

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Vandermast Lane; 955 feet N of
Vandermast Road
15th Election District
6th Councilmanic District
(2361 Vandermast Lane)

Michael and Denise Novak
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0153-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 waterfront property, Michael and Denise Novak for property located at 2361 Vandermast Lane. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure with a height of 35 feet in lieu of the required maximum of 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners state that a higher structure is desirable to reduce the footprint of the structure in the Chesapeake Bay Critical Area (C.B.C.A.) so as to reduce the environmental impact. Due to the irregular shape of the lot, the C.B.C.A. buffers that are on the land, and the required setbacks, it creates a narrow buildable area. Rather than requesting a setback variance, it is necessary to build a second story to accommodate the desired size of the improvements. In addition, Petitioners state that the proposed accessory structure will have a height that is in accordance with the regulations if it were a principal residence. Finally, Petitioners state that the size of the property will not create an overcrowding of the land or over development and the accessory structure will not adversely impact the health, safety or welfare of the neighborhood.

1-6-10
[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 December 8, 2009, which indicates that they have concern over the size and scale of such a garage. They recommend that architectural elevations be submitted to the Planning Office for review and approval prior to the signing of a Zoning Commissioner's Order. Furthermore, the Office recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, or kitchen or bathroom facilities, and not be used for commercial purposes. Comments received from the Department of Environmental Protection and Resource Management dated December 23, 2009 indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 15, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Maintaining an accessory structure is a permitted use and failure to grant the variance would deprive them of a reasonable use of their property. *See, Belvoire Farms v. North* 355 Md. 259 (1999).

Petitioners propose to construct a substantially sized accessory structure to be located in the rear yard. The site plan shows an accessory structure containing a two-vehicle garage located on either side of the structure, two storage rooms located on either side next to the garages, and a recreation room in the center of the structure. The recreation room has paved patios located on either side of the rear portion of the recreation room. A landscaped island is located in front of the proposed structure.

The Zoning Commissioner or Deputy Zoning Commissioner is empowered to impose restrictions upon the granting of any relief pursuant to Section 32-2-301(c) of the Baltimore County Code for the protection of the surrounding and neighboring properties. A number of restrictions are appropriate here, given the size of the accessory structure and said restrictions are enumerated below.

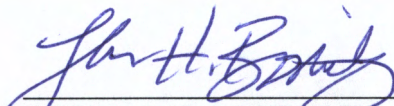
I find that the property is unique in size, shape and its waterfront location on Sue Creek. Petitioners' property contains 5.54 acres, more or less, zoned R.C.5 and is substantially larger than the other properties in the area.

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 5th day of January, 2010 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure with a height of 35 feet in lieu of the required maximum of 15 feet is hereby GRANTED, subject to the following which are conditions precedent to the relief granted herein:

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.
2. Architectural elevations of the accessory structure shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit.
3. The accessory structure shall not be used for commercial purposes.
4. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
5. It is expressly agreed and understood by the Petitioners that the subject accessory structure shall indeed be built and utilized as an accessory building or structure as those terms are defined in Section 101 of the B.C.Z.R. The accessory structure as shown on Petitioners' Exhibit 1 shall be limited to uses accessory to the residential use of the property and the existing single-family dwelling thereon.
6. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
7. When apply for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.
8. Upon request and reasonable notice, the Petitioners shall permit a representative of the Baltimore County Division of Code Inspections and Enforcement to make periodic inspections of the subject property to ensure compliance with this Order.

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 6, 2010

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

MICHAEL AND DENISE NOVAK
2361 VANDERMAST LANE
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 2010-0153-A
Property: 2361 Vandermast Lane

Dear Mr. and Mrs. Novak:

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.

Sincerely,

A handwritten signature in black 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: Richardson Engineering, Inc., 30 East Padonia Road, Suite 500, Timonium MD 21093



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2361 VANDERMAST LANE
which is presently zoned RC 5

Deed Reference: 18512/173 Tax Account # 1510250710

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):

MICHAEL NOVAK
Name - Type or Print

Signature

DENISE NOVAK
Name - Type or Print

Signature

2361 VANDERMAST LANE 4104581189
Address Telephone No.

BALTIMORE MD 21221-2040
City State Zip Code

Representative to be Contacted:

RICHARDSON ENGINEERING, LLC
Name

30 E PADONIA RD ST. 500 410-560-1502
Address Telephone No.

TIMONIUM MD 21093
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. 2010-0153-A

Reviewed By D.T. Date 11/5/09

REV 7/20/07

Estimated Posting Date 11/15/09

1-6-10

pm

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

2361 VANDERMAST LANE
Address
BALTIMORE MD 21221
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.

[Signature]
Signature
MICHAEL NOYAK
Name - Type or Print

[Signature]
Signature
DENISE NOYAK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of October, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael J. Noyak and Denise Noyak
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 6/2011

Variance:

Section 400.3 to allow an accessory structure with a height of 35' in lieu of the required maximum of 15'.

Justification:

1. A higher structure is desirable to reduce the footprint of the structure in the Chesapeake Bay Critical Area to reduce the environmental impacts.
2. Due to the irregular shape of the lot, CBCA buffers that are on the land, and setbacks it creates a narrow buildable area. Rather than to request a setback variance it is necessary to build a second storey to accommodate the desired size of the improvements.
3. The proposed structure will have a height that is in accordance with the regulations if it were a principal residence.
4. The size of the property will not create a crowdedness of the land or over development and it will not adversely impact the health safety or welfare of the neighborhood.

**ZONING DESCRIPTION
2361 VANDERMAST LANE
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a point 248 feet southeast from where the centerline of Vandermast lane (20 feet wide) intersects with the first line described herein, said intersection being 926 feet northeast of the centerline of the nearest improved intersecting street Vandermast Road which is 30 feet wide the following courses and distances (1) North 62 Degrees 35 Minutes 08 Seconds West 806.95 feet passing said centerline of Vandermast Lane (2) North 03 Degrees 56 Minutes 57 Seconds East 19.99 feet, (3) North 41 Degrees 24 Minutes 42 Seconds East 24.68 feet, (4) North 61 Degrees 12 Minutes 35 Seconds East 34.76 feet, (5) South 75 Degrees 01 Minutes 47 Seconds East 55.60 feet, (6) North 62 Degrees 24 Minutes 24 Seconds East 73.17 feet, (7) North 31 Degrees 48 Minutes 06 Seconds East 54.63 feet, (8) North 47 Degrees 30 Minutes 01 Seconds East 41.03 feet, (9) North 69 Degrees 15 Minutes 18 Seconds East 49.64 feet, (10) North 88 Degrees 57 Minutes 21 Seconds East 35.06 feet, (11) South 64 Degrees 36 Minutes 17 Seconds East 25.83 feet, (12) South 24 Degrees 22 Minutes 01 Seconds East 33.11 feet, (13) South 18 Degrees 31 Minutes 32 Seconds West 34.19 feet, (14) South 47 Degrees 56 Minutes 59 Seconds East 64.82 feet, (15) North 84 Degrees 45 Minutes 34 Seconds East 28.03 feet, (16) South 63 Degrees 42 Minutes 40 Seconds East 188.92 feet, (17) South 66 Degrees 52 Minutes 57 Seconds East 91.25 feet, (18) South 86 Degrees 44 Minutes 50 Seconds East 68.19 feet, (19) North 28 Degrees 57 Minutes 25 Seconds East 14.17 feet, (20) North 65 Degrees 36 Minutes 33 Seconds East 44.49 feet, (21) North 49 Degrees 05 Minutes 36 Seconds East 40.11 feet, (22) North 54 Degrees 14 Minutes 33 Seconds East 83.56 feet, (23) North 81 Degrees 38 Minutes 21 Seconds East 39.23 feet, (24) South 88 Degrees 32 Minutes 24 Seconds East 47.76 feet, (25) South 71 Degrees 15 Minutes 53 Seconds East 102.59 feet, (26) South 57 Degrees 09 Minutes 21 Seconds East 19.11 feet, (27) South 26 Degrees 46 Minutes 53 Seconds East 8.68 feet, (28) South 20 Degrees 02 Minutes 40 Seconds West 14.77 feet, (29) South 27 Degrees 32 Minutes 21 Seconds west 22.91 feet, (30) South 39 Degrees 31 Minutes 36 Seconds West 67.97 feet, (31) South 48 Degrees 23 Minutes 21 Seconds West 18.31 feet, (32) South 64 Degrees 31 Minutes 01 Seconds West 58.16 feet, (33) South 54 Degrees 54 Minutes 32 Seconds West 83.74 feet, (34) South 47 Degrees 21 Minutes 09 Seconds West 91.95 feet, (35) South 33 Degrees 36 Minutes 09 Seconds West 44.68 feet, (36) South 41 Degrees 17 Minutes 25 Seconds west 116.28 feet to the point of beginning As recorded in Deed Liber 18512, Folio 173.

