

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Fork Road, 850 feet NW of
Upland Road
11th Election District
3rd Councilmanic District
(12628 Fork Road)

Claire J. Salkowski and Richard P. Bartlett
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0056-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, Claire J. Salkowski and Richard P. Bartlett for property located at 12628 Fork Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 25 feet and rear setback of 38 feet in lieu of the required 50 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition to the rear of their home to plan for mobility and access in their retirement years which is fast approaching. They want to add a great room and a kitchen that would give them room to move around in a wheelchair if that becomes necessary. They also want to build a bedroom/bath combination on the first floor. The proposed addition will allow the Petitioners to remain in their home as they age. The existing dwelling was constructed in 1924 long before the imposition of RC 5 zoning on the property. The subject property contains .65 acres served by private well and septic system. Petitioners also own the lot immediately behind the subject property.

APPROVED FOR FILING
9-23-08
[Signature]

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 7, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 23rd day of September, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 25 feet and rear setback of 38 feet in lieu of the required 50 feet for an addition is hereby GRANTED, subject to the following:

RECEIVED FOR FILING
9-23-08
[Signature]

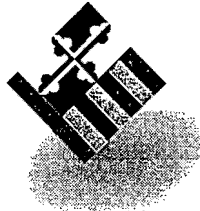
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FROM FILING
9-23-06
jm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 23, 2008

CLAIRE J. SALKOWSKI AND RICHARD P. BARTLETT
12628 FORK ROAD
FORK MD 21051

Re: Petition for Administrative Variance
Case No. 2009-0056-A
Property: 12628 Fork Road

Dear Ms. Salkowski and Mr. Bartlett:

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 dark ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Lisa Wilson, 3000 Green Road, White Hall MD 21161



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12628 Fork Rd, Fork, MD
which is presently zoned RC5

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 A 04.3.13.2.0 TO ALLOW A

SIDE YARD SETBACK OF 25 FEET AND REAR SETBACK OF 38 FEET IN
LIEU OF THE REQUIRED 50 FEET

We are asking for permission for a variance from the zoning regulations 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 bound 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:

Legal Owner(s):

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

Name - Type or Print CLAIRE SALKOWSKI
Signature [Signature]
Name - Type or Print Richard Bartlett
Signature [Signature]
Address 12628 Fork Rd. Telephone No. 410-592-3326 W
FORK MD 21051
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Representative to be Contacted:

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

Name Lisa Wilson
Address 3000 Green Rd Telephone No. 410-808-1276
White Hall MD 21161
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ 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.

Zoning Commissioner of Baltimore County

CASE NO. 2009-0056-A
REV 10/25/01 9.23.08
[Signature]

Reviewed By CM Date 8-27-08
Estimated Posting Date 9-7-08

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

Address 12628 FORK Road
City FORK State MD Zip Code 21051

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 asking for permission for a variance because we do not meet the 50' set backs on each side for our RC5 zoning.

We want to build an addition to our current home to plan for mobility and access in our "retirement years," which are quickly approaching.

We want to add a Great Room and a Kitchen that would give us room to move around in with a wheelchair, if that becomes necessary. We also want to build a Bedroom/Bath for access on the first floor. Currently there are no bedrooms without maneuvering stairs.

We don't have any neighbors right on top of us that we would be encroaching upon, and we feel this addition would allow us to be able to stay in our home as we age. Thank you for your consideration of our request.

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.

Claire Salkowski
Signature

Claire Salkowski
Name - Type or Print

Richard Bartlett
Signature

Richard Bartlett
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of AUGUST 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CLAIRE SALKOWSKI & RICHARD BARTLETT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Gregory M. Skinner
Notary Public

My Commission Expires 01/01/11

Gregory M. Skinner, Notary Public
Baltimore County
REV. 10/25/01 State of Maryland
My Commission Expires Jan. 01, 2011

Affidavit in Support of Administrative Variance

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Claire Salkowski
Signature

Claire Salkowski
Name - Type or Print

Richard Bartlett
Signature

Richard Bartlett
Name - Type or Print

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I HEREBY CERTIFY, this 26th day of AUGUST 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CLAIRE SALKOWSKI, & RICHARD BARTLETT
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Gregory M. Skinner
Notary Public

My Commission Expires 01/01/11

Gregory M. Skinner, Notary Public
Harford County
REV 10/25/01 State of Maryland
My Commission Expires Jan. 01, 2011

PROPERTY DESCRIPTION

ZONING DESCRIPTION FOR 12628 FORK ROAD, FORK, MARYLAND 21051

Beginning at a stone heretofore set up on the southwest side of the road leading from form to Baldwin and on the dividing line between the land now being described and conveyed and the land of J. Lester Smith and running thence with said line magnetically, to date, North 75 degrees, 0 minutes, East 20 feet to the middle of the said road and thence with and binding thereon North 43 degrees 4 minutes. West 80 feet and North 45 degrees, 25 minutes, West 165 feet, thence leaving the said road and running for dividing lines through the land of the Grantors South 41 degrees, 25 minutes, West 18 feet to a stone now set up on the southeast side of the said road and thence still south 41 degrees, 25 minutes, East 166 feet to a snow now set in the northwest outlines of the lot on which the new schoolhouse stands and thence binding thereon North 62 degrees, 0 minutes, East 64.5 feet to a stone near a persimmon tree, a corner of the school lot and the land of the said L. Lester Smith and thence with and binding on the land of the said Smith North 77 degrees, 0 minutes, East 100 feet to the beginning thereof; containing 65/100 of an acre.

Nearest intersecting street: Fork Road and ~~Clayton Street~~ *Upland Rd*

Subdivision: Corner Clayton Street

Containing 0.65 acres. Also known as 12628 Fork Road

District # 11, E.D. 14

Beginning at a point on the NORTHEAST side of FORK ROAD which is 200 Feet Wide at the distance of 850' NORTHWEST of the centerline of the nearest improved intersecting street UPLAND ROAD. Beginning at the NORTHEAST corner of the property go SOUTH 165 Feet, then turning EAST 182 Feet. From the SOUTHEAST corner go NORTH 128 Feet to FORK ROAD.

Certificate of Posting

RE: Case NO. 2009-0056-A

Petitioner/Developer _____

Richard P. Bartlett

Date of Hearing/Closing 9/22/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

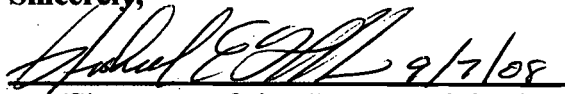
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at _____

12628 Fork Road

The sign(s) were posted on 9/7/08
(Month, Day, Year)

Sincerely,

 9/7/08
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2009-0056-A

Petitioner/Developer: _____

Richard P. Bartlett

Date of Hearing/Closing: 9/22/08



12628 Fork Road.

Posting Date: 9/7/08

Richard P. Bartlett 9/7/08
(Signature and date of sign poster)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18586**

Date: **8-27-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 28/2008 8/27/2008 00:00:00 0

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		006		6150				65.00

Total: **65.00**

Rec From: **L. W. [Signature]**

For: **C. SPILKOWSKI**

12624 FINE RD 21031

Ad Val. 2009-0056-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0056 -A Address 12628 Fork Rd

Contact Person: CRAIG McGRAW Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-27-08 Posting Date: 9-7-08 Closing Date: 9-22-08

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

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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

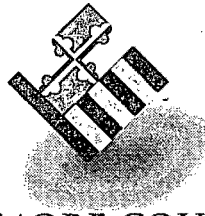
Case Number 2009- 0056 -A Address 12628 Fork Rd

Petitioner's Name C. SALKOWSK Telephone 410-592-3326

Posting Date: 9-7-08 Closing Date: 9-22-08

Wording for Sign: To Permit A ~~REAR~~ SIDE YARD SETBACK OF 25 FEET AND
A REAR SETBACK OF 38 FEET IN LIEU OF THE
REQUIRED 50 FEET

WCR - Revised 7/7/08



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

September 22, 2008

Claire Salkowski & Richard Bartlett
12628 Fork Rd.
Fork, MD 21051

Dear: Claire Salkowski & Richard Bartlett

RE: Case Number 2009-0056-A, 12628 Fork Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 27, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Lisa Wilson, 3000 Green Rd., White Hall, MD 21161

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 9, 2008

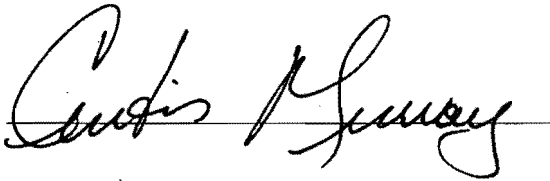
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-056- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 28, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 9, 2008
Item Nos. 09-0051, 0052, 0053, 0054,
0055, 0056, 0057

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

DAK:CEN:lrk
cc: File
ZAC-08282008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: SEPT. 8, 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 2009-0056-A
12628 Fork RD
RICHARDSON PROPERTY
ADMIN. 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. 2009-0056-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,

Fed Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

INTER-OFFICE CORRESPONDENCE

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

DATE: September 9, 2008

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

RECEIVED
SEP 11 2008

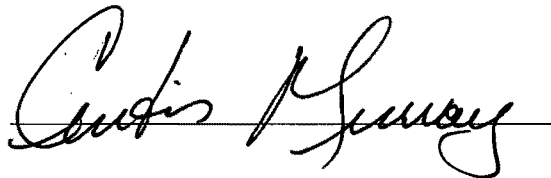
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Prepared By:
CM/LL



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

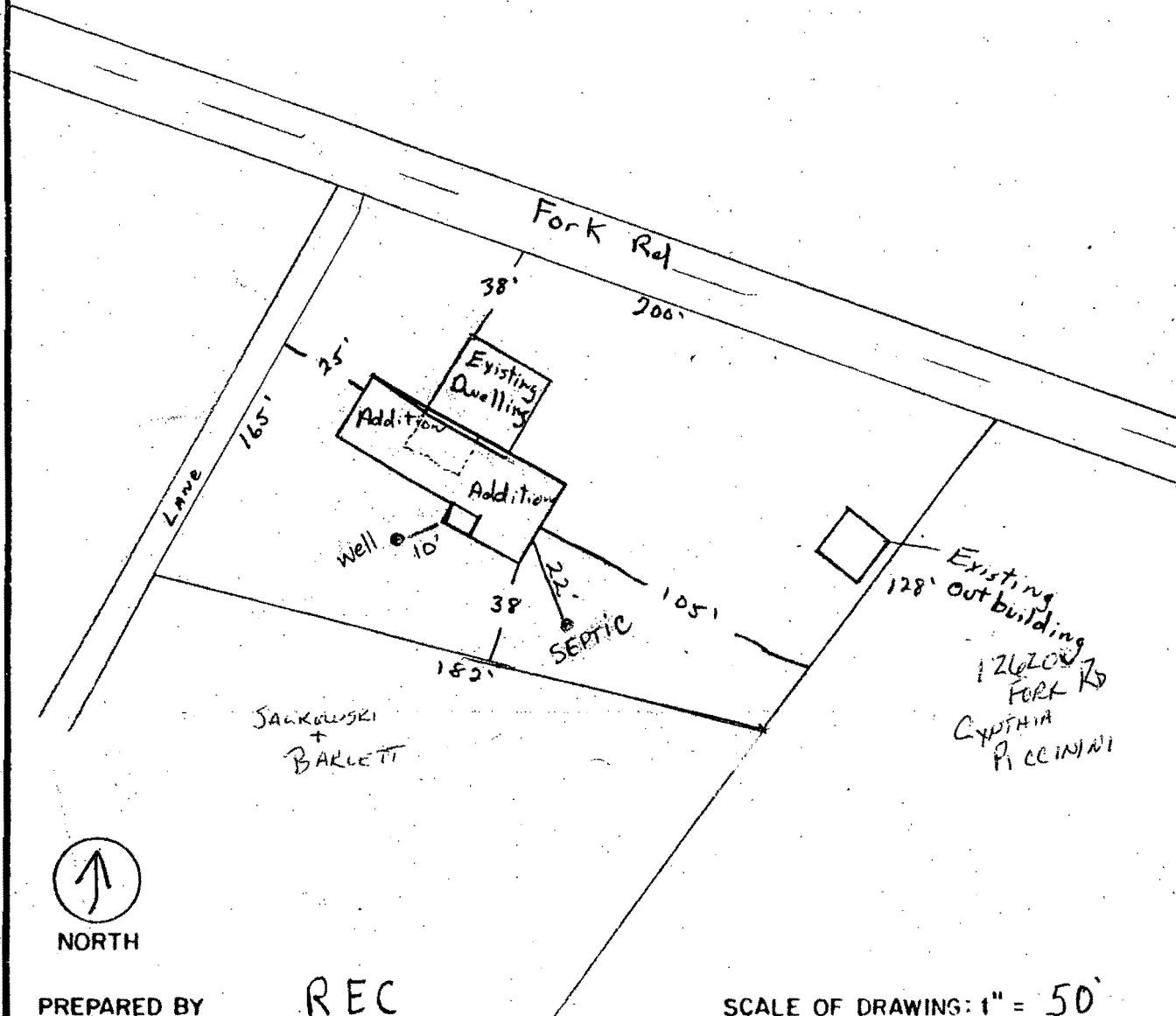
PROPERTY ADDRESS 12628 Fork Rd. Fork, MD

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

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER Claire Salkowski & Richard Bartlett

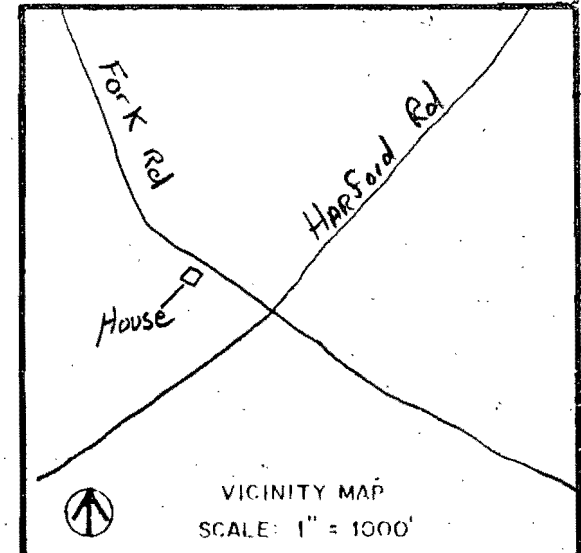


NORTH

PREPARED BY

REC

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 05402

ZONING RC5

LOT SIZE .65 ACRES SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

	YES	NO
100 YEAR FLOOD PLAIN	☐	☒

	YES	NO
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

CM

0050

2009-0050-4

NOTE TO FILE

APPLICANT INFORMED TO SUPPLY PICTURES
AND LETTERS FROM NEIGHBORS TO HELP
REQUEST FROM PETITIONERS

CASE NO: 2009-0056-A

Cynthia
PLANNER II

Lisa Wilson

Little Powder Hydrology 100 Foot Stream Buffer

1113022575

1113040375

1103039220

RC-5

12640

1600007348

HYDROLOGY AREA

12649

RC 2

1102004400

1103039280

12641

054C1

FORK RD

2008 CZMP Permits Hold Layer (See Dev. Mgt. for Filing Date)

SITE

12628

1108080227

NE 16-I

12620

2008 CZMP Permits Hold Layer (See Dev. Mgt. for Filing Date)

12630

RC-5

1600006105

1102057825

Pt. Bk. 5 Folio 70

1107047800

054C2

NE 16-H

12528

12526

12524

2000013243

1119065125

12613

1107059502

12607

12600

12600

12600

2400004016

1108067920

12609

12601

1102064800

12609

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1102064800

12601

1102064800

12601

1102064800

12601

1102064800

12601

BM CR

1107047151

RCC

12536

HARFORD RD

BL CR

SUNSHINE AVE

RC 2

2008 CZMP Permits Hold Layer (See Dev. Mgt. for Filing Date)

0052

Case # 2009-0056
Salkowski / Bartlett



S. Corner
Looking from house



Looking from
House to
SW corner

Customer owns
lot beyond tree line

CASE # 2009-0056
Salkowski / Bartlett



looking
East from
deck on back
of House



From Road Front
towards House

↙ Addition proposed
to back of House



SW looking
@ house

CASE #2009-0056
Salkowski/Bartlett



NW corner
of property
to house

CASE # 2009-0056
Salkowski / Bartlett



SE corner
towards house

Customers Outbuilding