

M E M O R A N D U M

DATE: February 5, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0145-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 4, 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

IN RE: PETITION FOR VARIANCE

(Walnut Avenue)
3rd Election District
4th Council District
Russell Moore
Legal Owner
Petitioner

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BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2019-0145-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Russell Moore, 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 a proposed single-family dwelling with a lot area of 5,850 sq. ft., a lot width of 45' and side yard setbacks of 8' and 8' respectively, in lieu of the minimum required lot area of 6,000 sq. ft., lot width of 55' and side yard setbacks of 10' and 10', respectively. A site plan was marked as Petitioner's Exhibit 1.

Professional engineer Mostafa Izadi appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection & Sustainability ("DEPS"), Bureau of Development Plans Review ("DPR") and the Department of Planning ("DOP"). None of the reviewing agencies opposed the request.

The site is 5,850 square feet in size and is zoned DR 5.5. At present the property is unimproved, although Petitioner proposes to construct a single-family dwelling (29' x 50') on the site. Given the narrow width of the lot variance relief is required before he can do so.

ORDER RECEIVED FOR FILING

Date 1-4-19

By EW

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 irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed dwelling. 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. This is demonstrated by the absence of County and/or community opposition.

The Bureau of DPR requested in its ZAC comment Petitioner be required to perform and submit to the County a flood study for the property. Mr. Izadi testified that in his opinion this was unwarranted, since the site is small and is located in a long-established neighborhood. The witness also stated the subject property is not located within the existing 100-year flood plain. In addition, Mr. Izadi submitted a My Neighborhood map (Pet. Ex. 2) which shows the stream referenced in the DPR comment does not abut the subject property, but is in fact on property owned by the State of Maryland which is on the other side of a 15' wide alley which separates the properties. In these circumstances I do not believe Petitioner should be required to prepare a flood study, although (as Mr. Izadi suggested) the site plan should be revised to show the location of the existing flood plain.

THEREFORE, IT IS ORDERED, this 4th day of **January, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a proposed single-family dwelling with a lot area of 5,850 sq. ft., a lot width of 45' and side yard setbacks of 8' and 8'

ORDER RECEIVED FOR FILING

Date 1-4-19

By KW

respectively, in lieu of the minimum required lot area of 6,000 sq. ft., lot width of 55' and side yard setbacks of 10' and 10', respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
2. Prior to issuance of permits Petitioner must revise the site plan to show the location of the existing 100-year floodplain and any utility easements on the property.
3. Prior to issuance of permits Petitioner must comply with the regulations contained in Sections 33-3-101 through 33-3-120 of the Baltimore County Code.

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 1-4-19

By WJ



Lot #11

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 WALNUT AVENUE, Pikesville which is presently zoned S.5
 Deed References: 40696/00053 10 Digit Tax Account # 03 0207 0460
 Property Owner(s) Printed Name(s) RUSSELL MOORE

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a **Variance** from Section(s) BO2, B.C.1, BC2R to permit a proposed single family dwelling with a lot area of 5,850 square feet, a lot width of 45 feet, and side yard setbacks of 8 feet and 8 feet, respectively, in lieu of the minimum required lot area of 6,000 square feet, lot width of 55 feet, and side yard setbacks of 10 feet and 10 feet, respectively.
 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)

TO BE PRESENTED AT HEARING

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:

N/A
 Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

N/A
 Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

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

[Signature]
 Signature #1 Signature #2

720 S. Canton Av, Baltimore MD
 Mailing Address City State

21229, (410) 327-9105, EICCID@hotmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

MOSTAFA IZADI, PE
 Name - Type or Print

[Signature]
 Signature

P.O. Box 129 Riderswood MD
 Mailing Address City State

21139, (410) 382-9180, mizadi@aec-engineers.biz
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0145-A Filing Date 10/31/2018 Do Not Schedule Dates: _____ Reviewer JNP

TAX ACCOUNT NO. 0302070460

LOT 11 AND SOUTH HALF OF LOT 12

THE ZONING PETITION PROPERTY DESCRIPTION:

Part A:

Beginning at a point on the east side of Walnut Avenue (60' ROW), 345 feet south of the south side of Maple Avenue being known and designated as lot 11 and south one half of lot 12 (45' x 130').

Part B:

Being Lots 11 and south part half of lot 12, Section "G" in the subdivision of Mellinee recorded among the land records of Baltimore County in Plat Book J.W.S. No. 0001, Folio 0103, containing 5,850 SF (0.134 acres), located in 3rd Election District and 4th council district.

2019-0145-A

NOTICE

AA-2019-0013-FW

In accordance with Section 3111.4 of the Baltimore County Code, a request has been made for a waiver to construct a fence higher than allowed. SEE ALSO PART 122.4

OF THE BALTO CO. BLDG CODE

Request information:

Fence location: REAR YARD - 3407 MANOR HILL RD

Height allowed: 72"

Height requested: 96"

Anyone living within 1,000 feet of this property may request a public hearing on this matter if such request is made within 15 days of the posting date set forth below or submit written comments for consideration to the address below.

Posting Date: 6-16-19

Address: 3407 MANOR HILL RD

Please contact

for information 410-887-3391

Department of Permits APPROVALS + INSPECTIONS
111 West Chesapeake Avenue, Rm. 111
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/17/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-145

INFORMATION:

Property Address: Walnut Avenue, Lot 11
Petitioner: Russell Moore
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family detached dwelling with a lot area of 5,850 square feet, a lot width of 45 feet, and side yard setbacks of 8 feet and 8 feet in lieu of the required lot area of 6,000 square feet, lot width of 55 feet, and side yard setbacks of 10 feet and 10 feet, respectively.

