

IN RE: **PETITION FOR VARIANCE**

N/E Corner of Orbitan Road and
Summer Park Road

(3508 Orbitan Road)

11th Election District

6th Council District

Douglas M. Vojik, et ux

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0159-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Douglas M. Vojik. The Petitioner seeks relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the erection of a residential 6-foot high occupancy fence in the side and rear yard of a lot which adjoins the front yard of another lot on which a residence has been built, in lieu of the maximum permitted 42 inches (when fence is situated within 10 feet of the adjoining front yard property line). The subject property and relief sought are more particularly described on the site plan and photographs submitted which were marked and accepted into evidence as Petitioners' Exhibits 1 and 4, respectively.

Appearing at the requisite public hearing in support of the request were Douglas Vojik, property owner, and Deborah Weitzel, who also resides on the property. There were no Protestants or other interested persons present, and it should be noted that there were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

Testimony and evidence offered revealed that the subject property is an irregular, rectangularly shaped corner lot, containing a gross area of 0.192 acres (8,400 square feet), more or less, zoned D.R.5.5 and located in the Parkville/Carney area. The property is within the Upton Village subdivision, recorded in the Land Records of Baltimore County and the Petitioner

Date

By

has owned the property since 2002. The property is improved with a two-story single family dwelling which is accessed by way of Orbitan Road that runs past Summer Park Drive and Lamaze Road when proceeding in a northwest direction towards Glenside Drive. The subject of the variance request relates to Petitioner's desire to erect a 6-foot high board-on-board fence around the sides and rear of the property. As shown in photographs submitted at the hearing, as well as the plat of the property, the fence extends from the sides of the house along the east, north and west boundaries of the property (a distance of 215 feet) in order to buffer the views and keep several feral cats that habitually overrun the subject property. These cats defecate and urinate in the Petitioner's gardens and under his deck. Additionally, the cats have stalked and seized fish that are kept in the ornamental aquatic pond and have killed many wild birds in his yard. The subject fence replaces a chain link fence that has existed on the property for many years and will help keep the cats out of the yard. *See* photographs – Petitioner's Exhibit 4. In this regard, the petition was filed as the result of an anonymous complaint registered with the Code Enforcement Division of the Department of Permits and Development Management relative to a fence being built without a permit.¹ Relief is requested as set forth above to allow a 25-foot section of the fence to be built at a height of 72 inches (6 feet) along a small portion of the northwest boundary that adjoins the front yard of Mary T. Patterson at 9103 Summer Park Drive.

Under the B.C.Z.R. and Baltimore County Building Code, the proposed fence can be constructed and is permitted by right in the side and rear yards. However, variance relief is required to allow the fence to be constructed in the front yard of a lot which adjoins another on which a residence has been built. Under Section 427 of the B.C.Z.R., the fence cannot exceed a height of 42 inches (3.5 feet) in that area.

Mr. Vojik and Ms. Weitzel offered testimony during the hearing about the need for the fence. They indicated that their request is based on the cats ability to jump up and then over

¹ Petitioner's Exhibit 3 is a Baltimore County Fence Use Permit obtained on November 13, 2008 subject to compliance with B.C.Z.R. Section 427.

ORIGINAL RECEIVED FOR FILING
Date 2-18-09
BY [Signature]

a 42-inch high fence. The most affected property owner, Mary Patterson, has no objection to the 6-foot high fence, in the Petitioner's rear yard coming to her front yard. See Petitioner's Exhibit 2. Ms. Patterson points out that mature pine trees screen the fence from her view. Mr. Vojik presented five (5) photographs (Petitioner's Exhibit 4) that illustrate this evergreen buffer.

Under the circumstances, I am persuaded to grant the requested variance. Relief is necessary due to the configuration of the property, its corner location and the location of the house on the adjacent lot. The subject fence is not located in the public right-of-way nor will it interfere with the line of sight for vehicles entering or exiting Orbitan Road and Summer Park Drive or traveling along that roadway. There were no adverse ZAC comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. The board-on-board materials are an improvement to the chain link fence that had been erected by the prior owner.

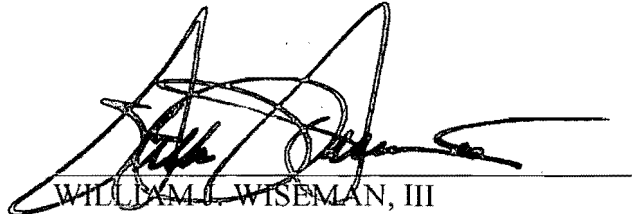
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of February 2009, that the Petition for Variance seeking relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the erection of a portion of a residential occupancy fence in the side and rear yard of a lot which adjoins the front yard of another on which a residence has been built, with a fence height of 72 inches (6 feet) in lieu of the maximum permitted 42 inches (when fence is situated within 10 feet of the adjoining front yard property line), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following:

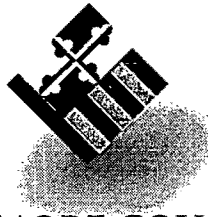
1. The Petitioner may be issued a Baltimore County Fence Use Permit upon receipt of this Order; however, the Petitioner is made aware that proceeding at this time is at his own risk until the 30-day appeal period

from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:dlw


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 2-18-09
By 103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 18, 2009

Douglas M. Vojik
3508 Orbitan Road
Baltimore, MD 21234

IN RE: PETITION FOR VARIANCE

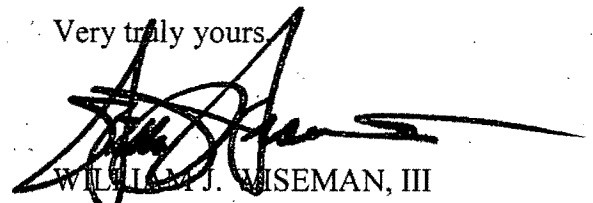
N/E Corner of Orbitan Road and Summer Park Road
(3508 Orbitan Road)
11th Election District - 6th Council District
Douglas M. Vojik, et ux - Petitioners
Case No. 2009-0159-A

Dear Mr. Vojik:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Deborah Weitzel, 3508 Orbitan Road, Baltimore, MD 21234
Mary T. Patterson, 9103 Summer Park Drive, Baltimore, MD 21234
People's Counsel; Division of Code Inspections and Enforcement; Office of Planning; File



CITATION
Petition for Variance

TAX. ACC. NO. 11700013547

to the Zoning Commissioner of Baltimore County

for the property located at 3508 Orbiton Road 21234

which is presently zoned Residential

DR 55

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) 42.7.B.6 of the Baltimore County Zoning Regulations to permit a residential 6 foot high occupancy fence in side and rear yard which adjoins the front yard of another lot where a 42 inch fence height is the maximum allowed

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Owner of occupied property 9103 Summer Park Drive has existing large Spruce tree in region of front yard where fence would be located therefore the fence will not obstruct her view. Said owner of above listed property feeds several feral cats in her yard. These cats defecate and urinate in my garden and under my deck. These cats stalk my pond fish and have killed numerous wild birds in my yard. The fence will help keep the Property is to be posted and advertised as prescribed by the zoning regulations. cats out of my yard.
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):

Douglas M. Vojik

Name - Type or Print

Douglas M. Vojik

Signature

Name - Type or Print

Signature

3508 Orbiton Road

Address

Baltimore

City

MD

State

410-663-9827(H)

410-765-3098(W)

Telephone No.

21234

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2009-0159-A

RECEIVED FOR FILING

Date 2-18-09 Reviewed By JLM

UNAVAILABLE FOR HEARING

Date 12-4-08

EV 9/15/98

By DW

ZONING DESCRIPTION FOR 3508 Orbitan Road, Baltimore MD 21234

Beginning at a point on the north side of
Orbitan Road which is 50 feet
wide at the distance of 25 feet NorthEast of the
centerline of the nearest improved intersecting street Summer Park Drive
which is 50 feet wide. Being Lot #25,
Block #n/a, Section #1 in the subdivision Upton Village
as recorded in the Baltimore County Plat Book #41, Folio #129,
containing 8,400 square feet. Also known as 3508 Orbitan Road, Baltimore MD 21234
and located in the 11th election district, 6th Councilmanic district.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **33007**

Date: **12-04-08**

PAID RECEIPT

12/04/2008 12:04/2008 09:22:00
 REF NO: 33007
 REF DATE: 12/04/2008
 REF TIME: 09:22:00
 REF AMT: 65.00
 REF CUR: USD
 REF DESC: 500 ZIPPING VERIFICATION
 RECEIPT NO: 33007
 RECEIPT DATE: 12/04/2008
 RECEIPT TIME: 09:22:00
 RECEIPT AMT: 65.00
 RECEIPT CUR: USD
 RECEIPT DESC: 500 ZIPPING VERIFICATION
 BALTIMORE COUNTY, MARYLAND

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					65.00

Total: **65.00**

Rec From: **D. Uojik**

For: **2009-0159-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 PLEASE PRESS HARD!!!!

GOLD - ACCOUNTING

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: #2009-0159-A

3508 Orbitan Road
West corner of Orbitan Road
and Summer Park Road
11th Election District

6th Councilmanic District

Legal Owner(s): Douglas Vojtk

Variance: to permit a residential 6-foot high occupancy fence in side and rear yard which adjoins the front yard of another lot where a 42-inch fence is the maximum allowed.

Hearing: Friday, February 13, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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.

1/566 January 29 193142

CERTIFICATE OF PUBLICATION

1/30/2009

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 1/29/2009.

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

J. Wilkinson

LEGAL ADVERTISING

WILLIAM D. GULICK, JR
Baltimore County Approved Sign Poster

410-530-6293

2944 Edgewood Avenue
Baltimore, MD 21234

DATE: **FEB 3, 2009**

TO: **BALTO. COUNTY**
PDM/ZONING OFFICE

Re: **2009-0159-A**
3508 ORBITAL ROAD

ATTENTION: **MS. KRISTEN MATTHEWS**

☐ We are submitting

☐ We are returning

☐ We are forwarding

☐ Herewith

☐ Under separate cover

No.	Description
1	CERT OF POSTING
2	SITE PHOTOS

☒ For processing

☒ For your use

☐ For your review

☐ Please call when ready

☐ Please return to this office

☐ In accordance with your request

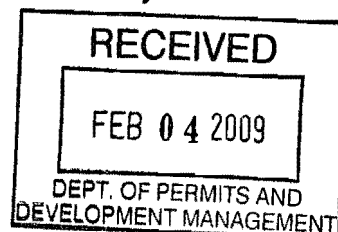
Remarks :

For further information, please contact the writer at this office.

