

KEVIN KAMENETZ
County Executive

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

November 24, 2014

Adam M. and Ilene E. Fidel 2300 Hidden Glen Drive Owings Mills, Maryland 21117

RE: Petition for Administrative Variance

Case No. 2015-0093-A

Property: 2300 Hidden Glen Drive

Dear Mr. and Mrs. Fidel:

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 IN RE: PETITION FOR ADMIN. VARIANCE (2300 Hidden Glen Drive)

8th Election District 2nd Council District Adam M. and Ilene E. Fidel Petitioners **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0093-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, Adam M. and Ilene E. Fidel. The Petitioners are requesting Variance relief from § 1A04.3.B.2(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a front setback of 37 ft. in lieu of the required 50 ft. and 48 ft. to the centerline of the road in lieu of the permitted 75 ft. 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 received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 28, 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	11-24-14
Dale	
Bv	(DU)

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 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 <u>24th</u> day of November, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1A04.3.B.2(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a front setback of 37 ft. in lieu of the required 50 ft. and 48 ft. to the centerline of the road in lieu of the permitted 75 ft., 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.

2

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING
Date	11-24-14
Ву	(00)



ADM ISTRATIVE ZONING PETION

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

Address 2300 H, Icles Gles Drive Och	s for Baltimore County for the property located at:
Deed Reference 09040 100018 Owner(s) Printed Name(s) Adom + Ike	10 Digit Tax Account # 1 7 0000 8 2 9 7
(SELECT THE HEARING(S) BY MARKING X AT THE APP	PROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on th	e reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situa attached hereto and made a part hereof, hereby petition for	te in Baltimore County and which is described in the plan/plat or an:
1. ADMINISTRATIVE VARIANCE from Section(s)	
Section: 1A04.3.B.2(b)	
	at setback of 37 feet in lieu of the required 50ft. and
48ft to the centerline of the road in lieu of the zoning regulations of Baltimore County, to the zoning	
of the zoning regulations of baltimore county, to the zonin	ig law or barumore county.
County Code: (indicate type of work in this space: i.e., to	prove a waiver pursuant to Section 32-4-107(b) of the Baltimor 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 regu	ulations. c. and further agree to be bound by the zoning regulations and restrictions of
^ ′	
fenny mileman	Owner(s)/Petitioner(s):
1 0	Adon tidel sere sidel
PENNY MILIMAN	Name #1 Type of Print Name #2 – Type or Print
Notary Public Baltimore County	Signature #1 Signature #2
Maryland	2300 Hidden Glen Dive Owings Mills Mi
My Commission Expires Feb 23, 2015	Mailing Address City State
	21117 ,9102528510 , Verizon. ne
	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print Signature ORDER RECEIVED FOR FILING Mailing Address City State	Name - Type of Print
Signature RECEIVED	Signature
ORDER	
Mailing Address City State	Mailing Address City State
Zip Code # Email Address	Zip Code Telephone # Email Address
	o be required, it is ordered by the Office of Administrative Hearings for Baltimor ct matter of this petition be set for a public hearing, advertised, and re-posted as
Admin	istrative Law Judge for Baltimore County
TALL STATES	2011
CASE NUMBER 2015-007000000000000000000000000000000000	2019 Estimated Posting Date 11, 2, 19 Reviewer W

Affidavit in Support of dministrative Variance (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: 2300 Hilden Print or Type Address of property	Glen Dr., OL	State	Md	2/1/7 Zip Code
Based upon personal knowledge, th Administrative Variance at the above	-			
(If additional space for the pelition re-	quest or the above sta	tement is needed, I	abel and attack	n it to this Form)
Signature of Owner (Affiant)		Signature of Own		8
Asom Fide/DC.		Ilene		As Corerago
Name- Print or Type		Name- Print or Ty	pe .	
The following information is	s to be completed by a	Notary Public of the	he State of Mar	yland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to	wit:		
I HEREBY CERTIFY, this 21 and for the County aforesaid, personally	appeared:		-03	y of Maryland, in
Print name(s) here: Adam Fide	el + Ile	ne Fidel		
the Affiant(s) herein, personally known of	or satisfactorily identifie	ed to me as such A	Affiant(s).	-165
AS WITNESS my hand and Notaries Se	al A &	Hotstein	J	
	Notary Public	. /	ANN E HOLSTEN	
1	My Commission Ex	pires	BALTIMONE COUNTY MARYLAND	

Administrative Zoning Petition

We base the request for an administrative Variance at 2300 Hidden Glen Drive, Owings Mills, Md 21117 upon the following facts:

- My sister-in-law, Debbie, is suffering from severe health issues including Respiratory complications of Scleroderma and late stage Ovarian cancer causing her to require one level living as breathing and walking is difficult and is likely to progress. She currently requires oxygen and is limited in her physical capacity. Both Debbie and her 10 year old son, Jacob, are going to move in with us and we will help with their care and needs. She is unable to continue to live on her own.
- In planning for a living space for Debbie in our home the only space that would accommodate a bedroom is the front of the house on the west side, off the current "Den". There is already an existing bathroom and the ground is flat.
- As you will see in the drawing of the house, from an aesthetic perspective the addition looks best and fits in with the design of the house. This will be better for the neighborhood appearance.
- The front of my home is level to the ground and would allow for the foundation to be built with the least burden. As you progress toward the rear of the house the ground drops to a walk-out basement.
- The sides of my home are encumbered with garage/driveway sloping away on one side and my septic system and drain field on the other side. (There is no area on the property to move the drain field due to the placement of the well and pool on the property) The west side of my home is where currently water tends to sit and the ground would be softer and there would be more costly work required to build a foundation.
- An addition build on the rear of the rear of the house would require building a foundation and basement room in addition to the first level room required.

- The increased cost in building the foundation in any other area would create a great financial hardship.
- The area in which we intend to build only encroaches several feet beyond the current setback.

11/17/2014

ZONING PROPERTY DESCRIPTION FOR 2300 Hidden Glen Dr

Beginning at a point on the north side of Hidden Glen Dr. which is 50 wide at the distance of 25" west of the centerline of Ridge Valley which is 50" wide.

Bering Lot # (104), Block(), Section #(2) in the subdivision of (Green Valley N.), as recorded in Baltiomore county Plat Book(39), Folio(75), containing (1.0 A <). Located in the (8) Election district and (2) Council District

OFFIC	E OF BU	DGET AN	MARYLAN D. FINANC I RECEIPT	E		No.		18363	PATO RECEIPT BUSINESS ACTUAL TIME B 10/23/2014 10/22/2014 13:57:40
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/28/2014

Case Number: 2015-0093-A

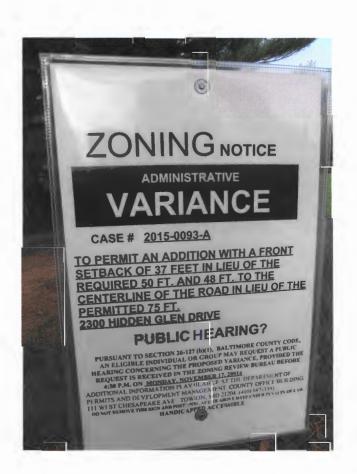
Petitioner / Developer: <u>ADAM & ILENE FIDEL</u>

Date of Hearing (Closing): <u>NOVEMBER 17, 2014</u>

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:

2300 HIDDEN GLEN DRIVE

The sign(s) were posted on: OCTOBER 28, 2014



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0093 -A Address 2300 Hidelew G	Lew Drive
Contact Person: LENDRI Deilewski Phone Numb	
Filing Date: 10/21/14 Posting Date: 11/2/14 Closing Any contact made with this office regarding the status of the administrative v	Date:
Any contact made with this office regarding the status of the administrative v through the contact person (planner) using the case number.	ariance should be
1. POSTING/COST : The petitioner must use one of the sign posters on the apreverse side of this form) and the petitioner is responsible for all printing/preposting must be done only by one of the sign posters on the approved list is again responsible for all associated costs. The zoning notice sign must property on or before the posting date noted above. It should remain there the date.	oosting costs. Any t and the petitioner at be visible on the
 DEADLINE: The closing date is the deadline for an occupant or owner with a formal request for a public hearing. Please understand that even if request for a public hearing, the process is not complete on the closing date 	there is no formal
ORDER: After the closing date, the file will be reviewed by the zoning commissioner. He may: (a) grant the requested relief; (b) deny the requester that the matter be set in for a public hearing. You will receive written within 10 days of the closing date if all County agencies' comments as whether the petition has been granted, denied, or will go to public hearing. mailed to you by First Class mail.	lested relief; or (c) notification, usually re received, as to
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go (whether due to a neighbor's formal request or by order of the zoning commissioner), notification will be forwarded to you. The sign on the changed giving notice of the hearing date, time and location. As when the posted, certification of this change and a photograph of the altered sign muthis office.	or deputy zoning property must be sign was originally
(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- 0093 -A Address 2300 Hiden Glen Dr	
	0 257 8570
Posting Date: 11/2/14 Closing Date: 11/17/15	<u> </u>
Wording for Sign:	
To Permit an addition with a front yard setback of 37 feet in lieu of the required 50 feet and 48 feet to the centerline of the road in lieu of the permitted 75 feet.	
	Revised 7/18/14

2015-0093-A



CHECKLIST

Comment Received	<u>Department</u>		Conditions/ Comments/ No Comment	
11-3	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC	
· .	DEPS (if not received, date e-mail sent			
	FIRE DEPARTMENT			
-	PLANNING (if not received, date e-mail sent			
10-27	STATE HIGHWAY ADMINISTRATIO)N	No agestion	
	TRAFFIC ENGINEERING			
	COMMUNITY ASSOCIATION			
	ADJACENT PROPERTY OWNERS		<u> </u>	
ZONING VIOLATI	ON (Case No			
PRIOR ZONING	(Case No			
NEWSPAPER ADV	ERTISEMENT Date:			
SIGN POSTING	Date:	10-28-14	by O'Keefe	
PEOPLE'S COUNS	EL APPEARANCE Yes EL COMMENT LETTER Yes	No D		
Comments, if any: _	•,			
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Baltimore County

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

District: 08 Account Number: 1700008297



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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Loading... Please Wait.



KEVIN KAMENETZ County Executive

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

November 18, 2014

Adam & Ilene Fidel 2300 Hidden Glen Drive Owings Mills MD 21117

RE: Case Number: 2015-0093 A, Address: 2300 Hidden Glen Drive

Dear Mr. & Ms. Fidel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 21, 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,

1. Cal Richal 2

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 10/27/14

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

RE: **Baltimore County**

Item No 2015-0093A

Adomistrative Variance

Dr. Adom & Ilene Fidel

2300 Hidden Glan Drive.

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. 2015-0093-A

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email 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: November 3, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 03, 2014

Item No. 2015-0089, 0091, 0092, 0093, 0094, 0095, 0096 and 0099

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

DAK:CEN cc:file

MEMORANDUM

DATE:

December 29, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0093-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 24, 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

2300 Hidden Glen Drive 2015-0093-A



Publication Date: 10/21/2014

Publica Project FIPS 1

Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



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OR SQUARE FEET HISTORIC? WO IN-CBCA? IN FLOOD PLAIN? WATER IS: PUBLICPRIVATE SEWER IS: PUBLICPRIVATE PRIOR HEARING? NO OR SQUARE FEET HISTORIC? WO IN-CBCA? IN FLOOD PLAIN? WATER IS: PUBLICPRIVATE PRIOR HEARING? IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW PLAN DRAWN BY DATE_ORDER SCALE: 1-INCH = 40 FEET 2015-00934		COUNCIL DISTRICT 2
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	DIANIDONNIAN ON MAINTAIN DATE LA LIVA PENTE DA PETE 0003 A	
VIOLATION CASE INFO:	FLAM DIMENTINUI	
		VIOLATION CASE INFO:

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