

IN RE: **PETITION FOR VARIANCE**
NW/Side Bart Allen Lane, 755' NW of
East Devonfield Drive
(4803 Bart Allen Lane)
11th Election District
3rd Council District

Brian Znamirovski, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 2009-0184-A**

* * * * *

MEMORANDUM OPINION AND ORDER

This matter comes before the Zoning Commissioner for a public hearing on a Petition for Variance filed by Brian P. Znamirovski and his wife, Robin L. Znamirovski, through their attorney, Howard L. Alderman, Jr., Esquire, with Levin & Gann, P.A. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the construction of an accessory building (garage) to be located in the side yard in lieu of the rear yard¹. The Protestants, Edward L. Healy and Mary Louise Healy, his wife, own adjacent property (east side) next to where the proposed structure is to be erected and retained Francis X. Borgerding, Esquire to oppose the requested variance. This Memorandum and Order will briefly address the facts and arguments presented by the parties with respect to the structure and its proposed location. The dominant problem presented in this case is that the same issue was raised and fully litigated in 2007.

By way of background, the property known as 4803 Bart Allen Lane, shown as Lot 4 on a plat entitled Beckwith Estates, south of Carroll Manor Road in Baldwin, was the subject of prior Case Nos. 07-281-A and 07-332-SPHA. In Case No. 07-281-A, Mr. and Mrs. Znamirovski were granted variance relief from B.C.Z.R. Section 1A04.3.B.2.b by the then Deputy Zoning Commissioner John V. Murphy, to allow a rear yard setback of 40 feet in lieu of

¹ Section 400 of the B.C.Z.R. pertains to accessory buildings in residential zones and mandates their location only in the rear yard . . . with a height limitation of 15 feet.

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Date 3-24-09
By [Signature]

the required 50 feet for the construction of a garage addition. Deputy Commissioner Murphy next heard Case No. 07-332-SPHA in March 2007 involving the Petitioners request to build a detached accessory structure (garage) in the side yard at a height of 28 feet in lieu of the required rear yard and 15 feet. The need for a 28-foot height was driven by Petitioners desire for a second story apartment to be used as an in-law residence for their parents. In his approval, Murphy found that the rear yard of Znamirovski's property was constrained "*by the extensive forest buffer easements and septic reserve area*". He went on to state, "*These are the kind of special conditions which make the impact of the zoning regulations different on the subject property when compared to others in the district*".

A timely appeal of this Commission's decision was then filed by Edward Healy to the County Board of Appeals (CBA). Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the proceedings on behalf of his office. The CBA, after fully adjudicating the issues at a *de novo* hearing held June 27, 2007, reversed the Deputy Zoning Commissioner deciding that there was "no uniqueness to the property that would allow for the granting of a variance permitting an accessory structure to be built in the side and front yards . . ." and unanimously denied the variance requests. As aptly pointed out by Protestants' counsel, the case was fully litigated; the decision of the CBA was not appealed and, therefore, constitutes a final binding Order. To the extent applicable, the findings and conclusions set forth in the Board's Opinion and Order dated November 20, 2007 (Case No. 07-332-SPHA) are adopted by reference and incorporated herein). On March 18, 2009, a new hearing was held before the undersigned on the instant Petition and the Petitioners and Protestants presented testimony and evidence.² For the reasons set forth below, the relief requested will be **DENIED**.

² Brian and Robin Znamirovski presented five (5) exhibits demonstrating what they characterize as substantial changes subsequent to the CBA decision while Protestants offered photographic exhibits and the site plan previously filed in Case No. 07-332-SPHA to refute these characterizations.

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This case arises from Petitioners continued desire to build a two-story accessory structure in the northeast corner of their property that is zoned R.C.5 and contains 2.016 acres. The first floor would contain three (3) bays and would be used to store antique automobiles. The second story would be used for storage. David Billingsley, with Central Drafting, Inc., prepared the site plan (Petitioners' Exhibit 1) and testified as to the contrasting differences between the current plan and the previous one in Case No. 07-332-SPHA as follows:

- The new garage as depicted on the building elevations submitted (*See* Petitioners' Exhibit 4) will contain no living quarters and is reduced in size (36' wide x 30' deep x 15' in height), a reduction of 800 square feet. Its location will now be 11 feet off of the northern property line (instead of the previous 10 feet) and 15 feet from the eastern boundary (instead of the previous 5 feet).
- The second story will feature a 9/12 roof pitch and feature dormers and a window on the east side with exterior siding and shingles to match the principal dwelling. B.C.Z.R. Section 260.6 contains residential performance standards and states "Design accessory structures at a scale appropriate to the dwelling and design storage buildings and garages with the same architectural theme as the principal dwelling on the site, providing consistency in materials, colors, roof pitch, and style." There can be no question but that the garage meets these standards and Mr. Billingsley opines that the proposed location would look better and be more compatible than attempting to cram it into the rear yard portion of the lot.
- Further, testimony and evidence offered, including a series of photographs produced, depict where the required height of the garage will be measured. Section 101 of the B.C.Z.R. defines "building height" as "the height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade". As noted on the modified garage plan and photographs, the garage is to be built into a hill/elevation change, which results in a building height

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on the rear side facing the neighboring Kahler and Arenas properties of 15 feet and a height on the front side where the overhead garage doors are located of 22 feet. As interpreted by the Zoning Office, the building height measurement means that distance between the *highest point* of the natural grade to the top of the building. The subject proposed garage structure complies with this B.C.Z.R. height limitation. The east façade visible from the Healy property would be shielded by dense evergreen landscaping as illustrated on Exhibit 1.

- Testimony concerning special circumstances and uniqueness driven by site and environmental constraints including the house orientation by others, forest conservation easement encumbrance of 30% of the rear lot, existence of the septic system and the 10,000 square foot septic reserve area and well location – as well as the practical difficulty, if variance relief were not granted was essentially the same as presented to the CBA as previously adopted herein.
- On cross-examination, Mr. Billingsley to his credit stated that this was not the only location the garage could be placed on the lot. While believing it to be the best location, he admitted a garage could be placed in the rear yard behind the house without the need of relocating the existing well. The rear yard is flat and currently serves as the Petitioners' children's play area.

I find the same issues raised and litigated in 2007 are the same issues as the instant case by the same parties for the same site. The doctrines of res judicata and collateral estoppel apply to administrative decisions. *Batson v. Shiflett* v. 325 Md. 684, 704-705 (1992); *Century I Condominium Ass'n v. Plaza Condominium Joint Venture* 64 Md. App. 107, 113-114 (1985). The Court of Appeals has consistently applied these doctrines in zoning cases. *Fertitta v. Brown* 252 Md. 594 (1969); *Chatham Corp. v. Baltram* 243 Md. 138 (1966); *Woodlawn Area Citizens Ass'n v. Board of Co. Com'rs.* 241 Md. 187 (1966); *Whittle v. Board of Zoning Appeals*, 211 Md. 36 (1956).

