

IN RE: PETITION FOR ADMIN. VARIANCE
NW end of Bart Allen Drive, 755 feet
NW of c/l of East Devonfield Drive
11th Election District
3rd Councilmanic District
(4803 Bart Allen Lane)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-281-A

Brian P. and Robin L. Znamirowski
Petitioners

* * * * *

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, Brian P. and Robin L. Znamirowski. The variance request is for property located at 4803 Bart Allen Lane. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 40 feet in lieu of the required 50 feet for a garage addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a one (1) car addition to the existing garage. The location as shown on the site plan is the only practical location due to the layout and architectural features of the existing structure.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for

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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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 29, 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.

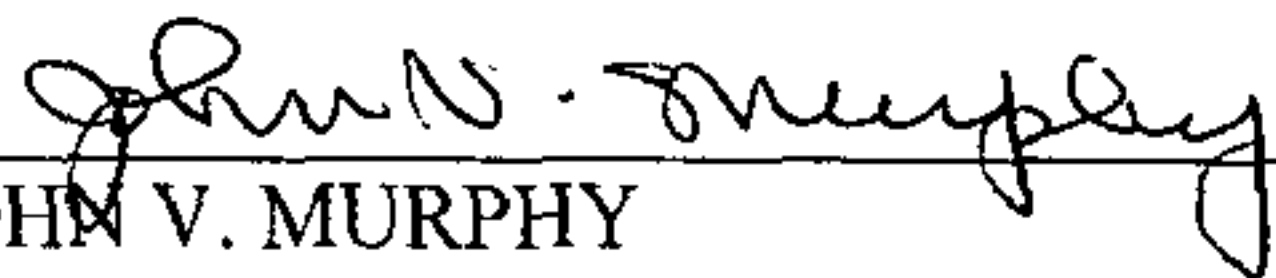
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 17th day of January, 2007 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 40 feet in lieu

1-17-07
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of the required 50 feet for a garage addition 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.

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

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 17, 2007

BRIAN P. AND ROBIN L. ZNAMIROWSKI
4803 BART ALLEN LANE
BALDWIN MD 21013

Re: Petition for Administrative Variance
Case No. 07-281-A
Property: 4803 Bart Allen Lane

Dear Mr. and Mrs. Znamirovski:

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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood
MD 21040

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1-17-07

A handwritten signature, possibly "JVM", written over a horizontal line.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4803 BART ALLEN LANE
which is presently zoned RC 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)

1A04.3.B.2.6 (BCZR) TO PERMIT A REAR YARD SETBACK OF 40 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A GARAGE ADDITION.

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

BRIAN P. ZNAMIROWSKI

Name - Type or Print

Signature

ROBIN L. ZNAMIROWSKI

Name - Type or Print

Signature

4803 BART ALLEN LA.

Address

Telephone No.

BALDWIN

MD

21013

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

CENTRAL DRAFTING AND DESIGN, INC.

Name

601 CHARWOOD COURT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

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 day of _____ 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.

Zoning Commissioner of Baltimore County

CASE NO. 07-281-A

Reviewed By [Signature]

Date 12-19-06

REV 9/15/98

Estimated Posting Date 12-31-06

ORDER RECEIVED FOR FILING

1-17-07 [Signature]

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 4803 BART ALLEN LANE
Address
BALDWIN MD. 21013
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):

THE OWNERS WISH TO CONSTRUCT A 1 CAR ADDITION TO THE EXISTING GARAGE. THE LOCATION AS SHOWN, WHICH WILL REQUIRE THE REQUESTED RELIEF, IS THE ONLY PRACTICAL LOCATION DUE TO THE LAYOUT AND ARCHITECTURAL FEATURES OF THE EXISTING STRUCTURE.

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.

