

IN RE: PETITION FOR ADMIN. VARIANCE  
W/Side of Creston Road, 316' south of  
centerline of Parkwood Road  
12th Election District  
7th Councilmanic District

**(2716 Creston Road)**

Leo J. and Barbara L. Kostkowski  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 06-275-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, Leo J. and Barbara L. Kostkowski. The variance request is for property located at 2716 Creston Road in the Dundalk area of Baltimore County. The variance request is from Section VI.C.4 (July, 1953 Zoning Regulations, "D" Residence) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 38 ft. in lieu of the required 50 ft. to construct an addition and a porch with a roof. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 4, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, 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

ORDER RECEIVED  
Date 12-23-05  
By [Signature]

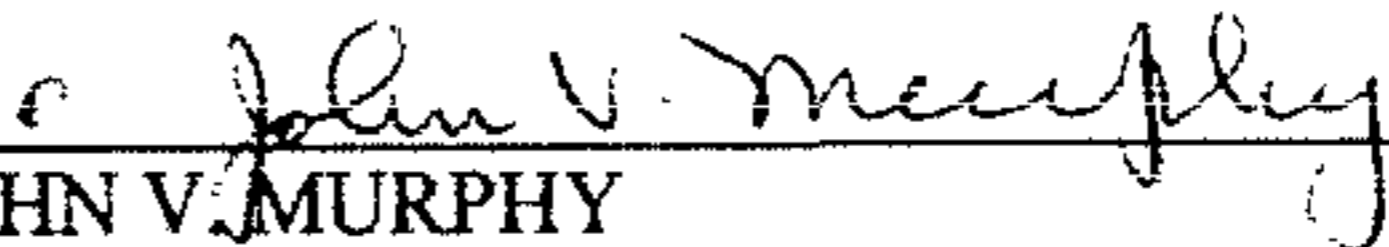
in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply 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 Petitioner.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23 day of December, 2005, that a variance from Section VI.C.4 (July, 1953 Zoning Regulations, "D" Residence) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a rear yard setback of 38 ft. in lieu of the required 50 ft. to construct an addition and a porch with a roof, be and is hereby GRANTED, subject, however, to the following restrictions 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:dlw

ORDER RECEIVED FOR FILING  
Date 12-23-05  
By [Signature]



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

December 23, 2005

Leo J. Kostkowski  
Barbara L. Kostkowski  
2716 Creston Road  
Dundalk, Maryland 21222

Re: Petition for Administrative Variance  
Case No. 06-275-A  
Property: 2716 Creston Road

Dear Mr. and Mrs. Kostkowski:

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

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

Very truly yours,

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

John V. Murphy  
Deputy Zoning Commissioner  
for Baltimore County

JVM:dlw  
Enclosure

c: Tim Kostkowski, 12520 Manor Road, Glen Arm, Maryland 21057  
People's Counsel; Case File



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2716 CRESTON RD 21222  
which is presently zoned DR 10.5

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)

U.C.4 (July, 1953 zoning regulations,

"D" Residence) to permit a rear yard setback of 38 ft. in lieu of the required 50 ft. to construct an addition and a porch with a roof.

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 N/A  
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 LEO J. KOSTKOWSKI  
Signature [Signature]  
Name - Type or Print BARBARA L. KOSTKOWSKI  
Signature [Signature]

2716 CRESTON RD 410 282 3937  
Address Telephone No.  
DUNDALK MD 21222  
City State Zip Code

### Representative to be Contacted:

Name Tim Kostkowski  
Address 12520 MANOR RD 410 624 6071  
Telephone No.  
GLEN ARM MD 21057  
City State Zip Code

As 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 regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

ORDER RECEIVED BY MAILING UNIT  
DATE 12-23-05  
BY [Signature]  
NO. 06 275-A

Reviewed By BK Date 11/23/05  
Estimated Posting Date 12/4/05

REV 1/25/01

# Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 2716 CRESTON RD  
Address  
DONDALK MD 21222  
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 ADDITION IS BEING BUILT TO MAKE LIVING AT THE RESIDENCE IS MORE PRACTICAL. MR. KOSTKOWSKI IS LEGALLY BLIND AND MRS. KOSTKOWSKI HAS A PROSTETIC HIP AND KNEE. THE ADDITION WILL CONTAIN A FULL BATHROOM AND LAUNDRY ROOM. THERE IS NO OTHER AREA ON THE PROPERTY WHERE THE ADDITION CAN BE BUILT.

