

MEMORANDUM

DATE: July 22, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0286-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 21, 2016. 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 ADMIN. VARIANCE	*	BEFORE THE
(4211 Perry Hall Road)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Sean and Kimberly Yackulak	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0286-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Sean and Kimberly Yackulak ("Petitioners"). The Petitioners are requesting Variance relief from §§ 259.B.4.e(1) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed deck with a rear yard setback of 25 ft. in lieu of the minimum rear yard setback of 30 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 28, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

ORDER RECEIVED FOR FILING

Date 6-21-16

By (SW)

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

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

THEREFORE, IT IS ORDERED, this 21st day of **June, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 259.B.4.e(1) and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed deck with a rear yard setback of 25 ft. in lieu of the minimum rear yard setback of 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 6-21-16

By [Signature]



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 4211 Perry Hall Road Perry Hall MD 21128 Currently zoned DR 3.5 +1
Deed Reference 30548 / 00001 10 Digit Tax Account # 250 001 0208
Owner(s) Printed Name(s) Kimberly + Sean Yackulak

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the **Affidavit** on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s) 259.B.4.e.(1) & 301.1 BCZR
See Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Sean Yackulak , Kim Yackulak
Name #1 – Type or Print Name #2 – Type or Print
SYackulak , Kim Yackulak
Signature #1 Signature #2
4211 Perry Hall Rd Perry Hall MD
Mailing Address City State
21128 , 410 256 8435 , syackulak@comcast.net
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Representative to be contacted:

Michelle Clancy
Name – Type or Print
MC
Signature
PO Box 310 Perry Hall MD
Mailing Address City State
21128 443 610 7574 , michelle@approvedandapproved.com
Zip Code Telephone # Email Address

A **PUBLIC HEARING** having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2010-0286 A Filing Date 5/16/16 Estimated Posting Date 5/29/16 Reviewer G.A.

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Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 4211 Perry Hall Road Perry Hall MD 21128
Print or Type Address of property City State Zip Code

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

We are requesting a variance to allow us to construct a 16' x 20' open deck with steps. The proposed deck is modest in size and utilizes the existing door on the rear of the house which currently leads to nothing. The current zoning requires 30' to the rear property line. The proposed deck would result in a proposed setback of 25' - meaning we would need a variance of 5'. If we were not granted the variance the deck would be limited to 11' in projection which would only go 3' past the existing bump-out in the rear of the house and would not be adequate to utilize. The deck is elevated, we propose no roof and this deck in no way would adversely impact the general plan.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)
Sean Yackulak
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
Kim Yackulak
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of May, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Sean & Kim Yackulak

the Affiant(s) herein personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public

12/27/2016
My Commission Expires

May 16, 2016

Case#2016-0286-A

Administrative Variance section 259.B.4.e(1) & 301.1 of the BCZR To permit a proposed deck with a rear yard setback of 25 feet in lieu of the minimum rear yard setback of 30 feet.

ZONING PROPERTY DESCRIPTION FOR 4211 PERRY HALL ROAD, PERRY HALL MD 21128

Beginning at a point on the South side of Perry Hall Road which is 50' wide at the distance of 10' West of the centerline of the nearest improved intersecting street, Perry River Road which is 40' wide.

Being Lot #4 in the subdivision of Gunpowder Overlook as recorded in Baltimore County Plat Book #79, Folio #339, containing 9010 square feet. Located in the 11th Election District and 5th Councilmanic District.

2016-0286-A

**COMBINED HONEYGO OVERLAY DISTRICTS (H and H1) / D.R. ZONES SETBACKS AND LOT WIDTH
STANDARDS FOR SINGLE FAMILY DWELLINGS (DETACHED, SEMI-DETACHED & DUPLEX)
& GROUP HOUSES (ROW HOUSES and TOWNHOUSES)**

THE FOLLOWING STANDARDS APPLY TO <u>BOTH</u> LARGE TRACT (6 LOTS OR MORE) AND SMALL TRACT (5 LOTS OR LESS) DEVELOPMENT. DO NOT USE THE "MINIMUM NET LOT AREA" STANDARD (OR OTHER STANDARDS) IN THE SMALL TRACT TABLE FOR DEVELOPMENTS IN THE HONEYGO OVERLAY DISTRICTS (H & H1). (See Section 259.9.B.4, BCZR, for more info.)	D.R. 1H & D.R. 2H ZONES (SINGLE FAMILY DETACHED, SEMI-DETACHED OR DUPLEX DWELLINGS ONLY)	D.R. 3.5H (SINGLE FAMILY "DETACHED" DWELLINGS ONLY, PER SECTION 259.9.A.5, BCZR) D.R. 3.5H1, D.R. 5.5H, D.R. 10.5H & D.R. 16H (SINGLE FAMILY DETACHED, SEMI-DETACHED OR DUPLEX DWELLINGS)	D.R. 5.5H (With Compatibility Findings), D.R. 10.5H & D.R. 16H ZONES (GROUP HOUSES--ROWHOUSE OR TOWNHOUSE) D.R. 3.5H1 (UP TO 40% OF DWELLING UNITS ON THE TRACT MAY BE GROUP HOUSES--ROWHOUSE OR TOWNHOUSE)
FROM BUILDING FACE (FRONT, SIDE OR REAR) TO RIGHT-OF-WAY OF A COLLECTOR STREET, NEIGHBORHOOD STREET, ALLEY OR COURT (NOT APPLIED TO PORCHES OR STOOPS IN FRONT YARD)	10'	10'	10' (for Garage and both types of Non-Garage Units)
FROM BUILDING FACE (FRONT, SIDE OR REAR) TO RIGHT-OF-WAY OF A MAJOR OR MINOR ARTERIAL OR COLLECTOR ROAD (NOT APPLIED TO PORCHES OR STOOPS IN FRONT YARD)	40'	40'	40' (for Garage and both types of Non-Garage Units)
FROM FRONT BUILDING FACE TO PROPERTY LINE (THAT IS NOT A PUBLIC STREET RIGHT-OF-WAY LINE)	25'	25'	25' (for Garage Units) 13' (for Non-Garage Unit perpendicular parking) 15' (for Non-Garage Unit parallel parking)
FROM BUILDING FACE (FRONT, SIDE OR REAR) TO REAR PROPERTY LINE (THAT IS NOT A PUBLIC STREET RIGHT-OF-WAY LINE). (EXCEPT FOR UNROOFED ADDITIONS, INCLUDING PATIOS AND DECKS; AND ROOFED ADDITIONS WHICH DO NOT EXCEED IN WIDTH 50% OF THE DWELLING UNIT, AND WHICH DO NOT EXTEND MORE THAN 10 FEET INTO THE REAR YARD SETBACK AREA)	40' (30' for unroofed additions such as patios and decks; 30' for roofed additions; 40' for roofed additions that exceed 50% of dwelling width)	40' (30' for unroofed additions such as patios and decks; 30' for roofed additions; 40' for roofed additions that exceed 50% of dwelling width)	40' (30' for unroofed additions such as patios and decks; 30' for roofed additions; 40' for roofed additions that exceed 50% of dwelling width)
FROM BUILDING FACE (FRONT, SIDE OR REAR) TO SIDE YARD LOT LINE THAT IS NOT ADJACENT TO A PUBLIC RIGHT-OF-WAY OR THE SAME AS A PUBLIC RIGHT OF WAY IF THE DWELLING UNIT IS DESIGNED TO HAVE A SIDE OR REAR ENTRY GARAGE	6' (Sum of both side yard widths may not be less than 20 feet)	6' (Sum of both side yard widths may not be less than 20 feet)	6' (Sum of both side yard widths may not be less than 20 feet)
FRONT ENTRY GARAGE SHALL BE RECESSED BEHIND THE FRONT FAÇADE OF THE DWELLING (A TWO CAR GARAGE FACING THE STREET SHALL HAVE TWO INDIVIDUAL DOORS SEPARATED BY A DIVIDER. THE FRONT FAÇADE OF ALL GARAGES, INCLUDING THE DIVIDER AND NOT INCLUDING THE GARAGE DOORS, SHALL BE CONSTRUCTED OF THE SAME MATERIALS AS THE FRONT FAÇADE OF THE BUILDING)	8' minimum (For a front entry garage not recessed or recessed less than 8 feet, a minimum setback of 18 feet shall be provided)	8' minimum (For a front entry garage not recessed or recessed less than 8 feet, a minimum setback of 18 feet shall be provided)	8' minimum (For a front entry garage not recessed or recessed less than 8 feet, a minimum setback of 18 feet shall be provided)
FROM SIDE BUILDING FACE TO SIDE BUILDING FACE	30' separation	16' separation (for buildings <20' height) 20' separation (for buildings >20' height)	25' separation (20' separation with a Modification of Standards approval)
FROM SIDE BUILDING FACE TO PAVING OF A PRIVATE ROAD	30'	25'	N/A
FROM SIDE BUILDING FACE TO TRACT BOUNDARY	25'	15'	N/A
FROM ANY BUILDING FACE (FRONT, SIDE OR REAR) TO TRACT BOUNDARY	N/A	N/A	30'
MINIMUM LOT WIDTH (FOR SINGLE FAMILY "DETACHED" DWELLINGS ONLY) <u>OR</u> MINIMUM DWELLING WIDTH (FOR GROUP HOUSES--ROWHOUSE OR TOWNHOUSE ONLY) AS MEASURED ALONG BOTH THE FRONT AND REAR WALLS OF THE DWELLING UNIT	85' lot width for single family "detached" dwellings only; (No minimum lot width requirement for semi-detached or duplex dwellings)	85' lot width for single family "detached" dwellings only (No minimum lot width requirement for semi-detached or duplex dwellings)	20' dwelling width for inside group rowhouses or townhouses (per Section 259.9.C.10, BCZR) 22' dwelling width for end of group rowhouses or townhouses (per Section 259.9.C.10, BCZR)

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0286-A

PETITIONER/DEVELOPER

SEAN & KIMBERLY VACKULAK

DATE OF HEARING/CLOSING:

6/13/16

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 _____

4211 PERRY HALL RD

THIS SIGN(S) WERE POSTED ON _____
(MONTH, DAY, YEAR)

MAY 28, 2016

SINCERELY,

Martin Ogle 5/28/16

SIGNATURE OF SIGN POSTER AND DATE:

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2016-0286
TO PERMIT A PROPOSED DECK WITH A SETBACK OF 25
FEET IN LIEU OF THE MINIMUM REAR SETBACK OF 30
FEET, AND TO AMEND THE FINAL DEVELOPMENT PLAN
(GUNPOWDER OVERLOOK) LOT # 4

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY, JUNE 13, 2016
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204



TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW.

MEETING IS HANDICAP ACCESSIBLE

malmgl 5/28/16

James 2/20/14

LET # 006-5081
THE PROPOSED AMTRAVEL SCHEDULED TO
BE DONE IN THE MONTH OF OCTOBER
WILL BE A PUBLIC HEARING ON OCTOBER
14, 2014 AT 10:00 AM AT THE
CITY OF NEW YORK, NEW YORK
PUBLIC HEARING

AMTRAVEL
COMMUNITY LINE
COMING NOTICE

FOR MORE INFORMATION, VISIT
WWW.AMTRAVEL.COM OR CALL
1-800-AMTRAVEL

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0286 -A Address 4211 Perry Hall Rd
Contact Person: Gary Hick Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 5/16/16 Posting Date: 5/29/16 Closing Date: 6/13/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2016- 0286 -A Address 4211 Perry Hall Rd
Petitioner's Name Sean & Kimberly Yackulak Telephone 410-256-8435
Posting Date: 5/29/16 Closing Date: 6/13/16
Wording for Sign: To Permit a proposed deck with a set back
of 25 feet in lieu of the minimum rear set
back of 30 feet, and to amend the final development
plan (Gunpowder Overlook) #1 lot #4

Revised 7/9/15

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

No.

139268

Date:

5/16/16

PAID RECEIPT

BUSINESS ACTUAL TIME
5/16/2016 5/16/2016 09:34:33

NO. 4503 WALKIN CAM

RECEIPT # 477650 5/16/2016 OF

Dept: 5, 528 ZONING VERIFICATION

NO. 139268

Recpt Tot \$150.00

\$150.00 OK 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept/Obj	BS Acct	Amount
001	806	0000		0 150				150.00

Total: 150.00

Rec From:

APPLIED & APPROVED

For:

Administrative Variance
Case # 2016-0086-A
4211 Perry Hill Rd

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

June 14, 2016

Sean & Kim Yackulak
4211 Perry Hall Road
Perry Hall MD 21128

RE: Case Number: 2016-0286 A, Address: 4211 Perry Hall Road

Dear Mr. Bohn & Ms. Bell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 16, 2016. 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Michelle Clancy, P O Box 310, Perry Hall MD 21128

6-13

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 26 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 26, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0286-A
Address 4211 Perry Hall Road
(Yackulak Property)

Zoning Advisory Committee Meeting of **May 30, 2016.**

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

Reviewer: Steve Ford

Date: 05-26-2016

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 5/23/10

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0286-A.

Administrative Variance
Sean Kim Yickulak
4211 Perry Hall Drive

Should you have any questions regarding this matter, please contact Mr. 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).

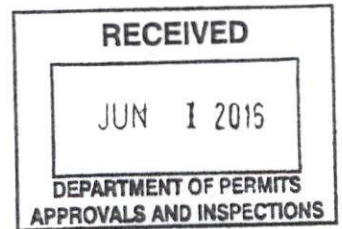
Sincerely,

A handwritten signature in blue ink that reads "Richard Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

DATE: May 31, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2016
Item No. 2016-0283, 0284, 0286, 0288, 0289 and 0291

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\ZAC05302016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 26, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0286-A
Address 4211 Perry Hall Road
(Yackulak Property)

Zoning Advisory Committee Meeting of **May 30, 2016**.

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

Reviewer: Steve Ford

Date: 05-26-2016

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-31</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NE</u>
<u>5-26</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>5-23</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2015-0178-SPHA</u>)	<u>1/13 4-29-15</u>
NEWSPAPER ADVERTISEMENT	Date: <u>5-28</u>	
SIGN POSTING	Date: <u>6-13-16</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 11 Account Number - 2500010208								
Owner Information										
Owner Name:		YACKULAK SEAN YACKULAK KIMBERLY				Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		4211 PERRY HALL RD PERRY HALL MD 21128-				Deed Reference:		/36548/ 00001		
Location & Structure Information										
Premises Address:		4211 PERRY HALL RD PERRY HALL 21128-9727				Legal Description:		0.21 AC 4211 PERRY HALL RD SS GUNPOWDER OVERLOOK		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0063	0022	0688		9339			4	2015	Plat Ref:	79/339
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built 2015		Above Grade Enclosed Area 3,968 SF			Finished Basement Area 500 SF		Property Land Area 9,010 SF		County Use 04	
Stories 2	Basement YES	Type STANDARD UNIT		Exterior SIDING	Full/Half Bath 4 full/ 1 half		Garage 1 Attached	Last Major Renovation		
Value Information										
			Base Value		Value As of 01/01/2015		Phase-in Assessments As of 07/01/2015			
					As of 07/01/2016					
Land:		140,200		140,200						
Improvements		484,600		484,600						
Total:		624,800		624,800		624,800		624,800		
Preferential Land:		0						0		
Transfer Information										
Seller: NVR INC Type: ARMS LENGTH IMPROVED				Date: 08/18/2015 Deed1: /36548/ 00001			Price: \$675,510 Deed2:			
Seller: ROUTE ONE DEVELOPMENT Type: ARMS LENGTH VACANT				Date: 05/06/2015 Deed1: /36142/ 00356			Price: \$250,000 Deed2:			
Seller: SCHROEDER DELORIS E Type: ARMS LENGTH MULTIPLE				Date: 02/12/2014 Deed1: /34686/ 00189			Price: \$2,400,000 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										

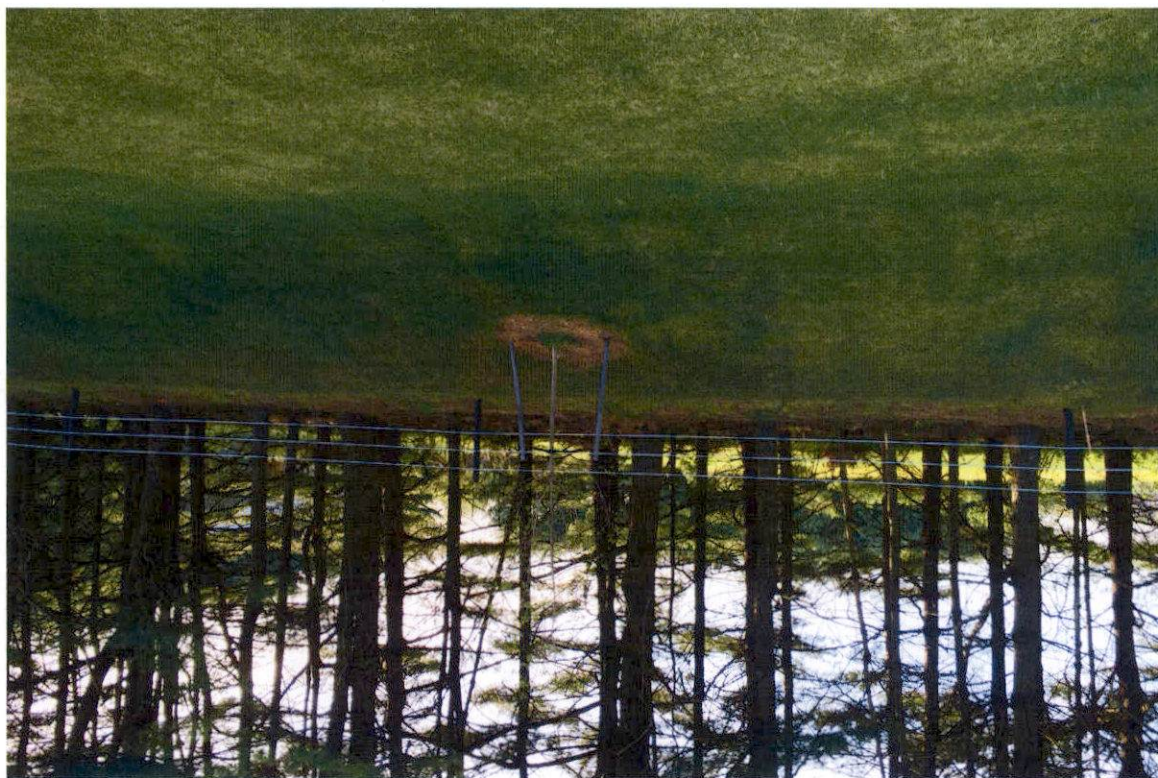
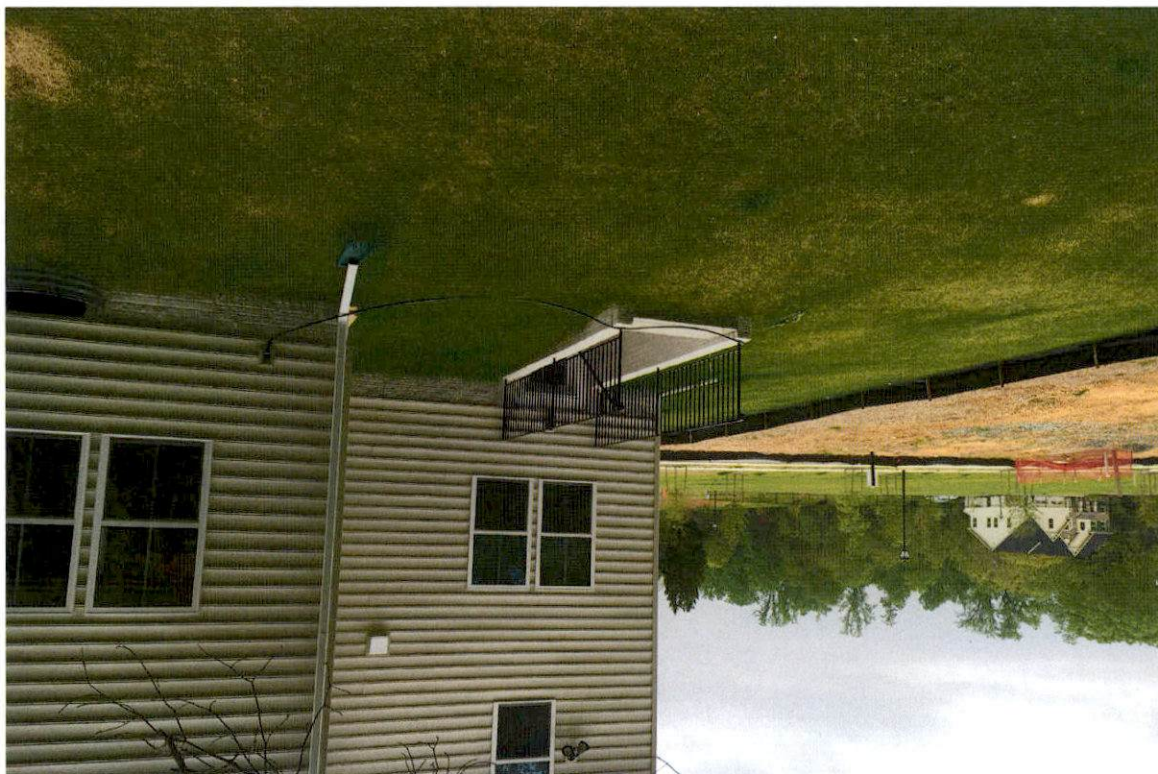
2016-02-08 A

2nd view of new yard



2016-02-08

Rear yard



IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(9895 Belair Road) *

11th Election District *

5th Council District *

Route One Development Co., Inc. *

Legal Owner *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0178-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to amend the 1st Amended Final Development Plan (FDP) for Gunpowder Overlook. In addition, a Petition for Variance pursuant to B.C.Z.R. §259.9.B.4.e seeks: to permit a side yard setback from the right-of-way of a major or minor arterial or collector road of 37 ft. in lieu of the required 40 ft. for Lot 48; and (2) to permit rear yard setbacks no less than 19 ft. for Lots 1-25, 27-41 and 44.

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. Appearing at the public hearing in support of the requests was Matt Bishop. Timothy M. Kotroco, Esq. appeared on behalf of the Petitioner. Several neighbors attended the hearing to obtain additional information regarding the requests.

The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The DOP had no objections to the requests, while the DPR noted that the variance requests should be

modified slightly to avoid interference with drainage and utility easements at the rear of some of the lots. The Order below incorporates the recommendations made by DPR.

The subject property is approximately 21.4 acres and is zoned DR 3.5H and DR 3.5. The Developer is constructing a community of 48 single family dwellings, to be known as Gunpowder Overlook. A model home is constructed on Lot 48, and the Developer will soon begin to sell the other lots shown on the plan. Developer's counsel indicated that buyers are looking for additional amenities when shopping for a new home (i.e., decks, family, rooms, etc.). Counsel stated that a builder in such a market requires some flexibility in lot configuration, hence the request for variance relief.

To obtain variance relief a petitioner must show:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The site is long and narrow, and according to Mr. Bishop, a landscape architect accepted as an expert, there is an 80' grade change from Bel Air Road to the rear of the site. As such the property is unique. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty, given that Petitioner would be unable to provide the amenities desired by home buyers. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of county and/or community opposition.

PETITION FOR SPECIAL HEARING

The petition seeks to amend the Final Development Plan (FDP) to reflect the relief granted herein regarding yard setbacks. Only the model home has been constructed at the present time,

and thus the FDP can be amended in accordance with B.C.Z.R. § 1B01.3.A.7.a. This is an appropriate request and will be granted.

THEREFORE, IT IS ORDERED this 29th day of April, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to amend the 1st Amended Final Development Plan (FDP) for Gunpowder Overlook, in accordance with the terms of this Order, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking: (1) to permit a side yard setback from the right-of-way of a major or minor arterial or collector road of 37 ft. in lieu of the required 40 ft. for Lot 48; and (2) to permit rear yard setbacks not less than 21 ft. for Lots 1-25 and 27-41, and not less than 26 ft. for Lot 44, in lieu of the required 40 ft., be and is hereby GRANTED.

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 its 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.

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

JEB/sln

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

16th
9Am

Account Identifier:

District - 11 Account Number - 2500010208

Owner Information

Owner Name:

YACKULAK SEAN
YACKULAK KIMBERLY

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

4211 PERRY HALL RD
PERRY HALL MD 21128-

Deed Reference:

/36548/ 00001

Location & Structure Information

Premises Address:

4211 PERRY HALL RD
PERRY HALL 21128-9727

Legal Description:

0.21 AC
4211 PERRY HALL RD SS
GUNPOWDER OVERLOOK

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0063	0022	0688		9339			4	2015	Plat Ref:	79/339

Special Tax Areas:

Town:

NONE

Ad Valorem:

Tax Class:

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
2015	3,968 SF	500 SF	9,010 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	4 full/ 1 half	1 Attached	

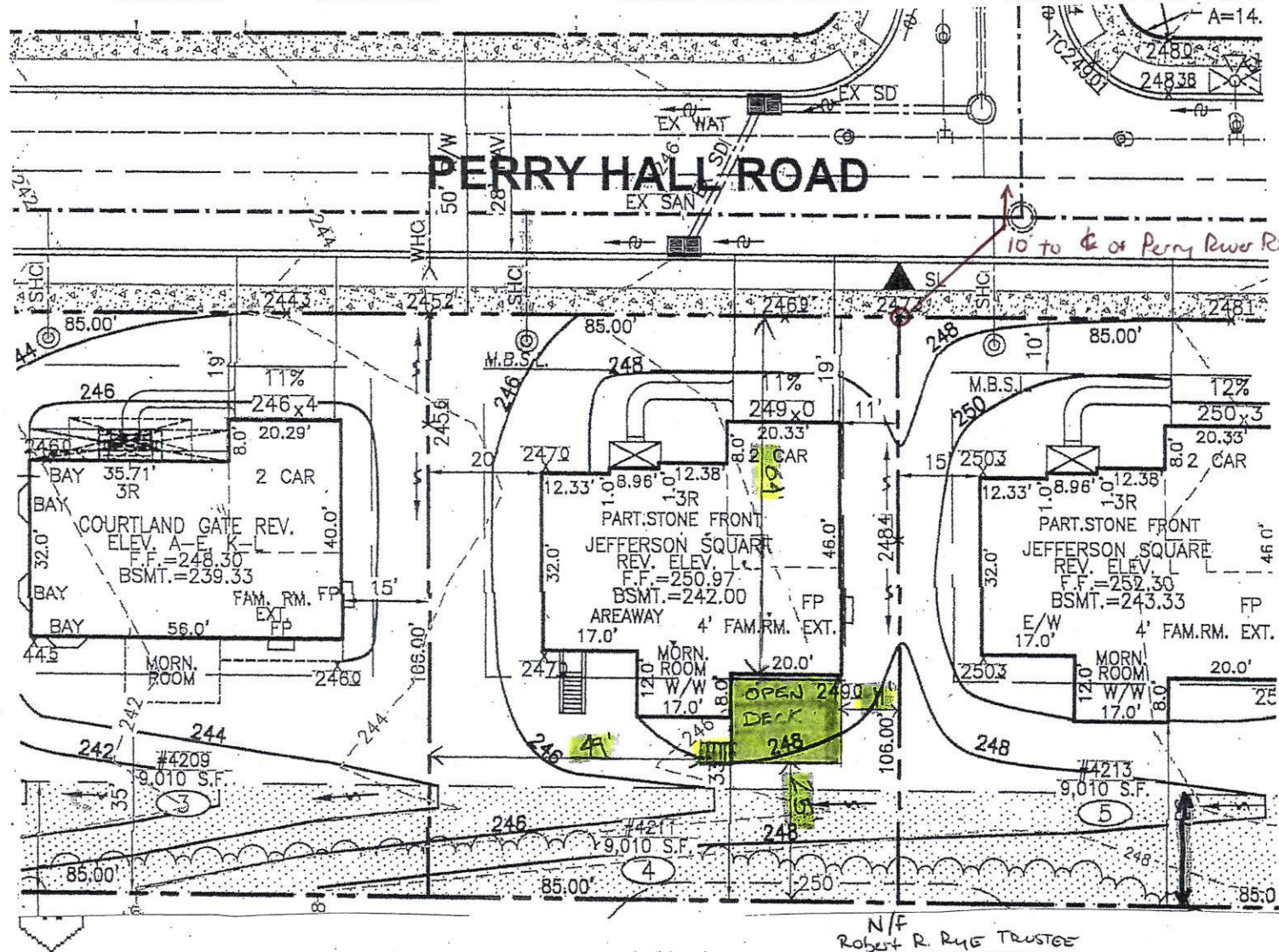
2016-0286-A

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

ADDRESS 4211 Perry Hall Rd. Perry Hall OWNER(S) NAME(S) Kimberly - SEAN YACKOLAK

SUBDIVISION NAME GUNPOWDER OVERLOOK LOT # 4 BLOCK # - SECTION # -

PLAT BOOK # 79 FOLIO # 339 10 DIGIT TAX # 2500010208 DEED REF. # 36548/00001



PLAN DRAWN BY JSC

DATE 4/26/16 SCALE: 1 INCH = 30 FEET

2016-0286-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP#

SITE ZONED DR 3.5 H

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE .207

OR SQUARE FEET 9010

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? N/A

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2015-0178-SPHA

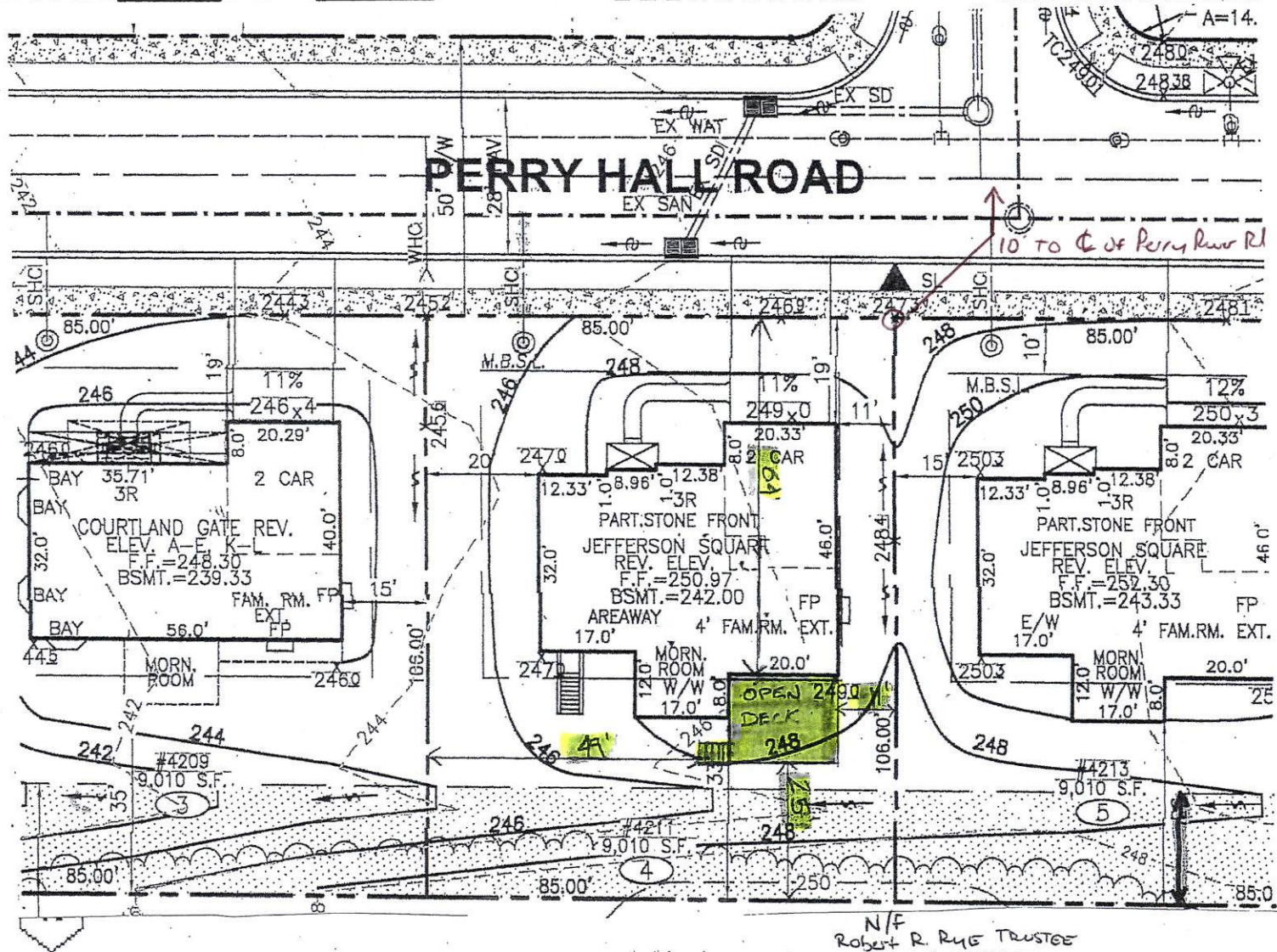
VIOLATION CASE INFO:

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

ADDRESS 4211 Perry Hall Rd. Perry Hall OWNER(S) NAME(S) Kimberly - SEAN YACKOLAK

SUBDIVISION NAME Gunpowder Overlook LOT# 4 BLOCK# - SECTION# -

PLAT BOOK # 79 FOLIO # 339 10 DIGIT TAX # 2500010208 DEED REF. # 36548/00001



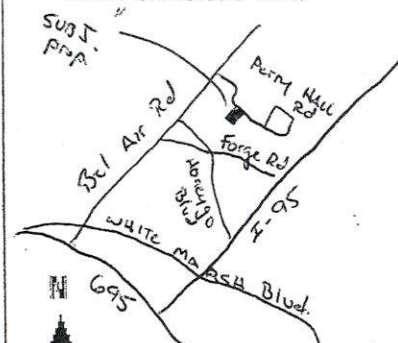
N/F
Robert R. RUE TRUSTEE
TAX ACCT # 11-1118087251

PLAN DRAWN BY SSC

DATE 4/26/16 SCALE: 1 INCH = 30 FEET

2016-0086 A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# _____

SITE ZONED DR 3.5 H

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE .207

OR SQUARE FEET 9010

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? N/A

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

2015-0178-SOHA

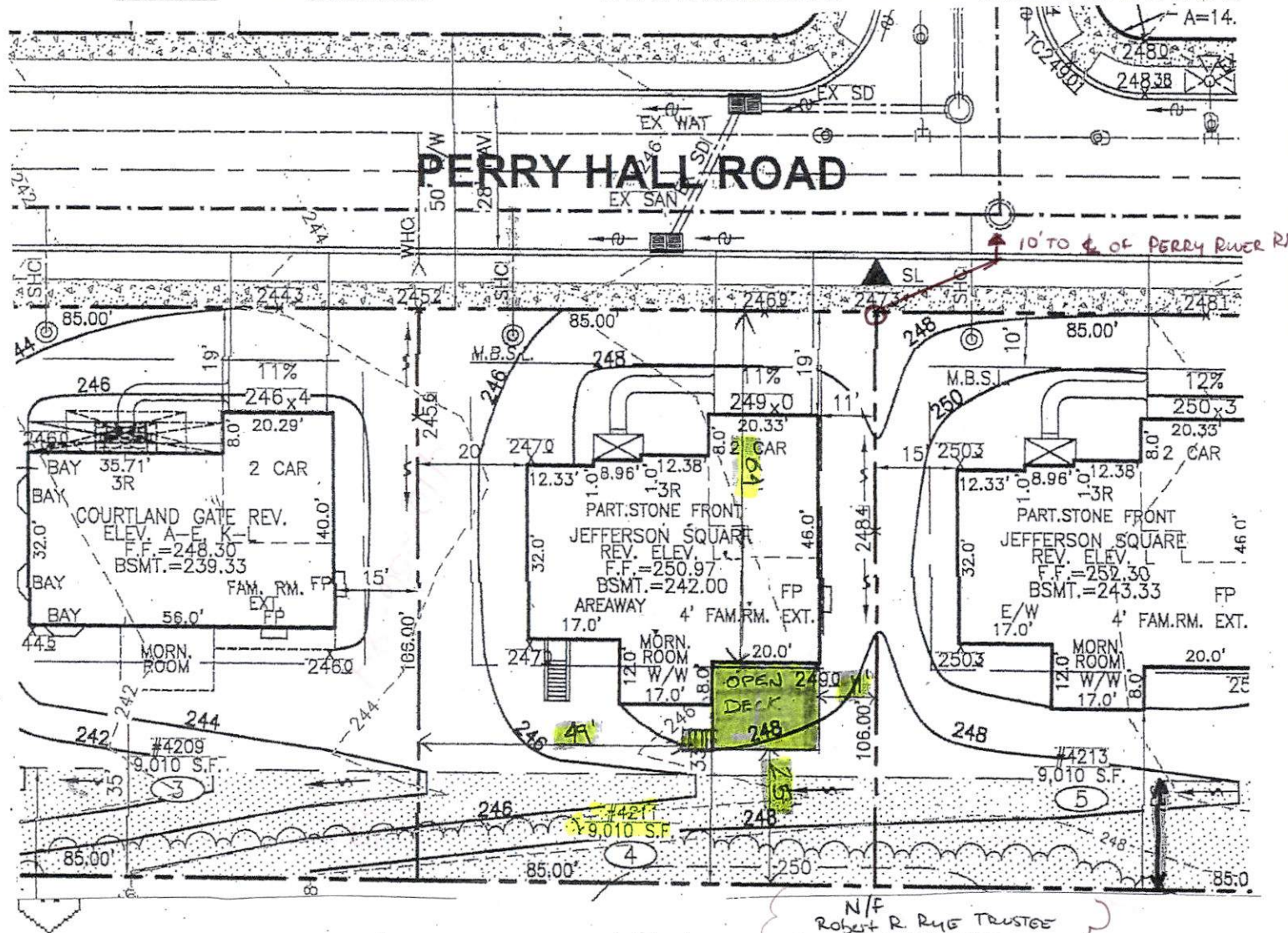
VIOLATION CASE INFO:

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

ADDRESS 4211 Perry Hall Rd. Perry Hall OWNER(S) NAME(S) Kimberly - SEAN YACKOLAK

SUBDIVISION NAME GUNPOWDER OVERLOOK LOT# 4 BLOCK# - SECTION# -

PLAT BOOK # 79 FOLIO # 339 10 DIGIT TAX # 2500010208 DEED REF. # 36548/00001

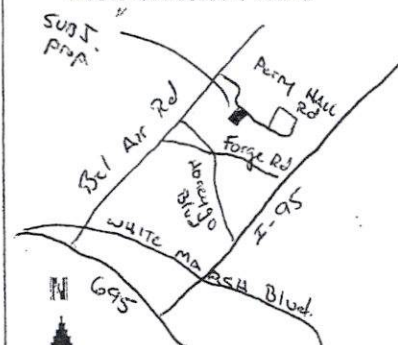


PLAN DRAWN BY JSC

DATE 4/26/16 SCALE: 1 INCH = 30 FEET

2016-0268-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP#

SITE ZONED DR 3.5

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE .207

OR SQUARE FEET 9010

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? N/A

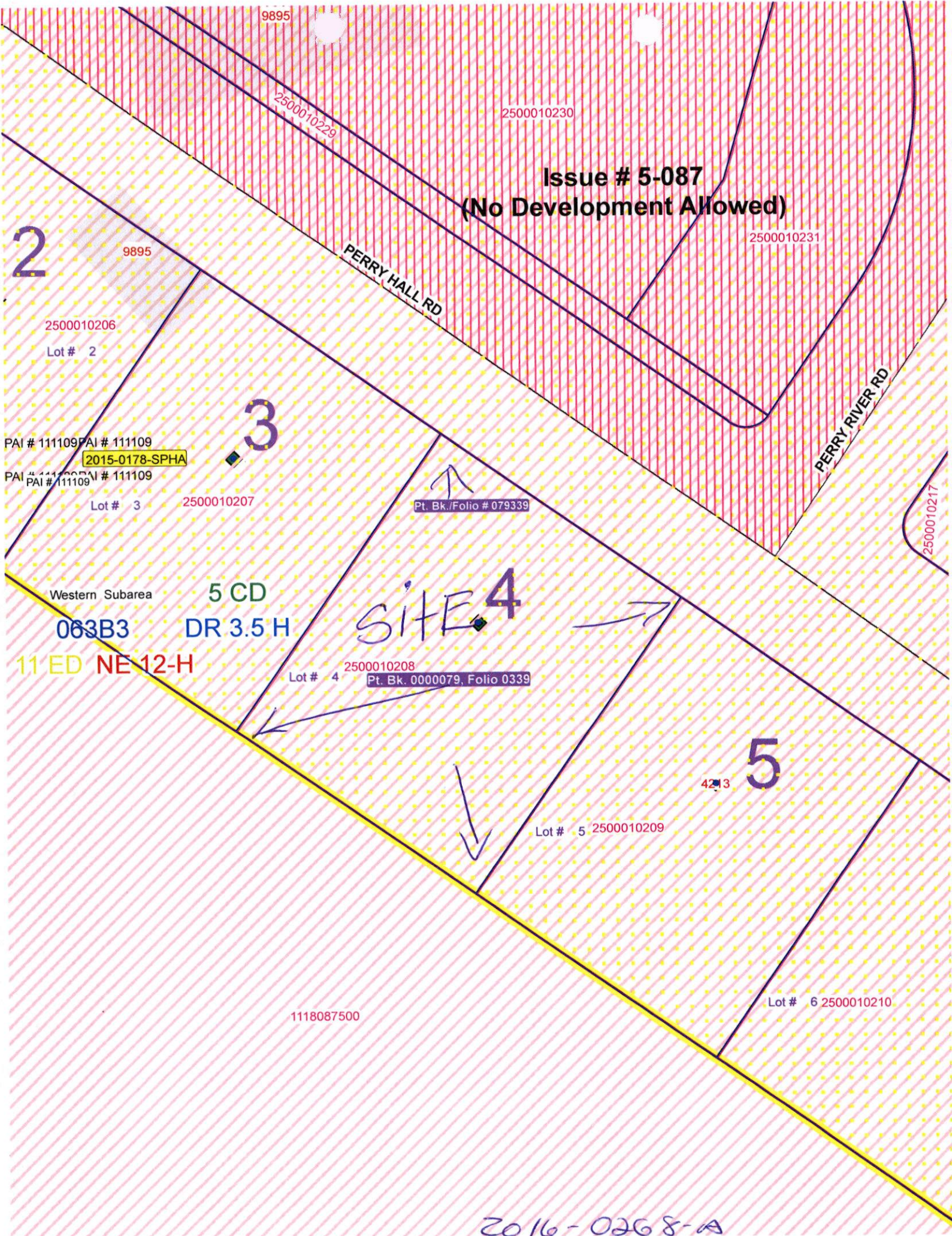
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2015-0178-SPHK

Pet. Ex. 1

VIOLATION CASE INFO:



9895

2500010229

2500010230

**Issue # 5-087
(No Development Allowed)**

2500010231

2

9895

PERRY HALL RD

PERRY RIVER RD

2500010206

Lot # 2

3

PAI # 111109 PAI # 111109

2015-0178-SPHA

PAI # 111109 PAI # 111109

Lot # 3

2500010207

Pt. Bk./Folio # 079339

Western Subarea

5 CD

063B3

DR 3.5 H

Site 4

11 ED NE 12-H

Lot # 4

2500010208

Pt. Bk. 0000079, Folio 0339

5

4213

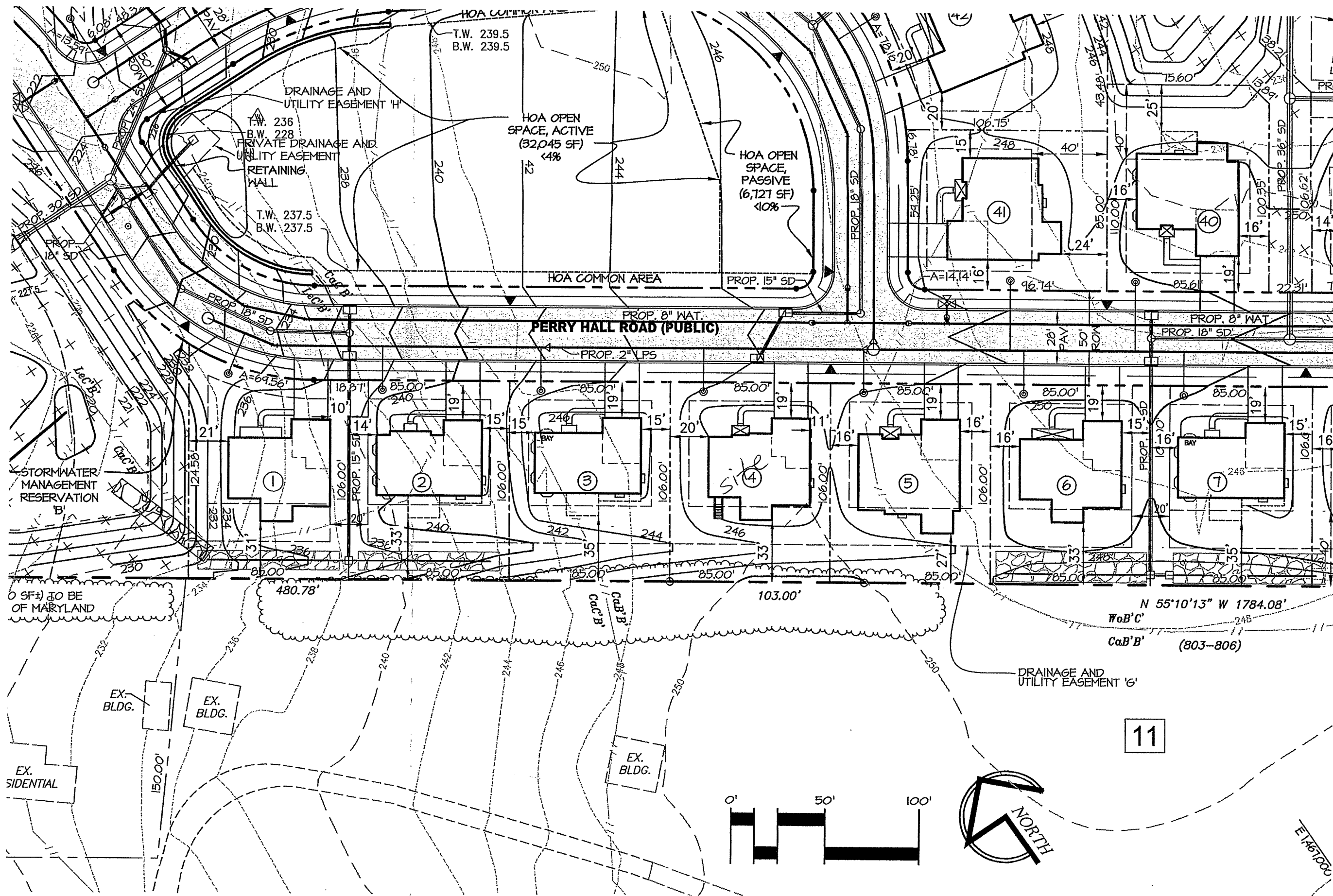
Lot # 5 2500010209

Lot # 6 2500010210

1118087500

2016-0268-A

Gunpowder Overlook



CODED NOTES

⚠ THE AREA BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTIONS.

Canpouder Overlook for #10 of #4

LEGEND

— — — — — EXISTING PROPERTY LINE
 — — — — — EXISTING LOT LINE

— FP — FP — FP — 100 YEAR FLOODP
 — — — — — 100 YEAR FREEBO.
 FOREST BUFFER

2016-0286-A