

IN RE: PETITION FOR VARIANCE
N/S of Greenbank Road, 65 ft. E
C/line Susquehanna Road

15TH Election District
6TH Councilmanic District
(7404 Greenbank Road and
7402 Greenbank Road)

Paul Kozloski and Gail Huber
Petitioners

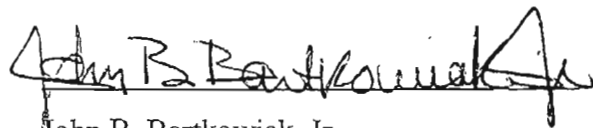
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NOS. 06-520-A, 06-521-A
*

* * * * *

NOTICE OF APPEAL

TO: Timothy Kotroco, Director
Permits and Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

In reference to the above-captioned case, please enter an appeal to the County Board of Appeals, on behalf of Paul Kozloski and Gail Huber, Petitioners, from order of the Deputy Zoning Commissioner dated June 26, 2006.



John B. Bartkowiak, Jr.
Susquehanna Building - Suite 205
29 West Susquehanna Avenue
Towson, Maryland 21204
(443) 279-0103

Attorney for Petitioners

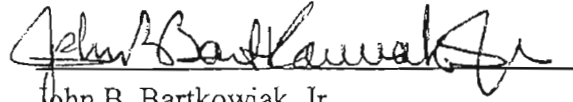
RECEIVED

JUL 25 2006

Per...DT...

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 25th day of July 2006, a copy of the foregoing Notice of Appeal was mailed, postage pre-paid to John V. Murphy, Deputy Zoning Commissioner for Baltimore County, County Courts Building, Suite 405, 401 Bosley Avenue, Towson, Maryland 21204.


John B. Bartkowiak, Jr.

Appeal was
never
processed
because fee

was not accurately
provided and
attorney couldn't be contacted

JOHN B. BARTKOWIAK, JR.

ATTORNEY AT LAW

29 W. SUSQUEHANNA AVENUE, SUITE 205

TOWSON, MARYLAND 21204

(443) 279-0103 • FAX: (410) 296-3719

counsel@JBBatLaw.com

July 25, 2006

Timothy Kotroco, Director
Department of Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case Nos. 06-520-A and 06-521-A
7404 and 7402 Greenbank Road
Paul Kozloski and Gail Huber, Petitioners

Dear Mr. Kotroco:

I have enclosed the Notice of Appeal to be filed by me with your department, along with my check in the amount of \$400.00 to cover the cost of filing this appeal.

Sincerely,



John B. Bartkowiak, Jr.

JBB/mlh
Enclosures

Appeal
with drawn
by Mr. Bartkowiak
on 3/30/07

RECEIVED

JUL 25 2006

Per.....DT

IN RE: PETITION FOR VARIANCE
N/S of Greenbank Road, 65 ft. E
C/line Susquehanna Road

15th Election District
6th Councilmanic District
**(7404 Greenbank Road
and 7402 Greenbank Road)**

Paul Kozloski and Gail Huber
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-520-A, 06-521-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Paul Kozloski and Gail Huber, Petitioners. The variance request is for properties located at 7402 and 7404 Greenbank Road in the Oliver Beach area of Baltimore County. The variance request for Case No. 06-520, 7404 Greenbank Road is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot width of 50 feet in lieu of the required 55 feet. The variance request for Case No. 06-521, 7402 Greenbank Road, is from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet and a side yard of 2 feet in lieu of the required 55 and 10 feet respectively.

The properties were posted with a notice of the public hearing date and time on May 26, 2006 and notice was given to the general public by publication in the "Jeffersonian" Newspaper on May 25, 2006.

Interested Persons

Appearing at the hearing on behalf of the variance request were Paul Kozloski and Gail Huber, Petitioners. John B. Bartkowiak, Esquire, represented the Petitioners. Appearing in opposition/interested citizens were Lois Leimbach Foster, Skip Leimbach, Ann Leimbach and Bill Leimbach. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

RECEIVED FOR FILING

6-26-06

PJ

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 Office of Planning dated May 22, 2006, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Testimony and Evidence

Mr. Billingsley indicated that the subject properties are lots 16 and 17 of the Oliver Beach subdivision which was recorded among the land records for the County in 1940 as shown on Petitioners' exhibit 2. He explained that these lots have been in the Kozloski family since 1948 and now are owned by the Petitioners, Victoria Kozloski's children, as of May 1996. See Deed Petitioners' exhibit 3. Each lot is 50 feet wide by 175 feet long zoned DR 5.5. Lot 16 is improved by a two story single family dwelling, pier and garage. Lot 17 was improved by a shed which now has been removed. Mr. Billingsley indicated that these lots were used together since the time the family acquired them.

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92929
6-26-06
[Signature]

He indicated that the Petitioners would like to erect a new single family dwelling on lot 17 as shown on Petitioners' exhibit 1 for family members. The new home would be 10 feet from the east property line and 16 feet from the common property line as shown. This configuration results in a home only 24 feet wide. Mr. Billingsley explained that the existing home on lot 16 is only 2 feet from the common lot line and the Petitioners' wanted to separate the new and existing homes at least 18 feet. Consequently the new home is set back from the common lot line 16 feet. Mr. Billingsley indicated that this configuration also provided sufficient room on both sides of the new and existing house for emergency personnel to go to the water from the road.

Mr. Billingsley opined that the Petitioners are able to proceed with building a new home on lot 17 without a variance by lot line adjustment of the common lot line as shown on Petitioners' exhibit 4. He indicated however that this configuration would not be compatible with the neighborhood as the new house on lot 17 would be much closer to the road and not in line with the other homes on this portion of the Gunpowder River. He noted the Planning Office is very much opposed to this configuration.

Finally he noted that the new house on lot 17 is served by public water and sewer as shown on Petitioners' exhibit 6, the 1968 sewer diagram for Greenbank Road. This diagram shows that the great majority of the properties in the area have one house on each 50 foot lot and so the new home would not change the pattern of development of the neighborhood.

Ms. Leimbach, who lives next door at 7406 Greenbank Road indicated that her family was primarily interested in where the actual lot line was between her home on lot 18 and the Petitioners' lot 17. The Petitioners promised to have the line surveyed prior to construction of the new house. She agreed that the pattern of development was generally one house on each 50 foot lot in the neighborhood.

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6-26-06
BZ

In regard to zoning merger, the Petitioners admitted that both lots were assessed as one by SDAT and that the transfers of the property used a single deed to transfer both lots. Mr. Bartkowski argued that this situation is distinct from the Remes case facts, that the requested variance is not self imposed and that 90 % of the 50 foot wide lots in the area have a home on them.

Findings of Fact and Conclusions of Law

It is clear that erecting a house on lot 17 will not change the pattern of development of the neighborhood. The sewer map shows this and Ms. Leimbach, who will be most affected by the new house, confirmed the pattern. Therefore I find that granting the requested variances will not adversely affect the neighborhood. There is also no doubt in my mind that the properties are unique in a zoning sense because the zoning was imposed on these properties many years after the subdivision was recorded and as such the later imposed zoning impacts these properties disproportionately as compared to other lots in the DR district. I also find the Petitioners would suffer hardship and practical difficulty if the after imposed zoning regulations were strictly enforced and the requested variances are not self imposed.

Unfortunately for the Petitioners I must also find that the lots have merged from a zoning standpoint. The lots were used together for years by this and prior owners. The lots are assessed together, and transferred by deed together. Lot 17 was improved by a shed which served the other lot. Finally the house on lot 16 is only 2 feet from the common lot line which would require a side yard setback variance unless the lots had merged. Clearly these lots have merged.

Judge Cathell tells us in *Remes v Montgomery County* that once undersized lots have merged, the lots are one from a zoning standpoint and there is no common lot line between the two or lot width which could be the subject of a variance. Therefore I must deny the variance requests.

The Remes case directs that the Petitioner submit the now merged lot to resubdivision presumably to have whatever latest regulations apply. However it is likely that at the end of the resubdivision process the Petitioner may still require a variance if a second home is still desired. I understand that PDM has determined that a new separate variance request is to be filed in these circumstances. Finally I note that Case No. 06-083-A, may have similar circumstances to the subject case but that the shortened procedure of a Motion for Reconsideration is not available to subsequent cases such as this.

I also note that the Petitioners contend that they can simply create a "z" lot as shown in Petitioners' exhibit 4 and can proceed to building permit without a variance. I disagree. Section 303 of the BCZR specifies:

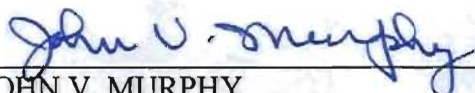
"In D.R.2, D.R.3.5 and D.R.5.5 Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefor in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 Zones respectively. [Resolution, November 21, 1956]" Emphasis supplied.

This language is quite clear that averaging the front yard depths is required as the proposed dwelling would be between dwellings on either side. This is not a minimum distance whereby the proposed building can be setback from the street more than the average as the Petitioner proposes in exhibit 4. The house on lot 16 is set back 53 feet and house on lot 18 set back 60 feet according to exhibit 1. The average is 56.5 feet which is where a new home must be located to meet Section 303.1. I note that there is an exception to this rule if the adjacent lots are not both improved. This is not relevant in the subject case.

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 denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 26th day of June, 2006, that the variance request for Case No. 06-520, 7404 Greenbank Road, is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a lot width of 50 feet in lieu of the required 55 feet. The variance request for Case No. 06-521, 7402 Greenbank Road, is from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet and a side yard of 2 feet in lieu of the required 55 and 10 feet respectively, be and are hereby DENIED.

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

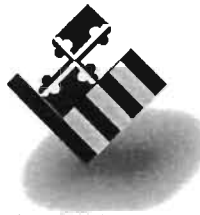


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

6-26-06

for



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 26, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

JOHN B. BARTKOWIAK, JR.
ESQUIRE
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON MD 21204

Re: Petition for Variance
Case No. 06-520-A and 06-521-A
Property: 7404 Greenbank Road and 7402 Greenbank Road

Dear Mr. Bartkowiak:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been denied 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 black ink, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

- c: Paul Kozloski and Gail Huber, 1628 Alston Road, Towson MD 21204
David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood MD 21040
Lois Leimbach Foster, 7406 Greenbank Road, Baltimore MD 21220



CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7404 GREENBANK ROAD
which is presently zoned D.R. 5.5

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)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

SEE ATTACHED

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

PAUL KOZLOSKI

Name - Type or Print

Signature

GAIL HUBER

Name - Type or Print

Signature

1678 ALSTON ROAD (410) 828-6316

Address

Telephone No.

TOWSON, MD.

21204

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

OFFICE USE ONLY

Case No. 06-520-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LM

Date

4/19/06

REV 9/15/98

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bb

SECTION 1B02.3.C.1 TO PERMIT A LOT WIDTH OF 50 FEET IN LIEU OF THE
REQUIRED 55 FEET.

REASONS FOR VARIANCE REQUEST
7404 GREENBANK ROAD

BY NOT PERMITTING THE CONSTRUCTION OF A DWELLING ON A LOT 50
FEET WIDE, THE PETITIONER WILL BE DENIED THE RIGHT GRANTED TO
AND ENJOYED BY THE MAJORITY OF HOMEOWNERS IN THE
SURROUNDING AREA. ADDITIONAL TESTIMONY WILL BE PRESENTED AT
THE HEARING.

**DESCRIPTION TO ACCOMPANY
ZONING PETITION
7404 GREENBANK ROAD**

Beginning for the same at a point on the north side of Greenbank Road (30 feet wide) said point being distant 115 feet easterly from it's intersection with the center of Susquehanna Road (30 feet wide), thence being all of Lot 17 Section A as shown on the plat entitled Oliver Beach recorded among the Baltimore County plat records in Plat Book 12 Folio 56.

Containing 8,913 square feet or 0.205 acre of land, more or less.

Being known as 7404 Greenbank Avenue. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County

CERTIFICATE OF POSTING

RE: Case No: 06-520-A

Petitioner/Developer: PAUL
KOZLOSKI & GAIL HUBER

Date Of Hearing/Closing: 6/12/06

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 7404 GREENBANK RD.

This sign(s) were posted on May 26, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 5/26/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000690 (1152x864x24b jpeg)



W. J. Taylor Jr. 5/24/06

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-520-A
7404 Greenbank Road
North side of Greenbank Road, 115 feet east centerline of Susquehanna Road
15th Election District
6th Councilmanic District
Legal Owner(s): Paul Kozloski and Gail Huber

Variance: to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, June 12, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

5/273 May 25 96380

CERTIFICATE OF PUBLICATION

5/25/2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/25/2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5984

DATE 4/19/06 ACCOUNT 0001 006 G150

AMOUNT \$ 130 00

RECEIVED FROM: CENTRAL DRAFTING

FOR: OG - 520, 521 - A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	HRM
4/19/2006	4/18/2006	09:42:32	2
REF MS04	MSJ3TH	BOOK	000
RECEIPT # 360323 4/18/2006 0014			
Dept 5 528 ZONING VERIFICATION			
CP NO. 005904			
Recpt Tot		\$130.00	
\$130.00		OK	\$0.00 CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

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: 06-520-A

Petitioner: PAUL KOZLOSKI

Address or Location: 7404 GREENBANK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: PAUL KOZLOSKI