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  
LEO J. KOSTKOWSKI  
Name - Type or Print

[Signature]  
Signature  
BARBARA L. KOSTKOWSKI  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18<sup>th</sup> day of NOVEMBER, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

LEO J. KOSTKOWSKI & BARBARA L. KOSTKOWSKI  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]  
Notary Public

My Commission Expires ANN E. BREEN  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires May 1, 2007

10/25/05

ZONING DESCRIPTION FOR 2716 CRESTON RD.  
BEGINNING AT A POINT ON THE WEST SIDE  
OF CRESTON RD WHICH IS 60' WIDE AT A  
DISTANCE OF 316' SOUTH OF THE CENTERLINE  
OF THE NEAREST IMPROVED STREET PARKWOOD RD  
WHICH IS 60' WIDE. BEING LOT # 8 BLOCK I  
SECTION 3 IN THE SUBDIVISION OF SOUTH BROOK  
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 19,  
FOLIO # 094 CONTAINING 3406 sq ft. ALSO KNOWN  
AS 2716 CRESTON RD AND LOCATED IN THE 12<sup>TH</sup>  
ELECTION DISTRICT, 17<sup>TH</sup> COUNCILMANIC DISTRICT

**PAID RECEIPT**

**BALTIMORE COUNTY, MARYLAND**  
**DEPARTMENT OF BUDGET & FINANCE**  
**MISCELLANEOUS RECEIPT**

No. 1680

DATE 11/03/05

ACCOUNT 150001 6110

AMOUNT \$ 65.00

PAID TO Sup 1011 Kestel, Linda

FOR ADMINISTRATIVE VARIANCE

**BUSINESS ACTION LINE**  
1. COUNCIL OF GOVERNMENTS  
2. BALTIMORE COUNTY  
3. BALTIMORE COUNTY  
4. BALTIMORE COUNTY  
5. BALTIMORE COUNTY  
6. BALTIMORE COUNTY  
7. BALTIMORE COUNTY  
8. BALTIMORE COUNTY  
9. BALTIMORE COUNTY  
10. BALTIMORE COUNTY

065  
0375

CASHIER'S VALIDATION

ADINCY YELLOW CUSTOMER

# CERTIFICATE OF POSTING

RE: Case No.: OK-275-A

Petitioner/Developer: LEO &

BARBARA KOSTKOWSKI

Date of Hearing/Closing: 12-19-05

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21284

ATTN: Kristen Matthews ((410) 887-3394)

