

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Gwynnswood Road, 353 feet E
of the c/l of Reisterstown Road
4th Election District
2nd Councilmanic District
(19 Gwynnswood Road)

Dawn M. Faulks
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0321-A

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Dawn M. Faulks for property located at 19 Gwynnswood Road. The variance request is from Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open deck addition on the rear of an existing dwelling with a rear setback of 7 feet to the property line and a side setback of 18 feet to track boundary line in of the required 22½ feet and 22½ feet, respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a deck measuring 18 feet x 24 feet in size. The rear yard and side yard are adjacent to a large homeowners open space tract. Photographs submitted with the Petition show that the adjacent properties enjoy decks of varying sizes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case.

The Petitioner 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 Petitioner has 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

ORDER RECEIVED FOR FILING

Date 6-3-11

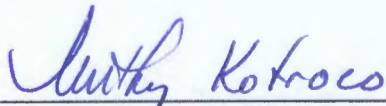
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements 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 Petitioner.

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 Sections 1B01.2.C.1.c and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open deck addition on the rear of an existing dwelling with a rear setback of 7 feet to the property line and a side setback of 18 feet to track boundary line in of the required 22½ feet and 22½ feet, respectively is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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 6-3-11 



KEVIN KAMENETZ
County Executive

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

June 3, 2011

DAWN M. FAULKS
19 GWYNNNSWOOD ROAD
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 2011-0321-A
Property: 19 Gwynnswood Road

Dear Ms. Faulks:

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 that reads "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 19 Gwynnwood Road
which is presently zoned OR 2

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)

From § 1B01.2.C.1.c & 301.1 of BCZR to permit an open deck addition on rear of existing dwelling with a rear setback of 7 feet to property line and side setback of 18 feet to track boundary line in lieu of the required 22-1/2 feet and 22-1/2 feet respectively.

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 **ORDER RECEIVED FOR FILING**

Address Date 6-3-11 Telephone No. _____

City By 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.

Legal Owner(s):

Name - Type or Print DAWN FAULK

Signature Dawn Faulk

Name - Type or Print Dawn Faulks

Signature Dawn Faulks

Address 19 Gwynnwood Road Telephone No. 410-383-4738

City OWINGS MILLS State MD Zip Code 21117

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Zoning Commissioner of Baltimore County

CASE NO. 2011-0321-A

REV 10/25/01

Reviewed By A. TSUI Date 4/28/11

Estimated Posting Date 5/8/11 ~ 5/23/11

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

19 Gwynnswood Road
Address
owings Mills md 21117
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):

MY DECK IS AN EXTENSION OF MY HOME. MY FAMILY IS LARGE AND THE CURRENT ALLOWABLE DECK SIZE DOES NOT ACCOMMODATE OUR NEEDS. THE PROPOSED 18' x 24' DECK WILL ALLOW SUFFICIENT SPACE FOR FAMILY ACTIVITIES. THE PROPOSED DECK WILL BE 8' FROM THE REAR PROPERTY LINE. MY REAR YARD AND SIDE YARD ADJOINS A LARGE H.C.A. OPEN SPACE AND THE PROPOSED DECK WILL NOT INTERFERE WITH NEIGHBOR ACTIVITIES. PLEASE REFER TO ATTACHED PICTURES

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.

* Dawn Faulk
Signature
DAWN FAULK
Name - Type or Print

Signature

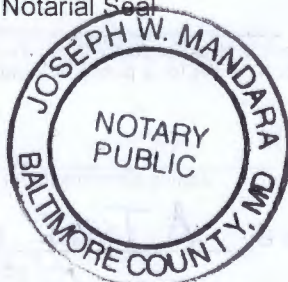
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

Dawn Faulk
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Joseph W. Mandara
Notary Public
My Commission Expires 4/12/12

#3

ZONING DESCRIPTION FOR

19 Gwynnswood Road, Owings Mills, MD. 21117

BEGINNING AT A POINT ON THE SOUTH SIDE OF GWYNNSWOOD ROAD WHICH IS 60' WIDE AT THE DISTANCE OF 353' EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, REISTERSTOWN ROAD, WHICH IS 80' WIDE. BEING LOT #32 IN THE SUBDIVISION OF PLEASANT WALK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #0069, Folio # 0112, CONTAINING 3,931 SQUARE FEET, ALSO KNOWN AS 19 Gwynnswood Road AND LOCATED IN THE 4TH ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT,