Containing an area of 234,673 square feet or 5.387 acres of land, more or less.

2010-0153-A

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: 2010-0153-A

Petitioner: NOVAK

Address or Location: 2361 VANDERMAST LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. MICHAEL NOVAK

Address: 2361 VANDERMAST LANE

BALTO. MD 21221-2040

Telephone Number: 410-458-1189

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0153 -A Address 2361 VANDERMAST LANE

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/5/09 Posting Date: 11/15/09 Closing Date: 11/30/09

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

1. **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.
2. **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.
3. **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.
4. **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 2010- 0153 -A Address 2361 VANDERMAST LANE

Petitioner's Name NOVAK Telephone 410-458-1189

Posting Date: 11/15/09 Closing Date: 11/30/09

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT
OF 35-FEET IN LIEU OF THE REQUIRED MAXIMUM OF 15-FEET.

Revised 8/20/09

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

No. 47512

Date: 4/7/01

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	822	000		050					65.00

Total: 65.00

Rec

From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE Proposed 2010-0153-A

Petitioner/Developer:

Novak

Date of Hearing/closing: November 30, 2009

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

Attn; Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
2361 Vandermast Lane

The sign(s) were posted on November 15, 2009
(Month, Day, Year)

Sincerely,

Robert Black Nov16 2009

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2010-0153-A

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 35 FEET IN LIEU OF THE REQUIRED MAXIMUM OF 15 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON _____

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF \$100. RETURN BOTH TO ZADM, RM. 104

MEETING IS HANDICAP ACCESSIBLE



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

December 1, 2009

Michael & Denise Novak
2361 Vandermast Ln.
Baltimore, MD 21221-2040

Dear: Michael & Denise Novak

RE: Case Number 2010-0153-A, 2361 Vandermast Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 05, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Richardson Engineering, LLC; 30 E. Padonia Rd. Ste. 500; Timonium, MD 21093

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 25, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 7, 2009
Item Nos. 2010-0141, 148, 149, 151,
152, 153, 154 and 155

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-12072009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 28 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 23, 2009
SUBJECT: Zoning Item # 10-153-A
Address 2361 Vandermast Lane
(Novak Property)

Zoning Advisory Committee Meeting of November 23, 2009

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

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

Additional Comments:

Reviewer: Regina Esslinger

Date: December 23, 2009

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 8, 2009

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

SUBJECT: 2361 Vandermast Lane

INFORMATION:

Item Number: 10-153

Petitioner: Michael Novak

Zoning: RC 5

Requested Action: Administrative Variance

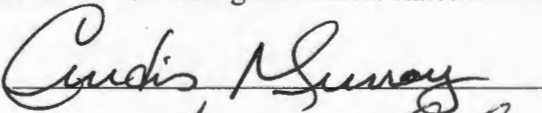
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request to permit an accessory structure (garage) with a height of 35 feet in lieu of the maximum permitted 15 feet. The Office of Planning has concern over the size and scale of such a garage. Architectural elevations shall be submitted to this office for review and approval prior to the signing of a Zoning Commissioner's order. Furthermore the following standard conditions shall apply to any relief granted:

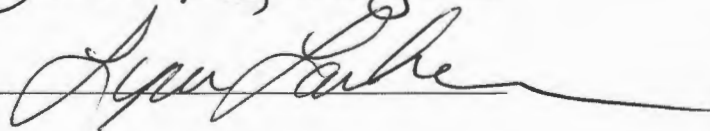
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



Division Chief:
AFK/LL: CM





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

February 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 08, 2010

Item Numbers: 0153

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

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 24, 2009

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

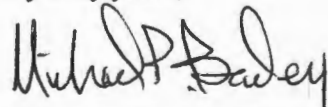
RE: Baltimore County
Item No. 2010-053-A
2361 VANDERMAST LANE
NOVA PROPERTY
ADMIN. VARIANCE

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. 2010-053-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov

Case 2010-0153-A

Size of the principal residence?

Size of the accessory structure? Square feet?

What is the use of the accessory structure?

What amenities will be in the accessory structure?

Bathroom or kitchen facilities in the accessory structure? Plan shows a water line to the accessory structure

(Conditions on accessory structures over 15 feet in height: accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes)

*elevation drawings would be helpful for further review of the request

From: Curtis Murray
To: Zook, Patricia
Date: 12/8/2009 1:53 PM
Subject: Re: Case 2010-0153-A - AV closed 11-30-09

Patti,

This one is awaiting signature. Once it has been reviewed and signed by Lynn it will be delivered to you.

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
(D□□□)cjmmurray@baltimorecountymd.gov

>>> Patricia Zook 12/8/2009 10:06 AM >>>
Gentlemen -

We need your comments on this administrative variance case.

CASE NUMBER: 2010-0153-A 2361 Vandermast Lane Location: NE side of Vandermast Lane; 955 feet N of Vandermast Road. 15th Election District, 6th Councilmanic District Legal Owner(s): Michael and Denise Novak

ADMINISTRATIVE VARIANCE To allow an accessory structure with a height of 35 feet in lieu of the required maximum of 15 feet.

I'm not sure if you received a copy of the plat to review, but this accessory structure is quite large. I'm waiting for a return call from the engineer to find out the dimensions, square footage, and use of the accessory structure. I'm also asking him for the square footage of the existing residence. The accessory structure appears much larger than the residence. No elevation drawings were provided, so I'm not sure if they want bathroom or kitchen facilities. Bill mentioned that the Petitioner has been trying for some time to get an additional dwelling unit on the property. The site plan does show a water line to the accessory structure.

Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Case 2010-0153-A - AV closed 11-30-09

From: Patricia Zook
To: Livingston, Jeffrey; Murray, Curtis
Date: 12/8/2009 10:06 AM
Subject: Case 2010-0153-A - AV closed 11-30-09

Gentlemen -

We need your comments on this administrative variance case.

CASE NUMBER: 2010-0153-A

2361 Vandermast Lane

Location: NE side of Vandermast Lane; 955 feet N of Vandermast Road.

15th Election District, 6th Councilmanic District

Legal Owner(s): Michael and Denise Novak

ADMINISTRATIVE VARIANCE To allow an accessory structure with a height of 35 feet in lieu of the required maximum of 15 feet.

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Towson MD 21204

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pzook@baltimorecountymd.gov

Patricia Zook - Case 2010-0153-A - AV closed 11-30-09

From: Patricia Zook
To: Livingston, Jeffrey
Date: 12/23/2009 12:07 PM
Subject: Case 2010-0153-A - AV closed 11-30-09

We still need comments from DEPRM on this case. Petitioner is now calling the Executive Office.

Good morning Jeff -

We still need DEPRM comments for this case that closed November 30.

*Sent
12/17/09*

We need your comments on this administrative variance case.

CASE NUMBER: 2010-0153-A

2361 Vandermast Lane

Location: NE side of Vandermast Lane; 955 feet N of Vandermast Road.

15th Election District, 6th Councilmanic District

Legal Owner(s): Michael and Denise Novak

ADMINISTRATIVE VARIANCE To allow an accessory structure with a height of 35 feet in lieu of the required maximum of 15 feet.

