

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 1, 2013

Michael C. Myronuk 1130 Greenway Road Cockeysville, Maryland 21030

Re: Petition for Administrative Variance

Case No. 2013-0151-A

Property: 1130 Greenway Road

Dear Mr. Myronuk:

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

c:

Henry Maeser, III, 115 W. Saratoga Street, Baltimore, MD 21201

IN RE: PETITION FOR ADMIN. VARIANCE (1130 Greenway Road)

8th Election District
2nd Councilmanic District

Michael C. Myronuk

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0151-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 owner of the property, Michael C. Myronuk. The Petitioner is requesting Variance relief pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side setback of 15' in lieu of the required 50' setback. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 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 received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 11, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare

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of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, this 1st day of February, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the B.C.Z.R., to permit an addition with a side setback of 15' in lieu of the required 50' setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

JOHN E BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw ORDER R	ECEIVED FOR FILING	
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ADMISTRATIVE ZONING PET ON

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/130 Grean way Rd	which is presently zoned West RC5
Deed Reference #31621 / 00066	10 Digit Tax Account # 0 8 1 9 0 5 1 6 7 5
	ronuk
	PROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) vit on the reverse of this Petition Form be completed / notarized.
	in Baltimore County and which is described in the description and ade a part hereof, hereby petition for a
. ADMINISTRATIVE VARIANCE from section(s)	
BCZR: 1A04.3.B.2.b → To permit required 50' side setback.	an addition with a side setback of 15' in lieu of the
of the zoning regulations of Baltimore County, to the zoni	ng law of Ballmore County
R ADMINISTRATIVE SPECIAL HEARING to appropriate to the special of the section 32-4-416(a)(2): (indicate type of work in this space)	rove a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and ace to raze, alter or construct addition to building)
of the zoning regulations of Baltimore County, to the zoni	ng law of Baltimore County.
estrictions of Baltimore County adopted pursuant to the zoning law for egal Owner(s) Affirmation: I / we do so solemnly declare and affirm, the subject of this / these Petition(s).	g, etc. and further agree to and are to be bounded by the zoning regulations and Baltimore County. under the penalties of perjury, that I / We are the legal owner(s) of the property which
Contract Purchaser/Lessee:	Legal Owners: Michael Myronuk
lame- Type or Print	Name #1 - Type or Print Name #2 - Type or Print
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A PUBLIC HEARING having formally demanded and/or found to be	e required, it is ordered by the Office of Administrative Law, of Baltimore County, ter of this petition be set for a public hearing, advertised, as required by the zoning
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egulations of Baltimore County and that the property be reposted.	
egulations of Baltimore County and that the property be reposted.	

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:

Address: 130 Grean Vac	y Rd	Catorsvi	lles MI State	7	21036 Zip Code
Based upon personal knowledge, the Administrative Variance at the above					
Property has an approximating to a 4000/ft opproximately 9895 sqff or opposite ling. Currenth it because of the size lof the to be transed as a new from The 15-0" existing East of the 15-0" to be allowed as the size in to be allowed. The site is 2.23 acres in a mighbors than it is now	linity is zon is zon is zon is addi son back sicle sa Homany No pa	Howa was head P. P. 5 plans of almost states that the states of a mily than the states of the states	wilt in 1949 replached grand Ke and Ke triplas not cenfor fing a ma triplas and variation	Dynar to large is large is la size of the size of the black (Editor is put	shap to add on 5'0" from the E ide sathrick the lifting area 1's MIRCE 50- 5t) Bathrick Va the correct
(If additional space for the petition residual space for the petition	equest or		ent is needed		ch it to this Form)
Michael C. Myromok Name-Print or Type		2	dame Print or		
The following information	is to be c	ompleted by a No	tary Public o	f the State of Ma	aryland
STATE OF MARYLAND, COUNTY	OF BAL	TIMORE, to w	it:	Service Control	lar i
I HEREBY CERTIFY, this 2151 and for the County aforesaid, personal	day of	November,	70/2, be	fore me a Nota	ary of Maryland, in
Michael C. Myronuk the Affiant(s) herein, personally known	or satisfa	actorily identified	to me as suc	h Affiant(s) (Pri	int name(s) here)
AS WITNESS my hand and Notaries S	Seal /	217	1/	1	
		7-70	7016		

PAUL T. HATCHER

Notary Public
Baltimore County
Maryland
My Commission Expires July 20, 2016

REV. 10/12/11

Zoning Hearing Property Description

Zoning property description for 1130 Greenway Road, Cockeysville, Maryland 21030.

Beginning on the North West side of Greenway Road, which is 16'-0" wide at the distance of 1390'-0" +/- West of the centerline of the nearest improved intersecting street, Boxer Hill Road, which is 35 feet wide

Thence, the following courses and distances: (1st point of call) – extending West at South 74° 01' West 172.5', (2nd point of call) North 22° 33' West 570.15', intersecting (3rd point of call) North 77° 08' East 174.52', turning (4th point of call) South 22° 29' East 560.5', back to the point of beginning as recorded in Deed Liber 1662, Folio 233, containing 2.23 acres. Located in the 8th Election District and 2nd Counsel District.

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.

Mana Manada	per or Case Number: 2013-0151-A		
Petitioner:	MYRONUK		
	r Location: 1130 GREENWAY RD		
	FORWARD ADVERTISING BILL TO:	t	
Name:		ŧ	

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 01/13/2013

Case Number: 2013-0151-A

Petitioner / Developer: MICHAEL MYRONUK

Date of Hearing (Closing): JANUARY 28, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

1130 GREENWAY ROAD

The sign(s) were posted on: JANUARY 11, 2013



Linda O Keefe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0151 -A Address 1130 GREENWAY RD	
Contact Person: JASON SEIBELMAN Phone Number: 410-887-3	391
Filing Date: 1 3 13 Posting Date: 1 13 13 Closing Date: 1 78	13
Any contact made with this office regarding the status of the administrative variance should through the contact person (planner) using the case number.	l be
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on reverse side of this form) and the petitioner is responsible for all printing/posting costs. reposting must be done only by one of the sign posters on the approved list and the petitic is again responsible for all associated costs. The zoning notice sign must be visible on property on or before the posting date noted above. It should remain there through the cloudate.	Any oner the
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to a formal request for a public hearing. Please understand that even if there is no for request for a public hearing, the process is not complete on the closing date.	file mal
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zon commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or order that the matter be set in for a public hearing. You will receive written notification, usu within 10 days of the closing date if all County agencies' comments are received, a whether the petition has been granted, denied, or will go to public hearing. The order will mailed to you by First Class mail.	r (c) ually s to
POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hear (whether due to a neighbor's formal request or by order of the zoning or deputy zon commissioner), notification will be forwarded to you. The sign on the property must changed giving notice of the hearing date, time and location. As when the sign was origin posted, certification of this change and a photograph of the altered sign must be forwarded this office.	nally
(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- 0151 -A Address 1130 GREENWAY RS 443-398-4	603
Petitioner's Name MYRONUK Telephone WISHINGTON	io .
Posting Date: 1/13/13 Closing Date: 1/28/13	:
Wording for Sign: To Permit AN ADDITION WITH A SIDE SETBACK OF 15 FEET	
IN LIEU OF THE REGULARED SO FEET SETBACK.	
Revised 7/0	6/11



KEVIN KAMENETZ County Executive

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

January 29, 2013

Michael Myronuk 1130 Greenway Road Cockeysville MD 21030

RE: Case Number: 2013-0151 A, Address: 1130 Greenway Road, 21030

Dear Mr. Myronuk:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 3, 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. Carl Rishall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Harry Maeser IV, 115 W. Saratoga Street, Baltimore MD 21201 SHA State Highway Administration 8

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-24-13

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

Item No 2013-0151-

Item No 2013-0151-A Administrative Variance Michael Myronuk 1130 Greenway 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. 2013-0151-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





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

Go Back View Map New Search GroundRent Redemption **GroundRent Registration**

			C	wner Inform	nation				
Mailing Address: 113		MYRONUK MICHAEL C 1130 GREENWAY RD COCKEYSVILLE MD 21030-1708			Use: Principal Residence: Deed Reference:			RESIDENTIAL YES 1)/31621/00066 2)	
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

District - 08 Account Number - 0819051675



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:

March 6, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0151-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 4, 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

0151	-A
	0151

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	<u> </u>
	FIRE DEPARTMENT	·
	PLANNING (if not received, date e-mail sent)	
1-24	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No)
PRIOR ZONING	(Case No.)
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SIGN POSTING	Date: _\\-\\3	by 6 (Keefe
	SEL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL COMMENT LETTER	
Comments, if any:		







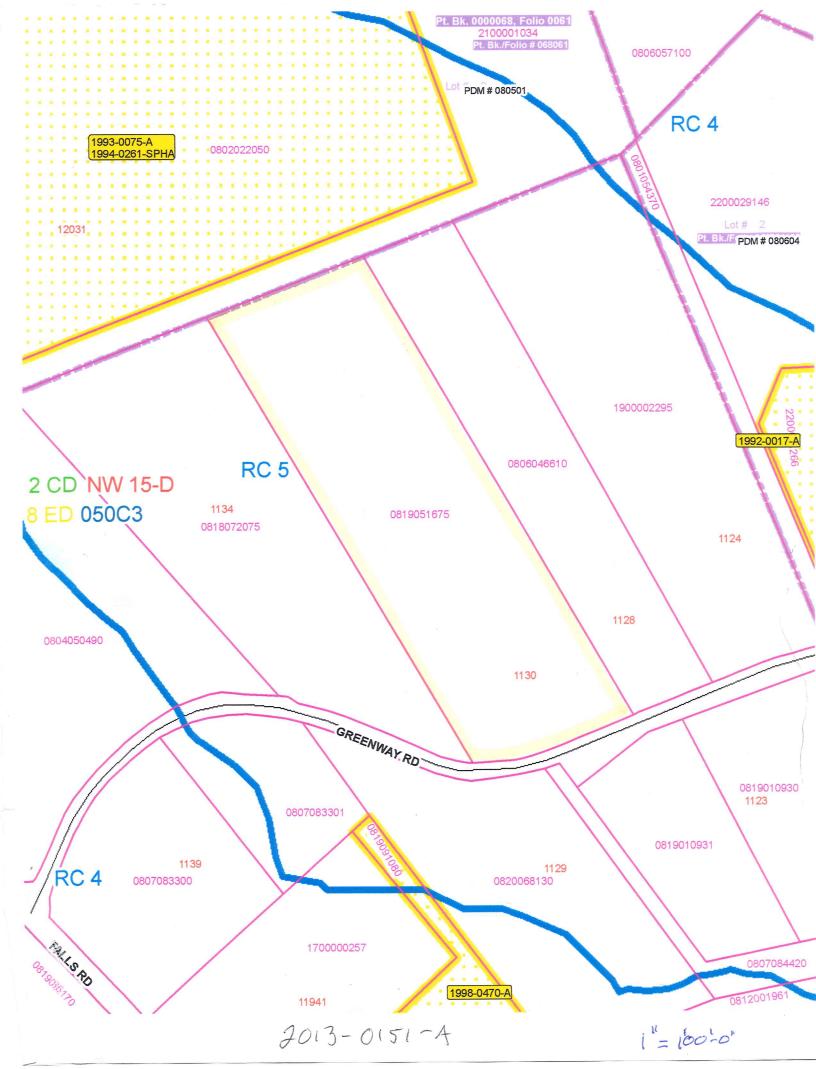


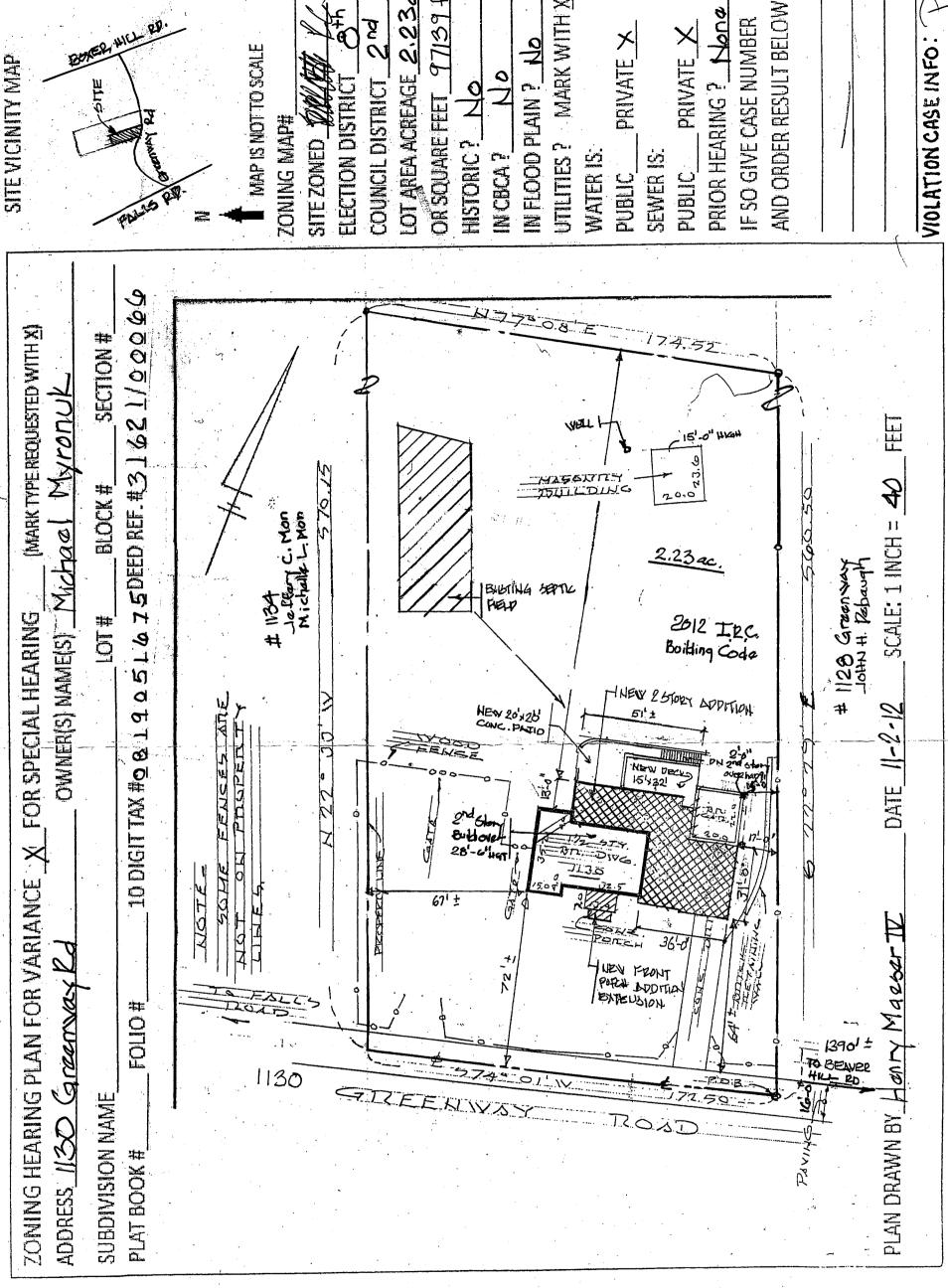












MARK WITH X

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BOXER WILL PR

None

PRIVATE X

ADDRESS_ ZONING HEARING PLAN FOR VARIANCE SUBDIVISION NAME PLAT BOOK # PLAN DRAWN BY KANNAZIO 021 10 BENVER 13 BENVER FOLIO# Maeser IT אסוביה אסונוסא פאלא אסטונוסא פאלא אסטונוסא 7,19 828'-6'lier \succeq FOR SPECIAL HEARING OMNER(S) MAME(S) CARA DECKS Ø |-HEW 20'126' CONC. PATIO 40 HOLLINGA TOOLES WANT 世 0516 1128 Greenway John H. Babaugh Boilding Code SCALE: 1 INCH = 2012 IPC 75DEED REF. #31621/0 Michael HELD BARTAL SEPTIC C. Mon 2,2300 (MARK TYPE REQUESTED W BLOCK # 70.15 8 SMOTINGE Tyronuk LUNGSTE TEN SECTION # 9900 展出 PRIOR HEARING ? None SEWER IS: IN FLOOD PLAIN ? NO AND ORDER RESULT BELOW WILLIES? MARK WITH X IF SO GIVE CASE NUMBER

PRIVATE X

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SITE VICINITY MAP

HISTORIC? No SITE ZONED MANUEL P HAVING MINOZ ELECTION DISTRICT OR SQUARE FEET 97/29 42 COUNCIL DISTRICT 2 rd LOT AREA ACREAGE 2.23 acres MAP IS NOT TO SCALE

VIOLATION CASE INFO:

2013 0151-4