2011-0321-A

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

No. **65984**
 Date: **4/28/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/28/2011 4/28/2011 14:57:57 2

NO. 4505 WALKIN DEER RD

>> RECEIPT # 874315 4/26/2011 (CFL)

Dept 5 528 ZONING VERIFICATION

CR NO. 065984

Recpt Tot \$75.00

\$50.00 CR \$40.00 CA

\$15.00 CB

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$75.00

Total: **\$75.00**

Rec From: _____

For: **19 Gwynnswood Rd**
2011-0321-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 5-8-11

RE: Case Number: 2011-0321-A

Petitioner/Developer: Dawn Faulk

Date of Hearing/Closing: 5-23-11

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 19 Gwynnwood Rd

The sign(s) were posted on 5-8-11
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0321 -A Address 19 GWYNNSWOOD ROAD
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/28/11 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- 0321 -A Address 19 GWYNNSWOOD ROAD
Petitioner's Name DAWN FAULKS Telephone 410-363-4738
Posting Date: 5/8/11 Closing Date: 5/23/11
Wording for Sign: To Permit AN OPEN DECK ADDITION ON REAR OF EXISTING
DWELLING WITH A REAR SETBACK OF 7 FEET & SIDE SETBACK OF 18 FT.
TO TRACK BOUNDARY IN LIEU OF THE REQUIRED 22 1/2 FEET
AND 22 1/2 FEET RESPECTIVELY.



KEVIN KAMENETZ
County Executive

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

May 13, 2011

Mrs Dawn Faulks
19 Gwynnswood Road
Owings Mills, MD 21117

RE: Case Number 2011-0321-A, 19 Gwynnswood Road

Dear Ms. Faulks,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing 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

May 9, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 9, 2011**

Item No.:

Administrative Variance: 2011-0319A, 2011-0321A

Special Hearing: 2011-0152-SPHA, 2011-0320-SPH, 2011- 0322-SPH, 2011-0325-SPH

Variance: 2011- 0152-SPHA, 2011-0323-SPHXA

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: 5-16-11

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

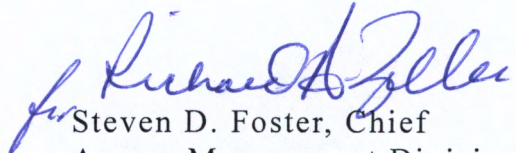
RE: Baltimore County
Item No. 2011-0321-A
Administrative Variance
Dawn Faulks
19 Gwynnswood Road.

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. 2011-0321-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

AV 512311

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-321-A
Address 19 Gwynnswood Road
(Faulks Property)

Zoning Advisory Committee Meeting of May 9, 2011.

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

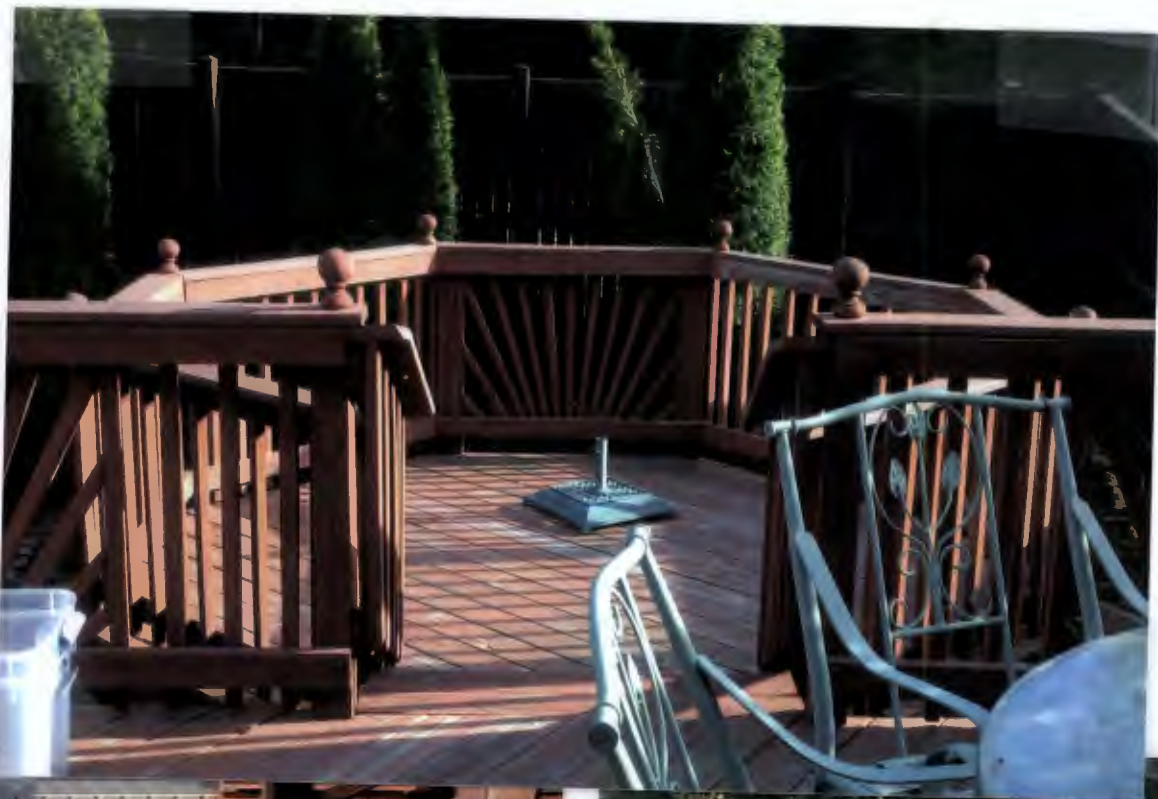
Reviewer: *Glenn Shaffer; Environmental Impact Review*

RECEIVED

JUN 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS





PAGE 2

#4 ZONING MAP
THIS COPY ONLY

0419071425

2300000924

2300000888 Lot # 11

2300000887 Lot # 10

2300000886 Lot # 9

2300000885 Lot # 8

2300000878 Lot # 1

2300000879 Lot # 2

2300000880 Lot # 3

2300000881 Lot # 4

2300000882 Lot # 5

2300000883 Lot # 6

2300000884 Lot # 7

2300000922

NW 13-1

GWYNNSWOOD RD

PDM # 040349

Pt. Bk./Folio # 069112

OR 2
058A2

2 CD

4 ED

2300000918 Lot # 41

2300000917 Lot # 40

2300000916 Lot # 39

2300000915 Lot # 38

Lot # 37,
2300000914

2300000913

11

Lot # 36

13

15

2300000912 Lot # 35

2300000911 Lot # 34

2300000910 Lot # 33

17

19

Lot # 32

2300000909

TAX #

PLEASANT WALK (PDM File/Project # 4-349)

2300000921 Pt. Bk. 69, Folio 112

REISTERSTOWN RD

NW 12-1

4 CD BL

1900009022

19860157

353' FROM 1A GWYNNSWOOD

040806517

2011-0321-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 04 Account Number - 2300000909

Owner Information

Owner Name: FAULKS DAWN M **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 19 GWYNNSWOOD RD **Deed Reference:** 1)/13475/ 00001
OWINGS MILLS MD 21117 2)

Location & Structure Information

Premises Address **Legal Description**
19 GWYNNSWOOD RD .090 AC
0-0000 19 GWYNNSWOOD RD SS
PLEASANT WALK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0058	0014	0211		0000			32	1	Plat Ref: 0069/0112

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1998	1,350 SF	3,931 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	END UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	77,000	77,000		
Improvements:	164,610	134,000		
Total:	241,610	211,000	211,000	211,000
Preferential Land:	0			0

