IN RE: PETITION FOR ADMIN. VARIANCE

E side of Spring Road; 107 feet S of the

c/l of Joppa Terrace

9th Election District

5th Councilmanic District

(2649 Spring Road)

Jason and Zachary Kohajda Petitioners * BEFORE THE

6

DEPUTY ZONING

* COMMISSIONER

FOR BALTIMORE COUNTY

* Case No. 2011-0006-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Jason and Zachary Kohajda for property located at 2649 Spring Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) to have a rear yard setback as close as 12 feet in lieu of the allowed 22.5 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a deck onto the rear of their home similar to the decks now enjoyed by their neighbors. The deck will be screened from the neighbors at 2629 Spring Road by dense vegetation of trees and shrubs. Petitioners' property is pie shaped and the construction of a deck of usable size will require a rear yard setback variance. The dwelling was constructed in 1948 prior to the imposition of zoning on the property.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 18, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Ry

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, 9 th day of August, 2010 that an Administrative Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) to have a rear yard setback as close as 12 feet in lieu of the allowed 22.5 feet is hereby GRANTED, subject to the following:

The Petitioners may apply for their building permit and be granted same upon receipt of
this Order; however, Petitioners are hereby made aware that proceeding at this time is at
their own risk until such time as the 30 day appellate process from this Order has expired.
If, for whatever reason, this Order is reversed, the Petitioners would be required to return,
and be responsible for returning, said property to its original condition.

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

THOMAS H. BÖSTWICK
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 8.9.10

2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

August 9, 2010

JASON AND ZACHARY KOHAJDA 2649 SPRING ROAD PARKVILLE MD 21234

Re: Petition for Administrative Variance

Case No. 2011-0006-A Property: 2649 Spring Road

Dear Messrs. Kohajda:

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,

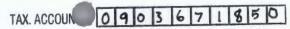
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



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

Zoning Commissioner of Baltimore County



CASE NO. 2011-0006-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at _	2649	Spring	Rd	
		ntly zoned		5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

projection (deck) to have a rear yard sotback as close as 12 feet in lieu of the allowed 221/2

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	•		is the subject of this Pet	tition.	property which
Contract Purchaser/	Lessee:		Legal Owner(s):		
			Jason Koho	aj da	
Name - Type or Print			Name - Type or Print		
Signature	X		Signature Zachary Koh	ajda	
Address	(Luc	Telephone No.	Name - Type or Print	1	
City	State	Zip Code	8 ighature	0) (
Attorney For Petition	ner:	2	Address Sprin	9 Rd (4	43 910-579
			Par Kville	MD	Telephone No. 21234
Name - Type or Print		.6	City	State	Zip Code
	-ORF	ILING	Representative to	be Contacted:	
Signature	CEIVED FUT				
Company ORDER HE	CEIVED FOR F		Name		
Address Date	P	Telephone No.	Address		Telephone No.
City By—	State	Zip Code	City	State	Zip Code
A Public Hearing having bed his day of regulations of Baltimore Count	that	the subject matter of t	required, it is ordered by the his petition be set for a public he	Zoning Commissioner of paring, advertised, as req	Baltimore County, uired by the zoning

Reviewed By

Estimated Posting Date

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.

competent to testify thereto in the event that a p	oublic nearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	2649 Spring Rd
	Parkville MD 21234
	City State Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):
Our lot is the only on	e on our street that is oddly
•	ng prevents us from building a deck.
Many of our neighbors	have deeks and other additions,
Lucia section of the section of	
That the Affiant(s) acknowledge(s) that if a fo	ormal demand is filed, Affiant(s) will be required to pay a reposting and
advertising fee and may be required to provide a	additional information.
1 21.	211/14
Signature Won Mayda	Signature Signature
Jason Kohajda	(1) and was Kolonida
Name - Type or Print	Name - Type or Print
403	
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit:
of Maryland, in and for the County aforesaid, per	sonally appeared
the Affiant(s) herein, personally known or satisfa	storily identified to me as such Affiant(s)
the Amant(s) herein, personally known or satisfa	ictorily identified to the as such Amant(s).
AS WITNESS my hand and Notarial Seal	And I was a second seco
	W. WALKED
	Notary Public
	My Commission Expires

ARFORD COUNTY

REV 10/25/01

ZONING DESCRIPTION FOR 2649 Spring Rd, Parkville, MD.

