MEMORANDUM

DATE:

November 15, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0080-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 13, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File

Office of Administrative Hearings

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 4, 2017

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2017

Item No. 2018-0080-A and 0082-A

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

VKD: CEN cc: file

IN RE: PETITION FOR ADMIN. VARIANCE

(1402 Maywood Avenue)

9th Election District 2nd Council District Alex & Mary Hertzman

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2018-0080-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, Alex and Mary Hertzman ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition with a rear yard setback of 30 ft. in lieu of the required 40 ft., and to permit an existing detached garage located in the side yard in lieu of the rear yard. 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. No adverse ZAC comments were received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 22, 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 ORDER RECEIVED FOR FILING

Date	10-13-17	
Ву	BU	

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.

Although the Department of Planning did not make any recommendations related to the existing detached garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

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 13th day of October, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition with a rear yard setback of 30 ft. in lieu of the required 40 ft., and to permit an existing detached garage located in the side yard in lieu of the rear yard, 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.

ORDER	RECEIVED FOR FILIN	iG
Onto:	10-13-17	

By 600

- Petitioners or subsequent owners shall not convert the existing detached garage into a dwelling unit or apartment. The existing detached garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The existing detached garage shall not be used for commercial purposes.

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	management of the state of the
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ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
the Office of Administrative Hearings for Baltimore County for the property located at:

To the Office of Administrative nearings for	baltimore County for the property located at:
Address 1402 Maywood Ave. Baltimore, MD 21204-3649	Currently zoned DR-2
Deed Reference 355911 66360320	10 Digit Tax Account #0902850270
Owner(s) Printed Name(s) Alex & Mary Hertzman	

Signature Mailing Address County State Zip Code Telephone # Email Address A PUBLIC HEARING having been formally demanded and/or found to county, this	Mailing Address City State 21117, 410-984-3254, dwickham@nlpentinc.com Zip Code Telephone # Email Address 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
Mailing Address Office Telephone # Email Address	Zip Code Telephone # Email Address August 1975 21117, dwickham@nlpentinc.com Email Address
Mailing Address Clave State	1 - 11 - 0 1 - 1
AEVED 3	
Signature	Signature 11422 Reisterstown Rd. Owings Mills, MD
Signature	Signature
Name- Type or Print	Name - Type or Print
Actioney for Owner(a) rectioner(a).	Dave Wickham
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
	Zip Code Telephone # Email Address
	Mailing Address City State
	Signature #1 Signature #2 1402 Maywood Ave. Baltimore, MD
	Name # 2 – Type of Print Name # 2 – Type or Print
	Owner(s)/Petitioner(s): Alex Hertzman Mary Hertzman
Baltimore County adopted pursuant to the zonling law for Baltimore County	
Property is to be posted and advertised as prescribed by the zoning regula	
of the Baltimore County Code, to the development law of Ba	altimore County
 ADMINISTRATIVE SPECIAL HEARING to approximate County Code: (indicate type of work in this space: i.e., to rate.) 	ove a waiver pursuant to Section 32-4-107(b) of the Baltimore ze, alter or construct addition to building)
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
	Eeche O
1. X ADMINISTRATIVE VARIANCE from Section(s)	
attached hereto and made a part hereof, hereby petition for	
The undersigned, who own and occupy the property situate	in Baltimore County and which is described in the plan/plat
	reverse of this Petition form must be completed and notarized.
For Administrative Variances, the Affidavit on the	

CASE NUMBER 2018-0080-A Filling Date 9/2/17 Estimated Posting Date 904/7 Reviewer

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.

Address:	1402 M	laywood Ave. I	Baltimore, MD 21	117	
Print	or Type Address o	f property	City	State	Zip Code
Based upon Administrativ	personal kno e Variance a	wledge, the fo it the above a	ollowing are the faddress. (Clearly s	acts upon which I/we ba state <u>practical difficul</u> t	se the request for an v or hardship here)
We,	the undersign	<u>ned</u> homeowne	rs at 1402 Maywo	od Avenue, Towson, MD	21204
have re	sided at this r	esidence since	November, 2014.	The current square foota	ge of our home as purchased
is only	1558 square f	eet of living spa	ace. This includes	two small bedrooms and	an eight by eight Galley
have a	n. At the time	or purchase, w	ditional aguara for	space to be inadequate for	r our ultimate needs. We
this dis	tinct commu	nity are conside	erahly larger. Com	pleting our proposed add	that the majority of homes in dition will not appear out of 11,500 square foot lot.
(If additional	al space for the	e petition reque	st or the above stat	ement is needed, label an	' 11 -
Signature of Ow	man (Afficult)			May Morris	
Alex Hertzi	• •			Signature of Owner (Affia	nt) O
Name- Print or				Mary Hertzman	
	- .		•	Name- Print or Type	
T	he following ir	nformation is to	be completed by a	Notary Public of the State	of Maryland
STATE OF M	IARYLAND,	COUNTY OF	BALTIMORE, to	wit:	
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the Affiant(s) h	erein, persona	ally known or sa	atisfactorily identific	ed to me as such Affiant(s).
AS WITNESS	my handleng l	Notanes Seal		r de	
	COUNT	10.0	lotary Public	5/6/18	
	NA CO	ART OF	ly Commission Ex	pires '	REV. 5/5/2016

2018-0080-A

Variance from sections: 1B02.3.C.1 & 400.1 of the BCZR:

To permit a proposed addition with a rear yard setback of 30 feet in lieu of the required 40 feet, and to permit an existing detached garage located in the side yard in lieu of the required rear yard.

ZONING PROPERTY DESCRIPTION FOR 1402 Maywood Ave. Baltimore, MD 21204-3649.

BEGINNING FOR THE FIRST THEREOF, being known and designated as Lots 16 and 17, as shown On the PLAT OF RUXTON HEIGHTS, which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book JWS No. 1, folio 64.

BEGINNING FOR THE SECOND THEREOF, beginning for the same at the corner formed by the intersection of the north side of Maywood Avenue, 40 feet wide, with the west side of Chelsea Street, 30 feet wide, as laid out on the Plat of The Old Orchard, which Plat is recorded among the Land Records of Baltimore County, in Plat Book LMcLM No. 10, folio 123, said place of beginning also being distant 70 feet measured easterly along the north side of Maywood Avenue from the division line between Lots Nos. 18 and 19 as laid out on the Plat entitled, "Plan of Ruxton Heights", which Plat is recorded among the Land Records of Baltimore County in Plat Book JWS No. 1, folio 64; and running thence westerly binding on the north side of Maywood Ave, 70 feet to the division line between lots Nos. 17 and 18 as laid out on the aforesaid Plat of Ruxton Heights, thence binding on said last mentioned division line, 115 feet to the northwest corner of said Lot No. 18 and part of the northernmost line of Lot No. 19, 70 feet to the west side of Chelsea Street as laid out on the plat of Old Orchard; and thence southerly binding on the west side of said street, 115 feet to the place of beginning.

Being Lot #16, in the subdivision of Ruxton Heights, as recorded in Baltimore County Plat Book # 0001, Folio # 0064, containing 11500 Square Feet. Located in the 9th Election District and 2nd Council District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/24/2017

Case Number: 2018-0080-A

Petitioner / Developer: ALEX HERTZMAN

Date of Hearing (Closing): OCTOBER 9, 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:

1402 MAYWOOD COURT

The sign(s) were posted on: SEPTEMBER 22, 2017



Linda Ollefe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

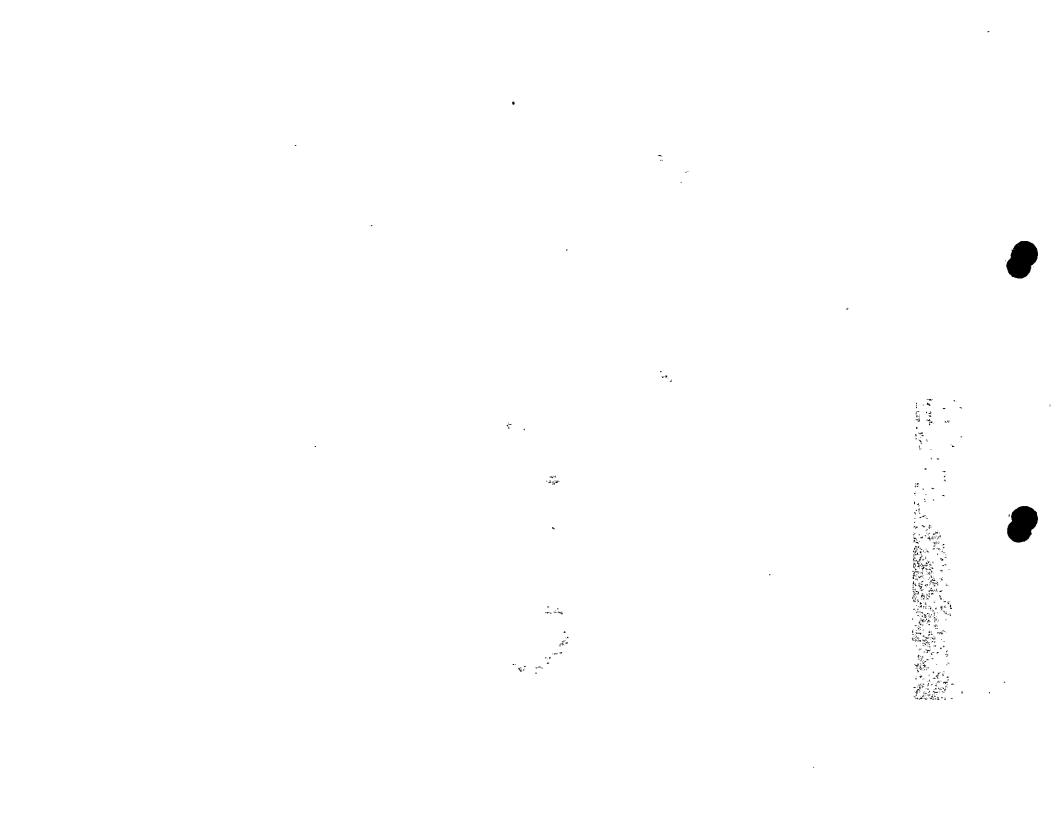
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



RTMENT OF PERMITS, APPROV AND INSPECTIONS ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0080 -A Address 1402 Magazod Aue
Contact Person: Cory Huck Phone Number: 410-887-3391
Filing Date: $9/12/17$ Posting Date: $9/24/17$ Closing Date: $16/9/17$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST</u> : The petitioner must use one of the sign posters on the approved list 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 a neighbor (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.
ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018- 0080 -A Address 1402 Maywood Ave 21204
Petitioner's Name Alex Hertzman Telephone: 410-984-3254
Posting Date: $9/24/17$ Closing Date: $9/9/17$
Wording for Sign: To Permit a proposed addition with a rear
yardsetback of 30 feet in lieu of the regained 40 feet,
and to permit an existing deteched garage located "
in the side yard in lieu of the rear yard
Revised 6/30/2018

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

October 11, 2017

Alex & Mary Hertzman 1402 Maywood Avenue Baltimore MD 21204

RE: Case Number: 2018-0080 A, Address: 1402 Maywood Avenue

Dear Mr. & Ms. Hertzman:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 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
Dave Wickham, 11422 Reisterstown Road, Owings Mills MD 21117



ADMINISTRATION



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

Administrator

Date: 9/21/17

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. 2018-0080-A
Administrative Variouse
Alex & Mary Hertzman
1402 Mey wood Avenue.

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



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:

September 21, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0080-A

Address

1402 Maywood Avenue

(Hertzman Property)

Zoning Advisory Committee Meeting of September 25, 2017.

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

Reviewer:

Steve Ford

Date: 9-21-2017

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:

September 21, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0080-A

Address

1402 Maywood Avenue

(Hertzman Property)

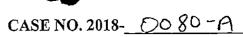
Zoning Advisory Committee Meeting of September 25, 2017.

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

Reviewer:

Steve Ford

Date: 9-21-2017



CHECKLIST

Comment <u>Received</u>	<u>D</u>	<u>epartment</u>		Support/Oppose/ Conditions/ Comments/ No Comment
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	DEPS (if not received	l, date e-mail sent _)	 .
	FIRE DEPART	ΓMENT		
9-21	PLANNING (if not received	l, date e-mail sent _)	No
9-21	STATE HIGH	WAY ADMINISTF	No objection	
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	COMMUNITY	ASSOCIATION		
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Comments, if any:				
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Search Result for BALTIMORE COUNTY

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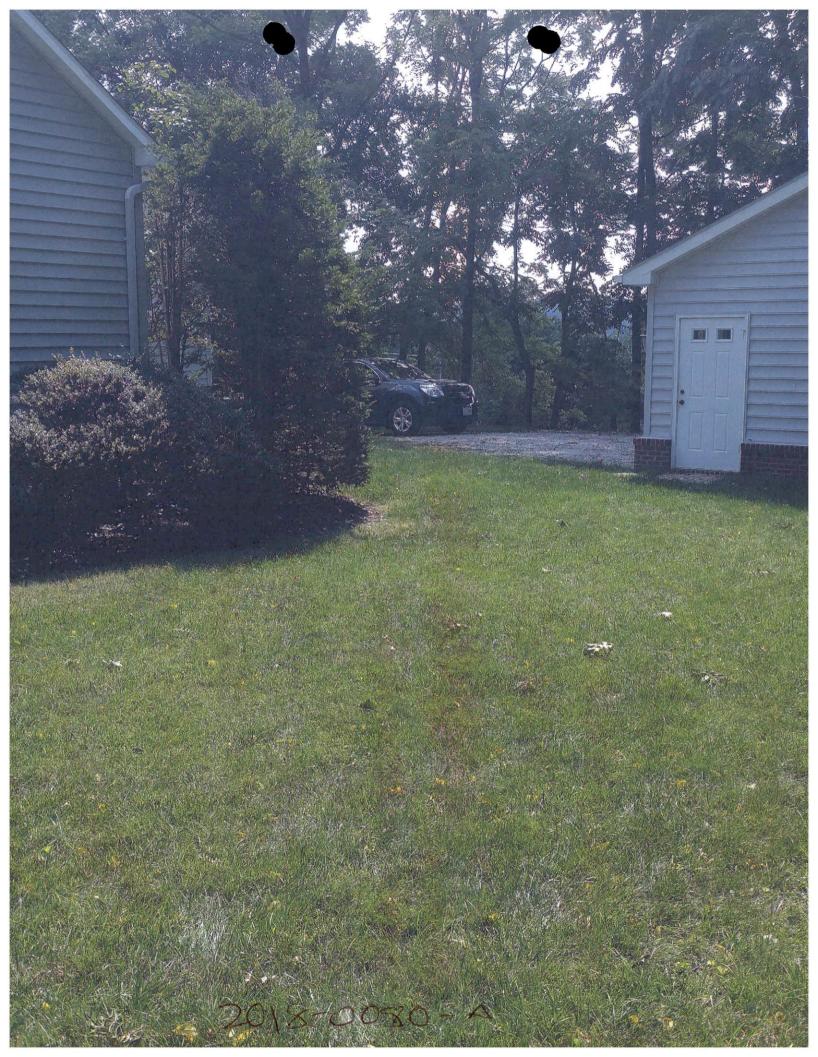
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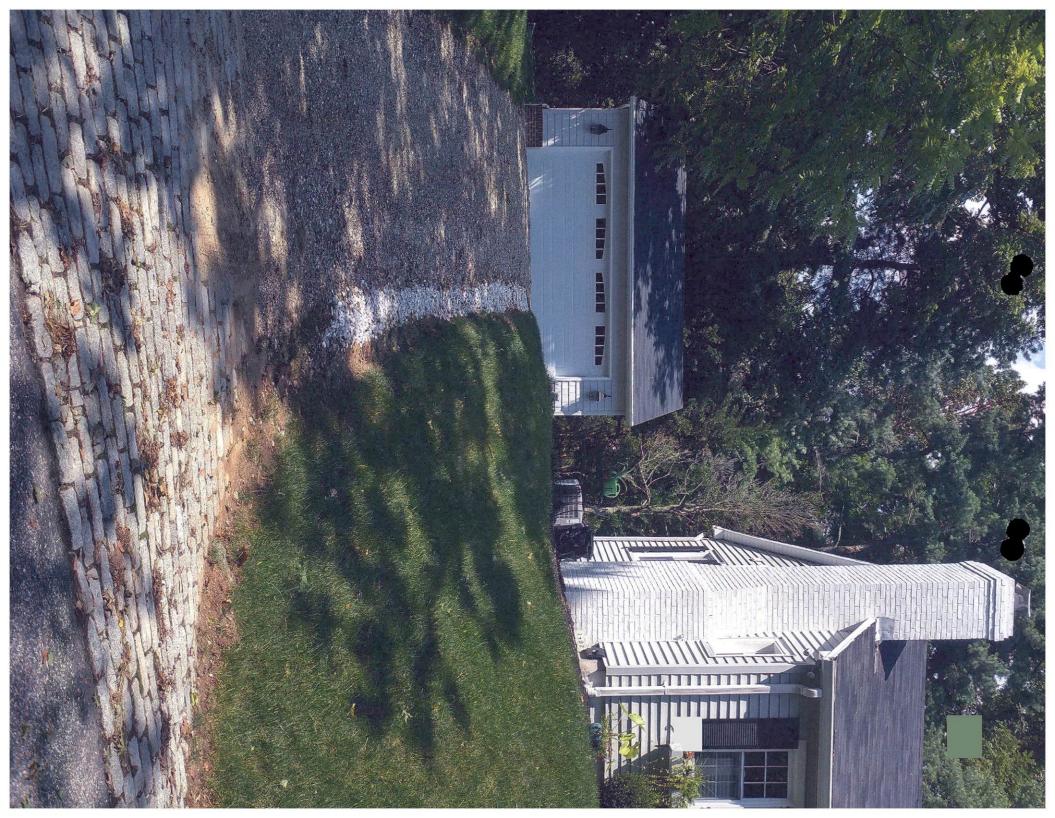


1. This screen allows you to search the Real Property database and display property records.

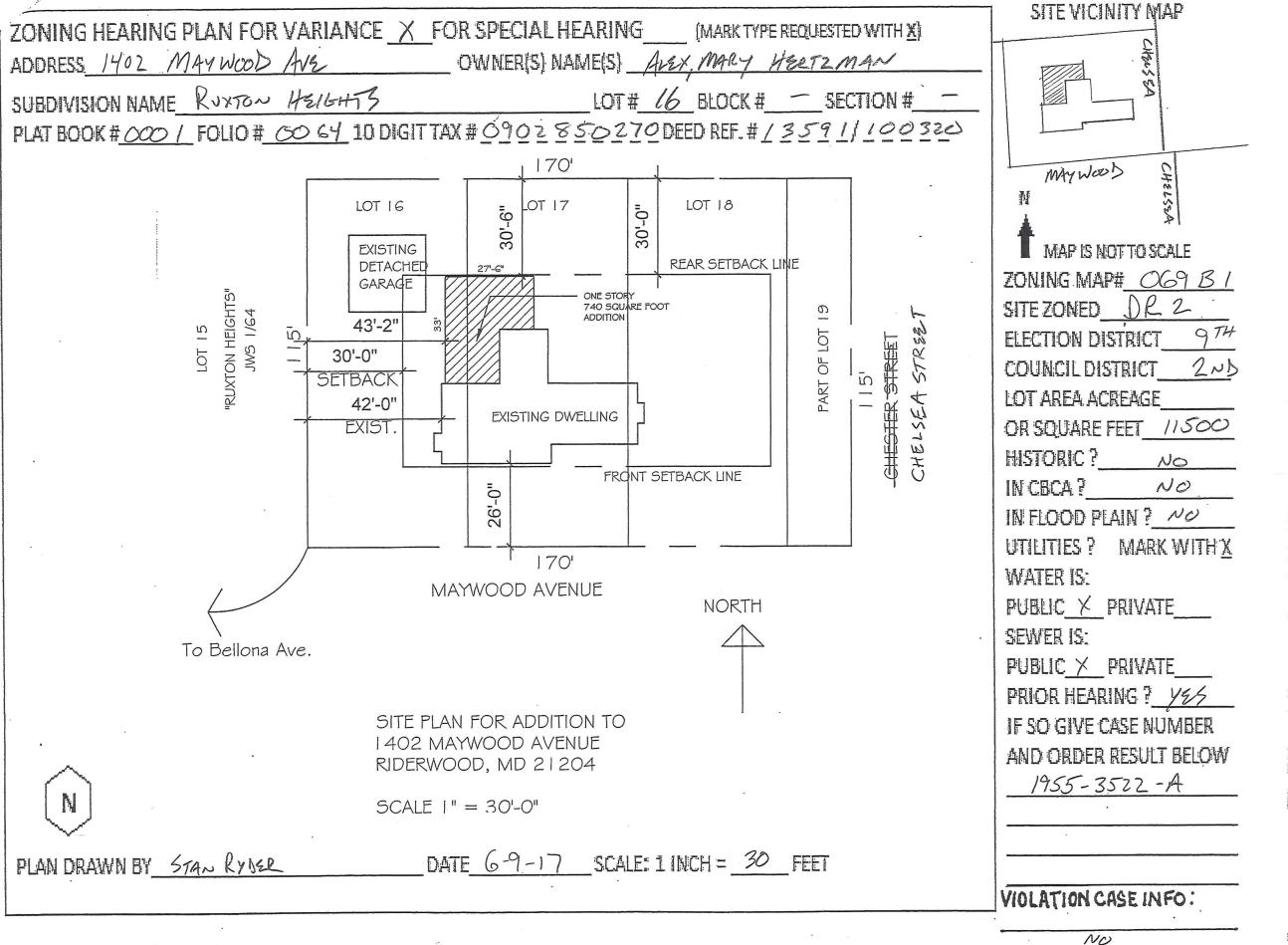
 Click here for a glossary of terms.
 Deleted accounts can only be selected by Property Account Identifier.
 The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes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











2018-0080-A

SITE VICINITY MAP (MARK TYPE REQUESTED WITH X) ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING OWNER(S) NAME(S) ANX, MARY HERTZMAN ADDRESS 1402 MAY WOOD AVE LOT# 6 BLOCK# ___SECTION#___ SUBDIVISION NAME RUXTON 4216HT3 PLAT BOOK # 000 / FOLIO # 00 64 10 DIGITTAX # 0902850270 DEED REF. # / 359 1/100320 Mywood LOT 18 OT 17 30'-0" LOT 16 30'-6" MAP IS NOT TO SCALE EXISTING REAR SETBACK LINE ZONING MAP# 069 B / DETACHED GARAGE SITE ZONED ONE STORY
740 SQUARE FOOT
ADDITION "RUXTON HEIGHTS" JWS 1/64 ELECTION DISTRICT 43'-2" CHESTER STREET COUNCIL DISTRICT 30'-0" LOT AREA ACREAGE SETBACK これでしるのみ OR SQUARE FEET 11500 42'-0" EXISTING DWELLING EXIST. HISTORIC? NO FRONT SETBACK LINE NO IN CBCA? 26'-0" IN FLOOD PLAIN? NO UTILITIES? MARK WITH X 170' WATER IS: MAYWOOD AVENUE PUBLIC X PRIVATE_ NORTH SFIWER IS: PUBLIC X PRIVATE_ To Bellona Ave. PRIOR HEARING? YES IF SO GIVE CASE NUMBER SITE PLAN FOR ADDITION TO AND ORDER RESULT BELOW 1402 MAYWOOD AVENUE RIDERWOOD, MD 21204 1955-3522-A SCALE | " = 30'-0" DATE 6-9-17 SCALE: 1 INCH = 30 FEET PLAN DRAWN BY STAN RYNER VIOLATION CASE INFO: NO

2018-0080-A

Pet. E.R. 1