

MEMORANDUM

DATE: November 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0035-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 9, 2015. 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

IN RE: PETITION FOR VARIANCE
(9624 & 9626 Harford Road)
9th Election District
3rd Council District
Vasyl Mytsak, *Owner*
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NOS. 2016-0035-A**
&2016-0036-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Vasyl Mytsak, the legal owner of the subject properties ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1. to permit the development of a lot with a 50 ft. width in lieu of the required 55 ft. width. As reflected in the caption above, this is a consolidated hearing involving properties at 9624 & 9626 Harford Road. The relief sought is the same in each case. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioner's Exhibit 1.

Owner Vasyl Mytsak appeared in support of the petition. Ruth Baisden attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the B.C.Z.R. The file contains letters of opposition from Lissette C. Klaus and Meg O'Hare of the Carney Improvement Association. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and Department of Public Works (DPW). Conditions will be included in the Order to address these agency comments.

The subject properties are approximately 9,440.33 and 9,398.57 square feet and are zoned

ORDER RECEIVED FOR FILING

Date 10-9-15

By Sen

DR 5.5. The properties are shown as Lots 9 & 10 on the 1912 Plat of Carneyland. Petitioner has since 2008 owned the subject lots along with several other adjoining lots in the subdivision. He has attempted since that time to develop the property, first with a major subdivision and then a three lot minor subdivision. Both of these proposals met with community opposition, and the current request would involve the construction of only two single family dwellings. In addition, and as an inducement for the community's support, Petitioner has offered to deed to Neighbor Space (assuming the zoning request is granted) the remaining lots he owns in the subdivision, which could remain as forested open space.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity necessitates variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has not met this test. There was no testimony or evidence presented to establish that these lots are unique in any way, and their size and shape are very similar to the other lots in this subdivision owned by Petitioner.

Even so, and as discussed at the hearing, I believe Petitioner is entitled to relief under B.C.Z.R. §304, which permits (under certain circumstances) construction of a dwelling on a lot that does not satisfy the width requirement of the zone. Based on a review of the evidence, I find Petitioner satisfies each of the requirements set forth in that regulation. The lots meet the minimum lot size for the DR 5.5 zone and (other than lot width) Petitioner will comply with all height and area requirements.

THEREFORE, IT IS ORDERED, this 9th day of October, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore

County Zoning Regulations ("B.C.Z.R.") §1B02.3.C.1. to permit the development of a lot with a 50 ft. width in lieu of the required 55 ft. width, be and is hereby DENIED.

IT IS FURTHER ORDERED that Petitioner satisfies the requirements set forth in B.C.Z.R. §304 and is entitled to construct a single family dwelling on each of the subject lots; i.e., Lots 9 & 10 as shown on the Plat of Carneyland.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the ZAC comments of DPR and DPW, which are attached hereto.
3. Prior to issuance of building permits Petitioner must submit for approval by the DOP architectural elevation drawings of the proposed single family dwellings.
4. Prior to issuance of building permits Petitioner must convey or make irrevocable offers of dedication (for no cost) of Lots 19-31 as shown on the Plat of Carneyland to NeighborSpace of Baltimore County, Inc. or Baltimore County. Should either NeighborSpace or Baltimore County be unwilling or unable to accept the dedicated property, Petitioner shall take such other steps as are necessary to relinquish any development rights he might otherwise have in regard to Lots 19-31 as shown on the Plat of Carneyland.

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

JEB:slm


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 10-9-15

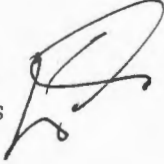
By slm

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon,
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

ATTN: Kristen Matthews
MS 1105

FROM: Edward C. Adams, Director
Department of Public Works 

DATE: August 28, 2015

SUBJECT: Case No: 2016-0035-A
9624 Harford Road, Parkville, Maryland 21234-2104

The subject case is to determine whether or not the Administrative Law Judge should approve a variance to permit the development of an undersized lot with a 50 foot width in lieu of the required 55 feet width.

During the review of this property the Department of Public Works has found that there is a flood plain on the property that may impact the proposed development.

A flood plain study of the property must be submitted for verification of the flood plain boundary. Once the flood plain boundary has been established, the Department of Public Works Design Manual Plate DF-1 must be adhered to.

ECA/TWC/s

CC: Dennis Kennedy, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council

OFFICE RECEIVED FOR FILING

Date

10-9-15

By

Sen

Sherry Nuffer

From: Meg O'Hare <carneycia@gmail.com>
Sent: Friday, October 02, 2015 6:06 PM
To: Administrative Hearings
Cc: Meg O'Hare; Jim Cousler; Joanne Krause; Romi Shah; Ryan, John and Marilyn
Subject: Case Numbers 2016-0035-A and 2016-0036 A:
Attachments: Vasyl Mytsak Property Variances Oppositon Oct 2015.doc

To the Baltimore County Administrative Law Judge for Case Numbers 2016-0035-A and 2016-0036 A:

As President of the Carney Improvement Association, I am writing to ask that you deny the requested variances for the properties, also known as Carneyland, located at 9624 Harford Road and 9626 Harford Road.

Attached is a letter on the Carney Improvement Association letterhead detailing the reasons for our request to deny the variances request by Legal Owner, Vasyl Mytsak.

Meg O'Hare
Carney Improvement Association President

3012 Summit Avenue
Carney, MD 21234

410.668.5183 (home)
410.409.3136 (cell)

RECEIVED

OCT 05 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Carney Improvement Association, Inc.
P.O. Box 28282
Carney, MD 21234-8282
carneycia@gmail.com

Meg O'Hare	President
Romi Shah	Vice President
JoAnne Krause	Recording Secretary
Marilyn Ryan	Corresponding Secretary
John Ryan	Treasurer
Jim Cousler	Sergeant-at-Arms

October 2, 2015

Administrative Law Judge
Jefferson Building, Suite 103
Towson, Maryland 21204

To the Administrative Law Judge for
Case Numbers 2016-0035-A and 2016-0036 A:

The community of Carney is an older community that predated zoning regulations and the protections they offer residents. Therefore, it is extremely important to our community that variances are not provided to developers in Carney. These are the only protection that our residents have to protect the quality of life and preserve the environment.

In my role as President of the Carney Improvement Association (CIA), I am writing in opposition to granting the variances requested in Case Numbers 2016-0035-A and 2016-0036 A by the Legal Owner, Vasyl Mytsak.

The properties in question at 9624 Harford Road and 9626 Harford Road are located known in the community as Carneyland. The community objects strongly to the development of these properties for many reasons.

Carneyland is located very close to the northern boundary of the Joppa Road and Harford Road intersection. This intersection is and has been failing for many years with a D grade from Baltimore County and an F grade from the State of Maryland. No additional development should occur near this intersection until there are significant improvements to the intersection.

In my opinion, the most important reason to deny the variances is that the Carneyland property is located at the headwaters of the Jennifer Branch stream in Carney. Jennifer Branch is an endangered stream that has been negatively impacted by overdevelopment. Currently, there are initiatives that seek to correct the Jennifer Run problems including: Baltimore County's capital improvement project, Jennifer Branch Stream Restoration Project; the Gunpowder Valley Conservancy grant projects that have involved residents in clearing debris from the Jennifer Branch, planting trees, and

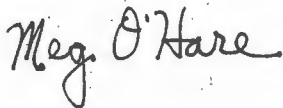
implementing best management practices at the stream bank of the Jennifer Branch; and the creation of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy.

The Carney community is very invested in protecting the Jennifer Branch, a tributary whose waters find their way to the Chesapeake Bay. Any waivers and/or variances to develop the Carneyland property would impact the existing forest buffer area, disturb the wetlands located thereon, or that would allow construction within the stream buffer area would undermine these environmental preservation efforts.

Mr. Mytsak has proposed development of this property as several townhomes and later as single family homes. There has been repeated opposition from the Carney community as well as numerous comments by several County agencies. Mr. Mytsak, the property owner, has been attempting to circumvent the major subdivision process by requesting a minor subdivision to build houses and thereby reducing the County planning requirements and completely eliminating the requirement for Carney community input.

The Carney community is opposed to any development on the Carneyland property. We ask that you deny the requested variances. We also request that the Department of Planning and Zoning deny any requests for any exceptions requested for the Carneyland property by Mr. Mytsak.

Sincerely,

A handwritten signature in cursive script that reads "Meg O'Hare".

Mrs. Mary Margaret (Meg) O'Hare
Carney Improvement Association President

3012 Summit Avenue
Baltimore, MD 21234
410.668.5183 (home)
410.409.3136 (cell)

Debra Wiley

JB 10/6
1:30 PM

From: Lisette C. Klaus <lklus@gejlaw.com>
Sent: Friday, October 02, 2015 2:33 PM
To: Administrative Hearings; Carl Richards Jr; paizoning@baltimorecountymd.gov
Subject: Zoning Case No. 2016-0035-A and Zoning Case No. 2016-0036-A
Attachments: Vasyl Mytsak Complaint.pdf

Importance: High

October 2, 2015

This email is in connection with Zoning Case No. 2016-0035-A and Zoning Case No. 2016-0036-A which involve requests for zoning variances.

The property owner, Vasyl Mytsak has been trying to develop the Carneyland property and for several years he has requested variances from the Department of Environmental Protection and Sustainability ("EPS"). When he was not successful in obtaining his requested variances, he proceeded to file suit against EPS and Baltimore County. A copy of the complaint is attached.

Now it appears that Mr. Mytsak is requesting 2 zoning variances for a project that is not welcomed by the neighboring community nor has this project received support from the County Council for District 3 and District 5.

As adjoining property owners to the Carneyland property, we vehemently oppose the proposed Carneyland development. There are tremendous environmental constraints (e.g., the Jennifer Branch, a stream that runs from Carney to the Gunpowder traverses the Carneyland property). The location of the Carneyland property cannot withstand any further development and additional traffic (given that it is very close to the currently failing intersection of Harford Road and Joppa Road). Further, there is no community support for this proposed development and given the lack of open space in our community, we believe the property is best left undeveloped. We, along with other neighboring property owners, strongly oppose all requests for environmental and zoning variances and/or waivers since such relief would (a) be detrimental to the surrounding residential community, (b) be inconsistent with efforts to preserve the Jennifer Branch stream, (c) decrease open space in the area, and (d) endanger the natural habitat for the wildlife living in this forested area.

The Carneyland property is located at the headwaters of the Jennifer Branch stream in Carney. For many years the stream has been negatively impacted by the increase of storm water runoff from the increase of development and associated impervious surfaces. As a result, residents living downstream have experienced increased flooding, erosion of stream banks, and a decrease in water quality. Currently there are a number of initiatives that seek to correct this situation such as (i) Baltimore County's capital improvement project: Jennifer Branch Stream Restoration Project, (ii) the Gunpowder Valley Conservancy received grants to involve residents in clearing debris from the Jennifer Branch, planting trees, and implementing best management practices at the stream bank of the Jennifer Branch, so to reduce storm water runoff and improve water quality, and (iii) the creation of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy which members and the community team together to clean trash and debris from the Jennifer Branch stream, plant trees in the watershed, and monitor the Jennifer Branch stream and surrounding areas. Any waivers and/or variances to develop the Carneyland property would impact the existing forest buffer area, disturb the wetlands located thereon, or that would allow construction within the stream buffer area would undermine these environmental preservation efforts.

