' 53" W 240.85

EASEMENT

NEW STRUGGS
GARAGE/STO



North

date: 9-02-05

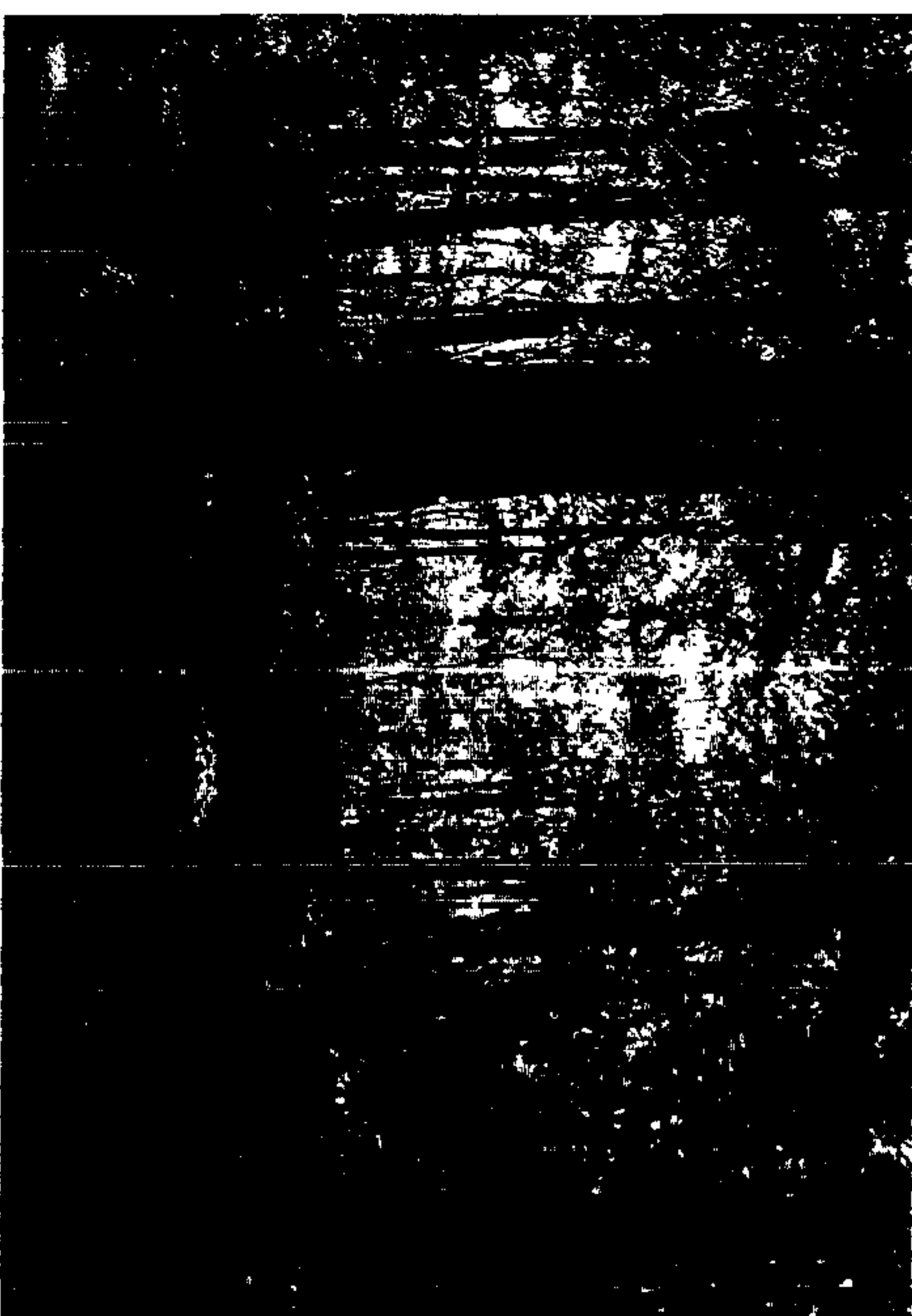
prepared by: AJS

Scale of Drawing: 1" = 100'

A



B

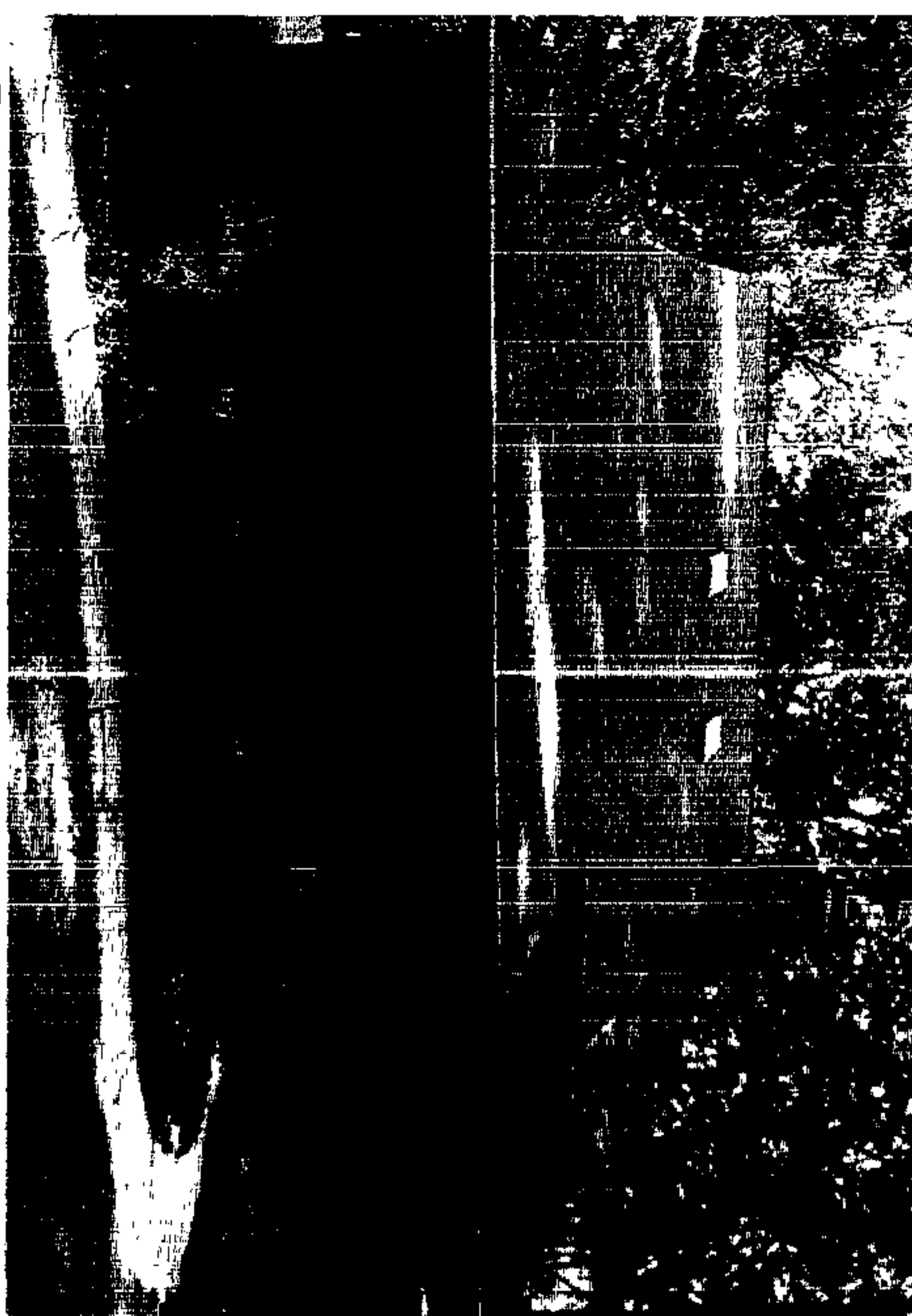


199

C



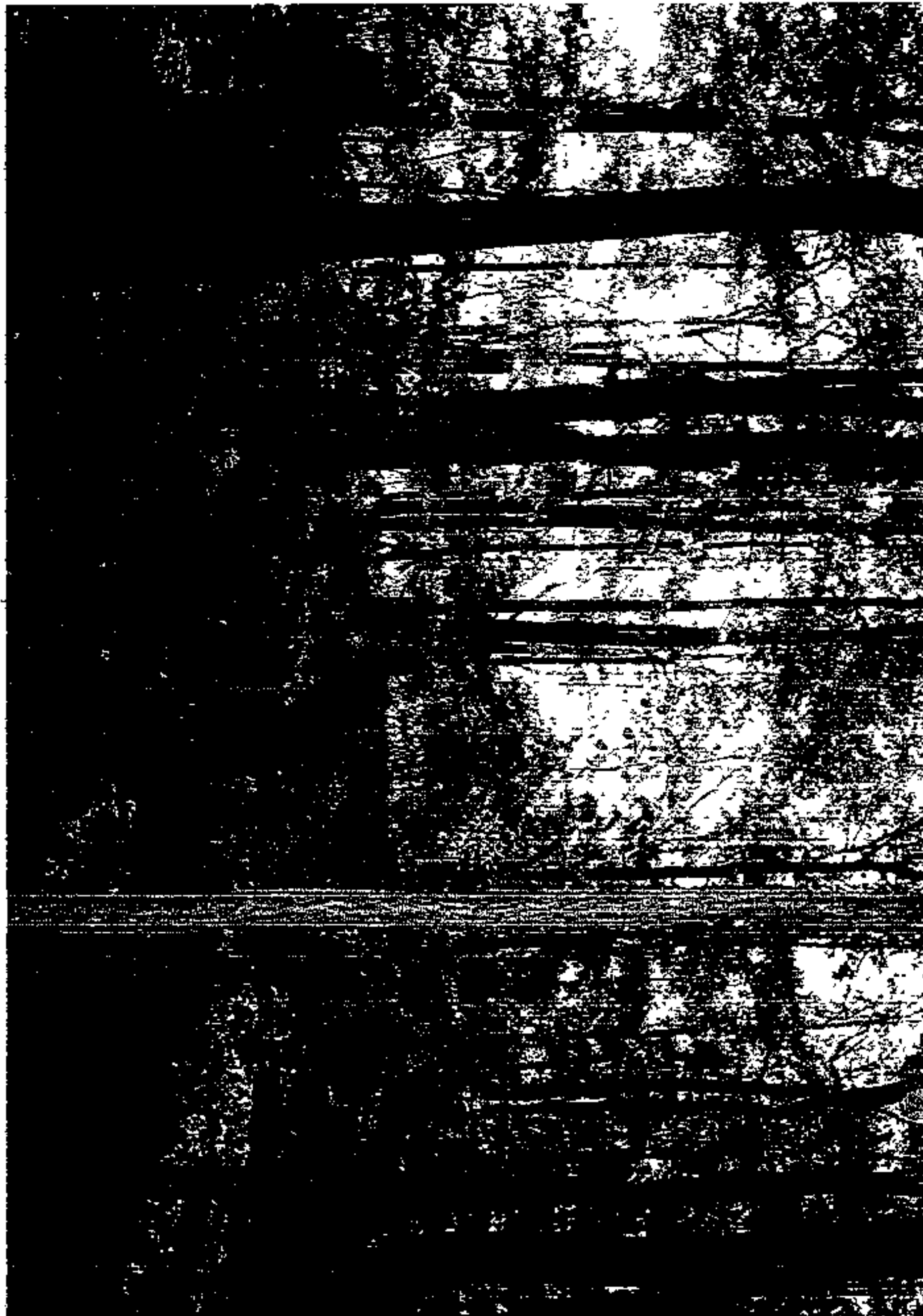
D



9



10



11



12



4



