

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

N/S of Boxwood Lane, 290 feet west of
C/l of York Road
8th Election District
3rd Councilmanic District
(9 Boxwood Lane)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY

Jakub Scigala
Petitioner

* CASE NO. 07-051-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Jakub Scigala. The Petitioners are requesting special hearing relief for property owned at 9 Boxwood Lane. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure with a footprint larger than the principal structure. The Variance is to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet.

The property was posted with Notice of Hearing on September 18, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 19, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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PB

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."

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated August 29, 2006 which recommends denial of the request.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Jakub Scigala, Petitioner and Joel Plitt. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 15,750 square feet or .4 acres in size zoned DR 3.5 and is improved by the Petitioner's home as shown on exhibit 1. The Petitioner explained that there is also a 21 x 23 foot shed on the rear of the property. The Petitioner proposes to build onto the existing shed a 1 1/2 story garage to store vehicles and equipment. The addition would be 23 x 30

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feet as shown and provide storage for the family. The area of the shed and new garage would then exceed the footprint of the existing house, thus the request for special hearing.

Regarding the variance request to allow a 19 foot high accessory structure, the Petitioner indicated that the new garage will act as a sound and sight barrier to adjacent commercial uses if allowed to build up to 19 feet. The subject property and the neighboring house at 11 Boxwood Lane are adjacent to commercial uses on York Road such as the Long and Foster Office, Midas Muffler Shop and most importantly, a service garage which has vehicle towing, repair and storage taking place 24 hours a day. The Petitioner indicates that if the height variance is granted the new garage will block to some extent the noise and lighting coming from the service garage. See the extensive photographs showing adjacent uses, exhibit 2. He noted that the towing service has recently expanded and that the natural screening of trees between the service garage is dying or dead. The barrier will still be effective even though the land falls off to the rear as long as the garage is at least 19 feet in height.

He indicated that his neighbor at 11 Boxwood Lane fully supports these requests as shown by their letter admitted as exhibit 3. Photograph 2 shows the extensive tree line between this property and 11 Boxwood Lane so that will be no adverse impact on the neighborhood. Finally the Petitioner agreed with the comments of the Planning Office.

Findings of Fact and Conclusions of Law

In regard to the request for variance, the undisputed testimony is that the height of the garage is needed to provide a noise and sight barrier to the service garage on York Road which property backs up to the Petitioner's property. This is an unusual circumstance of the kind that makes this property unique from a zoning perspective. The imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship in that without the height variance the Petitioner would have to continue to suffer the noise and sights of this service garage.

Residential density is not an issue in this case.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The neighbor most affected does not object to the variance in fact may benefit from the barrier as will the Petitioner. There will be no change to the character of the neighborhood.

In regard to the request for Special Hearing, the footprint of the shed and garage exceed the Petitioner's home which is very modest in size. The neighbor most affected does not object. For the reasons above I find the request meets the spirit and intent of the regulations and will not adversely impact the community.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing and variance requests should be granted.

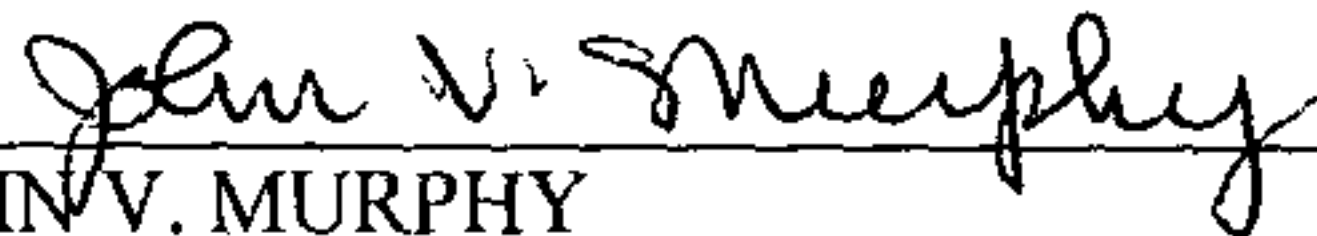
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of October, 2006, that the Petitioners' request for Variance to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet is hereby GRANTED is hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure with a footprint larger than the principal structure is hereby GRANTED subject to the following:

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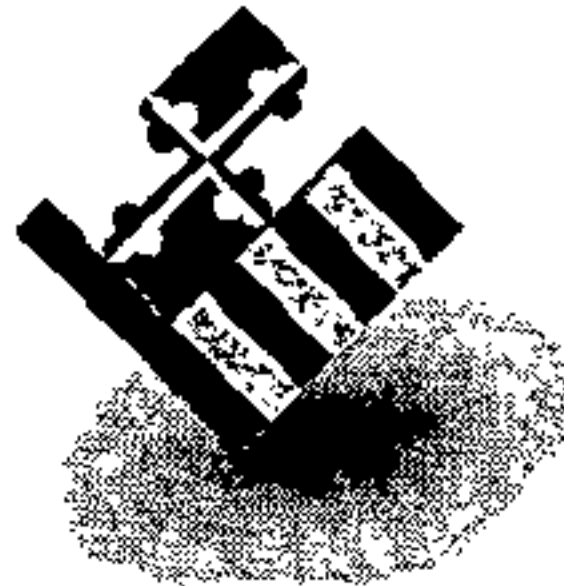
1. The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The 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.
3. The accessory structure shall not be used for commercial purposes

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

RECEIVED FOR FILING
10-6-06
JVM



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 6, 2006

JAKUB SCIGALA
9 BOXWOOD LANE
COCKEYSVILLE MD 21030

Re: Petition for Special Hearing and Variance
Case No. 07-051-SPHA
Property: 9 Boxwood Lane

Dear Mr. Scigala:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and 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:pz

Enclosure

c: Joel Plitt, 2809 Boston Street, Baltimore MD 21229



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9 BOXWOOD LANE
which is presently zoned D.R.3.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

TO PERMIT AN ACCESSORY STRUCTURE WITH A FOOTPRINT
LARGER THAN THE PRINCIPAL STRUCTURE.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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):

* JAKUB SCIGALD
Name - Type or Print

* J. Szyman
Signature

Name - Type or Print

Signature

* 9 Boxwood LN 410-262-4333
Address Telephone No.

Cockeysville, MD 2180
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 07-051-SPHA

Reviewed By D.T. Date 8/7/06

REV 9/15/98

NOTED RECEIVED FOR FILING

10-10-06

mb



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Boxwood Lane
which is presently zoned DR 3.5

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) 400.3 (DCZR)

To permit an accessory structure (garage) with a height of 19-feet in lieu of the maximum permitted 15-feet.

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

PLEASE SEE ATTACHED SHEET.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

9 Boxwood Lane (410) 262-9332

Address

Telephone No.

Cockeysville, MD 21030

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

City

Signature

Joel Plitt

Name

100 Cathedral St, Ste. 5 (410) 267-6589

Address

Telephone No.

Annapolis, MD 21401

City

State

Zip Code

OFFICE USE ONLY

Case No. 07-051-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 8/1/06

REV 9/15/98

JOHN RECEIVED FOR FILMS

10-6-06

PH

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: # 07-051-SPHA

9 Boxwood Lane

N/side of Boxwood Lane, 290 feet west of centerline of York Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): Jakub Scigala

Special Hearing: to permit an accessory structure with a footprint larger than the principal structure.

Variance: to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, October 3, 2006 at 11:00 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) 887-3868.

