IN RE: PETITION FOR ADMIN. VARIANCE

E side of Shady Spring Avenue; 230 feet NE of the c/l of Kenwod Avenue 14th Election District 6th Council District (6014 Shady Spring Avenue)

Dominic D. Hoenig

Petitioner

BEFORE THE

OFFICE OF

* ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

* CASE NO. 2012-0219A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the property, Dominic D. Hoenig. The Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition with a side yard setback of 5.4 feet in lieu of the required minimum 10 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 25, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

ORDER	RECEIVED FOR FILING	
Date	4-17-18	_
Ву	m	-

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.

The relief granted herein shall be subject to the following:

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

TIMOTHY M. KOTROCO Administrative Law Judge for

luthy Kotroco

Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 4-17-17



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

April 17, 2012

DOMINIC D. HOENIG 6014 SHADY SPRING AVENUE BALTIMORE MD 21237

RE: Petition For Administrative Variance

Case No. 2012-0219-A

Property: 6014 Shady Spring Avenue

Dear Mr. Hoenig:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

TIMOTHY M. KOTROCO

Administrative Law Judge

for Baltimore County

TMK:pz

Enclosure

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

Address 6014	The state of the s	of Baltimore County for the property located at: which is presently zoned Dl 3.5 10 Digit Tax Account # 1 4 1 6 0 8 9 6 3 5
Property Owner(s) Printed		Hoenia
		OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) it on the reverse of this Petition Form be completed / notarized.
The undersigned legal own	ner(s) of the property situate plat attached hereto and m	timore County and which is described in the description and part hereof, hereby petition for a
. KANDEN ADMINISTRATIVE	ARIANCE Section 1B02.3	.C.1
	To permit an ad minimum 10 feet.	ldition with a side yard setback of 5.4 feet in lieu of the requir
of the zoning regulations of E	Baltimore County, to the zoning	law of Baltimore County.
		e to raze, alter or construct addition to building)
Property is to be posted and adverti , or we, agree to pay expenses of a restrictions of Baltimore County ado	pted pursuant to the zoning law for Ba do so solemnly declare and affirm, un	ations. etc. and further agree to and are to be bounded by the zoning regulations and
Contract Purchaser/Lessee	:	Legal Owners: Dominic Hoenis
Name- Type or Print		Name #1 – Type or Print Name #2 – Type or Print
Signature		Signature #1 Signature #2 6014 Shady Spring Ave Roadale Md
Mailing Address	City State	Mailing Address City State 21237 / (443)600-9692/
ip Code Telephone #	Email Address	Zip Code Teléphone # Email Address
Attorney for Petitioner:	TOD EILIN	Representative to be contacted:
Name- Type or Print ORDE	R RECEIVED FOR FILIN	Name - Type or Print
Signature Date-	-4/1	Signature
Mailing Address By	City State	Mailing Address City State
Zip Code Telephone #	Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having formathisday of regulations of Baltimore County and	, that the subject matter	equired, it is ordered by the Office of Administrative Law, of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning

CASE NUMBER 2012-0219-A Filing Date 3/2/12 Estimated Posting Date 3/25/12

Reviewer Rev 10/12/11

Affidavit in Support of Administrative Variance

Address local St. 1. Source A.

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

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

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Rosedal.

2 43-

Print or Type Address of property	City State Zip Code
Deced upon normanal knowledge, the fall	awing are the facts which I/wa have the request for an
	owing are the facts which I/we base the request for an
Administrative variance at the above add	dress. (Clearly state <u>practical difficulty or hardship</u> here)
Or A A	
AS A single with two kids, I do	esperately need the extra living space. I make a
Decent Salary as A career Fire Figure	HER WITH HOWARD COUNTY DUT CONNOT AFFORD TO MOVE.
I Am proposing a modest addition that	+ would give as the space we need. Becomise on the way
our existing theor plan is loid out,	the configuration I am proposing is the only way to
Build the address without spending	Considerable money atterns the interior of the existing the Patrick Nixon (The only neighbor Affected) and not only
16 la contractore I have spore wi	Le can provide a consert letter if need be.
Blue aggreenate to the nation and	The can provide a conservation in many at
	•
(If additional space for the petition request	or the above statement is needed, label and attach it to this Form)
to the same	
Signature of Affiant	Signature of Affiant
Dominic Hoenig	New District
Name- Print or Type	Name- Print or Type
The following information is to b	be completed by a Notary Public of the State of Maryland
	10 - 10 (1) 1
STATE OF MARYLAND, COUNTY OF B	SALTIMORE, to wit:
1-th	908 11 11 11 11 11 11 11
	of Marcu, Zo12, before me a Notary of Maryland, in
and for the County aforesaid, personally appe	eared
Donaldie H	A. A
the Afficiation bearing processing the control of t	isfactorily identified to me as such Affiant(s) (Print name(s) here)
the Amant(s) herein, personally known or sati	islactorily identified to me as such Affiant(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal	000
Ab William and Notalies ocal	150
No	otary Public / /
	12/27/2012
·	Commission Expires

ZONING PROPERTY DESCRIPTION FOR 6014 SHADY SPRING AVE, ROSDALE 21237

Beginning at a point on the East side of Shady Sprint Ave which is 30' wide at the distance of 230' North of the centerline of the nearest improved intersecting street, Kenwood Ave., which is 50' wide. Being Lot #5 in the subdivision of East Kenwood Park, as recorded in Baltimore County Plat Book #7, Folio #112, containing .661 Acres or 28,793 square feet. Located in the 14th Election District and 6th Council District.

Patricia Zook - martin Ogle 443-629-3411

From:

Sarah Adams

To:

Zook, Patricia

Date:

4/16/2012 12:05 PM

Caller:

martin Ogle

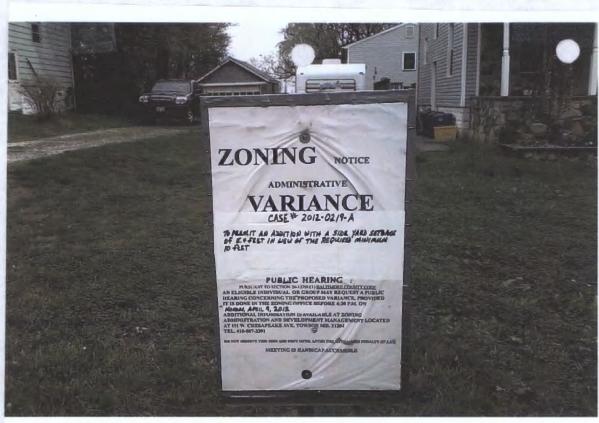
Phone:

443-629-3411

Sign posting - Hes Not home so he cant fax in a copy. He has a picture on his phone he could email

Disclaimer: The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please immediately contact the sender if you have received this message in error. Thank you.





marker 2/0 3/05/12

Obj: BS Acct: Amount	ete bais escenti com una Percepi e a como escapa de centre
75.00	HAND SERVICE STATE OF THE SERVICE SERV
at: 75.00	
Z012-629	CASHIER'S VALIDATION
ta	ZOPZ-62F

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0219 -A Address 6014 Shady Spring Ave
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 3 12 12 Posting Date: 3 25 17 Closing Date: 4 09 17 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. <u>DEADLINE:</u> 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.
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 2012- 0219 -A Address 6014 Shady Speing Ave
Petitioner's Name Dominic Hoe Nig Telephone 9443-600-9692
Posting Date: 3/2/12 Closing Date: 4/09/12
Wording for Sign
To permit an addition with a side yard setback of 5.4 feet in lieu of the required — minimum 10 feet.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 11, 2012

Dominic Hoenig 6014 Shady Spring Avenue Rosedale, MD 21237

RE: Case Number: 2012-0219A, Address: 6014 Shady Spring Avenue.

Dear Mr. Hoenig:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 12, 2012. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 4-3-12

RE:

Ms. Kristen Lewis Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 Baltimore County
Item No 2012-0219-A.
Variance
Dominic Hoening
6014 Shady Spring Areen are.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2002-0219-A.

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

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 21, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 02, 2012

Item Nos. 2012-214,215,216,217,218,219

And 221

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-04022012-NO COMMENTS.doc

Patricia Zook - Case 2012-0219-A - do you have the posting notice?

From: Patricia Zook

To: Fisher, June; Lewis, Kristen

Date: 4/16/2012 10:33 AM

Subject: Case 2012-0219-A - do you have the posting notice?

Good morning Ladies -

This administrative variance closed on April 9. The file is missing the certification of posting and I'm wondering if it was delivered to your office. I called the Petitioners last week regarding this and haven't yet heard from them.

Thanks for checking.

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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Debra Wiley - ZAC Comments - Distribution Mtg. of March 19, 2012

From: Debra Wiley

To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date: 3/21/2012 1:34 PM

Subject: ZAC Comments - Distribution Mtg. of March 19, 2012

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0214-A - 1709 Newport Circle - CRITICAL AREA

(Administrative Variance) Closing Date: 4/2/12

2012-0215-A - 9004 Hour Glass Court

(Administrative Variance) Closing Date: 4/2/12

2012-0216-A - 9212 Smith Avenue

(Administrative Variance) Closing Date: 4/2/12

2012-0217-A - 8118 Perry Hills Court

No hearing date assigned as of today

2012-0218-SPHA - 8611 Old Harford Road

No hearing date assigned as of today

2012-0219-A - 6014 Shady Spring Avenue

(Administrative Variance) Closing Date: 4/9/12

2012-0220-A - 7304 Gephardt Avenue (CRITICAL AREA & FLOODPLAIN)

(Administrative Variance) Closing Date: 4/9/12

2012-0221-A - 300 Hopkins Road

No hearing date assigned as of today

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax)

dwiley@baltimorecountymd.gov

Historic: NO

Case Number: 2012-0218-SPHA

Primary Use: Residential

Election Dist: 9th

Reviewer: JCM

Type: SPECIAL HEARING

Legal Owner: Ravenette Realty LLC, Tom Wedge

Contract Purchaser: Candice Holt, 8611 Old Harford Rd 21234, 410-978-3508

Property Address: 8611 Old Harford Rd Councilmanic Dist: 6th

Location: Beginning at a point on N/S of Old Harford Rd, on the NE corner of Old Harford and Edgewood, 60 feet wide at the

distance of 51.64 ft +/- S/W from the centerline of Edgewood Avenue.

Existing Zoning: RO

Critical Area: NO

Area: 7,090 sq. ft.

Proposed Zoning: SPECIAL HEARING to permit a zero ft setback in lieu of the required 10 ft from the street right-of-way line

for parking spaces.

Flood Plain: NO

Attorney: Andrew G. Bailey, 409 Washington Ave Ste 707, 21204, 410-337-3755

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:

Case Number: 2012-0219-A

Primary Use: Residential

Reviewer: LW

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Dominic Hoenig

Contract Purchaser:

Critical Area: NO

Flood Plain: NO

Historic: NO

Election Dist: 14th

Councilmanic Dist: 6th

Property Address: 6014

Shady Spring Ave

Location: E/S of Shady Spring Ave, 230 +/- Ft. N/E of the centerline of Kenwod Ave.

Existing Zoning: Dr 3.5

Area: .661 acres, 28,793 Sq ft

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit an addition with a side yard setback of 5.4 ft. in lieu of the

required minimum 10 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date:

4/9/2012

Miscellaneous:

MEMORANDUM

DATE: May 18, 2012

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2012-0219-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 17, 2012. There being no appeal filed, the subject file is ready for return to the Zøning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Case No.: 2012-0219-A

Exhibit Sheet

4-23-12-P2
Protestant

Petitioner/Developer

No. 1		
	Site plan	
No. 2		
	·	
No. 3		
No. 4		
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Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A)

BALTIMORE COUNTY

2012-0219-A

Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

					Owner Inform	ation					
ESTAD Mailing Address: 6014 SI		G DOMINIC D Use: Principal Residence: HADY SPRING AVE MORE MD 21237-2028 Deed Reference:		RESIDENTIAL YES 1)/31711/00423 2)							
				Locati	on & Structure	Information	1				
	Address DY SPRII				6014	SHADY SP	RING A	VE			
Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	
0089	0005	0604		0000		Α	5	3		Plat Ref:	0007/
Special 7	Γax Area	<u>s</u>		Town Ad Valorem Tax Class	NONI	3					
Primary 1920	Structur	e Built	, , , , , , , , , , , , , , , , , , , ,	Enclosed Area	1	Property 22,780 SF	Land A	<u>\rea</u>	0	County Use	
<u>Stories</u> 2.000000	Basen YES	nent	Type STANDARD UN	Exterior NIT SIDING							
					Value Inform	ation					
			Base Value	Value As Of 01/01/2012	Phase-in Asso As Of 07/01/2011	As Of 07/01/20	12				
Land Improve	ements:		83,400 79,900	83,400 78,000							
Total:	tial Land	1.	163,300	161,400	163,300	161,400					
11010101	That Dank				Transfer Infor	mation					
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Seller: Type:			ROBERT C HIMPROVED			Date: Deed1:		0/2006 08/ 00265	Price: Deed2:	\$165,000	
Seller: Type:		RER JOH	IN G,JR I IMPROVED			Date: Deed1:		7/1978 52/ 00167	Price: Deed2:	\$37,500	
)	Exemption Info	rmation					
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Exempt	014001										







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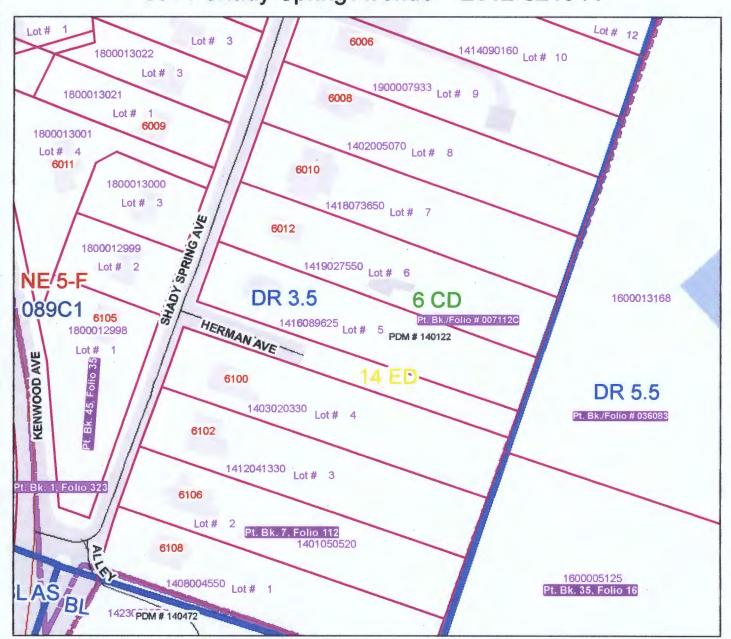
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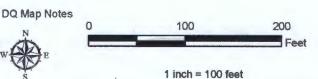
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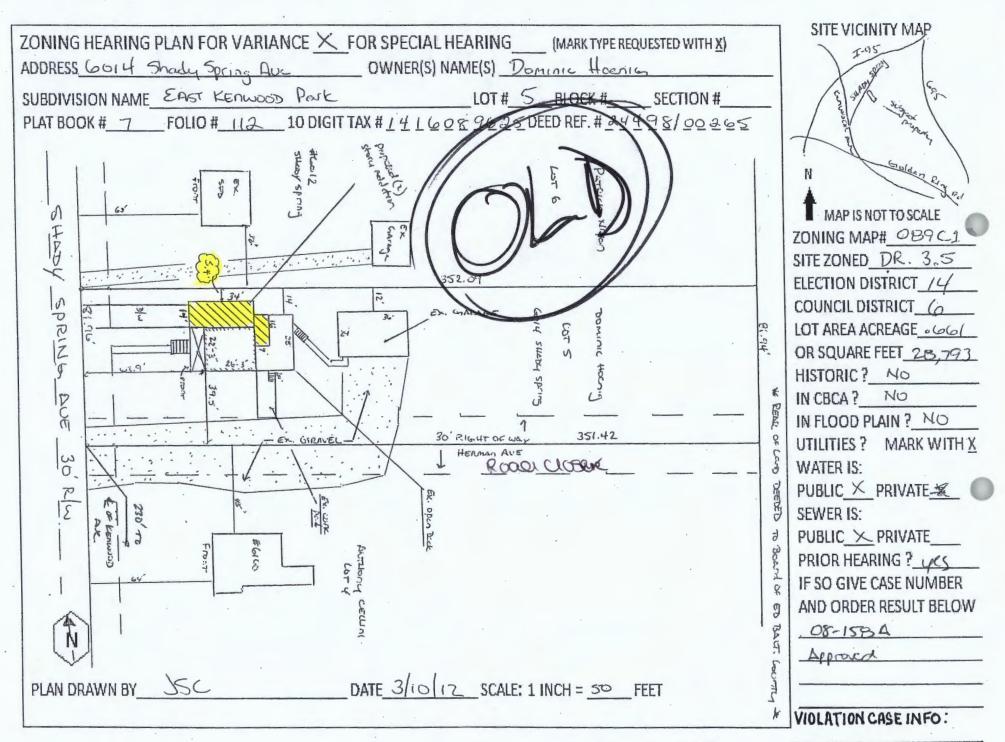
6014 Shady Spring Avenue 2012-0219-A





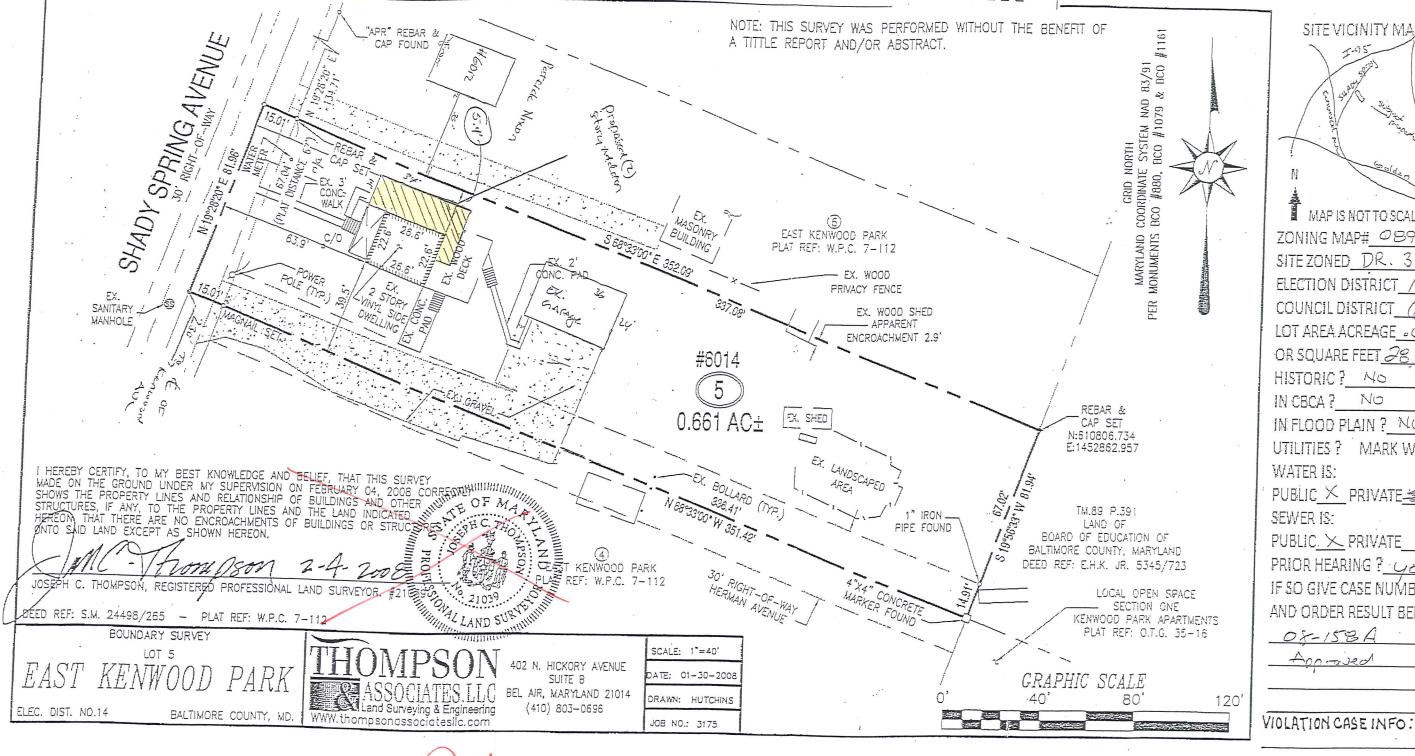
Publication Date: March 12, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

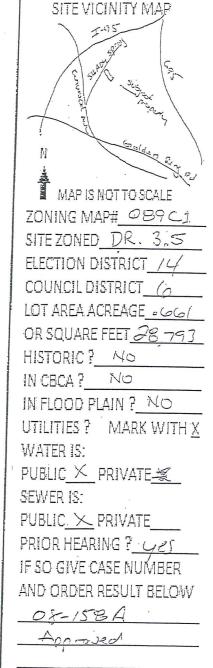




2012-0219-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 6014 Shady Spring Que OWNER(S) NAME(S) Dominic Hoenis
SHADINIFIDA NAME FOR YEAR D. C.
PLAT BOOK # 7 FOLIO # 112 10 DIGIT TAX # 1 4 L 6 2 & 9 6 2 5 DEED RFF # 24 4 9 8 100 2 6 5





2012-0219-A