

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Charington Road, 730 feet
N of the c/l of Halesworth Road
8th Election District
3rd Councilmanic District
(10123 Charington Road)

Francis A. and Barbara D. Novak
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0301-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, Francis A. and Barbara D. Novak for property located at 10123 Charington Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a setback of 25 feet in lieu of the required 30 feet for an addition in the rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 12 feet x 24 feet. There is an existing deck at this location. Petitioners have health conditions that require medical equipment and more living space is required for the Novaks as well as to accommodate their support apparatus. The property located behind the Petitioners is reserved for utilities and drainage and is approximately 50 feet wide.

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 April 15, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 5-12-11

By [Signature]

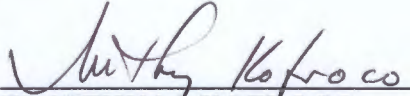
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 12th day of May, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a setback of 25 feet in lieu of the required 30 feet for an addition in the rear yard 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.

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 5-12-11

By _____



KEVIN KAMENETZ
County Executive

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

May 12, 2011

FRANCIS A. AND BARBARA D. NOVAK
10123 CHARINGTON ROAD
COCKEYSVILLE MD 21030

Re: Petition for Administrative Variance
Case No. 2011-0301-A
Property: 10123 Charington Road

Dear Mr. and Mrs. Novak:

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 black ink, appearing to read "Timothy Kotroco", is written over a faint, larger version of the same signature.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Clearview Window and Door Company, 3316 Putty Hill Avenue, Baltimore MD 21234



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10123 CHARINGTON Rd
which is presently zoned DR 55

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802-3.C.1; BCZR TO PERMIT

A SETBACK OF 25 FT. IN LIEU OF RETURNED OF THE REQUIRED
30 FT FOR AN ADDITION IN THE REAR YARD.

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.

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 _____
Date 5-12-11
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

ORDER RECEIVED FOR FILING
5-12-11

Legal Owner(s):

FRANCIS NOVAK
Name - Type or Print _____
Francis Novak
Signature _____
BARBARA NOVAK
Name - Type or Print _____
Barbara Novak
Signature _____
10123 CHARINGTON Rd 410-444-1530
Address _____ Telephone No. _____
Cockeysville, MD 21030
City _____ State _____ Zip Code _____

Representative to be Contacted:

CLEARVIEW WINDOW & DOOR CO.
Name _____
3316 PUTTY HILL AVE. 410-668-1110
Address _____ Telephone No. _____
BALTO. MD 21234
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. 2011-0301-A

Reviewed By DCM Date 4-6-11

REV 10/25/01

Estimated Posting Date 4-17-11

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 reside at

Address 10123 CHARINGTON Rd Cockeysville Md
City Cockeysville State Md. Zip Code 21030

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):

① Wife was diagnosed with CHRONIC OBSTRUCTIVE PULMONARY DISEASE, a LUNG disorder. POOR HEALTH LIMITS activities to THE HOUSEHOLD, AND SUFFICIENT room FOR medical equipment is a necessity

② HUSBAND'S vision has been impaired by an optic nerve disease. FURNITURE needs to be SPACED at greater distances to reduce tripping hazards. HUSBAND HAD BYPASS SURGERY AND REQUIRES MEDICAL EQUIPMENT FOR FOLLOW UP THERAPY.

③ FUTURE plans exist for a LIVE-IN medical assistant, WHICH CREATES THE need for additional LIVING SPACE.

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.

Francis Novak
Signature

Francis Novak
Name - Type or Print

Barbara Novak
Signature

Barbara Novak
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of March, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Francis Novak and Barbara Novak
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Sharon M. Greenbeck
Notary Public

My Commission Expires 7/21/11

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 10123 Charington Rd, Cockeysville Md. 21030
(ADDRESS)

Beginning at a point on the Northeast side of Charington Rd. which is 50 feet wide at the distance of 730 feet (+/-) north of the centerline of the nearest improved intersecting street Halesworth Rd. which is 60 feet wide. *Being Lot #13 Block "D", Section # in the subdivision of Montrose (Monterey) as reorded in Baltimore County Plat Book # 30, Folio #3, containing (square feet or acres) 60454
Also know as 10123 Charington Rd., and located in the 8th Election District, 3rd Councilmaic District.



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

April 19, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 8, 2011**

Item No.:

Administrative Variance: 2011-0301A – 0302A, 2011-0305A – 0306A, 2011-0308A.

Variance: 2011-0303-SPHA, 2011-0307A.

Special Hearing: 2011-0303-SPHA.

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

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 May 2, 2011
Item Nos. 2011-301, 302, 303, 305,
306, 307 and 308

DATE: April 18, 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-05022011 -NO COMMENTS.doc



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: 4-18-11

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

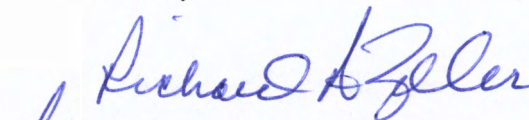
RE: Baltimore County
Item No. 2011-0301-A
Administrative Variance
10123 Charington Road
'Francis and Barbara Novak'

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. 2011-0301-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

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/19/2011

Case Number: 2011-0301-A

Petitioner / Developer: FRANCIS NOVAK~ MR. MORGAN of
CLEAR VIEW WINDOWS

Date of Hearing (Closing): MAY 2, 2011

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
10123 CHARINGTON ROAD

The sign(s) were posted on: APRIL 15, 2011



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

April 25, 2011

Mr. & Mrs. Novak
10123 Charington Road
Cockeysville, MD 21030

RE: Case Number: 2011-0301-A, 10123 Charington Road, Cockeysville, MD 21030

Dear Mr. & Ms. Novak,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 6, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Clearview Window & Door Co., 3316 Putty Hill Ave., Baltimore, MD 21234

Front Right



Front



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0301 -A

Address 10123 CHARINGTON Rd.

