

IN RE: PETITION FOR VARIANCE
SE side Inverton Road, 641.2 feet
SW of Jasmine Road
12th Election District
7th Councilmanic District
(2041 Inverton Road)

Marcin and Beata Tokarski
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-008-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Marcin and Beata Tokarski. Petitioners are requesting variance relief for their property from Section VI "D" Residence Zone C-2 (1945-55) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a covered front porch with a front setback as close as 16 feet in lieu of the required 25 feet to a front lot line. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Beata Tokarski. There were no Protestants or other interested persons in attendance at the hearing.

It should be noted at the outset that the property is the subject of an active violation case (Case No. 07-7031) with the Division of Code Inspections and Enforcement. This stems from Petitioners allegedly building a roof over the front porch without first obtaining any necessary building, plumbing, and/or electrical permits. Petitioners were issued a Correction Notice on May 31, 2007. Due to the fact that the roof has already been constructed over the porch, and because the location of the structure may violate the applicable zoning regulations, Petitioners

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filed for a determination by this Commission of whether variance relief from the setback requirement should be approved. If approved, Petitioners can then apply for the necessary permit for the structure.

The fact that a violation case exists is plainly not relevant to the decision on the variance relief requested in this Petition. On the one hand, Petitioners certainly cannot use the fact that the roof structure has been erected and been in use for a period of time to set a precedent in order to allow that use to continue. Nor does the fact that disapproval of the variance request may result in removal of the structure at Petitioners' cost and expense come into consideration of the zoning case. On the other hand, the fact that a particular use may be occurring, which on its face could violate the regulations, and which was related to a Code Enforcement case, will not be held against Petitioners, and is not taken into consideration in deciding the merits of this variance case.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 2,964 square feet or 0.068 acre, more or less, and zoned D.R.10.5. The lot is improved with Petitioners' end-of-group, single-family brick townhouse dwelling located in the Dundalk area of Baltimore County. Petitioner Ms. Tokarski indicates that she and her husband moved into the house in December 2004. Ms. Tokarski also indicates that when they purchased the house three years ago, the roof structure already existed. She also states they had no indication one way or the other precisely how long the roof had been there and whether or not it had been built with a permit. Ms. Tokarski indicates she was surprised when in June 2007, there was a citation affixed to her door stating that the porch roof had been built illegally without a permit. She contacted the inspector and informed him that the roof was on the home prior to her purchase, but was informed that as the legal owner, it was her

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responsibility that the home and any structures be in compliance with applicable permitting and zoning regulations. The inspector directed Petitioner to the Zoning Review Office and once there, Petitioner was informed that in order to apply for and obtain a permit for the covered porch, it would be necessary to file a request for variance from the front setback requirement and a site plan, which is what brings Petitioner for a hearing on this matter.

Petitioner believes the home was built in approximately 1950. She submitted four photographs showing her covered porch, as well as several other similar covered porches on both sides of her home and in the vicinity of her neighborhood. These photographs were marked and accepted into evidence as Petitioners' Exhibits 3A through 3D. Petitioner indicates there are a number of these covered porches in the neighborhood, and that their porch allows her and her husband to spend time outdoors during the warmer months enjoying their home and the neighborhood.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comment received from the Department of Environmental Protection and Resource Management (DEPRM) dated August 30, 2007 indicates that the property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations. The comment also notes that the property is within the Intensely Developed Area (IDA) of the CBCA, and that any development must comply with IDA regulations and DEPRM approval. The ZAC comment from the Office of Planning dated August 2, 2007 indicates it does not oppose Petitioners' request because the proposed covered porch does not appear to have a negative impact on adjacent properties or the neighborhood.

Considering all the testimony and evidence presented, I am persuaded to grant the requested variance relief. In particular, I find special circumstances or conditions exist that are

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peculiar to the land or structure which is the subject of the variance request; namely, that the structure was affixed to the home prior to Petitioners' purchase, through no fault or negligence or willfulness on the part of Petitioners. This is the kind of peculiar circumstance that makes the regulations impact this property disproportionately compared to others in the district. Therefore I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship to Petitioners if they were forced to remove or alter the structure. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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 15th day of October, 2007 by this Deputy Zoning Commissioner, that Petitioners' variance request from Section VI "D" Residence Zone C-2 (1945-55) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a covered front porch with a front setback as close as 16 feet in lieu of the required 25 feet to a front lot line is hereby GRANTED.

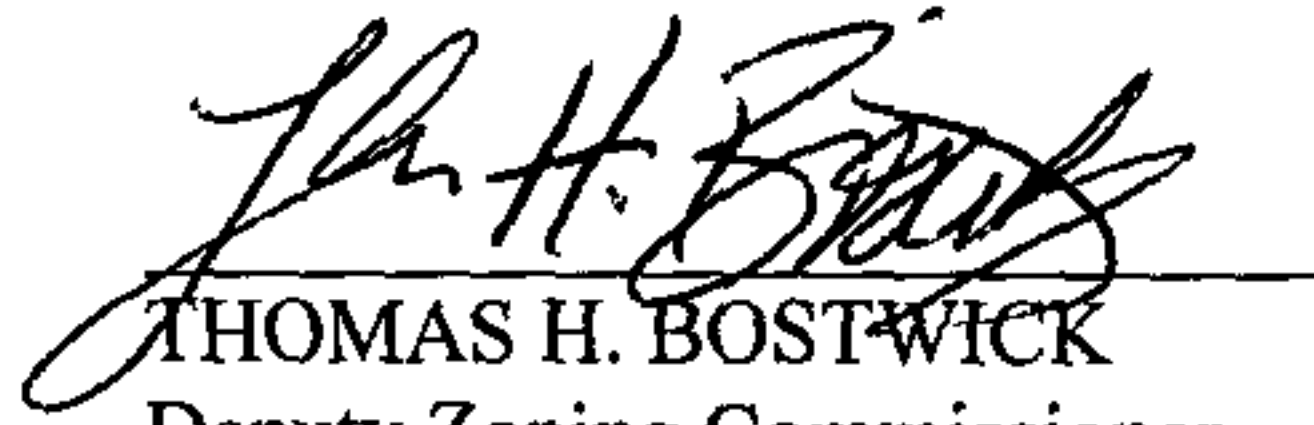
The relief granted herein shall be subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILE
10-1-07
[Signature]

2. Development of this property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code). In addition, this property is within the Intensely Developed Area (IDA) of the CBCA. Any development must comply with IDA regulations and DEPRM approval.


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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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 10-1-07

 PB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 28, 2007

MARCIN AND BEATA TOKARSKI
2041 INVERTON ROAD
DUNDALK MD 21222

Re: Petition for Variance
Case No. 08-008-A
Property: 2041 Inverton Road

Dear Mr. and Mrs. Tokarski

Enclosed please find the decision rendered in the above-captioned case.

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 black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

(VIOLATION)

CBCA

ORIGINAL KEEP IN FILE



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2041 INVERTON RD, DUNDALK MD 21222

which is presently zoned DR 10.5

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) VI - D." RESIDENCE ZONE. C. 2 (1945-55 BCZR)

TO PERMIT A COVERED FRONT PORCH WITH A FRONT SETBACK AS CLOSE AS 16 FT. IN LIEU OF THE REQUIRED 25 FT. TO A FRONT LOT LINE.

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 PRESENTED @ 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):

MARCIN TOKARSKI
Name - Type or Print

Marcin Tokarski
Signature

BEATA TOKARSKI
Name - Type or Print

Beata Tokarski
Signature

2041 INVERTON RD (410) 4773092
Address Telephone No.

DUNDALK MD 21222
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING -

Reviewed By JL Date 7/2/07

~~RECEIVED FOR FILE~~

10-1-07

13

ZONING DESCRIPTION
for
2041 Inverton Rd, Dundalk MD 21222

Beginning at the point on the ~~S 29°35'20" W~~ ^{SOUTH EAST} side of Inverton Rd which is 60 ft wide at the distance of 641.2 ft ~~S 60°24'40" E~~ ^{SOUTHWEST} of the centerline of the nearest improved intersecting street Jasmine Rd which is 60 ft wide. Being Lot #77, Block B in the subdivision of Southfield as recorded in Baltimore County Plat Book #22, Folio #26, containing 2964 sq ft. Also known as 2041 Inverton Rd and located in the 12th Election District, 7th Councilmanic District.

008

**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: # 08-008-A
2041 Inverton Road

S/east side of Inverton Road, 641.2 feet s/west of Jasmine Road

12th Election District
7th Councilmanic District
Legal Owner(s): March & Beata Tokarski

Variance: to permit a covered front porch with a front setback as close as 16 feet in lieu of the required 25 feet to a front lot line.

Hearing: September 5, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III,
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 887-3391.
JT 8/896 Aug. 21 145993

CERTIFICATE OF PUBLICATION

_____ 8/23/, 2007

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 8/21, 2007.

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

S. Wilkinson
LEGAL ADVERTISING

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: #08-015-SPHX

3510 E. Joppa Road
N/Side of East Joppa Rd., at the distance of 210 feet +/-

east from the centerline of Waltham Blvd.
11th Election District - 5th Councilmanic District

Legal Owner(s): Ralph M. & Audrey Vitale
Engineer: Century Engineering, Inc.

Special Exception: to approve part of the subject property for an office for a professional plumber.

Special Hearing: to confirm the use of a part of the subject property by the property owners as an office to be a home occupation and to permit the parking of 1 commercial vehicle in the side yard on the subject property.

Hearing: Wednesday, September 5, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, II
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 887-3391.
8/454 Aug. 30 147014

BSJ a/s
10am

CERTIFICATE OF PUBLICATION

_____ 8/30/2007

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 8/30, 2007.

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

S. Wilkinson
LEGAL ADVERTISING

**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: #06-006-A

2041 Inverton Road
S/east side of Inverton Road, 641.2 feet s/west of Jasmine Road
12th Election District
7th Councilmanic District
Legal Owner(s): Marchin & Beata Tokarski

Variance: to permit a covered front porch with a front setback as close as 16 feet in lieu of the required 25 feet to a front lot line.

Hearing: Monday, October 1, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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/9/31 Sept. 18 149305

CERTIFICATE OF PUBLICATION

_____ 9/18, 2007

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 9/18, 2007.

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

S. Wilkinson
LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
 OFFICE OF BUDGET AND FINANCE
 MISCELLANEOUS RECEIPT

VLL
 08-008-A

No. 00941

PAID RECEIPT

Date: 07/02/2007
 BUSINESS ACTUAL TIME DRN
 7/02/2007 7/02/2007 14:37:12 1
 501 WALKIN JRIC JWR

>> RECEIPT # 336221 7/02/2007 OFLI
 Dept 5 528 ZONING VERIFICATION
 00941

Receipt Tot \$65.00
 \$0.00 CK \$70.00 CA
 \$5.00-00

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub	Rev	Source	Sub	Rev	Sub	Rept	BS	Amount
001	006			650							65.00
Total:											65.00

Rec From: Tok ARK/

For: Res Variances Feby

[Signature]

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
 VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 08-008-A

Petitioner/Developer: MARCIN &

BEATA TOKARSKI

Date of Hearing/Closing: 10-1-07

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

ATTN: Kristen Matthews ((410) 887-3394)

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:

2041 INVERTON RD

The sign(s) were posted on 9-15-07
(Month, Day, Year)

Sincerely,

Robert Black 9-18-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

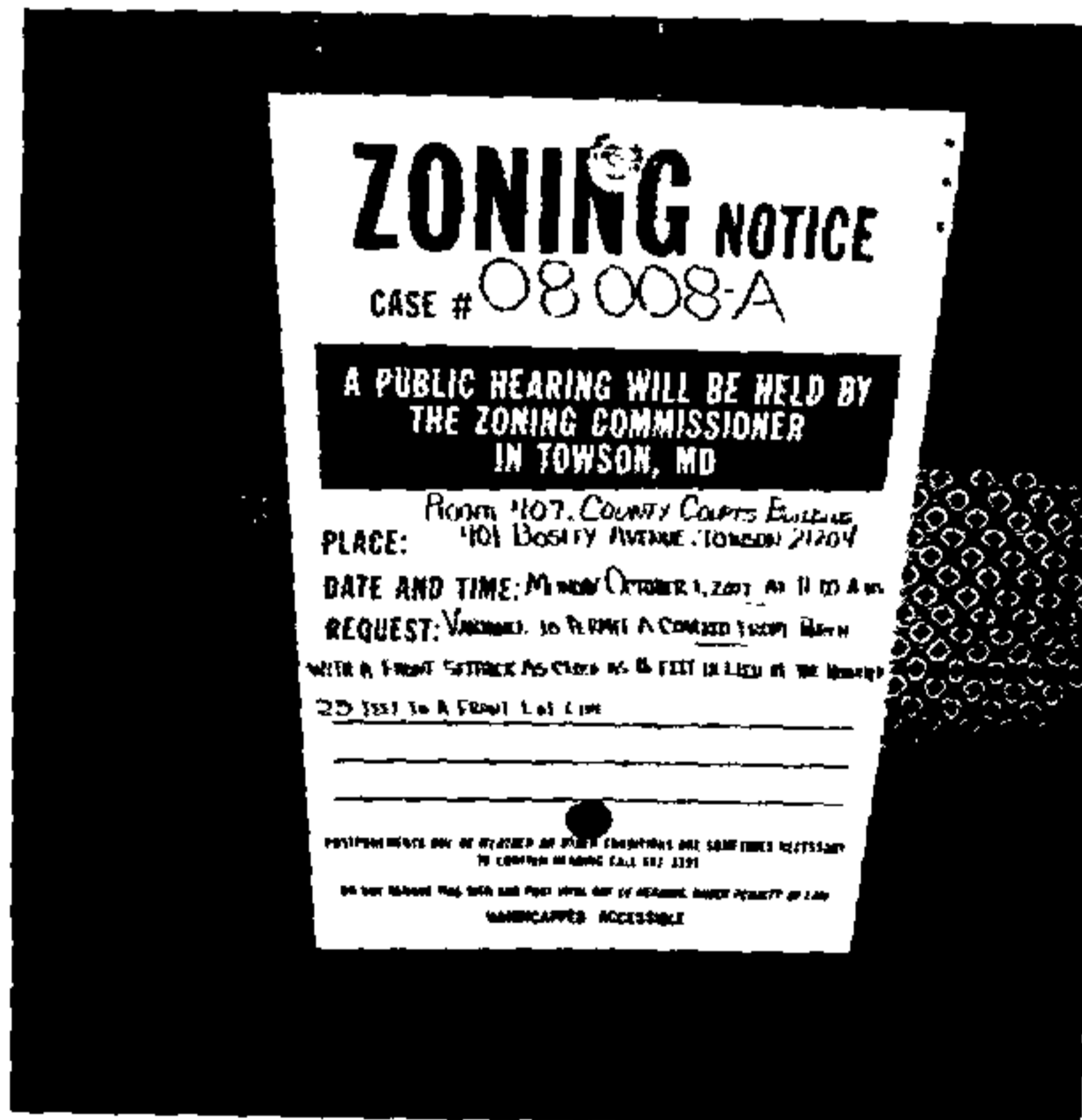
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 26, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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: 08-008-A

