

IN RE: PETITION FOR ADMIN. VARIANCE

NW Side Caveswood Lane, 1700' N of
c/line of Caves Road
4th Election District
2nd Councilmanic District
(18 Caveswood Lane)

Brian and Marcia Lasky
Legal Owners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO: 2011-0272-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Administrative Variance filed by Brian and Marcia Lasky, the legal owners of the subject property. Petitioners are requesting Variance relief under Sections I and III "A" Residence Zone A.13 (1945-1953 B.C.Z.R.) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing and a proposed detached accessory structure (garages) to be located in the front yard and partially in the side yard of the principal dwelling in lieu of the required rear.¹ 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.

This matter was originally filed as an Administrative Variance, with a closing date of April 25, 2011. On May 2, 2011, Timothy M. Kotroco, Administrative Law Judge, called for a formal hearing on this matter based on a review of the file and correspondence received from an adjacent neighbor. The hearing was subsequently scheduled for Wednesday, May 25, 2011 at 11:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

¹ Although the Petition was filed for Variance relief pursuant to Section III "A" Residence Zone A.13 (1945-1953 B.C.Z.R.) of the Baltimore County Zoning Regulations (B.C.Z.R.), under today's Regulations, the Petition would be filed pursuant to Section 400.1 of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date 6-7-11

By [Signature]

Lisa Junker with Colbert Matz & Rosenfelt, the consulting firm who prepared the site plan for this property, presented the Petitioners' case. Anne Hagerty, the architect who will design the garage addition, also attended the hearing. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence received in the case revealed that the property contains 1.20 acres (or 52,272 square feet), fronts on Caveswood Lane, and is located in the Owings Mills area of Baltimore County. The property is improved with a single-family dwelling and existing garage that is depicted in photographs that were marked and accepted into evidence as Petitioners' Exhibit 2. According to tax records, the dwelling was constructed in 1970 and contains approximately 3,999 square feet.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies. Correspondence dated April 19, 2011 was received from Martin S. Schugam, Ph.D., adjacent neighbor at 16 Cavewood Lane, who indicated that he did not have a problem with the request per se, but did have concerns. Ms. Junker had a copy of that correspondence, and she addressed on the record each of the four (4) items set forth in Dr. Schugam's letter, and confirmed that the Laskys' proposal was in compliance with all County requirements and that no construction would commence without the requisite permits. Ms. Junker also advised that the "additional footprint" of the proposed structure (as referenced at Paragraph 1 of Dr. Schugman's letter) would be in compliance with the B.C.Z.R., and that no additional impervious surface would be added since the garage will be constructed on the existing driveway.

ORDER RECEIVED FOR FILING

Date 6-7-11

By [Signature]

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The configuration of the lot is such that the front yard is the only realistic and aesthetically appropriate place to locate the garage. See Exhibit 2.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that variance relief can be granted in compliance with Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 7 day of June, 2011 by this Administrative Law Judge that Petitioners' Variance request from Sections I and III "A" Residence Zone A.13 (1945-1953 B.C.Z.R.) of the Baltimore County Zoning Regulations ("B.C.Z.R."), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date 6-7-11

By [Signature]

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

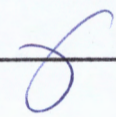


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 6-7-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 6, 2011

BRIAN AND MARCIA LASKY
18 CAVESWOOD LANE
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 2011-0272-A
Property: 18 Caveswood Lane

Dear Mr. and Mrs. Lasky:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

THB:pz

Enclosure

c: Lisa Junker, Colbert Matz & Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore MD 21209
Martin S. Schugam, 16 Cavewood Lane, Owings Mills MD 21117



TAXPAYER COUNT # 0423075625

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 18 Caveswood Lane, 21117
which is presently zoned RC2 ("A" Residence)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 1B02.3.B – BCZR – 1953 regs, Section I (Definitions) 1 and Section III ("A" Residence) A, 13 – to permit an existing and a proposed detached accessory structure (garages) to be located on the front yard and partially on the side yard of the principal dwelling in lieu of the required rear

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Date

Telephone No.

City

By

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2011-0272-A

REV 10/25/01

Reviewed By RJD Date 3/14/11

Estimated Posting Date 4/19/11

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

18 Caveswood Lane
Address
Owings Mills, MD 21117
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Locating proposed carport in rear yard would create additional impervious area. Also, existing land conditions are not conducive for constructing the carport in the rear.

The existing driveway and parking area only exist in the front yard and side yards, which is where the all-open-sides carport would be placed. Because existing, enclosed garage is located in front yard and side yard, no new variances would be granted. The side yard variance would be increased. The front yard variance for the carport is less than what is already granted for detached garage.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of December, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 10-22-12

ZONING DESCRIPTION

Beginning at a point on the northwest side of Caveswood Lane, which is 50 feet wide, at the distance of 1700 feet (+/-) north of the centerline of the nearest improved intersecting street, Caves Road, which is 30 feet wide. Being Lot #6, Section A, in the subdivision of CAVESWOOD as recorded in Baltimore County plat book #20, folio #27, containing 52,272 square feet. Also known as 18 Caveswood Lane and located in the 4th Election District, 2nd Councilmanic District.

Item #0272

**CASHIER'S
VALIDATION**

**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: # 2011-0272-A

18 Caveswood Lane
N/west side of Caveswood Lane, 1700 feet +/- north of centerline of Caves Road
4th Election District
2nd Councilmanic District
Legal Owner(s): Brian & Marcia Lasky

Variance: to permit an existing and a proposed detached accessory structure (garage) to be located on the front yard and partially on the side yard of the principal dwelling in lieu of the required rear.

Hearing: Wednesday,
May 25, 2011 at 11:00
a.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/5/658 May 10 275231

CERTIFICATE OF PUBLICATION

5/12/, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/10/, 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 2011-0272-A

Petitioner/Developer BRIAN
& MARCIA LASKY

Closing
4/25/11

Date Of Hearing/Closing: 4/25/10

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 18 CAVESWOOD LN

This sign(s) were posted on April 10, 2011

Month, Day, Year

Sincerely,

Martin Ogle 4/10/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

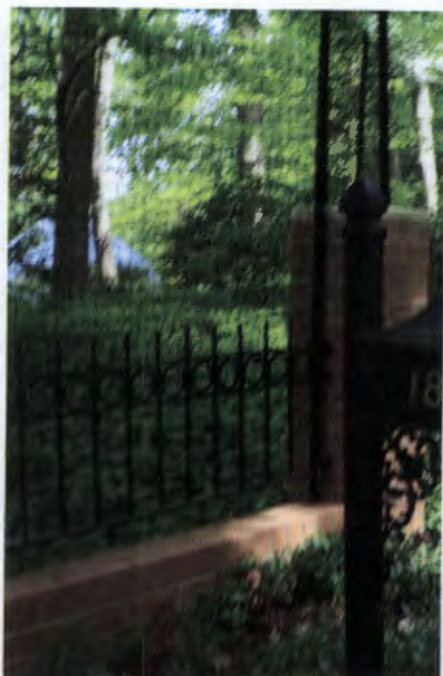
ZONING
ADMINISTRATIVE
NOTICE

04/10/2011

Michael J. De 4/10/11

PHOTOGRAPHIC RECORD

CASE
Facility No.: 2011-0272-A Address 18 Caveswood Ln
Record No.:
Date of Photograph(s): 5-10-11



I HEREBY CERTIFY that I took 4 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

M. Stuart Kelly
(Enforcement Officer)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 10, 2011 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits, Approvals & Inspections
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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 NUMBER: 2011-0272-A

18 Caveswood Lane

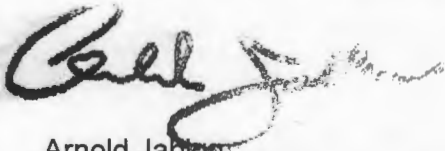
N/west side of Caveswood Lane, 1700 feet +/- north of centerline of Caves Road

4th Election District – 2nd Councilmanic District

Legal Owners: Brian & Marcia Lasky

Variance to permit an existing and a proposed detached accessory structure (garage) to be located on the front yard and partially on the side yard of the principal dwelling in lieu of the required rear.

Hearing: Wednesday, May 25, 2011 at 11:00 a.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.



KEVIN KAMENETZ
County Executive

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

May 5, 2011

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 NUMBER: 2011-0272-A

18 Caveswood Lane

N/west side of Caveswood Lane, 1700 feet +/- north of centerline of Caves Road

4th Election District – 2nd Councilmanic District

Legal Owners: Brian & Marcia Lasky

Variance to permit an existing and a proposed detached accessory structure (garage) to be located on the front yard and partially on the side yard of the principal dwelling in lieu of the required rear.

Hearing: Wednesday, May 25, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lisa Junker-Colbert, Colbert, Matz & Rosenfelt, 2835 Smith Ave., Ste.G, Baltimore 21209
Mr. & Mrs. Lasky, 18 Caveswood Lane, Owings Mills 21117
Martin Schugam, Ph.D., 16 Caveswood Lane, Owings Mills 21117

NOTES: (1) THE ZONING OFFICE WILL HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY TUESDAY, MAY 10, 2011.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0272 -A Address 18 Caveswood Ln
Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name *revised 4/10/11*
Filing Date: 3/14/11 Posting Date: 3/27/11 Closing Date: 4/11/11 *revised 4/25/11*

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011- 0272 -A Address 18 Caveswood Ln
Petitioner's Name Brian + Marcia Lasky Telephone 410 653 3838
Posting Date: 3/27/11 *revised 4/10/11* Closing Date: 4/11/11 *revised 4/25/11*
Wording for Sign: To Permit an existing and a proposed detached accessory structure (garages) to be located on the front and partially on the side of the dwelling in lieu of the required rear

Revised 2/17/11

**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: 2011-0272-A
Petitioner: Brian & Marcia Lasky
Address or Location: 18 Caveswood Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian & Marcia Lasky
Address: 18 Caveswood Lane
Owings Mills Md
21117
Telephone Number: 410 653 3838

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

Date April 19, 2011

Mr. & Mrs. Lasky
18 Caveswood Lane
Owings Mills, MD 21117

RE: Case Number 2011-0272A, 18 Caveswood Lane

Dear Mr. & Mrs. Lasky,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 14, 2011. 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:mcn

Enclosures

c: People's Counsel
Lisa Junker-Colbert Matz Rosenfelt, Inc., 2835 Smith Ave. Ste. G., Baltimore, MD 21209



KEVIN KAMENETZ
County Executive

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

May 13, 2011

Mr. & Mrs. Lasky
18 Caveswood Lane
Owings Mills, MD 21117

RE: Case Number 2011-0272-A, 18 Caveswood Lane

Dear Mr. & Mrs. Lasky,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 19, 2011. 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:mcn

Enclosures

c: People's Counsel
Ms. Lisa Junker-Colbert, Matz & Rosenfelt, 2835 Smith Ave., Stae. G., Baltimore, MD 21209
Martin Schugam, Ph. D., 16 Caveswood Lane, Owings Mills 21117



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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: March 31, 2011

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

RE: Baltimore County
Item No 2011-0272-A
18 CAVESWOOD LANE
HASKY PROPERTY
ADMIN. VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0272-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 31, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For April 1, 2011
Item Nos. 2011- 272, 274, 275, 277,
278, 279, 282 and 241

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04012011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 28, 2011

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **March 28, 2011**

Item No.:

Administrative Variance: 2011-0272A, 2011-0275A, 2011-0277A-0278A, 2011-0281A

Special Hearing: 2011-0274-SPH, 2011-0279-SPHX, 2011-0280-SPHA, 2011-0282-SPHX

Special Exception: 2011-0279-SPHX, 2011-0282-SPHX

Variance: 2011-0276A, 2011-0280-SPHA

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

AV 4/25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: April 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-272-A
Address 18 Caveswood Lane
(Lasky Property)

Zoning Advisory Committee Meeting of March 28, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

APR 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

5/25 11am
AV
4-25-11

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: May 2, 2010

TO: Kristen Matthews
Dept. of Permits, Approvals and Inspections

FROM: Patricia Zook, Legal Secretary to
Timothy M. Kotroco, Administrative Law Judge

RE: Petition for Administrative Variance
Case No. 2011-0272-A -- located at 18 Caveswood Lane

After a review of the above-captioned case file and a letter from an adjacent property owner, Tim Kotroco has determined that this case shall be set in for a public hearing.

We are returning the file to you for further processing, i.e., notifying the Petitioners, posting of the hearing notice, advertising, etc. Per Tim, the County is to post and advertise the hearing.

Please ensure that the adjacent property owner listed below is notified:

Martin S. Schugam, Ph.D.
16 Caveswood Lane
Owings Mills MD 21117

Thank you for your attention and cooperation in this matter.

c: Case File
Kristen Lewis, Zoning Review Office
Rose Campbell, Zoning Review Office

From: Patricia Zook
To: Campbell, Rose; Lewis, Kristen
Date: 5/2/2011 10:29 AM
Subject: Case No. 2011-0272-A -- located at 18 Caveswood Lane -- schedule a hearing
Attachments: IO-2011-0272-A AV schedule hearing-APO letter.doc

Good morning -

Please see the attached memo to the file. Tim has determined that a hearing is necessary for this administrative variance request.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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April 19, 2011

Dr. Martin S. Schugam
16 Caveswood Lane
Owings Mills, Maryland 21117

Room 111
ATTN: The Zoning Review Office
ATTN: The Administrative Law Judge
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Administrative Variance Case Number: 2011-0272-A

To Whom It May Concern:

My neighbors, Brian and Marcia Lasky, at 18 Caveswood Lane, Owings Mills Maryland, are seeking an administrative variance "to permit an existing and a proposed detached accessory structure (garage) to be located on the front yard and partially on the side yard of the principal building in lieu of the required rear."

I live at 16 Caveswood Lane, Owings Mills, Maryland. And, while I do not have a problem with the request per se, I do have the following concerns:

1. If the requested garage increases the footprint of structures allowed under the current zoning, I am concerned that this could set a precedent. This is a rural, wooded area. When my parents bought the property around 1955, and built the house in 1959, the natural beauty of the area meant a lot to us. I would be opposed to any additional developments that are not consistent with current zoning limitations. However, if the additional footprint of the proposed construction is not greater than allowed by zoning requirements, I do not object to the proposed location.
2. Also, I would object to any changes in the amount of non-permeable surface area (e.g., driveway) that would be inconsistent with the RC zoning for the area.
3. I am concerned that a permit is being requested for an existing structure, as opposed to a permit being obtained when the structure was built. When I moved into the house (in 2003), after my parents moved to assisted living, I had the property surveyed to confirm the property lines. Based on the survey, I found that a section of a fence the Laskys had recently built was right on the property line, including some sections being on my property. When I visited the zoning office to ask about the permit for the fence, I was informed by zoning staff that no permit

had been obtained for the fence. My understanding was that given the nature and height of the fence, there would have been a setback requirement. Yet, there was not a set back.

Since the fence was partially on my property, I requested that the Laskys provide a written acknowledgement that the fence was partly on my property, so that I might protect my property rights. If I had received such a statement, I would not have asked them to move the fence. However, since they never responded, I had to hire an attorney, which resulted in their moving the fence.

4. In general, I am concerned that the Laskys might have a history of making changes to their property without obtaining the necessary permits. I would hope that for any future changes, they obtain any required permits prior to making the changes. In particular, I would not want them to make any changes inconsistent with zoning provisions and then retroactively seek approval or not seek approval at all.

Sincerely,



Martin S. Schugam, Ph.D.

410-654-6545

mschugam@msn.com

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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[Registration](#)

Account Identifier: District - 04 Account Number - 0423075625

Owner Information

Owner Name:	LASKY BRIAN R LASKY MARCIA	Use:	RESIDENTIAL
Mailing Address:	18 CAVESWOOD LA OWINGS MILLS MD 21117	Principal Residence:	YES
		Deed Reference:	1) /10947/ 00499 2)

Location & Structure Information

Premises Address	Legal Description
18 CAVESWOOD LN 0-0000	18 CAVESWOOD LA CAVESWOOD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0058	0018	0322		0000	A		6	1	
									Plat Ref:

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1970	3,999 SF	1.2000 AC	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	183,600	183,600		
Improvements:	649,340	409,000		
Total:	832,940	592,600	592,600	592,600
Preferential Land:	0			0

Transfer Information

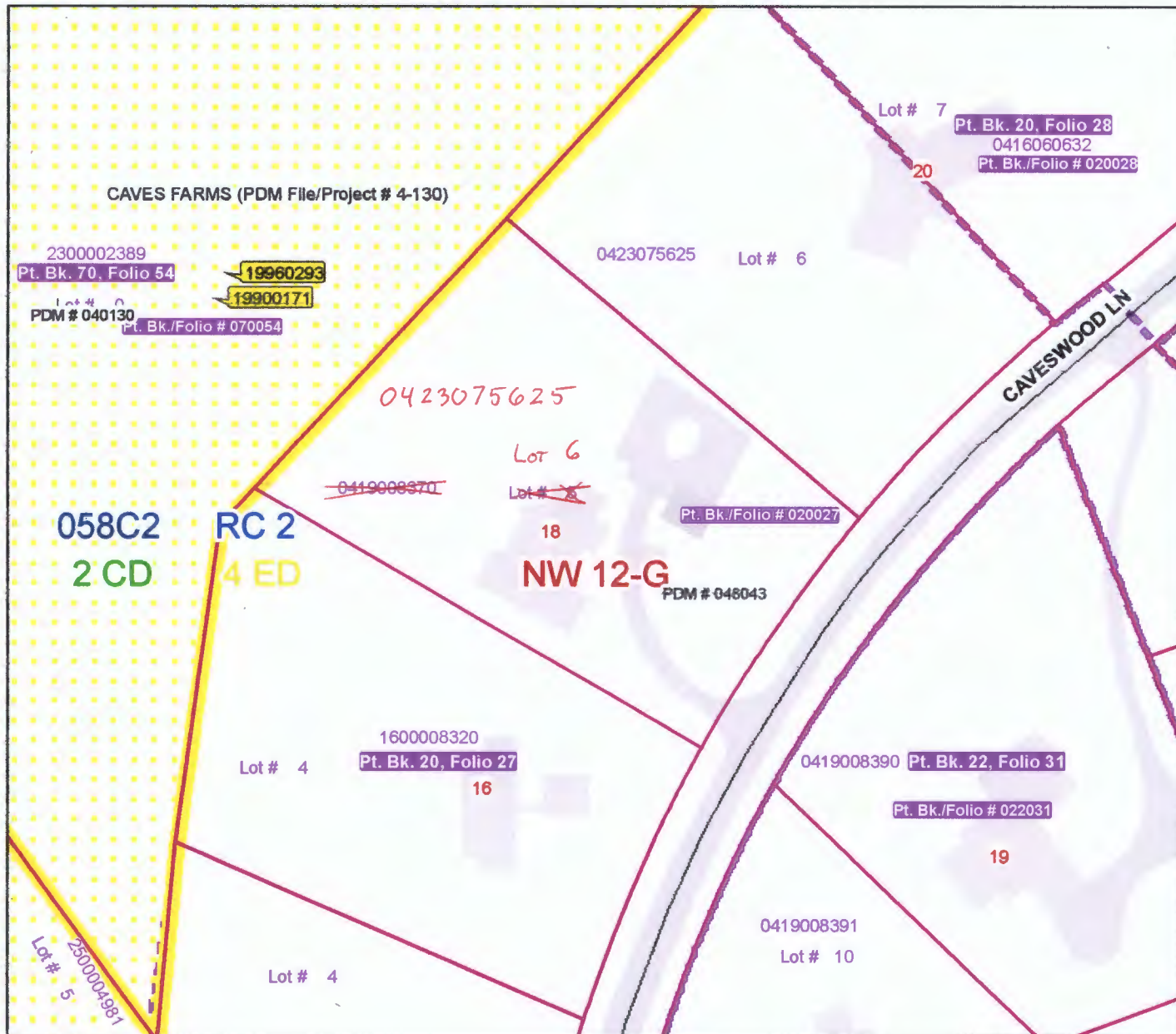
Seller:	WOLMAN MURRAY L	Date:	01/21/1995	Price:	\$550,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/10947/ 00499	Deed2:	
Seller:	CAVESWOOD CORP	Date:	08/05/1954	Price:	\$3,500
Type:		Deed1:	/00000/ 00000	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	* NONE *

18 Caveswood Lane



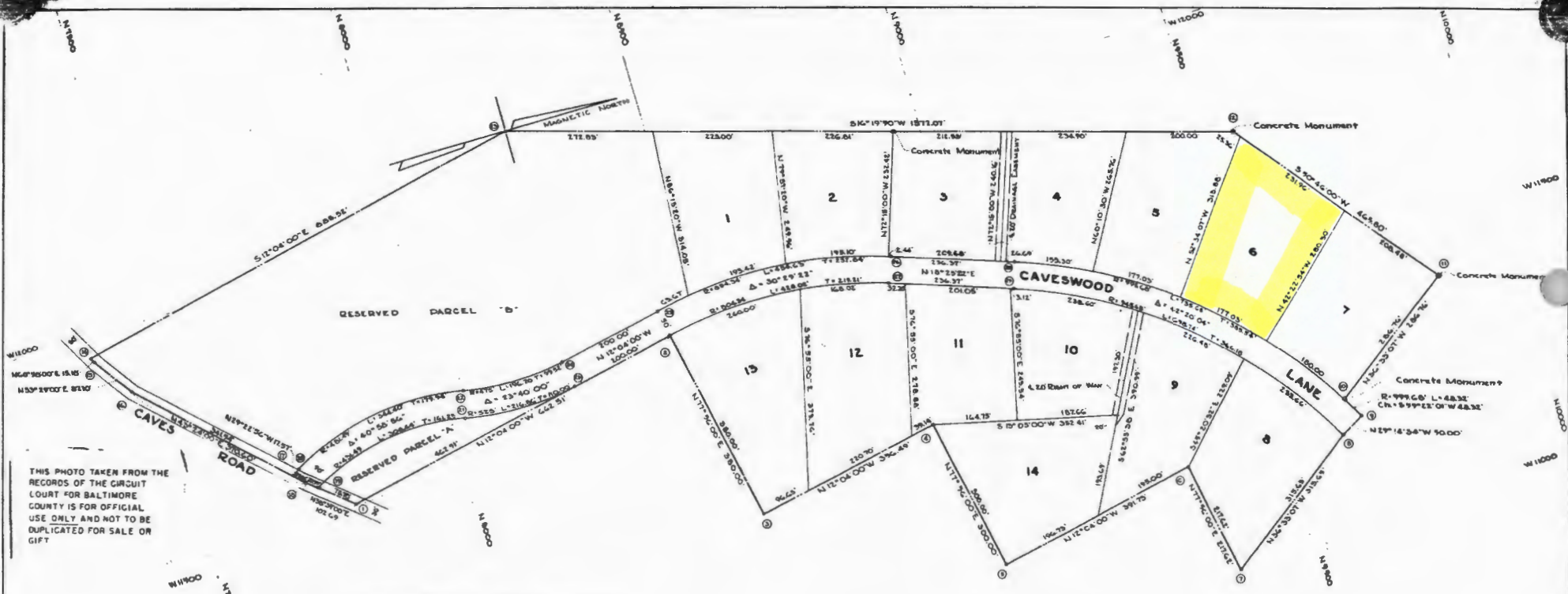
Publication Date: March 14, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200
 Feet

1 inch = 100 feet

Item #0272



THIS PHOTO TAKEN FROM THE RECORDS OF THE CIRCUIT COURT FOR BALTIMORE COUNTY IS FOR OFFICIAL USE ONLY AND NOT TO BE DUPLICATED FOR SALE OR GIFT

FILED FOR RECORD
DATE MAY 27 1954
BY: George L. Barty Clerk

COORDINATE TABLE					
No.	NORTH	WEST	No.	NORTH	WEST
1	7 791.46	11 558.80	16	7 441.95	11 677.52
2	6 438.33	11 697.30	17	7 630.12	11 642.04
3	6 516.77	11 515.70	18	7 711.23	11 622.87
4	6 067.38	11 400.22	19	7 729.97	11 607.92
5	6 930.10	11 106.86	20	7 705.45	11 651.48
6	9 315.17	11 186.74	21	6 026.45	11 654.61
7	9 356.64	10 975.95	22	6 038.48	11 703.39
8	7 618.29	11 165.92	23	6 245.75	11 655.49
9	6 050.64	11 186.35	24	6 255.30	11 704.59
10	9 031.23	11 229.91	25	6 428.65	11 746.20
11	9 661.59	11 400.69	26	6 677.40	11 721.50
12	9 566.98	11 761.68	27	6 661.68	11 675.05
13	6 250.26	12 147.19	28	9 101.74	11 646.60
14	7 584.51	11 962.17	29	9 085.94	11 599.15
15	7 589.76	11 746.60			

APPROVED
William H. Winters, Jr.
May 26, 1954

SCALE: 1"=100'

SECTION A
CAVESWOOD
BALTIMORE COUNTY, MD.
4TH DISTRICT
PROPERTY OF
CAVESWOOD CORPORATION
1114 ST. PAUL STREET
BALTIMORE, MARYLAND

APPROVED: *[Signature]* May 26, 1954
COUNTY BOARD ENGINEER
APPROVED: *[Signature]* May 26, 1954
DIRECTOR OF PLANNING COMMISSION

NOTE:
The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

OWNERS CERTIFICATE:
The requirements of Section 72.B, Article 17 of the Annotated Code of Maryland (Flick, 1947 Supplement) as far as they relate to the making of this plat have been complied with.
CAVESWOOD CORPORATION
Date: May 19, 1954
Vice-President: *[Signature]*

ENGINEERS CERTIFICATE:
I, William D. Purdum, a registered Professional Engineer and Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill 499, Chap. 106 of the Acts of 1949 and subsequent Acts amendatory thereto.
Date: May 26, 1954
William D. Purdum

PURDUM and JESCHKE
ENGINEERS
2415 MARYLAND AVENUE
BALTIMORE-18, MARYLAND

Item #0272



Item #0272

Pct. Ex. 2

424



Item #0272
3 of 4



Item #0272

2 of 4



Item #0272
1 of 4

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

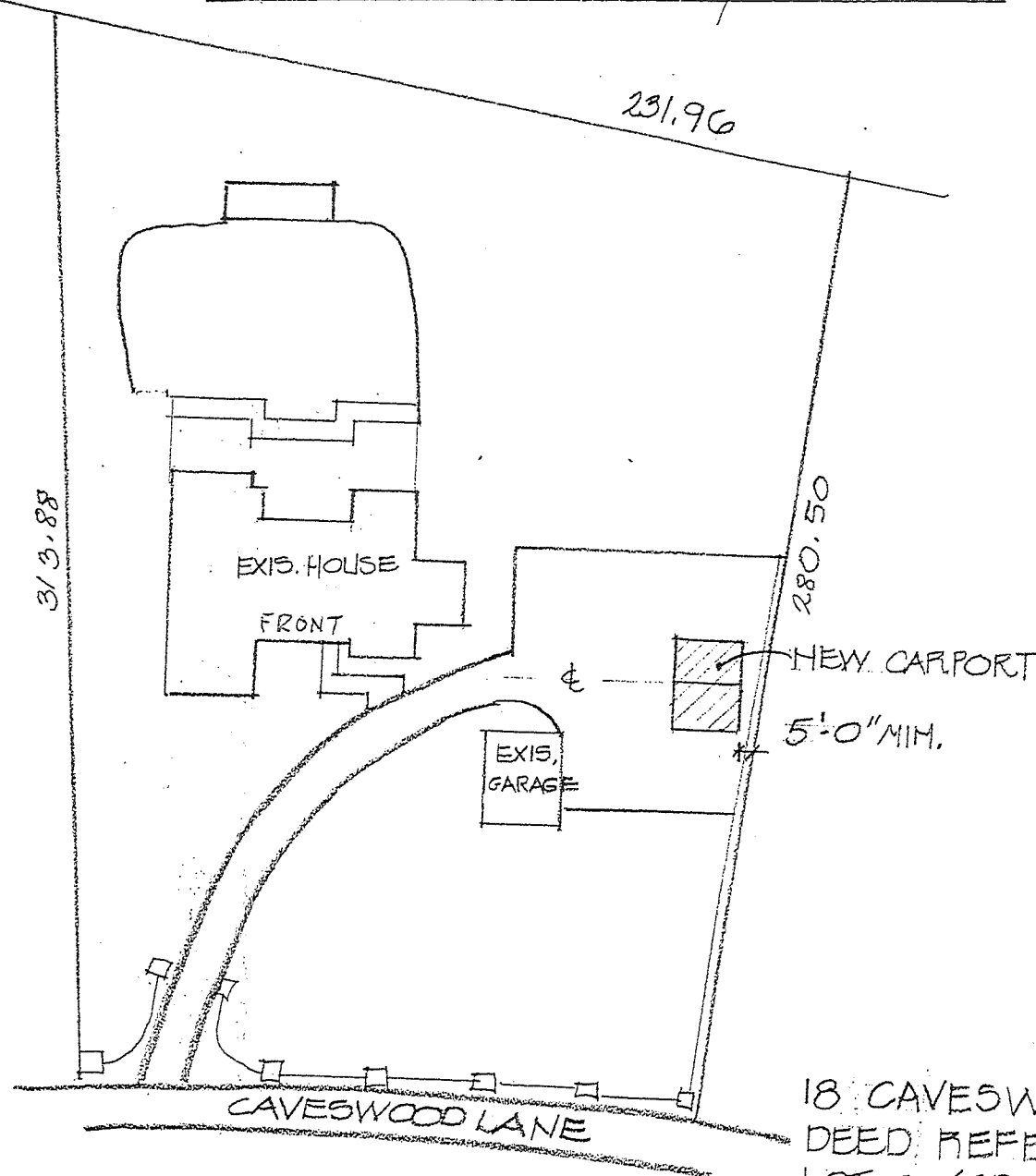
PROPERTY ADDRESS 18 Caveswood Lane 21117

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

SUBDIVISION NAME Caveswood

PLAT BOOK # 20 FOLIO # 27 LOT # 6 SECTION # A

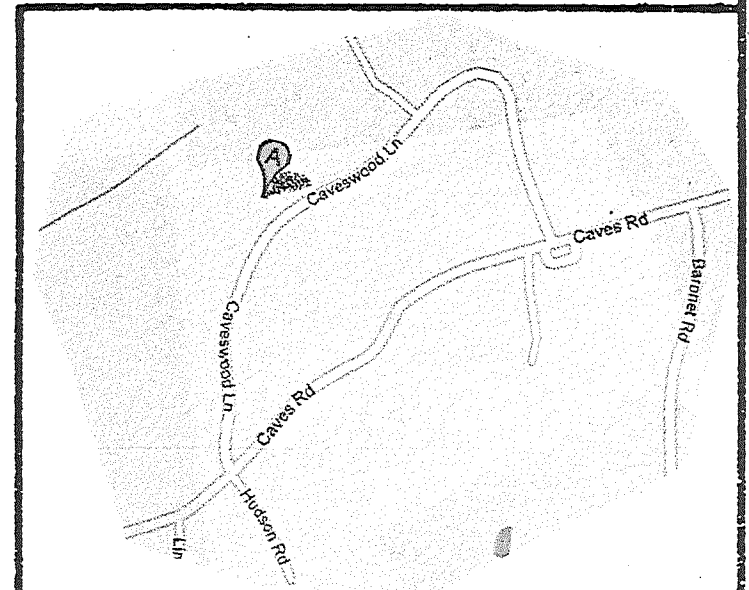
OWNER Brian R. and Marcia Lasky



NORTH

PREPARED BY Anna Hagerty, Architect

18 CAVESWOOD LANE
DEED REFERENCE 8529/549
LOT 6 (20:27) SECT. A
'CAVESWOOD'
4TH DISTRICT, BALT. CO, MD.
WITHIN ZONE 6 OF FLOOD INSUR. RATE
MAP PANEL NUMBER 140010/02206
SCALE 1" = 50'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 058C2

ZONING RC 2 (formerly "A" Residential)

LOT SIZE 1.20 52,272
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

	YES	NO
100 YEAR FLOOD PLAIN	☐	☐

	YES	NO
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
<u>[Signature]</u>		2011 - <u>0272-A</u>