

MEMORANDUM

DATE: January 8, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0508-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 6, 2020. 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 ADMIN. VARIANCE *
(12544 Greenspring Avenue)
4th Election District *
2nd Council District *
Donna Davis (Feldman) *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2019-0508-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Donna Davis (Feldman) (“Petitioner”). The Petitioner is requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory structure (garage) with a height of 23 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 17, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 12-5-19

By DW

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

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

THEREFORE, IT IS ORDERED, this 5th day of **December, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory structure (garage) with a height of 23 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date 12-5-19

By [Signature]

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 12-5-19

By DLW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 12544 GREENSPRING AVE, OWINGS MILLS MD 21117 Currently zoned RC-5
Deed Reference 30422 / 00179 10 Digit Tax Account # 2500011203
Owner(s) Printed Name(s) DONNA DAVIS (LASKY)

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s)

To permit an accessory structure (garage) with a height of 23' in lieu of the required 15'. SECTION 400.3 BCZR

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

DONNA DAVIS (LASKY)

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

12544 GREENSPRING AVE OWINGS MILLS MD
Mailing Address City State

21117 / (410) 598-7671 / donnashoots@me.com
Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

RON BYNAKER

Name - Type or Print

Signature

P.O. Box 330 ABBOTTSTOWN PA
Mailing Address City State

17301 / (717) 624-4800 / sales@hanoverbuildings.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 12-5-19 day of December, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

By

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0508-A

Filing Date 11/6/19

Estimated Posting Date 11/17/19

Reviewer JR

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 12544 GREENSPRING AVE OWINGS MILLS MD 21117
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

REQUEST TO HAVE AN OVERALL PEAK HEIGHT OF 23' FOR THE
PROPOSED STRUCTURE BECAUSE THE PROPERTY OWNER WANTS TO
STORE A SAILBOAT & OTHER TALL PROPERTY IN STRUCTURE.
THE OTHER EXISTING STRUCTURES ON THE PROPERTY DO NOT
HAVE ENOUGH HEIGHT TO PROPERLY FIT THOSE ITEMS.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

DONNA DAVIS (LASKY)
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

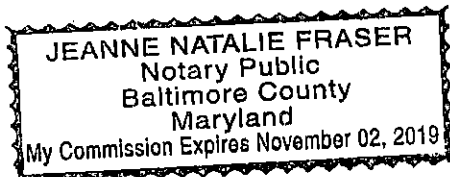
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of OCTOBER, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: DONNA DAVIS (LASKY)

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

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public

11/02/19
My Commission Expires

Zoning property description for 12544 Green Spring Ave, Owings Mills, MD 21117:

A. Beginning at a point on the south side of Green Spring Ave, which is 70 feet wide at a distance of 727.02 feet north of the centerline of the nearest improved intersecting street, Baublitz Road, which is 70 feet wide.

B. Option 2 (Subdivision Lot): Being Lot #13, in the subdivision of Raintree Farm as recorded in Baltimore County Plat Book # 0079, Folio 079410, containing 12.001 acres. Located in the 4 Election District and 2 Council District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/17/2019

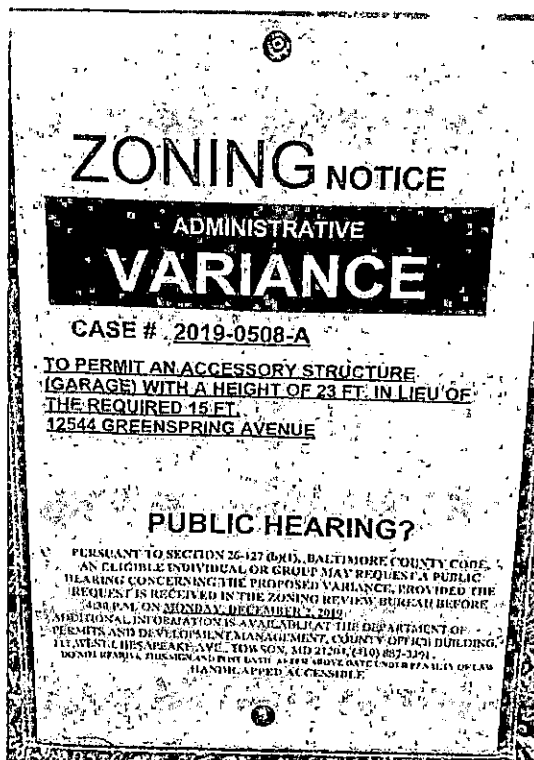
Case Number: 2019-0508-A

Petitioner / Developer: RON BYNAKER of HANOVER BUILDING SYSTEMS, INC. ~ DONNA LASKY

Date of Closing: DECEMBER 2, 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:
12544 GREENSPRING AVENUE

The sign(s) were posted on: **NOVEMBER 17, 2019**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

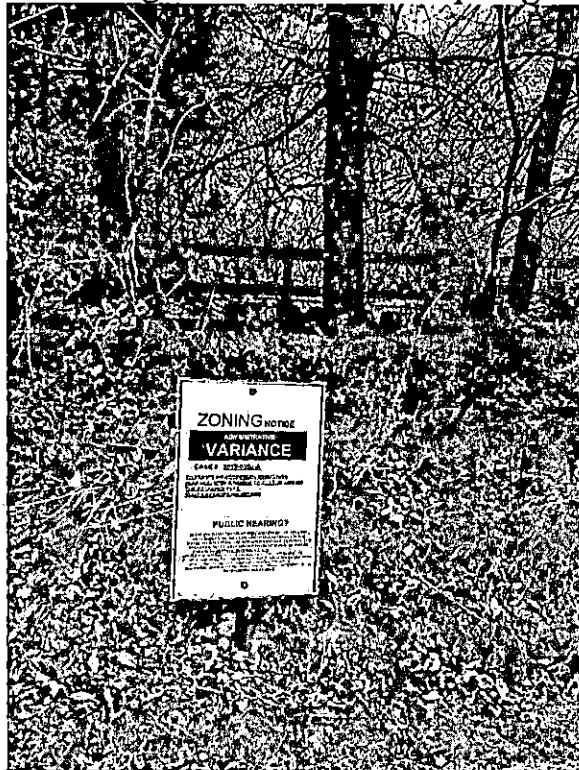
523 Penny Lane
(Street Address of Sign Poster)

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

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



Background Photo 1st Sign @ 12544 Greenspring Ave. ~ 11/17/2019



Background Photo 2nd Sign @ 12544 Greenspring Ave. ~ 11/17/2019
CASE # 2019-0508-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2019- 0508 -AAddress 12544 Greenspring Ave.Contact Person: JUN R. FERNANDO
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11/6/19Posting Date: 11/17/19Closing Date: 12/2/19

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 2019- 0508 -AAddress 12544 GREENSPRING AVE.Petitioner's Name DONNA LASKYTelephone 410-598-7671Posting Date: 11/17/19Closing Date: 12/2/19

Wording for Sign: To Permit an accessory structure (garage) with a height of 23' in lieu of the required 15'.

Revised 6/30/2019

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Case Number: 2019-0508-A

Property Address: 12544 GREENSPRING AVENUE, OWING MILLS, MD 21117

Property Description: _____

Legal Owners (Petitioners): DONNA DAVIS (LASKY)

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONNA DAVIS (LASKY)

Company/Firm (if applicable): _____

Address: 12544 GREENSPRING AVENUE, OWING MILLS, MD 21117

Telephone Number: 410-598-7671



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 2, 2019

Ron Bynaker
P.O. Box 330
Abbottstown PA 17301

RE: Case Number: 2019-0508-A, 12544 Greenspring 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 November 06, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Donna Davis 12544 Greenspring Ave Owings Mills MD 21117

Date: 11/12/19

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

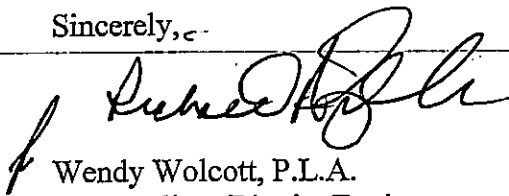
Dear Ms. Lewis:

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. *2019-0508-A*

Administrative Variance
Donna Davis
12544 Greenspring 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

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 14, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0508-A
Address 12544 Greenspring Avenue
(Davis Property)

Zoning Advisory Committee Meeting of **November 8, 2019**.

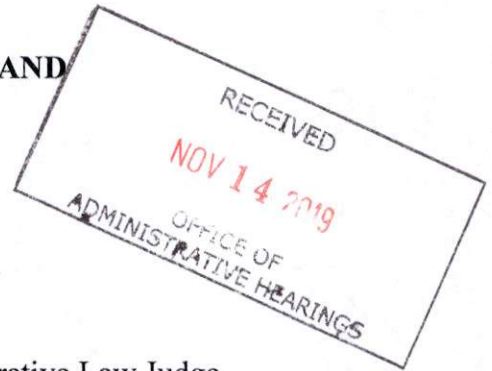
X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

12-2-19

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 14, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0508-A
Address 12544 Greenspring Avenue
(Davis Property)

Zoning Advisory Committee Meeting of **November 8, 2019**.

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

Reviewer: Steve Ford

Real Property Data Search

You may experience issues today as SDAT works to restore all services. SDAT apologizes for any inconvenience the last few days, and asks for patience as we continue to work to make the site better.

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Tax Exempt: None		Special Tax Recapture: None
Exempt Class: None		
Account Identifier:	District - 04 Account Number - 2500011203	
Owner Information		
Owner Name:	LASKY DONNA	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	10 HUNTERSWORTH CT OWINGS MILLS MD 21117-	Deed Reference: /36422/ 00179
Location & Structure Information		
Premises Address:	12544 GREENSPRING AVE OWINGS MILLS 21117-	Legal Description: 12.014 AC 12544 GREENSPRING AVE WS RAINTREE FARM
Map: 0049	Grid: 0018	Parcel: 0153
Neighborhood: 4050043.04	Subdivision: 9410	Section: 13
Block: 13	Assessment Year: 2019	Plat No: 0079/ 0410
Special Tax Areas: None	Town: None	Ad Valorem: None
	Tax Class: None	
Primary Structure Built: 1975	Above Grade Living Area: 2,856 SF	Finished Basement Area: 1755 SF
		Property Land Area: 12.0100 AC
		County Use: 04
Stories: 1	Basement: YES	Type: STANDARD UNIT
Exterior: BRICK/	Quality: 5	Full/Half Bath: 3 full/ 1 half
		Garage: 1Det/1Carport
Last Notice of Major Improvements		
Value Information		
	Base Value	Value
		As of 01/01/2019
Land:	157,500	157,500
Improvements	434,200	462,700
Total:	591,700	620,200
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		601,200
		610,700
Transfer Information		
Seller: PRESTIGE DEVELOPMENT INC	Date: 07/16/2015	Price: \$675,000
Type: ARMS LENGTH MULTIPLE	Deed1: /36422/ 00179	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Tax Exempt: None	Special Tax Recapture: None	
Exempt Class: None		
Homestead Application Information		

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

ZAC AGENDA

Case Number: 2019-0508-A **Reviewer:** Jun Fernando
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Donna Davis
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 4 **Council Dist:** 2

Property Address: 12544 GREENSPRING AVE

Location: South side of Greenspring Ave at a distance of 727 North of the centerline of Baublitz Road.

Existing Zoning: RC 5

Area: 12.001 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

Section 400.3 BCZR To permit an accessory structure (garage) with a height of 23' in lieu of the required 15'.

