

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
 (2908 Chokeberry Court) *
 3rd Election District * OFFICE OF ADMINISTRATIVE
 2nd Council District *
 Chaim T. & Batya L. Preiser * HEARINGS FOR
 Petitioners * BALTIMORE COUNTY
 * CASE NO. 2017-0160-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, Chaim T. and Batya L. Preiser ("Petitioners"). The Petitioners are requesting Variance relief from § 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), [Sections 211.3 and 301.1 of the 1957 zoning regulations] as follows: (1) To permit a proposed porch (open projection) with a front yard setback of 15 ft. in lieu of the required 25 ft., and (2) To permit a proposed rear addition with a rear yard setback of 20 ft. in lieu of the required 30 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.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning (DOP) dated January 6, 2017, indicating it had no objection to the rear addition; however, that agency objected to the variance request for the open projection. In light of the above agency comments (attached hereto), the petition for the proposed porch (open projection) must be denied.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 23, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 1-12-17

By [Signature]

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 rear yard setback variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. But with regard to the open projection and front yard setback, I am inclined to agree with the DOP that the proposed deck would not be compatible with the neighborhood. 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 variances should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, this 12th day of **January, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), [Sections 211.3 and 301.1 of the 1957 zoning regulations] to permit a proposed rear addition with a rear yard setback of 20 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from § 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), [Sections 211.3 and 301.1 of the 1957 zoning regulations] to permit a proposed porch (open projection) with a front yard setback of 15 ft. in lieu of the required 25 ft., be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 1-12-17

By [Signature]

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 1-12-17

By [Signature]

1-9
closing

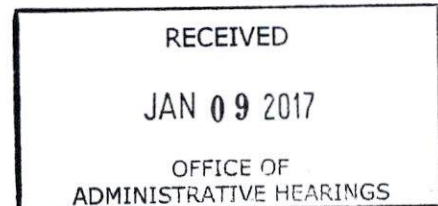
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 1/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-160



INFORMATION:

Property Address: 2908 Chokeberry Court
Petitioner: Chaim and Batya Preiser
Zoning: DR 5.5
Requested Action: Administrative Variance

The Department of Planning has reviewed the petition for an administrative variance to permit a proposed porch (open projection) with a front yard setback of 15' and a proposed rear addition with a rear yard setback of 20' in lieu of the required 25' and 30' respectively.

The Department has no objection to granting the petitioned zoning relief for the rear addition. However, the Department objects to granting variance relief for the open projection.

A site visit was conducted in December 27, 2016. The Department contacted the petitioners on December 29, 2016 obtaining additional information on the proposed open projection to be attached to the front of the dwelling pursuant to the submitted site plan. Petitioners indicated the construction would be an unroofed timber frame construction commonly referred to as a "deck".

The Department objects to the front yard placement of the proposed deck as being inconsistent with the guidelines found in the Comprehensive Manual of Development Policies (CMDP). Pursuant to the CMDP, residential compatibility is intended to "complement the neighborhood's architectural character" and "respect neighborhood image and aesthetic values". Open projections of the kind envisioned by the petitioners are typically attached to the side and or rear of the dwelling. Timber frame deck construction on the front of principal dwellings within established neighborhoods such as that in which 2908 Chokeberry Court is situated is not in keeping with the established development pattern of the neighborhood. A timber frame deck in the front yard cannot be integrated into the as-built environment and will compromise the architectural character and image of the neighborhood.

The Department recommends an open projection having the characteristics more closely resembling a "porch" as defined in Webster's Third New International Dictionary positively responds to the guidelines set forth in the CMDP.

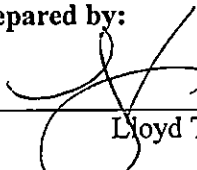
ORDER RECEIVED FOR FILING

Date 1-12-17

By [Signature]

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
Chaim Preiser
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 1-12-17

By ISW



KEVIN KAMENETZ
County Executive

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

January 12, 2017

Chaim Preiser
Batya L. Preiser
2908 Chokeberry Court
Baltimore, MD 21209

RE: Petition for Administrative Variance
Case No. 2017-0160-A
Property: 2908 Chokeberry Court

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 black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



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 2908 CHOKEBERRY CT Currently zoned DR 5.5 (Vested R-6)
Deed Reference 27562 / 00387 10 Digit Tax Account # 0302048750
Owner(s) Printed Name(s) CHAIM PREISER & BATYA PREISER

(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):

<u>Chaim Preiser</u>	<u>Batya Preiser</u>
Name #1 – Type or Print	Name #2 – Type or Print
<u><i>Chaim Preiser</i></u>	<u><i>Batya Preiser</i></u>
Signature #1	Signature #2
<u>2908 Chokeberry Ct</u>	<u>Baltimore Co MD</u>
Mailing Address	City State
<u>21209</u>	<u>410-484-2576</u> / <u>etpreiser@juno.com</u>
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:

SAME
Name – Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0160-A Filing Date 12/14/16 Estimated Posting Date 12/25/16 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: 2908 Chokeberry Ct 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)

As our family grows, we need more space for bedrooms
We are currently a 8 person family in a 3 bedroom home
and need more space. The plans are to create an additional
three bedrooms, and the back is the most suitable place for the
additional bedrooms. Also, with young children we would like to add
a deck for to have a safe fenced-in area for outdoor play and the
front right of the house appears most suitable for such an area.

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

[Signature]

Signature of Owner (Affiant)

Chaim Preiser

Name- Print or Type

[Signature]

Signature of Owner (Affiant)

Batya Preiser

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 7th day of December, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Chaim and Batya Preiser

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

AS WITNESS my hand and Notaries Seal

[Signature]

Notary Public

May 19, 2019

My Commission Expires

2017-0160-A

Administrative Variance: 1B02.3.B (sections 211.3 & 301.1 of the 1957 zoning regulations) of the BCZR: To permit a proposed porch (open projection) with a front yard setback of 15 feet in lieu of the required 25 feet, and a proposed rear addition with a rear yard setback of 20 feet in lieu of the required 30 feet.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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Address: 2908 Chokeberry Ct Balt Co 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)

We are a growing family of 8 (soon to be 9) and feel we have outgrown the three bedrooms. We would like to add an additional 3 bedrooms to make the house more comfortable to raise our family, and the back is the most suitable place for the additional bedrooms. Also, with young children we would like to add a deck ~~for~~ have a safe fenced-in area for outdoor play and the front right of the house appears most suitable.

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

Chaim Preiser
Signature of Owner (Affiant)

Chaim Preiser
Name- Print or Type

Batya Z Preiser
Signature of Owner (Affiant)

Batya Preiser
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 7th day of December, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Chaim and Batya Preiser

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

AS WITNESS my hand and Notaries Seal

Notary Public
May 19, 2019
My Commission Expires



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 2908 CHOKEBERRY CT Currently zoned DR 5.5 (Vested R-6)
Deed Reference 27562 / 00387 10 Digit Tax Account # 0302048750
Owner(s) Printed Name(s) CHAIM PREISER BATYA PREISER

(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):

Chaim Preiser / Batya Preiser
Name #1 – Type or Print Name #2 Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

2908 Chokeberry Ct Balt MD
Mailing Address City State

21209 / 410-484-2576 / ctpreiser@juno
Zip Code Telephone # Email Address *.com*

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

SAME
Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0160-A Filing Date 12/14/16 Estimated Posting Date 12/25/16 Reviewer gh

ZONING PROPERTY DESCRIPTION FOR 2908 CHOKEBERRY COURT

Beginning at a point on the north west side of Chokeberry Court which is 50 feet wide at a distance of 320 feet west of the centerline of the nearest improved intersecting street Chokeberry Road which is 50 feet wide.

BEING KNOWN AND DESIGNATED as Lot 19, Block A, as shown on the plat entitled "Plat of Section III, Wellwood", which Plat is recorded among the Land Records of Baltimore County in Plat Book GLB No.24, folio 99. The improvements thereon being known as No. 2908 Chokeberry Court, which contain 11,560 square feet and located in the 3rd Election District and 2nd Council District.

2017-0160-A

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

NO 144029

Date: 12/14/16

PAID RECEIPT

BUSINESS ACTUAL TIME LAG
 12/14/2016 12/14/2016 13:35:27 1
 REG WSD1 WALKIN LJR
 >>RECEIPT # 497138 12/14/2016 OFLN
 Dept 5 529 ZONING VERIFICATION
 CR NO. 144029

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	870	0000		0150				75.00

Total: 75.00

Rec From: Charm Preiser

For: 2908 Cooke bridge CT
2017 0160-1

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Receipt Tot \$75.00
 \$75.00 CN \$0.00 CA
 Baltimore County, Maryland

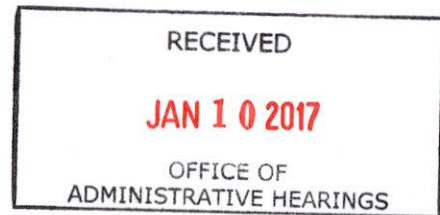
CERTIFICATE OF POSTING

RE: Case No. 2017-0160-A

Petitioner: Chaim Preiser

Closing Date: 1/9/17

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204



This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

2908 Chokeberry Court

_____ on 12/23/16

Sincerely,

 12/23/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No. 2017-0160-A



2908 Chokeberry Court

(Posted 12/23/16)

 12/23/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0160 -A Address 2908 Chokeberry CT 21209

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

Filing Date: 12/14/16 Posting Date: 12/25/16 Closing Date: 1/9/17

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **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.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0160 -A Address 2908 Chokeberry CT 21209

Petitioner's Name Chaim Preiser Telephone 410-484-2576

Posting Date: 12/25/16 Closing Date: 1/9/17

Wording for Sign: To Permit a proposed porch (open projection) with a front yard set back of 15 feet in lieu of the required 25 feet, and a proposed rear addition with a rear yard set back of 20 feet in lieu of the required 30 feet.

Revised 7/6/16



KEVIN KAMENETZ
County Executive

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

January 10, 2017

Chaim & Batya Preiser
2908 Chokeberry Court
Baltimore MD 21209

RE: Case Number: 2017-0160 A, Address: 2908 Chokeberry Court

Dear Mr. & Ms. Preiser:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 14, 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 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

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



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

Date: 12/19/16

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. 2017-0160-A

*Administrative Variance
Chiam & Batya Preiser
2908 Chokesbury Court.*

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 'Richard A. Zeller', is written over the word 'Sincerely,'.

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 26, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2016
Item No. 2017-0148, 0156, 0157, 0158, 0160, 0162 and 0164

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

DAK:CEN

cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC12262016.doc

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 21, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0160-A
Address 2908 Chokeberry Court
(Preiser Property)

Zoning Advisory Committee Meeting of **December 26, 2016**.

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

Reviewer: Steve Ford

Date: 12-21-2016

M E M O R A N D U M

DATE: February 15, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0160- A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 13, 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

Debra Wiley

From: Debra Wiley
Sent: Monday, January 09, 2017 10:43 AM
To: June Wisnom
Subject: AV 2017-0160-A
Attachments: 20170109105146088.pdf

Hi June,

DOP's ZAC comment -- per our telephone conversation

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Monday, January 09, 2017 10:52 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 01.09.2017 10:51:45 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

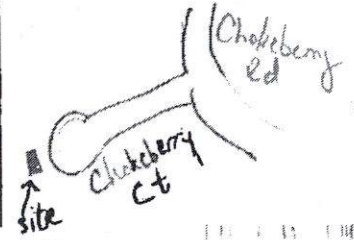
Real Property Data Search **Guide to searching the database**

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0302048750			
Owner Information					
Owner Name:		PREISER CHAIM T PREISER BATYA L		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		2908 CHOKEBERRY CT BALTIMORE MD 21209-1402		Deed Reference: /27562/ 00387	
Location & Structure Information					
Premises Address:		2908 CHOKEBERRY CT BALTIMORE 21209-1402		Legal Description: 2908 CHOKEBERRY CT WELLWOOD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0078	0005	0460		0000	3 A 19 2017 0024/0099
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	2,482 SF			11,560 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	SPLIT LEVEL	FRAME	2 full/ 1 half	
Value Information					
	Base Value		Value As of 01/01/2017	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:	83,100		83,100		
Improvements	235,300		221,200		
Total:	318,400		304,300	318,400	304,300
Preferential Land:	0				0
Transfer Information					
Seller: WEISMAN BARBARA BETH		Date: 01/14/2009		Price: \$275,000	
Type: ARMS LENGTH IMPROVED		Deed1: /27562/ 00387		Deed2:	
Seller: WEISMAN ALAN S		Date: 12/22/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /23112/ 00428		Deed2:	
Seller: RUDO HAROLD		Date: 11/06/1991		Price: \$140,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08964/ 00512		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		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/08/2009					

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2908 CHOKEBERRY CT OWNER(S) NAME(S) CHAIN & BATYA PREISER
 SUBDIVISION NAME Wellwood LOT # 19 BLOCK # A SECTION # A
 PLAT BOOK # 24 FOLIO # 99 10 DIGIT TAX # 0302048750 DEED REF. # 27562/00387

SITE VICINITY MAP

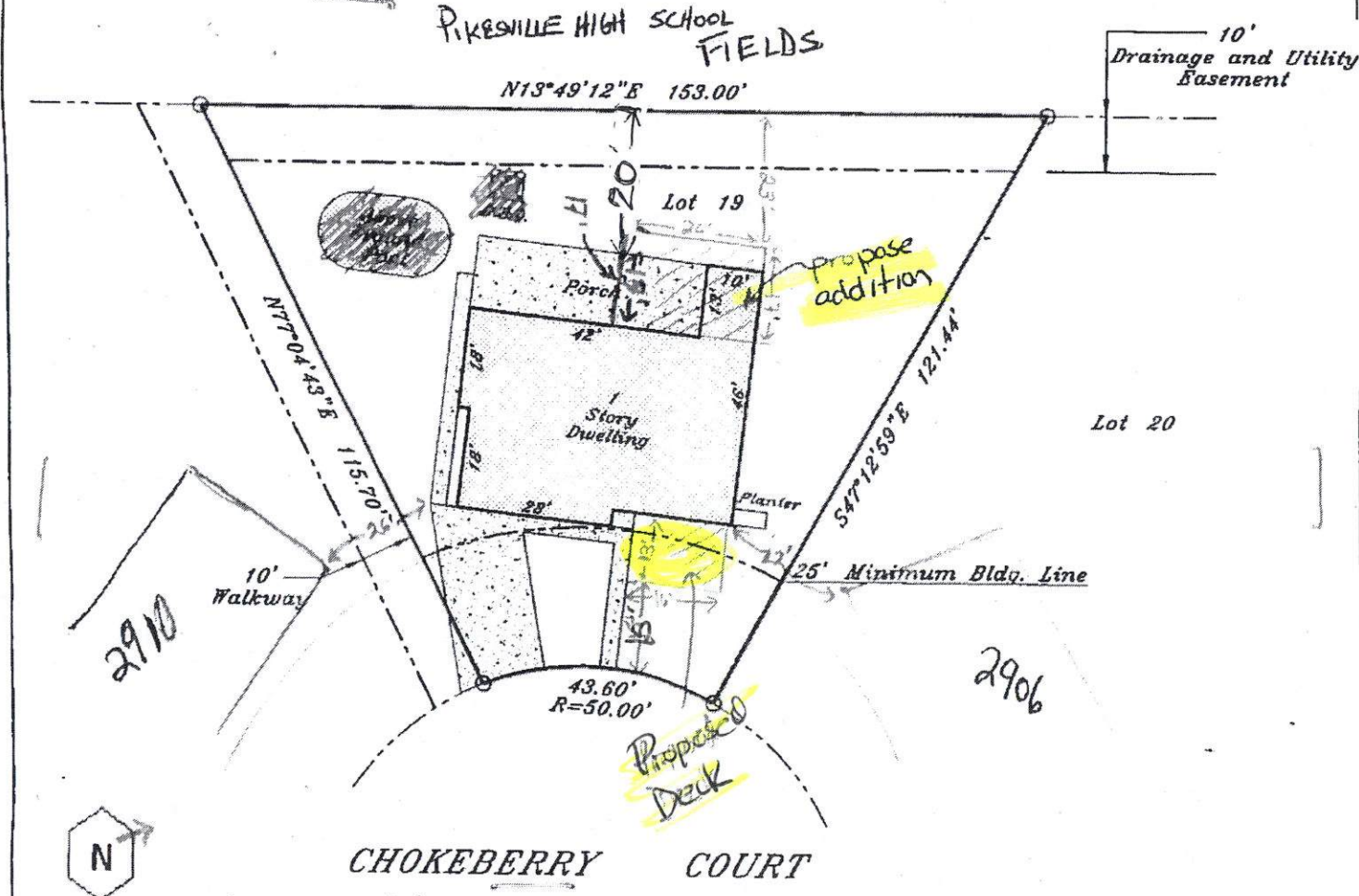


MAP IS NOT TO SCALE

ZONING MAP# 078 C1
 SITE ZONED DR S.5 (Yes 26)
 ELECTION DISTRICT 3
 COUNCIL DISTRICT 2
 LOT AREA ACREAGE 2.11
 OR SQUARE FEET 1,560
 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
N/A

VIOLATION CASE INFO:

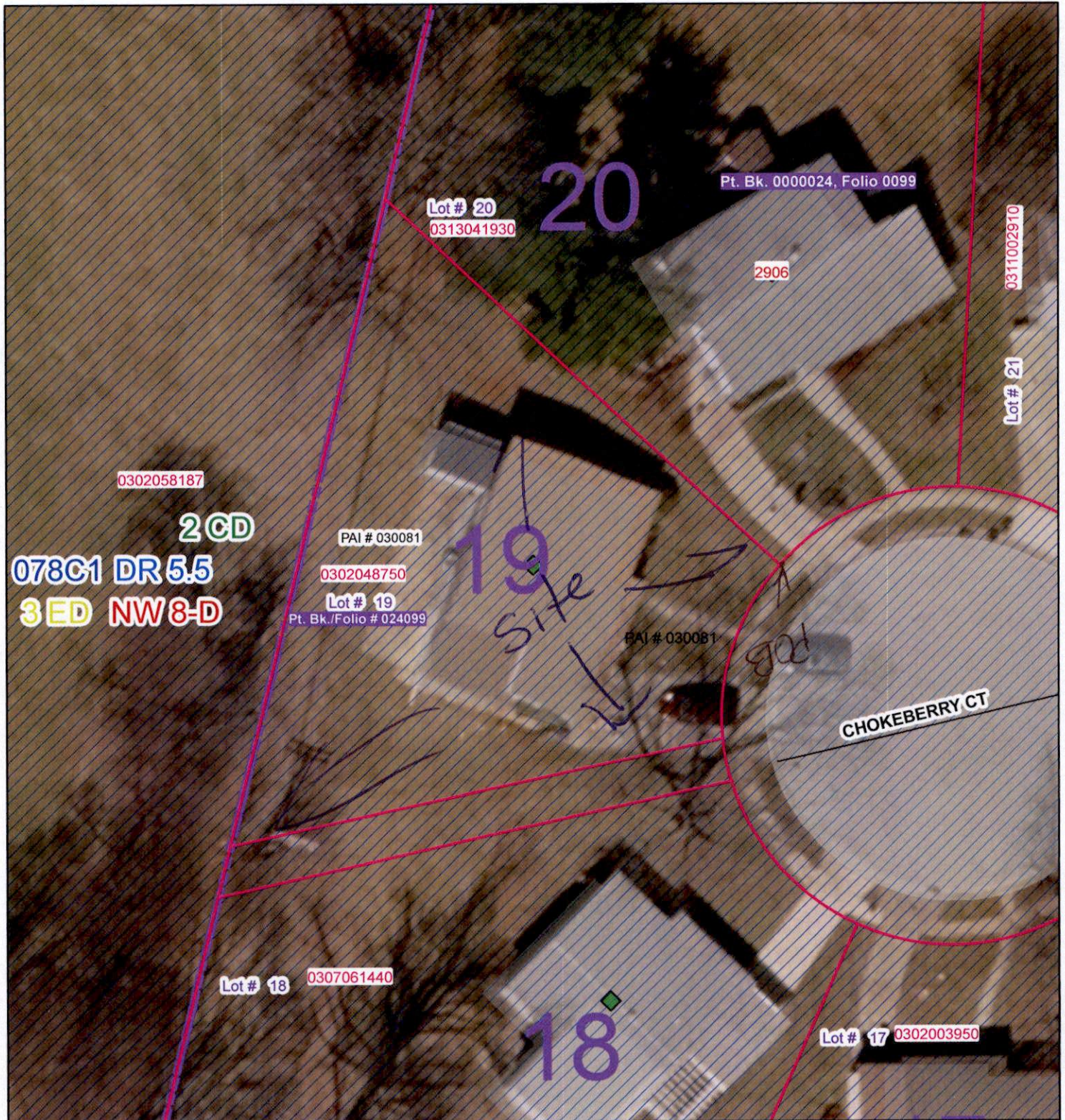
N/A



PLAN DRAWN BY Chain Preiser DATE 12/9/16 SCALE: 1 INCH = 30 FEET

2017-0160-A Pet. Exh. 1

2908 Chokeberry Court



Publication Date: 12/9/2016



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



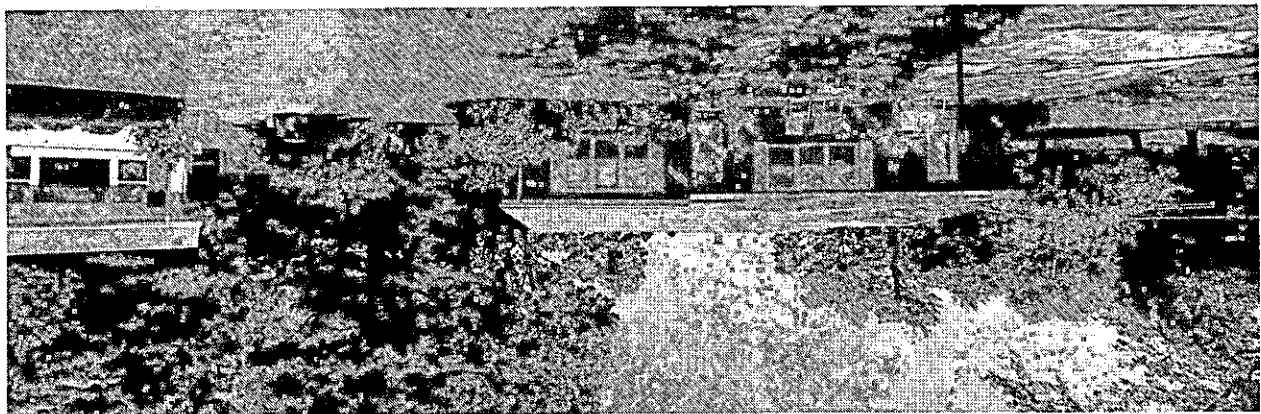
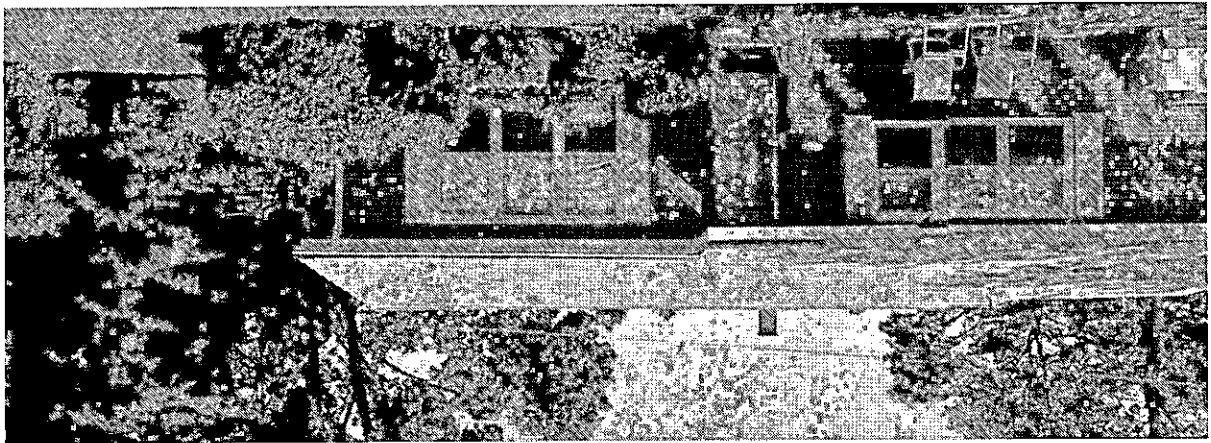
0 5 10 20 30 40
Feet

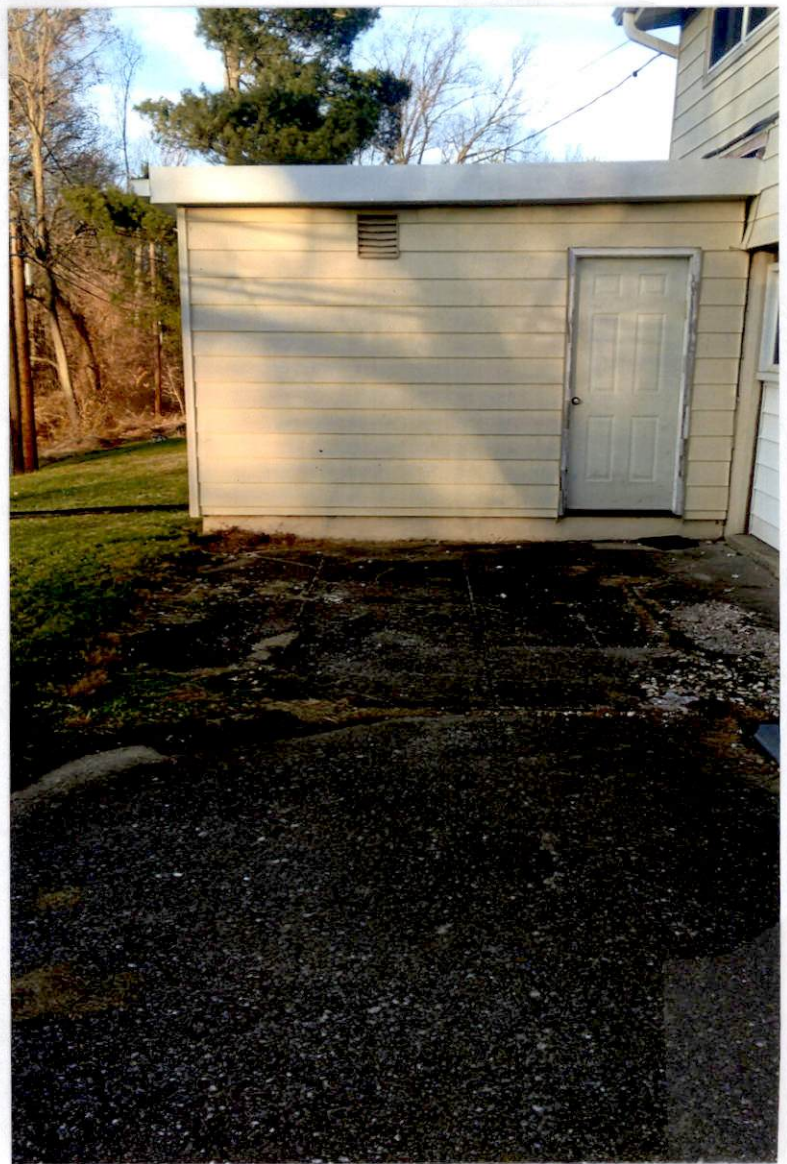
1 inch = 30 feet

2017-0160-A

2017-0160-A

Front of house showing area of proposed deck and house of next door neighbor.





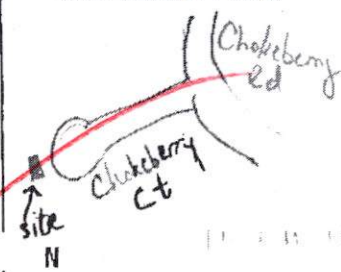
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 2908 CHOKEBERRY CT OWNER(S) NAME(S) CHAIM & BATYA PERISER

SUBDIVISION NAME Wellwood LOT # 19 BLOCK # A SECTION # A

PLAT BOOK # 24 FOLIO # 99 10 DIGIT TAX # 0302048750 DEED REF. # 27562100387

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078 C1

SITE ZONED DR S.5 (Vest... 6)

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE 2.11

OR SQUARE FEET 11,560

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? No

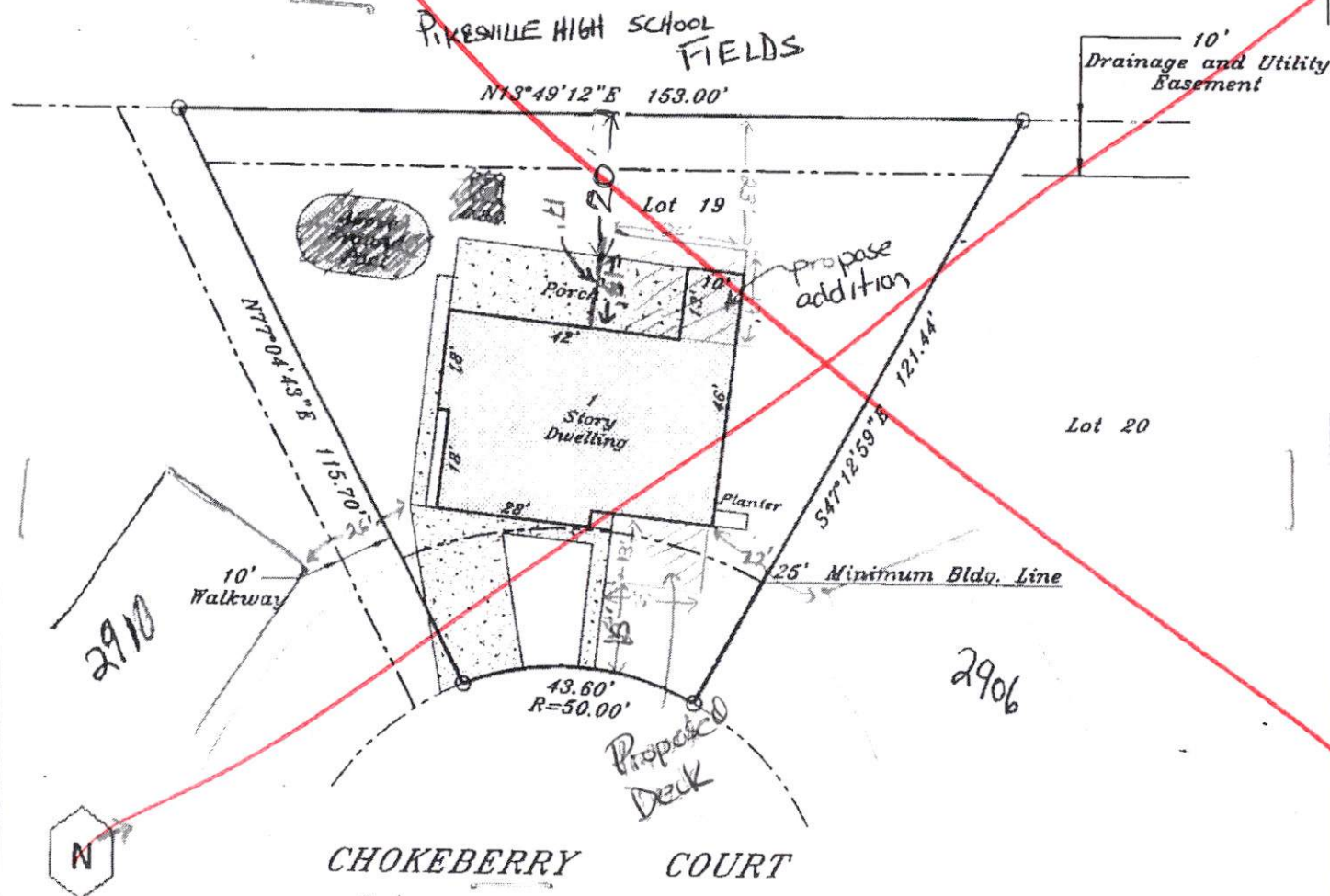
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

N/A



PLAN DRAWN BY Chaim Periser DATE 12/9/16 SCALE: 1 INCH = 30 FEET

2017-0160-A



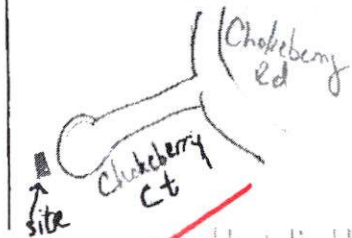
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 2908 CHOKEBERRY CT OWNER(S) NAME(S) CHAIM & BATYA PREISER

SUBDIVISION NAME Wellwood LOT # 19 BLOCK # A SECTION # A

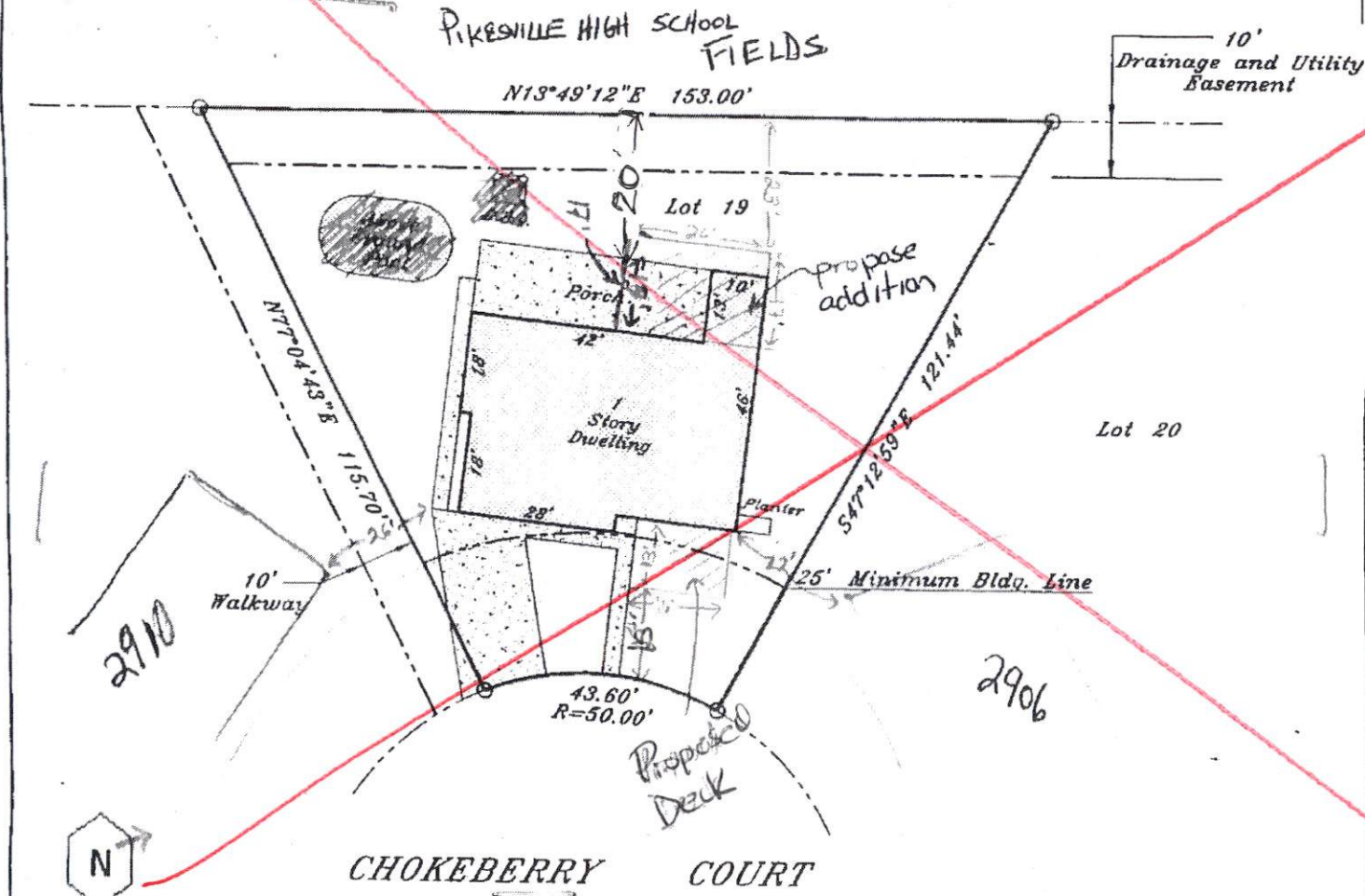
PLAT BOOK # 24 FOLIO # 99 10 DIGIT TAX # 0302048750 DEED REF. # 27562/00387

SITE VICINITY MAP



MAP IS NOT TO SCALE
ZONING MAP# 078 C1
SITE ZONED DR 5.5 (Vested R6)
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA ACREAGE 2.00
OR SQUARE FEET 11,560
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

N/A
VIOLATION CASE INFO:
N/A



PLAN DRAWN BY Chaim Preiser DATE 12/9/16 SCALE: 1 INCH = 30 FEET

2017-0160-A