

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE  
North Side of Chestnut Road, 540' \*  
Northeast of centerline of Seneca Road \* DEPUTY ZONING COMMISSIONER  
15th Election District \*  
6th Councilmanic District \* OF BALTIMORE COUNTY  
  
(4020 Chestnut Road) \* CASE NO. 06-287-A  
  
Greg and Barbara Maliszewski \*  
*Petitioners*

\* \* \* \* \*

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, Greg and Barbara Maliszewski. The variance request is for property located at 4020 Chestnut Road in the Bowley's Quarters area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (in-ground swimming pool) to be located in the front yard in lieu of the required rear yard. 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: ZAC comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated January 11, 2005, a copy of which is attached hereto and made a part hereof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 24, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

MAILED  
Date 1-13-06  
By [Signature]

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 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.

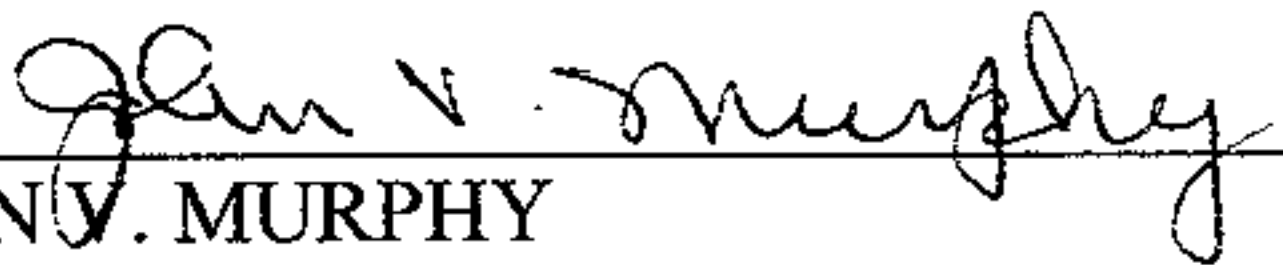
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13 day of January, 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (in-ground swimming pool) to be located in the front yard in lieu of the required rear yard, 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.
2. The Petitioners must be in compliance with the ZAC comments submitted by DEPRM dated January 11, 2006, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order; and

RECEIVED FOR FILING  
Date 1-13-06  
By [Signature]

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

DATE 1-13-06  
BY [Signature]



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

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

January 12, 2006

Greg Maliszewski  
Barbara Maliszewski  
4020 Chestnut Road  
Baltimore, Maryland 21220

Re: Petition for Administrative Variance  
Case No. 06-287-A  
Property: 4020 Chestnut Road

Dear Mr. and Mrs. Maliszewski:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,  
Annapolis, MD 21401  
People's Counsel; Case File



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 4020 Chestnut Road  
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)

400.1 to permit an accessory structure (in-ground swimming pool) be located in the front yard in lieu of the required rear yard.

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):

Greg Maliszewski  
Name - Type or Print

Greg Maliszewski  
Signature

Barbara Maliszewski  
Name - Type or Print

Barbara Maliszewski  
Signature

4020 Chestnut Rd. 410-335-5610  
Address Telephone No.

Baltimore Md. 21220  
City State Zip Code

### Representative to be Contacted:

Greg Maliszewski  
Name

4020 Chestnut Rd. 443-677-3879  
Address Telephone No.

Baltimore Md. 21220  
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 13 day of October, 2005, 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

Reviewed By BH Date 12/1/05

Estimated Posting Date 12/11/05

ORDER RECEIVED FOR FILING  
CASE NO. 06-287-A  
RECEIVED 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.

That the Affiant(s) does/do presently reside at 4020 Chestnut Road  
Address  
Baltimore MD 21220  
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):

We would like a variance to allow a  
inground pool in our front yard, our  
property faces the water and all our  
utilities are in our backyard. water, electric  
and sewer and these would be impossible  
to relocate.

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.

