

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Markel Avenue, 142 feet NW
of the c/l of Delvale Avenue
12th Election District
7th Councilmanic District
(6908 Markel Avenue)

Thomas J. and Kathleen M. Beres
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0288-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Thomas J. and Kathleen M. Beres for property located at 6908 Markel Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed) in the side yard of a single family dwelling in lieu of the permitted rear yard¹. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a shed measuring 12 feet x 24 feet in size. Petitioners state the rear yard is not flat enough to accommodate a shed. Placing the shed in the rear yard would require grading, a retaining wall as well as removing several large trees.

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.

¹ The description prepared by the Zoning Review Office states that the accessory structure is a garage. However, on the site plan to accompany and the Affidavit in Support of Administrative Variance, Petitioners say the accessory structure is a shed. The request is hereby changed to reflect accessory structure (shed).

ORDER RECEIVED FOR FILING

Date 5-2-11

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 10, 2011, 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 Administrative Law Judge, 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 Administrative Law Judge for Baltimore County, this 2nd day of May, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed) in the side yard of a single family dwelling in lieu of the permitted rear yard feet respectively be and is hereby GRANTED, subject to the following:

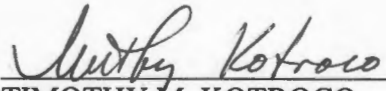
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

ORDER RECEIVED FOR FILING

Date 5-2-11

By [Signature]

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 5-21-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 2, 2011

THOMAS J. AND KATHLEEN M. BERES
6908 MARKEL AVENUE
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2011-0288-A
Property: 6908 Markel Avenue

Dear Mr. and Mrs. Beres:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 6908 Markel Avenue

which is presently zoned DR 5.5

Deed Reference: 1 Tax Account # 120 205 7159

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)

Section: 400.1

To permit an accessory structure/garage in the side yard of a single family dwelling in lieu of the permitted rear yard.

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 bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

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

ORDER RECEIVED FOR FILING
5-2-11

Date

By

Legal Owner(s):

Thomas J Beres

Name - Type or Print

Signature

Kathleen M Beres

Name - Type or Print

Kathleen M. Beres

Signature

6908 Markel Avenue

C-443-992-0308
H-410-288-1361

Address

Telephone No.

Baltimore

Maryland

21222

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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. 2011-0288-A

Reviewed By [Signature]

Date 3/28/11

Estimated Posting Date 4/10/11

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 own and reside at 6908 MARKEL AVENUE
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

We have requested a zoning variance for a shed to be built
and located on the side property of our home.
The request is due to the fact that this is the only flat location
on the property where the shed can be installed.
Any other location on the property would require extensive
grading, form/retaining building and back-filling and or removal
of large trees.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

[Signature]
Signature

Thomas J. Beres
Name- print or type

[Signature]
Signature

KATHLEEN M. BERES
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 26 day of MARCH, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Thomas Beres; Kathleen Beres
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

9/1/11
Commission expires



Zoning Description for 6908 Markel Avenue

Beginning at a point on the Northwest side of Markel Avenue which is 12 feet wide at the distance of 142 feet of the centerline of the nearest improved intersecting street Delvale Avenue which is 40 feet wide. Being lot #31 in the subdivision of John Miller's Land as recorded in Baltimore County Plat Book #5, Folio #67 containing 11,635 square feet. Also known as 6908 Markel Avenue, and located in the 12th Election District, 7th Councilman District.

CASE # 0288-A



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

Date April 19, 2011

Mr. & Mrs. Beres
6928 Markel Avenue
Baltimore, MD 21222

RE: Case Number 2011-0288A, 6908 Markel Avenue

Dear Mr. & Mrs. Beres,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2011. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Administrative Variance: 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

Special Hearing: 2011-0283-SPHX, 2011-0293-SPH

Variance: 2011-0285A, 2011-0287-SPHA, 2011-0289-SPHA, 2011-0290A, 2011-0292A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4-6-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2011-0288-A
Administrative Variance
Thomas & Kathleen Beres
6908 Marble Avenue

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. 2011-0288-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2011
Item Nos. 2011- 283, 284, 285, 286,
287, 288, 289, 290, 291, 292 and
293

