E-FILED; Baltimore County Circuit Court
Docket: 8/29/2023 9:13 AM; Submission: 8/29/2023 6:43 PM
Envelope: 13752995

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

IN THE MATTER OF: Petition for Judicial Review of the Decision of the Baltimore County Board of Appeals Board of Appeals Case No. 20-043-A Irina Bondar, Petitioner Anna Oster, Respondent	Case No. C-03-CV-23-00018

Proposed Order Denying Motion to Alter or Amend

This matter having come before the Court on Petitioner Irina Bondar's Motion to Alter or Amend and Respondent Anna Oster's opposition thereto, it is this 29th of August, 2023 by the Circuit Court for Baltimore County, Maryland ORDERED that the Motion to Alter or Amend is DENIED.

Judge Keith R. Truffer

Entered: Clerk, Circuit Court for
Baltimore County, MD
August 29, 2023

RECEIVED
AUG 31 2023
BALTIMORE COUNTY
BOARD OF APPEALS

E-FILED; Baltimore County Circuit Court
Docket: 6/9/2023 2:56 PM; Submission: 6/9/2023 2:56 PM
Envelope: 13013016

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

IN THE MATTER OF: Petition for Judicial Review of the Decision of the Baltimore County Board of Appeals Board of Appeals Case No. 20-043-A Irina Bondar, Petitioner Anna Oster, Respondent	Case No. C-03-CV-23-00018

RECEIVED
JUL 11 2023
BALTIMORE COUNTY
BOARD OF APPEALS

Proposed Order

This matter having come before the Court on Respondent Anna Oster's Motion to Dismiss Petition for Judicial Review and any opposition thereto, it is this 07/05/2023 day of _____, 2023 by the Circuit Court for Baltimore County, Maryland ORDERED that the Petition for Judicial Review be and hereby is DISMISSED.

Pat Stringer
Judge, Circuit Court for Baltimore County
Pat Stringer

Entered: Clerk, Circuit Court for
Baltimore County, MD
July 5, 2023

Petitioner was granted two extensions, until May 23, 2023 and until June 29, 2023, and Petitioner has not filed a memorandum required by Rule 7-207.

HPS

IN THE MATTER OF ANNA OSTER 3 OAK HOLLOW COURT	*	BEFORE THE BOARD OF APPEALS
3rd Election District 3rd Councilmanic District	*	OF BALTIMORE COUNTY
	*	Case No.: 20-043-A

* * * * * * * * * * * * *

ORDER ON MOTION TO DISMISS

This matter comes before the Baltimore County Board of Appeals (the "Board") as an appeal of the Administrative Law Judge's August 21, 2021 Opinion and Order granting the Petition for Variance filed by Petitioner, Anna Oster, for property located at 3 Oak Hollow Court. The Petitioner originally filed a variance pursuant to §205.3 of the Baltimore County Zoning Regulations to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively. During both the hearing before the Administrative Law Judge and the hearing before the Board of Appeals, the Petitioner dropped the request for the 13 ft. 8 in. setback and only pursued a 4 ft. 6 in. setback variance.

A *de novo* hearing was held before this Board on February 23, 2021. A public deliberation of this matter was held on April 14, 2021. Following the Board's Opinion and Order granting the Petitioner's requested zoning relief, Protestant, Irina Bondar filed a timely Motion for Reconsideration on November 15, 2021. A response was filed by the Petitioner on November 30, 2021. A public deliberation of the Protestant's Motion was held on January 25, 2022. The Board's Order denying the Protestant's Motion for Reconsideration was issued on May 10, 2022.

Protestant then filed a Motion to Dismiss the Case for Fraud on Court and Irregularities of the Process on June 10, 2022. Protestant then filed a Corrected Motion entitled Respondent's Motion to Dismiss the Case for Fraud on Court on June 10, 2022. A public deliberation was held on June 30, 2022.

The Board of Appeals Rules of Practice and Procedure[1] do not provide a mechanism for a Motion to Dismiss after a decision has been made. The Board decided to view the Motion to Dismiss as a second Motion for Reconsideration, which is also not contemplated by the Board's Rules. The Board determined that the Motion was in any event not filed within 30 days of the date of the previous ruling and is therefore untimely.

Assuming *arguendo*, that the Motion at issue had been filed timely, Maryland Rule §2-535(b) allows a Court revisory power over a decision in the event of "fraud, mistake, or irregularity."[2] While not in the Board's Rules, the Board refers to the Maryland Rules for guidance. Maryland appellate cases applying Maryland Rule §2-535(b) have held proof of fraud, mistake, or irregularity requires clear and convincing evidence. *Davis v Attorney General,* 187 Md.App, 110 (2009). Moreover, there are two types of fraud: extrinsic fraud and intrinsic fraud. Intrinsic fraud deals with matters that came out during the case. Extrinsic fraud is fraud, which impedes due process. Intrinsic fraud is the only type of fraud that applies when dealing with the revisory power of a court. *Jones v. Rosenberg* 178 Md.App 54 (2008). Here, the Protestant has alleged fraud and argued that the expert witness, Mr. Carballo, perjured himself. Even if Mr. Carballo did perjure himself during the hearing, a finding the Board did not reach, this would not

[1] This refers to the Rules of Practice and Procedure in effect at the time of the public deliberation. The Board of Appeals Rules of Practice and Procedure were updated effective April 4, 2022.

[2] Typically, reconsideration applies where there has been new facts or a change in controlling law. The Board would not find grounds for reconsideration if that standard was applied since no new facts or change in law was presented.

suffice to warrant the Board exercising revisory power. Accordingly, the Board has determined that Protestant fails to meet her burden.

THEREFORE, it is this 30th day of November, 2022 by the Board of Appeals of Baltimore County,

ORDERED, that the Protestant's Motion to Dismiss is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules.*

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chair

Adam T. Sampson

Adam T. Sampson

Bryan T. Pennington

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 30, 2022

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Busse and Bondar:

Enclosed please find a copy of the Order on Motion for Dismiss issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington /taz

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Anna Oster
Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

Denied as moot. Mot. to Reconsider also filed today and denied.

09/13/2022

Garret P. Glennon

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Entered: Clerk, Circuit Court for Baltimore County, MD
September 14, 2022

Garret P. Glennon

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster, property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

FILED
2022 SEP 12 PM 4:26
CIRCUIT COURT
BALTIMORE COUNTY

MOTION TO EXTEND DEADLINE

Petitioner Irina Bondar hereby files this Motion and respectfully requests that this Court extend the period to submit a Motion to Reconsideration this Court's denial of Petitioner's Motion to Stay Proceedings.

Motion to Stay proceedings was automatically denied following dismissal of the case for untimely filing , for which a Motion for Reconsideration has been filed September 12, 2022.

Respectfully,

Irina Bondar

5 Oak Hollow Ct

Baltimore, MD 21208

irabond@live.com

410-653-1473

Certificate of Service

I HEREBY CERTIFY that on this 12th day of September, 2022 a copy of the foregoing was served via first class mail on:

Michael P. Collins

Jennifer R. Busse

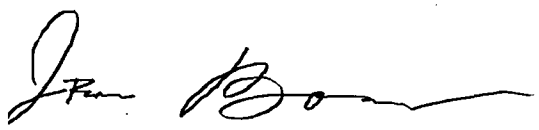
WHITEFORD, TAYLOR & PRESTON, LLP

Seven Saint Paul Street, Suite 1500 Baltimore, Maryland 21202-1636

Baltimore County Board of Appeals

105 West Chesapeake Avenue, suite 203, Towson, Maryland 21204

appealsboard@baltimorecountymd.gov



DENIED
09/13/2022
Garret P. Glennon
Garret P. Glennon

Entered: Clerk, Circuit Court for
Baltimore County, MD
September 14, 2022

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster, property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

FILED
2022 SEP 12 PM 4:26
CIRCUIT COURT
BALTIMORE COUNTY

MOTION FOR RECONSIDERATION

Petitioner Irina Bondar hereby files this Motion and respectfully requests that this Court reconsider the Order signed August 10, 2022 granting Respondent's Motion to Strike Petition on the grounds that it was not timely filed.

The Order states that: "A petition for judicial review must be filed within thirty days after the latest of the date of the order for which review is sought, unless the law requires that the notice of the order be "sent to" or "received by" the petitioner. See MD. Rule 7-203(a). In this case , the statute describing the time for appeal of the Board's decision states that: "within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Circuit Court of Baltimore County"

Further, the Order states: " There is no requirement that notice of the Board's decision must be "sent to" or "received by" an aggrieved party in order to initiate the running of the thirty day appeal period... The Petition was filed one day beyond the thirty day period of Appeal and was untimely."

It is Petitioner's position, that this Court has erred in their decision in this case at bar, relying on Respondents erroneous and misleading statements in their " Reply in Support of Motion to Dismiss" filed on August 9, 2022 .

This Petition for Judicial review was filed within the prescribed 30 day Appeal period, in accordance with Maryland Rules and in support thereof Petitioner, Irina Bondar states as follows:

1. The Board of Appeals issued their decision on May 10, 2022.

   On May 11, 2022 Board's decision was mailed to the Petitioner, Irina Bondar as indicated on the postmarked envelope from Board of Appeals.

2. Petition for Judicial Review was filed on June 10, 2022 which is within 30 days after the mailing of the Board of Appeals opinion.

3. Respondents , by and through their Counsel, filed a Motion to Strike the Petition for untimely filing , that is one day beyond the 30 day period of appeal, which in their opinion is no later than June 9 2022.

   They count the 30 days from the date of the Board's decision.

4. It is Petitioner's position that the 30 day appeal period should be initiated by the mailing date of the Board's decision as prescribed by Maryland Rule 7-203

   Maryland Rule 7-203 provides that... a petition for judicial review shall be filed within 30 days **after the latest** of:

   (1) the date of the order or action of which review is sought;
   (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
   3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner. (Emphasis added)

   Pretitioner filed a photocopy of the Mailing envelope from Board of Appeals postmarked May 11, 2022 to show the date of mailing with the Petition.

5. On August 9, 2022 this court held the Respondent's Motion *sub curia*, to permit the Petitioner to submit an additional exhibit –a true notarized copy of the mailing envelope, to show when the Board's notice was sent.

6. Following that, on the same day, August 9, 2022 Respondent's counsel filed a " Reply in Response to Motion to Dismiss" stating and reiterating that the mailing date was irrelevant , that the Board is not obligated to send notice of their decisions and insisting that there is no provision in the Maryland Rules, Charter, Statutes, etc. Board of Appeals to mail notice of their decision.

   In this document they state with particularity that:

   "The Board of Appeals is not obligated to mail notice of any decision. Specifically, no provision of the Baltimore County Charter pertaining to the County Board of Appeals requires mailing of any final decision." And attached Balt. Cnty. Charter §§ 601, et seq. as Exhibit A.

   And that "There is no provision in any part of the Maryland Rules, Maryland Statutes, or Baltimore County Charter or Regulations which would require the Board of Appeals to mail notice of a decision to Ms. Bondar or require Ms. Bondar to receive notice."

   This Court has erred in accepting these statements as true and ruled to dismiss the Petition for untimely filing the very next day without allowing Petitioner any time to reply.

7. Contrary to Respondents' misleading statements referenced above in paragraph 6, Board of Appeals abide by the Rules and Procedure of County Board of Appeals and provides formal notice of their decisions.

   These Rules are made part of the same Baltimore County Code of Ordinances and can be found in Appendix to the Baltimore County Charter. They have full force and effect of the law.

   Board of Appeals provide their notices and decisions as prescribed by these Rules. See Baltimore County, Maryland Code of Ordinances , attached with this Motion as **Exhibit1** (page 1, Rule 2 (e))

   They provide notices and decisions via first class mail.

In particular, Rule 2 (e) Notices prescribes: " ***In appeals from decisions of the zoning commissioner, formal notice of hearings***, continuances ***and decisions of the board will be provided only to those persons entitled to receive same*** in accordance with section 500.11 of the Baltimore County Zoning Regulations. (Emphasis added)

Formal notice of hearings and decisions will be provided to those entitled to receive same. *And it is to be found in the Maryland Code of Ordinances, Appendix to the Charter contrary to Respondents' statements.*

Therefore, the 30 day period for the Appeal is June 10, 2022 according to Maryland Rule 7-203 and should be initiated by the date of mailing the Board's decision. The Petition was filed on time, within the prescribed appeal period.

True copy of the Board's mailing envelope, postmarked May 11, 2022 is hereto attached with this Motion for Reconsideration **(Exhibit 2**)

Petitioner, Ms Bondar is a party to the proceedings entitled to receive, and as such received Board's notices and decisions via first class mail.

The Board, in accordance with Rule and Procedure provisions, also mailed the decision to the Respondents as stated by their Counsel in the aforementioned "Reply" document he filed on August 9, 2022 with Exhibit B attached as proof.

It is for these reasons that Petitioner Irina Bondar respectfully requests that this Court reconsider their decision and Order to dismiss this Petition, deny Respondents' Motion to Strike and reinstate this case as the Petition was filed within the prescribed appeal period in accordance with Maryland Rules.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Respectfully,

9/12/2022

Irina Bondar

5 Oak Hollow Ct

Baltimore, MD 21208

irabond@live.com

410-653-1473

Certificate of Service

I HEREBY CERTIFY that on this 12th day of September, 2022 a copy of the foregoing was served via first class mail on:

Michael P. Collins

Jennifer R. Busse

WHITEFORD, TAYLOR & PRESTON, LLP

Seven Saint Paul Street, Suite 1500 Baltimore, Maryland 21202-1636

Baltimore County Board of Appeals

105 West Chesapeake Avenue, suite 203, Towson, Maryland 21204

appealsboard@baltimorecountymd.gov

APPENDIX B: RULES OF PRACTICE AND PROCEDURE OF COUNTY BOARD OF APPEALS

FILED
2022 SEP 12 PM 3:08
BALTIMORE COUNTY

Editor's note:

Printed herein are the rules of practice and procedure of the county board of appeals. History notes show the source of amendments. Except for the correction of obviously misspelled words, the rules are published as found in the 1988 Baltimore County Code, as amended.

Charter reference(s)—County board of appeals, art. VI

Rule 1. General.

a. The county board of appeals shall select one of its members to be the chairman of the board, and he shall serve as chairman at the pleasure of the board. The chairman shall preside at all meetings of the county board of appeals, and in his absence he shall designate another member of the board to sit in his place as acting chairman.

b. Meetings of the county board shall be held as determined by the chairman, but never less than weekly; and the board shall meet at such other times as the board may determine.

c. Three (3) members of the board of appeals, as designated by the chairman, shall sit for the purpose of conducting the business of the board; and a majority vote of two (2) members shall be necessary to render a decision, except as follows:

   1. During the course of a hearing, if any member of the original panel is unable to continue to serve, the chairman shall appoint a member to fill the vacancy; or

   2. In the case of a remand, if any member of the original panel is unable to serve, the chairman shall appoint a member to fill the vacancy.

d. All appeals to the board from decisions of the zoning commissioner or deputy zoning commissioner shall be in conformance with the rules of the zoning commissioner of Baltimore County with respect to the form of appeal, and the filing fees shall be as established either by said rules of the zoning commissioner or by the Baltimore County Zoning Regulations.

e. Unless authorized by the board, a person may not take photographs, motion pictures or audio or video recordings of any kind during the conduct of a hearing before the board or during any public deliberation of the board.

Rule 2. Notice.

a. No hearing shall be conducted without at least ten (10) days' notice to all parties of record or their counsel of record, unless otherwise agreed to by all such parties or their counsel of record.

b. Postponements and continuances will be granted at the discretion of the board only upon request in writing by an attorney of record or a party of record (if not represented by counsel), addressed to the board and with a copy to every other attorney of record or party of record (if not represented by counsel) entitled to receive notice, in accordance with section 500.11 of the Baltimore County Zoning Regulations, setting forth good and sufficient reasons for the requested postponement.

c. No postponement shall be granted within fifteen (15) days next prior to the hearing date except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of any unusual and extraordinary nature.

d. All records and dockets of the board shall be open to the public during normal business hours.

e. ***In appeals from decisions of the zoning commissioner, formal notice of hearings,*** continuances ***and decisions of the board will be provided only to those persons entitled to receive same*** in accordance with section 500.11 of the Baltimore County Zoning Regulations.

Rule 3. Appeals.

a. No appeal shall be entertained by the board of appeals unless the notice of appeal shall state the names and addresses of the persons taking such appeal.

b. 1. An appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal.

   2. A request for withdrawal of a petition shall be filed in writing with the board. A petitioner who wishes to have a petition withdrawn and dismissed without prejudice shall withdraw the petition not less than

10 days before the scheduled hearing date. A petition that is withdrawn less than 10 days before the scheduled hearing date shall be dismissed with prejudice. A petition that is dismissed with prejudice under this paragraph may not be resubmitted for a period of eighteen (18) months after the dismissal.

c. Unless otherwise provided for by statute, all appeals to the board of appeals, subject to and limited by statutory authority to hear appeals, shall be made within thirty (30) days from the date of the final action appealed.

Rule 4. Conduct of hearings.

a. All hearings held by the county board of appeals shall be open to the public. No hearing shall be private even though all parties agree. The county board of appeals shall have the power to administer oaths, and all witnesses shall testify under oath.

b. The chairman shall regulate the course of the hearing and shall rule upon procedural matters, applications, modifications and objections made during the course of the hearing, subject to the concurrence of a majority of the board conducting the hearing.

c. A hearing may be adjourned from time to time for good cause shown and if the time and place of reconvening the hearing is announced at adjournment, no further notice of reconvening shall be required. If the time and place of reconvening is not announced at adjournment, notice of time and place of reconvening shall be given as required in rule 2a.

d. Depositions shall not be allowed unless by agreement of all parties or their counsel of record.

Rule 5. Subpoenas.

a. The county board of appeals shall have the power to compel the attendance of witnesses and to require the production of records and documentary or other tangible evidence.

b. The board may cause subpoenas and subpoenas duces tecum to be issued upon its own motion, or upon the application of any party to any hearing; but subpoenas will not be issued upon application unless such application is in writing and sets forth the persons, records, books, papers or other documents to be produced and a general statement as to the purpose.

Rule 6. Appearances and practice before the board of appeals.

a. Any individual who is a party to a proceeding before the board may appear in his own behalf; and member of a partnership may appear as representing said partnership if it is a party; a duly authorized officer of a corporation, trust or an association may appear as representing said body, if it is a party to the proceedings; and a duly authorized officer or an employee of any political subdivision or body or department may represent the same before the board.

b. Any party may be represented in any proceeding by an attorney-at-law admitted to practice before the Court of Appeals of Maryland.

c. No person shall appear before the board in a representative capacity, engage in practice, examine witnesses or otherwise act in a representative capacity except as provided in sections a. and b. above.

d. When an attorney wishes to appear in any proceeding in a representative capacity which involves a hearing before the county board of appeals, he shall file with the board a written notice of such appearance, which shall state his name, address, telephone number, and the names and addresses of the persons on whose behalf he has entered his appearance.

Rule 7. Evidence.

a. Any evidence which would be admissible under the general rules of evidence applicable in judicial proceedings in the State of Maryland shall be admissible in hearings before the county board of appeals. Proceedings before the board being administrative in nature, the board will not be bound by the technical rules of evidence but will apply such rules to the end that needful and proper evidence shall be most conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties. Any oral or documentary evidence may be received; but the board reserves the right as a matter of policy to provide for the exclusion of immaterial or unduly repetitious evidence, and the number of witnesses may be limited if it appears that their testimony may be merely cumulative.

b. All evidence, including records and documents in the possession of the agency, of which it desires to avail itself, shall be offered and made part of the record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

c. Prepared statements may be read by participants in the hearing if they include factual material and do not include argument, provided copies of said statements have been delivered to the board and opposing counsel at least five (5) days prior to hearing, and their admissibility ruled upon, the same as if the factual content were presented in the usual manner. "Prepared statements" within the meaning of this section shall

not include factual reports, written summations, letters, expert opinions of professional expert witnesses and other such similar documents.

d. Except as may otherwise be provided by statute or regulations, the proponent of action to be taken by the board shall have the burden of proof.

e. Any official record or entries therein when admissible for any purpose may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, and the appearance of the officer will not be required unless demanded by a party to the case and for good cause shown to the board. This rule does not prevent any party from summoning any proper witness to attend any hearing before the board.

f. Records of other proceedings before the board may be offered in evidence by the production of the files containing said records of such other proceedings.

g. In such cases as the board may determine, it may by order require that the direct testimony of all "expert" witnesses be submitted in writing, accompanied by copies of all exhibits to which reference is therein made, unless such are of a voluminous nature or within the files of, or readily available to, the board of appeals, in which case adequate reference shall be made thereto, which testimony shall be submitted by the parties required so to do and under the time and service provisions as contained in said order. Thereafter, said "expert" witnesses shall be personally present at the hearing for affirmation of their written statement and exhibits previously submitted and for cross-examination.

Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic or improvement associations.

a. Before any person shall testify on behalf of any civic or improvement association, it shall be shown that the person has accurate knowledge of the number of members in the association and geographical limits of the association.

b. Before any such person shall testify it shall also be shown that the person is authorized to speak for and present the views of the civic or improvement association.

c. Such authorization shall consist of presenting at the hearing or prior thereto a resolution in duplicate duly adopted by the association at its annual meeting, first meeting of each year, or a special meeting of the association, signed by the president and attested by the secretary, providing that the responsibility for review and action on all zoning matters be placed in its board of directors or a duly elected zoning committee.

d. Before any such authorized person shall testify, it shall be shown by written affidavit in duplicate, signed by the president of the association and attested by the secretary, that the person is currently a duly elected member of the board of directors or zoning committee of that association, or is a duly designated employee or an authorized representative of that association, or is an attorney-at-law appointed to represent the board of directors or zoning committee.

e. Before any such authorized person shall testify, a resolution stating the position of the association as adopted by the board of directors or zoning committee, signed by the president and attested by the secretary, shall also be produced in duplicate at the hearing.

Rule 9. Special rule pertaining to original petitions for reclassification, special exception and/or variance.

a. Application of Rule: This rule shall apply only to petitions for reclassification, special exception and/or variance filed with the board pursuant to Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as now in force and effect or as hereafter amended. It applies to the filing, processing, advertising and scheduling of hearings on such petitions and is supplemental to such other rules of the board and Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as now in force and effect or as are hereafter amended or adopted. Once filed and scheduled for hearing under the provisions of this special rule, such petitions shall be heard and decided in accordance with all other rules of the board.

b. Definition of Petition. As used herein the term "petition" shall mean:

1. Request for reclassifications of property, including all material filed with said request.

2. Request for special exceptions and/or variances, the granting of which are dependent upon a reclassification of the property in question, including all material filed therewith.

c. Filing.

1. Petitions may be filed in the office of the board of appeals throughout the year, except during the period from April 16, 1979, through October 15, 1980, and all like periods beginning on April 16, 1983, and every fourth year thereafter.

2. Petitions accepted for filing, no later than forty-five (45) days prior to April 16 will be processed during the April—October cycle, and petitions accepted for filing no later than forty-five (45) days prior to October 16 will be processed during the October—April cycle.

3. Notwithstanding paragraphs 1. and 2. above, petitions exempted from the regular cyclical procedure due to public interest or because of emergency may be filed and processed at any time.

d. Processing and File Maintenance Procedure.

1. Upon receipt of a petition, the board shall establish a file and promptly transmit it to the zoning commissioner's office for processing and preparation of a written report. Said report shall be prepared by the zoning staff; shall reflect the comments of the zoning plans advisory committee; and shall indicate the petition's compliance, with regard to the zoning laws and regulations, and each reviewing agency's adopted standards or policies.

2. Petitions may be amended prior to the hearing only if said amendment takes place prior to the first public advertisement of the petition.

3. The zoning staff shall maintain possession of said file throughout the zoning review and report processing procedure.

4. Upon completion of the zoning review and report process, including distribution of copies of pertinent material to the planning staff, and the necessary advertising and posting, the file, complete with the zoning report and planning board recommendations, shall be returned to the board for the hearing.

5. The board shall maintain possession of the file until such time as the case has been completed with all pending appeals satisfied. Thereafter, said file shall be returned to the zoning office for microfilming and retention on behalf of the board.

e. Scheduling, Posting and Advertising for Public Hearings.

1. The zoning staff shall schedule and otherwise prepare the necessary newspaper advertisements and arrange for the posting of property in accordance with Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003. However, all hearing dates and times shall be established by the board.

2. All postponed hearings shall be readvertised and the properties posted in accordance with the requirements for final advertising and posting pursuant to Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003. The cost of such advertising and posting shall be borne by the party requesting the postponement.

f. Guide for Preparation of Reclassification Petitions. Each petition request shall be filed on forms provided by the county board of appeals. As a matter of convenience, the board will make available a guide containing information for use in the preparation of petitions for reclassification.

Rule 10. Motion for reconsideration.

A party may file a motion for reconsideration of an order of the board of appeals. The motion shall be filed within thirty (30) days after the date of the original order. The motion shall state with specificity the grounds and reasons for the motion. The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits and deadlines for the filing of a petition for judicial review. After public deliberation and in its discretion, the board may convene a hearing to receive testimony or argument or both on the motion. Each party participating in the hearing on the motion shall be limited to testimony or argument only with respect to the motion; the board may not receive additional testimony with respect to the substantive matter of the case. Within 30 days after the date of the board's ruling on the motion for reconsideration, any party aggrieved by the decision shall file a petition for judicial review. The petition for judicial review shall request judicial review of the board's original order, the board's ruling on the motion for reconsideration or both.

Rule 11. Revisory power of the board.

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

Rule 12. Amendments of rules.

These rules may be amended from time to time in accordance with section 603 of the Baltimore County Charter.

(1988 Code, Appendix C) (Bill No. 50-05, § 1-3, 5-30-2005)

EXHIBIT 2

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Hasler
05/11/2022
US POSTAGE $000.42[6]
FIRST-CLASS MAIL
AUTO
ZIP 21204
011D12803654

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

DL1-6SB 21208

FILED
2022 SEP 12 PM 4:26
CIRCUIT COURT
BALTIMORE COUNTY

State of Maryland
County of Baltimore

I, Saskaya Beckford, certify this to be a full, true and exact copy made by me of the envelope mailed by Boards of Appeals of Baltimore county on May 11th, 2022.

Saskaya Beckford 8/19/2022

Saskaya Beckford
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES 10/25/2023

DENIED

08/11/2022 7:47:36 AM

Judge Keith R. Truffer

Entered: Clerk, Circuit Court for Baltimore County, MD
August 11, 2022

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

FILED
2022 JUL 22 PM 4:32
CIRCUIT COURT
BALTIMORE COUNTY

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster,

for Zoning Variance on property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

Resubmitting due to deficient service, for denial dated 7/15/2022

MOTION TO STAY PROCEEDINGS

A Motion to Dismiss for Fraud on Court (case # 20-043-A) was filed with the Originating Agency and awaiting the Board of Appeals ruling.

Petitioner, Irina Bondar respectfully requests that this Court stays proceedings and deadlines on the case No:C-03-CV-22-002308 until further notice, to avoid premature transfer of the file and interference with the proceedings on the Motion to dismiss for Fraud. Notice shall be given by Petitioner within 30 days after the Board's final ruling.

Respectfully,

Irina Bondar 7/21/2022

irabond@live.com

410-653-1473

443-204-3380

CIRCUIT COURT FOR _____ City/County, MARYLAND

Located at _____ Court Address Case No. _____

_____ Plaintiff vs. _____ Defendant

_____ Address _____ Address

_____ City, State, Zip _____ Telephone _____ City, State, Zip _____ Telephone

CERTIFICATE OF SERVICE

I certify that on this 22nd day of July Month, 2022 Year, a copy of the document(s) titled Motion to Stay proceeding Title(s) of document(s)

was/were ☒ mailed, postage prepaid ☐ hand delivered, to:

Mary Anna Oster
Name

109 Church Ln
Address

Pikesville MD 21208
City, State, Zip

Jennifer R Busse Esq
Name

Towson Commons
Address

Suite 300
City, State, Zip

7/22/2022
Date

One W. Pennsylvania Ave
Towson MD 21204
Signature of Party Serving

Board of Appeals
E-mailed

Jim Bone

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 10, 2022

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Oster and Bondar:

Enclosed please find a copy of the Order on Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Hasler
05/11/2022
US POSTAGE $000.

FIRST-CLA

ZIP 2
011D126

Board of Appeals of Baltimore County
JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

DLI-SSB 21209

cc: Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

Case Number: **C-03-CV-22-002308**
Other Reference Numbers:

IN THE MATTER OF IRINA BONDAR

ORDER DISMISSING PETITION

The Petitioner Ms. Bondar filed her Petition for Judicial Review in this court on June 10, 2022. The Petition sought review of a May 10, 2022 decision of the Baltimore County Board of Appeals (the "Board"). The Respondents moved to dismiss the Petition on the grounds that it was not timely filed. Ms. Bondar has filed a response and has not requested a hearing. Accordingly, the court will rule on the Motion to Dismiss without a hearing [See MD. RULE 2-311(f)].

On August 9, 2022, the court held the Respondents' Motion *sub curia* to permit Ms. Bondar the opportunity to submit an additional exhibit to show when the Board's notice of its decision was sent. For the reasons which follow, proof of that date is immaterial to the resolution of the Motion.

A petition for judicial review must be filed within thirty days after the latest of the date of the order for which review is sought, unless the law requires that the notice of the order be "sent to" or "received by" the petitioner. See MD. RULE 7-203(a). In this case, the statute describing the time for appeal of the Board's decision states that: "Within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Circuit Court of Baltimore County…" (*Baltimore County Code*, Art. VI, §604). There is no requirement that notice of the Board's decision must be "sent to" or "received by" an aggrieved party in order to initiate the running of the thirty day appeal period.

Ms. Bondar's Petition for Judicial Review was required to be filed on or before June 9, 2022 in order to be timely. The court is without authority to extend this deadline, *Colao v. County Council,* 109 Md. App. 287 (2010). The Petition was filed one day beyond the thirty day period of appeal and was untimely. For these reasons, the Respondent's Motion to Dismiss is GRANTED.

August 10, 2022
Date

Judge Keith R. Truffer

Entered: Clerk, Circuit Court for
Baltimore County, MD
August 11, 2022

IN THE MATTER OF ANNA OSTER 3 OAK HOLLOW COURT	*	BEFORE THE BOARD OF APPEALS
3rd Election District 3rd Councilmanic District	*	OF
	*	BALTIMORE COUNTY
	*	Case No.: 20-043-A

* * * * * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Baltimore County Board of Appeals as an appeal of the Administrative Law Judge's August 21, 2021 Opinion and Order granting the Petition for Variance filed by Petitioner, Anna Oster, for property located at 3 Oak Hollow Court. The Petitioner originally filed a variance pursuant to § 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively. During both the hearing before the ALJ and the hearing before the Board of Appeals, the Petitioner dropped the request for the 13 ft. 8 in. setback and only pursued a 4 ft. 6 in. setback variance.

A *de novo* hearing was held before this Board on February 23, 2021. A public deliberation of this matter was held on April 14, 2021. Following the Board's Opinion and Order granting the Petitioner's requested zoning relief, Protestant, Irina Bondar filed a timely Motion for Reconsideration on November 15, 2021. A response was filed by the Petitioner on November 30, 2021. A public deliberation of the Protestant's Motion was held on January 25, 2022.

Order on Motion for Reconsideration
In the matter of: Anna Oster
Case No: 20-043-A

Rule 10 of the Board of Appeals Rules of Practice and Procedure[1] states that the Board only has revisory power over its orders when there exists some "fraud, mistake, or irregularity."[2] While it is clear from the Protestant's Motion for Reconsideration that she does not agree with the Board's interpretation of the facts presented, the Board finds the Protestant's arguments do not rise to the level of fraud, mistake, or irregularity. Consequently, the Board refers to its original Opinion and Order on this matter and DENIES the Protestant's Motion for Reconsideration.

THEREFORE, it is this 10th day of May, 2022 by the Board of Appeals of Baltimore County,

ORDERED, that the Protestant's Motion for Reconsideration is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chair

Adam T. Sampson
Adam T. Sampson

Bryan T. Pennington

[1] This refers to the Rules of Practice and Procedure in effect at the time of the public deliberation. The Board of Appeals Rules of Practice and Procedure were updated effective April 4, 2022.
[2] Typically, reconsideration applies where there has been new facts or a change in controlling law. The Board would not find grounds for reconsideration if that standard was applied.

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 10, 2022

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Oster and Bondar:

Enclosed please find a copy of the Order on Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Hay

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF ANNA OSTER 3 OAK HOLLOW COURT	*	BEFORE THE BOARD OF APPEALS
3rd Election District 3rd Councilmanic District	*	OF BALTIMORE COUNTY
	*	Case No.: 20-043-A

* * * * * * * * * * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals as an appeal of the Administrative Law Judge's ("ALJ") August 21, 2020 Opinion, granting a Petition for Variance filed by Anna Oster, legal owner for the property located at 3 Oak Hollow Court, requesting variance relief from Baltimore County Zoning Regulations ("BCZR") § 205.3 to permit an addition with a side yard setback of 4 ft 6 in. and to permit an addition with the side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively.

An Order denying Protestant's Motion for Reconsideration was issued on October 21, 2020. In the hearing before the ALJ, the Petitioner withdrew the request for the 13 ft., 8 in. set back and is now only pursuing the 4 ft., 6 in. set back variance.

Due to COVID-19 pandemic, a public Webex hearing was conducted by this Board virtually in lieu of an in person hearing on February 23, 2021. A public deliberation was held on April 14, 2021. Petitioner Anna Oster, appeared in support of the requested relief, architect Adam Carballo appeared on behalf of Petitioner as well. Irina Bondar appeared as the Protestant. Both the Petitioner and Protestant participated, *pro se.*

Architect, Adam Carballo testified in support of the Petitioner's request for variance relief. Mr. Carballo noted that the property was constructed under the old DR-2 zoning and has 17,700

square feet and is undersized for present DR-2 requirements. He further testified that the site is improved by a one-story residence with a carport. Petitioner wishes to change the carport into a garage and extend it in the rear. Mr. Carballo explained that the request was being made in order to construct and provide storage and further privacy for the owner. He clarified that the Petitioner was abandoning her prior request for zoning relief regarding the 13 ft., 8 in. variance and proceeding only with a 4 ft, 6 in. variance request. Mr. Carballo described the lots in the surrounding area as generally undersized and primarily square or rectangle and not meeting today's DR 2 requirements. He described other lots in the area with only four garages among the 42 homes in the surrounding area. He also described the subject property as being wedge-shaped and tapered, getting narrower towards the rear, rendering it unique and making the variance request necessary. He explained that the west side of the subject carport offers a 4 ft., 6 in. setback at the narrowest point of the tapering property line and 8 feet, 9 in. at its widest point. These conditions at the time of the home's original construction pre-date current DR-2 lot width requirements, which also require a minimum lot size of 20,000 square feet, of which the Petitioner's property falls short by 262 square feet.

The Protestant, Irina Bondar, has several issues for the basis of her opposition to this project, including her concerns regarding fire hazards from the construction of the proposed new garage and fire hazards involved with having the garage enclosure being so close to her property line. Ms. Bondar also explained that she was concerned about the runoff of additional water from the proposed structure flowing onto her property. Although Ms. Bondar appeared *pro se*, she provided the Board with a very cogent and comprehensive presentation regarding the surrounding properties and her reasons for opposing the requested variance relief. Ms. Bondar provided the Board with photographs and graphic presentations reflecting information she had

obtained from "My neighborhood," from which she was able to locate several properties in the area having lots similar to the Petitioner's tapered one and which were undersized pursuant to current DR-2 zoning standards. Ms. Bondar also argued that the Petitioners had failed to articulate any substantial hardship that would be caused as a result of their variance requests being denied. Ms. Bondar cited *Cromwell v. Ward* in making her argument, opining that the petitioner had failed in showing that her property was, one, unique, and two, that substantial hardship would result if the variance relief was denied.

As astutely noted by Ms. Bondar, a variance request involves a two-step process summarized as follows: it must be shown that the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity is what necessitates the requested variance relief. And if variance relief is denied, Petitioner will experience a practical difficulty or hardship. *Cromwell v. Ward* 102 Md. App. 691 (1995).

In applying the tenets of *Cromwell* to the facts of the case before the Board, we find that the Petitioner's property is unique. While Ms. Bondar has illustrated that a limited number of similar lots do exist in the surrounding area, the tapered nature of the Petitioner's lot is generally unique, and thus in keeping with the definition of such a term found in *Cromwell*. This Board finds that the *Cromwell* analysis requires a property to have unique factors but does not require that it be the *only* property in a surrounding area possessing such factors. Additionally, the facts that the lot in question is a non-conforming lot in keeping with current zoning requirements and the relief requested involves the enclosing of an already existing structure, cause this Board to conclude that the Petitioner's limited variance request is in keeping with the spirit and intent of the BCZR.

Testimony was also presented before the Board regarding the Petitioner's desire to enclose their garage due to privacy and security issues. Additionally, mention was made of the need for an enclosed garage in order to safely and securely store the mobility equipment used by a disabled family member who frequently visits the property. The Board finds that the denial of the requested zoning relief would cause practical difficulty and hardship in the Petitioner achieving these goals.

While not a factor envisioned in the *Cromwell* analysis, Ms. Bondar testified regarding her concerns for fire hazards and water run-off associated with the proposed structure. Mr. Carballo testified that the new garage enclosure would be constructed with the appropriate "fire wall" materials and that the placement of gutters and downspouts will direct water away from the Protestant's property that should alleviate such concerns.

CONCLUSION

This Board finds that the Petitioner has satisfied both prongs of the *Cromwell* analysis and that the requested variance relief shall be GRANTED.

ORDER

THEREFORE, IT IS THIS 14th day of October, 2021 by the Baltimore County Board of Appeals

ORDERED that the Petition for Variance from BCZR § 205.3 of the Baltimore County Zoning Regulation ("BCZR") to permit an addition with side yard setback of 4ft. 6in. in lieu of the required 15 ft., be and is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chairman

see following page
Adam T. Sampson

William A. McComas, was a Board member who sat on this panel and participated in both the hearing and public deliberation. Mr. McComas was not reappointed and he left the Board in June 2021.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

See previous page
Andrew M. Belt, Panel Chairman

Adam T. Sampson
Adam T. Sampson

William A. McComas, was a Board member who sat on this panel and participated in both the hearing and public deliberation. Mr. McComas was not reappointed and he left the Board in June 2021.

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 14, 2021

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Ms. Oster:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Irina Bondar
Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

March 8, 2023

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-23-000018
In the Matter of: Anna Oster
Board of Appeals Case No.: 20-043-A

Dear Messrs. Oster and Bondar:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

Please note that the record does not include the transcripts of the hearing and public deliberations held before the Board of Appeals for Baltimore County. It is our understanding that the transcripts were ordered but not paid for, and the transcriptionist was asked to hold-off on preparing the transcripts.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Tammy A. Zahner

Tammy A. Zahner
Legal Assistant

Duplicate Original Cover Letter
Enclosure

c: Jennifer R. Busse, Esquire/Whiteford, Taylor & Preston L.L.P.
Igor Oster
Adam Carballo/Carballo Architecture, LLC

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
IRINA BONDAR *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-23-000018
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, MD 21204

*

IN THE MATTER OF:
ANNA OSTER *
Petitioner for Variance on the Property
located at 3 Oak Hollow Court *

3RD ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT

*

BOARD OF APPEALS CASE NO.: 20-043-A

* * * * * * * * * * * * *

PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS OF BALTIMORE COUNTY

February 12, 2020	Administrative Zoning Petition filed by Adam Carballo, Architect, on behalf of Anna Oster pursuant to BCZR § 1B02.3.B (Section 205.3 of the 1964 Zoning Regulations) to permit an addition with a side yard setback of 4.6 ft. and to permit an addition with a side yard setback of 13.8 ft. in lieu of the required 15 ft., respectively.

February 23, 2020	Certificate of Posting
March 9, 2020	ZAC Comments
March 9, 2020	Formal Demand for Hearing filed by Irina Bondar and Vlad Bondar.
March 12, 2020	Notice of Zoning Hearing
March 29, 2020	Certificate of Posting
March 31, 2020	Certificate of Publication in newspaper.
April 16, 2020	Certificate of Posting Recertification
July 6, 2020	Notice of Zoning Hearing
July 9, 2020	Certificate of Posting
July 27, 2020	Certificate of Posting Recertification
July 30, 2020	Administrative Law Judge convened for a hearing.
August 21, 2020	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Variance from BCZR § 205.3 to permit an addition with a side yard setback of 4 ft. 6 in. in lieu of the required 15 ft. was GRANTED.
September 17 - September 21, 2020	Emails between Irina Bondar and the Office of Administrative Hearings
September 21, 2020	Respondents Motion for Reconsideration of Opinion and Order dated August 21, 2020 filed by Irina Bondar.
September 21 - September 25, 2020	Emails between the Office of Administrative Hearings and Adam Carballo
September 28, 2020	Response Letter to Motion for Reconsideration filed by Adam Carballo, Architect, on behalf of Anna Oster.
September, 2020	Email correspondence between the Office of Administrative Hearings and Irina Bondar.
October 14, 2020	Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion was DENIED.
November 2020	Emails between Irina Bondar and the Office of Administrative Hearings.

November 12, 2020 Notice of Appeal filed by Irina Bondar, Protestant/Respondent.

November 16, 2020 Appeal received by the Board.

January 14, 2021 Notice of Assignment issued by the Board.

February 23, 2021 Board convened for a Hearing.

Exhibits submitted at Hearing before the Board of Appeals:

Petitioners' Exhibit No.

1 – Site Plan
2 – Subdivision Plat
3 – 4 Oak Hollow Court Garage Photo
4 – 10 Oak Hollow Court Garage Photo
5 – 12 Oak Hollow Court Garage Photo
6 – 15 Oak Hollow Court Garage Photo
7 – 3 Oak Hollow Court (subject property) Carport Photo
8 – Photo of Petitioner's Brother in wheelchair
9 – Photo of Petitioner's Brother with walking device
IDENTIFICATION ONLY
10 – Letter of Support July 17, 2020

Protestant's Exhibit No.

1A – 3 Oak Hollow Court width
1B – 9 Oak Hollow Court Variance
1C – Stevenson at Anton Farms Plat
2A –Stevenson at Anton Farms Section 2 Plat with 100' width
2B – Stevenson at Anton Farms Section 1 Plat with 100' width
2C – Oak Hollow Court odd number photos/SDAT printouts
2D – Oak Hollow Court even number photos/SDAT printouts
3A – Stevenson at Anton Farms Section 2 variances granted and properties that would require a variance
3B – Stevenson at Anton Farms Section 1 variances granted and properties that would require a variance
4 – Elm Hollow Court Photos
5 – Birch Hollow Photos
6 – Variance for 8405 Stevenson Road
7 – Runoff Impact
IDENTIFICATION ONLY
8 – 5 Oak Hollow Court
IDENTIFICATION ONLY
9 – Picture of houses with forsythia
IDENTIFICATION ONLY

March 23, 2021	Closing Brief filed by Anna Oster, Petitioner.
March 23, 2021	Closing Brief filed by Adam Carballo, Architect, on behalf of Anna Oster, Petitioner.
March 24, 2021	Respondent's Closing Statement filed by Irina Bondar.
April 14, 2021	Board convened for a virtual Public Deliberation.
October 14, 2021	Opinion and Order issued by the Board wherein the Petition for Variance from Baltimore County Zoning Regulations § 205.3 to permit an addition with side yard setback of 4 ft. 6 in. in lieu of the required 15 ft. was GRANTED.
November 12, 2021	Respondent's Motion for Reconsideration filed by Irina Bondar.
November 13-November 15, 2021	Email to Board from Irina Bondar advising the wrong draft of Motion was sent and resending the correct version.
November 15, 2021	Respondent's Motion for Reconsideration and Exhibits filed by Irina Bondar.
November 19, 2021	Email to the Board from Irina Bondar concerning service of Motion on Anna Oster.
November 30, 2021	Response Letter to Motion for Reconsideration filed by Anna Oster.
January 24, 2022	Email to Board from Irina Bondar in response to Petitioner's Response to Motion for Reconsideration.
January 25, 2022	Board convened for a virtual Public Deliberation on Motion for Reconsideration.
May 10, 2022	Order on Motion for Reconsideration issued by the Board wherein the Motion was DENIED.
June 8-10, 2022	Emails between Irina Bondar and the Board.
June 10, 2022	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Irina Bondar, Protestant.
June 10, 2022	Respondent's Motion to Dismiss the Case for Fraud on Court and Irregularities of the Process filed with the Board of Appeals by Irina Bondar. (incorrect version)

June 10, 2022	Email from Irina Bondar advising she filed a wrong version of Motion to Dismiss.
June 10, 2022	Respondent's Motion to Dismiss the Case for Fraud on Court filed with the Board of Appeals by Irina Bondar, Protestant (correct version)
June 17, 2022	Request to Temporarily freeze/temporarily suspend proceedings on complaint filed in the Circuit Court for Baltimore County by Irina Bondar, Case No. C-03-CV-22-002308
June 17, 2022	Notice to Administrative Agency of Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals, Case No. C-03-CV-22-002308
June 22, 2022	Certificate of Compliance filed in the Circuit Court for Baltimore County and sent to all parties, Case No. C-03-CV-22-002308
June 23, 2022	Email to Board from Irina Bondar and copies dropped off of Certificate of Service – First Class Mail of Motion to Dismiss the Case for Fraud.
Undated	Letter to Circuit Court for Baltimore County by Irina Bondar regarding Notice of docketing delay / filing deadline, Case No. C-03-CV-22-002308 *(received by the Board of Appeals on June 24, 2022)*
June 28, 2022	Entry of Appearance filed by Jennifer R. Busse, Esquire and Whiteford, Taylor and Preston, on behalf of Anna Oster, Petitioner and Owner.
June 29, 2022	Email to Board from Irina Bondar alleging false testimony.
June 30, 2022	Board convened for a virtual Public Deliberation on Motion to Dismiss.
July 8, 2022	Response to Petition for Judicial Review filed by Jennifer R. Busse, Esquire and Michael Collins, Jr., Esquire on behalf of Anna Oster and Igor Oster, Case No. C-03-CV-22-002308
July 8, 2022	Motion to Strike Petition for Judicial Review filed by Jennifer R. Busse, Esquire and Michael Collins, Jr., Esquire on behalf of Anna Oster and Igor Oster, Case No. C-03-CV-22-002308
July 15, 2022	Order of the Circuit Court for Baltimore County wherein the Request to Temporarily Freeze/Temporarily Suspend Proceedings was DENIED, Case No. C-03-CV-22-002308

Undated	Response to Motion to Strike filed by Irina Bondar in the Circuit Court for Baltimore County, Case No. C-03-CV-22-002308 *(received by the Board of Appeals on July 25, 2022)*
July 22, 2022	Motion to Stay Proceedings filed in the Circuit Court for Baltimore County by Irina Bondar, Case No. C-03-CV-22-002308
Undated	Line filed by Irina Bondar in the Circuit Court for Baltimore County, Case No. C-03-CV-22-002308 *(received by the Board of Appeals on July 25, 2022)*
July 22-23, 2022	Certificate of Service for the Response to Motion to Strike filed in the Circuit Court for Baltimore County by Irina Bondar, Case No. C-03-CV-22-002308
July 21-26, 2022	Emails between the Board and Irina Bondar
July 26, 2022	Certificates of Service for mailing of the Line filed in the Circuit Court for Baltimore County by Irina Bondar, Case No. C-03-CV-22-002308
August 5-8, 2022	Emails between Irina Bondar, counsel and the Board of Appeals.
August 9, 2022	Reply in Support of Motion to Strike Petition for Judicial Review filed in the Circuit Court for Baltimore County by Jennifer R. Busse, Esquire and Michael Collins, Jr., Esquire on behalf of Anna Oster and Igor Oster, Respondents, Case No. C-03-CV-22-002308
August 9, 2022	Order of the Circuit Court for Baltimore County wherein the Motion to Strike was held sub curia, Case No. C-03-CV-22-002308
August 10, 2022	Circuit Court for Baltimore County Order Dismissing Petition wherein the Respondent's Motion to Dismiss was GRANTED, Case No. C-03-CV-22-002308
August 11, 2022	Circuit Court for Baltimore County Case Summary, Case No. C-03-CV-22-002308
August 11, 2022	Order of the Circuit Court for Baltimore County wherein the Motion to Stay Proceedings was DENIED, Case No. C-03-CV-22-002308
September 12, 2022	Motion for Reconsideration filed in the Circuit Court for Baltimore County by Irina Bondar, Case No. C-03-CV-22-002308
September 12, 2022	Motion to Extend Deadline filed in the Circuit Court for Baltimore County by Irina Bondar, Case No. C-03-CV-22-002308

September 13, 2022	Circuit Court for Baltimore County Order wherein the Motion for Reconsideration was DENIED, Case No. C-03-CV-22-002308
September 13, 2022	Circuit Court for Baltimore County Order wherein the Motion to Extend Deadline was DENIED AS MOOT, Case No. C-03-CV-22-002308
September 14, 2022	Email between Board and Irina Bondar advising that the Board is in receipt of the Motion for Reconsideration filed in the Circuit Court.
November 30, 2022	Order on Motion to Dismiss issued by the Board wherein the Protestant's Motion to Dismiss was DENIED.
January 3, 2023	Respondent's Motion to Reconsider Motion to Dismiss the Case for Fraud on Court (first page of Motion only) filed with the Board of Appeals by Irina Bondar.
January 3, 2023	Email to Irina Bondar from the Board advising her "Appeal Motion" is incomplete and only contains the first page, advising that the Board's Rules do not allow for more than one Motion for Reconsideration and further review must be done by the Circuit Court for Baltimore County, and the Motion will not be accepted for review and determination.
January 3, 2023	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Irina Bondar.
January 4, 2023	Emails between counsel, the parties and the Board, and email from Irina Bondar attaching missing pages to the Motion sent January 3, 2023.
January 4, 2023	Notice to Administrative Agency of Judicial Review, Case No. C-03-CV-23-000018
January 6, 2023	Letter to Irina Bondar from the Board advising the Board Rules do not allow for more than one Motion for Reconsideration, and in the event such Motion were permissible, the emailed Motion is deemed to be untimely.
January 6, 2023	Emails between counsel, the parties and the Board.
January 11, 2023	Certificate of Compliance filed in the Circuit Court for Baltimore County and sent to all parties, Case No. C-03-CV-23-000018
January 11, 2023	Emails between counsel, the parties and the Board.

January 21, 2023	Respondent's Motion to Revise and Reverse Board's Decision dated January 6, 2023 and Accept Motion Deemed Untimely in Error filed with the Board of Appeals by Irina Bondar. *(dated January 18, 2023, emailed January 21, 2023)*
January 19 – January 30, 2023	Emails between the counsel, the parties and the Board.
February 1, 2023	Motion to Strike Petition for Judicial Review filed in the Circuit Court for Baltimore County by Anna Oster, Case No. C-03-CV-23-000018
February 21, 2023	Response to Motion to Strike Petition filed in the Circuit Court for Baltimore County by Irina Bondar, Case No. C-03-CV-23-000018.
February 23, 2023	Reply in Support of Motion to Strike Petition for Judicial Review filed in the Circuit Court for Baltimore County by Anna Oster, Case No. C-03-CV-23-000018.
March 8, 2023	Record of Proceedings, without transcripts, filed in the Circuit Court for Baltimore County, Case No. C-03-CV-23-000018

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Tammy A. Zahner

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2023 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231

Igor Oster
3 Oak Hollow Court
Pikesville, MD 21208

Tammy A. Zahner

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

Petition of Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Anna Oster Respondent
3 Oak Hollow Court
Pikesville, Maryland 21208

IN THE MATTER OF: ANNA OSTER Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court

BOARD OF APPEALS CASE NO: 20-043-A

CASE NO.: C-03-CV-23-000018

FILED
2023 FEB 23 AM 9:15
CIRCUIT COURT
BALTIMORE COUNTY

REPLY IN SUPPORT OF MOTION TO STRIKE PETITION FOR JUDICIAL REVIEW

Anna Oster Respondent, hereby file this Reply in Support of Motion to Strike Petition for Judicial Review and state as follows:

1. On February 21, 2023 Ms. Bondar filed RESPONSE TO MOTION TO STRIKE for Anna Oster untimely filing. Ms. Oster's Motion To Strike was filed timely, within the prescribed period as computed in accordance with Maryland Rules. The Board Of Appeals received notification from Circuit Court for Baltimore County on January 9, 2023. " Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules. " (Exhibit 1) Ms. Oster timely filed Motion to Strike on February 1, 2023.

2. Petitioner Irina Bondar has proffered that the Board of Appeals did not "mail" notice of the decision to her until December 1, 2022. Simply put, the mailing of the decision is irrelevant and Petitioner was obligated to file for judicial review 30 days from the date of the decision, not mailing.

3. Petitioner relies on Md. Rule 7-203(a)(2) which provides: "Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of the . . . (2) date the administrative agency sent notice of the order or action to the petitioner, ***if notice was required by law to be sent to the petitioner*** . . . ." (Emphasis added).

4. Noticeably absent from Ms. Bondar's opposition is any reference to any requirement at Maryland law that the Board of Appeals was obligated **by law** to send notice of its decision to Ms. Bondar.

5. The Board of Appeals is not obligated to mail notice of any decision. Specifically, no provision of the Baltimore County Charter pertaining to the County Board of Appeals requires mailing of any final decision, according to Balt. Cnty. Charter §§ 601.

6. There is no provision in any part of the Maryland Rules, Maryland Statutes, or Baltimore County Charter or Regulations which would require the Board of Appeals to mail notice of a decision to Ms. Bondar or require Ms. Bondar to receive notice.

7. Additionally, the notice mailed to the Osters specifically states that any appeal to circuit court must be made **within 30 days of the *decision***. *See* Letter, attached here **Exhibit** 2. This same letter was addressed to Ms. Bondar and thus she was well aware that she must file her appeal "***within 30 days from the date of the enclosed Order***", not the date of mailing. **See Exhibit 3** (Emphasis added). Letter emailed on January 6, 2023 from Chaiman of The Board of Appeals, Andrew M Belt, determines that Ms. Bondar's "Motion is deemed to be untimely. "(. . .) "The Order was issued on November 30, 2022. 30 days from November 30th was December 30, 2022. Your Motion for Reconsideration was received by email at 12:00 am on January 3, 2023 and supplement by email on January 4, 2023 at 12:42 am. " See Exhibit 4

8. Ms. Bondar's argument is moot. The Board of Appeals was not obligated to deliver notice to Ms. Bondar. Ms. Bondar's Petition was due 30 days from the date of the Board's decision, or on December 30, 2022. For this reason, her Petition is untimely and should be stricken.

Respectfully submitted,

Anna Oster
3 Oak Hollow Ct
Pikesville MD 21208
annaoster@yahoo.com
410-790-7818

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of February, 2023 a copy of the foregoing REPLY IN SUPPORT OF MOTION TO STRIKE PETITION FOR JUDICAL REVIEW was served via first class mail on:

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

And :

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov

Anna Oster

EXHIBIT 1

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 11, 2023

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-23-000018
In the Matter of: Anna Oster
Board of Appeals Case No.: 20-043-A

Dear Ms. Busse and Ms. Bondar:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Irina Bondar, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on January 9, 2023. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Ms. Bondar, having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

WebEx was the official record of the hearing before the Board. The recording(s) will be made available by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request. Please contact our office upon receipt to discuss ordering the transcript.

Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than MARCH 3, 2023 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner
Legal Assistant

Duplicate Original Cover Letter
Enclosure

c: Anna Oster
Adam Carballo/Carballo Architecture, LLC

EXHIBIT 1
PAGE 2 (4)

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
IRINA BONDAR *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-23-000018
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, MD 21204

*

IN THE MATTER OF:
ANNA OSTER *
Petitioner for Variance on the Property
located at 3 Oak Hollow Court *

3RD ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT

*

BOARD OF APPEALS CASE NO.: 20-043-A

* * * * * * * * * * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204-5025

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

EXHIBIT 1
PAGE 3 (4)

I HEREBY CERTIFY that on this 11th day of January, 2023, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

EXHIBIT 2

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 30, 2022

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Busse and Bondar:

Enclosed please find a copy of the Order on Motion for Dismiss issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington (taz

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Anna Oster
Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

EXHIBIT 3

IN THE MATTER OF ANNA OSTER 3 OAK HOLLOW COURT	*	BEFORE THE BOARD OF APPEALS
3rd Election District 3rd Councilmanic District	*	OF
	*	BALTIMORE COUNTY
	*	Case No.: 20-043-A

* * * * * * * * * * * * *

ORDER ON MOTION TO DISMISS

This matter comes before the Baltimore County Board of Appeals (the "Board") as an appeal of the Administrative Law Judge's August 21, 2021 Opinion and Order granting the Petition for Variance filed by Petitioner, Anna Oster, for property located at 3 Oak Hollow Court. The Petitioner originally filed a variance pursuant to §205.3 of the Baltimore County Zoning Regulations to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively. During both the hearing before the Administrative Law Judge and the hearing before the Board of Appeals, the Petitioner dropped the request for the 13 ft. 8 in. setback and only pursued a 4 ft. 6 in. setback variance.

A *de novo* hearing was held before this Board on February 23, 2021. A public deliberation of this matter was held on April 14, 2021. Following the Board's Opinion and Order granting the Petitioner's requested zoning relief, Protestant, Irina Bondar filed a timely Motion for Reconsideration on November 15, 2021. A response was filed by the Petitioner on November 30, 2021. A public deliberation of the Protestant's Motion was held on January 25, 2022. The Board's Order denying the Protestant's Motion for Reconsideration was issued on May 10, 2022.

Protestant then filed a Motion to Dismiss the Case for Fraud on Court and Irregularities of the Process on June 10, 2022. Protestant then filed a Corrected Motion entitled Respondent's Motion to Dismiss the Case for Fraud on Court on June 10, 2022. A public deliberation was held on June 30, 2022.

The Board of Appeals Rules of Practice and Procedure[1] do not provide a mechanism for a Motion to Dismiss after a decision has been made. The Board decided to view the Motion to Dismiss as a second Motion for Reconsideration, which is also not contemplated by the Board's Rules. The Board determined that the Motion was in any event not filed within 30 days of the date of the previous ruling and is therefore untimely.

Assuming *arguendo*, that the Motion at issue had been filed timely, Maryland Rule §2-535(b) allows a Court revisory power over a decision in the event of "fraud, mistake, or irregularity."[2] While not in the Board's Rules, the Board refers to the Maryland Rules for guidance. Maryland appellate cases applying Maryland Rule §2-535(b) have held proof of fraud, mistake, or irregularity requires clear and convincing evidence. *Davis v Attorney General,* 187 Md.App, 110 (2009). Moreover, there are two types of fraud: extrinsic fraud and intrinsic fraud. Intrinsic fraud deals with matters that came out during the case. Extrinsic fraud is fraud, which impedes due process. Intrinsic fraud is the only type of fraud that applies when dealing with the revisory power of a court. *Jones v. Rosenberg* 178 Md.App 54 (2008). Here, the Protestant has alleged fraud and argued that the expert witness, Mr. Carballo, perjured himself. Even if Mr. Carballo did perjure himself during the hearing, a finding the Board did not reach, this would not

[1] This refers to the Rules of Practice and Procedure in effect at the time of the public deliberation. The Board of Appeals Rules of Practice and Procedure were updated effective April 4, 2022.

[2] Typically, reconsideration applies where there has been new facts or a change in controlling law. The Board would not find grounds for reconsideration if that standard was applied since no new facts or change in law was presented.

EXHIBIT 3
PAGE 2(3)

suffice to warrant the Board exercising revisory power. Accordingly, the Board has determined that Protestant fails to meet her burden.

THEREFORE, it is this 30th day of November, 2022 by the Board of Appeals of Baltimore County,

ORDERED, that the Protestant's Motion to Dismiss is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules.*

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chair

Adam T. Sampson

Adam T. Sampson

Bryan T. Pennington

EXHIBIT 3
PAGE 3(3)

EXHIBIT 4

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 6, 2023

SENT VIA EMAIL ONLY
Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

Re: In the matter of Anna Oster
Case No: 20-043-A

Dear Ms. Bondar,

Procedurally, the Board of Appeals Rules of Practice and Procedure does not allow for more than one Motion for Reconsideration. Consequently, there is no procedural mechanism for us to accept your Motion emailed January 3, 2023. In the event that such a Motion were to be permissible, your emailed Motion is deemed to be untimely.

The way time has always been calculated by this office is beginning as of the date in the order. The three mailing days does not apply to us mailing the order. The three mailing days would apply to your Motion **IF** you mailed it. Since you did not mail it and only emailed it, it would have been due on the 30th day from the date of our order. The three additional days would also apply to your Petition for Judicial Review filed in the Circuit Court but **ONLY IF** you mailed it to the Court. That three days does not apply for electronic communications or electronic filings.

The Order was issued on November 30, 2022. 30 days from November 30th was December 30, 2022. Your Motion for Reconsideration was received by email at 12:00 a.m. on January 3, 2023 and supplemented by email on January 4, 2023 at 12:42 a.m.

Therefore, the Board of Appeals cannot accept your Motion.

Sincerely,

Andrew Belt /kc

Andrew M. Belt
Chairman

AMB/klc

cc: Jennifer Busse, Esquire
Anna Oster

EXHIBIT 4
PAGE 1(1)

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

FILED CW
2023 FEB 21 PM 3:47
CIRCUIT COURT
BALTIMORE COUNTY

Case No.: C-03-CV-23-000018

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster, property at 3 Oak Hollow Court, Pikesville, MD 21208

Board of Appeals Case No. 20-043-A

RESPONSE TO MOTION TO STRIKE PETITION

Irina Bondar, Petitioner, pursuant to MD Rule 2-322 (e), Rule 1-203 (c, a) and Rule 7-203 (a 2) moves this Court to deny Mrs Oster's Motion to Strike Petition for the following reasons:

1. For untimely filing of Motion to Strike .
   Pursuant to MD Rule 2-322 Preliminary Motions and MD Rule 1-203 Time, Mrs Oster filed her Motion to Strike Petition outside of the 15 days period prescribed for such motions .

   MD Rule 2-322 (e) Motion to Strike , attached as Exhibit 1, states that ***" on motion made by a party within 15 days after service of the pleading*** or on the Court's own initiative at any time the Court may order that any pleading that is late or otherwise not in compliance with these rules stricken in its entirety" (emphasis added)

Mrs Oster filed her Motion to Strike Petition on February 1, 2023, while it was due no later than January 30, 2023 computed as prescribed/allowed by MD court rule 1-203 Time:

Board of Appeals issued and served Notice of Petition on January 11 , 2023, Certificate of Service filed. 15 days period would end on January 26, 2023 but Rule 1-203 Time will add a total of 4 days to the prescribed period.

MD court Rule 1-203 (c) **Additional time after service by mail** (Exhibit 2) provides that " Whenever a party has a right or is required to do some act or take some proceeding within a prescribed period after service upon the party of a notice or other paper and service is made by mail, *three days* shall be added to the prescribed period.

MD Court Rule 1-203 (c) shall apply because the Board's Notice was served by mail, 3 days will be added and the due date moves to Sunday, January 29, 2023

Rule 1-203(a2) extends it to the next day the Courts reopened for business, that is Monday, January 30, 2023.

Mrs Oster's Motion to Strike Petition was due no later than Monday, January 30, 2023 but she did not file until Wednesday, February 1, 2023.

Motion to Strike Petition should be denied for being untimely.

2. Petition for Judicial review was timely. It was due on January 3, 2023 as filed.

Mrs Oster failed to apply MD Rule 1-203 , referenced and cited above, for computation of time, as prescribed by Board of Appeals Rules and Procedure .

This MD Rule 1-203 has been adopted and incorporated into Board of Appeals Rules of Practice and Procedure (Rules), which can be found in Appendix H (Exhibit # 3) to Baltimore County Charter , last amended by County Council through Bill 12-22 effective 4.4.2022

Rule 1 (f), General ,of these Rules states: " Computation of time shall be in accordance with Rule 1-203 of the Maryland Rules". (Exhibit 3, page 1)

MD Rule 1-203 (c) adds 3 days to the prescribed period, since the Board served their Order by mail. Copy of mailing envelope attached (Exhibit # 4)

Even if Mrs. Oster were correct stating that 30 days ended on Friday, December 30, 2022, then 3 additional days, as prescribed by Rule 1-203 (c) extend it to Monday , January 2, 2023, which was a holiday and the Courts were closed, so rule 1-203 (a2) moves the due date to the next day the Courts are open, that is January 3, 2023.

The Petition was filed timely, within prescribed period as computed in accordance with Rule 1-203.

3. Mrs. Oster relies upon Rule 7-203 in her calculation of due date for the Petition. It would also bring the deadline to January 3, 2023, when applied correctly.

Md Rule 7-203 Time for Filing Action provides:

> **(a) Generally.** Except as otherwise provided in this Rule or by statute, a petition for judicial review shall *be filed within **30 days after the latest of**:*
> (1) the date of the order or action of which review is sought;
> ***(2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner*** *(emphasis added);* or
> (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

Board of Appeals sent notice of their Order by mail on December 1, 2022. Copy of the mailing envelope is attached (Exhibit#4)

Rules of Practice and Procedure obligate Board of Appeals to provide formal notice of their decisions to the parties entitled to receive such notice.

Rule 2 (e) Notice states: " In appeals from decisions of the zoning commissioner, formal notice of hearings, continuances and decisions of the Board will be provided only to those persons entitles to receive same in accordance with paragraph 500.11 of BCZR".

These Rules and regulations have force and effect of law, as prescribed in Baltimore County Charter, Art VI, Board of Appeals , Sec. 603, Rules of Practice and Procedure :

> Subject to the approval of the county council, the county board of appeals shall have authority to adopt and amend rules of practice and procedure to cover the conduct of its proceedings.... [2] *Said rules and regulations when approved by the county council shall have the force and effect of law* (emphasis added)

Rules and Procedure of Board of Appeals, with amendments, are made a part of Baltimore county Charter, which is in essence Constitution of the County. It can be found in the Code of Ordinances, appendix H to the Charter. Amended Rules and Procedures were approved by County Council through Bill 12-22, enacted 4/4/2022 (Exhibit#3)

Board of Appeals Order dated November 30 was mailed next day December 1, 2022 as shown on the mailing envelope (Exhibit#4). 30 days from mailing would be December 31, 2022 , which was a Saturday. Rule 1-203 (a 2) would move the deadline to the next day Courts opened for business, which was Tuesday January 3, 2023.

Petition for Judicial Review was filed on January 3, 2023 and should be deemed timely.

> Therefore, it is for these reasons that Petitioner respectfully requests this Court to deny Mrs Oster's Motion to Strike and allow Petitioner an extension for transfer of the records from

Board of Appeals to be 60 days after final ruling on the Motion to Strike, since transcripts are voluminous and costly (over $1000) and would be wasted if this Court rules to grant Mrs Oster Motion to Strike Petition.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Respectfully, 2/21/2023

Irina Bondar

5 Oak Hollow Ct, Baltimore MD21208

irabond@live.com

410-653-1473

Certificate of Service

I HEREBY CERTIFY that on this 21st day of February , 2023 a copy of the foregoing was served via email on:

Mrs. Anna Oster

3 Oak Hollow Court, Baltimore, Maryland 21208

annaoster@yahoo.com

Baltimore County Board of Appeals

105 West Chesapeake Avenue, suite 203, Towson, Maryland 21204

appealsboard@baltimorecountymd.gov

Exhibit 1.

MD Court Rule 2-322. Preliminary Motions.

THOMSON REUTERS
WESTLAW Maryland Code and Court Rules

Home Table of Contents

RULE 2-322. PRELIMINARY MOTIONS
West's Annotated Code of Maryland
Maryland Rules

West's Annotated Code of Maryland
Maryland Rules
Title 2. Civil Procedure--Circuit Court
Chapter 300. Pleadings and Motions

MD Rules, Rule 2-322

RULE 2-322. PRELIMINARY MOTIONS

Currentness

(a) Mandatory. The following defenses shall be made by motion to dismiss filed before the answer, if an answer is required: (1) lack of jurisdiction over the person, (2) improper venue, (3) insufficiency of process, and (4) insufficiency of service of process. If not so made and the answer is filed, these defenses are waived.

(b) Permissive. The following defenses may be made by motion to dismiss filed before the answer, if an answer is required: (1) lack of jurisdiction over the subject matter, (2) failure to state a claim upon which relief can be granted, (3) failure to join a party under Rule 2-211, (4) discharge in bankruptcy, and (5) governmental immunity. If not so made, these defenses and objections may be made in the answer, or in any other appropriate manner after answer is filed.

(c) Disposition. A motion under sections (a) and (b) of this Rule shall be determined before trial, except that a court may defer the determination of the defense of failure to state a claim upon which relief can be granted until the trial. In disposing of the motion, the court may dismiss the action or grant such lesser or different relief as may be appropriate. If the court orders dismissal, an amended complaint may be filed only if the court expressly grants leave to amend. The amended complaint shall be filed within 30 days after entry of the order or within such other time as the court may fix. If leave to amend is granted and the plaintiff fails to file an amended complaint within the time prescribed, the court, on motion, may enter an order dismissing the action. If, on a motion to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 2-501, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 2-501.

(d) Motion for More Definite Statement. If a pleading to which an answer is permitted is so vague or ambiguous that a party cannot reasonably frame an answer, the party may move for a more definite statement before answering. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed within 15 days after entry of the order or within such other time as the court may fix, the court may strike the pleading to which the motion was directed or make such order as it deems just.

(e) Motion to Strike. On motion made by a party before responding to a pleading or, if no responsive pleading is required by these rules, on motion made by a party within 15 days after the service of the pleading or on the court's own initiative at any time, the court may order any insufficient defense or any improper, immaterial, impertinent, or scandalous matter stricken from any pleading or may order any pleading that is late or otherwise not in compliance with these rules stricken in its entirety.

(f) Consolidation of Defenses in Motion. A party who makes a motion under this Rule may join with it any other motions then available to the party. No defense or objection raised pursuant to this Rule is waived by being joined with one or more other such defenses or objections in a motion under this Rule. If a party makes a motion under this Rule but omits any defense or objection then available to the party that this Rule permits to be raised by motion, the party shall not thereafter make a motion based on the defenses or objections so omitted except as provided in Rule 2-324.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 323 (a)(1), (2), (3) and (4), and the last sentence of (b).

Section (b) is new and is derived in part from the 1966 version of Fed. R. Civ. P. 12 (b). Subsection (b)(2) replaces former Rules 345 (Demurrer) and 371 b (Demurrer).

Section (c) is new.

Section (d) is new and is derived from the 1966 version of Fed. R. Civ. P. 12 (e). It replaces former Rule 346 (Bill of Particulars).

Section (e) is derived from the 1966 version of Fed. R. Civ. P. 12 (f), and in part from former Rules 301 j and 322.

Exhibit 2.

MD Court Rule 1-203 . Time

THOMSON REUTERS
WESTLAW Maryland Code and Court Rules

Home Table of Contents

RULE 1-203. TIME
West's Annotated Code of Maryland
Maryland Rules

West's Annotated Code of Maryland
Maryland Rules
Title 1. General Provisions
Chapter 200. Construction, Interpretation, and Definitions

MD Rules, Rule 1-203

RULE 1-203. TIME

Currentness

(a) Computation of Time After an Act, Event, or Default. In computing any period of time prescribed by these rules, by rule or order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not included. If the period of time allowed is more than seven days, intermediate Saturdays, Sundays, and holidays are counted; but if the period of time allowed is seven days or less, intermediate Saturdays, Sundays, and holidays are not counted. The last day of the period so computed is included unless:

(1) it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday; or

(2) the act to be done is the filing of a paper in court and the office of the clerk of that court on the last day of the period is not open, or is closed for a part of the day, in which event the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or a day on which the office is not open during its regular hours.
Committee note: This section supersedes Code, General Provisions Article, § 1-302 to the extent of any inconsistency.

Cross reference: For the definition of "holiday," see Rule 1-202.

(b) Computation of Time Before a Day, Act, or Event. In determining the latest day for performance of an act which is required by these rules, by rule or order of court, or by any applicable statute, to be performed a prescribed number of days before a certain day, act, or event, all days prior thereto, including intervening Saturdays, Sundays, and holidays, are counted in the number of days so prescribed. The latest day is included in the determination unless it is a Saturday, Sunday, or holiday, in which event the latest day is the first preceding day which is not a Saturday, Sunday, or holiday.

(c) Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after service upon the party of a notice or other paper and service is made by mail, three days shall be added to the prescribed period.

(d) Extension of Time Requirements Upon the Death of a Party. Upon the death of a party, all time requirements under these rules applicable to that party shall be extended automatically from the date of death to the earlier of (1) 60 days after the date of death or (2) 15 days from the issuance of letters of administration by a court of competent jurisdiction. Before or after the expiration of an extension period under this section and upon a showing of good cause why a proper substitution was not made or could not have been made prior to the expiration of the extension and that a further extension will not unfairly prejudice the rights of any other party, the court may extend the time requirements applicable to the deceased party for an additional period commencing upon the expiration of the extension.

Cross reference: Rule 1-321.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 8 a.

Section (b) is derived from former Rule 8 b.

Exhibit 3

Baltimore County Charter,

Appendix H, Rules of Practice and Procedure Board of Appeals.

Bill 12-22

p. 1 of 3
Exhibit 3

APPENDIX H RULES OF PRACTICE AND PROCEDURE OF THE BALTIMORE COUNTY BOARD OF APPEALS[1]

Rule 1. General

a. The Baltimore County Board of Appeals ("board" or "board of appeals") shall select one of its members to serve as the board chair at the pleasure of the board. The board chair shall preside at all hearings of the board of appeals, unless the board chair designates another member of the board to sit in the board chair's place as panel chair.

b. Hearings of the Baltimore County Board of Appeals shall be held periodically as determined by the board chair or as required by statute.

c. Three members of the board, shall constitute a board panel. During the course of a hearing, if any member of the board panel is unable to continue to serve on the board panel, another member shall fill the vacancy. In the case of a remand, if any member of the board panel is unable to serve, another member shall fill the vacancy. A majority vote of two of the three sitting members of the board panel is necessary to render a decision.

d. Pursuant to § 3-12-104 of the Baltimore County Code, the terms zoning commissioner, deputy zoning commissioner and administrative law judge are interchangeable.

e. 1. All appeals to the board from decisions of the zoning commissioner or deputy zoning commissioner shall be in conformance with the rules of the zoning commissioner of Baltimore County with respect to the form of appeal, and the filing fees shall be as established either by said rules of the zoning commissioner or by the Baltimore County Zoning Regulations.

2. All other appeals shall be in conformance with the Baltimore County Code and Charter.

f. Computation of time shall be in accordance with Rule 1-203 of the Maryland Rules.

Rule 2. Notice.

a. No hearing shall be conducted without at least ten days' notice to all parties of record and/or their counsel of record, unless otherwise agreed to by all such parties and/or their counsel of record.

b. The board in its discretion may grant a continuance or postponement on its own initiative or on written request of a party of record or the requesting party's counsel setting forth good and sufficient reasons for the requested postponement. A written request shall be addressed to the board and shall certify that the request was sent to all parties and counsel entitled to receive notice.

c. A postponement shall not be granted within fifteen days prior to the hearing date except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of an unusual and extraordinary nature.

d. All records and dockets of the board shall be open to the public during normal business hours subject to limitation by the Maryland Public Information Act.

e. In appeals from decisions of the zoning commissioner, formal notice of hearings, continuances and decisions of the board will be provided only to those persons entitled to receive same in accordance with § 500.11 of the Baltimore County Zoning Regulations.

f. Notice of hearings and deliberations before the board may be mailed, e-mailed, and/or posted on the board's website.

Rule 3. Appeals.

---

[1]1. **Editor's Note**—These rules, as amended by Bill Nos. 141-1989 and 50-2005, which were repealed and reenacted by Section 3 of Bill No. 12-2022 , are included as they appear in Appendix B of the 2015 Edition of the Baltimore County Code.

LEGISLATION DETAIL

LEGISLATION	BILL 12-22
DISPOSITION	PASSED
ENACTED	03/28/22
EFFECTIVE	04/04/22
AMENDMENTS	YES (1)

ROLL CALL - LEGISLATION

MOTION KACH SECOND JONES

AYE	NAY	
☑	☐	Councilman Quirk
☑	☐	Councilman Patoka
☑	☐	Councilman Kach
☑	☐	Councilman Jones
☑	☐	Councilman Marks
☑	☐	Councilwoman Bevins
☑	☐	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION KACH SECOND JONES

AYE	NAY	
☑	☐	Councilman Quirk
☑	☐	Councilman Patoka
☑	☐	Councilman Kach
☑	☐	Councilman Jones
☑	☐	Councilman Marks
☑	☐	Councilwoman Bevins
☑	☐	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION SECOND

AYE	NAY	
☐	☐	Councilman Quirk
☐	☐	Councilman Patoka
☐	☐	Councilman Kach
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☐	☐	Councilman Marks
☐	☐	Councilwoman Bevins
☐	☐	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION SECOND

AYE	NAY	
☐	☐	Councilman Quirk
☐	☐	Councilman Patoka
☐	☐	Councilman Kach
☐	☐	Councilman Jones
☐	☐	Councilman Marks
☐	☐	Councilwoman Bevins
☐	☐	Councilman Crandell

6 Managing Administrators and Administrator Groups

During installation, a default ZENworks administrator account (named Administrator) is created. This account, called a Super Administrator account, provides full administrative rights to the Management Zone.

Typically, you should create administrator accounts for each person who will perform administrative tasks. You can define these accounts as Super Administrator accounts, or you can define them as administrator accounts with restricted rights. For example, you could give a user an administrator account that only enables him or her to discover and register devices in the Management Zone, the account could only enable the user to assign bundles to devices, or could limit the user to performing asset management tasks such as contract, license, and document management.

IMPORTANT: In addition to the default Administrator account, you should make sure that you have at least one other Super Administrator account. This provides redundancy in case the password for the Administrator account is forgotten or lost. For information on how to create a Super Administrator account, see Section 6.2.1, "Assigning Super Administrator Rights," on page 26. If you need any further help, contact Novell Support (http://www.novell.com/support).

In some cases, you might have multiple administrator accounts that require the same administrative rights. Rather than assign rights to each account individually, you can create an administrator role, assign the administrative rights to the role, and then add the accounts to the role. For example, you might have a Help Desk role that provides administrative rights required by several of your administrators.

You can use administrator group that lets you group administrators so that you can assign rights and roles to groups rather than assigning rights and roles to individual administrators

To create and modify administrator accounts and assign roles, you can use ZENworks Control Center (ZCC) or the zman command line utility. If you prefer the zman command line utility, see "Administrator Commands" in the *ZENworks 11 Command Line Utilities Reference*.

However, you can create and modify administrator group accounts and assign roles only through ZENworks Control Center (ZCC).

The following procedures explain how to create and modify administrators and administrator group accounts and assign roles through ZENworks Control Center (ZCC):

- Section 6.1, "Managing Administrator Accounts," on page 24
- Section 6.2, "Managing Administrator Rights," on page 26
- Section 6.3, "Managing Administrator Group Accounts," on page 28
- Section 6.4, "Managing Administrator Group Rights," on page 31
- Section 6.5, "Rights Descriptions," on page 32
- Section 6.6, "Managing Administrator Roles," on page 63

P. 3 of 3

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2022, Legislative Day No. 4

Bill No. 12-22

Councilmembers Jones, Marks, Patoka & Kach

By the County Council, February 22, 2022

A BILL
ENTITLED

AN ACT concerning

County Code – Board of Appeals – Rules of Practice and Procedure

FOR the purpose of approving amendments to the Rules of Practice and Procedure of the Board of Appeals; removing certain requirements for hearings; removing gendered references; clarifying terms regarding administrative law judge; prohibiting certain audio recordings and transcripts of hearings and deliberations; providing for authorization for representatives of associations under certain circumstances; clarifying hearings compliance with the Open Meetings Act; providing for procedures to handle certain disruptive conduct during proceedings; providing for recordings of certain proceedings by the public; and generally relating to the Rules of Practice and Procedure of the Board of Appeals.

BY repealing and re-enacting, with amendments

Appendix B
Rules of Practice and Procedure of County Board of Appeals
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

5 Click the QuickTask Status tab to monitor the status of the task.

Status	Description
New	The Primary Server has not started the process of notifying the device.
Connecting	The Primary Server is attempting to connect to the device.
Connected	The Primary Server is connected to the device.
Connection Failed	The Primary Server is unable to connect to the device.
Connection Failed (Expired)	The Primary Server is unable to connect to the device and the quick task assignment has expired.
Stopped	The quick task notification was stopped before it was sent to the device. You can do this only if the quick task has not yet been assigned to the device.
Assigned	The quick task has been assigned to the device.
Done	The quick task has been executed on the device.

11.3 Cancelling, Stopping, or Hiding a Quick Task

- To stop the quick task on a managed device, select the device on which you want to stop the quick task and click *Stop*. You can do this only if the quick task has not yet been assigned to the device.
- To hide the quick task dialog box, click *Hide*. The quick task is listed in the Quick Tasks list in the left navigation pane, and you can click the quick task to check the status again.
- To cancel the quick task, click *Cancel*.

Exhibit #4

mailing envelope

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Hasler
12/01/2022
US POSTAGE $000.45[5]
FIRST-CLASS MAIL
AUTO
ZIP 21204
011D12603654

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

JLI-SSB 21208

State of Maryland
County of Baltimore
I certify this to be a full, true, and exact copy of the envelope mailed on December 1st, 2022 by Board of Appeals of Baltimore County made by me on February 21st, 2023.

Saskaya Beckford
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES 10/25/2023

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Tuesday, February 21, 2023 8:11 PM
To: Anna Oster; Appeals Board
Subject: Response to Petition to Strike.
Attachments: Responce to Motion to Strike.docx; MailingEnvelope12-1-22.jpeg; MD Rule1-203Time.jpeg

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Attached please find our Response to Mrs Oster's Motion to Strike.

We have experienced technical difficulty to attach several exhibits , so we shall attached them separately in this email, outside the main body of the Responce.

Thank you
Irina Bondar

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

RECEIVED
FEB 02 2023
BALTIMORE COUNTY
BOARD OF APPEALS

Petition of Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

IN THE MATTER OF: ANNA OSTER
Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court

BOARD OF APPEALS CASE NO: 20-043-A

CASE NO.: C-03-CV-23-000018

FILED
2023 FEB -1 AM 10:37
CIRCUIT COURT
BALTIMORE COUNTY

MOTION TO STRIKE PETITION FOR JUDICIAL REVIEW

Anna Oster pursuant to Maryland Rule 7-203 and 7-204(b), moves to strike the Petition for Judicial Review as untimely.

1. Ms. Bondar's Petition for Judicial review was filed late. Maryland Rule 7-203 specifically provides for the timing of filing a petition for judicial review, and states as follows:

> (a) . . . a petition for judicial review shall be filed within 30 days after the latest of (1) the date of the order or action of which review is sought; (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

2. The Board of Appeals issued its Order on November 30, 2022. Therefore, as set forth by Maryland Rule 7-203, any Petition for Judicial Review was due on December 30, 2022, thirty (30) days after the date of the Order issued by the Board of Appeals.

3. Ms. Bondar waited until January 3, 2023 to file her Petition, and thus, her Petition was untimely. Because of the late filing, this Court should strike Ms. Bondar's Petition and dismiss this matter in its entirety.

4. Anna Oster was party to the proceeding before the Board of Appeals for Baltimore County and simultaneous with the filing of this Motion to Strike have filed a Response to the Petition for Judicial Review.

WHEREFORE, Anna Oster respectfully requests that Court STRIKE the Petition for Judicial Review as untimely, thereby affirming the decision of the Board of Appeals of Baltimore County.

Respectfully submitted,

Anna Oster
3 Oak Hollow Ct
Pikesville MD 21208
annaoster@yahoo.com
410 790 7818

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February, 2023 a copy of the foregoing Motion to Strike and proposed Order was served via first class mail on:

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

And

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov

Anna Oster

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

Petition of Irina Bondar **5 Oak Hollow Court** **Pikesville, Maryland 21208** **FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY** **Anna Oster Respondent** **3 Oak Hollow Court** **Pikesville, Maryland 21208** **IN THE MATTER OF: ANNA OSTER** **Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court** **BOARD OF APPEALS CASE NO:** **20-043-A**	**CASE NO.: C-03-CV-23-000018**

ORDER

Upon review of Anna Oster Motion to Strike the Petition for Judicial Review as untimely, it is, on this ____ day of _____ ___, 2023 hereby:

ORDERED that the Motion to Strike is GRANTED; and it is

ORDERED FURTHER that the Order entered by the Board of Appeals is affirmed.

_____

Judge, Circuit Court for Baltimore County

12371264

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, January 30, 2023 3:49 PM
To: Appeals Board; Anna Oster
Subject: Re: case 2020-0043-A - Jurisdiction

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board of Appeals,

Lack of jurisdiction was not set forth to reject the previous Motion under exact same circumstances. Consequently, this can not be the reason to reject it now, as both Motion and Petition , were filed on the same day of January 3, 2023. The Petition for Judicial Review was filed as a result of the Board's notice of rejection for untimely filing of the Motion which was shown as erroneous in subsequent Motion filed January 20, 2023.

Our Motion to Dismiss for Fraud was received by the Board on June 10, 2022. Petition for Judicial Review was accepted by the Circuit Court on the same date June 10, 2022. This did not preclude the Board from accepting, deliberating and ruling on that Motion.

Jurisdiction was not deemed stayed in exactly same circumstances . Board's Opinion dated November 30, 2022 is the proof for that.

For these reasons Motions filed 01.03.2023 and 01.20 2023 should not be rejected for lack of jurisdiction.

It would be in the best interest of all parties, including Mrs. Oster, Petitioner for variance, to have this case disposed of as requested in Protestants Motions . It appears that Ms Oster would be eligible to resubmit the Petition for Variance 18 month after the variance is denied. This is the shortest path for her to achieve her goal instead of going through several more appeals that will take months or years, at considerable expense for both parties as well as the taxpayers and Court's time. These 18 month would also give Mrs. Oster opportunity to prove their committment to Code compliance, which is a concern for us. With the new Petition Mrs Oster will be able to present their intentions correctly, including the size of the structure and setbacks, since this Board proved unwilling or unable to establish it.

Thank you,
Irina Bondar

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Tuesday, January 24, 2023 8:10 AM
To: Irina Bondar <irabond@live.com>
Cc: Anna Oster <annaoster@yahoo.com>; Busse, Jennifer R. <jbusse@wtplaw.com>
Subject: RE: case 2020-0043-A

Ms. Bondar,

We are in receipt of a Petition for Judicial Review filed in the Circuit Court for Baltimore County. As such, our jurisdiction is stayed pending the outcome of this matter at the Circuit Court for Baltimore County.

Thank you,

Sunny

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

Confidentiality Statement

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From: Irina Bondar <irabond@live.com>
Sent: Sunday, January 22, 2023 11:34 PM
To: Anna Oster <annaoster@yahoo.com>; Busse, Jennifer R. <jbusse@wtplaw.com>
Cc: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: case 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Mrs Oster, Ms Busse

For some reason this did not go through "reply all" on Friday, so I am resending.

Please let me know where I should be sending papers. Ms. Busse emailed us a couple months ago that she was referring Ms Oster to some other attorney, but I have not heard from anyone since then.

Thank you,
Irina



Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

Tammy Zahner

From: Anna Oster <annaoster@yahoo.com>
Sent: Tuesday, January 24, 2023 5:27 PM
To: Irina Bondar
Cc: Appeals Board
Subject: Re: case 2020-0043-A

CAUTION: This message from annaoster@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ms. Bondar,

The case in Board of Appeals of Baltimore County is closed and I do not need an attorney at this time. As you know per Board of Appeals of Baltimore County Order your Motion to Dismiss the Case for Fraud on Court was denied. We both received email with letter from the Chair of Appeals and based on Courts rules and laws the Board of Appeals cannot accept your motion anymore. Perhaps, you should ask for some legal help to understand the court decisions and stop writing your Motions and Petitions to Board based on your incomprehensive interpretation of court rules and laws.

I am aware that you filed Petition for Judicial Review in the Circuit Court, again there are court rules, guidelines and timelines that the petitioner must follow such as providing the transcript to the Circuit Court, again asking legal help for clarification might be a good idea.

As for now, as stated above, I do not have an attorney, and all the correspondence comes directly to me. Again, I am asking you, please stop harassing me and my family and please stop those non-sense fraud accusations.

Thank you,

Anna Oster

> On Jan 22, 2023, at 11:34 PM, Irina Bondar <irabond@live.com> wrote:
>
> Hello Mrs Oster, Ms Busse
>
> For some reason this did not go through "reply all" on Friday, so I am resending.
>
> Please let me know where I should be sending papers. Ms. Busse emailed us a couple months ago that she was referring Ms Oster to some other attorney, but I have not heard from anyone since then.
>
> Thank you,
> Irina
>
> <AppealMotion 01.docx><MailingEnvelope.jpeg>

Krysundra Cannington

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Tuesday, January 24, 2023 8:10 AM
To: Irina Bondar
Cc: Anna Oster; Busse, Jennifer R.
Subject: RE: case 2020-0043-A

Ms. Bondar,

We are in receipt of a Petition for Judicial Review filed in the Circuit Court for Baltimore County. As such, our jurisdiction is stayed pending the outcome of this matter at the Circuit Court for Baltimore County.

Thank you,

Sunny

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

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Sent: Sunday, January 22, 2023 11:34 PM
To: Anna Oster <annaoster@yahoo.com>; Busse, Jennifer R. <jbusse@wtplaw.com>
Cc: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: case 2020-0043-A

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Please let me know where I should be sending papers. Ms. Busse emailed us a couple months ago that she was referring Ms Oster to some other attorney, but I have not heard from anyone since then.

Thank you,
Irina

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 20-043-A**

Legal Owner

Petitioner

BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

January 18, 2023

RESPONDENT'S MOTION TO REVISE AND REVERSE BOARD'S DECISION dated 01.06.2023 and ACCEPT MOTION DEEMED UNTIMELY IN ERROR

Irina Bondar, Respondent, respectfully requests that this Court revise and reverse their decision issued January 6, 2023 to reject respondent's Motion dated January 2, 2023. That rejected Motion is asking the Board of Appeals to address issues of alleged Extrinsic Fraud, which they omitted in their Order issued November 30, 2022.

Board's Chairman's letter states that any motion or action following that Order was to be taken within 30 days (prescribed period) of the Order and was due December 30, 2022. The Board received the Motion on Tuesday January3rd, 2023 and refused to accept it as they deemed it untimely.

It is Respondent's position that the Motion was due on January 3, 2023 and timely , in accordance with MD Court Rule 1-203.

Board of Appeals Rules and Procedure as defined in Baltimore County Charter, prescribe that MD Court Rule 1-203 be applied to computation of time.

MD Rule 1-203(c) states:

Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceeding **within a prescribed period <u>after service</u> upon the party of a notice or other paper** and service is made by mail, three days shall be added to the prescribed period.

The Board erred in interpreting MD Rule 1-203 when stating in their letter that *"Three mailing days does not apply to us **(the Board)*** mailing the order. The three mailing days would only apply to your **(Respondent's)*** Motion **IF** you mailed it."*

This is erroneous for the following reasons:

1. MD Rule 1-203 (c) pertains to acts or Papers that involve, contain or initiate a ***prescribed period*** for allowed or required action.

   Respondent's Motion ("my papers") sent to Board of Appeals **do not** contain or initiate any prescribed period.*

   The Board's Order dated 11.30.2022 was mailed to the parties (copy of the mailing envelope attached) and it does contain and initiate the prescribed period. Therefore, Rule1-203(c) applies.

Three "mailing" days shall be added since Board's paper (Order of 11.30.2022) gives Respondent the right to take action within prescribed period *after service* of that Board's notice/Order and service of that paper was made by mail.

*After careful consideration, we have to agree with Mr. Belt that Respondent's Motion could have added 3 days to prescribed period if mailed as mailing would have reduced the allowed time. And since MD Rule 1-203(c) aims to offset this injustice, mailing of Motion to the Board may be adding the 3 days, just as the mailing of the Court's Order does. This was not obvious to us at first, since our Motion to Board does not contain or initiate any prescribed period and the clauseof the Rule "and service is made by mail" is a restrictive clause modifying the preceding subject, which is clearly the Court's paper,e.i. Board's Order.

2. Act of filing papers (Motion/Petition) in Court or with Board of Appeals is NOT the only action that would be covered by MD rule 1-203(c). Other required acts or actions will not involve filing or delivering papers, which takes mailing or method of delivery out of picture entirely. Board's interpretation of the Rule implies that the Rule only applies to act of filing of a paper, since only mailing some paper back to Board would initiate rule 1-203c

ANY action allowed or required in the Court's order/ paper with prescribed period will be governed by this rule if the Court's order or paper was served by mail. The required action may not involve any filing/serving a paper to Courts or Board at all. For example, the required act may be for the Parties to convene within 30 days of the order to work on particular issues of the case.

Erroneously, Board's interpretation of the Rule implies that the Rule only applies to act of filing of a paper, since only mailing some paper back to Board would initiate rule 1-203c

When the Rule , or a paragraph of the Rule is indeed limited to a particular Action, it expressly states so. See paragraph A(2) of the same Rule 1-203(a-2).

Therefore, it is the Board's paper - Opinion and Order dated November 30, 2022 that initiates MD Court rule 1-203(c) and adds 3 mailing days. It contains and imposes a prescribed period for required action and was indeed served by mail to the parties.

Board calculated 30 days prescribed in their Order to be December 30, 2022. With 3 mailing days added it moves to Monday, January 2, 2023 which was a holiday. So the deadline moves to the next business day, January 3rd, 2023 according to the same Rule1-203 (a-2)

Motion was filed within the prescribed period as per MD Rule 1-203.

Additionally, Courts have revisory power over issues of fraud at any time.

"**(b) Fraud, Mistake, Irregularity.** On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity." *Rule 2-535 - Revisory Power*, Md. R. Civ. P. Cir. Ct. 2-535

As to the question of appropriate procedure and number of allowed Motions - Board has shown that they can and will consider additional motions - at their discretion. The Motion erroneously rejected for lateness, is the first Motion to reconsider Motion for Fraud but the third in total.

In fact it is not even an entirely new motion - but a request (with additional supporting facts) to address the issues of Extrinsic Fraud raised but disregarded by the Board in their Opinion and Order dated November 30, 2022.

In summary, according to MD Rule 1-203 Motion for Reconsideration dated 01.02.2023 was filed timely as shown above.

Respondent , Irina Bondar is hereby respectfully requesting that this Court revise and reverse their decision regarding untimely filing of Motion dated 01.02. 2023 and accept that Motion with all attached exhibits.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Irina Bondar
5 Oak Hollow Ct Baltimore, MD 21208
irabond@live.com

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

Krysundra Cannington

From: Irina Bondar <irabond@live.com>
Sent: Saturday, January 21, 2023 12:00 AM
To: Appeals Board
Subject: Re: Motion For Reconsideration Case # 2020-0043-A
Attachments: AppealMotion 01.docx

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board of Appeals,

I have sent a reply to Mr Belt's letter dated January6, regarding the computation of time for my last Motion, but did not receive any response. Assuming that response requires a formal request e.i Motion, we have reformatted it and submitting as an attachment.

Since higher Courts will not consider appeals if the fraud issues were not addressed by the Originating agency , we need to pursue it here.
It is an agenda , or intent that would draw the line between an error or "honest mistake and fraud. Mistakes when brought to Boards attention, shpould be acknnowledged and corrected not be ignored or dismissed.

Thank you
Irina Bondar

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, January 6, 2023 10:06 AM
To: Irina Bondar <irabond@live.com>; irabond2@outlook.com <irabond2@outlook.com>
Cc: Jennifer Busse, Esquire <jbusse@wtplaw.com>; annaoster@yahoo.com <annaoster@yahoo.com>
Subject: RE: Motion For Reconsideration Case # 2020-0043-A

Good morning Ms. Bondar,

Please see the attached letter from the Chairman of the Board of Appeals.

Thank you,

Sunny

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180

Krysundra Cannington

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, January 19, 2023 7:50 AM
To: Jennifer Busse, Esquire
Cc: annaoster@yahoo.com; irabond2@outlook.com; Irina Bondar
Subject: FW: Response to Chairman's letter/Motion

Good morning Ms. Busse,

Ms. Bondar again failed to copy you on her latest email.

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Thursday, January 19, 2023 12:00 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Response to Chairman's letter/Motion

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board of Appeals,
Mr Belt,

Thank you for taking time to write the letter regarding Board's interpretation of MD Rule 1-203 as a reaon for rejection our Motion.

Please consider this response to your letter dated January 4, 2023 to be a Motion to revise your decision and accept our Motion to Reconsider your Order dated November 30, 2023. on Motion to Dismiss for Fraud.

If a formal Motion is required , we shall reformat this letter to be titled " Motion" and resend as an attachment.

We believe that the Board deemed our Motion dated 01.02.2023 to be late incorrectly. The Board made an error in interpreting MD Rule 1-203 (attached with a previous submission) for the following reasons:

1. MD Rule 1-203 (c) pertains to acts or Papers containing or initiating a PRESCRIBED PERIOD for allowed or required ACTION.

MY papers (Motion) sent to Board of Appeals DO NOT contain or initiate any Prescribed Period for the Board's action.

From: Irina Bondar
To: Appeals Board
Subject: Response to Chairman"s letter/Motion
Date: Thursday, January 19, 2023 12:00:35 AM

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board of Appeals,
Mr Belt,

Thank you for taking time to write the letter regarding Board's interpretation of MD Rule 1-203 as a reaon for rejection our Motion.

Please consider this response to your letter dated January 4, 2023 to be a Motion to revise your decision and accept our Motion to Reconsider your Order dated November 30, 2023. on Motion to Dismiss for Fraud.

If a formal Motion is required , we shall reformat this letter to be titled " Motion" and resend as an attachment.

We believe that the Board deemed our Motion dated 01.02.2023 to be late incorrectly. The Board made an error in interpreting MD Rule 1-203 (attached with a previous submission) for the following reasons:

1. MD Rule 1-203 (c) pertains to acts or Papers containing or initiating a PRESCRIBED PERIOD for allowed or required ACTION.

MY papers (Motion) sent to Board of Appeals DO NOT contain or initiate any Prescribed Period for the Board's action.

YOUR paper - the Board's Order and Opinion does contain the Prescribed Period and consequently is governed by Rule 1-203(c). 3 days are added since YOUR paper imposes the prescribed period and service of that paper was made by mail.

2. Filing papers (Motion/Petition) in Court or with Board of Appeals is NOT the only action that is governed by MD rule 1-203(c). Delivery method to Board is irrelevant.

ANY action allowed or required in the Court's paper with prescribed period will be

governed by this rule if THAT (Court's) paper is served by mail. This required ACTION may not involve any filing of paper to Courts at all. For example, the required act may be for the Parties to convene within 30 days of the order to work on particular issues of the case. This wouldn't involve any filing or mailing. According to your logic, Rule 1-203 (c) wouldn't add 3 days to prescribed period, unless something is mailed TO the Board. But the Rule does not limit Action to filing a paper. Consequently method (of filing) is irrelevant

When the Rule , or a paragraph of the Rule is indeed limited to a particular Action, it expressly states so. See paragraph A(2) of the same Rule 1-203(a-2).

It is the Board's paper - Opinion and Order dated November 30, 2022 that triggers MD Court rule 1-203(c) , since it has a prescribed period for action and was mailed to the parties.

As to the question of appropriate procedure and of number of allowed Motions - Board has shown that they will consider additional motions at their discretion. Motion dated 01.02.2023 and erroneously rejected for lateness as shown above, is the first Motion to reconsider Motion for Fraud.

In fact it is not even an entirely new motion - but a request to address the issues of Extrinsic Fraud raised but disregarded by the Board in their Opinion and Order dated November 30, 2022 with additional supporting facts.

In absence of established procedure, we are using the available means to address the issue and request the Board to address them, since their response may remove the need for Judicial Review.

Thank you,
Irina Bondar

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 20-043-A**

Legal Owner

Petitioner

BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

January 18, 2023

RESPONDENT'S MOTION TO REVISE AND REVERSE BOARD'S DECISION dated 01.06.2023 and ACCEPT MOTION DEEMED UNTIMELY IN ERROR

Irina Bondar, Respondent, respectfully requests that this Court revise and reverse their decision issued January 6, 2023 to reject respondent's Motion dated January 2, 2023. That rejected Motion is asking the Board of Appeals to address issues of alleged Extrinsic Fraud, which they omitted in their Order issued November 30, 2022.

Board's Chairman's letter states that any motion or action following that Order was to be taken within 30 days (prescribed period) of the Order and was due December 30, 2022. The Board received the Motion on Tuesday January3rd, 2023 and refused to accept it as they deemed it untimely.

It is Respondent's position that the Motion was due on January 3, 2023 and timely , in accordance with MD Court Rule 1-203.

Board of Appeals Rules and Procedure as defined in Baltimore County Charter, prescribe that MD Court Rule 1-203 be applied to computation of time.

MD Rule 1-203(c) states:

Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceeding **within a prescribed period after service upon the party of a notice or other paper** and service is made by mail, three days shall be added to the prescribed period.

The Board erred in interpreting MD Rule 1-203 when stating in their letter that *"Three mailing days does not apply to us **(the Board)*** mailing the order. The three mailing days would only apply to your **(Respondent's)*** Motion **IF** you mailed it."*

This is erroneous for the following reasons:

1. MD Rule 1-203 (c) pertains to acts or Papers that involve, contain or initiate a ***prescribed period*** for allowed or required action.

   Respondent's Motion ("my papers") sent to Board of Appeals **do not** contain or initiate any prescribed period.*

   The Board's Order dated 11.30.2022 was mailed to the parties (copy of the mailing envelope attached) and it does contain and initiate the prescribed period. Therefore, Rule1-203(c) applies.

   Three "mailing" days shall be added since Board's paper (Order of 11.30.2022) gives Respondent the right to take action within prescribed period *after service* of that Board's notice/Order and service of that paper was made by mail.

*After careful consideration, we have to agree with Mr. Belt that Respondent's Motion could have added 3 days to prescribed period if mailed as mailing would have reduced the allowed time. And since MD Rule 1-203(c) aims to offset this injustice, mailing of Motion to the Board may be adding the 3 days, just as the mailing of the Court's Order does. This was not obvious to us at first, since our Motion to Board does not contain or initiate any prescribed period and the clauseof the Rule "and service is made by mail" is a restrictive clause modifying the preceding subject, which is clearly the Court's paper,e.i. Board's Order.

2. Act of filing papers (Motion/Petition) in Court or with Board of Appeals is NOT the only action that would be covered by MD rule 1-203(c). Other required acts or actions will not involve filing or delivering papers, which takes mailing or method of delivery out of picture entirely. Board's interpretation of the Rule implies that the Rule only applies to act of filing of a paper, since only mailing some paper back to Board would initiate rule 1-203c

ANY action allowed or required in the Court's order/ paper with prescribed period will be governed by this rule if the Court's order or paper was served by mail. The required action may not involve any filing/serving a paper to Courts or Board at all. For example, the required act may be for the Parties to convene within 30 days of the order to work on particular issues of the case.

Erroneously, Board's interpretation of the Rule implies that the Rule only applies to act of filing of a paper, since only mailing some paper back to Board would initiate rule 1-203c

When the Rule , or a paragraph of the Rule is indeed limited to a particular Action, it expressly states so. See paragraph A(2) of the same Rule 1-203(a-2).

Therefore, it is the Board's paper - Opinion and Order dated November 30, 2022 that initiates MD Court rule 1-203(c) and adds 3 mailing days. It contains and imposes a prescribed period for required action and was indeed served by mail to the parties.

Board calculated 30 days prescribed in their Order to be December 30, 2022. With 3 mailing days added it moves to Monday, January 2, 2023 which was a holiday. So the deadline moves to the next business day, January 3rd, 2023 according to the same Rule1-203 (a-2)

Motion was filed within the prescribed period as per MD Rule 1-203.

Additionally, Courts have revisory power over issues of fraud at any time.

"**(b) Fraud, Mistake, Irregularity.** On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity." *Rule 2-535 - Revisory Power*, Md. R. Civ. P. Cir. Ct. 2-535

As to the question of appropriate procedure and number of allowed Motions - Board has shown that they can and will consider additional motions - at their discretion. The Motion erroneously rejected for lateness, is the first Motion to reconsider Motion for Fraud but the third in total.

In fact it is not even an entirely new motion - but a request (with additional supporting facts) to address the issues of Extrinsic Fraud raised but disregarded by the Board in their Opinion and Order dated November 30, 2022.

In summary, according to MD Rule 1-203 Motion for Reconsideration dated 01.02.2023 was filed timely as shown above.

Respondent , Irina Bondar is hereby respectfully requesting that this Court revise and reverse their decision regarding untimely filing of Motion dated 01.02. 2023 and accept that Motion with all attached exhibits.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Irina Bondar
5 Oak Hollow Ct Baltimore, MD 21208
irabond@live.com

Tammy Zahner

From: Tammy Zahner
Sent: Wednesday, January 11, 2023 10:27 AM
To: Anna Oster
Cc: Busse, Jennifer R.
Subject: Bondar Appeal
Attachments: Petition for Judicial Review (1-3-23).pdf; Notice to Administrative Agency (1-4-23).pdf

Dear Mrs. Oster:

Pursuant to our telephone conversation this morning, attached is a copy of the Petition for Judicial Review filed by Ms. Bondar, as well as a copy of the Notice that our office received from the Circuit Court.

Please let us know if you have any questions.

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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Tammy Zahner

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Wednesday, January 11, 2023 9:04 AM
To: Tammy Zahner
Cc: Irina Bondar
Subject: Re: [EXTERNAL] Circuit Court Appeal

CAUTION: This message from prvs=6375386f4b=jbusse@wtplaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thanks Tammy. I was not provide a copy of the appeal. Miss Bondar will you email it to me please?

Jennifer Busse

On Jan 11, 2023, at 7:28 AM, Tammy Zahner <tzahner@baltimorecountymd.gov> wrote:

Good Morning,

Attached please find a copy of the Certificate of Compliance filed this morning in the Circuit Court for Baltimore County in the matter of Anna Oster, Case No. C-03-CV-23-000018. Copies have also been mailed.

Please let us know if you have any questions.

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
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<Certificate of Compliance.pdf>

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Tammy Zahner

From: Tammy Zahner
Sent: Wednesday, January 11, 2023 7:29 AM
To: Busse, Jennifer R.; Irina Bondar
Subject: Circuit Court Appeal
Attachments: Certificate of Compliance.pdf

Good Morning,

Attached please find a copy of the Certificate of Compliance filed this morning in the Circuit Court for Baltimore County in the matter of Anna Oster, Case No. C-03-CV-23-000018. Copies have also been mailed.

Please let us know if you have any questions.

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
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IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
IRINA BONDAR *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-23-000018
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, MD 21204

*

IN THE MATTER OF:
ANNA OSTER *
Petitioner for Variance on the Property
located at 3 Oak Hollow Court *

3RD ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT

*

BOARD OF APPEALS CASE NO.: 20-043-A

* * * * * * * * * * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204-5025

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 11th day of January, 2023, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 11, 2023

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-23-000018
In the Matter of: Anna Oster
Board of Appeals Case No.: 20-043-A

Dear Ms. Busse and Ms. Bondar:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Irina Bondar, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on January 9, 2023. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Ms. Bondar, having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

WebEx was the official record of the hearing before the Board. The recording(s) will be made available by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request. Please contact our office upon receipt to discuss ordering the transcript.

Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than MARCH 3, 2023 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner
Legal Assistant

Duplicate Original Cover Letter
Enclosure

c: Anna Oster
Adam Carballo/Carballo Architecture, LLC

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 11, 2023

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-23-000018
In the Matter of: Anna Oster
Board of Appeals Case No.: 20-043-A

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In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Ms. Bondar, having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

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A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner
Legal Assistant

Duplicate Original Cover Letter
Enclosure

c: Anna Oster
Adam Carballo/Carballo Architecture, LLC

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
IRINA BONDAR *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-23-000018
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, MD 21204

*

IN THE MATTER OF:
ANNA OSTER *
Petitioner for Variance on the Property
located at 3 Oak Hollow Court *

3RD ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT

*

BOARD OF APPEALS CASE NO.: 20-043-A

* * * * * * * * * * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

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Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204-5025

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 11th day of January, 2023, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

Krysundra Cannington

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, January 6, 2023 1:33 PM
To: irabond2@outlook.com; Irina Bondar
Cc: Jennifer Busse, Esquire; annaoster@yahoo.com
Subject: FW: Motion For Reconsideration Case # 2020-0043-A
Attachments: Letter from Chairman.pdf

Ms. Bondar,

I am sending this email again to be sure you receive it.

Please see the attached letter from the Chair of the Board of Appeals.

Thank you,

Sunny

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, January 6, 2023 10:06 AM
To: Irina Bondar <irabond@live.com>; irabond2@outlook.com
Cc: Jennifer Busse, Esquire <jbusse@wtplaw.com>; annaoster@yahoo.com
Subject: RE: Motion For Reconsideration Case # 2020-0043-A

Good morning Ms. Bondar,

Please see the attached letter from the Chairman of the Board of Appeals.

Thank you,

Sunny

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

Confidentiality Statement

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Krysundra Cannington

From: Irina Bondar <irabond@live.com>
Sent: Friday, January 6, 2023 1:24 PM
To: Appeals Board
Subject: Fw: litigation assistance

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ms Busse's letter below.

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, October 19, 2022 1:06 AM
To: Busse, Jennifer R. <jbusse@wtplaw.com>
Cc: Lashley, Emily K <ELashley@wtplaw.com>; Lounsbury, Stacey M. <SLounsbury@wtplaw.com>; Martin, Tammy <TMartin@wtplaw.com>
Subject: Re: litigation assistance

Hello Ms Busse,

Happy to hear from you. There are many issues that need to be resolved.

Please resend the letter you are referring to. It never arrived. When and where was it sent?

The last (and only ?) communication I had from you is dated 08/08/2022 and reads as follows :

Thanks for sharing with us.
So sorry you have to endure all of this.

Looking forward to working with you.
Irina

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Tuesday, October 18, 2022 11:32 AM
To: Irina Bondar <irabond@live.com>
Cc: Lashley, Emily K <ELashley@wtplaw.com>; Lounsbury, Stacey M. <SLounsbury@wtplaw.com>; Martin, Tammy <TMartin@wtplaw.com>
Subject: litigation assistance

Hi there Irina and Igor –
Igor and I spoke this morning.

Krysundra Cannington

From: Irina Bondar <irabond@live.com>
Sent: Friday, January 6, 2023 1:23 PM
To: Appeals Board
Subject: Re: Motion For Reconsideration Case # 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Sunny,

Thank you for sharing it with everyone.

I was not sure who to send it to, honestly. Because an e-mail from Ms Busse, dated October 18, 2022 (will forward) implying they were not engaged as Ms Oster's attorney at that time. And since she never sent or resent the letters she was writing about , I assumed their involvement ended with dismissal of Petition for Review.

I received your notification of Late Submission before I had a chance to send it to the Osters.

I hope that the issue of the Motion deadline was resolved ? And that the Board will address the Motion. I will wait to hear from you.

I apologize for the delayed response, it is time for Orthodox Christmas now.

Thank you
Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Wednesday, January 4, 2023 8:07 AM
To: Jennifer Busse, Esquire <jbusse@wtplaw.com>; annaoster@yahoo.com <annaoster@yahoo.com>
Cc: irabond2@outlook.com <irabond2@outlook.com>; Irina Bondar <irabond@live.com>
Subject: FW: Motion For Reconsideration Case # 2020-0043-A

This is the third email.

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, January 4, 2023 2:18 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Motion For Reconsideration Case # 2020-0043-A

Krysundra Cannington

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, January 6, 2023 10:06 AM
To: Irina Bondar; irabond2@outlook.com
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Thank you,

Sunny

Krysundra Cannington
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The Jefferson Building, Suite 203
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Good morning Ms Sunny,

I apologize for the delay, and that I referenced a wrong time computation rule in a rush, without checking when I responded to you yesterday. The rule we need here is MD Rule 1-203, in attachment. Because of the

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 6, 2023

SENT VIA EMAIL ONLY
Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

Re: In the matter of Anna Oster
Case No: 20-043-A

Dear Ms. Bondar,

Procedurally, the Board of Appeals Rules of Practice and Procedure does not allow for more than one Motion for Reconsideration. Consequently, there is no procedural mechanism for us to accept your Motion emailed January 3, 2023. In the event that such a Motion were to be permissible, your emailed Motion is deemed to be untimely.

The way time has always been calculated by this office is beginning as of the date in the order. The three mailing days does not apply to us mailing the order. The three mailing days would apply to your Motion **IF** you mailed it. Since you did not mail it and only emailed it, it would have been due on the 30th day from the date of our order. The three additional days would also apply to your Petition for Judicial Review filed in the Circuit Court but **ONLY IF** you mailed it to the Court. That three days does not apply for electronic communications or electronic filings.

The Order was issued on November 30, 2022. 30 days from November 30th was December 30, 2022. Your Motion for Reconsideration was received by email at 12:00 a.m. on January 3, 2023 and supplemented by email on January 4, 2023 at 12:42 a.m.

Therefore, the Board of Appeals cannot accept your Motion.

Sincerely,

Andrew Belt /klc

Andrew M. Belt
Chairman

AMB/klc

cc: Jennifer Busse, Esquire
Anna Oster

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: C-03-CV-23-000018
Administrative Agency: 20-043-A
Workers Compensation Number: N/A

To: BALTIMORE COUNTY BOARD OF APPEALS
105 WEST CHESAPEAKE AVENUE
SUITE 203
TOWSON, MD 21204

RECEIVED
JAN 09 2023
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF IRINA BONDAR

Date: 1/4/2023

NOTICE TO ADMINISTRATIVE AGENCY OF JUDICIAL REVIEW

You are advised that a petition for judicial review was filed on 01/04/2023 and assigned Civil Action No. C-03-CV-23-000018.

Pursuant to Maryland Rule 7-202(d) (1), a copy of the petition is enclosed for the agency.

Julie L. Ensor
Clerk of the Circuit Court

cc:

Krysundra Cannington

From: Anna Oster <annaoster@yahoo.com>
Sent: Wednesday, January 4, 2023 1:13 PM
To: Appeals Board
Subject: Re: Motion For Reconsideration Case # 2020-0043-A

CAUTION: This message from annaoster@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ms. Sunny,

Thank you for forwarding all the correspondence.
My family and I have been living under distress for a while due to Ms. Bondar constant absurd accusations and annoyance and I am sorry you have to deal with it too.

I will consult with Jennifer to see what legal actions can be taken to stop this madness.

Thank you,

Anna Oster

Sent from Yahoo Mail for iPhone

On Wednesday, January 4, 2023, 08:08, Appeals Board <appealsboard@baltimorecountymd.gov> wrote:

This is the third email.

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, January 4, 2023 2:18 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Motion For Reconsideration Case # 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning Ms Sunny,

Krysundra Cannington

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Wednesday, January 4, 2023 10:24 AM
To: Appeals Board
Subject: RE: Motion For Reconsideration Case # 2020-0043-A

CAUTION: This message from prvs=6368eae797=jbusse@wtplaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

She is flat out wrong – Rule 1-203 doesn't apply here by statute.

Whiteford Taylor Preston

Jennifer R. Busse | *Partner*
Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025
t: 410.832.2077 | f: 410.339.4027
jbusse@wtplaw.com | Bio | vCard | www.wtplaw.com

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From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Wednesday, January 4, 2023 8:08 AM
To: Busse, Jennifer R. <jbusse@wtplaw.com>; annaoster@yahoo.com
Cc: irabond2@outlook.com; Irina Bondar <irabond@live.com>
Subject: [EXTERNAL] FW: Motion For Reconsideration Case # 2020-0043-A

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Krysundra Cannington

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Cc: irabond2@outlook.com; Irina Bondar
Subject: FW: Motion For Reconsideration Case # 2020-0043-A
Attachments: 8-VarianceEligibility.JPG; MD Rules, Rule 1-203.Time1.PNG

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I also hope, that the Board will address the issues in this motions. It is not really a new motion , the Board did not address these issues in the their opinion. May be I should write them a note or something? Just as they said, there is no current established procedure to handle such problems, so we resort to whatever devices we have. Higher courts will not consider allegations of fraud unless they were first addressed by the originating agency. but I do not see another way.

I also attached here exhibit that escaped from the main body sent yesterday. All exhibits have a number in their name.

Thank you,
Irina

Administrative Variances Hearing/Posting

To save the individual Baltimore County homeowner time and money, effective March 30, 1990, an administrative variance procedure for an **owner occupied residential lot** was established pursuant to **Section 32-3-303,** Baltimore County Code. This procedure may not require newspaper advertising or a public hearing and, as such, the overall time period from the date of filing to written order will diminish and possibly save costs.

If a formal hearing demand (challenge) is not filed with Zoning Review by a property owner within 1,000 feet of site during the posting period, the administrative procedure may continue. Beyond 1,000 feet, a challenge is honored at the discretion of the Administrative Law Judge. The challenge fee is $60.00 paid by the challenger.* (Call 410-887-3391 to confirm the challenge fee.) Without paying the $60.00 processing fee for a demand for a full hearing, any interested party may address their concerns or concurrence to the hearing officer in writing, well in advance of a decision, c/o Zoning Review Office, which will be forwarded to the Judge making the decision.

***Failure to accept two proposed Hearing dates will result in the Demand request being dismissed. The Hearing will be held and/or a review by the Hearing Officer without the protestants input. An additional Formal Demand can be requested at the original fee.**

Possible Full Public Hearing Required

If a hearing demand, as described above, is filed and/or if the Administrative Law Judge, decides there is a need, the application will leave the administrative process, necessitating advertising, re-posting, and a public hearing. In such cases, the petitioner will receive written notice that a standard public hearing will be scheduled under the standard time/cost framework. Petitioners will receive notification by mail. The new fees should be paid by mail upon receipt of the statements.

Who May Use The Administrative Variance Procedure

Legal owner(s) of a single family owner-occupied residential property.

The above parties must submit a notarized affidavit attesting to the fact that they do now own **and** occupy said residential property and that there are no active Code Enforcement violation cases on the subject property.

Who May Not Use The Administrative Variance Procedure

1. Contract purchaser(s) of a single family residential property.
2. Petitioners filing a residential variance in combination with a special hearing and/or special exception. (Other than an Administrative Special Hearing for Historic Properties)
3. Petitioners filing non-residential variances.
4. A builder or developer requesting variance(s) for lot(s).
5. Vacant lots for homes to be built are not eligible per **Section 32-3-303, BCC.**
6. Properties under an active zoning violation may not use this type of variance.

09CEA11D89BCF9DAC28345A2A7viewType=FullText&listSource=Search&originationContext=Search+Result&transitionType=SearchItem&contextData=(sc.Search)&navigatio

‹ **MD Rules, Rule 1-203** ›

‹ **RULE 1-203** ›. TIME

Currentness

putation of Time After an Act, Event, or Default. In computing any period of time prescribed by these ‹ **rules** ›, by ‹ **rule** › or order of court, or b
le statute, the day of the act, event, or default after which the designated period of time begins to run is not included. If the period of time allowed is mor
ays, intermediate Saturdays, Sundays, and holidays are counted; but if the period of time allowed is seven days or less, intermediate Saturdays, Sunday
days are not counted. The last day of the period so computed is included unless:

Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday; or

ct to be done is the filing of a paper in court and the office of the clerk of that court on the last day of the period is not open, or is closed for a part of the
event the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or a day on which the office is not open during its regular hou
tee note: This section supersedes Code, General Provisions Article, § 1-302 to the extent of any inconsistency.

eference: For the definition of "holiday," see Rule 1-202.

putation of Time Before a Day, Act, or Event. In determining the latest day for performance of an act which is required by these rules, by rule or order
by any applicable statute, to be performed a prescribed number of days before a certain day, act, or event, all days prior thereto, including intervening
ys, Sundays, and holidays, are counted in the number of days so prescribed. The latest day is included in the determination unless it is a Saturday, Sunc
in which event the latest day is the first preceding day which is not a Saturday, Sunday, or holiday.

tional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period aft
upon the party of a notice or other paper and service is made by mail, three days shall be added to the prescribed period.

nsion of Time Requirements Upon the Death of a Party. Upon the death of a party, all time requirements under these rules applicable to that party sh
d automatically from the date of death to the earlier of (1) 60 days after the date of death or (2) 15 days from the issuance of letters of administration by
competent jurisdiction. Before or after the expiration of an extension period under this section and upon a showing of good cause why a proper substitut
made or could not have been made prior to the expiration of the extension and that a further extension will not unfairly prejudice the rights of any other p
t may extend the time requirements applicable to the deceased party for an additional period commencing upon the expiration of the extension.

eference: Rule 1-321.

This Rule is derived as follows:

(a) is derived from former Rule 8 a.

(b) is derived from former Rule 8 b.

(c) is new and is derived from the 1971 version of Fed. R. Civ. P. 6 (e).

(d) is new.

April 6, 1984, eff. July 1, 1984. Amended June 28, 1988, eff. July 1, 1988; July 16, 1992; Dec. 10, 1996, eff. Jan. 1, 1997; April 8, 1997, eff. July 1, 199

Krysundra Cannington

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Wednesday, January 4, 2023 7:18 AM
To: Jennifer Busse, Esquire; annaoster@yahoo.com
Cc: Irina Bondar; irabond2@outlook.com
Subject: FW: missing pages for Motion 20-043-A
Attachments: AppealMotion.docx

This is the second email.

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, January 4, 2023 12:42 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: missing pages for Motion 20-043-A

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Please attach the missing pages to the Motion sent yesterday.

Thank you,
Irina

Petitioners dropped the request for the 13ft 8 in. setback and were only pursuing the 4 ft. 6. in. setback variance. ALJ approved the variance and Protestant appealed the decision to the Board of Appeals.

During the *denovo* hearing on February 23, 2021 in front of Board of Appeals Petitioners

requested to enclose the *existing* carport without change to footprint, roof or driveway.

With their request Petitioners submitted an updated site plan, which was duly admitted into evidence. This updated site plan inconspicuously had the carport enlarged by approximately 50% and marked as existing. Protestant noticed it and notified the Board immediately of this misrepresentation. This was reiterated in every submission since then and in greater detail in our Motion to Dismiss the case for Fraud, because the Board failed to determine the true intentions of the Petitioners, true condition of the property and size of the proposed structure.

Motion to Dismiss for Fraud was filed in June, and the Board issued its Opinion and Order on November 30, 2022 denying reconsideration based on absence of rebuttal evidence at time of hearing .

This was however caused by the action of the Board, because the Board Chair Mr Belt did not allow to submit photographs of the structure in question to support Protestants claim. See attachment #1.

1. While the Board has authority to allow evidence to be submitted at time of Hearing, they denied Protestant this opportunity to defend her case. This is no different than preventing a witness enter the courthouse, an example used by Mr Belt himself to describe Extrinsic Fraud. This is an act of preventing the truth to be established and should be considered an act of Extrinsic Fraud. Regardless of the intent, it impedes due process.

   We have to add here that at that time the Board had the case file containing the plans from the first ALJ hearing, and that was sufficient to established that one of them is false, even without establishing which one.

2. Another possible act of Fraud on Court that has occurred in this case sub judice and that needs to be addressed is the fact that at time of hearing, some members of the Board already knew and others had reason to know the true configuration of the existing carport structure. This came to our attention recently, and shows the problem in a totally different light.

Mr McComas interrupted and effectively stopped Mr Sampson's earnest attempt to procure truth through cross examination of the Witness. This again precluded the truth to be uncovered. But at the same time Mr McComas referenced the photographs submitted by Petitioner for the first ALJ hearing and contained in the file. See attachment#2. He knew of the photos and shared this knowledge with the others on record. This photo (attachment#3) shows that the carport is the same depth as the dwelling where attached to it, and that it does not have the 10 ft extension which is the subject of the argument and fraud.

Measurements of the existing carport can be easily extrapolated from adjacent measurements, just as the Courts have done in the case of Cromwell vs Ward.

The Board ignored Protestant's suggestion to extrapolate.

The Board ignored Protestant's request for Petitioner's survey to be shared (subpoenaed).

It appears that the Board is consistently avoiding any action that would uncover the truth and expose Petitioner's Witness fraud which was without doubt coordinated with Petitioner .

They appear firmly set to grant the variance despite zoning and other violations that prohibit even considering a property for variance (see attachment #8) These violations were reported to the Board of Appeals at time of hearing, but were dismissed as irrelevant to the Variance consideration. See attachment# 7.

3. While the Board cited many cases in support of their position that they do not have authority to revise their opinion for implicit fraud even if it occurred, it is Petitioner's position that in this particular case, where the measurements of structures and setbacks are essential to the variance consideration and consequently are a material fact which must be taken into consideration. It does have inherent power to affect the outcome in a variance case. Noncompliant size of a structure has become a reason for the current governing law of Cromwell v. Ward. Without doubt a structure of non residential size could be a challenge to approve. And for a property with a long history of illegal business use in residential zoning variance would be simply prohibited. This is our case here. And it is approved despite all violations.

4. See attachment#7. Here the Board expressly waved the requirements (attachment #8,9) of the Zoning department for this Petitioner with continuous zoning violations. Code enforcement is in possession of several GB of photo and video evidence of Petitioners business activities prohibited in this DR2 zoning. Google maps/earth indicate that same was happening at their residence on Church lane for years prior it was moved to oak Hollow court.
   Petitioner had listed 2 principal Residences within 3 miles of each other for 2 and a half years, and continued to live at their old address. (attachment 4,5 dated June-2022).

   This was going on through all and every hearing and motion.

In summary, in addition to apparent preferential treatment, Extrinsic Fraud did take place in this case. It impeded due process and deprived Protestant of her right to defend her case.

Protestant, Irina Bondar is hereby respectfully requesting that this Court reverse their order and opinion, and dismiss this case.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Irina Bondar
5 oak Hollow Ct Baltimore, MD 21208
irabond@live.com

Krysundra Cannington

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Wednesday, January 4, 2023 7:17 AM
To: Jennifer Busse, Esquire; annaoster@yahoo.com
Cc: irabond2@outlook.com; Irina Bondar
Subject: FW: Motion For Reconsideration Case # 2020-0043-A

Good morning Ms. Busse and Ms. Oster,

Please be advised that I am forwarding messages received from Ms. Bondar as it does not appear she copied you on this correspondence. I will respond to her third email.

Thank you,

Sunny

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

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Sent: Tuesday, January 3, 2023 3:38 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Motion For Reconsideration Case # 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you so much for letting me know!
Happy new year to you, Ms Sunny!
I will double check and resend the missing pages later this evening, when I get back to my computer.

As to the deadline- I believe we must be OK.

Krysundra Cannington

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, January 4, 2023 2:18 AM
To: Appeals Board
Subject: Re: Motion For Reconsideration Case # 2020-0043-A
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Thank you,
Irina

Petitioners dropped the request for the 13ft 8 in. setback and were only pursuing the 4 ft. 6. in. setback variance. ALJ approved the variance and Protestant appealed the decision to the Board of Appeals.

During the *denovo* hearing on February 23, 2021 in front of Board of Appeals Petitioners

requested to enclose the *existing* carport without change to footprint, roof or driveway.

With their request Petitioners submitted an updated site plan, which was duly admitted into evidence. This updated site plan inconspicuously had the carport enlarged by approximately 50% and marked as existing. Protestant noticed it and notified the Board immediately of this misrepresentation. This was reiterated in every submission since then and in greater detail in our Motion to Dismiss the case for Fraud, because the Board failed to determine the true intentions of the Petitioners, true condition of the property and size of the proposed structure.

Motion to Dismiss for Fraud was filed in June, and the Board issued its Opinion and Order on November 30, 2022 denying reconsideration based on absence of rebuttal evidence at time of hearing .

This was however caused by the action of the Board, because the Board Chair Mr Belt did not allow to submit photographs of the structure in question to support Protestants claim. See attachment #1.

1. While the Board has authority to allow evidence to be submitted at time of Hearing, they denied Protestant this opportunity to defend her case. This is no different than preventing a witness enter the courthouse, an example used by Mr Belt himself to describe Extrinsic Fraud. This is an act of preventing the truth to be established and should be considered an act of Extrinsic Fraud. Regardless of the intent, it impedes due process.

   We have to add here that at that time the Board had the case file containing the plans from the first ALJ hearing, and that was sufficient to established that one of them is false, even without establishing which one.

2. Another possible act of Fraud on Court that has occurred in this case sub judice and that needs to be addressed is the fact that at time of hearing, some members of the Board already knew and others had reason to know the true configuration of the existing carport structure. This came to our attention recently, and shows the problem in a totally different light.

Mr McComas interrupted and effectively stopped Mr Sampson's earnest attempt to procure truth through cross examination of the Witness. This again precluded the truth to be uncovered. But at the same time Mr McComas referenced the photographs submitted by Petitioner for the first ALJ hearing and contained in the file. See attachment#2. He knew of the photos and shared this knowledge with the others on record. This photo (attachment#3) shows that the carport is the same depth as the dwelling where attached to it, and that it does not have the 10 ft extension which is the subject of the argument and fraud.

Measurements of the existing carport can be easily extrapolated from adjacent measurements, just as the Courts have done in the case of Cromwell vs Ward.

The Board ignored Protestant's suggestion to extrapolate.

The Board ignored Protestant's request for Petitioner's survey to be shared (subpoenaed).

It appears that the Board is consistently avoiding any action that would uncover the truth and expose Petitioner's Witness fraud which was without doubt coordinated with Petitioner .

They appear firmly set to grant the variance despite zoning and other violations that prohibit even considering a property for variance (see attachment #8) These violations were reported to the Board of Appeals at time of hearing, but were dismissed as irrelevant to the Variance consideration. See attachment# 7.

3. While the Board cited many cases in support of their position that they do not have authority to revise their opinion for implicit fraud even if it occurred, it is Petitioner's position that in this particular case, where the measurements of structures and setbacks are essential to the variance consideration and consequently are a material fact which must be taken into consideration. It does have inherent power to affect the outcome in a variance case. Noncompliant size of a structure has become a reason for the current governing law of Cromwell v. Ward. Without doubt a structure of non residential size could be a challenge to approve. And for a property with a long history of illegal business use in residential zoning variance would be simply prohibited. This is our case here. And it is approved despite all violations.

4. See attachment#7. Here the Board expressly waved the requirements (attachment #8,9) of the Zoning department for this Petitioner with continuous zoning violations. Code enforcement is in possession of several GB of photo and video evidence of Petitioners business activities prohibited in this DR2 zoning. Google maps/earth indicate that same was happening at their residence on Church lane for years prior it was moved to oak Hollow court.
   Petitioner had listed 2 principal Residences within 3 miles of each other for 2 and a half years, and continued to live at their old address. (attachment 4,5 dated June-2022).

   This was going on through all and every hearing and motion.

In summary, in addition to apparent preferential treatment, Extrinsic Fraud did take place in this case. It impeded due process and deprived Protestant of her right to defend her case.

Protestant, Irina Bondar is hereby respectfully requesting that this Court reverse their order and opinion, and dismiss this case.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Irina Bondar
5 oak Hollow Ct Baltimore, MD 21208
irabond@live.com

Krysundra Cannington

From: Irina Bondar <irabond@live.com>
Sent: Tuesday, January 3, 2023 3:38 PM
To: Appeals Board
Subject: Re: Motion For Reconsideration Case # 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you so much for letting me know!
Happy new year to you, Ms Sunny!
I will double check and resend the missing pages later this evening, when I get back to my computer.

As to the deadline- I believe we must be OK.
There are several Maryland rules that gover the computation of time. The first that comes to my mind is rule 7-203, if I remember correctly. The 30 days start after the day of mailing of the order by the Board. It was issued on the 30th, and mailed next day according to postmark on envelope.
So, 30 days is December 31st, which is Saturday, and consequently the deadline is the the fist business day after that- which is today.
This should work, assuming that the Board is obligated to mail their orders. Pease run it by the Board and let me know . Maryland code, an amendment to BC Charter to be more exact reads as follows- Board of appeal will provide their notices and decisions to the parties.... if this is not considered law and does not obligate the Board to mail- then may we shall need to look up the other rules. Please let me know after you clarify with the board. We have to establish this before we do anything else

Thank you. Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Tuesday, January 3, 2023 9:39 AM
To: irabond2@outlook.com <irabond2@outlook.com>; Irina Bondar <irabond@live.com>
Cc: Jennifer Busse, Esquire <jbusse@wtplaw.com>; annaoster@yahoo.com <annaoster@yahoo.com>
Subject: FW: Motion For Reconsideration Case # 2020-0043-A

Good morning Ms. Bondar,

Please be advised that the "Appeal Motion" you filed is incomplete. It only contains the first page.

Additionally, as you stated in your Appeal Motion, the Board's last Order was issued on November 30, 2022. The 30-day reconsideration or appeal period expired at the close of business on December 30, 2022. Baltimore County Government and the Circuit Court for Baltimore County were open for business on Friday, December 30, 2022.

The Board's Order also indicated the Board's Rules of Practice and Procedure do not allow more than one Motion for Reconsideration and that any further review must be done by the Circuit Court for Baltimore County.

Therefore, your attached Appeal Motion will not be accepted by this office for review and determination.

Krysundra Cannington
Administrator

C-03-CV-23-000018

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

FILED
2023 JAN -3 PM 4:20
CIRCUIT COURT
BALTIMORE COUNTY

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the case of:

Anna Oster Case No. 20-043-A

The action being sought is for review of the Order on Motion to Dismiss the Case for Fraud on Court issued By Board of Appeals of Baltimore County on November 30, 2022 in the Anna Oster case, 20-043-A.

Irina Bondar was a party to the agency proceeding.

RECEIVED
JAN 09 2023
BALTIMORE COUNTY
BOARD OF APPEALS

Respectfully,

Irina Bondar

January 3, 2023

irabond@live.com

410-653-1473

667-256-6315

From: Irina Bondar
To: Appeals Board
Subject: Re: Motion For Reconsideration Case # 2020-0043-A
Date: Tuesday, January 3, 2023 3:38:40 PM

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Sent: Tuesday, January 3, 2023 9:39 AM
To: irabond2@outlook.com <irabond2@outlook.com>; Irina Bondar <irabond@live.com>
Cc: Jennifer Busse, Esquire <jbusse@wtplaw.com>; annaoster@yahoo.com <annaoster@yahoo.com>
Subject: FW: Motion For Reconsideration Case # 2020-0043-A

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The Board's Order also indicated the Board's Rules of Practice and Procedure do not allow more than one Motion for Reconsideration and that any further review must be done by the Circuit Court for Baltimore County.

Therefore, your attached Appeal Motion will not be accepted by this office for review and determination.

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

Confidentiality Statement

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From: Irina Bondar <irabond@live.com>
Sent: Tuesday, January 3, 2023 12:00 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion For Reconsideration Case # 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Krysundra Cannington

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Sent: Tuesday, January 3, 2023 9:40 AM
To: irabond2@outlook.com; Irina Bondar
Cc: Jennifer Busse, Esquire; annaoster@yahoo.com
Subject: FW: Motion For Reconsideration Case # 2020-0043-A
Attachments: 1_Webex 16 2-22.mp4; 2_Webex- 9 52-10.mp4; 3_ALJ'sFile-Petitioner's Exhibit 7 - Photo - Rear West.jpg; 4_1.PrincipalResidence3_OakHollow.JPG; 5_2.PrincipalResidence109Church.JPG; 6_VarianceAffidavit.jpg; 7-BOA_Hearing-9-13_11-13.wmv; AppealMotion 1.docx

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Sent: Tuesday, January 3, 2023 12:00 AM
To: Appeals Board
Subject: Motion For Reconsideration Case # 2020-0043-A
Attachments: 1_Webex 16 2-22.mp4; 2_Webex- 9 52-10.mp4; 3_ALJ'sFile-Petitioner's Exhibit 7 - Photo - Rear West.jpg; 4_1.PrincipalResidence3_OakHollow.JPG; 5_2.PrincipalResidence109Church.JPG; 6_VarianceAffidavit.jpg; 7-BOA_Hearing-9-13_11-13.wmv; AppealMotion 1.docx

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 20-043-A**

Legal Owner

Petitioner

BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

January 2, 2023

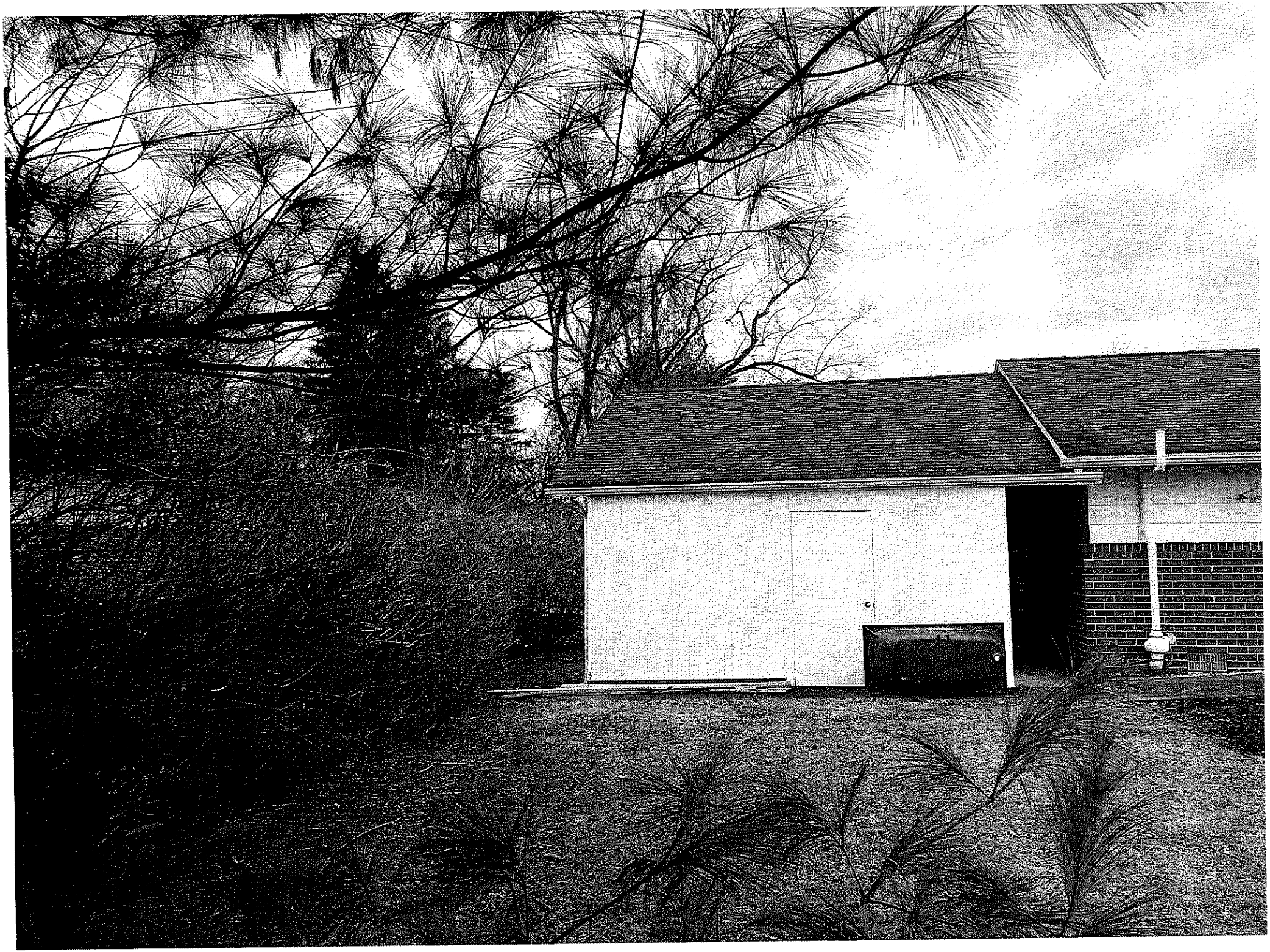
RESPONDENT'S MOTION TO RECONSIDER MOTION TO DISMISS THE CASE FOR FRAUD ON COURT

DATED NOVEMBER 30, 2022

Irina Bondar, Respondent, respectfully requests that this Court to address the issues of Extrinsic Fraud they omitted and failed to consider in their Opinion dated 11.30.2022.

While the Board suggested that the proper venue for allegations of fraud would be the Circuit court, these issues of Fraud will not be considered by the higher courts unless properly addressed by the Originating agency.

In February 2020, Petitioners requested variance relief from § 205.3 of the Baltimore County Zoning Regulations (BCZR) to permit an addition with a side yard setback of 4 ft. 6 in, in particular to enlarge the existing carport by 10 ft to comfortably fit the owner's vehicle and enclose it to add safe storage space and privacy as documented in Petitioner's Project Narrative dated 2/11/2020) and ALJ's Opinion and Oder dated 8/21/2020. And to permit an addition with a side yard of 13ft. 8 in setback for a master bedroom suite in lieu of the required 15 ft respectively. In open hearing, in July 2020





Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District** - 03 **Account Number** - 0316090626

Owner Information

Owner Name:	OSTER IGOR OSTER ANNA	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3 OAK HOLLOW CT PIKESVILLE MD 21208-1854	Deed Reference:	/42422/ 00049

Location & Structure Information

Premises Address:	3 OAK HOLLOW CT PIKESVILLE 21208-1854	Legal Description:	STEVENSON AT ANTON FARM

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0068	0010	0302	3030037.04	0000	2	A	36	2020	Plat Ref: 0030/ 0046

Town: None

yland.gov

Property Data Search ( )Guide to searching the database

ult for BALTIMORE COUNTY

Map View GroundRent Redemption View GroundRent Registration

Tax Recapture: None

Identifier: **District - 03 Account Number - 0314040500**

Owner Information

Name:	OSTER IGOR OSTER ANNA	Use:	RESIDENTIAL
		Principal Residence:	YES
Address:	109 CHURCH LN BALTIMORE MD 21208-3711	Deed Reference:	/20556/ 00467

Location & Structure Information

s Address:	109 CHURCH LN BALTIMORE 21208-3711	Legal Description:	109 CHURCH LN SS 221 SE GLENBACK AVE

Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0002	0083	3040045.04	0000				2020	Plat Ref:

None

Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	1,296 SF		9,750 SF	04

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: 3 Oak Hollow Court (Print or Type Address of property) Pikesville (City) MD (State) 21208 (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)**

To permit proposed building additions to the rear and side of existing single family dwelling with side yard setbacks 13'-5½" and 29'-5" from adjacent building sides in lieu of the required 30' from adjacent buildings' sides respectively.

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

Signature of Owner (Affiant)

ANNA OSTER

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 11th day of FEBRUARY, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: ANNA OSTER

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

AS WITNESS my hand and Notaries Seal Caitlin Millett

Notary Public 9/26/2023

My Commission Expires

9/26/2023

REV. 5/5/2016

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 30, 2022

Jennifer R. Busse, Esquire
Whiteford, Taylor & Preston L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, Maryland 21204-5025

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Busse and Bondar:

Enclosed please find a copy of the Order on Motion for Dismiss issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington /taz

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Anna Oster
Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF ANNA OSTER 3 OAK HOLLOW COURT	*	BEFORE THE BOARD OF APPEALS
3rd Election District 3rd Councilmanic District	*	OF BALTIMORE COUNTY
	*	Case No.: 20-043-A

* * * * * * * * * * * * *

ORDER ON MOTION TO DISMISS

This matter comes before the Baltimore County Board of Appeals (the "Board") as an appeal of the Administrative Law Judge's August 21, 2021 Opinion and Order granting the Petition for Variance filed by Petitioner, Anna Oster, for property located at 3 Oak Hollow Court. The Petitioner originally filed a variance pursuant to §205.3 of the Baltimore County Zoning Regulations to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively. During both the hearing before the Administrative Law Judge and the hearing before the Board of Appeals, the Petitioner dropped the request for the 13 ft. 8 in. setback and only pursued a 4 ft. 6 in. setback variance.

A *de novo* hearing was held before this Board on February 23, 2021. A public deliberation of this matter was held on April 14, 2021. Following the Board's Opinion and Order granting the Petitioner's requested zoning relief, Protestant, Irina Bondar filed a timely Motion for Reconsideration on November 15, 2021. A response was filed by the Petitioner on November 30, 2021. A public deliberation of the Protestant's Motion was held on January 25, 2022. The Board's Order denying the Protestant's Motion for Reconsideration was issued on May 10, 2022.

Protestant then filed a Motion to Dismiss the Case for Fraud on Court and Irregularities of the Process on June 10, 2022. Protestant then filed a Corrected Motion entitled Respondent's Motion to Dismiss the Case for Fraud on Court on June 10, 2022. A public deliberation was held on June 30, 2022.

The Board of Appeals Rules of Practice and Procedure[1] do not provide a mechanism for a Motion to Dismiss after a decision has been made. The Board decided to view the Motion to Dismiss as a second Motion for Reconsideration, which is also not contemplated by the Board's Rules. The Board determined that the Motion was in any event not filed within 30 days of the date of the previous ruling and is therefore untimely.

Assuming *arguendo*, that the Motion at issue had been filed timely, Maryland Rule §2-535(b) allows a Court revisory power over a decision in the event of "fraud, mistake, or irregularity."[2] While not in the Board's Rules, the Board refers to the Maryland Rules for guidance. Maryland appellate cases applying Maryland Rule §2-535(b) have held proof of fraud, mistake, or irregularity requires clear and convincing evidence. *Davis v Attorney General,* 187 Md.App, 110 (2009). Moreover, there are two types of fraud: extrinsic fraud and intrinsic fraud. Intrinsic fraud deals with matters that came out during the case. Extrinsic fraud is fraud, which impedes due process. Intrinsic fraud is the only type of fraud that applies when dealing with the revisory power of a court. *Jones v. Rosenberg* 178 Md.App 54 (2008). Here, the Protestant has alleged fraud and argued that the expert witness, Mr. Carballo, perjured himself. Even if Mr. Carballo did perjure himself during the hearing, a finding the Board did not reach, this would not

[1] This refers to the Rules of Practice and Procedure in effect at the time of the public deliberation. The Board of Appeals Rules of Practice and Procedure were updated effective April 4, 2022.

[2] Typically, reconsideration applies where there has been new facts or a change in controlling law. The Board would not find grounds for reconsideration if that standard was applied since no new facts or change in law was presented.

suffice to warrant the Board exercising revisory power. Accordingly, the Board has determined that Protestant fails to meet her burden.

THEREFORE, it is this 30th day of November, 2022 by the Board of Appeals of Baltimore County,

ORDERED, that the Protestant's Motion to Dismiss is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chair

Adam T. Sampson

Adam T. Sampson

Bryan T. Pennington

Tammy Zahner

From: Appeals Board
Sent: Wednesday, September 14, 2022 8:01 AM
To: 'Irina Bondar'
Subject: RE: Motions Case2020-0043-A

A copy of the Motion for Reconsideration filed in the Circuit Court has been received by the Board.
Thank you.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Irina Bondar <irabond@live.com>
Sent: Monday, September 12, 2022 10:29 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motions Case2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello,

We have missed you at the office today and slid the envelope with papers that were filed today with the Circuit court under the door per instructions displayed on the door.
Please confirm that you received it.

Thank you
Irina Bondar

Denied as moot. Mot. to Reconsider also filed today and denied.

09/13/2022

Garret P. Glennon

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Entered: Clerk, Circuit Court for Baltimore County, MD
September 14, 2022

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster, property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

FILED
2022 SEP 12 PM 4:26
CIRCUIT COURT
BALTIMORE COUNTY

MOTION TO EXTEND DEADLINE

Petitioner Irina Bondar hereby files this Motion and respectfully requests that this Court extend the period to submit a Motion to Reconsideration this Court's denial of Petitioner's Motion to Stay Proceedings.

Motion to Stay proceedings was automatically denied following dismissal of the case for untimely filing , for which a Motion for Reconsideration has been filed September 12, 2022.

Respectfully,

Irina Bondar

5 Oak Hollow Ct

Baltimore, MD 21208

irabond@live.com

410-653-1473

Certificate of Service

I HEREBY CERTIFY that on this 12th day of September, 2022 a copy of the foregoing was served via first class mail on:

Michael P. Collins

Jennifer R. Busse

WHITEFORD, TAYLOR & PRESTON, LLP

Seven Saint Paul Street, Suite 1500 Baltimore, Maryland 21202-1636

Baltimore County Board of Appeals

105 West Chesapeake Avenue, suite 203, Towson, Maryland 21204

appealsboard@baltimorecountymd.gov

DENIED
09/13/2022
Garret P. Glennon

Entered: rk, Circuit Court for
Baltimore County, MD
September 14, 2022

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

FILED
2022 SEP 12 PM 4:26
CIRCUIT COURT
BALTIMORE COUNTY

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster, property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

MOTION FOR RECONSIDERATION

Petitioner Irina Bondar hereby files this Motion and respectfully requests that this Court reconsider the Order signed August 10, 2022 granting Respondent's Motion to Strike Petition on the grounds that it was not timely filed.

The Order states that: "A petition for judicial review must be filed within thirty days after the latest of the date of the order for which review is sought, unless the law requires that the notice of the order be "sent to" or "received by" the petitioner. See MD. Rule 7-203(a). In this case , the statute describing the time for appeal of the Board's decision states that: "within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Circuit Court of Baltimore County"

Further, the Order states: " There is no requirement that notice of the Board's decision must be "sent to" or "received by" an aggrieved party in order to initiate the running of the thirty day appeal period... The Petition was filed one day beyond the thirty day period of Appeal and was untimely."

It is Petitioner's position, that this Court has erred in their decision in this case at bar, relying on Respondents erroneous and misleading statements in their " Reply in Support of Motion to Dismiss" filed on August 9, 2022 .

This Petition for Judicial review was filed within the prescribed 30 day Appeal period, in accordance with Maryland Rules and in support thereof Petitioner, Irina Bondar states as follows:

1. The Board of Appeals issued their decision on May 10, 2022.

   On May 11, 2022 Board's decision was mailed to the Petitioner, Irina Bondar as indicated on the postmarked envelope from Board of Appeals.

2. Petition for Judicial Review was filed on June 10, 2022 which is within 30 days after the mailing of the Board of Appeals opinion.

3. Respondents, by and through their Counsel, filed a Motion to Strike the Petition for untimely filing, that is one day beyond the 30 day period of appeal, which in their opinion is no later than June 9 2022.

   They count the 30 days from the date of the Board's decision.

4. It is Petitioner's position that the 30 day appeal period should be initiated by the mailing date of the Board's decision as prescribed by Maryland Rule 7-203

   Maryland Rule 7-203 provides that... a petition for judicial review shall be filed within 30 days **after the latest** of:

   (1) the date of the order or action of which review is sought;
   (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
   3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner. (Emphasis added)

   Pretitioner filed a photocopy of the Mailing envelope from Board of Appeals postmarked May 11, 2022 to show the date of mailing with the Petition.

5. On August 9, 2022 this court held the Respondent's Motion *sub curia*, to permit the Petitioner to submit an additional exhibit –a true notarized copy of the mailing envelope, to show when the Board's notice was sent.

6. Following that, on the same day, August 9, 2022 Respondent's counsel filed a " Reply in Response to Motion to Dismiss" stating and reiterating that the mailing date was irrelevant , that the Board is not obligated to send notice of their decisions and insisting that there is no provision in the Maryland Rules, Charter, Statutes, etc. Board of Appeals to mail notice of their decision.

   In this document they state with particularity that:

   "The Board of Appeals is not obligated to mail notice of any decision. Specifically, no provision of the Baltimore County Charter pertaining to the County Board of Appeals requires mailing of any final decision." And attached Balt. Cnty. Charter §§ 601, et seq. as Exhibit A.

   And that "There is no provision in any part of the Maryland Rules, Maryland Statutes, or Baltimore County Charter or Regulations which would require the Board of Appeals to mail notice of a decision to Ms. Bondar or require Ms. Bondar to receive notice."

   This Court has erred in accepting these statements as true and ruled to dismiss the Petition for untimely filing the very next day without allowing Petitioner any time to reply.

7. Contrary to Respondents' misleading statements referenced above in paragraph 6, Board of Appeals abide by the Rules and Procedure of County Board of Appeals and provides formal notice of their decisions.

   These Rules are made part of the same Baltimore County Code of Ordinances and can be found in Appendix to the Baltimore County Charter. They have full force and effect of the law.

   Board of Appeals provide their notices and decisions as prescribed by these Rules. See Baltimore County, Maryland Code of Ordinances , attached with this Motion as **Exhibit1** (page 1, Rule 2 (e))

   They provide notices and decisions via first class mail.

In particular, Rule 2 (e) Notices prescribes: " ***In appeals from decisions of the zoning commissioner, formal notice of hearings,*** continuances ***and decisions of the board will be provided only to those persons entitled to receive same*** in accordance with section 500.11 of the Baltimore County Zoning Regulations. (Emphasis added)

Formal notice of hearings and decisions will be provided to those entitled to receive same. *And it is to be found in the Maryland Code of Ordinances, Appendix to the Charter contrary to Respondents' statements.*

Therefore, the 30 day period for the Appeal is June 10, 2022 according to Maryland Rule 7-203 and should be initiated by the date of mailing the Board's decision. The Petition was filed on time, within the prescribed appeal period.

True copy of the Board's mailing envelope, postmarked May 11, 2022 is hereto attached with this Motion for Reconsideration **(Exhibit 2)**

Petitioner, Ms Bondar is a party to the proceedings entitled to receive, and as such received Board's notices and decisions via first class mail.

The Board, in accordance with Rule and Procedure provisions, also mailed the decision to the Respondents as stated by their Counsel in the aforementioned "Reply" document he filed on August 9, 2022 with Exhibit B attached as proof.

It is for these reasons that Petitioner Irina Bondar respectfully requests that this Court reconsider their decision and Order to dismiss this Petition, deny Respondents' Motion to Strike and reinstate this case as the Petition was filed within the prescribed appeal period in accordance with Maryland Rules.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Respectfully,

9/12/2022

Irina Bondar

5 Oak Hollow Ct

Baltimore, MD 21208

irabond@live.com

410-653-1473

Certificate of Service

I HEREBY CERTIFY that on this 12th day of September, 2022 a copy of the foregoing was served via first class mail on:

Michael P. Collins

Jennifer R. Busse

WHITEFORD, TAYLOR & PRESTON, LLP

Seven Saint Paul Street, Suite 1500 Baltimore, Maryland 21202-1636

Baltimore County Board of Appeals

105 West Chesapeake Avenue, suite 203, Towson, Maryland 21204

appealsboard@baltimorecountymd.gov

APPENDIX B: RULES OF PRACTICE AND PROCEDURE OF COUNTY BOARD OF APPEALS

FILED
2022 SEP 12 PM 2:56
CIRCUIT COURT
BALTIMORE COUNTY

Editor's note:

Printed herein are the rules of practice and procedure of the county board of appeals. History notes show the source of amendments. Except for the correction of obviously misspelled words, the rules are published as found in the 1988 Baltimore County Code, as amended.

Charter reference(s)—County board of appeals, art. VI

Rule 1. General.

a. The county board of appeals shall select one of its members to be the chairman of the board, and he shall serve as chairman at the pleasure of the board. The chairman shall preside at all meetings of the county board of appeals, and in his absence he shall designate another member of the board to sit in his place as acting chairman.

b. Meetings of the county board shall be held as determined by the chairman, but never less than weekly; and the board shall meet at such other times as the board may determine.

c. Three (3) members of the board of appeals, as designated by the chairman, shall sit for the purpose of conducting the business of the board; and a majority vote of two (2) members shall be necessary to render a decision, except as follows:

   1. During the course of a hearing, if any member of the original panel is unable to continue to serve, the chairman shall appoint a member to fill the vacancy; or

   2. In the case of a remand, if any member of the original panel is unable to serve, the chairman shall appoint a member to fill the vacancy.

d. All appeals to the board from decisions of the zoning commissioner or deputy zoning commissioner shall be in conformance with the rules of the zoning commissioner of Baltimore County with respect to the form of appeal, and the filing fees shall be as established either by said rules of the zoning commissioner or by the Baltimore County Zoning Regulations.

e. Unless authorized by the board, a person may not take photographs, motion pictures or audio or video recordings of any kind during the conduct of a hearing before the board or during any public deliberation of the board.

Rule 2. Notice.

a. No hearing shall be conducted without at least ten (10) days' notice to all parties of record or their counsel of record, unless otherwise agreed to by all such parties or their counsel of record.

b. Postponements and continuances will be granted at the discretion of the board only upon request in writing by an attorney of record or a party of record (if not represented by counsel), addressed to the board and with a copy to every other attorney of record or party of record (if not represented by counsel) entitled to receive notice, in accordance with section 500.11 of the Baltimore County Zoning Regulations, setting forth good and sufficient reasons for the requested postponement.

c. No postponement shall be granted within fifteen (15) days next prior to the hearing date except in extraordinary circumstances and for a reason satisfactory to the board, given by the party requesting such postponement indicating that the circumstances requiring the postponement are of any unusual and extraordinary nature.

d. All records and dockets of the board shall be open to the public during normal business hours.

e. ***In appeals from decisions of the zoning commissioner, formal notice of hearings,*** continuances ***and decisions of the board will be provided only to those persons entitled to receive same*** in accordance with section 500.11 of the Baltimore County Zoning Regulations.

Rule 3. Appeals.

a. No appeal shall be entertained by the board of appeals unless the notice of appeal shall state the names and addresses of the persons taking such appeal.

b. 1. An appeal may be withdrawn or dismissed at any time prior to the conclusion of the hearing on said appeal.

   2. A request for withdrawal of a petition shall be filed in writing with the board. A petitioner who wishes to have a petition withdrawn and dismissed without prejudice shall withdraw the petition not less than

10 days before the scheduled hearing date. A petition that is withdrawn less than 10 days before the scheduled hearing date shall be dismissed with prejudice. A petition that is dismissed with prejudice under this paragraph may not be resubmitted for a period of eighteen (18) months after the dismissal.

c. Unless otherwise provided for by statute, all appeals to the board of appeals, subject to and limited by statutory authority to hear appeals, shall be made within thirty (30) days from the date of the final action appealed.

Rule 4. Conduct of hearings.

a. All hearings held by the county board of appeals shall be open to the public. No hearing shall be private even though all parties agree. The county board of appeals shall have the power to administer oaths, and all witnesses shall testify under oath.

b. The chairman shall regulate the course of the hearing and shall rule upon procedural matters, applications, modifications and objections made during the course of the hearing, subject to the concurrence of a majority of the board conducting the hearing.

c. A hearing may be adjourned from time to time for good cause shown and if the time and place of reconvening the hearing is announced at adjournment, no further notice of reconvening shall be required. If the time and place of reconvening is not announced at adjournment, notice of time and place of reconvening shall be given as required in rule 2a.

d. Depositions shall not be allowed unless by agreement of all parties or their counsel of record.

Rule 5. Subpoenas.

a. The county board of appeals shall have the power to compel the attendance of witnesses and to require the production of records and documentary or other tangible evidence.

b. The board may cause subpoenas and subpoenas duces tecum to be issued upon its own motion, or upon the application of any party to any hearing; but subpoenas will not be issued upon application unless such application is in writing and sets forth the persons, records, books, papers or other documents to be produced and a general statement as to the purpose.

Rule 6. Appearances and practice before the board of appeals.

a. Any individual who is a party to a proceeding before the board may appear in his own behalf; and member of a partnership may appear as representing said partnership if it is a party; a duly authorized officer of a corporation, trust or an association may appear as representing said body, if it is a party to the proceedings; and a duly authorized officer or an employee of any political subdivision or body or department may represent the same before the board.

b. Any party may be represented in any proceeding by an attorney-at-law admitted to practice before the Court of Appeals of Maryland.

c. No person shall appear before the board in a representative capacity, engage in practice, examine witnesses or otherwise act in a representative capacity except as provided in sections a. and b. above.

d. When an attorney wishes to appear in any proceeding in a representative capacity which involves a hearing before the county board of appeals, he shall file with the board a written notice of such appearance, which shall state his name, address, telephone number, and the names and addresses of the persons on whose behalf he has entered his appearance.

Rule 7. Evidence.

a. Any evidence which would be admissible under the general rules of evidence applicable in judicial proceedings in the State of Maryland shall be admissible in hearings before the county board of appeals. Proceedings before the board being administrative in nature, the board will not be bound by the technical rules of evidence but will apply such rules to the end that needful and proper evidence shall be most conveniently, inexpensively and speedily produced while preserving the substantial rights of the parties. Any oral or documentary evidence may be received; but the board reserves the right as a matter of policy to provide for the exclusion of immaterial or unduly repetitious evidence, and the number of witnesses may be limited if it appears that their testimony may be merely cumulative.

b. All evidence, including records and documents in the possession of the agency, of which it desires to avail itself, shall be offered and made part of the record. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

c. Prepared statements may be read by participants in the hearing if they include factual material and do not include argument, provided copies of said statements have been delivered to the board and opposing counsel at least five (5) days prior to hearing, and their admissibility ruled upon, the same as if the factual content were presented in the usual manner. "Prepared statements" within the meaning of this section shall

not include factual reports, written summations, letters, expert opinions of professional expert witnesses and other such similar documents.

d. Except as may otherwise be provided by statute or regulations, the proponent of action to be taken by the board shall have the burden of proof.

e. Any official record or entries therein when admissible for any purpose may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, and the appearance of the officer will not be required unless demanded by a party to the case and for good cause shown to the board. This rule does not prevent any party from summoning any proper witness to attend any hearing before the board.

f. Records of other proceedings before the board may be offered in evidence by the production of the files containing said records of such other proceedings.

g. In such cases as the board may determine, it may by order require that the direct testimony of all "expert" witnesses be submitted in writing, accompanied by copies of all exhibits to which reference is therein made, unless such are of a voluminous nature or within the files of, or readily available to, the board of appeals, in which case adequate reference shall be made thereto, which testimony shall be submitted by the parties required so to do and under the time and service provisions as contained in said order. Thereafter, said "expert" witnesses shall be personally present at the hearing for affirmation of their written statement and exhibits previously submitted and for cross-examination.

Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic or improvement associations.

a. Before any person shall testify on behalf of any civic or improvement association, it shall be shown that the person has accurate knowledge of the number of members in the association and geographical limits of the association.

b. Before any such person shall testify it shall also be shown that the person is authorized to speak for and present the views of the civic or improvement association.

c. Such authorization shall consist of presenting at the hearing or prior thereto a resolution in duplicate duly adopted by the association at its annual meeting, first meeting of each year, or a special meeting of the association, signed by the president and attested by the secretary, providing that the responsibility for review and action on all zoning matters be placed in its board of directors or a duly elected zoning committee.

d. Before any such authorized person shall testify, it shall be shown by written affidavit in duplicate, signed by the president of the association and attested by the secretary, that the person is currently a duly elected member of the board of directors or zoning committee of that association, or is a duly designated employee or an authorized representative of that association, or is an attorney-at-law appointed to represent the board of directors or zoning committee.

e. Before any such authorized person shall testify, a resolution stating the position of the association as adopted by the board of directors or zoning committee, signed by the president and attested by the secretary, shall also be produced in duplicate at the hearing.

Rule 9. Special rule pertaining to original petitions for reclassification, special exception and/or variance.

a. Application of Rule: This rule shall apply only to petitions for reclassification, special exception and/or variance filed with the board pursuant to Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as now in force and effect or as hereafter amended. It applies to the filing, processing, advertising and scheduling of hearings on such petitions and is supplemental to such other rules of the board and Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as now in force and effect or as are hereafter amended or adopted. Once filed and scheduled for hearing under the provisions of this special rule, such petitions shall be heard and decided in accordance with all other rules of the board.

b. Definition of Petition. As used herein the term "petition" shall mean:

1. Request for reclassifications of property, including all material filed with said request.

2. Request for special exceptions and/or variances, the granting of which are dependent upon a reclassification of the property in question, including all material filed therewith.

c. Filing.

1. Petitions may be filed in the office of the board of appeals throughout the year, except during the period from April 16, 1979, through October 15, 1980, and all like periods beginning on April 16, 1983, and every fourth year thereafter.

2. Petitions accepted for filing, no later than forty-five (45) days prior to April 16 will be processed during the April—October cycle, and petitions accepted for filing no later than forty-five (45) days prior to October 16 will be processed during the October—April cycle.

3. Notwithstanding paragraphs 1. and 2. above, petitions exempted from the regular cyclical procedure due to public interest or because of emergency may be filed and processed at any time.

d. Processing and File Maintenance Procedure.

1. Upon receipt of a petition, the board shall establish a file and promptly transmit it to the zoning commissioner's office for processing and preparation of a written report. Said report shall be prepared by the zoning staff; shall reflect the comments of the zoning plans advisory committee; and shall indicate the petition's compliance, with regard to the zoning laws and regulations, and each reviewing agency's adopted standards or policies.

2. Petitions may be amended prior to the hearing only if said amendment takes place prior to the first public advertisement of the petition.

3. The zoning staff shall maintain possession of said file throughout the zoning review and report processing procedure.

4. Upon completion of the zoning review and report process, including distribution of copies of pertinent material to the planning staff, and the necessary advertising and posting, the file, complete with the zoning report and planning board recommendations, shall be returned to the board for the hearing.

5. The board shall maintain possession of the file until such time as the case has been completed with all pending appeals satisfied. Thereafter, said file shall be returned to the zoning office for microfilming and retention on behalf of the board.

e. Scheduling, Posting and Advertising for Public Hearings.

1. The zoning staff shall schedule and otherwise prepare the necessary newspaper advertisements and arrange for the posting of property in accordance with Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003. However, all hearing dates and times shall be established by the board.

2. All postponed hearings shall be readvertised and the properties posted in accordance with the requirements for final advertising and posting pursuant to Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003. The cost of such advertising and posting shall be borne by the party requesting the postponement.

f. Guide for Preparation of Reclassification Petitions. Each petition request shall be filed on forms provided by the county board of appeals. As a matter of convenience, the board will make available a guide containing information for use in the preparation of petitions for reclassification.

Rule 10. Motion for reconsideration.

A party may file a motion for reconsideration of an order of the board of appeals. The motion shall be filed within thirty (30) days after the date of the original order. The motion shall state with specificity the grounds and reasons for the motion. The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits and deadlines for the filing of a petition for judicial review. After public deliberation and in its discretion, the board may convene a hearing to receive testimony or argument or both on the motion. Each party participating in the hearing on the motion shall be limited to testimony or argument only with respect to the motion; the board may not receive additional testimony with respect to the substantive matter of the case. Within 30 days after the date of the board's ruling on the motion for reconsideration, any party aggrieved by the decision shall file a petition for judicial review. The petition for judicial review shall request judicial review of the board's original order, the board's ruling on the motion for reconsideration or both.

Rule 11. Revisory power of the board.

Within thirty (30) days after the entry of an order, the board shall have revisory power and control over the order in the event of fraud, mistake or irregularity.

Rule 12. Amendments of rules.

These rules may be amended from time to time in accordance with section 603 of the Baltimore County Charter.

(1988 Code, Appendix C) (Bill No. 50-05, § 1-3, 5-30-2005)

EXHIBIT 2

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Hasler
05/11/2022
US POSTAGE $000.42[6]
FIRST-CLASS MAIL
AUTO
ZIP 21204
011D12603654

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

DLI-SSB 21208

FILED
2022 SEP 12 PM 4:26
CIRCUIT COURT
BALTIMORE COUNTY

State of Maryland
County of Baltimore

I, Saskaya Beckford, certify this to be a full, true and exact copy made by me of the envelope mailed by Boards of Appeals of Baltimore County on May 11th, 2022.

8/19/2022

Saskaya Beckford
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES 10/25/2023

DENIED

08/11/2022 7:47:36 AM

Judge Keith R. Truffer

Entered: Clerk, Circuit Court for Baltimore County, MD
August 11, 2022

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Case No.: C-03-CV-22-002308

FILED
2022 JUL 22 PM 4:32
CIRCUIT COURT
BALTIMORE COUNTY

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster,

for Zoning Variance on property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

Resubmitting due to deficient service, for denial dated 7/15/2022

MOTION TO STAY PROCEEDINGS

A Motion to Dismiss for Fraud on Court (case # 20-043-A) was filed with the Originating Agency and awaiting the Board of Appeals ruling.

Petitioner, Irina Bondar respectfully requests that this Court stays proceedings and deadlines on the case No:C-03-CV-22-002308 until further notice, to avoid premature transfer of the file and interference with the proceedings on the Motion to dismiss for Fraud. Notice shall be given by Petitioner within 30 days after the Board's final ruling.

Respectfully,

Irina Bondar 7/21/2022

irabond@live.com

410-653-1473

443-204-3380

CIRCUIT COURT FOR _____ City/County, MARYLAND

Located at _____ Court Address Case No. _____

_____ Plaintiff

vs.

_____ Defendant

_____ Address

_____ City, State, Zip _____ Telephone

_____ Address

_____ City, State, Zip _____ Telephone

CERTIFICATE OF SERVICE

I certify that on this 22nd day of July (Month), 2022 (Year), a copy of the document(s) titled Motion to Stay Proceeding (Title(s) of document(s))

was/were ☒ mailed, postage prepaid ☐ hand delivered, to:

Mary Anna Oster
Name

109 Church Ln
Address

Pikesville MD 21208
City, State, Zip

Jennifer R Busse Esq
Name

Towson Commons
Address

Suite 300
City, State, Zip

7/22/2022
Date

One W. Pennsylvania Ave
Towson MD 21204
Signature of Party Serving

Board of Appeals
E-mailed

Jim Bone

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 10, 2022

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Oster and Bondar:

Enclosed please find a copy of the Order on Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Hasler FIRST-CLA
05/11/2022
US POSTAGE $000.
ZIP 2
011D126

Board of Appeals of Baltimore County
JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

DLI-558 21208

cc: Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

CIRCUIT COURT FOR BALTIMORE COUNTY COUNTY
CASE SUMMARY
CASE NO. C-03-CV-22-002308

CASE ASSIGNMENT

In the Matter of Irina Bondar
Case Type: **Appeal - Administrative Agency**
CaseStatus: **Closed**
Case Financial Balance: **$10.00**

Court Address: **401 Bosley Avenue, P.O. Box 6754, Towson, MD, 21285-6754**
Judicial Officer:
Assigned On: **06/13/2022**
Filed On: **06/13/2022**

Main: 410-887-2601

Related Cases

Cross Reference Numbers
20-043-A Administrative Agency

PARTY INFORMATION

		Attorneys
Petitioner	Bondar, Irina	
Respondent	Oster, Anna	BUSSE, JENNIFER REBECCA Retained 07/07/2022 Collins, Michael Patrick Retained 07/07/2022
	Oster, Igor	BUSSE, JENNIFER REBECCA Retained 07/07/2022 Collins, Michael Patrick Retained 07/07/2022
Administrative Agency	Baltimore County Board of Appeals Board of Appeals of Baltimore County	

EVENTS

06/10/2022	Complaint / Petition Filed by Petitioner Bondar, Irina Against Administrative Agency Board of Appeals of Baltimore County
06/13/2022	Notice to Administrative Agency Issued Party Administrative Agency Board of Appeals of Baltimore County
06/16/2022	Request for Copies
06/17/2022	Motion Filed by Petitioner Bondar, Irina
06/17/2022	Notice Filed
06/22/2022	Certificate of Compliance
06/23/2022	Motion/Request Filed by Petitioner Bondar, Irina
07/07/2022	Deficient Filing
07/08/2022	Notice of Deficiency - Rule 20-203(d)
07/08/2022	Writ /Summons/Pleading - Electronic Service
07/08/2022	Motion Filed by Respondent Oster, Anna; Respondent Oster, Igor
07/08/2022	Response/Reply Filed By Respondent Oster, Anna; Respondent Oster, Igor
07/18/2022	Writ /Summons/Pleading - Electronic Service
07/18/2022	Order - Motion/Request/Petition - Denied Notices To: Attorney BUSSE, JENNIFER REBECCA; Attorney BUSSE, JENNIFER REBECCA; Petitioner Bondar, Irina; Administrative Agency Board of Appeals of Baltimore County
07/22/2022	Motion / Request - To Stay Party Petitioner Bondar, Irina

RECEIVED
AUG 12 2022
BALTIMORE COUNTY
BOARD OF APPEALS

07/22/2022	Response/Reply Filed By Petitioner Bondar, Irina
07/26/2022	Line Filed by Petitioner Bondar, Irina
08/08/2022	Line Filed by Petitioner Bondar, Irina
08/09/2022	Supporting Exhibit
08/09/2022	Supporting Exhibit
08/09/2022	Writ /Summons/Pleading - Electronic Service
08/09/2022	Held Sub Curia Party Attorney BUSSE, JENNIFER REBECCA; Attorney BUSSE, JENNIFER REBECCA; Petitioner Bondar, Irina
08/09/2022	Response/Reply Filed By Respondent Oster, Anna; Respondent Oster, Igor
08/11/2022	Writ /Summons/Pleading - Electronic Service
08/11/2022	Order - Motion/Request Granted Notices To: Attorney BUSSE, JENNIFER REBECCA; Attorney BUSSE, JENNIFER REBECCA; Attorney Collins, Michael Patrick; Attorney Collins, Michael Patrick; Petitioner Bondar, Irina; Administrative Agency Board of Appeals of Baltimore County

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

Case Number: **C-03-CV-22-002308**
Other Reference Numbers:

IN THE MATTER OF IRINA BONDAR

ORDER DISMISSING PETITION

The Petitioner Ms. Bondar filed her Petition for Judicial Review in this court on June 10, 2022. The Petition sought review of a May 10, 2022 decision of the Baltimore County Board of Appeals (the "Board"). The Respondents moved to dismiss the Petition on the grounds that it was not timely filed. Ms. Bondar has filed a response and has not requested a hearing. Accordingly, the court will rule on the Motion to Dismiss without a hearing [See MD. RULE 2-311(f)].

On August 9, 2022, the court held the Respondents' Motion *sub curia* to permit Ms. Bondar the opportunity to submit an additional exhibit to show when the Board's notice of its decision was sent. For the reasons which follow, proof of that date is immaterial to the resolution of the Motion.

A petition for judicial review must be filed within thirty days after the latest of the date of the order for which review is sought, unless the law requires that the notice of the order be "sent to" or "received by" the petitioner. See MD. RULE 7-203(a). In this case, the statute describing the time for appeal of the Board's decision states that: "Within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Circuit Court of Baltimore County..." (*Baltimore County Code*, Art. VI, §604). There is no requirement that notice of the Board's decision must be "sent to" or "received by" an aggrieved party in order to initiate the running of the thirty day appeal period.

Ms. Bondar's Petition for Judicial Review was required to be filed on or before June 9, 2022 in order to be timely. The court is without authority to extend this deadline, *Colao v. County Council,* 109 Md. App. 287 (2010). The Petition was filed one day beyond the thirty day period of appeal and was untimely. For these reasons, the Respondent's Motion to Dismiss is GRANTED.

August 10, 2022
Date

Judge Keith R. Truffer

Entered: Clerk, Circuit Court for
Baltimore County, MD
August 11, 2022
8/10/2022 11:44 AM

CIRCUIT COU T FOR BALTIMORE COUNTY, MARYL D
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754
Main: 410-887-2601

Case Number: C-03-CV-22-002308
Other Reference Numbers:

RECEIVED
AUG 3 0 2022
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF IRINA BONDAR

ORDER DISMISSING PETITION

The Petitioner Ms. Bondar filed her Petition for Judicial Review in this court on June 10, 2022. The Petition sought review of a May 10, 2022 decision of the Baltimore County Board of Appeals (the "Board"). The Respondents moved to dismiss the Petition on the grounds that it was not timely filed. Ms. Bondar has filed a response and has not requested a hearing. Accordingly, the court will rule on the Motion to Dismiss without a hearing [See MD. RULE 2-311(f)].

On August 9, 2022, the court held the Respondents' Motion *sub curia* to permit Ms. Bondar the opportunity to submit an additional exhibit to show when the Board's notice of its decision was sent. For the reasons which follow, proof of that date is immaterial to the resolution of the Motion.

A petition for judicial review must be filed within thirty days after the latest of the date of the order for which review is sought, unless the law requires that the notice of the order be "sent to" or "received by" the petitioner. See MD. RULE 7-203(a). In this case, the statute describing the time for appeal of the Board's decision states that: "Within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the Circuit Court of Baltimore County..." (*Baltimore County Code*, Art. VI, §604). There is no requirement that notice of the Board's decision must be "sent to" or "received by" an aggrieved party in order to initiate the running of the thirty day appeal period.

Ms. Bondar's Petition for Judicial Review was required to be filed on or before June 9, 2022 in order to be timely. The court is without authority to extend this deadline, *Colao v. County Council,* 109 Md. App. 287 (2010). The Petition was filed one day beyond the thirty day period of appeal and was untimely. For these reasons, the Respondent's Motion to Dismiss is GRANTED.

August 10, 2022
Date

Judge Keith R. Truffer

Entered: Clerk, Circuit Court for
Baltimore County, MD
August 11, 2022

-FILED; Baltimore County Circuit Court
Docket: 7/8/20.. 1:55 PM; Submission: 7/8/2022 1:55 PM

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

Petition of Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Anna Oster and Igor Oster, Respondents
3 Oak Hollow Court
Pikesville, Maryland 21208

IN THE MATTER OF: ANNA OSTER
Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court

BOARD OF APPEALS CASE NO: 20-043-A

CASE NO.: C-03-CV-22-002308

ORDER

Upon review of Anna Oster and Igor Oster's Motion to Strike the Petition for Judicial Review as untimely, it is, on this 9th of August, 2022

ORDERED that the Motion to Strike is held sub curia. The Petitioner Ms. Bondar has alleged in her response that the Board of Appeals mailed its decision on May 11, 2022 and offered as proof, the postmarked envelope in which she received it. The envelope was not attached to her Response. Unless Ms. Bondar submits a true copy of the envelope within 10 days of the docketing of this order, the court will grant the Respondents' Motion to Strike the Petition for Judicial Review.

Judge Keith R. Truffer

12371264

Entered: Clerk, Circuit Court for
Baltimore County, MD
August 9, 2022

E-FILED; Baltimore County Circuit Court
Docket: 8/9/2022 12:05 PM; Submission: 8/9/2022 12:05 PM

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

Petition of Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Anna Oster and Igor Oster, Respondents
3 Oak Hollow Court
Pikesville, Maryland 21208

IN THE MATTER OF: ANNA OSTER
Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court

BOARD OF APPEALS CASE NO: 20-043-A

CASE NO.: C-03-CV-22-002308

REPLY IN SUPPORT OF MOTION TO STRIKE PETITION FOR JUDICIAL REVIEW

Anna Oster and Igor Oster, Respondents, by and through their attorneys Jennifer R. Busse, Michael Collins, Jr. and Whiteford, Taylor & Preston LLP, hereby file this Reply in Support of Motion to Strike Petition for Judicial Review and state as follows:

1. Petitioner Irina Bondar has proffered that the Board of Appeals did not "mail" notice of the decision to her until May 11, 2022. Simply put, the mailing of the decision is irrelevant and Petitioner was obligated to file for judicial review 30 days from the date of the decision, not mailing.

2. On August 9, 2022, this Court ordered that it would hold the Osters' Motion to Strike *sub curia*, pending Petitioner's submission of a true copy of the envelope she received from the Board of Appeals.

3. Petitioner relies on Md. Rule 7-203(a)(2) which provides: "Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of the . . . (2) date the administrative agency sent notice of the order or action to the petitioner, ***if notice was required by law to be sent to the petitioner*** . . . ." (Emphasis added).

4. Noticeably absent from Ms. Bondar's opposition is any reference to any requirement at Maryland law that the Board of Appeals was obligated **by law** to send notice of its decision to Ms. Bondar.

5. The Board of Appeals is not obligated to mail notice of any decision. Specifically, no provision of the Baltimore County Charter pertaining to the County Board of Appeals requires mailing of any final decision. *See* Balt. Cnty. Charter §§ 601, et seq. attached hereto as **Exhibit A.**

6. There is no provision in any part of the Maryland Rules, Maryland Statutes, or Baltimore County Charter or Regulations which would require the Board of Appeals to mail notice of a decision to Ms. Bondar or require Ms. Bondar to receive notice.

7. Additionally, the notice mailed to the Osters specifically states that any appeal to circuit court must be made **within 30 days of the *decision***. *See* Letter, attached hereto as **Exhibit B.** This same letter was addressed to Ms. Bondar and thus she was well aware that she must file her appeal "***within 30 days from the date of the enclosed Order***", not the date of mailing. **See Exhibit B** (Emphasis added). Notably, in Ms. Bondar's opposition to the Oster's Motion to Strike, her photocopy of the envelope covers this specific text in the body of the letter sent by the Board.

8. Ms. Bondar's argument is moot. The Board of Appeals was not obligated to deliver notice to Ms. Bondar. Ms. Bondar's Petition was due 30 days from the date of the Board's decision, or on June 9, 2022. For this reason, her Petition is untimely and should be stricken.

Respectfully submitted,

/s/ Michael P. Collins, Jr.
Jennifer R. Busse, AIS No. 9812150094
Michael P. Collins Jr., AIS No. 1712130107
WHITEFORD, TAYLOR & PRESTON, LLP
Seven Saint Paul Street, Suite 1500
Baltimore, Maryland 21202-1636
(410) 347-8700
jbusse@wtplaw.com
mcollins@wtplaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of August, 2022 a copy of the foregoing Reply was served via first class mail on:

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

And via MDEC to:

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov

/s/ Michael P. Collins, Jr.
Michael P. Collins, Jr.

12404070

E-FILED; Baltimore County Circuit Court
Docket: 8/9/2022 12:05 PM; Submission: 8/9/2022 12:05 PM

Exhibit A

ARTICLE VI. - COUNTY BOARD OF APPEALS*

**** Editor's notes:***

The title of this article was changed by Bill No. 85, 1978. Approved by voters Nov. 7, 1978; effective Dec. 8, 1978.

Sec. 601. - Appointment; terms; compensation.

There is hereby created and established a county board of appeals consisting of seven members who shall be appointed by the county council. Each member of the county council shall have the right to nominate one person to serve on the board of appeals. The first board of appeals appointed after this amendment shall consist of two members appointed for a term of one year, two members appointed for a term of two years and three members appointed for a term of three years. Thereafter, all appointments or reappointments shall be for three-year terms except that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of the unexpired term. All members of the board shall be residents of Baltimore County, and appointments shall be made so no more than five (5) of the members of the board shall be members of the same political party. The county council shall by legislative act set the compensation of the county board of appeals; provided, however, that no reduction in salary shall affect the compensation of a member of the county board of appeals during his current term. The board of appeals as constituted at the time of this amendment shall remain in effect until changed as provided in this section of the Charter.

(Bill No. 85, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 53, 1982, § 1; approved by voters Nov. 2, 1982; effective Dec. 2, 1982)

Annotation— *This section cited in Meadows of Greenspring Homeowners Association, Inc. v. Foxleigh Enterprises, Inc., 133 Md.App. 510, 758 A.2d 611 (2000).*

Sec. 601.1. - [Repealed.]

Repealed by Bill No. 85, 1978, § 2. (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

Sec. 602. - Powers and functions of county board of appeals.

The county board of appeals shall have and may exercise the following functions and powers:

(a) *Appeals from orders relating to zoning.* The county board of appeals shall have and exercise all the functions and duties relating to zoning described in Title 10 of the Local Government Article of the Annotated Code of Maryland as such functions and powers may be prescribed by legislative act of the county council. All references in law to the board of zoning appeals

shall be construed to refer to the county board of appeals. In all cases, except those excluded by this Charter or by legislative act of the county council, the order of the county board of appeals shall be final unless an appeal is taken therefrom in the manner provided in Section 604 of this Article. (Bill No. 85, 1978, § 1; approved by voters Nov. 7, 1978; effective Dec. 8, 1978; Bill No. 13-18 , § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

(b) *Appeals from orders relating to licenses.* The county board of appeals shall have and exercise all the functions and powers of the board of license appeals as such functions and powers are prescribed in the public local laws of the county in effect at the time of the adoption of this Charter. All references in said laws to the board of license appeals shall be construed to refer to the county board of appeals created by this article. As soon as the county board of appeals has been duly constituted by the appointment and qualifications of its members as herein provided, the board of license appeals shall cease to exist.

(c) *Appeals from orders relating to building.* The county board of appeals shall hear and decide all appeals from orders relating to building. (Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

(d) *Appeals from executive, administrative and adjudicatory orders.* The county board of appeals shall hear and decide appeals from all other administrative and adjudicatory orders as may from time to time be provided by Title 10 of the Local Government Article of the Annotated Code of Maryland, as amended, or by legislative act of the county council not inconsistent therewith. (Bill No. 13-18 , § 1; approved by the voters Nov. 6, 2018; effective Dec. 6, 2018)

(e) The county board of appeals shall have original and exclusive jurisdiction over all petitions for reclassification. (Bill No. 85, 1978, § 3) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

Annotation— *This section cited in Meadows of Greenspring Homeowners Association, Inc. v. Foxleigh Enterprises, Inc., 133 Md.App. 510, 758 A.2d 611 (2000).*

This section cited in Hammen v. Baltimore County Police Department, 373 Md. 440, 818 A.2d 1125 (2003).

Sec. 603. - Rules of practice and procedure.

Subject to the approval of the county council, the county board of appeals shall have authority to adopt and amend rules of practice and procedure to cover the conduct of its proceedings. Such rules may include matters relating to filing fees, meetings and hearings conducted by the board, the manner in which the chairman of the board shall be selected and the term for which he shall serve as chairman, and all other matters deemed appropriate or necessary for the board to conduct its proceedings. Said rules and regulations when approved by the county council shall have the force and effect of law. All decisions of the county board of appeals shall be made after notice and opportunity of hearing upon the issues before said

board. All hearings held by the board shall be heard de novo, unless otherwise provided by legislative act of the County Council, and shall be open to the public. The board shall cause to be maintained complete public records of its proceedings, with a suitable index.

(Bill No. 85, 1978, § 1) (Approved by voters Nov. 7, 1978; effective Dec. 8, 1978)

Annotation— *This section cited in Pollard's Towing, Inc. v. Berman's Body, Frame & Mechanical, Inc. 137 Md.App. 277, 768 A.2d 131 (2001).*

This section cited in Hammen v. Baltimore County Police Department, 373 Md. 440, 818 A.2d 1125 (2003).

Sec. 604. - Appeals from decisions of the board.

Within thirty days after any decision by the county board of appeals is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the circuit court of Baltimore County, which shall have power to affirm the decision of the board, or, if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing, as justice may require. Whenever such appeal is taken, a copy of the notice of appeal shall be served on the board by the clerk of said court, and the board shall promptly give notice of the appeal to all parties to the proceeding before it. The board shall, within fifteen days after the filing of the appeal, file with the court the originals or certified copies of all papers and evidence presented to the board in the proceeding before it, together with a copy of its opinion which shall include a statement of the facts found and the grounds for its decision. Within thirty days after the decision of the circuit court is rendered, any party to the proceeding who is aggrieved thereby may appeal such decision to the court of appeals of this state. The review proceedings provided by this section shall be exclusive.

Annotation— *Improvement association which was neither a taxpayer nor an aggrieved party had no standing to maintain appeal from order of Circuit Court affirming decision of county board of appeals granting special exception to allow property zoned for residential apartments to be sued for construction of an office building. Southland Hills Improvement Assn. v. Raine, 220 Md. 213, 151 A.2d 735 (1959).*

This section is cited in Prince George's County v. Donohue, 220 Md. 372, 152 A.2d 560 (1959).

Referred to in Renz v. Bonfield Holding Co., 223 Md. 34, 158 A.2d 615 (1960); and in Jobar Corp. v. Rodgers Forge, 236 Md. 106, 202 A.2d 612 (1964).

Certain persons owning property near property proposed for rezoning constitute "parties aggrieved" within the meaning of this section. Wier v. Witney Land Company, 257 Md. 600, 263 A.2d 833 (1970).

Sec. 605. - Employees of the board.

The board may appoint such employees, and the county executive shall make available to the board such services and facilities of the county as are necessary or appropriate for the proper performance of its duties. The county attorney or some member of the legal staff whom the county attorney designates shall

serve as counsel to the board.

(Bill No. 172, 1981, § 1) (Approved by voters Nov. 2, 1982; effective Dec. 3, 1982)

Sec. 606. - Furthering legislation.

The county council shall have the power to enact furthering legislation not inconsistent with the provisions of this article to implement and define the powers and functions of the county board of appeals as herein specified. To the extent permitted by the public general laws of this state, the county council shall also have the power, by legislative act, to prescribe other appeals to be heard by the county board of appeals in addition to those specified in this article.

(Bill No. 85, 1978, § 1, approved by voters Nov. 7, 1978, effective Dec. 8, 1978)

Sec. 607. - [Repealed.]

Repealed by Bill No. 85, 1978, § 2, approved by voters Nov. 7, 1978, effective Dec. 8, 1978.

E-FILED; Baltimore County Circuit Court
Docket: 8/9/2022 12:05 PM; Submission: 8/9/2022 12:05 PM

Exhibit B

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 10, 2022

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Oster and Bondar:

Enclosed please find a copy of the Order on Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

E-FILED; Baltimore County Circuit Court
Docket: 7/8/2022 1:55 PM; Submission: 7/8/2022 1:55 PM

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

Petition of Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY

Anna Oster and Igor Oster, Respondents
3 Oak Hollow Court
Pikesville, Maryland 21208

IN THE MATTER OF: ANNA OSTER
Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court

BOARD OF APPEALS CASE NO: 20-043-A

CASE NO.: C-03-CV-22-002308

ORDER

Upon review of Anna Oster and Igor Oster's Motion to Strike the Petition for Judicial Review as untimely, it is, on this 9th of August, 2022

ORDERED that the Motion to Strike is held sub curia. The Petitioner Ms. Bondar has alleged in her response that the Board of Appeals mailed its decision on May 11, 2022 and offered as proof, the postmarked envelope in which she received it. The envelope was not attached to her Response. Unless Ms. Bondar submits a true copy of the envelope within 10 days of the docketing of this order, the court will grant the Respondents' Motion to Strike the Petition for Judicial Review.

Judge Keith R. Truffer

12371264

Entered: Clerk, Circuit Court for
Baltimore County, MD
August 9, 2022

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, August 8, 2022 11:40 PM
To: Appeals Board
Subject: Re: Case # C-03-CV-22-002308

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board of Appeals,

This is not a new Motion. We submitted it as one of the exhibits to substantiate our request/Motion to Stay Proceedings and we are obligated to provide every document we file with Circuit Court to all parties. So, this is just a duplicate for you, sorry about it.

We expect that Motion to Stay Proceedings will be granted and then we shall have time to get the transcript. Thank you kindly for the reminder.

In the meantime, we need to view the case file - including the original ALJ's file. We have requested it previously, but electronic file that you kindly provided only contains two documents from ALJ's file, and it is very important for us to view the entire file.

Thank you for your help
Irina Bondar

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Monday, August 8, 2022 1:28 PM
To: Irina Bondar <irabond@live.com>; Appeals Board <appealsboard@baltimorecountymd.gov>; jbusse@wtplaw.com <jbusse@wtplaw.com>; mcollins@wtplaw.com <mcollins@wtplaw.com>
Subject: RE: Case #

Dear Ms. Bondar:

The Board is in receipt of your emails. Can you please provide additional explanation? Is this a new Motion or were you simply providing a copy to Ms. Oster's counsel?

I also understand that you have advised the transcriptionist not to proceed with the transcripts. As a reminder, as you appealed the case to the Circuit Court for Baltimore County, it is your responsibility to provide the transcripts to the Court, at your expense. I will be filing the Record of Proceedings with the Circuit Court no later than August 16, 2022.

Please let us know if you have any questions.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203

105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Irina Bondar <irabond@live.com>
Sent: Friday, August 5, 2022 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>; jbusse@wtplaw.com; mcollins@wtplaw.com
Subject: Case #

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Please find attached documents pertaining to case #



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Tammy Zahner

From: Appeals Board
Sent: Monday, August 8, 2022 1:28 PM
To: Irina Bondar; Appeals Board; jbusse@wtplaw.com; mcollins@wtplaw.com
Subject: RE: Case #

Dear Ms. Bondar:

The Board is in receipt of your emails. Can you please provide additional explanation? Is this a new Motion or were you simply providing a copy to Ms. Oster's counsel?

I also understand that you have advised the transcriptionist not to proceed with the transcripts. As a reminder, as you appealed the case to the Circuit Court for Baltimore County, it is your responsibility to provide the transcripts to the Court, at your expense. I will be filing the Record of Proceedings with the Circuit Court no later than August 16, 2022.

Please let us know if you have any questions.

Board of Appeals for Baltimore County
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(410) 887-3180
(410) 887-3182 Fax

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To: Appeals Board <appealsboard@baltimorecountymd.gov>; jbusse@wtplaw.com; mcollins@wtplaw.com
Subject: Case #

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Please find attached documents pertaining to case #

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, August 8, 2022 9:56 AM
To: jbusse@wtplaw.com; mcollins@wtplaw.com; Appeals Board
Subject: case # C-03-CV-22-002308
Attachments: AppealMotion.docx

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Good morning,

Attached please find a copy of an exhibit(Motion to Dismiss for Fraud) that was emailed to you on August 5th. Formatting issue was discovered today, and for this reason we are resending it.

Thank you,
Irina Bondar

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 20-043-A**

Legal Owner

Petitioner

BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

June 8, 2022

RESPONDENT'S MOTION TO DISMISS THE CASE FOR FRAUD ON COURT

OPINION AND ORDER DATED May 10, 2022

Irina Bondar, Respondent, respectfully requests that this Court exercise its right to reverse its opinion and order, issued May 10, 2022 on the grounds of false testimony delivered by Petitioner's expert witness, perjury and fraud, and moves this Board to dismiss this case with prejudice.

In February 2020, Petitioners requested variance relief from § 205.3 of the Baltimore County Zoning Regulations (BCZR) to permit an addition with a side yard setback of 4 ft. 6 in, in particular to enlarge the existing carport by 10 ft to comfortably fit the owner's vehicle and enclose it to add safe storage space and privacy as documented in Petitioner's Project Narrative dated 2/11/2020) and ALJ's Opinion and Oder dated 8/21/2020. And to permit an addition with a side yard of 13ft. 8 in setback for a master bedroom suite in lieu of the required 15 ft respectively. In open hearing, in July 2020 Petitioners dropped the request for the 13ft 8 in. setback and were only pursuing the 4 ft. 6. in. setback variance.

In that hearing Architect Adam Carballo appeared on behalf of the Petitioners. From ALJ's Order and Opinion- *"He (Mr. Carballo) stated that Petitioner wishes to change carport into a garage and extend it" - which would further reduce the existing 6 ft.3 in setback to be 4 ft.6 in - per Petitioner's project narrative.* Requested variance was granted.

During his testimony under oath in the de novo Appeal hearing before the Board of Appeals on February 23, 2021 Petitioner's expert witness Mr Carballo grossly misrepresented the existing conditions of the property, as well as the Petitioner's intentions, contradicting evidence and facts they stated earlier in writing and on record. Mr Carballo is a licensed architect and testifies in courts of several counties on zoning matters regularly. He is well familiar with the zoning requirements and professionally offers Zoning analysis services.

The material facts misrepresented included the measurements/size of the structures and setbacks, for which Petitioners requested variance relief. As well as false statements related to property's uniqueness factors, such as change of zoning designation, which in fact had the same setback and width requirements, or the dwelling incompliance from day one, which is also false because it can be seen on Historical Aerials in 1966 without the carport, that was added later and made it incompliant.

At time of the hearing, the Appeals Board was in possession of the case file which contains documentation - Petitioners site plan and Project Narrative- from the first hearing in front of ALJ in 2020, which supports this statement of false testimony. It is also attached with this motion. Respondent referred the Board's attention to this documentation when the false representation was discovered. The Board member Mr Adam Sampson apparently noticed the discrepancies and made an earnest attempt to get clarification from Mr Carballo regarding the size and configuration of the carport at time of cross-examination, but wasn't getting a coherent answer. At this point another Board member Mr William McComas came to rescue and practically testified in place of Petitioner's witness regarding the size and configuration of the carport, without ever measuring it or visiting the property.

Respondent offered photographic evidence at time of her testimony prepared during recess, to show the true configuration, but the Board Chair Mr Belt expressly did not allow to submit. He acknowledged Respondent's verbal statement though.

This evidence and explanation were submitted to the Board with the Closing Statement and Motion for Reconsideration, so we can assume they are fully aware of the fraudulent intent. Much later January 25 2022, in deliberations for Motion for Reconsideration Mr Belt explained that the false testimony issues would not be addressed by the Board because" allegations of false evidence, those type of rebuttals, need to take place during the hearing" (verbatim from Webex recording of the deliberations).

Not allowed at the hearing and too late after the hearing.

Misrepresentation by the Expert Witness were deliberate false statements. with intent to defraud or to subvert the truth-seeking function of the court, with full knowledge of the true size of the carport. He measured it according to his testimony. He is very well familiar with the property and structure as he prepared multiple documents for this court, and to obtain permits for other additions. This was clearly coordinated with the Petitioners, who were attending the hearing the entire time, but did not offer a correction. She did state in writing at a later date that she had Property survey obtained from a licensed surveyor in April of 2020, but did not offer correction at the hearing or in the next 15 months since the hearing. If it wasn't intentional, this issue would be resolved on the spot at the hearing.

.

For this de novo Appeal hearing Mr Carballo submitted an updated site plan – reason being, per Mr. Carballo, to document the current conditions of the property with the two new rear additions already in place, which graphically and effectively drew attention to the new completed additions and away from other inconspicuous changes done in small print (Exhibit attached).This new plan marks the desired extended carport as already existing. As well as reduced 4 ft 6 in setback as existing. It falsely states that the extended carport with the depth of 35 ft 7 in already exists, and that Petitioners are only requesting to enclose this existing structure. Mr Carballo repeatedly affirmed his statement that the existing carport is to be enclosed without changes to footprint, roof or the driveway. In reality it is the same 25 ft as it was prior to their ownership, at time of their variance request and as of this day. Aerial photo of the house shows clearly that the depth of the carport is the same as the depth of the dwelling where it is attached. It does not show any bump out or addition on the carport/driveway side. But the site plans submitted by Mr Carballo do show an extension/addtion of 10 ft at that end. It does not exist on the photos. And the true depth can be easily extrapolated from the measurements on the original site plan. This technique was used by the court in the Case of Cromwell v. Ward, which is the current governing law for variances. Please see these exhibits in attachment. 4 attached documents- Site Plans, Project Narrative and an aerial photo are sufficient to show that the carport does not have an extension that is shown on the Site Plan as existing --Site Plans, Project Narrative and an aerial photo

At time of her testimony, Respondent offered photographic evidence (rear and aerial view of the structure) obtained during recess to demonstrate the true configuration/ size of the carport. The Board's Chair Mr. Belt did not allow Respondent to submit it. . But later, at a deliberation on Motion for Reconsideration on January 25, 2022 Mr. Belt explained that the false testimony issues are not being addressed by the Board because verbatim" it was supposed to be brought up at time of hearing (which it was and several times,) and Mr. Belt had acknowledged the statement after refusing to see the photographic evidence As a result Board has ruled on a contradictory (setbacks) and entirely false (size of existing carport) testimony of Mr. Carballo We had attached Petitioner's original project narrative and Petitioners' construction plan showing proposed additions in detail to support our statement .

The Board did not support Respondent's request, addressed to Mr Carballo, to present the site plans on a survey prepared by a licensed land surveyor, of which he had several per his testimony. so that the true setbacks and other measurements of proposed structure could be known. Mr Carballo insisted under Oath that his plans and measurements are accurate and true.

As a result, the Board was misled to believe that they are approving a variance to enclose the existing structure is clearly shown in the Deliberation minutes (attached) The Board has based their Opinion on false testimony of the Petitioner's witness. But they in turn were to a degree instrumental to it, by not allowing Respondent's evidence at time of hearing, and not ordering the Petitioner to share their property surveys they claim they have, as requested by the Respondent. In reality the Board approved a 2-car garage/storage of nonresidential size approximately 20 by 35 ft as documented on the updated site plan admitted into evidence. Oversize structures are a serious concern when so close to property line and other dwellings. This desired oversize structure is very much in line with the business activities of the Petitioners who run a construction/home improvement company. The driveway has already been enlarged (photo attached) contrary to the testimony, all the way to the property line and facilitates maneuvering of Petitioners oversized work vehicles. The property is currently being used as a park and ride for Petitioners' employees who leave their cars on Oak Hollow Court (which is a strictly residential area) and then travel to their job sites. This community has been fighting a similar situation just a couple blocks away (3424 Birch Hollow Road) for the past 10 years, regular complaints recorded with this court after a variance for an oversize garage was approved for an owner of a construction business.

Long ago, the Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with "rudimentary demands of justice." *Mooney v. Holohan*, 294 U.S. 103, 112 (1935).

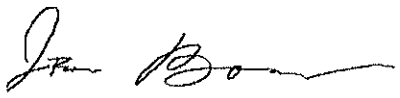
False testimony under Oath is a crime of perjury, when committed with knowledge and intent, which was clearly present in this case. A purposeful deception (a false statement, a misrepresentation of an important fact) with intention of material gain is fraud. These are crimes punishable under Federal and state law. Such actions should not be accepted at this Court.

Ruling on false testimony is encouragement for future misdemeanors, and virtually rewarding the crime.

Respondent is hereby respectfully requesting this Court to reverse their order and opinion and dismiss this case with prejudice.

Please extend the deadline for Judicial Review until after the decision on this motion.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.



Irina Bondar

5 oak Hollow Ct, Baltimore, MD 21208

irabond@live.com

Tammy Zahner

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Monday, August 8, 2022 9:24 AM
To: Irina Bondar; Appeals Board; Collins Jr., Michael P.
Subject: RE: Case #

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Whiteford | Taylor | Preston LLP

Jennifer R. Busse | *Partner*
Towson Commons, Ste. 300| One West Pennsylvania Avenue | Towson, MD | 21204-5025
t: 410.832.2077 | f: 410.339.4027
jbusse@wtplaw.com | Bio | vCard | http://secure-web.cisco.com/1xzxQ_b_pWJywa-N5oJll0gegw-uP7jIitI6zZW0wd9qovOJlyXXj3P-v00dP7GWefeAYmBivcEeu_ar7wQv4-Mh2jKvHInwtW9joL3WazRTi6TVrmpDTuQXVK-H0SBaQV_tDYy_bsrTV0HsNV3I3cvGHx78NbWSLK40HcQDzX5V9VfwR07YONgs1S5QPS42wN-KNVglzMloZ5YrUwxUA4cw5HswrpMKLSGcJ2VO0KyOBTnIEYLJL0AnsZHheB5uzlciBYzeItWadgX8IsWIFPns9fNeWpK4SLuk0uhnLf1UkfOh5qwxZCWMyyNfIXvAj_C37SsO1TcFF9nfV2rmVyxrE5g16vY4HL08VSfGv6CgW5o-_9tU4507p4BDc-8Qx14w3d0HUopZVj9rj5PGFQ4PxKMXVsFBYVxLnxccc5sZCWmQ4Y9OXTrNpedtNL3Dj/http%3A%2F%2Fwww.wtplaw.com

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From: Irina Bondar <irabond@live.com>
Sent: Friday, August 5, 2022 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>; Busse, Jennifer R. <jbusse@wtplaw.com>; Collins Jr., Michael P. <MCollins@wtplaw.com>
Subject: [EXTERNAL] Case #

Please find attached documents pertaining to case #

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Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Friday, August 5, 2022 11:59 PM
To: Appeals Board; jbusse@wtplaw.com; mcollins@wtplaw.com
Subject: Case #
Attachments: AppealMotion.docx; Exhibit2.jpeg; Exhibit ZERO.jpeg; LINE.docx; ServeCertJuly25.1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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Please find attached documents pertaining to case #

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 20-043-A**

Legal Owner

Petitioner

BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

June 8, 2022

RESPONDENT'S MOTION TO DISMISS THE CASE FOR FRAUD ON COURT

OPINION AND ORDER DATED May 10, 2022

Irina Bondar, Respondent, respectfully requests that this Court exercise its right to reverse its opinion and order, issued May 10, 2022 on the grounds of false testimony delivered by Petitioner's expert witness, perjury and fraud, and moves this Board to dismiss this case with prejudice.

In February 2020, Petitioners requested variance relief from § 205.3 of the Baltimore County Zoning Regulations (BCZR) to permit an addition with a side yard setback of 4 ft. 6 in, in particular to enlarge the existing carport by 10 ft to comfortably fit the owner's vehicle and enclose it to add safe storage space and privacy as documented in Petitioner's Project Narrative dated 2/11/2020) and ALJ's Opinion and Oder dated 8/21/2020. And to permit an addition with a side yard of 13ft. 8 in setback for a master bedroom suite in lieu of the required 15 ft respectively. In open hearing, in July 2020 Petitioners dropped the request for the 13ft 8 in. setback and were only pursuing the 4 ft. 6. in. setback variance.

In that hearing Architect Adam Carballo appeared on behalf of the Petitioners. From ALJ's Order and Opinion- *"He (Mr. Carballo) stated that Petitioner wishes to change carport into a garage and extend it" - which would further reduce the existing 6 ft.3 in setback to be 4 ft.6 in - per Petitioner's project narrative.* Requested variance was granted.

During his testimony under oath in the de novo Appeal hearing before the Board of Appeals on February 23, 2021 Petitioner's expert witness Mr Carballo grossly misrepresented the existing conditions of the property, as well as the Petitioner's intentions, contradicting evidence and facts they stated earlier in writing and on record. Mr Carballo is a licensed architect and testifies in courts of several counties on zoning matters regularly. He is well familiar with the zoning requirements and professionally offers Zoning analysis services.

The material facts misrepresented included the measurements/size of the structures and setbacks, for which Petitioners requested variance relief. As well as false statements related to property's uniqueness factors, such as change of zoning designation, which in fact had the same setback and width requirements, or the dwelling incompliance from day one, which is also false because it can be seen on Historical Aerials in 1966 without the carport, that was added later and made it incompliant.

At time of the hearing, the Appeals Board was in possession of the case file which contains documentation - Petitioners site plan and Project Narrative- from the first hearing in front of ALJ in 2020, which supports this statement of false testimony. It is also attached with this motion. Respondent referred the Board's attention to this documentation when the false representation was discovered. The Board member Mr Adam Sampson apparently noticed the discrepancies and made an earnest attempt to get clarification from Mr Carballo regarding the size and configuration of the carport at time of cross-examination, but wasn't getting a coherent answer. At this point another Board member Mr William McComas came to rescue and practically testified in place of Petitioner's witness regarding the size and configuration of the carport, without ever measuring it or visiting the property.

Respondent offered photographic evidence at time of her testimony prepared during recess, to show the true configuration, but the Board Chair Mr Belt expressly did not allow to submit. He acknowledged Respondent's verbal statement though.

This evidence and explanation were submitted to the Board with the Closing Statement and Motion for Reconsideration, so we can assume they are fully aware of the fraudulent intent. Much later January 25 2022, in deliberations for Motion for Reconsideration Mr Belt explained that the false testimony issues would not be addressed by the Board because" allegations of false evidence, those type of rebuttals, need to take place during the hearing" (verbatim from Webex recording of the deliberations).

Not allowed at the hearing and too late after the hearing.

Misrepresentation by the Expert Witness were deliberate false statements. with intent to defraud or to subvert the truth-seeking function of the court, with full knowledge of the true size of the carport. He measured it according to his testimony. He is very well familiar with the property and structure as he prepared multiple documents for this court, and to obtain permits for other additions. This was clearly coordinated with the Petitioners, who were attending the hearing the entire time, but did not offer a correction. She did state in writing at a later date that she had Property survey obtained from a licensed surveyor in April of 2020, but did not offer correction at the hearing or in the next 15 months since the hearing. If it wasn't intentional, this issue would be resolved on the spot at the hearing.

.

For this de novo Appeal hearing Mr Carballo submitted an updated site plan – reason being, per Mr. Carballo, to document the current conditions of the property with the two new rear additions already in place, which graphically and effectively drew attention to the new completed additions and away from other inconspicuous changes done in small print (Exhibit attached).This new plan marks the desired extended carport as already existing. As well as reduced 4 ft 6 in setback as existing. It falsely states that the extended carport with the depth of 35 ft 7 in already exists, and that Petitioners are only requesting to enclose this existing structure. Mr Carballo repeatedly affirmed his statement that the existing carport is to be enclosed without changes to footprint, roof or the driveway. In reality it is the same 25 ft as it was prior to their ownership, at time of their variance request and as of this day. Aerial photo of the house shows clearly that the depth of the carport is the same as the depth of the dwelling where it is attached. It does not show any bump out or addition on the carport/driveway side. But the site plans submitted by Mr Carballo do show an extension/addtion of 10 ft at that end. It does not exist on the photos. And the true depth can be easily extrapolated from the measurements on the original site plan. This technique was used by the court in the Case of Cromwell v. Ward, which is the current governing law for variances. Please see these exhibits in attachment. 4 attached documents- Site Plans, Project Narrative and an aerial photo are sufficient to show that the carport does not have an extension that is shown on the Site Plan as existing --Site Plans, Project Narrative and an aerial photo

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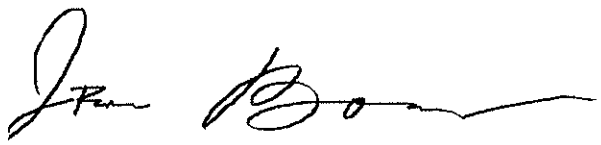
Ruling on false testimony is encouragement for future misdemeanors, and virtually rewarding the crime.

Respondent is hereby respectfully requesting this Court to reverse their order and opinion and dismiss this case with prejudice.

Please extend the deadline for Judicial Review until after the decision on this motion.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Irina Bondar



5 Oak Hollow Ct

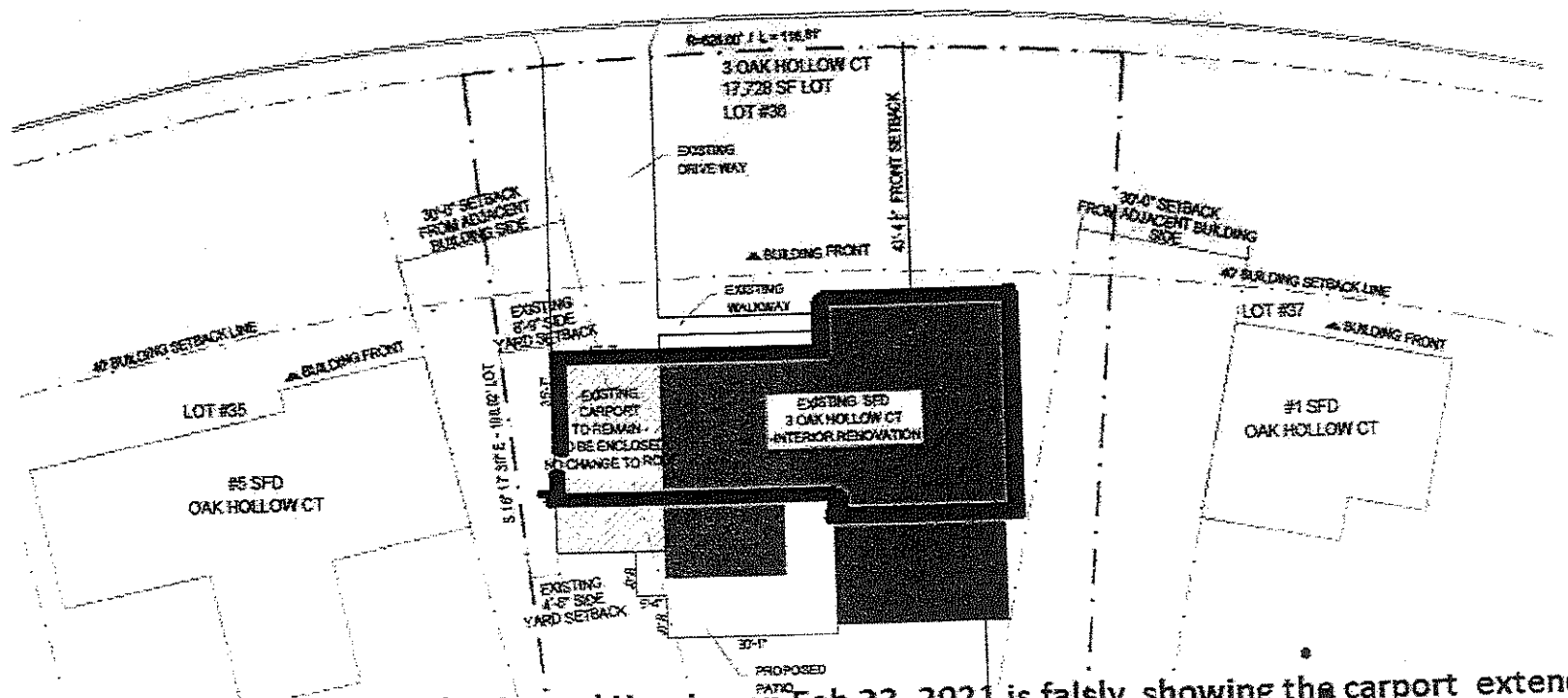
Baltimore, MD 21208

410-653-1473

irabond@live.com

OAK HOLLOW COURT

Exhibit 2



This Site Plan updated for Appeal Hearing on Feb 23, 2021 is falsly showing the carport extended by 10 ft in the rear as Existing. The original footprint before two rear additions outlined here corresponds with footprint on the aerial photo Exhibit 0. Board of Appeals did not allow to submit the rear and aerial photos at time of Hearing and later ruled on the false testimony due to lack of the rebuttal evidence which they expressly did not allow to submit.

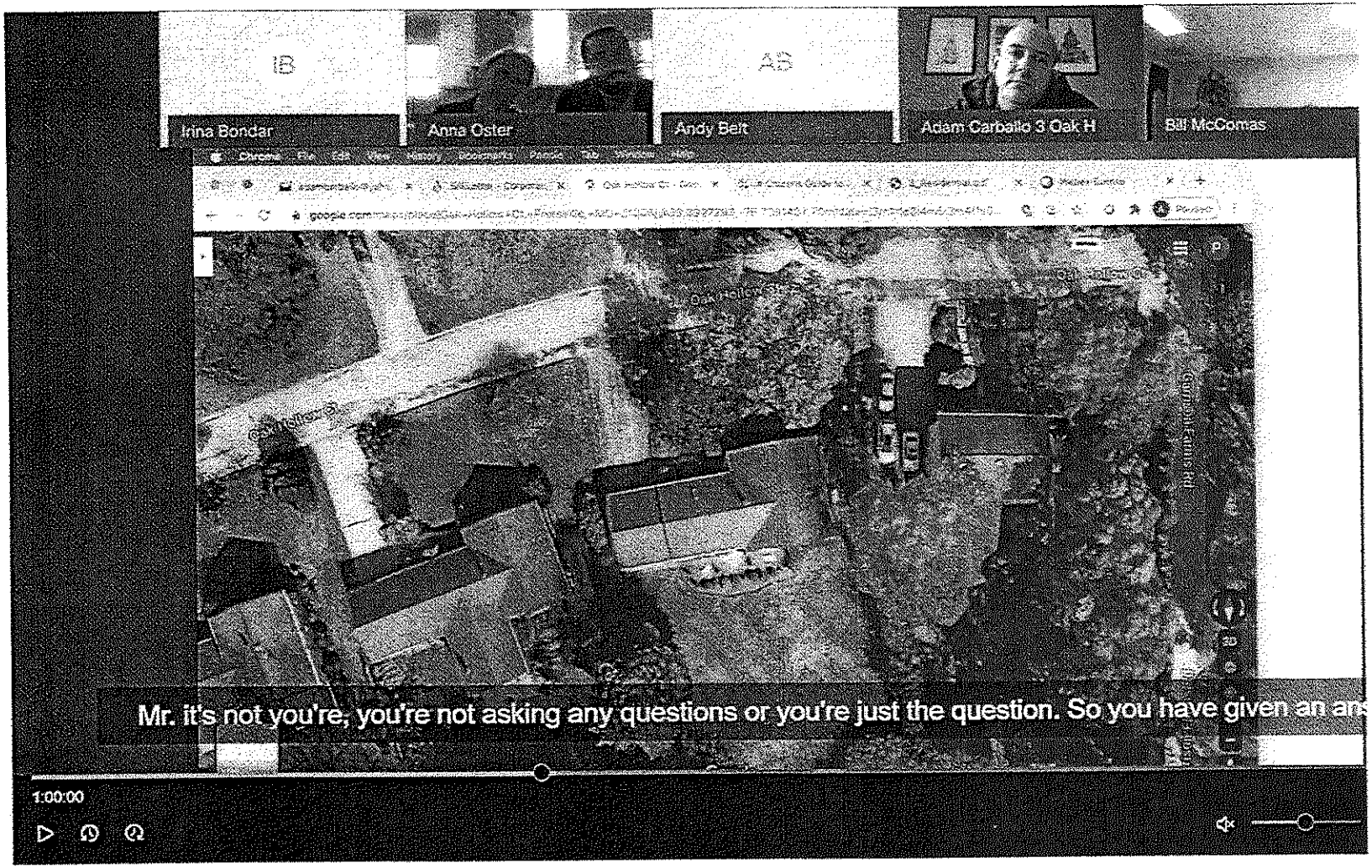
In Lieu of the suppressed rebuttal evidence, please allow Exhibit ZERO to be admitted into EVIDENCE

EXHIBIT ZERO

EXHIBIT ZERO

https://baltimorecountymd.webex.com/recordingservice/sites/baltimorecountymd/recording/1a134db72854061b28e9e5eeeddd992/playback?rcpKey=4832594b00000003e7dd17f5

Board of Appeals Anna Oster 20-043-A-20210223 1542-2



IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster,

for Zoning Variance on property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

LINE 1

"MOTION TO STAY PROCEEDINGS" was filed on July 22, 2022.

Please attach the following documentation to this motion:

1. Additional Service Certificates

2. Copy of Motion to Dismiss for Fraud on Court filed with Board of Appeals (less attachments) and two Exhibits. Board's ruling is pending. This being the reason for the Motion to Stay Proceedings on this case ***C-03-CV-22-002308***

   Petitioner is additionally requesting this Court to allow Exhibit ZERO and/or rear view exhibit from the original ALJ's Variance file referenced by the Board at Hearing to be admitted into evidence in lieu of the suppressed rebuttal evidence, as explained in Exhibit2

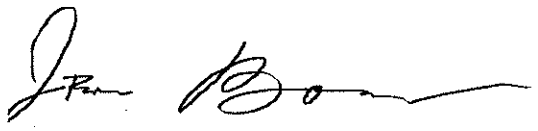
   Exhibit Zero is a screenshot image from the Webex recording of the Hearing, sourced from Google Maps and displayed at time of cross examination. This would become the only exhibit which is a part of the recording of the hearing to show the true footprint and configuration of the subject structure at time of application for variance.

   This additional request is made at this time to avoid duplicate filing of same Exhibits.

Long ago, the Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with "rudimentary demands of justice." ___, 294 U.S. 103, 112 (1935).

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Respectfully,



08.05.2022

Irina Bondar

5 Oa Hollow Ct Baltimore MD 21208

irabond@live.com

410-653-1473

443-204-3380

Certificate of Service

I HEREBY CERTIFY that on this 5th day of August, 2022 a copy of the foregoing was served via e-mail on:

Jennifer R Busse, Esquire - jbusse@wtplaw.com

Michael P Collins, Esquire - mcollins@wtplaw.com

Board of Appeals of Baltimore County - appealsboard@baltimorecountymd.govIrina

Irina Bondar 

MARYLAND JUDICIARY **CIRCUIT COURT FOR** Baltimore County (City/County), **MARYLAND**

Located at 401 Bosley Avenue , Towson MD 21285 (Court Address) **Case No.** C-03-CV-22-002308

IRINA BONDAR (Plaintiff)		vs.	ANNA OSTER, IGOR OSTER (Defendant)
5 OAK HOLLOW CT (Address)			3 OAK HOLLOW CT (Address)
BALTIMORE , MD, 21208 (City, State, Zip)	410-653-1473 (Telephone)		BALTIMORE , MD, 21208 (City, State, Zip)

CERTIFICATE OF SERVICE

I certify that on this 23TH day of JULY (Month), 2022 (Year), a copy of the document(s) titled Motion To Stay Proceedings (Title(s) of document(s))

was/were ☒ mailed, postage prepaid ☐ hand delivered, to:

ANNA OSTER, IGOR OSTER (Name)	3 OAK HOLLOW CT (Address) BALTIMORE MD 21208 (City, State, Zip)
MICHAEL P COLLINS, JR (Name)	SEVEN STAINT PAUL STREET,SUITE 1500 (Address) BALTIMORE MD 21202 (City, State, Zip)
7/23/22 (Date)	(Signature of Party Serving)

Tammy Zahner

From: Appeals Board
Sent: Thursday, July 28, 2022 7:28 AM
To: 'Irina Bondar'
Subject: RE: Sertificates of service - Case No.: C-03-CV-22-002308

The Board is in receipt of your email and attachments.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Irina Bondar <irabond@live.com>
Sent: Wednesday, July 27, 2022 7:03 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Sertificates of service - Case No.: C-03-CV-22-002308

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Attached please find documents filed with circuit court. We were advised to send every document we file with them to everyone, even if they are just service certificates.

Please confirm receipt.
Thank you,
Irina Bondar

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, July 27, 2022 7:03 AM
To: Appeals Board
Subject: Sertificates of service - Case No.: C-03-CV-22-002308
Attachments: LINE1.docx; ServeCertJuly22.pdf.jpeg; ServeCertJuly23.pdf.jpeg.jpeg; ServeCertJuly26.pdf; ServeSertJuly 26.jpeg

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Please confirm receipt.
Thank you,
Irina Bondar

CIRCUIT COURT FOR Baltimore County (City/County), **MARYLAND**

Located at 401 Bosley Avenue , Towson MD 21285 (Court Address) **Case No.** C-03-CV-22-002308

IRINA BONDAR		vs.	ANNA OSTER, IGOR OSTER
Plaintiff			Defendant
5 OAK HOLLOW CT			3 OAK HOLLOW CT
Address			Address
BALTIMORE , MD, 21208	410-653-1473		BALTIMORE , MD, 21208
City, State, Zip	Telephone		City, State, Zip Telephone

CERTIFICATE OF SERVICE

I certify that on this 26 TH day of JULY (Month), 2022 (Year), a copy of the document(s) titled LINE (Title(s) of document(s))

was/were ☒ mailed, postage prepaid ☐ hand delivered, to:

ANNA OSTER, IGOR OSTER
Name

MICHAEL P COLLINS, JR
Name

7/26/22
Date

3 OAK HOLLOW CT
Address

BALTIMORE MD 21208
City, State, Zip

SEVEN STAINT PAUL STREET,SUITE 1500
Address

BALTIMORE MD 21202
City, State, Zip

Signature of Party Serving

CIRCUIT COURT FOR Baltimore County (City/County), **MARYLAND**

Located at 401 Bosley Avenue , Towson MD 21285 (Court Address) **Case No.** C-03-CV-22-002308

IRINA BONDAR (Plaintiff)		vs.	ANNA OSTER, IGOR OSTER (Defendant)
5 OAK HOLLOW CT (Address)			3 OAK HOLLOW CT (Address)
BALTIMORE , MD, 21208 (City, State, Zip)	410-653-1473 (Telephone)		BALTIMORE , MD, 21208 (City, State, Zip)

CERTIFICATE OF SERVICE

I certify that on this 26TH day of JULY (Month), 2022 (Year), a copy of the document(s) titled LINE (Title(s) of document(s))

was/were ☒ mailed, postage prepaid ☐ hand delivered, to:

JENNIFER R BUSSE (Name)	TOWSON COMMONS, SUITE 300 (Address)
	ONE W. PENNSYLVANIA AVE, TOWSON M (City, State, Zip)
BOARD OF APPEALS (Name)	appealsboard@baltimorecountymd.gov (Address)
	(City, State, Zip)
7/26/2022 (Date)	(Signature of Party Serving)

Tammy Zahner

From: Tammy Zahner
Sent: Tuesday, July 26, 2022 8:44 AM
To: Irina Bondar
Cc: Krysundra Cannington
Subject: RE: Transcript

Good Morning Ms. Bondar:

The electronic case file is the most accurate record of the case. The Board is not always provided copies of documents that are submitted electronically, such as Exhibits and Motions. You have already been provided with the electronic case file and the hearing recordings.

If you require another copy of the electronic case file, we will need to charge you in accordance with the County's policy at $0.50 per page, and $50.00 per recording.

We will prepare a Record of Proceedings which will be filed electronically with the Circuit Court, along with all documents. You will be provided a copy when it is filed.

Please let us know how you wish to proceed.

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Irina Bondar <irabond@live.com>
Sent: Monday, July 25, 2022 9:05 PM
To: Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: Re: Transcript

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Thank you Tammy.

I need to look what we have in terms of exhibits in our file, if there is anything at all that I could use instead of the photos that I was not allowed to submit during the hearing. It is crucial for my appeal, as I learned that no new evidence will be allowed for the judicial review. Can I come in some time tomorow Tuesday morning? I believe that file viewing is by appointment only?

Thank you,
Irina

From: Tammy Zahner <tzahner@baltimorecountymd.gov>
Sent: Monday, July 25, 2022 7:54 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Transcript

Dear Ms. Bondar:

The Board is in receipt of your Motions.
Thank you.

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Irina Bondar <irabond@live.com>
Sent: Friday, July 22, 2022 6:26 PM
To: Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: Re: Transcript

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Thank you Tammi. I have sent Christine a message.

I have also filed two documents with the Circuit court: Resubmission of Motion to stay Proceedings and a response to Motion to strike.

I will attach them here, as I understand that I need to serve them to the Board of Appeals as well as the other party.

Please let me know that you received them.

Always grateful for your help

Irina

From: Tammy Zahner <tzahner@baltimorecountymd.gov>
Sent: Friday, July 22, 2022 10:28 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Transcript

Ms. Bondar,

We will be sending the recordings of the hearing and public deliberations to the transcriptionist below:

Christine Leary
3129 Hiss Avenue
Baltimore, MD 21234
Crleary1@comcast.net

I have advised Ms. Leary that you will be emailing her for an estimate of the cost. She will not begin to prepare the transcripts until you provide her with your permission.

Please let us know if you have any questions.

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From: Irina Bondar <irabond@live.com>
Sent: Friday, July 22, 2022 10:11 AM
To: Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: Re: Transcript

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Thank you,
can you please provide her contact info so I could discuss fees with her first?

From: Tammy Zahner <tzahner@baltimorecountymd.gov>
Sent: Friday, July 22, 2022 10:03 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Transcript

Ms. Bondar:

The Board has not yet issued its Ruling on your Motion to Dismiss.

I heard back from the transcriptionist and she is available to prepare the transcripts in the required timeframe. Would you like me to send the recordings to her? If you do, I will provide you with her contact information.

Thank you.

Tammy A. Zahner, Legal Secretary
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From: Irina Bondar <irabond@live.com>
Sent: Friday, July 22, 2022 9:48 AM
To: Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: Re: Transcript

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Thank you Ms Zahner.

Also, I have not seen the Board's opinion on the last Motion yet. Just wanted to confirm I am not missing it.

Thank you

From: Tammy Zahner <tzahner@baltimorecountymd.gov>
Sent: Friday, July 22, 2022 9:01 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Transcript

Ms. Bondar:

I have reached out to the transcriptionist we use to see if she is available and I will get back to you as soon as I hear from her. Any required deposit would need to be discussed directly with her.

Thank you.

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From: Irina Bondar <irabond@live.com>
Sent: Thursday, July 21, 2022 4:27 PM
To: Tammy Zahner <tzahner@baltimorecountymd.gov>
Subject: Re: Transcript

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Yes, we shall take care of it tomorrow as it is already closing time for you. I would hope to talk with a few transcriptionist, to figure out who is available to do it by due date. How much is the deposit, please? Very sorry for the delay and grateful for notifying me.

Irina

From: Tammy Zahner <tzahner@baltimorecountymd.gov>
Sent: Thursday, July 21, 2022 2:04 PM
To: Irina Bondar <irabond@live.com>
Cc: Busse, Jennifer R. <jbusse@wtplaw.com>
Subject: Transcript

Dear Ms. Bondar:

This email is to follow-up with you regarding ordering transcripts of the proceedings held before the Board of Appeals in the matter of Anna Oster.

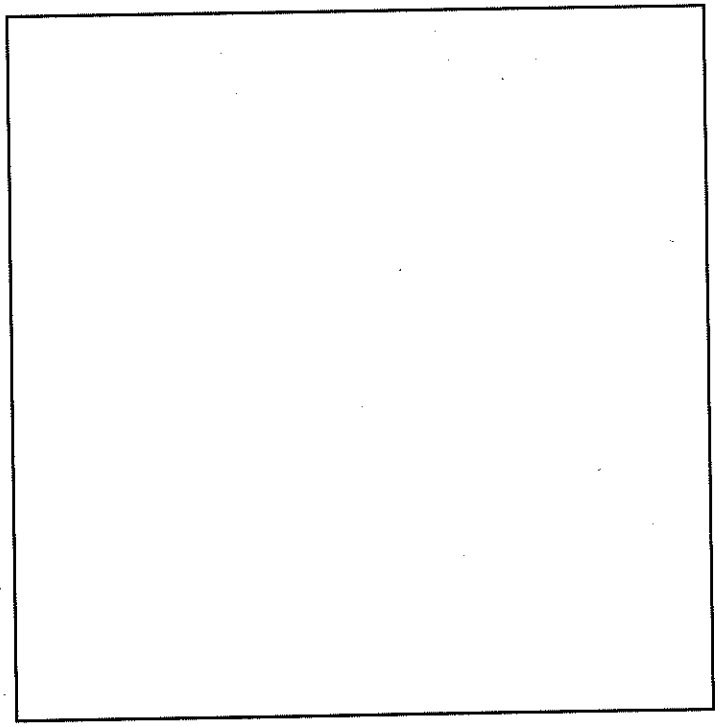
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Please respond to this email letting us know if we have your permission to order the transcripts. If we do, we will provide the necessary recordings and dates to the transcriptionist who will contact you directly with an estimated cost and required deposit. Payment will be made directly to the transcriptionist and she will not release the transcripts to the Board of Appeals until she has received payment in full. The transcripts are due to the Board in 19 days which may result in an expedited fee.

We look forward to hearing from you.

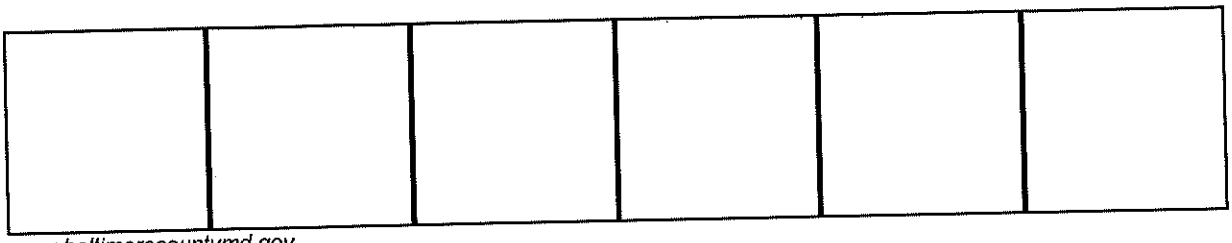
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www.baltimorecountymd.gov

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Thursday, July 21, 2022 4:19 PM
To: Tammy Zahner
Subject: Re: Transcript

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you Ms Zahner,
Can you please get me contacts for the transcriptionists, so I could inquire about costs and other things. I believe you mentioned you a had a few available.

Thank you
Irina Bondar

From: Tammy Zahner <tzahner@baltimorecountymd.gov>
Sent: Thursday, July 21, 2022 2:04 PM
To: Irina Bondar <irabond@live.com>
Cc: Busse, Jennifer R. <jbusse@wtplaw.com>
Subject: Transcript

Dear Ms. Bondar:

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Thank you

Tammy Zahner

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Attachments: Notice to All.pdf

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Thank you.

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Irina

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Subject: Transcript

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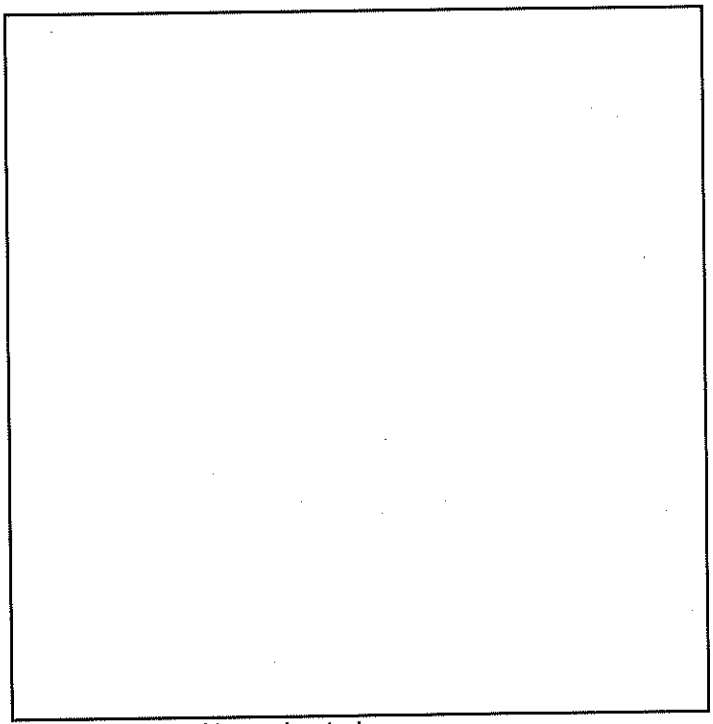
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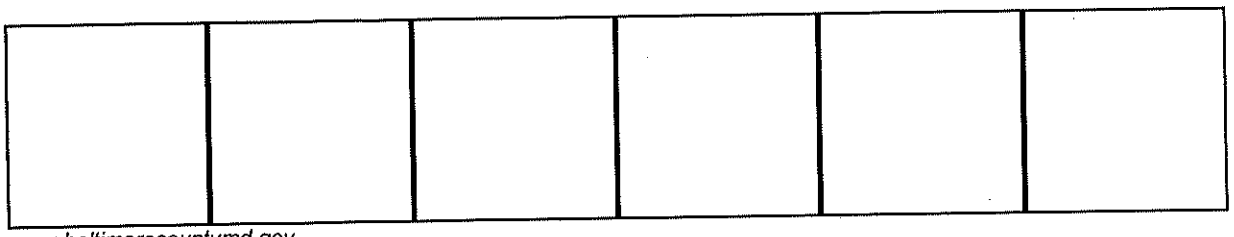
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IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster, property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

RESPONSE TO MOTION TO STRIKE

Petitioner Irina Bondar hereby responds to the Motion to strike .

Petition for Judicial review was filed on time, and for this reason this Court should deny the Motion to strike.

According to Maryland rule 7-203.... a petition for judicial review shall be filed within 30 days **after the latest** of:

(1) the date of the order or action of which review is sought;

(2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or

3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

1. The Board of Appeals issued its decision on May 10, 2022.

   On May 11, 2022 it was mailed to the Petitioner, Irina Bondar as indicated on the attached copy of postmarked envelope from Board of Appeals.

   It was delivered to the Petitioner on Saturday May 14, 2022.

2. Petitioner, Irina Bondar, deposited the Petition and fee in the Court Lobby Mail box on June 9, 2022 which is within 30 days after the Opinion date of May 10.

The Petition was processed and dated by Clerks' office on June 10, 2022 which is within 30 days after the mailing of the notice/ Board of Appeals opinion, June11, 2022.

Mailing envelope from Board of Appeals postmarked June 11, 2022 is attached.

Therefore, Petition for Judicial review was submitted and filed on time as prescribed in Maryland rule 7-203 and Petitioner Irina Bondar respectfully requests that this Court deny the Motion to Strike.

Respectfully,

Irina Bondar

irabond@live.com

410-653-1473

443-204-3380

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 10, 2022

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Oster and Bondar:

Enclosed please find a copy of the Order on Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Master
$000.4

Board of Appeals of Baltimore County
JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

DLI-SSB 21206

C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster,

for Zoning Variance on property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

Resubmitting due to deficient service, for denial dated 7/15/2022

MOTION TO STAY PROCEEDINGS

A Motion to Dismiss for Fraud on Court (case # 20-043-A) was filed with the Originating Agency and awaiting the Board of Appeals ruling.

Petitioner, Irina Bondar respectfully requests that this Court stays proceedings and deadlines on the case No:C-03-CV-22-002308 until further notice, to avoid premature transfer of the file and interference with the proceedings on the Motion to dismiss for Fraud. Notice shall be given by Petitioner within 30 days after the Board's final ruling.

Respectfully,

Irina Bondar

irabond@live.com

410-653-1473

443-204-3380

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

Case No.: C-03-CV-22-002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the matter of:

Anna Oster,

for Zoning Variance on property at 3 Oak Hollow Court, Pikesville, MD 21208

Case No. 20-043-A

LINE

"RESPONSE TO MOTION TO STRIKE" was mailed, submitted and filed on July 22, 2022.

Please attach additional documentation to the above document:

1. Additional Service Certificates.

Respectfully,

Irina Bondar

irabond@live.com

410-653-1473

443-204-3380

CIRCUIT COURT FOR Baltimore County (City/County), **MARYLAND**

Located at 401 Bosley Avenue , Towson MD 21285 (Court Address) **Case No.** C-03-CV-22-002308

IRINA BONDAR (Plaintiff)	vs.	ANNA OSTER, IGOR OSTER (Defendant)
5 OAK HOLLOW CT (Address)		3 OAK HOLLOW CT (Address)
BALTIMORE , MD, 21208 (City, State, Zip)	410-653-1473 (Telephone)	BALTIMORE , MD, 21208 (City, State, Zip)

CERTIFICATE OF SERVICE

I certify that on this 23rd day of July (Month), 2022 (Year), a copy of the document(s) titled Response to Motion to Strike (Title(s) of document(s))

was/were ☒ mailed, postage prepaid ☐ hand delivered, to:

ANNA OSTER, IGOR OSTER (Name)	3 OAK HOLLOW COURT (Address)
	BALTIMORE, MARYLAND, 21208 (City, State, Zip)
MICHAEL P COLLINS Jr (Name)	SEVEN SAINT PAUL STREET, SUITE 1500 (Address)
	BALTIMORE MARYLAND 21202 (City, State, Zip)
7/23/22 (Date)	(Signature of Party Serving)

CIRCUIT COURT FOR Baltimore County, MARYLAND
City/County

Located at 401 Bosley Avenue, Towson MD 21285 Case No. C-03-CV-22-002308
Court Address

IRINA BONDAR	vs.	ANNA OSTER, IGOR OSTER
Plaintiff		Defendant
5 OAK HOLLOW CT		3 OAK HOLLOW CT
Address		Address
BALTIMORE, MD, 21208		BALTIMORE, MD, 21208
City, State, Zip		City, State, Zip
410-653-1473		
Telephone		Telephone

CERTIFICATE OF SERVICE

I certify that on this 22nd day of July (Month), 2022 (Year), a copy of the document(s) titled Response to Motion to Strike
Title(s) of document(s)

was/were ☒ mailed, postage prepaid ☐ hand delivered, to:

ANNA OSTER	109 CHURCH LANE,
Name	Address
	BALTIMORE, MARYLAND, 21208
JENNIFER R BUSSO	City, State, Zip
Name	TOWSON COMMONS, SUITE 300
	Address
	ONE W. PENNSYLVANIA AVE, TOWSON MD 2120
7/22/22	City, State, Zip
Date	Jim Doarnberger
	Signature of Party Serving

☒ E-mailed to Board of Appeals - tzahner@baltimorecountymd.gov

CC-DR-058 (Rev. 06/2019)

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

FILED
2022 JUN 17 PM 2:14
CIRCUIT COURT
BALTIMORE COUNTY

In Re: Complaint # C03CV22002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the case of:

Anna Oster Case No. 20-043-A

RECEIVED
JUL 21 2022
BALTIMORE COUNTY
BOARD OF APPEALS

Request to temporarily freeze/ temporarily suspend proceedings on complaint

A Motion to Dismiss the case for Fraud (case# 20-043-A) has been filed with the Originating Agency. Deliberations on this Motion are scheduled for June 30, 2022 at the Board Of Appeals.

Petitioner, Irina Bondar, respectfully requests that this Court place a temporary freeze or temporarily suspend proceedings on the Petition/Complaint # C 03CV 2200 2308 until further notice to avoid interference with the proceedings on the Motion.

07/15/2022 10:18:40 AM

DENIED

Request to stay proceedings in Circuit Court was not served on all parties in this case. Court will not consider ex parte requests.

Rich Jakubowski

Respectfully,

Irina Bondar

Irina Bondar

irabond@live.com

410-653-1473

443-204-3380

Entered: Clerk, Circuit Court for
Baltimore County, MD
July 18, 2022

FILED JUN 17 2022 CW

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

To: BOARD OF APPEALS OF BALTIMORE COUNTY
105 WEST CHESAPEAKE AVE.
TOWSON, MD 21204

Case Number: **C-03-CV-22-002308**
Other Reference Number(s):

IN THE MATTER OF IRINA BONDAR

RECEIVED
JUL 21 2022
BALTIMORE COUNTY
BOARD OF APPEALS

E-FILED; Baltimore County Circuit Court
Docket: 7/8/2022 1:55 PM; Submission: 7/8/2022 1:55 PM

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

Petition of Irina Bondar **5 Oak Hollow Court** **Pikesville, Maryland 21208** **FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY** **Anna Oster and Igor Oster, Respondents** **3 Oak Hollow Court** **Pikesville, Maryland 21208** **IN THE MATTER OF: ANNA OSTER** **Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court** **BOARD OF APPEALS CASE NO:** **20-043-A**	**CASE NO.: C-03-CV-22-002308**

RESPONSE TO PETITION FOR JUDICIAL REVIEW

Anna Oster and Igor Oster, Respondents, by and through their attorneys Jennifer R. Busse, Michael Collins, Jr. and Whiteford, Taylor & Preston LLP, pursuant to Maryland Rule 7-204 hereby responds to the Petition for Judicial Review.

1. Anna Oster and Igor Oster were parties to the proceeding before the Board of Appeals for Baltimore County.

2. Pursuant to Maryland Rule 7-204, Anna Oster and Igor Oster intend to participate in the action for Judicial Review.

3. Simultaneous herewith, pursuant to Maryland Rules 7-203 and 7-204(b), the Respondents have filed a Motion to Strike the Petition for Judicial Review as untimely.

WHEREFORE, Anna Oster and Igor Oster respectfully request this Court to AFFIRM the decision of the Board of Appeals of Baltimore County.

Respectfully submitted,

/s/ Michael P. Collins, Jr.
Jennifer R. Busse, AIS No. 9812150094
Michael P. Collins Jr., AIS No. 1712130107
WHITEFORD, TAYLOR & PRESTON, LLP
Seven Saint Paul Street, Suite 1500
Baltimore, Maryland 21202-1636
(410) 347-8700
jbusse@wtplaw.com
mcollins@wtplaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July, 2022 a copy of the foregoing Response was served via first class mail on:

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

And via MDEC to:

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov

/s/ Michael P. Collins, Jr.
Michael P. Collins, Jr.

12371232

E-FILED; Baltimore County Circuit Court
Docket: 7/8/2022 1:55 PM; Submission: 7/8/2022 1:55 PM

IN THE CIRCUIT COURT OF MARYLAND

FOR BALTIMORE COUNTY

Petition of Irina Bondar **5 Oak Hollow Court** **Pikesville, Maryland 21208** **FOR JUDICIAL REVIEW OF THE BOARD OF ZONING APPEALS OF BALTIMORE COUNTY** **Anna Oster and Igor Oster, Respondents** **3 Oak Hollow Court** **Pikesville, Maryland 21208** **IN THE MATTER OF: ANNA OSTER** **Petitioner for Zoning Variance on the Property Located at 3 Oak Hollow Court** **BOARD OF APPEALS CASE NO:** **20-043-A**	**CASE NO.: C-03-CV-22-002308**

MOTION TO STRIKE PETITION FOR JUDICIAL REVIEW

Anna and Igor Oster by and through their attorneys Jennifer R. Busse, Michael Collins, Jr. and Whiteford, Taylor & Preston LLP, pursuant to Maryland Rule 7-203 and 7-204(b), move to strike the Petition for Judicial Review as untimely.

1. Ms. Bondar's Petition for Judicial review was filed late. Maryland Rule 7-203 specifically provides for the timing of filing a petition for judicial review, and states as follows:

> (a) . . . a petition for judicial review shall be filed within 30 days after the latest of (1) the date of the order or action of which review is sought; (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

2. The Board of Appeals issued its decision on May 10, 2022. Therefore, as set forth by Maryland Rule 7-203, any Petition for Judicial Review was due on June 9, 2022, thirty (30) days after the date of the Order issued by the Board of Appeals.

3. Ms. Bondar waited until June 10, 2022 to file her Petition, and thus, her Petition was untimely. Because of the late filing, this Court should strike Ms. Bondar's Petition and dismiss this matter in its entirety.

4. Anna Oster and Igor Oster were parties to the proceeding before the Board of Appeals for Baltimore County and simultaneous with the filing of this Motion to Strike have filed a Response to the Petition for Judicial Review.

WHEREFORE, Anna Oster and Igor Oster respectfully request that Court STRIKE the Petition for Judicial Review as untimely, thereby affirming the decision of the Board of Appeals of Baltimore County.

Respectfully submitted,

/s/ Michael P. Collins, Jr.
Jennifer R. Busse, AIS No. 9812150094
Michael P. Collins Jr., AIS No. 1712130107
WHITEFORD, TAYLOR & PRESTON, LLP
Seven Saint Paul Street, Suite 1500
Baltimore, Maryland 21202-1636
(410) 347-8700
jbusse@wtplaw.com
mcollins@wtplaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July, 2022 a copy of the foregoing Motion to Strike and proposed Order was served via first class mail on:

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

And via MDEC to:

Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov

/s/ Michael P. Collins, Jr.
Michael P. Collins, Jr.

12360204

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, June 29, 2022 1:37 PM
To: Appeals Board
Subject: Deliberations/ False testimony recordings case#20-043-A
Attachments: MrBeltAcknowledgesStatement.JPG; BoardChairDoesNot Allow SubmitEvidence.JPG; CrossExamination6.JPG

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2:22:57 Board Chair does not allow Protestant to submit the photos to prove the configuration/size of the carport at approx. 2:22:57 of the Webex recording.

Dear Board of Appeals,

Last deliberations by the Board (on Motion for Reconsideration) have demonstrated that some vital particulars of the Hearing could have become obscure or forgotten since the hearing took place more than a year prior to that. These attached screenshots (2:22:19-2:23:36 -please listen to the actual recording as the transcript text is not exactly accurate here) pinpoint just one instance when rebuttal evidence was expressly offered by Protestant but not allowed to be submitted , again, expressly by Board Chair Mr.Belt. Later in deliberations Mr Belt stated that rebuttal should have been addressed at time of hearing clearly forgetting that he himself forbade it.

Same goes for some other particulars of the hearing.

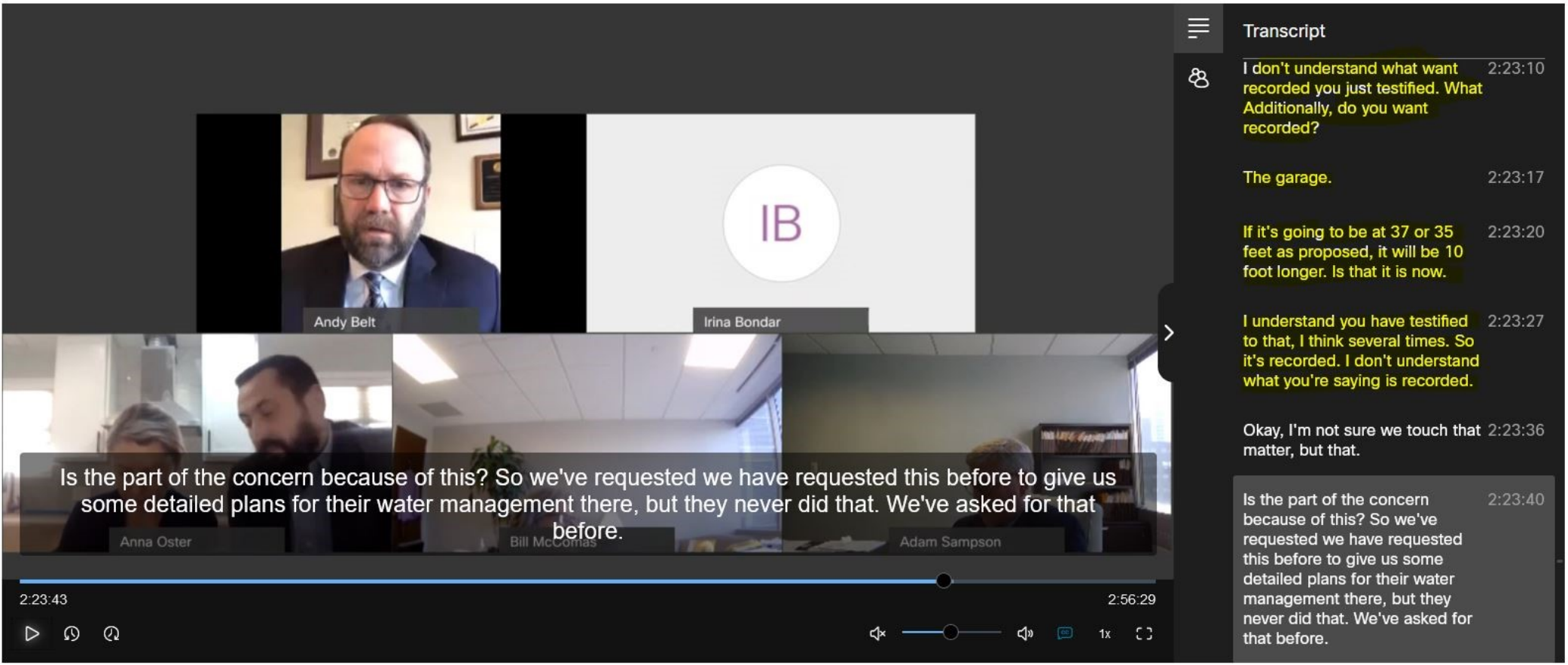
As some essential particulars of the testimonies clearly have been forgotten, Protestant expresses hope that prior to scheduled deliberations the Board would watch the Webex recording of the Petitioner's witness testimony and cross examination (approx. 45 min) which is truly shocking delivery of false testimony under oath, including answers to direct questions from Mr. Sampson and Mr. Belt himself. It is truly shocking if you first compare the Petitioners' site plans to the evidence - photos and aerial images which were offered but rejected at time of hearing. It also appears that the Board did have and displayed aerial photos at time of Mr Carballo's testimony (last screenshot), showing true configuration but it was not taken into account?

This could save resources, taxpayer money and months of further appeals.

We believe this case needs to be brought to light in order to stop future fraudulent attempts and promote fair judicial process which is in the best interest of general public.

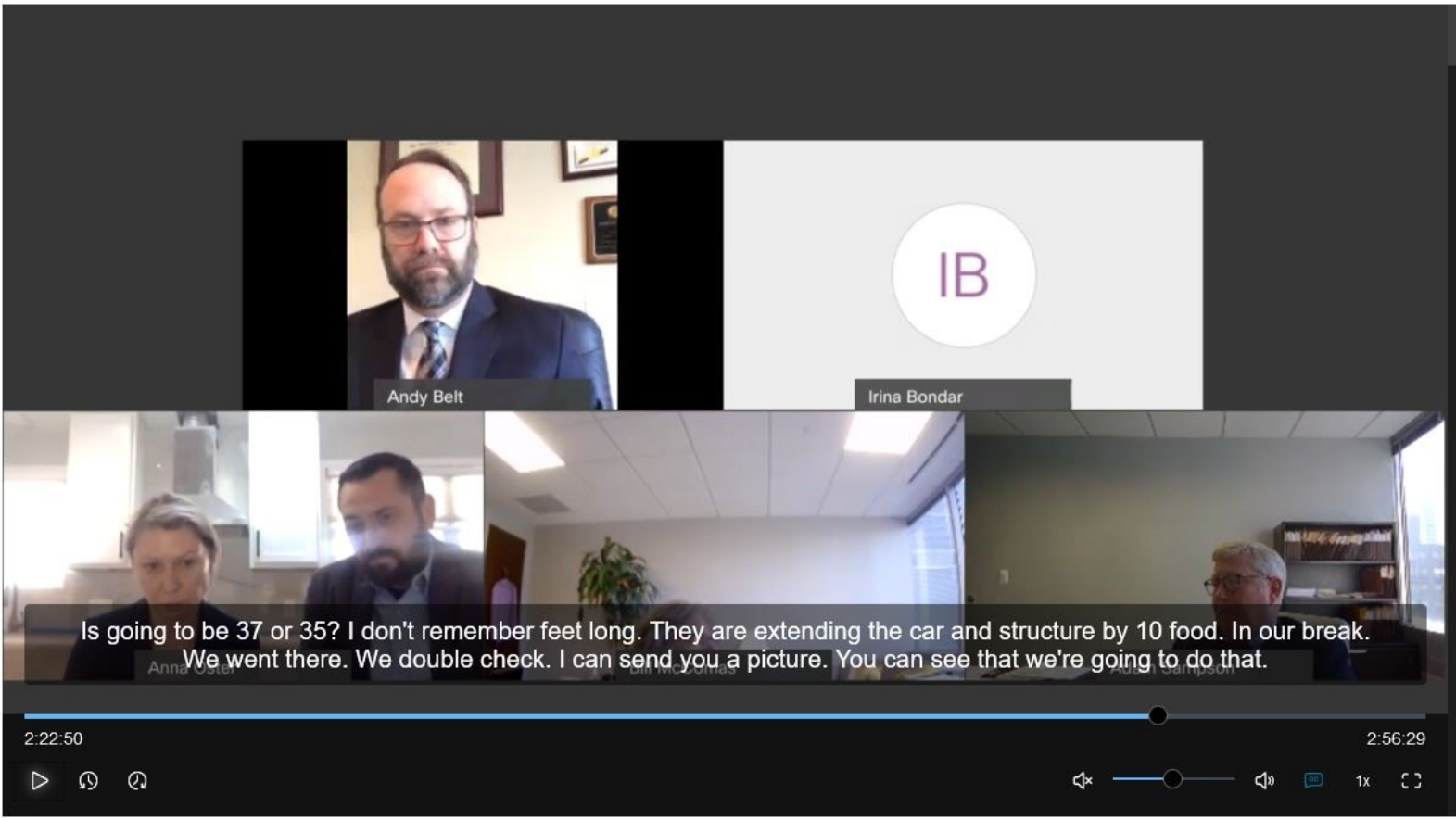
Thank you,
Irina Bondar

Board of Appeals Anna Oster 20-043-A-20210223 1542-2



Board of Appeals Anna Oster 20-043-A-20210223 1542-2

Download the latest version of Firefox.
Download
Dismiss



Transcript

being restate. Your objections are.

We are not moving the structure 10 feet. It's the same roof line. So we're not reconfiguring anything. We're just in close in it. 2:22:19

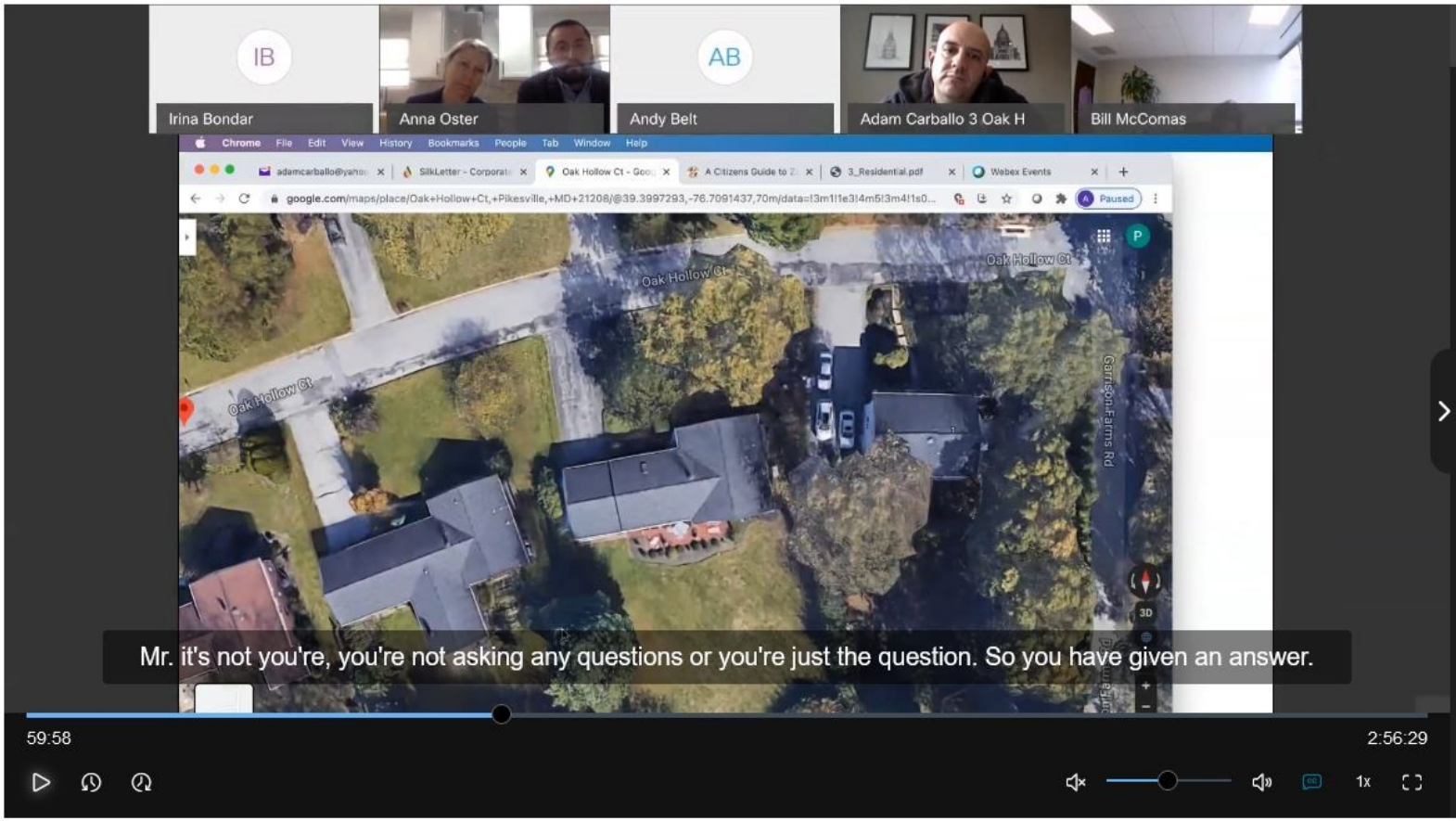
Well, that's not that we're moving 10 feet. 2:22:27

That's actually a cross examination question. That's that's so, if I missed. 2:22:30

If I may make a statement here if the garage that they're proposing. 2:22:37

Is going to be 37 or 35? I don't remember feet long. They are extending the car and structure by 10 food. In our break. We went there. We double check. I can send you a picture. You can see that we're going to do that. 2:22:42

Board of Appeals Anna Oster 20-043-A-20210223 1542-2



Transcript

You shall respond, nor.	59:13
Are you testifying? Do you have a question? He's given you an answer you're giving you a different answer. You have a question of him.	59:19
Yeah, my question is how it looks in the middle between the properties, because it does not present it. True picture. It's misleading picture.	59:27
How happen is, it does not respond.	59:39
Do you have any evidence to prove a document from an expert that shows MS my presentation is somehow Mr.	59:42
Mr. it's not you're, you're not asking any questions or you're just the question. So you have given an answer.	59:57

WHITEFORD, TAYLOR & PRESTON L.L.P.

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

DELAWARE*
DISTRICT OF COLUMBIA
KENTUCKY
MARYLAND
NEW YORK
PENNSYLVANIA
VIRGINIA

WWW.WTPLAW.COM
(800) 987-8705

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

June 28, 2022

Sent via email – appealsboard@baltimorecountymd.gov
Krysundra Cannington, Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED
JUN 28 2022
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Anna Oster/3 Oak Hollow Court
Case No.: 20-043-A

Dear Ms. Cannington:

Please accept this letter as my entry of appearance in the above-referenced matter on behalf of the petitioner and owner, Anna Oster. My phone number and address are as stated above.

Thank you for your attention to this matter.

Very truly yours,

Jennifer Busse Hdm

Jennifer R. Busse

JRB:tdm
12361417
cc: Anna Oster (via email – aniaigor@verizon.net)

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Tammy Zahner

From: Tammy Zahner
Sent: Tuesday, June 28, 2022 3:04 PM
To: Busse, Jennifer R.
Subject: RE: Oster / Bondar
Attachments: Certificate of Compliance.pdf

I filed the Certificate of Compliance with the Circuit Court June 22nd. Attached is a copy. You can enter your appearance before the Board and we will send you the Ruling on Motion to Dismiss.

I assume you should also enter your appearance with the Circuit Court.

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Tuesday, June 28, 2022 2:58 PM
To: Tammy Zahner <tzahner@baltimorecountymd.gov>
Cc: Collins Jr., Michael P. <MCollins@wtplaw.com>
Subject: RE: Oster / Bondar

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Thanks!
Can I ask your help with confirming how the rules work –
Has the Board sent the notice of the petition for judicial review?
I got it from the Courthouse.
Maybe now I realize my appearance wasn't entered so you wouldn't have sent me the notice?
Should I enter my appearance before the Board now?

Whiteford | Taylor | Preston

Jennifer R. Busse | *Partner*
Towson Commons, Ste. 300| One West Pennsylvania Avenue | Towson, MD | 21204-5025
t: 410.832.2077 | f: 410.339.4027
jbusse@wtplaw.com | Bio | vCard | http://secure-web.cisco.com/1szej3xfcmwg9vfmB-NUS0EvEezFXLAwTnSuZp5pGsc4nvRAKyweDaSRpvayhvq9rYUYq3k0MKN2qp90XeudiB89UoqkLyuj_6tXH8j_DFDsfNdTJb-8O9Fs31NZBufVy3w39WdP8z9BU6N0D4T0XqkIb2ITRmrXESYqrkHn8zBqmFf0YRhS_LZ0IxPvYFZPAdQw1x57RnZ_4yCzCXvgAiGWv58Sx2NAIhcIkTT7OOlJFseFVvd8mzpIjEHviPCgxURZ9WZNhdFCmlA9Z4O7ceMp_1xn9_O-HnM0YjDKvbNFg7FwaVH0LY5KcXQaOEi4E-ERDixuSZPtHd8nyIQ3L6NJf-_cHvauf-AWFemAWUDu5UZe9-0v3FgErmUur1WKsGrv1nM3xk7F6_yGWWPozgZRU9CNUEQ2cMPhu9vA56Zs97hRavloSHo2TkAs97Deh/http%3A%2F%2Fwww.wtplaw.com

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From: Tammy Zahner <tzahner@baltimorecountymd.gov>
Sent: Tuesday, June 28, 2022 2:46 PM
To: Busse, Jennifer R. <jbusse@wtplaw.com>
Subject: [EXTERNAL] Oster / Bondar

Jen,

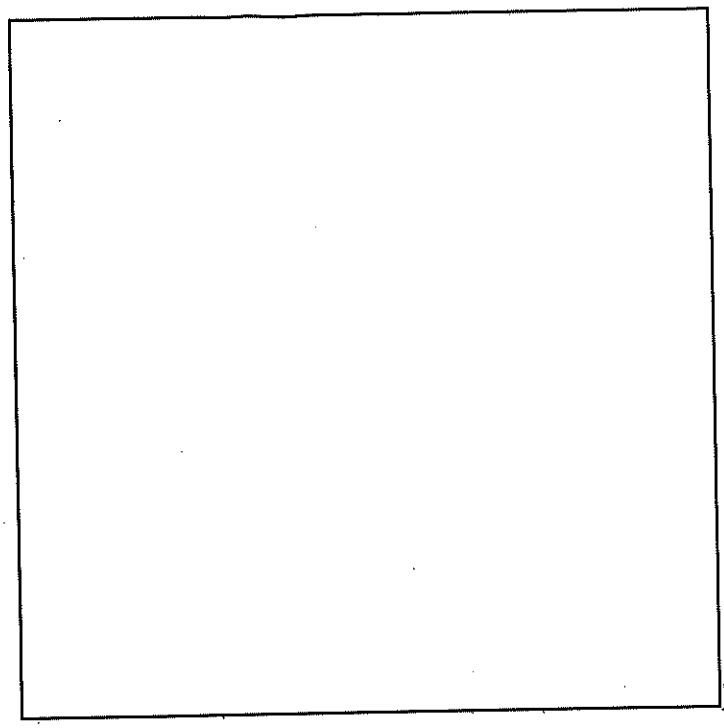
Attached is a copy of the Notice of Public Deliberation on Motion to Dismiss in the matter of Anna Oster.
Following is a link to the Public Deliberation is you wish to watch:

https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=efaa95ed4692f5636dde3ae119be57ff2 [baltimorecountymd.webex.com]

Please let us know if you have any questions.

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

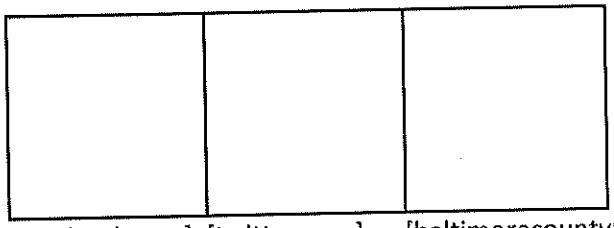
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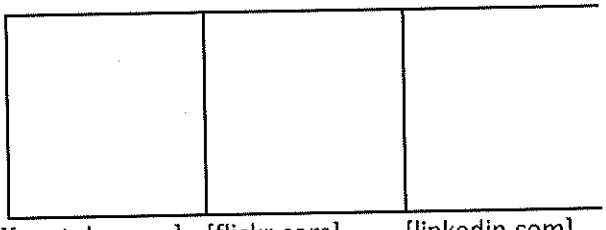


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Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Thursday, June 23, 2022 11:33 PM
To: Appeals Board
Subject: Case 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning ladies,

Circuit Court informed me yesterday that the documents I submitted to them need to be served to the Board. I delivered them today , but you were out of the office, so I slid a yellow envelope under the door per instructions posted on the door. I also included the service cert with mailing receipt that was mailed to the Petitioner earlier regarding the Motion.

Thank you,
Irina



☐CIRCUIT COURT ☐DISTRICT COURT OF MARYLAND FOR Baltimore County
City/County

Located at 105 West Chesapeake Avenue, Suite 203 Case No. CASE NO. 20-043-A

STATE OF MARYLAND

OR

IRINA BONDAR
~~Plaintiff~~ RESPONDENT

~~Trial Date~~ ANNA Oster
PETITIONER

Property: 3 Oak hollow Ct
BALTIMORE MD 2120

vs.

~~Defendant~~

CERTIFICATE OF SERVICE - FIRST CLASS MAIL

I hereby certify that a copy of the Motion to Dismiss the Case for Fraud
Name of Document Mailed

was mailed first-class mail, postage prepaid, on 06/10/2022 to:
Date

Mrs Anna Oster

109 Church Lane
Address

Baltimore, Maryland 21208
City, State, Zip

Address

City, State, Zip

Address

City, State, Zip

7018 1830 0000 0484 6121

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Pikesville MD 21208

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☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$
Postage	$1.56
Total Postage and Fees	$5.31

Postmark Here
JUN 10 2022
PIKESVILLE BRANCH
06/10/2022

Sent To MRS ANNA Oster
Street and Apt. No., or PO Box No. 109 Church Ln
City, State, ZIP+4® BALTIMORE MD 21208

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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70181830000004846121

Total $5.31

Grand Total: $5.31

Credit Card Remitted $5.31
Card Name: AMEX
Account #: XXXXXXXXXXX1000
Approval #: 889265
Transaction #: 528
AID: A000000025010801 Chip
AL: AMERICAN EXPRESS

Irina Bondar
Signature of Party Serving

Irina Bondar
Print Name

5 Oak Hollow Ct
Address

Baltimore, Maryland 21208
City, State, Zip

410-653-1473
Telephone Number

Fax

irabond@live.com
E-Mail

RECEIVED
JUN 23 2022
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

In Re: Complaint # C03CV22002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the case of:

Anna Oster Case No. 20-043-A

Notice of docketing delay/ filing deadline

Re: Filing deadline

Petitioner, Irina Bondar needs to inform this Court that the above mentioned petition was docketed with the delay, on the fifth day after the Petition and fee was delivered to the Lobby mailbox on Thursday June 9, 2022. Petitioner stopped by next day June 10th, 2022 to make sure it was received and accepted, in order to comply with the deadline. But the Petition was not yet docketed at that time. Clark at the window advised that the document must be in line to be processed and there was no way to track it at that time and suggested to check on the status later. It was docketed on Munday June 13, 2022.

Respectfully,

Irina Bondar

Irina Bondar

irabond@live.com

410-653-1473

443-204-3380

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

In Re: Complaint # C03CV22002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the case of:

Anna Oster Case No. 20-043-A

Request to temporarily freeze/ temporarily suspend proceedings on complaint

A Motion to Dismiss the case for Fraud (case# 20-043-A) has been filed with the Originating Agency. Deliberations on this Motion are scheduled for June 30, 2022 at the Board Of Appeals.

Petitioner, Irina Bondar, respectfully requests that this Court place a temporary freeze or temporarily suspend proceedings on the Petition/Complaint # C 03CV 2200 2308 until further notice to avoid interference with the proceedings on the Motion.

Respectfully,

Irina Bondar

Irina Bondar

irabond@live.com

410-653-1473

443-204-3380

RECEIVED
JUN 23 2022
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
IRINA BONDAR *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-22-002308
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, MD 21204

*

IN THE MATTER OF:
ANNA OSTER *
Petitioner for Variance on the Property
located at 3 Oak Hollow Court *

3RD ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT

*

BOARD OF APPEALS CASE NO.: 20-043-A

* * * * * * * * * * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 22nd day of June, 2022, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 22, 2022

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-22-002308
In the Matter of: Anna Oster
Board of Appeals Case No.: 20-043-A

Dear Ms. Oster and Ms. Bondar:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Irina Bondar, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on June 17, 2022. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Ms. Bondar, having taken the appeal, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

WebEx was the official record of the hearing before the Board. The recording(s) will be made available by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request. Please contact our office upon receipt to discuss ordering the transcript.

Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than AUGUST 9, 2022 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner
Legal Secretary

Duplicate Original Cover Letter
Enclosure

c: Adam Carballo/Carballo Architecture, LLC

Tammy Zahner

From: Appeals Board
Sent: Tuesday, June 21, 2022 7:29 AM
To: 'Irina Bondar'
Subject: RE: CASE NO. 20-043-A

The Board is in receipt of your email below an attachment.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

Confidentiality Statement
This electronic mail transmission contains confidential information belonging to sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notifiy sender.

From: Irina Bondar <irabond@live.com>
Sent: Friday, June 17, 2022 12:50 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: CASE NO. 20-043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board of Appeals,

Due to some misunderstanding and confusion whether deadlines for Judicial Review are extended by Motion to Dismiss the Case, Petition for Judicial review was filed to comply with the deadlines . However, Deliberations at the Board of Appeals has been scheduled for June 30, 2022 as we found out today. Attached please see the request to temporarily suspend or freeze the Petition for Judicial review filed with the Circuit Court until the Board's decision on the Motion, to avoid file transfer and interference with the Motion.

Assuming the Circuit court will notify the Board, but with the delay of mailing, we thought it would be wise to notify the Board.

Respectfully,
Irina

RECEIVED
JUN 17 2022
BALTIMORE COUNTY
BOARD OF APPEALS

P.s. Please acknwledge receipt.

IN THE CIRCUIT COURT FOR Baltimore County, MARYLAND

In Re: Complaint # C03CV22002308

Petition of Irina Bondar, 5 Oak Hollow Court, Pikesville, MD, 21208

POR JUDICIAL REVIEW OF THE DECISION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

In the case of:

Anna Oster Case No. 20-043-A

Request to temporarily freeze/ temporarily suspend proceedings on complaint

A Motion to Dismiss the case for Fraud (case# 20-043-A) has been filed with the Originating Agency. Deliberations on this Motion are scheduled for June 30, 2022 at the Board Of Appeals.

Petitioner, Irina Bondar, respectfully requests that this Court place a temporary freeze or temporarily suspend proceedings on the Petition/Complaint # C 03CV 2200 2308 until further notice to avoid interference with the proceedings on the Motion.

Respectfully,

Irina Bondar

irabond@live.com

410-653-1473

443-204-3380

RECEIVED
JUN 17 2022
BALTIMORE COUNTY
BOARD OF APPEALS

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

To: BOARD OF APPEALS OF BALTIMORE COUNTY
105 WEST CHESAPEAKE AVE.
TOWSON, MD 21204

Case Number: **C-03-CV-22-002308**
Other Reference Number(s):

IN THE MATTER OF IRINA BONDAR

RECEIVED
JUN 17 2022
BALTIMORE COUNTY
BOARD OF APPEALS

CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

Case Number: C-03-CV-22-002308
Administrative Agency: 20-043-A
Workers Compensation Number: N/A

To: BOARD OF APPEALS OF BALTIMORE COUNTY
105 WEST CHESAPEAKE AVE.
TOWSON, MD 21204

IN THE MATTER OF IRINA BONDAR

Date: 6/13/2022

NOTICE TO ADMINISTRATIVE AGENCY OF JUDICIAL REVIEW

You are advised that a petition for judicial review was filed on 06/13/2022 and assigned Civil Action No. C-03-CV-22-002308.

Pursuant to Maryland Rule 7-202(d) (1), a copy of the petition is enclosed for the agency.

Julie L. Ensor
Clerk of the Circuit Court

cc:

RECEIVED
JUN 17 2022
BALTIMORE COUNTY
BOARD OF APPEALS

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 13, 2022

NOTICE OF DELIBERATION ON MOTION TO DISMISS

IN THE MATTER OF: Anna Oster
3 Oak Hollow Court
20-043-A 3rd Election District; 3rd Councilmanic District

Re: Motion to Dismiss filed by Irina Bondar on June 10, 2022.

ASSIGNED FOR: JUNE 30, 2022 AT 9:30 A.M.

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at** www.baltimorecountymd.gov/departments/appeals.html.

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

c. Petitioner/Legal Owner : Anna Oster

Protestant/Appellant : Irina Bondar

Adam Carballo, Architect/Carballo Architecture, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
David Lykens, Director/DEPS
C. Peter Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney
Nancy C. West, Assistant County Attorney

C-03-CV-22-002308

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

PETITION OF Irina Bondar,

5 Oak Hollow CT Pikesville, MD, 21208

FOR JUDICIAL REVIEW OF THE DECISION, ORDER AND OPINION OF THE

Board of Appeals of Baltimore County, 105 West Chesapeake Avenue, 21204

RECEIVED
JUN 17 2022
BALTIMORE COUNTY
BOARD OF APPEALS

IN THE CASE OF

Anna Oster Case No. 20-043-A

CIVIL ACTION No.20-043-A

The action being sought for Judicial Review on the decision of the Order on Motion for Reconsideration filed on May 10th 2022 in the Anna Oster case, 20-043-A.

Irina Bondar was a party to the agency proceeding.

Irina Bondar 6/9/2022
5 Oak Hollow Ct, Baltimore, Md 21208

Irabond@live.com

410-204-3380

FILED JUN 10 2022

☐CIRCUIT COURT ☐DISTRICT COURT OF MARYLAND FOR Baltimore County
City/County

Located at 105 West Chesapeake Avenue, Suite 203 Case No. CASE NO. 20-043-A

STATE OF MARYLAND

OR

Irina Bondar
~~Plaintiff~~
Proponent

vs.

Anna Oster
Petitioner
3 Oak Hollow Ct
Baltimore ~~Defendant~~ MD 21208

CERTIFICATE OF SERVICE - FIRST CLASS MAIL

I hereby certify that a copy of the Motion to Dismiss the Case for Fraud
Name of Document Mailed

was mailed first-class mail, postage prepaid, on 06/10/2022 to:
Date

Mrs Anna Oster
Name

109 Church Lane
Address

Baltimore, Maryland 21208
City, State, Zip

Name

Address

City, State, Zip

Name

Address

City, State, Zip

Date

Irina Bondar
Signature of Party Serving

Irina Bondar
Print Name

5 Oak Hollow Ct
Address

Baltimore, Maryland 21208
City, State, Zip

410-653-1473
Telephone Number

Fax

irabond@live.com
E-Mail

CC-DC-067 (Rev. 11/2015)

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 20-043-A**

Legal Owner

Petitioner

BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

June 8, 2022

RECEIVED
JUN 10 2022
BALTIMORE COUNTY
BOARD OF APPEALS

RESPONDENT'S MOTION TO DISMISS THE CASE FOR FRAUD ON COURT

OPINION AND ORDER DATED May 10, 2022

Irina Bondar, Respondent, respectfully requests that this Court exercise its right to reverse its opinion and order, issued May 10, 2022 on the grounds of false testimony delivered by Petitioner's expert witness, perjury and fraud, and moves this Board to dismiss this case with prejudice.

In February 2020, Petitioners requested variance relief from § 205.3 of the Baltimore County Zoning Regulations (BCZR) to permit an addition with a side yard setback of 4 ft. 6 in, in particular to enlarge the existing carport by 10 ft to comfortably fit the owner's vehicle and enclose it to add safe storage space and privacy as documented in Petitioner's Project Narrative dated 2/11/2020) and ALJ's Opinion and Oder dated 8/21/2020. And to permit an addition with a side yard of 13ft. 8 in setback for a master bedroom suite in lieu of the required 15 ft respectively. In open hearing, in July 2020 Petitioners dropped the request for the 13ft 8 in. setback and were only pursuing the 4 ft. 6. in. setback variance.

In that hearing Architect Adam Carballo appeared on behalf of the Petitioners. From ALJ's Order and Opinion- *"He (Mr. Carballo) stated that Petitioner wishes to change carport into a garage and extend it" - which would further reduce the existing 6 ft.3 in*

setback to be 4 ft.6 in - per Petitioner's project narrative. Requested variance was granted.

During his testimony under oath in the de novo Appeal hearing before the Board of Appeals on February 23, 2021 Petitioner's expert witness Mr Carballo grossly misrepresented the existing conditions of the property, as well as the Petitioner's intentions, contradicting evidence and facts they stated earlier in writing and on record. Mr Carballo is a licensed architect and testifies in courts of several counties on zoning matters regularly. He is well familiar with the zoning requirements and professionally offers Zoning analysis services.

The material facts misrepresented included the measurements/size of the structures and setbacks, for which Petitioners requested variance relief. As well as false statements related to property's uniqueness factors, such as change of zoning designation, which in fact had the same setback and width requirements, or the dwelling incompliance from day one, which is also false because it can be seen on Historical Aerials in 1966 without the carport, that was added later and made it incompliant.

At time of the hearing, the Appeals Board was in possession of the case file which contains documentation - Petitioners site plan and Project Narrative- from the first hearing in front of ALJ in 2020, which supports this statement of false testimony. It is also attached with this motion. Respondent referred the Board's attention to this documentation when the false representation was discovered. The Board member Mr Adam Sampson apparently noticed the discrepancies and made an earnest attempt to get clarification from Mr Carballo regarding the size and configuration of the carport at time of cross-examination, but wasn't getting a coherent answer. At this point another Board member Mr William McComas came to rescue and practically testified in place of Petitioner's witness regarding the size and configuration of the carport, without ever measuring it or visiting the property.

Respondent offered photographic evidence at time of her testimony prepared during recess, to show the true configuration, but the Board Chair Mr Belt expressly did not allow to submit. He acknowledged Respondent's verbal statement though.

This evidence and explanation were submitted to the Board with the Closing Statement and Motion for Reconsideration, so we can assume they are fully aware of the fraudulent intent. Much later January 25 2022, in deliberations for Motion for Reconsideration Mr Belt explained that the false testimony issues would not be addressed by the Board because" allegations of false

evidence, those type of rebuttals, need to take place during the hearing" (verbatim from Webex recording of the deliberations).

Not allowed at the hearing and too late after the hearing.

Misrepresentation by the Expert Witness were deliberate false statements. with intent to defraud or to subvert the truth-seeking function of the court, with full knowledge of the true size of the carport. He measured it according to his testimony. He is very well familiar with the property and structure as he prepared multiple documents for this court, and to obtain permits for other additions. This was clearly coordinated with the Petitioners, who were attending the hearing the entire time, but did not offer a correction. She did state in writing at a later date that she had Property survey obtained from a licensed surveyor in April of 2020, but did not offer correction at the hearing or in the next 15 months since the hearing. If it wasn't intentional, this issue would be resolved on the spot at the hearing.

For this de novo Appeal hearing Mr Carballo submitted an updated site plan – reason being, per Mr. Carballo, to document the current conditions of the property with the two new rear additions already in place, which graphically and effectively drew attention to the new completed additions and away from other inconspicuous changes done in small print (Exhibit attached).This new plan marks the desired extended carport as already existing. As well as reduced 4 ft 6 in setback as existing. It falsely states that the extended carport with the depth of 35 ft 7 in already exists, and that Petitioners are only requesting to enclose this existing structure. Mr Carballo repeatedly affirmed his statement that the existing carport is to be enclosed without changes to footprint, roof or the driveway. In reality it is the same 25 ft as it was prior to their ownership, at time of their variance request and as of this day. Aerial photo of the house shows clearly that the depth of the carport is the same as the depth of the dwelling where it is attached. It does not show any bump out or addition on the carport/driveway side. But the site plans submitted by Mr Carballo do show an extension/addtion of 10 ft at that end. It does not exist on the photos. And the true depth can be easily extrapolated from the measurements on the original site plan. This technique was used by the court in the Case of Cromwell v. Ward, which is the current governing law for variances. Please see these exhibits in attachment. 4 attached documents- Site Plans, Project Narrative and an aerial

photo are sufficient to show that the carport does not have an extension that is shown on the Site Plan as existing --Site Plans, Project Narrative and an aerial photo

At time of her testimony, Respondent offered photographic evidence (rear and aerial view of the structure) obtained during recess to demonstrate the true configuration/ size of the carport. The Board's Chair Mr. Belt did not allow Respondent to submit it. . But later, at a deliberation on Motion for Reconsideration on January 25, 2022 Mr. Belt explained that the false testimony issues are not being addressed by the Board because verbatim" it was supposed to be brought up at time of hearing (which it was and several times,) and Mr. Belt had acknowledged the statement after refusing to see the photographic evidence As a result Board has ruled on a contradictory (setbacks) and entirely false (size of existing carport) testimony of Mr. Carballo We had attached Petitioner's original project narrative and Petitioners' construction plan showing proposed additions in detail to support our statement .

The Board did not support Respondent's request, addressed to Mr Carballo, to present the site plans on a survey prepared by a licensed land surveyor, of which he had several per his testimony. so that the true setbacks and other measurements of proposed structure could be known. Mr Carballo insisted under Oath that his plans and measurements are accurate and true.

As a result, the Board was misled to believe that they are approving a variance to enclose the existing structure is clearly shown in the Deliberation minutes (attached) The Board has based their Opinion on false testimony of the Petitioner's witness. But they in turn were to a degree instrumental to it, by not allowing Respondent's evidence at time of hearing, and not ordering the Petitioner to share their property surveys they claim they have, as requested by the Respondent. In reality the Board approved a 2-car garage/storage of nonresidential size approximately 20 by 35 ft as documented on the updated site plan admitted into evidence. Oversize structures are a serious concern when so close to property line and other dwellings. This desired oversize structure is very much in line with the business activities of the Petitioners who run a construction/home improvement company. The driveway has already been enlarged (photo attached)

contrary to the testimony, all the way to the property line and facilitates maneuvering of Petitioners oversized work vehicles. The property is currently being used as a park and ride for Petitioners' employees who leave their cars on Oak Hollow Court (which is a strictly residential area) and then travel to their job sites. This community has been fighting a similar situation just a couple blocks away (3424 Birch Hollow Road) for the past 10 years, regular complaints recorded with this court after a variance for an oversize garage was approved for an owner of a construction business.

Long ago, the Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with "rudimentary demands of justice." *Mooney v. Holohan*, 294 U.S. 103, 112 (1935).

False testimony under Oath is a crime of perjury, when committed with knowledge and intent, which was clearly present in this case. A purposeful deception (a false statement, a misrepresentation of an important fact) with intention of material gain is fraud. These are crimes punishable under Federal and state law. Such actions should not be accepted at this Court.

Ruling on false testimony is encouragement for future misdemeanors, and virtually rewarding the crime.

Respondent is hereby respectfully requesting this Court to reverse their order and opinion and dismiss this case with prejudice.

Please extend the deadline for Judicial Review until after the decision on this motion.

I, Irina Bondar, of Baltimore, Maryland, do solemnly declare that all statements are made of my own knowledge and are true and that all statements made on information and belief are believed to be true.

Irina Bondar

5 oak Hollow Ct Baltimore, MD 21208

irabond@live.com

3 Oak
Hollow ct

3 Oak
Hollow ct

EXH. 5
Oak Hollow Ct
Forsythia adjacent properties



Carballo
Architecture

February 11, 2020

Project Narrative and Hardship

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

The subject property is located on a pie-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. Due to the lot shape, the existing building is very close to the side property line in its current configuration. The west side of the building at the existing carport only offers a 6'-3" setback at the narrowest point to the property line. On the east side, a 15'-3" existing side yard setback is provided.

The homeowners are in need of additional living space which will include a master suite as well as enclosing the carport to gain the security of a garage. The master suite is proposed to be located off the rear, east side of the building, adjacent to the other bedrooms in the home. Due to existing architectural layout, this programmatic element must be located in this area.

We proposal to add a rear addition that would align with the existing building elevation to the rear. In doing this we will further reduce the setback to the side yard from 15'-3" to 13'-8". We are asking for relief of this setback due to the site constraints of a tapered lot line.

The carport is proposed to be enclosed and increased in depth. Enclosing this structure will add much needed security for the family as the enter and leave their home. There are a number of homes on this street that have enclosed their carports in recent years due to the same reasons. The existing carport is undersized and must increased in order to comfortably fit the homeowner's vehicle. The rear addition will further encroach upon the side yard setback requirement, reducing the existing from 6'-3" to 4'-6". This reduction will still allow safe passage from front to rear and vice versa.

It is for these reasons that this variance request for side yard setback be considered and granted as the existing site conditions do not allow for any other solution for providing additional living space and enclosure of the existing carport.

Adam Carballo, Architect

2015 IECC CODE COMPLIANCE

R301.1 CLIMATE ZONE 4A

R401.2 COMPLIANCE METHOD:
MANDATORY AND PRESCRIPTIVE PROVISIONS

R402.1.1 VAPOR RETARDER: WALL ASSEMBLIES IN THE BUILDING THERMAL ENVELOPE SHALL COMPLY WITH VAPOR RETARDER REQ'S OF SECTION R702.7 OF THE IRC, 2015 Ed.

R402.1.2 ATTIC INSULATION = R-49

RAISED HEEL TRUSSES = R-38

R402.1.2 WOOD FRAME WALL:
R-20 OR R-13 PLUS R5 CONT INSUL

R402.1.2 BASEMENT WALL INSULATION:
R-13 / R-10 FOIL FACED CONT, UNINTERRUPTED BATTS FULL HEIGHT

R402.1.2 CRAWL SPACE WALL INSUL: R-13/R-10 FOIL FACED CONT. BATTS FULL HEIGHT

EXTENDING FROM FLOOR ABOVE TO FINISH GRADE LEVEL AND THEN VERT OR HORT AN ADDITIONAL 2-0"

R402.1.2 FLOOR INSULATION OVER UNCONDITIONED SPACE = R-19 BATT INSUL

R402.1.2 WINDOW U-/VALUE / SHGC : .35 (U-VALUE),40 (SHGC)

R402.2.10 SLAB ON GRADE FLOORS LESS THAN 12" BELOW GRADE:
R-10 RIGID FOAM BOARD UNDER SLAB EXTENDING EITHER 2'-0" HORT / VERT.

R402.2.4 ATTIC ACCESS:

R402.4 ATTIC ACCESS SCUTTLE WILL BE WEATHERSTRIPPED AND INSULATED R-49

BUILDING THERMAL ENVELOPE (AIR LEAKAGE) EXTERIOR WALLS AND PENETRATIONS WILL BE SEALED PER THIS SECTION OF THE 2015 IECC WITH CAULK, GASKETS, WEATHER STRIPPING OR AN AIR BARRIER OF SUITABLE MATERIAL, SEALING METHODS BETWEEN DISSIMILAR MATERIALS SHALL ALLOW SEALING FOR DIFFERTIAL EXPANSION AND CONTRACTION.

R402.4.1.2 BUILDING ENVELOPE TIGHTNESS TEST:
BUILDING ENVELOPE SHALL BE TESTED AND VERIFIED AS HAVING AN AIR LEAKAGE RATE OF NOT EXCEEDING 3 AIR CHANGES PER HOUR. TESTING SHALL BE CONDUCTED IN ACCORDANCE WITH ASTM E 779 or ASTM E 1827 WITH (BLOWER DOOR) AT A PRESSURE OF 0.2 INCHES w.g. (50 PASCALS). TESTING SHALL BE CONDUCTED BY AN APPROVED THIRD PARTY. A WRITTEN REPORT OF THE RESULTS OF THE TEST SHALL BE SIGNED BY THE PARTY CONDUCTING THE TEST AND PROVIDED TO THE BUILDING INSPECTOR.

R402.4.2 FIREPLACES: NEW WOOD BURNING FIREPLACES WILL HAVE TIGHT-FITTING FLUE DAMPERS OR DOORS, AND OUTDOOR COMBUSTION AIR. FIREPLACE DOORS SHALL BE LISTED AND LABELED IN ACCORDANCE WITH UL127 (FACTORY BUILT FIREPLACE) AND UL907 (MASONRY FIREPLACE).

R402.4.4 ROOMS CONTAINING FUEL-BURNING APPLIANCES WHERE OPEN COMBUSTION AIR DUCTS PROVIDE COMBUSTION AIR TO OPEN COMBUSTION FUEL BURNING APPLIANCES. THE APPLIANCES AND COMBUSTION AIR SHALL BE LOCATED OUTSIDE THE BUILDING THERMAL ENVELOPE OR ENCLOSED IN A ROOM ISOLATED FROM INSIDE THE THERMAL ENVELOPE. EXCEPTIONS: 1. DIRECT VENT APPLIANCES WITH BOTH INTAKE AND EXHAUST PIPES INSTALLED CONT TO THE OUTSIDE. 2. FIREPLACES AND STOVES COMPLYING WITH SECTION R402.4.2 AND SECTION R1006 OF THE IRC.

R402.4,5 RECESSED LIGHTING: RECESSED LUMINARIES INSTALLED IN THE BUILDING THERMAL ENVELOP SHALL BE SEALED TO THE LIMIT AIR LEAKAGE.

R403.1.1 THERMOSTAT - ALL DWELLING UNITS WILL HAVE AT LEAST ONE (1) PROGRAMMABLE THERMOSTAT FOR EACH SEPARATE HEATING AND COOLING SYSTEM AS PER 2015 IECC SECTION 403.1.1.

R403.1.2 WHERE A HEAT PUMP SYSTEM HAVING SUPPLEMENTARY ELECTRIC RESISTANCE HEAT IS USED THE THERMOSTAT SHALL PREVENT THE SUPPLEMENTARY HEAT FROM COMING ON WHEN HEAT PUMP CAN MEET HEATING LOAD.

R403.2.1 MECHANICAL DUCT INSUL SUPPLY & RETURN DUCTS IN ATTIC = R-8 MIN. R-6 WHEN LESS THAN 3 INCHES SUPPLY AND RETURN DUCTS OUTSIDE OF CONDITIONED SPACES R-6

MIN. ALL OTHER DUCTS EXCEPT THOSE LOCATED COMPLETELY INSIDE THE BUILDING THERMAL ENVELOPE = R-6 MIN. DUCTS LOCATED UNDER CONCRETE SLABS = R-6 MIN

R403.3,2 DUCT SEALING ALL DUCT, AIR HANDLERS, FILTER BOXES WILL BE SEALED, JOINTS AND SEAMS WILL COMPLY WITH SECTION M1601.4.1 OR THE IRC. A DUCT

TIGHTNESS TEST (DUCT BLASTER - DUCT TOTAL LEAKAGE TEST) WILL BE PERFORMED ON ALL HOMES

AND SHALL BE VERIFIED BY EITHER A POST CONSTRUCTION TEST OR A ROUGH IN TEST. DUCT TIGHTNESS TEST IS NOT REQUIRED IF THE AIR HANDLER AND ALL DUCTS ARE LOCATED WITHIN CONDITIONED SPACE

R403.6 MECHANICAL VENTILATION OUTDOOR, (MAKE UP AND EXHAUST), AIR DUCTS TO BE PROVIDED WITH AUTOMATIC OR GRAVITY DAMPER THAT CLOSE WHEN THE VENTILATION SYSTEM IS NOT OPERATING.

R403.6.1 WHOLE HOUSE MECHANICAL VENTILATION SYSTEM FAN EFFICIENCY TO COMPLY WITH TABLE R403.6.1

R403.7 EQUIPMENT SIZING SHALL COMPLY WITH R403.7

R404.1 LIGHTING EQUIPMENT A MINIMUM OF 75% OF ALL LAMPS (LIGHTS) MUST BE HIGH-EFFICIENCY LAMPS, THIS CONTRACTOR ALSO RESPONSIBLE FOR GENERATING A CERTIFICATE OF COMPLIANCE AND AFFIXING TO ELECTRICAL PANEL OR WITHIN 6 FEET OF THE ELEC PANEL AND BE READILY VISIBLE.

APPLICABLE CODES

BUILDING CODES

Building Code -
2015 International Building Code - Adopted / Amended by Baltimore County Bill #46-15 (Effective Date: July 1, 2015)

One & Two Family Dwelling Code -
2015 International Residential Code - Adopted / Amended by Baltimore County Bill #46-15 (Effective Date: July 1, 2015)

Mechanical Code -
2015 International Mechanical Code - Adopted / Amended by Baltimore County Bill #40-15 (Effective Date: July 1, 2015)

Plumbing Code
2015 National Standard Plumbing Code - Adopted / Amended by Baltimore County Bill #41-15 (Effective Date: July 1, 2015)
Also see Bill 40-15 Part 129.1 for equivalent plumbing fixture count

Electrical Code
2014 NEC - (Most recent edition year of the published code, effective September 1 of the edition year of the code)
Also see Bill 40-15 for amendments.

Energy Code
2015 International Energy Code - Adopted / Amended by Baltimore County Bill #48-15 (Effective Date: July 1, 2015)

FIRE CODES

Life Safety Code
2012 NFPA 101 - Adopted / Amended by Baltimore County Bill #63-13 (Effective Date: December 29, 2013)

Fire Prevention Code
2012 Edition NFPA 1 - Adopted / Amended by Baltimore County Bill #63-13 (Effective Date: December 29, 2013)

Other NFPA Codes and Standards
Adopted / Amended by Baltimore County Bills #63-13 (Effective Date: December 29, 2013)

STATE OF MARYLAND

Accessibility Code
COMAR 05.02.02 State of Maryland adopts "ADAAG" 2010 Edition (Americans with Disability Act) and "FHAA" (Federal Fair Housing Amendments Act of 1998)

Rehab Code
COMAR 05.16.01 Maryland Building Rehabilitation Code - 2012 International Existing Building Code - Effective April 1, 2013

FLOOD PLAIN REGULATIONS

Baltimore County Bill #46-15 Parts 123, 124, and 125 and Baltimore County Code 2003 Edition. Note: Plumbing and Electrical Installations shall also comply.

LOCAL AMENDMENTS

Fire Codes - Baltimore County Bill #63-13 (Effective Date: December 29, 2013) - Replaces Baltimore County Bill #46-12

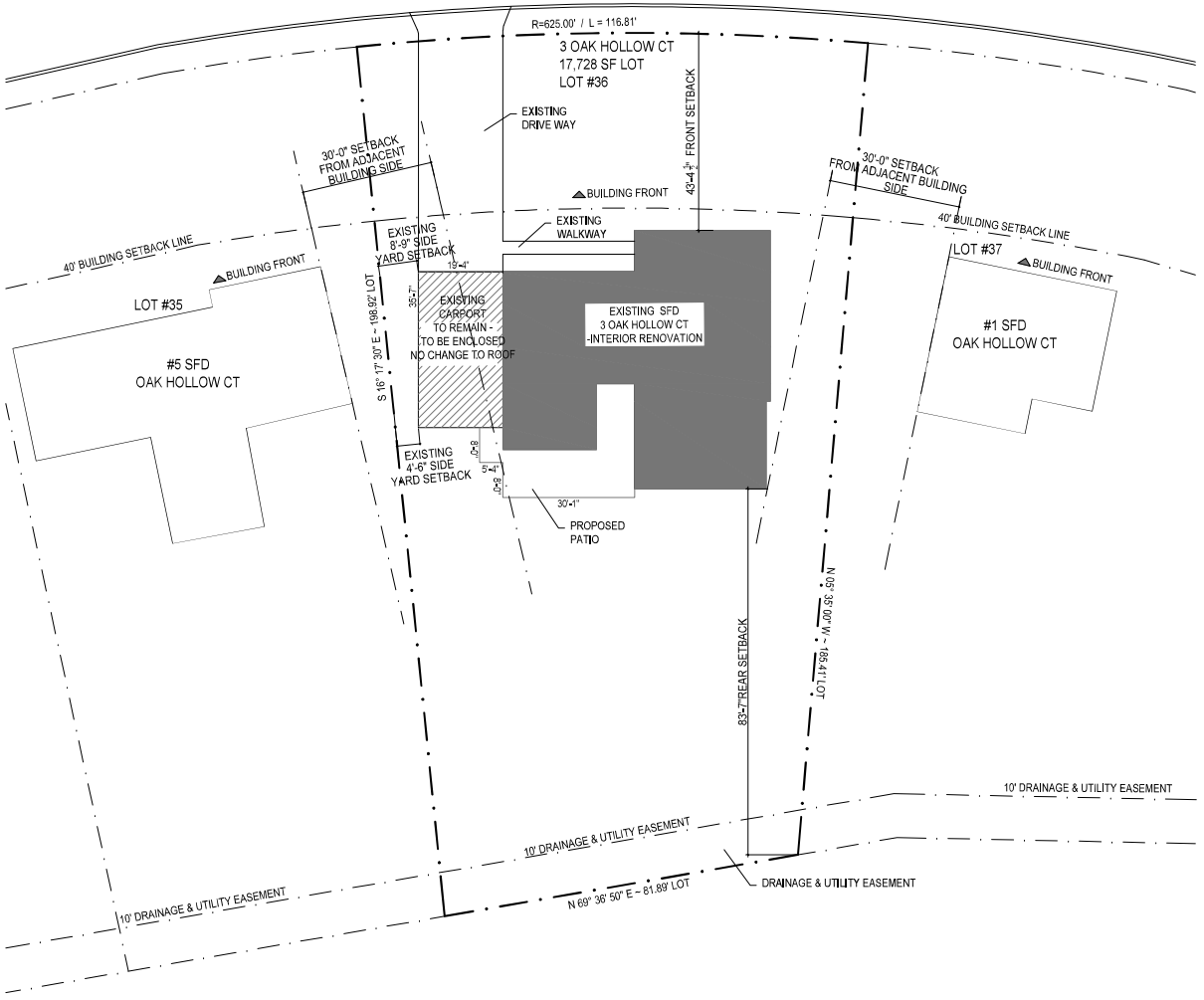
Building Codes - Baltimore County Bill #46-15 (Effective Date: July 1, 2015) - Replaces Baltimore County Bill #46-12)

Plumbing Codes - Baltimore County Bill #41-15 (Effective Date: July 1, 2015) - Replaces Baltimore County Bill #17-13)

DRAWING LIST

0000-G=G1 TITLE SHEET & SITE PLAN
0001-A0=A01 FIRST FLOOR DEMO PLAN 0002-A0=A02 SECOND FLOOR DEMO PLAN 0003-A0=A03 ROOF DEMO PLAN
0004-S=S1 FIRST FLOOR FRAMING PLAN 0005-S=S2 SECOND FLOOR FRAMING PLAN
0006-A=A1 FIRST FLOOR PLAN 0007-A=A2 SECOND FLOOR PLAN 0008-A=A3 SECTION 0009-A=A4 FRONT ELEVATION 0010-A=A5 REAR ELEVATION 0011-A=A6 SIDE ELEVATION (1) 0012-A=A7 SIDE ELEVATION (2) 0013-A=A8 TYPICAL DETAILS

OAK HOLLOW COURT



1 SITE PLAN
SCALE: 1" = 20'-0"

0 10' 5' 20' 40'

3 OAK HOLLOW COURT
PIKESVILLE, MD 21208

SINGLE FAMILY HOME
INTERIOR RENOVATION, REAR ADDITION,

PROPERTY INFO

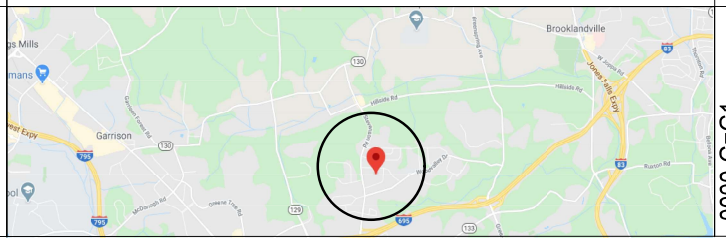
3 OAK HOLLOW COURT
MAP - 0068 / GRID - 0010 / PARCEL - 0302
SUB-DIVISION - 000 / SECTION - 2 / LOT -36
LEGAL DESCRIPTION - STEVENSON AT ANTON FARM
PLAT REF : 0030/0046
PROPERTY LAND AREA - 17,728 SF
PRIMARY STRUCTURE BUILT - 1965
DEED REF - 42422/ 00049
ZONING: DR2
ELEMENTARY SCHOOL : FORT GARRISON
COUNSILMANIC DISTRIC : 2
CONGRESSIONAL DISTRIC : 3
WATERSHED: JONES FALLS
RIVER BASIN: PATAPSCO RIVER

LEGEND

NOT IN SCOPE

EXISTING BUILDING LINE

LOCATION PLAN



PROFESSIONAL CERTIFICATE:
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 4425, EXPIRATION DATE 04-11-2021.
CARBALLO ARCHITECTURE, LLC
1916 ALICEANNA ST. BALTIMORE, MD 21231
MD LIC# 15709
443-865-1077

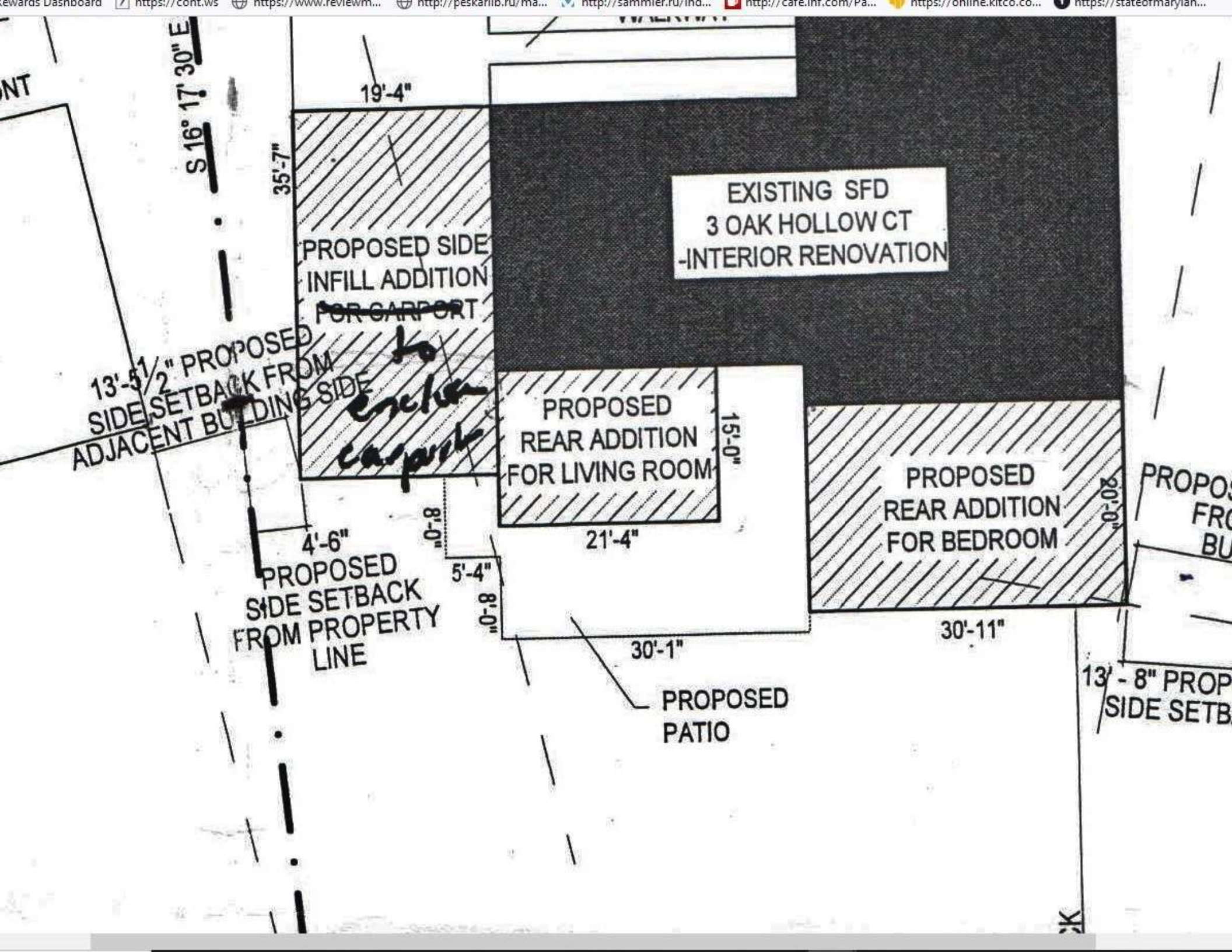
REVISIONS
1 --/--/----

CLIENT
MS. ANNA OSTER

CARBALLO ARCHITECTURE, LLC
1916 ALICEANNA ST. BALTIMORE, MD 21231
MD LIC# 15709
443-865-1077

0000-G=G1
TITLE SHEET & SITE PLAN

3 OAK HOLLOW COURT
JOB # 19-510
JANUARY 2020


S 16° 17' 30" E
19'-4"
35'-7"
EXISTING SFD
3 OAK HOLLOW CT
-INTERIOR RENOVATION
PROPOSED SIDE
INFILL ADDITION
~~FOR CARPORT~~
to enclose carport
13'-5 1/2" PROPOSED
SIDE SETBACK FROM
ADJACENT BUILDING SIDE
PROPOSED
REAR ADDITION
FOR LIVING ROOM
15'-0"
21'-4"
PROPOSED
REAR ADDITION
FOR BEDROOM
20'-0"
4'-6"
PROPOSED
SIDE SETBACK
FROM PROPERTY
LINE
8'-0"
5'-4"
8'-0"
30'-1"
30'-11"
PROPOSED
PATIO

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Anna Oster 20-043-A

DATE: April 14, 2021

BOARD/PANEL: William A. McComas, Panel Chair
Andrew M. Belt
Adam T. Sampson

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance pursuant to BCZR § 205.3 to permit an addition with a side yard setback of 4 ft. 6 in. and a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft.

2. Is the property unique pursuant to the conditions set forth in *Cromwell v. Ward*, and if it is, will failure to grant the Variance present a practical difficulty or undue hardship?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board reviewed the case. The Petitioner originally requested a side yard setback of 4 ft. 6 in. and a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. The side yard setback of 13 ft. 8 in. was withdrawn at the hearing before the Administrative Law Judge.

- Testimony was that the Petitioner wishes to enclose the existing carport, which has been in existence since the 1960's, to make a garage for secure storage of property. The existing carport does not meet the side yard setback required under current zoning regulations for the DR-2 zone. There will be no change to the roofline or footprint of the carport.

- The Board discussed the uniqueness requirement of *Cromwell*. Petitioner's architect testified that the property is unique as it tapers, while most surrounding properties are rectangle. The home was also built prior to the creation of the DR-2 zone and the required 15 ft. side yard setback requirement. The Protestant argued the property is not unique as there are similar shaped properties in the area. The Board found the property meets the uniqueness requirement.

- The Board discussed the practical difficulty and undue hardship factor of *Cromwell*. The Board noted that the Petitioner's request is not a luxury but a practical necessity, and the desire to have enclosed storage for security reasons is not unreasonable. The Board found the Petitioner would suffer a hardship if the Variance was denied.

- The Board briefly discussed the spirit and intent of the zoning regulations. The Board noted that the granting of the Variance would not change the nature of the neighborhood as there are similar garages in the neighborhood, and there will be no change to the roofline or the footprint of the carport.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the requested Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

/s
Tammy A. Zahner

☐CIRCUIT COURT ☐DISTRICT COURT OF MARYLAND FOR Baltimore County
City/County

Located at 105 West Chesapeake Avenue, Suite 203 Case No. CASE NO. 20-043-A

STATE OF MARYLAND

OR

IRINA BONDAR
PROTESTOR
~~Plaintiff~~

~~Trial Date~~ ANNA OSTER
PETITIONER
3 OAK HOLLOW CT
BALTIM ~~Defendant~~ MD 21208

CERTIFICATE OF SERVICE - FIRST CLASS MAIL

I hereby certify that a copy of the Motion to Dismiss the Case for Fraud
Name of Document Mailed

was mailed first-class mail, postage prepaid, on 06/10/2022 to:
Date

Mrs Anna Oster
Name

109 Church Lane
Address

Baltimore, Maryland 21208
City, State, Zip

Name

Address

City, State, Zip

Name

Address

City, State, Zip

Date

Jm Bondar
Signature of Party Serving

Irina Bondar
Print Name

5 Oak Hollow Ct
Address

Baltimore, Maryland 21208
City, State, Zip

410-653-1473
Telephone Number

Fax

irabond@live.com
E-Mail

CC-DC-067 (Rev. 11/2015)

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Friday, June 10, 2022 9:36 AM
To: Appeals Board
Subject: motion to dismiss - additional exhibits
Attachments: 3 Oak Hollow BeforeAdditions.jpg; ExtendingDriveway.jpg

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please add these two photos to the Motion, for a total Motion and o 8 exhibits

Irina

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Friday, June 10, 2022 9:32 AM
To: Appeals Board
Subject: CASE NO. 20-043-A Motion to dismiss for fraud
Attachments: AppealMotion.docx; OriginalSitePlanDetail.JPG; 3_site plan.pdf; 3 Oak Hollow AerialBeforeAdditions.jpg; 3-5 Oak HollowAerial.jpg; 3 Oak Hollow Narrative.jpg; Oster 20-043-A Minutes.pdf

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning, resending the Motion to dismiss with 6 attachments. Please confirm receipt.

I believe I have to "serve " the motion to the Petitioner? What are the requirements for that?

Thank you,
Irina

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Friday, June 10, 2022 8:32 AM
To: Appeals Board
Subject: Motion

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning ladies,
I just realized that I I have attached a wrong draft yesterday, as I was working so late. I will resend the correct document in a few minutes. Sorry about it.

Thank you
Irina

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Friday, June 10, 2022 12:01 AM
To: Appeals Board
Attachments: Motion .docx

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 20-043-A**

Legal Owner

Petitioner

BEFORE THE

BOARD OF APPEALS

BALTIMORE COUNTY

June 8, 2022

RECEIVED
JUN 10 2022
BALTIMORE COUNTY
BOARD OF APPEALS

RESPONDENT'S MOTION TO DISMISS THE CASE FOR FRAUD ON COURT AND IRREGULARITIES OF THE PROCESS.

OPINION AND ORDER DATED May 10, 2022

Irina Bondar, Respondent, respectfully requests that this Court exercise its right to reverse its opinion and order, issued May 10, 2022 on the grounds of false testimony delivered by Petitioner's expert witness , perjury and fraud, and moves this Board to dismiss this case with prejudice.

In February 2020, Petitioners requested variance relief from § 205.3 of the Baltimore County Zoning Regulations (BCZR) to permit an addition with a side yard setback of 4 ft. 6 in, in particular to enlarge the existing carport by 10 ft to comfortably fit the owners vehicle and enclose it to add safe storage space and privacy as documented in Petitioner's Project Narrative dated 2/11/2020(Exhibit1) and ALJ's Opinion and Oder dated 8/21/2020. And to permit an addition with a side yard of 13ft. 8 in setback for a master bedroom suite in lieu of the required 15 ft respectively. In open hearing , in July 2020 Petitioners dropped the request for the 13ft 8 in. setback and were only pursuing the 4 ft. 6. in. setback variance.

In that hearing Architect Adam Carballo appeared on behalf of the Petitioners. From ALJ's Order and Opinion- *"He (Mr. Carballo) stated that Petitioner wishes to change carport into a garage and extend it" - which would further reduce the existing 6 ft.3 in setback to be 4 ft.6 in - per Petitioner's project narrative.* Requested variance was granted.

During his testimony under oath in the Appeal hearing in front of Board of Appeals on February 23, 2021 Petitioner's expert witness Mr Carballo grossly misrepresented the existing conditions of the property, as well as the Petitioner's intentions, contradicting evidence and facts they stated earlier in writing and on record. Mr Carballo is a licensed architect and testifies in courts of several counties on similar matters regularly. He is well familiar with the zoning requirements and professionally offers Zoning analysis services. The material facts misrepresented included the measurements/size of the structures and setbacks, for which Petitioners requested variance relief . As well as false statements related to property's uniqueness factors. At time of the hearing, the Appeals Board was in possession of the case file which contains documentation - Petitioners site plan and Project Narrative- from the first hearing in front of ALJ in 2020 , which supports this statement of false testimony and fraud. Respondent referred the Boards attention to this documentation when the false representation was discovered. The Board Member Mr Adam Sampson apparently saw the discrepancies and made an earnest attempt to get clarification from Mr Carballo regarding the size and configuration of the carport at time of cross-examination, but wasn't getting a coherent answer. At this point another Board member Mr William Comas came to rescue and practically testified in place of Petitioner's witness regarding the size and configuration of the carport, without ever measuring it or visiting the property. Respondent offered photo evidence at time of her testimony – rear and aerial views, prepared during recess, to show the true configuration, but the Board Chair Mr Belt expressly did not allow to submit. The photographic evidence and explanation was submitted to the Board with the Closing Statement and Motion for Reconsideration, so we can assume they are fully aware of the fraudulent intent. Much later January 25 2022, in deliberations for Motion for reconsideration Mr Belt explained that the false testimony issues would not be addressed by the Board because " allegations of false evidence, those type of rebuttals, need to take place during the hearing" (verbatim from Webex recording of the deliberations).

Misrepresentation and false statements of the Witness were deliberate, false statements. with intent to defraud or to subvert the truth seeking function of the court . We believe that this was coordinated with the Petitioner Mrs Oster, who was present at the hearing

the entire time, but did not offer a correction. She did state in writing at a later date that she had Property survey obtained from a licensed surveyor, but did not offer correction at the hearing or at a later time.

For this Appeal hearing Petitioner's Expert Witness submitted an updated site plan – reason being per Mr. Carballo verbatim(Exhibit), to document the current conditions of the property with the two new rear additions already in place, which graphically and effectively drew attention to the new completed additions and away from other inconspicuous changes done in small print. This new plan marks the extended carport as already existing. As well as reduced 4 ft 6 in setback as existing. It falsely states that the extended carport with the length of 35 ft already exists, and that Petitioners are only requesting to enclose this 35 ft structure. Mr Carballo repeatedly affirmed his statement that the existing carport is to be enclosed without changes to footprint, roof or the driveway while in reality it is the same 25 ft as it was prior to their ownership, at time of their variance request and as of this day.

At time of her testimony, Respondent offered photographic evidence obtained during recess to establish the true configuration/ size of the carport. The Board's Chair Mr Belt did not allow Respondent to submit it. . But later, at a deliberation on Motion for Reconsideration on January 25, 2022 Mr Belt explained that the false testimony issues are not being addressed by the Board because verbatim" it was supposed to be brought up at time of hearing. which it was, several times, and Mr Belt had acknowledged the statement after refusing to see the photographic evidence. Exhibit # Webex It only takes a Despite that Mr Carballo was asked but could not provide it. As a result Board has ruled on a contradictory (setbacks) and entirely false (size of existing carport) testimony of Mr. Carballo We had attached Petitioner's original project narrative and Petitioners' construction plan showing proposed additions in detail to support our statement . We are also attaching photos of the rear of the carport- to document the configuration and size of the existing carport, because of Mr Carballo's false statement.

The Board did not support Protestant's request adressed to Mr Carballo to present the site plans on a survey prepared by a licensed land surveyor, so that the true setbacks and other measurements could be known. Because he earlier stated that he had multiple surveys prepared by Licensed surveyors. Mr Corballo insisted under Oath that his plans and measurements are accurate and true. (EXHIBIT)

As a result, the Board was led to believe that they are approving a variance to enclose the exisiting structure as is clearly shown in the Deliberation transcript (EXHIBIT).The Board has based their Opinion on false testimony of the Petitioner's witness. But in their turn were to a degree instrumental to it, by not allowing Responder's evidence at time of hearing, and not ordering the Petitioner to present their property surveys as requested by the Respondent. And in reality the Board approved a 2 car garage/storage of non residential size approximately 20 by 35 ft as documented on the falsified site plan admitted as evidence.

From: Appeals Board
To: Irina Bondar
Bcc: Tammy Zahner
Subject: RE: Case No.:20-043-A
Date: Thursday, June 9, 2022 9:33:45 AM
Attachments: List of Exhibits - Protestant.docx

Good morning Ms. Bondar,

Please be advised that the Petitioner did not submit an Exhibit List. The only Exhibit list we have is yours, which is attached.

I believe we sent you the entire case file at least once during the course of the hearing. Should you need additional copies of any documents, we will need to charge you $0.50 per page.

Thank you,

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, June 8, 2022 1:48 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Case No.:20-043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon dear ladies,

Can you please send me a list of the exhibits that we have in file for this case. Property at 3 OAK HOLLOW CT, BALTIMORE 21208. If I need to pay for this one page, I will stop by today to do it, just let me know. I do not believe I need the exhibits at this time , only the list, to make sure we have everything we need for our next steps.

Thank you in advance,
Irina Bondar

From: Irina Bondar
To: Appeals Board
Subject: Re: Case No.:20-043-A
Date: Thursday, June 9, 2022 12:03:47 PM

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Thank you dear Sunny. The list I am looking for is the list of exhibits that has been admitted as evidence and consequently made a part of the case file. Not all of the submitted exhibits became a part of the file. It is my understanding that only those that are a part of the file can be used for the next appeal for Judicial review. We need to understand what's been admitted, so we can decide if that is sufficient to make our case.

I really hope we can get it.

Yes, we did have a file from you at some point, should we assume all those documents were admitted and made a part of the case file? How about the evidence submitted later - with Motion for Reconsideration and such? This is the reason it is important to know what exhibits are a included in the file.

I was there at your office yesterday to pay any fees, but the office was closed. I guarantee payment of any required fees and will do so today if necessary.

Thank you for your help
Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, June 9, 2022 9:33 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Case No.:20-043-A

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Please be advised that the Petitioner did not submit an Exhibit List. The only Exhibit list we have is yours, which is attached.

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Thank you,

Sunny

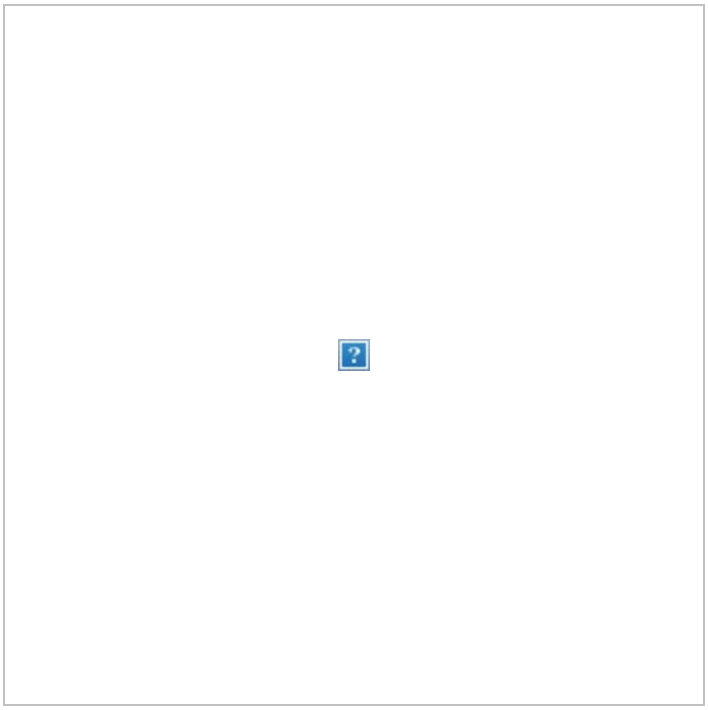
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Sent: Wednesday, June 8, 2022 1:48 PM
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Thank you in advance,
Irina Bondar



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From: Appeals Board
To: Irina Bondar
Bcc: Tammy Zahner
Subject: RE: Case No.:20-043-A
Date: Thursday, June 9, 2022 2:18:45 PM

Ms. Bondar,

Unfortunately, it appears the Petitioner did not submit an exhibit list and one was not created during the course of the hearing. We are unable to create an exhibit list for you now.

Please note, we can give you a copy of the recording of the hearing before the Board for $50.00. We can set it up so you can pay online with a credit card. If you want to come into the office to pay, please call us to schedule an appointment.

The recording of the hearing would allow you to listen and determine which exhibits were admitted. However, if you decide to file the appeal to the Circuit Court, we will send the recording directly to the stenographer of your choice and we will not charge you the $50.00.

Thank you,

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Thursday, June 9, 2022 12:04 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Case No.:20-043-A

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I really hope we can get it.

Yes, we did have a file from you at some point, should we assume all those documents were admitted and made a part of the case file? How about the evidence submitted later - with Motion for Reconsideration and such? This is the reason it is important to know what exhibits are a included in the file.

I was there at your office yesterday to pay any fees, but the office was closed. I guarantee payment of any required fees and will do so today if necessary.

Thank you for your help
Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, June 9, 2022 9:33 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Case No.:20-043-A

Good morning Ms. Bondar,

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I believe we sent you the entire case file at least once during the course of the hearing. Should you need additional copies of any documents, we will need to charge you $0.50 per page.

Thank you,

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Wednesday, June 8, 2022 1:48 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Case No.:20-043-A

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Thank you in advance,
Irina Bondar

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From: Irina Bondar
To: Appeals Board
Subject: Re: Case No.:20-043-A
Date: Thursday, June 9, 2022 2:27:15 PM

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Thank you Sunny, understood. I believe I do have the recording, and I will try to do it as you advise. I assumed the list of admitted evidence exists, which would save a lot of time.

One more important and urgent question. I am preparing a Motion to dismiss this case for Fraud. Does it postpone my deadline for petition for Judicial review until the motion will be decided on? I dont want to loose that opportunity, but the perjury and fraud issues need to be address in Court where it happened.

Thank you

Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, June 9, 2022 2:18 PM
To: Irina Bondar <irabond@live.com>
Subject: RE: Case No.:20-043-A

Ms. Bondar,

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Thank you,

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Thursday, June 9, 2022 12:04 PM

To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Case No.:20-043-A

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Irina

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To: Irina Bondar <irabond@live.com>
Subject: RE: Case No.:20-043-A

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Thank you in advance,
Irina Bondar

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From: Appeals Board
To: Irina Bondar
Subject: RE: Case No.:20-043-A
Date: Thursday, June 9, 2022 2:52:51 PM

Ms. Bondar,

Please consult with an attorney for legal advice.

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But again, I am not an attorney.

Thank you,

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Thursday, June 9, 2022 2:27 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Case No.:20-043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Thank you

Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, June 9, 2022 2:18 PM
To: Irina Bondar <irabond@live.com>
Subject: RE: Case No.:20-043-A

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Thank you for your help
Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, June 9, 2022 9:33 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Case No.:20-043-A

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Thank you,

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Sent: Wednesday, June 8, 2022 1:48 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Case No.:20-043-A

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Thank you in advance,
Irina Bondar

Get your COVID-19 vaccine today.

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From: Irina Bondar
To: Appeals Board
Subject: Re: Case No.:20-043-A
Date: Thursday, June 9, 2022 3:08:34 PM

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Thank you so much for sharing your knowledge, I did not count on a legal advise, and do not perceive it as such. You have been extraordinarily kind and helpful in this lond and difficult process. I greatly appreciate your kindness and expertise, and do not mistake it for a legal advise. The Board gave a different explanation for not addressing the false testimony delivered by the Petitioners witness, which suggest that the False testimony and fraud can and should be addressed here, at the Board of Appeals. We can take up the legal issues to the Circuit court, if the need would be after this motion is addressed.

Thank you again, and have great day!

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Get your COVID-19 vaccine today.

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From: Appeals Board
To: Irina Bondar
Subject: RE: Case No.:20-043-A
Date: Thursday, June 9, 2022 3:26:13 PM

Ms. Bondar,

You should really talk to an attorney. I am not aware of any Baltimore County Code or Maryland Rule that allows the Board to hold any further hearings after the Motion for Reconsideration.

Our Rules allow for one motion for reconsideration, which you have already done. The 30 day appeal period which began on May 10, 2022 would most likely be expired if the Board decided not to accept your Motion.

Based on my reading of the County Code and Maryland Rules, the only thing you can do at this point is file the appeal to the Circuit Court.

But again, you should consult an attorney.

Thank you,

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To: Appeals Board <appealsboard@baltimorecountymd.gov>
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From: Irina Bondar
To: Appeals Board
Subject: Re: Case No.:20-043-A
Date: Thursday, June 9, 2022 3:30:50 PM

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Thank you Sunny! I will submit today, as it is the deadline, and we shall go from there. I think we have a special situation here. I am very gratful for you unfailing guidance .

Irina

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Thursday, June 9, 2022 3:26 PM
To: Irina Bondar <irabond@live.com>
Subject: RE: Case No.:20-043-A

Ms. Bondar,

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From: Irina Bondar
To: Appeals Board
Date: Friday, June 10, 2022 12:00:45 AM
Attachments: Motion .docx

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

From: Irina Bondar
To: Appeals Board
Subject: Motion
Date: Friday, June 10, 2022 8:32:36 AM

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning ladies,
I just realized that I I have attached a wrong draft yesterday, as I was working so late. I will resend the correct document in a few minutes. Sorry about it.

Thank you
Irina

From: Irina Bondar
To: Appeals Board
Subject: CASE NO. 20-043-A Motion to dismiss for fraud
Date: Friday, June 10, 2022 9:32:46 AM
Attachments: AppealMotion.docx
3_site plan.pdf
Oster 20-043-A Minutes.pdf

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning, resending the Motion to dismiss with 6 attachments. Please confirm receipt.

I believe I have to "serve " the motion to the Petitioner? What are the requirements for that?

Thank you,
Irina

From: Irina Bondar
To: Appeals Board
Subject: motion to dismiss - additional exhibits
Date: Friday, June 10, 2022 9:36:06 AM

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please add these two photos to the Motion, for a total Motion and o 8 exhibits

Irina

From: Appeals Board
To: Irina Bondar
Subject: RE: CASE NO. 20-043-A Motion to dismiss for fraud
Date: Friday, June 10, 2022 9:47:25 AM

Ms. Bondar,

Yes you are required to certify on the motion that you provided a copy to the Petitioner and indicate how you provided it (for example, mail, email, hand-delivered, etc.) and then you have to provide it via that method.

Sunny

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To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: CASE NO. 20-043-A Motion to dismiss for fraud

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From: Irina Bondar
To: Appeals Board
Subject: Re: CASE NO. 20-043-A Motion to dismiss for fraud
Date: Friday, June 10, 2022 10:02:23 AM

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Oh, thank you! I assume I need to add a separate document to the motion? Right now, before I actually mail it? Or what's the time frame, please. I found a form online.

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, June 10, 2022 9:47 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: CASE NO. 20-043-A Motion to dismiss for fraud

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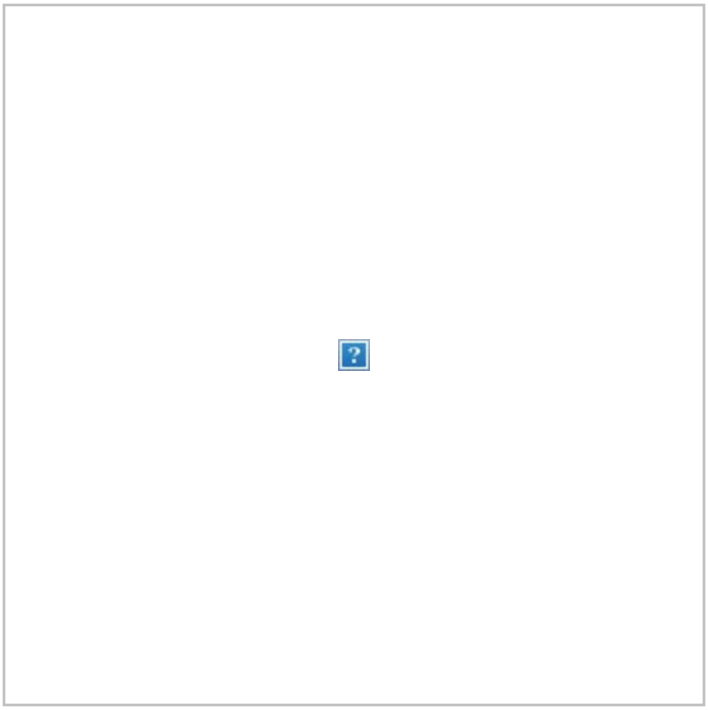
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Thank you,
Irina



Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

From: Appeals Board
To: Irina Bondar
Subject: RE: CASE NO. 20-043-A Motion to dismiss for fraud
Date: Friday, June 10, 2022 10:15:59 AM

Ms. Bondar,

I AM NOT AN ATTORNEY. I cannot help you with this.

Please consult an attorney.

Thank you,

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Friday, June 10, 2022 10:02 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: CASE NO. 20-043-A Motion to dismiss for fraud

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Oh, thank you! I assume I need to add a separate document to the motion? Right now, before I actually mail it? Or what's the time frame, please. I found a form online.

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, June 10, 2022 9:47 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: CASE NO. 20-043-A Motion to dismiss for fraud

Ms. Bondar,

Yes you are required to certify on the motion that you provided a copy to the Petitioner and indicate how you provided it (for example, mail, email, hand-delivered, etc.) and then you have to provide it via that method.

Sunny

From: Irina Bondar <irabond@live.com>
Sent: Friday, June 10, 2022 9:32 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: CASE NO. 20-043-A Motion to dismiss for fraud

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning, resending the Motion to dismiss with 6 attachments. Please confirm receipt.

I believe I have to "serve " the motion to the Petitioner? What are the requirements for that?

Thank you,
Irina

Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

From: Irina Bondar
To: Appeals Board
Subject: Re: CASE NO. 20-043-A Motion to dismiss for fraud
Date: Friday, June 10, 2022 10:44:00 AM

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you, sorry. I'll figure it out.

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, June 10, 2022 10:15 AM
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Subject: RE: CASE NO. 20-043-A Motion to dismiss for fraud

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how you provided it (for example, mail, email, hand-delivered, etc.) and then you have to provide it via that method.

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Irina

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Subject: RE: CASE NO. 20-043-A Motion to dismiss for fraud

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Sent: Friday, June 10, 2022 9:32 AM

To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: CASE NO. 20-043-A Motion to dismiss for fraud

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Thank you,
Irina

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CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

From: Irina Bondar
To: Appeals Board
Subject: case: 20-043A
Date: Friday, June 10, 2022 1:31:15 PM

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 10, 2022

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

Irina Bondar
5 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Messrs. Oster and Bondar:

Enclosed please find a copy of the Order on Motion for Reconsideration issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF ANNA OSTER 3 OAK HOLLOW COURT	*	BEFORE THE BOARD OF APPEALS
3rd Election District 3rd Councilmanic District	*	OF BALTIMORE COUNTY
	*	Case No.: 20-043-A

* * * * * * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Baltimore County Board of Appeals as an appeal of the Administrative Law Judge's August 21, 2021 Opinion and Order granting the Petition for Variance filed by Petitioner, Anna Oster, for property located at 3 Oak Hollow Court. The Petitioner originally filed a variance pursuant to § 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively. During both the hearing before the ALJ and the hearing before the Board of Appeals, the Petitioner dropped the request for the 13 ft. 8 in. setback and only pursued a 4 ft. 6 in. setback variance.

A *de novo* hearing was held before this Board on February 23, 2021. A public deliberation of this matter was held on April 14, 2021. Following the Board's Opinion and Order granting the Petitioner's requested zoning relief, Protestant, Irina Bondar filed a timely Motion for Reconsideration on November 15, 2021. A response was filed by the Petitioner on November 30, 2021. A public deliberation of the Protestant's Motion was held on January 25, 2022.

Rule 10 of the Board of Appeals Rules of Practice and Procedure[1] states that the Board only has revisory power over its orders when there exists some "fraud, mistake, or irregularity."[2] While it is clear from the Protestant's Motion for Reconsideration that she does not agree with the Board's interpretation of the facts presented, the Board finds the Protestant's arguments do not rise to the level of fraud, mistake, or irregularity. Consequently, the Board refers to its original Opinion and Order on this matter and DENIES the Protestant's Motion for Reconsideration.

THEREFORE, it is this 10th day of May, 2022 by the Board of Appeals of Baltimore County,

ORDERED, that the Protestant's Motion for Reconsideration is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chair

Adam T. Sampson

Adam T. Sampson

Bryan T. Pennington

[1] This refers to the Rules of Practice and Procedure in effect at the time of the public deliberation. The Board of Appeals Rules of Practice and Procedure were updated effective April 4, 2022.

[2] Typically, reconsideration applies where there has been new facts or a change in controlling law. The Board would not find grounds for reconsideration if that standard was applied.

RECEIVED
JAN 24 2022
BALTIMORE COUNTY
BOARD OF APPEALS

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, January 24, 2022 4:22 PM
To: Appeals Board
Subject: Please forward to Board of Appeals - case 2020-0043-A Defamation/Bias/Fraud
Attachments: Consent.jpg; 3-OakHollowBuilding Plans.jpg

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board Of Appeals,

We have to advise the Board that Petitioner's Response to our Motion for reconsideration, again contains yet another round of false statements, this time of Defamatory nature, and apparently with the purpose to evoke bias and/or to deflect the Board's attention from Petitioner's own false testimony under Oath.

We realize that Defamation issues may or may not be in jurisdiction of this Agency, but we have discovered that this case file contains similar false defamatory statements made by the Petitioner at an earlier time as well and could have caused significant bias. For this reason we have to make a statement as follows:

Mrs. Oster is falsely accusing the Protestant of revenge for " refused services in exchange for variance consent."

Petitioner, Mrs Oster has never refused Protestant any services, because Protestant , Irina Bondar never requested any services from Oster construction company.

We had two very brief appointments with Mrs Oster , receiving and returning their plans in February 2020. And two emails.

Our second and last personal encounter with Mrs Oster occurred on February 20 of 2020 , 3 days before any disclosures were made regarding proposed variances and setbacks. The consent form Mrs Oster asked us to sign as well as the building plans she provided for clarification per our request, contain no mention of variance or setbacks , both documents attached.

After that, there were only two email exchanges between Protestant and Petitioner after February 20 of 2020, both will be forwarded. One of them, dated June 6, 2020 is ultimately a letter of intimidation and/or threat of Defamation, which Mrs Oster apparently carried out. Ironically, the content of that email, however indirectly, would indicate her latest accusations to be false.

As to the accusation of disability discrimination – this Board has witnessed that only one question was raised at the hearing – whether the Gentleman on the presented photographs is a resident at the property. This board is indeed very competent in this issue – two members of this board were on the Panel for a disability related variance request at 907 Adana Rd, in April of 2020. Variance was not approved even for a disabled Owner-Occupant, their property was not rendered unique despite its tapered shape or subdivision predating current zoning designation. Protestant's only question is mounted into a disability discrimination accusation by Mrs Oster. This is exactly how she whips up her other accusations in her letter of intimidation/defamation (forwarded in a separate email) . We never protested their fence – we protested the destruction of the live Forsythia hedge that was growing at least a foot inside our property line. We never protested or questioned their Survey, because we have never seen it and indeed requested to see it many times which was witnessed by this Board during this Appeal hearing. That survey could have solved many issues, because Petitioner's testimony regarding setbacks and other measurements have been changed several times since the original petition. Petitioner witness Mr Carballo is not a licensed land surveyor, per his testimony. He stated that he was not aware of the survey done in April of 2020, but based his site plans on a subdivision subdivision plat, recorded in 1960s, which was admitted into evidence, and does not have any structures documented on it. Just the lots without any improvements.

Cases of encroachment with approved variances and building permits happened – right here, in this subdivision . Absence of proper Survey documentation enables it.

Protestants concern regarding business activities at the subject property 3 Oak Hollow court was ultimately ignored by the Board, despite this being a serious zoning violation for this strictly residential area. For about 10 years this community at Stevenson has been suffering and fighting consequences of a similar variance granted to a nearby property 3422 Birch Hollow Rd for an oversized garage which is used as a storage and even sleeping quarters for the owners temporary workers. This is documented with Baltimore county and history of complaints is accessible for review. The county authorities have apparently failed to enforce the stipulations and limitations in that granted variance.

Mr Carballo per his own testimony acted as an Expert Witness in many counties of Maryland, as well as in this court and in front of ALJ Stahl . His false testimony was delivered so deftly and with such impunity , as if the Oath that this Board administered is a mere formality, has no meaning, no value whatsoever. By accepting this false testimony without burdening him with providing any proof of his arguments, this Court would condone such behavior and render perjury a norm in this court.

In light of new initiatives for transparency and accountability, we are asking The Board to disclose what action has been taken in this regard. If such action is not in jurisdiction of this Board, then please advice which agency we should contact.

Thank you in advance,

Irina Bondar

P.S Email Correspondence forwarded separately.

++++++

never requested any services from Oster construction company. Who would want services from a contractor that is trying to

While Mrs Oster requested that we sign the consent for additions (attached) , she has not disclosed anything about the Variance or setback issues. Protestant was not even aware of the issues until Petitioners installed the sign on the property on February 23, 2020. The last in person encounter occurred on Feb 20, 2020, that is 3 days prior to the posting. Petitioners attempted to secure our consent for their additions before their deadline to disclose it . Clarification was requested and Mrs Oster provided the plans, which again do not have any setback measurements nor even property lines (attached and presented to the Board with Motion for reconsideration). On March 9, 2020 we discovered that plans submitted to the County with the variance request are not accurate as to the property line between our structures and suggested to discuss it as well as possible solutions with Mr Oster, but he was not interested. As we now see it, this was an attempt to take advantage of an unaware or ignorant neighbor. This is disrespectful, not a good beginning for a long term relationship with the neighbors. But when the same was attempted in Court (that is to sneak in the desired enlarged by 50% structure as existing) , under Oath and in front of this Board - that's scary.

Accusation of disability discrimination is a good example of how Mrs Oster produces her accusations. She generated it from one and only question asked at the hearing - if the subject property is the Gentleman's residence. And the answer under oath was no. This Board has witnessed that.

The Board also witnessed that we were requesting to see the Survey, which would resolve many question, and without which neither we, nor the Board knows what the correct measurements are and how close proposed structure will come to our property. This Board knows that the Survey was never presented, despite multiple requests at time o fthe hearing.

In June of 2020, Mrs Oster sent me an email full of false accusations - which we could not percieved other than a threat of Defamation and/or intimidation. She has carried out the treat, and apparently was successful. Some of her accusations are twisted truth - we never protested their fence, we protested the destruction of the live Forsythia hedge, that was growing 1 ft inside our property, some are ridiculous as protesting the color of their house??, some are easily verified, such as me, flying the stop sign - which has never existed at Oak Hollow, nor anywhere near...Google maps will easily confirm this.. This email will also serve as a proof of the current accusations being freshly made up. How come it is not on that list? Such major sin, that would probably qualify as extortion?

No disclosure of the variance or setbacks were made by the Petitioner prior to posting of the sign on the property on Feb 23, 2020. Petitioners attempted to secure our consent for their additions before disclosing it. The last in person encounter occurred on Feb 20, 2020, that is 3 days prior to posting and this way finally disclosing their plans.

It is obvious that the false testimony was a coordinated effort of the Petitioners and the Witness Mr Carballo. Petitioners were present the entire length of the hearing and had every opportunity to make a statement and correct the testimony. They did not do it.

Mr Carballo per his own testimony acted as an Expert Witness in many counties of Maryland, as well as in this court and in front of ALJ Stahl . His false testimony was delivered so deftly and with such impunity , as if the Oath that this Board administered is a mere formality, has no meaning, no value whatsoever. By

accepting this false testimony this Court would condone such behavior and render perjury a norm in this court.

In light of the new initiatives for transparency and accountability, we are asking The Board to disclose what measures were taken in this regard. If such action is not in jurisdiction of this Board, then please advice which agency we should contact. Baltimore county is carrying significant expenses caused by incorrect variance decisions. This community here at Stevenson has been suffering and fighting the consequences of a similar granted variance (for an oversized garage which is used as a storage and even sleeping quarters for their workers. History of complaints is

There was more of erroneous or false testimony, such as the change of zoning after this subdivision was developed. This was one of the arguments the Board accepted as supporting the uniqueness of the property. Witness admitted he did not know when the zoning changed, nor did he know the setback requirements. They happen to be exactly the same for the old R-20 and for current Dr2. Same 15ft side yard setback required for both, same minimum width of 100 ft and neither requires the dwelling to accomodate a garage. The requirements under old R20 were the same, and thus cannot be a reason for a variance. The statement that these dwellings were incompliant from the day of their construction is also false.

In a similar manner, the desired enlarged by 50% garage and the desired reduced setback was "smuggled" unannounced as existing at time of hearing and under oath.

They also attempted to "smuggle" the unnanounced

At the time of our last in person encounter on Feb 20, 2020, no disclosures whatsoever have been made by Petitioner regarding setbacks or variances. Quite the opposite, the consent (attached) we were asked to sign contained none of that, neither did the plans provided by Mrs Oster in lieu of requested clarification (attached). Posting of the Hearing sign on the Property was the first time we learned about the setbacks and variance. It was posted on February 23, 2020, 3 days after our last in person encounter (return of Mrs Oster's plans).

In fact our last personal encounter occurred on February 20, 2020 (return of Ms Osters construction plan, that that is 3 days prior any disclosure was made regarding the setbacks or variance by way Posting the sign on the property.

to return Ms Oster's construction plans, which remarkably do not contain any property lines or setback nformation(attached). That is 3 days prior to***the Posting of the Hearing sign, which finally disclosed petitioners intents. Hearing announcement disclosure of any Variance or setback issues by the Petitioners - by way of installing the post of the hearing. Prior to this disclosure, Mrs Oster asked us to sign a Consent (attached), that does not have any mention of the setbacks or variances, and later per our request for clarification provided their plans (attached) that has no property lines whatsoever. We can now be certian that the attempt was made to secure our consent without any pertinent disclosures. In a similar

manner, the desired enlarged by 50% garage and the desired reduced setback was "smuggled" as existing at time of hearing and under oath.

like the pressure to continue when the Webex volume dropped significantly for the Protestant and When protestants testimony was interrupted , stopped and cut short multiple times, and then ultimately reduced to " a few similar (or undersized) properties" in the opinion. The purpose of evaluating and measuring all those nearly 3 dozen properties was to demonstrate that the is common in this neighborhood and that there is no disporportionate impact of Zoning regulations upon the subject property, which is a deciding factor in Cromwell v. Ward .

5 Oak Hollow Ct
Pikesville, MD 21208

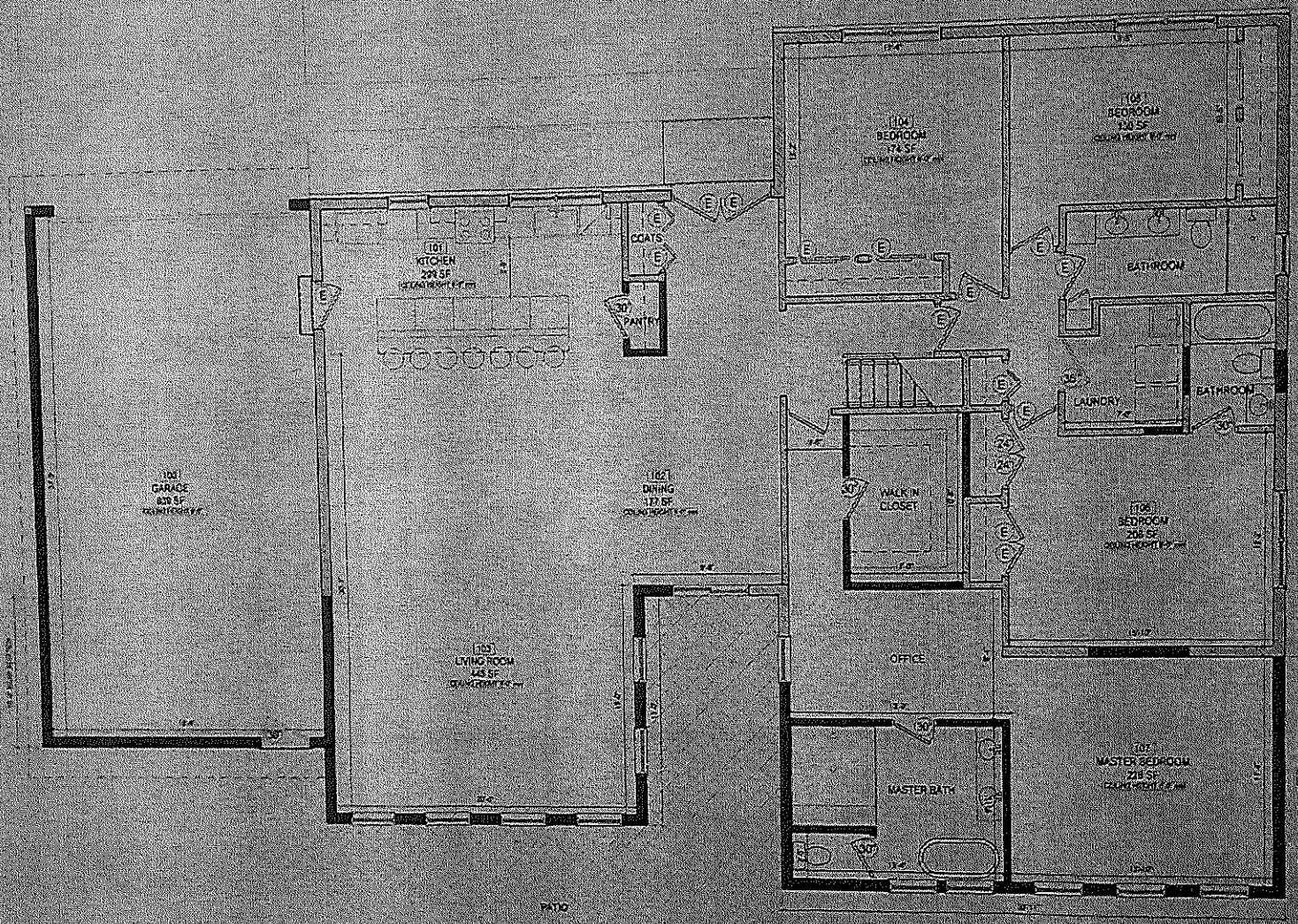
January 30, 2020

To Whom It May Concern:

I am a neighbor of Anna and Igor Oster, my name is _____

and I am the owner of the property located at 5 Oak Hollow Ct. Pikesville, MD 21208. I would like to state that I have no objections with my neighbors making an addition and converting their car port into an enclosed garage at their property located at 3 Oak Hollow Ct. Pikesville MD 21208.

Sincerely,



1 FIRST FLOOR DEMO PLAN

SCALE: 1/4" = 1'-0"

LEGEND

GENERAL NOTES

D-A0.1

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, January 24, 2022 4:32 PM
To: Appeals Board
Subject: case 2020-0043-A Fw: 3 Oak Hollow ct .Expanded driveway and water run off.

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

From: Anna Oster <annaoster@yahoo.com>
Sent: Thursday, September 2, 2021 6:24 PM
To: Irina Bondar <irabond@live.com>; anna.oster@cbrealty.com <anna.oster@cbrealty.com>; blacktoppersllc@gmail.com <blacktoppersllc@gmail.com>
Subject: Re: 3 Oak Hollow ct .Expanded driveway and water run off.

Good evening Mrs. Bondar,

If you have any concerns or questions regarding our driveway please contact Baltimore County Zoning Office. I don't need to adjust any plans because it was done in compliance with Baltimore County zoning regulations. If you have questions regarding our driveway and would like to find out more please contact Black Toppers LLC. They are the experts and have years of experience in driveway work. As you can see they did an excellent job and if you would like to learn more about the techniques they used and way they build the driveway please contact them, the owner is attached to this email.

Mrs. Bondar, going further I am asking you again not to send personal emails to my CB work email address, this issue is not work related.

Again, I am asking you not to get involved in our lives and stop harassing me, my family and contractors working on our property. I am tired of explaining to you every project that is being done on my property with your constant accusations of not being in compliance with local regulations so I am asking you again please respect our privacy and our time.

Sincerely,

Anna Oster

Sent from Yahoo Mail for iPhone

On Thursday, September 2, 2021, 15:20, Irina Bondar <irabond@live.com> wrote:

> Mrs Oster, in addition to my previos email and concern of your new driveway being so close to the property line , Baltimore county requires that the run off water discharge should not be closer than 8 ft to the property line.

Additional impervious surface of the extended driveway that is being built - is now sloping entirely toward our house and will be discharging triple amount of water immediately at our the property line. And quite certainly overflowing into our property, as it is already happening from the carport itself. Why wouldnt you make it slope toward your own front lawn? This could alleviate our issue. Runoff water is a serious concern for us, and we have expressed this more than once as well as requested detailed runoff water management plans which we never received from you.

We shall certainly intend to follow up with the county on this. But we hope that you take our concerns into consideration and adjust your improvemnt plans to comply with the county codes as it is easier and less costly to prevent problems than solve them .

Respectfully

Irina Bondar

Sent via the Samsung Galaxy, an AT&T 4G LTE smartphone

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, January 24, 2022 4:32 PM
To: Appeals Board
Subject: case 2020-0043-A Fw: 3 Oak Hollow ct, Zoning Variance Hearing Date

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

From: Oster, Anna <anna.oster@cbmove.com>
Sent: Monday, June 8, 2020 11:27 AM
To: Irina Bondar <irabond@live.com>
Subject: Re: 3 Oak Hollow ct, Zoning Variance Hearing Date

Dear Mrs. Bondar,

I hope that you and your family are safe and sound in those difficult times.

As you know all the hearings and court days have been postponed, we are in compliance with the Baltimore County Zoning Office. Hearing notice sign poster will be placed per their requirements and all the information about new hearing date and time will be listed on the poster. If you have any concerns or questions please call Baltimore County Zoning Office.

Mrs. Bondar, I am sorry to hear that you almost had a collision twice within a month on our street. I can assure you that our contractors are very careful and they do not create unsafe driving conditions. If you feel otherwise please call the police, we all want to make sure that our street is safe.

I am glad that you have mention safety of our street, I want to point out to you that many unsafe conditions are created from speeding. When we bought our house and met our new neighbors, they advise us to be careful because residents from 5 Oak Hollow Ct like to speed and "fly" the STOP sign.
Igor and I repeatedly seen that you and your husband speed up on our road. Please consider other people, including children, while driving and please slow down.

Mrs. Bondar, I understand that we all are going through difficult time due to COVID-19, and as you said you're living in strict isolation and limit your daily activities. I know you might be frustrated and perhaps emotionally drained but I want to ask you to stop harassing us and our contractors.
Every time Igor comes to the house you scream at him and tell him that our family should never move in to the neighborhood. You constantly argue and question our choices, you objected when we were painting the house, putting up the fence and of course our decision to convert car port into the garage.

When the Pyle Company came to put up the fence the situation was unacceptable. Even though, we have hired survey company to have our property drawing not to cross our property line, you still were not satisfied

and complained about the border line. Pyle Fence company contractors were shocked when you screamed at them and order them to stop working.
Mrs. Bondar, it's unusual for us to witness this type of behavior and we are asking you to control your anger and aggression towards us and people that work at our property.

Perhaps, all this behavior is caused by the current COVID-19 situation, and if that is the case I advise you to use one of the Maryland State emergency Mental hotline. Please let me know if you need help with searching their information, Igor and I can assist you with that.

Lastly, I want to ask you not to use my business email for communicating with me regarding this private matter.
Previously, Igor and I provide you with our personal contact information and I would appreciate if for the future correspondence you will use our personal contact.

I look forward to moving to our new house!

Regards,

Anna Oster
Coldwell Banker Residential Brokerage
22 W. Padonia Road, Suite A-100
Timonium, MD 21093
office: 410 252 2111
cell: 410 790 7818

From: Irina Bondar <irabond@live.com>
Sent: Saturday, June 6, 2020 12:58 PM
To: Oster, Anna <anna.oster@cbmove.com>
Subject: 3 Oak Hollow ct, Zoning Variance Hearing Date

Good morning Mrs Oster

Please advise us on the new hearing date for the construction at 3 Oak Hollow court. We do intend to attend the hearing, as the garage addition is a serious concern for us, as i mentioned

Will you be putring up the notice boards at the property with the new hearing date?

Also, wanted to. bring to your attention that your employees/contractors may be creating unsafe driving conditions. We barely avoided a collision with them twice within a month - in March and April. Considering that we have lived in a strict isolation since March, working from home, and only going out to get food or medical care, once every two weeks on average.

One vehicle turned into Oak hollow and drove in the middle of the road, apparently without looking at the road, or not seeing us. On the second occasion, they were coming down off your driveway, but apparently could not see our car because another of your vehicles was parked at the curb and blocked his view. (Additionally, Oak Hollow curves at this strech and parked vehicles obscure the view.) Luckily we were going slowly and were able to stop, your people had to back up to the driveway, because their lane was blocked by your other vehicle.

As you already resumed the work at the property, and assuming will start building additions soon, we are asking you to work with your employees and contractors to ensure safety on Oak Hollow.

Please share this with Mr Oster.

Thank you in advance,
Irina

Sent via the Samsung Galaxy, an AT&T 4G LTE smartphone

Wire Fraud is Real. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

Tammy Zahner

From: Appeals Board
Sent: Monday, January 3, 2022 3:09 PM
To: Irina Bondar
Subject: RE: case 2020-0043-A

Ms. Bondar,

Ms. Oster's Response to the Motion for Reconsideration did not include any attachments.

Thank you,

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: (410) 887-3180
Fax: (410) 887-3182

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

From: Irina Bondar <irabond@live.com>
Sent: Monday, January 3, 2022 2:46 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: case 2020-0043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Tammi, Hello Sunny,

Happy New Year to you ladies!

I have received a copy of Petitioners response to my Motion for Reconsideration, and it refers to a survey they had done in April of 2020. The copy of the survey has not been included with their Response. Could you please send it to me , this would be really help to clarify some longstanding issues. And any other exhibits that were included with Petitioners response.

Thank you in advance,
Irina Bondar

Tammy Zahner

From: Appeals Board
Sent: Wednesday, December 1, 2021 7:45 AM
To: 'Anna Oster'
Subject: RE: Response to Motion for Reconsideration Anna Oster

Dear Ms. Oster:

We are in receipt of your Response to Motion for Reconsideration.
Thank you

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

Confidentiality Statement
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-----Original Message-----
From: Anna Oster <annaoster@yahoo.com>
Sent: Tuesday, November 30, 2021 4:05 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Response to Motion for Reconsideration Anna Oster

CAUTION: This message from annaoster@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon,

Attached please find my Response for Motion for Reconsideration Case No. 20-043-A.

Please confirm recipient of this email.

Thank you,

Anna Oster

Tammy Zahner

From: Anna Oster <annaoster@yahoo.com>
Sent: Tuesday, November 30, 2021 4:05 PM
To: Appeals Board
Subject: Response to Motion for Reconsideration Anna Oster
Attachments: 3 Oak Hollow Response Letter Anna Oster.pdf

CAUTION: This message from annaoster@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon,

Attached please find my Response for Motion for Reconsideration Case No. 20-043-A.

Please confirm recipient of this email.

Thank you,

Anna Oster

November 30, 2021

Response Letter to Motion for Reconsideration

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208
Case No. 20-043-A

Dear Board of Appeals,

On August 21, 2020, Administrative Law Judge's Opinion, granted a Petition for variance filled by Anna Oster, legal owner for the property located at 3 Oak Hollow Court.

On October 21, 2020, an order denying Protestant's Motion for Reconsideration was issued by Administrative Law Judge.

On February 23,2021 a public Webex hearing was conducted by Board of Appeals of Baltimore County. Architect, Adam Carballo and I presented following evidence:

Site Plan showing the subject property located on pie-shaped lot, original subdivision plat which shows the existing lot sizes and shapes confirming that the subject property is "unique" due to unregular size and tapered shape like no other in the neighborhood. Site map of Oak Hollow Court properties 5 out of 16 with a garage. Furthermore, we presented that I have mobility equipment for my handicap brother, and it would be very difficult for family to store it in the house and that enclosed garage will help us to keep it safely and secure.

During over 5 hour long hearing Ms. Bondar presented pictures and other graphics obtained from "My neighborhood" and Google Earth. In addition, Protestant presented and analyzed *Cromwell v. Ward* making argument that the subject property is not unique.

On October 14th, 2021, Baltimore County Board of Appeals ordered that the Petition for Variance from BCZR § 205.3 of the Baltimore County Zoning Regulations to permit an addition with side yard setback of 4ft. 6ft in lieu of the required 15ft., be and is hereby GRANTED.

On November 15, 2021, Ms. Bondar filed another Motion For Reconsideration of Opinion and Order Dated October 14, 2021. Petitioner states that her request is based on the grounds of error of law, error of fact and newly discovered evidence.

Ms. Bondar claims, of false testimony made during the hearing, are absurd and are based on her lack of comprehension of Court Orders. Despite the Administrative Law Judge's Opinion and Board of Appeals of Baltimore County Order, she still questions courts decisions regardless "uniqueness" of subject property and repeatedly quotes and analyzes *Cromwell v. Ward*. In addition Protestant argument is supported by not related cases: *Montgomery County v Frances* Rotwe*in* and *In State v. Kenosha County Bd.* of Adjust., 218 Wis. 2d 396, 410, 577 N.W.2d 813 (1998). The other new evidence and facts are the area views and pictures of driveway work that is not related to the case, and it was opposed by Ms. Bondar, like any other work or project my family and I do around our house.

My family and I are the new owners and due to my brother disability enclosed garage is very important to us for safety and security reasons. I find Ms. Bondar's statement that: "The hardship is self-created. This property has been put to conforming use continuously since constructed." very discriminative and I am surprised that Ms. Bondar- Real Estate Professional is so opposed to our family making necessary accommodations for a family member with special needs.

Dear Board of Appeals, Ms. Bondar has not provided any legitimate evidence as to why we should not convert the existing carport into the garage. She did not provide any professional expertise; this Motion for Reconsideration is questioning and disrespectful to court orders and opinions.
All our work is permitted, the fence was placed by Pyle Fence Company Permit# 13969454 (April 27, 2020) and the Stakeout Plat were professionally done by Property Line Surveyor by Advanced Surveys, Inc File#13969454 (April 3, 2020). Site map and drawings prepared by Carballo Architecture and driveway done by Black Toppers LLC. In accordance with Baltimore County rules and regulations.

Dear Board of Appeals as stated before, Ms. Bondar another request is not based on the grounds of error of law, error of fact and newly discovered evidence but simply frustration and anger toward my family for refusing construction services in exchange for permission to convert carport into garage.

Thank you for your time and consideration. I look forward to your fair and just decision.

Sincerely,



Anna Oster

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 4:48 AM
To: Appeals Board
Subject: Fw: Motion for Reconsideration Case No.:20-043-A
Attachments: oster20043aopinionmotion.docx; 3 Oak Hollow Narrative.jpg; OriginalSitePlanDetail.JPG; 3 Oak Hollow BeforeAdditions.jpg; 3-OakHollowBuilding Plans.jpg; carport.jpg

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Resending the correct version with exhibits. Please confirm receipt.

Thank you
Irina

From: Irina Bondar
Sent: Friday, November 12, 2021 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you

IN RE: PETITION FOR VARIANCE ANNA OSTER legal owner 3 OAK HOLLOW COURT 3rd Election District 3rd Councilmanic District	•	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 20-043-A November11, 2021

• • • • • * • * *

* • * * **RESPONDENT'S MOTION FOR RECONSIDERATION OF OPINION AND ORDER DATED OCTOBER 14, 2021**

Protestant, Irina Bondar, respectfully requests that this court reconsider its Opinion and Order dated October 14, 2021 on the grounds of error of law, error of fact and newly discovered evidence and for the reasons stated as follow:

1. Petition was filed by Anna Oster, legal owner for the property located at 3 Oak Hollow Court, requesting variance relief from Baltimore County Zoning Regulations ("BCZR") § 205.3 to permit an addition with a side yard setback of 4 ft 6 in. and to permit an addition with the side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively. Administrative Law Judge's ("ALJ") on August 21, 2020 granted the variance

An Order denying Protestant's Motion for Reconsideration was issued on October 21, 2020. In the hearing before the ALJ, the Petitioner withdrew the request for the 13 ft., 8 in. set back and was only pursuing the 4 ft., 6 in. set back variance.

Protestant filed an appeal with Baltimore County Board of Appeals. Due to COVID-19 pandemic, a public Webex hearing was conducted by the Appeals Board virtually in lieu of an in person hearing on February 23, 2021. A public deliberation was held on April 14, 2021. Petitioner Anna Oster, appeared in support of the requested relief, architect Adam Carballo appeared on behalf of Petitioner as well. Irina Bondar appeared as the Protestant. Both the Petitioner and Protestant participated, *pro se.*

Architect, Adam Carballo testified in support of the Petitioner's request for variance relief. Mr. Carballo noted that the property was constructed under the old DR-2 zoning and has 17,700

square feet and is undersized for present DR-2 requirements. He further testified that the site isimproved by a one-story residence with a carport. Petitioner wishes to change the carport into a garage and extend it in the rear. Mr. Carballo explained that the request was being made in order to construct and provide storage and further privacy for the owner. He clarified that the Petitioner was abandoning her prior request for zoning relief regarding the 13 ft., 8 in. variance and only requesting a variance to enclose the existing carport without any change to the footprint, roof and the driveway. Mr. Carballo described the lots in the surrounding area as generally undersized and primarily square or rectangle and not meeting today's DR 2 requirements. He described other lots in the area with only four garages among the 42 homes in the surrounding area. He also described the subject property as being wedge-shaped and tapered, getting narrower towards the rear, rendering it unique and making the variance request necessary. He explained that the west side of the subject carport offers a 4 ft., 6 in. setback at the narrowest point of the tapering property line and 8 feet, 9 in. at its widest point. These conditions at the time of the home's original construction pre-date current DR-2 lot width requirements, which also require a minimum lot size of 20,000 square feet.

2. At the Appeal Hearing Mr. Carballo stated that the Petitioners now only request the existing carport to be enclosed and converted to a garage, with no changes to the footprint of the carport, roofline, or driveway. He reiterated this many times during his testimony and confirmed it again when asked for additional clarification by a Board member and when cross examined by the Protestant. He also submitted an updated site plan with the purpose to document current condition of the property with the two additions that were completed since the original request in 2020. This updated plan was admitted into evidence. This updated site plan had unannounced changes as well, however inconspicuous. The proposed, extended by 10 ft carport was marked as existing on this updated plan, and the proposed 4 ft 6in setback was also marked as existing. Protestant has noticed these changes and questioned Mr Carballo, who insisted that his plans and measurements were correct.

Protestant inquired and requested to see the plans produced on the property survey, obtained from a Licensed Surveyor, of which he had several per his testimony, because there were other concerns about the property line but he did not show any despite several requests. The Board did not support the Protestant in this request, despite their interest in the size and configuration of the carport. He could not produce any photographs of the rear of the subject carport when asked by the Board. Protestant offered the photos, but the Board Chair did not allow to submit. The Board members were looking up documentation regarding this question in the case file, which contained the original documentation including site plans, and Project Narrative (attached), which states that the carport to be extended , and that it will further reduce the existing setback from 6 ft 3 in to 4 ft 6 in. The configuration of the carport could be seen on the aerial views, of which the Board had several, and size of the carport could be easily extrapolated from the Petitioners site plan, just as the Court has done in the case of Cromwell vs Ward.

Protestant made a clear statement on record that the 35 ft long (deep) carport does not exist as claimed by Petitioners. Instead it is 25 to 26 ft.

3. Based on this false testimony the Board approved the Variance for 4 ft 6 in and a 20 x 35.7 ft garage as existing and grandfathered per site plan. This exceeds dramatically the standard for residential 2 car garage which is 20x 24 ft. This non-residential size structure will be quite massive and very close to Protestants property line and dwelling, with a higher risk of fire hazard from storing goods in the same space with gasoline.

4. Protestant is therefore requesting the Court to reverse their decision based on false testimony and error of fact, and that the Petition for the Variance should be denied.

5. It is the Respondent's position that Petitioner did not meet their burden of proving that the two step process established in Cromwell v Ward had been met and therefore their request for variance should be denied as a matter of law.

6. Section 307.1 of the Baltimore County Zoning Regulation requires that "variances only be granted in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request" (Cromwell v. Ward p.693)

Cromwell v. Ward defines "special circumstances or conditions" to mean that the property whereon structure are to be placed, is in and of itself unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property *causes the zoning provisions to impact disproportionately upon that property.* (Cromwell v Ward p.693).

Cromwell v. Ward states that if property is **not** found to be unique, unusual or different, then the process must stop here, at this first step and the variance must be denied. That if the requirements of the first step are not met, then the factors involving the second step should not be taken into consideration. Cromwell v. Ward states that the word "unique" does not refer to the extent of the improvement upon the property... but rather uniqueness requires that the "subject property have an inherent characteristic not shared by other properties in the area (p.710)

It has been established that a *need for variance arises only when a specific property is so unique that it cannot be reasonably put to a conforming use and that this uniqueness is not shared generally by other properties.*

In Montgomery County, Maryland v. Frances Rotwein,(169 Md. App.716 2006), the Petitioner requested a variance from the front side yard, to build a two car garage. The Petitioner stated that her property was unique in that it was exceptionally narrow and requested that the garage be built in a specific location on their property, which would require a variance. The Court held that for the variance to be granted, it must be shown that without the variance, the Petitioner would not be able to make reasonable use of her property. The court stated that the Petitioner had resided on her property for more than 50 years prior to the variance request, and therefore the variance was denied because the property had proved to be well suited to be used as residential dwelling. The fact that the property could be used as a residence was determined to be a reasonable use of the property. As a result, variance was denied.

Subject property in this case at bar was built more than 50 years ago, and had been used as a dwelling since then, which proves that it has been put to a conforming use for more than 50 years. This establishes that the Petitioners property can be used for the purpose for which it was intended. Again the Courts have held that if the first step of the two step process has not been met, then the Court should not go any further and the variance shall be denied.

In State v. Kenosha County Bd. of Adjust., 218 Wis. 2d 396, 410, 577 N.W.2d 813 (1998), the court overturned a variance granted to a resident who desired a variance of the shoreland setback requirement to build a deck on her home. See 218 Wis. 2d at 401.

Due to the dangerous and "steep incline from the waters edge to the subject residence," the Board found an "unnecessary hardship" on the landowner and approved the variance request. 218 Wis. 2d at 402, 404.

Finding that the Board applied an improper legal standard, the court stressed that the Board's proper focus when considering a variance request should be on the purpose of the zoning regulation. See 218 Wis. 2d at 413.

"When the record before the Board demonstrates that the property owner would have a reasonable use of his or her property without the variance, the purpose of the statute takes precedence and the variance request should be denied." 218 Wis. 2d at 414.

Accordingly, the court concluded that "only when the applicant has demonstrated that he or she will have no reasonable use of the property, in the absence of a variance, is an unnecessary hardship present." 218 Wis. 2d at 421. The Court clarified the "unnecessary hardship" standard, holding that "only when the applicant has demonstrated that he or she will have no reasonable use of the property, in the absence of a variance, is an unnecessary hardship present." 218 Wis. 2d at 421.

And the variance was overturned.

7. It is Protestant's position that the tenets *Cromwell v Ward* 102 Md. App.961 (1995) were not quite properly applied to the facts of this case to determine Uniqueness of the subject property.

Board states in their Opinion, that "the tapered nature of the Petitioners' lot is *generally unique and thus in keeping with the definition of such term in Cromwell".* This is an absolute departure from *Cromwell,* that does not specify any particular shape or irregularity to be unique without further evaluation. It *may* be unique if it makes the ordinances impact the property disproportionately in comparison with surrounding properties.

> Cromwell v. Ward defines "special circumstances or conditions" to mean that the property whereon structure are to be placed, is in and of itself unique and unusual in a manner different from the nature of surrounding properties *such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property.* (Cromwell v Ward p.693). Exceptional narrowness, topography shape – may render property unique, but if there is no disproportionate impact, it is not unique by Cromwell standards.

Protestant demonstrated at the Hearing, that despite the tapering shape the subject property is as wide or wider than most properties in this subdivision. It is 101 ft and 10 inches at the tapered rear building line according to measurements on Petitioners' site plan and Project narrative, while the majority of the rectangular properties are 100 ft wide exactly, as seen on the subdivision plats admitted into evidence. Consequently, the tapered shape is not the cause of the hardship. Protestant demonstrated, that numerous perfectly rectangular 100ft wide properties need or have received the variance for the same purpose and for the same reason – garage or carport due to insufficient width of 100 ft. They are so prevailing in this subdivision, that Protestor's testimony was interrupted numerous times, and actually stopped and cut short at least 3 times few for that reason by the Board Chair. Actually there are only 2 properties on Oak Hollow court that can have a 2 car garage without a variance(assuming Mr Carballo's count is right), only 1 on Elm Hollow, and 3or 4 on Birch Hollow. Everyone else needs a variance. This indeed is a general condition in

this neighborhood, prevailing among surrounding properties and not at all unique to the subject property. The Board may be right that *Cromwell* does not require it to be the only one. But it does require it not to be common among surrounding properties. However, here in this subdivision of Stevenson at AntonFarms –it is common, prevailing , everyone needs it with very few exceptions as Protestant demonstrated in her presentation.

Courts have established that the hardship should be unique to the subject property, not common among surrounding properties:

A prerequisite to the granting of a hardship zoning variance is the presence of an exceptional and unique hardship to the individual landowner, *unique to that parcel* and not shared by other property owners in the area. . . .

Cromwell v. Ward, 102 Md. App. 691, 718 (Md. Ct. Spec. App. 1995)

("It was incumbent . . . to show that the hardship . . . affected his particular premises and was not . . . common to other property in the neighborhood. . . . [H]e met the burden. . . ."); *Park Shopping Center, Inc. v. Lexington Park Theatre Co., Inc.,* 216 Md. 271, 277-78, 139 A.2d 843 (1958).

In *Sibley v. Inhabitants of the Town of Wells,* 462 A.2d 27, 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:
[T]he need for a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

Cromwell v. Ward, 102 Md. App. 691, 707 (Md. Ct. Spec. App. 1995)
In *Sibley v. Inhabitants of the Town of Wells,* 462 A.2d 27, 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:
[T]he need for a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

Courts have previously ruled that Variance is not appropriate where the condition is common to other property in the district, but an amendment would be.

Cromwell v. Ward, 102 Md. App. 691, 721 (Md. Ct. Spec. App. 1995) ("Yokley quotes from *Taxpayers Association v. Board of Zoning Appeals*, 301 N.Y. 215, 93 N.E.2d 645, 647 (1950):
[T]he record does not show that the property suffers a unique or singular disadvantage, not common to other property in the district, through the operation of the zoning ordinance. Here, the hardship, if any, is general and characteristic of the entire area, and the remedy lies in a revision of the zoning ordinance through legislative action, not by the granting of a variance to a single property owner.

8. As to other argument in support of variance provided by Petitioners and the Board –non-conforming lot - undersized tapered backyard has no bearing or effect on what's happening at the building line, and we know that it is equal or wider than the prevailing 100ft wide lots.

Non conforming setbacks are not caused by the change of zoning in 1970 as Mr Carballo erroneously stated in his testimony. As we found out at the Zoning Office the Old R20 zoning had the same requirements for width (min. 100ft) and same setbacks 15 ft for enclosed structures and 11.25 for open carports (in Old variance records) These are the same for current DR2. The earliest variance for a carport was granted in 1965 to 3422 Birch Hollow road. Developer apparently could not get variance because he subdivided the land. The non-conforming garages and carports were not a part of the original structure as Mr Carballo stated, they were added by the owners at a later time. Actions of previous owners as well as

prior constructive knowledge that is expected of the Osters being real estate professionals regarded as self created hardship by *Cromwell*. And without these carports the dwellings had proper setbacks as Mr Crballo's plans show. Aerial photos from 1966 are available from archives. And larger size of modern cars is not a serious argument, and certainly unacceptable under *Cromwell*.

The Courts have held that the authority to grant a variance should be exercised sparingly, and only under exceptional circumstances.

Granting a variance to every tapered property by declaring it *generally unique* would be annihilation of the law. Granting it to everyone who wants more storage because *it is not unreasonable* in Board's opinion, is a mockery of the law. Especially so that a simple and common solution of placing a freestanding storage shed elsewhere on the property would remove the need for a variance.

9. In summary,

It is Protestants's position that the Petitioners did not meet requirements of the two-step process as prescribed by the Law, and in the light of presented evidence the subject property may not be rendered unique. The hardship is self created. This property has been put to conforming use continuously since constructed. Tapered shape of the property does not make it unique or substandard in comparison with surrounding properties because the width of the subject property at the tapered rear end of the building line is equal to most and even wider than some other surrounding properties. Therefore, it is not the tapered shape of the subject property that's causing the practical difficulty, but the insufficient width of the building envelope to accommodate a 2 car garage. Variance records show that rectilinear properties have the same hardship. This is not a unique circumstance or unique hardship to this property, but generally shared by the majority of properties on Oak Hollow court, and in the subdivision of Stevenson at Anton Farms in general.

Petitioners

WHEREFORE, Respondent respectfully request the Commission to reconsider their decision as indicated above and deny the Petitioner's request for variance in accordance with the Law. And deny them appeals and future re-application for the variance due to disrespect to the Courts and the false testimony in front of this Board.

Irina Bondar, Protestant
5 Oak Hollow Court, Baltimore 21208

Carballo
Architecture

February 11, 2020

Project Narrative and Hardship

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

The subject property is located on a pie-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. Due to the lot shape, the existing building is very close to the side property line in its current configuration. The west side of the building at the existing carport only offers a 6'-3" setback at the narrowest point to the property line. On the east side, a 15'-3" existing side yard setback is provided.

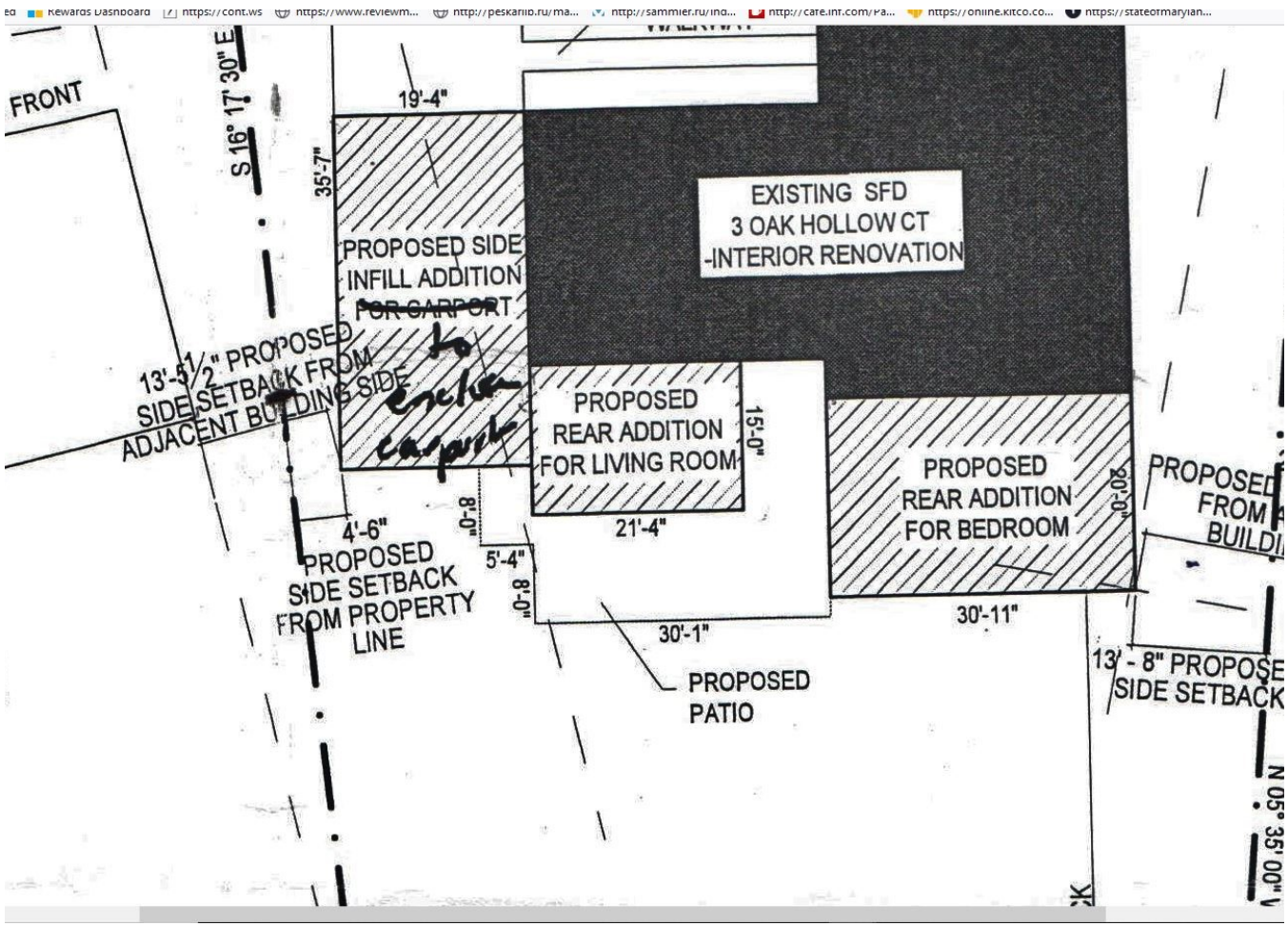
The homeowners are in need of additional living space which will include a master suite as well as enclosing the carport to gain the security of a garage. The master suite is proposed to be located off the rear, east side of the building, adjacent to the other bedrooms in the home. Due to existing architectural layout, this programmatic element must be located in this area.

We proposal to add a rear addition that would align with the existing building elevation to the rear. In doing this we will further reduce the setback to the side yard from 15'-3" to 13'-8". We are asking for relief of this setback due to the site constraints of a tapered lot line.

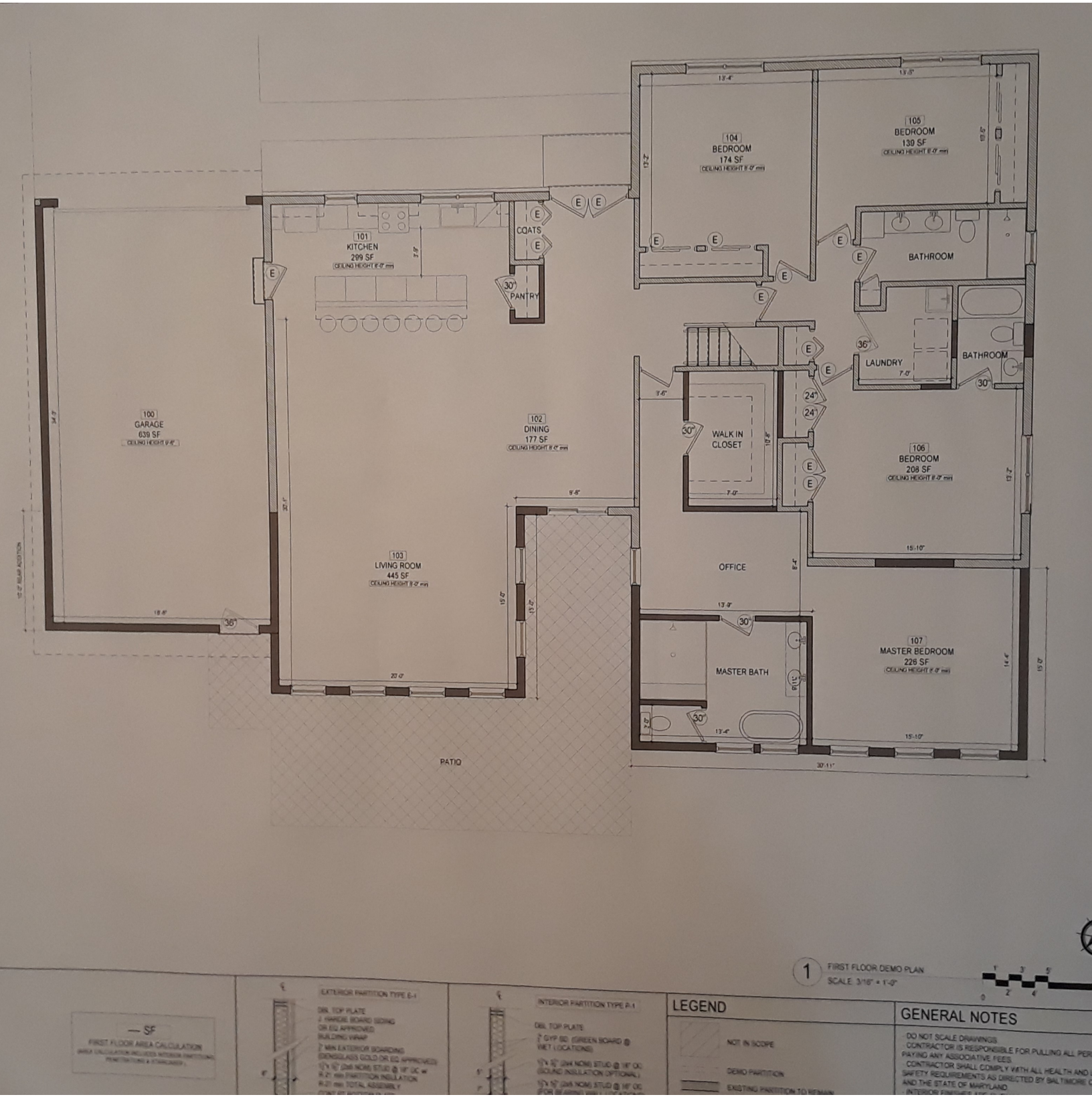
The carport is proposed to be enclosed and increased in depth. Enclosing this structure will add much needed security for the family as the enter and leave their home. There are a number of homes on this street that have enclosed their carports in recent years due to the same reasons. The existing carport is undersized and must increased in order to comfortably fit the homeowner's vehicle. The rear addition will further encroach upon the side yard setback requirement, reducing the existing from 6'-3" to 4'-6". This reduction will still allow safe passage from front to rear and vice versa.

It is for these reasons that this variance request for side yard setback be considered and granted as the existing site conditions do not allow for any other solution for providing additional living space and enclosure of the existing carport.

Adam Carballo, Architect


FRONT
S 16° 17' 30" E
19'-4"
35'-7"
EXISTING SFD
3 OAK HOLLOW CT
-INTERIOR RENOVATION
PROPOSED SIDE
INFILL ADDITION
FOR CARPORT
to enclose carport
13'-5 1/2" PROPOSED
SIDE SETBACK FROM
ADJACENT BUILDING SIDE
PROPOSED
REAR ADDITION
FOR LIVING ROOM
15'-0"
21'-4"
PROPOSED
REAR ADDITION
FOR BEDROOM
20'-0"
PROPOSED
FROM
BUILDI
4'-6"
PROPOSED
SIDE SETBACK
FROM PROPERTY
LINE
0'-8"
5'-4"
0'-8"
30'-1"
30'-11"
PROPOSED
PATIO
13' - 8" PROPOSE
SIDE SETBACK
N 05° 35' 00" W

3 Oak
Hollow ct



1 FIRST FLOOR DEMO PLAN
SCALE: 3/16" = 1'-0"

— SF
FIRST FLOOR AREA CALCULATION

EXTERIOR PARTITION TYPE E-1

INTERIOR PARTITION TYPE P-1

LEGEND

NOT IN SCOPE

DEMO PARTITION

EXISTING PARTITION TO REMAIN

GENERAL NOTES

- DO NOT SCALE DRAWINGS
- CONTRACTOR IS RESPONSIBLE FOR PULLING ALL PER
PAYING ANY ASSOCIATIVE FEES
- CONTRACTOR SHALL COMPLY WITH ALL HEALTH AND
SAFETY REQUIREMENTS AS DIRECTED BY BALTIMORE C
AND THE STATE OF MARYLAND






NEW HOLLAND

2015 IECC CODE COMPLIANCE

R301.1 CLIMATE ZONE 4A

R401.2 COMPLIANCE METHOD:
MANDATORY AND PRESCRIPTIVE PROVISIONS

R402.1.1 VAPOR RETARDER: WALL ASSEMBLIES IN THE BUILDING THERMAL ENVELOPE SHALL COMPLY WITH VAPOR RETARDER REQ'S OF SECTION R702.7 OF THE IRC, 2015 Ed.

R402.1.2 ATTIC INSULATION = R-49

RAISED HEEL TRUSSES = R-38

R402.1.2 WOOD FRAME WALL:
R-20 OR R-13 PLUS R5 CONT INSUL

R402.1.2 BASEMENT WALL INSULATION:
R-13 / R-10 FOIL FACED CONT, UNINTERRUPTED BATTS FULL HEIGHT

R402.1.2 CRAWL SPACE WALL INSUL: R-13/R-10 FOIL FACED CONT. BATTS FULL HEIGHT

EXTENDING FROM FLOOR ABOVE TO FINISH GRADE LEVEL AND THEN VERT OR HORT AN ADDITIONAL 2-0"

R402.1.2 FLOOR INSULATION OVER UNCONDITIONED SPACE = R-19 BATT INSUL

R402.1.2 WINDOW U-/VALUE / SHGC : .35 (U-VALUE),40 (SHGC)

R402.2.10 SLAB ON GRADE FLOORS LESS THAN 12" BELOW GRADE:
R-10 RIGID FOAM BOARD UNDER SLAB EXTENDING EITHER 2'-0" HORT / VERT.

R402.2.4 ATTIC ACCESS:

R402.4 ATTIC ACCESS SCUTTLE WILL BE WEATHERSTRIPPED AND INSULATED R-49

BUILDING THERMAL ENVELOPE (AIR LEAKAGE) EXTERIOR WALLS AND PENETRATIONS WILL BE SEALED PER THIS SECTION OF THE 2015 IECC WITH CAULK, GASKETS, WEATHER STRIPPING OR AN AIR BARRIER OF SUITABLE MATERIAL, SEALING METHODS BETWEEN DISSIMILAR MATERIALS SHALL ALLOW SEALING FOR DIFFERTIAL EXPANSION AND CONTRACTION.

R402.4.1.2 BUILDING ENVELOPE TIGHTNESS TEST:
BUILDING ENVELOPE SHALL BE TESTED AND VERIFIED AS HAVING AN AIR LEAKAGE RATE OF NOT EXCEEDING 3 AIR CHANGES PER HOUR. TESTING SHALL BE CONDUCTED IN ACCORDANCE WITH ASTM E 779 or ASTM E 1827 WITH (BLOWER DOOR) AT A PRESSURE OF 0.2 INCHES w.g. (50 PASCALS). TESTING SHALL BE CONDUCTED BY AN APPROVED THIRD PARTY. A WRITTEN REPORT OF THE RESULTS OF THE TEST SHALL BE SIGNED BY THE PARTY CONDUCTING THE TEST AND PROVIDED TO THE BUILDING INSPECTOR.

R402.4.2 FIREPLACES: NEW WOOD BURNING FIREPLACES WILL HAVE TIGHT-FITTING FLUE DAMPERS OR DOORS, AND OUTDOOR COMBUSTION AIR. FIREPLACE DOORS SHALL BE LISTED AND LABELED IN ACCORDANCE WITH UL127 (FACTORY BUILT FIREPLACE) AND UL907 (MASONRY FIREPLACE).

R402.4.4 ROOMS CONTAINING FUEL-BURNING APPLIANCES WHERE OPEN COMBUSTION AIR DUCTS PROVIDE COMBUSTION AIR TO OPEN COMBUSTION FUEL BURNING APPLIANCES. THE APPLIANCES AND COMBUSTION AIR SHALL BE LOCATED OUTSIDE THE BUILDING THERMAL ENVELOPE OR ENCLOSED IN A ROOM ISOLATED FROM INSIDE THE THERMAL ENVELOPE. EXCEPTIONS: 1. DIRECT VENT APPLIANCES WITH BOTH INTAKE AND EXHAUST PIPES INSTALLED CONT TO THE OUTSIDE. 2. FIREPLACES AND STOVES COMPLYING WITH SECTION R402.4.2 AND SECTION R1006 OF THE IRC.

R402.4,5 RECESSED LIGHTING: RECESSED LUMINARIES INSTALLED IN THE BUILDING THERMAL ENVELOP SHALL BE SEALED TO THE LIMIT AIR LEAKAGE.

R403.1.1 THERMOSTAT - ALL DWELLING UNITS WILL HAVE AT LEAST ONE (1) PROGRAMMABLE THERMOSTAT FOR EACH SEPARATE HEATING AND COOLING SYSTEM AS PER 2015 IECC SECTION 403.1.1.

R403.1.2 WHERE A HEAT PUMP SYSTEM HAVING SUPPLEMENTARY ELECTRIC RESISTANCE HEAT IS USED THE THERMOSTAT SHALL PREVENT THE SUPPLEMENTARY HEAT FROM COMING ON WHEN HEAT PUMP CAN MEET HEATING LOAD.

R403.2.1 MECHANICAL DUCT INSUL SUPPLY & RETURN DUCTS IN ATTIC = R-8 MIN. R-6 WHEN LESS THAN 3 INCHES SUPPLY AND RETURN DUCTS OUTSIDE OF CONDITIONED SPACES R-6

MIN. ALL OTHER DUCTS EXCEPT THOSE LOCATED COMPLETELY INSIDE THE BUILDING THERMAL ENVELOPE = R-6 MIN. DUCTS LOCATED UNDER CONCRETE SLABS = R-6 MIN

R403.3,2 DUCT SEALING ALL DUCT, AIR HANDLERS, FILTER BOXES WILL BE SEALED, JOINTS AND SEAMS WILL COMPLY WITH SECTION M1601.4.1 OR THE IRC. A DUCT

TIGHTNESS TEST (DUCT BLASTER - DUCT TOTAL LEAKAGE TEST) WILL BE PERFORMED ON ALL HOMES

AND SHALL BE VERIFIED BY EITHER A POST CONSTRUCTION TEST OR A ROUGH IN TEST. DUCT TIGHTNESS TEST IS NOT REQUIRED IF THE AIR HANDLER AND ALL DUCTS ARE LOCATED WITHIN CONDITIONED SPACE

R403.6 MECHANICAL VENTILATION OUTDOOR, (MAKE UP AND EXHAUST), AIR DUCTS TO BE PROVIDED WITH AUTOMATIC OR GRAVITY DAMPER THAT CLOSE WHEN THE VENTILATION SYSTEM IS NOT OPERATING.

R403.6.1 WHOLE HOUSE MECHANICAL VENTILATION SYSTEM FAN EFFICIENCY TO COMPLY WITH TABLE R403.6.1

R403.7 EQUIPMENT SIZING SHALL COMPLY WITH R403.7

R404.1 LIGHTING EQUIPMENT A MINIMUM OF 75% OF ALL LAMPS (LIGHTS) MUST BE HIGH-EFFICIENCY LAMPS, THIS CONTRACTOR ALSO RESPONSIBLE FOR GENERATING A CERTIFICATE OF COMPLIANCE AND AFFIXING TO ELECTRICAL PANEL OR WITHIN 6 FEET OF THE ELEC PANEL AND BE READILY VISIBLE.

APPLICABLE CODES

BUILDING CODES

Building Code -
2015 International Building Code - Adopted / Amended by Baltimore County Bill #46-15 (Effective Date: July 1, 2015)

One & Two Family Dwelling Code -
2015 International Residential Code - Adopted / Amended by Baltimore County Bill #46-15 (Effective Date: July 1, 2015)

Mechanical Code -
2015 International Mechanical Code - Adopted / Amended by Baltimore County Bill #40-15 (Effective Date: July 1, 2015)

Plumbing Code
2015 National Standard Plumbing Code - Adopted / Amended by Baltimore County Bill #41-15 (Effective Date: July 1, 2015)
Also see Bill 40-15 Part 129.1 for equivalent plumbing fixture count

Electrical Code
2014 NEC - (Most recent edition year of the published code, effective September 1 of the edition year of the code)
Also see Bill 40-15 for amendments.

Energy Code
2015 International Energy Code - Adopted / Amended by Baltimore County Bill #48-15 (Effective Date: July 1, 2015)

FIRE CODES

Life Safety Code
2012 NFPA 101 - Adopted / Amended by Baltimore County Bill #63-13 (Effective Date: December 29, 2013)

Fire Prevention Code
2012 Edition NFPA 1 - Adopted / Amended by Baltimore County Bill #63-13 (Effective Date: December 29, 2013)

Other NFPA Codes and Standards
Adopted / Amended by Baltimore County Bills #63-13 (Effective Date: December 29, 2013)

STATE OF MARYLAND

Accessibility Code
COMAR 05.02.02 State of Maryland adopts "ADAAG" 2010 Edition (Americans with Disability Act) and "FHAA" (Federal Fair Housing Amendments Act of 1998)

Rehab Code
COMAR 05.16.01 Maryland Building Rehabilitation Code - 2012 International Existing Building Code - Effective April 1, 2013

FLOOD PLAIN REGULATIONS

Baltimore County Bill #46-15 Parts 123, 124, and 125 and Baltimore County Code 2003 Edition. Note: Plumbing and Electrical Installations shall also comply.

LOCAL AMENDMENTS

Fire Codes - Baltimore County Bill #63-13 (Effective Date: December 29, 2013) - Replaces Baltimore County Bill #46-12

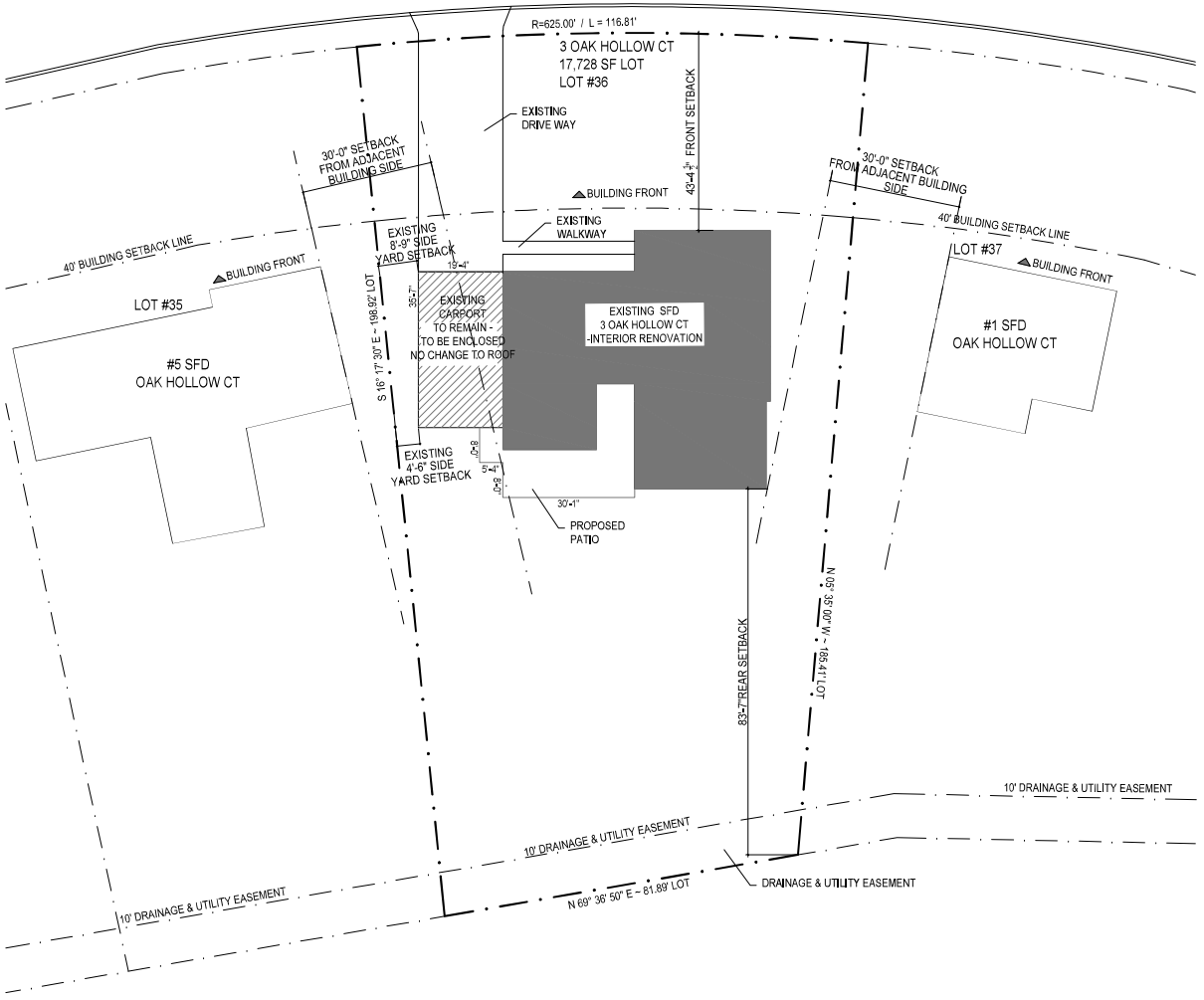
Building Codes - Baltimore County Bill #46-15 (Effective Date: July 1, 2015) - Replaces Baltimore County Bill #46-12)

Plumbing Codes - Baltimore County Bill #41-15 (Effective Date: July 1, 2015) - Replaces Baltimore County Bill #17-13)

DRAWING LIST

0000-G=G1 TITLE SHEET & SITE PLAN
0001-A0=A01 FIRST FLOOR DEMO PLAN 0002-A0=A02 SECOND FLOOR DEMO PLAN 0003-A0=A03 ROOF DEMO PLAN
0004-S=S1 FIRST FLOOR FRAMING PLAN 0005-S=S2 SECOND FLOOR FRAMING PLAN
0006-A=A1 FIRST FLOOR PLAN 0007-A=A2 SECOND FLOOR PLAN 0008-A=A3 SECTION 0009-A=A4 FRONT ELEVATION 0010-A=A5 REAR ELEVATION 0011-A=A6 SIDE ELEVATION (1) 0012-A=A7 SIDE ELEVATION (2) 0013-A=A8 TYPICAL DETAILS

OAK HOLLOW COURT



1 SITE PLAN
SCALE: 1" = 20'-0"

0 10' 5' 20' 40'

3 OAK HOLLOW COURT
PIKESVILLE, MD 21208

SINGLE FAMILY HOME
INTERIOR RENOVATION, REAR ADDITION,

PROPERTY INFO

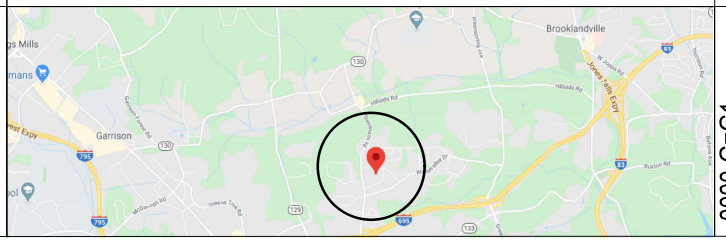
3 OAK HOLLOW COURT
MAP - 0068 / GRID - 0010 / PARCEL - 0302
SUB-DIVISION - 000 / SECTION - 2 / LOT -36
LEGAL DESCRIPTION - STEVENSON AT ANTON FARM
PLAT REF : 0030/0046
PROPERTY LAND AREA - 17,728 SF
PRIMARY STRUCTURE BUILT - 1965
DEED REF - 42422/ 00049
ZONING: DR2
ELEMENTARY SCHOOL : FORT GARRISON
COUNSILMANIC DISTRIC : 2
CONGRESSIONAL DISTRIC : 3
WATERSHED: JONES FALLS
RIVER BASIN: PATAPSCO RIVER

LEGEND

NOT IN SCOPE

EXISTING BUILDING LINE

LOCATION PLAN



PROFESSIONAL CERTIFICATE:
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 4425, EXPIRATION DATE 04-11-2021.
CARBALLO ARCHITECTURE, LLC
1916 ALICEANNA ST. BALTIMORE, MD 21231
MD LIC# 15709
443-865-1077

REVISIONS
1 --/--/----

CLIENT
MS. ANNA OSTER

CARBALLO ARCHITECTURE, LLC
1916 ALICEANNA ST. BALTIMORE, MD 21231
MD LIC# 15709
443-865-1077

0000-G=G1
TITLE SHEET & SITE PLAN

3 OAK HOLLOW COURT
JOB # 19-510
JANUARY 2020

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 3:00 PM
To: Appeals Board
Subject: Fw: Motion for Reconsideration Case No.:20-043-A
Attachments: 3 Oak Hollow Narrative.jpg; OriginalSitePlanDetail.JPG; 3 Oak Hollow BeforeAdditions.jpg; 3-OakHollowBuilding Plans.jpg; carport.jpg; 3_site plan.pdf; Petitioner's Exhibit 7 - Photo - Rear West.jpg; ExtendingDriveway.jpg

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please accept these exhibits with our Motion for Reconsideration. I did not attached explanation what they are when I sent them the first time. I added a couple documents as well.
Also, please advise, if the Motion and exhibits can be emailed to the Petitioners, or they should be sent via registered mail with signature, as it was done in olden days. And who else I should send it to.

List of exhibits

1. Petitioners narrative, with statement of scope of proposed work and existing and proposed setbacks.
2. Original site plan
3. Aerial view of the subject property, showing that the carport is the same depth as the dwelling , without any bumpout or extension at the carport end of the structure. If we apply this to the site plan, we can see that the carport is extended, not the same depth. This measurement can be extrapolated easily from other measurements provided on the site plan .
4. Mr Carballo's proposed floor plan, that shows new walls as well as existing walls. The extended part of the carport is marked as 10 ft addition.
5. Side views of the existing carport.
6. Rear view of the existing carport, showing that it is the same width as the dwelling before additions.
7. Petitioners' driveway being enlarged. Petitioners stated at the Hearing that there will be no change to the footpring of the carport, or changes to the driveway. Driveway is now extended to the very property line with a considerable slope , bringing rainshower water direclty to my property line. We cannot rely on their promises, even given under Oath. Thats why water runoff has been a bid concern, especially that Petitioners refused to share their plans for it. The driveway was expanded to accomodate 3 additional vehicles, which will bring the total parking spaces to 10 or 11 vehicles including the carport. This is being done to accomodate the Petitioners business activities, with their employees using our street as park and ride which has been happening for more than 18 month now. This is a serious zoning violation in our strictly residential area. The garage/ storage the Petitioners wish to construc is of a non residential size as well and can potentially be used as anything after enclosed by Petitioners or future owners.
8. Petitioner's updated site plan showing the desired extended garage and setback as existing.

Irina Bondar
Sent: Friday, November 12, 2021 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 4:48 AM
To: Appeals Board
Subject: Fw: Motion for Reconsideration Case No.:20-043-A
Attachments: oster20043aopinionmotion.docx; 3 Oak Hollow Narrative.jpg; OriginalSitePlanDetail.JPG; 3 Oak Hollow BeforeAdditions.jpg; 3-OakHollowBuilding Plans.jpg; carport.jpg

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Resending the correct version with exhibits. Please confirm receipt.

Thank you
Irina

From: Irina Bondar
Sent: Friday, November 12, 2021 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you

IN RE: PETITION FOR VARIANCE ANNA OSTER legal owner 3 OAK HOLLOW COURT 3rd Election District 3rd Councilmanic District	•	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 20-043-A November11, 2021

• • • • • * • * *

* • * * **RESPONDENT'S MOTION FOR RECONSIDERATION OF OPINION AND ORDER DATED OCTOBER 14, 2021**

Protestant, Irina Bondar, respectfully requests that this court reconsider its Opinion and Order dated October 14, 2021 on the grounds of error of law, error of fact and newly discovered evidence and for the reasons stated as follow:

1. Petition was filed by Anna Oster, legal owner for the property located at 3 Oak Hollow Court, requesting variance relief from Baltimore County Zoning Regulations ("BCZR") § 205.3 to permit an addition with a side yard setback of 4 ft 6 in. and to permit an addition with the side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively. Administrative Law Judge's ("ALJ") on August 21, 2020 granted the variance

An Order denying Protestant's Motion for Reconsideration was issued on October 21, 2020. In the hearing before the ALJ, the Petitioner withdrew the request for the 13 ft., 8 in. set back and was only pursuing the 4 ft., 6 in. set back variance.

Protestant filed an appeal with Baltimore County Board of Appeals. Due to COVID-19 pandemic, a public Webex hearing was conducted by the Appeals Board virtually in lieu of an in person hearing on February 23, 2021. A public deliberation was held on April 14, 2021. Petitioner Anna Oster, appeared in support of the requested relief, architect Adam Carballo appeared on behalf of Petitioner as well. Irina Bondar appeared as the Protestant. Both the Petitioner and Protestant participated, *pro se.*

Architect, Adam Carballo testified in support of the Petitioner's request for variance relief. Mr. Carballo noted that the property was constructed under the old DR-2 zoning and has 17,700

square feet and is undersized for present DR-2 requirements. He further testified that the site isimproved by a one-story residence with a carport. Petitioner wishes to change the carport into a garage and extend it in the rear. Mr. Carballo explained that the request was being made in order to construct and provide storage and further privacy for the owner. He clarified that the Petitioner was abandoning her prior request for zoning relief regarding the 13 ft., 8 in. variance and only requesting a variance to enclose the existing carport without any change to the footprint, roof and the driveway. Mr. Carballo described the lots in the surrounding area as generally undersized and primarily square or rectangle and not meeting today's DR 2 requirements. He described other lots in the area with only four garages among the 42 homes in the surrounding area. He also described the subject property as being wedge-shaped and tapered, getting narrower towards the rear, rendering it unique and making the variance request necessary. He explained that the west side of the subject carport offers a 4 ft., 6 in. setback at the narrowest point of the tapering property line and 8 feet, 9 in. at its widest point. These conditions at the time of the home's original construction pre-date current DR-2 lot width requirements, which also require a minimum lot size of 20,000 square feet.

2. At the Appeal Hearing Mr. Carballo stated that the Petitioners now only request the existing carport to be enclosed and converted to a garage, with no changes to the footprint of the carport, roofline, or driveway. He reiterated this many times during his testimony and confirmed it again when asked for additional clarification by a Board member and when cross examined by the Protestant. He also submitted an updated site plan with the purpose to document current condition of the property with the two additions that were completed since the original request in 2020. This updated plan was admitted into evidence. This updated site plan had unannounced changes as well, however inconspicuous. The proposed, extended by 10 ft carport was marked as existing on this updated plan, and the proposed 4 ft 6in setback was also marked as existing. Protestant has noticed these changes and questioned Mr Carballo, who insisted that his plans and measurements were correct.

Protestant inquired and requested to see the plans produced on the property survey, obtained from a Licensed Surveyor, of which he had several per his testimony, because there were other concerns about the property line but he did not show any despite several requests. The Board did not support the Protestant in this request, despite their interest in the size and configuration of the carport. He could not produce any photographs of the rear of the subject carport when asked by the Board. Protestant offered the photos, but the Board Chair did not allow to submit. The Board members were looking up documentation regarding this question in the case file, which contained the original documentation including site plans, and Project Narrative (attached), which states that the carport to be extended , and that it will further reduce the existing setback from 6 ft 3 in to 4 ft 6 in. The configuration of the carport could be seen on the aerial views, of which the Board had several, and size of the carport could be easily extrapolated from the Petitioners site plan, just as the Court has done in the case of Cromwell vs Ward.

Protestant made a clear statement on record that the 35 ft long (deep) carport does not exist as claimed by Petitioners. Instead it is 25 to 26 ft.

3. Based on this false testimony the Board approved the Variance for 4 ft 6 in and a 20 x 35.7 ft garage as existing and grandfathered per site plan. This exceeds dramatically the standard for residential 2 car garage which is 20x 24 ft. This non-residential size structure will be quite massive and very close to Protestants property line and dwelling, with a higher risk of fire hazard from storing goods in the same space with gasoline.

4. Protestant is therefore requesting the Court to reverse their decision based on false testimony and error of fact, and that the Petition for the Variance should be denied.

5. It is the Respondent's position that Petitioner did not meet their burden of proving that the two step process established in Cromwell v Ward had been met and therefore their request for variance should be denied as a matter of law.

6. Section 307.1 of the Baltimore County Zoning Regulation requires that "variances only be granted in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request" (Cromwell v. Ward p.693)

Cromwell v. Ward defines "special circumstances or conditions" to mean that the property whereon structure are to be placed, is in and of itself unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property *causes the zoning provisions to impact disproportionately upon that property.* (Cromwell v Ward p.693).

Cromwell v. Ward states that if property is **not** found to be unique, unusual or different, then the process must stop here, at this first step and the variance must be denied. That if the requirements of the first step are not met, then the factors involving the second step should not be taken into consideration. Cromwell v. Ward states that the word "unique" does not refer to the extent of the improvement upon the property... but rather uniqueness requires that the "subject property have an inherent characteristic not shared by other properties in the area (p.710)

It has been established that a *need for variance arises only when a specific property is so unique that it cannot be reasonably put to a conforming use and that this uniqueness is not shared generally by other properties.*

In Montgomery County, Maryland v. Frances Rotwein,(169 Md. App.716 2006), the Petitioner requested a variance from the front side yard, to build a two car garage. The Petitioner stated that her property was unique in that it was exceptionally narrow and requested that the garage be built in a specific location on their property, which would require a variance. The Court held that for the variance to be granted, it must be shown that without the variance, the Petitioner would not be able to make reasonable use of her property. The court stated that the Petitioner had resided on her property for more than 50 years prior to the variance request, and therefore the variance was denied because the property had proved to be well suited to be used as residential dwelling. The fact that the property could be used as a residence was determined to be a reasonable use of the property. As a result, variance was denied.

Subject property in this case at bar was built more than 50 years ago, and had been used as a dwelling since then, which proves that it has been put to a conforming use for more than 50 years. This establishes that the Petitioners property can be used for the purpose for which it was intended. Again the Courts have held that if the first step of the two step process has not been met, then the Court should not go any further and the variance shall be denied.

In State v. Kenosha County Bd. of Adjust., 218 Wis. 2d 396, 410, 577 N.W.2d 813 (1998), the court overturned a variance granted to a resident who desired a variance of the shoreland setback requirement to build a deck on her home. See 218 Wis. 2d at 401.

Due to the dangerous and "steep incline from the waters edge to the subject residence," the Board found an "unnecessary hardship" on the landowner and approved the variance request. 218 Wis. 2d at 402, 404.

Finding that the Board applied an improper legal standard, the court stressed that the Board's proper focus when considering a variance request should be on the purpose of the zoning regulation. See 218 Wis. 2d at 413.

"When the record before the Board demonstrates that the property owner would have a reasonable use of his or her property without the variance, the purpose of the statute takes precedence and the variance request should be denied." 218 Wis. 2d at 414.

Accordingly, the court concluded that "only when the applicant has demonstrated that he or she will have no reasonable use of the property, in the absence of a variance, is an unnecessary hardship present." 218 Wis. 2d at 421. The Court clarified the "unnecessary hardship" standard, holding that "only when the applicant has demonstrated that he or she will have no reasonable use of the property, in the absence of a variance, is an unnecessary hardship present." 218 Wis. 2d at 421.

And the variance was overturned.

7. It is Protestant's position that the tenets *Cromwell v Ward* 102 Md. App.961 (1995) were not quite properly applied to the facts of this case to determine Uniqueness of the subject property.

Board states in their Opinion, that "the tapered nature of the Petitioners' lot is *generally unique and thus in keeping with the definition of such term in Cromwell".* This is an absolute departure from *Cromwell,* that does not specify any particular shape or irregularity to be unique without further evaluation. It *may* be unique if it makes the ordinances impact the property disproportionately in comparison with surrounding properties.

> Cromwell v. Ward defines "special circumstances or conditions" to mean that the property whereon structure are to be placed, is in and of itself unique and unusual in a manner different from the nature of surrounding properties *such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property.* (Cromwell v Ward p.693). Exceptional narrowness, topography shape – may render property unique, but if there is no disproportionate impact, it is not unique by Cromwell standards.

Protestant demonstrated at the Hearing, that despite the tapering shape the subject property is as wide or wider than most properties in this subdivision. It is 101 ft and 10 inches at the tapered rear building line according to measurements on Petitioners' site plan and Project narrative, while the majority of the rectangular properties are 100 ft wide exactly, as seen on the subdivision plats admitted into evidence. Consequently, the tapered shape is not the cause of the hardship. Protestant demonstrated, that numerous perfectly rectangular 100ft wide properties need or have received the variance for the same purpose and for the same reason – garage or carport due to insufficient width of 100 ft. They are so prevailing in this subdivision, that Protestor's testimony was interrupted numerous times, and actually stopped and cut short at least 3 times few for that reason by the Board Chair. Actually there are only 2 properties on Oak Hollow court that can have a 2 car garage without a variance(assuming Mr Carballo's count is right), only 1 on Elm Hollow, and 3or 4 on Birch Hollow. Everyone else needs a variance. This indeed is a general condition in

this neighborhood, prevailing among surrounding properties and not at all unique to the subject property. The Board may be right that *Cromwell* does not require it to be the only one. But it does require it not to be common among surrounding properties. However, here in this subdivision of Stevenson at AntonFarms –it is common, prevailing , everyone needs it with very few exceptions as Protestant demonstrated in her presentation.

Courts have established that the hardship should be unique to the subject property, not common among surrounding properties:

A prerequisite to the granting of a hardship zoning variance is the presence of an exceptional and unique hardship to the individual landowner, *unique to that parcel* and not shared by other property owners in the area. . . .

Cromwell v. Ward, 102 Md. App. 691, 718 (Md. Ct. Spec. App. 1995)

("It was incumbent . . . to show that the hardship . . . affected his particular premises and was not . . . common to other property in the neighborhood. . . . [H]e met the burden. . . ."); *Park Shopping Center, Inc. v. Lexington Park Theatre Co., Inc.,* 216 Md. 271, 277-78, 139 A.2d 843 (1958).

In *Sibley v. Inhabitants of the Town of Wells,* 462 A.2d 27, 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:
[T]he need for a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

Cromwell v. Ward, 102 Md. App. 691, 707 (Md. Ct. Spec. App. 1995)
In *Sibley v. Inhabitants of the Town of Wells,* 462 A.2d 27, 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:
[T]he need for a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

Courts have previously ruled that Variance is not appropriate where the condition is common to other property in the district, but an amendment would be.

Cromwell v. Ward, 102 Md. App. 691, 721 (Md. Ct. Spec. App. 1995) ("Yokley quotes from *Taxpayers Association v. Board of Zoning Appeals*, 301 N.Y. 215, 93 N.E.2d 645, 647 (1950):
[T]he record does not show that the property suffers a unique or singular disadvantage, not common to other property in the district, through the operation of the zoning ordinance. Here, the hardship, if any, is general and characteristic of the entire area, and the remedy lies in a revision of the zoning ordinance through legislative action, not by the granting of a variance to a single property owner.

8. As to other argument in support of variance provided by Petitioners and the Board –non-conforming lot - undersized tapered backyard has no bearing or effect on what's happening at the building line, and we know that it is equal or wider than the prevailing 100ft wide lots.

Non conforming setbacks are not caused by the change of zoning in 1970 as Mr Carballo erroneously stated in his testimony. As we found out at the Zoning Office the Old R20 zoning had the same requirements for width (min. 100ft) and same setbacks 15 ft for enclosed structures and 11.25 for open carports (in Old variance records) These are the same for current DR2. The earliest variance for a carport was granted in 1965 to 3422 Birch Hollow road. Developer apparently could not get variance because he subdivided the land. The non-conforming garages and carports were not a part of the original structure as Mr Carballo stated, they were added by the owners at a later time. Actions of previous owners as well as

prior constructive knowledge that is expected of the Osters being real estate professionals regarded as self created hardship by *Cromwell*. And without these carports the dwellings had proper setbacks as Mr Crballo's plans show. Aerial photos from 1966 are available from archives. And larger size of modern cars is not a serious argument, and certainly unacceptable under *Cromwell*.

The Courts have held that the authority to grant a variance should be exercised sparingly, and only under exceptional circumstances.

Granting a variance to every tapered property by declaring it *generally unique* would be annihilation of the law. Granting it to everyone who wants more storage because *it is not unreasonable* in Board's opinion, is a mockery of the law. Especially so that a simple and common solution of placing a freestanding storage shed elsewhere on the property would remove the need for a variance.

9. In summary,

It is Protestants's position that the Petitioners did not meet requirements of the two-step process as prescribed by the Law, and in the light of presented evidence the subject property may not be rendered unique. The hardship is self created. This property has been put to conforming use continuously since constructed. Tapered shape of the property does not make it unique or substandard in comparison with surrounding properties because the width of the subject property at the tapered rear end of the building line is equal to most and even wider than some other surrounding properties. Therefore, it is not the tapered shape of the subject property that's causing the practical difficulty, but the insufficient width of the building envelope to accommodate a 2 car garage. Variance records show that rectilinear properties have the same hardship. This is not a unique circumstance or unique hardship to this property, but generally shared by the majority of properties on Oak Hollow court, and in the subdivision of Stevenson at Anton Farms in general.

Petitioners

WHEREFORE, Respondent respectfully request the Commission to reconsider their decision as indicated above and deny the Petitioner's request for variance in accordance with the Law. And deny them appeals and future re-application for the variance due to disrespect to the Courts and the false testimony in front of this Board.

Irina Bondar, Protestant
5 Oak Hollow Court, Baltimore 21208

Carballo
Architecture

February 11, 2020

Project Narrative and Hardship

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

The subject property is located on a pie-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. Due to the lot shape, the existing building is very close to the side property line in its current configuration. The west side of the building at the existing carport only offers a 6'-3" setback at the narrowest point to the property line. On the east side, a 15'-3" existing side yard setback is provided.

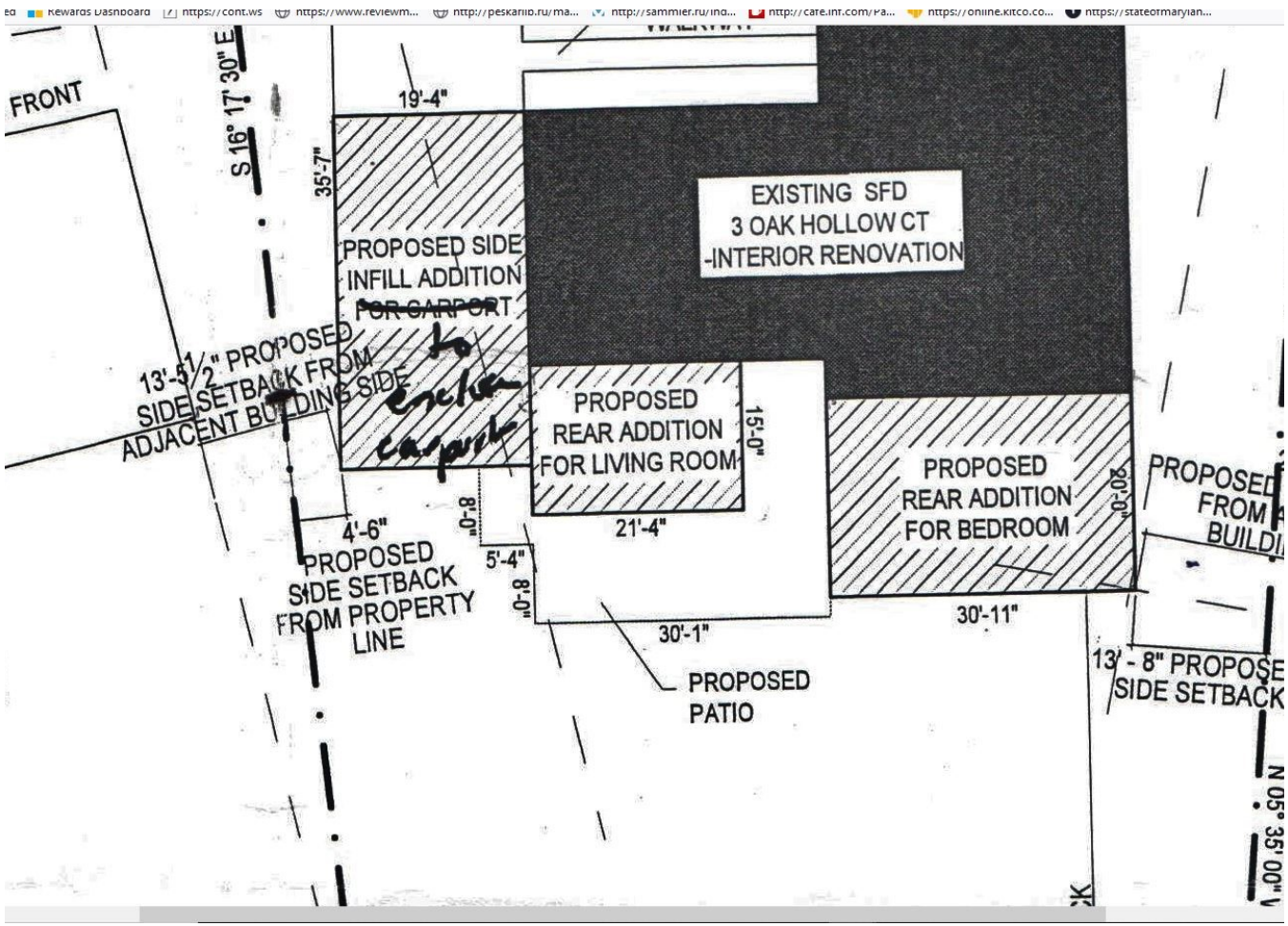
The homeowners are in need of additional living space which will include a master suite as well as enclosing the carport to gain the security of a garage. The master suite is proposed to be located off the rear, east side of the building, adjacent to the other bedrooms in the home. Due to existing architectural layout, this programmatic element must be located in this area.

We proposal to add a rear addition that would align with the existing building elevation to the rear. In doing this we will further reduce the setback to the side yard from 15'-3" to 13'-8". We are asking for relief of this setback due to the site constraints of a tapered lot line.

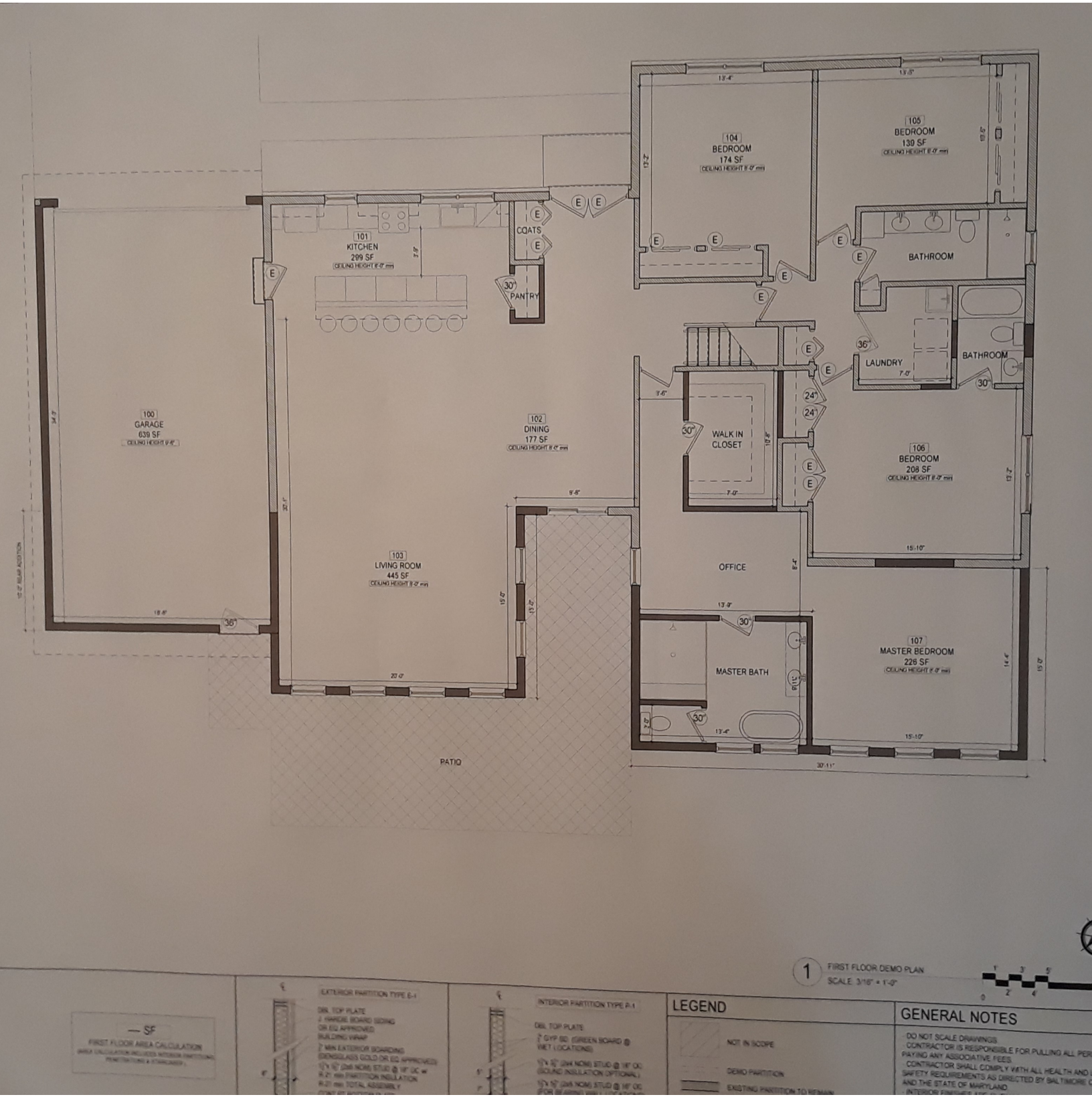
The carport is proposed to be enclosed and increased in depth. Enclosing this structure will add much needed security for the family as the enter and leave their home. There are a number of homes on this street that have enclosed their carports in recent years due to the same reasons. The existing carport is undersized and must increased in order to comfortably fit the homeowner's vehicle. The rear addition will further encroach upon the side yard setback requirement, reducing the existing from 6'-3" to 4'-6". This reduction will still allow safe passage from front to rear and vice versa.

It is for these reasons that this variance request for side yard setback be considered and granted as the existing site conditions do not allow for any other solution for providing additional living space and enclosure of the existing carport.

Adam Carballo, Architect


FRONT
S 16° 17' 30" E
19'-4"
35'-7"
EXISTING SFD
3 OAK HOLLOW CT
-INTERIOR RENOVATION
PROPOSED SIDE
INFILL ADDITION
FOR CARPORT
to enclose carport
13'-5 1/2" PROPOSED
SIDE SETBACK FROM
ADJACENT BUILDING SIDE
PROPOSED
REAR ADDITION
FOR LIVING ROOM
15'-0"
21'-4"
PROPOSED
REAR ADDITION
FOR BEDROOM
20'-0"
PROPOSED
FROM
BUILDI
4'-6"
PROPOSED
SIDE SETBACK
FROM PROPERTY
LINE
0'-8"
5'-4"
0'-8"
30'-1"
30'-11"
PROPOSED
PATIO
13' - 8" PROPOSE
SIDE SETBACK
N 05° 35' 00" W

3 Oak
Hollow ct



1 FIRST FLOOR DEMO PLAN
SCALE: 3/16" = 1'-0"

— SF
FIRST FLOOR AREA CALCULATION

EXTERIOR PARTITION TYPE E-1

INTERIOR PARTITION TYPE P-1

LEGEND

NOT IN SCOPE

DEMO PARTITION

EXISTING PARTITION TO REMAIN

GENERAL NOTES

- DO NOT SCALE DRAWINGS
- CONTRACTOR IS RESPONSIBLE FOR PULLING ALL PER
PAYING ANY ASSOCIATIVE FEES
- CONTRACTOR SHALL COMPLY WITH ALL HEALTH AND
SAFETY REQUIREMENTS AS DIRECTED BY BALTIMORE C
AND THE STATE OF MARYLAND



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 2, 2021

NOTICE OF DELIBERATION ON MOTION FOR RECONSIDERATION

IN THE MATTER OF: Anna Oster
3 Oak Hollow Court
20-043-A 3rd Election District; 3rd Councilmanic District

Re: Motion for Reconsideration filed by Irina Bondar, Protestant, on November 15, 2021.

Pursuant to Rule 10 of the Board of Appeals' Rules of Practice and Procedure, a public deliberation on the Motion for Reconsideration and any response thereto is

ASSIGNED FOR: JANUARY 25, 2022 AT 9:00 A.M.

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at** www.baltimorecountymd.gov/departments/appeals.html.

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

c. Petitioner/Legal Owner : Anna Oster

Protestant/Appellant : Irina Bondar

Adam Carballo, Architect/Carballo Architecture, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
David Lykens, Director/DEPS
C. Peter Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney
Nancy C. West, Assistant County Attorney

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Baltimore MD 21201

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or scan this code with your mobile device.

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Friday, November 19, 2021 3:55 PM
To: Appeals Board
Subject: Fw: Motion for Reconsideration Case No.:20-043-A -MailingReceipt
Attachments: MotionNoticeMailed.jpeg

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon ladies,
I just realized that the mail with receipt for my mailing of the Motion Notice stayed in my drafts. The Motion for Reconsideration and exhibits were mailed to Mrs Anna Oster first class, on Wednesday November 17,2021, as you kindly advised me, first thing in the morning. Receipts attached. I assume I did not need to send it to Mr Carballo? As he was not mentioned below in your instructions. Just want to make sure. I have emailed the Motion and exhibits to both of them on Monday morning anyway, before I heard from you.

Thank you for your help and guidance and have a great week end
Irina Bondar

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Tuesday, November 16, 2021 8:35 AM
To: Irina Bondar <irabond@live.com>
Subject: RE: Motion for Reconsideration Case No.:20-043-A

Dear Ms. Bondar:

The Motion for Reconsideration and all Exhibits should be printed and mailed to Ms. Oster by first class mail. It is *not* necessary to send it registered mail.

Once you have mailed the Motion, please send us an email with the date and the name and address of the person you mailed it to, i.e. Anna Oster.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 3:00 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Fw: Motion for Reconsideration Case No.:20-043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please accept these exhibits with our Motion for Reconsideration. I did not attached explanation what they are when I sent them the first time. I added a couple documents as well.
Also, please advise, if the Motion and exhibits can be emailed to the Petitioners, or they should be sent via registered mail with signature, as it was done in olden days. And who else I should send it to.

List of exhibits

1. Petitioners narrative, with statement of scope of proposed work and existing and proposed setbacks.
2. Original site plan
3. Aerial view of the subject property, showing that the carport is the same depth as the dwelling , without any bumpout or extension at the carport end of the structure. If we apply this to the site plan, we can see that the carport is extended, not the same depth. This measurement can be extrapolated easily from other measurements provided on the site plan .
4. Mr Carballo's proposed floor plan, that shows new walls as well as existing walls. The extended part of the carport is marked as 10 ft addition.
5. Side views of the existing carport.
6. Rear view of the existing carport, showing that it is the same width as the dwelling before additions.
7. Petitioners' driveway being enlarged. Petitioners stated at the Hearing that there will be no change to the footpring of the carport, or changes to the driveway. Driveway is now extended to the very property line with a considerable slope , bringing rainshower water direclty to my property line. We cannot rely on their promises, even given under Oath. Thats why water runoff has been a bid concern, especially that Petitioners refused to share their plans for it. The driveway was expanded to accomodate 3 additional vehicles, which will bring the total parking spaces to 10 or 11 vehicles including the carport. This is being done to accomodate the Petitioners business activities, with their employees using our street as park and ride which has been happening for more than 18 month now. This is a serious zoning violation in our strictly residential area. The garage/ storage the Petitioners wish to construc is of a non residential size as well and can potentially be used as anything after enclosed by Petitioners or future owners.
8. Petitioner's updated site plan showing the desired extended garage and setback as existing.

Irina Bondar

Sent: Friday, November 12, 2021 11:[illegible] PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you



Get your COVID-19 vaccine today.

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Tammy Zahner

From: Tammy Zahner
Sent: Tuesday, November 16, 2021 10:40 AM
To: 'annaoster@yahoo.com'
Subject: FW: Motion for Reconsideration
Attachments: Motion for Reconsideration (11-15-21) 2nd with all Exhibits.pdf; Motion for Reconsideration revised email (11-15-21).pdf

My apologies – it should have said Ms. Oster.

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Tammy Zahner
Sent: Tuesday, November 16, 2021 10:39 AM
To: 'annaoster@yahoo.com' <annaoster@yahoo.com>
Subject: Motion for Reconsideration

Dear Ms. Bondar:

Pursuant to our telephone conversation this morning, attached is a copy of the Motion for Reconsideration filed yesterday afternoon with additional Exhibits. We are also including the email sent by Ms. Bondar.

Please let us know if you have any questions.

Sincerely,

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
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Tammy Zahner

From: Appeals Board
Sent: Tuesday, November 16, 2021 8:35 AM
To: 'Irina Bondar'
Subject: RE: Motion for Reconsideration Case No.:20-043-A

Dear Ms. Bondar:

The Motion for Reconsideration and all Exhibits should be printed and mailed to Ms. Oster by first class mail. It is *not* necessary to send it registered mail.

Once you have mailed the Motion, please send us an email with the date and the name and address of the person you mailed it to, i.e. Anna Oster.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
appealsboard@baltimorecountymd.gov
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From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 3:00 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Fw: Motion for Reconsideration Case No.:20-043-A

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Please accept these exhibits with our Motion for Reconsideration. I did not attached explanation what they are when I sent them the first time. I added a couple documents as well.
Also, please advise, if the Motion and exhibits can be emailed to the Petitioners, or they should be sent via registered mail with signature, as it was done in olden days. And who else I should send it to.

List of exhibits

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8. Petitioner's updated site plan showing the desired extended garage and setback as existing.

Irina Bondar
Sent: Friday, November 12, 2021 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 3:00 PM
To: Appeals Board
Subject: Fw: Motion for Reconsideration Case No.:20-043-A
Attachments: 3 Oak Hollow Narrative.jpg; OriginalSitePlanDetail.JPG; 3 Oak Hollow BeforeAdditions.jpg; 3-OakHollowBuilding Plans.jpg; carport.jpg; 3_site plan.pdf; Petitioner's Exhibit 7 - Photo - Rear West.jpg; ExtendingDriveway.jpg

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Please accept these exhibits with our Motion for Reconsideration. I did not attached explanation what they are when I sent them the first time. I added a couple documents as well.
Also, please advise, if the Motion and exhibits can be emailed to the Petitioners, or they should be sent via registered mail with signature, as it was done in olden days. And who else I should send it to.

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8. Petitioner's updated site plan showing the desired extended garage and setback as existing.

Tammy Zahner

From: Tammy Zahner
Sent: Monday, November 15, 2021 1:26 PM
To: 'annaoster@yahoo.com'
Subject: Motion for Reconsideration
Attachments: Bondar Motion for Reconsideration (11-15-21).pdf

Dear Ms. Bondar:

Pursuant to our telephone conversation, attached is a copy of the Motion for Reconsideration filed this morning by Ms. Bondar.

You can email your response within 15 days to: appealsboard@baltimorecountymd.gov
And provide a copy to Ms. Bondar.

If you have any questions, please let us know.

Sincerely,

Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
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Tammy Zahner

From: Appeals Board
Sent: Monday, November 15, 2021 8:03 AM
To: 'Irina Bondar'
Subject: RE: Oster 20-043-A

Dear Ms. Bondar:

It is your responsibility to provide the other party(ies) with a copy of your Motion for Reconsideration and all attachments.
Please notify our office, in writing, once you have done so.

Thank you.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
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From: Irina Bondar <irabond@live.com>
Sent: Friday, November 12, 2021 4:40 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Oster 20-043-A

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Thank you, received , downloading. Please notify the Petitioner that we are submitting a motion for Reconsideration. Or is it my responsibility to notify them?

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Friday, November 12, 2021 2:45 PM
To: Irina Bondar <irabond@live.com>
Subject: RE: Oster 20-043-A

Ms. Bondar,

I'm going to send you a link where you will be able to download the entire Board of Appeals file.

This link will expire upon first use. The link will also expire if not used within one week.

As previously discussed, the appeal period is 30 days from the date of the opinion.

Thank you,

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: (410) 887-3180
Fax: (410) 887-3182

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From: Irina Bondar <irabond@live.com>
Sent: Friday, November 12, 2021 12:25 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Oster 20-043-A

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Good afternoon Ms Sunny,

The documents you sent me on Thursday proved very helpful in my preparation of the Appeal and we realized that we may be missing out on some rather important information. Can I please stop by your Office and review the File to decide if we need any other documents from there, so we could also pay for the copies at the same time.

Also, please confirm per our conversation on wednesday that our deadline to submit the Appeal/Motion for Reconsideration is Monday November 15.

Thank you for your help,

Irina Bondar

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Wednesday, November 10, 2021 7:23 PM

To: Irina Bondar <irabond@live.com>
Subject: RE: Oster 20-043-A

Ms. Bondar:

No one is in the office this afternoon. We will be back in on Friday, as the County is closed tomorrow for Veteran's Day.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
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From: Irina Bondar <irabond@live.com>
Sent: Wednesday, November 10, 2021 1:02 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Re: Oster 20-043-A

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Ms Sunny, thank you again for your email. I did not realize that there were 2 separate closing statemens one from Mr Carballo and one Petitioners themselves. It is very important for me to have Mr Carballo closing statement. Can I please stop by today and pay for if Mr Carballo's closing statement cannot be emailed to me.

From: Appeals Board <appealsboard@baltimorecountymd.gov>
Sent: Wednesday, November 10, 2021 5:11 PM
To: irabond@live.com <irabond@live.com>; irina Bondar <irabond2@outlook.com>
Subject: Oster 20-043-A

Ms. Bondar,

Per your request, attached please find the site plan submitted by Mrs. Oster prior to the hearing before the Board and the Closing brief submitted by Mrs. Oster. Please note a separate closing brief was filed by Mrs. Oster's architect, Mr. Carballo.

Per our conversation, should you wish to receive a copy of Mr. Carballo's closing brief, copies of your own exhibits or copy of any other documents in this file, we will need to charge you $0.50 per page pursuant to the County's copy policy.

Additionally, because we are continuing to telework in some capacity, email continues to be the best way to reach us.

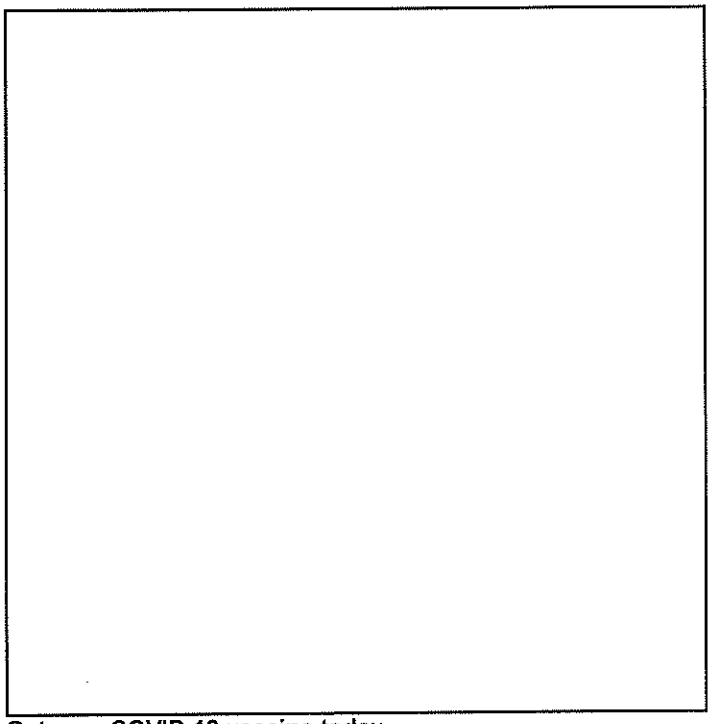
Thank you,

Sunny

Krysundra Cannington
Administrator
Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
Phone: (410) 887-3180
Fax: (410)887-3182

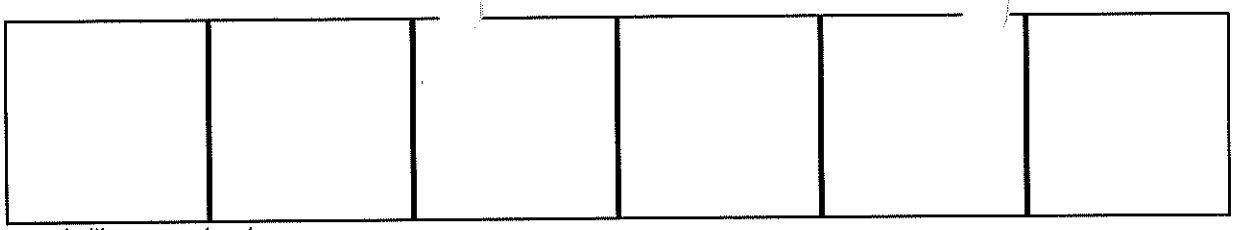
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Tammy Zahner

From: Appeals Board
Sent: Monday, November 15, 2021 8:01 AM
To: 'Irina Bondar'
Subject: RE: Motion for Reconsideration Case No.:20-043-A

Dear Ms. Bondar:

We are in receipt of your Motion for Reconsideration and attachments. We will use the version you sent below, which was Monday, November 15, 2021 at 4:48 a.m.

Please note that it is your responsibility to send all parties copies of your Motion for Reconsideration with attachments. Please provide our office with confirmation once you have provide the other parties a copy.

Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
tzahner@baltimorecountymd.gov
(410) 887-3180
(410) 887-3182 Fax

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From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 4:48 AM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Fw: Motion for Reconsideration Case No.:20-043-A

CAUTION: This message from irabond@live.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Resending the correct version with exhibits. Please confirm receipt.

Thank you
Irina

From: Irina Bondar
Sent: Friday, November 12, 2021 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you

Tammy Zahner

From: Irina Bondar <irabond@live.com>
Sent: Monday, November 15, 2021 12:00 AM
To: Appeals Board
Subject: Fw: Motion for Reconsideration Case No.:20-043-A
Attachments: AppealMotion.docx

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Good morning Sunny, please strike this document. It is really wrong. We shall proceed with the first version, that I sent on Friday I will resend that one.

I apologize for the confusion, I always work on it late at night, and miss out on things

---

From: Irina Bondar <irabond@live.com>
Sent: Saturday, November 13, 2021 11:53 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Fw: Motion for Reconsideration Case No.:20-043-A

oops.. wrong draft got attached yesterday. Sorry, resending

From: Irina Bondar
Sent: Friday, November 12, 2021 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you

Irina Bondar
Sent: Friday, November 12, 2021 11:59 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Motion for Reconsideration Case No.:20-043-A

Hello Sunny, attached please find our Motion For reconsideration. Please confirm recept.

Thank you

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 14, 2021

Anna Oster
3 Oak Hollow Court
Pikesville, Maryland 21208

RE: In the Matter of: *Anna Oster*
Case No.: 20-043-A

Dear Ms. Oster:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure

c: Irina Bondar
Adam Carballo/Carballo Architecture, LLC
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
David Lykens, Director/DEPS
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

IN THE MATTER OF ANNA OSTER 3 OAK HOLLOW COURT	*	BEFORE THE
	*	BOARD OF APPEALS
3rd Election District 3rd Councilmanic District	*	OF
	*	BALTIMORE COUNTY
	*	Case No.: 20-043-A

* * * * * * * * * * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals as an appeal of the Administrative Law Judge's ("ALJ") August 21, 2020 Opinion, granting a Petition for Variance filed by Anna Oster, legal owner for the property located at 3 Oak Hollow Court, requesting variance relief from Baltimore County Zoning Regulations ("BCZR") § 205.3 to permit an addition with a side yard setback of 4 ft 6 in. and to permit an addition with the side yard setback of 13 ft. 8 in. in lieu of the required 15 ft., respectively.

An Order denying Protestant's Motion for Reconsideration was issued on October 21, 2020. In the hearing before the ALJ, the Petitioner withdrew the request for the 13 ft., 8 in. set back and is now only pursuing the 4 ft., 6 in. set back variance.

Due to COVID-19 pandemic, a public Webex hearing was conducted by this Board virtually in lieu of an in person hearing on February 23, 2021. A public deliberation was held on April 14, 2021. Petitioner Anna Oster, appeared in support of the requested relief, architect Adam Carballo appeared on behalf of Petitioner as well. Irina Bondar appeared as the Protestant. Both the Petitioner and Protestant participated, *pro se.*

Architect, Adam Carballo testified in support of the Petitioner's request for variance relief. Mr. Carballo noted that the property was constructed under the old DR-2 zoning and has 17,700

square feet and is undersized for present DR-2 requirements. He further testified that the site is improved by a one-story residence with a carport. Petitioner wishes to change the carport into a garage and extend it in the rear. Mr. Carballo explained that the request was being made in order to construct and provide storage and further privacy for the owner. He clarified that the Petitioner was abandoning her prior request for zoning relief regarding the 13 ft., 8 in. variance and proceeding only with a 4 ft, 6 in. variance request. Mr. Carballo described the lots in the surrounding area as generally undersized and primarily square or rectangle and not meeting today's DR 2 requirements. He described other lots in the area with only four garages among the 42 homes in the surrounding area. He also described the subject property as being wedge-shaped and tapered, getting narrower towards the rear, rendering it unique and making the variance request necessary. He explained that the west side of the subject carport offers a 4 ft., 6 in. setback at the narrowest point of the tapering property line and 8 feet, 9 in. at its widest point. These conditions at the time of the home's original construction pre-date current DR-2 lot width requirements, which also require a minimum lot size of 20,000 square feet, of which the Petitioner's property falls short by 262 square feet.

The Protestant, Irina Bondar, has several issues for the basis of her opposition to this project, including her concerns regarding fire hazards from the construction of the proposed new garage and fire hazards involved with having the garage enclosure being so close to her property line. Ms. Bondar also explained that she was concerned about the runoff of additional water from the proposed structure flowing onto her property. Although Ms. Bondar appeared *pro se*, she provided the Board with a very cogent and comprehensive presentation regarding the surrounding properties and her reasons for opposing the requested variance relief. Ms. Bondar provided the Board with photographs and graphic presentations reflecting information she had

obtained from "My neighborhood," from which she was able to locate several properties in the area having lots similar to the Petitioner's tapered one and which were undersized pursuant to current DR-2 zoning standards. Ms. Bondar also argued that the Petitioners had failed to articulate any substantial hardship that would be caused as a result of their variance requests being denied. Ms. Bondar cited *Cromwell v. Ward* in making her argument, opining that the petitioner had failed in showing that her property was, one, unique, and two, that substantial hardship would result if the variance relief was denied.

As astutely noted by Ms. Bondar, a variance request involves a two-step process summarized as follows: it must be shown that the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity is what necessitates the requested variance relief. And if variance relief is denied, Petitioner will experience a practical difficulty or hardship. *Cromwell v. Ward* 102 Md. App. 691 (1995).

In applying the tenets of *Cromwell* to the facts of the case before the Board, we find that the Petitioner's property is unique. While Ms. Bondar has illustrated that a limited number of similar lots do exist in the surrounding area, the tapered nature of the Petitioner's lot is generally unique, and thus in keeping with the definition of such a term found in *Cromwell.* This Board finds that the *Cromwell* analysis requires a property to have unique factors but does not require that it be the *only* property in a surrounding area possessing such factors. Additionally, the facts that the lot in question is a non-conforming lot in keeping with current zoning requirements and the relief requested involves the enclosing of an already existing structure, cause this Board to conclude that the Petitioner's limited variance request is in keeping with the spirit and intent of the BCZR.

Testimony was also presented before the Board regarding the Petitioner's desire to enclose their garage due to privacy and security issues. Additionally, mention was made of the need for an enclosed garage in order to safely and securely store the mobility equipment used by a disabled family member who frequently visits the property. The Board finds that the denial of the requested zoning relief would cause practical difficulty and hardship in the Petitioner achieving these goals.

While not a factor envisioned in the *Cromwell* analysis, Ms. Bondar testified regarding her concerns for fire hazards and water run-off associated with the proposed structure. Mr. Carballo testified that the new garage enclosure would be constructed with the appropriate "fire wall" materials and that the placement of gutters and downspouts will direct water away from the Protestant's property that should alleviate such concerns.

CONCLUSION

This Board finds that the Petitioner has satisfied both prongs of the *Cromwell* analysis and that the requested variance relief shall be GRANTED.

ORDER

THEREFORE, IT IS THIS 14th day of October, 2021 by the Baltimore County Board of Appeals

ORDERED that the Petition for Variance from BCZR § 205.3 of the Baltimore County Zoning Regulation ("BCZR") to permit an addition with side yard setback of 4ft. 6in. in lieu of the required 15 ft., be and is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Panel Chairman

see following page
Adam T. Sampson

William A. McComas, was a Board member who sat on this panel and participated in both the hearing and public deliberation. Mr. McComas was not reappointed and he left the Board in June 2021.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

See previous page
Andrew M. Belt, Panel Chairman

Adam T. Sampson
Adam T. Sampson

William A. McComas, was a Board member who sat on this panel and participated in both the hearing and public deliberation. Mr. McComas was not reappointed and he left the Board in June 2021.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Anna Oster 20-043-A

DATE: April 14, 2021

BOARD/PANEL: William A. McComas, Panel Chair
Andrew M. Belt
Adam T. Sampson

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance pursuant to BCZR § 205.3 to permit an addition with a side yard setback of 4 ft. 6 in. and a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft.

2. Is the property unique pursuant to the conditions set forth in *Cromwell v. Ward*, and if it is, will failure to grant the Variance present a practical difficulty or undue hardship?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- The Board reviewed the case. The Petitioner originally requested a side yard setback of 4 ft. 6 in. and a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. The side yard setback of 13 ft. 8 in. was withdrawn at the hearing before the Administrative Law Judge.

- Testimony was that the Petitioner wishes to enclose the existing carport, which has been in existence since the 1960's, to make a garage for secure storage of property. The existing carport does not meet the side yard setback required under current zoning regulations for the DR-2 zone. There will be no change to the roofline or footprint of the carport.

- The Board discussed the uniqueness requirement of *Cromwell*. Petitioner's architect testified that the property is unique as it tapers, while most surrounding properties are rectangle. The home was also built prior to the creation of the DR-2 zone and the required 15 ft. side yard setback requirement. The Protestant argued the property is not unique as there are similar shaped properties in the area. The Board found the property meets the uniqueness requirement.

- The Board discussed the practical difficulty and undue hardship factor of *Cromwell*. The Board noted that the Petitioner's request is not a luxury but a practical necessity, and the desire to have enclosed storage for security reasons is not unreasonable. The Board found the Petitioner would suffer a hardship if the Variance was denied.

- The Board briefly discussed the spirit and intent of the zoning regulations. The Board noted that the granting of the Variance would not change the nature of the neighborhood as there are similar garages in the neighborhood, and there will be no change to the roofline or the footprint of the carport.

CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the requested Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Tammy A. Zahner
Tammy A. Zahner

From: Anna Oster
To: Appeals Board
Subject: Anna Oster Closing Briefs 20-043-A
Date: Monday, March 22, 2021 8:19:41 PM
Attachments: Anna Oster Closing Briefs 20-043-A.pdf

CAUTION: This message from annaoster@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Board of Appeals,

Attached please find my closing briefs for Case 20-043-A.

Thank you,

Anna Oster

March 22, 2021

Closing briefs of Variance Petition

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208
Case No. 20-043-A

Dear Board of Appeals,

On February 23, 2021 my Architect Adam Carballo and I have provided the following evidence:

Site Plan showing that the subject property is located on a pie-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. The fact that our house is located on the tapered lot makes complying with the side yard setback impossible at the building line.

Original subdivision plat which shows the existing lot sizes and shapes confirming that the subject property is "unique" due to its unregular size and tapered shape like no other in the neighborhood. Furthermore, the assigned zoning district DR-2 requires a side yard setback of 30'-0" between single family detached structures. The existing condition does not comply with such a restriction which necessitates a hardship and represents a "uniqueness" of the zoning district which was heard as a testimony.

Site map of Oak Hollow Court properties with a garage. There are 16 houses on our street and 5 of them have carports converted into two car garages. As presented in the case pictures show that the properties located on Oak Hollow Court numbers: 4, 10, 12, 13, 16 all have two car garages.

In addition, we presented pictures of my brother's wheelchair, walker, and lift as some of many handicap equipment that we need securely stored in the garage.

The protestant Mrs. Irina Bondar presented the Site Plan and neighborhood site map arguing that all of the properties and lots are the same. She was trying to prove that the subject property is not unique and that our professionally prepared site map is not accurate. Mrs. Bondar stated that she used mapping and measuring tools found on Baltimore County website: My Neighborhood and Google Maps to measure the accuracy of the presented site plan. Protestant omits the fact that Baltimore County My Neighborhood disclaimer to the public says "This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions." Protestant presented Google map picture showing shrubs between our lots and argued that the property lines go exactly as shrubs layout not as stakes placement per Property Line Surveyor. Mrs. Bondar evidence is not accurate, cannot be verified and do not represent professional measuring methods which were presented in our site plans.

In addition, the protestant composed the list of all the nearby properties with garages that needed variance approval in order to convert carport or to build the garage. In fact, large number of

properties requiring a variance proves that most of the houses in the Stevenson neighborhood were built not in compliance with current DR-2 zoning requiring a side-yard setback of 30'-0" between single family detached structures, same as our property.

Dear Board of Appeals, my family and I were looking for our "dream" house for almost 4 years. We found 3 Oak Hollow Ct, the mid-sized rancher on almost half an acer lot and "loved it at first sight". As a growing family we want to make some changes and make our house custom to our needs and liking. One of the most important futures for us is the garage due to keeping my family cars and belongings private and secure. Furthermore, my brother who has cerebral palsy and needs 24-hour care is our frequent guest and in near future he will live with us permanently. It will be much easier if we know that we can have all of his handicap equipment stored in our closed garage. We never thought that converting the carport into the garage would be a problem, because there a so many garages in the neighborhood.

In the case Mrs. Bondar has not provided any legitimate evidence as to why we should not convert the existing carport into the garage. The protestant's evidence is inaccurate and her accusations of illegally placing survey stakes or illegally putting up a fence on her land are false. All our work is permitted, the fence was placed by Pyle Fence Company Permit# 13969454 (April 27, 2020) and the Stakeout Plat were professionally done by Property Line Surveyor by Advanced Surveys, Inc File#13969454 (April 3, 2020).

Mrs. Bondar's frustration and anger towards my family might be simply caused by our construction company refusing construction services for Mrs. Bondar, as she suggested "in exchange" for signing letter of support for us and "allowing us" to convert carport into garage.

Thank you for your time and consideration, I look forward to your fair and just ruling.

Sincerely,

Anna Oster

From: Adam Carballo
To: Appeals Board; Anna Oster; Caitlin Mullett
Subject: Case No. 20-043-A Closing Brief
Date: Tuesday, March 23, 2021 12:22:54 PM
Attachments: image001.png
Case 20-043-A_Closing Brief.pdf

CAUTION: This message from adam@carballoarch.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Appeals Board,
Please see the attached closing brief for Case No. 20-043-A for 3 Oak Hollow Court.

Thank you,
Adam

Adam Carballo, AIA, RIBA – Principal
Carballo Architecture, LLC
1816 Aliceanna Street- Baltimore, MD 21231
adam@carballoarch.com
443.963.1077 office
carballoarchitecture.com

Please do not text me…I am usually in a meeting,
on the phone or driving and cannot respond.
Email is best, or call the office line.

Carballo
Architecture

March 22, 2021

Closing Brief

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208
Case Number 20-043-A

Dear Board of Appeals of Baltimore County,

This petition to the Board of Appeals is to grant the request to allow for the enclosing of an existing carport to create a garage with no change to the existing roof line or structure. This appeal is required because the existing carport, which was constructed in the 1960's, does not allow for the required side yard setback under the current zoning regulation for DR-2.

The subject property received an approved variance for side yard setback relief on August 21, 2020 for the side yard setback requirement. A later challenge to this approval was denied on October, 14, 2020. This left the approved relief request in good standing. More recently on February 23, 2021 we again presented our case for a side yard setback relief variance.

The subject property is located on a wedged-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. Due to the lot shape, the existing building is very close to the side property line in its current configuration. The west side of the building at the existing carport only offers a 4'-6" setback at the narrowest point to the property line and 8'-9" at the furthest. These existing conditions, which were present at the time of original construction are much less than the required 15'-0" that is stipulated by DR-2. Further, the lot is undersized as per zoning requirements. DR-2 dictates that a single-family lot must meet a minimum lot size of 20,000 sf. The subject property is only 17,728 sf, which renders it the second smallest lot on the street and thus, unique as presented below. The majority of the lots on the street are above 20,000 sf, or very close to being in compliance.

The following are a list of all lots on Oak Hollow Court and their perspective lot sizes:

Address	Lot Size	Meets min lot size of 20,000 sf
1 Oak Hollow Court	18,600 sf	NO
>>>3 Oak Hollow Court	17,728 sf	NO<<<<<
4 Oak Hollow Court	20,995 sf	yes
5 Oak Hollow Court	19,863 sf	NO....but very close
6 Oak Hollow Court	21, 518 sf	yes
7 Oak Hollow Court	19,994 sf	NO....but very close
8 Oak Hollow Court	21,170 sf	yes
9 Oak Hollow Court	19,994 sf	NO....but very close
10 Oak Hollow Court	23,130 sf	yes
11 Oak Hollow Court	20,560 sf	yes
12 Oak Hollow Court	17,424 sf	NO
13 Oak Hollow Court	25,831 sf	yes
14 Oak Hollow Court	31,755 sf	yes
15 Oak Hollow Court	35,501 sf	yes
16 Oak Hollow Court	34,804 sf	yes

c. 2021 Carballo Architecture, LLC

Our presentation to the Board of Appeals on February 23, 2021 presented the above facts with respect to hardship and uniqueness of property. From the date of original sub-division, this property did not comply with the tenants of DR-2 and to this day it cannot comply without granting a variance relief request. The lot is an unusual shape and undersized. The shape and orientation does not allow for compliance with the side yard setback without this relief. It is due to this uniqueness that a variance is required a must be approved as there is no reasonable method of complying with the zoning regulation.

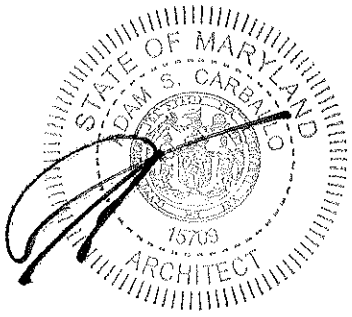
The homeowners are in need of enclosing the carport to gain the security of a garage. In addition, a family member has cerebral palsy and is confined to a wheelchair. The homeowners would like the security of keeping his outdoor wheelchair within a garage while he is inside. He uses a separate, smaller wheelchair while indoors.

The carport is proposed to be enclosed with no change to the existing roofline or building footprint. Enclosing this structure will add much needed security for the family as the enter and leave their home as well as secure storage. There are a number of homes on this street that have enclosed their carports in recent years due to the same reasons. This alteration will not inherently alter the character or aesthetic of the neighborhood. Further, the adjoining neighbor located at 1 Oak Hollow Court has documented their support of this relief request as presented to the Board.

It is for these reasons that this variance request for side yard setback relief be considered and granted as the existing site conditions do not allow for any other solution for providing enclosure of the existing carport.

Thank you for your consideration,
Sincerely,

Adam Carballo, Architect
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077



c.2021 Carballo Architecture, LLC

From: Appeals Board
To: irina Bondar
Subject: RE: Case-20-043-A Closing Statement
Date: Wednesday, March 24, 2021 7:29:42 AM

Ms. Bondar,

We did not receive an attachment.

Board of Appeals
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
Phone: (410) 887-3180
Fax: (410) 887-3182

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From: irina Bondar <irabond2@outlook.com>
Sent: Tuesday, March 23, 2021 11:39 PM
To: Appeals Board <appealsboard@baltimorecountymd.gov>
Subject: Case-20-043-A Closing Statement

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Thank you for your email earlier today.

Attached please find our Closing Statement and exhibits

Thank you,
Irina Bondar

From: irina Bondar
To: Appeals Board
Subject: Case-20-043-A Closing Statement
Date: Tuesday, March 23, 2021 11:38:35 PM

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you for your email earlier today.

Attached please find our Closing Statement and exhibits

Thank you,
Irina Bondar

IN RE: PETITION FOR VARIANCE BEFORE THE

(3 Oak Hollow Court) BOARD OF APPEALS

3rd Election District

3rd Council District BALTIMORE COUNTY

Anna Oster, **CASE NO. 20-043-A**

Legal Owner March 22, 2021

Petitioner

RESPONDENT'S CLOSING STATEMENT

For the Appeal Hearing that occurred on February 23, 2021

Respondent, Irina Bondar, respectfully requests that this Court review this case and reverse ALJ's opinion and order, issued August 21, 2020 on the grounds of error of law and newly discovered evidence and for reasons stated as follows:

1. In February 2020, Petitioners requested variance relief from § 205.3 of the Baltimore County Zoning Regulations (BCZR) to permit an addition with a side yard setback of 4 ft. 6 in, in particular to enlarge the existing carport by 10 ft to comfortably fit the owners vehicle and enclose it to add safe storage space and privacy as documented in Petitioner's Project Narrative dated 2/11/2020(attachment 1) and ALJ's Opinion and Oder dated 8/21/2020. And to permit an addition with a side yard of 13ft. 8 in setback for a master bedroom suite in lieu of the required 15 ft respectively. In open hearing , in July 2020 Petitioners dropped the request for the 13ft 8 in. setback and were only pursuing the 4 ft. 6. in. setback variance.

In that hearing Architect Adam Carballo appeared on behalf of the Petitioners. Citing from ALJ's Order and Opinion- "He (Mr. Carballo) stated that Petitioner wishes to change carport into a garage and extend it. He testified that the request being made in order to construct and provide safe storage and privacy for owner." Mr Carballo

described the lots in the area as generally undersized. He described other lots in the area as primarily square or rectangle, whereas the subject lot is “tapered”, rendering it unique and making the variance request necessary. Requested variance was granted.

At an Appeal Hearing on February 23, 2021 Mr Carballo added to his testimony that many properties in the neighborhood are not in compliance with the setback requirements, including all four properties that have garages on Oak Hollow Court, He stated this as an additional reason for granting the variance to the subject property.

It is Respondents opinion, that this is not a valid argument because the governing Law of Cromwell v.Ward (The Law) identifies Uniqueness, not Precedent to be the deciding factor. The Law also states that extent of improvements is not a determining factor for variance eligibility, and it requires that hardship should not to be self created, meaning not inflicted by current or previous owners . Noncompliant carports and garages were built by the owners of their own free will, they simply ignored the required setbacks. These noncompliant structures are grandfathered, but this is not a valid reason for legalizing them by granting a variance, or further enlarging or enclosing them. It is a self created hardship by all means in most cases.

At this Appeal hearing on February 23, 2021 Petitioners grossly misrepresented the existing conditions of the property, as well as their intentions, contradicting evidence and facts they stated earlier in writing and on record at the previous hearing. For this hearing they submitted an updated site plan – reason being, per Mr. Carballo, to document the current conditions of the property with the two rear additions already in place. But this new plan also shows, although inconspicuously, the extended carport as already existing. It falsely states that the extended carport with the length of 35ft already exists, and that Petitioners are only requesting to enclose the existing 35 ft structure. Mr Carballo repeatedly affirmed that statement , while in reality it is the same 25 ft as it was prior to their ownership, at time of their variance request and as of this day.

The Commission were not interested to see the photograph of the carport at time of Hearing, photo taken at recess. But apparently had original documentation. We are attaching Petitioner’s original project narrative and Petitioners’ construction plan showing proposed additions in detail to support our statement .

Mr Carballo is very well familiar with the site. And so is the Petitioner, as he is the builder for his improvements. Survey was ordered for the property in December of 2019 per Mr Carballo and he draw the site plan based on that. He prepared and filed the request for the Variance in February 2020. He testified on behalf of the Petitioners in July 2020, he wrote a response to Respondents’s Motion for reconsideration in August 2020, he drew plans for the rear additions , prepared and obtained building permits for

those additions per his testimony, which are framed and went under roof prior to this hearing.. He was very actively involved with this property, and knows it better than anyone. But the desired extended oversized garage/storage structure for which the variance was originally requested was being presented as an existing grandfathered structure. He marked the structure on the site plan as existing and being 10 ft longer than it actually is. The owners of the property, who were attending the hearing did not offer any correction or clarification.

Petitioners were also unable or unwilling to disclose or explain other discrepancies with the site plan, such as actual setback on the east side despite recent completion of that addition for which initially he also requested a variance.

This has striking similarity to the case of Cromwell v. Ward, where certain critical measurements were "conspicuously, almost suspiciously, absent " *Cromwell v. Ward,* 102 Md. App. 691, 696 (Md. Ct. Spec. App. 1995) from the building plans and resulted in construction of noncompliant garage , which was contested by the neighbors and eventually became the Law that governs Variance granting to this day.

2. Site plan issues aside, it is Respondent's position, that arguments Petitioners provided do not render the subject property unique and that Petitioner did not meet their burden of establishing that the two step process established in Cromwell v. Ward had been met and therefore their request for variance should be denied as a matter of law.

   The Law states that a variance request involves a two step process, in which Petitioner must first establish that their property is 'Unique" in a manner which makes it unlike surrounding properties and that "uniqueness" or peculiarity is what necessitates the requested variance relief and that , if variance is denied, Petitioner will experience a practical difficulty or hardship. Cromwell v. Ward 102 Md. App.691 (1995)

Section 307.1 of the Baltimore County Zoning Regulation requires that "variances only be granted in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request" (Cromwell v. Ward p.693)

Cromwell v. Ward defines “special circumstances or conditions” to mean that the property whereon structure are to be placed, is in and of itself unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property. (Cromwell v Ward p.693). Cromwell v. Ward states that if property is **not** found to be unique, unusual or different, then the process must stop here, at this first step and the variance must be denied. That if the requirements of the first step are not met, then the factors involving the second step should not be taken into consideration. Cromwell v. Ward states that the word “unique” does not refer to the extent of the improvement upon the property... but rather uniqueness requires that the “subject property have an inherent characteristic not shared by other properties in the area (p.710)

.. It has been established that a need for variance arises only when a specific property is so unique that it cannot be reasonably put to a conforming use and that this uniqueness is not shared generally by other properties.

In Montgomery County, Maryland v. Frances Rotwein,(169 Md. App.716 2006), the Petitioner requested a variance from the front side yard, to build a two car garage. The Petitioner stated that her property was unique in that it was exceptionally narrow and requested that the garage be built in a specific location on their property, which would require a variance. The Court held that for the variance to be granted, it must be shown that without the variance , the Petitioner would not be able to make reasonable use of her property. The court stated that the Petitioner had resided on her property for more than 50 years prior to the variance request, and therefore the variance was denied because the property had proved to be well suited to be used as residential dwelling. The fact that the property could be used as a residence was determined to be a reasonable use of the property. As a result, variance was denied.

Subject property in this case at bar was built more than 50 years ago, and had been used as a dwelling since then, which proves that it has been put to a conforming use for more than 50 years. This establishes that the Petitioners property can be used for the purpose for which it was intended. Again the Courts have held that if the first step of the two step process has not been met, then the Court should not go any further and the variance shall be denied.

The Courts have held that variance should be exercised sparingly and only under exceptional circumstances.

3. It is Respondent's position that Petitioner failed to demonstrate that "tapered" shape of the property in case at bar makes it unique. Petitioners simply made a statement, without presenting any proof or evidence at time of open hearing. Respondent has taken up the burden of proving that the subject property is not unique and that the hardship is very common in this neighborhood. Respondent evaluated , measured and compared properties on Oak Hollow court, and states with certainty that the Petitioners' hardship is not unique to their property, it is indeed prevailing among surrounding properties. It appears that majority of the properties, both rectangular and tapered, in the subdivision of Stevenson at Anton Farms require a variance to accommodate a two car garage, . It is the insufficient width of the property at the building envelope that's causing it, not the shape as such. Tapered subject property is affected just the same as the rectangular lots. We presented our findings, measurments, comparisons and conclusions in detail at the hearing, and will briefly summarize it here. We have 20 years experience in Real Estate sales, and are trained to evaluate properties.

   Respondent used Baltimore County Courthouse - subdivision plats archives and My Neighborhood resources, as well as Petitioners original site plan and building information, to make sure that measurements are accurate, reliable and from a trusted source. We shall abstain from evaluating irregular properties, to avoid erroneous conclusions.

4. This is how we did it.

   We have noticed on My Neghborhood site that a perfectly rectangular property at 9 Oak Hollow Ct also requested and received a variance (for a 2 car carport) and decided to figure out why it would be required if it is the tapered shape that allegedly makes the property unique, as stated by Petitioner..

   First, we evaluated the subject property - the width of the lot and building footprint/ at its rear tapered end. **Per Petitioner's site plan and narrative (**attached) - the width of the subject property 3 Oak Hollow Ct (lot 36 on subdivision plat), is almost 102 feet wide at the rear of the structure. To be exact - 61' (house)+19'4" (garage) + 6'3"+15'3"for existing side setbacks = 101'10", per Owners/architect. Please note, that these measurements are taken from Petitioner's own plans and narrative.

   At 101 ft. 10 in. subject property is equal or wider at the rear tapered end of the building line than many or most of the lots in the subdivision because the plats show that 100 ft wide lots are prevalent in this subdivision - we have colored them Grey in our exhibits. Subject property is even slightly wider than the perfectly rectangular lots

33 and 34 on subdivision plat (7 and 9 Oak hollow Ct) that measure exactly 100 ft in width. Despite being perfectly rectangular, lot 34 aka 9 Oak Hollow court – requested and received a variance of 6ft 25in in 1970 for the construction of a 2 car carport. That means that the perfectly rectangular property that is 100 ft wide- is not wide enough to accommodate a two car carport or garage without a variance. Indeed the math was simple -unless the dwelling measures less than 50 ft with perfect 15 ft setbacks, such property cannot accommodate a 2 car garage. (50ft house+ 20ft garage + 15ft x2 for setbacks= 100ft) Only two houses measure under 50 ft on Oak Hollow Ct - both are a two story colonial dwellings with smaller footprint than ranches and split levels.

From this we conclude that it is **not the tapered shape** of the subject property, **but the width of the lot** at the building line that causes the issue. Consequently, tapered shape of subject property does not render it unique, compared to others.

On the Petitioners' site plan we can also see that their neighbor at 1 Oak Hollow court, has approximately 15-20 ft from dwelling to property line and confirmed at hearing by Mr Carballo. This house does not have any existing garage or carport (photos presented at the hearing) which means they would need 0 (zero) ft side setback variance to accommodate a 2 car garage.

1 OAK HOLLOW - **requires a variance for a garage**

3 Oak Hollow -subject property –**requires variance to convert/construct 2 car garage.**

5 Oak Hollow - one story with attached 2 car carport and - similar approx. 6 ft side set back on the carport side-**requires variance to convert to garage**

7 Oak Hollow / 9 Oak Hollow – are identical rectangular properties 100 ft wide by 200 ft deep. The Dwellings are also one and the same SPLIT-LEVEL model for 7, 9 and 11 Oak Hollow Photos and SDAT info presented at hearing

9 Oak Hollow requested side setback variance to build a 2 car port ,**variance granted**. This variance documented, helps us greatly to identify others. We know that property 100 ft wide definitely requires a variance for a 2 car garage/carport, unless it has a smaller footprint house. The fact that Variance was granted is sufficient assurance that it was needed. We shall use it as a standard to identify others.

7 Oak Hollow -being identical to 9 - lot and dwelling- consequently **requires variance.**

13 Oak Hollow – side setback **variance was required and granted** for the garage

This accounts for all properties on the South side of Oak Hollow Court.

On the North side of Oak Hollow Court -

4,6 and 8 Oak Hollow court – they all measure 100 ft wide at the front and have Split –Level dwellings . At least one of them had recent Survey done, which confirmed insufficient width to accommodate a 2 car garage. It would require approximately 6 ft variance for that. We can state with certainty that their width of 100 ft is not sufficient to accommodate a 2 car garage without a variance. They **require a Variance**

10 and 16 Oak Hollow Ct - added to the list by Mr Carballo in his testimony

This accounts for all properties on the South side of Oak Hollow, and half of the properties on the north. This is solid undeniable evidence that the hardship, for which Petitioners are seeking a variance relief is not unique to their property, but shared by majority of surrounding properties in this subdivision of Stevenson at Anton Farms II.

Section One this subdivision comprises a part of Birch Hollow Rd from Stevenson Rd to and Elm Hollow court. All properties on the North side of Birch Hollow are rectangular and all are consistently 100 ft wide, except for 1 corner lot as shown on the Subdivision plat, presented at the hearing. This very well demonstrates the developer's intention to subdivide into lots that are consistently 100 ft wide. Nearly all of them , as well as those on Elm Hollow court cul-de-sac would require a variance to accommodate a 2 car garage due to their width as was demonstrated at the hearing. Respondent provided existing setback values for each of those properties . A few 100 ft properties located directly on a busy Stevenson Rd were left out of this analysis for traffic and safety reasons, as well as those that presented any challenge for evaluation due to some irregularities. Records show variances requested and granted to 4 and 7 Elm Hollow Ct, Birch Hollow -3422, 3424, 3430, 3425, Oak Hollow 9 and 13, and 8405 Stevenson Rd - all for the same side setback variance to construct a carport or garage.

. **5**. Again , this evidence above supports Respondent's position that the property's tapered shape does not establish uniqueness . The hardship for which

the variance is being requested is not unique to the subject property either. Majority of properties share this hardship, and are impacted equally by the zoning ordinance. In fact all properties colored yellow and orange on our Subdivision plats submitted as evidence require a variance to achieve what the Petitioners want, namely to construct a 2 car garage. .

Courts have established that the hardship should be unique to the subject property, not common among surrounding properties:

A prerequisite to the granting of a hardship zoning variance is the presence of an exceptional and unique hardship to the individual landowner, *unique to that parcel* and not shared by other property owners in the area. . . .

Cromwell v. Ward, 102 Md. App. 691, 718 (Md. Ct. Spec. App. 1995)

("It was incumbent . . . to show that the hardship . . . affected his particular premises and was not . . . common to other property in the neighborhood. . . . [H]e met the burden. . . ."); *Park Shopping Center, Inc. v. Lexington Park Theatre Co., Inc.,*216 Md. 271, 277-78, 139 A.2d 843 (1958).

Secs. 14(b), 14(d) and 16 . . . have been held not to authorize a granting for the mere convenience to the owner but to require a showing of urgent necessity, hardship peculiar to the particular property. . . .

*Mayor and City Council v. Polakoff,*233 Md. 1, 9, 194 A.2d 819 (1963).

Cromwell v. Ward, 102 Md. App. 691, 707 (Md. Ct. Spec. App. 1995)

In *Sibley v. Inhabitants of the Town of Wells,*462 A.2d 27, 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:

[T]he need for a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

. . . .

. . . [T]he hardship [must] not [be] the result of action taken by the appellant or a prior owner.

. . . .

. . . However, the mere fact that the lot is substandard is not a unique circumstance . . .

. . . However, when a landowner purchases land with actual or constructive knowledge of the zoning restrictions, he may not be granted a variance on the grounds of undue hardship.

Cromwell v. Ward, 102 Md. App. 691, 717 (Md. Ct. Spec. App. 1995)

6. Prior constructive knowledge and self created hardship.

This last citation above is indeed pertinent to this case at bar . In the case of *Sibley v. Inhabitants of the Town of Wells,*462 A.2d 27, 30-31 (1983) the Courts determined that prior knowledge of the zoning restrictions affecting a property should be considered a self created hardship. Petitioners are savvy real estate professionals with decades of experience in construction as well as buying, selling, investing in real estate and providing such services to the public. Mrs. Oster, a real estate agent with Coldwell Banker represented purchasers – that is her husband and herself -in this purchase as a Buyers' agent . There is no doubt that they know or should have known of the zoning and its restrictions affecting this property. They must have been aware that the additions they were planning would require a variance. They proceeded with the sale knowingly. Petitioners knew, or should have known that the improvements they desire could not be completed without a variance. Courts have established that when a property is purchased by the Petitioner with knowledge, actual or constructive, of the restrictions imposed by law, they may not be granted a variance on the grounds of undue hardship. Courts further state that to allow this to be considered a hardship would emasculate zoning ordinances and zoning would be meaningless. (Assateaque Coastal Trust Inc. v. Schwalbach, 223 Md Ap 631, (MD App.2015)

It is Respondents position that Petitioners' hardship is therefore self inflicted and the variance should be denied.

Courts have previously ruled:

Anderson, *supra* § 14.55 (1968).

It follows that the unnecessary hardship . . . must relate to the land, not to the applicant-owner. Hardship which is merely personal to the current owner of real property will not justify the granting of a variance. . . .

In each case [where the variance was denied], the hardship results from an error on the part of the landowner, not from an unduly severe impact of the regulations upon the land in question. . . .

. . . .Reviewing a wide variety of variance applications based upon reasons personal to the applicant, the courts have consistently held that such personal difficulties do not constitute unnecessary hardship.*Cromwell v. Ward*, 102 Md. App. 691, 720 (Md. Ct. Spec. App. 1995)

7. Hardship and urgent necessity.

A hardship results only if a special condition is present, that is unique to a particular parcel of land. The hardship must relate to the special character of the land and not to the special circumstances of the landowner. It has been held that hardship can not be the result of actions taken by owner or prior owner. A self created of inflicted hardship is never considered proper grounds for a variance. "Where the applicant creates a nonconformity, the board lacks power to grant a variance. Hardship refers to conditions peculiar to the property, it does not refer to activities peculiar to the property owners.

Petitioners have stated that the oversize enclosed garage is necessary to provide secure storage for a wheelchair of occasionally visiting disabled relative, who will not be residing at this property. Existing carport already includes a secure storage that runs the entire width of the carport. It will easily and securely accommodate a wheelchair , and it is unreasonable to request a variance for an oversized 35 ft long garage to accommodate it .Also, the house is a one story dwelling and has a few sliding doors off the patio for easy access.

Petitioners stated in their original narrative that an enlarged garage is needed to fit comfortably their vehicle. The existing carport is not undersized, it is a standard residential size of approx 20 ft by 25 ft.

8. It is Respondent's position that Petitioners failed to consider alternative solutions to achieve their goals. A freestanding storage shed could be installed in the rear yard as is commonly done by other residents in this neighborhood to provide extra storage. Petitioner previously stated on record at the hearing that it would be *inconvenient* . Inconvenience is not a valid reason for a variance, as has been established by the courts.

Citing from Cromwell vs. Ward - Secs. 14(b), 14(d) and 16 ... have been held not to authorize a granting for the mere convenience to the owner but to require a showing of urgent necessity, hardship peculiar to the particular property.... Variance would not be appropriate where the necessity can be satisfied by an alternative solution without variance.

Another option was to add the desired attached storage between the proposed rear additions , or by extending the bedroom addition. This would eliminate the need for extra large storage so close to the neighbor's dwelling and help increase the setback.

Respondent is very uncomfortable to have an oversize enclosed garage and storage combination so close to our dwelling due to increased fire hazards from such proximity with just approx 13 ft setback left in lieu of the required 30 ft. An existing open carport of residential size is not a problem, but once it is enclosed it can be used for anything, by Petitioners or next owners. Another home improvement contractor here in Stevenson is using

his oversized garage as a storage, while all of his vehicles are always parked outside. We do not agree to accept such risk, we do not have the means to rebuild the house, this happened to people we know at 12409 Willow Green Ct in Potomac, and 2 houses here in Stevenson -2 Tall Chimney Ct and 8223 Maxine circle here in Stevenson. These are older houses here , and fires happen. Increased water run off from Petitioners property is also a serious concern. Even before any additions were built, their downspouts were dumping a lot of water close to our dwelling in heavy rains. That water was pooling about 5-6 ft from our structure. It has worsened since the petitioners constructed their rear additions . If the carport is extended and comes even closer to the property line, we are risking water penetration and damage. We have submitted a request to see the grading and SWM plans at the hearing, but Petitioners objected to that , and commission agreed, despite that it was not a testimony of an absent expert, but a request for information. This Request letter is attached with this statement. Petitioners demonstrated disregard to how their building plans affect neighbor's property, ignore the costly damage that have already been caused , and keep violating Zoning laws, by continuing their business activities on our residential street, inconveniencing the residents. All this makes us very uncomfortable with their construction plans.

9. In Summary,

It is Respondent's position that the Petitioners did not meet requirements of the two-step process as prescribed by the Law, and in the light of presented evidence the subject property may not be rendered unique. The hardship is self created . This property has been put to conforming use continuously since constructed. Tapered shape of the property does not make it unique or substandard in comparison with surrounding properties because the width of the subject property at the tapered rear end of the building envelop is equal to most and even wider than some other surrounding properties. Therefore, it is not the tapered shape of the subject property that's causing the practical difficulty , but the insufficient width of the building envelope to accommodate a 2 car garage. This is not a unique circumstance or unique hardship to this property, but generally shared by the majority of properties on Oak Hollow court, and in the subdivision of Stevenson at Anton Farms in general.

WHEREFORE, Respondent respectfully request the Commission to deny the Petitioner's request for variance in accordance with the Law.

Irina Bondar, Respondent

5 Oak Hollow Court,

Baltimore, MD 21208

Irabond2@outlook.com

Carballo
Architecture

February 11, 2020

Project Narrative and Hardship

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

The subject property is located on a pie-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. Due to the lot shape, the existing building is very close to the side property line in current configuration. The west side of the building at the existing carport only offers a 6'-3" setback at the narrowest point to the property line. On the east side, a 15'-3" existing side yard setback is provided.

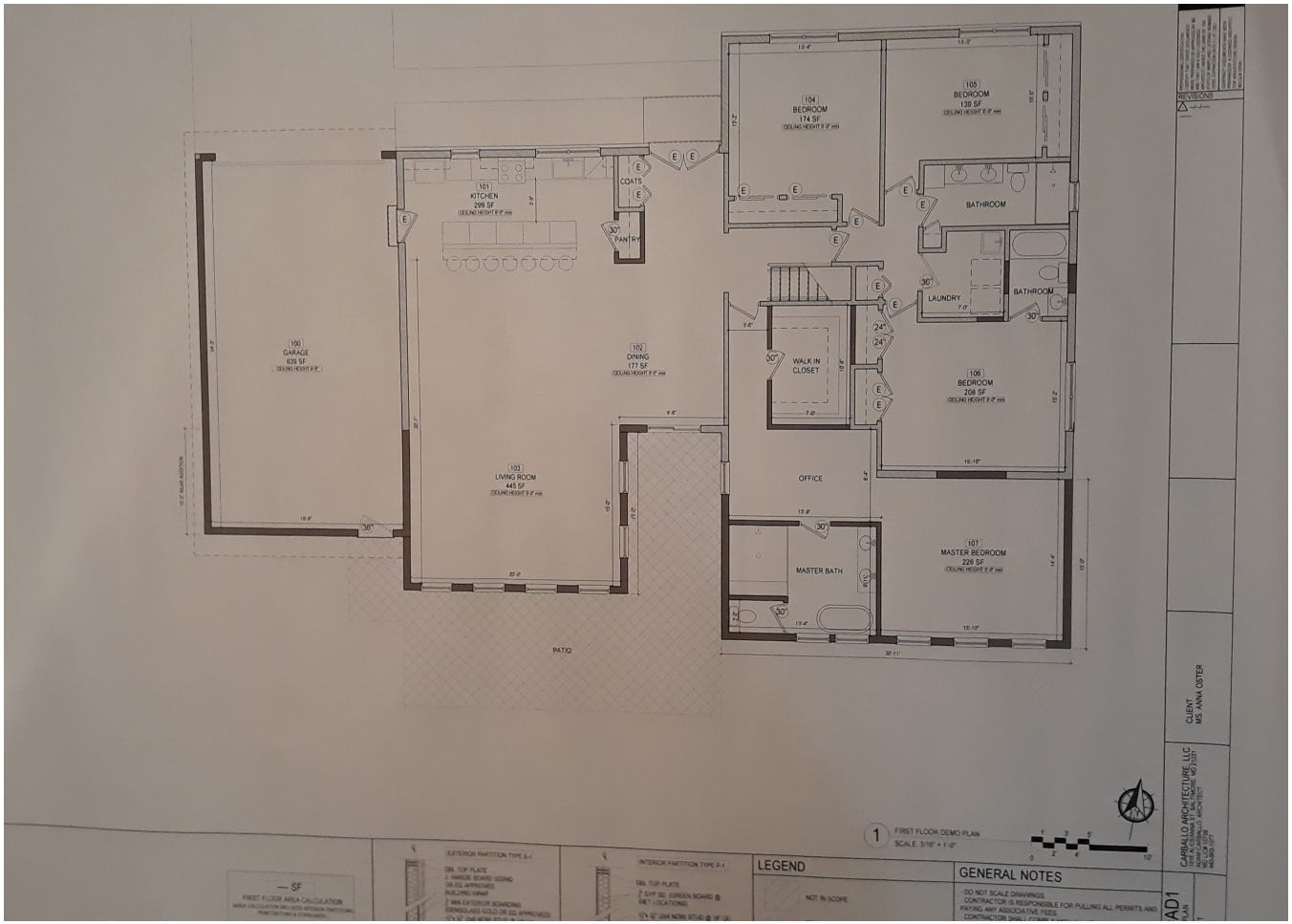
The homeowners are in need of additional living space which will include a master suite as well as enclosing carport to gain the security of a garage. The master suite is proposed to be located off the rear, east side of building, adjacent to the other bedrooms in the home. Due to existing architectural layout, this programmat element must be located in this area.

We proposal to add a rear addition that would align with the existing building elevation to the rear. In doing we will further reduce the setback to the side yard from 15'-3" to 13'-8". We are asking for relief of this set due to the site constraints of a tapered lot line.

The carport is proposed to be enclosed and increased in depth. Enclosing this structure will add much nee security for the family as the enter and leave their home. There are a number of homes on this street that h enclosed their carports in recent years due to the same reasons. The existing carport is undersized and mu increased in order to comfortably fit the homeowner's vehicle. The rear addition will further encroach upo side yard setback requirement, reducing the existing from 6'-3" to 4'-6". This reduction will still allow safe passage from front to rear and vice versa.

It is for these reasons that this variance request for side yard setback be considered and granted as the e site conditions do not allow for any other solution for providing additional living space and enclosure of th existing carport.

Adam Carballo, Architect
Carballo Architecture, LLC


100
GARAGE
639 SF
CEILING HEIGHT 9'-0"
101
KITCHEN
299 SF
CEILING HEIGHT 8'-0" min
COATS
PANTRY
102
DINING
177 SF
CEILING HEIGHT 8'-0" min
103
LIVING ROOM
445 SF
CEILING HEIGHT 8'-0" min
PATIO
104
BEDROOM
174 SF
CEILING HEIGHT 8'-0" min
105
BEDROOM
139 SF
CEILING HEIGHT 8'-0" min
BATHROOM
LAUNDRY
BATHROOM
WALK IN CLOSET
106
BEDROOM
208 SF
CEILING HEIGHT 8'-0" min
OFFICE
MASTER BATH
107
MASTER BEDROOM
226 SF
CEILING HEIGHT 8'-0" min
1 FIRST FLOOR DEMO PLAN
SCALE: 3/16" = 1'-0"
REVISIONS
CLIENT
MS. ANNA OSTER
CARBALLO ARCHITECTURE, LLC
AD1
LEGEND
NOT IN SCOPE
GENERAL NOTES
DO NOT SCALE DRAWINGS.
CONTRACTOR IS RESPONSIBLE FOR PULLING ALL PERMITS AND
PAYING ANY ASSOCIATIVE FEES.

HV

Harford View L.L.C.

February 17, 2021

Bondar Vladimir & Bondar Irina
5 Oak Hollow Court
Baltimore, MD 21208

Re: **Runoff Impact Study**
for 5 Oak Hollow Ct.

Dear Mr. and Mrs. Bondar,

Based on the submitted plans for proposed additions at your neighbor's property located at 3 Oak Hollow Ct, Baltimore, MD, I am unable to determine the full drainage impact to your property. According to the plans that you provided, the proposed rear addition for bedroom, proposed rear addition for leaving room, proposed garage addition and proposed patio will create about 2,200 sq.ft. of new impervious area that will generate significant amount of stormwater runoff toward your property.

In order to adequately evaluate stormwater runoff impact to your property by the development on 3 Oak Hollow Ct. site, please provide the following information for proposed development at 3 Oak Hollow Ct: Proposed Site Plan with 1' contour intervals and spot elevations, Proposed Stormwater Management Plan, Proposed Stormwater Management Details and Stormwater Management calculations that have been submitted to the Baltimore County for review and approval.

If you have any questions or need any additional information, please do not hesitate to call me at (240) 449-0760 at any time.

Sincerely,

HARFORD VIEW L.L.C.

Bill Mytsak, P.E., LEED AP
Project Manager

PHONE: (410) 252-3960 FAX: (410) 252-2727 E-MAIL: harfordview@gmail.com
11608 Woodland Drive, Lutherville-Timonium MD, 21093-1517

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 3, 2021

NOTICE OF DELIBERATION

IN THE MATTER OF: Anna Oster
3 Oak Hollow Court
20-043-A 3rd Election District; 3rd Councilmanic District

Re: Petition for Variance pursuant to BCZR § 205.3 of the BCZR to permit an addition with a side yard setback of 4 ft. 6 in. and a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. *(The 13 ft. 8 in. setback was dropped in open hearing before ALJ.)*

8/21/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance to permit an addition with a side yard setback of 4 ft. 6 in. in lieu of the required 15 ft. was GRANTED.

10/14/2020 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion was DENIED.

This matter having been heard and concluded on February 23, 2021, a public deliberation has been

ASSIGNED FOR: **April 14, 2021, at 9:00 a.m.**

The above scheduled public deliberation will be held remotely using Webex for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at www.baltimorecountymd.gov/Agencies/appeals/index.html.**

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

NOTE: Closing briefs are due on **March 23, 2021 no later than 3:00 p.m. (email only to: appealsboard@baltimorecountymd.gov)**

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

c. Petitioner/Legal Owner : Anna Oster

Protestant/Appellant : Irina Bondar

Adam Carballo, Architect/Carballo Architecture, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
David Lykens, Director/DEPS
Peter Gutwald, Director/PAI
James R. Benjamin, Jr., County Attorney
Nancy C. West, Assistant County Attorney

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 14, 2021

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Anna Oster
3 Oak Hollow Court
20-043-A 3rd Election District; 3rd Councilmanic District

Re: Petition for Variance pursuant to BCZR § 205.3 of the BCZR to permit an addition with a side yard setback of 4 ft. 6 in. and a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. *(The 13 ft. 8 in. setback was dropped in open hearing before ALJ.)*

8/21/2020 Opinion and Order of the Administrative Law Judge wherein the Petition for Variance to permit an addition with a side yard setback of 4 ft. 6 in. in lieu of the required 15 ft. was GRANTED.

10/14/2020 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion was DENIED.

ASSIGNED FOR: FEBRUARY 23, 2021, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/Agencies/appeals/index.html **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

Krysundra Cannington, Administrator

c. Petitioner/Legal Owner : Anna Oster

Protestant/Appellant : Irina Bondar

Adam Carballo, Architect/Carballo Architecture, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

JOHN A. OLSZEWSKI, JR.
County Executive

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

November 16, 2020

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

RECEIVED
NOV 16 2020
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2020-0043-A
Location: 3 Oak Hollow Court, Pikesville, MD

Dear Ms. Bondar:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 12, 2020. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

Paul M. Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Anna Oster, 109 Church Lane, Pikesville, MD 21208
Adam Carballo, 1816, Aliceana Street, Baltimore, MD 21231

APPEAL

Petitions for Variance
Case No.: 2020-0043-A
3 Oak Hollow Court, Pikesville, MD
3rd Election District, 3rd Council District

Petitions for Special Hearing and Variance – February 12, 2020

Zoning Description of Property (2 page)

Notice of Zoning Hearing - July 30, 2020

Certification of Publication – *The Daily Record* newspaper - published on March 31, 2020

Certification of Posting by J. Larry Pilson

Entry of Appearance by People's Counsel – N/A

Attendance Report (0 sheets)

Zoning Advisory Committee Comments:

Petitioner's Exhibits:
(1) Site Plan
(2) Project Narrative & Report
(3) Property Description
(4) Photo-Front East
(5) Photo-Front West
(6) Photo-Rear East
(7) Photo-Rear West
(8) Photo-Carport
(9) Letter to support
(10)Zac comment
(11) Cert. of Posting
(12) Photo 4 Oak Hollow Court
(13) Photo 10 Oak Hollow Court
(14) Photo 12 Oak Hollow Court
(15) Photo 15 Oak Hollow Court
(16) Photo 16 Oak Hollow Court

Protestant's Exhibits (Irina Bondar):
(1) Photo
(2) Photo Aerial View
(3) Developer Map
(4) Photo Google Map
(5) Photo

(6) Photo
Miscellaneous

Cover Letter and Administrative Law Judge's Order Decision – Variance – Granted 8/21/2020

Motion for Reconsideration filed by Irina Bondar 9/21/2020
Response to Motion for Reconsideration filed by Adam Carballo

Cover letter and Administrative Law Judge's Order Motion for Reconsideration – Denied 10/14/2020

Notice of Appeal & Check #2182 for $300.00 received by Irina Bondar 11/12/2020

Cashier's Receipt #174899-

IN RE: PETITION FOR VARIANCE
3 Oak Hollow Court

BEFORE THE OFFICE OF
ADMINSTRATIVE HEARNGS
BALTIMORE COUNTY

CASE N 2020-0043-A
November 10, 2020

Anna Oster,
Legal Owner
Petitioner

NOTICE OF APPEAL

Please be advised that we, protestants /Respondents in the above case, made the decision to request and file an Appeal with the Board of Appeals. The original Order is dated 8/21/2020 and a Motion for Reconsideration was filed on 9/21/2020. On 10/14/2020 the Judge denied Motion for Reconsideration.

Filing fee of $300 is included with this letter . Please initiate and file the Appeal on our behalf.

Respectfully,

Irina Bondar, Respondent

5 Oak Hollow Court

Baltimore MD 21208

irabond2@outlook.com

RECEIVED
NOV 12 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

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

No. 174899

Date: 11/2/2020

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

Rec From: Irma C Bondar

Total: $ 300.00

For: Office of Administrative Hearings
Case No: 2020-0215-A
Address: 3 Oak Hollow Court
Hearing Date: 11/20/2020
Check #2180

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

CASHIER'S VALIDATION

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

No. 174899

Date: 11/12/2020

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300.00

Total: $300.00

Rec From: Irina Bondar

For: Office of Administrative Hearings
Case No: 2020-0043-A
Address: 3 Oak Hollow Court
Hearing date: 7/30/2020
Check #2182

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

CASHIER'S VALIDATION

VLADIMIR V. BONDAR
IRINA BONDAR
5 OAK HOLLOW CT
BALTIMORE, MD 21208

7-11/520 3098 2182

DATE 11.11.2020

PAY TO THE ORDER OF Baltimore County, Maryland $ 300.00

three hundred 00/100 DOLLARS

M&T Bank
Greenspring Station Office

Power Financial Solutions

CASE# 2020-0043-A

MEMO Appeal Fee

Irina Bondar

Donna Mignon

From: irina Bondar <irabond2@outlook.com>
Sent: Thursday, November 12, 2020 11:24 AM
To: Donna Mignon
Subject: Re: Case number 2020-0043-A - - exhibits- 6

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you Donna! What is the best number to reach you when I arrive ? I am very grateful that you offered to take it from me personally as I also saw some confusing instructions for the virus safety control on the doors. It was not a guard yesterday, but a person that works for Baltimore county schools delivering something. I saw other people leaving the building as well, so it was a bit confusing. I'll see you soon!

Irina

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Thursday, November 12, 2020 8:20 AM
To: irina Bondar <irabond2@outlook.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Dear Ms. Bondar,
Our office was closed yesterday due to the holiday and the building was closed. No guards were working as well.
We do have a drop box, many people use it. Please come to the Jefferson Building, 105 West Chesapeake Avenue, Towson, MD 21204.
Please be here by 4:00 p.m. today, When you get here, I will walk out and get the check from you and give you a receipt.
Please call me when you get here. We are right beside the Post Office if this helps.

Thank you.
Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: irina Bondar <irabond2@outlook.com>
Sent: Wednesday, November 11, 2020 10:29 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Re: Case number 2020-0043-A - - exhibits- 6

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello Donna,

Thank you for guiding us through the process. We have made the decision to file the Appeal. In attachment, please find the Appeal request /notice. Please let me know if anything there needs to be added or corrected . I also want to make sure that I notified the Office of Administrative Hearings before the deadline, which is 2 days from today. Please confirm receipt.
I attempted to drop off this letter and the filing fee this morning at the Jefferson building, as you kindly suggested. The building appeared closed (for the holiday?) but a person that was there at the door told me that there is no drop box there, not even a foyer, but just the elevators. Was I at the wrong place? Is there another entrance? Please let me know how to find it, I will go there tomorrow, Thursday to deliver the check, to make sure the filing fee is delivered on time.

Thank you
Irina Bondar

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Thursday, October 29, 2020 8:40 AM
To: irina Bondar <irabond2@outlook.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Dear Ms. Bondar:
The original Order is dated 8/21/2020 and you had until 9/21/2020 to file a Motion for Reconsideration which you did on 9/21/2020. On 10/14/2020 the Judge denied your Motion for Reconsideration. You have until 11/13/2020 by 4:30 p.m. to file an Appeal. You will need to send a letter indicating that you wish to file an appeal and the fee to file the appeal of $300.00 and send to our office. If you are not feeling comfortable in mailing your letter and fee, you may drop it off at the front lobby of our building. We have a box that it can be placed in. Our address is : Office of Administrative Hearings, Jefferson Building, 105 West Chesapeake Avenue, Suite 103, Towson, MD 21204. Once we receive your appeal and the fee, the file will then be sent up to the Board of Appeals and then you will receive correspondence from them regarding the Appeal process. Thank you.

From: irina Bondar <irabond2@outlook.com>
Sent: Thursday, October 29, 2020 12:56 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case number 2020-0043-A - - exhibits- 6

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Donna,

We have received the Judge's decision on our Motion for Reconsideration yesterday, in the mail. To our surprise, and concern, it is dated October 14.
I checked in to get an update on October 19th, but apparently you had no record of it then. But it was delayed somewhere in the mail or the Courthouse for almost two weeks. I would b eso good if these

important dated communications could be sent via email as well, to ensure delivery and receipt. It is very concerning because it only gives us 30 days from the day of the letter to prepare our appeal, as we have every reason to believe that the Error of Law has occurred. Unless we can see the comparative analysis the Judge performed, as stated in his order dated August 21, 2020, and which has become the basis for his decision. And now we have a concern that our mailing of Appeal may also get stuck in the mail, or in the Courthouse and we may miss the deadline. Unless we can see the comparative analysis the Judge performed, as stated in his order dated August 21, 2020, and which has become the basis for his decision. Such disclosure could help us understand his decision and possibly drop this case, saving everyone's expenses and time.

Below is the letter I was preparing to send to you after I received Petitioners' response from you. We decided to send it you anyway, as this will be relevant for the Appeal.

October 24, 2020.

Good afternoon Donna, and thank you for explaining the process to me. It initially discouraged me , but after giving it a thought, I decided to send this information to you. I'll leave it to you to decide if this should or should not be brought to the Judge's attention. And then it will be up to the Judge to ignore it or to take it into consideration.

Petitioners' response to Motion for Reconsideration contains erroneous , as well as ultimately FALSE statements, that is intended to mislead the Court. It may be essential to bring it to the Judge's attention to prevent an error of Law.

The measurement and width of the properties was not assessed by means of Google Maps, as the Petitioners falsely stating . Only the Photographic images of the buildings were obtained from this source, and it is expressly stated in the Motion.

Petitioner's own Site Plan and narrative, as well as recorded Subdivision Plats from the Courthouse archives were used to obtain measurements , as demonstrated in the Motion for reconsideration.

My Neighborhood measuring tool was tested against the property that is 100 ft wide per SUBDIVISION PLAT and against Mr Carballo's own measurements on the Petitioners site plan and appears to be essentially accurate - Screenshots submitted with the Motion as evidence. This tool was used to cross check - verify the measurements obtained from above mentioned sources, particularly for the property adjacent to Subject property, that is mapped on their site plan. Other properties used for comparison and analysis were identified on the SUBDIVISION PLATS , to be 100 ft wide as our proof property at 9 Oak Hollow Ct. Any properties over 100 ft wide were excluded from the analysis, in order to avoid inaccuracy. These Plats were recorded by the original developer in 1963-1964 , accepted and stored at Baltimore County Courthouse archives, and should be deemed reliable. Images of these Subdivision Plats have been submitted as evidence with the Motion for Reconsideration as well as links, to directly access the Plats , if enlargement would be desired to verify measurements. We enlarged the Plats for better legibility of the measurements on them, and attached here for reference.

We understand that this statement may be too late for the judge to review, but they may be relevant for the Appeal

Please advise us what's required from us to file Appeal. And how we can make sure it will be delivered before the deadline.

Thank you for your unfailing support,

Irna Bondar

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, October 19, 2020 8:26 AM
To: irina Bondar <irabond2@outlook.com>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Good Morning,
Unfortunately, it will not be accepted. You filed your Motion for Reconsideration and they get to a respond to your Motion and then the Judge will consider both and make a decision.

Thank you.

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, October 19, 2020 5:50 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case number 2020-0043-A - - exhibits- 6

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Good Morning Donna, and thank you for forwarding Petitioner's response. I will be sending our comments to this statements shortly today, because some of their statements are essentially incorrect or false. We need to bring it to the Court's attention.

Thank you for your help and support,
Irina Bondar

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Monday, October 12, 2020 2:25 PM
To: irina Bondar <irabond2@outlook.com>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Please find attached the Response to the Motion for Reconsideration.

From: irina Bondar <irabond2@outlook.com>
Sent: Saturday, October 10, 2020 11:49 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case number 2020-0043-A - - exhibits- 6

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning Donna, and thank you.

We have not received the Petitioners response to our Motion for Reconsideration, It did not arrive in the mail , nor in the emails. Please forward it to us. We have not seen the information that Petitioners provided for Judges consideration after the original Hearing either, if in fact anything was provided, which may have been the reason for the Judge's original opinion and order.. Please provide it to us as well. It would allow us understand their position and the reasons behind the rulings.

Thank you for your help,
Irina Bondar

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Friday, October 9, 2020 8:04 AM
To: irina Bondar <irabond2@outlook.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Dear Ms. Bondar:
The Petitioner did submit a response and you should have received a copy of it. I am off today and I can forward a copy when I go into the office on Tuesday. Our office is closed on Monday because of the Holiday. The Judge has your Motion for Reconsideration and the Response. Depending on how much the Judge is doing, having hearings, preparing Orders, etc., I really cannot say how long it will take for him to render the Order on the Motion for Reconsideration. I however can tell you that once the Order is sent out, anyone that wishes to file an appeal has 30 days from the date of the Order to file an appeal with the Board of Appeals. The cost of filing the appeal is $300.00.

Thank you.
Have a great day.

From: irina Bondar <irabond2@outlook.com>
Sent: Thursday, October 8, 2020 8:38 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case number 2020-0043-A - - exhibits- 6

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Hello Donna,

Thank you for explaining the procedure to me. What are the timelines now? It's been about 3 weeks now. What's the deadline for petitioners to submit their response to the Motion, and how much time after that it

takes for the Judge to review and rule? Do we get to see their response when you receive it? I just need to make sure I will not miss the opportunity for Appeal, should it be necessary.

Thank you,
Irina

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Wednesday, September 23, 2020 12:33 PM
To: irina Bondar <irabond2@outlook.com>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Dear Ms. Bonder:
Yes, they are in receipt of your Motion and the Petitioner is going to respond to your Motion. Everything will be given to the Judge so he can issue his Order on the Motion for Reconsideration.

Thank you.

From: irina Bondar <irabond2@outlook.com>
Sent: Wednesday, September 23, 2020 12:21 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case number 2020-0043-A - - exhibits- 6

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Thank you Donna! The petitioners started excavating for foundation this morning... Have they been notified that we filed for Reconsideration and that they should not begin construction until Courts Orders get finalized?

Thank you
Irina Bondar

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Tuesday, September 22, 2020 2:36 PM
To: irina Bondar <irabond2@outlook.com>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Dear Ms. Bonder,
Yes we received the Motion and all exhibits. Thank you.

From: irina Bondar <irabond2@outlook.com>
Sent: Tuesday, September 22, 2020 2:35 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case number 2020-0043-A - - exhibits- 6

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Donna,

Thank you so much for letting me know! Did you get all 7 emails? One with the Motion document, and 6 emails with attachments and exhibits? I just wanted to confirm you got all of them, because they all contain parts of the evidence that is crucial to this case. And I had a few failed transmissions, apparently due to the size of the attached files, so I had to split the info into 7 emails and resend a few times. Just want to be sure you got all of them.

Thank you again for your patience and help.

Irina Bondar

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Tuesday, September 22, 2020 9:30 AM
To: irina Bondar <irabond2@outlook.com>
Subject: RE: Case number 2020-0043-A - - exhibits- 6

Dear Ms. Bondar,
We are in receipt of your Motion and exhibits.

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 11:26 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case number 2020-0043-A - - exhibits- 6

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

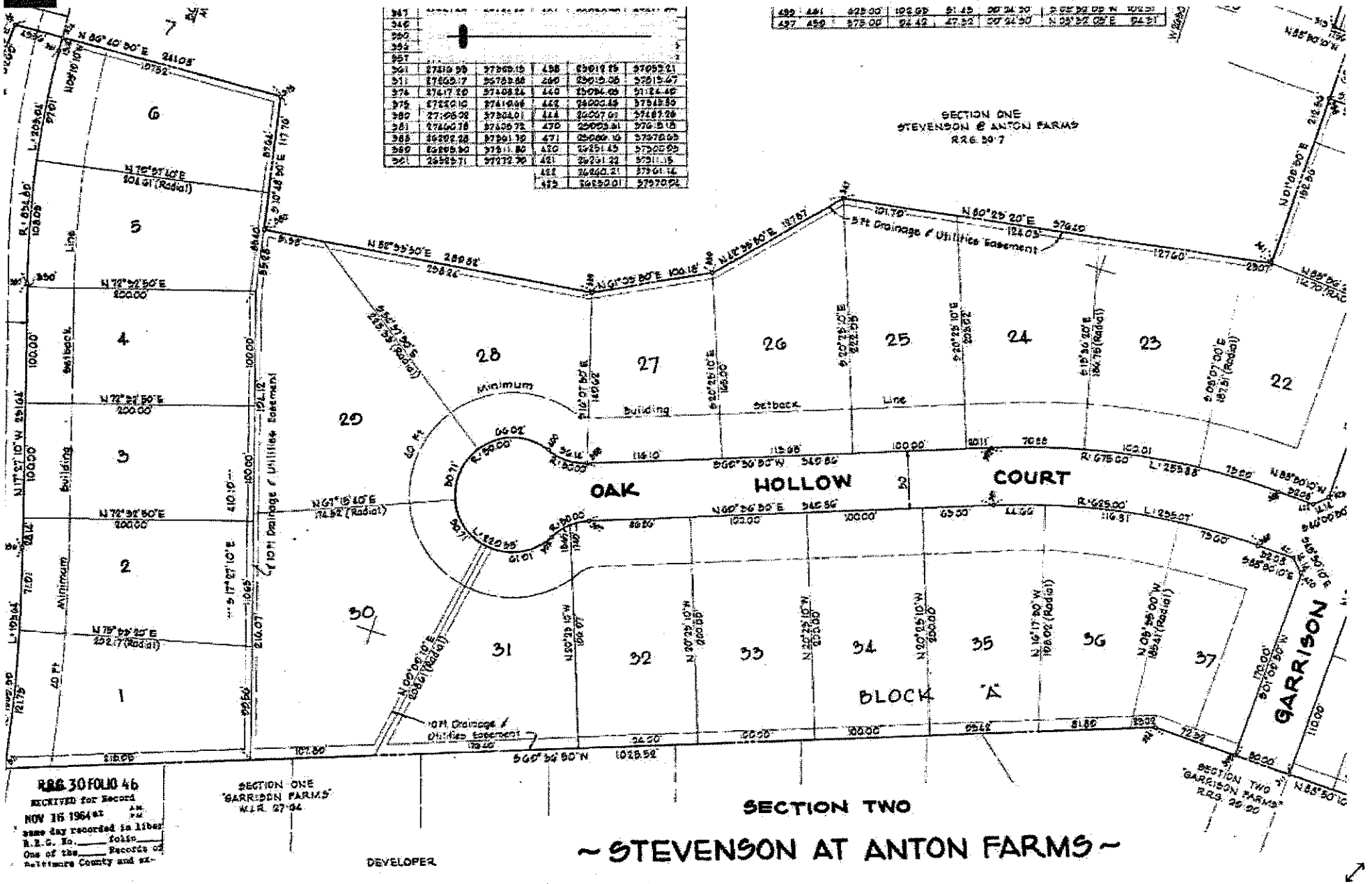
These did fall through the cracks...But they are important.
Variances at 9 and 13 Oak Hollow obtained in the past.



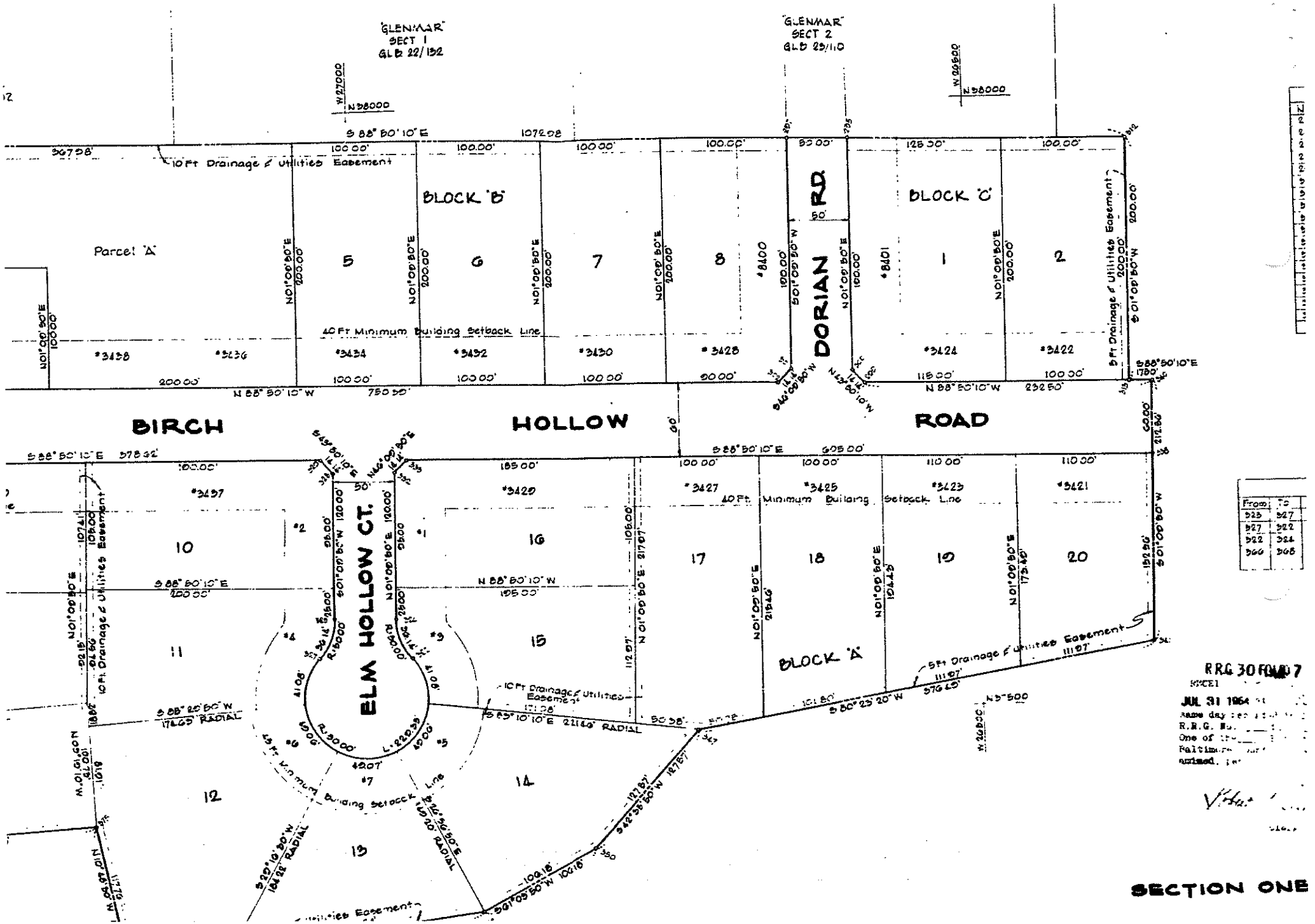
Practice social distancing and wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov



Messages from Firefox
Trolls, zombies, Jack o' Lanterns, and quarantining with ghosts: The gang's all here in these spooky articles from Pocket. Read now


"GLENMAR" SECT 1 GLB 22/132
"GLENMAR" SECT 2 GLB 25/110
N 88000
W 27000
W 26600
S 88° 50' 10" E 1072.08
10 Ft Drainage & Utilities Easement
BLOCK 'B'
BLOCK 'C'
Parcel 'A'
5
6
7
8
1
2
#3438
#3436
#3434
#3432
#3430
#3428
#3424
#3422
#8400
#8401
DORIAN RD
40 Ft Minimum Building Setback Line
5 Ft Drainage & Utilities Easement
N 88° 50' 10" W 750.50'
N 88° 50' 10" W 232.50'
BIRCH HOLLOW ROAD
S 88° 50' 10" E 578.42'
S 88° 50' 10" E 505.00'
#3437
#3429
#3427
#3425
#3423
#3421
10
11
12
13
14
15
16
17
18
19
20
ELM HOLLOW CT.
BLOCK 'A'
10 Ft Drainage & Utilities Easement
S 88° 50' 10" E 200.00'
N 88° 50' 10" W 195.00'
S 88° 50' 10" W 174.09' RADIAL
S 89° 10' 10" E 221.40' RADIAL
S 32° 10' 50" W 184.82' RADIAL
N 42° 58' 50" E 182.67'
S 50° 23' 20" W 579.69'
5 Ft Drainage & Utilities Easement
40 Ft Minimum Building Setback Line
R 30.00'
L 120.38'
#1
#2
#3
#4
#5
#6
#7
From
To
525
527
527
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524
524
526
RRG 30 FOLIO 7
JUL 31 1964
SECTION ONE

Debra Wiley

From: Administrative Hearings
Sent: Monday, September 21, 2020 7:34 AM
To: irina Bondar; Administrative Hearings
Subject: RE: Case Number 2020-0043-A Motion For Reconsideration

Ms. Bondar,

We did not receive your attachment.

Please resend.

Thank you.

From: irina Bondar <irabond2@outlook.com>
Sent: Saturday, September 19, 2020 11:50 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case Number 2020-0043-A Motion For Reconsideration

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

September 19, 2020
Case Number 2020-0043-A
Property: 3 Oak Hollow Court, Baltimore, MD 21208

Please find attached respondent's Motion for Consideration.

Thank you

Irina Bondar

JOHN A. OLSZEWSKI, JR.
County Executive

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

October 14, 2020

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

RE: MOTION FOR RECONSIDERATION - Petition for Variance
Case No. 2020-0043-A
Property: 3 Oak Hollow Court
Pikesville, MD 21208

Dear Ms. Oster:

Enclosed please find a copy of the Motion for Reconsideration decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Adam Carballo
1816 Aliceana Street
Baltimore, MD 21231

Irina Bondar
5 Oak Hollow Court
Baltimore, MD 21208

IN RE: PETITION FOR VARIANCE **(3 Oak Hollow Court)** 3rd Election District 3rd Council District Anna Oster, *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	**CASE NO. 2020-0043-A**

* * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by Anna Oster for property located at 3 Oak Hollow Court. The Petitioner originally filed a Variance pursuant to § 205.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. respectively. In open hearing, the Petitioner dropped the request for the 13 ft. 8 in. setback and only pursued the 4 ft. 6 in. setback variance.

By Opinion and Order dated August 21, 2020, the undersigned granted the Petition for Variance.

On September 21, 2020, Irina Bondar, a protestant, filed via e-mail a timely Motion for Reconsideration of the August 21, 2020 Opinion and Order.

In addition, Architect Adam Carballo, who represented Petitioner Anna Oster, filed a Response to Protestant's Motion for Reconsideration on September 25, 2020.

I have reviewed both the Motion of Reconsideration of the Protestant as well as the Response to the Motion for Reconsideration filed on behalf of the Petitioner. I find the Response to the Motion for Reconsideration to be appropriate and convincing. I see nothing in the Motion for Reconsideration to justify my reversal or modification of my Opinion and Order of

ORDER RECEIVED FOR FILING
Date 10/14/20
By DRMignon

August 21, 2020.

THEREFORE, IT IS ORDERED, this **14th** day of **October, 2020** by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration, 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 10/14/20
By

Carballo
Architecture

RECEIVED
SEP 28 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

September 25, 2020

Response Letter to Motion for Reconsideration

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208
Case No. 2020-0043-A

Dear Baltimore County,

In response to the Motion for Reconsideration received by the Zoning office, I have provided the following response:

The respondent's letter fails to provide any facts that counter the testimony heard at the hearing date.

Specifically, the respondent's claim that the subject property is not "unique" as a tapered lot is actually verified by her own evidence that is provided in the motion. One can clearly see that the width of the property is wider at the front than the rear, resulting in a tapered lot that makes complying with the side yard setback impossible at the building line.

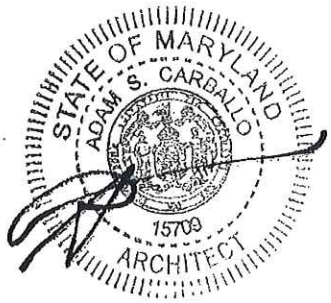
Further, the assigned zoning district DR-2 requires a side-yard setback of 30'-0" between single family detached structures. The existing condition does not comply with such a restriction which necessitates a hardship and represents a "uniqueness" of the zoning district which was heard as testimony and agreed with by the Zoning Judge.

Lastly, the respondent states that they used mapping and measuring tools found on Baltimore County My Neighborhood and Google Maps to measure the accuracy of the presented site plan. These "tools" are not accurate in any way and do not represent professional measuring methods which were presented in our site plans. Any reference to their "evidence" cannot be verified and should not be considered. The site plans presented were prepared professionally and were not questioned in any manner at the hearing or during the application process as they accurately reflect the conditions on site.

In closing, the respondent has not offered any legitimate evidence as to why the approval should be overturned or even reconsidered. The respondent is simply disappointed with the decision made and is further attempting to reverse a fair and just ruling.

Sincerely,

Adam Carballo, Architect
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077



c. 2020 Carballo Architecture, LLC

Donna Mignon

From: Adam Carballo <adam@carballoarch.com>
Sent: Friday, September 25, 2020 9:00 AM
To: Donna Mignon
Cc: Anna Oster; Caitlin Mullett
Subject: Re: Case No: 2020-0043-A - 3 Oak Hollow Court

CAUTION: This message from adam@carballoarch.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Yes, I am preparing my response and will have something to you on Monday.

Adam



Adam Carballo, AIA, RIBA – Principal
Carballo Architecture, LLC
1816 Aliceanna Street- Baltimore, MD 21231
adam@carballoarch.com
443.963.1077 office
carballoarchitecture.com

Please do not text me...I am usually in a meeting,
on the phone or driving and cannot respond.
Email is best, or call the office line.

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Date: Friday, September 25, 2020 at 8:58 AM
To: Adam Carballo <adam@carballoarch.com>
Subject: RE: Case No: 2020-0043-A - 3 Oak Hollow Court

Good Morning Adam,
I just wanted to reach out to you to find out if you will have the response to us by Monday.
The Judge is asking and I wanted to check with you.

Thank you.
Have a great day.

From: Donna Mignon
Sent: Tuesday, September 22, 2020 9:56 AM
To: 'Adam Carballo' <adam@carballoarch.com>
Subject: RE: Case No: 2020-0043-A - 3 Oak Hollow Court

Thank you.

Have a great day.

Donna

From: Adam Carballo <adam@carballoarch.com>
Sent: Tuesday, September 22, 2020 9:55 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case No: 2020-0043-A - 3 Oak Hollow Court

CAUTION: This message from adam@carballoarch.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

OK, will do.

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Date: Tuesday, September 22, 2020 at 9:50 AM
To: Adam Carballo <adam@carballoarch.com>
Subject: RE: Case No: 2020-0043-A - 3 Oak Hollow Court

Hi Adam,
When you send it to our office, please send it to our general email which is
: administrativehearings@baltimorecountymd.gov
Once we receive it we will notify you of same.

Thank you.
Donna

From: Adam Carballo <adam@carballoarch.com>
Sent: Tuesday, September 22, 2020 9:46 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Anna Oster <annaoster@yahoo.com>; Debra Wiley <dwiley@baltimorecountymd.gov>; Caitlin Mullett <caitlin@carballoarch.com>
Subject: Re: Case No: 2020-0043-A - 3 Oak Hollow Court

CAUTION: This message from adam@carballoarch.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

OK, I will prepare a response.

Adam

Adam Carballo, AIA, RIBA – Principal
Carballo Architecture, LLC
1816 Aliceanna Street- Baltimore, MD 21231
adam@carballoarch.com
443.963.1077 office
carballoarchitecture.com

Please do not text me…I am usually in a meeting,
on the phone or driving and cannot respond.
Email is best, or call the office line.

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Date: Tuesday, September 22, 2020 at 8:32 AM
To: Adam Carballo <adam@carballoarch.com>
Cc: Anna Oster <annaoster@yahoo.com>, Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No: 2020-0043-A - 3 Oak Hollow Court

Dear Adam,
Would you like to respond to the Motion? If you do, please do so within a week so we can present everything to the Judge.
The Judge will review the Motion and any Response that you may file. He will then issue an Order on the Motion for Reconsideration.
Once the Order is issued anyone has 30 days to file an appeal with our office which will then be heard by the Board of Appeals.

Thank you. Have a great day.

From: Adam Carballo <adam@carballoarch.com>
Sent: Monday, September 21, 2020 6:36 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Anna Oster <annaoster@yahoo.com>
Subject: Re: Case No: 2020-0043-A - 3 Oak Hollow Court

CAUTION: This message from adam@carballoarch.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,
What is the process and next steps to this request?

Does this require a formal response from myself, the owner or the County?

Adam

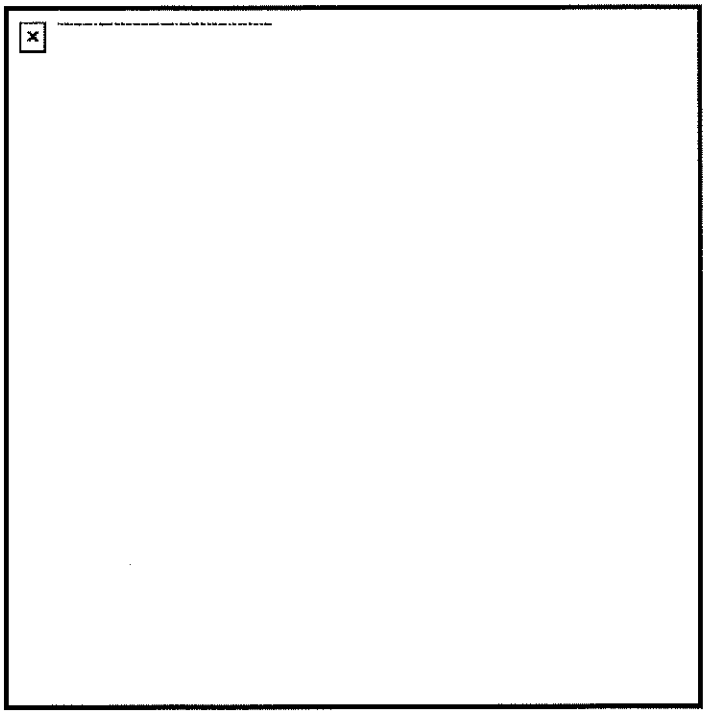
Adam Carballo, AIA, RIBA – Principal
Carballo Architecture, LLC
1816 Aliceanna Street- Baltimore, MD 21231
adam@carballoarch.com
443.963.1077 office
carballoarchitecture.com

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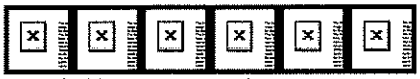
From: Donna Mignon <dmignon@baltimorecountymd.gov>
Date: Monday, September 21, 2020 at 4:20 PM
To: Adam Carballo <adam@carballoarch.com>
Cc: Anna Oster <annaoster@yahoo.com>
Subject: Case No: 2020-0043-A - 3 Oak Hollow Court

Please find attached the Motion for Reconsideration that was filed on behalf of Irina Bondar.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



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Donna Mignon

From: Adam Carballo <adam@carballoarch.com>
Sent: Monday, September 21, 2020 6:36 PM
To: Donna Mignon
Cc: Anna Oster
Subject: Re: Case No: 2020-0043-A - 3 Oak Hollow Court

CAUTION: This message from adam@carballoarch.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,
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Does this require a formal response from myself, the owner or the County?

Adam



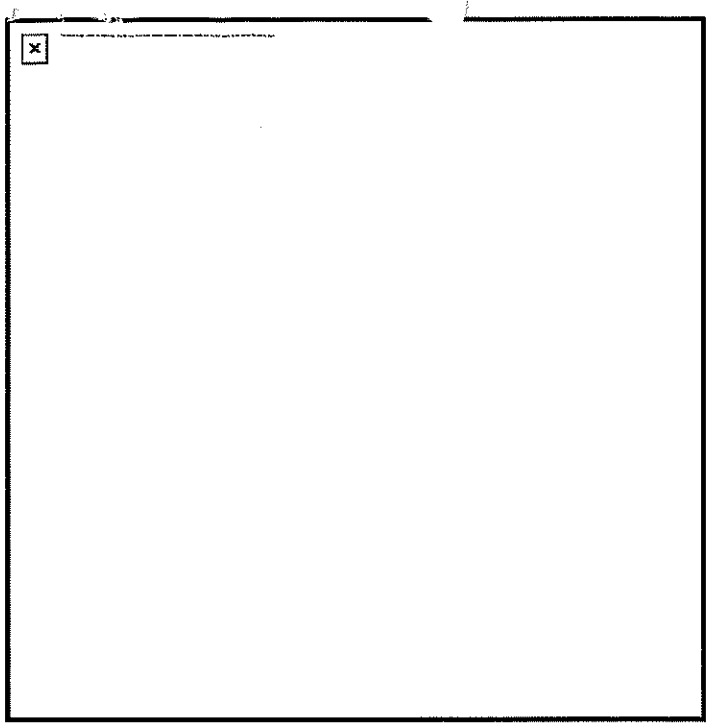
Adam Carballo, AIA, RIBA – Principal
Carballo Architecture, LLC
1816 Aliceanna Street- Baltimore, MD 21231
adam@carballoarch.com
443.963.1077 office
carballoarchitecture.com

Please do not text me…I am usually in a meeting,
on the phone or driving and cannot respond.
Email is best, or call the office line.

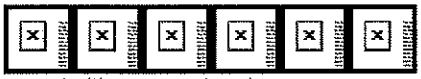
From: Donna Mignon <dmignon@baltimorecountymd.gov>
Date: Monday, September 21, 2020 at 4:20 PM
To: Adam Carballo <adam@carballoarch.com>
Cc: Anna Oster <annaoster@yahoo.com>
Subject: Case No: 2020-0043-A - 3 Oak Hollow Court

Please find attached the Motion for Reconsideration that was filed on behalf of Irina Bondar.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



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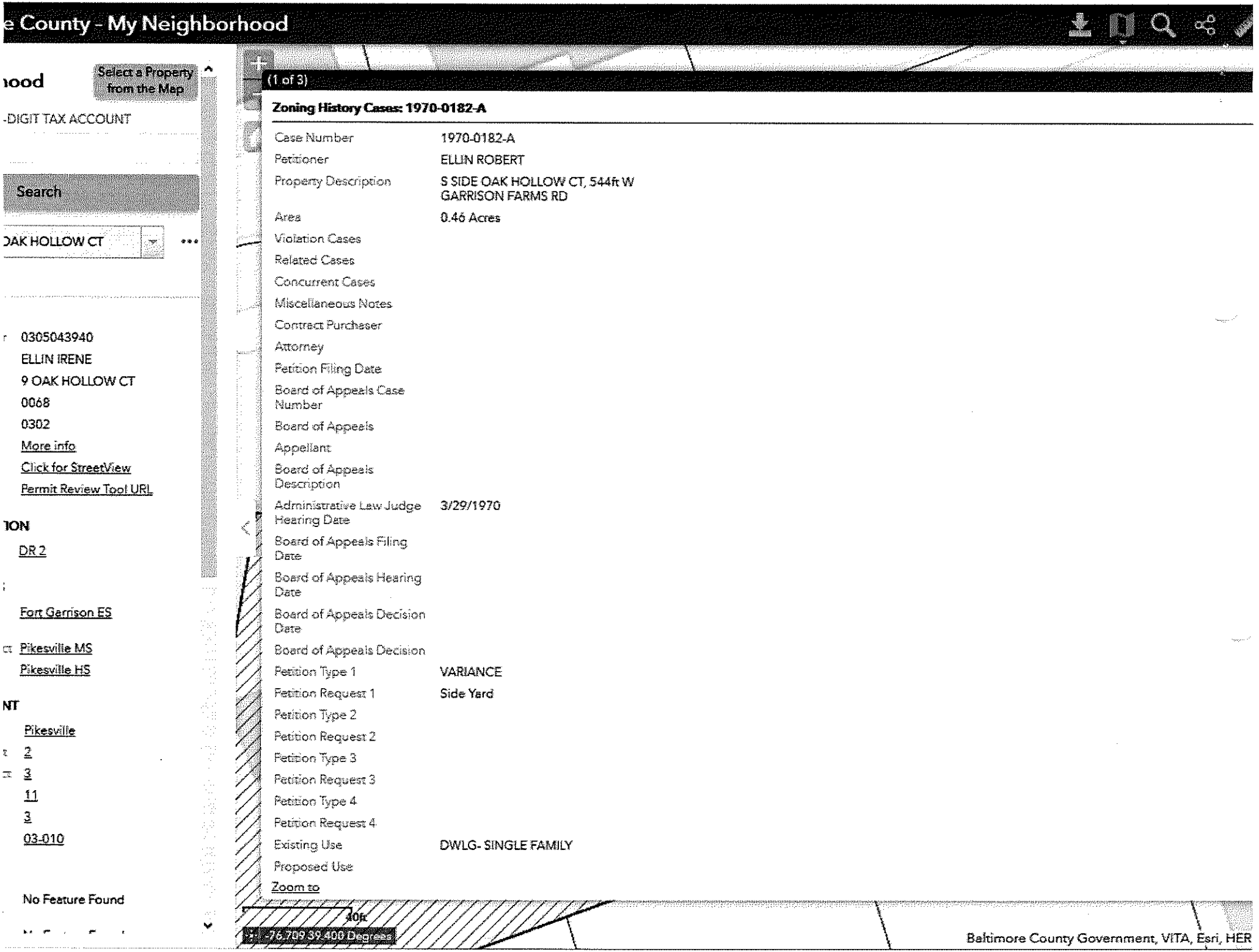
Debra Wiley

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 11:26 PM
To: Administrative Hearings
Subject: Case number 2020-0043-A - - exhibits- 6
Attachments: 9OakHollow Variance.bmp; 13 OakHollow.jpg

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

These did fall through the cracks...But they are important.
Variances at 9 and 13 Oak Hollow obtained in the past.

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e County - My Neighborhood
ıood
Select a Property from the Map
-DIGIT TAX ACCOUNT
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ELLIN IRENE
9 OAK HOLLOW CT
0068
0302
More info
Click for StreetView
Permit Review Tool URL
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DR 2
Fort Garrison ES
Pikesville MS
Pikesville HS
NT
Pikesville
2
3
11
3
03-010
No Feature Found
(1 of 3)
Zoning History Cases: 1970-0182-A
Case Number 1970-0182-A
Petitioner ELLIN ROBERT
Property Description S SIDE OAK HOLLOW CT, 544ft W GARRISON FARMS RD
Area 0.46 Acres
Violation Cases
Related Cases
Concurrent Cases
Miscellaneous Notes
Contract Purchaser
Attorney
Petition Filing Date
Board of Appeals Case Number
Board of Appeals
Appellant
Board of Appeals Description
Administrative Law Judge Hearing Date 3/29/1970
Board of Appeals Filing Date
Board of Appeals Hearing Date
Board of Appeals Decision Date
Board of Appeals Decision
Petition Type 1 VARIANCE
Petition Request 1 Side Yard
Petition Type 2
Petition Request 2
Petition Type 3
Petition Request 3
Petition Type 4
Petition Request 4
Existing Use DWLG- SINGLE FAMILY
Proposed Use
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Baltimore County Government, VITA, Esri, HER



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Select a Property from the Map

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BILLINGS PATRICIA FARRISH GILDA
113 OAK ST
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More info

this Property

0103000150

GARNER JOSHUA CHIPMAN MEENAGHAN NORA C
113 OAK DR
0101
1091
More info

this Property

1223050150
GREGORY WILLIE B
103 OAK ST

(1 of 4)

Zoning History Cases: 2007-0490-A

Case Number	2007-0490-A
Petitioner	Alan R. and Ilene J. Swirnow
Property Description	South side of Oak Hollow Court at a distance of 653 feet east of the centerline of Garrison Farms Road.
Area	0.52 acres +/-
Violation Cases	
Related Cases	
Concurrent Cases	
Miscellaneous Notes	
Contract Purchaser	
Attorney	
Petition Filing Date	
Board of Appeals Case Number	
Board of Appeals	
Appellant	
Board of Appeals Description	
Administrative Law Judge Hearing Date	
Board of Appeals Filing Date	
Board of Appeals Hearing Date	
Board of Appeals Decision Date	
Board of Appeals Decision	
Petition Type 1	ADMINISTRATIVE VARIANCE
Petition Request 1	To permit an existing single family dwelling with addition (garage) to have a side yard setback of 1 (one) foot in lieu of the required 15 feet, and a front yard setback of 1 (one) foot in lieu of the required 40 feet.
Petition Type 2	
Petition Request 2	
Petition Type 3	
Petition Request 3	

Zoom to

20ft

-76.711 97.999 Degrees

Baltimore County Government, VITA, Esri, HI

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Debra Wiley

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 7:26 PM
To: Administrative Hearings
Subject: Case number2020-0043-A exhibits-5
Attachments: 3 Ok Hollow_LI.jpg; 5 OakHollowWidth.jpg; 7 Oak Hollow Width1.jpg; 1 OakHollow.bmp; 1 OakHollow Width.jpg; 3 oak Hollow3_LI.jpg; 5 OakHollow.jpg

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The first three images- we determined the width of the building envelope of Subject property at 3 Oak Hollow 103 ft ,
5 Oak Hollow - 102 ft and control property - 7 Oak Hollow as expected to be 100 ft per plat. This confirms that rear tapered end of subject property is not inferior due to tapering. It is equal to or even wider than many. Being so wide at the front (116 ft) allows it to taper to normal average width at the rear tapered end of the building envelope. Just as everybody else.

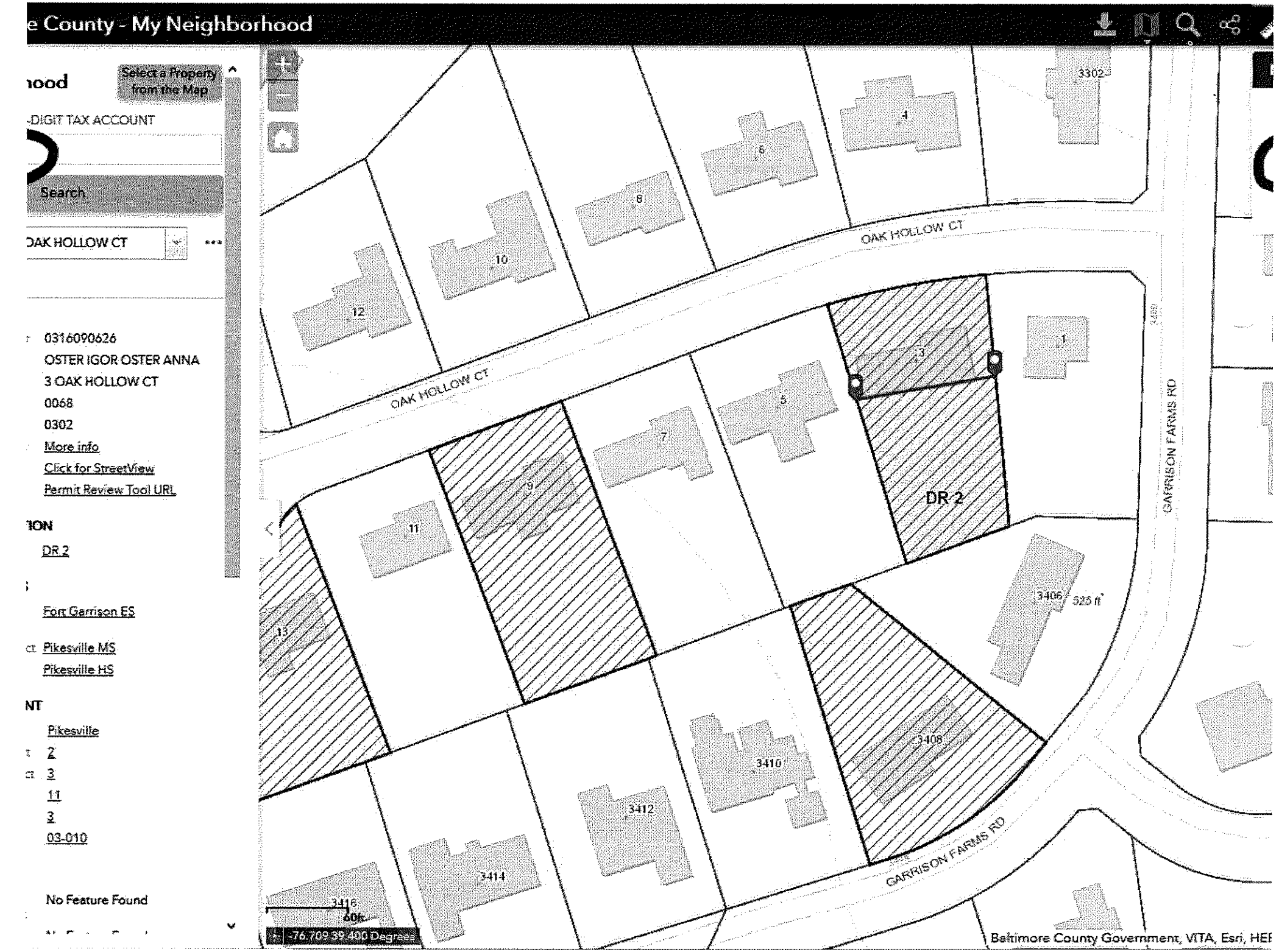
1 Oak Hollow C is a smaller footprint house, white Colonial, it has no garage or carport at all. But it only has about 20 ft side setback from the dwelling to property line , due to its corner location and because of the 40 ft front and roadside setback. So, this house definitely needs a variance to build a garage.

3 Oak Hollow is the subject property, and 5 Oak Hollow is similar, with a 2 car garage in its current configuration and has a side setback of approximately 6 ft, just as the subject property does. Consequently , it would also require a variance to convert it into garage.

I believe this is my last batch of attachments and exhibits, unless something else slipped through the cracks.

I think I sent 5 emails with photos and exhibits, plus the Motion document itself.

Thank you for your help and kindness!
Irina


e County - My Neighborhood
Select a Property from the Map
-DIGIT TAX ACCOUNT
Search
OAK HOLLOW CT
0316090626
OSTER IGOR OSTER ANNA
3 OAK HOLLOW CT
0068
0302
More info
Click for StreetView
Permit Review Tool URL
DR 2
Fort Garrison ES
Pikesville MS
Pikesville HS
Pikesville
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No Feature Found
OAK HOLLOW CT
GARRISON FARMS RD
DR 2
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Baltimore County Government, VITA, Esri, HE


e County - My Neighborhood
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5 OAK HOLLOW CT
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0302
More info
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Permit Review Tool URL
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Pikesville MS
Pikesville HS
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e County - My Neighborhood
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e County - My Neighborhood
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No Feature Found
OAK HOLLOW CT
DR 2
GARRISON FARMS RD
3400
3406
525 ft
Baltimore County Government, VITA, Esri, HER


mentary School
Google

5 Oak Ho

Donna Mignon

From: Administrative Hearings
Sent: Monday, September 21, 2020 4:08 PM
To: irina Bondar; Administrative Hearings
Subject: RE: Case Number 2020-0043-A Motion For Reconsideration

Dear Ms. Bondar,
We are in receipt of your Motion for Reconsideration and Exhibits.
Thank you. This will be given to ALJ Stahl for his review and ruling. Thank you.

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 3:37 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Re: Case Number 2020-0043-A Motion For Reconsideration

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Resending the Motion for Reconsideration. Please confirm receipt.
Photos and other docs will be sent in a separate email.

Thank you for your help!

Irina

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, September 21, 2020 7:33 AM
To: irina Bondar <irabond2@outlook.com>; Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: RE: Case Number 2020-0043-A Motion For Reconsideration

Ms. Bondar,

We did not receive your attachment.

Please resend.

Thank you.

From: irina Bondar <irabond2@outlook.com>
Sent: Saturday, September 19, 2020 11:50 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case Number 2020-0043-A Motion For Reconsideration

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

September 19, 2020
Case Number 2020-0043-A
Property: 3 Oak Hollow Court, Baltimore, MD 21208

Please find attached respondent's Motion for Consideration.

Thank you

Irina Bondar



Practice social distancing and wear a mask in public places.

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Donna Mignon



From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 3:37 PM
To: Administrative Hearings
Subject: Re: Case Number 2020-0043-A Motion For Reconsideration
Attachments: Motion for Reconsideration final.docx

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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September 19, 2020
Case Number 2020-0043-A
Property: 3 Oak Hollow Court, Baltimore, MD 21208

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Irina Bondar



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CONNECT WITH BALTIMORE COUNTY

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Debra Wiley

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 5:26 PM
To: Administrative Hearings
Subject: Case number 2020-0043-A - SDAT info - exhibits- 4
Attachments: 4 Oak HollowSDAT.jpg; 6 OakHollowSDAT.jpg; 7 Oak Hollow.jpg; 8 OakHollow SDAT_LI.jpg; 11Oak Hollow SDAT.jpg; 9 OakHollow SDAT.jpg

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

SDAT info for the Split-Level homes, to prove that they are similar/identical n style and size.. Square footage my be slightly different due to discrepancies when measured (yes, it happens all the time, from my experience in the real estate field). Additions like screened porches may also reflect on it it.

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BALTIMORE COUNTY

ew Map | View GroundRent Redemption | View GroundRent R

ecapture: None

lier: **District** - 03 **Account Number** - 0305000740

Owner Information

	WHITE JUDITH L	**Use:**	RESIDENTIAL
		Principal Residence:	NO
s:	APT 37 85 STRATHMORE RD BRIGHTON MA 02135-7162	**Deed Reference:**	/36431/ 00388

Location & Structure Information

ess:	4 OAK HOLLOW CT BALTIMORE 21208-18[illegible]	**Legal Description:**	4 OAK HOLLOW C STEVENSON AT AI

rid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
010	0302	3030037.04	0000	2	A	23	2020

ure Built	Above Grade Living Area	Finished Basement Area	Property Land Area
	3,010 SF	400 SF	20,995 SF

Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improver
NO	SPLIT LEVEL	BRICK/	5	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020
	111,500	111,500	
	335,200	359,200	
	446,700	470,700	454,700
nd:	0		

Transfer Information

TEIN DANIELLE L	**Date:** 07/20/2015	**Price:** $450,00(
NGTH IMPROVED	**Deed1:** /36431/ 00388	**Deed2:**

BALTIMORE COUNTY

ew Map | View GroundRent Redemption | View GroundRent R

capture: None

fier: **District** - 03 **Account Number** - 0306035840

Owner Information

	PHELPS DEBORAH L PHELPS JOHN A	**Use:**	RESIDENTIAL
		Principal Residence:	YES
s:	6 OAK HOLLOW CT BALTIMORE MD 21208-1853	**Deed Reference:**	/39029/ 00187

Location & Structure Information

ess:	6 OAK HOLLOW CT BALTIMORE 21208-1853	**Legal Description:**	STEVENSON AT AI

rid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
010	0302	3030037.04	0000	2	A	24	2020

ure Built	Above Grade Living Area	Finished Basement Area	Property Land Area
	2,970 SF		21,518 SF

Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improven
NO	SPLIT LEVEL	BRICK/	5	3 full/ 1 half	1 Carport	

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020
	111,600	111,600	
	264,700	285,500	
	376,300	397,100	383,233
nd:	0		

Transfer Information

MAN S ROBERT	**Date:** 06/05/2017	**Price:** $385,00
ENGTH IMPROVED	**Deed1:** /39029/ 00187	**Deed2:**

BALTIMORE COUNTY

ew Map | View GroundRent Redemption | View GroundRent Re

icapture: None

ier: **District -** 03 **Account Number -** 0312002910

Owner Information

	BLUM DAVID BLUM NATALIE 7 OAK HOLLOW CT BALTIMORE MD 21208-1854	**Use:**	RESIDENTIAL
		Principal Residence:	YES
s:		**Deed Reference:**	/07564/ 00100

Location & Structure Information

ess:	7 OAK HOLLOW CT 0-0000	**Legal Description:**	STEVENSON AT ANT

rid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
010	0302	3030037.04	0000	2	A	34	2020

ure Built	Above Grade Living Area	Finished Basement Area	Property Land Area
	2,748 SF		19,994 SF

Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improveme
NO	SPLIT LEVEL	BRICK/	5	2 full/ 2 half	1 Carport	

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020
	111,200	111,200	
	243,100	259,100	
	354,300	370,300	359,633
ind:	0		

Transfer Information

OFF VERRELL L,JR	**Date:** 06/09/1987	**Price:** $200,500
NGTH IMPROVED	**Deed1:** /07564/ 00100	**Deed2:**

BALTIMORE COUNTY

aw Map | View GroundRent Redemption | View GroundRent Reg

capture: None

ier: **District** - 03 **Account Number** - 0313026310

Owner Information

	FRIBUSH NICOLE A FRIBUSH ERIC M ETAL	**Use:**	RESIDENTIAL
		Principal Residence:	YES
s:	8 OAK HOLLOW CT PIKESVILLE MD 21208-1853	**Deed Reference:**	/40142/ 00067

Location & Structure Information

ess:	8 OAK HOLLOW CT PIKESVILLE 21208-1853	**Legal Description:**	8 OAK HOLLOW CT STEVENSON AT ANT

rid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	I
010	0302	3030037.04	0000	2	A	25	2020	I

ure Built	Above Grade Living Area	Finished Basement Area	Property Land Area
	2,748 SF		21,170 SF

Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Impro	ne
NO	SPLIT LEVEL	BRICK/	5	3 full/ 1 half	1 Carport		

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020
	111,500	111,500	
	261,300	297,000	
	372,800	408,500	384,700
ind:	0		

Transfer Information

GUEZ RAUL	**Date:** 04/13/2018	**Price:** $435,000
NGTH IMPROVED	**Deed1:** /40142/ 00067	**Deed2:**

BALTIMORE COUNTY

ew Map | View GroundRent Redemption | View GroundRent R

ecapture: None

ier: **District** - 03 **Account Number** - 0305043940

Owner Information

ELLIN IRENE

s: 9 OAK HOLLOW CT
BALTIMORE MD 21208-1854

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: /37242/ 00055

Location & Structure Information

ess: 9 OAK HOLLOW CT
0-0000

Legal Description: STEVENSON AT AI

rid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
010	0302	3030037.04	0000	2	A	33	2020

ure Built	Above Grade Living Area	Finished Basement Area	Property Land Area
	2,773 SF	750 SF	19,994 SF

Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improver
NO	SPLIT LEVEL	BRICK/	5	2 full/ 2 half	1 Carport	

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020
	111,200	111,200	
	270,200	289,000	
	381,400	400,200	387,667
nd:	0		

Transfer Information

OBERT I | **Date:** 03/03/2016

MS LENGTH OTHER | **Deed1:** /37242/ 00055

BALTIMORE COUNTY

ew Map | View GroundRent Redemption | View GroundRent R

ecapture: None

fier: **District** - 03 **Account Number** - 0305043940

Owner Information

ELLIN IRENE

Use: RESIDENTIAL
Principal Residence: YES

s: 9 OAK HOLLOW CT
BALTIMORE MD 21208-1854

Deed Reference: /37242/ 00055

Location & Structure Information

ess: 9 OAK HOLLOW CT
0-0000

Legal Description:

STEVENSON AT AI

rid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
010	0302	3030037.04	0000	2	A	33	2020

ure Built	Above Grade Living Area	Finished Basement Area	Property Land Area
	2,773 SF	750 SF	19,994 SF

Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improven
NO	SPLIT LEVEL	BRICK/	5	2 full/ 2 half	1 Carport	

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020
	111,200	111,200	
	270,200	289,000	
	381,400	400,200	387,667
and:	0		

Transfer Information

ROBERT I **Date:** 03/03/2016

MS LENGTH OTHER **Deed1:** /37242/ 00055

RECEIVED
SEP 21 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

Debra Wiley

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 5:12 PM
To: Administrative Hearings
Subject: Fw: Case Number 2020-0043-A Motion For Reconsideration - attachments, exhibits-3
Attachments: 9 OakHollow.bmp; 7 OakHollow.bmp; 11 OakHollow.bmp; 4-6 OakHollow.bmp; 6 OakHollow.bmp; 8 OakHollow.bmp

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RECEIVED
SEP 21 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

From: irina Bondar
Sent: Monday, September 21, 2020 5:11 PM
To: administrativehearing@baltimorecountymd.gov <administrativehearing@baltimorecountymd.gov>
Subject: Case Number 2020-0043-A Motion For Reconsideration - attachments, exhibits-3

Photos of properties on Oak Hollow court - compared in the Motion document and determined to need a variance for the construction of a 2 car garage

Oak Hollow 7, 9, 11, 4 , 6, 8 - are all the same floor plan - split Level, and they are all built on lots that are 100 ft wide. This means to us that if one requires a variance - all of them require the same.
7 and 9 Oak Hollow - are truly identical - same Split-Level dwelling on strictly 100x200ft lots. 9 Oak Hollow requested and received side yard variance relief for the construction of a 2 car carport. 7 Oak Hollow is Identical to 9 Oak Hollow and thus would certainly require the variance.
4, 6, and 8 - are the same Split-Level model (SDAT and Photos testify to this this) on the lots that 100 ft wide. They would certainly require a variance to build a 2 car garage. This was confirmed by the survey done recently for one of these houses .

Please refer to the Subdivision plats, sent in a previous email for the measurements of the lots.

I may have to send SDAT reports confirming that 7-9-11-4-6-8 Oak Hollow are indeed the same model and size in a separate email, as the size may not allow to attach it all here, especially so that some of the houses are so concealed by the vegetation, that i was not able to get a clear view on the picture. Yes, it kicked me out again! SDAT forms will be sent in the next mail,


9 OAK HOLLOW
Fort Garrison
ementary School
Google


7 Oak Hollow
Fort Garrison
ementary School
Google

11 Oak Hollow



4 - 6 Oak Hollow



6 Oak Hollow



8 Oak Hollow



Elementary

ere to search

IN RE: PETITION FOR VARIANCE

(3 Oak Hollow Court)

3rd Election District

3rd Council District

Anna Oster, **CASE NO. 2020-0043-A**

Legal Owner

Petitioner

BEFORE THE

OFFICE OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

RECEIVED
SEP 21 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

September 19, 2020

RESPONDENTS MOTION FOR RECONSIDERATION OF OPINION AND ORDER DATED AUGUST 21, 2020

Respondent, Irina Bondar, respectfully requests that this Court reconsider its opinion and Order dated August 21, 2020 under rule 10, of the Baltimore County Code on the grounds of error of facts and newly discovered evidence and for reasons stated as follows:

1. Petitioners requested variance relief from § 205.3 of the Baltimore County Zoning Regulations (BCZR) to permit an addition with a side yard setback of 4 ft. 6 in. And to permit an addition with a side yard setback in lieu of the required 15 ft. Respectively. In open hearing , Petitioners dropped the request for the 13ft 8 in. Setback and is only pursuing the 4 ft. 6. in. setback variance.

Architect Adam Carballo appeared on behalf of the Petitioners. He stated that the property has been constructed under the old RC zoning, has 17,700 sq.ftand is undersized for the present RC2 zoning. He stated that the site is improved by a one-story residence with a carport. Petitioner wishes to change carport into a garage and extend it. He testified that the request being made in order to construct and provide safe storage and privacy for owner. Mr Carballo described the lots in the general area as generally undersized. He described other lots in the area as primarily square or rectangle, whereas the subject lot is "tapered", rendering it unique and making the variance request necessary.

Mr. Carballo, on behalf of the Petitioner, stated that she would construct the new garage with approved "fire wall" construction to address Protestant's concern of increased Fire Hazard from an enclosed garage and extended storage being extremely close to the property line., and in fact stated that downspouts and gutters planned for the construction will direct water to the center of the subject property, and not toward that of the Protestant's.

2. The Commission's order states that a variance request involves a two step process, in which Petitioner must first establish that their property is 'Unique" in a manner which makes it unlike surrounding properties and that "uniqueness" or peculiarity is what necessitates the requested variance relief and that , if variance is denied, Petitioner will experience a practical difficulty or hardship. The Court cites Cromwell v. Ward 102 Md. App.691 (1995)
3. The Court concluded that the subject property with its relationship to other sites as well as its "tapered" character, render it unique and if Regulations were strictly interpreted Petitioner would experience practical difficulty because she would be unable to construct her garage.
4. It is Respondent's position that Petitioner failed to demonstrate that "tapered" shape of the property in case at bar makes it unique. Petitioners simply made a statement, without presenting any proof or evidence at time of open hearing . Respondent evaluated , measured and compared properties on Oak Hollow court, and states with certainty that the Petitioners' hardship is not unique to their property, it is indeed prevailingamong surrounding properties. Overwhelming majority of the properties, both rectangular and tapered, in the subdivision of Stevenson at Anton Farms require a variance to accommodate a two car garage, . It appears that it is the width of the plot at the building envelope of these properties that's causing it, not the shape as such. We shall present our findings, measurments, comparisons and conclusions in detail below.
5. One very important fact needs to be taken into consideration, when comparing properties in this general area. This is where an error of fact may have happened. There are numerous small subdivisions in this neighborhood, often comprising just one street. Or even half a street. And oftentimes, two adjacent streets belong to different subdivisions. For this reason comparing properties from two different subdivisions would be inappropriate and could lead to erroneous conclusion as to the uniqueness. As an example, we can look at the properties on Oak Hollow Court and Garrison Farms Road , which runs north of Oak Hollow and whose

backyards adjoin. Properties on Garrison Farms subdivision were developed by a different developer than Oak Hollow, they are wider by approximately 10 ft than those on Oak Hollow Ct. And have structuresthat are very different from those on Oak Hollow. They should not be juxtaposed for comparison.

6. Methodology. Respondent used resources and measuring tools by Baltimore County Courthouse - subdivision plats archives and My Neighborhood measuring tools, as well as Petitioners original site plan and building information, to make sure that measurements are accurate, reliable and from a trusted source. Photos from Google Maps. We shall avoid evaluating irregular properties, to avoid erroneous conclusions.

First, we evaluated the subject property - the width of the lot and building footprint/ at its rear tapered end as proposed with additions. Per Petitioner's building plan and narrative - the width of the subject property lot 36 (3 Oak Hollow Ct), is approximately 102 feet wide at the rear of the structure. That is 61' (house)+19'-4" (garage) + 6'3"+15'3"for existing side setbacks = 101'10", per Owners/architect. My Neighborhood measured it 103 ft. This is equal or wider than majority of the plots, even a few feet wider than the perfectly rectangular lots 33 and 34, because it is so wide at the front.

On the Petitioners' site plan we can also see that their neighbor at 1 Oak Hollow court, has approximately –20 ft from dwelling to property line. This house does not have any existing garage or carport (photo in attachments) which means they would need zero ft side setback variance to accommodate a 2 car garage.

1 OAK HOLLOW - **requires a variance for a garage**

3 Oak Hollow -subject property –**requires variance to convert/construct 2 car garage.**

5 Oak Hollow - one story house similar to subject property, with attached 2 car carport and - similar 5-6 ft side set back on the carport side. Property tapers (proof attached) to the same 102 ft at the rear of structure-**requires variance to convert to garage**

7 Oak Hollow / 9 Oak Hollow – are identical rectangular properties 100 ft wide by 200 ft deep. The Dwellings are also one and the same SPLIT-LEVEL model for 7, 9 and 11 Oak Hollow . Photos and SDAT info attached as evidence.

9 Oak Hollow requested side setback variance to build a 2 car port **,variance granted.** This variance being documented, helps us greatly to identify others. We know that property

100 ft wide definitely requires a variance for a 2 car garage/carport, unless it has a smaller footprint house – a two story colonial, similar to 1 Oak Hollow. The fact that Variance was granted is sufficient assurance that it was needed. We shall use it as a standard to compare other properties against.

7 Oak Hollow -being identical - lot size and dwelling- consequently **requires variance.** (photos/ sdat info attached)

13 Oak Hollow – side setback **variance was required and granted** for the garage

This accounts for **ALL** properties on the South side of Oak Hollow Court.

North side of Oak Hollow Court -

4,6 and 8 Oak Hollow court – they all measure 100 ft wide at the front and have the same Split –Level dwellings as 9 Oak Hollow on the south side, with proven need of variance for a two car carport/garage. At least one of them had recent Survey done, which confirmed insufficient width to accommodate a 2 car garage. We can state with certainty that their width of 100 ft is not sufficient to accommodate a 2 car garage without a variance. They **require a Variance**

This accounts for All properties on the South side of Oak Hollow, and half of the properties on the north. This is solid undeniable evidence and proof that the hardship, for which Petitioners are seeking a variance relief is not unique to their property, but shared by vast majority of surrounding properties in this particular subdivision, Stevenson at Anton Farms section Two.

Section One of the same subdivision, which comprises a part of Birch Hollow Rd from Stevenson Rd and Elm Hollow court. All properties on the North side of Birch Hollow are rectangular and all are consistently 100 ft wide, except corner lot. Subdivision plat attached . Please view online if dimensions are not legible on attached copy. Nearly all of them , as well as those on Elm Hollow court cul-de-sac would require a variance to accommodate a 2 car garage due to their width with the exception of a couple colonial style 2 story dwelling with significantly smaller footprint. Respondent shall provide measurements and analysis for each property, should the Court consider evidence provided above for Oak Hollow Court insufficient. Records show variances requested and granted to at least 2 properties on Elm Hollow Ct, and a few more on Birch Hollow rd, all for the same side setback variance. Which again supports our conclusions.

Courts established that the hardship should be unique to the subject property, not common among surrounding properties.

Section 307.1 of the Baltimore County Zoning Regulation requires that "variances only be granted in cases where special circumstances or conditions exist that are peculiar ro the land or structure which is the subject of the variance request" (Cromwell v. Ward p.693)

Cromwell v. Ward defines "special circumstances or conditions" to mean that the property whereon structure are to be placed, is in and of itself unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provisions to impact disproportionately upon that property. (Cromwell v Ward p.693) Cromwell v. Ward states that if property is **not** found to be unique, unusual or different, then the process must stop here, at this first step and states that the word "unique" does not refer to the extent of the improvement upon the property... but rather uniqueness requires that the "subject property have an inherent characteristic not shared by other properties in the area (p.710) .. It has been established that a need for variance arises only when a specific property is so unique that it cannot reasonably be put to a conforming use and that this uniqueness is not shared generally by other properties.

It is Respondents position that the property's tapered shape does not establish uniqueness. In fact numerous properties on Oak Hollow court are tapered to various degrees. The hardship for which the variance is being requested is not unique to the property either. As it was shown above majority of property share this hardship, and are impacted equally by the zoning ordinance. In Fact all properties on the south side of Oak Hollow court require a variance to achieve what the Petitioners want, namely to construct a 2 car garage. These lots simply do not have sufficient width.

Courts further stated -

("It was incumbent . . . to show that the hardship . . . affected his particular premises and was not . . . common to other property in the neighborhood. . . . [H]e met the burden. . . ."); *Park Shopping Center, Inc. v. Lexington Park Theatre Co., Inc.,*216 Md. 271, 277-78, 139 A.2d 843 (1958).

Secs. 14(b), 14(d) and 16 . . . have been held not to authorize a granting for the mere convenience to the owner but to require a showing of urgent necessity, hardship peculiar to the particular property. . . .

*Mayor and City Council v. Polakoff,*233 Md. 1, 9, 194 A.2d 819 (1963).

Cromwell v. Ward, 102 Md. App. 691, 707 (Md. Ct. Spec. App. 1995)

In *Sibley v. Inhabitants of the Town of Wells,*462 A.2d 27, 30-31 (1983), the Supreme Judicial Court of Maine upheld the denial of a variance, holding:

[T]he need for a variance [must be] due to the unique circumstances of the property and not to the general conditions in the neighborhood;

. . . .

. . . [T]he hardship [must] not [be] the result of action taken by the appellant or a prior owner.

. . . .

. . . However, the mere fact that the lot is substandard is not a unique circumstance . . .

. . . However, when a landowner purchases land with actual or constructive knowledge of the zoning restrictions, he may not be granted a variance on the grounds of undue hardship.

Cromwell v. Ward, 102 Md. App. 691, 717 (Md. Ct. Spec. App. 1995)

This last citation above is pertinent to this case at bar as well. Petitioners are savvy real estate professionals with decades of experience buying, selling, investing in real estate as well as providing such services to the public. There is no doubt that they were aware of the zoning and its restrictions affecting this property. They proceeded with the sale knowingly and with the intent to bend the ordinance.

It is Responders position that Petitioners also failed to consider alternative solutions to achieve their goals. Petitioners stated that garage and storage will not be used to store their construction business supplies, but for "personal stuff like bicycles and such" Protestant suggested that a freestanding storage shed for " bicycles and such" could be installed in the rear yard as commonly done by other residents in the neighborhood, but Petitioner stated on record at the hearing that it would be *inconvenient* . Another option could be adding the desired attached storage between the proposed rear additions , or by extending the bedroom addition. This would eliminate the need for extra large storage and help increase the setback.

Citing from Cromwell vs. Ward - Secs. 14(b), 14(d) and 16 ... have been held not to authorize a granting for the mere convenience to the owner but to require a showing of urgent necessity, hardship peculiar to the particular property.... Variance would not be appropriate where the necessity can be satisfied by an alternative solution without variance.

There may also be alternative solutions for building an average size garage, not a commercial size garage/storage combination .This could further help to increase the setbacks. To this date Petitioners failed to explore these alternatives. Should they consider such alternative, Respondent then is requesting the Petitioners to provide detailed grading plan and /or SWM plan showing how the proposed water run off will be addressed. Also, Petitioners to please provide their proposed building plans to scale and on the survey plans obtained from a licensed land surveyor in April but not presented at the open hearing. It became clear at the hearing that some setback measurements are actually different from the original plans, and it raises a few questions and concerns. As the original Plans show the property lines inacurately which is misleading.

In Summary,

It is Respondent's position is that the Petitioners did not meet requirements of the two-step process as outlined in the Commission's Order, and in the light of newly presented evidence the subject property may not be rendered unique. As was shown above, the width of the property at the tapered rear end of the building envelop is equal to most and even wider than some other surrounding properties.. Thus the tapered shape of the subject property is not the cause of the hardship, but the insufficient width of the building envelope to accommodate a 2 car garage, which is not a unique hardship to this property, but shared by the majority of properties on Oak Hollow court, and in the subdivision of Stevenson at Anton Farms in general

WHEREFORE, Respondent respectfully request the Commission reconsider the decision and deny the Petitioners request for variance.

Irina Bondar, Respondent

5 Oak Hollow Court,

Baltimore, MD 21208

Irabond2@outlook.com

Donna Mignon

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 3:57 PM
To: Administrative Hearings
Subject: Case Number 2020-0043-A MotionFR - attachments, docs and evidence -1
Attachments: Stevenson@AntonFarms2_LI.jpg

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A ttached are subdivision plats for Stevenson at Anton Farms are House numbers are marked in red over lot numbers, to avoid confusion. these are the properties we analyzed and found that they without doubt require a variance to construct a 2 car garage or carport, which proves that subject property's hardship is not unique, common for all the properties on the South side of Oak hollow ct, as well as half of the North side as well. detailed analysis of these properties is presented in the Motion for Reconsideration document emailed earlier.
Please see link below, if the attachement does not allow to see the width of the properties in question.

https://plats.msa.maryland.gov/pages/download.aspx?fn=04910.tif%20&qual=S&ser=1236&unit=4910&cid=BA

Below is a link to the other part of this Subdivision - Section One, which has a dozen and a half properties that are 100 ft wide and would require a variance for a 2 car garage.

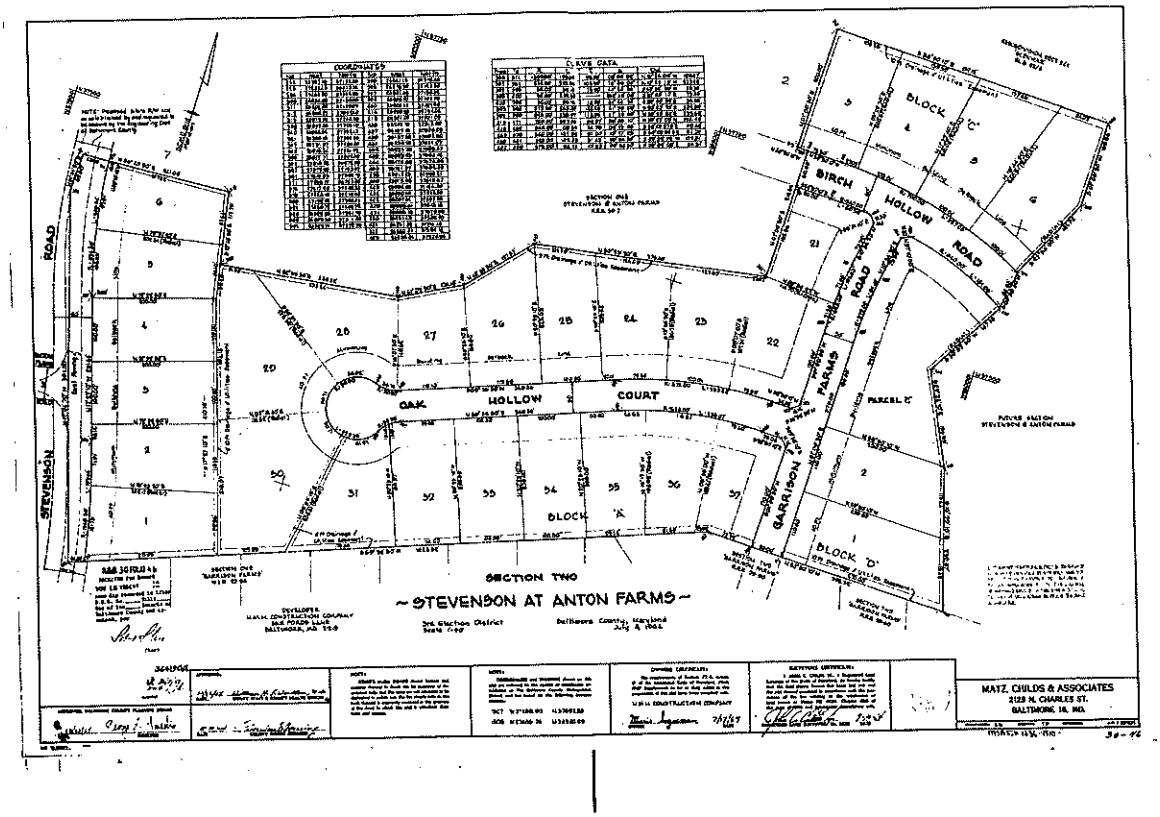
https://plats.msa.maryland.gov/pages/download.aspx?fn=04909.tif%20&qual=S&ser=1236&unit=4909&cid=BA

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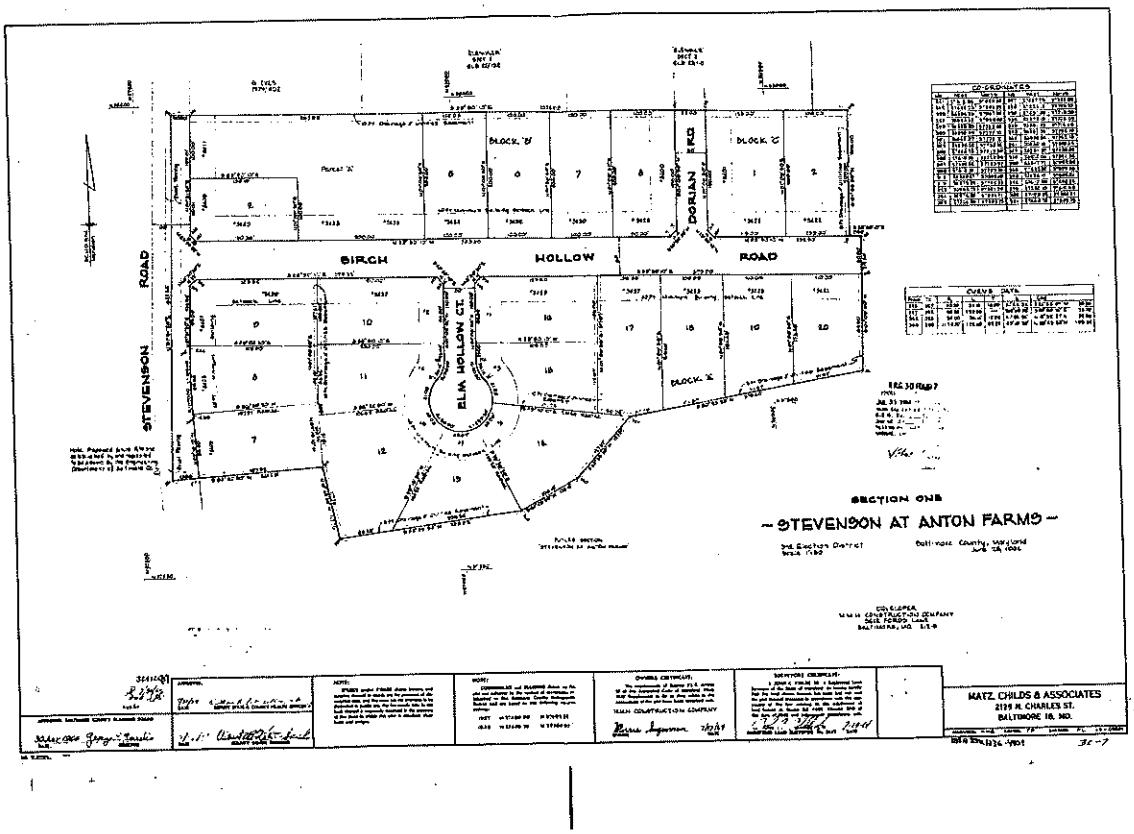
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PLATS.NET | Digital Image Reference System for Land Survey, Subdivision, and Condominium Plats

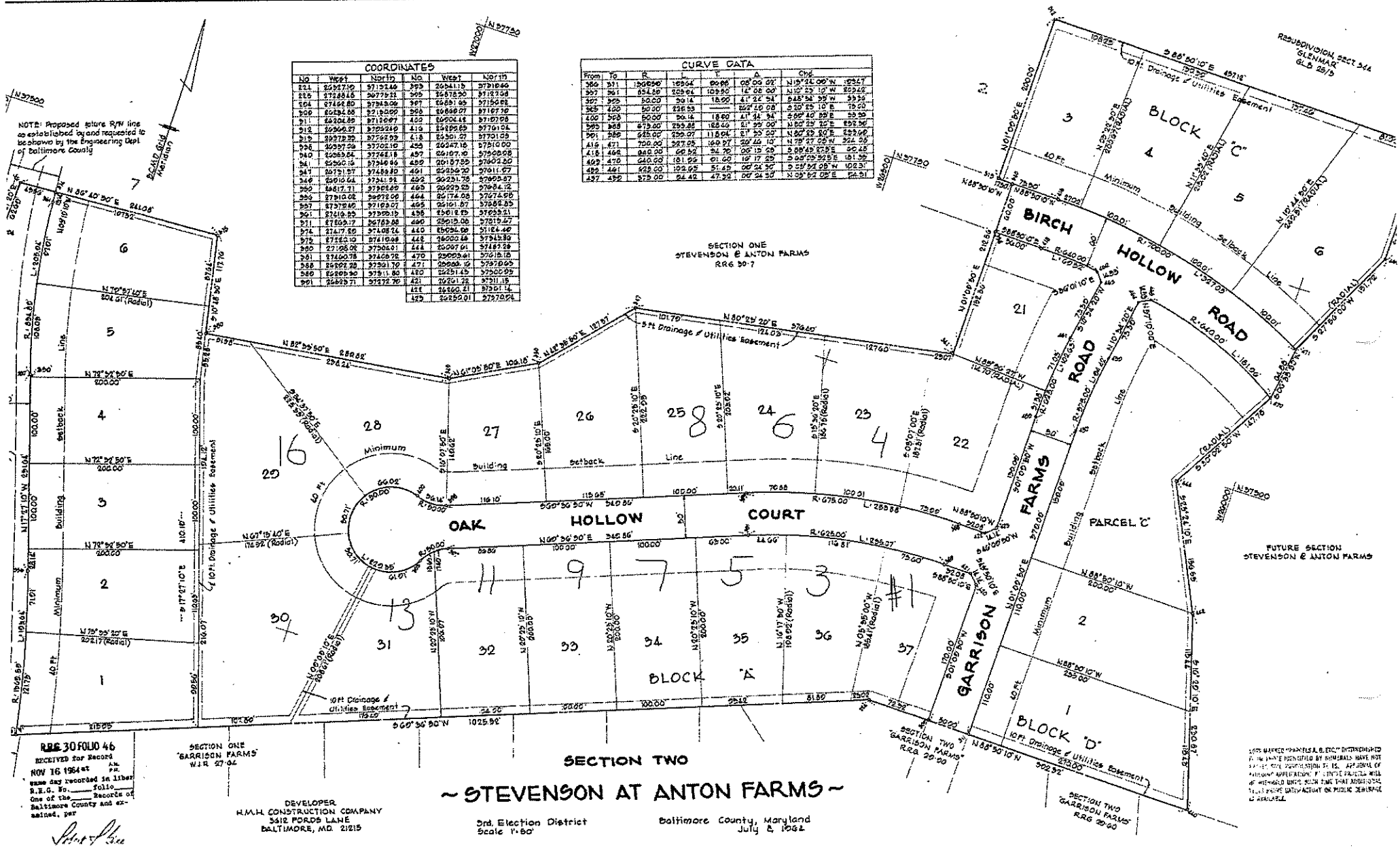
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RRG 30 FOLIO 46
RECEIVED for Record
NOV 16 1964 at ... A.M.
same day recorded in Liber ... Folio ... Records of Baltimore County and examined, per
Clerk

DEVELOPER
H.M.H. CONSTRUCTION COMPANY
3612 FORDS LANE
BALTIMORE, MD. 21215

SECTION TWO

~ STEVENSON AT ANTON FARMS ~

3rd. Election District
Scale 1"=60'

Baltimore County, Maryland
July 8, 1964

3641968

APPROVED:
10/26/64 William H. F. Worthington M.D.
DATE DEPUTY STATE & COUNTY HEALTH OFFICER

BALTIMORE COUNTY PLANNING BOARD
11/2/64 Carey F. Goodrich
DATE DIRECTOR

11/2/64 Frederick B. Kenney
DATE COUNTY ROADS ENGINEER

NOTE:
STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

NOTE:
COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations:

'BC7 N 27,690.00 E 31,092.55
'BC8 N 27,406.70 E 32,560.09

OWNERS CERTIFICATE:
The requirements of Section 72-8, Article 17 of the Annotated Code of Maryland, (1947 Supplement) as far as they relate to the preparation of this plat have been complied with.
H.M.H. CONSTRUCTION COMPANY
Morris Sugarman 7/17/64
OWNER DATE

SURVEYORS CERTIFICATE:
I, JOHN C. CHILDS SR., a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been told out, and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill #458, Chapter 926 of the Acts of 1945 and subsequent amendatory acts.
John C. Childs Jr. 7-17-64
REGISTERED LAND SURVEYOR No. 3822 DATE

MATZ, CHILDS & ASSOCIAT
2129 N. CHARLES ST.
BALTIMORE 18, MD.
COMPUTED: EG DRAWN: TP CHECKED:
M 23 W 12 34 4910

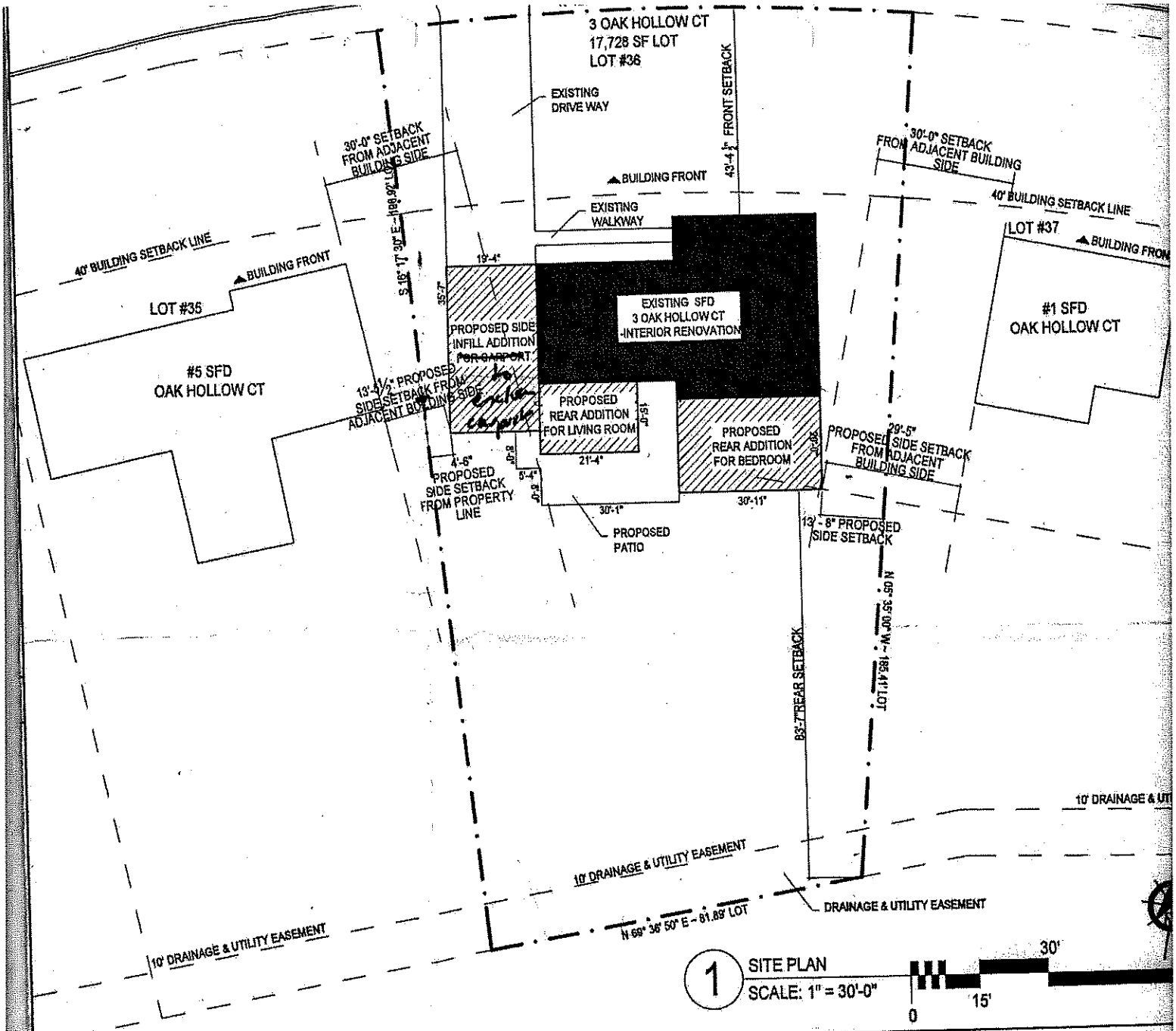
Donna Mignon

From: irina Bondar <irabond2@outlook.com>
Sent: Monday, September 21, 2020 4:01 PM
To: Administrative Hearings
Subject: Case Number 2020-0043-A Motion For Reconsideration
Attachments: 1 OakHollow.bmp; 3 oak hollow (2).jpeg; 3 Ok Hollow_LI.jpg; 3 Ok Hollow_Width .jpg; 5 OakHollowWidth.jpg; 7 Oak Hollow Width1.jpg

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measurement of the width of the subject property and neighbors


Fort Garrison
ementary School
ere to search

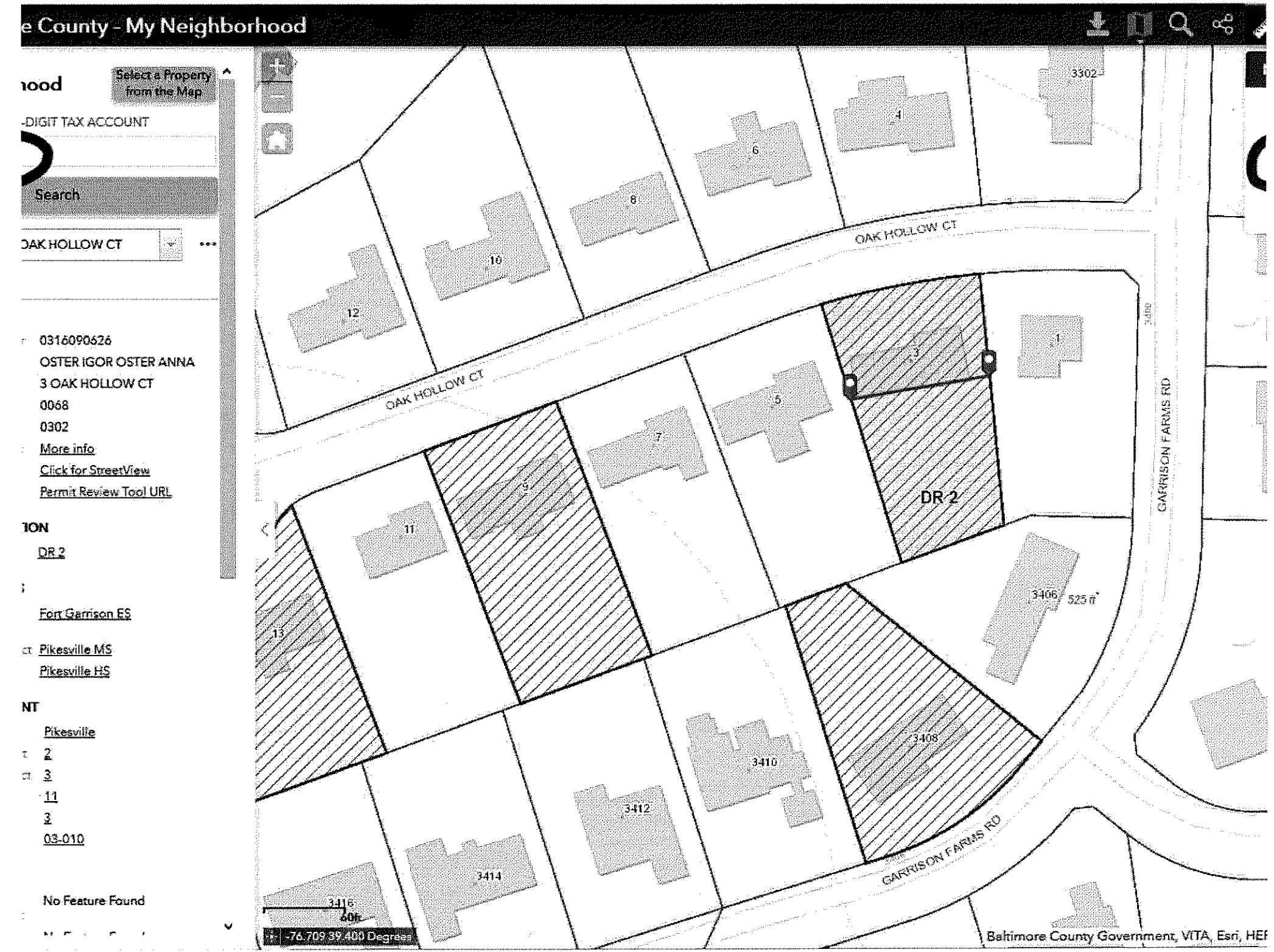


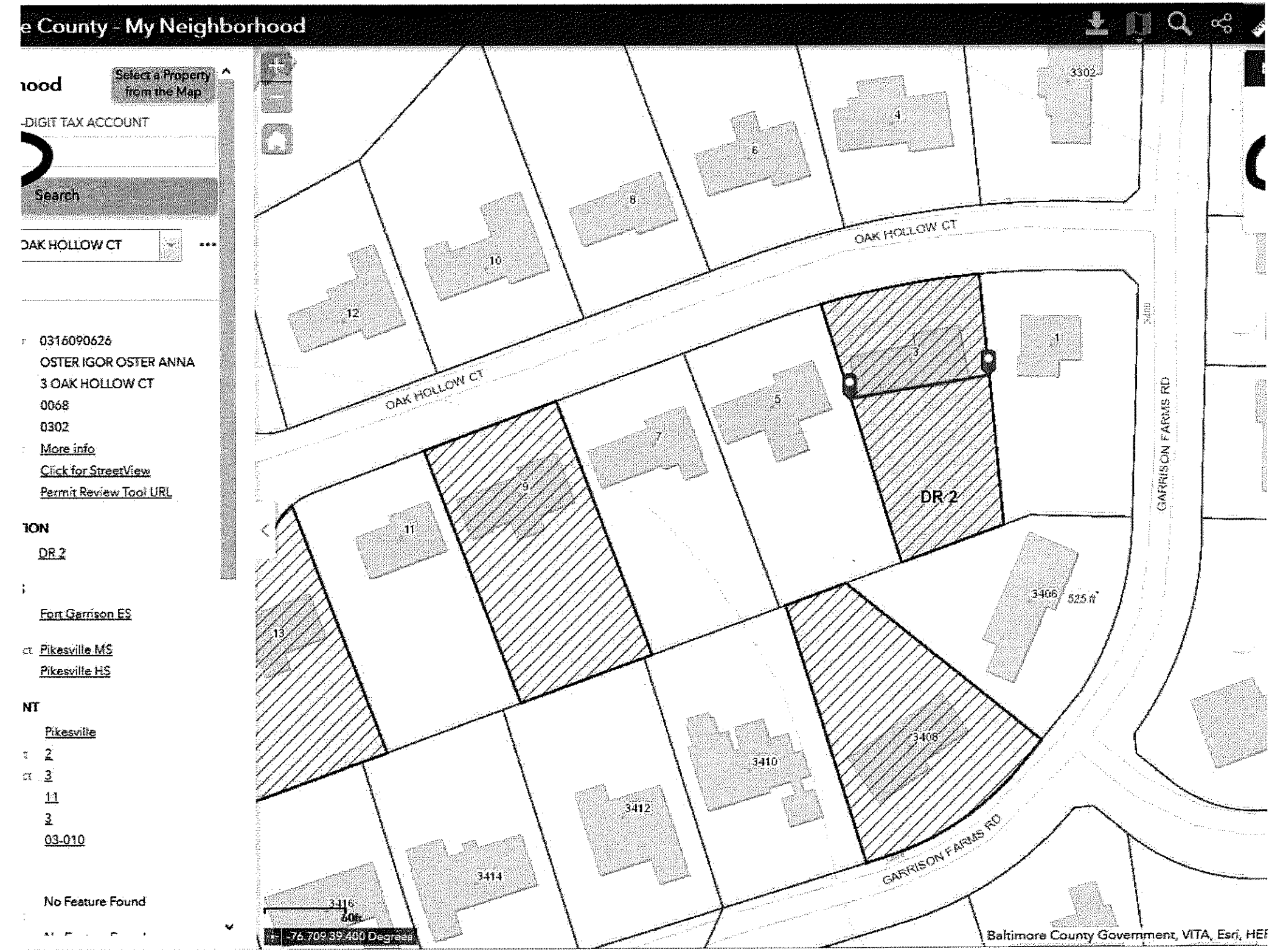
PRIOR ZONING CASE

No Feature Found

BUILDING INFORMATION

3 OAK HOLLOW COURT
SINGLE FAMILY DWELLING
PRIMARY STRUCTURE BUILT 1965
LOT AREA: 17,728 SF
BUILDING AREA = 1,959 SF
DEED REFERENCE - 04614/00585


e County - My Neighborhood
Select a Property from the Map
-DIGIT TAX ACCOUNT
Search
OAK HOLLOW CT
0316090626
OSTER IGOR OSTER ANNA
3 OAK HOLLOW CT
0068
0302
More info
Click for StreetView
Permit Review Tool URL
DR 2
Fort Garrison ES
Pikesville MS
Pikesville HS
Pikesville
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3
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3
03-010
No Feature Found
OAK HOLLOW CT
GARRISON FARMS RD
DR 2
3302
3406
525 ft²
3408
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3412
3414
3416
60ft
Baltimore County Government, VITA, Esri, HE


e County - My Neighborhood
Select a Property from the Map
-DIGIT TAX ACCOUNT
Search
OAK HOLLOW CT
0316090626
OSTER IGOR OSTER ANNA
3 OAK HOLLOW CT
0068
0302
More info
Click for StreetView
Permit Review Tool URL
DR 2
Fort Garrison ES
Pikesville MS
Pikesville HS
Pikesville
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No Feature Found
OAK HOLLOW CT
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3410
3412
3414
3416
525 ft
40ft
-76.709 39.400 Degrees
Baltimore County Government, VITA, Esri, HE


e County - My Neighborhood
Select a Property from the Map
-DIGIT TAX ACCOUNT
Search
OAK HOLLOW CT
0319044630
BONDAR VLADIMIR BONDAR IRINA
5 OAK HOLLOW CT
0068
0302
More info
Click for StreetView
Permit Review Tool URL
DR 2
Fort Garrison ES
Pikesville MS
Pikesville HS
Pikesville
2
3
11
3
03-010
No Feature Found
OAK HOLLOW CT
DR 2
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5
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40ft
Baltimore County Government, VITA, Esri, HE


e County - My Neighborhood
Select a Property from the Map
-DIGIT TAX ACCOUNT
Search
OAK HOLLOW CT
0312002910
BLUM DAVID BLUM NATALIE
7 OAK HOLLOW CT
0068
0302
More info
Click for StreetView
Permit Review Tool URL
DR 2
Fort Garrison ES
Pikesville MS
Pikesville HS
Pikesville
2
3
11
3
03-010
No Feature Found
OAK HOLLOW CT
DR 2
40ft
Baltimore County Government, VITA, Esri, HERE

Donna Mignon

From: Donna Mignon
Sent: Monday, September 21, 2020 4:21 PM
To: 'adam@carballoarch.com'
Cc: Anna Oster
Subject: Case No: 2020-0043-A - 3 Oak Hollow Court
Attachments: Motion for Reconsideration Case # 2020-0043-A.pdf

Please find attached the Motion for Reconsideration that was filed on behalf of Irina Bondar.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Administrative Hearings
Sent: Thursday, September 17, 2020 3:27 PM
To: irina Bondar
Subject: RE: Case Number 2020-0043-A

Dear Ms. Bonder,
Please be advised that filing your Motion for Reconsideration will be accepted and valid if you email to this email address. You have 30 days from the date of the Order to file a Motion for Reconsideration. The date of the Order is dated August 21, 2020, you have thirty (30) days from that date which is September 20th but with September 20th being on a Sunday, you have until Monday, September 21st by 4:00 p.m.

Once we receive your Motion for Reconsideration, we will acknowledge that we received same and will be given to ALJ Stahl for his consideration and an Order will be issued.

If you are not satisfied with the outcome of the Motion for Reconsideration, you will have 30 days from the date of that Order to file an Appeal with the Board of Appeals and the costs of filing the appeal will be $300.00.

I hope this helps. Have a great day.

From: irina Bondar <irabond2@outlook.com>
Sent: Thursday, September 17, 2020 3:04 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case Number 2020-0043-A

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon,

To follow up on our earlier conversation regarding our intention to file a Motion for Reconsideration, please confirm that filing/ submitting it online is acceptable and valid. To this email address? Also, please kindly tell us the deadline for submission, as there is a discrepancy in the dates.

Do we also need to provide a hardcopy via regular mail?

Please confirm that by filing Motion for Reconsideration we shall not be losing our right to file an Appeal.

Thank you so much for your help and support!

Irina Bondar

Donna Mignon

From: irina Bondar <irabond2@outlook.com>
Sent: Thursday, September 17, 2020 3:04 PM
To: Administrative Hearings
Subject: Case Number 2020-0043-A

CAUTION: This message from irabond2@outlook.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good afternoon,

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Thank you so much for your help and support!

Irina Bondar

JOHN A. OLSZEWSKI, JR.
County Executive

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

August 21, 2020

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

RE: Petition for Variance
Case No. 2020-0043-A
Property: 3 Oak Hollow Court
Pikesville, MD 21208

Dear Ms. Oster:

Enclosed please find a copy of the decision 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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Adam Carballo
1816 Aliceana Street
Baltimore, MD 21231

Irina Bondar
5 Oak Hollow Court
Baltimore, MD 21208

IN RE: PETITION FOR VARIANCE **(3 Oak Hollow Court)** 3rd Election District 3rd Council District Anna Oster, *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioner	*	**CASE NO. 2020-0043-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by Anna Oster for property located at 3 Oak Hollow Court. The Petitioner is requesting variance relief from § 205.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. respectively. In open hearing, the Petitioner dropped the request for the 13 ft. 8 in. setback and is only pursuing the 4 ft. 6 in. setback variance. The original site plan was marked as Petitioner's Exhibit 1.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. Petitioner, Anna Oster, appeared in support of the requested relief. Architect Adam Carballo appeared on behalf of the Petitioner. Irina Bondar was a protestant in attendance. The Petition was advertised and posted as required by the BCZR. There were no adverse ZAC comments received by any of the County reviewing agencies.

Mr. Carballo noted that the property was constructed under the "old RC 2 zoning, has 17,700 sq. ft. and is undersized for the present RC 2 zoning. He stated that the site is improved by a one-story residence with a carport. Petitioner wishes to change the carport into a garage and extend it. He testified that the request was being made in order to construct and provide safe

ORDER RECEIVED FOR FILING
Date 8-21-2020
By DW

storage and privacy for the owner. He then noted in the hearing that the Petitioner was abandoning the 13 ft. 8 in. variance request and was proceeding only as to the 4 ft. 6 in. variance request.

Mr. Carballo described the lots in the general area as generally undersized, which would not meet today's DR 2 requirements. He described the other lots in the area as primarily square or rectangle, with only four (4) garages among some 42 houses; whereas the subject lot is "tapered", rendering it unique and making the variance request necessary.

The Protestant has several issues, including her "fire hazard from the construction of the proposed new garage being so close to her property line; as well as her concern as to the runoff of water from the proposed new structure onto her property.

In response, Mr. Carballo stated, on behalf of the Petitioner, she would construct the new garage with approved "fire wall" construction and that the extended new garage will not change the runoff of water from the property; and, in fact, stated that the downspouts and gutters planned for the construction will direct water to the center of the subject property and not towards that of the Protestant.

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 is what necessitates the requested 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).

I find that the subject property, with its relationship to other sites in the area as well as its "tapered" character, render it unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR,

ORDER RECEIVED FOR FILING
Date 8-21-2020
By DW

and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this **21st** day of August, **2020** by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR § 205.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an addition with a side yard setback of 4 ft. 6 in. in lieu of the required 15 ft., be and is hereby GRANTED.

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 8-21-2020
By DW

CERTIFICATE OF POSTING

RECEIVED
JUL 27 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

Date: 7-27-20

RE: Case Number: 2020-0043-A RECERT

Petitioner/Developer: Oster

Date of Hearing/Closing: Thurs July 30, 2020 10AM

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 3 Oak Hollow Ct.

The sign(s) were posted on RECERT 7-27-20
(Month, Day, Year)

J Lawrence Pilson
(Signature of Sign Poster)

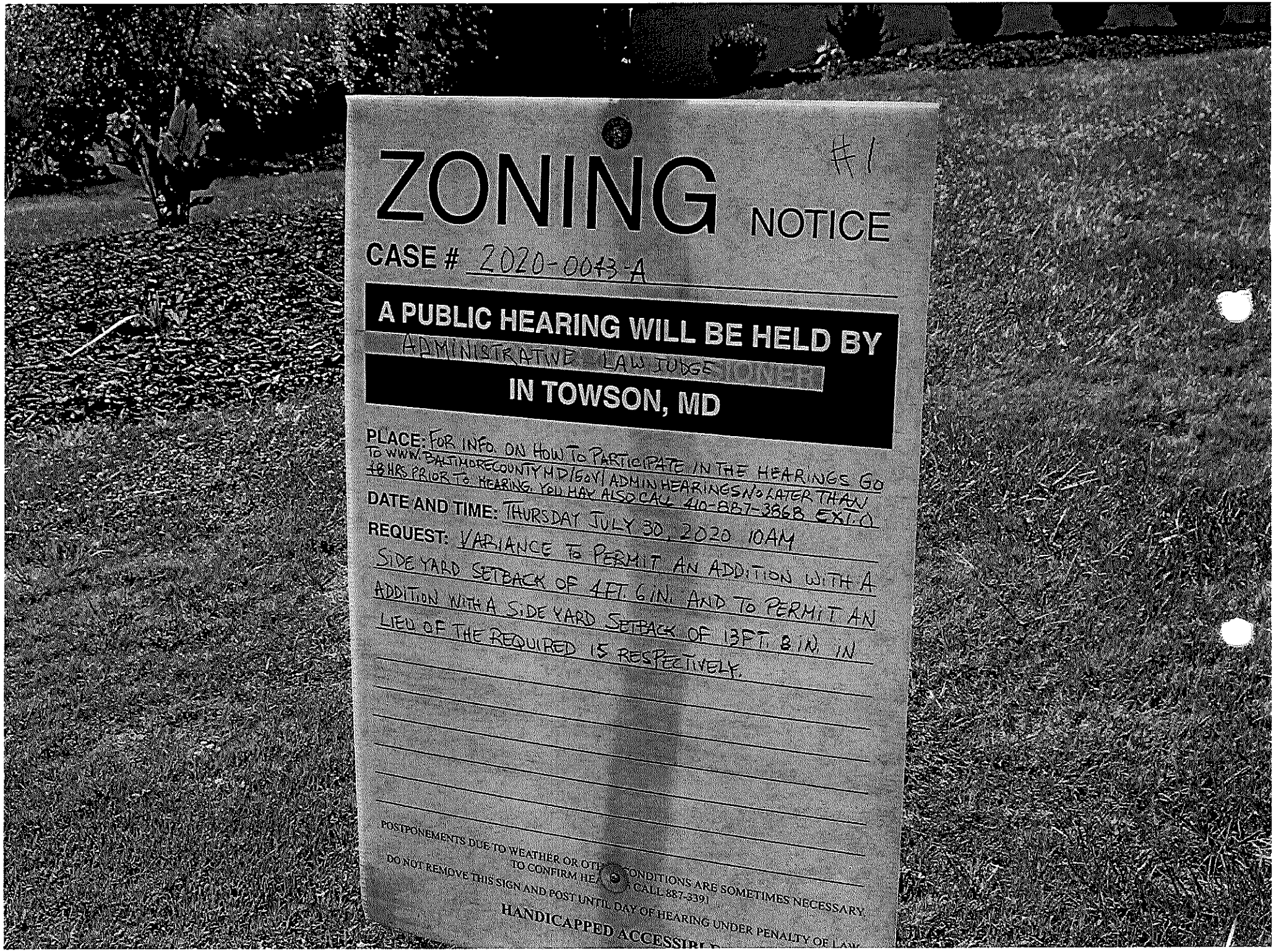
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

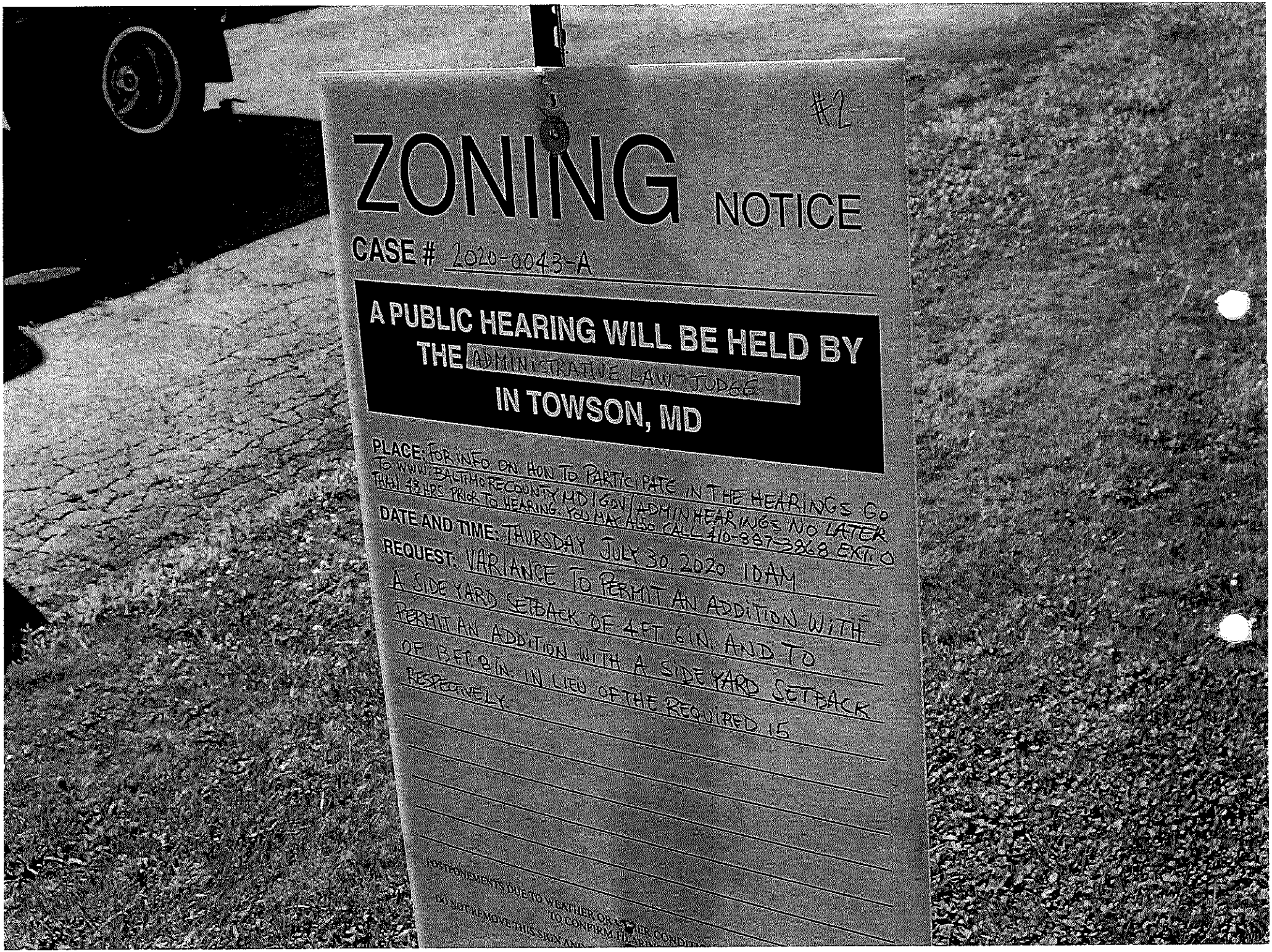
ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1113
(Telephone Number of Sign Poster)


#1
ZONING NOTICE
CASE # 2020-0043-A
A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD
PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS NO LATER THAN 48HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-887-3868 EXT.0
DATE AND TIME: THURSDAY JULY 30, 2020 10AM
REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4FT. 6 IN. AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13FT. 8 IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY.
POSTPONEMENTS DUE TO WEATHER OR OTH
TO CONFIRM HEA
CONDITIONS ARE SOMETIMES NECESSARY.
CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBL


#1
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CASE # 2020-0043-A
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RESPECTIVELY.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS
TO CONFIRM HEARING
DO NOT REMOVE THIS SIGN UNTIL

Donna Mignon

From: Administrative Hearings
Sent: Monday, July 27, 2020 10:32 AM
To: Anna Oster
Cc: Larry Pilson
Subject: RE: Second Certification Posting 3 Oak Hollow Ct

Good Morning,
This is the 1st certification that was done on 7/9/2020. It needs to be reposted and the 2nd certification send to us. This should be done within 5 days of the hearing date. Thank you.

From: Anna Oster <annaoster@yahoo.com>
Sent: Monday, July 27, 2020 10:06 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Second Certification Posting 3 Oak Hollow Ct

CAUTION: This message from annaoster@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning,

Attached please find second certification posting for my property 3 Oak Hollow Ct.

Thank you.

Regards,

Anna Oster

Donna Mignon

From: Donna Mignon
Sent: Monday, July 27, 2020 8:33 AM
To: 'adam@carballoarch.com'; 'annaoster@yahoo.com'
Subject: Hearing on July 30, 2020 at 10:00 a.m.

Good Morning,
Please forward any exhibits you wish to present to our office within 48 hours of your hearing.

Please email any exhibits to : administrativehearings@baltimorecountymd.gov. Thank you.

If you have any questions, please contact our office at 410-887-3868.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

CERTIFICATE OF POSTING

Date: 7-9-20

RE: Case Number: 2020-0043-A

Petitioner/Developer: Oster

Date of Hearing/Closing: 7-30-20 10AM

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 3 Oak Hollow Ct.

The signs(s) were posted on 7-9-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: 7-9-20

RE: Case Number: 2020-0043-A

Petitioner/Developer: Oster

Date of Hearing/Closing: 7-30-20 10AM

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(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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410-343-1443
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#1

ZONING NOTICE

CASE # 2020-0043-A

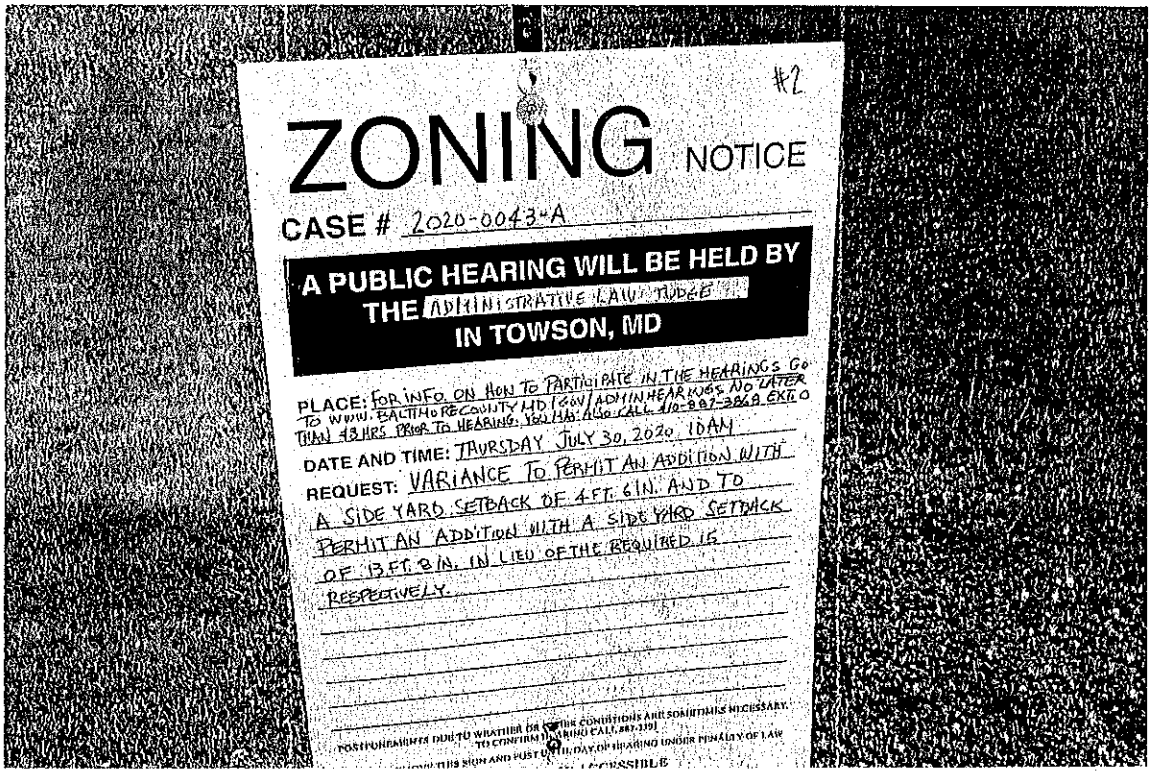
A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS NO LATER THAN 48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-887-3868 EXT. 0

DATE AND TIME: THURSDAY JULY 30, 2020 10AM

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4FT. 6IN. AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13FT. 8IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY.

CONDITIONS ARE SUBJECT THIS NECESSARY.



#2

ZONING NOTICE

CASE # 2020-0043-A

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

PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS NO LATER THAN 48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-887-3868 EXT. 0

DATE AND TIME: THURSDAY JULY 30, 2020 10AM

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4FT. 6IN. AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13FT. 8IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

POST SIGN AND REMOVE WITHIN 15 DAYS OF HEARING UNDER PENALTY OF LAW

ACCESSIBLE

JOHN A. OLSZEWSKI, JR.
County Executive

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

July 6, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0043-A
3 Oak Hollow Court
S/side of Oak Hollow Court at a distance of 140 ft. west of centerline of Garrison Farms Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Anna Oster

Variance to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 respectively.

Hearing: Thursday, July 30, 2020 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Anna Oster, 109 Church Lane, Pikesville 21208
Adam Carballo, 1816 Aliceanna Street, Baltimore 21231
Mr. & Mrs. Bondar, 5 Oak Hollow Court, Baltimore 21208

NOTE: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 10, 2020.**

CERTIFICATE OF POSTING

Date: 4-16-20

RE: Case Number: 2020-0043-A RECERT

Petitioner/Developer: Other

Date of Hearing/Closing: 4-20-20

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 3 Deer Hollow Ct.

The signs(s) were posted on RECERT 4-16-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

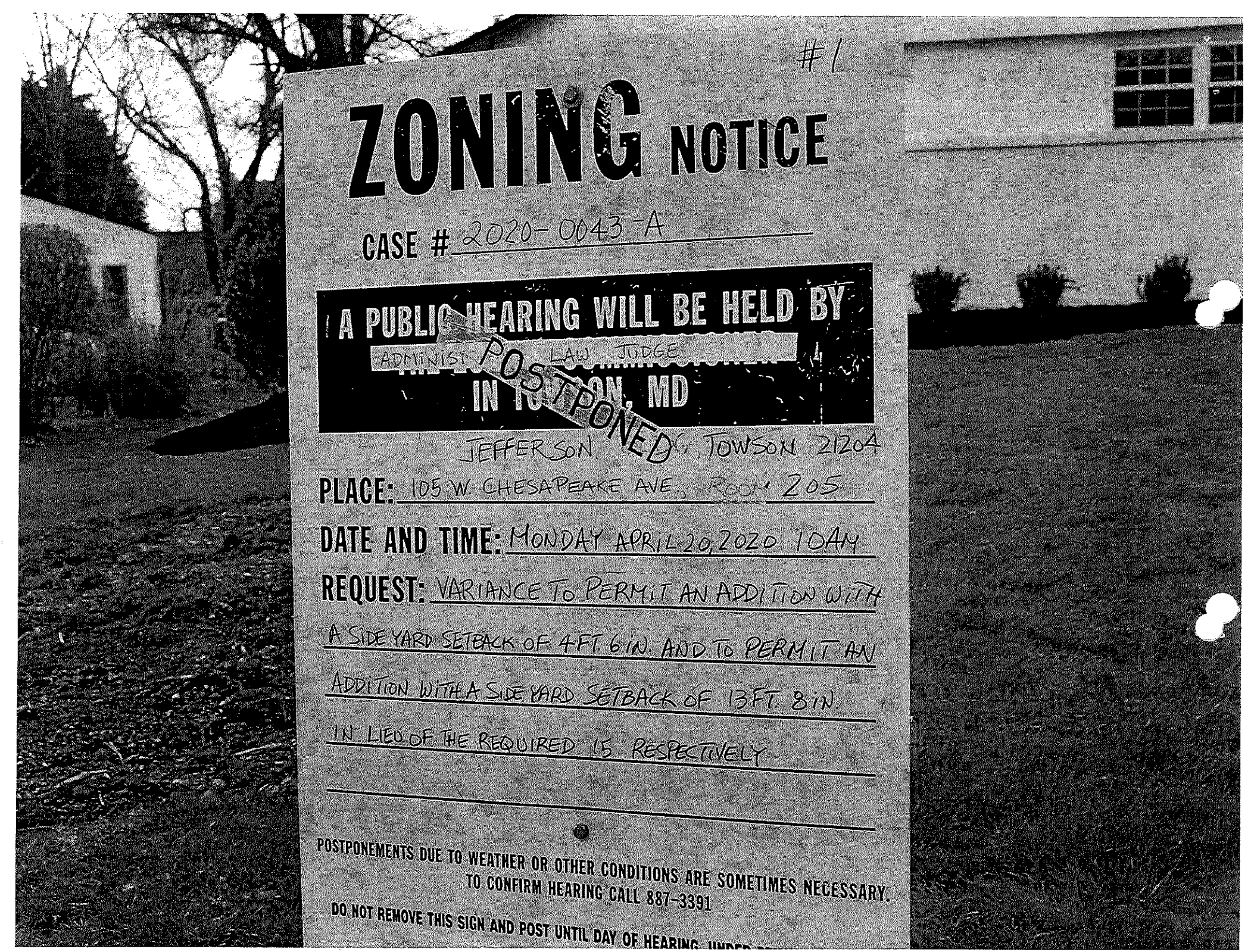
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



#1

ZONING NOTICE

CASE # 2020-0043-A

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

POSTPONED

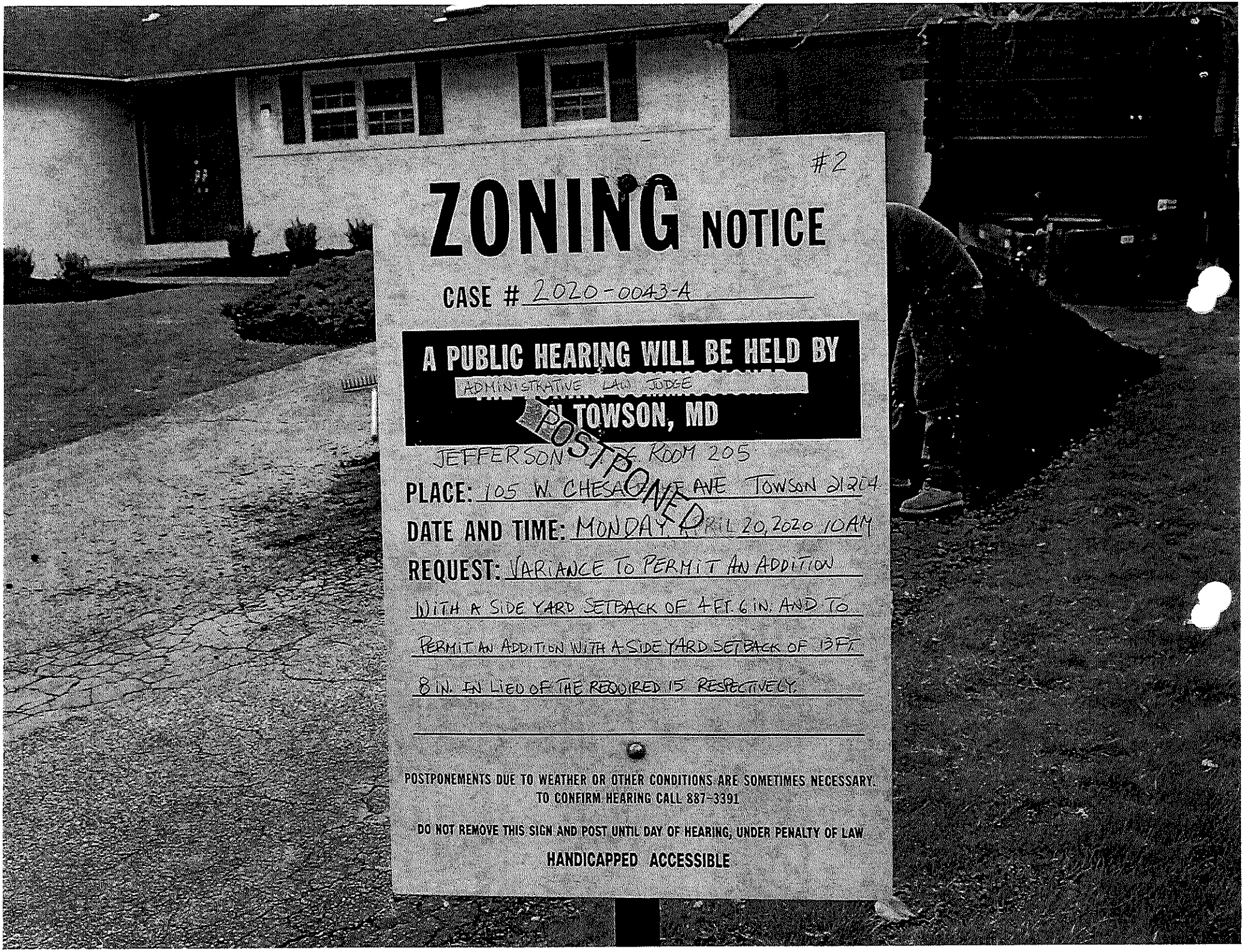
PLACE: JEFFERSON BUILDING, 105 W. CHESAPEAKE AVE., ROOM 205, TOWSON 21204

DATE AND TIME: MONDAY APRIL 20, 2020 10AM

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4FT. 6IN. AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13FT. 8IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY

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TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER



#2

ZONING NOTICE

CASE # 2020-0043-A

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

POSTPONED

JEFFERSON BLDG ROOM 205

PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY, APRIL 20, 2020 10AM

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4 FT. 6 IN. AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13 FT. 8 IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY.

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TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11871441
Case #: 2020-0043-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0043-A

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:

3/31/2020

Darlene Miller

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: 2020-0043-A

3 Oak Hollow Court

S/side of Oak Hollow Court at a distance of 140 ft. west of centerline of Garrison Farms Road

3rd Election District - 2nd Councilmanic District

Legal Owners: Anna Oster

Variance to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 respectively.

Hearing: Monday, April 20, 2020 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
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.

mh31

11/12/20 - per Darlene @ Daily Record this was only published in March for original hearing of 4/20/20 but was canceled due to covid.

TO: THE DAILY RECORD
Tuesday, March 31, 2020 – Issue

Please forward billing to:
Anna Oster 410-790-7818
109 Church Lane
Pikesville, MD 21208

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: 2020-0043-A
3 Oak Hollow Court
S/side of Oak Hollow Court at a distance of 140 ft. west of centerline of Garrison Farms Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Anna Oster

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105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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CERTIFICATE OF POSTING

Date: 3-29-20

RE: Case Number: 2020-0043-A

Petitioner/Developer: Oster

Date of Hearing/Closing: 4-20-20 10AM

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 3 Oak Hollow Ct

The signs(s) were posted on 3-29-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

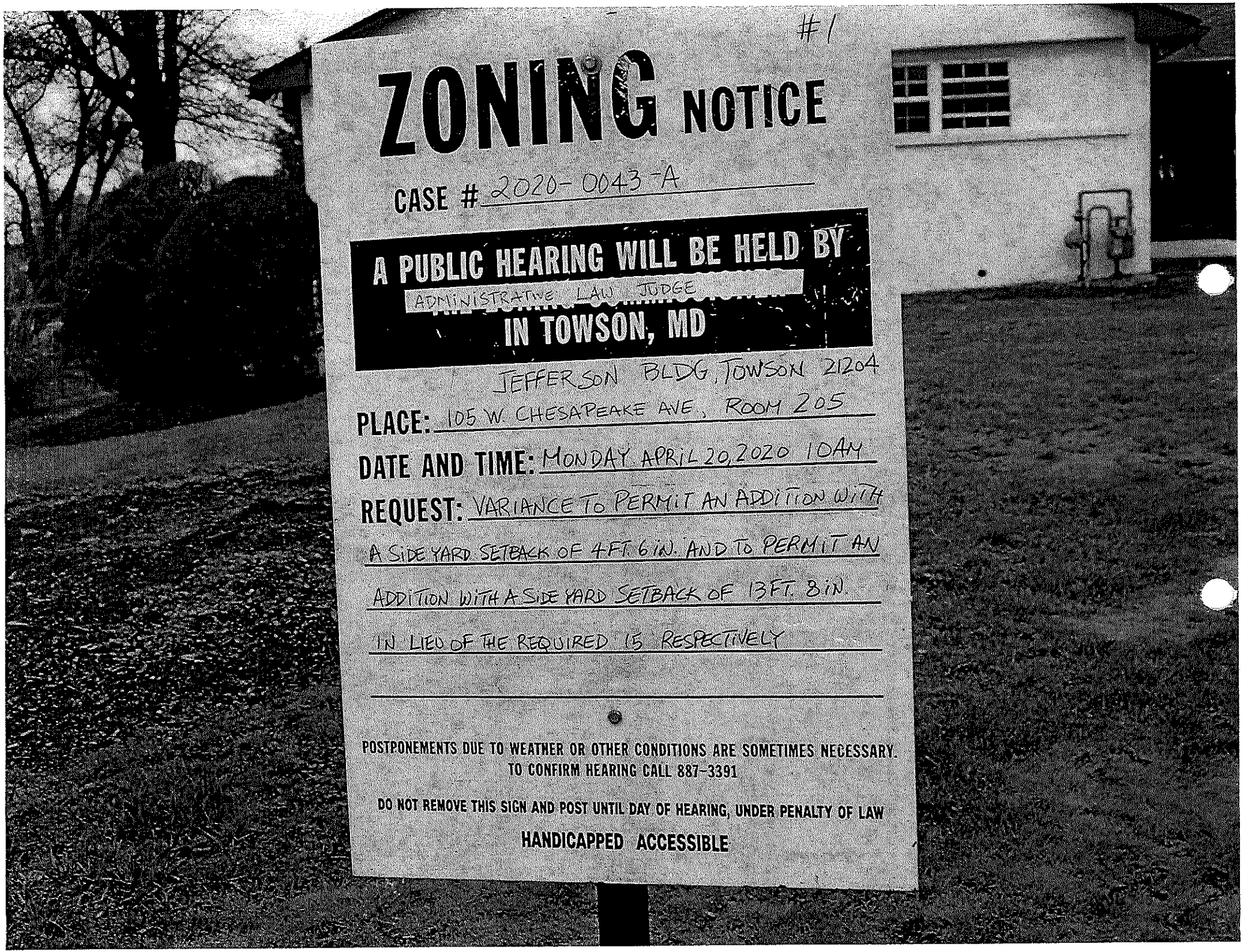
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

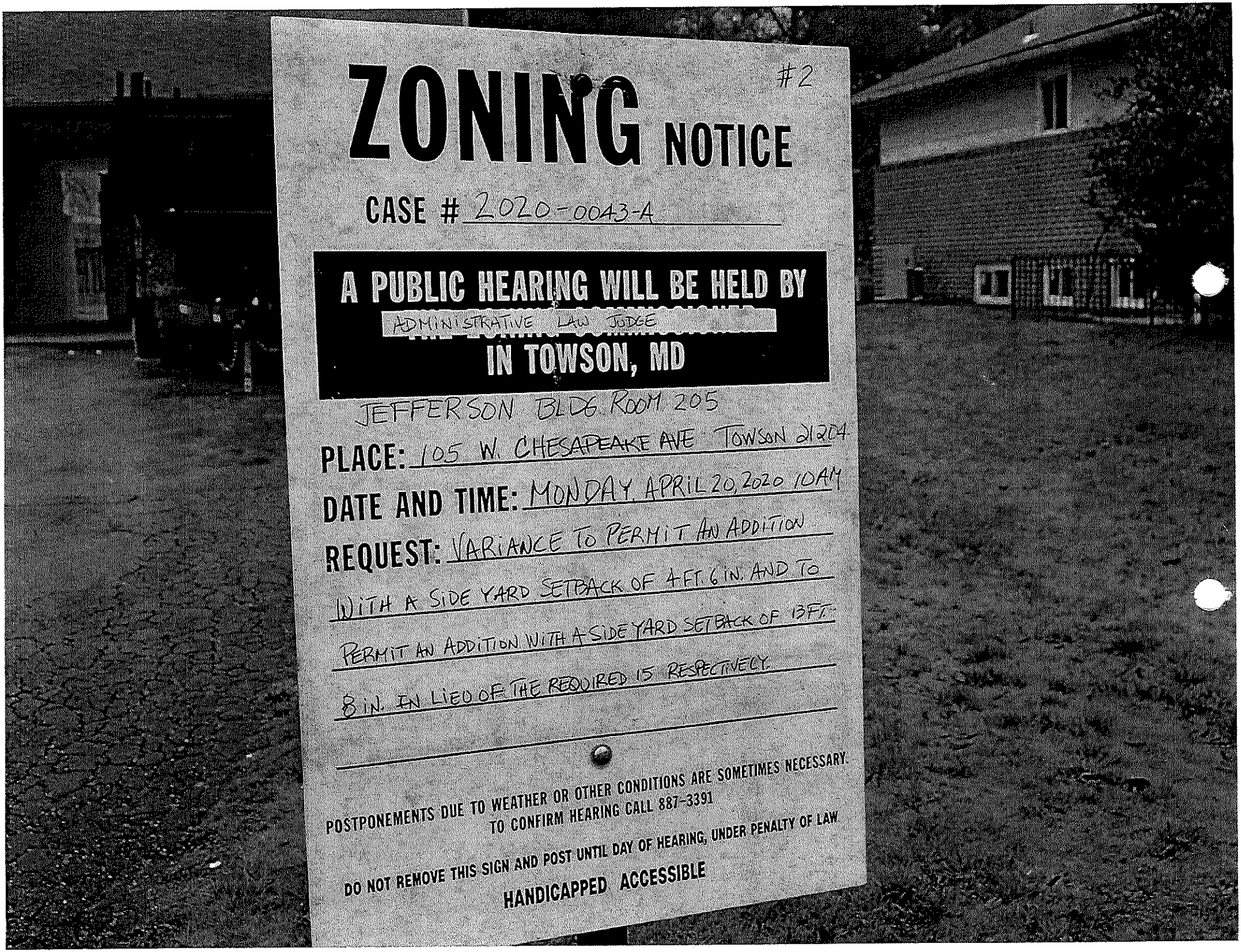
ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)


#1
ZONING NOTICE
CASE # 2020-0043-A
A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD
JEFFERSON BLDG, TOWSON 21204
PLACE: 105 W CHESAPEAKE AVE, ROOM 205
DATE AND TIME: MONDAY APRIL 20, 2020 10AM
REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4FT 6IN. AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13FT 8IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY
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TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE


#2
ZONING NOTICE
CASE # 2020-0043-A
A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD
JEFFERSON BLDG. ROOM 205
PLACE: 105 W. CHESAPEAKE AVE TOWSON 21204
DATE AND TIME: MONDAY, APRIL 20, 2020 10AM
REQUEST: VARIANCE TO PERMIT AN ADDITION
WITH A SIDE YARD SETBACK OF 4FT. 6 IN. AND TO
PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13FT.
8 IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY.
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HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Date: 3-29-20

RE: Case Number: 2020-0043-A

Petitioner/Developer: Oster

Date of Hearing/Closing: 4-20-20 10AM

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J. Lawrence Pilson
(Signature of Sign Poster)

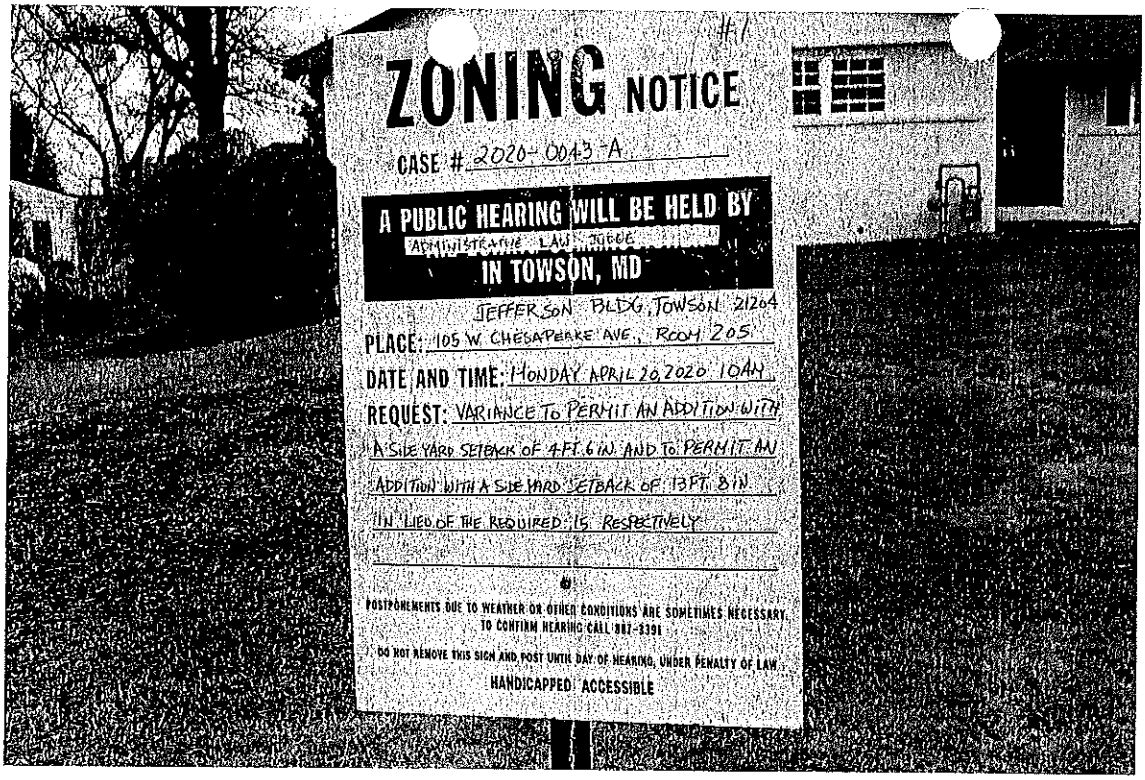
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

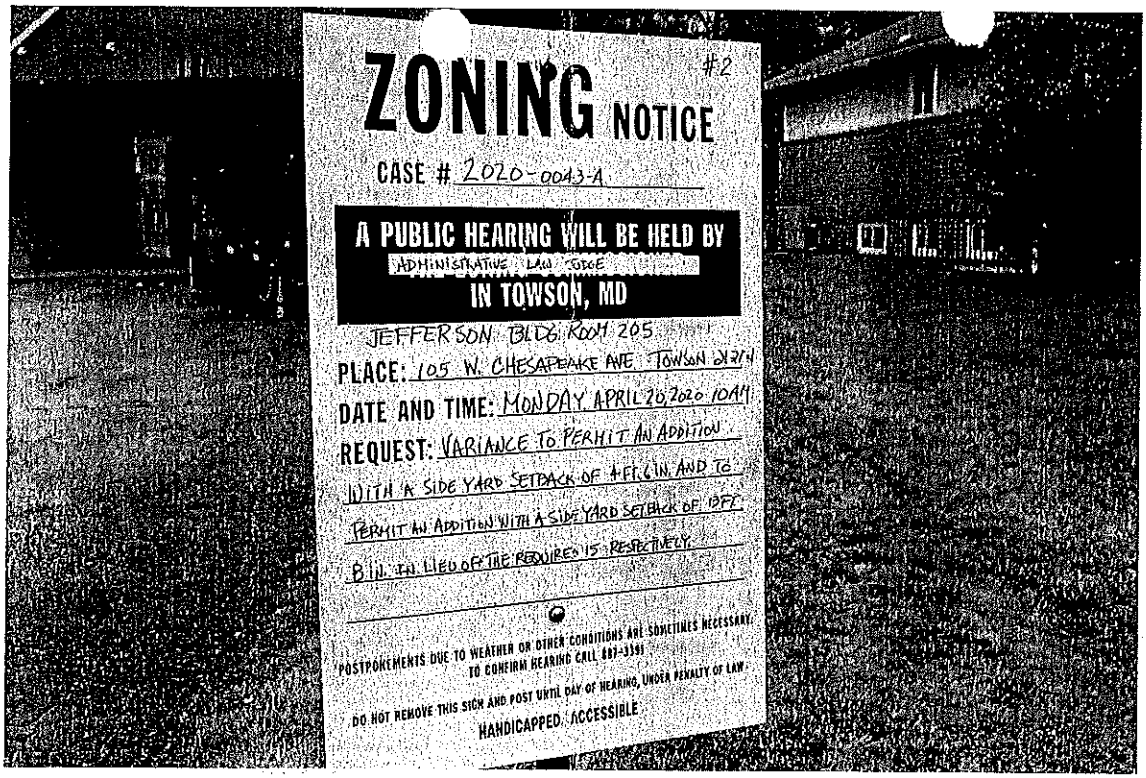
ATTACH PHOTOGRAPH

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(Street Address of Sign Poster)

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CASE # 2020-0043-A
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ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD
JEFFERSON BLDG, TOWSON 21204
PLACE: 105 W. CHESAPEAKE AVE., ROOM 205
DATE AND TIME: MONDAY APRIL 20 2020 10AM
REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4 FT. 6 IN. AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13 FT. 8 IN IN LIEU OF THE REQUIRED 15 RESPECTIVELY
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE


#2
ZONING NOTICE
CASE # 2020-0043-A
A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD
JEFFERSON BLDG ROOM 205
PLACE: 105 W. CHESAPEAKE AVE. TOWSON 21204
DATE AND TIME: MONDAY APRIL 20 2020 10AM
REQUEST: VARIANCE TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4 FT. 6 IN AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13 FT. 8 IN. IN LIEU OF THE REQUIRED 15 RESPECTIVELY
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

JOHN A. OLSZEWSKI, JR.
County Executive

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

March 12, 2020

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: 2020-0043-A
3 Oak Hollow Court
S/side of Oak Hollow Court at a distance of 140 ft. west of centerline of Garrison Farms Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Anna Oster

Variance to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 respectively.

Hearing: Monday, April 20, 2020 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director

MM:kl

C: Anna Oster, 109 Church Lane, Pikesville 21208
Adam Carballo, 1816 Aliceanna Street, Baltimore 21231
Mr. & Mrs. Bondar, 5 Oak Hollow Court, Baltimore 21208

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 31, 2020.**
(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.

FORMAL DEMAND FOR HEARING

CASE NUMBER: 2020-0043-A

Address: 3 Oak Hollow Ct Balto 21208

Petitioner(s): ANNA Oster

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We IRINA BONDAR VLAD BONDAR
Name - Type or Print

(X) Legal Owner OR (X) Resident of

5 Oak Hollow Ct
Address

BALTIMORE MD 21208
City State Zip Code

410 504-9295
Telephone Number

irabond@yahoo.com

which is located approximately ZERO *feet from the property, which is the subject of the above petition,* ***do hereby formally demand that a public hearing be set in this matter.***

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Ira Bondar 3/9/2020
Signature Date

Signature Date

Revised 9/18/98 - wcr/scj

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

No. 195596

Date: 03/09/2020

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				60.00

Total: 60.00

Rec From: TRINA BOWAR

For: AC DEMAND FOR HRG. 2020-0043-A

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

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL FUND GEN
RECEIVED 3/09/2020 15:00:26
REG WS03 WALKIN CAM
RECEIPT 054661 3/09/2020
320 ZONING VERIFICATION
Rec't Tot $ 60.00
CK
Baltimore County, Maryland

JOHN A. OLSZEWSKI, JR.
County Executive

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

March 09, 2020

Adam Carballo,
1816 Aliceana Street
Baltimore MD 21231

RE: Case Number: 2020-0043-A, 3 Oak Hollow Court

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 12, 2020. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Anna Oster 109 Church Lane Pikesville MD 21208

Date: 2/20/20

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. 2020-0043-A
Administrative Variance
Anna Oster
3 Oak Hollow Court

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

Sincerely,

Richard Zeller

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

3-9-20

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
FEB 20 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: February 20, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0043-A
Address 3 Oak Hollow Court
(Oster Property)

Zoning Advisory Committee Meeting of **February 24, 2020**.

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

Reviewer: Steve Ford

ZAC AGENDA

Case Number: 2020-0043-A **Reviewer:** Jun Fernando
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Anna Oster
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 3 OAK HOLLOW CT
Location: S/side of Oak Hollow Court at a distance of 140 ft. west of centerline of Garrison Farms Road

Existing Zoning: DR-2 **Area:** 17.728 SQ. FT.
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
to permit an addition with a side yard setback of 4 ft. -6 in . and to permit an addition with a side yard setback of 13 feet, 8 inches. in lieu of the required 15 feet respectively.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 03/09/2020

Miscellaneous Notes:

CERTIFICATE OF POSTING

Date: 2-23-20

RE: Case Number: 2020-0043-A

Petitioner/Developer: Oster

Date of Hearing/Closing: 3-9-20

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 3 Oak Hollow ct

The signs(s) were posted on 2-23-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

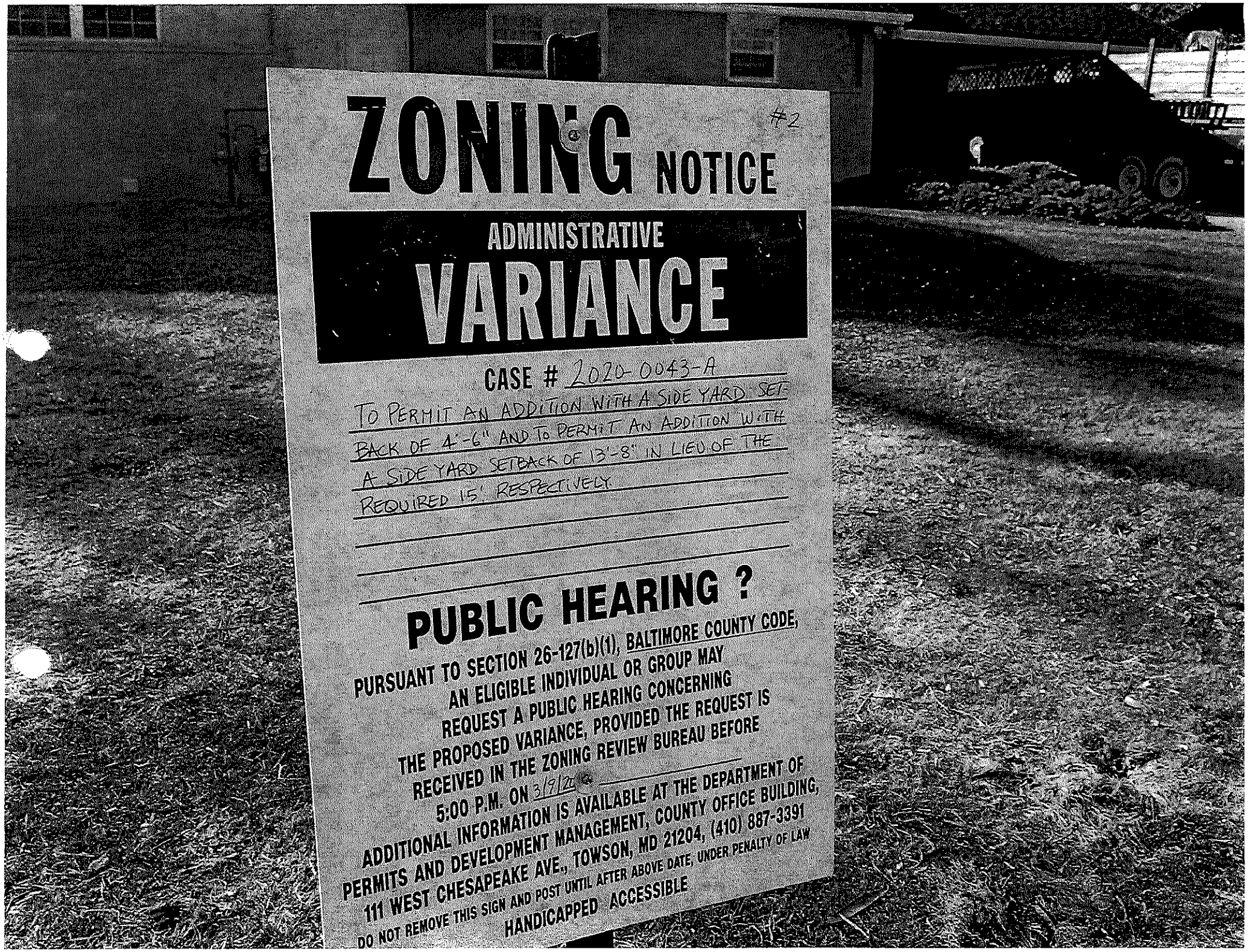
ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)


#1
ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE # 2020-0043-A
TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 4'-6" AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13'-8" IN LIEU OF THE REQUIRED 15', RESPECTIVELY.
PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 3/9/20
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
AVE., TOWSON, MD 21204, (410) 887-3391
ABOVE DATE, UNDER PENALTY OF LAW


#2
ZONING NOTICE
ADMINISTRATIVE
VARIANCE
CASE # 2020-0043-A
TO PERMIT AN ADDITION WITH A SIDE YARD SET BACK OF 4'-6" AND TO PERMIT AN ADDITION WITH A SIDE YARD SETBACK OF 13'-8" IN LIEU OF THE REQUIRED 15', RESPECTIVELY
PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 3/9/20
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

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 3 Oak Hollow Court, Pikesville, MD, 21208 **Currently zoned** DR 2 (Vested R-20)

Deed Reference 04614 / 00585 10 Digit Tax Account # 0316090626

Owner(s) Printed Name(s) Julian Puchkin, Celeste B Puchkin

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

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

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

1. X **ADMINISTRATIVE VARIANCE** from Section(s) 1B02.3.B BCZR (Section 205.3 of the 1964 Zoning Regs.)
to permit an addition with a side yard setback of 4'6" and to permit an addition with a side yard setback of 13'8" in lieu of the req'd 15'0", respectively

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):

ANNA OSTER / ____

Name #1 – Type or Print / Name # 2 – Type or Print

Signature #1 / Signature # 2

109 CHURCH LN PIKESVILLE MD

Mailing Address / City / State

21208 / 4107907818 / ANNAOSTER@YAHOO.COM

Zip Code / Telephone # / Email Address

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

ORDER RECEIVED FOR FILING 8-21-2020 BY DS

Name- Type or Print

Signature

Mailing Address / City / State

Date

Zip Code / Telephone # / Email Address

Representative to be contacted:

Adam Carballo

Name – Type or Print

Signature

1816 Aliceana St Baltimore MD

Mailing Address / City / State

21231 / 443-963-1077 / adam@carballoarch.com

Zip Code / Telephone # / Email Address

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

Administrative Law Judge for Baltimore County

CASE NUMBER 2020-0043-A Filing Date 2/12/21 Estimated Posting Date 2/23/21 Reviewer JP

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: 3 Oak Hollow Court (Print or Type Address of property) Pikesville (City) MD (State) 21208 (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)**

To permit proposed building additions to the rear and side of existing single family dwelling with side yard setback 13'-5½" and 29'-5" from adjacent building sides in lieu of the required 30' from adjacent buildings' sides respectively.

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

Signature of Owner (Affiant)

ANNA OSTER

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 11th day of FEBRUARY, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: ANNA OSTER

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

AS WITNESS my hand and Notaries Seal Caitlin Millett

Notary Public 9/26/2023

My Commission Expires

9/26/2023

REV. 5/5/2016

Carballo
Architecture

February 11, 2020

Project Narrative and Hardship

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

The subject property is located on a pie-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. Due to the lot shape, the existing building is very close to the side property line in its current configuration. The west side of the building at the existing carport only offers a 6'-3" setback at the narrowest point to the property line. On the east side, a 15'-3" existing side yard setback is provided.

The homeowners are in need of additional living space which will include a master suite as well as enclosing the carport to gain the security of a garage. The master suite is proposed to be located off the rear, east side of the building, adjacent to the other bedrooms in the home. Due to existing architectural layout, this programmatic element must be located in this area.

We proposal to add a rear addition that would align with the existing building elevation to the rear. In doing this, we will further reduce the setback to the side yard from 15'-3" to 13'-8". We are asking for relief of this setback due to the site constraints of a tapered lot line.

The carport is proposed to be enclosed and increased in depth. Enclosing this structure will add much needed security for the family as the enter and leave their home. There are a number of homes on this street that have enclosed their carports in recent years due to the same reasons. The existing carport is undersized and must be increased in order to comfortably fit the homeowner's vehicle. The rear addition will further encroach upon the side yard setback requirement, reducing the existing from 6'-3" to 4'-6". This reduction will still allow safe passage from front to rear and vice versa.

It is for these reasons that this variance request for side yard setback be considered and granted as the existing site conditions do not allow for any other solution for providing additional living space and enclosure of the existing carport.

Adam Carballo, Architect
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077

c 2020 Carballo Architecture LLC

Carballo
Architecture

February 11, 2020

Property Description

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

Southside of Oak Hollow Court, 140 feet west of Garrison Farms Road. Being Lot # 36, Block A, Section #2 in the subdivision of Stevenson at Anton Farms as recorded in Baltimore County Plat book #30, Folio #46, containing 17,728 of total square feet of lot. Located in the 3th Election District and 2 Council District.

Adam Carballo, Architect
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077

c 2020 Carballo Architecture, LLC

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 03 **Account Number -** 0316090626

Owner Information

Owner Name:	OSTER IGOR OSTER ANNA	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3 OAK HOLLOW CT BALTIMORE MD 21208-1854	**Deed Reference:**	/42422/ 00049

Location & Structure Information

Premises Address:	3 OAK HOLLOW CT PIKESVILLE 21208-1854	**Legal Description:**	STEVENSON AT ANTON FARM

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0068	0010	0302	3030037.04	0000	2	A	36	2020	**Plat Ref:**	0030/ 0046

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1965	1,959 SF	850 SF	17,728 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	BRICK/	5	2 full/ 1 half	1 Carport	

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2019	Phase-in Assessments As of 07/01/2020
Land:	110,500	110,500		
Improvements	210,300	221,100		
Total:	320,800	331,600	320,800	324,400
Preferential Land:	0			0

Transfer Information

Seller: PUSHKIN CELESTE B	**Date:** 02/03/2020	**Price:** $405,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /42422/ 00049	**Deed2:**
Seller:	**Date:**	**Price:** $0
Type:	**Deed1:** /04614/ 00585	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

Board of Appeals

Exhibit List In The Matter of:

Case No.: 20-043-A Case Name: Anna Oster

Party: Petitioner Anna Oster & Igor Oster Date: 02/23/2021

Exhibit No.	Description	ID Only
1	Site Plan	
2	Subdivision Plat	
3	4 Oak Hollow Ct Garage Photo	
4	10 " "	
5	12 " "	
6	15 " "	
7	Our [Subject Property] Carport	
8	Unknown - 1. pdf	
9	Unknown - 2. pdf (obj sustained as to relevance)	✓
10	Letter of Support July 17, 2020	
	VERIFIED BY: A. Simpson DATE: 02/23/2021	

2015 IECC CODE COMPLIANCE

R301.1 CLIMATE ZONE 4A

R401.2 COMPLIANCE METHOD:
MANDATORY AND PRESCRIPTIVE PROVISIONS

R402.1.1 VAPOR RETARDER: WALL ASSEMBLIES IN THE BUILDING THERMAL ENVELOPE SHALL COMPLY WITH VAPOR RETARDER REQ'S OF SECTION R702.7 OF THE IRC, 2015 Ed.

R402.1.2 ATTIC INSULATION = R-49

RAISED HEEL TRUSSES = R-38

R402.1.2 WOOD FRAME WALL:
R-20 OR R-13 PLUS R5 CONT INSUL

R402.1.2 BASEMENT WALL INSULATION:
R-13 / R-10 FOIL FACED CONT, UNINTERRUPTED BATTS FULL HEIGHT

R402.1.2 CRAWL SPACE WALL INSUL: R-13/R-10 FOIL FACED CONT. BATTS FULL HEIGHT

EXTENDING FROM FLOOR ABOVE TO FINISH GRADE LEVEL AND THEN VERT OR HORT AN ADDITIONAL 2-0"

R402.1.2 FLOOR INSULATION OVER UNCONDITIONED SPACE = R-19 BATT INSUL

R402.1.2 WINDOW U-/VALUE / SHGC : .35 (U-VALUE),40 (SHGC)

R402.2.10 SLAB ON GRADE FLOORS LESS THAN 12" BELOW GRADE:
R-10 RIGID FOAM BOARD UNDER SLAB EXTENDING EITHER 2'-0" HORT / VERT.

R402.2.4 ATTIC ACCESS:

R402.4 ATTIC ACCESS SCUTTLE WILL BE WEATHERSTRIPPED AND INSULATED R-49

BUILDING THERMAL ENVELOPE (AIR LEAKAGE) EXTERIOR WALLS AND PENETRATIONS WILL BE SEALED PER THIS SECTION OF THE 2015 IECC WITH CAULK, GASKETS, WEATHER STRIPPING OR AN AIR BARRIER OF SUITABLE MATERIAL, SEALING METHODS BETWEEN DISSIMILAR MATERIALS SHALL ALLOW SEALING FOR DIFFERTIAL EXPANSION AND CONTRACTION.

R402.4.1.2 BUILDING ENVELOPE TIGHTNESS TEST:
BUILDING ENVELOPE SHALL BE TESTED AND VERIFIED AS HAVING AN AIR LEAKAGE RATE OF NOT EXCEEDING 3 AIR CHANGES PER HOUR. TESTING SHALL BE CONDUCTED IN ACCORDANCE WITH ASTM E 779 or ASTM E 1827 WITH (BLOWER DOOR) AT A PRESSURE OF 0.2 INCHES w.g. (50 PASCALS). TESTING SHALL BE CONDUCTED BY AN APPROVED THIRD PARTY. A WRITTEN REPORT OF THE RESULTS OF THE TEST SHALL BE SIGNED BY THE PARTY CONDUCTING THE TEST AND PROVIDED TO THE BUILDING INSPECTOR.

R402.4.2 FIREPLACES: NEW WOOD BURNING FIREPLACES WILL HAVE TIGHT-FITTING FLUE DAMPERS OR DOORS, AND OUTDOOR COMBUSTION AIR. FIREPLACE DOORS SHALL BE LISTED AND LABELED IN ACCORDANCE WITH UL127 (FACTORY BUILT FIREPLACE) AND UL907 (MASONRY FIREPLACE).

R402.4.4 ROOMS CONTAINING FUEL-BURNING APPLIANCES WHERE OPEN COMBUSTION AIR DUCTS PROVIDE COMBUSTION AIR TO OPEN COMBUSTION FUEL BURNING APPLIANCES. THE APPLIANCES AND COMBUSTION AIR SHALL BE LOCATED OUTSIDE THE BUILDING THERMAL ENVELOPE OR ENCLOSED IN A ROOM ISOLATED FROM INSIDE THE THERMAL ENVELOPE. EXCEPTIONS: 1. DIRECT VENT APPLIANCES WITH BOTH INTAKE AND EXHAUST PIPES INSTALLED CONT TO THE OUTSIDE. 2. FIREPLACES AND STOVES COMPLYING WITH SECTION R402.4.2 AND SECTION R1006 OF THE IRC.

R402.4,5 RECESSED LIGHTING: RECESSED LUMINARIES INSTALLED IN THE BUILDING THERMAL ENVELOP SHALL BE SEALED TO THE LIMIT AIR LEAKAGE.

R403.1.1 THERMOSTAT - ALL DWELLING UNITS WILL HAVE AT LEAST ONE (1) PROGRAMMABLE THERMOSTAT FOR EACH SEPARATE HEATING AND COOLING SYSTEM AS PER 2015 IECC SECTION 403.1.1.

R403.1.2 WHERE A HEAT PUMP SYSTEM HAVING SUPPLEMENTARY ELECTRIC RESISTANCE HEAT IS USED THE THERMOSTAT SHALL PREVENT THE SUPPLEMENTARY HEAT FROM COMING ON WHEN HEAT PUMP CAN MEET HEATING LOAD.

R403.2.1 MECHANICAL DUCT INSUL SUPPLY & RETURN DUCTS IN ATTIC = R-8 MIN. R-6 WHEN LESS THAN 3 INCHES SUPPLY AND RETURN DUCTS OUTSIDE OF CONDITIONED SPACES R-6

MIN. ALL OTHER DUCTS EXCEPT THOSE LOCATED COMPLETELY INSIDE THE BUILDING THERMAL ENVELOPE = R-6 MIN. DUCTS LOCATED UNDER CONCRETE SLABS = R-6 MIN

R403.3,2 DUCT SEALING ALL DUCT, AIR HANDLERS, FILTER BOXES WILL BE SEALED, JOINTS AND SEAMS WILL COMPLY WITH SECTION M1601.4.1 OR THE IRC. A DUCT

TIGHTNESS TEST (DUCT BLASTER - DUCT TOTAL LEAKAGE TEST) WILL BE PERFORMED ON ALL HOMES

AND SHALL BE VERIFIED BY EITHER A POST CONSTRUCTION TEST OR A ROUGH IN TEST. DUCT TIGHTNESS TEST IS NOT REQUIRED IF THE AIR HANDLER AND ALL DUCTS ARE LOCATED WITHIN CONDITIONED SPACE

R403.6 MECHANICAL VENTILATION OUTDOOR, (MAKE UP AND EXHAUST), AIR DUCTS TO BE PROVIDED WITH AUTOMATIC OR GRAVITY DAMPER THAT CLOSE WHEN THE VENTILATION SYSTEM IS NOT OPERATING.

R403.6.1 WHOLE HOUSE MECHANICAL VENTILATION SYSTEM FAN EFFICIENCY TO COMPLY WITH TABLE R403.6.1

R403.7 EQUIPMENT SIZING SHALL COMPLY WITH R403.7

R404.1 LIGHTING EQUIPMENT A MINIMUM OF 75% OF ALL LAMPS (LIGHTS) MUST BE HIGH-EFFICIENCY LAMPS, THIS CONTRACTOR ALSO RESPONSIBLE FOR GENERATING A CERTIFICATE OF COMPLIANCE AND AFFIXING TO ELECTRICAL PANEL OR WITHIN 6 FEET OF THE ELEC PANEL AND BE READILY VISIBLE.

APPLICABLE CODES

BUILDING CODES

Building Code -
2015 International Building Code - Adopted / Amended by Baltimore County Bill #46-15 (Effective Date: July 1, 2015)

One & Two Family Dwelling Code -
2015 International Residential Code - Adopted / Amended by Baltimore County Bill #46-15 (Effective Date: July 1, 2015)

Mechanical Code -
2015 International Mechanical Code - Adopted / Amended by Baltimore County Bill #40-15 (Effective Date: July 1, 2015)

Plumbing Code
2015 National Standard Plumbing Code - Adopted / Amended by Baltimore County Bill #41-15 (Effective Date: July 1, 2015)
Also see Bill 40-15 Part 129.1 for equivalent plumbing fixture count

Electrical Code
2014 NEC - (Most recent edition year of the published code, effective September 1 of the edition year of the code)
Also see Bill 40-15 for amendments.

Energy Code
2015 International Energy Code - Adopted / Amended by Baltimore County Bill #48-15 (Effective Date: July 1, 2015)

FIRE CODES

Life Safety Code
2012 NFPA 101 - Adopted / Amended by Baltimore County Bill #63-13 (Effective Date: December 29, 2013)

Fire Prevention Code
2012 Edition NFPA 1 - Adopted / Amended by Baltimore County Bill #63-13 (Effective Date: December 29, 2013)

Other NFPA Codes and Standards
Adopted / Amended by Baltimore County Bills #63-13 (Effective Date: December 29, 2013)

STATE OF MARYLAND

Accessibility Code
COMAR 05.02.02 State of Maryland adopts "ADAAG" 2010 Edition (Americans with Disability Act) and "FHAA" (Federal Fair Housing Amendments Act of 1998)

Rehab Code
COMAR 05.16.01 Maryland Building Rehabilitation Code - 2012 International Existing Building Code - Effective April 1, 2013

FLOOD PLAIN REGULATIONS

Baltimore County Bill #46-15 Parts 123, 124, and 125 and Baltimore County Code 2003 Edition. Note: Plumbing and Electrical Installations shall also comply.

LOCAL AMENDMENTS

Fire Codes - Baltimore County Bill #63-13 (Effective Date: December 29, 2013) - Replaces Baltimore County Bill #46-12

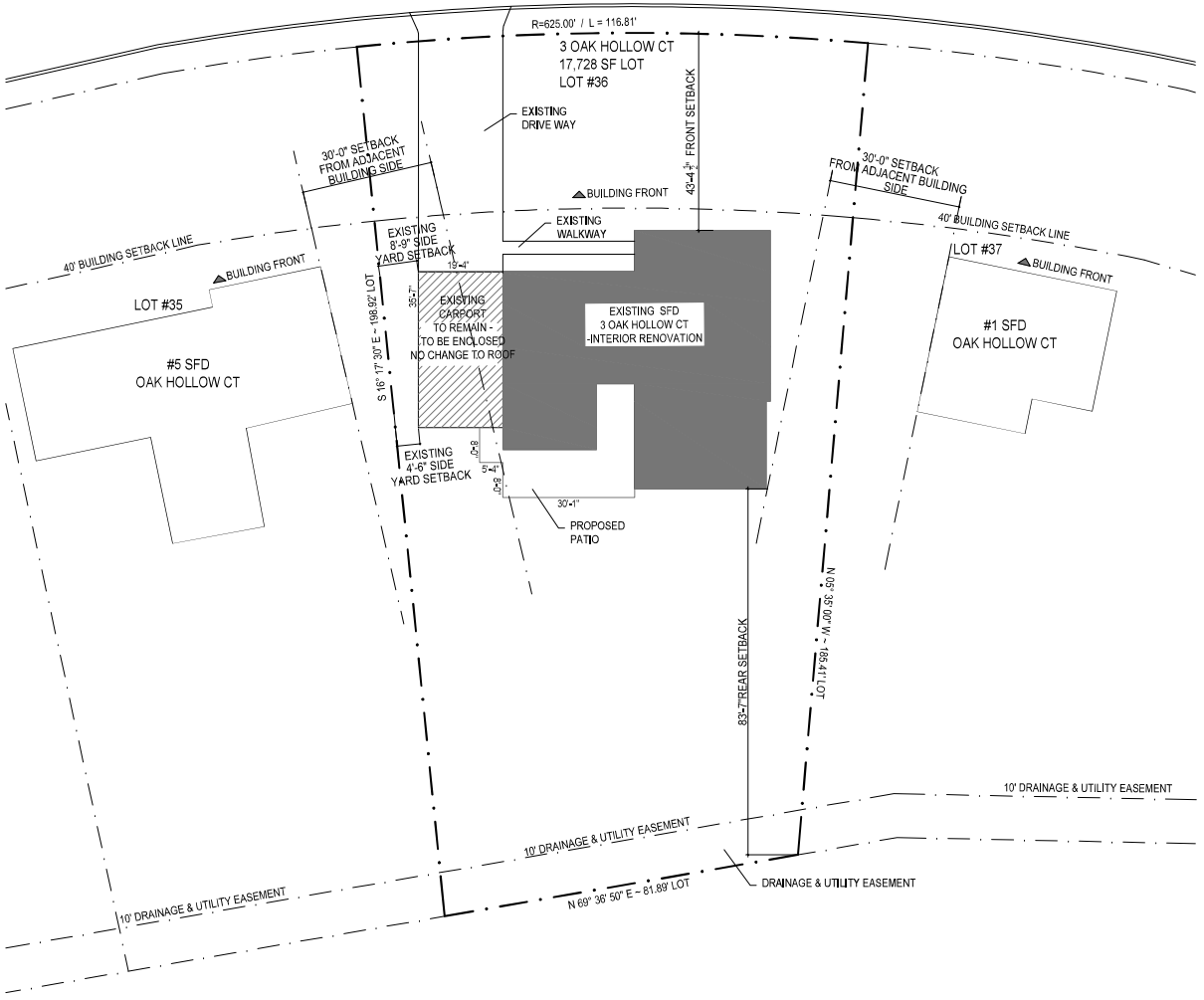
Building Codes - Baltimore County Bill #46-15 (Effective Date: July 1, 2015) - Replaces Baltimore County Bill #46-12)

Plumbing Codes - Baltimore County Bill #41-15 (Effective Date: July 1, 2015) - Replaces Baltimore County Bill #17-13)

DRAWING LIST

0000-G=G1 TITLE SHEET & SITE PLAN
0001-A0=A01 FIRST FLOOR DEMO PLAN 0002-A0=A02 SECOND FLOOR DEMO PLAN 0003-A0=A03 ROOF DEMO PLAN
0004-S=S1 FIRST FLOOR FRAMING PLAN 0005-S=S2 SECOND FLOOR FRAMING PLAN
0006-A=A1 FIRST FLOOR PLAN 0007-A=A2 SECOND FLOOR PLAN 0008-A=A3 SECTION 0009-A=A4 FRONT ELEVATION 0010-A=A5 REAR ELEVATION 0011-A=A6 SIDE ELEVATION (1) 0012-A=A7 SIDE ELEVATION (2) 0013-A=A8 TYPICAL DETAILS

OAK HOLLOW COURT



1 SITE PLAN
SCALE: 1" = 20'-0"

0 10' 5' 20' 40'

3 OAK HOLLOW COURT
PIKESVILLE, MD 21208

SINGLE FAMILY HOME
INTERIOR RENOVATION, REAR ADDITION,

PROPERTY INFO

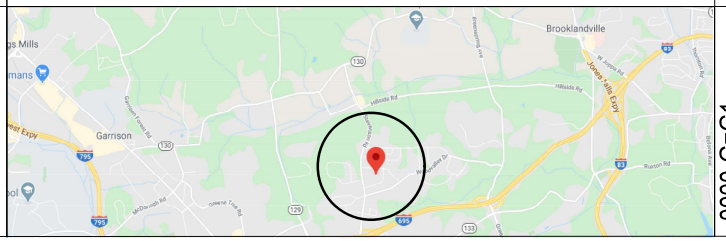
3 OAK HOLLOW COURT
MAP - 0068 / GRID - 0010 / PARCEL - 0302
SUB-DIVISION - 000 / SECTION - 2 / LOT -36
LEGAL DESCRIPTION - STEVENSON AT ANTON FARM
PLAT REF : 0030/0046
PROPERTY LAND AREA - 17,728 SF
PRIMARY STRUCTURE BUILT - 1965
DEED REF - 42422/ 00049
ZONING: DR2
ELEMENTARY SCHOOL : FORT GARRISON
COUNSILMANIC DISTRIC : 2
CONGRESSIONAL DISTRIC : 3
WATERSHED: JONES FALLS
RIVER BASIN: PATAPSCO RIVER

LEGEND

NOT IN SCOPE

EXISTING BUILDING LINE

LOCATION PLAN



PROFESSIONAL CERTIFICATE:
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 4425, EXPIRATION DATE 04-11-2021.
CARBALLO ARCHITECTURE, LLC
1916 ALICEANNA ST. BALTIMORE, MD 21231
MD LIC# 15709
443-865-1077

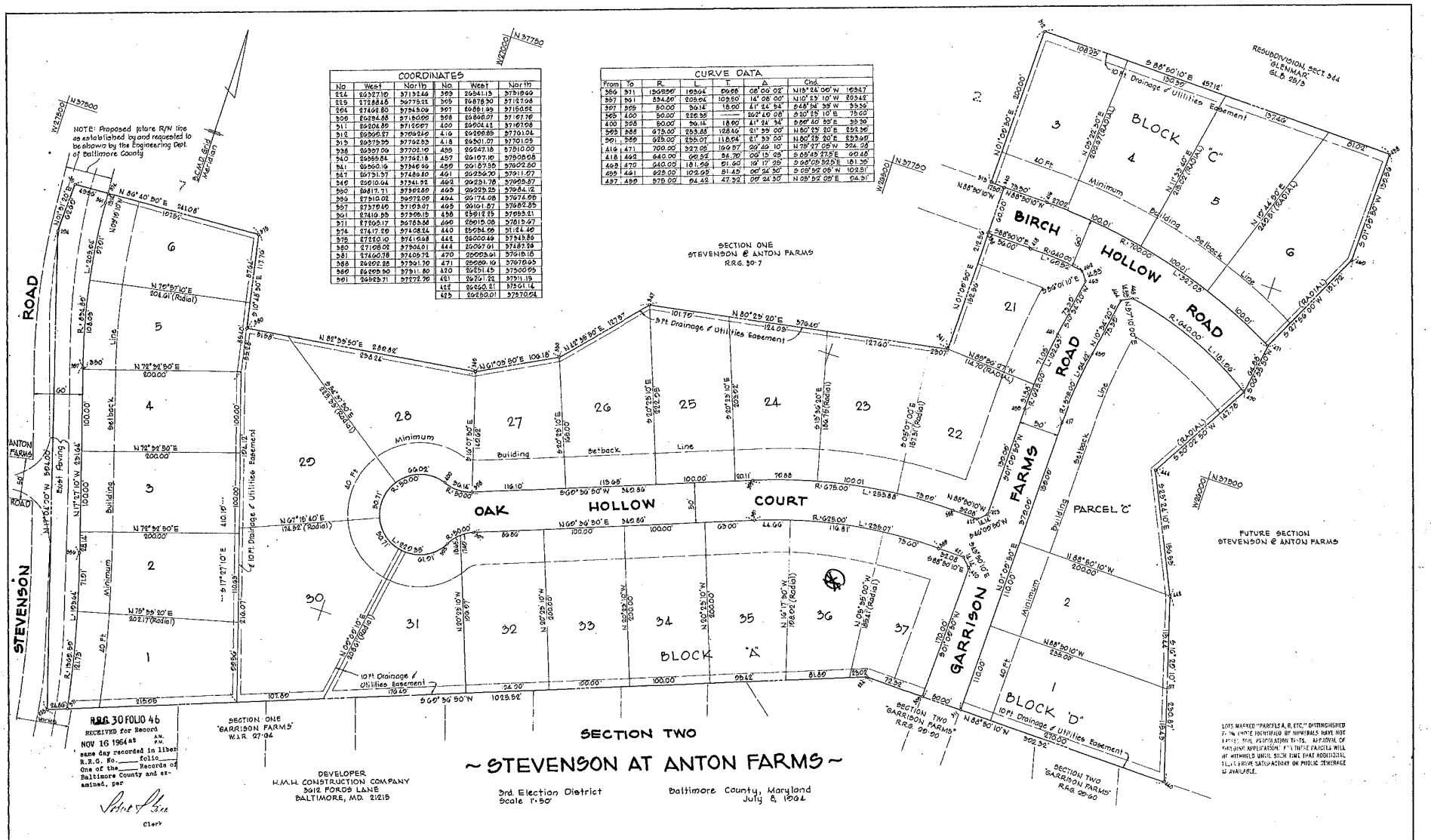
REVISIONS
1 --/--/----

CLIENT
MS. ANNA OSTER

CARBALLO ARCHITECTURE, LLC
1916 ALICEANNA ST. BALTIMORE, MD 21231
MD LIC# 15709
443-865-1077

0000-G=G1
TITLE SHEET & SITE PLAN

3 OAK HOLLOW COURT
JOB # 19-510
JANUARY 2020



COORDINATES					
No	West	North	No.	West	North
224	26927.10	37132.46	389	26541.13	37319.99
225	27288.45	36975.21	395	26878.50	37178.98
226	27496.80	37345.09	397	26951.69	37150.95
300	26284.88	37180.00	398	26800.07	37107.76
311	26204.89	37167.07	400	26904.42	37167.08
312	26290.27	37092.60	416	26900.88	37761.04
313	26379.99	37742.23	418	26901.07	37701.03
338	26307.06	37702.10	456	26247.18	37710.00
340	26555.84	37762.18	457	26107.10	37708.08
341	26550.16	37746.96	459	26107.35	37692.80
347	26731.57	37486.80	461	26256.30	37911.07
349	26910.04	37541.92	462	26231.78	37905.87
350	26817.71	37702.80	463	26225.25	37984.12
356	27310.02	36972.00	464	26174.08	37974.06
357	27378.65	37109.07	465	26161.87	37982.25
361	27419.55	37209.15	466	25812.75	37955.21
371	27565.17	36763.58	490	25815.08	37815.67
374	27417.29	37408.24	440	25584.28	37184.40
375	27250.10	37411.68	445	26000.69	37349.86
380	27108.02	37326.01	444	26067.91	37487.38
381	27460.78	37405.72	470	25983.61	37918.15
388	26902.26	37391.70	471	25989.16	37978.05
389	26905.90	37311.80	470	26251.15	37750.95
391	26982.71	37272.76	491	26721.24	37311.19
			428	26260.21	37501.16
			429	26280.01	37570.04

CURVE DATA						
From	To	R.	L.	T.	Δ	Chd.
369	371	1369.99'	193.04'	96.86'	08° 05' 08"	N 18° 24' 06" W 192.87'
357	361	534.00'	205.04'	103.80'	14° 08' 00"	N 10° 23' 10" W 203.62'
397	395	50.00'	50.12'	18.00'	41° 24' 54"	S 68° 56' 38" W 95.36'
395	400	50.00'	226.35'	———	262° 49' 08"	S 20° 55' 10" E 75.00'
400	398	50.00'	50.14'	18.00'	41° 24' 54"	S 89° 40' 28" E 95.50'
395	356	975.00'	253.88'	128.49'	01° 29' 00"	N 80° 25' 20" E 253.20'
391	389	825.00'	235.07'	118.64'	21° 53' 00"	N 80° 28' 20" E 233.69'
416	471	700.00'	327.08'	166.97'	26° 46' 10"	N 78° 27' 05" W 324.08'
418	462	640.00'	68.52'	34.30'	06° 15' 05"	S 85° 45' 27.5" E 68.48'
468	470	640.00'	181.06'	91.60'	16° 12' 25"	S 66° 08' 52.5" E 181.35'
455	491	825.00'	102.92'	51.45'	06° 24' 50"	S 05° 52' 05" W 102.81'
427	429	575.00'	94.42'	47.32'	09° 24' 30"	N 05° 52' 05" E 94.31'

~ STEVENSON AT ANTON FARMS ~

SECTION TWO

3rd. Election District — Baltimore County, Maryland — July 8, 1964

Scale 1"=50'

DEVELOPER
H.M.H. CONSTRUCTION COMPANY
3612 FORDS LANE
BALTIMORE, MD. 21215

R.R.G. 30 FOLIO 46
RECEIVED for Record
NOV 16 1964 at ____ A.M. P.M.
same day recorded in liber ____
R.R.G. No. ____ folio ____
One of the Records of Baltimore County and examined, per
Clerk

LOTS MARKED "PARCELS A, B, ETC." DISTINGUISHED FROM THOSE IDENTIFIED BY NUMERALS HAVE NOT PASSED FINAL PLAN APPROVAL TO-TS. APPROVAL OF BUILDING APPLICATIONS FOR THESE PARCELS WILL BE WITHHELD UNTIL SUCH TIME THAT ADDITIONAL FACILITIES ARE SATISFACTORY OR PUBLIC SEWERAGE IS AVAILABLE.

3641998

APPROVED, BALTIMORE COUNTY PLANNING BOARD
10/20/64 — DIRECTOR

APPROVED:
10/23/64 — William H. Tilden M.D. — DEPUTY STATE & COUNTY HEALTH OFFICER

NOTE: STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached their heirs and assigns.

NOTE: COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations:
1SC7 W 27,150.00 N 37,602.55
1SC8 W 27,109.76 N 38,580.03

OWNERS CERTIFICATE: The requirements of Section 72-B, Article 17 of the Annotated Code of Maryland, (Flack 1947 Supplement) as far as they relate to the preparation of this plat have been complied with.
H.M.H. CONSTRUCTION COMPANY
Morris Sugarman — 7/7/64
OWNER — DATE

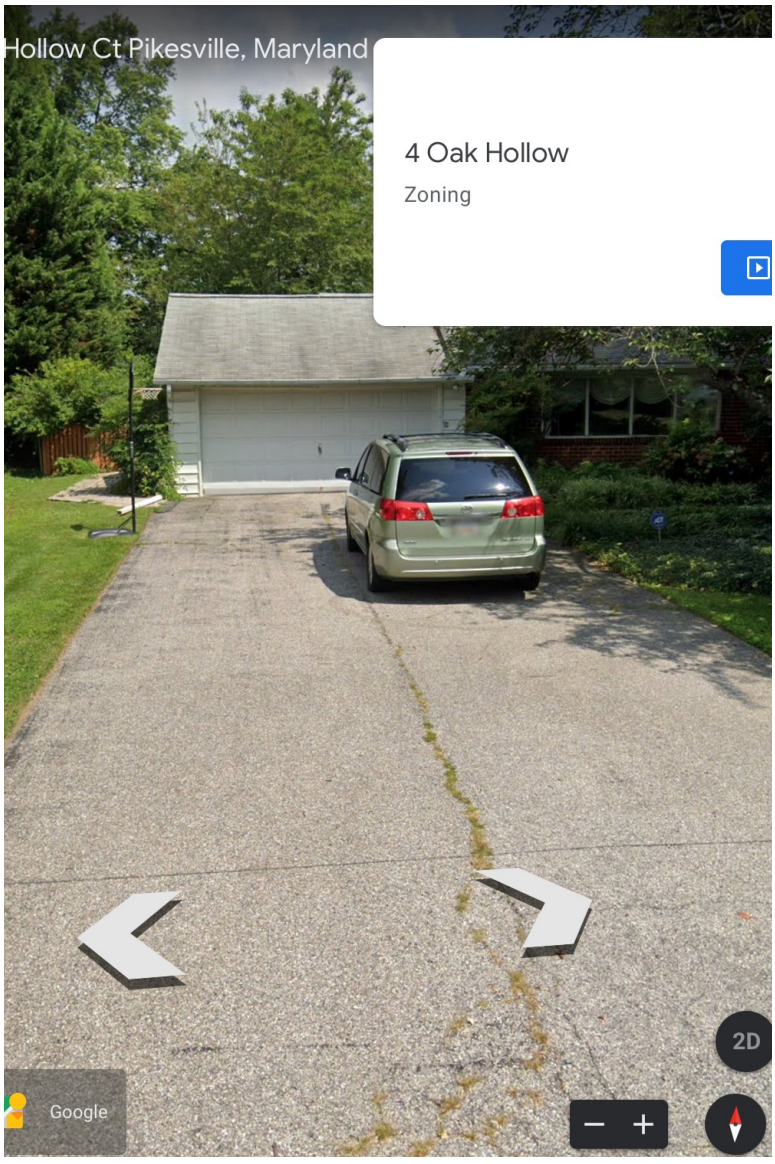
SURVEYORS CERTIFICATE: I, JOHN C. CHILDS SR., a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out, and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill #459, Chapter 1016 of the Acts of 1945 and subsequent amendatory acts.
7-10-64
REGISTERED LAND SURVEYOR No. 3622 — DATE

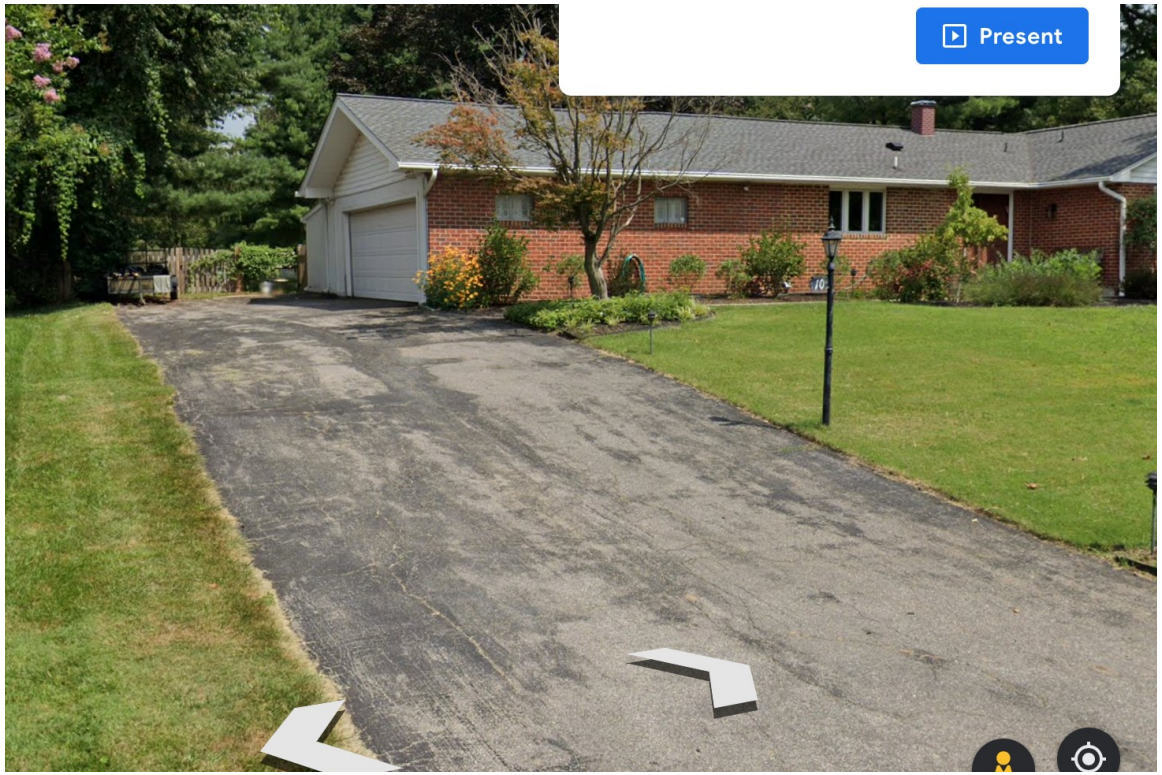
MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES ST.
BALTIMORE 18, MD.
COMPUTED: EG DRAWN: TP CHECKED: J.O. # 63001

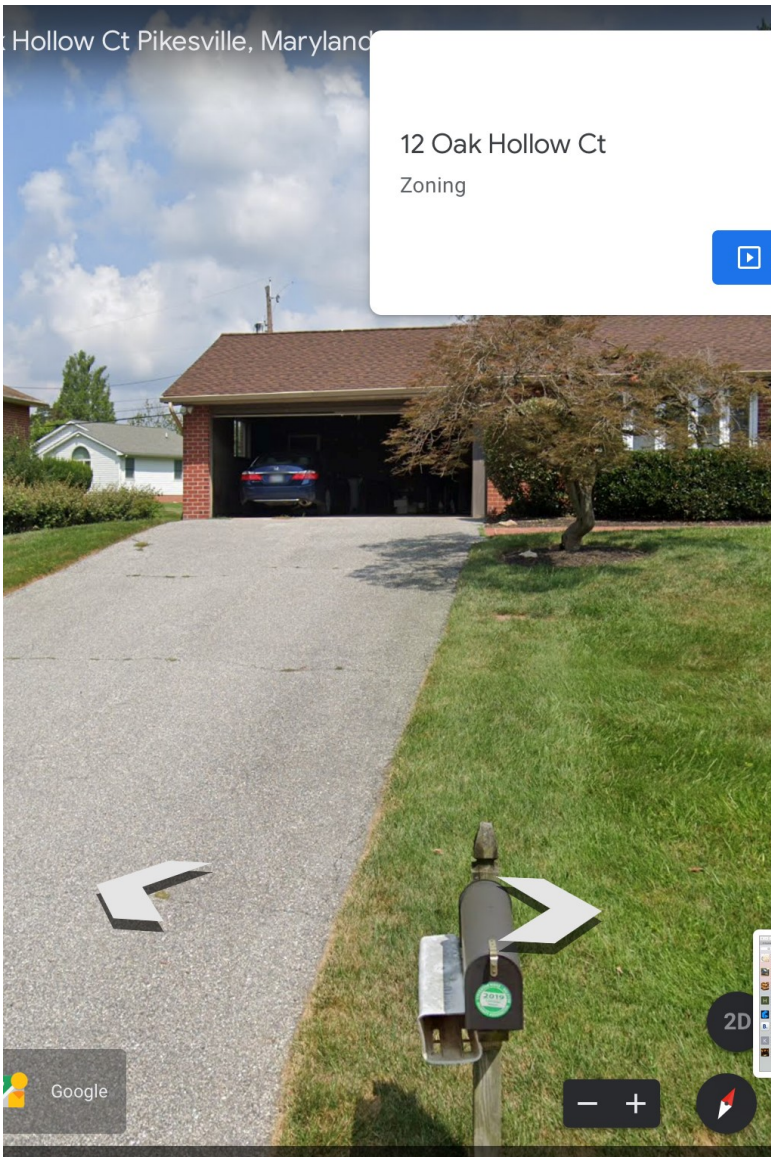
APPROVED
10/22/64
DATE
COUNTY ROADS ENGINEER

MSA SM. 1236-4910

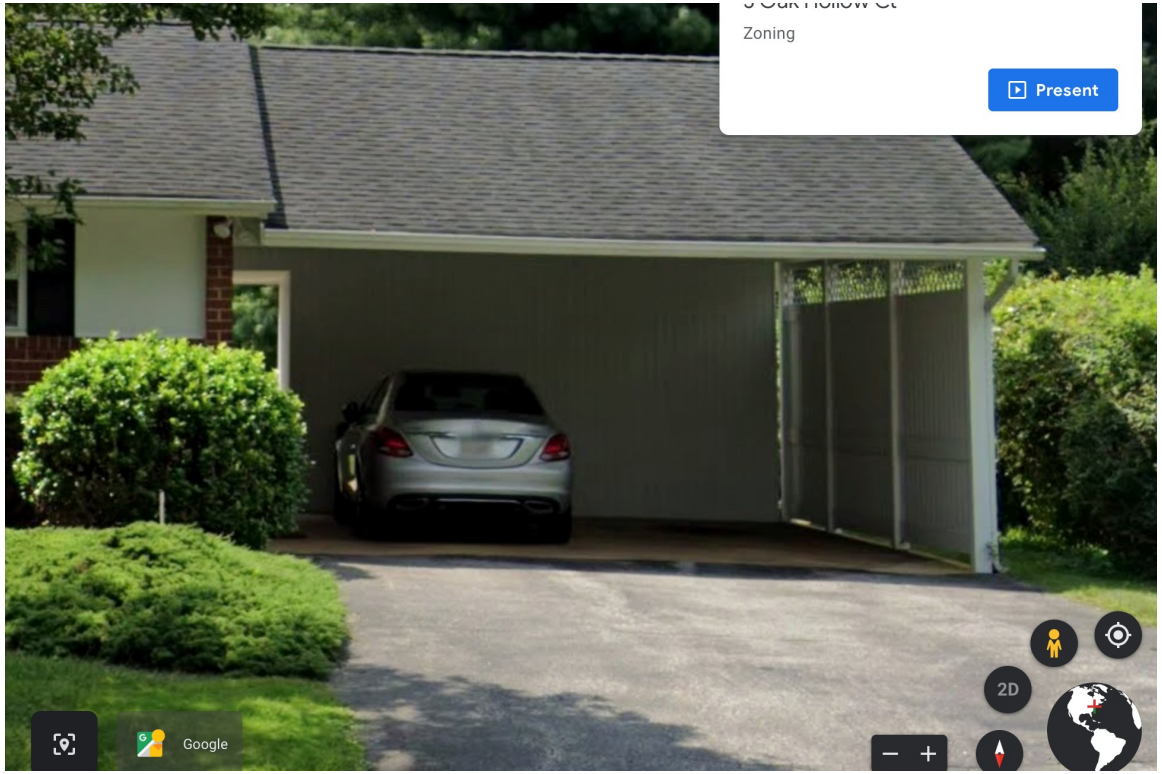
30-46


Hollow Ct Pikesville, Maryland
4 Oak Hollow
Zoning
2D
Google


Present


Hollow Ct Pikesville, Maryland
12 Oak Hollow Ct
Zoning
2D
Google


15 Oak Hollow Ct
Zoning
Present


Zoning
Present
Google
2D





July 17, 2020

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

I have been made aware of a Zoning hearing (Case Number 2020-0043-A) in which the above subject property has requested zoning relief from the required side yard setback. The subject property was constructed in 1965 and does not comply with the current zoning law for side yard setbacks.

I understand that the scope of work for this project is limited to enclosing an existing carport for use as a garage. No change to the roofline, building height or footprint at the front or side is proposed. Zoning relief is required in order to change this open carport into an enclosed garage. I have been made aware of these key facts and I am in support of granting the zoning relief requested for side yard setback.

Respectfully,

Signature: Jay C Feinglass

Name: JAY C. FEINGLASS

Address: #1 OAK HOLLOW COURT
PIKESVILLE, MARYLAND 21208

Contact info phone/email:

410-484-2224
ekf1oak@AOL.COM

Board of Appeals

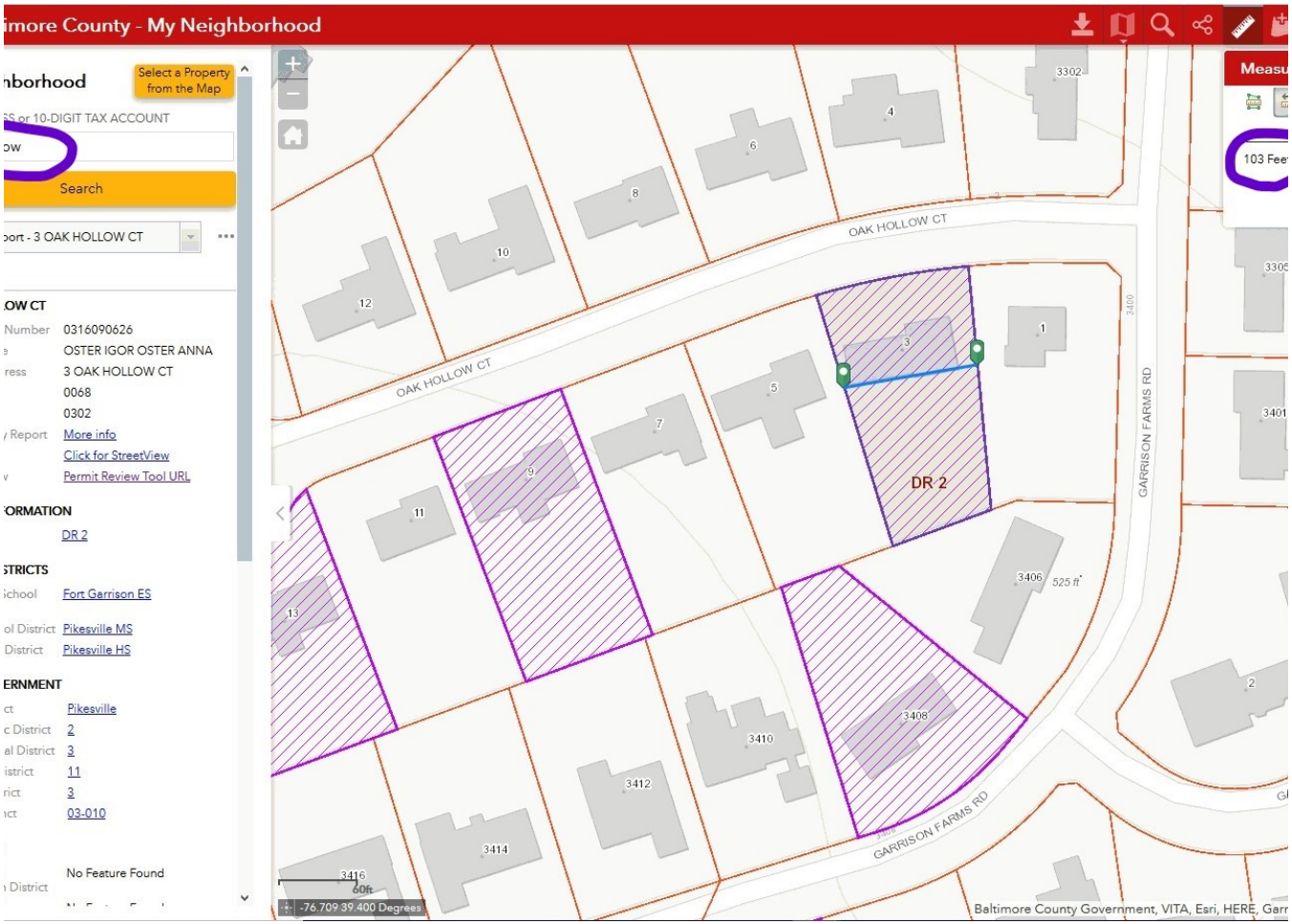
Exhibit List

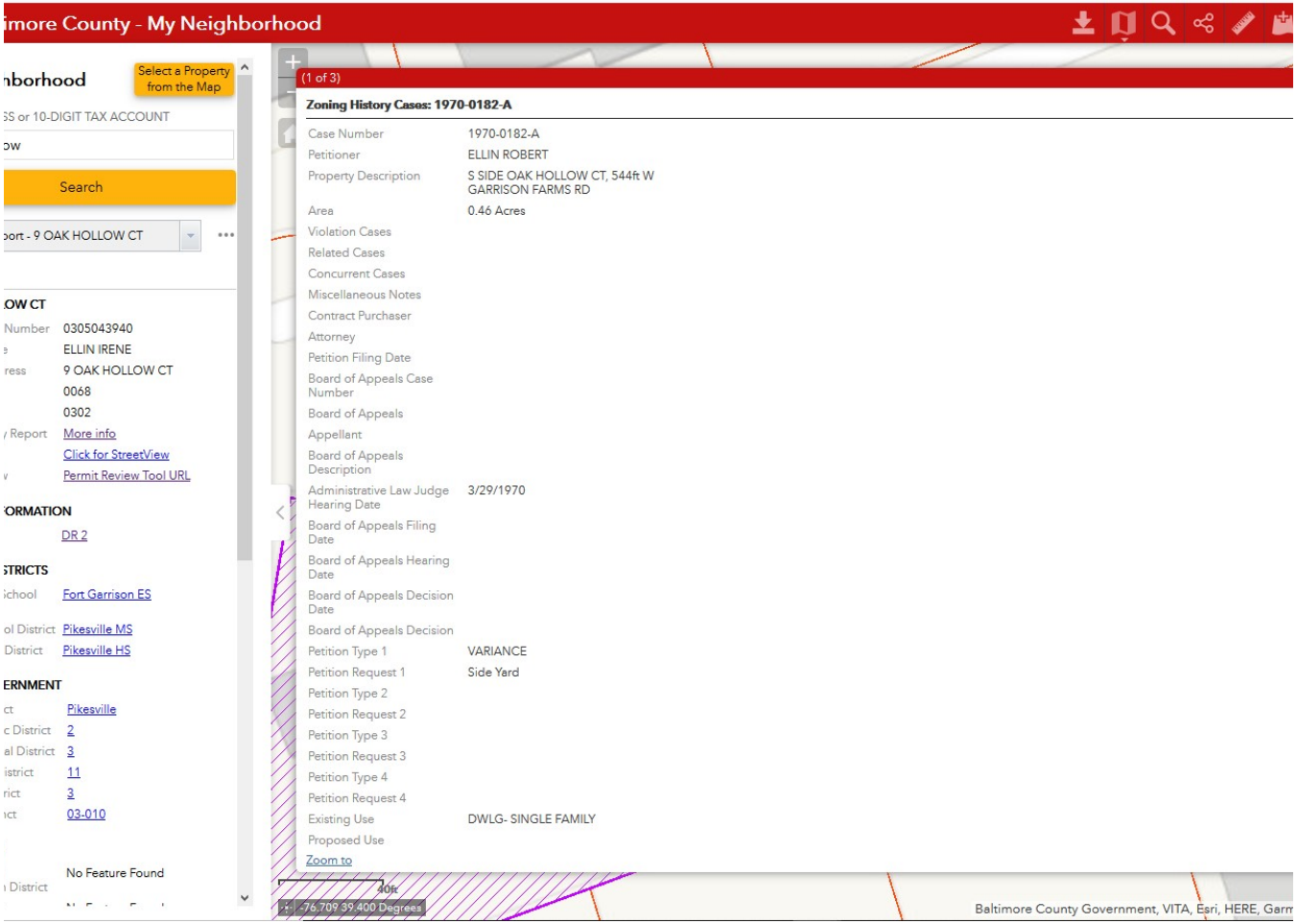
In The matter of:

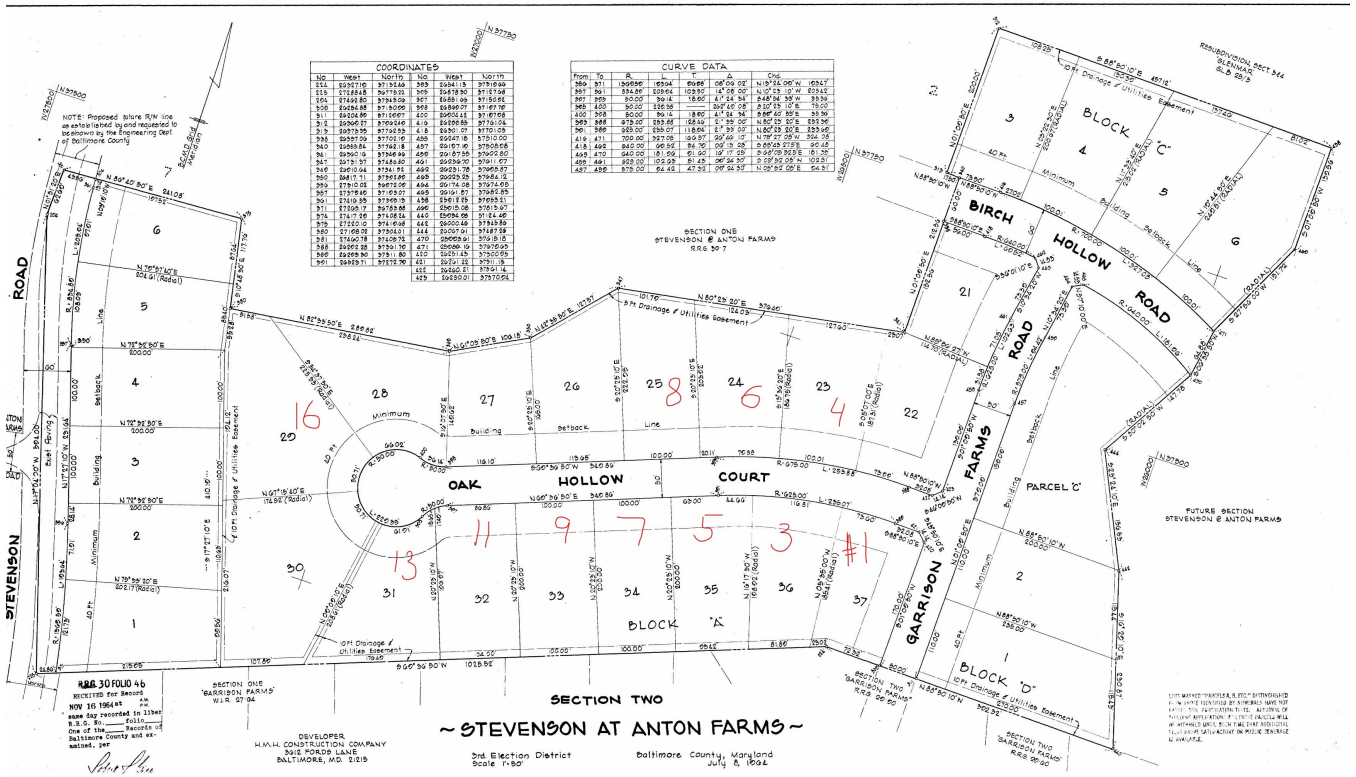
Case No.: 20-043-A Case Name: Anna Oster

Party: Protestant Irina Bond Date: 02/23/2021

Exhibit No.	Description	ID Only
1A	3 Oak Hollow width	
1B	9 Oak Hollow Variance	
1C	Stevenson @ Anton Farms 2-21 (subdivision plat)	
2A	Stevenson 100 ft	
2B	Stevenson @ Anton Farms 1	
2C	Oak Hollow pictures (odd numbers)	
2D	Oak Hollow pictures (even numbers)	
3A	Stevenson @ Anton Farms 2 Variances	
3B	Stevenson @ Anton Farms 1 Variances	
4	Elm Hollow pictures	
5	Birch Hollow pictures	
6	8405 Stevenson Road	
7	Runoff Management (sustained obj)	✓
8	5 Oak Hollow II (sustained obj)	✓
	VERIFIED BY: A. Sampson DATE: 02/23/2021	
9	Inked 5 Oak Hollow 1-21 (sustained obj)	✓


imore County - My Neighborhood
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Select a Property from the Map
S or 10-DIGIT TAX ACCOUNT
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Search
port - 3 OAK HOLLOW CT
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Number 0316090626
OSTER IGOR OSTER ANNA
ress 3 OAK HOLLOW CT
0068
0302
Report More info
Click for StreetView
Permit Review Tool URL
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DR 2
STRICTS
School Fort Garrison ES
ol District Pikesville MS
District Pikesville HS
ERNMENT
ct Pikesville
c District 2
al District 3
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ct 03-010
No Feature Found
District
OAK HOLLOW CT
OAK HOLLOW CT
GARRISON FARMS RD
GARRISON FARMS RD
DR 2
525 ft
60ft
-76.709 39.400 Degrees
Baltimore County Government, VITA, Esri, HERE, Garr


imore County - My Neighborhood
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Select a Property from the Map
SS or 10-DIGIT TAX ACCOUNT
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OW CT
Number 0305043940
ELLIN IRENE
ress 9 OAK HOLLOW CT
0068
0302
Report More info
Click for StreetView
Permit Review Tool URL
ORMATION
DR 2
STRICTS
School Fort Garrison ES
ol District Pikesville MS
District Pikesville HS
ERNMENT
ct Pikesville
c District 2
al District 3
istrict 11
rict 3
ct 03-010
No Feature Found
District
(1 of 3)
Zoning History Cases: 1970-0182-A
Case Number 1970-0182-A
Petitioner ELLIN ROBERT
Property Description S SIDE OAK HOLLOW CT, 544ft W GARRISON FARMS RD
Area 0.46 Acres
Violation Cases
Related Cases
Concurrent Cases
Miscellaneous Notes
Contract Purchaser
Attorney
Petition Filing Date
Board of Appeals Case Number
Board of Appeals
Appellant
Board of Appeals Description
Administrative Law Judge Hearing Date 3/29/1970
Board of Appeals Filing Date
Board of Appeals Hearing Date
Board of Appeals Decision Date
Board of Appeals Decision
Petition Type 1 VARIANCE
Petition Request 1 Side Yard
Petition Type 2
Petition Request 2
Petition Type 3
Petition Request 3
Petition Type 4
Petition Request 4
Existing Use DWLG- SINGLE FAMILY
Proposed Use
Zoom to
40ft
-76.709 39.400 Degrees
Baltimore County Government, VITA, Esri, HERE, Garm


SECTION TWO
~ STEVENSON AT ANTON FARMS ~
3rd Election District
Scale 1"=80'
Baltimore County, Maryland
July 8, 1964
SECTION ONE
STEVENSON & ANTON FARMS
R.R.S. 30-7
SECTION ONE
"GARRISON FARMS"
W.R. 27-94
SECTION TWO
"GARRISON FARMS"
R.R.S. 26-50
FUTURE SECTION
STEVENSON & ANTON FARMS
DEVELOPER
W.M.H. CONSTRUCTION COMPANY
3912 PORDS LANE
BALTIMORE, MD. 21219
STEVENSON ROAD
BIRCH HOLLOW ROAD
OAK HOLLOW COURT
GARRISON FARMS
BLOCK "A"
BLOCK "C"
BLOCK "D"
PARCEL "C"
NOTE: Proposed future R/W line as established by and requested to be reserved by the Engineering Dept. of Baltimore County
RRS 30 FOLIO 46
RECEIVED for Record
NOV 16 1964 at
same day recorded in Liber
R.R.S. No. ____ Folio ____
One of the Records of
Baltimore County and examined, per
Clerk
364190R
APPROVED:
DEPUTY STATE & COUNTY HEALTH OFFICER
APPROVED, BALTIMORE COUNTY PLANNING BOARD
DIRECTOR
COUNTY ROADS ENGINEER
NOTE:
STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only and the same are not intended to be dedicated to public use the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached their heirs and assigns.
NOTE:
COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations:
'BCT' N 21,456.60 E 37,960.88
'BCB' N 27,409.76 E 38,880.63
OWNERS CERTIFICATE:
The requirements of Section 72 B, Article 17 of the Annotated Code of Maryland, Flack 1967 Supplement as far as they relate to the preparation of this plat have been complied with.
W.M.H. CONSTRUCTION COMPANY
OWNER
DATE
SURVEYORS CERTIFICATE:
I, JOHN C. CHILDS JR., a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill 1459, Chapter 1016 of the Acts of 1945 and subsequent amendatory acts.
REGISTERED LAND SURVEYOR No. 3632
DATE
MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES ST.
BALTIMORE 18, MD.
COMPUTED: BB
DRAWN: TP
CHECKED:
J.O. # 65201
MSRSM 1236-4910
30-1

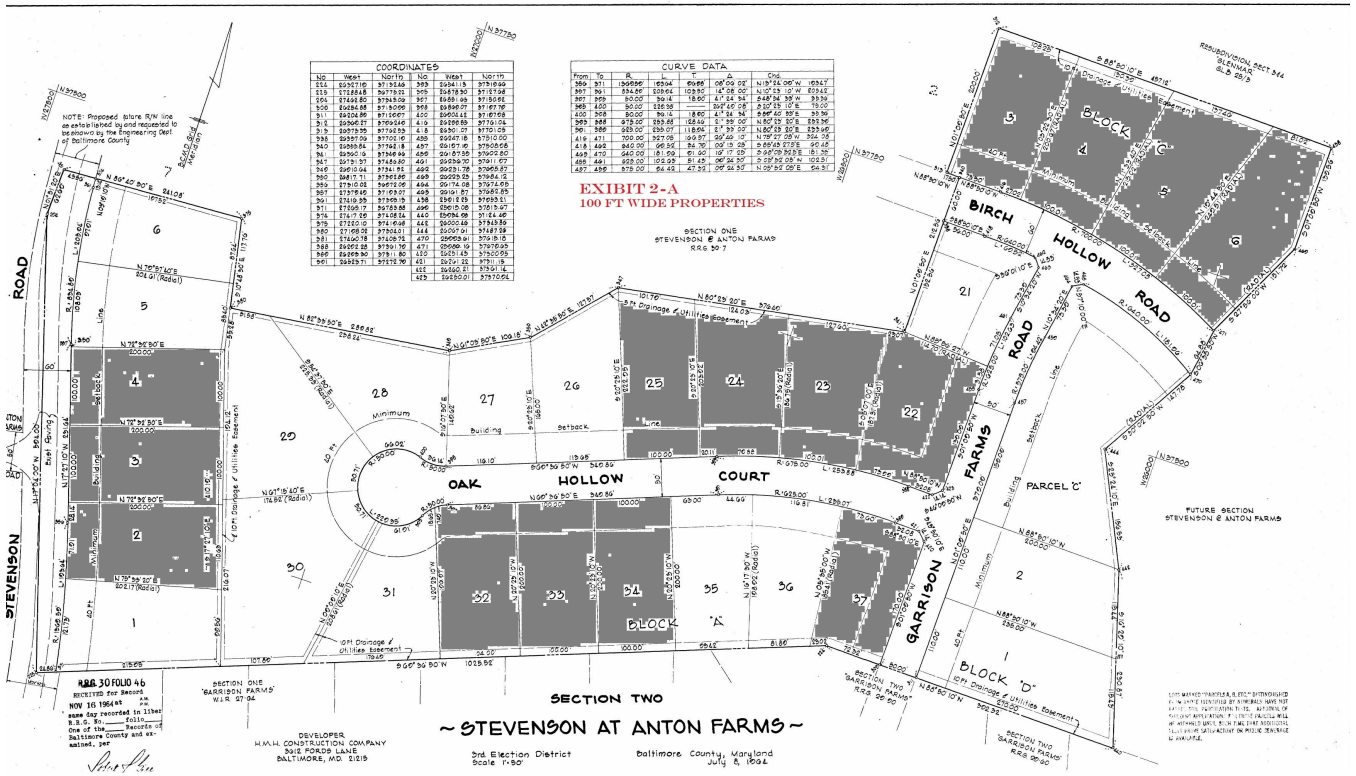
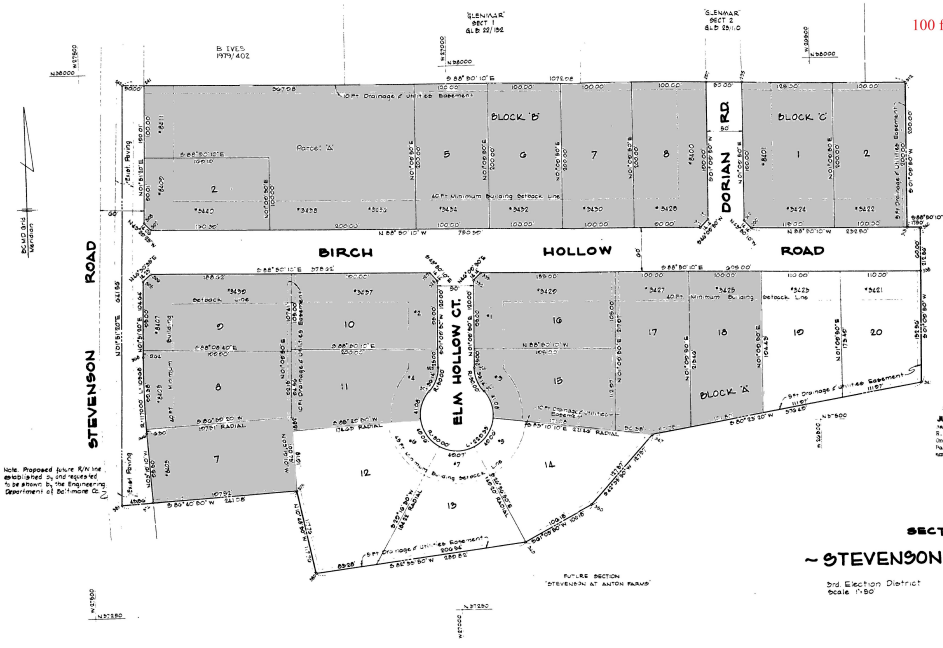

EXIBIT 2-A
100 FT WIDE PROPERTIES
SECTION ONE
STEVENSON & ANTON FARMS
R.R.S. 30-7
SECTION TWO
~ STEVENSON AT ANTON FARMS ~
3rd. Election District
Scale 1"=80'
Baltimore County, Maryland
July 8, 1964
DEVELOPER
H.M.H. CONSTRUCTION COMPANY
3912 FORDS LANE
BALTIMORE, MD. 21215
SECTION ONE "GARRISON FARMS" W.J.B. 27-34
SECTION TWO "GARRISON FARMS" R.R.S. 28-50
FUTURE SECTION STEVENSON & ANTON FARMS
BIRCH HOLLOW ROAD
OAK HOLLOW COURT
STEVENSON ROAD
GARRISON FARMS
BLOCK "A"
BLOCK "C"
BLOCK "D"
PARCEL "C"
RESUBDIVISION PLAT 3&4 GLENMAR W.J.B. 28-5
NOTE: Proposed future R/W line as established by and requested by Department of Baltimore County
COORDINATES
CURVE DATA
R.R. 30 FOLIO 46
RECEIVED for Record NOV 16 1964 at ... A.M. same day recorded in Liber R.R.G. No. ... Folio ... One of the ... Records of Baltimore County and examined, per
Clerk
364190R
APPROVED, BALTIMORE COUNTY PLANNING BOARD
DATE 10/16/64 DIRECTOR
APPROVED:
DATE 10/16/64 DEPUTY STATE & COUNTY HEALTH OFFICER
DATE COUNTY ROADS ENGINEER
NOTE: STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.
NOTE: COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations:
'BCT' N 37680.60 E 39902.88
'BCB' N 37409.76 E 38880.62
OWNERS CERTIFICATE: The requirements of Section 73 B, Article 17 of the Annotated Code of Maryland, 1957 Supplement as far as they relate to the preparation of this plat have been complied with.
H.M.H. CONSTRUCTION COMPANY
OWNER DATE
SURVEYORS CERTIFICATE: I, JOHN C. CHILDS JR., a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill 1439, Chapter 1006 of the Acts of 1945 and amendments and supplementary acts.
REGISTERED LAND SURVEYOR No. 3622 DATE 7-29-64
MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES ST.
BALTIMORE 18, MD.
COMPUTED: BB DRAWN: TP CHECKED: JOB # 65201
MSA S34-1834-4910
30-4

EXHIBIT 2-B

100 ft wide properties



CO-ORDINATES					
NO.	WEST	NORTH	NO.	WEST	NORTH
561	574.504	97683.98	947	57097.79	97895.00
565	57482.03	97984.90	958	57201.5	97709.70
569	56964.03	97907.04	959	57281.00	97719.90
577	56643.33	97868.68	935	59470.21	97704.99
599	56582.35	97769.88	953	5969.88	97714.68
900	58955.09	97777.10	955	59387.98	97705.10
901	59048.07	97778.1	960	60359.84	97705.15
902	59098.58	97778.96	961	60450.10	97789.99
905	57450.78	977.1.80	967	5979.37	57689.80
906	57410.96	97739.08	965	59610.84	97781.56
907	57408.92	97789.97	980	60817.71	97965.85
908	574.8.15	97789.79	966	57433.85	97969.58
913	56598.87	97969.08	968	57434.7	97909.81
914	56975.99	97969.89	976	57417.99	97858.24
993	56993.73	97981.98	978	57350.10	97840.08
994	56974.90	97984.71	980	57.68.05	97806.01
323	57084.96	97883.73	981	57450.38	97698.78

CURVE DATA						
From	To	R	L	T	Δ	Chd
955	957	60.00	94.14	18.60	4.73.34"	S 1°.85' 27" W 93.50
957	953	30.00	28.96	—	54.58.08"	S 89°.50' 10" E 19.80
953	954	90.00	94.14	18.60	4.73.34"	N 87°.85' 27" W 89.96
949	948	1170.00	108.48	95.87	5.19.0 30"	N 90.43 98"W 108.46

RRG 30 FOLIO 7

JUL 31 1964

SECTION ONE

~ STEVENSON AT ANTON FARMS ~

3rd Election District
Scale 1"=80'

Baltimore County, Maryland
June 25, 1964

DEVELOPER
H.M.H. CONSTRUCTION COMPANY
3612 FORDO LANE
BALTIMORE, MD. 21218

3641299

APPROVED: BALTIMORE COUNTY PLANNING BOARD
30 JULY 1964
DIRECTOR

APPROVED:
DEPUTY STATE & COUNTY HEALTH OFFICER

COUNTY ROADS ENGINEER

NOTE: STREETS and/or ROADS shown hereon and portion thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached their heirs and assigns.

NOTE: COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates, established in The Baltimore County Metropolitan District and are based on the following figures stations.

1927	W 57490.90	N 97693.91
1928	W 57409.79	N 98580.97

OWNERS CERTIFICATE: The requirements of Section 77-8 Article 17 of the Annotated Code of Maryland (Flack 1947 Supplement) as far as they relate to the preparation of this plat have been complied with.

H.M.H. CONSTRUCTION COMPANY
Morris Ingerman 7/7/64
OWNER DATE

SURVEYORS CERTIFICATE: I JOHN C. CHILDS JR. a Registered Land Surveyor of the State of Maryland hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill 1458 Chapter 1096 of the Acts of 1945 and subsequent amendments.
REGISTERED LAND SURVEYOR No. 2622 7-15-64 DATE

MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES ST.
BALTIMORE 18, MD.

COMPUTED: HHS DRAWN: TP CHECKED: PL JOB # 63601

MSA SSM 1936 4909

35-7


Oak H
Fort Garrison
Elementary School
Garrison
Type here to search


Maryland
Elementary School
3
Google
Image capture: Aug 2019


5 Oak Holl


7 OAK H

View GroundRent Redemption

District - 03 **Account Number -** 0312002910

Owner Information

BLUM DAVID
BLUM NATALIE
7 OAK HOLLOW CT
BALTIMORE MD 21208-1854

Use:
Principal Residence:
Deed Reference:

Location & Structure Information

7 OAK HOLLOW CT
0-0000

Legal Description:

Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
3030037.04	0000	2	A	34	2020

Above Grade Living Area	Finished Basement Area	Proper
2,748 SF		19,994

Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice
SPLIT LEVEL	BRICK/	5	2 full/ 2 half	1 Carport	

Value Information

	Base Value	Value	Phase-in Assessme
		As of 01/01/2020	As of 07/01/2020
	111,200	111,200	
	243,100	259,100	
	354,300	370,300	359,633
	0		

Transfer Information

Date: 06/09/1987
Deed1: /07564/ 00100


90 Oak H

View GroundRent Redemption

District - 03 **Account Number -** 0305043940

Owner Information

ELLIN IRENE

9 OAK HOLLOW CT
BALTIMORE MD 21208-1854

Use:
Principal Residence:
Deed Reference:

Location & Structure Information

9 OAK HOLLOW CT
0-0000

Legal Description:

Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year
3030037.04	0000	2	A	33	2020

Above Grade Living Area	Finished Basement Area	Prope
2,773 SF	750 SF	19,994

Type	Exterior	Quality	Full/Half Bath	Garage	Last Notic
SPLIT LEVEL	BRICK/	5	2 full/ 2 half	1 Carport	

Value Information

Base Value	Value As of 01/01/2020	Phase-in Assessm As of 07/01/2020
111,200	111,200	
270,200	289,000	
381,400	400,200	387,667
0		

Transfer Information

Date: 03/03/2016

Deed1: /37242/ 00055


11 Oak t

View GroundRent Redemption

District - 03 **Account Number -** 0312034990

Owner Information

BERZON DAVID R
BERZON RENATE
6531 GARDENWICK RD
BALTIMORE MD 21209-2537

Use:
Principal Residence:
Deed Reference:

Location & Structure Information

11 OAK HOLLOW CT
BALTIMORE 21208-1854

Legal Description:

Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Yea
3030037.04	0000	2	A	32	2020

Above Grade Living Area	Finished Basement Area	Prop
2,808 SF		20,56

Type	Exterior	Quality	Full/Half Bath	Garage	Last Notic
SPLIT LEVEL	BRICK/	5	2 full/ 2 half		

Value Information

Base Value	Value	Phase-in Assess
	As of 01/01/2020	As of 07/01/2020
111,400	111,400	
241,800	259,300	
353,200	370,700	359,033
0		

Transfer Information

Date: 09/08/1976


16 Oak H
Google
Image capture: Aug 2019 © 2021 Google United States Terms


OSTER


4 Oak H
Elementary
Fort Garrison
Type here to search

View GroundRent Redemption

District - 03 **Account Number -** 0305000740

Owner Information

WHITE JUDITH L

APT 37
85 STRATHMORE RD
BRIGHTON MA 02135-7162

Use:
Principal Residence:
Deed Reference:

Location & Structure Information

4 OAK HOLLOW CT
BALTIMORE 21208-1[illegible]

Legal Description:

Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year
3030037.04	0000	2	A	23	2020

Above Grade Living Area	Finished Basement Area	Prope
3,010 SF	400 SF	20,995

Type	Exterior	Quality	Full/Half Bath	Garage	Last Notic
SPLIT LEVEL	BRICK/	5	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessm
		As of 01/01/2020	As of 07/01/2020
	111,500	111,500	
	335,200	359,200	
	446,700	470,700	454,700
	0		

Transfer Information

Date: 07/20/2015

Deed1: /36431/00388


Hollow Ct
lle, Maryland
oogle
iew
60ak
Elementary

View GroundRent Redemption

District - 03 **Account Number -** 0306035840

Owner Information

PHELPS DEBORAH L
PHELPS JOHN A
6 OAK HOLLOW CT
BALTIMORE MD 21208-1853

Use:
Principal Residence:
Deed Reference:

Location & Structure Information

6 OAK HOLLOW CT
BALTIMORE 21208-1853

Legal Description:

Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year
3030037.04	0000	2	A	24	2020

Above Grade Living Area	Finished Basement Area	Prope
2,970 SF		21,51

Type	Exterior	Quality	Full/Half Bath	Garage	Last Notic
SPLIT LEVEL	BRICK/	5	3 full/ 1 half	1 Carport	

Value Information

	Base Value	Value	Phase-in Assessm
		As of 01/01/2020	As of 07/01/2020
	111,600	111,600	
	264,700	285,500	
	376,300	397,100	383,233
	0		

Transfer Information

Date: 06/05/2017
Deed1: /39029/ 00187


8 Oak H
Elementary
Type here to search

View GroundRent Redemption V

District - 03 **Account Number -** 0313026310

Owner Information

FRIBUSH NICOLE A
FRIBUSH ERIC M ETAL
8 OAK HOLLOW CT

PIKESVILLE MD 21208-1853

Use:
Principal Residence:
Deed Reference:

Location & Structure Information

8 OAK HOLLOW CT
PIKESVILLE 21208-1853

Legal Description:

Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:
3030037.04	0000	2	A	25	2020

Above Grade Living Area	Finished Basement Area	Propert
2,748 SF		21,170 S

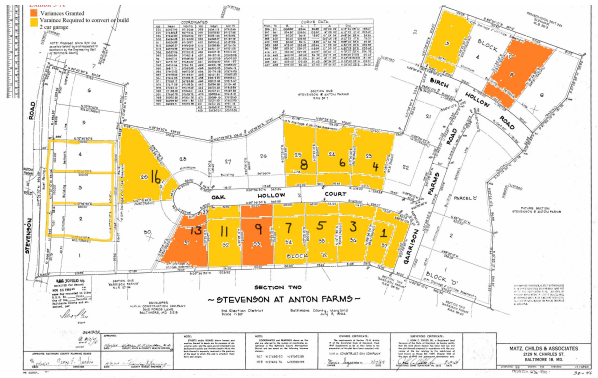
Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice
SPLIT LEVEL	BRICK/	5	3 full/ 1 half	1 Carport	

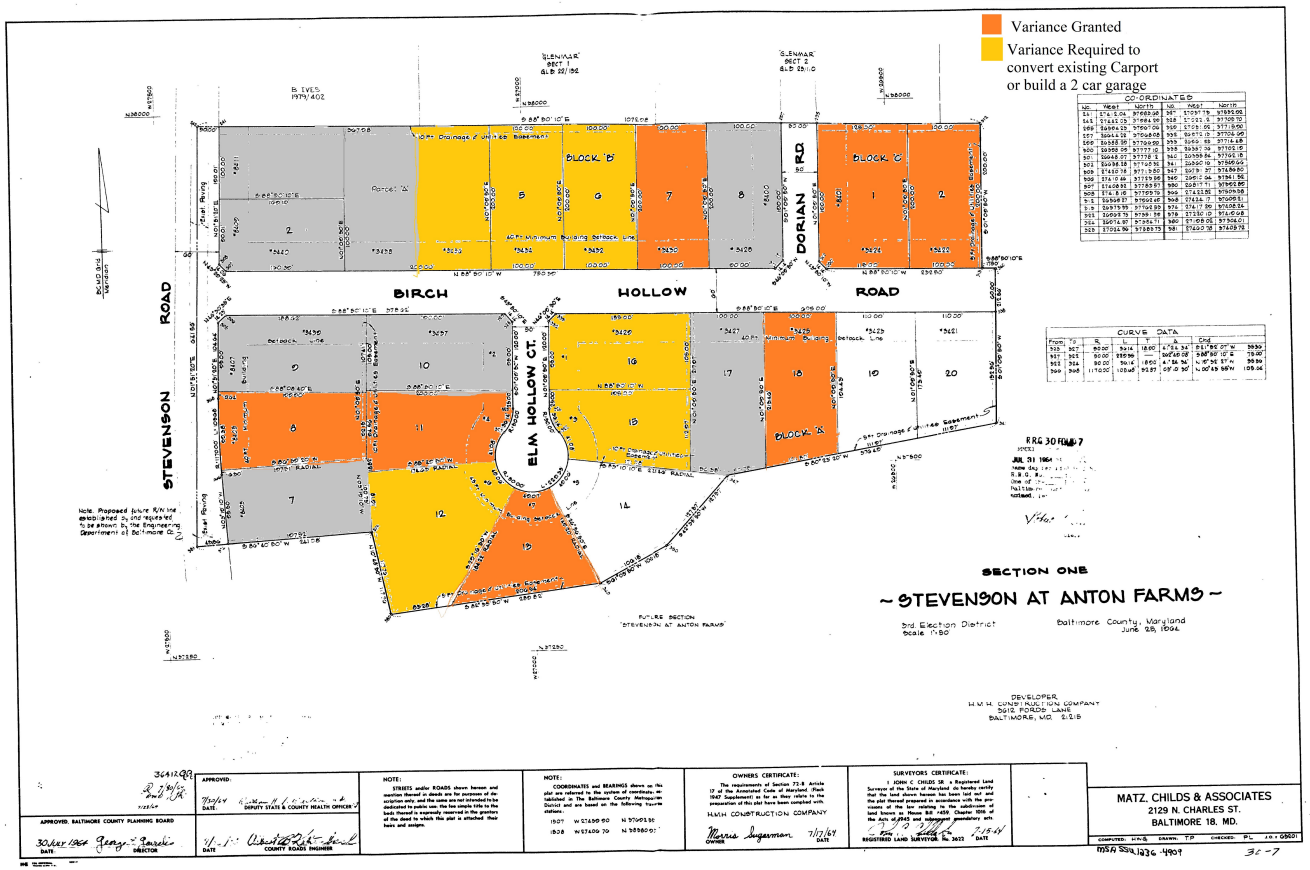
Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessme As of 07/01/2020
	111,500	111,500	
	261,300	297,000	
	372,800	408,500	384,700
	0		

Transfer Information

Date: 04/13/2018
Deed1: /40142/ 00067


Variances Granted
Variance Required to convert or build 2-car garage
OAK HOLLOW COURT
BIRCH HOLLOW ROAD
STEVENSON ROAD
OAKMONT ROAD
BLOCK 4
BLOCK 'D'
PARCEL 'C'
16
8
6
4
13
11
9
7
5
3
1
SECTION TWO
~ STEVENSON AT ANTON FARMS ~
MATZ, CHILDS & ASSOCIATES
328 N. CHARLES ST.
BALTIMORE, MD.



APPROVED: BALTIMORE COUNTY PLANNING BOARD
30 JULY 1964 DATE
George E. Gavrelis DIRECTOR

APPROVED:
7/24/64 DATE
DEPUTY STATE & COUNTY HEALTH OFFICER
7/24/64 DATE
COUNTY ROADS ENGINEER

NOTE: STREETS and/or ROADS shown hereon and portion thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached their heirs and assigns.

NOTE: COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates, established in The Baltimore County Metropolitan District and are based on the following figures stations:
1927 W 57490.90 N 57903.91
1928 W 57409.79 N 58580.91

OWNERS CERTIFICATE: The requirements of Section 77-8 Article 17 of the Annotated Code of Maryland (Flack 1947 Supplement) as far as they relate to the preparation of this plat have been complied with.
H.M.H. CONSTRUCTION COMPANY
Morris Ingerman 7/7/64
OWNER DATE

SURVEYORS CERTIFICATE: I JOHN C. CHILDS JR. a Registered Land Surveyor of Baltimore County, Maryland hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill 1458 Chapter 1016 of the Acts of 1945 and subsequent amendments.
7-15-64
REGISTERED LAND SURVEYOR No. 2622 DATE

MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES ST.
BALTIMORE 18, MD.
COMPUTED: HNS DRAWN: TP CHECKED: PL JOB # 63601

MSA SM 1936 4907

36412-99

95-7





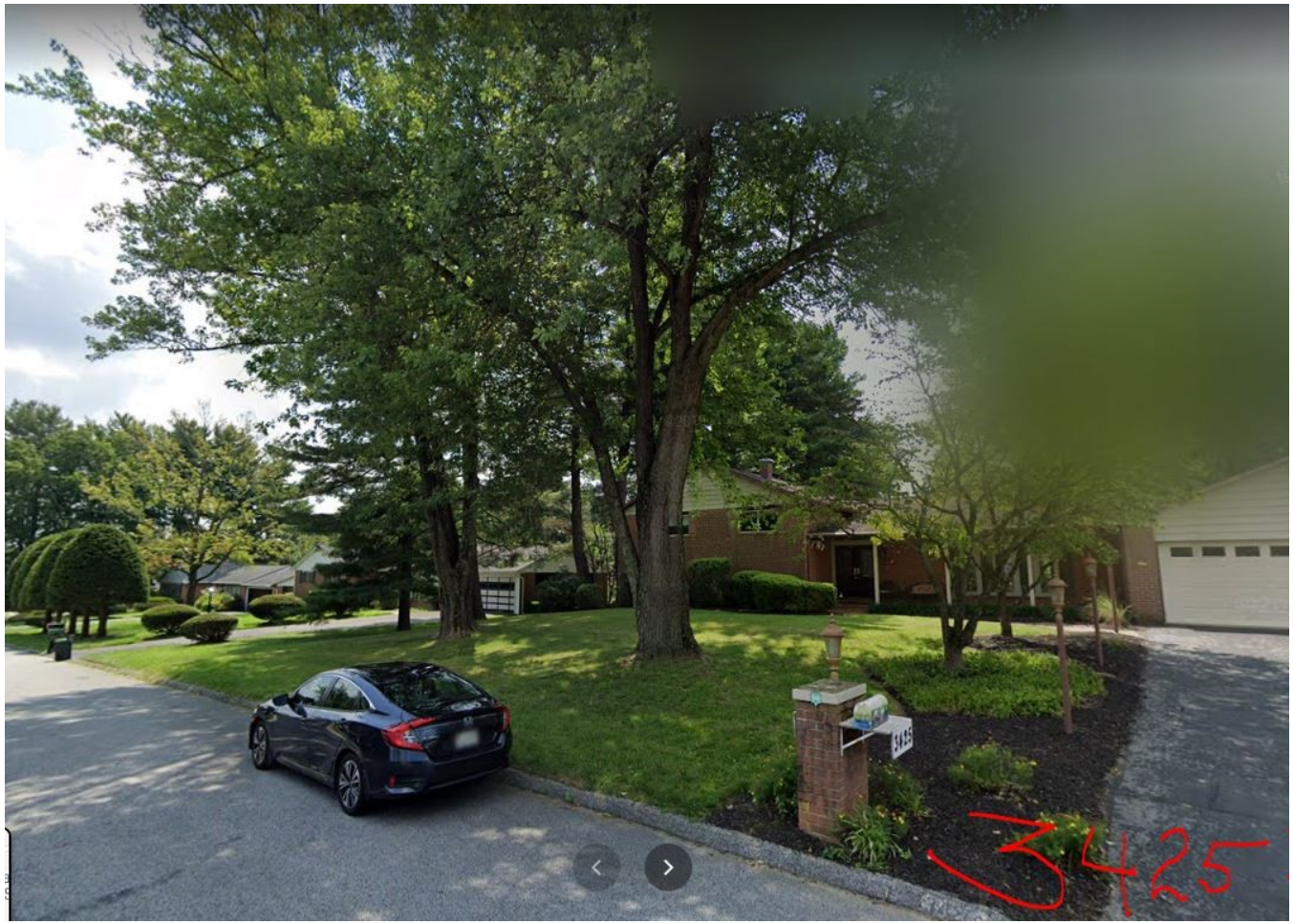

Birch Hollow Rd
Birch Hollow Rd
Elm Hollow Ct
1
3437
3427
4
3
6
5
7
10
12
14
Oak Hollow Ct
16
Imagery ©2021 Maxar Technologies, Map data ©2021
United States
Terms
Send feedba




irch Hollow Rd
e, Maryland
oogle
treet View
3420
3420 Birch H


3422


3424


3425


3430
WARNING
Security
Cameras in Use
3430


3432


3434


3436
Birch
3436


8405 Stevenson
Rd

IN RE: PETITION FOR ZONING VARIANCE
ES Stevenson Road, 100'+/-S
Birch Hollow Road
(8405 Stevenson Road)
3rd Election District
2nd Councilmanic District

JERROLD M. COHEN, ET UX
PETITIONERS

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE # 88-463-A

****

MEMORANDUM AND ORDER

The Petitioner herein requests a zoning variance to allow a side yard setback (for a carport) of 0 feet in lieu of the required 11.25 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared. He testified to his hardship and the reasons for the carport. That the land is insufficient with the current setback requirements and the carport will provide off-street parking.

There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, the variance should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Zoning Commissioner, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimor County this 2 day of JUNE, 1988 that a zoning variance to allow side yard setback (for a carport) of 0 feet in lieu of the require 11.25 feet, be and is hereby GRANTED, subject to the followin restrictions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not enclose or change the open carport and, he shall not enclose a room or cause any other addition to the house of any kind.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

JRH:mmn
cc: Peoples Counsel

HV

Harford View L.L.C.

February 17, 2021

Bondar Vladimir & Bondar Irina
5 Oak Hollow Court
Baltimore, MD 21208

Re: **Runoff Impact Study**
for 5 Oak Hollow Ct.

Dear Mr. and Mrs. Bondar,

Based on the submitted plans for proposed additions at your neighbor's property located at 3 Oak Hollow Ct, Baltimore, MD, I am unable to determine the full drainage impact to your property. According to the plans that you provided, the proposed rear addition for bedroom, proposed rear addition for leaving room, proposed garage addition and proposed patio will create about 2,200 sq.ft. of new impervious area that will generate significant amount of stormwater runoff toward your property.

In order to adequately evaluate stormwater runoff impact to your property by the development on 3 Oak Hollow Ct. site, please provide the following information for proposed development at 3 Oak Hollow Ct: Proposed Site Plan with 1' contour intervals and spot elevations, Proposed Stormwater Management Plan, Proposed Stormwater Management Details and Stormwater Management calculations that have been submitted to the Baltimore County for review and approval.

If you have any questions or need any additional information, please do not hesitate to call me at (240) 449-0760 at any time.

Sincerely,

HARFORD VIEW L.L.C.

Bill Mytsak, P.E., LEED AP
Project Manager

PHONE: (410) 252-3960 *FAX: (410) 252-2727* *E-MAIL: harfordview@gmail.com*
11608 Woodland Drive Lutherville-Timonium, MD 21093-1517


Exhibit 1
Birch Hollow Rd
Stevenson Rd
Garrison Farms Rd
Anton Farms Rd
Fort Garrison
Fort Garrison Elementary School
Garrison Farms Rd
Birch Hollow Rd
Keyser Rd
Swannhill Dr
Woodvalley Dr
Marcie Dr
Woodvalley Dr
Woodvalley Dr
Stone Hollow Ct
Patrice and Associates
Sutherland Ct
Chimes
Stevenson Rd
Spring Bottom Way
Pumpkin Seed Ct
Pumpkin Hill Ct
Redspire Ln
Marcie Woods Ct
Marcie Dr
Marcie Dr
Tierra Ct
Nina Ct
Anita Rd


EXH. 5
Oak Hollow Ct
Forsythia reduced properties

JOHN A. OLSZEWSKI, JR.
County Executive

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

November 16, 2020

Irina Bondar
5 Oak Hollow Court
Pikesville, MD 21208

RECEIVED
NOV 16 2020
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2020-0043-A
Location: 3 Oak Hollow Court, Pikesville, MD

Dear Ms. Bondar:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 12, 2020. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

Paul M. Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Anna Oster, 109 Church Lane, Pikesville, MD 21208
Adam Carballo, 1816, Aliceana Street, Baltimore, MD 21231

APPEAL

Petitions for Variance
Case No.: 2020-0043-A
3 Oak Hollow Court, Pikesville, MD
3rd Election District, 3rd Council District

Petitions for Special Hearing and Variance – February 12, 2020

Zoning Description of Property (2 page)

Notice of Zoning Hearing - July 30, 2020

Certification of Publication – *The Daily Record* newspaper - published on March 31, 2020

Certification of Posting by J. Larry Pilson

Entry of Appearance by People's Counsel – N/A

Attendance Report (0 sheets)

Zoning Advisory Committee Comments:

Petitioner's Exhibits:
(1) Site Plan
(2) Project Narrative & Report
(3) Property Description
(4) Photo-Front East
(5) Photo-Front West
(6) Photo-Rear East
(7) Photo-Rear West
(8) Photo-Carport
(9) Letter to support
(10)Zac comment
(11) Cert. of Posting
(12) Photo 4 Oak Hollow Court
(13) Photo 10 Oak Hollow Court
(14) Photo 12 Oak Hollow Court
(15) Photo 15 Oak Hollow Court
(16) Photo 16 Oak Hollow Court

Protestant's Exhibits (Irina Bondar):
(1) Photo
(2) Photo Aerial View
(3) Developer Map
(4) Photo Google Map
(5) Photo

(6) Photo
Miscellaneous

Cover Letter and Administrative Law Judge's Order Decision – Variance – Granted 8/21/2020

Motion for Reconsideration filed by Irina Bondar 9/21/2020
Response to Motion for Reconsideration filed by Adam Carballo

Cover letter and Administrative Law Judge's Order Motion for Reconsideration – Denied 10/14/2020

Notice of Appeal & Check #2182 for $300.00 received by Irina Bondar 11/12/2020

Cashier's Receipt #174899-

IN RE: PETITION FOR VARIANCE **(3 Oak Hollow Court)** 3rd Election District 3rd Council District Anna Oster, *Legal Owner*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioner	*	**CASE NO. 2020-0043-A**

* * * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by Anna Oster for property located at 3 Oak Hollow Court. The Petitioner originally filed a Variance pursuant to § 205.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. respectively. In open hearing, the Petitioner dropped the request for the 13 ft. 8 in. setback and only pursued the 4 ft. 6 in. setback variance.

By Opinion and Order dated August 21, 2020, the undersigned granted the Petition for Variance.

On September 21, 2020, Irina Bondar, a protestant, filed via e-mail a timely Motion for Reconsideration of the August 21, 2020 Opinion and Order.

In addition, Architect Adam Carballo, who represented Petitioner Anna Oster, filed a Response to Protestant's Motion for Reconsideration on September 25, 2020.

I have reviewed both the Motion of Reconsideration of the Protestant as well as the Response to the Motion for Reconsideration filed on behalf of the Petitioner. I find the Response to the Motion for Reconsideration to be appropriate and convincing. I see nothing in the Motion for Reconsideration to justify my reversal or modification of my Opinion and Order of

ORDER RECEIVED FOR FILING
Date 10/14/20
By JM Mignon

August 21, 2020.

THEREFORE, IT IS ORDERED, this **14th** day of **October, 2020** by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration, 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 10/14/20
By

JOHN A. OLSZEWSKI, JR.
County Executive

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

October 14, 2020

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

RE: MOTION FOR RECONSIDERATION - Petition for Variance
Case No. 2020-0043-A
Property: 3 Oak Hollow Court
Pikesville, MD 21208

Dear Ms. Oster:

Enclosed please find a copy of the Motion for Reconsideration decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Adam Carballo
1816 Aliceana Street
Baltimore, MD 21231

Irina Bondar
5 Oak Hollow Court
Baltimore, MD 21208

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(3 Oak Hollow Court)		
3rd Election District	*	OFFICE OF ADMINISTRATIVE
3rd Council District		
Anna Oster,	*	HEARINGS FOR
Legal Owner		
	*	BALTIMORE COUNTY
Petitioner	*	**CASE NO. 2020-0043-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by Anna Oster for property located at 3 Oak Hollow Court. The Petitioner is requesting variance relief from § 205.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an addition with a side yard setback of 4 ft. 6 in. and to permit an addition with a side yard setback of 13 ft. 8 in. in lieu of the required 15 ft. respectively. In open hearing, the Petitioner dropped the request for the 13 ft. 8 in. setback and is only pursuing the 4 ft. 6 in. setback variance. The original site plan was marked as Petitioner's Exhibit 1.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. Petitioner, Anna Oster, appeared in support of the requested relief. Architect Adam Carballo appeared on behalf of the Petitioner. Irina Bondar was a protestant in attendance. The Petition was advertised and posted as required by the BCZR. There were no adverse ZAC comments received by any of the County reviewing agencies.

Mr. Carballo noted that the property was constructed under the "old RC 2 zoning, has 17,700 sq. ft. and is undersized for the present RC 2 zoning. He stated that the site is improved by a one-story residence with a carport. Petitioner wishes to change the carport into a garage and extend it. He testified that the request was being made in order to construct and provide safe

ORDER RECEIVED FOR FILING
Date 8-21-2020
By DW

storage and privacy for the owner. He then noted in the hearing that the Petitioner was abandoning the 13 ft. 8 in. variance request and was proceeding only as to the 4 ft. 6 in. variance request.

Mr. Carballo described the lots in the general area as generally undersized, which would not meet today's DR 2 requirements. He described the other lots in the area as primarily square or rectangle, with only four (4) garages among some 42 houses; whereas the subject lot is "tapered", rendering it unique and making the variance request necessary.

The Protestant has several issues, including her "fire hazard from the construction of the proposed new garage being so close to her property line; as well as her concern as to the runoff of water from the proposed new structure onto her property.

In response, Mr. Carballo stated, on behalf of the Petitioner, she would construct the new garage with approved "fire wall" construction and that the extended new garage will not change the runoff of water from the property; and, in fact, stated that the downspouts and gutters planned for the construction will direct water to the center of the subject property and not towards that of the Protestant.

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 is what necessitates the requested 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).

I find that the subject property, with its relationship to other sites in the area as well as its "tapered" character, render it unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR,

ORDER RECEIVED FOR FILING
Date 8-21-2020
By DW

and in such manner as to grant relief without injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this **21st** day of August, **2020** by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR § 205.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an addition with a side yard setback of 4 ft. 6 in. in lieu of the required 15 ft., be and is hereby GRANTED.

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 8-21-2020
By DW

JOHN A. OLSZEWSKI, JR.
County Executive

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

August 21, 2020

Anna Oster
3 Oak Hollow Court
Pikesville, MD 21208

RE: Petition for Variance
Case No. 2020-0043-A
Property: 3 Oak Hollow Court
Pikesville, MD 21208

Dear Ms. Oster:

Enclosed please find a copy of the decision 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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: Adam Carballo
1816 Aliceana Street
Baltimore, MD 21231

Irina Bondar
5 Oak Hollow Court
Baltimore, MD 21208

[redacted] 7/30/20 @ 10- Order ✓ ltr ✓ [redacted] ✓ Formal Demand 3/9/20 4-20-20 @ 10Am

CASE NO. 2020- 0043-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
2-20	DEPS (if not received, date e-mail sent _____)	NC
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
2-20	STATE HIGHWAY ADMINISTRATION	NC
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 7/9/20 by L. Pilson

SIGN POSTING (2nd) Date: 7/27/20 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

July 17, 2020

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

I have been made aware of a Zoning hearing (Case Number 2020-0043-A) in which the above subject property has requested zoning relief from the required side yard setback. The subject property was constructed in 1965 and does not comply with the current zoning law for side yard setbacks.

I understand that the scope of work for this project is limited to enclosing an existing carport for use as a garage. No change to the roofline, building height or footprint at the front or side is proposed. Zoning relief is required in order to change this open carport into an enclosed garage. I have been made aware of these key facts and I am in support of granting the zoning relief requested for side yard setback.

Respectfully,

Signature: Jay C Feinglass

Name: JAY C. FEINGLASS

Address: #1 OAK HOLLOW COURT
PIKESVILLE, MARYLAND 21208

Contact info phone/email:

410-484-2224
ekf1oak@AOL.COM

Carballo
Architecture

February 11, 2020

Project Narrative and Hardship

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

The subject property is located on a pie-shaped lot that tappers from the widest point at the front, to the narrowest point at the rear. Due to the lot shape, the existing building is very close to the side property line in its current configuration. The west side of the building at the existing carport only offers a 6'-3" setback at the narrowest point to the property line. On the east side, a 15'-3" existing side yard setback is provided.

The homeowners are in need of additional living space which will include a master suite as well as enclosing the carport to gain the security of a garage. The master suite is proposed to be located off the rear, east side of the building, adjacent to the other bedrooms in the home. Due to existing architectural layout, this programmatic element must be located in this area.

We proposal to add a rear addition that would align with the existing building elevation to the rear. In doing this, we will further reduce the setback to the side yard from 15'-3" to 13'-8". We are asking for relief of this setback due to the site constraints of a tapered lot line.

The carport is proposed to be enclosed and increased in depth. Enclosing this structure will add much needed security for the family as the enter and leave their home. There are a number of homes on this street that have enclosed their carports in recent years due to the same reasons. The existing carport is undersized and must be increased in order to comfortably fit the homeowner's vehicle. The rear addition will further encroach upon the side yard setback requirement, reducing the existing from 6'-3" to 4'-6". This reduction will still allow safe passage from front to rear and vice versa.

It is for these reasons that this variance request for side yard setback be considered and granted as the existing site conditions do not allow for any other solution for providing additional living space and enclosure of the existing carport.

Adam Carballo, Architect
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077

c. 2020 *Carballo Architecture, LLC*

Carballo
Architecture

February 11, 2020

Property Description

Subject Property:
3 Oak Hollow Court
Pikesville, MD 21208

Southside of Oak Hollow Court, 140 feet west of Garrison Farms Road. Being Lot # 36, Block A, Section #2 in the subdivision of Stevenson at Anton Farms as recorded in Baltimore County Plat book #30, Folio #46, containing 17,728 of total square feet of lot. Located in the 3th Election District and 2 Council District.

Adam Carballo, Architect
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077

c. 2020 *Carballo Architecture, LLC*

JOHN A. OLSZEWSKI, JR.
County Executive

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

March 09, 2020

Adam Carballo,
1816 Aliceana Street
Baltimore MD 21231

RE: Case Number: 2020-0043-A, 3 Oak Hollow Court

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 12, 2020. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Anna Oster 109 Church Lane Pikesville MD 21208

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Acting Secretary

Tim Smith, P.E.
Acting Administrator

Date: 2/20/20

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. 2020-0043-A
Administrative Variance
Anna Oster
3 Oak Hollow Court

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

Sincerely,

Richard A Zeller

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

CERTIFICATE OF POSTING

Date: 7-9-20

RE: Case Number: 2020-0043-A

Petitioner/Developer: Oster

Date of Hearing/Closing: 7-30-20 10AM

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 3 Oak Hollow Ct.

The signs(s) were posted on 7-9-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: 7-9-20

RE: Case Number: 2020-0043-A

Petitioner/Developer: Oster

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(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

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

No. 195439

Date: 2/12/2020

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: ANNA OSTER

For: 3 OAK HOLLOW CT
CASE # 2020-0043-A

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

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
2/12/2020 2/12/2020 10:40:12 3
REG WS03 WALKIN CAM
>>RECEIPT # 051967 2/12/2020 OFLN
5 628 ZONING VERIFICATION
CK NO. 195439
Recpt Tot $ 75.00
75.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0043 -A Address 3 OAK HOLLOW CT

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/12/20 **Posting Date:** 2/23/20 **Closing Date:** 3/9/20

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 (on the reverse side of this form) 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 an 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 zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2020- 0043 - A Address: 3 OAK HOLLOW CT

Petitioner's Name: ANNA OSTER Telephone: 410-790-7818

Posting Date: 2/23/20 **Closing Date:** 3/9/20

Wording for Sign:

To permit an addition with a side yard setback of 4'-6" and to permit an addition with a side yard setback of 13'-8" in lieu of the required 15', respectively.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

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: 2020-0043-A

Property Address: 3 Oak Hollow Ct · Pikesville, MD 21208

Property Description: _____

_____

Legal Owners (Petitioners): Anna Oster

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: ANNA OSTER

Company/Firm (if applicable): _____

Address: 109 CHURCH LN

PIKESVILLE MD 21208

_____

Telephone Number: 410 790 7818

Revised 7/9/2015























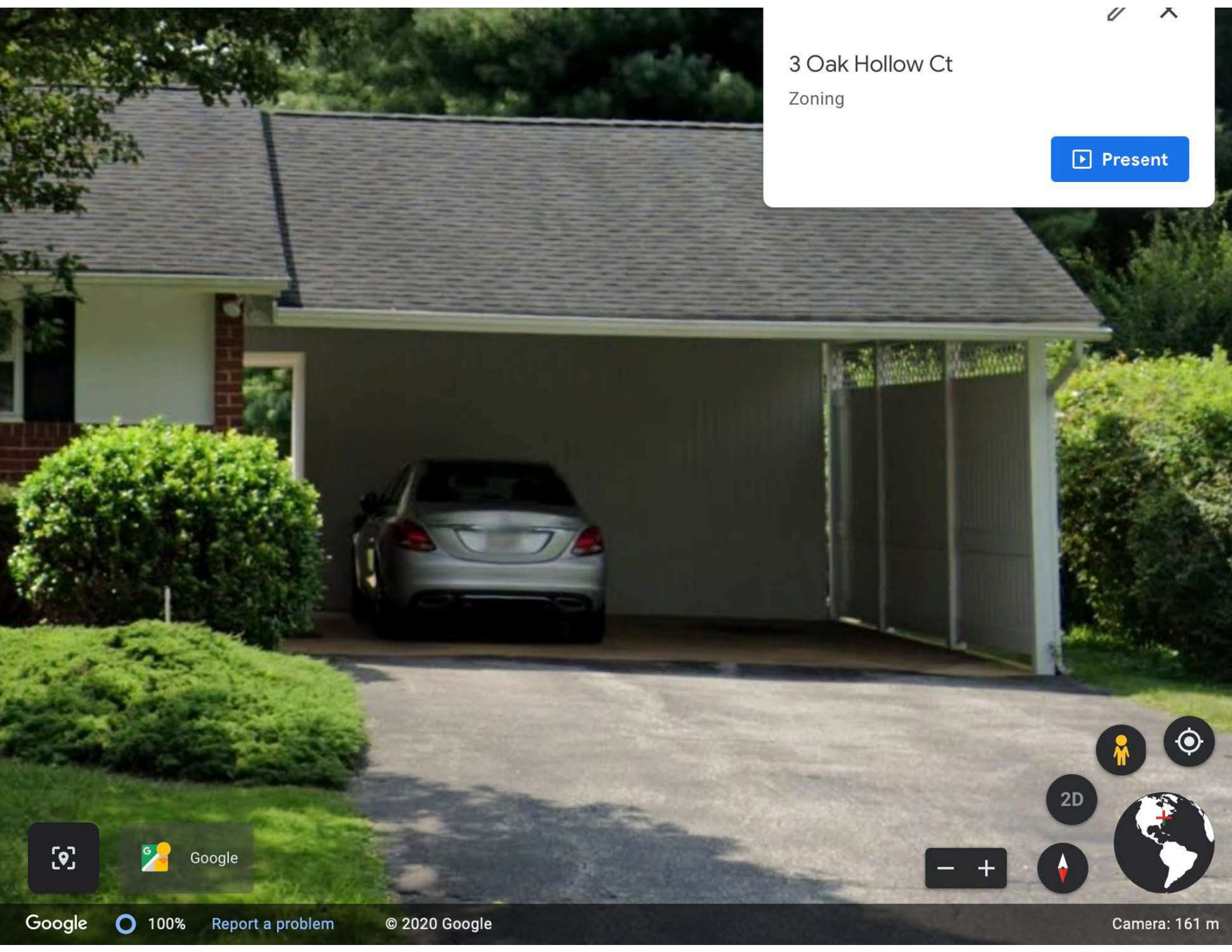


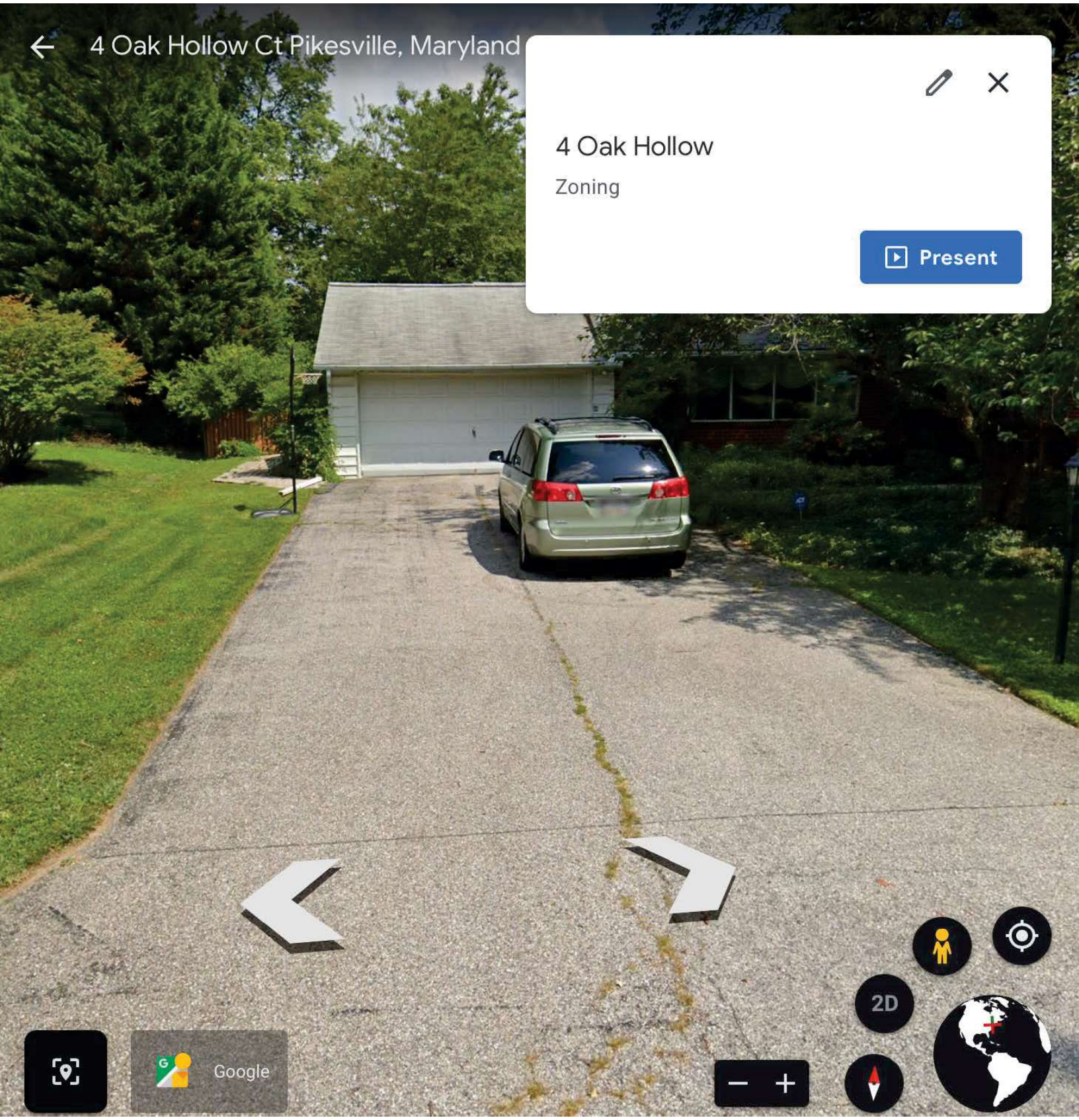


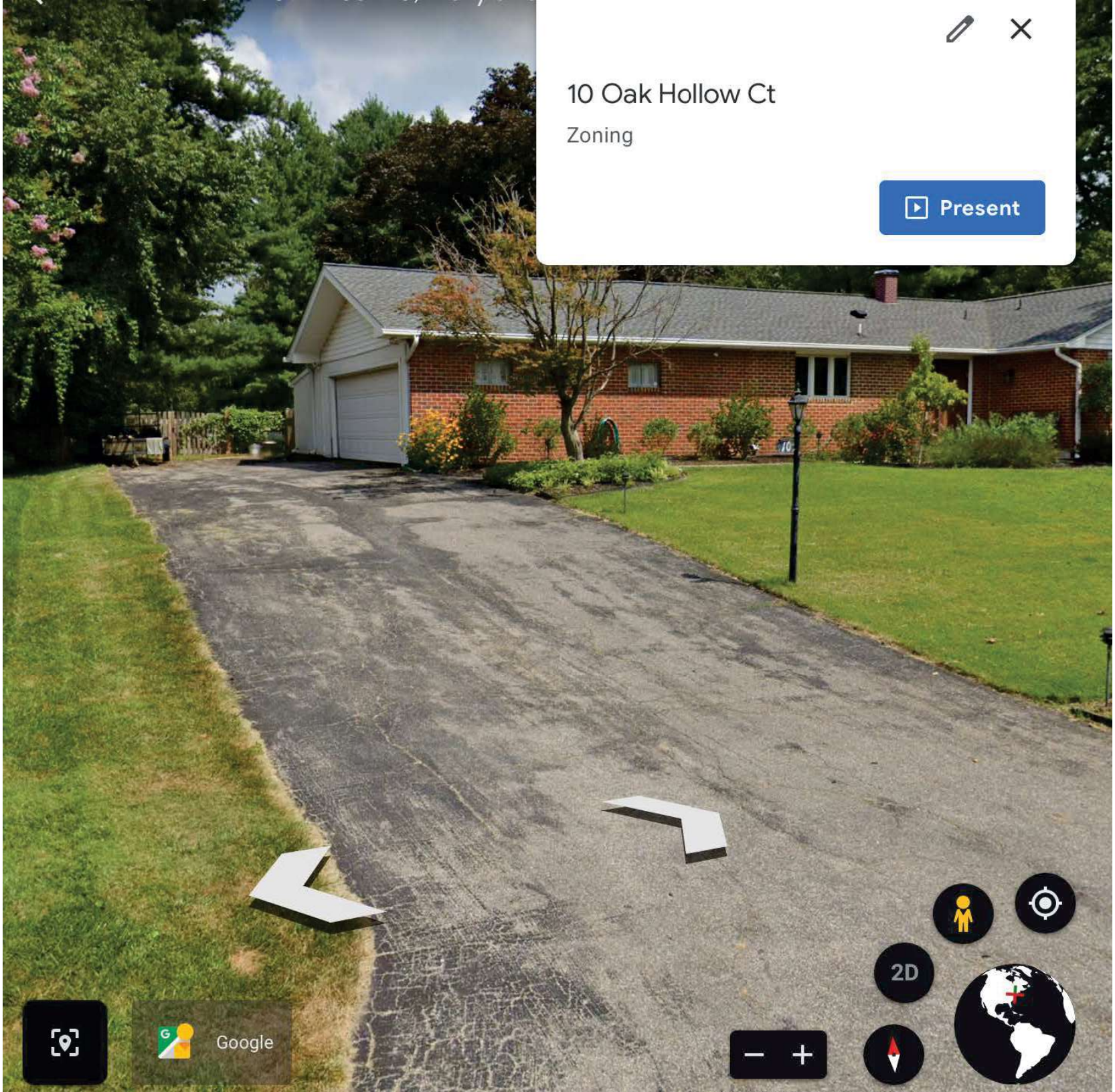

HUMPTY DUMPSTERS
410-879-5589
3051

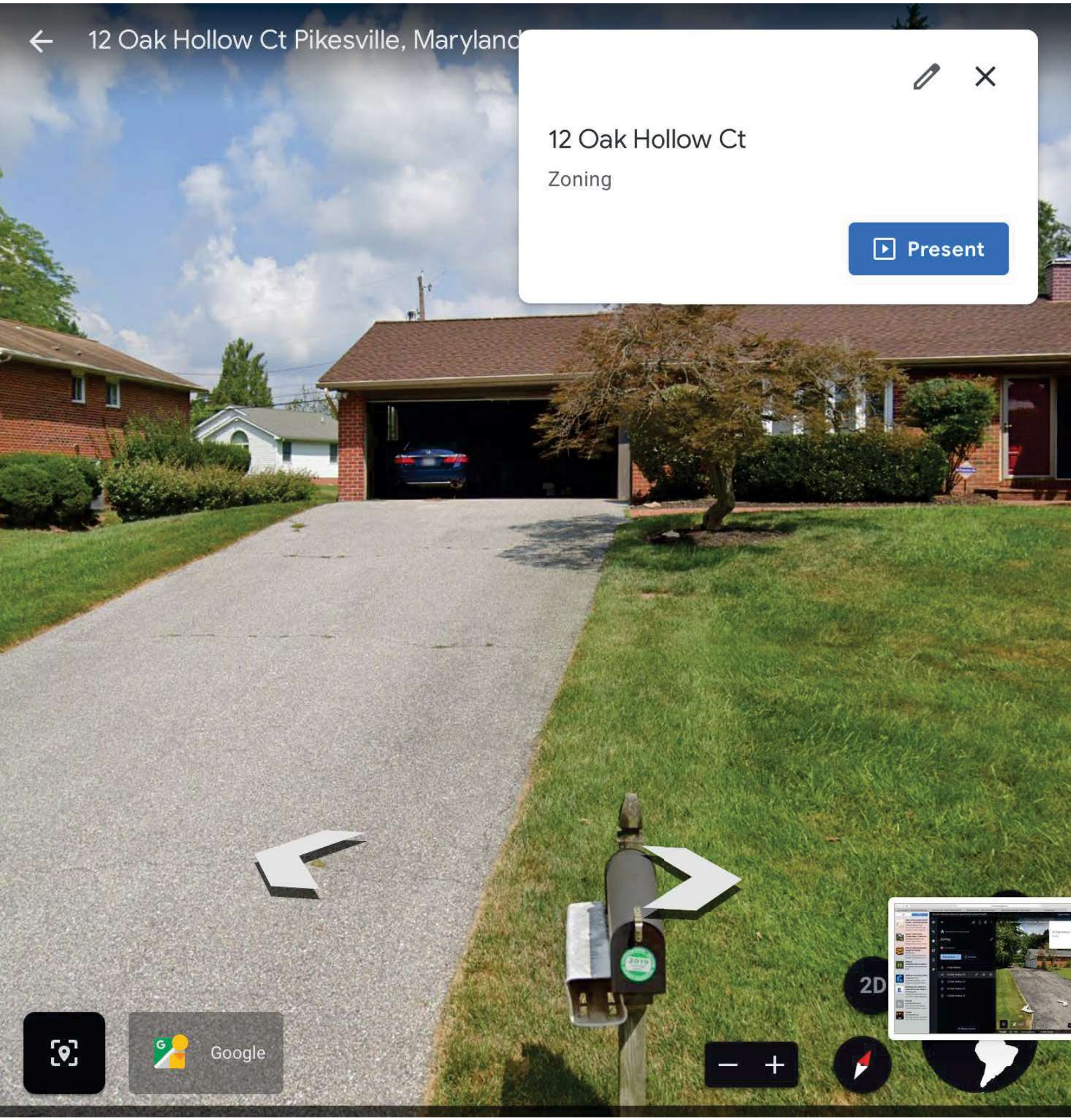


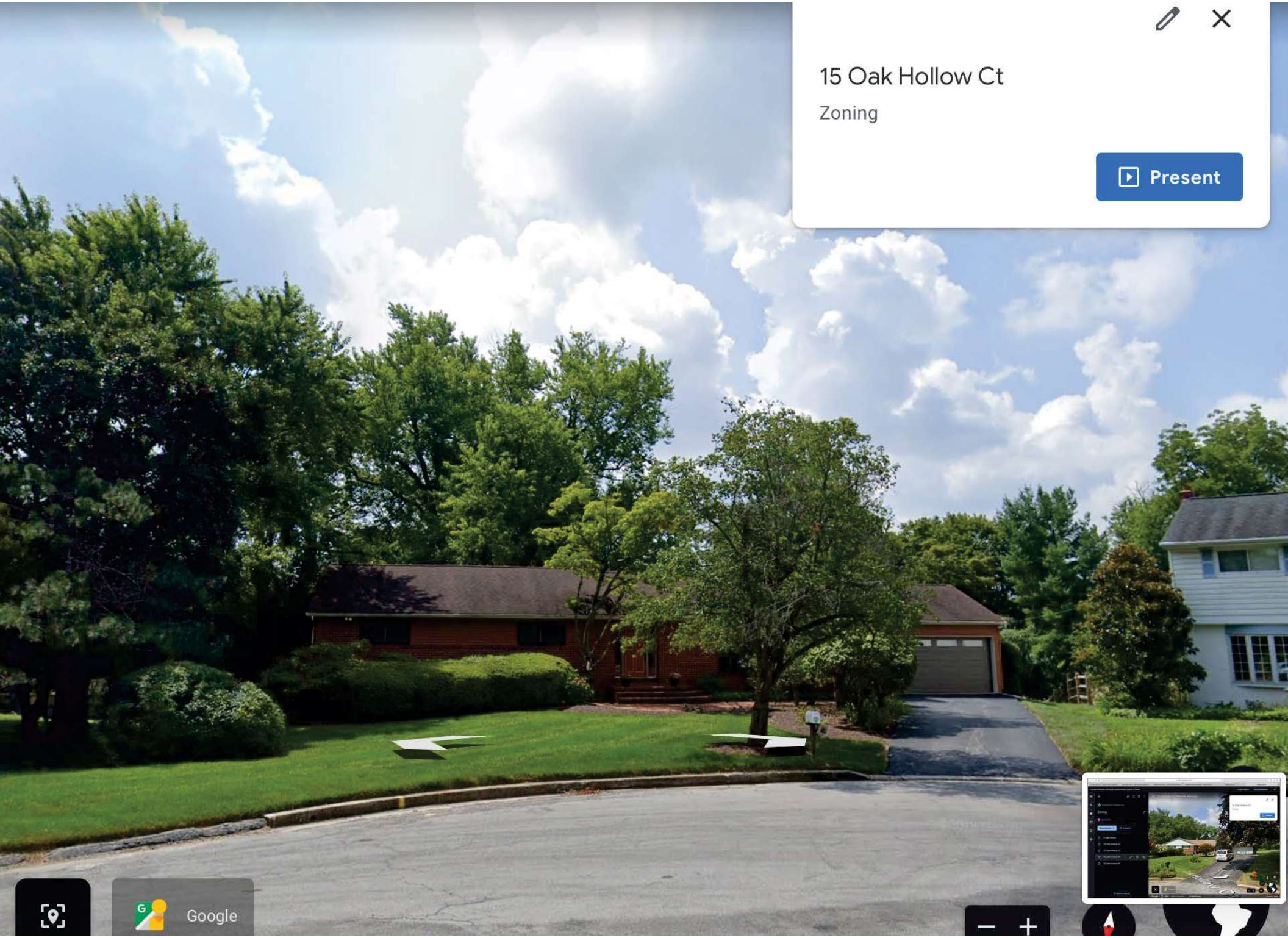


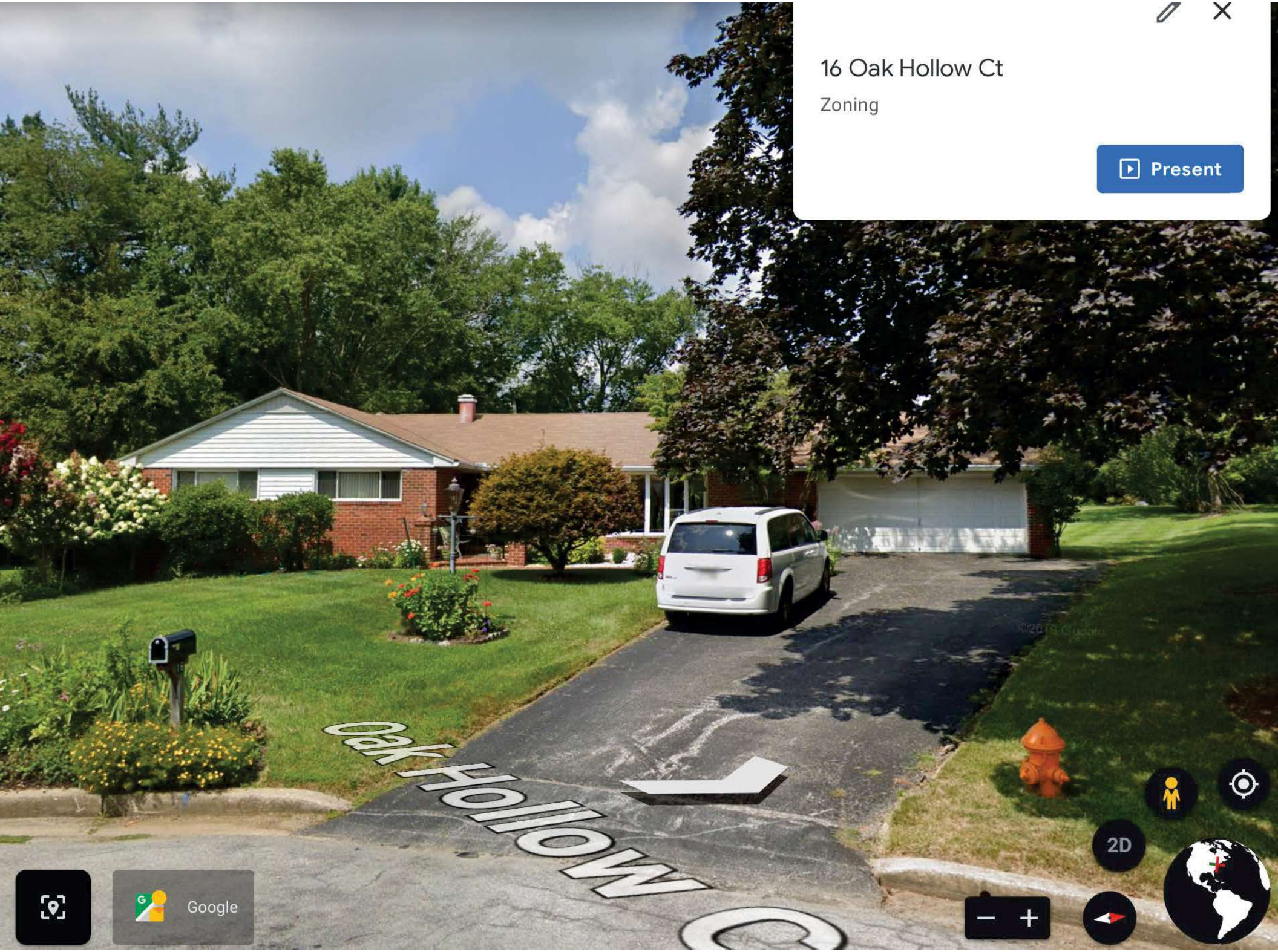

3 Oak Hollow Ct
Zoning
Present
2D
Google
Google
100%
Report a problem
© 2020 Google
Camera: 161 m

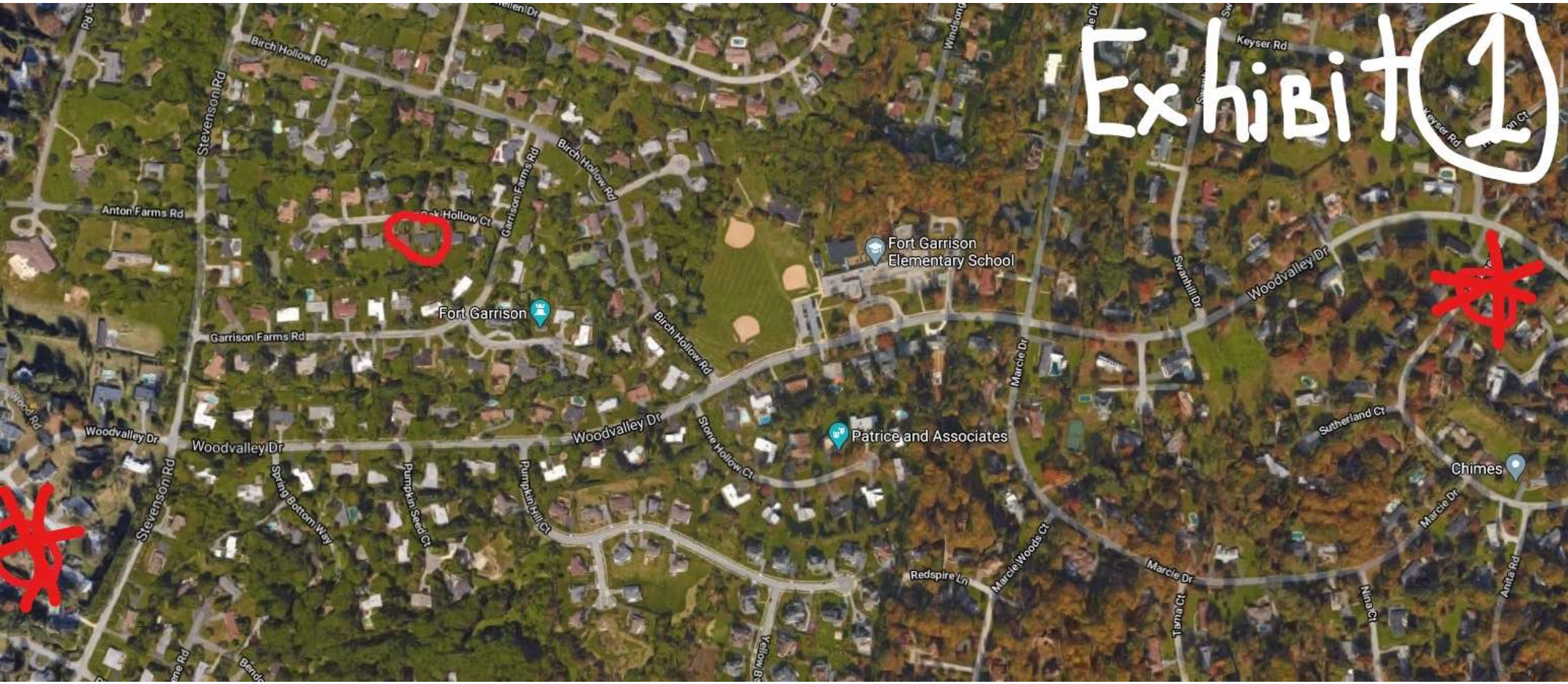

4 Oak Hollow Ct Pikesville, Maryland
4 Oak Hollow
Zoning
Present
2D
Google


10 Oak Hollow Ct
Zoning
Present
2D
Google


12 Oak Hollow Ct Pikesville, Maryland
12 Oak Hollow Ct
Zoning
Present
2D
Google


15 Oak Hollow Ct
Zoning
Present
Google


16 Oak Hollow Ct
Zoning
Present
Oak Hollow Ct
2D
Google

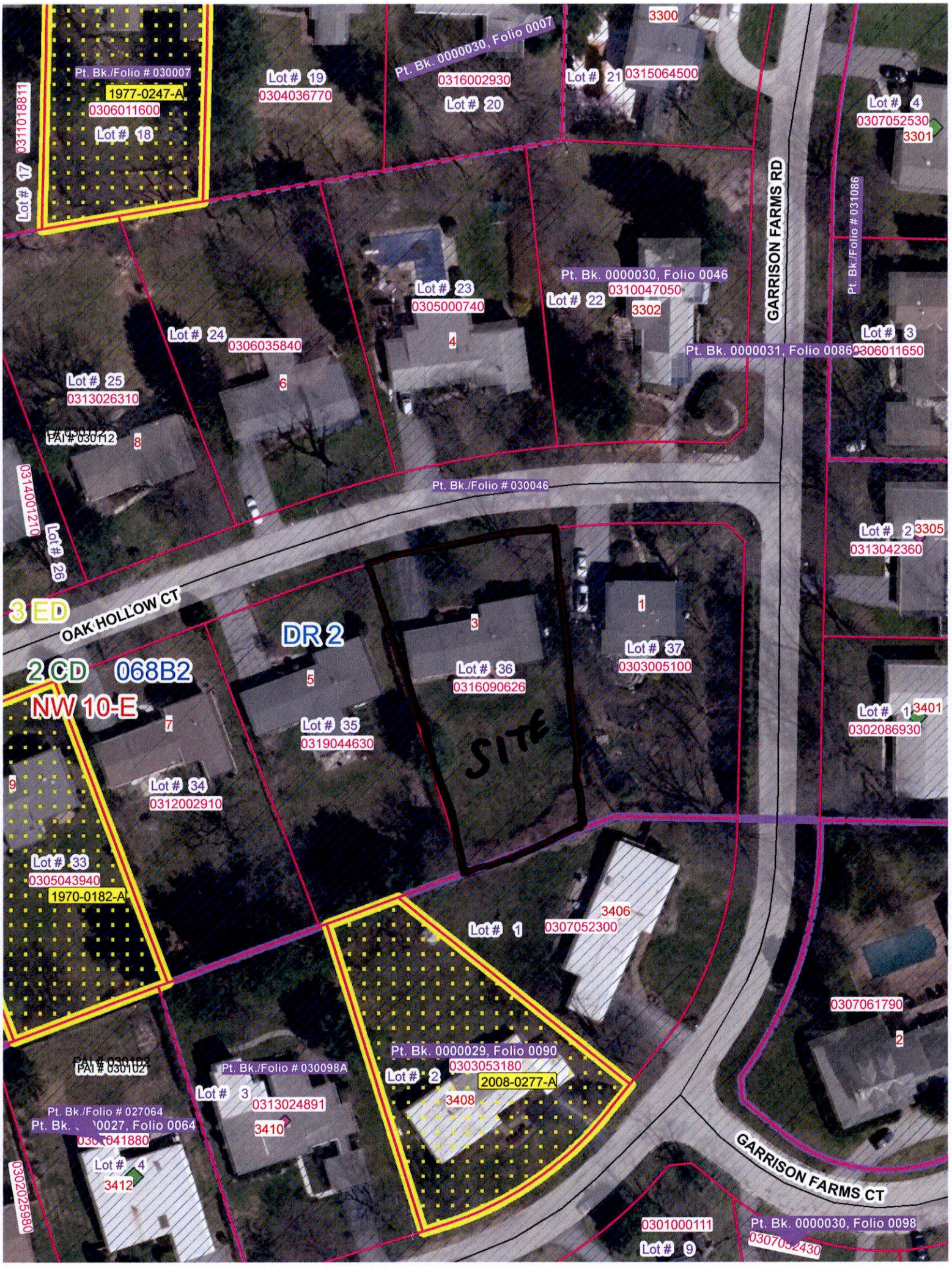

Exhibit 1
Birch Hollow Rd
Stevenson Rd
Anton Farms Rd
Garrison Farms Rd
Fort Garrison
Fort Garrison Elementary School
Keyser Rd
Swamphill Dr
Woodvalley Dr
Marcie Dr
Sutherland Ct
Chimes
Patrice and Associates
Stone Hollow Ct
Pumpkin Hill Ct
Pumpkin Seed Ct
Spring Bottom Way
Redspire Ln
Marcie Woods Ct
Tana Ct
Nina Ct
Anita Rd


2
Oak Hollow Ct
Oak Hollow Ct
Oak Hollow Ct
5
3
X = garage

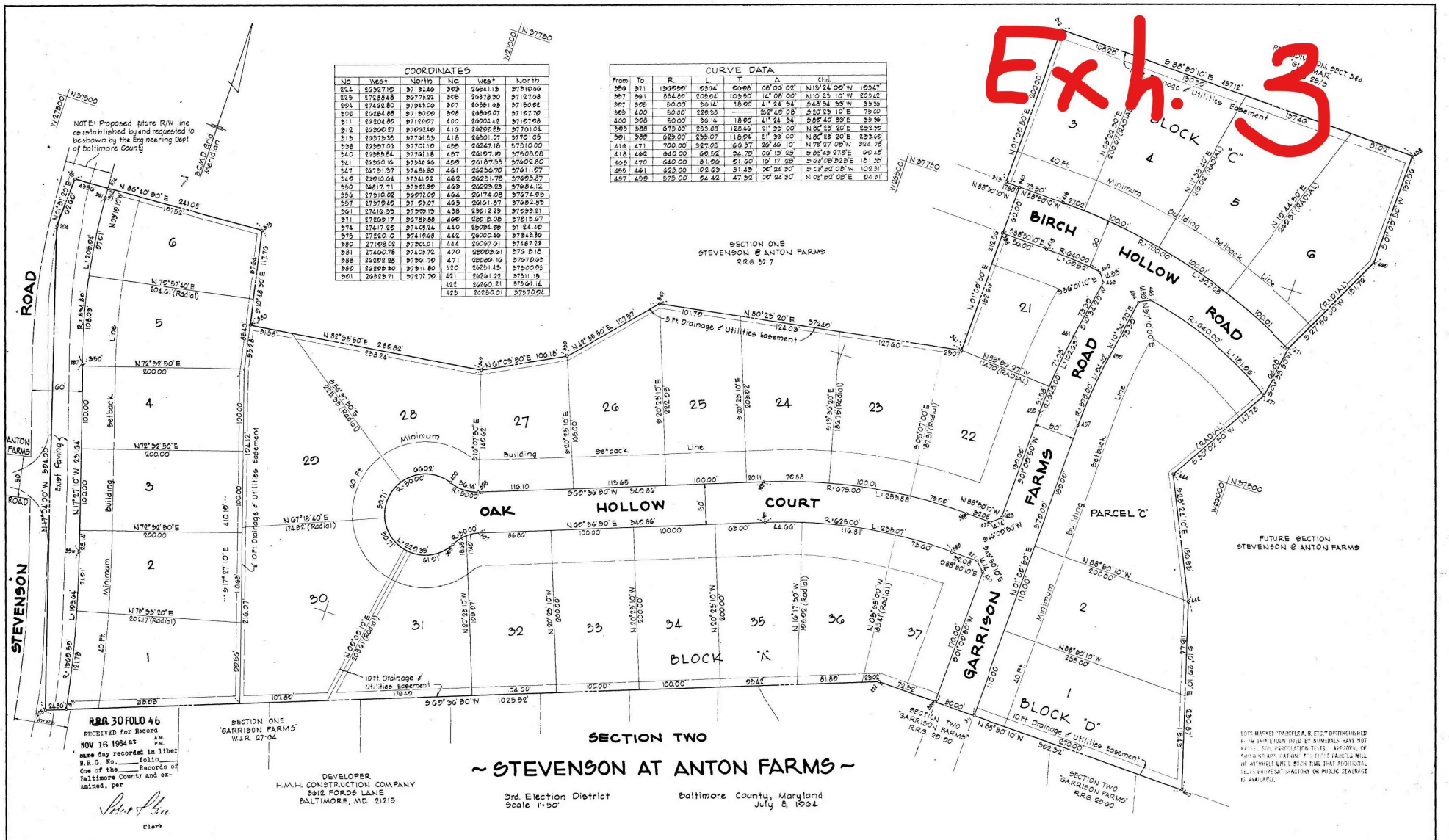

4
Stevenson Rd
Keyser Rd
Topping Rd
Janellen Dr
Pacific Mortgage Investment
Fielding Rd
Keyser Woods Ct
Jenny Ln
Swanhill Ct
Windsong Ct
The Odyssey School
Temporarily closed
The Odyssey School Elementary School
Temporarily closed
Birch Hollow Rd
Garrison Farms Rd
Oak Hollow Ct
Halcyon Ct
Fort Garrison Elementary School
Fort Garrison
Woodvalley Dr
Marcie Dr
Maxine Ct
Stone Hollow Ct
Patrice and Associates
Sutherland Ct
Chimes
Spring Bottom Way
Pumpkin Seed Ct
Marcie Woods Ct
3D
Map
Google
Imagery ©2020 Google, Imagery ©2020 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2020
United States
Terms
Send feedback
200 ft


EXH. 5
Oak Hollow Ct
Forsythia redwood Properties


6
Forsythia destroyed


Pt. Bk./Folio # 030007
1977-0247-A
0306011600
Lot # 18
Lot # 17
0311018811
Lot # 19
0304036770
Pt. Bk. 0000030, Folio 0007
0316002930
Lot # 20
3300
Lot # 21
0315064500
Lot # 4
0307052530
3301
GARRISON FARMS RD
Pt. Bk./Folio # 031086
Pt. Bk. 0000030, Folio 0046
0310047050
Lot # 22
3302
Lot # 23
0305000740
4
Lot # 24
0306035840
6
Lot # 25
0313026310
PAI # 030112
8
Pt. Bk. 0000031, Folio 0086
Lot # 3
0306011650
0314001210
Lot # 26
Pt. Bk./Folio # 030046
Lot # 2
3305
0313042360
3 ED
OAK HOLLOW CT
DR 2
2 CD
068B2
NW 10-E
3
1
Lot # 37
0303005100
5
Lot # 36
0316090626
7
Lot # 35
0319044630
SITE
Lot # 1
3401
0302086930
9
Lot # 34
0312002910
Lot # 33
0305043940
1970-0182-A
3406
Lot # 1
0307052300
0307061790
2
Pt. Bk. 0000029, Folio 0090
0303053180
Lot # 2
2008-0277-A
3408
PAI # 030102
Pt. Bk./Folio # 030098A
Lot # 3
0313024891
3410
Pt. Bk./Folio # 027064
Pt. Bk. 0000027, Folio 0064
0307041880
Lot # 4
3412
0302025980
GARRISON FARMS CT
0301000111
Lot # 9
Pt. Bk. 0000030, Folio 0098
0307052430

Exh. 3


STEVENSON ROAD
ANTON FARMS ROAD
OAK HOLLOW COURT
BIRCH HOLLOW ROAD
GARRISON FARMS ROAD
BLOCK "A"
BLOCK "C"
BLOCK "D"
PARCEL "C"
SECTION ONE STEVENSON @ ANTON FARMS R.R.G. 30-7
SECTION ONE "GARRISON FARMS" W.J.R. 27-64
SECTION TWO "GARRISON FARMS" R.R.G. 29-90
FUTURE SECTION STEVENSON @ ANTON FARMS
10 Ft. Drainage & Utilities Easement
Minimum Building Setback Line
Existing Paving
N 27800
N 27900
N 28000
N 37750
N 37800
N 37900
N 88°40'00"E 241.09'
N 72°52'50"E 200.00'
N 79°55'20"E 202.17' (Radial)
N 70°57'40"E 204.61' (Radial)
N 82°35'50"E 238.24'
N 61°05'50"E 109.18'
N 14°38'50"E 127.97'
N 80°23'20"E 124.03'
N 88°50'10"W 200.00'
N 01°09'50"E 110.00'
S 88°50'10"E 255.00'
S 01°09'50"W 270.00'
S 88°50'10"E 270.00'
S 01°09'50"W 150.00'
S 88°50'10"E 45.12'
S 01°09'50"W 195.89'
S 27°59'00"W 151.72'
S 35°35'50"W 141.78'
S 25°24'10"E 196.89'
S 01°09'50"W 195.89'
S 66°36'50"W 1028.92'
S 66°36'50"W 340.86'
S 01°09'50"E 195.89'
S 01°09'50"E 195.89'
S 01°09'50"E 195.89

PROPERTY INFORMATION

3 OAK HOLLOW CT
DISTRICT : 03
TAX ACCOUNT NUMBER: 0316090626
OWNER: PUSHKIN, JULIAN
PUSHKIN, CELESTE B
TAX PREMISE ADDRESS: 3 OAK HOLLOW CT
TAX MAP: 0068
PARCEL: 0302
SECTION : 2
BLOCK : A
LOT : 36
PLAT REF : 0030/0046
LOT AREA : 17,728 SF
PRIMARY STRUCTURE BUILT : 1965
ABOVE GROUND LIVING AREA : 1,959 SF
DEED REFERENCE : 04614/00585
ZONING: DR 2 Visual Rev
ZONING MAP # : 068B2

SCHOOL DISTRICTS
ELEMENTARY SCHOOL DISTRICT: FORT GARRISON ES
MIDDLE SCHOOL DISTRICT: PIKESVILLE MS
HIGH SCHOOL DISTRICT: PIKESVILLE HS

CIVIC - GOVERNMENT
POLICE PRECINCT: PIKESVILLE
COUNCILMAN DISTRICT: 2
CONGRESSIONAL DISTRICT: 3
LEGISLATIVE DISTRICT: 11
ELECTION DISTRICT: 3
VOTING PRECINCT: 03-010

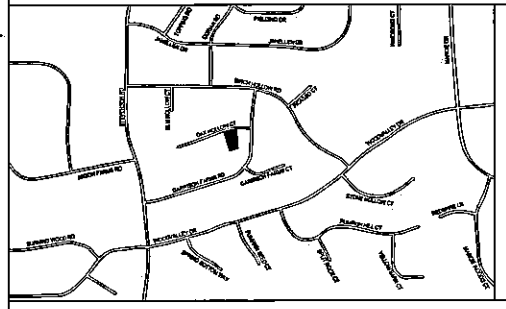
ECONOMIC
COMMERCIAL REVITALIZATION DISTRICT : NO
ENTERPRISE ZONE : NO
ECONOMIC PARK CENTER NAME : NO
ECONOMIC PARK CENTER TYPE : NO

ENVIRONMENTAL
WATERSHED - JONES FALLS
RIVER BASIN - PATAPSCO RIVER
SUB-SHED NAME - SLAUGHTERHOUSE BRANCH
SOIL NAME - GLENELG-URBAN LAND COMPLEX
0 to 8 PERCENT SLOPES

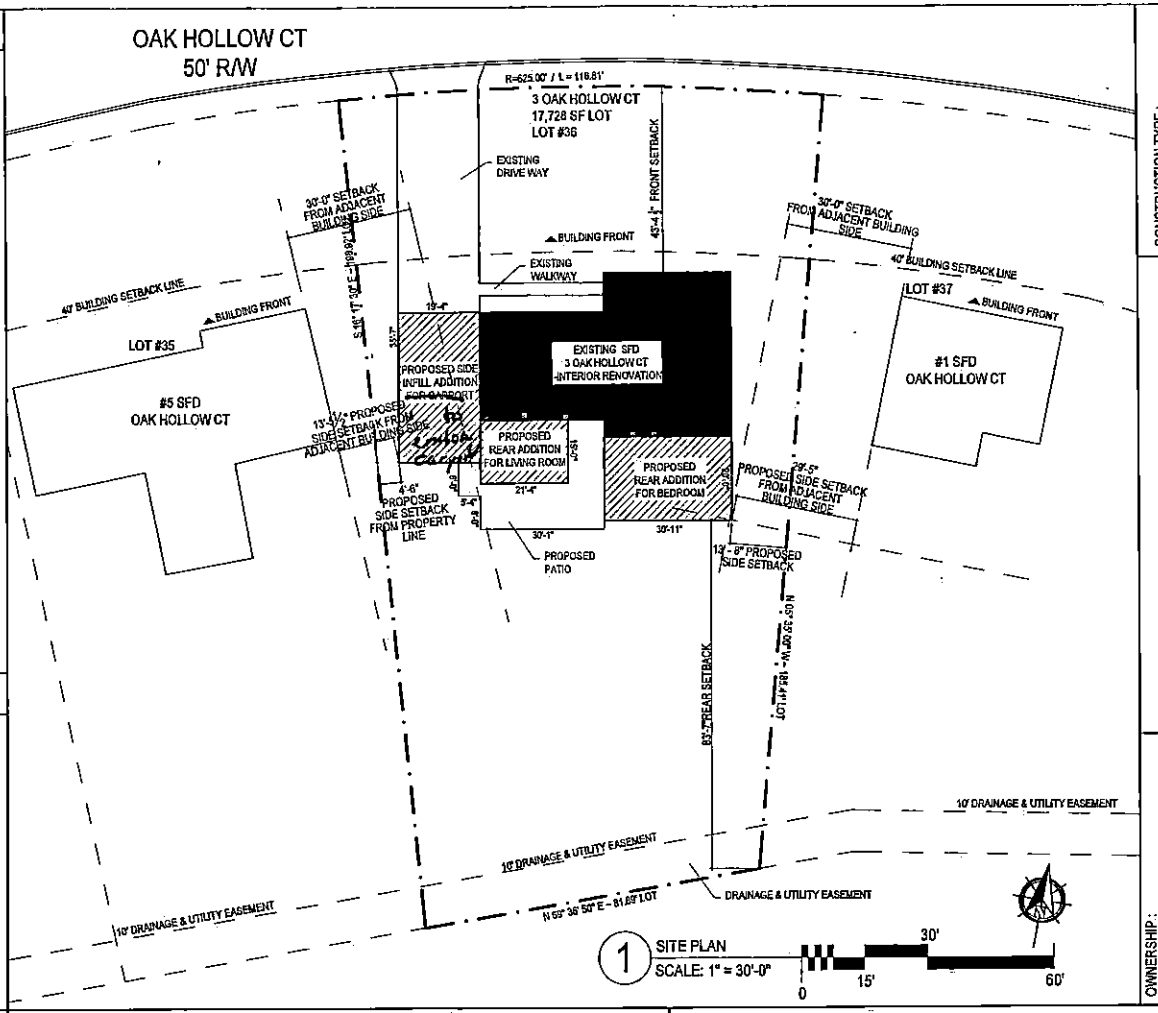
LAND MANAGEMENT
NATIONAL REGISTER HISTORIC DISTRICT : NO
BALTIMORE COUNTY HISTORIC DISTRICT : NO
LANDMARK NAME : NO
MIHP NUMBER : NO

LAND MANAGEMENT
URDL LAND TYPE : URBAN
GORWTH TIER : SERVED BY PUBLIC SEWER & INSIDE URDL

VICINITY MAP



MAP IS NOT TO SCALE



CONSTRUCTION TYPE:
Type 3B - Masonry Ext Wall, Unprotected

IBC USE GROUP :
Type R-3 (Single Family Dwelling)

3 OAK HOLLOW CT - SITE PLAN
DISTRICT 03 - ACCOUNT NO. 0316090626
SCALE: 1" = 20'-0"

OWNERSHIP:
PUSHKIN, JULIAN
PUSHKIN, CELESTE B

OWNERSHIP ADDRESS:
3 OAK HOLLOW CT
BALTIMORE, MD 21208

CLIENT :
MRS. ANNA OSTER

CARBALLO ARCHITECTURE, LLC
1810 ALICEANNA ST, BALTIMORE, MD 21231
ADAM CARBALLO, ARCHITECT
MD LIC# 15709
443-963-1077

PROFESSIONAL CERTIFICATION.
I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 15709, EXPIRATION DATE 2/27/2021.

CONTRACT DOCUMENTS WERE BEEN PREPARED BY A LICENSED ARCHITECT NOT ANY STATE.

REVISIONS
1 11-

3 OAK HOLLOW COURT
PIKESVILLE
MD 21208
ADMINISTRATIVE VARIANCE

PRIOR ZONING CASE

No Feature Found

BUILDING INFORMATION

3 OAK HOLLOW COURT
SINGLE FAMILY DWELLING
PRIMARY STRUCTURE BUILT 1965
LOT AREA: 17,728 SF
BUILDING AREA = 1,956 SF
DEED REFERENCE - 04614/00585

0000-G=G1
HEARING PLAN

3 OAK HOLLOW CT
JOB # 19-510
FEB 2020

PROPERTY INFORMATION

3 OAK HOLLOW CT
DISTRICT : 03
TAX ACCOUNT NUMBER: 0316090626
OWNER: PUSHKIN, JULIAN
PUSHKIN, CELESTE B
TAX PREMISE ADDRESS: 3 OAK HOLLOW CT
TAX MAP: 0068
PARCEL: 0302
SECTION : 2
BLOCK : A
LOT : 36
PLAT REF : 0030/0046
LOT AREA : 17,728 SF
PRIMARY STRUCTURE BUILT : 1965
ABOVE GROUND LIVING AREA : 1,959 SF
DEED REFERENCE : 04614/00585
ZONING: DR 2
ZONING MAP # : 068B2

SCHOOL DISTRICTS
ELEMENTARY SCHOOL DISTRICT: FORT GARRISON ES
MIDDLE SCHOOL DISTRICT: PIKESVILLE MS
HIGH SCHOOL DISTRICT: PIKESVILLE HS

CIVIC - GOVERNMENT
POLICE PRECINCT: PIKESVILLE
COUNCILMAN DISTRICT: 2
CONGRESSIONAL DISTRICT: 3
LEGISLATIVE DISTRICT: 11
ELECTION DISTRICT: 3
VOTING PRECINCT: 03-010

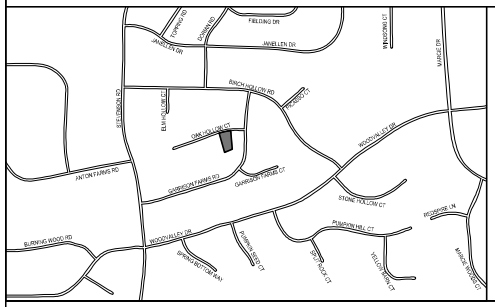
ECONOMIC
COMMERCIAL REVITALIZATION DISTRICT : NO
ENTERPRISE ZONE : NO
ECONOMIC PARK CENTER NAME : NO
ECONOMIC PARK CENTER TYPE : NO

ENVIRONMENTAL
WATERSHED - JONES FALLS
RIVER BASIN - PATAPSCO RIVER
SUB-SHED NAME - SLAUGHTERHOUSE BRANCH
SOIL NAME - GLENELG-URBAN LAND COMPLEX
0 to 8 PERCENT SLOPES

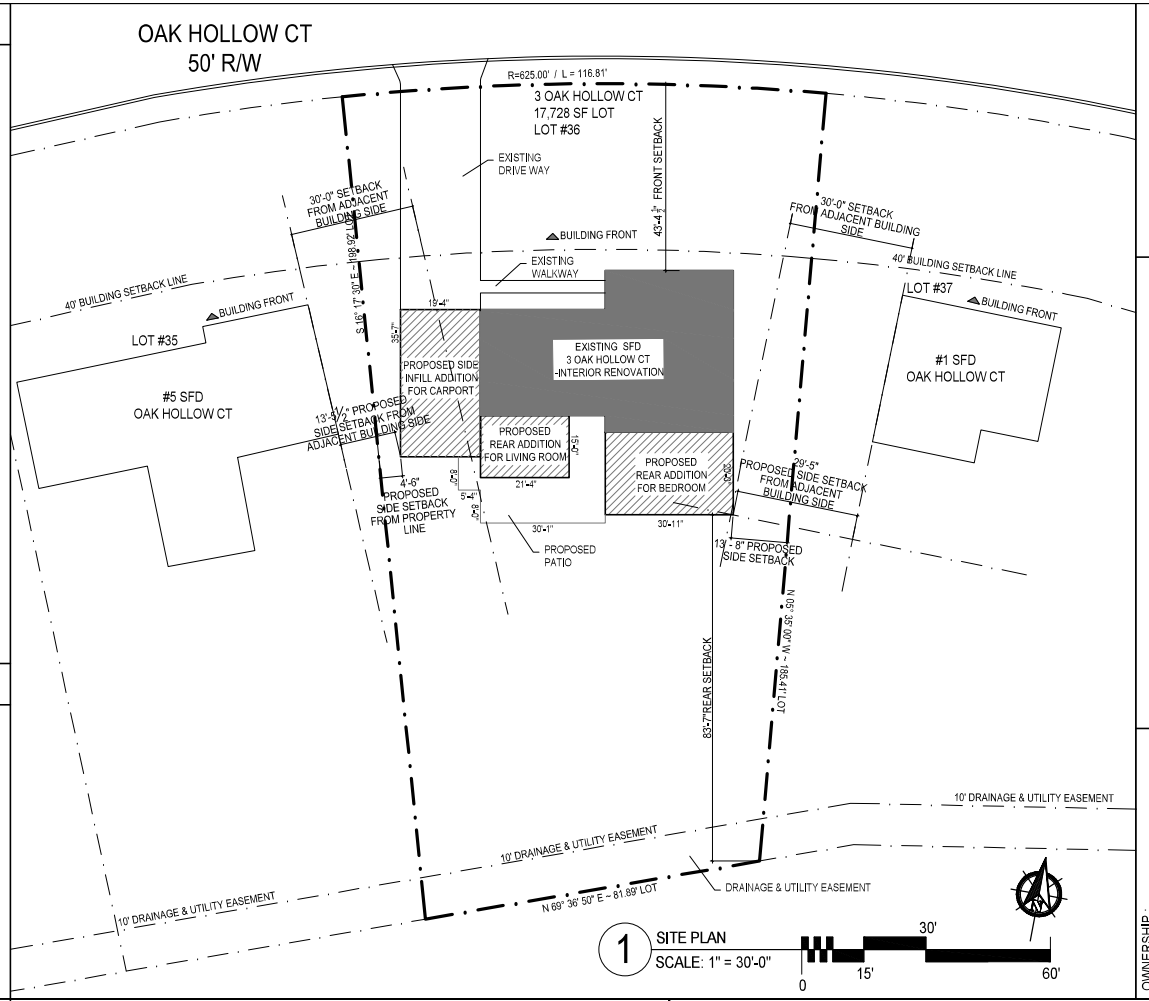
LAND MANAGEMENT
NATIONAL REGISTER HISTORIC DISTRICT : NO
BALTIMORE COUNTY HISTORIC DISTRICT : NO
LANDMARK NAME : NO
MIHP NUMBER : NO

LAND MANAGEMENT
URDL LAND TYPE : URBAN
GORWTH TIER : SERVED BY PUBLIC SEWER
& INSIDE URDL

VICINITY MAP



MAP IS NOT TO SCALE



CONSTRUCTION TYPE :
Type 3B - Masonry Ext Wall, Unprotected

IBC USE GROUP :
Type R-3 (Single Family Dwelling)

3 OAK HOLLOW CT - SITE PLAN
DISTRICT 03 - ACCOUNT NO. 0316090626
SCALE : 1" = 20'-0"

OWNERSHIP :
PUSHKIN, JULIAN
PUSHKIN, CELESTE B

OWNERSHIP ADDRESS :
3 OAK HOLLOW CT
BALTIMORE, MD 21208

CLIENT :
MRS. ANNA OSTER

CARBALLO ARCHITECTURE, LLC
1916 AUGEANNA ST, BALTIMORE, MD 21231
ADAM CARBALLO, ARCHITECT
MD LIC # 15709
443-963-1077

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MD Lic # 15709.

REVISIONS
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3 OAK HOLLOW COURT
PIKESVILLE
MD 21208
ADMINISTRATIVE VARIANCE

PRIOR ZONING CASE

No Feature Found

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ZONING: DR 2 Vested . R-20
ZONING MAP # : 068B2

SCHOOL DISTRICTS
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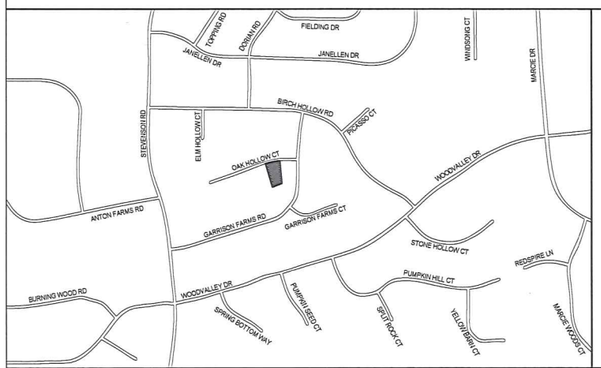
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ENTERPRISE ZONE : NO
ECONOMIC PARK CENTER NAME : NO
ECONOMIC PARK CENTER TYPE : NO

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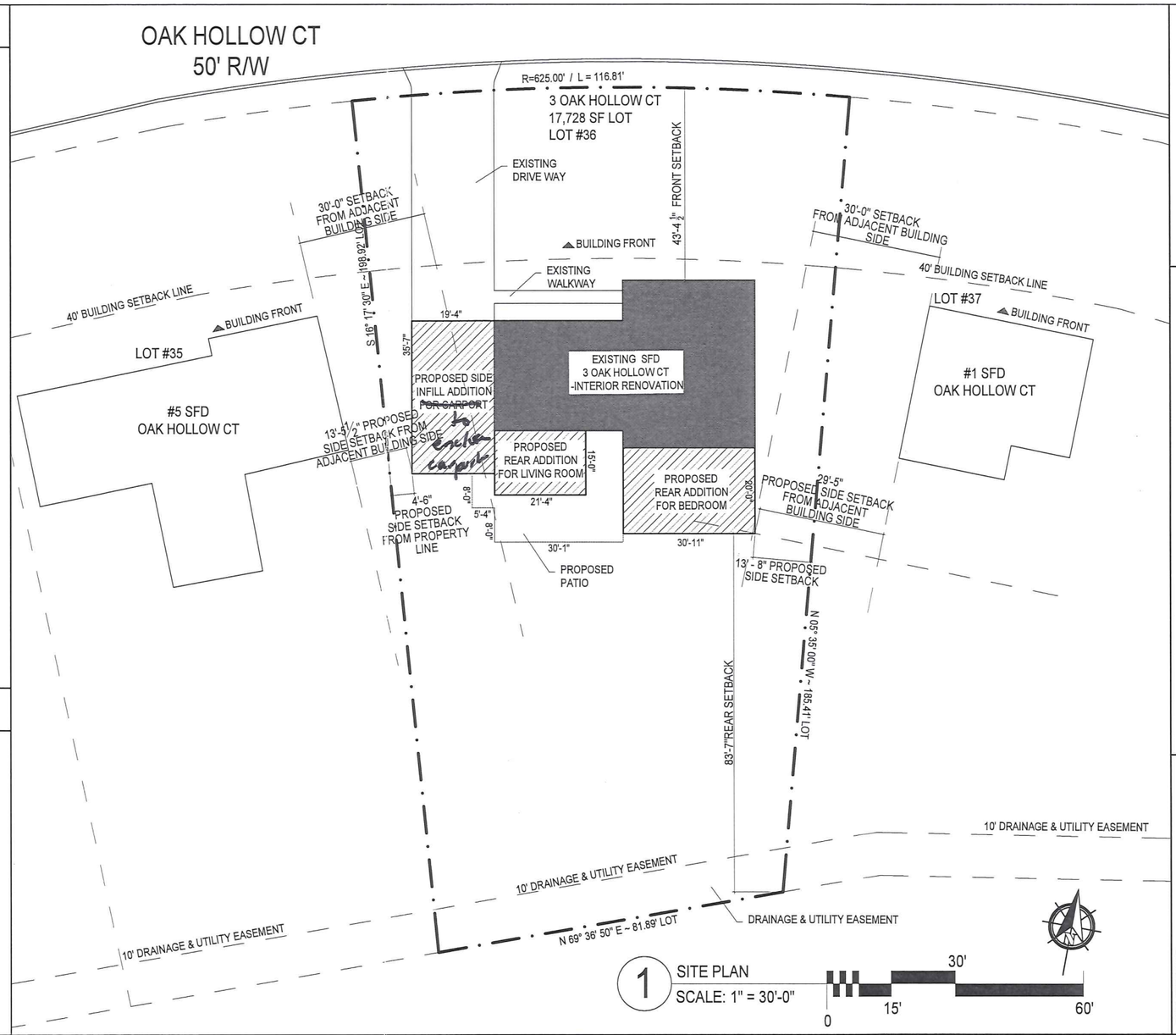
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BALTIMORE COUNTY HISTORIC DISTRICT : NO
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MIHP NUMBER : NO

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3 OAK HOLLOW CT - SITE PLAN
DISTRICT 03 - ACCOUNT NO. 0316090626

SCALE : 1" = 20'-0"

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REVISIONS
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-

CLIENT :
MRS. ANNA OSTER

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PIKESVILLE
MD 21208
ADMINISTRATIVE VARIANCE

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No Feature Found

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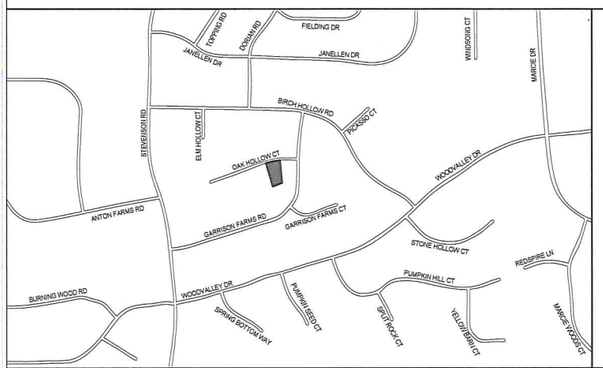
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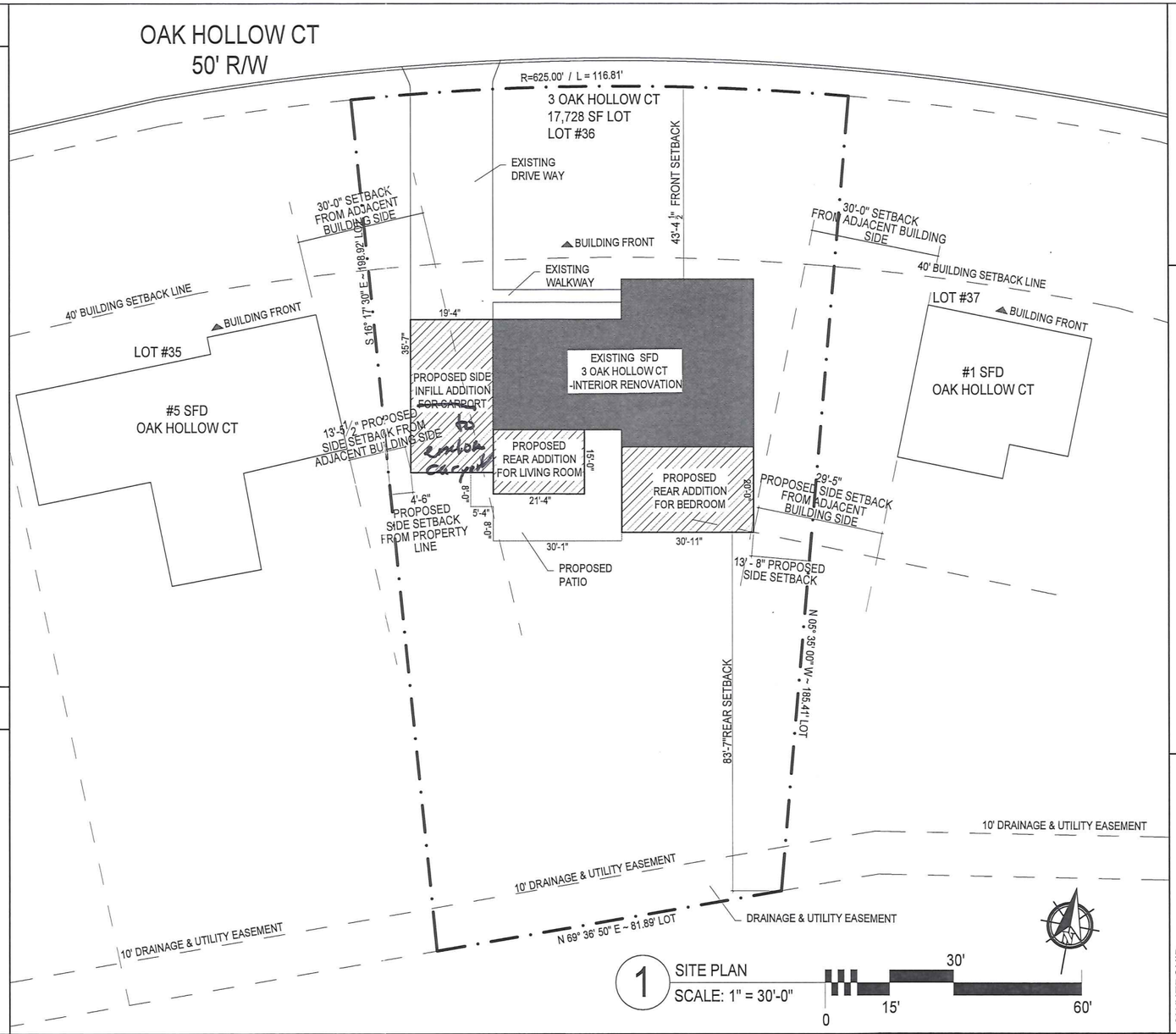
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