MEMORANDUM

DATE: December 6, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0089-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 5, 2018. 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.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2901 Chokeberry Court)		
3rd Election District	*	OFFICE OF ADMINISTRATIVE
2nd Council District		
Meir E. Strobel & Sara G. Gerstenfeld	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	**CASE NO. 2019-0089-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Meir E. Strobel and Sara G. Gerstenfeld ("Petitioners"). Petitioners originally requested Variance relief pursuant to § 1B02.2.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") [Per 1957 regulations, approved Planning Board Record Plat], for a side yard setback of 6 inches in lieu of the required 8 ft., a sum of side yards of 10.5 ft. in lieu of the required 20 ft. and a rear yard setback of 6 inches in lieu of the required 30 ft. (revising the variances granted in Case No. 2018-0151-A). Though no formal request for hearing was filed, both the Department of Planning ("DOP") and the undersigned expressed concern with the proposed 6 inch setback. Petitioners revised the site plan and in the new submittal Petitioners propose a 3.5 ft. setback instead of 6 inches as originally requested. The DOP indicated in an email to the undersigned dated November 2, 2018 that it continues to oppose the variance request. 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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 30, 2018, 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 § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

In opposing the 6 inch variance request, I indicated that such a small setback would not allow the owner to access and maintain that side of their home/lawn without intruding upon a neighbor's property. I do not have that same concern after reviewing the amended site plan, and believe that 3.5 feet will provide a sufficient setback. Indeed, an Administrative Variance requesting a 3 ft. setback was approved just last week (Case No. 2019-0107-A) and similar requests have been granted in recent years without objection from County agencies.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this **5th** day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.2.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") [Per 1957 regulations, approved Planning Board Record Plat], for a side yard setback of 3.5 ft. in lieu of the required 8 ft., a sum of side yards of 13.5 ft. in lieu of the required 20 ft. and a rear yard setback of 3.5 ft. in. in lieu of the required 30 ft. (revising the variances granted in Case No. 2018-0151-A), be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11-5-18

By DW

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 11-5-18

By DW

PREV CASE: 2018-0151-A

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 2901 CHOKEBERRY CT BALTIMORE MD 21209 **Currently zoned** DR5.5

Deed Reference 34927 / 00160 10 Digit Tax Account # 0319029240

Owner(s) Printed Name(s) MEIR STROBEL & SARA GERSTENFELD

(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) 1B02.2.3.C.1, BCZR (PER 1957 REGS, APPROVED PLANNING BD. RECORD PLAT) FOR A SIDEYARD SETBACK OF 6 INCHES IN LIEU OF THE REQUIRED 8 ft, A SUM OF SIDEYARDS of 10.5 ft. IN LIEU of THE REQUIRED 20 ft.* (REVISING 2018-0151-A).
*AND A REARYARD SETBACK OF 6 INCHES IN LIEU of THE REQUIRED 30 ft.

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):

MEIR STROBEL / SARA GERSTENFELD
Name #1 – Type or Print / Name # 2 – Type or Print

Signature #1 / Signature # 2

2901 CHOKEBERRY CT BALTIMORE MD
Mailing Address City State

21209 / 410-764-2126 /
Zip Code Telephone # Email Address
SARASTROBEL1@GMAIL.COM

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # / Email Address

ORDER RECEIVED FOR FILING
Date 11-5-18
By

Representative to be contacted:

DANIEL "DONNY" ANKRI
Name – Type or Print

Signature

2318 SWEET MEADOW RD 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, this ____ day of _____, _____ 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 2019-0089-A **Filing Date** 9/21/18 **Estimated Posting Date** 9/30/18 **Reviewer** JCM

Rev 5/5/2016

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 2901 CHOKEBERRY CT BALTIMORE MD 21209 Currently zoned DR5.5

Deed Reference 34027 / 00160 10 Digit Tax Account # 0319029240

Owner(s) Printed Name(s) MEIR STROBEL & SARA GERSTENFELD

(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)

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):

MEIR STROBEL SARA GERSTENFELD
Printed Name(s) Type or Print Name(s) Type or Print

Signature(s) Signature(s)

2901 CHOKEBERRY CT BALTIMORE MD
Mailing Address City State

21209 410-764-2128
Zip Code Telephone

SARASTROBEL1@GMAIL.COM
Email Address

Attorney for Owner(s)/Petitioner(s): Representative to be contacted:

DANIEL "DONNY" ANKRI
Name - Type or Print Name - Type or Print

Signature Signature

2318 SWEET MEADOW RD BALTIMORE MD
Mailing Address City State Mailing Address City State

21209 443-929-2377 DONNYANKRI@GMAIL.COM
Zip Code Telephone Email Address Zip Code Telephone Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this ____ day of ____ that the subject matter of this petition be set for a public hearing and advertised, and the property be posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER ____ Filing Date ____ Estimated Posting Date ____ Reviewer ____

Rev 9/20/19

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: 2901 CHOKEBERRY CT 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 STROBEL FAMILY. THE AMOUNT OF BEDROOMS AND THE SIZE OF THE CURRENT KITCHEN ARE INADEQUATE. MAIN SPACES OF THE PROJECT PROGRAM INCLUDES AN ADDITIONAL BEDROOM, AN ENLARGED KITCHEN AND DINING ROOM, A STUDY, A NEW DECK AND A MUDROOM.

~~IN ADDITION, DUE TO THE STROBEL'S RELIGIOUS BACKGROUND, A KOSHER KITCHEN IS NEEDED FOR PROPER FUNCTIONALITY, A KOSHER KITCHEN REQUIRES MULTIPLE APPLIANCES AND COUNTERS WHICH THE EXISTING SIZE KITCHEN DOES NOT PROVIDE.~~

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 of Owner (Affiant) | Signature of Owner (Affiant)

MEIR STROBEL | SARA GERSTENFELD

Name- Print or Type | Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of September, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Meir Strobel + Sara Gerstenfeld

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notary Public

8/6/19

My Commission Expires

TZIPORA FAY ZIDELL
Notary Public
Baltimore County
Maryland
My Commission Expires 8/6/19

REV. 5/5/2016

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Zoning Property Description For: 2901 Chokeberry Court Baltimore MD 21209

Beginning at a point on the South side of Chokeberry Road which is 50 feet wide at the distance of 156 feet West of the centerline of the nearest improved intersecting street Darwood Drive which is 50 feet wide.

Part B

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

Being Lot #13, Block #A Section #3 in the subdivision of Wellwood as recorded in Baltimore County Plat Book #24, Folio #99 containing 9,020 square feet, located in the 3rd Election District and the 2nd Council District.

CERTIFICATE OF POSTING

RE: Case No. 2019-0089-A

Petitioner: Meir Strobel

Closing Date: 10/15/18

Baltimore County Department of

Permits, Approvals and Inspections

Room 111, County Office Building

111 W. Chesapeake Ave.

Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s) were posted conspicuously on the property located at

2901 Chokeberry Ct. (1-Front Chockberry Ct. & 1-Side Chockberry Rd.)

on 9/30/18

Sincerely,

9/30/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

CERTIFICATE OF POSTING

RE: Case No. 2018-0039-A

Petitioner: Moir Synthal

Closing Date: 10/15/18

Balt more County Department of

Permits, Approvals and Inspections

Room 111 - County Office Building

111 W. Chesapeake Ave.

Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)

were posted conspicuously on the property located at

2801 Chelsbury Rd. (2-Front Checkberry Co. & 1-Side Checkberry Rd.)

on 9/20/18

Sincerely

Richard E. Hoffman

904 Dalwood Drive

Fallston, Md. 21047

(410) 263-2960

Certificate of Posting

Case No 2019-0089-A

2901 Chokeberry Ct. (1 of 2 front Chokeberry Ct.)

9/30/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Certificate of Posting

Case No 2019-0089-A

2901 Chokeberry Ct. (2 of 2 Front Chokeberry Rd.)

9/30/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 173230

Date: 9/21/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.—
							Total	75.—

Rec From: DONNY ANKRI

For: 2019-0089-A

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

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
9/21/2018 9/21/2018 09:53:06 1
B601 WILKIN EJR
RECEIPT # 812785 9/21/2018 OFLN
5 528 ZONING VERIFICATION
NO. 173230
Recpt Tot $75.00
$79.00 CI
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0089 -A Address 2901 CHOKEBERRY CT.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/21/18 **Posting Date:** 9/30/18 **Closing Date:** 10/15/18

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 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 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.

3. **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 2019- 0089 -A Address 2901 CHOKEBERRY CT.

Petitioner's Name MEIR STROBEL Telephone 410-764-2126

Posting Date: 9/30/18 **Closing Date:** 10/15/18

Wording for Sign: To Permit ~~(SIDEYARD SETBACK)~~ SIDE AND REAR YARD SETBACKS OF 6 INCHES IN LIEU OF THE REQUIRED 8ft. AND 30ft. RESPECTIVELY, AND A SUM OF SIDE YARDS OF 10.5 ft. IN LIEU OF THE REQUIRED 20ft.

Revised 6/30/2019

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2019-0089-A

Property Address: ~~23~~ 2901 CHOKEBERRY CT. BALTO., MD. 21209

Property Description: S/S of CHOKEBERRY RD, 156ft ± (WEST) of ℄ of DARWOOD DRIVE.

Legal Owners (Petitioners): MEIR STROBEL & SARA GERNSTENFELD.

Contract Purchaser/Lessee: N/A.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONNY ANKRI

Company/Firm (if applicable): 2318 SWEETMEADOW RD.

Address: BALTO., MD. 21209

Telephone Number: 443-929-2377

Revised 7/9/2015

October 19, 2018

DONALD I. MOHLER III
County Executive

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

Meil Strobel & Sara Gerstenfeld
2901 Chokeberry Ct
Baltimore, MD 21209

Dear Owner:

RE: Case Number: 2019-0089A, Address: 2901 Chokeberry Ct

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 21, 2018. 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: MTC

Enclosures

c: People's Counsel
Daniel Ankri 2318 Sweet Meadow Rd. Baltimore, MD 21209

AV 10-15

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 10/9/2018

RECEIVED
OCT 09 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-089

INFORMATION:
Property Address: 2901 Chokeberry Court
Petitioner: Meir Strobel, Sara Gerstenfeld
Zoning: DR 5.5
Requested Action: Administrative Variance

The Department of Planning has reviewed the petition for an administrative variance.

A site visit was conducted on October 5, 2018.

The property was the subject of zoning case no. 2018-151-A. In that case the petition for variance for setback relief was amended to reflect an agreement between the petitioners and neighbors, who opposed the variances as originally petitioned. On March 8, 2018 the Administrative Law Judge granted the zoning relief as shown on an amended plan which accommodated the neighbors' concerns.

The Department opposes granting the petitioned zoning relief.

The relief petitioned for in the instant case drastically decreases the setbacks previously granted. As proposed, the resulting structure is overly intensive for its lot and does not reflect the as-built pattern of the neighborhood nor the "orderly development" called for in BCZR §100.1. By constructing as close as 6" to the property line, the structure will impose upon the adjacent residents, allowing no buffer between the properties.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/
c: Bill Skibinski
Daniel "Donny" Ankri
Office of the Administrative Hearings
People's Counsel for Baltimore County

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10-15

RECEIVED
OCT 10 2018
OFFICE OF ADMINISTRATIVE HEARINGS

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: October 10, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0089-A
Address 2901 Chokeberry Court
(Strobel & Gerstenfeld Property)

Zoning Advisory Committee Meeting of **October 8, 2018**.

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

Reviewer: Steve Ford

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MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 10/15/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0099-SPHXA
Variance, Special Exception, Special Hearing
Howard, Rosalie, & John Baldwin
4618 Jolly Acres 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

TO WCR
make sure in file
TO OAH
please respond herein

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

RECEIVED
OCT 10 2018
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 10/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-089

INFORMATION:
Property Address: 2901 Chokeberry Court
Petitioner: Meir Strobel, Sara Gerstenfeld
Zoning: DR 5.5
Requested Action: Administrative Variance

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/
c: Bill Skibinski
Daniel "Donny" Ankri
Office of the Administrative Hearings
People's Counsel for Baltimore County

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: October 16, 2018

MCR

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2018
Item No. 2019-0080-A, 0088-A, 0089-A, 0090-A, 0092-SPH, 0093-A, 0094-SPHXA, 0095-A, 0096-A, 0097-A and 0098-A

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

* * * * *

VKD: cen
cc: file

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 10/1/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0089-A
Administrative Variance
Meir Strobel & Sara Gerstenfeld
2901 Chokeberry Court

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

for Richard A Zeller

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: October 10, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0089-A
Address 2901 Chokeberry Court
(Strobel & Gerstenfeld Property)

Zoning Advisory Committee Meeting of **October 8, 2018.**

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

Reviewer: Steve Ford

C:\Users\mknoll\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\Z5CGHN28\ZAC 19-0089-A 2901 Chokeberry Court.doc

Debra Wiley

From: John E. Beverungen
Sent: Friday, November 02, 2018 2:44 PM
To: Debra Wiley
Subject: FW: Case No. 2019-0089-A

From: Donny Ankri [mailto:donnyankri@gmail.com]
Sent: Friday, November 02, 2018 2:37 PM
To: William Skibinski <wskibinski@baltimorecountymd.gov>
Cc: John E. Beverungen <jbeverungen@baltimorecountymd.gov>; Meir <meirelistrobel@gmail.com>; Sara Strobel <sarastrobel1@gmail.com>
Subject: Re: Case No. 2019-0089-A

Hi Bill, thank you for your prompt review. I appreciate your time spent coordinating with us.

Judge John, let me know if you have any questions. Have a great day!

On Fri, Nov 2, 2018 at 12:09 PM William Skibinski <wskibinski@baltimorecountymd.gov> wrote:

> Judge Beverungen,
>
> I have discussed the site plan revision (3.5 feet) with Planning staff. I am providing revised comments based on those discussions. Please see the attached memo and the revised site plan provided on October 31, 2018. I also delivered a hard copy for the official file.
>
> Regards,
>
> Bill
>
> **From:** Donny Ankri [mailto:donnyankri@gmail.com]
> **Sent:** Wednesday, October 31, 2018 3:00 PM
> **To:** John E. Beverungen <jbeverungen@baltimorecountymd.gov>
> **Cc:** Debra Wiley <dwiley@baltimorecountymd.gov>; William Skibinski <wskibinski@baltimorecountymd.gov>; Meir <meirelistrobel@gmail.com>; Sara Strobel <sarastrobel1@gmail.com>
> **Subject:** Re: Case No. 2019-0089-A
>
> Hi Bill,

I hope all is well. I'm copying John and other's so they're in the loop.

To follow up on our call the other day, I spoke with the clients and we were able to come up with a revised addition footprint that addresses the County's concern of being too close to the west property line. Attached is our updated proposed site plan. As you can see, we moved the diagonal addition wall 3 additional feet away from the side property line therefor the side setback would be 3'-6" instead of 6". This additional space allows the homeowners to access their backyard on that side of the house without encroaching on the neighbor's property. To help make up for lost space, the addition on the right enlarged by a few feet closer to Chokeberry Court. On that side of the house, the front setback would be 22'-1" which is still greater than the previously approved 18'-6".

We look forward to hearing your thoughts. Let us know if you have any questions or if this is an acceptable solution for the Planning department.

Thanks and have a great day!

Donny

On Wed, Oct 24, 2018 at 3:24 PM Donny Ankri <donnyankri@gmail.com> wrote:

Hi John,

Thank you for the email and I really appreciate you giving us an opportunity to work it out with Bill prior to issuing an order. I'm copying the clients so they're in the loop. I'll talk to my clients and we'll reach out to Bill to coordinate.

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Mr. Ankri,

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As I promised, I wanted to let you know this before I issued an order denying the variance. You indicated in an email you sent last week that if the 6" setback was not granted perhaps you could discuss with County representatives what setback would be acceptable. It appears the DOP reviewer was Bill Skibinski (who is copied on this email) and my suggestion would be for you to discuss this issue in greater detail with him. I will keep the case file in my office and will not issue an order until I hear back from you and/or Bill.

John Beverungen

ALJ

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Principal, Donny Ankri Architects

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Debra Wiley

From: John E. Beverungen
Sent: Friday, November 02, 2018 12:51 PM
To: Debra Wiley
Subject: FW: Case No. 2019-0089-A
Attachments: 2018-10-31 - site plan.pdf; 19-0089-A (revised).pdf

Did you get this updated ZAC comment from DOP? Do you have the file?

From: William Skibinski
Sent: Friday, November 02, 2018 12:10 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Donny Ankri <donnyankri@gmail.com>
Subject: RE: Case No. 2019-0089-A

Judge Beverungen,

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BALTIMORE COUNTY, MARYLAND
INTRA-OFFICE MEMORANDUM

TO: John E. Beverungen
Administrative Law Judge
Office of Administrative Hearings

DATE: November 2, 2018

RECEIVED
NOV 0 2 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Bill Skibinski
Western Sector Planner
Neighborhood Response Team

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-0089-A

RECEIVED
NOV 2 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 2901 Chokeberry Ct.
Petitioner: Meir Strobel and Sara Gerstenfeld
Zoning: DR 5.5
Requested Action: Administrative Variance (updated)

I have reviewed the petition for Administrative Variance.

A site visit was conducted on October 5, 2018. The petition has been posted and no construction has begun. The property is in the same condition as it was during the 2018-151-A case.

An updated site plan was provided on October 31, 2018. The petitioner's architect has provided a 3.5 foot side yard setback in lieu of the previously requested 6 inches. Although this demonstrates a good faith effort to provide a greater setback, the Department remains in support of the relief granted in the 2018-151-A case. However, the Department shall concur with the Administrative Law Judge in the event that the revised setback (3.5 feet) is granted.

Prepared by:

Bill Skibinski

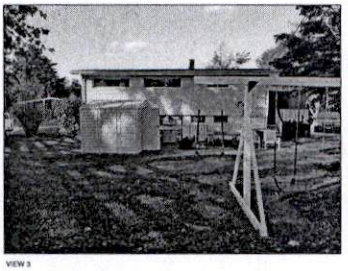
RECEIVED
NOV 02 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

~~RECEIVED~~
~~OCT 32 2018~~
~~OFFICE OF~~
~~ADMINISTRATIVE HEARINGS~~

STAPLE EDGE

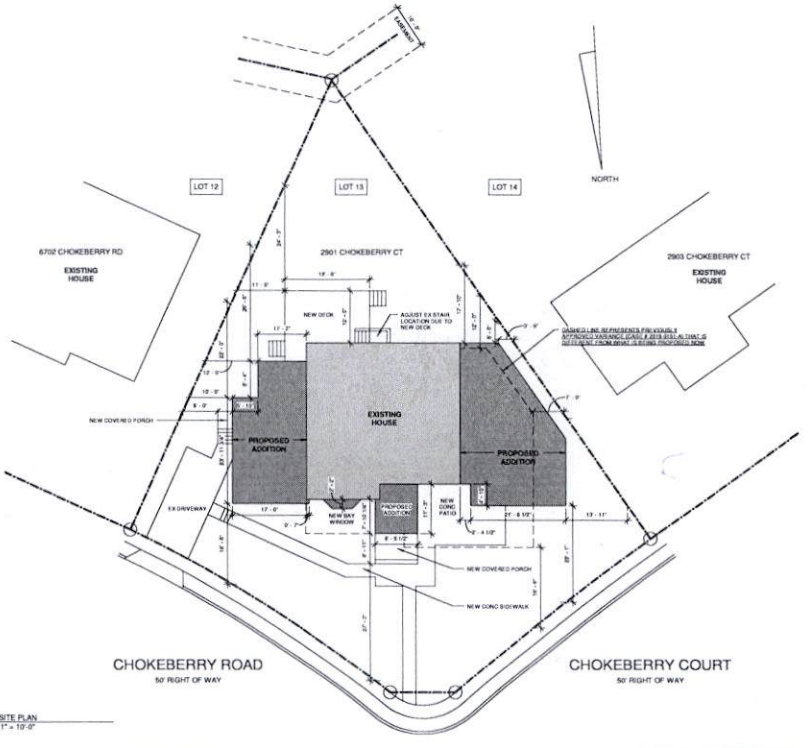
VIEW 1

VIEW 2

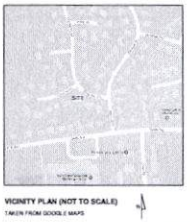


VIEW 3

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



SITE PLAN
1" = 10'-0"



VICINITY PLAN (NOT TO SCALE)
TAKEN FROM GOOGLE MAPS

THIS PROPERTY ALREADY HAS AN APPROVED VARIANCE DATED MARCH 6TH 2018 (CASE # 2018-0151-A)

ADDRESS: 2901 CHOKEBERRY CT BALTIMORE, MD 21209
OWNER'S NAME: MEIR STROBEL & SARA GEISTENFELD

SUBDIVISION NAME: WILLOWOOD
LOT # 13
SECTION # 3
BLOCK NUM: 3
PLAT BOOK# 24
FOLIO# 28
10 DIGIT TAX# 0314020040
DEED REF#: 34827 / 00162

ZONING MAP # 017C01
SITE ZONED: DR5.5
PLAT APPROVED: 12/5/1957
ELECTION DISTRICT 3
COUNCIL DISTRICT 5
LOT AREA 8,089 SQ. FT.
HISTORIC? NO
IN DECAT NO
IN FLOOD PLAIN? NO
UTILITIES? MARK X
WATER ☉
PUBLIC ⚓ PRIVATE ___
SEWER ☉
PUBLIC ⚓ PRIVATE ___
PRIOR HEARINGS? YES

STAPLE EDGE

STROBEL ADDITION
2901 CHOKEBERRY COURT
BALTIMORE MD 21209

DONNY ANKRI ARCHITECTS

www.donnyankri.com
donnyankri@gmail.com
443.929.2377

VARIANCE SUBMISSION

Date	10/31/2018
Scale	As indicated
Job No.	XXXX
Drawn By	DA

SITE PLAN

Drawing No. **A0.01**

AV
10-15

Debra Wiley

From: Donny Ankri <donnyankri@gmail.com>
Sent: Wednesday, October 24, 2018 3:25 PM
To: John E. Beverungen
Cc: Debra Wiley; William Skibinski; Meir; Sara Strobel
Subject: Re: Case No. 2019-0089-A

Hi John,

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John Beverungen

ALJ

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Donny Ankri, RA, NCARB
Principal, Donny Ankri Architects

www.donnyankri.com
443.929.2377

John E. Beverungen

From: John E. Beverungen
Sent: Wednesday, October 24, 2018 3:11 PM
To: 'Donny Ankri'
Cc: Deborah Wiley (dwiley@baltimorecountymd.gov); William Skibinski
Subject: Case No. 2019-0089-A

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John Beverungen
ALJ

10/15

CASE NO. 2019- 0089-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
10-10	DEPS (if not received, date e-mail sent)	NC
	FIRE DEPARTMENT	
10-9	PLANNING (if not received, date e-mail sent)	C - Opposes
10-1	STATE HIGHWAY ADMINISTRATION	No object.
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No.)

PRIOR ZONING (Case No. 2018-0151-A - See Attached Order)

NEWSPAPER ADVERTISEMENT Date:

SIGN POSTING (1st) Date: 9-30-18 by Hoffman

SIGN POSTING (2nd) Date: by

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Account Identifier: **District** - 03 **Account Number** - 0319029240

Owner Information

Owner Name:	STROBEL MEIR ELI GERSTENFELD SARA GILA	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	2901 CHOKEBERRY CT BALTIMORE MD 21209-1401	**Deed Reference:**	/34927/ 00160

Location & Structure Information

Premises Address:	2901 CHOKEBERRY CT BALTIMORE MD 21209-1401	**Legal Description:**	2901 CHOKEBERRY CT WELLWOOD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0078	0005	0460		0000	3	A	13	2017	Plat Ref:	0024/ 0099

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1959	1,713 SF		9,020 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	NO	SPLIT LEVEL	FRAME	1 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	82,500	82,500		
Improvements	152,300	151,600		
Total:	234,800	234,100	234,100	234,100
Preferential Land:	0			0

Transfer Information

Seller: ABRAHAM CHAIM G	**Date:** 05/02/2014	**Price:** $301,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /34927/ 00160	**Deed2:**
Seller: SETREN LOUIS E	**Date:** 01/30/2003	**Price:** $170,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /17469/ 00533	**Deed2:**
Seller: SETREN LOUIS E	**Date:** 09/14/1995	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11216/ 00295	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
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 12/10/2015

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

ZAC AGENDA

Case Number: 2019-0089-A **Reviewer:** Joseph Merrey
Existng Use: RESIDENTIAL **Proposed Use:**
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Meir Strobel & Sara Gerstenfeld
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 2901 CHOKEBERRY CT
Location: S/S of Chokeberry Road, 156 ft. +/- W of the centerline of Darwood Drive.

Existing Zoning: DR 5.5 (1957 REGS) **Area:** 9,020 SQ. FT.
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
(Per 1957 regulations, approved Planning Board Record Plat) For a side yard setback of 6 in. in lieu of the required 8 ft., a sum of side yards of 10.5 ft. in lieu of the required 20 ft. and a rear yard setback of 6 in. in lieu of the required 30 ft. (revising 2018-0151 A)
Attorney: Not Available
Prior Zoning Cases: 2018-0151-A
Concurrent Cases: None
Violation Cases: None
Closing Date: 10/15/2018

Miscellaneous Notes:

September 20th 2018 Sept-20, 2018

To whom it may concern,

I Elaine Gerstenfeld, Trustee of the Gerstenfeld Family Trust which is the owner of the house on 2903 Chokeberry Court take no exception to the proposed variance for the address of 2901 Chokeberry Court.

Signed Elaine Gerstenfeld

Elaine Gerstenfeld

PREVIOSULY APPROVED VARIANCE

IN RE: PETITION FOR VARIANCE (2901 Chokeberry Court) 3rd Election District 2nd Council District Meir Strobel & Sara Gerstenfeld *Legal Owners* Petitioners	* * * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2018-0151-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Meir Strobel & Sara Gerstenfeld, the legal owners of the subject property ("Petitioners"). Petitioners originally sought variance relief from Sections 1B02.3.C.1 & 301 of the Baltimore County Zoning Regulations ("BCZR"): (1) to permit two proposed additions to both sides of the dwelling with side yard setbacks of 3 & 2 ft., a sum of both sides of 5 ft., and a front yard setback of 18.5 ft. in lieu of the required 8, a sum of 20 ft. and a front yard setback of 25 ft.; and (2) to permit a covered porch addition to the side of the dwelling with a 7 ft. setback and an open deck addition to the rear of the house with side and rear yard setbacks of 4 & 9 ft. in lieu of the required 7.5, 7.5 and 22.5 ft., respectively. These setbacks are shown on the original site plan marked as Petitioners' Ex. 1.

Owners Meir Strobel and Sara Gerstenfeld and architect Donny Ankri appeared in support of the petition. Several neighbors opposed the request as set forth in the original zoning petition. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee ("ZAC") comments were received from any of the County reviewing agencies.

The site is approximately 9,020 sq. ft. in size and zoned DR 5.5. The property is improved with a modest single-family dwelling constructed in 1959. Petitioners have a

growing family and propose to enlarge the home to accommodate their needs. The neighbors objected to the original variance request, which proposed side yards of three (3) and two (2) feet. Following the hearing the parties met to discuss the matter further, and Mr. Ankri prepared a revised site plan (Exhibit 2) showing enlarged side yard setbacks which met with approval from the neighbors.

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 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 has an irregular (diamond) shape and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to complete the proposed addition. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 8th day of **March, 2018,** by the Administrative Law Judge for Baltimore County, that the **amended** Petition for Variance: (1) to permit additions to both sides of the dwelling with a side yard setback of 8 ft., a sum of both sides of 18 ft., a front yard setback of 18.5 ft. and a rear yard setback of 12 ft. in lieu of the required 10 ft. individual side yard, a sum of side yards of 20 ft., front yard setback of 25 ft., and rear yard setback of 30 ft., respectively, 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.

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

(Prior Zoning) JB 2-8-18 + (AV) 1-1-18

IN RE: PETITION FOR VARIANCE (2901 Chokeberry Court) 3rd Election District 2nd Council District Meir Strobel & Sara Gerstenfeld *Legal Owners* Petitioners	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2018-0151-A**

* * * * * * *

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

The property has an irregular (diamond) shape and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to complete the proposed addition. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 8th day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the **amended** Petition for Variance: (1) to permit additions to both sides of the dwelling with a side yard setback of 8 ft., a sum of both sides of 18 ft., a front yard setback of 18.5 ft. and a rear yard setback of 12 ft. in lieu of the required 10 ft. individual side yard, a sum of side yards of 20 ft., front yard setback of 25 ft., and rear yard setback of 30 ft., respectively, 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.

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

Debra Wiley

From: John E. Beverungen
Sent: Thursday, October 18, 2018 2:19 PM
To: Donny Ankri
Cc: Sherry Nuffer; Debra Wiley
Subject: RE: Strobel Variance - Case # 19-089

Mr. Ankri,

I have reviewed your e-mails and recall discussing with you briefly this matter at another recent zoning hearing. I remember you explained the house next door sold to your clients' parents, and that they did not object to the proposed 6' setback.

Your email indicates the case number is 19-089, so I am guessing that was recently filed? Is this an administrative variance? In any event, I have not seen the file, so I have not seen the Dept. of Planning comment or the letter from the neighbor. When I receive the file (and assuming it is an administrative variance) I will review and contact you directly if I have any concerns about the request.

John Beverungen
ALJ

From: Donny Ankri [mailto:donnyankri@gmail.com]
Sent: Wednesday, October 17, 2018 4:37 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Sara Strobel <sarastrobel1@gmail.com>; Meir <meirelistrobel@gmail.com>
Subject: Re: Strobel Variance - Case # 19-089

Hi again, to follow up on my email this morning, let me know if you don't have the neighbor's letter in your file. I can resend it if needed. And, if it helps, the neighbor who wrote the letter is the homeowner's mother who recently purchased the adjacent house. Let me know if you have any questions. Thanks!

On Wed, Oct 17, 2018 at 11:05 AM Donny Ankri <donnyankri@gmail.com> wrote:

Hi Judge,

I hope all is well. I'm the architect that met with you a couple times at recent hearings. I'm emailing you on behalf of the referenced variance that's currently under departmental review. Attached is a letter we received from the Dept of Planning who took exception to our proposed variance (specifically the 6" setback). I'm also attaching the site plan for your reference.

I'm not sure if that department is aware but we included with our submission a letter from the neighbor (2903 Chokeberry Court) who takes no exception to the proposed variance. I realize that that doesn't prevent the County from taking exception to it. With that said, I have a quick question....

If the Judge (I'm assuming it'll be you) decides that you also take exception to the proposed variance, would you notify us before making a final decision? I'm hoping that if exception is taken, perhaps we can have a discussion on what would be a reasonable setback.

Let me know if that would be the process or if you have any questions.

Thanks!

Donny

--
Donny Ankri, RA, NCARB
Principal, Donny Ankri Architects

www.donnyankri.com
443.929.2377

--
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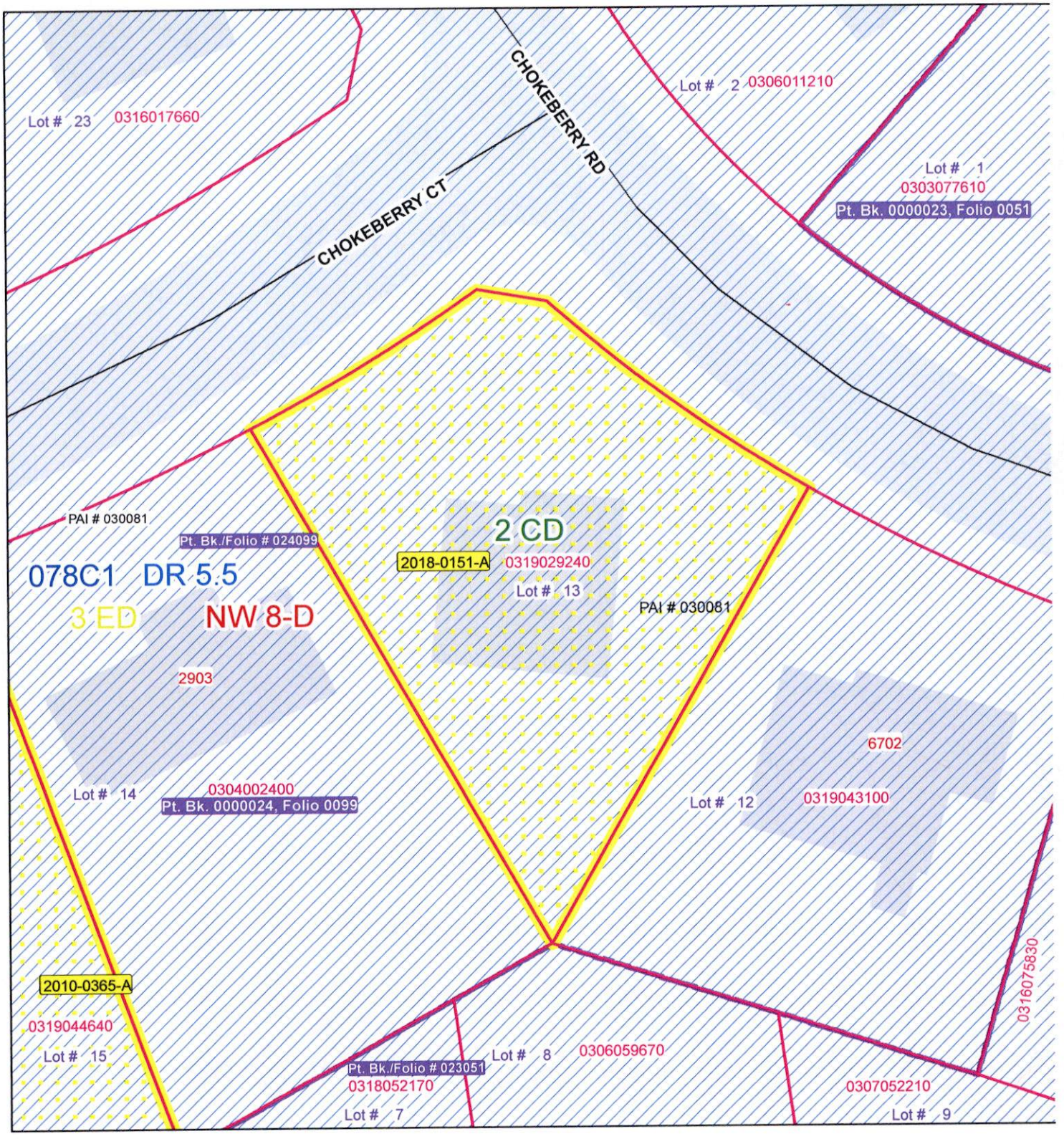
2901 Chokeberry Court



Publication Date: 9/21/2018

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

N W E S

0 5 10 20 30 40 Feet

1 inch = 30 feet


TAMARACK CT
CHOKEBERRY RD
CHOKEBERRY CT
DARWOOD DR
SMITH AVE
ROAD ROAD
SITE
DR 5.5
NW 8-D
3 ED
078C1
2 CD
DR 3.5
DR 16
Pt. Bk. 0000024, Folio 0099
Pt. Bk. 0000023, Folio 0051
Pt. Bk. 0000024, Folio 0039
Pt. Bk./Folio # 024039A
Pt. Bk./Folio # 024099
PAI # 030081
Pt. Bk./Folio # 023035
Pt. Bk. 0000023, Folio 0035
Pt. Bk./Folio # 023051
Pt. Bk. 0000030, Folio 0068
Pt. Bk./Folio # 030068
PAI # 030105
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2019-0001-A
2017-0160-A
2018-0151-A
2010-0365-A
1988-0259-A
1966-0117-X
1947-1089-X
R-1965-0092
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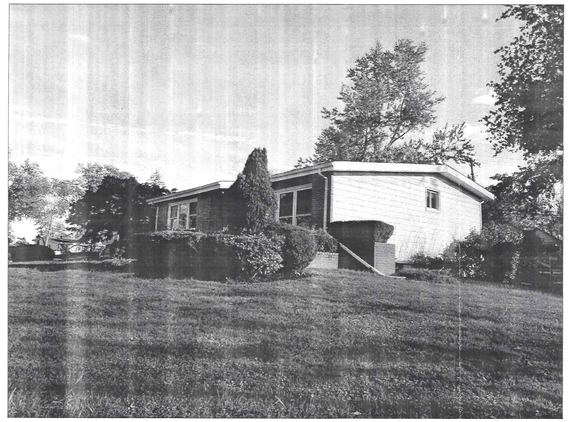
STAPLE EDGE



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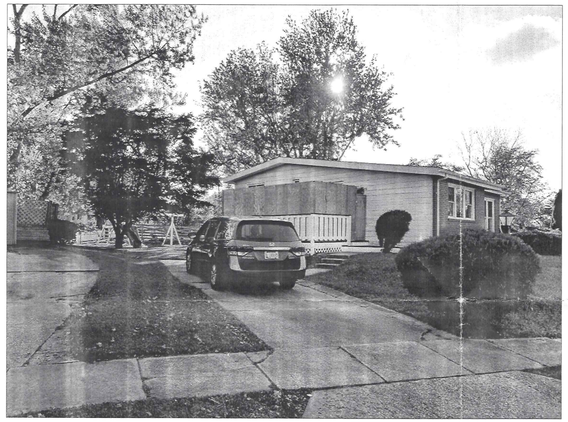

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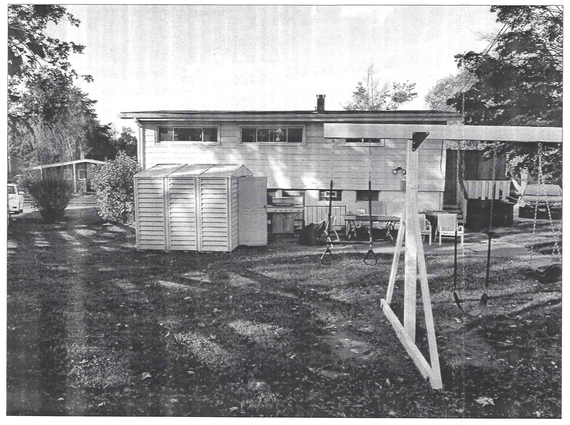

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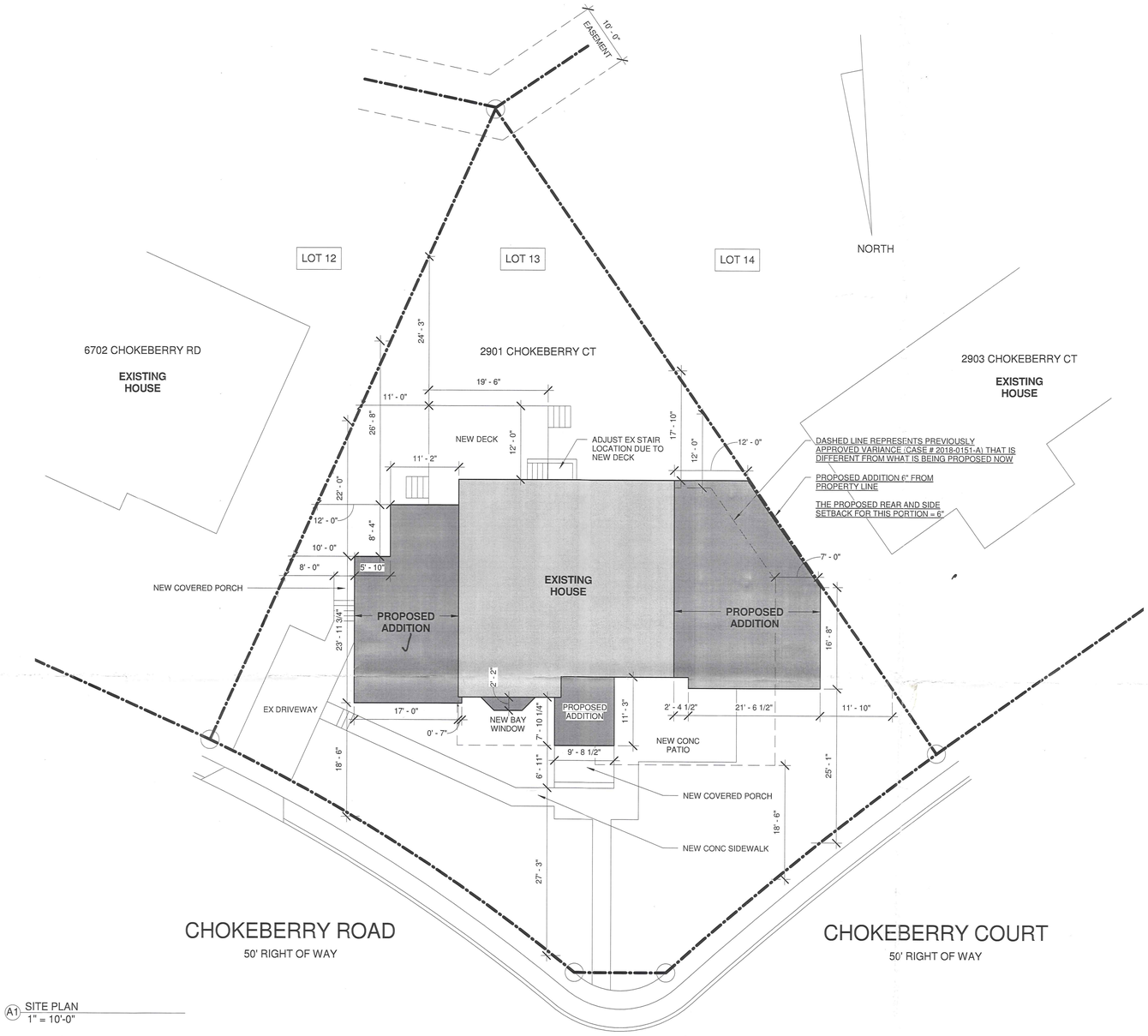
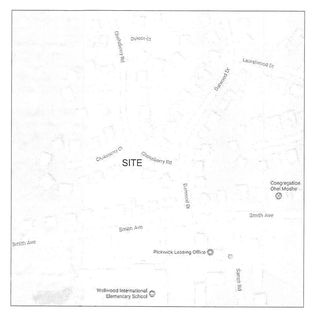


A1 SITE PLAN
1" = 10'-0"



VICINITY PLAN (NOT TO SCALE)

TAKEN FROM GOOGLE MAPS

N

THIS PROPERTY ALREADY HAS AN APPROVED VARIANCE DATED MARCH 8TH 2018 (CASE # 2018-0151-A)

ADDRESS: 2901 CHOKEBERRY CT BALTIMORE, MD 21209
OWNER'S NAME: MEIR STROBEL & SARA GERSTENFELD

SUBDIVISION NAME: WELLWOOD
LOT#: 13
BLOCK#: A
SECTION#: 3
PLAT BOOK#: 24
FOLIO#: 99
10 DIGIT TAX#: 0319029240
DEED REF#: 34927 / 00160

ZONING MAP #: 0078C1
SITE ZONED: DR5.5
PLAT APPROVED: 12/3/1957
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA 9,020 SQ. FT.
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK X
WATER IS:
PUBLIC _x_ PRIVATE ___
SEWER IS:
PUBLIC _x_ PRIVATE ___
PRIOR HEARING? YES

NOTES

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

STAPLE EDGE

STROBEL ADDITION

2901 CHOKEBERRY COURT
BALTIMORE MD 21209

DONNY ANKRI ARCHITECTS

www.donnyankri.com
donnyankri@gmail.com
443.929.2377

VARIANCE SUBMISSION

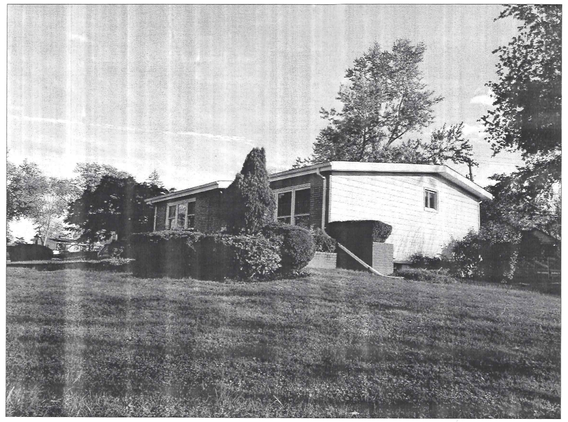
Date	9/18/2018
Scale	As indicated
Job No.	XXXX
Drawn By	DA

SITE PLAN

Drawing No. **A0.01**

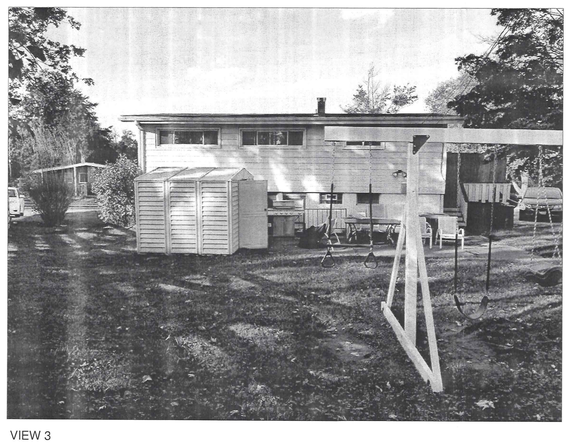
Pet. Exh. 1

STAPLE EDGE



VIEW 1

VIEW 2



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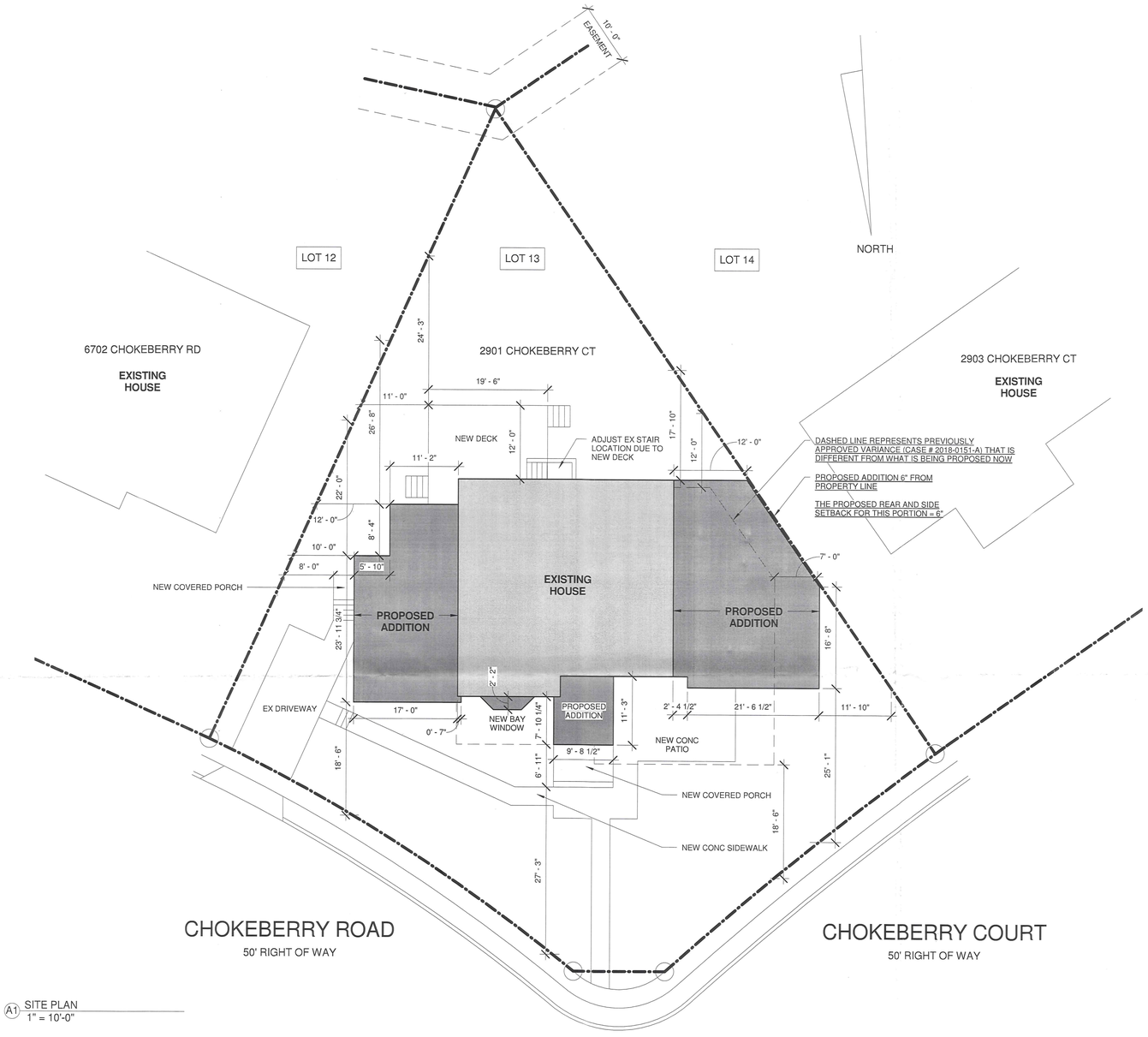

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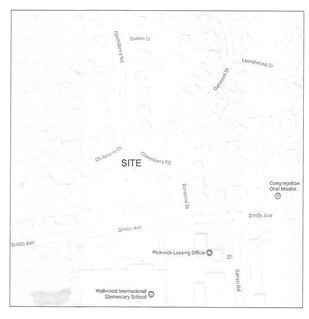

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SITE PLAN

Drawing No. **A0.01**