Additionally, several members of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy cleaned tremendous amounts of trash, tires, furniture, and what appeared to be a homeless shelter from

the headwaters of the Jennifer Branch that traverses the proposed Carneyland property. This was an amazing task undertaken by the members of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy to keep the Jennifer Branch clear of debris and further protect the Jennifer Branch waters, stream bank, wetlands and surrounding area. A portion of the Jennifer Branch traverses our backyard and we continue the effort to keep this stream clear of debris and trash.

It is the desire of the surrounding community that the Carneyland property be preserved in its natural forested condition. Currently there is a large deficiency of open space and neighborhood parkland in the area; the Parkville, Carney, and Cub Hill area is deficit of 460 acres, according to State Standards and as shown in a recent survey by the Baltimore County Office of Planning. In order to increase the open space in the area, the Carney, Cub Hill, Parkville Community Plan included a directive that the County acquire this Carneyland property as parkland. NeighborSpace did contact the Carneyland property owner to acquire the Carneyland property in order to keep it a natural forested open space property; however, the property owner did not accept NeighborSpace's offer to acquire the property.

As it is mostly forested and is traversed by the Jennifer Branch stream, the Carneyland property is a serene and natural habitat for several species of wildlife. At a Community Input Meeting regarding the proposed Carneyland development, several residents requested that EPS investigate whether endangered or potentially endangered species of wildlife were living in the Carneyland property.

Mr. Mytsak has attempted to develop this property first into several townhomes and later into single family homes. Repeated opposition from the surrounding community as well as numerous comments by several County agencies, the property owner has been attempting to circumvent the major subdivision process by requesting a minor subdivision to build houses and thereby reducing the County planning requirements and completely eliminating the requirement for community input. For all of the reasons outlined above, we vehemently oppose any development on the Carneyland property and therefore we strongly oppose any zoning variances and/or waivers for the Carneyland property. We request that the Planning and Zoning deny any requests for zoning waivers and/or variances requested for the Carneyland property. Further, we urge Planning and Zoning to deny these 2 requests for zoning variances related to the proposed Carneyland development.

Thank you in advance for your assistance in this matter.

Lisette C. Klaus
John D. Carlineo
2905 Jomat Avenue
Carney, MD 21234

Lisette C. Klaus
Paralegal
TEL: 410 951 1427 / FAX: 410 468 2786
218 N Charles Street, Suite 400, Baltimore, MD 21201
lklaus@gejlaw.com

GALLAGHER EVELIUS & JONES LLP
ATTORNEYS AT LAW

This email transmission may contain CONFIDENTIAL and PRIVILEGED information. If you are not the intended recipient, please notify the sender by email, do not disseminate and delete immediately.



PETITION FOR ZONING HEARING(S)

F100D

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 9624 Harford Road, Parkville, MD 21234-2104 which is presently zoned DR 5.5
 Deed References: Liber: 26295, Folio: 118 10 Digit Tax Account # 0918351620
 Property Owner(s) Printed Name(s) Vasyl Mytsak

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a Variance from Section: 1B02.3.C1

To permit the development of an undersized lot with a 50ft width in lieu of the required 55ft width.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Zoning Variance is requested to permit a development of the existing lot that is 50' wide instead of required 55'.

If approved, the proposed Minor Subdivision Plan/Application that is currently under review (12-025-M) will be withdrawn.

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:

none
 Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code / Telephone # / Email Address

Attorney for Petitioner:

none
 Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code / Telephone # / Email Address

Legal Owners (Petitioners):

Vasyl Mytsak
 Name #1 - Type or Print Name #2 - Type or Print
Vasyl Mytsak
 Signature #1 Signature #2
 11608 Woodland Drive, Lutherville, MD
 Mailing Address City State
 21093 / (240) 449-0760 / mytsak@verizon.net
 Zip Code Telephone # Email Address

Representative to be contacted:

none
 Name - Type or Print
 Signature
 Date
 Mailing Address City State
 By
 Zip Code / Telephone # / Email Address

ORDER RECEIVED FOR FILING
10-9-15
Sen

CASE NUMBER 2015-0035 A Filing Date 8/9/2015 Do Not Schedule Dates: Reviewer Li



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Contract Purchaser/Lessee:

none

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

none

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Vasyl Mytsak

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11608 Woodland Drive, Lutherville, MD

Mailing Address City State

21093 / (240) 449-0760 / mytsak@verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

none

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2015-0035-A

Filing Date 8/9/2015

Do Not Schedule Dates: _____

Reviewer TH

REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR 9624 Harford Road, Parkville, MD 21234.

Beginning at a point on the west side of Harford Road, which is 71' wide at the distance of 460' south of the centerline of the nearest improved intersecting street Jomat Ave which is 40' wide.

Being Lot # 9 as shown on the Plat of Carneyland, as recorded in the Baltimore County Plat Book #4, Folio 34, containing 9,440.33 square feet or 0.2167 acres. Located in the 9th Election District and 3rd Council District.

2016-0035- A

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

No. **128713**

Date: **8/9/15**

PAID RECEIPT

BUSINESS ACTUAL TIME ORN
8/10/2015 8/10/2015 09:59:26 1

REC WSD1 WALKIN LRAS LJR
>>RECEIPT # 603631 8/10/2015 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00

Dept: 5 528 ZONING VERIFICATION
CR NO. 128713

Recpt Tot \$75.00
\$150.00 CK \$1.00 CA
Baltimore County, Maryland

Total: **75.00**

Rec From: **Nosyl Muterak**
For: **9624 Keford RD**
2106-0035-511
21034

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

**CASHIER'S
VALIDATION**



myanberg 9/14/15



THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3569125

Sold To:

Vasyl Mytsak - CU00488121
11608 Woodland Dr
Lutherville Timonium, MD 21093-1517

Bill To:

Vasyl Mytsak - CU00488121
11608 Woodland Dr
Lutherville Timonium, MD 21093-1517

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 15, 2015

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: # 2016-0035-A
9624 Harford Road
W/s Harford Road, 411 ft. s/of the centerline of Jomat Avenue
9th Election District - 3rd Councilmanic District
Legal Owner(s) Vasyl Mytsak

Variance: to permit the development of an undersized lot with a 50 ft. width in lieu of the required 55 ft. width

Hearing: Tuesday, October 6, 2015 at 1:30 p.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 9/7/15 Sept. 15 3569125

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

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: 2016-0035-A

Petitioner: Vasyl Mytsak

Address or Location: 9624 Harford Road, Parkville, MD 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: Vasyl Mytsak

Address: 11608 Woodland Drive

Lutherville, MD 21093

Telephone Number: (240) 419-0760

CERTIFICATE OF POSTING

CASE NO: 2016-0035-A

PETITIONER/DEVELOPER

VASYL MYSTAK

DATE OF HEARING/CLOSING:

10/6/15

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

9624 HARFORD RD

THIS SIGN(S) WERE POSTED ON September 16, 2015
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/16/15
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 15, 2015 Issue - Jeffersonian

Please forward billing to:

Vasyl Mytsak
11608 Woodland Drive
Lutherville, MD 21093

240-449-0760

NOTICE OF ZONING HEARING

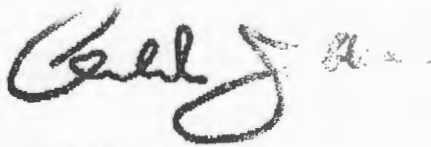
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W/s Harford Road, 411 ft. s/of the centerline of Jomat Avenue
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Legal Owners: Vasyl Mytsak

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Hearing: Tuesday, October 6, 2015 at 1:30 p.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
9624 Harford Road; W/S Harford Road,
411' S of c/line of Jomat Avenue
9th Election & 3rd Councilmanic Districts
Legal Owner(s): Vasyl Mytsak
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-035-A

* * * * *

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
AUG 17 2015

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 17th day of August, 2015, a copy of the foregoing Entry of Appearance was mailed to Vasyl Mytsak, 11608 Woodland Drive, Lutherville, Maryland 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carl Richards Jr

From: Lisette C. Klaus <lklaus@gejlaw.com>
Sent: Friday, October 02, 2015 2:33 PM
To: Administrative Hearings; Carl Richards Jr; paizoning@baltimorecountymd.gov
Subject: Zoning Case No. 2016-0035-A and Zoning Case No. 2016-0036-A
Attachments: Vasy Mytsak Complaint.pdf
Importance: High

October 2, 2015

This email is in connection with Zoning Case No. 2016-0035-A and Zoning Case No. 2016-0036-A which involve requests for zoning variances.

The property owner, Vasy Mytsak has been trying to develop the Carneyland property and for several years he has requested variances from the Department of Environmental Protection and Sustainability ("EPS"). When he was not successful in obtaining his requested variances, he proceeded to file suit against EPS and Baltimore County. A copy of the complaint is attached.

Now it appears that Mr. Mytsak is requesting 2 zoning variances for a project that is not welcomed by the neighboring community nor has this project received support from the County Council for District 3 and District 5.

As adjoining property owners to the Carneyland property, we vehemently oppose the proposed Carneyland development. There are tremendous environmental constraints (e.g., the Jennifer Branch, a stream that runs from Carney to the Gunpowder traverses the Carneyland property). The location of the Carneyland property cannot withstand any further development and additional traffic (given that it is very close to the currently failing intersection of Harford Road and Joppa Road). Further, there is no community support for this proposed development and given the lack of open space in our community, we believe the property is best left undeveloped. We, along with other neighboring property owners, strongly oppose all requests for environmental and zoning variances and/or waivers since such relief would (a) be detrimental to the surrounding residential community, (b) be inconsistent with efforts to preserve the Jennifer Branch stream, (c) decrease open space in the area, and (d) endanger the natural habitat for the wildlife living in this forested area.

The Carneyland property is located at the headwaters of the Jennifer Branch stream in Carney. For many years the stream has been negatively impacted by the increase of storm water runoff from the increase of development and associated impervious surfaces. As a result, residents living downstream have experienced increased flooding, erosion of stream banks, and a decrease in water quality. Currently there are a number of initiatives that seek to correct this situation such as (i) Baltimore County's capital improvement project: Jennifer Branch Stream Restoration Project, (ii) the Gunpowder Valley Conservancy received grants to involve residents in clearing debris from the Jennifer Branch, planting trees, and implementing best management practices at the stream bank of the Jennifer Branch, so to reduce storm water runoff and improve water quality, and (iii) the creation of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy which members and the community team together to clean trash and debris from the Jennifer Branch stream, plant trees in the watershed, and monitor the Jennifer Branch stream and surrounding areas. Any waivers and/or variances to develop the Carneyland property would impact the existing forest buffer area, disturb the wetlands located thereon, or that would allow construction within the stream buffer area would undermine these environmental preservation efforts.

