

IN RE: PETITION FOR ADMIN. VARIANCE *
(2500 Ozark Circle)
3rd Election District *
2nd Council District *
Philip E. & Batya B. Kahn *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0277-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, Philip E. and Batya B. Kahn ("Petitioners"). The Petitioners are requesting Variance relief from § 1B01.1.B.2 (1953-1955 Zoning Regulation [A Residential] of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed rear addition with a rear yard setback of 7.5 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments 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 April 21, 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

ORDER RECEIVED FOR FILING

Date 5-15-17

By DW

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 15th day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B01.1.B.2 (1953-1955 Zoning Regulation [A Residential] of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed rear addition with a rear yard setback of 7.5 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject 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 5-15-17

By bw



KEVIN KAMENETZ
County Executive

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

May 15, 2017

Philip E. Kahn
Batya B. Kahn
2500 Ozark Circle
Baltimore, MD 21209

RE: Petition for Administrative Variance
Case No. 2017-0277-A
Property: 2500 Ozark Circle

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 the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

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



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 2500 OZARK CIRCLE BALTIMORE MD 21209

Currently zoned DR5.5

Deed Reference 34096 / 00359

10 Digit Tax Account # 0311036130

Owner(s) Printed Name(s) PHILIP AND BATYA KAHN

(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)

Sections: **1B01.1.B.2; 1953-1955 Zoning Regulation (A Residential)**

To permit a proposed rear addition with a rear yard setback of 7.5ft. in lieu of the required 15ft.

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):

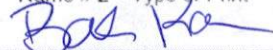
PHILIP KAHN

BATYA KAHN

Name #1 – Type or Print

Name #2 – Type or Print





Signature #1

Signature #2

2500 OZARK CIRCLE BALTIMORE MD

Mailing Address

City

State

21209

443-280-7069

PHILEKAHN@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

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 by this 5-15-17 day of May 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 2017-0277-A

Filing Date 4/13/2017

Estimated Posting Date 4/23/17

Reviewer TW

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: 2500 OZARK CIRCLE 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 KAHN FAMILY. THE AMOUNT OF BEDROOMS AND THE SIZE OF THE LIVING SPACE ARE INADEQUATE. WITHIN THE NEW ADDITION, THE MAIN PROGRAM CALLS FOR ADDITIONAL BEDROOMS, A NEW LARGER DINING ROOM, A NEW LARGER LIVING ROOM AND A PLAYROOM.

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)

[Signature]
Signature of Owner (Affiant)

PHILIP KAHN

Name- Print or Type

[Signature]
Signature of Owner (Affiant)

BATYA KAHN

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 4th day of April, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Philip Kahn and Batya Khan

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

My Commission Expires



REV. 5/5/2016

2017-0277-A



THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Zoning Property Description For: 2500 Ozark Circle Baltimore MD 21209

Beginning at a point on the East side of Ozark Circle which is 50 feet wide at the distance of 235 feet East of the centerline of the nearest improved intersecting street Navajo Dr which is 50 feet wide.

Part B

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

Being Lot #15, Block #F, Section #2 in the subdivision of Valley Stream as recorded in Baltimore County Plat Book #20, Folio #85 containing 10,020 square feet, located in the 3rd Election District and the 2nd Council District.

2017-0277-A

№ 151424

Date:

4/13/17

Rev	Sub
Source/	Rev/

[illegible]

Total:

75.00

Kahw

For:

2500 ÖZELKİR

Daniel Ankyi

2017-0277-A

**CASHIER'S
VALIDATION**

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

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

April 24, 2017

Re:

Zoning Case No. 2017-0277-A

Legal Owner: Christopher & Victoria Compton

Closing date: May 8, 2017

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **2500 Ozark Circle**.

The sign was posted on **April 21, 2017**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2017-0277-A

2500 Ozark Circle

REQUEST: TO PERMIT A PROPOSED REAR ADDITION
WITH A REAR YARD SETBACK OF 7.5 FEET IN LIEU
OF THE REQUIRED 15 FEET.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE MAY 8, 2017.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0277 -A Address 2500 Ozark Circle

Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/13/17 Posting Date: 4/23/17 Closing Date: 5/8/17

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- 0277 -A Address 2500 Ozark Circle

Petitioner's Name Philip & Batya Kahn Telephone 443-280-7069

Posting Date: 4/23/17 Closing Date: 5/8/17

Wording for Sign: To permit a proposed rear addition with a rear yard setback of 7.5ft.in lieu of the required 15ft.

Revised 7/6/16



KEVIN KAMENETZ
County Executive

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

May 9, 2017

Philip & Batya Kahn
2500 Ozark Circle
Baltimore MD 21209

RE: Case Number: 2017-0277 A, Address: 2500 Ozark Circle

Dear Mr. & Ms. Kahn:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 13, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive script.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Date: 4/17/17

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. 2017-0277-A

*Administrative Variance
Phillip & Batya Kohn
2500 Ozark Circle*

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

to war

20BALTIMORE 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 April 24, 2017
Item No. 2017-0242, 0273, 0275, 0276 and 0277

DATE: April 26, 2017

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\ZAC04242017.doc

M E M O R A N D U M

DATE: June 15, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0277-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 14, 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.'

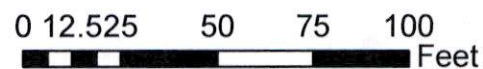
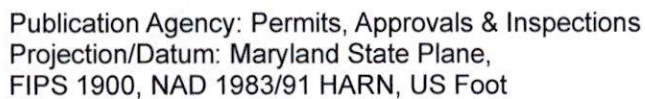
c: Case File
Office of Administrative Hearings

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0311036130			
Owner Information					
Owner Name:	KAHN PHILIP ETHAN KAHN BATYA BASHA		Use:	RESIDENTIAL	
Mailing Address:	2500 OZARK CIR BALTIMORE MD 21209-1520		Principal Residence:	YES	
			Deed Reference:	/34096/ 00359	
Location & Structure Information					
Premises Address:		2500 OZARK CIR 0-0000		Legal Description: 2500 OZARK CIR VALLEY STREAM	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0078	0006	0536		0000	2
					F
					15
					2017
					Assessment Year:
					Plat No:
					Plat Ref:
					0020/0085
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1954	1,649 SF		10,020 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	SPLIT LEVEL	SIDING	1 full/ 1 half	
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2016	07/01/2017	
Land:	82,700	82,700			
Improvements	155,500	155,000			
Total:	238,200	237,700	238,200	237,700	
Preferential Land:	0			0	
Transfer Information					
Seller: HOSLER JOHN DONALD		Date: 08/19/2013		Price: \$265,000	
Type: ARMS LENGTH IMPROVED		Deed1: /34096/ 00359		Deed2:	
Seller: LASKY TAMAR		Date: 05/08/2007		Price: \$295,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /25597/ 00573		Deed2:	
Seller: LASKY LEE B		Date: 08/12/1999		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13954/ 00485		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 12/17/2013					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

2017-0277-A

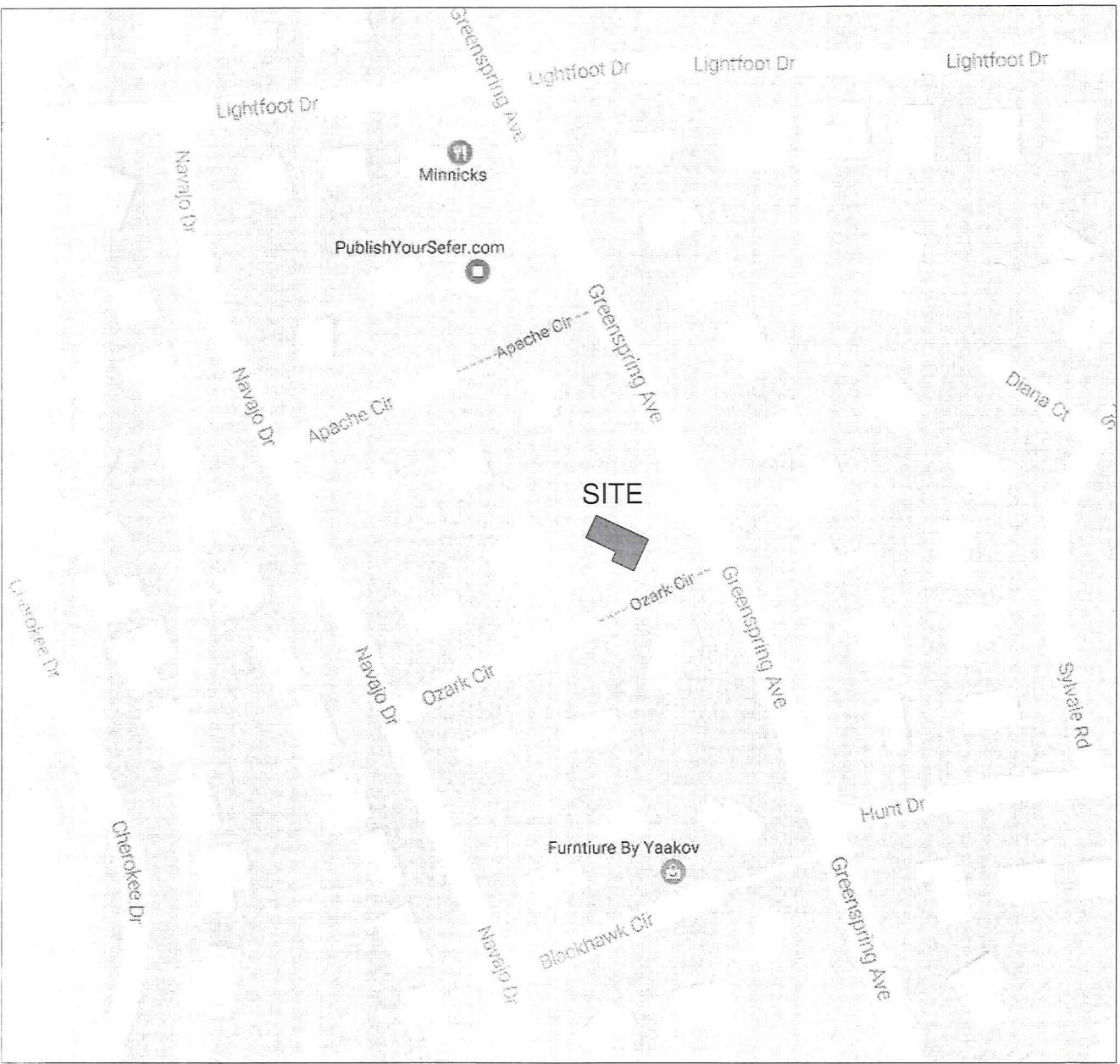


1 inch = 50 feet

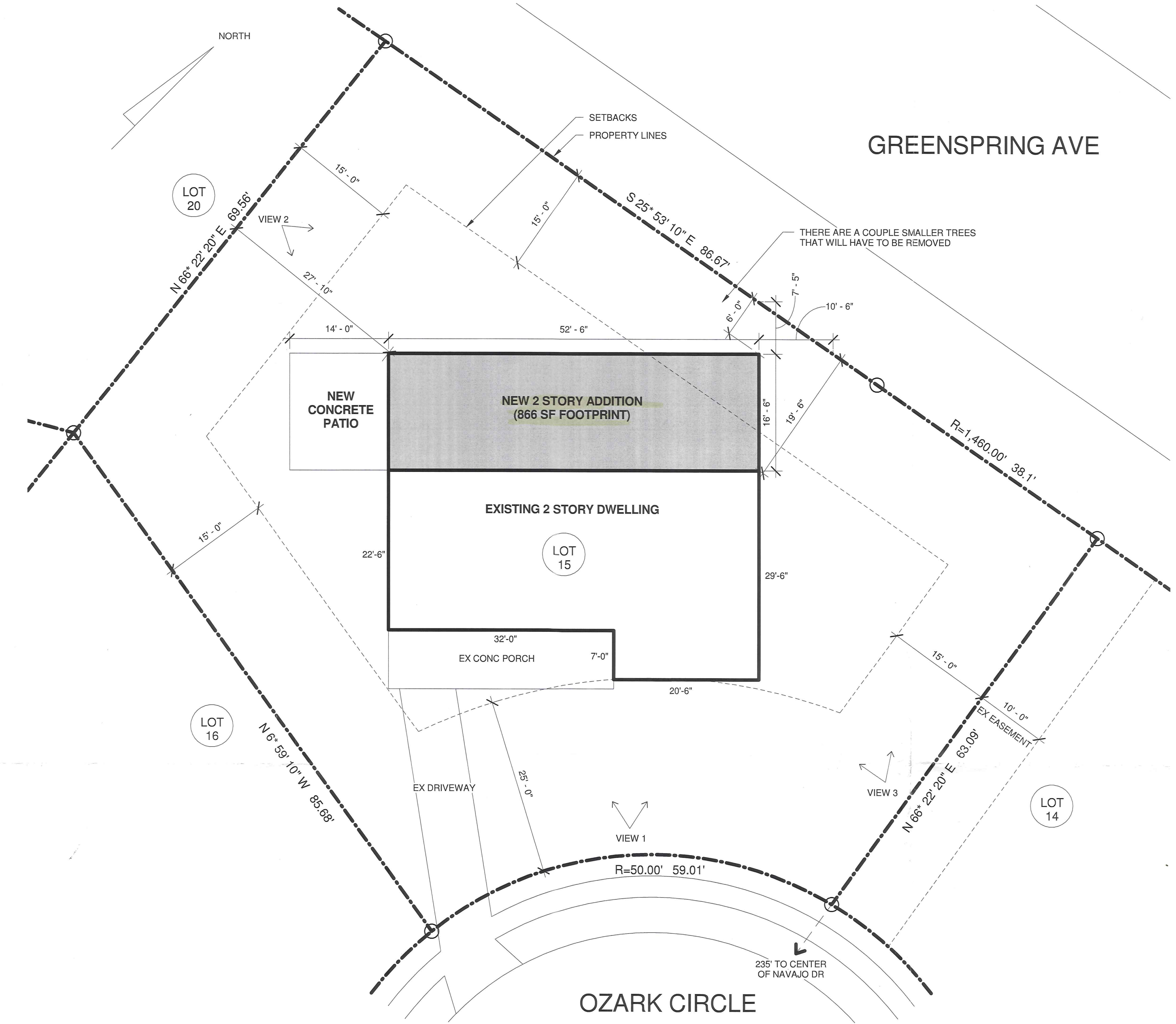
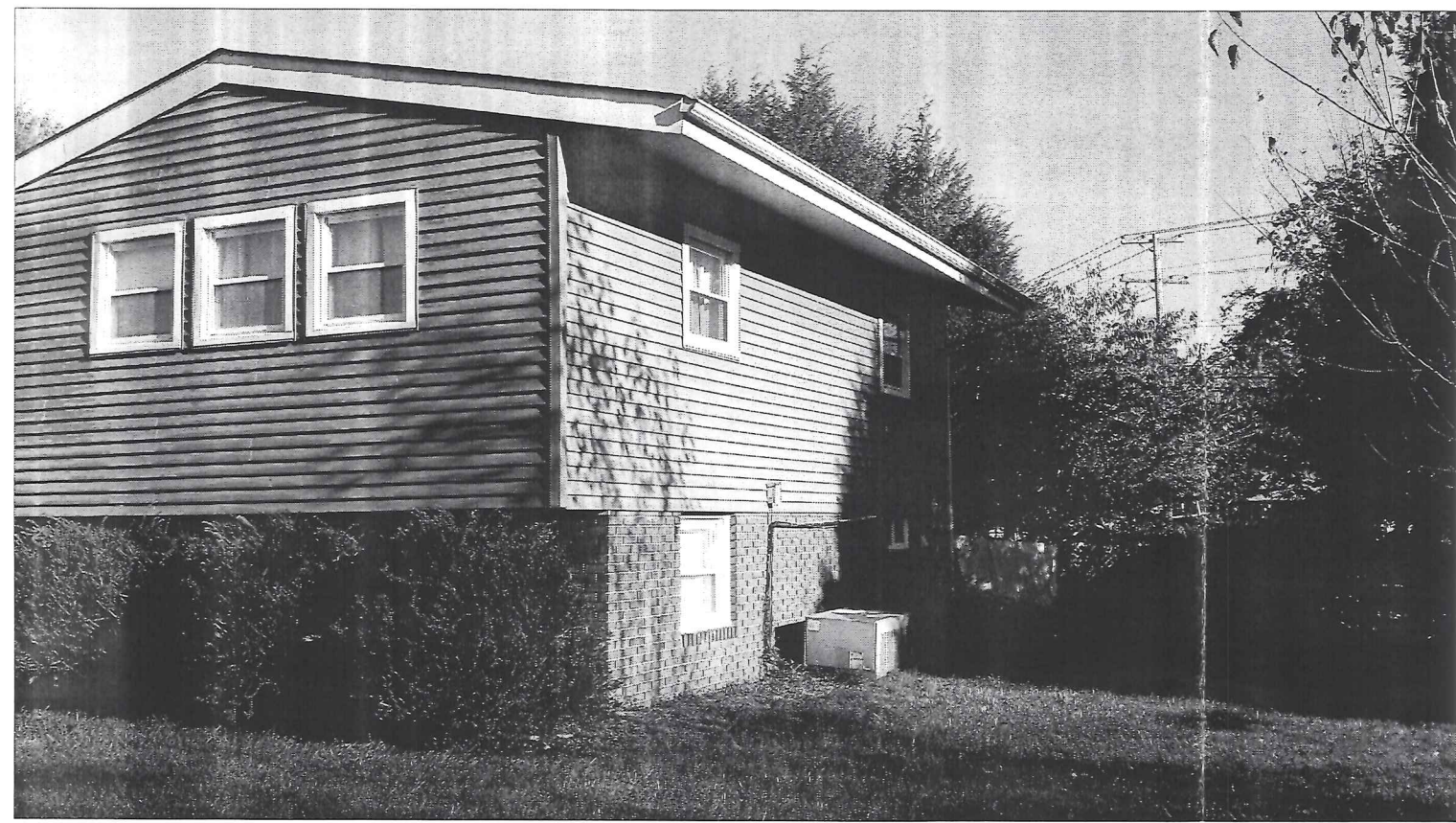
STAPLE EDGE

STAPLE EDGE

- NOTES
- 1) SITE PLAN SHOWN HAS BEEN GENERATED USING INFORMATION FROM CLIENT-PROVIDED LOCATION DRAWING.
 - 2) DIMENSIONS ARE APPROXIMATE.



VICINITY PLAN (NOT TO SCALE)
TAKEN FROM GOOGLE MAPS



A1 SITE PLAN
1" = 10'-0"

2017-0277-A
ZONING HEARING PLAN FOR:
VARIANCE X FOR SPECIAL HEARING

ADDRESS: 2500 OZARK CIRCLE
BALTIMORE, MD 21209
OWNER'S NAME: PHILIP & BATYA KAHN
SUBDIVISION NAME: VALLEY STREAM
LOT#: 15
BLOCK#: F
SECTION#: 2
PLAT BOOK#: 20
FOLIO#: 85
10 DIGIT TAX#: 0311036130
DEED REF#: 34096 / 00359

ZONING MAP# 078C1
SITE ZONED DR5.5
RECORD PLAT APPROVED IN 1954
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA 10,020 SQ. FT.
HISTORIC? NO
IN OCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK X
WATER IS: PUBLIC X PRIVATE
SEWER IS: PUBLIC X PRIVATE
PRIOR HEARING? NO

KAHN ADDITION

2500 OZARK CIRCLE
BALTIMORE MD 21209

DONNY ANKRI ARCHITECTS

donnyankri@gmail.com
443.929.2377

VARIANCE SUBMISSION	
Date	3/30/17
Scale	As indicated
Job No.	XXXX
Drawn By	DA

SITE PLAN

Drawing No. **A0.01**

Rev. Exp. 1