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

JT 9/692 Sept. 19

109799

CERTIFICATE OF PUBLICATION

9/21/, 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 9/19/, 2006.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 3773

DATE 8/7/06 ACCOUNT 0010066150

AMOUNT \$ 130.00

RECEIVED FROM: JAKUB S. CALA

FOR: ITEM # 051-07-051-SPHA

9 BOXWOOD LANE D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DRA
8/08/2006 8/07/2006 11:22:50 1
MED MEDIA MAIL 3RD JAR
RECEIPT # 294736 7/31/2006 BFLH
DEPT 5 USE STRING VERIFICATION
CR NO. 009773

Receipt Tot \$130.00
\$130.00 CR \$.00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Attention: Mrs. Kristen Matthews

Date: Sept. 15, 2006
MAI Job No. : SP-12

RE: Case Number: 07-051-SPHA
Petitioner/Developer: Jakub Scigala

Date of Hearing/Closing: Tuesday, Oct. 3, 2006

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 # 9 Boxwood Lane__ (2 signs -1 Onsite & 1 @ York Rd. and Boxwood Lane intersection_____

The sign(s) were posted on _____

Sept. 15, 2006

(Month, Day, Year)


(Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)



Revised 3/1/01 - SCJ

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Attention: Mrs. Kristen Matthews

Date: Sept. 18, 2006
MAI Job No. : SP-12

RE: Case Number: 07-051-SPHA
Petitioner/Developer: Jakub Scigala

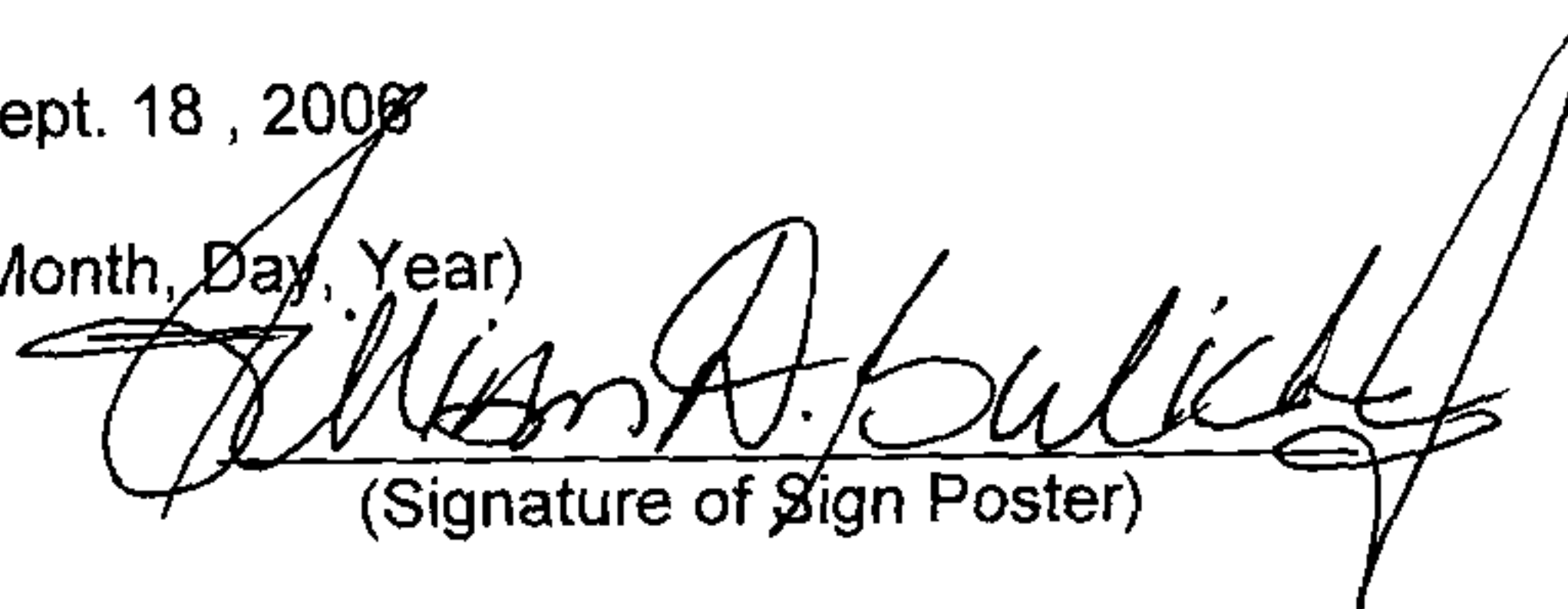
Date of Hearing/Closing: Tuesday, Oct. 3, 2006

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 # 9 Boxwood Lane (2 signs - 1 Onsite (not relocated) & 1 at Revised location as discussed with John Alexander Sept 18th @ York Rd. and Boxwood Lane intersection _____

The sign(s) were posted on _____

Sept. 18, 2006

(Month, Day, Year)



(Signature of Sign Poster)

William D. Gulick, Jr.

(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1

(Street Address of Sign Poster)

Cockeysville, MD 21030

(City, State, Zip Code of Sign Poster)

(410) 527-1555

(Telephone Number of Sign Poster)

SEE
**ATTACH PHOTOGRAPH
OF
SIGN POSTED ON
PROPERTY**

Revised 3/1/01 - SCJ

9 BOXWOOD LANE

ZONING NOTICE

CASE # 07-051-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

COUNTY COURTS BUILDING-ROOM 407

401 BOSLEY AVENUE

PLACE: TOWSON, MD 21204

TUESDAY

DATE AND TIME: OCT 3, 2006 @ 11:00 AM

REQUEST: SPECIAL HEARING

TO PERMIT AN ACCESSORY STRUCTURE
WITH A FOOTPRINT LARGER THAN THE
PRINCIPAL STRUCTURE.

VARIANCE TO PERMIT AN
ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 19 FEET IN LIEU OF THE
MAXIMUM PERMITTED 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

SIGN # 1 (YORK & BOXWOOD)

09 14 2006

ZONING NOTICE

CASE # 03-0011-001

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWN OF 03

CITY OF 03

DATE AND TIME: 03/03/03 03:00 PM

PLACE: 03/03/03 03:00 PM

REASON: 03/03/03 03:00 PM

03/03/03 03:00 PM

03/03/03 03:00 PM

03/03/03 03:00 PM

03/03/03 03:00 PM

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03/03/03 03:00 PM

03/03/03 03:00 PM

03/03/03 03:00 PM

SIGN #1
(ON SITE)

SIGN #1
W/ADDRESS

(POSTED @

LOOK ROAD)

09.14.2008

410-527-0066
HILLY AGENTS
YOU HAVE JOYS

TOP PRODUCER
OF THE
MONTH

ONG & FOSTER RE

OPS

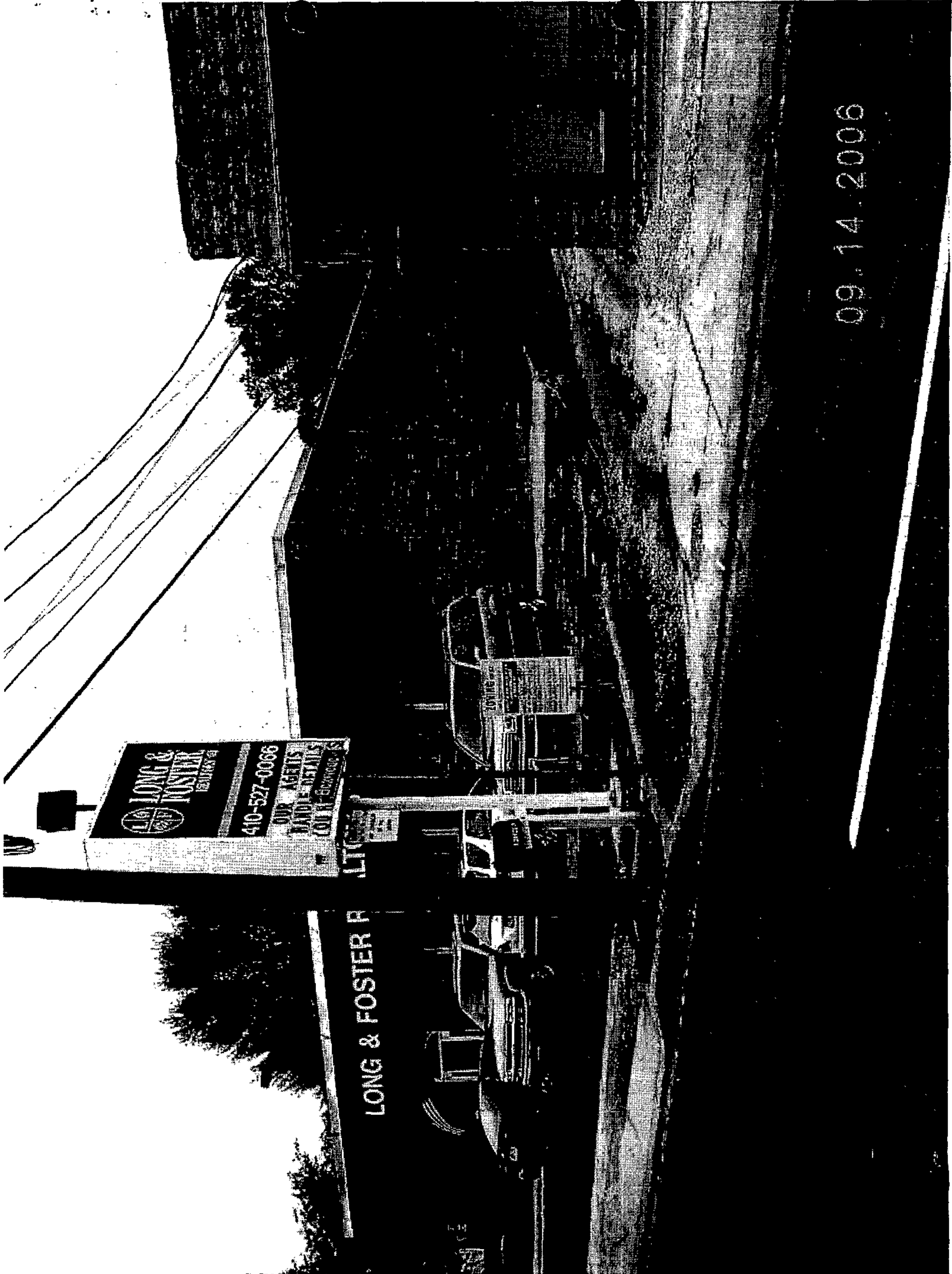


9 BOXWOOD LN



ZONING NOTICE
ALL CHANGES MUST BE FILED BY
THE PROPERTY OWNER
DATE: 10/1/08

09-14-2008



09.14.2006



09.14.2006

09.14.2006

~~C. BOYD~~
LINE

ZONING NOTICE

CASE # 07-051-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

COUNTY COURTS BUILDING - ROOM 407
401 BOSLEY AVENUE
PLACE: TOWSON, MD 21204

TUESDAY
DATE AND TIME: OCT. 3, 2006 @ 11:00 AM

REQUEST: SPECIAL HEARING
TO PERMIT AN ACCESSORY STRUCTURE
WITH A FOOTPRINT LARGER THAN THE
PRINCIPAL STRUCTURE.

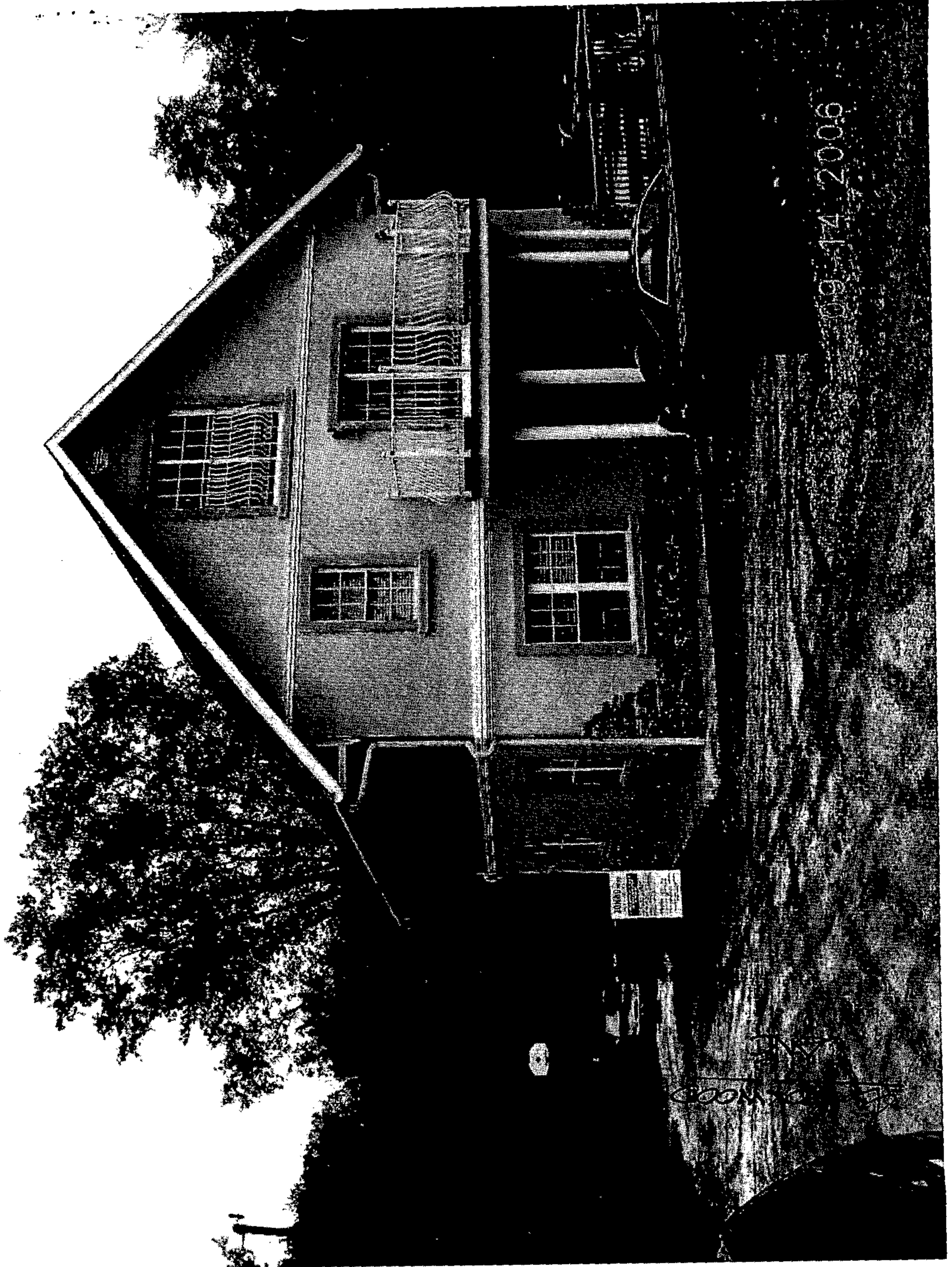
VARIANCE TO PERMIT AN
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HEIGHT OF 19 FEET IN LIEU OF THE
MAXIMUM PERMITTED 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

SIGN #2 (ON SITE)

