



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 5, 2013

Benjamin L. Polakoff, Esquire
1777 Reisterstown Road
Suite 204A
Baltimore, Maryland 21208

RECEIVED

AUG 12 2013

OFFICE OF ADMINISTRATIVE HEARINGS

RE: Petitions for Variance
Case No.: 2013-0285-A
Property: 72 Oakway Road

Dear Mr. Polakoff:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Bernadette Moskun'as, 200 E. Joppa Road, Room 101, Towson, Maryland 21286
Thomas J. Kane, III, 3043 E. Joppa Road, Suite 333, Parkville, Maryland 21234

IN RE: PETITION FOR VARIANCE

(72 Oakway Road)
8th Election District
3rd Councilman District
3407 Starlite, LLC
Legal Owner
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2013-0285-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Benjamin L. Polakoff, Esquire, on behalf of the legal owner, 3407 Starlite, LLC. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") §§ 301.1 and 1B02.3.C.1: (1) to permit an existing principal structure with a setback of 15' in lieu of the required minimum 30' setback; and (2) to permit a proposed deck (open projection) with a setback of 5' in lieu of the minimum 22.5'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Bernadette L. Moskunas with Site Rite Surveying, who prepared the site plan and Thomas J. Kane, III. Benjamin L. Polakoff, Esquire appeared as counsel and represented the Petitioner. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 0.17+/- acres

ORDER RECEIVED FOR FILING

Date 8-5-13

By 190

and zoned DR 5.5. The Petitioner purchased the home in April of this year, and has invested over \$45,000 in making improvements to the dwelling. The Petitioner hopes to market the home in the near future, but variance relief is needed before the property can be listed.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

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

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

Petitioner has met this test. As Ms. Moskunas testified, the subject lot is 74' x 100', while most of the other lots shown on the plat (Exhibit 4) are 50' x 120'. In addition, Ms. Moskunas explained there is an approximate 10' grade change from the rear to the front of the lot. These factors render the property unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, since it would be unable to construct the contemplated improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by absence of County and/or community opposition. In fact, the adjoining neighbor at 70 Oakway Road submitted a letter of support, which was marked as Exhibit 5.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 5th day of August, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") §§ 301.1 and 1B02.3.C.1: (1) to permit an

ORDER RECEIVED FOR FILING

Date 8-5-13

2

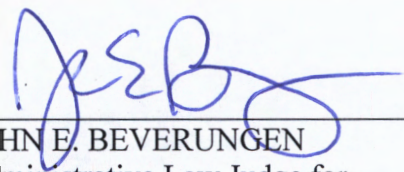
By law

existing principal structure with a setback of 15' in lieu of the required minimum 30' setback; and
(2) to permit a proposed deck (open projection) with a setback of 5' in lieu of the minimum 22.5',
be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.

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: sln

ORDER RECEIVED FOR FILING

Date 8-5-13

By 



PETITION FOR ZONING HEARING(S)

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

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

Address 72 Oakway Road which is presently zoned D.R. 55
 Deed References: 33598/389 10 Digit Tax Account # 0812000150
 Property Owner(s) Printed Name(s) 3407 Starlite LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 301.1 and 1802.3.C.1 BCR To permit an existing principle structure with a set-back of 15 feet in lieu of the required minimum 30 feet set back, and to permit a proposed deck (open projection) with a set back of 5 feet in lieu of the minimum 22.5 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

to be presented at hearing

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Benjamin L. Polakoff, Esq.

Name- Type or Print

Signature

1777 Reisterstown Road Suite 204A

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

3407 Starlite LLC, Barbara Brustein

Name #1 - Type or Print

Name #2 (Type or Print)

3407 Starlite LLC

Signature #1

Signature #2

2043 E. Joppa Road Rm 333 Baltimore MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bernadette L. Moskunus Site Rite Surveying

Name - Type or Print

Signature

200 E. Joppa Road Rm 101 Towson, MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0285-A Filing Date 5/28/13

Do Not Schedule Dates: _____

Reviewer G. H

ZONING DESCRIPTION
#72 OAKWAY ROAD

BEGINNING at a point on the north side of Oakway Road which is 40 feet wide at the distance of 110 feet west of the center line of Tree Lane which is 40 feet wide. Being Lot #23 Section D in the subdivision of "Yorkshire" as recorded in Baltimore County Plat Book No. 13, Folio No. 90, containing 7474 square feet. Located in the 8th Election District, 3rd Councilmanic District.



