

IN RE: PETITION FOR SPECIAL HEARING

SW/S of Carroll Street, 20 ft. SE

of Landington Avenue

1st Election District

1st Councilmanic District

(5617 Carroll Street)

Silvia A. & Bismarck Castaneda

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 04-140-SPH

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Silvia A. & Bismarck Castaneda. The Petitioners are requesting special hearing relief for property they own at 5617 Carroll Street in the western area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a second electric meter for an existing in-law apartment approved in Zoning Case No. 96-175-SPHA; confirmation that the proposed home office/sales business meets the requirements of a "home occupation" as defined in the B.C.Z.R.; a third electric meter if the aforementioned home office/sales business is approved; and to amend the Order and Site Plan in Zoning Case No. 96-175-SPHA.

The property was posted with Notice of Hearing on November 3, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 4, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power

50/20/03
R. Castaneda

given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated November 12, 2003, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing relief was Bismarck Castaneda, owner of the property. There were no protestants or others at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Notice is taken that the property, which is the subject of this special hearing request, consists of 10,500 sq. ft. and is zoned D.R.5.5. Testimony and evidence proffered by the Petitioner indicated that he is a professional engineer who is employed with Motion Industries Inc. as a design and sales engineer specializing in hydraulic drives for heavy industry. He calls on customers in the region and desires to establish an office in his home for his work, where he can keep his files, computer equipment, etc. He has resided at this address for 29 years. When he retires, he would like to have the office at his home in order to conduct a consulting business. Mr. Castaneda testified that he would not have any customers coming to his office, would not have any merchandise for sale from the office, and would have no sign announcing the business presence therein.

11/20/03
B. Castaneda

He also testified that he would like three separate electrical meters for tax purposes. At present, he has a meter on his home. The second meter would be for the home office to keep his expenses separate from his home. Finally, he would like a third meter for the in-law apartment approved in case 96-175-SPHA. He indicated that while the in-law apartment is presently vacant, his parents are in the process of moving from his sister's home to the apartment. Again, he would like to keep their electrical expenses separate from his office and home.

The Bureau of Development Plans Review gave a comment that the issue of on-site parking should be addressed. As indicated above, the Petitioner will have no customers coming to his office. He makes sales calls to customers in the hydraulic drive equipment industry. Therefore, on site parking should not be required at his residence.

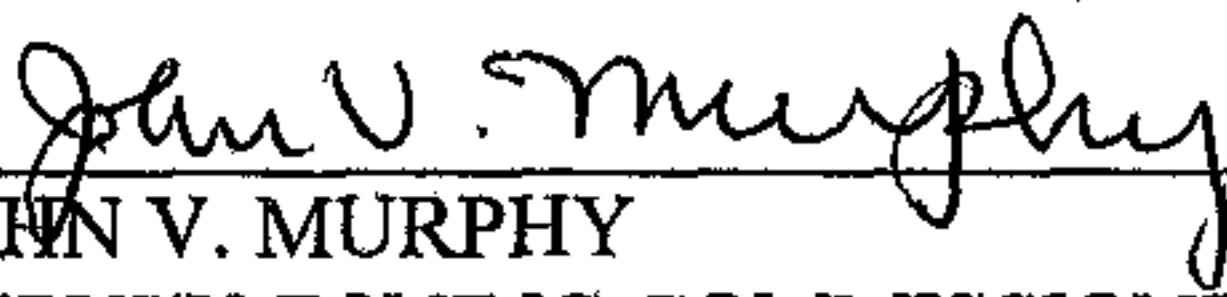
I find that his office meets the requirement of the definition of Home Occupation as defined by the B.C.Z.R. and that his request for separate electrical meters is reasonable and the installation of same will not endanger the health safety and welfare of the public.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20 day of November, 2003, that the special hearing request filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a second electric meter for an existing in-law apartment approved in Zoning Case No. 96-175-SPHA; confirmation that the proposed home office/sales business meets the requirements of a "home occupation" as defined in the B.C.Z.R.; a third electric meter if the aforementioned home office/sales business is approved; and to amend the Order and Site Plan in Zoning Case No. 96-175-SPHA, be and is hereby GRANTED.

11/20/03
R. J. J. J. J.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty
(30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

11/20/03


Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

November 20, 2003

Mr. & Mrs. Bismarck Castaneda
5617 Carroll Street
Baltimore, Maryland 21207

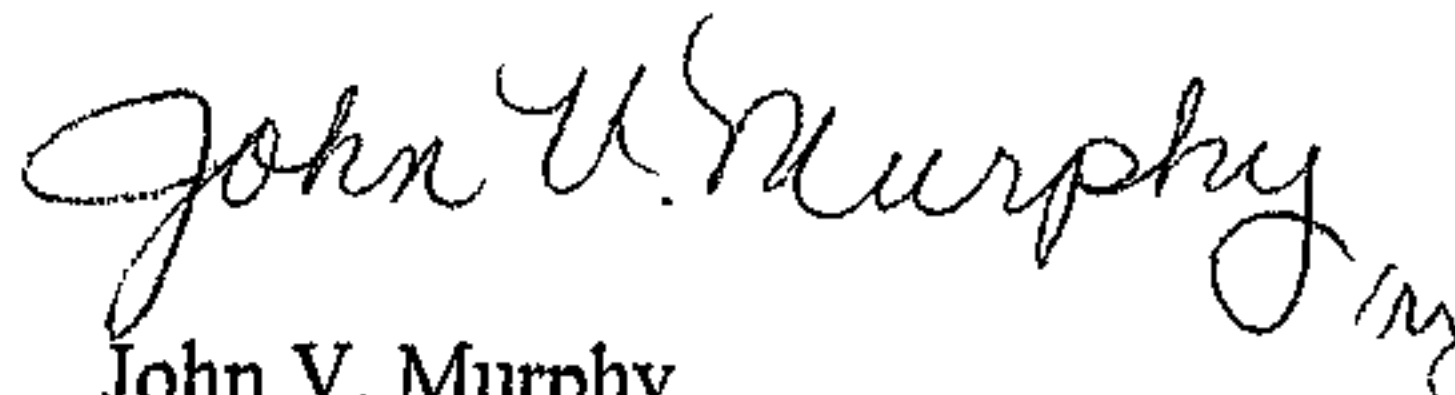
Re: Petition for Special Hearing
Case No. 04-140-SPH
Property: 5617 Carroll Street

Dear Mr. & Mrs. Castaneda:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing 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,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5617 CARROLL ST. BALTO. MD 21207
which is presently zoned DR S.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A SECOND ELECTRIC METER FOR THE EXISTING IN-LAW APARTMENT APPROVED IN ZONING CASE 96-175-SPHA; CONFIRMATION THAT THE PROPOSED HOME OFFICE/SALES BUSINESS MEETS THE REQUIREMENTS OF A "HOME OCCUPATION" AS DEFINED IN THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR); A THIRD ELECTRIC METER IF THE AFOREMENTIONED HOME OFFICE/SALES BUSINESS IS APPROVED; AND TO AMEND THE ORDER AND SITE PLAN IN ZONING CASE # 96-175-SPHA.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

BISMARCK G. CASTANEDA
Name - Type or Print _____

Signature _____

SILVIA A. CASTANEDA
Name - Type or Print _____

Signature _____

5617 CARROLL ST. (410) 788-3182
Address _____ Telephone No. _____

BALTIMORE, MARYLAND 21207
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 9/25/03

Case No. 04-140-SPH

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 5617 CARROLL ST. BALTIMORE MD. 21207

Beginning at a point on the Southwest side of Carroll St. Which is 40' wide
At the distance of 20 feet Southeast of the center line of the nearest improved
intersecting street Landington Ave. Which is 40 feet wide, being lot #s 23,24,25,
26 and 27, Block 18 in the Subdivision of Catonsville Manor as recorded in
Baltimore County Plat Book # 6, folio # 160 containing 10,500 Sq/Ft. Also known as
5617 Carroll Street, and located in the 1st. Election District 1 Councilmanic District
Zoned DR 5.5

04-140-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29394

DATE 9/25/03 ACCOUNT A-001-006-6150
 AMOUNT \$ 65.00

RECEIVED FROM Bismarck Custanoda
 FOR Special Meeting (5617 Carroll Street)
04-140-SPH

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTIVITY TIME
 9/25/2003 9/25/2003 09:22:57
 REC # 8302 MAIL JEM JEE
 RECEIPT # 27311 9/25/2003
 Dept 5 528 ZONING VERIFICATION
 CR/NO. 029394

Receipt Tot \$65.00
 65.00 CK
 Baltimore County, Maryland

CASHIER'S VALIDATION

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: #04-140-SPH

5617 Carroll Street

SWest side of Carroll Street, 20 feet east of Landington Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Bismarck and Silvia Castenada

Special Hearing: to permit a second electric meter for the existing in-law apartment approved in zoning case 96-175-SPHA; confirmation that the proposed home office/sales business meet the requirements of a "Home Occupation" and a third electric meter if "Home Occupation" is approved and to amend prior zoning cases.

Hearing: Wednesday, November 19, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore 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/11/610 Nov. 4

0635201

CERTIFICATE OF PUBLICATION

11/5/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/4/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-140-SPH
Petitioner/Developer: BISMARCK AND SILVIA CASTANEDA
Date of Hearing/ Closing: NOV. 19, 2003

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: BECKY HART

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 5617 CARROLL STREET

The sign(s) were posted on NOV. 3, 2003
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BAUTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ZONING NOTICE

CASE # 04-140-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 407, COUNTY COURTS BLDG.

PLACE: 401 BOSLEY AVENUE

DATE AND TIME: WEDNESDAY, NOVEMBER 16, 2005
AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO PERMIT
A SECOND ELEVATOR SHAFT FOR
THE EXISTING IN-LAW APARTMENT EXISTING IN
ZONING CASE 04-140-SPH. CONFIRMATION THAT
THE PROPOSED HOME OFFICE/SECRETARY'S OFFICE
MEET THE REQUIREMENTS OF A HOME OCCUPATION AND A
PAID ELEVATOR SHAFT IN HOME OCCUPATION IS
APPROVED AND TO AVOID COSTLY PERMITTING SALES.

CONSENTS ARE IN WRITING OR OTHER CONDITIONS ARE EXPLICITLY REQUIRED
IN TOWSON ZONING CASE 04-140-SPH.

THE ZONING COMMISSIONER HAS THE AUTHORITY TO GRANT OR DENY ANY REQUEST
FOR A SPECIAL HEARING.

ZONING NOTICE

CASE # 04-140-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: 401 BOSLEY AVENUE

DATE AND TIME: WEDNESDAY, NOVEMBER 16, 2005

REQUEST: SPECIAL HEARING TO PERMIT

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MEET THE REQUIREMENTS OF A HOME OCCUPATION AND A

PAID ELEVATOR SHAFT IN HOME OCCUPATION IS

APPROVED AND TO AVOID COSTLY PERMITTING SALES.



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 7, 2003

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: 04-140-SPH

5617 Carroll Street

S/west side of Carroll Street, 20 feet s/east of Landington Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Bismarck and Silvia Castaneda

Special Hearing to permit a second electric meter for the existing in-law apartment approved in zoning case 96-175-SPHA; confirmation that the proposed home office/sales business meet the requirements of a "Home Occupation" and a third electric meter if "Home Occupation" is approved and to amend prior zoning cases.

Hearing: Wednesday, November 19, 2003, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Bismarck and Silvia Castaneda, 5617 Carroll St., Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 4, 2003.**
- (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, November 4, 2003 Issue - Jeffersonian

Please forward billing to:

Bismarck and Silvia Castaneda
5617 Carroll Street
Baltimore, MD 21207

410-788-3182

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: 04-140-SPH

5617 Carroll Street

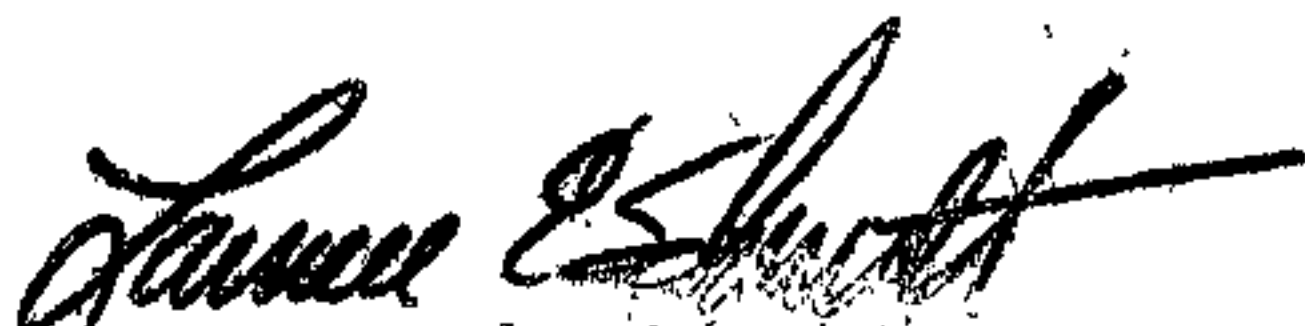
S/west side of Carroll Street, 20 feet s/east of Landington Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Bismarck and Silvia Castaneda

Special Hearing to permit a second electric meter for the existing in-law apartment approved in zoning case 96-175-SPHA; confirmation that the proposed home office/sales business meet the requirements of a "Home Occupation" and a third electric meter if "Home Occupation" is approved and to amend prior zoning cases.

Hearing: Wednesday, November 19, 2003, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT

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 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 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 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:

Item Number or Case Number: 04-140-SPH
Petitioner: CASTANEDA
Address or Location: 5617 CARROLL STREET, BALTIMORE, MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: BISHARCK & SILVIA CASTANEDA
Address: 5617 CARROLL ST
BALTIMORE, MARYLAND 21207
Telephone Number: (410) 788-3182

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 14, 2003

Bismarck Castaneda
Silvia Castaneda
5617 Carroll Street
Baltimore, MD 21207

Dear Mr. and Mrs. Castaneda:

RE: Case Number: 04-140-SPH, 5617 Carroll Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 25, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



#24209



#7424

BILL CASTANEDA
CERTIFIED FLUID POWER SPECIALIST
EMAIL bill.castaneda@motion-ind.com



MOTION INDUSTRIES, INC
8415-250 KELSO DR
BALTIMORE, MD 21221
EMAIL castair@aol.com

BUS 410/687-2700
FAX 410/687-5147
DIRECT 410/238-4439
MOBIL 443/956-6018



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.: 130 - ¹⁴⁰141, 143, 144, 147 - 150

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File





Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor

State Highway
Administration

Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.7.03

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

RE: Baltimore County
Item No. 140 JHP

Dear Ms. Hart:

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 28, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 04-140

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Section Chief:



AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 12, 2003

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 13, 2003
Item No. 140

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The issue of on-site parking should be addressed.

RWB:CEN:jrb

cc: File



Baltimore County
Department of Permits and
Development Management

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

July 21, 2003

Mr. & Mrs. Bismark Castaneda
5617 Carroll Street
Baltimore, MD 21207

RE: 2nd Electrical Meter, 5617 Carroll Street, Baltimore, MD 21207, 1st Election District (Case # 96-175-SPHA)

Dear Mr. & Mrs. Castaneda:

Your recent letter to Timothy Kotroco, Director, was forwarded to me for reply. Based on the information provided therein, my review of the available zoning records, and after consultation with Carl Richards, Zoning Review Supervisor, the following has been determined:

1. Installation of an additional electrical meter may not proceed without a Special Hearing before the Baltimore County Zoning Commissioner. This Special Hearing must address whether the proposed home office/sales business meets the requirements of a "Home Occupation" as defined in the Baltimore County Zoning Regulations (BCZR) and the hearing must confirm that no conflict is created with the order and site plan in Zoning Case # 96-175-SPHA.
2. This response applies to the zoning regulations (BCZR) and policies only and does not apply to regulations enforced by other County and State agencies.

By copy of this letter, the County's Electrical Inspection Office and its Permits Processing Office are being advised that this office is withholding approval of an additional electrical meter until such time as the Special Hearing order is issued.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey N. Perlow".

Jeffrey N. Perlow, Planner II
Zoning Review

JNP

c: Vince Metallo, Electrical Inspection
Doug Swam, Permit Processing
Zoning Case File 96-175-SPHA
File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
5617 Carroll Street; SW/side Carroll Street, *
20' SE Landington Avenue * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts *
Legal Owner(s): Bismarck G & Silvia A * FOR
Castaneda *
Petitioner(s) * BALTIMORE COUNTY
* 04-140-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

RECEIVED
OCT 09 2003
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
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 9th day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Bismarck & Silvia Castaneda, 5617 Carroll Street, Baltimore, MD 21207, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

GROUP HOUSE — A group of not less than three attached dwelling units which have been constructed together in a lateral row surrounded by yard space, each dwelling unit separated from another by a party wall. Group houses include townhouse apartment buildings, group-house apartment buildings, back-to-back group houses and other groups of at least three attached dwellings. A group house does not include a duplex or semidetached dwelling. A single-family group house refers to any one dwelling within the attached group. [Bill Nos. 102-1970; 2-1992]

GROUP HOUSE, BACK-TO-BACK — A group house which is attached to two or more other dwelling units by a side and rear party wall. [Bill No. 2-1992]

HELICOPTER — Any rotary-wing aircraft which depends principally for its support and motion in the air on the lift generated by one or more power-driven rotors rotating on substantially vertical axes. [Bill No. 85-1967]

HELICOPTER OPERATION — A landing and takeoff by a helicopter. [Bill No. 85-1967]

HELIPORT, TYPE I — Any area of land, water or structural surface which meets the design standards of the Federal Aviation Agency and has been authorized by the Maryland Aviation Administration to be used for scheduled operations by helicopter carriers certified by the Civil Aeronautics Board. [Bill No. 85-1967]

HELIPORT, TYPE II — Any area of land, water or structural surface which has been authorized by the Maryland Aviation Administration to be used for nonscheduled but regular helicopter operations and which does not serve for major support operations. As used herein, the term "major support operations" means "maintenance other than fueling; cargo loading; or any accessory operations using 2,500 square feet or more of floor area." [Bill No. 85-1967]

HELISTOP — Any area of land, water or structural surface which is located at least 500 feet from any property line, which has been authorized by the Director of Public Safety⁸ to be used for helicopter operations, which is not a heliport, and which does not serve for major support operations (see definition for "heliport, Type II"); or any area of land, water or structural surface which is located closer than 500 feet to a property line, which has been authorized by the Director of Public Safety⁹ to be used for not more than 15 helicopter operations per month, which is not a heliport, and which does not serve for major support operations. [Bill No. 85-1967]

HEREAFTER — After the effective date of the provision (in which the word occurs). [Bill No. 98-1975]

HOME OCCUPATION — Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, as stated in Section 450.4, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in

⁸ Editor's Note: The office of Director of Public Safety was abolished under Bill No. 72-1968, amending Section 504 and Subdivision 4, Division 3, Article V, inter alia, of the Baltimore County Charter. The Administrative Officer has delegated such authority to the Director of the Department of Permits and Development Management.

⁹ Editor's Note: See Editor's Note 15 above.

connection with which no commodity is kept for sale on the premises, not more than one person per dwelling is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment, other than computers, printers, fax machines, modems, standard office copy machines and similar office equipment, is used except such as may be used for domestic purposes. A "home occupation" does not include fortune-telling. [Bill Nos. 124-1978; 27-1981; 68-1998]

HOSPITAL — An institution which is licensed as a hospital by the state and which receives inpatients and provides medical, surgical, psychiatric or obstetrical care. This term includes any health-related facilities which are established in connection with a hospital and are located on the same site as the hospital. Such health-related facilities shall include, but not be limited to, diagnostic facilities, rehabilitation centers, laboratories, training facilities, outpatient care facilities, facilities for chronic or convalescent care and elderly housing facilities. [Bill No. 37-1988]¹⁰

HOTEL OR MOTEL — A building or group of buildings containing guest rooms or units, where, for compensation, lodging is provided on a daily, weekly or similar short-term basis. A hotel or motel shall be deemed to include any establishment which provides residential living accommodations on a short-term basis such as an apartment hotel. A hotel or motel may contain restaurants, meeting rooms, recreation facilities, lounges, retail shops and personal services as ancillary uses. [Bill No. 82-1984]¹¹

HOUSING FOR THE ELDERLY:

CLASS A — A building, a section of a building or a group of buildings that contains dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or to couples where either the husband or wife is 60 years of age or older, and to any person, regardless of age, who has a physical or developmental disability. Class A housing for the elderly is constructed under the applicable provisions of a federal or state housing or tax act.

CLASS B — A building, a section of a building or a group of buildings that contains dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older or to couples where either the husband or wife is 60 years of age or older and to any person, regardless of age, who has a physical or developmental disability. Class B housing for the elderly is not constructed under the provisions of a federal or state housing or tax act. [Bill No. 36-1988]

INDIGENOUS CROPS — Produce which can be grown in the area under natural conditions, without the help of controlled-environment structures. [Bill No. 41-1992]

INDUSTRIAL PARK, PLANNED — An integral industrial development for which an overall plan has been approved by the Office of Planning and which is under common ownership or control. [Bill No. 40-1968]

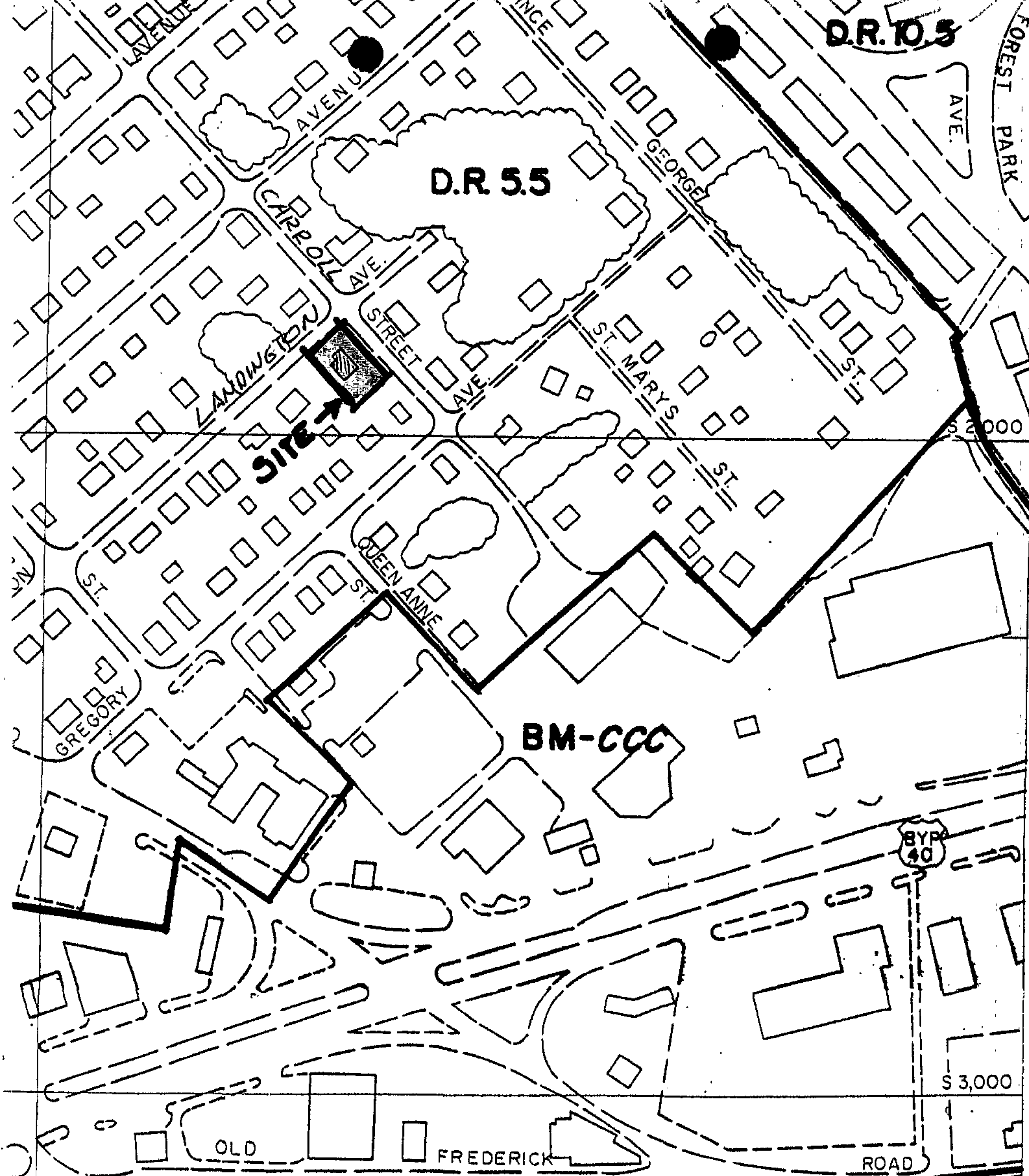
¹⁰ Editor's Note: Former definitions of "hospital, Class A" and "hospital, Class B" which followed this definition were repealed by Bill No. 100-1970.

¹¹ Editor's Note: This bill also repealed the former definition of "motel or motor court."

CASE NAME 04-140-SPH
CASE NUMBER 96-175-SPH
DATE 11-19-2003

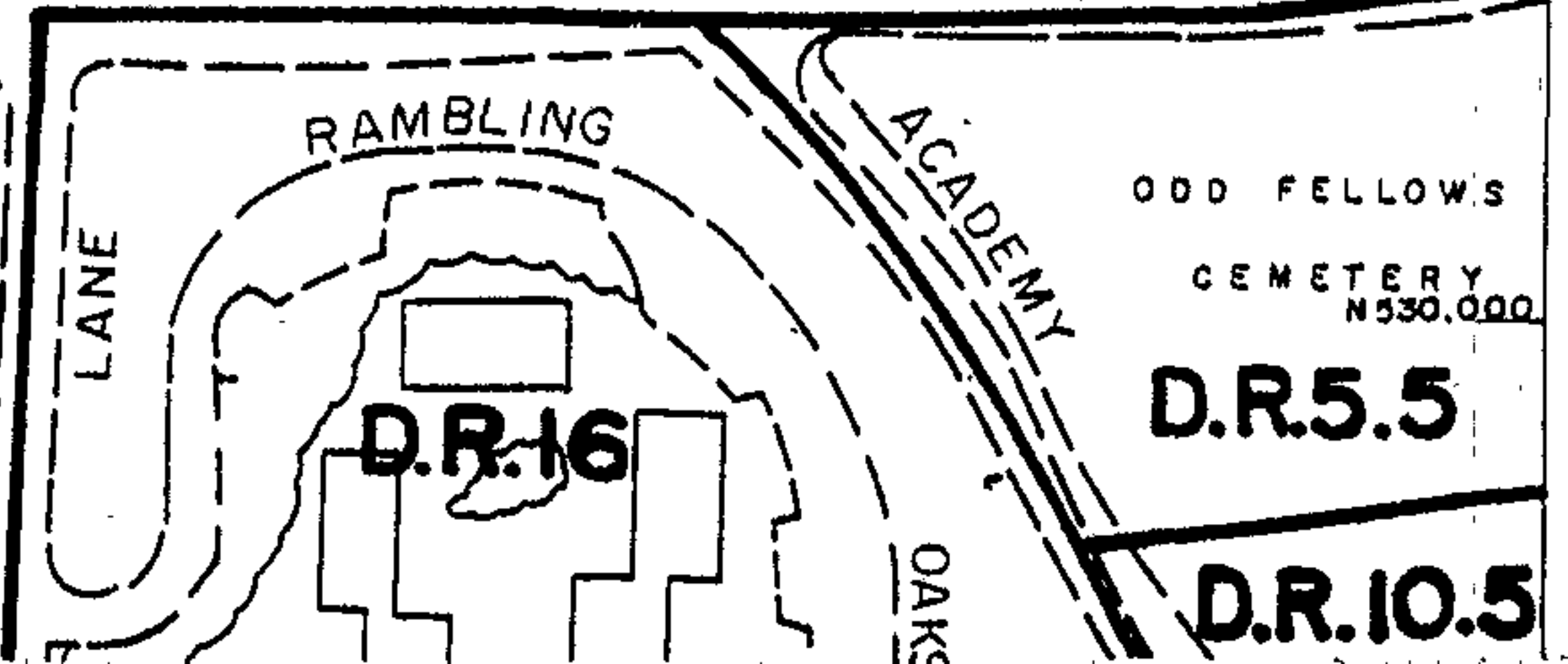
PETITIONER'S SIGN-IN SHEET

[illegible]



(SHEET SW-1-E)

SCALE	LOCATION	SHEET
1" = 200'	CATONSVILLE MANOR	S-W 1-F



04-140-SPH

Plat to accompany Petition for Zoning

☐ Variance

☒ Special Hearing

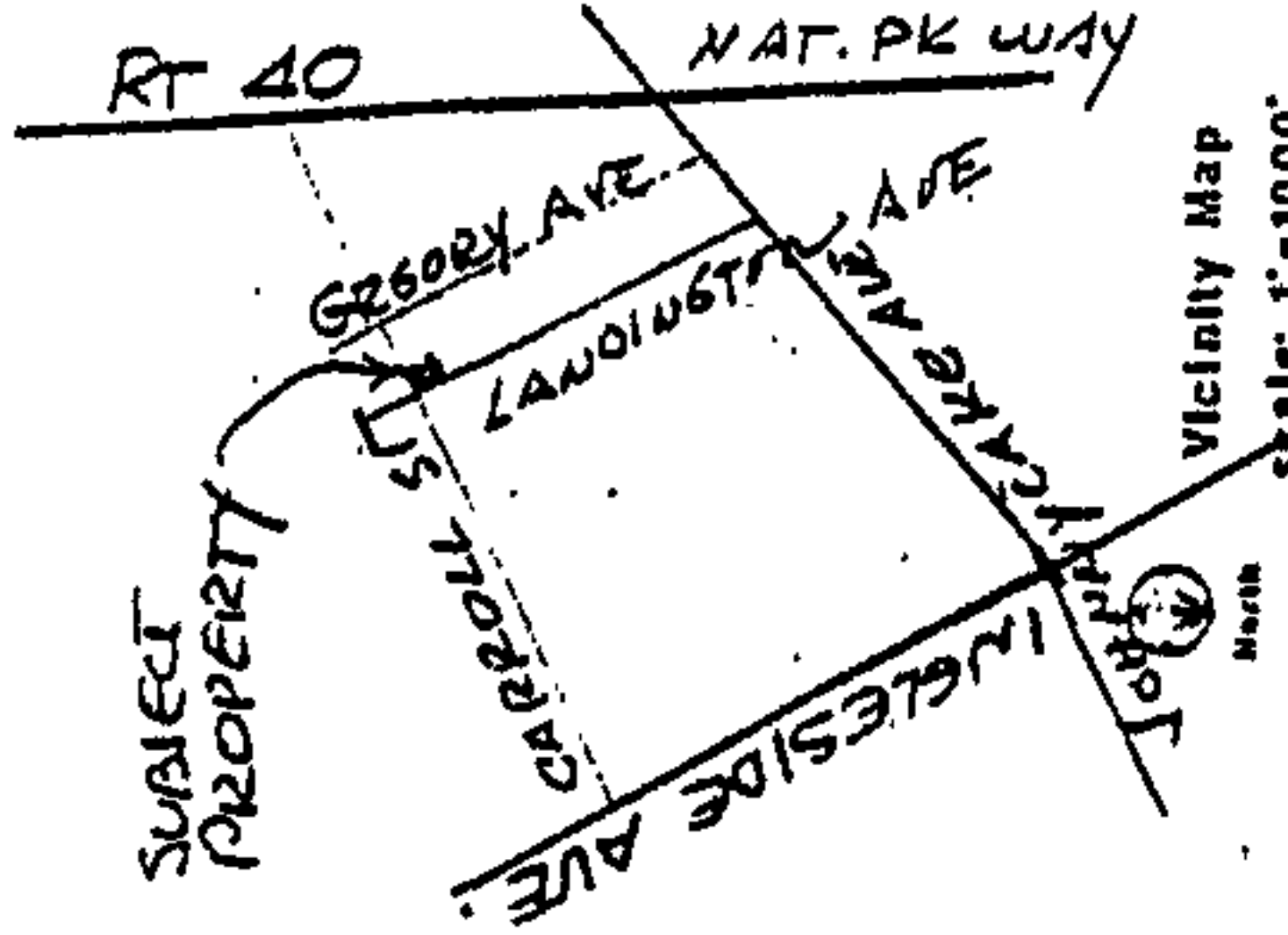
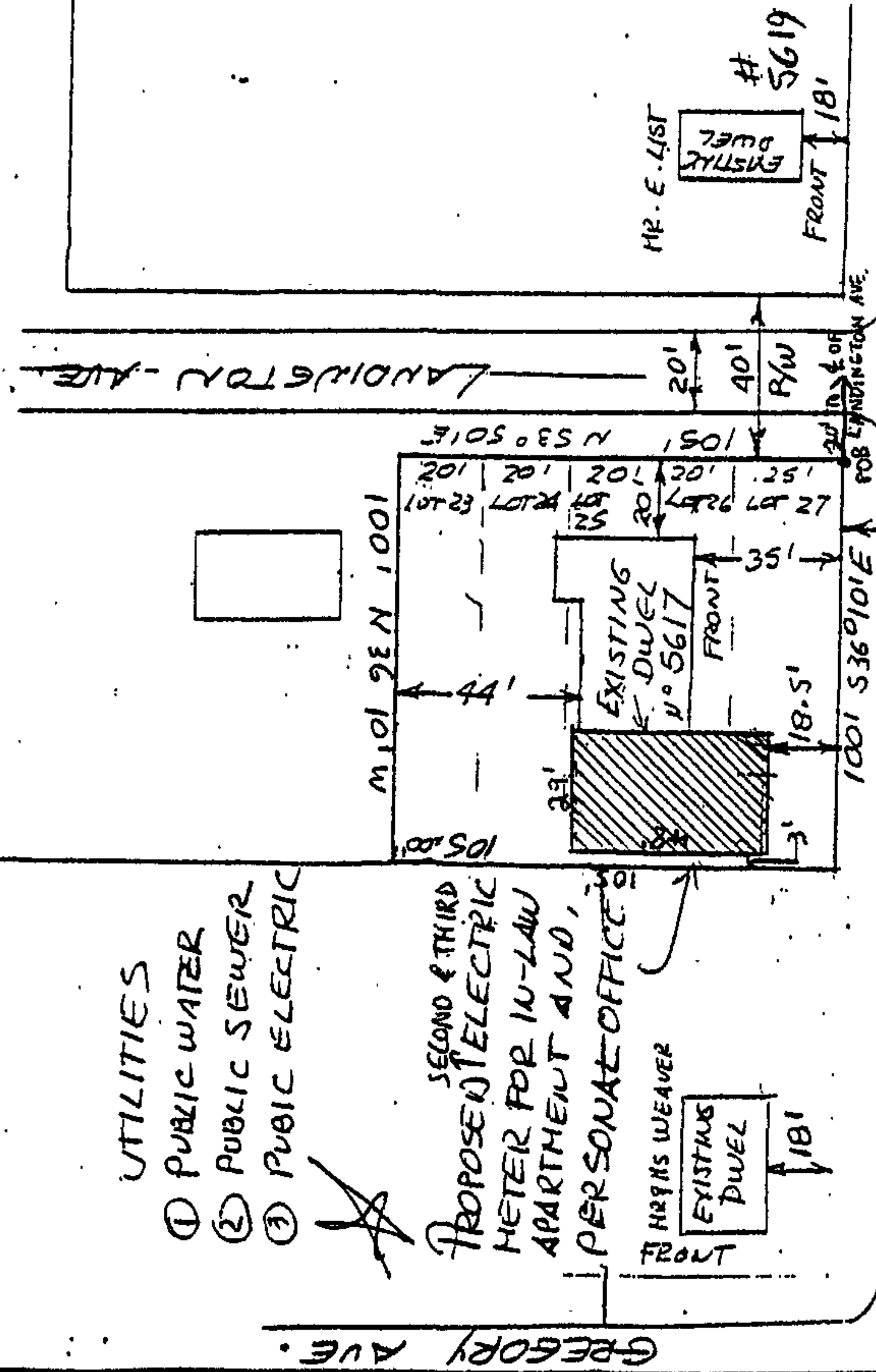
PROPERTY ADDRESS: 5617 CARROLL ST

Subdivision name: CATONSVILLE HANOR

Plat book # 6, folio # 160, section # 18, lots 23 THRU 27

OWNER: BISHARCK & SILVIA CASTRANEDA

see pages 5 & 6 of the CHECKLIST for additional required information



LOCATION INFORMATION

Election District: 1
 Councilmanic District: 1
 1"-200' scale map#: SW, 1-F
 Zoning: DR 5.5
 Lot size: 0.24 acreage square feet
 Historic District/site: NO
 100 Year Flood Zone: NO
 Sewer: ☒
 Water: ☒
 Chesapeake Bay Critical Area: ☐
 Prior Zoning Hearings: YES, APPROVED
 79-2574 ITEM #177
 96-175-SPHA

Zoning Office USE ONLY

reviewed by: JNP ITEM #: 140 CASE#: 04-140-SPHA-#1

North

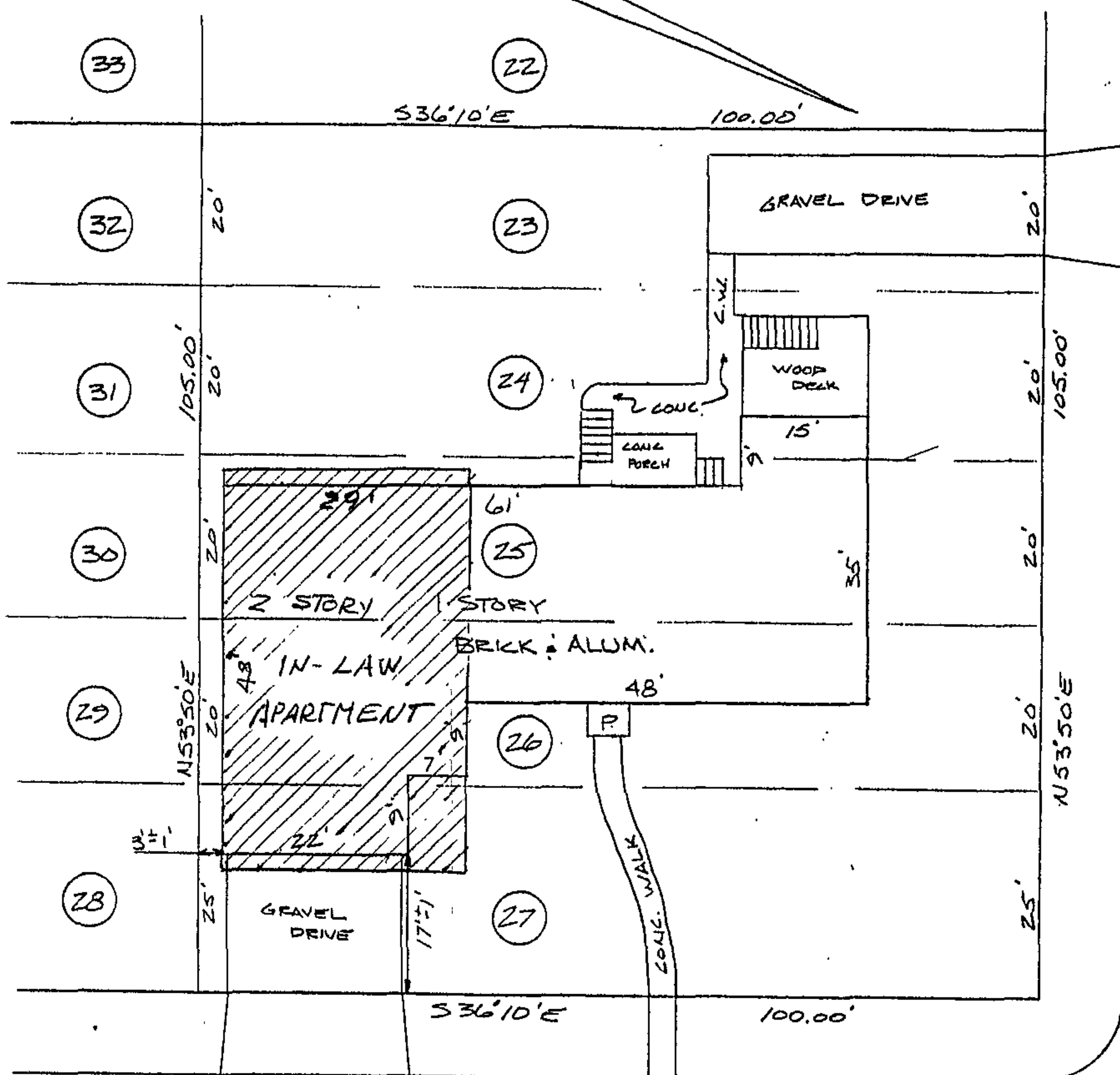
date: 9-9-2003

prepared by: THE OWNER

Scale of Drawing: 1"=50'

DEAD END ST.

04-140-SPH



LANDINGTON AVENUE

40' R/W

CARROLL STREET

40' R/W

The plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing. The plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements. The plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.

THE LOT SHOWN HEREON IS IN FLOOD ZONE C PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL # 240010039013



WITZ & ASSOCIATES
SURVEYORS
 7222 Kennebunk Road
 Baltimore, Maryland 21244
 Phone: (410) 597-9995

LOCATION CERTIFICATION		
5617 CARROLL STREET, LOTS 25 THRU 27 BLK 18		
CATONSVILLE MAJOR PLAT 6-160		
TITLE DEED 5851/146 BALTIMORE CO MD		
DATE: 8-1-95	SCALE: 1" = 20'	FILE: 95-584