

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Drexel Road, 50 feet E of the
c/l of Burnham Road
15th Election District
7th Councilmanic District
(1757 Drexel Road)

Norman A. and April K. Prachniak
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0318-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, Norman A. and April K. Prachniak for property located at 1757 Drexel Road. The variance request is from Section 1B02.3.B (1945 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the side of an existing dwelling with a side yard setback of 5 feet in lieu of the required 7 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 7 feet x 11 feet. This modest addition will allow Petitioners to provide care for an elderly parent by making the home accessible for a walker and wheelchair. The most affected property owner at 1755 Drexel Road did not express any concern or objection to the variance request.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated June 1, 2011. The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical

ORDER RECEIVED FOR FILING

Date 6-3-11

By 

Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. According to the applicant's plan, impervious surfaces will be increased by 77 square feet. The project will be reviewed for application of the Critical Area 10% Rule. By meeting the IDA pollutant reduction requirements, allowing the side yard setback reduction requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. The current development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Bear Creek.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct a side yard addition to the dwelling is subject to review for application of the Critical Area IDA requirements, therefore, is consistent with this goal. The side yard setback requested will be consistent with established land-use policies provided that the applicants meet any IDA requirements applicable to the proposal.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 8, 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

ORDER RECEIVED FOR FILING

Date

6-3-11

2

By

[Signature]

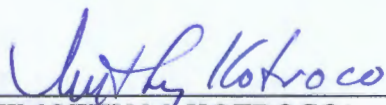
requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 3rd day of June, 2011 that a variance from Section 1B02.3.B (1945 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition on the side of an existing dwelling with a side yard setback of 5 feet in lieu of the required 7 feet 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.
2. The property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The project will be reviewed for application of the Critical Area 10% Rule.

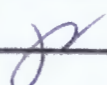
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 6-3-11

By 



KEVIN KAMENETZ
County Executive

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

June 3, 2011

NORMAN A. AND APRIL K. PRACHNIAK
1757 DREXEL ROAD
BALTIMORE MD 21222

Re: Petition for Administrative Variance
Case No. 2011-0318-A
Property: 1757 Drexel Road

Dear Mr. and Mrs. Prachniak:

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, which appears to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

CBCA

TAX ACCOUNT # 1519000400



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1757 Drexel Road
which is presently zoned DR 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) 1 B 02.3 B (1945 REGULATIONS)

TO PERMIT AN ADDITION ON SIDE OF EXISTING DWELLING
WITH A SIDE YARD SETBACK OF 5 FEET IN LIEU OF THE
REQUIRED 7 FEET.

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 _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Norman A. Prachnia K (w) 410/363-7148
Name - Type or Print _____
Norman A. Prachnia
Signature _____
April K. Prachnia K (w) 410/685-6169
Name - Type or Print _____
Paul K. Prachnia
Signature _____
1757 Drexel Rd. 410/477-3560
Address _____ Telephone No. _____
BALTIMORE MD 21222
City _____ State _____ Zip Code _____

Representative to be Contacted:

Norman A. Prachnia K
Name _____
(w) 410/363-7148 x1000
1757 Drexel Rd. 410/477-3560 (H)
Address _____ Telephone No. _____
BALTIMORE MD 21222
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. 2011-0318-A

REV 10/25/01

Reviewed By A TSUI Date 4/26/11
Estimated Posting Date 5/8/11 - 5/23/11

ASAP

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

1757 Drexel Road
Address
BALTIMORE MD 21222
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):

We need to provide care for my elderly mother who needs to use mobility equipment (walkers, wheelchairs, etc) which renders our current floor plan too small and unworkable. We would like to add an addition which will allow enough space to make everyday living easier for her. This addition will require adding seven feet to the side of our house. We need to obtain a zoning variance because we don't have enough side yard to meet the required setback.

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.

Norman A. Prachniak
Signature

Norman A. Prachniak
Name - Type or Print

April K. Prachniak
Signature

April K. Prachniak
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of April, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Norman A. Prachniak and April K. Prachniak
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 3/31/13

Zoning Description for 1757 Drexel Road

Beginning at a point on the south side of Drexel Road which is 50 feet wide at the distance of 50 feet East of the centerline of the nearest improved intersecting street Burnham Road which is 50 feet wide. * Being Lot # 12, Section # B in the subdivision of Edgepoint as recorded in Baltimore County Plat Book # 18, Folio # 18 containing .131 acre. Also known as 1757 Drexel Road and located in the 15 th Election District, 7 th Councilmanic District.

2011-0318-A

No. 65983
Date: 4/26/11

Date:

Total: 1875

For: 1157 DREXEL RD

2011-03/8-A

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

2011-0318-A

RE: Case No.: _____

Petitioner/Developer: _____

Norman Prachniak

May 23, 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: _____

1757 Drexel Road

May 8, 2011

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

Sincerely,

May 8, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

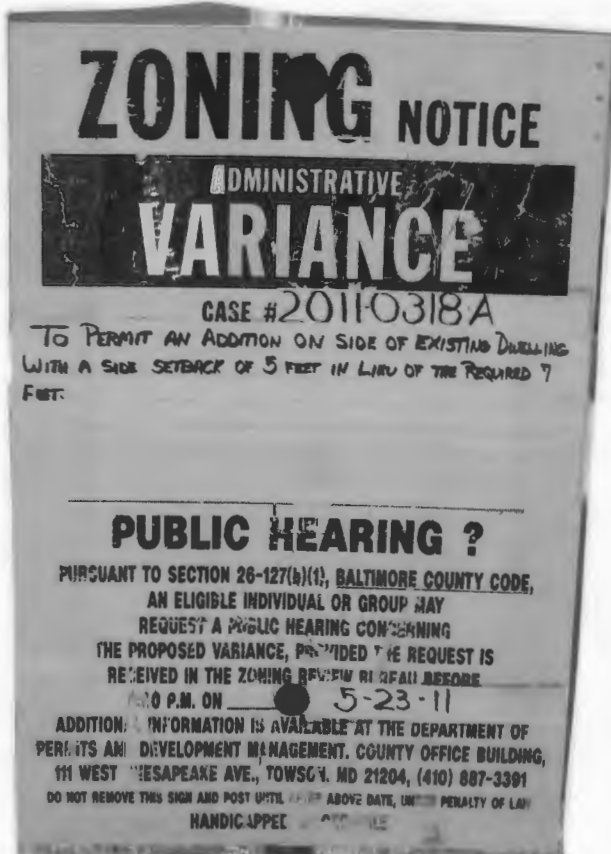
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0318 -A Address 1757 DREXEL RD

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/26/11 Posting Date: 5/8/11 Closing Date: 5/23/11

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- 0318 -A Address 1757 DREXEL ROAD
Petitioner's Name NORMAN PRACHNIAK Telephone 410-363-7148
Posting Date: 5/8/11 Closing Date: 5/23/11
Wording for Sign: To Permit AN ADDITION ON SIDE OF EXISTING
DWELLING WITH A SIDE SETBACK OF 5 FEET IN LIEU
OF THE REQUIRED 7 FEET.



KEVIN KAMENETZ
County Executive

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

May 13, 2011

Mr. & Mrs Prachniak
1757 Drexel Road
Baltimore, MD 21222

RE: Case Number 2011-0318-A, 1757 Drexel Road

Dear Mr. & Mrs. Prachniak,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 16, 2011
Item Nos. 2011- 309, 311, 312, 313,
314, 315, 317, and 318

DATE: May 11, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05162011 -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: 5-5-11

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

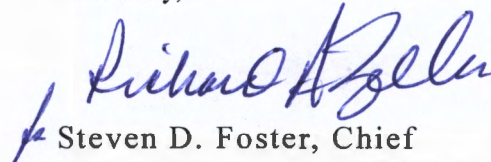
RE: Baltimore County
Item No. 2011-0318-A
Administrative Variance
Norman & April Prachniak
1757 Drexel Road.

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. 2011-0318-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

Inter-Office Correspondence

RECEIVED

JUN 01 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: June 1, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-318-A
Address 1757 Drexel Road
(Prachniak Property)

Zoning Advisory Committee Meeting of May 2, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. According to the applicant's plan, impervious surfaces will be increased by 77 square feet. The project will be reviewed for application of the Critical Area 10% Rule. By meeting the IDA pollutant reduction requirements, allowing the side yard setback reduction requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. The current development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Bear Creek.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct a sideyard addition to the dwelling is subject to review for application of the Critical Area IDA requirements, therefore, is consistent with this goal. The side yard setback requested will be consistent with established land-use policies provided that the applicants meet any IDA requirements applicable to the proposal.

Additional Comments:

Reviewer: Thomas Panzarella

Date: May 27, 2011

Patricia Zook - Case 2011-0318-A - comment needed

From: Patricia Zook
To: Livingston, Jeffrey
Date: 5/25/2011 11:23 AM
Subject: Case 2011-0318-A - comment needed

Good morning Jeff -

This administrative variance case closed on Monday and we just received the file. The folder is marked 'in CBCA' so we will need a comment from DEPS.

Thanks for your help!

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

2011-0318-A



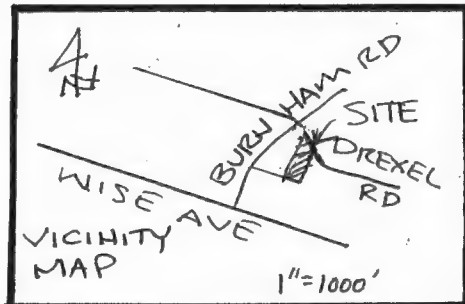
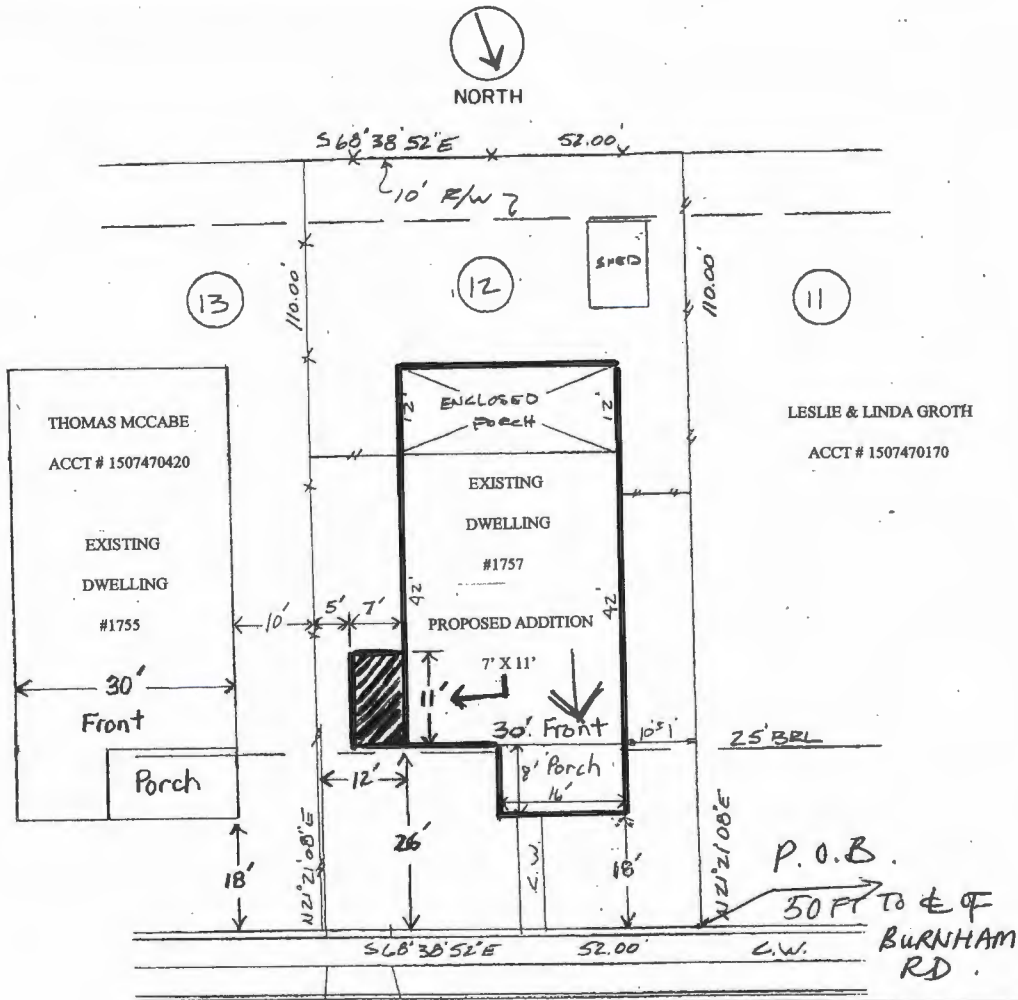
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 1757 DREXEL ROAD

SUBDIVISION NAME: EDGEPOINT

PLAT BOOK: # 18 FOLIO: # 18 LOT: # 12 SECTION: B

OWNER(S): NORMAN A PRACHNIAK & APRIL K PRACHNIAK



SCALE OF DRAWING: 1" = 20'

PREPARED BY: NORMAN A PRACHNIAK DATE: 4/18/2011

LOCATION INFORMATION			
ELECTION DISTRICT: <u>15</u>			
COUNCILMANIC DISTRICT: <u>7</u>			
1" = 200' SCALE MAP # <u>104 B3</u>			
ZONING = <u>DR 5.5</u>			
LOT SIZE	<u>.131</u>	<u>5720</u>	
	ACREAGE	SQUARE FEET	
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒	☐	
CHESAPEAKE BAY CRITICAL AREA	☒ YES	☐ NO	
100 YEAR FLOOD PLAIN	☐	☒	
HISTORIC PROPERTY / BUILDING	☐	☒	
PRIOR ZONING HEARING: <u>NO</u>			
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	
<u>A. TSUI</u>	<u>318</u>	<u>12011-0318-A</u>	