IN RE: PETITION FOR VARIANCE
S/S Fifth Avenue, 120' W
c/l Washington Avenue
13th Election District
1st Councilmanic District
(133 Fifth Avenue)

Ella V. Olaguez Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 00-232-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Ella V. Olaguez, who resides at 133 Fifth Avenue in the Lansdowne area of Baltimore County. The variance request is from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the storage of a recreational vehicle to be 0 ft. from the lateral projection of the front foundation line of her dwelling in lieu of the required 8 ft. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the petition for zoning variance.

Appearing at the hearing on behalf of the request were Ella Olaguez, property owner, and Frederick Lippert, Debbie Poling and Reverend William Herche, Jr., all nearby neighbors. Appearing as an interested citizen was Ms. Teresa Lowry, Zoning Chairperson of the Lansdowne Improvement Association. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.172 acres, more or less, and is zoned D.R.5.5. The property is improved with a single family dwelling and a parking pad whereupon Ms. Olaguez parks her 29 ft. Holiday Rambler Motor Home. Ms. Olaguez testified that she has parked a travel trailer or motor home

35 113/2000 35 JP JANESON in the same location on her property for the past 22 years. She is very active in camping and uses her motor home on a consistent basis. As a result of a community sweep of the Lansdowne area, Ms. Olaguez was cited with a violation. She has circulated a petition in her neighborhood whereupon many residents signed in support of her request. Furthermore, no one appeared in opposition to the granting of this variance.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. <u>McLean v. Soley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 13th day of January, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the storage of a recreational vehicle to be 0 ft. from the lateral projection of the front foundation line of her dwelling in lieu of the required 8 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioner shall be permitted to replace or upgrade the motor home to be stored on her property so long as the new or replacement motor home continues to be parked 0 ft. from the lateral projection of the front foundation line of Ms. Olaguez's dwelling.

Any party has the right to file an appeal within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





Petition for Variance

to the Zoning Commissioner of Baltimore County

	for the proper	· · · · · · · · · · · · · · · · · · ·	133 Fitth	
		which is presently zoned	<u> D. R</u>	5.5
This Petition shall be filed with the Depowner(s) of the property situate in Baltimor made a part hereof, hereby petition for a Var	e County and which tance from Sections	h is described in the description (s)	on and plat attac	ched hereto and
vehicle to be stored in t	the side yar	& 415 A. I. A. to pern & 0 ft, from the	nil a recr lateral pri	jection
vehicle to be stored in to of the front foundation li	he of the di	welling in lieu of	the require	d 84.
Of the Zoning Regulations of Baltimore Co hardship or practical difficulty)				
Currently, there is no room to move the motorh The fence would have to be moved back. The would need to be laid, extending the parking as	garden, which is box	ed in above ground level, would a	also have to be m	sive changes. oved. And stone
Property is to be posted and advertised as prescri I, or we, agree to pay expenses of above Variance regulations and restrictions of Baltimore County a	e, advertising, posting,	etc, and further agree to and are to	o be bounded by th	ne zoning
		!/We do solemnly declare and perjury, that !/we are the legal is the subject of this Petition.	affirm, under the powner(s) of the pr	penalties of operty which
Contract Purchaser/Lessee:		Legal Owner(s);		
		Ella V. Olaquez		
Name - Type or Print		Name – Type or Print	The same	
Signature	·	Signature	Z.,,	
Address Te	elephone No.	Sherri L. Olaquez Name – Type gr Print	7 % J%	<u> </u>
			Me	1-2
City State	Zip Code	Signature	J	7
Attorney For Petitioner:		133 Fifth Avenue		
		Address	1	Telephone No.
		Lansdowne, MD 21	227-3133	410-242-3831
Name - Type or Print		City	State	Zip Code
Signature		Representative to be Co	ontacted:	
Salder of		Ella V. Olaguaz		
Company		Ella V. Olaquez Name – Type or Print		day & evenis
		122 CHL Avenue	Uio -	day & evenis
Address Te	alephone No.	133 Fifth Avenue Address	719_	
m (•	Lansdowne,	Maryland	2122 <u>7-</u> 3133
City	Zip Code	City	State	Zip Code
	·	OFFICE L ESTIMATED LENGTH OF F	JSE ONLY	
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Case No. 00-238-	<u> </u>	UNAVAILABLE FOR HEAF	ang	12/1/99
,		Reviewed By BR	Date	12/1/49

REV 9/15/98

Zoning Description:

ZONING DESCRIPTION FOR: 133 Fifth Avenue			
Beginning at a point on the south side of Fifth Avenue			
which is	40	feet wide	
at the distance of 110 feet west of the nearest improved intersection street of			
Washington Av	enue		
	M_{Δ}	•	
which is	40	feet wide.	
Being Lot # 436	5, 435, and 434, Block	Section # 12	
n the subdivision of Lansdowne as recorded in			
Baltimore County Plat Book # 1, Folio # 049, containing 7,500 square feet.			
Also known as 133 Fifth Avenue and			
ocated in the 13 th Election District, 1 st Councilmanic district.			

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING	
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Iowson</u> . Maryland on the property identified herein as follows: Case: #00-232-A 133 Fifth Avenue, 120'W of centerline Wasington Avenue S/S Fifth Avenue, 120'W of centerline Wasington Avenue 13th Election District 1st Councilmanic District Legal Owner(s): Ella V. Olaquez & Sherri L. Olaquez Variance: to permit a recreational vehicle to be stored in the side yard zero feet from the lateral projection of the front foundation line of the dwelling in lieu of the required 8 feet. Hearing: Wednesday, January 12, 2000 at 11:00 a.m. in Room 108 County Office Building, 111 W. Chesapeake	,
LAWRENGE E. SCHMIDT Zoning Commissioner for Baitimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386. (2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/12/690 December 28 C360853	
<u> </u>	

TOWSON, MD,
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each ofsuccessive
weeks, the first publication appearing on $12-2V$, 201999
THE JEFFERSONIAN,
THE JEFFERSONIAN,

LEGAL PUBLISHER TISING

PALTIMORE COUNTY, MARYLAND

CE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 12/1/99 ACCOUNT 1500/ 6/50

AMOUNT \$ 50.00

RECEIVED FROM: 100/ 6/50

FOR: 6/5 (10) 6/50

Disciplinary (10) 6/50

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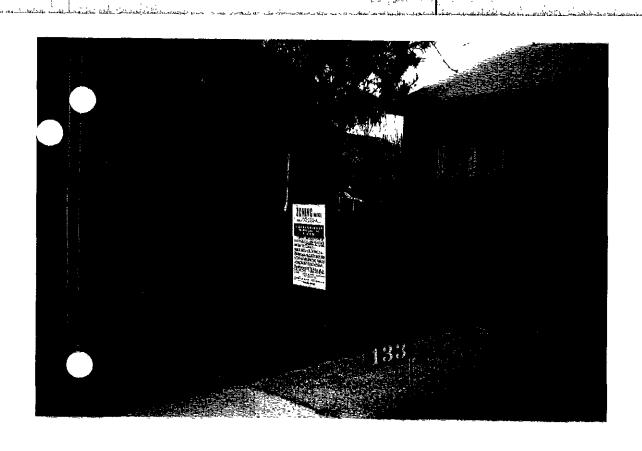
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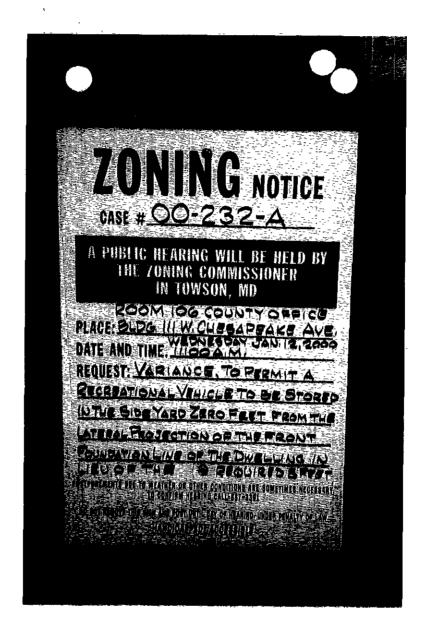
CASHIER'S VALIDATION



CERTIFICATE OF POSTING

•	RE: Case No.: 00-232-A
	Petitioner/Developer:
	ELLA SHERMI OLAGUEZ
	Date of Hearing/Closing: JAN, 17, 7000
Baltimore County Department of Permits and Development Manageme County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	ent
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	•
were posted conspicuously on the pro	
# 1 2	3 FIFTH AVE.
1988 - Carlos Ca	
The sign(s) were posted on	DEC. 27, 1999
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
	CARLAND E. MOORE (Printed Name)
	3225RYERSONI CONCLE (Address)
•	PACTIMIONE, MD. 2127) (City, State, Zip Code)
	(410) 247-4763 (Telephone Number)
	• • • • • • • • • • • • • • • • • • • •

9/96 cert.doc



RECEIVED

DEC 28 1999

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

RE: PETITION FOR VARIANCE
133 Fifth Avenue, S/S Fifth Ave,
120' W of c/l Washington Ave
13th Election District, 1st Councilmanic

Legal Owner: Ella V. and Sheri L. Olaquez Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- Case No. 00-232-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

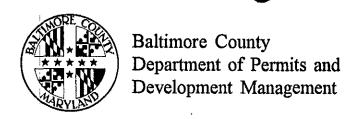
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Ella V. and Sheri L. Olaquez, 133 Fifth Avenue, Baltimore, MD 21227, Petitioners.

ETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

December 16, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-232-A

133 Fifth Avenue

S/S Fifth Avenue, 120' W of centerline Washington Avenue

13th Election District — 1st Councilmanic District Legal Owner: Ella V. Olaquez & Sherri L. Olaquez

<u>Variance</u> to permit a recreational vehicle to be stored in the side yard zero feet from the lateral projection of the front foundation line of the dwelling in lieu of the required 8 feet.

HEARING: Wednesday, January 12, 2000 at 11:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

Arnold Jabion

Director

c: Ella & Sherri Olaquez, 133 Fifth Avenue, Landsowne 21227-3133
Theresa Lowery, Chairman, 2517 Hammonds Ferry Road, Baltimore 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 28, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 28, 1999 Issue – Jeffersonian

Please forward billing to:
Elia & Sherri Olaguez
133 Fifth Avenue
Landsdowne, MD 21227-3133

410-242-3831

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-232-A

133 Fifth Avenue

S/S Fifth Avenue, 120' W of centerline Washington Avenue

13th Election District – 1st Councilmanic District Legal Owner: Ella V. Olaquez & Sherri L. Olaquez

<u>Variance</u> to permit a recreational vehicle to be stored in the side yard zero feet from the lateral projection of the front foundation line of the dwelling in lieu of the required 8 feet.

HEARING: Wednesday, January 12, 2000 at 11:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

rantaica P. Sciuitor

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

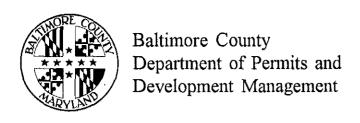
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning review will ensure that the legal requirements for advertising are satisfied. However, the petitioner I 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 Novement Advertis		
For Newspaper Advertis	<u>ing:</u>	
Item Number or Case Nun	nber: 00-232- A	
Petitioner:	Ella Olaguez and Sherri Olaguez	
Address or Location:	133 Fifth Avenue	
PLEASE FORWARD A	ADVERTISING BILL TO:	
Name:	Ella and Sherri Olaguez	
Address:	133 Fifth Avenue Lansdowne, MD 21227-3133	
Telephone Number	440 242 2024	



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

January 7, 2000

Ms. Ella V. Olaquez 133 Fifth Avenue Lansdowne MD 212227-3133

Dear Ms. Olaquez:

RE: Case Number 00-232-A, 133 Fifth Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 1, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

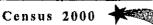
W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:rsj

Enclosures

C:









BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 21, 1999

Department of Permits & Development

Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for December 20, 1999

Item Nos. 181, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 233,

and 235

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 10, 1999

TO: Larry E. Schmidt

Zoning Commissioner

FROM: James H. Thompson - HJ

Code Enforcement Supervisor

SUBJECT: ITEM NO.: 232

PETITIONER: Ella V. Olaquez

VIOLATION CASE NO.: 99-7031

LOCATION OF VIOLATION: S/S Fifth Ave., 120 W of centerline Washington

Ave. (133 Fifth Ave.)

DEFENDANT(S): Ella V. Olaquez

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME ADDRESS

Theresa Lowery, Chairman 2517 Hammonds Ferry Road

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/jp/lmh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: December 17, 1999

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 229, 232 and 237

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 12.17.99

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County**

Item No. 232

BR

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

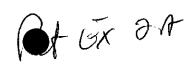
Very truly yours,

As Kenneth A. McDonald Jr., Chief **Engineering Access Permits Division**

I. J. Gredh

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rev. William A. Herche, Jr	302 Fourth Ave. 21227
FORRICK N. LIPPERT	243 FOURTH AVE 2122
FOERICK W. LIPPERT Ela Y. Olagua Oubrie Polma	243 FOURTH ANE 2122 133 Kifek Ru 2122;
10 10:00	610 Washington Ave 21227
Newha Poling	610 Washington All 21227
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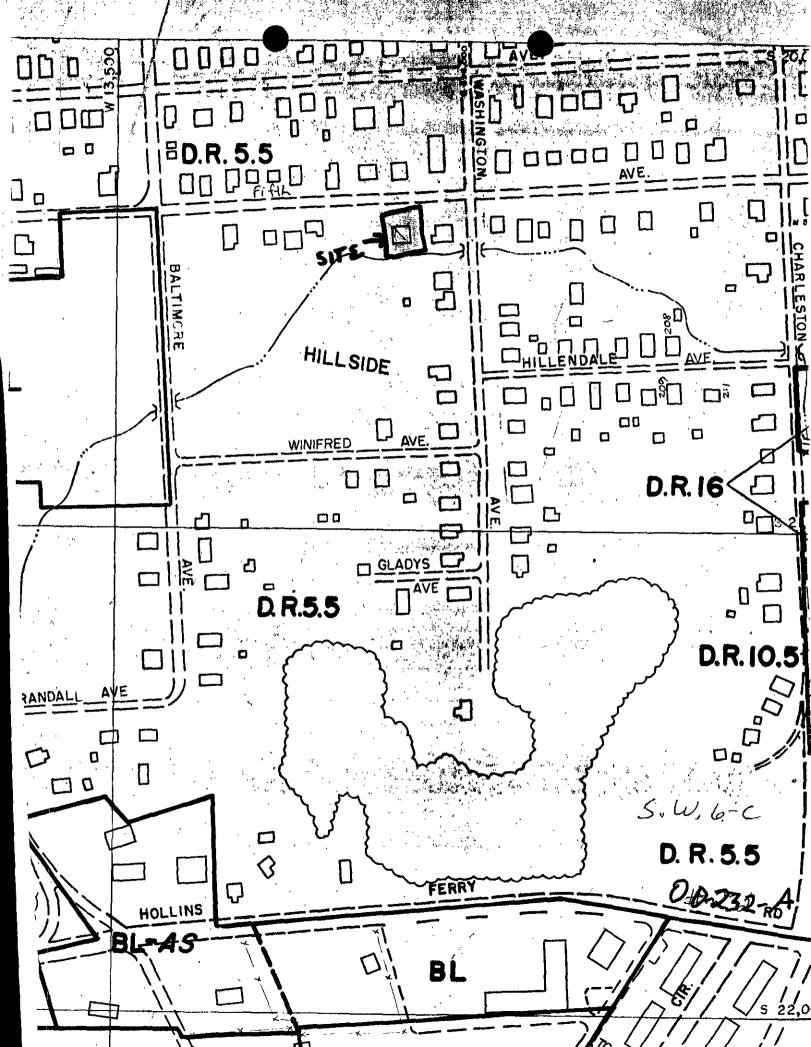
We, the undersigned, have NO objection to the Olaguez's motor home being parked in their yard where they have parked it since 1978.

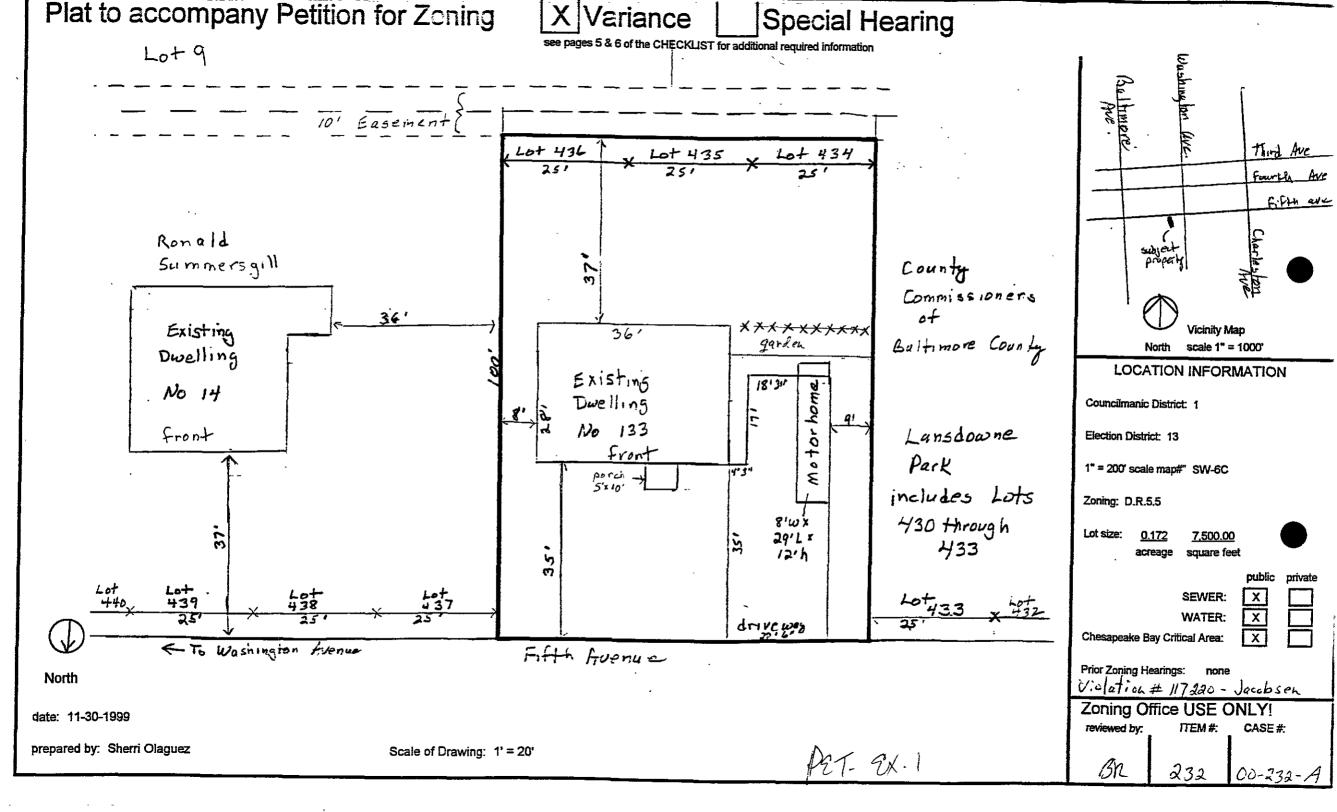
Address	Phone
141 Fifth Ave	410-242-2257
608 WASh. Alle	4/024277/2
608 Wash The	410 2427712
	410242-6190
-209 FIFTH DUR	410-242-1916
209-5th Aux	410-242-19/6
- ON FIFTH AVE.	410-242-3578
211 5th AVE	410-242-3518
206 5TH AVE	410-242-6971
206 5th AVE	410-242-6911
200 A Sth All	410-247-8131
	141 Fifth Ave 608 WASh. Alle 608 WASh. Alle 207 FIFTH AVE. 209-5th Ave 209-5th Ave 211 5th AVE 206 5th AVE 206 5th AVE

Pet Ep 2B

We, the undersigned, have NO objection to the Olaguez's motor home being parked in their yard where they have parked it since 1978.

Name	Address	Phone
	610 Washington	(410)247-4992
	607 Washingtown	} `
Oto A Lo Saison	ZOIFIFTH MYC	410.242-3697
	,	410-242-3697
	130 5th Chre.	410-242-9626
Theres AS AWYER		410-242-9626
Shirley Spencer	1285th au	410-247-5583
Elis & a Whitlow	124° me	410-2424620
Steve Matrices	11Z fith Au.	410-242-4832
Lela mastin	105 3 m auc.	
23 eng	141 FIFTH AY	410242-2257
Vary Wilhour	115 5-TH AUE.	410-247-9561
Detty Keppley	616 Washigton Bre.	410-247-8684
	0	•







Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

January 13, 2000

Ms. Ella V. Olaguez 133 Fifth Avenue Lansdowne, Maryland 21227-3133

> Re: Petition for Variance Case No. 00-232-A Property: 133 Fifth Avenue

Dear Ms. Olaguez:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

> Very truly yours, Southy lotroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



rinted with Soybean Ink on Recycled Paper









Copies to:

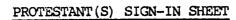
Rev. William A. Herche, Jr. 302 Fourth Avenue Baltimore, Maryland 21227

Mr. Frederick W. Lippert 243 Fourth Avenue Baltimore, Maryland 21227

Ms. Debbie Poling 610 Washington Avenue Baltimore, Maryland 21227

Ms. Theresa Lowry c/o Balto. Co. Lansdowne Improvement Assoc., Inc. 2517 Hammonds Ferry Road Baltimore, Maryland 21227-2912





PLEASE PRINT CLEARLY

Therest Lowry Balo Co LANSdawne Imp. Assoc. Inc. Chairperon 2001 Committee	ADDRESS AS 17 HAMMINGS FERRY Rb Bottmare, Maryland 21227, 2919