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Date 3-24-09
By [signature]

The doctrine of collateral estoppel is also known as "issue preclusion". It stands for the proposition that matters actually litigated and resolved against a party in a proceeding are considered to have been finally adjudicated for the purpose of a subsequent proceeding even where the subsequent proceedings differ in form. *See Jones v. State*, 350 Md. 284, 295 (1998); *MPC, Inc. vs. Kenny*, 279 Md. 29, 34-36 (1977); *Pat Perusse Realty v. Lingo* 249 Md. 33, 43-45 (1968); *Prescott v. Coppage* 266 Md. 562, 570-573 (1972). Here, the Petitioners, Mr. and Mrs. Znamirowski, requested essentially the same relief for the same site under the same regulations and zoning laws. They are bound by the CBA decision of 2007. Res judicata precludes re-litigating the matter. This finding absent fraud, mistake or inadvertence prevents this Commission and the administrative body from reversing the prior decision. This conclusion can be of no comfort to the Petitioners who have expended great time, effort and expense in attempting to use their property for what they believe to be a reasonable and significant use.

In this case, and as previously stated, the Deputy Zoning Commissioner in his Order involving substantially the same issues found that the subject property was unique in the sense required by *Cromwell v. Ward*, 110 Md. App. 691 (1995). The CBA respectfully disagreed. In summation, I have considered the arguments and evidence presented. While it is quite clear that the issues raised by Petitioners were also before the CBA in Case No. 07-332-SPHA, it was also illustrated through photographs and testimony presented at the hearing (*See* Petitioners' Exhibit 3) that sufficient room exists in the rear yard to locate the garage in conformance with the zoning regulations. Unfortunately for these Petitioners, I find the problem here is a personal one and is not a problem inherent in the land itself or in the application of the B.C.Z.R. to the land.

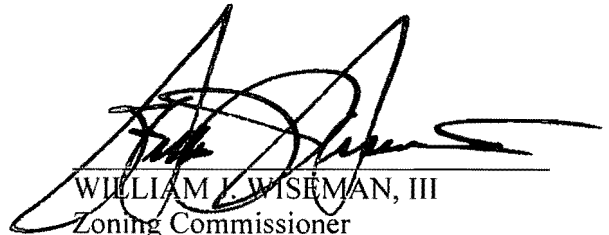
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

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24th
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this
day of March 2009 that the Petition for Variance from Section 400.1 of the
Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory building (garage) to be
located in the side yard in lieu of the rear yard, be and is hereby DENIED.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the
Baltimore County Code.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

c: Howard L. Alderman, Jr., Esquire, Levin & Gann, PA, 502 Washington Avenue,
8th Floor, Towson, MD 21204
Brian P. and Robin L. Znamirowski, 4803 Bart Allen Lane, Baldwin, MD 21013
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court,
Edgewood, MD 21040
Francis X. Borgerding, Esquire, 409 Washington Avenue, Towson, MD 21204
Mr. and Mrs. Edward L. Healy, 1505 Greendale Road, Baltimore, MD 21218
People's Counsel; File

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Date 3-24-09
By 319



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 4803 BART ALLEN LANE
which is presently zoned RC 5

Deed Reference: 20700 / 721 Tax Account # 2200026027

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 following reasons: (indicate hardship or practical difficulty.)

TO BE PRESENTED AT HEARING

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:

HOWARD L. ALDERMAN, JR.

Name - Type or Print _____
Signature Howard L. Alderman, Jr.
LEVIN & GANN, PA
Company
502 WASHINGTON AVE 8TH FL (410) 321-0600
Address _____ Telephone No. _____
TOWSON MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

BRIAN P. ZNAMIROWSKI

Name - Type or Print _____
Signature Brian P. Znamirowski
ROBIN L. ZNAMIROWSKI
Name - Type or Print _____
Signature Robin L. Znamirowski

4803 BART ALLEN LANE (410) 592-5692
Address _____ Telephone No. _____
BALDWIN MD 21013
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Case No. 2009-0184-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

Reviewed by ZW Date 1/7/09

UNDER REVIEW FOR FILING

Date 3-24-09

By SW

**ATTACHMENT
PETITION FOR VARIANCE**

CASE NO: 2009- -A

Legal Owner: Brian P. and Robin L. Znamirowski

Addresses of Property: 4803 Bart Allen Lane

Tax Account No. of Property: 22-00-026027

Variance Relief Requested:

A Variance from [1] BCZR § 400.1 to permit an accessory building (garage) to be located in the side yard in lieu of the rear yard; **and** [2] together with such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR to permit the proposed uses.

Justification:

- irregular shape and extraordinary topography of subject property; and
- such further justification as will be presented at the time of the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801

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.



2009-0184-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **33082**

Date **1/2/09**

PAID RECEIPT

BUSINESS RETURN THE
 1/2/2009 1/01/2009 8/1/2009

REC'D BALTIMORE COUNTY
 1/2/2009 1/01/2009 8/1/2009

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

57 SUB ZONING VERIFICATION
 033082

Rec'd 1st 65.00
 65.00 0 5.00 CA

BALTIMORE COUNTY, MARYLAND

Total **65.00**

Rec From **Central Drafting & Design Inc**

For **4803 Burt Allen LN
 Baltimore MD 21013**

2009-0184-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2009-0184-A

4803 Bart Allen Lane

N/w side of Bart Allen Ln., 755 ft. n/w of intersection of centerline of East Devonfield Drive

11th Election District — 3rd Councilmanic District

Legal Owner(s): Brain & Robin Znamirovski

Variance: to permit an accessory building (garage) to be located in the side yard in lieu of the rear yard, and together with such additional relief as the nature of this case as presented at the time of the hearing on this petition may require, within the spirit and intent of the BCZR to permit the proposed uses.

Hearing: Wednesday, March 18, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III,

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 3/633 Mar. 3

195770

CERTIFICATE OF PUBLICATION

3/5/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/3/, 2009.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2009-0184-A

Petitioner/Developer BRIAN ;
ROBIN ZNAMEROWSKI

Date Of Hearing/Closing: 3/18/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 4803 BART ALLEN LANE

This sign(s) were posted on March 1, 2009
Month, Day, Year

Sincerely,

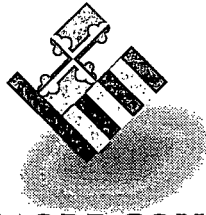
Martin Ogle 3/1/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 3/1/09



03/01/2009



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 19, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0184-A

4803 Bart Allen Lane

N/w side of Bart Allen Ln., 755 ft. n/w of intersection of centerline of East Devonfield Drive
11th Election District – 3rd Councilmanic District

Legal Owners: Brian & Robin Znamirowski

Variance to permit an accessory building (garage) to be located in the side yard in lieu of the rear yard, and together with such additional relief as the nature of this case as presented at the time of the hearing on this petition may require, within the spirit and intent of the BCZR to permit the proposed uses.

Hearing: Wednesday, March 18, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., Levin & Gann, 502 Washington Avenue, 8th Fl., Towson 21204
Mr. & Mrs. Znamirowski, 4803 Bart Allen Lane, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 3, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 3, 2009 Issue - Jeffersonian

Please forward billing to:

Brian & Robin Znamirowski
4803 Bart Allen Lane
Baldwin, MD 21013

410-592-5692

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0184-A

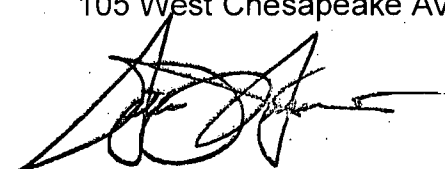
4803 Bart Allen Lane

N/w side of Bart Allen Ln., 755 ft. n/w of intersection of centerline of East Devonfield Drive
11th Election District – 3rd Councilmanic District

Legal Owners: Brian & Robin Znamirowski

Variance to permit an accessory building (garage) to be located in the side yard in lieu of the rear yard, and together with such additional relief as the nature of this case as presented at the time of the hearing on this petition may require, within the spirit and intent of the BCZR to permit the proposed uses.

Hearing: Wednesday, March 18, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS 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: 2009-0184A
Petitioner: BRIAN P. AND ROBIN L. ZNAMIROWSKI
Address or Location: 4803 BART ALLEN LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRIAN P. AND ROBIN L. ZNAMIROWSKI
Address: 4803 BART ALLEN LANE
BALDWIN, MD. 21013
Telephone Number: (410) 592-5692

**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.

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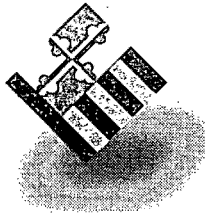
For Newspaper Advertising:

Item Number or Case Number: 2009-0184 A
Petitioner: BRIAN P. AND ROBIN L. ZNAMIROVSKI
Address or Location: 4803 BART ALLEN LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRIAN P. AND ROBIN L. ZNAMIROVSKI
Address: 4803 BART ALLEN LANE
BALDWIN, MD. 21013

Telephone Number: (410) 592-5692



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
March 10, 2009 Management

Howard L. Alderman, Jr.
Levin & Gann, PA
502 Washington Ave. 8th Fl.
Towson, MD 21204

Dear: Howard L. Alderman, Jr.

RE: Case Number 2009-0184-A, 4803 Bart Allen Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2009. 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c:/ People's Counsel
Brian & Robin Znamirowski; 4803 Bart Allen Ln.; Baldwin, MD 21013

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 26, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For January 26, 2009
Item Nos. 2009-0035, 0128, 0183, 0184, 0186, 0187, 0188, and 0189

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

DAK:CEN:lrk
cc: File
ZAC-012609 -NO COMMENTS

BW 3/18
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 5, 2009

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

SUBJECT: 4803 Bart Allen Lane

INFORMATION:

Item Number: 9-184

Petitioner: Brian and Robin Znamirovski

Zoning: RC 5

Requested Action: Variance

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FEB 06 2009
ZONING COMMISSIONER

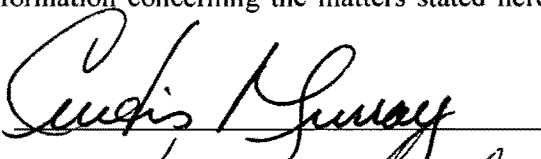
The petitioner requests a variance from Section 400.1 of the BCZR to permit an accessory building (garage) to be located in the side yard in lieu of the rear yard.

SUMMARY OF RECOMMENDATIONS:

This same property and petitioners were initially granted and then denied by the Board of Appeals a similar case, number 07-332-SPHA, but that petition had requested a much larger accessory building with living quarters on the second floor. This size of the proposed accessory building (garage) in this petition seems much more appropriate in size and scale for the neighborhood. It will also not encroach on the neighbor to the east, since the petitioners are proposing a landscape buffer and the parcel is currently vacant. Therefore, The Office of Planning does not oppose the petitioner's request for a variance, 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 here in, please contact Jessie Bialek at 410-887-3480.

Prepared by: 

Division Chief:
AFK/LL: CM



BW 3/18

9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 30, 2009

SUBJECT: Zoning Item # 09-184-A
Address 4803 Bart Allen Lane
(Znamirowski Property)

Zoning Advisory Committee Meeting of January 19, 2009

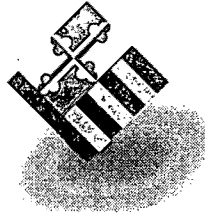
X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

Additional Comments:

Reviewer: JWL

Date: 1/30/09



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 19, 2009

Item Numbers 0035, 0128, 0183, 0184 0185, 0186, 0187, 0188, 0189

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



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Jan. 22 2009

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

RE: Baltimore County
Item No 2009-0184-A
4803 BART ALLEN LANE
ZNAMIROWSKI PROPERTY
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. 2009-0184-A

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



RE: PETITION FOR VARIANCE * BEFORE THE
4803 Bart Allen Lane; NW/S of Bart Allen *
Lane, 755' NW of East Deyonfield Drive * ZONING COMMISSIONER
11th Election & 3rd Councilmanic Districts *
Legal Owner(s): Brian & Robin Znamirowski* FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-184-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

FEB 02 2009

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

NAME _____

CITY, STATE, ZIP

E-MAIL

[illegible]

CASE NAME 4803 Bart amantone
CASE NUMBER 2009-0184-A
DATE 3-18-09

[illegible]

2000011012

10 ED

RC 2

CARROLL MANOR RD

4809

1102022282

044B1

044C1

4803

1111002210

4727

1101013660

Pt. Bk. 20 Folio 78

4723

Flood Zone X

3 CD

NE 19-E

11 ED

RC 5

4803

2200026028

2200026027

044B2

1700009457

Pt. Bk. 40 Folio 106

044C2

Pt. Bk. 68 Folio 66

2200026026

4805

BART ALLEN LN

2200026029

4807

2200026025

Lower Gunpowder Hydrology 100 Foot Stream Buffer

2200026024

2009-0184-A



2009-0184-A

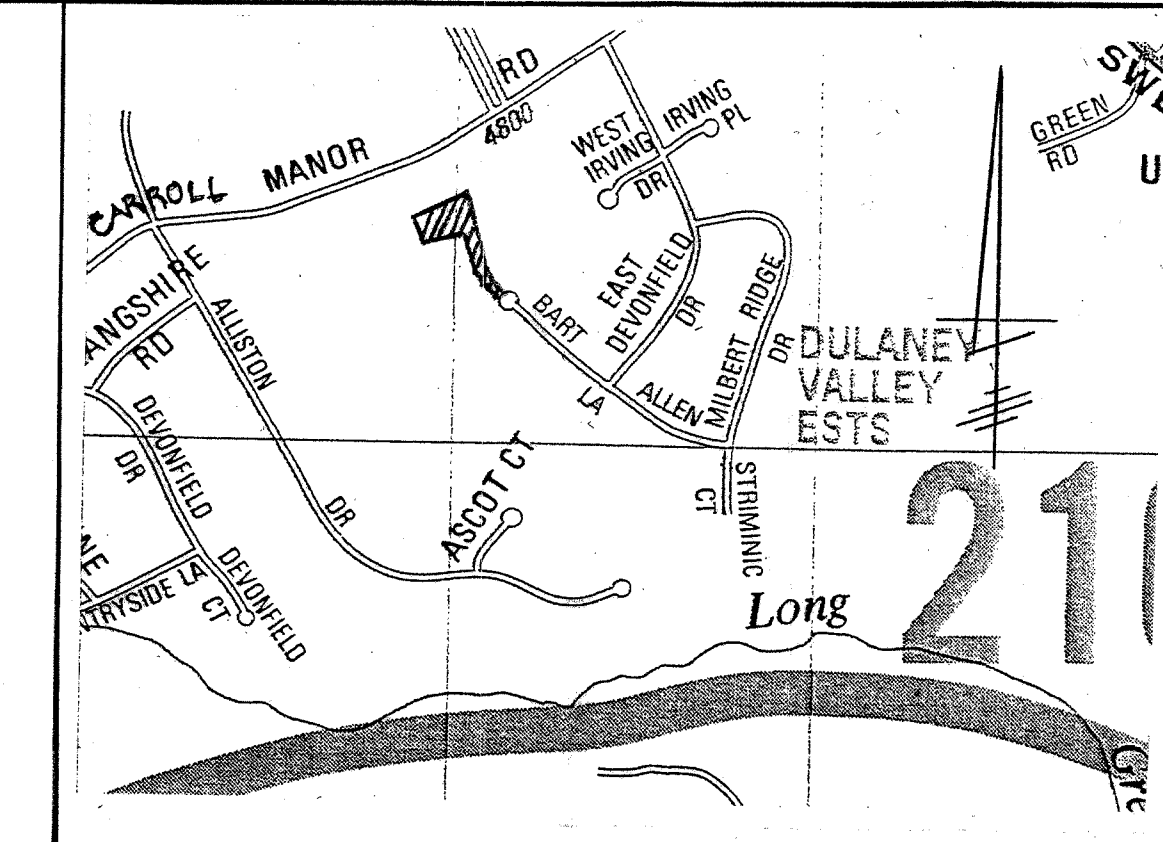
Case No.: 2009-0184-A 4803 BART ALLEN LANE

Exhibit Sheet

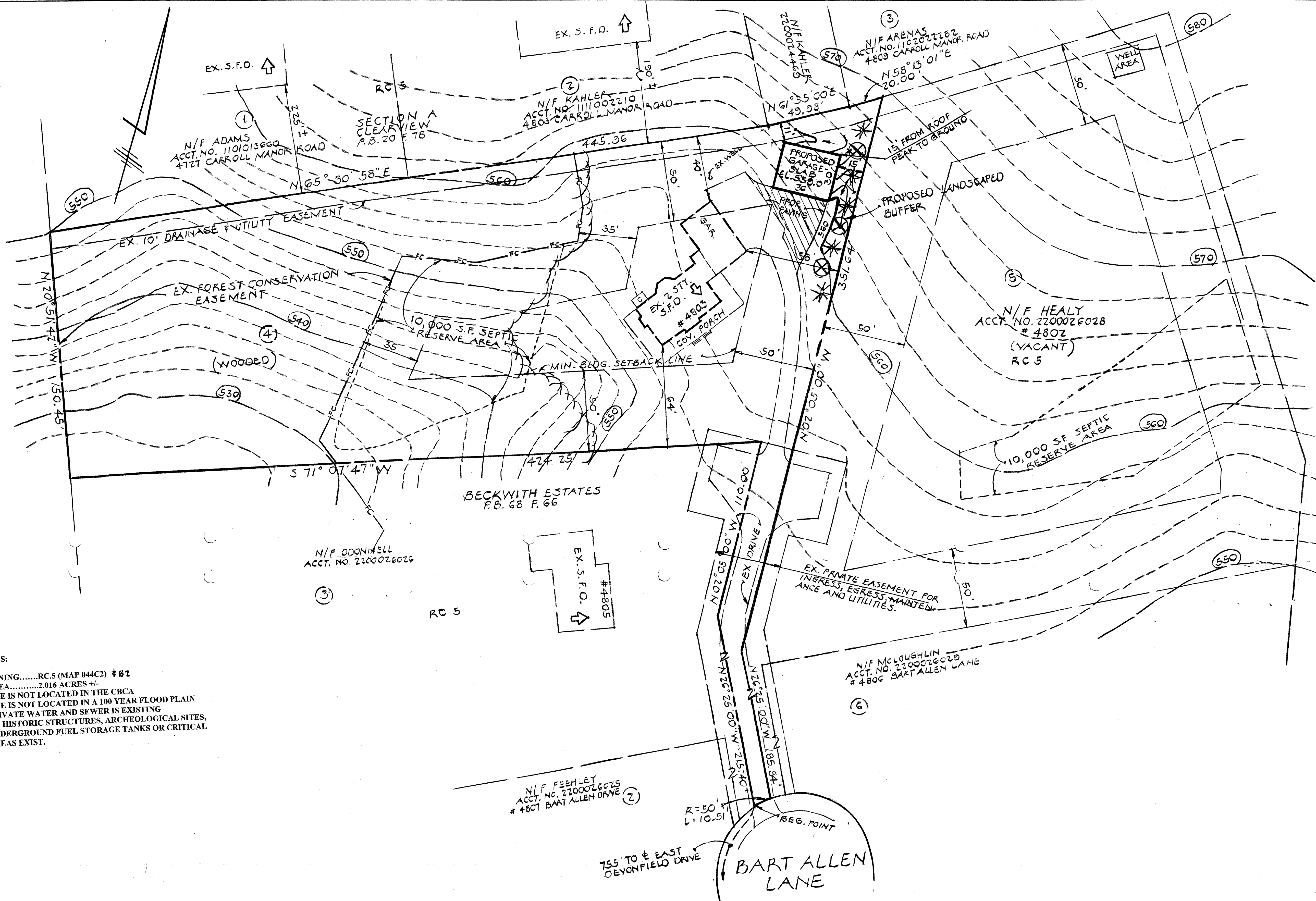
Petitioner/Developer

Protestant

No. 1	SITE PLAN	PHOTOGRAPHS 1A - 1H
No. 2	"BECKWITH ESTATES" Subdivision PLAT	PHOTOGRAPHS 2A - 2F
No. 3	AERIAL PHOTO SUBJECT AND SURROUNDING Paradise	SITE PLAN from CBA CASE NO. 07-332-SPHA
No. 4	3 Pages - Elevation Drawings	
No. 5	Photo's WITH LOCATION PLAT A thru K	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



VICINITY MAP
SCALE: 1" = 1000'



NOTES:

1. ZONING.....RC.5 (MAP 044C2) #61
2. AREA.....2.016 ACRES +/-
3. SITE IS NOT LOCATED IN THE CBCA
4. SITE IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN
5. PRIVATE WATER AND SEWER IS EXISTING
6. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES, UNDERGROUND FUEL STORAGE TANKS OR CRITICAL AREAS EXIST.

ZONING HISTORY

1. CASE NO. 07-281-A A VARIANCE TO PERMIT A SIDE YARD OF 40 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A GARAGE ADDITION GRANTED JANUARY 17, 2007.
2. CASE NO. 07-332-SPHA A VARIANCE TO PERMIT AN ACCESSORY STRUCTURE LOCATED IN THE FRONT AND SIDE YARDS WITH A HEIGHT OF 28 FEET IN LIEU OF THE REQUIRED REAR YARD AND 15 FEET RESPECTIVELY AND SPECIAL HEARING TO PERMIT AN IN - LAW RESIDENCE ABOVE AN ACCESSORY STRUCTURE. GRANTED MARCH 23, 2007
3. CASE NO. 07-332-SPHA APPEAL OF ZONING COMMISSIONERS DECISION HEARD AND REVERSED BY BOARD OF APPEALS. NOVEMBER 20, 2007



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

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

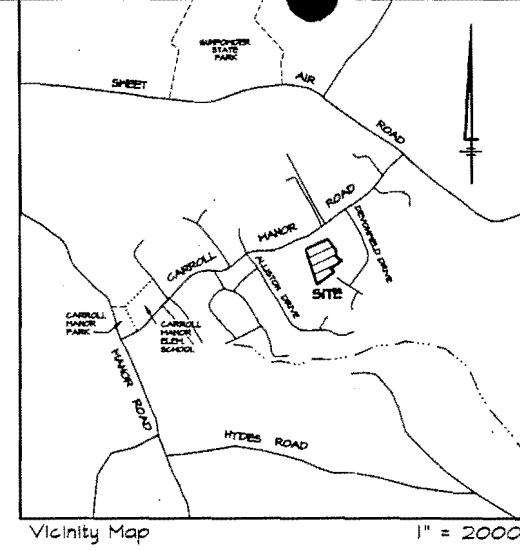
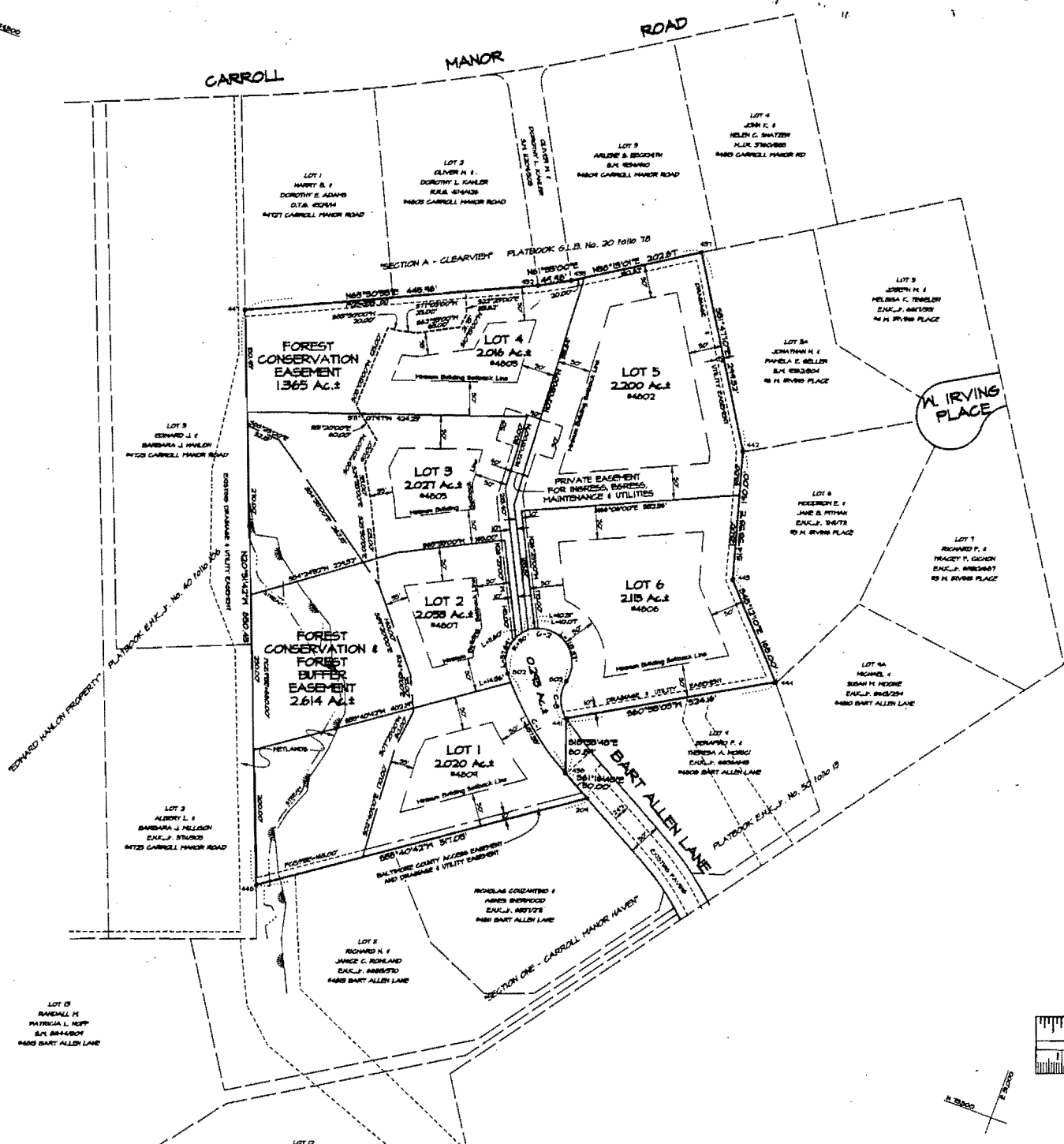
PLAT TO ACCOMPANY ZONING PETITION

4803 BART ALLEN LANE
LOT 4 BECKWITH ESTATES P.B. 68 F. 66
ELECTION DISTRICT 11C3
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 30 FEET DECEMBER 27, 2008

PETITIONER'S

EXHIBIT NO. 1

2009-0184-A



GENERAL NOTES

- Highways and highway easements, drainage and utility easements, access easements, forest buffer or forest conservation areas in fee or easement, greenway areas in fee or easement, and storm water management areas, no matter how entitled, shown hereon, are hereby offered for dedication to Baltimore County, Maryland. The owner, his personal representatives and assigns, shall convey said areas, by deed, to Baltimore County, Maryland, at no cost, until such time as said conveyance is accepted by Baltimore County. The owner authorizes Baltimore County, its agents and assigns, the right to enter upon the property for the purpose of installing, constructing, maintaining and repairing roads, utility lines and facilities, and storm water management ponds and facilities.
- Streets and/or roads shown hereon and mentioned therein in deeds are for purposes of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.
- This plat may expire in accordance with the provisions of the Baltimore County Code, Section 20-20-20.
- The recording of this plat does not guarantee the installation of streets or utilities by Baltimore County.
- The information shown hereon may be superseded by a subsequent or amended plat.
- Additional information concerning this plat may be obtained from the Baltimore County Office of Planning and Zoning and the Department of Public Works.
- The recording of this plat does not constitute or imply acceptance by the County of any street, easement, part, open space or other public area shown on the plat.
- The owner/developer will comply with the best management practices adopted by the Baltimore County Department of Environmental Protection and Resource Management.
- The plan for the property shown on this plat was approved on January 26, 1996.
- Soil percolation tests will be valid for a period of five (5) years from the date the record plat is signed by the Director of the Department of Environmental Protection and Resource Management. At the expiration of this period, new tests may be required.
- All requirements of the Maryland State Department of the Environment and Baltimore County Department of Environmental Protection and Resource Management pertaining to private water and/or sewage systems must be complied with prior to approval of building permit applications.
- Trash collection, snow removal and road maintenance are to be provided to the location of the parcels and street right of way.
- Except as otherwise indicated, all building restriction lines shown hereon have been placed as the result of an interpretation only of currently applicable regulations and policies of the Baltimore County Office of Planning and Zoning. Exceptions to these restrictions may apply.
- Lots 4 & 5 may need to utilize sewerage ejector pumps.

Filed for record
S.M. 6 B FOLD 66
Date MAR 28 1996

Test:
Signature
Clerk

"BECKWITH ESTATES"
BART ALLEN LANE
Deed Ref: S.M. No. 11064 folio 197
Tax Account No. 11-02-022281
Zoned R.C.-5
Tax Map 44 Grid II Parcel 123
11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

PLAT RECORDED
TOTAL
S.M. 6 B
FOLD 66
MAR 28 1996



DENSITY CALCULATIONS
ZONED RC-5
GROSS AREA 12.724 Ac.
NUMBER OF LOTS PERMITTED: 0.667 x 12.724 = 8.5
NUMBER OF LOTS PROPOSED: 6

CURVE INFORMATION				
Curve	Radius	Length	Chd. Bear.	Chord
C-1	450.00'	171.40'	N60°20'07"W	170.85'
C-2	50.00'	203.83'	N71°23'46"E	84.27'
C-3	50.00'	50.35'	S14°14'58"E	55.10'

SCALE: 1"=100' DATE: JANUARY 12, 1996

COORDINATES		
POINT	NORTH	EAST
204	75192.71	50256.57
432	74420.77	24354.55
483	74444.50	24470.64
487	74851.15	30151.04
486	75756.60	30214.72
441	75055.31	30166.48
442	74256.55	30506.86
443	74112.95	30551.80
444	73942.64	30470.76
447	74225.84	24528.64
446	75441.24	24551.55
602	75565.55	30055.20
605	75655.53	30170.52

FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES

- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT OR THE FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ANY FOREST BUFFER EASEMENT OR FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- THE FOLLOWING USES ARE PERMITTED BY RIGHT WITHIN THE FOREST CONSERVATION EASEMENT: HIKING, NATURE STUDIES AND THE PELLING OF INDIVIDUAL TREES LESS THAN 30" IN DIAMETER FOR PERSONAL USE. OTHER ACTIVITIES INCLUDING CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENT REQUIRE APPROVAL BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

FNA Completed 11/26/94 TEG
Final Plat: PDM:
Public Services
Dev. Design Robert J. Larkin
Street Numbering 302 21-19-10
Planning
Real Estate TEG 3-21-96
Recreation and Parks (R) 2/1/96

APPROVED FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Signature
DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
APPROVED BY THE DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT PURSUANT TO SECTION 26-215(4), BALTIMORE COUNTY CODE
Signature
DIRECTOR OF PERMITS AND DEVELOPMENT MANAGEMENT

NOTE: COORDINATES AND BEARINGS shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
B.C. 113446 N 74°17'11" E 24,701.22
B.C. 113447 N 75°27'57" E 30,642.60

OWNER - DEVELOPER
M.R.I.C., LLC
R. Andrew Larkin, Jr., Pres.
825 W. 23rd Street
Baltimore, Maryland 21211
Phone (410) 684-1311

OWNER'S CERTIFICATE
The undersigned, owner of the land shown on this Plat, hereby certifies that, to the best of his knowledge, the requirement of Subsection (c) of Section 3-103 of the Real Property Article of the Annotated Code of Maryland has been complied with insofar as same concerns the making of the Plat and setting of the markers.
Signature
R. Andrew Larkin, Jr.
2-14-96
PRESIDENT

SURVEYOR'S CERTIFICATION
The undersigned, a registered Land Surveyor of the State of Maryland, does hereby certify that he is the Surveyor who prepared this Plat and that the land shown on this Plat has been laid out, and the Plat thereof has been prepared, in compliance with Subsection (c) of Section 3-103 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the Plat and setting of the markers.
Signature
Bruce E. Dock
2/18/96
Bruce E. Dock - Maryland Property Line Surveyor No. 351



GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470
COMPUTED, S.A.L. DRAWN, S.A.L./C.A.D. CHECKED, B.E.D.
MSA5541236-9415

ALL-STATE LEGAL
PETITIONER'S EXHIBIT
2

AERIAL PHOTO FOR 4803 BART ALLEN LANE



Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 1995
Scale of Data Capture: 1" = 100'

Date of Aerial Photography: March 2005

For internal use only.
The cadastral information on this plot was compiled
from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked
and certified by a licensed land surveyor.