08/14/2006



9 BOXWOOD LANE

ZONING NOTICE

CASE # 07-051-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

COUNTY COURTS BUILDING-ROOM 407
PLACE: 401 BOSLEY AVENUE
TOWSON, MD 21204

DATE AND TIME: TUESDAY
OCT 3, 2006 @ 11:00 AM

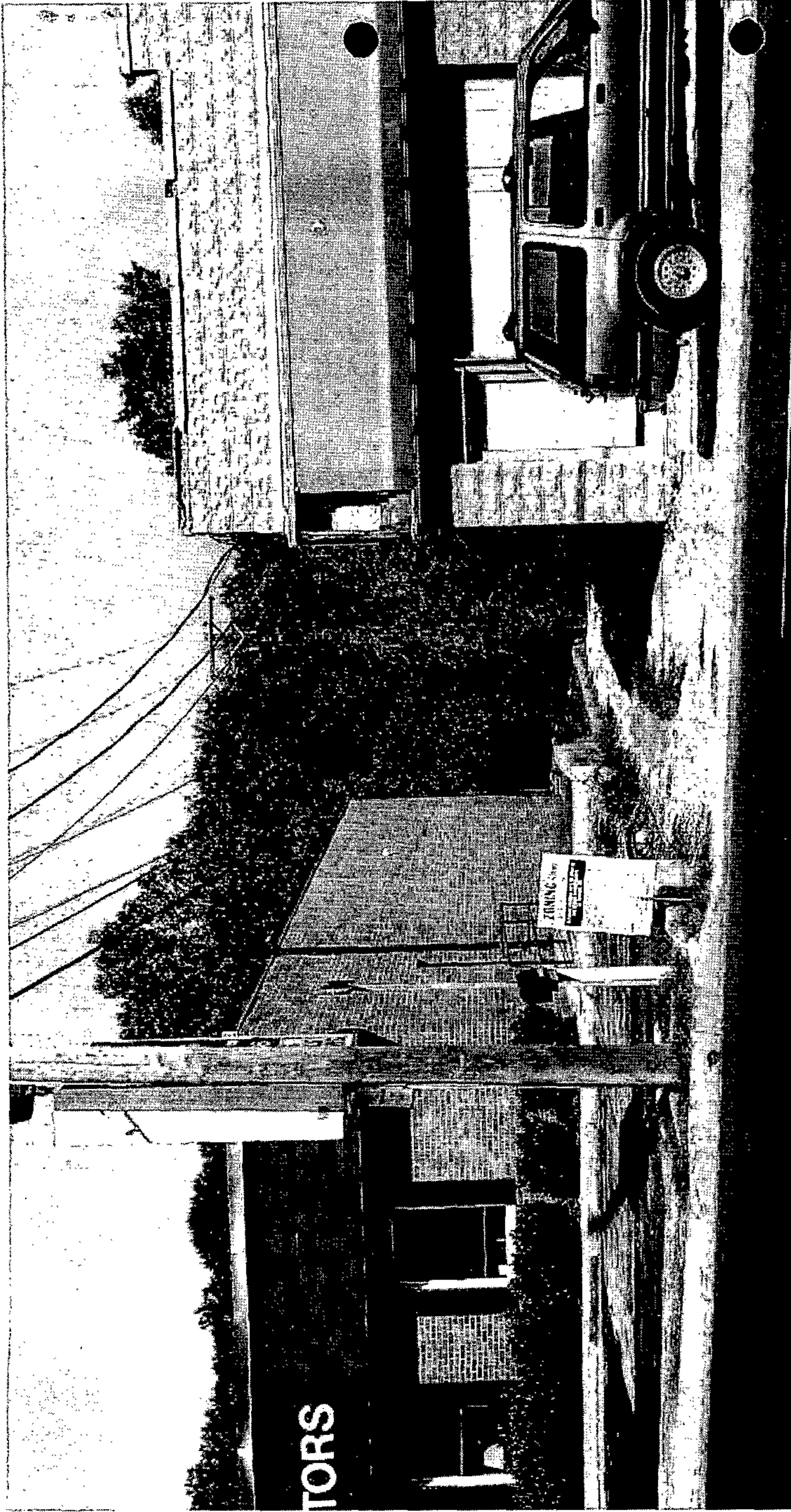
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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

09:18:2006



09.18.2006

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
9 Boxwood Lane; N/S Boxwood Lane,
290' W c/line York Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Jakub Scigala

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 07-051-SPHA

* * * * *

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/ 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 21st day of August, 2006, a copy of the foregoing Entry of Appearance was mailed Jakub Scigala, 9 Boxwood Lane, Cockeysville, MD 21030, Petitioner(s).

RECEIVED

AUG 21 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



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

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

August 23, 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: 07-051-SPHA

9 Boxwood Lane

N/side of Boxwood Lane, 290 feet west of centerline of York Road

8th Election District – 3rd Councilmanic District

Legal Owner: Jakub Scigala

Special Hearing to permit an accessory structure with a footprint larger than the principal structure. Variance to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, October 3, 2006 at 11:00 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: Jakub Scigala, 9 Boxwood Lane, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 18, 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
Tuesday, September 19, 2006 Issue - Jeffersonian

Please forward billing to:
Jakub Scigala
9 Boxwood Lane
Cockeysville, MD 21030

410-262-4333

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: 07-051-SPHA

9 Boxwood Lane

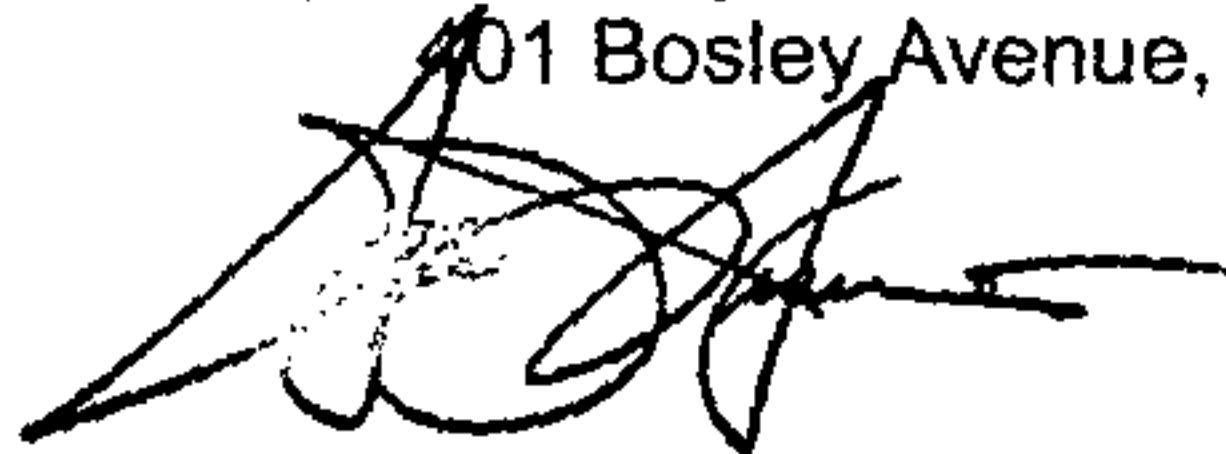
N/side of Boxwood Lane, 290 feet west of centerline of York Road

8th Election District - 3rd Councilmanic District

Legal Owner: Jakub Scigala

Special Hearing to permit an accessory structure with a footprint larger than the principal structure. Variance to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet.

Hearing: Tuesday, October 3, 2006 at 11:00 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 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: 07-051-SPHA

Petitioner: SCIGALA

Address or Location: 9 BOXWOOD LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAKUB SCIGALA

Address: 9 BOXWOOD LANE

COCKEYSVILLE, MD 21030

Telephone Number: 410-262-4333



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

September 28, 2006

Jakub Scigala
9 Boxwood Lane
Cockeysville, MD 21030

Dear Mr. Scigala:

RE: Case Number: 07-051-SPHA, 9 Boxwood Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 7, 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 black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

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

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

August 17, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 14, 2006

Item No.: 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055 and 056.

