

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Oakdale Road, 400 ft. S
centerline of Appleton Avenue
11th Election District
5th Councilmanic District
(9631 Oakdale Avenue)

Nancy L. & Christopher M. Horka
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-575-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property Nancy L. and Christopher M. Horka. The variance request is for property located at 9631 Oakdale Avenue in Baltimore County. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling with open projection (deck) to have a rear yard setback of 10 ft. in lieu of the required 22.5 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

FILED RECEIVED FOR FILING

6/10/05

By [Signature]

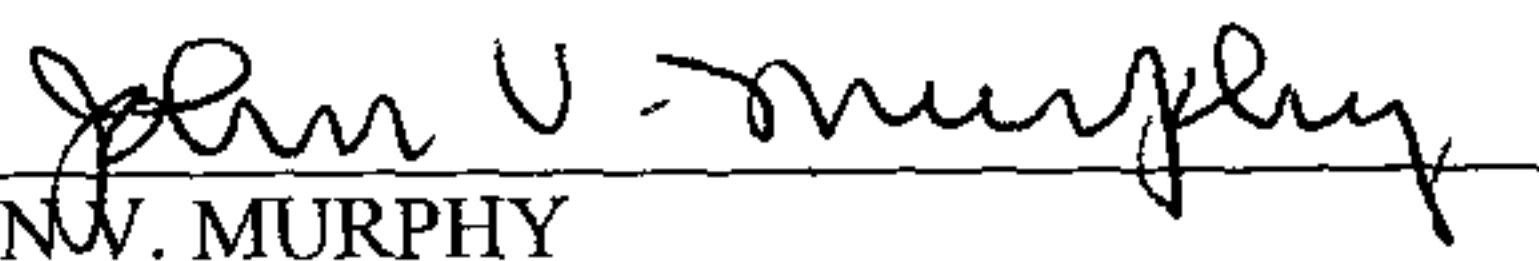
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10 day of June, 2005, that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling with open projection (deck) to have a rear yard setback of 10 ft. in lieu of the required 22.5 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

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

RECEIVED FOR FILE
6/10/05
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
William J. Wiseman III, Zoning Commissioner

June 10, 2005

Mr. & Mrs. Christopher M. Horka
9631 Oakdale Avenue
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 05-575-A
Property: 963 Oakdale Avenue

Dear Mr. & Mrs. Horka:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file 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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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



Printed on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

9631 Oakdale 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) 1 BOI.2.C.1.6 BCZR

TO PERMIT A SINGLE FAMILY DWELLING WITH OPEN PROJECTION (DECK) TO HAVE A REAR YARD SETBACK OF 10' IN LIEU OF THE REQUIRED 22.5'

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Christopher M. Horka

Name - Type or Print

Signature Christopher M. Horka

Name - Type or Print

Signature

9631 Oakdale Avenue

Address

Baltimore

MD

W 410 808 1845

H 410 668 1222

Telephone No.

21234

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By CTM

Date

5/10/05

Estimated Posting Date

5/22/05

CASE NO. 05-575-A

REV 10/25/01

ORDER RECEIVED FOR PUBLIC HEARING

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9631 Oakdale Avenue
Address
Baltimore MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. Requested property area is not usable in present state
 - a. Present area is difficult and unsafe to maintain
 - b. Entire back yard is a steep hill
2. Requested deck will make the property area usable
3. Requested deck size will maintain symmetry and continuity to the existing backyard
4. Deck improvement will provide a safe backyard environment
5. Deck improvement will benefit neighborhood environment

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

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Christopher M Horka Nancy L Horka
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

FRAN NICHOLS

Notary Public, State of Maryland
Baltimore City

My Commission Expires: March 1, 2006

Notary Public

My Commission Expires

Example 3 – Zoning Description

ZONING DESCRIPTION for 9631 Oakdale Avenue, Baltimore, MD 21234

Beginning at a point on the East side of Oakdale Avenue which is 50' wide at the distance of 400' South of the centerline of the nearest improved intersecting street, Appleton Avenue, which is 40' wide. Being Lot #5, Block --, Section #--, in the subdivision of Oakdale Woods as recorded in Baltimore County Plat Book #74, Folio #142, containing 6799'. Also known as 9631 Oakdale Avenue and located in the 11th Election District, 5 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