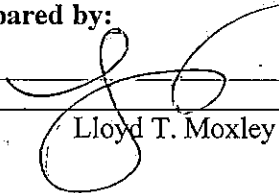
A site visit was conducted on November 8, 2018.

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

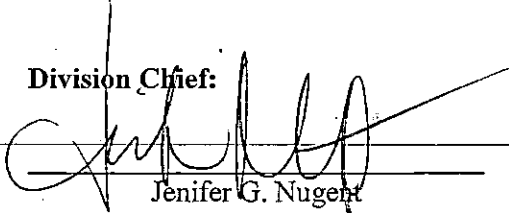
The Department recommends petitioners identify any and all utility easements that may be over the property prior to the commencement of construction.

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
Mostafa Izadi, PE
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/17/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-146

INFORMATION:

Property Address: Walnut Avenue, Lot 13

Petitioner: Russell Moore

Zoning: DR 5.5

Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family detached dwelling with a lot area of 5,850 square feet, a lot width of 45 feet, and side yard setbacks of 8 feet and 8 feet in lieu of the required lot area of 6,000 square feet, lot width of 55 feet, and side yard setbacks of 10 feet and 10 feet, respectively.

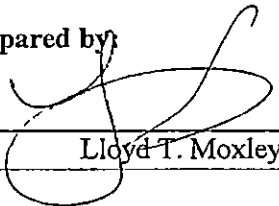
A site visit was conducted on November 8, 2018.

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

The Department recommends petitioners identify any and all utility easements that may be over the property prior to the commencement of construction.

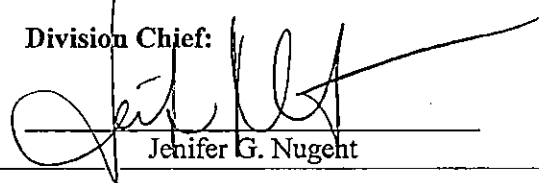
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Bill Skibinski
Mostafa Izadi, PE
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals
And Inspections

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2018
Item No. 2019-0174-SPHA

DATE: January 10, 2019

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Consideration should be given to extend a sewer main per the Baltimore County Design Manual, Policy Manual and the Standard Details to this property unless they and upstream properties already have public sewer or another means of access. Based on drawing number 1999-0190 the property and upstream properties do not have access and the sewer main ends at 7502 Rossville Boulevard about 130-feet away. Also, this property may have access issues.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals
And Inspections

DATE: January 10, 2019

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2018
Item No. 2019-0171-XA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Exception and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * *

VKD: cen
cc: file

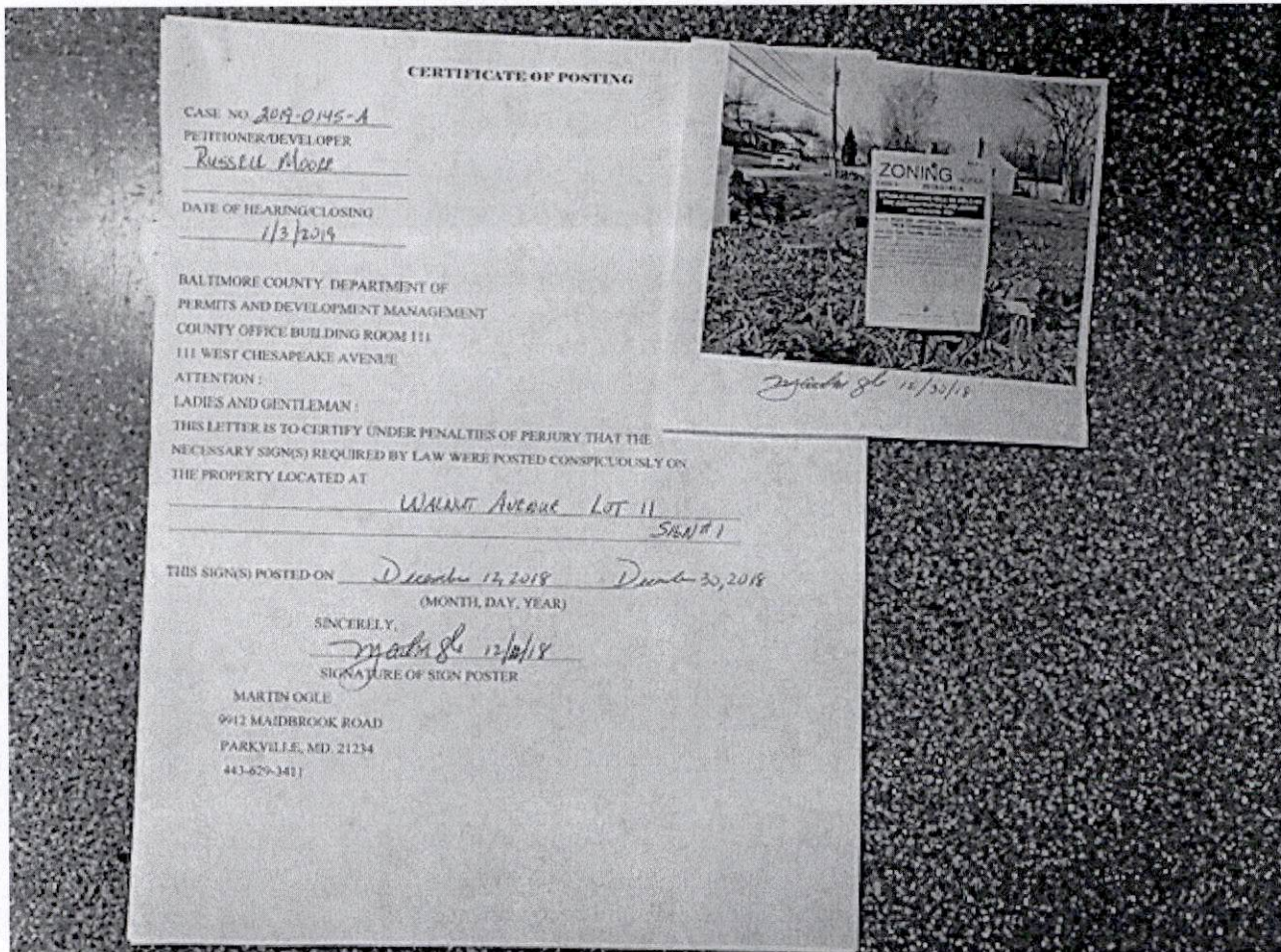
JB 1-3-19
1:30 PM

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Tuesday, January 01, 2019 8:54 PM
To: Administrative Hearings
Subject: Walnut avenue

RECEIVED
JAN 02 2018
OFFICE OF ADMINISTRATIVE HEARINGS

2nd set of certificates



CERTIFICATE OF POSTING

CASE NO. 2019-0145-A
PETITIONER/DEVELOPER
Russell Moore

DATE OF HEARING/CLOSING
1/3/2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMAN:

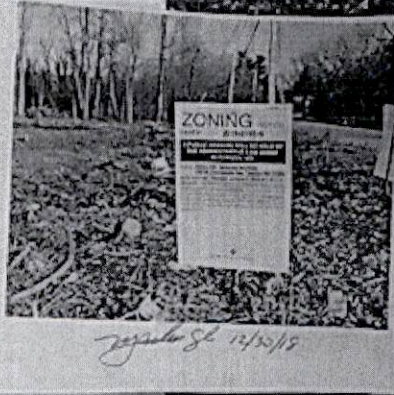
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

Walnut Avenue Lot 11
SR012

THIS SIGN(S) POSTED ON December 12, 2018 December 30, 2018
(MONTH, DAY, YEAR)

SINCERELY,
Martin Ogle 12/10/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD 21234
443-629-3411



RECEIVED

JAN 02 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

CASE NO. 2019-046-A

PETITIONER/DEVELOPER

RUSSELL MOORE

DATE OF HEARING/CLOSING

1/3/2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

WILMONT AVENUE LOT 13

56N#2

THIS SIGN(S) POSTED ON

December 17, 2018

(MONTH, DAY, YEAR)

December 30, 2018

SINCERELY,

[Signature]

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD
PARKVILLE, MD 21234
443-629-3411



[Signature] 12/17/18

RECEIVED

JAN 02 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

CASE NO. 2017-016-A

PETITIONER/DEVELOPER

Russell Moore

DATE OF HEARING/CLOSING

11/2/2018

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTY OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

WRIGHT AVENUE LOT 13

SUNSET

THIS SIGN(S) POSTED ON

December 17, 2018
(MONTH, DAY, YEAR)

SINCERELY,

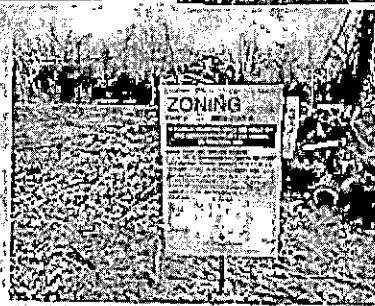
Martin Ogles
SIGNATURE OF SIGN POSTER

MARTIN OGLES

912 MADISON ROAD

PARKVILLE, MD, 21244

443-629-7411



Signature of Sign Poster

The Daily Record

11 East Saratoga Street

Baltimore, MD 21202-2199

(443) 524-8100

<http://www.thedailyrecord.com>**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:

12/14/2018

Order #: 11660103
 Case #: 2019-0145-A
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0145-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: 2019-0145-A

Walnut Avenue

Lot 11, southern half of Lot 12 of Walnut Avenue, east of Maple Avenue

3rd Election District- 4th Councilmanic District

Legal Owners: Russell Moore

Variance to permit a proposed single family dwelling with a lot area of 5850 sq. ft., a lot width of 45 ft., and side yard setbacks of 8 ft., and 8 ft., respectively, in lieu of the minimum required lot area of 6000 sq. ft., lot width of 55 ft. and side yard setbacks of 10ft. and 10ft. respectively.

Hearing: Thursday, January 3, 2019 at 1:30 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.

d14

CERTIFICATE OF POSTING

CASE NO. 2019-0145-A

PETITIONER/DEVELOPER

RUSSELL MOORE

DATE OF HEARING/CLOSING

1/3/2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

WALNUT AVENUE LOT 11
SIGN # 1

THIS SIGN(S) POSTED ON December 12, 2018
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 12/12/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

mgm 86 12/12/18

7
ING
NOTICE
CASE # 2019-0145-A
A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD
PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204
DATE AND TIME: Thursday, January 3, 2020 at 1:30 p.m.
REGISTRATION: To permit a proposed change, a family
dwelling with a lot area of 8650 sq. ft. and a lot width of 45
ft. and side yard setbacks of 10 ft. and 10 ft. 10
ft. and 10 ft. minimum setbacks for areas of 6000 sq. ft. 10
width of 65 ft. and side yard setbacks of 10 ft. and 10 ft.
respectively.

CERTIFICATE OF POSTING

CASE NO. 2019-0145-A

PETITIONER/DEVELOPER

RUSSELL MOORE

DATE OF HEARING/CLOSING

1/3/2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

WALNUT AVENUE LOT 11
SIGN #2

THIS SIGN(S) POSTED ON December 12, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 12/12/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

5/60 2

ZONING NOTICE

CASE # 2019-0145-A

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204

DATE AND TIME: Thursday, January 3, 2019 at 1:30 p.m.
REQUEST: Variance to permit a proposed single family dwelling with a lot area of 5850 sq. ft., a lot width of 45 ft., and side yard setbacks of 8 ft. and 8 ft., respectively, in lieu of the minimum required lot area of 6000 sq. ft., lot width of 55 ft., and side yard setbacks of 10 ft. and 10 ft., respectively.

APPLICANT: [REDACTED] 105 W. CHESAPEAKE AVE. TOWSON, MD 21204
TELEPHONE: [REDACTED] FAX: [REDACTED]

DATE: [REDACTED] TIME: [REDACTED] 105 W. CHESAPEAKE AVE. TOWSON, MD 21204

RECEIVED AT TOWSON

W. J. [REDACTED] 12/12/18



DONALD L. MOHLER III
County Executive

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

November 28, 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: 2019-0145-A

Walnut Avenue

Lot 11, southern half of Lot 12 of Walnut Avenue, east of Maple Avenue

3rd Election District – 4th Councilmanic District

Legal Owners: Russell Moore

Variance to permit a proposed single family dwelling with a lot area of 5850 sq. ft., a lot width of 45 ft., and side yard setbacks of 8 ft., and 8 ft., respectively, in lieu of the minimum required lot area of 6000 sq. ft., lot width of 55 ft. and side yard setbacks of 10 ft. and 10 ft. respectively.

Hearing: Thursday, January 3, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Russell Moore, 720 S. Canton Avenue, Baltimore 21229
Mostafa Izadi, P.O. Box 129, Riderwood 21139

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 14, 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 14, 2018 - Issue

Please forward billing to:
Russell Moore
720 S. Canton Avenue
Baltimore, MD 21229

410-327-9105

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: 2019-0145-A

Walnut Avenue

Lot 11, southern half of Lot 12 of Walnut Avenue, east of Maple Avenue

3rd Election District – 4th Councilmanic District

Legal Owners: Russell Moore

Variance to permit a proposed single family dwelling with a lot area of 5850 sq. ft., a lot width of 45 ft., and side yard setbacks of 8 ft., and 8 ft., respectively, in lieu of the minimum required lot area of 6000 sq. ft., lot width of 55 ft. and side yard setbacks of 10 ft. and 10 ft. respectively.

Hearing: Thursday, January 3, 2019 at 1:30 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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
Walnut Avenue; Lot 11 & southern 1/2 of Lot 12,	*	
E/S of Walnut Ave, 345' S of Maple Ave.	*	OF ADMINSTRATIVE
3 rd Election & 4 th Councilmanic Districts	*	
Legal Owner(s): Russell Moore	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2019-145-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

NOV 08 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 8th day of November, 2018, a copy of the foregoing Entry of Appearance was mailed to Mostafa Izadi, P.E., P.O. Box 129, Riderwood, Maryland 21139, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

10/11

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/neighbor 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: 2019-0145-A
Property Address: LOT 11 AND SOUTH HALF OF LOT 12, Walnut Av, Pikesville 21208 (Tax Ac # 0302070460)
Property Description: LOT 11 & Part 12, E/S OF WALNUT AVENUE, 345 S of Maple Ave
MELTNER
Legal Owners (Petitioners): Russell Moore
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Russell Moore
Company/Firm (if applicable): _____
Address: 7205 Canton Ave
Baltimore, MD 21229
Telephone Number: (410) 327-9105



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

December 27, 2018

Russell Moore
720 S. Canton Avenue
Baltimore, MD 21229

RE: Case Number: 2019-0145-A, Address: Walnut 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 31, 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 faint rectangular stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Mostafa Izadi, P.E., P.O. Box 129, Riderwood 21139

1-3

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 12/17/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-145



INFORMATION:

Property Address: Walnut Avenue, Lot 11
Petitioner: Russell Moore
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit a single family detached dwelling with a lot area of 5,850 square feet, a lot width of 45 feet, and side yard setbacks of 8 feet and 8 feet in lieu of the required lot area of 6,000 square feet, lot width of 55 feet, and side yard setbacks of 10 feet and 10 feet, respectively.

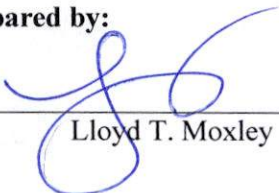
A site visit was conducted on November 8, 2018.

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

The Department recommends petitioners identify any and all utility easements that may be over the property prior to the commencement of construction.

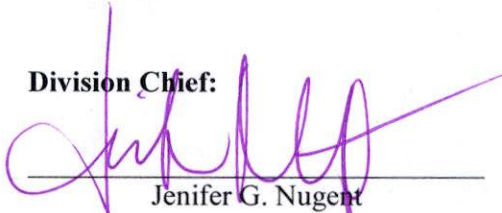
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



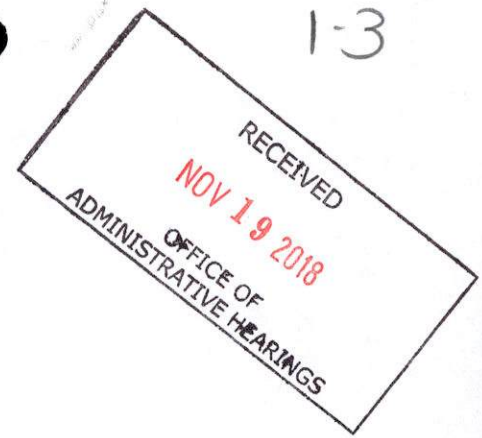
Jenifer G. Nugent

AVA/JGN/LTM/

c: Bill Skibinski
Mostafa Izadi, PE
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: November 19, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0145-A
Address Walnut Avenue
(Moore Property)

Zoning Advisory Committee Meeting of **November 12, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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Sustainability (EPS) - Development Coordination

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Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For November 12, 2018
Item No. 2019-0145-A

DATE: November 26, 2018

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments

During our review of this site, it was noticed that a stream is located just off the rear of the property. The drainage area to this water course appears to be greater than 30 acres per GIS. A flood study based on the current Baltimore County Design Manual and the Baltimore County Development Plans Review Policy Manual should be performed showing the ultimate conditions.

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VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 11/7/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

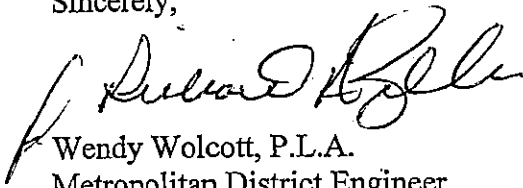
Dear Ms. Lewis:

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. 2019-0145-A.

*Variance
Russell Moore
Wainut 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

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment11/26DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment11/19DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

12/19PLANNING
(if not received, date e-mail sent _____)No Obj
w/ comment11/7

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/14/18SIGN POSTING (1st)

Date:

12/12/18by AgileSIGN POSTING (2nd)

Date:

12/30/18by Agile

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 12/19/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

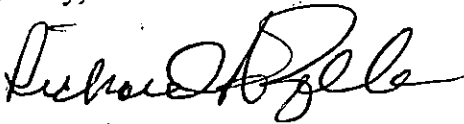
Dear Ms. Lewis:

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. 2019-0175-A

Variano
Doreen Lucke
2807 Alabama 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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: December 19, 2018

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

SUBJECT: Zoning Advisory Committee Meeting
For November 26, 2018
Item No. 2019-0150-A, 0151-SPHA, 0158-A, 0159-SPHA, 0160-A, 0161-
SPHA and 0162-SPHA

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

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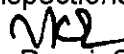
*

VKD: can
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals
And Inspections

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2018
Item No. 2019-0173-A

DATE: Jan 17, 2019

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Developer/Owner needs to address Recreational Greenway Reservation.

Owner shall be aware that this project will require an approved Minor-Subdivision Plan..

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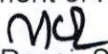
VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Jan 17, 2019

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2018
ItemNo.2019-0165-A, 0175-A, 0176-A, 0178-A, 0179-A, 0180-A, 0181-A,
0182-A, 0184-SPHA, 0185-A, 0188-SPHX and 0190-A

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

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VKD: cen
cc: file

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt: Exempt Class:		Special Tax Recapture: NONE							
Account Identifier:		District - 03 Account Number - 0302070460							
Owner Name:		MOORE RUSSELL				Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:		720 S CATON AVE BALTIMORE MD 21229-				Deed Reference:		/40698/ 00053	
Location & Structure Information									
Premises Address:		WALNUT AVE 0-0000				Legal Description:		LT 11 PT 12 345 S MAPLE AVE MELLINEE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0078	0021	0478		0000	G		11	2017	0001/ 0103
Special Tax Areas:						Town:		NONE	
						Ad Valorem:			
						Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area 5,850 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 01/01/2017		As of 07/01/2018		As of 07/01/2019	
Land:		5,800		5,800					
Improvements		0		0					
Total:		5,800		5,800		5,800		5,800	
Preferential Land:		0						0	
Transfer Information									
Seller: SHACKLETT JOHN				Date: 09/21/2018		Price: \$50,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /40698/ 00053		Deed2:			
Seller: DUDLEY MARVIN				Date: 11/09/2004		Price: \$20,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /20954/ 00741		Deed2:			
Seller: BRILL H LEE				Date: 09/29/1972		Price: \$1,500			
Type: ARMS LENGTH IMPROVED				Deed1: /05304/ 00819		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:			

CASE NAME 2019-145-A
CASE NUMBER _____
DATE 1-3-2019

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS WALNUT AVENUE, PIKESVILLE, MD 21208

OWNER NAME RUSSELL MOORE

SUBDIVISION NAME MELLINEE LOT# 11 & SOUTH ONE-HALF OF LOT #12 BLOCK# - SECTION# G

PLAT BOOK# 0001 FOLIO# 0103 10 DIGIT TAX# 0302070460 DEED REF.# 40696/00053

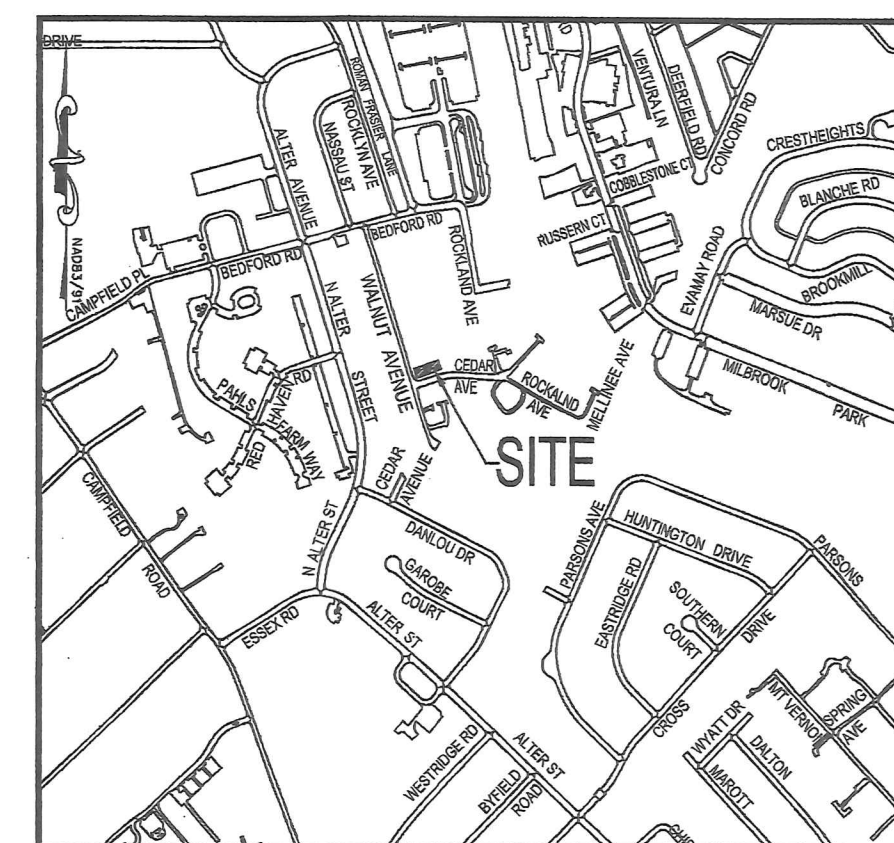
SCOPE OF VARIANCE REQUESTED:

1. USE UNDER SIZE LOT AREA
MINIMUM LOT SIZE IN DR 5.5 IS 6,000 SQ.FT.
THE REQUESTED VARIANCE FOR PROPOSED LOT SIZE IS 5,850 SQ.FT.
2. MINIMUM LOT WIDTH IS 55'.
THE REQUESTED VARIANCE FOR PROPOSED LOT SIZE WIDTH IS 45'.
3. THE MINIMUM SIDE SETBACKS ARE 20' COMBINED > 20' HIGH
THE REQUESTED VARIANCE FOR SIDE SETBACKS IS 16' > 20' HIGH

SITE DATA:

TAX ACCOUNT NUMBER: 0302070460
OWNER'S NAME: RUSSELL MOORE
PROPERTY ADDRESS: WALNUT AVENUE
PIKESVILLE, MD 21208
OWNER'S MAILING ADDRESS: 720 S CATON AVE
BALTIMORE, MD 21229
TAX PREMISE ADDRESS: WALNUT AVENUE, PIKESVILLE, MD 21028
TAX MAP: 0076
PARCEL: 0476
AREA: 5,850 ± SF
ZONING: DR 5.5
DISTRICT: 03
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

THE SURVEY WAS OBTAINED FROM BALTIMORE COUNTY GIS DIGITAL DATA.



VICINITY MAP
SCALE: 1"=1000'

ZONING MAP# 078B3
SITE ZONED: DR 5.5
ELECTION DISTRICT: 03
COUNCIL DISTRICT: 04
LOT AREA ACREAGE: 0.134 ± AC
LOT AREA SQUARE FEET: 5,850 ± SF
HISTORIC ? NO
IN CBCA ? NO
IN FLOODPLAIN NO

UTILITIES ? MARK WITH X
WATER IS: PUBLIC X PRIVATE
SEWER IS: PUBLIC X PRIVATE

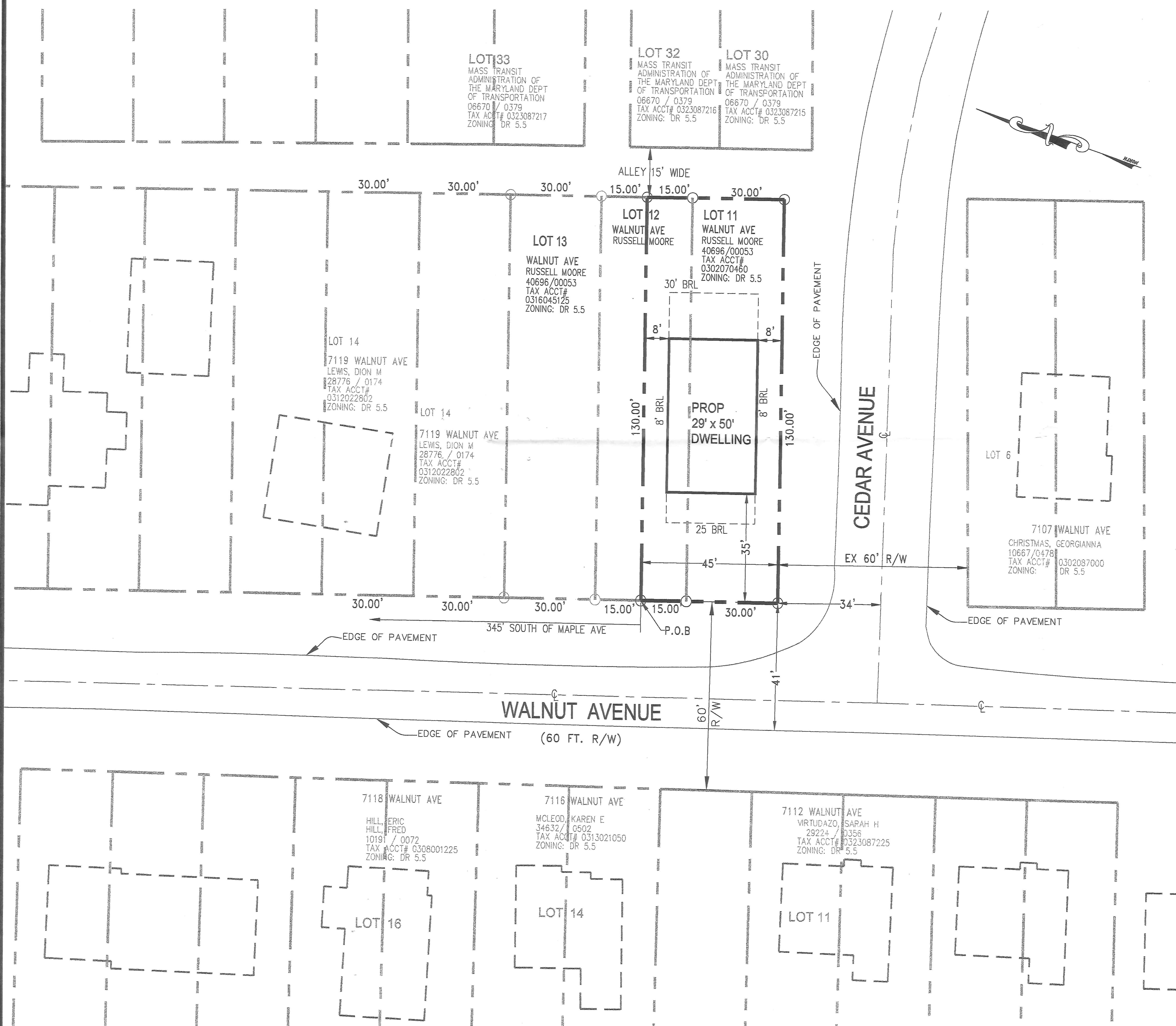
PRIOR HEARING ? N/A
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW: N/A

VIOLATION CASE INFO: N/A



ZONING MAP

SCALE: 1"=200'



SITE PLAN

SCALE: 1"=20'

Advanced Engineering Consultants, PC

Engineers & Planners

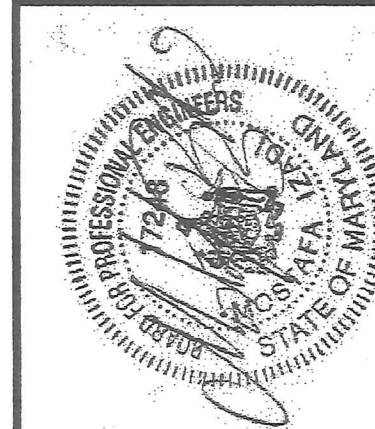
P.O. BOX 129 RIDERWOOD, MD 21139
TEL: 410-382-9180 FAX: 410-296-0505
mizadi@aec-engineers.biz

AEC

REVISIONS	DESCRIPTION	BY	DATE

TITLE: ZONING HEARING PLAN FOR VARIANCE

WALNUT AVENUE (LOT 11)
TAX MAP 078, GRID 021, PARCEL 0476
ELECTION DISTRICT - 03
PIKESVILLE, MD 21208



DRAWN BY:
TH

CHECKED BY:
MI

SCALE:
AS SHOWN

DATE:

10-29-2018

SHEET 1 OF 1

"PROFESSIONAL CERTIFICATION"

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

MOSTAFA IZADI, PE
LICENSE NO. 17248, EXPIRATION DATE: 02/11/2019

OWNER:
RUSSELL MOORE
720 S CATON AVENUE
BALTIMORE, MD 21229
TEL: (410) 327-9105
EMAIL: eicci0@hotmail.com

Pet. 1 2019-0145-A

Baltimore County - My Neighborhood



Legend

- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary

1:1,128

0 45 90 180 Feet

0 0.0075 0.015 0.03 Miles

January 2, 2019

PET. 2

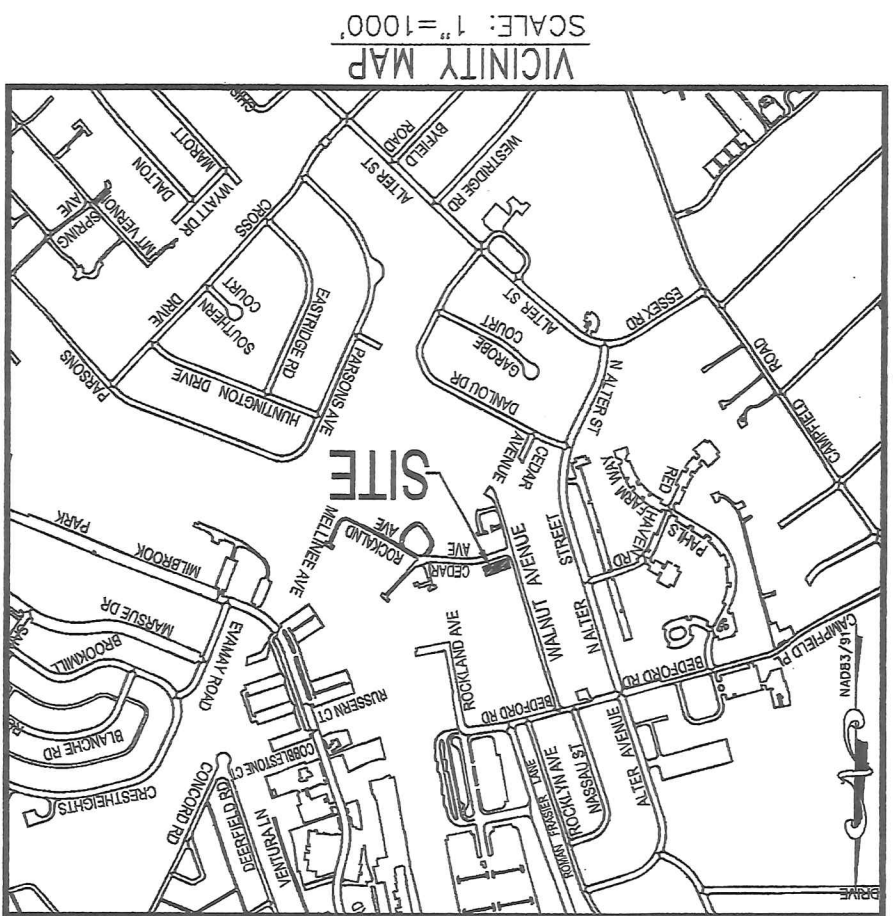
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SCOPE OF VARIANCE REQUESTED:

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OWNER'S MAILING ADDRESS: 720 S CATON AVE
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PARCEL: 0476
AREA: 5,850 ± SF
DISTRICT: DR 5.5
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
THE SURVEY WAS OBTAINED FROM BALTIMORE COUNTY GIS DIGITAL DATA.

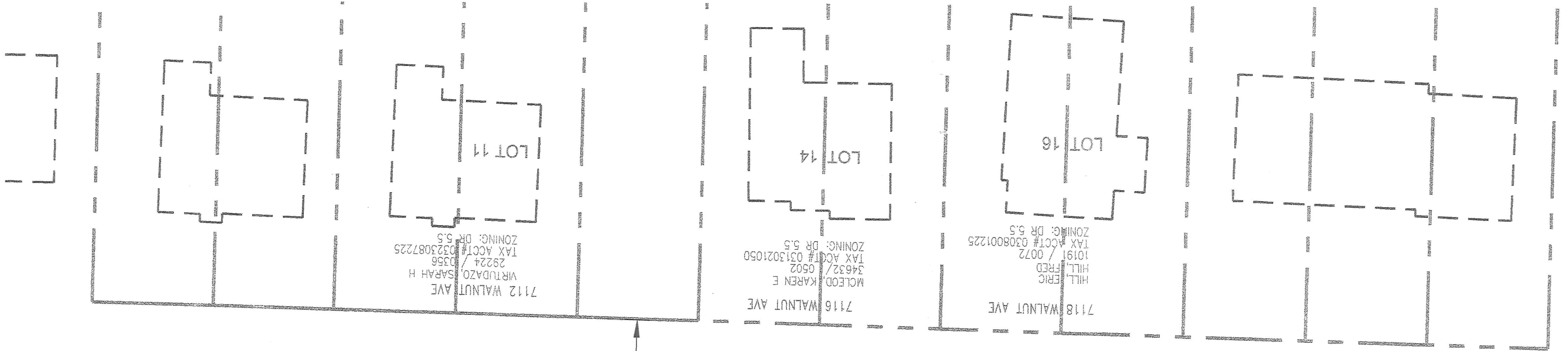


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SEWER IS: PUBLIC X PRIVATE
IF 50 GIVE CASE NUMBER
PRIOR HEARING ? N/A
AND ORDER RESULT BELOW: N/A
VIOLATION CASE INFO: N/A



SITE PLAN
SCALE: 1"=20'



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SCALE: 1"=200'

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MOSTAFA IZADI, PE
LICENSE NO. J248, EXPIRATION DATE: 02/11/2019
EMAIL: elcic0@hotmail.com
TEL: (410) 327-9105
720 S CATON AVENUE
BALTIMORE, MD 21229
OWNER: RUSSELL MOORE

DRAWN BY: TH
CHECKED BY: MI
SCALE: AS SHOWN
DATE: 10-29-2018
SHEET 1 OF 1



TITLE: ZONING HARING PLAN FOR VARIANCE
WALNUT AVENUE (LOT 11)
TAX MAP 078, GRID 021, PARCEL 0476
ELECTION DISTRICT - 03
PIKEVILLE, MD 21208

REVISIONS
BY DATE

DESCRIPTION	BY	DATE

Advanced Engineering Consultants, DC.
Engineers & Planners
P.O. BOX 129 RIDERWOOD, MD 21139
TEL: 410-382-9180 FAX: 410-296-0505
mizadi@aec-engineers.biz