

M E M O R A N D U M

DATE: May 30, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0250-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on May 29, 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: **PETITION FOR SPECIAL HEARING** * BEFORE THE
(18 Wyndcrest Avenue) *
1st Election District * OFFICE OF
1st Council District *
Cara & Andrew Mikel * ADMINISTRATIVE HEARINGS
Legal Owners * FOR BALTIMORE COUNTY
Petitioners * **Case No. 2019-0250-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Cara & Andrew Mikel, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") seeking approval for an accessory (in-law) apartment in a detached structure (*i.e.*, garage). A site plan was marked and admitted as Petitioners' Exhibit 1.

Cara Mikel appeared in support of the petition. Several neighbors attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning ("DOP"). That agency did not oppose the request.

The subject property is 8,190 square feet in size and is zoned DR-2. The property is located in Catonsville and is improved with a single-family dwelling constructed in 1919. Petitioners recently purchased the property and would like to convert the existing garage into a 360 sq. ft. accessory apartment for Ms. Mikel's parents. Since the apartment would be in a detached structure the BCZR requires a public hearing. BCZR §400.4.

ORDER RECEIVED FOR FILING

Date

4/29/19

By

Sen

SPECIAL HEARING

Based on Ms. Mikel's testimony and her responses to the questions and concerns raised by her neighbors, I do not believe granting the request would have any discernable impact upon the community. Ms. Mikel explained her parents live in Virginia Beach and would stay in the apartment only when they visited her family. They will drive together and Ms. Mikel believes they will be able to park her parents' car in the existing driveway, such that traffic flow along the narrow street would not be impacted. As such I believe the request should be granted, subject to the restrictions noted below and those contained in the Declaration of Understanding.

THEREFORE, IT IS ORDERED this 29th day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing seeking approval for an accessory (in-law) apartment in a detached structure (*i.e.*, garage), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of a use permit for the accessory apartment Petitioners must comply with the ZAC comment submitted by the DOP, a copy of which is attached.
3. Prior to issuance of a use permit Petitioner must file in the land records for Baltimore County the Declaration of Understanding as required by BCZR §400.4.

ORDER RECEIVED FOR FILING

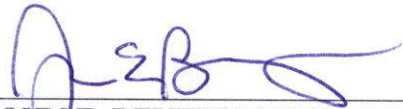
Date

4/29/19

By

sen

Any appeal of this decision must be filed 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 4/29/19

By sen



PETITION FOR ZONING VARIANCE(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 18 Wyndcrest Avenue Catonsville, MD 21228 which is presently zoned DR 2

Deed References: 35332 / 379 10 Digit Tax Account # 0 1 1 1 3 5 1 6 5 0

Property Owner(s) Printed Name(s) Cara and Andrew Mikel

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

Proposal to convert interior of existing garage (to be approx. 360 sq. ft. finished) to an Accessory (In-Law) Apartment: kitchen sink, mini-fridge, microwave, coffee pot, bed, sitting area and full bath. NO range, oven or dishwasher. All building permits, codes and fire code requirements will be met. All exterior dimensions of existing garage to remain the same: 20' wide, 22' long, 13' high.

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

3. _____ a **Variance** from Section(s)

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):

Cara Mikel / Andrew Mikel

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

18 Wyndcrest Ave. Catonsville MD
Mailing Address City State

21228 / 443-680-2896 / teammikel@gmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

Cara Mikel

Name - Type or Print

Signature

18 Wyndcrest Ave. Catonsville MD
Mailing Address City State

21228 / 443-680-2896 / teammikel@gmail.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0250-SPH

Filing Date 2/28/19

Do Not Schedule Dates: _____

Reviewer CF

DECLARATION EXHIBIT A

BEGINNING FOR THE SAME on the southwest side of Wyndcrest Avenue at a point distant 478 feet northwesterly from the corner formed by the intersection of the southwest side of Wyndcrest Avenue and the northwest side of Frederick Avenue, said beginning being at the end of the third line of that lot of ground described in a Deed from Barbara A. Beans to Charles Elliott Poor and wife, dated December 21, 1912 and recorded among the Land Records of Baltimore County in Liber WFC No. 403, folio 537 and running thence along the southwest side of Wyndcrest Avenue as now opened with the use thereof in common and binding on the third line of the lot of ground secondly described in Deed dated March 15, 1908 and recorded among the Land Records of Baltimore County in Liber WPC No. 327, folio 151 from Mary Virginia Corkran and husband, to Barbara Beans, 65 feet, 7 inches to the end thereof, secondly described in Deed from Corkran to Beans, to the end thereof and continuing the same course on and along the third line of the lot of ground firstly described in said Deed from Corkran to Beans in all 126 feet and $\frac{1}{4}$ inches; thence southeast parallel with the first line in this description 65 feet 7 inches to the end of the second line of the lot of ground described in said Deed from Beans to Poor, thence along and with third line of the lot of ground described in said Deed from Beans to Poor, North 69 degrees East 126 feet and $\frac{1}{4}$ inches to the place of beginning.

BEING that property, which by Deed dated August 22, 2014, and recorded among the Land Records of Baltimore County in Liber 35332 at folio 379, was granted and conveyed by Christopher James Germida, Personal Representative of the Estate of Jeffrey Michael Germida, unto Christopher James Germida.

2019-0250-SPA

#92-0223-P13.

JB 4-26-19
10 Am

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Thursday, April 25, 2019 9:35 PM
To: Administrative Hearings
Subject: 2nd Cert. Case # 2019-0250-SPH @ 18 Wyndcrest Ave.
Attachments: Wyndcrest Ave. Cert. .jpeg; Wyndcrest Ave. photo.docx

Hi Sherry & Debra,

I have attached the 2nd Certification for Case # 2019-0250-SPH @ 18 Wyndcrest Ave. and photo for your records.

Have a nice day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



410-666-5366
(Telephone Number of Sign Poster)

703026

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/6/2019

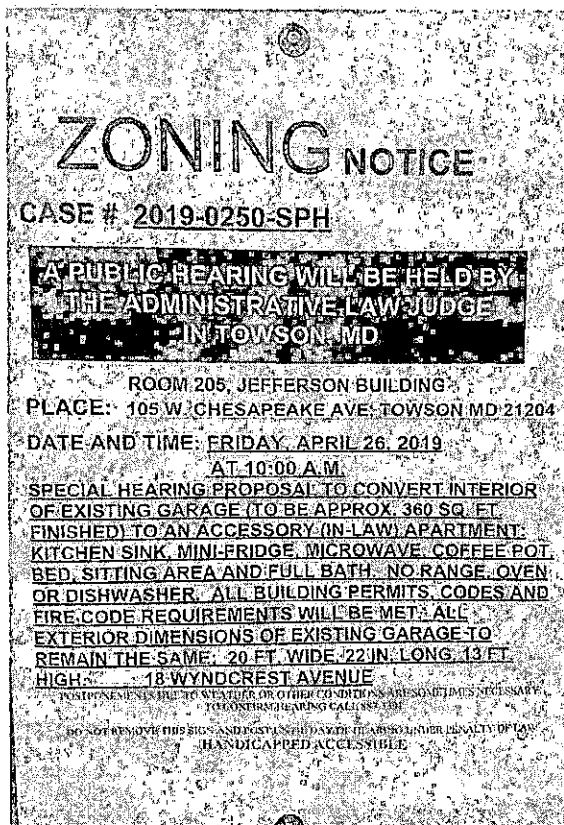
Case Number: 2019-0250-SPH

Petitioner / Developer: CARA & ANDREW MIKEL

Date of Hearing: APRIL 26, 2019

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

The sign(s) were posted on: **APRIL 6, 2019**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: THE DAILY RECORD
Friday, April 5, 2019 - Issue

Please forward billing to:

Cara Mikel
18 Wyndcrest Avenue
Catonsville, MD 21228

443-680-2896

NOTICE OF ZONING HEARING

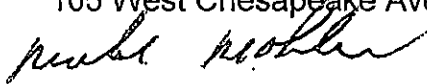
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0250-SPH

18 Wyndcrest Avenue
SW of Wyndcrest Avenue, 478 ft. NW of Frederick Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Cara & Andrew Mikel

Special Hearing proposal to convert interior of existing garage (to be approx. 360 sq. ft. finished) to an Accessory (in-law) apartment: kitchen sink, mini-fridge, microwave, coffee pot, bed, sitting area and full bath. No Range, oven or dishwasher. All building permits, codes and fire code requirements will be met. All exterior dimensions of existing garage to remain the same: 20 ft. wide, 22 in. long, 13 ft. high.

Hearing: Friday, April 26, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
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.

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:

4/5/2019

Order #: 11723011
Case #: 2019-0250-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0250-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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SW of Wyndcrest Avenue, 478 ft. NW of Frederick Avenue

1st Election District - 1st Councilmanic District

Legal Owners: Cara & Andrew Mikel

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ap5



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 25, 2019

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: 2019-0250-SPH

18 Wyndcrest Avenue

SW of Wyndcrest Avenue, 478 ft. NW of Frederick Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Cara & Andrew Mikel

Special Hearing proposal to convert interior of existing garage (to be approx. 360 sq. ft. finished) to an Accessory (in-law) apartment: kitchen sink, mini-fridge, microwave, coffee pot, bed, sitting area and full bath. No Range, oven or dishwasher. All building permits, codes and fire code requirements will be met. All exterior dimensions of existing garage to remain the same: 20 ft. wide, 22 in. long, 13 ft. high.

Hearing: Friday, April 26, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Mike Mohler".

Mike Mohler
Director

MM:kl

C: Cara & Andrew Mikel, 18 Wyndcrest Avenue, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 6, 2019.**
- (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.

RE: PETITION FOR SPECIAL HEARING
18 Wyndcrest Avenue; SW of Wyndcrest
Avenue, 478' NW of Frederick Avenue
1st Election & 1st Councilmanic Districts
Legal Owner(s): Cara & Andrew Mikel
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-250-SPH

* * * * *

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

MAR 08 2019

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 March, 2019, a copy of the foregoing Entry of Appearance was mailed to Cara Mikel, 18 Wyndcrest Avenue, Catonsville, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

No. **180714**

PAID RECEIPT

Date: **2-28-19**

BUSINESS ACTUAL TIME DRW
 2/28/2019 2/28/2019 11:15:43 3

REG #503 WALKIN CAM
 >>RECEIPT # 806947 2/28/2019 OFLN

Dept 5 528 ZONING VERIFICATION
 CR NO. 180714

Rec'd Tot \$ 75.00
 75.00 CK .00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec

From: **IN Law Unit case# 2019-0750-SPH**

For: **18 Wyndcrest Ave**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 17, 2019

Cara & Andrew Mikel
18 Wyndcrest Ave
Catonsville MD 21228

RE: Case Number: 2019-0250-SPH, 18 Wyndcrest Ave

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 February 28, 2019. 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, appearing to read "W. Carl Richards, Jr.", with a long horizontal flourish extending to the right.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

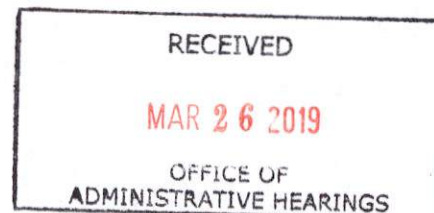
INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 3/21/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-250



INFORMATION:

Property Address: 18 Wyndcrest Avenue
Petitioner: Cara Mikel
Zoning: DR 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an accessory apartment within a converted accessory structure.