Address: 1628 ALSTON ROAD

BALTO., MD. 21204

Telephone Number: (410) 828-6316

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

May 1, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-520-A

7404 Greenbank Road
North side of Greenbank Road, 115 feet east centerline of Susquehanna Road
15th Election District – 6th Councilmanic District
Legal Owners: Paul Kozloski and Gail Huber

Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, June 12, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Paul Kosloski, Gail Huber, 1628 Alston Road, Towson 21204
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 27, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 25, 2006 Issue - Jeffersonian

Please forward billing to:
Paul Kozloski
1628 Alston Road
Baltimore, MD 21204

410-828-6316

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-520-A

7404 Greenbank Road

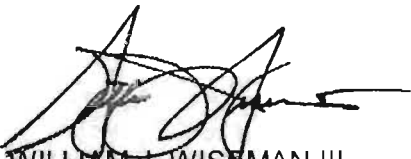
North side of Greenbank Road, 115 feet east centerline of Susquehanna Road

15th Election District – 6th Councilmanic District

Legal Owners: Paul Kozloski and Gail Huber

Variance to permit a lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, June 12, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

June 9, 2006

Paul Kosloski
1628 Alston Rd.
Towson, MD, 21204

Dear: Mr. Kosloski,

RE: Case Number: 06-520-A: 7404 Greenbank Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 12, 2006.

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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel
David Billingsley, Central Drafting & Design, Inc, 601 Charwood Ct., Edgewood, MD,
21040

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 5, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2006
Item No. 519, 520, 521, 523, 524, 525,
526, 527, 529, 530, 531, 532, 533, 534,
535, and 05-558 SPH XA

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-05032006.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4.28.06

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

RE: Baltimore County
Item No. 520 LTM

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

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
111 West Chesapeake Avenue
Towson, Maryland 21204

May 2, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: May 1, 2006

Item No.: 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530,
531, 532, 533, 534, 535, 536.

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
Phone (O) 410-887-4881
Mail Stop - 1102F

cc: File

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



Printed on Recycled Paper

fm
6/12

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: May 22, 2006

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

RECEIVED

MAY 22 2006

SUBJECT: 7402 - 7404 Greenbank Road

INFORMATION:

Item Numbers: 6-520 and 6-521

ZONING CODE

Petitioner: Paul Kozloski and Gail Huber

Zoning: DR 5.5

Requested Action:

ZAC 06-520: 7404 Greenbank Road, variance from Section 1B02.3.C.1 of the BCZR to permit a lot width of 50 feet in lieu of the required 55 feet.

ZAC 06-521: 7402 Greenbank Road, variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 50 feet and a side yard of 2 feet in lieu of the required 55 feet and 10 feet respectively.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following condition shall apply to the proposed dwelling at 7404 Greenbank Road:

Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

6-520-06
12

6-12-06
JH

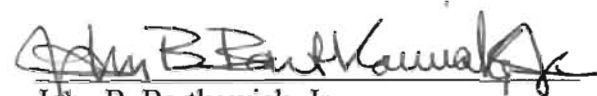
RE: PETITION FOR VARIANCE * BEFORE THE
7402 Greenbank Road; N/S Greenbank *
Road, 65' E c/line Susquehanna Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Paul Kozloski & Gail Huber * FOR BALTIMORE COUNTY

Petitioners * 06-520-A

* * * * *

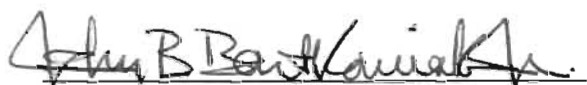
ENTRY OF APPEARANCE

Please enter my appearance as counsel on behalf of Paul Kozloski and Gail Huber,
Petitioner(s).


John B. Bartkowiak, Jr.
Susquehanna Building - Suite 205
29 West Susquehanna Avenue
Towson, Maryland 21204
(443) 279-0103

CERTIFICATE OF MAILING

I hereby certify that on this 17th day of May 2006, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s) and Peter Max Zimmerman, People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204.


John B. Bartkowiak, Jr.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:

A handwritten signature in blue ink, appearing to read "Lyn Luban", written over a horizontal line.

Division Chief:

AFK/LL: CM

A second handwritten signature in blue ink, appearing to read "Lyn Luban", written over a horizontal line.

RE: PETITION FOR VARIANCE * BEFORE THE
7404 Greenbank Road; N/S Greenbank *
Road, 115' E c/line Susquehanna Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Paul Kozloski & Gail Huber* FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 06-520-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

MAY 03 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 740Z-7404 GREENBANK RL
CASE NUMBER 66-520A 06521A
DATE 6/12/08

[illegible]

CASE NAME 7404 GREENBANK RD.
CASE NUMBER 06-520A
DATE 6/12/06

[illegible]

CASE NAME 7402 GREENBANK RD
CASE NUMBER 06-521-A
DATE 6/12/06

[illegible]

