

IN RE: PETITION FOR ADMIN. VARIANCE *
(8202 Yarborough Road)
8th Election District *
2nd Council District
Stephen T. and Gengy E. Vaikness *
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2013-0107-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Stephen T. and Gengy E. Vaikness. The Petitioners are requesting Variance relief pursuant to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit an attached proposed garage with a side yard setback of 10 feet and a sum of both sides of 20 feet in lieu of the required 15 feet and 25 feet, respectively. 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. There were no ZAC comments submitted from any of the County reviewing agencies. However, it is to be noted that letters were received from Petitioners' immediate neighbors at 8200 Yarborough Road, 8204 Yarborough Road, and 1616 Jeffers Road, indicating their support of the petition.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 18, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 12-14-12

By [Signature]

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the 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 14th day of December, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R, to permit an attached proposed garage with a side yard setback of 10 feet and a sum of both sides of 20 feet in lieu of the required 15 feet and 25 feet, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

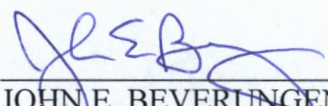
1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this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

ORDER RECEIVED FOR FILING

Date 12-14-12

By aw

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 12-14-12

By DLW



KEVIN KAMENETZ
County Executive

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

December 14, 2012

Stephen T. Vaikness
Gengy E. Vaikness
8202 Yarborough Road
Towson, Maryland 21204

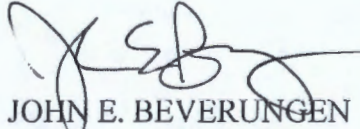
Re: Petition for Administrative Variance
Case No. 2013-0107-A
Property: 8202 Yarborough Road

Dear Mr. and Mrs. Vaikness:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



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 8202 Yarborough Rd. Towson MD 21204 which is presently zoned DR 3.5

Deed Reference 16324/0246

10 Digit Tax Account # 0803020180

Property Owner(s) Printed Name(s) Stephen T Vaikness & Gengy E Vaikness

(SELECT THE HEARING(S) BY MARKING ☒ 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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 1B02.3.C.1

To permit an attached proposed garage with a side yard set back of 10 feet and a sum of both sides 20 feet in lieu of the required 15 feet and 25 feet respectively,

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).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Stephen T Vaikness / Gengy E Vaikness
Name #1 – Type or Print Name #2 – Type or Print

Signature #1

Signature #2

8202 Yarborough Rd. Towson MD
Mailing Address City State

21204 / 410 296-5814 / S.Vaikness@holladaycorp.com
Zip Code Telephone # Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 12-14-12 day of Dec, 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

CASE NUMBER 2012-0107-A

Filing Date 11/8/12

Estimated Posting Date 11/18/12

Reviewer G.H

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE DECISION 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:

Address: 8202 Yarbrough Rd. Towson MD 21204
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

I am requesting a variance to reduce the side yard set backs to 10 feet for a total of 20 feet to complete a proposed garage addition. An encroachment of the set back requirements is only created because of the unique keystone shape of my property. Currently I have side yard set backs of 10 feet and 25 feet. The side of my property that currently maintains a 10 foot set back is the side that is affected by the unique shape of the property. The set back on this side of my property varies, the narrowest point of 10 feet is at the front of my house and increases to 20 feet at the rear of my house. This side of the property will not be affected by the proposed garage addition. However, this is the side that is preventing me from receiving zoning approval. The proposed garage has been specified to the smallest size possible that will still provide adequate functionality. There is only one option to locate the proposed garage addition on my property that being on the side of my house that currently has a driveway and curb cut access from the street. I am in need of this additional space primarily to safely provide security to my property from the elements and theft. The concern of theft is growing as occurrences are becoming more frequent in my neighborhood. Ultimately the unique shape of my property is preventing me from completing the addition and it for this reason I am asking for a variance.

Gengy Vaikness
Signature of Affiant

Gengy E. Vaikness
Name- Print or Type

Stephen Vaikness
Signature of Affiant
Stephen Vaikness
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of November 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Gengy Vaikness and Stephen Vaikness
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
July 2014
My Commission Expires

PART A

ZONING PROPERTY DESCRIPTION FOR 8202 YARBOROUGH ROAD, TOWSON
MD 21204.

"Beginning at a point on the southwest side of Yarborough Rd which is 50' wide at the distance of 332.29' southeast of the centerline of the nearest improved intersecting street Templeton Rd which is 50' wide.

PART B

OPTION 2

Being Lot #8, Section #1 in the subdivision of Valley Green as recorded in Baltimore County Plat Book #23, Folio #27, containing 10,710sf, Located in 8 Election District and 2nd Council District.

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

No. 90123

Date: 11/7/12

PAID RECEIPT

BUSINESS 11/09/2012 11/09/2012 09:23:00

REG #505 11/09/2012 09:23:00
RECEIPT # 00123 11/09/2012 09:23:00

Dep 5 \$25 700000 VERIFICATION
CR NO 00123

Receipt Tot \$75.00
\$75.00 01 11/07/12 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	000		6150				75.00

Total: 75.00

Rec From: Stephen Vaikness

For: Administrative Variance
2013-0107-A

DISTRIBUTION

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

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

2013-0107-A

RE: Case No.: _____

Petitioner/Developer: _____

Stephen Vaikness

December 3, 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:

8202 Yarbrough Rd

November 18, 2012

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

Sincerely,

November 18, 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)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2013- 0107 -A Address 8202 Yarborough RDContact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 11/8/12 Posting Date: 11/18/12 Closing Date: 12/3/12

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- 0107 -A Address 8202 Yarborough RDPetitioner's Name Stephen Vaikness Telephone _____Posting Date: 11/18/12 Closing Date: 12/3/12Wording for Sign: To Permit an attached proposed garage with a side yard set back of 10 feet and a sum of both sides 20 feet in lieu of the required 15 feet and 25 feet, respectively.

Revised 7/06/11



KEVIN KAMENETZ
County Executive

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

December 3, 2012

Stephen T. & Gengy E. Vaikness
8202 Yarborough Road
Towson MD 21204

RE: Case Number: 2013-0107 A, Address: 8202 Yarborough Road

Dear Mr. Colbert:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 8, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 11-19-12

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

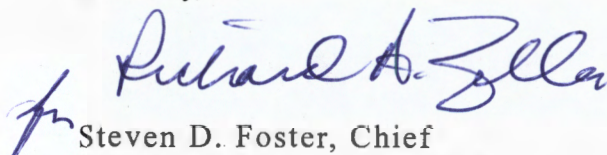
RE: Baltimore County
Item No 2013-0107-A
Administrative Variance
Stephen T. Vaikness
Gengy E. Vaikness
8202 Yarbrough Rd.

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. 2013-0107-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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2012
Item Nos. 2010-0295, 2013-0107, 0108,
0109, 0110, 0111 and 0112

DATE: November 21, 2012

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

DAK:CEN
cc: File

M E M O R A N D U M

DATE: January 15, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0107-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 14, 2013. 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.'

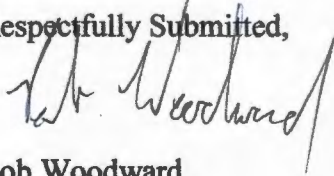
c: ☒ Case File
Office of Administrative Hearings

November 7, 2012

To Whom It May Concern:

I have reviewed and discussed the Vaikness' plans for a garage addition and have no objections to their plans. I live next door at 8200 Yarborough Road. My property is located at the opposite side of the proposed addition and I will in no way be impacted by their plans.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Rob Woodward", written over the printed name.

Rob Woodward

2013-0107-A

November 7, 2012

To Whom It May Concern:

I have reviewed and discussed the Vaikness' plans for a garage addition and have no objections to their plans. I live next door at 8204 Yarborough Road. My property is located on the side of the proposed addition and I will in no way be impacted by their plans.

Respectfully Submitted,

Alex Narlis

Alex Narlis

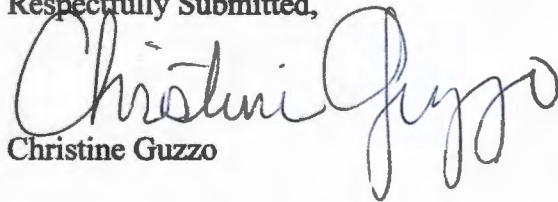
2013-0107-A

November 7, 2012

To Whom It May Concern:

I have reviewed and discussed the Vaikness' plans for a garage addition and have no objections to their plans. I live behind them at 1616 Jeffers Road. My property is located directly behind the proposed addition and I will in no way be impacted by their plans.

Respectfully Submitted,


Christine Guzzo

2013-0107-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 08 Account Number - 0803020180

Owner Information

Owner Name: VAIKNES STEPHEN T
VAIKNESS GENGY E
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 8202 YARBOROUGH RD
TOWSON MD 21204-1950
Deed Reference: 1)/16324/ 00246
2)

Location & Structure Information

Premises Address
8202 YARBOROUGH RD
0-0000

Legal Description

8202 YARBOROUGH RD WS
THORNLEIGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0060	0022	0619		0000	1	O	8	2	2	0023/ 0027

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	2,380 SF	10,710 SF	04

Stories	Basement	Type	Exterior
2.000000	NO	SPLIT LEVEL	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	162,170	154,100		
Improvements:	237,350	163,600		
Total:	399,520	317,700	317,700	317,700
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
EGAN GENGY LYNN	04/17/2002	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16324/ 00246	Deed2:
GALLO DAVID	06/27/1997	\$170,000
Type: ARMS LENGTH IMPROVED	Deed1: /12260/ 00001	Deed2:
CALIFANO KENNETH A	06/29/1993	\$162,500
Type: ARMS LENGTH IMPROVED	Deed1: /09855/ 00143	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

Homestead Application Status: Approved 09/05/2008

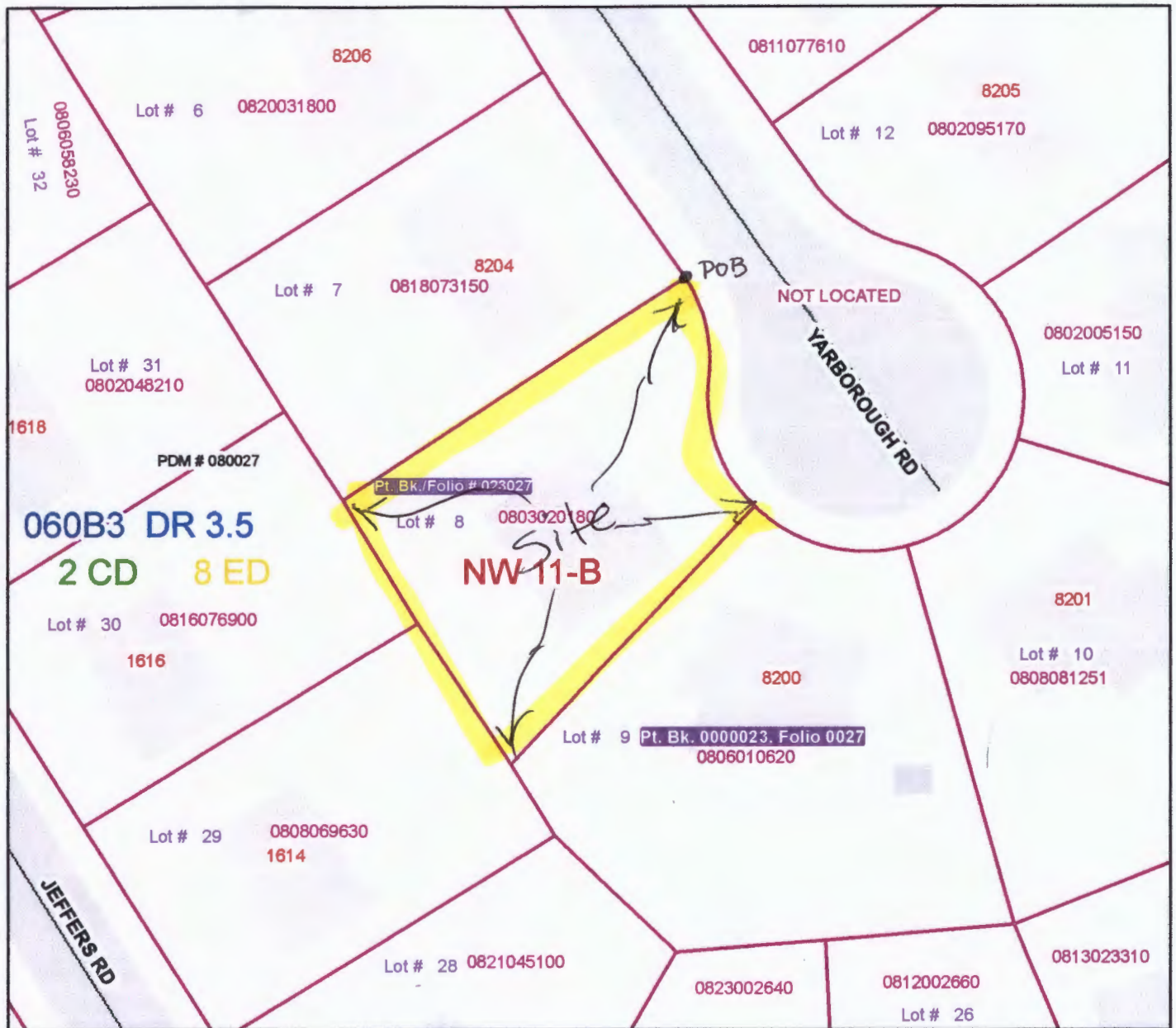


2013-0107-A



2013-0107-A

8202 Yarborough Road



Publication Date: August 31, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
 Feet

1 inch = 50 feet

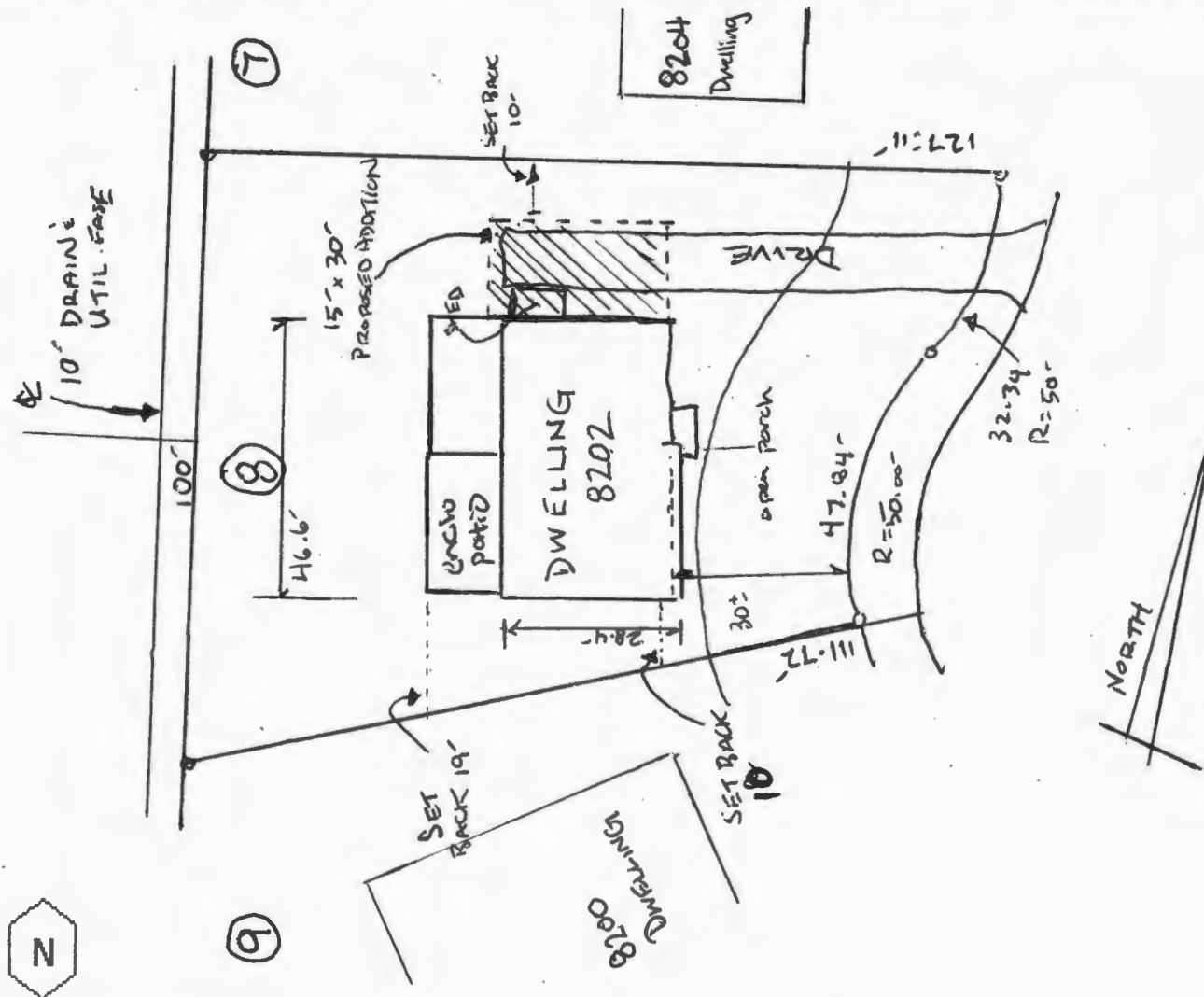
2013-0107-A

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

ADDRESS 8202 Yarbrough Rd. Towson MD 21204 OWNER(S) NAME(S) Stephen & Gengy Vaikness

SUBDIVISION NAME Valley Green LOT # 8 BLOCK # _____ SECTION # 1

PLAT BOOK # 23 FOLIO # 27 10 DIGIT TAX # 0803020180 DEED REF. # 1632410246



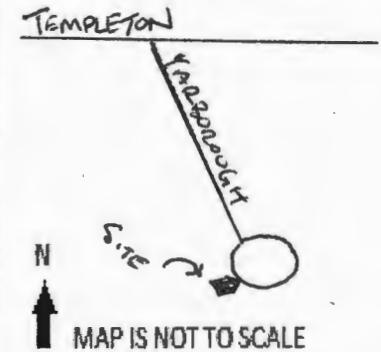
PLAN DRAWN BY Steve Vaikness

DATE 8/31/12 SCALE: 1 INCH = 30 FEET

2013-0107-K3

Pet. #1

SITE VICINITY MAP



ZONING MAP# 060 B3

SITE ZONED DR 3.5

ELECTION DISTRICT 8

COUNCIL DISTRICT 2nd

LOT AREA ACREAGE _____

OR SQUARE FEET 10,710

HISTORIC? N

IN CBCA? N

IN FLOOD PLAIN? N

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? N

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:
