

MEMORANDUM

DATE: January 31, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0128-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 30, 2019. 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

/dlw

IN RE: PETITION FOR VARIANCE

(7608 Riddle Avenue)
12th Election District
7th Council District
Michael Scott Mioduszewski
Legal Owner
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2019-0128-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Michael Scott Mioduszewski, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an undersized lot (4,000 sq. ft. in lieu of the required 6,000 sq. ft.) to be improved with a dwelling with a lot width of 40 ft. in lieu the required 55 ft. and side yard setbacks of 5 ft. in lieu of the required 10 ft. A site plan was marked as Petitioner's Exhibit 1.

Michael Mioduszewski appeared in support of the petition. Several neighbors opposed the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee ("ZAC") comments were received from any of the reviewing county agencies.

The site is approximately 4,000 square feet in size and is zoned DR 5.5. The property is comprised of two lots, each measuring 20' x 100'. At present the subject property is unimproved. Petitioner proposes to construct a single-family dwelling on the property and requests variance relief to do so.

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

ORDER RECEIVED FOR FILING

Date

12/31/18

By

slh

- (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).

No testimony or evidence was presented which would tend to prove the subject property is unique as that term is used in Maryland law. In fact, the two lots are the same shape and size as nearly all of the other lots in this community. In a contested variance case, the petitioner faces an uphill battle. Maryland's appellate courts have not in the last 25 years upheld a zoning board's grant of a variance or reversed a zoning board's denial of a variance. This is because such relief should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699. As such the petition for variance must be denied.

THEREFORE, IT IS ORDERED, this 31st day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit an undersized lot (4,000 sq. ft. in lieu of the required 6,000 sq. ft.) to be improved with a dwelling with a lot width of 40 ft. in lieu the required 55 ft. and side yard setbacks of 5 ft. in lieu of the required 10 ft., be and is hereby DENIED.

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:slh

ORDER RECEIVED FOR FILING

Date 12/31/18
By slh



PETITION FOR ZONING HEARING(S)

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 7608 RIDDLE AVENUE which is presently zoned DR5.5
Deed References: 35430/00467 10 Digit Tax Account # 1204001021
Property Owner(s) Printed Name(s) MICHAEL SCOTT MIODUSZEWSKI

(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:

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

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

3. X a Variance from Section(s) 1802.3.C.1(304.1.C); BCZR, TO PERMIT AN UNDERSIZED LOT (4000 SQ. FT. IN LIEU OF REQUIRED 6 THOUSAND SQUARE FT.) TO BE IMPROVED WITH A DWELLING, WITH A LOT WIDTH OF 40FT. IN LIEU OF THE REQUIRED 55FT. AND SIDEYARD SETBACKS OF 5FT. IN LIEU OF THE REQUIRED 10FT.

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/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MICHAEL SCOTT MIODUSZEWSKI

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

1926 SUNBERRY ROAD DUNDALK MD.
Mailing Address City State

21222 /
Zip Code Telephone # Email Address

Representative to be contacted:

MICHAEL SCOTT MIODUSZEWSKI

Name - Type or Print

Signature

1926 SUNBERRY ROAD DUNDALK MD.
Mailing Address City State

21222, 443-416-7314, @dmi.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0128-A Filing Date 10/19/18 Do Not Schedule Dates: Reviewer JCM

REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR 7608 RIDDLE AVENUE

Beginning at a point on the west side of Riddle Avenue which is 36 feet wide at a distance of 193 feet north of the centerline of the nearest improved intersecting street, Southern Avenue, which is 36 feet wide.

Being Lots 486 and 487 in the subdivision of East View as recorded in Baltimore County Plat Book 9 Folio 117, containing 4000 square feet or 0.09 acres of lot. Located in the 12th Election District and 7th Council District.

CERTIFICATE OF POSTING

2019-0128-A

RE: Case No.: _____

Petitioner/Developer: _____

Michael Scott Dioduszezski

December 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

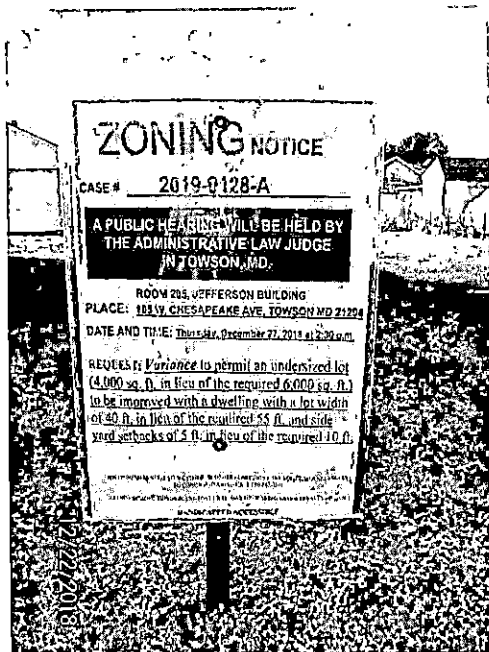
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7608 Riddle Avenue

SIGN 1 Recertification

December 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 22, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0128-A

RE: Case No.: _____

Petitioner/Developer: _____

Michael Scott Dioduszewski

December 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

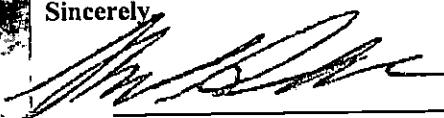
7608 Riddle Avenue **SIGN 2 Recertification**

December 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **December 22, 2018**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

The Daily Record

11 East Saratoga Street
 Baltimore, MD 21202-2199
 (443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11648546
 Case #: 2019-0128-A
 Description:

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/7/2018

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0128-A


 Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County**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: 2019-0128-A

7608 Riddle Avenue

West side of Riddle Avenue, north of Southern Avenue.

12th Election District - 7th Councilmanic District

Legal Owner: Michael Scott Mioduszewski

Variance to permit an undersized lot (4,000 sq. ft. in lieu of the required 6,000 sq. ft.) to be improved with a dwelling with a lot width of 40 ft. in lieu of the required 55 ft. and sideyard setbacks of 5 ft. in lieu of the required 10 ft.

Hearing: Thursday, December 27, 2018 at 2:30 p.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.

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CERTIFICATE OF POSTING

2019-0128-A

RE: Case No.: _____

Petitioner/Developer: _____

Michael Scott Dioduszewski

December 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7608 Riddle Avenue

SIGN 1

December 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

December 7, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0128-A

RE: Case No.: _____

Petitioner/Developer: _____

Michael Scott Dioduszewski

December 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

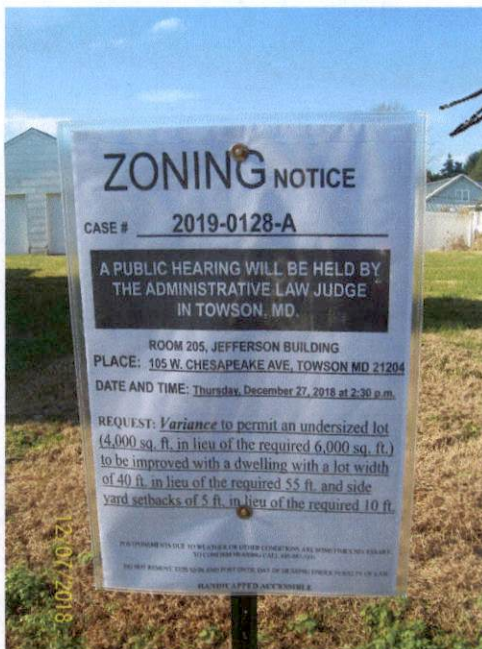
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7608 Riddle Avenue

SIGN 2

December 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 7, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0128-A

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Petitioner/Developer: _____

Michael Scott Dioduszezski

December 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

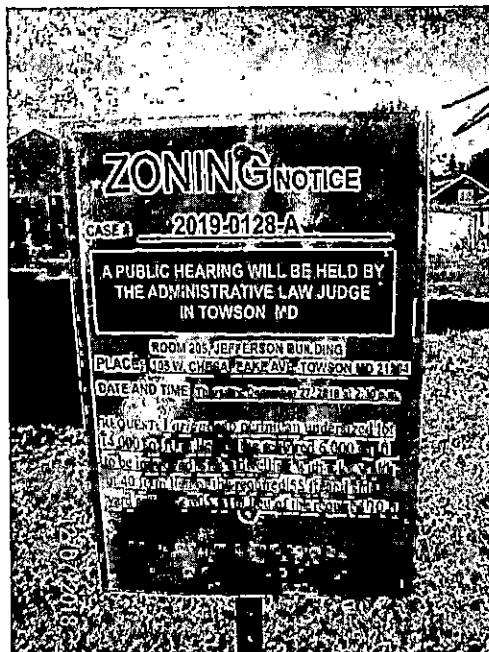
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7608 Riddle Avenue

SIGN 2

December 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 7, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0128-A

RE: Case No.: _____

Petitioner/Developer: _____

Michael Scott Dioduszewski

December 27, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

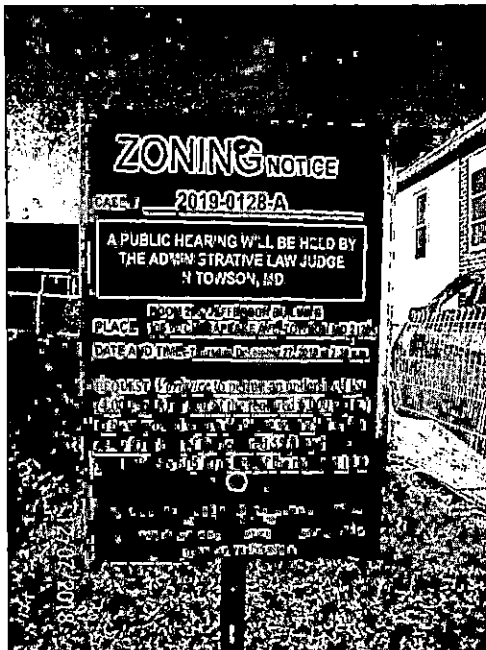
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7608 Riddle Avenue

SIGN 1

December 7, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

December 7, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7608 Riddle Avenue; W/S Riddle Avenue, * OF ADMINISTRATIVE
193' N of c/line of Southern Avenue *
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Michael Scott Mioduszewski * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-128-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.

RECEIVED

OCT 29 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 29th day of October, 2018, a copy of the foregoing Entry of Appearance was mailed to Michael Scott Mioduszewski, 1926 Sunberry Road, Dundalk, Maryland 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



DONALD I. MOHLER III
County Executive

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

November 7, 2018

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: 2019-0128-A

7608 Riddle Avenue

West side of Riddle Avenue, north of Southern Avenue

12th Election District – 7th Councilmanic District

Legal Owner: Michael Scott Mioduszewski

Variance to permit an undersized lot (4,000 sq. ft. in lieu of the required 6,000 sq. ft.) to be improved with a dwelling with a lot width of 40 ft. in lieu of the required 55 ft. and sideyard setbacks of 5 ft. in lieu of the required 10 ft.

Hearing: Thursday, December 27, 2018 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Michael Mioduszewski, 1926 Sunberry Court, Dundalk 21222
Bill Brocato, 38 Rosepetal Court, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 7, 2018.**
- (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.

TO: THE DAILY RECORD
Friday, December 7, 2018 - Issue

Please forward billing to:

Michael Scott Mioduszewski
1926 Sunberry Road
Dundalk, MD 21222

443-416-7314

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: 2019-0128-A

7608 Riddle Avenue

West side of Riddle Avenue, north of Southern Avenue

12th Election District – 7th Councilmanic District

Legal Owner: Michael Scott Mioduszewski

Variance to permit an undersized lot (4,000 sq. ft. in lieu of the required 6,000 sq. ft.) to be improved with a dwelling with a lot width of 40 ft. in lieu of the required 55 ft. and sideyard setbacks of 5 ft. in lieu of the required 10 ft.

Hearing: Thursday, December 27, 2018 at 2:30 p.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.

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Name: MICHAEL SCOTT Miodusewski

Company/Firm (if applicable): —

Address: 1924 SUNBERRY ROAD, BALTO, MD, 21222

Telephone Number: 443-416-7314

No. 176286

Date: 10/19/18

SECRET

BUSINESS	ACTUAL	TIME	DRIVE
1	10:00	10:00	10:00
2	10:05	10:05	10:05
3	10:10	10:10	10:10
4	10:15	10:15	10:15
5	10:20	10:20	10:20
6	10:25	10:25	10:25
7	10:30	10:30	10:30
8	10:35	10:35	10:35
9	10:40	10:40	10:40
10	10:45	10:45	10:45
11	10:50	10:50	10:50
12	10:55	10:55	10:55
13	11:00	11:00	11:00
14	11:05	11:05	11:05
15	11:10	11:10	11:10
16	11:15	11:15	11:15
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18	11:25	11:25	11:25
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21	11:40	11:40	11:40
22	11:45	11:45	11:45
23	11:50	11:50	11:50
24	11:55	11:55	11:55
25	12:00	12:00	12:00
26	12:05	12:05	12:05
27	12:10	12:10	12:10
28	12:15	12:15	12:15
29	12:20	12:20	12:20
30	12:25	12:25	12:25
31	12:30	12:30	12:30
32	12:35	12:35	12:35
33	12:40	12:40	12:40
34	12:45	12:45	12:45
35	12:50	12:50	12:50
36	12:55	12:55	12:55
37	13:00	13:00	13:00
38	13:05	13:05	13:05
39	13:10	13:10	13:10
40	13:15	13:15	13:15
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42	13:25	13:25	13:25
43	13:30	13:30	13:30
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47	13:50	13:50	13:50
48	13:55	13:55	13:55
49	14:00	14:00	14:00
50	14:05	14:05	14:05
51	14:10	14:10	14:10
52	14:15	14:15	14:15
53	14:20	14:20	14:20
54	14:25	14:25	14:25
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56	14:35	14:35	14:35
57	14:40	14:40	14:40
58	14:45	14:45	14:45
59	14:50	14:50	14:50
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61	15:00	15:00	15:00
62	15:05	15:05	15:05
63	15:10	15:10	15:10
64	15:15	15:15	15:15
65	15:20	15:20	15:20
66	15:25	15:25	15:25
67	15:30	15:30	15:30
68	15:35	15:35	15:35
69	15:40	15:40	15:40
70	15:45	15:45	15:45
71	15:50	15:50	15:50
72	15:55	15:55	15:55
73	16:00	16:00	16:00
74	16:05	16:05	16:05
75	16:10	16:10	16:10
76	16:15	16:15	16:15
77	16:20	16:20	16:20
78	16:25	16:25	16:25
79	16:30	16:30	16:30
80	16:35	16:35	16:35
81	16:40	16:40	16:40
82	16:45	16:45	16:45
83	16:50	16:50	16:50
84	16:55	16:55	16:55
85	17:00</		

10/17/2018 10/17/2018 09:54:15

NAME	WALKIN, LRE
------	-------------

RECEIPT 780335 10/19/2018

Sheet 5- 528 ZONING VERIFICATION

Amount

Rec'd Tot	\$75.00
-----------	---------

2.00	CK	\$150.00	CA
------	----	----------	----

Baltimore County, Maryland

Total: 75

Rec

From: MICHAEL MIODELSZEWSKI

För:

2019-~~45~~0128-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

December 20, 2018

Michael Scott Mioduszewski
1926 Sunberry Road
Dundalk, MD 21222

RE: Case Number: 2019-0128-A, Address: 7608 Riddle Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 19, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

JB 12-27-18 2:30 PM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 11/21/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-128



INFORMATION:

Property Address: 7608 Riddle Avenue
Petitioner: Michael Scott Mioouszewski
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an undersized lot (4,000 square feet in lieu of required 6,000 square feet) to be improved with a dwelling, with a lot width of 40ft. in lieu of the required 55ft. and side yard setbacks of 5ft. in lieu of the required 10ft.

There is a contiguous lot (7606 Riddle Avenue) for which the applicant is also requesting a petition for a variance for undersize lot (Case Number: 2019-0127-A).

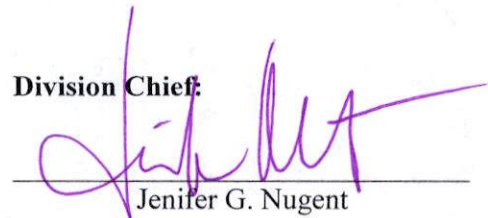
The Department of Planning has no objection to the granting the petitioned zoning relief.

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

Prepared by:


Jessie Bialek

Division Chief:


Jenifer G. Nugent

AVA/JGN/JAB/

c: Josephine Selvakumar
Office of the Administrative Hearings
People's Counsel for Baltimore County

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 31, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0128-A
Address 7608 Riddle Avenue
(Mioduszewski Property)

Zoning Advisory Committee Meeting of **November 5, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: November 15, 2018

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 05, 2018
Item No. 2019-0125-A, 0127-A and 0128-A

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

* * * * *

VKD: cen
cc: file



STATE HIGHWAY
ADMINISTRATION

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

Date: 10/29/18

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. 2019-012B-A

Variance
Michael Scott Mioduszewski
7608 Riddle 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

BALTIMORE COUNTY, MARYLAND

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X The Department of Environmental Protection and Sustainability has no
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Reviewer: Steve Ford

Adeline Fisher
7610 Riddle Ave.
Baltimore, Maryland 21224
410-288-1787

December 26, 2018

RE: Case # 2019-0127-A & 2019-0128-A or 7606/7608 Riddle Ave., Baltimore, Md 21224

Dear Zoning Committee:

My father had 7610 Riddle Ave built for my mother and myself. I have lived in this home for most of my life, (almost 70 years) including being married and raising my two children in this home. And I intend for this home to stay in my family.

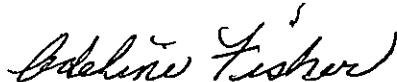
I would like to apologize for being unable to attend your hearing. Unfortunately, I am opposed to the building of 2 dwellings on the properties listed as the above case numbers.

Will the owner of the property be having the property surveyed? I don't believe that the fence that is now standing between our properties is on the property line.

I feel that this would be a fire hazard having one of these homes so close to the property line. Being that I'm not as fast as I used to be, I don't want to be trapped and unable to get out. There are also concerns about it making it too congested with two homes on the property. Where do they intent to have these people park? The street is slightly curved and narrow. Are they going to be blocking our driveways? Then we can't get out. Not only will it be more congested, it will also be blocking the sun, view and air that I currently and always have had in my home.

If you have any questions, feel free to contact me and I will gladly discuss these issues with you in further detail.

Sincerely,

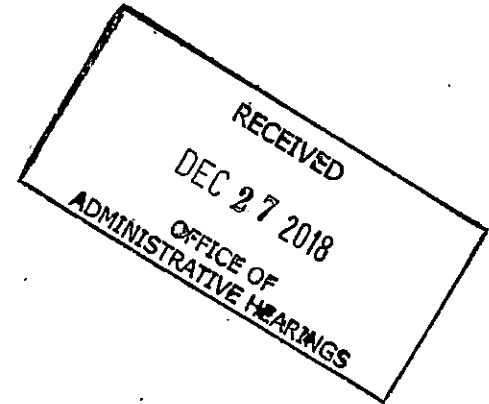


Adeline Fisher

Sherry Nuffer

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Thursday, December 27, 2018 3:52 PM
To: Administrative Hearings
Subject: Recertification's for 2019-0128-A And 2019-0127-A
Attachments: Re-Cert 1 2019-0127-A.doc; Re-Cert 2 2019-0127-A.doc; Re-Cert 1 2019-0128-A.doc; Re-Cert 2 2019-0128-A.doc

Recertification's for 7606 and 7608 Riddle Ave.



C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

11/15

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

No Comment

10/31

DEPS
(if not received, date e-mail sent _____)

No Comment

FIRE DEPARTMENT

11/23

PLANNING
(if not received, date e-mail sent _____)

No Objection

10/29

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 12/7/18

SIGN POSTING (1st) Date: 12/7/18

by SSG Black

SIGN POSTING (2nd) Date: _____

by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

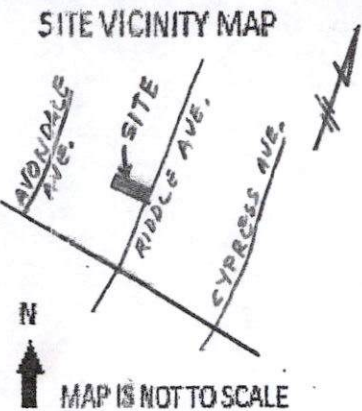
Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

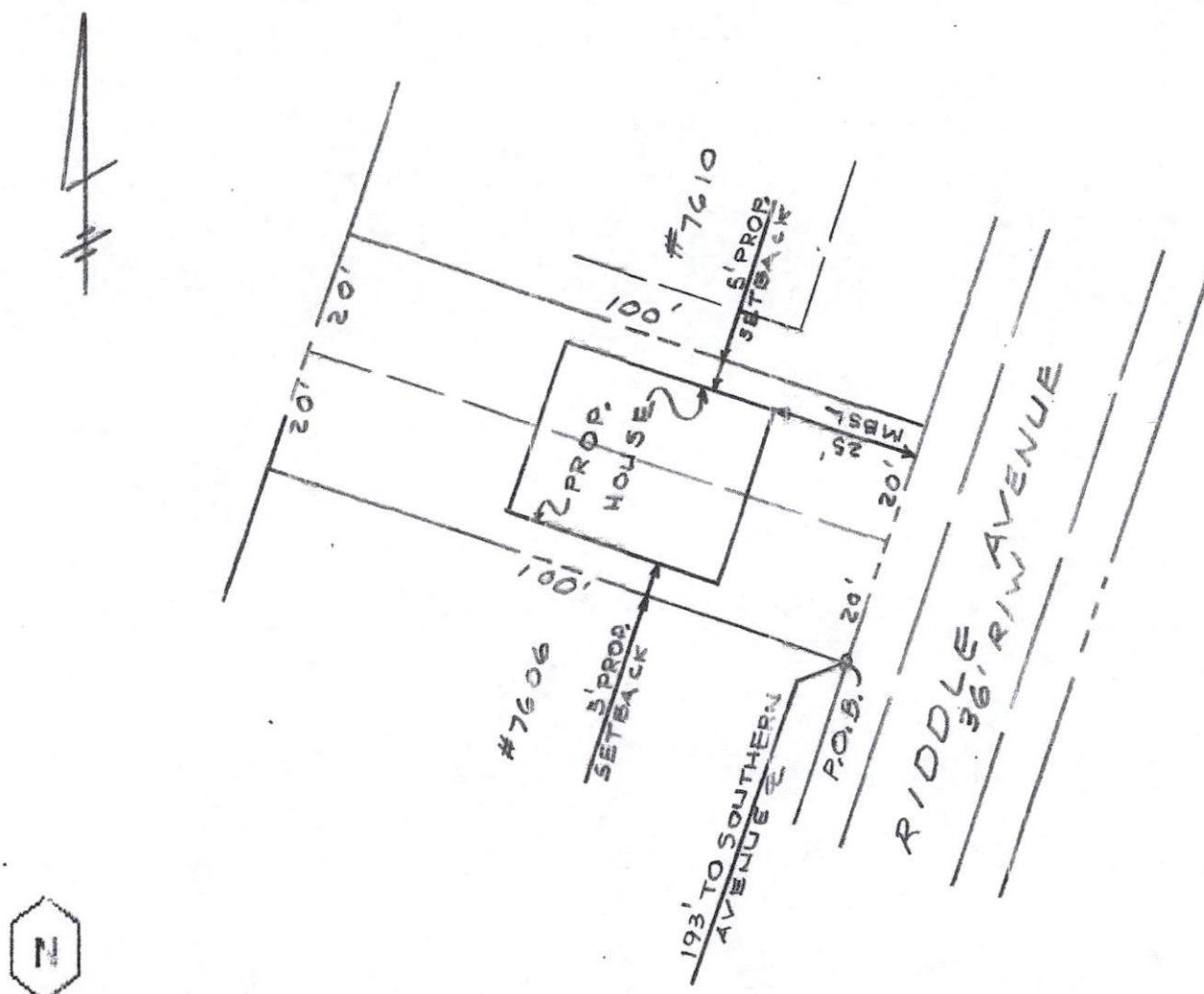
View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 12 Account Number - 1204001021			
Owner Information					
Owner Name:		MIODUSZEWSKI MICHAEL SCOTT		Use:	RESIDENTIAL
Mailing Address:		1926 SUNBERRY RD BALTIMORE MD 21222-		Principal Residence:	NO
				Deed Reference:	/35430/ 00467
Location & Structure Information					
Premises Address:		RIDDLE AVE 0-0000		Legal Description:	LT 486,487 175 S SOUTHERN AVE EAST VIEW
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0009/ 0117
0096	0016	0205		0000	486 2018
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area 4,000 SF
					County Use 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2018	As of 07/01/2018	As of 07/01/2019
Land:		1,000	1,000		
Improvements		0	0		
Total:		1,000	1,000	1,000	1,000
Preferential Land:		0			0
Transfer Information					
Seller: DAVIS FREDERICK NORMAN		Date: 10/03/2014		Price: \$57,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /35430/ 00467		Deed2:	
Seller: DAVIS MARGARET E		Date: 10/03/1972		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /04436/ 00144		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 7608 RIDDLE AVENUE OWNER(S) NAME(S) MICHAEL SCOTT MIODUSZEWSKI
 SUBDIVISION NAME EAST VIEW LOT # 486/487 BLOCK # _____ SECTION # _____
 PLAT BOOK # 9 FOLIO # 117 10 DIGIT TAX # 1204001021 DEED REF. # 35430/00467



ZONING MAP# 096B3
 SITE ZONED DR 5.5
 ELECTION DISTRICT 12
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE 0.09
 OR SQUARE FEET 4000
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

 VIOLATION CASE INFO:
N/A



PLAN DRAWN BY WILLIAM A. BROCATO DATE 8/31/18 SCALE: 1 INCH = 30 FEET

PET. Ex. 1



PETITION FOR ZONING HEARING(S)

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 7608 RIDDLE AVENUE which is presently zoned DR5.5
Deed References: 35430/00467 10 Digit Tax Account # 1204001021
Property Owner(s) Printed Name(s) MICHAEL SCOTT MIODUSZEWSKI

(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:

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

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

3. X a Variance from Section(s) 1802.3.C.1 (304.1.C); BCZR, TO PERMIT AN UNDERSIZED LOT (4000 sq. ft. IN LIEU OF THE REQUIRED 6000 sq. ft.) TO BE IMPROVED WITH A DWELLING, WITH A LOT WIDTH OF 40 FT. IN LIEU OF THE REQUIRED 55 FT. AND SIDEYARD SETBACKS OF 5 FT. IN LIEU OF THE REQUIRED ~~20 FT~~ 10 FT.

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/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MICHAEL SCOTT MIODUSZEWSKI

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

1926 SUNBERRY ROAD DUNDALK MD.
Mailing Address City State

21222
Zip Code Telephone # Email Address

Representative to be contacted:

MICHAEL SCOTT MIODUSZEWSKI

Name - Type or Print

Signature

1926 SUNBERRY ROAD DUNDALK MD.
Mailing Address City State

21222, 443-416-7314, v@miodusze.wi
Zip Code Telephone # Email Address

CASE NUMBER 2019-0128-A Filing Date 10/19/18

Do Not Schedule Dates: Reviewer JCM



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Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MICHAEL SCOTT MIODUSZEWSKI

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1926 SUNBERRY ROAD DUNDALK MD.

Mailing Address City State

21222 Zip Code Telephone # Email Address

Representative to be contacted:

MICHAEL SCOTT MIODUSZEWSKI

Name - Type or Print

Signature

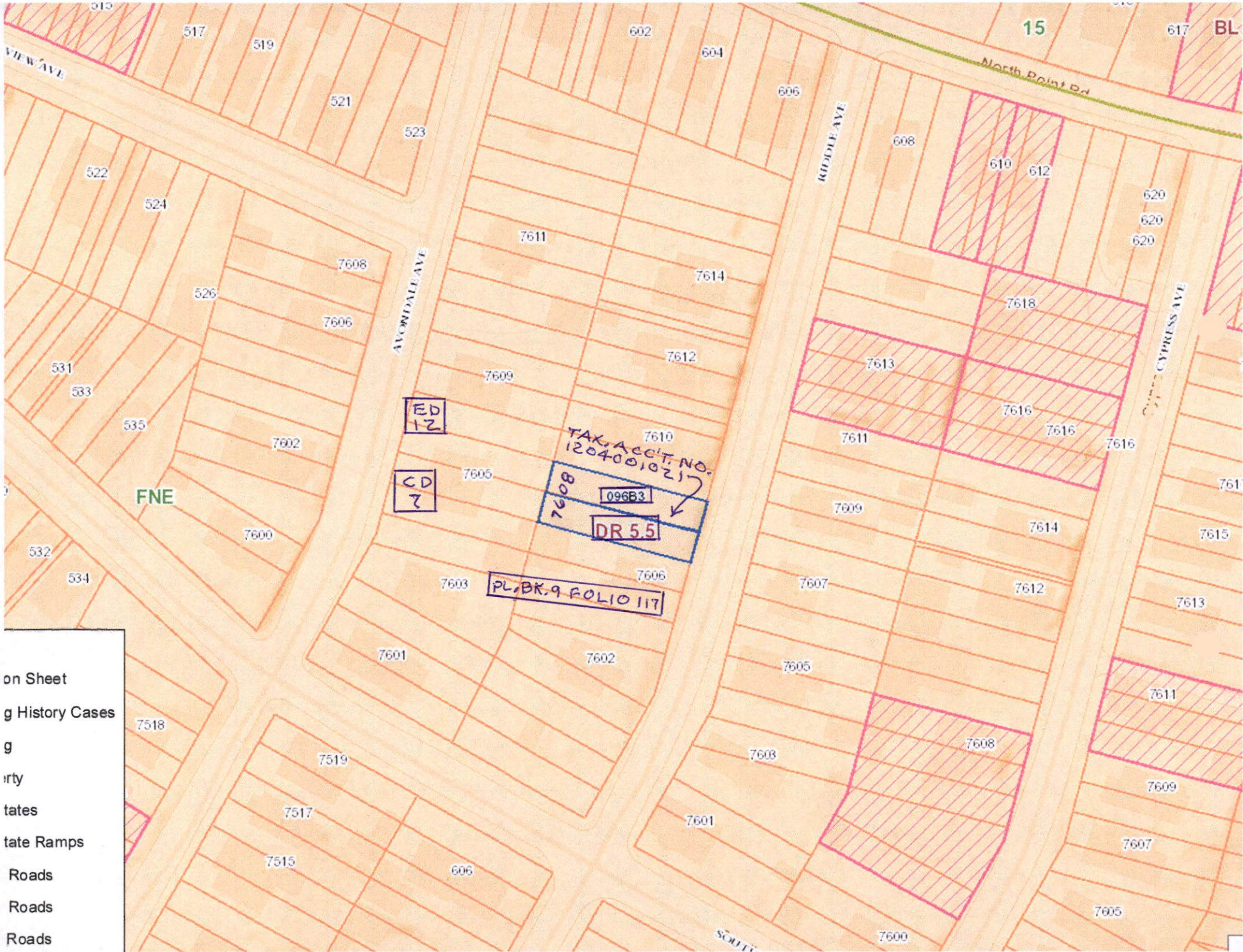
1926 SUNBERRY ROAD DUNDALK MD.

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21222, 443-416-7314, @comcast.net Zip Code Telephone # Email Address

CASE NUMBER 2019-0128-A Filing Date 10/19/18

Do Not Schedule Dates: Reviewer JCM



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