Greg Maliszewski  
Signature  
Greg Maliszewski  
Name - Type or Print

Barbara Maliszewski  
Signature  
Barbara Maliszewski  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27<sup>th</sup> day of May, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Adam Moore  
Notary Public  
My Commission Expires 12/30/2005

ZONING DESCRIPTION FOR 4020 CHESTNUT ROAD.

Beginning at a point on the North side of Chestnut Road which is 30 feet wide at the distance of 540 feet Northeast of the centerline of the nearest improved intersecting street Seneca Road which is 30 feet wide. Being part of lots 133 and 134 in the subdivision of Bowleys Quarters, Plat 2 as recorded in Baltimore County Plat Book #7, Folio #13 containing 17,650 square feet. Also know as 4020 Chestnut Road and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

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

No.

1092

DATE

12/1/05

ACCOUNT

2001-001-45654

AMOUNT \$

65.00

RECEIVED FROM

City of Baltimore

FOR

City of Baltimore

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

7

**PAID RECEIPT**

DATE

12/1/05

1092

RECEIVED

12/1/05

1092

RECEIVED BY

12/1/05

DI NO.

00152

1092

Receipt for

1092

1092

Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

RE: Case No: 06-287-A

Petitioner/Developer: GREG &  
JULIAN MALISZEWSKI

Date Of Hearing/Closing: 1/9/06

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

Attention:

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  
at 4020 CHESTNUT ROAD

This sign(s) were posted on December 24, 2005.  
(Month, Day, Year)

Sincerely,

Martin Ogle 12/24/05  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

**ZONING NOTICE**  
**ADMINISTRATIVE VARIANCE**

CASE # 06-282-A

**PUBLIC HEARING ?**  
PERSONS IN SEVERAL JURISDICTIONS MAY REQUEST A PUBLIC HEARING CONCERNING A PROPOSED VARIANCE. PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE THE ZONING BOARD MEETING. FOR MORE INFORMATION, CONTACT THE ZONING OFFICE AT 303-441-2331.

303-441-2331

*registered 12/24/05*

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 06- 287 -A Address 4020 Chestnut Rd.

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

Filing Date: 12/1/05 Posting Date: 12/11/05 Closing Date: 12/26/05

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**

*Sign not posted on time, dates changed 12/26/05*

Case Number 06- 287 -A Address 4020 Chestnut Rd.

Petitioner's Name Greg & Julian Maliszewski Telephone 443-677-3879

Posting Date: 12/11/05 (12/25/05) Closing Date: 12/26/05 (1/1/06)

Wording for Sign: To Permit an accessory structure (in-ground swimming pool) be located in the front in lieu of the required rear yard.

WCR - Revised 6/25/04

# 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

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#### For Newspaper Advertising:

Item Number or Case Number 06-287-A  
Petitioner Gregory Julian Maliszewski  
Address or Location 4020 Chestnut Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name Gregory Julian Maliszewski  
Address 4020 Chestnut Rd  
Baltimore Md. 21220

Telephone Number 443-677-3079

copy of sign posters

**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*

January 9, 2006

Greg Malisewski  
Barbara Maliszewski  
4020 Chestnut Road  
Baltimore, Maryland 21220

Dear Mr. and Mrs. Maliszewski:

RE: Case Number: 06-287-A, 4020 Chestnut Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 1, 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,

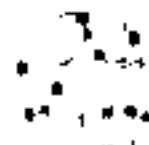
A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco  
FROM: R. Bruce Seeley  
DATE: January 11, 2006  
SUBJECT: Zoning Item # 06-287-A  
Address 4020 Chestnut Road  
(Maliszewski Property)

Zoning Advisory Committee Meeting of December 5, 2006

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 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: G. Shaffer

Date: January 4, 2006

S:\Devcoord\ZAC06-287.doc

Handwritten notes and stamps on the left margin, including a vertical line and the word "Date" written vertically.

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** December 20, 2005

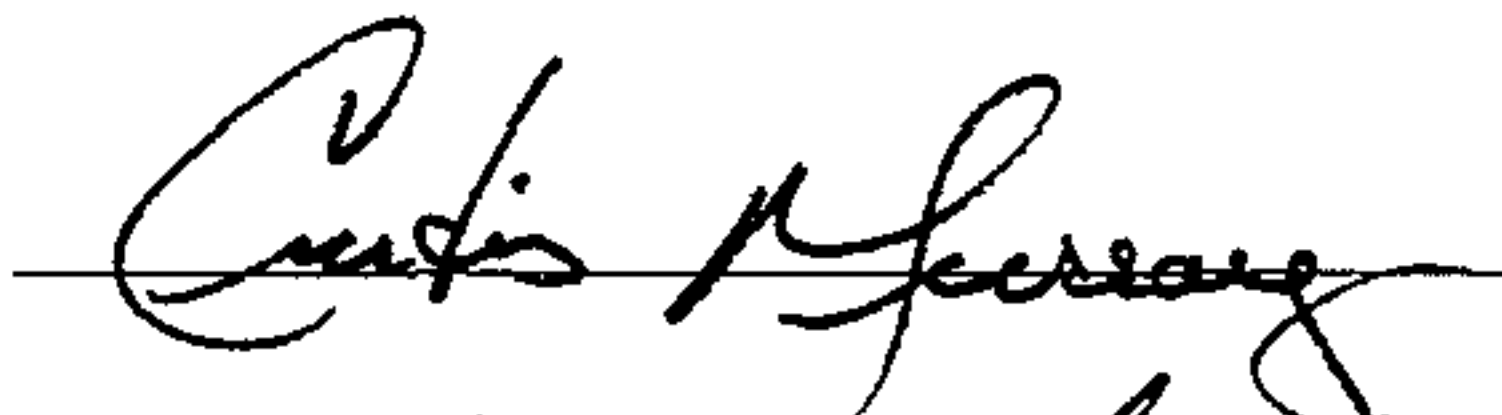
**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 6-287- Administrative Variance**

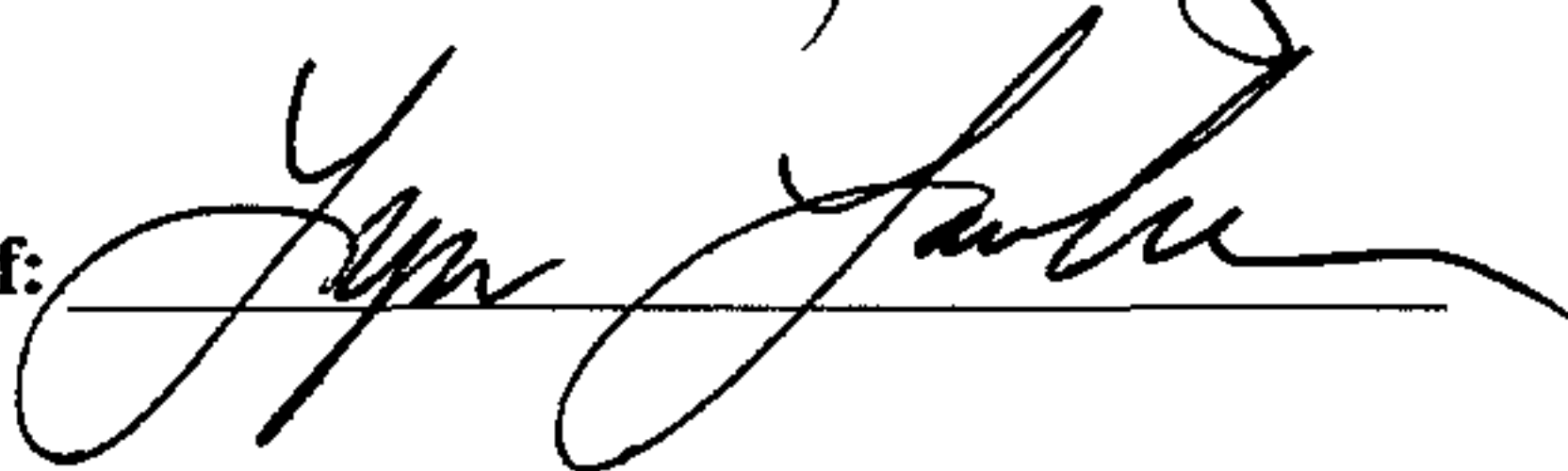
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** December 16, 2005

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 12, 2005  
Item Nos. 281, 287, 288, 291, 292, 293

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-12162005.doc



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

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

December 15, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **December 05, 2005**

Item No.: 281, **287-293**

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.

Lieutenant J.D. Mezick  
Fire Marshal's Office  
410-887-4880  
MS-1102F

cc: File





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

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

Maryland Department of Transportation

Date: 12.9.05

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

RE: Baltimore County  
Item No. 287 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:** December 20, 2005

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

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 6-287- Administrative Variance

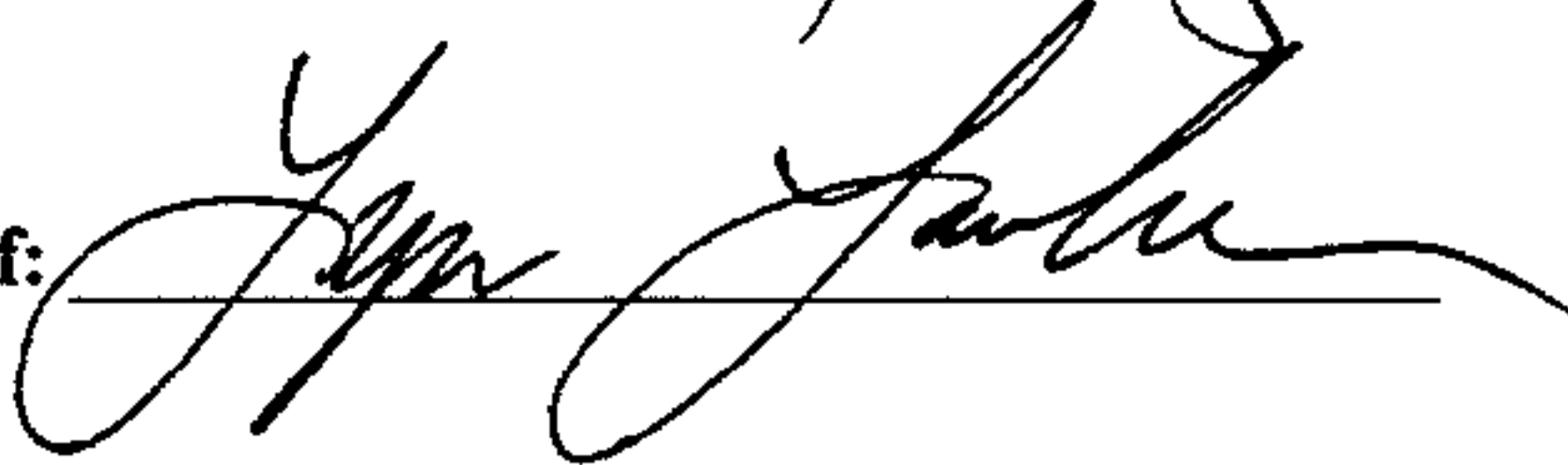
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



