IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
NE/S of Sweet Air Road, SE of c/l
Carroll Manor Road
11th Election District
3rd Councilmanic District
(5004 Sweet Air Road)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

Thomas and Nancy Malenski

Petitioners

* CASE NO. 07-053-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 owners of the subject property, Thomas and Nancy Malenski. The Petitioners are requesting special hearing relief for property owned at 5004 Sweet Air Road. The Variance is to permit a garage with a height of 22 feet in lieu of the permitted 15 feet. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an accessory structure (garage) with a footprint larger than that of the principal dwelling.

The property was posted with Notice of Hearing on September 29, 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 28, 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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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: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Bernadette Moskunas from Site Rite Surveying, Inc., the firm that prepared the site plan, Thomas and Nancy Malenski, the Petitioners. Robert Chilcoat, representing the adjacent property owner, and Charlotte Pine, representing the Long Green Valley Community Association, appeared at the hearing in opposition to these requests. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 1.805 acres +/- in size zoned RC 2 and is improved by the Petitioners' home with a deck, an existing swimming pool and two out buildings as shown on Petitioner's exhibit 1. The Petitioners would like to erect a 30 x 70 foot steel garage in which

Solone Colone

they propose to store their seven antique automobiles and three family vehicles as listed on exhibit 7. Antique cars are shown in photographs 5F through 5H. Mr. Palmiotto indicated that antique cars are his hobby which he uses on weekends to attend car rallies and meets. He is a real estate agent and never reconditions or repairs the vehicle on site.

The garage needs to be higher than the 15 feet allowed under the regulations because the Petitioner plans to stack two vehicles using the car stacking/lift equipment shown on exhibit 6. Also the garage has to be large enough to hold the Petitioners' family vehicles which are parked presently in front of the house. The Petitioner noted that he stores an antique car on the property now but has the others stored at friends' and associates' properties in the County. The new garage will allow him to consolidate the collection.

Ms. Moskunas indicated that the Petitioners' property is lot 2 of a 3 lot subdivision known as the "Cook Property", the plat for which is exhibit 2. She noted that the plat was recorded in the land records in 1959.

The Petitioners indicated that the proposed garage will be compatible with the surrounding community, will reflect the design of the Petitioners' home and will be an attractive addition to the property. See elevations of the building, exhibit 4. They described the immediate area as residential with a transmission line right of way behind the property. Photographs 5A, 5B and 5C show the area in which the garage will be erected and the neighbors (Koenig) RV and garages. They indicate they would not object to conditions of approval that the building not be converted into a dwelling or used for commercial purposes. They indicated that they would landscape the area.

Ms. Moskunas indicated that the proposed garage is 2100 square feet whereas the house is 1985 square feet thus triggering the need for special hearing. The building is a standard manufactured design which is the smallest size that would accommodate the vehicles.

 Mr. Chilcoat, who represented his daughter, an adjacent property owner, expressed his concern about the size of the building, that it could be seen from his daughters' back porch, and that it may take away value from his daughter's property value. There are no fences or tree lines separating the properties which would shield the new garage from his daughter's sight.

In response to questions from Ms. Pine, the Petitioner denied that the County park was immediately to the rear of the subject property and further denied that the parcel across Sweet Air Road was in agriculture. He noted there are homes across Sweet Air Road but admitted there is a farm farther to the south. As a real estate agent he opined he would not cause any harm to his property values or those of his neighbors. He agreed to place the conditions of approval in a deed recorded in the land records so the future owners will know of the limited uses of the garage.

Ms. Pine indicated that she represented the Long Green Valley Association who want to preserve the agricultural nature of the area. She opined that this use was essentially commercial in nature, that such a large steel building belongs in commercially zoned areas, and there are parks and farms in preservation nearby which are inconsistent with the proposed uses. She further opined that the new garage so close to the adjacent property line would reduce the value of the Koenig property and the Petitioners have over used their property considering the pool and out buildings. She worried some future owner might start a commercial enterprise in such a large structure. Finally she opined that the Petitioner had created the hardship himself and the variance should be denied.

The Petitioner noted in rebuttal that the RV on the adjacent Koenig property is an eyesore they have to see everyday and the new garage will block their view and the Chilcoat's view of the RV on the Koenig property. See photographs 5 A, 5 B and 5 C.

At this point in the hearing the parties discussed the possible contribution that the County's Landscape Architect could make to effectively screen the garage.

Findings of Fact and Conclusions of Law

The appellate courts have interpreted the first criteria of Section 307 of the BCZR which specifies that variances can be granted 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". (Emphasis supplied). The Courts take this provision to mean a property must be unique from a zoning perspective as a first essential step to granting a variance. See Cromwell v Ward et al. The uniqueness of the property must be connected to the variance request.

However the examples of uniqueness given in case law focus most often on the horizontal attributes of land such as shape of the property, existence of wetlands or streams, etc. The problem with height variances is that none of the horizontal examples of uniqueness are relevant to a request to vary a vertical dimension such as the subject case requests. So there is not much guidance from the Court as to what would make a property unique in a height variance case.

The Commission has often found that if a lot was created prior to imposition of zoning regulations by recording the subdivision in the land records, then the property can be unique because the impact of the regulations on such a lot might be disproportionate as compared to other lots in the district. However again there has to be a nexus between the old lot lines and the variance. In a request for height variance, there would be no connection, no nexus between the lot lines of the old subdivision all of which are horizontal, and the impact of a vertical regulation.

This Commission has held that height of a peak roof on a garage that architecturally matches the principal building is one of those special circumstances or conditions that makes a property unique from a zoning perspective. The idea is that there is an existing structure (the

TO 1600 MILES

house) which must be matched by the garage in order to be compatible architecturally. Consequently such a property can be unique. In the subject case the Petitioners testified concerning and the protestants worried about whether the new garage would be compatible with the principal structure (the house) and the community. To assure that the design of the garage is compatible I will require the drawings and elevations be submitted to the Planning Office for review prior to building permit. This will assure the garage does not adversely impact the community but compatible designs also make the property unique.

Similarly we have recognized that storing valuable automobile collections out of the weather and in a secure location is not a self imposed hardship but rather reflect the reality of such hobbies. I find strict enforcement of the zoning regulations would cause the Petitioner to suffer hardship and practical difficulty by being unable to store the automobiles as proposed.

Another issue is whether or not the proposed structure adversely impacts the community and changes the character of the neighborhood. However from the testimony this agricultural area has many attractive and perhaps some not so attractive pole barns. These are common in the area so that I cannot see the new garage changing the character of the neighborhood. The proposed garage will be 180 feet from the right of way of Sweet Air Road so that there should not be much if anything seen from the road. The immediate area is residential although zoned RC 2 so that there is no sacrifice of the spirit and intent of the RC 2 regulations to preserve agriculture. Said another way the Petitioner is not proposing to erect the building on prime agriculture land but rather on the grass of his back yard.

The principal issue in my mind is whether the proposed garage will be a detriment to the immediate neighbors such as the Chilcoats. I understand their concern. However I believe that if the design of the garage is compatible with the Petitioner's house and community and the Gounty Landscape Architect designs a landscape plan to screen the new garage from the

neighbors view, I do not on balance believe that the garage will diminish property values or become an eyesore such as the RV next door. Rather it should give added value to the Petitioner's property and the community. I will grant the variance requested.

In regard to the request for Special Hearing, I will also grant the request to allow an accessory building larger than the principal building for the reasons above as I find that community will not be adversely impacted and the proposed use will be within the spirit and intent of the RC 2 regulations

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 17th day of October, 2006, that the Petitioners' request for Variance is to permit a garage with a height of 22 feet in lieu of the permitted 15 feet 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 approve an accessory structure (garage) with a footprint larger than that of the principal dwelling is hereby GRANTED subject to the following:

- 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.
- The Petitioner shall not repair or recondition vehicles on the subject property but may perform ordinary maintenance of vehicles;

- 5. Prior to the issuance of any building permits, the Petitioner shall submit a detailed landscape plan to the Baltimore County Landscape Architect for review and approval to assure that adjacent properties are properly screened from the new garage.
- 6. The Petitioner shall submit building elevations and designs for the new garage to the Office of Planning for review and approval prior to building permit to assure the new garage is compatible in architectural detail to that of the primary structure and is compatible with the neighborhood.
- 7. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.
- 8. The Petitioner shall cause this Order to be recorded by a qualified attorney in the land records of the County at the Petitioners' expense to notify future owners of the restrictions of this Order.

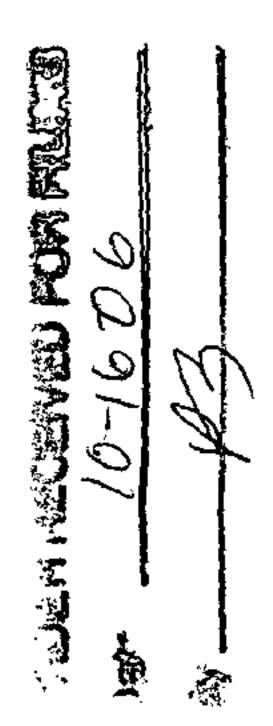
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

October 16, 2006

THOMAS AND NANCY MALENSKI 5004 SWEET AIR ROAD BALDWIN MD 21013-9726

Re: Petition for Special Hearing and Variance Case No. 07-053-SPHA Property: 5004 Sweet Air Road

Enclosed please find the decision rendered in the above-captioned case. The petition for Dear Mr. and Mrs. Malenski: 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, Jan v. murphy

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:pz

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c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road #101, Towson MD 21286 Robert Chilcoat, 4437 Carroll Manor Road, Baldwin MD 21013 Charlotte Pine, Long Green Valley Community Association, PO Box 91, Baldwin MD 21013

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468



Petition for Variance

which is presently zoned Be4 RC2

to the Zoning Commissioner of Baltimore County for the property located at #5004 Sweet Air Road

This Petition shall be filled with the Department of owner(s) of the property situate in Baltimore Count and made a part hereof, hereby petition for a Varian	of Permits y and white ice from S	s and Development Management. The undersigned, legal ich is described in the description and plat attached hereto section(s) 400.3 BCZP- of 22ft. in liw of the perwetted
To permit a gamage with a h	wylut	of 22ft. in lier of the permitted
of the Zoning Regulations of Baltimore County, (indicate hardship or practical difficulty)	to the zo	oning law of Baltimore County, for the following reasons:
see attached		en en regione de la
Property is to be posted and advertised as prescribe I, or we, agree to pay expenses of above Variance, advertised regulations and restrictions of Baltimore County adopted	MIGINO INS	and eig and mane agree to and big to be occased by an arrange
		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):
	 -,	Thomas Malenski
Name - Type or Print	Name	- Type or Print
Signature		- Signature Nancy Malenski
Address	e No.	Marron, Type or Print
**************************************		Market Malande
- City	Code	Signature () () () () () () () () () (
Attorney For Petitioner:		Address Telephone No.
		Baldwin, MD 21013-9726
Name - Type or Print	City	State Zip Code
Signature		- Representative to be Contacted:
		Site Rite Surveying, Inc.
Company		Name 200 E. Joppa Road, #101 (410(828-9060
Address	No.	Address Telephone No.
City State Zip	Code	Towson MD 21286 City State Zip Code
City State Zip	G000	OFFICE USE ONLY
Case No. 07-053 SPHA	·	ESTIMATED LENGTH OF HEARING
Rev	viewed By	UNAVAILABLE FOR HEARING Date 8.8.0 0
REV 9/15/98		
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10/16-00		

REASONS TO ACCOMPANY PETITIONS FOR A VARIANCE AND SPECIAL HEARING

- 1. THIS PROPERTY HAS BEEN A LOT OF RECORD SINCE 1959. THE PRESENT OWNERS PURCHASED THE PROPERTY IN 1992 AND THIS HAS BEEN THEIR PRICIPAL RESIDENCE SINCE THEN.
- 2. MR. MALENSKI IS A COLLECTOR OF ANTIQUE AUTOMOBILES WITH NINE (9) TO HIS NAME. IN ADDITION TO COLLECTING THE CARS, HE ALSO PROVIDES HIS OWN MAINTENANCE OF THE VEHICLES. THEREFORE, THE NEED FOR THE PROPOSED GARAGE IS TO PROTECT THE VEHICLES FROM THE OUTDOOR ELEMENTS IN ORDER TO MAINTAIN THEIR VALUE AND TO ENSURE STORAGE AND MAINTENANCE OF THE SAME. THE HEIGHT OF THE GARAGE WILL ALLOW THE VEHICLES TO BE STACKED TO ACCOMMODATE THE NUMBER OF VEHICLES.
- 3. THE EXISTING IMPROVEMENTS (DWELLING FENCED INGROUND POOL, ACCESSORY STRUCTURES) AND THE EXISTING PRIVATE WELL AND SEPTIC SYSTEMS RESTRICT THE LOCATION OF THE PROPOSED GARAGE AS SHOWN ON THE SITE PLAN.