Michael Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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: 2013-0285-A
Petitioner: 3407 Starlite LLC
Address or Location: 72 Oakway Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: 3407 Starlite LLC % Barbara Brustein
Address: 2043 E. Joppa Road
Suite 333
Baltimore, MD 21234
Telephone Number: 410 404-7579

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

No. 099741
Date: 5/28/13

PAID RECEIPT

BUSINESS ACTUAL TIME INW
5/29/2013 5/29/2013 11:10:41 2

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

REG W005 WALKIN DOCL IND
>> RECEIPT # 665175 5/22/2013 OFLH

Dep 5 528 ZONING VERIFICATION
CR NO. 099741

Receipt Tot \$75.00
\$75.00 OK \$1.00 CH
Baltimore County, Maryland

Total: 75.00

Rec From: 3407 Starlite LLC

For: Variance

2013-0285-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0285-A

PETITIONER/DEVELOPER _____

SITE RITE SURVEYING INC.

DATE OF HEARING/CLOSING: _____

AUGUST 1, 2013

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

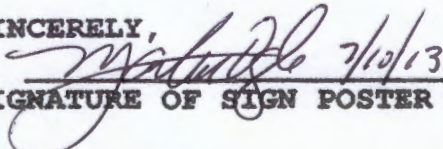
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

72 OAKWAY ROAD

THIS SIGN(S) WERE POSTED ON _____

July 10, 2013
(MONTH, DAY, YEAR)

SINCERELY,

 7/10/13
SIGNATURE OF SIGN POSTER AND DATE:

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

ZONING NOTICE

CASE # 2013-0285-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE
TOWSON 21204

DATE AND TIME: THURSDAY, AUGUST 1, 2013
AT 2:30 P.M.

REQUEST:

VARIANCE TO PERMIT AN EXISTING PRINCIPLE STRUCTURE
WITH A SETBACK OF 15 FEET IN LIEU OF THE REQUIRED
MINIMUM 30 FT. SETBACK; AND TO PERMIT A PROPOSED DECK
(OPEN PROJECTION) WITH A SETBACK OF 5 FEET IN LIEU
OF THE MINIMUM 22.5 FEET

POSTPONEMENTS DUE TO WEATHER AND OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO COUNTER HEARING CALL 410-897-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

myachin Del 7/10/13



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 11, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on July 11, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2013-0285-A

72 Oakway Road
N/side of Oakway Road, 110 ft. w/of the centerline
of Tree Lane

8th Election District - 3rd Councilmanic District
Legal Owner(s): 3407 Starlite, LLC

Variance: to permit an existing principle structure with a setback of 15 feet in lieu of the required minimum 30 ft. setback; and to permit a proposed desk (open projection) with a setback of 5 feet in lieu of the minimum 22.5 feet.

Hearing: Thursday, August 1, 2013 at 2:30 p.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.
7/15/13 July 11

933170

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 11, 2013 Issue - Jeffersonian

Please forward billing to:
Barbara Bronstein
Starlite, LLC
2043 E. Joppa Road, Rm. 333
Baltimore, MD 21234

410-404-7579

NOTICE OF ZONING HEARING

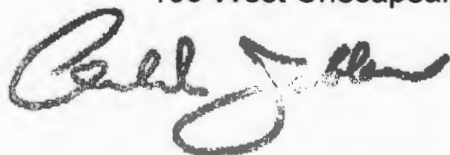
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Legal Owners: 3407 Starlite, LLC

Variance to permit an existing principle structure with a setback of 15 feet n lieu of the required minimum 30 ft. setback; and to permit a proposed deck (open projection) with a setback of 5 feet in lieu of the minimum 22.5 feet.

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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

June 25, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0285-A

72 Oakway Road

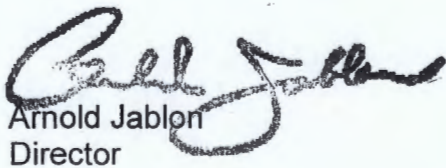
N/side of Oakway Road, 110 ft. w/of the centerline of Tree Lane

8th Election District – 3rd Councilmanic District

Legal Owners: 3407 Starlite, LLC

Variance to permit an existing principle structure with a setback of 15 feet n lieu of the required minimum 30 ft. setback; and to permit a proposed deck (open projection) with a setback of 5 feet in lieu of the minimum 22.5 feet.

Hearing: Thursday, August 1, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Benjamin Polakoff, 1777 Reisterstown Road, Ste. 204,
Barbara Brunstein, 2043 E. Joppa Road, Ste. 333, Baltimore, MD 21234
Bernadette Moskunus, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 12, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: September 6, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0285-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 4, 2013. 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

RE: PETITION FOR VARIANCE
72 Oakway Road; N/S Oakway Road,
110' W of c/line Tree Lane
8th Election & 3rd Councilmanic Districts
Legal Owner(s): 3407 Starlite LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-285-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
JUN 03 2013

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, 200 East Joppa Road, Towson, MD 21286 and Benjamin Polakoff, Esquire, 1777 Reisterstown Road, Suite 204A, Baltimore, Maryland 21208, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/1
230

CASE NO. 2013- 0285-A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

6/7/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

6/25/13

DEPS
(if not received, date e-mail sent _____)

NO
COMMENT

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

6/5/13

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/11/13

SIGN POSTING Date: 7/10/13 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: June 25, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0285-A
Address 72 Oakway Road
(3407 LLC Property)

Zoning Advisory Committee Meeting of June 3, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

JUN 25 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 07, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2013
Item Nos. 2013- 0273, 0274, 0275,
0276,0277,0279,0281,0282,0283,0284,0285,0286,0287 and 0288.

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

DAK:CEN
Cc: file



KEVIN KAMENETZ
County Executive

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

July 26, 2013

3407 Starlite LLC
Barbara Brustein, Managing Member
2043 E Joppa Road
Room 333
Baltimore MD 21234

RE: Case Number: 2013-0285 A, Address: 72 Oakway Road

Dear Ms. Brustein:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 28, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bernadette L. Moskunus, Site Rite Surveying, 200 E. Joppa Road, Rm 101, Towson MD 21286
Benjamin L. Polakoff, Esquire, 1777 Reisterstown Road, Suite 204A, Baltimore MD 21208



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-5-13

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

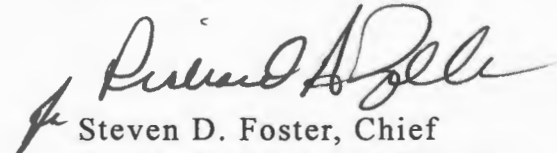
RE: Baltimore County
Item No 2013-0285-A
Variance
3407 Starlite, LLC
Barbara Brastein
72 Oakway Road

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. 2013-0285-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

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.roads.maryland.gov

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 08 Account Number - 0812000150

Owner Information

Owner Name: 3407 STARLITE LLC **Use:** RESIDENTIAL
Mailing Address: STE 333 **Principal Residence:** NO
2043 E JOPPA RD **Deed Reference:** 1)/33598/ 00389
PARKVILLE MD 21234- 2)

Location & Structure Information**Premises Address**

72 OAKWAY RD
LUTHERVILLE TIMONIUM 21093-4241

Legal Description

YORKSHIRE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0060	0012	0505		0000	D		23	2	Plat Ref:	0013/0090

Town

NONE

Special Tax Areas

Ad Valorem
Tax Class

Primary Structure Built

1949

Enclosed Area

1,200 SF

Property Land Area

7,400 SF

County Use

04

Stories 1.500000 **Basement** YES **Type** STANDARD UNIT **Exterior** SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	120,100	93,500		
Improvements:	128,710	139,900		
Total:	248,810	233,400	233,400	233,400
Preferential Land:	0			0

Transfer Information

Seller: LAFORCE ELEANOR R **Date:** 05/10/2013 **Price:** \$162,500
Type: ARMS LENGTH IMPROVED **Deed1:** /33598/ 00389 **Deed2:**
Seller: ENSOR J IRVING **Date:** 05/17/1948 **Price:** \$9,000
Type: ARMS LENGTH IMPROVED **Deed1:** /01668/ 00003 **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:**Special Tax Recapture:****Exempt Class:**

NONE

Homestead Application Information**Homestead Application Status:**

No Application



**Maryland Department of Assessments and
Taxation
BALTIMORE COUNTY
Real Property Data Search**

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District - 08 Account Number - 0812000150



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

CASE NAME 72 Oakway Rd
CASE NUMBER 2013-0285-A
DATE 01/2013

[illegible]

Case No.: 2013-285-A

Exhibit Sheet

DW 9-6-13
DW 8-5-13

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	SDAT records	
No. 3	photos	
No. 4	Plat No. 1- Yorkshire	
No. 5	letter of support	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

3407 Starlite LLC
2043 E. Joppa Rd.
Suite 333
Baltimore, MD 21234

Neighbor's Approval of Deck Addition
72 Oakway Road, 21093

I, Karen Rommel, reside at 70 Oakway Rd., and am the
next door neighbor of 72 Oakway Rd.

