IN RE: PETITION FOR ADMIN. VARIANCE SW/S of Riverside Drive, NW of c/l of

Cedar Avenue
15th Election District
7th Councilmanic District
(320 Riverside Drive)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Wesley H. Wdzieczny & Christine E. Vowles
**
Petitioners

CASE NO. 07-076-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Wesley H. Wdzieczny and Christine E. Vowles. The variance request is for property located at 320 Riverside Drive. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the additional garage height is necessary for boat storage and loft storage.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comment letters were received from the Department of Environmental Protection and Resource Management (DEPRM) dated September 13, 2006 and the Office of Planning dated September 14, 2006. Both ZAC comment letters contain restrictions and are attached hereto and made a part hereof.

TOSOO BASOO

Applicable Law

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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."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 9, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 3rd day of October, 2006, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet be and is hereby GRANTED, subject to the following:

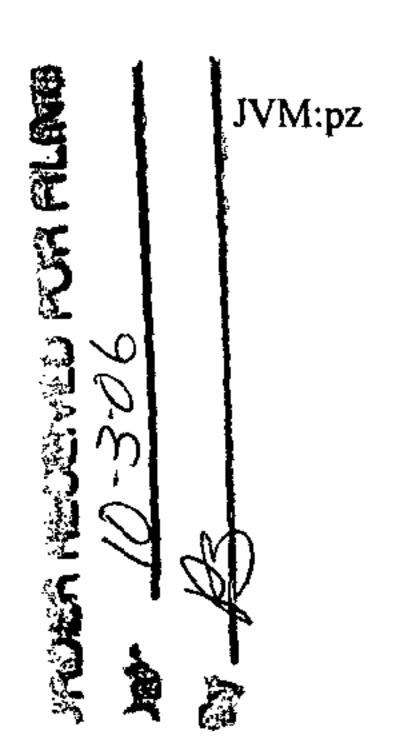
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code).
- 3. This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that the lot is limited to 25% impervious surface area and that 15% tree cover be maintained. BMA regulations state that any proposed development in the 100 foot buffer to tidal waters requires mitigation approved by DEPRM.
- 4. 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.
- 5. 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 W. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 3, 2006

WESLEY H. WDZIECZNY AND CHRISTINE E. VOWLES 320 RIVERSIDE DRIVE BALTIMORE MD 21221

Re: Petition for Administrative Variance

Case No. 07-076-A

Property: 320 Riverside Drive

Dear Mr. Wdzieczny and Ms. Vowles:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:bz

Enclosure

c: Robert Infussi, PO Box 1043-7043, Belair MD 21014

PE CONTROL OF THE PERSON OF TH

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 370 RIVERSIDE ORIVE which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 (BCZR) TO PERMIT AN ACCESSORY BUILDING (GARAGE)
WITH A HEIGHT OF TO FEET IN LIEU OF THE PERMITTED
15 FEET
MAXIMUM

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

| | | | is the subject | of this Petition. | with a trie broberth miles |
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| Contract Purchaser/ | <u>Lessee:</u> | | Legal Own | <u>er(s):</u> | |
| Name - Type or Print | | | MESLE | Y H. WOZIE | CZNY |
| Signature | | | THE | Jan | |
| oignature | | | Signature | 1.00 | |
| Address | | Telephone No. | Name - Type or F | · | <u>(E)</u> |
| City | State | Zip Code | Signature | | |
| Attorney For Petition | <u>1er:</u> | | 370 R/V | CR SIDE DRIV | E (443) 310-249 |
| ~ | | | BALTO | MQ. | Telephone No. |
| Name - Type or Print | | Cit | | State | Zip Code |
| Signature | | | Representa | tive to be Contac | cted: |
| Company | | | ROBERT | INFUSS/ | |
| | | | Name | | 410) 812-2236 |
| Address | | Telephone No. | Address | | Telephone No. |
| City | State | Zip Code | BEL AIR City | MD. | 270 |
| A Public Hearing having been | n formally demande | • | • | | State Zip Code |
| A Public Hearing having been day of day of of Baltimore County and that the | that the su | bject matter of this pe | required, it is ordered tition be set for a public h | by the Zoning Commissi earing, advertised, as req | ioner of Baltimore County, this uired by the zoning regulations |
| | property be repusited. | | | _ · · · · · · · · · · · · · · · · · · · | and a promise the second of the |
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| CASE NO. 07 - (| 076 - A | | Zoning | Commissioner of Baltimo | re County |
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Affidavit in Support of Administrative Variance

| The undersigned hereby affirms under the perfollows: That the information herein given is a competent to testify thereto in the event that a performance of the competent of the event that a performance of the event that a | within the personal knowledge | e of the Affiant(s) and tha | it Affiant(s) is/ar |
|---|--|-----------------------------|-------------------------------|
| That the Affiant(s) does/do presently reside at | 370 RIVERSIDE | DRIVE | |
| | Address BALTO City | MO. | 7/77/ |
| That based upon personal knowledge, the follow Variance at the above address (indicate hardsh | wing are the facts upon which | I/we base the request for | Zip Code an Administrative |
| ADDITIONAL HEIGH | T IS NECESSAR | Y FOR BOAT | |
| STORAGE AND LOFT | STORAGE | | |
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| That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a | rmal demand is filed, Affiant(s additional information. | s) will be required to pay | a reposting and |
| WathW/ Con | Au | | |

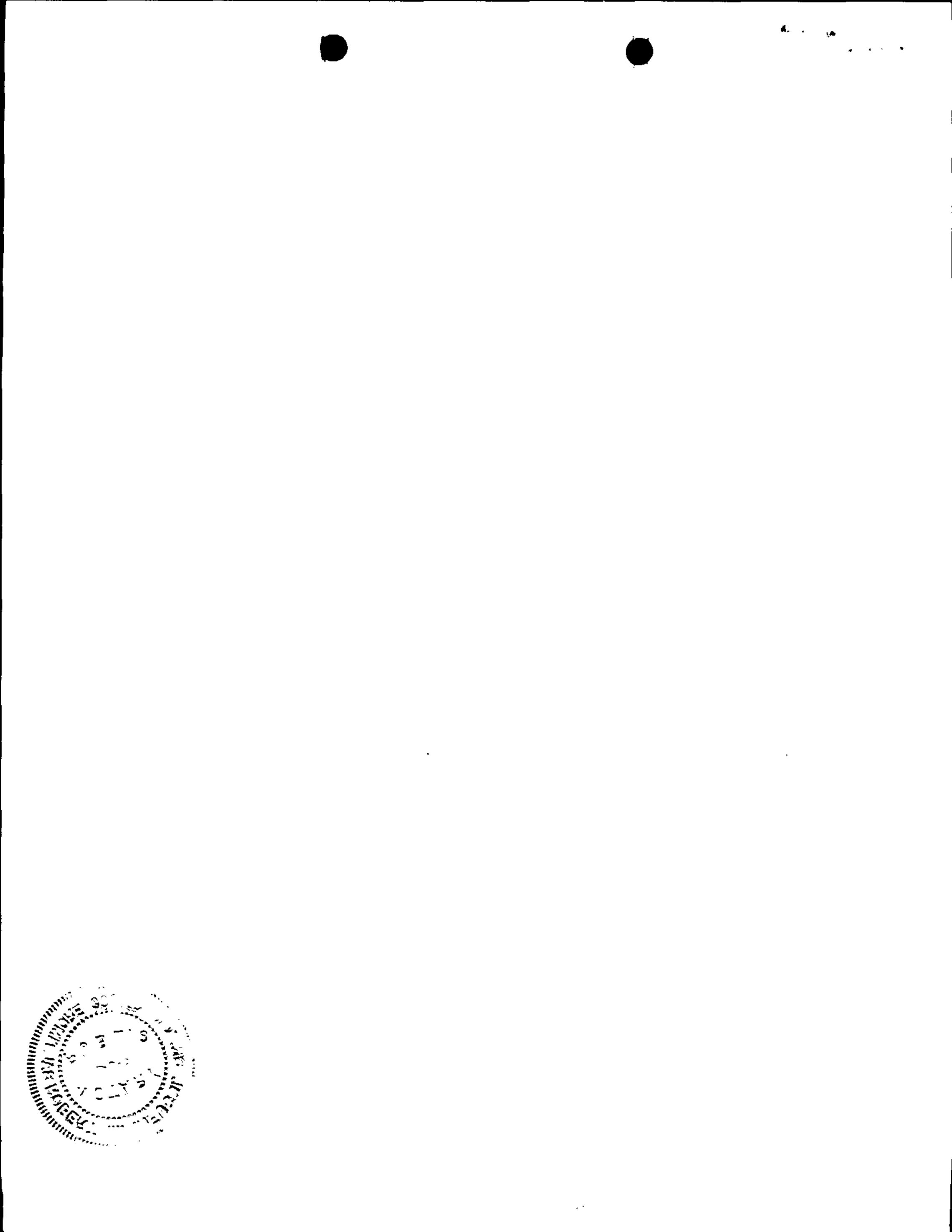
Signature 1 Signature Name - Type or Print Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: State of Maryland, in and for the County aforesaid, personally appeared 2006, before me, a Notary Public of the the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my happind and Notarial Seal

Notary Public

My Commission Expires

REV 09/15/98

Date



ZONING DESCRIPTION 320 RIVERSIDE DRIVE

Beginning at a point on the south side of Riverside Drive (50 feet wide) distant westerly 375 feet from the center of Cedar Avenue (50 feet wide), thence being all of Lot 11, Block L as shown on the plat entitled Section E, Essex recorded in Plat Book 9, Folio 74. Containing 13,950 square feet or 0.320 acre of land, more or less.

Being known as 320 Riverside Drive. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

Item #076

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| BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT | DATE 8 27 OF ACCOUNT KOO! 506 5150 | RECEIVED FROM: | FOR ZGWING, MOWY - Admin Variance | DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER |

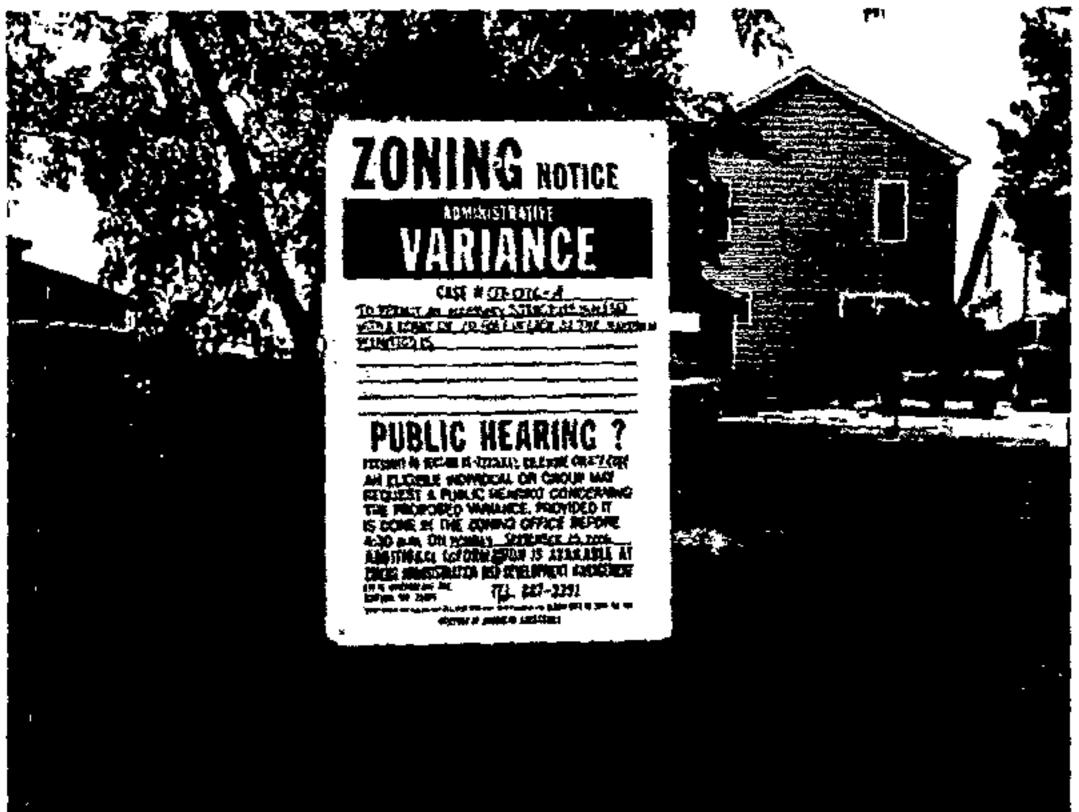
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CERTIFICATE OF POSTING

| | RE: Case No: 07-076-A |
|--|--|
| | Petitioner/Developer: WESLEY WD2/EC2NY |
| | Date Of Hearing/Closing: 9/25/06 |
| Baltimore County Departmen Permits and Development Ma County Office Building, Room 111 West Chesapeake Avenue | nagement m 111 |
| Attention: | |
| Ladies and Gentlemen: | |
| This letter is to certify under a sign(s) required by law were part | the penalties of perjury that the necessary osted conspicuously on the property 20 LIVELSIDE DEIVE |
| | ······································ |
| This sign(s) were posted on_ | September 9. 2006 |
| | (Month, Day, Year) |
| | Sincerely, |
| • | (Signatura 25 dia 100 9/9/06) |
| | (Signature of sign Poster and Date) Martin Ogle |
| | Sign Poster |
| | 16 Salix Court |
| | Address |
| | Balto. Md 21220 |
| | (443-629 3411) |

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matin Re 9/9/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-

076 Address 320 Riverside Dr

| Contai | ct Pers | on: | | Planner, Pleas | e Print Your Name | | ·· | | | | 0-887-3391 |
|--------------|-----------------------------|---|----------------------------------|-------------------------------------|--|------------------------------|--|--------------------------------|--|-------------------------------|--|
| Filing | Date: | 8/ | 29/0 |) <u>C</u> | Posting | Date: | 9/10/06 | <i>·</i> | Closing (| ate: | 9/25/0 |
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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.

| Petitioner WES Address or Location. | | | | |
|--------------------------------------|-----------|-------------|-------------|-------------|
| Address or Location. | 270 | • | | |
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| PLEASE FORWARD | DADVERTIS | ING SILL TO | | |
| Name: WESLE | EY H. | WOZIECZNY | | |
| Address 320 | RNIER | SWE DRIYE | £ | |
| BALT | O MO. | 2/22/ | | |



JAMES T. SMITH, JR. County Executive

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

September 26, 2006

Wesley H. Wozieczny Christine E. Vowles 320 Riverside Drive Baltimore, MD 21221

Dear Mr. Wozieczny and Ms. Vowles:

RE: Case Number: 07-076-A, 320 Riverside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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,

u. Callibal) W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel C: Robert Infussi P.O. Box 1043-7043 Bel Air 21014

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 11, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 11, 2006

Item Nos.07-071, 072, 073, 074, 075, 076, 077, 078, 085, 086, 087, 090, 091 and 092

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- 09082006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination ML

DATE:

9/13/2006

SUBJECT:

Zoning Item

07-076-A

Address

320 Riverside Drive

Baltimore, MD 21221

Zoning Advisory Committee Meeting of September 4, 2006

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

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

Additional Comments:

This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that the lot is limited to 25% impervious surface area and that 15% tree cover be maintained. BMA regulations state that any proposed development in the 100-foot buffer to tidal waters requires mitigation approved by this Department.

Reviewer:

Kevin Brittingham

Date: 9/13/06



INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7-076 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet 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 Amt Mantay at 410-887-3480.

Prepared by:

Section Chief;

AFK/LL: CM

EIVED

DATE: September 14, 2006

SFP 1 8 2006

COMMISSIONER

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9/7/2006

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

RE:

Baltimore County

Item No. 076

RIVERSIDE DRIVE PROPERTY VARIANGE #07-076A

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 076

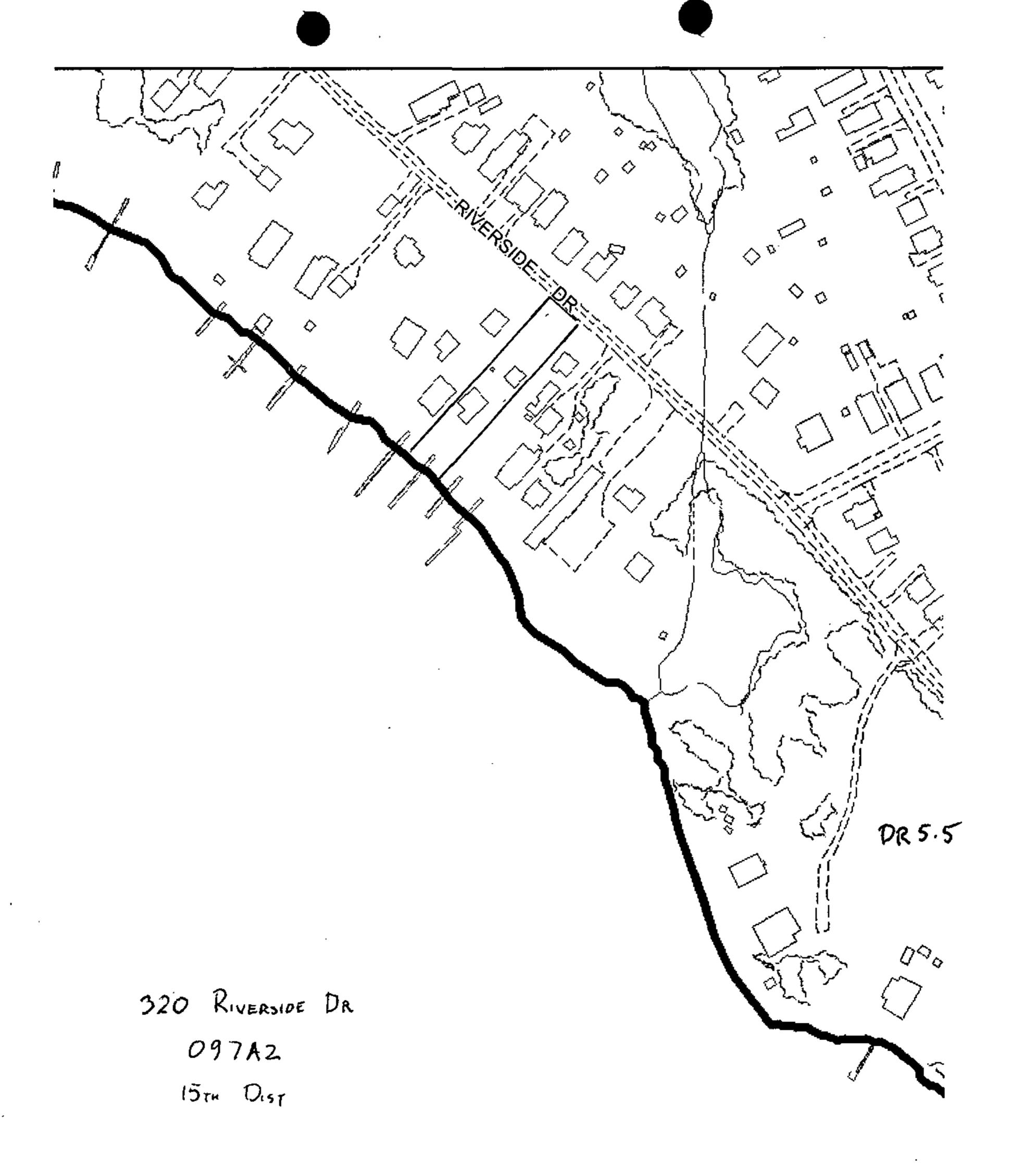
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

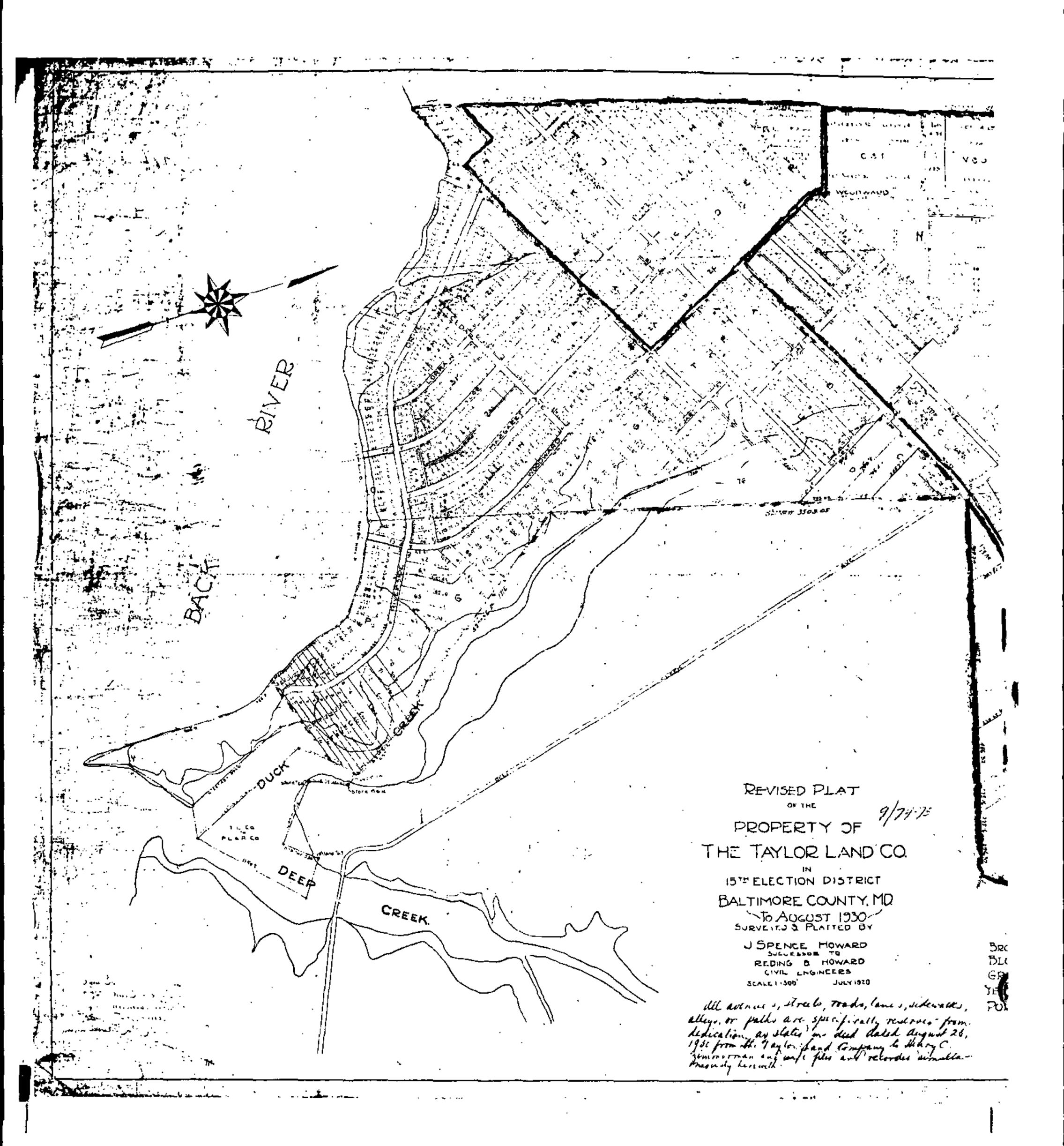
Engineering Access Permits

Division

SDF/MB



Item#076



Item #076

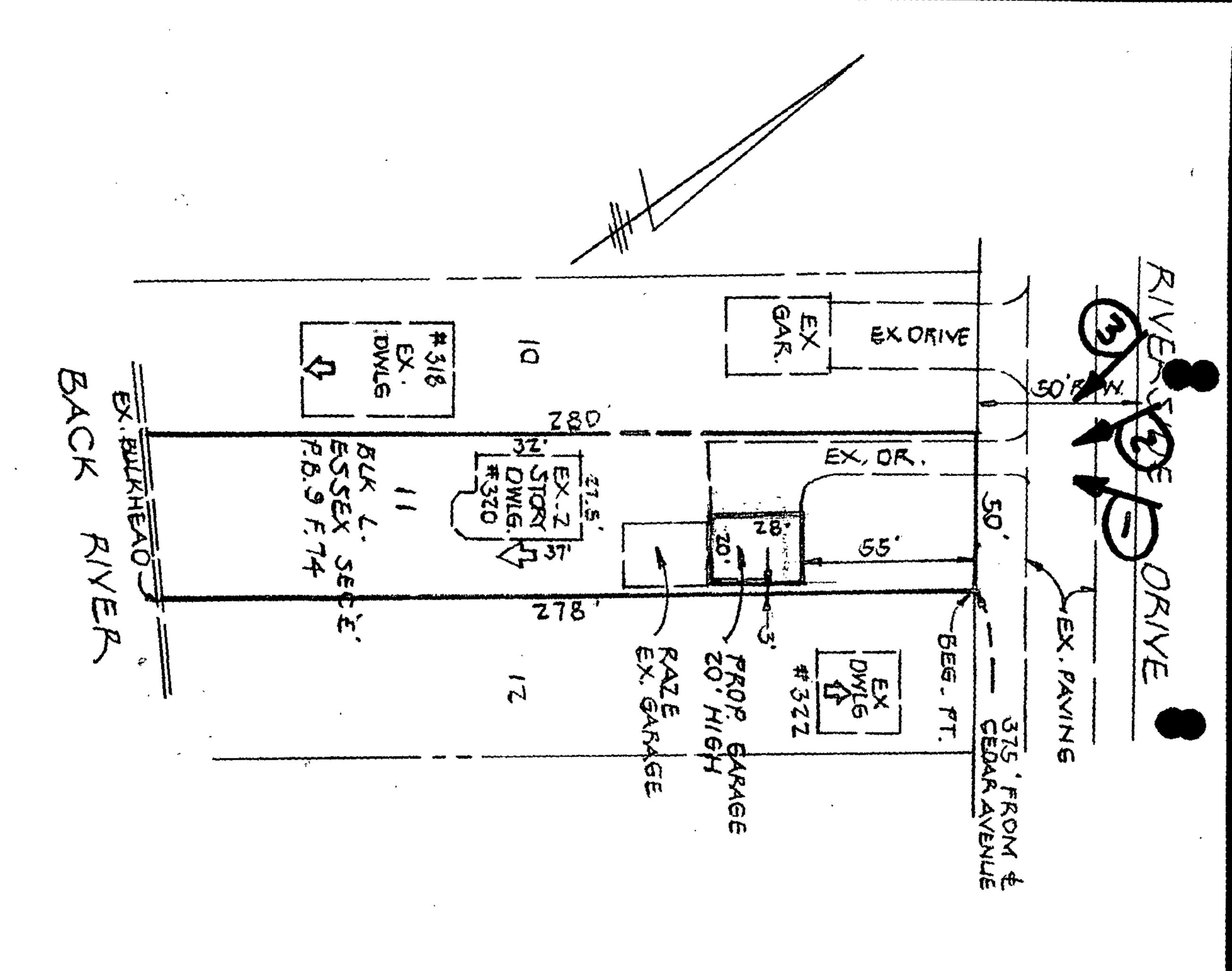
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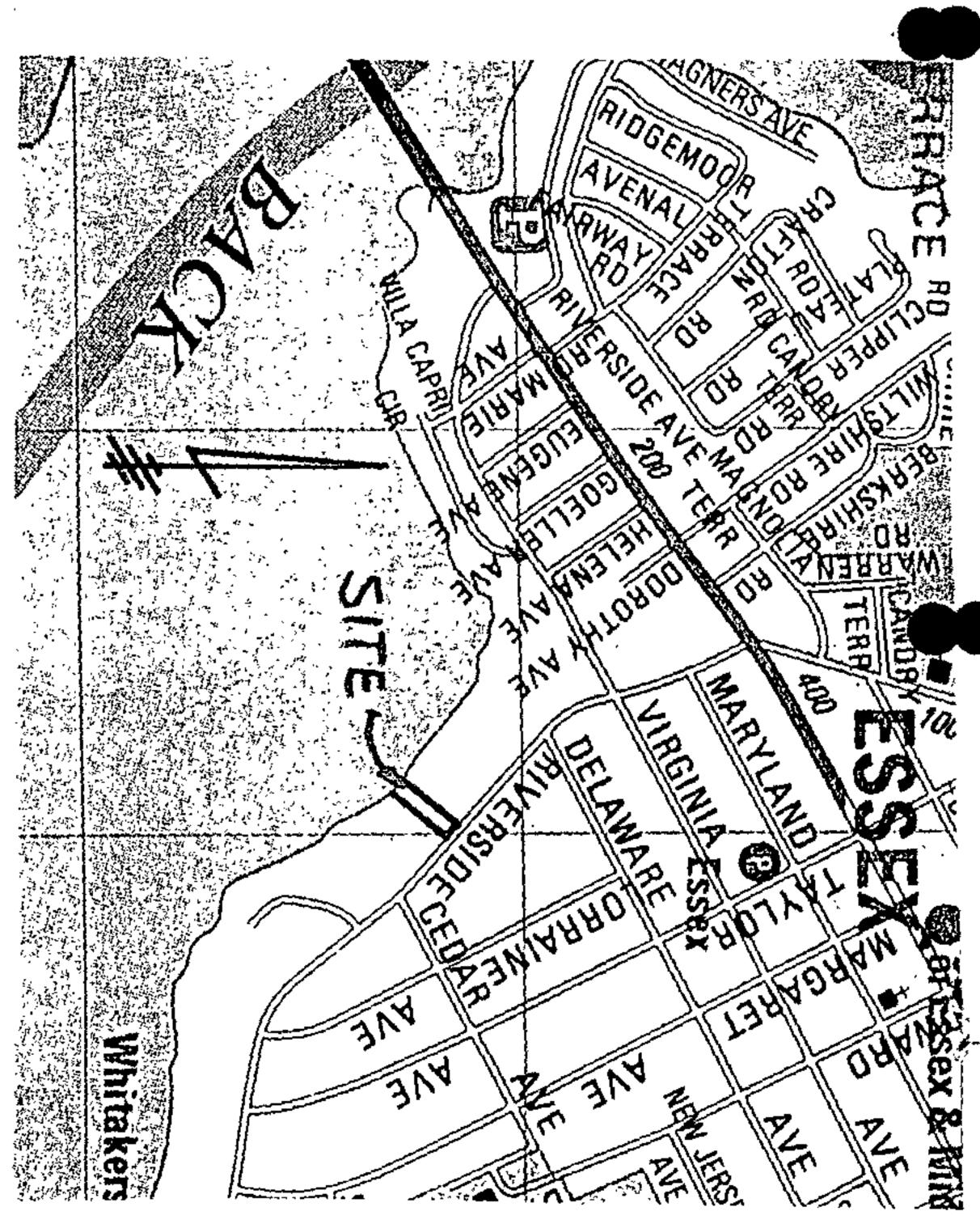




CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719



OWNER
WESLEY H. WDZIECZNY
CHRISTINE E. VOWLES
320 RIVERSIDE DRIVE
BALTIMORE, MD. 21221
DEED REF. L.13641 F.442
PROP. NO. 1501890262

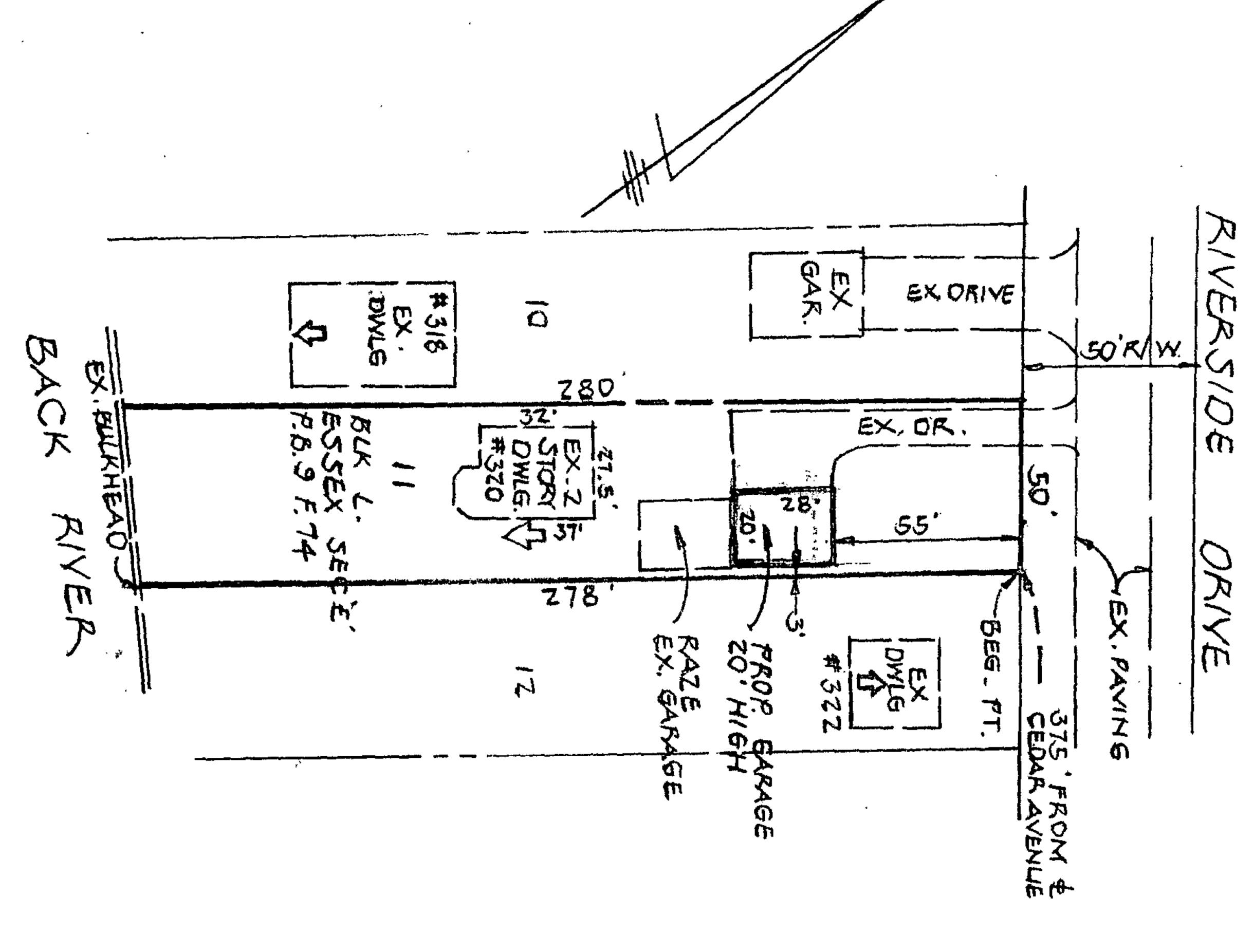


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LE:



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

> DEED REF. L. CHRISTINE E. 1501890262 VOWLES **SONING** DR 5.5 50 S.F STRUCTURES TED IN THE CBCA R AND SEWER IS **ZONING HISTORY**

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