

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Jerusalem Road, 32 feet E
from Jerusalem Glen Court
11th Election District
3rd Councilmanic District
(12126 Jerusalem Road)

Diana Dudek
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0277-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 owner of the subject property, Diana Dudek for property located at 12126 Jerusalem Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 50 feet and/or 37 feet as permitted in previous zoning Case No. 1973-0298. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct a one-story basement level addition containing 758 square feet. The location of the addition as proposed is the only practical location. Placing the addition to the rear of the existing dwelling will interfere with the location of the existing septic system and access to the garage. The interior layout and original design of the existing dwelling does not lend itself to a second story addition. The addition as proposed at the basement level will have the least visual effect to the adjacent properties. The accompanying photographs show that the existing landscape will screen the proposed addition from neighboring properties. The property contains 23,477 square feet zoned RC 5.

RECEIVED FOR FILE
5-20-09
[Signature]

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated May 13, 2009 which indicates that they do not oppose the Petitioner's request provided certain conditions are met. Regarding the request for an in-law apartment, when the family member residing in the in-law apartment no longer occupies the space, the kitchen facility must be removed and the apartment/addition be incorporated into the rest of the principle dwelling and not used as a separate dwelling unit or apartment.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 26, 2009 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, 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.

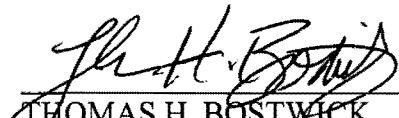
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

RECEIVED FOR FILE
5.20.09
P3

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20th day of May, 2009 that a Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet in lieu of the required 50 feet and/or 37 feet as permitted in previous zoning Case No. 1973-0298 be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. When the family member residing in the in-law apartment no longer occupies the space, the kitchen facility must be removed and the apartment/addition shall be incorporated into the rest of the principle dwelling and shall not used as a separate dwelling unit or apartment.

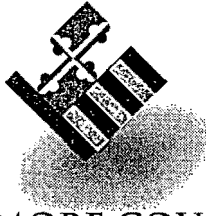
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILED

5.20.09



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 20, 2009

DIANA DUDEK
12126 JERUSALEM ROAD
KINGSVILLE MD 21087

Re: Petition for Administrative Variance
Case No. 2009-0277-A
Property: 12126 Jerusalem Road

Dear Ms. Dudek:

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

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 17126 JERUSALEM ROAD
which is presently zoned RC 5

Deed Reference: 19119 1429 Tax Account # 1700000624

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)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Administrative 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):

DIANA KAY DUDEK

Name - Type or Print

Signature

Name - Type or Print

Signature

17126 JERUSALEM RD (410) 592-8667

Address

Telephone No.

KINGSVILLE

MD

21087

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARMWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD

21040

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. 2009-0277-A

Reviewed By Date 4.17.09

REV 7/20/07

Estimated Posting Date 4.26.09

RECEIVED FOR FILING
5.20.09

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

12126 JERUSALEM ROAD
Address
KINGSVILLE MD 21087
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):

SEE ATTACHED

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.

Diana Kay Dudek
Signature
DIANA KAY DUDEK
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

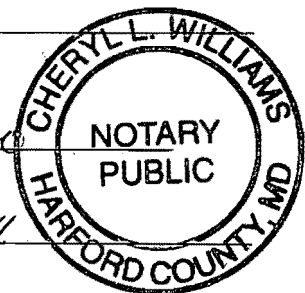
I HEREBY CERTIFY, this 9th day of April, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Diana K. Dudek
The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Cheryl L. Williams
Notary Public

My Commission Expires 6/1/11



ATTACHMENT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE

12126 JERUSALEM ROAD

SECTION 1A04.3.B.2.b TO PERMIT A SIDE YARD SETBACK OF 15 FEET IN LIEU
OF THE REQUIRED 50 FEET AND / OR 37 FEET AS PERMITTED IN PREVIOUS
ZONING CASE NO. 1973-0298

ATTACHMENT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE

12126 JERUSALEM ROAD

THE OWNER WISHES TO CONSTRUCT A ONE STORY ADDITION TO BE UTILIZED AS AN IN - LAW APARTMENT. THE LOCATION OF THE ADDITION AS PROPOSED IS THE ONLY PRACTICAL LOCATION FOR THE FOLLOWING REASONS:

1. PLACING THE ADDITION TO THE REAR OF THE EXISTING DWELLING WILL INTERFERE WITH THE LOCATION OF THE EXISTING SEPTIC SYSTEM AND / OR THE ACCESS TO THE GARAGE
2. THE INTERIOR LAYOUT AND ORIGINAL DESIGN OF THE EXISTING DWELLING DOES NOT LEND ITSELF TO A SECOND STORY ADDITION
3. THE ADDITION AS PROPOSED, WILL HAVE THE LEAST VISUAL EFFECT TO ADJACENT PROPERTIES DO TO IT BEING PLACED AT THE BASEMENT LEVEL
4. BECAUSE OF THE SMALL SIZE OF THE LOT, IT IS VIRTUALLY IMPOSSIBLE TO CONSTRUCT THE ADDITION WITHOUT THE NEED OF A VARIANCE

AS DEMONSTRATED BY THE PHOTOS ACCOMPANYING THE PETITION, THE EXISTING LANDSCAPING WILL SCREEN THE PROPOSED ADDITION FROM ADJACENT PROPERTIES.