I am in agreement with the addition of a deck to the rear of that house and
will not express any opposition to the variance hearing.

Karen Henry Rommel
Karen Henry Rommel (owner of 70 Oakway Rd)

July 31, 2013
Date

#5

View #3



Looking into #72 Oakway from #67 Cinder Road



View looking toward #70 Oakway from #72 oakway deck.

View #1



Standing in rear yard of 67 Cider looking into rear yard #72 Oakway



looking into rear yard of #72 Oakway from #67 Cider



looking into #72 Oakway from #74 Oakway (driveway)



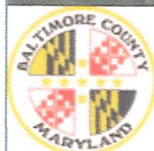
View #2 from #74 Oakway into #72 Oakway



Subject Property #72 Oakway Road



Proposed deck area



Environmental Map

Created By
Baltimore County
My Neighborhood



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Printed 7/30/2013



Environmental Map

Created By
Baltimore County
My Neighborhood

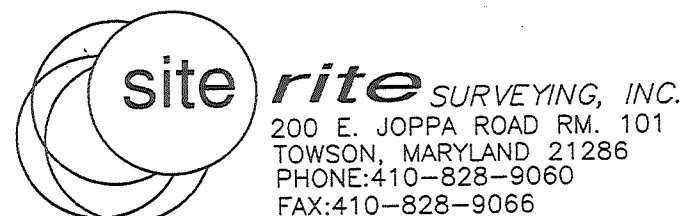
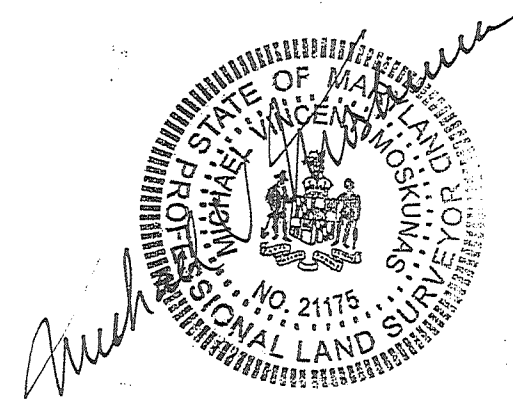


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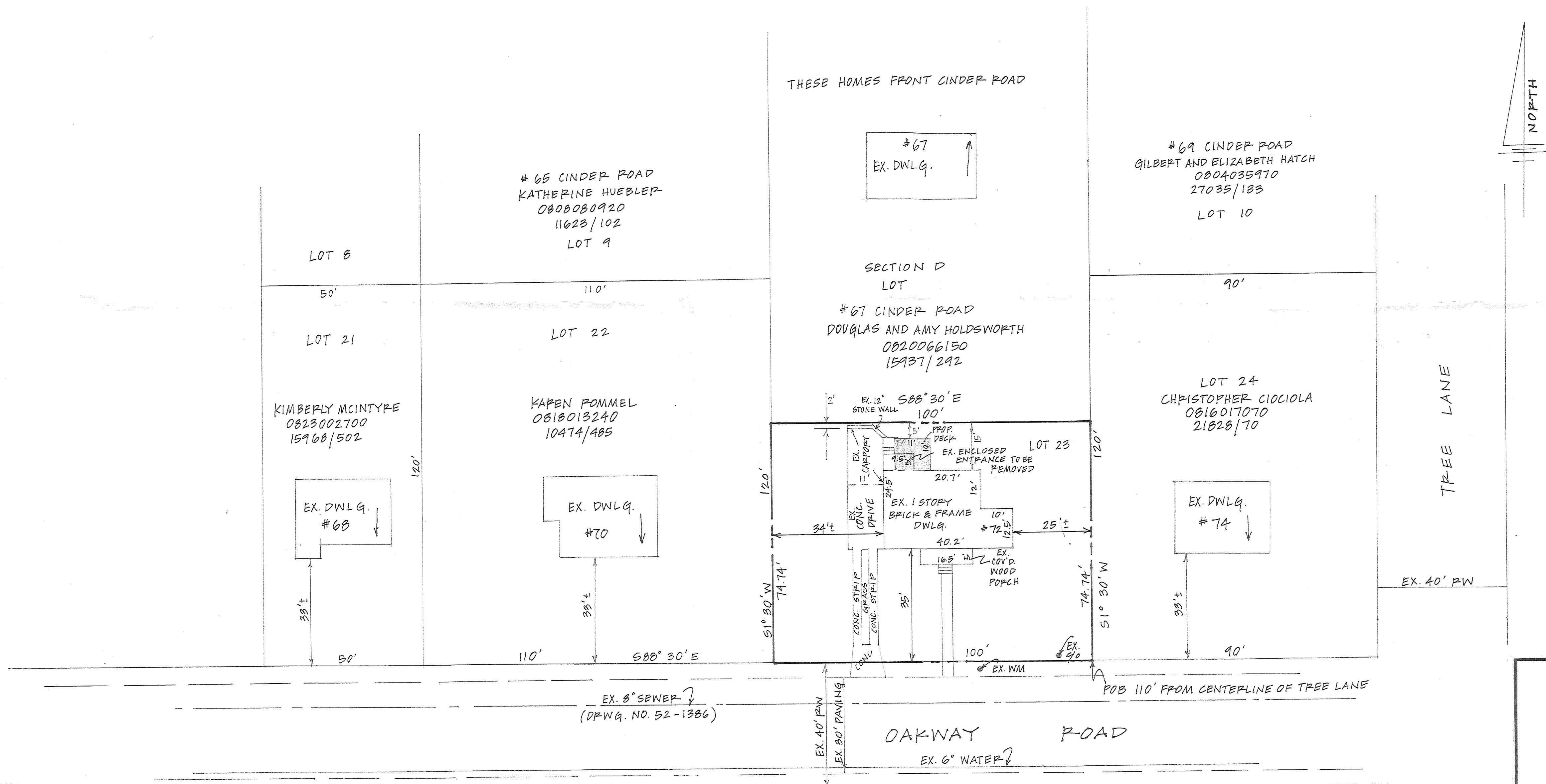
Printed 7/31/2013



1. EXISTING ZONING: D.R.5.5 (060C1)
2. LOT AREA: 7474 SQUARE FEET OR 0.17 Ac +/-
3. EXISTING USE: SINGLE FAMILY DWELLING (BUILT 1949)
PROPOSED UJSE: SINGLE FAMILY DWELLING TO REMAIN – PROPOSED DECK
4. PUBLIC WATER AND SEWER SERVICE THIS PROPERTY
5. THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
6. THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 2400100255F ZONE: "X"
7. THIS PROPERTY IS NOT LOCATED IN AN HISTORIC AREA
8. THERE IS NO PRIOR ZONING HEARING
9. THERE IS NO CURRENT OR OUTSTANDING ZONING VIOLATION
10. THIS IS A LOT ON A RECORDED PLAT DATED JUNE 1944.



OWNER: 3407 STARLITE LLC
C/O BARBARA BRUSTEIN
2043 E. JOPPA ROAD
SUITE 333
BALTIMORE MD 21234
(410) 404-7579



PETITIONER' S

EXHIBIT NO. 1

PLAN TO ACCOMPANY VARIANCE PETITION
#72 OAKWAY ROAD
LOT 23 SECTION D "YORKSHIRE" 13/90
TAX MAP: 60 PARCEL: 505
TAX ACCT. NO. 0812000150
DEED REF.: 33598 / 389
ELECTION DISTRICT NO. 8
COUNCILMANIC DISTRICT NO. 3
BALTIMORE COUNTY, MD
SCALE: 1" = 20'
MAY 28, 2013
JOB #10181