Brian P. Znamirovski
Signature
BRIAN P. ZNAMIROVSKI
Name - Type or Print

Robin L. Znamirovski
Signature
ROBIN L. ZNAMIROVSKI
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

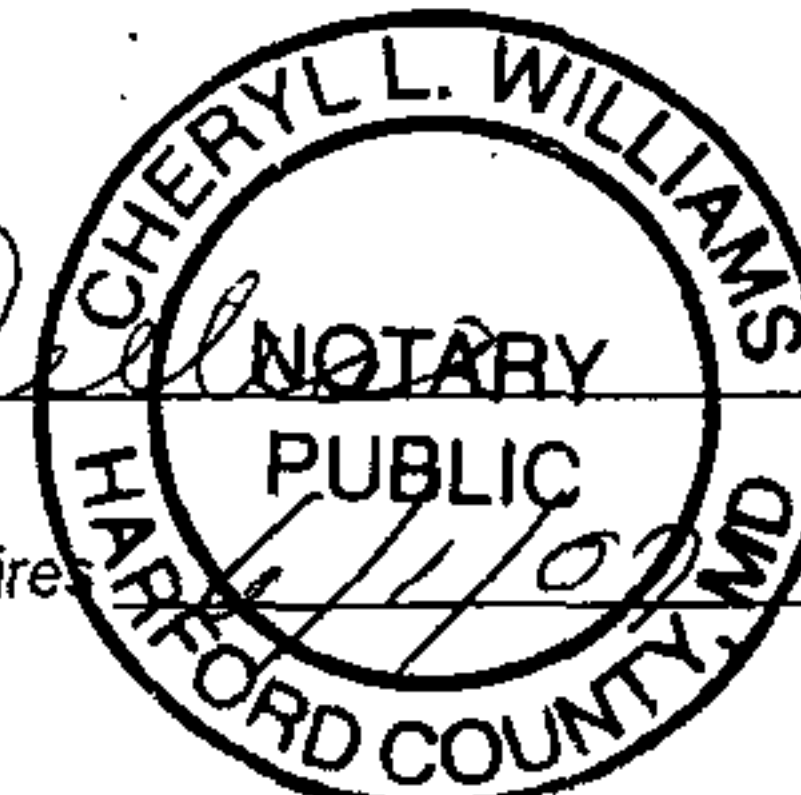
I HEREBY CERTIFY, this 18th day of December, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Brian & Robin Znamirovski
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 hand and Notarial Seal

12-18-06
Date

Cheryl L. Williams
Notary Public
My Commission Expires 11/07



07-281-A

ZONING DESCRIPTION

4803 BART ALLEN LANE

Beginning at a point on the northwest side of Bart Allen Lane (50 feet wide) distant 755 feet northwesterly from it's intersection with the center of East Devonfield Drive (50 feet wide), thence being all of Lot 4 as shown on the plat entitled *Beckwith Estates* recorded among the plat records of Baltimore County in Plat Book 68 Folio 66. Containing 2.016 acres of land, more or less.

Being known as 4803 Bart Allen Lane. Being located in the 11TH Election District, 3RD Councilmanic District of Baltimore County, Maryland.

07-281-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

2777
No. 23059

DATE 12-19-06 ACCOUNT 12-001-COG-6150
AMOUNT \$ 6.50

RECEIVED FROM: DEWITT D. DOWNS

FOR: ADHOC TRAILER URGENT
4803 E. 127th Ave. Dr.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
07-281-7

CASHIER'S VALIDATION

PAID RECEIPT

DATE 12-19-06 TIME 1:14
BY 12-001-COG-6150
CASHIER'S VALIDATION

DEPT. 12-001
FUND 12-001
BUDGET 12-001

CERTIFICATE OF POSTING

RE: Case No: 07-281-A

Petitioner/Developer: BRIAN ZNAMIROWSKI

Date Of Hearing/Closing: 1/15/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 4803 BART ALLEN DR

This sign(s) were posted on December 29, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 12/29/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

