

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

July 23, 2024

Yisroel Rubin – <u>ydrubin@gmail.com</u> Esther Weissman 6801 Hunt Court Baltimore, MD 21209

RE:

Petition for Administrative Variance

Case No. 2024-0107-A Property: 6801 Hunt Court

Dear Petitioners:

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,

ANDREW M. BELT Administrative Law Judge

Rel

for Baltimore County

AMB:dlm Enclosure

Literosure

Donny Ankri – <u>da@donnyankri.com</u>

Charlotte Forman - charform@verizon.net

Moshe Meystel - moshe@sklinepropertiesmd.com

IN RE: PETITION FOR ADMINISTRATIVE \* BEFORE THE

VARIANCE

(6801 Hunt Court) \* OFFICE OF ADMINISTRATIVE

3<sup>rd</sup> Election District

2<sup>nd</sup> Council District \* HEARINGS FOR

Yitzchak Khoshkeraman & Aviva Askarinam

\* BALTIMORE COUNTY

Petitioners

\* CASE NO. 2024-0107-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by the legal owners, Yitzchak Khoshkeraman and Aviva Askarinam ("Petitioners") for the property located at 6801 Hunt Court, Baltimore (the "Property"). The Petitioners are requesting from the Baltimore County Zoning Regulations ("BCZR"), § 1B02.3.C.1 to approve a dwelling addition in the front yard with a 7 ft. setback in lieu of the required 25 ft., and an addition on the left side with a setback of 5 ft., in lieu of the required 10 ft. (Petitioner originally requested a with a setback of 3 ft., in lieu of the required 10 ft which was amended during the hearing.) The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs of the Property were provided. (Pet. Ex. 2). Department of Planning provided a ZAC comment suggesting that the requested front-yard setback be reduced to 10 ft. in lieu of the required 25 ft.

A formal Hearing was requested by the Administrative Law Judge ("ALJ") Andrew Belt.

A virtual Webex hearing was scheduled on July 22, 2024. The Petitioners attended the hearing long with Donny Ankri who assisted the Petitioners. Interested citizen and adjacent neighbor, Charlotte Forman also appeared at the hearing.

The subject property is approximately 8,268 sf. and is zoned DR 5.5. It is improved with a one-story, single-family dwelling, and an attached deck.

The Petitioner, Mr. Rubin proffered that they would like to add a front yard, and side yard addition due to the fact that their family has expanded to six children. (Pet. Ex. 1) They have lived at the subject property since 2019.

Adjacent neighbor, Charlotte Forman, who resides at 6803 Hunt Court testified regarding her concerns with the proposed relief. She explained that she had spoken to Mr. Rubin regarding the proposed addition that faces her property and Mr. Rubin had agreed to limit the corresponding variance relief to a setback of 5 ft. in lieu of the required 10 ft. (While Mr. Ankri stated during the hearing that the required side-yard setback was 7 ft., a review of BCZR § 1B02.3.C.1 reveals a required side-yard setback of 10 ft. in the DR. 5.5 zone.) The ultimate goal of this reduction was the prevent this addition from being any closer to her property line than the existing deck which was the subject of prior Case No. 2011-0036-A.

#### Variance

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 a result of the testimony of Mr. Rubin and Mr. Ankri, I find that the subject property is unique. This testimony noted that the subject property is a corner lot, with steep slopes on the southside of the property. Additionally, the property's uniqueness was established in prior Case No. 2011-0036-A. It is clear, considering the growth of the Petitioners' family that they would

experience a practical difficulty if variance relief were to be denied. While uniqueness and practical difficulty have been established, in keeping with the DOP ZAC comment regarding the extent of the requested front-yard setback, I find that a variance of 9 ft. in lieu of the required 25 ft. is appropriate. Pursuant to the Opinion in prior Case No. 2011-0036-A, the permitted deck setback from Ms. Forman's proper in that matter was 6 ft. Mr. Ankri testified that he believes that the current deck is 5 ft. from Ms. Foreman's property. While a variance will be granted for a setback of 5 ft., the intent of this Order is that the proposed addition is extend no further from the subject property than the existing deck. (Petitioners' Ex. 1 has been amended to reflect this condition.)

With the amendments and conditions stated above, I find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR, and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this <u>23rd</u> day of July 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from BCZR§ 1B02.3.C.1 to approve a dwelling addition in the front yard with a 9 ft. setback in lieu of the required 25 ft., and an addition on the left side with a setback of 5ft., in lieu of the required 10 ft., (extending no further towards the Forman property than the existing deck) be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

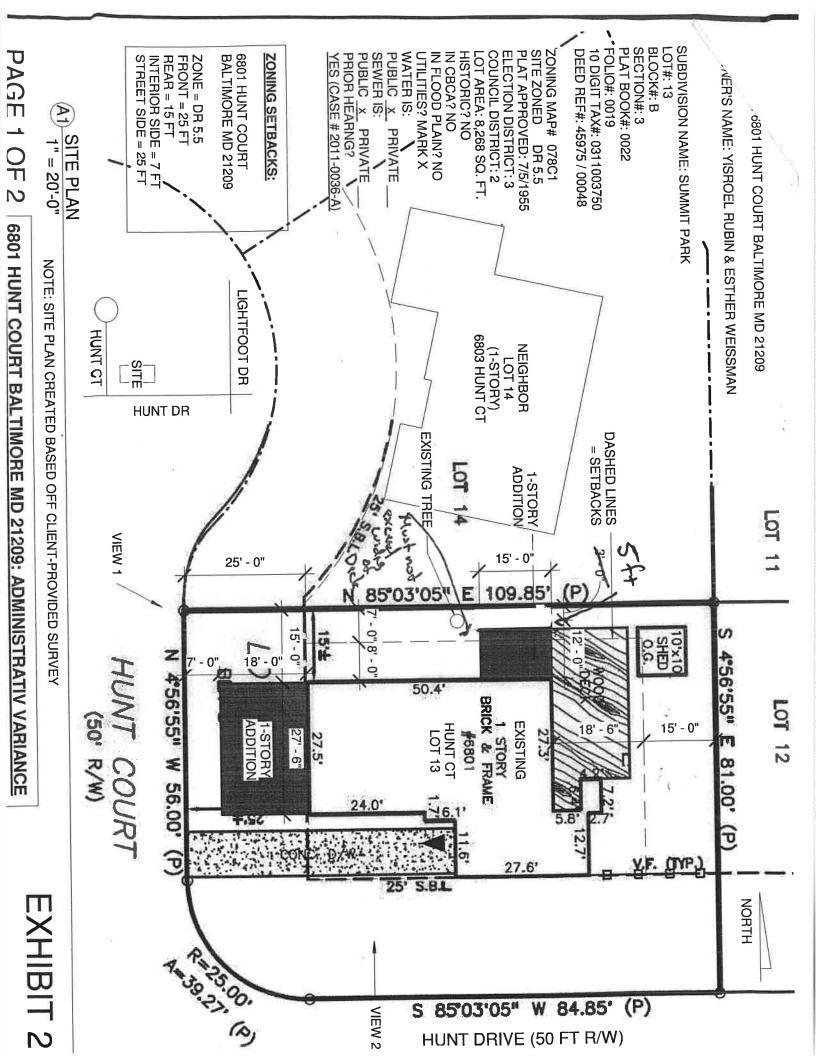
- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this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

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

ANDREW M. BELT

Administrative Law Judge for Baltimore County

AMB:dlm



#### 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 6801 HUNT CT BALTIMORE MD 21209 Currently zoned DR 5.5 Deed Reference 45975 / 00048 10 Digit Tax Account # 0311003750 Owner(s) Printed Name(s) YISROEL RUBIN & ESTHER WEISSMAN

(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: ADMINISTRATIVE VARIANCE from Section(s) BCZR 1B02.3.C.1 To approve a dwelling addition in the front yard with a 7 ft setback in lieu of the required 25 ft and an addition on the left side with setback of and 3 ft in lieu of the required 10 ft of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. \_ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): ESTHER WEISSMAN YISROEL RUBIN Name #1 - Type or Print Name # 2 - Type or Print Signature #1 6801 HUNT CT BALTIMORE MD 21209 Mailing Address State YDRUBIN@GMAIL.COM 443-257-4689 Zip Code Telephone # Email Address Attorney for Owner(s)/Petitioner(s): Representative to be contacted: DONNY ANKRI Name-Type or Print Name - Type or Print Signature 6803 CHEROKEE DRIVE BALTIMORE MD 21209 Mailing Address City Mailing Address State State DA@DONNYANKRI.COM 443-929-2377 Zip Code Telephone # Email Address 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 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

Filing Date 4 1612024 Estimated Posting Date 4 28/2024 Reviewer CF

#### 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.

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ADDITIO	NAL LIVING SPACE						100
						***************************************	
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	of Owner (Affiant)					iant)	
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Print name(s)	here: 41510el R	Lubin and	Es	ther 1	Neissma	$\wedge$	
the Affiar	nt(s) herein, personally kr	own or satisfact	orilyidentifi	ed to me as	such Affiant	t(s).	
AS WITN	IESS my hand and Notar	altimore County, Mar	yland	M_			
	My	Commission Expires 04/0	4	4/2028	3		
		My Cor	nmission Ex	(pirės			

2024-0107-A

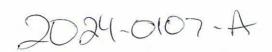
#### THE ZONING HEARING PROPERTY DESCRIPTION

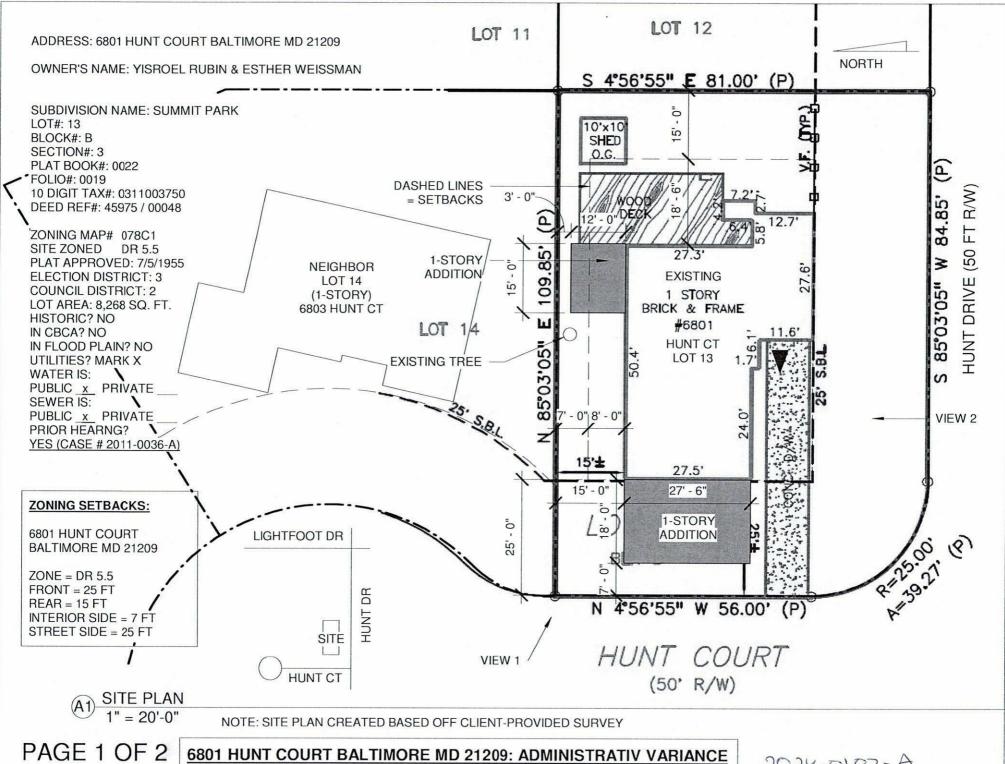
Part A	
Zoning Property Description For: _	6801 HUNT CT BALTIMORE MD 21209
-	_ side of _HUNT CT_ which is _50_ feet wide at the the centerline of the nearest improved intersecting feet wide.

#### Part B

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

Being Lot #\_\_13\_, Block #\_\_B\_\_ in the subdivision of SUMMIT PARK as recorded in Baltimore County Plat Book #\_\_22, Folio #\_\_19\_ containing \_\_8,268\_\_\_ square feet, located in the 3<sup>rd</sup> Election District and the 2<sup>nd</sup> Council District.





2024-0107-A

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: May 7, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0107-A

Address: 6801 HUNT CT

Legal Owner: Yisroel Rubin, Esther Weissman

Zoning Advisory Committee Meeting of May 7, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: May 2, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

Case 2024-0107-A

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

**DPR:** No comment.

**DPW-T:** No exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

# BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald **DATE:** 6/25/2024

Director, Department of Permits, Approvals and Inspections

**FROM:** Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0107-SPHA

**INFORMATION:** 

**Property Address:** 6801 Hunt Court

**Petitioner:** Yisroel Rubin & Esther Weissman

**Zoning:** DR 5.5

**Requested Action:** Administrative Variance

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

Administrative Variance -

1. From Section 1B02.3.C.1 of the BCZR to approve a dwelling addition in the front yard with a 7ft setback in lieu of the required 25 ft and an addition on the left side with a setback of 3ft in lieu of the required 10ft.

The subject site is an approximately 8,268 square foot parcel in the Pikesville area. It is located along Hunt Court, which is a cul-de-sac and is a corner lot. Uses surrounding the subject site are primarily residential and include single family detached residential dwellings.

The site has been the subject of one past Zoning Case – Case 2011-0036-A, which granted relief for an open projection deck setback in the rear yard. There were two Code Enforcement complaints filed on the property in 2018, one of which has been closed (CC99CO0042226) and one is marked as no violation (CC1817614).

After reviewing the petition and site plan, as well as the County's GIS system, it appears that the proposed front yard addition would be extremely close to the public sidewalk, which would be out of character for the neighborhood compared to the other homes along Hunt Court and Hunt Drive. The Department of Planning would suggest scaling this portion of the addition back by at least 3 feet, leaving 10 feet between the addition and the property line. The Department of Planning has no comment on the side yard addition.

For further information concerning the matters stated herein, please contact Jenifer Nugent at 410-887-3482.

Prepared by:

Krystle Patchak

SL/JGN/KP

c: Donny Ankri, Representative Sydnie Cooper, Community Planner Jeff Perlow, Zoning Review Kristen Lewis, Zoning Review Office of Administrative Hearings People's Counsel for Baltimore County **Division Chief:** 

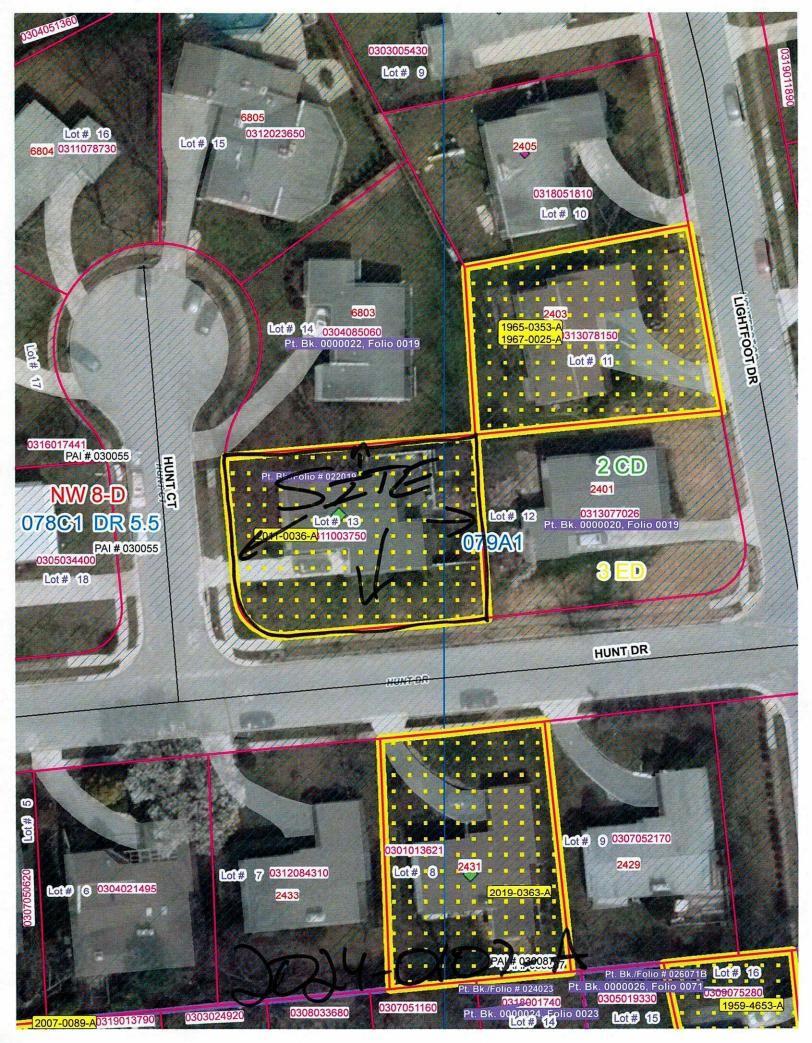
enifer G. Nugent

### **CERTIFICATION OF POSTING**

	RE: Case No <u>. 2024-0107-A</u>
	Petitioner: Yisrod Rubin / Ester Weismann
	Hearing Date: <u>5/27/2024</u>
Baltimore County Departr	ment of
Permits, Approvals and In	spections
Room 111, County Office	Building
111 W. Chesapeake Ave.	
Towson, Md. 21204	
This letter is to confirm, u	inder penalties of perjury, that the necessary sign(s)
were posted conspicuous	ly on the property located at
6801 Hunt Court – Fro	nt of property (1 of 3)
6801 Hunt Court – Hur	nt Dr. side of property (2 of 3)
6801 Hunt Court – Clos	se up of sign wording (3 of 3)
on5/12/24	
	Sincerely,
	Richard E. Hoffman (signed) 5/12/24
	904 Dellwood Drive
	Fallston, Md. 21047
	(443) 243-7360

## **CERTIFICATION OF POSTING**

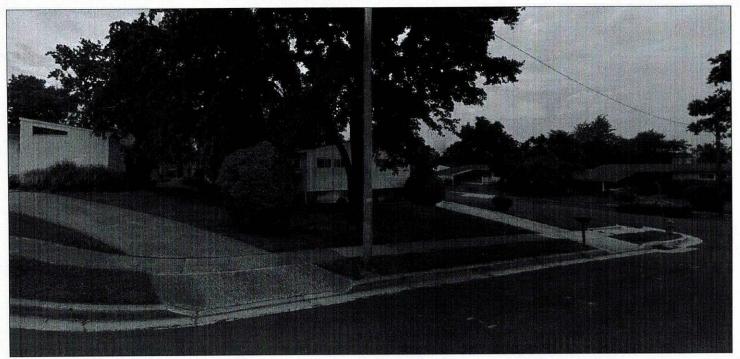
	RE: Case No.	2024-0107- A
	Petitioner: Yisrod	Rubin / EsterWeismann
	Hearing Date:	7/22/24
<b>Baltimore County Department</b>	of	
Permits, Approvals and Inspec	tions	
Room 111, County Office Build	ing	
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Towson, Md. 21204		
This letter is to confirm, under	penalties of perju	ry, that the necessary sign(s)
were posted conspicuously on	the property locat	ed at
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6801 Hunt Court – front of pr	operty – looking n	orth (2 of 5)
6801 Hunt Court – Hunt Drive	e side – looking ea	st (3 of 5)
6801 Hynt Court – Hunt Drive	e side – looking we	est (4 of 5)
6801 Hunt Court – close up o	f sign wording (5 o	of 5)
on <u>6/30/24</u>		
	Since	rely,
	Richard E. H	loffman (signed) 7/1/24
	904 D	ellwood Drive
	Fallst	on, Md. 21047
	(44	3) 243-7360



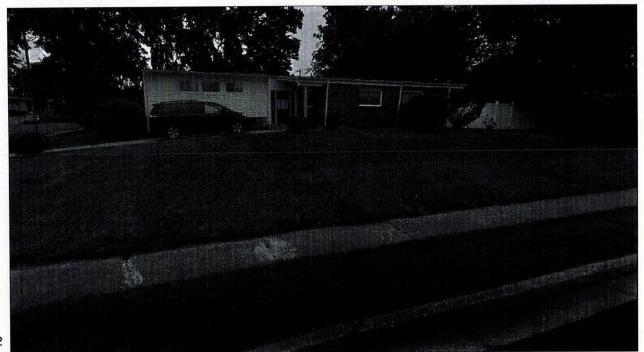
# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

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2.	file a forma	al request for		g. Please und	erstand that e		) within 1,000 feet to no formal request for
3.	may: (a) gr for a publi notification This decision	rant the reque c hearing. If n as to wheth	sted relief; (b) all County/Stater the petition	deny the requite agencies' has been gra	uested relief; comments are nted, denied,	or (c) order tha e received, you or will procee	aw Judge. The judge of the matter be set in u will receive written d to a public hearing. The rder will be mailed to
4.	to a neigh forwarded and location	bor's formal to you. The s on. As when t	request or by	order of the perty must b ginally posted	Administrati e changed giv	ve Law Judge ring notice of t	hearing (whether due ), notification will be he hearing date, time a and a photograph of
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VIEW 1



VIEW 2

PAGE 3 OF 3

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2024-0107-A

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# Real Property Data Search ( ) Search Result for BALTIMORE COUNTY

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		Owner Information	tion			
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/	Location	on & Structure I	nformation			
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Homestead Application	Status: Approve	10/03/2019				
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Homeowners' Tax Cred	it Application St	stua. Na Application	Date:			

2024 - 0107-A