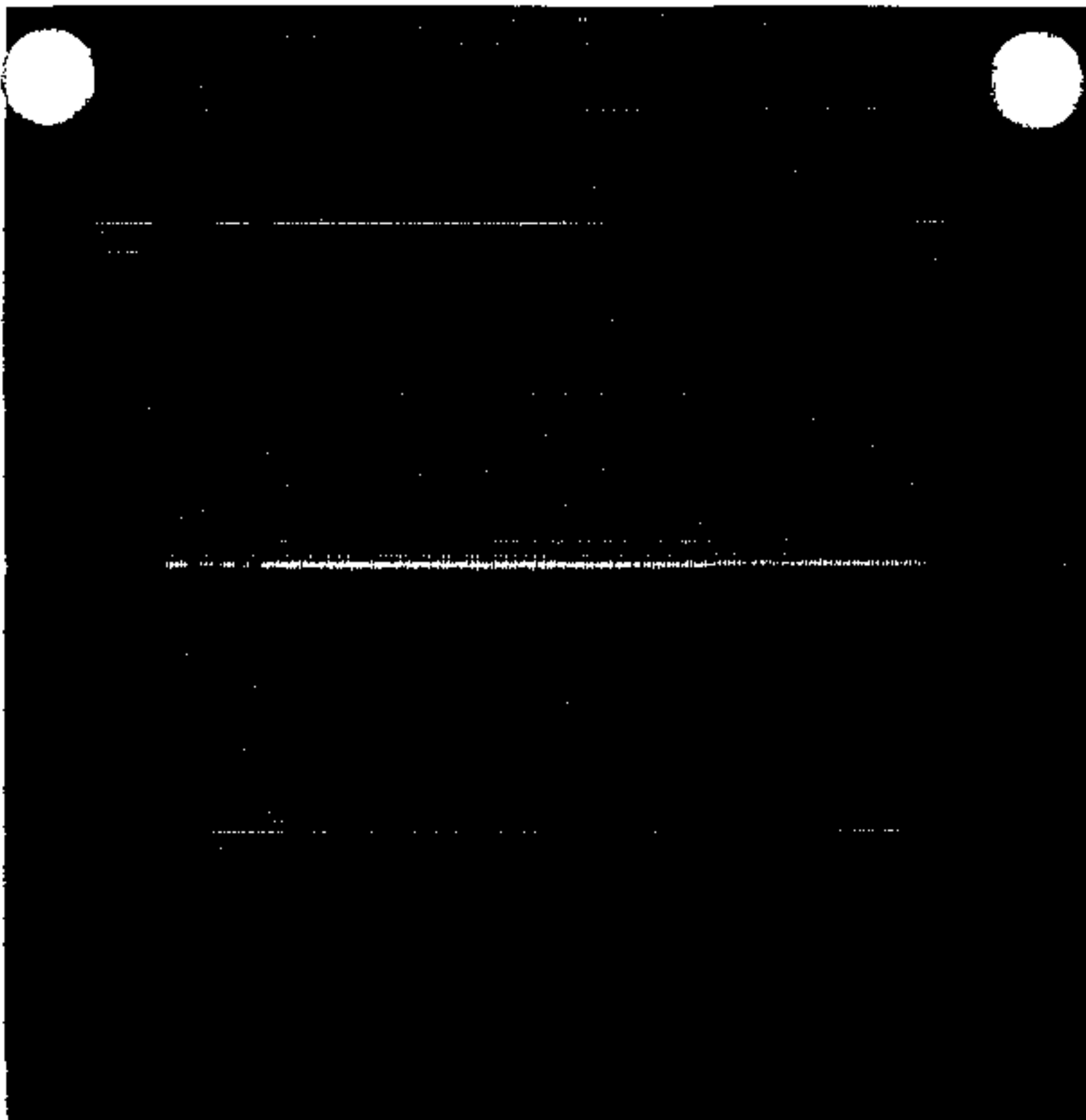
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

\_\_\_\_\_ 2716 CRESTON RD \_\_\_\_\_

The sign(s) were posted on 12-4-05  
(Month, Day, Year)

Sincerely,



Robert Black 12-6-05  
(Signature of Sign Poster) (Date)

SSG Robert Black

\_\_\_\_\_  
(Print Name)

1508 Leslie Road

\_\_\_\_\_  
(Address)

Dundalk, Maryland 21222

\_\_\_\_\_  
(City, State, Zip Code)

(410) 282-7940

\_\_\_\_\_  
(Telephone Number)

2716 CRESTON RD



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 06- 275 -A Address 2716 Creston Rd.  
Contact Person: Bruno Ruckaitis Phone Number: 410-887-3391  
Planner, Please Print Your Name  
Filing Date: 11/23/05 Posting Date: 12/4/05 Closing Date: 12/19/05

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

- 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 06- 275 -A Address 2716 Creston Rd.  
Petitioner's Name Leo & Barbara Kostkowski Telephone 410-624-6071  
Posting Date: 12/4/05 Closing Date: 12/14/05  
Wording for Sign: To Permit a rear yard setback of 38 ft. for an addition  
and a covered porch (roof) in lieu of the required 50 ft.

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 06-275-A  
Petitioner LEO J. + BARBARA L. KOSTKOWSKI  
Address or Location 2716 CRESTON RD

PLEASE FORWARD ADVERTISING BILL TO

Name LEO KOSTKOWSKI  
Address 2716 CRESTON RD  
DUNDALK MD 21222  
Telephone Number 410-624-6071

**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*

December 19, 2005

Leo Kostkowski  
Barbara Kostkowski  
2716 Creston Road  
Dundalk, Maryland 21222

Dear Mr. and Mrs. Kostkowski:

RE: Case Number: 06-275-A, 2716 Creston Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 23, 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 that reads "W. Carl Richards, Jr." in a cursive style.

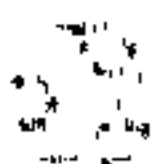
W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel  
Tim Kostkowski 12520 Manor Road Glen Arm 21057

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



## 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

December 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 265, 267, 271, 272, 273, 274, 275, 276, 277, 279, 280, 282, 283, 284, 285.