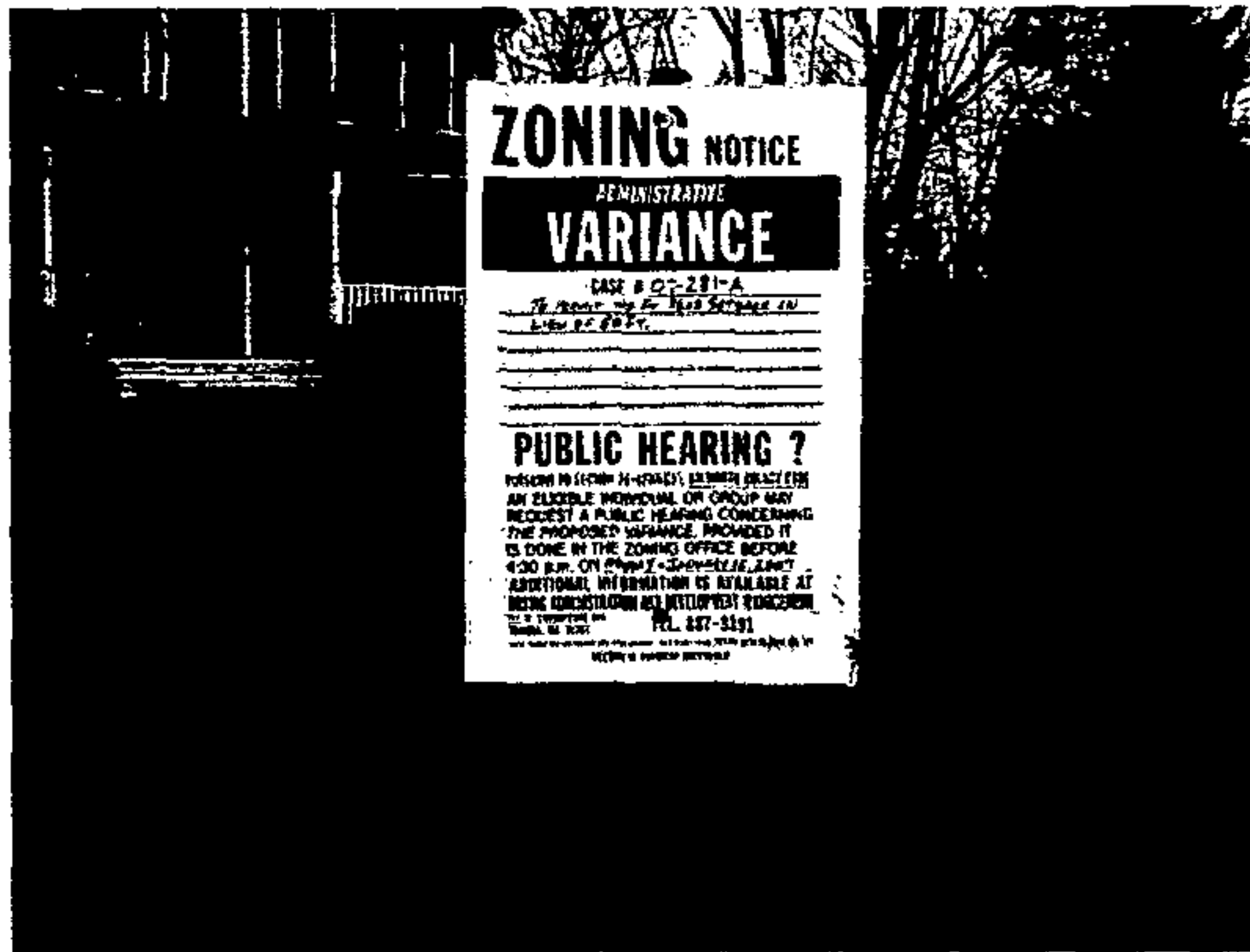
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000959 (576x432x24b jpeg)



Myra D. G. 12/29/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 281 -A

Address 4803 BART. ALEX DR

Contact Person: SOHN R. ALEXANDER
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12-19-06

Posting Date: 12-31-06

Closing Date: 01-15-07

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

1. **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.
2. **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.
3. **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.
4. **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- 281 -A

Address 4803 BART. ALEX DR

Petitioner's Name BRYAN ZNAMEROWSKI Telephone 410-679-8719

Posting Date: 12-31-06 Closing Date: 01-15-07

Wording for Sign: To Permit 40 FT. REAR SETBACK IN LIEU OF 50 FT.

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/neighbor 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: 07-281-A
Petitioner: BRIAN P. ZNAMIROWSKI
Address or Location: 4803 BART ALLEN LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRIAN P. ZNAMIROWSKI
Address: 4803 BART ALLEN LANE
BALDWIN, MD. 21013
Telephone Number: (410) 679-8719

Revised 2/20/98 - SCJ

07-281-A



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 16, 2007

Brian P. Znamkowski
Robin L. Znamkowski
4803 Bart Allen Lane
Baldwin, MD 21013

Dear Mr. and Mrs. Znamkowski:

RE: Case Number: 07-281-A, 4803 Bart Allen Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 19, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
David Billingsley Central Drafting and Design, Inc. 601 Charwood Dr Edgewood 21040

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 3, 2006

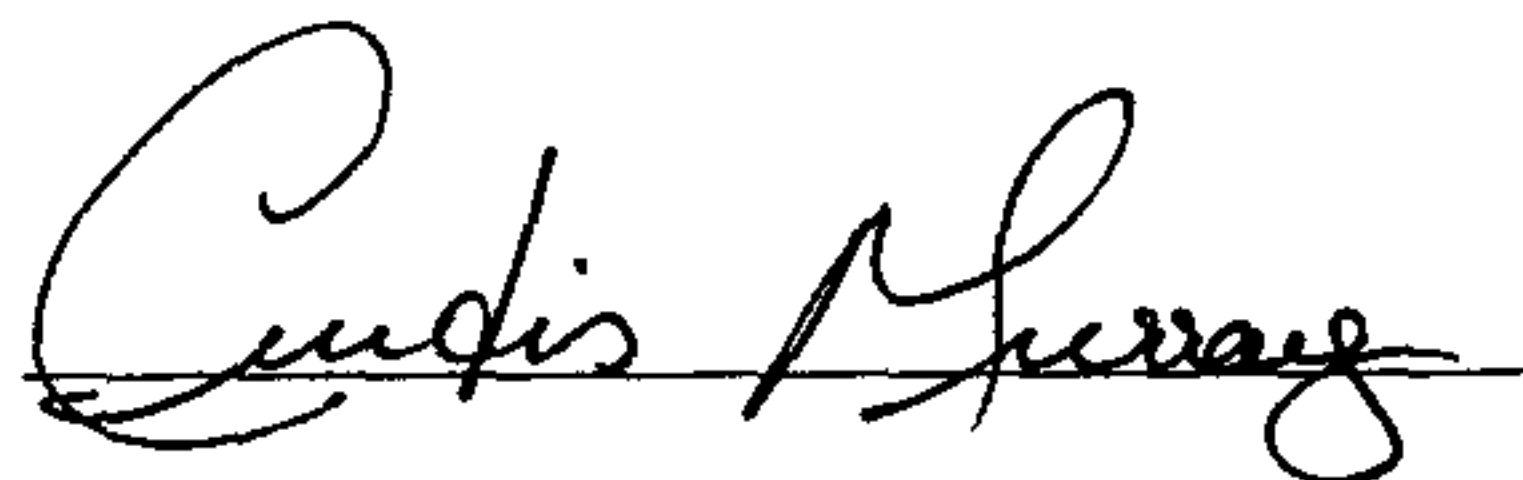
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-281- Administrative Variance**

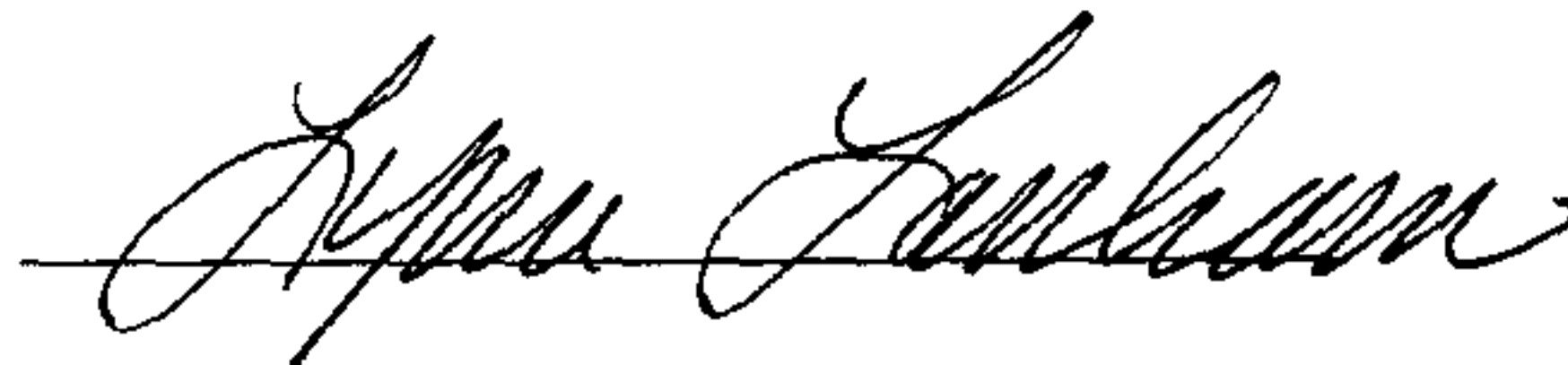
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2007