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1d)

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Account Identifier: District - 15 Account Number - 1510250770

Owner Information

Owner Name:	NOVAK MICHAEL NOVAK DENISE	Use:	RESIDENTIAL
Mailing Address:	2361 VANDERMAST LN BALTIMORE MD 21221-2040	Principal Residence:	YES
		Deed Reference:	1) /18512/ 173 2)

Location & Structure Information

Premises Address 2361 VANDERMAST LN	Legal Description 5.54 AC NE END VANDERMAST LN 2145 NE GOLF RD
WATERFRONT	

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
98	21	142						3	

Special Tax Areas

	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1914	2,812 SF	5.54 AC	34
Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	475,400	568,400		
Improvements:	246,180	325,780		
Total:	721,580	894,180	779,113	836,646
Preferential Land:	0	0	0	0

Transfer Information

Seller: HOFFMAN MARCIA VICKERS	Date: 08/05/2003	Price: \$735,000
Type: IMPROVED ARMS-LENGTH	Deed1: /18512/ 173	Deed2:
Seller: LITTLE JOYCE A	Date: 12/29/1986	Price: \$275,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7367/ 539	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:

MICHAEL AND DENISE NOVAK
2361 VANDERMAST LANE
BALTIMORE, MARYLAND 21221

CIVIL ACTION
NO.: 03-C-09-011826

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

RECEIVED

NOV 20 2009

IN THE MATTER OF:
VANDERMAST PROPERTY
ERNEST X. VANDERMAST, LEGAL OWNER
John and William Mitcherling, Developers
Holly Neck Road and Sue Creek

ZONING COMMISSIONER

15th Election District
6th Councilmanic District

DEVELOPMENT PLAN/PDM # XV-919

BOARD OF APPEALS CASE NO.: CBA-09-007

* * * * *

**PROCEEDINGS BEFORE THE DEPARTMENT OF PERMITS AND DEVELOPMENT
MANAGEMENT AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT**

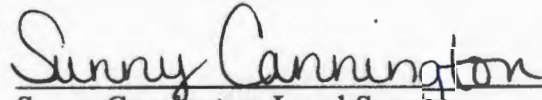
October 2, 2009 Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.

October 8 Certificate of Compliance sent to all parties and interested persons.

July 27, 2009 Transcript of testimony filed.

November 20, 2009 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



Sunny Cannington, Legal Secretary
County Board of Appeals
The Jefferson Building, Suite 203
105 W. Chesapeake Ave.
Towson, Maryland 21204
410-887-3180

