

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(9632 Dixon Avenue)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
	*	HEARINGS FOR
Robert Zielinski		
	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2023-0083-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Robert Zielinski (“Petitioner”). The Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1: To approve a left side dwelling addition with a 0 ft. side setback in lieu of the required 10 ft. side setback. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 29, 2023 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). 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

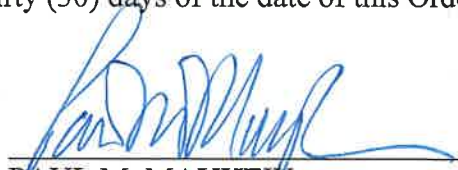
information, photographs, and affidavits submitted provide sufficient facts to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

THEREFORE, IT IS ORDERED, this 15th day of **May, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") § 1B02.3.C.1: To approve a left side dwelling addition with a 0 ft. side setback in lieu of the required 10 ft. side setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

May 15, 2023

Robert Zielinski – rzielinski1987@gmail.com
9632 Dixon Avenue
Parkville, MD 21234

RE: Petition for Administrative Variance
Case No. 2023-0083-A
Property: 9632 Dixon Avenue

Dear Mr. Zielinski:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in blue ink, reading "Paul M. Mayhew", is written over a faint, larger version of the same signature.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 9632 Dixon Ave Balt, mo 21234 Currently Zoned DR S.5
Deed Reference 39856 / 23 10 Digit Tax Account # 0903477700
Owner(s) Printed Name(s) Robert Zielinski

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR 1B02.3.C.1 to approve a left side dwelling addition with a 0' side setback in lieu of the required 10' side setback

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

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Robert Zielinski ,
Name #1 – Type or Print Name #2 – Type or Print

[Signature] ,
Signature #1 Signature #2

9632 Dixon Ave Rockville MD
Mailing Address City State

21234 , 443 4550341 , RZIELINSKI1987@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2023-0083-A Filing Date 4/12/23 Estimated Posting Date 4/23/23 Reviewer SL

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 9632 Dixon Ave Baltimore, MD 21234
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. (Clearly state practical difficulty or hardship here)

1. Addition is needed to support a growing family
2 children w/ a 3rd on the way, 3 generations in one home
2. Garage is storage & parking; no rear access to lot
3. Owner needs storage for his own tools he uses to make a living
4. Interest rates & rising real estate costs are too high to consider a move
5. No setback on left side; 0 foot side setback

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

Robert Zielinski
Name - Print or Type

Signature of Owner (Affiant)

Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of February, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Robert Zielinski

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

9-16-2026
My Commission Expires

GINA A CAMPBELL
NOTARY PUBLIC
CITY OF BALTIMORE
MARYLAND
My Commission Expires 09-16-2026

ZONING PROPERTY DESCRIPTION FOR: 9632 Dixon Avenue, Parkville, MD 21234

Beginning at a point on the South side of Dixon Avenue, which is 22 feet wide at a distance of 795 feet North of the centerline of the nearest improved intersecting street E. Joppa Road, which is 50 feet wide.

Thence the following courses and distances S10°32' 00" W 50.00', S79°28'00"E205.00', N10°32'00"E50.00', N79°28'00"W205.00', S10°32'-00"W50.00' back to the point of beginning as recorded in deed liber (38951), folio (0090) containing 10,235 square feet. Located in 9 Election District, and 5 Council District.

2023-0083-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: - -A Address _____

Contact Person: _____ Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/12/23 Posting Date: 4/23/23 Closing Date: 5/8/23

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023 - 0083 -A Address 9632 Dixon Ave

Petitioner's Name: Robert Ziehnski Telephone (Cell) _____

Posting Date: 4/23/23 Closing Date: 5/8/23

Wording for Sign: To Permit _____

BCZR 1B02.3.C.1 to approve a left side dwelling addition with a
0' side setback in lieu of the required 10' side setback

013807 055003308 0005158413789

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0903477700

Owner Information

Owner Name: ZIELINSKI ROBERT Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 9632 DIXON AVENUE Deed Reference: /38951/ 00023
BALTIMORE MD 21234-2102

Location & Structure Information

Premises Address: 9632 DIXON AVE Legal Description: LT 136,137
BALTIMORE 21234-2102 750 N JOPPA ROAD
CARNEY VIEW

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0071 0015 1112 9130163.04 0000 136 2023 Plat Ref: 0007/ 0090