2041 Inverton Road

S/east side of Inverton Road, 641.2 feet s/west of Jasmine Road

12th Election District – 7th Councilmanic District

Legal Owners: Marcin & Beata Tokarski

Variance to permit a covered front porch with a front setback as close as 16 feet in lieu of the required 25 feet to a front lot line.

Hearing: Wednesday, September 5, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Marcin & Beata Tokarski, 2041 Inverton Rad, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 21, 2007.**
- (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 21, 2007 Issue - Jeffersonian

Please forward billing to:
Beata Tokarski
2041 Inverton Road
Dundalk, MD 21222

410-477-3092

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: 08-008-A

2041 Inverton Road

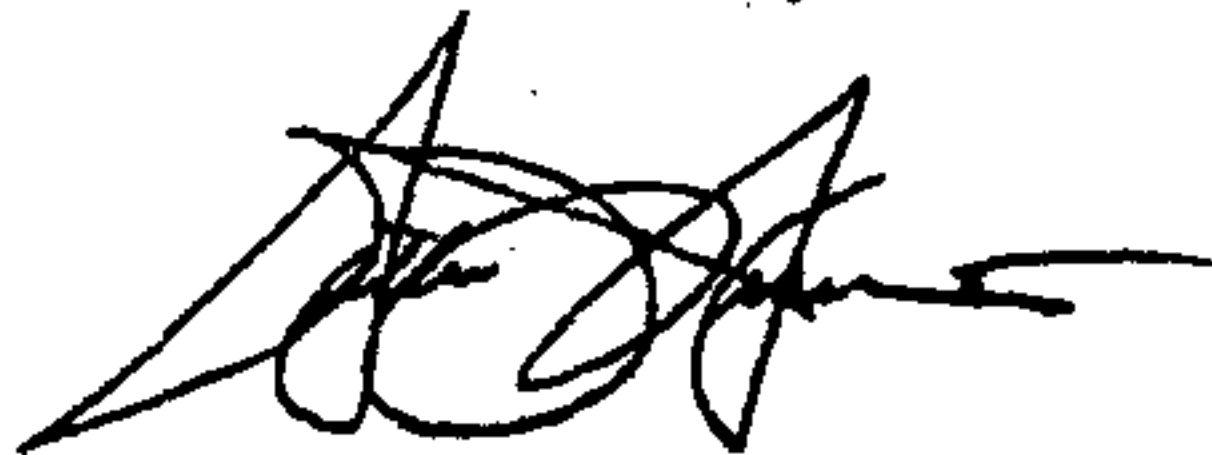
S/east side of Inverton Road, 641.2 feet s/west of Jasmine Road

12th Election District – 7th Councilmanic District

Legal Owners: Marcin & Beata Tokarski

Variance to permit a covered front porch with a front setback as close as 16 feet in lieu of the required 25 feet to a front lot line.

Hearing: Wednesday, September 5, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
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: 08 008 A
Petitioner: 2041 INVERTON RD.
Address or Location: TOKARSKI

PLEASE FORWARD ADVERTISING BILL TO:

Name: BEATA -TOKARSKI
Address: 2041 INVERTON RD
BALTIMORE MD 21222
Telephone Number: 410 477 3092



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

August 29, 2007

Marvin Tokarski
Beata Tokarski
2041 Inverton Road
Dundalk, MD 21222

Dear Mr. and Mrs. Tokarski:

RE: Case Number: 08-008-A, 2041 Inverton Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 2, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 30, 2007
SUBJECT: Zoning Item # 08-08-A
Address 2041 Inverton Road
Tokarski Property

Zoning Advisory Committee Meeting of July 16, 2007

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Intensely Developed Area (IDA) of the CBCA. Any development must comply with IDA regulations and DEPRM approval.

Reviewer: Kevin Brittingham

Date: 8/15/07

BW
9-5-07
10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 2, 2007

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

RECEIVED
AUG 06 2007

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-008- Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request to allow a covered porch with a setback of 16 feet in lieu of the required 25 feet. The proposed porch does not appear to have a negative impact on adjacent properties or the neighborhood.

For further questions or additional information concerning the matters stated herein, please contact Nkechi Hislop in the Office of Planning at 410-887-3480.

Prepared By: *Candis Murray*

Division Chief: *Arnold Keller*

CM/LL

RE: PETITION FOR VARIANCE
2041 Inverton Road; SE/S Inverton Road,
641.2' SW Jasmine Road
12th Election & 7th Councilmanic Districts
Legal Owner(s): Marcin & Beata Tokarski
Petitioner(s)

* BEFORE THE BOARD
* OF APPEALS
* FOR
* BALTIMORE COUNTY
* 08-008-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 and all documentation filed in the case.

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 26th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Marcin & Beata Tokarski, 2041 Inverton Road, Dundalk, MD 21222, Petitioner(s).

RECEIVED

JUL 26 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BW 9/5
10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 30, 2007
SUBJECT: Zoning Item # 08-08-A
Address 2041 Inverton Road
Tokarski Property

Zoning Advisory Committee Meeting of July 16, 2007

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Intensely Developed Area (IDA) of the CBCA. Any development must comply with IDA regulations and DEPRM approval.

