



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 16, 2012

Matthew J. Czlonka
Mary S. Czlonka
16 Overbrook Road
Baltimore, Maryland 21228

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(16 Overbrook Road)
Case No. 2013-0089-A

Dear Mr. and Mrs. Czlonka:

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.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Rich English, Wall to Wall Construction, 11 Newburg Avenue, Catonsville, MD 21228

IN RE: PETITION FOR ADMIN. VARIANCE *
(16 Overbrook Road)
1st Election District *
1st Councilmanic District *
Matthew J. and Mary S. Czlonka *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0089-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Matthew J. and Mary S. Czlonka, for property located at 16 Overbrook Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an addition on the side of the existing dwelling with a side yard setback of 5' and a sum of side yard setbacks of 20' in lieu of the required 10' and 25', respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 21, 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 11-16-12

By DW

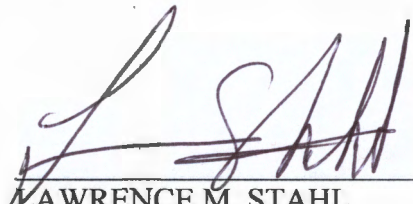
information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 16th day of November, 2012, that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an addition on the side of the existing dwelling with a side yard setback of 5' and a sum of side yard setbacks of 20' in lieu of the required 10' and 25', respectively, be and is hereby GRANTED, subject to the following:

- The Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 11-16-12

By 192



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 16 OVERBROOK ROAD CATONSVILLE MD which is presently zoned DR 3.5

Deed Reference 26932 1342 Tax Account # 0115590030

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.C.1 TO PERMIT

AN ADDITION ON THE SIDE OF THE EXISTING DWELLING WITH A SIDE YARD SETBACK OF 5 FEET AND A SUM OF SIDE YARD SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET RESPECTIVELY

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 Administrative 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):

Matthew J. Czlonka
Name - Type or Print _____
Signature Matthew J. Czlonka
Mary S. Czlonka
Name - Type or Print _____
Signature Mary S. Czlonka
16 OVERBROOK ROAD
Address _____ Telephone No. _____
CATONSVILLE MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

RICH ENGLISH
Name _____
11 NEWBURG AVE 410 788 3990
Address _____ Telephone No. _____
CATONSVILLE MD 21228
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.

Case No. 2013-0089-A

Reviewed By AT Date 10/10/12

Estimated Posting Date 10/21/12 - 11/05/12

W

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 own and reside at

16 OVERBROOK ROAD
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

Mr. & Mrs. Czlonka need more space for a growing family. Due to the real estate market they were unable to sell their house and have been forced to expand. The decision to expand out the side is a cost effective and practical use of space.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Matthew J. Czlonka
Signature

Matthew J. Czlonka
Name- print or type

Mary S. Czlonka
Signature

Mary S. Czlonka
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 4 day of October, 2012, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): MATTHEW J. CZLONKA + MARY S. CZLONKA
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Thomas Edward Tolan
Name of Notary Public

11/17/2015
Commission expires

PLACE SEAL HERE:

THOMAS EDWARD TOLAN
NOTARY PUBLIC STATE OF MARYLAND
County of Baltimore
My Commission Expires November 17, 2015

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0089 -A Address 16 OVERBROOK RD

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

Filing Date: 10/10/12 Posting Date: 10/21/12 Closing Date: 11/05/12

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 2013- 0089 -A Address 16 OVERBROOK ROAD
Petitioner's Name MATTHEW CZLONKA Telephone 410-788 3990
Posting Date: 10/21/12 Closing Date: 11/05/12

Wording for Sign: To Permit AN ADDITION ON THE SIDE OF EXISTING DWELLING
WITH A SIDE SETBACK OF 5 FT. AND A SUM SIDE SETBACK OF
20 FEET IN LIEU OF THE REQUIRED 10 FEET AN 25 FEET
RESPECTIVELY

Revised 7/06/11

ZONING DESCRIPTION FOR

CZLONKA RESIDENCE, 16 OVERBROOK ROAD,
CATONSVILLE, MD 21228.

Beginning at a point on the west side 25' from the center of **OVERBROOK ROAD** that which is 50' wide and 618' Southeast of the intersection of **OVERBROOK ROAD** and Edmonson Ave. which is 50' wide.

*Being Lot # 2, in as recorded in Baltimore County Plat Book Plat Book # 7, Folio # 94, and Containing **9000 Square feet.**

The legal Description is also known as **16 OVERBROOK ROAD** and located in the 1st Election District, 1st Councilmanic District.

2013-0089-A

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

No. **88917**

Date: **10/10/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 10/12/2012 10/10/2012 11:46:17 5

REN 8803 WALN R805 LRS
 RECEIPT # 617791 10/10/2012 QFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000		6130				\$ 75	

5 528 ZONING VERIFICATION

10/10/12
 Receipt Tot \$75.00
 \$75.00 CK \$0.00 CB
 Baltimore County, Maryland

Total: **\$ 75**

Rec From:

For: **16 OVERBROOK RD**

2013-0089-A.

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0089-A

RE: Case No.: _____

Petitioner/Developer: _____

Matthew Czlanka

November 5, 2012

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

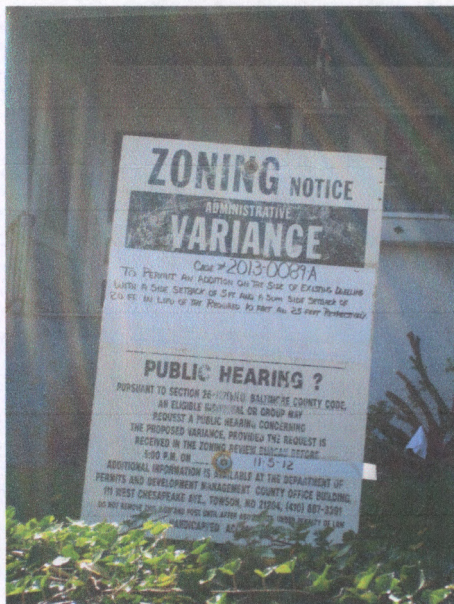
Ladies and Gentlemen:

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: _____

16 Overbrook Rd

October 21, 2012

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



Sincerely,

 **October 21, 2012**

(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)



KEVIN KAMENETZ
County Executive

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

November 7, 2012

Matthew J. Czlonka
16 Overbrook Road
Catonsville, MD 21228

RE: Case Number: 2013-0089 A, Address: 16 Overbrook Road, 21228

Dear Mr. Czlonka:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 10, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, flowing "W" and "C".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Rich English, 11 Newberg Avenue, Catonsville MD 21228

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-17-12

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

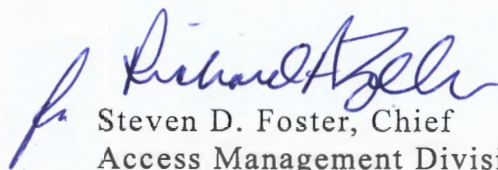
RE: Baltimore County
Item No 2013-0089-A
Administrative Variance
Matthew & Mary Czlonka
16 Overbrook Road

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. 2013-0089-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).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

AV 1115

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

NOV 01 2012

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: November 1, 2012

SUBJECT: DEPS Comment for Zoning Item # 2013 – 0089-A
Address 16 Overbrook Road
(Czlonka Property)

Zoning Advisory Committee Meeting of October 15, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE : October 18, 2012

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 29, 2012
Item Nos. 2013-0085, 0086, 0087, 0088, and 0089

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

DAK. CEN
cc: File

Debra Wiley - Administrative Variances 2013-0088 and 0089

From: Debra Wiley
To: renglish@wall2wall.net
Date: 11/16/2012 1:27 PM
Subject: Administrative Variances 2013-0088 and 0089
Attachments: Message from "zoneprt1"

Mr. English,

As promised and per our telephone conversation, please find attached the Order for Case No. 2013-0089-A (16 Overbrook Road).

Also, Judge Stahl has requested a "formal demand" for Case No. 2013-0088-A (116 Stonewall Road) due to the "sizeable" setbacks. Therefore, that file will be returned to the Office of Zoning Review for scheduling of a hearing.

Thanks.

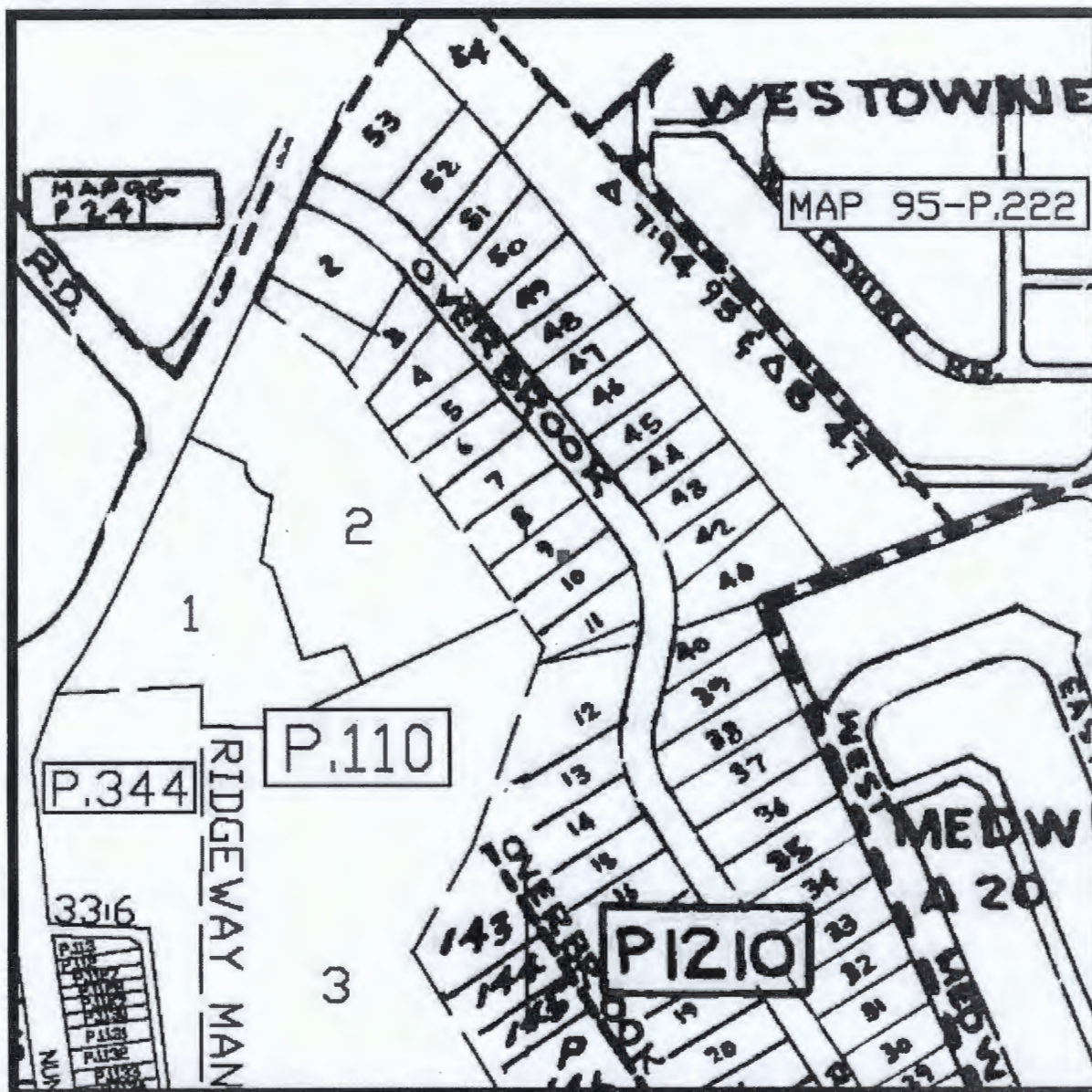
Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



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

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

District - 01 Account Number - 0115590030



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 ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

MEMORANDUM

DATE: December 19, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0089-A - Appeal Period Expired

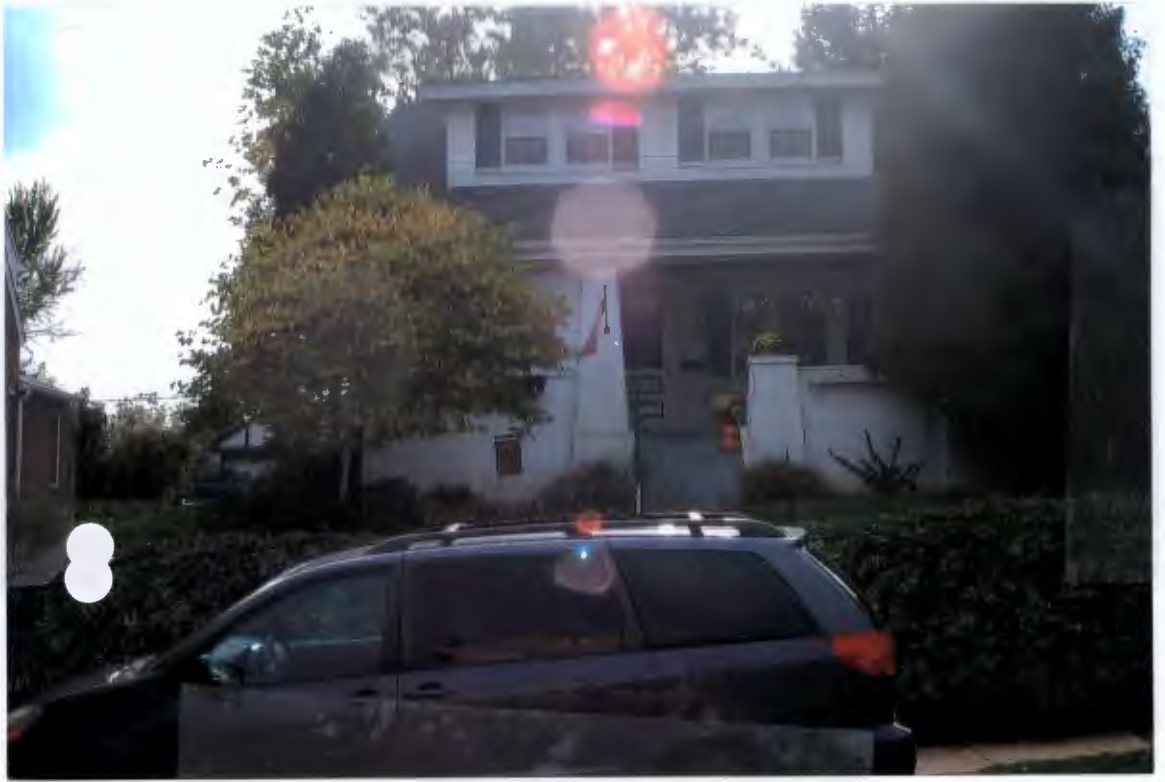
The appeal period for the above-referenced case expired on December 17, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10-18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>PC</u>
<u>11-1</u>	DEPS (if not received, date e-mail sent _____)	<u>PC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>10-17</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>10-21-12</u> by <u>Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 16 Overbrook Road, Catonsville SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

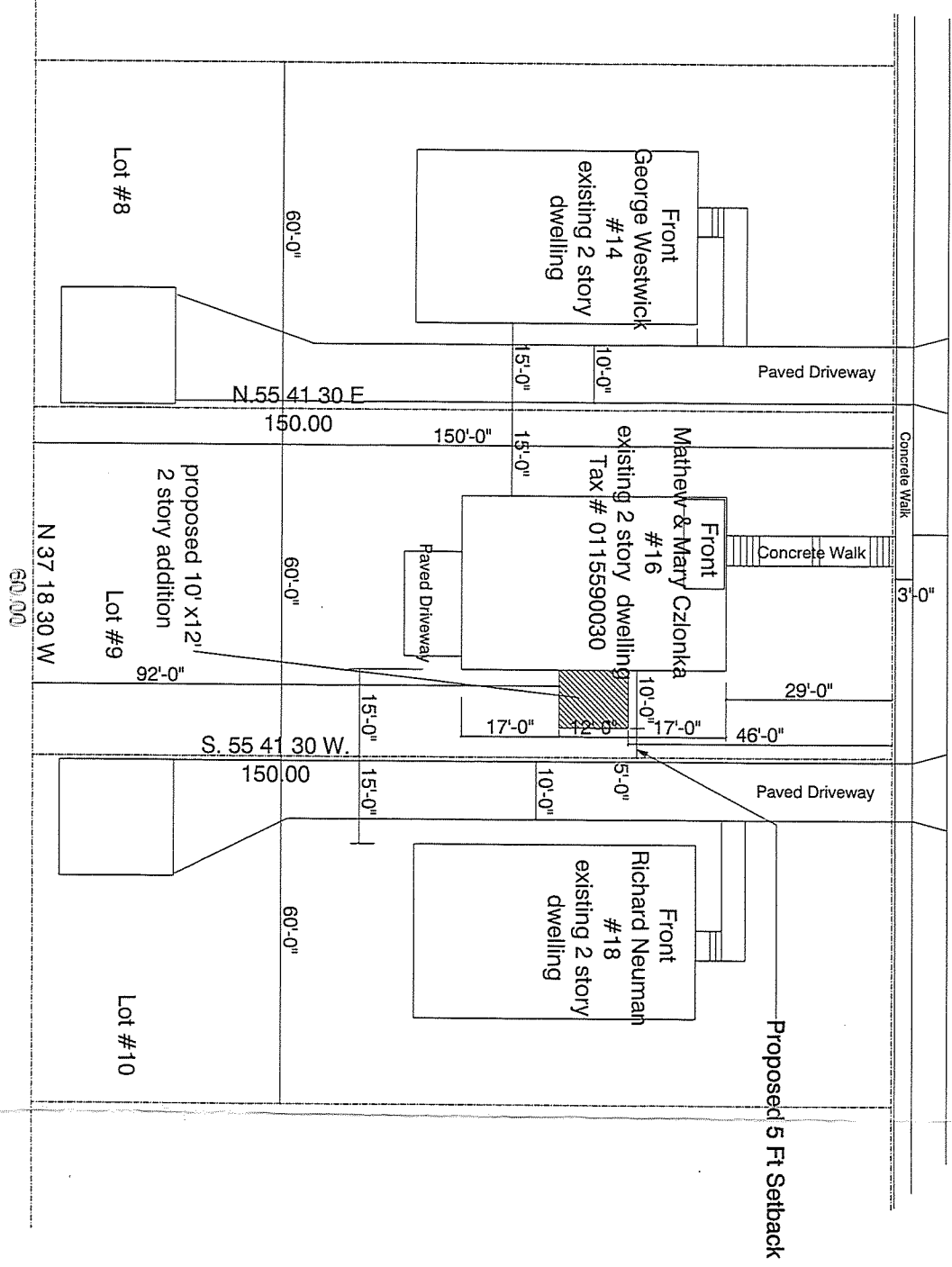
SUBDIVISION NAME _____

PLAT BOOK # 2 FOLIO # 94 LOT # 9 SECTION # _____

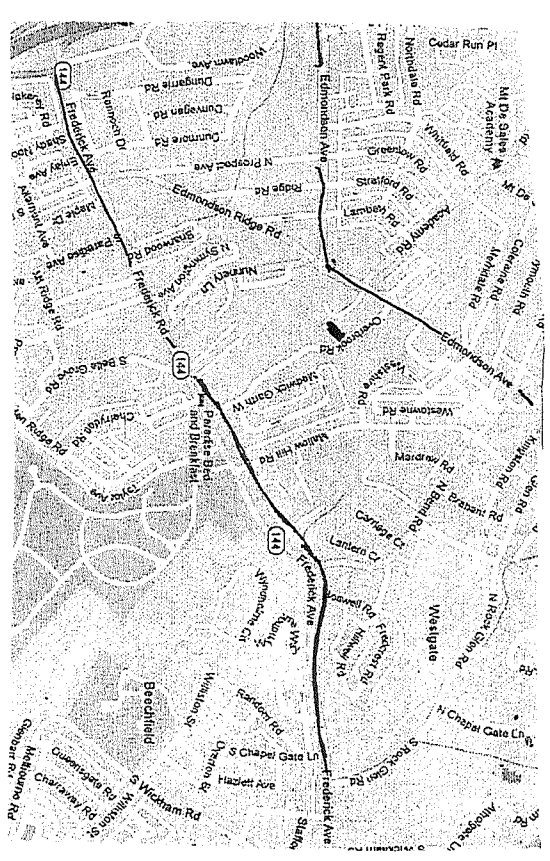
OWNER Matthew & Mary Czlonka

618' from the center of the intersection
of Edmonson Ave and Overbrook Road.

Overbrook Road 50' RW



PREPARED BY RJE SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1 st

COUNCILMANIC DISTRICT 1 st

1"=200' SCALE MAP # XXXXXXXXXX

ZONING DR3.5

LOT SIZE 9,000 sf
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY AT ITEM # 0089 CASE # 2013-0089-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 16 Overbrook Road, Catonsville

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

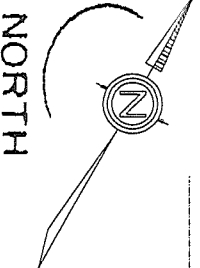
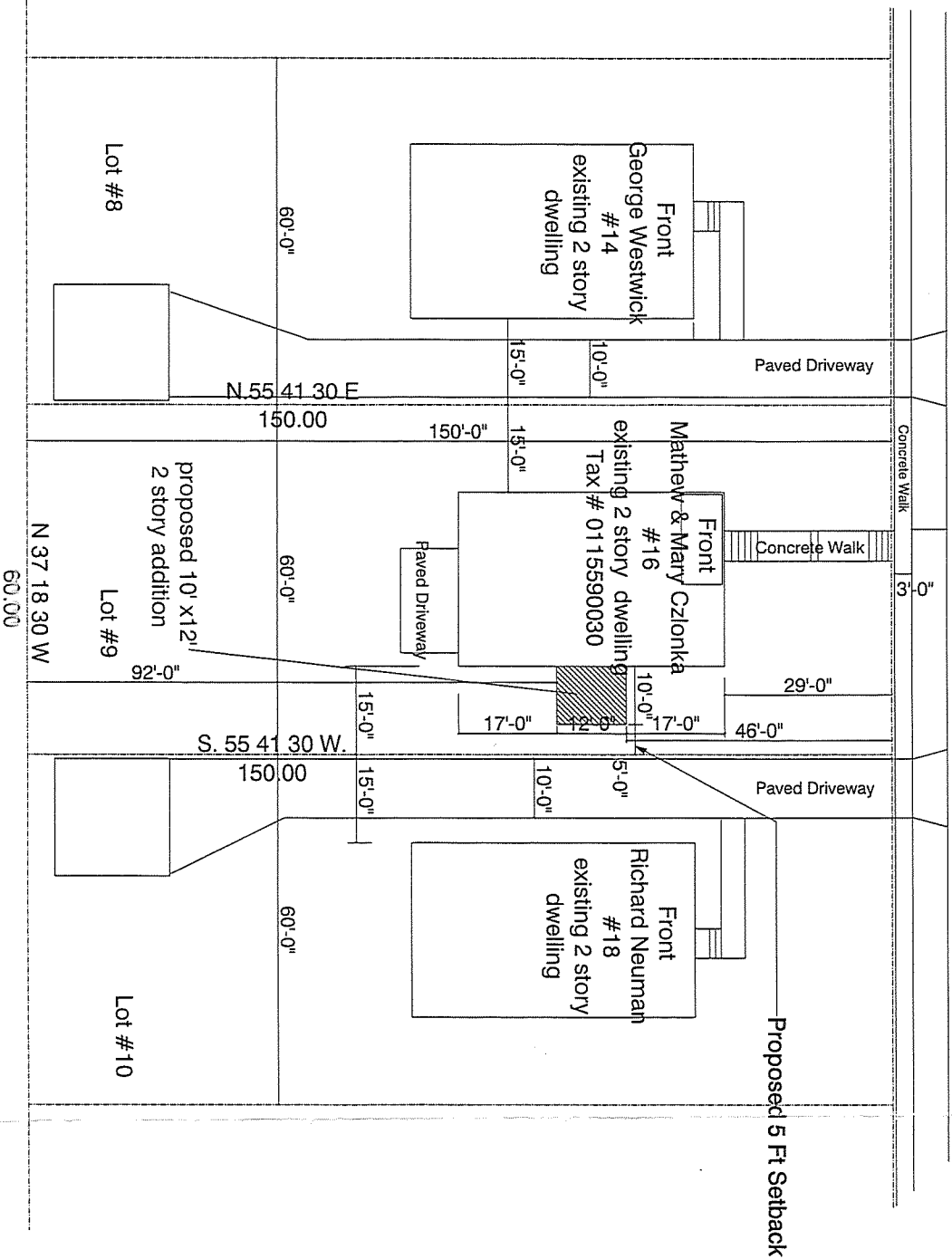
SUBDIVISION NAME _____

PLAT BOOK # 2 FOLIO # 94 LOT # 9 SECTION # _____

OWNER Matthew & Mary Czlonka

618' from the center of the intersection
of Edmonson Ave and Overbrook Road.

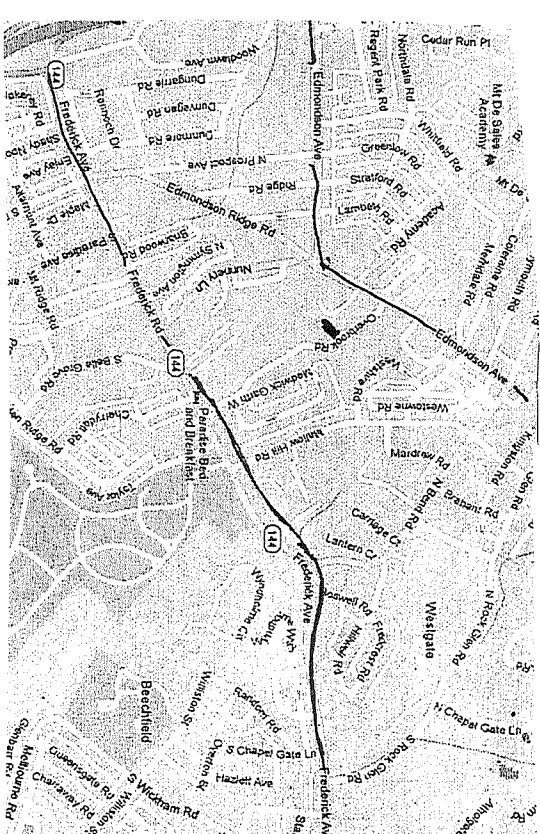
Overbrook Road 50' R/W



NORTH

PREPARED BY RJE

SCALE OF DRAWING: 1" = 30'



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 1st

COUNCILMANIC DISTRICT 1st

1" = 200' SCALE MAP # XXXXXXXX

ZONING DR3.5

LOT SIZE 9,000 sf ACREAGE 0.205 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING ☐ YES ☒ NO

ZONING OFFICE USE ONLY
REVIEWED BY AT ITEM # 0089 CASE # 2013-0089-A



AT 0089 2013-0089-A