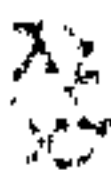
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant Don W. Muddiman  
Fire Marshal's Office  
410-887-4880  
MS-1102F

cc: File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** December 20, 2005

**FROM:** <sup>DAK</sup>Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 5, 2005  
Item Nos. 251, 267, 271, 272, 273, 274, ~~275~~  
276, 277, 278, 279, 280, 282, 283, 284, 285

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-12202005 doc

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** December 9, 2005

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

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 6-275- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



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

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

Maryland Department of Transportation

Date: 12.2.05

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

RE: Baltimore County  
Item No. 275 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

**PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING**

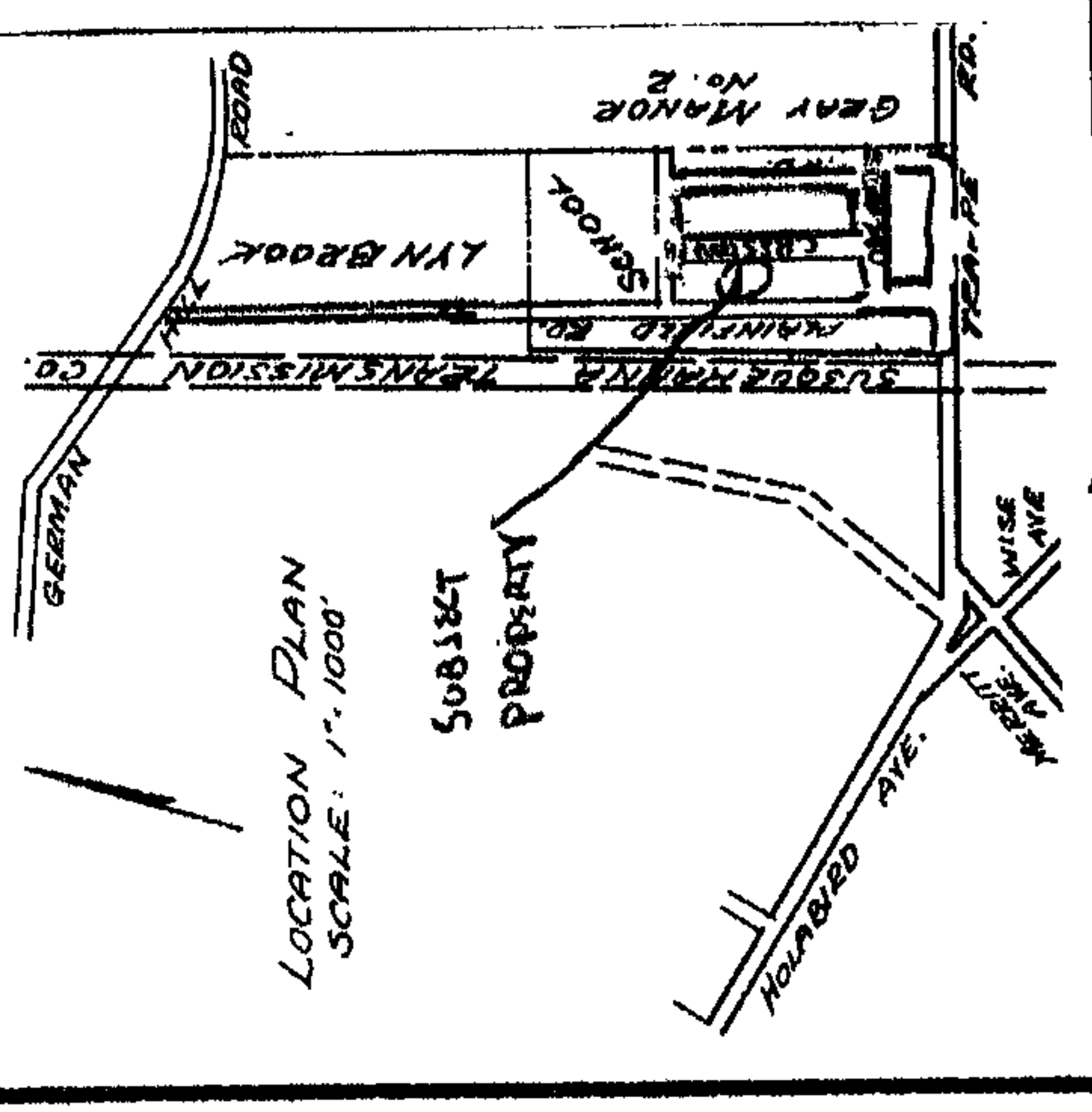
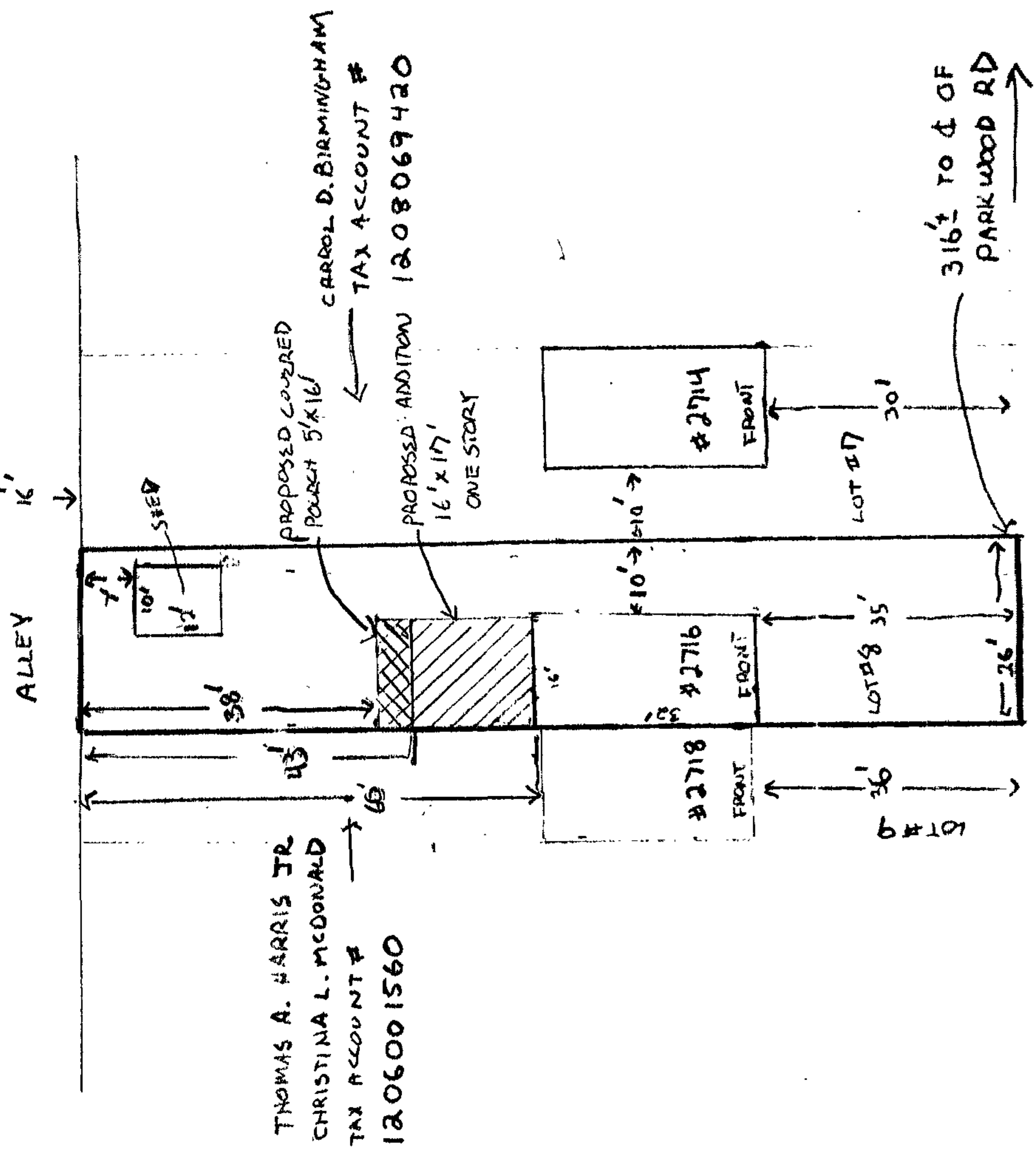
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 2716 CRESTON ROAD

