



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

January 23, 2023

Mark Epstein – mark@eppylaw.com
10535 Park Heights Avenue
Owings Mills, MD 21117

RE: **AMENDED OPINION AND ORDER**
Case No. 2022-0301-A
Property: 10535 Park Heights Avenue

Dear Mr. Epstein:

Enclosed please find a copy of the 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,

A handwritten signature in black ink that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Erica Wunderlich, AIA – ericaw@levinbrown.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(10535 Park Heights Avenue)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Mark Epstein	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2022-0301-A

* * * * *

AMENDED OPINION AND ORDER¹

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Mark Epstein (“Petitioner”). The Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3: To permit a proposed accessory structure (garage) to be located in the front yard in lieu of the required rear yard only, and to permit a height of 19 ft. in lieu of the maximum permitted height of 15 ft. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 1, 2023 and there being no request for a public hearing, a decision

¹ After entering the original Opinion and Order this Office received an email from Petitioner’s architect, Erica Wunderlich. The County Council and People’s Counsel were copied. Ms. Wunderlich explained that the Petitioner proposes to have a bathroom in the proposed gym building and requested that this restriction be stricken from the Order. She also explained that she understands that the Ground Water Management section of DEPS will need to approve the capacity of the existing septic facilities before issuance of building permits. I find that, given this review by DEPS, that the proposed bathroom is within the spirit and intent of the zoning regulations and that it will not harm the public health, safety or welfare. The restriction on bathroom facilities in the gym will therefore be stricken.

shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

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

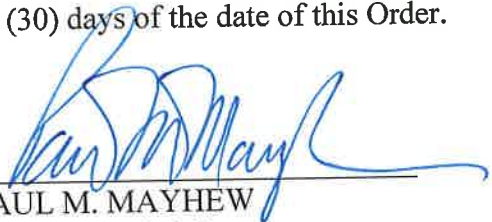
THEREFORE, IT IS ORDERED, this 23rd day of **January, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") §§ 400.1 and 400.3: To permit a proposed accessory structure (garage) to be located in the front yard in lieu of the required rear yard only, and to permit a height of 19 ft. in lieu of the maximum permitted height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits 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 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Prior to issuance of building permits Petitioner shall obtain approval of the septic facilities' capacity from DEPS.

- Prior to issuance of building permits Petitioner shall obtain approval of the septic facilities' capacity from DEPS.
- Petitioner or subsequent owners shall not convert the proposed garage, if detached, into a dwelling unit or apartment. The proposed garage, if detached, shall not contain any sleeping quarters, living area, or kitchen facilities.
- The proposed garage, if detached, shall not be used for commercial purposes.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

January 23, 2023

Mark Epstein – mark@eppylaw.com
10535 Park Heights Avenue
Owings Mills, MD 21117

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Case No. 2022-0301-A
Property: 10535 Park Heights Avenue

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Sincerely,

A blue ink signature of Paul M. Mayhew, written in a cursive style.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Erica Wunderlich, AIA – ericaw@levinbrown.com

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(10535 Park Heights Avenue)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
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Mark Epstein	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2022-0301-A
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The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 1, 2023 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to

indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

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

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

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 12, 2023

FROM: Vishnu Desai, Supervisor
EFC for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0299-A

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

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

*

*

*

*

*

VKD: cen

cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: January 12, 2023

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0300-SPH

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

Per Baltimore County DPW&T's review, Baltimore County Code 32-8 defines lot line adjustments as development. Highway widening must be dedicated to Baltimore County as part of the development process. All drawings, recordation, etc. associated with the dedication are at the developers expense.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 12, 2023

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0302-A

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

Per Baltimore County DPW&T's review, the plan submitted shall be revised to show the existing utilities and associated easements on the property. Based on Baltimore County records, the proposed garage will be located over an existing sewer main. The garage shall not be located in the easements and/or must be located so the zone of influence of the garage foundation does not impact any existing Baltimore County maintained utilities.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: ^{EFC for VKD}
Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: January 12, 2023

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0304-X

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

If Special Exemption is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** January 10, 2023
Department of Permits, Approvals
EFL for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item Nos: 2022-0298-A, 0301-A & 0303-SPH

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

*

*

*

*

*

VKD: cen
cc: file

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/1/2023

Case Number: 2022-0301-A

Petitioner / Developer: ERICA WUNDERLICH, AIA ~ MARK EPSTEIN

Date of Closing: JANUARY 6, 2023

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:
10535 PARK HEIGHTS AVENUE

The sign(s) were posted on: JANUARY 1, 2023



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



Background Photo 1st Sign @ 10535 Park Heights Avenue ~ 1/1/2023



Background Photo 2nd Sign @ 10535 Park Heights Avenue ~ 1/1/2023
CASE # 2022-0301-A

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING January 2, 2023
FORMAL OR INFORMAL RESPONSE DUE AT January 9, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2022-0298-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Robert and Denise Schubert
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 3413 FIELDING RD

Location: Property located on the South side of Fielding Rd.; 172 feet East of Dorian Rd.

