

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

November 19, 2024

Noah & Fallon Saposnik – <u>noahucf@gmail.com</u> 3318 Marnat Road Baltimore, MD 21208

RE:

Petition for Administrative Variance

Case No. 2024-0226-A Property: 3318 Marnat Road

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

DEREK I BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw Enclosure

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

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE (3318 Marnat Road)

3rd Election District * OFFICE OF ADMINISTRATIVE 2nd Council District

Noah & Fallon Saposnik * HEARINGS FOR

Petitioners * BALTIMORE COUNTY

* CASE NO. 2024-0226-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Noah and Fallon Saposnik ("Petitioners") for the property located at 3318 Marnat Road, Baltimore (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to permit a proposed dwelling addition with side yard setbacks of 9 ft. for each in lieu of the minimum required 10 ft. (for both). The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the "Site Plan"). (Pet. Ex. 1, Sheet 1). Street view photographs were marked and accepted into evidence. (Pet. Ex. 1, Sheet 2). There were no adverse Zoning Advisory Committee ("ZAC") comments contained in the case file

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on November 1, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners have filed the supporting affidavits as required by Section 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 that comply with the requirements of BCZR, Section 307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I also find that the requested relief is within the spirit and intent of the BCZR, particularly in light of the lack of opposition.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested Variance will be granted.

THEREFORE, IT IS ORDERED, this 19th day of November, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR, Section 1B02.3.C.1, to permit a proposed dwelling addition with side yard setbacks of 9 ft. for each in lieu of the minimum required 10 ft. (for both), be and it is hereby GRANTED.

The relief granted herein shall be subject to the following:

• Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return. and be responsible for returning, said property to its original condition.

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

DEREK J BALIMGARDNER

Administrative Law Judge

for Baltimore County

DJB:dlw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

For Administrative Variances, the Affidavit on the research ached hereto and made a part hereof, hereby petition for a ADMINISTRATIVE VARIANCE from Section(s) the zoning regulations of Baltimore County, to the zoning latest ached hereto and made a part hereof, hereby petition for a ADMINISTRATIVE VARIANCE from Section(s) the zoning regulations of Baltimore County, to the zoning latest ached hereto and advertised as prescribed by the zoning regulations of Baltimore County Code, to the development law of Baltimore to be posted and advertised as prescribed by the zoning regulations regulations.	aw of Baltimore County. The a waiver pursuant to Section 32-4-107(b) of the Baltimore, alter or construct addition to building) The timore County. The county one is a section of the Baltimore of the Baltimor
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	Owner(s)/Petitioner(s):
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	NOALL CARCONIIK EALL ON SAROSNIK
	NOAH SAPOSNIK , FALLON SAPOSNIK
	Name #1 – Type or Print Name #2 – Type or Print
	7/1
	Signature #1 Signature #2
	Control Copperation Control
	3318 MARNAT ROAD BALTIMORE MD 21208
	Mailing Address City State , 561-302-6624 NOAHUCF@GMAIL.COM
	Zip Code Telephone # Email Address
orney for Owner(s)/Petitioner(s):	Representative to be contacted:
	DONNY ANKRI
ne- Type or Print	Name – Type or Print
	7-14-64
nature	Signature
lature	
	6803 CHEROKEE DRIVE BALTIMORE MD 21209
ling Address City State	Mailing Address City State A42 020 2277 DA@DONNYANKRI.COM
Code Telephone # Email Address	Zip Code Telephone # Email Address
Endin / Iddiood	Endit Addition
UBLIC HEARING having been formally demanded and/or found to b	e required, it is ordered by the Office of Administrative Hearings for Baltim
	natter of this petition be set for a public hearing, advertised, and re-posted
uired by the zoning regulations of Baltimore County.	

_ Estimated Posting Date

Rev 5/5/2016

PAGE 1 OF 4

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:	3318 MARNAT ROAD BALTIMOR	E MD 21208					
	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 <u>practical difficulty or hardship</u> here)						
_AVARIAN	NCE IS BEING REQUESTED BECA	USE THE SIZE OF TH	E EXISTING HOUSE AND	OT PROVIDES A			
	AL DIFFICULTY FOR THE FAMILY NAL LIVING SPACE. WE ARE NOT						
	HOUSE.	PROPOSING TO GO	CLOSER TO THE SIDE SE	IBACKS THAN THE			
THANK YO	OU FOR YOUR CONSIDERATION.						
-							
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)							
Signature of	of Owner (Affiant)		Signature of Owner (Affiant)			
NOAH SAF	POSNIK		FALLON SAPOSNIK				
Name- Prin	t 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 HEREB	Y CERTIFY, this da e County aforesaid, personally ap	ay of <u>September</u> , _ opeared:	2024_, before me a l	Notary of Maryland, in			
Print name(s) here: Nogh Syposnik, Fallon Saposnik							
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).							
AS WITNESS my hand and Notaries Seal							
		Notary Public 9/1	7/2026-				
		My Commission Exp	res				

An Administrative Variance from Section 1B02.3.C.1 of the BCZR, to permit a proposed dwelling addition with side yard setbacks of 9 feet for each in lieu of the minimum required 10 feet (for both).

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Part B

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

SHELBOURNE

Being Lot #___14_, Block #___N/A_ in the subdivision of ___HEIGHTS____ as recorded in Baltimore County Plat Book #___7, Folio #___16_ containing ___5,760____ square feet, located in the 3rd Election District and the 2nd Council District.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	lumbe	r: ²⁰²⁴	_ 0226	-A	Address	3318 M	rnat Rd			
Contac	ct Pers	on:	Jesse Kr					Phone Nu	mber: 410-887-	3391
Filing I	Date:	10/21/2			se Print Your :ing Date:			Closing Date:	11/18/24	
Any co	ntact	made wi		e regar	ding the st		e administi		hould be throug	 gh the
1.	petiti sign zonin	oner is ro posters o g notice	esponsible for on the appro	or all pr ved list pe visib	rinting/pos and the pole on the	sting costs betitioner property	Any repos s again res	sting must be do ponsible for all	pproved list an one only by one o associated costs date noted abov	of the . The
2.	file a	formal re		public l	hearing. P	lease unde	erstand that	t even if there is) within 1,000 fo no formal reque	
3.	may: for a notifi This	(a) gran public h cation as	t the request learing. If a s to whether is usually ma	ted reli Il Cour the pe	ef; (b) den nty/State a etition has	y the requ gencies' c been grar	ested relief omments a ited, denie	; or (c) order that are received, yo d, or will procee	Law Judge. The set the matter be u will receive we do a public he rder will be mai	set in ritten aring
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Petitio	Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)									
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT									
Case N	lumbe	r: 2024	_ 0226 _	A Ad	dress33	18 Marnat	Rd			
Petitio	ner's I	Name:	Noah Sapo	snik			Tel	ephone (Cell) <u>5</u>	61-302-6624	
Postin	g Date	11/3/	24		Closing D	Date:	/18/24			
Wordi	ng for	Sign: To	Permit							
								nit a proposed d feet (for both).	welling addition	with
3.ac y										



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

Address 3318 MARNAT ROAD BALTIMORE MD 21208	for Baltimore County for the property located at: Currently zoned _DR 5.5
Deed Reference 35525 / 00039	10 Digit Tax Account # 0318048750
Owner(s) Printed Name(s) NOAH & FALLON SAPOSNIK	
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPRO	DPRIATE 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 attached hereto and made a part hereof, hereby petition for	in Baltimore County and which is described in the plan/plat an:
1. X ADMINISTRATIVE VARIANCE from Section(s)	
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of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
ADMINISTRATIVE SPECIAL HEARING to appro	ve a waiver pursuant to S ection 32-4-107(b) of the Baltimore
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	tions. 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):
	NOAH SAPOSNIK , FALLON SAPOSNIK
	Name #1 – Type or Print Name #2 – Type or Print
	Name #1 = Type of Time
	Signature #1 Signature #2
	CONTROL CONTRO
	3318 MARNAT ROAD BALTIMORE MD 21208 Mailing Address City State
	Mailing Address City State / 561-302-6624 NOAHUCF@GMAIL.COM
	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
	DONNY ANKRI
T. D. I	No. of the control of
Name- Type or Print	Name – Type or Print
2	
Signature	Signature // /
	6803 CHEROKEE DRIVE BALTIMORE MD 21209
Mailing Address City State	Mailing Address City State
Ī	
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as
Adminis	trative Law Judge for Baltimore County
CASE NUMBER 2024 0226 A Filing Date	Estimated Posting Date 11/3/24 Reviewer
3E 1 0E 4	Closing: 11/18/24 Rev 5/5/2016

PAGE 1 OF 4

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:	3318 MARNAT ROAD BALTIMORE	E MD 21208			
	Print or Type Address of property	City	State	Zip Code	
	on personal knowledge, the fo ative Variance at the above ad				
	ICE IS BEING REQUESTED BECAL				
ADDITION	AL DIFFICULTY FOR THE FAMILY. NAL LIVING SPACE. WE ARE NOT				
EXISTING	S HOUSE.				
THANK YO	OU FOR YOUR CONSIDERATION.				
-					
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)					
	f Owner (Affiant)		Signature of Owner (Afflant)		
NOAH SAF			FALLON SAPOSNIK 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:					
	Y CERTIFY, this A da e County aforesaid, personally ap		2024, before me a N	lotary of Maryland, in	
Print name(s) he	ere: Noah Syposnik, Fall	on Saposnik			
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).					
AS WITNESS my hand and Notaries Seal					
	<u> </u>	Notary Public 9	1/2026=		
	Ī	My Commission Expi	res Z Z Z Z		

An Administrative Variance from Section 1B02.3.C.1 of the BCZR, to permit a proposed dwelling addition with side yard setbacks of 9 feet for each in lieu of the minimum required 10 feet (for both).

THE ZONING HEARING PROPERTY DESCRIPTION

Zoning Property Description For	: 3318 MARNAT R

Part B

Part A

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

SHELBOURNE
Being Lot #___14_, Block #___N/A_ in the subdivision of ___HEIGHTS____ as recorded in
Baltimore County Plat Book #___7, Folio #___16_ containing ___5,760____ square feet, located in the 3rd Election District and the 2nd Council District.

PAGE 3 OF 4

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: November 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0226-A

Address: 3318 MARNAT ROAD Legal Owner: Noah & Fallon Saposnik

Zoning Advisory Committee Meeting of November 12, 2024.

X 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: November 4, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0226-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 comment LOS & No Greenways affected.

CERTIFICATION OF POSTING

	RE: Case No. 2024-0226 - A
	Petitioner: Noah Saposnik
	Closing Date: <u>11/18/24</u>
Baltimore County Department of	
Permits, Approvals and Inspections	
Room 111, County Office Building	
l11 W. Chesapeake Ave.	
Towson, Md. 21204	
This letter is to confirm, under pena	Ities of perjury, that the necessary sign
was posted conspicuously on the pro	operty located at
3318 Marnat Road – Front of p	property (1 of 2)
3318 Marnat Road – Close up	of sign wording (2 of 2)
on <u>11/1/24</u>	
	Sincerely,
	Richard E. Hoffman (signed) 11/1/24
	904 Dellwood Drive
	Fallston, Md. 21047
	(443) 243-7360

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 01 Account Number - 0107583213

Owner Information

Owner Name:

MORNING STAR BAPTIST CHURCHUse: OF BALTIMORE COUNTY

EXEMPT COMMERCIAL

Malling Address:

1512 WOODLAWN DRIVE

Principal Residence:NO

BALTIMORE MD 21207-

/29925/00053 Deed Reference:

Location & Structure Information

Premises Address:

6665 SECURITY BLVD

0000

Legal Description:

Finished Basement Area

6665 SECURITY BLVD CHURCH EX

MEADOWS INDUSTRIAL PARK

Map: Grid: Parcel: Neighborhood: 0095 0001 0253

10000.04

Subdivision: Section: Block: Lot: Assessment Year:

2025

Plat No:

Town: None

1967

Type:

Plat Ref: 0054/ 0113

Property Land Area

Deed2:

County Use

Primary Structure Built

Above Grade Living Area 30,802 SF

1.5200 AC

01

Stories Basement Type

C3

Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

CHURCH

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2024	As of 07/01/2025
Land:	607,900	607,900		
Improvements	2,107,600	2,107,600		
Total:	2,715,500	2,715,500	2,715,500	
Preferential Land:	0			

Transfer Information

Date: 09/24/2010 Seller: FOX CHEVROLET INC Price: \$3,800,000 Type: ARMS LENGTH MULTIPLE Deed1: /29925/ 00053 Deed2: Seller: GREATER EASTERN HOLDING Date: 06/05/1986 Price: \$1,250,000 COMPANY Type: ARMS LENGTH IMPROVED Deed1: /07173/ 00337 Deed2: Seller: Date: Price: Deed1:

Exemption Information

Partial Exempt Assessments:Class 07/01/2024 07/01/2025 County: 700 2,715,500.00 State: 700 2,715,500.00 700 0.00 Municipal: 0.00

Special Tax Recapture: None

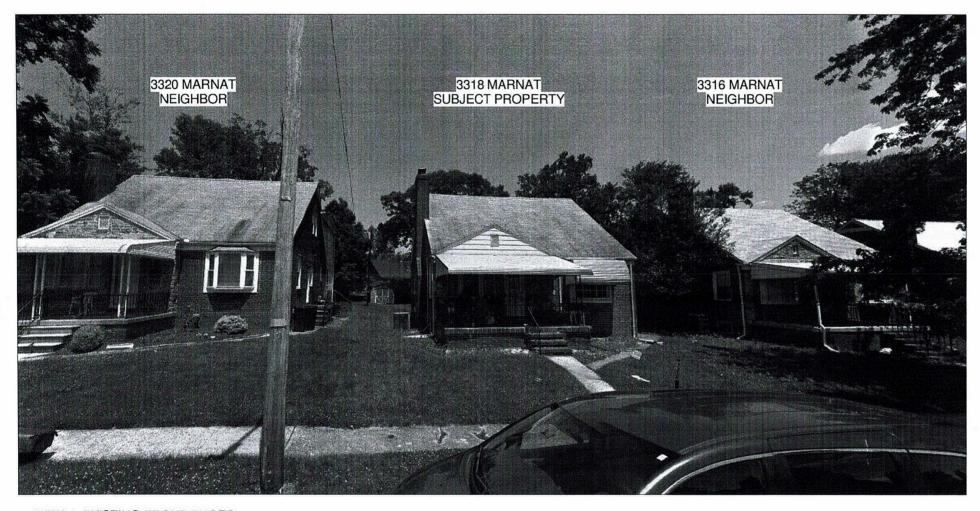
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

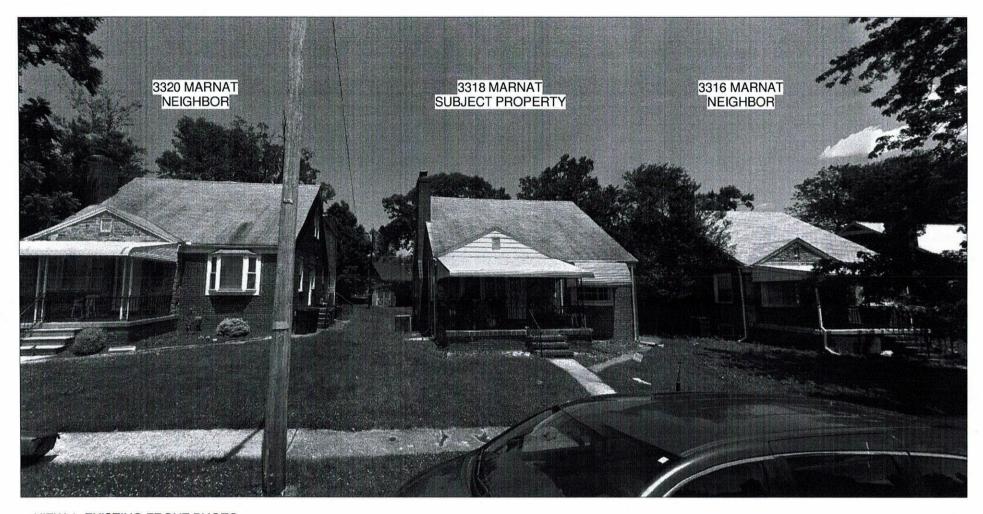
Date:



VIEW 1: EXISTING FRONT PHOTO

3318 MARNAT RD BALTIMORE MD 21208: ADMINISTRATIVE VARIANCE

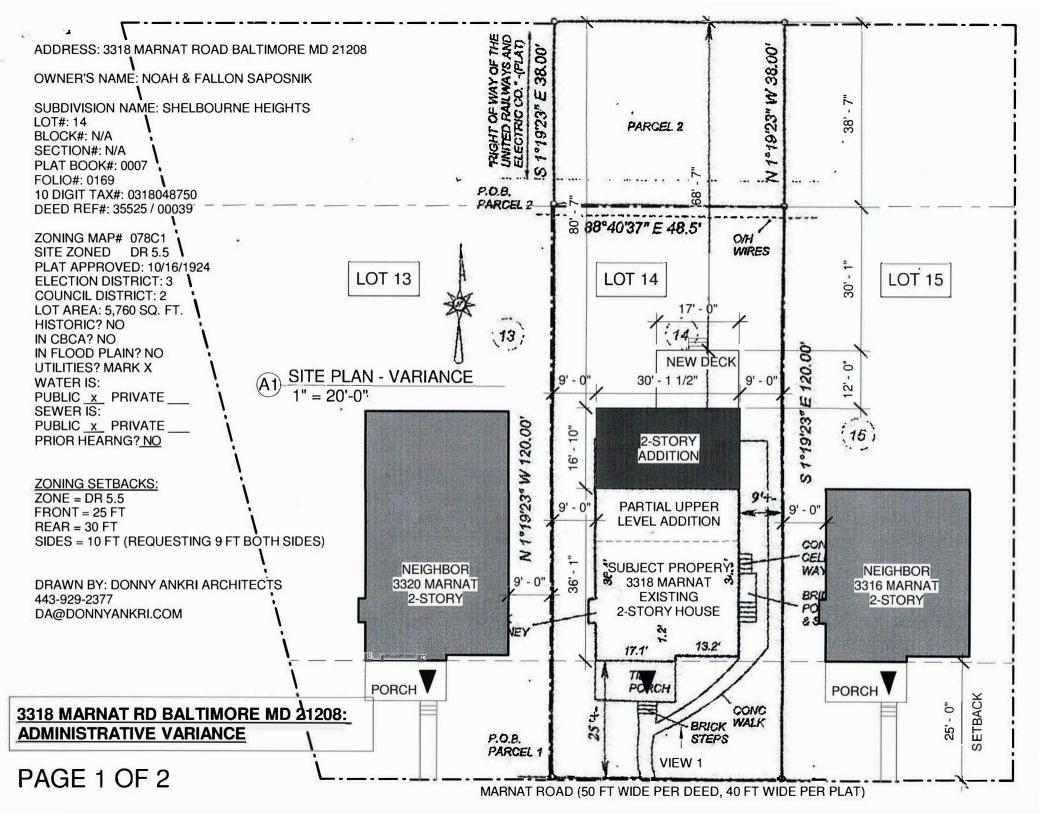
PAGE 2 OF 2

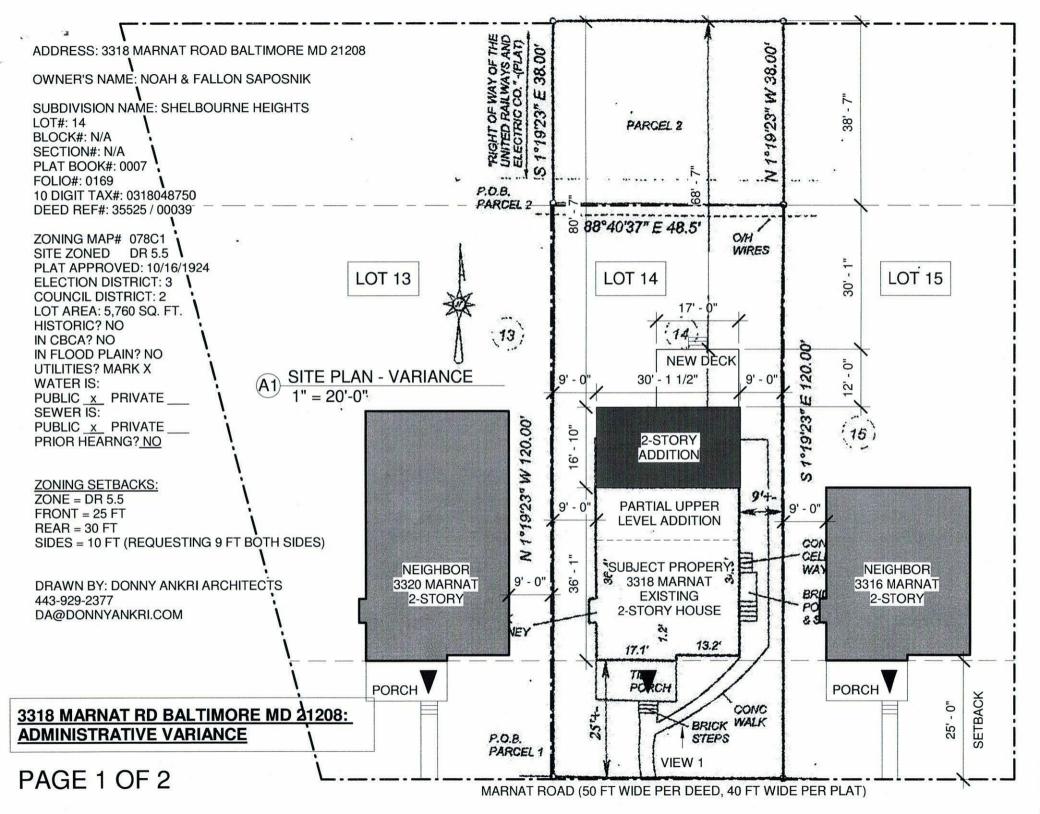


VIEW 1: EXISTING FRONT PHOTO

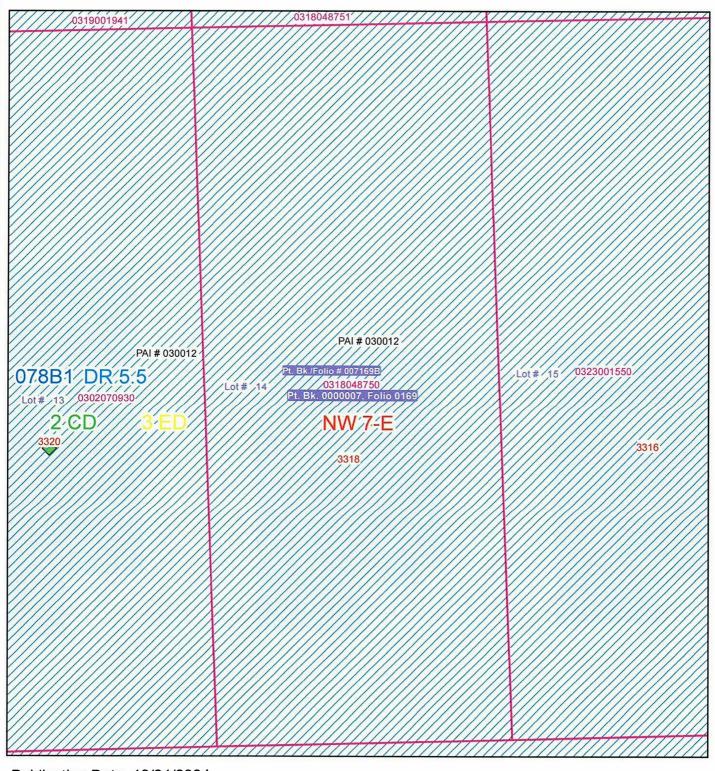
3318 MARNAT RD BALTIMORE MD 21208: ADMINISTRATIVE VARIANCE

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3318 Marnat Rd

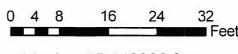


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1 inch = 15.148938 feet