Reviewer: Kevin Brittingham

Date: 8/15/07



State Highway Administration

Maryland Department of Transportation

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

John D. Porcari, Secretary | Neil J. Pedersen, Administrator

Date:

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

RE: Baltimore County
Item No. 8-8-A
2041 INVERTON ROAD
TOKARSKI PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-8-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Handwritten signature of Michael P. Bailey

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2007

FROM: Dennis A. Kennedy, Supervisor *DKD/fw*
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 20, 2007
Item Nos. 07-470, 08-001, 002, 003, 004,
005, 006, 007, 008, 009, 011, 012, 013, 014,
015, 016, 017, 018 and 019

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-07202007.doc

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

July 17, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 16, 2007

Item No.: 001, 003, 004, 007, 008, 009, 010, 011, 012, 013, 014,
016, 017, 018, 019

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

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

Acting Lieutenant William F. Connolly Jr.
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-29
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 2, 2007

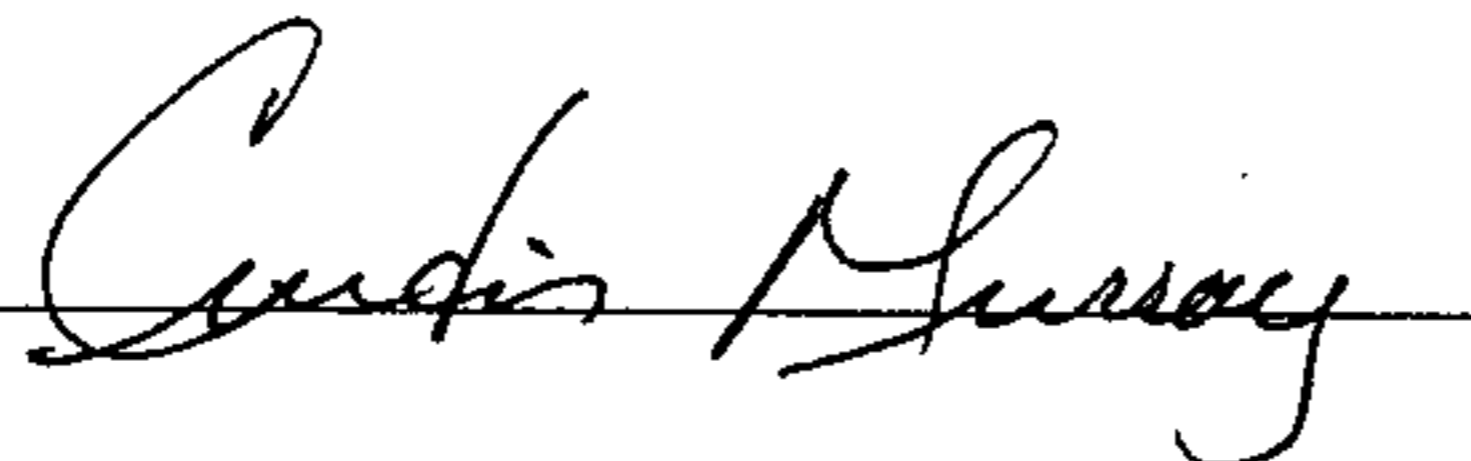
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-008- Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request to allow a covered porch with a setback of 16 feet in lieu of the required 25 feet. The proposed porch does not appear to have a negative impact on adjacent properties or the neighborhood.

For further questions or additional information concerning the matters stated herein, please contact Nkechi Hislop in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



Baltimore County
Department of Permits and
Development Management

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

12

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. 07-7031	Property No.	Zoning:
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Name(s): **MARCINO BEATA TOKARSKA**

Address: **2041 PARKWAY
BUNKER BLVD
BOST MD 21222**

Violation Location:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

OBTAIN PERMIT FOR REAR PORCH
R-105.1

FRONT PORCH

\$1,000 FINE FOR WORKING
WITHOUT PERMIT

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

On or Before: 6/7/07	Date Issued: 5/31/07
--------------------------------	--------------------------------

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: **Howe**

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:

On or Before: 6/7/07	Date Issued: 5/31/07
--------------------------------	--------------------------------

INSPECTOR:

Howe

AGENCY

CODE ENFORCEMENT REPORT

68

DATE: 5/30/07 INTAKE BY: *CF* CASE #: 07 7031 INSPEC:

COMPLAINT LOCATION: 2041 Inverton Rd

ZIP CODE: 21222 DIST: 12

COMPLAINANT NAME: Robert Cogle PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Building front porch cover without permits

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

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION: 5/31/07 Roof BUZZET over Front Porch Left
Notice on Front Door P.O. 6/7/07 H.R.

WA
CB

REINSPECTION:

REINSPECTION:

REINSPECTION:

9/5
10AM

From: Debra Wiley
To: Wiseman, Bill
Date: 09/04/07 11:21:00 AM
Subject: Cases - Wed. 9/5

Hi Bill,

Hope all is well and you had a nice time with your son and family. Here's an update regarding your cases for tomorrow:

Case No. 08-008-A - 10:00 AM - Tokarski

- Acquired DEPRM comment
- Acquired copy of violation
- Posting not available from Kristen 8/31 & Andrea 9/4
- Unable to reach Tokarski's (477-3092 is fax #). Tried to locate them via DPM's dummy file (same #), phone book, violation notice (no phone #), etc. - All Attempts Unsuccessful

Case No. 08-015-SPHX - 11:00 AM - Vitale

- Advised Gardina's office (Ann Marie)
- Acquired publication from Kristen

See you tomorrow!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Note To file

08-008-A

The case # correction

from 08 006 A to

the above # was

done on 7/03/07
also

A copy was sent to
the petitioner.

The phone # is disconnected

JLL

STANDARD ASSESSMENT INQUIRY

DATE: 05/30/2007
TIME: 14:18:53

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 13 026420	12	3-0	04-00	H	NO		04/18/07
TOKARSKI MARCIN				DESC-1.. IMPS			
TOKARSKI BEATA				DESC-2.. SOUTHFIELD			
2041 INVERTON RD				PREMISE. 02041 INVERTON			RD
							00000-0000

BALTIMORE MD 21222-4757 FORMER OWNER: KRAJEWSKI CHESTER

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	16,500	32,000				
IMPV:	54,530	66,840	TOTAL..	89,570	89,570	80,300
TOTL:	71,030	98,840	PREF...	0	0	0
PREF:	0	0	CURT...	89,570	89,570	80,300
CURT:	71,030	98,840	EXEMPT.		0	0
DATE:	07/02	08/05				

