

IN RE: PETITION FOR VARIANCE

(2501 Smith Avenue)

3rd Election District

2nd Council District

Aaron Juni & Rena May

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0171-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §400.1 to permit an accessory structure (shed) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the lot that is farthest removed from the side street. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioners' Exhibit 1.

Owner Rena May appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received.

This matter is currently the subject of a violation case (Case No. CB1500025) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. A correction notice was issued to Petitioners for undertaking construction activity without proper permits. Petitioners were instructed to seek zoning relief, and the violation case was stayed pending the outcome of this matter.

The subject property is approximately 10,624 square feet and is zoned DR-5.5. The

ORDER RECEIVED FOR FILING

Date 4/20/15

By Sen

property is improved with a single family dwelling, situated at the intersection of Smith and Greenspring Avenues. Petitioners hired a contractor to construct a shed on their property, but a complaint was filed by their neighbor and a County inspector informed Petitioners they needed a variance to keep the shed in its current location.

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).

Petitioners have met this test. The lot is irregularly shaped and is situated at the intersection of two public streets. As such it is unique. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would be unable to keep the shed in its current location.

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 the lack of County and/or community opposition. Indeed, the owners submitted a petition signed by their adjoining neighbors, all of whom requested Petitioners be allowed to "keep their shed in its current location." In addition, the original complainant in the case (Larry Fried) submitted a letter stating he would "like to rescind" his complaint/opposition.

THEREFORE, IT IS ORDERED, this 20th day of April, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") § 400.1 to permit an accessory structure (shed) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the

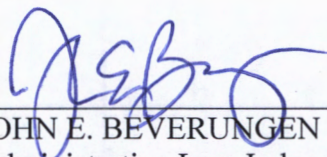
ORDER RECEIVED FOR FILING

Date 4/20/15
By Sen

lot that is farthest removed from the side street, be and is hereby GRANTED.

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

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 4/20/15
By sln



KEVIN KAMENETZ
County Executive

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

April 20, 2015

Aaron Juni
Rena May
2501 Smith Avenue
Baltimore, Maryland 21209

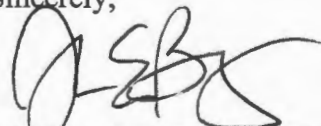
RE: Petition for Variance
Property: 2501 Smith Avenue
Case No. 2015-0171-A

Dear Petitioners:

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:slm
Enclosure

c: Walter Kuklane, Code Inspector, Division of Code Inspections and Enforcement,
Department of Permits, Approvals and Inspections, 111 W. Chesapeake Ave.,
Towson, MD 21204



TAX. # 0313024991

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2501 Smith Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s)

Section: 400.1

To permit an accessory structure (garage) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the lot that is furthest removed from the side street.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

See attached

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

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

ORDER RECEIVED FOR FILING
4/20/15
SEN

Legal Owner(s):

Name - Type or Print Aaron Juni AARON JUNI
Signature [Signature]
Name - Type or Print Rena May RENA MAY
Signature [Signature]
Address 2501 Smith Ave Telephone No. 443-870 3821
City Balt State MD Zip Code 21209

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By [Signature] Date 2/12/15

Case No. 2015-0171-A

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 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.

Address: 2501 Smith Avenue Baltimore MD 21209-2505
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The property located at 2501 Smith Avenue is a home that is placed on an angle on this southwest corner lot between Smith and Greenspring Avenue. The home is significantly recessed from the street, limiting the accessible property in the back of the home. Due to a deck, wheelchair ramp and 4-foot-wide concrete walkway located in the rear of the property, there is currently very limited space available to place the storage shed in the back of the house. The ideal location, in the rear corner of the property, cannot be utilized (see pictures) due to a BGE easement with over 10 linear feet of steel support cable, low hanging power lines, and a large fir tree that we have received quotes of over \$5000 to remove due to its proximity to power lines.

The homes on Greenspring and Summerson Avenues share open rear yard space between the properties, allowing young children to play throughout the entire open area (see pic). Placing the shed in front of the tree and BGE easement would cause a great disruption my family and neighbors as it would block off this open play area.

In contrast, the area in the side yard where the shed was placed is recessed from the sidewalk and adjacent neighbor and nestled unobtrusively between bushes and trees. It does not obstruct any line of sight or field of view, works best within the property and is an aesthetically beautiful shed.

Given the lack of a suitable, alternative location for this shed, and given that moving this 8 x 12 wood storage shed with a shingled roof would require a special heavy-duty machinery at great expense, we are requesting that Baltimore County grant this variance to allow the new shed to remain in its current place.

Finally, my neighbor, Mr. Larry Fried from 2503 Smith Avenue, has already spone with the inspector to rescind his complaint, as he did not have issues with the shed location, rather wanted to be sure it was built properly.

Aaron N. Juni - 02/10/15
Signature of Owner (Affiant)
Aaron N. Juni
Name- Print or Type

Rena J. May 10 Feb 2015
Signature of Owner (Affiant)
Rena J. May
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of FEBRUARY 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: AARON N. JUNI - AND - RENA J. MAY

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Charles Jeffries
Notary Public
Nov. 9, 2015
My Commission Expires

2015-0171-A

Zoning Property Description for 2501 Smith Avenue; Baltimore, MD 21209

Beginning at a point on the southwest side of Smith Avenue, which is 70 feet wide at the distance of 521.07 feet, as measured southeasterly along the southwest side of Smith Avenue from its intersection with the southeast side of Coppersmith Road, which is 50 feet wide and running to the west side of Greenspring Avenue which is 80 feet wide.

Being Lot 8 Block A, section #1 in the subdivision of "Pickwick" as recorded among the Land Records of Baltimore County in Plat Book RRG No 29 Folio # 30, containing 10,624 square feet. Located in the 3rd election district and 2nd council district.

2015-0171-A

Zoning Property Description for 2501 Smith Avenue; Baltimore, MD 21209

Beginning at a point on the southwest side of Smith Avenue, which is 70 feet wide at the distance of 521.07 feet, as measured southeasterly along the southwest side of Smith Avenue from its intersection with the southeast side of Coppersmith Road, which is 50 feet wide and running to the west side of Greenspring Avenue which is 80 feet wide.

Being Lot 8 Block A, section #1 in the subdivision of "Pickwick" as recorded among the Land Records of Baltimore County in Plat Book RRG No 29 Folio # 30, containing 10,624 square feet . Located in the 3rd election district and 2nd Council district .

2015-0171-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: CB 1500025

Petitioner: Aaron Juni + Rena May

Address or Location: 2501 Smith Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Rena May

Address: 2501 Smith Avenue

Baltimore, MD 21209

Telephone Number: 443-870-3821



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3144900

Sold To:

Rena May - CU00430844
2501 Smith Ave
Baltimore, MD 21209

Bill To:

Rena May - CU00430844
2501 Smith Ave
Baltimore, MD 21209

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 26, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

NOTICE OF ZONING HEARING	
The Administrative Law Judge 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: # 2015-0171-A	
2501 Smith Avenue	
S/S Smith Avenue, SW corner of intersection of Greenspring Avenue	
3rd Election District - 2nd Councilmanic District	
Legal Owner(s): Aaron Juni & Rena May	
Variance: to permit an accessory structure (garage) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the lot that is farthest removed from the side street.	
Hearing: Friday, April 17, 2015 at 10:00 a.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.	
3/397 March 26	3144900

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/24/2015

Case Number: 2015-0171-A

Petitioner / Developer: AARON JUNI & RENA MAY

Date of Hearing (Closing): APRIL 17, 2015

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:
2501 SMITH AVENUE

The sign(s) were posted on: MARCH 22, 2015



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)

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 26, 2015 Issue - Jeffersonian

Please forward billing to:
Rena May
2501 Smith Avenue
Baltimore, MD 21209

443-870-3821

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0171-A

2501 Smith Avenue

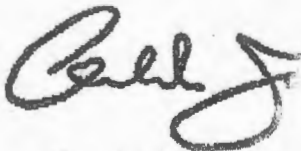
S/s Smith Avenue, SW corner of intersection of Greenspring Avenue

3rd Election District – 2nd Councilmanic District

Legal Owners: Aaron Juni & Rena May

Variance to permit an accessory structure (garage) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the lot that is farthest removed from the side street.

Hearing: Friday, April 17, 2015 at 10:00 a.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 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

March 2, 2015

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0171-A

2501 Smith Avenue

S/s Smith Avenue, SW corner of intersection of Greenspring Avenue

3rd Election District – 2nd Councilmanic District

Legal Owners: Aaron Juni & Rena May

Variance to permit an accessory structure (garage) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the lot that is farthest removed from the side street.

Hearing: Friday, April 17, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Aaron Juni, Rena May, 2501 Smith Avenue, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 28, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2501 Smith Avenue; S/S Smith Avenue, S/W	*	OF ADMINSTRATIVE
corner of intersection of Greenspring Avenue	*	HEARINGS FOR
3 rd Election & 2 nd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Aaron Juni & Rena May	*	2015-171-A
Petitioner(s)		

* * * * *

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

FEB 18 2015

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 18th day of February, 2015, a copy of the foregoing Entry of Appearance was mailed to Aaron Juni & Rena May, 2501 Smith Avenue, Baltimore, Maryland 21209, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: May 21, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0171-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 20, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NO. 2015- 0171-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2/5/15</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>3/11/15</u>	PLANNING (if not received, date e-mail sent _____)	<u>N/C</u>
<u>2/18/15</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. <u>CB1500025</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>3/26/15</u>	
SIGN POSTING	Date: <u>3/22/15</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: Support letter dated 2/10/15
Signed by 6 surrounding neighbors

2015-011-A

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0313024991			
Owner Information					
Owner Name:	JUNI AARON MAY RENA		Use:	RESIDENTIAL	
Mailing Address:	2501 SMITH AVE BALTIMORE MD 21209-2505		Principal Residence:	YES	
			Deed Reference:	/29810/ 00229	
Location & Structure Information					
Premises Address:		2501 SMITH AVE 0-0000		Legal Description:	
				2501 SMITH AVE PICKWICK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0078	0006	0451		0000	1 A 8
					Assessment Year:
					2014
					Plat No:
					0029/0030
Special Tax Areas:			Town:		
			Ad Valorem:		
			Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1963	1,790 SF	486 SF	10,624 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	1/2 BRICK FRAME	2 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2014 As of 07/01/2015	
Land:		93,400	93,400		
Improvements		187,100	211,500		
Total:		280,500	304,900	288,633	296,767
Preferential Land:		0			0
Transfer Information					
Seller: MAZER BERNARD		Date: 08/25/2010		Price: \$325,000	
Type: ARMS LENGTH IMPROVED		Deed1: /29810/ 00229		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 10/12/2010					

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **03** Account Number: **0313024991**

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>).

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

Loading... Please Wait. Loading... Please Wait.

-->

Pictures for 2501 Smith Avenue Variance Petition

P1: View from Greenspring Ave



P2: View from Smith Ave



2015-0171-A

P3: 8x12 full-height shed location: Note surrounding trees on all sides, shielding from Smith Ave, and preservation of neighbor's view from lower-level side window.



P4: Smith Ave view of rear & side yard with superimposed 8 foot clearance from property line: Note encroachment of ramp walkway and extreme visual and functional obstruction



2015-017-A

P5: Rear yard with superimposed 8 foot clearance from Smith neighbor property line:
Note walkway encroachment and extreme visual and functional obstruction



P6: Rear yard w/ superimposed 8' clearance from Greenspring neighbor prop. line:
Note walkway encroachment and extreme visual and functional obstruction



2015-0171-A

P 7: Shared yard space viewed from rear deck



P 8: Shared yard space viewed from 2506 Summerson Road



2015-0171-A



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1500025

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1500025	Walter Kuklane		01/20/2015	Inspection Scheduled		

Complaint Description: Shed was built with out permits, in the front of the house.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
2501 SMITH AVE MOUNT WASHINGTON, MD 21209-2505 Tax Id: 0313024991	JUNI AARON MAY RENA 2501 SMITH AVE BALTIMORE, MD 21209-2505	Larry Freid 2503 Smith Avenue 4104047770

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Walter Kuklane	01/28/2015	Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

1/28/2015: 1/21/15 initial inspection revealed 8' x 12' shed on side/front of lot. I spoke with zoning and found the shed location is in violation of zoning regulations. I will prepare correction notice. 1/28/15 correction notice was given to Mr. Rena (homeowner) notifying him that a variance must be applied for the location of the shed. Homeowner has until 2/11/15 to file for variance

2015-0171-A

2015-071-A



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1500025

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1500025	Walter Kuklane		01/20/2015	Inspection Scheduled		

Complaint Description: Shed was built with out permits, in the front of the house.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
2501 SMITH AVE MOUNT WASHINGTON, MD 21209-2505 Tax Id: 0313024991	JUNI AARON MAY RENA 2501 SMITH AVE BALTIMORE, MD 21209-2505	Larry Freid 2503 Smith Avenue 4104047770

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Walter Kuklane	01/28/2015	Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

1/28/2015: 1/21/15 initial inspection revealed 8' x 12' shed on side/front of lot. I spoke with zoning and found the shed location is in violation of zoning regulations. I will prepare correction notice. 1/28/15 correction notice was given to Mr. Rena (homeowner) notifying him that a variance must be applied for the location of the shed. Homeowner has until 2/11/15 to file for variance

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 13, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2015-0171-A
Legal Owner/Petitioner: Aaron Juni + Rena May
Contract Purchaser:
Property Address: 2501 Smith Ave Baltimore, MD 21209
Location Description:

VIOLATION INFORMATION: Case No. CB 1500025
Defendants: Juni Aaron + May, Rena

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Larry Freid	2503 Smith Ave Baltimore, MD. 21209

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/
C: Code Enforcement Officer

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB 1508025 Property No. 0313024991 Zoning: _____

Name(s): Juni Aaron May Rena

Address: 2501 Smith Ave
Baltimore, MD 21209-2505

Violation Location: 2501 Smith Ave
Baltimore, MD 21209-2505

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNT LAWS:

Baltimore County Zoning Regulations: Section A 400: Accessory buildings
in residence zones shall be located only in the rear yard and shall
not occupy more than 40% thereof. On corner lots they shall be located
only in the third of the lot farthest removed from any street and shall
occupy not more than 50% of such third.

Please apply for variance for location of shed.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 2/11/15 DATE ISSUED: 1/28/15

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: [Signature] PRINT NAME: WALTER Lukic

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE
CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

CODE ENFORCEMENT REPORT

DATE: 1/20/15 INTAKE BY: J. Ricksell CASE #: _____ INSPEC: _____

COMPLAINT LOCATION: 2501 Smith Ave

ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: Larry Fried PHONE #: (H) (410) 404-7770 (W) _____

ADDRESS: 2503 Smith Ave ZIP CODE: _____

PROBLEM: Shed built without permits, on the front of house.

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____
OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

ZAC AGENDA

Number: 2015-0171-A

Primary Use: Residential

Reviewer: LW

pe: VARIANCE

Legal Owner: Aaron Juni & Rena May

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 3rd **Councilmanic Dist:** 2nd

Property Address: 2501 Smith Ave

Location: S/S of Smith Avenue, S/W corner of the intersection of Greenspring Avenue

Existing Zoning: DR 5.5

Area: 10,624 sq. ft.

Proposed Zoning: VARIANCE To permit an accessory structure (garage) in the side and front yard of a single family dwelling on a corner lot in lieu of the required third of the lot that is farthest removed from the side street.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:



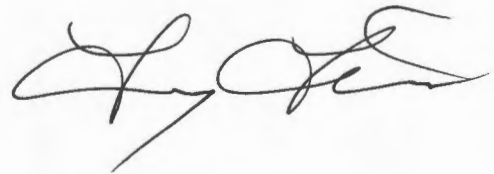




LARRY FRIED
2503 Smith Ave
Bro No. no?

2/10/2015

I made a complaint about my
neighbors location of his shed
at 2501 Smith Ave, but I
would like to recind that action.



2015-0171-A

Baltimore County Zoning Office
401 Bosley Avenue,
Baltimore MD 21204

February 10, 2015

To whom it may concern,

We, the undersigned, are the neighbors of Dr. Aaron Juni and Dr. Rena May, and are signing this letter in support of their variance petition to keep their shed in its current location instead of relocating it to the rear of the property. We are members of a close-knit neighborhood community, replete with lots of young children and/or grandchildren. Many of our properties have relatively small backyards, but they are nearly all intentionally left unfenced, creating a vast, shared backyard space, that is mutually beneficial and a significant local attraction. The uninterrupted vista, open sight lines, and expansive shared play area provides significant aesthetic and tangible benefits, fosters community bonding and socialization, and very likely enhances property values.

Due to the unique features of 2501 Smith Avenue, including the lot-shape, house setback, decking, wheelchair ramp and concrete walkway, we do not believe there to be suitable rear-yard relocation space for an 8x12 shed that would not be highly obtrusive and disruptive to our shared communal space. We thus respectfully request that you grant their variance petition to keep their shed in its current location.

Sincerely,

EUGENE FISCHER	6606 Greenspring Ave	2-10-15	Eugene M. Fischer
Print Name	Street Address	Date	Signature

Yosgh Orshan	2502 Summersen Rd	2/10/15	Yosgh Orshan
Print Name	Street Address	Date	Signature

Akiva Shmidman	2504 Summersen Rd	2/10/15	Akiva Shmidman
Print Name	Street Address	Date	Signature

Chana Baylunas	6608 Greenspring Ave	2/10/15	Chana Baylunas
Print Name	Street Address	Date	Signature

Rebecca Gutman	2506 Summersen Rd	2-10-2015	Rebecca Gutman
Print Name	Street Address	Date	Signature

Daniel Hexter	2510 Summersen Rd	2/10/15	Daniel Hexter
Print Name	Street Address	Date	Signature

Print Name	Street Address	Date	Signature
------------	----------------	------	-----------

Print Name	Street Address	Date	Signature
------------	----------------	------	-----------

Print Name	Street Address	Date	Signature
------------	----------------	------	-----------

2015-0171-A



KEVIN KAMENETZ
County Executive

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

April 9, 2015

Aaron Juni
Rena May
2501 Smith Avenue
Baltimore MD 21209

RE: Case Number: 2015-0171 A, Address: 2501 Smith Avenue

Dear Mr. Juni & Ms. May:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 12, 2015. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/18/15

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

RE: Baltimore County
Item No 2015-0171-A
Variance
Aaron Turi & Rona May
2501 Smith Avenue.

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. 2015-0171-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,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

4/17/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 4, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2501 Smith Avenue

RECEIVED

INFORMATION:

Item Number: 15-171

MAR 09 2015

Petitioner: Aaron Juni

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

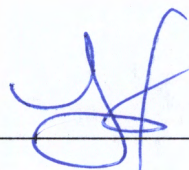
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and has no comment.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Project Planner:
AVA/LTM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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 February 23, 2015
Item No. 2015-0168,0169 and 0171

DATE: February 5, 2015

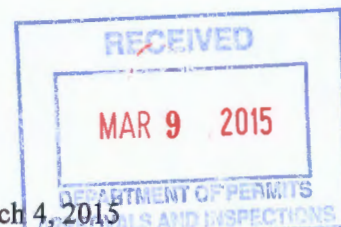
The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC02232015.doc

3/11/15
LOCK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: March 4, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2501 Smith Avenue

INFORMATION:

Item Number: 15-171

Petitioner: Aaron Juni

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and has no comment.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Project Planner:
AVA/LTM

Case No.:

2015-171-A

Exhibit Sheet

Petitioner/Developer

DW
5-21-15

Protestant

den
4-20-15

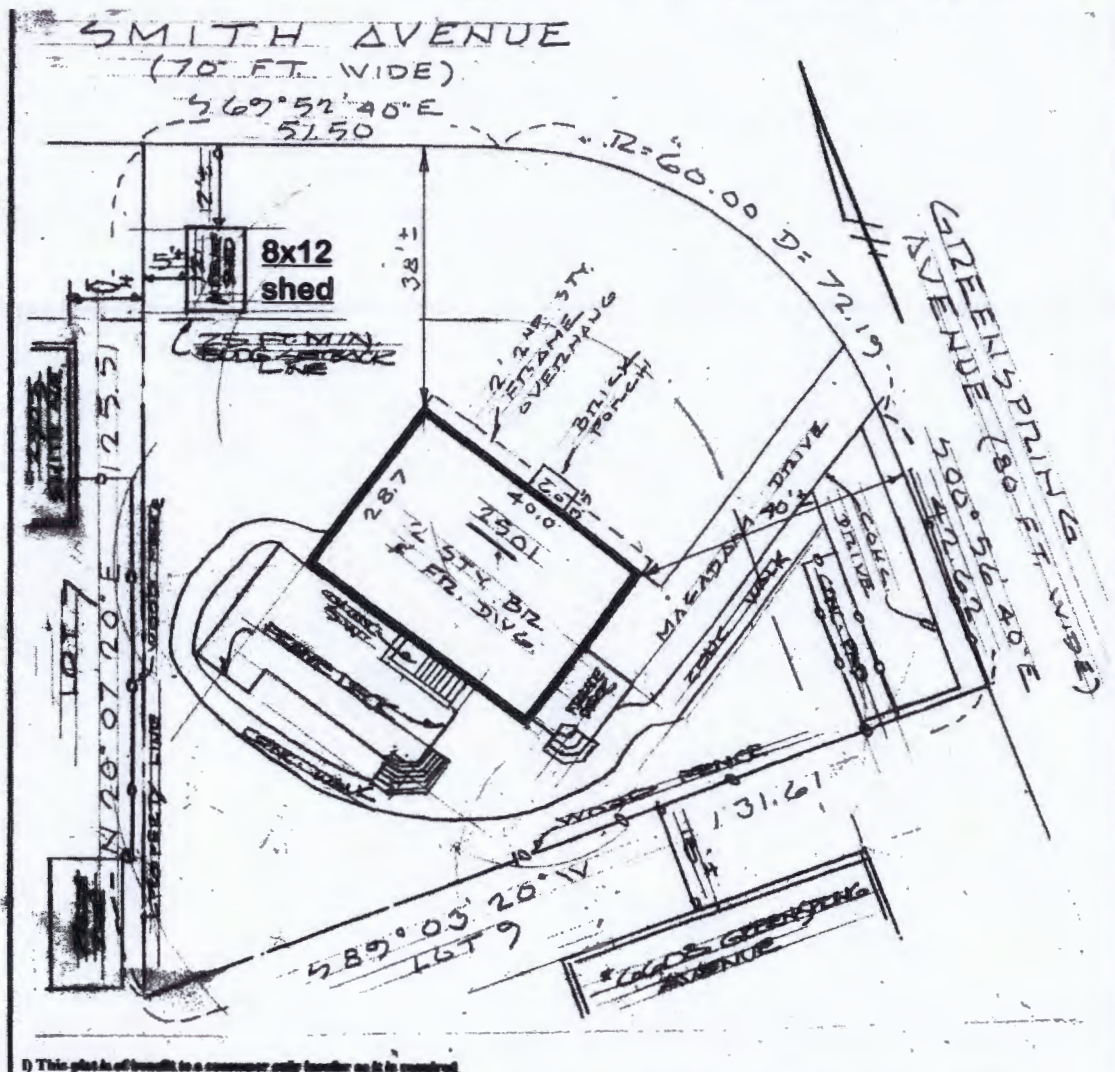
No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 2501 Smith Ave, Baltimore MD 21209 OWNER(S) NAME(S) Aaron N. Juni, Rena J. May

SUBDIVISION NAME Pickwick Plat 1 LOT # 8 BLOCK # A SECTION # 1

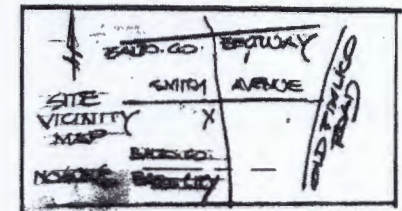
PLAT BOOK # 0029 FOLIO # 30 10 DIGIT TAX # 03 1 3 0 2 4 9 9 1 DEED REF. # 29810 / 00229



1) This plan is of benefit to a consumer only transfer as it is required

PLAN DRAWN BY Office of Mank and Kunst DATE 02/05/15 SCALE: 1 INCH = 30 FEET
(410) 296-8294

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 0078C1

SITE ZONED DR5.5

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE 0.244

OR SQUARE FEET 10,624

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

2015-0171-A

VIOLATION CASE INFO:

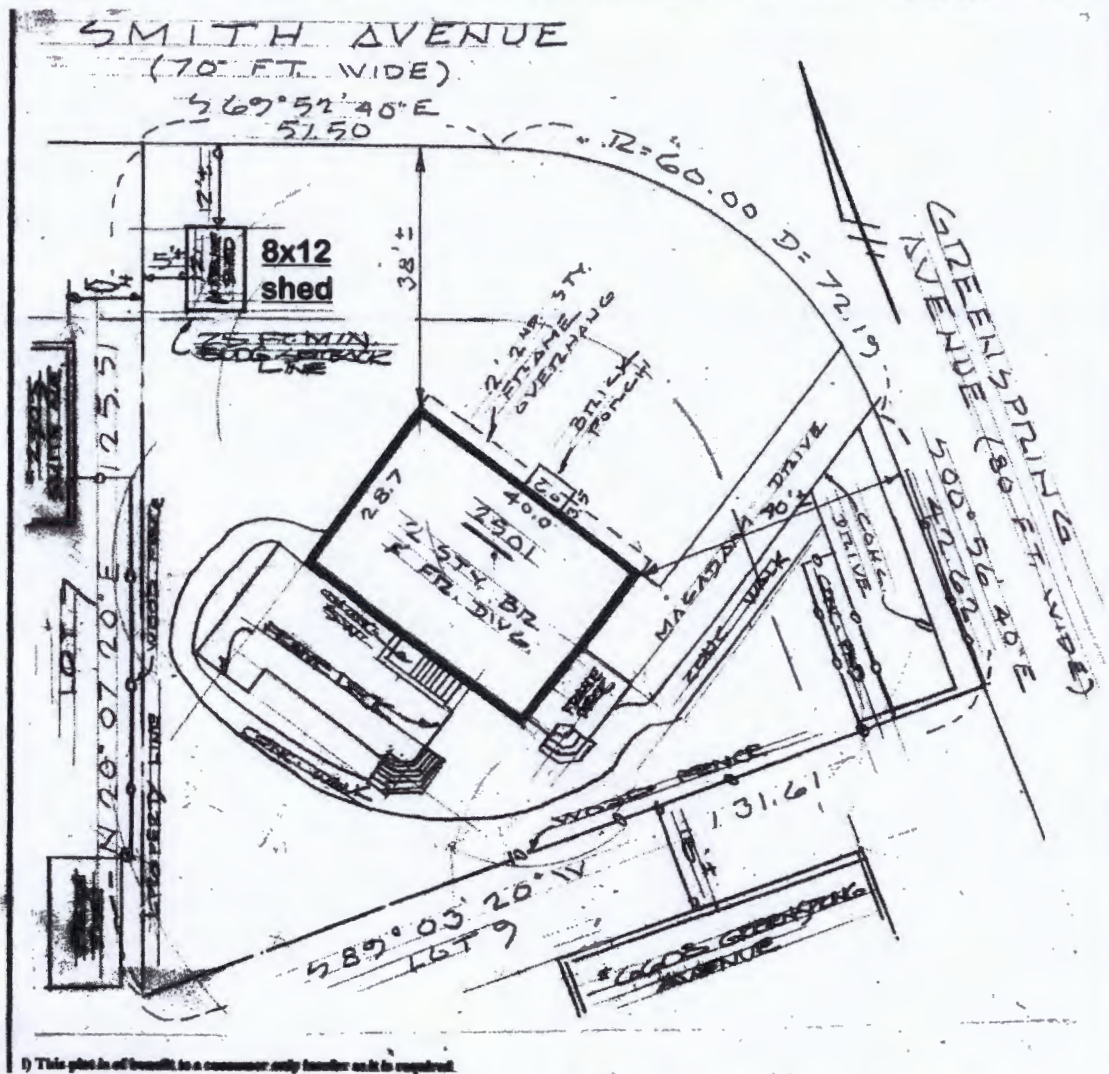
CB1500025 - 8x12 shed no permit
needed, but is not in rear of property

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

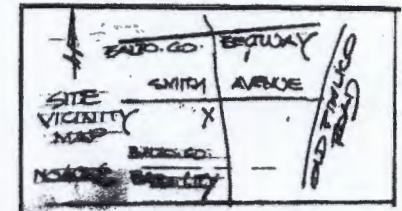
ADDRESS 2501 Smith Ave, Baltimore MD 21209 OWNER(S) NAME(S) Aaron N. Juni. Rena J. May

SUBDIVISION NAME Pickwick Plat 1 LOT # 8 BLOCK # A SECTION # 1

PLAT BOOK # 0029 FOLIO # 30 10 DIGIT TAX # 03 1 3 0 2 4 9 9 1 DEED REF. # 29810 / 00229



SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 0078C1

SITE ZONED DR5.5

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE 0.244

OR SQUARE FEET 10,624

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

2015-0171-A

VIOLATION CASE INFO:

CB1500025 - 8x12 shed no permit
needed, but is not in rear of property

PLAN DRAWN BY Office of Mank and Kunst DATE 02/05/15 SCALE: 1 INCH = 30 FEET
(410) 296-8294

Petitioners' Ex. 1