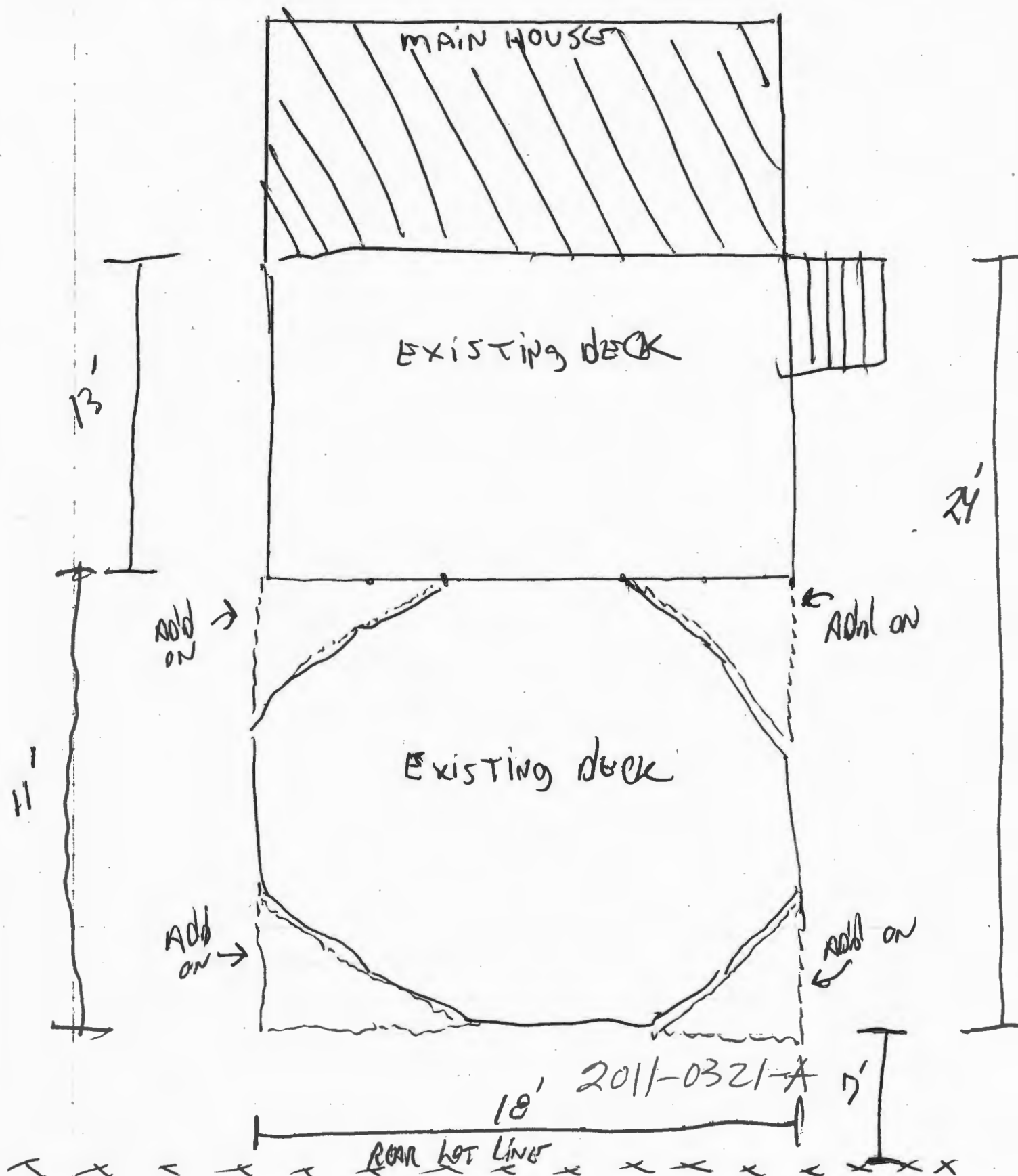
Transfer Information

Seller: HARVARD HOMES LLC	Date: 01/26/1999	Price: \$121,725
Type: NON-ARMS LENGTH OTHER	Deed1: /13475/ 00001	Deed2:
Seller: GAMMA CONSTRUCTION COMPANY	Date: 11/02/1998	Price: \$170,000
Type: ARMS LENGTH MULTIPLE	Deed1: /13262/ 00029	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00
Tax Exempt:	Special Tax Recapture:		
Exempt Class:	* NONE *		

* 19 GWINNSWOOD ROAD *
VARIANCE APPLICATION
DAWN FAULKES

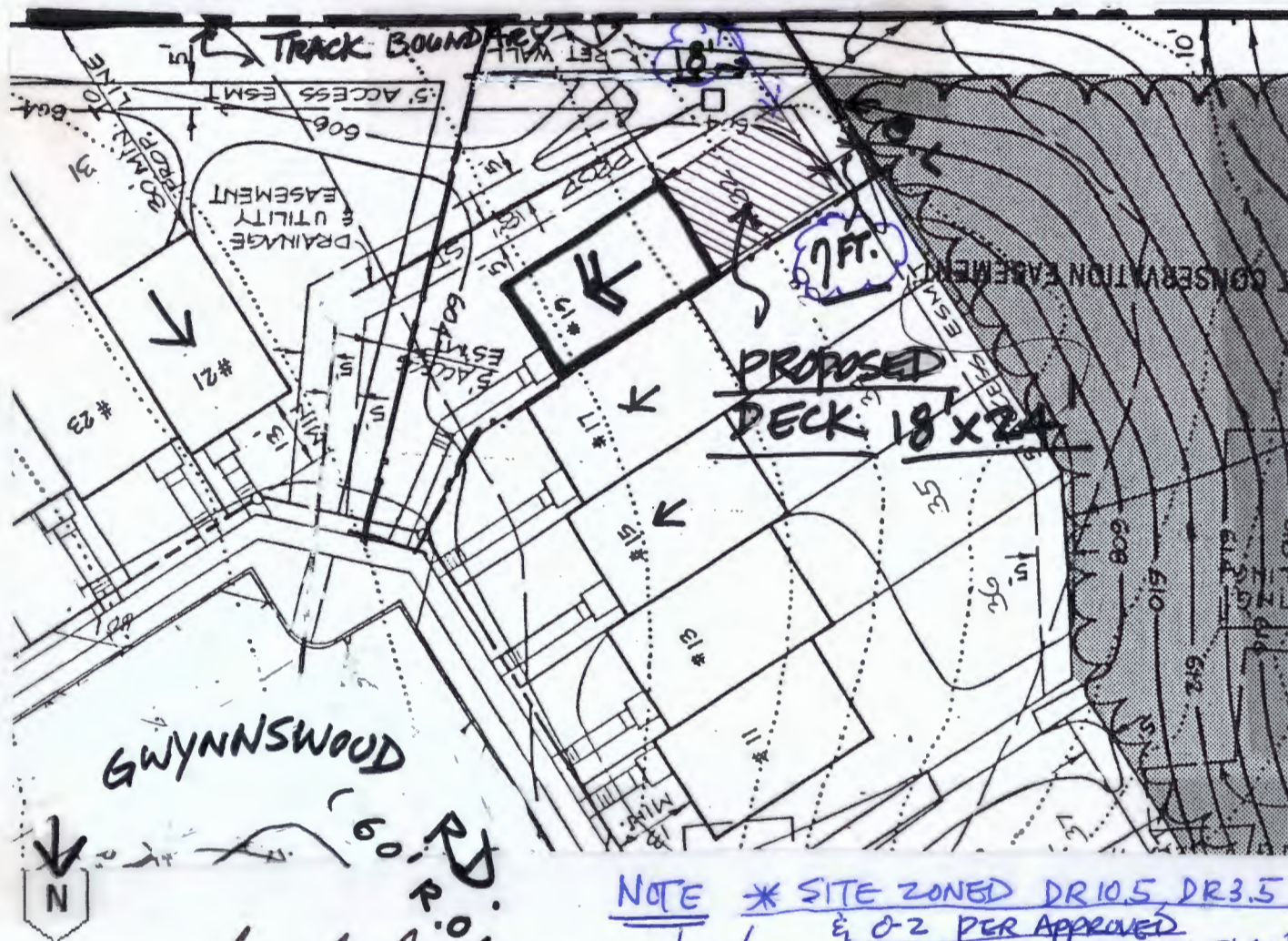


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 19 GWYNNSWOOD RD OWNER(S) NAME(S) DAWN FAULK

SUBDIVISION NAME PLEASANT WALK LOT # 32 BLOCK # _____ SECTION # _____

PLAT BOOK # 69 FOLIO # 112 10 DIGIT TAX # 230000909 DEED REF. # _____



PLAN DRAWN BY

[Signature]

AGT FOR DAWN FAULK

NOTE * SITE ZONED DR10.5 DR3.5
& O-2 PER APPROVED
FINAL DEVELOPMENT PLAN
DATE 4/28/11 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 058A?

SITE ZONED OR 2 (SEE NOTE)

ELECTION DISTRICT 4 TH

COUNCIL DISTRICT 2 ND

LOT AREA ACREAGE _____

OR SQUARE FEET 3,931 SF.

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS: _____

PUBLIC ☒ PRIVATE _____

SEWER IS: _____

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NONE

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO: