

IN RE: PETITION FOR VARIANCE
NW/Corner of The Byway Road
and Pleasant Hill Lane
4th Election District
2nd Councilmanic District
(25 The Byway Road)

Arlene T. & Michael W. Dalcin
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-021-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 owners of the subject property, Arlene T. and Michael W. Dalcin. The Petitioners are requesting variance relief for property located at 25 The Byway Road in the "Pleasant Hill Park" subdivision of Baltimore County. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit accessory structures with a 0 ft. rear yard and 2 ft. side yard setback in lieu of the required 2 ½ ft. and to allow the structures to be located outside of the third of the lot farthest removed from any street.

The property was posted with Notice of Hearing on August 21, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 24, 2004 to notify any interested persons of the scheduled hearing date

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

RECEIVED FOR FILED
Date 9/23/04
By Ray

as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated August 4, 2004, a copy of which is attached hereto and made a part hereof.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 04-3367) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter because of adding to garage without a permit, the buildings face Pleasant Hill Road and also someone has been living in the garage.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioners cannot use the fact that a structure has been erected as a precedent to allow it to continue. Nor does the fact that modifications may be costly to remove come into consideration in the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioners as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and

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Date 9/23/04
By [Signature]

Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this hearing of this Office.

Interested Persons

Appearing at the hearing on behalf of the variance request was Michael Dalcin, Petitioner. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property consists of .6 acres and is zoned D.R.3.5. The Petitioner indicated that the property is improved by a single-family dwelling, a garage, carport and shed along with swing set and playhouse. See Petitioner's Exhibit No. 1. A comment received from the Department of Permits and Development Management required the Petitioner to add the right-of-way of along the two streets adjoining the property. This was purely a drafting request and was accomplished by the Petitioner as shown on Exhibit No. 7.

The Petitioner erected a second shed for storage along the back edge of the property, which extends into the dividing line between the halves of the rear yard. See the heavy dotted line dividing the rear yard in Exhibit No. 7. In addition, the shed is located on the rear line and 2 ft. from the side yard property line again as shown on the aforementioned exhibit. These problems trigger the request for variance.

The Petitioner presented five photographs of the rear yard. Exhibit No. 2 shows the two sheds as they appear from the viewpoint of the neighbor behind the subject property. Note that the largest shed is built on skids and is apparently mobile. Exhibit No. 3, however, shows the problem created by moving the sheds away from the rear and side property lines to avoid variances. By moving the shed forward to avoid the rear line variance, the shed would extend

into the carport area where the Petitioner stores his truck. To move the sheds away from the side property line would interfere with the supporting post holding up the carport. In addition, the latter would simply extend further into the wrong third of the rear yard. The Petitioner testified that he erected the carport after getting a permit, but did not think the shed would require a permit. He also indicated that the dwelling on the property is a converted farmhouse that is occupied by him, his wife and four children. The dwelling has a dirt basement and no storage room in the attic. They simply need more storage space. In addition, he noted that the lot is almost triangular in shape and that the location of his septic system and drain fields severely limits locating the shed elsewhere. Finally, he noted that the neighboring homes are between 175 ft. and 200 ft. away from the subject shed.

Findings of Fact and Conclusions of Law

I am sympathetic to the Petitioner's need for more storage space for his family. It is true that the lot is unique from a zoning standpoint, due to the unusually shaped lot that is also located on the corner of two streets. It is also true that the Petitioner is severely limited as to where he can place an additional shed by the requirement that such structures may only be located in the one third rear yard area, and not on the existing drain field and septic system. Finally, I find that the shed will not adversely affect the community and is within the spirit and intent of the zoning regulations.

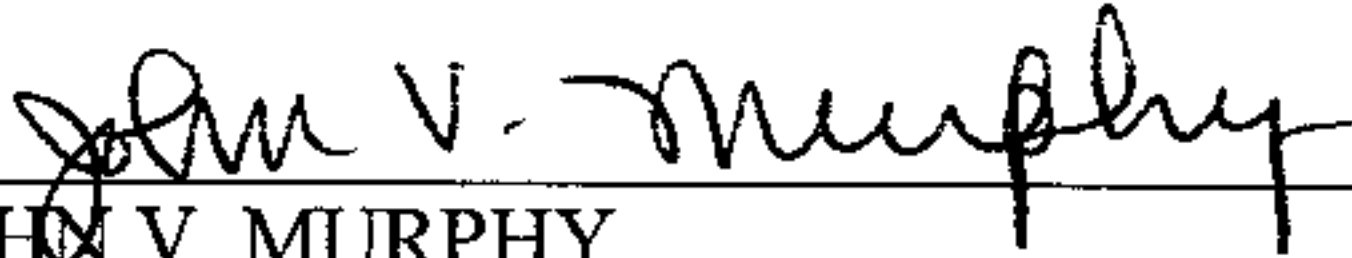
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 23 day of September, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the

ORIGINAL FILED FOR FILING
DATE 9/23/04
BY [Signature]

Baltimore County Zoning Regulations (B.C.Z.R.), to permit accessory structures with a 0 ft. rear yard and 2 ft. side yard setback in lieu of the required 2 ½ ft. and to allow the structures to be located outside of the third of the lot farthest removed from any street, be and is hereby GRANTED.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 9/23/04
By raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 23, 2004

Mr. & Mrs. Michael E. Dalcin
25 Byway Road
Owings Mills, Maryland 21117

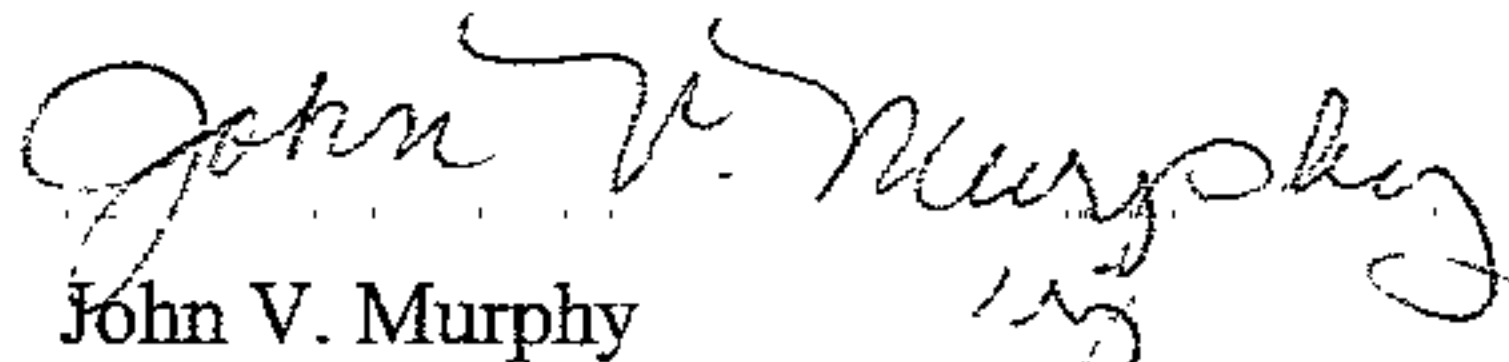
Re: Petition for Variance
Case No. 05-021-A
Property: 25 The Byway Road

Dear Mr. & Mrs. Dalcin:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at X #25 THE BYWAY
which is presently zoned X DR 3.5

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) 400.1 BCZR TO PERMIT ACCESSORY STRUCTURES WITH A 0 FT. REAR YARD AND 2 FT. SIDE YARD SETBACK IN LIEU OF THE REQUIRED 2 1/2' AND TO ALLOW THE STRUCTURES TO BE LOCATED OUTSIDE OF THE THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO DETERMINED AT HEARING.

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

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

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

Contract Purchaser/Lessee:

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

Attorney For Petitioner:

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

Cash No. 05-021-A

REV 5/00

Legal Owner(s):

X Michael W Dalcin
Name - Type or Print _____
Signature _____
X Michael W. Dalcin
Signature _____
X Arlene T Dalcin
Name - Type or Print _____
Signature _____
X 25 Byway Rd X 410-356-3798
Address Telephone No. _____
X Quings Mills X MD X 21147
City State Zip Code

Representative to be Contacted:

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

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING _____

Reviewed By VL Date 7/09/04

ORDER RECEIVED FOR FILING
9/23/04
REV 5/00

Zoning Description

#25 THE BYWAY RD.

BEGINNING AT A POINT ON THE NORTH SIDE OF
THE BYWAY RD. AT THE INTERSECTION ^{WITH THE ~~WEST~~ SIDE OF} PLEASANT HILL
LA. BEING LOT #13 IN THE SUBDIVISION OF PLEASANT HILL
PARK RECORDED IN PLAT BOOK 7 FOLIO 65 SECTION A
.6 AC., 4TH ED, 2ND C. DIST.

Michael Dalem

021

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 35910

DATE 7/09/04 ACCOUNT 001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM DALON

FOR RV
#25 THE BYWAY RD

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME

7/12/2004 7/09/2004 15:29:23

REG. NO. WALTON VAN EUB

RECEIPT # 27837 7/09/2004

Dept. 3 520 TOWING VERIFICATION

CR NO. 005710

Amount \$ 65.00

PAID BY \$ 65.00

PAID TO \$ 65.00

PAID BY & DATE 7/09/2004

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: #05-021-A

25 The Byway Road

Northwest corner of The Byway Road and Pleasant Hill Lane

4th Election District — 2nd Councilmanic District

Legal Owner(s): Michael W. and Arlene T. Dalcin

Variance: to permit accessory structures with a 0-foot rear yard and 2 foot side yard setback in lieu of the required 2 1/2 feet and to allow the structures to be located outside of the third of the lot farthest removed from any street.

Hearing: Thursday, September 9, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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 8/777 August 24

18561

CERTIFICATE OF PUBLICATION

8/25/2004

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 8/24/2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

JM
9/9

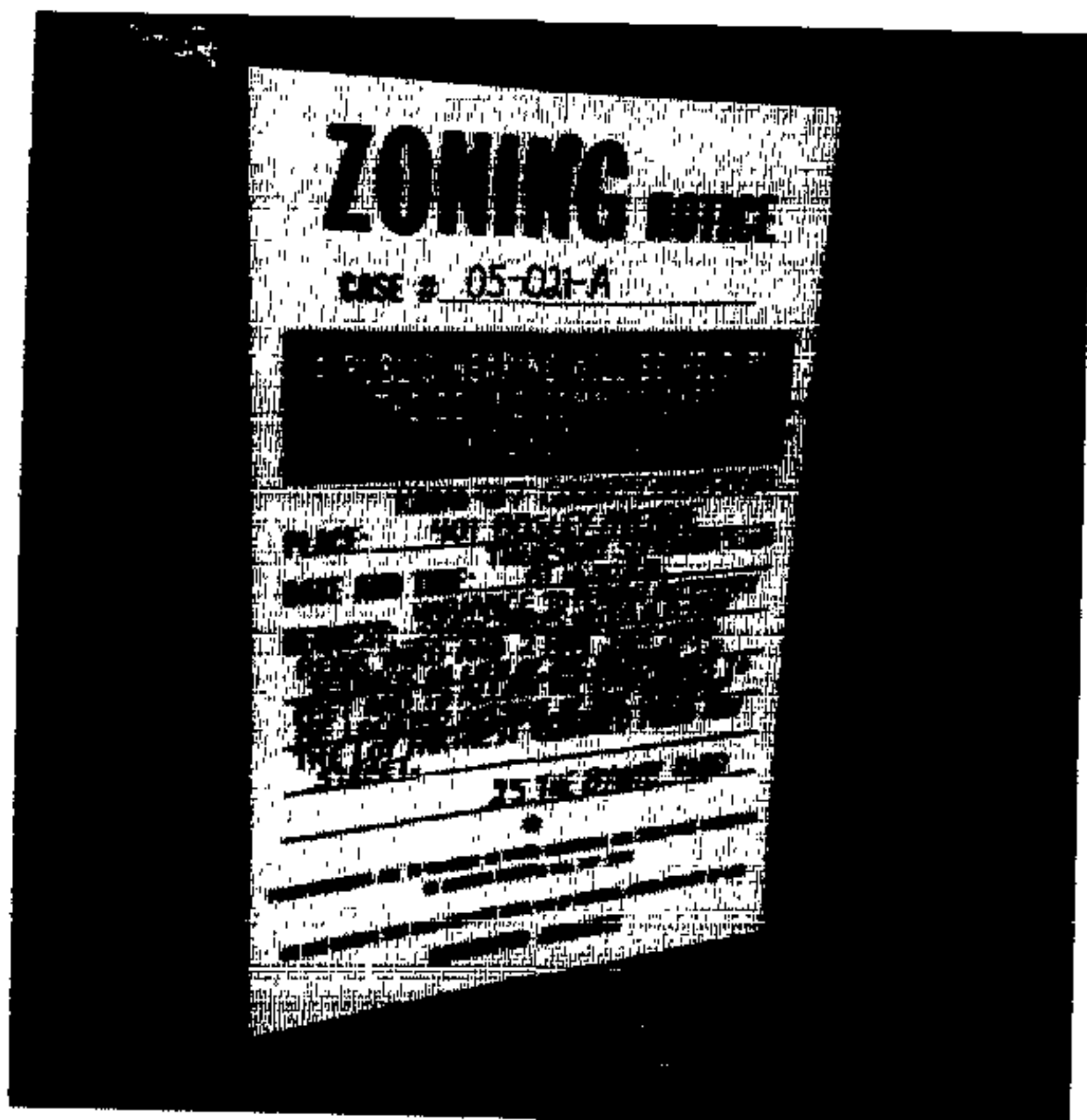
CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date: August 23, 2004

RE: Case Number 05-021-A
Petitioner/Developer: MICHAEL AND ARLENE DALCIN
Date of (Hearing) Closing: SEPTEMBER 9, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 25 THE Byway Road

The sign(s) were posted on August 21, 2004
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



July 21, 2004

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: 05-021-A

25 The Byway Road

Northwest corner of The Byway Road and Pleasant Hill Lane

4th Election District—2nd Councilmanic District

Legal Owners: Michael W. and Arlene T. Dalcin

Variance to permit accessory structures with a 0-foot rear yard and 2 foot side yard setback in lieu of the required 2 ½ feet and to allow the structures to be located outside of the third of the lot farthest removed from any street.

Hearing: Thursday, September 9, 2004 at 10:00 am in Room 407, County Courts Building
401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK: clb

C: Michael and Arlene Dalcin 25 The Byway Road Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY AUGUST 25, 2004**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 24, 2004 Issue - Jeffersonian

Please forward billing to:

Michael Dalcin
25 The Byway Road
Owings Mills, Maryland 21117

410-356-3798

NOTICE OF ZONING HEARING

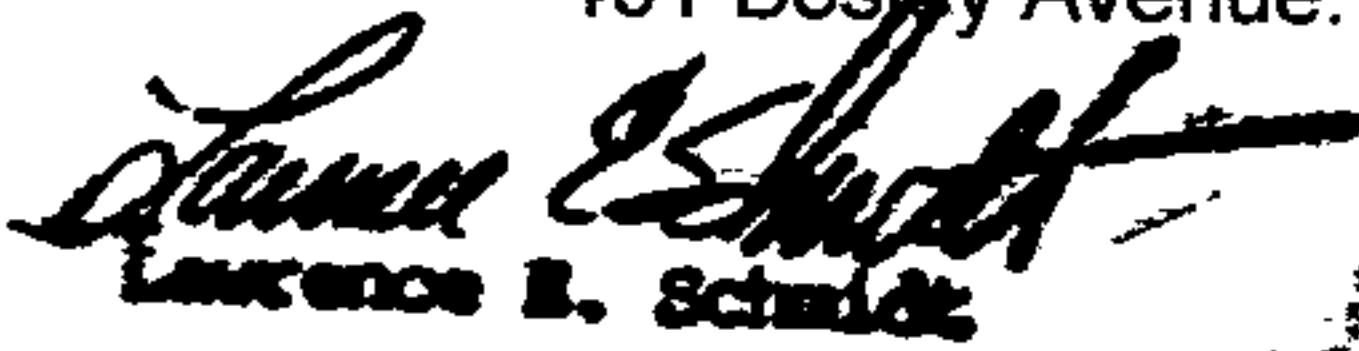
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-021-A

25 The Byway Road
Northwest corner of The Byway Road and Pleasant Hill Lane
4th Election District—2nd Councilmanic District
Legal Owners: Michael W. and Arlene T. Dalcin

Variance to permit accessory structures with a 0-foot rear yard and 2 foot side yard setback in lieu of the required 2 ½ feet and to allow the structures to be located outside of the third of the lot farthest removed from any street.

Hearing: Thursday, September 9, 2004 at 10:00 am in Room 407, County Courts Building
401 Bosley Avenue.



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 05 021 A

Petitioner: x- DALCIN

Address or Location: x 25 The Byway

PLEASE FORWARD ADVERTISING BILL TO:

Name: x Michael Dalcin

Address: x 25 The Byway
Quings Mills Md 21117

Telephone Number: x 410-356-3798 W-410-581-9981

**Department of Permits
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

August 31, 2004

Michael W. Dalcin
Arlene T. Dalcin
25 Byway Road
Owings Mills, Maryland 21117

Dear Mr. and Mrs. Dalcin:

RE: Case Number:05-021-A, #25 The Byway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 9, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info





Baltimore County
Fire Department

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

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

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 26, 2004

Item No.: 017-035

Dear Ms. Mathews:

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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Driven to Excel
State Highway
Administration

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 7.23.04

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

RE: Baltimore County
Item No. 021 JLL

Dear Ms. Matthews:

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 4, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2004
Item No. 021

The Bureau of Development Plans Review has reviewed the subject-zoning item.