SUBDIVISION NAME SOUTH BROOK

PLAT BOOK # 19 FOLIO # 094 LOT # 8 SECTION # 3

OWNER LEO J. + BARBARA L. KOSTKOWSKI / TAX # 1211068560



**LOCATION INFORMATION**

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 103C1

ZONING DR 10.5

LOT SIZE .078 ACRES 3406 SQUARE FEET

SEWER  PUBLIC  PRIVATE

WATER

YES  NO

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/BUILDING

PRIOR ZONING HEARING NONE

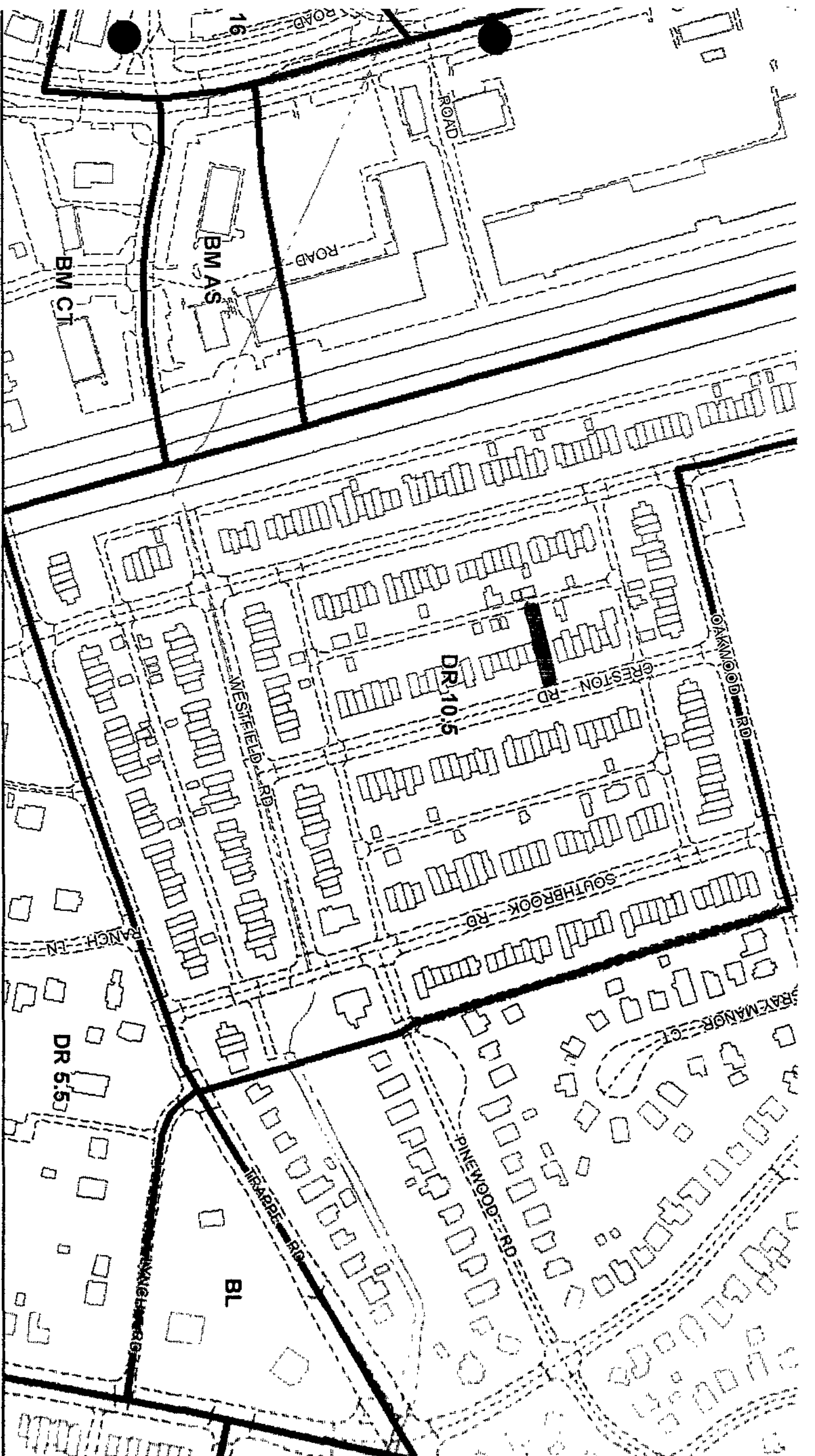
ZONING OFFICE USE ONLY  
REVIEWED BY BK ITEM # 275 CASE # 06-275-A



PREPARED BY T. KOSTKOWSKI 1025105 SCALE OF DRAWING: 1" = 20'



# Baltimore County of Planning and Zoning



	096B3	096C3	097A3	097B3
	103B1	103C1	104A1	104B1

**Scale**

1" = 200'

0 100 200 300

10321

Baltimore County - My Neighborhood



# 375

06-275-A

①



(2)  
Con. A