DATE: April 11, 2011

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-04112011 -NO COMMENTS.doc

AV 4/25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-288-A
Address 6908 Markel Avenue
(Beres Property)

Zoning Advisory Committee Meeting of April 4, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

CERTIFICATE OF POSTING

2011-0288-A

RE: Case No.:

Petitioner/Developer:

Thomas & Kathleen Beres

Date of Hearing/Closing: April 25, 2011

County Department of
Development Management
Office Building, Room 111
Chesapeake Avenue
Dundalk 21204

Attorneys:

and Gentlemen:

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

6908 Markel Ave

April 10, 2011

(Month, Day, Year)

The sign(s) were posted on

Sincerely,

(Signature of Sign Poster)

April 11, 2011

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 2122

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0288 -A Address 6908 Markel Ave

Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/28/11 Posting Date: 4/10/11 Closing Date: 4/25/11

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

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 2011- 0288 -A Address 6908 Markel Ave

Petitioner's Name THOMAS & KATHLEEN BERES Telephone 410-288-1361

Posting Date: 4/10/11 Closing Date: 4/25/11

Wording for Sign: Section: 400.1 _____

_____ To permit an accessory structure/garage in the side yard of a single family
_____ dwelling in lieu of the permitted rear yard. _____

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0288 -A Address 6908 Markel Ave

Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/28/11 Posting Date: 4/10/11 Closing Date: 4/25/11

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

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 2011- 0288 -A Address 6908 Markel Ave

Petitioner's Name Thomas & Kathleen Beres Telephone 410-288-1361

Posting Date: 4/10/11 Closing Date: 4/25/11

Wording for Sign: Section: 400.1 _____

_____ To permit an accessory structure/garage in the side yard of a single family
_____ dwelling in lieu of the permitted rear yard. _____

6908 Markel Avenue



2011-0288-A



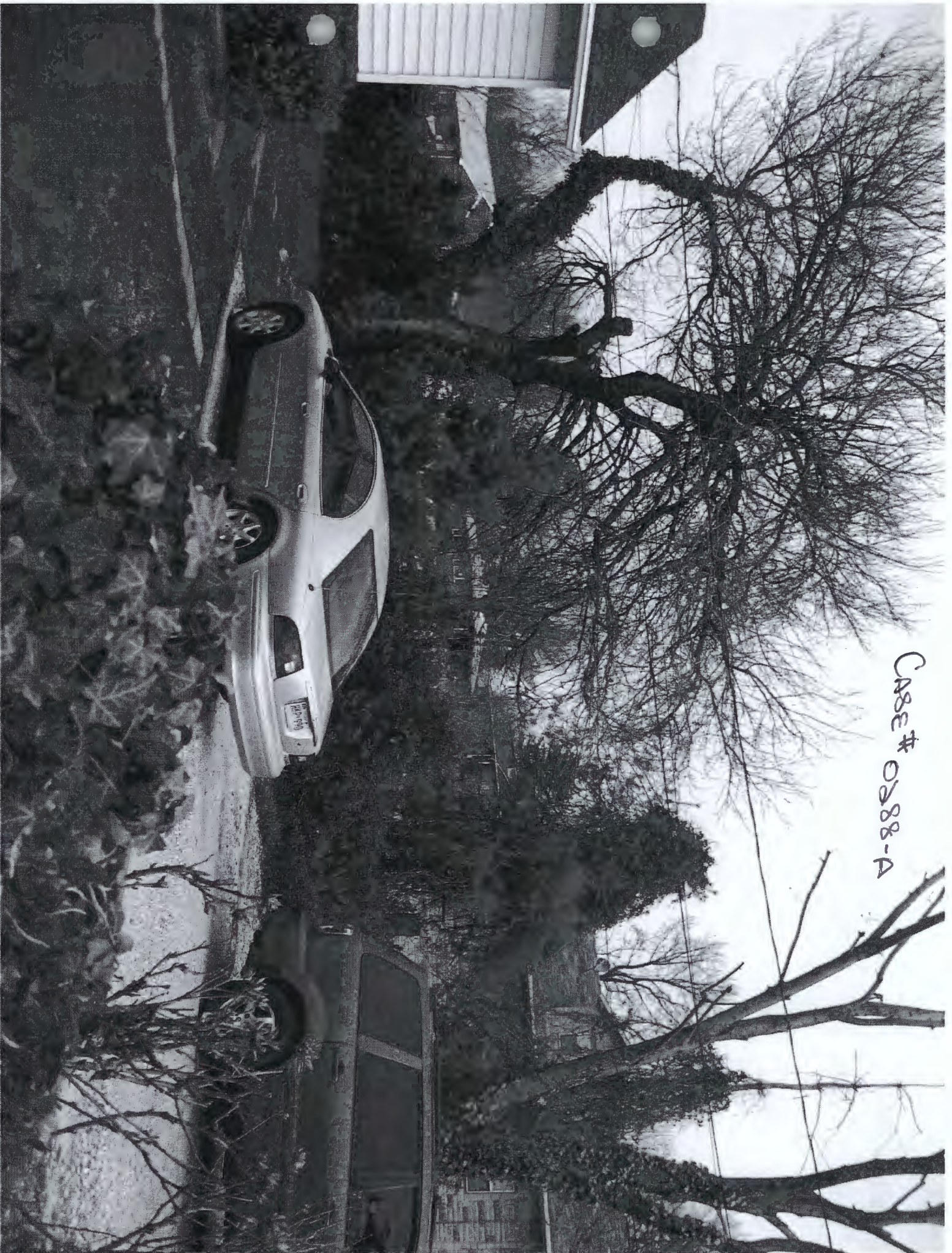
Publication Date: March 22, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 30 60 Feet

