#### MEMORANDUM

DATE:

September 15, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0011-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 12, 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 (2318 Cavesdale Road)

3<sup>rd</sup> Election District
2<sup>nd</sup> Council District
Howard and Debra G. Mirvis

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

\* BALTIMORE COUNTY

CASE NO. 2015-0011-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Howard and Debra G. Mirvis ("Petitioners"). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed in-ground swimming pool to be located in the side yard in lieu of the required rear yard. 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. There were no adverse ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 25, 2014, 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 (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 ORDER RECEIVED FOR FILING

Date	8-13-14
Bv	(ac)

Judge, the 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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>13<sup>th</sup></u> day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed in-ground swimming pool to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioners may apply for their appropriate permits 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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED	FOR FILING

Date \$ - 13-14

By\_\_\_\_\_



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

August 13, 2014

Howard and Debra G. Mirvis 2318 Cavesdale Road Owings Mills, Maryland 21117

RE: Petition for Administrative Variance

Case No. 2015-0011-A

Property: 2318 Cavesdale Road

Dear Mr. and Mrs. Mirvis:

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,

JOHNYE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: John Schiech, P.O. Box 667, Columbia, MD 21045

# ADI STRATIVE ZONING PE ION FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

Address 2318 CAVESDAGE RD DVIII	Hearings for Baltimore County for the property located at NG MIUS, AD ZIII7 Currently zoned RC5
Deed Reference 06982 / 006/6	10 Digit Tax Account # 1 9 0 0 0 1 3 6 1 8
Owner(s) Printed Name(s) Howard And	
(SELECT THE HEARING(S) BY MARKING X AT T	HE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavi	t on the reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the propert attached hereto and made a part hereof, hereby pe	y situate in Baltimore County and which is described in the plan/plat stition for an:
1. X ADMINISTRATIVE VARIANCE from Section in ground swimming pool in the rear yard.	on(s) 400.1 BCZR To permit a proposed he side yard in lieu of the required
of the zoning regulations of Baltimore County, to the	e zoning law of Baltimore County.
County Code: (indicate type of work in this space: i	law of Baltimore County.
	Owner(s)/Petitioner(s):  Howard MIRUS  Name #1 - Type or Print  Name #2 - Type or Print
	Signature #1 Signature # 2
	2318 CAVESDAVE DWINGS MILLS, MD
	Mailing Address City State
	21117 410 299 4913 panda 43210 aol.co
Name- Type or Printe Carron Signature	Representative to be contacted:
Name- Type or Printe Con 8	Name – Type or Print
Signature	Signature
Date	P.D. BOX C67 COLUMBIA MI
	State Mailing Address City State
Zip Code Telephone # Email Address	21045 , 410 458 6316 , John & Jpools, com Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or	r found to be required, it is ordered by the Office of Administrative Hearings for Baltimore the subject matter of this petition be set for a public hearing, advertised, and re-posted as
	Administrative Law Judge for Baltimore County

CASE NUMBER 2015 - COLI - A Filing Date 1/15/14 Estimated Posting Date 1/27/14 Reviewer 6/14

## Affidavit in Support Administrative Varianc (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

and occupied by the undersigned.			
Address: 2318 CAVESDALE RO.	OWINGS MILLS	MD.	21117
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the for Administrative Variance at the above as			
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Signature of Owner (Affiant)		nature of Owner (A	MW)
Signature of Owner (Amant)	Sig	1 1	
Howars M. MIRVIS		1)ebra!	lirvis
Name- Print or Type	Na	me- Print or Type	
The following information is to	be completed by a Nota	ry Public of the St	ate of Maryland
	19-15	The state of	
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to wit	-	
I HEREBY CERTIFY, this 3 day and for the County aforesaid, personally ap	ay of July, 20	9/ <u>4</u> , before m	e a Notary of Maryland, in
Print name(s) here: HOWARD M	MIRVISAND	DERRA	HIRVIS
the Affiant(s) herein, personally known or s	atisfactorily identified to	me as such Affiar	nt(s).
AS WITNESS my hand and Notaries Seal	March	lulla	
	Notary Public		•
	175	-15	,
	My Commission Expires		

#### AD ISTRATIVE ZONING PITTION

FOR ADMINISTRATIVE VARIANCE - QR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Hearings for Baltimore County for the property located a Address 2318 CAVESDAUE RD DUINGS MILLS, MD ZIII7 Currently zoned 100616 10 Digit Tax Account # 1 9 0 0 Deed Reference 06982 MIRVIS Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. X ADMINISTRATIVE VARIANCE from Section(s) 400.1 Bocal To permit a proposed ingrand swimming pool tocated in the side yard in lien of the required rear yard. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): HOWALD MIRVIS DERMA MIRVIS Name #1 - Type or Print Signature #1 Signature # 2 2318 CAVESDALE Attorney for Owner(s) Petitioner(s)
Name Cype or Print Representative to be contacted: JOHN JCHIECH Name - Type or Prin Signature Pate Signature Mailing Address State Zip Code Telephone # Email Address A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this \_ \_day of that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County

Estimated Posting Date

Rev 03/18/2014

Lot Description-2318 Cavesdale Rd., Owings Mills, MD

Beginning at a point on Cavesdale Rd, which is 50' wide, 1,055 ft. southwest of the centerline of Marbrook Rd., which is 50' wide.

Being Lot #59 in the sub-division of Valley Heights as recorded in Baltimore County Plat Ref. 0051/0103 containing 2.56 acres. Located in the 3<sup>rd</sup> Election District and 2<sup>nd</sup> Council District.

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN CHIMATION CITEET AND DATES
Case Number 2015 0011 -A Address 2318 Cavesdale Rd 21117
Contact Person: Gary Huck Phone Number: 410-887-3391
Filing Date: 715/14 Please Print Your Name Posting Date: 715/14 Closing Date: 8/11/19
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. <a href="POSTING/COST">POSTING/COST</a> : 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 2015 OII -A Address 2318 Cavesdale Rol 21117
Petitioner's Name Hourd and Debra Mirvis Telephone 410-458-6316
Posting Date: State 7 27 14 Closing Date: 8 14 14
Wording for Sign: To Permit a proposed inground swimming pool
located in the side yard in lieu of the required
rear yard.

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### **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

DATE: 7/28/2014

Case Number: 2015-0011-A

Petitioner / Developer: HOWARD AND DEBRA MIRVIS

Date of Hearing (Closing): AUGUST 11, 2014

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: 2318 CAVESDALE ROAD

The sign(s) were posted on: JULY 25, 2014



(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)



KEVIN KAMENETZ County Executive

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

August 12, 2014

Howard & Debra Mirvis 2318 Cavesdale Road Owings Mills MD 21117

RE: Case Number: 2015-0011 A, Address: 2318 Cavesdale Road

Dear Mr. & Ms. Mirvis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 15, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel John Schiech, P. O. Box 667, Columbia MD 21045



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

Date: 7/21/14

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

Martin O'Malley, Governor

Anthony G. Brown, Lt. Governor

RE: Baltimore County Item No 2015-0011-A Administrative Varionce Howarda Bebra Mir Vis

2318 Coxes date 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. 2015-0011-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

TO:

Arnold Jablon, Director

**DATE:** July 28, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 21, 2014

Item No. 2015- 0002, 0009, 0010, 0011 and 0012

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

DAK:CEN cc:file

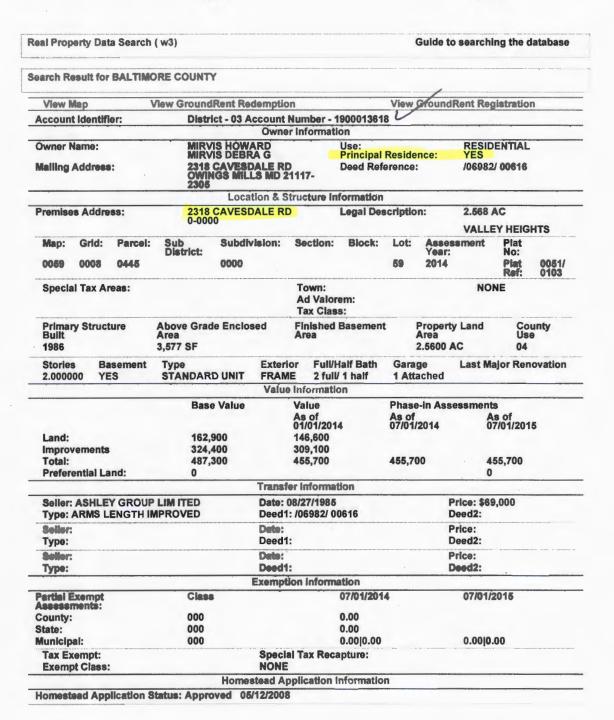


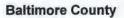
#### CHECKLIST

Comment Received	<u>Depa</u>	Conditions/ Comments/ No Comment			
7-28	DEVELOPMENT (if not received, da	NC			
	DEPS (if not received, de				
	PLANNING (if not received, da	ate e-mail sent		_)	
4-21	STATE HIGHWA	Y ADMINIST	RATION		No objection
	TRAFFIC ENGIN	IEERING			
	COMMUNITY A	SSOCIATION			
	ADJACENT PRO	PERTY OWN	ERS.		
ZONING VIOLA	ATION (Ca	ase No.			)
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Comments, if an	y:			•	



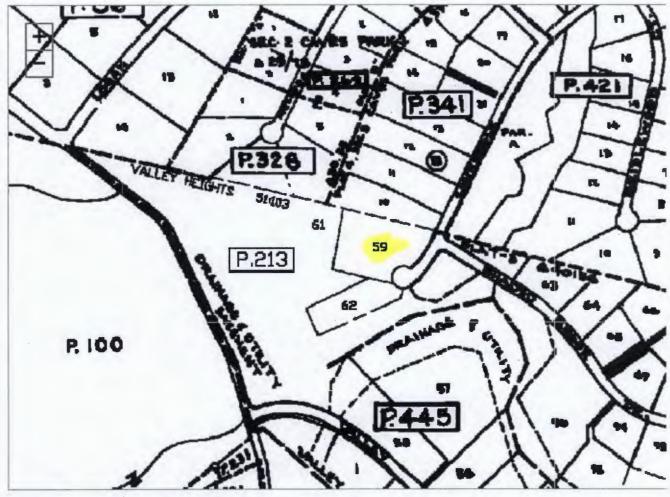






New Search (http://sdat.resiusa.org/RealProperty)

District: 03 Account Number: 1900013618



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).