Attorney: Not Available

Prior Zoning Cases: 2019-0445-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 12/12/2019

Miscellaneous Notes:

Case Number: 2019-0509-A **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Vachino, Anthony G & Lane Elizabeth J
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 1523 PARK GROVE AVE

Location: SE side of Park Grove Ave 755 feet SW of Hilton Ave.

Existing Zoning: DR 2

Area: 10,125 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.3.C.1 To approve and addition on the right side of the house with a 8.5 feet setback in lieu of the required 15 feet setback with a sum of the both sides of 33.5 feet in lieu of the required 40 feet total for both side.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 12/02/2019

Miscellaneous Notes:



Previous
Zoning

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12544 Greenspring Avenue)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Donna Davis (Feldman)	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0445-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Donna Davis (Feldman) ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to approve an accessory structure (garage) in the front yard in lieu of the required rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 15, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

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

THEREFORE, IT IS ORDERED, this 8th day of **October, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to approve an accessory structure (garage) in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 8, 2019

Donna Davis (Feldman)
12544 Greenspring Avenue
Owings Mills, MD 21117

RE: Petition for Administrative Variance
Case No. 2019-0445-A
Property: 12544 Greenspring Avenue

Dear :

Davis (Feldman) of the Order rendered in the above-captioned matter.

ends the decision rendered is unfavorable, any party may file an
Board of Appeals within thirty (30) days of the date of this Order.
filing an appeal, please contact the Baltimore County Office of
410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Administrative Law Judge
Baltimore County

LMS:dlw
Enclosure

c: Ron B



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

DEVELOPMENT PLANS REVIEW

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

11-14

DEPS

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

NR

FIRE DEPARTMENT

PLANNING

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

11-12

STATE HIGHWAY ADMINISTRATION

no object.

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2019-0445-A Garage)Approved 10-8-19

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING (1st)Date: 11-17-19by O'KeefeSIGN POSTING (2nd)

Date: _____

by _____

PEOPLE'S COUNSEL APPEARANCE

Yes ☐No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐No ☐Comments, if any: * See Note to File 11-14-19

Note to File

11/14/19

Administrative Case No. 2019-0445-A (Closing date: 9/30/19) was filed to approve an accessory structure (garage) in the front yard in lieu of the required rear yard. Said variance was granted with conditions on 10/8/19.

Motion for Reconsideration was filed on 10/30/19 by Ron Bynaker with Hanover Building Systems, Inc., indicating that the relief for the garage height was missed in the petition and that Petitioner owned a sailboat and wished to properly store it within the proposed building.

ALJ Stahl issued Order on Motion for Reconsideration on 11/1/19 denying – Petitioner's representative seeking a different variance than one approved; under Co. law, new variance must be filed in these circumstances.

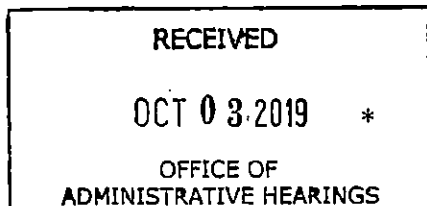
Petitioner filed a new variance for the garage height in Case No. 2019-0508-A (closing date: 12/2/19). Deb pulled paperwork (Affidavit, Verification of Divorce Record, Marriage Certificate, and Driver's License) from previous case to demonstrate Petitioner's principal residence (same address, just different case nos.)

D. Wiley
Legal Administrative Secretary
Office of Administrative Hearings
410-887-3868

IN RE: PETITION FOR ADMIN. VARIANCE *
4th Election District *
2nd Councilmanic District *
(12544 Greenspring Avenue) *

Donna Davis (Feldman)
Petitioner *

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2019-0445-A



AFFIDAVIT

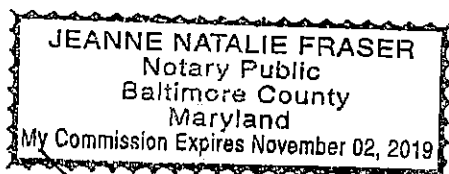
I, Donna Davis (Feldman), am over the age of 18 and have personal knowledge of and am competent to testify to the following:

1. The residence at 12544 Greenspring Avenue, Owings Mills, MD, 21117, is owned by Donna Davis (Feldman). No other person or entity has an interest in the operation and/or affairs of 12544 Greenspring Valley, Owings Mills, MD, 21117.
2. I reside year round and actually occupy the property known as 12544 Greenspring Valley, Owings Mills, MD, 21117, and consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

10/3/19
Date

Donna Davis (Feldman)



10/2/19



MARYLAND
Department of Health

DIVISION OF VITAL RECORDS
P.O. BOX 68760
BALTIMORE, MD 21215

VERIFICATION OF DIVORCE RECORD

Date 9/13/2019

Names of Spouses Donna Ann Davis
(first/middle/last) birth name (if different)
Robert Ira Lasky
(first/middle/last) birth name (if different)

Date of divorce 9/20/2011
(month/day/year)

Place of divorce Baltimore/ Baltimore
(city/county)

Reason for divorce Personal

Person you represent Self

APPLICANT'S NAME (Print) Donna Davis

MAILING ADDRESS 12544 Greenspring Ave

CITY/STATE/ZIP CODE Owings Mills, MD 21117

VERIFICATION SECTION

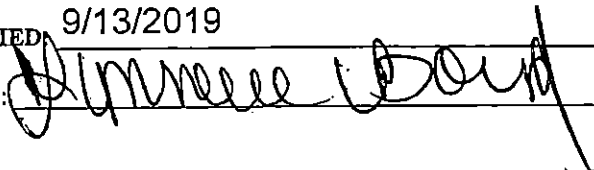
TYPE OF DIVORCE: AV - Absolute ☒

AB - Annulment ☐

DATE OF DIVORCE VERIFIED: 9/20/2011

VERIFICATION COMPLETED BY: Lynnelle Boyd

DATE VERIFIED 9/13/2019

SIGNATURE: 

VIEW PRESENCE OF WATERMARK & HOLD TO LIGHT TO VIEW

STATE OF MARYLAND

Department of Health and Mental Hygiene
Division of Vital Records

Marriage Certificate

Baltimore City

License Issued: Date of Marriage:

8/1/2015 8/10/2015

License Number:

242015-002320

Name:

DONNA ANN FELDMAN

Birthplace: MARYLAND

Age: 50

Residence:

10 HUNTERSWORTH COURT
OWINGS MILLS, MARYLAND 21117

Marital Status: DIVORCED

Name:

THOMAS DAVIS

Birthplace: RHODE ISLAND

Age: 45

Residence:

10 HUNTERSWORTH COURT
OWINGS MILLS, MARYLAND 21117

Marital Status: SINGLE

Relationship of the parties by blood or marriage:

NONE

Official Name: CHRISTOPHER LOUIS PANOS

Title: JUDGE

Address:

1411 N CALVERT ST
BALTIMORE, MARYLAND 21202

This is to certify that this is a true and correct copy of the official record on file at the Maryland Division of Vital Records.

Geneva P. Sparks

State Registrar of Vital Records

Date Issued: 9/3/2015 9:40:26 AM

1039337

DO NOT ACCEPT UNLESS ON SECURITY PAPER WITH SEAL
OF VITAL RECORDS CLEARLY EMBOSSED

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

**MARYLAND**
Driver's License

DL





Customer Identification Number
D-120-149-248-062

Family Name
DAVIS

Given Name
DONNA FELDMAN

Address
**12544 GREENSPRING AVE
OWINGS MILLS MD 21117**

Expiry Date
01/23/2025

Sex
F

Age
52

Weight
140

Classification
4

Endorsements
1

Date of Issue
02/20/2018

ORGAN DONOR



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

November 1, 2019

Donna Davis (Feldman)
12544 Greenspring Avenue
Owings Mills, MD 21117

RE: **ORDER ON MOTION FOR RECONSIDERATION**
Petition for Administrative Variance
Case No. 2019-0445-A
Property: 12544 Greenspring Avenue

Dear Ms. Davis (Feldman):

Enclosed please find a copy of the Order rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Ron Bynaker, P.O. Box 330, Abbottstown, PA 17301

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(12544 Greenspring Avenue)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Donna Davis (Feldman)	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0445-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Donna Davis (Feldman) ("Petitioner"). The Petitioner requested Variance relief pursuant to Section 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to approve an accessory structure (garage) in the front yard in lieu of the required rear yard. By Opinion and Order dated October 8, 2019, the undersigned granted with conditions the Administrative Variance request, in accordance with the site plan and documentation within the case file.

On October 30, 2019 Ron Bynaker with Hanover Building Systems, Inc., Petitioner's representative, filed a timely Motion for Reconsideration. In this Motion, Mr. Bynaker indicated that the relief for the garage height was missed in their petition and that Petitioner owns a sailboat and wishes to properly store it within the proposed building.

I am sympathetic to the plight of the Petitioner; however, Petitioner's representative at the present time is seeking a different variance than the one approved on October 8, 2019. Under Baltimore County law, a new variance petition must be filed in these circumstances, and I am obliged to follow those regulations.

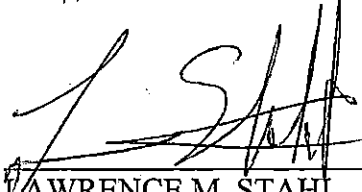
ORDER RECEIVED FOR FILING

Date 11-1-19

By bw

THEREFORE, IT IS ORDERED, this 1st day of **November, 2019**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration, to permit the garage height to be 23 ft., be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 11-1-19

By 102



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 8, 2019

Donna Davis (Feldman)
12544 Greenspring Avenue
Owings Mills, MD 21117

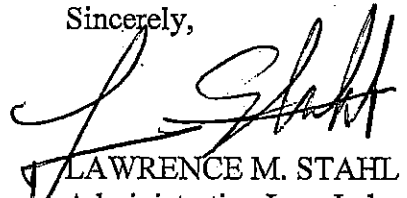
RE: Petition for Administrative Variance
Case No. 2019-0445-A
Property: 12544 Greenspring Avenue

Dear Ms. Davis (Feldman):

Enclosed please find a copy of the Order rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Ron Bynaker, P.O. Box 330, Abbottstown, PA 17301

IN RE: PETITION FOR ADMIN. VARIANCE *
(12544 Greenspring Avenue)
4th Election District *
2nd Council District *
Donna Davis (Feldman) *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2019-0445-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Donna Davis (Feldman) ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to approve an accessory structure (garage) in the front yard in lieu of the required rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 15, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 10-8-19

By 192

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

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

THEREFORE, IT IS ORDERED, this 8th day of **October, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to approve an accessory structure (garage) in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

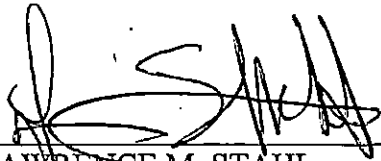
- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- Petitioner or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed garage shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 10-8-19

By [Signature]

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


LAWRENCE M. STAHL
Administrative Law Judge for
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 10-8-19

By 1903



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 12544 GREENSPRING AVE OWINGS MILLS MD 21117 Currently zoned RESIDENTIAL

Deed Reference 30422 / 00179 10 Digit Tax Account # 2500011203

Owner(s) Printed Name(s) DONNA DAVIS

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

- X ADMINISTRATIVE VARIANCE from Section(s) 400.1 BZ12 TO APPROVE an ACCESSORY STRUCTURE (GARAGE) in the FRONT YARD in Lieu of the Required REAR YARD

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

DONNA DAVIS

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]

Signature #1

Signature #2

12544 GREENSPRING AVE OWINGS MILLS MD

Mailing Address

City

State

21117 / (410) 598-7677 / donnashoots@mc.com

Zip Code

Telephone #

Email Address

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

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

RON BYNAKER

Name - Type or Print

Signature

PO BOX 330 ABBOTTS TOWN PA

Mailing Address

City

State

17301 / (717) 858-0249 / sales@nanoverbuilding.com

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County this 10 day of August 2019 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0445-A

Filing Date 9/3/19

Estimated Posting Date 9/5/19

Reviewer CP

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 12544 GREENSPRING AVE DWINGS MILLS MD 21117
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

FOREST CONSERVATION PROHIBITS BUILDING IN REAR OF
PROPERTY

SEPTIC FIELD IS LOCATED BEHIND HOUSE THAT PROHIBITS
BUILDING IN REAR OF PROPERTY.

NEED BUILDING FOR ADDITIONAL STORAGE, SINCE THE OTHER
ACCESSORY STRUCTURES ARE TOO SMALL TO STORE ANY
OF THEIR LARGER BELONGINGS.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]

Signature of Owner (Affiant)

DONNA DAVIS

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

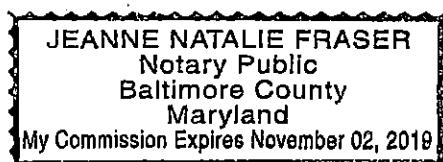
I HEREBY CERTIFY, this 30 day of August, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

JEANNE N. FRASER Donna Davis

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

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public

11/02/19
My Commission Expires

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

Lot # 2B

Pt. Bk./Folio # MP91078

Pt. Bk./PAI # 040719

PAI # 040719

1800013342

PAI # 040405

Pt. Bk./Folio # MP01010

Lot # 2A

Pt. Bk. 0000045, Folio 0065

PAI # 040405

PAI # 040405

2834

2400000082

Lot # 9

2200007884

Pt. Bk. 0000063, Folio 0033

22

PAI # 040353 PAI # 040353

PAI # 040353

Pt. Bk./Folio # 063033

PAI # 040270

Pt. Bk./Folio # 045000

PAI # 040270

Pt. Bk./Folio # 056130

PAI # 040270

BAUBLITZ RD

Pt. Bk./Folio # 078241

0410000710

1993-0399-A
2008-0523-A

NW 16-G

GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

12544

2500011203

PAI # 040592

Pt. Bk./Folio # 079410

Pt. Bk. 0000079, Folio 0410

Lot # 12 PAI # 040592

PAI # 040592

2004-0517-A

PAI # 040592

PAI # 040592

Pt. Bk. 0000063, Folio 0102

Lot # 15

2500011204

12532

Lot # 14

2500002603

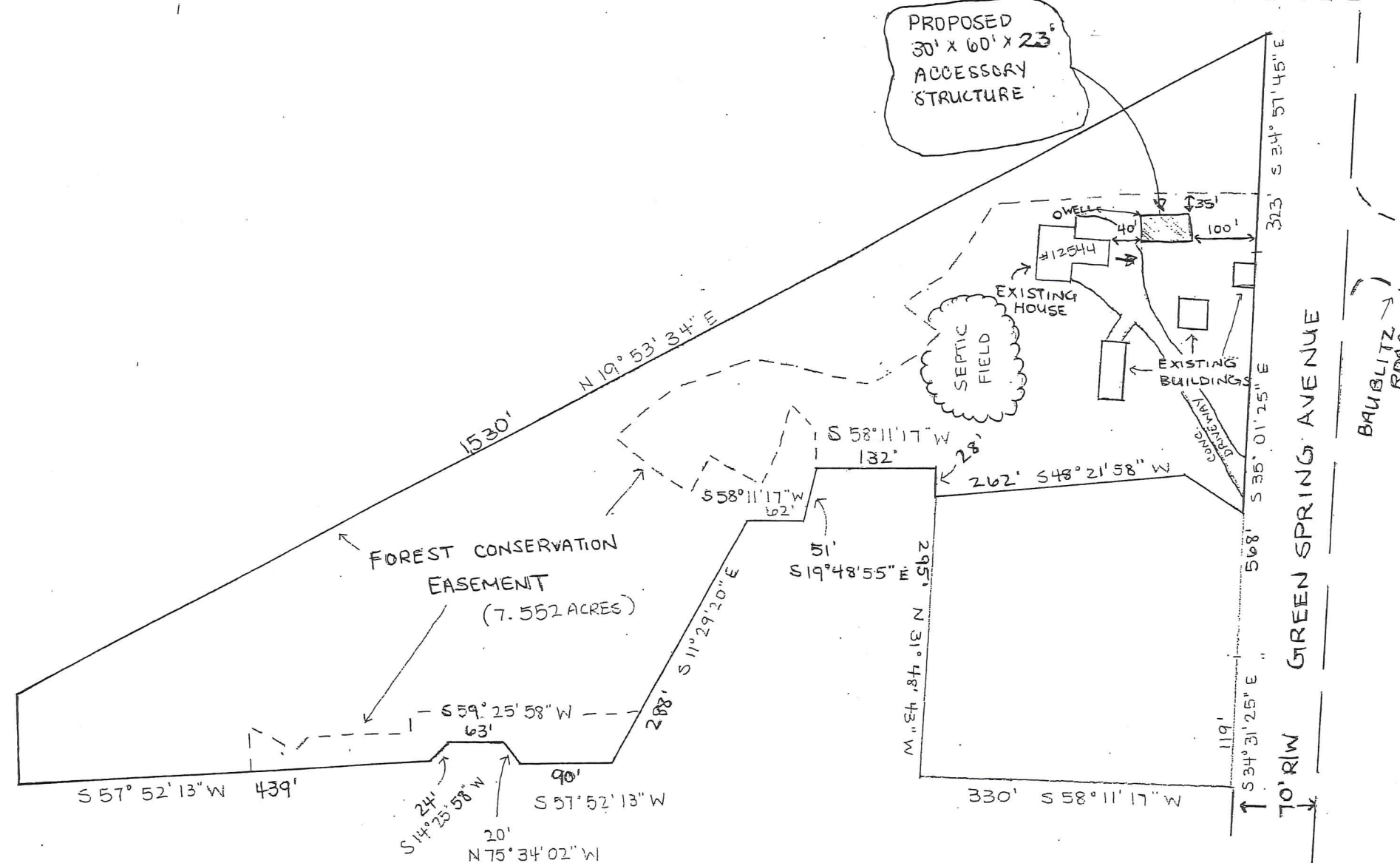
Pt. Bk. 0000078, Folio 0241

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

ADDRESS 12544 GREENSPRING AVENUE OWNER(S) NAME(S) DONNA LASKY

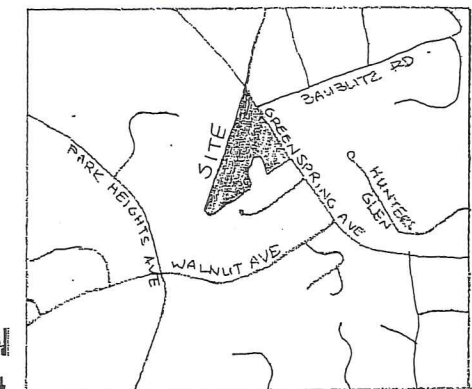
SUBDIVISION NAME GROWTH TIER 3 LOT# 13 BLOCK# _____ SECTION# _____

PLAT BOOK # _____ FOLIO # 079410 10 DIGIT TAX # 2500011203 DEED REF. # 36422/00179



PLAN DRAWN BY KACI BALZANNA DATE 10/22/19 SCALE: 1 INCH = 150 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 049c2

SITE ZONED RC-5

ELECTION DISTRICT 4

COUNCIL DISTRICT 2

LOT AREA ACREAGE 12.001

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

CASE NO. 2019-0445A

GRANTED (10-8-19)

VIOLATION CASE INFO:

