

MEMORANDUM

DATE: 4/27/201
TO: ZONING REVIEW
FROM: Office of Administrative Hearings
RE: Case No. 2020-0287-A

The appeal period for the above-referenced cases expired on April 21, 2021. There being no appeal filed, the subject file is ready for return to Zoning Office and is placed in the 'pick up box.'

/dlm

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(3120 Caves Road)

4th Election District

2nd Council District

Kristen F. Finkelstein &

Brian E Finkelstein

Legal Owners/Petitioners

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

*

CASE NO. 2020-0287-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by Kristen F. Finkelstein and Brian E. Finkelstein (the "Petitioners") for property located at 3120 Caves Road (the "Property"). The Petitioners are requesting Variance relief to: (1) permit an accessory structure (pavilion) to have a height of 19 ft. in lieu of the maximum height of 15 ft. per the Baltimore County Zoning Regulations ("BCZR") § 400.3; (2) permit an accessory structure (recreational sport court) to be located in the side and front yard in lieu of the required rear yard per section BCZR § 400.1; (3) permit an accessory structure (garden & potting shed) to be located in the side yard in lieu of the required rear yard per BCZR § 400.1; and (4) permit an accessory structure (sports shed) to be located in the front yard in lieu of the required rear yard per BCZR § 400.1.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners appeared at the hearing along with Bruce E. Doak, registered surveyor, who prepared a site plan. (Pet. Ex. 1). Neighbor Carol Davis, 3114 Caves Rd. was in attendance. Teresa Moore, Executive Director of Valleys Planning Council ("VPC") was also in attendance.

ORDER RECEIVED FOR FILING

Date

3/22/21

By

[Signature]

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS"). Those agencies did not oppose the requested relief.

The Property is located east of Garrison Forest Rd. and along the boundary between rural residential and the Caves Valley Agricultural Priority Preservation Area. The area is agricultural to the North and rural residential to the West, East and South. It is approximately 7.538 acres and is zoned RC2. (Pet. Ex. 2). The aerial photo shows this property is irregularly shaped. (Pet. Ex. 3). There is a gentle grade change from the southern end to the northern end. The rear yard slopes down on both sides and it contains several septic systems. (Pet. Exs. 1, 10).

Mr. Doak explained that the Petitioners are building a home on the Property. (Pet. Ex. 5A). He showed views of neighboring properties from the new home. (Pet. Ex. 4, 5B-5E). Ms. Davis' home at 3114 Caves Rd. is the closest adjacent property at 400 ft. away and sits at a higher elevation. (Pet. Ex. 5C). There are existing trees between the Property and the Davis' house and more will be planted. The adjacent neighbor to the north of the Property at 3200 Caves Rd. is 700 ft. away and it also sits at a higher elevation. (Pet. Ex. 5D). The neighbor to the south west addressed as 3206 Caves Rd. is 600 ft. away. (Pet. Ex. 5E).

Mr. Doak testified that the Property is part of a Land Preservation Trust Easement created in 2006. (Pet. Ex. 6). The Deed of Conservation Easement permits a residence to be built within a designated building envelope. The storm water management facilities on the western side is limited to the buildable area. The non-residential structures such as the sport court, pavilion, pool, pool house, and sheds do not need to be constructed in the building envelope. The elevations for the home indicate that the home is angled to make it fit within the building envelope. Mr. Doak indicated that the OZR considers both sides of the home to be the front. (Pet. Ex. 7A and 7B).

The proposal here is to construct a 1-story pavilion for the pool in the rear yard with a roof pitch which mirrors the roof pitch on the home. (Pet. Ex. 8). As a result, a variance is needed for a height of 19 ft. in lieu of the required 15 ft. The pavilion will have both storage and changing areas. In addition, the Petitioners seek 2 sheds (a potting shed) and a sports shed measuring 12x12 with a 15 ft. height. (Pet. Ex. 9). A sport court measuring 30x50 is also requested. The location of these sheds and sport court will be in both the side yard and front yard as a result of angled position of the house. The sport court is placed in a flat area so there is less grading.

Mr. Finkelstein testified that there is a master plan for landscaping which will add a substantial amount of trees and vegetation as depicted on that plan. (Pet. Ex. 10). The Petitioners planted many trees before construction. The plan includes a 2 ½ acre natural meadow. The topography lines on the landscaping plan show the slope in the rear of the Property. Toward that end, a rendering of the Property provided an accurate depiction of the Property with the requested accessory structures and landscaping. (Pet. Ex. 11).

Teresa Moore of VPC asked Mr. Finkelstein about the lighting for the basketball court. He verified that any light will be directed down toward the court and not toward the neighbor's houses.

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

As set forth above, the Property has an irregular shape, is sloped in the rear yard to each side and the location of the septic fields cause a practical difficulty in not being able to construct the pavilion, sheds and sports court in the rear. To do so would result in substantial grading and

therefore, more environmental disturbance. The height of the pavilion is necessary to mirror the roof pitch of the house. The location of the sheds and sport court in the side and front yards as shown on the Site Plan is the only practical place. I find that the variances requested are in harmony with the spirit and intent of the BCZR and will not cause injury to the health, safety or general welfare of the neighbors, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 22nd day of **March 2021**, by the Administrative Law Judge for Baltimore County that the Petitioners are requesting Variance relief to:

- (1) permit an accessory structure (pavilion) to have a height of 19 ft. in lieu of the maximum height of 15 ft. per the Baltimore County Zoning Regulations ("BCZR") § 400.3 in accordance with the Site Plan which is incorporated herein, be, and it is hereby **GRANTED**.
- (2) permit an accessory structure (recreational sport court) to be located in the side and front yard in accordance with the Site Plan which is incorporated herein, in lieu of the required rear yard per section BCZR § 400.1, be, and it is hereby **GRANTED**.
- (3) permit an accessory structure (garden & potting shed) to be located in the side yard in accordance with the Site Plan which is incorporated herein, in lieu of the required rear yard per BCZR § 400.1 be, and it is hereby **GRANTED**.
- (4) permit an accessory structure (sports shed) to be located in the front yard in accordance with the Site Plan which is incorporated herein, in lieu of the required rear yard per BCZR § 400.1 be, and it is hereby **GRANTED**.

ORDER RECEIVED FOR FILING

Date

By

3/22/21

D. Mignone

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

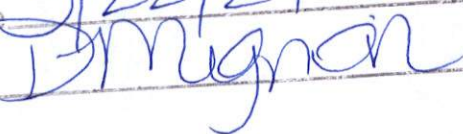
MEM/dlm

ORDER RECEIVED FOR FILING

Date

By

3/22/21





PETITION FOR ZONING HEARING(S)

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

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

Address 3120 CAVES ROAD which is presently zoned RC2
 Deed References: 40940/75 10 Digit Tax Account # 2200009764
 Property Owner(s) Printed Name(s) KRISTIN F. FINKELSTEIN & BRIAN E. FINKELSTEIN

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

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

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

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2020-0287-A Filing Date 1/25/20

Legal Owners (Petitioners):

KRISTIN F. FINKELSTEIN BRIAN E. FINKELSTEIN
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

2307 A RIDGE ROAD RESTON, VA 20190
 Mailing Address City State

21117 410-960-9229
 Zip Code Telephone # Email Address

B.FINKELSTEIN@KLNBP.COM
 Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING

Name - Type or Print

[Signature]
 Signature

3809 BAKER SCHOOLHOUSE ROAD FREDLAND, MO
 Mailing Address City State

21053 410-419-4906
 Zip Code Telephone # Email Address

BD@BRUCEEDOAKCONSULTING.COM

Do Not Schedule Dates: Reviewer [Signature]

Zoning Hearing Petitions Being Requested

- 1) Variance to permit an accessory structure (pavilion) to have a height of 19 feet in lieu of the maximum height of 15 feet per Section 400.3 BCZR
- 2) Variance to permit an accessory structure (recreational sport court) to be located in the side and front yard in lieu of the required rear yard per Section 400.1 BCZR
- 3) Variance to permit an accessory structures (garden & potting shed) to be located in the side yard in lieu of the required rear yard per Section 400.1 BCZR
- 4) Variance to permit an accessory structures (sports shed) to be located in the front yard in lieu of the required rear yard per Section 400.1 BCZR

ZONING NOTICE

CASE NO. 2020-0287-A

3120 Caves Road

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.

DATE & TIME: TUESDAY MARCH 2, 2021 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS. YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL 410-887-3868, EXT. 0.

REQUESTS:

VARIANCES TO PERMIT AN ACCESSORY STRUCTURE (PAVILION) TO HAVE A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM HEIGHT OF 15 FEET PER SECTION 400.3 BCZR; TO PERMIT AN ACCESSORY STRUCTURE (RECREATIONAL SPORT COURT) TO BE LOCATED IN THE SIDE AND FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR; TO PERMIT AN ACCESSORY STRUCTURES (GARDEN & POTTING SHED) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR; TO PERMIT AN ACCESSORY STRUCTURES (SPORTS COURT) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR.

ZONING NOTICE

CASE NO. 2020-0287-A

3120 Caves Road

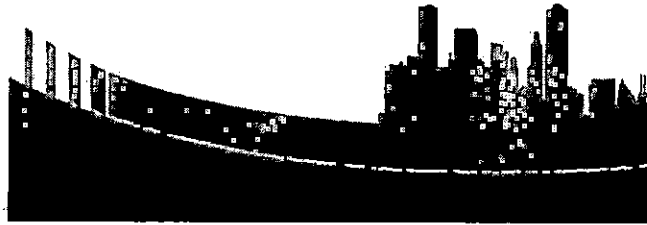
THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
BALTIMORE COUNTY, WILL HOLD A VIRTUAL HEARING ON THE
PROPERTY IDENTIFIED.

DATE & TIME: TUESDAY MARCH 2, 2021 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.

REQUESTS:

**VARIANCES TO PERMIT AN ACCESSORY STRUCTURE (PAVILION)
TO HAVE A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM HEIGHT
OF 15 FEET PER SECTION 400.3 BCZR; TO PERMIT AN ACCESSORY
STRUCTURE (RECREATIONAL SPORT COURT) TO BE LOCATED IN
THE SIDE AND FRONT YARD IN LIEU OF THE REQUIRED REAR
YARD PER SECTION 400.1 BCZR; TO PERMIT AN ACCESSORY
STRUCTURES (GARDEN & POTTING SHED) TO BE LOCATED IN THE
SIDE YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION
400.1 BCZR; TO PERMIT AN ACCESSORY STRUCTURES (SPORTS
SHED) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD PER SECTION 400.1 BCZR.**



CERTIFICATE OF POSTING

February 04, 2021

February 19, 2021 amended for second inspection

Re:

Zoning Case No. 2020- 0270-SPHA

Legal Owner: God With Us, LLC

Hearing date: February 24, 2021

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

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **8607 Liberty Road**.

The signs were initially posted on **February 4, 2021**.

The subject property was also inspected on **February 19, 2021**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2020-0270-SPHA

8607 Liberty Road

**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.**

DATE & TIME: WEDNESDAY FEBRUARY 24, 2021 1:30 PM

**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.**

REQUESTS:

**SPECIAL HEARING TO PERMIT EXISTING BUSINESS PARKING IN A
RESIDENTIAL ZONE (DR 16). TO AMEND CASE NUMBER 1969-0200-A
AND 1986-0074-A.**

**VARIANCE TO PERMIT 25 PARKING SPACES IN LIEU OF THE
REQUIRED 42 PARKING SPACES PER SECTION 409.6.A.2 BCZR.
THE 25 PARKING SPACES WILL BE UTILIZED (RETAIL AND OFFICE)
AT DIFFERENT DAYS AND TIMES THAN THE REMAINING 10
PARKING SPACES (CHURCH).**

ZONING NOTICE

CASE NO. 2020-0270-SPHA

8607 Liberty Road

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.