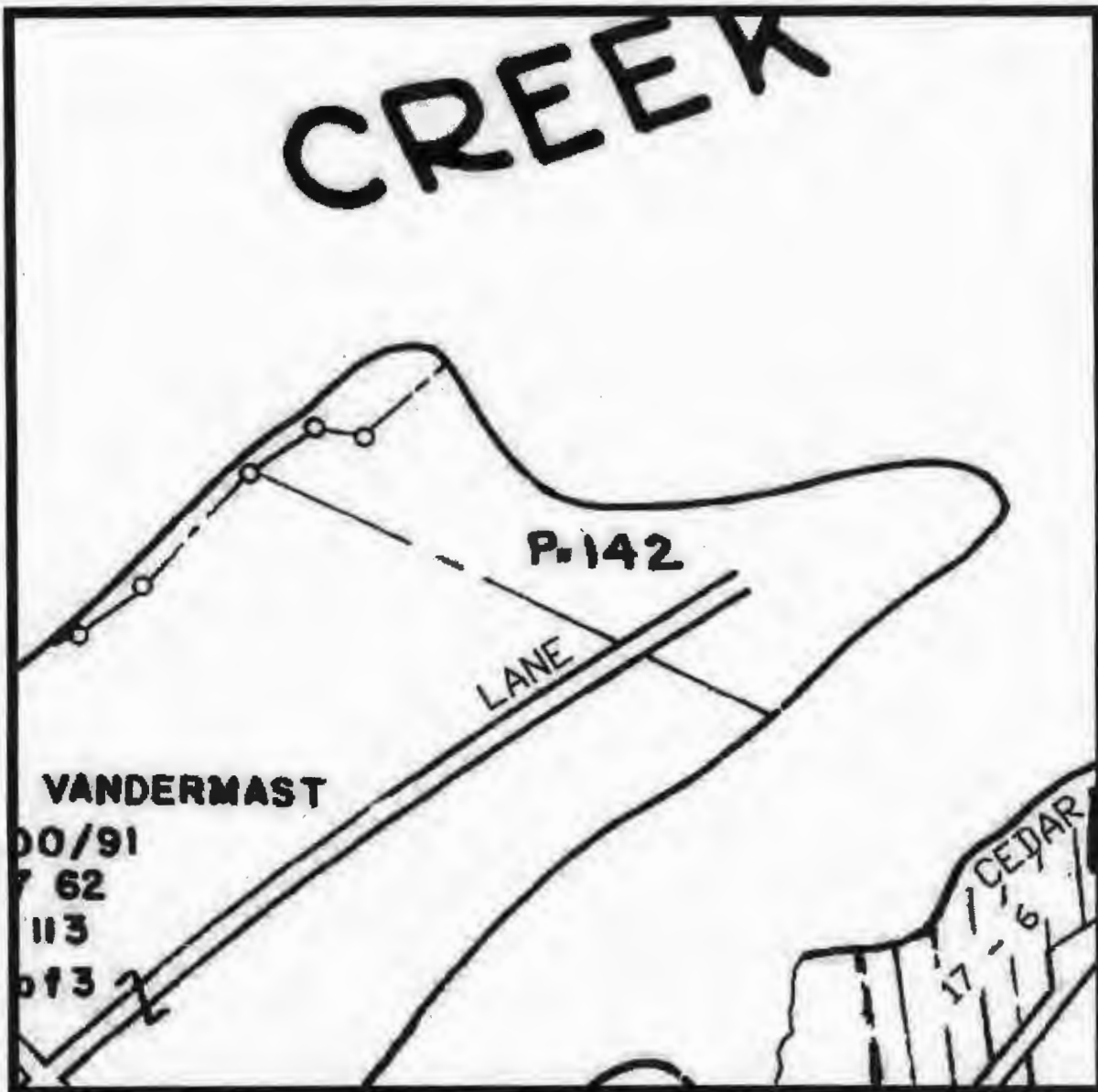
cc: Lawrence E. Schmidt, Esquire
Ernest X. Vandermaast
William and John Mitcherling
David S. Thaler/Stacey McArthur/Mark Vasil/D.S. Thaler & Associates, Inc.
Michael P. Tanczyn, Esquire
Michael and Denise Novak
Holly Neck Conservation Association, Inc.
Rita Kurek
Randy Mohr
Don Mitten/Richardson Engineering, Inc.
Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Office of Planning
Timothy Kotroco, Director/Office of Permits and Development Mgmt
John E. Beverungen, County Attorney
Jonas Jacobson, Director/DEPRM
W. Carl Richard, Zoning Office
Colleen Kelly, Project Manager



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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District - 15 Account Number - 1510250770



Property maps provided courtesy of the Maryland Department of Planning ©2008.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at
www.mdp.state.md.us/OurProducts/OurProducts.shtml



SITE

RC 5

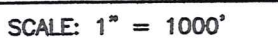
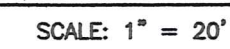
VANDERMAST LN.

RC 20

P.O.B.

ZONING MAP #098B3
SCALE: 1" = 200'

2010-0153-A



15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
REVISIONS	DRAWN BY: DNM	DESIGNED BY: DNM	SCALE: 1" = 40'
	DATE: 10/30/09	JOB NO.: 07027	SHEET NO.: 1 OF 1

2010-0153-A

c:\jans\janszoo1\01021-2001 vandermaast lane\drawings\01021rplz.dwg, Layout1, 11/2/2009 3:12:59 PM