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office 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

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: August 16, 2006

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 21, 2006
Item Nos. 045, 046, 047, 048, 050, 051, 052,
053, 054, 055, and 056

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-08162006.doc

Jim 10/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 29, 2006

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

SUBJECT: 7-051 – Special Hearing

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a footprint larger than the principal structure provided the following conditions are met:

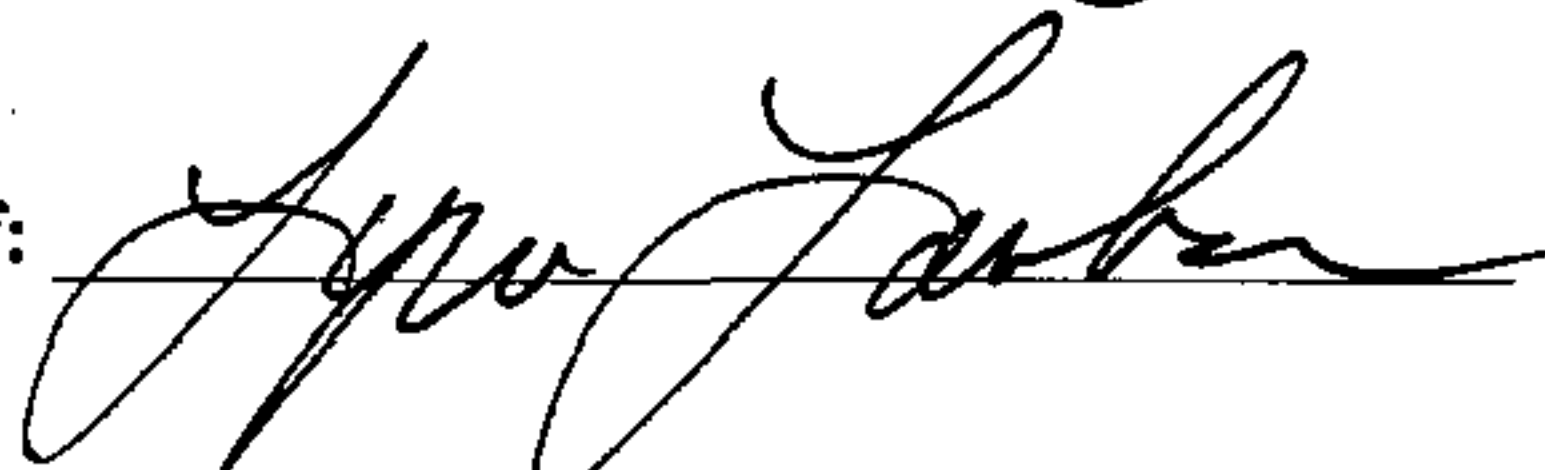
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



Section Chief:



AFK/LL: CM

RECEIVED

AUG 31 2006

ZONING COMMISSIONER

RECEIVED FOR FILES
10-6-06
P. J.



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 8.15.01

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

RE: Baltimore County
Item No. 051 DT

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

My telephone number/toll-free number is -

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCKO, Director
Department of Permits and
Development Management

Jakub Scigala
9 Boxwood Lane
Cockeysville, Maryland 21030

December 13, 2006

Re: Rescission of Building Permit & Demand to remove constructed building
Stop Work Order dated December 12, 2006
Building Permit #B646495
Construction of a one story garage attached to existing shed

Dear Mr. Scigala:

This letter follows two telephone conversations I had with you yesterday, Tuesday, December 12, 2006 responding to your telephone message to me to call you. The Stop Work Order issued by Building Inspector Glenn Berry directed you to contact me, which you did.

The purpose of this letter is to (1) give you notice that Baltimore County Building Permit #B646495 is rescinded effective December 12, 2006 for the reasons set forth below and, in addition, (2) demand that you remove the garage constructed under the permit by March 31, 2007 and reestablish the site of the garage as it was prior to construction by April 30, 2007, an additional thirty (30) days.

410-887-3048
As discussed with you yesterday, the garage you are in the process of completing is located in the 100-year floodplain. The 100-year flood plain is an area inundated by a flood which has a one-percent chance of being equaled or exceeded in any given year. In fact, floodplain maps maintained by the Baltimore County Department of Public Works reveal that all but a small portion in the northwest corner of your lot is within the 100-year floodplain. Baltimore County regulations bar construction of any buildings in the 100-year floodplain of a natural stream such as a river. Section 3112.2 of the Baltimore County Building Code states clearly that no new buildings or additions shall be constructed in any riverine 100-year floodplain as defined by the Director of Public Works for Baltimore County.

Jacub Scigala
December 13, 2006
Page 2

Nonetheless, Section 32-8 of the Baltimore County Code allows you to request a waiver for good and sufficient cause; but, expressly cautions that the waiver action shall be the minimum necessary, considering the flood hazard, to afford relief and shall be made with due consideration to comments from John Joyce of MDE who you have met with and the County Department of Public Works.

Further, the plat which you introduced at the hearing on your Petition for a Variance and which accompanied your application for a building permit stated that your lot was NOT in the 100 year flood plain and, unfortunately no one who processed your permit application second guessed that statement of fact which was made by you or on your behalf by the Annapolis architectural firm who assisted you. In addition, it is infrequent that anyone in the building trades would fail to check to see if the location of a proposed building was in a flood-prone area.

If you have any questions about the purpose of this letter and the times required to undertake removal of the garage, please don't hesitate to contact me.

Very truly yours,



Donald E. Brand
Buildings Engineer

cc: John Joyce, MDE
David Thomas, Baltimore County DPW
Glenn Berry

LAW OFFICES
TERZIU AND BENNETT
2211 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21220

JOHN TERZIU III
BRIAN BENNETT

(410) 687-4700
FAX: (410) 687-4744

January 16, 2007

Donald E. Brand
Buildings Engineer
Building Engineer's Office
111 West Chesapeake Avenue
Room 105
Towson, Maryland 21204

RE: Building Permit #B646495
Case No: 07-051-SPHA
9 Boxwood Lane, Baltimore County, MD

Dear Mr. Brand:

Please be advised that our office represents Jakub Scigala in regards to Building Permit No: B646495 and Zoning Case No: 07-051-SPHA and his one story garage attached to existing shed. I have reviewed your letter December 13, 2006 to Mr. Scigala and that Mr. Scigala is requesting, pursuant to Section 32-8 of the Baltimore County Code, a waiver of the requirement regarding the 100 year flood plain. I have observed the physical location, as well as maps and aerial photographs of the surrounding area and see that his garage and home are essentially in a commercial area with all sorts of existing structures in and around the flood plain. Neither I nor Mr. Scigala see how construction of a one story garage attached to his existing shed will in any way further erode the existing flood plain or cause damage to the natural stream or river bed, especially in consideration of the commercial nature of the construction around his proposed garage.

I would appreciate that the waiver be considered and acted upon at the earliest possible moment. Thank you for your consideration.