A minimum 40-foot right-of-way for all adjacent public roads shall be shown.

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE
25 The Byway Road; NW corner of The
Byway Road and Pleasant Hill Lane
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Michael & Arlene Dalcin
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-21-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.

RECEIVED

JUL 30 2004

Per. *XCh*

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

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 30th day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to, Michael & Arlene Dalcin, 25 Byway Road, Owings Mills, MD 21117, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: July 27, 2004

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

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

SUBJECT: Item No.: 021
Legal Owner/Petitioner: Michael & Arlene Dalcin
Contract Purchaser: N/A
Property Address: 25 The Byway Rd
Location Description: N/W corner of The Byway Rd & Pleasant Hill La

VIIOLATION INFORMATION: Case No. 04-3367
Defendants: Michael & Arlene Dalcin

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

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:

- | | | |
|--------------------------|-----|---|
| ☐ | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| ☐ | 4. | State Tax Parcel Map (if applicable) |
| ☐ | 5. | MVA Registration printout (if applicable) |
| ☐ | 6. | Deed (if applicable) |
| ☐ | 7. | Lease-Residential or Commercial (if applicable) |
| X | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| ☐ | 10. | Citation and Proof of Service (if applicable) |
| ☐ | 11. | Certified Mail Receipt (if applicable) |
| ☐ | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| X | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

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/jg
C: Code Enforcement Officer

ZAC AGENDA

Item Number: 021 Case Number: 5-21-A Primary Use: Residential Reviewer: JLL

Type: Variance

Legal Owner: Michael W. and Arlene T. Dalcin

Contract Purchaser:

Critical Area: No Flood Plain: No Historic: No Election Dist: 4th Councilmanic Dist: 2nd

Property Address: 25 The Byway Road

Location: Northwest corner of The Byway Road and Pleasant Hill Lane

Existing Zoning: D.R. 3.5

Area: .6 acres

Proposed Zoning: VARIANCE to permit accessory structures with a 0 foot rear yard and 2 foot side yard setback in lieu of the required 2 1/2 feet and to allow the structures to be located outside of the third of the lot farthest removed from any street.

J. Garland

04-3367

Attorney:

Miscellaneous: Violation:04-3367

Item Number: 022 Case Number: 5-22-A Primary Use: Residential Reviewer: JRF

Type: Administrative Variance

Legal Owner: Lila Nappi

Contract Purchaser:

Critical Area: No Flood Plain: No Historic: No Election Dist: 3rd Councilmanic Dist: 2nd

Property Address: 1606 Woodling Way

Location: W/side of Woodling Way at the distance of 270 feet north of the centerline of Peach Treet Court

Existing Zoning: D.R. 2

Area: 19,364 square acres

Proposed Zoning: ADMINISTRATIVE VARIANCE to permit an addition with a front yard setback of 22 feet in lieu of the required 40 feet, and to permit a side yard setback of 14 feet in lieu of the required 15 feet for an existing dwelling.

Attorney:

Miscellaneous:

Code Enforcement - Daily Worksheet

Inspector - Garland

Area Case # Location Apt Zip Date Rec Reinsp Dt
017 04-3367 25 BYWAY RD 21117 5/03/2004 7/10/2004

Tax Acct #: 0000000000

Owner:

Complainant Name: (Last) (First)
Addr:
Str # Dir Street Name Type Apt
City ST Zip
Phone: (Home) (Work)

Problem: ADDING ON TO GARAGE WHITHOUT PERMIT BUILDINGS FACE PLEASANT HILL RD. ALSO LIVING IN GARAGE.

Notes:

04-3367 5/4/04 M/W OWNER ON SITE INSPEC. ACCESSORY STRUCTURE BUILT CORNER OF PROPERTY AT PROPERTY LINE & NEXT TO EXISTING ACCESSORY STRUCTURE. BOTH OF WHICH NEED TO BE RELOCATED FOR 3' SETBACK OR FILE VARIANCE & REQUIRED PERMITS. NO COMPLAINT TO CONTACT. P/U 5/14/04 J.GARLAND/NS***

5/14/04 M/W OWNER. STATES HAS MEETING W/JOHN LEWIS AT 2PM JUNE 3RD TO FILE VARIANCE APPLICATION. P/U 6/4/04 J.GARLAND/NS***

6/7/04 SPOKE W/OWNER. STATES HE HAS ANOTHER MEETING SCHEDULED W/JOHN LEWIS ON JUNE 22ND AT 2:00PM. WILL CONTACT US WITH RESULT S. P/U 6/23/04 J.GARLAND/NS*** 06/24/04 M/W MR DALEIN @ SITE-STATES HE DID NOT HAVE PROPER INFO @ TIME OF LAST MEETING.

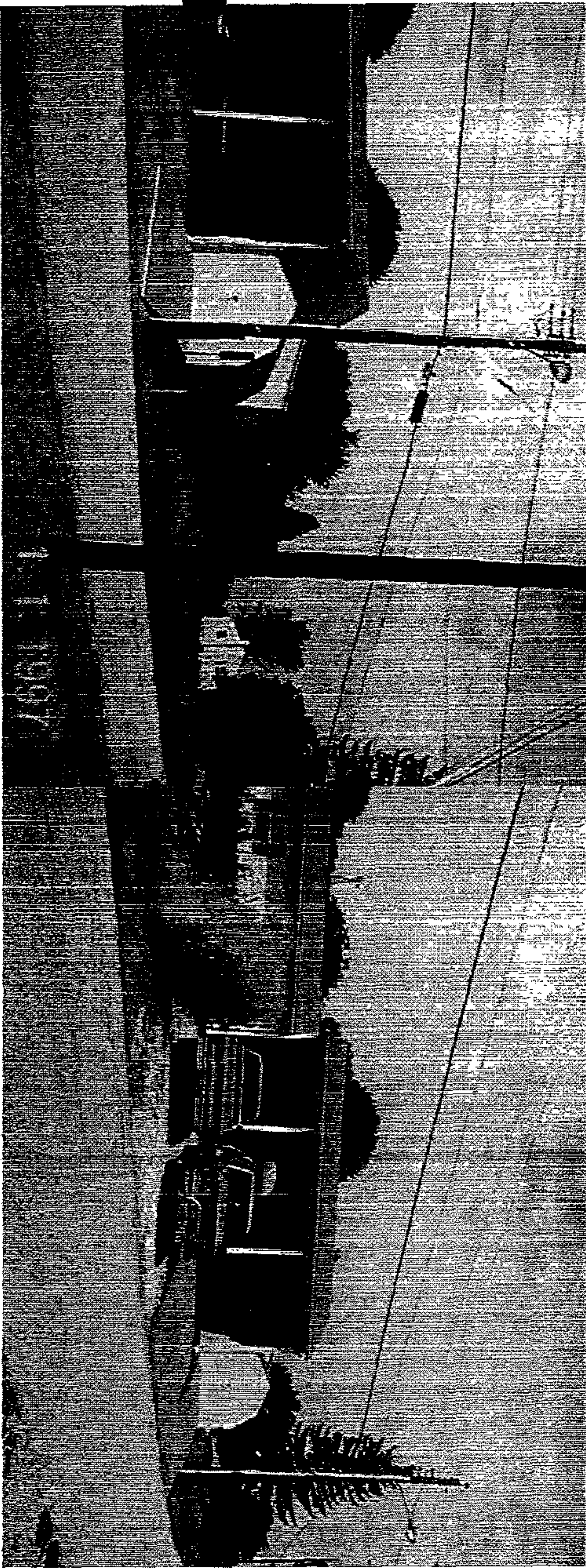
SCHEDULED TO MEET W/JOHN LEWIS AGAIN ON JULY 9TH @ 7 PM. P/U 07/10/04. J.GARLAND/KH.***

7-10-04 - Fee paid by owner for Variance application -
Hearing date within 45 days - 05-021-A

R.C. 8-30-04

nd

P/U Date		Closed Date		Gary F to update	
Anonymous Complaint	Complainant Updated	Updated by voice message	Unable to update	Update not necessary	
Executive office Complaint	Yes	No	If Yes is Executive memo attached?	Yes	No



Entered by

CODE ENFORCEMENT REPORT

DATE: 6/30/04 INTAKE BY: LB CASE #: 04-3367 INSPEC:

COMPLAINT LOCATION: 25 BYWAY Rd.

ZIP CODE: 22117 DIST: 4

COMPLAINANT NAME: ARBOY PHONE #: (H) (W)

ADDRESS: ~~25 BYWAY RD~~ GARAGE ZIP CODE:

PROBLEM: ADDING ON TO GARAGE WITHOUT PERMIT. - BUILDING'S FACE

PLESANT HILL Rd. - ~~25 BYWAY RD~~

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

OWNER/TENANT INFORMATION: ALSO LIVING IN GARAGE

TAX ACCOUNT #: ZONING:

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

DATE: 05/03/2004

STANDARD ASSESSMENT INQUIRY

TIME: 14:37:54

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
04 13 056301	04	1-1	04-00	H	NO		02/13/04
DALCIN MICHAEL				DESC-1.. IMPS			
DALCIN ARLENE T				DESC-2.. PLEASANT HILL PARK			
25 BYWAY RD				PREMISE. 00025 BYWAY		RD	

00000-0000

OWINGS MILLS MD 21117-0000 FORMER OWNER: LAKE PETER T LAKE PAMELA

FCV			PHASED IN		
PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND: 41,270	41,270		FCV	ASSESS	ASSESS
IMPV: 80,110	86,150	TOTAL..	123,393	123,393	121,380
TOTL: 121,380	127,420	PREF...	0	0	0
PREF: 0	0	CURT...	123,393	123,393	121,380
CURT: 121,380	127,420	EXEMPT.		0	0
DATE: 08/00	05/03				

TAXABLE BASIS		FM DATE
04/05 ASSESS:	123,393	11/22/03
03/04 ASSESS:	121,380	06/04/03
02/03 ASSESS:	118,506	05/30/02

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



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. 04-3367	Property No. 04-13 056301	Zoning:
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Name(s): **Michael Dalein**
Arlene T. Dalein

Address: **25 Byway Rd.**

Violation Location: **25 Byway Rd.**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

I.R.C. 2000

Sec. 105c1

Must File Variance (Possible Permit)
to construct 9x10 Accessory
structure - next to
existing 10x14 Accessory both
of which are placed on or
on property line -
Setback of 5' Required

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

On or Before: 5-14-04	Date Issued: 5-4-04
---------------------------------	-------------------------------

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: **James Garland**

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

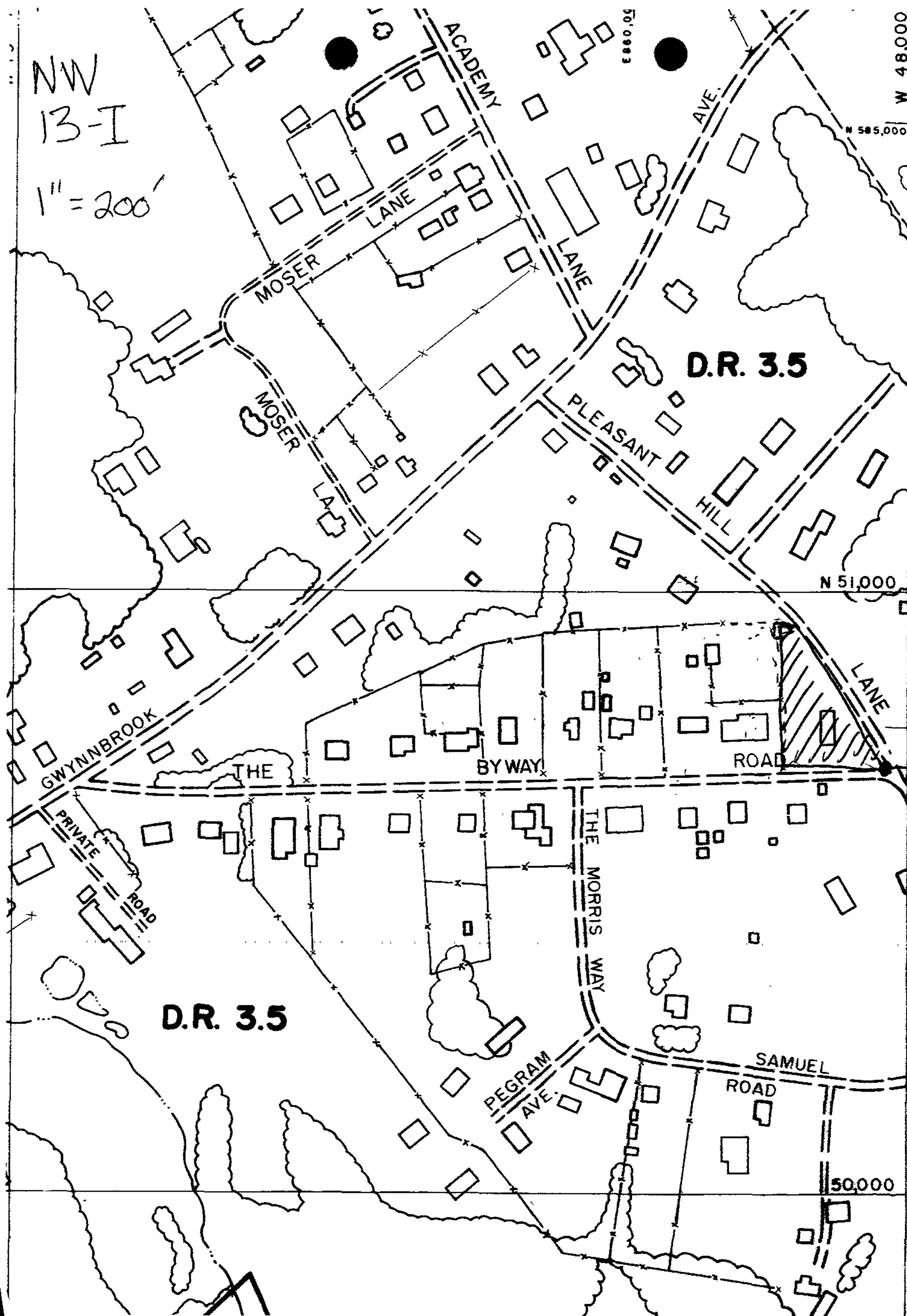
CASE NAME 0502(A)
CASE NUMBER 05-021-A
DATE 9-9-04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Michael Dalcin	25 The Byway	Owings Mills 21117	

NW
13-I

1" = 200'



021

P03

7-9-04

ZONING VARIANCE PLAN

21117

OWINGS MILLS, MD

PROPERTY ADDRESS 25 BYWAY RD

SUBDIVISION NAME PLEASANT HILL PARK

PLAT BOOK # 0007

FOLIO # 9065

LOT # 13

SECTION # A

OWNERS MIKE DALCIN
ARLENE

LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANS DISTRICT 2

1" = 50' SCALE MAP

ZONING DR 3,5

LOT SIZE .6 AC ±

ADDRESS	SQUARE FEET
PUBLIC	PRIVATE

PUBLIC PRIVATE

SEWER ☐ ☒

WATER ☒ ☐

FLOOD PLAIN: NO
NOT HISTORIC.

CHESAPEAKE BAY NO
CRITICAL AREA NO

100 YEAR FLOOD PLAIN NO

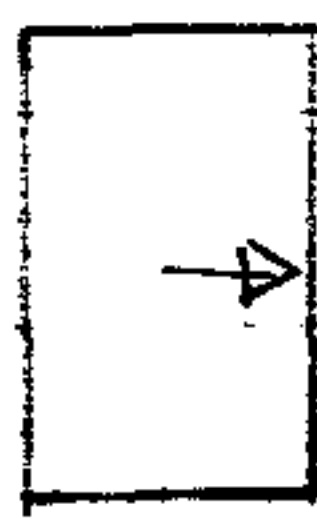
HISTORIC PROPERTY NO
BUILDING

LOT 14

RD

HILL

PLEASANT HILL PARK



75'

70'

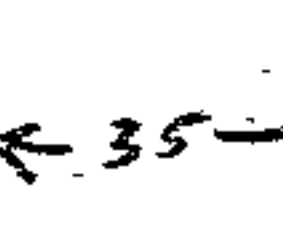
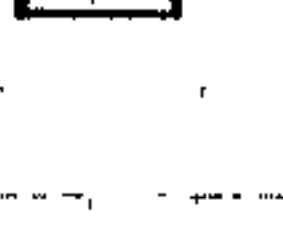
80'



LOT 12

145'

21' x 12' (10' x 12' 1/2')



VICINITY MAP
N.T.S.



Gwynn Brook Ave, Hill Rd, Pleasant Hill Park, The Byway Rd, Leeward Ave

ULTIMATE
40' FTRW

ULTIMATE
40' FTRW

25 FT RW
THE BYWAY RD

23 BYWAY

25 BYWAY

P.O.B.

RLW OK
DMK
for RWB
9/9/04

Rel # 7

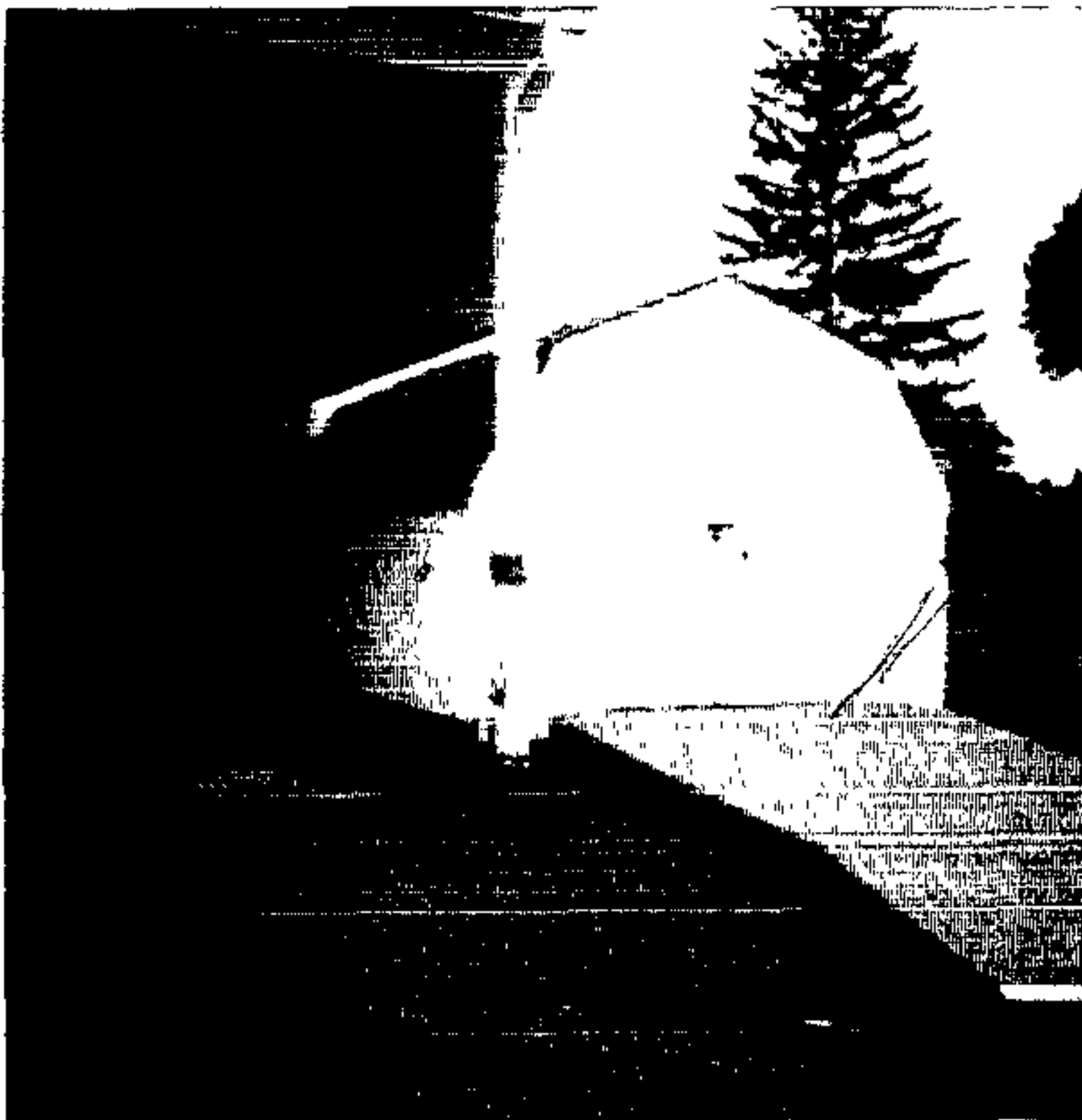


Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

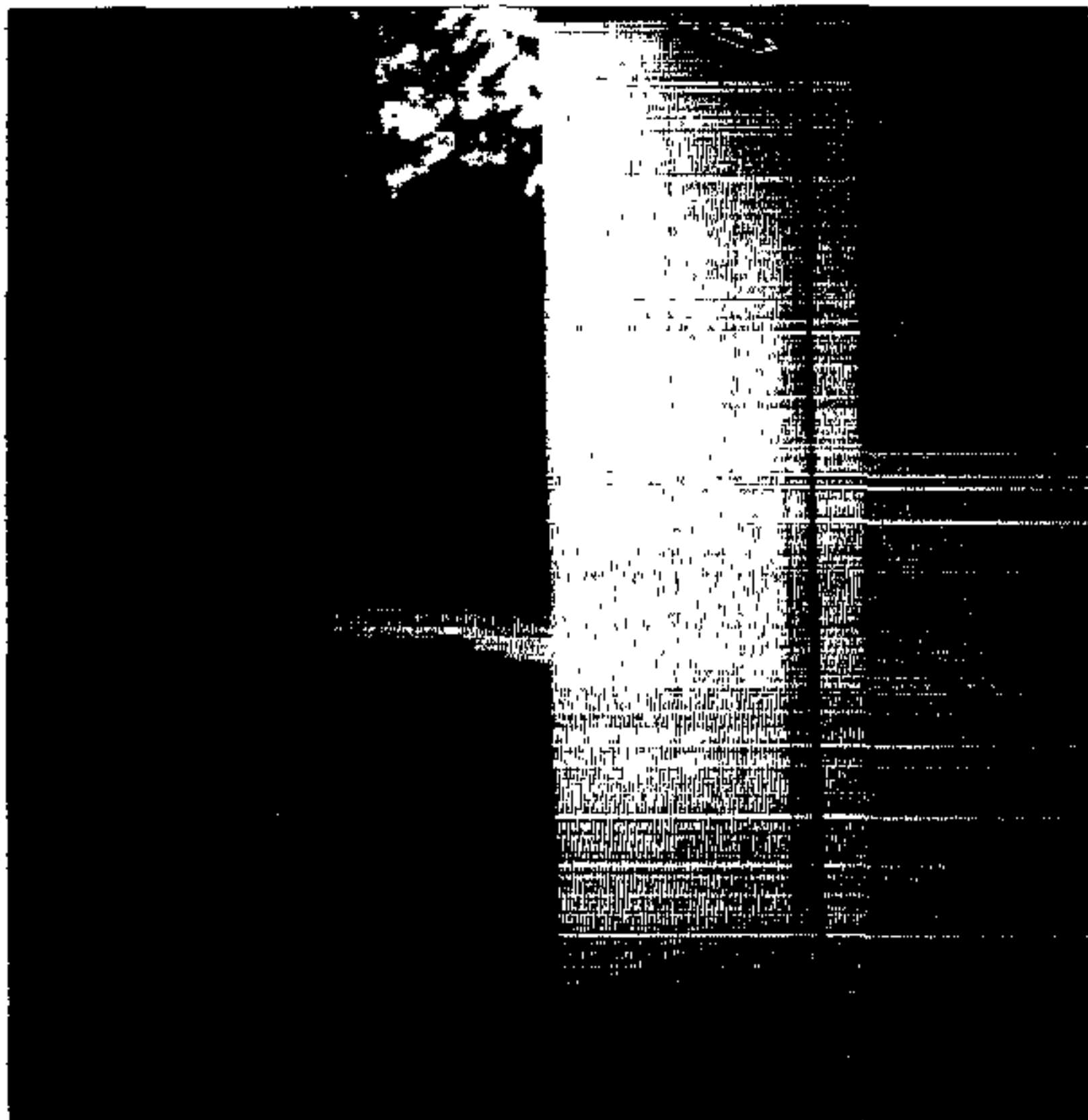
*Photographs
05-021-A*



2



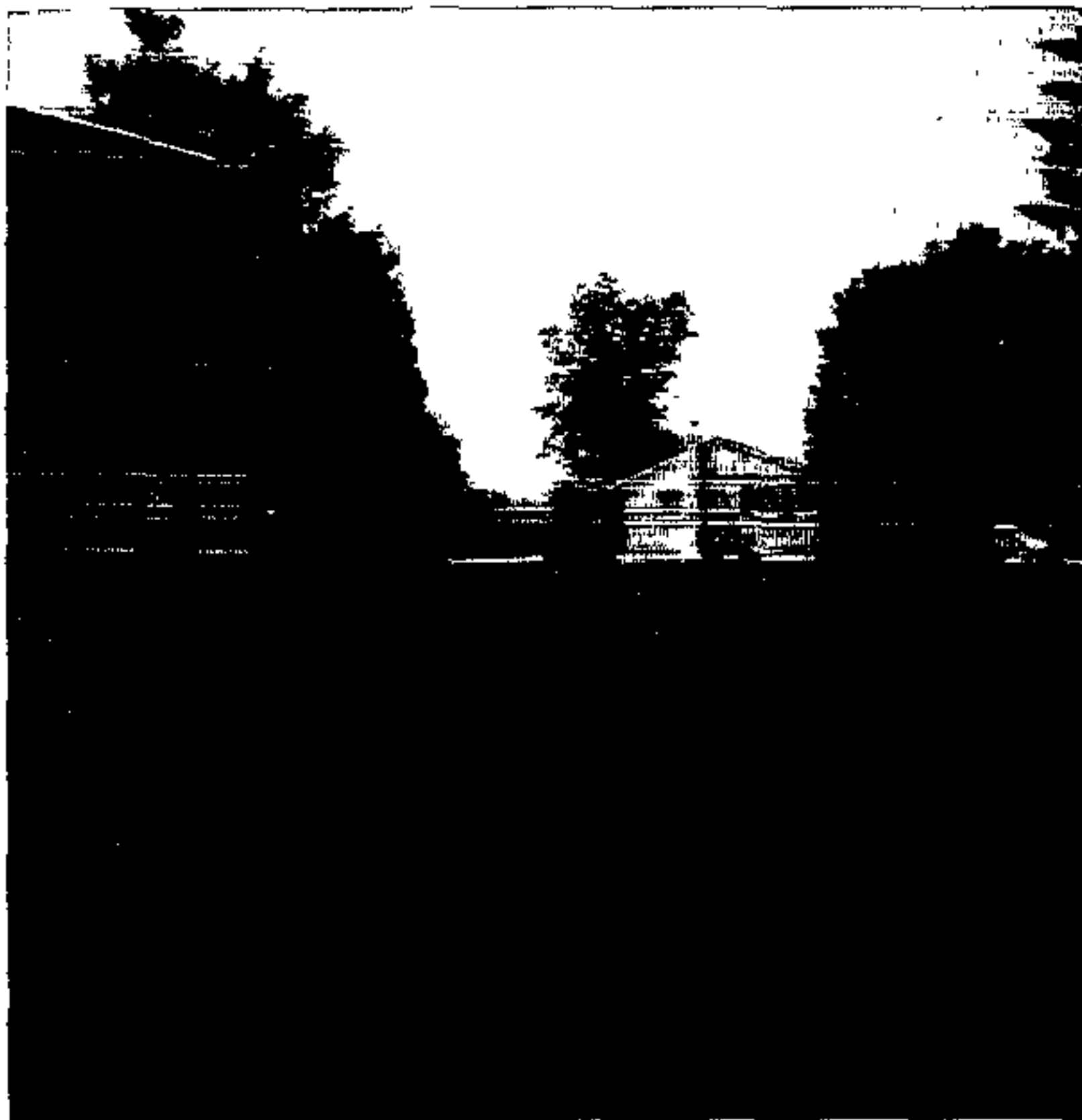
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4



5



6