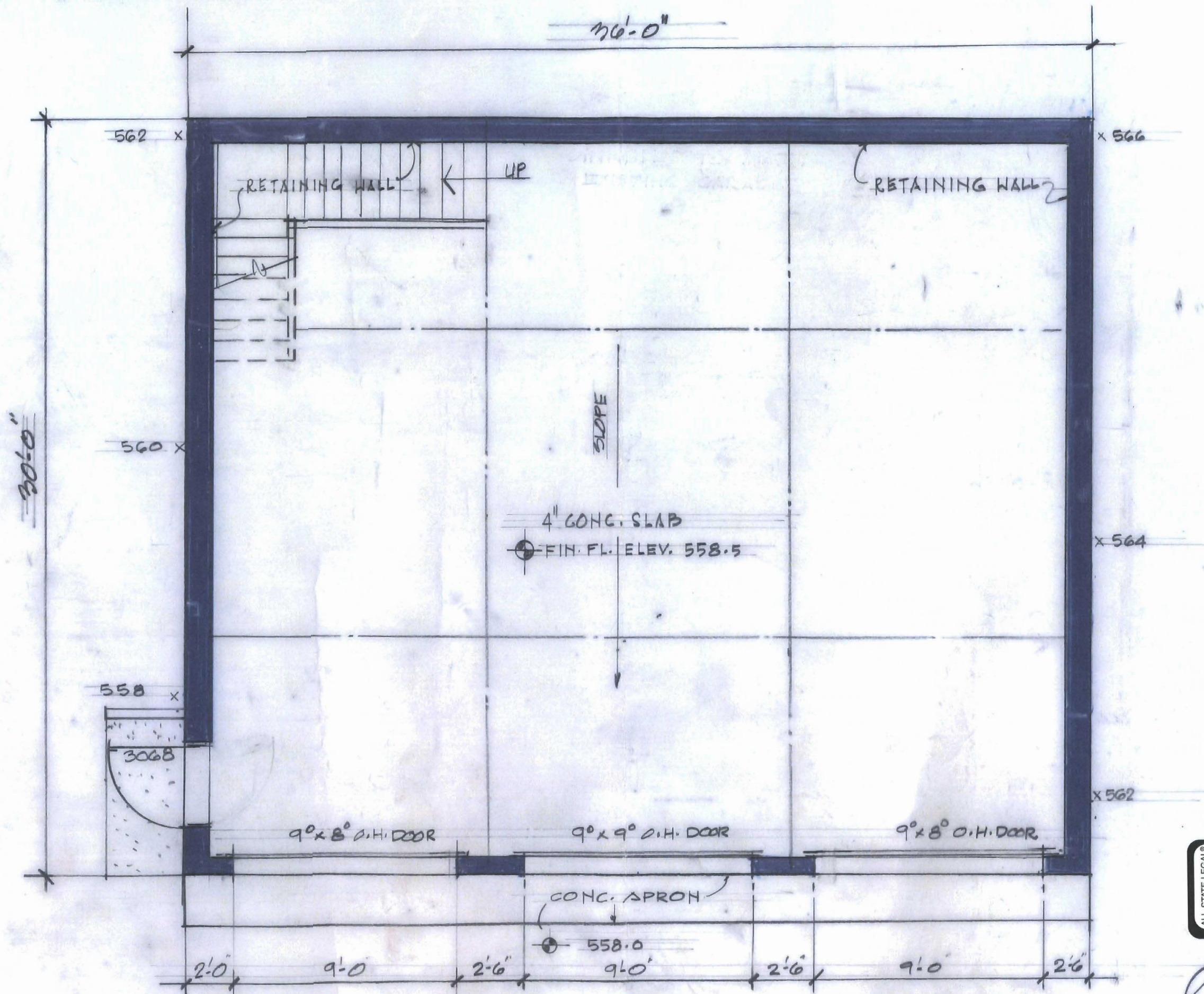

BALTIMORE COUNTY
Baltimore County, MD
Department of Public Works
GIS Services

The utility (Sanitary Sewer and/or Storm Drain) location
information shown is not guaranteed correct and should only
be used as a reference. Locations of appurtenances should
be verified using construction drawings, which are available
in room 206 of the Baltimore County Office Building, or,
through actual field investigations.

ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
3

100 50 0 100 Feet

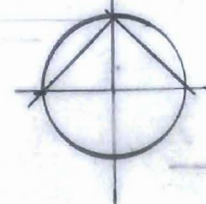
Prepared By:
Robin Hurley, EA111
DPW Directors Office
June 20, 2007



GARAGE FLOOR PLAN

SCALE: 1/4" = 1'-0"

ALL-STATE LEGAL®
PETITIONER'S
EXHIBIT
4
3 PAGES



1.1

a



d



b



c

e



h



f

g



k

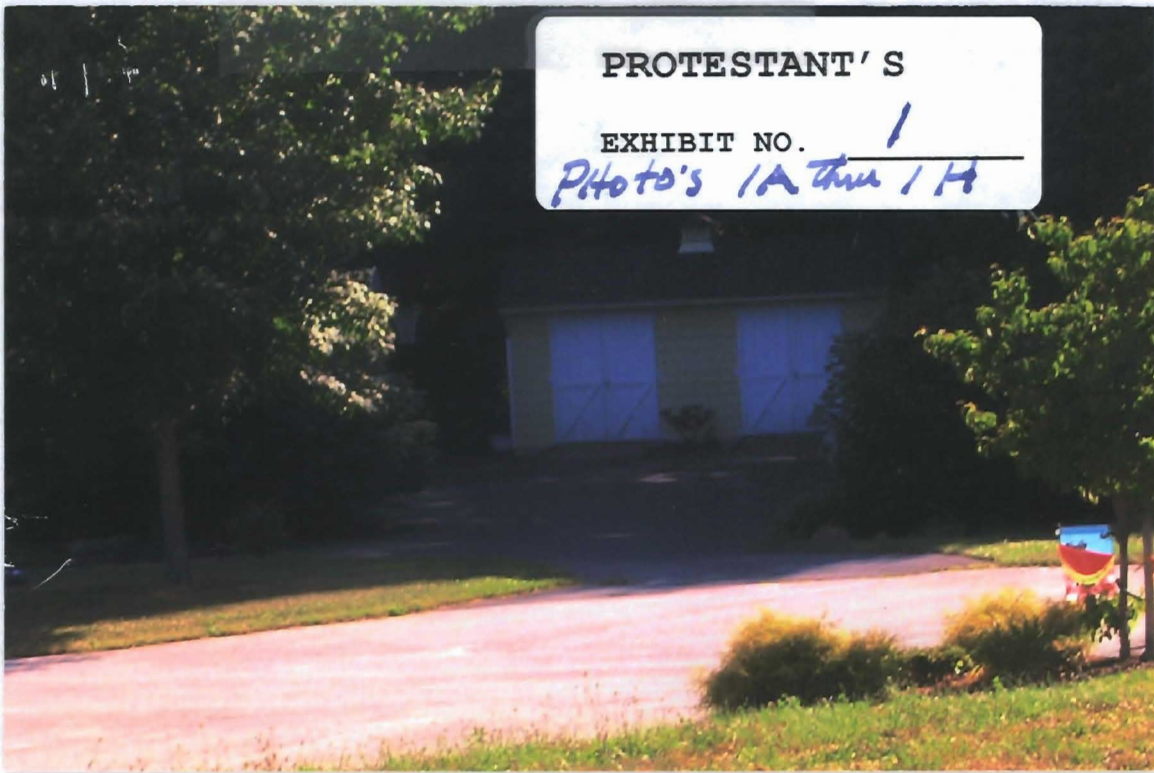
Case No.: 2009-0184-A 4803 BART ALLEN LANE

Exhibit Sheet

Petitioner/Developer

Protestant

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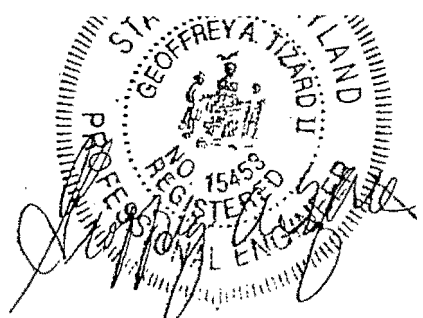
PROTESTANT' S

EXHIBIT NO. 1

Photo's 1A thru 1H





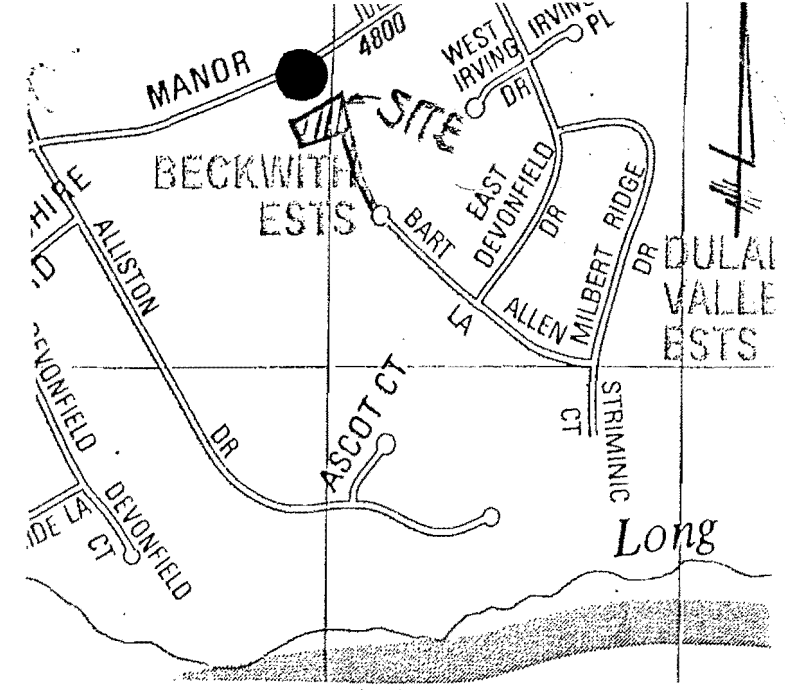


CENTRAL DRAFTING & DESIGN, INC.
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EDGEWOOD, MD 21040
(410) 679-8719

4803 BART ALLEN LANE
BALDWIN, MD 21013
DEED REF. L.20700 F.721
ACCT. NO. 2200026027

PROP. 3 CAR GARAGE WITH
IN-LAW RESIDENCE ABOVE
(28' HIGH) 1818.5 F

N/F HEALY
ACCT. NO. 2200026028
#4802 BART ALLEN LANE
(VACANT)

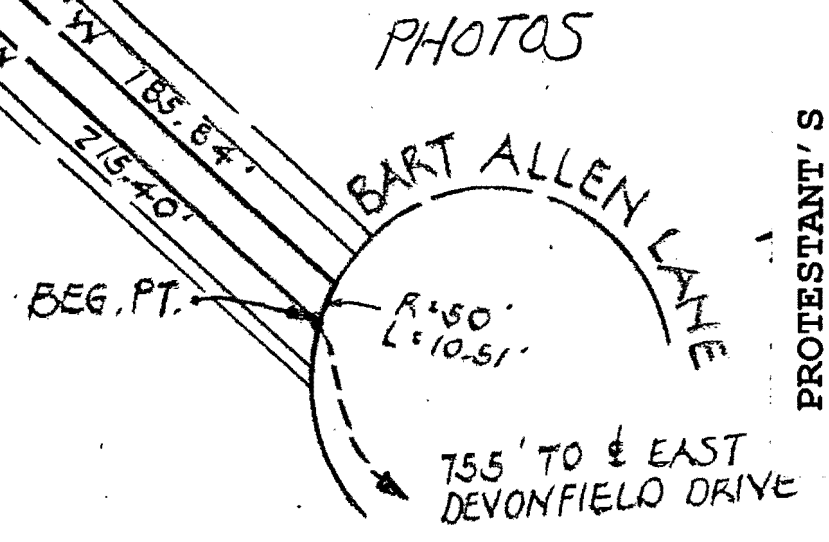


VICINITY MAP
SCALE: 1" = 1000'

PET.
#4

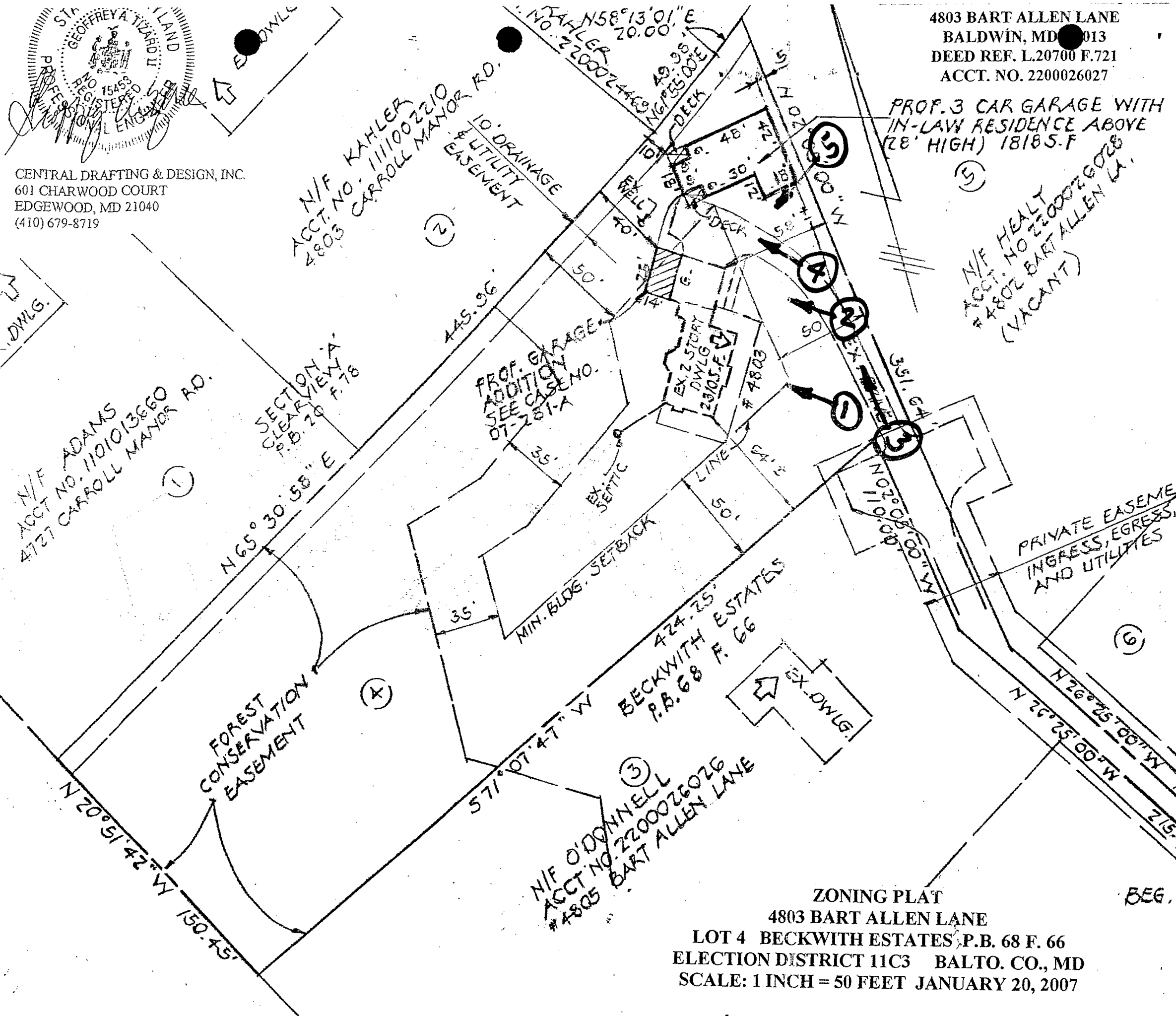
- NOTES
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 2. AREA...2.016 ACRE +/-
 3. PRIOR ZONING HISTORY..ADMINISTRATIVE VARIANCE TO PERMIT 40 FOOT REAR YARD FOR GARAGE ADDITION GRANTED (CASE NO. 07-281-A)
 4. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLOOD PLAIN
 5. PRIVATE WATER AND SEWER EXISTS.
 6. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR WETLANDS EXIST.

PHOTOS



PROTESTANT'S
EXHIBIT NO. 3

ZONING PLAT
4803 BART ALLEN LANE
LOT 4 BECKWITH ESTATES P.B. 68 F. 66
ELECTION DISTRICT 11C3 BALTO. CO., MD
SCALE: 1 INCH = 50 FEET JANUARY 20, 2007



①



②

③



④



⑤





PROTESTANT' S

EXHIBIT NO.

2

Photos 2A thru 2F

PROTESTANTS 2A 6-25-01 JMC



Proportus 2B



Postscript

16



1H

Protestants