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1922 1,212 SF 12,500 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 NO STANDARD UNITSIDING/4 1 full

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	64,300	75,700		
Improvements	76,400	113,200		
Total:	140,700	188,900	140,700	156,767
Preferential Land:	0	0		

Transfer Information

Seller: ZIELINSKI KRZYSZTOF	Date: 05/10/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /38951/ 00023	Deed2:
Seller: HOUSEHOLD FINANCE CORPORATION III	Date: 03/20/2012	Price: \$87,000
Type: NON-ARMS LENGTH OTHER	Deed1: /31839/ 00131	Deed2:
Seller: LIEBERT BRUCE Y	Date: 01/17/2012	Price: \$207,079
Type: NON-ARMS LENGTH OTHER	Deed1: /31615/ 00493	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

DR S.S. - zoning class

ZONING PROPERTY DESCRIPTION FOR: 9632 Dixon Avenue, Parkville, MD 21234

Beginning at a point on the South side of Dixon Avenue, which is 22 feet wide at a distance of 795 feet North of the centerline of the nearest improved intersecting street E. Joppa Road, which is 50 feet wide.

Thence the following courses and distances S10°32' 00" W 50.00', S79°28'00"E205.00', N10°32'00"E50.00', N79°28'00"W205.00', S10°32'-00"W50.00' back to the point of beginning as recorded in deed liber (38951), folio (0090) containing 10,235 square feet. Located in 9 Election District, and 5 Council District.

2023-0083-A

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

No. 220024

Date: 4/12/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	2000		6150					75
Total:									75

Rec From: NW2 ENGINEERS

For: 2023-0083-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

SC

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM.

NW2 ENGINEERS LLC 12/11
819 LIGHT STREET
BALTIMORE, MD 21230

BB&T
BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com
66-330/550

13807

PAY TO THE
ORDER OF

Baltimore County
Seventy five dollars 00/100

\$ 75.00

DOLLARS

MEMO

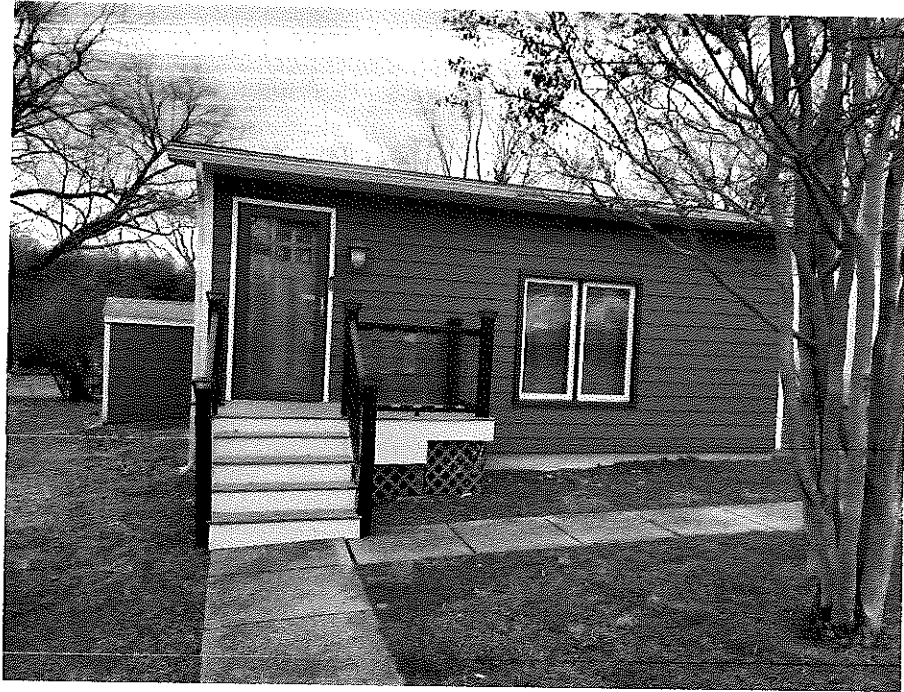
(9632 Dixon Ave)-



AUTHORIZED SIGNATURE

Jan

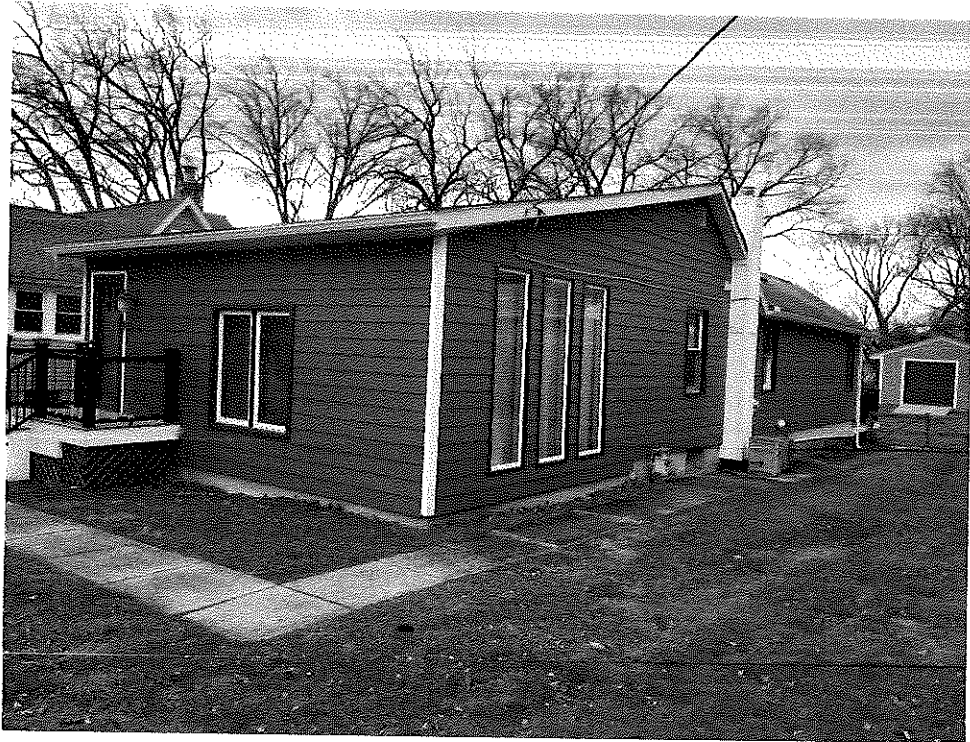
013807 055003308 0005158413789



9632 Dixon
FRONT



9632 Dixon
WEST SIDE



**9632 Dixon
EAST SIDE**



**9632 Dixon
REAR**

2023-0083-A

2200027900 PAI # 090637
0094-SPHA
Bk. 0000068, Folio 0124
Bk./Folio # 068124
0905430020
Lot # 79
Pl. Bk. 0000007, Folio 0090

Lot # 149 2000-0319-A 0906100190 9644

9701
Lot # 79
Lot # 79

Lot # 83 0905430021
R-1946-0590
Lot # 84 0910950000

DR 5.5 Lot # 84
Lot # 86 0919300000
PAI # 090484
071B2 Lot # 86
Pl. Bk./Folio # 007030A

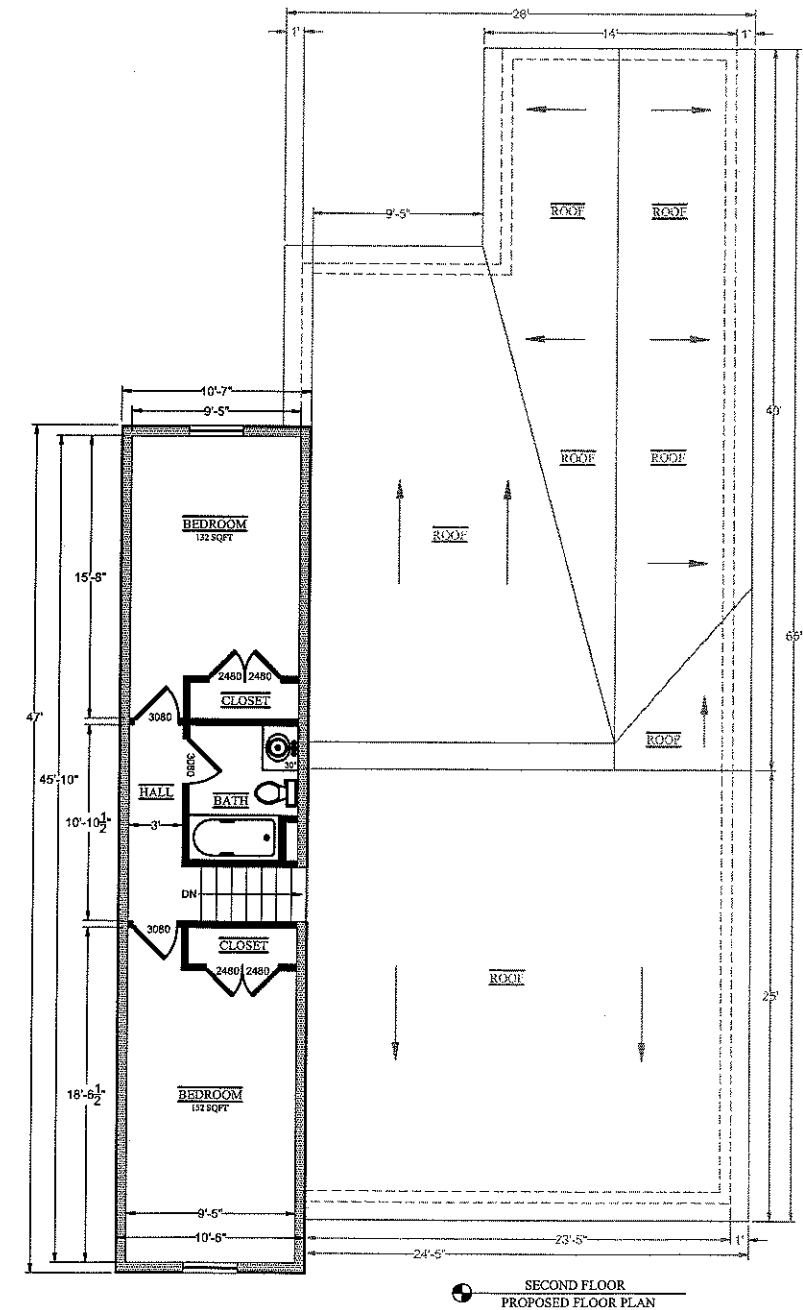
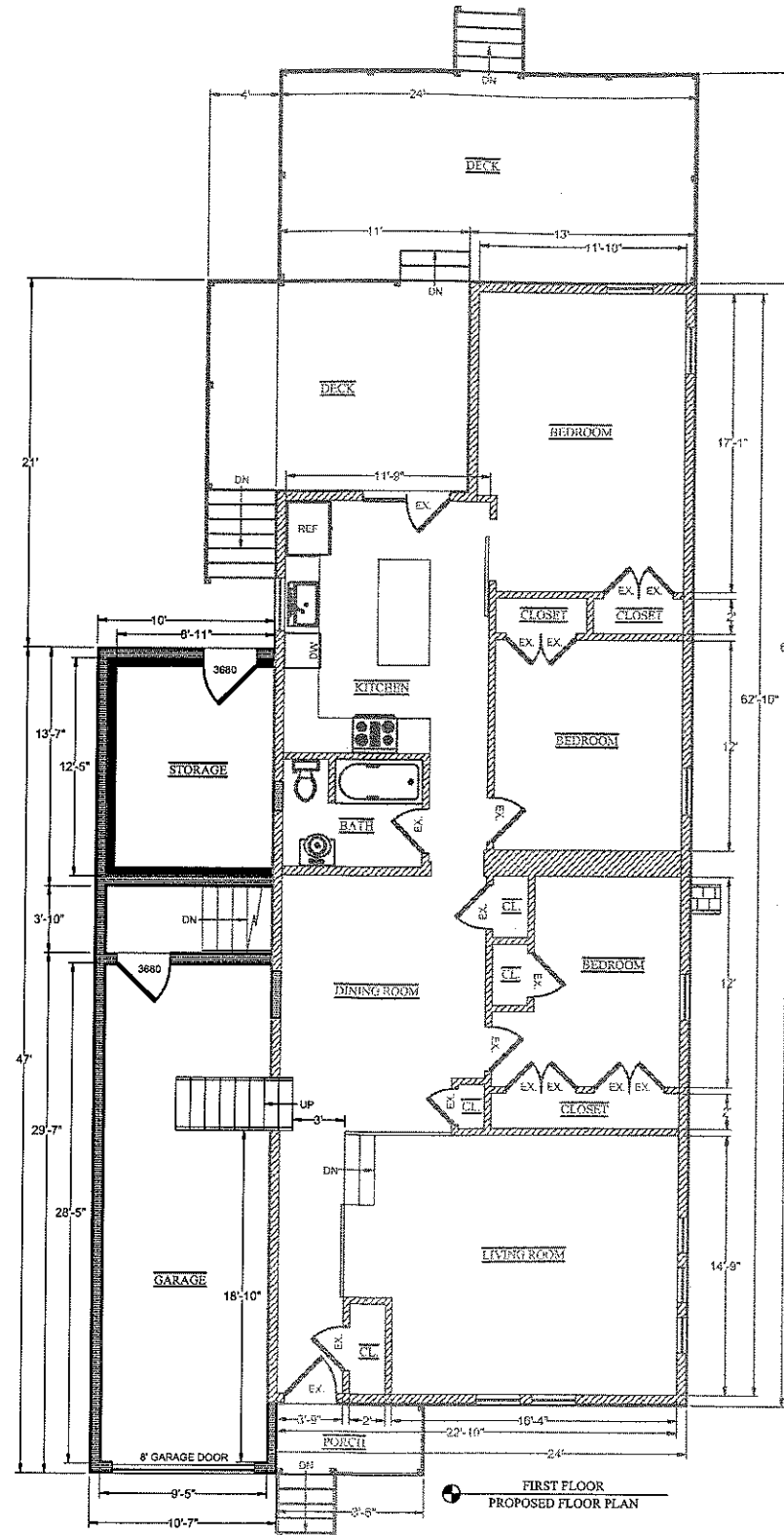
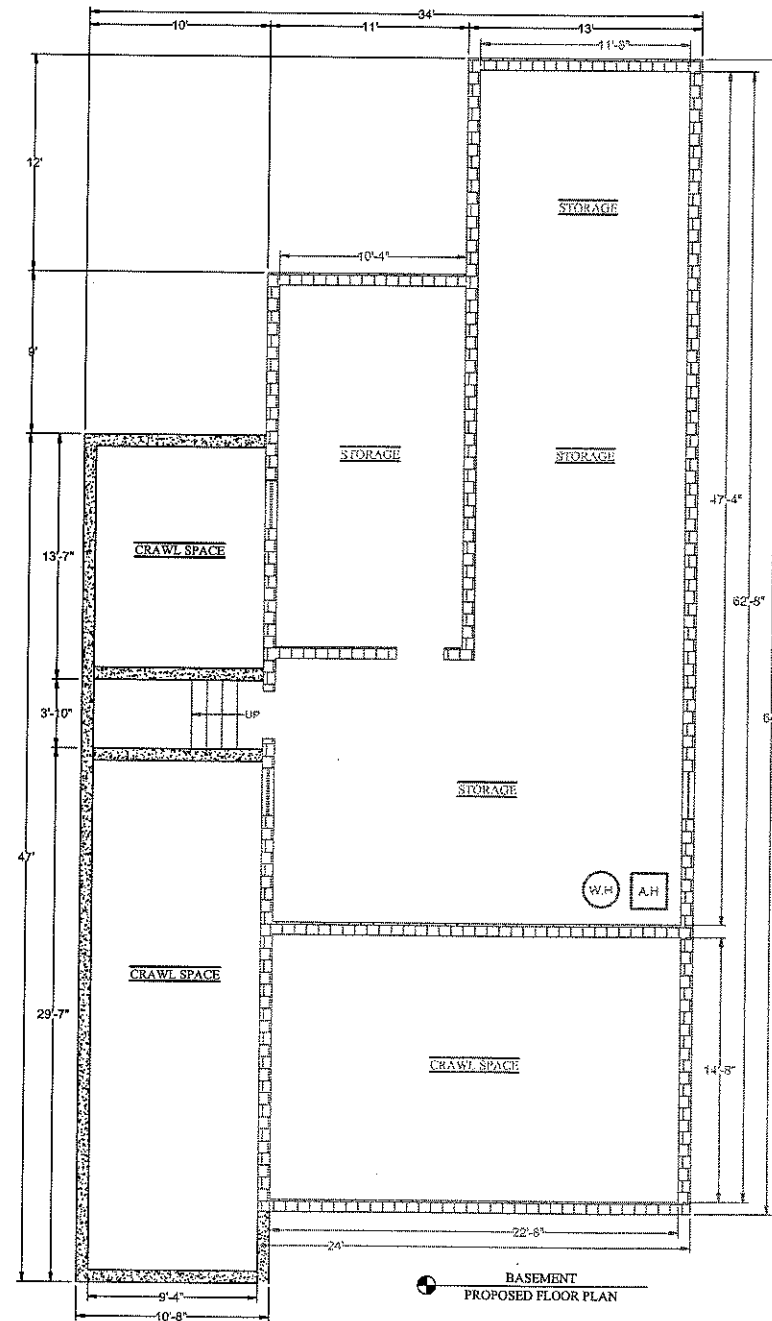
Lot # 88 0919718090
Lot # 88
Lot # 90 0904503080
Lot # 90
Lot # 92 0923750010
Lot # 92
Lot # 94 0912590040
Lot # 94
Lot # 96 0916451210
Lot # 96
Lot # 98 0904650000
Lot # 98
0901500000

Lot # 146
Lot # 146 9640
Lot # 146 0906450980
Lot # 142
Lot # 142 0919710110 9638
Lot # 142
Lot # 142
Lot # 140 0905430022 9636
Lot # 140
Lot # 138 0918103440 9634
Lot # 138
Lot # 136 0903477700 9632
PAI # 090484
Lot # 136
NE 10-E
Lot # 132 2000002979 9630
Lot # 132
Lot # 132
Lot # 132
Lot # 130 0902005800 9626
Lot # 130
Lot # 128 0916150000 9624
Lot # 128
Lot # 126 0910001770 9622
Lot # 126
Lot # 124 0919511900 9620
Lot # 124
2008-0481-A

9643
Lot # 162
Lot # 162 0919610270
Lot # 165 9641
Lot # 165 0922450440
9639 Lot # 167
Lot # 167 0923500210
9637 Lot # 169
Lot # 169 0911153610
Lot # 171 9635
Lot # 171 0919711110
9633 Lot # 173
Lot # 173 0903371040
Lot # 175
Lot # 175 9629
Lot # 175 0916600050
Lot # 178
9627 Lot # 178
Lot # 178
Lot # 178 0923157220
Lot # 182
9623 Lot # 182
Lot # 182 0920001140
Lot # 185
Lot # 185
9619
Lot # 185 0910001740
Lot # 185

LEGEND

- EXISTING CMU BLOCK TO REMAIN
- EXISTING STUD WALL TO REMAIN
- NEW 8" POURED CONCRETE
- NEW 2"x4" STUD WALL @ 16" O.C
- NEW 2"x6" STUD WALL @ 16" O.C

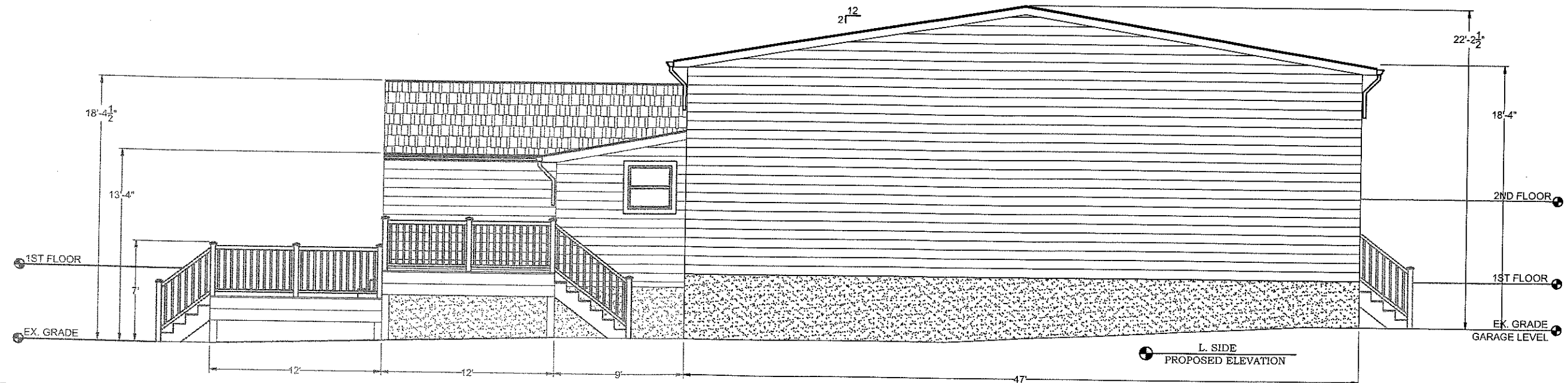
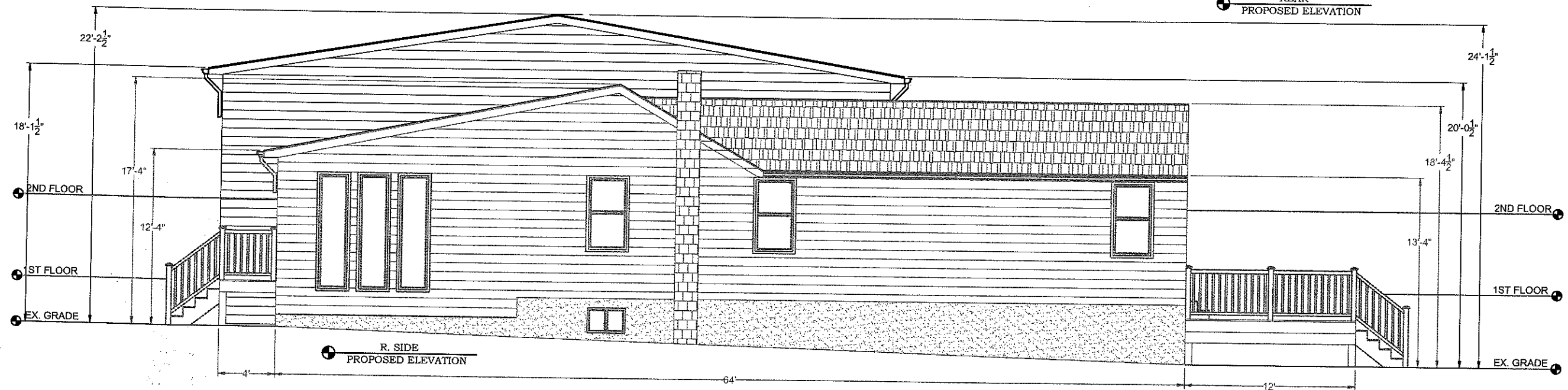
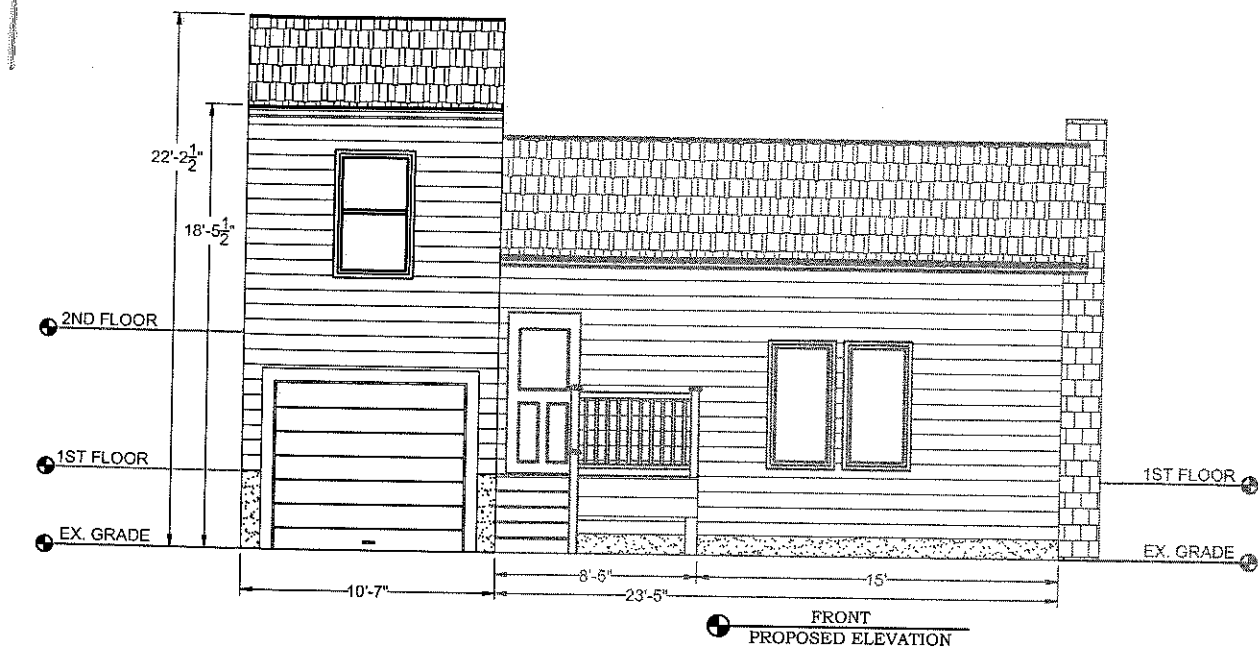


REV	DESCRIPTION	DATE
3/20/2023		

DESIGNED BY: CD	CD
DRAWN BY: CD	CD
REVIEWED BY: JN	JN
DATE: 2/13/2023	
SCALE: 3/32" = 1' 0"	

CERTIFICATION

PROJECT ADDRESS: 9632 DIXON AVE
DESCRIPTION: PROPOSED FLOOR PLAN



REV	DESCRIPTION	DATE
1		3/20/2023

DESIGNED BY:	CD
DRAWN BY:	CD
REVIEWED BY:	JN
DATE:	2/13/2023
SCALE:	1/8" = 1' 0"

CERTIFICATION

PROJECT ADDRESS: 9632 DIXON AVE
DESCRIPTION: PROPOSED ELEVATIONS

SHEET NUMBER

A-4

9632 DIXON AVENUE

PARKVILLE, MD 21234

LOT INFORMATION:

ZONING HEARING PLAN FOR VARIANCE: (X)

BUILDING CLASSIFICATION - RESIDENTIAL

USE TYPE - SINGLE FAMILY DWELLING

LOT SIZE - 12,500 SQFT

EXISTING BUILDING FOOTPRINT - VARIES (1,404 SQFT)

PROPOSED BUILDING FOOTPRINT - 1,834 (XXX SQFT)

EXISTING ENCLOSED AREA - 1,212 SQFT

PROPOSED ENCLOSED AREA - 1,500 +/- SQFT

IMPERVIOUS LAND AREA - 2,500 +/- SQFT

MAP: 0071

SUBDIVISION: 0000

PARCEL: 1112

SECTION: N/A

BLOCK: N/A

LOT: 136

ZONING: DR 5.5

GRID: 0015

TAX#: 0903477700

DEED REF#: 38951/00023

PLAT BOOK #: 0007

FOLIO #: 0090

STRUCTURE BUILT: 1922

OWNER INFORMATION:

ROBERT ZIELINSKI
9632 DIXON AVE
BALTIMORE, MD 21234-2102

SCOPE OF WORK:

CONSTRUCT A NEW 1-STORY ADDITION (10' x 47') (470 SQFT),
AS PER PLANS AND CONSTRUCTION CODES.

LEGEND

- EXISTING 1-STORY BUILDING TO REMAIN
- NEW 1-STORY ADDITION (10' x 47') (470 SQFT)



VICINITY MAP

NTS

PROJECT ADDRESS: 9632 DIXON AVE

DESCRIPTION: SITE PLAN

SHEET NUMBER

A-1



LOT 88
"CARNEY VIEW"
WPC 7/90

LOT 87
"CARNEY VIEW"
WPC 7/90

LOT 86
"CARNEY VIEW"
WPC 7/90

LOT 85
"CARNEY VIEW"
WPC 7/90

N 10° 32' 00" E

50.00'

GARAGE

C/P

LOT 136

LOT 137

S 79° 28' 00" E

205.00'

6'

10'-3"

6'-3"

18'

#9630
DIXON AVE
EXISTING
1.5-STORY
FRAME

13'

12'

11'

10'

47'

52'-

#9632
1-STORY .64'
FRAME

24'

EXIST. DECK

EXIST. DECK

SHED

#9636
DIXON AVE
EXISTING
1.5-STORY
FRAME

12'

+/-

LOT 135
"CARNEY VIEW"
WPC 7/90

10' +/-

39' +/-

EXIST.
CONCRETE
DRIVE

S 10° 32' 00" W

50.00'

DIXON AVENUE

2023-0083-A

PROJECT ADDRESS:

9632 DIXON AVE

DESCRIPTION:

SITE PLAN

SHEET NUMBER

A-1

CERTIFICATION

DESIGNED BY: CD
DRAWN BY: CD
REVIEWED BY: JN
DATE: 2/13/2023
SCALE: 1" = 20'

REV. DESCRIPTION DATE

NW2 ENGINEERS
810 Light St.
Baltimore, MD 21224
(P) 410.990.0009
(F) 410.568.1333
nw2engineers.com