IN RE: PETITION FOR ADMIN. VARIANCE N side Rayville Road, 800 feet NE c/l Dairy Road 6th Election District 3rd Councilmanic District **(1322 Rayville Road)** Gary and Tammy Witkowski *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 08-088-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, Gary and Tammy Witkowski for property located at 1322 Rayville Road. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 30 feet in lieu of the required 50 feet for an addition, to permit construction outside the designated building envelope and amend the Final Development Plan for Lot 4 of Broy Hills. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 30 foot x 26 foot addition onto the left side of their home. The proposed construction will enable the Petitioners to have additional living space to provide assistance to a father-in-law suffering from Parkinson Disease. The addition cannot be constructed in the rear yard due to the location of the well, septic system and septic reserve area. The right side of the home contains the garage. The property contains 2.63 acres zoned RC 4.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: Comments were received from the Office of Planning dated August 23, 2007, which does not oppose the Petitioner's request. The comment further indicates that according to the 2005 aerial photograph there seems to be some vegetative screening on the property that should screen the new construction.

ORDER RECEIVED FOR FILING
Date 9-18-07
By PB

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 24, 2007 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 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 18th day of September, 2007 that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 30 feet in lieu of the required 50 feet for an addition, to permit construction outside the designated building envelope and amend the Final Development Plan for Lot 4 of Broy Hills 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.

ORDER RECEIVED FOR FILING
Date 9-18-07
By PB

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 9-18-07
By PB

CERTIFICATE OF POSTING

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

Date: Aug. 24 , 2007
MAI Job No : SP-019

Attention: Mr. Bruno Rudaitis
RE:Case Number : 08-088-A
Petitioner/Developer: Gary D. & Tammy L. Witkowski
Date of Hearing/Closing: Monday, Sept. 10, 2007

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 # 1322 Rayville Road

The sign(s) were posted on Aug. 24, 2007
(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.
(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

SEE
ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY

(410) 527-1555
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 08-088-A

TO PERMIT A SETBACK OF 30 FT. IN LIEU OF THE REQUIRED 50 FT. FOR AN ADDITION AND TO APPROVE A SINGLE LOT AMENDMENT FOR LOT #4 OF THE FINAL DEVELOPMENT PLAN FOR THE SUBDIVISION OF "BROY HILLS" TO PERMIT CONSTRUCTION OUTSIDE THE DESIGNATED BUILDING ENVELOPE.

PUBLIC HEARING ?

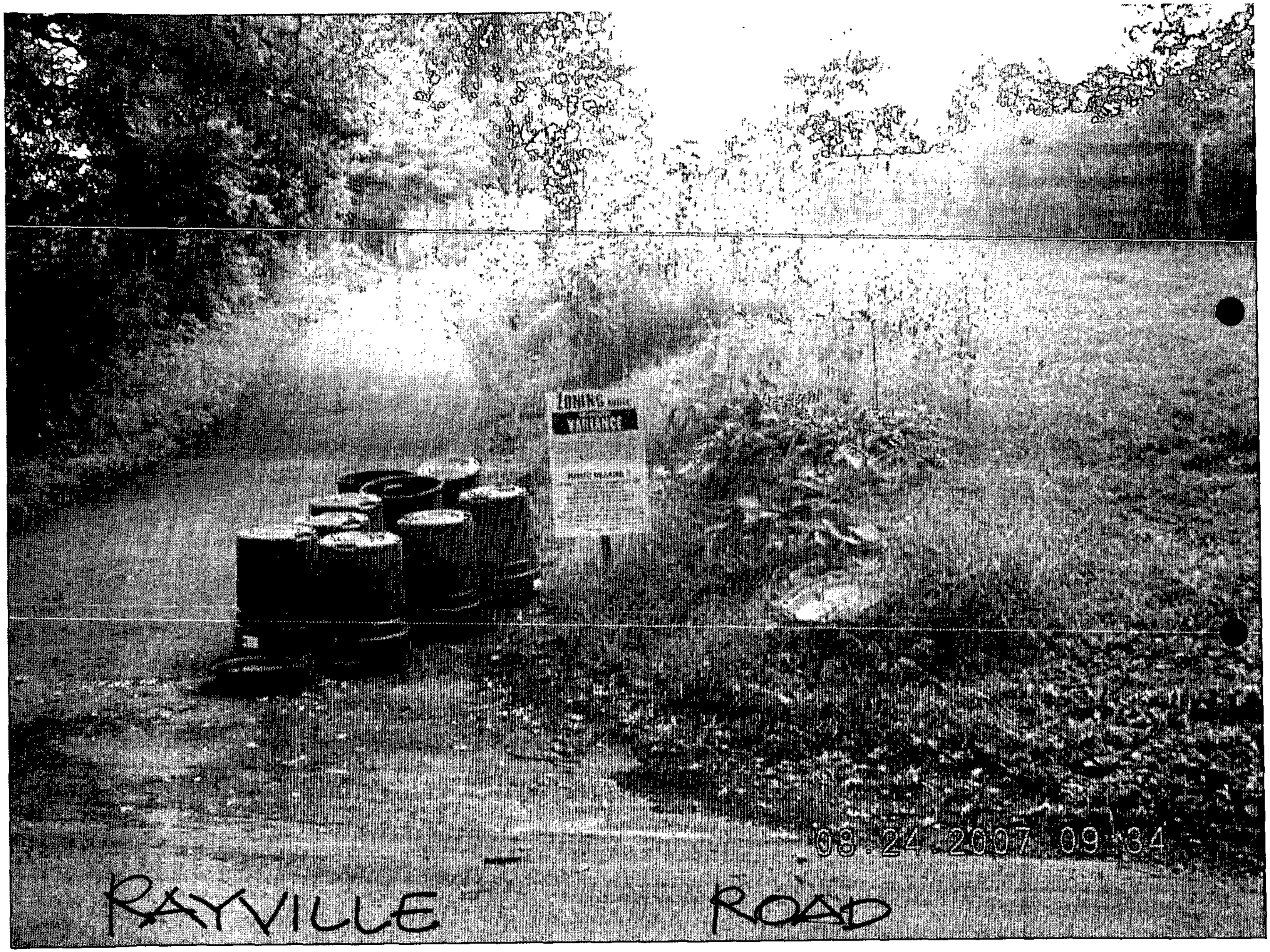
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON SEPT. 10, 2007

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

08.24.2007 09:33


ZONING
08.24.2007 09:34
RAYVILLE ROAD

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: Aug. 24, 2007

TO: Baltimore County, Zoning

RE : Case No. : 08-088-A
1322 Rayville Road
MAI :Job No. : SP-019

ATTENTION: Mrs. Kristen Matthews / Mr. Bruno Rudaitis

(X) We are submitting ( ) We are returning ( ) We are forwarding

( ) Herewith ( ) Under separate cover

No.	Description
1	Certificate Of Posting
2	Photos

(X) For processing ( ) For your use ( ) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc: File

RECEIVED
AUG 30 2007
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

CERTIFICATE OF POSTING

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

Date: Aug. 24 , 2007
MAI Job No : SP-019

Attention: Mr. Bruno Rudaitis
RE:Case Number : 08-088-A
Petitioner/Developer: Gary D. & Tammy L. Witkowski
Date of Hearing/Closing: Monday, Sept. 10, 2007

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 # 1322 Rayville Road

The sign(s) were posted on Aug. 24, 2007
(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.
(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410) 527-1555
(Telephone Number of Sign Poster)

SEE
ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY

Revised 3/1/01 - SCJ

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 08-088-A

TO PERMIT A SETBACK OF 30 FT. IN LIEU OF THE REQUIRED 50 FT. FOR AN ADDITION, AND TO APPROVE A SINGLE LOT AMENDMENT FOR LOT #4 OF THE FINAL DEVELOPMENT PLAN FOR THE SUBDIVISION OF "BROY HILLS" TO PERMIT CONSTRUCTION OUTSIDE THE DESIGNATED BUILDING ENVELOPE.

PUBLIC HEARING ?

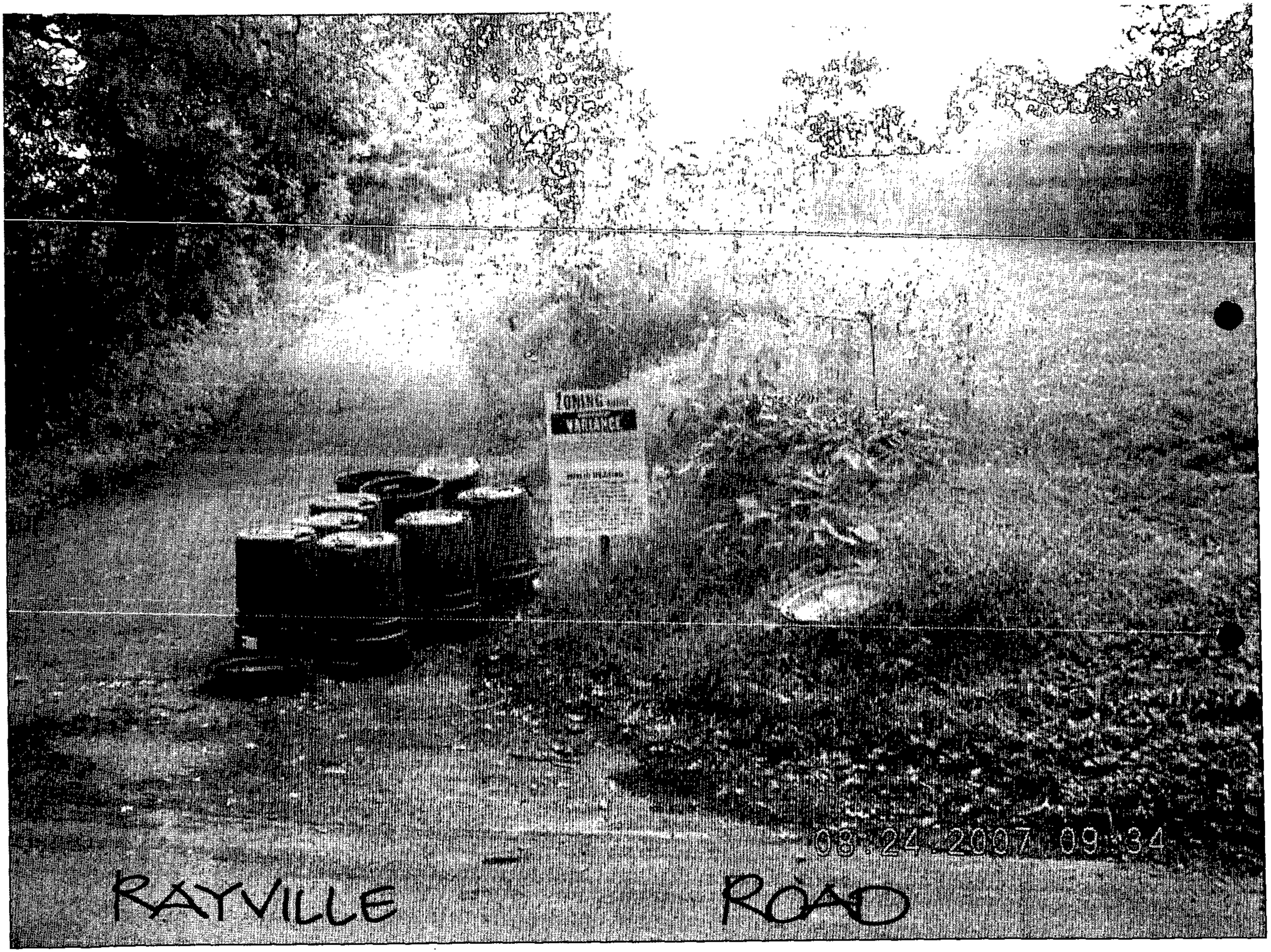
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON SEPT. 10, 2007

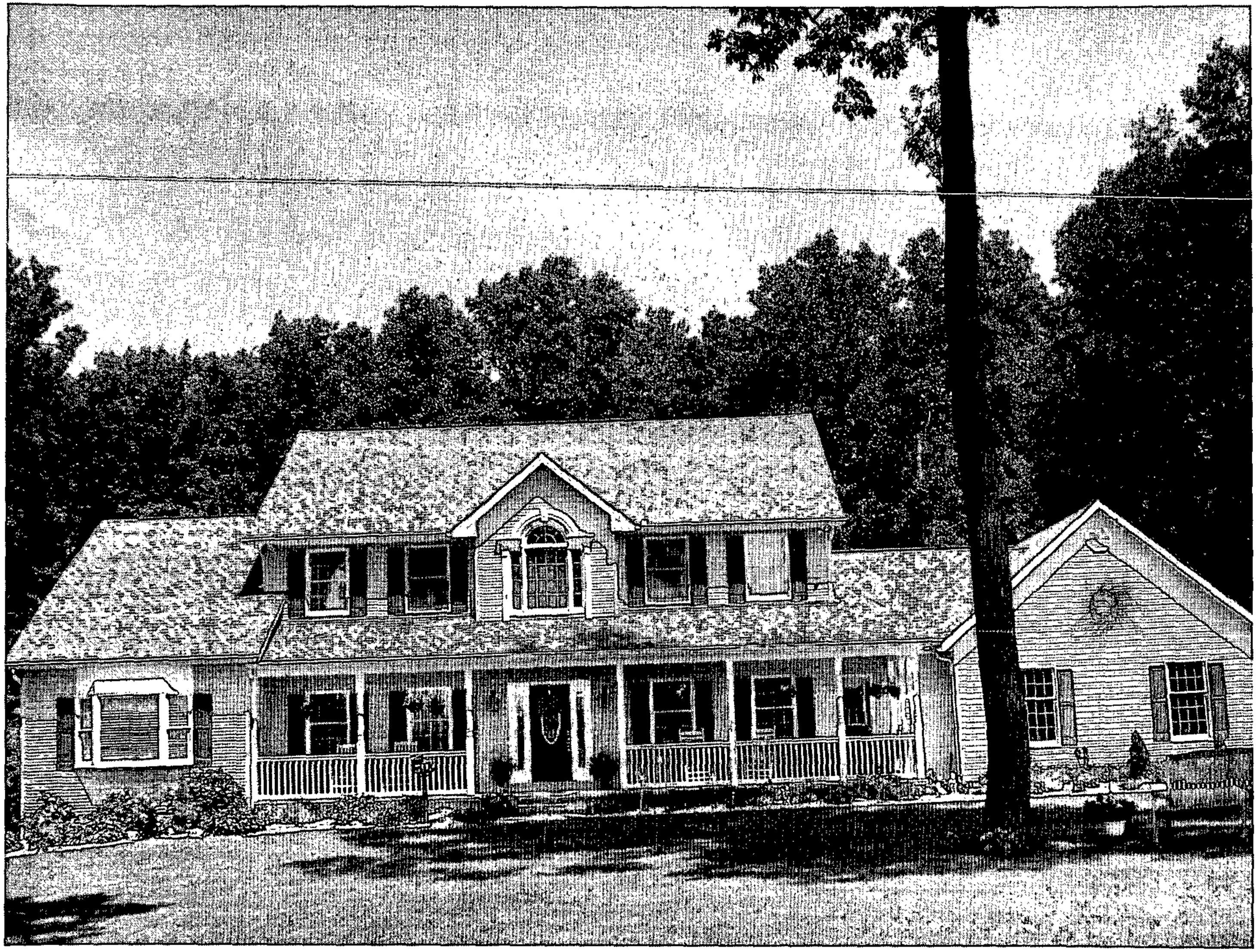
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

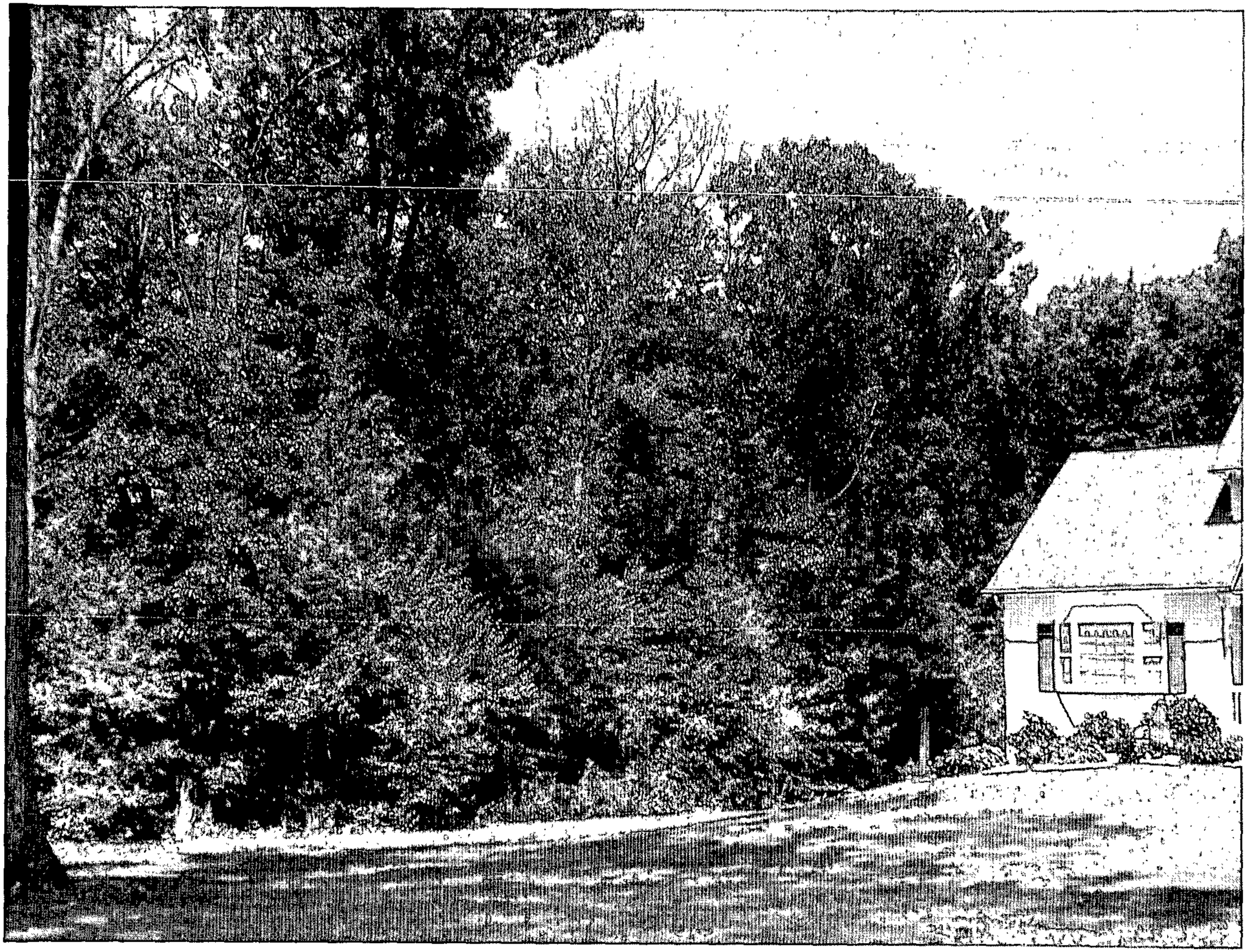
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

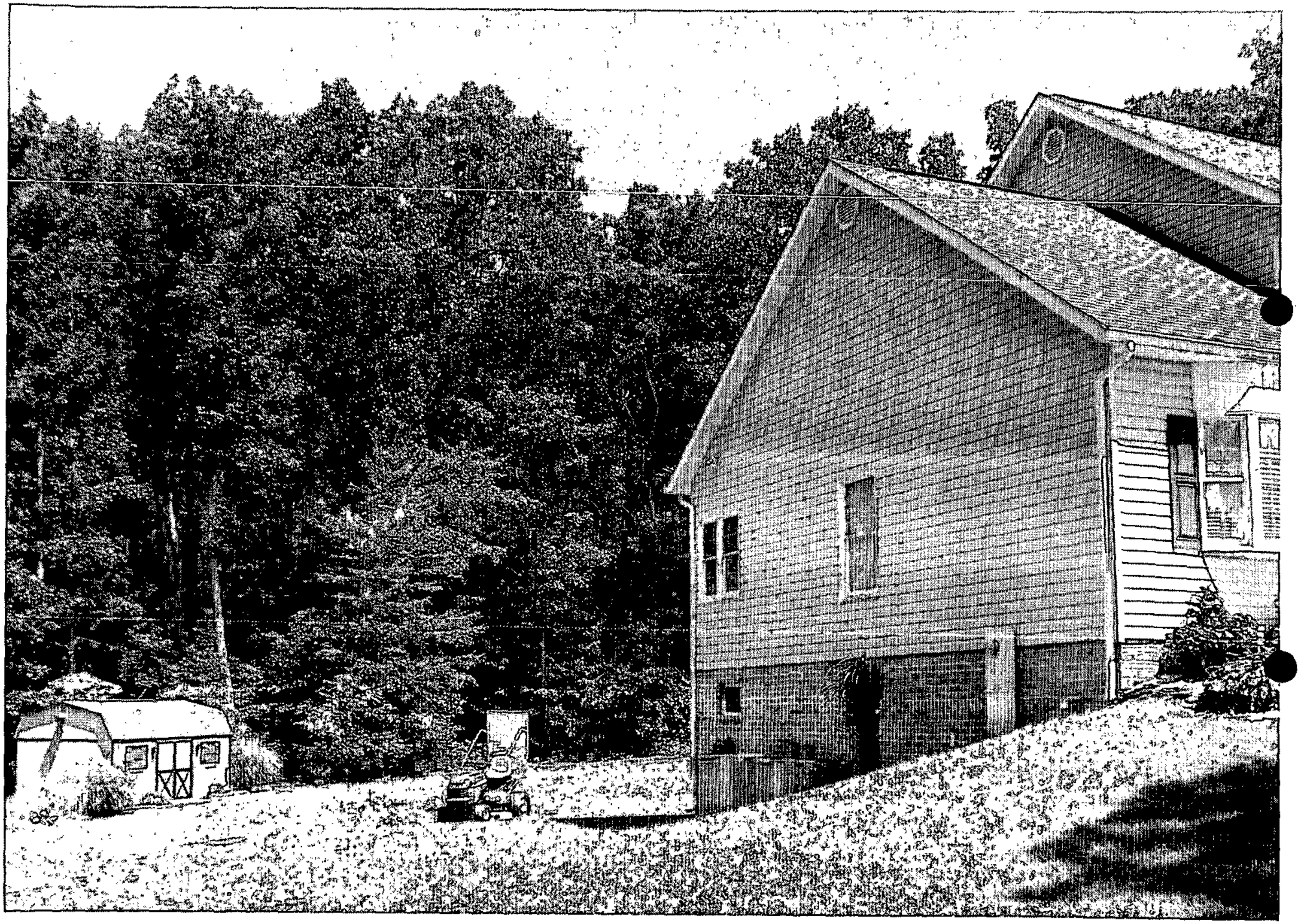
HANDICAPPED ACCESSIBLE

08-088-A 24 2007 09:33


08.24.2007 09:34
RAYVILLE
ROAD







#588

#088

#088

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 088 -A Address 1322 Rayville Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 8/15/07 Posting Date: 8/26/07 Closing Date: 9/10/07

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.

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 08- 088 -A Address 1322 Rayville Rd.

Petitioner's Name Gary & Tammy Witkowski Telephone

Posting Date: 8/26/07 **Closing Date:** 9/10/07

Wording for Sign: To Permit a setback of 30 ft. in lieu of the required 50 ft. for an addition, and to approve a single lot amendment for lot #4 of the Final Development Plan for the subdivision of "Broy Hills" to permit construction outside the designated building envelope.

WCR - Revised 6/25/04

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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: 08-088-A

Petitioner: Gary Witkowski - Tammy Witkowski

Address or Location: 1322 Rayville Rd. Parkton, Md. 21120

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tammy L. Witkowski

Address: 1322 Rayville Rd.
Parkton, Md 21120

Telephone Number: 410-329-6720

Revised 7/11/05 - SCJ

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1322 Rayville Rd.

which is presently zoned RE 4 (formerly RC5)

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)

see attached

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:

Gary D. Witkowski
Name - Type or Print

Signature

1322 Rayville Rd. 410-329-6720
Address Telephone No.

Parkton, Md. 21120
City State Zip Code

Legal Owner(s):

Gary & Tammy Witkowski
Name - Type or Print

Tammy Witkowski
Signature

Gary D. Witkowski
Name - Type or Print

Signature

1322 Rayville Rd. 410-329-6720
Address Telephone No.

Parkton Md. 21120
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Representative to be Contacted:

(above ↑)
Name

Address Telephone No.