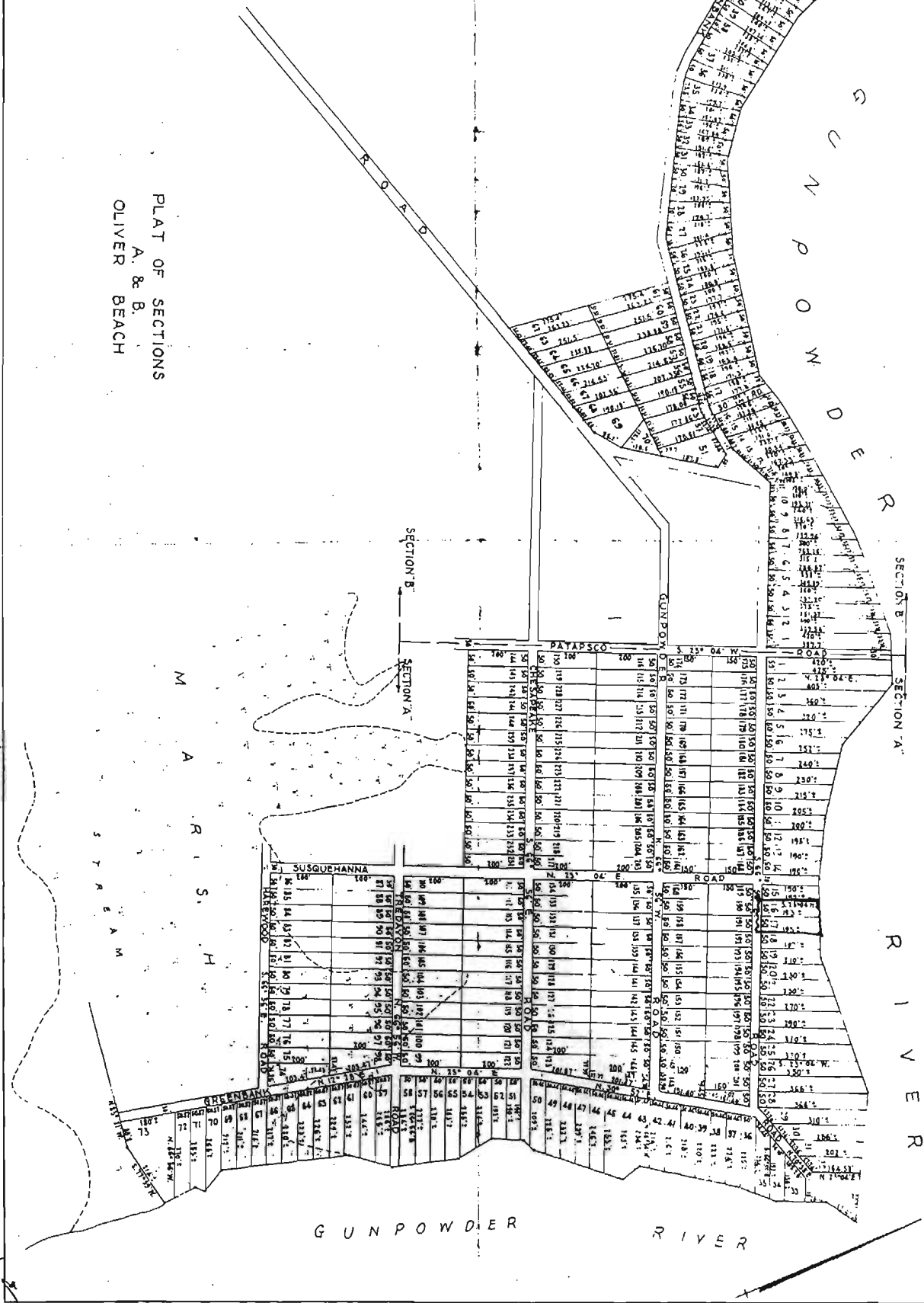


http://bamaps1.co.ba.md.us/arcims_path/bcgims?ServiceName=Zoning&ClientVersion=4.0... 4/8/2006

REC. 2-26-40
P.B. 12 F. 5C

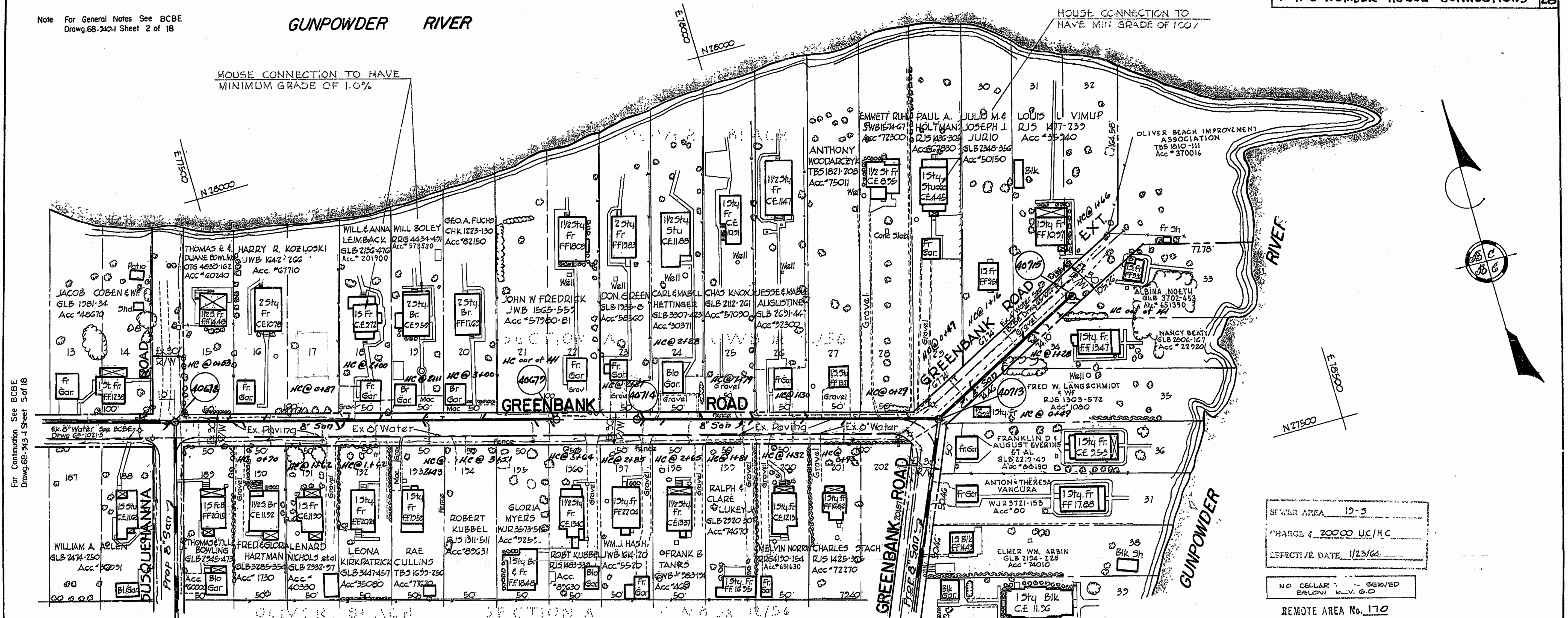
SCALE: 1"=200' JAN. 16, 1940
E. V. CONNAN & CO.
SURVEYORS & CIVIL ENGRS.
231 ST. PAUL PL.
BALTO., MD.

PLAT OF SECTIONS
A. & B.
OLIVER BEACH



GUNPOWDER RIVER

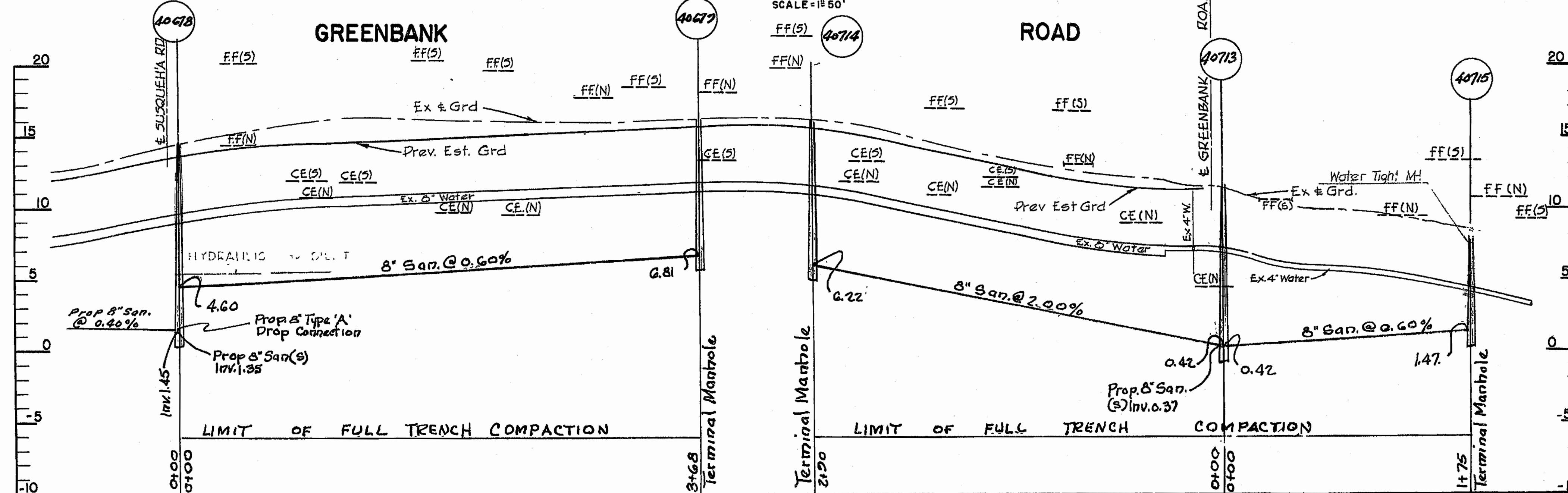
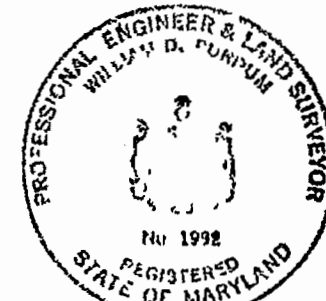
200



For Continuation See BCBE
Drawg. 68-241 Sheet 3 of 18

For Continuation See BCBE
Drawg. 68-241 Sheet 15 of 18

SEWER AREA 12-5
CHARGE \$ 200.00 UC/H.C.
EFFECTIVE DATE 1/23/64
NO CELLAR BASEMENT SERVED
BELOW L.V. 0.0
REMOTE AREA No. 170



D.P.W. DIRECTIVE NO. 2247

ROAD PERMIT AND GRADES

APPROVED FOR CITY OF BALTIMORE

PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED 1-15-64
PROFILE NUMBER 68-1033 8-3

DATE RIGHT OF WAY REF.
R.W. 68-176

ENGINEER William D. Dardano

REG. NO. 1992
DATE 11/22/68
DESIGNED J.E.G.
DRAWN J.M.H.
CHECKED B.M.H.

DEPARTMENT OF PUBLIC WORKS

APPROVED BY ALBERT J. KILPATRICK
DIRECTOR & CHIEF SANITARY ENGINEER
DATE 4-17-69

BUREAU OF ENGINEERING

APPROVED BY
DATE 4-17-69

PROFILE

SCALE: HORIZ. 1" = 50'
VERT. 1" = 5'

BALTIMORE COUNTY

DEPARTMENT OF PUBLIC WORKS

BUREAU OF ENGINEERING

8" SANITARY SEWERS
GREENBANK ROAD

OLIVER BEACH

SUSQUEHANNA ROAD EASTERLY 300'

15TH ELECTION DISTRICT

F.A.P. NO. W5-2-21-0026

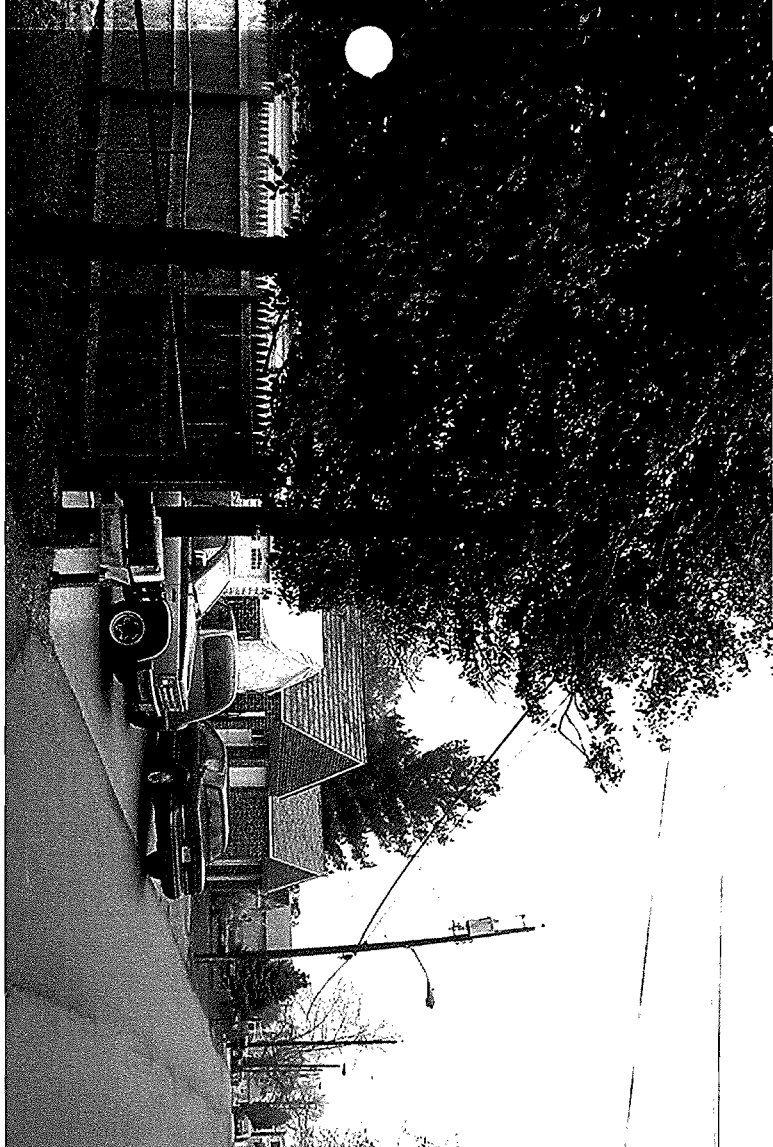
SCALE

AS SHOWN

DATE	REVISION	BY
12/22/68	1	J.E.G.
1/2/69	2	J.E.G.
4/17/69	3	J.E.G.

KEY SHEET	SHEET
MM-5E	NO. 4
POSITION SHEET	OF 18
28 NE 52.53	FILE: 1

Det #6



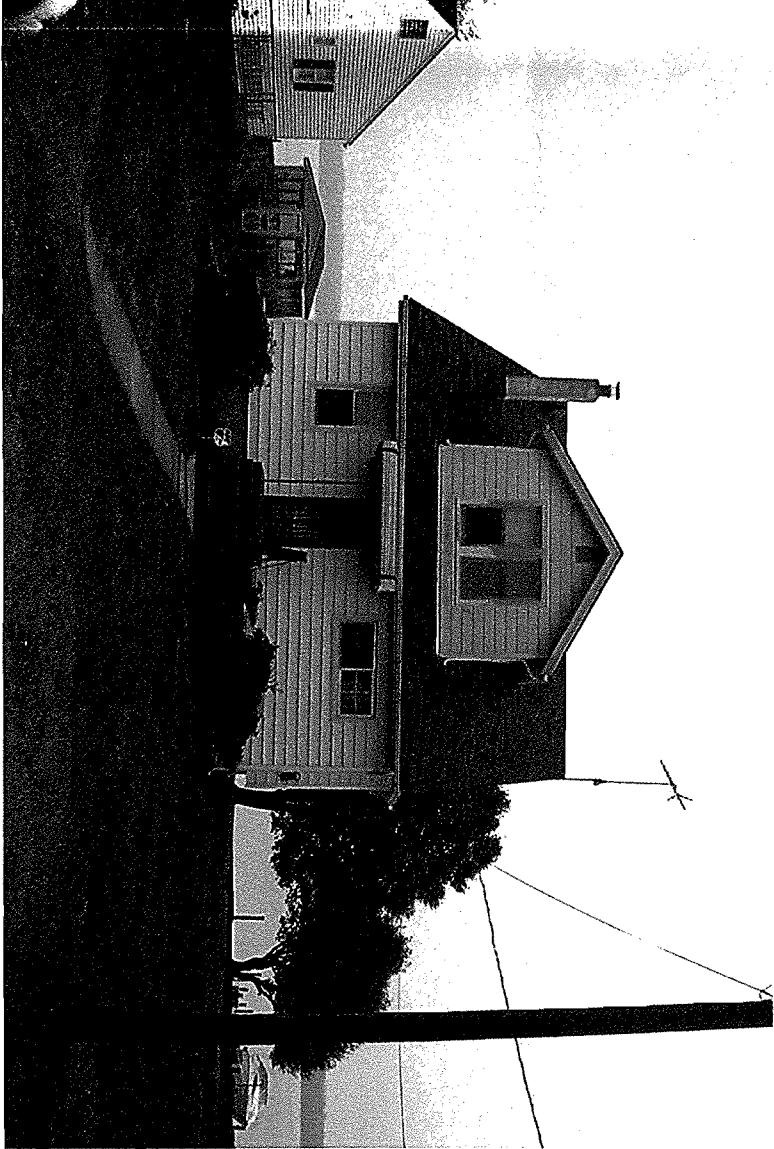
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5



6



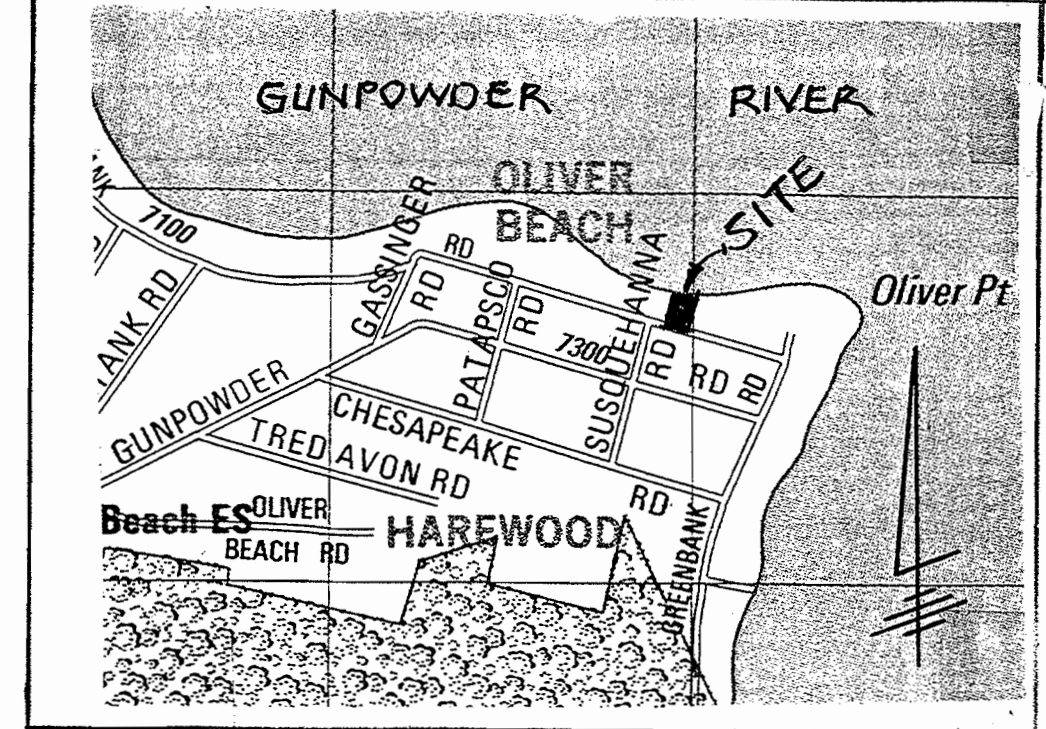
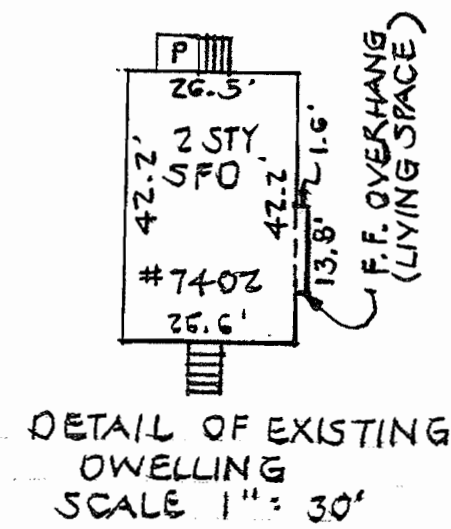
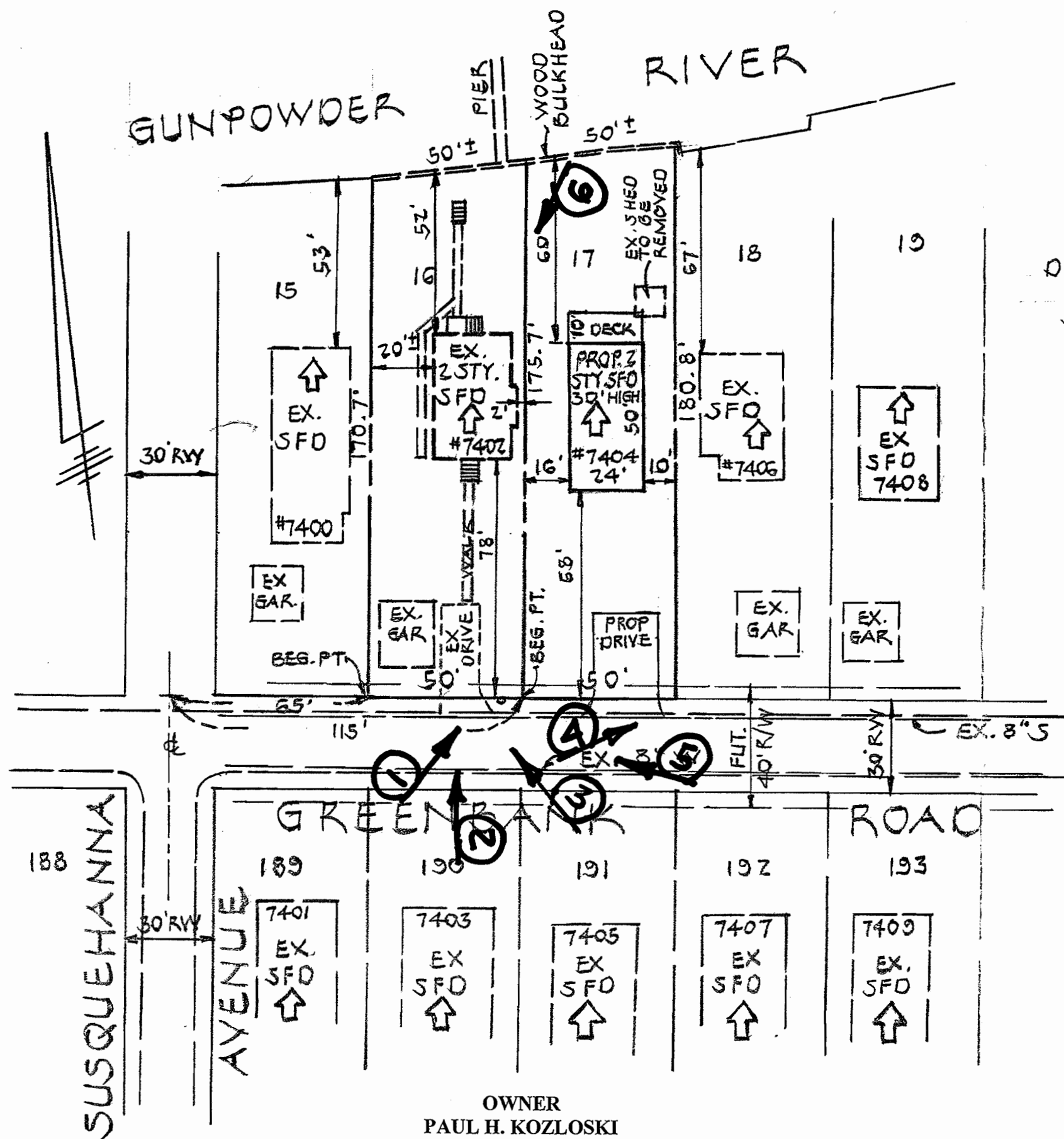
2



1



3



NOTES

1. ZONING.....DR 5.5 (MAP 084B1)
2. LOT AREAS
7402.....8,660 S.F. = 0.199 ACRE
7404.....8,913 S.F. = 0.205 ACRE
3. SITE IS LOCATED IN CBCA
4. SITE IS LOCATED IN FLOOD ZONE B
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING
7. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST

PHOTOS

PLAT TO ACCOMPANY ZONING PETITION
7402 - 7404 GREENBANK ROAD
LOTS 16 & 17 SECTION A
OLIVER BEACH P.B. 12 F. 56
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET APRIL 10, 2006

Plat #5

0011597 266

**NO TITLE SEARCH
NO CONSIDERATION
DESCRIPTION FURNISHED BY GRANTOR**

7402 Greenbank Road

THIS DEED is Made this 21st day of MAY, in the year one thousand nine hundred ninety-six, by and between Victoria Kozloski, of the County of Baltimore, State of Maryland, party of the first part, Grantor and Victoria Kozloski, party of the second part, Grantee, and Gail F. Huber, her daughter and Paul H. Kozloski, her son, parties of the third part, Grantees.

WITNESSETH, that for no monetary consideration the said Victoria Kozloski, Grantor does hereby grant and conveys unto the said Victoria Kozloski, Grantee, party of the second part, for and during the term of her natural life, with the powers hereinafter expressed and fully set forth, and immediately upon the death of the said Victoria Kozloski, not having exercised the powers hereinafter expressed, then an undivided Fifty Percent (50%) of the hereinafter described property unto the said Gail F. Huber and an undivided Fifty Percent (50%) of the hereinafter described property unto the said Paul H. Kozloski, parties of the third part as, as tenants in common, Grantees, their personal representatives, heirs and assigns, in fee simple, all that lot of ground situate, lying and being in the County of Baltimore, State of Maryland, and more particularly described as follows:

BEING known and designated as Lots 16 and 17 as shown on Plat of "Section A of Oliver Beach" recorded among the Land Records of Baltimore County in Plat Book L McL M No. 9, folio 97. Also known AS PLAT 12156 (mcd)

BEING the same lot of ground which by Deed dated January 30, 1948 and recorded among the Land Records of Baltimore County in Liber 1617, folio 289 was granted and assigned by Charles Vogel and Mary Alice Vogel, his wife to Henry R. Kozloski and Victoria Kozloski, his wife, the said Henry R. Kozloski having died on March 3, 1996 thereby

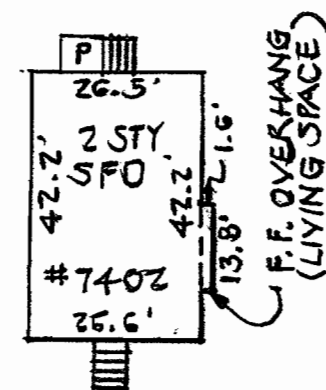
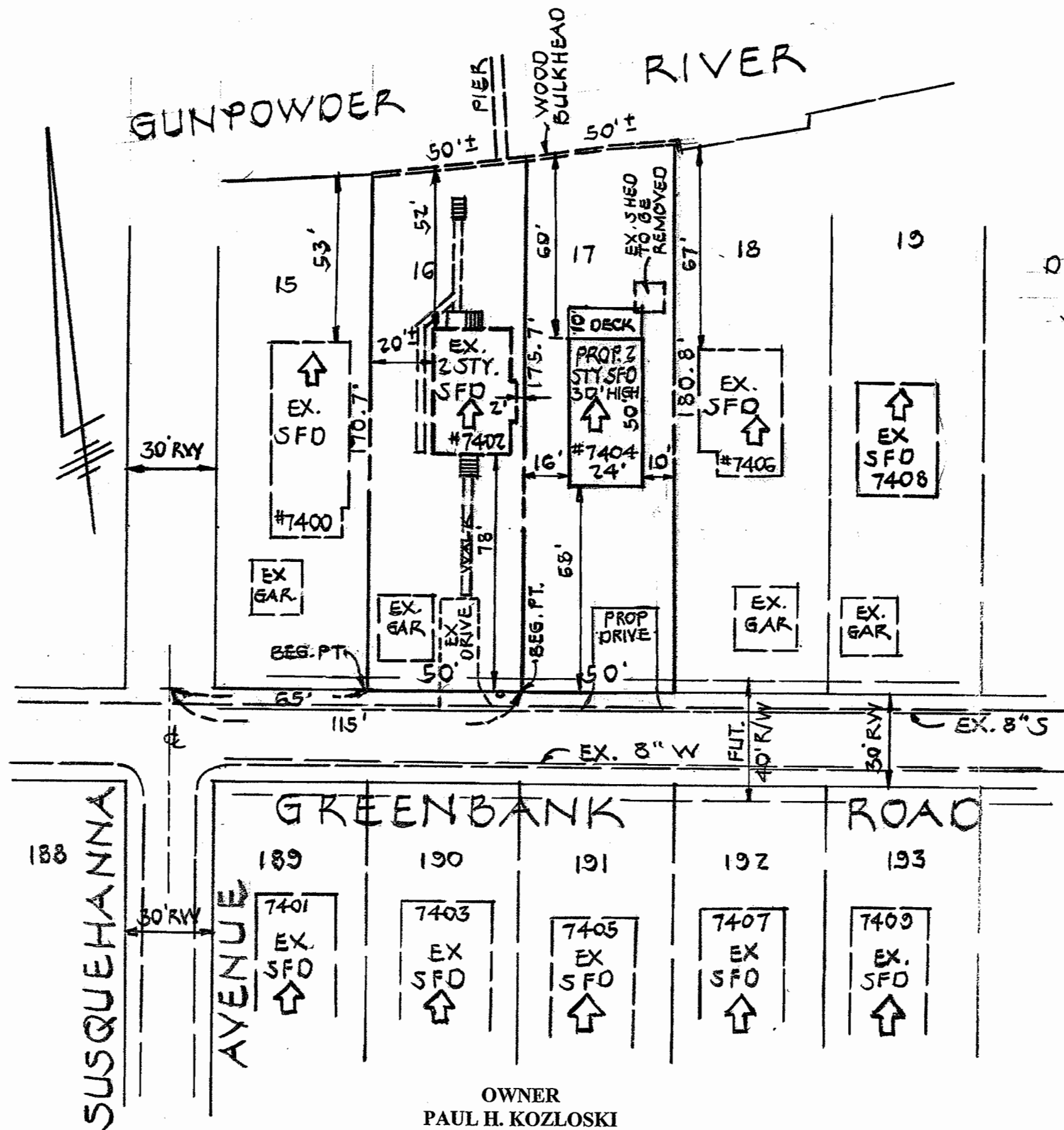
pl\deeds\kozloski.led

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

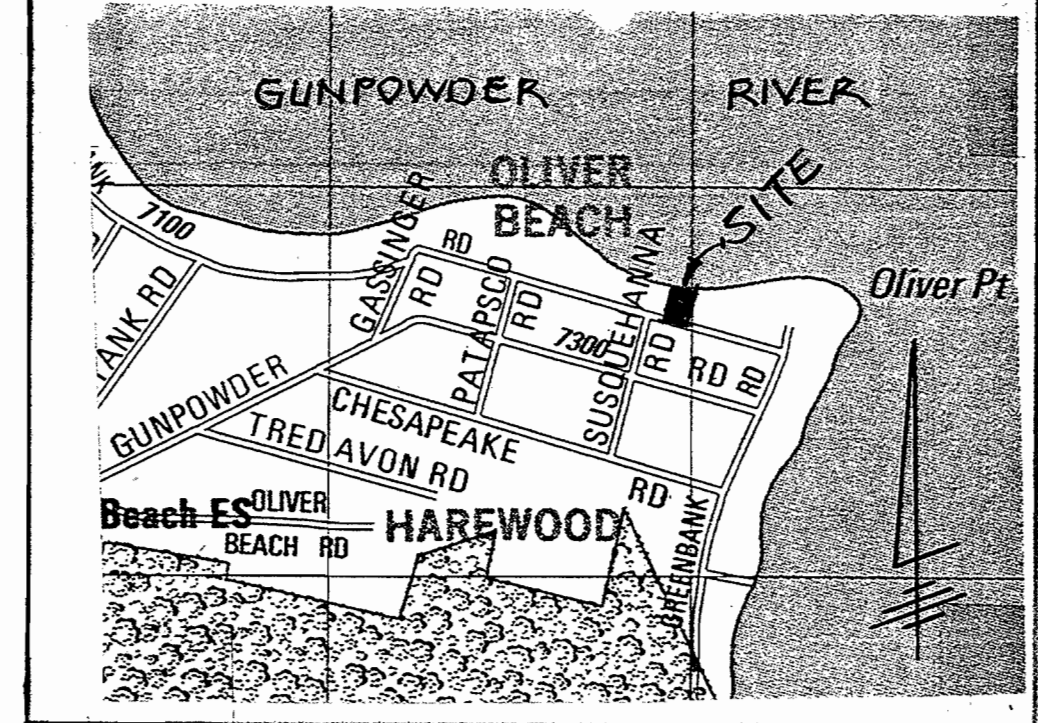
By HAR Date 5/22/96

1 AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE HAR DATE 5/22/96



DETAIL OF EXISTING DWELLING
SCALE 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

NOTES

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PLAT TO ACCOMPANY ZONING PETITION
7402 - 7404 GREENBANK ROAD
LOTS 16 & 17 SECTION A
OLIVER BEACH P.B. 12 F. 56
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET APRIL 10, 2006

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
PAUL H. KOZLOSKI
GAIL F. HUBER
1628 ALSTON ROAD
TOWSON, MD. 21204
DEED REF. L.11597 F.266
ACCT. NO. 1511670460

520