Beginning at a point on the east side of Spring Rd which is 50 feet wide at the distance of 107.03 feet and Being Lot # 68 in the subdivision of Joppa Springs as recorded in Baltimore County Plat Book # JWB 14, Folio # 7, containing 7,208 square feet. Also known as 2649 Spring Road and located in the 9th Election District, 5th Councilmanic District.

* south of Joppa Terr

Item # 0006

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2040-	0006	-A	Address	2649	Spring	Kd	
	act Person:	David Planner, Pl	Duva Pease Print Your N	Name				110-887-3391
Filing	Date:	6/10	Posti	ing Date:	7/18/10	Clos	ing Date	: 8/2/10
Any o	contact made v gh the contact p	vith this offic erson (planne	e regarding er) using the	the statue case num	s of the ad	lministrativ	e variand	ce should be
1.	POSTING/CO: reverse side of reposting must is again respondate.	f this form) a t be done only nsible for all	nd the petity by one of associated	tioner is re the sign p costs. Th	sponsible for osters on the e zoning no	or all printine e approved otice sign r	ng/posting l list and nust be	g costs. Any the petitioner visible on the
2.	DEADLINE: Ta formal request for a p	est for a pub	lic hearing	. Please	understand	that even	if there	00 feet to file is no formal
3.	ORDER: After commissioner order that the rewithin 10 days whether the permailed to you be	He may: (a matter be set s of the clos etition has be	 a) grant the in for a pub ing date if en granted, 	requester lic hearing all Count	d relief; (b) . You will re y agencies'	deny the receive writted comments	equested en notific s are red	relief; or (c) ation, usually beived, as to
4.	POSSIBLE PL (whether due commissioner) changed giving posted, certific this office.	to a neighbo , notification , notice of the	r's formal will be for hearing da	request or warded to ate, time ar	by order or you. The order of the order of the order or t	of the zon sign on t As when	ing or de he prope he sign v	erty must be was originally
			(Detach	n Along Dotted I	ine)			
Petitio	oner: This Par	of the Form	is for the	Sign Poste	er Only		ii	
		USE THE AD	MINISTRA	TIVE VARI	ANCE SIGN	FORMAT		
Case I	2011 Number 2010 - [0006 -A	Addre	ss 26	49 Sni	ring R	1	
Petitio	ner's Name	J Koha	ida		T	elephone_	443	910 5796
Postir	ng Date:	1/18/10)	Clo	sing Date:	8	2/10	
Wordin	ng for Sign: <u>T</u> and setbac	1	open p	rojectio 12 fee	n (deck t in liè	of the	have allow	ved 221/5

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Petitioner:		06 - A
Address or Location:		Parkville MD 21234
PLEASE FORWARD A Name: Jason Address: 2649	Kohajda Sprin	

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Date:	BS Acct	Amount	7/07/2010 7/46/2010 (Av36409 1 ATT WOOL MULKIN TRIC 100 1 ACCEPT IS AGEPTE 1/1/06/2010 (IL) Perk 5 200 ANTON MERCHATION 5 (R) 41 055954
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rom:	J 20	Ko ning	hajd New	a ing	× 6		2011	-0006-1	CASHIER'S

CERTIFICATE OF POSTING

	RE: Case No 2011-0006-A
	Petitioner/Developer
	Date Of Hearing/Closing: 8/2/10
Baltimore County Department of Permits and Development Man County Office Building,Room 1 111 West Chesapeake Avenue	nagement
Attention:	
Ladies and Gentlemen	
sign(s) required by law were po	enalties of perjury that the necessary osted conspicuously on the property
This sign(s) were posted on	Month, Day, Year Sincerely,
	marker 2/18/10
	Signature of Sign Poster and Date Martin Ogle
	60 Chelmsford Court Baltimore,Md,21220 443-629-3411



machinagle 7/18/10



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 3, 2010

Jason & Zachary Kohajda 2649 Spring Rd. Parkville, MD 21234

Dear: Jason & Zachary Kohajda

RE: Case Number 2011-0006-A, 2649 Spring Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 06, 2010. 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



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

July 19, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: July 26, 2010

Item No.: Variance: 2011-0001A.