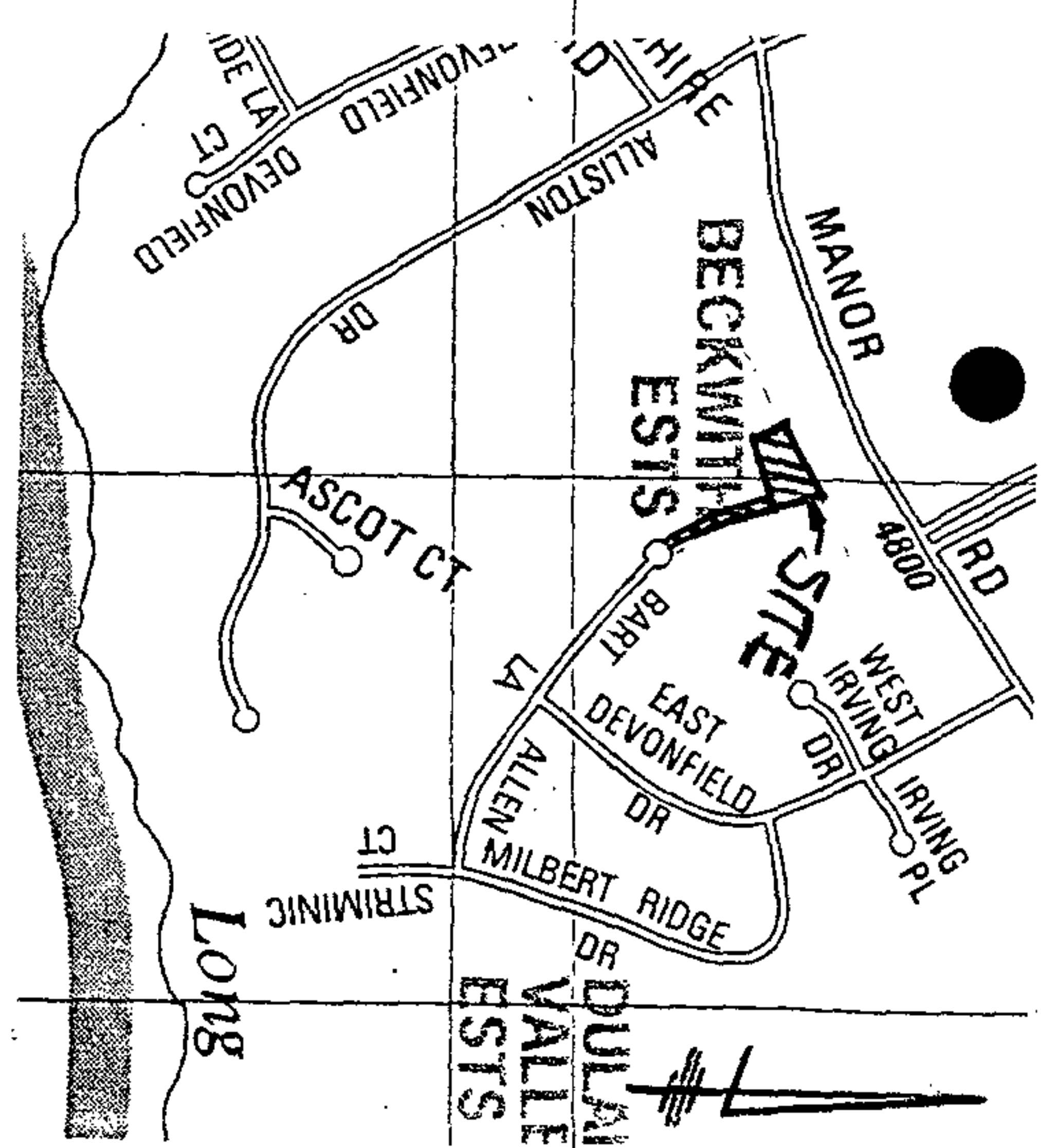
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 8, 2006
Item Nos. 07-281, 284, 285, 286, 287, 288,
289, 291, 292, and 293

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

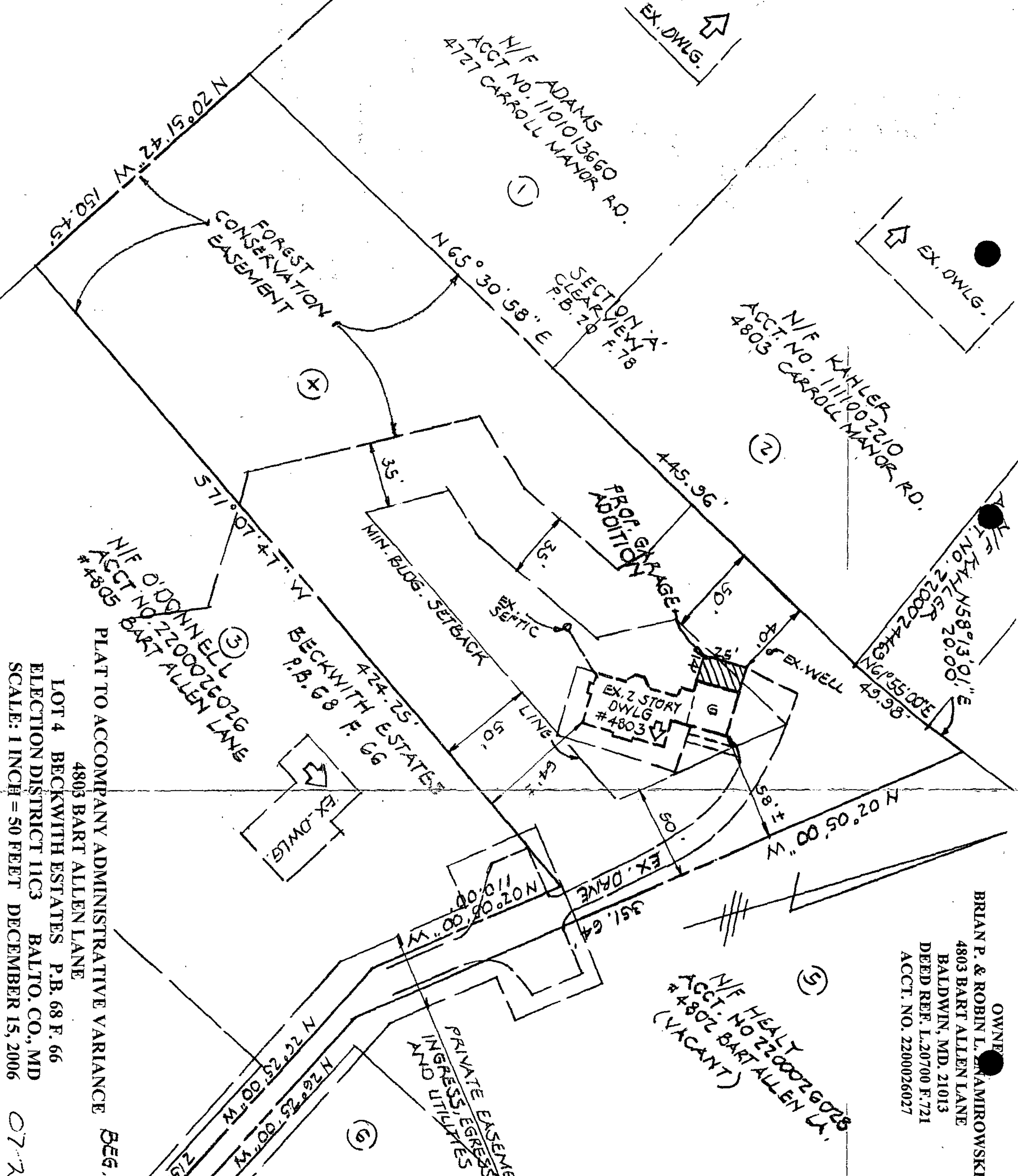
DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-01032007.doc

OWNER
 BRIAN P. & ROBIN L. ZAMIROWSKI
 4803 BART ALLEN LANE
 BALDWIN, MD. 21013
 DEED REF. L.20700 F.721
 ACCT. NO. 2200026027

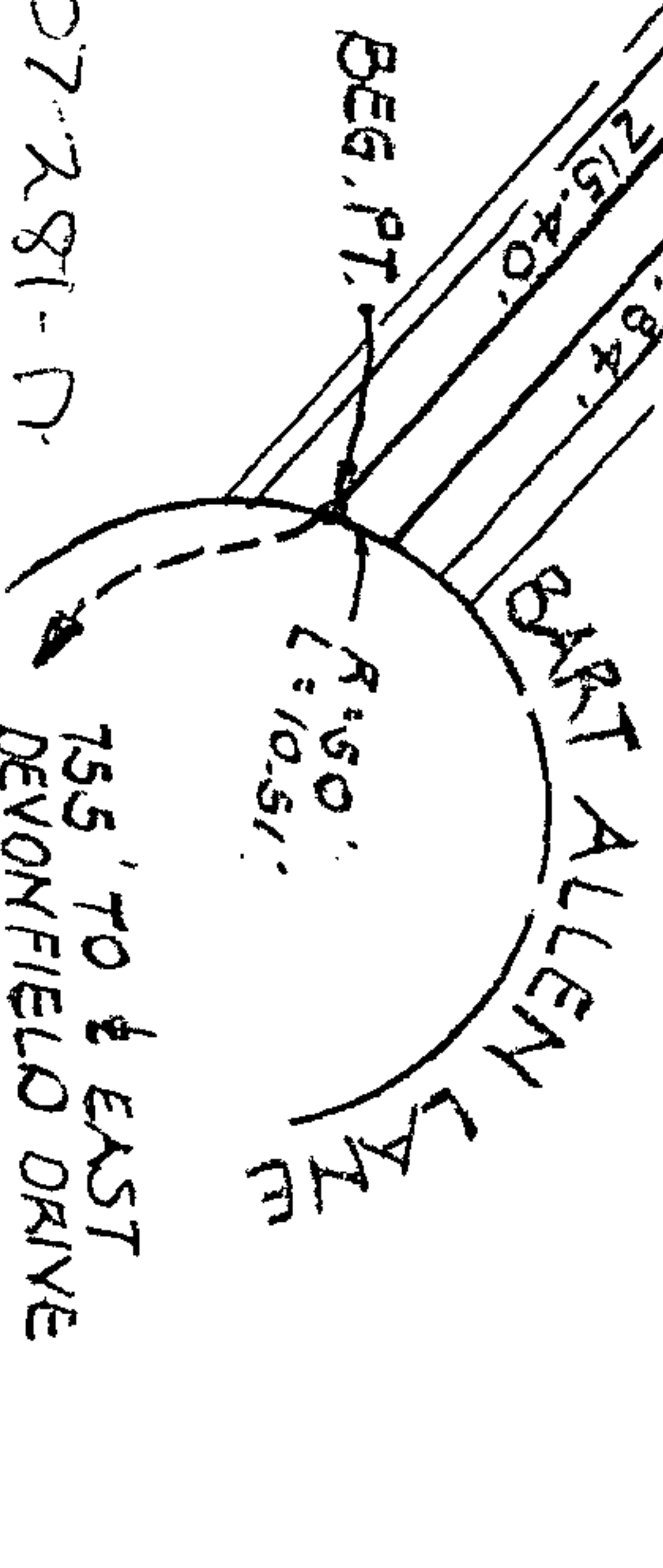


VICINITY MAP
 SCALE: 1" = 1000'

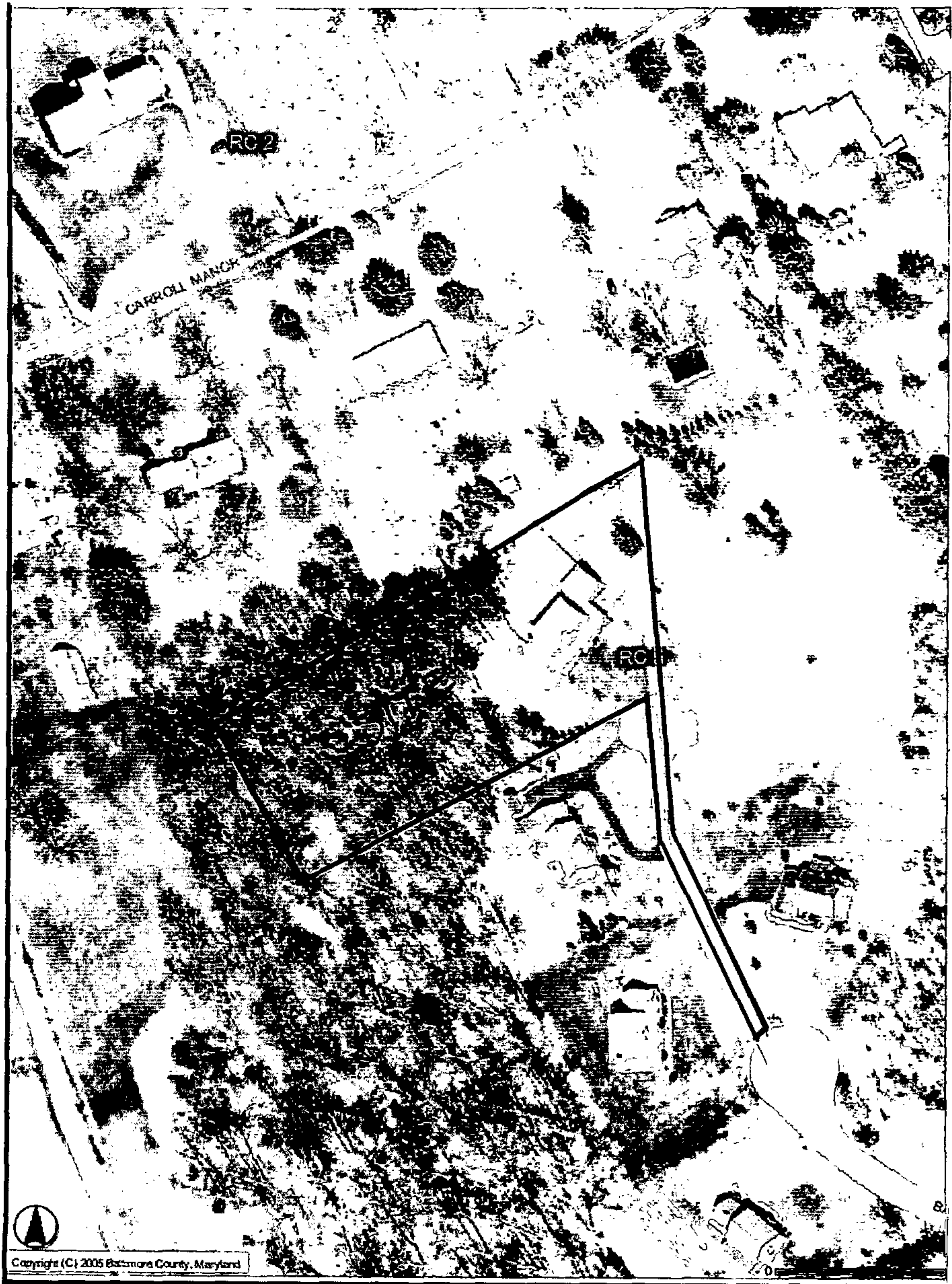
- NOTES
1. ZONING...RC.5 (MAP 044C2)
 2. AREA.....2.016 ACRE+/-
 3. NO PRIOR ZONING HISTORY
 4. SITE IS NOT LOCATED IN CBQA OR 100 YEAR FLOOD PLAIN
 5. PRIVATE WATER AND SEWER EXISTS.
 6. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR WETLANDS EXIST
 7. NO PRIOR VIOLATIONS



PLAT TO ACCOMPANY ADMINISTRATIVE VARIANCE
 LOT 4 BECKWITH ESTATES P.B. 68 F. 66
 ELECTION DISTRICT 11C3 BALTO. CO., MD
 SCALE: 1 INCH = 50 FEET DECEMBER 15, 2006



MAP. 044C2



07-281-A