

IN RE: PETITION FOR VARIANCE
SW/corner Belinda Avenue, 140' SE
centerline of Dale Avenue
14th Election District
6th Councilmanic District
(2 Belinda Avenue)

Mirosław Kondracki
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-~~0~~11-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Mirosław Kondracki. The Petitioner is requesting a variance for property he owns at 2 Belinda Avenue, located in the Overlea area of Baltimore County. The Petitioner is requesting a variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (shed) to be permitted in the front yard in lieu of the required rear yard and to permit a setback of 5 ft. in lieu of the required 25 ft. for a double frontage lot.

Appearing at the hearing on behalf of the request was Mirosław Kondracki, owner of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.12 acres of land, more or less, zoned D.R.5.5. The subject property is located at the intersection of Belinda Avenue and Dale Avenue in Overlea. The property is improved with a 1 ½ -story dwelling wherein Mr. Kondracki resides with his son. At issue in the case is a storage shed located on the corner of the Petitioner's property. The shed in question was constructed on the property approximately 7 years ago and has remained in that location since that time. Recently, Mr. Kondracki was cited for zoning violations on this property involving an unlicensed automobile and other matters. As a result of that inspection, he was

DATE RECEIVED FOR FILING

DATE

10/18/02

BY

R. J. [Signature]

cited with the shed being located in his front yard in lieu of the rear yard. Therefore, he was instructed to file a variance to correct the matter which is the purpose of the hearing before me.

After considering the testimony and evidence offered at the hearing and the lack of opposition thereto, I find that the variance request should be granted to allow the storage shed to remain as it has for the past 7 years. The shed is completely surrounded by trees and other vegetation and does not affect the vision of motorists driving on Belinda or Dale Avenues.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

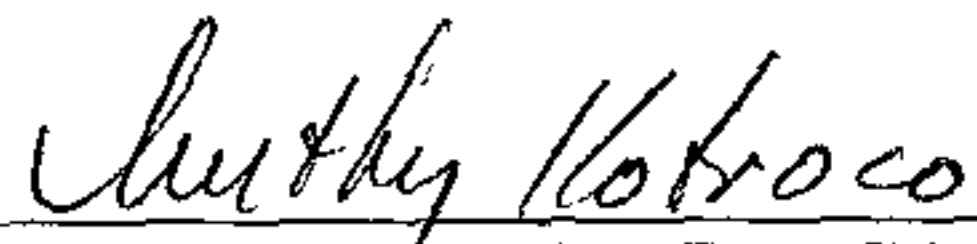
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

FILED FOR FILING
10/18/02
J. J. [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 8th day of October, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.2 of the B.C.Z.R., to allow an accessory structure (shed) to be permitted in the front yard in lieu of the required rear yard and to permit a setback of 5 ft. in lieu of the required 25 ft. for a double frontage lot, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES FOR FILING
10/8/02
R. J. Jenson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

October 8, 2002

Mr. Mirosław Kondracki
2 Belinda Avenue
Baltimore, Maryland 21206

Re: Petition for Variance
Case No. 03-111-A
Property: 2 Belinda Avenue

Dear Mr. Kondracki:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2 BELINDA AVE
which is presently zoned DR 5.5

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) 400.2 to permit an accessory structure (shed) be located in the front yard in lieu of the required rear yard; Section 400.1.d.(2) Zoning Commissioner's Policy Manual to permit a setback of 5 ft. in lieu of the required 25 ft. for a double frontage lot.

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 DISCUSSED AT THE 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:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Mirosław Kondracki
Name - Type or Print

Signature Kondracki

Name - Type or Print only 1 owner

Signature

2 Belinda Avenue 410 882-8498
Address Telephone No.

Baltimore MD 21206
City State Zip Code

Representative to be Contacted:

Mirosław Kondracki
Name 2 Belinda Ave. 410 882-8498

Address Baltimore MD 21206 Telephone No.
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING
Reviewed By BR Date 9/5/02

Case No. 03-111-A

REV 9/15/98

ZONING DESCRIPTION FOR **2 Belinda Ave.**

Beginning at a point on the **southwest of Belinda Avenue** which is **40'** wide

wide at the distance of **140'** **SE** of the centerline of the nearest improved intersecting

street **Dale Ave.** which is **40'** wide Being Lots # **1, 2 & 3**

Block **E** in the subdivision of **KENWOOD**

As recorded in Baltimore County Plat Book # **WPC 4** Folio # **36**

Containing **.12 acres** Also known as **2 Belinda Ave**

And located in the **Baltimore County** Election District **14th** Councilmanic District **6**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10067

DATE 9/5/02 ACCOUNT R001-006-6150
AMOUNT \$ 50.00

RECEIVED FROM: Miroslaw Kundrack.

FOR: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 111

PAID RECEIPT

BUSINESS ACTUAL TIME
9/06/2002 9/05/2002 15:29:35

REG 0505 WALKIN REOS LRB DRAWER 5

RECEIPT # 291956 9/05/2002 OFLN

DEPT 5 528 ZONING VERIFICATION

CR NO. 016867

Recpt Tot \$50.00

50.00 CR .00 CA

Baltimore County, Maryland

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: #03-111-A
2 Belinda Avenue
corner of Belinda Avenue &
Dale Avenue
14th Election District
6th Councilmanic District
Legal Owner(s): Miroslaw
Kondracki

Variance: to permit an accessory structure (shed) be located in the front yard in lieu of the required rear yard and to permit a setback of 5 feet in lieu of the required 25 feet for a double frontage lot

Hearing: Tuesday, October 8, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave.

LAWRENCE E. SCHMIDT
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 9/794 Sep 24 C564661

CERTIFICATE OF PUBLICATION

9/26/2002

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 9/24/2002.

- ☒ 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.: 03-111-A

Petitioner/Developer: MIROSLAW

KONDRACKI

Date of Hearing/Closing: 10/8/02

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

Attention: Ms. Gwendolyn Stephens

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 2 BELINDA AVENUE

The sign(s) were posted on

9/21/02
(Month, Day, Year)

Sincerely,

[Signature] 9/21/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

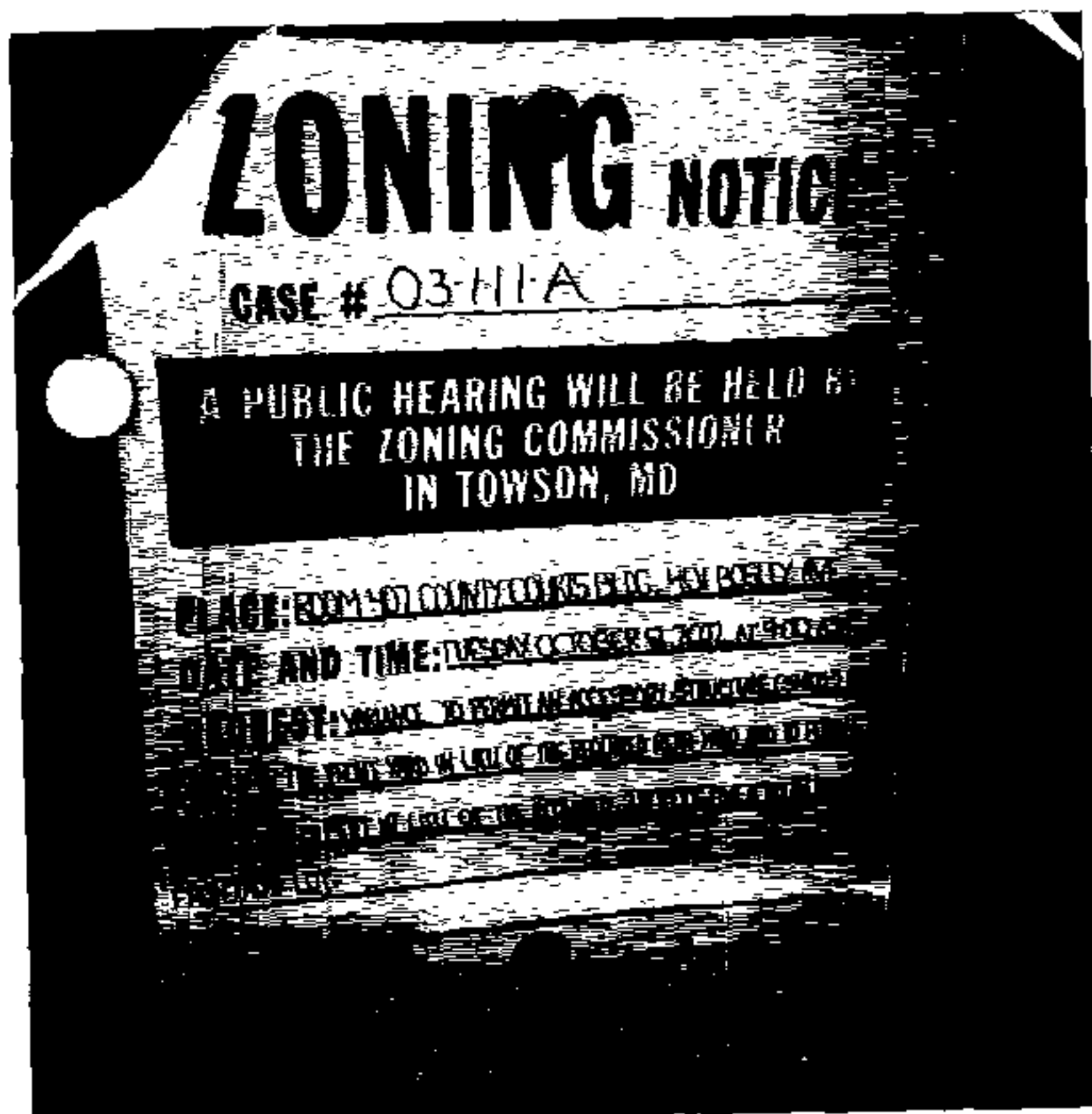
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE: PETITION FOR VARIANCE.
2 Belinda Ave. Corner of Belinda Ave.
& Dale Ave.
14th Election District 6th Councilmanic
District
Legal Owner: Mirosław Kondracki
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-111-A

* * * * *

ENTRY OF APPEARANCE

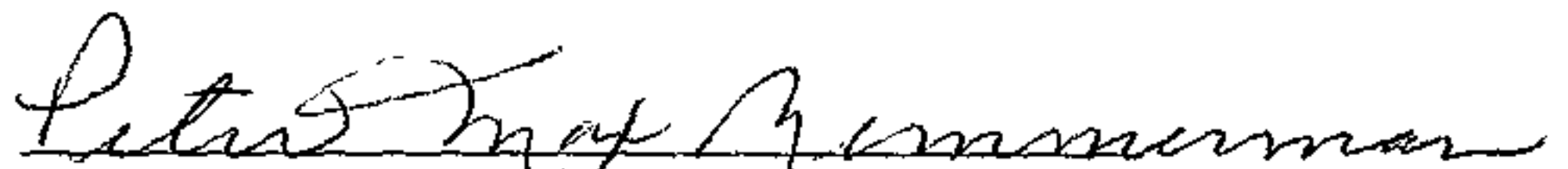
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in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


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Mirosław Kondracki, 2 Belinda Avenue, Baltimore, MD 21206 Petitioner(s).


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 24, 2002 Issue – Jeffersonian

Please forward billing to:
Miroslaw Kondracki
2 Belinda Avenue
Baltimore MD 21206

410 882-8498

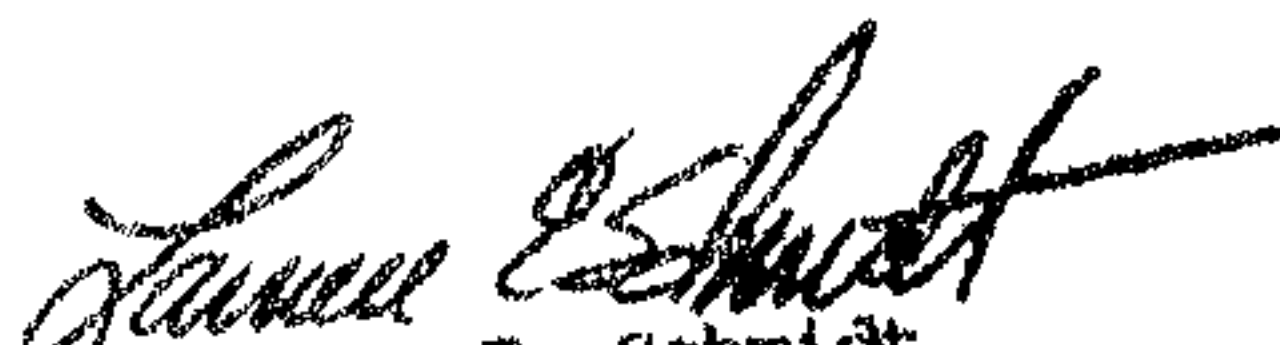
NOTICE OF ZONING HEARING

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: 03-111-A
2 Belinda Avenue
corner of Belinda Avenue & Dale Avenue
14th Election District – 6th Councilmanic District
Legal Owner Miroslaw Kondracki

Variance to permit an accessory structure (shed) be located in the front yard in lieu of the required rear yard and to permit a setback of 5 feet in lieu of the required 25 feet for a double frontage lot.

HEARING: Tuesday, October 8, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDD
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.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

September 13, 2002

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: 03-111-A
2 Belinda Avenue
corner of Belinda Avenue & Dale Avenue
14th Election District – 6th Councilmanic District
Legal Owner Miroslaw Kondracki

Variance to permit an accessory structure (shed) be located in the front yard in lieu of the required rear yard and to permit a setback of 5 feet in lieu of the required 25 feet for a double frontage lot.

HEARING: Tuesday, October 8, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon 602
Director

C: Miroslaw Kondracki, 2 Belinda Avenue, Baltimore 21206

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 23, 2002.**
(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.



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: 03-111-A
Petitioner: + MIROSLAW KONDRACKI
Address or Location: 2 Belinda Ave Baltimore MD 21206

PLEASE FORWARD ADVERTISING BILL TO:

Name: MIROSLAW KONDRACKI
Address: 2 BELINDA Ave.
BALTIMORE MD 21206
Telephone Number: 410 882-8498

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 4, 2002

Mr. Miroslaw Kondracki
2 Belinda Avenue
Baltimore, MD 21206

Dear Mr. Kondracki:

RE: Case Number: 03-111-A, 2 Belinda Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 5, 2002.

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.
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
c: Code Enforcement Derek Propalis
People's Counsel
enc.



Baltimore County
Fire Department

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

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 16, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

103-115

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/TGT*

DATE: October 7, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of September 9, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

111

105, 108, 109, 110-115

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: October 21, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 16, 2002
Item Nos. 103, 104, 105, 107, 108, 109,
110, 111, 112, 114, and 115

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

RWB:CEN:jrb

cc: File

Aug
10/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: September 25, 2002

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

SUBJECT: 2 Belinda Avenue

INFORMATION:

Item Number: 03-111

Petitioner: Mirosław Kondracki

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the location of the existing storage shed provided that the existing screening remains.

Prepared by: Mark A. Gump

Section Chief: Lynn Lasham

AFK/LL:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.16.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 111 BR

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1- Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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

Civil Citation No. 02-0517

2 Belinda Avenue

In the Matter of
Miroslav Kondracki
Teresa Kondracki

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 30 April 2002, for a hearing on a citation for violations under the Baltimore County Zoning Regulations, for maintaining planting that interferes with sight distance, and an accessory structure in front yard on residential property zoned DR located at 2 Belinda Avenue.

On 12 March 2002, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was legally served on the Respondents

The citation described the violations as follows: Baltimore County Zoning Regulations, § 101, 102.1, 102.5, 400, 428, 1B01.1A, failure to remove planting above 3 feet and a building that is within the area that is 25 feet back from the corner of a street, having an accessory structure in the front yard, storage of an unlicensed motor vehicle.

Further, the citation proposed a civil penalty of \$2400 to be assessed. A code enforcement hearing date was scheduled for 30 April 2002. The Respondents have current registration of the 1986, 2 door Plymouth. The Respondent's corner of their property was taken by the County as part of a road widening. The taking removed a piece approximately 31 feet on Belinda Avenue and 31 feet on Dale Avenue. See Respondent's Exhibit 1 on location survey dated 1980. The Respondents should not be penalized for violation of §102.5 of the zoning regulations, as the taking away the setback distances.

03-111-A

03-111-A

The accessory structure is in violation of §400.1, which regulates accessory structures in residential zones, Section 400.1 states as follows:

"Accessory buildings in residence zones, other than farm buildings (§404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case, shall they be located less than less than 2 ½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure, which is attached to the principal building by a covered passageway or which has one or part of one wall in common with it. Such structure shall be considered part of the principal part of the principal building and shall be subject to the yard requirements for such a building "

IT IS ORDERED by the Code Enforcement Hearing Officer, this 20 day of May 2002, that a civil penalty be imposed in the amount of \$1500.

IT IS FURTHER ORDERED that the civil penalty in the amount of \$1500 shall be suspended on condition the Respondents remove the accessory structure or obtain a variance from the Zoning Commissioner to allow the structure to remain in its present location on or before 16 August 2002. If the Respondents fail to correct the violations, then the civil penalty imposed shall be \$1500.

IT IS FURTHER ORDERED that the inspector, inspect the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro
Stanley J. Schapiro
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director

03-111-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2 BELINDA Ave

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

SUBDIVISION NAME KEENWOOD

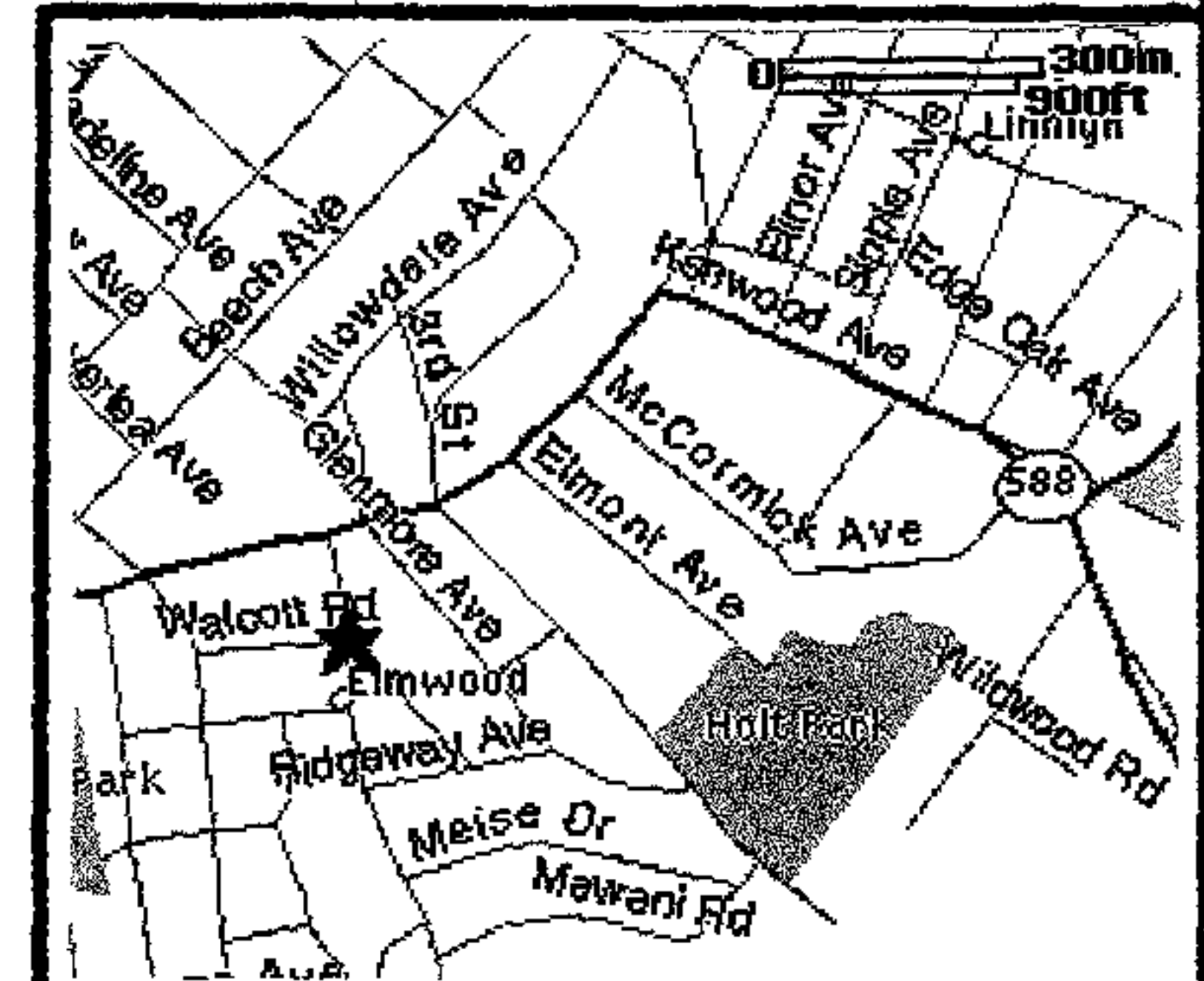
PLAT BOOK # 4 FOLIO # 36 LOT # 1,2,3 SECTION #

