IN RE: PETITION FOR ADMIN. VARIANCE

N side of Oakfalls Way, 192 feet S of the c/l of Parkhurst 11th Election District 5th Councilmanic District (3702 Oakfalls Way)

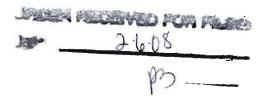
Debra and Mark Tabisz *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-294-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, Debra and Mark Tabisz for property located at 3702 Oakfalls Way. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition (3-season room) on rear of existing dwelling with a rear setback of 20 feet, window to lot line of 9 feet in lieu of the required 30 feet and 15 feet respectively, and to amend the Final Development Plan of Oakhurst for Lot #29 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners have an existing deck that they wish to enclose as a sunroom. They are taking care of an elderly parent with limited mobility and a three season sunroom will allow her to get more sunshine, fresh air and improve her quality of life. Letters of support were provided by the Petitioners' neighbors residing at 3704 Oakfalls Way and 3703 Parkhurst Way.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.



The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 19, 2008 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 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.

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.

Deputy Zoning Commissioner for Baltimore County

THB:pz



I/We do solemnly declare and affirm, under the penalties of



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property	located at	3702	OAKFALLS	why	
	which	h is presen	tly zoned	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) 1 301.2 C.1. b

TO PERMIT AN ADDITION (3-SEASON ROOM) ON REAR OF EXISTING DWELLING WITH A REAR SETBACK OF 20 FEET, WINDOW TO LOT LINE 9 FEET IN LIEU OF THE REQUIRED 30 FEET AND 13 FEET RESPECTIVELY, AND TO AMEND THE FINAL DEVELOPMENT PLAN OF OAKHURST

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.

			perjury, that I/we are is the subject of this	the legal owner(s) of the Petition.	e property which
Contract Purchaser/Lessee:			Legal Owner(s)	<u>.</u>	
	•		PE8RA	T48152	
Name - Type or Print			Name - Type or Print	Valence	
Signature	4	75.	Signature MARK	TABISZ T	
Address		Telephone No.	Name - Type or Prim	in. Talks	e elle
City	State	Zip Code	Signature		
Attorney For Petitione	r:		3702 OAK	FAlls WAY	410-529-3839
	_	•	Address		Telephone No.
			BALTIMOR	5 MD	21236
Name - Type or Print			City	State	Zip Code
			Representative	to be Contacted:	
Signature		_			
Company			Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been this day of regulations of Baltimore County a	, th	hat the subject matter of	required, it is ordered by this petition be set for a publi		

	Zoning Commissioner of Baltimore County			
CASE NO. 08-294-A	Reviewed By A- TSUL Date 01/09/2008			
	Estimated Posting Date 01/20/08 02/04/08			
2608				

fidavit 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

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):

ARE TAXING CARE OF AN ELDERLY PARENT MOBILITY. A THREE SEASON TYPS ROOM WITH LOTS of WINDOWS WOULD Allow here TO GET MORE SUNSLINE AND FRESH AR. THIS WILL IMPROVE HER QUALITY of Life.

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 TB315Z

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

2008, before me, a Notary Public of the State

Debra Tabusy a Mark Tabusy personally known or satisfactorily identified to me as such Affiants

AS WITNESS my hand and Notarial Seal

My Commission Expires (

REV 10/25/01

PATRICIA S. EHRLINGER NOTARY PUBLIC STATE OF MARYLAND My Commission Expires October 1, 2010

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.

Address

BALTIMORE MD 21236

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):

WE ARE TAKING CARE OF AN GLOBRLY PARENT WITH LIMITED MOBILITY. A THREE SEASON TYPS ROOM WITH LOTS OF WINDOWS WOULD Allow HER TO GET MORE SUNSLINE AND FRESH AR. This WILL Improve her QUALITY of Life.

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.

10 - 6 Km 5 7	Fig. 1			
Signature	Signature			
DEBRA TABISZ	MARK TASISZ			
Name - Type or Print	Name - Type or Print			
I HEREBY CERTIFY, this day of amary of Maryland, in and for the County aforesaid, personally appears the Affiant(s) herein, personally known or satisfactorily identically identically in the Affiant (s) herein, personally known or satisfactorily identically i	peared peared brown to me			
	Patricia Schrarger Totary Public Ty Commission Expires October 1, 2010			

REV 10/25/01

PATRICIA S. EHRLINGER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 1, 2010



TAX. ACCOUNT 1900006210 Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3702	OAKFALLS WAY	
		tly zoned 5.5	

is the subject of this Petition.

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 Bol. 2 C.I.b

TO PERMIT AN ADDITION (3-SEASON ROOM) ON REAR OF EXISTING DWELLING WITH A REAR SETBACK OF 20 FEET, WINDOW TO LOT LINE 9 FEET IN LIEU OF THE REQUIRED 30 FEET AND 15 FEET RESPECTIVELY D TO AMEND THE FINAL DEVELOPMENT PLAN OF CAKHURST

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.

Contract Purchaser/Le	ssee:		Legal Owner(s):		•
			DE8RA	TA8152	
Name - Type or Print			Name - Type or Print	- C. C.	
Signature			Signature	AB152	
Address		Telephone No.	MARK // Name - Type or Print	7,0732	·
City	State	Zip Code	Signature		
Attorney For Petitioner	• •	•	3702 OAKF	Alls WAY	410-529-3839
	_		Address	mo	Telephone No.
Name - Type or Print			BALTIMORE City	State	21236 Zip Code
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			Representative to	he Contacted:	·
Signature			representative te	be comucted.	
	<u> </u>				
Company			Name		
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code

that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

CASE NO. 08-294-A	Reviev
REV 10/25/01	Estima
3008	

Zoning Commissioner of 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

ZONING DESCRIPTION FOR 3702 Oakfalls Way

50

Beginning at a point on the north side of Oakfalls Way which is 1447 wide at the distance of 192' south of the

centerline of the nearest improved intersecting street Parkhurst which is 50' wide. *Being Lot #29 Block N, Section

#1 in the subdivision of Oakhurst as recorded in Baltimore County Book #46, Folio #48 containing 8544. Also known

as 3702 Oakfalls Way and located in the 11 Election District, 5 Councilmanic District.

08-294-A

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE No. 1197 MISCELLANEOUS RECEIPT Date: WILKIN JEWA JEE TFT # 558993 12/31/2007 Sub Rev Sub Rept BS 5 528 ZONING VERIFICATION Catg Orgn Orgn Source Rev Acct **Amount** Fund Agcy 009723 Recort Tot 1115,00 \$100 CM \$120.00 CA \$5,00-DS Baltimore County, Haryland Total: Rec From: For: CASHIER'S **VALIDATION** DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 01/23/08

Case Number: 08-294-A

Petitioner / Developer: MARK TABISZ

Date of Hearing (Closing): FEBRUARY 04, 2008

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: 3702 OAK FALLS WAY

The sign(s) were posted on: 01/19/08



Lindu O Kufe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Nun	nber 08-	294	-A	Address _	3702	OAKFALLS	WAY
Contact P	erson: _		ARON Please Print Your	TSUI		Phone Number: 410	
Filing Dat	te: 01/	09/2008			1/20/2008	Closing Date: 💆	2/04/200
Any conta through th	act made e contact	with this off person (plan	ice regardin ner) using th	ng the status ne case numb	of the admi	inistrative variance	should be
rev rep is a	erse side osting mu again resp perty on o	of this form) ust be done o consible for a	and the per ally by one o Il associated	titioner is res f the sign po d costs. The	ponsible for a sters on the a e zoning notic	ers on the approved I all printing/posting of approved list and the se sign must be visit main there through t	osts. Any petitioner ole on the
a fo	ormal rec		ublic hearing	g. Please ι	indersťand th	owner within 1,000 at even if there is closing date.	
con orde (typ	nmissione er that th ically with	er. He may: ne matter be nin 7 to 10 da	(a) grant the set in for ys of the clo	ne requested a public hea osing date) a	relief; (b) de iring. You w s to whether	the zoning or depuny the requested re will receive written nother petition has been ou by First Class ma	lief; or (c) otification or granted,
(wh con cha pos	ether due nmissione nged givi	e to a neigh er), notificatio ng notice of t	por's formal n will be fo ne hearing o	request or prwarded to date, time an	by order of you. The si d location. A	at must go to a publ the zoning or depu ign on the property s when the sign was red sign must be for	ity zoning must be originally
			(Deta	ich Along Dotted Lii	ne)		
Petitioner	: This Pa	art of the For	m is for the	Sign Poste	Only		
		USE THE A	DMINISTRA	ATIVE VARIA	NCE SIGN F	ORMAT	
						FALLS WAY	
Petitioner's	s Name _	MAR	K TAI			ephone <u>410-529</u>	-3839
Posting D	ate:			Clo	sing Date: _	2/4/08	
Wording fo	or Sign: _	To Permit 🔥	N ADDIT	TON (3-	SEASON R	com) ON REAK	2 OF
						OF 20 FEET,	
TO LOT	LINE C	FEET I	N LIEU O	OF THE A	EQUIRED	30 FEET AND	15 FEET
RESPECT	IVELY.	<u>-</u>					
						WCR - Revi	sed 6/25/04



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

February 4, 2008

Debra Tabisz Mark Tabisz 3702 Oakfalls Way Baltimore, MD 21236

Dear Mr. and Mrs. Tabisz:

RE: Case Number: 08-294-A, 3702 Oakfalls Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2008. 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,

4. C. O D: O. l

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 15,2008

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

RE:

Baltimore County

Item No. 8-294-A

3702 OAKFALLS WAY

TABISZ PROPERTY

PMINISTRATIVE 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. 8-294-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,

FOR

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 15, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 21, 2008

Hens Nos. 08-288, 289, 290, 291, 293,

294, 295, 296, and 297

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-01152008.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: January 22, 2008



BY:____

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-294- Administrative Variance

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 Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By

CM/LL



County Council of Baltimore County

Court House Towson, Maryland 21204

> 410-887-3196 Fax: 410-887-5791

S.G. Samuel Moxley FIRST DISTRICT

Kevin Kamenetz SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder

John Olszewski, Sr., SEVENTH DISTRICT

Thomas J. Peddicord, Jr. LEGISLATIVE COUNSEL SECRETARY January 23, 2008

William J. Wiseman, Esquire Baltimore County Zoning Commissioner Courts Building 401 Bosley Avenue Towson, Maryland 21204



Dear Mr. Wiseman:

Attached please find a copy of Resolution 6-08 concerning the public disclosure of Mark J. Tabisz, an employee of the Baltimore County Department of Public Works who has applied for a zoning variance to enclose a deck at his residence at 3702 Oakfalls Way, Baltimore, Maryland 21236.

This Resolution was approved by the County Council at its January 22, 2008 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr. Legislative Counsel/Secretary

Tenflewich

TJP:dp Enclosure

cc: Mark J. Tabisz

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2008, Legislative Day No. 2

Resolution No. 6-08

Mr. Vincent J. Gardina, Councilman

By the County Council, January 22, 2008

A RESOLUTION concerning the public disclosure of Mark J. Tabisz, an employee of the Baltimore County Department of Public Works.

WHEREAS, Mark J. Tabisz, an employee of the Baltimore County Department of Public Works has applied for a zoning variance to enclose a deck at his residence at 3702 Oakfalls Way, Baltimore, Maryland 21236; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE

COUNTY, MARYLAND, that the application for a zoning variance filed by Mark J. Tabisz

does not contravene the public welfare and is hereby authorized.

r00608.wpd

READ AND PASSED this 22ND day of JANUARY, 2008.

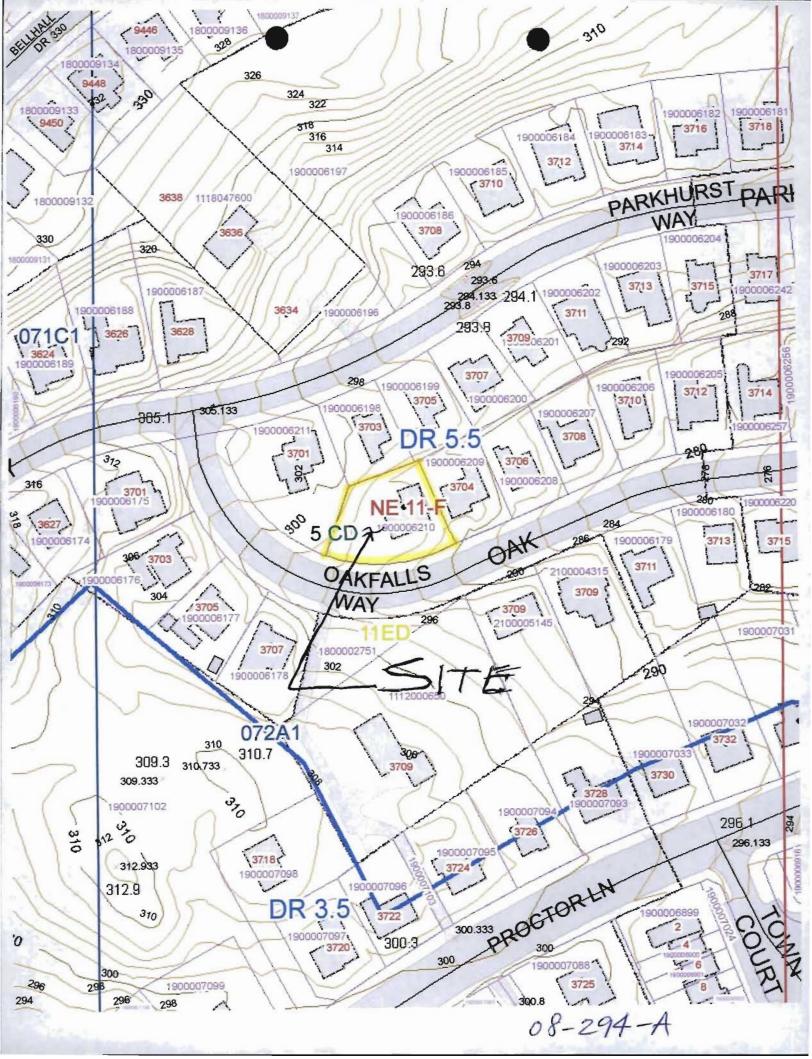
BY ORDER

Thomas J. Peddicord, Jr.

Secretary

ITEM: **RESOLUTION 6-08**

PLAT TO ACCOMPANY PETITION FOR ZONING X VARIAN PROPERTY ADDRESS 3702 OAKFAILS WAY SEE PAGES 5 & 6 OF THE CHECKLIST	CE SPECIAL HEARING
SUBDIVISION NAME OAK HURST	
PLAT BOOK # 46 FOLIO # 48 LOT # 29 SECTION # /	PART COLLAND
OWNER MARK & DEBRA TABISZ	El meare E 3 LE
1851	A ROLL
	DRNE ESTO
703 \ 105	// 2// \ 200
30 \ 31	
	PERCYHUETI
3701 EXISTING	SUBJECT SITE
	3702 CAKFALLS WAY
	VICINITY MAP SCALE: 1" = 1000"
	3.CALC. 1 1000
	LOCATION INFORMATION
	ELECTION DISTRICT 11
20	COUNCILMANIC DISTRICT 5
ENCLOSE SXINTING OBCK OBCK OBCK	1"=200' SCALE MAP # 072A1 ZONING DR 6.5
	LOT SIZE -1961 8544
31. 8 TO BEAKON SELVINE	ACREAGE SOURE FEET
3-800m	PUBLIC PRIVATE SEWER [X] []
+3704	WATER (X)
33 3 43702	YES NO
19 19 10 28	CRITICAL AREA
	100 YEAR FLOOD PLAIN
ARK W AS	HISTORIC PROPERTY/
PARK WAST POB AS LOT 29 OAK FALLS IN DE	PRIOR ZONING HEARING NONE
	ZONING OFFICE USE ONLY
PREPARED BY MARY TAB162 SCALE OF DRAWING: 1" = 30	A. TSUI 294 08-294-A



Jeff and Kathy Mitchell 3704 Oakfalls Way Baltimore, Maryland 21236

January 7, 2008

Re: Deck enclosure for 3702 Oakfalls Way

To Whom It May Concern:

We understand Mark and Debra Tabisz are requesting a zoning variance so they may enclose their deck.

We do not oppose their request.

Should you have any questions please don't hesitate to contact us.

Sincerely

08-294-A

Terry and Beth Kennedy 3703 Parkhurst Way Baltimore, Maryland 21236

January 7, 2008

Re: Deck enclosure for 3702 Oakfalls Way

To Whom It May Concern:

We understand Mark and Debra Tabisz are requesting a zoning variance so they may enclose their deck.

We do not oppose their request.

Should you have any questions please don't hesitate to contact us.

Sincerely

Terry Kennedy

Beth Kennedy