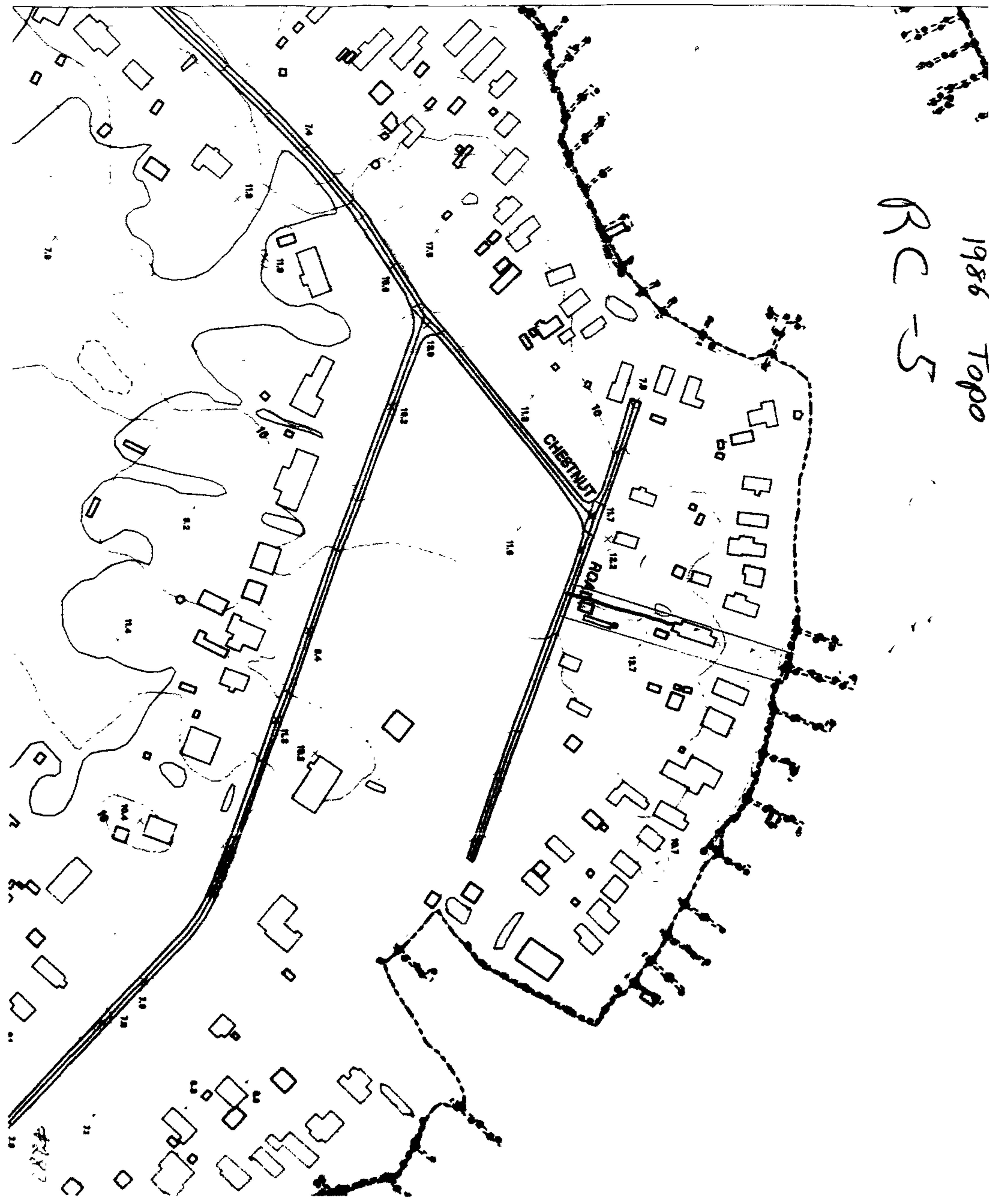
Division Chief:



CM/LL

1986 Topo  
RC-5

610







# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

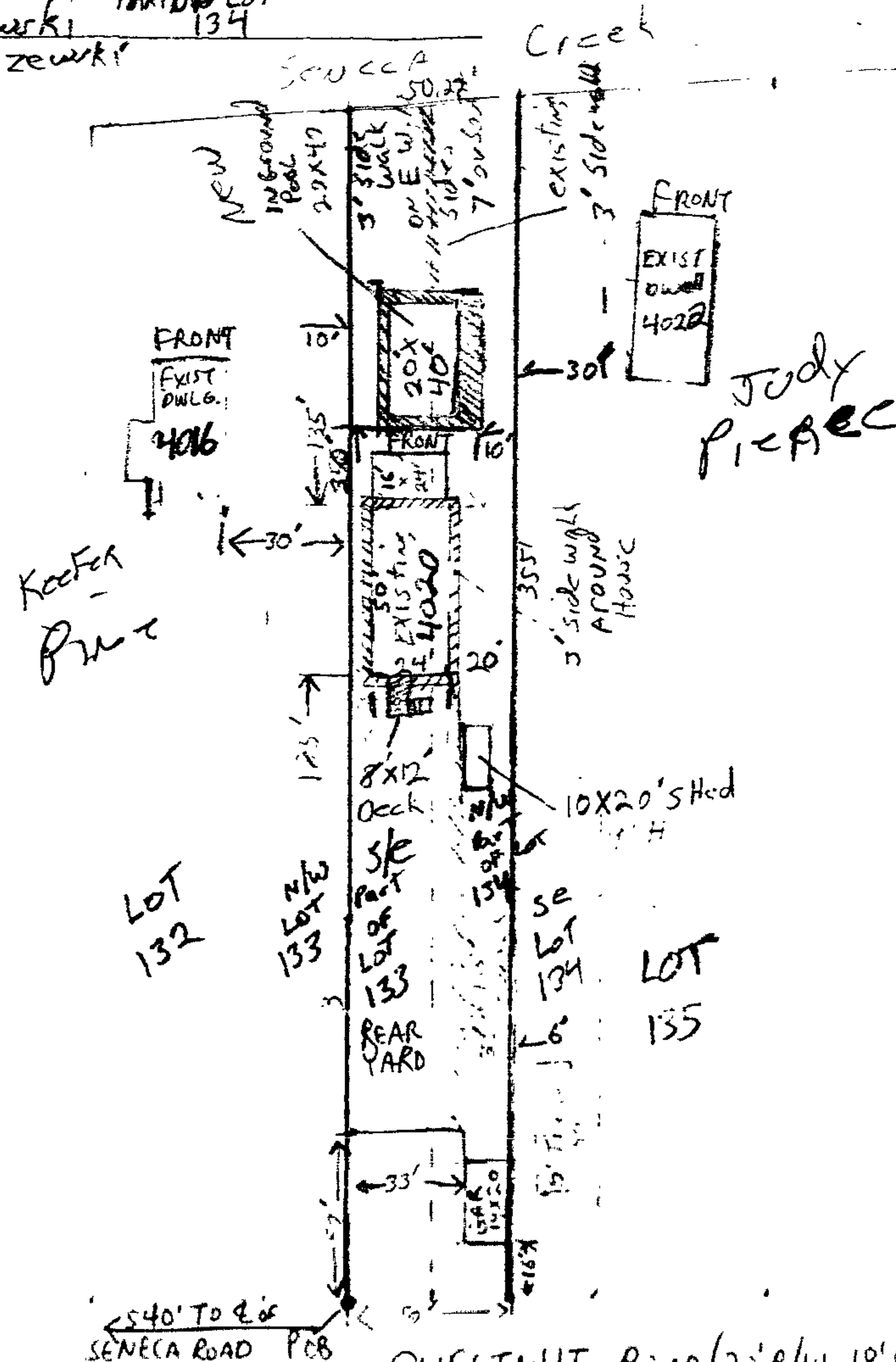
PROPERTY ADDRESS 4020 CHESTNUT Rd.