DATE 5/10/05 ACCOUNT 2001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM: CHRISTOPHER HORRIS

FOR: OS - 5.75 - A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

No. 544379

PAID RECEIPT

BUSINESS NAME THE

5/10/2005 5/10/2005 05:50:00

120 0001 000000 000000

RECEIPT # 2001 006 6150

DATE 5 10 2005

TIME 05:50:00

AMOUNT \$ 65.00

RECEIPT # 2001 006 6150

DATE 5 10 2005

TIME 05:50:00

AMOUNT \$ 65.00

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RECEIPT # 2001 006 6150

DATE 5 10 2005

TIME 05:50:00

AMOUNT \$ 65.00

RECEIPT # 2001 006 6150

DATE 5 10 2005

TIME 05:50:00

CERTIFICATE OF POSTING

Date: 5/23/05

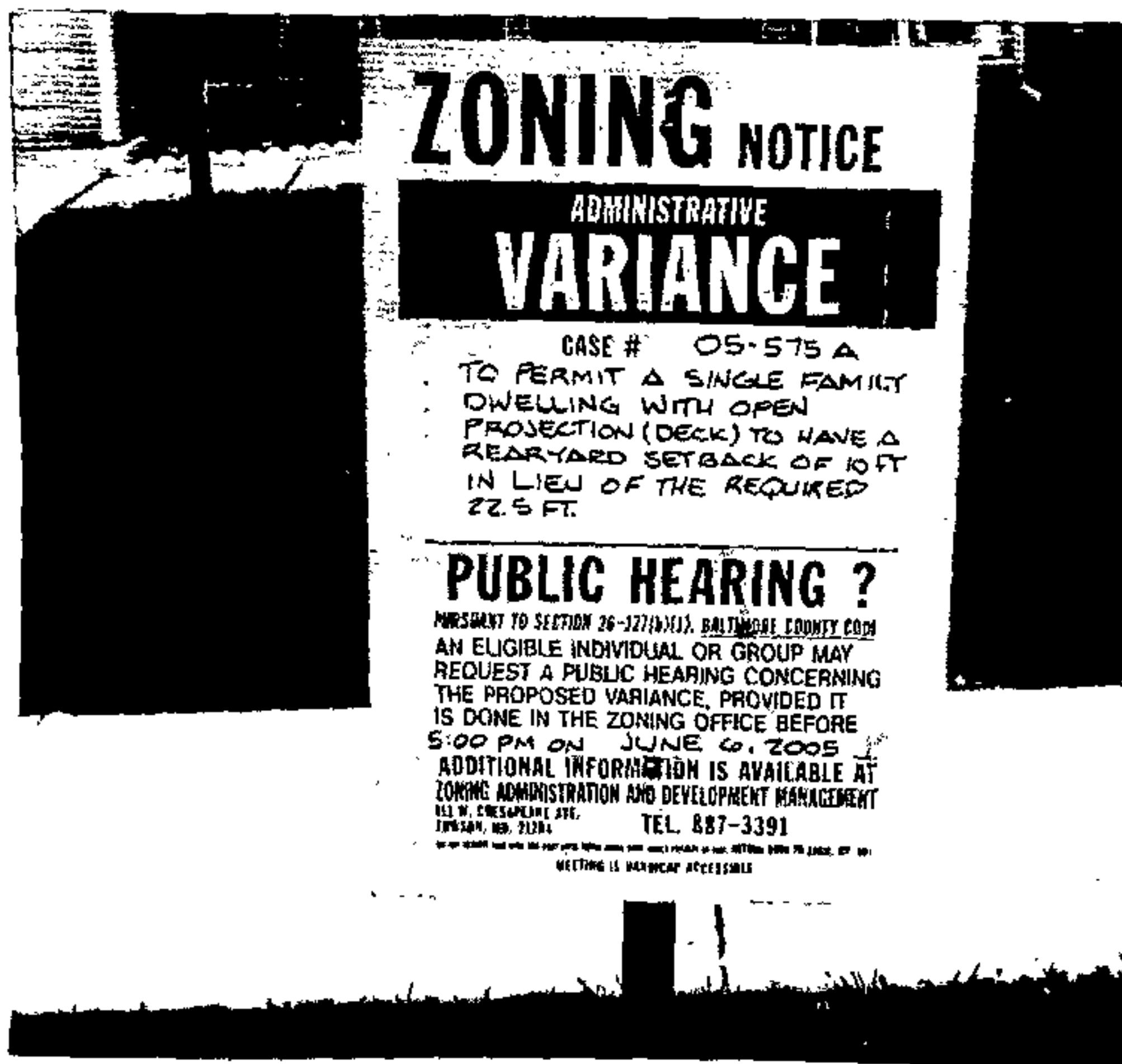
RE: Case Number: 05-575-A

Petitioner / Developer: Christopher Horka

Date of Hearing/Closing: 6/6/05

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 9631 OAKDALE AVENUE

The sign(s) were posted on 5/22/05
(Month, Day, Year)



Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Madledt Road
Baltimore, MD 21234
410-665-5562

**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: 05-575-A

Petitioner: Chris HorKa

Address or Location: 9631 Oakdale Ave
BALTO MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Chris HorKa

Address: 9631 Oakdale Ave
BALTO MD 21234

Telephone Number: 410 668 1222

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 575 -A

Address 9631 OAKDALE AVE

Contact Person: LOYD T. MOXLEY

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 5/10/05

Posting Date: 5/24/05

Closing Date: 6/6/05

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 575 -A

Address 9631 OAKDALE AVE

Petitioner's Name CHRISTOPHER HORRKA ETUX Telephone 410 808 1845

Posting Date: 5/22/05

Closing Date: 6/6/05

Wording for Sign: To Permit A SINGLE FAMILY DWELLING WITH

OPEN PROJECTION (DECK) TO HAVE A REAR YARD

SETBACK OF 10' IN LIEU OF THE REQUIRED 22.5'

WCR - Revised 6/25/04

CH.
I HAVE RECEIVED POSTING INFO

**Department of Permits and
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

June 6, 2005

Christopher M. Horka
Nancy L. Horka
9631 Oakdale Avenue
Baltimore, Maryland 21234

Dear Mr. and Mrs. Horka:

RE: Case Number: 05-575-A, 9631 Oakdale Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 2005.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

May 23, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No. 568,570,571,573,574,575,576,577,579,580,581,582

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 25, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2005
Item No: 568, 570, 571, 573, 575, 576, and 577

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-05252005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JDO*

DATE: June 14, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 23, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-568

05-571

05-573

05-574

05-575

05-576

05-577

05-580

05-581

05-582

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 2, 2005

RECEIVED

JUN - 6 2005

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

ZONING COMMISSIONER

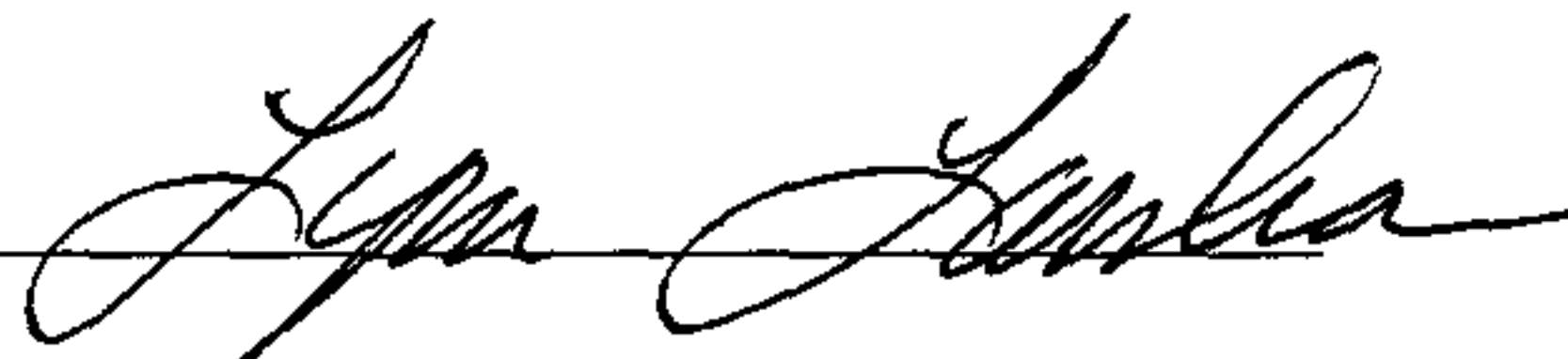
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-574 and 5-575
Administrative Variance(s)

