

M E M O R A N D U M

DATE: February 6, 2017 .
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0144- A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 2, 2017. 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 * BEFORE THE
(6711 Chokeberry Road) *
3rd Election District * OFFICE OF ADMINISTRATIVE
2nd Council District *
Bentzion S. & Sara S. Zuckerman * HEARINGS FOR
Petitioners * BALTIMORE COUNTY
* CASE NO. 2017-0144-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, Bentzion S. & Sara S. Zuckerman ("Petitioners"). The Petitioners originally requested Variance relief from §§ 1B02.3.C.1, 301.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed addition with a side street set back of 17.5 ft. in lieu of the required 25 ft. and a rear yard setback of 16.5 ft. in lieu of the required 30 ft.; and (2) To permit a proposed deck (open projection) with a side street setback of 4.5 ft. in lieu of the minimum required 18.75 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. Following a site visit by the Department of Planning (DOP), that agency submitted a comment indicating the plan had been amended to increase the open projection setback to 9.5 ft. (previously 4.5 ft.). That amended plan was not included in the OAH file; even so, the Order below will use the 9.5 ft. setback specified in the DOP comment, a copy of which is attached.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A "revised" ZAC comment was received on December 22, 2016 from the DOP indicating it had no objection to Petitioners' zoning request and suggesting certain conditions.

ORDER RECEIVED FOR FILING

Date 1-3-17

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 10, 2016, 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 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 3rd day of **January, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.C.1, 301.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed addition with a side street set back of 17.5 ft. in lieu of the required 25 ft. and a rear yard setback of 16.5 ft. in lieu of the required 30 ft.; and (2) To permit a proposed deck (open projection) with a side street setback of 9.5 ft. in lieu of the minimum required 18.75 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 1-3-17

By DW

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.
- Petitioners must comply with the ZAC comment received from DOP on December 22, 2016; a copy of which is attached hereto and made a part hereof.

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 1-3-17

By bw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – 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 at:

Address 6711 CHOKEBERRY RD BALTIMORE MD 21209 Currently zoned DR5.5

Deed Reference 26788 / 00706 10 Digit Tax Account # 0313042380

Owner(s) Printed Name(s) BENTZION AND SARA ZUCKERMAN

(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)

SEE Attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **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):

BENTZION ZUCKERMAN / SARA ZUCKERMAN

Name #1 - Type or Print Name #2 - Type or Print

[Signature] *[Signature]*
Signature #1 Signature #2

6711 CHOKEBERRY RD BALTIMORE MD

Mailing Address City State
21209 / 443-955-2411 BZUCKERMAN@GMAIL.COM
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s)

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

DANIEL "DONNY" ANKRI

Name - Type or Print

[Signature]
Signature

6803 CHEROKEE DR BALTIMORE MD

Mailing Address City State
21209 / 443-929-2377 DONNYANKRI@GMAIL.COM
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 11 day of 11, 2016, 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

CASE NUMBER 2017-0144-A Filing Date 11/28/16 Estimated Posting Date 12/11/16 Reviewer gh

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: 6711 CHOKEBERRY RD BALTIMORE MD 21209
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)**

AN ADMINISTRATIVE VARIANCE IS BEING REQUESTED BECAUSE THE SIZE OF THE EXISTING HOUSE PROVIDES A PRACTICAL DIFFICULTY FOR THE GROWING ZUCKERMAN FAMILY. THE AMOUNT OF BEDROOMS AND THE SIZE OF THE CURRENT KITCHEN ARE INADEQUATE. WITHIN THE NEW ADDITION, THE PROGRAM CALLS FOR AN ADDITIONAL BEDROOM, AN ENLARGED KITCHEN, AN ENLARGED DINING ROOM AND AN AREA FOR A BREAKFAST TABLE. IN ADDITION, DUE TO THE ZUCKERMAN'S RELIGIOUS BACKGROUND, A KOSHER KITCHEN IS NEEDED FOR PROPER FUNCTIONALITY. A KOSHER KITCHEN REQUIRES MULTIPLE APPLIANCES AND COUNTERS WHICH THE EXISTING SIZE KITCHEN DOES NOT PROVIDE.

THANK YOU FOR YOUR CONSIDERATION.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Bentzion
Signature of Owner (Affiant)
BENTZION ZUCKERMAN
Name- Print or Type

Sara Z
Signature of Owner (Affiant)
SARA ZUCKERMAN
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 24th day of November, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Bentzion Zuckerman and Sara Zuckerman

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

AS WITNESS my hand and Notaries Seal

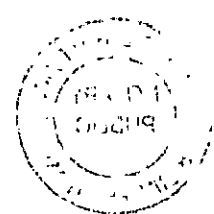


3
Notary Public
10/23/17
My Commission Expires

MAYER E. GUTMAN
MY COMMISSION EXPIRES: :

REV. 5/5/2016

7



MY COMMISSION EXPIRES:
MAYER E. GUTTMAN

2017-0144-A

Variance from sections: 1B02.3.C.1 & 301.1 400.1 of the BCZR

To permit a proposed addition with a side street set back of 17.5 feet in lieu of the required 25 feet, and rear yard setback of 16.5 feet in lieu of the required 30 feet, also to permit a proposed deck (open Projection) with a side street set back of 4.5 feet in lieu of the minimum required 18.75 feet.

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Zoning Property Description For: 6711 Chokeberry Rd Baltimore MD 21209

Beginning at a point on the East side of Chokeberry Rd which is 50 feet wide at the distance of 114 feet South of the centerline of the nearest improved intersecting street Oakton Ct which is 50 feet wide.

Part B

Option 2 (subdivision lot – lot is part of record plat):

Being Lot #6, Block #E, Section #3 in the subdivision of Wellwood as recorded in Baltimore County Plat Book #24, Folio #99 containing 8,560 square feet, located in the 3rd Election District and the 2nd Council District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/15/2016

Case Number: 2017-0144-A

Petitioner / Developer: BENTZION & SARA ZUCKERMAN

Date of Hearing (Closing): DECEMBER 26, 2016

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:
6711 CHOKEBERRY ROAD

The sign(s) were posted on: DECEMBER 10, 2016



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 2017- 0144 -A Address 6711 Chokeberry Rd

Contact Person: Gary Huck Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/28/16 Posting Date: 12/11/16 Closing Date: 12/26/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- DEADLINE:** 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.
- 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 2017- 0144 -A Address 6711 Chokeberry Rd 21209

Petitioner's Name Bentzion and Sara Zuckerman Telephone 443-955-2411

Posting Date: 12/11/16 Closing Date: 12/26/16

Wording for Sign: To Permit a proposed addition with a side street set back
of 17.5 feet in lieu of the required 25 feet, and a rear yard set back
of 16.5 feet in lieu of the required 30 feet, also to permit a
proposed deck (open projection) with a street side set back of 4.5
feet in lieu of the minimum 2 street side set back
of 18.75 feet

Revised 7/6/16

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

Nº 145749

Date: 11/28/16

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	006	0000		615				75.00

Total: 75.00

Rec From: Daniel Ankri

For: 2017-0144-A

6711 Chokeberry Rd

DISTRIBUTION

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

PAID RECEIPT

ADDRESS ACTUAL TIME DATE
11/28/2016 11/28/2016 09:03:37 2
REG 0502 WALTON TFF
RECEIPT # 190639 11/28/2016 0614
DEPT 5 5.570016 VERIFICATION
CR NO. 145749
Recpt Tot 75.00
75.00 0 1.00 00
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

December 30, 2016

Bentzion & Sara Zuckerman
6711 Chokeberry Road
Baltimore MD 21209

RE: Case Number: 2017-0144 A, Address: 6711 Chokeberry Road

Dear Mr. & Ms. Zuckerman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 28, 2016. 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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Daniel Ankri, 6803 Cherokee Drive, Baltimore MD 21209

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/5/16.

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0144-A

*Administrative Variance
Bentzion & Sara Zuckerman
6711 Chokeberry Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'Wendy Wolcott'.

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 2, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0144-A
Address 6711 Chokeberry Road
(Zuckerman Property)

Zoning Advisory Committee Meeting of **DECEMBER 12, 2016.**

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

Reviewer: Steve Ford Date: 12-2-2016

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337. 2613-2614
338. 2615-2616
339. 2617-2618
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/19/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-144 Revised

INFORMATION:

Property Address: 6711 Chokeberry Road
Petitioner: Bentzion Zuckerman, Sara Zuckerman
Zoning: DR 5.5
Requested Action: Administrative Variance

The Department of Planning has reviewed the petition for an administrative variance to permit an addition with a side yard setback of 17.5', a rear yard setback of 16.5' and an open projection (deck) with a setback of 9.5' (previously 4.5') in lieu of the minimum required 25', 30' and 18.75' respectively.

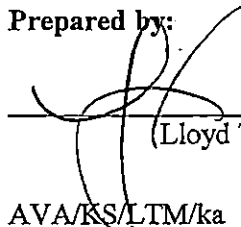
A site visit was conducted in December 5, 2016. The petitioner has amended the plan to provide more adequate buffering between the sidewalk and the proposed deck in a good faith effort to address the Department's concerns expressed in its 12/8/2016 ZAC comments.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The existing large caliper tree on-site is to remain and care taken not to disturb the root system to a point where the tree is damaged.
- Install, to the extent possible, "Class-A" vegetative screening consisting of evergreens attaining a height of at least 6' at maturity following Condition M guidelines set forth in the Baltimore County Landscape Manual in a bed situated between the proposed open projection and the public r-o-w.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



(Lloyd T. Moxley)

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

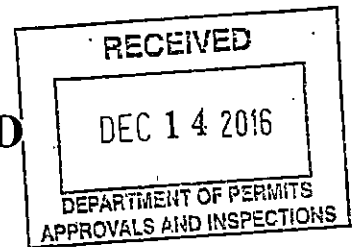
James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Daniel "Donny" Ankri

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: December 8, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-144

INFORMATION:

Property Address: 6711 Chokeberry Road
Petitioner: Bentzion Zuckerman, Sara Zuckerman
Zoning: DR 5.5
Requested Action: Administrative Variance

The Department of Planning has reviewed the petition for an administrative variance to permit an addition with a side yard setback of 17.5', a rear yard setback of 16.5' and an open projection (deck) with a setback of 4.5' in lieu of the minimum required 25', 30' and 18.75' respectively.

A site visit was conducted in December 5, 2016.

The Department has no objection to granting the petitioned zoning relief requested for the enclosed addition. The Department does **not** support granting variance relief for the open projection.

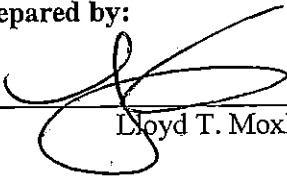
The close proximity of the deck to the public right of way and sidewalk is contrary to architectural design objectives established within the Comprehensive Manual of Development Policies (CMDP), as authorized by BCZR §504.2, wherein "*residential compatibility is intended to "complement the neighborhood's architectural character" and to "respect neighborhood image and aesthetic values"*" (pg. 91). Architectural character includes not only the concepts of style and materials but also the way the architecture occupies the space within which it is sited and whether it can integrate aesthetically and functionally within the established surrounding as-built environment.

The Department recognizes the atypical configuration of the lot. That notwithstanding, the proposal, if built, would upset the orderly development now existent in the neighborhood. It does this by laterally overspreading the lot with structural features that would jut excessively into the required buffer between private and public space. As proposed, the architecture cannot integrate as discussed above due to its negative impact on the residents of 2901 and 2903 Oakton Court by "walling" them into an already close cul-de-sac setting. The proposal would place a permanent structural feature that by its very design would concentrate the residential use so close to the public realm such that pedestrians and drivers would be unduly distracted and their expectation of a typical "public" neighborhood street setting and experience is permanently changed.

The Department recommends in the alternative that the petitioners consider a deck at the rear of the dwelling in the vicinity of the existing addition to be razed. If it is demonstrated that this arraignment would cause an undue hardship, a reconsideration of the side deck layout and proportions would result in additional space from the r-o-w such that vegetative screening could be installed that would mitigate the impacts on the public realm. In all cases the use of higher quality materials and design such as brick pillars to match the existing dwelling and metal railings would serve to successfully integrate the structure into its surroundings.

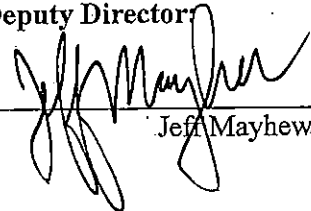
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Bill Skibinski
Daniel "Donny" Ankri
Office of the Administrative Hearings
People's Counsel for Baltimore County

(Av) 12-26-16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 12, 2016
Item No. 2017-0144

DATE: December 16, 2016

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment.

If granted Landscape and Lighting Plans are required per requirements of the Landscape Manual.

* * * * *

RECEIVED
JAN 03 2017
OFFICE OF ADMINISTRATIVE HEARINGS

Rec'd after
Order went
out.

DAK:CEN
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ZAC-ITEM NO 17-0144-12122016.doc

12-26-16

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 12/19/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-144 Revised

RECEIVED
DEC 22 2016
OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 6711 Chokeberry Road
Petitioner: Bentzion Zuckerman, Sara Zuckerman
Zoning: DR 5.5
Requested Action: Administrative Variance

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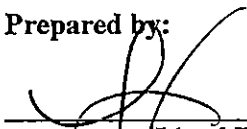
A site visit was conducted in December 5, 2016. The petitioner has amended the plan to provide more adequate buffering between the sidewalk and the proposed deck in a good faith effort to address the Department's concerns expressed in its 12/8/2016 ZAC comments.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The existing large caliper tree on-site is to remain and care taken not to disturb the root system to a point where the tree is damaged.
- Install, to the extent possible, "Class-A" vegetative screening consisting of evergreens attaining a height of at least 6' at maturity following Condition M guidelines set forth in the Baltimore County Landscape Manual in a bed situated between the proposed open projection and the public r-o-w.

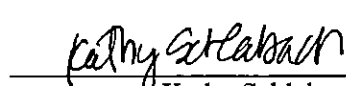
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Daniel "Donny" Ankri

Office of the Administrative Hearings

People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 1-3-17

By 

P
D

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 12/19/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-144 Revised

RECEIVED

DEC 22 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 6711 Chokeberry Road
Petitioner: Bentzion Zuckerman, Sara Zuckerman
Zoning: DR 5.5
Requested Action: Administrative Variance

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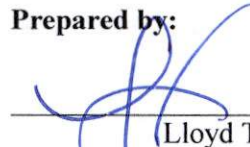
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The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

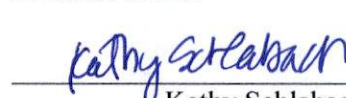
- The existing large caliper tree on-site is to remain and care taken not to disturb the root system to a point where the tree is damaged.
- Install, to the extent possible, "Class-A" vegetative screening consisting of evergreens attaining a height of at least 6' at maturity following Condition M guidelines set forth in the Baltimore County Landscape Manual in a bed situated between the proposed open projection and the public r-o-w.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlach

AVA/KS/LTM/ka

c: Bill Skibinski

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Daniel "Donny" Ankri
Office of the Administrative Hearings
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>12-2</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
<u>12-12</u>	<u>12-22 Revised</u> FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>12-5</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT Date: _____		
SIGN POSTING Date: <u>12-10-16</u> by <u>O'Keefe</u>		
PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐		
PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐		
Comments, if any: <u>NO pictures 12/30 (except on site plan) - the same?</u> <u>gone to cr. w/ Gary.</u>		

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0313042380			
Owner Information					
Owner Name:	ZUCKERMAN BEN-TZION S ZUCKERMAN SARA S		Use:	RESIDENTIAL	
Mailing Address:	6711 CHOKEBERRY RD BALTIMORE MD 21209-1403		Principal Residence:	YES	
			Deed Reference:	/26788/ 00706	
Location & Structure Information					
Premises Address:		6711 CHOKEBERRY RD BALTIMORE 21209-1403		Legal Description: 6711 CHOKEBERRY RD WELLWOOD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0078	0005	0460		0000	3
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0024/0099
E	6	2017			
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1958	1,617 SF	1000 SF	8,560 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	BRICK	2 full/ 1 half	
Value Information					
Base Value		Value	Phase-in Assessments		
		As of 01/01/2014	As of 07/01/2016	As of 07/01/2017	
Land:	82,000	82,000			
Improvements	100	100			
Total:	82,100	82,100	82,100		
Preferential Land:	0				
Transfer Information					
Seller: LEE SE-JIN		Date: 03/19/2008		Price: \$343,000	
Type: ARMS LENGTH IMPROVED		Deed1: /26788/ 00706		Deed2:	
Seller: BRASH E LAWRENCE		Date: 07/22/1992		Price: \$145,000	
Type: ARMS LENGTH IMPROVED		Deed1: /09289/ 00296		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/20/2008					

12-26

RECEIVED

DEC 02 2016

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 2, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0144-A
Address 6711 Chokeberry Road
(Zuckerman Property)

Zoning Advisory Committee Meeting of **DECEMBER 12, 2016.**

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

Reviewer: Steve Ford

Date: 12-2-2016



Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Jefferson Building
Towson, Maryland, 21204

1/5/17 BALTO ME 12FAST 1ST CL

Hasler

FIRST-CLASS MAIL
AUTO

01/05/2017

US POSTAGE \$000.37⁶



ZIP 21204
011D12603654

RECEIVED

JAN 11 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

Return Service Requested

Bentzion S. Zuckerman
Sara S. Zuckerman
6711 Choket
Baltimore, M

T 212 NFE 1260C16I0001/06/17
RETURN TO SENDER
ZUCKERMAN

TEMPORARILY AWAY

RETURN TO SENDER
BC: 21204471028 *4130-00001-05-01

21204-4710
LLH-050 2120

1st attempt 1-3-17
2nd " 1-13-17



KEVIN KAMENETZ
County Executive

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

January 3, 2017

Bentzion S. Zuckerman
Sara S. Zuckerman
6711 Chokeberry Road
Baltimore, MD 21209

RE: Petition for Administrative Variance
Case No. 2017-0144-A
Property: 6711 Chokeberry Road

Dear Petitioners:

Enclosed please find a copy of the Order 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,

A handwritten signature in blue ink, appearing to read "JEB", is written over the name John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Daniel "Donny" Ankri, 6803 Cherokee Dr., Baltimore, MD 21209



Country	1950	1960	1970	1980	1990	2000	2010	2020	2030	2040	2050
Japan	7.0	7.5	8.0	9.0	10.0	11.0	12.0	13.0	14.0	15.0	16.0
Germany	10.0	10.5	11.0	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0
France	11.0	11.5	12.0	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0
Italy	12.0	12.5	13.0	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0
Spain	13.0	13.5	14.0	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0
Sweden	14.0	14.5	15.0	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0
UK	15.0	15.5	16.0	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0
USA	16.0	16.5	17.0	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0
Canada	17.0	17.5	18.0	19.0	20.0	21.0	22.0	23.0	24.0	25.0	26.0
Australia	18.0	18.5	19.0	20.0	21.0	22.0	23.0	24.0	25.0	26.0	27.0
South Africa	19.0	19.5	20.0	21.0	22.0	23.0	24.0	25.0	26.0	27.0	28.0
India	20.0	20.5	21.0	22.0	23.0	24.0	25.0	26.0	27.0	28.0	29.0
China	21.0	21.5	22.0	23.0	24.0	25.0	26.0	27.0	28.0	29.0	30.0
Indonesia	22.0	22.5	23.0	24.0	25.0	26.0	27.0	28.0	29.0	30.0	31.0
Philippines	23.0	23.5	24.0	25.0	26.0	27.0	28.0	29.0	30.0	31.0	32.0
Thailand	24.0	24.5	25.0	26.0	27.0	28.0	29.0	30.0	31.0	32.0	33.0
Malaysia	25.0	25.5	26.0	27.0	28.0	29.0	30.0	31.0	32.0	33.0	34.0
Singapore	26.0	26.5	27.0	28.0	29.0	30.0	31.0	32.0	33.0	34.0	35.0
South Korea	27.0	27.5	28.0	29.0	30.0	31.0	32.0	33.0	34.0	35.0	36.0
Taiwan	28.0	28.5	29.0	30.0	31.0	32.0	33.0	34.0	35.0	36.0	37.0
Hong Kong	29.0	29.5	30.0	31.0	32.0	33.0	34.0	35.0	36.0	37.0	38.0
China (excl. HK)	30.0	30.5	31.0	32.0	33.0	34.0	35.0	36.0	37.0	38.0	39.0
India (excl. HK)	31.0	31.5	32.0	33.0	34.0	35.0	36.0	37.0	38.0	39.0	40.0
Indonesia (excl. HK)	32.0	32.5	33.0	34.0	35.0	36.0	37.0	38.0	39.0	40.0	41.0
Philippines (excl. HK)	33.0	33.5	34.0	35.0	36.0	37.0	38.0	39.0	40.0	41.0	42.0
Thailand (excl. HK)	34.0	34.5	35.0	36.0	37.0	38.0	39.0	40.0	41.0	42.0	43.0
Malaysia (excl. HK)	35.0	35.5	36.0	37.0	38.0	39.0	40.0	41.0	42.0	43.0	44.0
Singapore (excl. HK)	36.0	36.5	37.0	38.0	39.0	40.0	41.0	42.0	43.0	44.0	45.0
South Korea (excl. HK)	37.0	37.5	38.0	39.0	40.0	41.0	42.0	43.0	44.0	45.0	46.0
Taiwan (excl. HK)	38.0	38.5	39.0	40.0	41.0	42.0	43.0	44.0	45.0	46.0	47.0
Hong Kong (excl. HK)	39.0	39.5	40.0	41.0	42.0	43.0					

— *Journal of the American Medical Association*, 1967, 201: 1009-1010.