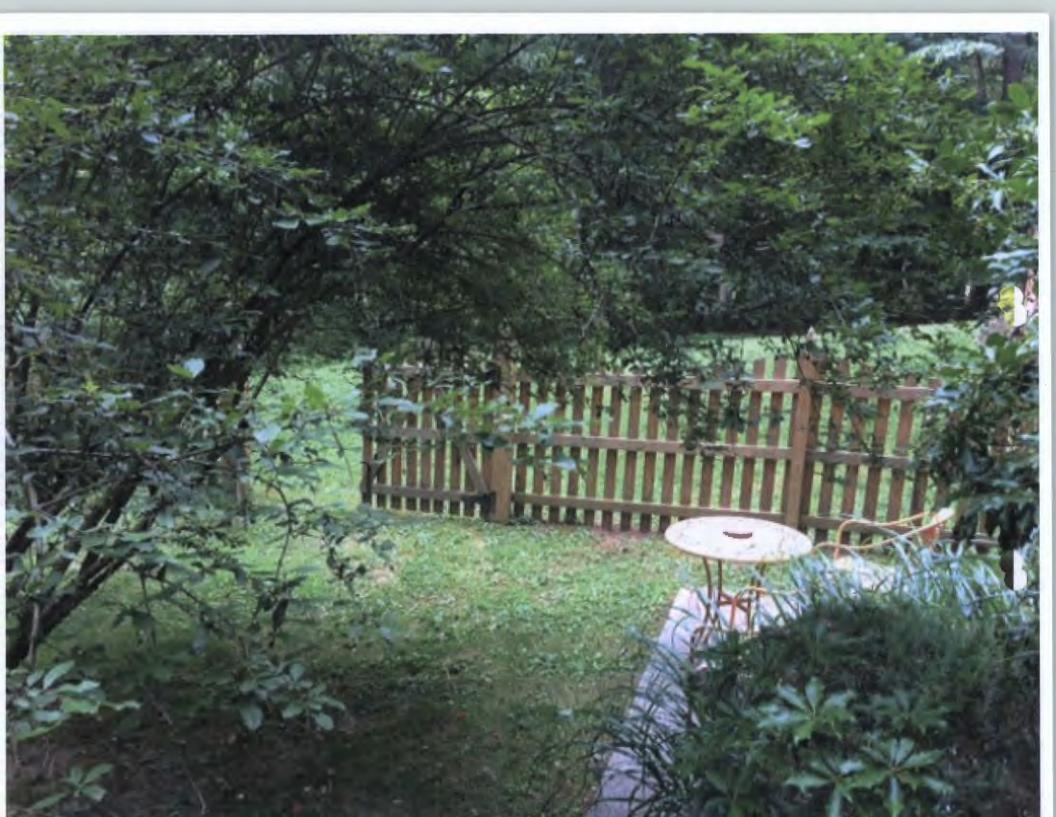
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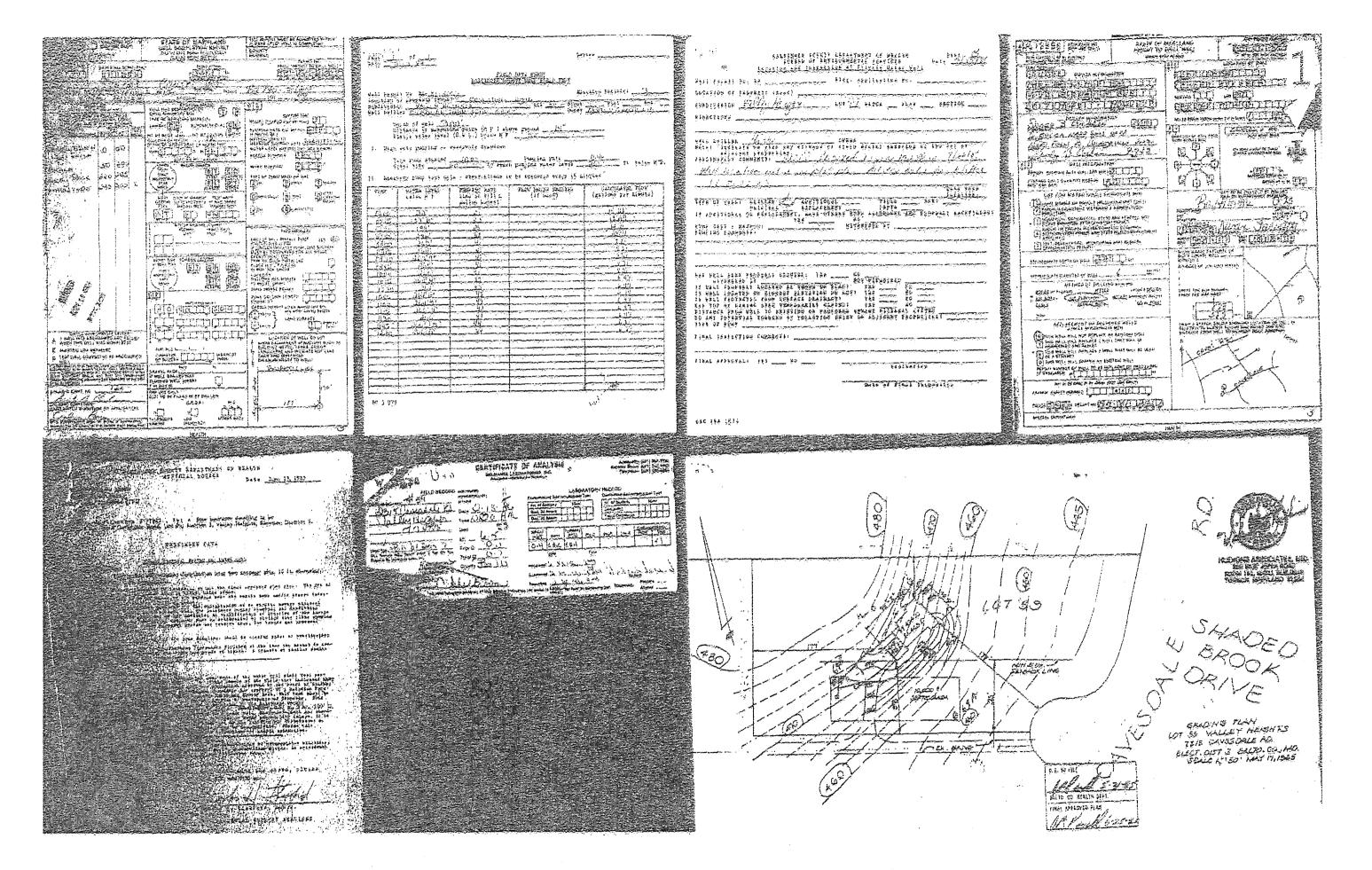


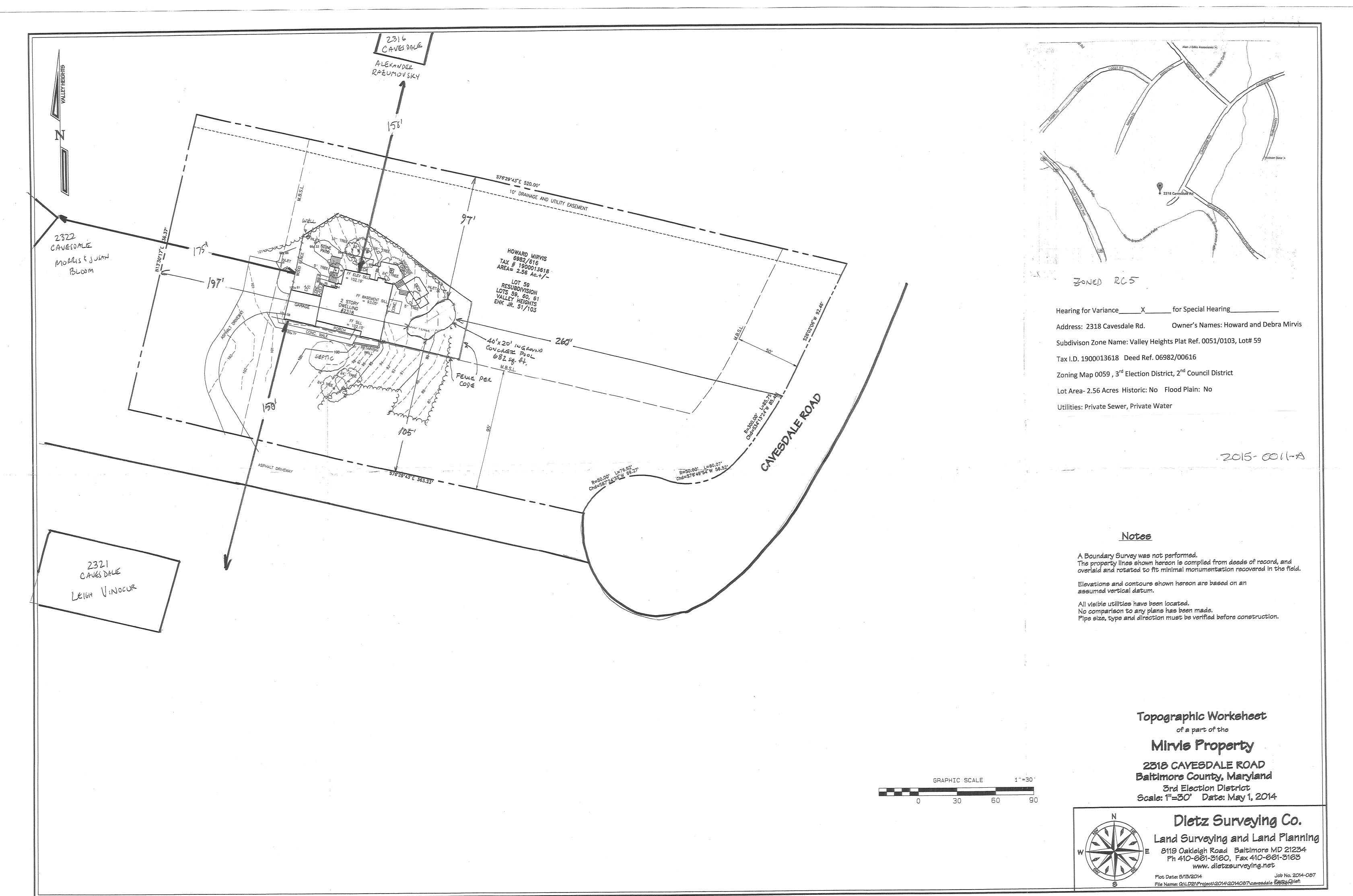












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