

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Division Avenue; 196.4 feet S
of the c/l of Middle Avenue
8th Election District
3rd Councilmanic District
(1703 Division Avenue)

Linda Dauses and Dennis Szymaszak
Petitioners

Erwin J. and Deborah A. Pawlicki
Contract Purchasers

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2010-0064-A**

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a Motion for Reconsideration filed by Petitioners Erwin and Deborah Pawlicki. The Motion for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.) wherein the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioners, the contract purchasers, and Linda Dauses and Dennis Szymaszak, the legal property owners, requested Variance relief in the aforementioned case from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a front yard setback of 26 feet in lieu of the required front yard average of 53 feet. In an Order dated October 2, 2009, the undersigned denied the requested variance, finding insufficient evidence of unusual conditions or characteristics that are unique to this lot, and which drive the need for the variance.

12.15.09

PM

Thereafter, on October 30, 2009, the undersigned received a letter of the same date from Petitioners, which will be treated as a Motion for Reconsideration. In the Motion, Petitioners cite several factors which they believe supports a finding of uniqueness of the property, as well as the potential hardship that would befall Petitioners if the requested relief were not granted. As to uniqueness, Petitioners point out that the subject property is much smaller than the adjacent property to the north, 1705 Division Avenue, (which has a 66 foot front yard setback) and that the deep setback for this single property disproportionately overstates the setbacks in the immediate area, especially when considering the adjacent properties to the south, which have an average front yard setback of 37.5 feet. Photographs submitted with the Motion illustrate this point, as well as show the varying front yard depths of other nearby properties. Petitioners also indicate that moving the proposed garage to the rear yard would then result in not meeting the required rear yard setback, since the subject lot does not have as much depth as 1705 Division Avenue. Finally, as to hardship, Petitioners indicate that since they are trying to maintain the existing basement and foundation for the proposed renovation, constructing the garage addition as shown would cause the least disruption to the existing home and would also minimize the amount of demolition necessary.

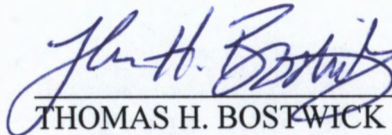
In considering the Motion for Reconsideration, the undersigned reviewed the file, including the site plan and photographs, as well as the Findings of Fact and Conclusions of Law dated January 14, 2009. After reviewing the testimony and evidence, I am persuaded to grant the Motion and grant the variance request. In light of Petitioners' new evidence, I find that the property has unique features that justify the requested relief in this instance. I also find that the adjacent property to the north does have a uniquely deep front yard setback that has a disproportionate effect on the setback requirements of other nearby properties, including the

subject property. I also note that during the posting period for this property and thereafter, no neighbors or other interested parties expressed any objections to the requested relief, including the Lutherville Community Association -- which would potentially have input on these types of matters affecting the historic Lutherville community. Hence, I shall grant the variance relief with conditions.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of December, 2009 that the aforementioned Motion for Reconsideration be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioners' Variance request from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a front yard setback of 26 feet in lieu of the required front yard average of 53 feet be and is hereby **GRANTED**, subject to the following which are conditions precedent to the aforementioned relief:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to issuance of any permits, Petitioners shall submit elevation drawings and renderings to the Office of Planning for approval in order to ensure that Petitioners' proposed renovation and addition is compatible and fits within the aesthetic character of the subject location in historic Lutherville.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR PLANNING
12.15.09
pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 15, 2009

LINDA DAUSES AND DENNIS SZYMASZAK
1703 DIVISION AVENUE
LUTHERVILLE MD 21093

Re: Petition for Administrative Variance
Order on Motion for Reconsideration
Case No. 2010-0064-A
Property: 1703 Division Avenue

Dear Ms. Dauses and Mr. Szymaszak:

Enclosed please find the decision rendered in the above-captioned case.

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 black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Erwin J. and Deborah A. Pawlicki, 1 Theo Lane, Towson MD 21204

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Division Avenue; 196.4 feet S
of the c/l of Middle Avenue
8th Election District
3rd Councilmanic District
(1703 Division Avenue)

Linda Dausen and Dennis Szymaszak
Petitioners
Erwin J. and Deborah A. Pawlicki
Contract Purchasers

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2010-0064-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, Linda Dausen and Dennis Szymaszak, and the contract purchasers, Erwin and Deborah Pawlicki, for property located at 1703 Division Avenue. The Variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a front yard setback of 26 feet in lieu of the required front yard average of 53 feet. The subject property and requested relief are more particularly described on the site plan that was marked as Petitioners' Exhibit 1. The proposed addition includes a new two car attached side load garage.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no affirmative recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 1, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners filed the supporting affidavit as required by Section 32-3-303 of the Baltimore County Code. In their

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affidavit, Petitioners indicate that in order to provide proper clearances from the existing front wall and to maintain a portion of the existing driveway the garage is proposed at the front of the property. Moreover, they state the size of the garage cannot be reduced because it needs to have a minimum of 20 feet interior clearance to contain two cars, and there is not sufficient space elsewhere on the property to locate an attached garage.

In considering a request for variance, I must do so in accordance with the mandate of the Maryland Court of Special Appeals in the case of *Cromwell v. Ward*, 102 Md.App. 691 (1995) and their interpretation of Section 307 of the B.C.Z.R. In that case, the Court interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, it must then be considered whether strict compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, based on the evidence presented by Petitioners, there is not sufficient evidence of unusual conditions or characteristics that are unique to this lot, and which drive the need for the variance. In short, there is not sufficient evidence to suggest that this property meets the uniqueness requirement. As such, having determined that no uniqueness exists as to the Petitioners' property, I must therefore deny the variance requested by the Petitioners. Moreover, in the instant matter, I am not persuaded that the size and shape of Petitioners' lot, in and of itself, makes it unique such that the zoning regulations disproportionately affect the subject property as compared to others in the zoning district.

Finally, I must also determine whether the request is within the spirit and intent of the zoning regulations and its impact, if any, on adjacent properties. Although I am certainly

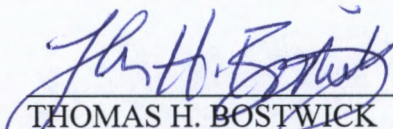
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understanding and empathetic with Petitioners in their desire to construct a garage, in my view, the configuration of the subject property and the orientation of the dwelling does not lend itself to the construction of a garage addition as proposed on the site plan. The requested setback of 26 feet is less than half of the necessary 53 foot average required by the B.C.Z.R. and would put this property substantially at odds with other existing structures nearby. Hence, the request is not within the spirit and intent of the Zoning Regulations. I cannot find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Thus, I am persuaded in this case to deny the variance.

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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of October, 2009 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a front yard setback of 26 feet in lieu of the required front yard average of 53 feet is hereby **DENIED**.

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

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10-2-09
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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 2, 2009

LINDA DAUSES AND DENNIS SZYMASZAK
1703 DIVISION AVENUE
LUTHERVILLE MD 21093

Re: Petition for Administrative Variance
Case No. 2010-0064-A
Property: 1703 Division Avenue

Dear Ms. Dauses and Mr. Szymaszak:

Enclosed please find the decision rendered in the above-captioned case.

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 black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Erwin J. and Deborah A. Pawlicki, 1 Theo Lane, Towson MD 21204



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 1705 DIVISION AVE which is presently zoned DR 3.5

Deed Reference: 23378 / 244 Tax Account # 0203048376

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) 303.1 - to permit a

proposed addition to have a front yard setback of 26 feet in lieu of the required front yard average of 53

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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:

ERWIN J. / DEBORAH A. PAULICKI

Name - Type or Print

Erwin J. Paulicki / Deborah A. Paulicki

Signature

1 THEO LANE 443.255.6883

Address

Telephone No.

TOWSON MD 21204

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

LINDA J. DAUSER

Name - Type or Print

Linda J. Dauser

Signature

DEWIS SZYMASZEK

Name - Type or Print

Dewis Szymaszek

Signature

1705 Division Ave. (410) 257-8352

Address

Telephone No.

Luteterville, Md. 21093

City

State

Zip Code

Representative to be Contacted:

ERWIN J. PAULICKI

Name

1 THEO LANE 443.255.6883

Address

Telephone No.

TOWSON MD 21204

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 10 day of October, 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. 2010-0064-A

Reviewed By RDD

Date 8/24/09

Reposted Posting Date 9/06/09

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 own and reside at 1703 Division Avenue
Address number Road or Street name
and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) The property renovation/addition includes a new 2-car, attached side-load garage. In order to provide proper clearances from the existing front wall and to maintain a portion of the existing driveway, the garage is proposed at the front of the property, 26' from the front property line. This is 4' beyond the 30' setback requirement in this zone.