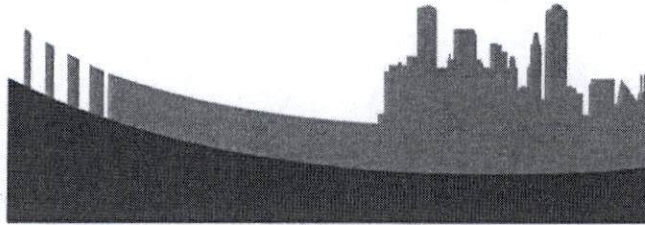
DATE & TIME: WEDNESDAY FEBRUARY 24, 2021 1:30 PM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.

REQUESTS:

**SPECIAL HEARING TO PERMIT EXISTING BUSINESS PARKING IN A
RESIDENTIAL ZONE (DR 16). TO AMEND CASE NUMBER 1969-0200-A
AND 1986-0074-A.**

**VARIANCE TO PERMIT 25 PARKING SPACES IN LIEU OF THE
REQUIRED 42 PARKING SPACES PER SECTION 409.6.5.2 B62B.
THE 25 PARKING SPACES WILL BE UTILIZED (RETAIL AND OFFICE)
AT DIFFERENT DAYS AND TIMES THAN THE REMAINING 10
PARKING SPACES (CHURCH).**



CERTIFICATE OF POSTING

February 09, 2021

February 20, 2021 amended for second inspection

Re:

Zoning Case No. 2020-0287-A

Legal Owner: Brian & Kristen Finkelstein

Hearing date: Tuesday March 2, 2021

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **3120 Caves Road**.

The signs were initially posted on **February 9, 2021**.

The subject property was also inspected on **February 20, 2021**.

Sincerely,

A handwritten signature in black ink that reads "B E Doak".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2020-0287-A

3120 Caves Road

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.

DATE & TIME: TUESDAY MARCH 2, 2021 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS. YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL 410-887-3868, EXT. 0.

REQUESTS:

VARIANCES TO PERMIT AN ACCESSORY STRUCTURE (PAVILION) TO HAVE A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM HEIGHT OF 15 FEET PER SECTION 400.3 BCZR; TO PERMIT AN ACCESSORY STRUCTURE (RECREATIONAL SPORT COURT) TO BE LOCATED IN THE SIDE AND FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR; TO PERMIT AN ACCESSORY STRUCTURES (GARDEN & POTTING SHED) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR; TO PERMIT AN ACCESSORY STRUCTURES (SPORTS COURT) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZR.

ZONING NOTICE

CASE NO. 2020-0287-A

3120 Caves Road

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:

DATE & TIME: TUESDAY MARCH 2, 2021 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS. YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL 410-887-3868, EXT. 0.

REQUESTS:

VARIANCES TO PERMIT AN ACCESSORY STRUCTURE (PAVILION) TO HAVE A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM HEIGHT OF 15 FEET PER SECTION 400.3 BCZB; TO PERMIT AN ACCESSORY STRUCTURE (RECREATIONAL SPORT COURT) TO BE LOCATED IN THE SIDE AND FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZB; TO PERMIT AN ACCESSORY STRUCTURES (GARDEN & POTTING SHED) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZB; TO PERMIT AN ACCESSORY STRUCTURES (SPORTS SHED) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION 400.1 BCZB.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Order #: 11959440
Case #: 2020-0287-A
Description:

NOTICE OF ZONING HEARING - 2020-0287-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:

2/10/2021



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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0287-A

3120 Caves Road

North side of Caves Road, west to the centerline of Linson Road

4th Election District - 2nd Councilmanic District

Legal Owners: Brian & Kristen Finkelstein

Variance to permit an accessory structure (pavilion) to have a height of 19 feet in lieu of the maximum height of 15 feet per Section 400.3. To permit an accessory structure (recreational sport court) to be located in the side and front yard in lieu of the required rear yard per section 400.1 BCZR. To permit an accessory structures (garden & potting shed) to be located in the side yard in lieu of the required rear yard per section 400.1 BCZR. To permit an accessory structures (sports shed) to be located in the front yard in lieu of the required rear yard per section 400.1 BCZR.

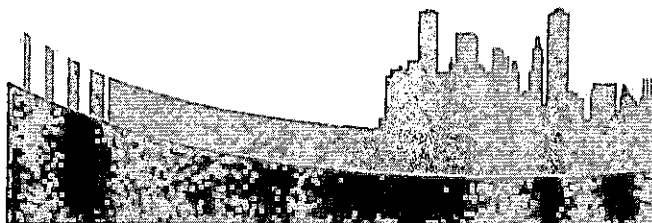
Hearing: Tuesday, March 2, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/admin/hearings 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.

Peto Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

110



CERTIFICATE OF POSTING

February 09, 2021

_____ amended for second inspection

Re:

Zoning Case No. 2020-0287-A

Legal Owner: Brian & Kristen Finkelstein

Hearing date: Tuesday March 2, 2021

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **3120 Caves Road**.

The signs were initially posted on **February 9, 2021**.

The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2020-0287-A

3120 Caves Road

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.

DATE & TIME: TUESDAY MARCH 2, 2021 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-587-3668, EXT. 0.

REQUESTS:

VARIANCES TO PERMIT AN ACCESSORY STRUCTURE (PAVILION)
TO HAVE A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM HEIGHT
OF 15 FEET PER SECTION 400.3 BCZR; TO PERMIT AN ACCESSORY
STRUCTURE (RECREATIONAL SPORT COURT) TO BE LOCATED IN
THE SIDE AND FRONT YARD IN LIEU OF THE REQUIRED REAR
YARD PER SECTION 400.1 BCZR; TO PERMIT AN ACCESSORY
STRUCTURES (GARDEN & POTTING SHED) TO BE LOCATED IN THE
SIDE YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION
400.1 BCZR; TO PERMIT AN ACCESSORY STRUCTURES (SPORTS
SHED) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD PER SECTION 400.1 BCZR.

ZONING NOTICE

CASE NO. 2020-0287-A

3120 Caves Road

**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.**

DATE & TIME: TUESDAY MARCH 2, 2021 10:00 AM

**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.**

REQUESTS:

**VARIANCES TO PERMIT AN ACCESSORY STRUCTURE (PAVILION)
TO HAVE A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM HEIGHT
OF 15 FEET PER SECTION 400.3 BCZR; TO PERMIT AN ACCESSORY
STRUCTURE (RECREATIONAL SPORT COURT) TO BE LOCATED IN
THE SIDE AND FRONT YARD IN LIEU OF THE REQUIRED REAR
YARD PER SECTION 400.1 BCZR; TO PERMIT AN ACCESSORY
STRUCTURES (GARDEN & POTTING SHED) TO BE LOCATED IN THE
SIDE YARD IN LIEU OF THE REQUIRED REAR YARD PER SECTION
400.1 BCZR; TO PERMIT AN ACCESSORY STRUCTURES (SPORTS
SHED) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD PER SECTION 400.1 BCZR**

**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 fifteen (15) 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: 2020-0287-A

Property Address: 3120 CAVES ROAD

Property Description: 7.538 ACRES - NORTH SIDE OF CAVES ROAD

Legal Owners (Petitioners): KRISTIN & BRIAN FINKELSTEIN

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING

Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014

BRUCE E. K DBA 12-12
BRUCE E. K CONSULTING
 3801 BAKER SCHOOLHOUSE RD
 FREELAND, MD 21053-9738

Pay to the Order of BALTIMORE COUNTY MARYLAND Date 11/23/20 2522
SEVENTY FIVE AND 00/100 \$ 75.00
 PNC BANK PNC Bank, N.A. 040 Dollars 15-3/540 429
 For FUNKOLSTEIN Zoning Fee BEOL
 ⑆054000030⑆ 5336741067⑈ 2522

Photo Safe Deposit Details on back

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

No. 201182

Date: 11/25/20

Fund	Dept	Unit	Sub Unit	Obj	Rev Source/	Sub Rev/	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						75

Total: 75

Rec From:

Bruce Doak

For:

3120 CAVES Road

2020-0287-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

February 22, 2021

Bruce Doak,
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2020-0287-A, 3120 Caves Road

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 25, 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,

A handwritten signature in black ink that reads "Jeffrey Perlow". The signature is written in a cursive, flowing style.

Jeff Perlow
Acting Supervisor
Department of Zoning

PCG

Enclosures

CC: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: December 8, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0287-A
Address 3120 Caves Road
(Finkelstein Property)

Zoning Advisory Committee Meeting of **December 14, 2020**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 1/13/2021

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-287

INFORMATION:

Property Address: 3120 Caves Road
Petitioner: Kristen & Brian Finkelstein
Zoning: RC 2
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

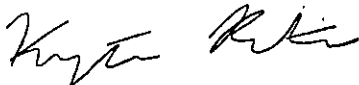
- 1) Variance to permit an accessory structure (pavilion) to have a height of 19 feet in lieu of the maximum height of 15 feet per Section 400.3 of the BCZR
- 2) Variance to permit an accessory structure (recreational sport court) to be located in the side and front yard in lieu of the required rear yard per Section 400.1 of the BCZR
- 3) Variance to permit an accessory structure (garden & potting shed) to be located in the side yard in lieu of the required rear yard per Section 400.1 BCZR
- 4) Variance to permit an accessory structure (sports shed) to be located in the front yard in lieu of the required rear yard per Section 400.1 of the BCZR

The site is located on Caves Road, just east of Garrison Forest Road. The property is along the boundary between Rural Residential and the Caves Valley Agricultural Priority Preservation Area. The area is Agricultural to the North, and rural residential to the West, East, and South.

The Department does not object to the request. The property is under an easement held by Land Preservation Trust (Deed 24906/093). Landowners should contact Ann Jones, of Land Preservation Trust, to confirm that the request will not violate the easement.

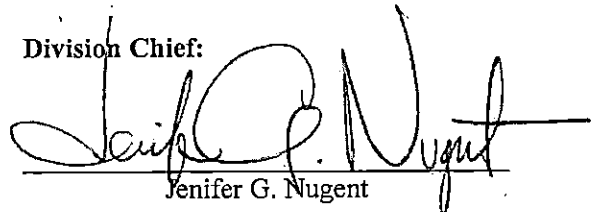
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

Date: 1/13/2021
Subject: ZAC # 20-287
Page 2

CPG/JGN/KP/

c: Joseph Wiley, Northern Sector Planner
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

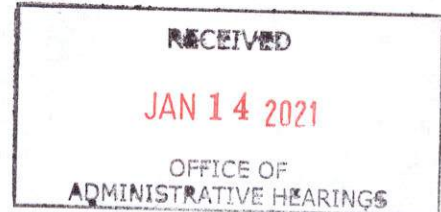
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 1/13/2021

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-287



INFORMATION:

Property Address: 3120 Caves Road
Petitioner: Kristen & Brian Finkelstein
Zoning: RC 2
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

- 1) Variance to permit an accessory structure (pavilion) to have a height of 19 feet in lieu of the maximum height of 15 feet per Section 400.3 of the BCZR
- 2) Variance to permit an accessory structure (recreational sport court) to be located in the side and front yard in lieu of the required rear yard per Section 400.1 of the BCZR
- 3) Variance to permit an accessory structure (garden & potting shed) to be located in the side yard in lieu of the required rear yard per Section 400.1 BCZR
- 4) Variance to permit an accessory structure (sports shed) to be located in the front yard in lieu of the required rear yard per Section 400.1 of the BCZR

The site is located on Caves Road, just east of Garrison Forest Road. The property is along the boundary between Rural Residential and the Caves Valley Agricultural Priority Preservation Area. The area is Agricultural to the North, and rural residential to the West, East, and South.

The Department does not object to the request. The property is under an easement held by Land Preservation Trust (Deed 24906/093). Landowners should contact Ann Jones, of Land Preservation Trust, to confirm that the request will not violate the easement.

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

Prepared by:

A handwritten signature in black ink, appearing to read "Krystle Patchak".

Krystle Patchak

Division Chief:

A handwritten signature in black ink, appearing to read "Jenifer G. Nugent".

Jenifer G. Nugent

Date: 1/13/2021
Subject: ZAC # 20-287
Page 2

CPG/JGN/KP/

c: Joseph Wiley, Northern Sector Planner
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 08 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: December 8, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0287-A
Address 3120 Caves Road
(Finkelstein Property)

Zoning Advisory Committee Meeting of **December 14, 2020.**

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

Reviewer: Steve Ford

3/2/21
10
a

CASE NO. 2020-

0287-A

CHECKLIST

Comment
Received

Order
Department

Support/Oppose/
Conditions/
Comments/
No Comment

12/8

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

N/C

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

FIRE DEPARTMENT

No objo
Comments

1/13

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

2/10/21

SIGN POSTING (1st)

Date:

2/9/21

by

B. Deak

SIGN POSTING (2nd)

Date:

2/20/21

by

"

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

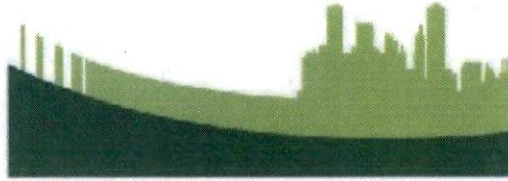
Yes

☐

No

☐

Comments, if any: _____

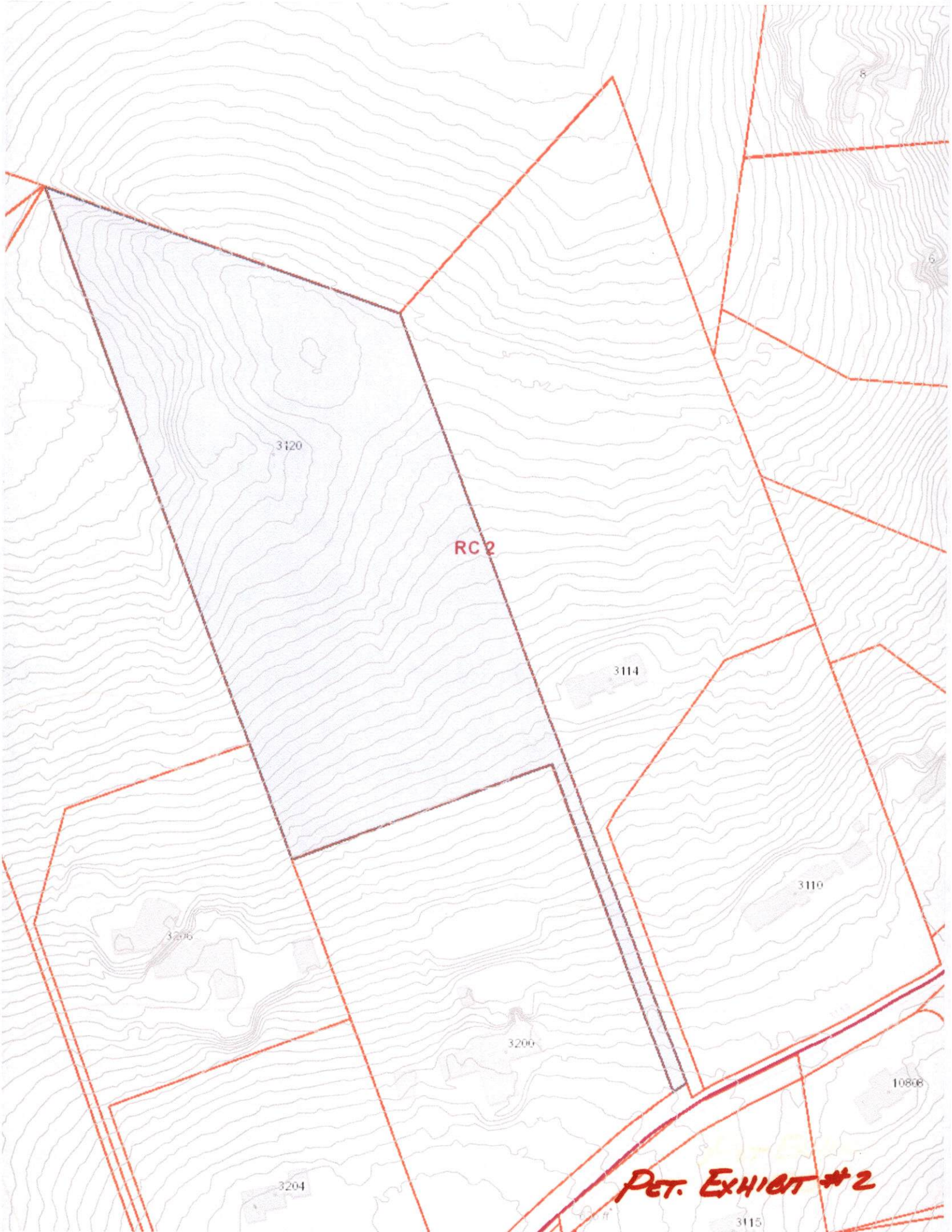


CASE #2020- 0287-A EXHIBITS
(2/27/21)
(In the order of submittal)

- 1) Plan to Accompany a Zoning Petition
- 2) GIS w/property outline / RC 2 zoning
- 3) GIS photo w/property outline
- 4) Site photos key sheet
- 5) Site photos A-E
- 6) 24906/ 93 Land Preservation Trust Deed of Conservation Easement
- 7) House elevations A & B
- 8) Pavilion elevation
- 9) Shed elevations
- 10) Site Plan showing proposed landscaping
- 11) Renderings A- F

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

DM
3/26/21



RC2

3120

3114

3110

3200

3206

3204

10806

3115

Pet. Exhibit #2

100 ft



PET EXHIBIT
#3

Per Exhibit
#3

Per Exhibit

Key Sheet for Site Photos





KEY SHEET FOR SITE PHOTOS

PET EXHIBIT #4

250149 5712 967 73312 Y3X1

アムステルダム

KEY SHEET FOR SITE PHOTOS

PET EXHIBIT #5 A



PET EXHIBIT #5 A



PET EXHIBIT # S B A



PET EXHIBIT #5 C.



PET EXHIBIT #5.D



PePet EXHIBIT #35 E

0024906 0931

LPT EASEMENT OVER
SUBJECT PROPERTYDEED OF CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT ("Conservation Easement") made as of Dec. 11, 2006, by and between 3120 Caves, LLC, a Maryland limited liability company having an address 510 Garrison Forest Road, Owings Mills, MD 21117 ("Grantor") and the LAND PRESERVATION TRUST, a Maryland corporation, having an address at 11350 McCormick Road, Executive Plaza One, Suite 502, Hunt Valley, Maryland 21030 ("Grantee").

WHEREAS Grantee is an organization determined to be exempt under Section 501(c)(3) if the Internal Revenue Code of 1986, as amended, whose purposes include the preservation and protection of scenic, natural, recreational, productive and open space lands, and is a qualified organization within the meaning of Section 170(h)(3) of the Internal Revenue Code;

WHEREAS, by a Deed, dated November 3, 2004 and recorded among the Land Records of Baltimore County, Maryland in Liber 20927, Page 061 et seq., Brenda Lipitz Rever conveyed approximately 7.545 acres of land and the improvements thereon as more particularly described on Exhibit A hereto (the "Property") to the Grantor;

WHEREAS Grantor and Grantee recognize the open-space conservation value of the Property in its present state, as a natural and rural area that has not been subject to development, and have identified significant conservation features in Exhibit B attached hereto;

NOW, THEREFORE, as an absolute gift for no monetary consideration (\$0.00) but in consideration of the facts stated in the above recitals and the covenants, terms, conditions and restrictions hereinafter set forth (the "Terms"), Grantor unconditionally and irrevocably hereby grant and convey unto Grantee, its successors and assigns, forever and in perpetuity, a Conservation Easement of the nature and character and to the extent hereinafter set forth, with respect to the Property:

The purpose of this Conservation Easement is to maintain the significant conservation features identified in Exhibit B and the dominant scenic, cultural, rural, agricultural, woodland and wetland characteristics of the Property, and to prevent the use or development of the Property for any purpose or in any manner that would conflict with these features and characteristics and the maintenance of the Property in its open-space condition.

ARTICLE I. DURATION OF EASEMENT

This Conservation Easement shall be perpetual. It is an easement in gross and as such is inheritable and assignable in accordance with Article VI and runs with the land as an incorporeal interest in the Property, enforceable with respect to the Property by Grantee

0024906 095

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 24906, p. 0095, MSA_CE62_24761. Date available 01/02/2007. Printed 10/24/2019.

F. Management and harvesting of all forests shall be consistent with the Soil Erosion and Sediment Control Guidelines for Forest Harvest Operations in Maryland, prepared by the Maryland Department of Environment (the "Guidelines"), or comparable provisions of any guidelines or regulations which may replace the Guidelines in the future and as they may be amended from time to time.

G. Buildings, means of access and other structures are prohibited on the Property, except the following are permitted, which include (a) the existing structures on the Property listed in Exhibit C, (b) expansions to such existing structures or (c) replacements of the existing structures.

(1) one (1) primary residence to be located within the area designated on Exhibit F (the "Building Envelope").

(2) non-residential structures not currently existing as of the date of this Conservation Easement, which structures are designed, constructed and utilized for the purpose of serving the primary residence (for example, without limitation, garages, decks, gazebos, swimming pool and pool house). *NOT REQUIRED TO BE IN "BUILDING ENVELOPE" INCLUDES SPORT COURT, PAVILION & SHEDS*

(3) non-residential structures designed, constructed and utilized in connection with the Agricultural uses of the Property; and

(4) reasonable means of access to all permitted uses and structures.

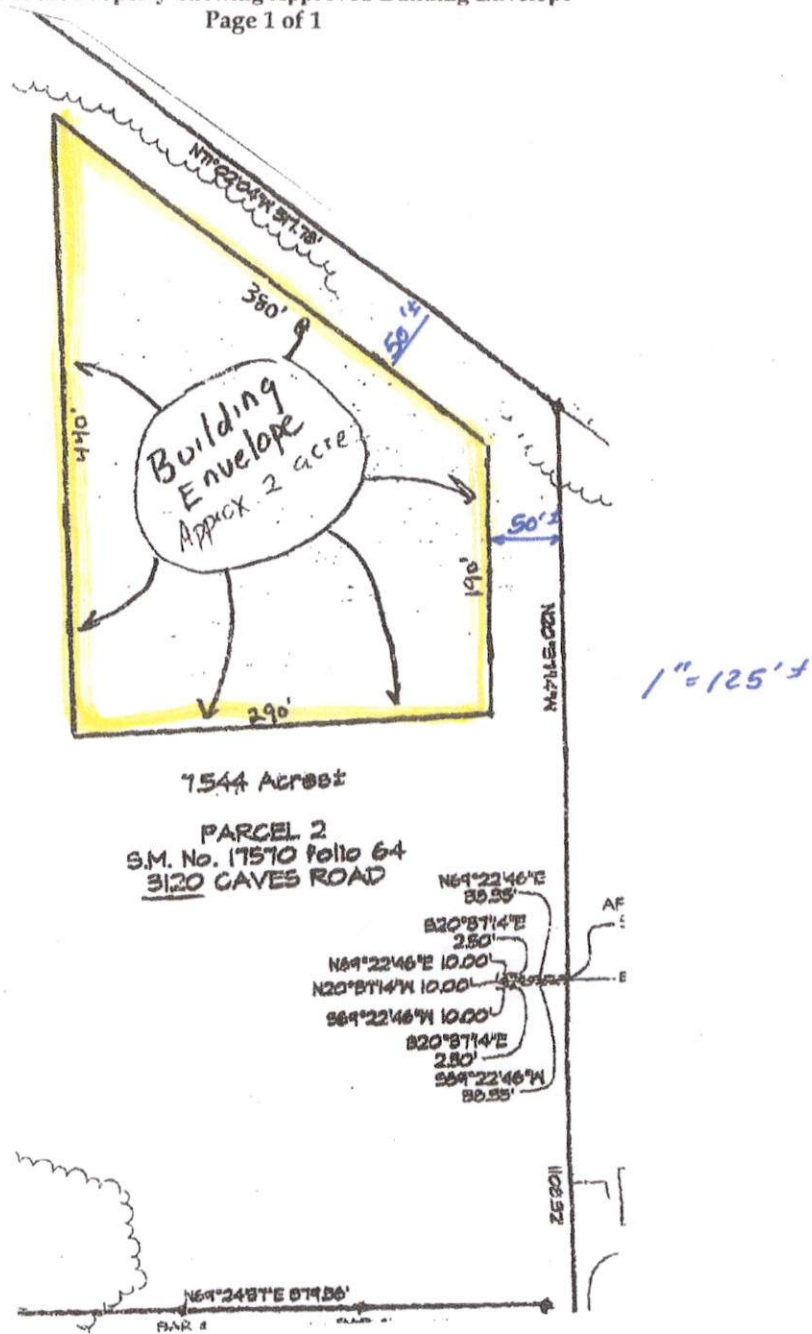
Notwithstanding the above, helicopter pads and related structures, off-road vehicle tracks and courses, and cellular telephone and communication towers, are prohibited.

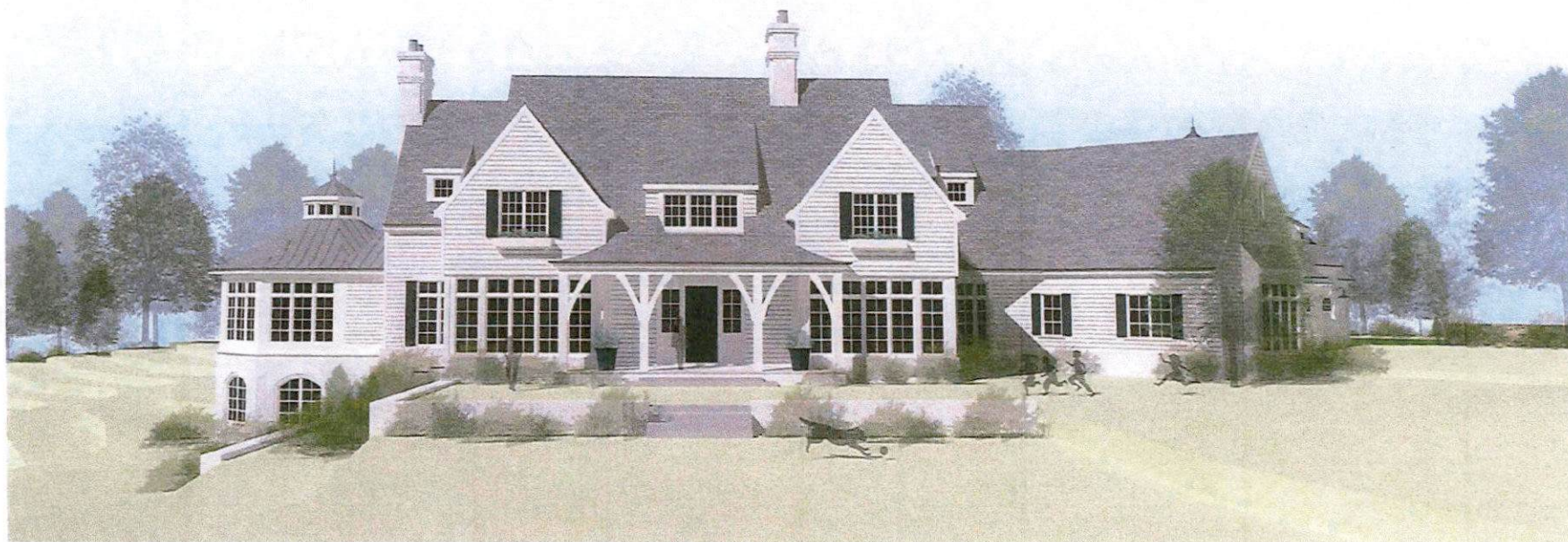
Grantors shall notify Grantees at least ninety (90) days in advance of any construction or work preparatory to construction (such as plats, permits, drawings or proposed subdivisions) regarding the location of any residential and the location of a new means of access to a residential structure, all of which shall be subject to the approval of Grantees. Such approval shall be granted or denied based on the Grantees' opinion as to whether or not the proposed location conforms with the conservation values listed in Exhibit B of this Conservation Easement. If the residential unit is located within the Building Envelope then it shall be deemed to conform with the conservation values of the Conservation Easement and approval shall be granted.

H. The division, partition or subdivision ("Division") of the Property into more than and the number of existing parcels of land owned by Grantor including the lease of any portion less than one-hundred percent (100%) thereof for a term in excess of twenty (20) years, is prohibited. In addition, the Parcels shall remain in common ownership as if they were only one (1) parcel. However, the Grantee may approve the division of the Property for reasons which the Grantee determines, in their sole discretion, are sufficiently extraordinary to justify an exception to the prohibition.

0024906 109

Exhibit F
Deed of Conservation Easement
3120 Caves LLC
Plan of the Property Showing Approved Building Envelope
Page 1 of 1





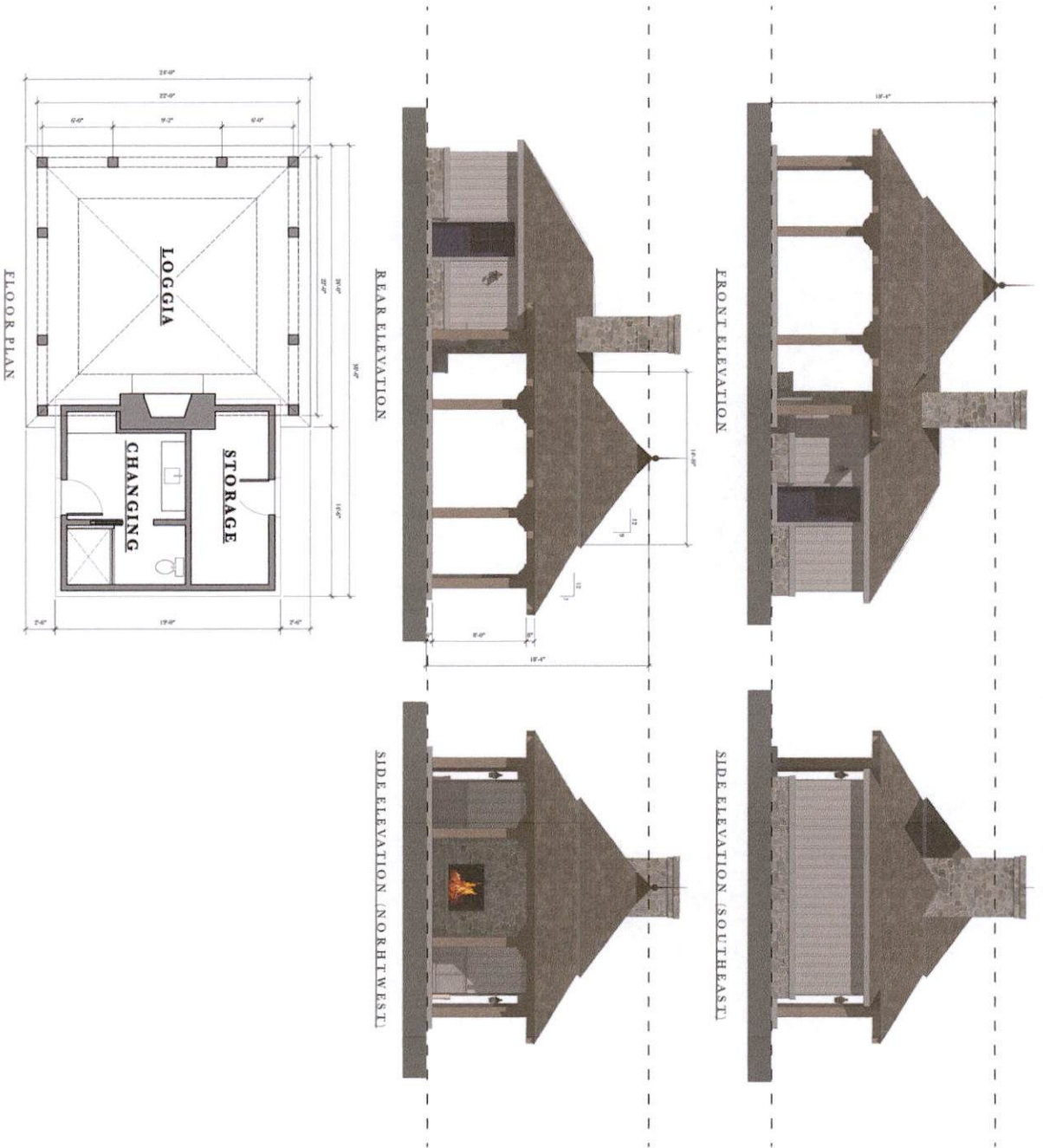
FINKELSTEIN RESIDENCE
BALTIMORE COUNTY MARYLAND

PET. EXHIBIT #7A



FINKELSTEIN RESIDENCE
BALTIMORE COUNTY MARYLAND

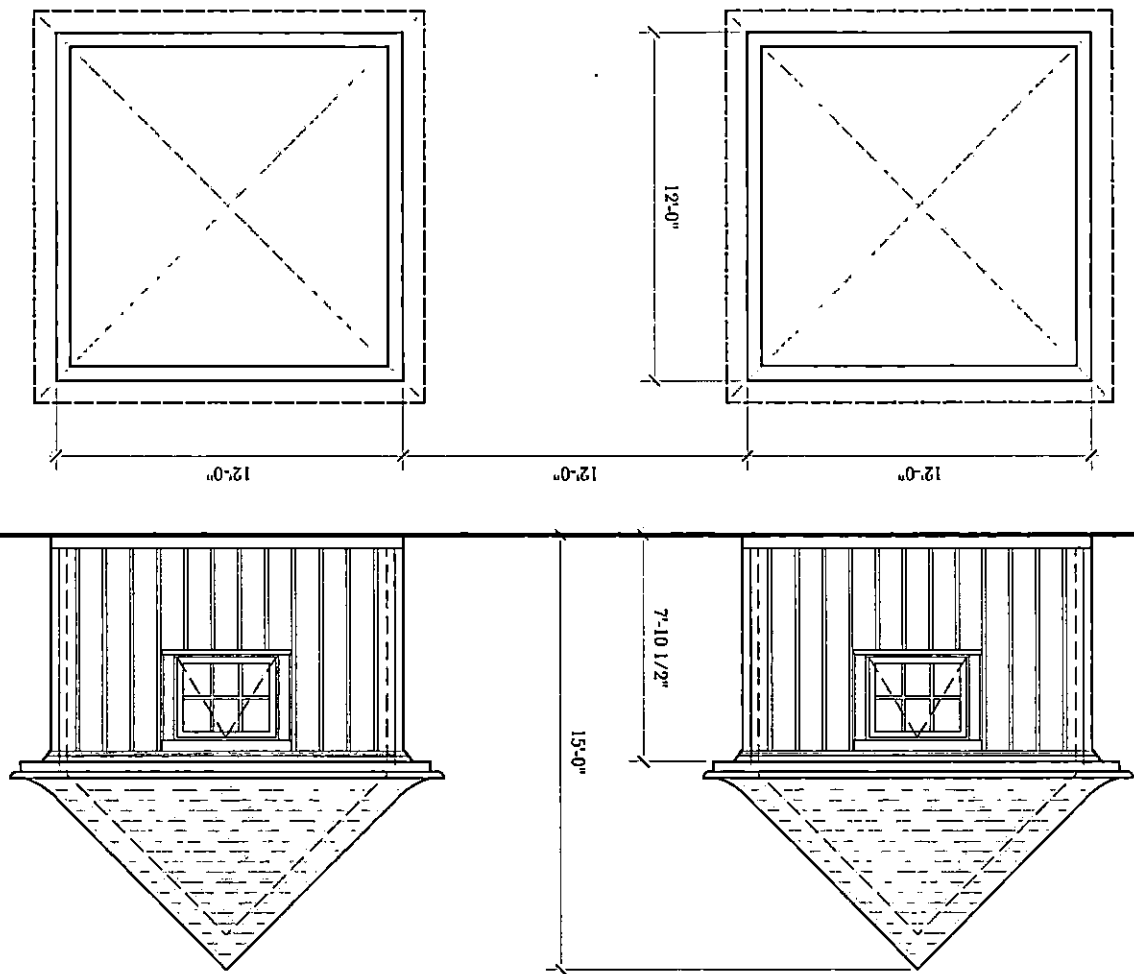
PET. EXHIBIT #7B

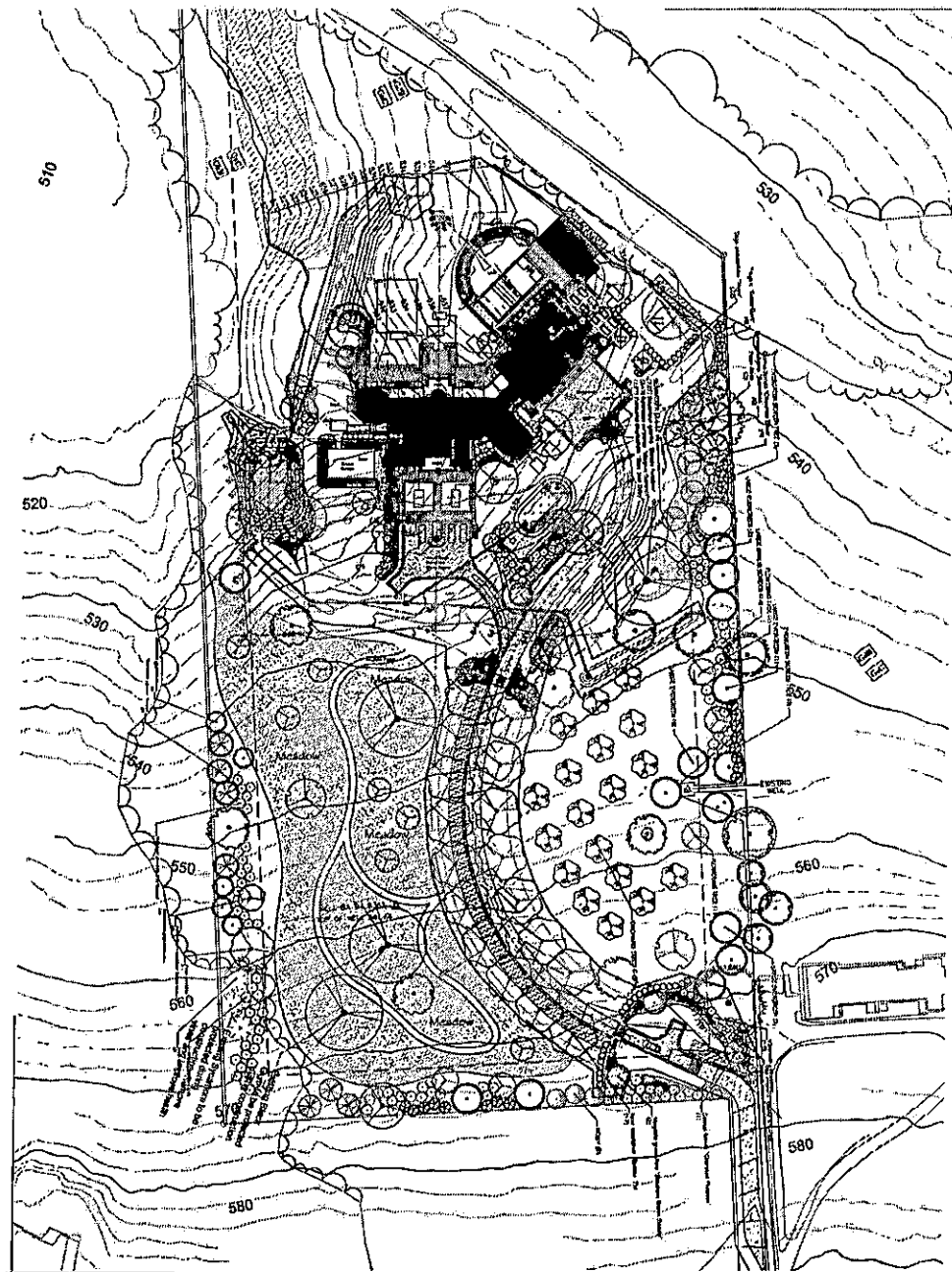


DRAWING #:	SEAL:	DATE:	DRAWING TITLE:	PROJECT NAME:
A-1		CREATED: 02/16/21	SCALE: 1/4" = 1'-0"	3120 CAVES ROAD OWINGS MILLS, MARYLAND 21117
LOGGIA PLAN & ELEVATIONS				

PET. EXHIBIT #8

Per Elevation #5





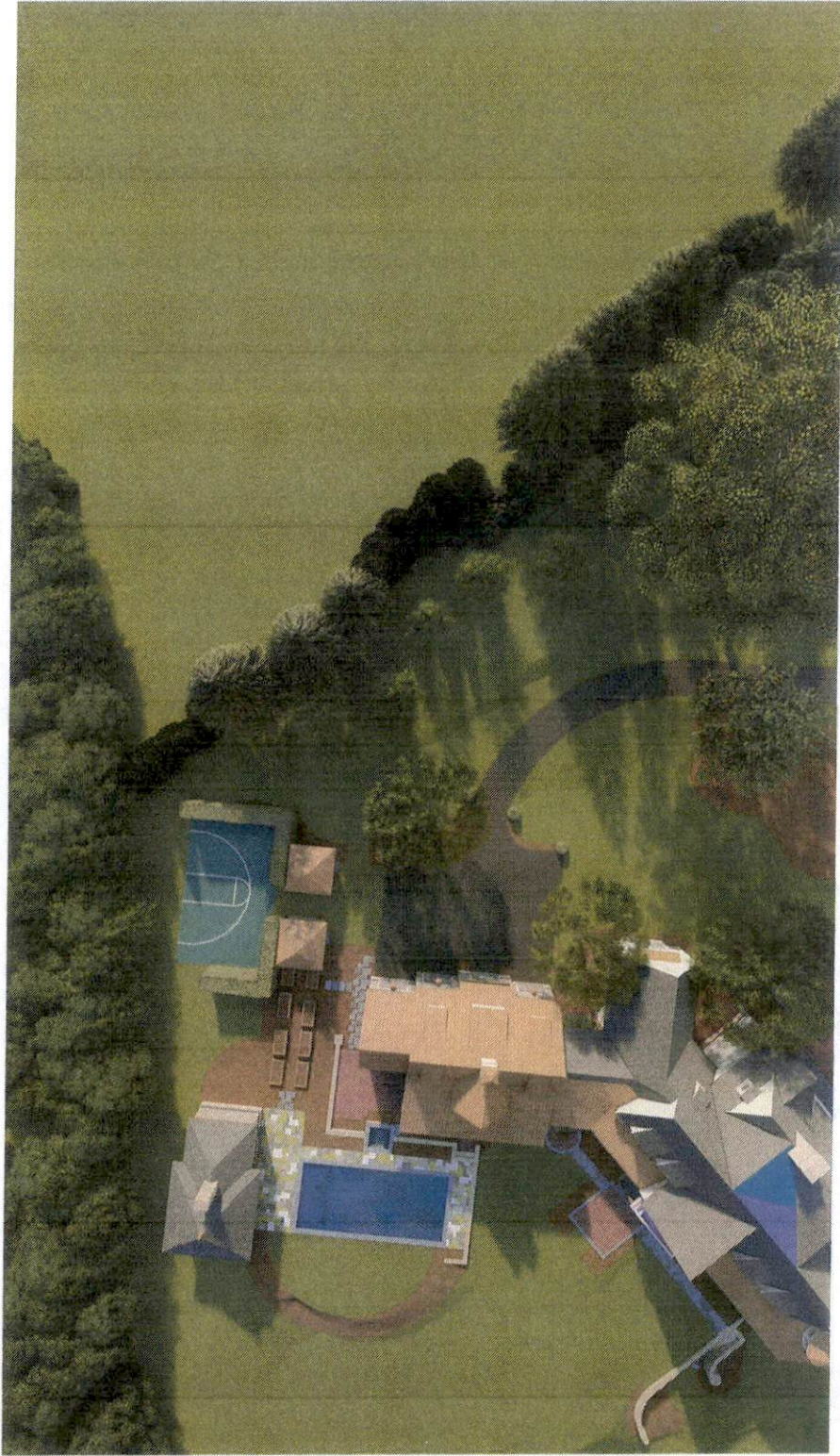
S-1.01 Scale: 1" = 20' North Arrow	 FOXBOROUGH, INC. 2010 MacArthur Road Baltimore, MD 21117 Tel: 410-455-5011 Fax: 410-455-5012	FINKELSTEIN RESIDENCE	
		3120 Caves Road Owings Mills, MD 21117 Site Plan	

PET EXHIBIT #10

Page 10



PET EXHIBIT # 11.1



Pet Elevation #11A



PET-EXHIBIT #11C



PET EXHIBIT #11D



Pet. Exhibit #11E



Pet. Exhibit # 11 F

FW: Case #2020-0287-A -additional exhibits

Donna Mignon

Sat 2/27/2021 3:45 PM

To:Maureen E Murphy <mmurphy@baltimorecountymd.gov>;

Cc:Debra Wiley <dwiley@baltimorecountymd.gov>;

3 attachments (4 MB)

Zoning hearing exhibits list.pdf; Pet exhibit #10.pdf; Pet exhibit #11.pdf;

Hi Maureen,

FYI...

I did save them in S drive and the FTP site.

From: Bruce Doak <bdoak@bruceedoakconsulting.com>

Sent: Saturday, February 27, 2021 10:20 AM

To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>

Cc: Donna Mignon <dmignon@baltimorecountymd.gov>; Brian Finkelstein <bfinkelstein@klnb.com>

Subject: Case #2020-0287-A -additional exhibits

CAUTION: This message from bdoak@bruceedoakconsulting.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,

I have enclosed a few additional exhibits to submit for the hearing and an amended Exhibits List.

Thanks as always for your help.

Bruce

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906

bdoak@bruceedoakconsulting.com

Land Use Expert & Surveyor

COMMENTS **Case**
#20220-0287-A

[illegible]

3-2-21
10AM

Debra Wiley

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Saturday, February 20, 2021 10:21 AM
To: Administrative Hearings
Subject: Case Posting Certs
Attachments: Posting cert 2020-0270-SPHA.pdf; Posting cert 2020-0275-SPHA.pdf; Posting cert 2020-0287-A.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

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

Enclosed are the 2nd posting cert for each of these cases:

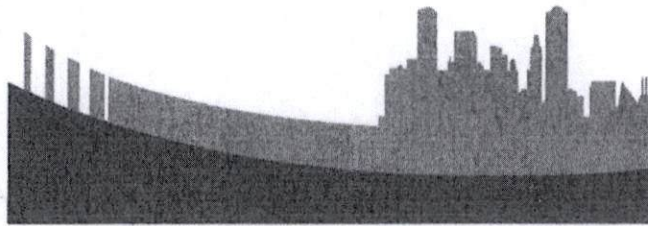
Case #2020-0270-SPHA

Case #2020-0275-SPHA

Case #2020-0287-A

Thanks

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com



CERTIFICATE OF POSTING

February 09, 2021

February 20, 2021 amended for second inspection

Re:

Zoning Case No. 2020-0287-A

Legal Owner: Brian & Kristen Finkelstein

Hearing date: Tuesday March 2, 2021

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **3120 Caves Road**.

The signs were initially posted on **February 9, 2021**.

The subject property was also inspected on **February 20, 2021**.

Sincerely,

A handwritten signature in black ink, appearing to read "B. E. Doak".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

3-2-21
10 Am

Donna Mignon

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Saturday, February 20, 2021 10:21 AM
To: Administrative Hearings
Subject: Case Posting Certs
Attachments: Posting cert 2020-0270-SPHA.pdf; Posting cert 2020-0275-SPHA.pdf; Posting cert 2020-0287-A.pdf

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

Enclosed are the 2nd posting cert for each of these cases:

Case #2020-0270-SPHA

Case #2020-0275-SPHA

Case #2020-0287-A

Thanks

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

Donna Mignon

From: Kristen L Lewis
Sent: Wednesday, February 3, 2021 10:34 AM
To: Debra Wiley; Donna Mignon
Subject: Webex 2020-0287-A

Good morning,

The following needs a webex event created, thank you.

Case number: 2020-0287-A
3120 Caves Road
Legal Owners: Brian & Kristen Finkelstein – bfinkelstein@klnb.com
Bruce Doak- Representative – bdoak@bruceedoakconsulting.com
3/2/21 at 10 a.m.

Kristen Lewis-Colts
PAI – Zoning Review
410-887-3391



Event Information

Event: Zoning Hearing - Case No: 2020-0287-A - 3120 Caves Road - Legal Owners: Brian & Kristen Finkelstein
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ee9576b7639fd4f05baf0bef363b9b5ee>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e6bcd0321f42e4b919250fb5a7b187500>
Date and time: Tuesday, March 2, 2021 10:00 am
 Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
 Case No: 2020-0287-A
 Address: 3120 Caves Road
 Legal Owners: Brian & Kristen Finkelstein
Event number: 180 712 8095
Event password: 1234
Host key: 141465
Alternate Host: Deb Wiley, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 766535
Video Address: 1807128095@baltimorecountymd.webex.com
 You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
 +1-415-655-0001
[Show all global call-in numbers](#)
 Access code: 180 712 8095
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No
Password required: No
Password:
Approval required: No
Custom registration form: No
After registration, go to URL:

Start Event Now

You can start the event by clicking Start Now.

[Start Now](#)

Send Event Email

You can send event emails by clicking Send Emails.

[Send Emails](#)
[Manage Registrations](#)
[Delete Event](#)
[Edit Event](#)

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - Case No: 2020-0287-A - 3120 Caves Road -
Legal Owners: Brian & Kristen Finkelstein
Location: [https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?](https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e69a1b813bfa0028f134ba58ebfd2eb4a)
MTID=e69a1b813bfa0028f134ba58ebfd2eb4a
Start: Tue 3/2/2021 10:00 AM
End: Tue 3/2/2021 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

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

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 180 712 8095

Tuesday, March 2, 2021 10:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e69a1b813bfa0028f134ba58ebfd2eb4a>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ec46c92f3e8b52c85480b3a05d89>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1807128095@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 766535

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=eb92cacb6a23c8373708d9aedb58550f5>

Need help? Go to <https://help.webex.com>

Donna Mignon

From: Donna Mignon
Sent: Wednesday, February 3, 2021 10:49 AM
To: Kristen L Lewis
Cc: Debra Wiley
Subject: Link - RE: Webex 2020-0287-A

Event Information

Event: Zoning Hearing - Case No: 2020-0287-A - 3120 Caves Road - Legal Owners:
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Date and time: Tuesday, March 2, 2021 10:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0287-A
Address: 3120 Caves Road
Legal Owners: Brian & Kristen Finkelstein
Event number: 180 712 8095
Event password: 1234
Host key: 141465
Alternate Host: Deb Wiley, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 766535
Video Address: 1807128095@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 180 712 8095
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No

Password required: No
Password:
Approval required: No
Custom registration form: No

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Wednesday, February 3, 2021 10:34 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Webex 2020-0287-A

Good morning,

The following needs a webex event created, thank you.

Case number: 2020-0287-A
3120 Caves Road
Legal Owners: Brian & Kristen Finkelstein – bfinkelstein@klnb.com
Bruce Doak- Representative – bdoak@bruceedoakconsulting.com
3/2/21 at 10 a.m.

Kristen Lewis-Colts
PAI – Zoning Review
410-887-3391

ZAC AGENDA

Case Number: 2020-0287-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Kristen F. Finkelstein & Brian E. Finkelstein
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 3120 CAVES RD

Location: North side of Caves Road West 385 feet to the center line of Linson Road.

Existing Zoning: RC 2

Area: 7.538 AC

Proposed Zoning:

VARIANCE:

To permit an accessory structure (pavilion) to have a height of 19 feet in lieu of the maximum height of 15 feet per Section 400.3.

To permit an accessory structure (recreational sport court) to be located in the side and front yard in lieu of the required rear yard per section 400.1 BCZR.

To permit an accessory structures (garden & potting shed) to be located in the side yard in lieu of the required rear yard per section 400.1 BCZR.

To permit an accessory structures (sports shed) to be located in the front yard in lieu of the required rear yard per section 400.1 BCZR.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

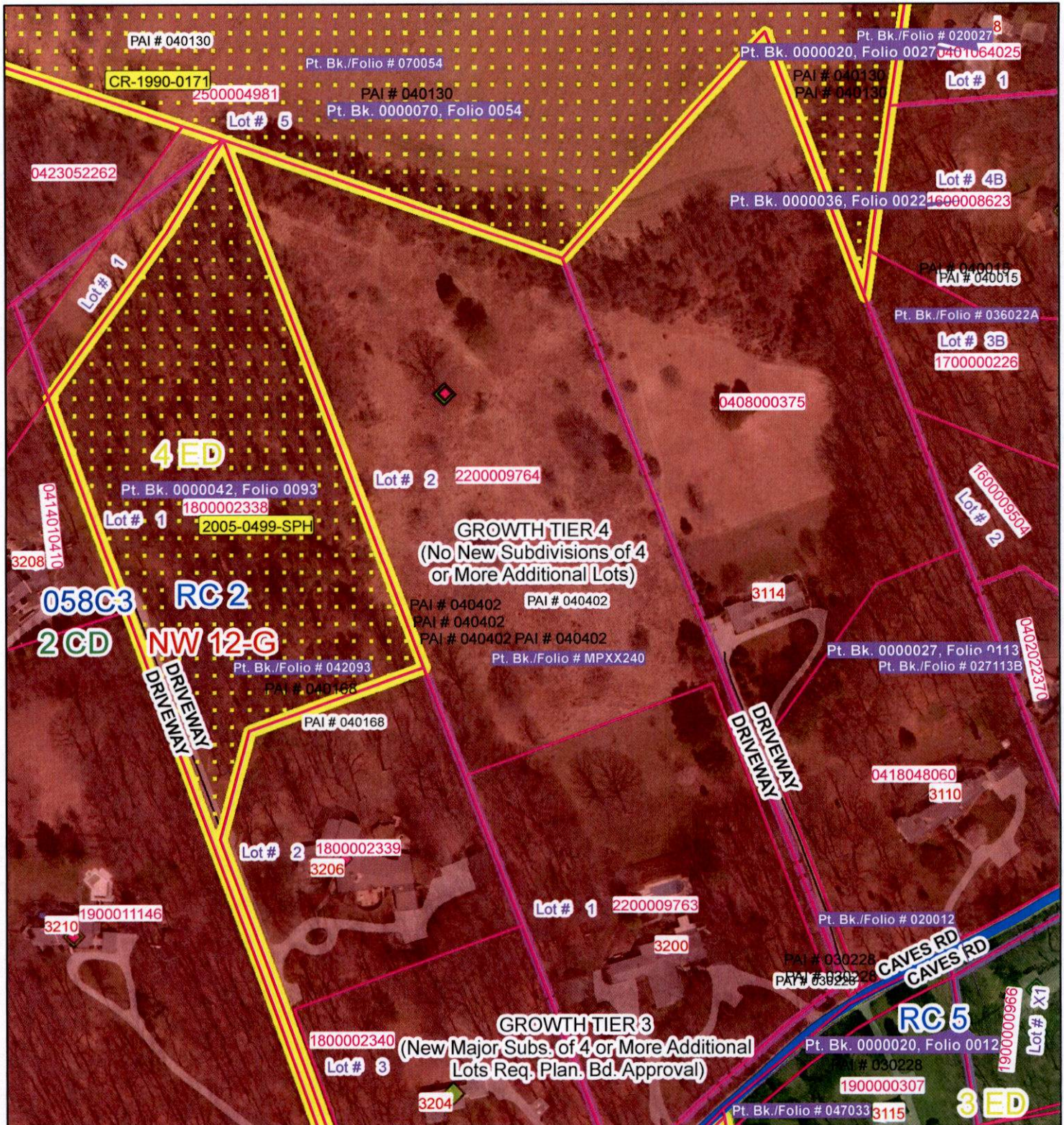
Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 04 Account Number - 2200009764			
Owner Information					
Owner Name:	FINKELSTEIN KRISTIN F FINKELSTEIN BRIAN E		Use:	RESIDENTIAL	
Mailing Address:	2307 A RIDGE RD REISTERSTOWN MD 21136-		Principal Residence:	NO	
			Deed Reference:	/40940/ 00075	
Location & Structure Information					
Premises Address:	3120 CAVES RD OWINGS MILLS 21117-		Legal Description:	7.545 AC NSR CAVES R 400 SW LINDEN RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0058	0024	0320	4050043.04	0000	
					Block:
					2
					Assessment Year:
					2019
					Plat No:
					MS
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				7.5400 AC	
				County Use	
				04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
					Garage
Last Notice of Major Improvements					
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2019		07/01/2020
					As of
					07/01/2021
Land:	194,600		194,600		
Improvements	0		0		
Total:	194,600		194,600		194,600
Preferential Land:	0		0		194,600
Transfer Information					
Seller: 3120 CAVES LLC		Date: 12/07/2018		Price: \$649,000	
Type: ARMS LENGTH VACANT		Deed1: /40940/ 00075		Deed2:	
Seller: REVER BRENDA LIPITZ		Date: 11/03/2004		Price: \$100,000	
Type: ARMS LENGTH VACANT		Deed1: /20927/ 00061		Deed2:	
Seller: LIPITZ ROGER C		Date: 02/24/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /17570/ 00064		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2020		07/01/2021	
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:	

3120 Caves Road



Publication Date: 11/25/2020



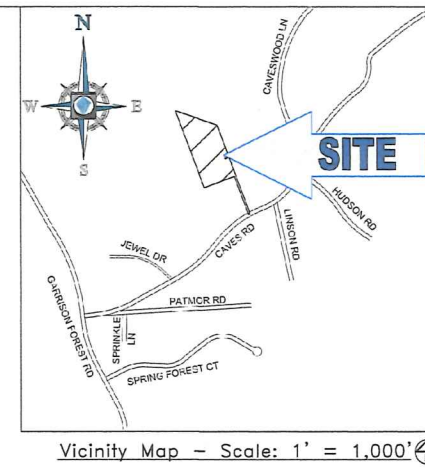
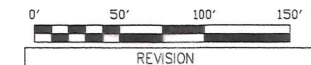
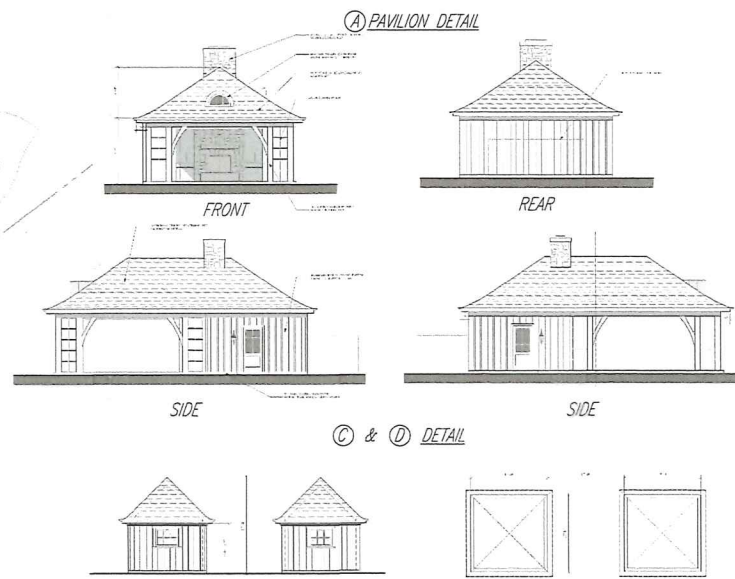
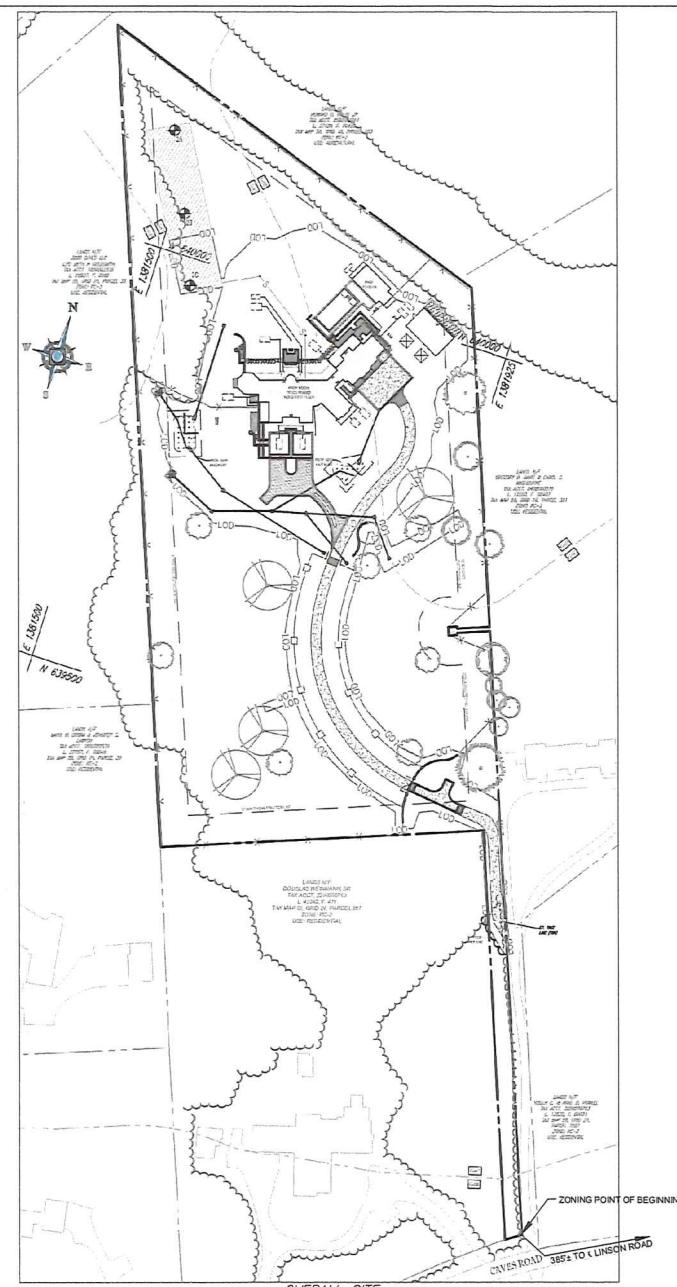
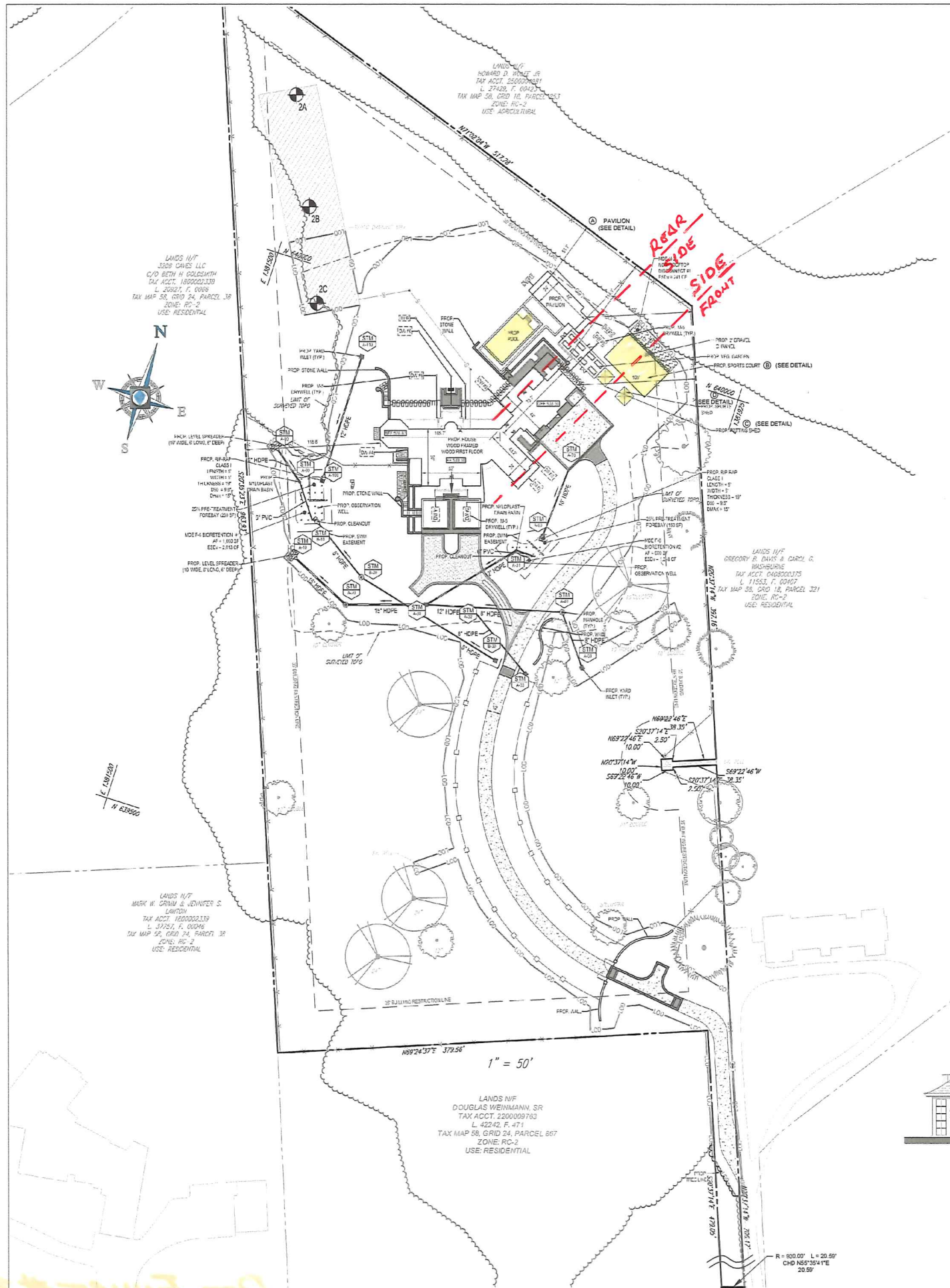
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 55 110 220 330 440 Feet

1 inch = 200 feet

2020-6287-A



GENERAL SITE INFORMATION

- Ownership: Kristin F. Finkelstein & Brian E. Finkelstein
- Address: 2307A Ridge Road Reisterstown, MD 21136
- Deed references: JLE 40940/ 75
- Area: 7.538 acres (per 40940/ 75)
- Tax Map / Parcel / Tax account #: 58 / 320 / 22-00009764
- Election District: 4 Councilmanic District: 2
- ADC Map: 4576K3 GIS tile: 058C3 Position sheet: 46NW27
- Census tract: 404900 Census block: 240054049002
- Schools: Woodholme ES Pikesville MS Owings Mills HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 058C3 and the information provided by Baltimore County on the Internet.
- Improvements: Vacant (house under construction)

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject property.

R.C. 2 Setbacks for Residential Buildings & Accessory Structures

Residence

Front: 75 feet from the centerline of the road

Side / Rear: 35 feet from the property line

Accessory Structures

2.5 feet from the permitted property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

- The new house will be served by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307

- The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

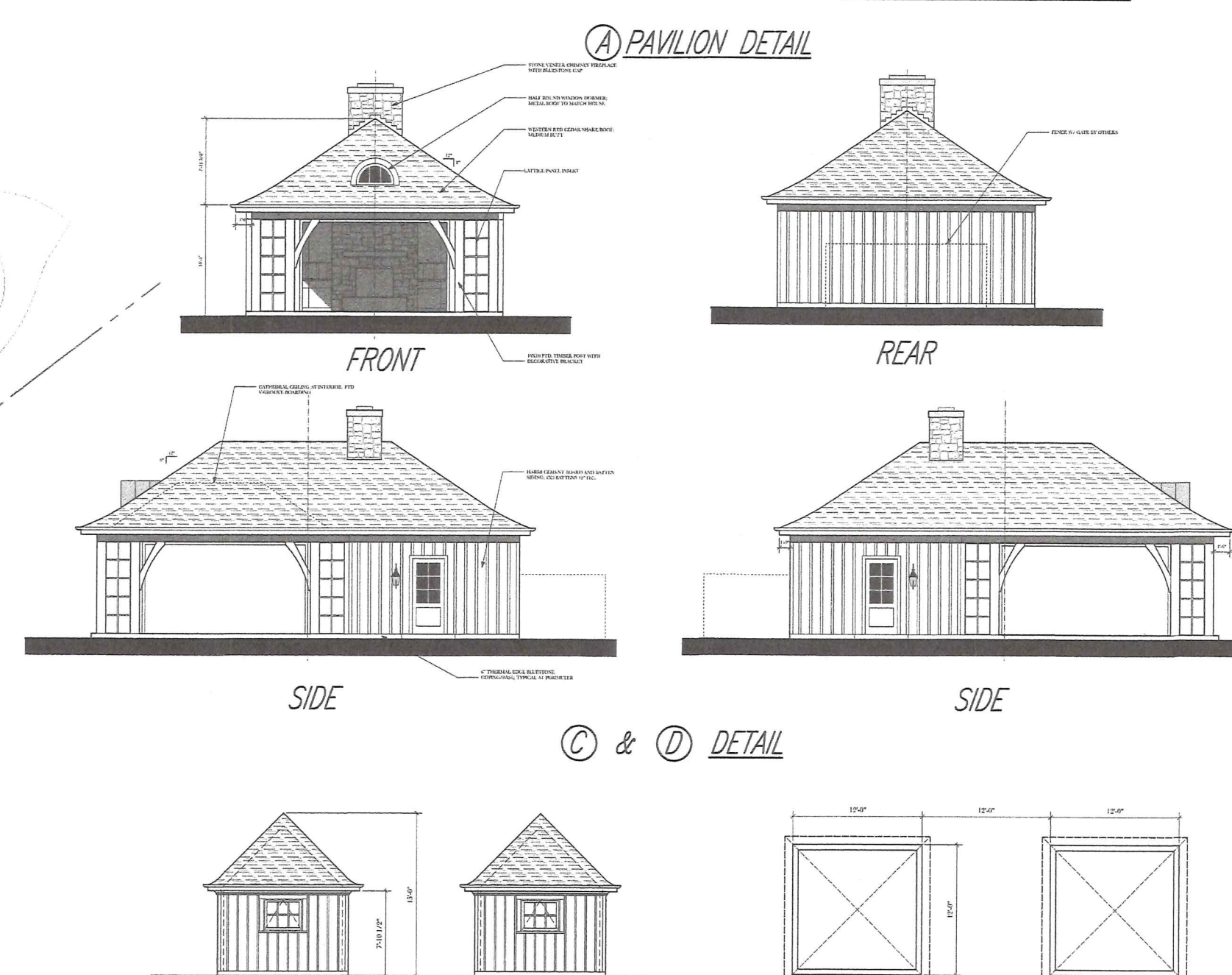
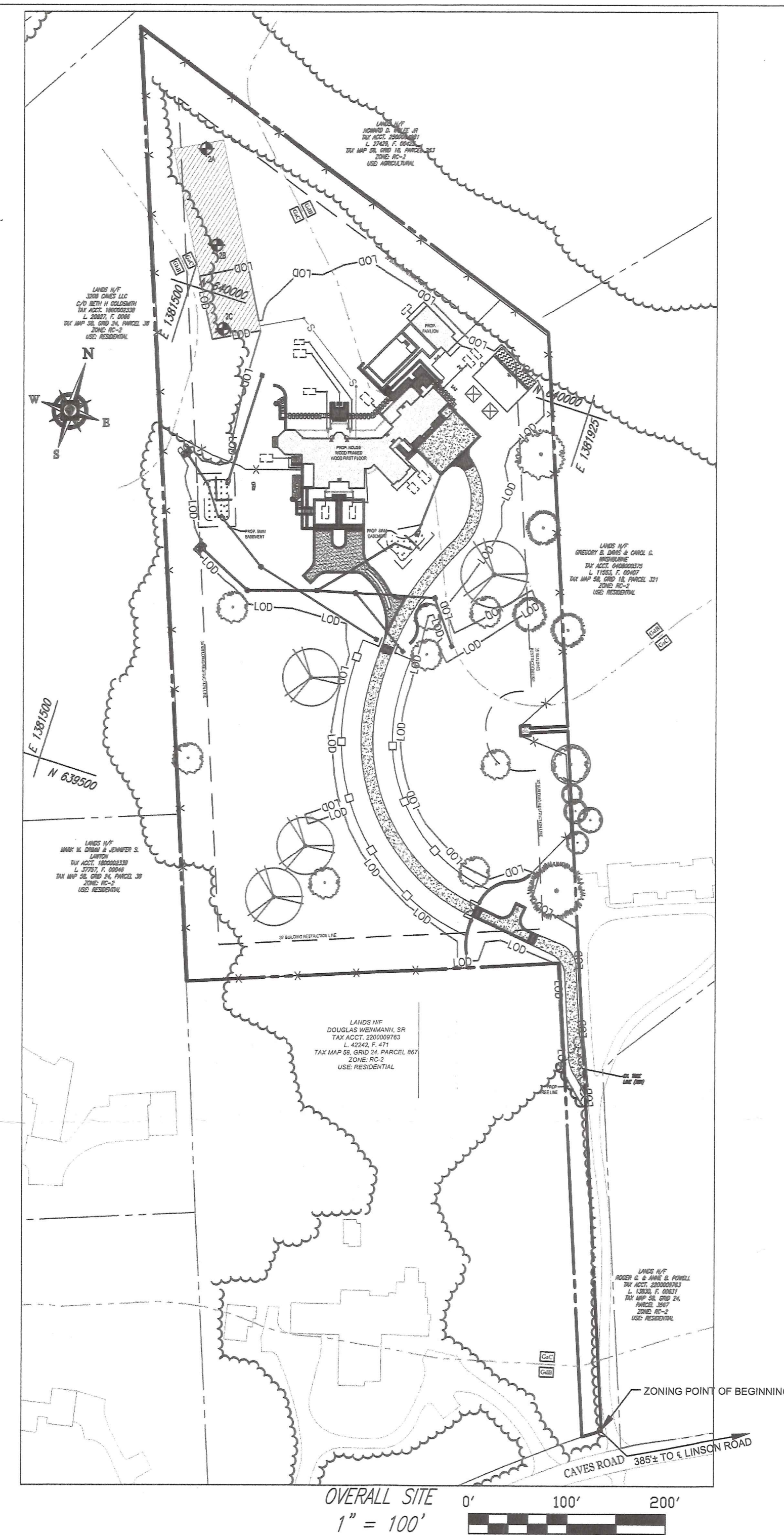
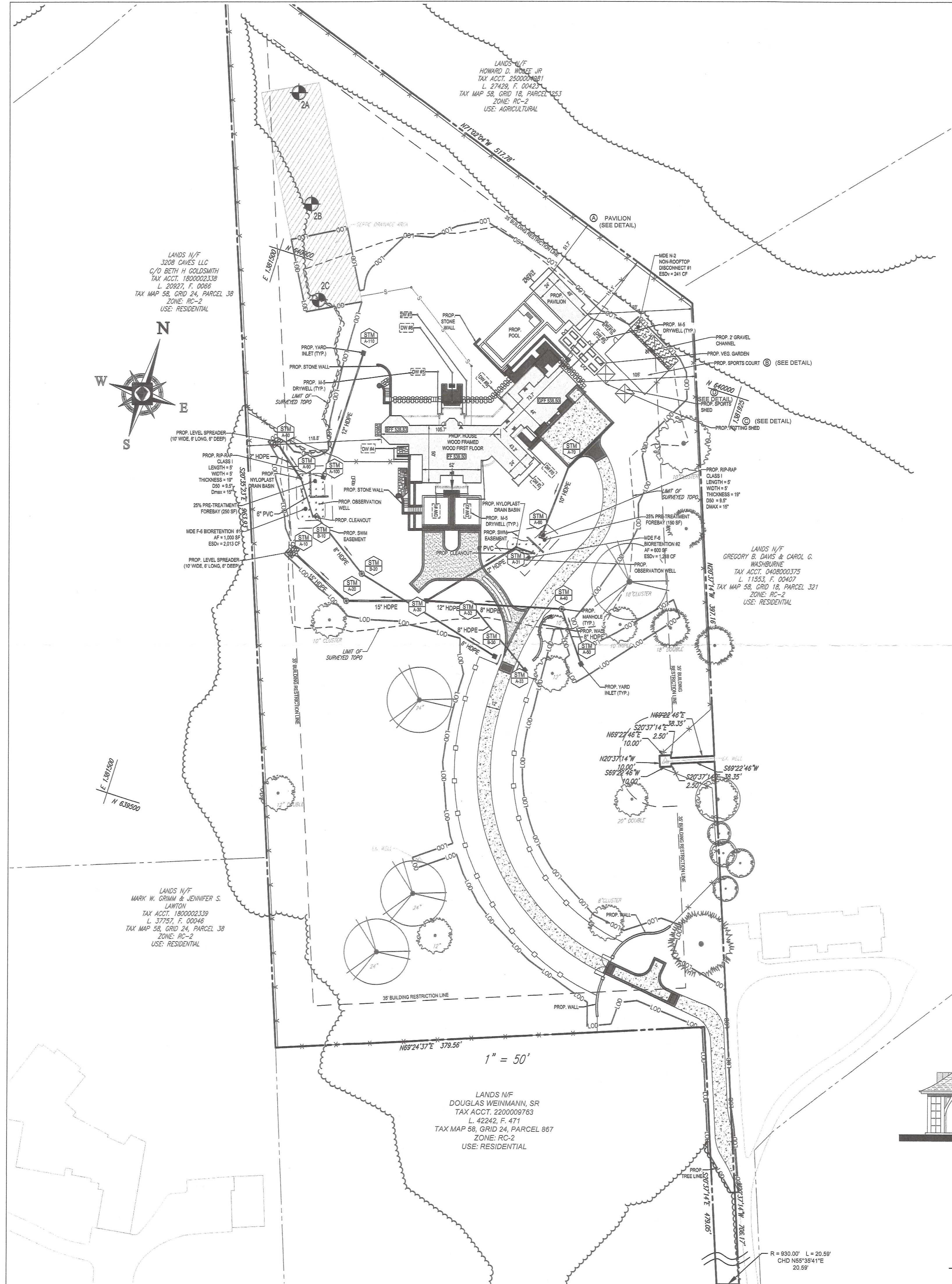
To construct accessory buildings and a sport court on a 7.538 acre parcel of land while a house is being constructed.

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3601 Baker Schoolhouse Road
Frodo, MD 21058
443-900-5535 M 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION
FOR
#3120 CAVES ROAD
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 11/8/20
Scale: 1" = 50'

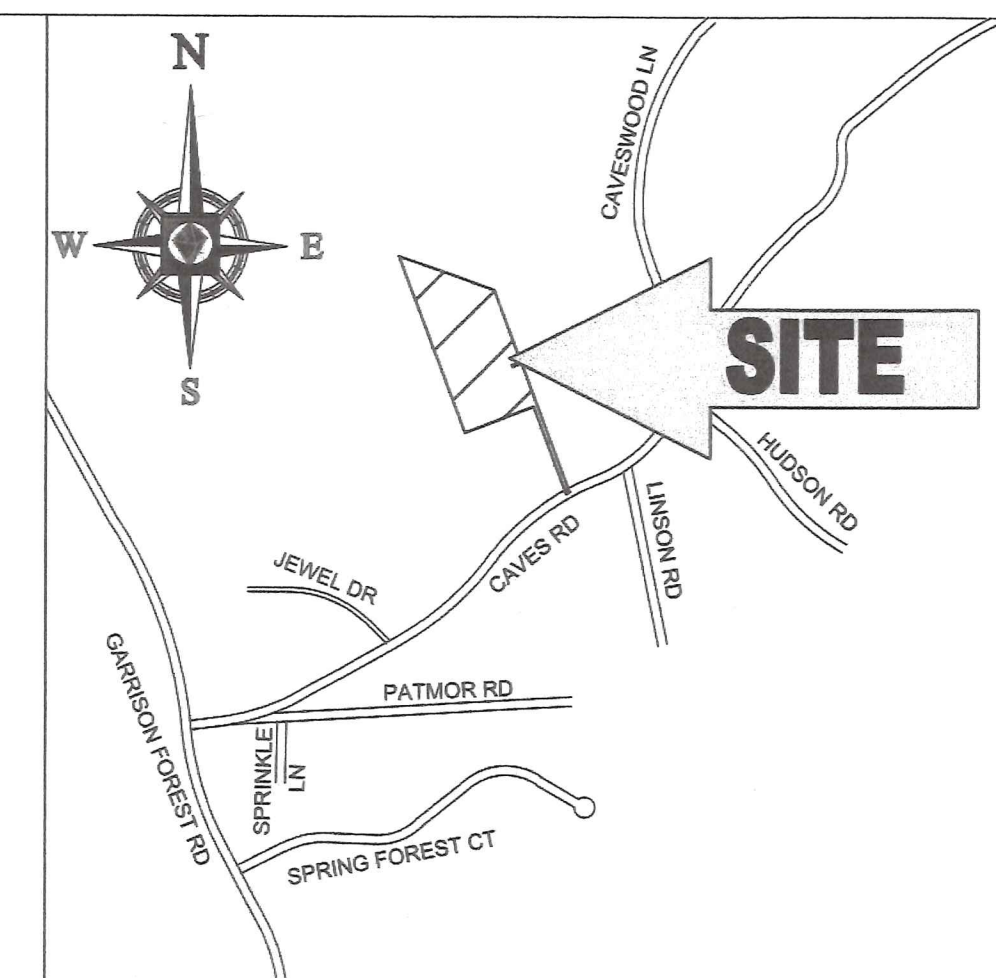
PET. EXHIBIT #1



② SPORTS COURT DETAIL
(30' x 50')



0' 50' 100' 150'
REVISION



Vicinity Map - Scale: 1" = 1,000'

GENERAL SITE INFORMATION

- Ownership: Kristin F. Finkelstein & Brian E. Finkelstein
2307A Ridge Road Reisterstown, MD 21136
- Address: 3120 Caves Road Owings Mills, MD 21117
- Deed references: JLE 40940/75
- Area: 7.538 acres (per 40940/75)
- Tax Map / Parcel / Tax account #: 58 / 320 / 22-0009764
- Election District: 4 Councilmanic District: 2
- ADC Map: 4576K3 GIS tile: 058C3 Position sheet: 46NW27
Census tract: 404004 Census block: 240054049002
Schools: Woodholme ES Pikesville MS Owings Mills HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 058C3 and the information provided by Baltimore County on the internet.
- Improvements: Vacant (house under construction)

OFFICE OF ZONING

Zoning: R.C. 2 There are no previous zoning cases on the subject property.

R.C. 2 Setbacks for Residential Buildings & Accessory Structures

Residence
Front: 75 feet from the centerline of the road
Side / Rear: 35 feet from the property line

Accessory Structures
2.5 feet from the permitted property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

- The new house will be served by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307

- The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct accessory buildings and a sport court on a 7.538 acre parcel of land while a house is being constructed.

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY A
ZONING PETITION

FOR
#3120 CAVES ROAD

BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 11/8/20

Scale: 1" = 50'

