



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 26, 2024

Michael Khoshkeraman – mike@khoshgroup.com
6901 Chippewa Drive
Baltimore, MD 21209

RE: Petition for Variance
Case No. 2023-0237-A
Property: 6901 Chippewa Drive

Dear Petitioner:

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 blue ink, appearing to be "DJB", is written over a circular blue line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Donny Ankri – da@donnyankri.com
Irvin Flax - irvflax@gmail.com

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868
www.administrativehearings@baltimorecountymd.gov

IN RE: PETITION FOR VARIANCE
(6901 Chippewa Drive)
3rd Election District
2nd Council District
Michael Khoskerman
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2023-0237-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the legal owner, Michael Khoskeraman (“Petitioner”) for a property located at 6901 Chippewa Drive, Baltimore County (the “Property”). Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.A.1 (1954 "A" Residence, Section III.C.2 & 4), to permit a replacement dwelling with a front setback of 15 feet and a rear setback of 9 feet in lieu of the required 25-foot and 20-foot setbacks, respectively.

A public hearing was conducted on January 4, 2024, using the web-based platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner appeared at the hearing as well as Donny Ankri, a licensed architect, on behalf of Petitioner. After the hearing had concluded, Irwin Flax, a community member, contacted OAH staff by telephone and advised that he had intended to participate in the hearing but was having technical difficulties accessing the hearing. The hearing data report indicates that a phone number matching Mr. Flax was intermittently logged in and out during the hearing, but when this Administrative Law Judge reviewed the attendees list during the portion of the hearing intended for community testimony, no attendees were present in the virtual hearing room. At the conclusion of the hearing, this Administrative Law Judge also reviewed the attendees room for any other participants who wished

to testify, and again, no attendees were present in the virtual hearing room. The hearing was concluded at that time. Because Mr. Flax contacted OAH staff by telephone, while the hearing was concluded on January 4, 2023, Mr. Flax was advised by OAH staff by telephone that written testimony would be accepted after the close of the hearing. On January 8, 2024, Mr. Flax was again advised by OAH staff, this time by email, that written testimony would be accepted in lieu of in person testimony. *See* OAH Exhibit 1. The record was held open for fourteen (14) days to accept written testimony from Mr. Flax. Per this Administrative Law Judge's instruction, OAH staff contacted Mr. Flax again by telephone and by email on January 17, 2024, to check on the status of his written testimony. *See* OAH Exhibit 2. As of January 22, 2023, no such written testimony was received. After keeping the record open for a reasonable amount time to permit Mr. Flax the opportunity to submit written testimony, the record was closed on January 22, 2024. There were no other Protestants or interested persons in attendance at the January 4, 2023 public hearing and no further written comments were received.

The following materials were received and admitted into evidence: (1) Exhibit List; (2) Cover Sheet; (3) Site Plan; (4) Photographs; (5) Façade rendering; (6) Plat Map; (7) House Sizes; (8) Zoning Advisory Committee ("ZAC") comment from the Department of Planning ("DOP"); and (9) Department of Environmental Protection & Sustainability (DEPS) comment; (10) OAH Exhibit 1 (email); and (11) OAH Exhibit 2 (email).

Findings of Fact

The property is approximately 7,980 ± sq. ft. in lot area is improved by an existing single-family dwelling. The property is located in a predominantly residential neighborhood. The site has one previous zoning case 1952-2429-X (the community's original subdivision) and is not located in a historic district. The property is a corner lot and currently fronts on Chippewa Drive.

Chippewa Drive has its terminus fronting the immediately adjacent lot to the north (Lot 1), approximately 90 feet from the subject property's northern boundary. Petitioner proposes to raze the existing single-family dwelling and replace it with a new single-family home, reorienting the property's frontage by 90 degrees, such that it will front on Lightfoot Drive, which is, according to Petitioner, "a much more active street." As the community was platted in 1954, the property is not subject to a Final Development Plan and the record does not contain any information indicating that the 1954 subdivision plan controlled for property frontage, thus permitting the property to front on either Chippewa Drive or Lightfoot Drive.

Mr. Ankri proceeded by way of proffer stating that the proposed single-family home was designed to modern standards and while appearing different in design than many neighboring residential homes constructed in the 1950's, the proposed single-family home ago matched the design of many of the newer homes recently built in this community. Mr. Ankri stated that many of the existing homes are too small to accommodate many modern families and thus the newer homes like the subject property are custom built to accommodate individual families' needs and match the evolving style of the neighborhood. Mr. Ankri further stated that practical difficulty exists because of the property's small size relative to adjacent and neighboring lots, and the property's location on a corner lot further restricts the by-right buildable space of the lots because of corner lot setback requirements.

Conclusions of Law

Petitioner requests variance relief from the front and rear setback requirements as prescribed under the Zoning Regulations & Restrictions for Baltimore County (1945-1953) Section III.C, pursuant to BCZR § 1B02.3.A.1, as this lot "is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been

used, occupied or improved in accordance with the approved subdivision plan.” Under BCZR § 1B02.3.B, the “minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission.” The subdivision plat was approved and recorded in 1954 (Plat Book 0020/Folio 0085). The setback regulations in effect at that time under Section III.C.3 prescribed a 25-foot front setback, a 20-foot rear setback, and a 15-foot corner side setback. Under the Petition, a front setback of 15 feet and a rear setback of 9 feet are requested, requiring variance relief, while the proposed corner side yard of 15 feet meets the prescribed 15-foot corner side yard under the 1945-1953 regulations. Therefore, the corner side yard does not require a variance for approval.

Pursuant to BCZR § 307.1, “...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare...” 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).

This Property is unique in that it is a corner lot with 7,950 sq. ft. in lot area. Whereas, adjacent lots on Chippewa Drive and Lightfoot Drive approach or exceed 8,500 sq. ft. in lot area, with opposing lots 17, 18, and 19 on the west side of Chippewa Drive also approaching or exceeding 8,500 sq. ft. in lot area lot size, the subject property is smaller in size than many neighboring lots. *See* Petitioner's Exhibit 6, Plat Map. Both the lot's location as a corner lot and its smaller size creates a practical difficulty in complying with yard setbacks as prescribed by the 1945-1953 code, as the proposed single-family replacement dwelling is constrained with a smaller buildable footprint. Further, because of the lot's shape, the reorientation of the structure to front on Lightfoot Drive alleviates the degree of variance sought, as the proposed structure's roughly rectangular shape more closely matches the roughly rectangular shape of the existing lot, with both the long axes of the structure and the lot will run parallel. This reorientation maintains a typical front, rear, and corner side yard design as presently exists throughout this subdivision.

For these reasons, I find that special circumstances or conditions exist that are peculiar to the Property and strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty. I further find that the variances requested are in strict harmony with the spirit and intent of the setback regulations and, if granted, do not threaten to injure the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 26th day **January, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 1B02.3.A.1 (1954 "A" Residence, Section III.C.2 & 4), to permit a replacement dwelling with a front setback of 15 feet and a rear setback of 9 feet in lieu of the required 25 feet and 20 feet, respectively be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at 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, Petitioner would be required to return the subject property to its original condition;
2. Petitioner's Site Plan (Petitioner's Exhibit 3) is hereby incorporated into this Opinion & Order.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



PETITION FOR ZONING HEARING(S)

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 6901 CHIPPEWA DR BALTIMORE MD 21209 Currently Zoned DR 5.5
Deed Reference 47134 / 00001 10 Digit Tax Account # 0316045860
Owner(s) Printed Name(s) MICHAEL KHOSHKERAMAN

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

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. 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)

BCZR: 1B02.3.C.1. (1954 "A" Residence, Section III.C.2 & 4.) → To permit a replacement dwelling with a front setback of 15 feet and a rear setback of 9 feet in lieu of the required 25 feet and 20 feet, respectively.

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.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MICHAEL KHOSHKERAMAN

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

6901 CHIPPEWA DR BALTIMORE MD 21209

Mailing Address City State

443-866-4370 MIKE@KHOSHGROUP.COM
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

DONNY ANKRI

Name - Type or Print

Signature

6803 CHEROKEE DRIVE BALTIMORE MD 21209

Mailing Address City State

443-929-2377 DA@DONNYANKRI.COM
Zip Code Telephone # Email Address

CASE NUMBER 2023-0237-A Filing Date 11 / 9 / 23 Do Not Schedule Dates Reviewer JS
3/2022

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Zoning Property Description For: 6901 CHIPPEWA DRIVE BALTIMORE MD 21209

Beginning at a point on the NORTH side of LIGHTFOOT DR which is 50 feet wide at the distance of 206 feet WEST of the centerline of the nearest improved intersecting street CHEROKEE DR which is 50 feet wide.

Part B

Option 2 (subdivision lot – lot is part of record plat):

Being Lot # 2, Block # C in the subdivision of VALLEY STREAM as recorded in Baltimore County Plat Book # 20, Folio # 85 containing 7,950 square feet, located in the 3rd Election District and the 2nd Council District.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2023-0237-A

Property Address: 6901 CHIPPEWA DRIVE BALTIMORE MD 21209

Property Description: _____

Legal Owners (Petitioners): MICHAEL KHOSHKERAMAN

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL KHOSHKERAMAN

Company/Firm (if applicable): _____

Address: 6901 CHIPPEWA DRIVE BALTIMORE MD 21209

Telephone Number: 443-866-4370

Revised 7/9/2015

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

No. 228944

Date: 11/9/23

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

Rec From: DONNY ANKRI

For: 2023 - 0237 - A

6901 CHIPPEWA

JSS 23-0996

**CASHIER'S
VALIDATION**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

DONNY ANKRI ARCHITECTS

6803 CHEROKEE DRIVE
BALTIMORE, MD 21209

1160

 EZShield™ Check Fraud
Protection for Business

65-270/550

Pay to the order of Baltimore County

Date 10/30/2023

\$ 75.00

seventy five only

⁰⁰/₁₀₀ Dollars  Security Features
including
Detection in Back

SUNTRUST
ACH RT 061000104

For Variance 6901 Chippewa Dr



MP

⑈00001160⑈ ⑆055002707⑆ 1000178487913⑈

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2023
Item No. 2023-0237-A

DATE: November 27, 2023

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

DPW-T: N/C

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/29/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0237-A

INFORMATION:

Property Address: 6901 Chippewa Drive
Petitioner: Michael Khoshkeraman
Zoning: DR 5.5
Requested Action: Variance

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

Variance -

1. From Section 1B02.3.C.1 (1954 "A" Residence, Section III.C.2&4.) to permit a replacement dwelling with a front setback of 15 feet and a rear setback of 9 feet in lieu of the required 25 feet and 20 feet, respectively.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is a 7,950 sqft. property that is surrounded by predominantly residential uses. The site has one previous Zoning case, 1952-2429-X, and is not located in a historic district.

The existing land use is currently a residential property. The requested zoning relief, as said in above request, has minimal impact on adjacent properties and the public right of way. It is understood that the new dwelling will be a replacement structure with an altered orientation to face Lightfoot Drive instead of Chippewa Drive. The proposed architectural materials will consist of mostly stucco and stone which will complement the diverse housing in the surrounding area. The proposal does not counter the current fabric and character of the existing neighborhood and achieves a desired design with the assistance of minimal relief.

The Department has no objections in granting the relief conditioned upon the following:

- 1) Provide any landscape buffering or screening that is required by the Baltimore County Landscape Architect.
- 2) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for D.R. 5.5 zoned property and
- 3) The plan meets all additional conditions as required by the Administrative Law Judge.

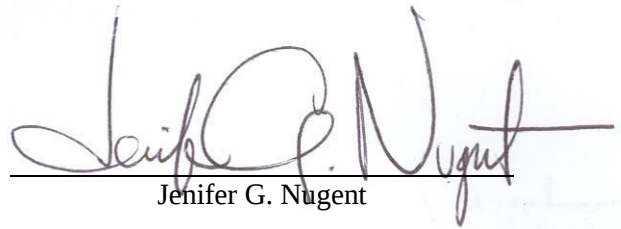
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Donny Ankri
Alexandra Laham, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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: November 22, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0237-A
Address: 6901 CHIPPEWA DR.
Legal Owner: Michael Khoskeraman

Zoning Advisory Committee Meeting of November 27, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 03 Account Number - 0316045860

Owner Information

Owner Name:	KHOSHKERAMAN MICHAEL	Use:	RESIDENTIAL
Mailing Address:	6901 CHIPPEWA DR BALTIMORE MD 21209-	Principal Residence:	YES
		Deed Reference:	/47134/ 00001

Location & Structure Information

Premises Address:	6901 CHIPPEWA DR BALTIMORE 21209-	Legal Description:	VALLEY STREAM
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0078 0006 0536 3050066.04 0000 2 C 2 2023 Plat Ref: 0020/ 0085

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1958	1,717 SF		7,950 SF	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	SPLIT LEVEL	FRAME/4	1 full/ 1 half	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	81,400	81,400		
Improvements	181,100	272,500		
Total:	262,500	353,900	292,967	323,433
Preferential Land:	0	0		

Transfer Information

Seller: VAUGHAN MARY ROEDER	Date: 07/06/2022	Price: \$385,000
Type: ARMS LENGTH IMPROVED	Deed1: /47134/ 00001	Deed2:
Seller: PIZZA JOSEPH A,JR	Date: 01/09/2006	Price: \$160,000
Type: NON-ARMS LENGTH OTHER	Deed1: /23197/ 00287	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

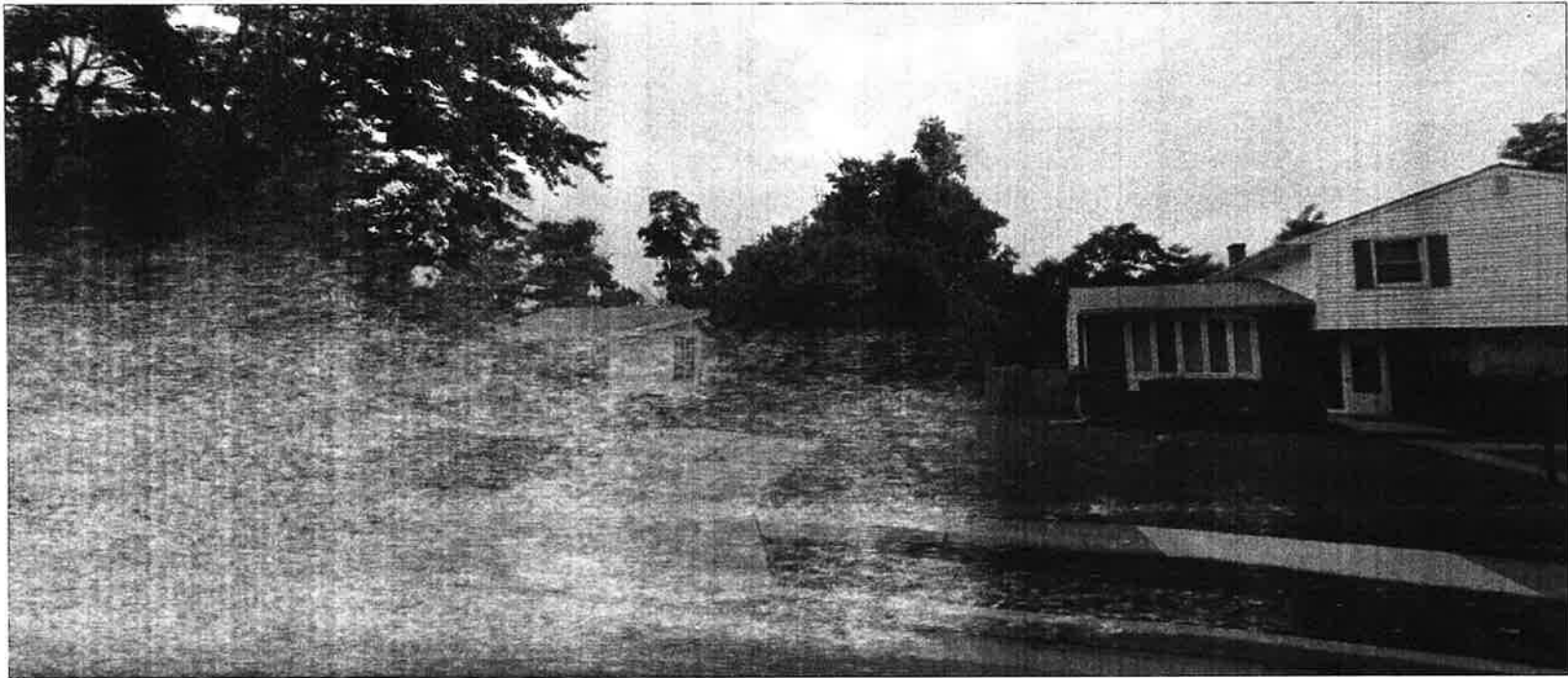
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



VIEW 1



VIEW 2





VARIANCE FOR NEW RESIDENTIAL HOUSE:
6901 CHIPPEWA DRIVE BALTIMORE MD 21209
BALTIMORE COUNTY

ADDRESS:
6901 CHIPPEWA DR BALTIMORE MD 21209
OWNER:
MICHAEL KHOSHKERAMAN
USE:
NEW SINGLE FAMILY DWELLING
SUBDIVISION: VALLEY STREAM
LOT#: 2
BLOCK#: C
SECTION#: 2
PLAT BOOK#: 0020
PLAT FOLIO#: 0085
10 DIGIT TAX ID#: 0316045860
DEED REF#: 47134 / 00001
MAP#: 0078C1
ZONE: DR 5.5
ELECTION DISTRICT: 3
COUNCIL DISTRICT: 2
LOT AREA: 7,950 SQ. FT.
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK X
SEWER IS:
PUBLIC x PRIVATE _____
WATER IS:
PUBLIC x PRIVATE _____
PRIOR HEARING? NO



VICINITY PLAN (NORTH UP, NTS)

DRAWN BY: DONNY ANKRI ARCHITECTS
PHONE: 443-929-2377
EMAIL: DA@DONNYANKRI.COM
DATE: 10/30/2023

2023-0237-A

