

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Chapel Ridge Road, 90 feet
N of Chapel Ridge Road
8th Election District
2nd Councilmanic District
(750 Chapel Ridge Road)

Suhair Alkhatiband and Maha Barazanji
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0365-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Suhair Alkhatiband and Maha Barazanji for property located at 750 Chapel Ridge Road. The variance request is from Section 1A04.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 40 feet in lieu of the required 50 feet for an addition, and to amend the Final Development Plan of Chapel Wood, Lot #5 only. The subject property and requested relief are more particularly described on the site plan submitted with the Petition. Petitioners desire to construct a small addition measuring 12 feet x 12 feet in size to contain a bedroom and bathroom for a mother-in-law. The proposed addition will allow her to remain on the first floor of the dwelling. The addition is on the north side of the outside stairs leading to the basement. The property contains 1.0100 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A comment was received from the Department of Environmental Protection and Sustainability dated July 1, 2011, that indicates any proposed building permit(s) for addition(s) will be reviewed by Groundwater Management.

ORDER RECEIVED FOR FILING

Date 8-4-11

By 

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 3, 2011, 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. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. The information, photographs, and affidavits submitted provide sufficient facts indicating compliance with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, this 4 day of August, 2011, that a variance from Section 1A04.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 40 feet in lieu of the required 50 feet for an addition, and to amend the Final Development Plan of Chapel Wood, Lot #5 only, be and is hereby GRANTED, subject to the following:

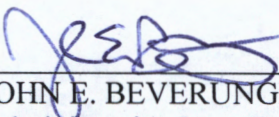
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Any proposed building permit(s) for addition(s) will be reviewed by Groundwater Management Division of Department of Environmental Protection and Sustainability.

ORDER RECEIVED FOR FILING

Date 8-4-11

By [Signature]

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

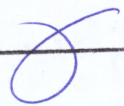


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 8-4-11 _____

By  _____ 3



KEVIN KAMENETZ
County Executive

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

August 3, 2011

SUHAIR ALKHATIBAND AND MAHA BARAZANJI
750 CHAPEL RIDGE ROAD
TIMONIUM MD 21093

Re: Petition for Administrative Variance
Case No. 2011-0365-A
Property: 750 Chapel Ridge Road

Dear Suhair Alkhatiband and Maha Barazanji:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals 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 name John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

AMEND THE FDP OF CHAPEL WOODS

to the Zoning Commissioner of Baltimore County for the property

located at 750 Chapel Ridge Road Timonium, MD 21093
which is presently zoned RC-5 Rural Residential

Deed Reference: 20644100177 Tax Account # 190009969

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) 1A04.2.6; BCZR, To PERMIT

A SIDEYARD SETBACK 40ft in LIEN of THE REQUIRED 50 ft
FOV AND ADDITION, AND TO AMEND THE FDP of CHAPEL
WOOD.

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

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

I, or we, agree to pay expenses of above Administrative 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

Telephone No.

City

State

Zip Code

Legal Owner(s):

SUHAIR AL KHATIB

Name - Type or Print

Suair Al Khatib

Signature

MAHA BARAZANJI

Name - Type or Print

Signature

750 Chapel Ridge Rd

Address

443-722-4235

Telephone No.

Timonium MD

City

State

21093

Zip Code

Representative to be Contacted:

SUHAIR AL KHATIB

Name

750 Chapel Ridge Road

Address

443-722-4235

Telephone No.

Timonium MD

City

State

21093

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. 2011-0365-A

Reviewed By JCM

Date 6.22.11

ORDER RECEIVED FOR FILING

Estimated Filing Date 7.3.11

FRM476-09

Date 8-4-11

Rev 3/09

By [Signature]

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 own and reside at 750 Chapel Ridge Road
Address number Road or Street name
and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) See Attachment

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Suhair Al Khafib
Signature

Suhair Al Khafib
Name- print or type

Maha Barazanji
Signature

MAHA BARAZANJI
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 27th day of May, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Suhair Al Khafib & Maha Barazanji
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

NORMA JAJISTAR

Notary Public

Hartford County, Maryland

My Commission Expires March 28, 2018

Norma Jajistar
Name of Notary Public

Commission expires

PLACE SEAL HERE:

Administrative Variance Hearing Attachment

As owners of occupied residential property we like to request administrative variance hearing pursuant to Section 32-3-303 to seek a relief from a 50' properly setback based on unreasonable hardship. This variance request is to drop the setback from the current 52 ft to 39 ft 6 inch.

Applying the two-step test for variance relief:

A.

- The property has a 50 ft setback which has been all utilized surrounding the property (south, east and west) which limits any addition to the property
- The property's north side is further constrained by the existing septic tank and drain filed
- The property whereon the structure for bedroom/bathroom is to be placed is 12 ft 6 inch by 12 ft 6 inch is unique in that it is confined to the area north side of stairs leading to the basement and is 150 ft from the nearest property (lot 6 know as 749 Chapel Ridge Road). The 150 ft space is relatively large compared existing separation between properties in Chapel Woods.

B. Strict compliance with the BCZR would result in unreasonable hardship based on the following criteria:

- (i) As owners we explored adding the bedroom/bathroom to the north of the property but we would impact the septic tank and drain field
- (ii) The difficulty is peculiar to our property as the 150 ft between the edge of proposed variance and next door house is adequate to provide separation between the two properties which is more than provided by other properties in Chapel Woods development.
- (iii) The hardship was not the result of the applicants own actions as a member of the family, my mother-in-law who lives in the house permanently has suffered two falls in the last two years which resulted in fractures hip and fractured pelvis which severely limited her mobility. Instead of having a second floor bedroom she need a first floor one where she not need to climb stairs. The extension under consideration will enable us to construct a bedroom and bathroom for her.

Without the subject variance we can not make reasonable use of the property that would enable us to build the bedroom/bathroom addition..

- C. No increase in residential density would result from the variance beyond allowed by BCZR. My mother-in-law in fully integrated member of my family and as such we eat together, and hence no additional kitchen is needed.
- D. The relief requested will be in strict harmony with the spirit and intent of area regulations
- E. Granting relief for setback requirement would not result in substantial injury to the public health, safety, and general welfare.

THE ZONING HEARING PROPERTY DESCRIPTION

ZONING PROPERTY DESCRIPTION FOR 750 Chapel Ridge Road, Timonium, MD 21093 located in Baltimore County. The improvements thereon are now known as No. 750 Chapel Ridge Road.

Beginning at a point on north side of Chapel Ridge Road which is 50 feet wide at the distance of 90 feet north of Chapel Ridge Road.

Being Lot # 5, Block # , Section # in the subdivision of Chapel Woods as recorded in Baltimore County on the Plat entitled, "1st Amended Final Subdivision Plat of Chapel Woods Plat Book EHK, JR. NO. 50, Folio 2, containing 1.01 acres of lot. Located in the 8th Election District and 2nd Council District.

Together with a right-of-way for ingress and egress across the bed of Chapel Ridge Road, as shown on the aforesaid plat of Chapel Woods to Chapel Ridge Road, as shown on the Plat of Section three "Chapel Ridge " recorded among the Plat Records of Baltimore County in plat book EHK, JR. NO. 34, Folio 128

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0365 -A

Address 750 Chapel Ridge Rd.

Contact Person: J. MERREY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/22/11

Posting Date: 7/3/11

Closing Date: 7/18/11

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- 0365 -A

Address 750 Chapel Ridge Rd.

Petitioner's Name Suhair AL KHATIB

Telephone 443-722-4235

Posting Date: 7/3/11

Closing Date: 7/18/11

Wording for Sign: To Permit A SIDE SETBACK of 40ft. in
LIEU of The REQUIRED 50ft. for AN ADDITION.

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: 2011-0365-A

Petitioner: SUHAIR AL KHATIB

Address or Location: 750 Chapel Ridge Road, Timonium, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: SUHAIR AL KHATIB

Address: 750 Chapel Ridge Road,
Timonium, MD 21093

Telephone Number: 443-722-4235

CERTIFICATE OF POSTING

Date: 7-3-11

RE: Case Number: 2011-0365-A

Petitioner/Developer: Subair Al Khatib

Date of Hearing/Closing: 7/18/11

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 750 Chapel Ridge Rd

The signs(s) were posted on 7-3-11
(Month, Day, Year)

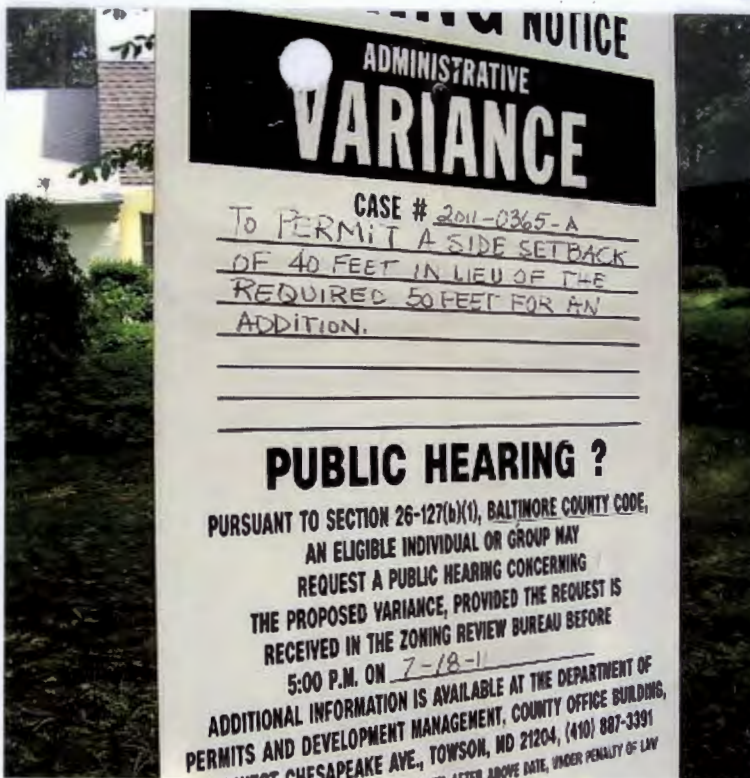
J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

July 11, 2011

Suhair Al Khatb
Maha Barazanji
750 Chapel Ridge Road
Timonium, MD 21093

RE: Case Number 2011-0365-A, 750 Chapel Ridge Road

Dear Suhair Al Khatb & Maha Barazanji,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

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: July 1, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-365-A
Address 750 Chapel Ridge Road
(Khatib & Barazanji Property)

Zoning Advisory Committee Meeting of June 27, 2011.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Any proposed building permit(s) for addition(s) will be reviewed by Groundwater Mgmt.

Reviewer: *Dan Esser; Groundwater Management*

RECEIVED

JUL 01 2011

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 27, 2011**

Item No.:

Special Hearing: 2011-0359-SPHA, 2011-0361-SPH, 2011-0364-SPH, 2011-0368-SPH

Administrative Variance: 2011-0363A, 2011-0365A, 2011-0367A, 2011-0369A

Variance: 2011-0360A, 2011-0366-ASA

Special Variance: 2011-0366-ASA

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



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

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

Maryland Department of Transportation

Date: 6-28-2011

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

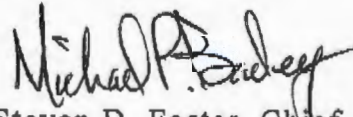
RE: Baltimore County ^{0365A}
Item No. 2011-~~035A~~
750 CHAPEL RIDGE ROAD
KHATIB / BARRAZAN PROPERTY
ADMIN. VARIANCE

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- ~~035~~ -A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: July06, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2011
Item Nos. 2011-359, 361, 362, 363, 364, 365, 367, 368
And 369.

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\ZAC-07112011 -NO COMMENTS.doc

ALKHATIB HOME ADDITION

750 CHAPEL RIDGE ROAD TIMONIUM, MD 21093











0810095186

2100001920

Lot # 3

051A3

747

2 CD

1900009968

Lot # 4

RC 5

749

8 ED

1900009969

Lot # 5

NW 14-C

1900009970

Lot # 6

CHAPEL WOODS (FIRST AMENDED) (PDM File/Project #)

Pt. Bk. 50, Folio 2
PDM # 080305

Pt. Bk. 48, Folio 139

746

1900009971

Lot # 7

744

1900009972

Lot # 8

742

1900009973

Lot # 9

Pt. Bk. 50, Folio 2

PDM # 080073

1900005096

Pt. Bk. 54, Folio 128

Pt. Bk. 50, Folio 2

1600004276

Lot # 7

2200005917

Pt. Bk. 62, Folio 117

Lot # 3

Pt. Bk. 50, Folio 2

PDM # 080529 Lot # 2

CODE ANALYSIS

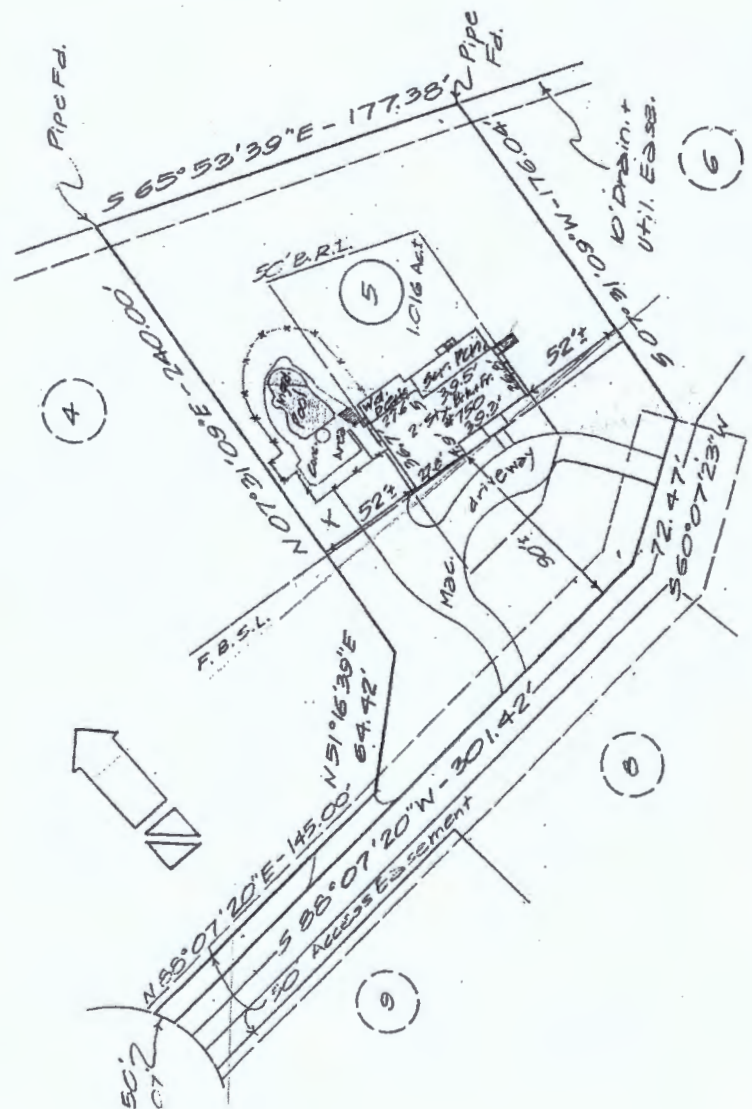
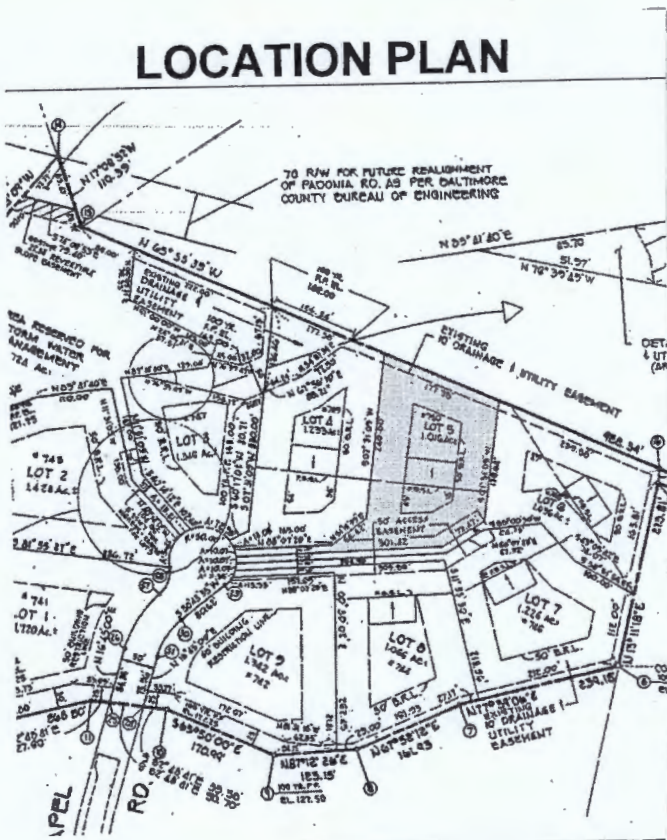
NEIGHBORHOOD: CHAPEL WOODS
 CURRENT ZONING: RC-5 RURAL RESIDENTIAL
 SIDEYARD REQUIREMENT: 50' PROVIDED: 50'

APPLICABLE CODES:
 2006 INTERNATIONAL RESIDENTIAL CODES
 2007 BALTIMORE COUNTY BUILDING CODE

USE: RESIDENTIAL, SINGLE FAMILY
 INSULATION:
 ROOF: REQUIRED R38, PROVIDED R38
 WALLS: REQUIRED R13, PROVIDED R19
 FLOOR ABOVE CRAWLSPACE: R19, PROVIDED R19

SITE PLAN

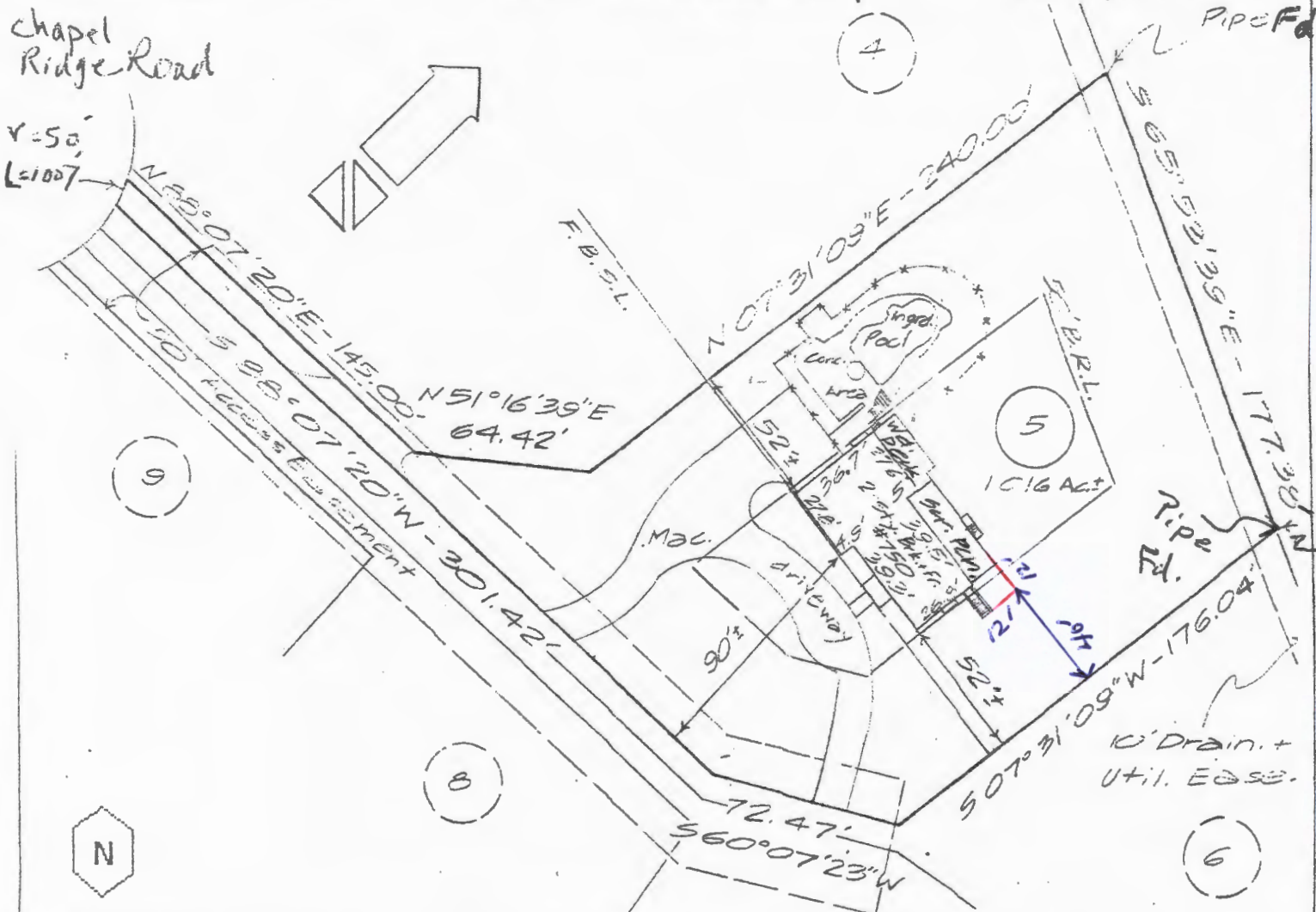
LOCATION PLAN



SITE VICINITY MAP

SUBDIVISION NAME Timonium, MD 21093 LOT # 5 BLOCK # 1 SECTION # 1

PLAT BOOK # 50 FOLIO # 2 10 DIGIT TAX # 1900009969 DEED REF. # 20644100122



N
↑
MAP IS NOT TO SCALE

ZONING MAP# _____
SITE ZONED RC-5
ELECTION DISTRICT 8
COUNCIL DISTRICT 2
LOT AREA ACREAGE 1.0100 AC
OR SQUARE FEET _____
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC _____ PRIVATE X
SEWER IS:
PUBLIC _____ PRIVATE X
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

PLAN DRAWN BY NTT Associates, Inc. DATE 1-11-1993 SCALE: 1 INCH = 60 FEET

VIOLATION CASE INFO: