IN RE: PETITION FOR ADMIN. VARIANCE

S side of Lee Court; 173 feet E of the c/l of Lorry Lane
3rd Election District

2nd Council District

(3313 Lee Court)

Rabin Moinzadeh and Helen Zarinkhou Petitioners BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2012-0260-A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Rabin Moinzadeh and Helen Zarinkhou. The Petitioners are requesting Variance relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard set back of 3.5 feet for a proposed addition in lieu of the required 7 feet. 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. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 29, 2012, 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. In the opinion of the Administrative Law Judge, the

Date 5-22-18

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 _____ day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard set back of 3.5 feet for a proposed addition in lieu of the required 7 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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.

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

LAWRENCE M. STAHL

Managing Administrative Law Judge for

Baltimore County

LMS:pz

ORDER R	ECEIVED FOR FILING	
Date	5-82-12	2
Ву	XV:	



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL

Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO

Administrative Law Judges

May 22, 2010

RABIN MOINZADEH AND HELEN ZARINKHOU 3313 LEE COURT PIKESVILLE MD 21208

RE: Petition For Administrative Variance

Case No. 2012-0260-A Property: 3313 Lee Court

Dear Mr. Moinzadeh and Ms. Zarinkhou:

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.

Sincefely,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:pz

Enclosure

ADMINISTRATIVE ZONING PETITON FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

	of Permits, Approvals and Inspections
To the Office of Administrative Law of	of Baltimore County for the property located at:
Address 33 13 Lee ct	which is presently zoned DISIS
Deed Reference 18699 / Ooy24	10 Digit Tax Account # 0319028125
Property Owner(s) Printed Name(s) RABIN Moi	
(SELECT THE HEARING(S) BY MARKING X AT THE APPRO	OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) ton the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and a part hereof, hereby petition for a
1. ADMINISTRATIVE VARIANCE from section(s)	Bo2.3.B
To permit a side yards proposed addition in li	set back of 3.5 feet on a eu of the required 7 feet.
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEADING to approv	ve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and
Section 32-4- 416(a)(2): (indicate type of work in this space	
Section 52-4- 4 To(a)(2). (Indicate type of work in this space	to raze, after or construct addition to building)
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 regula l. or we, agree to pay expenses of above petition(s), advertising, posting, e	ations. 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 Bal	Itimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, une is the subject of this / these Petition(s).	der the penalties of perjury, that I / We are the legal owner(s) of the property which
is the subject of this / these retainings).	
Contract Purchaser/Lessee:	Legal Owners:
	RABIN MOINZADE Helen Zarintchou
Name-Type or Print	Name #1 – Type or Print Name #2 – Type or Print
	# 100 300
Signature	Signature #1 Signature #2
	3313 Lee CT Pilesvill MD
Mailing Address City State	Mailing Address City State
maining / works	21208 , 4106026893 , Rubermain @4 ahor
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Zip Code Telephone # Email Address	Zip dode Telephone # Zinaii Addiess
Attorney for Petitioner:	Representative to be contacted:
Name-Type or Print	Name - Type or Print
ORDER RECEIVED FOR FILING Signature	<u> </u>
Signature	Signature
Date	
Mailing Address City State	Mailing Address City State
By	
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
thisday of,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
regulations of Baltimore County and that the property be reposted.	
* SERGING SWALEN	Total Law Index of Boltiman Co.
Admini	strative Law Judge of Baltimore County
2 131/1 15 161/1	18.10 - 12 Dp/
CASE NUMBER OO A OJGO A Filing Date	11/12 Estimated Posting Date 4/2012 Reviewer DC

Rev 10/12/11

Affidavit in Support ministrative Variance (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:

parotia	oc, redide at th	ic chidding dwe	oming on a	ald property locator		
Address	s: 3313	Lee	ct	pilesulk	MO	21208
	Print or Type Add	ress of property		City	State	Zip Code
Adminis	strative Varian	ce at the abov	e address	g are the facts which (Clearly state property of mit Format Forma	Building	r hardship here)
Sma	11 . 50	wege	dding	addition t	s it to ma	Ke it
Large	es 1 Citches	1 suitas	ble For	Kosher		
RABI	e of Affiant Molw 24 rint or Type	IDEH		He	elen Zanin Print or Type	lehou
	The follow	ing information	is to be co	mpleted by a Notary I	Public of the State of	f Maryland
				TIMORE, to wit:		
and for t	he County afor	esaid, personal	ly appeared	d ^N		lotary of Maryland, in
RAB	IN MOII	JZADEH	HEL	EN ZARIN	JKHOU	(Print name(s) here)
the Affia	nt(s) herein, pe	rsonally known	or satisfac	torily identified to me	as such Affiant(s) (Print name(s) here)
AS WIT	NESS my hand	and Notaries S	Seal M	elanie L	Hughes	
			Notary	Public	MELANIE L. HL	JGHES .
			MyCo	mmission Evniros	PALTIMORE OF	ALIC .

REV. 10/12/11

Zoning property description for 3313 lee court

Beginning at the a point on the south side of lee court which is 50 feet wide at the distance of 173 feet east of the centerline of the nearest improved intersecting street lorry lane which is 50 feet wide

Being lot #24 in the subdivision of Suburban Manor as recorded in Baltimore county plat book #19 folio #43 containing 8250 5q, 4. located in the 3^{rd} election district and 2^{nd} council district.

	E OF BUI	DGET AN	IARYLANI D FINANC RECEIPT			No.		201	1/2	PAID RECEIPT RESINESS ACTUAL TIME DR 19/20/2012 4/18/2012 12:41:26
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		Rob. L	٨	loinz		Total:	<u>li</u>	75	, 10	
Rec From:		Alm	n - tr	ative	-Uo	fy idas	e			

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0240 -A Address 3313 Lee CT
Contact Person: Gay Huck Phone Number: 410-887-3391 Planner, Please Print Your Name Planner, Please Print Your Name Closing Date: 5/4/1/2
Filing Date: 4/18/12 Posting Date: 2/29/12 Closing Date: 5/14/12
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.
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 2012- 0260 -A Address 3313 Lee CT
Petitioner's Name Rabin Moinzagen Telephone 410-602-689
Posting Date: 4/29/12 Closing Date:
Wording for Sign: To Permit To permit a side yard set back
of 3.5 feet on a proposed addition in her of the
required 7 Feet

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number o	Case Nu	mber:	20	2-0260-	A		,
Petitioner:	RABIN	Moinz	ADEIH	Helen	Zafinkh	ou	
Address or Loc	ation: 🔨	3313	Lee	Cf	Pilces ville	MO	2126
PLEASE FORV	NARD AD	MOINZ	G BILL TO ADEH	Helen	Zarinkhou illn MP		
Address: 🗴	3313	Lee	a	PIKESV	illa MP	212	265

Revised 2/17/11 DT

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 05/01/2012

Case Number: 2012-0260-A

Petitioner / Developer: ROBIN MOINZUDEN

Date of Hearing (Closing): MAY 14, 2012

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: 3313 LEE COURT

The sign(s) were posted on: APRIL 29, 2012



Linda O Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

MEMORANDUM

DATE:

July 10, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0260-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 21, 2012. 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

Case No.: ___

2012-0260-A

Exhibit Sheet

Petitioner/Developer

Protestants

5/29/12 18

Exhibit 1

2012-0200-A

.

Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Account	Identifier	<u>:</u>	I	District - 03 Accou	nt Number -	0319028125					
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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: April 26, 2012

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May7, 2012

Item Nos. 2012-0254, 0255, 0256, 0257, 0260,

And 0261

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-05072012-NO COMMENTS.doc



KEVIN KAMENETZ County Executive

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

May 15, 2012

Rabin Moinzadeh Helen Zarinkhou 3313 Lee Court Pikesville, MD 21208

RE: Case Number: 2012-0260-A, Address: 3313 Lee Court, 21208

Dear Mr. Moinzadeh & Ms. Zarinkhou:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 18, 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 Ribal 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: 4-26-12

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

RE: **Baltimore County**

Item No 2012-0260-A
Administrative Variance
Rabina Helen Moinzadeh 3313 Lee Court

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. 2012-0260-4.

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,

Access Management Division

SDF/raz



SITE VICINITY N ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) OWNER(S) NAME(S) RABIN MOINZADEH Helen those ADDRESS 3313 - LEE COURT SUBDIVISION NAME SUBURBAN MANOR LOT# 24 BLOCK# SECTION# PLAT BOOK # 19 FOLIO # 43 10 DIGIT TAX # 6 03 19 02 812 DEED REF. # 18 699/00 424 Sub N73°18'00"E 55' PF Lot 27 MAP IS NOT TO ZONING MAP# C SITE ZONED DA Lot 24 **ELECTION DISTRIC** COUNCIL DISTRIC Lot 23 LOT AREA ACREAG OR SQUARE FEET PROP. DECK OVER EXIST PATIO HISTORIC? N IN CBCA? N Lot 25 IN FLOOD PLAIN 3313 3315 UTILITIES? MAI 3311 Story WATER IS: PUBLIC X PRIV PROP. I STORY ADD'N. SEWER IS: 3.5' 9.5 PUBLIC X PRIV PRIOR HEARING IF SO GIVE CASE I Scale linch=30 Feet AND ORDER RESU 573-18'00"W 55' POB \$ 173 Feet 6011 In E of the LEE COURT Lorry Lane VIOLATION CASE! No

2012-0200A

VIOLATION CASE INFO:

2012-0260-A