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. 08-088-A

REV 10/25/01

PLEASE RECEIVED FOR FILING
9-18-07
BY

Reviewed By AM **Date** 8/15/07

Estimated Posting Date 8/26/07

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 1322 Rayville Rd
Address
Parkton, Md. 21120
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): We are requesting an Administrative Variance for 1322 Rayville Rd so we can build an in-law quarters. My father-in law has Parkinson Disease and it is progressing rapidly. This will help caring for him much more convenient for my husband & myself. It is much more practical and expedient to put on the addition on the right hand side of the house (looking out) We would like to keep our house looking symmetrical and having this variance granted will allow this to happen. Every other area on our home would create much more work and create a financial hardship for us. Even if it would be possible to build on another location - we have the septic in the back i a garage ~~with~~ the side.

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

Signature

Tammy L. Witkowski
Signature

Gary D. Witkowski
Name - Type or Print

Tammy L. Witkowski
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of August, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Gary D. Witkowski + Tammy L. Witkowski the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Karen M Grozel
Notary Public

My Commission Expires 3-1-11

REV 10/25/01

ZONING DESCRIPTION

Zoning Description for 1322 Rayville Rd.

Beginning at a point on the N side of Rayville Rd. which is 60 feet wide at the distance of 800 feet NE of the centerline of the nearest improved intersecting street Dairy Rd. which is 60 feet wide. Being Lot# 4, block# ,Section # in the subdivision of Broy Hills as recorded in Baltimore County Plat Book#74, Folio# 64, containing 2.086 acres. Also known as 1322 Rayville Rd. and located in the 6th Election District, 3rd. Councilmatic District.

#088

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 03826

Date: 8/15/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				$ 115.00

Total: $ 115.00

Rec From: Gary & Tammy Wilhelm

For: Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
8/15/2007 8/15/2007 10:47:37 4
005 WALKIN KRSH KRH
RECEIPT # 592170 8/15/2007 OPLM
Rept 5 528 ZONING VERIFICATION
003026
Recpt Tot $115.00
$115.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Item # 038

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 11, 2007

Gary D. Witkowski
Tammy L. Witkowski
1322 Rayville Road
Parkton, Maryland 21120

Dear Mr. and Mrs. Witkowski:

RE: Case Number: 08-088-A, 1322 Rayville Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 15, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

WCR:amf

Enclosures

c: People's Counsel

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

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

August 23, 2007

88

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 20, 2007

Item Number: Item Number 76 through 079 and81,83,84,85,86,88

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

Printed with Soybean Ink
on Recycled Paper

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: Aug. 24, 2007

TO: Baltimore County, Zoning

RE : Case No. : 08-088-A
1322 Rayville Road
MAI :Job No. : SP-019

ATTENTION: Mrs. Kristen Matthews / Mr. Bruno Rudaitis

(X) We are submitting ( ) We are returning ( ) We are forwarding

( ) Herewith ( ) Under separate cover

No.	Description
1	Certificate Of Posting
2	Photos

(X) For processing ( ) For your use ( ) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc: File

RECEIVED
AUG 30 2007
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

Previous order

IN RE: PETITION FOR SPECIAL HEARING N/S Rayville Road, 800' E of the c/l Dairy Road (1322 Rayville Road) 6th Election District 3rd Council District Frank Cimino, Jr., et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 01-497-SPH

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Frank Cimino, Jr., and his wife, Michele Cimino. The Petitioners request a special hearing to approve the non-density transfer of 2.634 acres, more or less, zoned R.C.5, to an adjoining parcel. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were Frank and Michele Cimino, property owners, and Brian Dietz, a Professional Land Surveyor with Gerhold, Cross & Etzel, who prepared the site plan for this property. Also appearing in support of the request was Gary Witkowski, Contract Purchaser of a portion of the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property was originally part of a larger tract of land that was subdivided to create a five-lot subdivision known as Broy Hills, which was recorded among the Land Records of Baltimore County on January 12, 1993, under Liber SM 65, Folio 48. A copy of the plat for this subdivision was submitted at the hearing and marked into evidence as Petitioner's Exhibit 4. Mr. & Mrs. Cimino presently own Lots 3 and 4. Lot 3 contains 4.579 acres in area and is improved with a single family dwelling in which the Petitioners reside. Lot 4, as originally subdivided, contains 4.722 acres, and is presently unimproved. Mr. & Mrs. Cimino have contracted to sell a portion of Lot 4 (2.086 acres) to Mr. Witkowski, who intends on developing same with a single family dwelling. The Petitioners are

desirous of retaining the remaining area of Lot 4 (2.634 acres) for use as additional yard area and buffer between their property and the Witkowski lot. The proposed conveyance will not transfer any density rights to the Petitioners; however, the requested special hearing relief is necessary in order to proceed. The proposed conveyance to Mr. Witkowski and the area to be retained by the Petitioners are more particularly shown on Petitioner's Exhibit 1.

After due consideration of the testimony and evidence presented, it is clear that the proposed transfer will not in any way impact or alter the density associated with the overall tract. As noted above, five lots were originally created in the Broy Hills subdivision, and five lots will remain. The relief requested is in the nature of a lot line adjustment for the purpose of increasing the size of the Cimino lot and providing a substantial buffer between their lot and the Witkowski lot. The Petitioners understand that there are no density rights associated with the proposed transfer and accept the limitations of the conveyance. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments and no one appeared in opposition to the request. In my judgment, the relief requested will not result in any detrimental impacts on the health, safety or general welfare of the surrounding locale and should be granted.

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 _____ day of August, 2001 that the Petition for Special Hearing to approve the non-density transfer of 2.634 acres, more or less, zoned R.C.5, to an adjoining parcel, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that there are no density rights associated with the proposed conveyance.

The Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 29, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2007
Item Nos.. 08-076, 077, 078, 079, 081, 083, 084, 086, and 088

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-10292007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 23, 2007

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

SUBJECT: 1322 Rayville Road

RECEIVED
SEP 0 5 2007
BY:.....

INFORMATION:

Item Number: 8-088

Petitioner: Gary and Tammy Witkowski

Zoning: RC 4

Requested Action: Administrative Variance

The petitioner requests an administrative variance from Section 1A04.3.B2.b of the BCZR, to permit setback of 30 feet in lieu of the required 50 feet for an addition to the principal structure, and to approve a single lot amendment for lot #4 of the Final Development Plan for the subdivision of Broy Hills to permit construction outside the designated building envelope.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested administrative variance to permit a setback of 30 feet in lieu of the required 50 feet for an addition to the principal structure. According to the 2005 aerial photograph there seems to be some vegetative screening on the property that should screen the new construction.

For further information concerning the matters stated here in, please contact Jessie Bailek at 410-887-3480.

Reviewed by: Curtis Murray

Division Chief: Lyn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\8-088.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 23, 2007

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

SUBJECT: 1322 Rayville Road

INFORMATION:

Item Number: 8-088

Petitioner: Gary and Tammy Witkowski

Zoning: RC 4

Requested Action: Administrative Variance

The petitioner requests an administrative variance from Section 1A04.3.B2.b of the BCZR, to permit setback of 30 feet in lieu of the required 50 feet for an addition to the principal structure, and to approve a single lot amendment for lot #4 of the Final Development Plan for the subdivision of Broy Hills to permit construction outside the designated building envelope.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested administrative variance to permit a setback of 30 feet in lieu of the required 50 feet for an addition to the principal structure. According to the 2005 aerial photograph there seems to be some vegetative screening on the property that should screen the new construction.

For further information concerning the matters stated here in, please contact Jessie Bailek at 410-887-3480.

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

W:\DEVREV\ZAC\8-088.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 18, 2007

GARY AND TAMMY WITKOWSKI
1322 RAYVILLE ROAD
PARKTON MD 21120

Re: Petition for Administrative Variance
Case No. 08-088-A
Property: 1322 Rayville Road

Dear Mr. and Mrs. Witkowski

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,

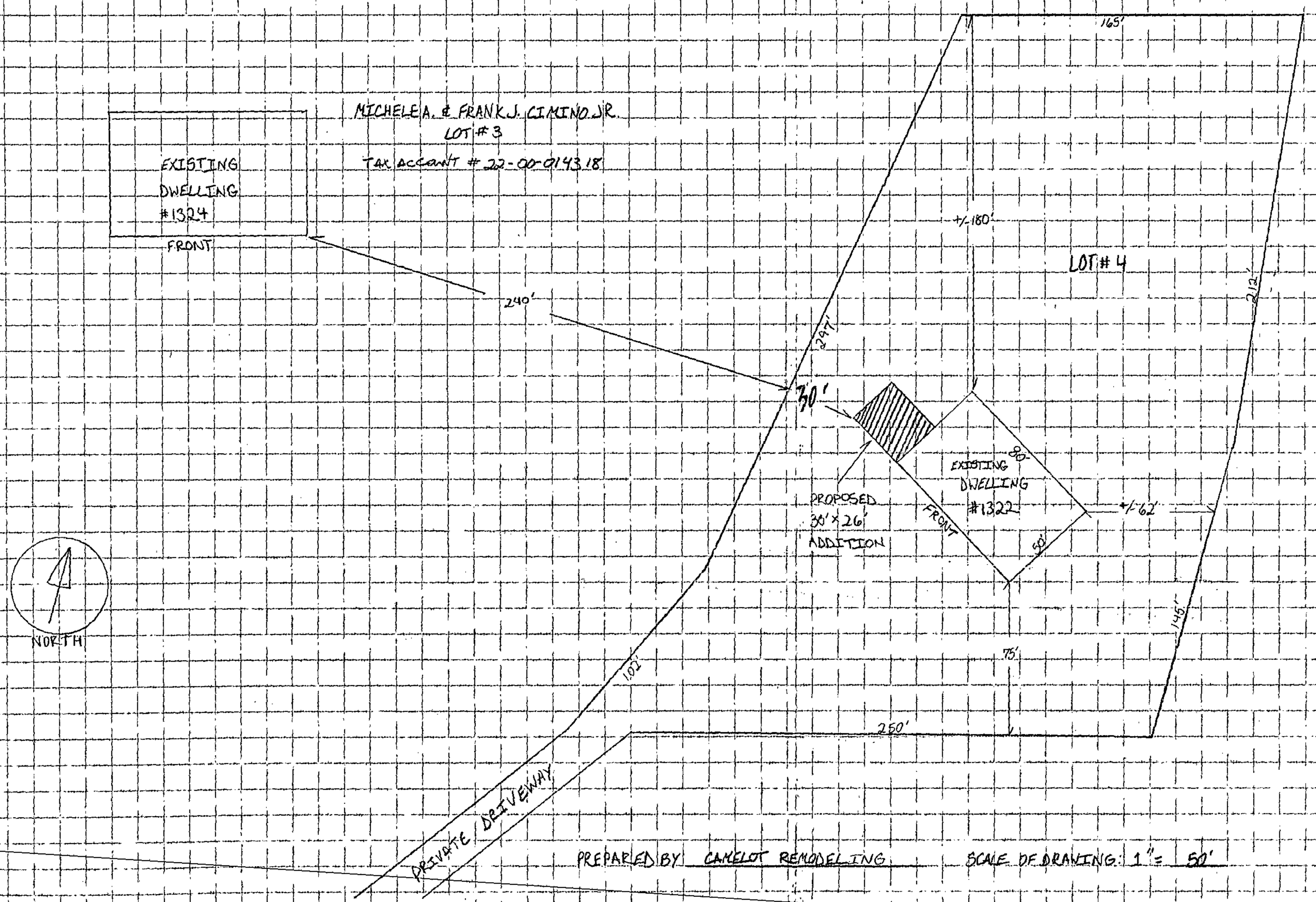
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

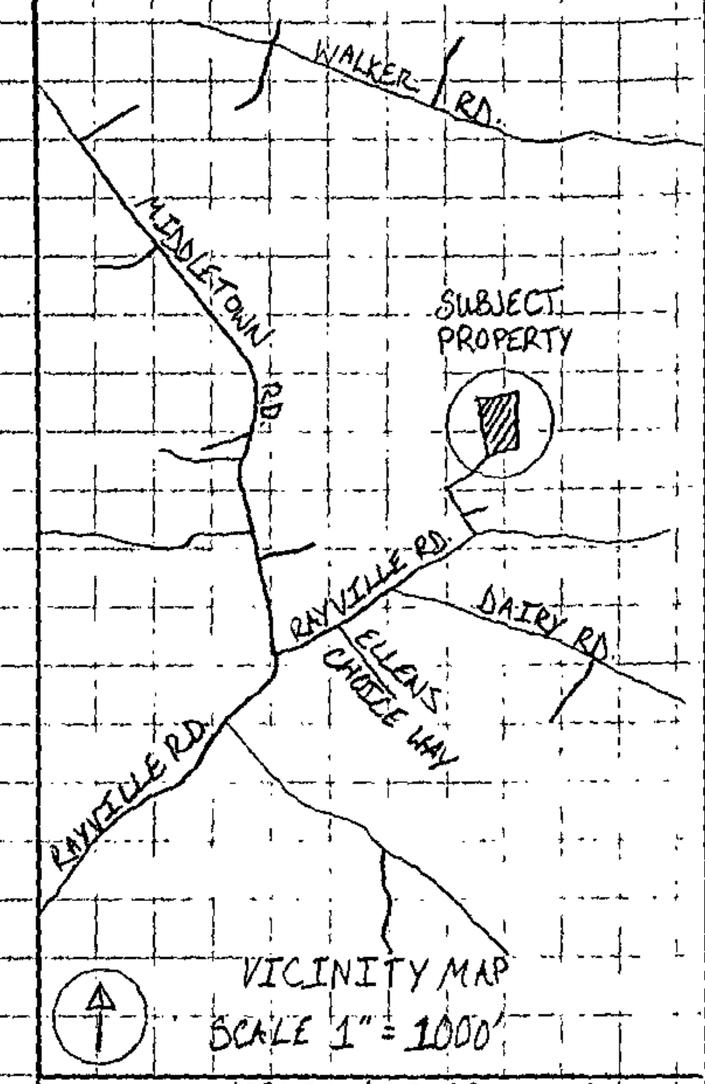
THB:pz

Enclosure

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1322 RAYVILLE RD.
SUBDIVISION NAME BROYHILLS
PLAT BOOK # 76 FOLIO # 124 LOT # 4 SECTION ____
OWNER GARY & TAMMY WITOKOWSKI





LOCATION INFORMATION

ELECTION DISTRICT 06
COUNCILMANIC DISTRICT 03
1" = 200' SCALE MAP # 011C2 - 011C3
ZONING RC-4 (formerly RC-5)
LOT SIZE 2.63 ACREAGE 113773 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING 01-497-SPH

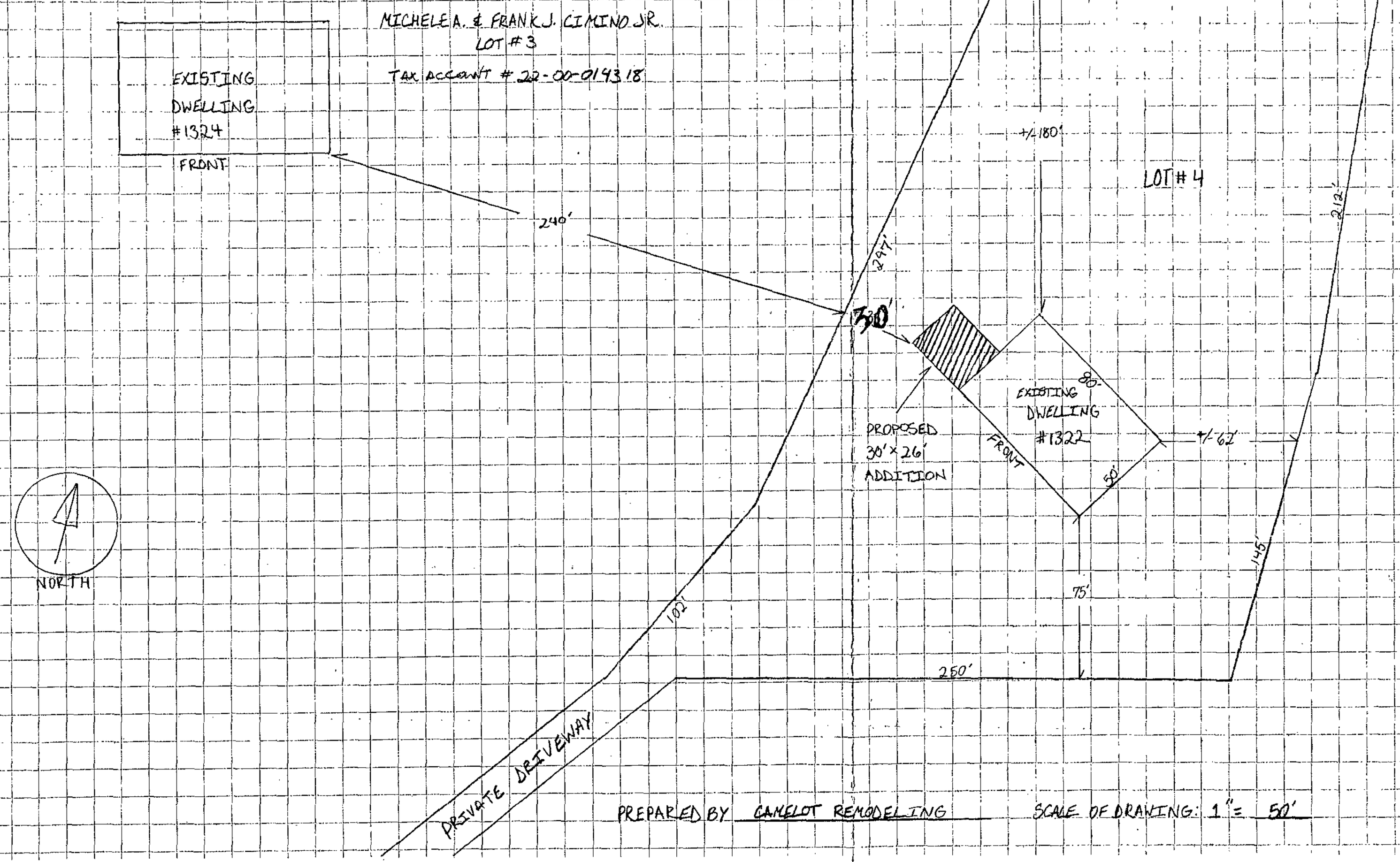
ZONING OFFICE USE ONLY

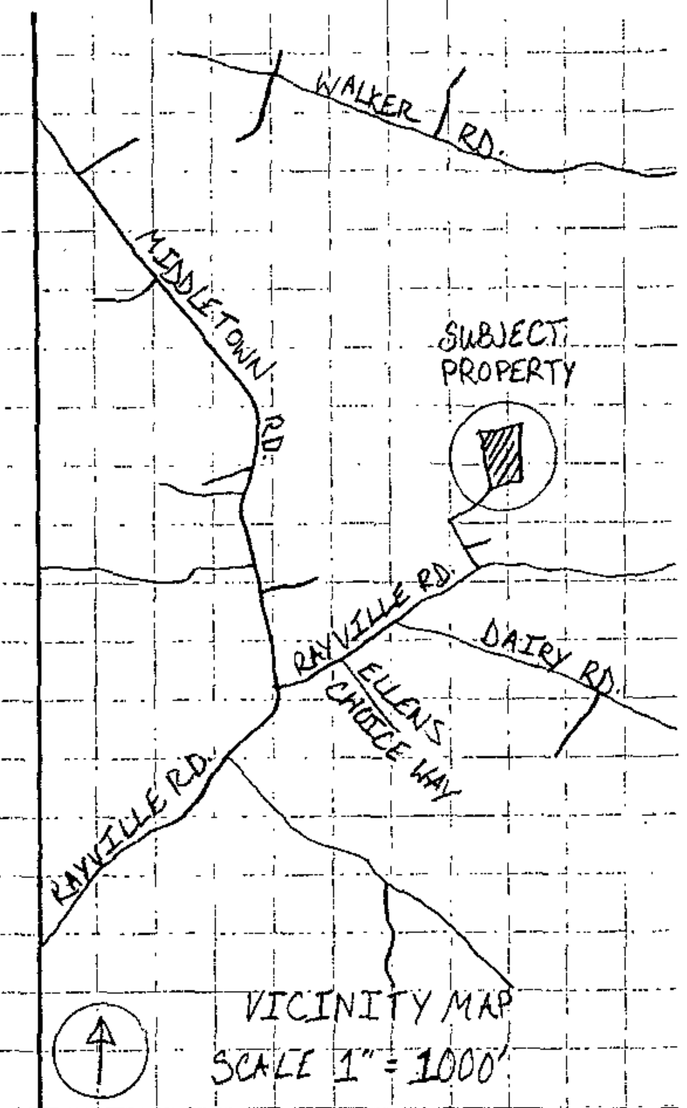
REVIEWED BY	ITEM #	CASE #
Sh	038	08-088-A

PREPARED BY CAMELOT REMODELING SCALE OF DRAWING 1" = 50'

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1322 RAYVILLE RD.
SUBDIVISION NAME BROYHILLS
PLAT BOOK # 76 FOLIO # 124 LOT # 4 SECTION ____
OWNER GARY & TAMMY WITOKOWSKI





LOCATION INFORMATION

ELECTION DISTRICT 06
COUNCILMANIC DISTRICT 03
1" = 200' SCALE MAP # 011C2 - 011C3
ZONING RC-4 - formerly RC-5
LOT SIZE 2.63 ACREAGE 113773 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILING	☐	☒

PRIOR ZONING HEARING 01-497-SPH

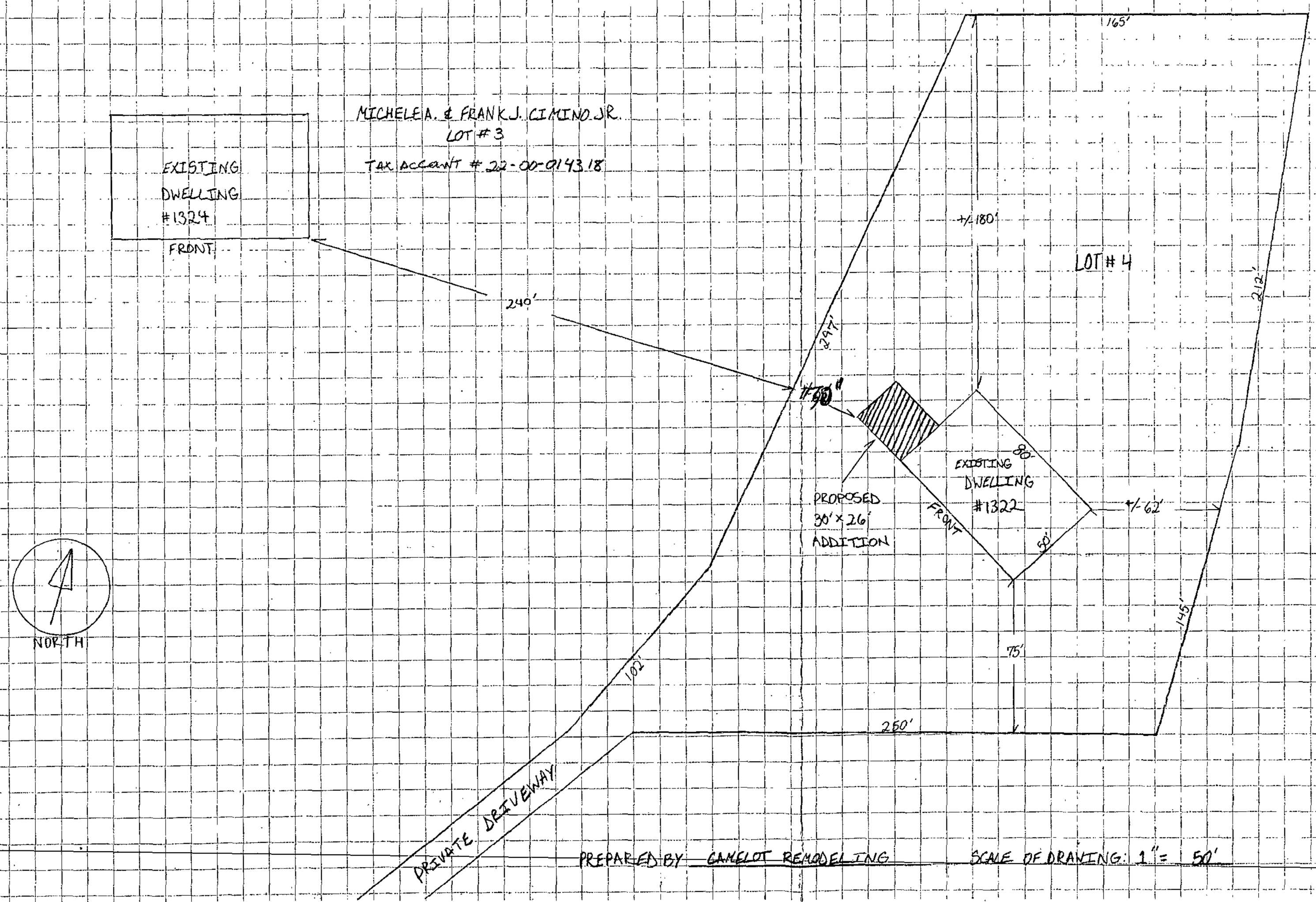
ZONING OFFICE USE ONLY

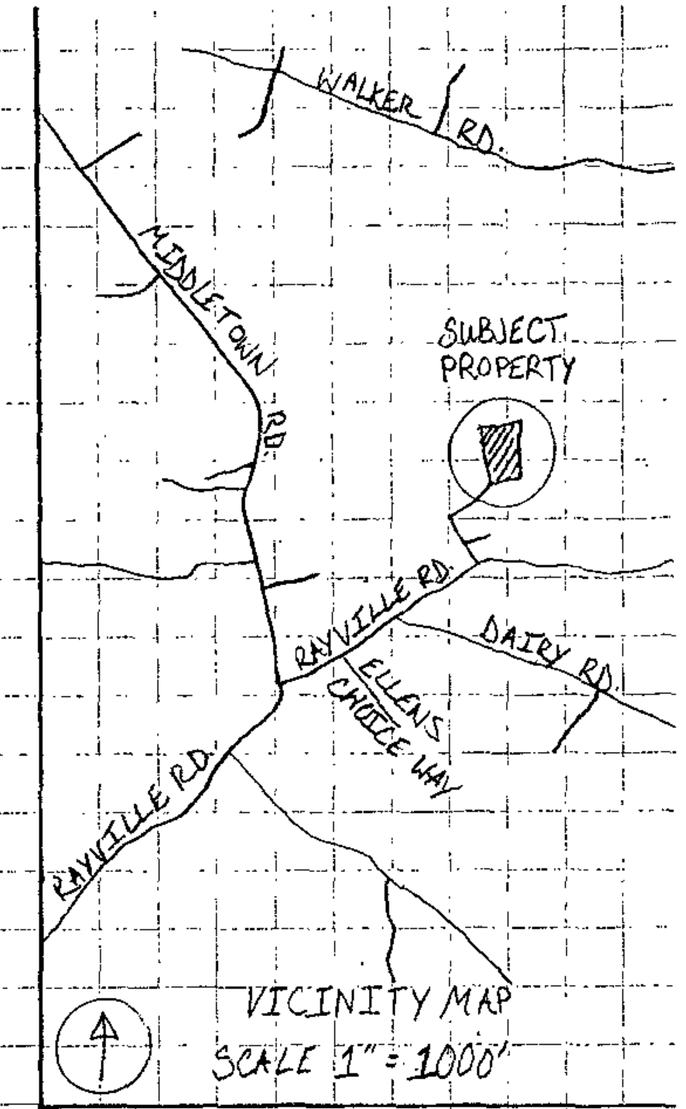
REVIEWED BY	ITEM #	CASE #
BN	088	08-088-A

PREPARED BY CAMELOT REMODELING SCALE OF DRAWING: 1" = 50'

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1322 RAYVILLE RD.
SUBDIVISION NAME BROYHILLS
PLAT BOOK # 76 FOLIO # 124 LOT # 4 SECTION ____
OWNER GARY & TAMMY WITOKOWSKI





LOCATION INFORMATION

ELECTION DISTRICT 06
COUNCILMANIC DISTRICT 03
1" = 200' SCALE MAP # 011C2 - 011C3
ZONING RC-4 (formerly RC-5)
LOT SIZE 2.63 ACREAGE 113773 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

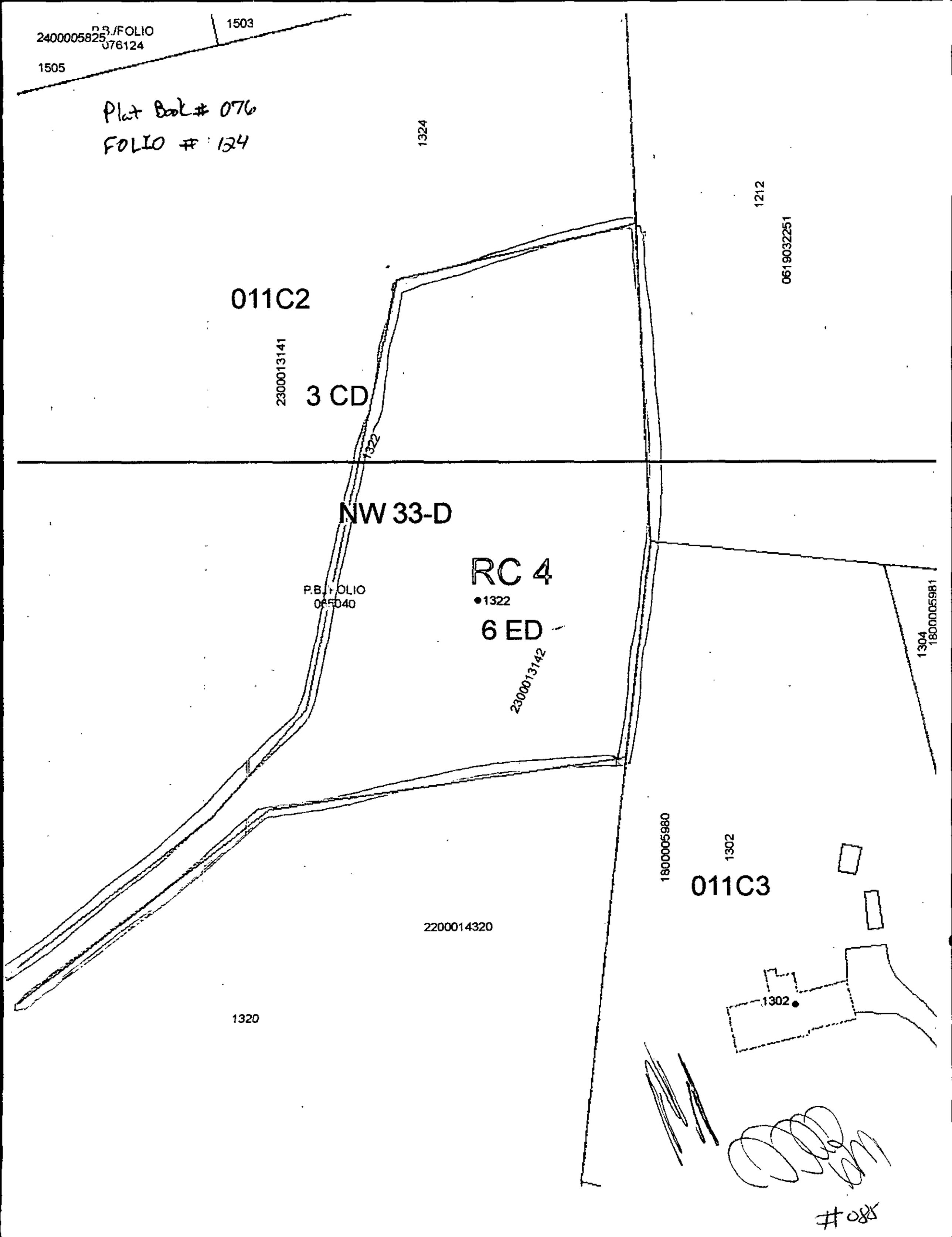
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒

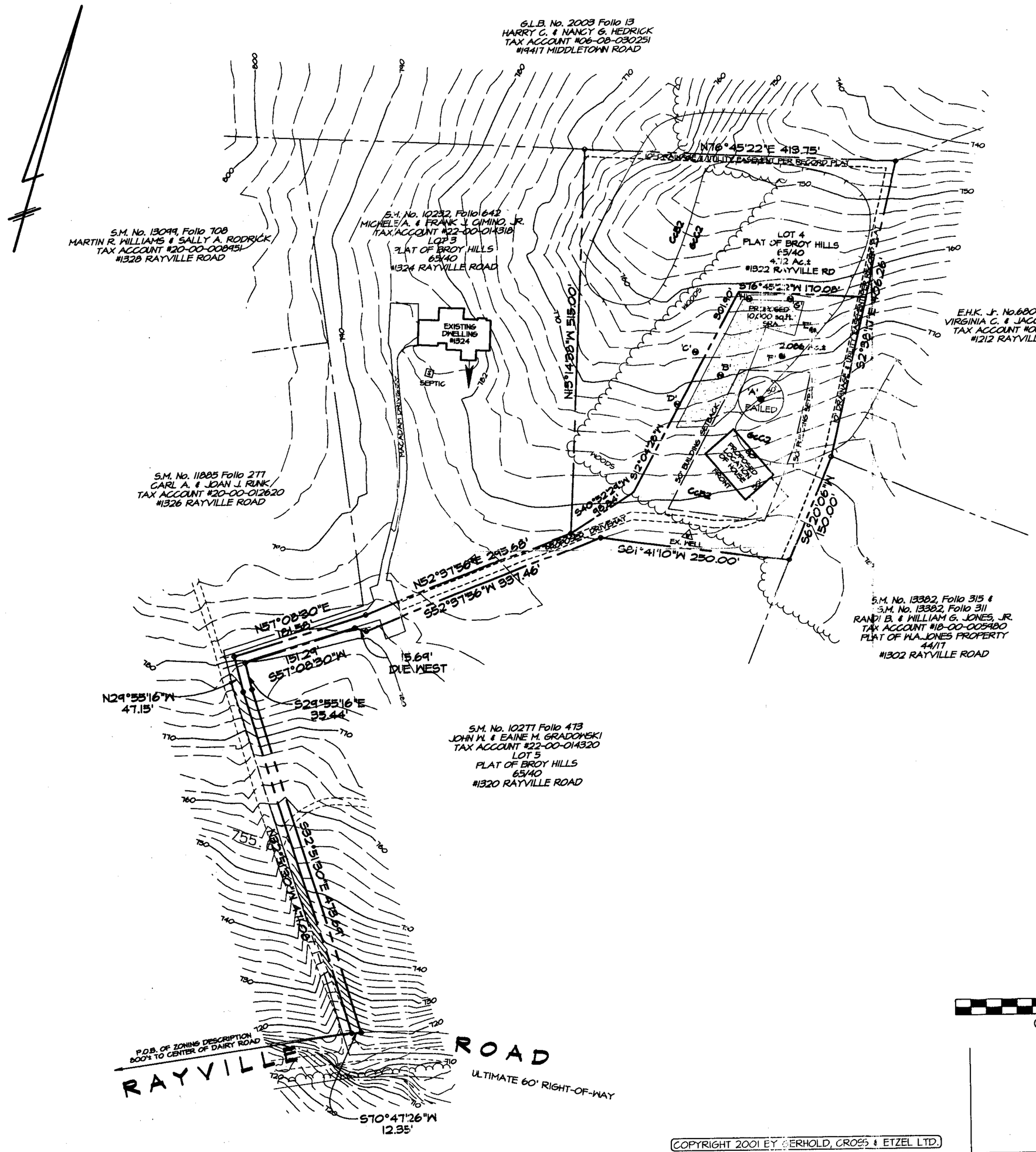
PRIOR ZONING HEARING 01-497-SPHA

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
Bh	088	08-088-A

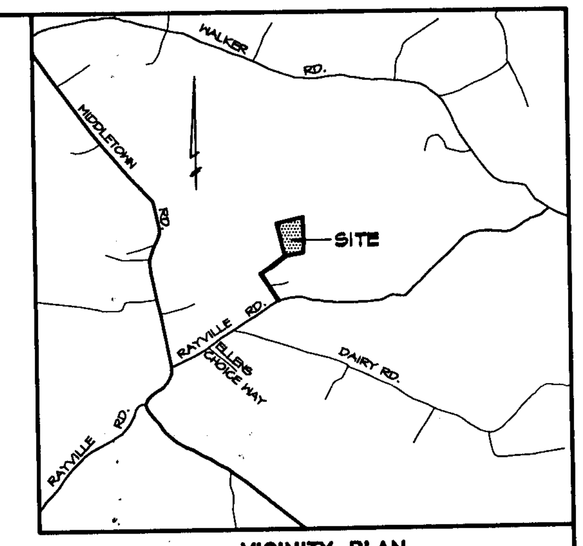
PREPARED BY CAMELOT REMODELING SCALE OF DRAWING: 1" = 50'


2400005825
P.B./FOLIO
076124
1503
1505
Plat Book # 076
FOLIO # 124
1324
1212
0619032251
011C2
2300013141
3 CD
1322
NW 33-D
RC 4
P.B./FOLIO
065040
1322
6 ED
2300013142
1304
1800005981
1800005980
1302
011C3
2200014320
1302
1320
#088



LEGEND

- BUILDING
- BOUNDARY LINE
- CcB2 / 6cC2 — SOILS BOUNDARY
- CONTOURS
- FAILED / PASS — PERC TESTS
- PROPOSED PERC TEST



VICINITY PLAN
SCALE: 1" = 2000'

GENERAL NOTES

1. OWNER: FRANK CIMINO JR. & MICHELE CIMINO
   1324 RAYVILLE ROAD
   PARKTON, MD 21120
2. TAX ACCOUNT No. 22-00-014319
3. TITLE DEED LIBER S.M. 10799 Folio 253
   LOT 4
   PLAT OF BROY HILLS
   PLAT BOOK 65, FOLIO 40
   TOTAL AREA = 4.722 Ac.±
4. THE PROPERTY IS ZONED R.C. 5
5. 200' SCALE ZONING MAP No. N.W. 33-D.
6. THE BOUNDARY SHOWN HEREON IS FROM THE PLAT ENTITLED "BROY HILLS", PLAT BOOK S.M. No. 65 Folio 40.
7.

CENSUS TRACT	4060	A.D.C. MAP & GRID	2-K-12
WATERSHED	14	SUBSEWERSHED	81
SCHOOL DISTRICT	58	REGIONAL PLANNING DISTRICT	301B

8. THIS SITE IS SERVICED BY PRIVATE SEPTIC SYSTEM AND WELL.
9. TOPOGRAPHY WOODS LINES, AND OFFSITE BUILDINGS AND DRIVEWAYS WERE TAKEN FROM THE BALTIMORE COUNTY GIS TILE 5-B-1.
10. PERC TESTS A, B, C AND D WERE PERFORMED JULY 25, 1991.

PERC PLAN
OF THE
CIMINO PROPERTY

1322 Rayville Road
Deed Ref: S.M. 10799 Folio 253
Tax Account No.: 22-00-014319
Zoned: R.C. 5
Tax Map 11; Grid 17; Parcel 243

6th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
SCALE: 1"=100' DATE: JULY 27, 2001

GRAPHIC SCALE 1"=100'
0 100 200 300

COPYRIGHT 2001 BY GERHOLD, CROSS & ETZEL LTD.
THIS PLAT IS PROTECTED BY COPYRIGHT. THE USE OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN PERMISSION OF GERHOLD, CROSS & ETZEL LTD.

REVISION	DATE
REVISED SEPTIC RESERVE AREA AFTER PERC TESTS	8-31-01

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PLOT DATE: 8/31/2001 | TECHNICIAN: B.DIETZ/CRN | FILE NAME: X:\CIMINO\Percplan.pro

#088