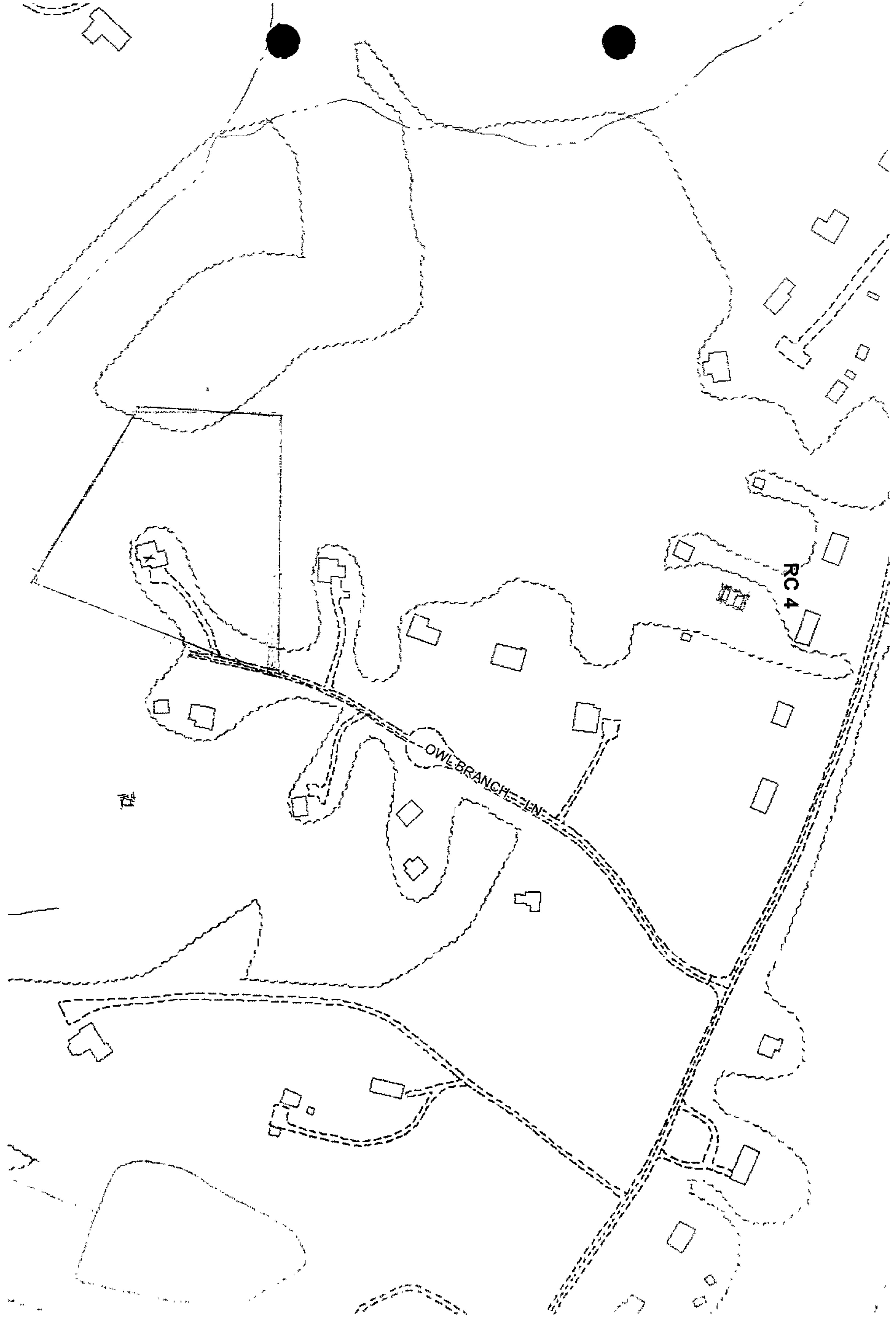
5



Aerial view of property at 12 Owl Branch Lane, Parkton, MD 21120. Visible are adjoining homes and main roads leading to Owl Branch Lane

Attached: Aerial view from www.baltimorecountyonline.info





RC 4

OWLE BRANCH LN

map# 011C3
#199