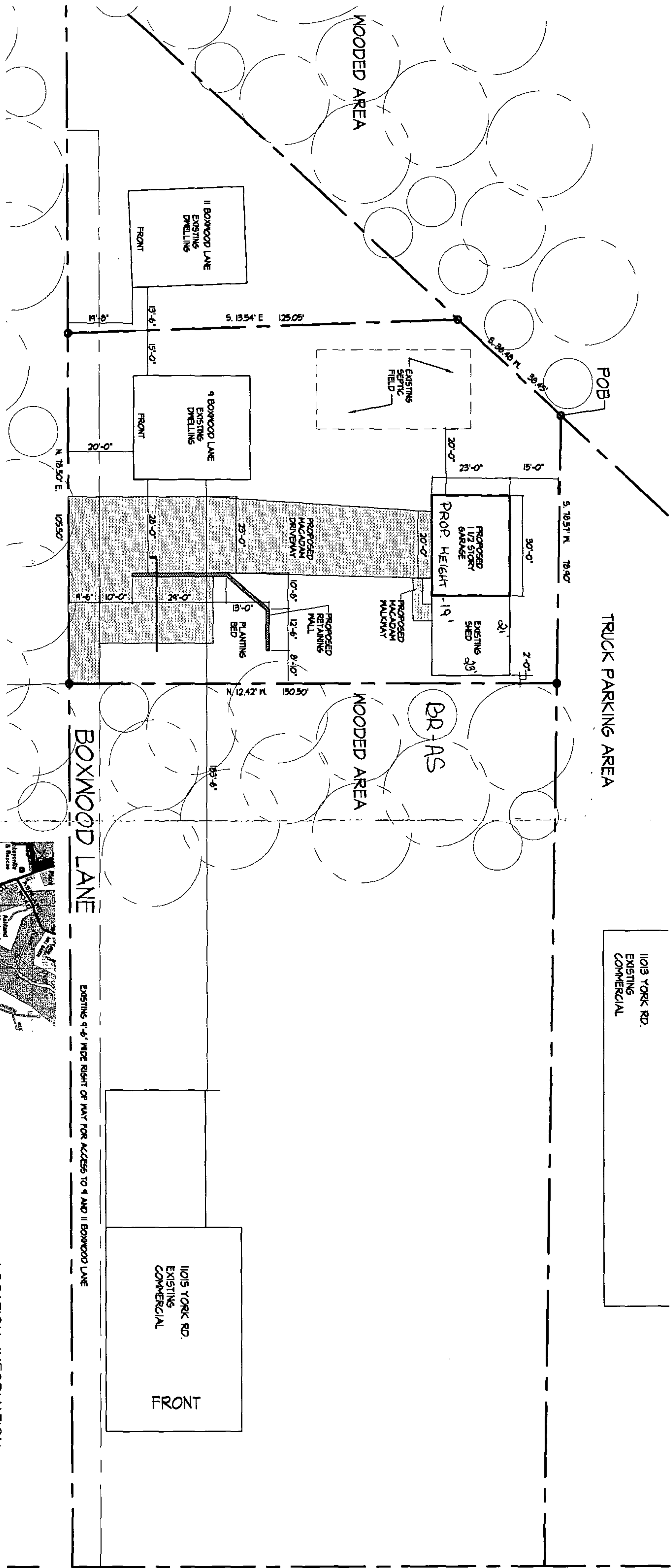
Sincerely,


Brian Bennett

BB/cfh

cc: W. Carl Richards, Jr., Supervisor, Zoning Review
Jacob Scigala

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING



11013 YORK RD.
EXISTING
COMMERCIAL

BOXWOOD LANE

EXISTING 4'-6" WIDE RIGHT OF WAY FOR ACCESS TO 9 AND 11 BOXWOOD LANE

11013 YORK RD.
EXISTING
COMMERCIAL

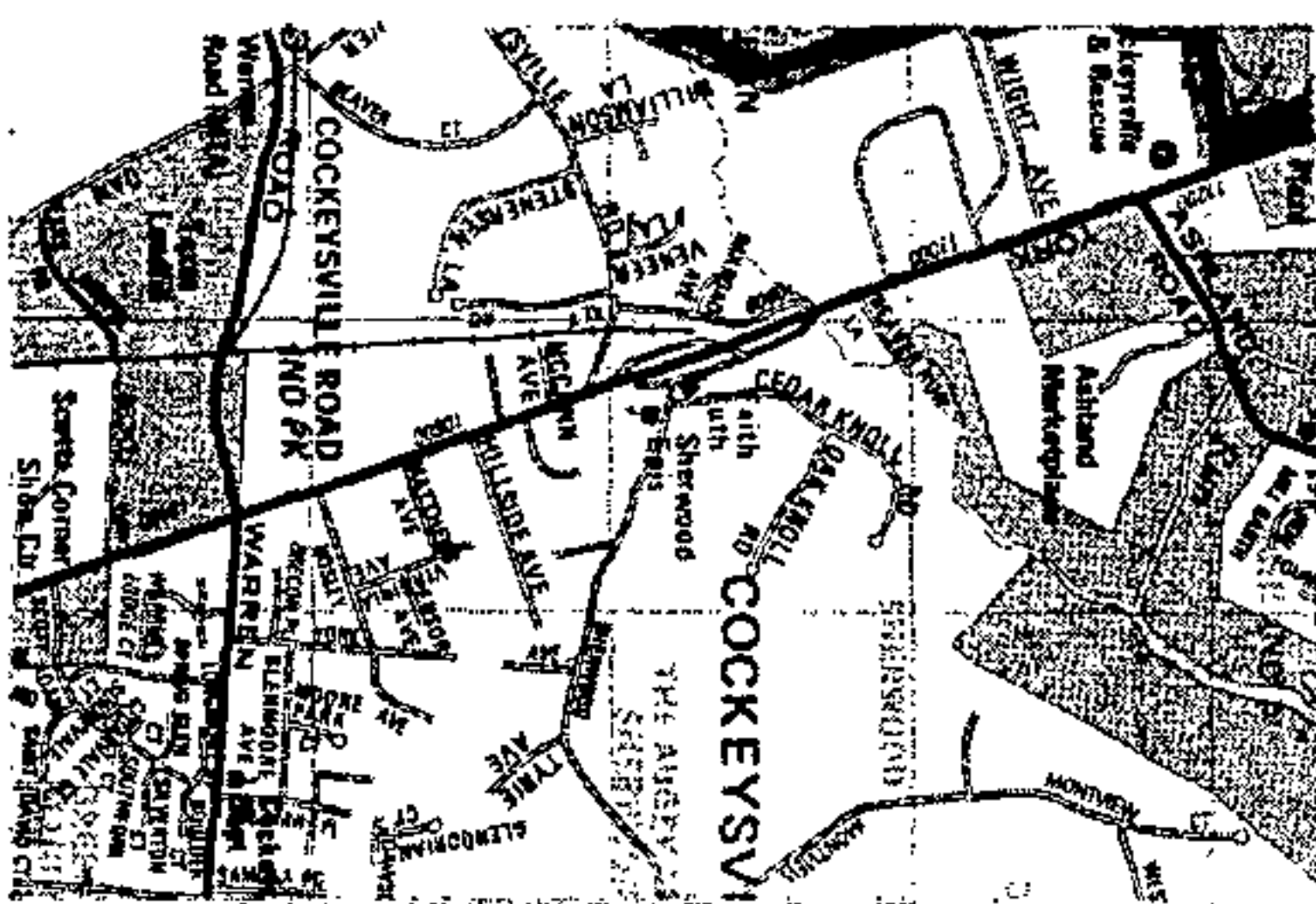
FRONT

YORK ROAD

PLAT

SCALE: 1" = 30'
PREPARED BY: RUHF PLITT ARCHITECTS, LTD.

PROPERTY ADDRESS 9 BOXWOOD LANE
OWNER JAKUB SCIGALA
DESCRIPTION 250 FEET EAST OF YORK ROAD
MAP: 42 GRID: 22 PARCEL: 273
TAX ACCT. NO. (08) 08-18-037090



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	8
COUNCILMANIC DISTRICT	3
1" = 200' SCALE MAP #	042-B-3
ZONING	DR 3.5
LOT SIZE	
.4 ACRES	
15,750 SF	
SEWER	PRIVATE
WATER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	NO
100 YEAR FLOOD PLAIN	NO
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	NO