Petition for Special Hearing

for the property located at #5004 Sweet Air Road

to the Zoning Commissioner of Baltimore County

owner(s) of the property situate in Baltimore County and and made a part hereof, hereby petition for a Special Baltimore County, to determine whether or not the Zoning	d which al Hear g Comr	, and the state of
STRUCTURE (GARAGE) WITH A	For	OTPRINT CARGER THAN
		ELLING. (SECTION 101, BCZR),
Property is to be posted and advertised as prescribed by I, or we, agree to pay expenses of above Special Hearing, adverting regulations and restrictions of Baltimore County adopted	redisina.	, posting, etc. and further agree to and are to be bounded by the lant 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):
	• •	Thomas Malenski)
Name - Type or Print	Name -	Type or Print
Signature		_Signature
Address Telephone No.	•	Name-Type or Print Name-Type or Print Name-Type or Print
City State Zip Code	~	Signature & Willamski
Attorney For Petitioner:		5004 Sweet Air Road 443-250-9279 Address Telephone No.
		Address Telephone No. Baldwin, MD 21013-9726
Name - Type or Print	City	State Zip Code
Signature		Representative to be Contacted:
Company	-	Site Rite Surveying, Inc.
	~	200 E. Joppa Road, Suite 101 (410) 828-9060 Address Telephone No.
Address Telephone No.		Towson MD 21286
City State Zip Code	•	City State Zip Code
		OFFICE USE ONLY
		ESTIMATED LENGTH OF HEARING
Case No. 07-053-SPHA		UNAVAILABLE FOR HEARING
	Reviewe	d By Date
REV 9/15/98		
101606		

ZONING DESCRIPTION #5004 SWEET AIR ROAD

BEGINNING at a point on the northeast side of Sweet Air Road which is 40 feet wide at the distance of 240 feet southeast of the centerline of Carroll Manor Road which is 30 feet wide. Being Lot #2, in the subdivision of "Cook Property" as recorded in Baltimore County Plat Book No. 26, folio #126, containing 1.805 Ac ±. Also known as #5004 Sweet Air Road and located in the 11th Election District, 6th Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

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ARVIAND No.	ACCOUNT LOG L GOLL L I S'O	AMOUNT SO CO TO		YELOW - CUSTOMER.
BALTIMORE COUNTY, OFFICE OF BUDGET & FIN	MISCELLANEOUS RECEIP	RECEIVED	FOR	DISTRIBUTION WHITE - CASHIER PINK - AGENCY

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: #07-053-SPHA

5004 Sweet Air Road

N/east side of Sweet Air Road, 240 feet +/- s/east of centerline of Carroll Manor Road -

11th Election District - 3rd Councilmanic District

Legal Owner(s): Thomas & Nancy Malenski

Special Hearing: to approve an accessory structure (garage) with a footprint larger than that of the principal dwelling. Variance: to permit a garage with a height of 22 feet in lieu of the permitted 15 feet.

Hearing: Monday, October 16, 2006 at 11:00 a.m. in Boom 407, County Courts Building, 401 Bosley' Ave-

nue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-3868.
- (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 110868 9/302 Se26

CERTIFICATE OF PUBLICATION

9/28,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $9/28/,2000$
The Jeffersonian
🗀 Arbutus Times
🖵 Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING

CERTIFICATE OF POSTING

Baltimore County Department of

County Office Building, Room 111

111 West Chesapeake Avenue

Attention: Christen Matthews

Towson, MD 21204

Permits and Development Management

Petitioner/Developer: THOMAS MALENSK! Date of Hearing/Closing: CT./6, 2006 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 propery located at _ # 5004 SWEET AIR PUAD The sign(s) were posted on SEP7. 29, 200 (p (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) CIARLAGE E. MOORE (Printed Name) 3225 RYERSON CIRCLE (Address) BAUTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4263

(Telephone Number)

RE: Case No.: <u>D7-053-SPHA</u>

CERTIFICATEON



ZONING NOTICE

CASE # 07-053-SPHA

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

PLACE: TOWSON, MD 21204

DATE AND TIME: MONDAY, OCTOBER 16, 2006

REQUEST: SPECIAL HEARING TO APPROVE ANACCESSORY STRUCTURE (GARAGE) WITH A FOST PRINT LARGER THAN THAT OF THE PRINCIPAL DWELLING. VARIANCE TO PERMIT A GARAGE

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 28, 2006 Issue - Jeffersonian

Please forward billing to:

Thomas Makenski 5004 Sweet Air Road Baldwin, MD 21013-9726

443-250-9279

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: 07-053-SPHA

5004 Sweet Air Road

N/east side of Sweet Air Road, 240 feet +/- s/east of centerline of Carroll Manor Road 11th Election District – 3rd Councilmanic District Legal Owners: Thomas & Nancy Malenski

Special Hearing to approve an accessory structure (garage) with a footprint larger than that of the principal dwelling. Variance to permit a garage with a height of 22 feet in lieu of the permitted 15 feet.

Hearing: Monday, October 16, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM JAMSEMAN 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

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



Baltimore County

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

August 24, 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: 07-053-SPHA

5004 Sweet Air Road

N/east side of Sweet Air Road, 240 feet +/- s/east of centerline of Carroll Manor Road

11th Election District - 3rd Councilmanic District

Legal Owners: Thomas & Nancy Malenski

Special Hearing to approve an accessory structure (garage) with a footprint larger than that of the principal dwelling. <u>Variance</u> to permit a garage with a height of 22 feet in lieu of the permitted 15 feet.

Hearing: Monday, October 16, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Thomas & Nancy Malenski, 5004 Sweet Air Road, Baldwin 21013-9726 Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 30, 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.



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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 Adve	rtising:			•			
Item Number or Case		053	>			,	
Petitioner:		MALENSK		<u></u>		· 	
Address or Location:	5004	Sweet Air R	d.	BALDWING	Md 2	2 1073-97	26
•				t ,			
PLEASE FORWARD A	ADVERTIS	ING BILL TO:					
Name:							
Address:							
		AM.		·			
•	4						
Telephone Number:	۷.	443-250-	92	79			

Revised 7/11/05 - SCJ





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 11, 2006

Thomas Malenski Nancy Malenski 5004 Sweet Air Road Baldwin, MD 21013-9726

Dear Mr. and Mrs. Malenski:

RE: Case Number: 07-053-SPHA, 5004 Sweet Air Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Cal Rilal!

WCR:amf

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, #101 Towson 21286

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

DATE: August 16, 2006

Department of Permits & Development Management

FROM:

Dennis A. 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

State Highway
Administration

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 8-15.06

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

RE:

Baltimore County

Item No. 753

) < M

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
5004 Sweet Air Road; NE/S Sweet Air
Road, 240' SE of Carroll Manor Road
11th Election & 3rd Councilmanic Districts
Legal Owner(s): Thomas & Nancy Malenski
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 07-053-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

People's Counsel for Baltimore County

CARÔLE 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 Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

2 1 2006

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 5004 Sweet AIV Pond CASE NUMBER 07-053-SPHA DATE 10 16/06

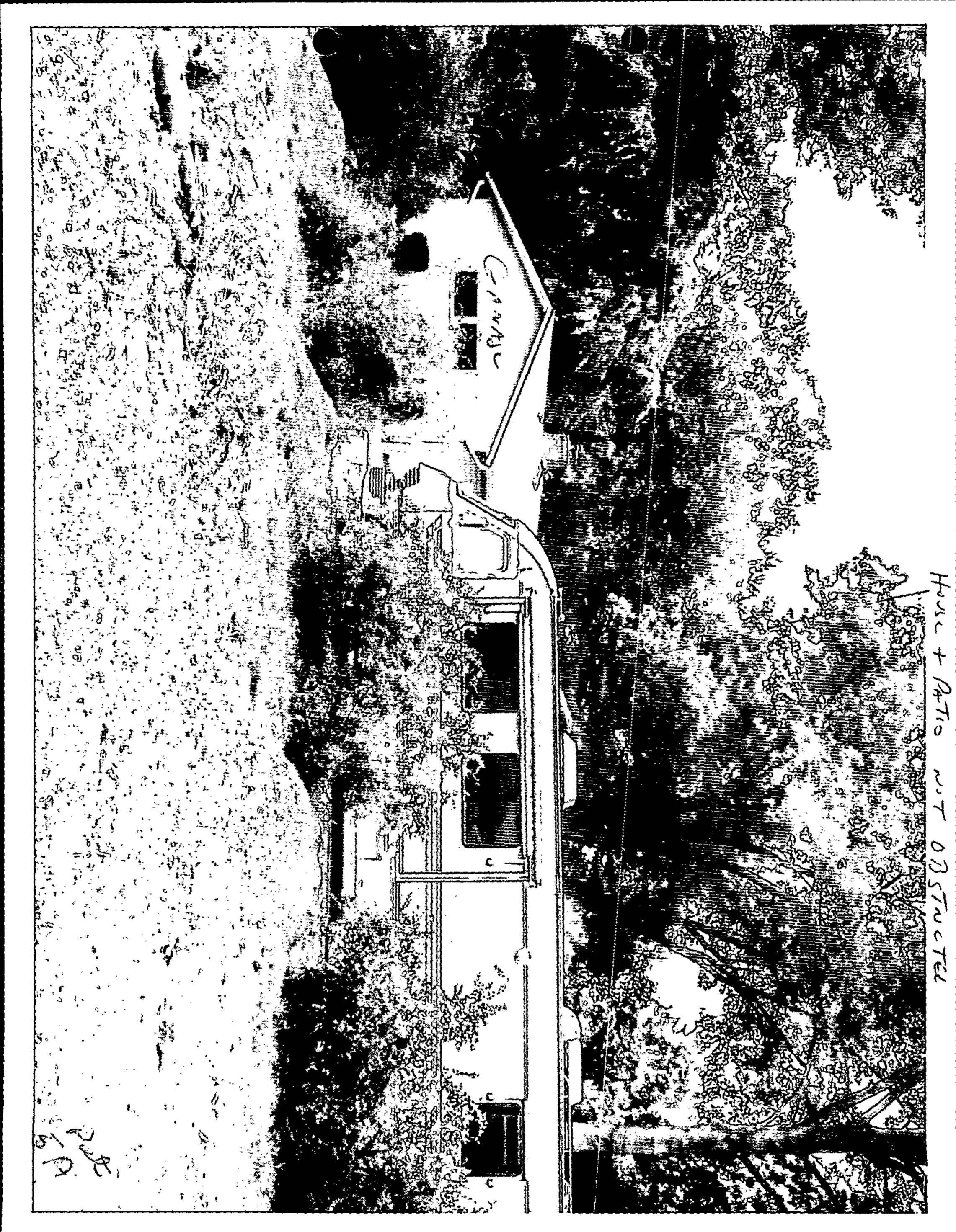
PETITIONER'S SIGN-IN SHEET

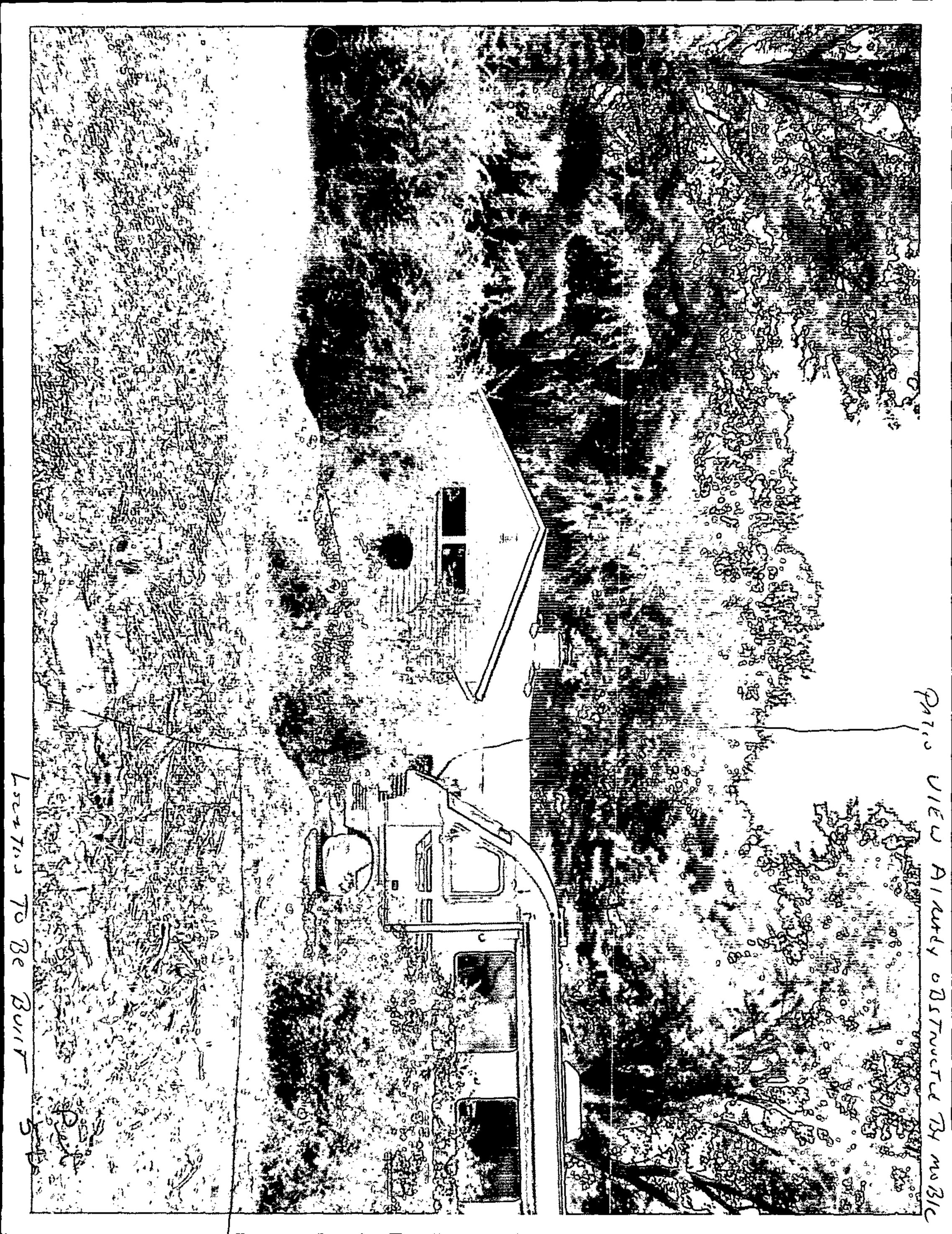
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								SOUT SWEET PAR RAY	5004 Sweet AIR	ti 200 t	ADDRESS
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DATE	CASE NUMBER	CASE NAME

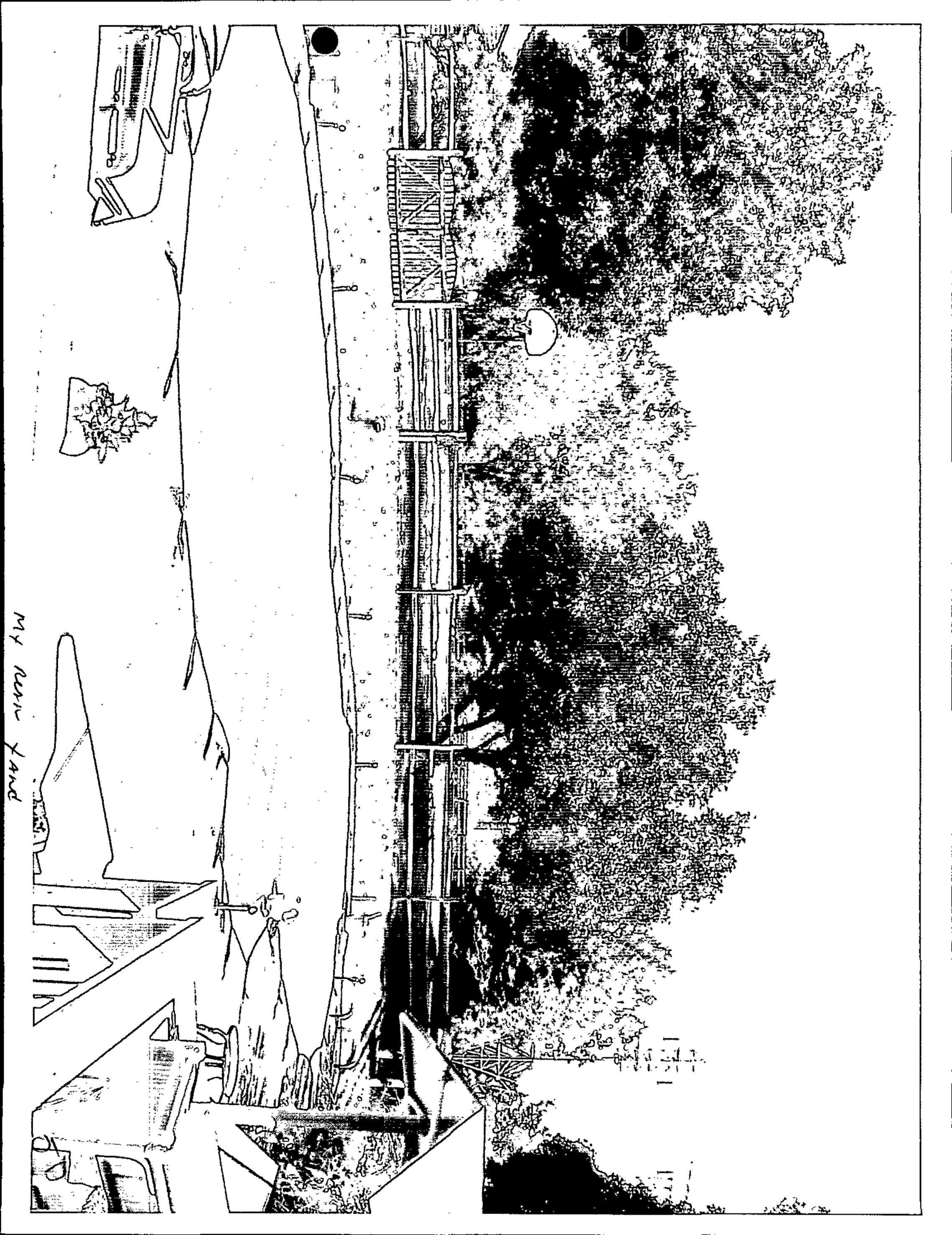
CITIZEN'S SIGN-IN SHEEL

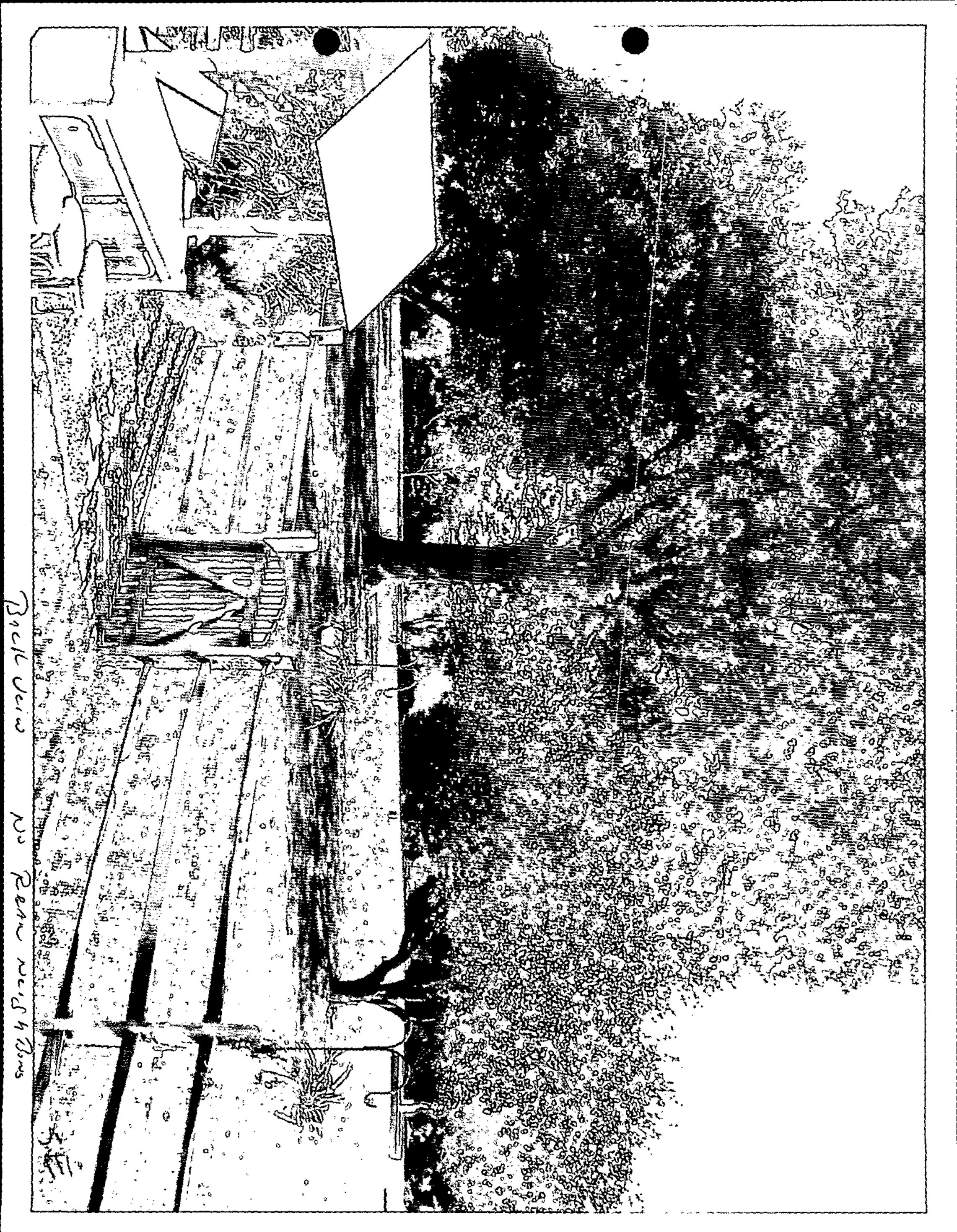
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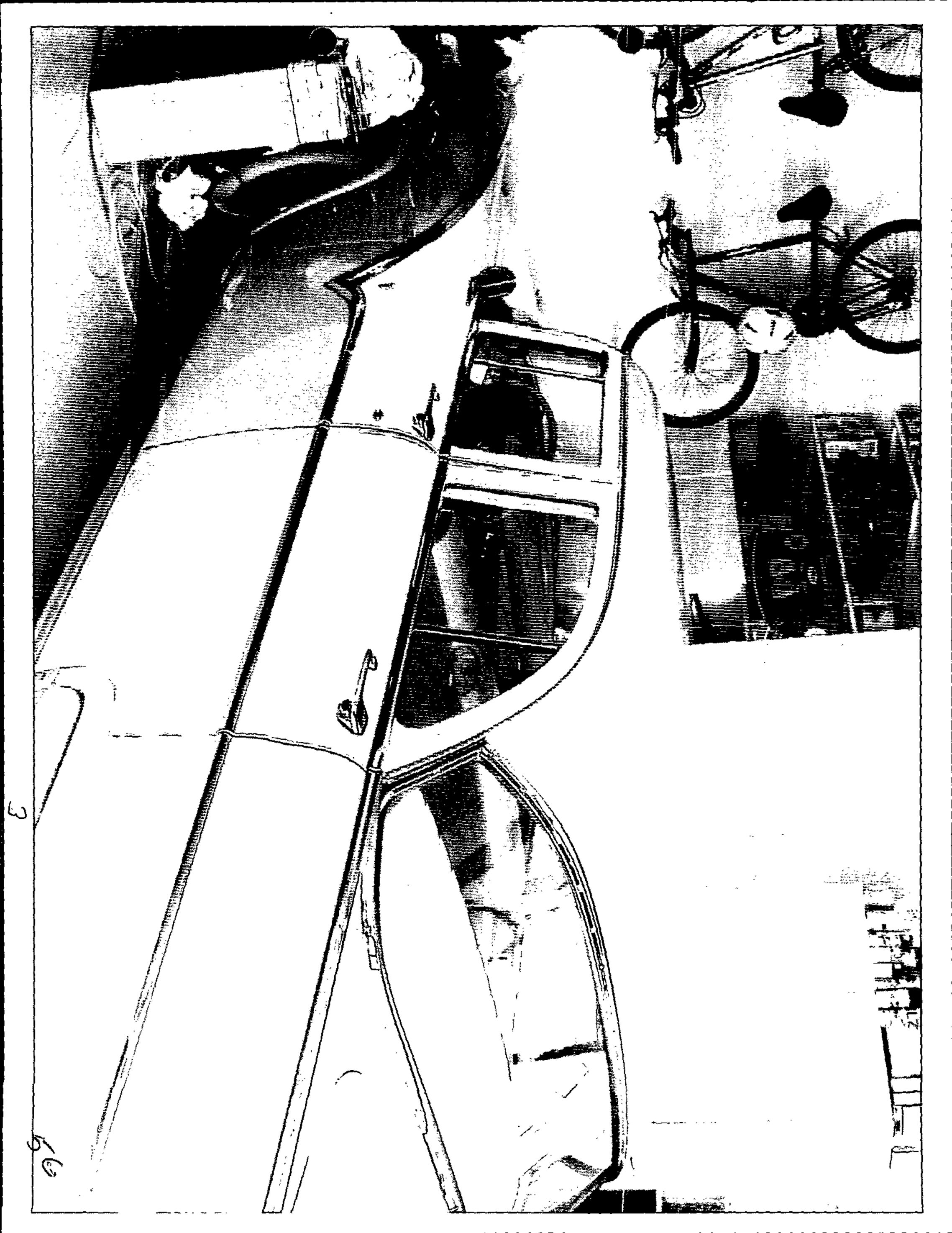


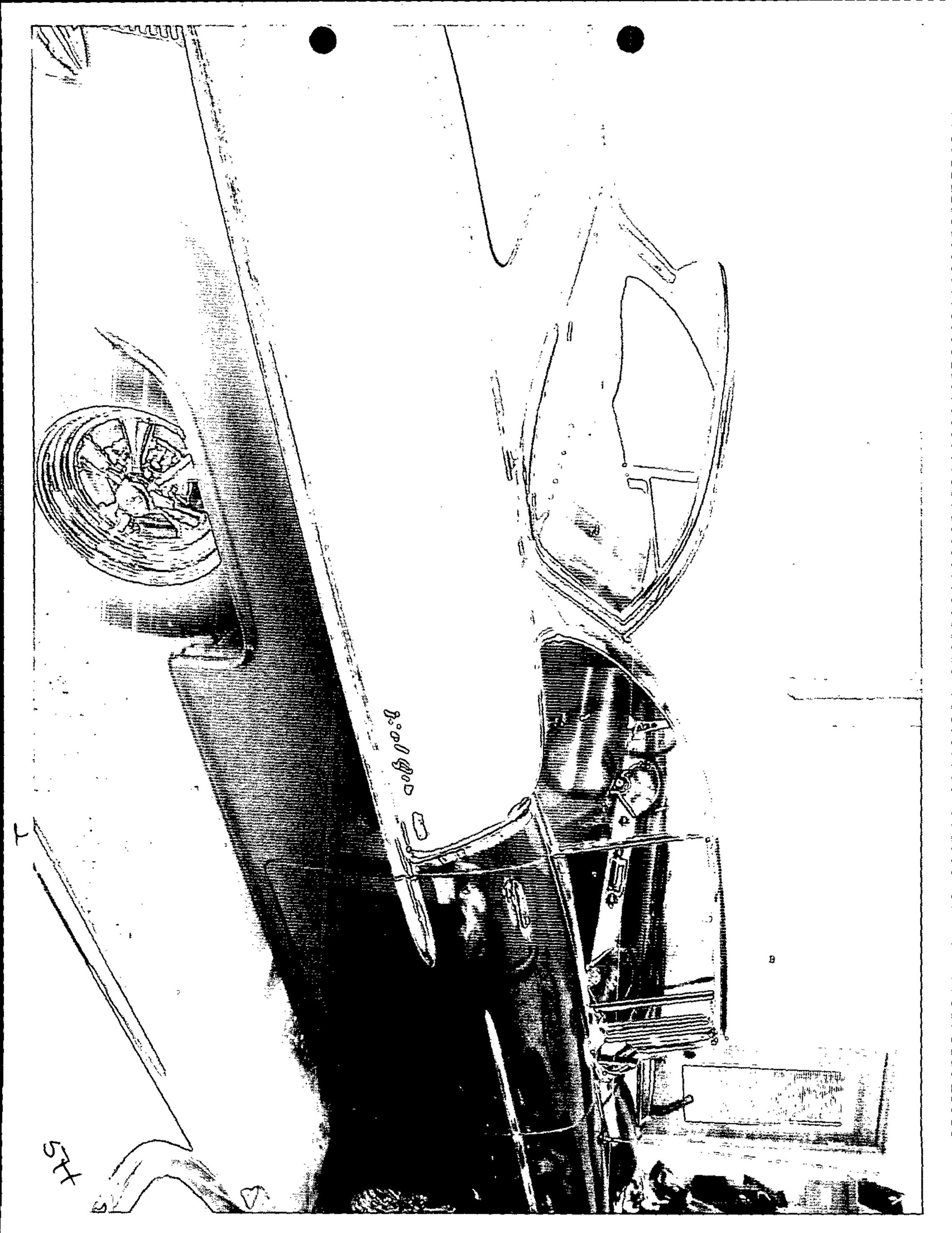








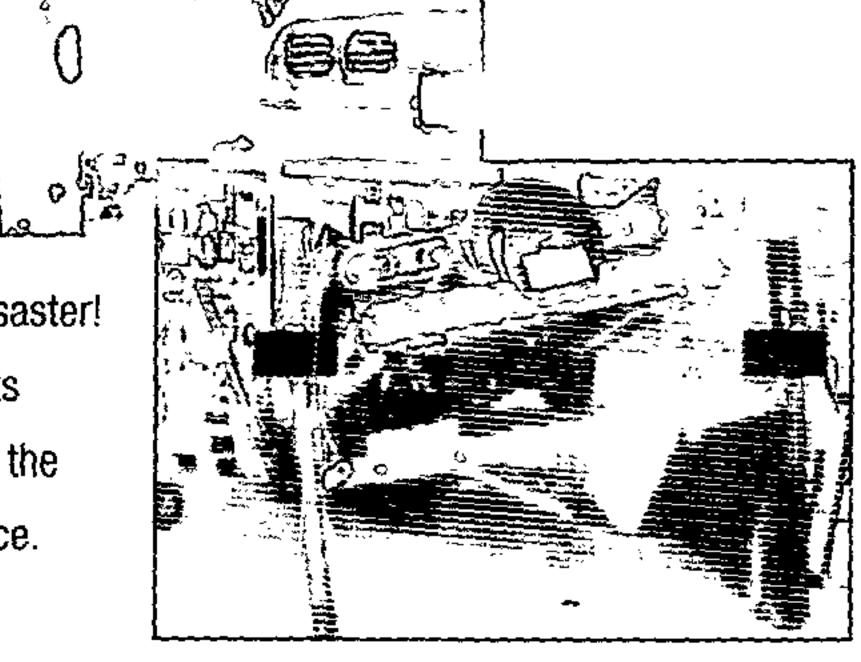


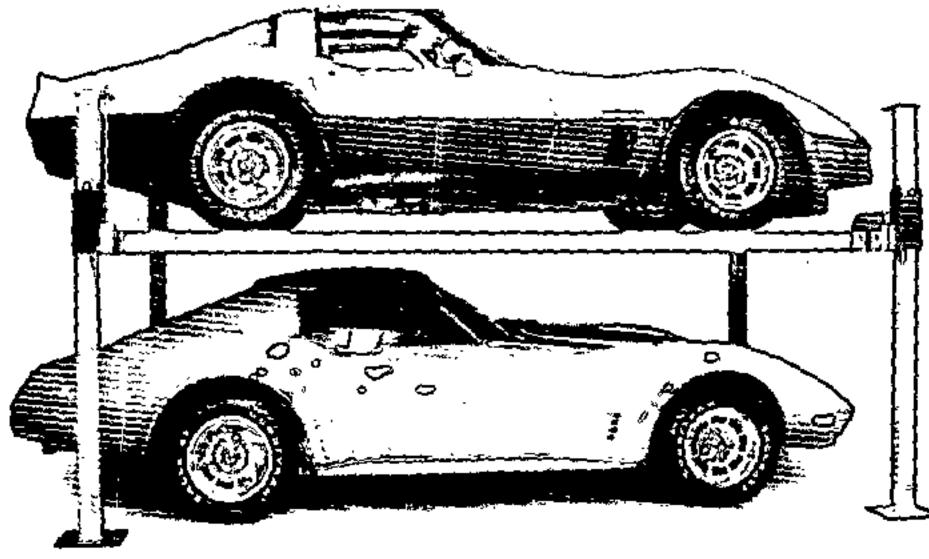


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hose other guys may have saved you a few bucks and even thrown in a free drip pan, but was it worth it? You may have thought we were kidding around with our cartoon ads, but disasters like this really do happen. We have a drawer full of photos like these from folks who thought they

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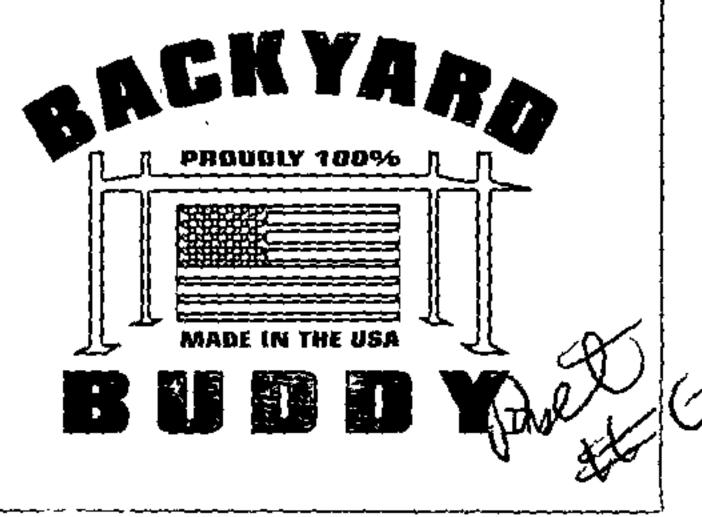
Fax: (330) 392-931

1140 Dana Street, Warren, OH 44483

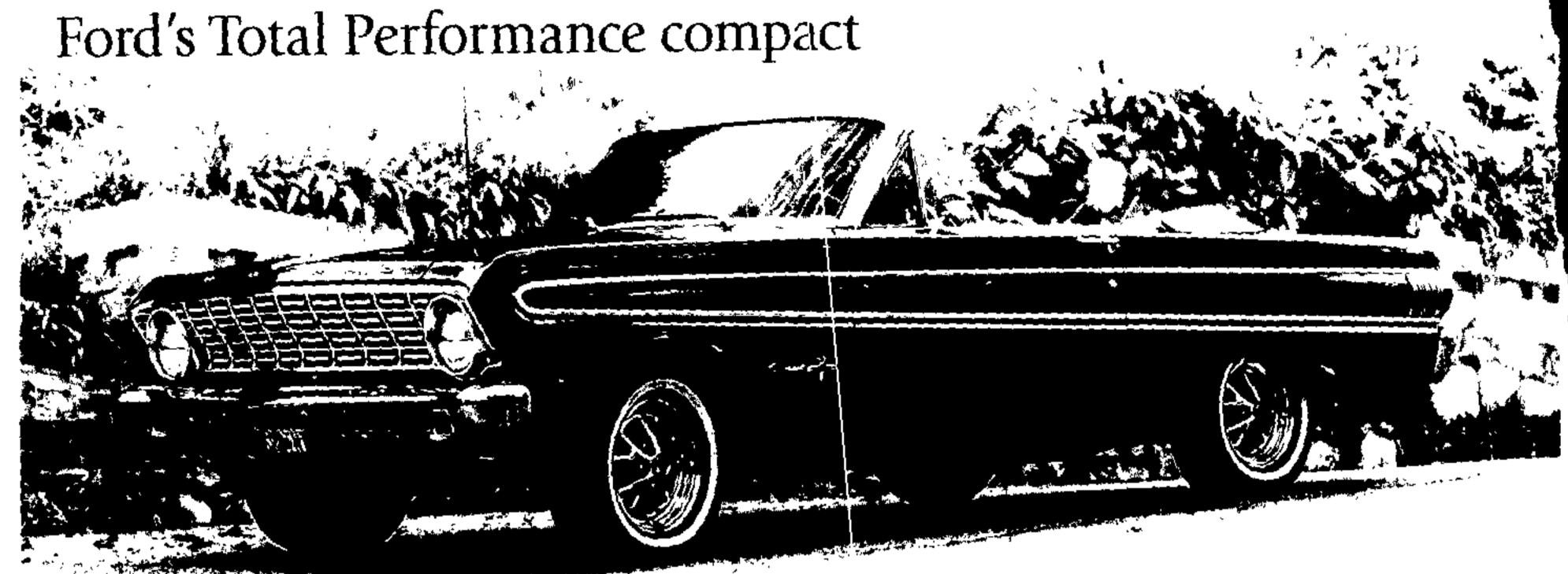
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BY GEORGE MATTAR

PHOTOGRAPHY BY DON SPIRO

Ford Mustang stole the automotive hearts of Americans. More than 126,000 were sold following the car's introduction in April 1964.

During the same model year, another good-looking Ford wore new sheetmetal and, unfortunately, had to play second fiddle to the wildly popular Mustang.

The Ford Falcon reflected the "Total Performance" image in Ford's new styling. In 1964, the car took on an aggressive stance with an angled grille. The highly sculptured bodysides gave the '64 Falcons a somewhat racy look, while at the same time providing the bodies more rigidity. A convex feature line started on the fenders, but sloped ever so slightly and increased in width until it met the taillamps. As in years past, the Falcon retained its single headlamp setup. Like most cars in the 1960s, there were inexpensive base models and pricey topof-the-line series. In 1964, the premier variation of the Falcon was the Sprint convertible, of which just 4,278 were built out of a total production of 18,108, according to Ford records.

The Sprints were built with V-8 engines only, the smallest being the 260-cu.in. version with 164hp, fed by a two-barrel Holley carburetor; there were optional V-8s available. The Sprint included special door panels, exterior trim upgrade, chromed engine accessories and a padded dash. There were only three gauges, though: a horizontal speedometer reading to 120 mph, a fuel gauge with "E"

n the mid-1960s, the revolutionary and "F," and a temperature gauge that ibles or Sprint models available. was actually an idiot lamp, with "C" for cold and "H" for hot. A tachometer could be ordered.

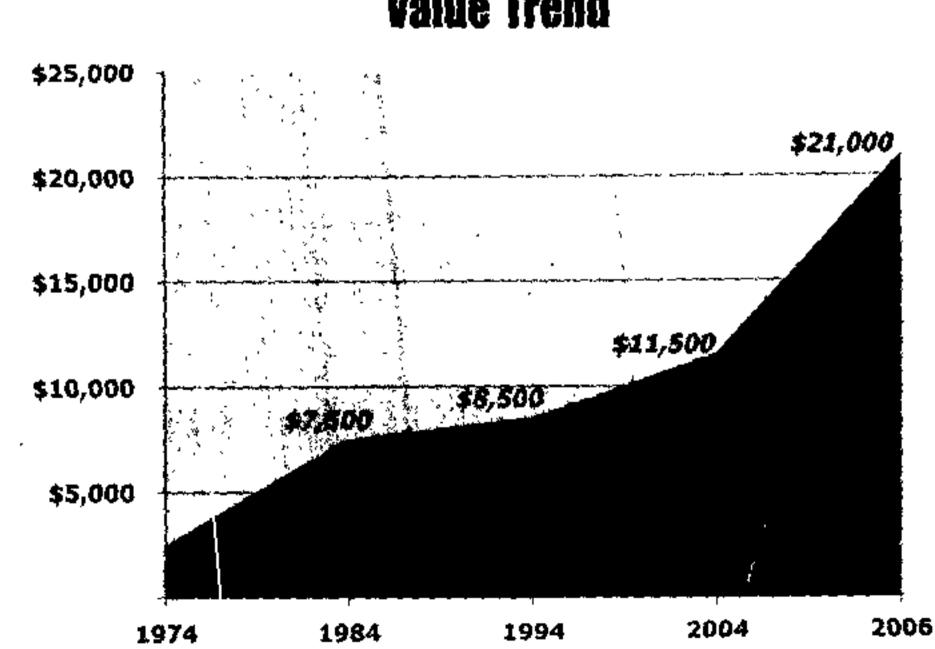
> The '64 Sprint was part of the aforementioned Total Performance campaign, because Ford wanted various models in all types of competition events, from drag racing and NASCAR to Formula One and Le Mans. For example, there were three Sprints entered in the 1963 edition of the Monte Carlo Rallye which had been prepared by Holman-Moody. One of the three was disqualified, and the other two placed 35th and 43rd respectively, but that was good enough to convince Ford to try again at Monte Carlo in 1964, with the new restyled car. Ford entered eight new Sprints with 305hp, 289-cu.in. V-8s

fiberglass and exterior panels for the race.

Despite these efforts, which cost Ford a boatload of money, interest in the dimin-Falcon ished in the racing efforts. In part, the smashing success of Mustang the hurt the Falcon. In 1966, when the Falcon was again redesigned, there were no convert-

But that's the beauty of the car when it comes to investing in a 1964 Sprint convertible. It is quite rare, but not as expensive as a Mustang convertible, and many parts are still available. The original base price of a Sprint convertible listed at \$2,660, and incredibly, after 10 years, we found one for sale in a 1974 issue of Hemmings Motor News for \$2,500. These cars slowly crept up the investment ladder and really took off within the past few years, as collectors may have tired of having just another Mustang. These cars offer better comfort, the same power and easier entry and exit. They are worth taking a look at and are certainly less expensive than a comparable Mustang. 🛎

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MUSEUMS

Museum Mobile at the Audi Forum

Ingolstadt's Audi factory is home to a futuristic, yet historic, museum







WORDS AND PHOTOGRAPHY
BY CRAIG FITZGERALD

Motors, there is perhaps no other company that has such a history of twists, turns, partnerships and acquisitions than Audi.

The Audi museum mobile combines historic exhibits with modern displays in three floors that chronicle the company's entire history. The museum is located next door to Audi's massive Ingolstadt factory, and it has the fully glazed façade that you'd probably construct in your own imagination if you were to think about what Audi represented as a manufacturer.

The building itself is interesting enough to merit mention: According to the badly translated information on the information sheet, the museum's architecture "follows the theme of a tree's annual rings," and "symbolically unites

permanence and change." The museum uses multimedia presentation techniques, along with period photographs and advertisements, to enhance the three-dimensional displays throughout the building's winding ramp.

As well as the company history of the present-day AUDI AG, the museum focuses on the technological progress that took place in the car industry in the last century. The fact that the exhibits are integrated into their economic and social surroundings makes the museum mobile far more than merely a static car display.

The permanent exhibition is the heart of the museum mobile. From the entrance level 0, the elevator as a "time machine" takes you back to the year 1899 on level 3, where the tour starts. More than 80 automobiles and motorcycles illustrate the

history of the company. Fourteen of the vehicles, the most important prototypes, move permanently on a "paternoster elevator" through all levels of the building. The term "paternoster" refers to an open, continuously moving elevator with numerous platforms that rise and descend on a chain. It is derived from the Latin term for the 11th bead in a rosary, which the elevator is said to represent.

The Audi museum mobile is located in Ingolstadt, Germany, and is open seven days a week from 9:00 a.m. to 6:00 p.m. Admission fee for adults is €4, seniors admitted for €3, and minors under 18 are admitted for €2. Contact the museum at +49 841 89-37575, or visit the museum on the web at www.museummobile.de. There is an English translation for non-German speakers. ♣

LIST OF MY VEHICALS FOR STORAGE

1955 FORD FAIRLANE
1955 FORD VICTORIA
1955 CHEVY BELAIR
1964 FORD MUSTANG
1970 CHEVY CHEVELLE
1972 CHEVEY CHEVELLE CONV
1970 CHEVY MONTACARLO
2005 HUMMER H-2
2001 TOYOTA AVALONE
2000 LEXUS



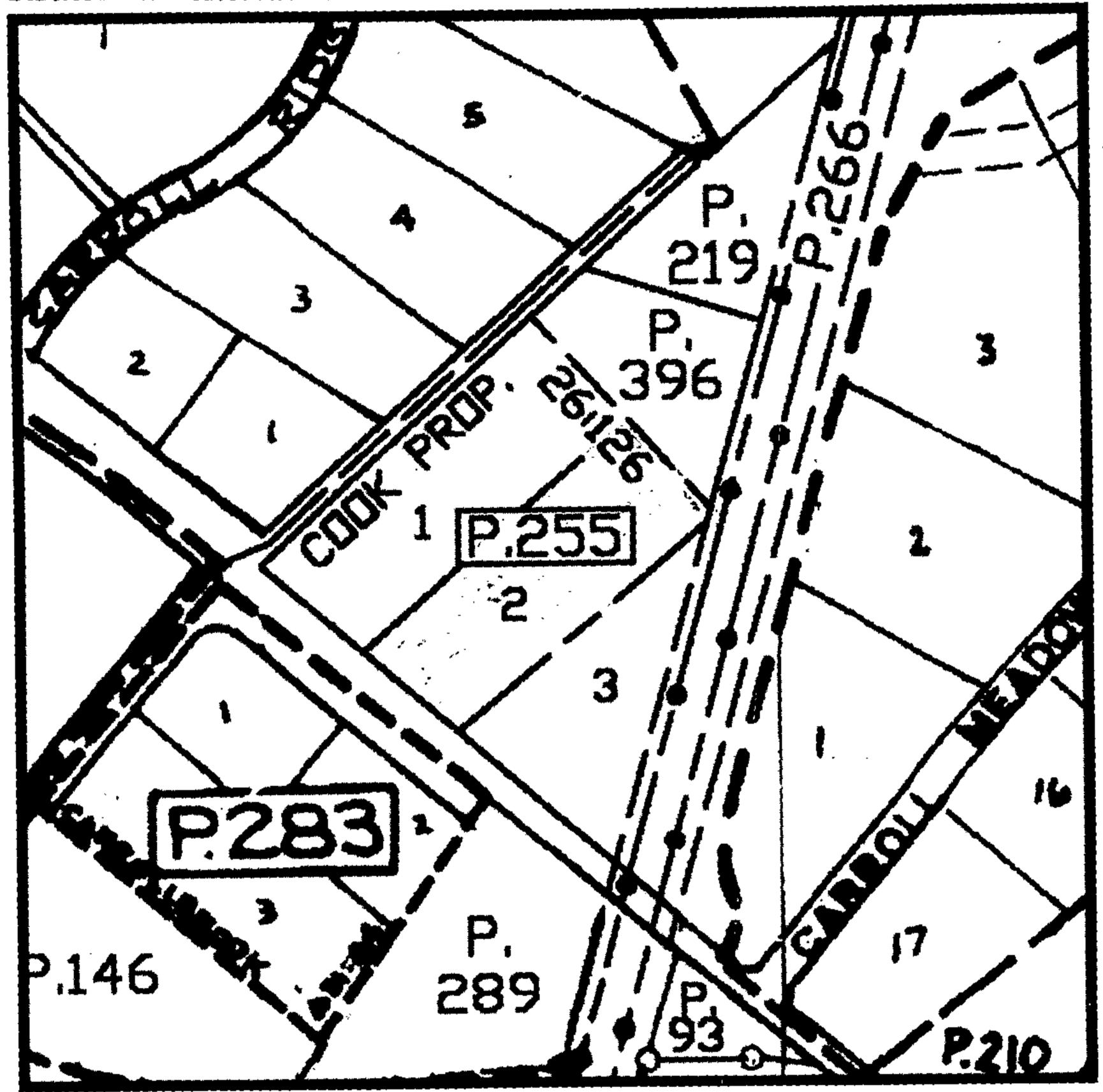


ZONING MAP: 044A1 #5004 SWEET AIR POAD MALENSKI PESIDENCE

Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

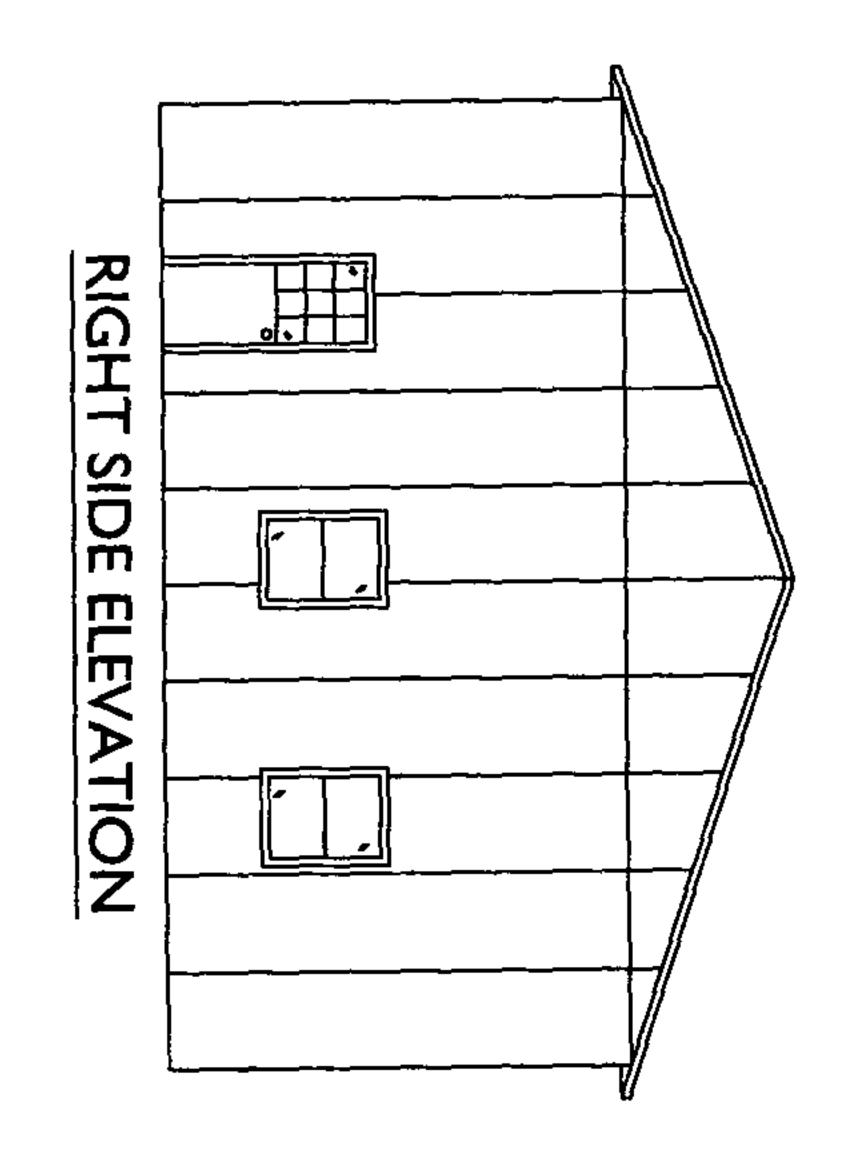
Go Back View Map New Search

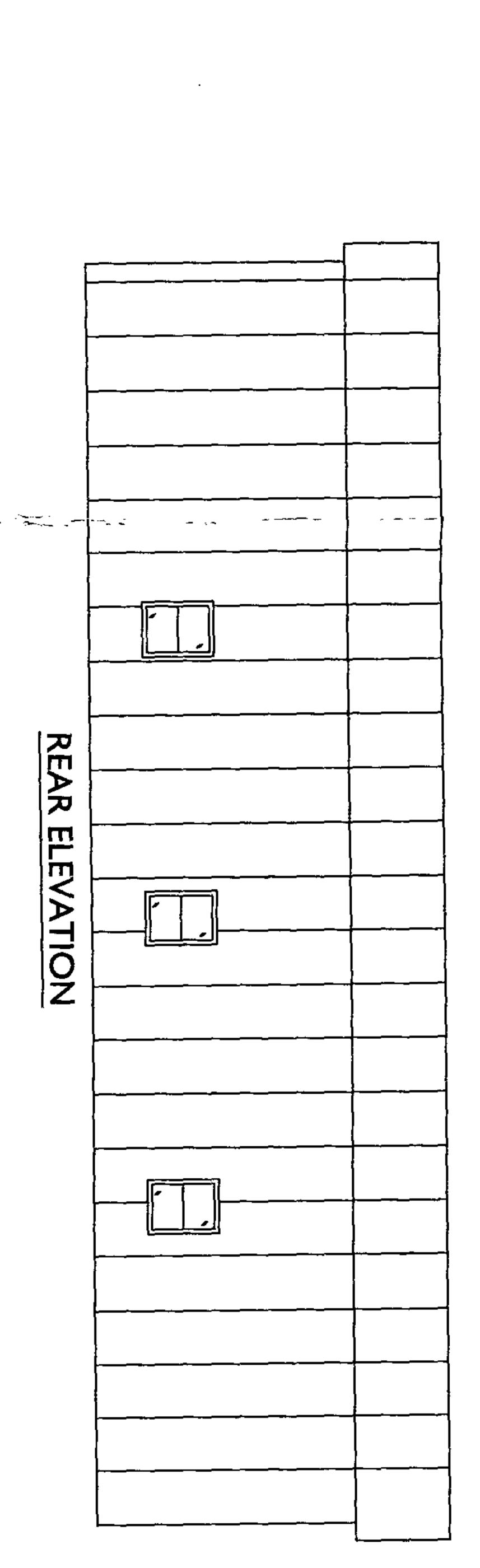
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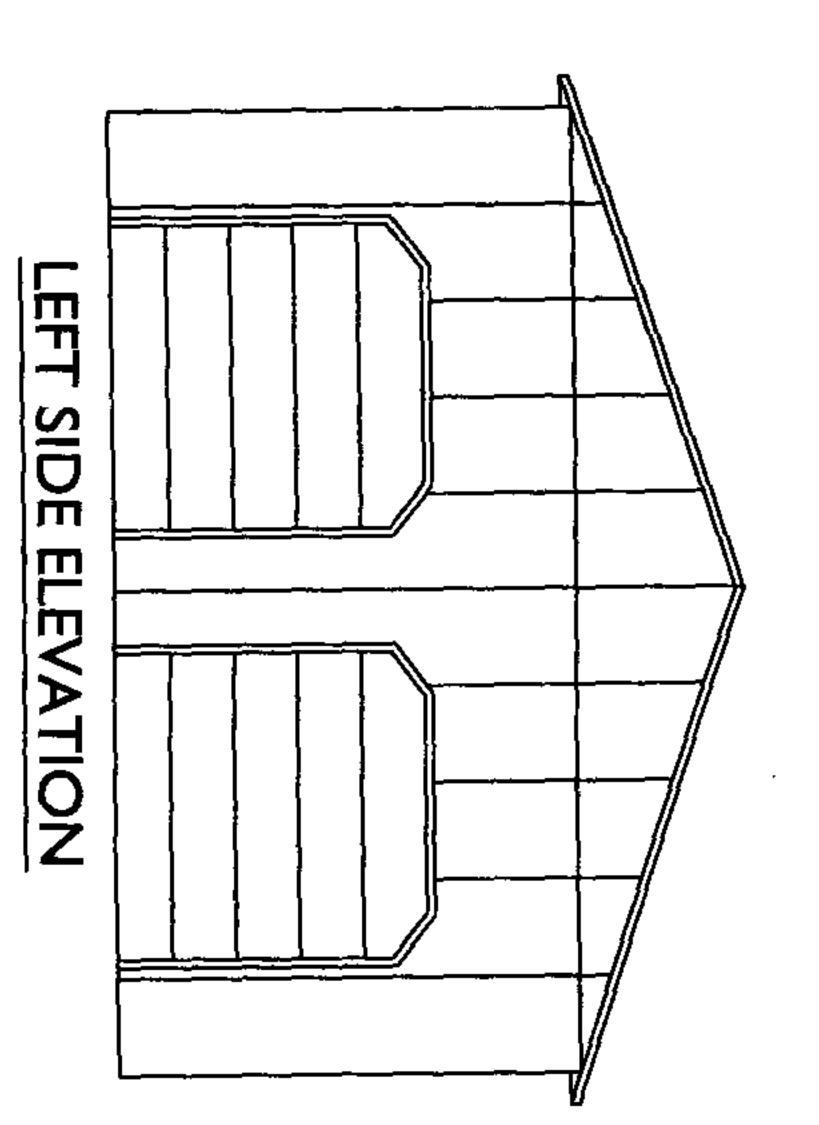


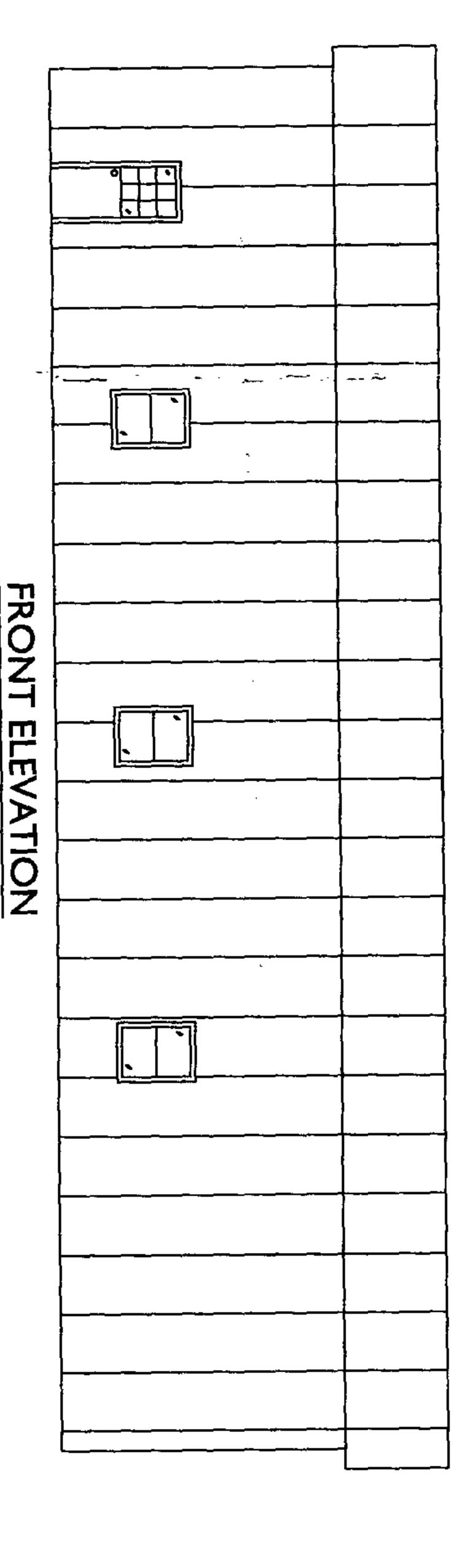
Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

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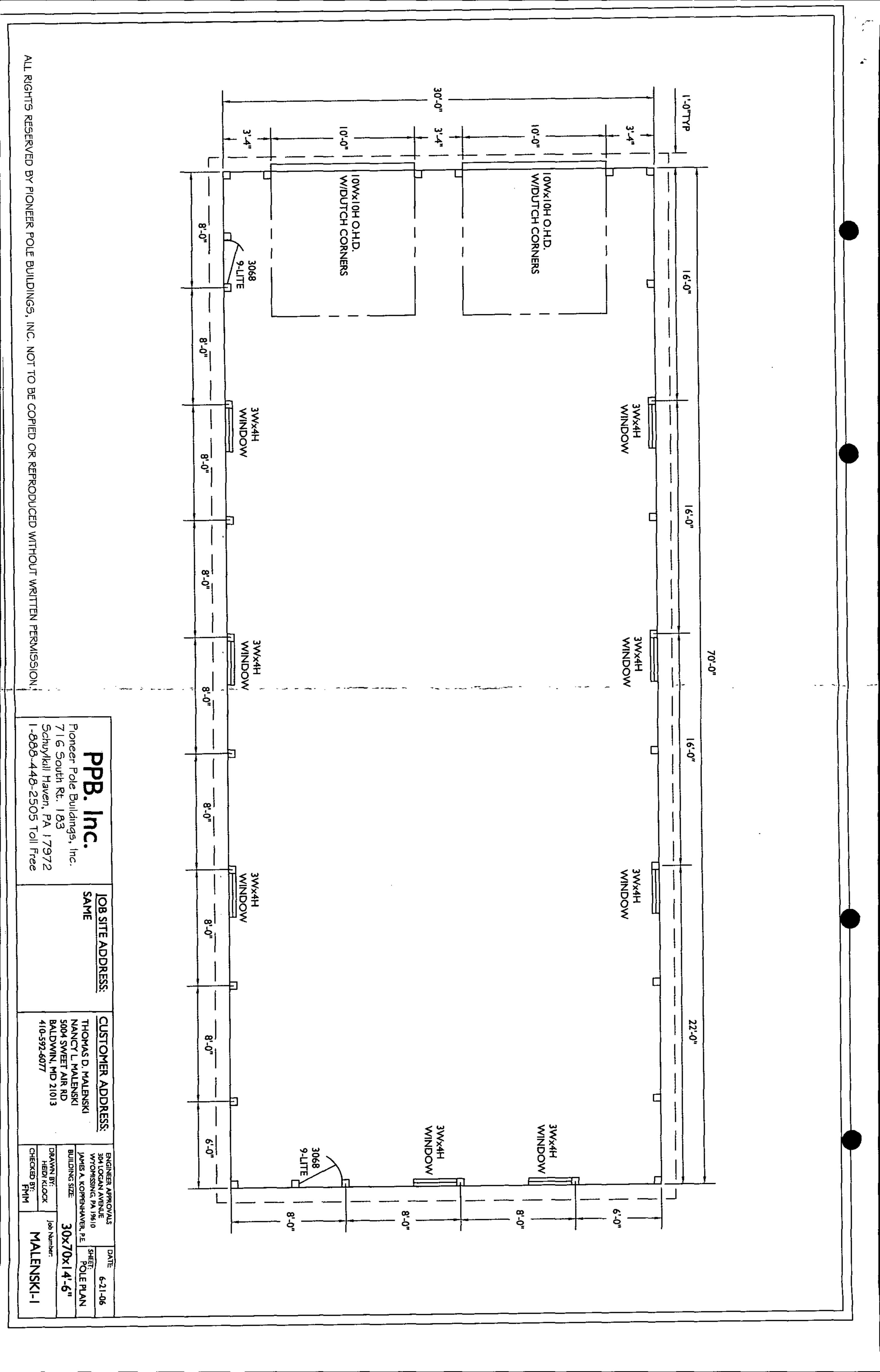
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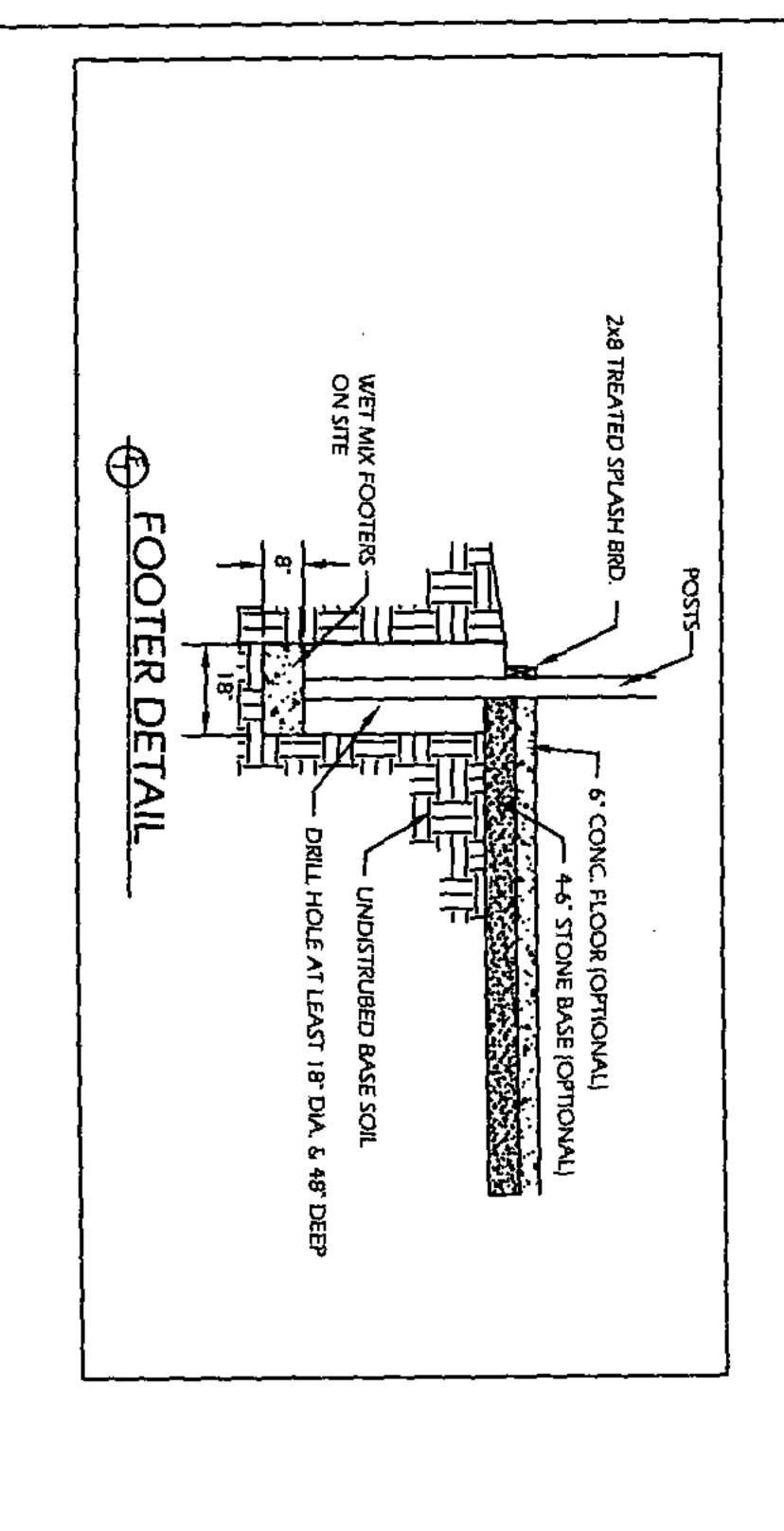
Pioneer Pole Buildings, Inc.
716 South Rt. 183
-Schuylkill Haven, PA 17972
1-888-448-2505 Toll Free

JOB SITE ADDRESS: SAME THOMAS D. MALENSKI
NANCY L MALENSKI
5004 SWEET AIR RD
BALDWIN, MD 21013
+10-592-6077

ENGINEER APPROVALS
304 LOGAN AVENUE
VYYOMISSING, PA 19610
JAMES A. KOPPENHAVER, P.E.
BUILDING SIZE: 30x7 SHEET: ELEVATIONS 6-21-06

DRAWN BY: HEID! KLOCK CHECKED BY: 30×70×14'-6" MALENSKI-





1/2" INSULATION

2x4 PURLINS 2" O.C.

29 GA PTD STL

29 GA PTD STL

3 PLY 2x6 GLULAMINATED POSTS

2x4 GIRTS 2'O.C.

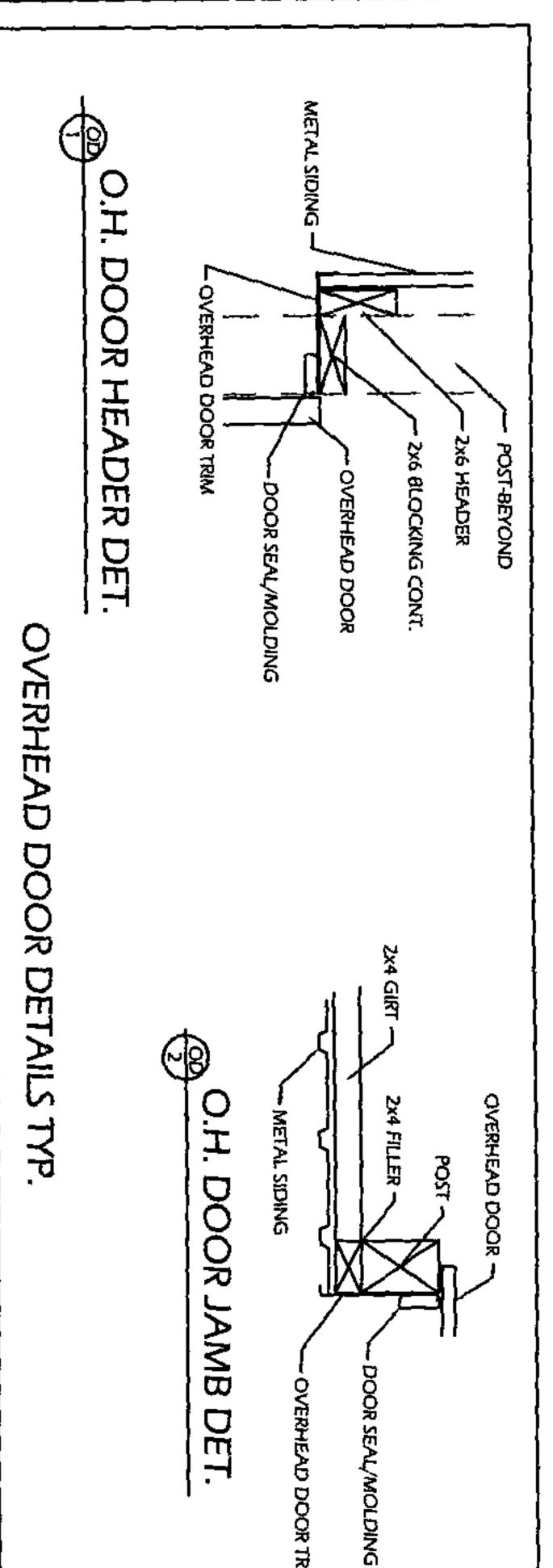
TREATED SPLASH BRD.

CONCRETE FLOOR (OPTIONAL PER CUSTOMER)

8,

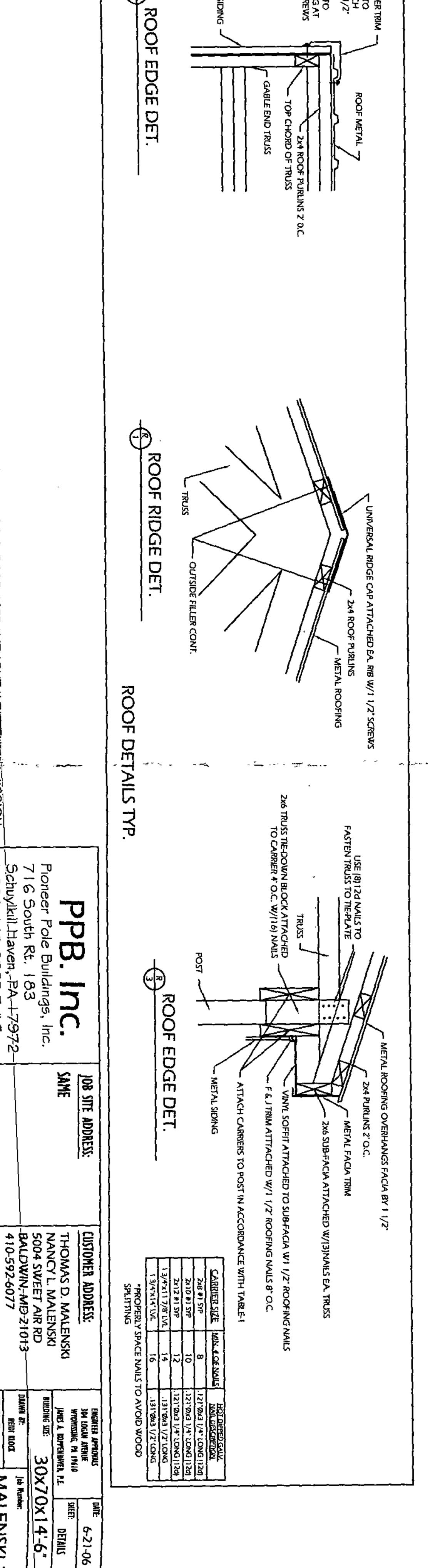
2x10

CARRIERS #1 SYP.



CONC. FOOTER EA. POST WET MIX-ON SITE

YP. CROSS SE



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Schuylkıll_Haven,

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DILAWN BY:

30x7

4-6

DETAILS

CHECKED BY:

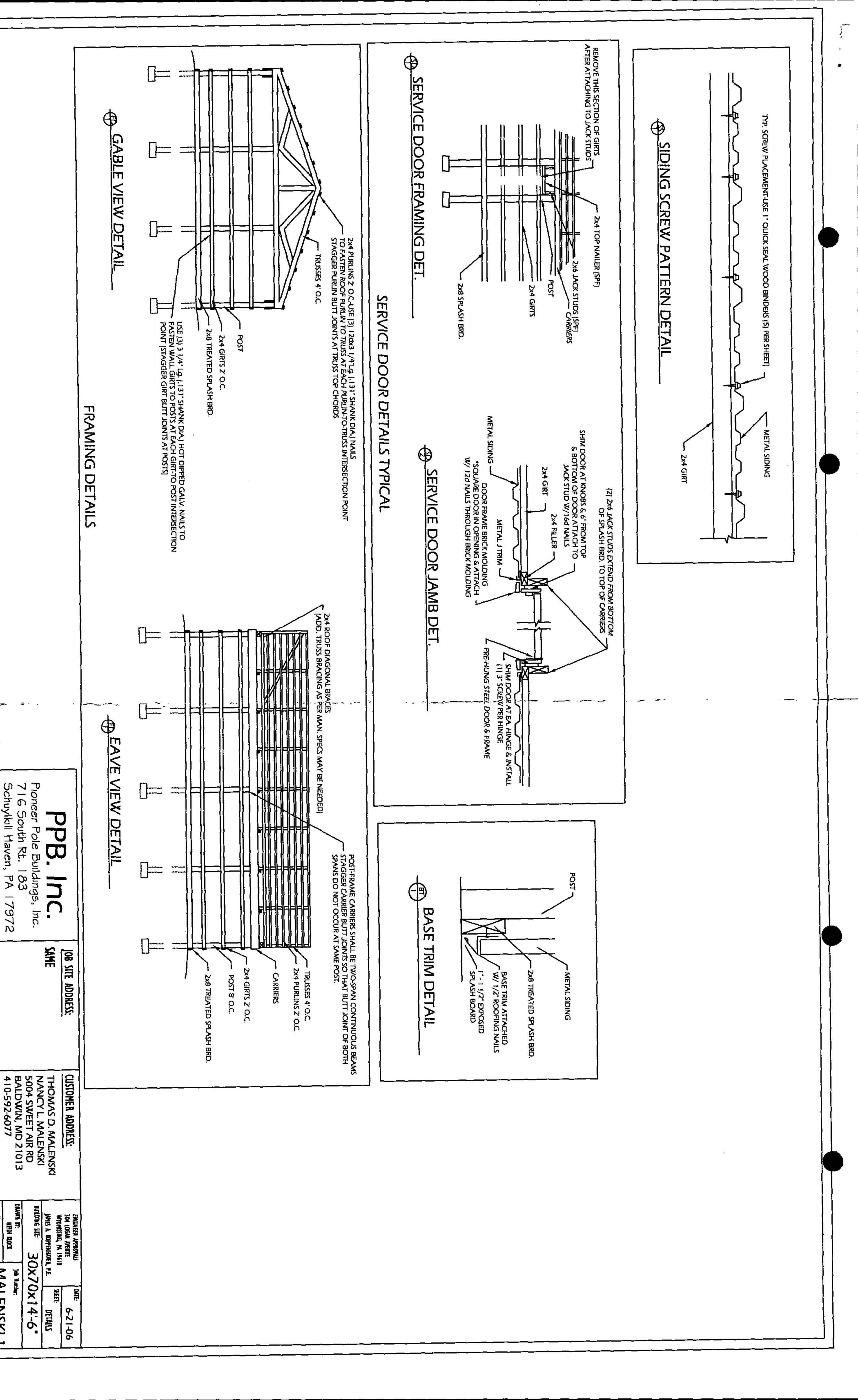
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CHECOLD ET:

MALENSKI-

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4.

General Notes:

Foundations:

A. Bottom of all exterior footings shall be 48" below finished grade. Minimum size 8" high x 18" round or as noted.

Metal Cladding:
A. Steel siding a ASTM A-446 with a hot dipped galvanized coating conforming to ASTM A-792 (plain products only). and roofing panels shall be fabricated from 29 gai ğ uge, grade e 180 KSI structural quality steel contorming to o ASTM A-525 or with an aluminum-zinc alloy coating conforming 180 KSI structural quality steel conforming to

- specifications. Paint Finish: All panels when required shall receive a factory a pplied polyester coating conforming to the manufacturer's
- they are attached Flashings: All flashings shall be shop fabricated from material that is the same gauge and finish as the wall/roof panels to which
- ই Ö the panel manufacturer Shall be pre-molded neoprene to match the configu uration of the wall/roof panel and shall be in lengths as supplied
- equivalent. Fasteners: All screw fasteners shall have a combination steel and neoprene washer. Fastener selection and installation shall be as recommended by the cladding manufacturer. Nails shall have a Fabriseal washer or

- Wood Trusses: A. Trusses are to be designed and fabricated in accordance with the published standards of the National Forest Products Association and the Truss Plate Institute's "Design Specifications for Light, Metal Plate Connected Wood Trusses" (TPI-XX) Latest Edition.
- B. The web configuration plate sizes, chord sizes and lateral bracing shall be designed by a licensed professional engineer. truss manufacturer shall provide the contractor with shop drawings of each truss design bearing the engineers seal. Shop drawings shail be approved by the contractor before fabrication.
- All trusses shall be designed for the loading, spacing and geometry shown on the plan.
- bracing of Ò The contractor shall install the bracing of the wood trusses in accordance with the manufacturer's design. acing of web and bottom chord members shall be as required by truss design. Mınımum lateral

Association's All lumber shall comply to the requirements of the American Society of Timber Construction and the National Forest Products sociation's "National Design Specification for Wood Construction".

- Ġ # All lumber for posts and beams shall be #2 or better souther a maximum moisture content of 19% treated .60 ACQ. n yellow pine grade stamped by a SPIB approved mill, surfaced
- All lumber for headers shall be #1 southern yellow pine grade pisture content of 19%. stamped by a SPIB approved mill, surfaced at a maximum
- D. All lumber exposed to ground contact or insect infestation shall be treated according to the American Wood preservers' Association Standards, .60 ACQ min.

connection to be two 12 connection to be made according to the penny nails. Other connection as per "National Design Specification for Wood Construction". The minimun plan or as controlled by standard construction practices.

Cautionary Notes:

1. Structural components sun notched or cut in any manne Structural components such as posts, beams, trusses or fasteners and attachment be any manner without proper review and approval of the building design professional. ackets should NOT be modified,

. Rainwater and melt water should be directed away from post foundation locations.

N

- 3. On enclosed buildings with a during periods high wind and/or On enclosed buildings with large doors (that is buildings designed as completely en stormy weather to reduce uplift forces on the building. clos ed) the doors should be closed
- 4. Do store loose . Do materials. loose material against walls unless NOT lean heavy materials against posts or girts unless the building has been designed building has been designed for side thrust loads and any for those moisture types contained in the of loads, Do NOT
- 5. Do NOT use the roof trusses for storing material unless the building and roof trusses nave been designed for those loads
- 6. Concentra to the roof to professional. Concentrated loads such as roof trusses without the ceiling-mounted furnaces, wet sprinkler systems, ventilation prior review and written approval of Pioneer Pole Buildings, inc. hoods, and the building design
- 7. Do NOT install hardware that would maintain snow cover on the roof of buildings
- the 8. Do NOT attach additional buildings or lean-to enclosed areas to pole barn buildings additional loads created by these building additions. unless 돐 building has been designed for
- 9. Door approval of the openings should NOT be added to the building walls after the building has building design professional. been constructed without

Misc. Notes:

These plans a 2000 IBC 2003 IBC are designed in accordance with the following codes:

TRUSS CARRIERS USED TO BE EQUAL TO OR BETTER THAN 2x10 MEL M-23

INSULATION - ROOF ONLY COBRA RIDGE VENT WET MIX FOOTERS ON EACH O.H.D. - ON SITE

Dead (psf) - 10

Truss Loads:

Top Chord Live (psf) - 40

Top Chord Dead (psf) - 5

Bottom Chord Live (psf) - 6

Bottom Chord Dead (psf) - 6 This structure is designed using the following loads:
Roof Loads:
Live (psf) = 40 0 716 South Rt. 183 Schuylkill Haven, PA 1-888-448-2505 To Pioneer Pole - 299 -Buildings, <u>보</u> Toll Free 17972 nc. ENGINEER APPROVALS 304 LOGAN AVENUE WYOMISSING, PA 19610 LOB NUMBER GENERAL AMES A. KOPPENHAVER MAJENSKI-NORS.

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