Administrative Variance: 2011-0003A - 0007A.

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore** County Fire Marshal's Office and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3RD Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 11-006- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By

CM/LL

RECEIVED

DATE: July 22, 2010

JUL 2 3 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 15, 2010

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 July 26, 2010

Item Nos. 2011-0001, 0002, 0003,

0004, 0005, 0006, and 0007

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07262010 -NO COMMENTS.doc



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

MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: JULY 19, 2010

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

RE: **Baltimore County**

Item No. 2011-0006-A KOHAJDA PROPERTY ADMID. 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. 2011. -0006-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,

Steven D. Foster, Chief Engineering Access Permits

SDF/mb

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 1 9 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

August 19, 2010

SUBJECT:

Zoning Item # 11-006-A

Address

2649 Spring Road

(Kohajda Property)

Zoning Advisory Committee Meeting of July 12, 2010

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

Reviewer:

JWL

Date: 8/19/10

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ No Comment
7-15-10	DEVELOPMENT PLANS REVIEW	nc
	DEPRM (if not received, date e-mail sent)	
7-19-10	FIRE DEPARTMENT	nc
7-22-10	PLANNING (if not received, date e-mail sent)	nc
7-19-10	STATE HIGHWAY ADMINISTRATION	NC
	TRAFFIC ENGINEERING	· ·
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No.	
PRIOR ZONING	(Case No.)
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: 7-18-10	
	SEL APPEARANCE Yes No SEL COMMENT LETTER Yes No SEL COMMENT LETTER	
Comments, if any:		
		*

Exempt Class:



Go Back View Map **New Search** GroundRent Registration

Account Identifier: District - 09 Account Number - 0903671850 **Owner Information Owner Name:** KOHAJDA JASON Use: RESIDENTIAL KOHAJDA ZACHARY Principal Residence: YES 1) /28546/ 67 **Mailing Address:** 2649 SPRING RD **Deed Reference: BALTIMORE MD 21234-2905 Location & Structure Information Premises Address Legal Description** 2649 SPRING RD 2649 SPRING RD JOPPA SPRINGS Section Block Lot **Assessment Area** Plat No: Map Grid **Parcel Sub District** Subdivision Plat Ref: 1185 14/7 71 15 2 Town **Ad Valorem Special Tax Areas** Tax Class **Primary Structure Built Enclosed Area Property Land Area County Use** 1,104 SF 7,208.00 SF 04 Basement **Exterior** Stories Type YES STANDARD UNIT SIDING 2 **Value Information Base Value Phase-in Assessments** Value As Of As Of As Of 01/01/2008 07/01/2009 07/01/2010 55,200 85,200 Land Improvements: 96,440 88,280 Total: 151,640 173,480 180,920 173,480 **Preferential Land:** Transfer Information 08/19/2009 Price: \$173,000 Seller: LEVASSEUR RONALD J,JR Date: Type: IMPROVED ARMS-LENGTH Deed1: /28546/ 67 Deed2: Seller: MANNONE PAUL B Date: 06/18/1991 Price: \$110,000 Type: IMPROVED ARMS-LENGTH Deed1: / 8826/ 110 Deed2: Seller: Date: Price: Deed1: Deed2: Type: **Exemption Information Partial Exempt Assessments** Class 07/01/2009 07/01/2010 County 000 0 0 000 0 State 0 000 Municipal 0 0 Tax Exempt: NO Special Tax Recapture:

* NONE *

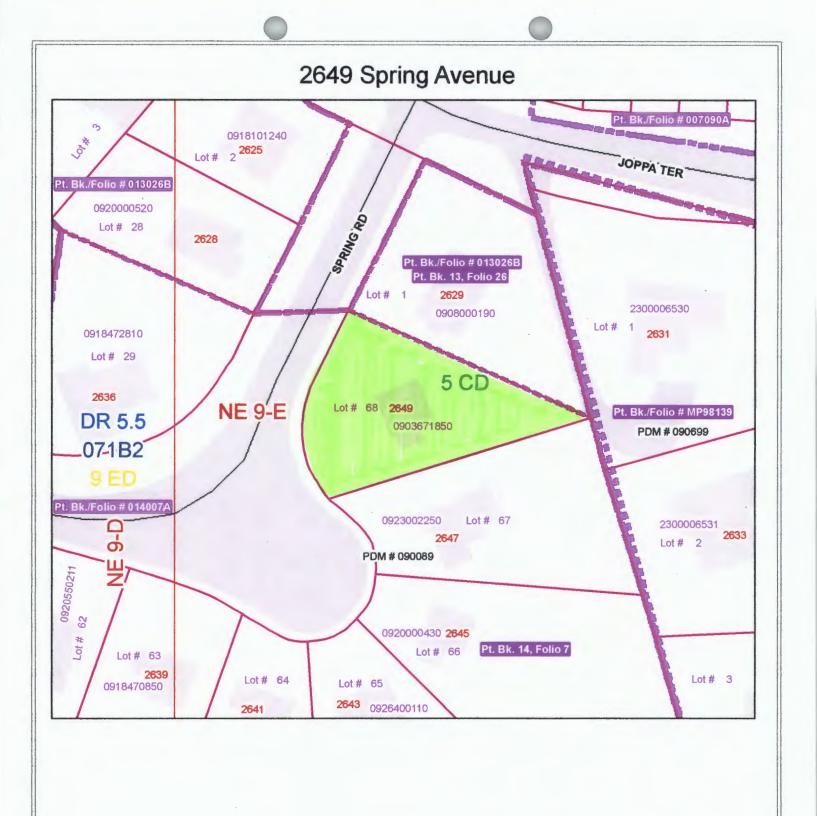








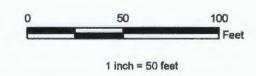






Publication Date: July 06, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

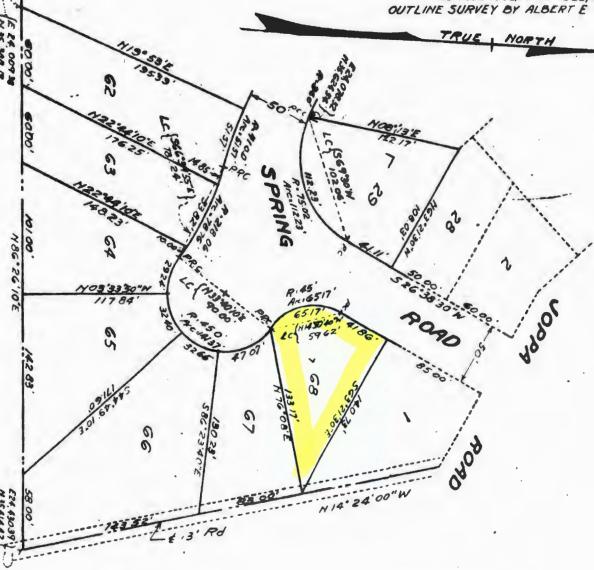




Item #0006

THE TRUE A. IDIAN AND COORDINATES
USED ON THIS PLAT ARE BASED ON
HUBS Nos 7051 and 7052 AS ESTABLISHED
BY THE BALTO.CO METROPOLITAN DISTRICT
VALUES:

MO. 7051 M36,776.03 E 22,793 12 MO. 7052 M36,59163 E 23,511 34 OUTLINE SURVEY BY ALBERT E POHMER



PLAT OF LOTS 62-68 INCLUSIVE ALSO LOT 29

JOPPA SPRINGS

9th District , Baltimore Co Md 14/9

i. Fred leffull.

"i, aren 21- 17.

THIS IS TO CERTIFY THAT THIS PLAT WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER IONG, ACTS OF 1945, SECTIONS TRA, TRB and TRC OF ARTICLE IT OF THE ANNOTATED CODE OF MARYLAND (1939 EDITION) OWNER:

KEGISTERED SURVEYOR: Losert & November

Item #0006

of some " la ma