The zoning regulations cannot be met on our property because:

1. In order to maintain proper clearances from the existing front foundation wall and provide a proper turning radius for entry to the garage, the garage cannot be moved closer to the house - i.e. farther from the front property line.
2. The size of the garage cannot be reduced because it needs to have a minimum of 20' interior clearance to properly fit 2 cars inside.
3. There is not sufficient space elsewhere on the property to locate an attached garage.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Erwin J. Pawlicki
Signature

ERWIN J. PAWLICKI
Name- print or type

Dennis Szymaszek
Signature

Dennis Szymaszek
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 20 day of August, 2012, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Erwin Pawlicki and Dennis Szymaszek
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

8/6/2012
Commission expires

PLACE SEAL HERE:

DANIEL R. CARSON
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

Item #0064

ZONING DESCRIPTION

ZONING DESCRIPTION FOR:

1703 DIVISION AVENUE - LUTHERVILLE, MD 21093

Beginning at a point on the North side of Division Ave. which is 50' wide at the distance of 196.42' East of the centerline of the nearest improved intersecting street Middle Ave. which is 30' wide. Being Lot #3 in the Part of the "Plat of Lutherville" as recorded in Baltimore County Plat Book #26, Folio #80, containing .19 Acres. Also known as 1703 Division Avenue and located in the 8th Election District, 3rd Councilmanic District.

Item #0064

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2000- 0064 -A Address 1703 Division Ave
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 8/24/09 Posting Date: 9/06/09 Closing Date: 9/21/09

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, 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 2000- 0064 -A Address 1703 Division Ave
Petitioner's Name Dennis Szymaszak Telephone (410) 252-8332
Posting Date: 9/06/09 Closing Date: 9/21/09
Wording for Sign: To Permit a proposed addition to have a front yard
setback of 26 feet in lieu of the front yard average of
53

WCR - Revised 7/7/08

**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: 2010-0064-A

Petitioner: ERWIN J. PAWLICKI

Address or Location: 1703 DIVISION AVE, LUTHERVILLE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ERWIN J. PAWLICKI

Address: 1 THEO LANE
TOULSON, MD 21204

Telephone Number: 410.296.6161

Revised 7/11/05 - SCJ

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

No. 68753

Date: 3/1/81

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
221	206	221						

Total: 2.00

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

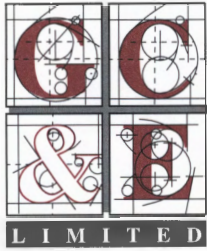
PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2010-0064-A

PETITIONER: Dennis Szymaszak

DATE OF CLOSING: 9/21/09

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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 LOCATED AT

(see page 2 for full size photo)

LOCATION:
1703 Division Avenue

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 9/01/09

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # : 2010-0064-A

To permit: A proposed addition to have a front yard setback of 26 feet in lieu of the front yard average of 53 feet

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 IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON September 21, 2009**

**ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT**

**111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204**

TEL. 410-887-3391

**DO NOT REMOVE THIS SIGN AND POST UNTIL ABOVE DATE. UNDER PENALTY OF
HEARINGS ARE HANDICAPPED ACCESSIBLE**



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE #: 2010-0064-A

To permit: A proposed addition to have a front yard setback of 26 feet in lieu of the required average of 53 feet

PUBLIC HEARING

PURSUANT TO AN ELIGIBLE REQUEST THE BOARD



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

September 15, 2009

Linda Dausess & Dennis Szymaszak
1705 Division Ave.
Lutherville, MD 21093

Dear: Linda Dausess & Dennis Szymaszak

RE: Case Number 2010-0064-A, 1703 Division Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 24, 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, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Erwin J. Pawlicki; 1 Theo Ln.; Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For response date September 14, 2009
Item Nos. 2008-103, 2010-056, 057, 058,
059, 060, 061, 062, 064, 065, 066

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

DAK:CEN:kmt
cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09142009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2008
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SEP 10 2009

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

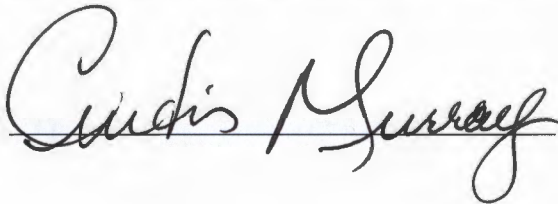
ZONING COMMISSIONER

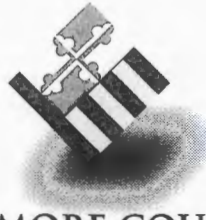
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-064- Administrative Variance**

