

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Falls Road, 876 feet S of c/l of
Monkton Road
(16402 Falls Road)
10th Election District
3rd Council District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

A. Joe and Patricia B. Miedusiewski
Petitioner

*
* Case No. 07-271-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, A. Joe and Patricia B. Miedusiewski. The Petitioners are seeking relief from Section 1A08.6B.5.a.(3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 39-foot rear setback in lieu of the required 50-foot setback. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

RECEIVED FOR FILE

1-11-07

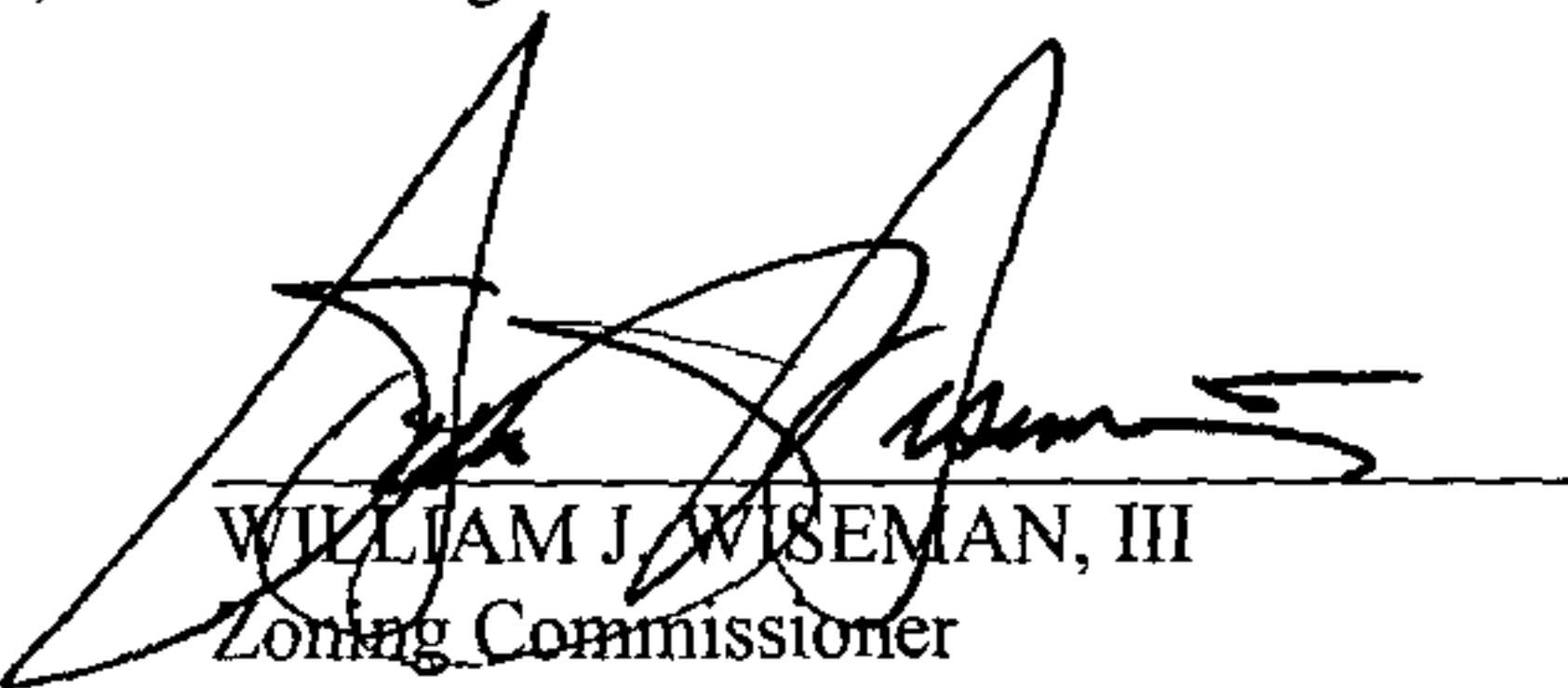
103

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioner proposes to construct an addition onto the existing home. Petitioner states the property is steeply sloped and the house stands on the only available section of level land. The existing paved driveway terminates at the proposed garage location. Use of the existing house entrance is not possible without the garage being set back several feet. Thus, the requested variance is necessary. The property is 2.60 acres in size and zoned RC 7. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of January, 2007, that the Petition for Administrative Variance seeking relief from Section 1A08.6B.5.a.(3) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 39-foot rear setback in lieu of the required 50-foot setback, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 16402 Falls Rd.
which is presently zoned R.C. 7

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) 1A08.6B.5.a.(3) (RCZR)

TO PERMIT AN ADDITION WITH A 39-FOOT REAR SETBACK IN LIEU
OF THE REQUIRED 50-FOOT SETBACK.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

A. Joe Miedusiewski

Name - Type or Print

Signature

Patricia B. Miedusiewski

Name - Type or Print

Signature

16402 Falls Rd. 410.576-4768
Address Telephone No.

Monkton, MD 21111
City State Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10 day of October, 2006, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Hearing M attached

DATE TO BE SET

CASE NO. 07-271-A

REV 10/25/01

for

1-11-07

P2

Zoning Commissioner of Baltimore County

Reviewed By D.T. Date 12/13/06

Estimated Posting Date 12/24/06

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 16402 Falls Rd.
Address
Monkton, MD 21111
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. Property is steeply sloped.
2. House stands on the only available section of level land.
3. Existing paved driveway (from previous owner) terminates at proposed garage location.
4. Use of existing house entrance not possible without garage set back several feet.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

A. Joe Miedusiewski
Signature
A. Joe Miedusiewski
Name - Type or Print

Patricia B. Miedusiewski
Signature
PATRICIA B. MIEDUSIEWSKI
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of December, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mr. License M-322-676-081-334 Baltimore City Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Charlotte Mentzell
Notary Public

My Commission Expires

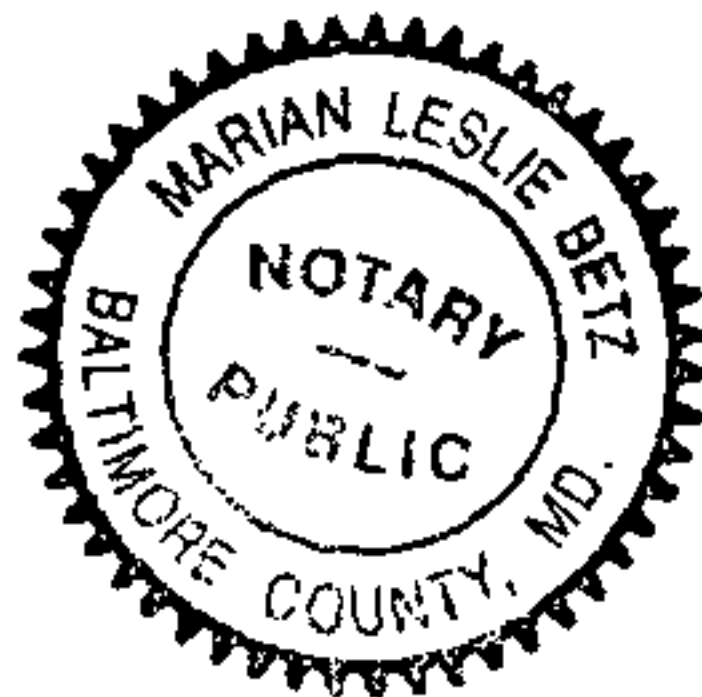
Charlotte M. Mentzell
Notary Public - State of Maryland
Qualified in Baltimore City
My Commission Expires January 19, 2008

STATE OF MARYLAND

COUNTY OF BALTIMORE to wit:

I HEREBY CERTIFY, that on this 11th day of December, 2006, before me, the undersigned Notary Public of said State, personally appeared A. Joe Miedusiewski, known to me (or satisfactorily proven) to be the person named in the foregoing instrument, and acknowledged that he/she executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.



Marian Leslie Betz
Notary Public

My Commission Expires: 11-1-2010

Zoning description for 16402 Falls Road, Monkton, MD 21111

Beginning at a point on the ^{EAST}~~west~~ side of Falls Road which is 12' wide at the distance of 876' south of the centerline of Monkton Road, which is 20' wide.

West 79.38', South 332', East 103.59', East 201.30', North 48.58', East 110.74', North 259.59',
West 271./37' ending at beginning point.

Also known as 16402 Falls Road and located in the 10th Election District, 3rd Councilmanic District.

ZONING DESCRIPTION FOR 16402 Falls Road, Monkton, MD 21111

BEGINNING FOR THE SAME at a point in the center of the Falls Road, said point being the beginning point of that parcel of land which deed dated September 28, 1967, and recorded among the Land Records of Baltimore County in Liber O.T.G. 4809, Folio 21, was conveyed by Robert F. Fahy and Jewel W. Fahy, his wife, to Milton P. Hill and Martha P. Hill, his wife, said point being at the end of the 4th or South 80 degrees 32 minutes East 103.59 feet line of that parcel of land which by deed dated December _____, 1967 and recorded among the Land Records of Baltimore County in Liber G.L.B. 4861, Folio 697, was conveyed by Robert F. Fahy and Jewel W. Fahy, his wife, to Milton P. Hill and Martha P. Hill, his wife, running thence in the center of the Falls Road and binding on the 1st to the 5th lines, inclusive, and on part of the 6th line of the first mentioned deed, as now surveyed, the 6 following courses and distances, (1) South 1 degrees 25 minutes West 51.30 feet, (2) South 26 degrees 28 minutes East 50.00 feet, (3) South 48 degrees 42 minutes East 50.00 feet, (4) South 59 degrees 21 minutes East 100.00 feet, (5) South 66 degrees 36 minutes 40 seconds East 17.04 feet, thence leaving the center of the Falls Road and (6) North 23 degrees 23 minutes East 48.58 feet, thence leaving the aforesaid 6th line of the aforesaid deed and running for lines of division, now made, through the land of the grantor herein, the 2 following courses and distances, as now surveyed, (1) North 76 degrees 32 minutes 22 seconds East 110.74 feet, and (2) North 8 degrees 19 minutes 37 minutes West 259.59 feet to intersect the 7th line of the first mentioned deed, and to intersect the 12th or North 52 degrees 52 minutes West 516.50 feet line of the 2nd mentioned deed, running thence and binding on part of aforesaid 7th line and on part of the 12th line of the 2nd mentioned deed, as now surveyed, North 52 degrees 52 minutes 00 seconds West 191.99 feet to the end of said 7th line and to the end of the said 12th line and to a point in the Falls Road, running thence and binding on the 13th or North 43 degrees 23 minutes 30 seconds West 79.38 feet line, North 43 degrees 23 minutes 30 seconds West 79.38 feet to the outline of Lot #1, of the Subdivision of "Garfield", which was recorded in the Land Records of Baltimore County in Plat Book E.H.K., Jr. 38, Folio 145 and to the beginning point of the 2nd mentioned deed, running thence on the outline of Lot #1 as shown on the Plat of "Garfield" and binding on the 1st, 2nd, 3rd, 4th lines of the 2nd mentioned deed, the four (4) following courses and distances, as now surveyed, (1) South 32 degrees 19 minutes 00 seconds West 156.75 feet (2) South 20 degrees 04 minutes 00 seconds West 105.60 feet, (3) South 20 degrees 19 minutes West 69.65 feet thence leaving the outline of Lot #1 as shown on the said Plat of "Garfield", (4) South 80 degrees 32 minutes East 103.59 feet to the place of beginning. Containing 2.556 acres, more or less.

The improvements thereon being known as No. 16402 Falls Road, Monkton, MD 21111

Tax Id: 10-2400008509

BEING the same parcel of ground which by deed dated August 24, 2004 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 20741, folio 500 was granted and conveyed by Milton P. Hill and Martha P. Hill unto Ian D. Weisser and Caroline M. Sutor-Weisser, the Grantors herein.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23049

DATE 12/13/06

ACCOUNT

0010066150

AMOUNT

\$ 105.00

RECEIVED
FROM:

A. JOE MIEDUSIEWSKI

FOR:

ITEM # 571 07-271-A

16403 FALLS RD. BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

DATE 12/13/06

AMOUNT \$105.00

BY D. THOMPSON

FOR

ITEM # 571 07-271-A

16403 FALLS RD.

BY D. THOMPSON

AMOUNT \$105.00

PAID RECEIPT

CERTIFICATE OF POSTING

Date: 12-23-06

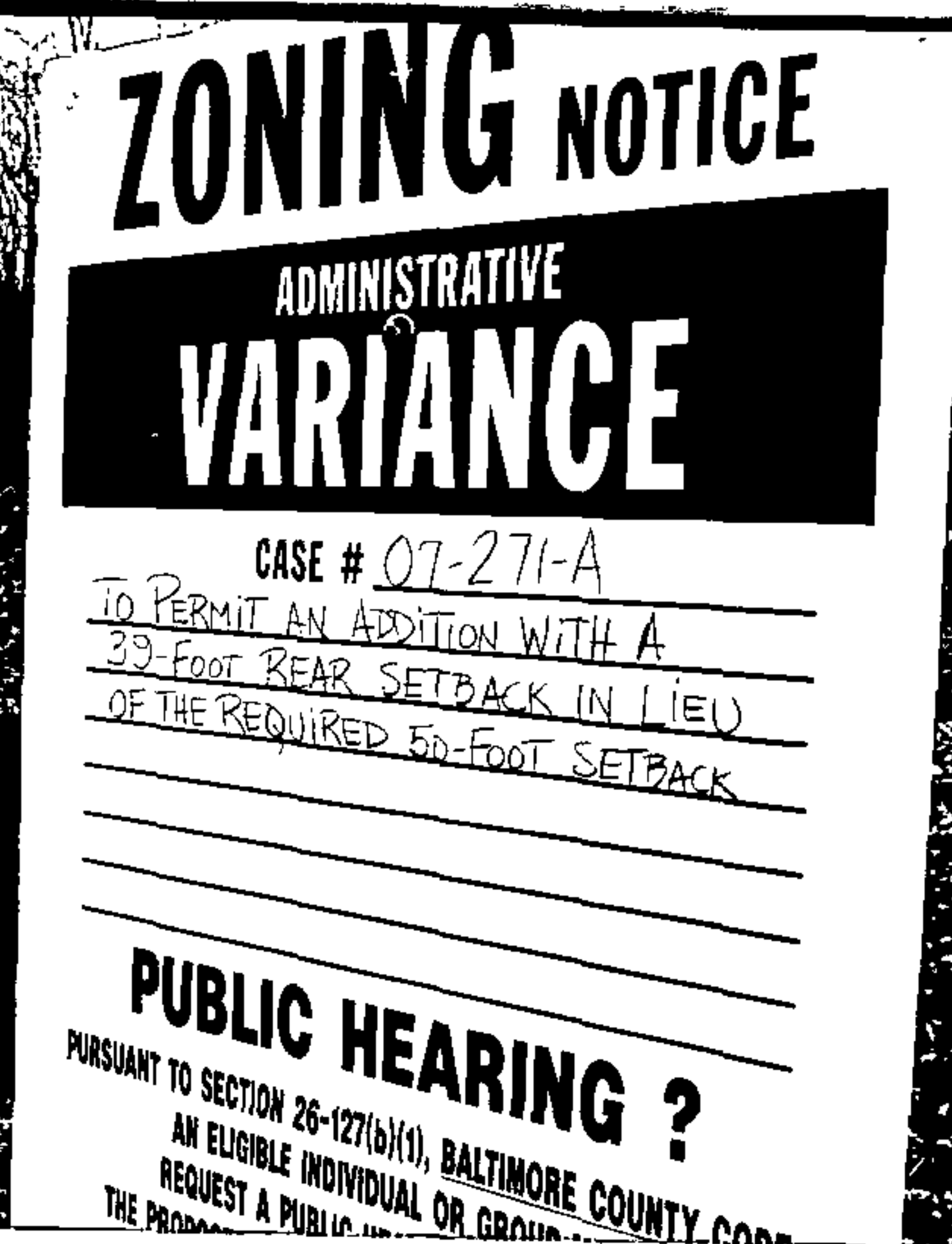
RE: Case Number: 07-271-A

Petitioner/Developer: JOE MIEDUSIEWSKI

Date of Hearing/Closing: 1/08/07

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 16402 Fall Rd
off of Monkton Rd

The sign(s) were posted on 12-23-06
(Month, Day, Year)



Joe Pilson, R.S.
(Sign Poster)

JOE PILSON
(of Sign Poster)

Barn Rd
(of Sign Poster)

Md 21120
(Code of Sign Poster)

3-1443
(Number of Sign Poster)

Revised 3/1/01 - SCJ

RECEIVED
JAN 2 2007

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 271 -A

Address 16402 FALLS RD.

Contact Person: DONNA THOMPSON
Planner Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12/13/06

Posting Date: 12/24/06

Closing Date: 1/8/07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 07- 271 -A

Address 16402 FALLS RD.

Petitioner's Name MIEDUSIEWSKI

Telephone 410-472-3030

Posting Date: 12/24/06

Closing Date: 1/8/07

Wording for Sign: To Permit AN ADDITION WITH A ³⁰ -FOOT REAR SETBACK

IN LIEU OF THE REQUIRED 50-FOOT SETBACK.

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: 07-271-A

Petitioner: MIEDUSIEWSKI

Address or Location: 16402 FALLS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: A. JOE MIEDUSIEWSKI

Address: 16402 FALLS RD.

MONKTON, MD 21111

Telephone Number: 410-472-3030 (H), 410-576-4768 (W)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 2, 2007

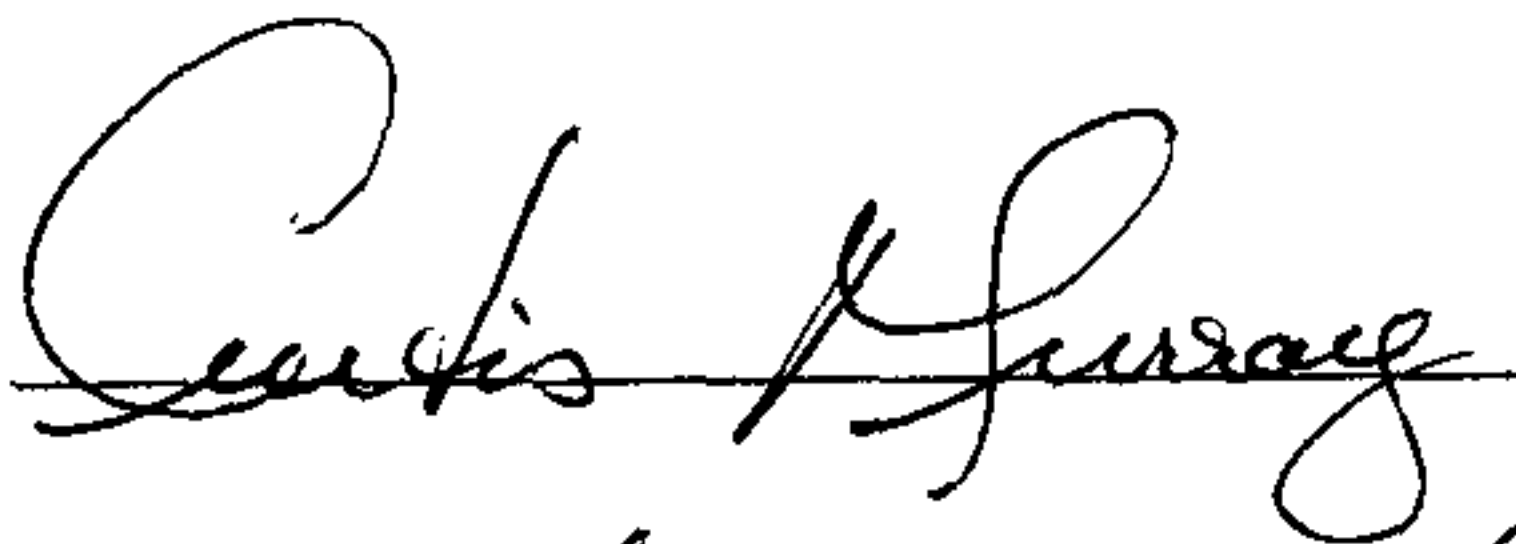
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-271- Administrative Variance**

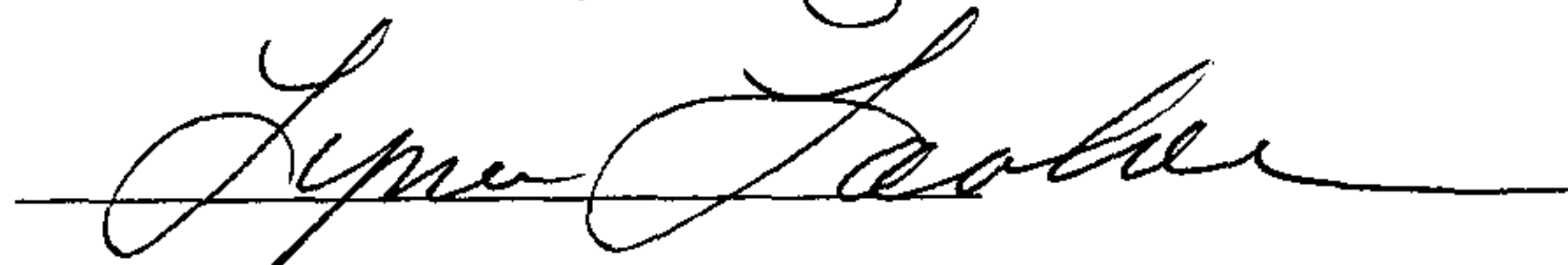
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

JAN 05 2007

ZONING COMMISSIONER



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1 - 2 - 2007

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

RE: Baltimore County
Item No. 7-271A
16402 FALLS ROAD
MIEDUSIEWSKI PROPERTY
ADMINISTRATIVE VARIANCE

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. 7-271A.

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,

For [^]Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

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

December 21, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 25, 2006

Item Number(s): 267 through 269 and 271 through 280

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

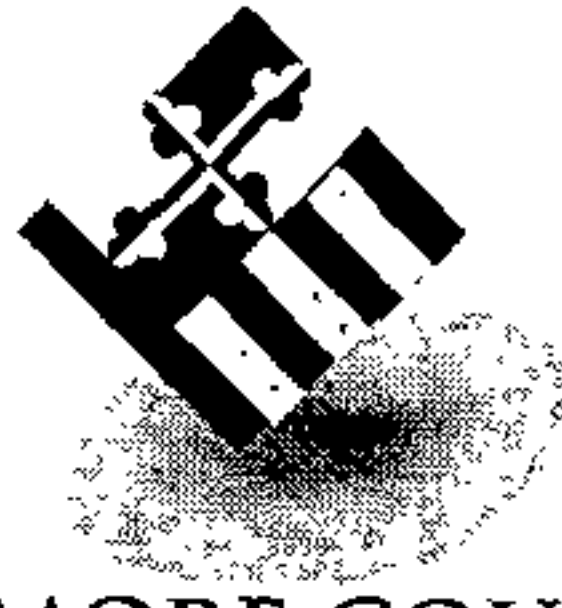
1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 11, 2007

A. Joe and Patricia B. Miedusiewski
16402 Falls Road
Monkton MD 21111

RE: Petition For Administrative Variance
16402 Falls Road
Case No. 07-271-A

Dear Mr. and Mrs. Miedusiewski

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with a restriction, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bill Wiseman", written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 2, 2007

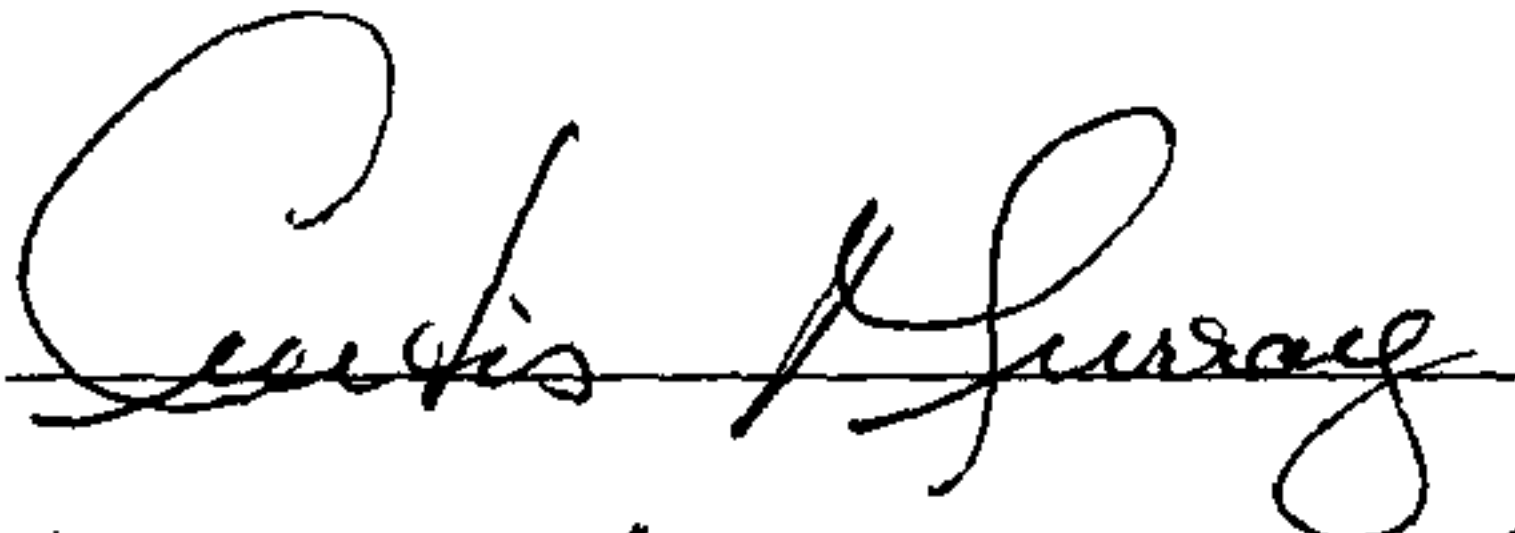
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-271- Administrative Variance

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

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 2, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For January 1, 2006
Item Nos. 07-266, 268, 270, 271, 272, 273,
274, 275, 277, 278, 279, and 280

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-01022007.doc

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

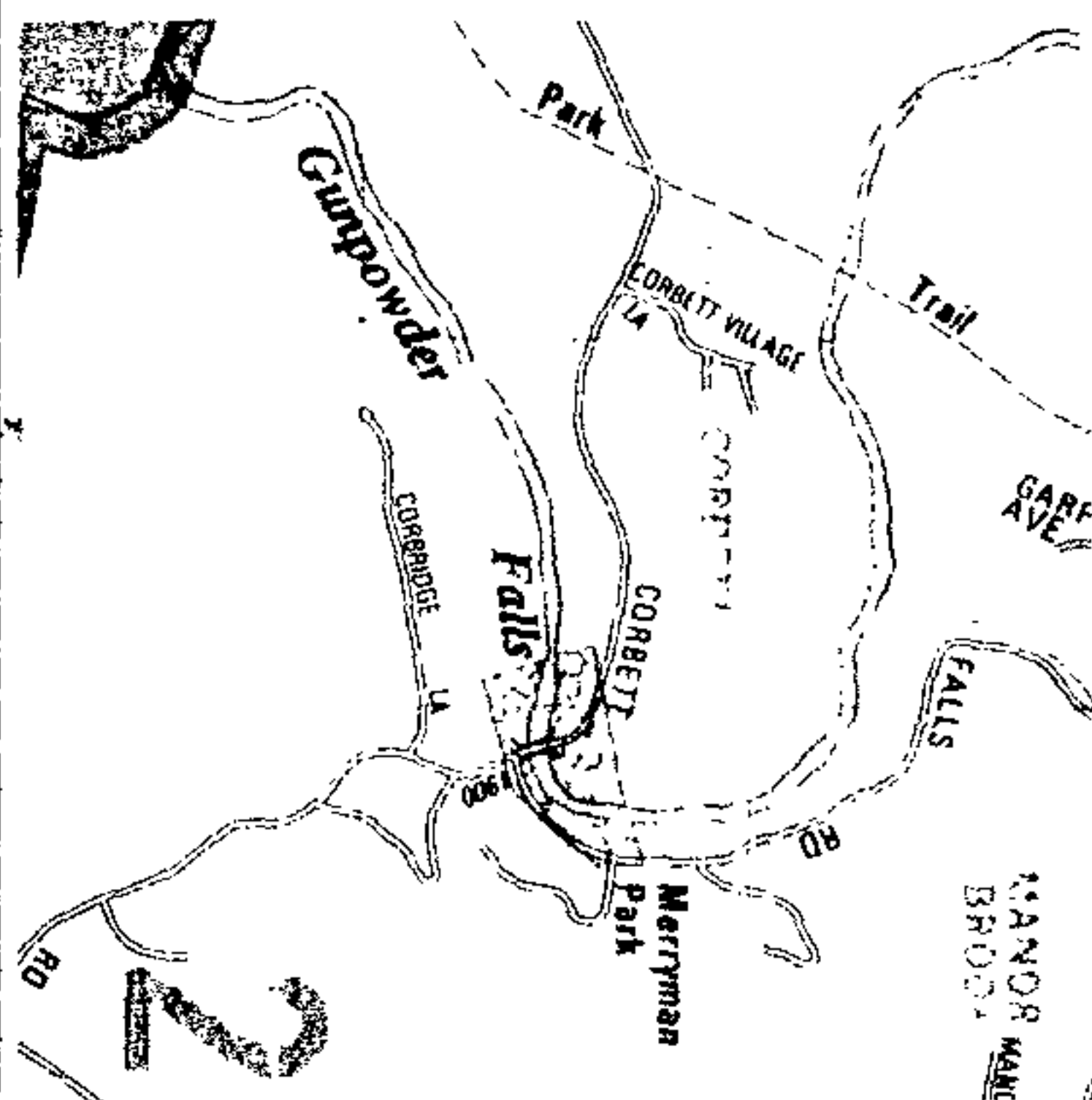
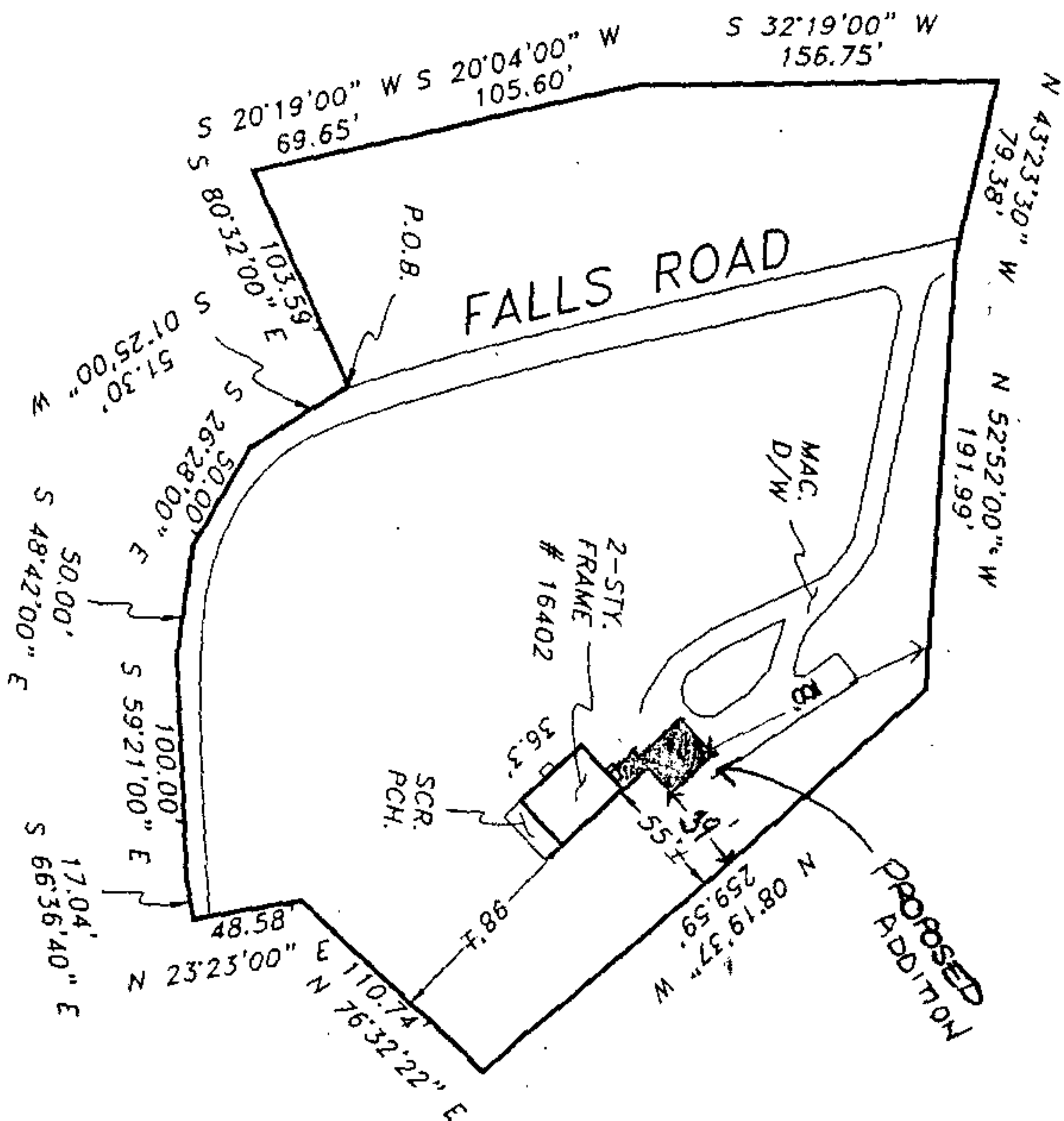
PROPERTY ADDRESS 16402 Falls Rd.

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

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER A JOE MIEDUSIEWSKI + PATRICIA B. MIEDUSIEWSKI



LOCATION INFORMATION

ELECTION DISTRICT 10

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 029A1

ZONING R.C.7

LOT SIZE 2.10 ACRES SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE

WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY / BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

PREPARED BY ATM

SCALE OF DRAWING: 1" = 100'

REVIEWED BY D.T. ITEM # 271 CASE # 07-271-A

SIDE VIEW



A. Joe Miedusiewski
16402 Falls Rd. CASE#:
Monkton, MD 21111 07-271-A

REAR VIEW



A. Joe Miedusiewski
16402 Falls Rd. CASE#:
Monkton, MD 21111 07-271-A



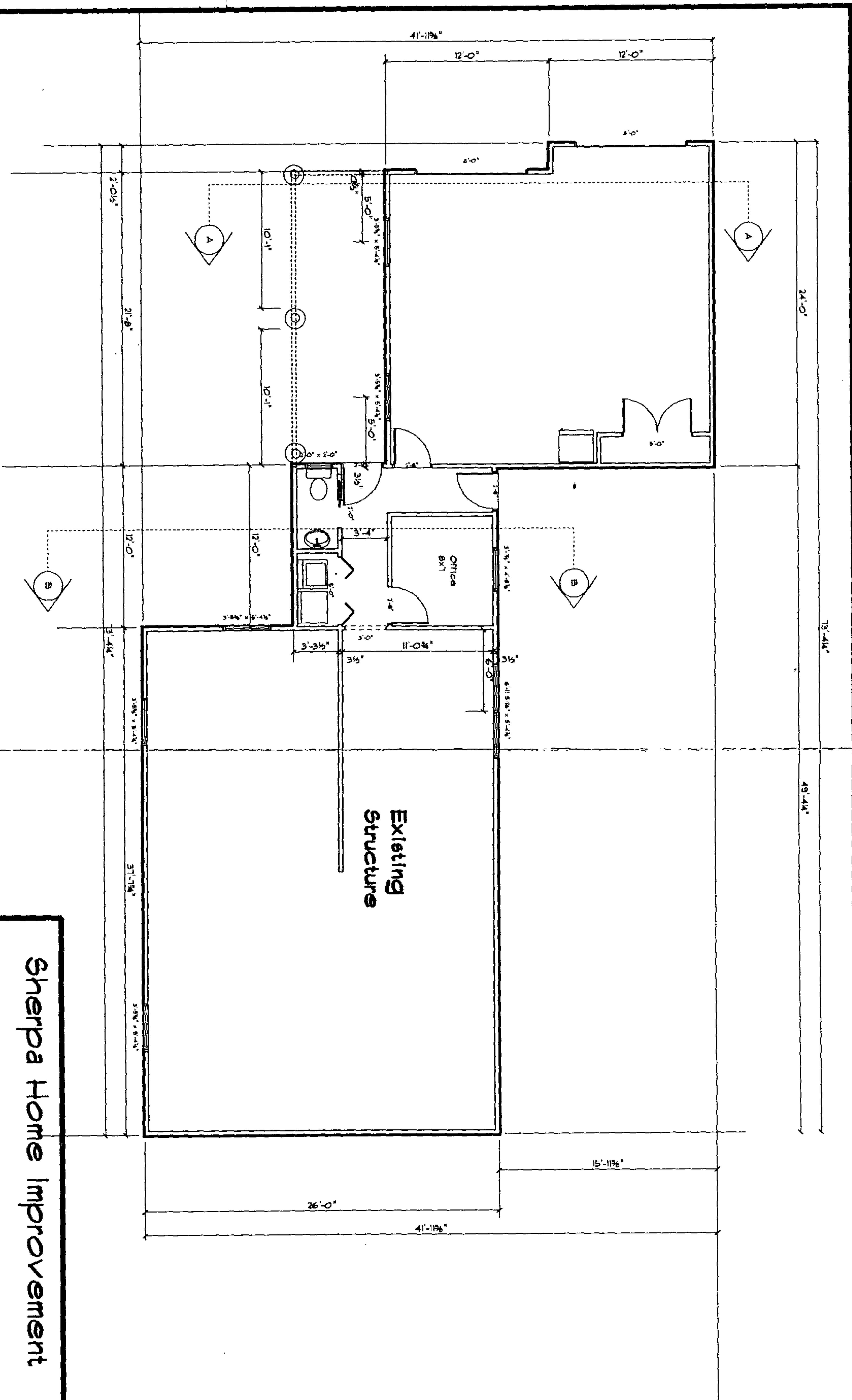


RC 7

FALES RD

SITE

029A1



Sherpa Home Improvement

SCALE	APPROVED	DRAWN BY
DATE November 21, 2006		REVISED

DRAWING NUMBER