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

SUBDIVISION NAME Bowley's Quarters, Plat 2

PLAT BOOK # 7 FOLIO # 13 LOT # 133 SECTION # 134

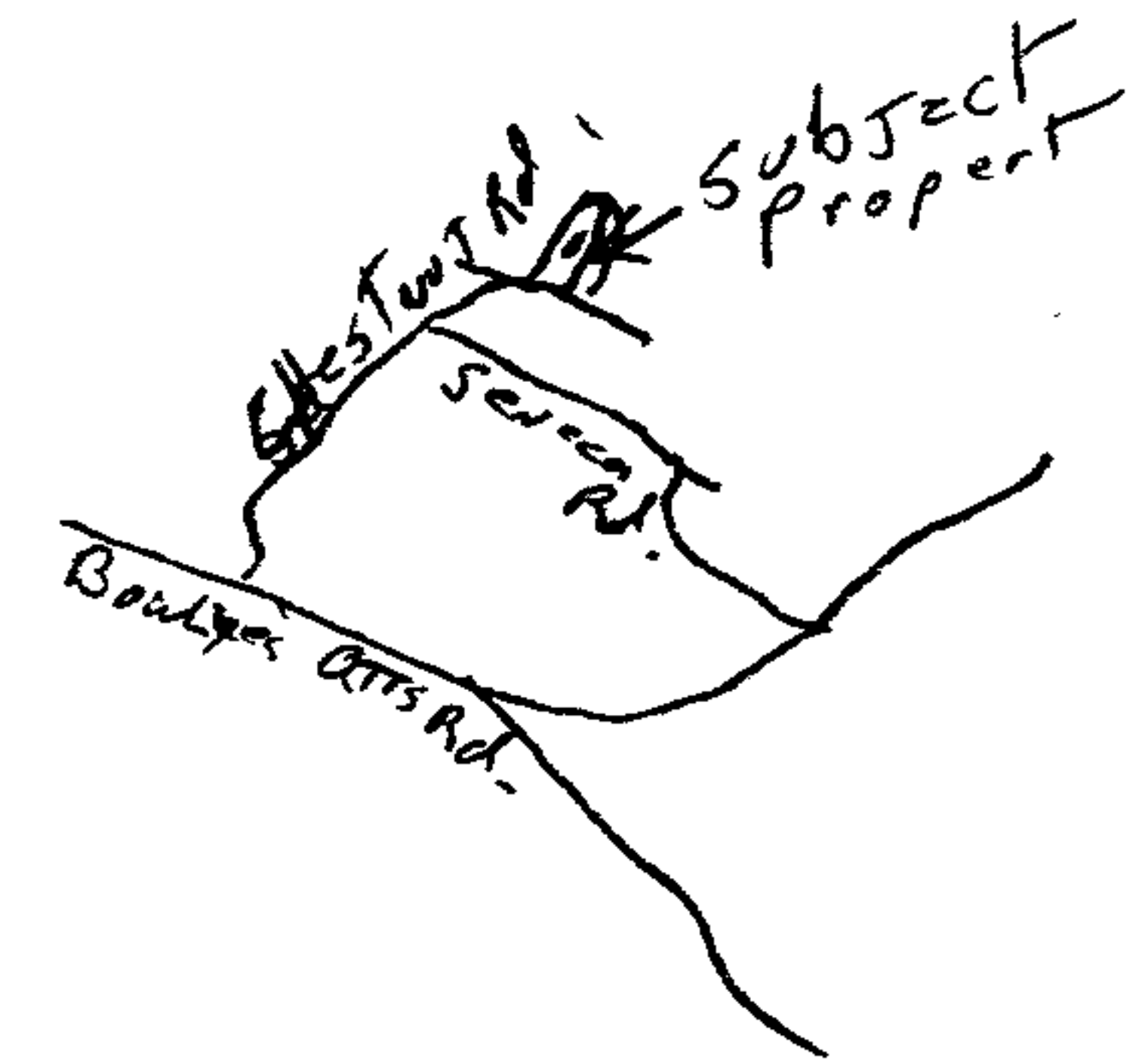
OWNER Greg Maliszewski  
Barbara Maliszewski



NORTH

PREPARED BY G.T.M.

SCALE OF DRAWING: 1" = 50'



VICINITY MAP  
SCALE: 1" = 2000'

## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 091-C3

ZONING RC-5

LOT SIZE .405 ACREAGE 17,650 SQUARE FEET

|       | PUBLIC                              | PRIVATE                  |
|-------|-------------------------------------|--------------------------|
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              | YES                                 | NO                                  |
|------------------------------|-------------------------------------|-------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 100 YEAR FLOOD PLAIN         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| HISTORIC PROPERTY/BUILDING   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| PRIOR ZONING HEARING         |                                     | <u>NA</u>                           |

ZONING OFFICE USE ONLY  
REVIEWED BY 41 ITEM # 287 CASE # 06-287-A