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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL





BALTIMORE COUNTY
MARYLAND

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

September 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 31, 2009

Item Numbers 0103, 0056, 0057, 0058, 0059, 0060, 061, 0062, 0063 and 0064

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

AV 9/21

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 29, 2009
SUBJECT: Zoning Item # 10-064-A
Address 1703 Division Avenue
(Dauses/ Szymaszak Property)

Zoning Advisory Committee Meeting of September 14, 2009

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

Reviewer: JWL

Date: 9/29/09



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

State Highway
Administration

Beverly K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 3, 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. 2010-0064-A
1703 DIVISION AVENUE
DAUGES/SZYMAZAK PROPERTY
ADMIN. 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. 2010-0064-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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

1 Theo Lane
Towson, Maryland 21204

RECEIVED

OCT 30 2009

October 30, 2009

ZONING COMMISSIONER

Mr. Thomas Bostwick
Deputy Zoning Commissioner for Baltimore County
Jefferson Building
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204

Dear Mr. Bostwick:

Thank you for your recent review of Case No. 2010-0064-A regarding the property located at 1703 Division Avenue in Lutherville, MD 21093. In response to your decision we would like to make the following comments.

1. Uniqueness of property.
 - We feel that since the property is smaller than the adjacent property to the north (1705 Division Avenue), it may be inappropriate to use that lot as a point of reference to determine the average setback requirement. Given the depth of 1705 Division Ave. (148.35') and the depth of 1703 Division (123.91'), it is difficult not to incur hardship when using the average front yard setback requirement. Shifting the placement of the garage back results in not being able to meet the rear yard requirement since the lot doesn't have a depth similar to that of 1705.
 - 1703 Division Avenue is the next door property to 1705 Division Avenue. The owners and residents of 1705 (Dennis and Julia Szymaszek) are close friends of ours, the petitioners for the variance. The Szymaszeks and Pawlickis are in their sixties and both wish to support each other in older age. Our goal in designing a home on this property is to have a master bedroom, kitchen, garage, etc all on one floor as we age.

2. Hardship of moving garage.

Since we are trying to maintain the existing basement and foundation for the renovation, it would **not** be cost effective to shift the proposed garage back to meet the setback requirement. If we don't re-use the existing basement and foundation as a basis for the renovation, the cost of removing the existing foundation then digging and pouring a new foundation would increase the cost of the construction by at least 30%. We have approached this project hoping to minimize the amount of demolition and re-use as much of the existing construction as possible. Adhering to the average setback requirement would make it impossible to do this.

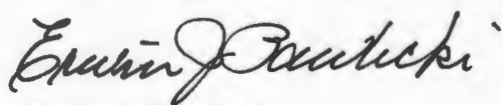
3. Hardship.

An attached garage would be a necessary convenience, particularly during winter months.

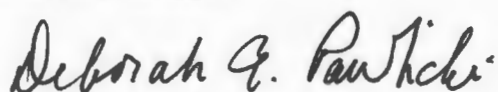
4. Your comment regarding the, "necessary 53 foot setback average required by the (Baltimore County Zoning Regulation) B.C.Z.R." effectively means that no addition can be made to the front of 1703 Division Avenue and ignores the numerous properties in the immediate neighborhood along Division Avenue with setbacks that are approximately 25 feet. Next door to 1705 Division Avenue is 17 Middle Avenue, whose front is approximately 25 feet from the street. Across Division Avenue from 1703 are three properties including 1608, 1610 Division Avenue and 206 Melancton Avenue all with houses that have setbacks of approximately 25 feet. Photographs of these properties may be found in the addendum attached to this letter.

We believe that the quality of the proposed renovations would increase the value of the surrounding properties. Also, the neighbors know the Pawlickis as a quiet family that would take care of the property. Finally it is our hope that you will reconsider your position in light of the hardships and additional information that we included in this letter. If you should wish to contact me with questions, please call me at 443.255.6883 or by email at ejndeb@verizon.net

Respectfully submitted,



Erwin J. Pawlicki



Deborah A. Pawlicki

1703 Division Avenue – Existing Conditions Photos



Existing front elevation (South Elevation)



Existing front elevation/driveway. Proposed garage would be to the left of the tree.

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Proposed driveway would turn and replace walk as shown here and go into proposed garage.



Existing Side Elevation (East Elevation)
For reference.



Existing Side Elevation (West Elevation)
For reference.

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1705 Division Avenue – Property adjacent to the west of 1703



Front Elevation and Driveway at 1705 as viewed from street



East Side elevation of 1705 as viewed from 1703

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1617 Division Avenue – Property adjacent to the east of 1703



Front elevation and Driveway at 1617 as viewed from the street



West Side elevation of 1617 as viewed from 1703

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ADDENDUM



17 Middle Avenue



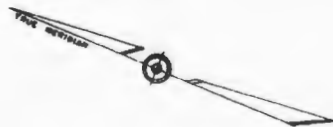
1608 Division Avenue



1610 Division Avenue



206 Melanchton Avenue (from Division Avenue)



PLAT OF THE RESUBDIVISION

OF A

PART OF THE "PLAT OF LUTHERVILLE"

8TH DISTRICT

BALTO CO, MD.

MARCH 17, 1959

SCALE 1"=50'

WJR 26 FOLD 80

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR
GIFT.

Clerk



NOTES

- (1) THE STREETS AND/OR ROADS AS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
- (2) THE BEARINGS AND COORDINATES SHOWN HEREON ARE REFERRED TO THE TRUE MERIDIAN AND COORDINATE SYSTEM OF THE BALTO. COUNTY METROPOLITAN DISTRICT AS ESTABLISHED IN THIS AREA BY MET. DIST. HUB NO. X-1249 AND NO. X-1250, AS LOCATED AND VALUED OCTOBER 15, 1958
- (3) FIVE FEET WIDE EASEMENTS FOR UTILITIES AND DRAINAGE ARE HEREBY RESERVED ALONG THE REAR AND/OR THE SIDES OF EACH LOT

I HEREBY CERTIFY THAT THE REQUIREMENTS AS SET FORTH IN SECTIONS 72A, 72B, 72C, & 72D OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND (1939 EDITION) TITLE "CLERK OF COURTS" AS FAR AS IT CONCERNS THE MAKING OF THIS PLAT & SETTING OF THE MARKERS HAVE BEEN COMPLIED WITH.

SIGNED: Leo W. Rader
OWNER OF LAND SHOWN HEREON

SIGNED: Leo W. Rader
REGISTERED LAND SURVEYOR NO. 1888

APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
BY

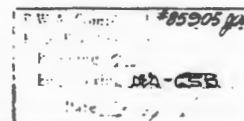
William H. F. Warrick, Jr. DATE July 24, 1959
DEPUTY COUNTY AND STATE HEALTH OFFICER J. W. M.