Additionally, several members of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy cleaned tremendous amounts of trash, tires, furniture, and what appeared to be a homeless shelter from the headwaters of the Jennifer Branch that traverses the proposed Carneyland property. This was an amazing task undertaken by the members of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy to keep the Jennifer Branch clear of debris and further protect the Jennifer Branch waters, stream bank, wetlands and surrounding area. A portion of the Jennifer Branch traverses our backyard and we continue the effort to keep this stream clear of debris and trash.

It is the desire of the surrounding community that the Carneyland property be preserved in its natural forested condition. Currently there is a large deficiency of open space and neighborhood parkland in the area; the Parkville, Carney, and Cub Hill area is deficit of 460 acres, according to State Standards and as shown in a recent survey by the Baltimore County Office of Planning. In order to increase the open space in the area, the Carney, Cub Hill, Parkville Community Plan included a directive that the County acquire this Carneyland property as parkland. NeighborSpace did contact the Carneyland property owner to acquire the Carneyland property in order to keep it a natural forested open space property; however, the property owner did not accept NeighborSpace's offer to acquire the property.

As it is mostly forested and is traversed by the Jennifer Branch stream, the Carneyland property is a serene and natural habitat for several species of wildlife. At a Community Input Meeting regarding the proposed Carneyland development, several residents requested that EPS investigate whether endangered or potentially endangered species of wildlife were living in the Carneyland property.

Mr. Mytsak has attempted to develop this property first into several townhomes and later into single family homes. Repeated opposition from the surrounding community as well as numerous comments by several County agencies, the property owner has been attempting to circumvent the major subdivision process by requesting a minor subdivision to build houses and thereby reducing the County planning requirements and completely eliminating the requirement for community input. For all of the reasons outlined above, we vehemently oppose any development on the Carneyland property and therefore we strongly oppose any zoning variances and/or waivers for the Carneyland property. We request that the Planning and Zoning deny any requests for zoning waivers and/or variances requested for the Carneyland property. Further, we urge Planning and Zoning to deny these 2 requests for zoning variances related to the proposed Carneyland development.

Thank you in advance for your assistance in this matter.

Lisette C. Klaus
 John D. Carlineo
 2905 Jomat Avenue
 Carney, MD 21234

Lisette C. Klaus
 Paralegal
 TEL: 410 951 1427 / FAX: 410 468 2786
 218 N Charles Street, Suite 400, Baltimore, MD 21201
lklaus@gejlaw.com

GALLAGHER EVELIUS & JONES LLP
 ATTORNEYS AT LAW

Case No.:

2016-0035-A

Exhibit Sheet

Petitioner/Developer

DO
11-10-15

Protestants

SLN
10-9-15

No. 1	Plan	Aug. 19, 2013 letter Vincent Gardina
No. 2	Carneyland plat	Aerial photos + environmental map
No. 3	Minor Sub-Plan 12-025-M	
No. 4	Floodplain report	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ACCEPTED FOR FILING

Dennis A. Kennedy 8/2/11

**REVISED
CARNEYLAND PROPERTY
100-YEAR FLOODPLAIN REPORT**

BALTIMORE COUNTY, MARYLAND



Prepared for:
Carneyland Property
11608 Woodland Drive
Lutherville-Timonium, MD 21093

Prepared by:
A. Morton Thomas and Associates
2 East Read Street, Suite 400
Baltimore, Maryland 21202

100-YEAR FLOODPLAIN CERTIFICATION

I certify that the 100 year floodplain outline shown on this plan is correct and done in accordance with the Baltimore County Department of Permits and Development Management, Bureau of Development Plans Review's Policy Manual, Appendix B, Recommendations and Procedures for Watersheds Studies, Floodplain Studies, and Waterway Crossing Studies.

Kunal D. Vijayar
Signature

07/26/2011
Date:

AMT
A. Morton Thomas and Associates, Inc.
Consulting Engineers
Established 1955



I hereby certify that these documents were prepared or approved by me, and that I am duly licensed professional engineer under the State of Maryland, License No: 39982, Expiration Date: 02-15-2013.

EX.4



KEVIN KAMENETZ
County Executive

VINCENT J. GARDINA, *Director*
Department of Environmental Protection
and Sustainability

August 19, 2013

Mr. Vasyl Mytsak
11608 Woodland Drive
Lutherville, Md. 21093

Re: Carneyland Property
Forest Buffer Variance
Tracking #05-12-1541

Dear Mr. Mytsak:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of your request for a variance and alternatives analysis from Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. The request and proposes to impact a total of approximately 19,300 square feet of forested Forest Buffer, including at least 4,230 square feet of forested non-tidal wetland, for the development of three lot residential lots on 3.56 acres. These impacts include approximately 6,940 square feet of disturbance for dwellings and yards; and approximately 12,360 square feet of disturbance for construction of utilities and storm water management facilities as well as vehicular access across Jennifer Branch. The resultant buffer to the stream and wetlands would be as narrow as 30 feet, and the required 35-foot setback from the Forest Buffer Easement to the dwellings would be reduced to as little as 10 feet.

Section 33-3-112 requires that roads, bridges, trails, storm water management facilities and utilities be permitted in the Forest Buffer only when no physically feasible alternative exists. Additionally, these structures must be located, designed, constructed, and maintained to provide maximum erosion protection, have the least impact on wildlife, aquatic life and their habitats, and maintain hydrologic processes and water quality. The proposed access from Harford Road to the lots would entail a bottomless arch stream crossing which reduces direct impact to the stream and helps maintain hydrologic processes of Jennifer Branch. However, construction of this road would still permanently impact approximately 11,000 square feet of forested buffer, 4,230 square feet of forested non-tidal wetland, and temporarily impact 40 linear feet of stream. The proposed sewer connection for Lot 1 is 18 feet from the stream, and no alternative locations were evaluated for that connection to further minimize water quality impacts.

Proposed mitigation for the Forest Buffer impacts includes planting six small areas onsite totaling 4,157 square feet, fencing the resultant Forest Buffer Easement, and purchasing 27,106 square feet of mitigation are proposed offsite at an EPS-approved mitigation bank. For the most part, these six fragmented mitigation areas are narrow strips



Properties Adjacent to
Mason Ave

Created By
Baltimore County
My Neighborhood



This data is only for general information.

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attorney
from o

PROTESTANT'S

EXHIBIT NO. 2

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arising

...and use or reliance upon this data.



Environmental Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

9624 Harford Road 2016-0035-A



Publication Date: 8/6/2015



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

DATE _____

2016-0035-A

~~2215~~

10-6-2015

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

Francis Kristan

9696 Mason Ave.

Baltimore, MD 21234

f.kriston@yahoo.com

Ruth Bausden

7706 Oak Cre

President Greater Parkville Community Council

21234

ruthbauser@yahoo.com

please send copy of order.

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
8/20	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
9/2	PLANNING (if not received, date e-mail sent _____)	No Obj
8/17	STATE HIGHWAY ADMINISTRATION	C
_____	TRAFFIC ENGINEERING	_____
9/28	Dept of Public Works	C
_____	COMMUNITY ASSOCIATION - letters of opposition	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

9/15/15

SIGN POSTING

Date:

9/16/15

by

Cagle

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Sherry Nuffer

From: Meg O'Hare <carneycia@gmail.com>
Sent: Friday, October 02, 2015 6:06 PM
To: Administrative Hearings
Cc: Meg O'Hare; Jim Cousler; Joanne Krause; Romi Shah; Ryan, John and Marilyn
Subject: Case Numbers 2016-0035-A and 2016-0036 A:
Attachments: Vasyl Mytsak Property Variances Oppositon Oct 2015.doc

To the Baltimore County Administrative Law Judge for Case Numbers 2016-0035-A and 2016-0036 A:

As President of the Carney Improvement Association, I am writing to ask that you deny the requested variances for the properties, also known as Carneyland, located at 9624 Harford Road and 9626 Harford Road.

Attached is a letter on the Carney Improvement Association letterhead detailing the reasons for our request to deny the variances request by Legal Owner, Vasyl Mytsak.

Meg O'Hare
Carney Improvement Association President

3012 Summit Avenue
Carney, MD 21234

410.668.5183 (home)
410.409.3136 (cell)

RECEIVED

OCT 05 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Carney Improvement Association, Inc.

P.O. Box 28282

Carney, MD 21234-8282

carneycia@gmail.com

Meg O'Hare	President
Romi Shah	Vice President
JoAnne Krause	Recording Secretary
Marilyn Ryan	Corresponding Secretary
John Ryan	Treasurer
Jim Cousler	Sergeant-at-Arms

October 2, 2015

Administrative Law Judge
Jefferson Building, Suite 103
Towson, Maryland 21204

To the Administrative Law Judge for
Case Numbers 2016-0035-A and 2016-0036 A:

The community of Carney is an older community that predated zoning regulations and the protections they offer residents. Therefore, it is extremely important to our community that variances are not provided to developers in Carney. These are the only protection that our residents have to protect the quality of life and preserve the environment.

In my role as President of the Carney Improvement Association (CIA), I am writing in opposition to granting the variances requested in Case Numbers 2016-0035-A and 2016-0036 A by the Legal Owner, Vasyi Mytsak.

The properties in question at 9624 Harford Road and 9626 Harford Road are located known in the community as Carneyland. The community objects strongly to the development of these properties for many reasons.

Carneyland is located very close to the northern boundary of the Joppa Road and Harford Road intersection. This intersection is and has been failing for many years with a D grade from Baltimore County and an F grade from the State of Maryland. No additional development should occur near this intersection until there are significant improvements to the intersection.

In my opinion, the most important reason to deny the variances is that the Carneyland property is located at the headwaters of the Jennifer Branch stream in Carney. Jennifer Branch is an endangered stream that has been negatively impacted by overdevelopment. Currently, there are initiatives that seek to correct the Jennifer Run problems including: Baltimore County's capital improvement project, Jennifer Branch Stream Restoration Project; the Gunpowder Valley Conservancy grant projects that have involved residents in clearing debris from the Jennifer Branch, planting trees, and

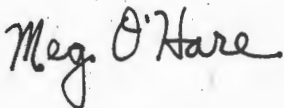
implementing best management practices at the stream bank of the Jennifer Branch; and the creation of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy.

The Carney community is very invested in protecting the Jennifer Branch, a tributary whose waters find their way to the Chesapeake Bay. Any waivers and/or variances to develop the Carneyland property would impact the existing forest buffer area, disturb the wetlands located thereon, or that would allow construction within the stream buffer area would undermine these environmental preservation efforts.

Mr. Mytsak has proposed development of this property as several townhomes and later as single family homes. There has been repeated opposition from the Carney community as well as numerous comments by several County agencies. Mr. Mytsak, the property owner, has been attempting to circumvent the major subdivision process by requesting a minor subdivision to build houses and thereby reducing the County planning requirements and completely eliminating the requirement for Carney community input.

The Carney community is opposed to any development on the Carneyland property. We ask that you deny the requested variances. We also request that the Department of Planning and Zoning deny any requests for any exceptions requested for the Carneyland property by Mr. Mytsak.

Sincerely,



Mrs. Mary Margaret (Meg) O'Hare
Carney Improvement Association President

3012 Summit Avenue
Baltimore, MD 21234
410.668.5183 (home)
410.409.3136 (cell)

JB 10/6
1:30 PM

Debra Wiley

From: Lissette C. Klaus <lklaus@gejlaw.com>
Sent: Friday, October 02, 2015 2:33 PM
To: Administrative Hearings; Carl Richards Jr; paizoning@baltimorecountymd.gov
Subject: Zoning Case No. 2016-0035-A and Zoning Case No. 2016-0036-A
Attachments: Vasyl Mytsak Complaint.pdf
Importance: High

October 2, 2015

This email is in connection with Zoning Case No. 2016-0035-A and Zoning Case No. 2016-0036-A which involve requests for zoning variances.

The property owner, Vasyl Mytsak has been trying to develop the Carneyland property and for several years he has requested variances from the Department of Environmental Protection and Sustainability ("EPS"). When he was not successful in obtaining his requested variances, he proceeded to file suit against EPS and Baltimore County. A copy of the complaint is attached.

Now it appears that Mr. Mytsak is requesting 2 zoning variances for a project that is not welcomed by the neighboring community nor has this project received support from the County Council for District 3 and District 5.

As adjoining property owners to the Carneyland property, we vehemently oppose the proposed Carneyland development. There are tremendous environmental constraints (e.g., the Jennifer Branch, a stream that runs from Carney to the Gunpowder traverses the Carneyland property). The location of the Carneyland property cannot withstand any further development and additional traffic (given that it is very close to the currently failing intersection of Harford Road and Joppa Road). Further, there is no community support for this proposed development and given the lack of open space in our community, we believe the property is best left undeveloped. We, along with other neighboring property owners, strongly oppose all requests for environmental and zoning variances and/or waivers since such relief would (a) be detrimental to the surrounding residential community, (b) be inconsistent with efforts to preserve the Jennifer Branch stream, (c) decrease open space in the area, and (d) endanger the natural habitat for the wildlife living in this forested area.

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the headwaters of the Jennifer Branch that traverses the proposed Carneyland property. This was an amazing task undertaken by the members of the Jennifer Branch Conservation Association of the Gunpowder Valley Conservancy to keep the Jennifer Branch clear of debris and further protect the Jennifer Branch waters, stream bank, wetlands and surrounding area. A portion of the Jennifer Branch traverses our backyard and we continue the effort to keep this stream clear of debris and trash.

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As it is mostly forested and is traversed by the Jennifer Branch stream, the Carneyland property is a serene and natural habitat for several species of wildlife. At a Community Input Meeting regarding the proposed Carneyland development, several residents requested that EPS investigate whether endangered or potentially endangered species of wildlife were living in the Carneyland property.

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Thank you in advance for your assistance in this matter.

Lisette C. Klaus
John D. Carlineo
2905 Jomat Avenue
Carney, MD 21234

Lisette C. Klaus
Paralegal
TEL: 410 951 1427 / FAX: 410 468 2786
218 N Charles Street, Suite 400, Baltimore, MD 21201
lklaus@gejlaw.com

GALLAGHER EVELIUS & JONES LLP
ATTORNEYS AT LAW

This email transmission may contain CONFIDENTIAL and PRIVILEGED information. If you are not the intended recipient, please notify the sender by email, do not disseminate and delete immediately.

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0918351620			
Owner Information					
Owner Name:		MYTSAK VASYL		Use:	RESIDENTIAL
Mailing Address:		11608 WOODLAND DR LUTHERVILLE MD 21093-1517		Principal Residence:	NO
				Deed Reference:	/26295/ 00118
Location & Structure Information					
Premises Address:		HARFORD RD 0-0000		Legal Description:	.176 AC PRT LT 9 CARNEYLAND
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0071	0015	1197		0000	9 2014 0004/0034
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area 7,669 SF
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016
Land:		1,900	1,900		
Improvements		0	0		
Total:		1,900	1,900		1,900 1,900
Preferential Land:		0			0
Transfer Information					
Seller: RIDDLE HOWARD JAMES		Date: 10/22/2007		Price: \$165,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /26295/ 00118		Deed2:	
Seller: RIDDLE EDWARD H		Date: 04/01/1991		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08744/ 00709		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

[New Search \(http://sdattat.maryland.gov/RealProperty\)](http://sdattat.maryland.gov/RealProperty)District: **09** Account Number: **0918351620****A map was not found for this property.**

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



KEVIN KAMENETZ
County Executive

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

September 30, 2015

Vasyl Mytsak
11608 Woodland Drive
Lutherville MD 20193

RE: Case Number: 2016-0035 A, Address: 9624 Harford Road

Dear Mr. Mytsak:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 9, 2015. 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: jaw

Enclosures

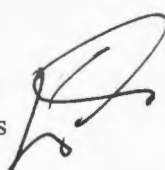
c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon,
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

ATTN: Kristen Matthews
MS 1105

FROM: Edward C. Adams, Director
Department of Public Works 

DATE: August 28, 2015

SUBJECT: Case No: 2016-0035-A
9624 Harford Road, Parkville, Maryland 21234-2104

The subject case is to determine whether or not the Administrative Law Judge should approve a variance to permit the development of an undersized lot with a 50 foot width in lieu of the required 55 feet width.

During the review of this property the Department of Public Works has found that there is a flood plain on the property that may impact the proposed development.

A flood plain study of the property must be submitted for verification of the flood plain boundary. Once the flood plain boundary has been established, the Department of Public Works Design Manual Plate DF-1 must be adhered to.

ECA/TWC/s

CC: Dennis Kennedy, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council

ORDER RECEIVED FOR FILING

Date 10-9-15

By Sen

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 8/17/15

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

RE: Baltimore County
Item No. 2016-0035-A
Variance
Vasyi Mytsak
9624 Harford Road
MD ~~21204~~ 147

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8/17/15. A field inspection and internal review reveals that an entrance onto MD147 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2016-0035 the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

* A residential access permit is required. Contact Mr. Alan Price, Resident Maintenance Engineer at the Golden Ring Shop. 410-574-4511

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road - Hunt Valley, Maryland 21030 - Phone 410-229-2300 or 1-866-998-0367 -
Fax 410-527-4685 - www.roads.maryland.gov

10/6

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: September 2, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 9624 Harford Road

SEP 03 2015

INFORMATION:

Item Number: 16-035

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Vasyl Mystak

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to permit the development of a lot having a width of 50' in lieu of the required 55' width.

The Department has no objection to the granting of the petitioned zoning relief. Be advised the Petitioner proposes to withdraw the application for review of the minor development plan, PAI 12-02-M in the event the Administrative Law Judge grants the requested variance.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Division Chief: Kathy Schlabach
AVA/KS

C: Laurie Hay

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 August 24, 2015
Item No. 2016-0034, 0035, 0037, 0038 and 0039

DATE: August 20, 2015

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\ZAC08242015.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: September 2, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9624 Harford Road

INFORMATION:

Item Number: 16-035

Petitioner: Vasyi Mystak

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For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Division Chief:
AVA/KS



C: Laurie Hay

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon,
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

ATTN: Kristen Matthews
MS 1105

FROM: Edward C. Adams, Director
Department of Public Works 

DATE: August 28, 2015

SUBJECT: Case No: 2016-0035-A
9624 Harford Road, Parkville, Maryland 21234-2104

The subject case is to determine whether or not the Administrative Law Judge should approve a variance to permit the development of an undersized lot with a 50 foot width in lieu of the required 55 feet width.

During the review of this property the Department of Public Works has found that there is a flood plain on the property that may impact the proposed development.

A flood plain study of the property must be submitted for verification of the flood plain boundary. Once the flood plain boundary has been established, the Department of Public Works Design Manual Plate DF-1 must be adhered to.

ECA/TWC/s

CC: Dennis Kennedy, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council

Dennis A. Kennedy 8/2/11

**REVISED
CARNEYLAND PROPERTY
100-YEAR FLOODPLAIN REPORT**

BALTIMORE COUNTY, MARYLAND



Prepared for:
Carneyland Property
11608 Woodland Drive
Lutherville-Timonium, MD 21093

Prepared by:
A. Morton Thomas and Associates
2 East Read Street, Suite 400
Baltimore, Maryland 21202

100-YEAR FLOODPLAIN CERTIFICATION

I certify that the 100 year floodplain outline shown on this plan is correct and done in accordance with the Baltimore County Department of Permits and Development Management, Bureau of Development Plans Review's Policy Manual, Appendix B, Recommendations and Procedures for Watersheds Studies, Floodplain Studies, and Waterway Crossing Studies.

Kunal Vijayaraj
Signature

07/26/2011
Date:

AMT
A. Morton Thomas and Associates, Inc.
Consulting Engineers
Established 1955



I hereby certify that these documents were prepared or approved by me, and that I am duly licensed professional engineer under the State of Maryland, License No: 39982, Expiration Date: 02-15-2013.

2016-0035-A

2016-0035-A

10-6-15

2008 - acquired - 1 deed -
9+10

storm water pipe - last 70 yrs. - outfall
swale - ^{became} active stream - buffers
much not buildable.

2008 - Major Subdivision proposed
abandoned 2013 - then 3 lots -
then 2 lots

now Lots 9+10 - want need to disturb
less envir. -

0 - wetland
5-8K - impact to forest buffer.

- 3.6 acre parcel
- LOD 1/4 acre

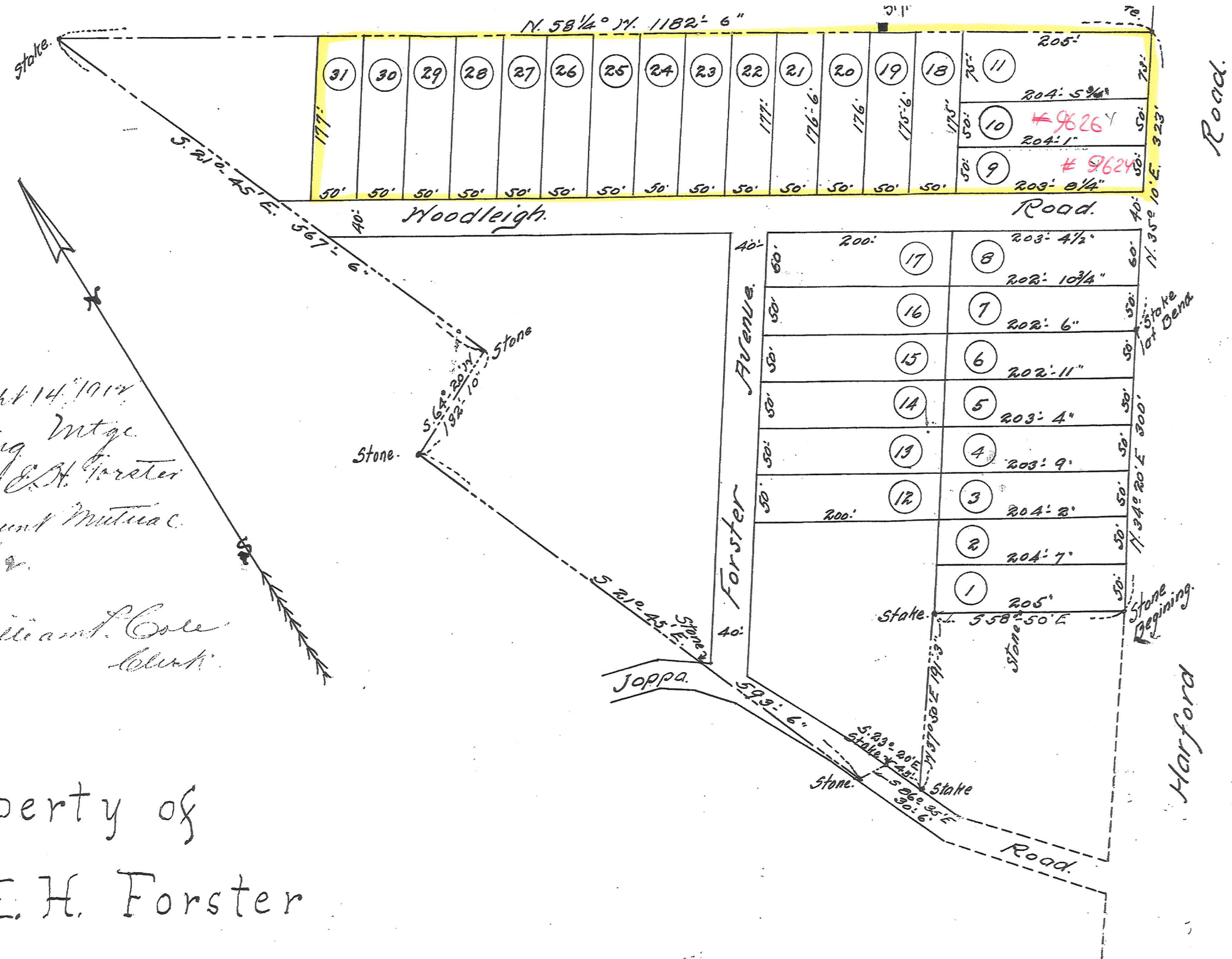
19-31 donated - building

1 inch = 100 feet

2016-0036-A

Plat filed Sept 14 1912
 accompanying Intge.
 from Susan E. H. Forster
 to. Truimant Mutual C.
 Bldg Assn &
 Trust:
 William C. Cole
 Clerk.

Property of
 Susan E. H. Forster
 known as
 "CARMEYLAND."

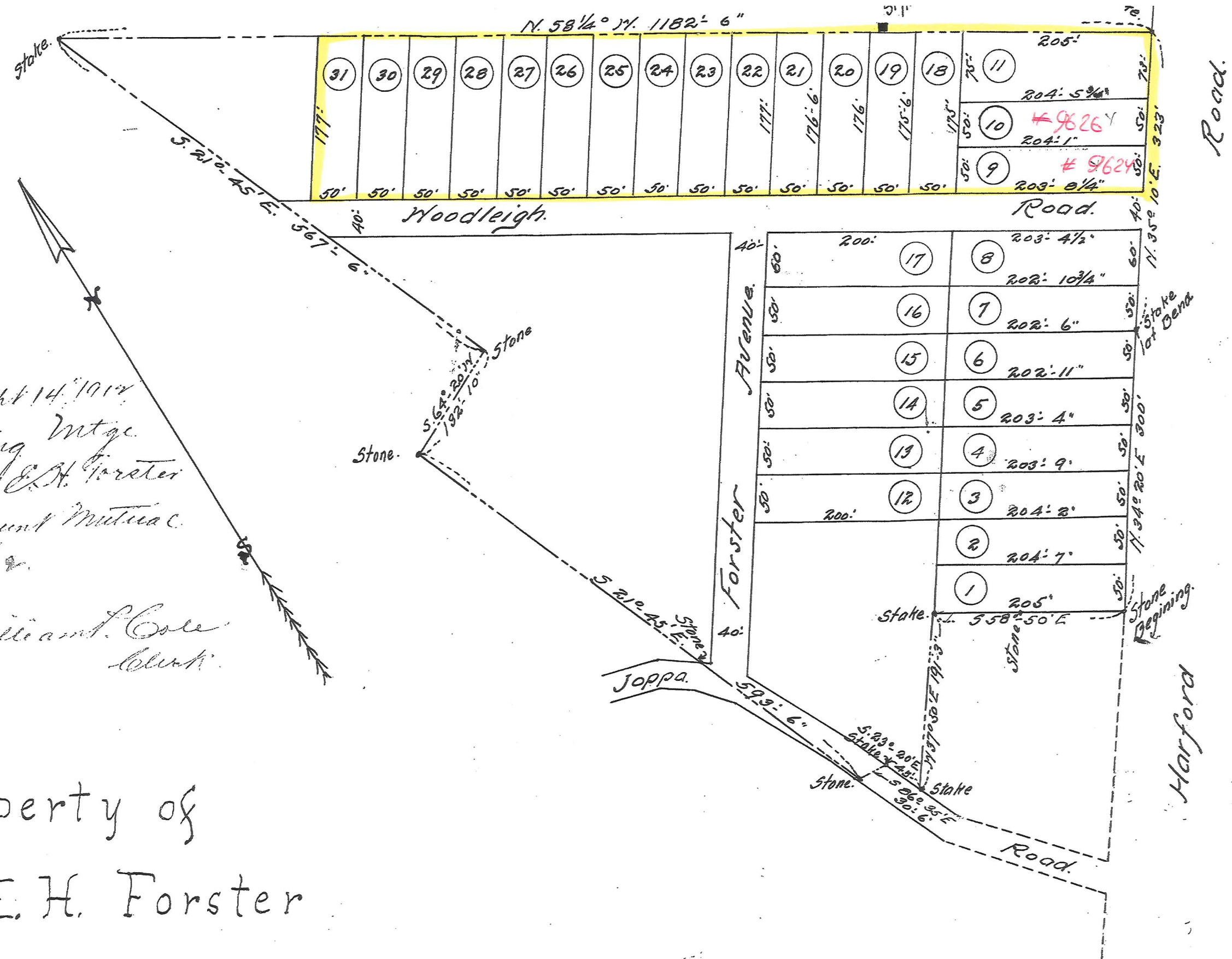


Scale = 100 feet to one inch.
 S. J. Montanet & Co
 Surveyors & Civil Engineers
 Baltimore August 23, 1912.

EX-2

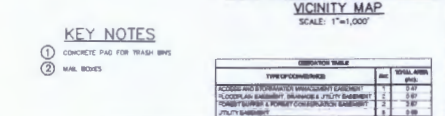
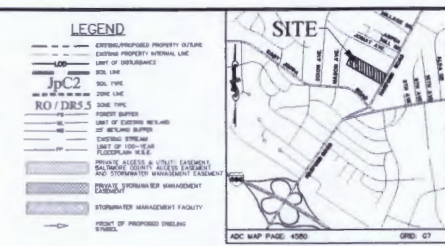
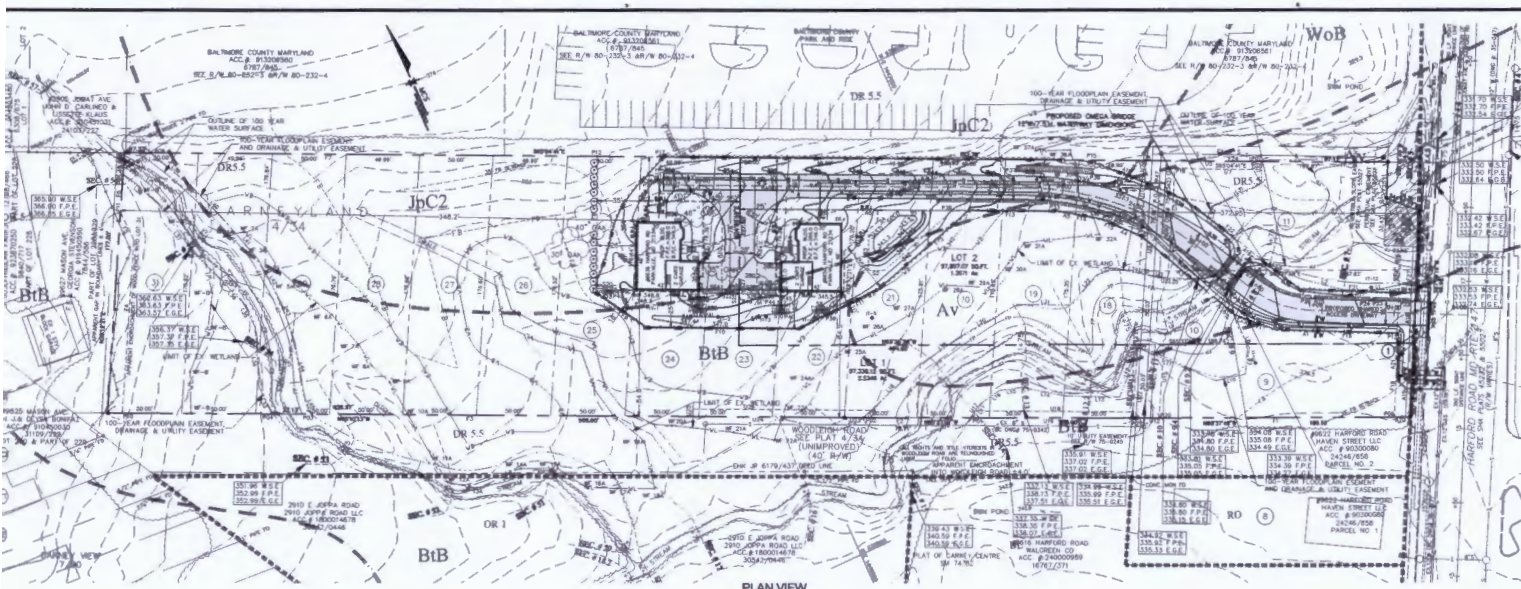
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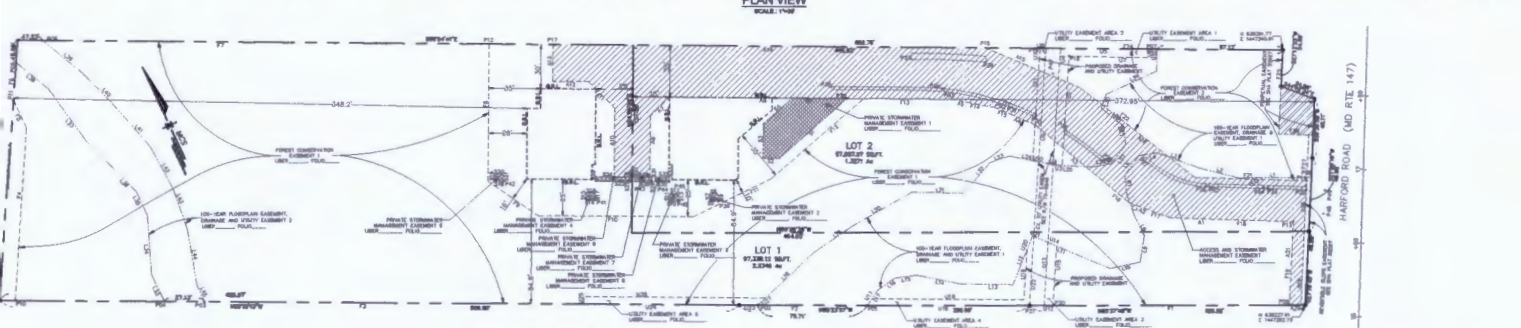


Scale = 100 feet to one inch.
 S. J. Montanet Esq
 Surveyor & Civil Engineer
 Dated August 23, 1912.

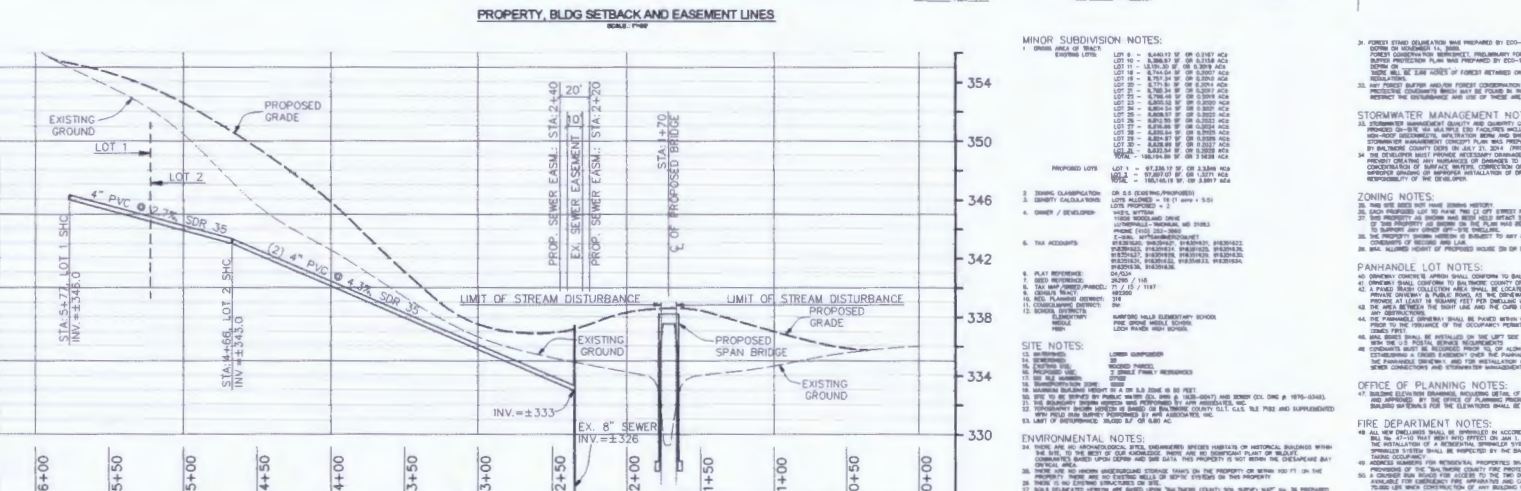
EX-2



FLOODPLAIN ELEVATION	
LINE	ELEVATION
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FLOODPLAIN ELEVATION	
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FLOODPLAIN ELEVATION	
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ASSOCIATES, INC.
AND SURVEYORS
 1044-4312 FAX: (410) 444-1047
 E-mail: agn444@bellsouth.net

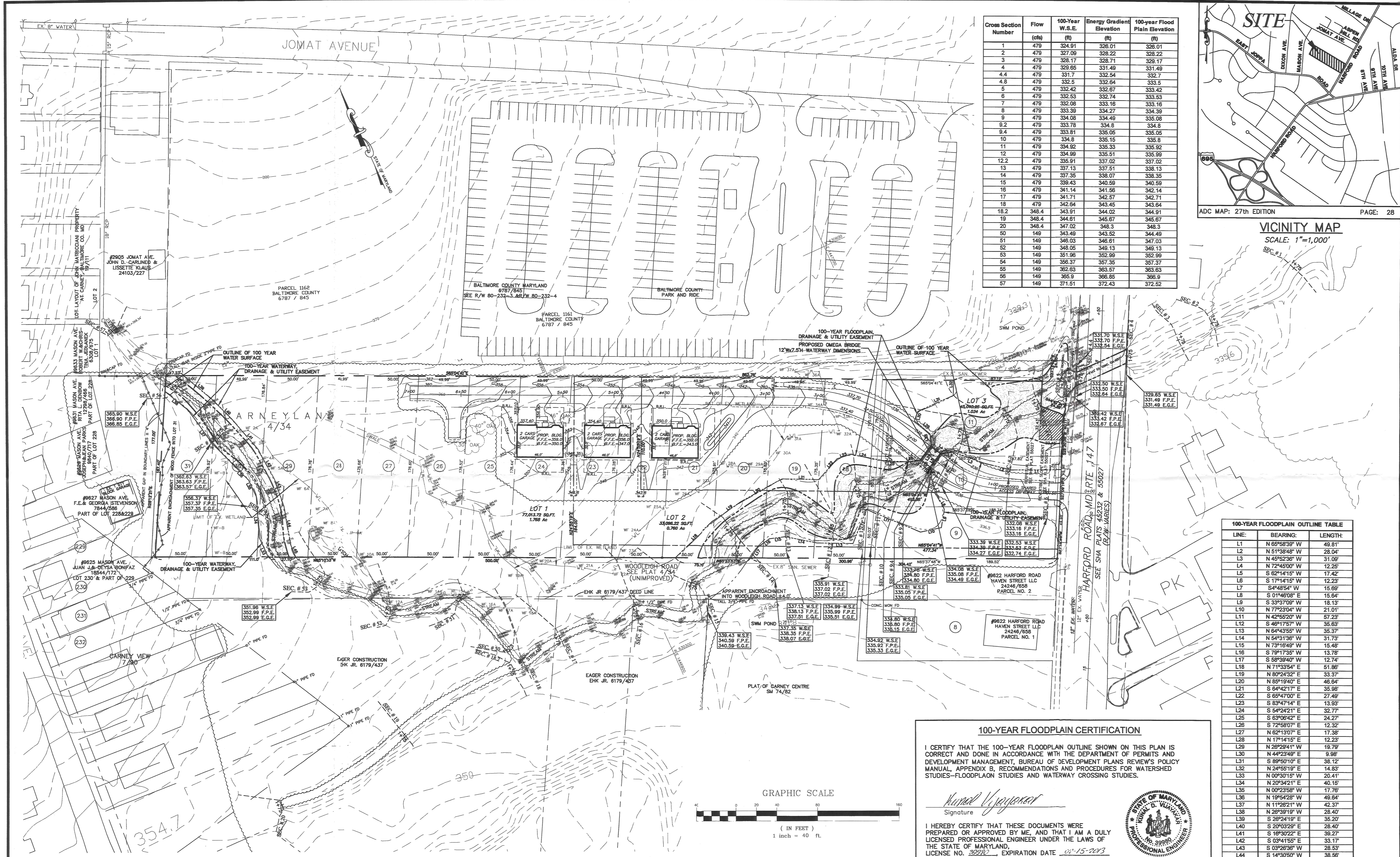
HV
 HARRY V. HENRY, P.E.
 HARRY V. HENRY, P.E.
 HARRY V. HENRY, P.E.

SURVEYOR'S CERTIFICATION
 I, HARRY V. HENRY, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE SURVEY AND PLANS HEREON WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

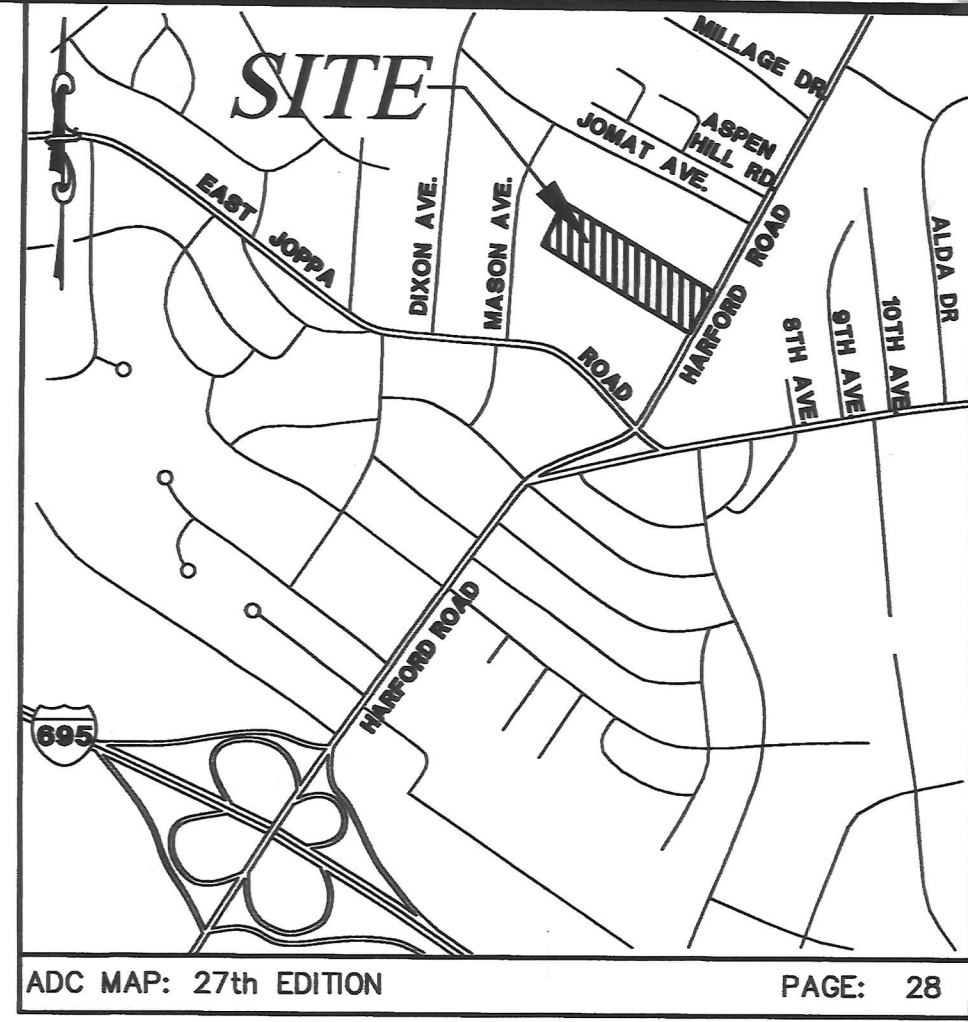
100-YEAR FLOODPLAIN CERTIFICATION
 I, HARRY V. HENRY, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE 100-YEAR FLOODPLAIN OUTLINE SHOWN ON THIS PLAN IS CORRECT AND WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

PROFESSIONAL CERTIFICATION
 I, HARRY V. HENRY, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE SURVEY AND PLANS HEREON WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

MINOR SUBDIVISION PLAN
12-025-M
...CARNEYLAND PROPERTY...
 PARCEL 1197, HARFORD ROAD, PARKVILLE, MD 21234
 LIBER 26295 FOLIO 118, PLAT 4/34, LOTS 1-11, 18-31
 ELECTION DISTRICT: 8 CONGRESSIONAL DISTRICT: 5 BALTIMORE COUNTY



Cross Section Number	Flow (cfs)	100-Year W.S.E. (ft)	Energy Gradient Elevation (ft)	100-year Flood Plain Elevation (ft)
1	479	324.91	326.01	326.01
2	479	327.09	328.22	328.22
3	479	328.17	328.71	329.17
4	479	329.65	331.49	331.49
4.4	479	331.7	332.54	332.7
4.8	479	332.5	332.64	333.5
5	479	332.42	332.67	333.42
6	479	332.53	332.74	333.53
7	479	332.08	333.16	333.16
8	479	333.39	334.27	334.39
9	479	334.08	334.49	335.08
9.2	479	333.78	334.8	334.8
9.4	479	333.81	335.05	335.05
10	479	334.8	335.15	335.8
11	479	334.92	335.33	335.92
12	479	334.99	335.51	335.99
12.2	479	335.91	337.02	337.02
13	479	337.13	337.51	338.13
14	479	337.35	338.07	338.35
15	479	338.43	340.59	340.59
16	479	341.14	341.66	342.14
17	479	341.71	342.57	342.71
18	479	342.64	343.45	343.64
18.2	348.4	343.91	344.02	344.91
19	348.4	344.61	345.67	345.67
20	348.4	347.02	348.3	348.3
50	149	343.49	343.52	344.49
51	149	346.03	346.61	347.03
52	149	348.05	349.13	349.13
53	149	351.96	352.99	352.99
54	149	356.37	357.35	357.37
55	149	362.63	363.57	363.63
56	149	365.9	366.85	366.9
57	149	371.51	372.43	372.52



LINE:	BEARING:	LENGTH:
L1	N 65°58'39" W	49.81'
L2	N 51°38'48" W	28.04'
L3	N 45°52'36" W	31.09'
L4	N 72°45'00" W	12.25'
L5	S 62°14'15" W	17.42'
L6	S 17°14'15" W	12.23'
L7	S 4°48'54" W	15.69'
L8	S 01°46'08" E	15.64'
L9	S 33°37'09" W	18.13'
L10	N 77°23'04" W	21.01'
L11	N 42°55'20" W	57.23'
L12	S 48°17'57" W	35.63'
L13	N 64°43'55" W	35.37'
L14	N 54°31'38" W	31.73'
L15	N 73°16'49" W	15.48'
L16	S 79°17'35" W	13.78'
L17	S 58°39'40" W	12.74'
L18	N 71°33'54" E	51.86'
L19	N 80°24'32" E	33.37'
L20	N 85°19'40" E	46.64'
L21	S 64°42'17" E	35.98'
L22	S 65°47'00" E	27.49'
L23	S 83°47'14" E	13.93'
L24	S 54°24'21" E	32.77'
L25	S 63°06'42" E	24.27'
L26	S 72°58'07" E	12.32'
L27	N 52°13'07" E	17.38'
L28	N 17°14'15" E	12.23'
L29	N 28°29'41" W	12.79'
L30	N 44°23'49" E	9.98'
L31	S 89°50'10" E	38.12'
L32	N 24°55'19" E	14.83'
L33	N 00°30'15" W	20.41'
L34	N 20°34'21" E	40.15'
L35	N 00°23'58" W	17.76'
L36	N 19°54'28" W	49.64'
L37	N 11°26'21" W	42.37'
L38	N 26°39'19" W	28.40'
L39	S 26°24'19" E	35.20'
L40	S 20°03'29" E	28.40'
L41	S 16°30'22" E	39.27'
L42	S 03°41'55" E	33.17'
L43	S 03°26'58" W	23.53'
L44	S 14°30'50" W	38.58'
L45	S 00°55'42" W	12.06'

100-YEAR FLOODPLAIN CERTIFICATION

I CERTIFY THAT THE 100-YEAR FLOODPLAIN OUTLINE SHOWN ON THIS PLAN IS CORRECT AND DONE IN ACCORDANCE WITH THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, BUREAU OF DEVELOPMENT PLANS REVIEW'S POLICY MANUAL, APPENDIX B, RECOMMENDATIONS AND PROCEDURES FOR WATERSHED STUDIES—FLOODPLAIN STUDIES AND WATERWAY CROSSING STUDIES.

Signature

Signature

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 39982, EXPIRATION DATE 01-15-2013

A. MORTON THOMAS AND ASSOCIATES, INC.
CONSULTING ENGINEERS
12750 TWINBROOK PARKWAY - ROCKVILLE, MD 20852-1700
TEL: (301) 881-2544 FAX: (301) 881-0814
E-MAIL: BMT5AK@AMTENGINEERING.COM

RES.					
SURV.					
COMP.					
DES.					
DRN.					
CHK.					
DATE		REVISION		BY	APP'R.

LEGEND

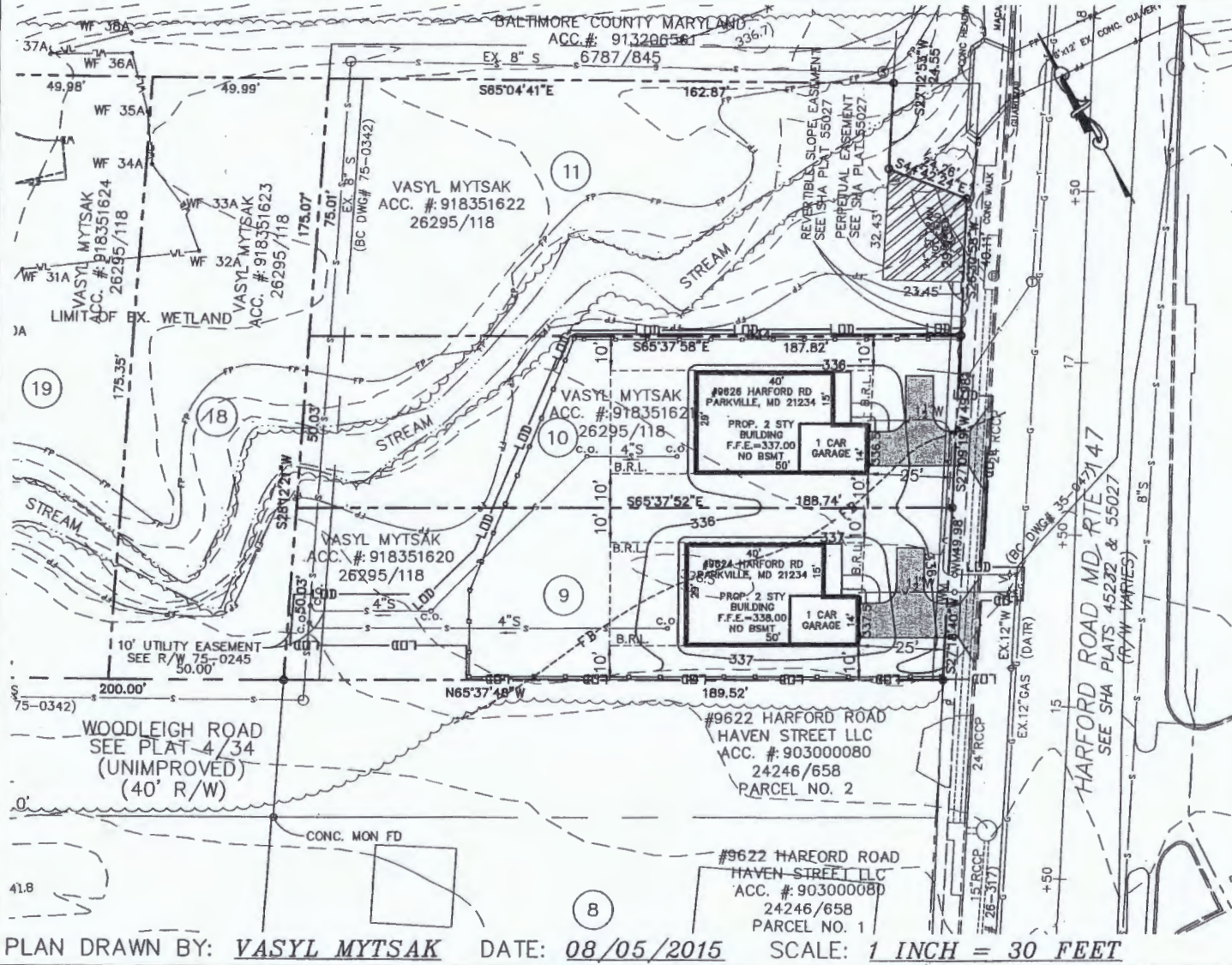
- STREAM CROSS SECTION
- EXISTING STREAM
- LIMIT OF 100-YEAR FLOODPLAIN W.S.E.

100-YEAR FLOODPLAIN PLAN
CARNEYLAND PROPERTY
PARCEL 1197, HARFORD ROAD, PARKVILLE, MD 21234
LIBER 8744 FOLIO 709, PLAT 4/34, LOTS 9-11, 18-31
NINTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

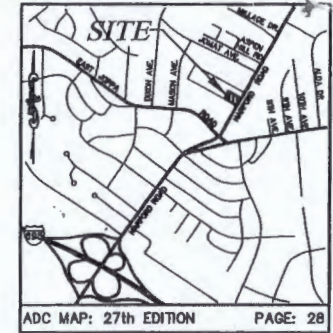
SCALE 1"=40'	CONTOUR INTERVAL 2	A.M.T. FILE NO. 106-380
DATE 04/14/2011	TAX MAP No. 71	SHEET FPS-1

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

ADDRESS: #9624 & #9626 HARFORD ROAD OWNER(S) NAME(S): VASYL MYTSAK
 SUBDIVISION NAME: CARNEYLAND, PLAT 4/34 LOTS(S): 9 & 10 BLOC #: N/A SECTION #: N/A
 PLAT BOOK #: 4 FOLIO #: 34 10 DIGIT TAX #: 918351620 & 918351621 DEED REF. #: 26295/118



PLAN DRAWN BY: VASYL MYTSAK DATE: 08/05/2015 SCALE: 1 INCH = 30 FEET



VICINITY MAP
 SCALE: 1"=2,000'

ZONING MAP: 071B2
 SITE ZONED: DR 5.5
 ELECTION DISTRICT: 9
 COUNCIL DISTRICT: 3
 LOT AREA ACREAGE:
 LOT 9: 0.2167 Ac
 LOT 10: 0.2158 Ac
 OR SQUARE FEET:
 LOT 9: 9,440.33 SQ.FT.
 LOT 10: 9,398.57 SQ.FT.
 HISTORIC ? : NO
 IN CBCA ? : NO
 IN FLOOD PLAIN? : YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO, GIVE CASE NUMBER AND ORDER RESULTS BELOW: NONE
 VIOLATION CASE INFO: NONE

LEGEND

- PROPERTY LINE
- LOD ----- LIMIT OF DISTURBANCE
- FB ----- FOREST BUFFER
- EXISTING STREAM

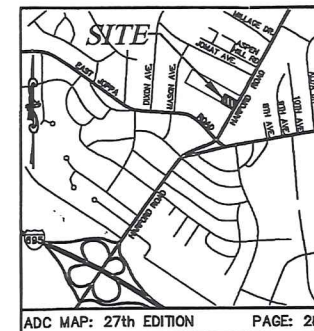
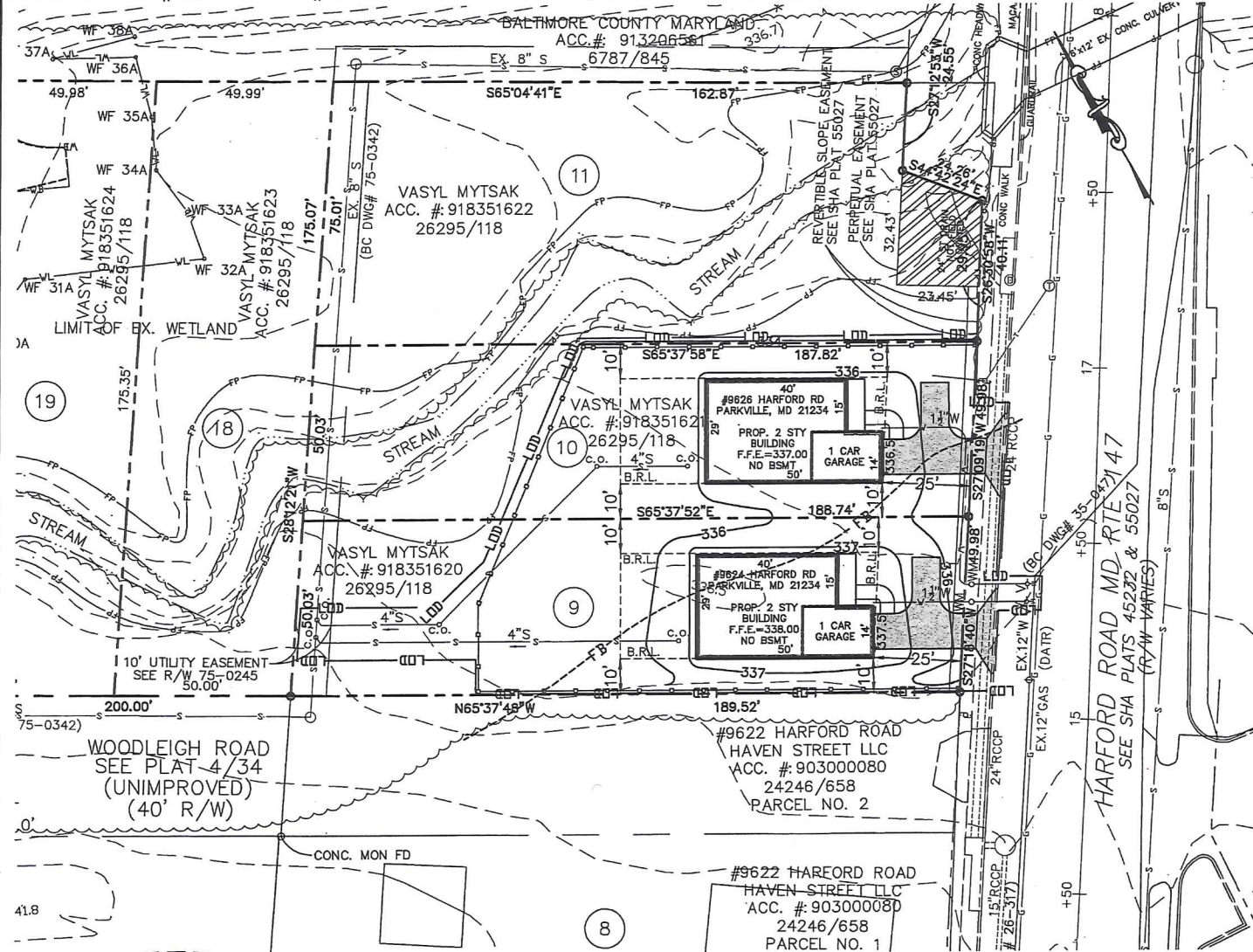


LIMIT OF APPROVED BY THE BC
 100-YEAR FLOODPLAIN W.S.E.

2016-0035-A

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

ADDRESS: #9624 & #9626 HARFORD ROAD OWNER(S) NAME(S): VASYL MYTSAK
 SUBDIVISION NAME: CARNEYLAND, PLAT 4/34 LOTS(S): 9 & 10 BLOC #: N/A SECTION #: N/A
 PLAT BOOK #: 4 FOLIO #: 34 10 DIGIT TAX #: 918351620 & 918351621 DEED REF. #: 26295/118



VICINITY MAP
 SCALE: 1"=2,000'

ZONING MAP: 071B2
 SITE ZONED: DR 5.5
 ELECTION DISTRICT: 9
 COUNCIL DISTRICT: 3
 LOT AREA ACREAGE:
 LOT 9: 0.2167 Ac
 LOT 10: 0.2158 Ac
 OR SQUARE FEET:
 LOT 9: 9,440.33 SQ.FT.
 LOT 10: 9,398.57 SQ.FT.
 HISTORIC ? : NO
 IN CBCA ? : NO
 IN FLOOD PLAIN?: YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO, GIVE CASE NUMBER AND
 ORDER RESULTS BELOW: NONE
 VIOLATION CASE INFO: NONE

LEGEND

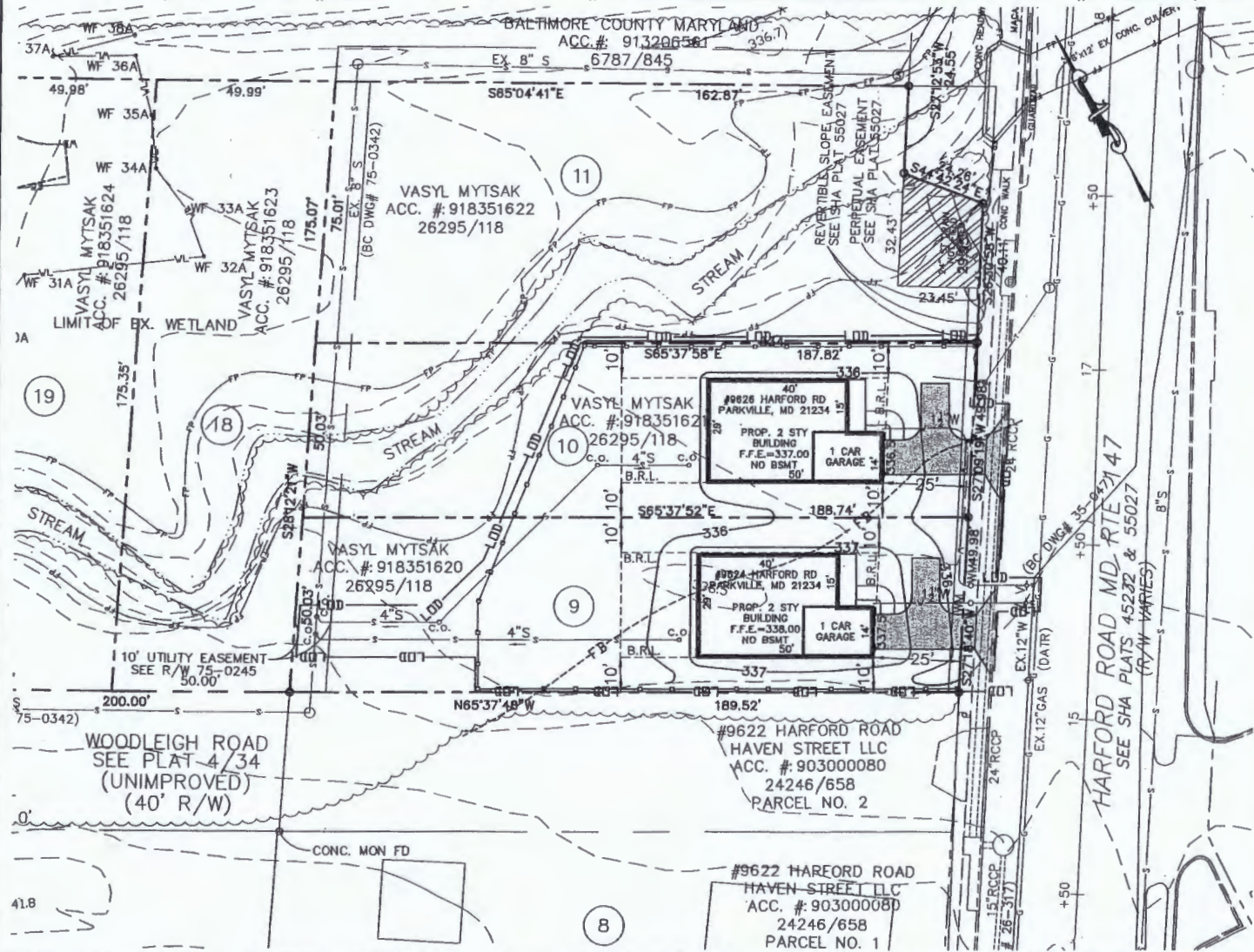
- PROPERTY LINE
- LOD ----- LIMIT OF DISTURBANCE
- FB ----- FOREST BUFFER
- EXISTING STREAM



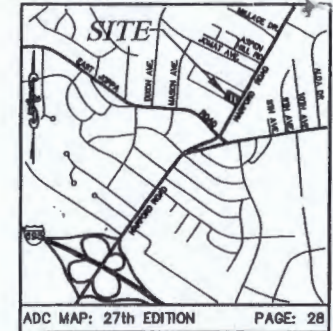
LIMIT OF APPROVED BY THE BC
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2016-0035-A

ADDRESS: #9624 & #9626 HARFORD ROAD OWNER(S) NAME(S): VASYL MYTSAK
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PLAT BOOK #: 4 FOLIO #: 34 10 DIGIT TAX #: 918351620 & 918351621 DEED REF. #: 26295/118



PLAN DRAWN BY: VASYL MYTSAK DATE: 08/05/2015 SCALE: 1 INCH = 30 FEET



SCALE: 1"=2,000'

ZONING MAP: 071B2
SITE ZONED: DR 5.5
ELECTION DISTRICT: 9
COUNCIL DISTRICT: 3
LOT AREA ACREAGE:
LOT 9: 0.2167 Ac
LOT 10: 0.2158 Ac
OR SQUARE FEET:
LOT 9: 9,440.33 SQ.FT.
LOT 10: 9,398.57 SQ.FT.
HISTORIC ? : NO
IN CBCA ? : NO
IN FLOOD PLAIN?: YES
MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? NO
IF SO, GIVE CASE NUMBER AND
ORDER RESULTS BELOW: NONE
VIOLATION CASE INFO: NONE

- - - - - PROPERTY LINE
 - - - - - LOD - - - - - LIMIT OF DISTURBANCE
 - - - - - FB - - - - - FOREST BUFFER
 - - - - - EXISTING STREAM

LIMIT OF APPROVED BY THE BC
100-YEAR FLOODPLAIN W.S.E.

2016-0035-A