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

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



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

Maryland Department of Transportation

Date: 5.20.05

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

RE: Baltimore County
Item No. 575 LTM

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,

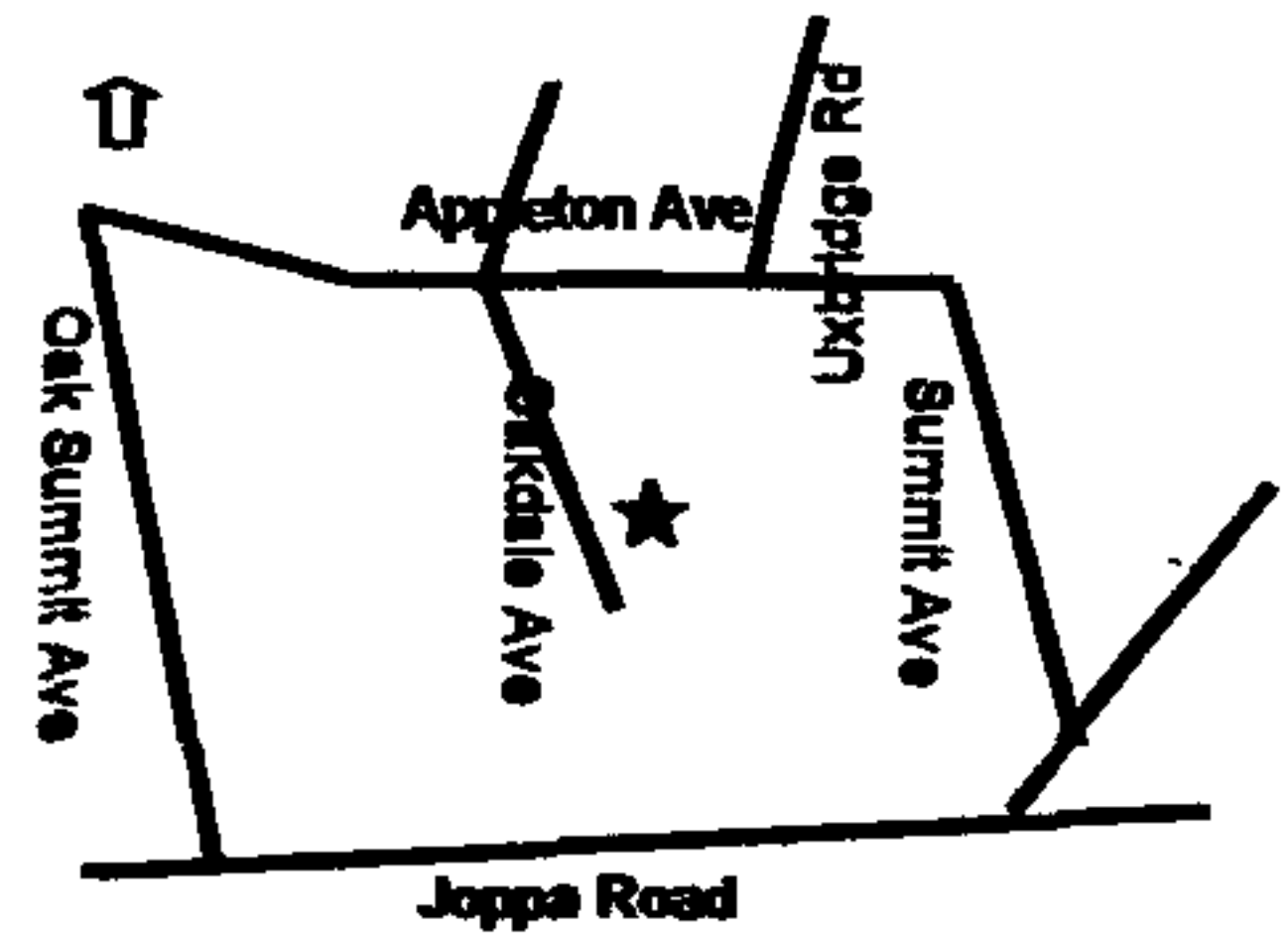
Steven D. Foster, Chief
Engineering Access Permits Division

Property Address: 9631 Oakdale Avenue
Subdivision Name: Oakdale Woods

Plat Book # 74
Folio # 142
Lot # 5
Section # -

Owner: Christopher and Nancy Horka

Stormwater
Management



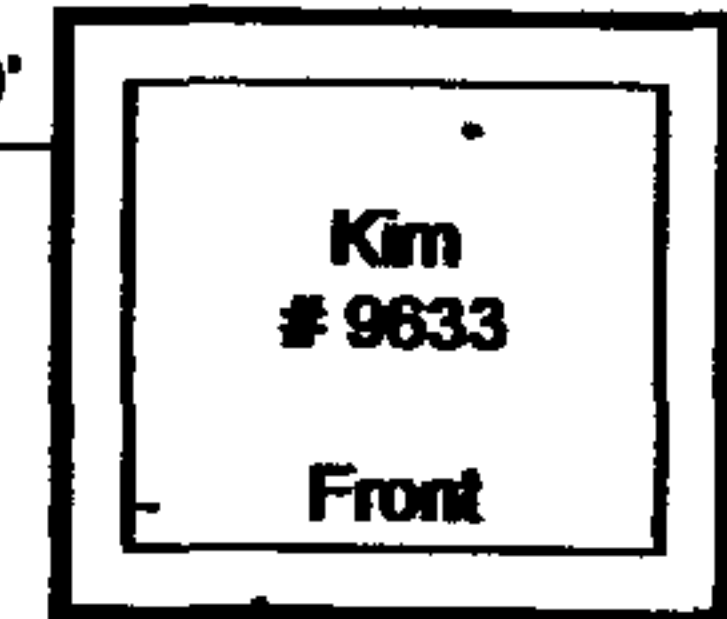
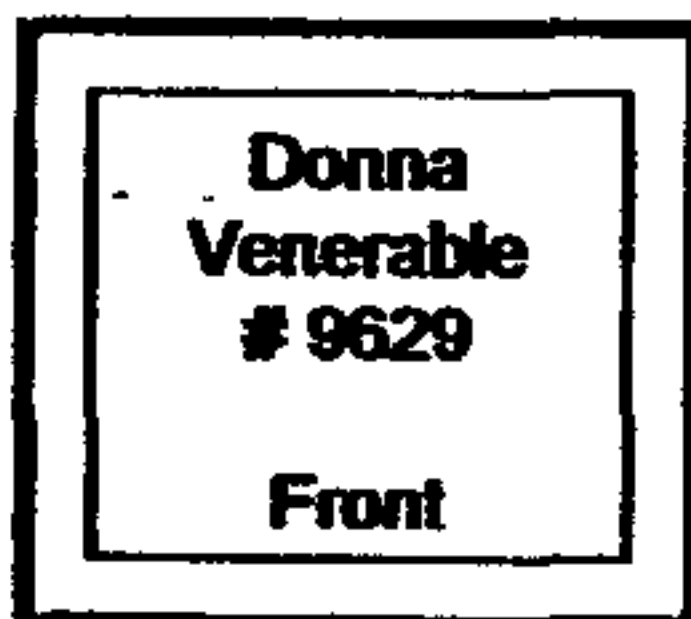
LOT 4

LOT 5

LOT 6

Existing
Patio

Proposed Deck
Existing Deck Elev 8.5'
Patio/Btn
existing



Election District: 11
Councilmanic District: 5
Zoning: DR 5.5
Acreage = Sq Ft = 6799
Sewer = Public - Water = Public
Chesapeake Bay Critical = No
100 Year flood plan = No
Historic Property = No
Prior Zoning Hearing = No

Prepared by: C M H

Plat To Accompany
Zoning Administrative
Variance

Scale of Drawing: 1" = 20'

Baltimore County - My Neighborhood



Copyright (C) 2003 Baltimore County, Maryland

0.033mi



Back yard property view of proposed lower deck site