APPROVED FOR BALTIMORE COUNTY PLANNING BOARD
BY

William H. F. Warrick, Jr. DATE July 24, 1959
DIRECTOR

HIGHWAY DEPARTMENT OF BALTIMORE COUNTY-APPROVED
FOR STREET ALIGNMENT AND LOCATION
BY

West B. Zaitsevich DATE 7/21/59
ROAD ENGINEER



LEO W. RADER
REGISTERED LAND SURVEYOR
38 BELFAST RD.
TIMONIUM, MD. VALLEY 3-06

Item #
0064

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1703 DIVISION AVE

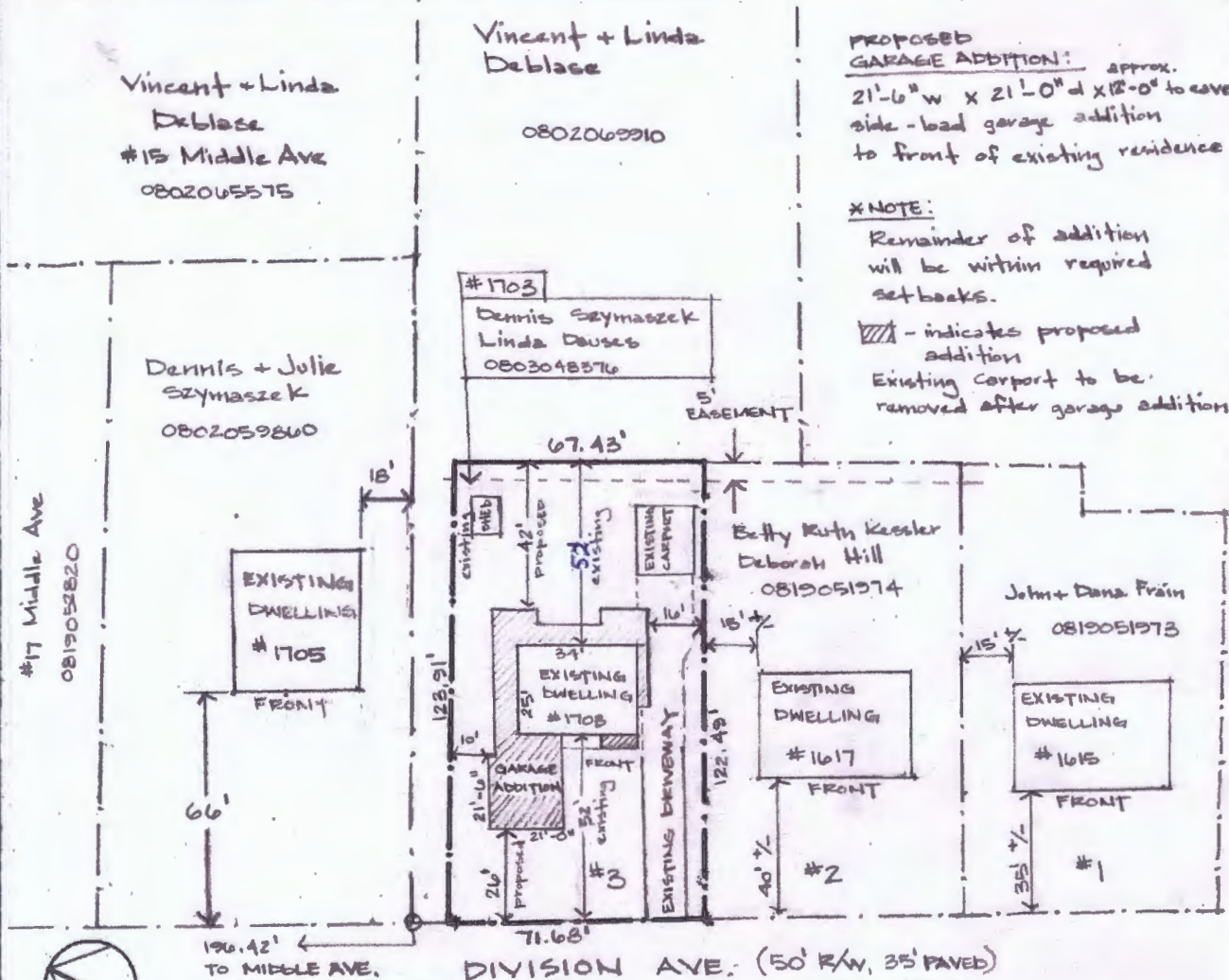
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Lutherville

August 18, 2009

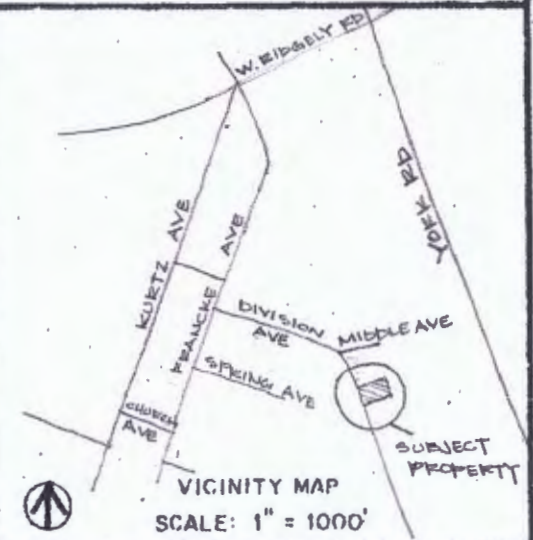
PLAT BOOK # 26 FOLIO # 80 LOT # 3 SECTION #

OWNER Dennis Szymaszak



PROPOSED GARAGE ADDITION: approx. 21'-0" W x 21'-0" d x 12'-0" to eave side-load garage addition to front of existing residence

*NOTE:
Remainder of addition will be within required setbacks.
- indicates proposed addition
Existing carport to be removed after garage addition



LOCATION INFORMATION

ELECTION DISTRICT **8**

COUNCILMANIC DISTRICT **3**

1"=200' SCALE MAP # **06063**

ZONING **DR 3.5**

LOT SIZE **.19** **8,418.00**
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING **NONE**



PREPARED BY KAR

SCALE OF DRAWING: 1" = 50'

ZONING OFFICE USE ONLY
REVIEWED BY [Signature] ITEM # CASE # 2010-0064-A