ELEVATION VIEWS OF THE PROPOSED ADDITION ACCOMPANY THE PETITION

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

No. 39287
Date: 4.17.09

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	006	0000		6150					65.00

Total: 65.00

Rec From D. Dwyer

For 2009-0227-A

J.M.

DISTRIBUTION

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

PAID RECEIPT

RECEIVED BY: ACTUAL TIME DEW
DATE: 4/17/2009 04:20:33 S
NAME: JIMMY JONES LBN
ID: 39287 4/17/2009 DEW
EL 129 ZONING VERIFICATION
ID: 039287
Receipt for 165.00
165.00 - CASH 1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2009-0277-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: May 11, 2009

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 12126 JERUSALEM RD

This sign(s) were posted on April 24, 2009

Month, Day, Year

Sincerely,

Martin Ogle 4/24/09

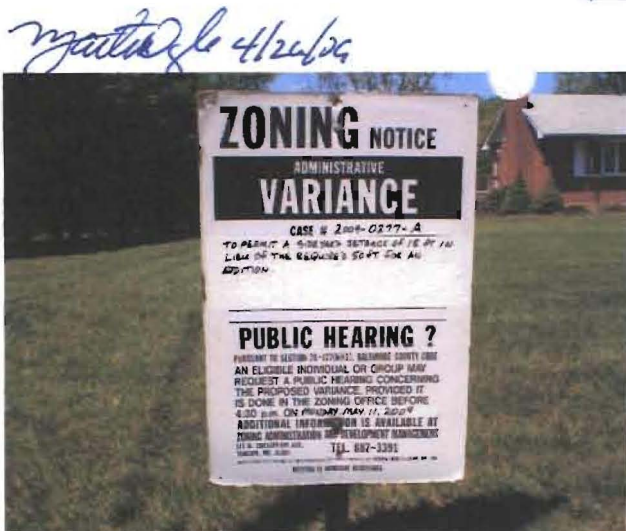
Signature of Sign Poster and Date

Martin Ogle

10 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



04/26/2009

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0227 -A Address 12126 JERUSALEM Rd.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-17-09 Posting Date: 4-26 Closing Date: 5-11

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- 0277 -A Address 12126 JERUSALEM Rd.
Petitioner's Name DIANA DUDEK Telephone 410-592-8667
Posting Date: 4-26-09 Closing Date: 5-11-09
Wording for Sign: To Permit A SIDEYARD SETBACK OF 15 FT IN
LIEU of The REQUIRED 50 FT. FOR AN ADDITION.

WCR - Revised 7/7/08

**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.

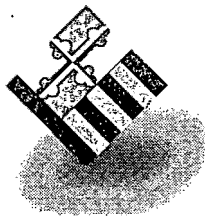
For Newspaper Advertising:

Item Number or Case Number: 0277
Petitioner: DIANA KAY OUDEK
Address or Location: 12126 JERUSALEM RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DIANA KAY OUDEK
Address: 12126 JERUSALEM RD.
KINGSVILLE, MD. 21087

Telephone Number: (410) 592-8667



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
May 12, 2009

Diana Ckay Dudek
12126 Jerusalem Rd.
Kingsville, MD 21087

Dear: Diana Ckay Dudek

RE: Case Number 2009-0277-A, 12126 Jerusalem Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 17, 2009. 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David Billingsley: Central Drafting & Design, Inc.; 601 Charwood Ct.; Edgewood, MD 21040

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 13, 2009

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

RECEIVED

SUBJECT: 12126 Jerusalem Road

MAY 20 2009

INFORMATION:

Item Number: 9-277

ZONING COMMISSIONER

Petitioner: Diana Kay Dudek

Zoning: RC 5

Requested Action: Administrative Variance

The petitioner requests a variance from Section 1A04.3.B.2.b of the BCZR to permit a side yard setback of 15 feet in lieu of the required 50 and or 37 feet as permitted in the previous zoning case 1973-0298.