----- TAXABLE BASIS -----	FM DATE
ASSESS: 89,570	08/19/06
ASSESS: 80,300	
ASSESS: 0	

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

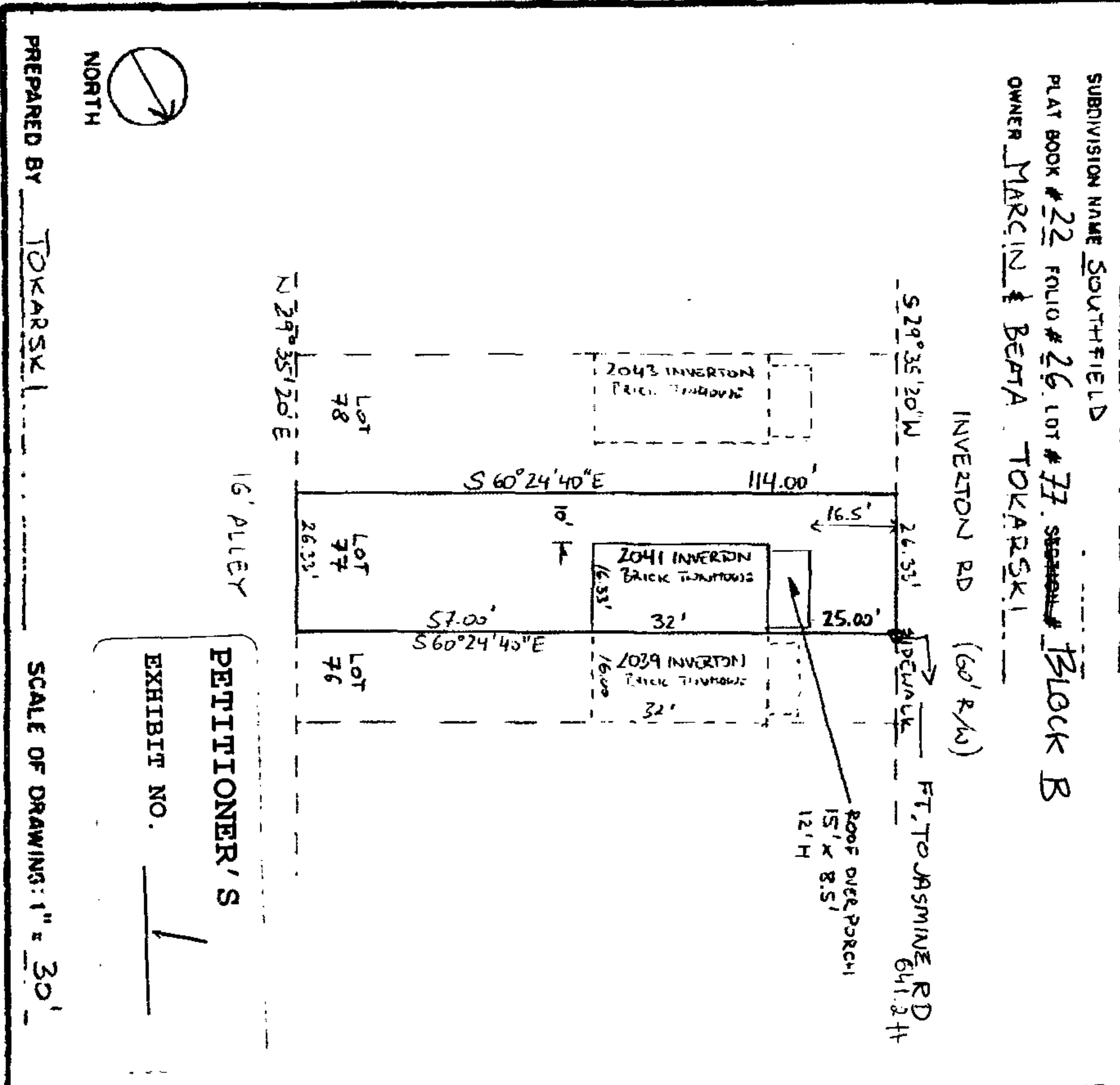
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

PROPERTY ADDRESS 2041 INVERTON RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SOUTHFIELD

PLAT BOOK # 22 FOLIO # 26 LOT # 77 ~~SECTION~~ BLOCK B

OWNER MARCIN & BEATA TOKARSKI



PREPARED BY TOKARSKI

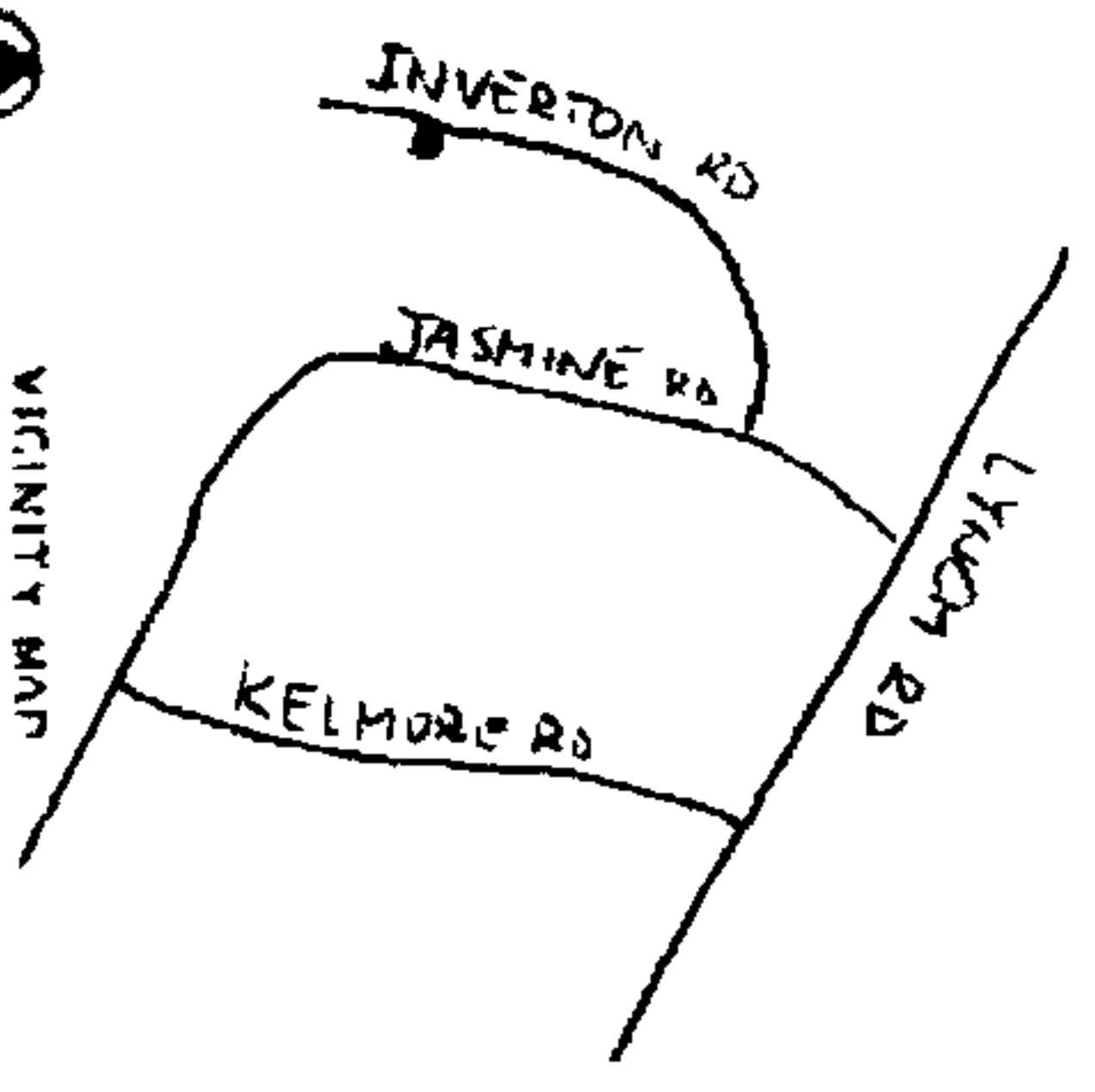
SCALE OF DRAWING: 1" = 30'

PETITIONER'S EXHIBIT NO. 1

104A3



VICINITY MAP SCALE 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 104A3

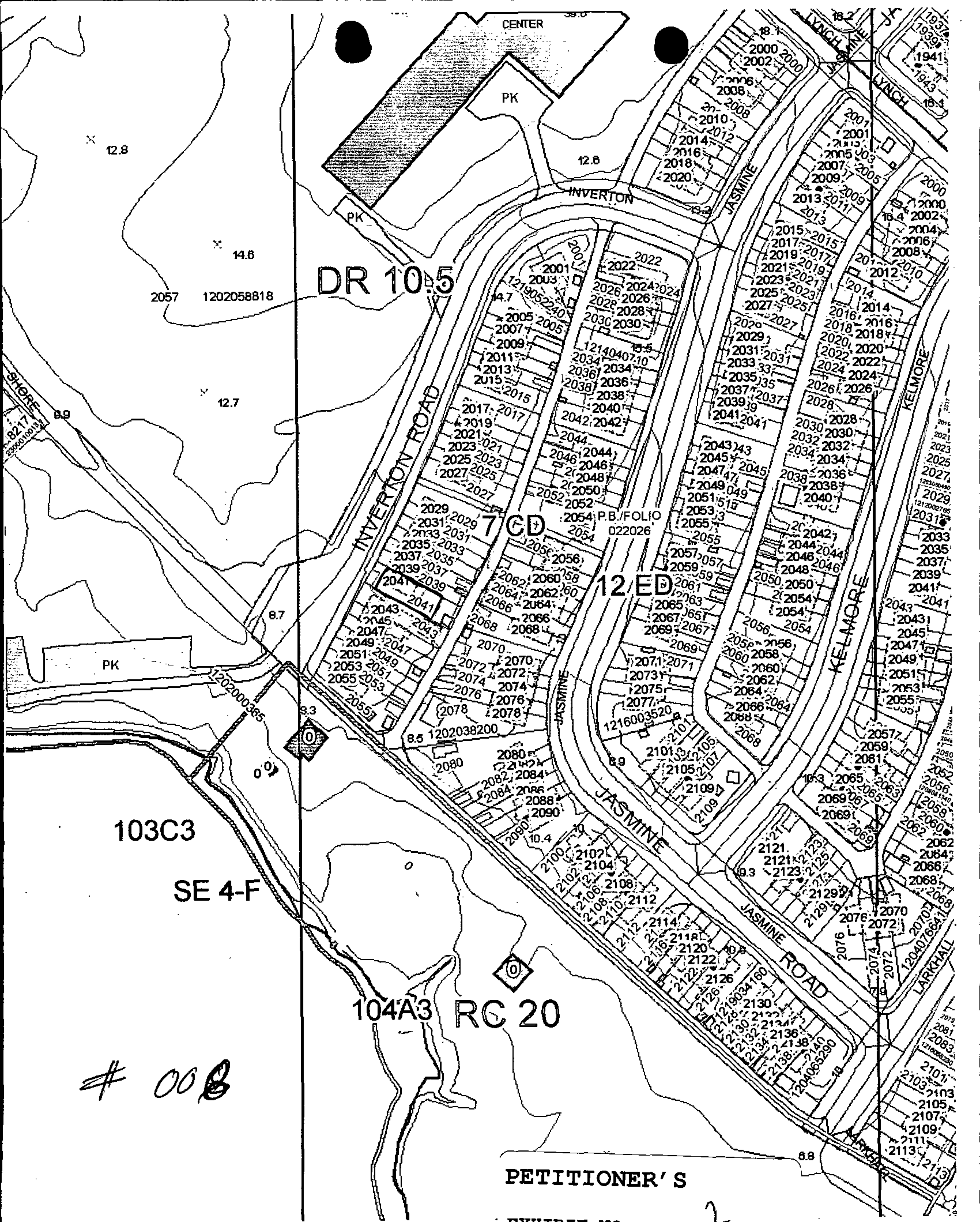
ZONING DR 10.5

LOT SIZE 0.068 ACRES 2964.00 SQUARE FEET

SEWER PUBLIC PRIVATE
 WATER

CHESAPEAKE BAY CRITICAL AREA YES NO
 100 YEAR FLOOD PLAIN YES NO
 HISTORIC PROPERTY / BUILDING YES NO
 PRIOR ZONING HEARING YES NO

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # 1008 CASE #



PETITIONER'S

EXHIBIT NO. 2

12.8

14.6

2057 1202058818

DR 10.5

12.7

8.7

103C3

SE 4-F

104A3 RC 20

008

8.8

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

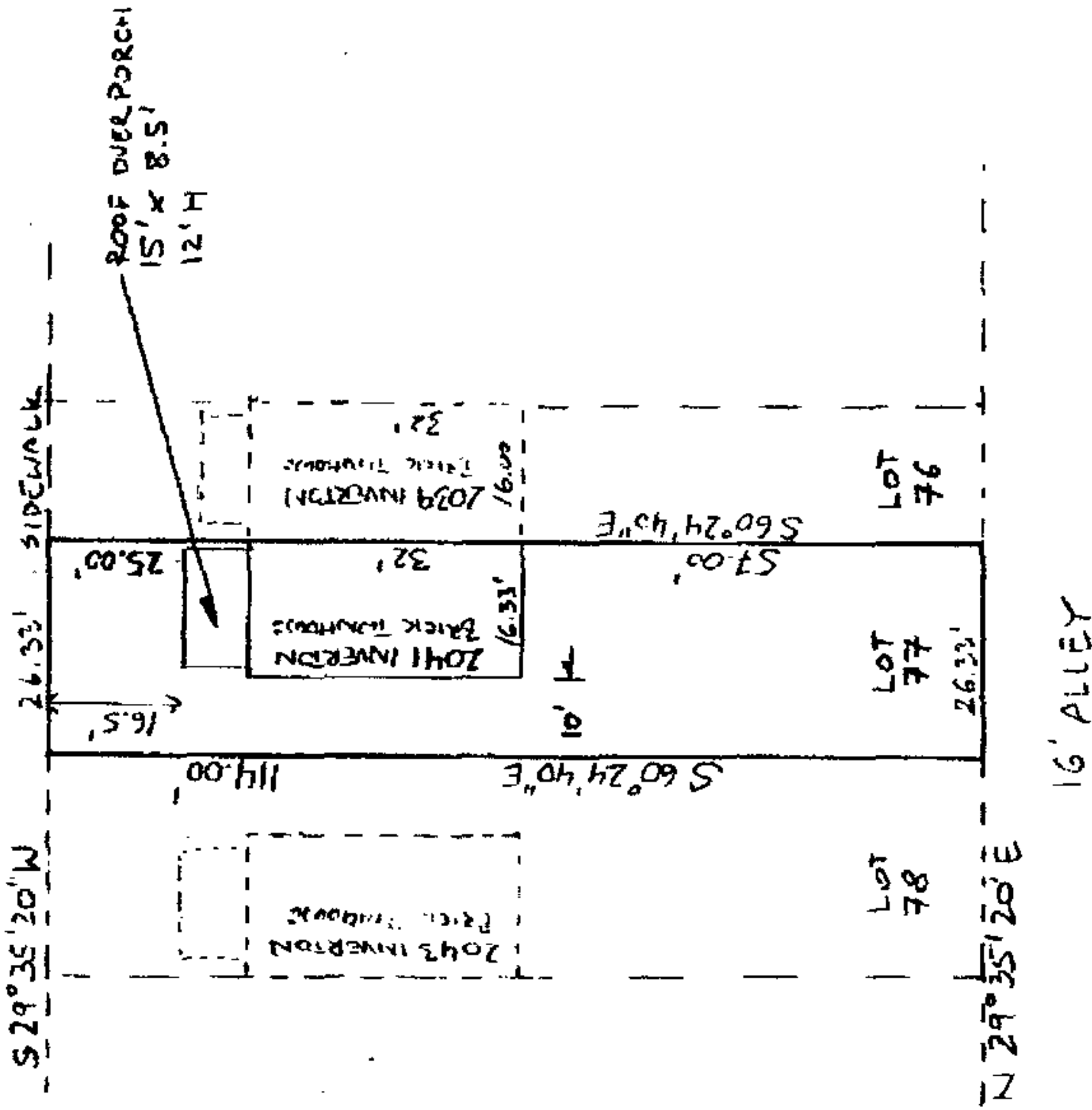
PROPERTY ADDRESS 2041 INVERTON RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SOUTHFIELD

PLAT BOOK # 22 FOLIO # 26 LOT # 77 SECTION # BLOCK B

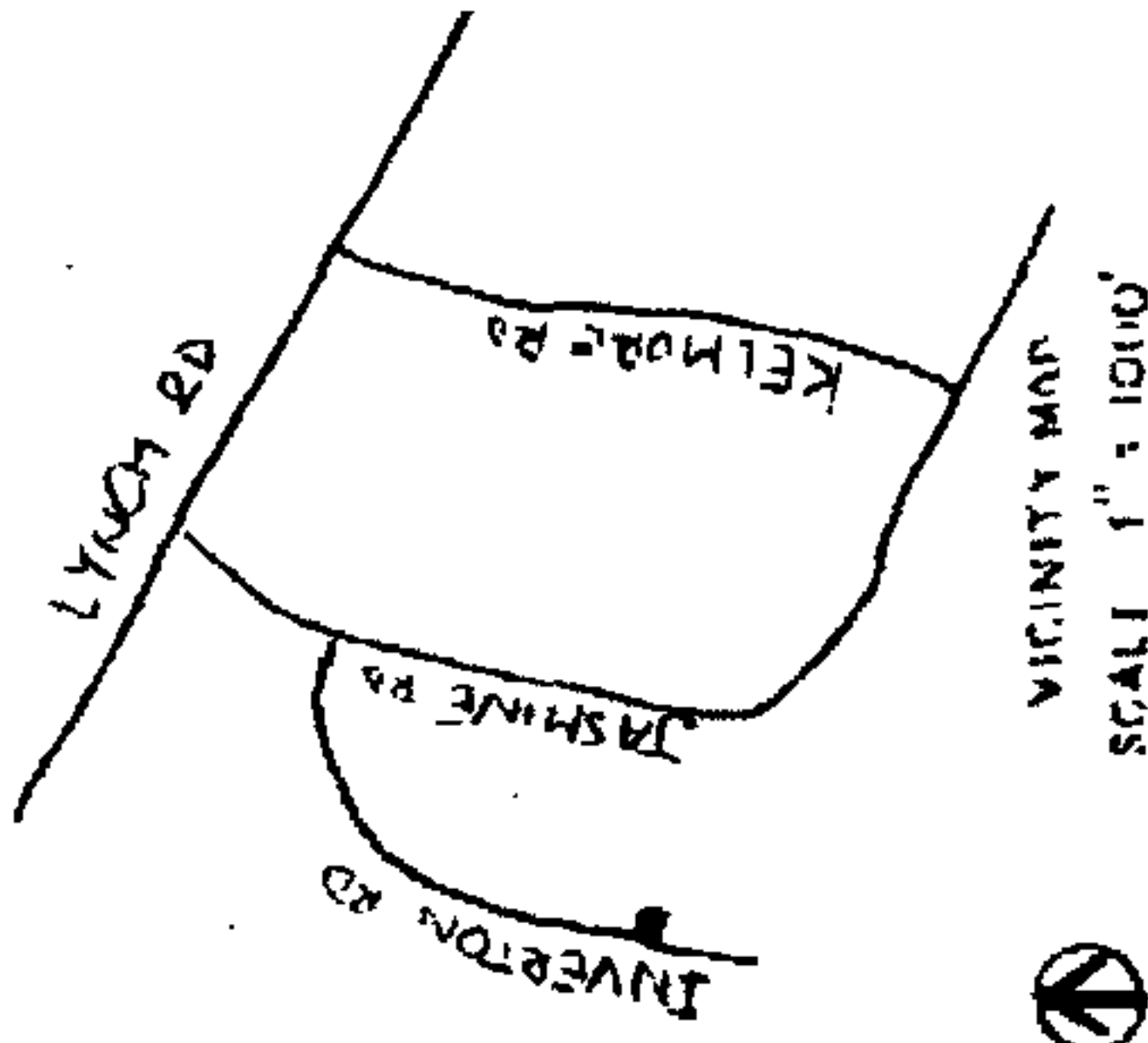
OWNER MARCIN & BEATA TOKARSKA

INVERTON RD (60' R/W)



NORTH

PREPARED BY TOKARSKA SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 12
 COUNCILMANIC DISTRICT 7
 1" = 200' SCALE MAP # 104 A3
 ZONING DR 10.5
 LOT SIZE 0.068 ACRES 2964.00 SQUARE FEET
 SEWER PUBLIC PRIVATE
 WATER PUBLIC PRIVATE
 CHESAPEAKE BAY CRITICAL AREA YES NO
 100 YEAR FLOOD PLAIN YES NO
 HISTORIC PROPERTY / BUILDING YES NO
 PRIOR ZONING HEARING YES NO

ZONING OFFICE USE ONLY
 REVIEWED BY 1008 CASE #

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

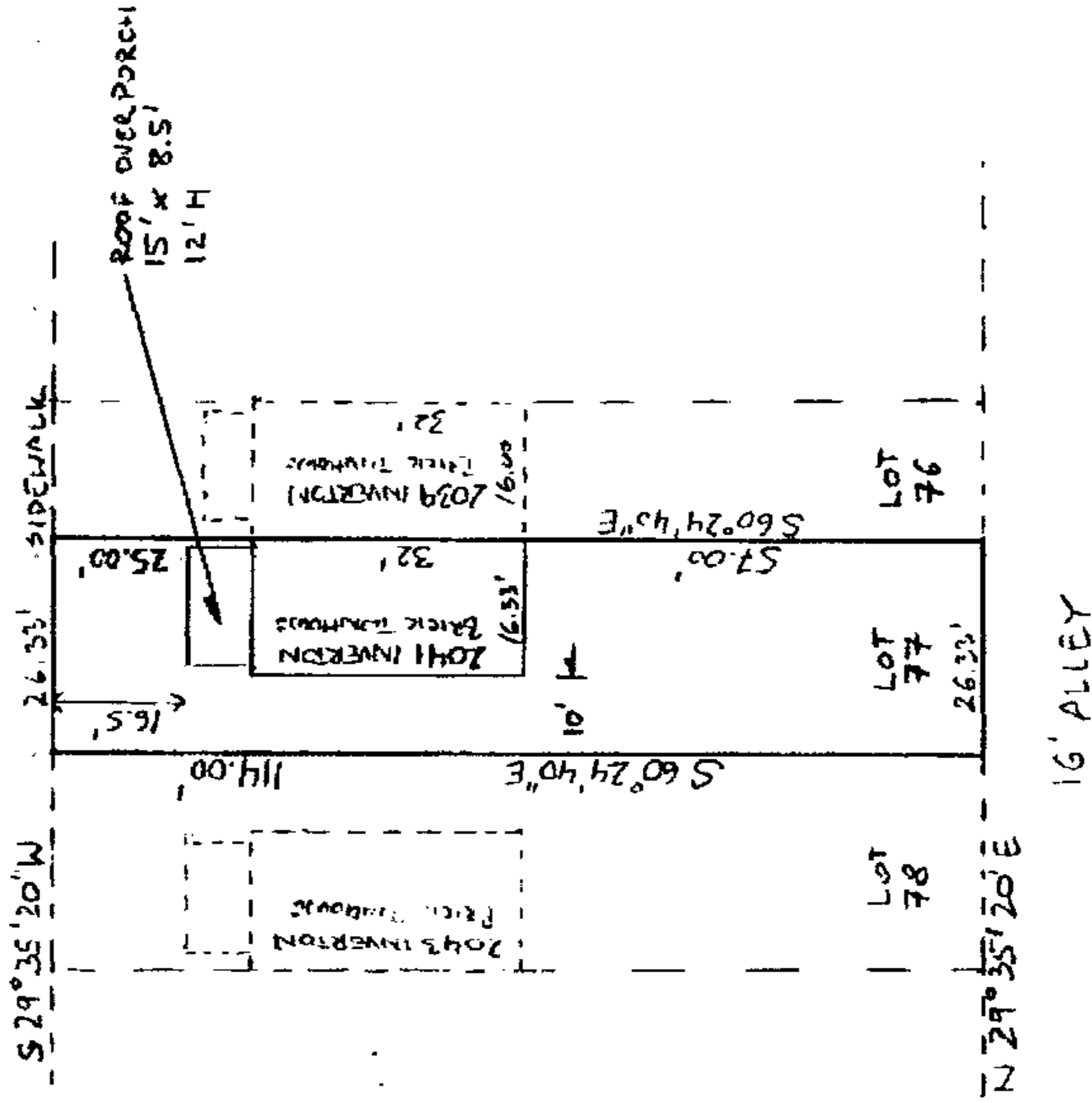
PROPERTY ADDRESS 2041 INVERTON RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SOUTHFIELD

PLAT BOOK # 22 FOLIO # 26 LOT # 77 SECTION # BLOCK B

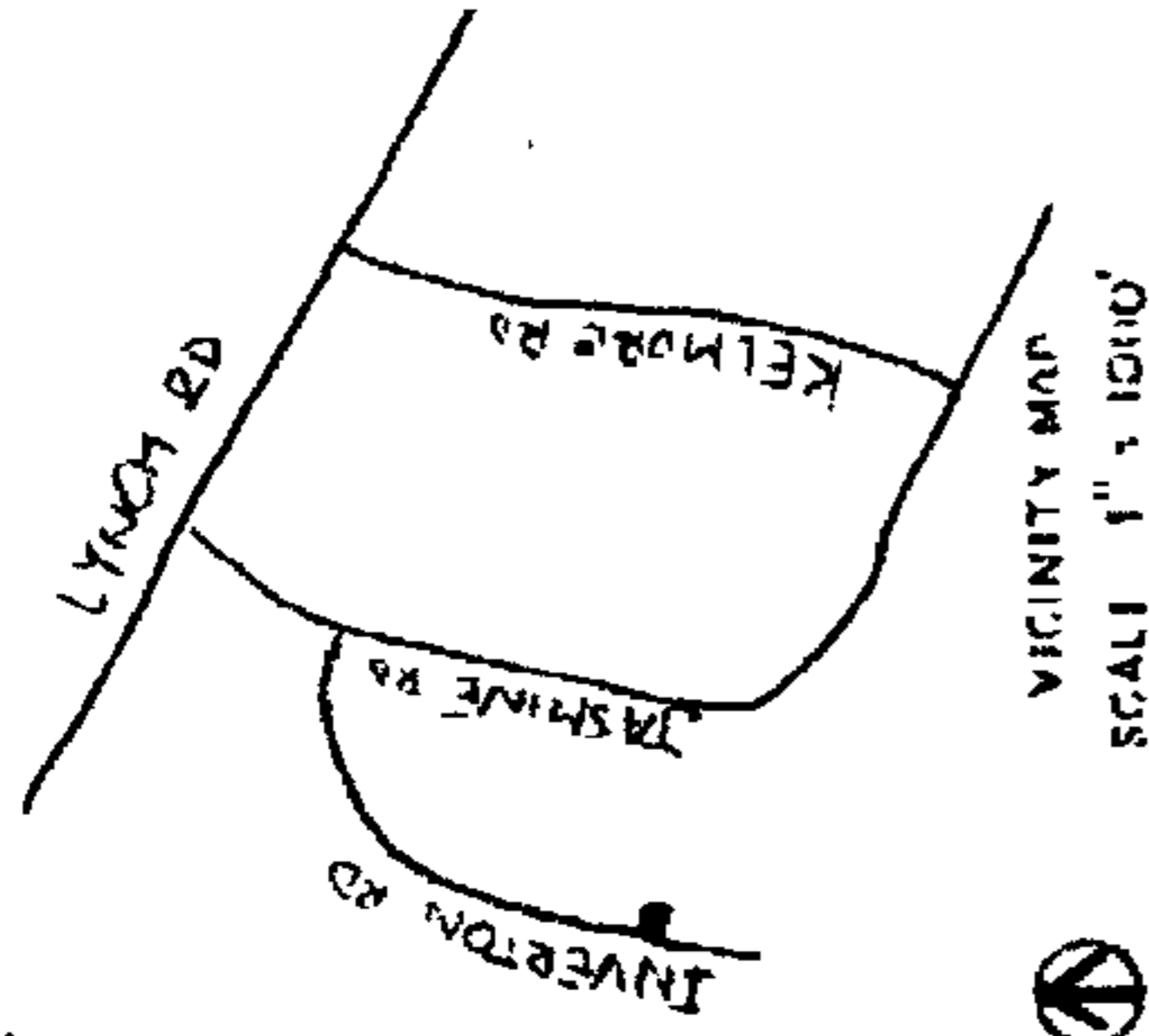
OWNER MARCIN & BEATA TOKARSKI

INVERTON RD (60' R/W)



PREPARED BY TOKARSKI

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 12
 COUNCILMANIC DISTRICT 7
 1" = 200' SCALE MAP # 104A3
 ZONING DR 10.5
 LOT SIZE 0.068 ACRES 2964.00 SQUARE FEET
 SEWER PUBLIC PRIVATE
 WATER
 CHESAPEAKE BAY CRITICAL AREA YES NO
 100 YEAR FLOOD PLAIN YES NO
 HISTORIC PROPERTY / BUILDING YES NO
 PRIOR ZONING HEARING YES NO

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

10081

