

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Gunpowder Road, 1,645
feet E of Ranelagh Road
11th Election District
5th Councilmanic District
(5643 Gunpowder Road)

Christine A. and Peter P. Hajewski, Jr.
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0284-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Christine A. and Peter P. Hajewski, Jr. for property located at 5643 Gunpowder Road. The variance request is from Section 400 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed garage (detached accessory structure) to be located partially in the side yard by 5 feet with a height of 22 feet maximum in lieu of the required rear yard location and a height of 15 feet allowed, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a detached garage measuring 40 feet x 40 feet in size to accommodate recreational vehicle storage. The additional garage height is to accommodate the garage door and the 5/12 roof pitch for appropriate snow load. Petitioners' dwelling is constructed 170 feet from the front property line. The rear yard is encumbered with a swimming pool and extensive landscaping. The property contains 1.98 acres of land zoned DR 2.

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

ORDER RECEIVED FOR FILING

Date 4-27-11

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 3, 2011, 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 Administrative Law Judge, 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 Petitioners.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 Administrative Law Judge for Baltimore County, this 27th day of April, 2011 that a variance from Section 400 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed garage (detached accessory structure) to be located partially in the side yard by 5 feet with a height of 22 feet maximum in lieu of the required rear yard location and a height of 15 feet allowed, respectively is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

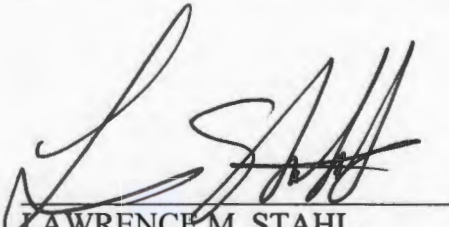
Date 4-27-11

2

By [Signature]

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.
2. 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.
3. The accessory structure shall not be used for commercial purposes.

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


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 4-27-11

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 27, 2011

CHRISTINE A. AND PETER P. HAJEWSKI, JR.
5643 GUNPOWDER ROAD
WHITE MARSH MD 21162

Re: Petition for Administrative Variance
Case No. 2011-0284-A
Property: 5643 Gunpowder Road

Dear Mr. and Mrs. Hajewski:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to be "L. Stahl", is written over the name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

ORIGINAL KEEP

TAX. ACCOUNT # 11116060548



IN FILE

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5643 GUNPOWDER RD
WHITE MARSH, MD 21162
which is presently zoned _____

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) 400 BCZR TO

PERMIT A PROPOSED GARAGE (DETACHED ACCESSORY BLDG.) TO BE
LOCATED PARTIALLY IN SIDE YARD (BY 5 FT.) WITH A HEIGHT OF
22 FT. MAXIMUM. IN LIEU OF THE REQUIRED REAR YARD LOCATION
AND A HEIGHT OF 15 FT. ALLOWED, RESPECTIVELY.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____ Date 4-27-11
Address _____ By [Signature] Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

PETER P. HAJEWSKI JR
Name - Type or Print _____
[Signature]
Signature _____
CHRISTINE A HAJEWSKI
Name - Type or Print _____
Christine Hajewski
Signature _____
5643 GUNPOWDER RD 410-529-1562
Address _____ Telephone No. _____
WHITE MARSH MD 21162
City _____ State _____ Zip Code _____

Representative to be Contacted:

PETER P. HAJEWSKI
Name _____
5643 GUNPOWDER RD 410-529-1562
Address _____ Telephone No. _____
WHITE MARSH MD 21162
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. 2011-0284-A

REV 10/25/01

Reviewed By JL Date 3/24/11
Estimated Posting Date 4/03/11

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.

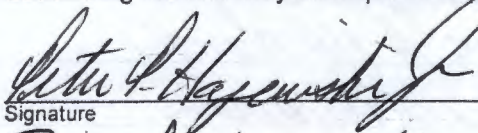
That the Affiant(s) does/do presently reside at

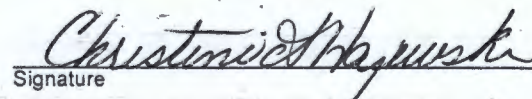
5643 GUNPOWDER RD
Address
WHITE MARSH MD 21162
City State Zip Code

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):

TO PERMIT A GARAGE ACCESSORY BUILDING WITH A HEIGHT OF 22 FEET
IN LIEU OF THE MAXIMUM TO ACCOMMODATE RV STORAGE. 12 FEET
GARAGE DOOR + 8 FT FOR 5/12 PITCH SPANNING 40 FT ACROSS + 1 FT
EXTERIOR HEIGHT ABOVE GARAGE DOOR. HT NEEDED FOR RV DOOR AND
A DECENT PITCH ROOF TO CARRY A SNOW LOAD.
TO BUILD GARAGE FRONT WALL 5 FEET IN FRONT OF BACK WALL OF HOUSE
TO ACCOMMODATE ACCESS TO SIDE GARAGE DOOR DUE TO SITE ACCESS
WHICH IS LIMITED (SEE PICTURE) SHOWING EXTENSIVE LANDSCAPING AREA
AND POOL.

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


Signature
PETER P. HAJEWSKI JR
Name - Type or Print


Signature
CHRISTINE A. HAJEWSKI
Name - Type or Print

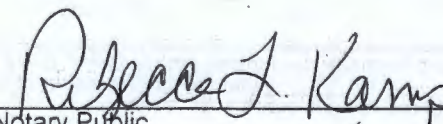
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of March, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Peter P. Hajewski Jr + Christine A. Hajewski
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Rebecca L. Kamp
Notary Public
State of Maryland
County of Harford


Notary Public
My Commission Expires 4-27-14

ZONING DESCRIPTION FOR 5643 Gunpowder Rd White Marsh, Md. 21162

Beginning at a point on the NORTH EAST side of
(north, south, east or west)

Gunpowder Rd which is 50 FT RW
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 1,645 FT ~~NORTH~~ EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street PANOLA RD
(name of street)

which is 50 FT wide. *Being Lot # 18
(number of feet of right-of-way width)

Block —, Section # L in the subdivision of DARRYL GARDENS PLAT 2
(name of subdivision)

as recorded in Baltimore County Plat Book # 13, Folio # 150

containing 1.98. Also known as 5643 Gunpowder Rd
(square feet or acres) (property address)

and located in the 11TH Election District, 5TH Councilmanic District.

PH. 3/24/2011



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 12, 2011

Mr. & Mrs. Hajewski, Jr.
5643 Gunpowder Road
White Marsh, MD 21162

RE: Case Number 2011-0284A, 5643 Gunpowder Road, White Marsh, MD 21162

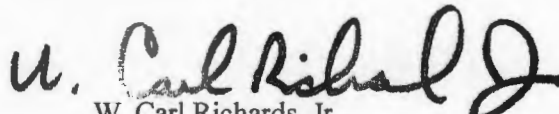
Dear Mr. & Mrs. Martin,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 2011. 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:mcn

Enclosures

c: People's Counsel



03/23/2011



LOCATION OF 40X40 LARGE

SIDE

SIDE
DOOR

03/23/2011



X
center of 40x40 DRAPAGE

03/23/2011



03/23/2011



03/23/2011



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Administrative Variance: 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

Special Hearing: 2011-0283-SPHX, 2011-0293-SPH

Variance: 2011-0285A, 2011-0287-SPHA, 2011-0289-SPHA, 2011-0290A, 2011-0292A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2011
Item Nos. 2011- 283, 284, 285, 286,
287, 288, 289, 290, 291, 292 and
293

DATE: April 11, 2011

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04112011 -NO COMMENTS.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4-6-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

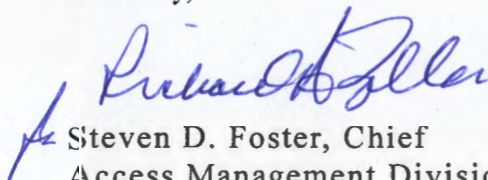
RE: Baltimore County
Item No. 2011-0284-A
Administrative Variance
Peter & Christine Hajewski, Jr.
5643 Gunpowder Road

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. 2011-0284-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

CERTIFICATE OF POSTING

2011-0284-A

RE: Case No.: _____

Petitioner/Developer: _____

Pete & Chris Hajewski

April 18, 2011

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: 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: _____

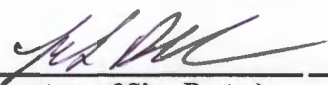
5643 Gunpowder Road

April 3, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

April 5, 2011


(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

Free Copy HAS ORIGIN LIST

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2011- 0284 -AAddress 5643 GUNPOWDER RD.Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3/24/11Posting Date: 4/03/11Closing Date: 4/18/11

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

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

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 2011- 0284 -AAddress 5643 GUNPOWDER RDPetitioner's Name BTE + CHRIS HAJEWSKITelephone 410 529 1562Posting Date: 4/03/11Closing Date: 4/18/11

Wording for Sign: To Permit A DETACHED GARAGE TO EXTEND 5 FT. INTO
SIDE YARD AND TO BE 22 FT. HIGH IN LIEU OF LOCATED ENTIRELY
ENTIRELY IN REAR YARD WITH AN ALLOWED 15 FT. HT.
RESPECTIVELY

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011 0284 - A

Petitioner: HAJEWSKI

Address or Location: 5643 GUNPOWDER RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: PETER R. HAJEWSKI, JR

Address: 5643 GUNPOWDER RD

WHITE MARSH, MD. 21162

Telephone Number: 410-529-1562

Revised 2/17/11 DT

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

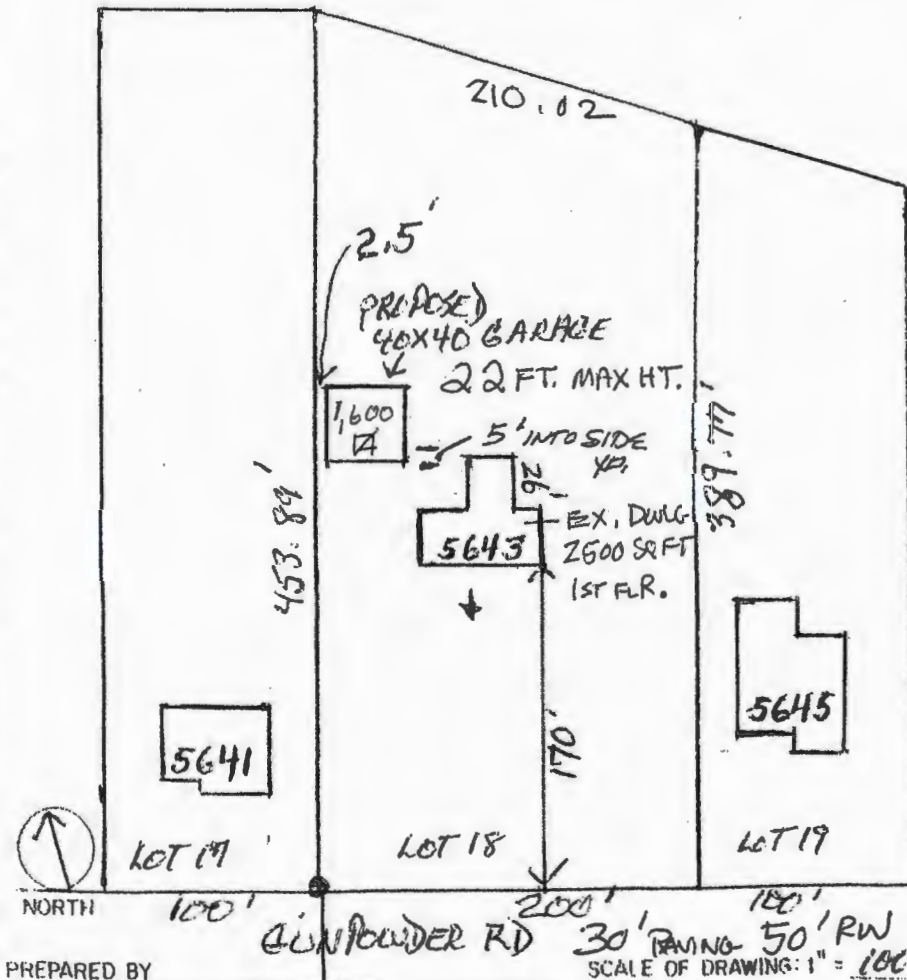
PROPERTY ADDRESS: **5643 Gunpowder Rd**

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

SUBDIVISION NAME: **DARRYL C. ARDENS PLAT 2 SECT. L**

PLAT BOOK # **13** FOLIO # **150** LOT # **18** SECTION #

OWNER: **PETER + CHRISTINE HAJEWSKI**



KRTM

1,645' TO RANELAUGH RD

GUNPOWDER

RANELAUGH RD

SUBJECT PROPERTY

VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT **NE 11 K**

COUNCILMANIC DISTRICT **5CD**

1" = 200' SCALE MAP # **073B1**

ZONING **DR 2**

LOT SIZE **1.98**
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

PRIOR ZONING HEARING **NONE**

ZONING OFFICE USE ONLY

REVIEWED BY **VL** ITEM # **2011-0284-A** CASE #

1,645 FT. TO C/L RANELAUGH RD.

1119058500
Lot # 13

1115081025
Lot # 14

1116090160
Lot # 15

Lot # 16
2300006556

Lot # 17
2300006557

Lot # 18
Pt. Bk. 13, Folio 150
1116060548

1119027935

5637

5639

5643

NE 11-K

Lot # 19

NE 11-J

073B1

5641

5 CD 11-ED

PDM # 110016

Pt. Bk./Folio # 013150

Lot # 8

Lot # 18

Lot # 19

Lot # 20

DR 2

POB

GUNPOWDER RD

Lot # 8

Lot # 18

Lot # 19

1102088580

5645

20080545

Lot # 20
1104065350
5651

Lot # 21
1104065351

5655

Lot # 8
1123017471

1900006554

Lot # 7

5648

20030552

1116060551 Lot # 6

1123017550

Lot # 17

PDM # 110847

Pt. Bk./Folio # 073073
Pt. Bk. 73, Folio 73

Lot # 16

1123002040

20110044

PDM # 111097

20090105

Lot # 22
1108067830

1102023190
Lot # 23

1800

SITZ