

IN RE: PETITION FOR VARIANCE

SW side of Green Fern Way, 426' W
of the center of Alma Road
13th Election District
1st Council District
(256 Green Fern Way)

Donald R. Schlereth and Rhonda K. Burkett
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0127-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Donald R. Schlereth and Rhonda K. Burkett, legal owners of the above property. The Petitioners are requesting Variance relief under Sections 1B02.3, 504, and 301 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (deck) with a rear setback of zero (0) feet in lieu of the required 11.25 feet, and to amend the latest Final Development Plan of Woodshire Village, Section One, for Lot No. 59 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner Donald R. Schlereth. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

ORDER RECEIVED FOR FILING

Date 12-30-11

By DW

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹. A Code Enforcement Correction Notice was issued to the Petitioners on August 19, 2011, for failure to obtain a building permit prior to construction of decks on rear of dwelling. Hence, Petitioners filed the instant variance request.

Testimony and evidence revealed that the subject property is zoned DR 5.5, and is located within the Woodshire Village subdivision. Petitioner testified he purchased the home approximately ten (10) years ago, and started construction on the decks sometime in April, 2011. An anonymous complaint was registered with the County, and Petitioner stopped any further construction activities.

As shown on Petitioners' Exhibit 1, Petitioner intended to construct an "upper deck" and a "lower deck" both of which were 16' x 16'. Thus, the decks would project 32' from the rear of the residence, which (according to an October, 2011 survey by Gary Lane at Survey Associates) is actually 4' beyond the property line. In addition, the B.C.Z.R. requires an 11.25 feet setback at the rear of the property, which caused the Petitioners to seek variance relief.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I will grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

¹ Case No: CO-0099663

ORDER RECEIVED FOR FILING

Date 12-30-11 2

By [Signature]

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

The Petitioners have met this test when the subject property is compared to the other lots in this subdivision (Woodshire Village), especially because (as shown on the photos Petitioner presented at the hearing) the rear yard of the property slopes downward several feet from the rear of the home, which essentially renders the rear yard useless for activity or entertainment.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of any neighborhood opposition or negative comments from County agencies.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioners, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 30 day of December, 2011 by this Administrative Law Judge that Petitioners' Variance request from Sections 1B02.3, 504, and 301 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section V.B.6.b of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (deck) with a rear setback of zero (0) feet in lieu of the required 11.25 feet, and to amend (in accordance with this Order) the latest Final Development Plan of Woodshire Village, Section One, for Lot No. 59 only, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

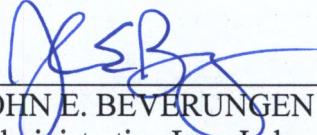
Date 12-30-11

By [Signature]

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. The variance relief is expressly conditioned upon Petitioners' removal of 4 feet from the length of the lower deck (meaning its dimensions will now be 12' x 16'), as noted on Exhibit 1, such that the "upper" and "lower" decks will now project 28' into the rear yard, rather than 32', as presently exists.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 12-30-11

By aw



KEVIN KAMENETZ
County Executive

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

December 30, 2011

Donald R. Schlereth
Rhonda K. Burkett
256 Green Fern Way
Lansdowne, MD 21227

RE: Petition for Variance
Case No.: 2012-0127-A
Property: 256 Green Fern Way

Dear Mr. Schlereth and Ms. Burkett:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: James Garland, Code Inspector, Division of Code Inspections & Enforcement, PAI



TAX ACCOUNT # 2200007331

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 256 Green Fern Way
which is presently zoned DR5.5

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)

Section: 1B02.3; 504; & 301 BCZR
CMDP V.B.6.b.

To permit an open projection (deck) with a rear setback of 0ft in lieu of the required 11.25 feet, and to amend the latest final development plan of "Woodshire Village" Section One for lot number 59 only.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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):

Donald Schlereth
Name - Type or Print _____
Donald Schlereth
Signature _____
Rhonda Burkett
Name - Type or Print _____
Rhonda Burkett
Signature _____
256 Green Fern Way
Address _____ Telephone No. _____
Lansdowne MO 21227
City State Zip Code

Representative to be Contacted:

Donald Schlereth
Name _____
256 Green Fern Way 443-415-1512
Address Telephone No. _____
Lansdowne MO 21227
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2012-0127-A

ZONING PROPERTY DESCRIPTION FOR 256 GREEN FERN WAY LANSDOWNE, MD 21227

Beginning at a point on the South side of 256 Green Fern Way which is 80' wide at the distance of 426' (+/-) West of the centerline of the nearest improved intersecting street Alma Road which is 60' wide.

Being lot # (59) section 1 in the subdivision of Woodshire Village as recorded in Baltimore County Plate Book (64) Folio # (72) containing 1660 SQ.FT. of property. Located in the 13th Election District and Council District 1.

2012-0127-A

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

No. **73615**

Date: **11/10/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				150. ⁰⁰

Total: **150.⁰⁰**

Rec From: **Donald Schlereth**

For: **Ronda Baskett**
256 Green Fern Way
21227

Apr 6
And FDP

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

Case No.:

2012-0127-A

JB 12/29
11AM

Exhibit Sheet

12-30-11 DW

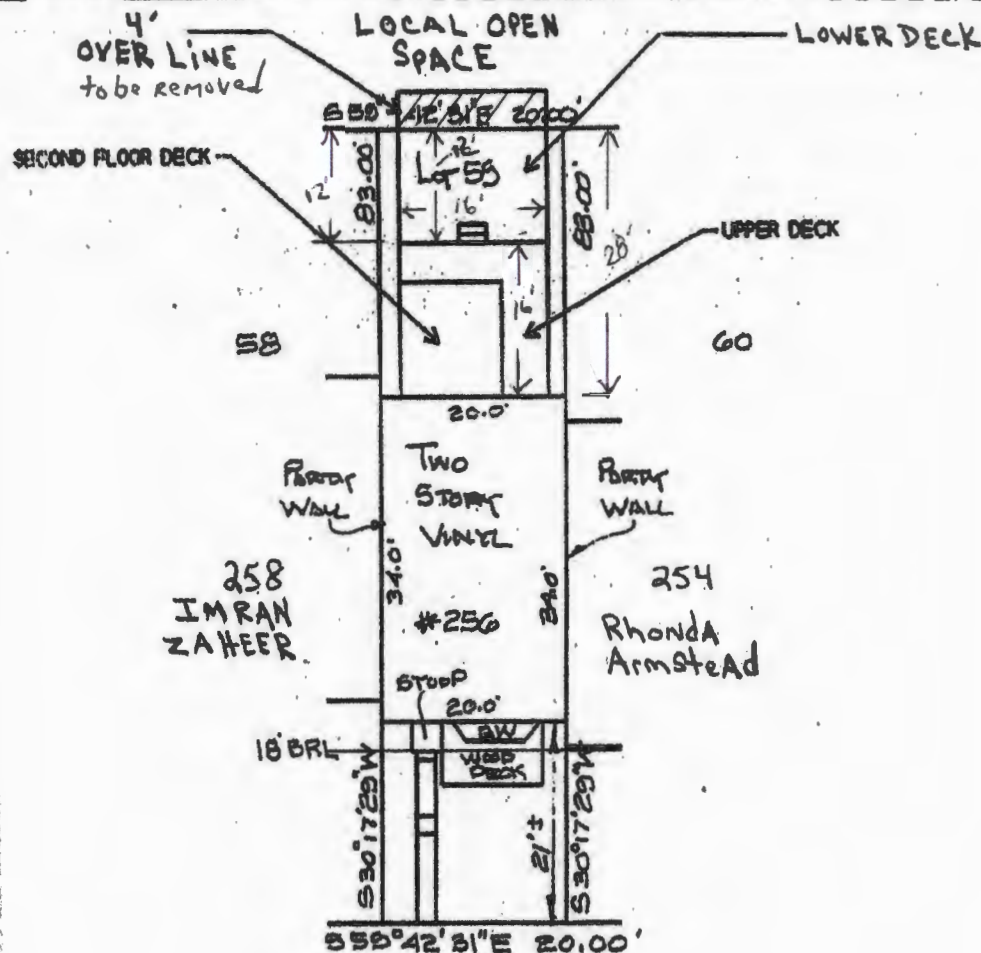
1/31/12

Petitioner/Developer

Protestants

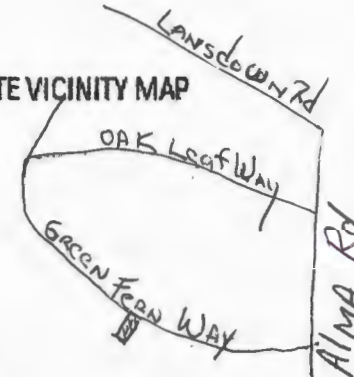
No. 1	Site Plan	
No. 2	Plat of Woodshire Village	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 256 GREEN FERN WAY OWNER(S) NAME(S) DONALD SCHLERETH & RHONDA BURKETT
 SUBDIVISION NAME WOODSHIRE VILLAGE LOT # 59 BLOCK # _____ SECTION # 1
 PLAT BOOK # 64 FOLIO # 072 10 DIGIT TAX # 2200007331 DEED REF. # 18189 / 00286



PLAN DRAWN BY DS DATE 11-10-11 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



N
 MAP IS NOT TO SCALE
 ZONING MAP# 102B3
 SITE ZONED DR5.5
 ELECTION DISTRICT 13
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE _____
 OR SQUARE FEET 1880
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CO 0699663

PETITIONER'S

2012-0127-A

EXHIBIT NO. 1

MEMORANDUM

DATE: January 31, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0127-A

The appeal period for the above-referenced case expired on January 30, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME 256¹ Fern Way
CASE NUMBER 2012-0127-A
DATE 12-29-11 @ 11am

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11-28</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>11-12</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. <u>CO-0099663</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>12-13-11</u>	
SIGN POSTING	Date: <u>12-14-11</u> by _____	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 13 Account Number - 2200007331

Owner Information

Owner Name: SCHLERETH DONALD R JR
BURKETT RHONDA K
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 256 GREEN FERN WAY
BALTIMORE MD 21227-1743
Deed Reference: 1) /16189/ 00286
2)

Location & Structure Information

Premises Address 256 GREEN FERN WAY
0-0000
Legal Description 256 GREEN FERN WAY
WOODSHIRE VILLAGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0102	0021	0169		0000	1		59	1	Plat Ref: 0064/0072

Special Tax Areas
Town NONE
Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1994	1,376 SF	1,660 SF	04

Stories	Basement	Type	Exterior
2.000000		CENTER UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	62,000	62,000		
Improvements:	144,180	140,600		
Total:	206,180	202,600	202,600	202,600
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
CROMER TRACEY ANN	03/12/2002	\$123,900
Type: ARMS LENGTH IMPROVED	Deed1: /16189/ 00286	Deed2:
BROOKFIELD BUILDERS AND	06/23/1995	\$108,173
Type: ARMS LENGTH IMPROVED	Deed1: /11098/ 00622	Deed2:
HERITAGE HOMES-WOODSHIRE	03/24/1993	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09669/ 00703	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

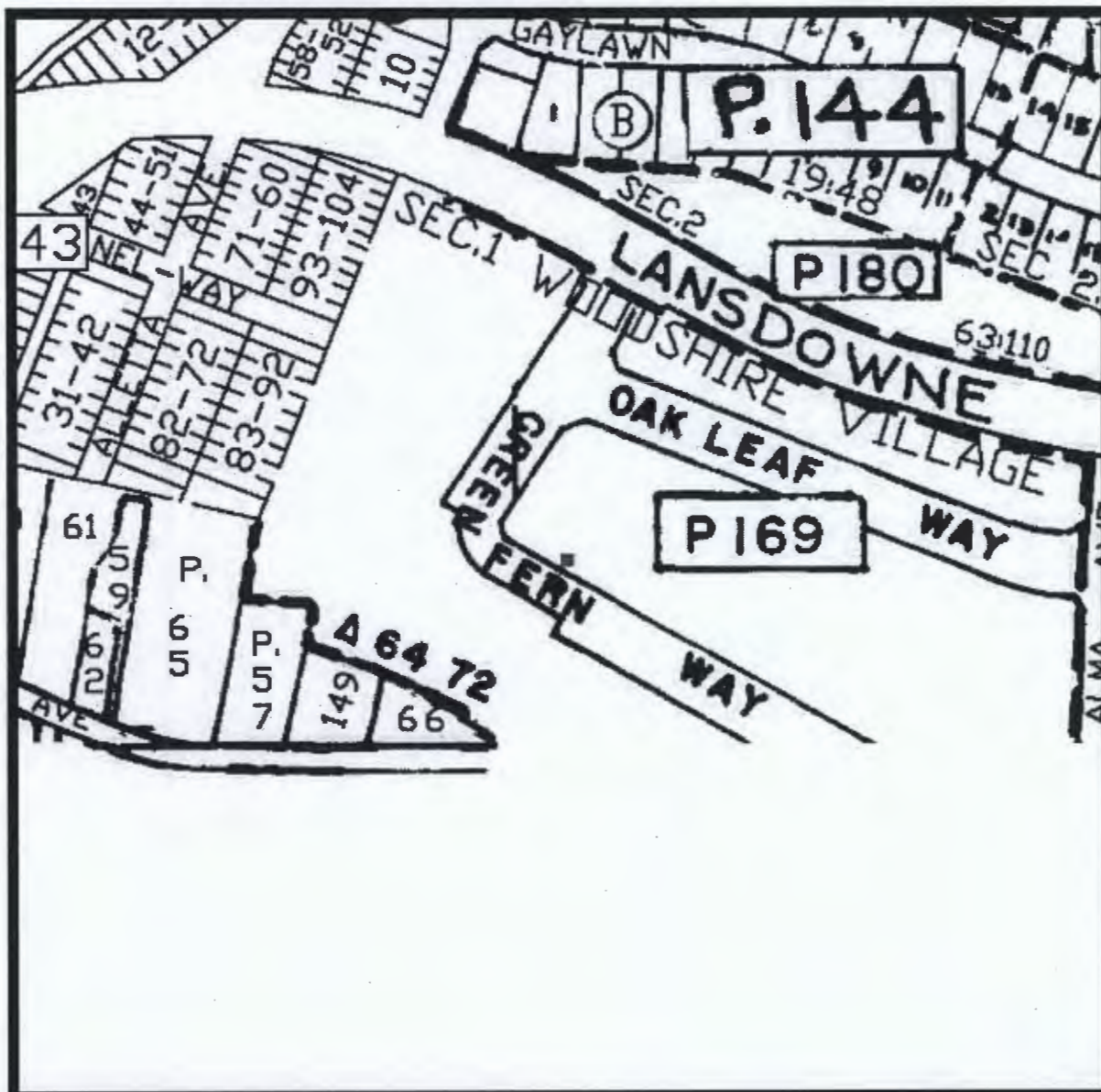
Special Tax Recapture:



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 13 Account Number - 2200007331



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2012-0127-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: November 28, 2011

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2012-0127-A
Legal Owner/Petitioner: Donald Schlereth, Jr. and Rhonda Burkett
Contract Purchaser: N/A
Property Address: 256 Green Fern Way
Location Description: SW side of Green Fern Way

VIIOLATION INFORMATION: Case No. CO0099663
Defendants: Donald Schlereth, Jr. and Rhonda Burkett

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | |
|-------------------------------------|---|
| ☒ | 1. Complaint letter/memo/email/fax (if applicable) |
| ☐ | 2. Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☒ | 3. State Tax Assessment printout |
| ☐ | 4. State Tax Parcel Map (if applicable) |
| ☐ | 5. MVA Registration printout (if applicable) |
| ☐ | 6. Deed (if applicable) |
| ☐ | 7. Lease-Residential or Commercial (if applicable) |
| ☒ | 8. Photographs including dates taken |
| ☒ | 9. Correction Notice/Code Violation Notice |
| ☐ | 10. Citation and Proof of Service (if applicable) |
| ☐ | 11. Certified Mail Receipt (if applicable) |
| ☐ | 12. Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☒ | 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/rw
C: Code Enforcement Officer

ZAC AGENDA

Case Number: 2012-0126-A

Primary Use: Residential

Reviewer: DT

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Daniel & Elizabeth Jarkieewicz

Contract Purchaser:

Critical Area: NO

Flood Plain: NO

Historic: NO

Election Dist: 11th

Councilmanic Dist: 5th

Property Address: 5220 Scenic Dr

Location: NW/S of Scenic Drive 350 feet SW of centerline of Panorama Drive.

Existing Zoning: DR 3.5 H

Area: 11,716 sq. ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE to permit a fence with a height of 54-inches in lieu of the maximum permitted 42-inches to be erected in the side and rear yard of a lot which adjoins the front yard of another dwelling.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 12/5/2011

Miscellaneous:

Case Number: 2012-0127-A

Primary Use: Residential

Reviewer: LW

Type: VARIANCE

Legal Owner: Donald Schlereth & Rhonda Burkett

Contract Purchaser:

Critical Area: NO

Flood Plain: NO

Historic: NO

Election Dist: 13th

Councilmanic Dist: 1st

Property Address: 256 Green Fern Way

Location: SW side of Green Fern Way, 426 (+/-) feet west of the center of Alma Road.

Existing Zoning: DR 3.5

Area: 1,660 Sq. Ft.

Proposed Zoning: VARIANCE to permit an open projection (deck) with a rear setback of 0 feet in lieu of the required 11.25 feet, and to amend the latest final development plan of "Woodshire Village" Section One for lot number 59 only.

Attorney:

Prior Zoning Cases:

Violation Cases: CO 0099663

Miscellaneous:

Concurrent Cases:

Closing Date:

Jim Garland
CO 0099663
FA 0083821

From: <johndoe@yahoo.com>
To: <pdmenforce@baltimorecountymd.gov>
Date: 8/16/2011 9:28 AM
Subject: Web-Code Enforcement Complaint

Results of Form Submission

Web-Code Enforcement Complaint

Label	Value
Location	256 Green Fern Way Halethorpe, MD 21227
Location Zip Code	21227
Description of Problem	Deck built on rear of house built not on property (to far away from house). Also doesn't look safe.
Can we contact you?	
Email	johndoe@yahoo.com
Name	
Address	
Zip Code	
Home Phone Number	
Work Phone Number	
Additional Information	



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:
Complaint Record ID: CO0099663

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Scheduled Time</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0099663		Jim Garland			Nichollette Shelton	08/18/2011	Open - Normal		42F7

Complaint Description: DECK BUILT ON REAR OF HOUSE NOT ON PROPERTY (TO FAR AWAY FROM HOUSE) LOOKS UNSAFE.

<u>Facility:</u>	<u>Owner :</u>	<u>Complainant:</u>
FA0083821 PDM 2200007331 256 GREEN FERN WAY HALETHORPE, MD 21227	SCHLERETH DONALD R,JR BURKETT RHONDA K 256 GREEN FERN WAY BALTIMORE MD 21227 443-415-1512	ANONYMOUS E-MAIL

Daily Activity Details

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0116604	Jim Garland	08/22/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 8/22/11 MR.SCHLERETH MADE APPLICATION FOR PERMIT. ZONING IS REQUIRING A VARIANCE. STATES HE IS REQUIRED TO HAVE 11' SETBACK BUT ACTUALLY ONLY HAS 4' REAR SETBACK. P/U 8/29/11 J.GARLAND/NS***

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0116603	Jim Garland	08/19/2011	INITIAL INSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED

Inspector Notes: 8/19/11 ON SITE INSPECTION VERIFIED NEW DECKS BUILT ON REAR DWELLING. ISSUED CORR. NOTICE TO OBTAIN PERMITS. ALSO, RECEIVED CALL FROM OWNER MR.SCHLERETH 443-415-1512. HE STATES HE WILL FILE IMMEDIATELY. ANONYMOUS COMPLAINT. P/U 8/29/11 J.GARLAND/NS***

Violation Details

<u>Violation Record ID:</u>	<u>Comply By:</u>	<u>Complied On:</u>	<u>Status:</u>
IV0060403	08/29/2011		NOT IN COMPLIANCE

Program Category/Section Source: Building Inspection/IBC

Violation Description IBC Violation

Correction Text:

Violation Text:

Violation Comment:

Comment Details - No Comments

Lien Information - None

11/25/11 Copy File to Administrative Hearing Office
For Variance proceedings
E/c 1/4/12



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

13th
R

OFFICE HOURS 7:30 am - 3:30 pm
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 0099663	Property No. 2200007331	Zoning:
-------------------------------------	-----------------------------------	---------

Name(s): **Rhonda Burkett**
Donald Schleierth

Address: **256 GREEN FERN WAY**

Violation Location: **256 GREEN FERN WAY 21227**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Code 2003
SEC. 35-2-203 General County enforcement
Authority -
SEC. 35-2-301 Building Permit Required
to construct decks on REAR of
dwelling -
SEC. 35-2-304 Penalty For Action
without a permit - can be a
Fine of \$1,000.00

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 8/29/2011	DATE ISSUED: 8/19/2011
--------------------------------	-------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name **JAMES GARLAND**

INSPECTOR:

STOP WORK NOTICE



DATE: 11/28/2011

STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:02:51

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
22 00 007331	13	1-0	04-00	H	NO		11/02/11

SCHLERETH DONALD R JR

DESC-1..

BURKETT RHONDA K

DESC-2.. WOODSHIRE VILLAGE

256 GREEN FERN WAY

PREMISE. 00256 GREEN FERN

WAY

00000-0000

BALTIMORE

MD 21227-1743 FORMER OWNER: CROMER TRACEY ANN

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	62,000	62,000				
IMPV:	144,180	140,600	TOTAL..	202,600	202,600	202,600
TOTL:	206,180	202,600	PREF...	0	0	0
PREF:	0	0	CURT...	202,600	202,600	202,600
CURT:	206,180	202,600	EXEMPT.		0	0
DATE:	07/09	07/09				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 202,600

ASSESS: 202,600

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 11/28/2011

STANDARD ASSESSMENT INQUIRY (2)

TIME: 09:03:00

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
22 00 007331	13	1-0	04-00	H	NO		11/02/11
LOT....	59	BOOK....		MAP.....	0102	LOT WIDTH.....	.00
BLOCK..		FOLIO...		GRID....	0021	LOT DEPTH.....	.00
SECTION..	1			PARCEL..	0169	LAND AREA..	1660.000 S
PLAT..						YEAR BUILT.....	94

-----TRANSFER DATA-----

NUMBER..... 229141
 DATE..... 03/12/02
 PURCHASE PRICE..... 123,900
 GROUND RENT..... 0
 DEED REF LIBER..... 16189
 DEED REF FOLIO..... 0286
 CONVEYED IND..... 1
 TOT-PART TRAN IND.....
 GRANTOR ACCT NO.. - -

-----EXEMPT DATA-----

STATUS.....
 CLASS CODE.....
 STATE EXEMPT CODE..... 000
 COUNTY EXEMPT CODE..... 000
 CURR STATE EX ASMT.... 0
 PRIOR STATE EX ASMT... 0
 CURR COUNTY EX ASMT... 0
 PRIOR COUNTY EX ASMT.. 0

CRITICAL NEW CONST CARD

AREAS CODE YEAR NO CODE SQ. FEET
 02077 1376

-----STRUCTURE-----

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 11/28/2011

STANDARD ASSESSMENT INQUIRY (3)

TIME: 09:03:05

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
22 00 007331	13	1-0	04-00	H	NO		11/02/11

-----STATE-----

GEO CODE

N/A

LAND-USE

REC CREATE DATE.. 11/02/11

80

NO

R

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE.....

LAST FM TYPE.....

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 11/02/11

PRIOR LOAD DATE.. 10/05/11

STATE TAXABLE ASSESS

ASSESS: 202,600

ASSESS: 202,600

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0127-A

256 Green Fern Way
S/west side of Green Fern Way, 426 feet (+/-) west of the centerline of Alma Road
13th Election District

1st Councilmatic District
Legal Owner(s): Donald Schiereth & Rhonda Burkett

Variance: to permit an open projection (deck) with a rear setback of 0 feet in lieu of the required 11.25 feet, and to amend the latest final development of "Woodshire Village" Section One for lot number 59 only.

Hearing: Thursday, December 29, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

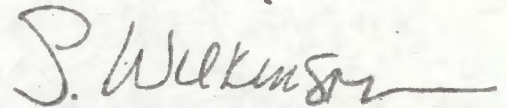
JT 12/649 Dec. 13 292845

CERTIFICATE OF PUBLICATION

12/15/2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/13/2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry

Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgjr@comcast.net

To: Balto. County Zoning Office, Attn.: Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies

Date

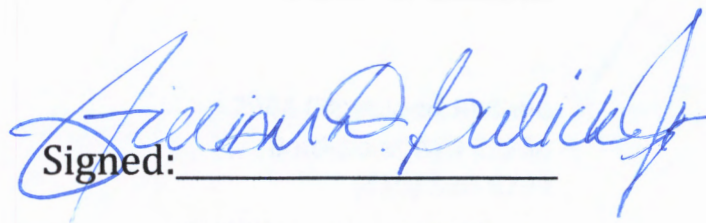
Description

1	Dec. 14, 2011	Certificate of Posting
2	Dec. 14, 2011	Site photos

Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☐ For review & content

Remarks:


Signed: _____

William D. Gulick, Jr.

Chief Office Engineer

cc. Donald Schlereth & Ronda Burkett



KEVIN KAMENETZ
County Executive

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

December 19, 2011

Mr. Donald Schlereth
256 Green Fern Way
Lansdowne, MD 21227

RE: Case Number 2012-0127A, 256 Green Fern Way

Mr. Donald Schlereth,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 10, 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

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-12-11

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

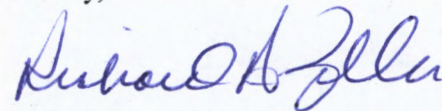
RE: Baltimore County
Item No. 2012-0127-A
Variance
Donald Schlereth & Rhonda Burkett
256 Green Fern Way

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. 2012-0127-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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For December 5, 2011
Item Nos. 2012-126, 127, 128, 129, 130, 132, 133
And 134

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-12052011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

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

November 22, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0127-A

256 Green Fern Way

S/west side of Green Fern Way, 426 feet (+/-) west of the centerline of Alma Road

13th Election District – 1st Councilmanic District

Legal Owners: Donald Schlereth & Rhonda Burkett

Variance to permit an open projection (deck) with a rear setback of 0 feet in lieu of the required 11.25 feet, and to amend the latest final development of "Woodshire Village" Section One for lot number 59 only.

Hearing: Thursday, December 29, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

AJ:kl

C: Donald Schlereth, 256 Green Fern Way, Lansdowne 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., DECEMBER 14, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 13, 2011 Issue - Jeffersonian

Please forward billing to:
Donald Schlereth
256 Green Fern Way
Lansdowne, MD 21227

410-247-5578

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0127-A

256 Green Fern Way

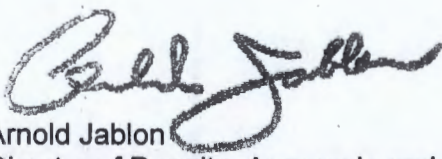
S/west side of Green Fern Way, 426 feet (+/-) west of the centerline of Alma Road

13th Election District – 1st Councilmanic District

Legal Owners: Donald Schlereth & Rhonda Burkett

Variance to permit an open projection (deck) with a rear setback of 0 feet in lieu of the required 11.25 feet, and to amend the latest final development of "Woodshire Village" Section One for lot number 59 only.

Hearing: Thursday, December 29, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
256 Green Fern Way; SW/S Green Fern Way,	*	OF ADMINISTRATIVE
426' W of c/line of Alma Road	*	HEARINGS FOR
13 th Election & 1 st Councilmanic Districts	*	
Legal Owner(s): Donald Schlereth	*	BALTIMORE COUNTY
& Rhonda Burkett	*	2012-127-A
Petitioner(s)	*	

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
NOV 29 2011

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Jefferson Building, Room 204
 105 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to Donald Schlereth, 256 Green Fern Way, Landsdowne, MD 21227, Petitioner(s).

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

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:

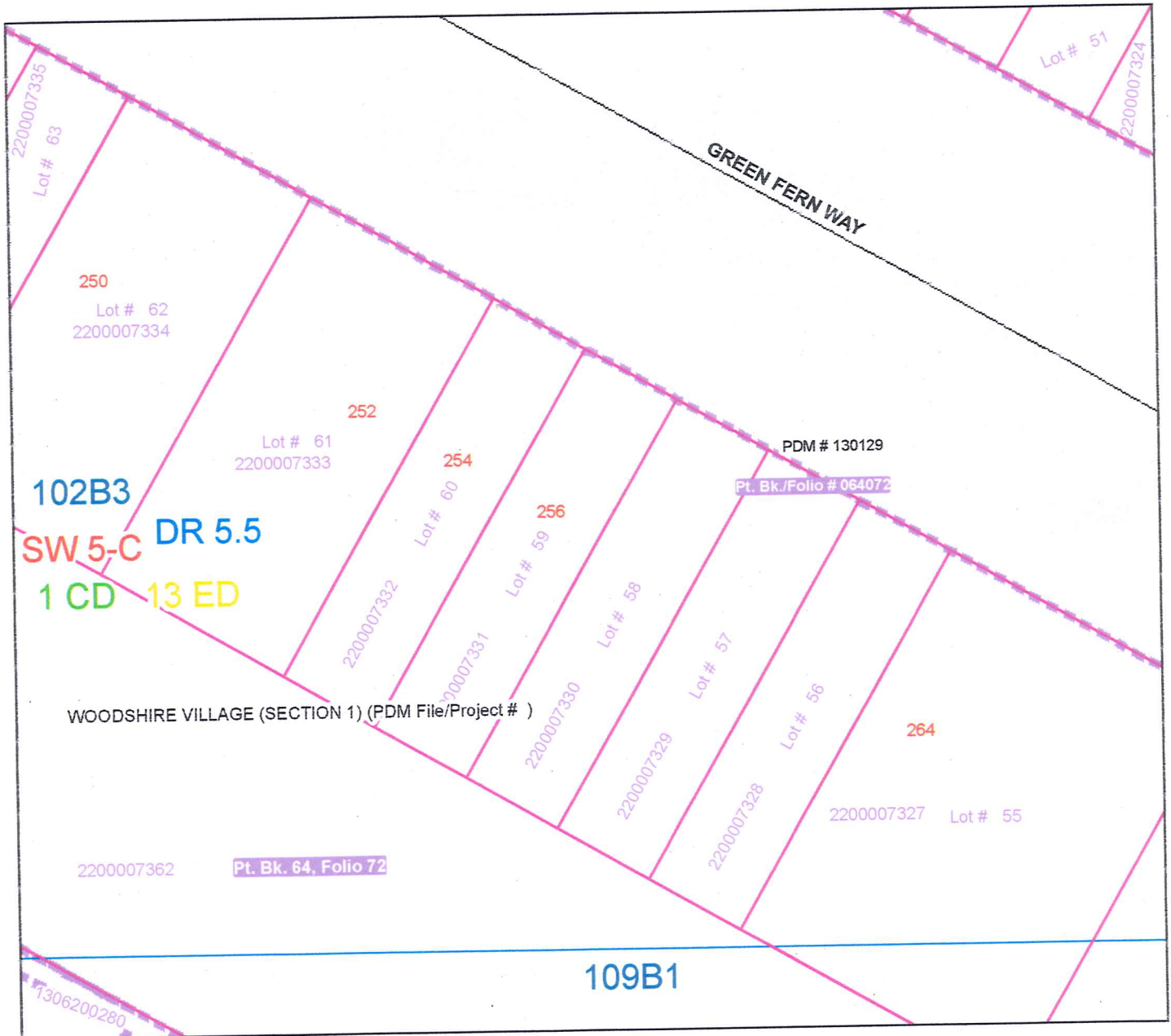
Item Number or Case Number: 2012-0127-A
Petitioner: Donald Schlereth & Ronda Buskett
Address or Location: 256 Green Fern Way

PLEASE FORWARD ADVERTISING BILL TO:

Name: Donald Schlereth
Address: 256 Green Fern Way
Lansdowne, MD 21227

Telephone Number: 410-247-5578

256 Green Fern Way Lot 59

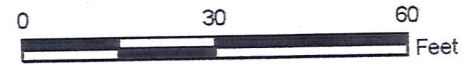


2012-0127-A

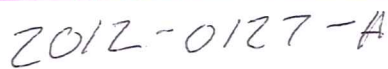


Publication Date: November 10, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

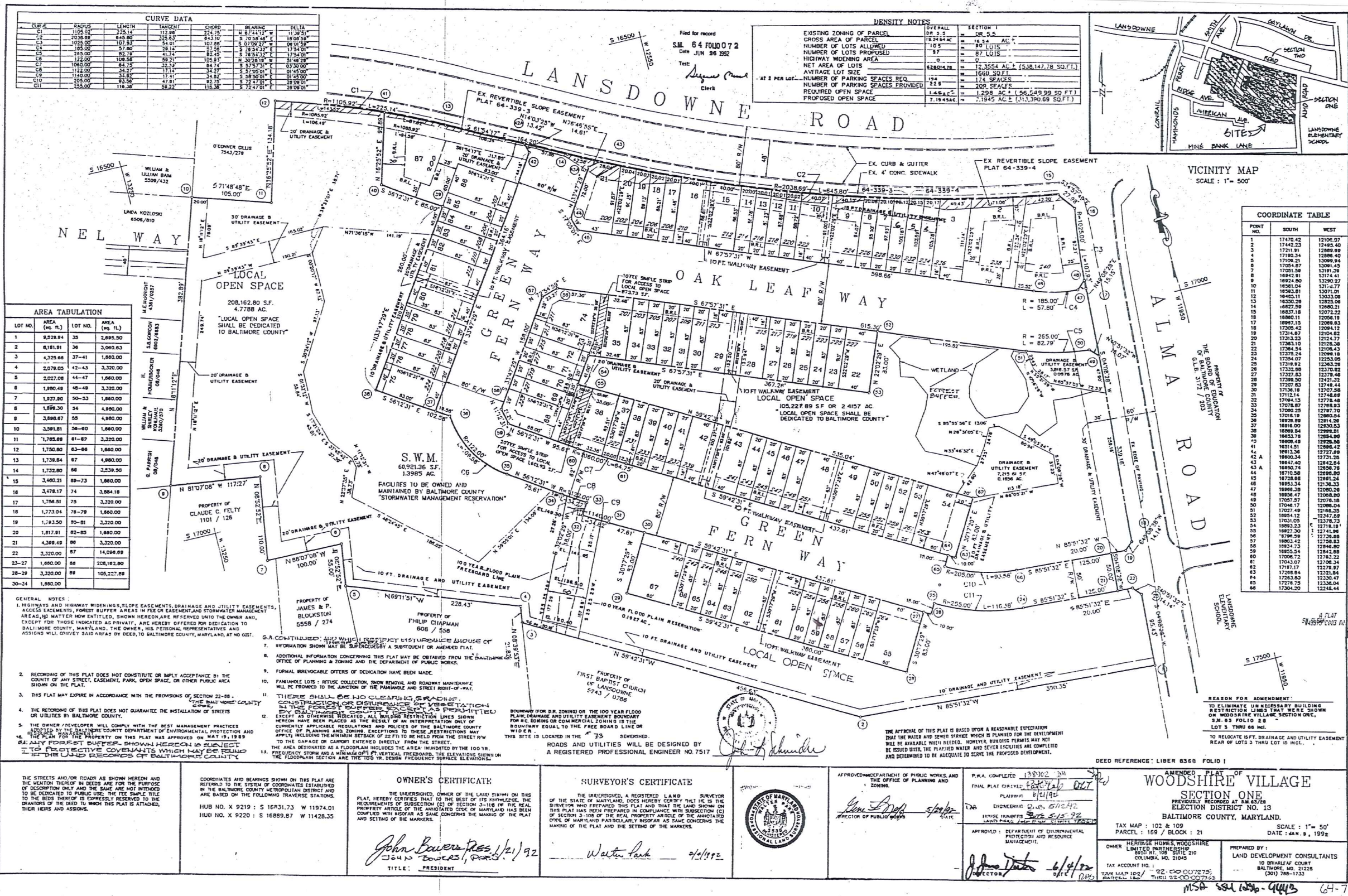
DQ Map Notes



1 inch = 30 feet

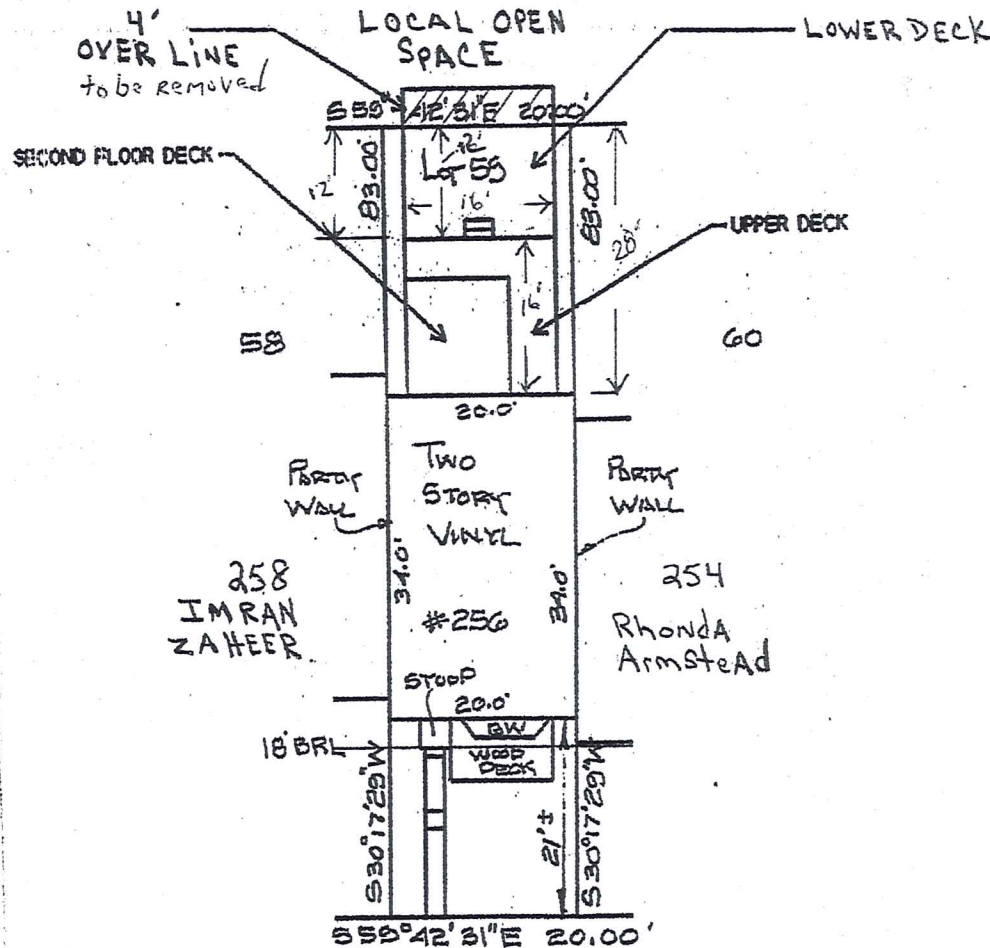


2



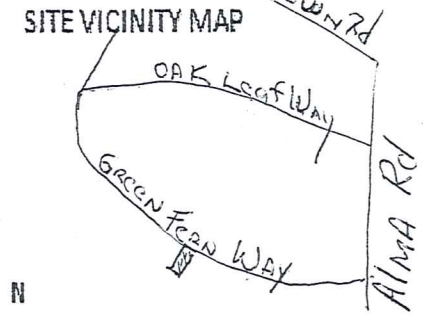
2012-0127-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 256 GREEN FERN WAY OWNER(S) NAME(S) DONALD SCHLERETH & RHONDA BURKETT
 SUBDIVISION NAME WOODSHIRE VILLAGE LOT # 59 BLOCK # _____ SECTION # 1
 PLAT BOOK # 64 FOLIO # 072 10 DIGIT TAX # 2200007331 DEED REF. # 16189 / 00286



PLAN DRAWN BY DS

DATE 11-10-11 SCALE: 1 INCH = 20 FEET



N
 MAP IS NOT TO SCALE
 ZONING MAP# 102B3
 SITE ZONED DR5.5
 ELECTION DISTRICT 13
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE _____
 OR SQUARE FEET 1660
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLETION CASE INFO:

CO 0699663

2012-0127-A