OWNER MIROSLAW KONDRACKI

BELINDA AVENUE (40' WIDE)

& 30' PAVING

P.O.B.



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 14

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # HEGE

ZONING DR 5.5

LOT SIZE .12

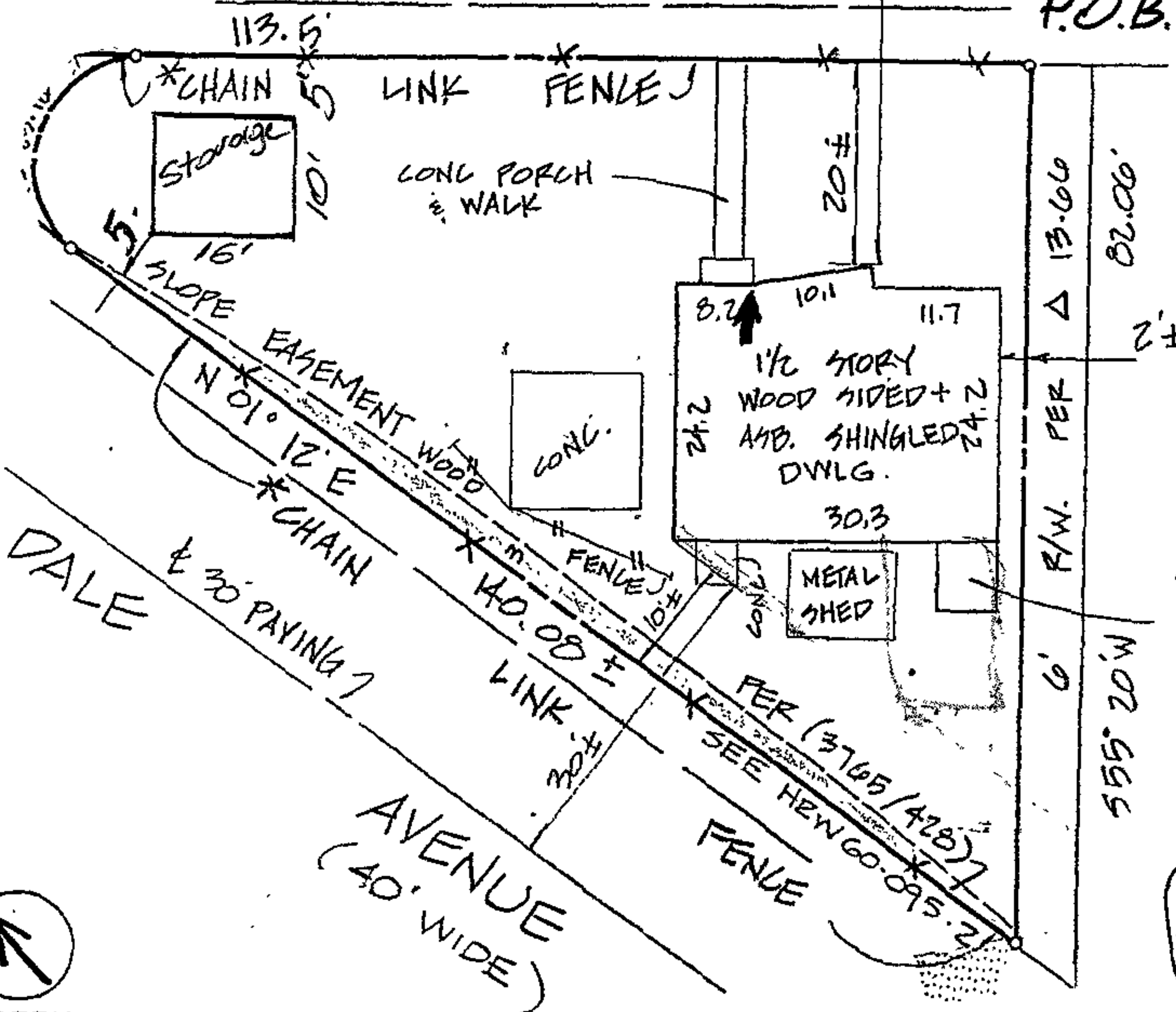
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>VIOLATION 16-JE-0517</u>	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

MR 111 03-111-A



LOT 4
KEENWOOD
PB 4 PG 36
ASBESTOS SHINGLED SHED ADDITION

Ref #1



NORTH

PREPARED BY MIROSLAW KONDRACKI SCALE OF DRAWING: 1" = 20'

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: September 25, 2002

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 111
Legal Owner/Petitioner: Mirosław Kondracki
Property Address: 2 Belinda Avenue
Location Description: Corner of Belinda Avenue and Dale Avenue

VIOLATION INFORMATION: **Case No.: 02-0517**

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Code Enforcement Report w/ Photos
Tax Assessment Inquiry w/ Attachments
Location Survey w/ Photo
Photo (3)
Copy of Registration Certificate
Correction Notice 02/11/02
Citation 03/12/02
Code Enforcement Final Order
Photos(3)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/lrs

c: Code Enforcement Derek Propalis

CODE ENFORCEMENT REPO

closed 99-5408

DATE: 8 FEB 02 INTAKE BY: sabel CASE #: 02 0511 INSPEC: 4

COMPLAINT LOCATION: 2 Belinda

ZIP CODE: 21206 DIST:

COMPLAINANT NAME: Anonymous walk in PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: sheds (multiple sheds), brush debris, untagged/unlicensed vehicle - @ the corner of Dale & Belinda trees and brush block view for safe driving

IS THIS A RENTAL UNIT? YES NO
IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION:

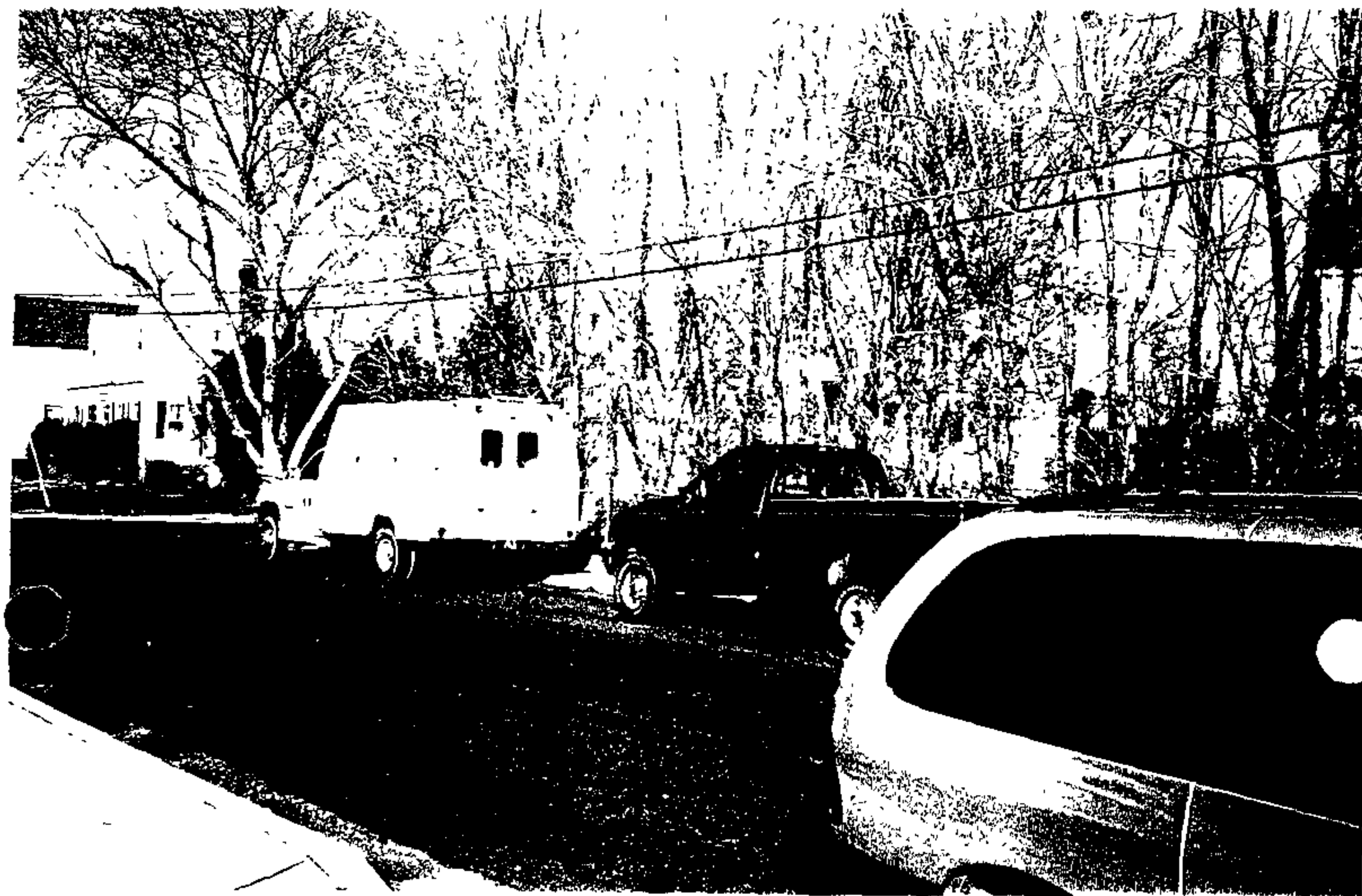
TAX ACCOUNT #: 14 01 0512010 ZONING:

INSPECTION: 2 pictures attached from complainant map attached from complainant

REINSPECTION:

REINSPECTION:

REINSPECTION:





RA1001B

DATE: 02/08/2002

STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:04:11

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL.	LOAD DATE
14 01 055070	14	3-3	04-00	H	NO		12/12/01
KONDRACKI MIROSLAW				DESC-1.. IMPSPT LT 1,2,3			
KONDRACKI TERESA E				DESC-2.. KENWOOD			
2 BELINDA AVE				PREMISE. 00002		BELINDA	AVE
							00000-0000

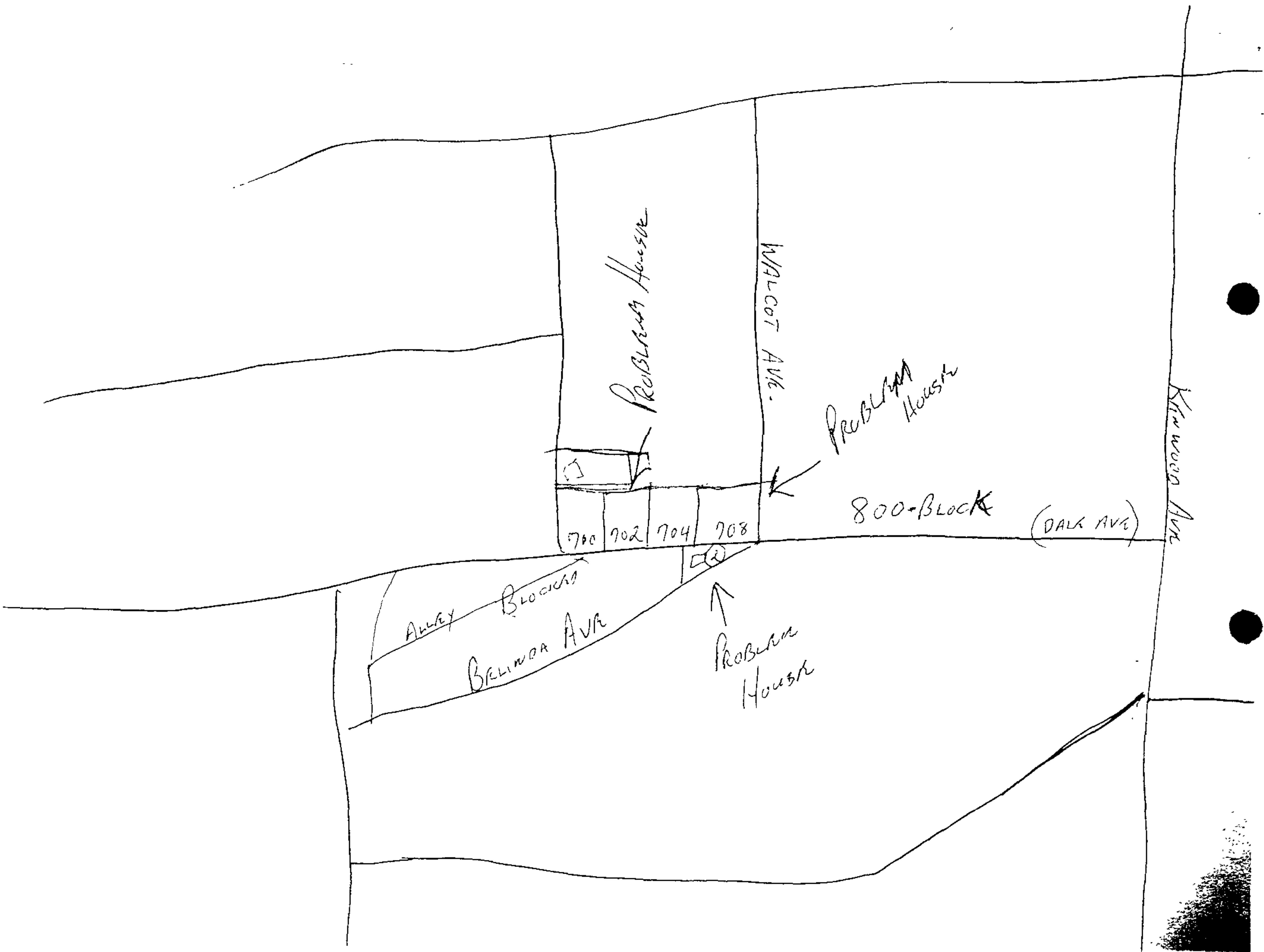
BALTIMORE

MD 21206-1346 FORMER OWNER: NACE ROBERT I.

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	29,210	29,210		FCV	ASSESS	ASSESS
IMPV:	46,200	46,190	TOTAL..	75,400	75,400	75,400
TOTL:	75,410	75,400	PREF...	0	0	0
PREF:	0	0	CURT...	75,400	75,400	75,400
CURT:	75,410	75,400	EXEMPT.		0	0
DATE:	06/96	12/98				

---- TAXABLE BASIS ----		FM DATE
02/03 ASSESS:	75,400	09/30/00
01/02 ASSESS:	75,400	06/01/01
00/01 ASSESS:	30,160	06/01/00

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



ROAD
TAKING
AREA

BELINDA AVENUE
(40' WIDE)
(30' PAVED)



NOTE FOR ROAD TAKING
AREA & SLOPE EASEMENT
SEE 1800 T. HANCOCK COUNTY
L. 1802 SLOPE EASEMENT AND
DRAWING NO. HW 60 001-2

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE
PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE
LOCATED AS SHOWN

THIS PLAT IS A PART OF
LOT 1, 2 & 3, SLOPE E,
PLAT OF KENWOOD
PLAT BOOK 1 FOLIO 30

REG NO. 7730

W. T. SADLER, INC.
Surveyors

305 w. chesapeake ave.
towson, md. 21204



LOCATION SURVEY

2 BELINDA AVENUE
10TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.

SCALE

1" = 20'

DATE

5/1/80

APP NO

JOB NO

2700

NOTE: This Plat cannot be used to establish property lines or corners



PHOTOGRAPHIC RECORD

Citation/Case Number: 02-0517
Date of Photographs: 3/4/02

I HEREBY CERTIFY that I took the 2 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

Denny Propolis
Enforcement Officer



12-0517



Motor Vehicle Administration

Vehicle Administration
6601 Ritchie Highway NE
Glen Burnie, Maryland 21062

REGISTRATION CERTIFICATE

TAG NUMBER

UNIT #

STICKER NUMBER

K4K984

0524828

TITLE NUMBER		MAKE AND BODY STYLE OF VEHICLE	
3762303		PLYM 2H	
YEAR	CLASS	EXCEPT	VEHICLE IDENTIFICATION NUMBER
85	A	N/A	JP3EA24K5G0000463
GR VEH WT	GR COMB WT	FEE	EXPIRATION DATE
3700	40N/A	76.00	03/31/04
OWNER'S DRIVER LICENSE/SOUNDEX NO		(CO-OWNER'S DRIVER LICENSE/SOUNDEX NO)	
B515623755684			

NAME(S) AND ADDRESS OF REGISTERED OWNER(S)

MIROSLAW RYBEARD KONDRACKI
2 BELINDA AVE
BALTIMORE MD 21206

NOTE: When vehicle insurance is canceled or terminated, the MVA suspends the registration and the plates must be returned immediately. The MVA must receive the plates on or before the insurance ends. Failure to return plates will result in substantial fines and the withholding of future registration privileges.

MARYLAND M.V.A. TITLE/REG. RECEIPT	
3	3
FEES	\$76.00
PRIV	0.00
IN	0.00
TRF	0.00
ADM	0.00
MISC	0.00
REG	54.00
RG SRCHG	22.00
SAL INSP	0.00
PAID	
TRANS	\$76.00
MARYLAND M.V.A. TITLE/REG. RECEIPT	
3	3
FEES	\$76.00
PRIV	0.00
IN	0.00
TRF	0.00
ADM	0.00
MISC	0.00
REG	54.00
RG SRCHG	22.00
SAL INSP	0.00
PAID	
TRANS	\$76.00

VR-277 (6/98)



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION
SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation Case No.	Property No.	Zoning:
02-0517	1401 055070	DR
Name(s):	Miroslav Kondracki Teresa Kondracki	
Address:	2 Belinda Ave Balto MD 21206	
Violation Location:	Same	
Violation Dates:	2/12/02 through 3/12	

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE-NAMED PERSON(S) DID
UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

BC2R 101 102 1025 400 428 1B01.1A
① Failure to remove plantings and building above 3' and a building that is within the area that is 25' back from the corner of a street + street ② Having an accessory structure in the front yard ③ Storage of an unlicensed motor vehicle.

Pursuant to Section 1-8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated:

\$ 2400

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for:

Date: 4/30/02
Time: 9 AM

Citation must be served by:

Date: 3/27/02

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: Derek Propolis

Date: 3/12/02 Inspector's Signature: [Signature]

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name:	Citation/Case No.
	02-0517
Address:	

Date: Defendant's Signature

AGENCY

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

In the Matter of
Miroslav Kondracki
Teresa Kondracki

Civil Citation No. 02-0517
2 Belinda Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on 30 April 2002, for a hearing on a citation for violations under the Baltimore County Zoning Regulations, for maintaining planting that interferes with sight distance, and an accessory structure in front yard on residential property zoned DR located at 2 Belinda Avenue.

On 12 March 2002, pursuant to §1-7(d), Baltimore County Code, a code enforcement citation was issued. The citation was legally served on the Respondents.

The citation described the violations as follows: Baltimore County Zoning Regulations, § 101; 102.1; 102.5; 400; 428; 1B01.1A, failure to remove planting above 3 feet and a building that is within the area that is 25 feet back from the corner of a street, having an accessory structure in the front yard, storage of an unlicensed motor vehicle.

Further, the citation proposed a civil penalty of \$2400 to be assessed. A code enforcement hearing date was scheduled for 30 April 2002. The Respondents have current registration of the 1986, 2 door Plymouth. The Respondent's corner of their property was taken by the County as part of a road widening. The taking removed a piece approximately 31 feet on Belinda Avenue and 31 feet on Dale Avenue. See Respondent's Exhibit 1 on location survey dated 1980. The Respondents should not be penalized for violation of §102.5 of the zoning regulations, as the taking away the setback distances.

The accessory structure is in violation of §400.1, which regulates accessory structures in residential zones, Section 400.1 states as follows:

"Accessory buildings in residence zones, other than farm buildings (§404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case, shall they be located less than less than 2 ½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure, which is attached to the principal building by a covered passageway or which has one or part of one wall in common with it. Such structure shall be considered part of the principal part of the principal building and shall be subject to the yard requirements for such a building. "

IT IS ORDERED by the Code Enforcement Hearing Officer, this 20 day of May 2002, that a civil penalty be imposed in the amount of \$1500.

IT IS FURTHER ORDERED that the civil penalty in the amount of \$1500 shall be suspended on condition the Respondents remove the accessory structure or obtain a variance from the Zoning Commissioner to allow the structure to remain in its present location on or before 16 August 2002. If the Respondents fail to correct the violations, then the civil penalty imposed shall be \$1500.

IT IS FURTHER ORDERED that the inspector, inspect the property to determine whether the violations have been corrected.

Signed: Stanley J. Schapiro
Stanley J. Schapiro
Code Enforcement Hearing Officer

The violator is advised that pursuant to §1-7(g)(1), Baltimore County Code, an appeal to the Baltimore County Board of Appeals may be taken within fifteen (15) days after the date of a final Order. §1-7(g)(2) requires the filing of a petition setting forth the grounds for appeal and a filing fee of \$150. The appellant is urged to read the requirements for the appeal petition. Security in the amount of the civil penalty must be posted with the Director.



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 02-0517	Property No. 1401 055070	Zoning: DR
Name(s):	Miroslaw Kondracki Teresa Kondracki	
Address:	2 Belinda Ave Baltimore MD 21204	
Violation Location:	Same	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BL 22-1, 2, 47, 49
BL 101 102-1 1301-1A 400

① Remove all trash & debris (yard waste, HW heater, damaged skate board ramp sections) by 2/22
② Remove grey shed from front yard
③ At corner of Dale & Belinda cut trees down so they are no taller than 36" 15' back from corner by 3/11 posted & mailed

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 2/22 & 3/11	Date Issued: 2/11/02
------------------------------	-------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name Derek Popelko

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR:

AGENCY



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Violation/Case No. 02-0517	Property No. 1401 055070	Zoning: DR
Name(s):	Miroslaw Kondracki Teresa Kondracki	
Address:	2 Belinda Ave Balto MD 21206	
Violation Location:	Same	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Additions and corrections to notice issued 2/11/02
BC2R 101 102.1 102.5 428 1B01.1A
① With regard to the trees on the corner (copy of 102.5 enclosed) you must go 25' back from the corner
② License / remove the unlicensed / inoperable vehicle under the blue tarp
posted & mailed
(don't forget trash & debris by 2/22/02)

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 3/11	Date Issued: 2/12/02
------------------------------	--------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR: _____

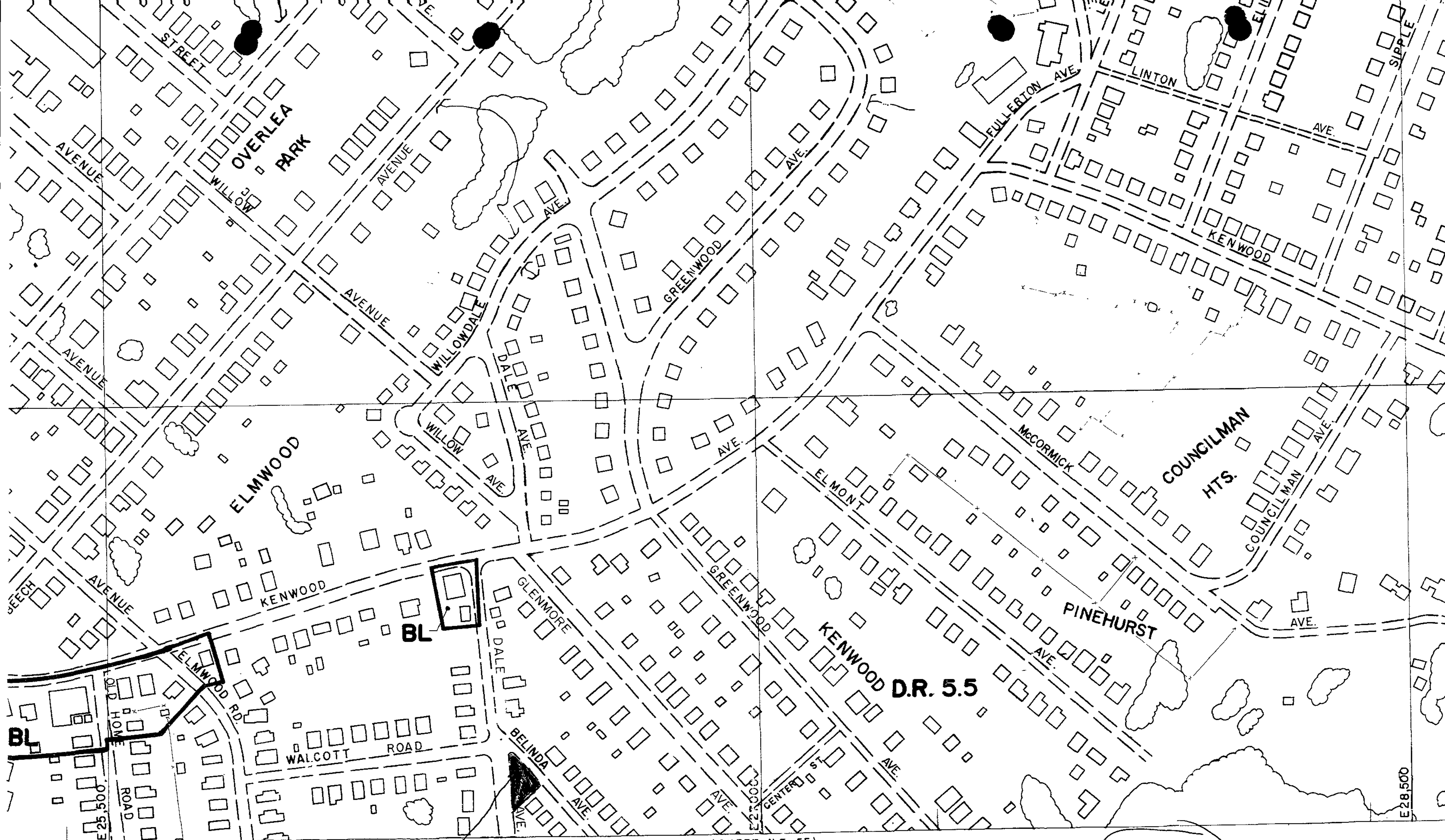
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Not Later Than	Date Issued
----------------	-------------

INSPECTOR: _____

AGENCY



COMPREHENSIVE ZONING MAP
 ADOPTED by
 BALTIMORE COUNTY COUNCIL
 OCTOBER 6, 2000
 8-00, 89-00, 90-00, 91-00, 92-00, 93-00.

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING

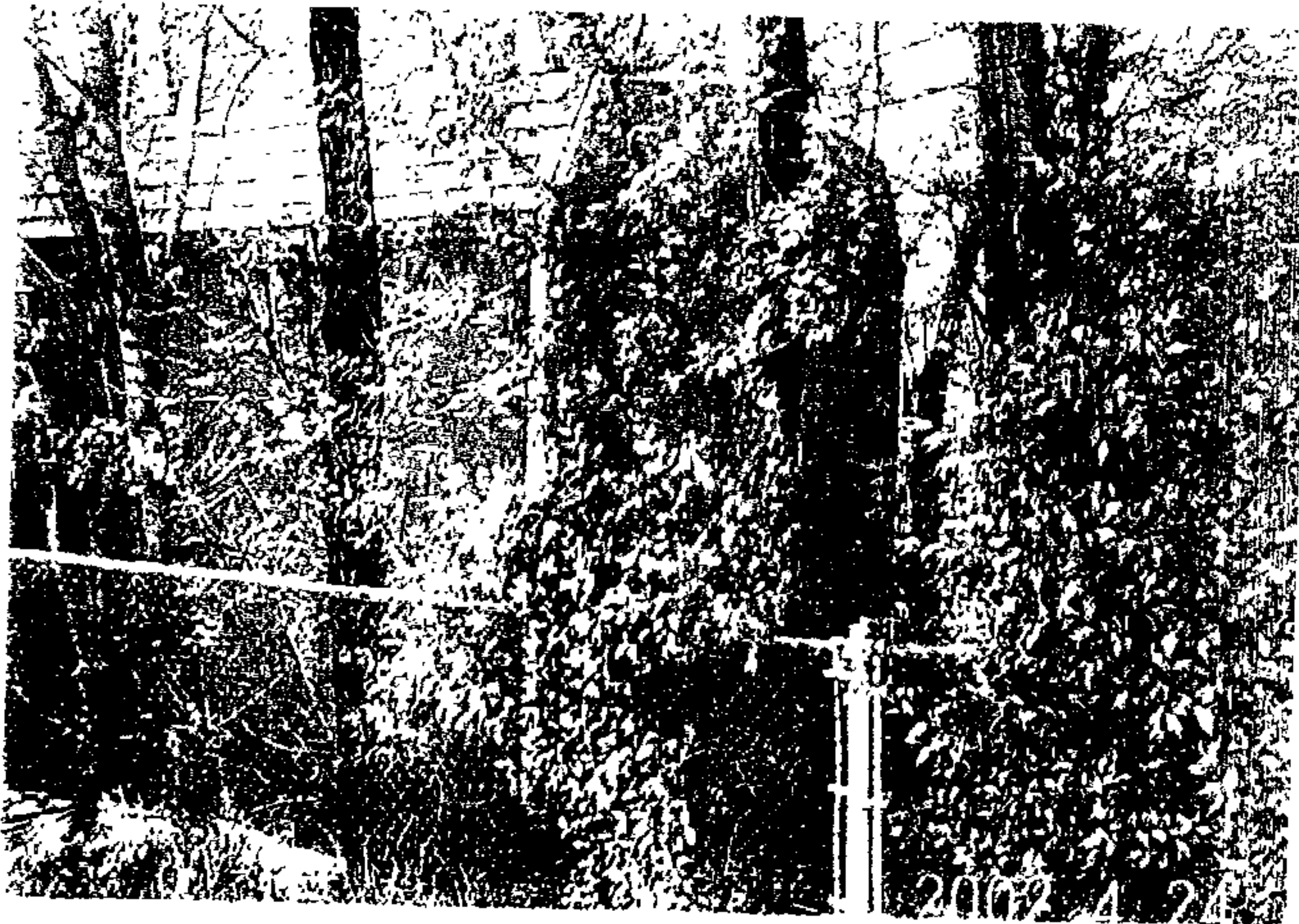
NE 6-E
 1" = 200'

#111

PHOTOGRAPHIC RECORD

Citation/Case No.: C2-0517

Date of Photographs: 4/26/02



I HEREBY CERTIFY that I took the 3 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

Ron Turner
Enforcement Officer



3/4

2 Belinda 02-0517

2 Belinda



