IN RE: PETITION FOR ADMIN. VARIANCE

S side of Fork Road; 550 feet W of the c/l of Harford Road 11th Election District 3rd Council District (12628 Fork Road)

Claire J. Salkowski and Richard P. Bartlett Petitioners BEFORE THE

- * OFFICE OF ADMINISTRATIVE
- * HEARINGS FOR
- BALTIMORE COUNTY

CASE NO. 2012-0295-A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Claire J. Salkowski and Richard P. Bartlett. The Petitioners are requesting Variance relief from Section 1A04.3.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed deck with rear and side yard setbacks of 25 feet in lieu of the required 50 feet. 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.

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 May 27, 2012, 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

ORDER RECEIVED FOR FILING

Date 6.18.18

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, this _____ day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1A04.3.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed deck with rear and side yard setbacks of 25 feet in lieu of the required 50 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, 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.

AWRENCE M. STAHL

Managing Administrative Law Judge for

Baltimore County

LMS:pz

ORDER	RECEI	VED	FOR	FILING
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Date (818)

2



KEVIN KAMENETZ County Executive

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

June 18, 2012

CLAIRE J. SALKOWSKI AND RICHARD P. BARTLETT 12628 FORK ROAD FORK MD 21051

RE: Petition For Administrative Variance

Case No. 2012-0295-A Property: 12628 Fork Road

Dear Ms. Salkowski and Mr. Bartlett:

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 410-887-3868.

Sincerel

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:pz

Enclosure

c: Chris Kilduff, 4402 Crompton Court, White Hall MD 21161

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: Address 12628 Fork Rd Fork Mb which is presently zoned RC 5 10 Digit Tax Account # 1 08 08 0227 Deed Reference 20853 Salkowski & Richard Bartl Property Owner(s) Printed Name(s) Claire (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized. 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 deck with a war rear and side, set back of 25ft in lieu of the required 50ft. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 2. ____ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2); (indicate type of work in this space to raze, alter or construct addition to building) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), 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. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Legal Owners: Contract Purchaser/Lessee: Name- Type or Print Signature Signalure # 19698 Mailing Address State City 21051 Zip Code Zip Code Email Address **Email Address** Telephone # Attorney for Petitioner: Representative to be contacted: ORDER RECEIVED FOR FILING Name - Type or Print Name-Type or Print Signature Mailing Address State Mailing Address Blackho 2116 Zip Code ephone # **Email Address** Telephone # A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, 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.

Administrative Law Judge of Baltimore County

Rev 10/12/11-

Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

purchase, reside at the existing dwelling on said property located at:	
Address: 12628 Fork Rd; Fork MD Print or Type Address of property City State	2105/ Zip Code
Based upon personal knowledge, the following are the facts which I/we base the req Administrative Variance at the above address. (Clearly state <u>practical difficulty or</u>	uest for an hardship here)
In order to construct a reasonably sized dock rear of the home a varience is needed. The last of the sound this varience would allow the constructed 24 from the near 10t line. The peculiar to this lot is the soft back requirement of Lot that is only 98' deep on the narrowest side.	deck to be
(If additional space for the petition request or the above statement is needed, label and attack to the signature of Affiant Claire Salkowski Name-Print or Type (If additional space for the petition request or the above statement is needed, label and attack to the signature of Affiant to the signature of	ach it to this Form)
The following information is to be completed by a Notary Public of the State of M	Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this	++
Motary Public - /15/2015	

My Commission Expires

PROPERTY DESCRIPTION

ZONING DESCRIPTION FOR 12628 FORK ROAD, FORK, MARYLAND 21051

Beginning at a stone heretofore set up on the southwest side of the road leading from form to Baldwin and on the dividing line between the land now being described and conveyed and the land of J. Lester Smith and running thence with said line magnetically, to date, North 75 degrees, 0 minutes, East 20 feet to the middle of the said road and thence with and binding thereon North 43 degrees 4 minutes. West 80 feet and North 45 degrees, 25 minutes, West 165 feet, thence leaving the said road and running for dividing lines through the land of the Grantors South 41 degrees, 25 minutes, West 18 feet to a stone now set up on the southeast side of the said road and thence still south 41 degrees, 25 minutes, East 166 feet to a snow now set in the northwest outlines of the lot on which the new schoolhouse stands and thence binding thereon North 62 degrees, 0 minutes, East 64.5 feet to a stone near a persimmon tree, a corner or the school lot and the land of the said L. Lester Smith and thence with and binding on the land of the said Smith North 77 degrees, 0 minutes, East 100 feet to the beginning thereof; containing 65/100 of an acre.

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Numbe	r 2012	- 09	95	-A	Addre	ess	1262	8	-ork	KD, Z	1021
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DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

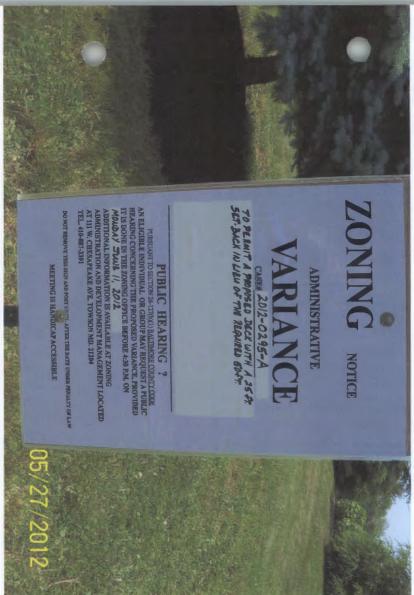
For Newspaper Advertising:
Item Number or Case Number: 2012-0295-A Petitioner: Chris Kilduff
Address or Location: 1a6a8 For L RD, MD, 21051
PLEASE FORWARD ADVERTISING BILL TO: Name: Chuis Kilduff Address: 4400 Crompton Ct White Hall, MD 21161
Telephone Number: 410-446-5209

OFFIC	E OF BUD	GET AND	IARYLAN D FINANC RECEIPT	E	Sub	No.		470	PAID RECEIPT HASTNESS ACTUAL 5/17/2012 5/17/2012 0 H 6 MSH3 MALKIN RBOS LE
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CERTIFICATE OF POSTING

RE: Case No 2012-0295-A

Petitione SALKOW	er/Developer CLAIRE DSKI / RICHARD BATTLETT
Date Of I	Hearing/Closing: 6/11/12
Baltimore County Department of Permits and Development Mana County Office Building, Room 11 111 West Chesapeake Avenue	agement
Attention:	
Ladies and Gentlemen	
sign(s) required by law were pos	alties of perjury that the necessary sted conspicuously on the property
Mon	May 21, 2012 th,Day,Year ncerely,
	Madural 5/27/12 nature of Sign Poster and Date
	Martin Ogle 60 Chelmsford Court Baltimore,Md,21220
	443-629-3411



mathale starter



KEVIN KAMENETZ County Executive

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

June 5, 2012

Claire Salkowski and Richard Bartlett 12628 Fork Road Fork, MD 21051

RE: Case Number: 2012-0295-A, Address: 12628 Fork Road, 21051

Dear Ms. Salkowski and Mr. Bartlett:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 15, 2012. 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,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Chris Kilduff, 4402 Crompton Court, White Hall MD 21161

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

Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 6-1-12

Ms. Kristen Lewis Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County** Hem No 2012-0295-A. Administrativo Variance Claire Sal Kauski & Richard Bortlett

12628 Fook Road

Dear Ms. Lewis:

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. 2012-0295-16-

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).

Sincerely,

teven D. Foster, Chief

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 31, 2012

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 11, 2012

Item Nos. 2008-0531, 2012-0295, 0296, 0297

and 0299.

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-06112012-NO COMMENTS.doc

MEMORANDUM

DATE:

July 19, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0295-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 18, 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

Debra Wiley - ZAC Comments - Distribution Mtg. of May 28, 2012

From: Debra Wiley

To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date: 6/11/2012 1:36 PM

Subject: ZAC Comments - Distribution Mtg. of May 28, 2012

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2008-0531-SPHX - 810 Back River Neck Road No hearing date in data base as of 6/11/12

2012-0295-A - 12628 Fork Road

Administrative Variance - Closing Date: 6/11/12

2012-0296-A - 1228 Birch Avenue

Administrative Variance - Closing Date: 6/16/12

2012-0297-A - 2919 Cornwall Road No hearing date in data base as of 6/11/12

2012-0299-A - 6701 North Point Road Administrative Variance - Closing Date: 6/18/12

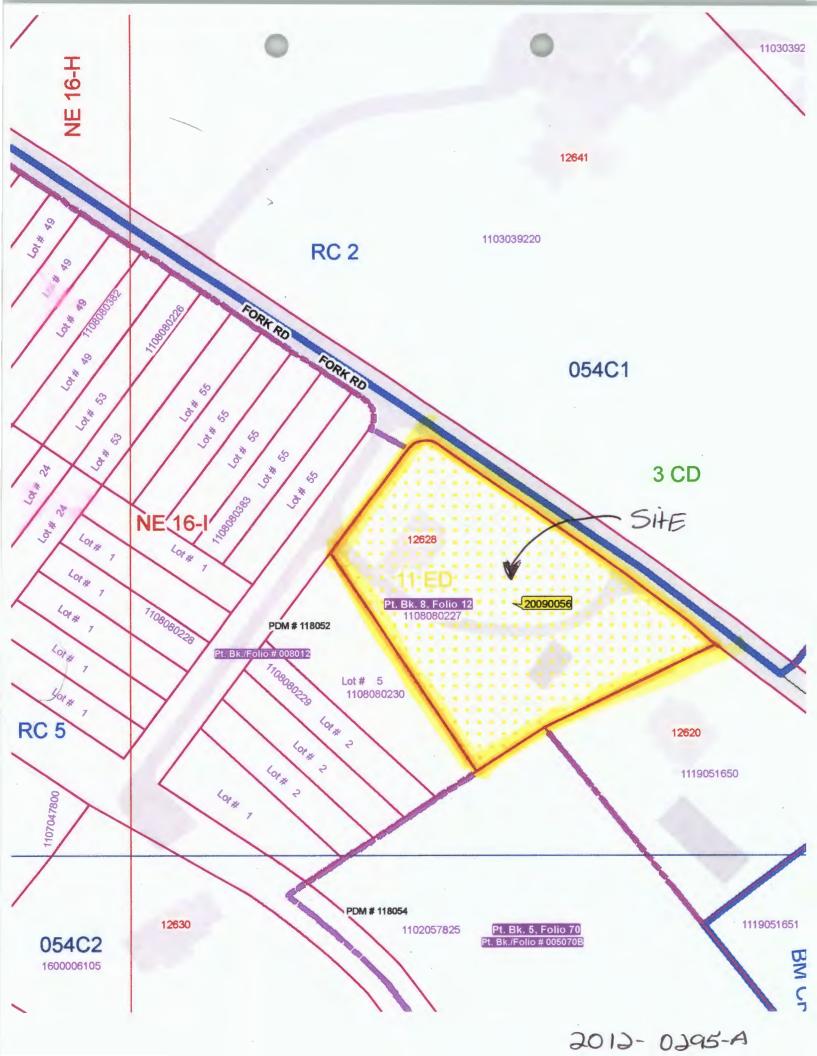
2012-0300-A - 3641 Bay Drive No hearing date in data base as of 6/11/12

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Maryland Department of Assessments and Taxation Real Property Data Search (vw6.2A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

					Owner Infor	rmation					
Owner Name: SALKOWSKI CLAIRE J BARTLETT RICHARD P Mailing Address: 12628 FORK RD FORK MD 21051-9705					Use: Principal R Deed Refer		RESIDENTIAL YES 1) /20853/ 00720				
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Seller: Type:			PROPERTIES LLC			Date:	01/26/2	2001 / 00322	Price: Deed2:	\$202,500	
Seller: Type:	MURPH ARMS I		ERT C MULTIPLE			Date: Deed1:	12/13/ /14202	1999 / 00385	Price: Deed2:	\$95,000	
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Rear view of petioneris house



View of rear of house.

Deck will be added to existing

deck



in this photo the house on the left is where the deck would be built; on the right is the rear neighbor. This picture shows the separation



View towards Neishbor on the left side



Neighbor's house - behind the house where deet is to be built



the petroneus house.



View of Neighbor on the left from the Front yard of petrovers home.



View from proposed deck locations to the house behind.

Case No.: 2012-0295-A

Exhibit Sheet

6/20/12 P3

Petitioner/Developer

Protestants

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		·
No. 11		
No. 12		

	NG PLAN FOR VARIA				QUESTED WITH X)	BRINTON P
ADDRESS 1262R F	EVK Rd.; FOVK, M	D 2105/ OWNE	R(S) NAME(S) <u>Class</u>	ie Salkowski	E Richard Bartlet	UPLAND POOD WEE
SUBDIVISION NAM	ΛΕ		LOT#	BLOCK #	SECTION #	
PLAT BOOK #	FOLIO #	_ 10 DIGITTAX # _ ´↓	80080227		/	SITE SUNSHINE AVE
		TAX		12630 Fork	Rid	COUNTRY HILL CT.
		16000	06105	114.75		REC
			/ .			VICINITY MAP SCALE: 1"=2000'
						ZONING MAP# 054 CI
	FREESTATE					SITE ZONED RC 5
	NONTESSORI SCHOOL		//-	3 /		ELECTION DISTRICT NO PROPERTY OF THE PROPERTY
			135	Salkows Ki/ Bartlett	, Q	COUNCIL DISTRICT 3
					7 0	LOT AREA ACREAGE <u>65 acre</u> OR SQUARE FEET
						HISTORIC? No
			/			IN CBCA? No
						IN FLOOD PLAIN ? No.
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12620) Fork Rd			Ť.		vas aproved.
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- 2012-0395-A