MEMORANDUM

DATE: July 29, 2014

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2014-0257-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 28, 2014. 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

IN RE: PETITION FOR ADMIN. VARIANCE
(4516 Wards Chanel Road)

(4516 Wards Chapel Road)
2nd Election District

4th Councilmanic District

Daniel Zafrir

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0257-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Daniel Zafrir. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached garage located in the side yard in lieu of the required rear yard and a height of 21.5 ft. in lieu of the maximum height of 15 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 7, 2014, 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 (B.C.C.). 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 information, photographs, and affidavits submitted provide sufficient facts that comply ORDER RECEIVED FOR FILING

Date	6-26-14	
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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.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the garage addition not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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, by the Administrative Law Judge for Baltimore County, this <u>26th</u> day of June, 2014, that a Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached garage located in the side yard in lieu of the required rear yard and a height of 21.5 ft. in lieu of the maximum height of 15 ft., be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for his appropriate permits 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.
- 2. The Petitioner or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

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Date	6-26-14
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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:dlw

ORDER RECEIVED FOR FILING

Date 6-36-4

By 900



LAWRENCE M. STAHL

Managing Administrative Law Judge
JOHN E. BEVERUNGEN

Administrative Law Judge

June 26, 2014

Daniel Zafrir 4516 Wards Chapel Road Owings Mills, Maryland 21117

RE: Petition for Administrative Variance

remon for Administrative variance

Case No. 2014-0257-A

Property: 4516 Wards Chapel Road

Dear Mr. Zafrir:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Beverly True, 3920 London Bridge Road, Sykesville, MD 21784

ADMINISTRATIVE ZONING PETI

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

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 45/4 WARDS Chapel RD which is presently zoned BC4 Deed Reference 3/6/5 10 Digit Tax Account # 3 4 0 601 18 (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized. 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 1. ADMINISTRATIVE VARIANCE from section(s) 400.1 and 400.3 (BCZE) To permit a proposed defaulted garage located in the side yard in lieu of the required roar yard, and a height of 21/2 feet in lieu of the maximum height of 15 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve 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 to raze, alter 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 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: Legal Owners: DANIEL Name #2 - Type or Print Name- Type or Print Signature Mailing Address State Name-Type or Print RECEIVED FOR FILING
Signature Representative to be contacted: Mailing Address City State Zip Code Email Address Telephone # A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0357-77 Filing Date 5 29

regulations of Baltimore County and that the property be reposted.

Estimated Posting Date 0/8/(4

Affidavit in Support of Administrative 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:

Address:	4514 J	Wards	(mpel	Rd	Owing	13 mile	3 MI)	21/17
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the Affiant(s)) herein, p	personally k	nown or sati	sfactori	ly identified	I to me as su	ich Affiant	(s) (Print nar	ne(s) here)
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Maryland

My Commission Expires Jul 3, 2017

REV. 10/12/11

ZONING DESCRIPTION

FOR

4516 WARDS CHAPEL ROAD

Beginning at a point on the West side of Wards Chapel Road from a private lane,
570 ft north from the centerline of Liberty Road which is 40' wide. Being 3.02 acres Located in the 2nd
Election District, and 4th Council District

