MEMORANDUM

DATE:

September 12, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0014-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 11, 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

(6702 Maurleen Road) 3rd Election District

2nd Council District

Daniel & Yehudis Hutman

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0014-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, Daniel and Yehudis Hutman ("Petitioners"). The Petitioners are requesting variance relief from § 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit two (2) additions with a front yard setback of 23 ft., side yard setback of 5 ft., 7 in. and a rear yard setback of 11 ft. in lieu of the required 25 ft., 8 ft. and 30 ft., respectively. 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 July 20, 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	8-11-17
Ву	





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 <u>11th</u> day of August, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit two (2) additions with a front yard setback of 23 ft., side yard setback of 5 ft., 7 in. and a rear yard setback of 11 ft. in lieu of the required 25 ft., 8 ft. and 30 ft., respectively, 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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING	
Date	8-11-17	
Rv	60	

2





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 6702 MAURLEEN RD BALTIMORE MD 21209

Currently zoned DR5.5

Deed Reference 28566 / 00174

Owner(s) Printed Name(s) DANIEL AND YEHUDIS HUTMAN

(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:

	1802.3. B BCZR
ermit an additions with a front vo	era setback of 23 side yard setback
and concreded selling of 11' is li	ird setback of 23, side yard setback ieu of the required 25, B' and 30, respect
of the zoning regulations of Baltimore County, to the zoni	ing law of Baltimore County.
 ADMINISTRATIVE SPECIAL HEARING to approximately control of the control of the	prove a waiver pursuant to Section 32-4-107(b) of the Baltimore raze, alter or construct addition to building)
of the Baltimore County Code, to the development law of	f Baltimore County.
Property is to be posted and advertised as prescribed by the zoning reg I/ we agree to pay expenses of above petition(s), advertising, posting, a Baltimore County adopted pursuant to the zoning law for Baltimore County	etc. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
	DANIEL HUTMAN YEHUDIS HUTMAN
	Name #1 - Type or Print Signature #1 Name #2 - Type or Print Usuastula Signature #2
	6702 MAURLEEN RD BALTIMORE MD
	Mailing Address City State
	21209 / 443-847-6030 /
Attorney for Owner(s)/Petitioner(s):	Zip Code Telephone # Email Address DANIELHUTMAN@YAHOO.CO Representative to be contacted:
STORAGE SECTION AND SECTION OF THE PROPERTY OF THE SECTION OF THE	DANIEL "DONNY" ANKRI
Name-Type or Print	Name – Type or Print
Name- Type or Print Signature Mailing Address City State	D late
Signature	Signature
TECEN L	6803 CHEROKEE DR BALTIMORE MD
Mailing Address City State	Mailing Address City State
ORDE	21209 / 443-929-2377 DONNYANKRI@GMAIL.
Zip Code Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found	d to be required, it is ordered by the Office of Administrative Hearings for Baltim

Administrative Law Judge for Baltimore County

CASE NUMBER 2018 - 0014 - A Filing Date 7 /12/17 Estimated Posting Date 7 /23/17 Reviewer J





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:	6702 MAURLEEN RD	BALTIMORE	MD	21209	
	Print or Type Address of property	City	Stat	е	Zip Code
Based up	oon personal knowledge, th	ne following are the	facts upon which	h I/we base the requ	est for an
Administ	rative Variance at the abov	e address. (Clearl	y state <u>practical</u>	difficulty or hards	hip here)
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	URRENT KITCHEN ARE INADE				
TWO ADD	ITIONAL BEDROOM, AN ENLA	RGED KITCHEN, BRE	AKFAST AREA, DE	N AND AN OFFICE.	
	ON, DUE TO THE HUTMAN'S F				
	PER FUNCTIONALITY. A KOSH TING SIZE KITCHEN DOES NO		RES MULTIPLE APP	LIANCES AND COUNT	ERS WHICH
THE EXIS	TING SIZE KITCHEN DOES NO	T PROVIDE.			
THANK YO	OU FOR YOUR CONSIDERATION	ON.			
(If addi	tional space for the petition r	equest or the above s	statement is needed	d, label and attach it to	this Form)
	· 1 11-+				
	il Huturen		ychus	Coho	
Signature of	of Owner (Affiant)		Signature of O	wner (Affiant)	
DANIEL H			YEHÜDIS HUT		
Name- Prir	nt or Type		Name- Print or	Туре	
	The following information	is to be completed b	y a Notary Public o	f the State of Maryland	1
STATE C	OF MARYLAND, COUNTY	OF BALTIMORE,	to wit:		
I HEREB and for the	e County aforesaid, personal	day of	, <u>2017_</u> , be	efore me a Notary of N	/laryland, in
Print name(s) h	ere: Daniel Hutman	n and Yeh	udis Hut	man	
the Affian	t(s) herein, personally known	or satisfactorily iden	tified to me as suc	h Affiant(s).	
AS WITN	ESS my hand and Notaries S	Notary Public	Stanlon	he	
	MADY ANN STEINBACHED	Notally Public	04/08/20	710	
	MARY ANN STEINBACHER Notary Public-Maryland	My Commission		19	~

Baltimore County My Commission Expires July 08, 2017

REV. 5/5/2016

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Zoning Property Description For: 6702 Maurleen Rd Baltimore MD 21209

Beginning at a point on the West side of Maurleen Rd which is 50 feet wide at the distance of 140 feet North of the centerline of the nearest improved intersecting street Smith Ave which is 65 feet wide.

Part B

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

Being Lot #14, Block #F Section #1 in the subdivision of Wellwood as recorded in Baltimore County Plat Book #23, Folio #36 containing 9,450 square feet, located in the 3rd Election District and the 2nd Council District.

Bruce Doak Consulting, LLC

3601 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

July 21, 2017

Re:

Zoning Case No. 2018-0014-A

Legal Owner: Daniel & Yehudis Hutman

Closing date: August 7, 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 6702 Maurleen Road.

The sign was posted on July 20, 2017.

Sincerety,

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





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINIOTIVE VICE	
Case Number 2018- 00/4 -A Address 6702 MAURICEN R	
Contact Person: Planner, Please Print Your Name Phone Number: 410-6	
Filing Date: 7/12/17 Posting Date: 7/23/17 Closing Date: _	8/7/1/
Any contact made with this office regarding the status of the administrative variance status of the administ	Should be
1. POSTING/COST: The petitioner must use one of the sign posters on the approved lipetitioner is responsible for all printing/posting costs. Any reposting must be done or of the sign posters on the approved list and the petitioner is again responsible of the sign posters. The zoning notice sign must be visible on the property on or lipeting date noted above. It should remain there through the closing date.	ole for all before the
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) we feet to file a formal request for a public hearing. Please understand that even if the 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 Administrative Law J judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) ord matter be set in for a public hearing. If all County/State agencies' comments are received will receive written notification as to whether the petition has been granted, den proceed to a public hearing. This decision is usually made within 10 the written order will be mailed to you by First Class mail.	ceived, you ied, or will osing date.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public whether due to a neighbor's formal request or by order of the Administrative Landing to the forwarded to you. The sign on the property must be changed go of the hearing date, time and location. As when the sign was originally posted, certains change and a photograph of the altered sign must be forwarded to this office.	ivina notice
(Detach Along Dotted Line)	
Petitioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case Number 2018- 00/4 -A Address 6702 MAURICEN RD. Petitioner's Name Daniel & Yehredia Hutman Telephone 443-8 Posting Date: 7/23/17 Closing Date: 8/7/17 Wording for Sign: To Permit an additions with a front yard so 23', side yard setback of 5'-7' and a rear yar 23', side yard setback of 5'-7' and a rear yar 21' in lieu of the required 25', 8' and 30'	etback of el setbac respective
Rev	/ised 6/30/2018
APPROVALS AND INSPECTIONS	

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: 2018-0014-A
Property Address: 6702 Maurleen Rd Raltinde, MO 21209
Property Description:
Legal Owners (Petitioners): Daniel and Yehudis Hutman
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Daviel and Jehudis Hutman
Company/Firm (if applicable):
Address: 6702 Maurleen Rd Baltimore, MD 21209
Telephone Number: 443 - 847 - 6030

OFFIC	E OF BUD	GET AN	IARYLANI D FINANC RECEIPT	E			NO. 7/12	154847	#USINESS ACTUAL TIME I 7/13/2017 7/12/2017 10:34:11 REG WS02 WALKIN JEE >>RECEIPT # 015724 7/12/2017 OF
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KEVIN KAMENETZ
County Executive

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

August 8, 2017

Daniel & Yehudis Hutman 6702 Maurleen Road Baltimore MD 21209

RE: Case Number: 2018-0014 A, Address: 6702 Maurleen Road

Dear Mr. & Ms. Hutman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 12, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 11, 2017

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 24, 2017

Item No. 2017-0354-A, 355-SPHA,

2018-0001, 0003-A, 0005-SPH, 0006-A, 0007-SPHX, 0009-A, 0010-SPH,

0014-A, 0016-A, 0017-SPH, 0018-A, 0019-A, 0020-A

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

VKD:CEN cc:file



BALTIMORE COUNTY, MARYLAND

RECEIVED

JUL 2 5 2017

OFFICE OF ADMINISTRATIVE HEARINGS

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:

July 19, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0014-A

Address

6702 Maurleen Road

(Hutman Property)

Zoning Advisory Committee Meeting of July 24, 2017.

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

Reviewer:

Steve Ford

Date: 7-19-2017





Larry Hogan Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater

Administrator

STATE HIGHWAY **ADMINISTRATION**

Date: 7/17/17

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. 2018-0014-A tive Variance Daniel & Yehndus Hittman 60707 Meurteen 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,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and 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:

July 19, 2017

SUBJECT:

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2018-0014-A

Address

6702 Maurleen Road

(Hutman Property)

Zoning Advisory Committee Meeting of July 24, 2017.

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

Reviewer:

Steve Ford

Date: 7-19-2017

CHECKLIST

Comment Received	<u>Department</u>				Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLAN (if not received, date e-m)	
7-19	DEPS (if not received, date e-m	ail sent			NO
	FIRE DEPARTMENT				(144-14-14-14-14-14-14-14-14-14-14-14-14-
	PLANNING (if not received, date e-ma	ail sent)	
7-17	STATE HIGHWAY AD	MINISTR	ATION		No dejection
	TRAFFIC ENGINEERIN	1G			
	COMMUNITY ASSOCI	ATION			
	ADJACENT PROPERTY	Y OWNER	RS		
ZONING VIOLATIO	N (Case No.				
PRIOR ZONING	(Case No.)
NEWSPAPER ADVI	ERTISEMENT Da	te:			
SIGN POSTING	Da	te:	7	20-17	by Dook
PEOPLE'S COUNSE	L APPEARANCE L COMMENT LETTER	Yes Yes		No D	
Comments, if any:					

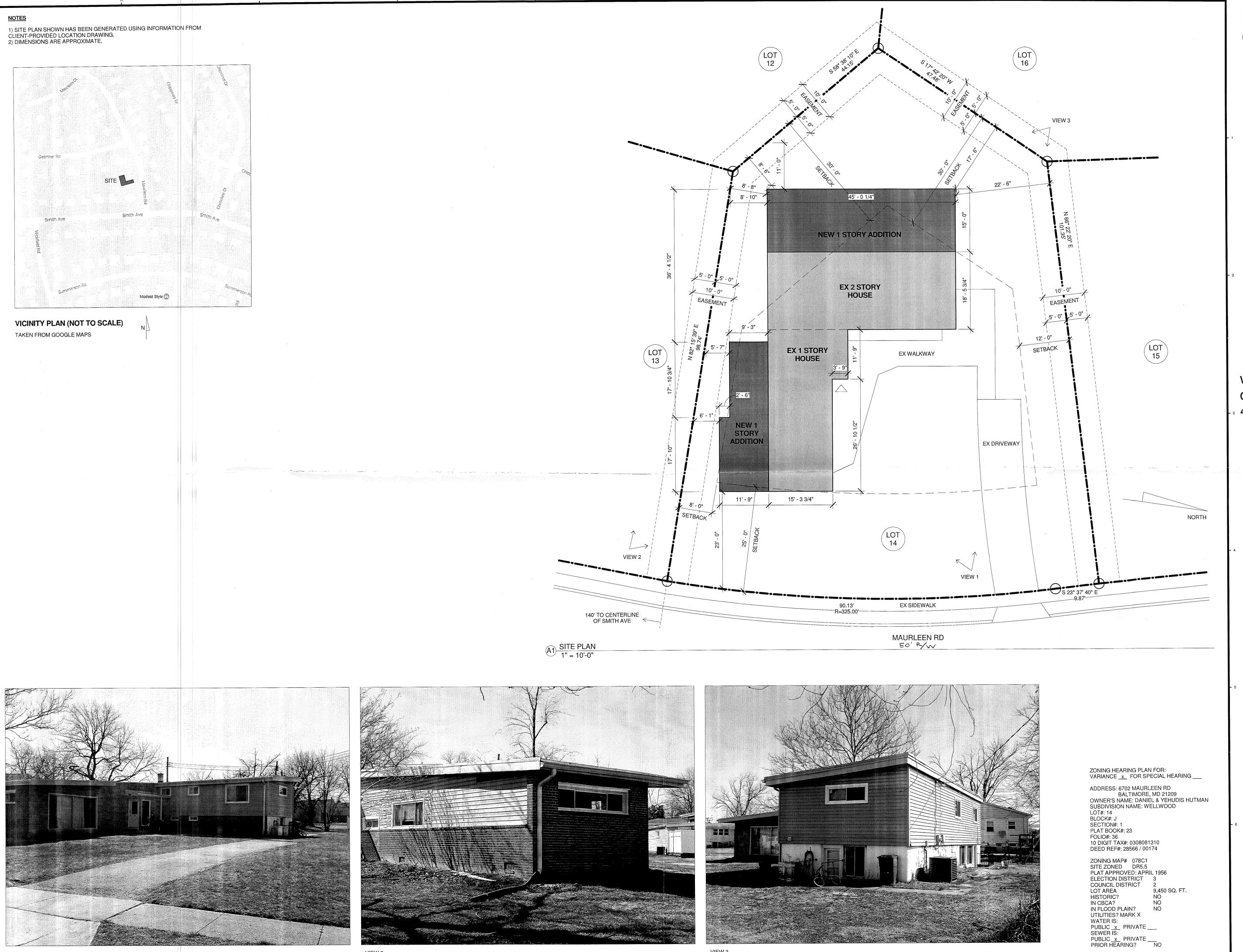
Real Property Data Search

Search Result for BALTIMORE COUNTY

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ricinises			21209-14		gai Desc	ription:	6702 MAURLEEN RD WELLWOOD					
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						edit Applica						







VIEW 3

VIEW 2

HUTMAN ADDITION

6702 MAURLEEN RD BALTIMORE MD 21209



www.donnyankri.com donnyankri@gmail.com 443.929.2377

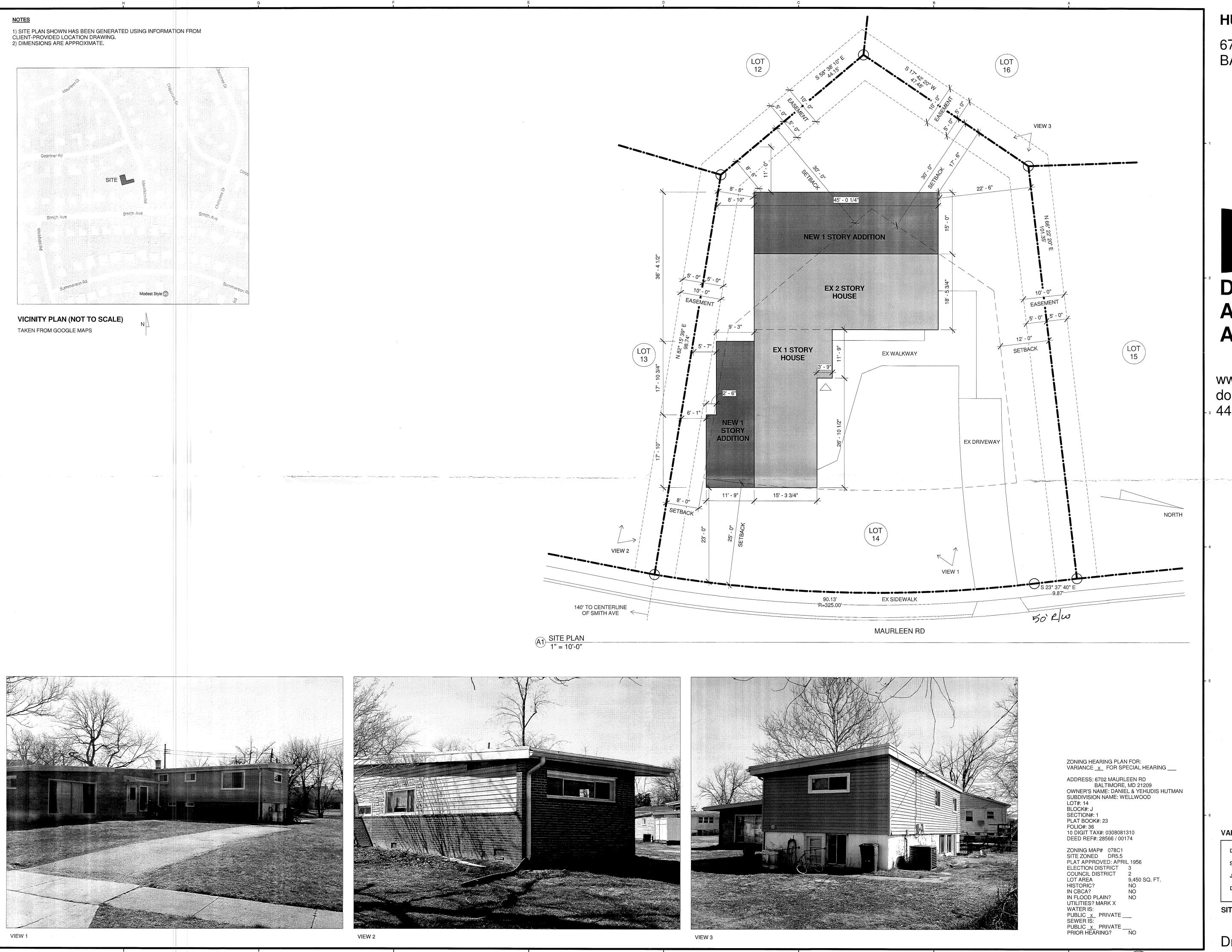
VARIANCE SUBMISSION

6/28/17 As indicated XXXX

SITE PLAN

Drawing No. A0.01





HUTMAN ADDITION

6702 MAURLEEN RD BALTIMORE MD 21209

DONNY ANKRI ARCHITECTS

www.donnyankri.com donnyankri@gmail.com 443.929.2377

VARIANCE SUBMISSION

As indicated XXXX

6/28/17

SITE PLAN

Drawing No. A0.01

Pet. Exh. 1