1 inch = 30 feet

CASE # 0288-A



CASE # 0288-A





2011-02-88-A

0288-A



CERTIFICATE OF POSTING

2011-0288-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas & Kathleen Beres

April 25, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Matthews:

Ladies and Gentlemen:

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

6908 Markel Ave

April 10, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

April 11, 2011

(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)

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

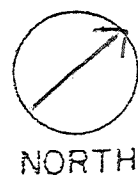
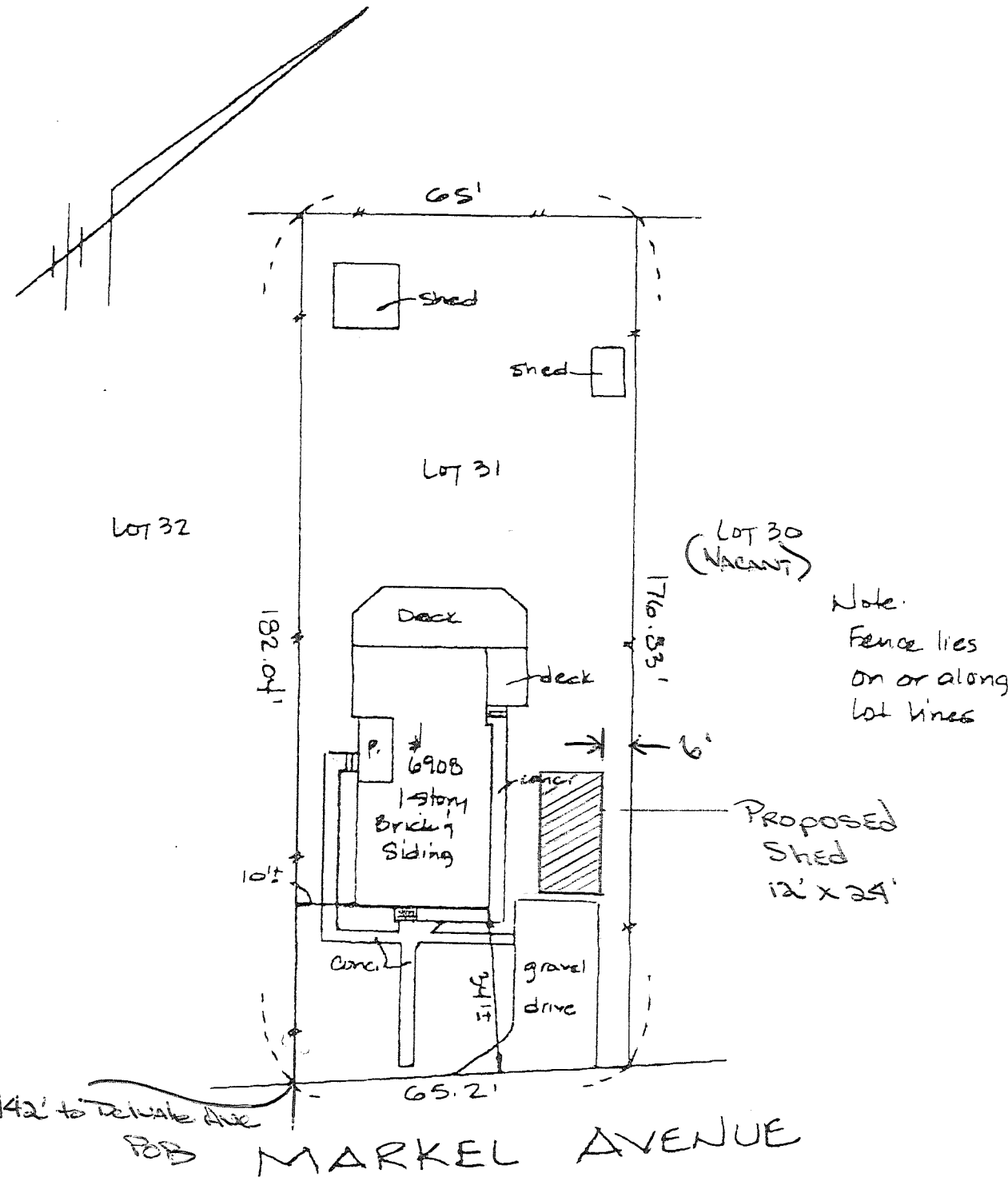
PROPERTY ADDRESS 6908 Markel Avenue

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

SUBDIVISION NAME John Miller's Land

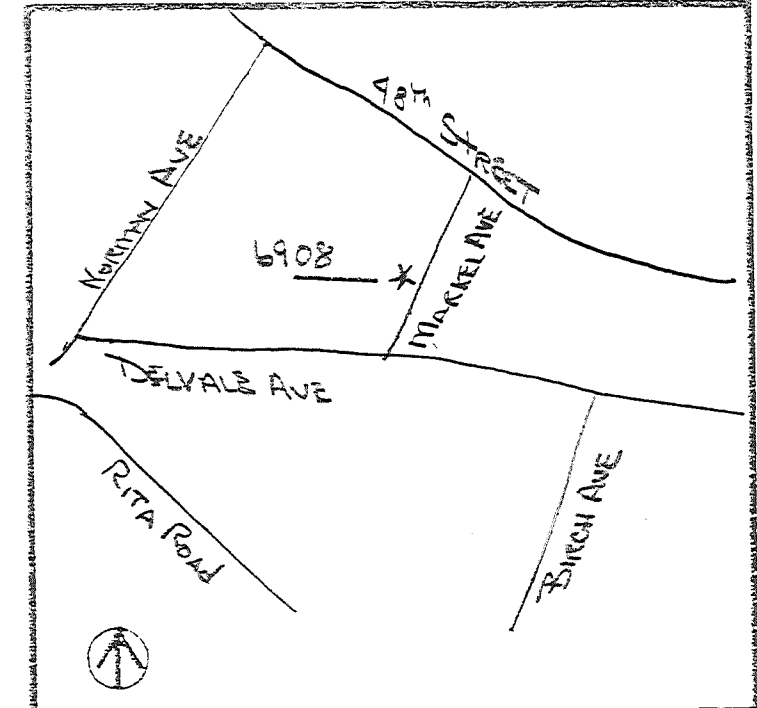
PLAT BOOK # 5 FOLIO # 67 LOT # 31 SECTION # _____

OWNER Thomas J. Beres - Kathleen M. Beres



PREPARED BY Thomas J. Beres

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 12th

COUNCILMANIC DISTRICT 7th

1" = 200' SCALE MAP # 103B1

ZONING DR 5.5

LOT SIZE 11.635 ACREAGE 11.635 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	<u>None</u>	

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

2011 10288-A