MEMORANDUM

DATE: October 17, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0028-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 16, 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: Lase File

Office of Administrative Hearings

	*	CASE NO. 2018-0028-A
Petitioners	*	BALTIMORE COUNTY
Richard & Gloria Bruzdzinski Legal Owners	*	HEARINGS FOR
(2501 Holly Neck Road) 15 th Election District 7 th Council District	*	OF ADMINISTRATIVE
IN RE: PETITION FOR VARIANCE (2501 Holly Neck Road)	*	BEFORE THE OFFICE

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Richard & Gloria Bruzdzinski, the legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a side yard addition with a side setback of 17 ft. in lieu of the required 50 ft., and to permit a side yard deck with a side setback of 31 ft. in lieu of the required 37.5 ft. A site plan was marked as Petitioners' Exhibit 1.

Richard Bruzdzinski and professional engineer William Bafitis appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability (DEPS).

The site is approximately 3.99 acres in size and split-zoned RC-5 & RC-20. The property is improved with a single family dwelling constructed in 1967. Petitioners need additional living space for their family and propose to enlarge the dwelling. To do so variance relief is required.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate ORDER RECEIVED FOR FILING

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variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property is narrow and extremely deep and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed additions given the RC-5 setback requirements.

Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition. Also, this is a large 4 acre lot with only one dwelling, and the proposed additions will not overcrowd the site or impact in any way neighboring properties.

THEREFORE, IT IS ORDERED, this <u>15th</u> day of **September**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1A04.3.B.2.b to permit a side yard addition with a side setback of 17 ft. in lieu of the required 50 ft., and to permit a side yard deck with a side setback of 31 ft. in lieu of the required 37.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. 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.
- 2. Petitioners must prior to issuance of permits comply with the Chesapeake Bay Critical Area Regulations.

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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:sln

ORDER RECEIVED FOR FILING

Date

Rv

PETITION FOR ZONING HEARING(S)



REV. 10/4/11

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2501 HOLLY NECK ROAD Deed References: 36816/206

which is presently zoned RC-5 & RC-20 10 Digit Tax Account # 15-10451830

Property Owner(s) Printed Name(s) RICHARD & GLORIA BRUZDZINSKI

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether
or not the Zoning Commissioner should approve

a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s)

BCZR: 1A04.3.B.2.b. → To permit a side yard addition with a side setback of 17 feet in lieu of the required 50 feet, and to permit a side yard deck with a side setback of 31 feet in lieu of the required 37.5 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Le	essee:		Legal Owners (Petitioners):	
			RICHARD BRUZDZINSKI, GLOR	RIA BRUZDZINSKI
Name- Type or Print			Name # - Type of Print Name	#2-Type or Fint
Signature	N = 3	/	Signature #1 Signature 1137 ENGLEBERTH ROAD BAL	TIMORE, MARYLAND
Mailing Address	City	State	Mailing Address City	State
1	11.1	10	21221 / 443-286-1143	,
Zip Code Telephone	ie# Primail	Address	Zip Code Telephone #	Email Address
Zip Code Telephone Attorney for Petitioner Name- Type or Print PECE	WEDFULL	///	Representative to be contacted: WILLIAM N. BAFITIS, P.E.	
Name- Type or Print REC	11/00		Name - Type or Print	75.
Signature			Signature	
910			1249 ENGLEBERTH ROAD BAL	TIMORE, MARYLAND
Mailing Address	City	State	Mailing Address City	State
184	J.		21221 , 410-391-2336 ,b	afitisassoc@comcast.net
Zip Code Telephon	ie# Email	Address	Zip Code Telephone #	Email Address
20,00	2022	701	_	
CASE NUMBER 2018-	Filli	ng Date 7 21 / 1	Do Not Schedule Dates:	Reviewer ()



ZONING DESCRIPTION FOR 2501 HOLLY NECK ROAD BALTIMORE, MARYLAND 21221 15TH ELECTION DISTRICT

Beginning at a point on the Southside of Holly Neck Road and 58 feet more or less Northwesterly from the centerline intersection of Baltimore Yacht Club Road;

Thence leaving Holly Neck Road the following (two) courses and distances:

- 1) South 03°-51'-59" West 623.63 feet to a point;
- 2) South 08°-39'-02" West 405.50 feet to a point to the Northside of Brown's Cove;

Thence running along said cove the following (three) courses and distances;

- 3) South 80°-48'-16" West 106.10 feet to a point;
- 4) South 82°-49'-59" West 40.62 feet to a point;
- 5) South 49°-30'-59" West 32.43 feet to a point;

Thence leaving said cove the following (three) courses and distances;

- 6) North 04°-24'-59" East 671.05 feet to a point;
- 7) South 85°-35'-01" East 62.78 feet to a point;
- 8) North 04°-24'-59" East 406.30 feet to a point on the Southside of Holly Neck Road;

Thence running along said road;

9) South 88°-35'-10" East 127.25 feet to the point of beginning;

Containing 174,097 Square Feet or 3.99 Acres ±

William N. Bafitis, P.E. Reg. No. 11641

Seal

Civil Engineers / Land Planners / Surveyors - 1249 Engleberth Road / Baltimore, Maryland 21221 / 410-391-2336

2018-0017-4



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5135650

Sold To:

Richard Bruzdzinski - CU00614760 1137 Engleberth Rd Essex, MD 21221-2009

Bill To:

Richard Bruzdzinski - CU00614760 1137 Engleberth Rd Essex, MD 21221-2009

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Aug 24, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0028-A
2501 Holly Neck Road, 58 ft. W/of centerline of intersection with Baltimore Yacht Club Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Richard & Gloria Bruzdzinski
Variance: to permit a side yard addition with a side setback of 17 ft. in lieu of the required 50 ft. and to permit a side yard deck with a side setback of 31 ft. in lieu of the required 37.5 ft.

Hearing: Thursday Sentember 14 0000 ft.

Hearing: Thursday, September 14, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/091 Aug. 24

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising



Date: 08/23/2017

RE:	Project Name:	Public Hearing
	Case Number /PAI Number: 20	

Case Number /PAI Number: 2018-0028-A

Petitioner/Developer: Richard & Gloria Bruzdinski

Date of Hearing/Closing: 09/14/2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2501 Holly Neck Rd. Baltimore, MD. 21221

The sign(s) were posted on 08/23/2017



(Month, Day, Year)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd

(Street Address of Sign Poster)

Freeland, MD, 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 2, 2017

NOTICE OF ZONING HEARING

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2501 Holly Neck Road

S/s Holly Neck Road, 58 ft. W/of centerline of intersection with Baltimore Yacht Club Road

15th Election District – 7th Councilmanic District Legal Owners: Richard & Gloria Bruzdzinski

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Hearing: Thursday, September 14, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Mr. & Mrs. Bruzdzinski, 1137 Engleberth Road, Baltimore 21221 William Bafitis, 1249 Engleberth Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 25, 2017.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

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

August 2, 2017

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S/s Holly Neck Road, 58 ft. W/of centerline of intersection with Baltimore Yacht Club Road 15th Election District – 7th Councilmanic District

Legal Owners: Richard & Gloria Bruzdzinski

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TO: PATUXENT PUBLISHING COMPANY

Thursday, August 24, 2017 Issue - Jeffersonian

Please forward billing to:

Richard & Gloria Bruzdzinski 1137 Engleberth Road Baltimore, MD 21221

443-286-1143

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0028-A

2501 Holly Neck Road

S/s Holly Neck Road, 58 ft. W/of centerline of intersection with Baltimore Yacht Club Road 15th Election District – 7th Councilmanic District

Legal Owners: Richard & Gloria Bruzdzinski

Variance to permit a side yard addition with a side setback of 17 ft. in lieu of the required 50 ft. and to permit a side yard deck with a side setback of 31 ft. in lieu of the required 37.5 ft.

Hearing: Thursday, September 14, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE 2501 Holly Neck Road; S/S Holly Neck Road, 58' W of c/line with Baltimore Yacht Club Rd* 15th Election & 7th Councilmanic Districts Legal Owner(s): Richard & Gloria Brudzdzinski* Petitioner(s)

RECEIVED

JUL 25 2017

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2018-028-A

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Conte S Demlio

CAROLE S. DEMILIO Deputy People's Counsel

Jefferson Building, Room 204 105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of July, 2017, a copy of the foregoing Entry of Appearance was mailed to William Bafitis, 1249 Engleberth Road, Baltimore, Maryland 21221, Representative for Petitioner(s).

> Peter Max Zummonman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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.

A NI	mber: <u>7018-0028-4</u>
	•
Property	Address: 2501 HOLLY NECK ROAD
Property	Description: MAP 08 PARCEL 193 (ONE STORY DWELLING) RESIDENTIAL
Legal Ow	ners (Petitioners): RICHARD & GLORIA BRUZDZINSKI
Contract	Purchaser/Lessee:
PLEASE	FORWARD ADVERTISING BILL TO:
	FORWARD ADVERTISING BILL TO: RICHARD & GLORIA BRUZDZINSKI
Name: <u>F</u>	
Name: <u>F</u> Company	RICHARD & GLORIA BRUZDZINSKI
Name: <u>F</u> Company	RICHARD & GLORIA BRUZDZINSKI //Firm (if applicable):

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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 6, 2017

Richard & Gloria Bruzdzinski 1137 Engleberth Road Baltimore MD 21221

RE: Case Number: 2018-0028 A, Address: 2501 Holly Neck Road

Dear Mr. & Ms. Bruzdzinski:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 21, 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 William N Bafitis, P E, 1249 Engleberth Road, Baltimore MD 21221





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

Administrator

Date: 7/24/17

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. 2018-0028-1

Variance Richard & Claria Brudzdzinbli 2501 Holly Neckl Road ding this matter, please contact Mr. Richard Zeller at 410-

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



RECEIVED

AUG 04 2017

OFFICE OF ADMINISTRATIVE HEARINGS

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:

August 4, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0028-A

Address

2501 Holly Neck Road (Bruzdzinski Property)

Zoning Advisory Committee Meeting of July 31, 2017.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

 Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The road front part of this property is located in a Limited Development Area (LDA) and a larger portion of the property on the waterfront side is located within a Resource Conservation Area (RCA) in the Chesapeake Bay Critical Area. The extent of the RCA appears to be incorrect on the plan. RCA area extends outside the RC20 area into portions of the RC5 on the property. Any development of this property must comply with a 15% maximum lot coverage limit calculated separately for LDA and RCA. It appears, however, that the RCA portion may all be part of required Critical Area buffers. In addition, development must avoid disturbance of the required Critical Area buffers, primary structure buffer setbacks, must meet Critical Area forest requirements, must meet any mitigation requirements, and may need to record buffer, forest, and mitigation planting areas as Critical Area easements with protective covenants. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements.

2. Conserve fish, wildlife, and plant habitat; and

The proposed development indicates additions to the existing structure, and no development elsewhere on the property. Development can meet the requirement to conserve fish, wildlife, and plant habitat provided that all Critical Area requirements can be met.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If lot coverage, forest/tree, Critical Area buffer, and buffer setback requirements are met, this development can be consistent with established land use policies.

Reviewer: Paul Dennis Date: August 3, 2017



TO:

Arnold Jablon

DATE: 8/9/2017

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 18-028

INFORMATION:

Property Address: 2501 Holly Neck Road

Petitioner: Richard Bruzdzinski, Gloria Bruzdzinski

Zoning: RC 5, RC 20 Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family dwelling with addition and open projection (deck) to have a side setback of 17' and 31' in lieu of the required 50' and 37.5 feet respectively.

A site visit was conducted on August 2, 2017.

The Department of Planning has no objections to granting the petitioned zoning relief.

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

Prepared by:

Division Chief:

Kathy Schlaback

AVA/KS/LTM/ka

c: Krystle Patchak

William N. Bafitis, P.E.

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

Moxley

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:

August 4, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0028-A

Address

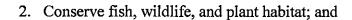
2501 Holly Neck Road (Bruzdzinski Property)

Zoning Advisory Committee Meeting of July 31, 2017.

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If lot coverage, forest/tree, Critical Area buffer, and buffer setback requirements are met, this development can be consistent with established land use policies.

Reviewer: Paul Dennis Date: August 3, 2017

		HOLL		KD.
CASE NUMBER	2918	-002	8-A	
DATE 9/19	4/17			

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Wisciam BAFTIS	1249 ENGLEBERTH FD.	BALTO. Hd. 21221	BAFITISASSOCE CORCASI
RICHARD BEUZDZIASI	1249 ENGLEBERTH PD.	BACTO. Md. 21221	OCSAND YBOTTOM @HOTMAIL.
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CHECKLIST

Comment Received	<u>Departs</u>	<u>ment</u>			Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT P)	
8/4	DEPS (if not received, date	e-mail sent)	COMMENT
	FIRE DEPARTMEN	NT			
819	PLANNING (if not received, date	e e-mail sent)	MO Obj
7/24	STATE HIGHWAY	ADMINISTR	ATION		NO Obj
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Real Property Data Search

Search Result for BALTIMORE COUNTY

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Case No.:

2018-0028-A

Exhibit Sheet

Petitioner/Developer

BUT IN

Protestant

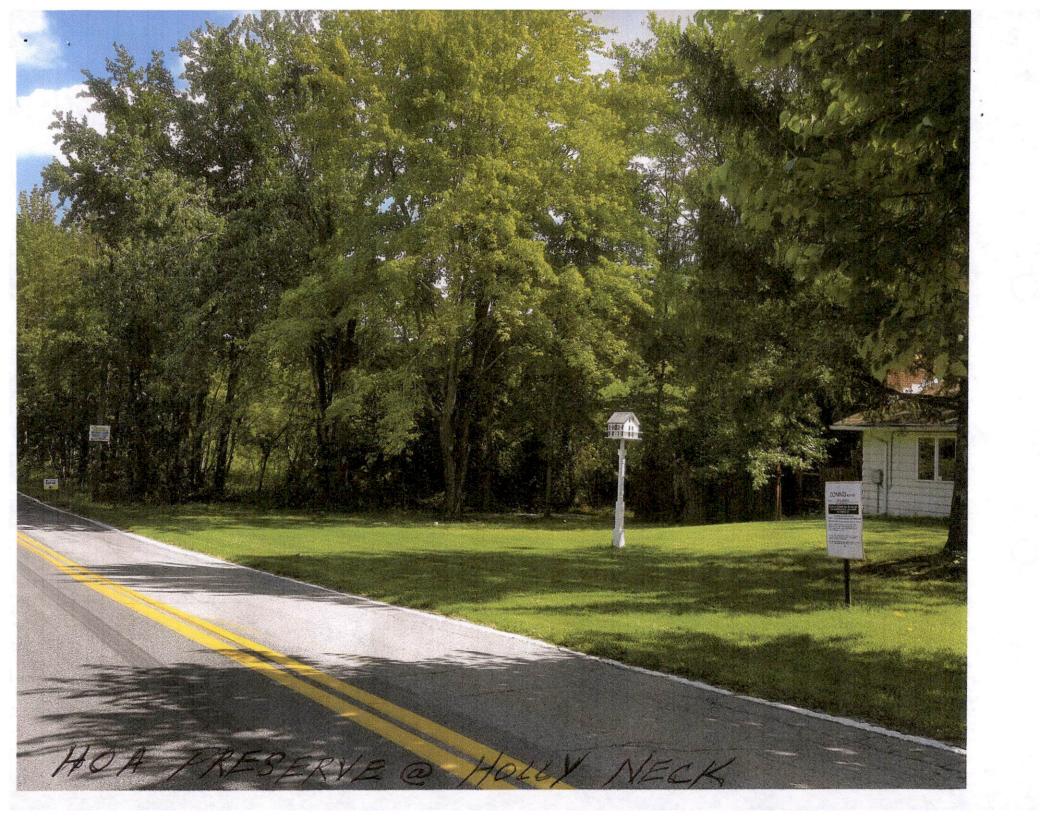
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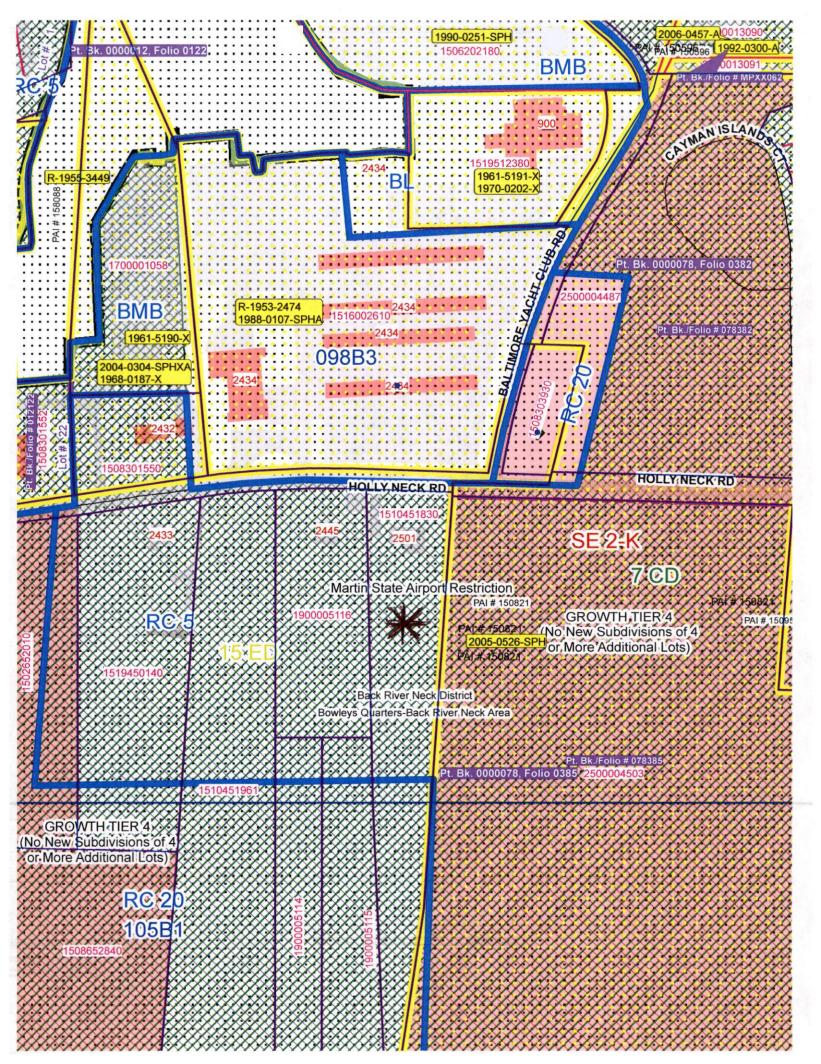
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MEMORANDUM

DATE:

September 19, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0029-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 18, 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 (6812 Cherokee Drive)

3rd Election District 2nd Council District

Avrohom Y. & Elisheva Goldsmith

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2018-0029-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, Avrohom Y. and Elisheva Goldsmith ("Petitioners"). The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed deck addition to the side and rear of an existing dwelling with a side yard setback of 3 ft. in lieu of the required 7.5 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 received from any of the County reviewing agencies. However, it is to be noted that three (3) letters of support were received from adjacent neighbors residing on Cherokee Drive (6810 and 6814) and 6813 Chippewa Drive; all of whom indicated they have no objections to Petitioners' zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 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 ORDER RECEIVED FOR FILING.C.C.). Based upon the information available, there is no evidence in Date

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, this <u>17th</u> day of **August**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed deck addition to the side and rear of an existing dwelling with a side yard setback of 3 ft. in lieu of the required 7.5 ft., 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.

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

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8-17-17

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Ву

ADIM STRATIVE ZONING PETA

40.1 1960 /	Permits, Approvals and Inspections
	or Baltimore County for the property located at:
Address 6812 Cherokee Or, Baltimore 1	MD 21209 Currently zoned DR 5.5
Deed Reference 23539 / 00361	10 Digit Tax Account # 0 32 000 1860
Owner(s) Printed Name(s) Archange Elishava	Goldsmitz
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROI	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the re	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate in attached hereto and made a part hereof, hereby petition for a	
1X_ADMINISTRATIVE VARIANCE from Section(s) 1	B02.3.C.1 of BCZR to permit a proposed deck
	of an existing dwelling with a side yard setback of
3 feet in lieu of the required 7	
3 feet in fled of the required h	7-1/21661.
of the zoning regulations of Baltimore County, to the zoning I	aw of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve County Code: (indicate type of work in this space: i.e., to raze	re a waiver pursuant to Section 32-4-107(b) of the Baltimore
obunity obde. (maloate type of work in this space. i.e., to raz.	o, alter or construct addition to building)
of the Baltimore County Code, to the development law of Bal	timore County.
Property is to be posted and advertised as prescribed by the zoning regulati I/ we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	ons.
	Owner(s)/Petitioner(s):
	Avrohom boldsmith, Elishera Goldsmith
	Name #1 – Type or Print Name #2 – Type or Print
	an noldment Elists Gless
	Signature #1 Signature # 2
	6812 Cherokee Dr. Baltimore MD
	Mailing Address City State
2 00	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
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Name- Type or Print	Name – Type or Print
Signature	Signature
Mailing Address City State	Mailing Address City State
and the death of the second	
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	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as
1	rative Law Judge for Baltimore County
CASE NUMBER 2018 - 0029 - H Filing Date 721	Estimated Posting Date //3 0/17 Reviewer Reviewer
ORDER RECEIVED FOR FILING	~ 8/14/17 Rev 5/5/2016
8-17-17 You should state the	
Date	

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:	Print or Type Address of property		City City	State	Zip Code
Based up Administr	on personal knowledg ative Variance at the a	e, the following above address.	are the facts upor (Clearly state <u>pr</u> a	n which I/we ba actical difficult	se the request for an <u>ý or hardship</u> here)
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(If addit	ional space for the petiti	on request or the	above statement is	needed, label an	d attach it to this Form)
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I HEREB	Y CERTIFY, this County aforesaid, pers	day of onally appeared:	ulu 201		a Notary of Maryland, in
	(s) herein, personally kn	own or satisfacto	rily identified to me		•
*	ESS my hand and Notar	(Inya I		a D
	<u> </u>	My Com	mission Expires	IACKGONI	
***	and the same of		TONJA D. J	AUKSUN	, DEV 6/6/0040

NOTARY PUBLIC

MY COMMISSION EXPIRES NOV. 14, 2018

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: (a	,812 Cherokee Dr	Baltmore	MD	<i>≥</i> 1209
Print	or Type Address of property	City	State	Zip Code
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J	m Goldsmith			
Name- Print or	Type	Nam	Jisheva Coll ne-Print or Type	
·	The following information is to I	be completed by a Notar	y Public of the Stat	te of Maryland
STATE OF N	MARYLAND, COUNTY OF I	BALTIMORE, to wit:		
	ERTIFY, this 300 day county aforesaid, personally app	eared:		a Notary of Maryland, in
Print name(s) here:	Aurohom G	aldsmith:	Elish	eva Goldsmitt
the Affiant(s)	herein, personally known or sa	tisfactorily identified to	me as such Affiant	(s).
AS WITNESS	•	OVY4 (lotary Public		a -
	N N	ly Commission Explices, NOTARY F BALTIMORE MARYL	PUBLIC COUNTY	REV. 5/5/2016

MY COMMISSION EXPIRES NOV. 14, 2018



TRATIVE ZONING P

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: Ba Honore MD 21209 Currently zoned 10 Digit Tax Account # 03 2 Deed Reference Foldsmith Owner(s) Printed Name(s) (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: ADMINISTRATIVE VARIANCE from Section(s) 1B02.3.C.1 of BCZR to permit a proposed deck addition to the side and rear of an existing dwelling with a side yard setback of 3 feet in lieu of the required 7-1/2feet. 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. 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): Zip Code Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name- Type or Print Name - Type or Print Signature Signature Mailing Address City State Mailing Address City State Email Address Zip Code Telephone # **Email Address** Zip Code 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. Administrative Law Judge for Baltimore County ORDER RECEIVED FOR FILING Rev 5/5/2016

ZONING PROPERTY DESCRIPTION for 6812 Cherokee Drive

Beginning at a point on the west side of Cherokee Drive which is 50' R/W at a distance of +/-330' south of the centerline of the nearest improved intersecting street Lightfoot Drive which is 50' R/W.

Being Lot # 18, Block D, Section #2 in the subdivision of Valley Stream as recorded in Baltimore County Plat Book #20, Folio #85, containing 7,490 square feet. Located in the 3rd Election District and 2rd Council District.

We have been informed about the proposed deck to be constructed on the property of 6812 Cherokee Drive, which is adjacent to us. We live at 6810 Cherokee Drive. We consent to the construction of the deck and have no objections. We are also in agreement for them to receive the variance for the deck.

Mr. Gedalyahu Lior

Mrs. Maureen Lior



Search Result for BALTIMORE COUNTY

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We have been informed about the proposed deck to be constructed on the property of 6812 Cherokee Drive, which is adjacent to us. We live at 6814 Cherokee Drive. We consent to the construction of the deck and have no objections. We are also in agreement for them to receive the variance for the deck.

Mr. Yoseif Aryeh Weisbord

Mrs. Zipporah Weisbord



Real Property Data Search

Search Result for BALTIMORE COUNTY

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We have been informed about the proposed deck to be constructed on the property of 6812 Cherokee Drive, which is in back of our property. We live at 6813 Chippewa Drive. We consent to the construction of the deck and have no objections. We are also in agreement for them to receive the variance for the deck.

Mr. Richard Abramson

Mrs. Mira Abramson Mrs. Mira Abramson





Search Result for BALTIMORE COUNTY

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CERTIFICATE OF POSTING

RE: Case Number:

PERMIT A PROPOSED DECK ADDITION TO THE SIDE AND REAR OF AN EXISTING DUBLING WITH A SIDE YARD CET BACK OF B FEE IN LIEU OF THE REQUIRED 7- 42 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), <u>Baltimore county code</u>, an eligible individual or group may REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 8/14/17 6

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410). 887-3391

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Zip Code of Sign Poster)

MD 21120

cessary sign(s) required

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2018-	0029 - A	Addres	ss <u>6812</u>	2 Cherokee Drive	
Conta	ct Person:	Aaron 7	Sui ease Print Your Name		Phone Number: 4	10-887-3391
Filing	Date:0	7/21/17	Posting Date	e: <u>07/30/17</u>	Closing Date:	08/14/17
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3.	commissioner, order that the within 10 day	. He may: (matter be set s of the clos etition has be	 a) grant the requesting for a public hear sing date if all Content of the public hear b) granted, denied 	sted relief; (ing. You wi unty agenci	ed by the zoning or do (b) deny the requested ill receive written notificates' comments are rec to public hearing. The	relief; or (c) ation, usually eived, as to
4.	(whether due commissioner) changed giving	to a neighb), notification g notice of the	or's formal request will be forwarded e hearing date, time	or by ord to you. The and location ograph of the	ses that must go to a per of the zoning or de Fhe sign on the prope on. As when the sign valued the altered sign must be	eputy zoning erty must be vas originally
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Real Property Data Search (w2)

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1. This screen allows you to search the Real Property database and display property records.

- Click here for a glossary of terms.
 Deleted accounts can only be selected by Property Account Identifier.
- 4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the

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KEVIN KAMENETZ County Executive

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

August 15, 2017

Avrohom & Elisheva Goldsmith 6812 Cherokee Drive Baltimore MD 21209

RE: Case Number: 2018-0029 A, Address: 6812 Cherokee Drive

Dear Mr. & Ms. Goldsmith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 21, 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



Larry Hogan Governor

Boyd K. Rutherford Lt. Governor

Pete K. Rahn Secretary

Gregory Slater Administrator

Date: 7/24/17

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.

Acrohom & Eli sheva Coldsmith R

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 25, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0029-A

Address

6812 Cherokee Drive

(Goldsmith Property)

Zoning Advisory Committee Meeting of July 31, 2017.

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

Reviewer:

Steve Ford

Date: 7-25-2017



CHECKLIST

Comment <u>Received</u>	<u>Department</u>	Conditions/ Comments/ No Comment
'r	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
7-25	DEPS (if not received, date e-mail sent)	NO
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
7-24	STATE HIGHWAY ADMINISTRATION	No spection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
7-3	ADJACENT PROPERTY OWNERS (3) 6810 + 6814 Cherokee & and 68	Supports 13 Chippenta Dr.
ZONING VIOLAT		
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: <u>4-30-17</u>	by Pieson
PEOPLE'S COUN	SEL APPEARANCE Yes No	
PEOPLE'S COUN	SEL COMMENT LETTER Yes No	
Comments, if any:		





Real Property Data Search

Search Result for BALTIMORE COUNTY

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RECEIVED

JUL 25 2017

OFFICE OF
ADMINISTRATIVE HEAPINGS

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 25, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0029-A

Address

6812 Cherokee Drive

(Goldsmith Property)

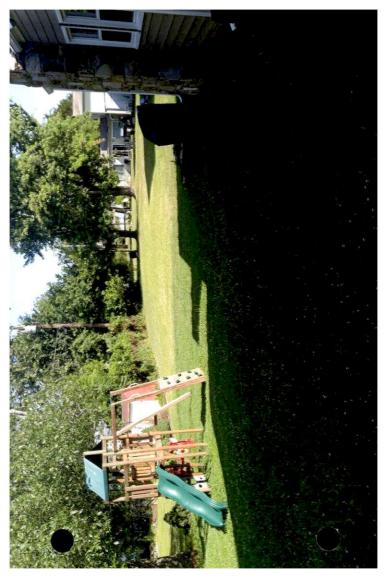
Zoning Advisory Committee Meeting of July 31, 2017.

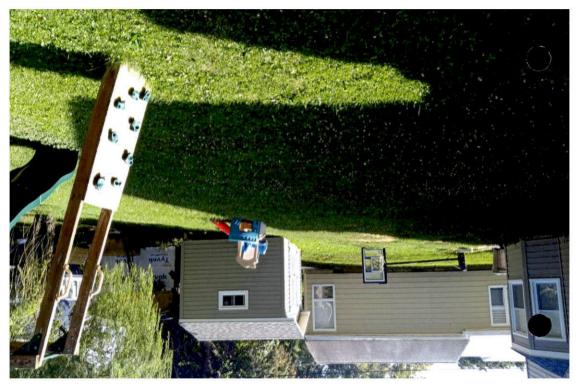
X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

Date: 7-25-2017















2018-0029-H





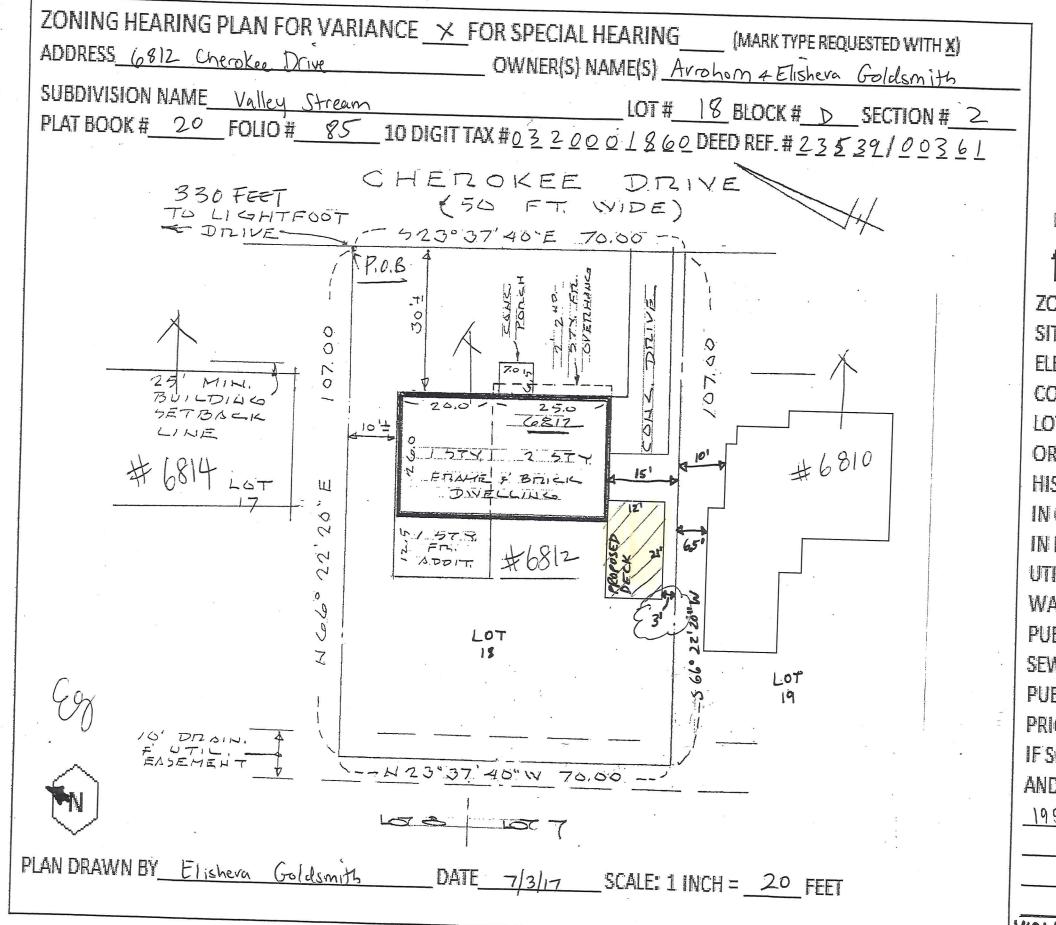




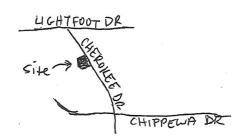
4-5200-8182



J-6200-8102



SITE VICINITY MAP

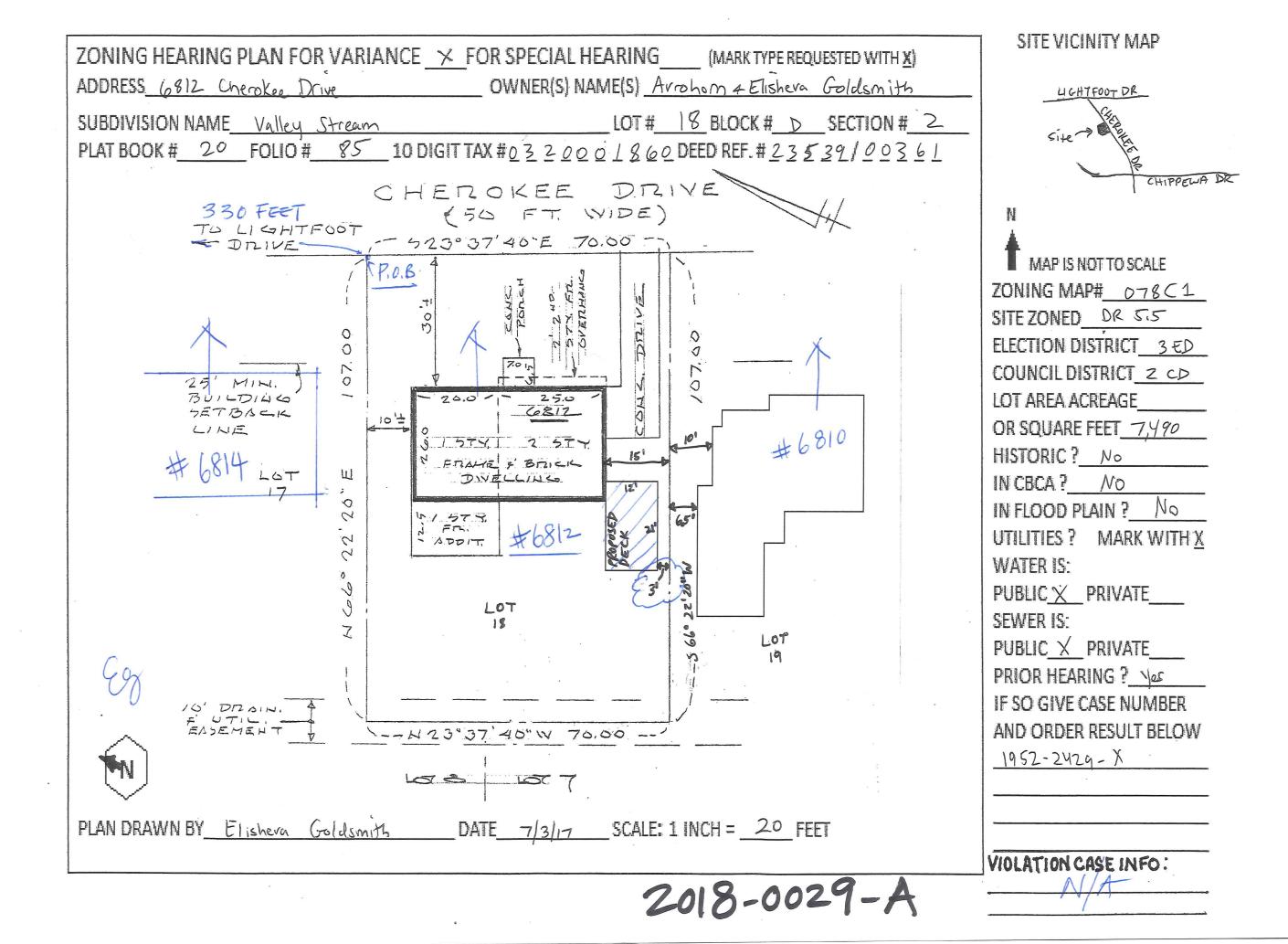


MAP IS NOT TO SCALE ZONING MAP# 078C1 SITE ZONED DR 5.5 ELECTION DISTRICT 3 ED COUNCIL DISTRICT Z CD LOT AREA ACREAGE OR SQUARE FEET 7,490 HISTORIC? No IN CBCA? No IN FLOOD PLAIN? No UTILITIES? MARK WITH X WATER IS: PUBLICX PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? Yes IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW 1952-2429-X

VIOLATION CASE INFO:

2018-0029-A

Pet. Erch.



6812 Cherokee Drive



Publication Date: 6/29/2017



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