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CERTIFICATE OF POSTING

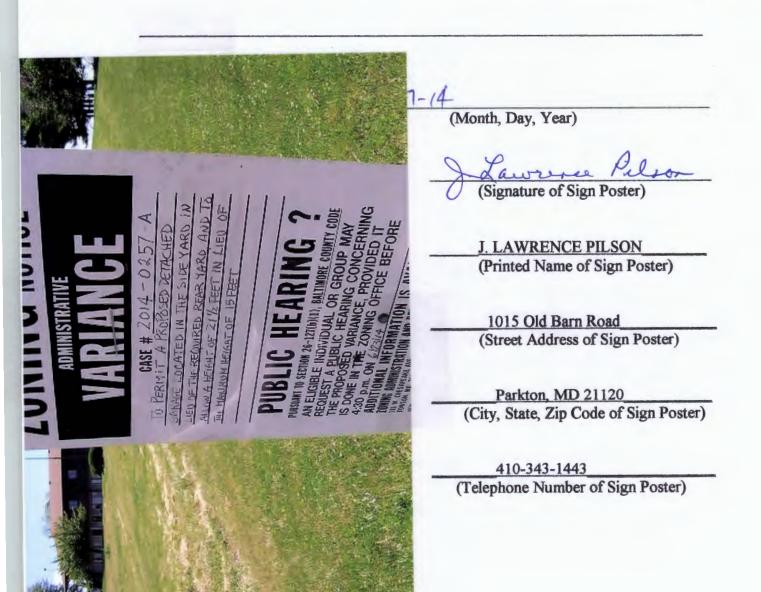
Date: 6-7.14

RE: Case Number: 2014-0257-A

Petitioner/Developer: Daniel Zafrir

Date of Hearing/Closing: 6-23-14

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 45/6 Wards Chapel Rd



CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment							
6-3	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)								
6-24	DEPS (if not received, date e-mail sent)	NC							
	FIRE DEPARTMENT								
	PLANNING (if not received, date e-mail sent)								
6-9	STATE HIGHWAY ADMINISTRATION	No objection							
	TRAFFIC ENGINEERING								
	COMMUNITY ASSOCIATION								
	ADJACENT PROPERTY OWNERS								
ZONING VIOLATIO	ON (Case No								
PRIOR ZONING	(Case No.								
NEWSPAPER ADV	ERTISEMENT Date:								
SIGN POSTING	Date: 6-7-14	by Pilson							
	EL APPEARANCE Yes No CL COMMENT LETTER Yes No CL								
Comments, if any:									

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0257 -A Address 4516 Ward Chapel Rd
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 5/28/14 Posting Date: 6/8/14 Closing Date: 6/23/14
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 2014- 0357 -A Address 4514 WARDS ChapEL POAL
Petitioner's Name DANIEL ZAFRIR Telephone 443-250-4434
Posting Date: 6/8/14 Closing Date: 6/23/14
Wording for Sign: To Permit a proposed detached garage located in
the side yard in her of the required rear yard,
and to allow a height of 21/2 feet in lieu of
the maximum height of 15 feet



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

June 3, 2014

Daniel Zafrir 4516 Wards Chapel Road Owings Mills MD 21117

RE: Case Number: 2014-0257 A, Address: 4516 Wards Chapel Road

Dear Mr. Zafrir:

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, 2014. 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,

N. Cal Richald

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Beverly True, 3920 London Bridge Road, Sykesville MD 21784

Maryland Department of Transportation

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

James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 6/9/14

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

RE: **Baltimore County**

Item No 2014-0257-A.

Administrative Variance Daniel Zotrir 4516 Wards Chapel 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. 2014/0257-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/ Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: June 3, 2014

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 June 6, 2014

Item No. 2014-0251, 0254, 0255, and 0257

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

DAK:CEN cc:file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Mar

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 24, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0257-A

Address 4516 Wards Chapel Road

(Zafrir Property)

Zoning Advisory Committee Meeting of June 2, 2014.

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

Reviewer: Jeff Livingston - Development Coordination

Real Property Data Search (w2)

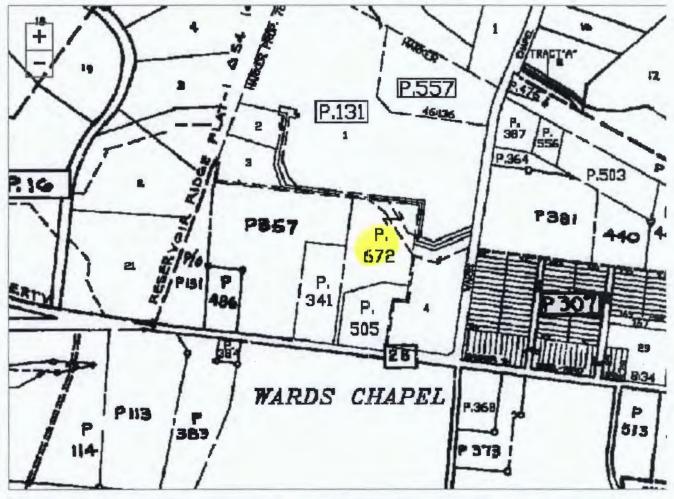
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Baltimore County

New Search (http://sdat.resiusa.org/RealProperty)

District: 02 Account Number: 2400011809



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 (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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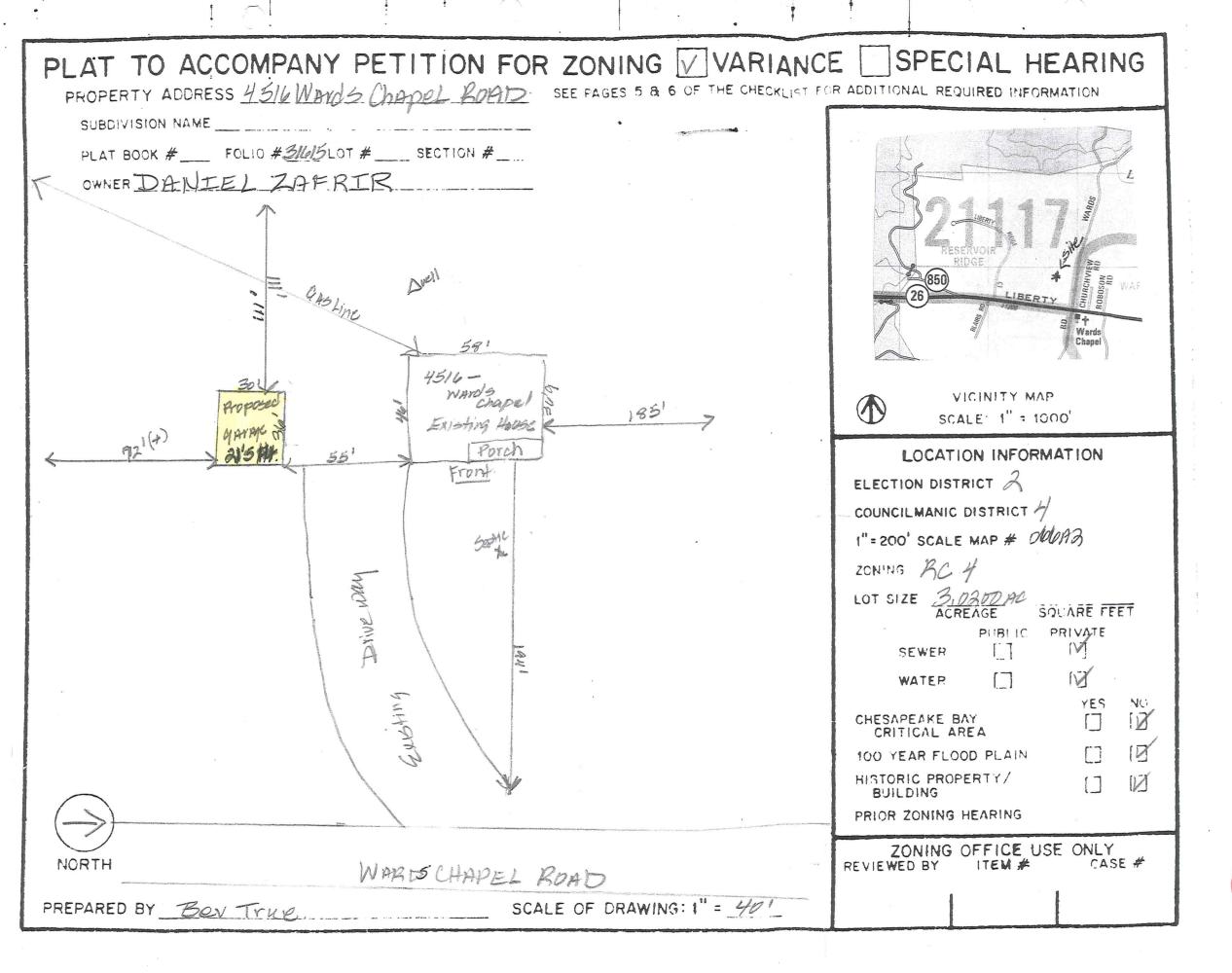
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Pet. Ech. 1