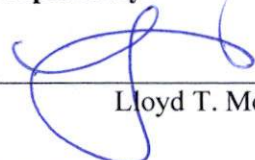
A site visit was conducted on March 8, 2019. The site is within the boundaries of Catonsville/ Patapsco Sustainable Community Area.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- There shall be no separate utility meter associated with the accessory apartment.
- There shall be no commercial activity conducted on site.
- All materials used in finishing the exterior of the accessory structure shall be complimentary to the principal structure in materials and colors.
- If approved, the accessory apartment shall be subject to the requirements of BCZR § 400.4.B to include the required "Declaration of Understanding".

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

Prepared by:



Lloyd T. Moxley

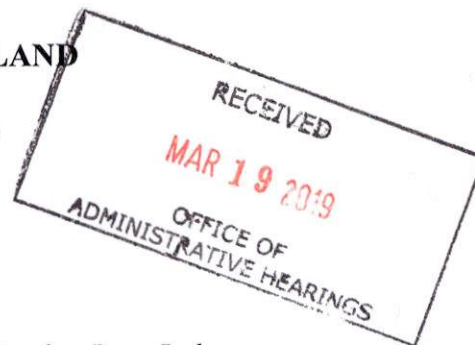
JM/JGN/LTM/

Division Chief:



Jenifer G. Nugent

c: Josephine Selvakumar
Cara Mikel
Office of the 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: March 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0250-SPH
Address 18 Wyndcrest Avenue
(Mikel Property)

Zoning Advisory Committee Meeting of **March 11, 2019.**

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: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: March 18, 2019

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2019
Item No. 2019-0238-SPH, 0240-A, 0241-A, 0242-A, 0243-A, 0244-A, 0246-
SPH, 0247-A, 0248-A, 0249-A, 0250-SPH, 0251-A & 0252-A

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

* * * * *

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: 3/7/19

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.

2619-0250-SPH
Special Hearing
Cura e Address Mikel
18 Wyndcrest 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

**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: 2019-0250-SPH

Property Address: 18 WYNDCREST AVE, CATONSVILLE, MD 21228

Property Description: _____

Legal Owners (Petitioners): CARA & ANDREW MIKEL

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CARA MIKEL

Company/Firm (if applicable): _____

Address: 18 WYNDCREST AVE.
CATONSVILLE, MD 21228

Telephone Number: 443-680-2896

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY

OF THE UNITED STATES

AND

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 3/21/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
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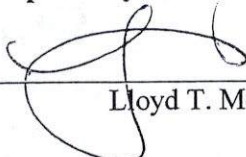
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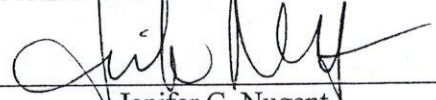
Prepared by:


Lloyd T. Moxley

JM/JGN/LTM/

c: Josephine Selvakumar
Cara Mikel
Office of the Administrative Hearings

Division Chief:


Jenifer G. Nugent

ORDER RECEIVED FOR FILING

Date 4/29/19

By sen

CASE NAME 2019-250-SPH
CASE NUMBER _____
DATE 4-26-2019

[illegible]

CASE NAME 2019-250-SPH
CASE NUMBER _____
DATE April 26, 2019

E - MAIL

[illegible]

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 28th day of February, 2019, by and between **Cara Mikel and Andrew Mikel** (hereinafter referred to as the "Declarants") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

A. The Declarants who are also the owners of this property have filed an application for a use permit and special hearing to:

convert the existing detached 20' wide x 22' deep x 13' high garage to a studio apartment for my retired parents to use part-time when they visit from out-of-state. These visits range from 4 to 8 days and occur 8 to 12 times a year. This would allow them to visit with us and eat meals with us and provide them with private sleeping and bathing facilities on our property.

All construction will be done within the existing footprint of the garage, so that all dimensions of the garage (length, width, and height) will remain the same.

All building permits, codes, and fire code requirements will be met.

New interior construction will add insulated drywall walls and ceiling, vinyl flooring, replace 2 existing double-hung windows, and frame the existing garage door openings with sealed and insulated faux garage doors that include a 36" entry door.

Water, electricity and sewer connections will be made to the main residence. There will be no range or oven, and no natural gas connection as these not needed nor desired.

Electric heat and air conditioning will be installed.

Kitchen facilities will consist of countertop, cabinets, and sink. Cooking will be limited to countertop microwave and coffee maker appliances.

Bathing facilities will consist of vanity, commode, and shower.

The property being located at: **18 Wyndcrest Avenue, Catonsville, MD 21228** and is more particularly described by metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned **DR 2**, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment with dedicated bathing and minimal cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for:

Christopher and Geraldine Bolton, parents of Cara Mikel

2019-0250 SAH

DECLARATION OF UNDERSTANDING

The other residents of the property are:

Cara Mikel, Andrew Mikel (Declarants and owners) and their minor children Gia Mikel and Thora Mikel, who occupy all three bedrooms in the home.

The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarants request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

DECLARATIONS

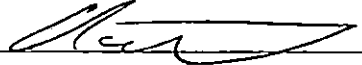
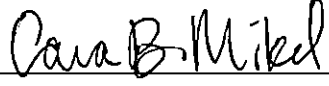
NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarants and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.
2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.
3. Upon use permit termination: **the Accessory Apartment will not have new occupants until a new use permit is obtained.**
4. The Declarants upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

DECLARATION OF UNDERSTANDING

5. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.
6. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:  
Andrew S. MIKEL CARA B. MIKEL

State of Maryland, County of Baltimore to wit:

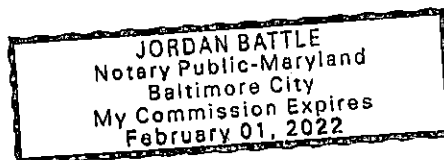
I HEREBY CERTIFY that on this 18 day of 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared

Andrew & Cara Mikel

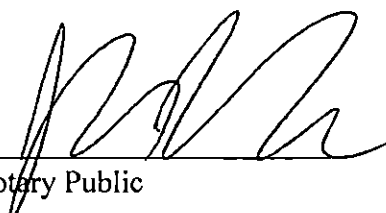
The declarants herein, who are also the owners of this property, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 2-1-2022



PAI ZR53


Notary Public

Rev. 11/08/11

DECLARATION EXHIBIT A

BEGINNING FOR THE SAME on the southwest side of Wyndcrest Avenue at a point distant 478 feet northwesterly from the corner formed by the intersection of the southwest side of Wyndcrest Avenue and the northwest side of Frederick Avenue, said beginning being at the end of the third line of that lot of ground described in a Deed from Barbara A. Beans to Charles Elliott Poor and wife, dated December 21, 1912 and recorded among the Land Records of Baltimore County in Liber WFC No. 403, folio 537 and running thence along the southwest side of Wyndcrest Avenue as now opened with the use thereof in common and binding on the third line of the lot of ground secondly described in Deed dated March 15, 1908 and recorded among the Land Records of Baltimore County in Liber WPC No. 327, folio 151 from Mary Virginia Corkran and husband, to Barbara Beans, 65 feet, 7 inches to the end thereof, secondly described in Deed from Corkran to Beans, to the end thereof and continuing the same course on and along the third line of the lot of ground firstly described in said Deed from Corkran to Beans in all 126 feet and $\frac{1}{4}$ inches; thence southeast parallel with the first line in this description 65 feet 7 inches to the end of the second line of the lot of ground described in said Deed from Beans to Poor, thence along and with third line of the lot of ground described in said Deed from Beans to Poor, North 69 degrees East 126 feet and $\frac{1}{4}$ inches to the place of beginning.

BEING that property, which by Deed dated August 22, 2014, and recorded among the Land Records of Baltimore County in Liber 35332 at folio 379, was granted and conveyed by Christopher James Germida, Personal Representative of the Estate of Jeffrey Michael Germida, unto Christopher James Germida.

DECLARATION EXHIBIT B

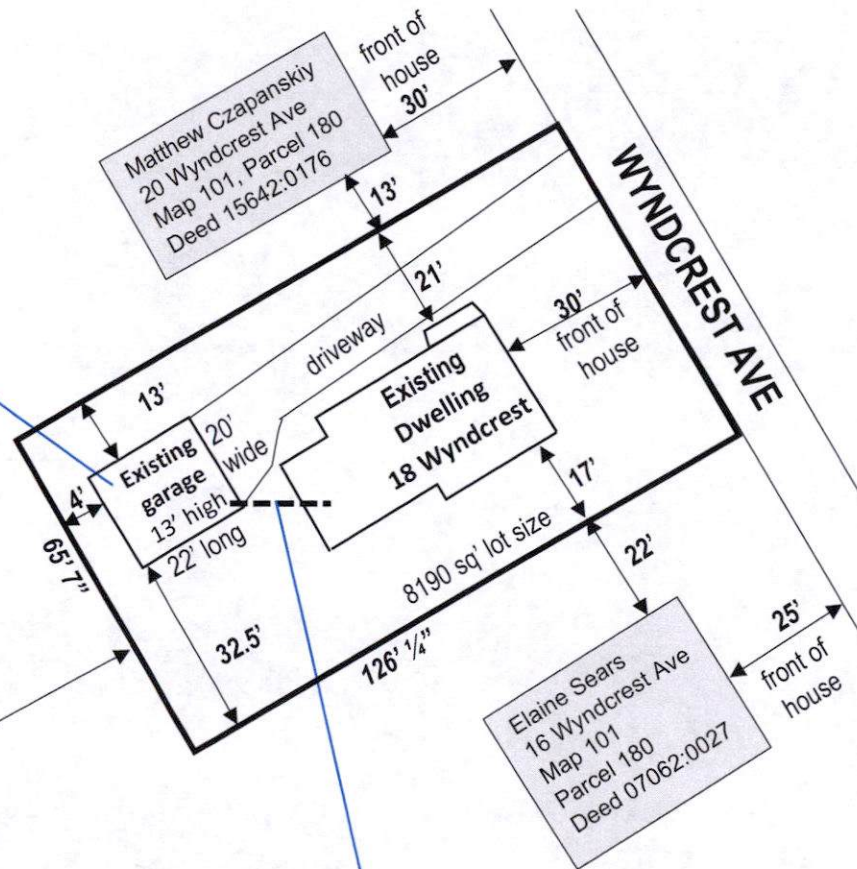
ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X - residential use hearing _____
 ADDRESS 18 WYNDCREST AVE OWNERS NAMES CARA and ANDREW MIKEL
 SUBDIVISION NAME N/A LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # 35332 FOLIO # 379 10 DIGIT TAX # 0111351650 DEED REF # 35332 / 379

Proposed to convert interior of existing garage (to be approx. 360 sq ft finished) to a studio apartment: kitchen sink, mini-fridge, microwave, coffee pot, bed, sitting area, and a full bath. NO RANGE, OVEN, or DISHWASHER.

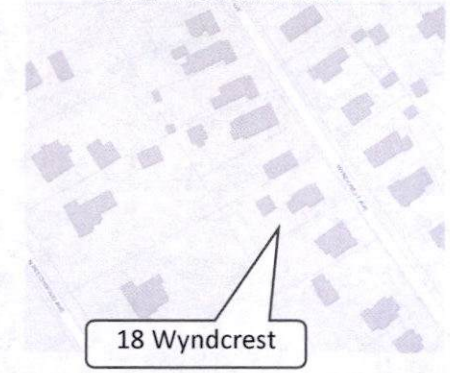
All building permits, codes and fire code requirements will be met.

All exterior dimensions of existing garage to remain the same: 20' wide, 22' long, 13' high. The 2 existing windows (1 on North side, 1 on South side) will also remain.

Garage doors will be replaced with weather-tight walls and an entry door. These will maintain the external appearance of garage doors.



SITE VICINITY MAP



N
 MAP IS NOT TO SCALE

ZONING MAP# 0101
 SITE ZONED DR 2
 ELECTION DISTRICT 1
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE 0.188
 OR SQUARE FEET 8190
 HISTORIC? OLD CATONSVILLE
 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

PLAN DRAWN BY CHRISTOPHER BOLTON DATE 2/12/2019 SCALE: 1 INCH = 40 FEET

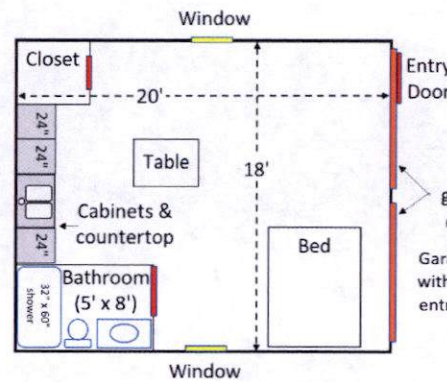
DECLARATION EXHIBIT B

Floor plan for Accessory Apartment

Scale 1" = 10'

Garage has block walls and asphalt shingle roof.

Garage exterior dimensions are (from front):
20' wide
22' long
13' high



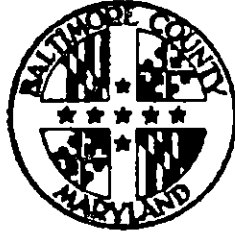
18 Wyndcrest Ave
Accessory Apartment
Finished interior approx.
360 sq feet

Garage doors to be replaced with weather-tight walls and entry door with garage door appearance



FRONT
(Driveway / Street side)

DECLARATION OF UNDERSTANDING



The Declaration of Understanding for the Accessory Apartment at:

18 Wyndcrest Avenue, Catonsville, MD 21228

is approved: _____
Arnold Jablon, Director-PAI

Date

4-26-19

CASE NO. 2019-

0250 SPH

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

3/18

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

N/c

3/19

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

N/c

3/21

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO OBJ
w/ conditions

3/7

STATE HIGHWAY ADMINISTRATION

NO
objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 4/5/19

SIGN POSTING (1st)

Date: 4/6/19

by O. Keefe

SIGN POSTING (2nd)

Date: 4-25-19

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 - 01 Account Number - 0111351650			
Owner Information					
Owner Name:	MIKEL ANDREW S MIKEL CARA B		Use:	RESIDENTIAL	
Mailing Address:	18 WYNDCREST AVE BALTIMORE MD 21228-4954		Principal Residence:	YES	
			Deed Reference:	/40964/ 00063	
Location & Structure Information					
Premises Address:		18 WYNDCREST AVE BALTIMORE 21228-4954		Legal Description:	LT SWS WYNDCREST AV 18 WYNDCREST AVE 478 NW FREDERICK RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0101	0007	1528		0000	
					Assessment Year: 2019
					Plat No: Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1919	1,574 SF		8,190 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	1 full/ 1 half	1 Detached
Last Major Renovation					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2019	As of 07/01/2018	As of 07/01/2019	
Land:	106,100	148,100			
Improvements	121,700	166,900			
Total:	227,800	315,000	227,800	256,867	
Preferential Land:	0			0	
Transfer Information					
Seller: GERMIDA CHRISTOPHER JAMES		Date: 12/14/2018		Price: \$350,000	
Type: ARMS LENGTH IMPROVED		Deed1: /40964/ 00063		Deed2:	
Seller: GERMIDA JEFFREY MICHAEL		Date: 09/05/2014		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /35332/ 00379		Deed2:	
Seller: GERMIDA JEFF		Date: 09/17/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /29885/ 00306		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:**



DECLARATION EXHIBIT B

PET-EX-1

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X - residential use hearing _____

ADDRESS 18 WYNDCREST AVE OWNERS NAMES CARA and ANDREW MIKEL

SUBDIVISION NAME N/A LOT # _____ BLOCK # _____ SECTION # _____

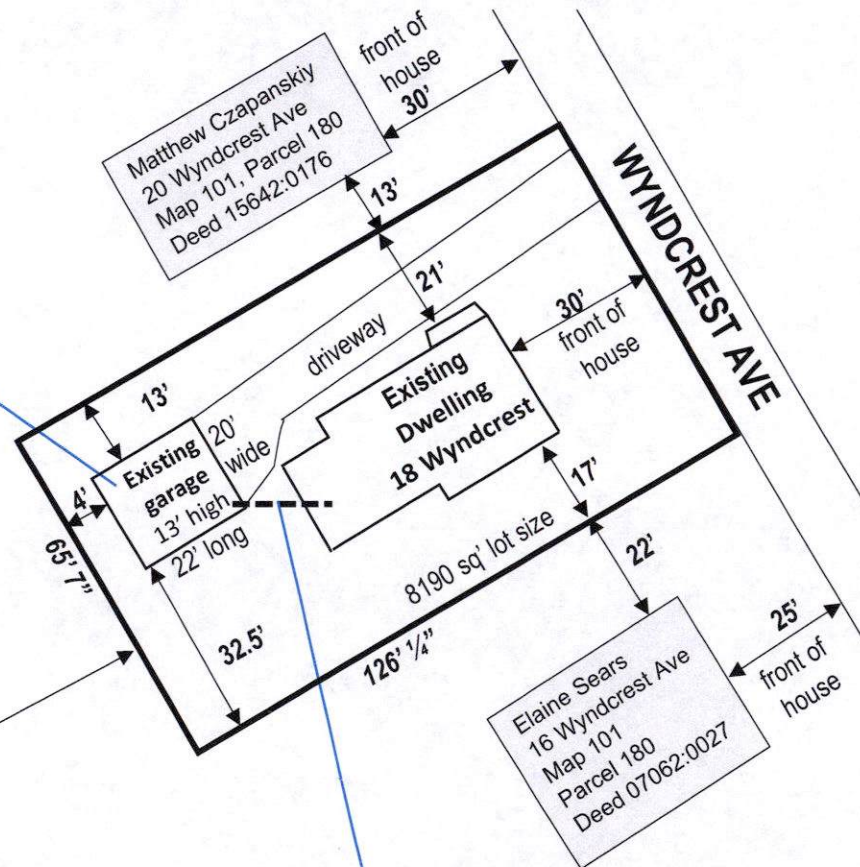
PLAT BOOK # 35332 FOLIO # 379 10 DIGIT TAX # 0111351650 DEED REF # 35332 / 379

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SITE VICINITY MAP

18 Wyndcrest



MAP IS NOT TO SCALE

ZONING MAP# 0101

SITE ZONED DR 2

ELECTION DISTRICT 1

COUNCIL DISTRICT 1

LOT AREA ACREAGE 0.188

OR SQUARE FEET 8190

HISTORIC? OLD CATONSVILLE **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

PLAN DRAWN BY CHRISTOPHER BOLTON DATE 2/12/2019 SCALE: 1 INCH = 40 FEET

2019-0250-CD14

DECLARATION EXHIBIT B

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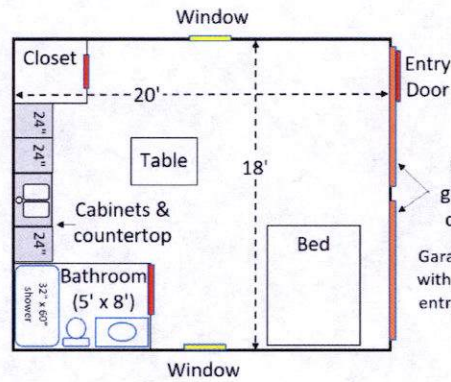
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20' wide

22' long

13' high



18 Wyndcrest Ave
Accessory Apartment
Finished interior approx.
360 sq feet

Faux
garage
doors

Garage doors to be replaced
with weather-tight walls and
entry door with garage door
appearance

FRONT
(Driveway / Street side)