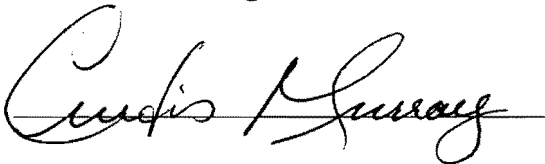
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a side yard setback of 15 feet in lieu of the required 50 and/or 37 feet as permitted in the previous zoning case 1973-0298, provided the following condition is met:

The request for an in-law apartment- when the family member residing in the in-law apartment no longer occupies the space the kitchen facility must be removed and the apartment/addition be incorporated into the rest of the principle dwelling and not used as a separate dwelling unit or apartment.

For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 4, 2009
Item Nos. 2009-273, 274, 276, 277,
278, 279, 280 and 282

DATE: June 10, 2009

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

DAK:CEN:cab
cc: File
ZAC-05042009 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For May 4, 2009
Item Nos. 2008-189, 2009-273, 274,
276, 277, 278, 279, 280 and 282

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

DAK:CEN:cab
cc: File
ZAC-05042009 -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: April 30, 2009

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

RE: Baltimore County
Item No. 2009-0277-A
12126 JERUSALEM RD
DIANA DUBEK
ADMINISTRATIVE 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. 2009-0277-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.marylandroads.com



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 13 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination ~~JLL~~

DATE: May 13, 2009

SUBJECT: Zoning Item # 09-277-A
Address 12126 Jerusalem Road
(Dudek Property)

Zoning Advisory Committee Meeting of April 27, 2009

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

Prior to building permit approval, an inspection of the septic system will be required. Contact GWM for more information. – *S. Farinetti, Groundwater Management*

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: May 13, 2009
SUBJECT: Zoning Item # 09-277-A
Address 12126 Jerusalem Road
(Dudek Property)

Zoning Advisory Committee Meeting of April 27, 2009

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

Prior to building permit approval, an inspection of the septic system will be required.
Contact GWM for more information. – *S. Farinetti, Groundwater Management*

2200016248

1113024640

19730298

NE 15-J
Flood Zone X

055A3
3 CD

1700000624

RC 5
11 ED

SITE

1122025380

12122

1111068360

12118

JERUSALEM RD

JERUSALEM GLEN CT

2300008511

JERUSALEM RD

Pt. Bk. 72 Folio 113 2300008510

JERUSALEM MANOR (PDM File/Project # 11-835)



2



4



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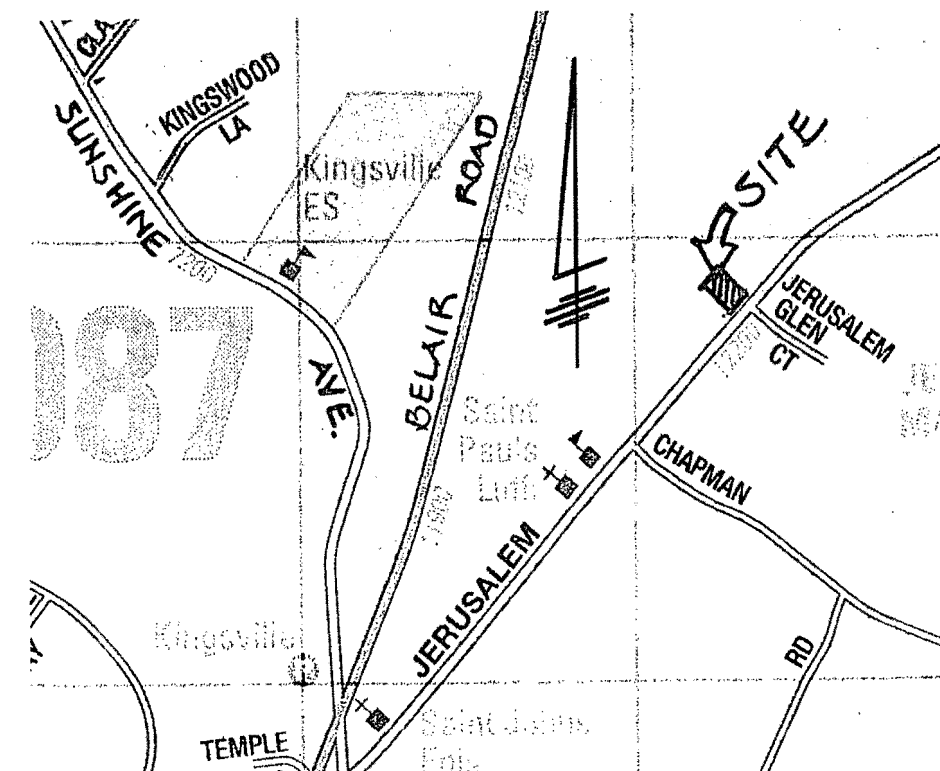


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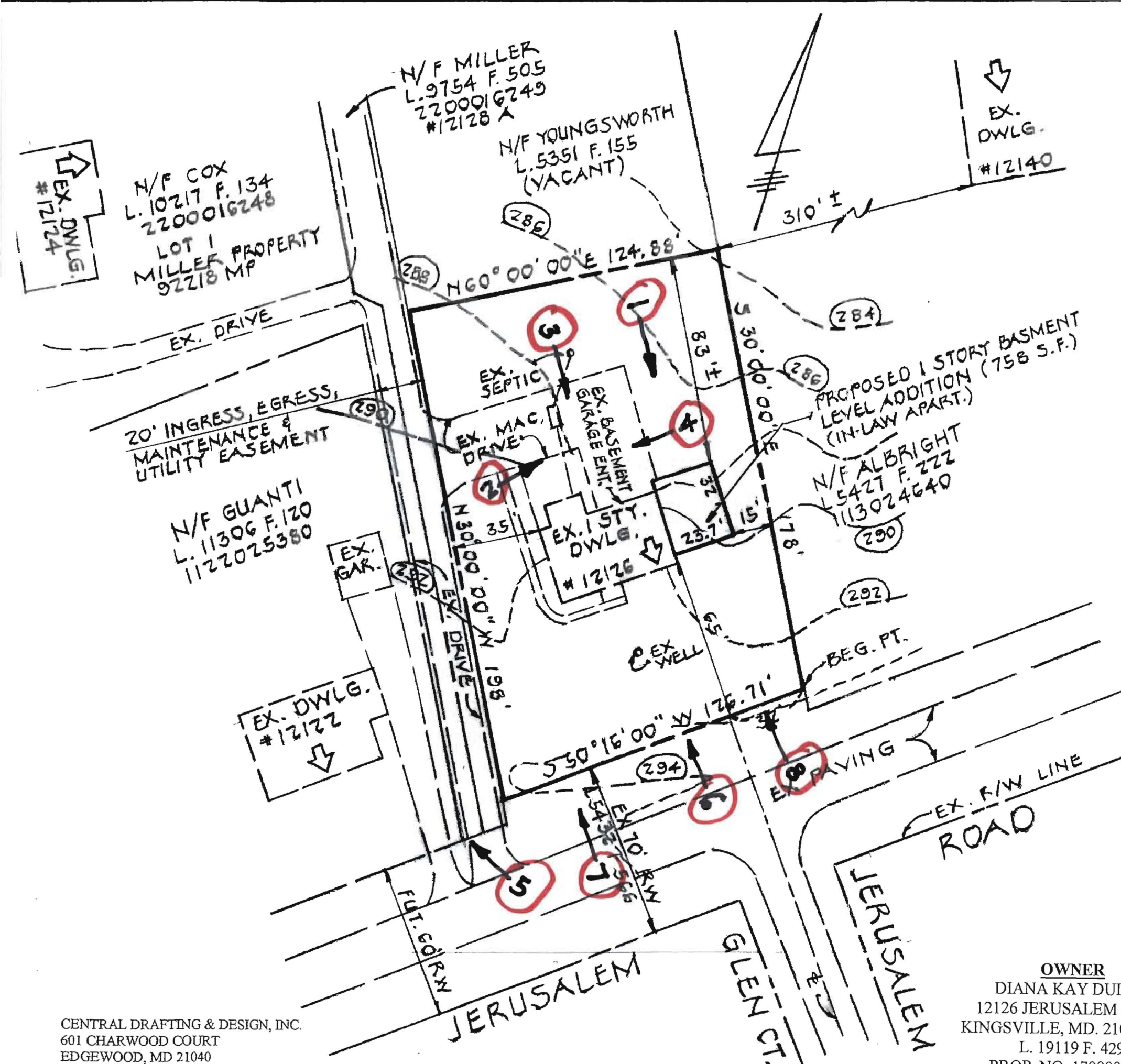


5





CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



VICINITY MAP
SCALE = 1" = 1000'

NOTES

1. ZONING.....RC 5 (MAP NO. 055A3)
2. AREA.....23,477 S.F. = 0.538 ACRE
3. PRIVATE WELL AND SEPTIC SYSTEM
4. TO THE PREPARER'S KNOWLEDGE, NO WETLANDS, CRITICAL AREAS, HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND FUEL STORAGE TANKS EXIST.
5. NO PREVIOUS VIOLATIONS ARE KNOWN TO EXIST
6. SITE IS NOT LOCATED IN THE CBCA OR A 100 YEAR FLOOD ZONE
7. PREVIOUS ZONING HISTORY
CASE NO. 1973-0298 - ORDER DATED JUNE 12, 1973 GRANTED A VARIANCE PERMITTING A LINEAR DIMENSION OF 124.88 FEET AND SIDE YARDS OF 35 FEET AND 37 FEET.

PHOTOS

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
12126 JERUSALEM ROAD
ELECTION DISTRICT 11C3 BALTO. CO., MD
SCALE: 1 INCH = 40 FEET APRIL 13, 2009