2013-0285-

Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 08 Account Number - 0812000150		
Owner Information		
Owner Name:	3407 STARLITE LLC	Use: RESIDENTIAL
	STE 333	Principal Residence: NO
Mailing Address:	2043 E JOPPA RD	Deed Reference: 1) /33598/ 00389
	PARKVILLE MD 21234-	2)
Location & Structure Information		
Premises Address:	72 OAKWAY RD LUTHERVILLE TIMONIUM 21093-4241	Legal Description: YORKSHIRE
Map: 0060	Grid: 0012	Parcel: 0505
Sub District:	Subdivision: 0000	Section: D
Block:	Lot: 23	Assessment Year: 2011
Plat No: 1	Plat Ref: 0013/ 0090	Town: NONE
Special Tax Areas:		
Primary Structure Built 1949	Above Grade Enclosed Area 1,200 SF	Finished Basement Area 105 SF
Stories 1.500000	Basement YES	Property Land Area 7,400 SF
Exterior SIDING	Type STANDARD UNIT	County Use 04
Full/Half Bath 1 full/ 1 half	Garage 1 Carport	Last Major Renovation
Value Information		
Base Value	Value	Phase-in Assessments
Land: 120,100	As of 01/01/2011	As of 07/01/2012
Improvements 128,710	93,500	As of 07/01/2013
Total: 248,810	139,900	
Preferential Land: 0	233,400	233,400
		0
Transfer Information		
Seller: LAFORCE ELEANOR R	Date: 05/10/2013	Price: \$162,500
Type: ARMS LENGTH IMPROVED	Deed1: /33598/ 00389	Deed2:
Seller: ENSOR J IRVING	Date: 05/17/1948	Price: \$9,000
Type: ARMS LENGTH IMPROVED	Deed1: /01668/ 00003	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2012
County: 000		07/01/2013
State: 000		0.00
Municipal: 000		0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

PETITIONER'S
EXHIBIT NO. 2

3407 Starlite, L.L.C.
 2043 East Joppa Rd, #333
 Parkville, MD 21234

Lakeside Title Company
 File No. MD9236
 Tax ID # 08-0812000150

This Deed, made this 6th day of May 2013, by and between
 Raymond E. LaForce, Jr., Personal Representative of The Estate of Eleanor R. LaForce,
 GRANTOR, and 3407 Starlite, LLC, GRANTEE(S).

Whereas, on January 24, 2013, the Orphans' Court of the State of Maryland (the "Court")
 granted administration of the Estate of the Decedent to Raymond E. LaForce, Jr. as Personal
 Representative of the Estate of the Decedent in Estate No. 171709.

Whereas, Grantor in the capacity as Personal Representative in the Estate of the Decedent has
 complete and full power and authority by law, to grant and convey the entire fee simple interest in
 the hereinafter described property; and

Whereas, as part of the administration of the Estate of the Decedent, Grantor desires to convey
 the entire fee simple estate in the hereinafter described property to the Grantee(s).

- Witnesseth -

That in consideration of the sum of One Hundred Sixty Two Thousand Five Hundred
 Dollars and No Cents (\$162,500.00), the receipt whereof is hereby acknowledged, the said Grantor
 as Personal Representative as the Estate of the Decedent, does hereby grant and convey to 3407
 Starlite, LLC, as sole owner in fee simple, all that lot of ground situate in the State of Maryland and
 described as follows, that is to say:

All that parcel of ground situate lying and being in the Eighth Election District of
 Baltimore County State aforesaid and described as follows that is to say:
 BEING KNOWN AND DESIGNATED as Lot Number Twenty three (#23) Section
 D as shown on Plat No. 1 Addition to Yorkshire which plat is recorded among the
 Land Records of Baltimore County in Plat Book CHK No. 13 folio 90.
 BEING that property, which by Special Warranty Deed dated April 5, 2013, and
 recorded among the Land Records of Baltimore County in Liber 1668, folio 3, was
 granted and conveyed by J. Irving Ensor, Jr. and Florence A. Ensor, unto Raymond
 E. LaForce and Eleanor R. LaForce. Whereas the said Raymond E. LaForce having
 departed this life on or about April 30, 2008, thereby vesting title in the said Eleanor
 R. LaForce as surviving tenant by the entirety. Whereas the said Eleanor R. LaForce
 having departed this life on or about November 12, 2012, Estate No. 171709.

Together with the buildings and improvements thereon erected, made or being; and
 every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belong-
 ing in anywise appertaining.

To Have and To Hold the said tract of ground and premises above des-
 cribed, and hereby intended to be conveyed, together with the rights, privileges, ap-
 purtenances thereto belonging or appertaining unto and to the proper use and benefit of
 3407 Starlite, LLC, as sole owner in fee simple.

And Grantor does hereby covenant to execute such further assurances of the s-
 requisite.