Very truly yours,

William D. Gulick, Jr.

C.C. DOUGLAS VQUJK



CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: FEB. 3, 2009

Attention: ZONING OFFICE
MS. KRISTEN MATTHEWS

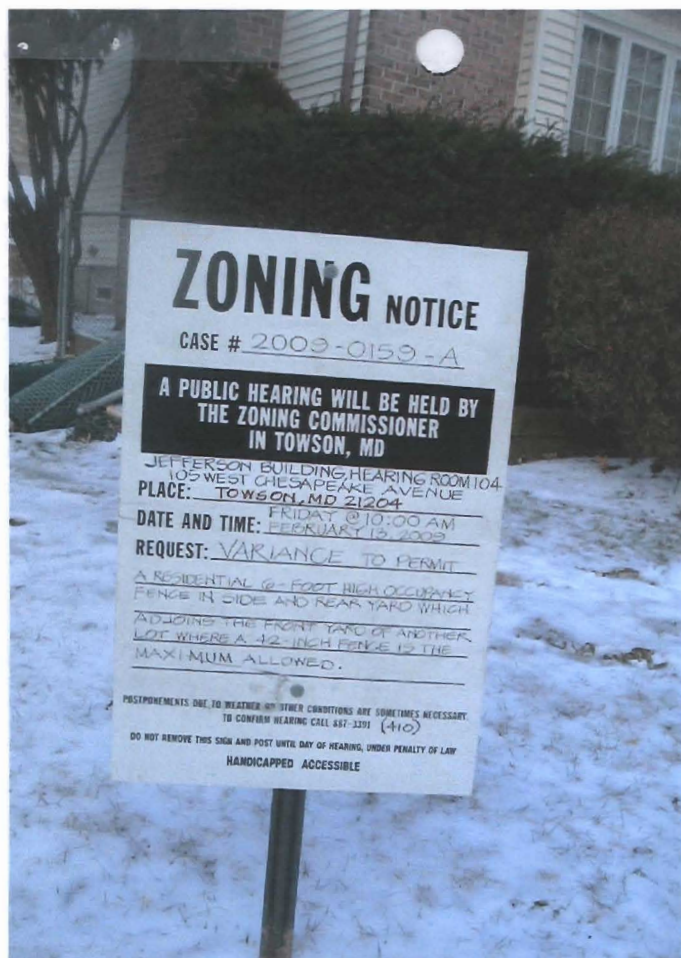
Re: Case Number: 2009-0159-A
Petitioner/Developer: DOUGLAS VOJIK
Date of Hearing/Closing: FRI. FEB. 13, 2009

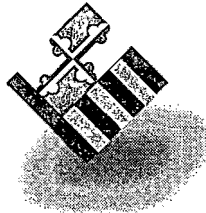
This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 3508 ORBITAN ROAD

The sign (s) were posted on: JAN. 29, 2009

William D. Gulick, Jr.
William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 20, 2009
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: 2009-0159-A

3508 Orbitan Road

N/east corner of Orbitan Road and Summer Park Road

11th Election District – 6th Councilmanic District

Legal Owners: Douglas Vojik

Variance to permit a residential 6-foot high occupancy fence in side and rear yard which adjoins the front yard of another lot where a 42-inch fence is the maximum allowed.

Hearing: Friday, February 13, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Douglas Vojik 3508 Orbitan Road, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 29, 2009.**
- (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
Thursday, January 29, 2009 Issue - Jeffersonian

Please forward billing to:
Douglas Vojik
3508 Orbitan Road
Baltimore, MD 21234

410-663-9827

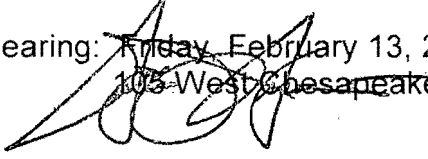
NOTICE OF ZONING HEARING

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: 2009-0159-A

3508 Orbitan Road
N/east corner of Orbitan Road and Summer Park Road
11th Election District – 6th Councilmanic District
Legal Owners: Douglas Vojik

Variance to permit a residential 6-foot high occupancy fence in side and rear yard which adjoins the front yard of another lot where a 42-inch fence is the maximum allowed.

Hearing:  Friday, February 13, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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: _____

0159

Petitioner: ☒ Douglas M. Vojik

Address or Location: 3508 Orbital Road Baltimore, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

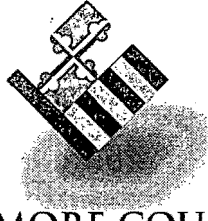
Name: _____

Address: _____

Same

Telephone Number: 410-663-9827 (H) 410-765-3098 (w)

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
February 3, 2009

Douglas M. Vojik
3508 Orbitan Rd.
Baltimore, MD 21234

Dear: Douglas M. Vojik

RE: Case Number 2009-0159-A, 3508 Orbitan Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 04, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

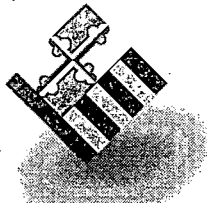
DATE: December 18, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For December 22, 2008
Item Nos. 2009-0153, 0158, 0159, 0160,
0161, 0162, 0163, 0164, 0165, and 0166

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

DAK:CEN:lrk
cc: File
ZAC-122208 -NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

December 16, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 15, 2008

Item No.: 2009-0135-A, 2009-0153-X, 2009-0158-SPHAXA, 2009-0159-A, 2009-0160-A, 2009-0161-SPHXA, 2009-0162-A, 2009-0163-A, 2009-0165-A, AND 2009-0166-SPH.

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File



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: 12/16/2008

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

RE: Baltimore County
Item No 2009-0159-A
3508 ORBITAN ROAD
VOTING 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. 2009-0159-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

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.marylandmade.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 14, 2009

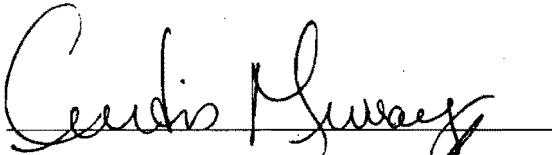
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-159- Variance

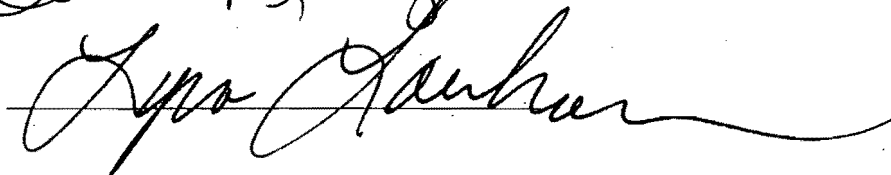
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer provided the subject fence is not located in the public right-of-way. It appears from that site plan that the fence is located in the public right-of-way, which is prohibited.

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

Prepared By:



Division Chief:
CM/LL



RE: PETITION FOR VARIANCE
3508 Orbitan Road; NE corner of Orbitan
Road & Summer Park Road
11th Election & 6th Councilmanic Districts
Legal Owner(s): Douglas Vojik
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-159-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.

RECEIVED

DEC 30 2008

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Douglas Vojik, 3508 Orbitan Road, Parkville, MD 21234, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 0104247

3508 ORBITAN ROAD

ZONING CASE: 09-0159-A
3508 ORBITAN ROAD

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: December 18, 2008

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

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 159
Legal Owner/Petitioner: Douglas M. Vojih
Contract Purchaser:
Property Address: 3508 Orbitan Road
Location Description: North East corner of Orbitan Road and Summer Park Road
Forge Road

VIOLATION INFORMATION: **Case No.: 0104247**
Defendants: Douglas M. Vojih

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Keith Parker

Envision [UNENSON EnvPDMPro BCGSQL-V]

File Edit Applications Reports Tools Setup Window Help

Complaint [FA0104247 PDM 1700013547]

Owner Name and Address VOUK DOUGLAS M	Facility Name and Address PDM 1700013547 3508 ORBITAN RD PARKVILLE MD 21234
--	--

Facility ID	FA0104247 PDM 1700013547	Record ID	CO0053322
Site Location	3508 ORBITAN RD		

Disposition	Emp #	Date	Time	Status	ON	Open - Normal
Received By	EE0000041 Henson, Lisa	11/10/08		Program/Element	END1	Code Enforcement Comple
Assigned To	EE0000070 Parker, Keith	11/10/08				

Complainant	ANON	Complaint Mode	PH PHONE
Address		Last Activity	11/20/2008 (INITIAL INSPECTION)
City, St, Zip		Complaint Description	FENCE BUILT W/O PERMIT
Country	USA USA		
Work Phone	() - Ext Fax () -		
Home Phone	() - Ext		
Email Address	FOLDER MADE		

Contact Information Location Financial Referral Dates/Agencies GIS User-Defined Fields Daily Activities Violations Invoices

start Envision 11:20 AM

DATE: 12/18/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:31:25

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
17 00 013547	11	3-0	04-00	H	NO		10/02/08

VOJIK DOUGLAS M

DESC-1.. IMPS

DESC-2.. UPTON VILLAGE

3508 ORBITAN RD

PREMISE: 03508 ORBITAN

RD

00000-0000

BALTIMORE

MD 21234-3426 FORMER OWNER: GARTRELL ROBERT DANIEL

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	77,350	77,350				
IMPV:	209,370	209,370	TOTAL..	286,720	286,720	286,720
TOTL:	286,720	286,720	PREF...	0	0	0
PREF:	0	0	CURT...	286,720	286,720	286,720
CURT:	286,720	286,720	EXEMPT.		0	0
DATE:	09/04	09/08				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 286,720 09/23/08

ASSESS: 286,720

ASSESS: 0

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



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 00053322	PROPERTY TAX ID 1700003547	DATE ISSUED 11/12/08
NAME(S): Douglas M. Vojik		
MAILING ADDRESS 3508 ORBITON Rd.		
CITY Balto.	STATE Md.	ZIP CODE 21234
VIOLATION ADDRESS SAME		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement. |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☒ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

☒ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☐ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **11.19.08**

INSPECTOR NAME: **R. Parker**

PRINT NAME (Rev 9/05)

AGENCY

Bw 2/13 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 14, 2009

RECEIVED

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

JAN 22 2009

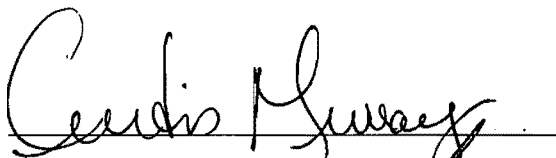
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-159- Variance**

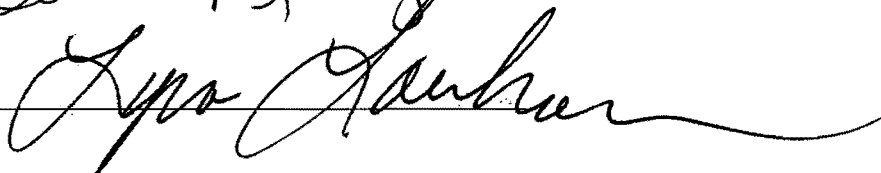
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer provided the subject fence is not located in the public right-of-way. It appears from that site plan that the fence is located in the public right-of-way, which is prohibited.

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

Prepared By:



Division Chief:
CM/LL



BW 2/13 10 am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 21 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: January 21, 2009
SUBJECT: Zoning Item # 09-159-A
Address 3508 Orbitan Road
(Vojih Property)

Zoning Advisory Committee Meeting of December 15, 2008.

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

Additional Comments:

Reviewer: JWL

Date: 1/21/09

I spoke with Aaron Tsui on Dec 2, 08
at 8.40 AM in regards to my
neighbor Doug at Orbitan Rd is putting
up a 6 ft fence in his rear yard
coming to my front yard. I have
no objection as I have a pine
tree in the front yard of my house
Mary Patterson, Summer Park Dr.

Bee - 249

See printouts
attached
that I've
provided for
your
convenience.

Deb

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3508 Orbitan Road

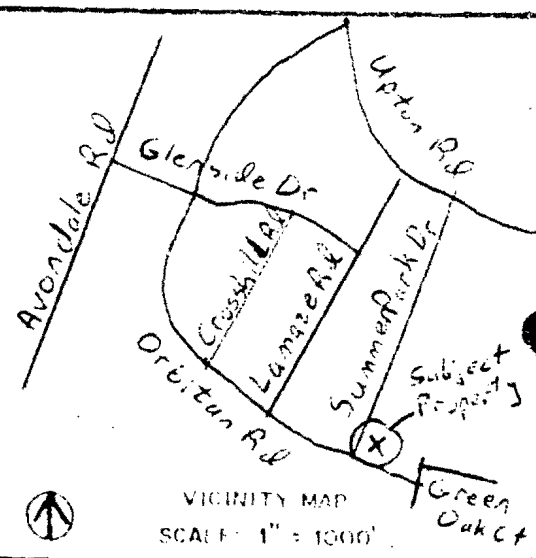
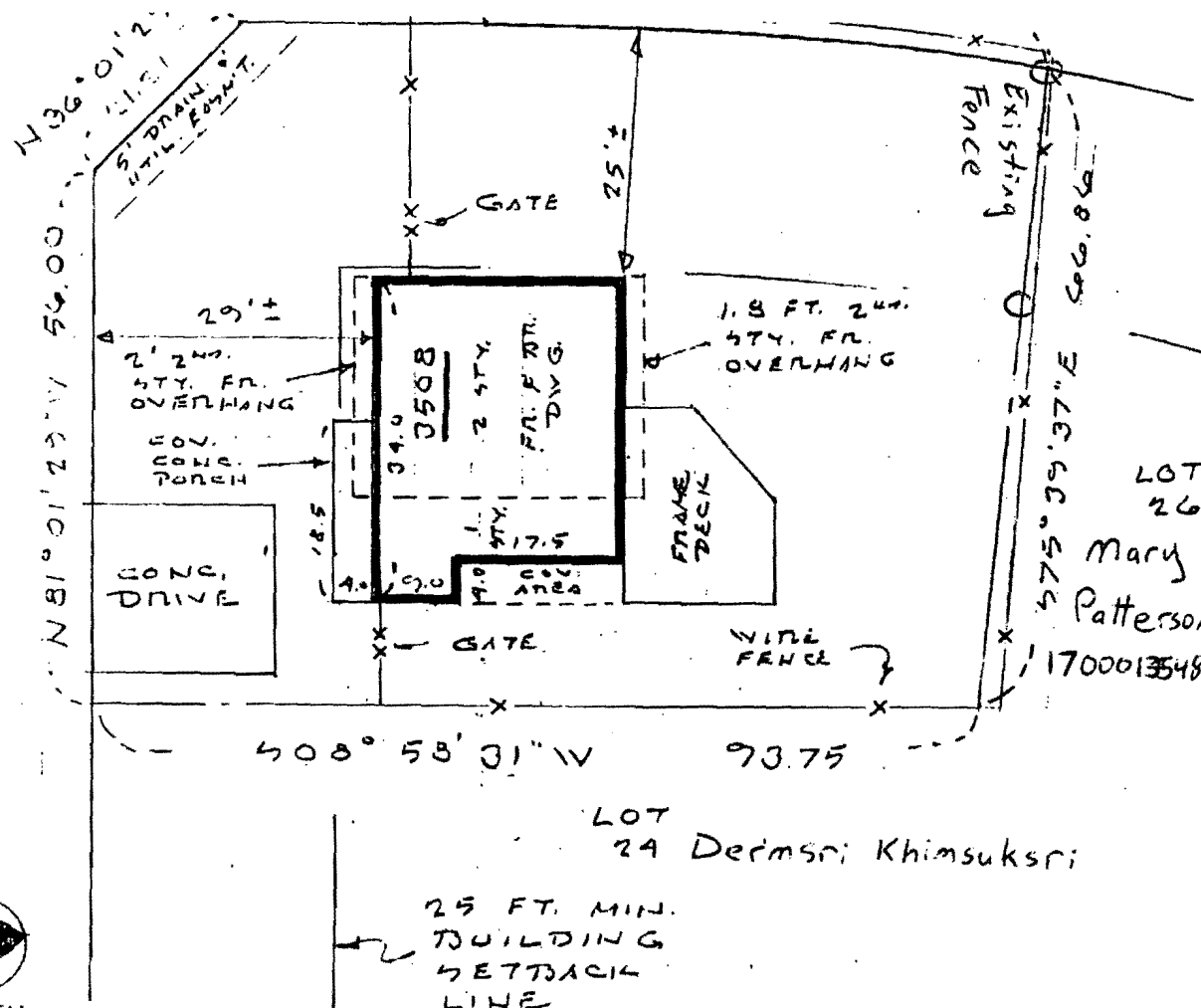
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Upton Village

PLAT BOOK # 41 FOLIO # 129 LOT # 25 SECTION # 1

OWNER Douglas M. Vojak

Summer Park Drive



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # N 58 E

ZONING DR 5.5 071B3

LOT SIZE 0.192 8400.00
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

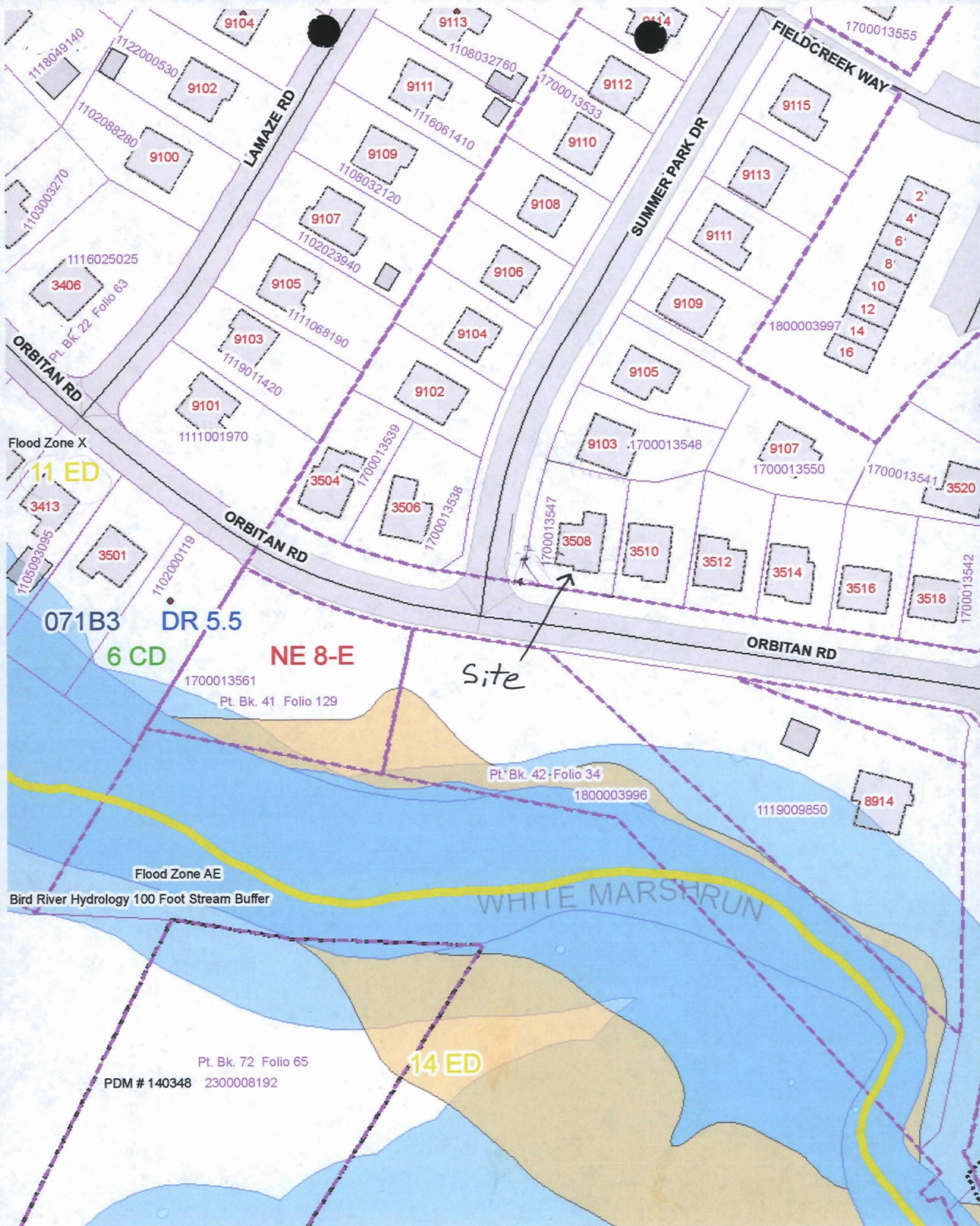
ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

PREPARED BY Mark & Kunst

SCALE OF DRAWING: 1" = 20

CASE NAME Voji K
CASE NUMBER 2809-0159-A
DATE 2-13-09

[illegible]



Case No.: 2009-0159-A 3508 ORBITON ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	AFFECTED Neighbor Letter MARY PATTERSON	
No. 3	FENCE PERMIT	
No. 4	PHOTOGRAPHS	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3508 Orbiter Road

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

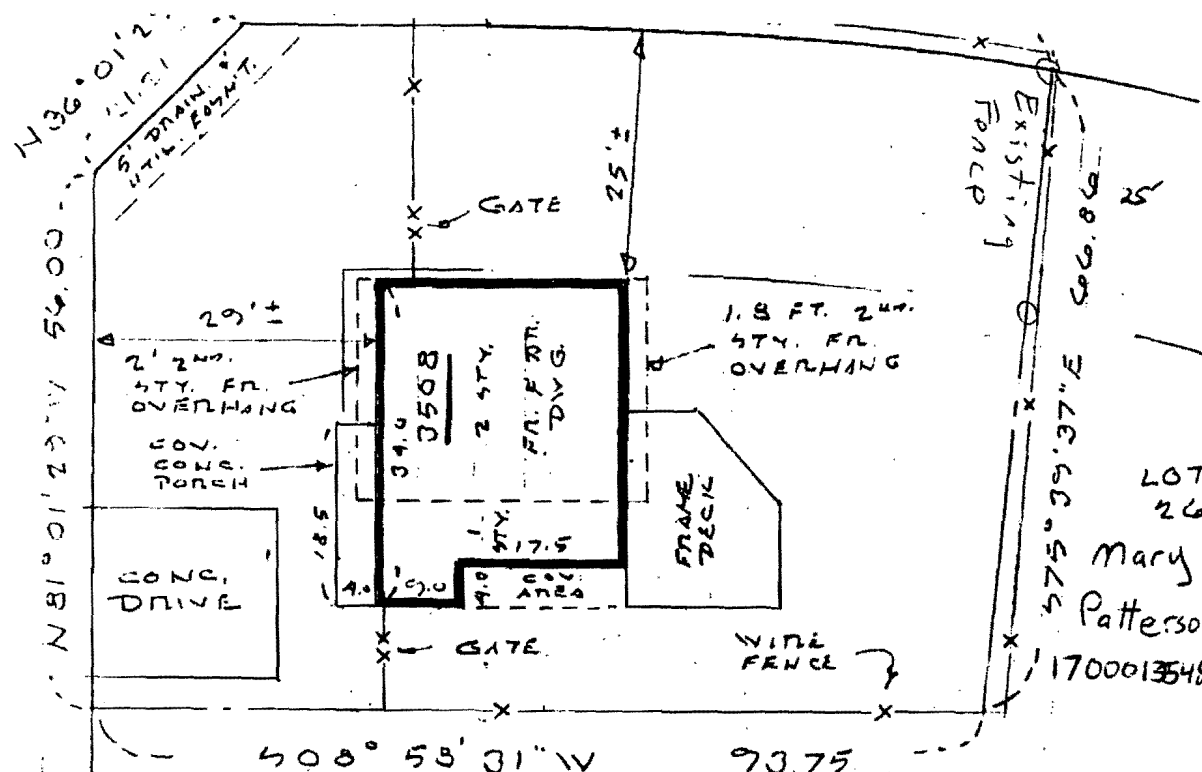
SUBDIVISION NAME Upton Village

PLAT BOOK # 41 FOLIO # 129 LOT # 25 SECTION # 1

OWNER Douglas M. Vejik

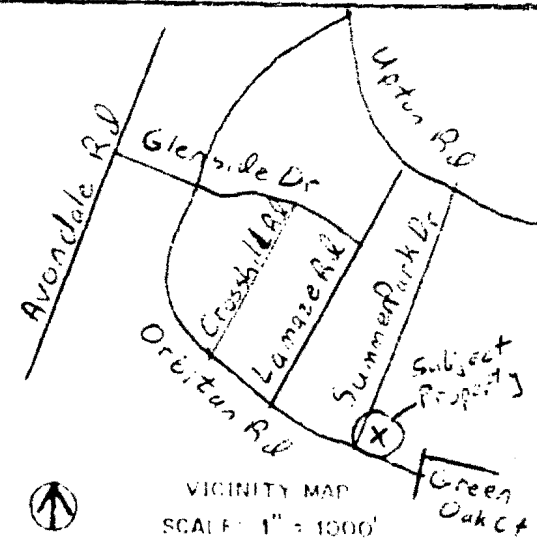
Summer Park Drive

ORBITER ROAD
(50 FT. WIDE)



PREPARED BY Mank & Kunst

SCALE OF DRAWING: 1" = 20



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # N 88 E

ZONING DR 5.5 071B3

LOT SIZE 0.193 8400.00
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

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

PETITIONER'S

EXHIBIT NO. 1

LOT 24 Dermsri Khimsuksri

25 FT. MIN. BUILDING SETBACK LINE

I spoke with Aaron Tsui on Dec 2, 08
at 8.40 AM in regards to my
neighbor Doug at Orbiton Rd is putting
up a 6 ft fence in his rear yard
coming to my front yard. I have
no objection as I have a pine
tree in the front yard of my house
Mary Patterson, Summer Park Dr.

PETITIONER'S

EXHIBIT NO. 2

Fees: \$10.00 Residential; \$20.00 Commercial

Permit No. _____
Receipt No. A599 879

Tax Account # 17 0000337

Type or print in ink:
Work Site Address 3508 Orbiter Road 21234

Election District 17

Owner's Name Douglas Vojik

Phone No. 410-663-9827

Mailing Address 3508 Orion Road

Owner's Agent**Phone No.**

COMPLETE BELOW OR ATTACH A PLAN THAT CLEARLY SHOWS:

Corner Lot: Yes ☒ No ☐

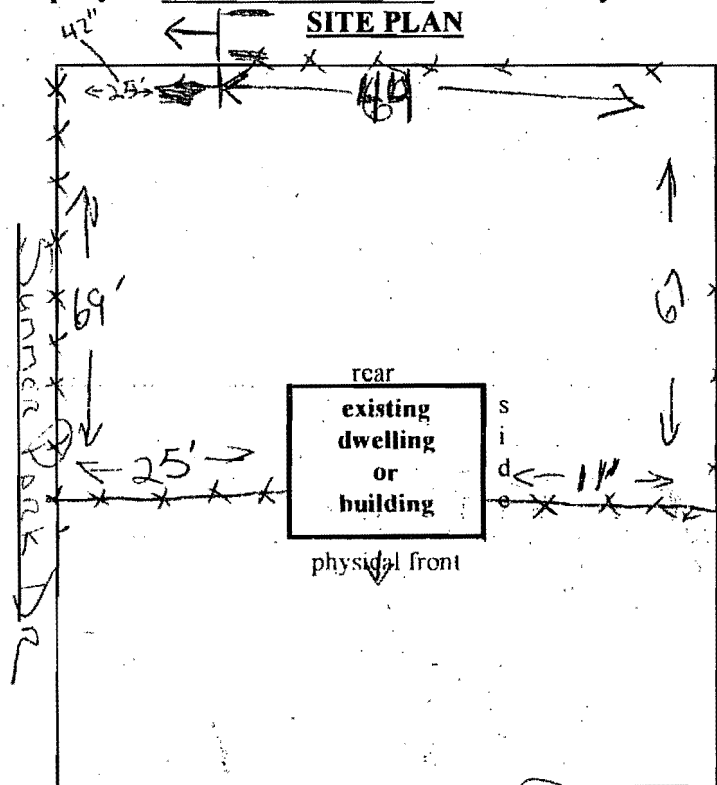
Property line dimensions, easements, existing buildings, road names, and location of alleys.

Historic District: Yes ☐ No ☒

Proposed fence, total length 216, height 6', and type Vinyl

Property line setbacks: front _____, sides 2", and 2", and rear 2"

Property use _____ . Rear/Side yard abuts adjoining front yard: Yes ☐ No ☐



Road Name ORBITAN Kd.

FENCE REGULATIONS

Permit is required for fences over 42 inches high(measured vertical to ground, even if fence is placed on top of wall). Fences erected within easement must be removed at owner's expense, if required.

Building Code, Section 3111:

3111.1 - Residential Fences -- Maximum height of 42 inches in front yard as determined by BCZR and 6 feet in side and rear yards at the property line. Maximum height of 10 feet in side and rear yards, provided set back 2 feet for vertical foot over 6 feet.

3111.2 - Commercial Fences — Maximum height of 12 feet. Building's Engineer may approve higher fence for dangerous, hazardous, or athletic field. Electric and barbed wire fences are only permitted for the retention of and when not a safety hazard to the public. No projections less than 4 feet high. Barbed wire and other retarding material may be on top of fence that is at least 6 feet, 9 inches high.

Zoning Code (BCZR) (access easements cannot be fenced)

102.5 Corner Lot — No fence or other obstruction to vision is permitted higher than 3 feet within 25 feet of a corner of two streets, 15 feet of a street and alley, and 10 feet of two alleys.

427 - Residential Fences in side or rear yard which adjoins residential front yard (setback and maximum height):
zero to 10 feet - 42 inches, Required pool fence and houses more than 200 feet apart are exceptions. A fence in a side yard that adjoins a public road in a Historic District is limited to 42 inches in height.

Must comply w/ Sec 427 BCZR

County Code, Section 21-3, Obstruction of Drivers' View:

Corner Lots: The County Code (Section 21-3) does not allow a fence on a corner lot to obstruct the vision of drivers as they reach the intersection. If a sight problem is noted later, the property owner will be required to move the fence. So, to be safe, contact Traffic Engineering at 410-887-3554 for a free site inspection before you build the fence. An issued permit does NOT certify that the fence will be in compliance.

CERTIFICATION (OWNER/AGENT)

I have carefully read the above regulations and hereby certify that the proposed fence will be located on private property, will not violate the codes, and that the information supplied is true, complete, and correct.

Doyle m V 72
Signature

1/13/08
Date

* Douglas M. Vojik
Print or Type Name

Copies: White - Office; Yellow - Applicant

Authority under Section 100.4, BCZR. / **PDM APPROVAL (FOR FENCE ONLY)**

Signature

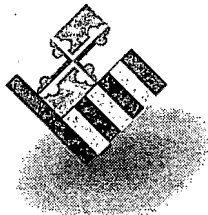
Print Initials

Date _____

PETITIONER' S

FOR YOUR PERMANENT RECORDS

EXHIBIT NO.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0150, 0159, 0161

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



PETITIONER' S

EXHIBIT NO. 4



