IN RE: PETITION FOR ADMIN. VARIANCE

RIANCE \*

BEFORE THE

OFFICE OF ADMINISTRATIVE

(4 Moores Branch Ct.)
3rd Election District

2<sup>nd</sup> Council District

Morey & Lauren Zuskin

HEARINGS FOR

Petitioners

' BALTIMORE COUNTY

CASE NO. 2017-0249-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, Morey and Zuskin ("Petitioners"). The Petitioners are requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a swimming pool to be located in the side yard in lieu of the required rear yard placement. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 26, 2017, 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

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Date	4-21-17
Bv	(Second

ORDER RECEIVED FOR FILING

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>21st</u> day of **April**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a swimming pool to be located in the side yard in lieu of the required rear yard placement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

2

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING
Date	4-21-17
Bv	(Del)



KEVIN KAMENETZ
County Executive

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

April 21, 2017

Morey and Lauren Zuskin 4 Moores Branch Ct. Baltimore, MD 21208

RE: Petition for Administrative Variance

Case No. 2017-0249-A

Property: 4 Moores Branch Ct.

### 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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: John Krowczyk, Specialty Pool & Fountain, 9305 Gerwig Lane, Suite E, Columbia, MD 21046



# ADMISTRATIVE ZONING PETMON

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 4 MOORES BRANCH CT Currently zoned DR-1

10 Digit Tax Account # 1 7 0 0 0 0 5 8 Deed Reference 20447 100713 Owner(s) Printed Name(s) MORET & CAUREN ZUSKIN (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. X ADMINISTRATIVE VARIANCE from Section(s) 400.1; BCZR, TO FERNIT A
FROM TO BE LOCATED IN THE SIDE PARD IN LEW DE
KEDLINGS REAR EXXO of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. If 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): LAUREN ZUSKIN MOREY ZUSKIN Mailing Address City 443-610-3335 MORRY NZ @ 40L **21708** / Zip Code Attorney for Owner(s)/Petritioner(s):

Name-Type or Print
Signature Email Address Representative to be contacted: Mailing Address City State Zip Code Email Address Telephone # A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as day of required by the zoning regulations of Baltimore County. 0 Administrative Law Judge for Baltimore County CASE NUMBER 2017-0249-A Filing Date 3/17/7 Estimated Posting Date Rev 5/5/2016

# 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.

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(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.

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Address: 4 MOSSES BRANCH CT BILLO MD ZIZOS  Print or Type Address of property City State Zip Code
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 <u>practical difficulty or hardship</u> here)
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SLOPES
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(If additional space for the petition request or the above statement is needed, label and attach it to this Form)  Signature of Owner (Affiant)  Signature of Owner (Affiant)
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Name-Print or Type  Name-Print or Type  Name-Print or Type
Name- Print or Type . 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 17 day of Much, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: MOCKY J LAVEEN 205KIN
the Affiant(s), he rein personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS TO PHANG and Nataries Seal Windwi Clu
Notary Public 10/9/18
My Commission Expires
REV. 5/5/2016

NISTRATIVE ZONING PE

VE VARIANCE - OR - ADMINISTRATA

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 4 MOORES BRANCH CT	Currently zoned DR-/
Deed Reference 20447 / 100713	Currently zoned DR-/ 10 Digit Tax Account # 17 00005819
Owner(s) Printed Name(s) MODET LINCED	ZUSKIN

(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:

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

\_ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	Owner(s)/Petitioner(s):
	MOREY ZUSKIN, LAUREN ZUSKIN
	Name #1 – Type or Print Name #2 – Type or Print
	200
	Signature#1 Signature#2
	4 MOORES BRENCH CT MD
	Mailing Address City State
	21708, 443-610-3335, MORRY NZ @ 40L. C
	Zip Code Telephone # Email Address
	Dennescontative to be contacted:
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name-Type or Print	John Krawczek
Name-Type or Print	Name - Type or Print
Name- Type or Print	Alle
Signature	Signature
	9305 GERNIG LINE COLUMBIS NO
Mailing Address City State	Mailing Address City TKRWCState
01	21046, 3014759666, 18005-WOND-COM
Zip Code Telephone # Email Address	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 subjection	ect matter of this petition be set for a public hearing, advertised, and re-posted as

required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Estimated Posting Date

Rev 5/5/2016

# **ZONING DESCRIPTION FOR 4 MOORES BRANCH COURT**

That property located at the SE terminus of Moores Branch Court, 232 feet +/- SE from the intersection of Old Court Road. Lot No. 17 on the Amended Plat of "Glencliffe", Plat 3, Section 3. 3<sup>rd</sup> Election District, 2<sup>nd</sup> Councilmanic District. 3.5+/- acres.

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# CERTIFICATE OF POSTING

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RE: Case Number: 2017-02	49-A
Petitioner/Developer: Morey	Zuskin
Petitioner/Developer: Morey	Received the second second
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Date of Hearing/Closing: 4-10	
This is to certify under the penaltie	es of perjury that the necessary sign(s) required
by law were posted conspicuously on the	ne property located at 4 Moores Branch
	0.01
The signs(s) were posted on	3-26-17
The signs(s) were posted on	(Month, Day, Year)
	(Signature of Sign Poster)
	(Signature of Sign Poster)
	J. LAWRENCE PILSON
	(Printed Name of Sign Poster)
ATTACH PHOTGRAPH	
	(Street Address of Sign Poster)
	(Street Address of Sign Foster)
	Parkton, MD 21120
	(City, State, Zip Code of Sign Poster)
	410-343-1443
	(Telephone Number of Sign Poster)



CASE # 2017-0249-A

TO PERMIT AN IN-GROUND POUL TO BE LOCATED IN THE SIVE YARD IN LIEU OF THE

PURSUANT TO SECTION 26-127(6)(1); BALTIMORE COUNTY CODE PURSUANT TO SECTION 26-127(6)(1) BALTIMORE COUNTY: CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY AN ELIGIBLE INDIVIDUAL INFORMATION IS AVAILABLE AT ADDITIONAL INFORMATION IS AVAILABLE AT ADDITIONAL INFORMATION AND DEVELOPMENT MANAGEMENT TOWS ON MO. 21204

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# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVAGE AND INSPECTIONS **ZONING REVIEW**

ADMINISTRATIVE VARIANCE INFURMATION SHEET AND DATES
Case Number 2018- 0 249 -A Address 4 MODRES BRANCH CT
Contact Person: Phone Number: 410-887-3391
Contact Person:    Contact Person:   Contact Person:   Phone Number: 410-887-3391
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. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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 2016-0249 -A Address 4 MOORES BRANCH CT.
Petitioner's Name MOREY ZUSKIN Telephone 443-610-3335
Posting Date: 3/26/17 Closing Date: 4/10/17
Wording for Sign: <u>To Permit</u> AN INGROUND POOL TO BE
LOCATED IN THE SIDE YARD IN LIEU OF
THE REDUCTED REAR YARD

Revised 7/9/15

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:
Case Number: 2017-0249-A
Property Address: 4 MOOPES BRANCH CT.
Property Description: LOCATED ON MODRES BRANCH CT. 23/ff. I
Legal Owners (Petitioners): MOREY & CAUREN ZUSKKIN  Contract Purchaser/Lessee: N/A -
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Company/Firm (if applicable):
Address:
Telephone Number: 443-6/0-3335



KEVIN KAMENETZ County Executive

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

April 11, 2017

Morey & Lauren Zuskin 4 Moores Branch Court Baltimore MD 21208

RE: Case Number: 2017-0249 A, Address: 4 Moores Branch Court

Dear Mr. & Ms. Schneider:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 16, 2017. 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,

U. Cal Ril

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel John Krawczyk, 9305 Gerwig Lane, Columbia MD 21046



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

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. 2017-0249-A

Administrative Variance

Movey ELauren Zuskin

4 Moores Branch 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,

Wendy Wolcott, PLA

Metropolitan District Engineer - District 4

Baltimore & Harford Counties

WW/RAZ

# 20BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 5, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 03, 2017

Item No. 2017-0244, 0245, 0249, 0251, 0254 and 0255

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\ZAC04032017.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:

March 30, 2017

SUBJECT:

**DEPS Comment for Zoning Item** 

# 2017-0249-A

Address

4 Moores Branch Court

(Zuskin Property)

Zoning Advisory Committee Meeting of April 3, 2017.

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

Reviewer:

Steve Ford

Date: 3-30-2017

### MEMORANDUM

of Lower a

DATE:

May 23, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0249-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 22, 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.'

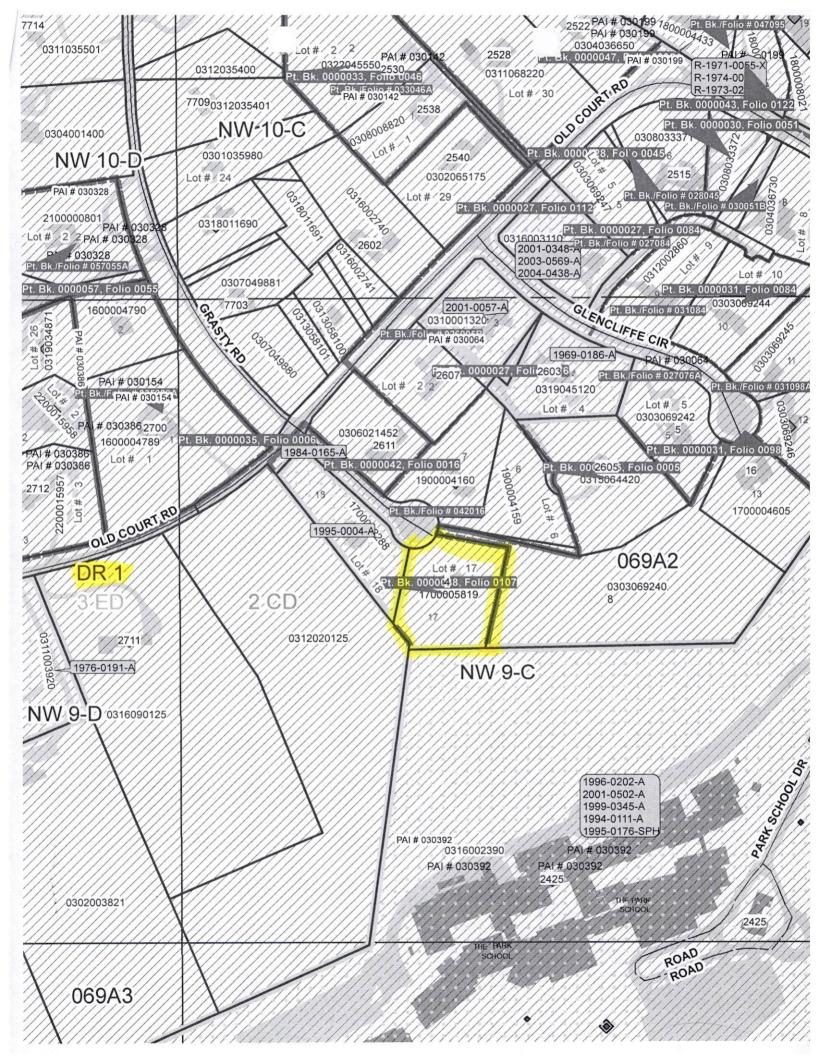
c: Case File

Office of Administrative Hearings

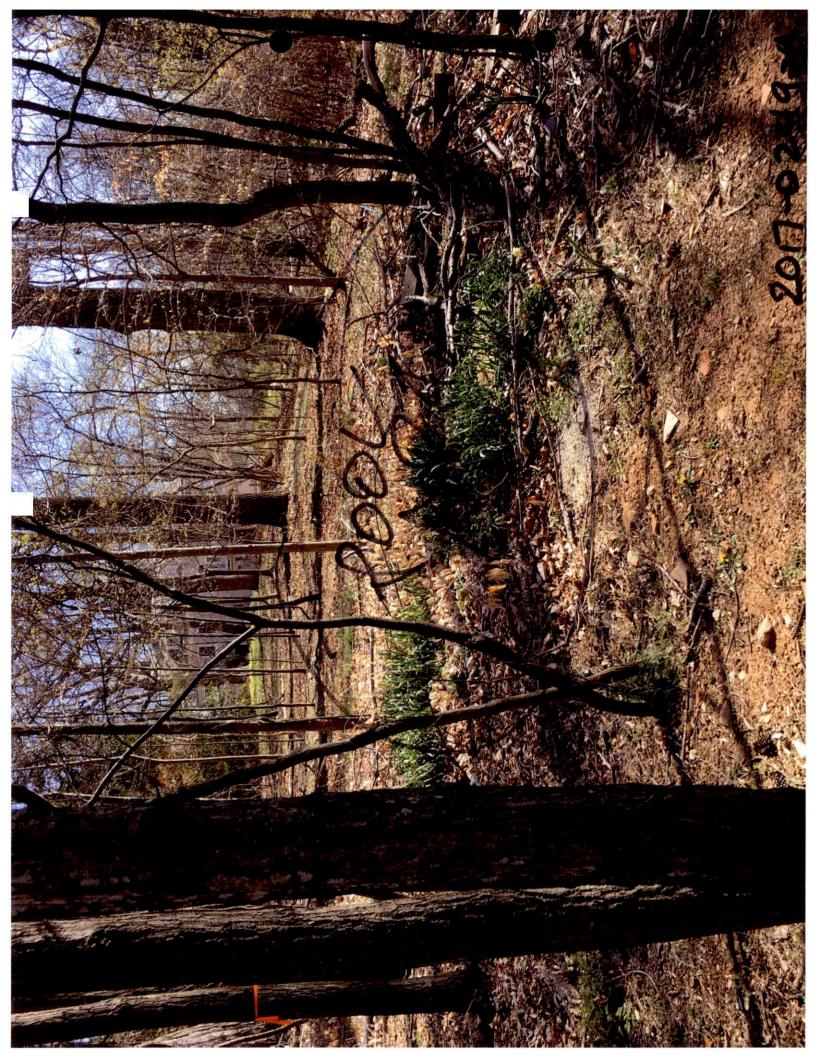
# Real Property Data Search

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AREX FOR POOR
PRIOR TO LOT CLEARING

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