Existing Zoning: DR 2 (VESTED R-20)

Area: 20,037

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.3.B and 205.3 (R20) of the 1958 BCZR: To permit an existing carport to be converted to an enclosed 2 car garage with a right side setback of 8 feet in lieu of the minimum 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/09/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0299-A **Reviewer:** Jason Seidelman

Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL

Type: VARIANCE

Legal Owner: McDonald's Corporation

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 2222 DUNDALK AVE

Location: Property located Northwest corner of intersection of Dundalk Ave. (125 feet) and Sunshine Rd. (40 feet)

Existing Zoning: BL

Area: .08572 ACRE

Proposed Zoning:

VARIANCE:

- 1.) BCZR 409.9: To permit 35 parking spaces in lieu of the required 69 parking spaces;
- 2.) BCZR 450.4: To permit three (3) menu board signs in lieu of the allowed two (2) signs;
- 3.) BCZR 409.8.A(1): To permit a 4.1 foot landscape strip in lieu of the 5.5 foot landscape strip previously approved in Zoning Case No. 2010-0099-A; and
- 4.) For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Attorney: Adam Baker

Prior Zoning Cases: 1985-0275-A; 1988-0531-A; 2010-0099-A

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0300-SPH **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Timothy and Pamela Van Pelt
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 7210 RIVER DRIVE RD

Location: Property located on the West side of Deer Park Rd. 1,220 feet from the centerline of Dolfield Rd.

Existing Zoning: RC 4 **Area:** 1.2 ACRES

Proposed Zoning:

SPECIAL HEARING:

- 1.) BCZR 500.7: To determine if a property merger has occurred.
- 2.) BCZR 500.7: To confirm if existing undersized lots have building rights.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Note to file.

ZAC AGENDA

Case Number: 2022-0301-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Mark Epstein
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 10535 PARK HEIGHTS AVE

Location: Property located on the East side of Park Heights Ave., North 1,000 feet to centerline of Greenspring Valley Rd.

Existing Zoning: RC 2 **Area:** 3.9 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and BCZR 400.3: To permit a proposed Accessory building (garage) to be located in the front yard in lieu of the required rear yard only, and to permit a height of 19 feet in lieu of the maximum permitted height of 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/16/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0302-A **Reviewer:** Shaun Crawford

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Brandon Williams and Sara Pippen

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 401 VOGTS LN

Location: Property located beginning at the Northwest side of Vogts Lane at a distance of 1,244 feet Northwest of Cape May.

Existing Zoning: DR 3.5

Area: 21,322 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 & 400.3: To approve an accessory building (garage) with a front yard placement and total height of 24 feet in lieu of the rear yard only placement and maximum height of 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/16/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0303-SPH **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Ana Guerrero and Blanca Guerrero Decontreras
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 7601 CYPRESS AVE

Location: Property located at the corner of Cypress Ave. and Southern Ave. on the Southeast corner of Lot # 335 and 336.

Existing Zoning: DR 5.5 **Area:** 12,720 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To determine whether or not the Zoning Commissioner should approve an accessory in-law apartment in a separate accessory building (garage) on the property.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2022-0304-X **Reviewer:** Mitchell Kellman
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL EXCEPTION
Legal Owner: Baltimore Harford, LLC.
Contract Purchaser: WashX, LLC.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 9305 9309 HARFORD RD

Location: Property located on the corner of Southeast side of Hartford Rd., Southwest side of 2nd Ave.

Existing Zoning: BL-AS, BM-AS **Area:** .89 ACRES

Proposed Zoning:

SPECIAL EXCEPTION:

To use the herein described property for a car wash in the BM AS and BL AS zones.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

receipt Sent to Attorney



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 10535 Park Heights Avenue, Owings Mills, MD 21117 Currently zoned RC 2
 Deed Reference 44955 / 00018 10 Digit Tax Account # 1700013757
 Owner(s) Printed Name(s) Mark Epstein

(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)

400.1 Accessory structures shall be located in the rear yard.
 400.3 Accessory buildings shall not exceed 15'

SEE Attached

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):

Mark Epstein

Name #1 – Type or Print

Name #2 – Type or Print

[Signature]

Signature #1

Signature #2

10535 Park Heights Ave Owings Mills Maryland
 Mailing Address City State

21117 / (410) 627-2222 / mark@epplaw.com
 Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Erica Wunderlich, AIA

Name- Type or Print

[Signature]

Signature

15 Greenspring Valley Rd Owings Mills Maryland
 Mailing Address City State

21117 / (410) 241-5293 / ericaw@levinbrown.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 2022-0301-A

Filing Date 12/24/22

Estimated Posting Date 1/1/23

Reviewer gh

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: 10535 Park Heights Ave Owings Mills Maryland 21117
Print or Type Address of property City State Zip Code

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

The existing attached garage on the property is located in the front/side yard due to the orientation of the existing residence. The rear of the property is currently not accessible by car and is not located near the existing driveway. Therefore we request locating the new garage and gym nearest to the existing garage & driveway as it is undue hardship to locate it in the rear yard.

The height restriction of 15' doesn't allow for the architecture to match the existing house. The hip roof design on the new accessory structures has been designed to match the existing garage and house, and therefore the new ridge is proposed to be +/-19' in height in order to match the existing hip roof pitches.

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

Signature of Owner (Affiant)

Signature of Owner (Affiant)

Mark Epstein

Name- Print or Type

Name- Print or Type

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

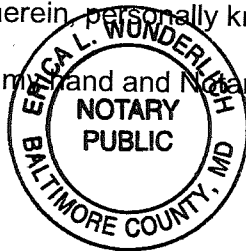
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of DECEMBER, 2022, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: MARY EPSTEIN

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

AS WITNESS my hand and Notaries Seal



Notary Public

My Commission Expires

My commission expires on 1.19.23

REV. 5/5/2016

2022-0301-A

2022-0301-A

Administrative Variance from sections 400.1 & 400.3 of The BCZR:

To permit a proposed Accessory structure (garage) to be located in the front yard in lieu of the required rear yard, and to permit a height of 19 feet in lieu of the maximum permitted height of 15 feet.

ZONING PROPERTY DESCRIPTION FOR 10535 PARK HEIGHTS AVENUE, OWINGS MILLS, MD 21117

Beginning at a point on the EAST side of PARK HEIGHTS AVE which is 50' wide at a distance of +/-1000' NORTH of the centerline of the nearest improved intersecting street of GREENSPRING VALLEY ROAD which is 100' wide ROW.

Thence the following courses and distances: (1st Point of Call POC) N 54°-35'-58" E 147.10', N45°-58'-28" E 100', N 32°-08'-28" E 89', N 18°-33'-58" E 76.80', N 11°-12'-58" E 467.00', N 06°-06'-28" E 139.07', N 78°-29'-06" E 401.48', S 17°-18'-35" E 290.04', S 72°-21'-16" W 288.68', S 16°-39'-45" E 44.01', S 72°-21'-16" W 529.63' back to the point of beginning as recorded in map 0068, grid 0002, parcel 0009 containing 3.99 acres. Located in the 3rd election district and 2nd council district.

2022-0301-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2022-0301-A Address 10535 Park Height Ave

Contact Person: Gary Huai Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/22/23 Posting Date: 1/1/23 Closing Date: 1/16/23

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

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

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2022-0301-A Address 10535 Park Height Ave

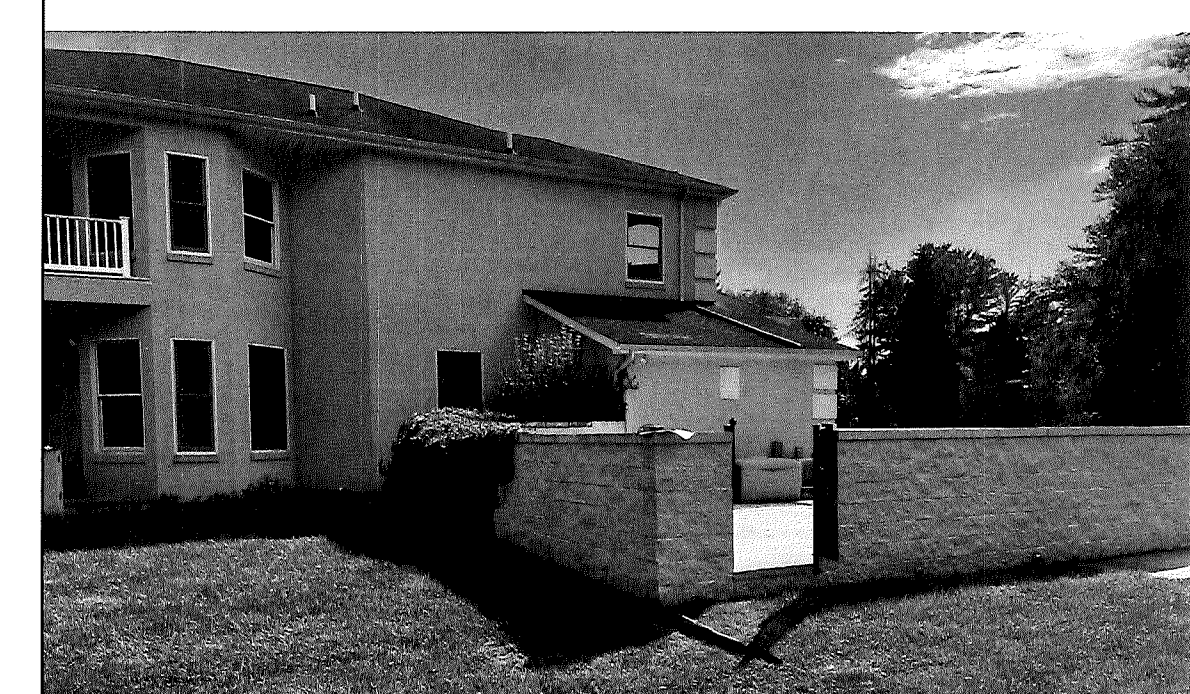
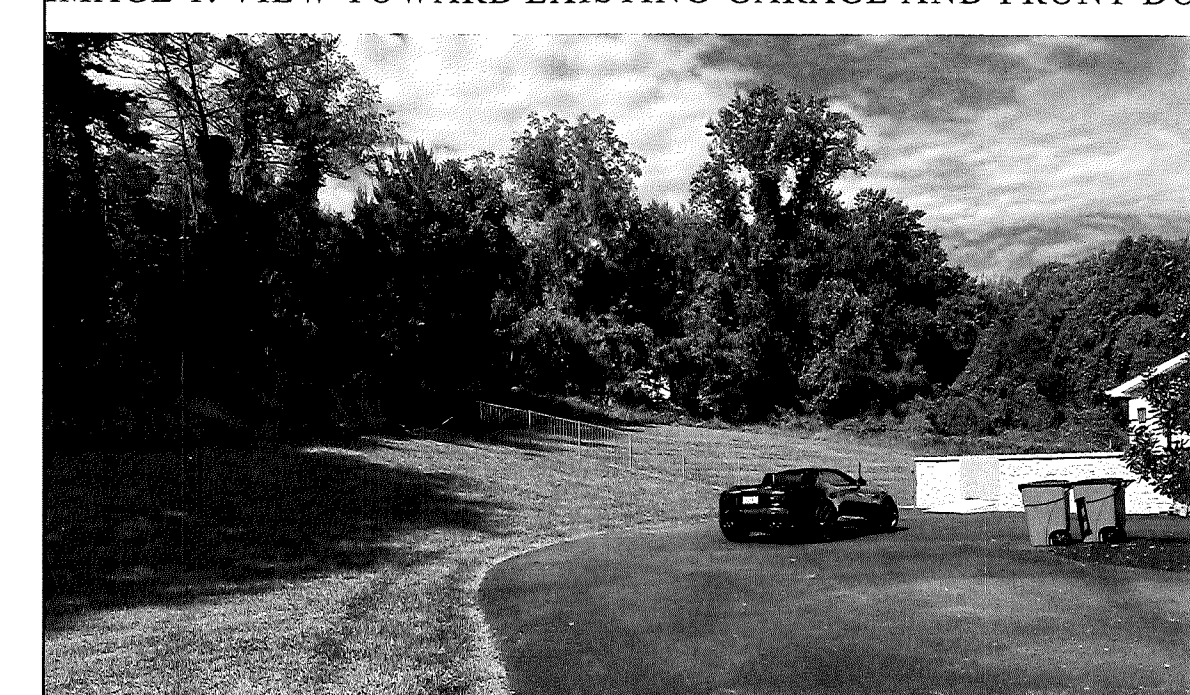
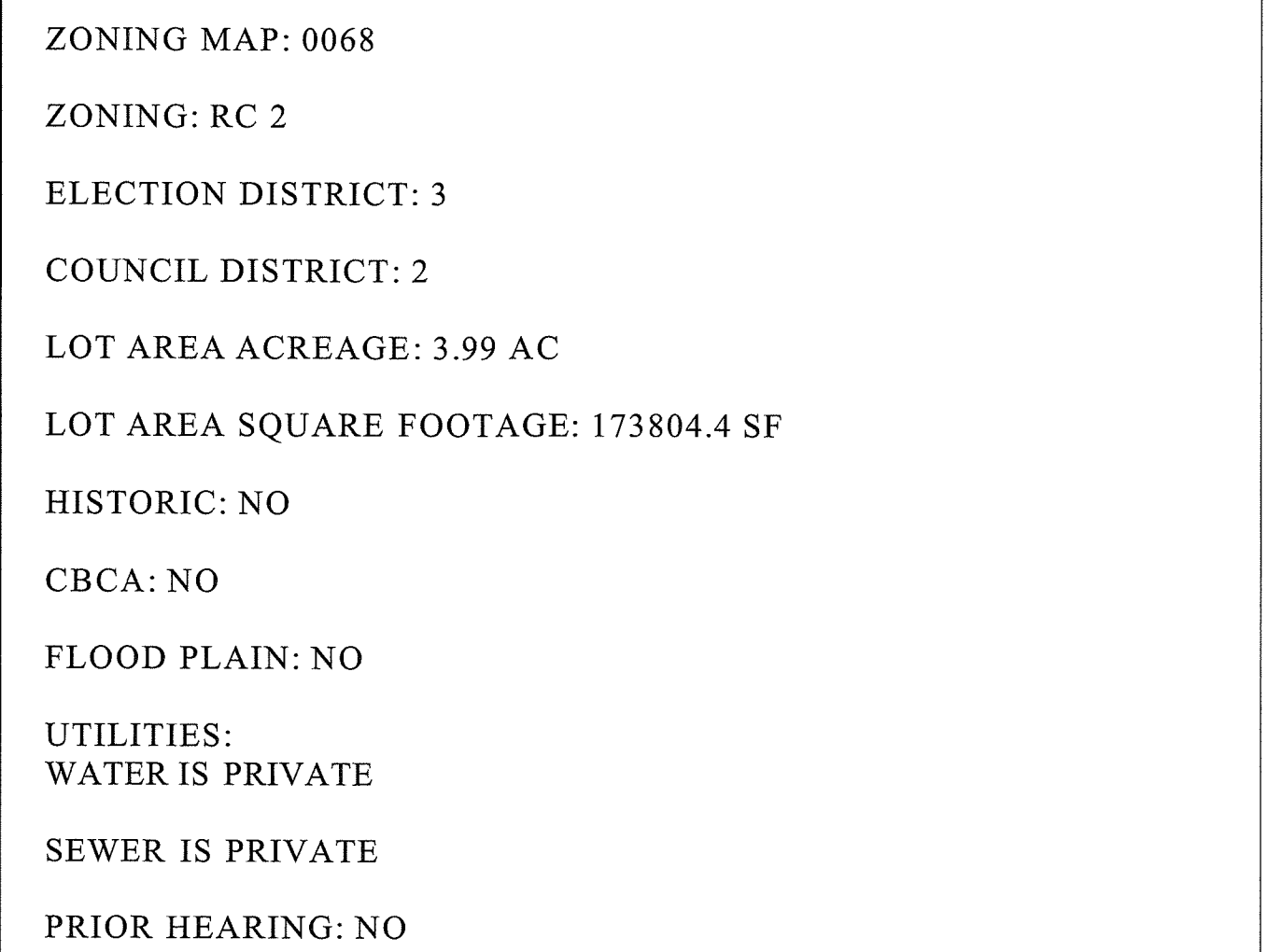
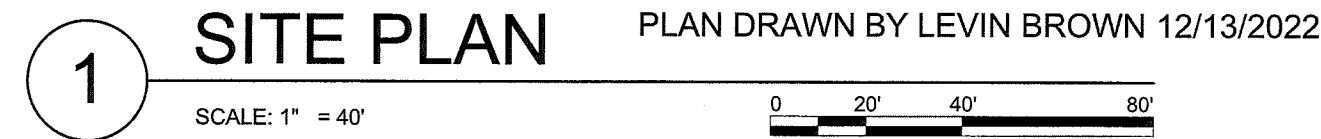
Petitioner's Name: Mark Epstein Telephone (Cell) 410-627-2222

Posting Date: 1/1/23 Closing Date: 1/16/23

Wording for Sign: To Permit _____

To permit a proposed Accessory structure (garage) to be located in the front yard in lieu of the required rear yard, and to permit a height of 19 feet in lieu of the maximum permitted height of 15 feet.

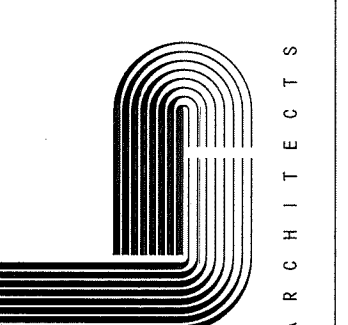
12/16/2022, 2:06 PM, C:\Users\Erica\N\B\A\Desktop\5821-EPSTEIN Residenc.pdf, © Levin/Brown & Associates, Inc.



EPSTEIN RESIDENCE
10535 PARK HEIGHTS AVENUE, OWINGS MILLS, MARYLAND 21117
Zoning Plat for Variance

DATE	<DATEOFISSUE>
PROJECT NUMBER	6821

Levin/Brown & Associates, Inc.
15 Greenspring Valley Road
Owings Mills, Maryland 21117-4101
Telephone: (410) 581-0104, Fax: (410) 581-0108
www.levinbrown.com



SHEET NUMBER

Z-1

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22-1204 GH

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 10535 Park Heights Avenue, Owings Mills, MD 21117 Currently zoned RC 2
Deed Reference 44955 / 00018 10 Digit Tax Account # 1700013757
Owner(s) Printed Name(s) Mark Epstein

(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)

400.1 Accessory structures shall be located in the rear yard.
400.3 Accessory buildings shall not exceed 15'

SEE
Attached

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):

Mark Epstein

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

10535 Park Heights Ave Owings Mills Maryland
Mailing Address City State

21117 / (410) 627-2222 / mark@eppylaw.com
Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Erica Wunderlich, AIA

Name- Type or Print

Signature

15 Greenspring Valley Rd Owings Mills Maryland
Mailing Address City State

21117 / (410) 241-5293 / ericaw@levinbrown.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 2022-0301-A

Filing Date 12/24/22

Estimated Posting Date 1/1/23 Reviewer gh

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: 10535 Park Heights Ave Owings Mills Maryland 21117
Print or Type Address of property City State Zip Code

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

The existing attached garage on the property is located in the front/side yard due to the orientation of the existing residence. The rear of the property is currently not accessible by car and is not located near the existing driveway. Therefore we request locating the new garage and gym nearest to the existing garage & driveway as it is undue hardship to locate it in the rear yard.

The height restriction of 15' doesn't allow for the architecture to match the existing house. The hip roof design on the new accessory structures has been designed to match the existing garage and house, and therefore the new ridge is proposed to be +/-19' in height in order to match the existing hip roof pitches.

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

Signature of Owner (Affiant)

Signature of Owner (Affiant)

Mark Epstein

Name- Print or Type

Name- Print or Type

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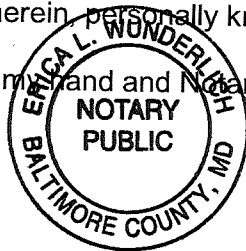
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of DECEMBER, 2022, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: MARY EPSTEIN

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

AS WITNESS my hand and Notaries Seal



Notary Public

My Commission Expires

My commission expires on 1.19.23

REV. 5/5/2016

2022-0301-A

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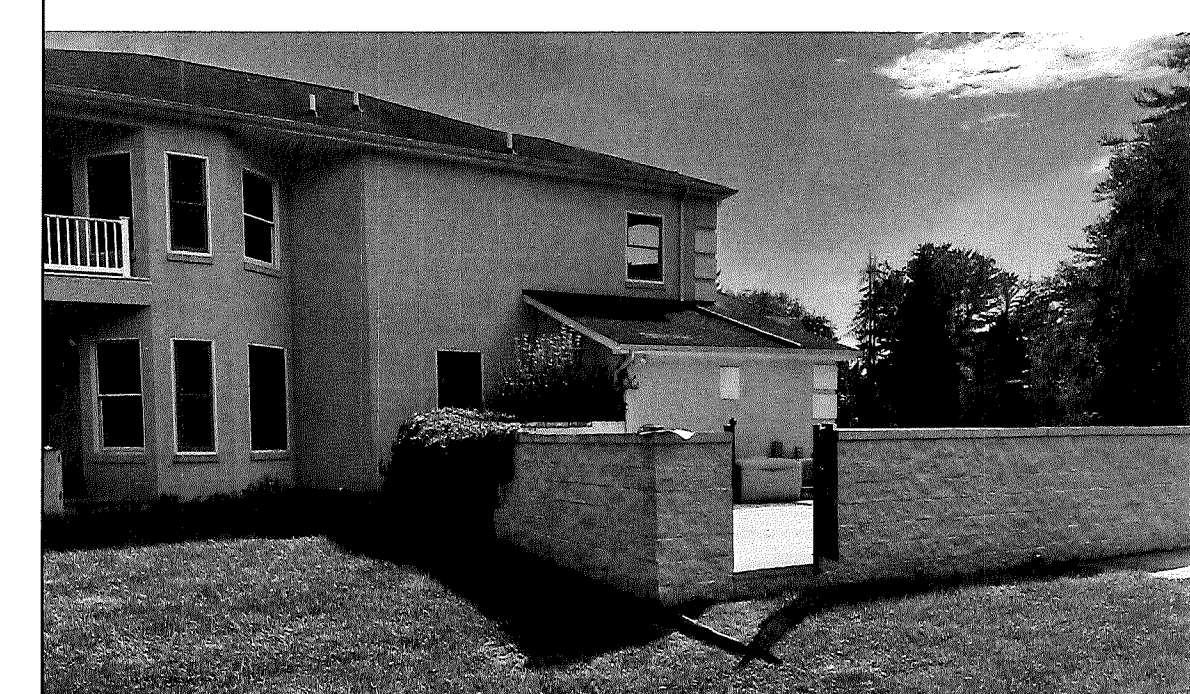
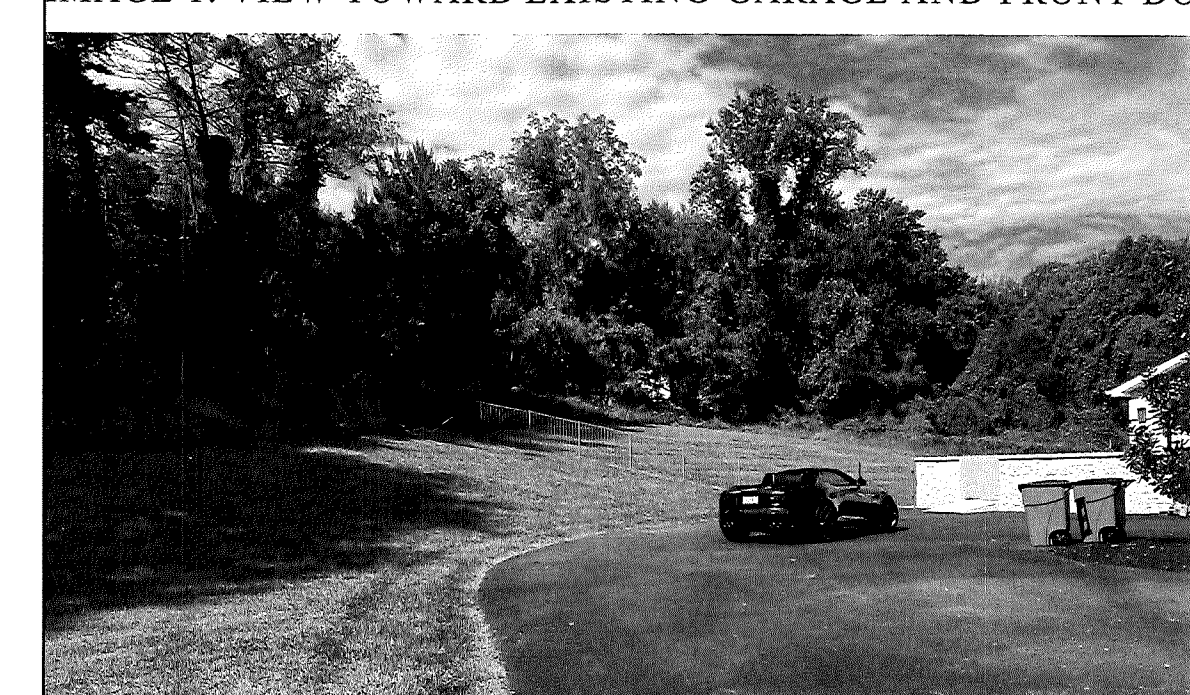
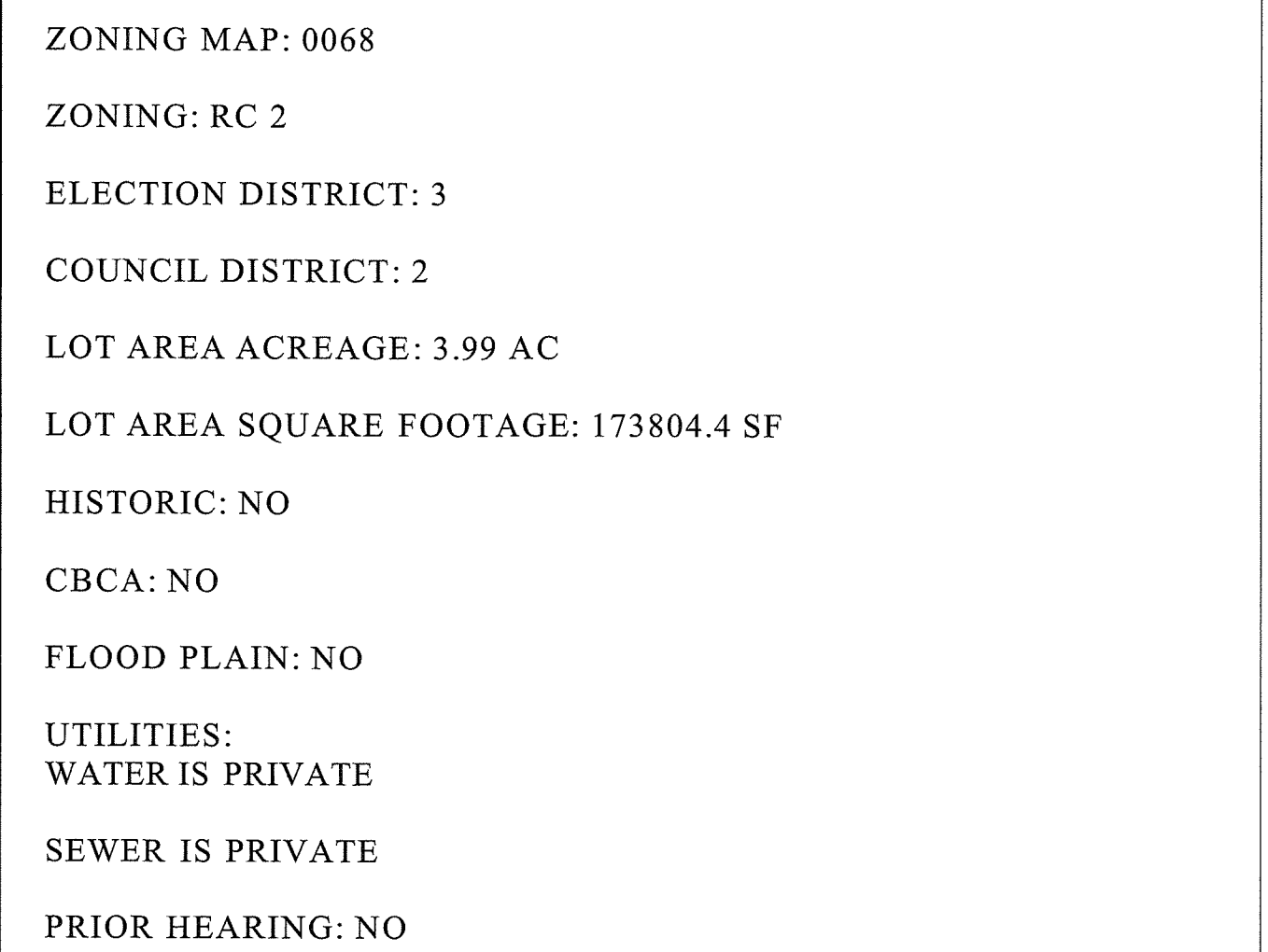
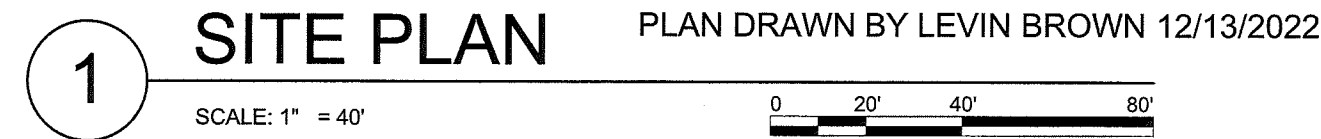
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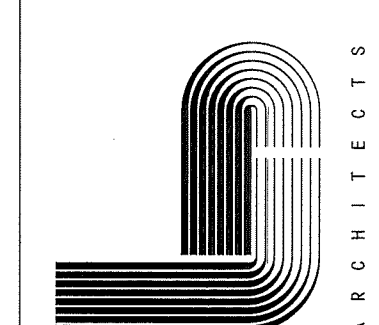
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