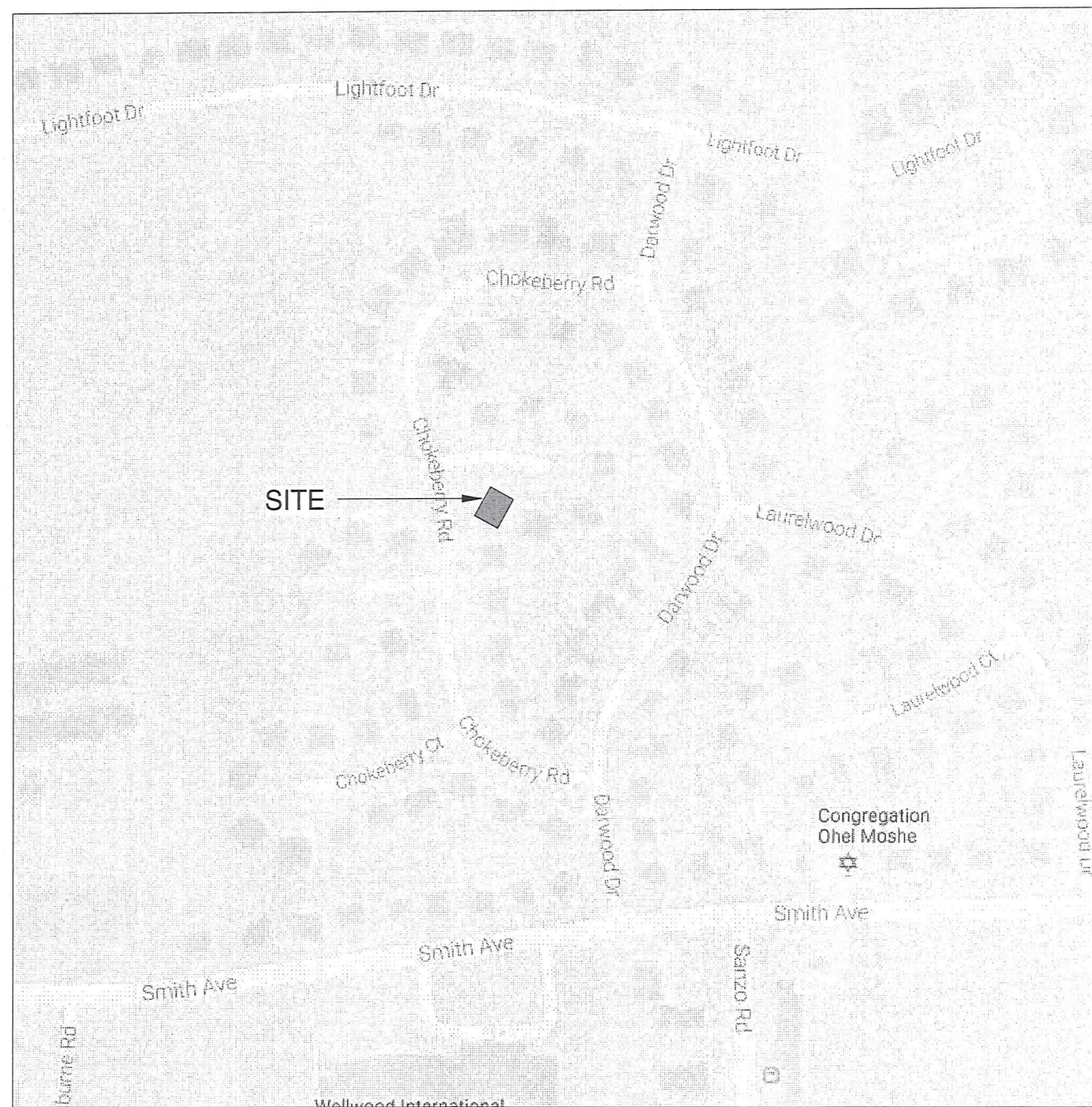
Real Property Data Search (w/1) **Guide to searching the database**

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0313042380			
Owner Information					
Owner Name:	ZUCKERMAN BEN-TZION S ZUCKERMAN SARA S		Use:	RESIDENTIAL YES	
Mailing Address:	6711 CHOKEBERRY RD BALTIMORE MD 21209-1403		Principal Residence:	YES	
			Deed Reference:	/26788/ 00706	
Location & Structure Information					
Premises Address:		6711 CHOKEBERRY RD BALTIMORE 21209-1403		Legal Description: 6711 CHOKEBERRY RD WELLWOOD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0078	0005	0460		0000	3
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0024/0099
E	6	2017			
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1958	1,617 SF	1000 SF	8,560 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	BRICK	2 full/ 1 half	
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments		
			As of 07/01/2016	As of 07/01/2017	
Land:	82,000	82,000			
Improvements	100	100			
Total:	82,100	82,100	82,100		
Preferential Land:	0				
Transfer Information					
Seller: LEE SE-JIN		Date: 03/19/2008		Price: \$343,000	
Type: ARMS LENGTH IMPROVED		Deed1: /26788/ 00706		Deed2:	
Seller: BRASH E LAWRENCE		Date: 07/22/1992		Price: \$145,000	
Type: ARMS LENGTH IMPROVED		Deed1: /09289/ 00296		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 05/20/2008					

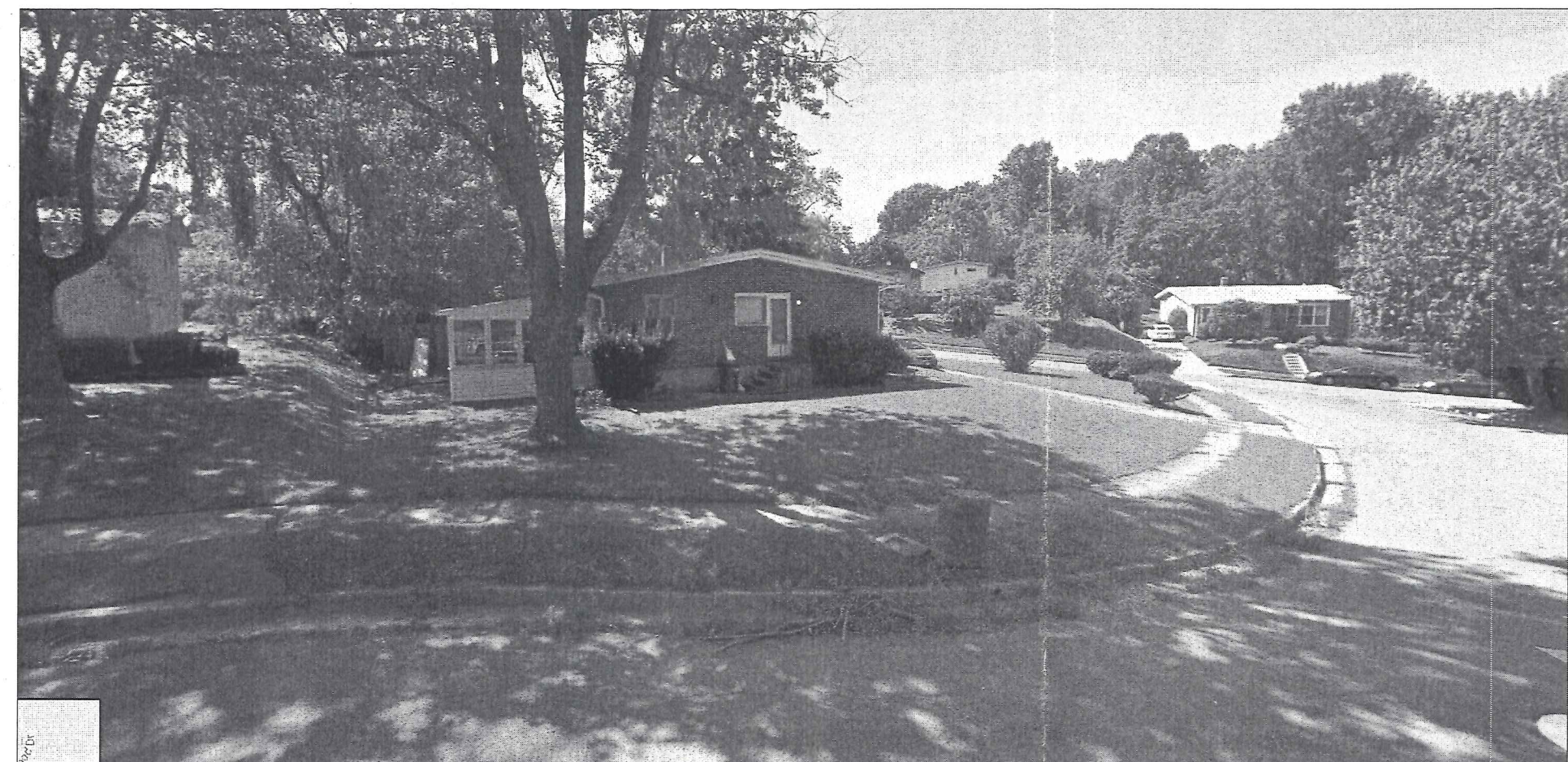
3. The Maryland Department of General Services (DGS) is responsible for maintaining the public records of the State of Maryland. While we have confidence in the accuracy of the information provided, it is the user's responsibility to verify the information for their own use.

STAPLE EDGE

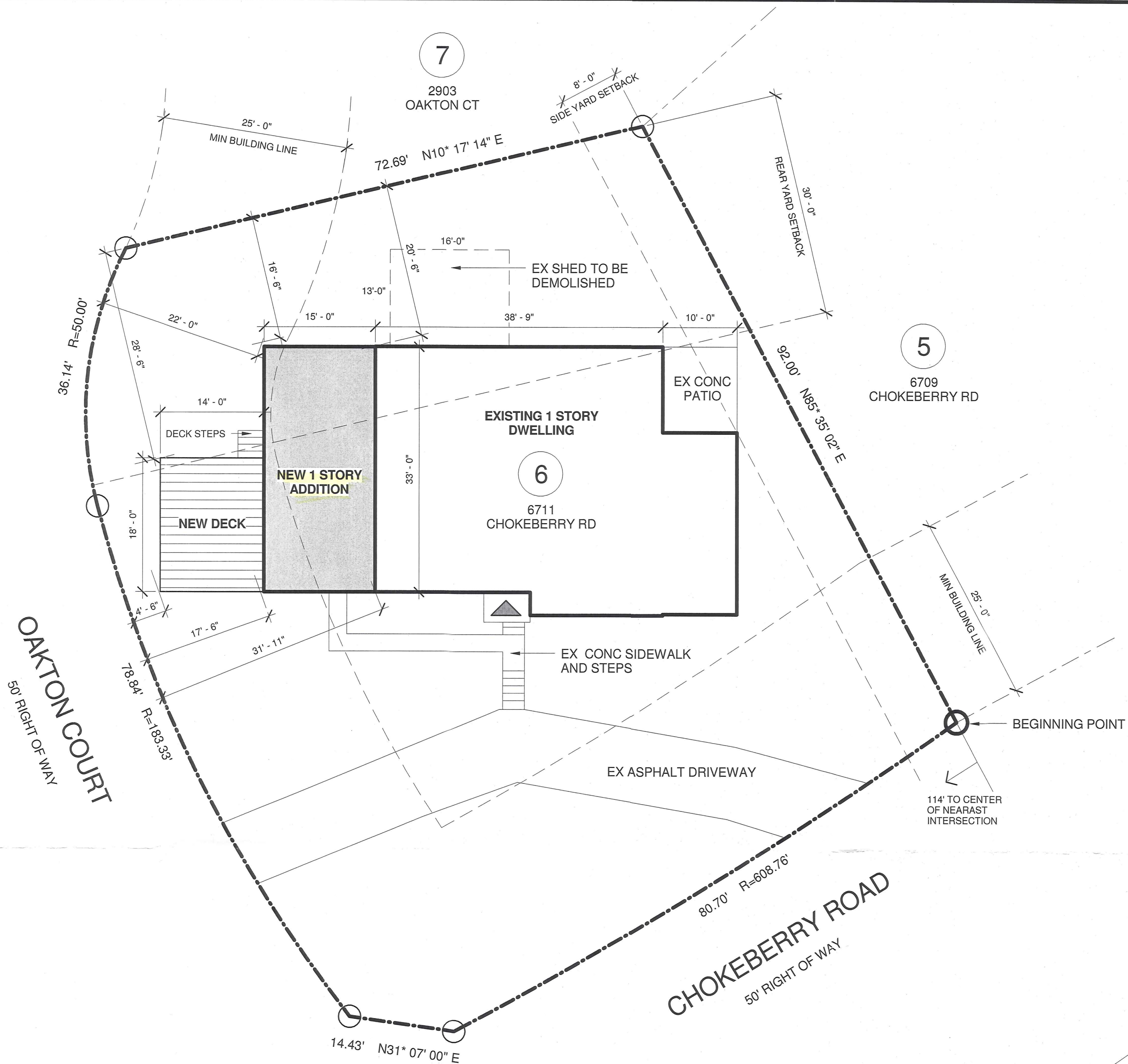


VICINITY PLAN (NOT TO SCALE)
TAKEN FROM GOOGLE MAPS

- NOTES
- 1) SITE PLAN SHOWN HAS BEEN GENERATED USING INFORMATION FROM CLIENT-PROVIDED LOCATION DRAWING.
 - 2) THE LOCATION DRAWING IS DATED 2/15/08 AND WAS CREATED BY RUXTON DESIGN CORPORATION.
 - 3) DIMENSIONS ARE APPROXIMATE.

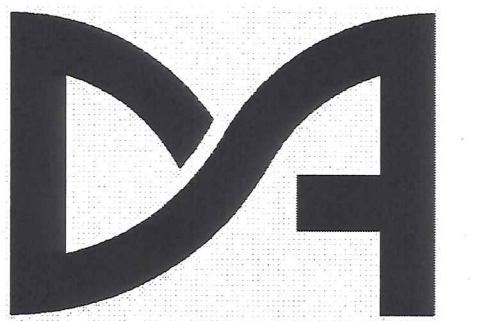


A1 SITE PLAN
1" = 10'-0"



ZUCKERMAN
ADDITION

6711 CHOKEBERRY RD
BALTIMORE MD 21209



DONNY
ANKRI
ARCHITECTS

www.donnyankri.com
donnyankri@gmail.com
443.929.2377

ZONING HEARING PLAN FOR:
VARIANCE X FOR SPECIAL HEARING

ADDRESS: 6711 CHOKEBERRY RD
BALTIMORE, MD 21209
OWNER'S NAME: BEN AND SARA ZUCKERMAN
SUBDIVISION NAME: WELLWOOD
LOT#: 6
BLOCK#: E
SECTION#: 3
PLAT BOOK#: 24
FOLIO#: 99
10 DIGIT TAX#: 0313042380
DEED REF#: 26788 / 00706

ZONING MAP# 0078C1
SITE ZONED DR5.5
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA 8,560 SQ. FT.
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING? NO
2-017-0144-A

VARIANCE SUBMISSION

Date	11/16/16
Scale	As indicated
Job No.	XXXX
Drawn By	DA

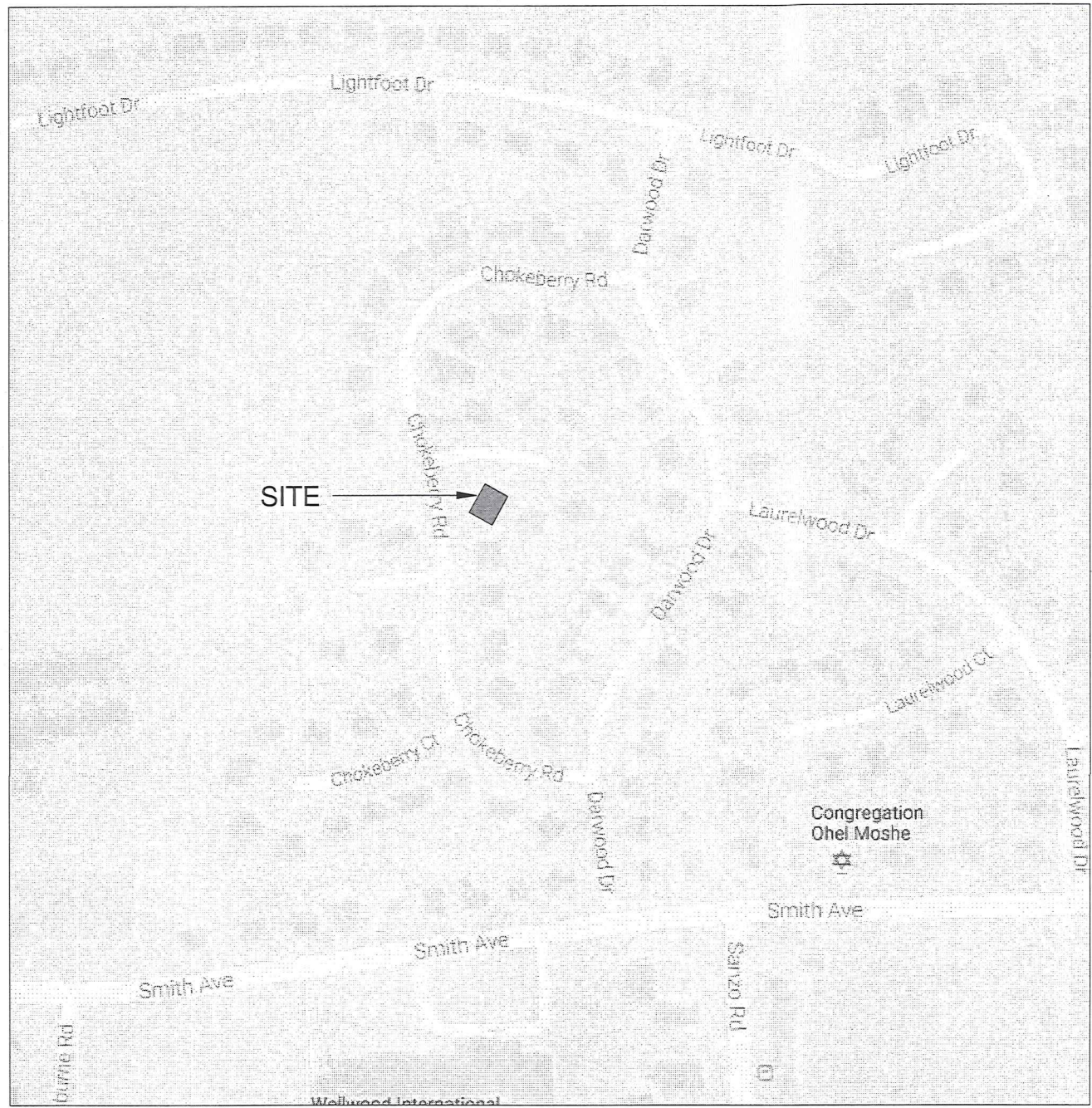
SITE PLAN

Drawing No. **A0.01**

Rev. 1

STAPLE EDGE

STAPLE EDGE



VICINITY PLAN (NOT TO SCALE)
TAKEN FROM GOOGLE MAPS

- NOTES
- 1) SITE PLAN SHOWN HAS BEEN GENERATED USING INFORMATION FROM CLIENT-PROVIDED LOCATION DRAWING.
 - 2) THE LOCATION DRAWING IS DATED 2/15/08 AND WAS CREATED BY RUXTON DESIGN CORPORATION.
 - 3) DIMENSIONS ARE APPROXIMATE.

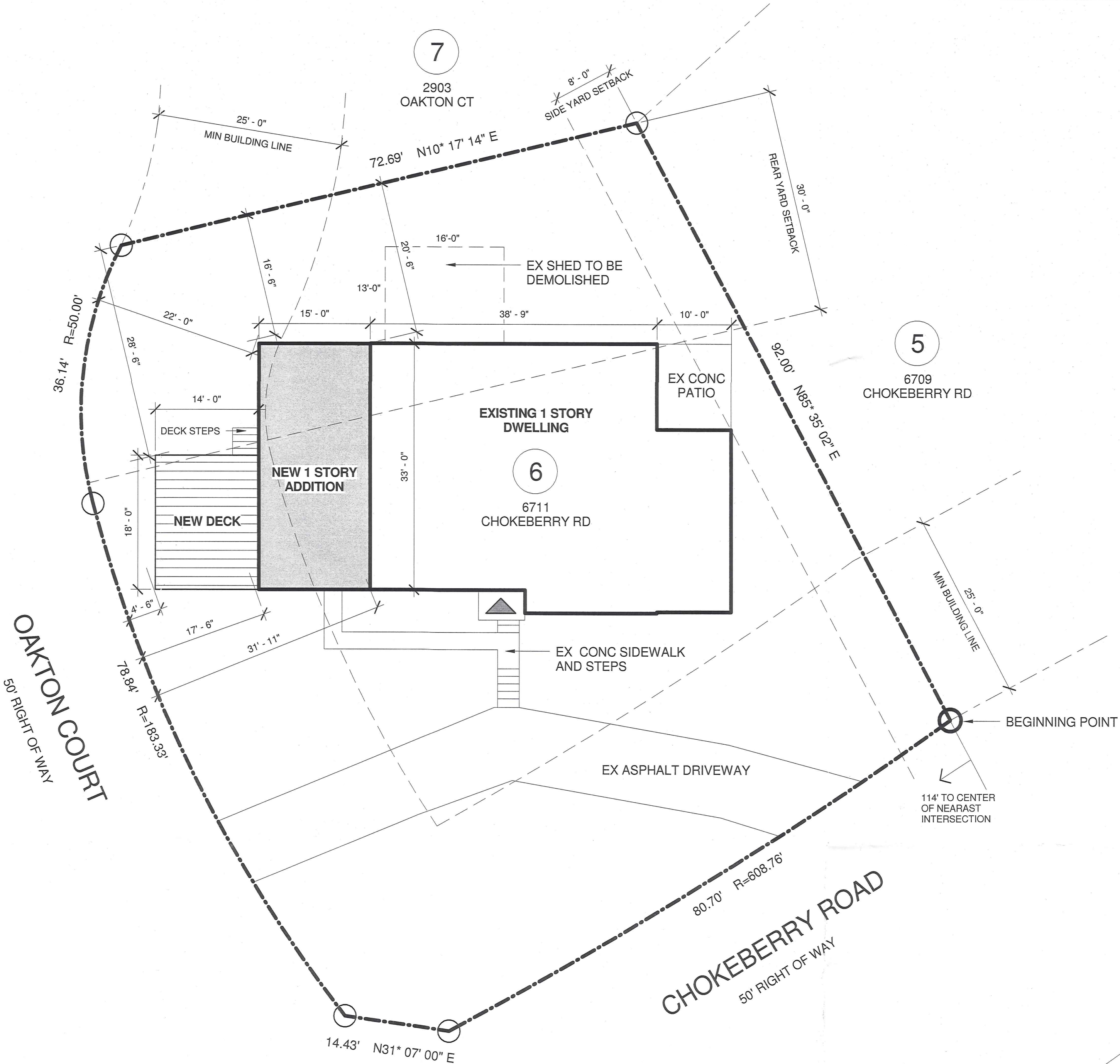


A1 SITE PLAN
1" = 10'-0"

NORTH



OAKTON COURT
50' RIGHT OF WAY



CHOKEBERRY ROAD
50' RIGHT OF WAY

ZONING HEARING PLAN FOR:
VARIANCE x FOR SPECIAL HEARING ____

ADDRESS: 6711 CHOKEBERRY RD
BALTIMORE, MD 21209
OWNER'S NAME: BEN AND SARA ZUCKERMAN
SUBDIVISION NAME: WELLWOOD
LOT#: 6
BLOCK#: E
SECTION#: 3
PLAT BOOK#: 24
FOLIO#: 99
10 DIGIT TAX#: 0313042380
DEED REF#: 26788 / 00706

ZONING MAP# 007801
SITE ZONED DR5.5
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA 8,560 SQ. FT.
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK X
WATER IS: PUBLIC x PRIVATE ____
SEWER IS: PUBLIC x PRIVATE ____
PUB. HEARING? NO
2017-0144-A

ZUCKERMAN
ADDITION

6711 CHOKEBERRY RD
BALTIMORE MD 21209

**DONNY
ANKRI
ARCHITECTS**

www.donnyankri.com
donnyankri@gmail.com
443.929.2377

VARIANCE SUBMISSION

Date	11/16/16
Scale	As indicated
Job No.	XXXX
Drawn By	DA

SITE PLAN

Drawing No. **A0.01**

STAPLE EDGE