Contact Person: J. Merrey
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4.6.11

Posting Date: 4.17.11

Closing Date: 5.2.11

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- 0301 -A

Address 101 CHARINGTON Rd.

Petitioner's Name FRANCIS FRANCIS NOVAK

Telephone 410 -

Posting Date: 4.17.11

Closing Date: 5.2.11

Wording for Sign: To Permit A SETBACK OF 25 FT. IN LIEU
of The Required 30 ft for an addition in the
REAR YARD

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011-0301-A

Petitioner: FRANCIS NOUAK

Address or Location: 10123 CHARINGTON Rd. Cockeysville, Md.
21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-444-1530

Revised 2/17/11 DT

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 10123 CHARINGTON Rd

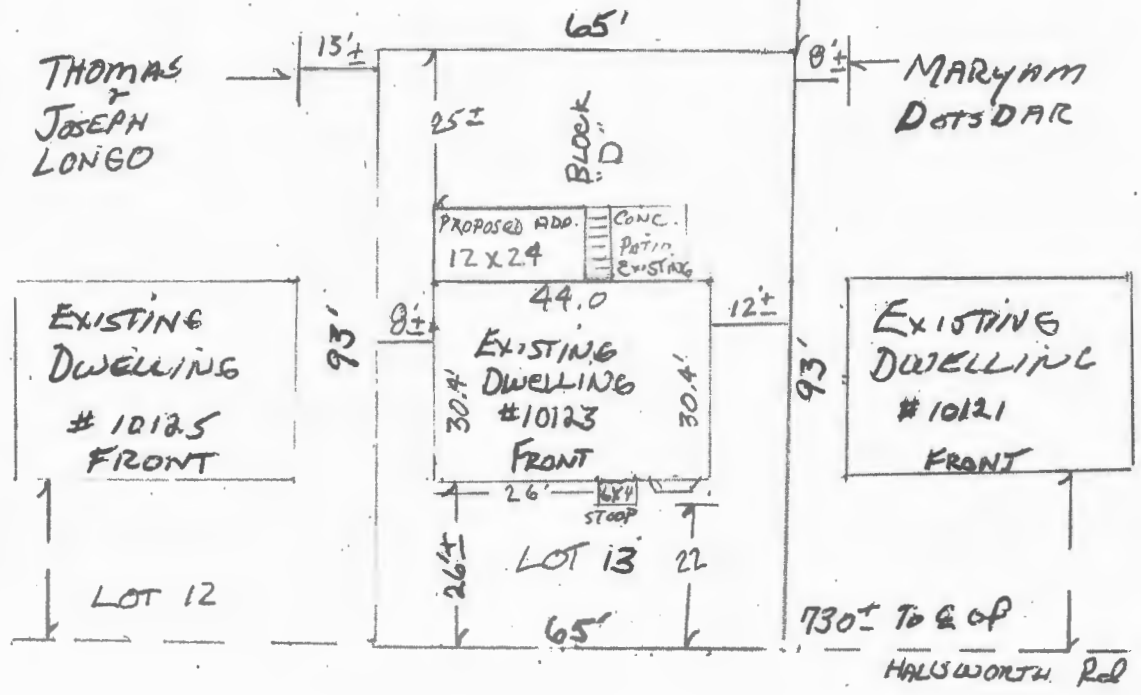
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME MONTROSE (MONTENY)

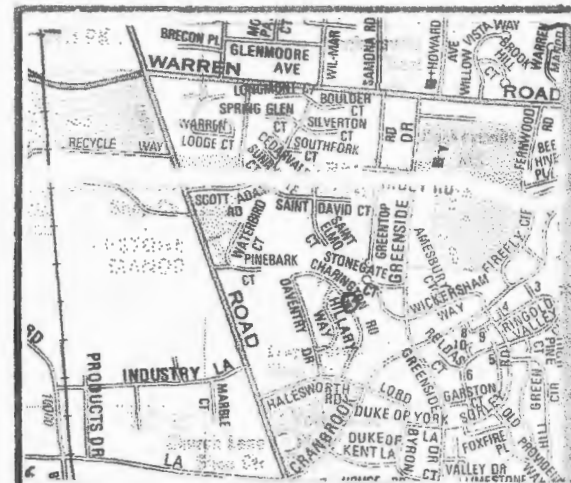
PLAT BOOK # 30 FOLIO # 3 LOT # 13 SECTION #

OWNER FRANCIS + BARBARA NOVAK

RESERVATION FOR UTILITIES 50' ±
DRAINAGE



CHARINGTON ROAD (50' r/w)



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8
COUNCILMANIC DISTRICT 3rd
1" = 200' SCALE MAP # 051C2
ZONING DR 5.5
LOT SIZE 0.139 ACRES 6045 SQUARE FEET

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

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #



PREPARED BY

VJM CARRINE

SCALE OF DRAWING: 1" = 30