07-051-SPHA



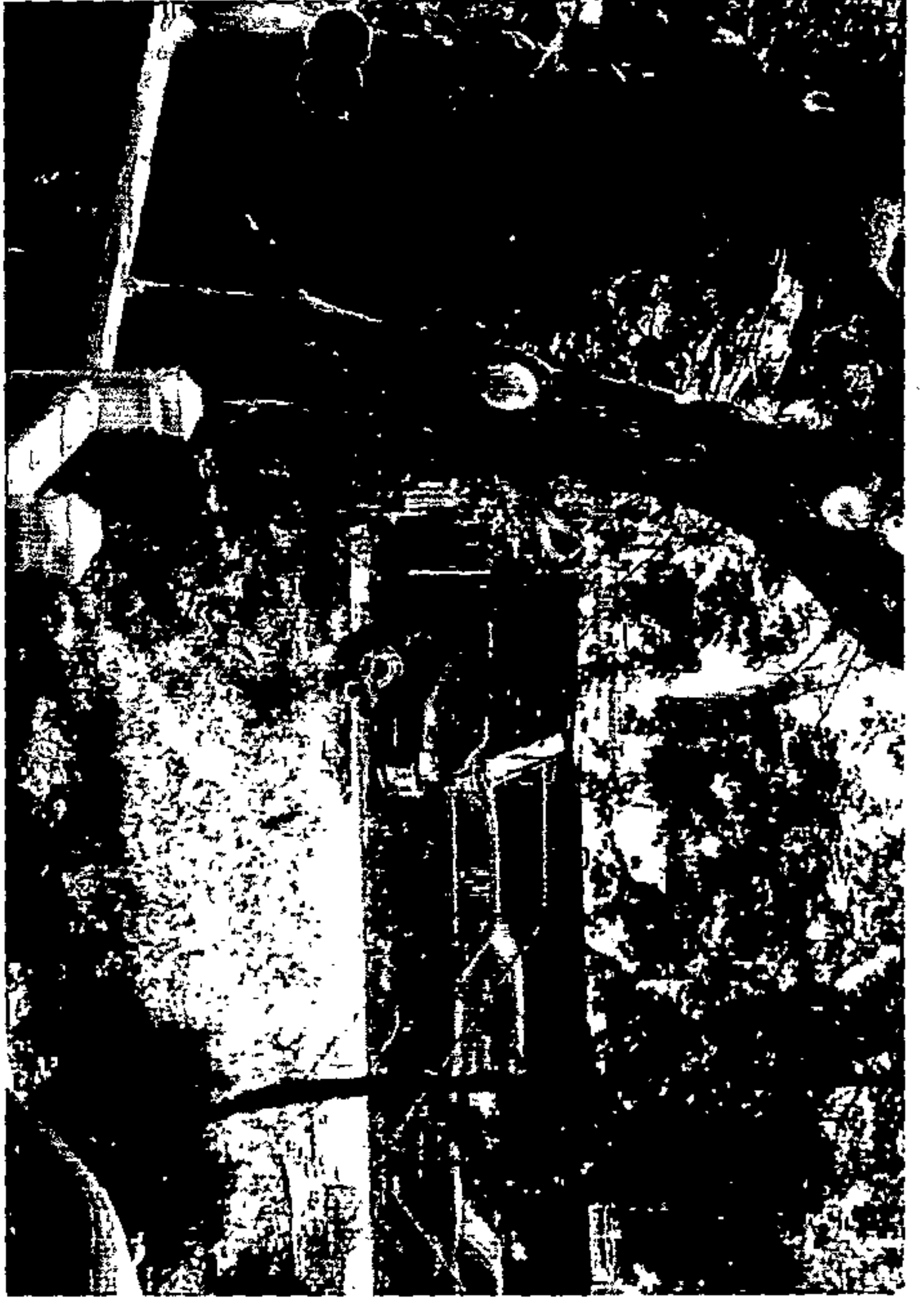
Home owner's house and driveway looking towards the truck parking lot.

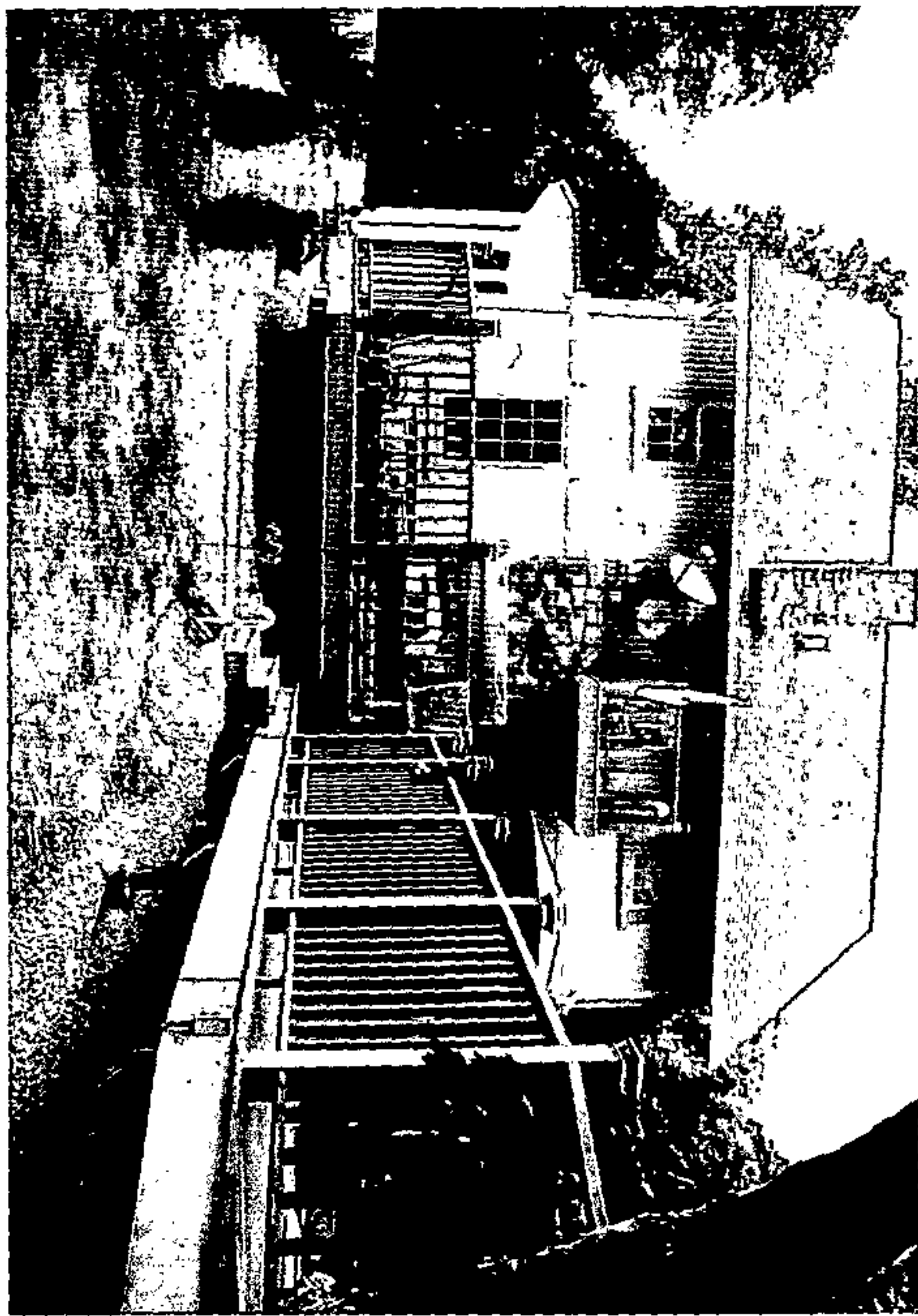


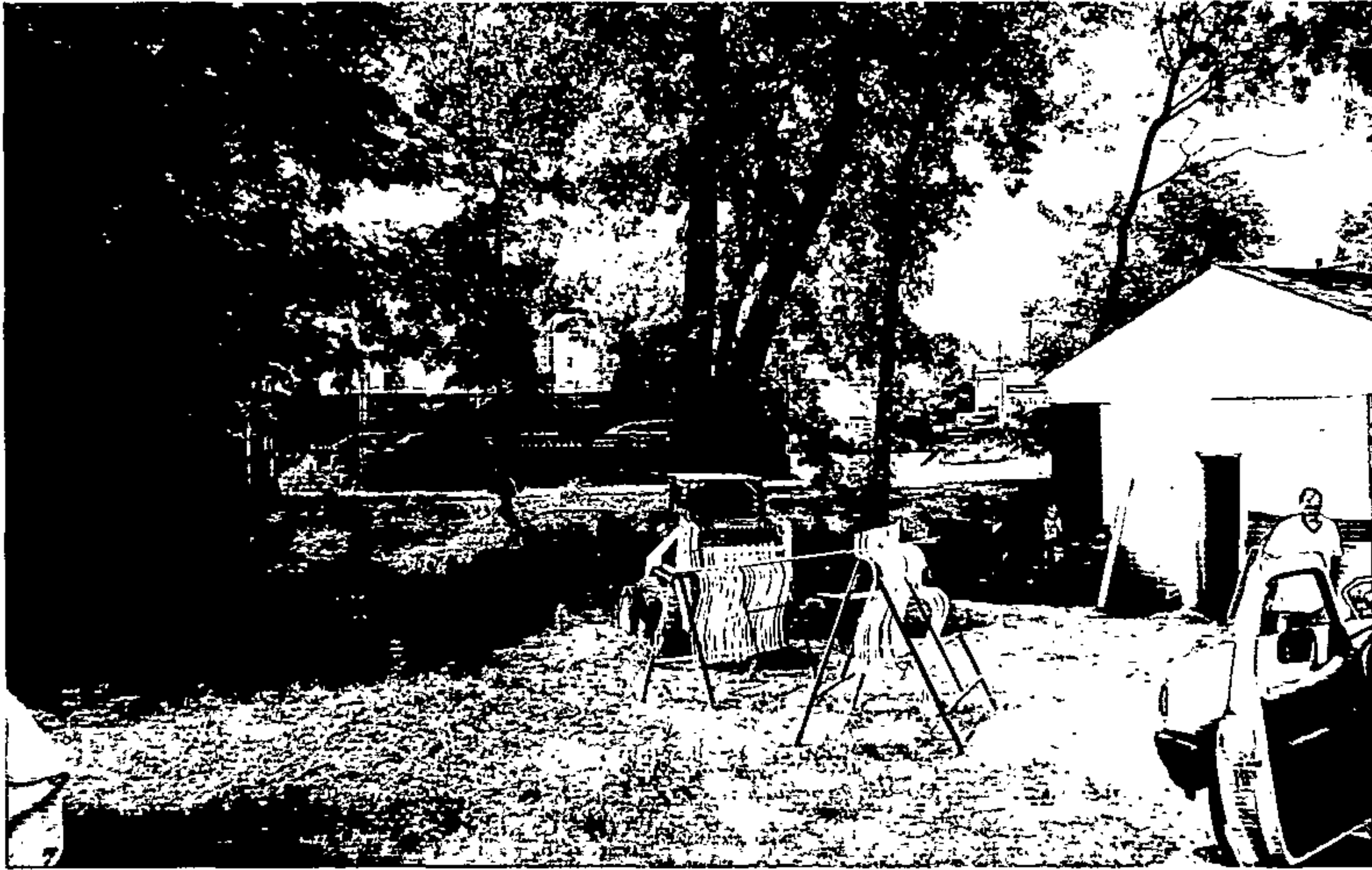
View of existing garage toward truck parking lot.

2A

07-051-SPHA







View of backyard toward truck parking lot.



View of green space border around other side of house.

2D

07-051-SPHA



Entry to property from York Road showing green space border around property.



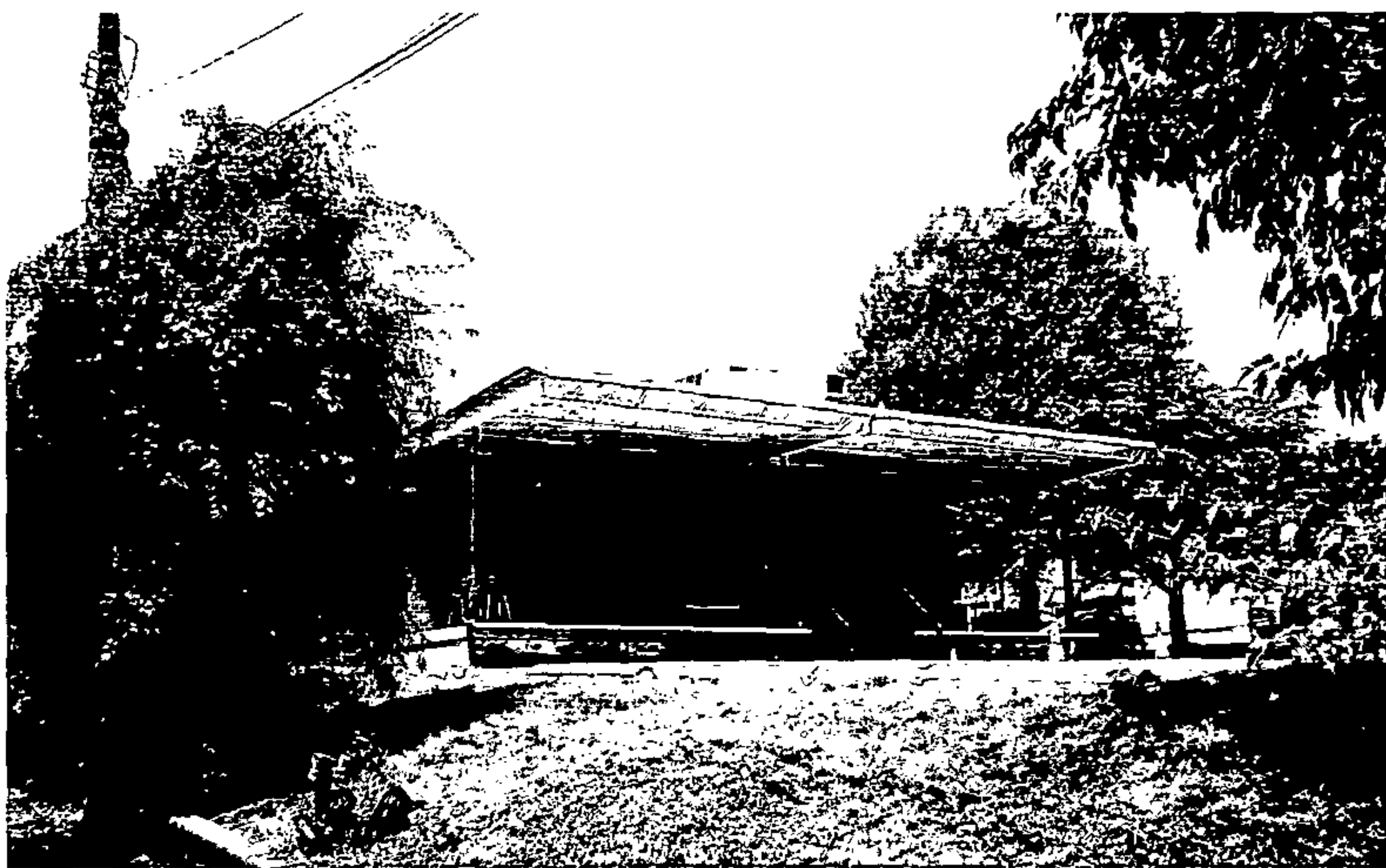
View of neighboring property - 11015 York Road

SE

07-051-SPHA



View between 9 and 11 Boxwood Lane – 11 Boxwood Lane has presented a letter in support of the garage addition because it will help control noise to their property too from the truck parking lot.



View of neighboring property – 11021 York Road

SE

07-051-SPHA

To Whom It May Concern, 9/26/06

I have no objections to the
improvement my neighbor at
9 Boxwood Lane Cockeysville
would like to make.

Lynne Hossbach
11 Boxwood Lane
Cockeysville

Rel #3

CASE NAME _____
CASE NUMBER _____

DATE _____

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
JOEL PLIFF	2809 BOXWOOD LANE	COCKEYSVILLE, MD, 21030	PLIFF@BRIE
JOEL PLIFF	2809 BOXWOOD ST	OKTO, MD 21024	PLIFF@BRIE CAM